



File ref: 15/3/4-1/Erf_993
15/3/10-1/Erf_993

Enquiries:
Mr AJ Burger

17 March 2026

Active Planning Solutions
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Per registered post

Attention: Pierre Jordaan activeplanningsolutions@gmail.com

Dear Sir/Madam

PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 993, ABBOTSDALE

Your application, with reference APS/993_Adale/Con_v2, dated November 2025, on behalf of JJ & A Papier, regarding the subject refers.

- A. By virtue of the authority delegated to the Senior Manager: Development Management 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 consent use on Erf 993, Abbotsdale, be refused in terms of Section 70 of the By-Law.
- B. By virtue of the authority delegated to the Senior Manager: Development Management 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 the departure of development parameters on Erf 993, Abbotsdale, be refused in terms of Section 70 of the By-Law as follows:
 1. Departure of the allowable coverage of 60% to 61% refused.
 2. Departure of the required 1 on-site parking bays to 0 refused.

Reasons for the decisions:

1. The SDF indicates that erf 993 is situated in zone D. Zone D has a high-density residential character which includes existing and subsidized housing development with a secondary business node. Allow for supporting social and neighbourhood orientated commercial services. Includes a restructuring zone for the provision of social housing.

Secondary Business Uses refer to neighbourhood business uses such as house shops, small offices and home occupations that can be accommodated at identified business nodes and along activity streets/corridors only. **House taverns only to be allowed along activity streets in residential areas on discretion of the Municipality.**

- 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!

Professional uses refer to offices like doctors, dentists, attorneys, architects, engineers and town planners that can be accommodated anywhere in the zone.

It is the intention of the SDF to restrict business uses in this zone to Eikeboom Street.

The proposed house tavern on erf 993 is in contradiction with the spatial planning of Abbotsdale.

2. Matters in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA (Act 3 of 2014)(LUPA) refers to:
 - 2.1 Spatial Justice: The proposed land use is deemed to be in conflict with the spatial planning of Abbotsdale. The application does not comply with the principle of Spatial Justice.
 - 2.2 Spatial Sustainability: Sufficient services capacity exist to accommodate the proposed house tavern which results in the optimal use of existing infrastructure. However, the proposed house tavern is out of character with the surrounding residential area and will have a negative impact and may create a precedent if supported. Future decision making may be affected negatively if this application is approved. The application does not comply with the principle of Spatial Sustainability.
 - 2.3 Efficiency: The spatial planning of the specific zone of Abbotsdale is clear that the proposed house tavern can only be accommodated on an activity street or inside a business node which is not the case with this application. A mix of land uses for professional uses e.g. offices like doctors, dentists, attorneys, architects, engineers and town planners are supported as home occupations. The application does not comply with the principle of Efficiency.
 - 2.4 Good Administration: The applicant obtained written consent from affected property owners and written notices were hand-delivered to other affected parties. The application was also circulated to the relevant municipal departments and West Coast District Municipality and Eskom for comment. Consideration was given to all correspondence received. It is therefore argued that the principles of good administration were complied with by the Municipality.
 - 2.5 Spatial Resilience: The relevant portion of Eikeboom Street cannot accommodate the proposed house tavern as it is in conflict with the spatial planning of the area. The dominant residential area is not resilient enough to accommodate the proposed house tavern. The application does not comply with the principle of Spatial Resilience.
3. The proposed house tavern is not complimentary to the residential character of the area and will have a negative impact.

C. GENERAL

1. Building plans for any illegal building work be submitted to the Senior Manager: Development Management for consideration and approval;
2. Compliance with the decision (submission of building plans) be undertaken not later than 31 May 2026;
3. Failure to comply with this decision, obtaining a completion certificate and concluding all other necessary processes, will result in legal action to enforce compliance;
4. An occupancy certificate for building work completed in accordance with the approved building plan be obtained within 1 months after the approval of the building plan;
5. Appeals against the decision should 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 that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

Yours sincerely


MUNICIPAL MANAGER
per Department Development Services
AJB/ds

Copies: *Director: Civil Engineering Services*
 Building Control Officer
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