



19 January 2023

**FOR ATTENTION:** Creative Profile

PO Box 70  
Onrusrivier  
7201

**PER EMAIL:** [profile@netactive.co.za](mailto:profile@netactive.co.za)

Dear applicant

**APPLICATION FOR AN AMENDMENT OF THE APPROVED SUBDIVISION PLAN,  
EXTENSION OF VALIDITY OF APPROVAL AND CONSENT USE IN RESPECT OF  
PORTION 20 OF THE FARM 108, SWARTRIET, JACOBSBAAI**

Your application in the above property has reference.

This notice serves to inform you that the application, is **APPROVED** by virtue of the delegations afforded in terms of the Delegated Authority, **R85(a)/4-21**, on 19 January 2023 by the Senior Manager: Land Use Planning and Development Control as follows:

- i) That the amendment of the approved subdivision plan in respect of Portion 18 and 20 of the Farm 108, Jacobs Baai, **be approved** in terms of Section 60(a) of the Municipal Land Use Planning By-law, as depicted on the subdivisional plan, *prepared by Creative Profile Town Planning & Architecture, dated 5 August 2022*, and that the zonings be allocated as follows:
  - 26 Residential Zone I erven (dwelling house)
  - 3 Open Space Zone II erven (private open space)
  - 1 Transport Zone III erf (private street)
  - 2 Open Space Zone I erven (public open space)
  - 2 Transport Zone II erven (public street)
- ii) That a consent use contemplated in the zoning scheme, **be approved** in terms of Section 60(a) of the Municipal Land Use Planning By-law, to accommodate a utility service (sewer pump station) on the public open space (Portion 32);
- iii) That a further extension of the land use approval issued on 14 April 2015 (PFCE&P7/4-15), **be approved** to extend the validity for a further two years from 20 April 2023 to 20 April 2025;
- iv) That the approvals are subject to the following conditions imposed in terms of Section 60(b) of the By-law:

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### Senior Manager: Land Use and Development Control

- a) That all conditions contained in the municipality's notification letters dated 20 April 2015 and 23 April 2021, be adhered to and the development remains subject to compliance with these conditions;
- b) That the following be addressed prior to endorsement of the subdivision plan by the authorised employee:
  - the zoning descriptions of the newly created portions must be in accordance with the zoning descriptions as per the municipality's integrated zoning scheme;
  - Access arrangements to the services infrastructure by means of Right-of-way servitudes must be indicated
  - If the electrical substation is intended to be a municipal service it must be accommodated on its own property
  - The provision of a refuse bay in accordance with the requirements of condition (hh)
- c) That servitudes be registered across all services infrastructure within the residential development at the applicant/developer's expense in favour of and to the satisfaction of the municipality before clearance for erf transfer can be obtained;
- d) That public/pedestrian access remain uninterrupted over Portion 10 and 32;
- e) That development design rules (architectural guidelines) be submitted for approval by the Senior Manager Land Use Planning & Development Control, to the satisfaction of the municipality;
- f) That any amendment of or deviation from the design rules require the permission of the municipality;
- g) That in the event where the design rules allow for development parameters less restrictive than the municipal zoning scheme, the approval of such design rules constitutes the approval of a departure from the relevant development parameters of the zoning scheme;
- h) That perimeter walls are restricted to a height of 850mm (with the exclusion of service yards), may not consist of prefabricated panels and must be plastered and painted with finishing in accordance with the development design rules to be approved;
- i) That the aesthetical design of the development may not detract from and must complement the existing Jacobsbaai township character;

- j) That building plans for the development must be evaluated by the owners' association before submission to the municipality and the owners association must indicate their support or lack thereof with reasons to the municipality. The municipality can, at their discretion, accept building plans without the endorsement of the owners' association;
- k) That undisrupted/unlimited access shall be permitted for emergency services, law enforcement agencies and municipal service staff;
- l) That an owners' association must be established by the developer/landowner in accordance with Section 29 of the Municipal Land Use Planning By-law, and shall come into being before the municipality will certify in terms of Section 28 of said By-law, that any condition on which the amendment was granted, has been complied with;
- m) That an owners' association that comes into being by virtue of subsection (1) is a juristic person and must have a constitution;
- n) That the constitution of an owners' association must be approved by the Municipality before the transfer of the first land unit and must make provision for, but not limited to:
  - 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 this approval;
  - 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— (i) 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 in the event that the owners' association ceases to function; and
  - viii. the implementation and enforcement by the owners' association of the provisions of the constitution.

