



Lêer verw/ 15/3/10-8/Erf_4031
File ref:

Navrae/Enquiries:
Ms D N Stallenberg

20 October 2025

C . Cleophas
54 Gousblom Street
MALMESBURY
7300

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE ON ERF 4031, MALMESBURY

Your application dated 19 May 2025, has reference

- A. The Municipal Planning Tribunal has resolved at a meeting held on 15 October 2025 to approve the application for the consent use on Erf 4031, Malmesbury 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 consent authorises a house shop restricted to a floor area of 25m² in extent and a storage space of 1m², in accordance with the site plan, dated 8 May 2025, presented in the application;
- b) Building plans, clearly indicating the house shop and storage in relation to the house, as well as any unauthorised structures on the property, be submitted to the Senior Manager: Development Management, for consideration and approval;
- c) Application for an advertising sign be submitted to the Senior Manager: Development Management, for consideration and approval. Only one sign, not exceeding the land unit boundaries with any part of it, be permitted and only indicating the name of the owner, name of the business and nature of the retail trade;
- d) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- e) Application for a Certificate of Acceptability be submitted to the West Coast District Municipality for consideration and approval;
- f) The operating hours of the house shop be restricted to between 6:00 and 21:00 daily;
- g) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- h) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound may be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- ISwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

- i) The operation of the house shop may not result in congestion / obstruction along Gardenia Street, therefore at least one on-site parking bay be provided in front of the house shop, for clients and deliveries;
- j) No loitering be permitted anywhere on Erf 4031, Malmesbury whether it be inside or outside the buildings on the erf or around any entrance to the erf;
- k) The house shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- l) No more than three persons, including the occupant of the property, are permitted to be engaged in retail activities on the land unit;
- m) Only pre-packaged food products may be sold;
- n) No food preparation be allowed in the house shop;
- o) 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;

A2. WATER

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

A3. SEWERAGE

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

A4. STREETS AND STORM WATER

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

A5. GENERAL

- a) The approval letter from Swartland Municipality be displayed inside the house shop;
- b) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision, no later than 30 January 2026;
- c) Failure to comply with all conditions of approval, obtaining an occupancy certificate and concluding all other necessary processes, will result in legal action to enforce compliance;
- d) An occupancy certificate for building work completed in accordance with the approved building plan for the house shop be obtained within 6 months after the approval of the building plan;
- e) Appeals against the 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 R5 000,00 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.

C. The application be supported for the following reasons:

- (a) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
- (b) The application complies with the land uses proposed for this area of Malmesbury, as determined by the SDF.
- (c) This application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP.
- (d) The development parameters and requirements of the By-Law Zoning Scheme are complied with through imposing conditions of approval.
- (e) The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood.
- (f) The additional income generated by the house shop may enable the property owner to expand the dwelling unit in the future, which in turn may improve financial security during retirement.
- (g) The anticipated impact of the house shop on the surrounding community may be mitigated by specific conditions of approval;
- (h) The number of house shops in the area is foreseen to create healthy economic competition and over time create economically robust businesses;
- (i) Individuals in the community retain their right to choose which business to frequent and cannot be forced to do business with one shop or another;
- (j) The house shops in the neighbourhood are largely unauthorised and the applicant seeks to rectify the situation and legalise the land use on Erf 4031;
- (k) The approval of a consent use may be revoked in future if the use does not comply with the conditions of approval or if the use impact negatively on its surroundings.

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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