

MOTIVATIONAL REPORT

Mount Royal Golf & Country Estate Phases 2B & 2C

Proposed Amendment of an Approved Subdivision Plan, Amendment of Conditions of Approval, Subdivision, Permanent Departure, and Phasing: Erven 9469 and 9470, Malmesbury



Application in terms of
the Swartland Municipal
By-Law on Land Use
Planning (PG 8226 of 25
March 2020)

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Compiled By:
M. Crafford for
CK Rumboll & Partners
Town Planners
Professional Surveyors
16 Rainier Street, Malmesbury
Tel: 022-4821845
Fax: 022-4871661
Email: planning1@rumboll.co.za
www.ckrumboll.co.za



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1. SECTION 1 INTRODUCTION

CK Rumboll & Partners have been approached by River Leaf Investments (Pty) Ltd and appointed by Mr. Martin Niebuhr, representative of Proprop Trust, the registered owners of Erven 9469 and 9470, Malmesbury. This office has been tasked with handling all town planning and land surveying actions required to secure the necessary land use rights for commencing Phases 2B and 2C of the Mount Royal Golf & Country Estate (hereafter referred to as the Estate) on Erven 9469 and 9470. Copies of the Power of Attorney and Resolution are attached as **Annexure A**.

The proposed development on both mentioned erven will encompass a mix of low- and medium-density residential erven, as well as private open spaces and roads.

1.1 Background

This office lodged an application for the rezoning and subdivision on a portion of Erf 327, Malmesbury, and a portion of the Remainder of Farm Tweefontein no 969, Malmesbury Registration Division (RD). On the 23rd of November 2005, Swartland Municipality issued approval (reference: 15/3/6-8/23) for the establishment of the **Mount Royal Golf & Country Estate**, based on this application. Additionally, in June 2022, this office submitted an application for the amendment of an approved subdivision plan, amendment of conditions of approval, exemption, subdivision, permanent departure, and phasing on Erf 9468, Malmesbury, which forms part of Phase 2A of the Estate. On the 22nd of November 2022, the Municipal Approval (reference: 15/3/4-8/Erf_9468; 15/3/6-8/Erf 9468; 15/3/13-8/Erf 9468) for this application was issued. The Previous Municipal Approvals are attached as **Annexure B**.

This application pertains specifically to Phases 2B and 2C of the development, as illustrated on SG Diagram number 6717/2005 and General Plan no 4492/2007 for **Erf 9469 (a portion of Erf 10014)**, and SG Diagram number 6718/2005 and General Plan 4493/2007 for **Erf 9470 (a portion of Erf 10014)**, Malmesbury. The objective of this application is to create an increased number of residential erven and introduce densification by accommodating a number of medium-density residential erven on both properties. Additionally, the application seeks to further sub-phase Phases 2B and 2C of the Estate. In the process, the approved Subdivisional Plan and the Conditions of Approval previously granted for the Estate will be subject to amendment.

1.2 Purpose

It is the purpose of this report to apply for:

- ▶ **Amendment of an Approved Subdivision Plan** (Reference: 15/3/4-8/Erf_9468; 15/3/6-8/Erf_9468; 15/3/13-8/Erf_9468) on a portion of Erf 327, Malmesbury, and a portion of the Remainder of the Farm Tweefontein no 696, Malmesbury Registration Division, relevant to Phases 2B and 2C of the Mount Royal Golf & Country Estate in terms of Section 25 (2) (k) of the *Swartland Land Use Planning By-Law (PG 8226 of 25 March 2020)* to allow:
 - The amendment of General Plan 4492/2007, applicable to unregistered Erven 10452-10605, Malmesbury, to alter the internal cadastral layout of the General Plan, to create additional erven namely, Phase 2B.1 and Phase 2B.2; and

- The amendment of General Plan 4493/2007, applicable to unregistered Erven 10515-10599, Malmesbury, to alter the internal cadastral layout of the General Plan, to create additional erven namely, Phase 2C.1, Phase 2C.2, and Phase 2C.3.
- ▶ **Amendment of conditions in respect of an existing approval** (condition B (a)) (Reference: 15/3/4-8/Erf 9468; 15/3/6-8/Erf 9468; 15/3/13-8/Erf 9468) on Erf 9468, Malmesbury, in terms of Section 25 (2) (h) of the *Swartland Land Use Planning By-Law (PG 8226 of 25 March 2020)*.
- ▶ **Subdivision** of the group housing site on Erf 9469, Malmesbury, in terms of Section 25 (2) (d) of the *Swartland Land Use Planning By-Law (PG 8226 of 25 March 2020)*, into 72 portions.
- ▶ **Subdivision** of the group housing site on Erf 9470, Malmesbury, in terms of Section 25 (2) (d) of the *Swartland Land Use Planning By-Law (PG 8226 of 25 March 2020)*, into 27 portions.
- ▶ **Permanent Departure of the development parameters** in order to depart from the required 1300m² open space on the group housing site on Erf 9470, Malmesbury, to 0m² open space in terms of Section 25 (2) (b) of the *Swartland Land Use Planning By-Law (PG 8226 of 25 March 2020)*.
- ▶ **Phasing of a Subdivision Plan** on Erf 9469, Malmesbury, in terms of Section 25 (2) (k) of the *Swartland Land Use Planning By-Law (PG 8226 of 25 March 2020)*.
- ▶ **Phasing of a Subdivision Plan** on Erf 9470, Malmesbury, in terms of Section 25 (2) (k) of the *Swartland Land Use Planning By-Law (PG 8226 of 25 March 2020)*.

The completed Application Form is attached as **Annexure C**.

1.3 Legal Restrictions

No restrictions are contained in Title Deed no 19654/2006 which will prohibit the proposed development on Erven 9469 and 9470, Malmesbury. Copies of the Title Deed, General Plans, and Diagrams are attached as **Annexure D**.

1.4 Property Description

Table 1: Property Details

	Erf 9469, Malmesbury	Erf 9470, Malmesbury
Extent	6.9290 Ha	8.3029 Ha
Registered Owner	Proprop Trust	Proprop Trust
Physical Address	Mount Royal Golf & Country Estate, Malmesbury, 7299	Mount Royal Golf & Country Estate, Malmesbury, 7299
GPS coordinates	33°26'41.7"S 18°42'50.9"E	33°26'44.1"S 18°42'34.6"E
Zoning	Subdivisional Area	Subdivisional Area
Land Use	Vacant	Vacant
Title Deed	T19654/2006	T19654/2006
Title Deed Restrictions	None	None
Existing Servitudes	None	None
Borders: North	Phase 1 residential development and Erf 9471 (future golf course extension)	Phase 1 residential development
East	Erf 9474 (Vacant Business Zone 1 property)	Erf 9472 (future golf course extension)
South	Erf 327/RE (Existing golf course)	Erf 10026/RE (Open Space); Erf 9478 (Renosterveld Conservation Area); and Erf 9476 (future Phase 3 residential development)
West	Erf 9472 (future golf course extension)	Erf 10026/RE (Platklip River Open Space Zone)

Copies of the Title Deed, General Plans, and Diagrams are attached as **Annexure D**.

