



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE MALMESBURY BANQUETING HALL, MALMESBURY ON WEDNESDAY, 8 SEPTEMBER 2021 AT 14:00

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)
Director: Corporate Services, Ms M S Terblanche
Director: Protection Services, Mr P A C Humphreys

External members:

Ms C Havenga
Mr C Rabie

Other officials:

Senior Manager: Built Environment, Mr A M Zaayman (advisor)
Manager: Secretariat and Records, Ms N Brand (secretariat)
Director: Development Services, Ms J S Krieger
Snr Town and Regional Planner, Mr A J Burger
Town and Regional Planner and GIS, Mr H Olivier
Town and Regional Planner, Ms A de Jager

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

No apology was received.

3. DECLARATION OF INTEREST

RESOLVED that cognisance is taken that no declarations of interest were received.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 11 AUGUST 2021

RESOLVED

(proposed by Ms M S Terblanche, seconded by Ms C Havenga)

That the minutes of a Municipal Planning Tribunal Meeting held on 11 August 2021 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

5.1 MINUTES OF MUNICIPAL PLANNING TRIBUNAL HELD ON 11 AUGUST 2021

None.

6. MATTERS FOR CONSIDERATION

6.1/...

6.1 APPLICATION FOR A CONSENT USE ON ERF 1182, YZERFONTEIN (15/3/10-14) (WARD 5)

The chairperson granted Ms A de Jager, as author, the opportunity to give a broad overview of the report on the proposed application for a consent use on Erf 1182, Yzerfontein in order to operate a guest house in the existing dwelling.

Ms De Jager confirmed that the objections received were evaluated and because of the objections certain approval conditions were added to address the concerns of the objectors.

Ms De Jager also referred to the desirability of the application and the specific criteria that is taken into account. It is emphasised that, if the operating of a guest house be allowed, the Municipality does not condone any land uses that do not fall within the parameters of the By-Law and which are related to the guest house. In other words, nobody that is not a paying guest at the guest house is allowed to use the facilities and the guest house is not allowed to be used as a venue.

The flow of traffic in the area was also considered and 5 parking bays (1 parking bay for each room) be proposed in order to mitigate on-street parking.

Ms De Jager emphasised that the Municipality reserves the right to retract any land use permission, should the owner/developer not comply with conditions or act unlawfully.

The chairperson confirmed that, if the owner of the property proceeds to utilise the facilities as a wedding venue, it will be in contradiction with the approval for a guest house.

RESOLUTION

- A. The application for consent use on Erf 1182, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved, subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a guest house, as presented in the application as follows:
- (i) 5 x guest bedrooms for occupation by a maximum of 10 paying guests at any time;
 - (ii) 3 x en-suite bathrooms;
 - (iii) 1 x shared bathroom;
 - (iv) 1 x open plan kitchen, dining and living room;
 - (v) 1 x lounge / family room;
 - (vi) 1x gym;
 - (vii) 1x sauna;
 - (viii) 4 x patios/open deck areas;
 - (ix) 1 x double garage; and
 - (x) Laundry and store room;
- (b) A minimum of five (5) on-site parking bays be provided and that parking bays be finished in a permanent dust free surface, whether it be tar, concrete, paving or any other material, as approved by the Municipality beforehand, and the parking bays be clearly demarcated;
- (c) A site development plan, including parking layout and proposed landscaping that complement the residential character of the dwelling, be submitted to the Senior Manager: Built Environment before building plan stage;
- (d) Building plans indicating the change in use, i.e. guest room etc. be submitted to the Senior Manager: Built Environment for consideration and approval;
- (e) A contact number of the owner be displayed conspicuously on the premises at all times for emergency and/or complaint purposes;
- (f) A code of conduct for guests be submitted to the Senior Manager: Built Environment, for consideration and approval;
- (g) The owner/developer be responsible for enforcing the code of conduct;
- (h)/...

- (h) All amenities and provision of meals be for the sole benefit of bona fide lodgers. The approval does not authorise the use of the guest house or its amenities by individuals who are not bona fide lodgers as a venue for parties, weddings or any other such use restricted by the By-Law;
- (i) A register of guests and lodgers be kept and completed when rooms are let, and the register be produced for inspection on request by a municipal official at any time;
- (j) Guest rooms not be converted to, or used as separate dwelling units;
- (k) Application be made to the Senior Manager: Built Environment for the right to construct or affix and display any signage;
- (l) Any signage be limited to 1m² in area and may not project over a public street;
- (m) Any form of advertising that promotes the property as anything other than a guest house that adheres to the development parameters, be removed from electronic and other media;
- (n) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the guest house;
- (o) A trade licence be obtained from Swartland Municipality for the operation of the guest house;
- (p) No off-site parking be allowed;
- (q) No person be restricted or prohibited from free use of the public open space and beach in front of the application property;
- (r) No photo shoots or filming activities may take place on the property unless the relevant permit from the Division: Law Enforcement Services be obtained;
- (s) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be adhered to, to the satisfaction of the relevant authority;
- (t) Should the applicant fail to take effective steps to the satisfaction of the Senior Manager: Built Environment, to ensure proper compliance with the provisions of the approved code of conduct, or should unauthorised land uses on the property continue, the approval for the consent use may be withdrawn after following due process;

A2 WATER

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

A3 SEWERAGE

- (a) A conservancy tank of sufficient capacity be installed on the property at a point that is accessible to the municipal vacuum truck, to the satisfaction of the Director: Civil Engineering Services;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for the development charge of R3 630,17 towards bulk water supply payable at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer be responsible for the development charge of R3 001,50 towards bulk water distribution payable at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer be responsible for the development charge of R3 741,33 towards sewerage payable at building plan stage. The amount is due to the Swartland Municipality, valid for the year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The owner/developer be responsible for the development charge of R5 520,00 towards waste water treatment payable at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The owner/developer be responsible for the development charge of R7 666,67 towards roads payable at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter. (mSCOA 9/247-188-9210);

(f)/...

6.1/A4...

- (f) The owner/developer be responsible for the development charge of R2 128,27, towards storm water payable at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/247-144-9210);
- (g) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to A4(a);

B. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years. All conditions of approval be met within 90 days before the guest house comes into operation and the occupancy certificate be issued, after which the 5 year period will no longer be applicable;
- (b) The approval does not exonerate the applicant from obtaining the necessary approval(s) from any other applicable statutory authority;
- (c) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law:

C. The application be supported for the following reasons:

- (a) The proposed guest house is a residential use and is therefore consistent with the proposals of the SDF;
- (b) A guesthouse is accommodated as a consent use in the Residential Zone 1 zoning category;
- (c) The development proposal supports the optimal utilisation of the property;
- (d) The guesthouse will support the tourism industry in Yzerfontein, as well as the local economy;
- (e) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Yzerfontein;
- (f) Additional parking bays will be provided to mitigate on-street parking;
- (g) The owner/developer runs the risk of losing the land use approval, should any unauthorised land use continue;
- (h) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval;
- (i) The desirability factors considered are consistent with those applied during the evaluation of similar, previous applications;
- (j) The illegal activities cannot be taken into account when an application for land use is considered, as only desirable factors must be taken into account.

6.2 APPLICATION FOR A CONSENT USE ON ERF 997, ABBOTSDALE (15/3/10-1) (WARD 5)

Mr H Olivier, as author, discussed the proposed application for a consent use on Erf 997, Abbotsdale for a house tavern. The tavern will be operated from a portion ($\pm 4\text{m}^2$ in extent) within the existing dwelling and liquor will only be sold for off-consumption purposes.

Mr Olivier referred to the objections received from important roleplayers in the community, such as the ward councillor, the Abbotsdale Neighbourhood Watch and a petition signed by 58 signatories. The application is furthermore not supported by the SAPS and Swartland Municipality's law enforcement division.

Mr Olivier mentioned that, although the proposed house tavern is situated along an activity street which promotes mixed uses and is in compliance with the SDF, the negative impact thereof on the community, character of the area and street and safety of road users must be taken into consideration.

RESOLUTION

- A. The application for the consent use on Erf 997, Abbotsdale, be rejected in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

6.2/A...

A1 GENERAL

(a) The applicant be informed of their right to appeal against the decision of the Municipal Planning Tribunal, in terms of section 89(2) of the By-Law;

B. That the application be rejected for the following reasons:

- (a) The sheer lack of space as well as the position of existing Eskom services supporting structure restricts the provision of adequate on-site parking and loading bays for the proposed land use;
- (b) The operation of a house tavern will increase the risk and safety those directly affected;
- (c) The proposed consent use will have a negative impact on the surrounding residential land uses;
- (d) The proposed consent use will be prejudicial to the interest of the surrounding community;
- (e) The benefit of operating the house tavern for the owner of Erf 997 will not be in the short or long term in the interest of the community.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**

28 September 2021

15/3/10-14/Erf 956

WYK: 5

ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 13 OCTOBER 2021

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON ERF 956, YZERFONTEIN					
Reference number	15/3/10-14/Erf 956	Submission date	9 July 2021	Date finalised	28 October 2021

PART A: APPLICATION DESCRIPTION

Application for a consent use on Erf 956, Yzerfontein, is made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021), in order to establish a double dwelling on the property.

The applicant is C.K. Rumboll and Partners and the property owners are Q.R. and C. Lee.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	ERF 956 YZERFONTEIN, IN THE SWARTLAND MUNICIPALITY, DIVISION MALMESBURY, PROVINCE OF THE WESTERN CAPE				
Physical address	46 Dassen Island Drive (locality plan attached as Annexure A).	Town	Yzerfontein		
Current zoning	Residential Zone 1	Extent (m ² /ha)	811m ²	Are there existing buildings on the property?	<input type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021)				
Current land use	Vacant property	Title Deed number & date	T15995/2019		
Any restrictive title conditions applicable	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, list condition number(s)			
Any third party conditions applicable?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, specify			
Any unauthorised land use/building work	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, explain			

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Removal, suspension or amendment of restrictive conditions	<input type="checkbox"/>
Permissions in terms of the zoning scheme	<input type="checkbox"/>	Amendment, deletion or imposition of conditions in respect of existing approval	<input type="checkbox"/>	Amendment or cancellation of an approved subdivision plan	<input type="checkbox"/>	Permission in terms of a condition of approval plan	<input type="checkbox"/>
Determination of zoning	<input type="checkbox"/>	Closure of public place	<input type="checkbox"/>	Consent use	<input checked="" type="checkbox"/>	Occasional use	<input type="checkbox"/>
Disestablish a home owner's association	<input type="checkbox"/>	Rectify failure by home owner's association to meet its obligations	<input type="checkbox"/>	Permission for the reconstruction of an existing building that constitutes a non-conforming use	<input type="checkbox"/>		<input type="checkbox"/>

PART D: BACKGROUND

Erf 956 is located in Dassen Island Drive, in the portion just south of central Yzerfontein. The area is characterised by residential properties and protected open spaces. The application property and a number of the surrounding properties are vacant, but development of the area continues steadily. The Swartland Municipal Spatial Development Framework (SDF, 2020) identifies the area as area B, with residential and ancillary uses.



Figure 1: Locality Plan

Erf 956 is zoned Residential Zone 1 and is currently vacant. The property slopes downward, away from Dassen Island Drive, in a western direction, at a ratio of roughly 1:11.

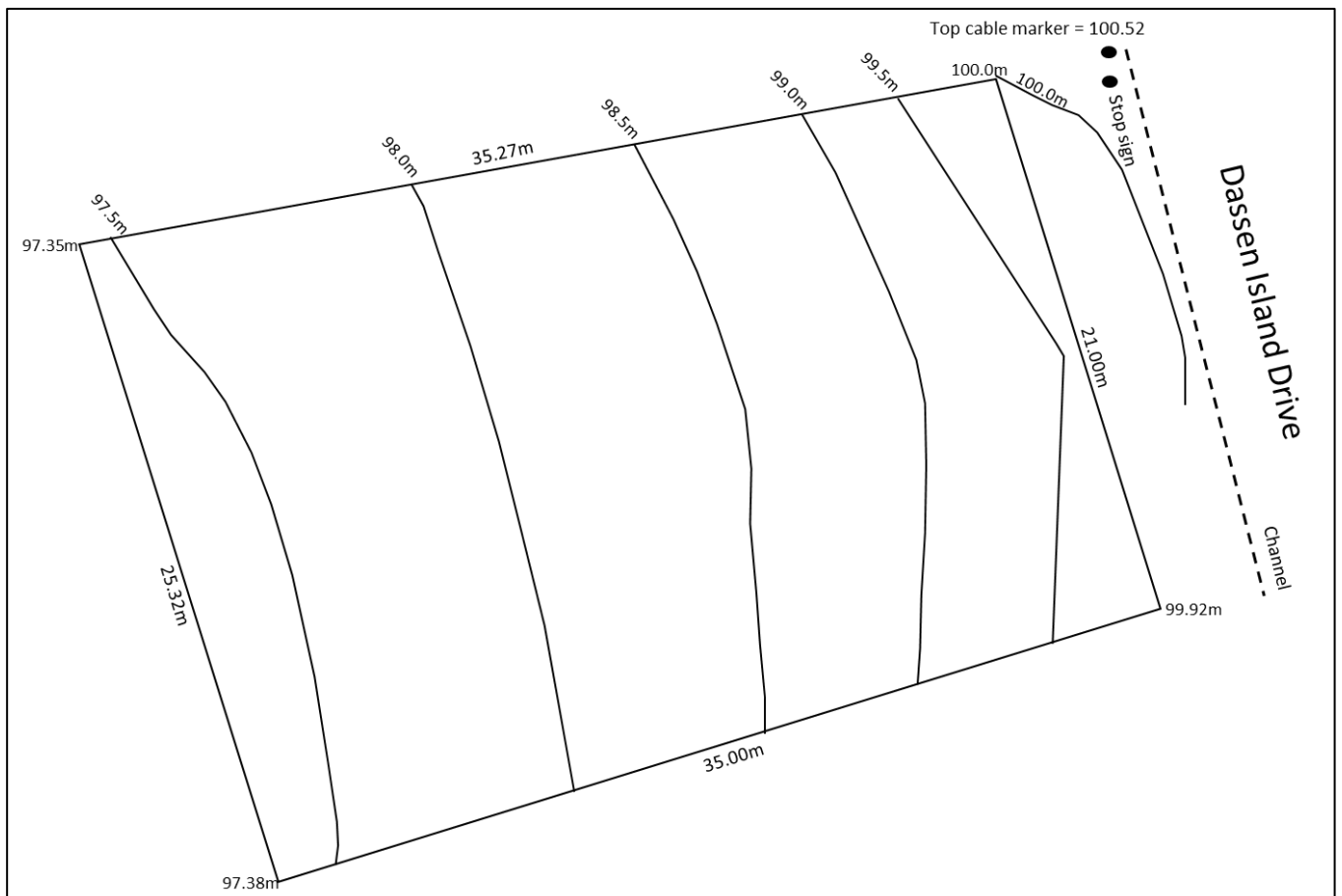


Figure 2: Contour survey

The owners intend to develop the property with a two storey double dwelling, the building plans of which have not been approved yet, but which are proposed to resemble the plans illustrated in *Figures 3a – d*.



