



Lêer verw/ 15/3/3-8/Erf\_1877  
File ref: 15/3/4-8/Erf\_1877

Navrae/Enquiries:  
Ms D N Stallenberg

15 September 2025

C K Rumboll & Partners  
P O Box 211  
MALMESBURY  
7299

**By Registered Mail**

Sir/Madam

**PROPOSED REZONING AND DEPARTURE ON ERF 1877, MALMESBURY**

Your application with reference MAL/14549/RP dated 26 June 2025 on behalf of Nicolaas Johannes and Eldri Warnich has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 10 September 2025 to approve the application for the rezoning of Erf 1877, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), from Residential Zone 1 to Community Zone 1 be approved, subject to the conditions:

**A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The facility be restricted to consist of a maximum of 5 classrooms as presented in the application;
- (b) No more than 30 children / students be accommodated at the place of education at any given time;
- (c) As mitigation measure to reduce possible congestion, the students be divided into 2 groups which are accommodated in different time frames;
- (d) The operational times of the school be restricted to weekdays between 07h30 and 12h30;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) Application be made for a health report from the West Coast District Municipality, Department of Environmental Health;
- (g) Application be made for a certificate of suitability from the West Coast District Municipality, if food is to be prepared on the premises;

**A2 WATER**

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

**A3 SEWERAGE**

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

**A4 DEVELOPMENT CHARGES**

- (a) The development charge applicable to the place of education, towards roads amounts to R61 950,00 and is for the account of the owner/developer at building plan stage. The amount

is due to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);

- (b) 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. The application for the temporary departure on 1877, Malmesbury is approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to accommodate the existing dwelling unit under the new zoning category, subject to the following conditions:

**B1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The use be restricted to one dwelling unit used for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith;
- (b) The approval for the temporary departure is valid until the 31 December 2026;

- C. The application for the permanent departure from the development parameters of the new zoning is approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions;

**C1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The departure entails accommodating the existing garage up to 5.25 m from the street boundary as well as 3.51 m from the side boundary respectively, in lieu of the 10 m street and 5 m side building line restrictions, as presented in the application;
- (b) The departure of the required parking bays by only providing 7 on-site parking bays in lieu of the 10 determined in terms of the applicable parameters of the development management scheme;
- (c) In terms of Par 13.1.2. of the development management scheme the owner / developer pay a cash sum to the amount of R20 550,00 to the municipality as calculated by multiplying the estimated market value per m<sup>2</sup> (R548/m<sup>2</sup>) of the land on which the building is erected, by the area in m<sup>2</sup> of the land which is required to be provided for the provision of an adequate parking outlay (37,5m<sup>2</sup>). The amount be paid on building plan stage to vote no. 9/222-303-9212;

**D. GENERAL**

- (a) 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 10 December 2025;
- (b) Failure to comply with all conditions of approval and obtaining an occupancy certificate, will result in legal action to enforce compliance;
- (c) The approval does not exempt the applicant from adherence to any and 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 applicant/objectors be informed of the right to appeal against this decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;

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

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed land use;
- (c) The SDF, 2025 supports the accommodation of educational facilities in residential areas. The subject property is near the identified CBD of Malmesbury as well as the existing Swartland High School;
- (d) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;

- (e) The proposed application will not have a negative impact on the character of the area;
- (f) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets;
- (g) The development proposal supports the optimal utilisation of the property;
- (h) The need for this service in Malmesbury is recognized;
- (i) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Skool Street or Mark Street.

Yours faithfully

  
**MUNICIPAL MANAGER**  
via Department Development Services  
/ds

*Copies : Building Control Officer*

*Director : Infrastructure and Civil Engineering Services*

*Director : Financial Services*

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