



Lêer verw/ 15/3/10-6/Erf_799

Navrae/Enquiries:
Ms D N Stallenberg

19 March 2025

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE ON ERF 799, KALBASKRAAL

Your application with reference KAL/12603/JL/GB dated 29 October 2024 has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 12 March 2025 to approve the application for the consent use on Erf 799, Kalbaskraal, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- a) The consent authorises a house shop, restricted to $\pm 17 \text{ m}^2$, as presented in the application;
- b) The operating hours of the house shop be restricted between 6:00 and 21:00 daily;
- c) Building plans, clearly indicating the house shop in relation to the house, be submitted to the Senior Manager: Development Management, for consideration and approval;
- d) The operation of the house shop may not result in congestion/obstruction along Sand or Calabash Streets, therefore at least one on-site parking bay be provided from Calabash Street;
- e) Application for construction or attaching an advertising sign to the building be submitted to the Senior Manager: Development Management, for consideration and approval. Only one sign, not exceeding 1 m^2 in area and not exceeding the land unit boundaries with any part of it, be permitted and it indicate only the name of the owner, name of the business and nature of the retail trade;
- f) No more than three persons, including the occupant of the property, are permitted to be engaged in retail activities on the land unit;
- g) Only pre-packaged food products may be sold;
- h) No food preparation be allowed in the house shop;
- (i) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (j) 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 any awning, stoep or shade structure;
- (j) 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 any awning, stoep or shade structure;
- (k) No loitering be allowed on Erf 799 and that the property owner, shop owner and shop operator on any given day be responsible for the removal of any loiterers from the property;
- (l) The following activities not be allowed for sale in the house shop:
 - (i) The sale of wine and alcoholic beverages;

- 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!

- (ii) Storage or sale of gas and gas containers;
 - (iii) Vending machines;
 - (iv) Video games; and
 - (v) Snooker or pool tables;
- (m) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
 - (n) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
 - (o) The letter of authorization from Swartland Municipality be displayed inside the house shop;

A2 WATER

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

A3 SEWERAGE

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

A4 STREETS AND STORMWATER

- (a) Deliveries may only be done by delivery vehicles of with a gross vehicle mass of 16000 kg;

B. GENERAL

- (a) Cognisance be taken of the letter and requirements from the West Coast District Municipality, with reference number 13/2/12/1/4, dated 3 December 2024;
- (b) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (c) The approval is valid for a period of 5 years, in terms of Section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation and failing to do so will cause the approval to 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.
- (d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of Section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with Section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order 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.

C. The application be supported for the following reasons:

- (a) The application complies with Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (b) The application complies with the land uses proposed for this area of Kalbaskraal, as determined by the SDF;
- (c) The application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP;
- (d) The proposed house shop complies with the development parameters and requirements of the By-Law;
- (e) The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood;
- (f) The proposed consent use will not negatively affect the character of the neighbourhood;
- (g) Recent events resulted in stricter policing of approval conditions by Law Enforcement, the Department of Health and the SAPD, creating fewer disruptions within residential neighbourhoods by house shops;

- (h) The owner demonstrated dedication and commitment to correcting the unauthorised land use on the property, as well as any negative behaviour of patrons, in order to be an asset, rather than a nuisance in the neighbourhood.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
/ds

Copies : Director Civil Engineering Services

Director Financial Services

Building Control Officer

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