Figure 3a: Ground floor

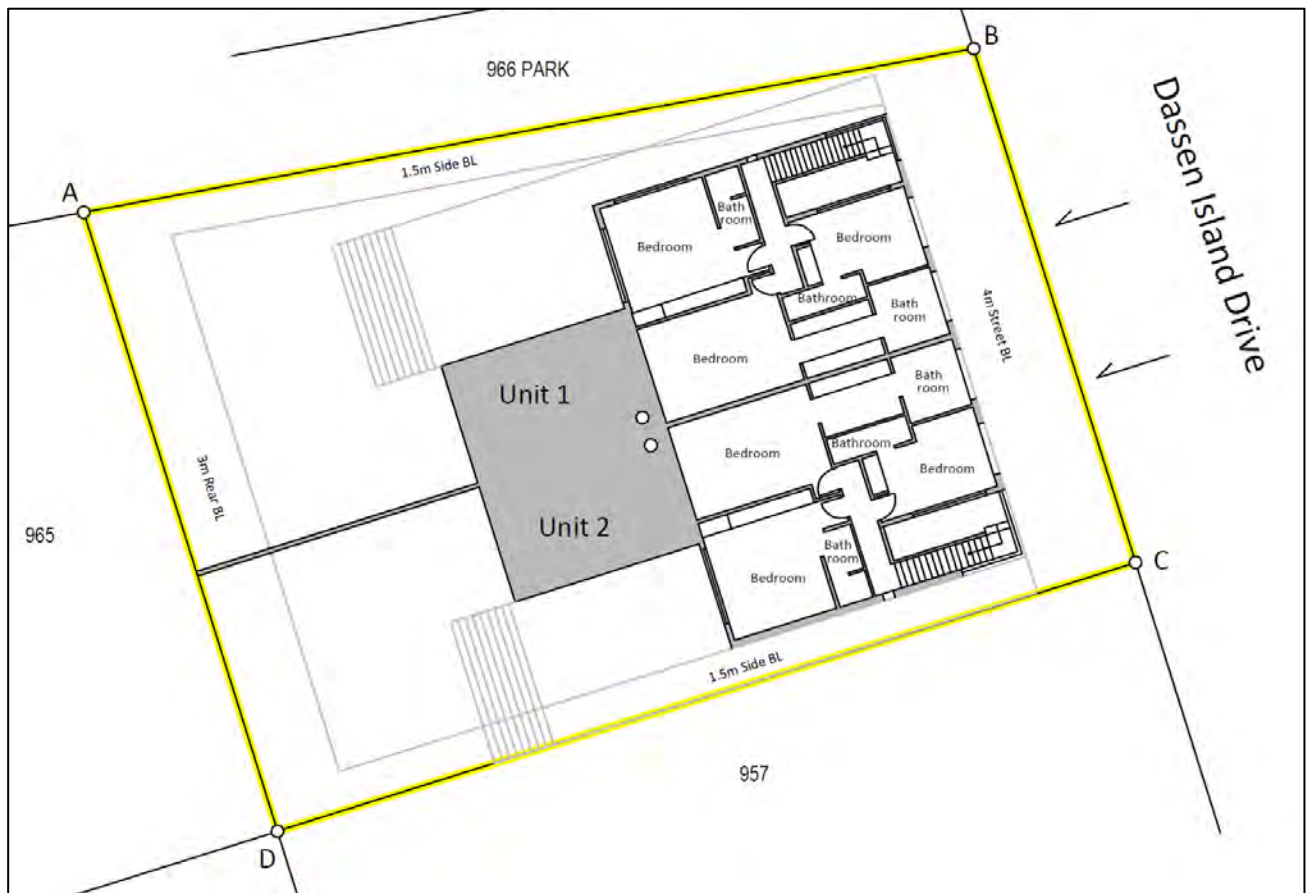


Figure 3b: First floor



Figure 3c: Eastern perspective



Figures 3d: Western perspective

The concept plans indicate a building line departure, as well as departure from the floor height. As the building plans have not been formally submitted, the applicant will be afforded the opportunity to amend the design in order to adhere to the development parameters of Residential Zone 1. The departures thus do not form part of the application at present and will only be considered at building plan stage. The application is subsequently only made for a consent use, in order to establish a double dwelling on the property.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a brief summary of the outcomes below.
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PART F: SUMMARY OF APPLICANT'S MOTIVATION

1. The applicant states the following as motivation for the development proposal:
 - a) Additional housing opportunities are provided through the proposed development;
 - b) The proposed development combats urban sprawl;
 - c) The proposed development supports the notion of infill development;
 - d) The proposed development is aligned with the proposals of the MSDf;
 - e) The proposed development supports the principles of LUPA and SPLUMA;

- f) The existing services will be used to its full potential;
- g) The applicant states that the development property is situated within an established residential neighbourhood and that a double dwelling would be consistent with the existing character of the area.
- h) Access to the property will be obtained directly from Dassen Island Drive.
- i) The By-Law requires two parking bays for a single dwelling and one additional bay for the second unit. Each unit will be provided with a double garage, thus providing a total of four on-site parking bays;
- j) The total height of the dwelling does not exceed 8m, well below the permissible maximum height of 10,5m and no new construction or additions are proposed.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The proposed development complies with spatial development proposal and guidelines, justifying the right of the owner to develop the land for the proposed residential use. The property concerned will be used to its full potential and will make a positive contribution to housing provision in Yzerfontein.
- b) Spatial Sustainability: The proposal promotes spatial compactness and resource frugal development, whilst protecting the environment. It proposes the sustainable use of resources and limits urban sprawl. The double dwelling will not affect any sensitive vegetation, conservation areas or heritage resources.
- c) Efficiency: The consent use will promote residential and economic opportunities. Creating additional dwelling units promotes a combination of residential densities within the existing area. it further supports the development of more compact towns.
- d) Spatial Resilience: The development will be resilient in terms of the multiple uses that may be allowed on the property with the relevant authorisation. The propose development does not limit any future benefits of the properties or the surrounding area. the proposed development will have no negative impact on previously disadvantaged communities.
- e) Good administration: Swartland Municipality will manage the administrative process and public participation processes consistent with the requirements of the By-Law.

2.2 Swartland Municipal Spatial Development Framework (SDF, 2019)

The application property is located in Area B of the SDF, that identifies the area for low, medium and high-density residential opportunities. The proposed land use is thus consistent with the proposals of the SDF.

2.3 Schedule 2 of the By-Law (Zoning Scheme Provisions)

A double dwelling is a consent use that may be considered within the zoning category of Residential Zone 1. The proposal is thus consistent with the development parameters of the By-Law.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?				Y	N
A total of 21 registered notices were issued to affected parties and the same notices were also sent via e-mail, where possible. Five posted notices were returned unread. Please refer to Annexure D for public participation map.					
Total valid comments	3		Total comments and petitions refused	0	
Valid petition(s)	Y	N	If yes, number of signatures		
Community organisation(s) response	Y	N	Ward councillor response	Y	N
			The application was forwarded to councillor Rangasamy, but no comments were forthcoming.		
Total letters of support	0				

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation																	
			Positive	Negative																
Department: Civil Engineering Services	11 March 2021	<p>1. <u>Water</u></p> <p>Die erf voorsien word van 'n enkele wateraansluiting;</p> <p>2. <u>Riolering</u></p> <p>Die erf voorsien word van 'n riolsuigtenk met 'n minimum kapasiteit van 8 000 liter wat vir die diensvragmotorvanuit die straat toeganklik is.</p> <p>3. <u>Ander kommentaar</u></p> <p>Dat vaste kapitale bydraes as volg gemaak word:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="2" style="text-align: center;">Bulk Contribution</th> </tr> </thead> <tbody> <tr> <td>Bulk Water Distribution</td> <td>R4 502,25</td> </tr> <tr> <td>Bulk Water Supply</td> <td>R5 445,25</td> </tr> <tr> <td>Sewer</td> <td>R5 612,00</td> </tr> <tr> <td>WWTW</td> <td>R8 280,00</td> </tr> <tr> <td>Roads</td> <td>R11 500,00</td> </tr> <tr> <td>Storm Water</td> <td>R3 192,40</td> </tr> <tr> <td style="text-align: right;">Total</td> <td>R38 531,90</td> </tr> </tbody> </table>	Bulk Contribution		Bulk Water Distribution	R4 502,25	Bulk Water Supply	R5 445,25	Sewer	R5 612,00	WWTW	R8 280,00	Roads	R11 500,00	Storm Water	R3 192,40	Total	R38 531,90		
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PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>E. Muller Erf 957 Annexure E</p> <p>1. The proposal is two residential units on one erf. - Subdivision</p> <p>2. Erf 956 was proposed for one residential unit when I bought Erf 957. The two units will negatively affect the value of my property.</p>	<p>1. The application is for a consent use to accommodate a double dwelling house on Erf 956, Yzerfontein. The property will not be subdivided.</p> <p>2. The proposed development will give the impression of one large dwelling house. The owner is within his rights to apply for a consent use on his property, as it is a component of low density erven (Residential Zone 1). It is not clearly stated why the proposed development will have a negative impact on the value of Erf 957. Spatial Planning Land Use Management Act (SPLUMA)</p>	<p>1. It is within the rights of the land owner to apply to the Municipality for a consent use on Erf 956. The application does not propose a subdivision.</p> <p>2. The development of a second dwelling on a Residential Zone 1 property, whether it be freestanding from the primary dwelling or attached in the form of a double dwelling, has been part of the development potential of such erven since the first zoning scheme was instituted in Yzerfontein. Erf 957 holds the same development potential, but the decision to develop is for the discretion of the owner.</p>

	<p>3. The proposed unit on the southern side of Erf 956 will have its windows and living area towards my home (on the south), which will adversely affect my space.</p> <p>4. Double dwelling units are not the market for Yzerfontein as it reduces the value of the surrounding properties. It also means, double traffic, two dwellings and two families, which will affect my space.</p>	<p>prescribes the principles for guiding land use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: <i>“A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome.”</i></p> <p>The application cannot be judged negatively as it could potentially affect the value of the surrounding properties.</p> <p>3. One of the main functions of building lines is to ensure the privacy of surrounding land owners. Since Erf 956 will not encroach onto any of the building lines of the property, Erf 957 will still have sufficient privacy. The proposal is in line with all the building parameters of Residential Zone 1 erven and should therefore be encouraged. The owners of Erf 956 will also erect a boundary wall to further ensure that privacy is sufficient.</p> <p>4. Refer also to point 2. Yzerfontein consist of several double dwelling units, as it has become a trend in the area. The Swartland SDF (2019) guides future development within the municipal area through strategic policy guidelines. The SDF identifies the area in which Erf 956 is located as Zone B. <i>Zone B, Pearl Bay area, consists mainly of low density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high density housing opportunities.</i></p> <p>The following are extracts from the SDF for the area:</p> <ul style="list-style-type: none"> a) Densify in accordance with zone proposals through: Subdivision (sectional title), Infill development, Renewal, restructuring and Sectional title subdivision of existing houses on single residential erven. b) Increase density for next 20 years (which ends in 2028) from the current 6.8 units per 	<p>The statement that the development of a double dwelling on Erf 956 will negatively affect the value of Erf 957, is conjecture.</p> <p>3. The double dwelling will adhere to the prescribed building lines, as determined by the By-Law. The fact that there are windows in the side façade is not unique to a double dwelling, and could also have been the case for a single dwelling. As long as the development does not depart from the building lines – which it doesn’t – the objector’s rights are not considered affected.</p> <p>4. Refer to assessment 1 – 3. The development of a double dwelling unit on a single residential erf is considered acceptable densification, while maintaining the low density character of the area. Densification and optimal utilisation of resources are concepts supported on national, provincial and local levels and consistent with the spatial planning objectives for Yzerfontein.</p> <p>Even after the development, the density of the area will remain very low.</p>
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	<p>5. My dwelling unit lives towards the north-western side, as most of the dwellings in Yzerfontein do. The proposed southern dwelling unit will adversely affect my privacy as the living area will be towards my dwelling house.</p> <p>6. According to the building line, it looks like the dwelling will end directly adjacent to the stormwater runoff. Has any thought been given to the pedestrians that use this area to walk towards the ocean? If the proposal is approved, people will have to drive to the ocean.</p>	<p>hectare to 7.8 units per hectare in Yzerfontein.</p> <p>The proposed consent use is therefore in line with the proposals and guidelines of the SDF.</p> <p>5. Refer to point 3. The owners of Erf 956 have the right to design and develop their property to its full extent as long as it is in accordance with the development parameters of Residential Zone 1 properties. The proposed development adheres to all the building parameters and should therefore be encouraged.</p> <p>6. The proposal will be within the building lines of the property. The stormwater runoff was created for the runoff of stormwater and not for pedestrian access. The development will be within its development rights.</p>	<p>5. Refer to assessment 3. The developers act within their rights.</p> <p>6. Erf 966 is zoned Public Open Space. Open space/public walkways are by their very nature suited for stormwater management and Erf 966 has, since its registration, been utilised as such and will continue to be used in this manner. The development proposal is restricted to the boundaries of Erf 956 and the various development parameters. On-site stormwater management will be applied, as with any other residential development.</p>
<p>H.M. Pienaar Erf 1027 Annexure F</p>	<p>7. The property is zoned for a residential unit and not a multi-unit building.</p> <p>8. It is dangerous to have four garages in close proximity to a stop. This will cause traffic problems. The property boundary is almost on top of the stop sign.</p>	<p>7. The zoning of the property will not change and the property will still be utilised for residential purposes. A consent use for a double dwelling unit is a component of low density residential development (Residential Zone 1) and will therefore not adversely affect the character of the area.</p> <p>As mentioned in point 4, double dwelling units (sectional title) and densification are encouraged by the Swartland SDF.</p> <p>8. Access to both erven 955 and 1028 are within 10m from the stop sign. The access to Erf 956 will also not adversely affect the flow of traffic. The area has a very low traffic count as most of the properties are used for holiday accommodation. The additional two units will not adversely affect traffic flow in the area.</p>	<p>7. Refer to assessments 1, 2 and 4.</p> <p>8. The objector is supported, as access to the property should be considered in terms of traffic safety.</p> <p>It is therefore proposed that no access be allowed nearer than 10m from the stop sign. The street boundary of the erf is 21m wide and can thus easily accommodate either a single or double entrance between 4m and 10m wide.</p>

