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15/3/4-8/Erf_674

Navrae/Enquiries:
Ms D N Stallenberg

17 October 2024

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL : REZONING AND DEPARTURE ON ERF 674, MALMESBURY

Your application dated 17 April 2024 with reference MAL/10532/MC on behalf of Andre Halvorsen Family Trust has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 9 October 2024 to approve application for the amendment of certain approval conditions, with respect to the Place of Education on Erf 674, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The following conditions contained in approval letter 15/3/3-8/Erf 674, dated 20 October 2021, that read as follows:

"...A.A1(b) The crèche be restricted to 24 registered children at any time as presented in the application..."

be amended to

"...A.A1(b) The crèche be restricted to 59 registered children at any time as presented in the application..."

"...A.(a) Departure of 1 on-site parking bay by providing only 9 on-site parking bays instead of 10 on-site parking bays..."

be amended to

"...A.(a) Departure from providing the required 16 on-site parking bays by providing only 9 on-site parking bays, creating a shortfall of 7 parking bays..."

"...A.(b) A financial contribution of R7 500 (12.5 m² & R600/m²) be made for the non-provision of 1 parking bay..."

be amended to

"...A.(b) A financial contribution of R87 500 [(12.5m² X 7 parking bays) X R1 000 per m²] be made for the non-provision of 7 parking bays..."

- (b) The remaining conditions contained in approval letter 15/3/3-8/Erf 674, dated 20 October 2021, and amendment letter 15/3/3-8/Erf 674, dated 2 December 2021 remain applicable;
- (c) Building plans indicating the configuration and operation within the Place of Education (crèche) be submitted to the Senior Manager: Development Management, for consideration and approval;

B. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land uses;
- (b) Should it be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;
- (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. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. 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 Municipal Planning Tribunal 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. 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.

C. The application be supported for the following reasons:

- (a) The increased number of children at the crèche is consistent with the number of children permitted at such a facility;
- (b) The application complies with the planning principles of LUPA and SPLUMA;
- (c) The application is compliant with the spatial planning of Malmesbury, as directed by the SDF;
- (d) The noise generated by the crèche is considered acceptable and the mitigating measures taken by the owner/developer are considered reasonable;
- (e) The development proposal supports the optimal utilisation of the property;
- (f) The character of the area remains unchanged;
- (g) No structural changes are proposed to the buildings;
- (h) Sufficient services capacity exists to accommodate the increase in children to the centre;
- (i) The shortfall in on-site parking is sufficiently addressed;
- (j) Health and safety concerns are addressed through the conditions of approval.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
/ds

Copies : Andre Halvorsen Familie Trust, 131 Voortrekker Road, Malmesbury, 7299, e-mail : andre@mountroyalestate.co.za