



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 15 OCTOBER 2025 AT 14:00**

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)
Director: Corporate Services, Ms M S Terblanche
Director: Development Services, Ms J S Krieger

External members:

Ms C Havenga
Mr C Rabie

Other officials:

Senior Manager: Development Management, Mr A M Zaayman
Senior: Town and Regional Planner, Mr A J Burger
Town and Regional Planner and GIS, Mr H Olivier
Town and Regional Planner, Ms A de Jager
Manager: Secretariat and Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members.

1.1 TERM AND MEMBERS OF MUNICIPAL PLANNING TRIBUNAL: NOTICE IN PROVINCIAL GAZETTE

RESOLUTION

That cognisance be taken of the promulgation of the members of the Municipal Planning Tribunal and term (1 October 2025 to 30 September 2030) in the Provincial Gazette, PN 9147 dated 3 October 2025.

2. APOLOGY

No apologies were received.

3. DECLARATION OF INTEREST

No declarations were made.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 10 SEPTEMBER 2025

RESOLUTION

(proposed by Ms C Havenga, seconded by Ms M S Terblanche)

That the minutes of a Municipal Planning Tribunal Meeting held on 10 September 2025 are approved and signed by the chairperson.

5./...

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED CONSENT USE ON ERF 1903, MOORREESBURG (15/3/10-9) (WARD 1)

Application for a consent use on Erf 1903, Moorreesburg was received in order to operate a house shop from a portion of the dwelling structure on the property.

Ms A de Jager, the author of the item, confirmed that the location of the house shop on the corner of Blesbok- and Malva Streets is consistent with the Spatial Development Framework (2024). The area is central to Moorreesburg and allows for residential development of various densities, social amenities and secondary/neighbourhood businesses development.

RESOLUITION

A. The application for a consent use on Erf 1903, Moorreesburg, be 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:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent authorises a house shop restricted to a floor area of maximum 25 m² in extent and a storage space of 15 m², in accordance with the site plan presented in the application;
- (b) Building plans, clearly indicating the house shop and storage in relation to the house, as well as any unauthorised structures on the property, be submitted to the Senior Manager: Development Management, for consideration and approval;
- (c) Application for an advertising sign be submitted to the Senior Manager: Development Management, for consideration and approval. Only one sign, not exceeding the land unit boundaries with any part of it, be permitted and only indicating the name of the owner, name of the business and nature of the retail trade;
- (d) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (e) Application for a Certificate of Acceptability be submitted to the West Coast District Municipality for consideration and approval;
- (f) The operating hours of the house shop be restricted to between 6:00 and 21:00 daily;
- (g) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (h) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;
- (i) The operation of the house shop not result in congestion/obstruction along Blesbok Street or Malva Street, therefore at least one parking bay be provided in front of the house shop, for clients and deliveries;
- (j) No loitering be permitted anywhere on Erf 1903, Moorreesburg whether it be inside or outside the buildings on the erf or around any entrance to the erf;
- (k) The house shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- (l) No more than three persons, including the occupant of the property, are permitted to be engaged in retail activities on the land unit;
- (m) Only pre-packaged food products be sold;
- (n) No food preparation be allowed in the house shop;
- (o) The following activities not be allowed for sale in the house shop:
 - (i) The sale of wine and alcoholic beverages;
 - (ii) Storage or sale of gas and gas containers;
 - (iii) Vending machines;
 - (iv) Video games; and
 - (v) Snooker or pool tables;

A2 WATER

- (a) The existing water connection be used and that no additional connections be provided;

A3 SEWERAGE

- (a) The existing sewerage connection be used and that no additional connections be provided;

A4 STREETS AND STORM WATER

- (a) Deliveries to the property be made only by delivery vehicles not exceeding 16 000kg gross vehicle mass.

