



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM: CORPORATE SERVICES ON WEDNESDAY, 12 MARCH 2025 AT 14:00

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)
Director: Corporate Services, Ms M S Terblanche
Director: Protection Services, Mr P A C Humphreys

External members:

Ms C Havenga
Mr C Rabie

Other officials:

Senior Manager: Development Management, Mr A M Zaayman
Senior Town and Regional Planner, Mr A J Burger
Town and Regional Planner and GIS, Mr H Olivier
Town and Regional Planner, Ms A de Jager
Manager: Secretariat and Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members. A special word of welcome was extended to the member of the public, Mr A Davids.

2. APOLOGY

The apology received from the Director: Development Services be noted.

3. DECLARATION OF INTEREST

RESOLVED that cognisance be taken that no declarations of interest were received.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 12 FEBRUARY 2025

RESOLUTION

(proposed by Mr P A C Humphreys, seconded by Ms M S Terblanche)

That the minutes of a Municipal Planning Tribunal Meeting held on 12 February 2025 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1/...

6.1 PROPOSED SUBDIVISION OF ERF 1037, YZERFONTEIN (15/3/6-14) (WARD 5)

Mr H Olivier explained that the application proposed the subdivision of Erf 1037 (1325 m² in extent), Yzerfontein into Portion 1 (±821 m²) and Portion 2 (±504 m² in extent). Erf 1037, Yzerfontein is zoned Residential Zone 1 and is currently vacant.

RESOLUTION

- A. The application for the subdivision of Erf 1037, Yzerfontein be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 1037, Yzerfontein (1325 m² in extent) be subdivided into portion 1 (±821 m² in extent) and portion 2 (±504 m² in extent) as presented in the application;

A2 WATER

- (a) Each subdivided portion be provided with a separate water connection and meter at building plan stage;

A3 SEWERAGE

- (a) Each erf be provided with a conservancy tank with a minimum capacity of 8000 litres which is accessible for the municipal sewerage truck from the street. This condition is applicable at building plan stage;

A4 ELECTRICITY

- (a) Each subdivided portion be provided with a separate electrical connection, costs to be borne by the owner/developer;
- (b) Any relocation of electrical cables be for the owners/developer's account;
- (c) Any electrical inter-connection be isolated and completely removed;
- (d) The electrical connections be connected to the existing low-voltage network;
- (e) Additional to the abovementioned the owner/developer must pay for the electrical connections to the subdivided erven. The Director: Electrical Engineering Services be contacted for a quotation;

A5 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R4 318,19 towards the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R392,21 towards bulk water distribution, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R2 826,34 towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/240-184-9210).
- (d) The owner/developer is responsible for the development charge of R6 858,20 towards wastewater treatment works at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R11 437,56 towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA: 9/247-188-9210);
- (f) The owner/developer is responsible for the development charge of R11 762,00 towards electricity, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA: 9/253-164-9210);
- (g) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and can be revised thereafter;

B. GENERAL

- (a) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law not be issued unless all the relevant conditions have been complied with;
- (b) Any existing services connecting the remainder and/or new portions be disconnected, and relocated, for each erf to have a separate connection and pipe work;
- (c) Should it be deemed necessary to extend the existing services network to provide the subdivided portions with service connections, it will be for the cost of the owner/developer;
- (d) The approval is, in terms of Section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent, and the approval period will not be applicable anymore.
- (e) Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000, 00 is to accompany the appeal and Section 90 of the By-Law complied with, for the appeal to be valid. Appeals received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) The proposal is consistent with the spatial proposals of the Municipal SDF, 2023;
- (b) The proposal is consistent with the minimum erf size determined by the SDF, namely 500 m²;
- (c) The development promotes densification in an urban area, consistent with national, provincial, and local legislation and policy;
- (d) The proposal complies with the principles of LUPA and SPLUMA;
- (e) The zoning of the properties will remain unchanged and consistent with the character of the area;
- (f) The rights of the surrounding landowners will not be negatively impacted;
- (g) The subdivision promotes the optimal utilisation of land and the existing engineering services;
- (h) There are no physical restrictions that prevent the subdivision from being approved;
- (i) Property values of the surrounding properties will not be affected negatively.

6.2 APPLICATION FOR CONSENT USE ON FARM 1377, DIVISION MALMESBURY (15/3/10-15) (WARD 5)

Ms A de Jager gave background on the application to construct a transmission tower on Farm No. 1277, Division Malmesbury. The area is currently utilised for agricultural purposes, but located directly adjacent to an urban area which is earmarked for extensive residential development, business activities, educational and healthcare facilities and a transport corridor.

The transmission tower is a consent use under Agricultural Zone 1.

RESOLUTION

- A. The application for a consent use on Farm no. 1277, Division Malmesbury be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises the establishment of a transmission tower and equipment containers inside an 80 m² compound enclosed by a 2,4 m high palisade fence, as presented in the application;
- (b) The maximum height of the mast be restricted to 25 m, measured from the natural ground level to the highest point, as presented in the application;

- (c) The tower be equipped with a lightning spike and navigation lights, in terms of the SANS 10400, to the satisfaction of the Senior Manager: Development Management;
- (d) Fire safety equipment and extinguishers be provided on-site as presented in the application and to the satisfaction of the Swartland Chief Fire Safety Officer;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) A copy of the applicable Environmental Approval be submitted at building plan stage, before the mast is constructed;
- (g) The position of the mast and compound is restricted to a 30 m radius of the position illustrated in the proposal. Should building line departure be necessary, the matter may be addressed as building plan stage;
- (h) Application for the construction and affixing of advertising signs for the service providers be made to the Senior Manager: Development Management for consideration and approval;
- (i) Should it be proven in future that transmission towers do in fact cause negative health effects, according to official, legal findings of peer reviewed, independent testing, and the transmission tower does not adhere to the health and safety requirements, the applicant/developer will be held accountable to ensure compliance and where not possible, the decommissioning and removal of the tower and related infrastructure;

A2 ELECTRICITY

- (a) The mast be removed from the nearest conductor for a distance equal to the height of the transmission tower;

B. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) The approval is valid for a period of 5 years, in terms of Section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation and failing to do so will cause the approval to 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;
- (c) The applicant/objector 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 decision. An appeal is to comply with Section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

C. The application be supported for the following reasons:

- (a) The proposed transmission tower is an acceptable land use inside a secondary business node of Division Malmesbury.;
- (b) The transmission tower is strategically placed on the property;
- (c) The placement of the transmission tower in context to the broader telecommunication network for Division Malmesbury will create optimum coverage for the town;
- (d) The visual impact of the transmission tower is deemed to be mitigated;
- (e) As the visual impact of the transmission tower is deemed to be low, it cancels out any possible concerns/impacts on tourism, the environment and character of Malmesbury;
- (f) The transmission tower requires NEMA approval and building plans will not be considered prior to proof of approval being provided;
- (g) Potential noise created by the transmission tower will not exceed the permissible decibels;
- (h) The privacy of surrounding land owners will not be affected;
- (i) The proposed telecommunication infrastructure does not pose a fire risk;

6.2/C...

- (j) Surrounding property values will not be affected negatively;
- (k) Sufficient services capacity exists to accommodate the proposed transmission tower;
- (l) Farm 1277 has no title deed restrictions which are restrictive to this application;
- (m) The transmission tower and equipment is placed strategically on Farm 1277 in order to have the lowest possible impact on surrounding properties;
- (n) The public interest of this application is deemed to be positive;
- (o) The application is in compliance with the SDF for Malmesbury;
- (p) The application complies with the principles of LUPA and SPLUMA;
- (q) There is a lack of evidence to prove the perceived health risk associated with telecommunications base stations, as often claimed by objectors. Various studies and the opinions of international, national, provincial and local health authorities have been taken into account and are available for scrutiny by the public.

6.3 APPLICATION FOR CONSENT USE ON ERF 799, KALBASKRAAL (15/3/10-6) (WARD 7)

Ms A de Jager confirmed that the application is for a consent use on Erf 799, Kalbaskraal to operate a house shop from a portion ($\pm 17 \text{ m}^2$ in extent) of the proposed building.

Ms de Jager mentioned that Erf 709, Kalbaskraal is currently vacant after all illegal structures on the subject property were removed.

RESOLUTION

- A. The application for the consent use on Erf 799, Kalbaskraal, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent authorises a house shop, restricted to $\pm 17 \text{ m}^2$, as presented in the application;
- (b) The operating hours of the house shop be restricted between 6:00 and 21:00 daily;
- (c) Building plans, clearly indicating the house shop in relation to the house, be submitted to the Senior Manager: Development Management, for consideration and approval;
- (d) The operation of the house shop may not result in congestion/obstruction along Sand or Calabash Streets, therefore at least one on-site parking bay be provided from Calabash Street;
- (e) Application for construction or attaching an advertising sign to the building be submitted to the Senior Manager: Development Management, for consideration and approval. Only one sign, not exceeding 1 m^2 in area and not exceeding the land unit boundaries with any part of it, be permitted and it indicate only the name of the owner, name of the business and nature of the retail trade;
- (f) No more than three persons, including the occupant of the property, are permitted to be engaged in retail activities on the land unit;
- (g) Only pre-packaged food products may be sold;
- (h) No food preparation be allowed in the house shop;
- (i) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (j) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound may be positioned or affixed outside the house shop, including any awning, stoep or shade structure;
- (k) No loitering be allowed on Erf 799 and that the property owner, shop owner and shop operator on any given day be responsible for the removal of any loiterers from the property;
- (l) The following activities not be allowed for sale in the house shop:
 - (i) The sale of wine and alcoholic beverages;
 - (ii) Storage or sale of gas and gas containers;
 - (iii) Vending machines;
 - (iv) Video games; and
 - (v) Snooker or pool tables;

(m)/...

6.3/A1...

- (m) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (n) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (o) The letter of authorization from Swartland Municipality be displayed inside the house shop;

A2 WATER

- (a) The existing connection be used and that no additional connections be provided;

A3 SEWERAGE

- (a) The existing connection be used and that no additional connections be provided;

A4 STREETS AND STORMWATER

- (a) Deliveries may only be done by delivery vehicles of with a gross vehicle mass of 16000 kg;

B. GENERAL

- (a) Cognisance be taken of the letter and requirements from the West Coast District Municipality, with reference number 13/2/12/1/4, dated 3 December 2024;
- (b) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (c) The approval is valid for a period of 5 years, in terms of Section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation and failing to do so will cause the approval to 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.
- (d) The applicant/objector 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 decision. An appeal is to comply with Section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

C. The application be supported for the following reasons:

- (a) The application complies with Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (b) The application complies with the land uses proposed for this area of Kalbaskraal, as determined by the SDF;
- (c) The application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP;
- (d) The proposed house shop complies with the development parameters and requirements of the By-Law;
- (e) The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood;
- (f) The proposed consent use will not negatively affect the character of the neighbourhood;
- (g) Recent events resulted in stricter policing of approval conditions by Law Enforcement, the Department of Health and the SAPD, creating fewer disruptions within residential neighbourhoods by house shops;
- (h) The owner demonstrated dedication and commitment to correcting the unauthorised land use on the property, as well as any negative behaviour of patrons, in order to be an asset, rather than a nuisance in the neighbourhood.

6.4/...

6.4 PROPOSED CONSENT USE ON ERF 10728, MALMESBURY (15/3/10-8) (WARD10)

Mr H Olivier explained that the application is made for a consent use on Erf 10728, Malmesbury to accommodate a double dwelling house on the subject property.

A double dwelling is permitted as a consent use under the Residential Zone 1 zoning and previous applications for same within the Glen Lily development was approved and supported by the Owners' Association.

RESOLUTION

- A. The application for consent use on Erf 10728, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved, subject to the conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house, as presented in the application;
- (b) The double dwelling adheres to the applicable development parameters;
- (c) Building plans be submitted to the Senior Manager: Development management for consideration and approval;

A2 WATER

- (a) The existing water connection be used and no additional connections be provided;

A3 SEWERAGE

- (a) The existing sewer connection be used and no additional connections be provided;

A4 DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R11 514,95 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R6 468, 75 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards sewerage amounts to R4 022,70 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge towards wastewater treatment amounts to R4 360,80 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge towards streets amounts to R12 654,60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards electricity amounts to R5 658,36 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and may be revised thereafter.

B. GENERAL

- (a) 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;

6.4/B...

- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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;

C. The application be supported for the following reasons:

- (a) The proposed second dwelling is a residential use and is therefore consistent with the proposals of the MSDF;
- (b) A double dwelling is accommodated as a consent use under Residential Zone 1 of the Development management scheme and there are no restrictions registered against the title deed of the property or contained in the design guideline of the Estate prohibiting the proposal;
- (c) The development proposal supports the optimal utilisation of the property;
- (d) The second dwelling provides in a need for a larger variety of housing opportunities to the wider population;
- (e) The development proposal will not negatively impact on the character of the Glen Lily Estate or the larger Malmesbury.

6.5 PROPOSED TEMPORARY DEPARTURE ON PORTION 13 OF FARM WOODLANDS NO 874, DIVISION MALMESBURY (15/3/4-15) (WARD 7)

[The chairperson arranged for the item be discussed firstly to accommodate Mr Davids.]

Mr A J Burger gave background to the application for a temporary departure on Portion 13 of Farm Woodlands No 874, Division Malmesbury to host a musical festival for between 8000 to 10 000 people.

The festival will take place as follows:

- Set-up of the festival grounds – 1 November 2025 to 27 November 2025;
- Hosting of festival – 28 to 30 November 2025;
- Striking of festival structures – 1 December 2025 to 12 December 2025.

Mr Burger confirmed that the requirements of the Swartland Municipality: By-Law relating to Events were looked at in an attempt to request for the various management plans to be included in the land use application.

During a discussion some management plans were added, namely, (1) all the insurance requirements, (2) dust control- and (3) dam safety management plans, as well as measurements to prevent the congestion of traffic on the public road.

RESOLUTION

- A. The application for a temporary departure in order to host a music event on portion 13 of Farm Woodlands no 874, Division Malmesbury be approved in terms of Section 70 of the By-Law, subject to the following conditions:

A1 Town Planning/...

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The temporary land use right permits the hosting of a music festival/event (Rands Holidae) at Woodlands farm for a maximum of 10 000 patrons as presented in the application;
- (b) The land uses at the event include concerts, camping and ablution, retail (vendors), parking, first aid services, security detail, ect.;
- (c) The Set-up of the festival grounds be from 1 November 2025 to 27 November 2025;
- (d) The event be held from 28 to 30 November 2025;
- (e) The strike down of the structures and site clean-up be completed from 1 December 2025 to 12 December 2025;
- (f) All temporary structures to be used for the event be constructed by or under the supervision of a suitably qualified professional(s) to avoid any injuries that may occur during the event and setting up/breaking down of the tents;
- (g) A certificate of compliance in terms of electrical and structures/stages be signed off by an engineer registered in terms of the relevant legislation and handed over to the event organiser for safe guarding before the event starts;
- (h) The event organiser at all times ensures that the safety and security measures are accessible and ready to be employed in a case of emergency, as submitted with the application;
- (i) The event organiser ensures an appropriate stacking distance for vehicles entering the festival grounds to prevent the congestion of vehicles on the Vryguns Provincial Road;
- (j) The municipality be provided with copies of the following documents on/or before 15 October 2025 for record purposes prior to the event taking place:
 - (i) security and crowd management plan;
 - (ii) emergency and medical services plan;
 - (iii) waste management plan;
 - (iv) proof of appropriate public liability insurance cover;
 - (v) proof of appropriate indemnity insurance cover;
 - (vi) noise control plan;
 - (vii) dust control management plan;
 - (viii) dam safety plan;
- (k) The event organiser at all times ensures the application of the conditions in abovementioned plans;

A2 PROTECTION SERVICES

- (a) All relevant sections and regulations of the “*Safety at Sports and Recreational Events Act*”, (Act 2 of 2010) as well as the *Health and Safety Act (SANS code 10366)* must be adhered to. Proof of this must be made available if required;
- (b) Each food stall must be in possession of certificate of acceptability;
- (c) The appointed safety officer ensure the implementation of the safety and traffic management plan;

A3 WATER

- (a) No municipal drinking water can be supplied to the proposed entertainment activity;
- (b) Water to be used for domestic purposes must be clean water that complies with the requirements of SANS 241. “Clean water” is defined as clean and clear water that is free of any *Escherichia coli* organisms per 100 millilitres and free from any particles in concentrations that could be harmful to human health;
- (c) The owner of Farm 874/13, Malmesbury be responsible to provide clean water to the festival and Swartland Municipality or the Department of Water Affairs accept no responsibility regarding the quality and quantity of the water that is used during the festival;

A4 SEWERAGE

- (a) No municipal sewer services can be provided to the proposed festival;
- (b) Sufficient ablution facilities be provided by the owner/event coordinator for the festival;
- (c) Any sewerage be removed from the farm by a contractor and be disposed of in an acceptable manner;

A5 REFUSE REMOVAL

- (a) A written application must be submitted to Swartland Municipality for the use of the Highlands dumpsite. Payments made must be by means of coupons;

A6 WESTERN CAPE MOBILITY DEPARTMENT

- (a) The department will provide Provincial Traffic Western Cape Assistance on the Vryguns Provincial Road from Friday, 28 November to Sunday, 30 November 2025 between 10:00 and 02:00;
- (b) No obstructions pertaining to the normal traffic flow will be allowed on public roads;
- (c) No road closures will be allowed – except when instructed and regulated by qualified traffic officers;
- (d) Intermittent lock of – not longer than 10 minutes Traffic flow permitted;
- (e) No support vehicles will be allowed to park next to the public roadway (Parking only allowed at designated lay-by or parking areas);
- (f) No littering or damage ect. will be caused on any public road;
- (g) A total of six (6) Western Cape Provincial Traffic Officers will be at assistance. Cost will be recovered by the applicable Metro Provincial Traffic Centre;
- (h) The event organisers must erect warning boards to warn motorists of any turnoffs, and of any possible vehicles hazards/obstructions on the roadway;
- (i) Western Cape Provincial Traffic will be involved – doing visible observation and regulate traffic with intermittent road closures if needed;
- (j) Should any dangerous situation occur, the traffic officials will immediately terminate the event;

B. GENERAL

- (a) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (b) All conditions of approval be implemented before the festival/event takes place and failing to do so the approval will lapse;
- (c) 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.

C. The application be supported for the following reasons:

- (a) Farm 874/13 does not consist of any physical restrictions which may impact negatively on the application;
- (b) Due to the temporary nature of the festival/event the impact thereof on the surrounding area will also be temporary. No long terms effects on the area are expected;
- (c) The application is in compliance with the SDF;
- (d) The concerns of the objectors will be addressed through all the plans;
- (e) The festival/event has to comply with any other applicable legislation which relates to the safety and health, the conduct of persons attending the festival/event, the activities undertaken or carried out at the festival/event and do not have a negative impact on affected communities or persons during the festival/event.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**

28 March 2025

15/3/4-14/Erf 28

15/3/5-14/Erf 28

WYK: 5

ITEM 6.1 ON THE AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL TO BE HELD ON WEDNESDAY, 9 APRIL 2025

LAND USE PLANNING REPORT					
PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE ON ERF 28, YZERFONTEIN					
Reference number	15/3/4-14/Erf 28 15/3/5-14/Erf 28	Application submission date	26 November 2024	Date report finalised	28 March 2025
PART A: APPLICATION DESCRIPTION					
<p>Application for departure on Erf 28, Yzerfontein, in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), is made in order to depart from the southern street building line from 4m to 0m.</p> <p>Application for the removal of restrictive title deed conditions on Erf 28, Yzerfontein, in terms of Section 25(2)(f) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), is made in order to remove restrictive conditions from Title Deed T28340/2017 as follows:</p> <p>a) Restriction B.I.(5) that reads as follows: <i>"...That no building shall be erected within three comma five (3,15) metres of any street line which forms a boundary of the erf, or within three comma one five (3,15) metres of the open space where it forms a boundary of the erf on the sea front..."</i> be removed from Title Deed T28340/2017;</p> <p>b) Restriction B.I.(6) that reads as follows: <i>"...That when any of the existing buildings are demolished the building line laid down in (5) shall apply..."</i> be removed from Title Deed T28340/2017;</p> <p>The applicant is C.K. Rumboll and Partners and the property owner is Lomien Beleggings Proprietary Limited.</p>					
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erf 28 Yzerfontein, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Wes-Kaap				
Physical address	c/o St. Cross Street and Second Avenue (locality plan attached as Annexure A).	Town	Yzerfontein		
Current zoning	Residential Zone 1	Extent (m ² /ha)	569m ²	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Dwelling house and garage	Title Deed number & date	T28340/2017		
Any restrictive title conditions applicable	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	If Yes, list condition number(s)	B.I.(5) and B.I.(6) (Deed attached as Annexure C)		
Any third party conditions applicable?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, specify			
Any unauthorised land use/building work	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, explain			

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)					
Rezoning	Permanent departure	<input checked="" type="checkbox"/> Temporary departure	Subdivision		
Extension of the validity period of an approval	Approval of an overlay zone	Consolidation	Removal, suspension or amendment of restrictive conditions		<input checked="" type="checkbox"/>
Permissions in terms of the zoning scheme	Amendment, deletion or imposition of conditions in respect of existing approval	Amendment or cancellation of an approved subdivision plan	Permission in terms of a condition of approval		
Determination of zoning	Closure of public place	Consent use	Occasional use		
Disestablish a home owner's association	Rectify failure by home owner's association to meet its obligations	Permission for the reconstruction of an existing non-conforming use			

PART D: BACKGROUND

Erf 28 is situated in area D of Yzerfontein, as identified by the Swartland Municipal Spatial Development Framework (MSDF; 2023). The area is characterised by residential development around the main beach, with amenities such as sport facilities, the Yzerfontein Caravan Park and open spaces. A small secondary business node is situated central to the area.

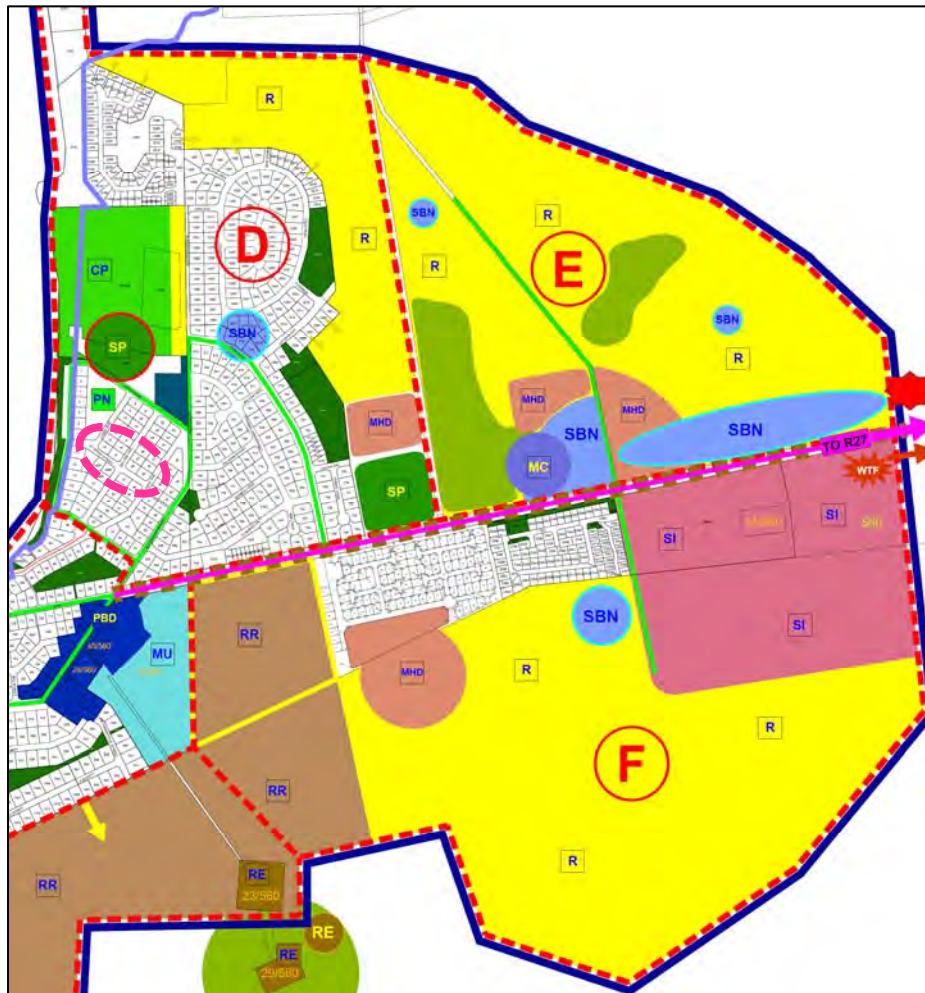


Figure 1: SDF for Yzerfontein

In August 2020, application was submitted for the departure from the street building line and the removal of restrictive title deed conditions on Erf 28, Yzerfontein, to address an existing structure encroaching on the building lines. The walls of the structure was 2,7m – 3m high and dense lattice work served as a roof to the space below.

The application was refused by the Municipal Planning Tribunal on 24 of November 2021, and the owner was required to demolish the lattice roof and reduce the screen wall height to a maximum of 2.1m, measured from natural ground level (NGL) to the top of the columns (letter of refusal attached as Annexure G).

The owners subsequently gave effect to the requirements set by the Tribunal – removing the lattice roof and lowering the wall – and then constructed a new structure, which meets the definition of a pergola, on top of the screen and boundary walls. The following images illustrate the old structure versus the new structure that is being applied for.





The applicant further added a braai room and guest quarters on the first floor of the dwelling, consistent with the development parameters of Residential Zone 1.

The main differences between the first application for removal of restrictive conditions and the current application are as follows:

2020/2021 Application	Current Application
1. The height of the screen wall between the boundary and dwelling exceeded the permissible By-Law parameter of 2,1m (2,7 – 3m high).	1. The boundary wall and screen wall was lowered to a maximum height of 2,1m, adhering to the By-Law parameters.
2. The lattice roof cover did not adhere to the By-Law definition of a pergola and as such was included in the coverage calculations.	2. The lattice roof was replaced with a structure that adheres to the definition of a pergola, namely: “any roofless, horizontal or almost horizontal grid or framework and is applicable if the area seen in the horizontal projection of the solid portions of this grid does not exceed 25% of the total area thereof;
3. Condition B.I.(4) in the title deed restricted the coverage to 50%. The lattice roof caused the maximum coverage to be exceeded and application was made for the removal of the condition.	3. According to the By-Law, a pergola that adheres to the definition, is exempted from coverage calculations. The removal of the deed condition is thus not necessary anymore, as the total coverage currently does not exceed 50%.
4. The Title Deed restricts any structures, except boundary walls, inside the building line area. As the screen wall exceeded the permissible height and the lattice was considered a roof, it could no longer be considered as merely a part of a boundary wall, but rather a ‘building’, which is restricted by condition B.I.(5) in the Title Deed. Application was made for the removal of the condition.	4. Both the boundary wall and screen wall were lowered to maximum 2,1m, adhering to the definition of structures that are permitted inside building lines. Consequently, the walls no longer necessitate or form part of the reason to remove condition B.I.(5). However, the pergola and its support elements are not exempted from the need for building line departure and the removal of the restrictive condition.
5. The view from Erf 29 was proven to be obstructed by the non-conforming screen wall.	5. The boundary and screen walls are now consistent with the By-Law and deed parameters and cannot be cited as obstructing elements of the view from Erf 29. The pergola is the only portion of the combined structure that causes the need for departure and removal of conditions. The impact of the pergola on the view from Erf 29 will be considered in order to determine if the structure truly obstructs the view or not.
6. Application for the removal of restrictions was refused and consequently the building line departure by the screen wall and lattice roof could not be considered positively either.	6. Evaluation of the current proposal will determine whether all aspects may be considered positively.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

PART F: SUMMARY OF APPLICANT'S MOTIVATION

The owners/developers of Erf 28, Yzerfontein, aim at expanding the existing dwelling unit, in order to optimally utilise the space on the property and consequently increase the value of the erf.

1. Planning policy

1.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The departure from the street building line to accommodate the existing pergola has minimal impact on the sea view from Erf 29. The previously 2.7m high screen wall has been lowered to 2.1m, providing a clear vista, while complying with the National Building Regulations, the Municipal By-Law on Boundary Walls and Fences (PG 7638), and Section 12.1 of the Swartland Municipal By-Law on Land Use Planning (PG 8226). Additionally, the pergola's permeable design results in minimal obstruction to the view from Erf 29.

