



CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



Swartland forward-thinking 2040 -
where people can live their dreams!

Swartland vooruitdenkend 2040 -
waar mense hul drome kan uitleef!

Lêer verw/ 15/3/3-14/Erf_2582
15/3/6-14/Erf_2582

Navrae/Enquiries:
Ms D N Stallenberg

20 May 2024

Planscape
P O Box 557
MOORREESBURG
7310

By Registered Mail

Sir/Madam

PROPOSED REZONING, SUBDIVISION AND REGISTRATION OF A SERVITUDE ON ERF 2582, YZERFONTEIN

Your application with reference 327~2582-Yzerf dated 29 January 2024 on behalf of Yzerfontein Property Developers, has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 8 May 2024 to approve the application for the rezoning of Erf 2582, Yzerfontein (5000 m² in extent), from General Residential Zone 3 to Subdivisional Area, in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for the subdivision of Erf 2582, Yzerfontein is approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. Decisions A and B above are subject to the following conditions:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 2582, Yzerfontein be rezoned from General Residential Zone 3 to Subdivisional Area to accommodate the following zoning categories;
- (i) 5 Residential Zone 1 (±4225 m² in total)
 - (ii) 1 Transport Zone 2: private road (±775 m² in extent)
- (b) Erf 2582 (5000m² in extent) be subdivided as follows:
- (i) Portion A (±1002 m² in extent)
 - (ii) Portion B (±771 m² in extent)
 - (iii) Portion C (±774 m² in extent)
 - (iv) Portion D (±774 m² in extent)
 - (v) Portion E (±928 m² in extent)
 - (vi) Remainder Road (±751 m²)
- (c) The General Plan be submitted to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
- (i) the Municipality's decision to approve the subdivision;
 - (ii) the conditions of approval imposed in terms of section 76;
 - (iii) the approved subdivision plan;
 - (iv) and copies of said diagrams be made available to the Municipality;

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

- (d) An Owners' Association be established in terms of section 39 of the By-Law and that a constitution be compiled and submitted to the Senior Manager: Development Management for consideration and approval;
- (e) The constitution of an Owners' Association be approved by the Municipality before registration of the transfer of the first land unit and make provision for—
 - (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 and maintenance by the Owners' Association of all common property arising from the subdivision, including:
 - (aa) private open spaces where applicable;
 - (bb) private roads and street lighting; and
 - (cc) 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;
- (f) The Transport Zone 2 erf be transferred to the Owners' Association, before transfer of the first residential property is approved;
- (g) The legal certificate which authorises transfer of the subdivided portions in terms of section 38 of By-Law will not be issued unless all the relevant conditions have been complied with;

C2 WATER

- (a) Each subdivided portion be provided with a separate water connection from Buitenkant Street. This condition is applicable on building plan stage;

C3 SEWERAGE

- (a) Each subdivided portion be provided with a separate sewage suction tank with a minimum capacity of 8,000l. The suction tank be accessible to the service truck from Buitenkant Street. This condition is applicable on building plan stage;

C4 STREETS AND STORMWATER

- (a) The internal road be built to a permanent surface standard;
- (b) The vehicle access of the subdivided portion be restricted to internal road;
- (c) Storm water be conveyed underground to the nearest suitable municipal collection point;
- (d) The developer appoints an Engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the internal street and stormwater drainage;
- (e) 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;
- (f) The construction work be undertaken by a recognized civil construction firm;
- (g) The internal road and storm water network not be taken over by the Municipality and be transferred and maintained by the Owners' Association;

C5 REFUSE REMOVAL

- (a) Refuse be placed in refuse bags in Buitekant Street on the morning of refuse removal;

C6 ELECTRICAL ENGINEERING SERVICES

- (a) Each subdivided portion be provided with a separate electrical connection with a conventional meter at the expense of the owner/developer;
- (b) Should it be necessary to relocate any electrical cables across the relevant subdivided properties, it be moved at the expense of the owner/developer;
- (c) Where applicable, any electrical interconnect be isolated and fully removed;
- (d) The existing low-voltage network be extended in order to service the proposed subdivided portions;

- (e) The extension of the low-voltage network be done from mini-substation B11;
- (f) The developer appoints an authorized electrical contractor for the extension of the low voltage network;
- (g) The contractor contacts the Department: Electrical Engineering Services for the technical specifications regarding the extension of the low voltage network;
- (h) Provision be made for street lighting to the satisfaction of the Department: Electrical Engineering Services;
- (i) The design of the low voltage electrical extension be submitted to the Director of Electrical Engineering Services for approval before construction may begin;

C7 DEVELOPMENT CHARGES

(a) Applicable to proposed portion A:

