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Lêer verw/ 15/3/3-11/Erf_1911

Navrae/Enquiries:
Ms D N Stallenberg

17 February 2023

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By Registered Mail

Sir/Madam

**PROPOSED REZONING, CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON
ERF 1911, RIEBEEK KASTEEL**

Your application with reference KSD/1911/RK received on 23 September 2022 on behalf of Susan Mercer has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 8 February 2023 to approve the application for the rezoning of Erf 1911, Riebeek Kasteel, from Residential Zone 1 to Business Zone 2, 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 1911, Riebeek Kasteel, to authorise a restaurant, as presented in the application, is approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 1911 (775 m² in extent) be rezoned from Residential Zone 1 to Business Zone 2, in order to accommodate a business premises on the property, as well as four (4) flats, as presented in the application;
- (b) Building plan 1911-06-2022, including the revised layout, sections and elevations presented in the response to objections, be submitted to the Senior Manager: Development Management, for consideration and approval;
- (c) The operating hours of the restaurant be restricted to 7:00 – 19:00 from Monday to Saturday and be closed on Sundays;
- (d) The minimum of nine (9) on-site parking bays be provided and that the parking bays be clearly marked;
- (e) The parking bays, including the sidewalk, be finished in a dust-free, permanent surface, being gravel or paving to the satisfaction of the Director: Civil Engineering Services;
- (f) The northern-most parking bay be at least 10 metres removed from the street corner;

- (g) A detailed Site Development Plan be submitted to the Senior Manager: Development Management, for consideration and approval;
- (h) A detailed Landscape Plan be submitted to the Senior Manager: Development Management, for consideration and approval;
- (i) Application be made to the Senior Manager: Development Management for the right to construct or affix and display any signage and that the signage be limited to 1m² in area and may not project over a public street;
- (j) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the restaurant;
- (k) A trade licence be obtained from Swartland Municipality for the operation of the business premises;
- (l) No off-site parking be allowed;

B2 WATER

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

B3 SEWERAGE

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

B4 DEVELOPMENT CONTRIBUTIONS

- (a) The owner/developer is responsible for a development charge of R18 513,85 towards the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R26 614,45 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R37 886,75 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R24 634.15 towards roads and storm water, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/247-144-9210).
- (e) The Council resolution of May 2022 makes provision for a 35% discount on development charges to Swartland Municipality, except for condition B4(a), which is payable in full. The discount is valid for the financial year 2022/2023 and may be revised thereafter;

- C. The application for a departure on Erf 1911, Riebeek Kasteel, be approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) The 3 m southern side building line be departed from and reduced to 1 m to accommodate the portion of the proposed garage that encroaches on the building line;

D. GENERAL

- (a) Should the extension of any existing service be needed in order to provide the development with services, said extension be 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 occupancy certificate be issued. Failure to comply will result in the approval expiring;
- (c) Appeals against the Municipal Planning Tribunal's decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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.

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

- (a) The application is in compliance with the character and erf size for the specific portion of Riebeek Kasteel, as determined by the SDF;
- (b) The application is seen as densification which is supported by the SDF and PSDF;
- (c) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (d) The proposed rezoning will not negatively affect the character of the neighbourhood, as it is designed to be consistent with the vernacular of the historic precinct of Riebeek Kasteel;
- (e) The proposed mixed uses are considered appropriate within the context, while also rendering the development resilient and able withstand fluctuating market trends;
- (f) There are sufficient services capacity to accommodate the proposed uses on the property;
- (g) The operating hours of the restaurant are restricted, in order to ensure that the business is compatible with the normal day-to-day activities associated with a residential neighbourhood;
- (h) The increase in traffic load, due to the development, is considered negligible;
- (i) The rights of surrounding property owners will not be negatively affected, as the development will take a form resembling a large two storey house, such as can be expected in a residential neighbourhood;
- (j) The development is intended to stimulate the local economy of Riebeek Kasteel;
- (k) The effect of the building line departure is considered minimal and similar to that of a regular residential dwelling with a garage. All remaining development parameters of the By-Law will be adhered to.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services

/ds

Copies : Building Control Officer
 Director: Infrastructure and Civil Engineering Services
 Director: Financial Services
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