	<p>9. According to road regulations, people may not park within the road reserve close to a stop sign. The proposal does not provide parking for guests.</p> <p>10. The thoroughfare that has been used by pedestrians for more than 15 years will now be dangerous, as there is a stormwater runoff along that area. There will only be approximately 0.5m along the stormwater runoff where people can walk along the boundary of the property.</p> <p>11. The building lines need to be respected as it may have an impact on our sea view.</p>	<p>9. The development will provide sufficient parking as required by the Swartland Municipality Land Use Planning By-Law for the proposed consent use.</p> <p>10. Refer to point 6.</p> <p>11. The proposed development will adhere to all the prescribed building lines.</p>	<p>9. It is acknowledged that the development proposal provides the required number of parking bays for each unit in the form of the double garage. However, the minimum requirement should also be considered in terms of its practicality.</p> <p>In addition to assessment 8, it is proposed that the double dwelling be repositioned on the site plan, to be at least 7m away from the street boundary, i.e. 3m more than the current 4m. The motivation is twofold:</p> <ul style="list-style-type: none"> a) The garages are currently positioned directly on the 4m building line. The standard length of a parking bay is min. 5, which means that a vehicle in front of the garage, waiting for a garage door to open, would partially encroach on the sidewalk/road reserve. Taking into account the proximity of the property boundary to the stop sign and crossing and the importance of unobstructed sight lines for other motorists at such junctions, it is contended that at least 5m space should be provided in front of each garage, to accommodate a parked vehicle fully on-site; b) If the entrance to the property is to be 10m away from the stop sign, the unit closest to the stop sign will not be reachable directly from the street. Circulation space will be required in order to reach its garage. The minimum turning circle for a standard vehicle is 7m. <p>Therefore, it is argued that the minimum space between the double dwelling and the street boundary should be 7m. (Refer to <i>Figure 5</i>)</p> <p>10. Refer to assessment 6.</p> <p>11. The proposal adheres to all By-Law building lines.</p>
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	<p>12. A double dwelling unit means double the amount of people and noise. Tourists do not consider permanent residents with their actions. We had to phone the police of Darling several times concerning the noise issues we had with holiday guests adjacent to our property.</p>	<p>12. The land use application on Erf 956 cannot be negatively affected based on issues the owners of Erf 1028 had with their adjacent neighbours.</p>	<p>12. Noise disturbance is due to behavioural issues of individuals and may be managed in accordance with the Swartland Municipality By-Law relating to public nuisances (PG 7402, dated 12 June 2015), enforced by Municipal Law Enforcement.</p>
<p>G. Kohler Erf 958 Annexure G</p>	<p>13. The town planning designs were zoned for single residential purposes. The semi maisonette development is a departure from the town planning erven design.</p> <p>14. The property is zoned for a residential unit and not a multi-unit building.</p> <p>15. The plan design cites 4 garages (two doubles) basically on the road side, opposite a stop street, experiencing increased traffic congestion peak holiday times.</p> <p>16. No visitor curbside parking available and with a double housing development, this can mean that the visitors park in front of the neighbours.</p> <p>17. The building lines need to be respected as it may have an impact on our sea view.</p> <p>18. The surrounding neighbours are mostly pensioners who invested in a quiet fishing town. The social weekend party disturbs the local residents and the double housing development may add to noise levels.</p>	<p>13. The general plan for these erven was created in 1987, and since then, the character of the area has changed significantly. The proposed consent use will not adversely affect the character of the area, as densification is encouraged by the SDF for these areas.</p> <p>14. The zoning of the property will not change and the property will still be utilised for residential purposes. A consent use for a double dwelling unit is a component of low density residential development and will therefore not adversely affect the character of the area. As mentioned in point 1, densification are encouraged by the Swartland SDF.</p> <p>15. The area has a very low traffic count as most of the properties are used for holiday accommodation. The additional two units will not adversely affect traffic flow in the area.</p> <p>16. The development will provide sufficient parking as required by the Swartland Municipality Land Use Planning By-Law for the proposed consent use.</p> <p>17. The proposed development will adhere to all the prescribed building lines.</p> <p>18. The land use application on Erf 956 cannot be negatively affected based on issues the owners of Erf 1028 had with their adjacent neighbours.</p>	<p>13. Refer to assessments 1, 2 and 4.</p> <p>14. Refer to assessments 1, 2 and 4.</p> <p>15. Refer to assessment 9.</p> <p>16. Refer to assessment 9.</p> <p>17. Refer to assessment 11.</p> <p>18. Refer to assessment 12.</p>

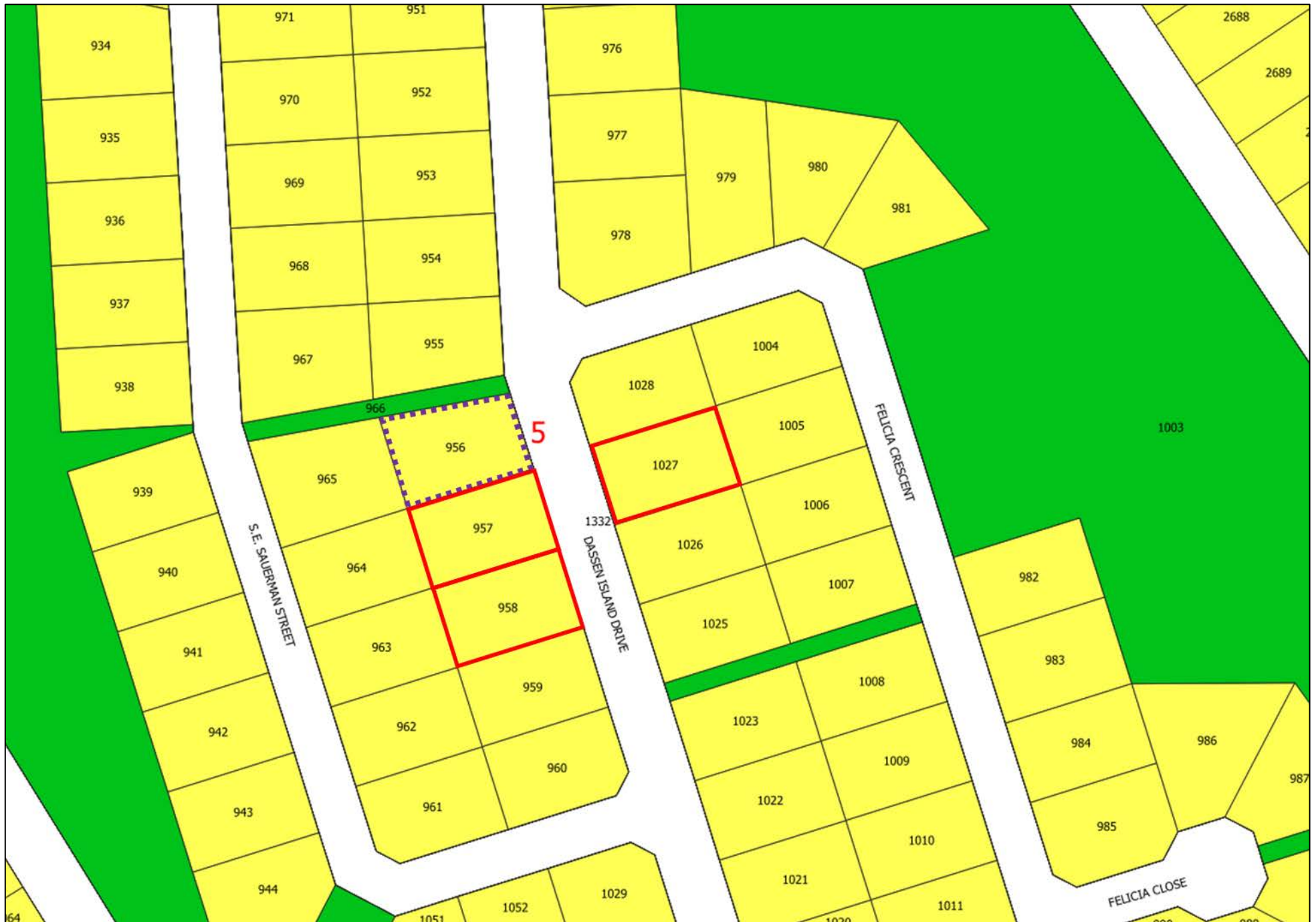


Figure 4: Location of applicant vs objectors

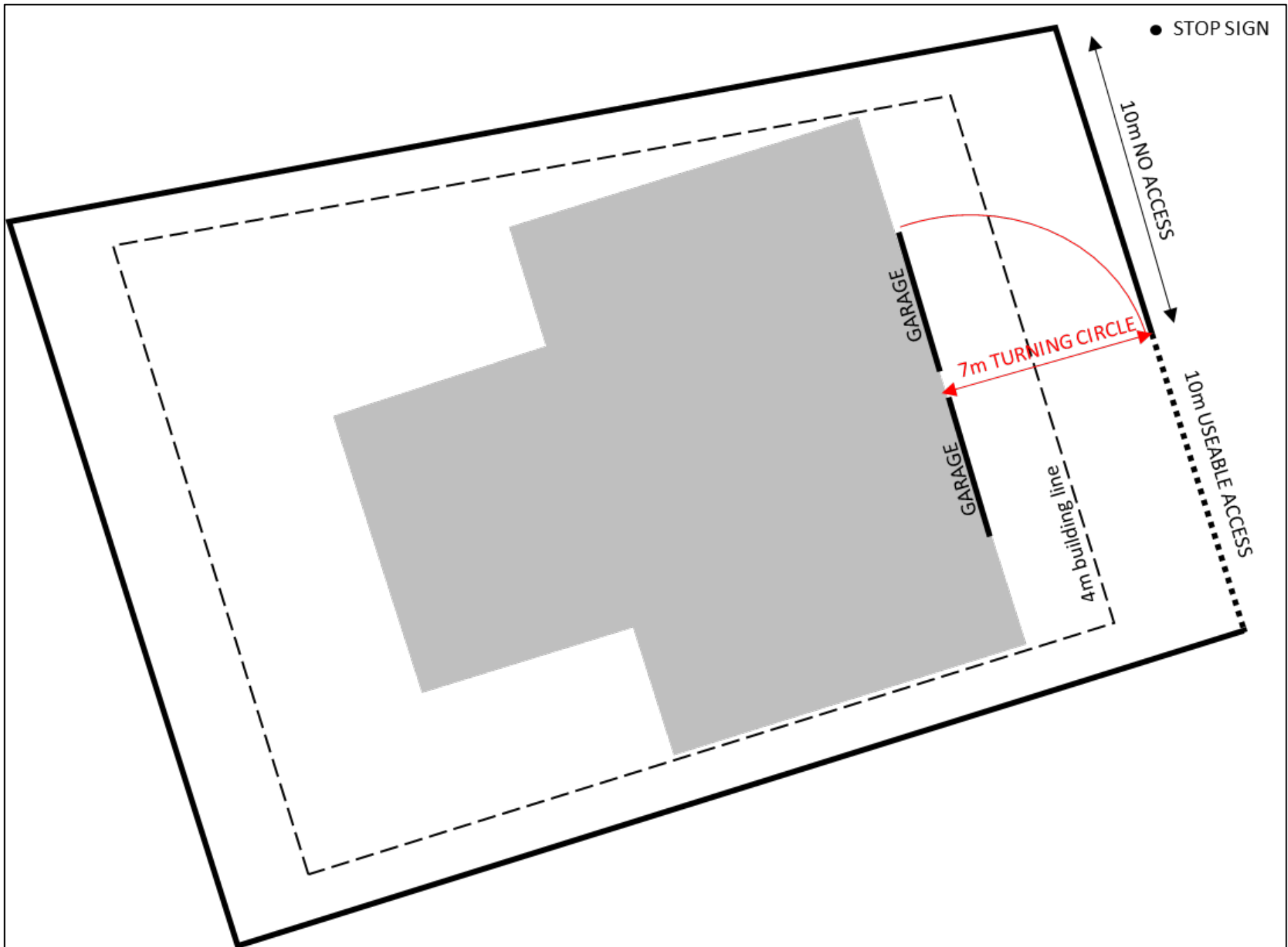


Figure 5: Graphic illustration of proposal in assessment 9

PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

Application for a consent use on Erf 956, Yzerfontein, is made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021), in order to establish a double dwelling on the property.

A total of 21 registered notices were issued to affected parties on 30 June 2021 and the same notices were also sent via e-mail, where possible. The commenting period for the application concluded on 30 August 2021 and three objections were received. Nine posted notices were returned unclaimed, all of which were also sent via the available e-mail addresses.

The objections received were referred to the applicant for comment on 31 August 2021 and the response to objections were provided to the Municipality on 2 September 2021. It was then discovered that an additional objection was received in time, but overseen, and subsequently it was forwarded to the applicant on 3 September 2021. The additional comments on objections were received on 13 September 2021, well within the statutory time frame.

The applicant is C.K. Rumboll and Partners and the property owners are Q.R. and C. Lee.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The proposed double dwelling supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society;
- b) Spatial Sustainability: The proposed development will promote the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) Efficiency: The development proposal will promote the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed double dwelling can easily revert back to the use of a dwelling house for a single family, should it become necessary in future.

It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned legislative measures.

2.2. Provincial Spatial Development Framework (PSDF, 2014)

The PSDF describes tourism as one of the underpinning factors within the urban space economy. The development proposal can contribute to providing in the need for tourist accommodation in Yzerfontein, while minimally impacting on the character of its environment.

The development proposal may therefore be deemed consistent with the PSDF.

2.3 West Coast District SDF (WCDSDF, 2014)

Yzerfontein is one of the major tourist attractions throughout the West Coast District. One of the strategies contained in the WCDSDF is to promote and develop tourism infrastructure within the District. The development proposal can provide in the need for accommodation by various tourists who visit the district, and thus contribute to the income derived from tourism.

The WCDSDF also supports the principle of densification. A second dwelling/double dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. The proposal is thus consistent with the PSDF.

2.4 Spatial Development Framework(SDF)

The application property is situated within a residential node, delineated as Area B, as per the spatial proposals for Yzerfontein contained in the SDF. The area is characterised as residential, with ancillary uses and a small business node

further to the south. Double dwellings are specifically consistent with the character of the zone, as such a development will not alter the residential zoning of the property.

2.5 Schedule 2 of the By-Law: Zoning Scheme Provisions

The application property is zoned Residential Zone 1 and a double dwelling may be accommodated within the zoning category as a consent use. The proposal is consistent with the development parameters determined by the By-Law.

