



CLEAN AUDITS SINCE 2010/11



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Lêer verw/ 15/3/4-8/Erf_11180
File ref: 15/3/10-8/Erf_11180

Navrae/Enquiries:
Ms D N Stallenberg

15 Maart 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE AND DEPARTURE ON ERF 11180, MALMESBURY

Your application with reference MAL/12133/MH dated 6 October 2021 on behalf of DJ Nieuwenhuys, has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 9 March 2022 to approve the application for consent use and departure on Erf 11180 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 use authorises a double dwelling, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- (c) Approval be obtained from Heritage Western Cape at building plan stage;
- (d) A municipal tariff of R135 455,00 for the continued illegal land use be levied at building plan stage;

A2 WATER

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

A3 SEWERAGE

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

A4 DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for the development charge of R6 534,30 (R10 890,5 x 0.6) towards the supply of regional bulk water, at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer be responsible for the development charge of R7 340,83 towards bulk water reticulation, at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer be responsible for the development charge of R3 631,57 towards sewerage, at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);

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

- (d) The owner/developer be responsible for the development charge of R5 410,05 towards streets and stormwater, at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/247-144-9210);
- (e) The owner/developer be responsible for the development charge of R4 358,90 towards electricity, at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter. (mSCOA 9/253-164-9210);
- (f) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to A4(a);

B. The application for a departure of development parameters on erf 11180, Malmesbury, is approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:

- (a) Departure of the required 4 on-site parking bays to 0;
- (b) Credit be given for the non-provision of 2 on-site parking bays and a financial contribution be made for the non-provision of the remaining 2 on-site parking bays calculated at R900/m² x 25 m² = R22 500,00

C. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years. All conditions of approval be complied with within a period of 2 months, by 16 May 2022, after which the 5 year period will no longer be applicable;
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law;

The application be supported for the following reasons:

- (a) The application is in compliance with the planning principles of LUPA and SPLUMA;
- (b) The application is consistent with local, regional and provincial spatial planning policy regarding densification;
- (c) The development proposal complies with all applicable zoning parameters of the Residential zone 1 zoning, except for on-site parking;
- (d) The proposed double dwelling will complement and not have a negative impact on the character of the surrounding residential area;
- (e) The development proposal supports the optimal utilisation of the property;
- (f) The proposed land use is considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area;
- (g) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population.
- (h) Sufficient services capacity exists to accommodate the proposed double dwelling;
- (i) The number of people or number of families which may reside in a dwelling house is not a decision making criteria for a consent use for second dwelling or double dwelling;
- (j) The historical situation regarding the provision of no on-site parking on erf 11180 will continue to exist;
- (k) Section 96(3) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) authorises the institution of a fine for every day the illegal land use continues. Municipal tariffs make provision for a tariff to be levied for a continued unauthorised land use. The reluctance of the owner to rectify the illegal land use and unauthorised building work cannot be condoned.

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 R2 400-00 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

Copies : Director : Civil Engineering Services

Director : Financial Services

Building Control Officer