



CONSECUTIVE CLEAN AUDITS



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Lêer verw/
File ref: 15/3/5-8/Erf_254

Navrae/Enquiries:
Ms D N Stellenberg

20 April 2021

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REZONING, CONSENT USE AND DEPARTURE ON ERF 254, MALMESBURY

Your application with reference MAL/11444/MH dated 4 September 2020 on behalf of J A Wilson has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 7 April 2021 to approve the application for the rezoning of erf 254, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).
- B. The application for a consent use on erf 254, Malmesbury is approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).
- C. The application for the departure of development parameters on erf 254, Malmesbury is approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).
- D. The approvals in paragraphs A, B and C are subject to the following conditions:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 254 be rezoned from Residential zone 1 to Business zone 2 as presented in the application;
- (b) The consent use authorises a restaurant, restricted to $\pm 54\text{m}^2$ of the dwelling and outside seating area (restricted to 24 seats for the outside seating area), as presented in the application;
- (c) The 3m side building line (south eastern boundary) be departed to 1,5m, as presented in the application;
- (d) The provision of 8 on-site parking bays for the restaurant be departed to 0 on-site parking bays;
- (e) A financial contribution for the non-provision of on-site parking to the amount of R25 000,00 be made at building plan stage;
- (f) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval for the change of use of the dwelling to a restaurant;
- (g) An application for the display of advertising signs be submitted to the Senior Manager: Built Environment for consideration and approval;
- (h) An application for a business license be submitted to the Director: Development Services for consideration and approval;
- (i) An application for a compliance certificate be submitted to the West Coast District Municipality for consideration and approval;

- (j) The undertaking of the operator of the restaurant be complied with regarding the following aspects:
 - (i) The proposed restaurant will be operated during normal business hours, restricted as follows:
 - Monday to Thursday – 7h00 tot 17h00
 - Friday – 7h00 tot 22h00
 - Saturday – 7h00 tot 13h00
 - (ii) The 3 meter building line (common boundary between erven 254 and 255) strictly be adhered to and no activities relating to the restaurant will take place within this space.
 - (iii) When used, the freestanding braai be moved more to the side of Dirkie Uys Street in order to reduce smoke to Erf 255.
 - (iv) The advertising sign be displayed inside Erf 254 at all times so that customers can use the parking in Dirkie Uys Street along the property.
 - (v) Children climbing up the wall - A sign be displayed against the vibracrete wall to notify parents.
 - (vi) Covid 19 regulations in respect of sanitation and distancing strictly be adhered to.
- (j) The operation of the restaurant complies with the Western Cape Noise Regulations at all times;

D2 WATER

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

D3 SEWERAGE

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

D4 GENERAL

- (a) If the extension of existing services are deemed necessary in order to provide the development with services connections, the costs will for the account of the owner/developer;
- (b) 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 the restaurant be operated and that failing to do so will result in further administrative action;
- (c) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (d) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law;

E. The application is supported for the following reasons:

- (a) The application is in compliance with the SDF.
- (b) The application complies with the principles of LUPA and SPLUMA.
- (c) Existing services connection are deemed sufficient to provide the property with services.
- (d) The departure of the building line is deemed to have no impact.
- (e) The departure of on-site parking by providing no on-site parking is deemed practical due to the locality of the property at the entrance of the school. Taking into consideration the comments from the Department: Civil Engineering Services, credit will be given for the provision of 3 on-site parking bays for the restaurant.
- (f) The proposed restaurant will have a limited impact on the afternoon rush hour and no impact on the morning rush hour traffic of the school.
- (g) The undertaking is seen as sufficient to address the concerns of the objector.
- (h) There are no restrictive conditions in the title deed negatively impacting on the development proposal.
- (i) The restaurant as business use is complimentary to the existing mixed use character of the surrounding area.

In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 7741 of 3 March 2017), 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 R2260-00 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 : Financial Services

Head : Building Control

J A Wilson, Posbus 613, Malmesbury, 7299