



File ref: 15/3/4-8/Erf\_4533

Enquiries:  
Mr HL Olivier

14 April 2026

C K Rumboll & Partners  
P.O. Box 211  
MALMESBURY  
7300

Attention: Jolandie Linnemann;

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Dear madam

**APPLICATION FOR DEPARTURE OF DEVELOPMENT PARAMETERS: ERF 4533, MALMESBURY**

Your application, with reference MAL/14910/JL/GB dated 1 December 2025, on behalf of R & E Cronje, 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 departure of the development parameters with regard to the street building line, side building line, permission to accommodate windows in a wall closer than 1m to the property boundary, not providing an access way at least 1m wide from a public street to the vacant portion of the land unit concerned as well as the departure of the maximum coverage, on erf 7321, Malmesbury, is hereby refused in terms of Section 70 of the By-Law;

**1. REASONS FOR REFUSAL**

- (a) The development proposal consists of interrelated and substantial departures from the development parameters. While some departures may appear minor when viewed in isolation, their combined and cumulative effect results in a development that fundamentally departs from the development framework applicable to Residential Zone 1 properties.

In principle departures are assessed holistically and not in a piecemeal manner. In this instance, the extent, number and interaction of the proposed departures collectively undermine the integrity of the zoning scheme and cannot reasonably be regarded as minor, technical, or incidental deviations.

- (b) The proposal will result in a negative impact on streetscape, sense of place and urban form. The encroachment of permanent structures into the street and side building lines significantly erodes the intended interface between private development and the streetscape. The reduced setbacks disrupt the established streetscape rhythm, diminish openness and weaken the spatial structure that contributes to the area's residential character. The resulting built form is visually dominant and spatially intrusive, negatively affecting the sense of place, which is a core consideration of sound urban design and spatial planning. The proposal is deemed inconsistent with the objectives of the Municipal Spatial Development Framework, which promotes context-sensitive, orderly and coherent development within established residential areas.

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- ISwartland ljonje phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

- (c) The proposal, if approved will result in the retrospective regularisation of extensive unauthorised development. The application seeks to retrospectively legalise extensive building works undertaken without approved building plans. While retrospective applications are not prohibited, they require particularly compelling planning justification, especially where significant departures from core development parameters are involved. In this instance, the departures arise primarily from avoidable non-compliance, rather than site constraints or exceptional circumstances. Approving the application would undermine orderly development management and create a perception that compliance with planning controls is optional, subject to later regularisation.
- (d) The proposal undermines the purpose and consistency of planning controls. The development parameters regulating coverage, building lines, window setbacks and access widths exist to protect, spatial quality and visual amenity, privacy and safety, coherent urban form as well as consistency in development management. Should the proposal be granted, the departures as proposed in this specific application, would materially weaken these controls and set an undesirable precedent, making it increasingly difficult for the municipality to apply planning regulations consistently and defensibly in future applications.
- (e) The departures are sought primarily to regularise development that was constructed in conflict with the approved development parameters, rather than in response to exceptional site conditions or demonstrable planning necessity. The Municipal Land Use Planning By-Law does not envisage departures as a mechanism to routinely legitimise extensive non-compliance after the fact, particularly where such non-compliance affects core spatial controls and neighbourhood character. The proposal is therefore deemed undesirable.

## B. GENERAL

- (a) That the owner / developer be instructed to remove, modify, or alter the unauthorised structures on the property so as to ensure compliance with the applicable development parameters of the Swartland Municipality: Municipal Land Use Planning By-Law and applicable development management scheme. In the event that alteration or modification of the structures is proposed as a remedial measure, the owner / developer be required to submit revised building plans for consideration and approval, which must fully comply with the applicable development parameters as well as National Building Regulations prior to implementation.
- (b) That the owner / developer be informed that failure to initiate appropriate remedial action within 30 (thirty) calendar days from the date of this decision shall result in the municipality instituting the necessary enforcement and legal action in respect of the identified contraventions, without further notice, in accordance with the enforcement provisions of the Swartland Municipality: Municipal Land Use Planning By-Law and any other applicable legislation.
- (c) You are hereby informed of your right to appeal the decision of the authorised official, in terms of section 89 of the By-Law. For an appeal to be valid it needs to comply with the provisions as contained in Section 90 of the By-Law. It therefore needs to be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za). This should be done within 21 days of notification of the decision and should be accompanied by proof of payment of the applicable fee of R 5 000.00. Appeals received late and/or that do not comply with the requirements, will be considered invalid and will not be processed.

Yours sincerely

  
MUNICIPAL MANAGER  
per Department Development Services  
HLO/ds

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