2. SECTION 2 CONTEXTUAL ANALYSIS

2.1 Locality

Malmesbury is located within the Swartland Local Municipal area, situated in the West Coast District on a regional level. Approximately 60km away from Cape Town, Malmesbury lies in a north-eastern direction and serves as the regional service centre for the Swartland region. The Estate is located on the north-western outskirts of Malmesbury. Within the Estate, Erven 9469 and 9470 are specifically situated, forming part of Phases 2B and 2C in the extensive development plan of the Mount Royal Golf & Country Estate (refer to Figure 1). The Locality Map is attached as **Annexure E**.

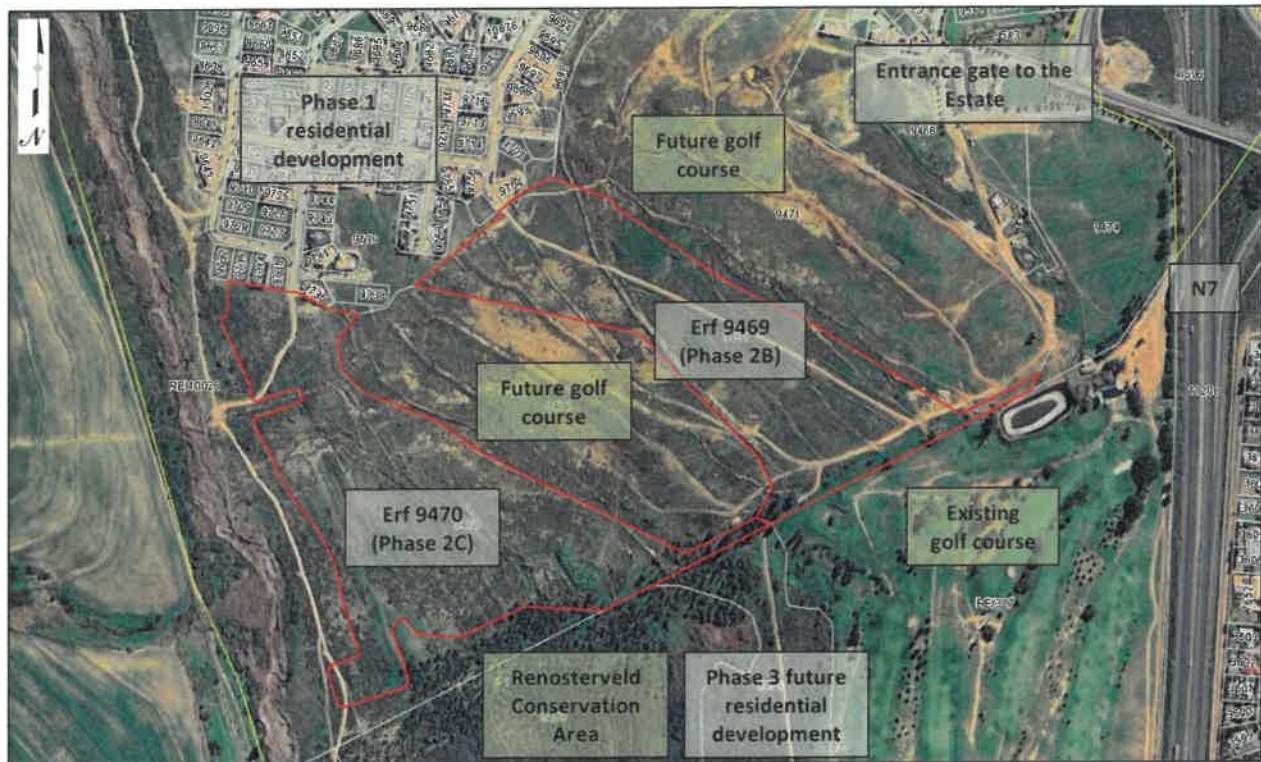


Figure 1: Locality of Erven 9469 and 9470, Malmesbury

2.2 Zoning and Surrounding Uses

2.2.1 Existing Zoning

According to the Swartland Municipal Land Use Planning By-law (PG 8226), Erven 9469 and 9470 are zoned as Subdivisional Area. These properties include the zonings of Residential Zone 1, Open Space Zone 2, and Transport Zone 2. Currently, the properties remain undeveloped and are not fully utilized.

2.2.2 Surrounding land uses

Erven 9469 and Erf 9470 are positioned in close proximity to the upcoming extension of the golf course. Erf 9469 shares its eastern and western borders with the extension, while Erf 9470 adjoins it only on the eastern side (refer to Figure 1). The surrounding area comprises of low-density residential dwellings, which were developed during Phase 1 of the Estate, mainly situated to the north of the subject properties. Open spaces are located towards the southern and western boundaries of Erf 9470. Phase 3, intended for residential development, will connect to Phase 2C along its southern boundary. Furthermore, the existing golf course runs adjacent to Erf 9469 along its southern edge. It is essential to emphasize that the proposed development will not have any adverse impact on the surrounding area or the adjacent conservation area.

2.3 Terrain Characteristics

2.3.1 Topographical Analysis

The subject properties exhibit a slope from east to west (see Figure 2). The layout designs have thoughtfully considered this topography by incorporating roads that facilitate the natural gravitational flow

of water towards the lowest point on the site, which is the southwestern corners of both properties. This well-planned approach will be beneficial for effective stormwater management and gravitational sewage systems.



Figure 2: 5m interval contours

2.3.2 Physical Restrictions

A new 450mmØ Bulk Water Main pipeline traverses Erven 9469 and 9470 (refer to Figure 3). The Layout Plan of the New Bulk Water Main Distribution System is attached as **Annexure F**. Due to this pipeline, a redesign in the layouts as depicted on General Plan numbers 4492/2007 and 4493/2007, are necessary as some residential erven becomes unusable. There are no other physical restrictions on site that will prohibit the proposed development to take place. The development will make use of the properties to their full potential rather than allowing dormant land to exist.

