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Swartland vooruitdenkend 2040 -
waar mense hul drome kan ultiief!

Lêer verw/ 15/3/3-14/Erf_123
File ref: 15/3/4-14/Erf_123

Navrae/Enquiries:
Ms D N Stallenberg

18 October 2023

R C Smith & Associates
P O Box 35
BRACKENFELL
7561

By Registered Mail

Sir/Madam

PROPOSED REZONING AND DEPARTURE ON ERF 123 YZERFONTEIN

Your comment/objection regarding the abovementioned application has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 11 October 2023 to approve the application for the rezoning of Erf 123, Yzerfontein, from Residential Zone 1 to Business Zone 1, 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 approval is limited to the development of a business premises and a flat, as presented in the application;
- (b) Warehousing, as defined by the By-Law, not be permitted on the property;
- (c) Building plans to be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) An amended Site Development Plan, clearly indicating the boundary wall along Buitenkant Street, be submitted to the Senior Manager: Development Management for consideration and approval;
- (e) The Site Development Plan be amended to indicate a single entry way (4m in width) on the most western point of the southern street boundary and that the existing access be limited to an exit way only;
- (f) The proposed parking layout be re-configured to accommodate the new entrance and exit, as well as circulation area, and that at least 10 on-site parking bays and 1 loading bay be provided, with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality and that the parking bays and loading bay are clearly marked to the satisfaction of the Municipality;
- (g) The boundary wall post located at point S1 (indicated on the Site Development Plan) be set back at least 3 m north of its current position, to point S2. The boundary wall then be reconstructed in a straight line reaching from the entrance point, through S2 to the point where it connects with the existing boundary wall, to create a splay that improves the visibility in Buitenkant Street (refer to diagram (g)(i) below);

Rig asseblief alle korrespondensie aan:
Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299

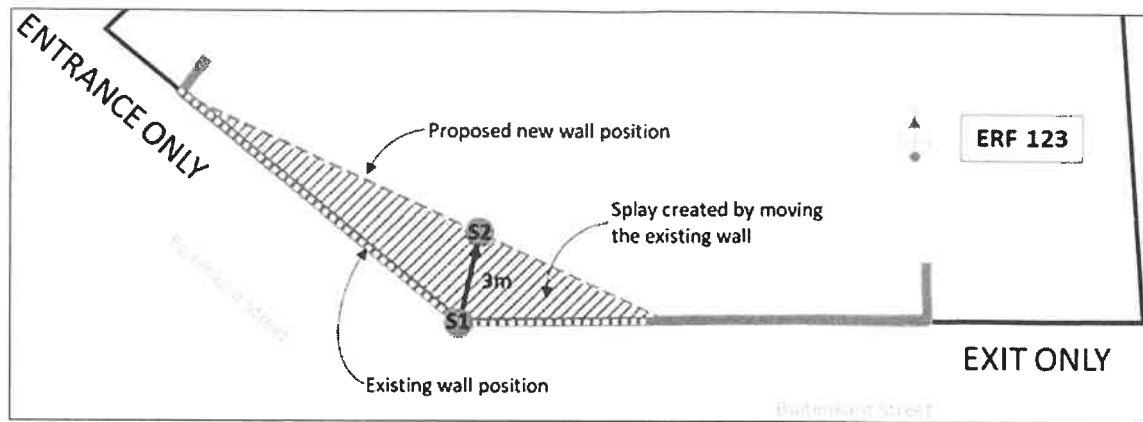
Darling Tel: 022 492 2237

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



- (h) Application for the construction or affixing of advertising signs be submitted to the Senior Manager: Development Management for consideration and approval;
- (i) Application be made and approval obtained at the West Coast District Municipality for a compliance certificate as well as at Swartland Municipality for a business license if food is to be prepared and sold;
- (j) Application be made to the Director: Development Services for a business licence;
- (k) Business hours be restricted to 7:30 – 17:00 from Monday to Friday, 8:00 to 13:00 on Saturday and public holidays and closed on Sundays and closed days;
- (l) A landscaping plan be submitted to the Senior Manager: Development Services for consideration and approval in order to minimize the impact of the proposed development on adjoining/surrounding properties;

A2 WATER

- (a) The property utilises the existing water connection and that no additional connections be provided;

A3 SEWERAGE

- (a) A conservancy tank of 8 000 litre capacity be provided and said tank be accessible to the vacuum truck from the street;

A4 STREETS AND STORMWATER

- (a) The run-off water from the development be taken to the nearest municipal collection point without overloading the existing systems;
- (b) Deliveries may only be done by delivery vehicles with a gross vehicle mass of 16000 kg;

A5 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R19 336,78 toward the bulk supply of regional water, at clearance stage. The amount is payable 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 R1 756,33 towards bulk water reticulation, at clearance stage. The amount is payable to the 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 R9 558,70 towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial 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 R23 194,48 towards the waste water treatment works, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (e) The owner/developer is responsible for the development charge of R43 229,65 towards roads and storm water, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/247-144-9210);

- (f) The Council resolution of May 2023 makes provision for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and can be revised thereafter;
- B. The application for building line departure on Erf 123, Yzerfontein, be approved 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:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The northern side building line of 3 m be departed from and relaxed to 2 m for the extent of the existing building, as presented in the application;

C. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
 - (b) 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 against the appeal. All conditions of approval be implemented by 30 November 2023 and 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;
 - (c) 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, Malmesbury, 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.
- D. The application be supported for the following reasons:
- (a) Erf 123 is situated in the primary business node of Yzerfontein as well as on Buitenkant Street which is an activity street as identified by the SDF. The proposed development will strengthen retail opportunities in Yzerfontein, as well as mixed uses along an activity street, thereby enhancing the tourism character of the town as identified by the SDF. The application is therefore in compliance with the spatial planning of Yzerfontein;
 - (b) The application complies with the principles of SPLUMA and LUPA;
 - (c) No physical restrictions exist on the property which may have a negative impact on the development proposal;
 - (d) Erf 123 is situated inside the primary business node of Yzerfontein as well as located on Buitenkant Street as activity street, it has the potential to be developed for business uses;
 - (e) The proposed business use is complementary to the existing mixed use character of the area;
 - (f) The development proposal complies in scale and placement on-site with the scale and placement of buildings on surrounding residential properties. Therefore there will be no negative impact on views;
 - (g) A landscaping plan is proposed which ensure that the activities of the business uses have a minimal impact on affecting the privacy and noise disturbance to adjoining/surrounding properties;
 - (h) Surrounding property values will not be negatively affected by the proposed development;
 - (i) The departure of the building line is seen to have no impact on adjoining/surrounding properties as it is an existing building;
 - (j) Sufficient engineering services exist to accommodate the proposed business development;
 - (k) The removal of restrictive deed of transfer conditions will enable the owner of Erf 123 to obtain business rights and develop the property with business uses.

Yours faithfully



MUNICIPAL MANAGER

via Department Development Services

/ds