CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500167402

Erf 14078, 92B Zwaanswyk Road, Tokai

Development Management

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Motivation in Support of Extension of the Period of Validity of an Approval in Terms of Section 42(k) of the City of Cape Town Municipal Planning By-Law 2015, together with supporting documents in respect of Case ID 70477776

Background

Application was made in 2019 under case number ID 70477776 for the rezoning of erven 14077, 14078 and 14080 Constantia from single residential to rural to enable the operation of livery stables. The application was approved on 27 July 2021, subject to a number of conditions of approval. These conditions included inter alia the following:

- Restrictions on the proposed building envelope.
- Limiting a maximum of 10 horses.
- Payment of a Development Contribution Levy.
- Notarially tie the erven.
- Obtain HWC approval.

In this regard, I have complied with the respective conditions of approval, other than the registration of the notarial tie. However, building plans have not been submitted for the departures and therefore, these rights have not yet vested.

In June of this year I purchased an additional erf, namely erf 14079 Constantia. This recently purchased erf completes a contiguous rectangle comprising the three erven listed above and erf 14079. Town planners were then briefed to apply for the rezoning of erf 14079 from single residential to rural in order that the livery stables could be expanded.

Whilst reviewing the previous approval, it came to light that two of the five conditions attached to the rezoning had inadvertently not yet been complied with.

Submission of Job No. MCN01-2018

The first item of non-compliance relates to the submission of the plans with job No. MCN01-2018 all dated February 2019. The architect responsible for the submission, Philip Briel, apparently did not complete the submission. The only explanation I can offer is that Mr. Briel left South Africa to take up residence in the United Kingdom. Unbeknownst to me the plans were thereafter automatically withdrawn by Council due to lack of any further action by Mr. Briel. Please see a screen shot from Council's system and marked "Annexure A" showing the existence in the system.

In order to rectify this lack of compliance with the condition of rezoning, the new architect Christine Fish has been actively accessing the said plans and will resubmit as a matter of urgency. Please find a letter from Christine Fish architects marked “Annexure B” confirming that she is attending to the resubmission of the plans as soon as possible.

Notarial Tie of Erven 14077, 14078 and 14080

Having never dealt with a rezoning application previously, I was elated when after many delays due to COVID the rezoning was finally approved in July of 2021. I set about conscientiously attempting to comply with all the various conditions imposed by the rezoning approval.

Whilst dealing with the electricity department regarding the conversion to the Small Power Tariff User, I had various email correspondence with Susan Nel in the electricity department which is attached as “Annexure C”. As can be seen from the correspondence, Ms Nel asks if I had found a letter stating that the three erven had been tied together and that they waiting on that before the conversion. However, once the inspector had come to the properties, he was satisfied with the arrangement and when I enquired whether a notarial tie would still be necessary he advised that it would not. The electricity department then proceeded with the conversion to the Small Power User.

In my mind, I was under the impression that the notarial tie was connected to the electricity supply and nothing else. I now realise and appreciate now that I erred in relying on the verbal advice of an employee of the Council and, more importantly, not referring back to the approval document wherein it states that the erven shall be notarially tied for parking purposes.

As soon as my error was realised, I immediately briefed my attorneys, Levy Simon, to attend to the notarial tie of the three erven listed above and, on the advice of Kevin McGilton of Council, the recently acquired erf 14079 was also included in the notarial tie. Please see a letter from Levy Simon dated 29 June 2026 and marked “Annexure D” which confirms that they are attending to the notarial tie of the four erven. We were hoping that the notarial tie would be registered promptly and before the expiry date of the approval, namely 26 July 2026 and that an extension of validity would not be required. However, Levy Simon have been held up in the process by Council’s own legal department which is required to consent to the tie. The documents were emailed to the relevant person over a week ago and despite advising that time was of the essence and a couple of reminders, Levy Simon are yet to receive a response. Please see email correspondence attached and marked “Annexure E” between Levy Simon and the Council’s legal department requesting their prompt attention. The Notarial Tie agreement awaiting signature is attached as “Annexure F”.

Request for Extension of Validity

I submit that I have offered sufficient evidence of my bona fides as to the reasons why two of the conditions of the rezoning application were not complied with. Furthermore, I believe that I have demonstrated my willingness to comply with the conditions of the rezoning as soon as possible. Therefore, I kindly request that the Extension of Validity sought be granted timeously.



