



File ref: 15/3/3-8/Erf 4857

Enquiries:
A. de Jager

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C K Rumboll & Partners
P.O. Box 211
MALMESBURY
7299

via e-mail: planning1@rumboll.co.za

Sir / Madam

**PROPOSED REZONING OF A PORTION OF ERF 4857 (49 JAKARANDA STREET),
MALMESBURY**

Your application with reference number MAL/14506/MC, dated 2 June 2025, on M.P Kock and O.R. Wijnen, regarding the subject, 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), application for the rezoning of a portion of Erf 4857, Malmesbury, from Residential Zone 1 to Business Zone 2, is approved in terms of section 70 of the By-Law, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) A portion (226m² in extent) of Erf 4857, Malmesbury (668m² in extent), be rezoned from Residential Zone 1 to Business Zone 2, in order to accommodate a neighbourhood business on the site, in accordance with Site Development and Rezoning Plan MAL/14506/MC, dated May 2025;
- b) Building plans, indicating any new or unauthorised construction and demolishing work, be submitted to the Senior Manager: Development Management for consideration of approval;
- a) A minimum of five (5) clearly demarcated on-site parking bays be provided (2 bays for the residential component and 3 bays for the proposed neighbourhood business), as presented in the application and that the parking area and sidewalk be finished with a permanent, dust free surface, whether it be tar, concrete, paving or any other material pre-approved by the Director: Civil Engineering Services;
- c) Application be made for the right to display any signage on the property and submitted to the Senior Manager: Development Management for consideration and approval;
- d) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- e) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- f) The operating hours of the business be restricted between 7:00 and 21:00 daily;
- g) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- h) Any music played on the property only be audible inside the shop and no appliances used for the broadcasting or amplification of sound may be positioned or affixed outside the shop, including being attached to any awning, stoep or shade structure;
- i) The operation of the business may not result in congestion/obstruction along Jakaranda Street and the owner/developer must ensure that customers and delivery vehicles utilise the on-site parking bays;

- j) No loitering be permitted anywhere on Erf 4857, Malmesbury, whether it be inside or outside the buildings on the erf or around the entrance to the erf;
- k) The shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;

2. WATER

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

3. SEWERAGE

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

4. ROADS AND STORM WATER

- a) Delivery vehicles to the property be restricted to vehicles not exceeding 16 000kg gross vehicle mass;

5. DEVELOPMENT CHARGES

- a) The owner/developer is responsible for a development charge of R12 263,60 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 is responsible for the development charge of R6 888,50 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 R3 749,00 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 R4 064,10 towards the waste water 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 R27 651,75 towards roads and storm water, 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 may be revised thereafter;

6. GENERAL

- a) The approval letter from Swartland Municipality be displayed inside the business;
- b) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision, by 4 December 2025;
- c) Failure to comply with all conditions of approval, obtaining an occupancy certificate and concluding all other necessary processes, will result in legal action to enforce compliance;
- d) An occupancy certificate for building work completed in accordance with the approved building plan for the business be obtained within 6 months after the approval of the building plan;
- e) 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
Ad./ds

Copies: *Department: Financial Services*
 Department: Civil Engineering Services
 Building Control Officer
 M.P Kock and O.R. Wijnen, 49 Jakaranda Street, Malmesbury, 7299.
 matonyare27@gmail.com