Therefore, the departure from the street building line ensures equitable development that benefits all property owners without unfairly privileging one over another. Spatial justice seeks to redress imbalances and promote fairness in the use and enjoyment of space.

The lowered screen wall and the permeable pergola design demonstrate a thoughtful approach to balancing the rights of the owner of Erf 28 to develop their property and the rights of the owners of Erf 29 to enjoy their view. By reducing the height of the screen wall and using a visually permeable structure, the design minimizes obstruction and mitigates any negative impact on the view from Erf 29. This approach reflects a fair distribution of spatial benefits, ensuring that both parties can enjoy their properties without excessive compromise.

Thus, the application supports the principle of spatial justice by promoting development that is sensitive to the surrounding context and the rights of all property owners, ensuring fair and balanced outcomes in the shared urban environment.

- b) Spatial Sustainability: The design changes on the property have been made specifically to balance development rights with minimal adverse effects on neighbouring properties. Spatial sustainability focuses on promoting efficient, equitable, and context-sensitive development, ensuring that all stakeholders benefit without disproportionately harming others.

In this case, the proposal addresses any potential negative impacts through thoughtful design, such as lowering the screen wall and incorporating a permeable pergola. These changes reduce any obstruction of views or sense of enclosure for neighbouring properties, particularly Erf 29.

- c) Efficiency: The proposal aligns with the spatial planning principle of efficiency by optimizing land use within existing urban boundaries without adding unnecessary bulk or density. The pergola provides an aesthetically pleasing, functional addition to the property while maintaining compliance with key regulations. Although it does not increase the number of dwelling units, the proposal maximizes the use of available space in a way that enhances the property's utility and visual appeal.

The principle of efficiency in spatial planning encourages the optimal use of land and resources, which this proposal achieves by utilizing the available space without overdeveloping or crowding the property. The pergola, as part of the overall design, improves the liveability of the property while respecting the surrounding context, ensuring that it does not create a sense of overcrowding or overdevelopment.

Regarding the view from Erf 29, the impact has been significantly minimized through design adjustments such as lowering the screen wall and ensuring the pergola remains permeable. This careful approach reflects an efficient use of land that balances private development with minimal negative effects on neighbouring properties, ensuring that views are only minimally impacted.

Furthermore, the addition of the pergola improves the property's interface with the public realm by enhancing the visual appeal and architectural coherence of the street frontage. The structure adds value to both the property and the streetscape, aligning with the principle of efficiency by contributing to the overall aesthetic and functional quality of the area without overburdening local infrastructure or significantly impacting neighbours' rights.

- d) Spatial Resilience: The proposal aligns with the spatial planning principle of efficiency by optimizing land use within existing urban boundaries without adding unnecessary bulk or density. The pergola provides an aesthetically pleasing, functional addition to the property while maintaining compliance with key regulations. Although it does not increase the number of dwelling units, the proposal maximizes the use of available space in a way that enhances the property's utility and visual appeal.

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- e) Good administration: All decision-making regarding the outcome of the application will be guided by relevant statutory land use planning systems.

The owner of Erf 28 already engaged with some of the surrounding landowners in person in order to obtain support. The email correspondence from Mr. Carel Snyman, Mr. Chris de Jager, and Mr. Philip Johnson (representative of the Vlakfontein Familie Trust), confirming that they do not object to the development of the existing pergola, are attached as Annexure H.

Further, 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.

2.1 Swartland Municipal Spatial Development Framework (SDF, 2023)

Erf 28 is situated in area D of the SDF. Area D is a residential area around the main beach with supporting community, sport and tourist facilities and a secondary business node. The proposed use is thus supported by the SDF.

2.2 Schedule 2 of the By-Law (Zoning Scheme Provisions)

The property is zoned Residential Zone 1 and the development proposal will not affect the land use of the property, but building line departure is considered necessary. The departure proposes the relaxation of the 4m south western street building line to 0m is proposed.

2.3 Section 25(2)(f) of the By-Law: Removal of Restrictive Title Deed Conditions

The restrictive conditions to be removed from Title Deed T28340/2017 read as follows:

"...B.1. (5) That no building shall be erected within three comma five (3,15) metres of any street line which forms a boundary of the erf, or within three comma one five (3,15) metres of the open space where it forms a boundary of the erf on the sea front;

(6) That when any of the existing buildings are demolished the building line laid down in (5) shall apply..."

The land use provisions set out in the By-Law are sufficient to ensure sustainable development on Erf 28 and additional restrictions in the title deed are considered unnecessary.

The restrictions have no financial benefit for the owner, or a third party. The By-Law contains the same provisions and has the same effect as the title deed to preserve and protect the character of the area.

The restrictive conditions hold no benefits for the owner and the removal will enable the owner to develop the property consistent with the latest policy and legislation.

The restrictions hold no social benefits for the owner or third parties through remaining in place.

The proposed removal will remove restrictions which are already managed by the Swartland Integrated By-Law which include provisions relating to building lines and coverage. Not all conditions are proposed for removal.

2.3 Access and parking

The property is accessed directly via St. Cross Street. Two parking bays are available in front of the double garage that is connected to the dwelling.

2.4 Services

The property is serviced and the proposed development will not require additional services.

2.5 Motivation

It is motivated that the proposal will contribute to the visual representation and aesthetic value of the property and the proposal will not negatively affect the privacy of the surrounding properties, as the pergola is situated within the boundaries of the application property.

The pergola does not negatively affect the sea view of the surrounding properties.

Erf 28 is located on a corner with a four way stop and the view of motorists is unobstructed. Traffic safety is thus not negatively affected.

The proposed departure and removal of restrictive conditions are considered desirable on the basis of the following;

- a) The proposal complies with the Swartland Spatial Development Framework (2023-2027) as the main forward planning document for Yzerfontein and the Swartland Municipal Area as a whole;
- b) The proposed development enhances the principles of LUPA and SPLUMA;
- c) The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises;
- d) This development uses an existing plot within the Urban Edge to its optimal potential;
- e) The proposal will also contribute to the visual representation and aesthetic value of the property;
- f) The proposal will not negatively affect the privacy of the surrounding properties, as the pergola is situated within boundaries of the subject property adjacent to a street;
- g) The erection of the pergola on a portion of the street building line will not adversely affect the sea view of the surrounding properties;
- h) No view of motorists is affected negatively; and
- i) No fire risk is created by the establishment of a pergola on the southern side of the property.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?

Y

N

The application was advertised in the local newspapers and Provincial Gazette on 4 December 2024 and a total of 20 registered notices were issued to affected parties. Notices were also sent via e-mail, where addresses were available. Please refer to Annexure D for the public participation map.

Total valid comments	1		Total comments and petitions refused				0	
Valid petition(s)	Y	N	If yes, number of signatures					
Community organisation(s) response	Y	N	Ward councillor response	Y	N	The application was forwarded to councillor Rangasamy, but no comments were forthcoming.		
Total letters of support	0							

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommend	
			Pos.	Neg.
Department: Development Management	6 Dec 2024	Building plans be submitted to the Senior Manager: Development Management, for consideration and approval.	✓	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>A Kriel Erf 29 Annexure E</p> <p>1. Dit is duidelik dat die prieël opgerig is sonder goedgekeurde bouplanne.</p> <p>Hou in gedagte dat alles gebeur het nadat die eerste konstruksie summier deur SM afgekeur is. Dit wil amper voorkom asof die eienaars van Erf 28 moedswillig was met die aanbouing. Mnr. Mostert het die goedgekeurde bouplan en die besluit wat daaroor voorsien is, verontagsaam.</p> <p>2. Die konstruksie grensend aan Cross straat en aan die buitekant van slaapkamer 2, dien op die oog af geen doel nie, maar ontnem Erf 29 van uitsig. Uitsig is wel nie 'n gegewe deurslag-gewende faktor vir beswaar nie, maar om beperkende voorwaardes te wysig</p>	<p>1. While it is acknowledged that the pergola was erected without Municipal approval, the applicant is now taking the necessary steps to obtain Municipal approval to authorise the existing structure.</p> <p>In 2021, an application was submitted to authorise a previously constructed structure. However, the existing screen and boundary walls did not comply with the National Building Regulations as they exceeded the maximum allowable height. Additionally, the structure atop the screen wall, intended as a pergola, did not meet the definition of a pergola due to its lattice roof exceeding the permitted coverage.</p> <p>Following the Municipal Planning Tribunal's (MPT) refusal of the application in November 2021, the MPT required the owners to:</p> <ol style="list-style-type: none"> remove the non-compliant lattice roof; lower the screen wall to a maximum height of 2.1m; and reduce the boundary wall height to comply with the Swartland Municipality: By-law on Boundary Walls and Fences (PG 7638). <p>The owners have since fully complied with these requirements. The screen and boundary walls were adjusted to meet regulatory standards, and a new pergola was erected in place of the lattice roof.</p> <p>However, as the pergola encroaches on building line restrictions, approval is still required in terms of the By Law. The new structure is more permeable, resulting in significantly less impact on the views of surrounding neighbour.</p> <p>2. The comment that the construction along Cross Street serves no purpose and deprives Erf 29 of its view is subjective and overlooks the functional and aesthetic intent behind the pergola. While views are indeed an important consideration in</p>	<p>1. The previous refusal and requirements stipulated in the previous approval letter of 2021, were heeded and adhered to. The same set of circumstances are no longer applicable to the application and only the relevant facts are considered.</p> <p>The Swartland Municipality is currently in the midst of an amnesty period for the submission of building plans for unauthorised building work. The amnesty aims at motivating land owners to legalise and update the building plan information for their properties and thus no fines for unauthorised building work will be issued during the period.</p> <p>Furthermore, the By-Law affords applicants the opportunity to, at any time, rectify unlawful land use practises, by adhering to the correct application process.</p> <p>In light of the abovementioned, the application is considered as if no contraventions have been affected. The merits of the application are evaluated and the owner/developer will be liable to adhere to all possible conditions resulting from the approval.</p> <p>2. Whether or not the pergola is aesthetically pleasing is subjective and a matter of taste.</p> <p>Precedented court ruling determined that, once an owner/developer acts outside of the prevue afforded by the zoning parameters applicable to the erf, the impact</p>

	<p>ter wille van 'n estetiese aanbouing, is beslis ook onaanvaarbaar.</p> <p>Nie net is die aanbouing van die woning op Erf 28 'n ontsiering nie, maar die klein stukkie see-uitsig van Erf 29 word totaal ontnem deur die onwettige konstruksie en eintlik sinnelose aanbouing in sy geheel, tesame met die uitheemse Minatokka boom voor die struktuur.</p> <p>3. Met verwysing na die brief van die Yzerfontein se Inwonersvereniging van 10 Oktober 2020. Mnr. Brittain is wel nie meer die voorsitter nie en die destydse konstruksie is afgebreek en grensmure moes verlaag word, maar nou, met die heroprigting van 'n nuwe onwettige konstruksie, is dieselfde punte weer ter sprake. Die debat wat destyds gevoer is, is steeds relevant en moet beslis deurgetrek word na die huidige beswaar.</p>	<p>certain contexts, the impact on the view from Erf 29 is minimal.</p> <p>The pergola is a modest structure that was designed to complement the existing property and enhance its liveability, rather than obstruct the views from neighbouring properties.</p> <p>The pergola provides functional space to the property, providing a sheltered outdoor area that improves the living experience of the residents. Importantly, the primary obstruction to the view from Erf 29 is caused by the screen wall, not the pergola. The screen wall complies with the National Building Regulations, the Municipal By-Law on Boundary Walls and Fences (PG 7638), and Section 12.1 of the Swartland Municipal By-Law on Land Use Planning (PG 8226), as it has been lowered from 2.7m to 2.1m, measured from the natural ground level (NGL) to the top. According to the By-Law, a screen wall may be erected within building line restrictions as long as it does not exceed the 2.1m height limit.</p> <p>The image at the end of Part I illustrates the view from the owners of Erf 29 towards the sea when standing completely on the edge of the front porch. The pergola has a minimal effect on their view.</p> <p>3. The objections raised in the Yzerfontein Residents' Association letter dated 10 October 2020 were addressed in this office's response to comments document dated 13 November 2020, which remains valid and can be referenced as needed. However, regarding the initial response to concerns about obstructed views, the objections pertained to a 2.7m high screen wall and a pergola that did not meet the definition outlined in the By-Law. Also refer to 1 and 2.</p>	<p>on the view from neighbouring erven may be reason for refusal of a proposal. However, it is argued that the measure of the impact should be evaluated.</p> <ol style="list-style-type: none"> A tiny portion of the ocean is visible from the left-most corner of the stoep on Erf 29. The question is thus asked: Was the view that great to start with? The objector cannot lay claim to an asset that did not exist previously; The pergola is a permeable structure and the ocean is still visible from Erf 29, despite the construction; The solid screen wall and boundary wall are consistent with the development parameters of the zoning. <p>It is thus determined that, while the pergola is surely visible from Erf 29, the impact on the view is minimal.</p> <p>3. The objection is not applicable to the current proposal.</p>
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Below: the view from the very edge of the stoep on Erf 29.



PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

Application for departure on Erf 28, Yzerfontein, in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), is made in order to depart from the 4m street building line to 0m.

Application for the removal of restrictive title deed conditions on Erf 28, Yzerfontein, in terms of Section 25(2)(f) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), is made in order to remove restrictive conditions from Title Deed T28340/2017 as follows:

a) Restriction B.I.(5) that reads as follows:

“...That no building shall be erected within three comma five (3,15) metres of any street line which forms a boundary of the erf, or within three comma one five (3,15) metres of the open space where it forms a boundary of the erf on the sea front...”

be removed from Title Deed T28340/2017;

b) Restriction B.I.(6) that reads as follows:

“...That when any of the existing buildings are demolished the building line laid down in (5) shall apply...”

be removed from Title Deed T28340/2017;

The application was advertised in the local newspapers and Provincial Gazette on 4 December 2024 and a total of 20 registered notices and e-mails were issued to affected parties. The commenting period for the application concluded on 24 January 2025, and one objection was received. The objection was referred to the applicant for comment on 30 January 2025 and the response to comments was received back on 26 February 2025. No notices were returned unclaimed.

The applicant is C.K. Rumboll and Partners and the property owner is Lomien Beleggings Proprietary Limited.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

a) Spatial Justice: The proposed departure does not impact negatively on the sea view from Erf 29. A view is not a right, unless the obstructer acts outside of the development parameters, in which case the impact of the obstruction must be determined. The impact of the departure at hand is considered minimal within the context and in relation to the quality of the sea view before the departure. The proposal is thus considered consistent with the By-Law, LUPA and SPLUMA and can therefore be deemed consistent with spatial justice.

Spatial Sustainability: Spatial sustainability encourages the optimal use of land to enhance both individual properties and the broader community. The proposal improves the aesthetic and functional value of the property without causing undue harm to its surroundings, demonstrating a commitment to spatial sustainability by promoting a harmonious coexistence between private development and community well-being.

b) Efficiency: The proposed development is considered to enhance the interface between the property and the public realm.

c) Good Administration: The application was communicated to the affected land owners through registered mail and advertisement in local newspapers and the Gazette. The application was also circulated to the relevant municipal departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timeous manner. It is therefore argued that the principles of good administration were complied with by the Municipality.

d) Spatial Resilience: The principle is not applicable to the development proposal.

2.2 Spatial Development Framework (SDF)

The SDF is a high level spatial guideline and does not make provision for building line departure. The development proposal will not alter the land use and the residential character of the property will thus remain consistent with the development proposals of the SDF.

2.3 Schedule 2 of the By-Law (Zoning Scheme Provisions)

Erf 28, Yzerfontein is zoned Residential Zone 1. The development proposal will not impact on the land use of the property, but application is made for departure from the development parameters, specifically the southern street building line.

Section 12.2.1 of the By-Law makes provision for the departure from building lines and specifically differentiates between lateral/side building lines and street building lines.

Section 12.2.1(e), applicable to street building lines, reads as follows:

“(e) The municipality may relax the street building line under the following circumstances:

- (i) in the case of a garage or carport subject to 13.1.2;*
- (ii) if, in its opinion, the architectural effect of the building line relaxation will enhance the appearance of a public street; or*
- (iii) if, in its opinion, there are other special circumstances such as the topography of the site...”*

The proposed departure is not for a garage or carport, but rather an outdoor seating area used by the residents. The pergola is the only portion of the structure that requires the removal of restrictive conditions, as well as the departure from the development parameters, as the screen wall and boundary wall adhere to the restrictions of both the Deed and By-Law.

It is argued that the pergola serves as both a practical and decorative element to the exterior façade of the dwelling. The structure itself is permeable and the ocean is still visible from Erf 29. The materials and colours used for the construction of the pergola are consistent with the character of the surrounding environment, i.e. a coastal town.

The movement of traffic is not obstructed by the pergola, nor is the streetscape negatively impacted by and unsafe or unsightly structure.

2.4 Desirability of the proposed utilisation

The removal of restrictive condition B.I.(5) is necessary in order to allow for the construction of the proposed pergola to depart from the street building line. Restrictive condition B.I.(6) is also proposed to be removed, as it becomes redundant once B.I.(5) is removed.

The owner/developer are asserting the right, provided by the By-Law, to rectify a previous land use contravention, namely the construction of a pergola above the boundary wall.

Building plans of the unauthorised construction will be required via a condition of approval, rectifying the omission.

The impact on the view from Erf 29 was assessed and it is determined that the quality of the view was poor from the outset and that the permeability of the proposed pergola ensures that the ocean remains visible from the stoep on Erf 29, as before. The impact is thus considered minimal and not detrimental to the rights of the objector.

Not the removal of the restrictive conditions, nor the departure, are thus argued to have any impact on the rights of the objector or other affected parties in the area, whether it be financial or personal.

The departure has no impact on traffic safety or sight lines.

No additional engineering services will be required due to the proposed development.

The proposed pergola is considered a minor structural element, permeable and not solid, providing a measure of shade to the space below and serving as a decorative finishing, consistent with the architecture of the dwelling.

The proposed departure and removal of restrictive conditions considered desirable in the context.

2.5 Public Interest

The proposed pergola will have no effect whatsoever on the broader public and the removal of restrictive conditions and departure will not negatively impact on the rights of affected parties.

3. Impact on municipal engineering services

The departure will have no impact on any municipal engineering services.

4. Comments of organs of state

No comments were requested.

5. Response by applicant

See Annexure F.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

The removal of the restrictive conditions may impact positively on the property value of Erf 28, albeit minimal, rather than the restrictive conditions being of any monetary value.

The impact on the property values of the affected properties would be conjecture. The perceived loss of property value of Erf 29 was mitigated through the construction of a permeable structure, ensuring that the ocean remains visible from the property.

No other direct financial values are linked to the rights.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

The departure will allow the owner to develop the property to his requirements.

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

The owners of Erf 29 retain a sea view, due to the permeable nature of the pergola. No other social benefits are considered to be affected by the removal.

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights

It has been determined that the removal will have no impact on the rights of the abutting property owners (Erf 29), as the view is minimally impacted and remains largely in place. Condition B.I.(6) becomes redundant after the removal of B.I.(6) and is this also proposed for removal.

All other restrictive conditions will remain in force and in conjunction with the development parameters of the By-Law, the rights of affected parties remain intact.

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for departure on Erf 28, Yzerfontein, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to encroach on the southern street building line, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The 4m street building line be departed from and reduced to 0m;
- b) The building line departure be restricted to the portion of the structure that encroaches on the building line, as presented in the application;
- c) Building plans clearly indicating the existing structure and the proposed amendments be submitted to the Senior Manager: Development Management for consideration and approval not later than end of May 2025;

B. The application for the removal of restrictive conditions registered against Title Deed T28340/2017 of Erf 28, Yzerfontein, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Restriction B.I.(5) that reads as follows:
"...That no building shall be erected within three comma five (3,15) metres of any street line which forms a boundary of the erf, or within three comma one five (3,15) metres of the open space where it forms a boundary of the erf on the sea front..."
be removed from Title Deed T28340/2017;
- b) Restriction B.I.(6) that reads as follows:
"...That when any of the existing buildings are demolished the building line laid down in (5) shall apply..."
be removed from Title Deed T28340/2017;
- c) The applicant/owner applies to the Deeds Office to amend the Title Deed in order to reflect the removal of the restrictive conditions;
- d) The following minimum information must be provided to the Deeds Office in order to consider the application, namely:
 - i. Copy of the approval by Swartland Municipality;
 - ii. Original Title Deed, and
 - iii. Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
- e) A copy of the amended Title Deed be provided to Swartland Municipality for record purposes.

2. GENERAL

- a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation and failing to do so will cause the approval to 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.
- c) The applicant/objector 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, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

- a) The removal of the restrictive conditions will enable the property owner to construct a pergola on the property, contributing to the aesthetics of the dwelling and enhancing the street scape.
- b)
- c) Condition that is to be removed, is governed by more than one legislative tool. The development will thus not be able to continue unchecked, even after condition has been removed;
- d) The removal will not negatively impact on the rights of the surrounding land owners, as rights are protected by the By-Law development parameters;
- e) The proposed departure is caused by a small portion of the braai and chimney breast, abutting a walkway and thus the neighbouring property is not negatively impacted upon;
- f) No objections were lodged against the application



PART N: ANNEXURES

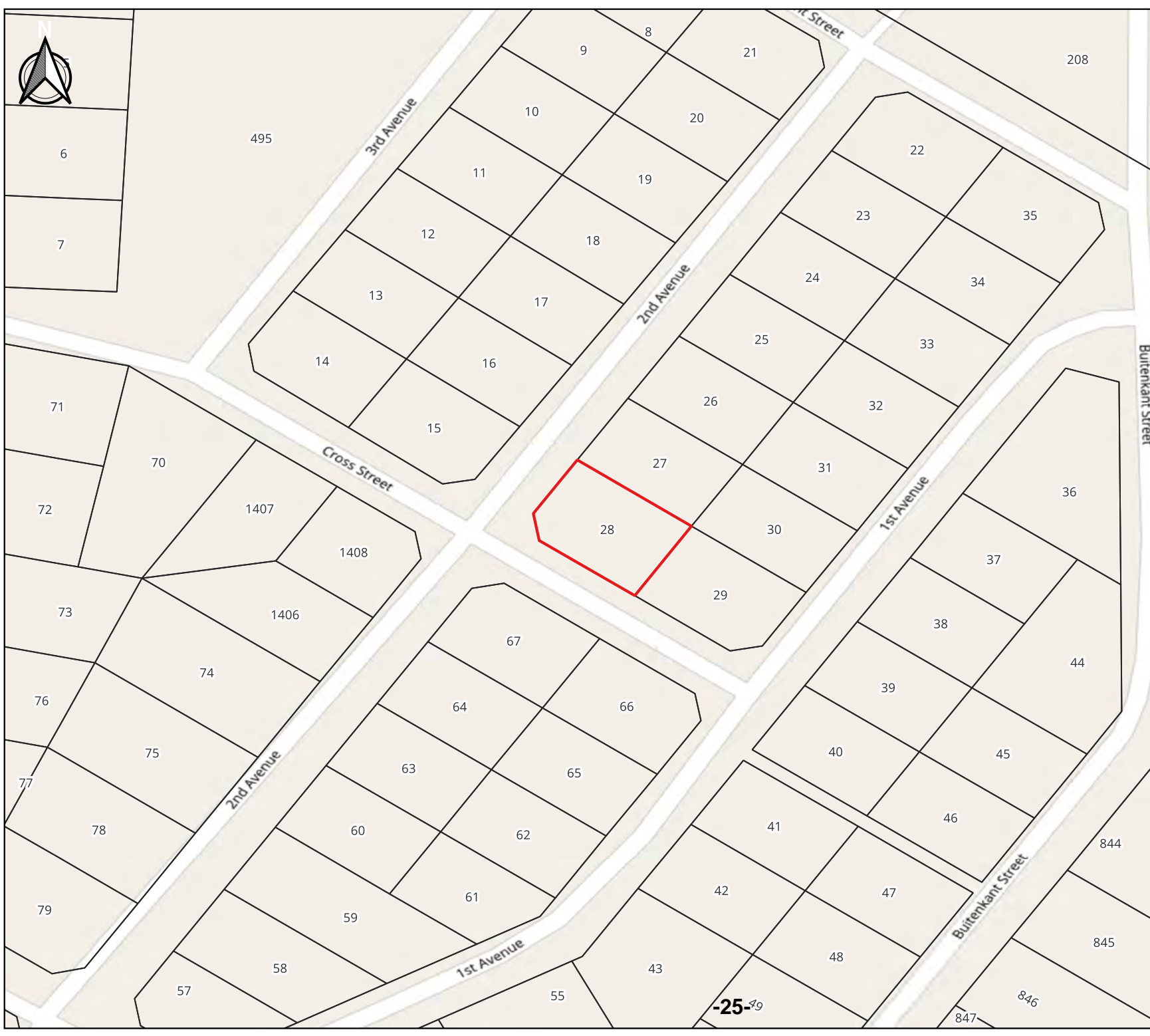
Annexure A	Locality Plan
Annexure B	Site Development Plan
Annexure C	Title Deed
Annexure D	Map indicating interested/affected parties
Annexure E	Objections from A. Kriel
Annexure F	Response to comments
Annexure G	Previous refusal letter
Annexure H	Letters of support/consent

PART O: APPLICANT DETAILS

First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Lomien Beleggings Proprietary Limited.	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

Author details: Annelie de Jager Town Planner SACPLAN: (A/2203/2015)			Date: 28 March 2028	
	Recommended		Not recommended	✓
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001			Date: 31 March 2028	



LEGEND:

Application Property

DRAWING:

LOCALITY MAP

ERF 28, YZERFONTEIN

NOTE:

ALL AREAS AND DISTANCES ARE
SUBJECT TO SURVEYING

AREA:	DATE:
SWARTLAND MUNICIPALITY	OCT 2014

PREPARED BY:

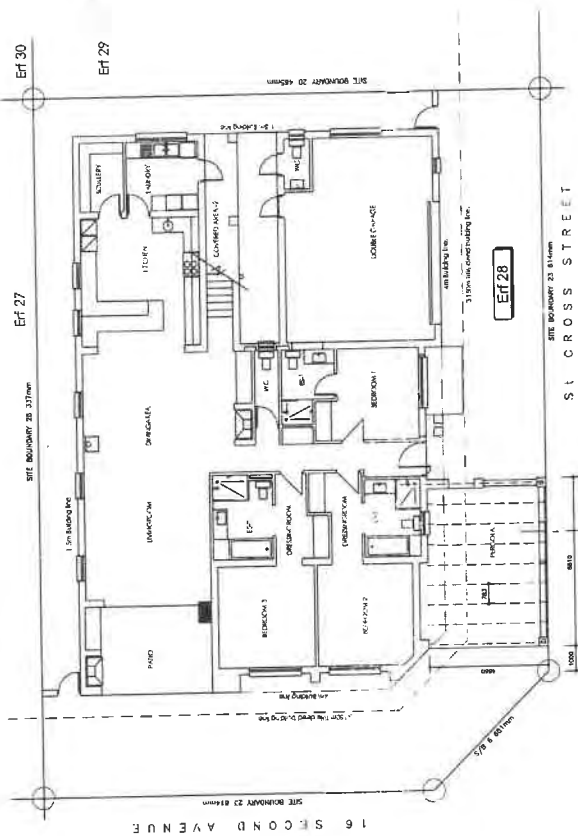
CK RUMBOLL & PARTNERS
TOWN PLANNERS
PROFESSIONAL SURVEYORS

16 RAINIER STREET, MALMEBO
TEL: 022 482 1845
EMAIL: reception@rumboll.co.za



ANNEXURE A

ANNEXURE B

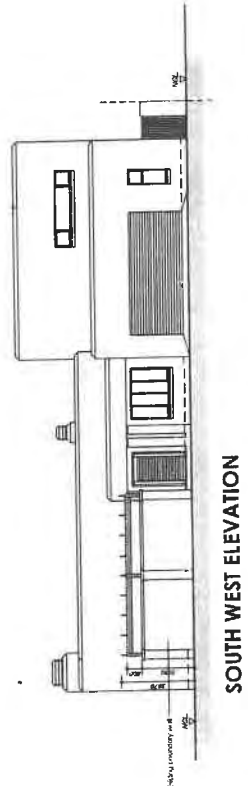
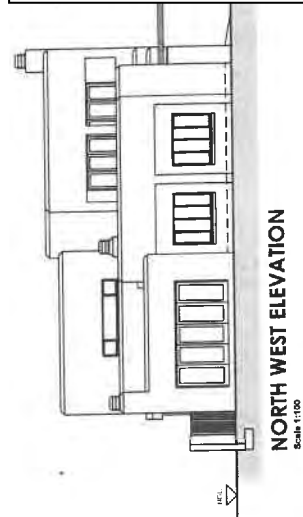


AREA CALCULATION

ITEM	AREA (sq. ft.)	PERCENT
TOTAL FLOOR AREA	114.00	100%
TOTAL COVERED AREA	114.00	100%
TOTAL OPEN AREA	0.00	0%
TOTAL AREA	114.00	100%

- 1. THE OCCUPATIONAL HEALTH AND SAFETY ACT, 1993, AND THE REGULATIONS THEREUNDER, SHALL APPLY TO ALL EMPLOYERS AND EMPLOYEES IN THE PROVINCE OF ONTARIO.
- 2. THE OCCUPATIONAL HEALTH AND SAFETY ACT, 1993, AND THE REGULATIONS THEREUNDER, SHALL APPLY TO ALL EMPLOYERS AND EMPLOYEES IN THE PROVINCE OF ONTARIO.
- 3. THE OCCUPATIONAL HEALTH AND SAFETY ACT, 1993, AND THE REGULATIONS THEREUNDER, SHALL APPLY TO ALL EMPLOYERS AND EMPLOYEES IN THE PROVINCE OF ONTARIO.