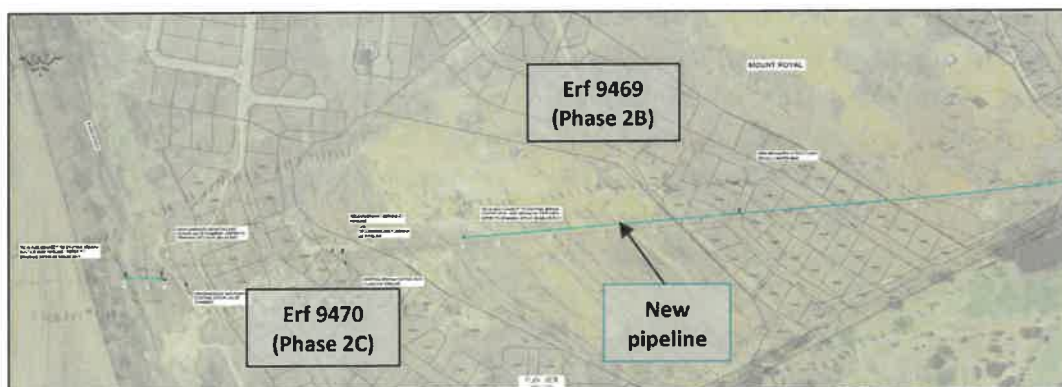


Figure 3: Extract from the Bulk Water Main Distribution System Plan

2.3.3 Land Features

- **Critical Biodiversity Areas (CBA) and Ecosystem Support Areas (ESA)**

Erven 9469 and 9470 have no CBA's or ESA's identified on them. Additionally, there will be no disruption to the natural vegetation during the proposed development. It's worth noting that both erven were previously approved for residential development as part of the Estate.

- **Water resources**

No natural water resources are located on the development sites.

2.4 Services

A comprehensive service level agreement has been established and mutually agreed upon for the entire Mount Royal Golf & Country Estate. The proposed development will not negatively impact the overall development of the Estate and any potential effects will be balanced and addressed in future developments on the site.

Phase 1 of the Estate has already been fully serviced. However, Erven 9469 and 9470 are yet to be serviced. Fortunately, there are ample capacities of services readily available for the proposed development to connect to. It's essential to highlight that the implementation of the proposed development will have no adverse impact on any existing service infrastructure.

3. SECTION 3 DEVELOPMENT PROPOSAL

3.1 Development Overview

The purpose of this report is to obtain the necessary land use rights to redesign the developments as part of Phases 2B (Erf 9469) and 2C (Erf 9470) of the Estate. The development will comprise of low- and medium-density residential erven, as well as supporting private open spaces and roads. This section will broadly explain what is being applied for and how it complies with the *Swartland Municipal Land Use Planning By-Law (PG 8226)*.

3.2 Amendment of an Approved Subdivision Plan

In 2005, Municipal Approval was granted in terms of Section 16 (1) of *Ordinance 15 of 1985* for the rezoning of a portion of Erf 327 (commonage), Malmesbury, as well as a portion of the Remainder of Farm Tweefontein no 696, Malmesbury RD. The purpose of this approval was to create a subdivisonal area for the development of the Mount Royal Golf & Country Estate, comprising the following land uses:

- Single Residential Zone: 499 erven
- Group Housing Zone: 4 erven
- General Residential Zone: 1 erf
- Business Zone: 2 erven
- Private Open Spaces and road reserves

In November 2022, the above approval was amended as follows:

- Residential Zone 1: 501 erven;
- General Residential Zone 1 (Group Housing): 4 erven;
- General Residential Zone 3 (Flats): 1 erf;
- Business Zone 1: 2 erven;
- Open Space Zone 2: Private Open Space; and
- Transport Zone 2: Private Roads.

The previous Municipal Approvals are attached as **Annexure B**.

The purpose of this report is to provide justification for amending the approved Subdivision Plan, particularly for Phases 2B and 2C within the Estate. The approved plan for these phases includes the following components:

Table 2: Components of Phases 2B and 2C of the Estate

Phase 2B	Phase 2C
58 Single Residential	72 Single Residential
2 Private Open Spaces	2 Private Open Spaces
Road Reserve	Road Reserve

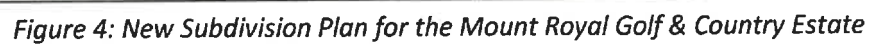
This office intends to apply for the amendment of the approved Subdivision Plan. The primary objective of this amendment is to enable the development of the following under Phases 2B and 2C:

Table 3: Proposed components of Phases 2B and 2C

Phase 2B	Phase 2C
21 Residential Zone 1: erven (Low Density)	55 Residential Zone 1: erven (Low Density)
1 General Residential erf (Group Housing)	1 General Residential erf (Group Housing)
2 Open Space Zone 2 erven (Private Open Space)	2 Open Space Zone 2 erven (Private Open Space)
2 Transport Zone 2 erven (Private Roads)	5 Transport Zone 2 erven (Private Roads)

The proposed New Subdivision Plan for the Estate, particularly focusing on Phases 2B and 2C, is depicted in the following figures. The new Subdivision Plan, showing the entire development, is attached as **Annexure G** and the Subdivision Plans of Erven 9469 and 9470 are attached as **Annexures H** and **I**, respectively.

It's essential to be aware that Phase 1 has already been registered and finalized, though certain adjustments have been made. The Subdivision Plan accurately reflects the approved Phase 1 without any amendments from the original plan for this area.



