



File ref: 15/3/4-8/Erf 7762
15/3/10-8/Erf 7762

Enquiries:
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9 September 2025

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Dear Sir/Madam

**PROPOSED DEPARTURE AND CONSENT USE ON ERF 7762 (99 AREND STREET),
MALMESBURY**

Your application, with reference number MAL/14490/JL/GB, dated 15 May 2025, on behalf of F. Lewies, refers.

- A. By virtue of the authority delegated to the Senior Manager: Development Management, 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, dated 25 March 2020), application for the departure from development parameters on Erf 7762, Malmesbury, is approved in terms of section 70 of the By-Law, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- Departure from the 1m north-western side building line to 0m;
- Departure from the 1m south-eastern side building line to 0m; and
- Departure from the 2m south-western street building line to 1m;
- The departures are applicable only to the portions of the existing buildings that already encroach on the building lines and do not apply to the building lines in their entirety;

- 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 on Erf 7762, Malmesbury, is approved in terms of Section 70 of the By-Law, to establish a house shop, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- The consent authorises a house shop restricted to a floor area of 25m² in extent, a storage room of 14m² and a garage of 19m², in accordance with Site Plan MAL/14490/JL/GB, dated May 2025, presented in the application;
- The floor area of the dwelling be enlarged to at least 50m², not including roof overhang, carports, canopies or awnings, or the house shop be reduced to 50% of the existing floor area of the dwelling, without the carport;
- Building plans, clearly indicating the house shop in relation to the house, storage room and garage, be submitted to the Senior Manager: Development Management, for consideration and approval,
- Application for an advertising sign be submitted to the Senior Manager: Development Management, for consideration and approval. Only one sign, not exceeding the land unit boundaries with any part of it, be permitted and only indicating the name of the owner, name of the business and nature of the retail trade;

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- ISwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

- e) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- f) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval
- g) The operating hours of the house shop be restricted between 6:00 and 21:00 daily;
- h) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- i) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound may be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;
- j) The operation of the house shop may not result in congestion / obstruction along Arend Street and Berghaan Street, therefore at least one on-site parking bay be provided in front of the house shop;
- k) No loitering be permitted anywhere on Erf 7762, Malmesbury whether it be inside or outside the buildings on the erf or around the entrance to the erf;
- l) The house shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- m) No more than three persons, including the occupant of the property, are permitted to be engaged in retail activities on the land unit;
- n) Only pre-packaged food products may be sold;
- o) No food preparation be allowed in the house shop;
- p) The following activities not be allowed for sale in the house shop:
 - i. The sale of wine and alcoholic beverages;
 - ii. Storage or sale of gas and gas containers;
 - iii. Vending machines;
 - iv. Video games; and
 - v. Snooker or pool tables;

2. WATER

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

3. SEWERAGE

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

4. STREETS AND STORM WATER

- a) Deliveries to the property be made only by delivery vehicles not exceeding 16 000kg gross vehicle mass.

5. GENERAL

- a) The approval letter from Swartland Municipality be displayed inside the house shop;
- b) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision, 9 December 2025;
- c) Failure to comply with all conditions of approval, obtaining a completion certificate and concluding all other necessary processes, will result in legal action to enforce compliance;
- d) An occupancy certificate for building work completed in accordance with the approved building plan for the house shop be obtained within 6 months after the approval of the building plan;
- e) Appeals against the decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

Yours sincerely


MUNICIPAL MANAGER
 per Department Development Services
 ADJ/ds

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