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File ref: 15/3/4-15/Farm_912
15/3/10-15/Farm_912

Enquiries:
Mr HL Olivier

15 September 2023

CK Rumboll & Partners
PO Box 211
MALMESBURY
7299

By Registered mail

Sir/Madam

PROPOSED CONSENT USE AND DEPARTURE ON REMAINDER FARM ELANDSVLEI NO 912, DIVISION MALMESBURY

Your application with reference 13149/MAL/JL/EM, dated 26 June 2023, regarding the subject refers.

- A By virtue of the authority that is delegated to the Senior Manager: Development Management in terms of Council Decision No. 4.1 dated 28 May 2020 as determined in Section 79(1) of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for consent use on remainder farm Elandsvlei no 912, Division Malmesbury is hereby approved in terms of Section 70 of the abovementioned By-Law, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a tourist facility (mobile coffee stall including parking), restricted to 300m²;
- (b) Application be made to the Senior Manager: Development Management in order to display advertising signs;
- (c) Application be made at Swartland Municipality for a trade license and at the West Coast District Municipality for a compliance certificate;

2. WATER & SANITATION

- (a) No municipal drinking water be provided;
- (b) The owner / applicant ensure that the water used at the facility complies with SANS 241;
- (c) Portable toilets are to be utilised for the facility as presented in the application;
- (d) The owner / applicant ensures that no form of secondary pollution arise from the mentioned ablution disposal method and should the proposed chosen ablution disposal method be changed, the applicant inform the Department of Water Affairs and Sanitation of such change;
- (e) The owner / applicant ensures that the contractor who is rendering the services dispose the waste into an authorised wastewater treatment works;
- (f) The owner/applicant notify the Department about the current and proposed water supply for all domestic purposes related to the proposed land use activity;
- (g) No abstraction, pumping or storage of both surface and groundwater may occur without prior authorisation from the Department, unless it is Schedule 1 or Existing Lawful use as described in the National Water Act 1998, (Act No.36 of 1998);

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

- (h) All the requirements of the National Water Act 1998, (Act No.36 of 1998), regarding water use and pollution management be adhered to at all times;

3. GENERAL

- (a) The conditions of Telkom, letter with reference WWIP_WMY+2229_23, dated 4 July 2023 be complied with;
- (b) 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;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal;
- (d) All conditions of approval be implemented before the new land use come into operation/or occupancy certificate be issued and failing to do so the approval will lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable;

- B By virtue of the authority that is delegated to the Senior Manager: Development Management in terms of Council Decision No. 4.1 dated 28 May 2020 as determined in Section 79(1) of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for departure on remainder farm Elandsvelei no 912, Division Malmesbury is hereby refused in terms of Section 70 of the abovementioned By-Law. The structure needs to be placed 30m from the property boundary.

Reason for refusal of the departure:

Swartland municipality can only consider what is presented in the application. The mobile coffee trailer is not a structure and therefore does not constitute a departure. The existing pergola is deemed minor building works and is not located on the property boundary. Therefore an application for departure of the 30m building line in order to accommodate a structure up to the property boundary, cannot be supported as the impact of such a departure cannot be evaluated. The proposal needs to relate to what is being applied for.

Yours sincerely


MUNICIPAL MANAGER
per Department Development Services
HLO/ds

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