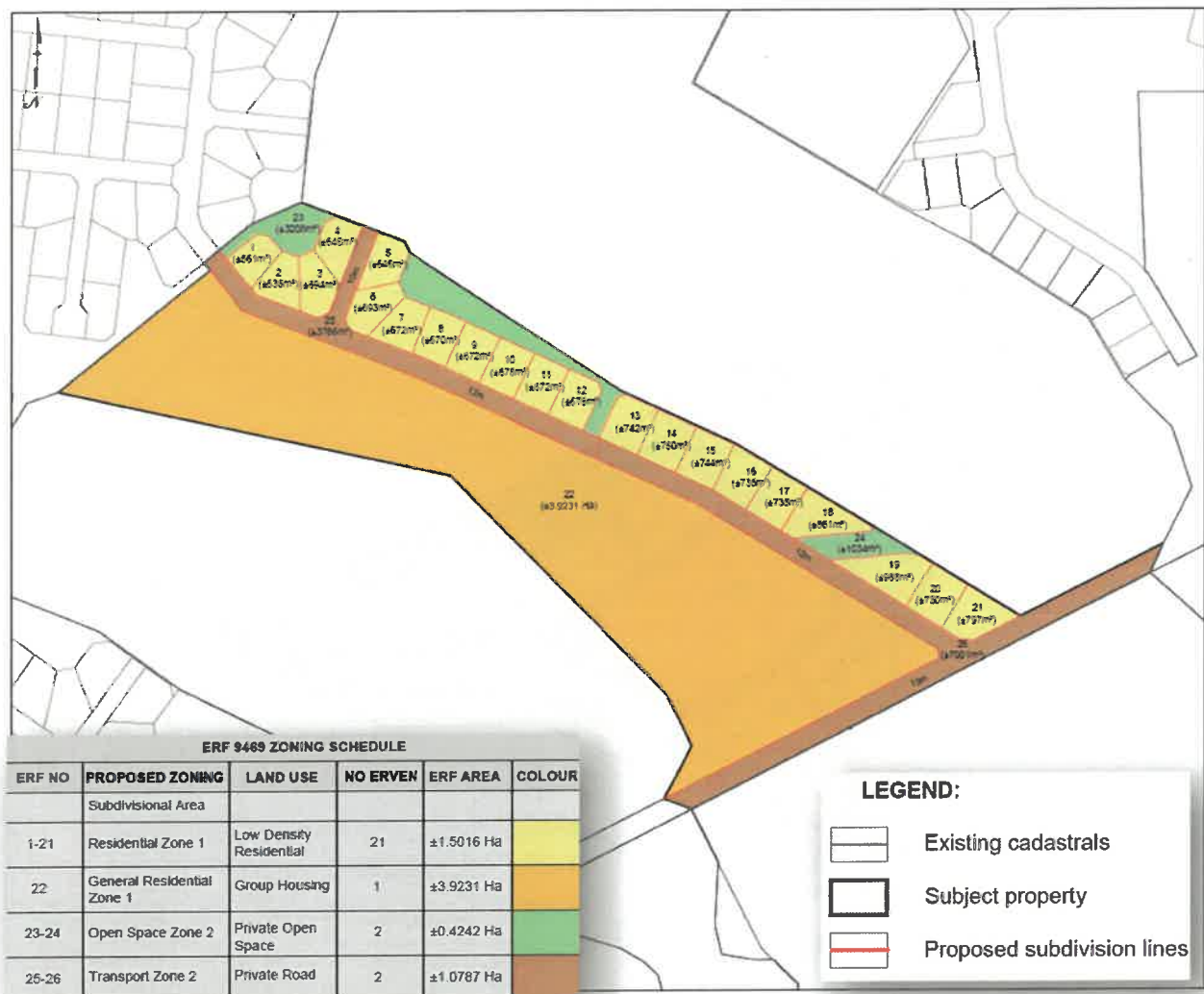


Figure 5: Subdivision Plan of Erf 9469, Malmesbury (Phase 2B)



Figure 6: Subdivision Plan of Erf 9470 (Phase 2C)

The proposed amendment to the approved Subdivision Plan is designed to ensure that it does not adversely affect neighboring properties, high potential agricultural areas, or locations of heritage significance. The amendment aims to increase the density of Erven 9469 and 9470 by creating more medium-density erven while reducing the number of approved low-density erven. It is important to note that Erven 10452-10605 and 10515-10599 have not been registered. To reflect the amended proposal, the General Plan and relevant Diagrams will be withdrawn and recreated accordingly.

The proposed amendment of the Subdivision Plan for Phases 2B (Erf 9469) and 2C (Erf 9470) of the Estate is driven by various factors, including market demand and changing demographics. There is a growing preference for smaller, more manageable properties due to evolving lifestyles, aging populations, and shifting housing trends. Adapting the plan to accommodate smaller erven will attract potential buyers and ensure long-term market viability. It provides diverse housing options that cater to different needs and budgets, promoting inclusivity and diversity within the community. Creating smaller erven also optimizes land utilization by maximizing housing units within limited space, addressing land resource constraints and

high-demand regions, such as Malmesbury.

Further, the presence of a new pipeline necessitates adjustments to accommodate a future servitude that will be registered, as it traverses through originally approved residential erven in the mentioned phases. The extension of the golf course incurs higher costs compared to the time of the original approval. Creating more erven through the amendment enables developers to generate additional income to finance the golf course extension, enhancing financial feasibility. The uncertainties in South Africa's political and economic landscape introduce unpredictability in the luxurious market, making investments in larger erven riskier. By amending the Subdivision Plan to include smaller erven, developers can mitigate risks, cater to a wider buyer pool, and ensure market adaptability.

The proposed development is considered favourably as the subject properties can be developed in the future to ensure sustainable and viable development. The proposed development will contribute positively to the value and functionality of Erven 9469 and 9470, Malmesbury, and the Estate as a whole.

3.3 Amendment of conditions in respect of an Existing Approval

Due to the amendment of the approved Subdivision Plan of the Estate applicable to Phases 2B and 2C, a condition of an existing approval will be affected. The following table shows the proposed changes (underlined) to the relevant condition of approval as stated in the Municipal Approval (reference: 15/3/4-8/Erf 9468; 15/3/6-8/Erf 9468; 15/3/13-8/Erf 9468) for the Estate, as amended as part of an application on Erf 9468 (Phase 2A), Malmesbury. The Previous Municipal Approvals are attached as **Annexure B**.

Table 4: Amendment of conditions of approval

PROPOSED ACTIONS		
1.	Condition B)	
Currently reading (as amended in 2022)	<p><i>"...(a) That approval be granted in terms of the provision of Section 16(1) of Ordinance 15 of 1985 for the rezoning of a portion of Erf 327 (33.82 Ha in extent), Malmesbury, and a portion of the Remainder of Farm Tweefontein no 696 (75.03 Ha in extent), division Malmesbury, to Subdivisional Area in order to establish the following land uses:</i></p> <ul style="list-style-type: none"> <i>a) Residential Zone 1: 501 erven;</i> <i>b) General Residential Zone 1 (Group Housing): 4 erven;</i> <i>c) General Residential Zone 3 (Flats): 1 erf;</i> <i>d) Business Zone 1: 2 erven;</i> <i>e) Open Space Zone 2: Private Open Space; and</i> <i>f) Transport Zone 2: Private Roads."</i> 	

PROPOSED ACTIONS (continued)		
1.	Condition B)	
	Proposed amendment	<p><i>"...(a) That approval be granted in terms of the provision of Section 16(1) of Ordinance 15 of 1985 for the rezoning of a portion of Erf 327 (33.82 Ha in extent), Malmesbury, and a portion of the Remainder of Farm Tweefontein no 696 (75.03 Ha in extent), division Malmesbury, to Subdivisional Area in order to establish the following land uses:</i></p> <ul style="list-style-type: none"> <i>a) Residential Zone 1: 475 erven;</i> <i>b) General Residential Zone 1 (Group Housing): 4 erven;</i> <i>c) General Residential Zone 3 (Flats): 1 erf;</i> <i>d) Business Zone 1: 2 erven;</i> <i>e) Open Space Zone 2: Private Open Space; and</i> <i>f) Transport Zone 2: Private Roads."</i>
	Motivation	The Subdivision Plan is proposed to be amended to reduce the number of Residential Zone 1 erven in Phases 2B and 2C and instead increase the density by including one General Zone 1 erf in each of the two phases.