ERF 1430 BAKKERSHOOGTE

SUBDIVISION PLAN

URBAN DYNAMICS SOUTH CAPE
TOWN & REGIONAL PLANNERS

SOUTH GATE OFFICE PARK, GROUND FLOOR, UNIT 2,
CARL CRONJE DRIVE, BELLVILLE, 7530

CADASTRAL BOUNDARIES

ERF 1430 BAKKERSHOOGTE (±2.43ha)

PORTION D
A PORTION OF ERF 1430 BAKKERSHOOGTE
= ±1.01ha

PORTION E
A PORTION OF ERF 1430 BAKKERSHOOGTE
= ±1.15ha

REMAINDER ERF 1430 BAKKERSHOOGTE
= ±0.27ha

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

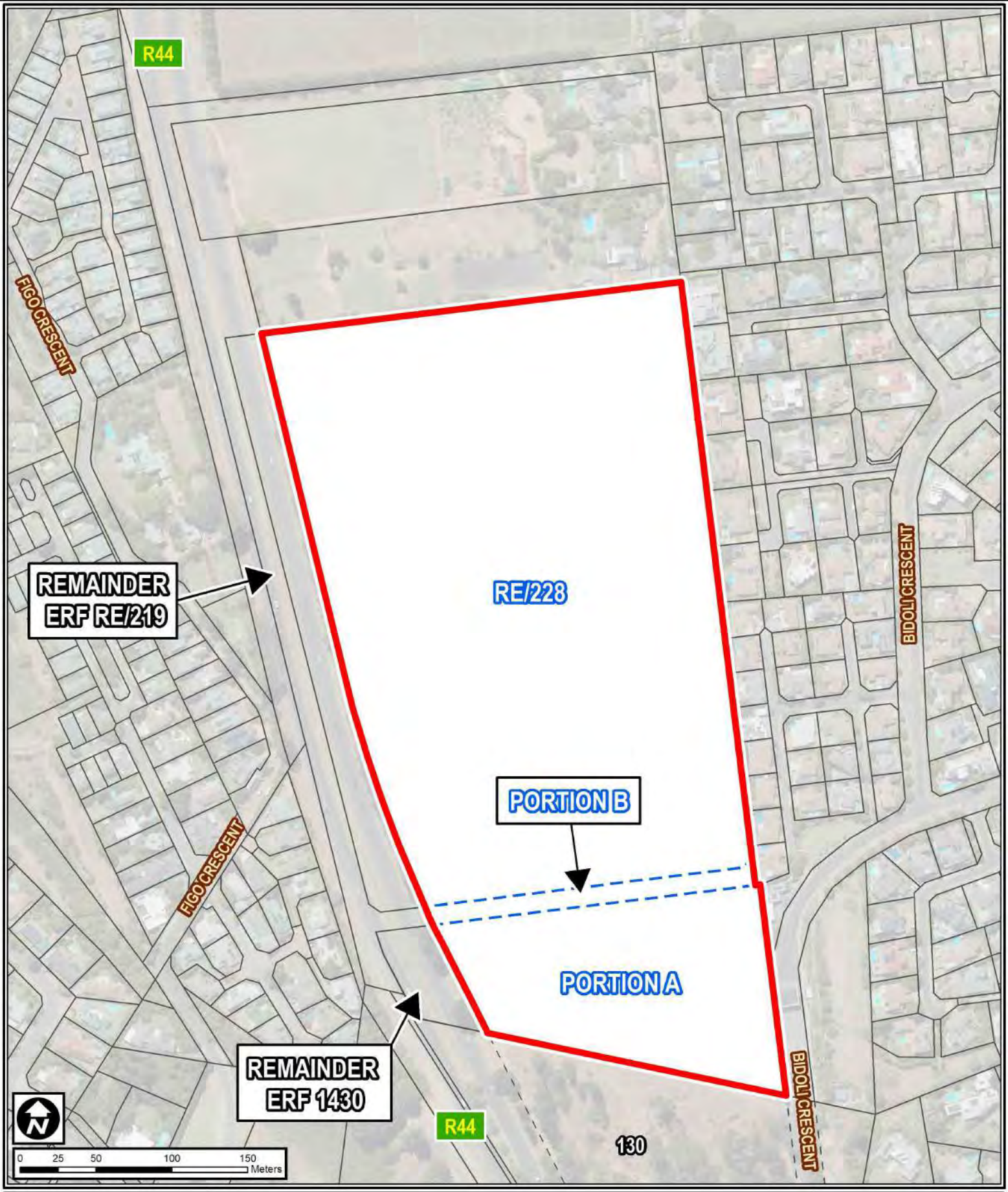
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DATE: October 2026	CLIENT
SCALE: See Linescale	
DRAWING NO: 9	
FILE NAME:	



ERVEN 219 & RE/228 RAITHBY
1430 BAKKERSHOOGTE

CONSOLIDATION PLAN

URBAN DYNAMICS SOUTH CAPE
TOWN & REGIONAL PLANNERS

SOUTH GATE OFFICE PARK, GROUND FLOOR, UNIT 2,
CARL CRONJE DRIVE, BELLVILLE, 7530

APPLICATION AREA (±12.32ha)

CADASTRAL BOUNDARIES

COMPONENT LINES

COMPONENTS:

1.) ERF RE/228 RAITHBY = ±9.88ha

2.) PORTION A (A PORTION OF ERF 1430 BAKKERSHOOGTE) = ±2.16ha

3.) PORTION B (A PORTION OF ERF RE/219 RAITHBY) = ±0.28ha

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

REF:

