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Lêer verw/ 15/3/10-8/Erf_935
File ref: 15/3/4-8/Erf_935

Navrae/Enquiries:
Mr Herman Olivier

13 September 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE AND DEPARTURE ON ERF 935, MALMESBURY

Your application with reference MAL/12541/ZN/MV dated 1 June 2022 and received on 21 June 2022 as well as the amended motivation and site plan dated 26 August 2022 on behalf of B & R & L Wilms, has reference.

A By virtue of the authority delegated to the Senior Manager: Built Environment 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 consent use on Erf 935, Malmesbury, is hereby approved in terms of Section 70 of the By-Law, subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use be restricted to a Place of Education, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- (c) The crèche be restricted to a maximum of 52 registered children at any time as presented in the application;
- (d) A minimum of 1,5 m² free, unlimited floor space per child and a minimum of 2m² outside playing area per child be provided;
- (e) The operation of the crèche be restricted between 06h00 and 18h00 from Mondays to Fridays;
- (f) The crèche comply with the requirements of Department Social Services and be registered at the Department;
- (g) Application for the display of advertising signs be submitted to the Senior Manager: Built Environment for consideration and approval;
- (h) At least 5 on-site parking bays be provided with a 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. The parking bays be clearly marked;
- (i) A municipal tariff of R 32 130,00 be levied for the continued illegal land use;

A2 WATER

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

A3 SEWERAGE

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

A4 STREETS AND STORMWATER

- (a) The parking bays referred to in A1(h) above as well as the sidewalk that gives access to the parking bays, be formalised and provided with a permanent dust free surface to the satisfaction of the Director: Civil Engineering Services;

A5 WEST COAST DISTRICT MUNICIPALITY

- (a) At least 2m² indoor space be provided per baby 1 to 24 months of age and at least 1,5m² indoor space per toddler 2 to 7years be provided within the buildings on the property;
- (b) One toilet be provided for every 20 children;
- (c) Application for a compliance certificate for a childcare facility be submitted to the Environmental Health Division of the West Coast District Municipality;
- (d) If food is to be prepared on the premises, a suitability certificate for food preparation be submitted to the West Coast District Municipality's Environmental Health Division;
- (e) Other health requirements may be set from time to time;

- B. The application for a departure of development parameters on Erf 935, Malmesbury, is hereby approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), as presented in the application as follows:

- (i) Departure of the 10m side building line (northern boundary) to 1,5m and 8,2m respectively;
- (ii) Departure of the 10m side building line (southern boundary) to 0,9m and 3,8m respectively;
- (iii) Departure of the 10m rear building line (eastern boundary) to 0m and 9,4m respectively, and
- (iv) Departure of the 10m street building line (western boundary) to 7,2m and 8,1m respectively;
- (v) Departure of the required 19 on-site parking bays by only providing 5 on-site parking bays.
- (vi) As an alternative for not providing 14 of the required on-site parking bays the owner pay a cash sum to the amount of R 218 960,00 as calculated in terms of Par. 13.1.2(c) of the By-Law. (Estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided, for the provision of an adequate parking outlay, (R 736,00 x 297.5m² = R 218 960,00)

C. 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 complied with within a period of 2 months after the date of the final decision, after which the 5 year period will no longer be applicable;
- (b) If the illegal operation for a place of education continues without complying to the conditions, the municipal daily tariff applicable, will continue
- (c) The preparation of meals for the children are permitted on the property;
- (d) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (e) The applicant be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services

HLO/ds

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