B. GENERAL

- (a) The approval letter from Swartland Municipality be displayed inside the house shop;
- (b) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision, no later than 30 January 2026;
- (c) Failure to comply with all conditions of approval, obtaining an occupancy certificate and concluding all other necessary processes, will result in legal action to enforce compliance;
- (d) An occupancy certificate for building work completed in accordance with the approved building plan for the house shop be obtained within 6 months after the approval of the building plan;
- (e) Appeals against the decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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 application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
- (b) The application complies with the land uses proposed for this area of Moorreesburg, as determined by the SDF.
- (c) This application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP.
- (d) The development parameters and requirements of the By-Law Zoning Scheme are complied with through imposing conditions of approval.
- (e) The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood.
- (f) The additional income generated by the house shop may enable the property owner to expand the dwelling unit in the future, which in turn may improve financial security during retirement.
- (g) The anticipated impact of the house shop on the surrounding community may be mitigated by specific conditions of approval;
- (h) The number of house shops in the area is foreseen to create healthy economic competition and over time create economically robust businesses;
- (i) Individuals in the community retain their right to choose which business to frequent and cannot be forced to do business with one shop or another;
- (j) The house shops in the neighbourhood are largely unauthorised and the applicant seeks to rectify the situation and legalise the land use on Erf 1903;
- (k) The approval of a consent use may be revoked in future if the use does not comply with the conditions of approval or if the use impact negatively on its surroundings.

6.2 PROPOSED REZONING, REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE ON ERF 1081, DARLING (15/3/3-3, 15/3/4-3, 15/3/5-3) (WARD 5)

The author, Mr H Olivier, explained that the current zoning of the property only permits a dwelling house and the restrictive title deed conditions only permits a single dwelling and buildings related thereto. Therefore, an application was received for the rezoning of Erf 1081, Darling to Business Zone 2, as well as to remove the restrictions in order to accommodate a shop and flat on the property.

Mr Olivier mentioned that the shop is not consistent with the provisions of a house shop and therefore application is made for rezoning and not consent use.

RESOLUTION

- A. The application for the removal of restrictive condition B.6.(a). of Title Deed T70537/2024 of Erf 1081, Darling be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Condition B.6.(a). of Title Deed T70537/2024, that reads as follows:
6. (a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg met die Dorpekommisie en die Plaaslike Owerheid goedkeur, met dien verstande dat, indien die erf in die gebied van 'n Dorpsaanlegskema ingesluit is, die Plaaslike Owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word."
be removed from the Title Deed in its totality;
- (b) The applicant/owner applies to the Deeds Office to amend the Title Deed in order to reflect the removal of the restrictive conditions;
- (c) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
- (i) Copy of the approval by Swartland Municipality;
 - (ii) Original Title Deed, and
 - (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
- (d) A copy of the amended Title Deed be provided to Swartland Municipality for record purposes.
- B. The application for the rezoning of Erf 1081, Darling from Residential Zone 2 to Business Zone 2, be approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. The application for the departure from side building line restriction (northern and southern boundary) be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- D. Decisions B and C above are subject to the following conditions:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) The use of the property be restricted to a shop and flat;
- (b) The departure entails accommodating the existing buildings as well as the extension of the proposed shop up to 1,5m (northern and southern) side boundaries in lieu of the 3m restriction;
- (c) The structures be altered in such a manner as to comply with the provisions as contained in the development management scheme as well as the National Building Regulations;
- (d) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (e) Application be made to the Senior Manager: Development Management for the erection of any advertising signs;

6.2/D...

- (f) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (g) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (h) The operating hours of the shop be restricted between 6:00 and 21:00 daily;
- (i) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (j) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound be positioned or affixed outside the shop, including to any awning, stoep or shade structure;
- (k) The operation of the shop not result in congestion / obstruction along Durban Street,
- (l) No loitering be permitted anywhere on the subject property, whether it be inside or outside the buildings on the erf or around the entrance to the erf;
- (m) The shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- (n) The on-site parking bays be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by Swartland Municipality and that the parking bays are clearly marked;
- (o) In accordance with par. 13.1.3(a) of the development management scheme the vehicular access be limited to 1 combined carriageway crossing per site per public street or road abutting the site;

D2 WATER

- (a) The existing water connection be used and that no additional connections will be provided;

D3 SEWERAGE

- (a) The existing sewer connection be used and that no additional connections will be provided;

D4 STREETS

- (a) Deliveries to the property only be made by delivery vehicles not exceeding 16 000kg gross vehicle mass;
- (b) The proposed parking spaces, including the sidewalk providing access, be provided with a permanent surface;
- (c) The layout be amended in order for parking spaces 3 and 4 not to have access across the intersection of 11th Avenue and Durban Street;

D5 REFUSE REMOVAL

- (a) A built refuse area be constructed and provided with clean running water as well as a catchment point for dirty water that is connected to the sewer network to the satisfaction of the Director: Civil Engineering Services. The refuse should be easily accessible to refuse removal workers but should not be accessible to animals / birds and unauthorised individuals;

D6 DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for a development charge of R1 084,59 towards the bulk supply of regional water, at building plan stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer be responsible for the development charge of R659,78 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c)/...