The Occupational Health and Safety Act, 1993, and the Regulations thereunder, shall apply to all employers and employees in the Province of Ontario. The purpose of this Act is to provide for the protection of the health and safety of workers in the workplace. The Act requires employers to provide a safe and sound working environment for their employees. The Act also requires employers to provide training and education to their employees on health and safety matters. The Act also requires employers to conduct regular safety audits of their workplaces. The Act also requires employers to keep records of all safety incidents and to report them to the appropriate authorities. The Act also requires employers to provide compensation to their employees in the event of a safety incident. The Act also requires employers to provide a safe and sound working environment for their employees. The Act also requires employers to provide training and education to their employees on health and safety matters. The Act also requires employers to conduct regular safety audits of their workplaces. The Act also requires employers to keep records of all safety incidents and to report them to the appropriate authorities. The Act also requires employers to provide compensation to their employees in the event of a safety incident.



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COUNTRY: SOUTH AFRICA		DATE: 03/03/2024		PROJECT: PROPOSED NEW PERGOLA ON ERF 28		SECTION: SECTION 1	
DRAWING NO: 01		DATE: 03/03/2024		PROJECT: PROPOSED NEW PERGOLA ON ERF 28		SECTION: SECTION 1	
CLIENT: E MOSTERT		DATE: 03/03/2024		PROJECT: PROPOSED NEW PERGOLA ON ERF 28		SECTION: SECTION 1	
ADDRESS: 1/16 SECOND AVENUE & ST. CROSS STREET, YZERFONTEIN.		DATE: 03/03/2024		PROJECT: PROPOSED NEW PERGOLA ON ERF 28		SECTION: SECTION 1	
OCCUPATION: 1/4 DWELLING		DATE: 03/03/2024		PROJECT: PROPOSED NEW PERGOLA ON ERF 28		SECTION: SECTION 1	
SINGLE RESIDENTIAL		DATE: 03/03/2024		PROJECT: PROPOSED NEW PERGOLA ON ERF 28		SECTION: SECTION 1	
CITY/TOWN: YZERFONTEIN		DATE: 03/03/2024		PROJECT: PROPOSED NEW PERGOLA ON ERF 28		SECTION: SECTION 1	
COUNTRY: SOUTH AFRICA		DATE: 03/03/2024		PROJECT: PROPOSED NEW PERGOLA ON ERF 28		SECTION: SECTION 1	
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CITY/TOWN: YZERFONTEIN		DATE: 03/03/2024		PROJECT: PROPOSED NEW PERGOLA ON ERF 28		SECTION: SECTION 1	
COUNTRY: SOUTH							

ANNEXURE C

DU PLESSIS & MOSTERT
Transportbesorgers
MALMESBURY

Fee endorsement		Office fee
	Amount	
Purchase price/Value	R. 1360 000 -00	R. 1050 -00
Mortgage capital amount	R.	R.
Reason for exemption	Exempt i.t.o. Cst. section Act.	

Opgestel deur my

[Handwritten Signature]
TRANSPORTBESORGER
MARIUS CHRISTO VAN ZYL

DATA / VERIFY

25 MAY 2017

TALMONT M.

DATA / CAPTURE

24 MAY 2017

KETILEN

TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

RAYMOND FRANCIS SCOTT

P00028340 / 2017

verskyn het voor my, Registrateur van Aktes te Kaapstad, Hy die gesegde Komparant synde daartoe behoorlik gemagtig deur 'n volmag uitgevoer te MALMESBURY op die 19de dag van April 2017, deur

LOUISA JACOBA MOSTERT

(Identiteitsnommer 410913 0060 08 5)

Getroud buite gemeenskap van goedere

welke volmag, geteken in die teenwoordigheid van getuie ooreenkomstig die Wet, my hede getoon is

En die Komparant het verklaar dat sy voorgesegde Prinsipaal werklik en wettiglik verkoop het op 19 April 2017 en dat Hy, in sy hoedanigheid as voorgesegde Prokureur, deur hierdie Akte, gesedeer en getransporteer in volle en vrye eiendom aan en ten behoeve van

LOMIEN BELEGGINGS PROPRIETARY LIMITED
(Registrasienommer 1995/001124/07)

die se opvolgers in titel of Regverkrygendes

ERF 28 Yzerfontein, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Wes-Kaap;

GROOT : 569 (Vyf Honderd Nege en Sestig) vierkante meter

AANVANKLIK oorgedra kragtens Transportakte Nommer T.32156/1971 met Kaart L.G.Nommer 559/1937 wat daarop betrekking het en gehou kragtens Sertifikaat van Geregistreeerde Titel Nommer T.66347/2016.

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Sertifikaat van Geregistreeerde Titel Nommer T3728/1937;

B. ONDERHEWIG VERDER aan die spesiale voorwaardes vervat in gesegde Transportakte Nommer T32156/1971, opgelê deur die Administrateur kragtens Artikel 15 van Ordonnansie Nommer 13 van 1927 in verband met die goedkeuring van die stigting van die gesegde Dorp, naamlik:-

"I. AS being in favour of the registered owner of any erf in the said Township -

(1) That the erf be used for residential purposes only.

(2) That the erf be not subdivided.

- (3) That not more than one dwelling together with the necessary outbuildings and appurtenances, be erected on the erf.
- (4) That not more than one-half the area of the erf be built upon.
- (5) That no building shall be erected within three comma one five (3,15) metres of any street line which forms a boundary of the erf, or within three comma one five (3,15) metres of the open space where it forms a boundary of the erf on the sea front.
- (6) That when any of the existing buildings are demolished the building line laid down in (5) shall apply.

II. AS being in favour of the Local Authority:-

- (7) That the owner of each erf, whether the applicant for the establishment of the township or any future owner, shall be obliged to allow the drainage or sewerage of any other erf or erven to be conveyed over such erf if deemed necessary by the Local Authority, and in such manner and in such position as may from time to time reasonably be required."

C. ONDERHEWIG VERDER aan die volgende voorwaarde vervat in gesegde Transportakte Nommer T32156/1971, opgelê deur Yzerfontein Seaside Estate (Proprietary) Limited vir solank as dit die eienaar is van enige erwe in Yzerfontein Dorp gehou kragtens Transportakte Nommer T3729/1937, en ten gunste van enige plaaslike owerheid wat in Yzerfontein Dorp gestig mag word, en enige geregistreerde eienaar van 'n erf in die gesegde Dorp, naamlik:-

"That no building shall be erected on any erf until the plans and specifications thereof have been submitted to and approved of by the Company or in the event of a Local Authority being established at

1...

W. J. J.

Yzerfontein Township, by such Local Authority and no structure of a temporary or semi-permanent nature may be erected on any erf."

D. HIERDIE erf is, soos uiteengesit in Transportakte Nommer T32157/1971, NIE GEREGTIG op die voordele van die Notariële Akte van Serwituut waarna verwys word in 'n endossement gedateer 28 Mei 1937 op Transportakte Nommer T3729/1937, aangegaan tussen die Maatskappy en William Abraham Smit, die Agent van Nicolaas Gerhardus Pienaar op die 26 April 1937 en aangeheg aan Transportakte Nommer T3729/1937, ten gunste van die Maatskappy, welke regte kragtens die gesegde Akte van Serwituut verkry, voorbehou is tot die gesegde Maatskappy solank dit grond in Yzerfontein Dorp bouterrein besit.

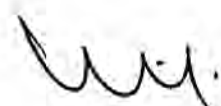
E. GEREGTIG aan die volgende voorwaarde vervat in gesegde Transportakte Nommer T32156/1971, opgelê deur Yzerfontein Seaside Estate (Proprietary) Limited vir die voordeel van die Transportnemer en sy opvolgers in titel, naamlik:-

"That the owner of this erf or his successors in title shall be entitled with other owners of erven in Yzerfontein Township Site to take an equal share of the water in the reservoir erected by the Company on Lot Number 102, Yzerfontein Township Site."

DIE Komparant doen dus hiermee afstand van al die regte, aanspraak en titel wat die Transportgewer

voorheen op genoemde eiendom gehad het, en gevolglik erken die Komparant ook dat die Transportgewer geheel en al van die besit daarvan onthef en nie meer daarop geregtig is nie, en dat kragtens hierdie akte, bogenoemde Transportnemer

1...

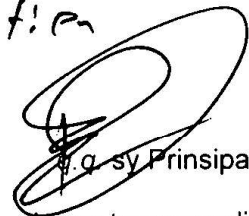


die se opvolgers in titel of Regverkrygendes Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die Regte van die Staat; en ten slotte erken hy dat die hele Koopsom ten bedrae van R1 360 000,00 (Een Miljoen Drie Honderd en Sestig Duisend Rand) behoorlik betaal of verseker is.

TEN BEWYSE waarvan ek, die genoemde Registrateur, tesame met die Komparant, hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN en verly op die Kantoor van die Registrateur van Aktes, te Kaapstad

op hede die 23^{ste} dag van Mei in
die jaar van ons Heer, Tweeduisend en Sewentien



J. G. sy Prinsipaal/ale.

In my teenwoordigheid,



REGISTRATEUR VAN AKTES

Opgestel deur my

Transportbesorger

MARIUS CHRISTO VAN ZYL

PROKURASIE OM TRANSPORT UIT TE MAAK

Ek die ondergetekende

LOUISA JACOBA MOSTERT,

(Identiteitsnommer 410913 0060/08 5)

Getroud buite gemeenskap van goedere

stel hiermee aan

SIMONE IMMELMAN en/of REKHA JAGA en/of RAYMOND FRANCIS SCOTT en/of
MICHAEL RHODES COLLINS en/of DANIEL FRANCOIS FYFER en/of SIMONE
FRANKS en/of ANDREW MARK HEIBERG

met mag van Substitusie om my wettige Prokureur en Agent te wees, om te verskyn
in die Kantoor van die Registrateur van Aktes, te Kaapstad en dan en daar namens
my Transport te passeer aan

LOMIEN BELEGGINGS PROPRIETARY LIMITED

(Registrasienommer 1995/00124/07)

van die volgende eiendom

ERF 28 Yzerfontein, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie
Wes-Kaap;

GROOT : 569 (Vyf Honderd Nege en Sestig) vierkante meter

GEHOU KRAGTENS Sertifikaat van Geregistreerde Titel Nommer T.66347/2016

welke gesegde...

welke gesegde eiendom verkoop is deur my op 19 April 2017 aan die gesegde Transportnemer vir R1 360 000,00 (Een Miljoen Drie Honderd en Sestig Duisend Rand) en om in die algemeen alles te doen of te laat doen wat ookal nodig mag wees vir die bereiking van die voormelde doeleindes en alles wat aldus gedoen word, word hiermee bekragtig.

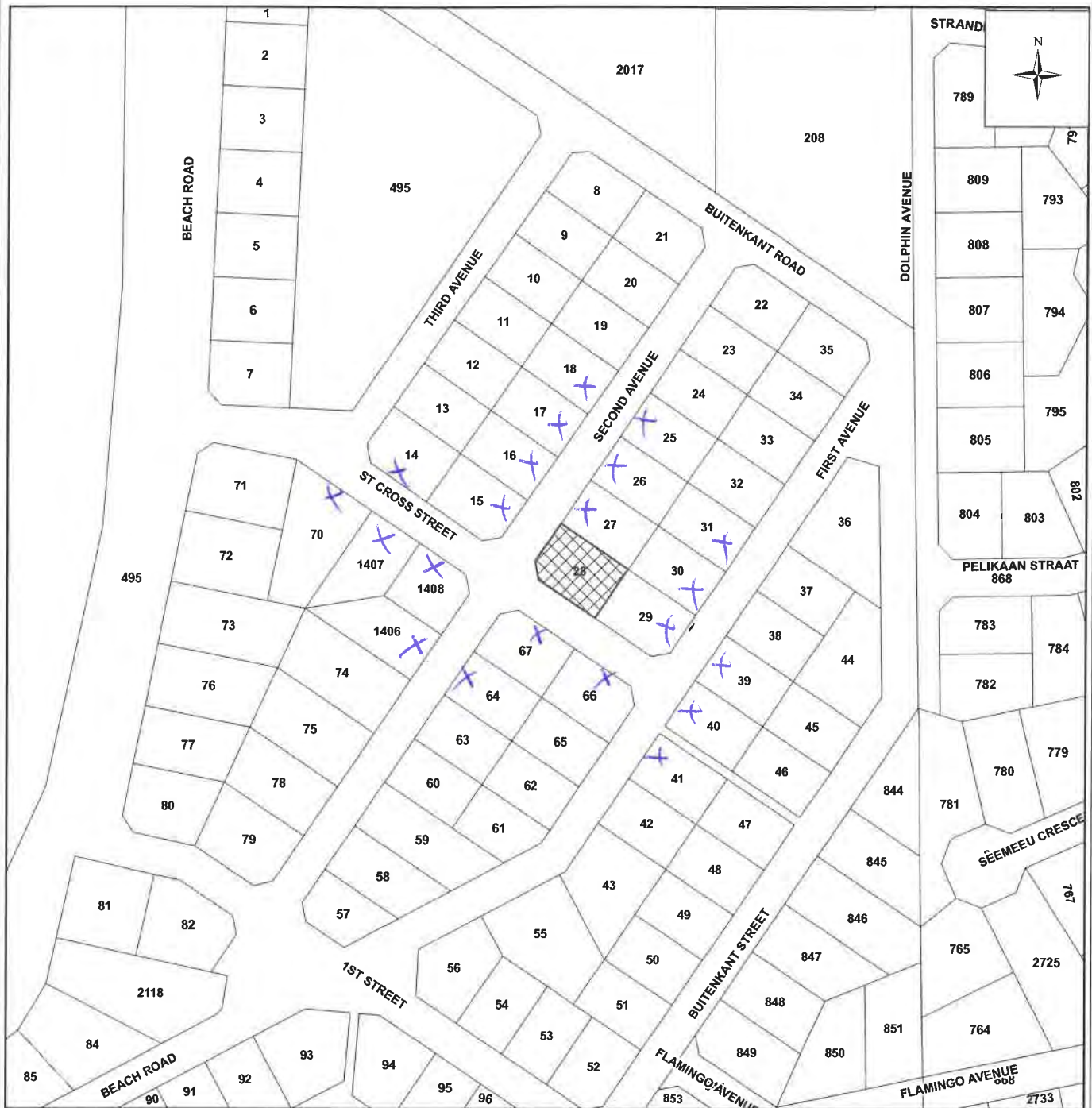
ALDUS GEDAAN EN GEGEE TE MALMESBURY OP HIERDIE 19DE DAG VAN APRIL 2017 in die teenwoordigheid van die ondergetekende getuies.

AS GETUIES:

1. [Handwritten Signature]

2. [Handwritten Signature]

[Handwritten Signature]

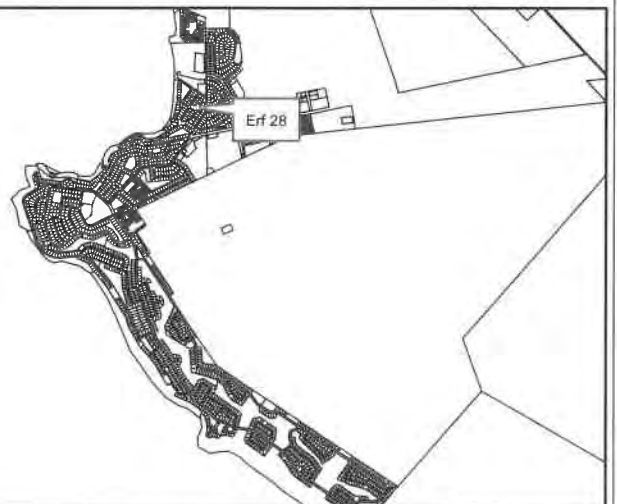


Voorgestelde opheffing en afwyking

Erf 28, Yzerfontein

Publieke deelname

Skaal: NVT



21 Januarie 2025

Geagte Meneer Burger, Olivier en Me de Jager asook ander lede van die betrokke bestuur

U skrywe van 4 Desember 2024 verwys :

Hiermee wens ek beswaar aan te teken teen ENIGE voorgestelde opheffings van beperkende voorwaardes en afwykings van ontwikkelingsparameters op erf 28, Yzerfontein.

Die vertrekpunt vir my beswaar spruit daaruit dat die eienaars van Erf 28 weer eens skuldig is aan die onwettige oprigting van 'n konstruksie wat nie die bouregulasies van SM onderskryf nie. Die oprigting van die konstruksie strek tot nadeel van Erf 29 se uitsig en waarde, maar die onwettige oprigting *self*, is wat te *alle* tye voorop gestel moet word. 'n Soortgelyke oortreding het daartoe gelei dat vorige konstruksies afgebreek moes word – net om nou weer opgerig te word.

Mnr Mostert se e-pos (Julie 2024) gerig aan my, wat ek ook aan SMgestuur het, verwys :

- In sy brief vra Mnr Mostert dat toestemming verleen moet word sodat die grondgebruiksaansoek vir die prieël wat reeds gedurende **2023** opgerig is, goedgekeur kan word. Mnr Mostert heg ook 'n bouplan, gedateer **3 Julie 2024** aan. Dit is dus baie duidelik dat die prieël opgerig is sonder dat enige bouplanne opgetrek is of vir goedkeuring ingehandig is. Hou ingedagte dat dit alles gebeur het nadat die eerste onwettige konstruksie summier deur die SM afgekeur is. Ek kan en sal dus nie toestemming verleen daartoe nie.
- Mnr Mostert skryf verder dat toestemming benodig word aangesien die prieël konstruksie veroorsaak dat 'n grondgebruiksaansoek vir opheffing van titelbeperkings en boulynafwyking, voltooi moet word.

Op hierdie punt wil ek u graag verwys na die aangehegde brief van Yzerfontein se Inwonersvereniging van 10 Oktober 2020. Dit is 'n gedetailleerde beswaar gerig aan SM, waarin die voorsitter, Mnr Edward Brittain, optree in belang van die destyde eienaar van Erf 29, Leense van Dijk. Mnr Brittain is wel nie meer die voorsitter van die Inwonersvereniging nie en die destydse konstruksie is afgebreek en grensmure moes verlaag word, maar nou, met die her-oprigting van 'n nuwe onwettige konstruksie, is dieselfde punte weer ter sprake. Die debat wat gevoer word deur Mnr Brittain destyds en die vrae wat gerig word aan die SM, is steeds relevant en moet

beslis deurgetrek word na die huidige beswaar teen die onwettige nuut opgerigte prieël.

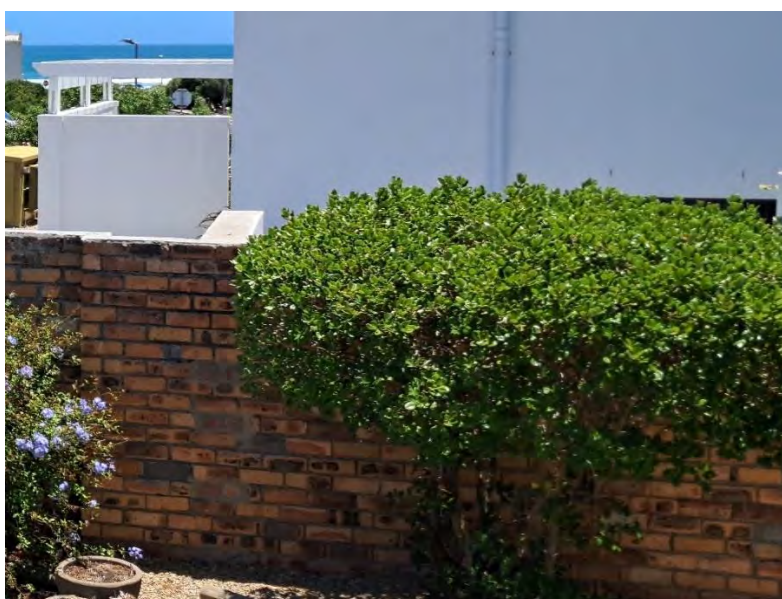
- In sy skrywe aan my is Mnr Mostert oortuig dat die prieël wat sonder die nodige goedkeuring en bouplanne opgerig is, van so 'n aard is 'om niemand se uitsig te belemmer nie'. Hierdie selfde punt is reeds in 2020 weerlê deur die Inwonersvereniging se skrywe:

We most strongly disagree with this statement insofar as it

relates to the property of our member, Leense van Dijk.

Met spesifieke verwysing na die bouplanne : Die konstruksie grensend aan Cross straat en aan die buitekant van slaapkamer 2 dien op die oog af geen doel nie maar ontnem Erf 29 van uitsig. Uitsig is wel nie 'n gegewe en deurslaggewende faktor vir beswaar nie, maar om beperkende bouregulasies te wysig ter wille van 'n estetiese aanbouing, is beslis ook onaanvaarbaar. Dit wil amper voorkom asof die eienaars van Erf 28 moedswillig was met die aanbouing - veral gesien in die lig daarvan dat hulle, niteenstaande die feit dat daar 'n dispuut oor 'n 'pergola' was in 2020, 'n tweede keer 'n onwettige konstruksie oprig op dieselfde grensmuur. Mnr Mostert het dus willens en wetens die goedgekeurde bouplan en die besluit wat daaroor deur SM aan Mnr Mostert voorsien is, verontagsaam.

In die aangehegde beswaar van 15 April is 'n volledige stel foto's, maar die negatiewe impak van die onwettige konstruksie is veral duidelik op die onderstaande foto's :



Geneem vanaf die stoep op Erf 29. Onwettig konstruksie belemmer beslis die uitsig.



Geneem vanaf die stoep van Erf 29. Nie net is die aanbouing van die woning op Erf 28 'n ontsiering nie, maar die klein stukkie see uitsig van Erf 29 word totaal ontnem deur die ontwettige konstruksie en eintlik sinlose aanbouing in sy geheel links op die foto.



Geneem vanaf die stoep van Erf 29 nadat die grensmuur verlaag en die vorige pergola afgebreek is. Uitsig is onbelemmer.

Op hierdie foto is die uitheemse Minatokka boom aan die voorkant van grensmuur nog klein, maar op die volgende foto's kan gesien word hoe dit ook die uitsig belemmer en later totaal gaan wegneem.



Januarie 2025 : Geneem vanaf die stoep op Erf 29. Uitheemse Minatokka boom raak 'n probleem



Januarie 2025 : Geneem vanaf die Crossstraat om aan te dui hoe die uitheemse Minatokka boom groei en uitsig belemmer.



Erf 28 met uitheemse Minatokka boom

Ek vra dat SM hierdie beswaar van herhaaldelike onwettiging oprigting in 'n ernstige lig sal sien en sal optree volgens die voorskrifte van die bouregulasies wat van toepassing is en nie sal toegee dat bouregulasies verander word bloot om eienaars se onwettige optredes te regverdig nie.

Vriendelike groete

Aeltsje Kriel

0843507271

CK RUMBOLL & VENNOTE / PARTNERS

ANNEXURE F



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATE: 26 February 2025

OUR REF: MAL/11582/ZN/MV

YOUR REF: 15/3/5-14/Erf_28

15/3/4-14/Erf_28

BY HAND

ATTENTION: Mr A. Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Mr,

COMMENTS ON OBJECTIONS: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 28, YZERFONTEIN

1. Introduction

Your letter dated 30 January 2025, received by this office via email on 31 January 2025, refers.

This office has been appointed by Mr. Eddie Mostert, representative of Lomien Beleggings Pty Ltd, owners of Erf 28, Yzerfontein, to attend to all town planning actions regarding the removal of restrictive title deed conditions and departure from a street building line on Erf 28. The application is made to authorise an existing pergola encroaching the southern street building line.

The following neighbour raised objections to the application during the public participation period:

A. Aeltsje Kriel (Erf 29)

This document serves as a response to the objections received.

2. Comments on Objections

Please see our office's response to the objections received below in tabular form.

VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.
ADDRESS/ ADRES: planning1@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661


Table 1: Comments on Objections

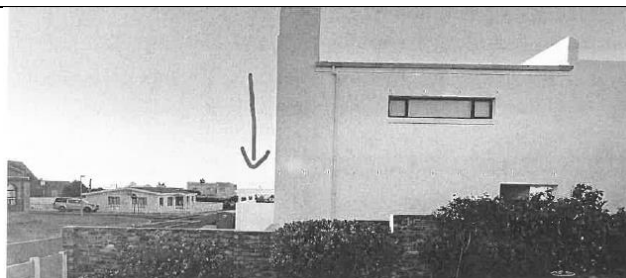
Objectors	Objections	Comments from CK Rumboll & Partners
A	<p><u>Illegal Construction:</u></p> <p>1. “Mnr. Mostert versoek in ‘n brief gedurende Julie 2024 dat toestemming verleen moet word sodat die grondgebruiksaansoek vir die prieël wat reeds gedurende 2023 opgerig is, goedgekeur kan word. ‘n Bouplan, gedateer 3 Julie 2024, is aangeheg. Dit is dus duidelik dat die prieël opgerig is sonder dat bouplanne opgetrek is of vir goedkeuring ingedien is. Hou in gedagte dat alles gebeur het nadat die eerste konstruksie summier deur Swartland Munisipaliteit afgekeur is.</p> <p>Dit wil amper voorkom asof die eienaars van Erf 28 moedswillig was met die aanbouing – veral gesien in die lig daarvan dat hulle, nie teenstaande die feit dat daar ‘n dispuut oor ‘n “pergola” was in 2020, ‘n tweede keer ‘n onwettige konstruksie oprig op dieselfde grensmuur. Mnr. Mostert het wetend die goedgekeurde bouplan en die besluit wat daaroor deur Swartland Munisipaliteit aan Mnr. Mostert voorsien is, verontagsaam.</p>	<p>1. While it is acknowledged that the pergola was erected without Municipal approval, the applicant is now taking the necessary steps to obtain Municipal approval to authorise the existing structure.</p> <p>In 2021, an application was submitted to authorise a previously constructed structure. However, the existing screen and boundary walls did not comply with the National Building Regulations as they exceeded the maximum allowable height. Additionally, the structure atop the screen wall, intended as a pergola, did not meet the definition of a pergola due to its lattice roof exceeding the permitted coverage.</p> <p>Following the Municipal Planning Tribunal’s (MPT) refusal of the application in November 2021, the MPT required the owners to:</p> <ul style="list-style-type: none"> • remove the non-compliant lattice roof; • lower the screen wall to a maximum height of 2.1m; and • reduce the boundary wall height to comply with the Swartland Municipality: By-law on Boundary Walls and Fences (PG 7638). <p>The owners have since fully complied with these requirements. The screen and boundary walls were adjusted to meet regulatory standards, and a new pergola was erected in place of the lattice roof. However, as the pergola encroaches on building line restrictions,</p>

VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.
 ADDRESS/ ADRES: planning1@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
 MALMESBURY (T) 022 482 1845 (F) 022 487 1661

	<p>Die eienaars van Erf 28 is weereens skuldig aan die onwettige oprigting van 'n konstruksie wat nie die bouregulasies gehoorsaam nie.”</p>	<p>approval is still required in terms of the Swartland Municipality's By-law on Municipal Land Use Planning (PG 8226).</p> <p>The following images illustrate the old structure versus the new structure applied for authorisation. The new structure is clearly more permeable, resulting in significantly less impact on the views of surrounding neighbors.</p> <div data-bbox="1129 529 1917 1052" data-label="Image"> </div> <p><i>Figure 1: Old vs New Structure</i></p>
A	<p><u>Negative effect on views from Erf 29:</u></p> <p>2. “Die konstruksie grensend aan Cross straat en aan die buitekant van slaapkamer 2, dien op die oog af geen doel nie, maar ontnem Erf 29 van uitsig. Uitsig is wel nie ‘n gegewe deurslaggewende faktor vir</p>	<p>2. The comment that the construction along Cross Street serves no purpose and deprives Erf 29 of its view is subjective and overlooks the functional and aesthetic intent behind the pergola. While views are indeed an important consideration in certain contexts, the impact on the view from Erf 29 is minimal. The pergola is a modest structure that was designed to complement the existing property and enhance its</p>

	<p>beswaar nie, maar om beperkende voorwaardes te wysig ter wille van 'n estetiese aanbouing, is beslis ook onaanvaarbaar.</p> <p>Nie net is die aanbouing van die woning op Erf 28 'n ontsiering nie, maar die klein stukkie see-uitsig van Erf 29 word totaal ontnem deur die onwettige konstruksie en eintlik sinnelose aanbouing in sy geheel, tesame met die uitheemse Minatokka boom voor die struktuur.</p> <p>Die negatiewe impak van die onwettige konstruksie is veral duidelik op die onderstaande foto's:"</p>  <p><i>Geneem vanaf die stoep op Erf 29. Onwettig konstruksie belemmer beslis die uitsig.</i></p>	<p>liveability, rather than obstruct the views from neighboring properties. The pergola provides functional space to the property, providing a sheltered outdoor area that improves the living experience of the residents.</p> <p>Importantly, the primary obstruction to the view from Erf 29 is caused by the screen wall, not the pergola. The screen wall complies with the National Building Regulations, the Municipal By-Law on Boundary Walls and Fences (PG 7638), and Section 12.1 of the Swartland Municipal By-Law on Land Use Planning (PG 8226), as it has been lowered from 2.7m to 2.1m, measured from the natural ground level (NGL) to the top. According to the By-Law, a screen wall may be erected within building line restrictions as long as it does not exceed the 2.1m height limit.</p> <p>The following figure illustrates the view from the owners of Erf 29 towards the sea when standing completely on the edge of their front porch. The pergola has a minimal effect on their view.</p>
--	--	---



Geneem vanaf die stoep van Erf 29. Nie net is die aanbouing van die woning op Erf 28 'n ontsiering nie, maar die klein stukkie see uitsig van Erf 29 word totaal ontnaem deur die ontwetige konstruksie en eintlik sinlose aanbouing in sy geheel links op die foto.



