



File ref: 15/3/3-8/Erf_8330
15/3/4-8/Erf_8330

Navrae/Enquiries:
Mr. HL Olivier

9 July 2026

RJ Designs,
4 Murchison Street
CERES
6835

Sir/ Madam

PROPOSED REZONING & DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 8330, 11 VALK STREET, MALMESBURY

Your application dated 9 January 2026 received on the 10th of April 2026 on behalf of Mr A Mulugeta, 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 8226 of 25 March 2020), the application for rezoning of erf 8330 from Residential Zone 2 to Business Zone 2, is hereby approved 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 8226 of 25 March 2020), the application for the departure of development parameters on erf 8330, Malmesbury is hereby approved in terms of Section 70 of the By-Law as follows:

Decisions A. & B. above be subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The use of the property be restricted to a shop and a flat as presented in the application;
- (b) The departure entails accommodating the existing buildings (including the existing shop), 1m from the side and rear boundaries respectively in lieu of the 3m building line restriction required in terms of the new zoning;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) The operating hours of the shop be restricted between 6:00 and 21:00 daily;
- (e) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (f) 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 may be positioned or affixed outside the shop, including to any awning, stoep or shade structure;
- (g) The operation of the shop may not result in congestion/obstruction along Valk or Tinkinkie Streets;
- (h) 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;
- (i) The shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- (j) On-site parking be provided as required in terms of the applicable development management scheme;
- (k) The on-site parking 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;

- (l) Application for the erection of any advertising signs be made to the Senior Manager: Development Management;
- (m) Application for a business license be made to Swartland Municipality;
- (n) A copy of the certificate of acceptability be provided to Swartland Municipality for record purposes;
- (p) 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;

2. WATER

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

3. SEWERAGE

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

4. STREETS AND STORMWATER

- (a) Deliveries may only be made by delivery vehicles with a gross vehicle mass of 16000 kg;

5. DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for a development charge of R 9 619, 70 toward the bulk supply of regional water, at building plan stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9195);
- (b) The owner/developer be responsible for the development charge of R 5 403, 85 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9195);
- (c) The owner/developer be responsible for the development charge of R 3 508, 31 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-184-9195);
- (d) The owner/developer is responsible for the development charge of R 3 803, 10 towards the wastewater treatment works at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9195);
- (e) The owner/developer is responsible for the development charge of R 29 568, 48 towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9195);
- (f) The Council resolution of May 2026 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2026/2027 and can be revised thereafter;

C. 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 the departure of development parameters in respect of the non-provision of the required on-site parking on erf 8330, Malmesbury is hereby refused in terms of Section 70 of the By-Law as follows:

D. Reasons for the decisions A and B

1. The application is consistent with the spatial planning of Malmesbury.
2. Erf 8330 is situated on / in close proximity to an identified activity street which permits mixed uses including residential and business land uses.
3. The application complies with the principles of LUPA and SPLUMA.
4. The departure of development parameters is to accommodate the existing building within the development parameters of the new zoning. The departure does not impact negatively on the neighbouring affected properties.
5. Existing services infrastructure are deemed sufficient to accommodate the proposal.
6. No objections were received against the proposed development.

E. Reasons for decision C

1. The application has not demonstrated exceptional circumstances justifying a complete waiver of the parking requirement.
2. The absence of on-site parking is likely to result in customers, residents, employees and service providers utilizing public roads and road reserves for parking, to the detriment of traffic circulation, pedestrian movement and road safety in Valk Street and the surrounding residential area.
3. Approval of a complete waiver of the parking requirement would constitute an undesirable planning outcome and would undermine the purpose of the parking provisions of the Development Management Scheme, which are intended to ensure that the parking demand generated by a land use is accommodated on the property where reasonably possible.
4. The departure is considered undesirable in terms of the principles of sustainable and orderly development as it transfers the parking burden generated by the development from the property owner to the public realm and neighbouring residents.
5. The approval of a nil-parking standard for a commercial use on a property of only 180 m² may create an undesirable precedent for similar applications within the surrounding residential neighbourhood, making it difficult for the Municipality to consistently apply its parking standards in future applications.
6. Having regard to the desirability of the proposed departure, the character of the surrounding residential area, the likely impact on public streets and the absence of sufficient justification for a complete waiver of the parking requirement, the departure is not considered to be in the public interest.

F. 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 3 October 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 and flat be obtained within 6 months after the approval of the building plan;
- (f) 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. All conditions of approval be implemented before 17 May 2026 and failing to do so will cause the legal action to enforce compliance. Should all conditions of approval be met within the prescribed period, the land use becomes permanent and the approval period will no longer be applicable;
- (g) The applicant/objector be informed of the right to appeal against the decision of the Authorized 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, 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 200,00 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 Services
HLO/ds

Copies:

Director: Civil Engineering Services
Director: Electrical Engineering Services
Director: Financial Services
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