



CLEAN AUDITS SINCE 2010/11



Munisipaliteit
Municipality
Umasipala

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

Lêer verw/
File ref: 15/3/4-15/Farm_882/01

Navrae/Enquiries:
Mr HL Olivier

30 August 2022

C K Rumboll & Partners
P.O. Box 211
MALMESBURY
7299

By Registered Mail

Sir

**PROPOSED TEMPORARY DEPARTURE: PORTION 1 OF FARM KLEIN MORGENWACHT
NO 882, DIVISION MALMESBURY**

Your application dated 11 April 2022 regarding the subject refers.

By virtue of the authority delegated to the Senior Manager: Built Environment in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for a departure to use land on a temporary basis for a purpose not provided for in the zoning scheme on portion 1 of the Farm Morgenwacht No. 882, Division Malmesbury, be refused in terms of section 70 of the By-Law:

The application is refused for the following reasons;

1. Situated within a rural / agricultural landscape, the storage facility will have a negative impact on the character of the area.
2. The proposed use, storage facility for recyclable materials restricted to paper and boxes, falls under the ambit of the definition of a scrap yard as contained in the development management scheme which is clearly industrial in nature as it is only accommodated as a consent use under the Industrial Zone 2 & 3 zonings.
3. The proposed use is in conflict with the spatial proposals of the Swartland MSDF, 2019. It is clearly stated in the MSDF, 2019 that land development be promoted in sustainable locations limiting urban sprawl as well as optimising the use of existing resources and infrastructure. The proposed industrial development, if approved, is a form of urban sprawl and should therefore rather be located within the approved urban edge. The proposed use is not seen as an ancillary rural activity and due to its location within the rural / agricultural landscape it will not contribute to the protection and growth of place identity and cultural integrity.

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

4. In terms of Section 22(1) of the Spatial Planning and Land Use Management Act, Act 16 of 2013, (SPLUMA) determines that the Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of the Act or any other law relating to land development, may not make a decision which is inconsistent with the applicable Municipal Spatial Development Framework.
5. The proposal is in conflict with provincial spatial planning proposals. In terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019; "...All non-place-bound industry (industries not ancillary to agriculture or serving the rural needs should be located within urban areas...". Given the nature of the proposed use, there is insufficient reasons provided why the proposed use must be located in the rural area rather than in an industrial area of a town.
6. The proposed application is not supported by the Western Cape Department of Agriculture.

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 has 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
HLO/ds

Copy : *Neville Mathys*

Khabane International Trading PTY LTD, 28 Angus Crescent, Longmeadow Business Estate, Johannesburg, 1610

Per e-mail: planning2@rumboll.co.za
lobinlin@icloud.com