Geneem vanaf die stoep van Erf 29 nadat die grensmuur verlaag en die vorige pergola afgebreek is. Uitsig is onbelemmer.






Januarie 2025 : Geneem vanaf die stoep op Erf 29. Uitheemse Minatokka boom raak 'n probleem



Januarie 2025 : Geneem vanaf die Crossstraat om aan te dui hoe die uitheemse Minatokka boom groei en uitsig belemmer.

	 <p><i>Erf 28 met uitheemse Minatokka boom</i></p>	
A	<p><u>Objections during Initial Application in 2020:</u></p> <p>3. “Ek verwys ook na die brief van die Yzerfontein se Inwonersvereniging van 10 Oktober 2020. Dit is ‘n gedetailleerde beswaar gerig aan Swartland Munisipaliteit, waarin die voorsitter, Mnr. Edward Brittain, optree in belang van die destydse eienaar van Erf 29, Leense van Dijk. Mnr. Brittain is wel nie meer die voorsitter nie en die destydse konstruksie is</p>	<p>3. The objections raised in the Yzerfontein Residents’ Association letter dated 10 October 2020 were addressed in this office’s response to comments document dated 13 November 2020, which remains valid and can be referenced as needed.</p> <p>However, regarding the initial response to concerns about obstructed views, the objections pertained to a 2.7m high screen wall and a pergola that did not meet the definition outlined in the Swartland Municipality: By-law on Municipal Land Use Planning (PG 8226). For</p>

	<p>afgebreek en grensmure moes verlaag word, maar nou, met die heroprigting van 'n nuwe onwettige konstruksie, is dieselfde punte weer ter sprake. Die debat wat gevoer word deur Mnr. Brittain destyds en die vrae wat gerig word aan die Munisipaliteit, is steeds relevant en moet beslis deurgetrek word na die huidige beswaar teen die onwettige nuut opgerigte prieël.”</p>	<p>details on how the new structure minimally impacts the view from Erf 29, refer to Points 1 and 2 of this document.</p>
--	--	---

3. Conclusion

The applicant has made substantial improvements to address the concerns that led to the refusal of the 2021 application, ensuring full compliance with planning and zoning regulations. The departure from the southern street building line, while initially a concern, has been thoroughly justified in this application. The new pergola structure—featuring a permeable design in place of the previous roofed structure—and the lowered walls significantly minimise any impact on the view from Erf 29.

We invite the Municipality to conduct an on-site inspection to assess the structure's actual impact on sea-views from Erf 29.

As demonstrated in the October 2024 Motivational Report, this application aligns with the principles of LUPA and SPLUMA. The development does not negatively impact the surrounding area and enhances both the aesthetics and functionality of the dwelling on Erf 28. Furthermore, the structure and walls fully comply with the National Building Regulations, the Municipal By-Law on Boundary Walls and Fences (PG 7638), and the Swartland Municipal By-Law on Land Use Planning (PG 8226).

We trust the above information will be found in order during the assessment of the application.

Regards,

A handwritten signature in black ink, appearing to read 'M Crafford', followed by a small dot.

Mandri Crafford (Pr. Pln. 3241/2022)

For *CK RUMBOLL & PARTNERS*



CLEAN AUDITS SINCE 2010/11



Munisipaliteit
Municipality
Umasipala

ANNEXURE G

*Ons gee gestalte aan 'n beter toekoms!
We shape a better future!
Sibumba ikamva elingcono!*

Lêer verw/ 15/3/4-14/Erf_28
File ref: 15/3/5-14/Erf_28

Navrae/Enquiries:
Ms D N Stallenberg

24 November 2021

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND DEPARTURE ON ERF 28, YZERFONTEIN

Your application with reference YZE/11582/ZN/MV dated 25 August 2021 on behalf Lomien Beleggings Pty Ltd has reference.

- A** The Municipal Planning Tribunal has resolved at a meeting held on 17 November 2021 to refused the application for the departure on Erf 28, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to encroach on the southern street building line;
- B.** The application for the removal of restrictive conditions registered against erf Erf 28, Yzerfontein, is refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. Non-approvals/refusals A. and B. above are motivated as follows:**
- C1 TOWN PLANNING AND BUILDING CONTROL**
- (a) The development proposal contradicts the principles of LUPA and SPLUMA and therefore cannot be supported;
- (b) The departure from the 4 m street building line impacts negatively on the view from Erf 29, Yzerfontein. A view is not a right, unless the owner that obscures the view, departs from the prescribed development parameters. As the proposal is to depart from the building line and in doing so the view from Erf 29 is obstructed, the rights of the property owner of Erf 29 are negatively affected and the application cannot be approved;
- (c) The Section 12.2.1(e) of the By-Law restricts the structures and circumstances under which building line departure may be considered. The proposed application is in contradiction with the section and is therefore refused;
- (d) The proposed removal of the Title Deed conditions negatively impacts on the rights enjoyed by Erf 29 and thus cannot be motivated or supported;
- (e) The construction of the screen walls over the street building line initially did not take place and were marked as omitted from the approved building plan after construction. Once the screen walls were built, however, the owner/developer went beyond that which was approved and opened the

Rig asseblief alle korrespondensie aan:

**Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299**

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**

Darling Tel: 022 492 2237

Yzerfontein Tel: 022 451 2366

application up to renewed scrutiny. It is therefore recommended that the owner/developer not only demolishes the lattice roof, but also that the screen wall be lowered to a maximum height of 2.1 m, measured from the natural ground level to the highest point of the column top, consistent with the By-Law;

- (f) The boundary wall be demolished to a height that complies with the Swartland Municipality: By-Law relating to Boundary Walls and Fences (PG 7638 dated 24 June 2016);
- (g) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;

D. GENERAL

- (a) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law;

E. The reasons for the refusal of the application are as follows:

- (a) The development proposal contradicts the principles of LUPA and SPLUMA and therefore cannot be supported;
- (b) The departure from the 4 m street building line impacts negatively on the view from Erf 29, Yzerfontein. A view is not a right, unless the owner that obscures the view, departs from the prescribed development parameters. As the proposal is to depart from the building line and in doing so the view from Erf 29 is obstructed, the rights of the property owner of Erf 29 are negatively affected and the application cannot be approved;
- (c) The Section 12.2.1(e) of the By-Law restricts the structures and circumstances under which building line departure may be considered. The proposed application is in contradiction with the section and is therefore refused;
- (d) The proposed removal of the Title Deed conditions negatively impact on the rights enjoyed by Erf 29 and thus cannot be motivated or supported;
- (e) The construction of the screen walls over the street building line initially did not take place and were marked as omitted from the approved building plan after construction. Once the screen walls were built, however, the owner/developer went beyond that which was approved and opened the application up to renewed scrutiny. It is therefore recommended that the owner/developer not only demolish the lattice roof, but also that the screen wall be lowered to a maximum height of 2.1 m, consistent with the By-Law and the Title Deed.

In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 8226 of 25 March 2020), you as well as the objectors have a right to appeal within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.

Should you decide to appeal, you can write to the following address:

The Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299

Please note that if the applicant/objector does appeal, an appeal fee of R2400-00 is payable. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.

Yours faithfully



MUNICIPAL MANAGER

via Department Development Services
/ds

Eddie Mostert (Huis)

ANNEXURE H

From: Eddie Mostert (Huis) <eddiemos@dupmoslaw.co.za>
Sent: Thursday, July 18, 2024 10:16 AM
To: 'Carel Snyman'
Subject: RE: Erf 28 Yzerfontein Priël goedkeuring EW Mostert

Goeie more Carel,

Ja dit is vir die prieël wat reedes daar is.
Baie dankie Carel.

Groete

Eddie

From: Carel Snyman <carel@aztomix.com>
Sent: Thursday, July 18, 2024 9:01 AM
To: Eddie Mostert (Huis) <eddiemos@dupmoslaw.co.za>
Subject: Re: Erf 28 Yzerfontein Priël goedkeuring EW Mostert

Middag Eddie,

Hoop dit gaan goed. Is hierdie goedkeuring vir die struktuur wat reeds daar is? Indien so dan is ek gelukkig daarmee.

Groete
Carel

From: Eddie Mostert (Huis) <eddiemos@dupmoslaw.co.za>
Sent: Tuesday, July 16, 2024 2:00 PM
To: Carel Snyman <carel@aztomix.com>
Subject: FW: Erf 28 Yzerfontein Priël goedkeuring EW Mostert

[Warning, this email was sent from outside your organisation.]

Posbus 5,

Malmesbury

Geagte mnr Snyman,

Ek is die eienaar van die eiendom in 2e straat16, erf nr 28, Yzerfontein. Ek het onlangs 'n prieël opgerig wat die huis met die grensmuur verbind. Dit is om estetiese rede

so opgerig om deursigtig te wees en om niemand se uitsig te belemmer nie. Die hoogte van die grensmuur en skermmuur voldoen aan die bepalings van die Munisipale Grondgebruik verordening . Die priëel konstruksie veroorsaak egter dat 'n grondgebruiksaansoek vir opheffing van titelbeperkings en boulynafwyking voltooi moet word.

U toestemming word in terme van die wetgewing versoek sodat die grondgebruiksaansoek vir die priëel so oorweeg word.

Ek vra u toestemming dat die priëel so goedgekeur word.

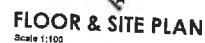
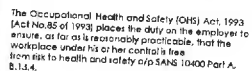
Aangeheg is 'n bouplan van die priëel wat u asb moet besigtig, teken en terug epos met u toestemming al dan nie.

Baie dankie vir u samewerking.

Groete

Eddie Mostert

Sel 0827897755



SCALE: 1:100
DATE: 03 JULY 2024
DRAWN: WILFRED
PROJECT NO.: 2024/28-01
DRAWING NO.: 01

PROJECT: PROPOSED NEW PERGOLA ON ERF 28,
% 16 SECOND AVENUE & ST CROSS STR, YZERFONTEIN.
DATE: 1997/05/20
DRAWN BY: J. VAN DER MERWE
CHECKED BY: J. VAN DER MERWE
SCALE: 1:100
SHEET: 1 OF 1
T.M.C.: PLAN, SECTION & ELEVATION.

Eddie Mostert (Huis)

From: Chris de Jager <chris@dejagerboshoff.co.za>
Sent: Wednesday, July 24, 2024 11:43 AM
To: eddiemos@dupmoslaw.co.za
Cc: Andre Lund; Oddette Boshoff; Petro van Deventer; Sorita Loubser; spvblerk@lantic.net
Subject: FW: Lrf 28 Yzerfontein Priël goedkeuring EW Mostert
Attachments: E Mostert - 28 - Yzerfontein - 02 JULY 2024_CBdJ signed.pdf

Meneer Mostert,

Ons bevestig dat die trustees nie enige beswaar het teen die oprigting van die priël op erf28, Yzerfontein nie. Aangeheg vind die bouplan geteken deur CB de Jager in sy hoedanigheid as trustee.

CHRIS DE JAGER CA(SA) RA

DIRECTOR

t +27 (0)22 482 1167

De Jager Boshoff Building, 5 Church Street, Malmesbury, 7300

PO Box 107, Malmesbury, 7299



DE JAGER BOSHOFF

www.dejagerboshoff.co.za



DISCLAIMER

CHARTERED ACCOUNTANTS (SA) • REGISTERED AUDITORS

From: Sorita Loubser <sorita@unikone.co.za>

Sent: Tuesday, July 16, 2024 1:53 PM

To: Chris de Jager <chris@dejagerboshoff.co.za>; 'Andre Lund' <Andre.Lund@consultm.co.za>

Cc: Petro van Deventer <petro@unikone.co.za>

Subject: FW: Erf 28 Yzerfontein Priël goedkeuring EW Mostert

SORITA LOUBSER

ASSISTANT ACCOUNTANT

T +27 22 482 1169 Ext 131

De Jager Boshoff Building, 5 Church Street, Malmesbury, 7300

PO Box 107, Malmesbury, 7299

OFFICE HOURS MONDAY TO THURSDAY 08H00-16H30 | FRIDAY 08H00 - 16H00

From: Eddie Mostert (Huis) <eddiemos@dupmoslaw.co.za>

Sent: Tuesday, July 16, 2024 1:50 PM

To: Sorita Loubser <sorita@unikone.co.za>

Subject: RE: Erf 28 Yzerfontein Priël goedkeuring EW Mostert

From: Eddie Mostert (Huis) <eddiemos@dupmoslaw.co.za>

Sent: Tuesday, July 16, 2024 1:48 PM

To: 'abkriel@mweb.co.za' <abkriel@mweb.co.za>

Subject: FW: Erf 28 Yzerfontein Priël goedkeuring EW Mostert

Posbus 5,
Malmesbury

Geagte mnr/mev die Trustees van die VLAKFONTEIN FAMILIE TRUST,

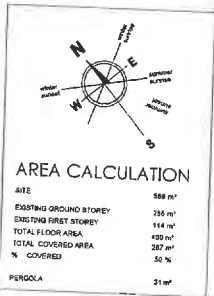
Ek is die eienaar van die eiendom in 2e straat 16, erf nr 28, Yzerfontein. Ek het onlangs 'n prieël opgerig wat die huis met die grensmuur verbind. Dit is om estetiese rede so opgerig om deursigtig te wees en om niemand se uitsig te belemmer nie. Die hoogte van die grensmuur en skermmuur voldoen aan die bepalinge van die Munisipale Grondgebruik verordening. Die prieël konstruksie veroorsaak egter dat 'n grondgebruiksaansoek vir opheffing van titelbeperkings en boulynafwyking voltooi moet word.

U toestemming word in terme van die wetgewing versoek sodat die grondgebruiksaansoek vir die prieël so oorweeg word.

Ek vra u toestemming dat die prieël so goedgekeur word.

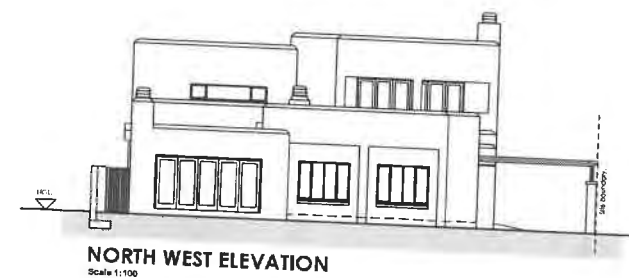
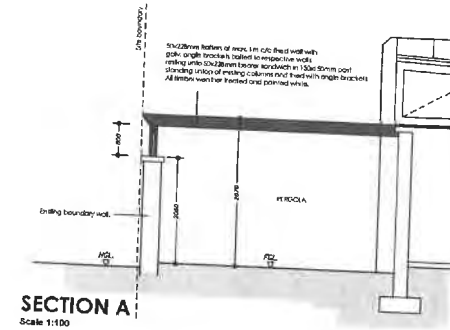
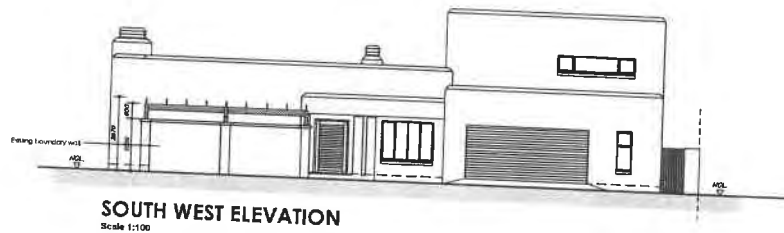
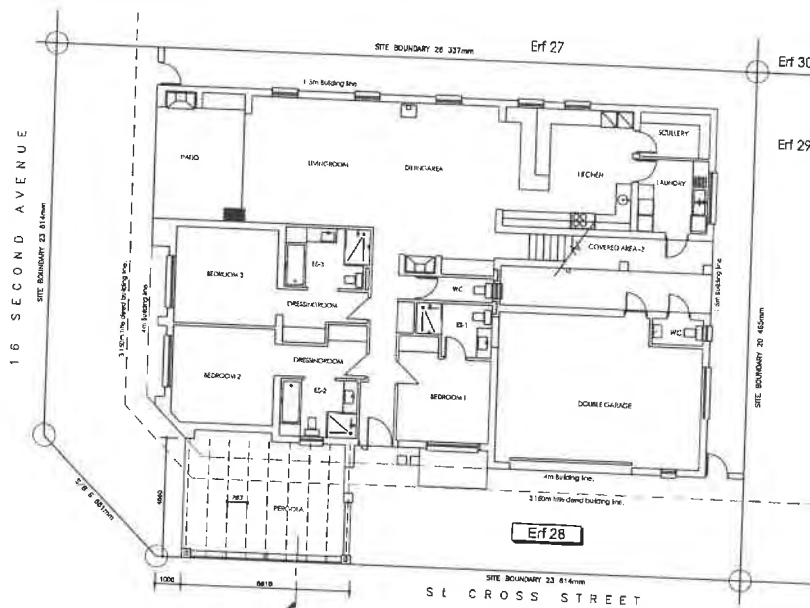
Aangeheg is 'n bouplan van die prieël wat u asb moet besigtig, teken en terug epos met u toestemming al dan nie. Baie dankie vir u samewerking.

Groete
Eddie Mostert
Sel 0827897755



- DIMENSIONS & LEVELS TO BE VERIFIED ON SITE BEFORE COMMENCEMENT OF ANY WORK.
- BOUNDARY PEGS TO BE VISIBLE / INDICATED TO THE BUILDING INSPECTOR PRIOR TO COMMENCEMENT OF ANY BUILDING WORK.
- NO PART OF FOUNDATIONS OR WALLS TO PROJECT BEYOND THE SITE BOUNDARY.
- SUBMIT ENGINEER DRAWINGS FOR ALL REINFORCED STRUCTURAL WORKS, STRUCTURAL STEEL WORKS ETC.

The Occupational Health and Safety (OHS) Act, 1993 (Act No.85 of 1993) places the duty on the employer to ensure, as far as is reasonably practicable, that the workplace under his or her control is free from risk to health and safety as per SANS 10400 Part A, 8.13.4.



CB de Jager

DATE	REVISION	NO.	NOTE	SIGNATURE	CITY/TOWN	OCCUPATION	ENERGY ZONE	CLIMATE ZONE	COORDINATION	SCALE	DATE	DRAWN	PROJECT NO.	DRAWING NO.	PROJECT	TITLE	CLIENT
			This design is copyright and remains the property of the designer.			H4 / DWELLING				1:100	03 JULY 2024	WILFRED	2024/28-01	01	PROPOSED NEW PERGOLA ON ERF 28	PLAN, SECTION & ELEVATION.	E MOSTERT
			Any alterations must be brought to the attention of the designer.			SINGLE RESIDENTIAL									1/6 16 SECOND AVENUE & ST CROSS STR, YZERFONTEIN.		
			The author will accept no responsibility for errors resulting from misinterpretation of drawings.			YZERFONTEIN											
			Only figured dimensions to be followed, drawings not to be scaled.			4											
						Let. 33.342120°S Long. 18.162609°E											

Eddie Mostert (Huis)

From: estelle@craigmore.co.za
Sent: Thursday, August 8, 2024 11:26 AM
To: 'Eddie Mostert (Huis)'
Subject: RE: Erf 28 Yzerfontein Priël goedkeuring EW Mostert

Als in orde

Philip Johnson

From: Eddie Mostert (Huis) <eddiemos@dupmoslaw.co.za>
Sent: Thursday, August 1, 2024 12:36 PM
To: estelle@craigmore.co.za
Subject: FW: Erf 28 Yzerfontein Priël goedkeuring EW Mostert

Goeie more mev Johnson,

Na aanleiding van ons gesprek nou die dag heg ek die fotos van die priël hierby aan .
Ek sal bly wees as u daarna kyk en dan u antwoord vir goedkeuring daarvan aan my sal terugstuur.

Baie dankie,
Louisa Mostert

From: Eddie Mostert (Huis) <eddiemos@dupmoslaw.co.za>
Sent: Tuesday, July 16, 2024 1:50 PM
To: 'sorita@unikone.co.za' <sorita@unikone.co.za>
Subject: RE: Erf 28 Yzerfontein Priël goedkeuring EW Mostert

From: Eddie Mostert (Huis) <eddiemos@dupmoslaw.co.za>
Sent: Tuesday, July 16, 2024 1:48 PM
To: 'abkriel@mweb.co.za' <abkriel@mweb.co.za>
Subject: FW: Erf 28 Yzerfontein Priël goedkeuring EW Mostert

Posbus 5,
Malmesbury

Geagte mnr/mev die Trustees van die VLAKFONTEIN FAMILIE TRUST,

Ek is die eienaar van die eiendom in 2e straat16, erf nr 28, Yzerfontein. Ek het onlangs 'n priël opgerig wat die huis met die grensmuur verbind . Dit is om estetiese rede so opgerig om deursigtig te wees en om niemand se uitsig te belemmer nie. Die hoogte van die grensmuur en skermmuur voldoen aan die bepalingsvan die Munispale Grondgebruik verordening . Die priël konstruksie veroorsaak egter dat 'n grondgebruiksaansoek vir opheffing van titelbeperkings en boulynafwyking voltooi moet word.

U toestemming word in terme van die wetgewing versoek sodat die grondgebruiksaansoek vir die priël so oorweeg word.

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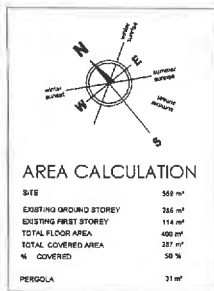
Aangeheg is 'n bouplan van die priël wat u asb moet besigtig, teken en terug epos met u toestemming al dan nie.

Baie dankie vir u samewerking.

Groete

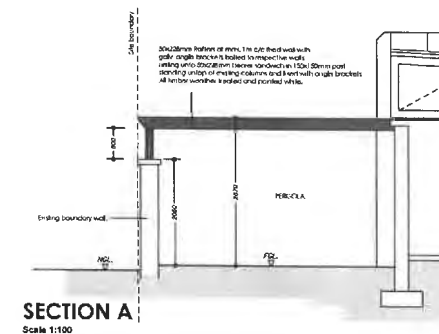
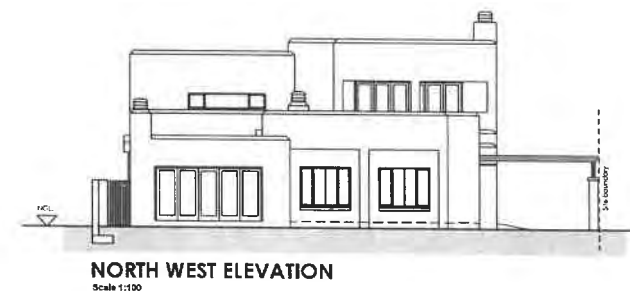
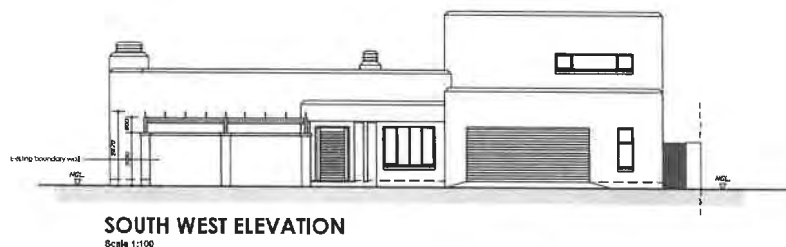
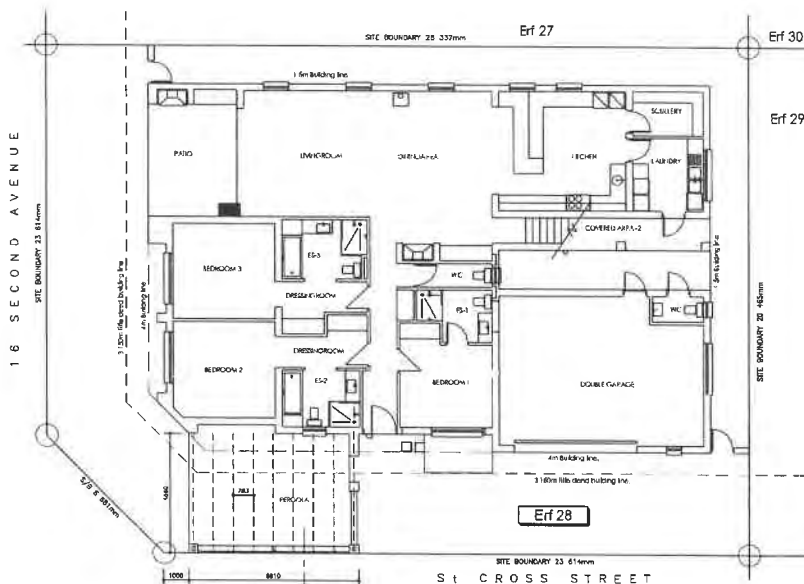
Eddie Mostert

Sel 0827897755



- DIMENSIONS & LEVELS TO BE VERIFIED ON SITE BEFORE COMMENCEMENT OF ANY WORK.
- BOUNDARY PEGS TO BE VISIBLE / INDICATED TO THE BUILDING INSPECTOR PRIOR TO COMMENCEMENT OF ANY BUILDING WORK.
- NO PART OF FOUNDATIONS OR WALLS TO PROJECT BEYOND THE SITE BOUNDARY.
- SUBMIT ENGINEER DRAWINGS FOR ALL REINFORCED STRUCTURAL WORKS, STRUCTURAL STEEL WORKS ETC.

The Occupational Health and Safety (OHS) Act, 1993 (Act No.85 of 1993) places the duty on the employer to ensure, as far as is reasonably practicable, that the workplace under his or her control is free from risk to health and safety of persons.