6.2/D...

- (c) The owner/developer be responsible for the development charge of R3 226,30 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (d) The owner/developer be responsible for the development charge of R6 997,98 towards the wastewater treatment works at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer be responsible for the development charge of R30 748,52 towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (f) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and can be revised thereafter;

E. GENERAL

- (a) The letter of authorization from Swartland Municipality be displayed inside the shop;
- (b) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (c) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision, therefore before 15 January 2026;
- (d) Failure to comply with all conditions of approval, obtaining a completion certificate and concluding all other necessary processes will result in legal action to enforce compliance;
- (e) An occupancy certificate for building work completed in accordance with the approved building plan for the shop be obtained within 6 months after the approval of the building plan;
- (f) Appeals against the decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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;

F. The application be supported for the following reasons:

- (a) The application complies with the Swartland Municipal Land Use Planning By-Law, SPLUMA, and LUPA;
- (b) The proposal aligns with the Swartland MSDF (2025), West Coast District SDF (2020), and the Provincial Spatial Development Framework (2014);
- (c) The property is located on Durban Street, an identified activity street, which supports mixed-use development;
- (d) The proposal is consistent with the land use proposal zone F, which allows for medium- to high-density residential and neighbourhood-oriented commercial services along activity streets/corridors;
- (e) The proposed development is low impact, consisting of a small shop and a single flat deemed compatible with the surrounding residential character and will not negatively affect the health, safety, or amenity of neighbouring properties;
- (f) There are no physical restrictions on the property that would hinder the proposed development;
- (g) The development promotes spatial sustainability by optimising existing infrastructure and avoiding urban sprawl;
- (h) The proposal contributes to spatial resilience by enabling flexible land use and economic adaptability;

6.2/F...

- (i) The proposal will not place significant strain on municipal engineering services; any required upgrades will be at the developer's cost;
- (j) The proposal supports walkable access to goods and services, especially for residents without transport;
- (k) Potential impacts (e.g. traffic, noise, privacy) are minimal and manageable through conditions of approval;
- (l) The removal of restriction enables legitimate development, adds value to the property, and supports job creation;
- (m) The proposed departure is deemed contextually appropriate. The scale and positioning of the buildings are such that they are not expected to infringe on neighbouring privacy. The design also does not include boundary-facing windows or doors, which mitigate overlooking and privacy intrusion;
- (n) The development remains subject to the applicable development management scheme as well as the National Building Regulations, any future extension that is not generally in accordance with the proposal may be subject to a new public participation.

6.3 PROPOSED REZONING AND SUBDIVISION OF ERF 373, ABBOTSDALE (15/3/3-1, 15/3/6-1) (WARD 7)

Mr A J Burger, as author, gave background to the application for the rezoning and subdivision of Erf 373, Abbotsdale received in April 2018 and mentioned that the decision-making was held back due to services capacity issues, environmental assessment processes and outstanding engineering reports.

Mr Burger elaborated on the public participation processes followed since the application was received, which included public meetings with the residents of Abbotsdale on two occasions.

RESOLUTION

- A. The application for the rezoning of erf 373, Abbotsdale, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for the subdivision of Erf 373, Abbotsdale, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. The application for the subdivision of portion A of Erf 373, Abbotsdale, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- D. The application for the phasing of the subdivision plan, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- E. Points A to D are subject to the following conditions:

E1 TOWN PLANNING AND BUILDING CONTROL

- (a) A portion (47, 3893ha) of Erf 373 be rezoned from Agricultural Zone 1 to Subdivision Area in order to make provision for the following land uses: 53 Industrial Zone 1 erven and 1 Transport Zone 2 erf (road), as presented in the application;
- (b) Erf 373 be subdivided into a remainder (136,9214ha) and portion A (±47,3893ha), as presented in the application (Subdivision plan 1, reference ABB/9749/ZN_1, dated March 2018);
- (c) Portion A be subdivided into 53 light industrial erven (7200m² to 1,12ha in extent) and a road (±5,9682ha), as presented in the application (Amended site development plan – Portion A of Erf 373, Abbotsdale, reference ABB/9749/ZN_2, dated February 2020);

