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SKOON OUDITS SEDERT 2010/11



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Lêer verw/

File ref: 15/3/3-8/Erf_7677
15/3/4-8/Erf_7677
15/3/10-8/Erf_7677

Navrae/Enquiries:
Ms D N Stallenberg

19 September 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REZONING, CONSENT USE AND DEPARTURE ON ERF 7677, MALMESBURY

Your application with reference MAL/12587/ZN/MV dated 10 June 2022 on behalf of FJE Roux has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 14 September 2022 to approve the application for rezoning of erf 7677, Malmesbury from Industrial Zone 1 to Industrial Zone 2, 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:
- B. The application for the consent use on Erf 7677, Malmesbury, has been approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).
- C. The application for the permanent departure of the development parameters applicable on Erf 7677, Malmesbury, has been approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).
- D. The approvals in A, B and C above are subject to the following conditions:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use be restricted to accommodate a scrap yard on the property as presented in the application;
- (b) The departure entails accommodating the existing building 1,5m from the side boundary in-lieu of the 3m requirement of the new zoning category;
- (c) The hours of operation of the scrapyards shall be limited to 08h00 to 17h00 from Monday to Friday and 08h00 to 12h00 on Saturdays;
- (d) No storing, sorting, depositing or collection of scrap material be permitted in front of the building / property, the road reserve along Industrie Crescent or anywhere other than inside the building or yard as indicated on the site development plan.
- (e) Building plans including the necessary fire plan be submitted to the Senior Manager Built Environment for consideration and approval;
- (f) The illegal access on the eastern boundary which provide access to the municipal commonage be permanently closed with a wall similar to that which is currently on the

Rig asseblief alle korrespondensie aan:
Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299
Darling Tel: 022 492 2237

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
Yzerfontein Tel: 022 451 2366

- perimeter of the property in order to close the illegal access as well as to ensure that no scrap material could be blown by the wind onto the municipal land as well as into the river;
- (g) No pollution be permitted;

D2 STREETS AND STORMWATER

- (a) The proposed parking area, be provided with a permanent dust free surface and the parking bays clearly demarcated as indicated on the site development plan. The material used be pre-approved by the Director Civil Engineering services on building plan stage;

D3 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 will be for the developer's account;
- (b) 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 after the date of the final decision, after which the 5 year period will no longer be applicable;
- (c) The applicant/objectors be informed of the right to appeal against this decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;

E. The application be supported for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed land use;
- (c) Possible negative impacts are mitigated through the fact that the building acts as a screen to the material stored at the back of the yard, the property is fenced off with a prefabricated wall and the back of the property consist of a permanent surface;
- (d) The application for rezoning to Industrial zone 2 as well as the use of the property as a scrap yard is not in conflict with the MSDF, 2019;
- (e) The proposed application will not have a negative impact on the character of the area given the industrial as well as mixed use nature of the area;
- (f) 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;
- (g) The proposal will not have a significant impact on traffic in Industrie Crescent.

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 : *Building Control Officer*
Director : Civil Engineering Services