The By-Law prescribes on-site parking at a ratio of two parking bays for a single dwelling and one additional parking bay for a double dwelling. The development proposal includes four parking bays – one double garage per unit – thus an over-provision of parking bays. The over-provision will ensure that sufficient parking is available for the inhabitants of the dwellings, but the practicality of the space in front of the garages, as well as the access to the erf are questioned. While the number of parking bays are strictly sufficient, the site specific circumstances necessitate that additional on-site bays, as well as space for circulation, should be created in front of the garages, in order to ensure traffic safety around the property at hand. The By-Law allows for any conditions of approval to be imposed, in order to mitigate a specific land use issue and the bays and design will be mitigated through said conditions.

All remaining zoning parameters are adhered to.

3. Desirability of the proposed utilisation

There are no physical restrictions on the property that will have a negative impact on the application. The property slopes slightly towards the ocean, which enhances the view towards the coast. The overall height of the double dwelling is lower than the maximum allowable 8m wall plate height, which is considered a sensitive approach towards the views of surrounding properties. Furthermore, as the double dwelling will likely be moved an additional 3m westward, the overall height will be even lower. The street façade of the double dwelling is considered to be compatible with that of a large, single dwelling unit, with similar impact on the views from neighbouring properties.

The finished floor level of the double dwelling is propose to be higher than 1m above the natural ground level, in certain portions of the dwelling, due to the slope. The departure from the maximum permissible floor height will have no impact on the overall height of the dwelling and consequently the surrounding area. The departure will thus be attended to at building plan stage.

The proposed application is consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.

The proposal is spatially resilient, as the property can revert to a dwelling for a single family, should the proposed land use cease.

The character of the surrounding area is that of a low density residential neighbourhood. The nature of a double dwelling is to provide additional residential opportunities. The proposed land use is thus considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area.

The proposed activity will have a positive economic impact as it will generate income for both the land owner, municipality (through rates and taxes) and tourism as a whole, through the spending of visitors to the area.

The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding land owners, nor will it negatively impact on environmental assets.

Access to the property is obtained directly from Dassen Island Drive and traffic safety is proposed to be mitigated through imposing conditions of approval.

The development proposal may be considered desirable.

4. Impact on municipal engineering services

The proposed application is intended to optimise the use of existing infrastructure and municipal engineering services. Development charges will be levied in accordance with the Swartland Capital Contribution By-Law for Yzerfontein (2017).

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights

N/A

PART L: RECOMMENDATION WITH CONDITIONS

The application for consent use on Erf 956, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent use authorises a double dwelling, as presented in the application;
- b) No access to the property will be allowed closer than 10m away from the surveyed stop sign;
- c) A boundary wall of at least 1m high be constructed on the street boundary for 10m from the stop sign, in order to prevent access to the property;
- d) No permanent parking bays be allowed in front of either garage;
- e) The garage door of the southern unit be provided with an electrical garage door and remote control;
- f) The proposed double dwelling be repositioned at least 7m away from the street boundary, in order to allow for circulation space in front of the proposed garages;
- g) A site development plan indicating the additional circulation space be submitted to the Senior Manager: Built Environment for consideration and approval, prior to building plan submission;
- h) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;

2. WATER

- a) The property be provided with a single water connection and that no additional connections be provided;

3. SEWERAGE

- a) The double dwelling be provided with a conservancy tank with the minimum capacity of 8 000 litre, to be installed on the property at a point that is accessible to the municipal vacuum truck, to the satisfaction of the Director: Civil Engineering Services;

4. DEVELOPMENT CHARGES

- a) The development charge towards the supply of regional bulk water amounts to R5 445,25 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- b) The development charge towards bulk water reticulation amounts to R4 502,25 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- c) The development charge towards waste water treatment amounts to R8 280,00, and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);
- d) The development charge towards sewerage amounts to R 5 612,00 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- e) The development charge towards streets amounts to R11 500,00 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter. (mSCOA 9/249-188-9210);
- f) The development charge towards storm water amounts to R3 192,40 and is payable by te owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/248-144-9210);
- g) The development charge towards electricity amounts to R10 419,00 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/253-164-9210);
- h) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to 4. a).

5. GENERAL

- a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years. All conditions of approval be met before the double dwelling comes into operation and the occupancy certificate be issued, after which the 5 year period will no longer be applicable;

- b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- c) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.

PART M: REASONS FOR RECOMMENDATION

- 1) The proposed double dwelling is a residential use and is therefore consistent with the proposals of the SDF.
- 2) A double dwelling is accommodated as a consent use under Residential Zone 1 of the By-Law.
- 3) The development proposal supports the optimal utilisation of the property.
- 4) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy.
- 5) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population.
- 6) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Yzerfontein.
- 7) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

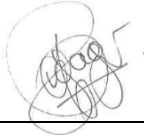
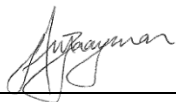
PART N: ANNEXURES

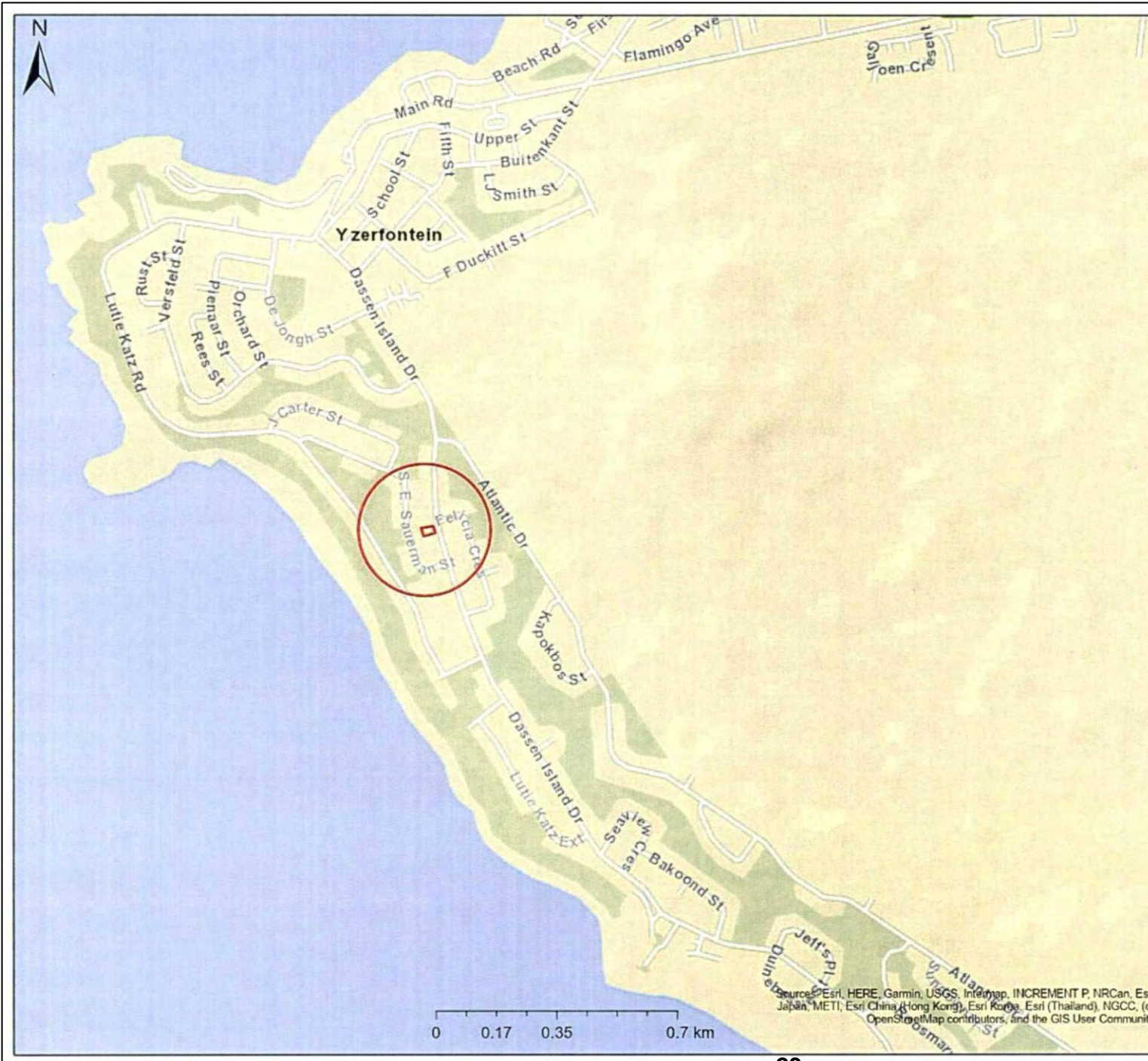
Annexure A	Locality Plan
Annexure B	Site Development Plan
Annexure C	House Plans
Annexure D	Public Participation Map
Annexure E	Objections from E. Muller
Annexure F	Objections from H.M. Pienaar
Annexure G	Objections from G. Kohler
Annexure Ha	Response to Comments
Annexure Hb	Additional Response to Comments
Annexure I	Proposed Re-Positioning of Dwelling on Site
Annexure J	Contour Map

PART O: APPLICANT DETAILS

First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Q.R. and C. Lee.	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

Author details: Annelie de Jager Town Planner SACPLAN: A/2203/2015			Date: 1 October 2021	
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: 5 October 2021	



Locality of Erf 956, Yzerfontein

Legend

ANNEXURE A

Scale: 1:18 056

Date created: June 28, 2021

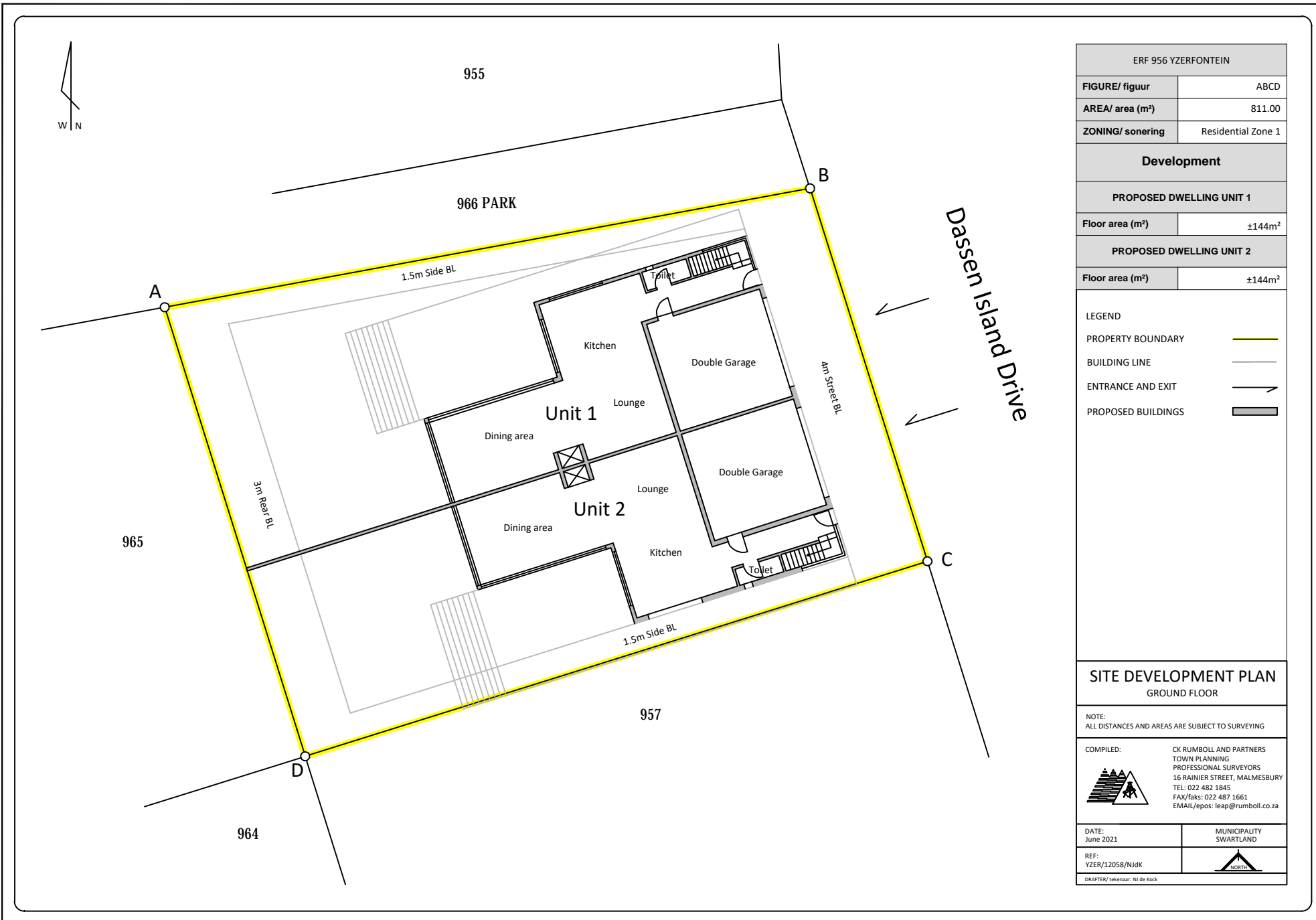
Compiled with CapeFarmMapper



**Western Cape
Government**

Agriculture

ANNEXURE B



ERF 956 YZERFONTEIN	
FIGURE/ figuur	ABCD
AREA/ area (m ²)	811.00
ZONING/ sonering	Residential Zone 1

Development	
PROPOSED DWELLING UNIT 1	
Floor area (m ²)	±144m ²
PROPOSED DWELLING UNIT 2	
Floor area (m ²)	±144m ²

LEGEND

PROPERTY BOUNDARY	
BUILDING LINE	
ENTRANCE AND EXIT	
PROPOSED BUILDINGS	


SITE DEVELOPMENT PLAN
GROUND FLOOR

NOTE:
ALL DISTANCES AND AREAS ARE SUBJECT TO SURVEYING

COMPILED:

