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Lêer verw/ 15/3/3-8/Erf_353
File ref: 15/3/4-8/Erf_353

Navrae/Enquiries:
Ms D N Stellenberg

29 September 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REZONING AND DEPARTURE OF ERF 353, MALMESBURY

Your application reference MAL/13010/NJdK dated 19 May 2023, on behalf of Swartland Municipality has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 20 September 2023 to approve the application for the rezoning of Erf 353, Malmesbury, from Residential Zone 1 to Community Zone 3 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) Erf 353 (862 m² in extent) accommodates the existing dwelling that is to be converted into a health care facility for the aged, as presented in the application;
- (b) The health care facility provides accommodation for 10 patients while receiving medical care;
- (c) Development charges for the health care facility be calculated at building plan stage;
- (d) A minimum of five (5), clearly demarcated on-site parking bays be provided 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;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) Application be made to the Senior Manager: Development Management for the right to affix/display/construct the name board/sign of the facility on the site;
- (g) Application be made to the Senior Manager: Development Management for a business licence;
- (h) Application be made to the West Coast District Municipality for a Compliance certificate;
- (i) The Health Norms and Standards of 24 December 2015 be complied with to the satisfaction of the West Coast District Municipality;
- (j) Application be made to the West Coast District Municipality for a health certificate;
- (k) Provision be made for the disposal of medical waste, to the satisfaction of the West Coast District Municipality;
- (l) The owner/developer be liable for the amount of R29 400,00 towards the fine levied per day calculated from 14 February 2023 to 13 September 2023, in terms of section 96(3) of the By-Law. The amount is payable to the Swartland Municipality at building plan stage, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/222-462-9192);

A2 WATER

- (a) The property be provided with a single water connection and that no additional connections be provided;

Rig asseblief alle korrespondensie aan:
Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299

Darling Tel: 022 492 2237

Tel: 022 487 9400
Faks/Fax: 022 487 9440
Epos/Email: swartlandmun@swartland.org.za

Moorreesburg Tel: 022 433 2246

Kindly address all correspondence to:
The Municipal Manager
Private Bag X52
Malmesbury 7299

Yzerfontein Tel: 022 451 2366

A3 SEWERAGE

- (a) The property be provided with a single sewerage connection and that no additional connections be provided;

- B. The application for building line departure on Erf 353, Malmesbury, is approved 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:

B2 TOWN PLANNING AND BUILDING CONTROL

- (a) Relaxation of the north-western street building line from 10m to 7,2m to accommodate a portion of the existing dwelling;
- (b) Relaxation of the north-eastern street building line from 10m to 5m to accommodate the existing double garage;
- (c) Relaxation of the south-eastern side building line from 5m to 1m to accommodate the existing carport;

- C. The application for departure on Erf 353, Malmesbury, is approved 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:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) The departure authorises the non-provision of five (5) parking bays on Erf 353;

D. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the facility;
- (b) 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 against the appeal. All conditions of approval be implemented by 30 November 2023 and 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, the land use becomes permanent and the approval period will no longer be applicable.
- (c) 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.

- E. The application be supported for the following reasons:

- (a) The application complies with the planning principles of LUPA and SPLUMA;
- (b) The application is compliant with the spatial planning of Malmesbury, as directed by the SDF;
- (c) The proposed community facility will complement and not have a negative impact on the residential character of the surrounding area;
- (d) The development proposal supports the optimal utilisation of the property;
- (e) Sufficient services capacity exists to accommodate the proposed facility;
- (f) Sufficient on-site parking bays can be provided for the proposed facility;
- (g) Health and safety issues will be regulated by rigorous applicable legislation;
- (h) The proposed use is considered a low impact, low-risk, low noise activity;
- (i) The traffic impact of the facility on the tranquillity of the neighbourhood is deemed to be negligible;
- (j) The development is foreseen to create employment opportunities and to subsequently assist in strengthening the local economy;
- (k) The health care facility provides a much needed social amenity in the community;

- (l) The health care facility is a non-profit organization which provides an important service to the frail elderly in the Swartland where these type of facilities are limited. For this reason the owner/developer is exempted from the provisions to make a financial contribution for the non-provision of on-site parking.

Yours faithfully



MUNICIPAL MANAGER

via Department Development Services

/ds

Copies : *Building Control Officer*

Department : Infrastructure and Civil Engineering Services

Department : Financial Services

Ostiprop 1222 Pty. Ltd., 8 Truter Street, Malmesbury, 7300