



CLEAN AUDITS SINCE 2010/11



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Lêer verw/

File ref: 15/3/3-7/Erf_278
15/3/10-7/Erf_278
15/3/4-7/Erf_278

Navrae/Enquiries:
Ms D N Stellenberg

15 Maart 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REZONING, CONSENT USE AND DEPARTURE FROM DEVELOPMENT PARAMETERS ON ERF 278, KORINGBERG

Your application with reference KOR/12154/ZN/MV dated 30 September 2021 on behalf of DB Rhodes, has reference.

- A The Municipal Planning Tribunal has resolved at a meeting held on 9 March 2022 to approve the application for rezoning of Erf 278, Koringberg from Residential Zone 1 to Business Zone 2 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 a consent use on Erf 278, Koringberg is approved, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C Approvals A. and B. are subject to the conditions that:
- C1 TOWN PLANNING AND BUILDING CONTROL**
- (a) Erf 278, Koringberg be rezoned from Residential Zone 1 to Business Zone 2: Neighbourhood Business, in order to accommodate:
- (i) 2 x shops (25 m² each);
 - (ii) 1 x place of assembly (17 0m²); and
 - (iii) 6 x flats (27,5 m² each);
- (b) The consent use be restricted to a place of assembly, as presented in the application;
- (c) The use of the place of assembly be restricted to public and social functions;
- (d) The operating hours of the place of assembly be restricted as follows:
- (i) 8:00 – 23:00 on weekdays;
 - (ii) 8:00 – 24:00 on Fridays, Saturdays and Public Holidays;
 - (iii) 8:00 – 20:00 on Sundays
- (e) Music be permitted in the place of assembly only during operating hours detailed in condition (d)(i) and (ii) and not be permitted on Sundays or closed days – closed days are Good Friday

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

- and Christmas Day - and that the volume of music be consistent with the requirements of the Western Cape Noise Regulations;
- (f) The use of amplifying sound equipment, speakers, megaphones or any such appliance, be strictly prohibited outside the place of assembly;
 - (g) The Western Cape Noise Regulations be complied with at all times;
 - (h) The playing of music outside of the place of assembly, in the parking lot or street, be prohibited;
 - (i) No guests be allowed to remain at the place of assembly or in the parking lot on the site outside of operating hours;
 - (j) A minimum of fifteen (15) on-site parking bays be provided and that parking bays be finished in a permanent dust free surface, whether it be tar, concrete, paving or any other material, as approved by the Director: Civil Engineering Services beforehand, and the parking bays be clearly demarcated;
 - (k) A development charge be levied for the non-provision of 8 parking bays and the amount be calculated as follows:

$$(\text{Area of total parking bays}) \times (\text{value of the property per m}^2) = (12,5\text{m}^2 \times 8) \times (\text{R}40 \text{ per m}^2)$$
 - (l) Building plans indicating the change in use be submitted to the Senior Manager: Built Environment for consideration and approval;
 - (m) Building plans include the method and implementation of sound proofing measures to the satisfaction of the Senior Manager: Built Environment;
 - (n) A site development plan, including parking layout and proposed landscaping that complement the residential character of the area, be submitted to the Senior Manager: Built Environment at building plan stage for consideration and approval;
 - (o) Application be made to the Senior Manager: Built Environment for the right to construct or affix and display any signage;
 - (p) A sign be affixed to the door of the place of entertainment displaying the operating hours detailed in condition (d)(i) – (d)(iii) above, including the contact details of the owner for the reporting of complaints;
 - (q) Any signage be limited to 1 m² in area and may not project over a public street;
 - (r) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the place of assembly;
 - (s) A trade licence be obtained from Swartland Municipality for the operation of the shops;
 - (t) No off-site parking be allowed;
 - (u) Should the applicant fail to take effective steps to the satisfaction of the Senior Manager: Built Environment to ensure proper compliance with the conditions of approval, the approval for the consent use may be withdrawn after following due process;