DATE	REVISION	NO.	NOTE:	SIGNATURE:	OCCUPATION:	H4 / DWELLING	SCALE:	1:100	<p>PROJECT: PROPOSED NEW PERGOLA ON ERF 28, 1/6 16 SECOND AVENUE & ST CROSS STR, YZERFONTEIN. TITLE: PLAN, SECTION & ELEVATION.</p> <p>CUSTOMER: E MOSTERT</p>
			This design is copyright and remains the property of the designer.		CLIENT:	SINGLE RESIDENTIAL	DATE:	03 JULY 2024	
			Any discrepancies must be brought to the attention of the author.		ENERGY ZONE:	1	DRAWN:	WILFRED	
			The author will accept no responsibility for errors resulting from misinterpretation of drawings.		CITY / TOWN:	YZERFONTEIN	PROJECT NO.:	2024/28-01	
			Only figured dimensions to be followed, drawings not to be scaled.		CLIMATIC ZONE:	4	DRAWING NO.:	01	
					COORDINATION:	Lat. 33.342120°S Long. 18.162609°E			

ITEM 6.2 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 9 APRIL 2025

LAND USE PLANNING REPORT PROPOSED REZONING OF ERF 339, MALMESBURY					
Reference number	15/3/3-8/Erf_339	Application submission date	16 August 2024	Date report finalised	28 March 2025

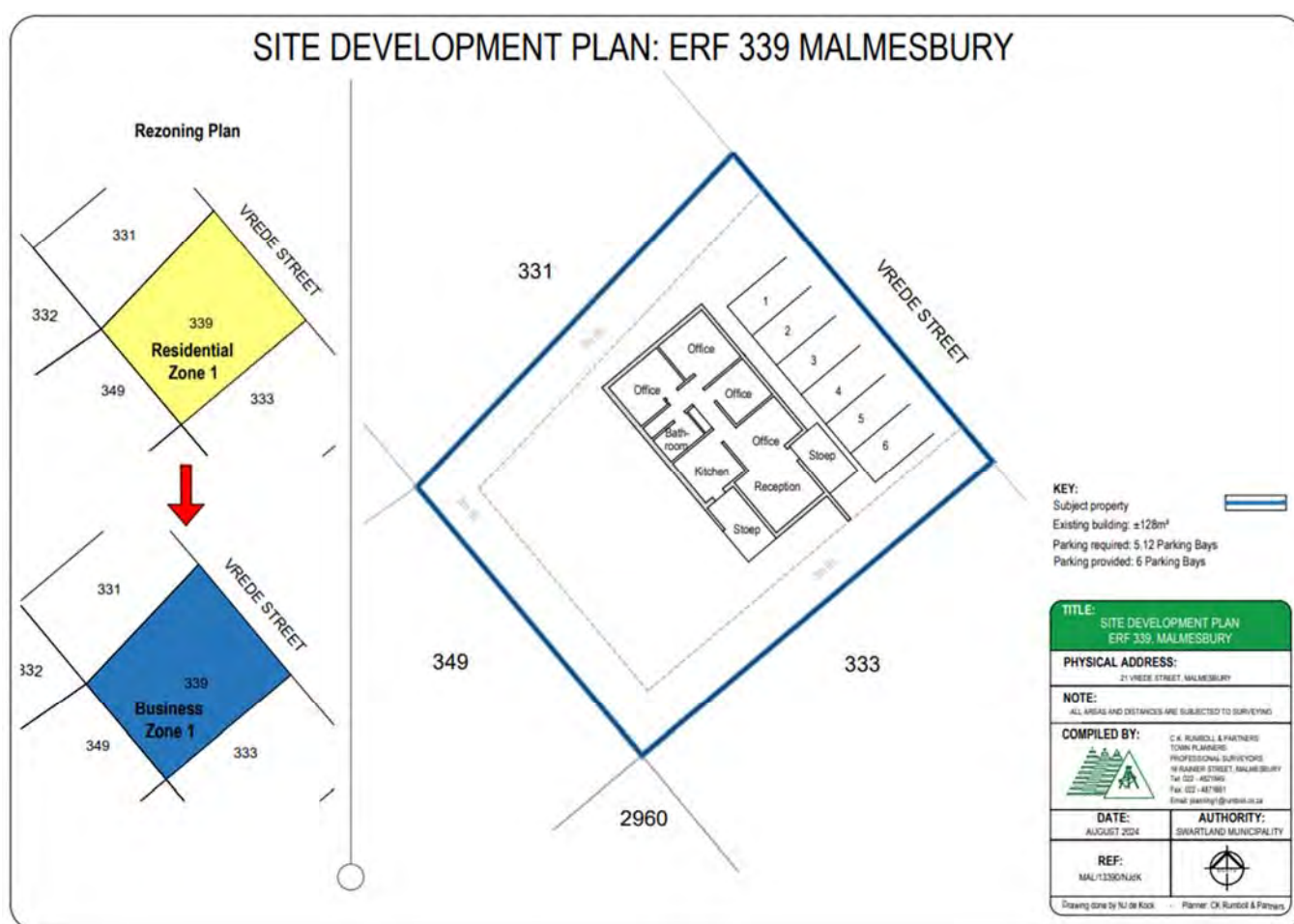
PART A: APPLICATION DESCRIPTION						
<p>An application for the rezoning of erf 339, Malmesbury in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), has been received. It is proposed that erf 339 be rezoned from Residential zone 1 to Business zone 1 in order convert the existing dwelling into offices.</p> <p>Please note that offices are already in use on the property. The purpose of this application is to legalise the existing illegal land use.</p> <p>The applicant is CK Rumboll & Partners and owner is Leading Edge 63 CC.</p>						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	Erf 339, Malmesbury, in the Swartland Municipality, Malmesbury Division, Western Cape					
Physical address	21 Vrede Street		Town	Malmesbury		
Current zoning	Residential zone 1	Extent (m ² /ha)	732m ²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)					
Current land use	Offices		Title Deed number & date	T47759/2023		
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)			
Any third party conditions applicable?	Y	N	If Yes, specify			
Any unauthorised land use/building work	Y	N	If Yes, explain			
PART C: LIST OF APPLICATIONS (TICK APPLICABLE)						
Rezoning	<input checked="" type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Removal, suspension or amendment of restrictive conditions

Permissions in terms of the zoning scheme	Amendment, deletion or imposition of conditions in respect of existing approval	Amendment or cancellation of an approved subdivision plan	Permission in terms of a condition of approval	
Determination of zoning	Closure of public place	Consent use	Occasional use	
Disestablish a home owner's association	Rectify failure by home owner's association to meet its obligations	Permission for the reconstruction of an existing non-conforming use		

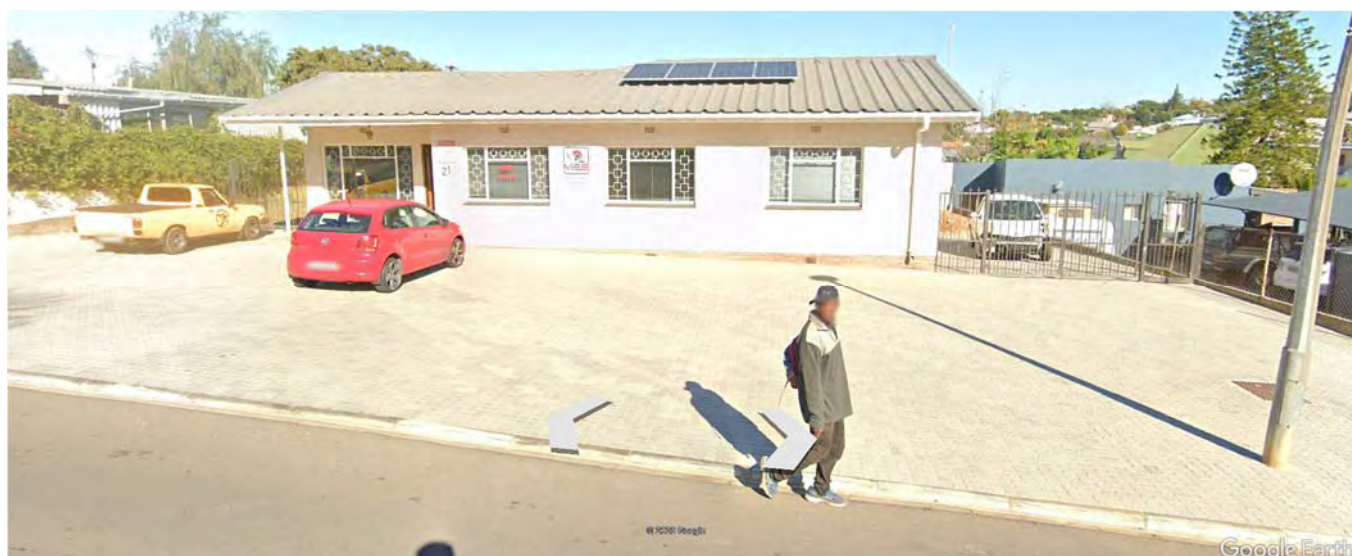
PART D: BACKGROUND

Muldoon Protection Services are currently using erf 339, Malmesbury as offices for the operation of their security company. The current use of the property for business purposes is in contradiction with the existing Residential zone 1 zoning.

See the proposed site development plan below.



Please see the streetview of the property below.



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y N

PART F: SUMMARY OF APPLICANT'S MOTIVATION

The proposed rezoning is considered desirable on the basis of the following:

1. The proposed development use enhances the principles of LUPA and SPLUMA.
2. The proposal complies with the Swartland Spatial Development Framework (2023) as the main forward planning document for Malmesbury and the Swartland Municipal Area as a whole.
3. The proposal complies with the Swartland Municipal Land Use Planning By-Law (PG 8226).
4. The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises.
5. There are no physical restrictions on the property that will negatively affect the proposed use.
6. With the proposed use, the owners of Erf 339, Malmesbury, is granted an income opportunity.
7. The proposal will create job opportunities (and ultimately economic growth for area).
8. The proposed offices will make use of existing infrastructure services and will not have any significant impact on external engineering services, nor will it negatively impact on environmental / heritage assets.
9. The property is already being utilised as offices, without any formal complaints from the surrounding neighbours.

It is clear that in terms of the above, the application for the proposed development on Erf 339, Malmesbury, can be adequately supported. It is therefore requested that the application be considered favourably.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?

Y

N

A total of 15 registered notices which were send to affected parties by means of registered mail as well as 8 of the letters also send by email. A total of 7 registered notices were uncollected of which 1 letter was not send by email.

The public participation process started on 28 August 2024 and ended on 30 September 2024.

The objection was sent to the applicant for comments on 9 October 2024. The comments from the applicant on the objection was received on 17 March 2025. The comments from the applicant has been received late and cannot be considered as part of this application.

Total valid comments	1		Total comments and petitions refused		0	
Valid petition(s)	Y	N	If yes, number of signatures	N/A		
Community organisation(s) response	Y	N	Ward councillor response	Y	N	Comment was requested but no comment received.
Total letters of support	0					

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

<p>1. Department Civil Engineering Services</p> <p>1.1 Water</p> <p>a) The existing water connection be used and that no additional water connection be provided.</p> <p>1.2 Sewerage</p> <p>a) The existing sewerage connection be used and that no additional sewerage connection be provided.</p> <p>1.3 Development Charges</p> <p>a) The owner/developer is responsible for the development charge of R17 024,60 towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/247-188-9210).</p> <p>2. Division Building Control</p> <p>a) Building plans be submitted to the Senior Manager: Development Management for consideration and approval for the conversion of the dwelling into offices.</p>			

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL COMMENTS ON THE OBJECTIONS
TSP Attorneys on behalf of the owner of erf 6942, Mrs Louise Roux	1. The property in question is in close proximity to commercial uses, however only residential properties are within the immediate proximity of the property.	Comments cannot be considered.	1. Erf 339 is situated in a portion of Vrede Street which only have residential land uses, even though it is situated inside the CBD of Malmesbury. The closes business zone property is 50m away in Lang Street – the Malmesbury Gym. The position of the proposed business use on erf 339 is in compliance with the spatial planning of Malmesbury.
	2. Our client acknowledges that the property in question is currently located within Zone D of the Municipal Spatial Development Framework. Erf 339 is within close proximity of businesses, but it remains on the border of the residential area, with residentially zoned properties surrounding it.		2. Noted. Erf 339 is not only situated inside the CBD of Malmesbury but also on Vrede Street which is an activity street. Activity streets can accommodate mixed uses which includes residential and business uses.
	3. Paragraph 2.4 of the application states that parking bays will be available on the property for staff and customers. During the year multiple concerns arose between our client and the current tenant due to the parking of vehicles in front of our client's entry gate.		3. Sufficient on-site parking bays are provided which complies with the requirements of the Business zone 1 zoning. Vrede Street has no red lines which prohibits on-street parking. Parking in the street are therefore permitted. It is advised that a parking arrangement be made by the business owner and his clients to only make use of the parking area on erf 339.
	4. Although no formal complaints were made to the Municipality, our client has expressed her concerns about the parking of vehicles in front her house on numerous occasions.		4. Noted.
	5. Erf 339 is currently used as offices for a security company. They operate their business 24 hours of the day, having a negative effect on the surrounding properties as their vehicles have been entering and leaving the property throughout the night. The		5. Shaun Muldoon from Muldoon Protection Services confirmed that the office hours of his business is from 08h00 to 16h00. After 16h00 there is only 1 person on the property which monitors the alarm systems throughout the night. There are no response vehicles visiting the

	<p>vehicles entering and leaving the property creates noise, disturbing our client throughout the night.</p> <p>6. The owners of the property could make an income by leasing the property for housing, as it is zoned residential 1.</p>		<p>property after 16h00 as all vehicles are doing patrols.</p> <p>6. Noted. It remains the prerogative of the owner of the property to use/lease the property as he/she sees fit, in compliance with the relevant legislation though.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

An application for the rezoning of erf 339, Malmesbury in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), has been received. It is proposed that erf 339 be rezoned from Residential zone 1 to Business zone 1 in order convert the existing dwelling into offices.

A total of 15 registered notices which were send to affected parties by means of registered mail as well as 8 of the letters also send by email. A total of 7 registered notices were uncollected of which 1 letter was not send by email.

The public participation process started on 28 August 2024 and ended on 30 September 2024.

The objection was sent to the applicant for comments on 9 October 2024. The comments from the applicant on the objection was received on 17 March 2025. The comments from the applicant has been received late and cannot be considered as part of this application.

The Division: Land Use & Town Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: Erf 339 is situated inside the identified CBD of Malmesbury making the application in compliance with the spatial planning of Malmesbury. The application complies with the principle of spatial justice.
- b) Spatial Sustainability: The propose business use inside the CBD is seen strengthening the CBD, making Malmesbury a more spatially compact, resource-efficient town. Existing infrastructure are deemed sufficient to accommodate the proposed offices. The application complies with the principle of spatial sustainability.
- c) Efficiency: The proposed land use change contributes to achieving the desired mix of land uses inside the CBD, in other words, strengthening the business uses inside the CBD. The application complies with the principle of efficiency.
- d) Good Administration: The application was communicated to the affected landowners through registered mail and was advertised in the local newspapers and Provincial Gazette. The application was also circulated to the relevant municipal departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timeous manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) Spatial Resilience: The change of use of a dwelling into offices of a property situated inside the CBD is proof of the resilience of this area. Over time it is anticipated that Vrede Street, as an activity street, will continue to accommodate more business uses, contributing to the area losing its residential character. The application complies with the principle of resilience.

2.3 Spatial Development Framework(SDF)

Erf 339 is situated in zone D which is the identified CBD of Malmesbury. The erf is also situated on Vrede Street which is an activity street on which mixed uses of residential and business can be accommodated. The propose business use of the property is in compliance with the spatial planning of Malmesbury.

2.4 Schedule 2 of the By-Law: Zoning Scheme Provisions

The existing structures and proposed business use complies with all zoning parameters of the Business zone 1 zoning.

2.5 Desirability of the proposed utilisation

Erf 339, Malmesbury is zoned Residential zone 1 and is developed with a dwelling which is currently being used as offices. The property has no physical restrictions which may impact negatively on this application.

The character of the surrounding area is mainly residential with the closest business use being ±50m away. The proposed business use might seem out of character with this portion of Vrede Street, but from a spatial planning perspective the property falls inside the CBD and is situated on an activity street which justifies its location. It can be argued that in future the residential character of this portion of Vrede Street will change into business, making the first business use in the street not undesirable at this stage.

The impact of the proposed business on this portion of Vrede Street is deemed low.

There are no conditions in the title deed which are restrictive to the property being use for business purposes.

Existing municipal services to the property is deemed sufficient in order to accommodate the proposed business use.

The proposed use is in compliance with the spatial planning of Malmesbury.

The development proposal complies with all zoning parameters applicable to the Business zone 1 zoning.

The office has been in operation for more than a year without any formal complaints lodge to the municipality regarding the illegal land use or a disturbance caused in the neighbourhood.

3. Impact on municipal engineering services

Existing services are deemed sufficient to accommodate the proposed business use.

4. Comments of organs of state

N/A

5. Response by applicant

See Annexure M.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights

N/A

PART L: RECOMMENDATION WITH CONDITIONS

The application for the rezoning of erf 339, Malmesbury be approved in terms of Section 70 of the By-law, subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 339 be rezoned from Residential zone 1 to Business zone 1 in order to operate offices as presented in the application;

- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval for the change of use of the dwelling to offices;
- (c) At least 6 parking bays be provided on site as presented in the application. The parking bays be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by the municipality and that the parking bays are clearly marked;
- (d) The business owner arranges with clients/visitors to the office to only make use of the on-site parking area and not to park in Vrede Street;
- (e) The visiting of response vehicles to the property after business hours be restricted to as few as possible;

2. WATER

- (a) The existing water connection be used and that no additional connections will be provided;

3. SEWERAGE

- (a) The existing sewerage connection be used and that no additional connections will be provided;

4. DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for the development charge of R17 024,60 towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/247-188-9210).

5. GENERAL



- (a) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (b) The rates and taxes of the property be changed from residential to business;
- (c) 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.

PART M: REASONS FOR RECOMMENDATION

1. The property does not consist of any physical restrictions which may impact negative on the application.
2. The impact of the proposed business on this portion of Vrede Street is deemed low.
3. There are not restrictions in the title deed which prevents the property to be used for business purposes.
4. Existing services are deemed sufficient to accommodate the proposed offices.
5. Erf 339 is situated inside the CBD and on Vrede Street (activity street) which makes the proposed business use in compliance with the spatial planning of Malmesbury.
6. The application complies with the principles of SPLUMA and LUPA.
7. The development proposal complies with all zoning parameters of the Business zone 1 zoning.

PART N: ANNEXURES

Annexure A	Locality Plan
Annexure B	Site development plan
Annexure C	Plan indicating the public participation process
Annexure D	Plan indicating the position of the objector
Annexure E	Objection from TSP Attorneys on behalf of Mrs Louise Roux
Annexure F	Comment from the applicant on the objections

PART O: APPLICANT DETAILS				
First name(s)	CK Rumboll & Partners – NJ de Kock			
Registered owner(s)	Leading Edge 63 CC	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
Author details: AJ Burger Chief Town & Regional Planner SACPLAN: B/8429/2020			Date: 27 March 2025	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001		Recommended	<input checked="checked" type="checkbox"/>	Not recommended
			Date: 28 March 2025	

Liggingsplan



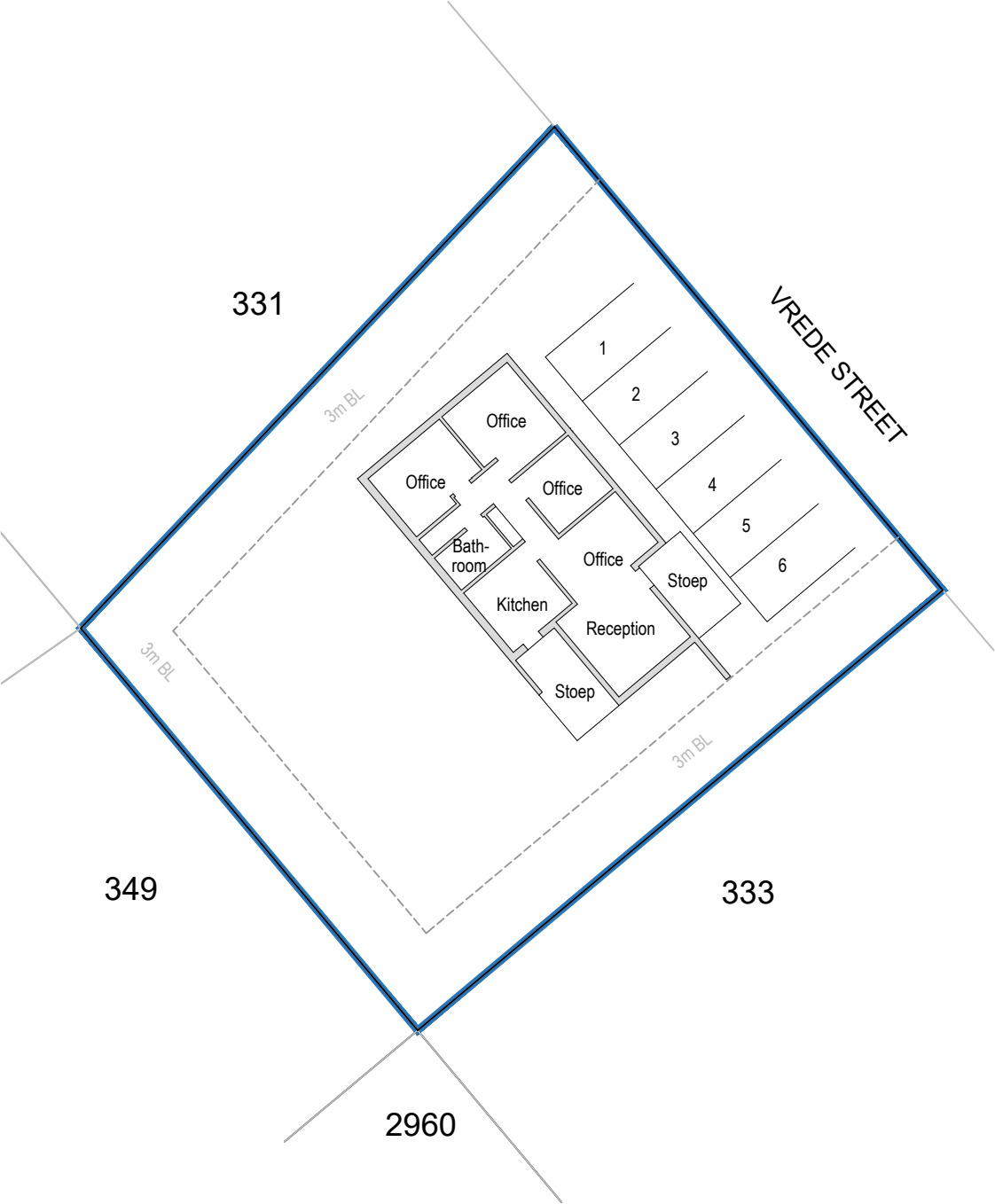
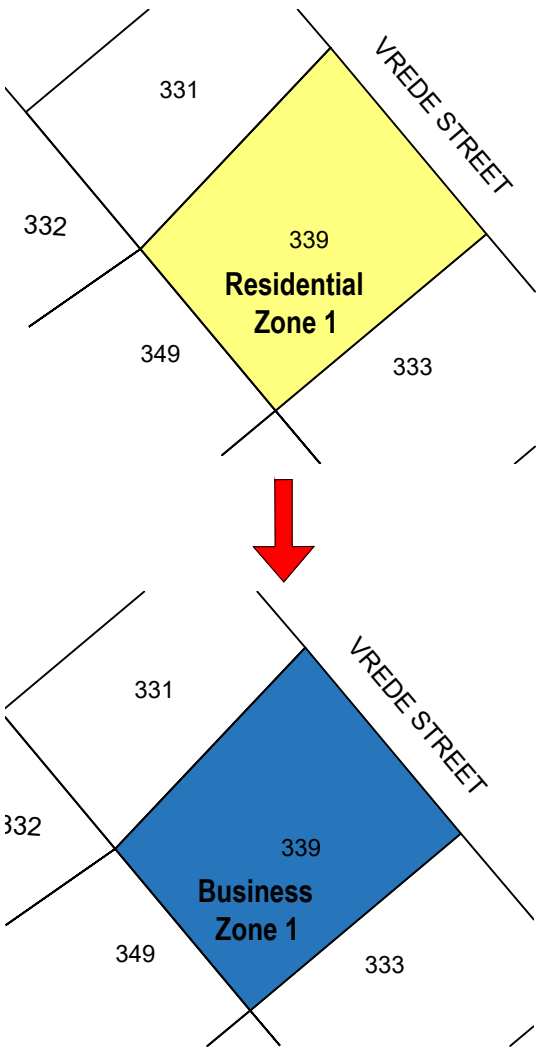
Liggingsplan
Erf 339, Malmesbury
Skaal: NVT





SITE DEVELOPMENT PLAN: ERF 339 MALMESBURY

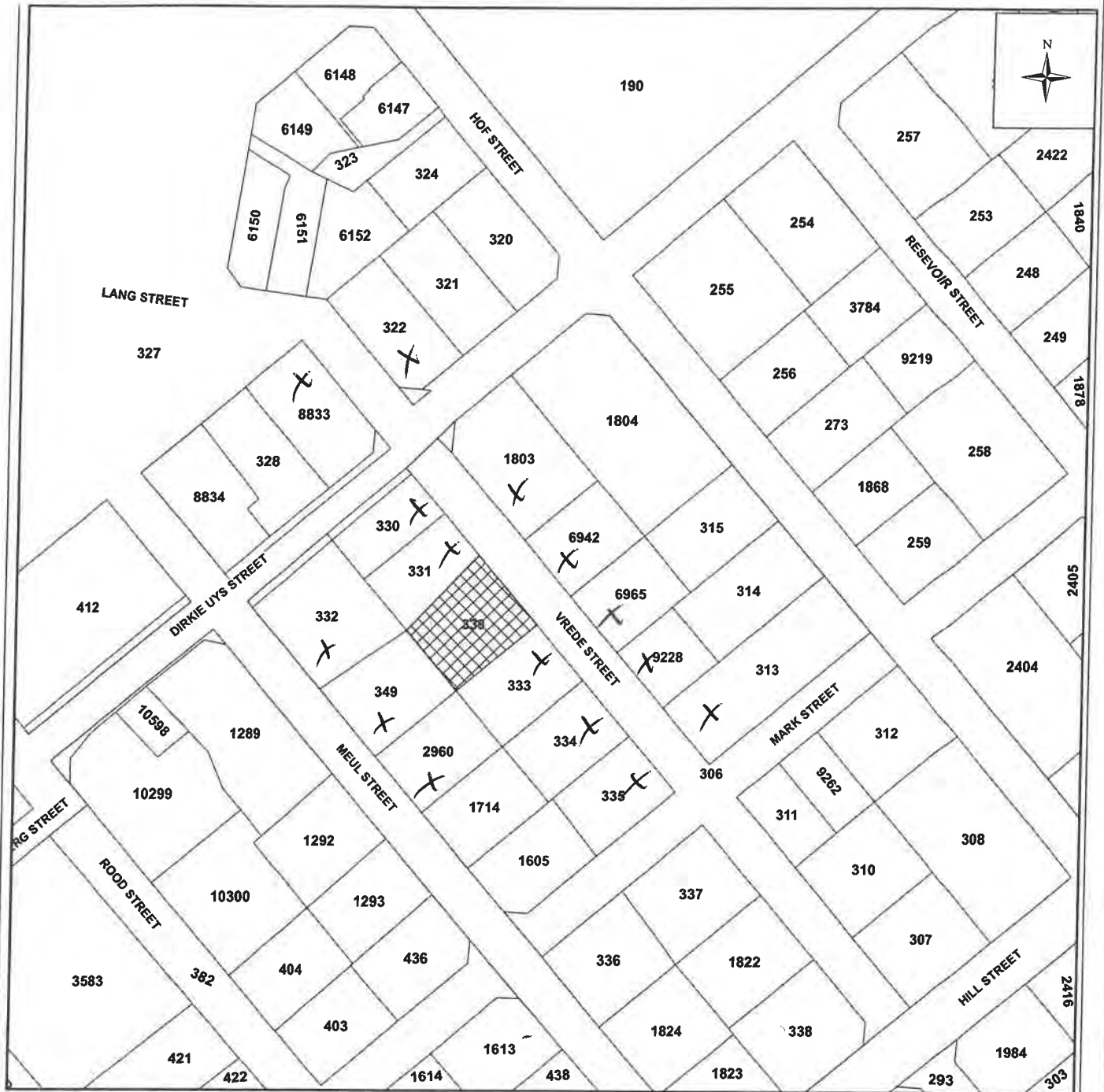
ANNEXURE B

Rezoning Plan



- KEY:**
- Subject property
 - Existing building: $\pm 128\text{m}^2$
 - Parking required: 5.12 Parking Bays
 - Parking provided: 6 Parking Bays

