



File ref: 15/3/3-8/Erf\_374  
15/3/4-8/Erf\_374

Enquiries:  
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10 March 2026

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Dear Sir/Madam

**PROPOSED AMENDMENT OF CONDITION OF APPROVAL: PROPOSED REZONING OF ERF 374, MALMESBURY**

Your application, with reference number MAL/14841/NJdK, dated 30 September 2025, on behalf of the Johan Loubser Familie Trust refers.

By virtue of the authority delegated to the Senior Manager: Development Management, in terms of Council Resolution 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, dated 25 March 2020), the application for the amendment of a condition of approval pertaining to the rezoning of Erf 374, Malmesbury, is hereby approved in terms of Section 70 of the By-Law, subject to the conditions that:

**1. TOWN PLANNING AND BUILDING CONTROL**

(a) Condition 1(a). in approval letter 15/3/3-8/Erf\_374, dated 16 February 2015, that reads as follows:

*"...1(a). dat die besigheidsure van die restaurant beperk word tot tussen 08h00 tot 22h00 sewe dae 'n week, soos voorgelou in die betrokke aansoek;"*

translated as follows:

*"...1(a). that the business hours of the restaurant be limited to between 08h00 and 22h00 seven days a week, as stated in the relevant application ..."*

be amended to read as follows:

*"...The business use of the property be restricted to a restaurant and shop, of which the business hours of the restaurant be restricted to between 08h00 and 22h00 seven days a week..."*;

(b) Condition 1(g). in approval letter 15/3/3-8/Erf\_374, dated 16 February 2015, that reads as follows:

*"...1(g). dat ten minste 8 op-perseel parkeerplekke van 'n permanente storfvrue oppervlakte hetsy teen, beton of plaveisel of 'n materiaal vooraf deur Swartland Munisipaliteit goedgekeur voorsien word dat die parkeerplekke duidelik gemerk word;*

translated as follows:

- 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!

“...1(g). that at least 8 on-site parking spaces are provided with a permanent, dust-free surface, either brick, concrete or paving or a material previously approved by Swartland Municipality that the parking spaces are clearly marked...”

be amended to read as follows:

“...1(g). that at least 12 functional on-site parking spaces be provided with a permanent, dust-free surface, either brick, concrete or paving or a material previously approved by Swartland Municipality that the parking spaces are clearly marked...”;

- (c) Building plans be submitted to the Senior Manager: Development Management, for consideration and approval;
- (d) Application for the erection of any advertising signs be made to the Senior Manager: Development Management;
- (e) Access to the property be restricted to only be obtained from the northern erf boundary and not from the southern erf boundary;

## 2. WATER

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

## 3. SEWERAGE

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

## 4. GENERAL

- (a) The remaining conditions contained in approval letter 15/3/3-8/Erf\_374, dated 16 February 2015, remain applicable to the proposed development;
- (b) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable.
- (d) The applicant/objector be informed of the right to appeal against the decision of the Municipality, in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za), within 21 days of notification of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order 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  
HLO/ds

Copies: Department Financial Services  
Department Civil Engineering Services  
Building Control Officer  
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