



CLEAN AUDITS SINCE 2010/11



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File ref: 15/3/10-15/Farm_661

Navrae/Enquiries:
Mr AJ Burger

3 March 2022

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

By Registered Mail

Sir / Madam

**PROPOSED AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL :
CONSENT USE ON REMAINDER OF FARM BOTMAS KLOOF NO 661, DIVISION MALMESBURY**

Your application with reference MAL/2553/ZN_2021, dated 25 November 2021, on behalf of the Kloovenburg Trust, regarding the subject refers.

By virtue of the authority delegated to the Senior Manager: Built Environment in terms of Council Resolution 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), application for the amendment of conditions in respect of an existing approval regarding a consent use on remainder of farm Kloovenburg no 661, Division Malmesbury, is approved in terms of section 70 of the above By-Law.

The respective conditions are amended as follows:

Condition 1(a) currently reads as:

"...1(a) The consent use area accommodating a tourist facility consisting of a restaurant, gift shop/market and parking area be restricted to $\pm 5000\text{m}^2$ as presented in the application;..."

Condition 1(a) be amended to:

"...1(a) The consent use area accommodating a tourist facility consisting of a restaurant, gift shop/market and parking area be restricted to $\pm 9000\text{m}^2$ as presented in the application ..."

Condition 1(b) currently reads as:

"...1(b) The floor area of all buildings related to the tourist facility be restricted to 100m^2 ..."

Condition 1(b) be amended to:

"...1(b) The gross leasable area of all buildings related to the tourist facility be restricted to 800m^2 ..."

Condition 4(a)(ii) currently reads as:

"...4(a)(ii) The land cleared in order to obtain the necessary sight distance, be subdivided and transferred to this branch as road reserve ..."

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

Condition 4(a)(ii) be amended to:

"...4(a)(ii) A title deed restriction be registered stating that the registered owner must ensure that the sight lines over the subject property are maintained and kept clear to achieve a sight distance of 300m in each direction at the access point onto Trunk Road 24 at KM 12.23LHS. If this area is not maintained as required, the District Roads Engineer, Paarl, shall have access to conduct the clearing at the cost of the registered owner..."

The approval is subject to the following conditions:

1. TOWN PLANNING

- a) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval
- b) A municipal tariff of R66 225,00 for a continued illegal land use be levied at building plan stage;
- c) A total of 107 parking bays be provided with permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality to the satisfaction of the Director: Civil Engineering Services and that the parking bays are clearly marked;
- d) The development at all times complies with the principles of the site development plan dated "November 2021" with reference number "MAL/12110/ZN_SDPB".

2. DEPARTMENT OF WATER & SANITATION

- a) If the applicant intends to increase groundwater abstraction from the registered borehole on site, this Department must be notified. In this event, an amendment or new water use authorization will be required. No abstraction of surface or groundwater may be done or storage of water be created without prior authorisation from this Department, unless it is a Schedule 1 or Existing Lawful use as described in the National Water Act, 1998 (Act No. 36 of 1998).
- b) According to the report "Effluent will be stored in a conservancy tank on site, which will be pumped out when needed and disposed of at the wastewater treatment works". Please note the Department requires proof of the contract of the service provider removing the effluent.
- c) No surface, ground or storm water may be polluted as a result of activities on the site. In the event that pollution does occur, this Department must be informed immediately;
- d) All the requirements of the National Water Act, 1998 (Act No. 36 of 1998) regarding water use and pollution prevention must be adhered to at all times;

3. OPEN SERVE

- a) Important cables and other infrastructure are affected, please contact the representative Marius Makier on 081 348 2317/MariusM1@openserve.co.za prior to commencement of construction work;
- b) Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant;
- c) Please notify Open Serve of acceptance and if any alternative proposal is available or if a recoverable work should commence;
- d) Open Serve be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.
- e) Should Openserve infrastructure be damaged while work is undertaken, kindly contact a representative immediately;

4. GENERAL

- a) Condition 1(f) of the land use approval for a consent use on the subject property dated 3 December 2020 stipulates the "...The tourist facility cannot go into operation until such time as all conditions of approval have been complied with...". The tourist facility has been operating without complying with all conditions of approval. Furthermore, the tourist facility has been extended without land use approval and no building plans for the extended building works have been submitted to Swartland Municipality for consideration and approval.

As the tourist facility is in full operation as presented in the application, compliance with all conditions of approval must take place no later than 3 May 2022.

Failure to comply with all conditions of approval by 3 May 2022 will result in the continued levy of the Municipal tariffs for unauthorised land until such time as the owner/developer notifies the municipality in writing that all conditions of approval have been complied with.

Please note that the other conditions of approval of the letter dated 3 December 2020 remains unchanged.

Yours sincerely



MUNICIPAL MANAGER
per Department Development Services

AJB/ds

Copies: *Director: Civil Engineering Services*
 Kloovenburg Trust, PO Box 52, Riebeeck Kasteel, 7307
 info@kloovenburg.co.za