As part of Phase 1D, there were originally plans to develop two Group Housing sites. However, these sites were ultimately developed as 28 erven zoned Residential Zone 1. The total number of General Residential Zone 1: Group Housing sites in the Estate will remain at 4, as originally approved in the approval dated 23 November 2005 (Reference: 15/3/6-8/23). This is because the two new group housing sites planned for Phases 2B and 2C will replace the originally approved group housing sites that were intended for Phase 1D.

The Environmental Record of Decision (ROD) covered the proposed development plan, which entailed upgrading the existing 9-hole golf course to an 18-hole golf course. The plan also included 726 residential units and commercial/tourism elements. With the amendments incorporated in Phase 1, approved in Phase 2A, and proposed for Phases 2B and 2C, the total number of residential units planned for the Estate adheres to the approved number of erven outlined in the ROD. The approximate count of residential units is expected to be ±714 units, aligning with the guidelines specified in the ROD.

The Service Level Agreement attached to the Municipal Approval (reference: 15/3/6-8/23), will be amended by the engineers after approval of this application.

3.4 Subdivision

The proposed Group Housing Sites as part of Phases 2B and 2C of the Estate will consist of residential erven, open spaces roads. The layouts were designed to ensure that the topography of the sites is used to their full potential seeing that it has a larger incline than other areas of the site.

The proposed group housing sites will have architectural guidelines to ensure the units are aesthetically pleasing and have an overall harmonious entity look. The guideline will also consider the existing

Architectural Guidelines for the Mount Royal Golf & Country Estate.

3.4.1 Erf 9469, Malmesbury (Phase 2B)

Application is made for the internal subdivision of Proposed Portion 22 (group housing site) of Erf 9469.

The site will include the following:

- 63 residential erven;
- 3 private open space erven; and
- 6 private road erven.

The figure below illustrates the proposed subdivision of the proposed Portion 22 (group housing site) of Erf 9469. The Group Housing Subdivision Plan on Erf 9469 is attached as **Annexure J**.



Figure 7: Proposed subdivision of the group housing site as part of Phase 2B (Erf 9469) of the Estate

3.4.2 Erf 9470, Malmesbury (Phase 2C)

Application is made for the subdivision of Proposed Portion 58 (group housing site) of Erf 9470. The site will include the following:

- 26 residential erven; and
- 1 private road erf.

The figure below illustrates the proposed subdivision of Proposed Portion 58 (group housing site) of Erf 9470. The Group Housing Subdivision Plan on Erf 9470 is attached as **Annexure K**.



Figure 8: Proposed internal subdivision of the group housing site as part of Phase 2C of the Estate

3.5 Permanent Departure

The permanent departure from a development parameter applicable to the Group Housing site on Erf 9470 is applied for in terms of Section 25 (2) (b) of the *Swartland Municipal Land Use Planning By-Law (PG 8226)*.

Section 2.1.1 (d) of the *Swartland Land Use Planning By-Law (PG 8226)* states the following:

- i. *"Each dwelling unit shall have access to an outdoor living area, which may include private, public or communal open space but excludes roads, service yards and parking areas;*
- ii. *A minimum outdoor living area of 50m² per dwelling unit shall be provided on the erf containing the dwelling unit, and a minimum of 50m² per dwelling unit shall be provided as public or communal open space within the group housing site;*
- iii. *Where there is no distinction between public or communal open space, and an outdoor living area is provided on each erf, the open space requirements shall be replaced by a combined open space requirement of at least 100m² per dwelling unit within the group housing site;*
- iv. *If, in the opinion of the municipality, sufficient outdoor living area has been provided on each erf, where public or communal open space has been provided appropriately in the environment (partly or completely), the minimum requirements for public or communal open space per dwelling unit may be decreased."*

3.5.1 Erf 9470, Malmesbury (Phase 2C)

As per the scheme regulations, a minimum of 1300m² of communal open space is required for 26 dwelling units. However, the proposed group housing scheme on Erf 9470, which is part of Phase 2C of the Estate, does not include any designated open spaces. This non-compliance with the open space parameter stated in the *Swartland Municipal Land Use Planning By-Law (PG 8226)* necessitates seeking a relaxation of the open space development requirement. The proposed development requests a relaxation from the 1300m² of open space to 0m².

Considering the overall scope of the Estate, the golf course itself is deemed as an extensive open space that can adequately serve the entire development. The presence of the golf course, with its generous green areas, landscaped surroundings, and recreational amenities, offers abundant open space for the enjoyment of residents. Moreover, an area of ±1.2152 Ha of communal open space is incorporated within the residential development on Erf 9470.

The Estate is meticulously designed to encompass and surround an 18-hole golf course, with its boundaries adjacent to two natural buffer corridors along seasonal streams. This layout ensures that residents enjoy direct, convenient, and secure access to extensive open space systems. Due to this well-thought-out arrangement, the requirement for providing communal open space within individual group housing sites is consequently reduced compared to what would typically be necessary within a conventional urban area.

Including additional open space within this particular group housing scheme on Erf 9470 could lead to inefficient land usage. Hence, it is reasonable to relax the communal open space requirement within this specific group housing scheme, considering the already substantial provision of open space throughout the entire Estate.

3.6 Phasing

The Subdivision Plans for Erven 9469 (Phase 2B of the Estate) and 9470 (Phase 2C of the Estate) will undergo further sub-phasing to facilitate gradual development over time. This phasing is applied for in terms of Section 25 (2) (k) of the *Swartland Land Use Planning By-law (PG 8226)*. Each phase will include the erven as outlined below.