C2 WATER

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

C3 SEWERAGE

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

C4 DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for the development charge of R32 671,50 towards bulk water supply, at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer be responsible for the development charge of R36 704,50 towards bulk water distribution, at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer be responsible for the development charge of R18 157,85 towards sewerage, at building plan stage. The amount is due to Swartland Municipality, valid for the year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The owner/developer be responsible for the development charge of R11 096,45 towards streets and storm water, at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter. (mSCOA 9/247-144-9210);
- (e) The owner/developer be responsible for the development charge of R4 000,00 towards the non-provision of on-site parking, at building plan stage. The amount is due to Swartland Municipality,

- valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/222-303-9212);
- (f) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to C4(a).
- D The application for departure on Erf 278, Koringberg 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:
- (a) The number of required on-site parking bays be reduced from 23 to 15;
- (b) The 3 m southern side building line be departed from to 2,96 m for the extent of the existing building;
- (c) The 3 m western rear building line be departed from to 2,06 m for the extent of the existing building;
- E **GENERAL**
- (a) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be met before the place of assembly comes into operation and the occupancy certificate is issued, after which the 5 year period will no longer be applicable;
- (b) The approval does not exonerate the applicant from obtaining the necessary approval(s) from any other applicable statutory authority;
- (c) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law;
- F The application for a consent use on Erf 278, Koringberg be refused, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020); in order to accommodate a bottle store;
- F1 TOWN PLANNING AND BUILDING CONTROL**
- (a) The SDF only allows for limited business uses along activity corridors, thus the proposed land use is contradictory to the spatial planning for the area;
- (b) The combination of the bottle store with the place of assembly will constitute a land use that is not consistent with the character of the residential neighbourhood;
- (c) In addition to the residential character of the neighbourhood, the application property is located within 150 m of places of education and social amenities and as such poses a threat to the social and moral wellbeing of the children in the community. The location of the proposed bottle store is in contradiction to the Western Cape Strategic Plan Framework (2019 – 2024).
- G The reasons for the supporting the application are as follows:
- (a) The proposed flats are consistent with the SDF that promotes flats along activity corridors/streets;
- (b) The flats are also consistent with local, provincial and national legislation and policy promoting densification inside the urban edge;
- (c) The shops and place of assembly are consistent with the spatial proposals of the SDF that supports limited business development along activity corridors/streets in area A;
- (d) The place of assembly will make a social facility available to a lower income group that does not necessarily have access to the existing facilities in Koringberg;
- (e) Mitigating measures have been recommended in order to limit the possible disturbances that may be caused by the place of assembly;
- (f) The buildings on the property are existing and no additional construction is proposed. The application for departure from building lines is to formalise the encroachment of the existing building on the new, more restrictive building lines of Business Zone 2 and not because of unauthorised building work;
- (g) The non-provision of on-site parking is considered acceptable, as it is foreseen that some of the bays may be utilised at alternate times, some guests or residents may not have cars or make use of public transport and the non-provision may be mitigated through a financial

- contribution to the municipality that may in turn be utilised to upgrade the taxi terminal, for instance;
- (h) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Koringberg, as the nature and scale of the development is limited and appropriate in the context;
 - (i) The owner/developer runs the risk of losing the land use approval, should any unauthorised land use continue;
 - (j) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

H. The reasons for refusal of the application are as follows:

- (a) The SDF only allows for limited business uses along activity corridors, thus the proposed land use is contradictory to the spatial planning for the area;
- (b) The combination of the bottle store with the place of assembly will constitute a land use that is not consistent with the character of the residential neighbourhood;
- (c) In addition to the residential character of the neighbourhood, the application property is located within 150m of places of education and social amenities and as such poses a threat to the social and moral wellbeing of the children in the community. The location of the proposed bottle store is in contradiction to the Western Cape Strategic Plan Framework (2019 – 2024).

In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 8226 of 25 March 2020), you as well as the objectors have a right to appeal within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.

Should you decide to appeal, you can write to the following address:

The Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299

Please note that if the applicant/objector does appeal, an appeal fee of R2 400-00 is payable. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.

Yours faithfully



MUNICIPAL MANAGER
via Department Development Services

/ds

Afskrifte : Director : Civil Engineering Services

Director : Financial Services

Building Control Officer