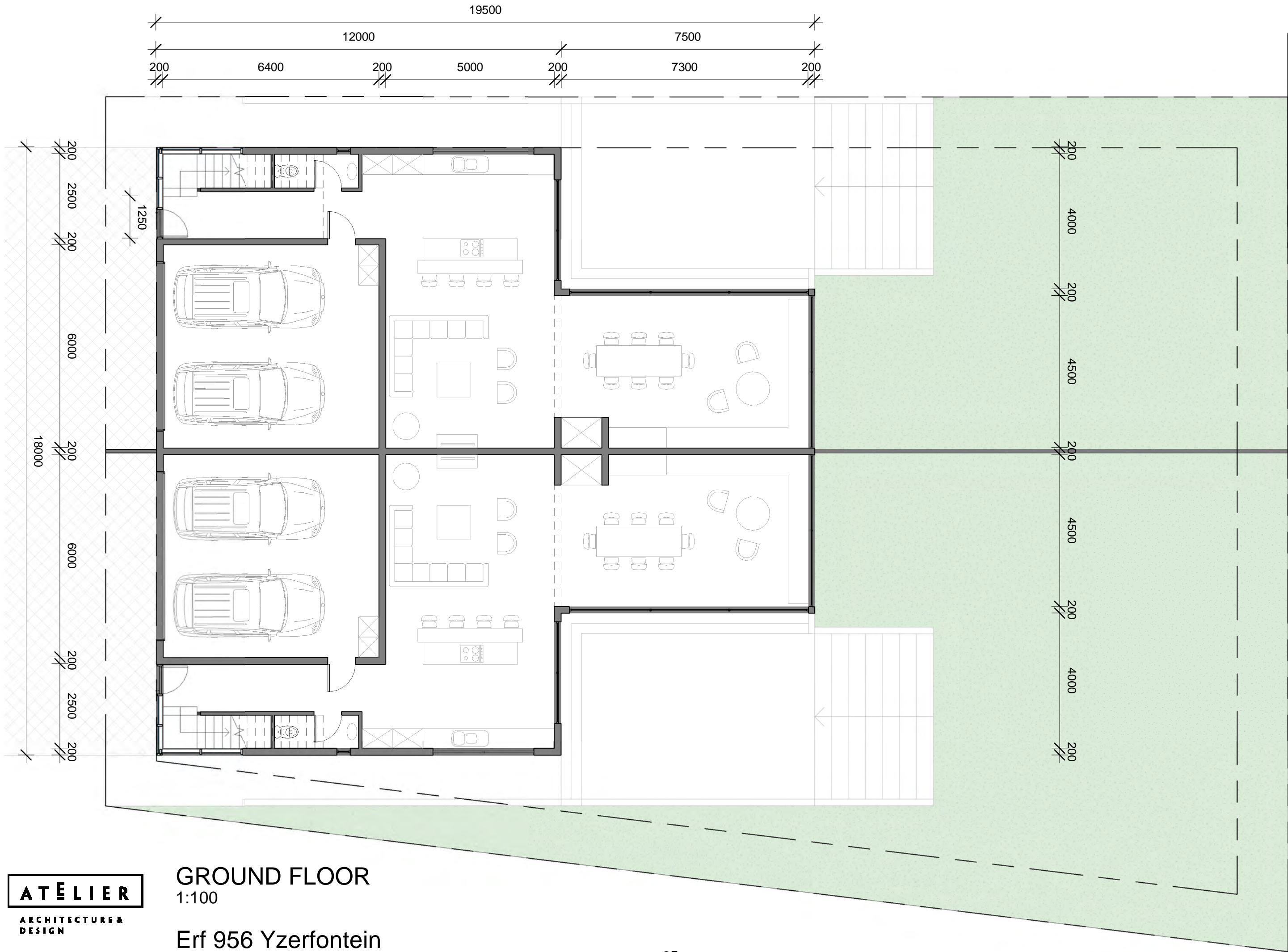
 CK RUMBOLL AND PARTNERS
TOWN PLANNING
PROFESSIONAL SURVEYORS
16 RAINIER STREET, MALMESBURY
TEL: 022 482 1845
FAX/faks: 022 487 1661
EMAIL/epos: leap@rumboll.co.za

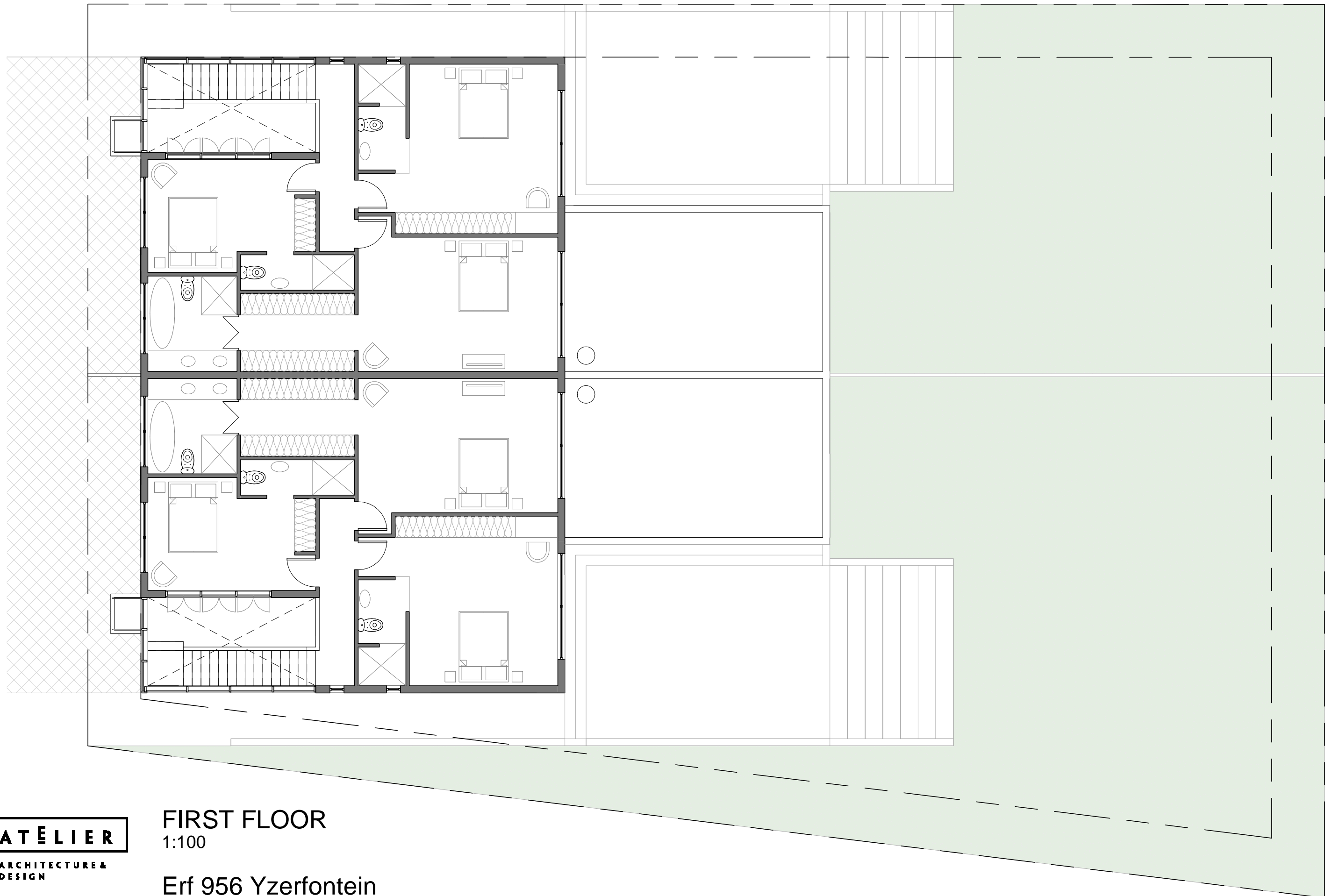
DATE: June 2021	MUNICIPALITY SWARTLAND
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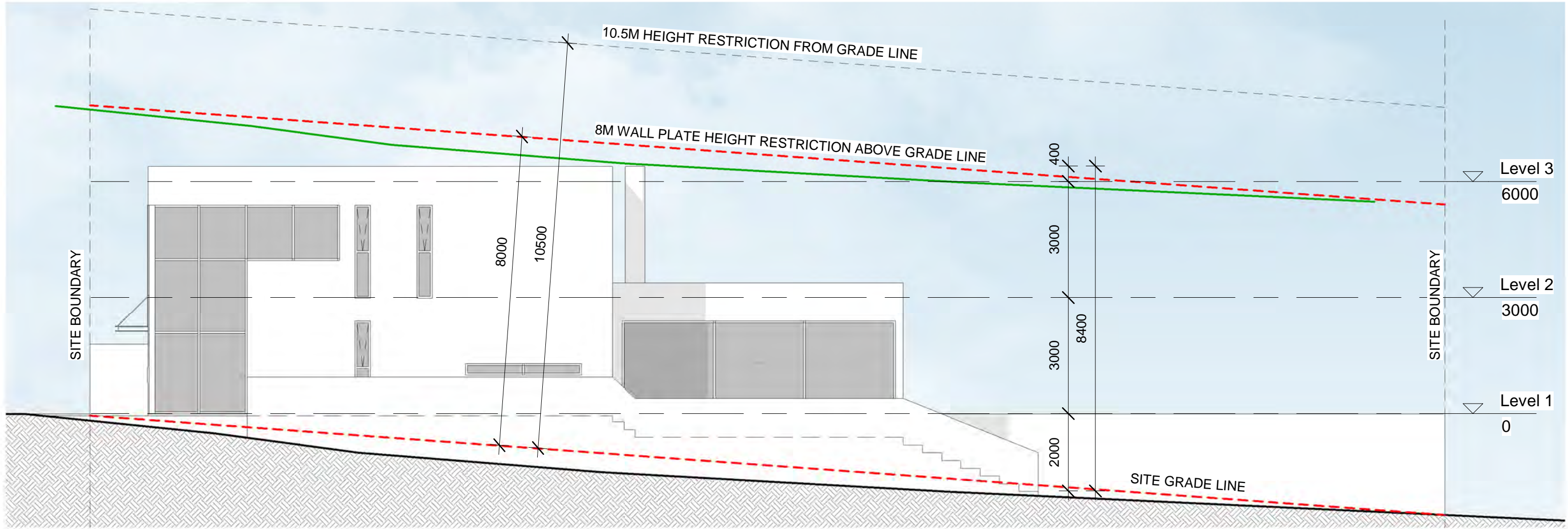
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DRAFTER/ tekenaar: Nl de Kock

ANNEXURE C

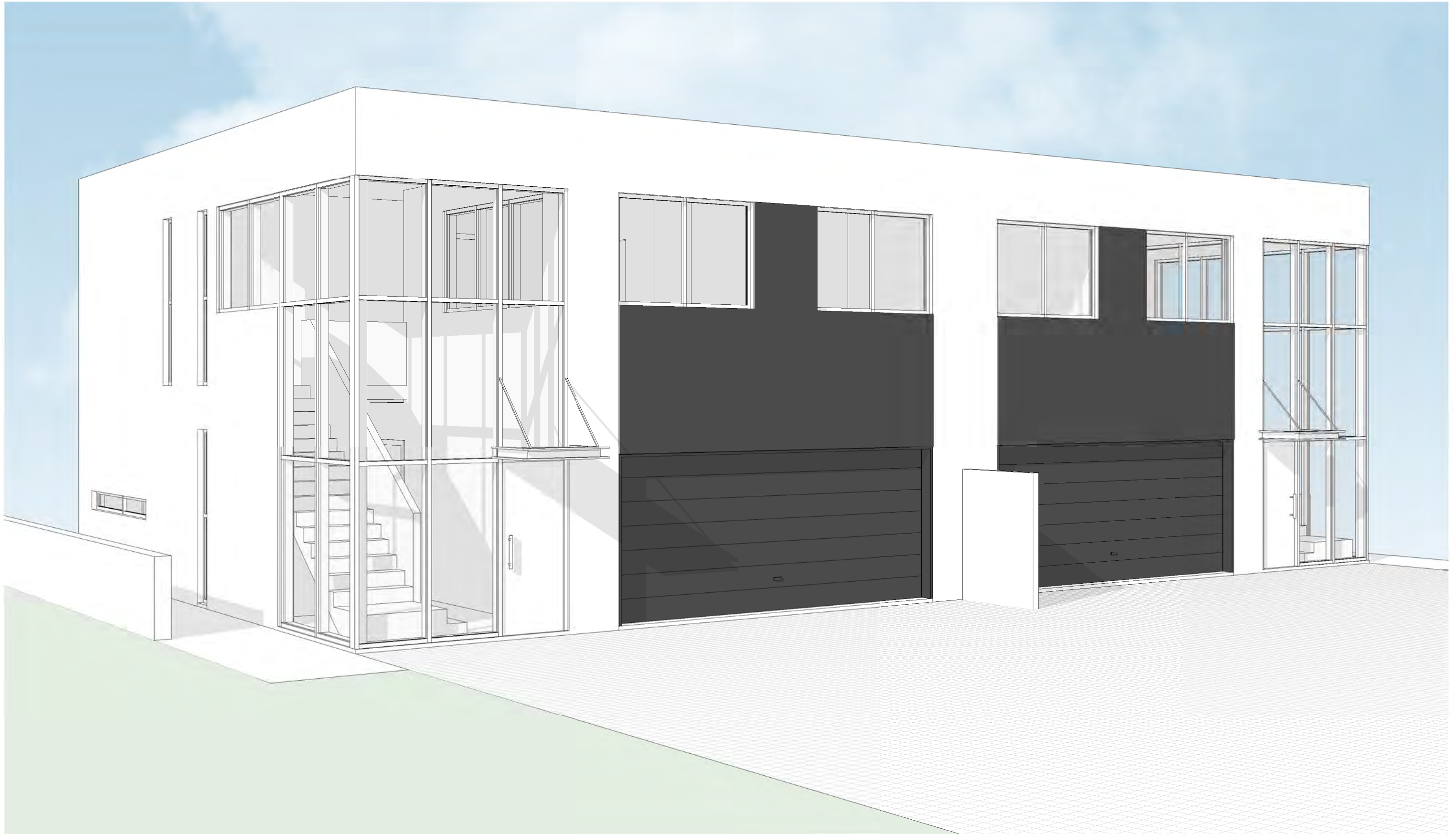






EAST ELEVATION

1 : 100





ANNEXURE D



ANNEXURE E

From: Muller, Estie /ZA <Estie.Muller@sanofi.com>
Sent: Sunday, 29 August 2021 11:38
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: FW: Voorgestelde vergunningsgebruik op Erf 956, Yzerfontein

Die Munisipale Bestuurder,

Erken asb. ontvangs van hierdie skrywe.

Ek teken hiermee ten strengste beswaar aan oor die voorgestelde vergunningsgebruik op Erf 956, Yzerfontein.

Die voorgestelde dubbelwoonhuis is direk langs my woning - aan my noorde kant.

Dit is 2 residensiele eenheid op een erf – onderverdeel.