3.6.1 Erf 9469, Malmesbury (Phase 2B)

- ❖ **Phase 2B.1:** General Residential Zone 1 erf for further subdivision into 22 group housing erven, open spaces and roads; 12 Residential Zone 1 erven; 1 Open Space Zone 2 erf (Private Open Space); and 1 Transport Zone 2 erf (road).
- ❖ **Phase 2B.2:** General Residential Zone 1 erf for further subdivision into 41 group housing erven, open spaces and roads; 9 Residential Zone 1 erven; 1 Open Space Zone 2 erf (Private Open Space); and 1 Transport Zone 2 erf (road).

The following figure illustrates the proposed sub-phases of the Subdivision Plan on Erf 9469. The Phasing Plan on Erf 9469 is attached as **Annexure L**.

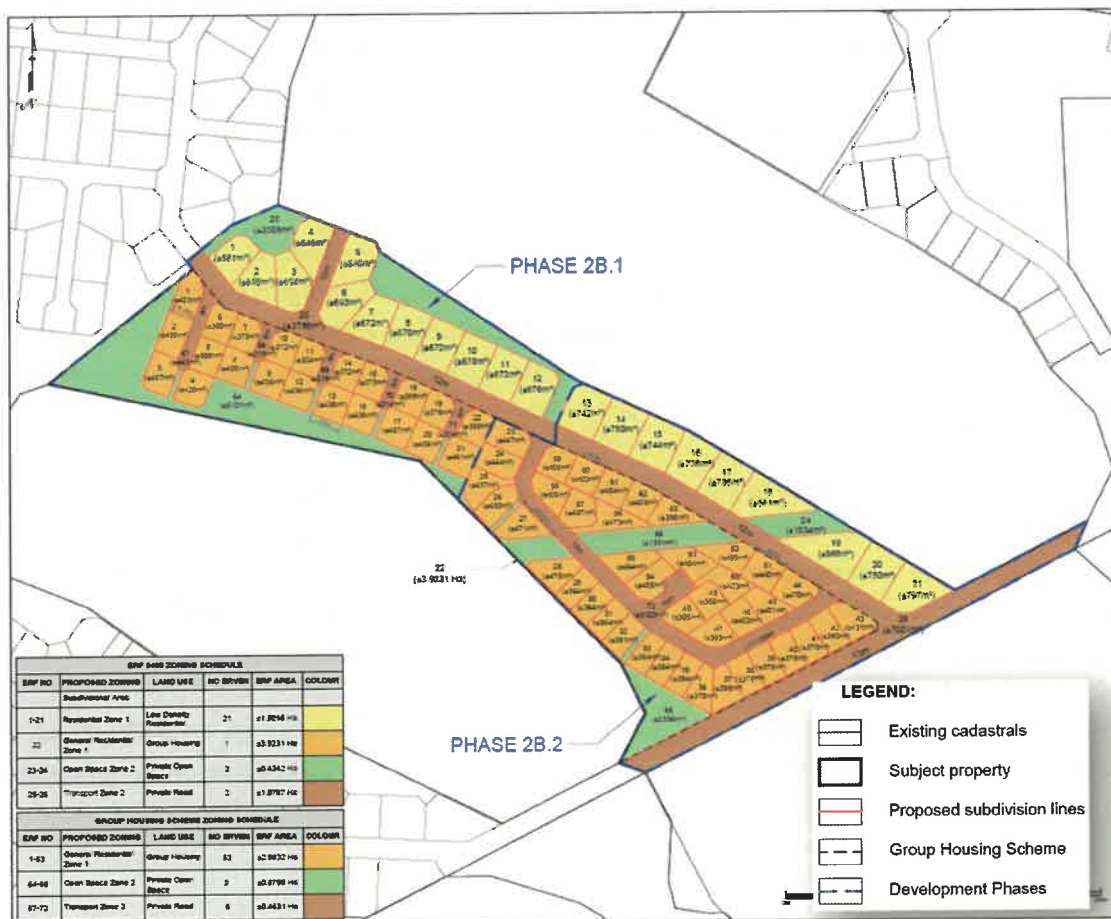


Figure 9: Phasing Plan on Erf 9469

3.6.2 Erf 9470, Malmesbury (Phase 2C)

- ❖ Phase 2C.1: 9 Residential Zone 1 erven; and 1 Transport Zone 2 erf (road).
- ❖ Phase 2C.2: 46 Residential Zone 1 erven; 2 Open Space Zone 2 erven (Private Open Space); and 3 Transport Zone 2 erven (road).
- ❖ Phase 2C.3: General Residential Zone 1 erf for further subdivision into 26 group housing erven and roads.

The following figure illustrates the proposed sub-phases of Phase 2C of the Estate. The Phasing Plan is attached as **Annexure I**.



Figure 10: Phasing Plan on Erf 9470

3.7 Zoning Scheme Development Parameters

The scope of permissible land uses under the Residential Zone 1, General Residential Zone 1, Open Space Zone 2, and Transport Zone 2 zonings is determined by the *Swartland Municipal Land Use Planning By-law (PG 8226)*. Although building plans are not yet available, the following development parameters will apply

to the Residential Zone 1 properties and the General Residential Zone 1 properties:

Table 5: Development Parameters applicable to a dwelling on Residential Zone 1 properties















Residential Zone 1		
Development Parameters	Development proposal	Compliance
Coverage: The maximum coverage for erven with a net area larger than 1000m ² is 500m ² , subject to the condition that if the municipality is convinced that there will not be any substantial negative impact, the coverage of 500m ² for a land unit with an area larger than 1000m ² may be increased, provided that such coverage does not exceed 40%.	Will be adhered to.	
Height: 8m, measured parallel from the grade line to the wall plate, and 10,5m measured from the grade line to the highest point of the roof in the case of pitched roofs.	Will be adhered to.	
Building Lines: Street: 4m Side: 1.5m Rear: 2m	Will be adhered to.	
Parking: Dwelling: 2 bays per unit	Will be adhered to.	

Table 6: Development Parameters applicable to group housing / dwelling on General Residential Zone 1 properties

General Residential Zone 1		
Development Parameters	Development proposal	Compliance
Design Principles: The principles that are reflected in the definition of "group housing", must be closely followed and implemented. Special attention must be given to aesthetics.	To ensure a cohesive and visually pleasing environment, the proposed group housing site will adhere to architectural guidelines, fostering an overall harmonious look for the units. These guidelines will also take into account the existing Mount Royal Golf & Country Estate Architectural Guidelines. All final architectural drawings will be subject to approval on building plan stage.	

