



CLEAN AUDITS SINCE 2010/11  
SKOON OUDITS SEDERT 2010/11



Swartland forward-thinking 2040 -  
where people can live their dreams!

Swartland vooruitdenkend 2040 -  
waar mense hul drome kan uitleef!

File ref: 15/3/10-8/Erf\_4319

Enquiries:  
Mr AJ Burger

12 September 2023

CK Rumboll & Partners  
PO Box 211  
MALMESBURY  
7299

**BY REGISTERED MAIL**

Dear Madam

**PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON  
ERF 4319, MALMESBURY**

Your application with reference MAL/13091/JL/EM, dated 31 March 2023, as amended on 26 July 2023, refers.

By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Resolution No. 4.1, dated 28 March 2019, as determined by section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-law (PG 8226, dated 25 March 2020), the application for consent use and departure of development parameters on Erf 4319, Malmesbury, is refused in terms of Section 70 of the By-Law.

Reasons for the decision:

1. The house tavern with a total size of 94m<sup>2</sup> is excessive in size in relation to the high density residential area (low cost housing area) it is situated in.
2. The house tavern is proposed on ground and first floor which is out of context/character with similar house taverns in similar areas, approved by Swartland Municipality.
3. House shops in the surrounding area are limited to a maximum size of 25m<sup>2</sup>. Even though the Planning By-law does not prescribe a maximum size for a house tavern, it needs to remain in context/character with the size of similar secondary business uses in the high density residential area.
4. None of the required 2 on-site parking bays can be provided for the residential component on the property.
5. The house tavern is deemed as a shop with an on-site parking requirement of 1 parking bay/25m<sup>2</sup> gross leasable area. The house tavern is 94m<sup>2</sup> in extent which requires an additional 3 on-site parking bays. None of the required 3 on-site parking bays can be provided for the secondary business component on the property.
6. The degree of risk of activities on the property as identified by the South African Police Services will be increased by the proposed house tavern and will not be in the best interest of the community for the following reason:
  - i. The proposed house tavern is not supported by the South African Police Service.
  - ii. The property forms part of the South African Police Service list of alledged drug outlets in Malmesbury.
  - iii. The property forms part of the South African Police Service list of unlicenced liquor outlets in Malmesbury.
  - iv. The property has been raided by the South African Police Services for drugs and liquor and people were arrested for dealing or passing of drugs and for dealing in liquor without a license.

*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

The applicant/objectors be informed of the right to appeal against the decision of the Authorised Official 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](mailto: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.

Yours sincerely



**MUNICIPAL MANAGER**

per Department Development Services

AJB/ds

Copies: **Malmesbury DFO [wc.malmesbury.cpu@saps.gov.za](mailto:wc.malmesbury.cpu@saps.gov.za)**