1. Toe ek hier gekoop het was die erf soos wat dit is - 'n enkel rediensieële eenheid wat langs my sou opgaan – so logies die grondbedekking is nie so drasties in aanvraag soos wat twee rediensieële eenhede is nie. Ek glo dit gaan die waarde van my eiendom negatief beïnvloed.
2. Die suide-eenheid, die woning wat na my kant toe lee fen uitkyk - sal uit die aard van die saak nie 'n keuse hê as om sy vensters (en leef-ruimte) na my kant toe te bou nie (suid) wat verseker inbreuk sal maak op my ruimte.
3. Sakelhuse is nie die mark vir Yzerfontein nie, dit breuk waarde aan eiendomme af. Dit beteken dubbel verkeer, 2 wonings, 2 gesinne – met 'n eenheid wat my ruimte sal affekteer
4. My woning leef Noord-Wes, soos dit is met huse in Yzerfontein (hierdie plan beteken die huis se leef-ruimte gaan direk op my woning inbreuk maak)

Oor die algemeen nuwe huise wat gebou word in Yzerfontein, pas bouplanne aan om te verseker die twee woning leef nie na mekaar toe nie, en meeste huise in Yzerfontein leef Noord-Wes.

Dit is ongehoord vir 'n woning om die leef-ruimte (en vensters uitkyk) aan die suidekant te hê wat dan inkyk op die ander wonings met leef-ruimte Noord en Wes.

Net ter nagedagte – volgens die boulyn blyk dit dat die erf reg teen die storm water afloop sal eindig, is enige gedagte gegee aan bewaring van die area – mense in Yzerfontein stap graag lang sie afvoer af see toe, en as dit nie meer moontlik gaan wees nie sal dit beteken mense sal moet ry om by die see te kom (aangesien daar nie regtig meet voetpaadjies oor is nie)

Ek is altyd beskikbaar vir epos kommunikasie maar us is welkom om my te bel, ek mag dalk nie onmiddellik kan antwoord nie – so ek stel voor volg net 'n oproep op met epos.

Groete
Estie Muller
Tel: 083 251 8071

Lêervêr: 15/3/10-14 Erf 956
Grandag: Me D.N. Stellenberg

H.M. PIENAAR

TEL: 0825605948/
0722440296

POSBUS 352

30 AUGUSTUS 2021

YZERFONTEIN 7351

DASSENEILANDRYNAN 47

ERF No: 1027

e-pos: hernadrentw@gmail.com

DIE MUNISIPALE BESTUURDER

PRIVAATSAK X 52

MALMESBURY

7299

KOMMENTAAR: Voorgestelde vergunningsgebruik
op erf 956, YZERFONTEIN

As eienaar van die huis oorkant die pad maak ek ten sterkste beswaar teen die voorgenome dubbelhuis op erf 956.

1. Die erf is gevoerd vir 'n residensiële woning nie 'n multi-woning nie.
2. Dit is gevaarlik. Om 4 motorhuise op die straat by die stopstraat te laat uitloos gaan verkeersprobleme veroorsaak. Al die verkeer van die wes van Dasseneilandweg en die systrate moet by daardie stopstraat stop. Die erf se per is aan die anderkant van die stopteken - die boulyn is dus so te sê by die stopteken (sien aangehegte foto).
3. Volgens verkeersreël mag daar nie in die straat parker word naby aan 'n stopteken nie. Daar sal nie addisionele parkering vir besoekers wies nie, tensy

- die huis heelwat dieper in die erf gebou word.
4. Gewarlik vir stoppers. Die wandellaar / deurgang wat al meer as 15 jaar deur stoppers gebruik word, word nou gewarlik vir gebruikers, want daar is 'n stormwatersloot wat daar afloop. Daar is nou ongeveer $\frac{1}{2}$ meter teen die skuinste van die stormwatersloot waar mense verky die hoekpen kan loop.
 5. Die voorgeskrewe boulyne moet gerespekteer word, aangesien die huis ons seutsig gaan kelemmer.
 6. 'n Dubbelwoning beteken dubbel die hoeveelheid mense, beteken dubbel die hoeveelheid lawaai. Vakansiegangers oor die algemeen neem nie permanente inwoners in ag met hulle optrede nie. Ons moes al verskeie kere die polisie van Darling laat kom om naweekgangers in die middel van die nag by nummer 49 stil te maak, aangesien drank en vakansievreugde nie kriekes het nie. Daarom wil ons regtig nie 'n dubbelhuis oor die straat hê nie!

baie dankie vir u aandag.

Herna Piinaar
Piinaar.



Lêervernw: 15/3/10-14 Erf 956
 Grandag: Me D.N. Stellenberg

H.M. PIENAAR

TEL: 0825605948/
 0722440296

POSBUS 352

30 AUGUSTUS 2021

YZERFONTEIN 7351

DASSENEILANDRYNAN 47

ERF No: 1027

e-pos: hernadrenth@gmail.com

DIE MUNISIPALE BESTUURDER

PRIVAATSAK X 52

MALMESBURY

7299

KOMMENTAAR: Voorgestelde vergunningsgebruik
 op erf 956, YZERFONTEIN

As eienaar van die huis oorkant die pad maak ek ten sterkste beswaar teen die voorgenome dubbelhuis op erf 956.

1. Die erf is gevoerd vir 'n residensiële woning nie 'n multi-woning nie.
2. Dit is gevaarlik. Om 4 motorhuise op die straat by die stopstraat te laat uitloos gaan verkeersprobleme veroorsaak. Al die verkeer van die wes van Dasseneilandweg en die systrate moet by daardie stopstraat stop. Die erf se per is aan die anderkant van die stopteken - die boulyn is dus so te sê by die stopteken (sien aangehegte foto).
3. Volgens verkeersreël mag daar nie in die straat parker word naby aan 'n stopteken nie. Daar sal nie addisionele parkering vir besoekers wies nie, tensy

ANNEXURE G

From: Gershwin Kohler [mailto:gershwink@telkomsa.net]
Sent: 30 August 2021 04:34 PM
To: Delmarie Stellenberg <StellenbergD@swartland.org.za>
Subject: FW: Voorgestelde vergunningsgebruik op Erf 956, Yzerfontein

Hi Delmarie

Thank you for your communications, did not receive the postal pact yet for scrutiny.

However having considered the concept proposal here forth my reservations on the prosed development on plot 956.

- 1) The town planning designs were zoned for single residential purposes. The semi masonette development is a departure from the town planning erven designs.
- 2) The plan designs cites 4 garages (Two doubles) basically on the road side, opposite a stop street, experiencing increased traffic congestion peak holiday times.
- 3) The plan designs for garage vehicle access to property as well as visitors add to a traffic hazard experienced currently.
- 4) No visitors curbside parking available, & with a double housing development this can mean over runs in front of neighbours.
- 5) The mediate vicinity surrounds are occupied by residential pensioners, who invested for the serenity of quite fishing village town, now more holiday destination for weekend partying. The social weekend party social disturbinse for the locals are already unbearable, this type of double housing development may add to frustrating noise levels.
- 6) Please ensure the building lines are respected for said development and the rights of neighbours are respected.

Kindest regards

Gershwin Kohler
50 Dassen Eiland drive
Yzerfontien
Cell: 0823326794

CK RUMBOLL & VENNOTE / PARTNERS

PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATUM / DATE: 2 September 2021

ONS VERW / OUR REF: YZER/12058/NJdK

U VERW / YOUR REF: 15/3/10-14/Erf_956

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED CONSENT USE ON ERF 956, YZERFONTEIN

Your letter dated 31 August 2021 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by Mr Quentin Lee, as owner of Erf 956 to handle all town planning actions regarding the application for consent use on Erf 956, Yzerfontein.

During the public participation period, comments were received from the following objectors:

- Estie Muller (Erf 957)
- H.M. Pienaar (Erf 1027)

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

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Figure 1: Erf 956 and surrounding objects.

Objector	Objection	Comment from CK Rumboll & Partners
Estie Muller	1. The proposal is two residential units on one erf. - Subdivision	1. The application is for a consent use to accommodate a double dwelling house on Erf 956, Yzerfontein. The property will not be subdivided.
	2. Erf 956 was proposed for one residential unit when I bought Erf 957. The two units will negatively affect the value of my property.	2. The proposed development will give the impression of one large dwelling house. The owner is within his rights to apply for a consent use on his property, as it is a component of low density erven (Residential Zone 1). See building plans attached as Annexure B . It is not clearly stated why the proposed development will have a negative impact on the value of Erf 957. Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (1),

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		<p>which divulges principles of spatial justice, specifies in subsection (f) that: <i>“A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome.”</i></p> <p>The application cannot be judged negatively as it could potentially affect the value of the surrounding properties.</p>
	<p>3. The proposed unit on the southern side of Erf 956 will have its windows and living area towards my home (on the south), which will adversely affect my space.</p>	<p>3. One of the main functions of building lines is to ensure the privacy of surrounding land owners. Since Erf 956 will not encroach onto any of the building lines of the property, Erf 957 will still have sufficient privacy. The proposal is in line with all the building parameters of Residential Zone 1 erven and should therefore be encouraged. The owners of Erf 956 will also erect a boundary wall to further ensure that privacy is sufficient.</p>
	<p>4. Double dwelling units are not the market for Yzerfontein as it reduces the value of the surrounding properties. It also means, double traffic, two dwellings and two families, which will affect my space.</p>	<p>4. Refer also to point 2. Yzerfontein consist of several double dwelling units, as it has become a trend in the area. The Swartland SDF (2019) guides future development within the municipal area through strategic policy guidelines. The SDF identifies the area in which Erf 956 is located as Zone B. <i>Zone B, Pearl Bay area, consists mainly of low density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high density housing opportunities.</i></p> <p>The following are extracts from the SDF for the area:</p>

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		<ul style="list-style-type: none"> • Densify in accordance with zone proposals through: Subdivision (sectional title), Infill development, Renewal, restructuring and Sectional title subdivision of existing houses on single residential erven. • Increase density for next 20 years (which ends in 2028) from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein. <p>The proposed consent use is therefore in line with the proposals and guidelines of the SDF.</p>
	5. My dwelling unit live towards the north-western side, as most of the dwellings in Yzerfontein do. The proposed southern dwelling unit will adversely affect my privacy as the living area will be towards my dwelling house.	5. Refer to point 3. The owners of Erf 956 have the right to design and develop their property to its full extent as long as it is in accordance with the development parameters of Residential Zone 1 properties. The proposed development adheres to all the building parameters and should therefore be encouraged.
	6. According to the building line, it looks like the dwelling will end directly adjacent to the stormwater runoff. Has any though been given to the pedestrians that use this area to walk towards the ocean? If the proposal is approved, people will have to drive to the ocean.	6. The proposal will be within the building lines of the property. The stormwater runoff was created for the runoff of stromwater and not for pedestrian access. The development will be within its development rights.
H.M. Pienaar	7. The property is zoned for a residential unit and not a multi-unit building.	7. The zoning of the property will not change and the property will still be utilised for residential purposes. A consent use for a double dwelling unit is a component of low density residential development (Residential Zone 1) and will therefore not adversely affect the character of the area.

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		<p>As mentioned in point 4, double dwelling units (sectional title) and densification are encouraged by the Swartland SDF.</p>
	<p>8. It is dangerous to have four garages in close proximity to a stop. This will cause traffic problems. The property boundary is almost on top of the stop sign.</p>	<p>8. Access to both erven 955 and 1028 are within 10m from the stop sign. The access to Erf 956 will also not adversely affect the flow of traffic. The area has a very low traffic count as most of the properties are used for holiday accommodation. The additional two units will not adversely affect traffic flow in the area.</p> 
	<p>9. According to road regulations, people may not park within the road reserve close to a stop sign. The proposal does not provide parking for guests.</p>	<p>9. The development will provide sufficient parking as required by the Swartland Municipality Land Use Planning By-Law for the proposed consent use.</p>
	<p>10. The thoroughfare that has been used by pedestrians for more than 15 years will now be dangerous, as there is a stormwater runoff along that area. There will only be approximately 0.5m along the stormwater runoff where people can walk along the boundary of the property.</p>	<p>10. Refer to point 6.</p>

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	<p>11. The building lines need to be respected as it may have an impact on our sea view.</p>	<p>11. The proposed development will adhere to all the prescribed building lines.</p>
	<p>12. A double dwelling unit means double the amount of people and noise. Tourists do not consider permanent residents with their actions. We had to phone the police of Darling several times conserving the noise issues we had with holiday guests adjacent to our property.</p>	<p>12. The land use application on Erf 956 cannot be negatively affected based on issues the owners of Erf 1028 had with their adjacent neighbours.</p>

Considering the above, the owners of Erf 956 adhere to all the building parameters of Residential Zone 1 properties as well as contribute to the guidelines of the Swartland Spatial Development Framework. The application should therefore be encouraged by the municipality.

We trust you will find the above in order when considering the application

Kind regards



.....

NJ de Kock
For CK RUMBOLL AND PARTNERS

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

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MALMESBURY (T) 022 482 1845

Annexure A

Objections



CLEAN AUDITS SINCE 2010/11



*Ons gee gestalte aan 'n beter toekoms!
We shape a better future!
Sibumba ikamva elingcono!*

File ref: 15/3/10-14/Erf_956

Enquiries:
Ms D N Stellenberg

31 August 2021

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

PROPOSED CONSENT USE ON ERF 956, YZERFONTEIN

Your application with reference YZ/12058/NJdk dated 09 July 2021 refers.

Kindly find attached the objection/comment received by Estie Muller & H.M.Pienaar during the commenting period.

Your comment on the objections is requested within 30 days from the date of this letter in order for Swartland Municipality to make a decision.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

From: Muller, Estie /ZA <Estie.Muller@sanofi.com>
Sent: Sunday, 29 August 2021 11:38
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: FW: Voorgestelde vergunningsgebruik op Erf 956, Yzerfontein

Die Munisipale Bestuurder,

Erken asb. ontvangs van hierdie skrywe.

Ek teken hiermee ten strengste beswaar aan oor die voorgestelde vergunningsgebruik op Erf 956, Yzerfontein.

Die voorgestelde dubbelwoonhuis is direk langs my woning - aan my noorde kant.

Dit is 2 residensiele eenheid op een erf – onderverdeel.

1. Toe ek hier gekoop het was die erf soos wat dit is - 'n enkel rediensieële eenheid wat langs my sou opgaan – so logies die grondbedekking is nie so drasties in aanvraag soos wat twee rediensieële eenhede is nie. Ek glo dit gaan die waarde van my eiendom negatief beïnvloed.
2. Die suide-eenheid, die woning wat na my kant toe lee fen uitkyk - sal uit die aard van die saak nie 'n keuse hê as om sy vensters (en leef-ruimte) na my kant toe te bou nie (suid) wat verseker inbreuk sal maak op my ruimte.
3. Sakelhuse is nie die mark vir Yzerfontein nie, dit breuk waarde an eiendomme af. Dit beteken dubbel verkeer, 2 wonings, 2 gesinne – met 'n eenheid wat my ruimte sal affekteer
4. My woning leef Noord-Wes, soos dit is met husie in Yzerfontein (hierdie plan beteken die huis se leef-ruimte gaan direk op my woning inbreuk maak)

Oor die algemeen nuwe huise wat gebou word in Yzerfontein, pas bouplanne aan om te verseker die twee woning leef nie na mekaar toe nie, en meeste huise in Yzerfontein leef Noord-Wes.