General Residential Zone 1 (continued)		
Development Parameters	Development proposal	Compliance
Density: The maximum gross density for group housing sites is 25 dwelling units per hectare.	The density of the group housing scheme on Erf 9469 is 16 units per hectare, while the density of the group housing site on Erf 9470 is 23 units per hectare.	
Height: 8m, measured parallel from the grade line to the wall plate, and 10,5m measured from the grade line to the highest point of the roof in the case of pitched roofs.	Will be adhered to.	
Open Space: Each dwelling unit shall have access to an outdoor living area, which may include private, public or communal open space but excludes roads, service yards and parking areas. A minimum outdoor living area of 50m ² per dwelling unit shall be provided on the erf containing the dwelling unit, and a minimum of 50m ² per dwelling unit shall be provided as public or communal open space within the group housing site. Where there is no distinction between public or communal open space, and an outdoor living area is provided on each erf, the open space requirements shall be replaced by a combined open space requirement of at least 100m ² per dwelling unit within the group housing site. If, in the opinion of the municipality, sufficient outdoor living area has been provided on each erf, where public or communal open space has been provided appropriately in the environment (partly or completely), the minimum requirements for public or communal open space per dwelling unit may be decreased.	<p>Each dwelling within the group housing sites on Erven 9469 and 9470 will have a minimum outdoor area of 50m² per unit on-site.</p> <p>For the group housing site on Erf 9469, which comprises of 63 units, a minimum of 3150m² of communal open space should be provided in the group housing scheme. An area of approximately ±8768 Ha is available to accommodate this requirement within the group housing scheme.</p> <p>For the group housing site on Erf 9470, consisting of 26 units, a minimum of 1300m² of communal open space should be provided in the group housing scheme. However, as of this application, no communal open space is provided, and a departure is applied for. The motivation for this departure can be found in Section 3.5. of this report.</p>	 

General Residential Zone 1 (continued)		
Development Parameters	Development proposal	Compliance
Service Yard: A service yard shall be provided for each dwelling unit, or a combined service yard may be provided for several units. Service yards shall be of an adequate area and screened by a wall, at the satisfaction of the municipality.	Each dwelling shall have an enclosed service yard for washing, refuse bins and or pets.	
Storeroom: A storeroom with a minimum inner floor space of 2m ² must be provided on each group erf if no lock-up garage is provided on the erf.	Will be adhered to.	
Building Lines: Street: 2m Side and Rear: 0m internal and 2m where a group housing site abuts another group housing site.	Will be adhered to.	
Internal Street Width: The minimum internal road reserve width is 8m, provided that the municipality may require a greater road reserve width where it is of the opinion that the vehicular use or length of road justifies greater road reserve width.	8m and 10m road reserves are accommodated in the group housing schemes on Erven 9469 and 9470.	
Parking: Dwelling: 2 bays per unit	At least 2 parking bays will be provided on each of the group housing erven.	

As depicted in the tables above, the proposed development aligns with the regulations specified in the *Swartland Municipal Land Use Planning By-law (PG 8226)* to some degree. In instances where the proposal does not fully comply, departure is sought and applied for. Fortunately, with the availability of alternative documents with sufficient guidelines, directives, and provisions for land use development, the proposed development could be considered favourably.

Furthermore, it is important to acknowledge that development parameters for both low-density residential erven and group housing erven are also outlined in the approved Architectural Guidelines for the Mount Royal Golf & Country Estate. These guidelines may slightly differ from the development parameters stated in the *Swartland Municipal By-law on Land Use Planning (PG 8226)*. All development on Erven 9469 and 9470 will be subject to the latest approved Architectural Guidelines.

4. SECTION 4 PLANNING POLICY AND LEGISLATION

4.1 Swartland Municipal Spatial Development Framework (MSDF) (2019)

The *Swartland Spatial Development Framework (SDF) (2023-2027)* determines the strategic policy guidelines for future development in the Swartland region and in this case, in Malmesbury.



Figure 11: SDF extract

MALMESBURY LAND USE ZONES		Low Density Residential Uses	Medium Density Residential	High Density Residential	Secondary Educational Uses	Place of Education	Professional Uses	Business Uses	Secondary Business Uses	Place of Worship	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
F	Zone F is mainly a residential area surrounding the golf course with supporting infrastructure i.e. clubhouse, restaurant, driving range.	X	X	X	X				X 14	X	X	X		X	

Figure 12: SDF extract

Referring to the above figures, the development area falls within Zone F, primarily characterized as a residential zone surrounding the golf course, complemented by essential infrastructure such as a clubhouse, restaurant, and driving range. The proposal for low- and medium-density residential development on Erven 9469 and 9470, forming part of Zone F in Malmesbury, is fully in compliance with the *MSDF*.

The MSDF further motivate the development according to the following proposals:

Table 7: Compliance of the proposed development with the Protect, Change, and Develop place identity of Malmesbury

Protect	Change	Develop
<i>Malmesbury is an alternative place of residence for higher income households commuting to the Cape Town Metropole – The proposed residential development will strengthen the residential component in Malmesbury and all units will be of high quality.</i>	<i>Support medium density housing, such as group housing and town housing. – This development will support sustainable group housing sites.</i>	<i>Land requirement (757 Ha over 20 years in Malmesbury) to accommodate 4.5% growth rate. 1 110.0ha is available and is vacant and underdeveloped land. – The subject properties are earmarked for future expansion of the town and is currently vacant and prime developable land.</i>
<i>Dual N7 strengthens Malmesbury's residential function – The Estate has easy access to the N7 from Voortrekker Road which connects directly to the N7.</i>		<i>Develop areas according to available infrastructure capacity. – Sufficient capacities of services are available to accommodate the proposed development on Erven 9469 and 9470.</i>
		<i>Other forms of medium and higher density residential neighbourhood developments. – The proposed group housing schemes will not function on their own but will be part of the greater Mount Royal Golf & Country Estate development focusing on mixed typology residential development.</i>

Urbanisation will continue to be a significant trend driven by the steady rise in population resulting from natural growth and in-migration. The increasing population will consistently create a demand for additional residential properties. To address this demand while curbing urban sprawl and maintaining developments within the town's boundaries, it becomes essential to make use of undeveloped land within the urban edge for urban development. Encouraging the subdivision of larger plots into smaller ones plays a crucial role in promoting this initiative.

Malmesbury's strategic location between the Cape Metropole and the West Coast region has led to its increasing popularity as an alternative residential area for Cape Town. This popularity has spurred

development in Malmesbury, primarily focusing on both commercial and residential markets. The guidelines outlined in the *MSDF* emphasize the promotion of densification within the urban area and the creation of residential opportunities.

