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Navrae/Enquiries:

Ms D N Stellenberg

Lêer verw/ 15/3/3-3/Erf_4318
File ref: 15/3/10-3/Erf_4318

17 October 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE AND DEPARTURE ON ERF 4318, DARLING

Your application reference DAR/13235/NG-GT dated 28 June 2023, on behalf of Jason Brian has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 11 October 2023 to approve the application for the consent use on Erf 4318, Darling 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 use be restricted to accommodate a house tavern ($\pm 18 \text{ m}^2$ in extent);
- (b) Liquor only be sold for off-consumption purposes;
- (c) The dwelling unit on the property be occupied by the proprietor of the house tavern;
- (d) Building plans, clearly indicating the house tavern in relation to the house, be submitted to the Senior Manager: Development Management for consideration and approval;
- (e) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be adhered to, to the satisfaction of the relevant authority;
- (f) Application for construction of 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 which indicate only the name of the owner, name of the business and nature of the retail trade;
- (g) The trading hours of the house tavern, as determined in the Swartland Municipality: By-law relating to Control of Undertakings that Sell Liquor to the Public (PG 8680 of 11 November 2022), be restricted from Monday to Saturday from 09:00 to 20:00 and be closed on Sundays and closed days including, Good Friday and Christmas;
- (h) A copy of the letter of approval be displayed in the house tavern;

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 with a gross vehicle mass of 16000 kg;

A5 ELECTRICAL ENGINEERING SERVICES

- (a) The proposed additions may not be closer than 3 m from the existing 11 kV power line

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

- B. The application for the departure from development parameters applicable to Erf 4318, Darling be approved in terms of section 70 of the By-Law, as follows:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The provision of on-site parking be departed from in order to allow only one parking on the subject property in-lieu of the 2 parking bays per unit requirement;
- (b) In terms of section 13.1.2(c) of the development management scheme the owner/ developer pay a cash sum for the non-provision of the 1 on-site parking bay as well as the portion of the proposed parking bay not provided on the property at R163/m²; (12,5 m² x 163) = R2 037.50. The condition is applicable on building plan stage;

C. GENERAL

- (a) The approval does not exempt the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (b) 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;
- (c) The applicant/proprietor of the house tavern note that in terms of Section 100(c) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the Municipality may withdraw the approval for the consent use if the conditions of approval are not met;
- (d) All conditions of approval be implemented before the new land uses 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;
- (e) The applicant/objectors 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 the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 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.

- D. The application be supported for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed land use;
- (c) The application is in compliance with the SDF and promotes mixed uses along activity streets;
- (d) The proposed house tavern complies with the requirements of the zoning scheme regulations;
- (e) The house tavern will not increase the risk and safety of the community as the business cannot be blamed for the existing social problems;
- (f) Have a complementary impact on the surrounding residential land uses by enhancing the shopping experience in the area;
- (g) Is in the interest of the surrounding community.

Yours faithfully



MUNICIPAL MANAGER
via Department Development Services

/ds

Copies : Building Control Officer

Department : Infrastructure and Civil Engineering Services

Department Electrical Engineering Services

Department : Financial Services

J Brian, 24 Madeliefie Avenue, Darling, 7345, jasonbrian938@gmail.com