COMPILED BY: F Britz

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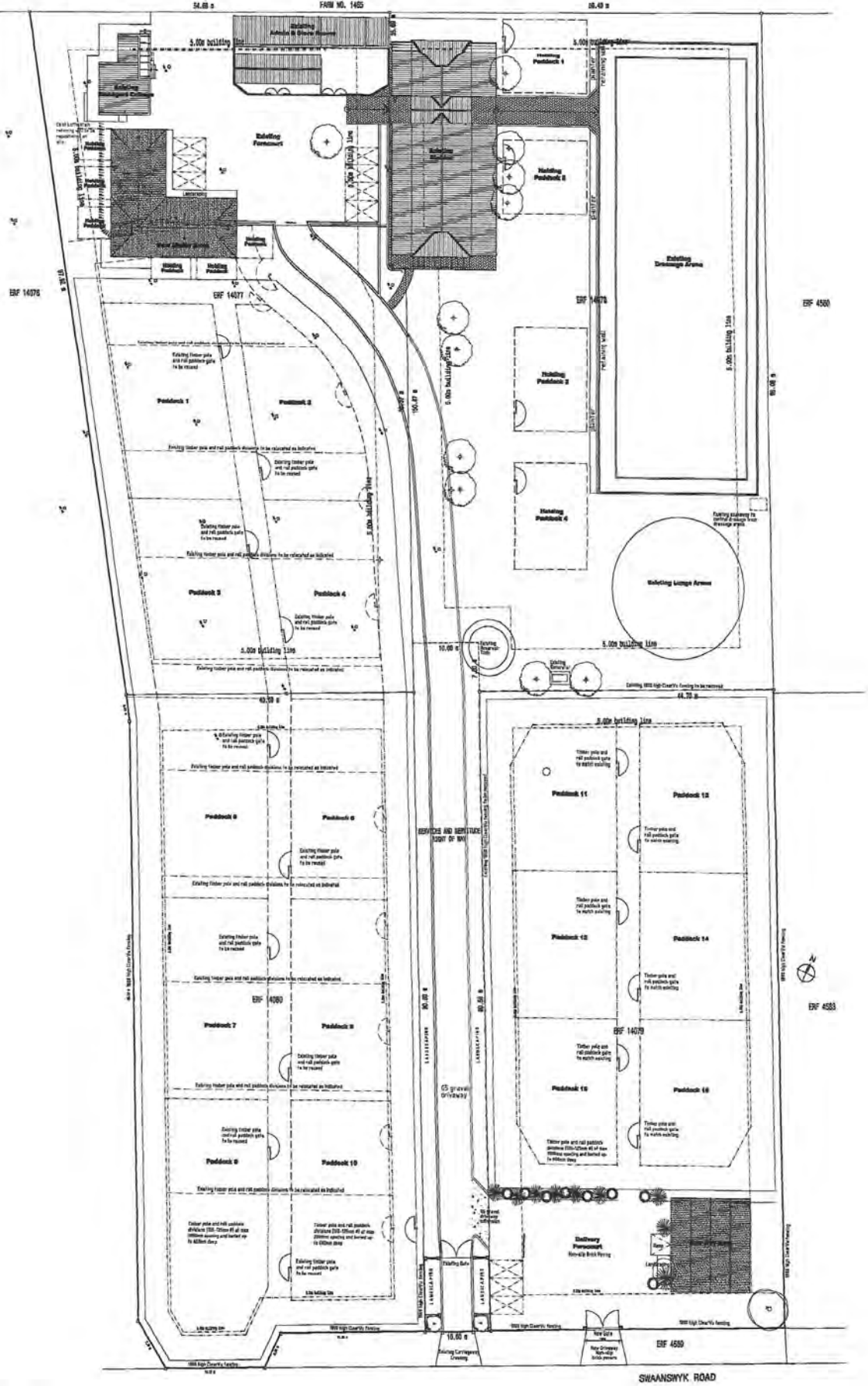
DATE: November 2025

CLIENT

SCALE: See Linescale

DRAWING NO: 9

FILE NAME:


FARM NO. 1465
ERF 14076
ERF 14077
ERF 14078
ERF 4580
ERF 4080
ERF 14079
ERF 4583
ERF 4659
5.00m building line
Existing Farmcourt
Existing Dressage Arena
Existing Lunge Arena
Holding Paddock 1
Holding Paddock 2
Holding Paddock 3
Holding Paddock 4
Paddock 1
Paddock 2
Paddock 3
Paddock 4
Paddock 5
Paddock 6
Paddock 7
Paddock 8
Paddock 9
Paddock 10
Paddock 11
Paddock 12
Paddock 13
Paddock 14
Paddock 15
Paddock 16
SERVICES AND SERVITUDE RIGHT OF WAY
Existing 1800 high Clear Vu fencing
Existing Entrance Gate
Existing Carriageway Crossing
New Gate
New Driveway high-rib brick pavers
Delivery Forecourt
Retaining Brick Paving
SWAANSWYK ROAD