Dit is ongehoord vir 'n woning om die leef-ruimte (en vensters uitkyk) aan die suidekant te hê wat dan inkyk op die ander wonings met leef-ruimte Noord en Wes.

Net ter nagedagte – volgens die boulyn blyk dit dat die erf reg teen die storm water afloop sal eindig, is enige gedagte gegee aan bewaring van die area – mense in Yzerfontein stap graag lang sie afvoer af see toe, en as dit nie meer moontlik gaan wees nie sal dit beteken mense sal moet ry om by die see te kom (aangesien daar nie regtig meet voetpaadjies oor is nie)

Ek is altyd beskikbaar vir epos kommunikasie maar us is welkom om my te bel, ek mag dalk nie onmiddelik kan antwoord nie – so ek stel voor volge net 'n oproep op met epos.

Groete

Estie Muller

Tel: 083 251 8071

Leërvierw: 15/3/10-14 Erf 956
Grandag: Me J.N. Stellenberg

H.M. PIENAAR TEL: 0825605948/
0722449290

POSBUS 352

30 AUGUSTUS 2021

YZERFONTEIN 7351

DASSENEILANDRYNDRAN 47

ERF No: 1027

e-pos: hernadrentb@gmail.com

DIE MUNISIPALE BESTUURDER
PRIVAATSAK X 52
MALMESBURY
7299

KOMMENTAAR: Voorgestelde vergunningsgebruik
op erf 956, YZERFONTEIN

As eienaar van die huis oorkant die pad maak ek ten sterkste beswaar teen die voorgenome dubbelhuis op erf 956.

1. Die erf is gevoerd as 'n residensiële woning nie 'n multi-woning nie.
2. Dit is gevaarlik. Om 4 motorhuise op die straat by die stopstraat te laat uitloos gaan verkeersprobleme veroorsaak. Al die verkeer van die wes van Dasseneilandweg en die systrate moet by daardie stopstraat stop. Die erf se per is aan die anderkant van die stopteken - die boulyn is dus so te sê by die stopteken (sien aangehegte foto).
3. Volgens verkeersreëls mag daar nie in die straat parker word naby aan 'n stopteken nie. Daar sal nie addisionele parkering in besoeke wies nie, tenoo

- die huis heelwat dieper in die erf gebou word.
4. Gewarlik vir stoppers. Die wandellaan / deurgang wat al meer as 15 jaar deur stoppers gebruik word, word nou gewarlik vir gebruikers, want daar is 'n stormwaterloot wat daar afloop. Daar is nou ongeveer $\frac{1}{2}$ meter teen die skuinste van die stormwaterloot waar mense verby die hoekpen kan loop.
 5. Die voorgeskrewe boulyne moet gerespekteer word, aangesien die huis ons seuntiesig gaan klemmer.
 6. 'n Dubbelwoning beteken dubbel die hoeveelheid mense, beteken dubbel die hoeveelheid lawaai. Vakansiegangers oor die algemeen neem nie permanente inwoners in ag met hulle optrede nie. Ons moes al verskeie kere die polisie van Darling laat kom om nouwekgangers in die middel van die nag by nummer 49 stil te maak, aangesien drank en vakansievreugde nie kriekes bet nie. Daarom wil ons regtig nie 'n dubbelhuis oor die straat hê nie!

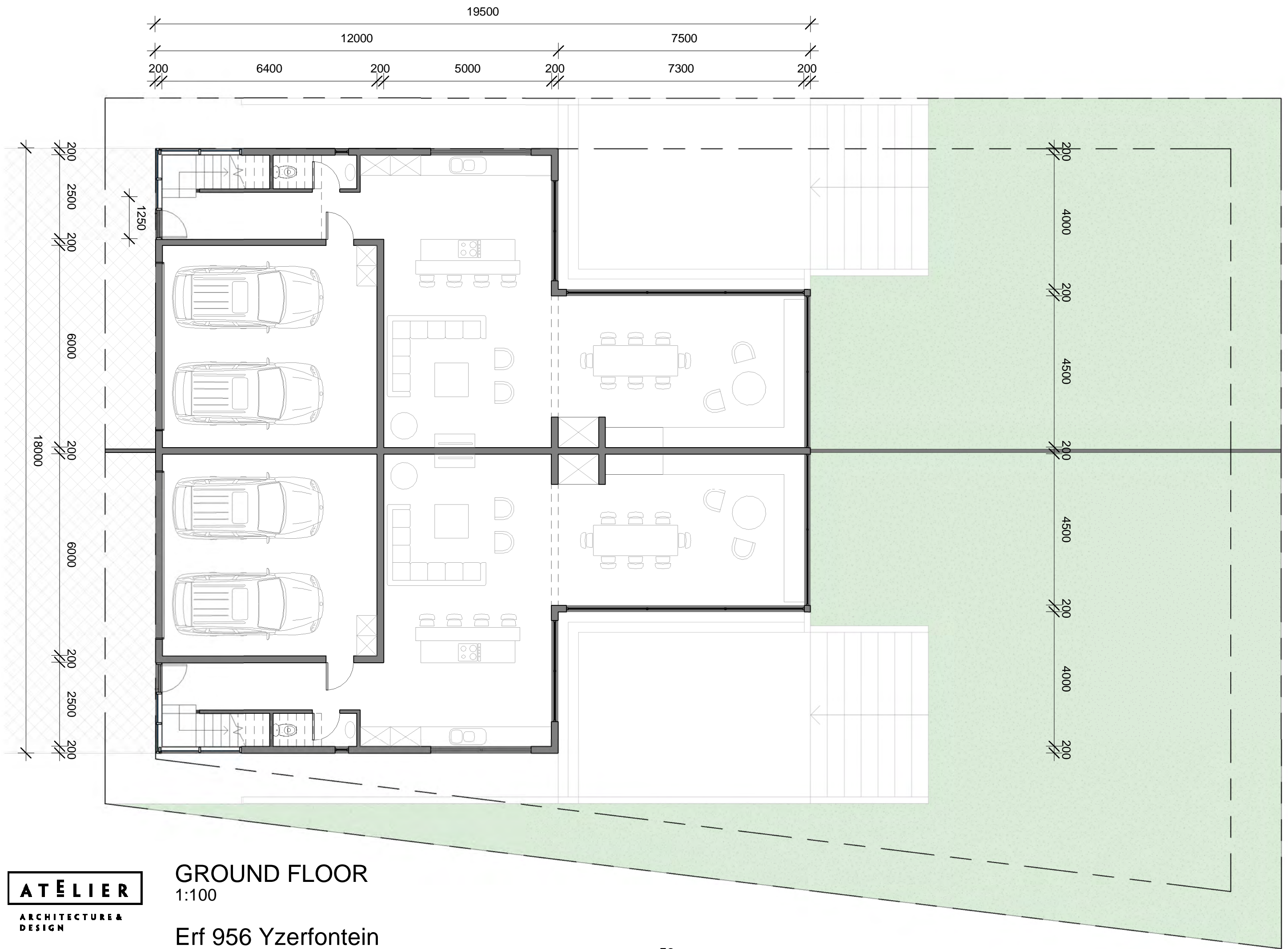
baie dankie vir u aandag.

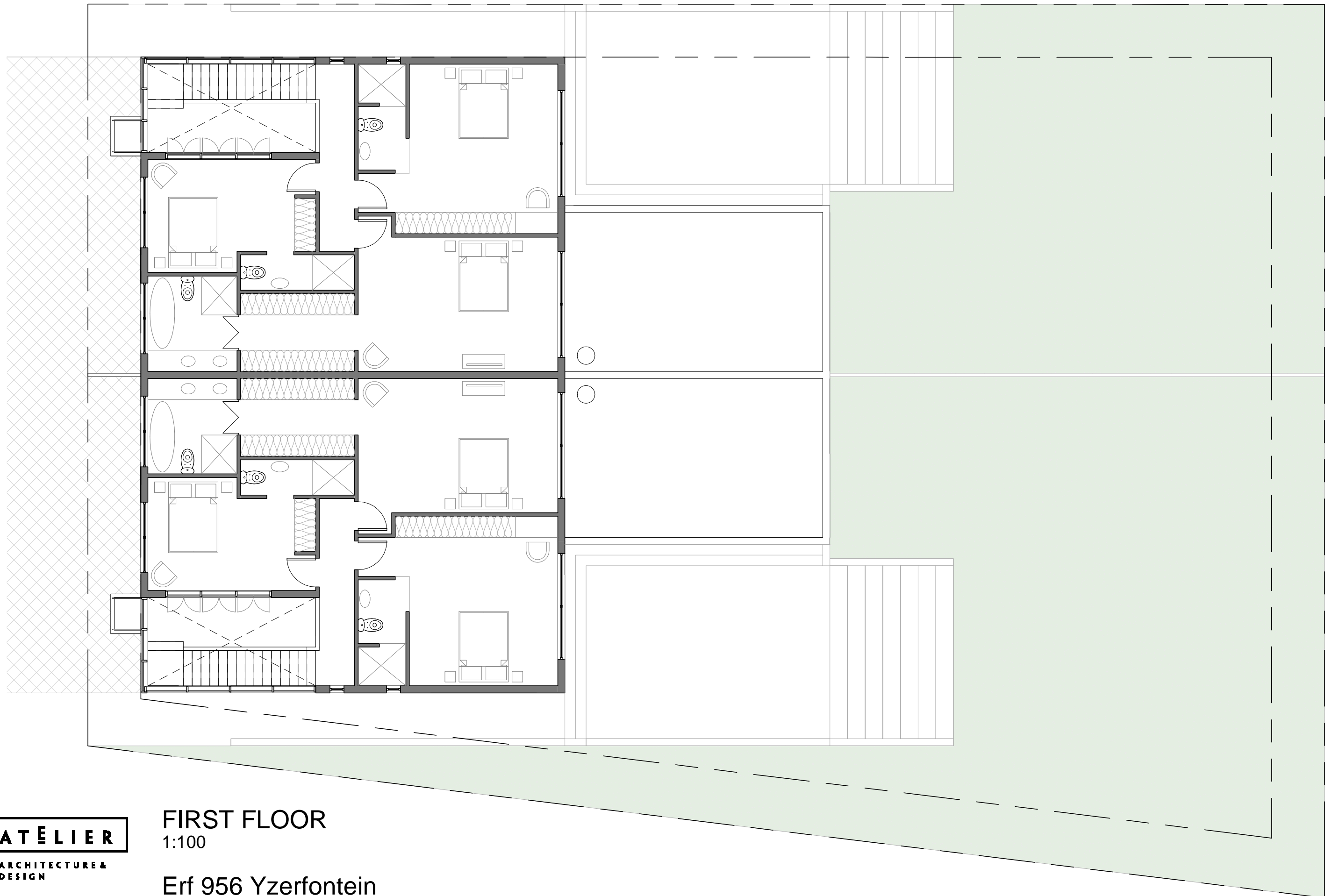
Herna Piinaar
Piinaar.

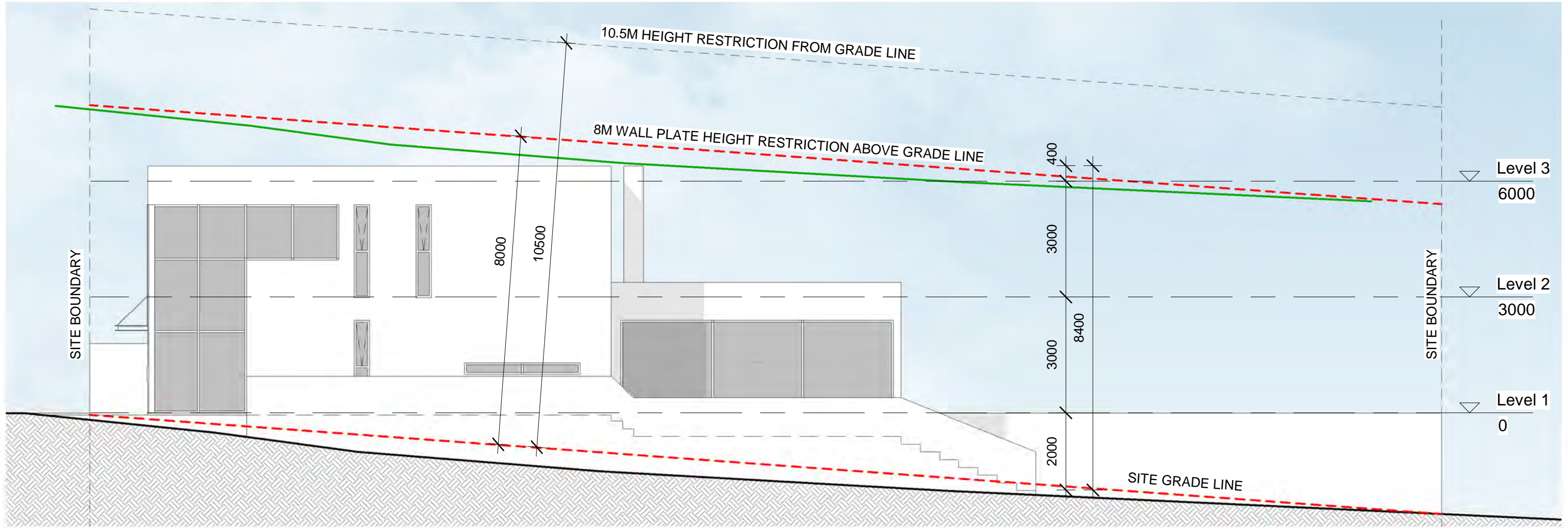


Annexure B

Building Plans







EAST ELEVATION

1 : 100





CK RUMBOLL & VENNOTE / PARTNERS

PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATUM / DATE: 13 September 2021

ONS VERW / OUR REF: YZER/12058/NJdK

U VERW / YOUR REF: 15/3/10-14/Erf_956

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

ADDITIONAL COMMENTS ON OBJECTIONS

PROPOSED CONSENT USE ON ERF 956, YZERFONTEIN

Your letter dated 31 August 2021 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by Mr Quentin Lee, as owner of Erf 956 to handle all town planning actions regarding the application for consent use on Erf 956, Yzerfontein.

During the public participation period, comments were received from the following objectors:

- Gershwin Kohler (Erf 1332)

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845



Figure 1: Erf 956 and surrounding objects.

