



Lêer verw/ 15/3/3-9/Erf 5095

Navrae/Enquiries:
Ms D N Stellenberg

12 May 2026

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By Hand

Sir/Madam

PROPOSED REZONING OF ERF 5095, MOORREESBURG

Your application dated November 2025 with reference 411~5095-Mrb on behalf of Vigiria Jacolina Nero and received on 27 January 2026 has reference.

A The Municipal Planning Tribunal has resolved at a meeting held on 6 May 2026 to approve application for rezoning of Erf 5095, Moorreesburg, from Residential Zone 1 to Business Zone 2, in terms of section 70 of the Swarthland 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) A portion of Erf 5095 (412m² in extent) be rezoned from Residential Zone 1 to Business Zone 2, in accordance with Rezoning Plan 411~5095~Mrb, dated 25 November 2025, as presented in the application;
- (b) The operating hours of any business on the property be restricted to 6:00 – 21:00 from Monday to Sunday;
- (c) Building plans, clearly illustrating the various uses and floor area of each use within the building, be submitted to the Senior Manager: Development Management, for consideration and approval;
- (d) The minimum of four (4) on-site parking bays be provided and that the parking bays be clearly marked;
- (e) The parking bays, including the sidewalk, be finished in a dust-free, permanent surface, being tar, concrete, paving or any other material previously approved by the Director: Civil Engineering Services;
- (f) Application be made to the Senior Manager: Development Management for the right to display any signage and that the signage may not project over a public street;
- (g) A trade licence be obtained from Swarthland Municipality for the operation of the business premises;
- (h) Application be made to the West Coast District Municipality for a compliance certificate and that a copy of said certificate be made available to Swarthland Municipality;
- (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 no appliances used for the broadcasting or amplification of sound may be positioned or affixed externally to the building, including to any awning, stoep or shade structure;
- (k) No loitering be permitted anywhere on Erf 5095, Moorreesburg, whether it be inside or outside the buildings on the erf or around any entrance to the erf;

A2 WATER

- (a) The property be provided with a single water connection;

- Swarthland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swarthland forward thinking 2040 - where people can live their dreams!
- ISwarthland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

A3 SEWERAGE

- (a) The property be provided with a single sewerage connection;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R14 103,20 towards the bulk supply of regional water, at clearance 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 is responsible for the development charge of R5 236,15 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) The owner/developer is responsible for the development charge of R3 665,30 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 is responsible for the development charge of R11 007,20 towards waste water treatment, 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 is responsible for the development charge of R24 964,15 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 may be revised thereafter;

B. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) Should it in future 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 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 application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
- (b) The application is deemed to stimulate economic development, which is supported by the SDF and PSDF.
- (c) The scale of the proposal is consistent with the character of the surrounding area, while optimising the use economic viability of the venture;
- (d) The application will comply with the character of the transitional zone, as identified by the SDF.
- (e) The development is considered desirable in the location of the intersection of two activity streets.
- (f) Engineering services are sufficiently capacitated, apart from water provision. Mitigating measures are instated to ensure water provision remains constant until such time as the municipal upgrade project has been completed.
- (g) The double storey façade that encroaches on the side building line is the same height as a regular residential dwelling would have been and compatible with the character of residential development.

- (h) The western façade is faceted, in an effort to minimise the impact of a high, 'dead' wall and improving the human scale of the façade.
- (i) The solid portion of the western façade is expected to act as a sound barrier between the application property and the residential erven towards the west.
- (j) Should the area surrounding Erf 5095 develop in accordance with the SDF over time, the rezoning, will integrate seamlessly with the character of an activity street and transitional area.
- (k) The operating hours of the proposed business are restricted, in order to ensure that the business is compatible with the normal day-to-day activities associated with its current surroundings.
- (l) The increase in traffic volumes are considered moderate and both the abutting streets were confirmed to be of sufficient capacity to accommodate the development..
- (m) The rights of surrounding property owners will not be negatively affected, as the development will take the form of a dwelling, only on a small portion of the erf, such as can be expected in a rural residential neighbourhood.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services

/ds

Copies : *Director: Civil Engineering Services*
Director: Financial Services
Building Control Officer
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