- ~~o) The constitution of an owners' association may have other objectives as set by the association but may not contain provisions that are in conflict with any law;~~
- p) That the constitution of the owners' association takes effect on the registration of the first land unit;
- q) That an owners' association may amend its constitution when necessary, but if an amendment affects the Municipality or a provision referred to in subsection (3) of said By-law, the amendment must also be approved by the Municipality;
- r) That an owners' association that comes into being by virtue of subsection (1) of said By-law:
  - 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.
- s) That the design guidelines contemplated in subsection (3)(d) of said By-law, may introduce more restrictive development rules than the rules provided for in the zoning scheme.
- t) That this approval does not exempt the landowner/applicant from any other applicable statutory legislation;

### **Manager Electrotechnical Services**

- u) Capital contributions are payable for electricity.
- v) The developer is responsible for all direct costs for the supply of all internal, external and bulk electrical services as well as any upgrades that are required. The developer must appoint an Electrical Consulting Engineer to do the electrical design for the proposed development.
- w) Where necessary, the applicant must move existing services and own costs (especially the overhead 11KV line that runs through the development must be on ring feed) and/or register servitudes.
- x) The Department Electrotechnical Services must be informed before any work or construction commences, so that services can be pointed out.
- y) All electrical services must be designed in accordance with council standards.
- z) Detail of all electrical services required by the development must be approved by the Manager: Electrotechnical Services before tenders are requested.

- aa) The Manager: Electrotechnical Services or his delegate must be invited to all site meetings.
- bb) Final and complete 'As Built' detail of all electrical services must be provided to council in both Sepia hard copy and council's accepted digital format (dwg).
- cc) Single Line Diagrams must be submitted with 'As Build' drawings and must include inter alia the projected Fault Levels for phase and earth faults at the transformers, kiosks and consumer points.
- dd) Existing service must not be adversely affected by this development.
- ee) All road crossings must be in a 110mm sleeve.
- ff) Only Prepaid connections will be permitted.

#### **Manager Roads and Stormwater**

- gg) Due to the geometry of the 20m municipal road reserve, it is recommended that the speed restriction on this road be 40km/h and the road be designed and constructed accordingly.
- hh) A minimum of 6m surfaced roadway (3.0 to 3.5m lanes) with barrier kerbing with suitably discharge of stormwater/surface run-off.
- ii) The minimum control at the intersection (Minor Road 7647/Main Road) is to be a three way stop.

#### **Manager Solid Waste (Cleansing)**

- jj) A refuse bay of 15 m long and 2,5m wide must be provided for the collection vehicle to park while emptying bins from the refuse room.

#### **Engineering Surveyor**

- ii) The services must be approved by the Municipality before development start.
- jj) The service plans must clearly state what services will be private and public.
- kk) If servitude is required during the services plans approval, that are not part of this document then no clearance can be given until the servitude's are created.

## **Manager Support Services**

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- ll) That all civil engineering conditions as stated in the land use approval dated 20 April 2015 applies to this application;
- mm) That all the land use approvals and the environmental approvals must be submitted by the developer when construction drawings are submitted to the municipality;
- nn) That the developer will be responsible for all cost associated with this development application and the implementation thereof;
- oo) That the development be according to the attached Standard Conditions for Civil Engineering (2006-b);
- pp) That the developer will be responsible to upgrade any water, sewer, stormwater or road infrastructure that might be required because of this development;
- qq) That the developer is responsible for the provision of all internal and external civil services as well as any amendments to any service which may be required because of this development;
- rr) That the developer must ensure that all development conditions are met before the municipality will issue the clearance certificates;
- ss) That the detail and design of the civil infrastructure be approved by the Director: Engineering and Planning Services before the developer asks for tenders;
- tt) That the Director: Engineering and Planning Services be invited to all site meetings;
- uu) That the developer must ensure that all conditions have been met before the municipality will accept ownership of the roads;
- vv) That the development charges that corresponds with the 20 April 2015 development approval still applies to this application. The development charges escalate annually in July using the month as basis. The development charges are payable when the developer submits building plans for approval or applies for property transfer, whichever occurs first;
- ww) That the developer must ensure that all the conditions have been met before the zoning and or clearance certificate is issued.

You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79 of the Saldanha Bay Land Use Planning By-law. The attached appeal form must be completed and should be directed to the Municipal Manager, Saldanha Bay Municipality, Private Bag X12, Vredenburg, 7380 and received by the municipality within 21 days of notification of this decision together with the information set out in section 80 of the By-law.

Please note that you must simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine (see attached list). Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality.

The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Yours faithfully



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For Municipal Manager

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