In light of the above, it can be concluded that the proposed development aligns with the strategies outlined in the *Swartland MSDF*, demonstrating its support for the region's planned growth and development.

The *MSDF* also supports the *Western Cape Spatial Development Framework's* principle of densification within existing urban areas. Infill-development is one of the suggested ways in which densification in urban areas can occur.

4.2 National Environmental Management (Act 107 of 1998) (NEMA)

The Department of Environmental Affairs and Development Planning issued a Record of Decision (ROD) in 2005 when the application was made for the establishment of the Mount Royal Golf & Country Estate. This ROD has since vested, and the proposed development does not necessitate any amendments to the existing ROD.

4.3 Subdivision of Agricultural Land Act (Act 70 of 1970)

Application in terms of the *Subdivision of Agricultural Land Act (Act 70 of 1970)* is not needed, seeing that the development site is not located on agricultural land.

4.4 Advertising on Roads and Ribbon Development Act (Act 21 of 1940)

The proposed development is located well away from the 95m building line restriction next to provincial roads.

4.5 Section 53 of the Land Use Planning Act (Act 3 of 2014) (LUPA)

Application in terms of Section 53 of the *Land Use Planning Act (Act 3 of 2014)* is not needed, seeing that no agricultural land will be disturbed.

4.6 Section 34 of the National Heritage Resources Act (Act 25 of 1999) (NHRA)

No heritage resources will be impacted by this development proposal.

4.7 Section 21 of the National Water Act (Act 36 of 1998)

No water resources will be negatively impacted by the proposed development.

4.8 Principles of Land Use Planning

The proposed development supports the principles of *Chapter VI (Article 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, as follows;*

4.8.1 Spatial justice

The proposed development presents an opportunity to address the growing demand for residential properties driven by urbanization resulting from population growth through natural increase and immigration. The increasing concerns about general crime and safety have led to a rising preference for security estates, creating a consistent demand for residential properties within such developments. To counter urban sprawl, it is essential to utilize undeveloped vacant land within the urban edge for urban development.

In line with the spatial planning principle of Spatial Justice, the development aims to be inclusive and non-discriminatory, providing property owners the freedom to develop their properties in accordance with designated land use rights. The location of the proposed development within the urban edge of Malmesbury aligns with the *Swartland MSDF (2023-2027)*, which designates the area for low- and medium-density residential development, supporting the proposal.

By offering a diverse range of residential opportunities, including mixed-density residential options, the development promotes integration within the community. This mix caters to various income groups and family sizes, fostering a vibrant environment where residents from different backgrounds can live together harmoniously. Moreover, the development's strategic location provides convenient access to essential facilities, public transportation, and employment opportunities, thereby reducing the disparities in accessibility commonly associated with urban planning.

Embracing the principle of Spatial Justice, the proposed residential development contributes to a more equitable and inclusive urban environment, enabling all residents to thrive and enjoy equal opportunities in urban living.

4.8.2 Spatial sustainability

The proposed development exemplifies the spatial planning principle of Spatial Sustainability by prioritizing spatial compactness and sustainable resource utilization within the designated urban edge of Malmesbury. The development is designed with long-term viability and sustainability in mind, ensuring its ability to thrive in the future. By adopting a phased development approach, the project promotes short to long-term financial sustainability, making optimal use of existing infrastructure and maximizing the site's potential.

Through careful integration with municipal services, the development will not pose a financial burden on the Municipality; rather, it will contribute positively by injecting economic growth into the town and Municipality. Moreover, the development focuses on resource-efficient practices to ensure an equitable quality of life for all residents. It emphasizes responsible resource management, reducing waste generation, and promoting sustainable water and energy usage.

Environmental impact is a significant consideration, and the development strives to minimize any negative effects on the environment and high-quality viable agricultural land. In contrast, the project includes

thoughtfully designed integrated open spaces within the development that will foster natural growth and habitats, promoting biodiversity and environmental conservation.

4.8.3 Efficiency

The proposed development aims to maximize the utilization of existing services and spaces, promoting densification within the urban edge of the town. By establishing a new use for the two vacant properties, the proposal seeks to unlock more opportunities than the current land use provides. Developing this vacant property enhances the efficiency of the land, allowing it to be utilized to its full potential in alignment with the *Swartland MSDF (2023-2027)* and Zoning Scheme Regulations outlined in Schedule 2 of the *Municipal By-law on Land Use Planning (PG 8226)*. The comprehensive zoning scheme regulations adequately govern future development, ensuring the proposed project aligns with planned land use objectives.

Furthermore, the proposed development optimizes the efficiency of the land and existing services, creating a meaningful utilization of the much-needed space. The project's approach promotes the responsible and beneficial use of the property, contributing to the town's sustainable growth and development within the urban edge.

4.8.4 Spatial resilience

The development will be resilient in terms of the multiple uses that may be permitted on the erf with council's approval. The proposed developments on Erven 9469 and 9470 will be able to facilitate multiple forms of residential development (i.e., single residential, detached or semi-detached).

4.8.5 Good administration

The application will be taken through the public process by the Swartland Municipality and all relevant departments will be approached. Participation of different relevant departments and the public will ensure an informed decision.

5. SECTION 5 SUMMARY

The proposed developments as part of Phases 2B and 2C of the Mount Royal Golf & Country Estate on Erven 9469 and 9470 are motivated on accounts of the following:

- The developments are supported by the ***Swartland Spatial Development Framework (MSDF) (2023-2027)*** that guides sustainable future development in Malmesbury and the Swartland Municipal Area as a whole;
- The proposed development supports spatial sustainability in terms of ***LUPA and SPLUMA***;
- The proposed development will be subject to the development parameters for Residential Zone 1 and General Residential Zone 1 erven as set out in the ***Swartland Municipal By-law on Land Use Planning (PG 8226)***, along with the latest approved Architectural Guidelines;
- The development, as envisaged complies with the ***Western Cape Provincial Spatial Development Framework*** policy initiatives on densification and the optimal utilization of infrastructure and

services within the urban context. This development will promote smart growth by ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill development.

- The development is easily accessible and there will be **no major negative effects on the surrounding built or natural environment.**
- There is a **need for residential opportunities** which maintains the atmosphere of the countryside, yet provides the necessary peace of mind and security to prospective investors.

This office supports the proposed development of the Mount Royal Golf & Country Estate Phases 2B and 2C, providing for better and more effective utilisation of land, infrastructure and services. In light of the above, we herewith respectfully request the application to be considered favourably.



Mandri Crafford
For CK RUMBOLL AND PARTNERS