TITLE: SITE DEVELOPMENT PLAN ERF 339, MALMESBURY	
PHYSICAL ADDRESS: 21 VREDE STREET, MALMESBURY	
NOTE: ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING	
COMPILED BY:  C.K. RUMBOLL & PARTNERS TOWN PLANNERS PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY Tel: 022 - 4821845 Fax: 022 - 4871661 Email: planning1@rumboll.co.za	
DATE: AUGUST 2024	AUTHORITY: SWARTLAND MUNICIPALITY
REF: MAL/13390/NJdK	
Drawing done by NJ de Kock - Planner: CK Rumboll & Partners	

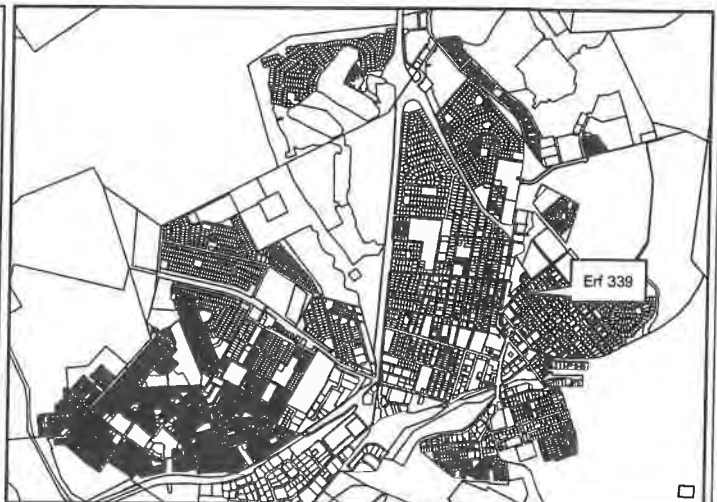


Voorgestelde hersonering

Erf 339, Malmesbury

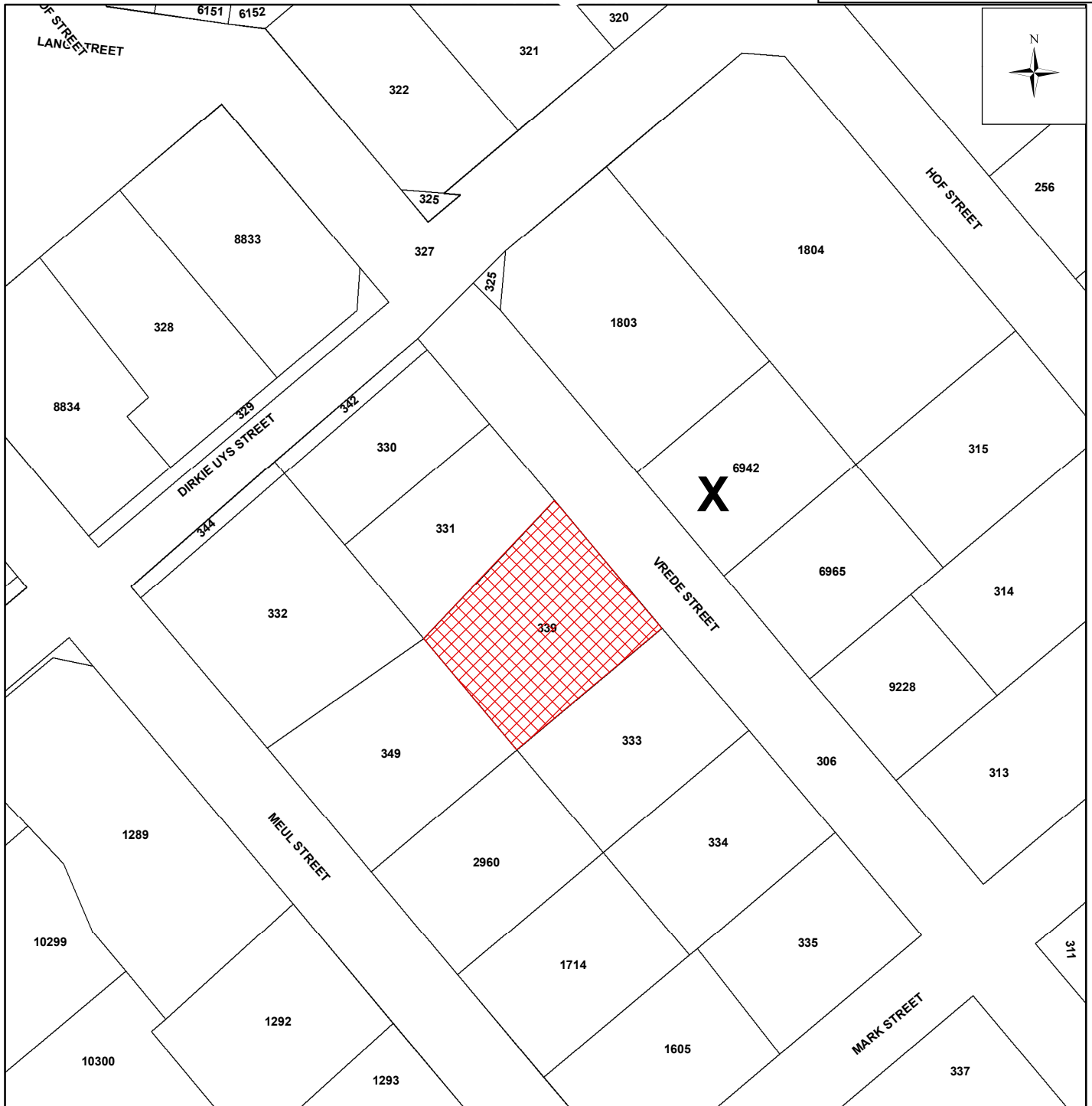
Publieke deelname

Skaal: NVT



ANNEXURE D

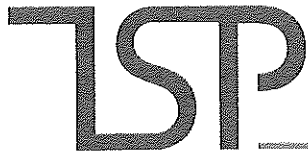
Position of objector



Plan indicating the position of the objector

Scale: N/A





Your Ref: EGroenewald/D443
Our Ref: E.Groenewald
Tel: 022 125 0470
Email: egroenewald@tsplaw.co.za

30 September 2024

PER EMAIL

Swartland Municipality

swartlandmun@swartland.org.za

Dear Sir/Madam

IN RE: LOUISE ROUX (ERF 6942) OBJECTIONS TO REZONING OF ERF 339, MALMESBURY

1. We confirm that we act on behalf of Louise Roux the owner of ERF6942 (hereinafter referred to as "our client").
2. Having read the papers as per the application brought for rezoning, it is our instructions to object to the rezoning of ERF 339 from residential zone 1 to business zone 1 for the reasons as set out below:
 - 2.1. The property in question is in close proximity to commercial uses, however only residential properties are within the immediate proximity of the property.
 - 2.2. Our client acknowledges that the property in question is currently located within Zone D of the Municipal Spatial Development Framework. Erf 339 is within close proximity of businesses, but it remains on the border of the residential area, with residentially zoned properties surrounding it.
 - 2.3. Paragraph 2.4 of the application states that parking bays will be available on the property for staff and customers. During the year multiple concerns arose between our client and the current tenant due to the parking of vehicles in front of our client's entry gate.

Attorneys: JH Slabber* OJ Pieters* KG Knill* DR Henney* N vd Merwe J Smit DF Smit DS Herman
S Laàs L Muller M Engelbrecht | Consultant: D Lups
*also directors

Cape Town
3rd Floor, 42 Keerom Street, Cape Town, 8001
T: +27 (0)21 421 5885

Malmesbury
8 Truter Street, Malmesbury, 7300
PO Box 38, Malmesbury, 7299
Docex 3, Malmesbury

www.tsplaw.co.za

Terblanche Slabber Pieters Inc
 tsp_attorneys

Member of the Phatshoane Henney Group of Associated Firms.

The Phatshoane Henney Group is an association of independent firms, not practicing in partnership and with separate liability.

phatshoanehenney
GROUP OF ASSOCIATED LAW FIRMS

TSP Attorneys Incorporated
Registration number: 2000/011237/21
VAT registration number: 4280189103

- 2.4. Although no formal complaints were made to the Municipality, our client has expressed her concerns about the parking of vehicles in front her house on numerous occasions.
 - 2.5. ERF 339 is currently used as offices for a security company. They operate their business 24 hours of the day, having a negative affect on the surrounding properties as their vehicles have been entering and leaving the property throughout the night.
 - 2.6. The vehicles entering and leaving the property creates noise, disturbing our client throughout the night.
 - 2.6. The owners of the property could make an income by leasing the property for housing, as it is zoned residential 1.
3. We trust that you will take the objections made into account when considering the application.



TSP INC


Elandre Groenewald


Attorneys: JH Slabber* OJ Pieters* KG Knill* DR Henney* N vd Merwe J Smit DF Smit DS Herman
S Laàs L Muller M Engelbrecht | Consultant: D Lups
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GROUP OF ASSOCIATED LAW FIRMS

CK RUMBOLL & VENNOTE / PARTNERS

PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATE: 13 March 2025

Your Ref: 15/3/3-8/Erf_339

PER HAND AND EMAIL

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

MUNICIPALITEIT SWARTLAND					REG
LE-11	15/3/3-8	Erf-339	FOL		
Verslag	Inligting	Verslag	Afbandeling	Worm/Tee	
SSSB					
edel					
Antw. Opdrag:					
SPERDATUM:					13/03/25

COMMENTS ON OBJECTIONS

PROPOSED REZONING OF ERF 339, MALMESBURY

Your letter dated 9 October 2024 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by the owners of Erf 339 to handle all town planning actions regarding the application for rezoning of Erf 339, Malmesbury.

During the public participation period, comments were received from the following objectors:

- TSP Attorneys on behalf of Louise Roux (Erf 6942)



VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845



Figure 1: Erf 339 and surrounding objectors.

Objector	Objection	Comment from CK Rumboll & Partners
Louise Roux (Erf 6942)	1. The property in question is in close proximity to commercial uses, however only residential properties are within the immediate proximity of the property.	<p>1. Noted. The SDF identifies the area in which Erf 339 is located as Zone D, which is the identified Central Business District (CBD) of Malmesbury, having a commercial character. The property is also located next to a activity street.</p> <p>The following is extracts from the SDF for this area:</p> <ul style="list-style-type: none"> • Support and concentrate higher order development and mixed uses along activity corridors and streets. • Support mixed use development CBD (including residential and business uses).

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

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		<ul style="list-style-type: none"> Develop innovative neighbourhood business nodes along activity routes that allow people access to the commercial sector. Support these nodes with relevant transport services e.g. taxi/bus stops. <p>As can be seen from the above, the proposal to rezone the property to Business Zone 1 in order to authorise the existing offices is supported by the Swartland SDF.</p>
	2. Our client acknowledges that the property in question is currently located within Zone D of the Municipal Spatial Development Framework. Erf 339 is within close proximity of businesses, but it remains on the border of the residential area, with residentially zoned properties surrounding it.	2. It property is not only located within the CBD of Malmesbury, but is also located along an activity street, where higher order development and mixed uses are encouraged by the SDF.
	3. Paragraph 2.4 of the application states that parking bays will be available on the property for staff and customers. During the year multiple concerns arose between our client and the current tenant due to the parking of vehicles in front of our client's entry gate.	3. Noted. More than sufficient parking space is available on site. The proposal complies with the parking requirements for Business Zone 1 (offices) on the site. A total of 5.12 parking bays are required and a total of 6 are provided.
	4. Although no formal complaints were made to the Municipality, our client has expressed her concerns about the parking of vehicles in front her house on numerous occasions.	4. Noted. As stated above, sufficient parking space is available on site to accommodate the existing use.
	5. ERF 339 is currently used as offices for a security company. They operate their business 24 hours of the day, having a negative affect on the surrounding properties as their vehicles have been	5. Noted. As mentioned that this property is located within the CBD of town and located adjacent to an activity street, where higher order and mixed use developments are encouraged.

VENNOTE / PARTNERS:

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	entering and leaving the property throughout the night. The vehicles entering and leaving the property creates noise, disturbing our client throughout the night.	Furthermore, even if the property was not utilised for business purposes, vehicles could still enter and exit the property at any time. The road separating the two properties further serves as a noise buffer, reducing impact on noise.
	6. The owners of the property could make an income by leasing the property for housing, as it is zoned residential 1.	6. Noted. Business zoned properties tend to generate larger income due to the higher order uses allowed. The owners therefore would like to utilise the property for business purposes.

In conclusion, the proposed rezoning of Erf 339 to Business Zone 1 aligns with the Swartland Spatial Development Framework (SDF), which supports higher order development and mixed uses within the Malmesbury CBD and along activity streets. The property's location makes it ideal for commercial use, and sufficient parking is provided to meet zoning requirements. Furthermore, concerns regarding traffic and noise are mitigated by the existing road infrastructure, which acts as a buffer. Given the economic benefits associated with business zoning, the proposed rezoning is well-supported by planning principles and policy guidelines.

We trust you will find the above in order when considering the application

Kind regards


.....

NJ de Kock
For CK RUMBOLL AND PARTNERS

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

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Annexure A

Objections



File ref: 15/3/3-8/Erf_339

Enquiries:
Ms D N Stallenberg

9 Oktober 2024

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

OBJECTIONS: PROPOSED REZONING OF ERF 339, MALMESBURY

Your application with reference MAL/13990/NJdK dated 12 August 2024 refers.

Kindly find attached the objection received by TSP Attorneys on behalf of Louise Roux during the commenting period.

In terms of Section 65 of the Swartland Municipality: Municipal Land Use Planning By Law (PG 8226 of 25 March 2020) you are hereby requested to submit comments on the objections within 30 days from the date of this letter.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- ISwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!



Your Ref: EGroenewald/D443
Our Ref: E.Groenewald
Tel: 022 125 0470
Email: egroenewald@tsplaw.co.za

30 September 2024

PER EMAIL

Swartland Municipality

swartlandmun@swartland.org.za

Dear Sir/Madam

IN RE: LOUISE ROUX (ERF 6942) OBJECTIONS TO REZONING OF ERF 339, MALMESBURY

1. We confirm that we act on behalf of Louise Roux the owner of ERF6942 (hereinafter referred to as "our client").
2. Having read the papers as per the application brought for rezoning, it is our instructions to object to the rezoning of ERF 339 from residential zone 1 to business zone 1 for the reasons as set out below:
 - 2.1. The property in question is in close proximity to commercial uses, however only residential properties are within the immediate proximity of the property.
 - 2.2. Our client acknowledges that the property in question is currently located within Zone D of the Municipal Spatial Development Framework. Erf 339 is within close proximity of businesses, but it remains on the border of the residential area, with residentially zoned properties surrounding it.
 - 2.3. Paragraph 2.4 of the application states that parking bays will be available on the property for staff and customers. During the year multiple concerns arose between our client and the current tenant due to the parking of vehicles in front of our client's entry gate.

Attorneys: JH Slabber* OJ Pieters* KG Knill* DR Henney* N vd Merwe J Smil DF Smil DS Herman
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 tsp_attorneys

Member of the Phatshoane Henney Group of Associated Firms.

The Phatshoane Henney Group is an association of independent firms, not practicing in partnership and with separate liability.

phatshoanehenney
GROUP OF ASSOCIATED LAW FIRMS

- 2.4. Although no formal complaints were made to the Municipality, our client has expressed her concerns about the parking of vehicles in front her house on numerous occasions.
 - 2.5. ERF 339 is currently used as offices for a security company. They operate their business 24 hours of the day, having a negative affect on the surrounding properties as their vehicles have been entering and leaving the property throughout the night.
 - 2.6. The vehicles entering and leaving the property creates noise, disturbing our client throughout the night.
 - 2.6. The owners of the property could make an income by leasing the property for housing, as it is zoned residential 1.
3. We trust that you will take the objections made into account when considering the application.


TSP INC

Elandre Groenewald



Attorneys: JH Slabber* OJ Pieters* KG Knill* DR Henney* N vd Merwe J Smil DF Smil DS Herman
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Verslag ♦ Ingxelo ♦ Report

Office of the Director: Development Services
Department: Development Management

26 March 2025

15/3/6-8/Erf_952
15/3/10-8/Erf_952

Ward: 10

ITEM 6.3 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 9TH OF APRIL 2025

LAND USE PLANNING REPORT PROPOSED SUBDIVISION AND CONSENT USE ON ERF 952, MALMESBURY					
Reference number	15/3/6-8/Erf_952 15/3/10-8/Erf_952	Submission date	21 November 2024	Date finalised	26 March 2025

PART A: APPLICATION DESCRIPTION

The application for the subdivision of erf 952, Malmesbury in terms of section 25(2)(d) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), has been received. It is proposed that erf 952 (1784m² in extent) be subdivided into a remainder (1239m² in extent) and portion A (545m² in extent).

Furthermore, application is also made for a consent use to accommodate a double dwelling on newly created portion A in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). A double dwelling is one architectural unit, containing two residential units.

The applicant is C K Rumboll & Partners, and the owner are WN & KJ Smit.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 952 Malmesbury, situated in the Swartland Municipality; Malmesbury Division, Province Western Cape				
Physical address	29 Lang Street. Please refer to Annexure A		Town	Malmesbury	
Current zoning	Residential Zone 1	Extent (m ² /ha)	1784m ²	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)				
Current land use	Dwelling with outbuilding		Title Deed number & date	T22209/2007	
Any restrictive title conditions applicable	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If yes, list condition number(s)		
Any third-party conditions applicable?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If yes, specify		
Any unauthorised land use/building work	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If yes, explain		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision	<input checked="" type="checkbox"/>
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Removal, suspension, or	<input type="checkbox"/>

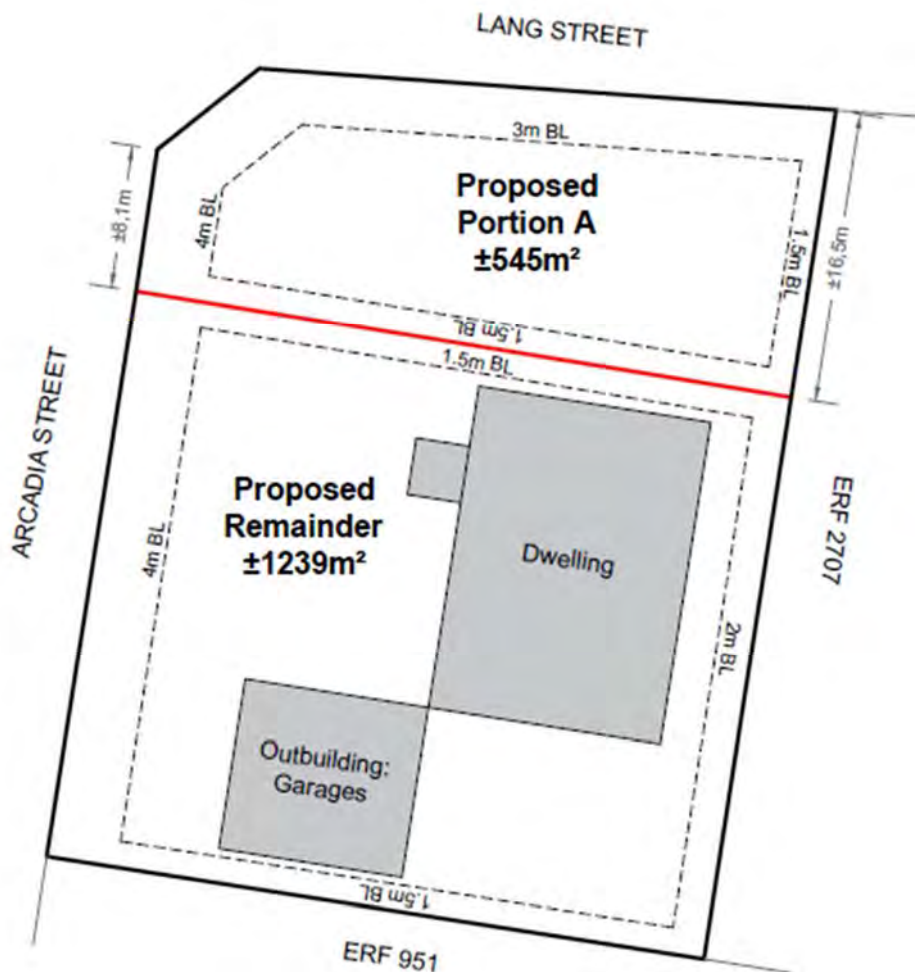
					amendment of restrictive conditions	
Permissions in terms of the zoning scheme		Amendment, deletion, or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan	Permission in terms of a condition of approval	
Determination of zoning		Closure of public place		Consent use	✓ Occasional use	
Disestablish a homeowner's association		Rectify failure by homeowner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		

PART D: BACKGROUND

An application for subdivision of the subject property was previously considered and approved by the Municipality in 2007. The approval lapsed on the 26th of July 2012. A new application for subdivision was submitted on the 25th of February 2013 and after the public participation process was concluded, the new application was approved on the 25th of April 2013. The owners did not attend to the conditions of approval and consequently the approval lapsed again on the 25th of April 2018.

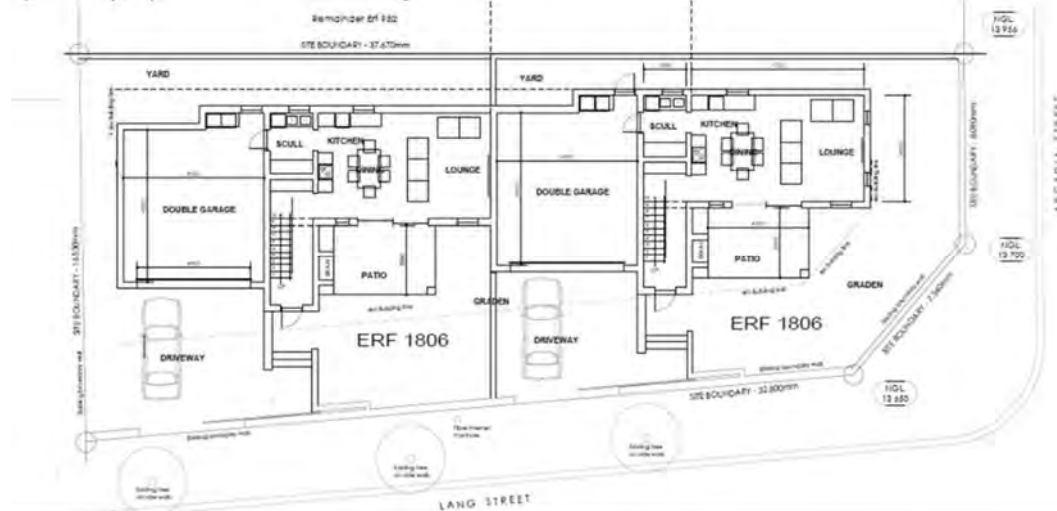
As previously applied for and approved the owner wishes to subdivide the property again, however this time, the application includes a consent use to accommodate a double dwelling on the newly created portion.

Figure 1: Proposed subdivision plan



Double dwelling is defined in the applicable development management scheme as a building erected for residential purposes that is designed as a single architectural entity containing two dwelling units on one land unit;

Figure 2: Floorplan of proposed double dwelling. Please refer to Annexure C



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a summary of the outcomes below.
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PART F: SUMMARY OF APPLICANT'S MOTIVATION

(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)


The applicant motivates that:

1. The title deed of the application property does not contain any conditions that will prohibit the proposed subdivision or consent use for a double dwelling;
2. The subject property is centrally located within Malmesbury and is a corner plot accesses via two municipal streets.
3. The proposed subdivision will not have an adverse impact on the surrounding properties as the zoning remains unchanged.
4. The minimum property size as required for the Bergzicht neighbourhood is also adhered to.
5. Similar subdivisions have already been approved in the vicinity of the subject property.
6. The proposal is consistent with the development parameters of the development management scheme.
7. The proposal is consistent with the land use proposals as well as densification strategies of the MSDF, 2023.
8. The proposed development supports the principles of Chapter VI (Section 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Section 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013.
9. There are no physical restrictions on the property that will negatively affect the proposed use.
10. The owners of the application property are granted an additional income opportunity.
11. The proposed development will make use of existing infrastructure services and will not have any significant impact on external engineering services, nor will it negatively impact on environmental / heritage assets.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?					Y	N
With reference to Section 56(2) of the By-Law, a total of fifteen (11) notices were sent via registered post and per e-mail to the owners affected by the application. Please refer to Annexure D.						
Total valid comments	2		Total comments and petitions refused		0	
Valid petition(s)	Y	N	If yes, number of signatures			
Community organisation(s) response	Y	N	Ward councillor response	Y	N	The application was forwarded to councillor Van Essen, but no comments were forthcoming.
Total letters of support	0					

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Department: Civil Engineering Services	20 December 2024	<ol style="list-style-type: none"> 1. Water <ol style="list-style-type: none"> (a) Each subdivided portion be provided with a separate water connection at building plan stage; 2. Sewerage <ol style="list-style-type: none"> (a) Each subdivided portion be provided with a separate sewerage connection at clearance stage; 3. Streets and Storm water <ol style="list-style-type: none"> (a) In order 4. Solid waste <ol style="list-style-type: none"> (a) In order 5. General <ol style="list-style-type: none"> (a) Any existing services connecting the remainder and/or new portions be disconnected, and relocated, for each erf to have a separate connection and pipe work; (b) Should it be deemed necessary to extend the existing services network to provide the subdivided portions with service connections, it will be for the cost of the owner/developer; (c) Fixed development charges be made as follows: <ol style="list-style-type: none"> (i). Water R 7 277,06 (ii). Bulk water R12 954,56 (iii). Sewer R 4 185,92 (iv). WWTW R 4 537,86 (v). Roads R15 012,72 	X	
Building control	26 November 2024	Building plans to be submitted to Building Control for consideration and approval	X	
Protection services	20 November 2024	No comment	X	

Department: Electrical Engineering Services	19 November 2024	<ul style="list-style-type: none"> (a) Each subdivided portion be provided with a separate electrical connection, costs to be borne by the owner/developer; (b) Any relocation of electrical cables will be for the owners / developer's account. (c) Any electrical inter-connection be isolated and completely removed. (d) The electrical connections be connected to the existing low-voltage network. (e) A fixed cost capital contribution towards bulk electrical services be made to the amount of R 4920,31 for each newly created portion. The amount is only valid for the financial year and may be revised thereafter; (f) Additional to the abovementioned the owner/developer must pay for the electrical connections to the subdivided erf. (g) The Department Electrical Engineering Services be contacted for a quotation. 	X	
PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS. PLEASE REFER TO ANNEXURE G.	MUNICIPAL ASSESSMENT OF COMMENTS	
Petro van Deventer as owner of neighbouring property Erf 951, as well as resident in Malmesbury. Please refer to Annexure E	<p>Mrs van Deventer object to the proposal application for the following reasons:</p> <ol style="list-style-type: none"> Is of opinion that the proposal affects the whole neighbourhood and not only the owners identified in the public participation process. The existing house is old and deserves the status of a spacious open area around it. The entire front of the house will be lost. 	<ol style="list-style-type: none"> The applicant did not comment on this specific point of concern. The applicant states that according to the Swartland Urban Heritage Survey, Erf 952 has a heritage grading of 3C, indicating limited local significance. The dwelling, built in the Cape Revival style during the late 19th to early 20th century, will remain unchanged under this application. <p>The continue to motivate that the historic building is centrally positioned on the property when viewed from Lang Street and that its visibility has already been significantly impacted by a modern solid boundary wall, a row of mature trees in the street reserve, and a landscaped garden with additional vegetation. The applicant is of opinion that the proposed development will therefore not further compromise the view of the existing dwelling.</p> <p>Moreover, the application does not trigger a Notice of Intent to Develop under Section 38 of the National Heritage</p>	<ol style="list-style-type: none"> The proposal under consideration does not affect the broader community of Malmesbury. The properties deemed to be affected by the application is identified by the municipality and formal notices sent in terms of the applicable provisions of the applicable by-law. The public participation followed is deemed sufficient. No alterations are proposed to the existing heritage building on the property. <p>It is agreed that the building is barely visible from Lang Street due to the existing boundary wall as well as trees.</p> 	

