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File ref: 15/3/3-11/Erf_149
15/3/4-11/Erf_149
15/3/10-11/Erf_149

Enquiries:
A. de Jager

23 August 2024

CK Rumboll & Partners
PO Box 211
MALMESBURY
7299

By Registered Mail

Sir / Madam

PROPOSED AMENDMENT AND DELETION OF CONDITIONS PERTAINING TO AN EXISTING APPROVAL AND NEW CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 149, RIEBEEK KASTEEL

Your application with reference RK/13871/NJdK, dated 6 June 2024, on behalf of Wilson 1936 (Pty) Ltd., regarding the subject refers.

- A. By virtue of the authority delegated to the Senior Manager: Development Management 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 the amendment and removal of conditions pertaining to an existing approval – rezoning of Erf 149, Riebeek Kasteel, is approved in terms of Section 70 of the By-Law, as follows:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Condition 1.b) contained in the approval letter with reference 15/3/3-11/Erf 149, dated 7 May 2021, that reads:

"...The Business zone 1 zoning be restricted to the use of the property for a restaurant and a flat..."

be amended to read:

"...The Business Zone 1 zoning be restricted to the use of the property for a place of assembly, as presented in the application..."

- b) Condition 1.b) contained in the approval letter with reference 15/3/3-11/Erf 149, dated 7 May 2021, that reads:

"...Building plans for the alteration of the dwelling house into a restaurant and the outbuilding into a flat be submitted to the Senior Manager: Built Environment for consideration and approval..."

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

be amended to read:

“...Building plans for the alteration of the existing building into a place of assembly be submitted to the Senior Manager: Development Services, for consideration and approval...”

- c) Condition 1.c) in the approval letter with reference 15/3/3-11/Erf 149, dated 7 May 2021, that reads:

“...At least 9 on-site parking bays are provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality and that the parking bays are clearly marked...”

be amended to read:

“...At least 3 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 and that the parking bays are clearly marked...”

- d) Condition 1.e) contained in the approval letter with reference 15/3/3-11/Erf 149, dated 7 May 2021, that reads:

“...Application be made to the West Coast District Municipality for a compliance certificate for the operation of a restaurant...”

be removed in totality;

- e) Condition 1.f) contained in the approval letter with reference 15/3/3-11/Erf 149, dated 7 May 2021, that reads:

“...Application be made to the Director Development Services for a business licence for the operation of a restaurant...”

be removed in totality;

- B. By virtue of the authority delegated to the Senior Manager: Development Management 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 a consent use to establish a place of assembly on Erf 149, Riebeeek Kasteel, is approved in terms of Section 70 of the By-Law, as follows:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent use authorises a place of assembly (venue) to host specific events and occasions such as lectures, conferences, receptions and other social functions, as presented in the application;
- b) The preparation, storage, heating and cooling of food and drinks are not permitted on the property without the relevant certificates and/or licences;
- c) The place of assembly consists of five venue areas, as presented in the application;
- d) A maximum of 46 seats/guests be available on the property at any time;
- e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval for the alteration of the existing buildings into the place of assembly;
- f) At least 3 on-site parking bays and 1 loading bay be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by the Director Civil Engineering Services and that the parking bays and loading zone be clearly marked;

2. WATER

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

3. SEWERAGE

- a) The existing sewer connection be used and no additional connections be provided;
- C. By virtue of the authority delegated to the Senior Manager: Development Management 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 departures of development parameters on Erf 149, Riebeek Kasteel, is hereby approved in terms of Section 70 of the By-Law, as follows:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The 3m southern side building line be departed from to 2m, as presented in the application;
- b) The departure is limited to the portion of the building that is presented in the application;
- c) Departure is granted to reduce the required number of on-site parking bays from 11 to 3, as presented in the application;

The departure of on-site parking is subject to the following condition:

- d) A financial contribution for the non-provision of 8 on-site parking bays be made. The amount is calculated as follow of 8 on-site parking bays amounts to R40 000,00 and is payable by the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/222-303-9212);

The amount of R40 000,00 is payable, calculated as follows:

1 Parking bay = 2,5m X 5m = 12,5m²
12,5m² X number of bays not provided = 12,5m² X 8 = 100m²
100m² X market value of the property per m² = 100m² X R400/m² = R40 000,00

2. GENERAL

- a) 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;
- f) All other conditions of approval contained in the approval letter 15/3/3-11/Erf 149, dated 7 May 2021, remain applicable;
- g) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be implemented within these 5 years, without which, occupation will not be granted and the approval will lapse. Should all the conditions of approval be met before the 5 year approval period lapses, the consent will be permanent and the approval period will not be applicable anymore.

Yours faithfully



MUNICIPAL MANAGER
per Department Development Services
AdJ/ds

Copies: *Building Control Officer*
Department: Financial Services
Department: Civil Engineering Services
Wilson 1936 (Pty) Ltd., 58 1st Avenue East, Parktown North, 2193
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