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Lêer verw/ 15/3/3-3/Erf_349
File ref: 15/3/4-3/Erf_349

Navrae/Enquiries:
Ms D N Stallenberg

21 April 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REZONING AND DEPARTURE ON ERF 349, DARLING

Your application with reference DAR/12296/NJdK dated 14 January 2022 on behalf of E Blom and A J de Bruin, has reference.

A The Municipal Planning Tribunal has resolved at a meeting held on 13 April 2022 to approve the application for rezoning of Erf 349, Darling from Residential Zone 1 to Business Zone 1, in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The use of the business premises be restricted to a restaurant, nursery and shop;
- (b) The trading hours be restricted to normal business hours as presented in the application;
- (c) Any music being played on the property complies with the Western Cape Noise Control Regulations and that the necessary measures be taken in order to mitigate any potential nuisance;
- (d) Building plans, including a site development plan, be submitted to the Senior Manager: Built Environment for consideration and approval;

A2 WATER

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

A3 SEWERAGE

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

A4 STREETS AND STORMWATER

- (a) The proposed parking bays, including the sidewalk that provide access to the parking bays, be provided with a permanent surface. The materials used to be pre-approved by the Director Civil Engineering services on building plan stage;

B. GENERAL

- (a) Should it be necessary to upgrade any existing services in order to accommodate the access or service connections of the proposed development, the cost thereof will be for the developer's account;
 - (b) The approval is in terms of section 76 (2) (w) of the By-Law valid for a period of 5 years, during which time the rezoned land use be utilised, and all conditions of approval adhered to for the new zoning to be established;
 - (c) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
 - (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;
- C.** The application for the departure of the building lines applicable to the new zoning of Erf 349, Darling, is approved in terms of section 70 of the Swartland 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 approval is restricted to the accommodation of existing structures pergola and patio ("lapa"), 0 m and 2,3 m respectively from the side boundary in-lieu of the 3 m side building line restriction;
- D.** The application for the departure for the non-provision of the required on-site parking on Erf 349, Darling, is approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) As presented in the application the proposed restaurant be restricted to 32 seats;
- (b) In terms of section 13.1.2(c) of the development management scheme the owner/ developer pay a cash sum for the non-provision of the 3 on-site parking bays calculated at R400/m² = R 15 000;

E. The application be supported for the following reasons:

- (a) No physical restrictions exist on the property that will have a negative impact on the proposed application;
- (b) No restrictions registered against the title deed of the property exist that prohibits the proposed land use and departures;
- (c) Business / mixed use development is generally supported along activity streets and corridors;
- (d) The MSDP, 2019 supports the strengthening of the primary commercial node along Main Street and secondary nodes in neighbourhoods and especially business uses along activity streets;
- (e) The proposed application is consistent with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;

- (f) The proposed application will not have a negative impact on the character of the area;
- (g) 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;
- (h) The proposal will not have a significant impact on traffic along Main Street or High Street;
- (i) The departure of the building lines, as presented in the application, does not pose a threat to privacy or safety of neighbouring property owners. It also does not detract from the character of the area;
- (j) During the site inspection held on the 5th of April 2022 it was found that there are ample space for parking next to both Main and High Street. Please refer to the photos attached as annexure H. This is mainly due to the very large road reserves. During the site inspection it was also found that people already use the side of the road to park their vehicles and that it does not cause any obstruction of vehicle or pedestrian traffic. Patrons to the proposed restaurant/coffee shop can also be directed with signage / road markings where parking is allowed or not. It can therefore be argued that the non-provision of on-site parking in this case will not have a detrimental impact on the neighbouring properties and that the departure can therefore be considered favourable.

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

Copies : Director : Civil Engineering Services

Director : Financial Services

Building Control Officer