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Lêer verw/ 15/3/4-12/Erf\_258  
File ref:

Navrae/Enquiries:  
Ms D N Stellenberg

19 August 2024

C K Rumboll & Vennote  
P O Box 211  
MALMESBURY  
7299

By Registered Mail

Sir/Madam

### PROPOSED PERMANENT AND TEMPORARY DEPARTURES ON ERF 258, RIEBEEK WES

Your application with reference 13648RW/JL/EM dated 3 March 2024 has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 14 August 2024 to refuse the application for the temporary departure on Erf 258, Riebeek West, in order to establish a Place of Assembly, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), due to the following:

**A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The definition of a Place of Assembly is not compatible with the proposed land use for a venue;
- (b) The proposal is inconsistent with the spatial proposals of the Spatial Development Framework for Riebeek West;
- (c) The proposed land use is incompatible with the character of the surrounding residential area;

- B. The application for permanent building line departures on Erf 258, Riebeek West, is refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), due to the following:

**B1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The By-Law restricts street building line departure to carports and garages or, in terms of section 12.2.1  
“...*(ii) the architectural effect of the building line relaxation will enhance the appearance of a public street, or*  
*(iii) if, in its opinion, there are other special circumstances such as the topography of the site...*”  
The proposed pergola/shade structure over the venue area does not address any of the abovementioned criteria.
- (b) A large portion of the property remains vacant and the structure that departs from the side building line could be accommodated elsewhere on the erf;
- (c) The only motivation for the departure is the fact that the structures already exist, which in itself is an offence, as the building work is unauthorised.

**C. GENERAL**

- (a) 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](mailto: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;

D. The application be refused for the following reasons:

- (a) The definition of a Place of Assembly is not compatible with the proposed land use for a venue and cannot be deviated from;
- (b) The proposal is inconsistent with the spatial proposals of the Spatial Development Framework for Riebeek West;
- (c) The proposed land use is incompatible with the character of the surrounding residential area;
- (d) The By-Law restricts street building line departure to carports and garages or, in terms of section 12.2.1  
*"...(ii) the architectural effect of the building line relaxation will enhance the appearance of a public street, or  
(iii) if, in its opinion, there are other special circumstances such as the topography of the site..."*  
The proposed pergola/shade structure over the venue area does not address any of the abovementioned criteria.
- (e) A large portion of the property remains vacant and the structure that departs from the side building line could be accommodated elsewhere on the erf;
- (f) The only motivation for the departure is the fact that the structures already exist, which in itself is an offence, as the building work is unauthorized.

Yours faithfully



**MUNICIPAL MANAGER**  
via Department Development Services

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/ds

Copies : T & M D Fisher, 18 Kachelhoffer Street, Riebeek West, 7306