



CLEAN AUDITS SINCE 2010/11



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File ref: 15/3/3-8/Erf_674
15/3/4-8/Erf_674

Enquiries:
D N Stallenberg

20 October 2021

CK Rumboll & Partners
PO Box 211
MALMESBURY
7299

Dear Sir/Madam

PROPOSED REZONING AND DEPARTURE ON ERF 674, MALMESBURY

Your application with reference MAL/10532/ZN/MV dated 10 June 2021, refers.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 13 October 2021 to approve the application for rezoning and departure from the development parameters on Erf 674, Malmesbury, in terms of Section 70 of the Swarthland 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) Erf 674 be rezoned from Residential Zone 1 (1183 m² in extent) and Business Zone 1 (245 m² in extent) to Community Zone 1 (921 m² in extent) and Business Zone 1 (507 m² in extent) as presented in the application;
- (b) The crèche be restricted to 24 registered children at any time as presented in the application;
- (c) A minimum of 1,5 m² free, unlimited floor space per child and a minimum of 2 m² outside playing area per child be provided;
- (d) The operation of the crèche be restricted between 06h00 and 18h00;
- (e) The preparation of meals for the children are prohibited on the property;
- (f) The crèche complies with the requirements of the Provincial Department Social Services and be registered at the Department;
- (g) Application be made to the West Coast District Municipality for a compliance certificate for an early childhood development facility;
- (h) A building plan for the change in use of the buildings, be submitted to the Senior Manager: Built Environment for consideration and approval;
- (i) Application for the display of advertising signs be submitted to the Senior Manager: Built Environment for consideration for approval;
- (j) At least 9 on-site parking bays be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swarthland Municipality to the satisfaction of the Director: Civil Engineering Services. The parking bays be clearly marked;
- (k) The crèche may not go in operation until such time as the 6 on-site parking bays with access from Hugenote Street has been created;

A2 WATER

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

A3 SEWERAGE

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

Rig asseblief alle korrespondensie aan:

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299

Tel: 022 487 9400

Faks/Fax: 022 487 9440

Epos/Email: swarthlandmun@swarthland.org.za

Moorreesburg Tel: 022 433 2246

Kindly address all correspondence to:

The Municipal Manager
Private Bag X52
Malmesbury 7299

Darling Tel: 022 492 2237

Yzerfontein Tel: 022 451 2366

A4 STREETS AND STORMWATER

- (a) Access to the crèche be restricted to Hugenote Street for the drop-off and pick-up of children. No access to the crèche may be taken from Voortrekker Road;
- (b) Parking bays 8 to 13 including the side walk which gives access to the parking bays, be provided with a permanent dust free surface; as per A1(j);

A5 ELECTRICITY

- (a) If any municipal electricity services needs to be moved, for example the relocation of the electricity kiosk and street light in Hugenote Street, it will be for the cost of the owner/devloper;

A. The application for a departure of development parameters on erf 674, Malmesbury is approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:

- (a) Departure of 1 on-site parking bay by providing only 9 on-site parking bay instead of 10 on-site parking bays;
- (b) A financial contribution of R7 500 (12.5 m² & R600/m²) be made for the non-provision of 1 parking bay;
- (c) Departure of the 10 m street building line (Voortrekker Road) to 1 m and the 5 m side building line (northern boundary) to 2,5 m;

B. GENERAL

- (a) The approval is in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be complied with before new land uses come into operation and failing to do so will result in the administrative action;
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;

D. The application be supported for the following reasons:

- (a) Erf 674 has limited physical restrictions which will not impact negatively on the application;
- (b) The proposed uses complements the existing mixed use character of the area situated inside the CBD of Malmesbury;
- (c) The application is in compliance with the SDF of Malmesbury;
- (d) The application complies with the principles of LUPA and SPLUMA;
- (e) Sufficient on-site parking is provided;
- (f) The existing noise created by traffic in Hugenote Street, it is foreseen that possible noise created by the crèche will have a low impact on the surrounding properties;
- (g) Existing services are deemed sufficient;
- (h) Erf 674 has no restrictive title deed conditions which will impact negatively on the proposed development;
- (i) The proposed uses will not result in alterations to the property which will impact on the heritage significance of the property;
- (j) Erf 674 provides sufficient indoor and outdoor space to accommodate the maximum of 24 children

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 R2400-00 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 : Electrical Services

Director : Financial Services

Building Control Officer

Andre Halvorsen Family Trust, Voortrekkerweg 131, Malmesbury, 7300