		<p>Resources Act (NHRA), 1999 (Act 25 of 1999). Therefore, no approval is required under Sections 27-29, 31, or 34-36 of this Act.</p> <p>The applicant motivates further that although the subject property contains an older dwelling, property owners have the right to develop their land in accordance with zoning regulations and planning policies. The proposed subdivision and consent use for a double dwelling complies with the Municipal Zoning Scheme regulations as contained in the Swartland Municipality: By-law on Municipal Land Use Planning (PG 8226) and the Swartland Municipal Spatial Development Framework (MSDF, 2023-2027), promoting responsible land use and urban densification. The design allows sufficient open space retained on the proposed Remainder to preserve the area's character and support sustainable growth.</p>	<p>It is also noted that the heritage value of the building on the property is only deemed to be of local significance. The municipality, in its decision making also needs to consider the additional housing opportunities (socio impact) as well as the economic opportunities and with the streetscape, which has already been disfigured, the positives outweigh the possible negative impact of the street elevation towards the old dwelling.</p> <p>The proposal is therefore not seen as inappropriate and will not have a negative impact on the sense of place.</p>
	<p>3. Should the subdivision be approved, there will be insufficient space between the existing as well as proposed dwellings and with the proposed double dwellings being double storey, the resident in the existing dwelling will have no privacy.</p> <p>4. The proposed building plans indicates two dwellings, each with only one parking bay. In reality, most families today own two vehicles. The objector questions the available parking for the occupants as well as possible visitors, stating that there already are a number of vehicles parked in Arcadia Street over weekends.</p>	<p>3. The proposed subdivision maintains sufficient distance around the existing and proposed buildings and fully complies with the building line restrictions set out in the Swartland Municipality: By-law on Municipal Land Use Planning (PG 8226).</p> <p>As the development adheres to all prescribed parameters for Residential Zone 1 properties, it does not infringe on the privacy of surrounding landowners. The owners of Erf 952/RE are exercising their legal right to develop the property within these regulations.</p> <p>4. The applicant motivates that in accordance with the Swartland Municipality: By-law on Municipal Land Use Planning (PG 8226), a minimum of two parking bays per dwelling unit are required. Each proposed unit will feature a double garage with two parking bays, ensuring compliance with these requirements. Additionally, the Site Development Plan includes a driveway in front of each garage, which will provide adequate space for visitor parking, even though the By-law does not mandate this provision.</p>	<p>3. The proposed space of 3-4m between the existing dwelling and the proposed double dwelling is deemed sufficient. The fact that the design accommodates only a bathroom window on the first-floor level, indicate that privacy has been taken into consideration.</p> <p>4. Sufficient onsite parking is provided and the access to both units comply with the safety distances and provisions of the By-Law.</p>

	<p>5. The objector also questions whether it has been considered that the property is a corner plot with the property situated on a busy corner. The objector questions how the proposal will affect the traffic in Lang Street.</p> <p>6. The objector further questions the available space on the subdivided plot for children / pets stating that they would need to play in the street.</p> <p>7. The proposed number of units would lead to overcrowding (possibly four people per unit) negatively affecting their property value.</p>	<p>5. Several properties along Lang Street, including those directly adjacent to Erf 952/RE, being Erf 2707 and Erf 967 across Arcadia Street, have access points on Lang Street. Notably, the two access points to Erf 967, which serves office space, were recently approved and created, demonstrating that additional access points do not significantly affect traffic flow. Furthermore, residential uses typically generate even less traffic than office spaces. This evidence supports the conclusion that the impact of additional access points is minimal.</p> <p>As stated in Point 3, sufficient on-site parking will be provided for visitors, further minimizing the risk of congestion or obstruction from visitor vehicles. Both Arcadia Street and Lang Street, with a 13.22m road reserve, are ample to accommodate this application for subdivision and consent use.</p> <p>While Lang Street does experience increased traffic during peak hours, the development's contribution to overall congestion will be negligible. The additional traffic from two residential units is minimal, and the designated access points ensure smooth traffic flow without causing blockages.</p> <p>6. Regarding the concern about children playing in the street, the development includes private outdoor spaces suitable for safe play. Furthermore, families seeking housing typically select properties that meet their needs, including space for children to play. Parents, being highly sensitive to safety concerns, are unlikely to choose a home that could compromise their children's safety or well-being.</p> <p>7. The applicant did not comment on this point.</p>	<p>5. The proposal for two accesses on Lang Street with sufficient on-site parking, as proposed, will not have a significant impact on traffic.</p> <p>6. Both units have functional outdoor living space as part of the design proposal. The total coverage is also only 44%.</p> <p>7. The two additional dwelling units could hardly be seen as overcrowding. In the context of Malmesbury as well as Lang Street being an activity corridor, the property has the potential to accommodate a much higher density use, e.g. flats.</p>
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<p>Christine Hartley as concerned resident in the area. Please see Annexure F.</p>	<p>The objector states that she is of opinion that the proposed application will have a negative impact on the neighbourhood for the following reasons:</p> <ol style="list-style-type: none"> 8. Lang Street is the main route to the hospital with ambulances using this road for emergencies. The proposal may cause congestion resulting in unnecessary blockages in the street. 9. Arcadia Street is also one of the busiest streets used by residents as the route people use to schools. It does not need unnecessary and additional commuters and extra vehicles that will be squeezed onto one erf as well as park in the street. This will result, in the objector's opinion, in great frustration and possibly, accidents. 10. The proposed double storey dwellings may have a negative impact on the privacy of neighbouring properties. 11. Noise pollution caused by the large number of people being squeezed into this small space will also have a negative effect on the surrounding environment and will disrupt the tranquillity of the neighbourhood. 	<ol style="list-style-type: none"> 8. Refer to the comments above 9. Please refer to point 4 above. 10. As the development adheres to all prescribed parameters for Residential Zone 1 properties, it does not infringe on the privacy of surrounding landowners. The owners of Erf 952/RE are exercising their legal right to develop the property within these regulations. 11. The proposed development is not expected to cause significant noise pollution. With the proposal of only two additional dwelling units in the form of a double dwelling, the number of residents will be relatively small, and the traffic flow and activity levels will remain consistent with the surrounding residential area. The development will not result in overcrowding, as it complies with the low-density residential zoning prescribed for Residential Zone 1 properties. 	<ol style="list-style-type: none"> 8. As mentioned above, the proposal will not result in a significant impact on the existing roads as well as not cause unnecessary blockages in the street. 9. Please refer to the comments above regarding impact as well as road safety. 10. As mentioned above, the proposed space of 3-4m between the existing dwelling and the proposed double dwelling is deemed sufficient. The fact that the design accommodates only a bathroom window on the first-floor level, indicate that privacy has been taken into consideration. 11. The proposal for two new dwelling units will not have a significant impact on noise. If there are issues the municipality can act in terms of the applicable By-Laws.
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	<p>12. The type of housing (group housing) proposed could possibly attract criminal elements having a negative impact on the safety of the neighbourhood.</p> <p>13. The objector is lastly concerned about the difficulties with regards to storm water disposal on properties with such steep slopes, which may cause major damage.</p>	<p>Additionally, the design of the development considers the surrounding environment, with private outdoor spaces and adequate separation between properties. Noise levels are typically well-managed in such developments, especially when compared to higher-density housing types.</p> <p>12. Firstly, the proposed development does not involve group housing. It involves subdividing the property into two sections, with a double dwelling on the proposed Portion A, which is consistent with low-density residential use permitted under Residential Zone 1 zoning.</p> <p>This development aligns with the Swartland Municipality's By-law on Municipal Land Use Planning (PG 8226) and the Swartland MSDP (2023-2027), ensuring it complements the neighbourhoods' character and contributes to a well-maintained, cohesive community.</p> <p>It is important to note that crime is not inherently linked to the type of housing but is influenced by broader social and economic factors. Therefore, this development should not be viewed as a cause of increased criminal activity. On the contrary, it will contribute to the vibrancy and safety of the area. The responsibility for crime prevention lies with local law enforcement and security services, not with the type of development in the area.</p> <p>13. When detailed building plans are submitted for approval, comprehensive engineering solutions, including proper drainage systems, will be implemented to effectively manage stormwater runoff. These measures are designed to ensure that water is directed away from the property and surrounding areas in a controlled manner.</p> <p>With these adequate stormwater management systems in place, there is no reason to anticipate any adverse effects on the surrounding environment, such as flooding or damage, as a result of the proposed development.</p>	<p>12. The proposal does not propose group housing and secondly the statement made by the objector is un-substantiated.</p> <p>13. The proposal will not impact significantly on storm water or any other municipal infrastructure. Stormwater needs to be diverted to the nearest municipal collection point which is the road.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application.

The application was submitted in terms of the By-Law on 21st of November 2024. The public participation process commenced on 5th of December 2024 and ended on 24th of January 2025 (affected parties and internal departments). The objection was received and referred to the applicant for comments on 30th of January 2025. The municipality received the comments on the objections on the 25th of February 2025. Please refer to the comments attached as Annexure G.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The proposed subdivision as well as consent use supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society;
- b) Spatial Sustainability: The proposed development promotes the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) Efficiency: The development proposal promotes the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Good Administration: The application and public participation were administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed subdivision creates more affordable housing typologies in Malmesbury.

It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned legislative measures.

2.2 Provincial Spatial Development Framework (PSDF, 2014)

The PSDF (2014), indicates that the average densities of cities and towns in the Western Cape is low by international standards, despite policies to support mixed-use and integration. There is unmistakable evidence that urban sprawl and low densities contribute to unproductive and inefficient settlements as well as increase the costs of municipal and Provincial service delivery.

The PSDF suggest that by prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

It is further mentioned in the PSDF that the lack of integration, compaction, and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the environment, and the economy. Therefore, the PSDF provides principles to guide municipalities towards more efficient and sustainable spatial growth patterns.

One of the policies proposed by the PSDF is the promotion of compact, mixed-use, and integrated settlements. This according to the PSDF can be achieved by doing the following:

- 1. **Target existing economic nodes (e.g. CBDs (Central Business District), township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares, and markets, etc.) as levers for the regeneration and revitalisation of settlements.**
- 2. Promote functional integration and mixed-use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.
- 3. Locate and package integrated land development packages, infrastructure, and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.

4. Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining, and tourism remain important economic underpinnings of rural settlements.
5. Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
6. Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient, and sustainable forms of urban development.
7. Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
8. Municipal SDFs (Spatial Development Framework) to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities, and appropriate development typologies.

The PSDF further states that scenic landscapes, historic settlements, and the sense of place which underpins their quality are being eroded by inappropriate developments that detracts from the unique identity of towns. These are caused by inappropriate development, a lack of adequate information and proactive management systems.

The Provincial settlement policy objectives according to the PSDF are to:

1. Protect and enhance the sense of place and settlement patterns.
2. **Improve accessibility at all scales.**
3. **Promote an appropriate land use mix and density in settlements.**
4. Ensure effective and equitable social services and facilities.
5. **Support inclusive and sustainable housing.**

And to secure a more sustainable future for the Province the PSDF propose that settlement planning and infrastructure investment achieves:

1. **Higher densities**
2. A shift from a suburban to an urban development model
3. **More compact settlement footprints to minimise environmental impacts, reduce the costs, time impacts of travel, and enhance provincial and municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities, and services.**
4. Address apartheid spatial legacies by targeting investment in areas of high population concentration and socio-economic exclusion.

The development proposal is therefore deemed consistent with the PSDF as the proposal will achieve higher densities, will result in the optimum use of land / space within the urban edge, will not have a negative impact on the character of the area as well as not adversely affect the sense of place. This is achieved by complying with the minimum property size for Residential Zone 1 properties ensuring integration within the existing urban fabric.

The proposed development is therefore deemed consistent with the spatial development principles of the PSDF, 2014.

2.3 West Coast District SDF (WCDSDF, 2020)

In the WCDSDF, 2020 it is stated that the functional classification for Malmesbury is a regional centre and according to the growth potential study, only Malmesbury and Vredenburg has been classified as towns with an extremely high growth potential index.

In terms of the built environment policy of the WCDSDF, local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification, and basic service provision. Priority should also be given to settlement development in towns with the highest economic growth potential and socio-economic need.

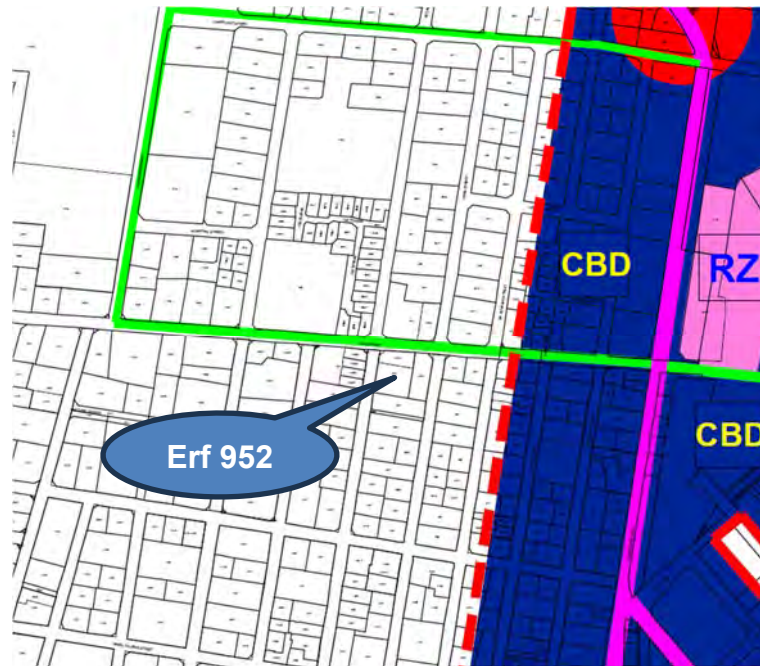
The WCDSDF rightfully looks at spatial development on a district level. However, the WCDM SDF promotes the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required in terms of SPLUMA and recommended in the PSDF, 2014), to improve quality of life and access to amenities and opportunities to all residents in the WCDM.

The proposed subdivision as well as the second dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. It could therefore be argued that the proposal is consistent with the spatial planning policies of the WCDSDF, 2020.

2.4 Municipal Spatial Development Framework (MSDF, 2023)

The subject property is situated in land use proposal zone A as indicated on the land use proposal map of Malmesbury.

Zone A has a mixed land use character consisting of low and medium density residential development, with potential for high density and mixed-use development along the activity corridor. Consists of government uses as well as supporting functions like crèches, schools, hostels and a hospital. Infill opportunity. Densification allowed for in the transition areas next to the commercial and industrial areas and along the activity streets. The proposed subdivision is also deemed consistent with the minimum property size of 500m² for the Bergzicht area. Please refer to the extract below.



The proposal is deemed consistent with the MSDF, 2023 as it will result in an increase in density of units per Ha, which is supported. The proposal also provides different housing types to allow for integration and spatial justice. It is also recognised that the proposal supports Objective 1 and 4 of the MSDF.

Objective 1: Grow economic prosperity and facilitate economic sector growth and
Objective 4: Protect and grow place identity and cultural integrity.

The proposal is therefore deemed consistent with the land use proposals of the MSDF, 2023.

It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned policy and legislative measures.

2.5 Schedule 2 of the By-Law: Zoning Scheme Provisions

Erf 952, Malmesbury is zoned Residential Zone 1. The proposed subdivision and consent use will not affect the zoning of the property. A double dwelling is defined in the applicable development management scheme as a building erected for residential purposes that is designed as a single architectural entity containing two dwelling units on one land unit. Essentially, the proposed building should appear to be one large dwelling (single architectural entity) for it to be deemed a double dwelling. The author of this report is of opinion that the proposed two double storey units does not present itself as a single architectural entity and that consequently the Tribunal include a condition, should the application be approved, that the design be amended in order for the proposal to conform to the definition of a double dwelling to the satisfaction of the Senior Manager: Development Management.

3. Desirability of the proposed utilisation

There are no physical restrictions on the property that may have a negative impact on the application.

The proposed application is consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.

The proposal is spatially resilient, as it proposes housing options that are more affordable.

The proposed second dwelling (double dwelling house) will have a positive economic impact, as it generates income for both the landowner, municipality (through rates and taxes) and tourism, through the spending of the new residents / visitors to the area.

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 assets.

From the proposal access to the property is obtained directly from Lang Street for portion A and Arcadia Street for the remainder. The impact of the proposal on traffic in the area will be minimal and sufficient on-site parking is provided.

The development proposal is considered desirable.

4. Impact on municipal engineering services

Sufficient services capacity exists to provide the newly created erf with services.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal.

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended.

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights?

N/A

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for the subdivision of erf 952, Malmesbury be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 952, Malmesbury (1325m² in extent) be subdivided into portion 1 (±821m² in extent) and portion 2 (±504m² in extent) as presented in the application;

2. WATER

- (a) Each subdivided portion be provided with a separate water connection and meter at building plan stage;

3. SEWERAGE

- (a) Each subdivided portion be provided with a separate sewer connection and meter at clearance stage;

4. ELECTRICITY

- (a) Each subdivided portion be provided with a separate electrical connection, costs to be borne by the owner/developer;

- (b) Any relocation of electrical cables will be for the owners/developer's account.
- (c) Any electrical inter-connection be isolated and completely removed.
- (d) The electrical connections be connected to the existing low-voltage network.
- (e) Additional to the abovementioned the owner/developer must pay for the electrical connections to the subdivided erven;
- (f) The Department: Electrical Engineering Services be contacted for a quotation;

5. DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R 17 273,00 towards the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R 9 702,55 towards bulk water distribution, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R 5 279,65 towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/240-184-9210).
- (d) The owner/developer is responsible for the development charge of R5 723,55 towards wastewater treatment works at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R20 706,90 towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA: 9/247-188-9210);
- (f) The owner/developer is responsible for the development charge of R 4 920,31 towards electricity, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA: 9/253-164-9210);
- (g) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and can be revised thereafter;

- B. The application for consent use on portion of Erf 952, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house to be accommodated on a portion of Erf 952, Malmesbury;
- (b) The double dwelling adheres to the applicable development parameters, and it be designed as such in order for it to conform to the definition of a double dwelling to the satisfaction of the Senior Manager: Development Management;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

2. WATER

- (a) A single water connection be used and no additional connections be provided to the double dwelling;

3. SEWERAGE

- (a) A single sewer connection be used and no additional connections be provided to the double dwelling;

4. DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R 11 514,95 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R6 468, 75 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-174-9210);



- (c) The development charge towards sewerage amounts to R 4 022,70 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge towards wastewater treatment amounts to R 4 360,80 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge towards streets amounts to R 12 654,60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards electricity amounts to R 4 920,31 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and may be revised thereafter.

C. GENERAL

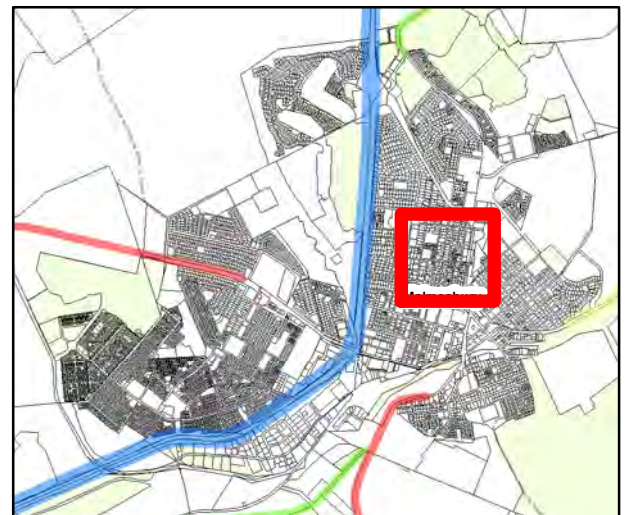
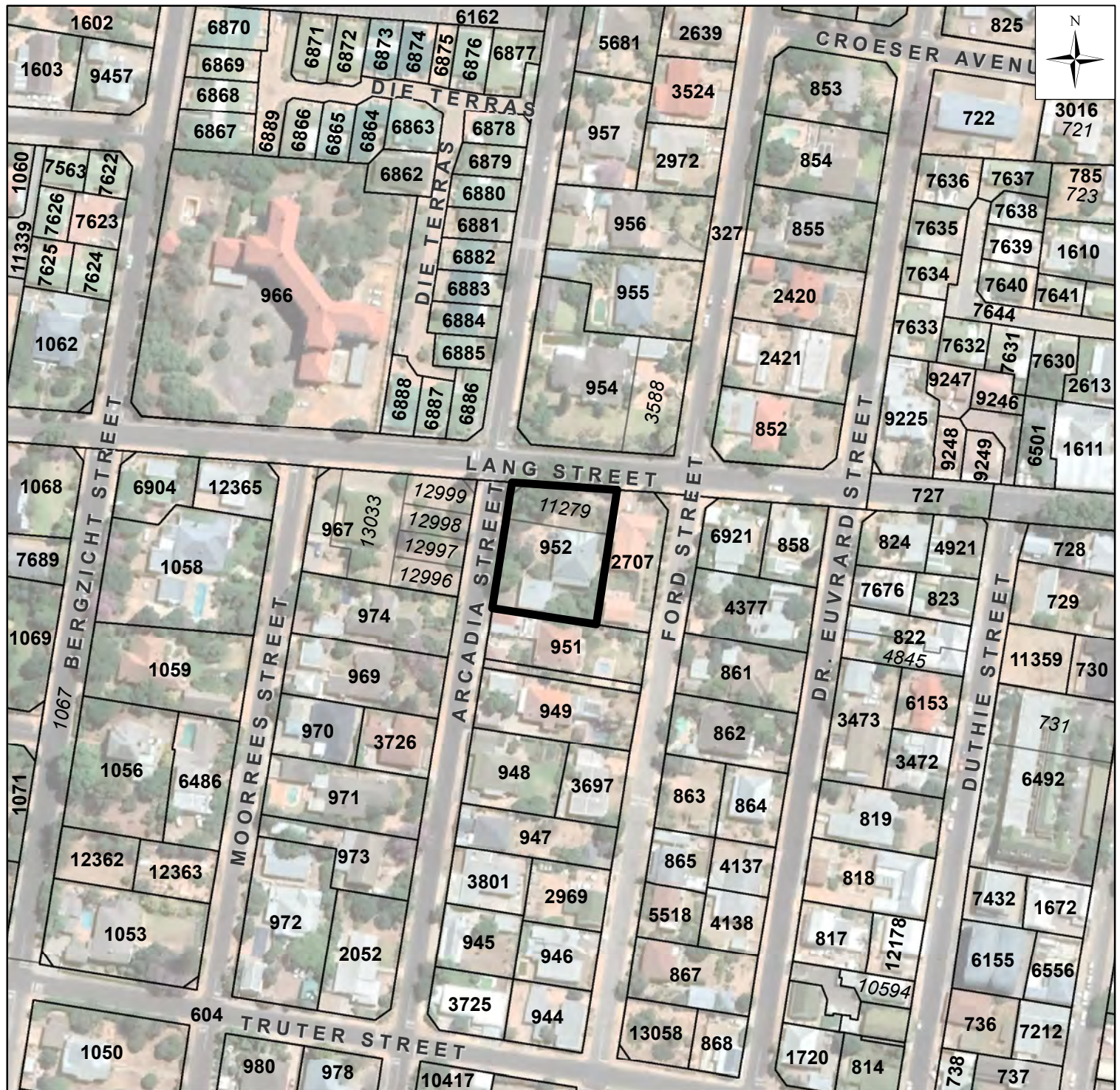
1. The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law not be issued unless all the relevant conditions have been complied with;
2. Any existing services connecting the remainder and/or new portions be disconnected, and relocated, for each erf to have a separate connection and pipe work;
3. Should it be deemed necessary to extend the existing services network to provide the subdivided portions with service connections, it will be for the cost of the owner/developer;
4. 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.
5. The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent, and the approval period will not be applicable anymore.
6. Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000, 00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

1. There are no physical restrictions on the property that negatively impacts the proposal.
2. The proposed application is consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
3. The proposal is spatially resilient, as it proposes housing options that are more affordable.
4. The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it have a significant impact on environmental or heritage resources.
5. The proposed application does not have a significant impact on municipal engineering services nor on the road network.
6. Sufficient parking is provided on the subject property and the access to the double dwelling complies with the provisions of the development management scheme.
7. The design of the proposed double dwelling makes provision for sufficient outdoor living area as well as clearly takes the privacy of neighbouring properties including the remainder into consideration.
8. The proposed second dwelling (double dwelling house) will have a positive economic impact, as it generates income for both the landowner, municipality (through rates and taxes) and tourism, through the spending of the new residents / visitors to the area.
9. From the proposal access to the property is obtained directly from Lang Street for portion A and Arcadia Street for the remainder. The impact of the proposal on traffic in the area will be minimal and sufficient on-site parking is provided.
10. The proposal will not have a negative impact on the value of neighbouring properties.
11. The development proposal is deemed desirable.

