



File ref: 15/3/3-8/Erf_7827
15/3/4-8/Erf_7827

Navrae/Enquiries:
Mr HL Olivier

30 September 2025

CK Rumboll & Partners
PO Box 211
MALMESBURY
7299

Sir/ Madam

PROPOSED REZONING & DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 7827, MALMESBURY

Your application with reference number MAL/14533/NJdK, dated 16 May 2025 received on the 30th of June 2025, on behalf of JM Omar & MM Hassam, 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 8227 of 25 March 2020), the application for rezoning of erf 7827, Malmesbury from Residential Zone 2 to Business Zone 2, is hereby approved 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 8227 of 25 March 2020), the application for the departure of development parameters on erf 7827, Malmesbury, is hereby approved in terms of Section 70 of the By-Law as follows:

Decisions A. & B. above be subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The use of the property be restricted to a shop and flat as presented in the application;
- (b) The departure entails accommodating the existing buildings, 0m (southeastern) and 1m (northeastern) side boundaries respectively in lieu of the 3m restriction as well as the non-provision of 4 on-site parking bays;
- (c) In terms of Par 13.1.2. of the development management scheme the owner / developer pay a cash sum to the amount of R 16 830,00 to the municipality as calculated by multiplying the estimated market value per m² (R198.00/m²) of the land on which the building is erected, by the area in m² of the land which is required to be provided for the provision of an adequate parking outlay (85m²). The amount be paid on building plan stage to vote no. 9/222-303-9212;
- (d) The on-site parking bay be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by Swartland Municipality and that the parking bays are clearly marked;
- (e) The structures be altered in such a manner as to comply with the provisions as contained in the development management scheme as well as the National Building Regulations;
- (f) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (g) Application be made to the Senior Manager: Development Management for the erection of any advertising signs;

- 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!

- (h) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (i) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (j) The operating hours of the shop be restricted between 6:00 and 21:00 daily;
- (k) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (l) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound may be positioned or affixed outside the shop, including to any awning, stoep or shade structure;
- (m) The operation of the shop may not result in congestion / obstruction along Arend- or Kraanvoël Streets;
- (n) No loitering be permitted anywhere on the subject property, whether it be inside or outside the buildings on the erf or around the entrance to the erf;
- (o) The shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- (p) The on-site parking bays be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by Swartland Municipality and that the parking bays are clearly marked;

2. WATER

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

3. SEWERAGE

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

4. DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for a development charge of R 6 003,03 toward the bulk supply of regional water, at building plan stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer be responsible for the development charge of R 3 371,92 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer be responsible for the development charge of R 2 129,25 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R 2 308,16 towards the wastewater treatment works, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R 19 403,21 towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (f) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and can be revised thereafter;

5. GENERAL

- (a) The letter of authorization from Swartland Municipality be displayed inside the shop;
- (b) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (c) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision, therefore before 5 December 2025;
- (d) Failure to comply with all conditions of approval, obtaining a completion certificate and concluding all other necessary processes, will result in legal action to enforce compliance;
- (e) An occupancy certificate for building work completed in accordance with the approved building plan for the shop be obtained within 6 months after the approval of the building plan;

- (f) 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
HLO/bs

Copies:

Director: Civil Engineering Services
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Director: Financial Services
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