

5

File ref: 15/3/4-8/Erf_3287
15/3/10-8/Erf_3287

Enquiries:
A. de Jager

15 July 2021

S.D. Smit
42 Mimosa Avenue
MALMESBURY
7300

COPY

Per Registered Post

Sir/Madam

PROPOSED DEPARTURE AND CONSENT USE OF ERF 3287, MALMESBURY

Your application, dated 30 March 2021 and pertaining to the abovementioned, refers.

- A.** By virtue of the authority delegated to the Senior Manager: Built Environment 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 2021), application for a consent use on Erf 3287, Malmesbury, is approved in terms of section 70 of the By-Law, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent use authorizes a house shop restricted to 25m², as presented in the application;
- b) Building plans, clearly indicating the house shop in relation to the house, be submitted to the Senior Manager: Built Environment, for consideration and approval;
- c) Any informal and unauthorised structures on the property either be demolished or formalised via the building plan approval process;
- d) Application for construction of or attaching an advertising sign to the building be submitted to the Senior Manager: Built Environment, for consideration and approval. Only one sign, not exceeding 1m² in area and not exceeding the land unit boundaries with any part thereof, shall be permitted and it shall indicate only the name of the owner, name of the business and nature of the retail trade;
- e) No more than three persons, including the property owner, are permitted to be engaged in retail activities on the land unit;
- f) Only pre-packaged food products may be sold;
- g) No food preparation be allowed in the house shop;
- h) The following activities not be allowed for sale in the house shop:
 - i. The sale of wine and alcoholic beverages;
 - ii. Storage or sale of gas and gas containers;
 - iii. Vending machines;
 - iv. Video games; and
 - v. Snooker or pool tables;
- i) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- j) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- k) The municipal approval from Swartland be displayed inside the house shop;

2. WATER

2. WATER

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

3. SEWERAGE

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

4. STREETS AND STORM WATER

- a) Deliveries to the property may only be made by delivery vehicles not exceeding 16 000kg gross vehicle mass.

B. By virtue of the authority delegated to the Senior Manager: Built Environment 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 2021), application for permanent departure from development parameters on Erf 3287, Malmesbury, is approved in terms of section 70 of the By-Law, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The 1,5m western side building line be departed from to 0m;
- b) The departure be restricted to the portions of the carport, house shop, store room and bedroom that encroach on the building line.

2. GENERAL

- a) The approval is valid for a period of 5 years in terms of section 76(2)(w) of the By-Law. All conditions of approval must be complied with within 90 days from the date of the letter and failing to do so will result in this approval expiring.

Yours sincerely


MUNICIPAL MANAGER
per Department Development Services
ADJ/ds

Copies:
Director: Civil Engineering Services
Director: Financial Services
Director: Corporate Services
Building Control Officer
S.D. Smit, 42 Mimosa Avenue, Malmesbury, 7300

Reasons for approval:

- a) The proposed house shop will be managed from a portion of the existing dwelling, encompassing 25m², as required by the By-Law, therefore the proposal is consistent with the development parameters of the By-Law;
- b) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
- c) The application complies with the land uses proposed for this area of Malmesbury, as determined by the SDF.
- d) This application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP.
- e) The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood.
- f) The proposed consent use will not negatively affect the character of the neighbourhood.
- g) The approval aims at supporting individuals who desire to trade in accordance with the applicable legislation of the area/country;
- h) As the approval requires proof of a compliance certificate, the shop owner will not receive final approval before the house shop has not been brought up to the health standards imposed by the West Coast District Municipality. Therefore, the rights of the WCDM are not negatively impacted on.
- i) The building line departure is necessary to provide the required facilities on a small property;
- j) The departure does not cause an obstruction to fire safety, as the eastern boundary remains open to the back of the property.
- k) No objections were received from affected parties.

In order, be recommended.

Am Baayman
2021/07/15