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Lêer verw/ 15/3/10-11/Erf_141
File ref:

Navrae/Enquiries:
Ms D N Stallenberg

24 November 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE ON ERF 141, RIEBEEK KASTEEL

Your application with reference RK/12843/EB/NG dated 1 August 2023, on behalf of Pearl Coral 1420 cc has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 15 November 2023 to approve the application for the consent use on Erf 141, Riebeek Kasteel, 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 authorises a guesthouse, as presented in the application as follows:
- (i) 4 x guest bedrooms for occupation by a maximum of 8 paying guests at any time;
 - (ii) 2 x en-suite bathrooms;
 - (iii) 1 x shared bathroom;
 - (iv) 1 x shared water closet;
 - (v) 1 x kitchen;
 - (vi) 1 x dining room;
 - (vii) 1 x living room;
 - (viii) 1 x garage; and
 - (ix) swimming pool
- (b) A minimum of four (4) on-site parking bays be provided, be finished in a permanent dust free surface, whether it be tar, concrete, paving or any other material, as approved by the municipality beforehand, and the parking bays be clearly demarcated;
- (c) Building plans indicating the change in use, i.e. guest room etc. be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) A site development plan, clearly indicating the development, including the parking layout, manoeuvring space, demolishing of the pedestrian gate and wall portion and the intended use of the existing garage be submitted to the Senior Manager: Built Environment at building plan stage for consideration and approval;
- (e) A contact number of the owner be displayed conspicuously on the premises at all times for emergency and/or complaint purposes;
- (f) A code of conduct for guests be submitted to the Senior Manager: Development Management, for consideration and approval;

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

- (g) The owner/developer be responsible for enforcing the code of conduct to the satisfaction of the Division: Law Enforcement;
- (h) All amenities and provision of meals be for the sole benefit of bona fide lodgers. The approval does not authorise the use of the guest house or its amenities by individuals who are not bona fide lodgers as a venue for parties, weddings or any other such use restricted by the By-Law;
- (i) A register of guests and lodgers be kept and completed when rooms are let, and the register be produced for inspection on request by a municipal official at any time;
- (j) Guest rooms not be converted to, or used as separate dwelling units;
- (k) Application be made to the Senior Manager: Development Management for the right to construct or affix and display any signage;
- (l) Any signage be limited to 1m² in area and may not project over a public street;
- (m) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the guesthouse;
- (n) A trade licence be obtained from Swartland Municipality for the operation of the guesthouse;
- (o) No off-site parking be allowed by guests and staff of the guesthouse;
- (p) Should the applicant fail to take effective steps to the satisfaction of the Senior Manager: Development Management, to ensure proper compliance with the provisions of the approved code of conduct, or should unauthorised land uses on the property occur, the approval for the consent use may be withdrawn after following due process;

A2 WATER

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

A3 SEWERAGE

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

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for the development charge of R2 715,84 towards bulk water supply at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R2 562,43 towards bulk water distribution at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R2 134,49 towards sewerage at building plan stage. The amount is due to the Swartland Municipality, valid for the year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R2 870,31 towards waste water treatment at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R2 306,44 towards roads at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/247-188-9210);
- (f) The Council resolution of May 2023 provides for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter.

B. GENERAL

- a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- b) Should it be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;
- 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/or the occupancy certificate be issued 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, Yzerfontein, 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 approval be supported for the following reasons:

- (a) The proposed guesthouse is a residential use and is therefore consistent with the proposals of the SDF;
- (b) A guesthouse is accommodated as a consent use in the Residential Zone 1 zoning category;
- (c) The development proposal supports the optimal utilisation of the property;
- (d) The guesthouse will support the tourism industry in Riebeeck Kasteel, as well as the local economy;
- (e) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Riebeeck Kasteel;
- (f) Access to on-site parking is mitigated through conditions of approval and the applicant may propose alternative remedies at a later stage;
- (g) The owner/developer runs the risk of losing the land use approval, should any unauthorised land use occur;
- (h) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services

/ds

Copies : *Building Control Officer*

Department : Infrastructure and Civil Engineering Services

Department : Financial Services

Pearl Coral 1420 CC, P O Box 2380, Somersrt West, 7130. E-mail ashleystone@mac.com