



CLEAN AUDITS SINCE 2010/11



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File ref: 15/3/3-7/Erf_278
15/3/4-7/Erf_278
15/3/10-7/Erf_278

Enquiries:
Ms D N Stallenberg

19 August 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

OUTCOME OF APPEAL : REZONING, DEPARTURE AND CONSENT USE ON ERF 278, KORINGBERG

The abovementioned appeal refers.

Notice is hereby given in terms of paragraph 91 of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 dated 25 March 2020) of the outcome of the abovementioned appeal.

The Appeal Authority has gathered on Monday, 15 August 2022 and is the resolution as follows:

RESOLUTION

- (a) That cognizance be taken of the content of the evaluation of the appeal, with specific reference to PAJA, and that the Appeal Authority agrees that the principles of legal validity is complied with;
- (b) That the information as presented during the meeting of the Appeal Authority on 15 August 2022 is sufficient;
- (c) That the decision, conditions of approval and the reasons for the decision of the Municipal Planning Tribunal with reference to Item 6.1 of the Municipal Planning Tribunal held on 9 March 2021 in respect of the rezoning, departure and consent use on Erf 278, Koringberg be upheld, subject to the following amendment;

Condition C1(a)(ii)

C1(a) Erf 278, Koringberg be rezoned from Residential Zone 1 to Business Zone 2: Neighbourhood Business, in order to accommodate:

- (ii) 1 x place of assembly (147m²);

Rig asseblief alle korrespondensie aan:

**Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299**

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Kindly address all correspondence to:

**The Municipal Manager
Private Bag X52
Malmesbury 7299**

Yzerfontein Tel: 022 451 2366

Condition C1(k)

C1(k) A financial contribution for the non-provision of 8 parking bays be made at building plan stage. The amount is calculated as follows:

(Area of total parking bays) x (value of the property per m²) =
 (12,5m² x 8) x (R40 per m²) = R 4 000,00

Condition C1(p)

C1(p) A sign be affixed to the door of the place of assembly displaying the operating hours detailed in condition (d)(i) – (d)(iii) above, including the contact details of the owner for the reporting of complaints;

(d) The appeal received from Tommy Brümmer Town Planners be rejected for the following reasons:

- (i) The errors in the resolution of the Municipal Planning Tribunal are corrected by the decision of the Appeal Authority .
- (ii) The information contained in the land use application is deemed correct in order to put the Municipal Planning Tribunal in a position to make an informed decision. Consequently, it is not considered necessary to request a new land use application.
- (iii) The multiple use of the place of assembly cannot be limited to certain types of events, public or social functions, because it will not be operated as a place of entertainment.
- (iv) The sale of liquor on Erf 278 without a liquor license is prohibited. The owner of Erf 278 is free to allow the use of alcohol in the place of assembly as long as no alcohol is sold.
- (v) The non-provision of on-site parking and the position of the loading bay are deemed acceptable due to the width of the road reserve of Roosboom Street also that it is provided that the parking bays can be used at alternative times and that customers, guests or residents do not have vehicles or make use of public transport.
- (vi) The decision, approval conditions, as well as the reasons for the decision of the Municipal Planning Tribunal are sufficient.

Yours faithfully



MUNICIPAL MANAGER

Via Department Development Services

/ds