



CLEAN AUDITS SINCE 2010/11  
SKOON OUDITS SEDERT 2010/11



Swartland forward-thinking 2040 -  
where people can live their dreams!

Swartland vooruitdenkend 2040 -  
waar mense hul drome kan uitleef!

File ref: 15/3/3-8/Erf 5977  
15/3/4-8/Erf 5977

Enquiries:  
A. de Jager

18 September 2023

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

**Per Registered Post**

Dear Sir/Madam

**PROPOSED REZONING AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 5977, MALMESBURY**

Your application with reference number MAL/13785/HDT, dated 30 June 2023, on behalf of M. Nomnga, 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 8227 of 25 March 2020), the application for rezoning of Erf 5977, Malmesbury, from Residential Zone 1 to General Residential Zone 3, is refused in terms of Section 70 of the By-Law;
- B. 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 8227 of 25 March 2020), the application for departures of development parameters on Erf 5977, Malmesbury, are refused in terms of Section 70 of the By-Law;

**The reasons for refusal A (the rezoning) and refusal B (departures) are as follows:**

- a) The rezoning of Erf 5977 to General Residential Zone 3 would cause the new development parameters to be applied. These development parameters have evolved over time in order to achieve certain goals within the context of larger developments, such as:
- i. Health factors: Creating spaces between buildings and orientating buildings correctly ensures that sufficient fresh air and natural light reach every habitable space inside a building. The spreading of disease and pests are promoted by overcrowding and people living too close together, thus creating spaces between buildings also assist in keeping outbreaks at bay;
  - ii. Safety: It is vitally important that a property is developed in such a manner that would limit the spreading of fire in the case of such an emergency. The inhabitants of a property must also have access to various escape routes from anywhere on the property;
  - iii. Services: Engineering services such as water and sewerage infrastructure are often located in building line spaces. Likewise, the areas are used to direct storm water from the property onto the street, without causing damage to neighbouring properties. The proposal does not make provision for any of said services;

*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**

- b) The proposed departure from the required coverage of 40% to 91% is more than double of that which is considered acceptable;
  - c) Should the 5m building lines not be departed from (not one of the required building lines can remain intact) there will not remain any developable space on the property;
  - d) None of the properties surrounding Erf 5977 would be able to be similarly developed;
  - e) The fact that a property was developed without authorisation does not guarantee that the development will be approved at a later stage. Such a laissez-faire approach is in total contradiction to the By-Law and not consistent with the Swartland Municipal Spatial Development Framework (2023).
  - f) Taking the abovementioned criteria into account, it should become exceedingly clear that the development cannot adhere to any of the requirements contained in the new zoning category of General Residential Zone 3, indicating that the proposal is a gross over-development of the property and cannot be considered as desirable in its context.
- C** The building work on erf 5977 be planned and designed to comply with all zoning parameters of the Residential zone 4 zoning. Building plans be submitted to the Senior Manager: Development Management for consideration and approval. Building work on site be altered to reflect the amended development proposal, as approved on building plans referred to above, before 29 December 2023.
- D** The applicant/objectors be informed of the right to appeal against the decision of the Authorised Official 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 the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 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.

Yours sincerely

  
**MUNICIPAL MANAGER**  
per Department: Development Management  
Adj/ds

Copies:      *Director: Civil Engineering Services*  
                 *Director: Financial Services*  
                 *Building Control Office*  
                 *M.A. Nomnga, 5977 Rolihlahla Street, Ilinge Lethu, Malmesbury, 7299*