PART N: ANNEXURES				
Annexure A: Locality plan Annexure B: Subdivision plan Annexure C: Floorplan of the proposed double dwelling Annexure D: Public participation plan Annexure E: Objection from Petro van Deventer Annexure F: Objection from Christine Hartley Annexure G: Comments from the applicant on the objections				
PART O: APPLICANT DETAILS				
First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	WN & KJ Smit	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
Author details: Herman Olivier Town Planner and GIS Administrator SACPLAN: A/204/2010			Date: 26 March 2025	
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: 27 March 2025	




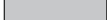
LOCATION PLAN OF ERF 95 ANNEXURE A MALMESBURY



SUBDIVISION PLAN: ERF 952/RE, MALMESBURY

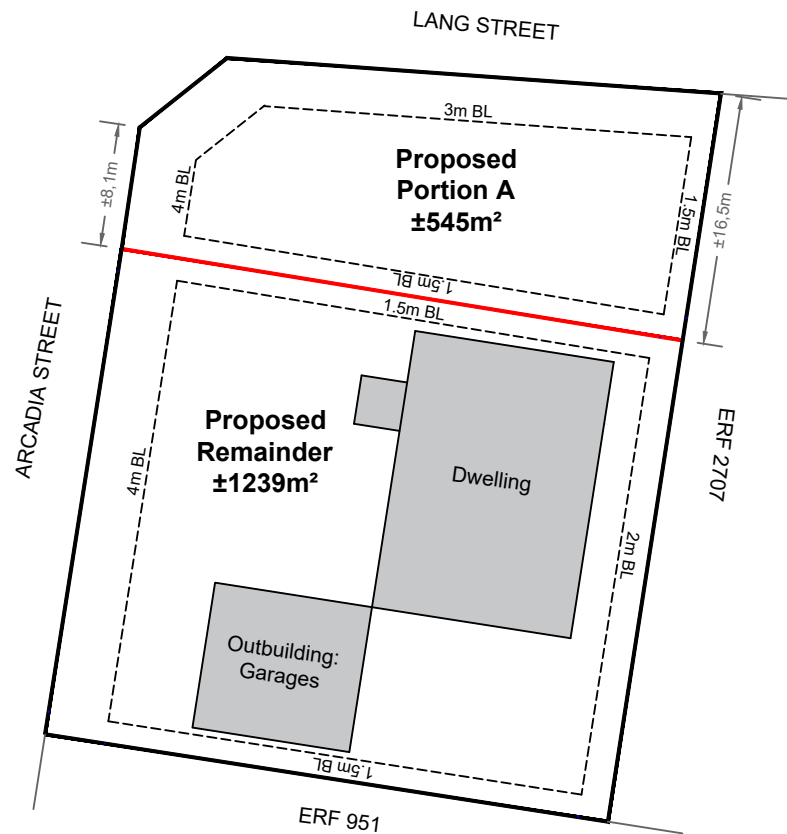


LEGEND:

- Subject property 
- Existing cadastral boundaries 
- Proposed Subdivision line 
- Existing buildings/structures 

ZONING I.T.O. THE ZONING SCHEME:

Residential Zone 1



SCALE - 1:2000
PAGE - A4

DRAWING:
SUBDIVISION PLAN

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C.K. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS



Tel: 022 - 4821845
Fax: 022 - 4871661
Email: planning1@rumboll.co.za

DATE:
OCTOBER 2024

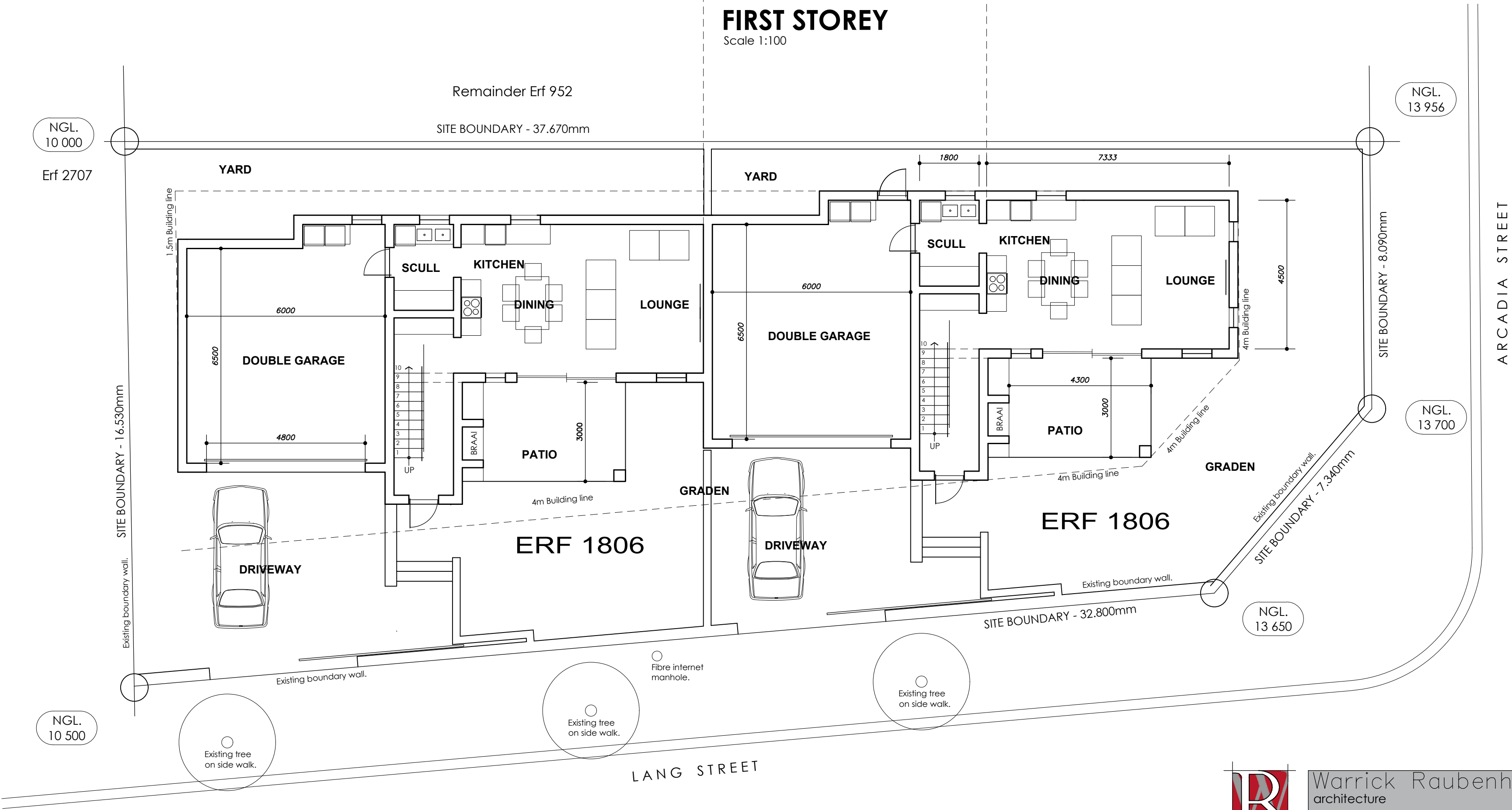
AUTHORITY:
SWARTLAND MUNICIPALITY

REF:
MAL/14116/MC

CALCULATIONS

SITE	545 m²	
GROUND STOREY	105 m²	PER UNIT
GROUND STOREY PATIO	15 m²	PER UNIT
FIRST STOREY	65 m²	PER UNIT
TOTAL	185 m²	PER UNIT
TOTAL	372 m²	
TOTAL COVERED AREA	240 m²	
PERCENTAGE COVERAGE	44 %	

ANNEXURE C



GROUND STOREY & SITE PLAN - UNITS - 1&2
Scale 1:100

Warrick Raubenheimer
architecture

PSArchit, SACAP Reg. S10751 / CEL : 082 460 6635 / warrick@wraubenheimer.co.za

PROJECT : PROPOSED DUEL DWELLING ERF 1806
MALMESBURY - SKETCH DESIGN

CLIENT : MR & MRS W. MITH

TITLE : PLANS & ELEVATIONS

DATE : 01 NOVEMBER 2024

Liggingsplan

ANNEXURE D

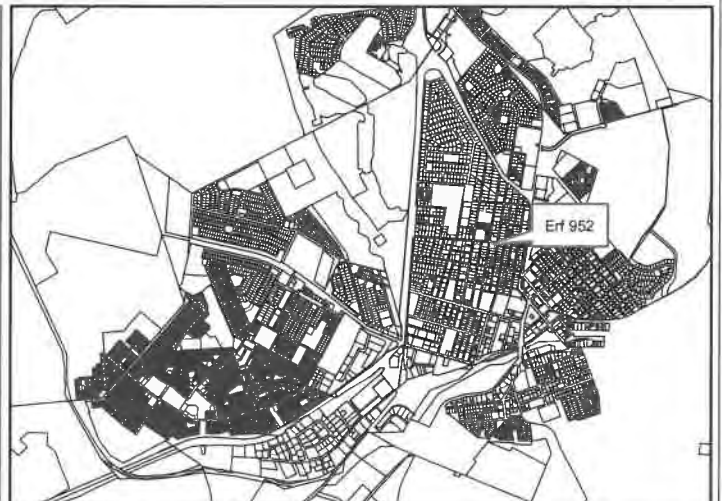


Voorgestelde onderverdeling en vergunningsgebruik

Erf 952, Malmesbury

Publieke deelname

Skaal: NVT



From: Petro van Deventer <petro@unikone.co.za>
Sent: Wednesday, 18 December 2024 18:45
To: Registrasie Email <RegistrasieEmail@swartland.org.za>; Nabrashka Van Nelson <PlanIntern1@swartland.org.za>
Cc: tersiasmit7@gmail.com; drneethling@drsnnb.co.za; Christine Hartley <christine@unikone.co.za>; Peter Steyn <psteyn@wcaccess.co.za>; andrewsmuts9@gmail.com; psneethling@yebo.co.za; rstrauss@hishtilsa.com; cobusdpdp@gmail.com; theo.hoon@sakata.eu; Schmidt van Deventer <schmidtvandeventer@gmail.com>

Subject: FW: Onderverdeling en vergunningsgebruik op erf 952, Malmesbury

Wie dit mag aangaan

Ek verwys na u skrywe gedateer, 5 Desember 2024, insake die voorgestelde onderverdeling en vergunningsgebruik op Erf 952, Malmesbury.

Die sperdatum vir beswaar is 24 Januarie 2025 voor 17:00.

Ek vermoed die aangehegte skrywe is slegs aan die eienaars gestuur waar die X gemerk is op bladsy 3 van die dokument. Hierdie onderverdeling en vergunningsgebruik affekteer meer as net die eienaars wat gemerk is op die bladsy.

Dit affekteer die hele buurt en wil ek u vriendelik versoek om die dokument aan almal in die buurt te stuur. Ek het dit goedgedink om die bure wie se epos adres ek kon kry by die epos in te sluit.

Die aansoek is **NIE VRIENDELIK** ontvang nie, weens die volgende redes:

Uit die oogpunt van die huidige inwoners, bure, pad verbruikers en ook die publiek:

1. Ek is nie seker wanneer die bestaande woning op Erf 952 opgerig is nie, maar dis 'n ouer woning en verdien dit die status van 'n ruim oop oppervlak rondom.

Die hele vooraansig van die woning gaan verlore. Die pragtige woning in Faure Straat 14 sal ook sy status verloor indien die erf onderverdeel sou word hoekom verdien die pragtige ou woning om sy erf te verloor?

As daar van die bestaande woning se voorstoep af getrap word, is die inwoner op die bou lyn.

2. Na die voorgestelde afsny van die erf gaan daar nie juis spasie tussen die huidige & voornemende wonings wees nie; sien ook die punt onder genoem.
3. As na die bou planne gekyk word, op bladsy 4 & 5 van die aangehegte dokument, gaan die kombuis & leefarea regoor die bestaande woning se hoofslaap kamer wees.

Indien daar gerus sou wou word, gaan die persoon in die bestaande woning moet lê en luister hoe die bure skottelgoed was en in die leef area leef, terwyl die televisie blêr.

As ek nie verkeerd kyk na die planne nie, gaan daar slegs 3 meter tussen die bestaande woning en die voorgestelde wonings wees.

4. Uit die bouplan is dit duidelik dat die voorgestelde wonings dubbel verdieping eenhede gaan wees, wat beteken as die persoon in die bestaande wooneenheid tuis is, die voorgestelde wonings se inwoners direk op die persoon kan kyk en die bestaande inwoner geen privaatheid gaan geniet nie.
5. Die voorgestelde bouplanne toon 2 huise wat elke moontlik een motor gaan besit, terwyl die harde werklikheid is dat meeste gesinne 2 voertuie besit. Waar gaan die ander voertuig parkeer word? In die straat? Sien ook punt 6.
6. Is daar gedink aan die besoekers by die voorgestelde wooneenhede? waar gaan die besoekers parkeer? Langstraat? Die alternatief is, Arcadiastraat. Het hul al die stilstaande voertuie in Arcadiastraat oor 'n naweek beleef?
7. Is daar in berekening gebring dat die erf op die hoek van Langstraat en Arcadia straat is? Die ingange vir die voorgestelde wonings is uit Langstraat. Die hoek het die enigste stop vanaf die robot onder (hoek van Voortrekkerweg & Langstraat) tot daar. Ek's nie seker of iemand al in die oggend (7:00 - 8:00) of middag (16:00 – 17:30) opserveer het hoe bedrywig Langstraat is nie. Hoe moet die voorgestelde inwoners in en uit hul erf kom? Hoe gaan die moontlike stilstaande voertuig (sien punt 5 bo) die verkeer beïnvloed?
8. Die voorgestelde bouplanne toon ook dat dit 3 slaapkamer woon eenhede gaan wees, wat beteken daar gaan heel moontlik gesinne gaan intrek, waarvan die gesin dan moontlik uit 4 lede kan bestaan. Indien die gesin jonger kinders het, waar gaan hulle speel? Hoeveel keer gaan hul die bal perongeluk in die straat skop? Watter risiko het die besige pad op hul veiligheid, moontlik omgery word in die straat? Daar word 'n tuintjie op die plan aan gedui, maar dis so klein, en gaan die kinders heelmoontlik in die straat moet speel.
9. Gaan die voorgestelde wonings toegelaat word om troeteldiere te mag hê? Indien wel, waar gaan die arme diere hul bene rek, die area wat aangedui word as tuin, is nie juis baie groot nie.
10. Langstraat is ook die hoofroete vir die ambulanse na 'n toneel en ook terug onderweg na die hospitaal.
11. Indien die wooneenhede gebou sou word, gaan dit lei tot oorbevolking (moontlik 4 persone per wooneenheid, dus 'n moontlike addisionele 8 persone tot die erf) en sal dit ook ons eiendom waarde negatief beïnvloed.
12. Indien die bogenoemde punte, en ek's seker daar sal nog punte wees, die versoek vir onderverdeling en vergunningsgebruik nie goedgekeur kan word nie.

Hierdie is nie die geskikte ontwikkeling vir die buur nie.

Ek bedank u vir u oorweging om hierdie aansoek af te keur.

Byvoorbaat Dank

Petro van Deventer

Senior Manager

T +27 22 482 1169 Ext 120

C +27 71 613 1515

De Jager Boshoff Building, 5 Kerk Street, Malmesbury, 7300

PO Box 107, Malmesbury, 7299

OFFICE HOURS Monday to Thursday 08h00-16h30 | Friday 08h00 - 16h00

From: Christine Hartley <christine@unikone.co.za>

Sent: Friday, 24 January 2025 12:41

To: Registrasie Email <RegistrasieEmail@swartland.org.za>; Nabrashka Van Nelson <PlanIntern1@swartland.org.za>

Subject: Onderverdeling en vergunningsgebruik op erf 952, Malmesbury

Importance: High

Heil die Leser

U skrywe gedateer 5 Desember 2024, het betrekking.

U aansoek ten opsigte van die onderverdeling en vergunningsgebruik op Erf 952 sal ons buurt nadelig beïnvloed weens die volgende redes:

1. Die straat waaraan die erf grens, is die hoofroete na die hospitaal en gebruik die ambulans hierdie roete vir noodgevalle. Indien die erf toegebou gaan word, staan dit die kans vir blokkering in die straat en bring mee tot onnodige blokkerings in hierdie roete en vir noodgevalle.
2. Die straat waaraan die erf grens is ook een van die besigste strate, naamlik Arcadia straat. Hierdie straat het nie nog onnodige en addisionele pendelaars en ekstra voertuie wat ingedruk gaan word op een erf, asook parkering in die straat, nodig nie.
3. Die straat waaraan die erf grens is ook die roete van die Noorddelike gedeelte van die dorp, groot gedeelte van die Noord-Ooste van die dorp en 'n groot gedeelte van die Westelike deel van die dorp wat 'n roete is na die skole. Addisionele pendelaars en spesifiek op daardie punt, kan onnodige ekstra verkeer veroorsaak, wat tot groot frustrasie tot blokkering en ongelukke kan lei.
4. Die gebou wat op die erf gebou gaan word, is 'n dubbelverdieping en bring mee tot die skending van privaatheid van die omliggende bure.
5. Klankbesoedeling as gevolg van die hoeveelheid mense wat ingedruk gaan word op hierdie klein spasie, het ook 'n negatiewe effek op die omliggende omgewing en gaan die buurt se rustigheid skend.
6. Die tipe behuising (groepsbehuising) wat u wil aanbring op die erf kan kriminele elemente lok en wat die buurt se veiligheid sal benadeel.
7. So 'n toegebou van so 'n tipe erf (skuins helling), kan meebring dat daar groot probleme ontstaan ten opsigte van die wegvoer van stormwater wat groot skade kan aanrig.

Na aanleiding van die bogenoemde punte en nog waarskynlik nog meer, versoek ek dat die onderverdeling en vergunningsgebruik nie goedgekeur sal word nie.

Baie dankie by voorbaat.

Christine Hartley

COMPANY STATUTORY COMPLIANCE

T +27 22 482 1169 Ext 111

De Jager Boshoff Building, 5 Kerk Street, Malmesbury, 7300

PO Box 107, Malmesbury, 7299

OFFICE HOURS Monday to Thursday 08h00-16h30 | Friday 08h00 - 16h00

CK RUMBOLL & VENNOTE / PARTNERS

ANNEXURE G



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATE: 25 February 2025

OUR REF: MAL/14116/MC

YOUR REF: 15/3/6-8/Erf_952

15/3/10-8/Erf_952

BY HAND

ATTENTION: Mr A. Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Mr,

COMMENTS ON OBJECTIONS: SUBDIVISION AND CONSENT USE ON ERF 952/RE, MALMESBURY

1. Introduction

Your letter dated 30 January 2025, received by this office via email on 31 January 2025, refers.

This office has been appointed by Mr. Willem Matthys and Mrs. Karin Joan Smit, owners of Erf 952/RE, Malmesbury, to attend to all town planning and land surveying actions regarding the proposed subdivision of the property, as well as the consent use to accommodate a double dwelling on the proposed Portion A.

During the public participation period, objections were received from the following members of the public:

- A. Petro van Deventer; and
- B. Christine Hartley

The residential addresses of the individuals mentioned above are unknown. However, their email correspondence confirms that they are employed at the De Jager Boshoff building at 5 Church Street, which is located far from the application property.

This document is intended to provide a response to the objections received.

VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.
ADDRESS/ ADRES: planning1@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661

2. Comments on objections

Please see our office's response to the objections received below in tabular form.

Table 1: Comments on Objections

Objectors	Objections	Comments from CK Rumboll & Partners
A	<p><u>Negative effect on existing building's appearance</u></p> <p>1. "Ek is nie seker wanneer die bestaande woning op Erf 952 opgerig is nie, maar dit is 'n ouer woning en verdien die status van 'n ruim oop oppervlak rondom. Die hele vooraansig van die woning gaan verlore."</p>	<p>1. According to the Swartland Urban Heritage Survey, Erf 952/RE has a heritage grading of 3C, indicating limited local significance. The dwelling, built in the Cape Revival style during the late 19th to early 20th century, will remain unchanged under this application.</p> <p>The historic building is centrally positioned on Erf 952/RE when viewed from Lang Street. However, its visibility has already been significantly impacted by a modern solid boundary wall, a row of mature trees in the street reserve, and a landscaped garden with additional vegetation. As a result, the proposed development will not further compromise the view of the existing dwelling.</p> <p>Moreover, the application does not trigger a Notice of Intent to Develop under Section 38 of the National Heritage Resources Act (NHRA), 1999 (Act 25 of 1999). Therefore, no approval is required under Sections 27-29, 31, or 34-36 of this Act.</p> <p>While Erf 952/RE contains an older dwelling, property owners have the right to develop their land in accordance with zoning regulations and planning policies. The proposed subdivision and consent use for a double dwelling comply with the Municipal Zoning Scheme regulations as contained in the Swartland Municipality: By-law on Municipal Land Use Planning (PG 8226) and the Swartland Municipal</p>

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		Spatial Development Framework (MSDF, 2023-2027), promoting responsible land use and urban densification. The design allows sufficient open space retained on the proposed Remainder to preserve the area's character and support sustainable growth.
A & B	<p><u>Limited space between existing and proposed dwellings</u></p> <p>2. "As daar van die bestaande woning se voorstoep af getrap word, is die inwoner in die boulyn. Na die voorgestelde afsny van die erf gaan daar nie juis spasie tussen die huidige en voornemende wonings wees nie.</p> <p>As na die bouplanne gekyk word, gaan die kombuis en leefarea regoor die bestaande woning se hoofslaapkamer wees. Indien daar gerus sou word, gaan die persoon in die bestaande woning moet lê en luister hoe die bure skottelgoed was en in die leefarea leef terwyl die televisie blêr. Daar gaan slegs 3m tussen die bestaande woning en die voorgestelde wonings wees.</p> <p>Die voorgestelde dubbelverdiepingwooneenhede bring mee tot skending van privaatheid van omliggende bure."</p>	<p>2. The proposed subdivision maintains sufficient distance around the existing and proposed buildings and fully complies with the building line restrictions set out in the Swartland Municipality: By-law on Municipal Land Use Planning (PG 8226).</p> <p>As the development adheres to all prescribed parameters for Residential Zone 1 properties, it does not infringe on the privacy of surrounding landowners. The owners of Erf 952/RE are exercising their legal right to develop the property within these regulations.</p>

A	<p><u>Parking concerns</u></p> <p>3. “Die 2 voorgestelde huise gaan heel moontlik ‘n motor besit, terwyl die harde werklikheid is dat meeste gesinne 2 voertuie besit. Waar gaan die ander voertuig parkeer word? Waar gaan besoekers van die voorgestelde wooneenhede parkeer?”</p>	<p>3. In accordance with the Swartland Municipality: By-law on Municipal Land Use Planning (PG 8226), a minimum of two parking bays per dwelling unit are required. Each proposed unit will feature a double garage with two parking bays, ensuring compliance with these requirements. Additionally, the Site Development Plan includes a driveway in front of each garage, which will provide adequate space for visitor parking, even though the By-law does not mandate this provision.</p>
A & B	<p><u>Traffic concerns</u></p> <p>4. “Die erf is op die hoek van Langstraat en Arcadiastraat. Die ingange van die voorgestelde wooneenhede is uit Langstraat. Die hoek het die enigste stopstraat vanaf die robot op die hoek van Voortrekkerweg en Langstraat tot daar. Soggens tussen 07h00 en 08h00 en middag tussen 16h00 en 17h30 is Langstraat verskriklik bedrywig. Hoe gaan die hierdie inwoners in en uit hul erf kom? Hoe gaan die moontlike stilstaande voertuig van ‘n besoeker die verkeer beïnvloed?</p> <p>Die straat waaraan die erf grens is die hoofroete na die hospitaal en gebruik die ambulans hierdie roete vir noodgevalle. Indien die erf toegebou gaan word, staan dit die kans vir blokkering in die straat.</p>	<p>4. Several properties along Lang Street, including those directly adjacent to Erf 952/RE, being Erf 2707 and Erf 967 across Arcadia Street, have access points on Lang Street. Notably, the two access points to Erf 967, which serves office space, were recently approved and created, demonstrating that additional access points do not significantly affect traffic flow. Furthermore, residential uses typically generate even less traffic than office spaces. This evidence supports the conclusion that the impact of additional access points is minimal.</p> <p>As stated in Point 3, sufficient on-site parking will be provided for visitors, further minimizing the risk of congestion or obstruction from visitor vehicles. Both Arcadia Street and Lang Street, with a 13.22m road reserve, are ample to accommodate this application for subdivision and consent use.</p> <p>While Lang Street does experience increased traffic during peak hours, the development’s contribution to overall congestion will be negligible. The additional traffic from two residential units is minimal,</p>

	<p>Langstraat is ook die roete van die noordelike gedeelte van die dorp, groot gedeelte van die noordooste van die dorp en 'n gedeelte van die westelike deel van die dorp wat n roete is na die skole. Addisionele pendelaars en spesifiek op daardie punt, kan onnodige ekstra verkeer veroorsaak, wat tot groot frustrasie tot blokkering en ongelukke kan lei.</p> <p>Die ander straat waaraan die erf grens, Arcadiastraat, is ook een van die besigste strate. Hierdie straat het nie nog onnodige en addisionele pendelaars en ekstra voertuie wat ingedruk gaan word op een erf, asook parkering in die straat nodig nie.</p> <p>Die voorgestelde bouplanne toon dat dit 3-slaapkamer wooneenhede gaan wees, wat beteken daar gaan heelmoontlik gesinne intrek, waarvan 'n gesin moontlik uit 4 lede bestaan. Indien die gesin jonger kinders het, waar gaan hulle speel? Hoeveel keer gaan hulle die bal per ongeluk in die straat skop? Watter risiko het die besige pad op hul veiligheid? Daar word 'n tuintjie op die plan aangedui, maar dis so klein. Die kinders gaan dus moontlik in die straat moet speel.”</p>	<p>and the designated access points ensure smooth traffic flow without causing blockages.</p> <p>Regarding the concern about children playing in the street, the development includes private outdoor spaces suitable for safe play. Furthermore, families seeking housing typically select properties that meet their needs, including space for children to play. Parents, being highly sensitive to safety concerns, are unlikely to choose a home that could compromise their children's safety or well-being.</p>
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A	<p><u>Concerns regarding pets</u></p> <p>5. “Gaan die voorgestelde inwoners troeteldiere mag hê? Indien wel, waar gaan die arme diere hulle bene rek? Die area aangedui as ‘n tuin is nie baie groot nie.”</p>	<p>5. Pet ownership is commonly permitted in residential areas. While the garden area may not be large, it provides adequate space for small pets to exercise and enjoy outdoor activities. Additionally, the private outdoor spaces are complemented by two public open spaces/parks within a 500m radius, offering ample opportunities for both residents and their pets to access additional space.</p> <p>Responsible pet owners typically choose homes that meet both their and their pets’ needs. If the area were unsuitable for pets, they would likely opt for another home.</p> <p>Additionally, should the owners choose to lease the double dwellings, the owners have the right to include terms in the lease agreement specifying whether pets are allowed and if there are any restrictions on the number or type of pets. At this stage, it is uncertain whether pets will be permitted, but this is not a determining factor for the application in terms of land use planning. The evaluation of the application should not be influenced by this consideration.</p>
A	<p><u>Negative impact on property values</u></p> <p>6. “Indien die wooneenhede gebou sou word, gaan dit lei tot oorbevolking (moontlik 4 persone per wooneenheid, dus ‘n moontlike addisionele 8 persone tot die erf) en sal dit ook ons eiendoms waarde negatief beïnvloed.”</p>	<p>6. The relevant authority may not restrict the application on grounds of the potential financial implications as specified under Section 59 (1) (f) of Chapter VI of The Land Use Planning Act: <i>“a competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.”</i></p>

B	<p><u>Safety concerns</u></p> <p>7. “Die tipe behuising (groepsbehuising) voorgestel op die erf kan kriminele elemente lok wat die buurt se veiligheid sal benadeel.”</p>	<p>7. Firstly, the proposed development does not involve group housing. It involves subdividing the property into two sections, with a double dwelling on the proposed Portion A, which is consistent with low-density residential use permitted under Residential Zone 1 zoning.</p> <p>This development aligns with the Swartland Municipality’s By-law on Municipal Land Use Planning (PG 8226) and the Swartland MSDF (2023-2027), ensuring it complements the neighborhood’s character and contributes to a well-maintained, cohesive community.</p> <p>It is important to note that crime is not inherently linked to the type of housing but is influenced by broader social and economic factors. Therefore, this development should not be viewed as a cause of increased criminal activity. On the contrary, it will contribute to the vibrancy and safety of the area. The responsibility for crime prevention lies with local law enforcement and security services, not with the type of development in the area.</p>
B	<p><u>Noise pollution</u></p> <p>8. “Klankbesoedeling as gevolg van die hoeveelheid mense wat ingedruk gaan word op hierdie klein spasie, het ook ‘n negatiewe effek op die omliggende omgewing en gaan die buurt se rustigheid skend.”</p>	<p>8. The proposed development is not expected to cause significant noise pollution. With the proposal of only two additional dwelling units in the form of a double dwelling, the number of residents will be relatively small, and the traffic flow and activity levels will remain consistent with the surrounding residential area. The development will not result in overcrowding, as it complies with the low-density residential zoning prescribed for Residential Zone 1 properties.</p> <p>Additionally, the design of the development takes into account the surrounding environment, with private outdoor spaces and adequate</p>

		separation between properties. Noise levels are typically well-managed in such developments, especially when compared to higher-density housing types.
B	<p><u>Stormwater flow concerns</u></p> <p>9. “’n Toebou van so ‘n tipe erf met ‘n skuins helling, kan meebring dat daar groot probleme ontstaan ten opsigte van wegvoer van stormwater wat groot skade kan aanrig.”</p>	<p>9. When detailed building plans are submitted for approval, comprehensive engineering solutions, including proper drainage systems, will be implemented to effectively manage stormwater runoff. These measures are designed to ensure that water is directed away from the property and surrounding areas in a controlled manner.</p> <p>With these adequate stormwater management systems in place, there is no reason to anticipate any adverse effects on the surrounding environment, such as flooding or damage, as a result of the proposed development.</p>

3. Conclusion

In conclusion, the proposed development on Erf 952 fully complies with the planning policies and zoning regulations set by the Swartland Municipality. The inclusion of a double dwelling within a low-density residential area ensures that the application integrates seamlessly into the existing neighborhood fabric. Careful planning has been applied throughout, addressing essential factors such as stormwater management, parking provisions, and thoughtful design. These efforts aim to minimize any negative impact on the environment and surrounding properties while promoting responsible urban development.

This development not only adheres to Municipal guidelines but also contributes to responsible growth, enhancing the vibrancy of the area without negatively impacting the quality of life for existing residents. Therefore, the application should be seen as a positive contribution to the neighbourhood, supporting sustainable development and the overall success of the community.

Additionally, the proposed development has been designed with the heritage value of the existing dwelling on Erf 952 in mind. The historic building, of limited local significance, will remain unaltered as part of the subdivision and consent use. While the view of the structure from Lang Street has already been compromised by existing landscaping and infrastructure, the development will not further diminish its heritage value. By respecting the heritage context while enabling urban densification, the proposal strikes a balanced approach to preserving the past while accommodating future growth in the neighbourhood.

We trust you will find the above in order when considering the application.

Kind regards,

A handwritten signature in black ink, appearing to read 'M Crafford', followed by a small dot.

Mandri Crafford (Pr. Pln. 3241/2022)

For *CK RUMBOLL & PARTNERS*