



File ref: 15/3/3-Erf 1008
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Enquiries:
Mr HL Olivier

21 November 2025

CK Rumboll and Partners
P.O. Box 211
MALMESBURY
7299

PER REGISTERED MAIL

Dear Sir / Maddam

PROPOSED CONSENT USE, REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND DEPARTURE ON ERF 1008, DARLING

Your application, with reference DAR/14181/NJdK, dated 21 January 2025, on behalf of Blue Moonlight Prop 61 (PTY) Ltd, 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 the removal of restrictive conditions B(a), B(a)(i), B(a)(ii) and (B)(b) in Title Deed T21438/2008, of Erf 1008, Darling, is hereby approved in terms of Section 70 of the By-Law, as follows:

Conditions B(a), B(a)(i), B(a)(ii) and (B)(b) in Title Deed T21438/2008 that read:

- B(a) Die gemelde eiendom sal gebruik word vir die oprigting en gebruik daarop van Fabriek en Werkswinkels soos gedefinieer in Seksie 2 van die Kaapse Munisipale Ordonnansie Nr 19 van 1951, of vir handelstoren en vir geen ander doel. Die gemelde eiendom sal egter nie, ook sal geen fabriek of werkswinkel of stoor daarop gebruik word vir die dryf van enige ongesonde, hinderlike of gevaarlike besigheid soos omskrywe in die Kaapse Munisipale Ordonnansie Nr 19 van 1951 en/of enige Goewementsregulasie betreffende hinderlike besigheid of enige amendeerde of ander Wet. Die transportontvanger mag egter, in die oprigting van sodanige fabriek of werkswinkel of store wat toegelaat word om opgerig te word in terme van hierdie paragraaf:*
- B(a)(i) Geboue oprig vir die gebruik van Kantoor akkommodasie en vir doeleindes wat in verband staan met die vervaardiging en produksie van goedere deur die Maatskappy.*
- B(a)(ii) Die nodige woonhuis vir die gebruik van 'n oppasser opgerig maar geen ander woonhuis nie.*
- B(b) Die bepalinge van die Dorpsaanlegskema van die Verkoper sal van toepassing wees op hierdie eiendom.*

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The applicant/owner applies to the Deeds Office to amend the Title Deed in order to reflect the removal of the restrictive conditions;

- 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!

- (b) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
 - i. Copy of the approval by Swartland Municipality;
 - ii. Original Title Deed, and
 - iii. Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
- (c) A copy of the amended Title Deed be provided to Swartland Municipality for record purposes.
- 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 consent use on Erf 1008, Darling, is approved in terms of Section 70 of the By-Law, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use be restricted to the existing shops, 424m² and 196m² in extent respectively;
- (b) Building plans be submitted within sixty (90) days from the date of registration of the approval letter, to the Senior Manager: Development Management for consideration and approval;

2. WATER

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

3. SEWERAGE

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

4. STREETS AND STORMWATER

- (a) The proposed parking bays, including the adjoining sidewalk intended for pedestrian access, be formalized and constructed to the satisfaction of the Director Civil Engineering Services. Furthermore, stormwater generated on-site shall be managed and directed to the nearest municipal collection point in a manner that prevents overloading of the existing drainage infrastructure.
- (b) The storm water management system/network be designed by an Engineer appropriately registered in terms of the provisions of Act 46 of 2000. The design be submitted to the Director: Civil Engineering Services for approval after which the construction be carried out under the supervision of the Engineer;

5. DEVELOPMENT CHARGES

- (a) The relevant development charges be calculated on building plan stage;

- C.** 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 departure on Erf 1008, Darling, is hereby refused in terms of Section 70 of the By-Law, due to the following reasons:

- 1. The proposed site development plan does not comply with the parameters of Section 13.1.3 of the development management scheme;
- 2. The site development plan proposed with the application is therefore deemed unacceptable and with the parking layout to be amended significantly, the application for departure is deemed unjustified and not desirable;

D. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) All conditions of approval be implemented before the occupancy certificate of completion be issued. 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;
- (c) 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, Malmesbury, 7299 or by e-mail to 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 faithfully


MUNICIPAL MANAGER
per Department Development Services
HLO/ds

Copies: *Department: Civil Engineering Services*
Building Control Officer
Blue Moonlight Prop 61 PTY Ltd, 2 Caledon Street DARLING, 7345
Via e-mail: planning2@rumboll.co.za
darlingtyres@mweb.co.za