



Lêer verw/ 15/3/3-14/Erf_2743
File ref:

Navrae/Enquiries:
Mr HL Olivier

12 October 2026

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Attention: Mr NJ de Kock

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Sir/Madam

AMENDMENT OF CONDITIONS OF APPROVAL: REZONING, CONSOLIDATION AND REMOVAL OF RESTRICTIVE CONDITIONS ON ERVEN 744 & 745, YZERFONTEIN (NOW ERF 2743)

Your application with reference YZER/15316/NJdK, dated 8 July 2026 on behalf of Coastal Cove Pty Ltd has reference.

- 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 the amendment of conditions of approval, is hereby **refused** in terms of Section 70 of the By-Law, for the following reasons:
1. The amendment removes a fundamental mitigation measure. The original approval was granted on the basis that commercial traffic associated with the business component would be directed to Park Road, while access from Ibis Close would be limited to the residential component consisting of two flats. The separation of access formed an integral mitigation measure relied upon in the municipal assessment when evaluating the impact of the development on the surrounding area. The proposed amendment would remove that mitigation measure and fundamentally change the planning circumstances upon which the approval was granted.
 2. The amendment is inconsistent with the purpose of the condition. The purpose of the access restriction was to ensure that Ibis Close retained its function as a residential cul-de-sac and that commercial traffic impacts were directed towards Park Road, being the road interface intended to accommodate business activities. The proposed amendment is contrary to the purpose for which the condition was imposed and would negate the planning objective that the condition was specifically intended to achieve.

3. The proposal differs substantially from the development found desirable in 2024. The municipality's finding that the original development was desirable was based, amongst other things, on the separation of commercial and residential access. The proposed amendment introduces commercial vehicle movements, staff parking and loading activities from Ibis Close. Consequently, the development now proposed differs materially from the development that was assessed and found to be desirable during the original approval process.
4. The proposal is in conflict with the access requirements as contained in the applicable development management scheme. The proposed access arrangement appears to conflict with the access management provisions of the applicable Development Management Scheme. The amendment requires the utilisation of approximately 20m of the Ibis Close street frontage to serve multiple parking bays and a loading area, substantially exceeding the extent ordinarily contemplated for a single carriageway crossing along a street frontage. The proposal is therefore not consistent with the intent of the Scheme's access management provisions.
5. The proposal is deemed undesirable and not in the interest of the public. Although the municipality acknowledges the economic benefits associated with the expansion of the business and medical facilities, these benefits do not outweigh the planning implications arising from the proposed access configuration. The municipality is not satisfied that sufficient planning grounds have been advanced to justify the removal of a condition that formed a material component of the original approval. The proposal is therefore regarded as undesirable and not in the broader public interest.
6. The proposal is in conflict with the principle of good administration. Land use decisions must provide certainty, predictability and consistency. The proposed amendment seeks to remove a condition that formed part of the municipality's assessment of impacts and desirability during the original application process. The municipality is not satisfied that circumstances have changed to such an extent that a departure from the original planning rationale is warranted. Approval of the amendment would undermine the certainty and consistency that should accompany land use management decisions.

B. GENERAL

1. The applicant be informed of the right to appeal against the decision of the Authorised Official in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5 200,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

Yours faithfully


^ **MUNICIPAL MANAGER**
via Department Development Services

HLO/ds

Copies : clevebeukman@hotmail.com