- (i) The owner/developer is responsible for a development charge of R33 948,00 toward the bulk supply of regional water, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-176-9210);
- (ii) The owner/developer is responsible for the development charge of R3 083,15 towards bulk water reticulation, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (iii) The owner/developer is responsible for the development charge of R10 627,15 towards sewage at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (iv) The owner/developer is responsible for the development charge of R25 786,45 towards wastewater treatment at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (v) The owner/developer is responsible for the development charge of R12 846,65 towards roads and storm water, at clearance stage. The amount is payable to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/247-144-9210);
- (vi) The owner/developer is responsible for the development charge of R11 044,14 towards electricity, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/253-164-9210);
- (vii) The Council resolution of May 2023 makes provision for a 60% rebate on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

(b) Applicable to Proposed portions B to E :

- (i) The owner/developer is responsible for a development charge of R21 726,95 toward the bulk supply of regional water, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-176-9210);
- (ii) The owner/developer is responsible for the development charge of R1 973,40 towards bulk water reticulation, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (iii) The owner/developer is responsible for the development charge of R6 801,10 towards sewage at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (iv) The owner/developer is responsible for the development charge of R16 503,65 towards wastewater treatment at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (v) The owner/developer is responsible for the development charge of R12 846,65 towards roads and storm water, at clearance stage. The amount is payable

to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/247-144-9210).

- (vi) The owner/developer is responsible for the development charge of R11 044,14 towards electricity, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/253-164-9210);
- (vii) The Council resolution of May 2023 makes provision for a 60% rebate on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

D. GENERAL

- (a) Any existing services connecting the remainder and subdivided portion be moved and/or disconnected so that each erf's piping is located on the relevant erf;
 - (b) The approval does not exempt the applicant from adherence to 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) 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;
 - (d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision against the appeal;
 - (e) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will lapse. Should all conditions of approval be met within the 5-year period, the land use becomes permanent, and the approval period will no longer be applicable;
 - (f) 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;
- E. The application for the registration of a servitude right of way (7 m wide) in favour of the subdivided portions be refused in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- F. The application be supported for the following reasons:
- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
 - (b) There are no restrictions registered against the title deed of the property that prohibits the proposed subdivision or land use;
 - (c) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
 - (d) The proposed application will not have a negative impact on the character of the area;
 - (e) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets;
 - (f) The development proposal supports the optimal utilisation of the property;
 - (g) Erf 2582 is situated inside the urban edge of Yzerfontein, located in an area earmarked for low to medium density residential land uses, and is well within the minimum property size supported for Residential Zone 1 properties. The application is therefore in compliance with the provisions of the MSDF, 2023;
 - (h) The development proposal is foreseen to create employment opportunities in the short, as well as the long term;

- (i) The application complies with the principles of LUPA (Land Use Planning Act) and SPLUMA (Spatial Planning and Land Use Management Act);
- (j) Sufficient services capacity exists to accommodate the proposed development;
- (k) The proposal is consistent with the applicable development parameters as contained in the development management scheme;
- (l) The concerns raised by the objectors have sufficiently been mitigated with the development proposal as well as the conditions of approval;
- (m) The registration of the servitude is refused as it is no longer necessary. The private access road needs to be surveyed and transferred to the Owners' Association whom with ownership takes responsibility for the maintenance of the private road.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
/ds

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

Building Control Officer

Director : Civil Engineering Services

Director : Electrical Engineering Services

Yzerfontein Property Developers, P O Box 44211, Claremont, 7623. yzerfont@mweb.co.za

**Erf 2582 (figure ABCDE),
is divided into
Portion A to E
and Remainder.**

**SWARTLAND MUNISIPALITEIT
SWARTLAND MUNICIPALITY**

Onderverdeling toegestaan ingevolge artikel 70 van die
Verordening insake Munisipale Grondgebruiksbeplanning
(PK 8226 van 25 Maart 2020), onderhevig 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.

2016
2024/05/20
DATUM/DATE

MUNISIPALE BESTUURDER
MUNICIPAL MANAGER

RE/495

RE/1337

2573

Portion E
(928.0m²)

Portion D
(774.1m²)

Portion C
(774.1m²)

Portion B
(770.9.0m²)

Remainder
(751.1m²)

Portion A
(1001.8m²)

1365

Existing Service servitude (4.5m)

1364

1363

2566

2569

LAND BUDGET

Zoning	Portion	Area (m ²)
Residential zone 1	A	1001.8
	B	770.9
	C	774.1
	D	774.1
	E	928.0
Transport zone 2	Remainder	751.1

Project: Erf 2582, Yzerfontein

Title: Subdivision Plan

Owner: Yzerfontein Property Developers

Notes:

Date: 30/04/2023

Reference: 327~2582-Yzer



PLANSCAPE
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