



CLEAN AUDITS SINCE 2010/11



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Lêer verw/ 15/3/4-8/Erf_425
File ref:

Navrae/Enquiries:
Ms D N Stellenberg

17 August 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED DEPARTURE ON ERF 425, MALMESBURY

Your application with reference MAL/12521/NJdk dated 29 April 2022 on behalf of Clisa 33 CC has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 10 August 2022 to approve the application for the departure for the non-provision of the required on-site parking on Erf 425, Malmesbury, in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Building plans be submitted to the Senior Manager Built Environment for consideration and approval;
- (b) In terms of section 13.1.2(c) of the development management scheme the owner/developer pay a cash sum for the non-provision of the 3 on-site parking bays including the portion of the 2 parking bays partially provided on the road reserve in Hill Street at R843/m²; (5 x 12,5)-11.7 x 843 = R 42 824.40;

A2 WATER

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

A3 SEWERAGE

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

A4 STREETS & STORMWATER

- (a) The existing parking area, including the sidewalk that provide access to the parking bays, be provided with a permanent surface and the parking bays be clearly demarcated. The materials used be pre-approved by the Director: Civil Engineering Services on building plan stage and the parking area be finalised before the occupation certificate be issued for the proposed new flats;

A5 DEVELOPMENT CHARGES

- (a) The development charge towards the regional bulk supply of water of R6534,30 (R10 890,50 x 0.6 for High density) per dwelling unit be for the account of the owner/developer payable at building plan stage. The amount is due to the Swartland Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards water to the amount of R7 340,83 per dwelling unit be for the account of the owner/developer payable at building plan stage. The amount is due to the Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The development charge towards sewerage to the amount of R3 631,57 per dwelling unit be for the account of the owner/developer payable at building plan stage. The amount is due to the Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (d) The development charge towards streets and storm water to the amount of R5 410,05 per dwelling unit be for the account the owner/developer payable at building plan stage. The amount is due to the Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/247-144-9210);
- (e) The development charge towards electricity to the amount of R4 358,90 per dwelling unit be for the account of the owner/developer payable at building plan stage. The amount due to the Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/253-164-9210);
- (f) The Council's resolution dated May 2022 makes provision for a 35% rebate applicable on the development charges of Swartland Municipality. The rebate is valid for the 2022/2023 financial year and may be revised thereafter. The rebate is not applicable to point A5(a);

B. GENERAL

- (a) Should it be necessary to upgrade any existing services in order to accommodate the access or service connections of the proposed development, the cost thereof be for the developer's account;
- (b) The approval is, in terms of section 76(2)(w) of the By-Law, valid for a period of 5 years. Building plans can only be approved once all conditions of approval have been met. The owner/developer is responsible to ensure that every condition of approval is complied with. Should all conditions not be met by the end of 5 years, the land use approval will lapse. However, should the conditions of approval be met before the 5 year period lapses, the land use will be permanent and the approval period will not be applicable anymore;
- (c) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal, within 21 days of the notice, in terms of section 89(2) of the By-Law;

C. The application be supported for the following reasons:

- (a) The proposal to accommodate flats under the Business Zone 1 zoning situated within the CBD of Malmesbury will not have a negative impact on the character of the area;
- (b) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (c) The proposal will not have a significant impact on traffic along Biccand and Hill Street and as confirmed by the Department: Civil Engineering services, a study done in 2020 by an independent traffic engineer confirmed that the Malmesbury CBD has sufficient parking available for this application to be considered favourable;
- (d) There are no restrictions registered against the title deed of the property that has a negative impact on the proposed application;
- (e) 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/heritage assets;

- (f) There are currently space in front of the property as well as ample space for parking next to Hill Street. This is mainly due to the very large road reserve. During the site inspection it was also found that people already use the side of the road to park their vehicles and that it does not cause any obstruction of vehicle or pedestrian traffic. It can therefore be argued that the non-provision of on-site parking in this case will not have a detrimental impact on the neighbouring properties.

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 R4 500-00 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*

Building Control Officer

Director : Financial Services