- (d) The subdivision plan be divided into 6 phases, as presented in the application (Amended phasing plan – Portion A of Erf 373, Abbotsdale, reference ABB/9749/ZN, dated February 2020);
- (e) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with;

E2 WATER

E2.1 Internal network

- (a) The development be provided with an internal water distribution network with connections for each subdivided portion. The internal water distribution network be taken over by the Municipality;
- (b) The owner/developer appoints an engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the water network. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the engineer;

E2.2 Connection to the external water distribution network

- (a) The internal water distribution network connects to the existing water distribution network in Abbotsdale at a suitable location;
- (b) The owner/developer appoints an engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the connections to the existing water distribution network. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the engineer;

E2.3 Fixed development charges

- (a) Fixed development charge have been calculated as follows:

External water supply: R825 897,43 (VAT included)

Bulk water supply: R1 470 254,31 (VAT included)

- (b) No external water services will be installed that can be charged against the fixed development charges;

E3 SEWERAGE

E3.1 Internal network

- (a) The development be provided with an internal sewerage distribution network with connections for each subdivided portion. The internal sewerage distribution network be taken over by the Municipality;
- (b) The owner/developer appoints an engineer suitably registered in terms of the provisions of Act 46 of 2000 to design the sewerage network. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the engineer;

E3.2 Connection to the external sewerage distribution network

- (a) The internal sewerage distribution network connects to the existing sewerage distribution network in Abbotsdale at a suitable location;
- (b) The owner/developer appoints an engineer suitably registered in terms of the provisions of Act 46 of 2000 to design the connection to the existing network. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the engineer;

E3.3 Fixed development charges

- (a) Fixed development charges have been calculated as follows:

Sewerage Distribution: R385 194,68 (VAT included)

Sewerage Treatment: R977 711,65 (VAT included)

- (b) No external sewerage services will be installed that can be charged against the fixed development charges;

E4 STREETS

- (a) The geometric improvements of the intersections as stipulated in the TIA be approved by the Provincial Department of Mobility and implemented by the owner/developer;
- (b) The owner/developer appoints an engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the streets and stormwater system. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the engineer;
- (c) The internal streets of the development be constructed to a permanent surface standard;
- (d) The internal streets and stormwater are taken over by the Municipality;
- (e) The erven adjacent to DR 1111 not be allowed access from said road;
- (f) Fixed development charges have been calculated as follows:

Streets: R557 679,77

- (g) No external road constructions exist to be charged against the fixed development charges;

E5 LANDSCAPING

- (a) A landscaping plan for the area along DR 1111 be submitted to the Director Infrastructure and Civil Engineering Services for approval after which the landscaping plan be installed as phases are completed;

E6 ENGINEERING SERVICES CONTRACT

- (a) The detailed engineering services is subject to the drafting and signing of an engineering services contract in terms of the Swartland Development Charge Policy between the owner/developer and Swartland Municipality for all internal and external services, including the landscaping, before contractors be permitted access to the site;

F. GENERAL

- (a) The conditions at points 2, 3 and 4 apply only to phase 1 (designated as erven 1, 7, 8 and 53 in the application) of the proposed development. There is insufficient capacity in the external bulk sewerage and water services available for the subsequent phases. Further comments regarding civil services for the remaining phases of the proposed development will be provided when bulk sewerage and water services are available;
- (b) Development charges have been calculated according to 80% GLA of the respective erven sizes;
- (c) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from 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;
- (e) All conditions of approval be implemented before the new land uses come into operation and failing to do so the approval will 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;
- (f) The applicant/objectors 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 the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid.

6.3/F(f)...

Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

G. The application be supported for the following reasons:

- (a) The proposed development complies with the principles of LUPA and SPLUMA;
- (b) The proposed development complies with the spatial planning of Abbotsdale;
- (c) Erf 373 has no physical restrictions which may impact negatively on the proposed development;
- (d) The proposed development will have a low impact on the character of Abbotsdale;
- (e) Sufficient services capacity exists for phase 1 of the proposed development;
- (f) An Environmental Authorization has been issued for the proposed development by the Department of Transport and Public Works;
- (g) The concerns raised by the community of Abbotsdale have been adequately addressed;
- (h) The proposed development will lead to job creation.

6.4 PROPOSED CONSENT USE ON ERF 4031, MALMESBURY (15/3/10-8) (WARD11)

Ms A de Jager gave background to the application for consent use on Erf 4031, Malmesbury in order to operate a house shop from a portion of the dwelling structure on the property.

Ms de Jager confirmed that the erf, situated on the corner of Gousblom- and Gardenia Streets, Malmesbury is highly accessible and ideally located for the purpose of operating a house shop.

RESOLUTION

A. The application for a consent use on Erf 4031, 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:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent authorises a house shop restricted to a floor area of 25m² in extent and a storage space of 1m², in accordance with the site plan, dated 8 May 2025, presented in the application;
- (b) Building plans, clearly indicating the house shop and storage in relation to the house, as well as any unauthorised structures on the property, be submitted to the Senior Manager: Development Management, for consideration and approval;
- (c) Application for an advertising sign be submitted to the Senior Manager: Development Management, for consideration and approval. Only one sign, not exceeding the land unit boundaries with any part of it, be permitted and only indicating the name of the owner, name of the business and nature of the retail trade;
- (d) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (e) Application for a Certificate of Acceptability be submitted to the West Coast District Municipality for consideration and approval;
- (f) The operating hours of the house shop be restricted to between 6:00 and 21:00 daily;
- (g) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (h) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;
- (i) The operation of the house shop not result in congestion / obstruction along Gardenia Street, therefore at least one on-site parking bay be provided in front of the house shop, for clients and deliveries;
- (j) No loitering be permitted anywhere on Erf 4031, Malmesbury whether it be inside or outside the buildings on the erf or around any entrance to the erf;

6.4/A...

- (k) The house shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- (l) No more than three persons, including the occupant of the property, are permitted to be engaged in retail activities on the land unit;
- (m) Only pre-packaged food products be sold;
- (n) No food preparation be allowed in the house shop;
- (o) The following activities not be allowed for sale in the house shop:
 - (i) The sale of wine and alcoholic beverages;
 - (ii) Storage or sale of gas and gas containers;
 - (iii) Vending machines;
 - (iv) Video games; and
 - (v) Snooker or pool tables;

A2 WATER

- (a) The existing water connection be used and that no additional connections be provided;

A3 SEWERAGE

- (a) The existing sewerage connection be used and that no additional connections be provided;

A4 STREETS AND STORM WATER

- (a) Deliveries to the property be made only by delivery vehicles not exceeding 16 000kg gross vehicle mass.

B. GENERAL

- (a) The approval letter from Swartland Municipality be displayed inside the house shop;
- (b) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision, no later than 30 January 2026;
- (c) Failure to comply with all conditions of approval, obtaining an occupancy certificate and concluding all other necessary processes, will result in legal action to enforce compliance;
- (d) An occupancy certificate for building work completed in accordance with the approved building plan for the house shop be obtained within 6 months after the approval of the building plan;
- (e) Appeals against the decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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 application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
- (b) The application complies with the land uses proposed for this area of Malmesbury, as determined by the SDF.
- (c) This application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP.
- (d) The development parameters and requirements of the By-Law Zoning Scheme are complied with through imposing conditions of approval.
- (e) The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood.
- (f) The additional income generated by the house shop may enable the property owner to expand the dwelling unit in the future, which in turn may improve financial security during retirement.
- (g) The anticipated impact of the house shop on the surrounding community may be mitigated by specific conditions of approval;

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- (h) The number of house shops in the area is foreseen to create healthy economic competition and over time create economically robust businesses;
- (i) Individuals in the community retain their right to choose which business to frequent and cannot be forced to do business with one shop or another;
- (j) The house shops in the neighbourhood are largely unauthorised and the applicant seeks to rectify the situation and legalise the land use on Erf 4031;
- (k) The approval of a consent use may be revoked in future if the use does not comply with the conditions of approval or if the use impact negatively on its surroundings.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**