Objector	Objection	Comment from CK Rumboll & Partners
Estie Muller	1. The town planning designs were zoned for single residential purposes. The semi maisonette development is a departure from the town planning erven design.	1. The general plan for these erven was created in 1987, and since then, the character of the area has changed significantly. The proposed consent use will not adversely affect the character of the area, as densification is encouraged by the SDF for these areas.
	2. The property is zoned for a residential unit and not a multi-unit building.	2. The zoning of the property will not change and the property will still be utilised for residential purposes. A consent use for a double dwelling unit is a component of low density residential development (Residential Zone 1) and will therefore not adversely affect the character of the area. As mentioned in point 1, double dwelling units (sectional title) and

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		densification are encouraged by the Swartland SDF.
	3. The plan design cites 4 garages (two doubles) basically on the road side, opposite a stop street, experiencing increased traffic congestion peak holiday times.	3. The area has a very low traffic count as most of the properties are used for holiday accommodation. The additional two units will not adversely affect traffic flow in the area.
	4. No visitor curbside parking available and with a double housing development, this can mean that the visitors park in front of the neighbours.	4. The development will provide sufficient parking as required by the Swartland Municipality Land Use Planning By-Law for the proposed consent use.
	5. The building lines need to be respected as it may have an impact on our sea view.	5. The proposed development will adhere to all the prescribed building lines.
	6. The surrounding neighbours are mostly pensioners who invested in quite fishing town. The social weekend party disturbs the local residents and the double housing development may add to noise levels	6. The land use application on Erf 956 cannot be negatively affected based on issues the owners of Erf 1028 had with their adjacent neighbours.

Considering the above, the owners of Erf 956 adhere to all the building parameters of Residential Zone 1 properties as well as contribute to the guidelines of the Swartland Spatial Development Framework. The application should therefore be encouraged by the municipality.

We trust you will find the above in order when considering the application

Kind regards



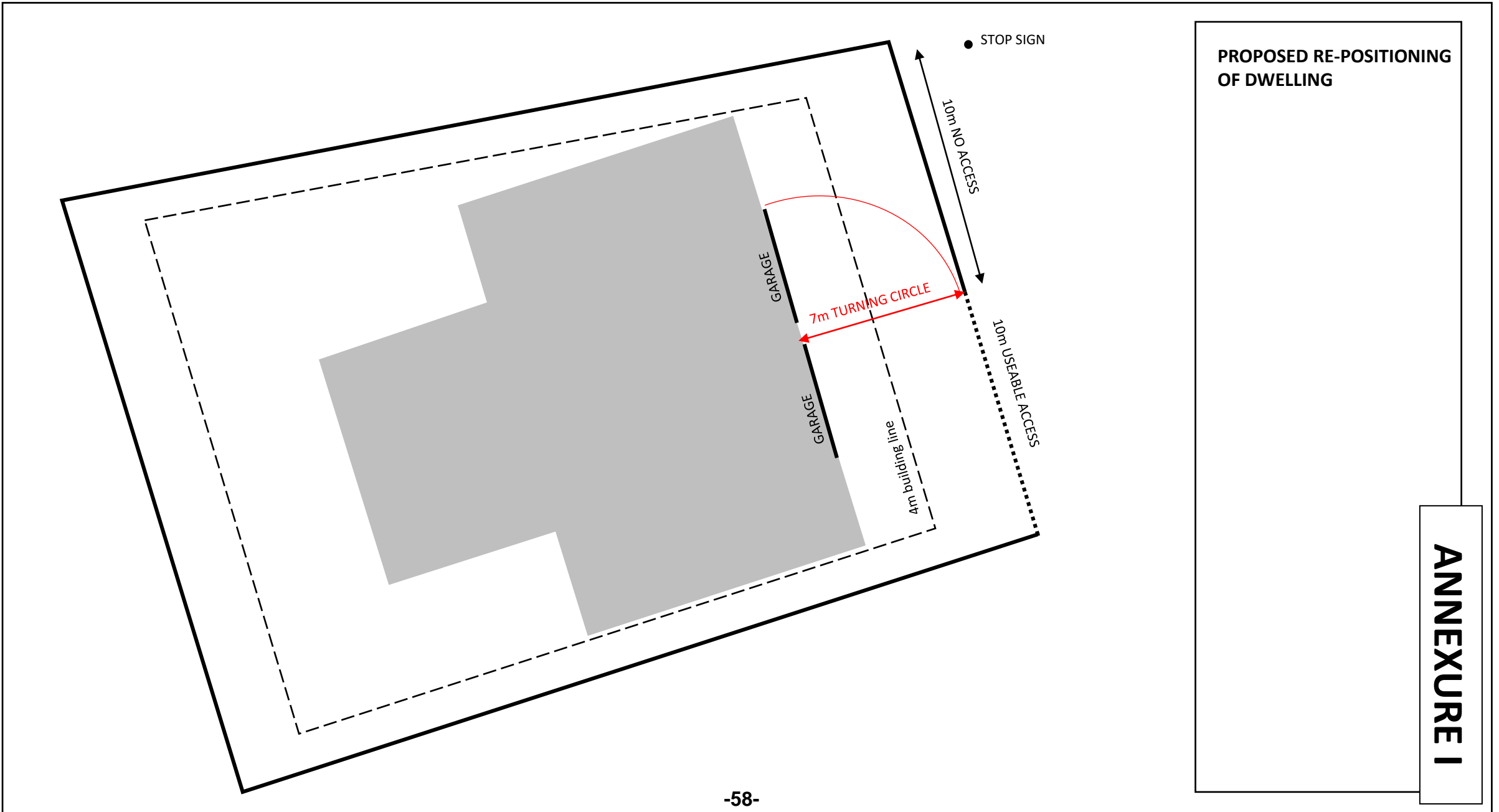
NJ de Kock
For CK RUMBOLL AND PARTNERS

VENNOTE / PARTNERS:

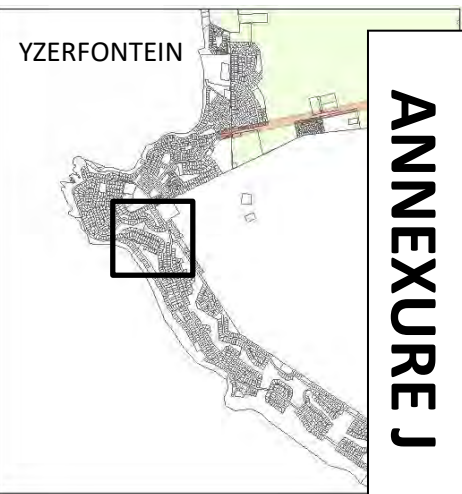
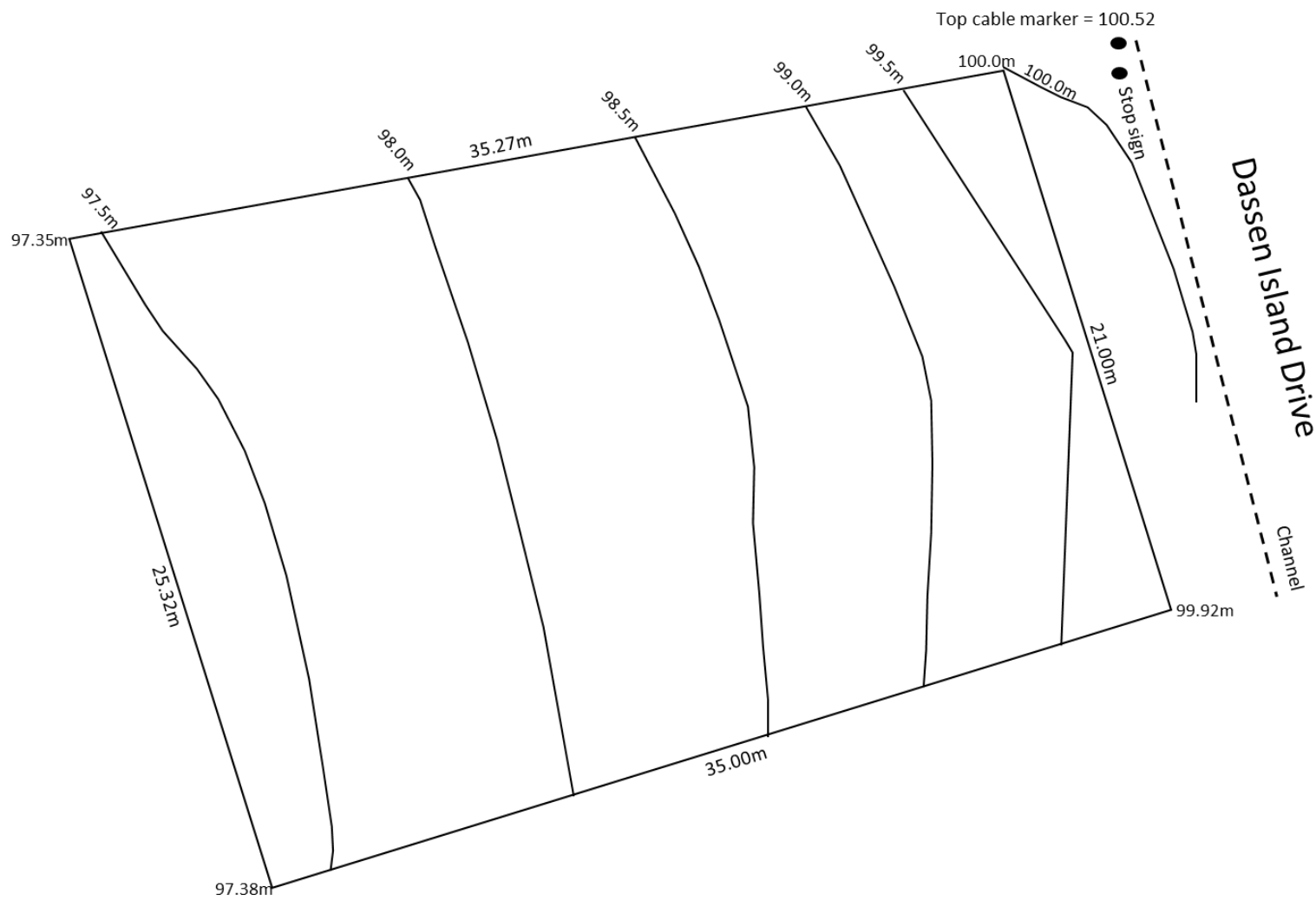
IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

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**CONTOUR MAP:
ERF 956,
YZERFONTEIN**





Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Afdeling: Bou-Omgewing

1 Oktober 2021

15/3/3-15/Farm_554/39

WYK: 5

ITEM 6.2 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 13 OKTOBER 2021

LAND USE PLANNING REPORT					
APPLICATION FOR REZONING OF A PORTION OF PORTION 39 OF THE FARM JACOBUSKRAAL NO. 554					
Reference number	15/3/3-15/Farm_554/39	Application submission date	8 July 2021	Date report finalised	1 October 2021

PART A: APPLICATION DESCRIPTION

An application for rezoning of a portion ($\pm 2082\text{m}^2$ in extent) of portion 39 of the Farm Jacobuskraal no. 554, Malmesbury Registration Division has been received. Application is made in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) to rezone a portion of the farm from Agricultural zone 1 to Industrial Zone 1 in order to accommodate a storage facility.

The applicant is CK Rumboll & Partners and the property owner is Weskus Kwekery CC.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Portion 39 (Portion of Portion 3) of the farm JACOBUS KRAAL No. 554, in the Division Malmesbury, Western Cape Province				
Physical address	R315	Town	Yzerfontein (Nearest town)		
Current zoning	Split zoning Incl. Agricultural zone 1, Business zone 1 & Business zone 2	Extent (m^2/ha)	6,8862ha	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)				
Current land use	Agriculture, Farm shop, nursery, restaurant, wine shop	Title Deed number & date	T62032/2001		
Any restrictive title conditions applicable	Y N	If Yes, list condition number(s)			
Any third party conditions applicable?	Y N	If Yes, specify			
Any unauthorised land use/building work	Y N	If Yes, explain	Storage facility and car wash		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)						
Rezoning	✓	Permanent departure		Temporary departure		Subdivision
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval plan
Determination of zoning		Closure of public place		Consent use		Occasional use
Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		

PART D: BACKGROUND

As mentioned above the subject property, also known as the “Weskus Padstal”, currently has a split zoning including Agricultural Zone 1, Business Zone 1 and Business Zone 2. It accommodates a variety of land uses including agriculture as well as a farm shop and nursery as consent use under the Agricultural Zone 1 zoning, a tasting facility (±25m²) under the Business Zone 1 zoning as well as a restaurant 420m² in extent under the Business Zone 2 zoning.

The owner intends to acquire permission to accommodate an existing unauthorised storage facility on a portion of the subject property. Whilst the existing facility occupies a footprint of only 248m², request is made to make provision for an area of ±2082m² to accommodate the existing facility and account for possible future extensions. The applicant states that although there is no immediate eagerness to expand the existing facility, a conceptual expansion is provided on the site development plan detailing a facility with 36 storage units - 20 units added to the existing 16.

Agricultural Zone 1 accommodates agriculture as a primary right. Agriculture is defined as the cultivation of land for crops and other plants, or the keeping and breeding of animals, including sea animals, including oysters and abalone, or the operation of a game farm, including use on an intensive basis of the natural veld or land, and includes only such activities and buildings (including those for accommodation), as are reasonably connected with the main farming activities, but excludes an agricultural industry”.

The following consent uses may be accommodated with special permission from Swartland Municipality, namely: additional dwelling unit, bed & breakfast enterprise, guest house, lodge, place of education, day care centre, tourist facility, farm shop, aquaculture, horticulture, intensive stock farming, nursery, riding school, service trade, mining, 4x4 route, commercial pet kennel, conservation usage, agri-village, composting, race track, boat launching facility, conference facility, exhibition centre, transmission tower, rooftop base station, renewable energy structure, shooting range.

It is also noted that the term Storage Facility is not defined in the applicable Development Management Scheme. Provision is however made for warehousing which is defined as: “...a premises used primarily for the storage of goods, except those that are offensive or dangerous, and includes premises used for business of a predominantly wholesale nature, as well as for rendering of services, but does not include premises used for business of a predominantly retail nature...”.

The existing Agricultural zone 1 zoning therefore does not make provision for a storage facility / warehouse, not as a primary right or a consent use and therefore the applicant submitted an application for rezoning.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

If yes, provide a brief summary of the outcomes below.

PART F: SUMMARY OF APPLICANTS MOTIVATION

(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)

1. There are no restrictive conditions registered against the title deed of the property that prohibits the proposed application.
 2. The proposal does not affect or restrict any of the servitudes registered against the property, reference is made to the site development plan.
 3. Most of the surrounding properties are zoned Agricultural Zone 1 and used for such purposes although some of these properties have diversified, especially at the node surrounding the intersection of the R27 and R315 roads.
 4. All structures related to the storage facility are painted dark grey and are barely visible from the R315 road or entrance of the property because of screening via trees. The containers stand on the natural ground with no concrete slabs provided. A wire fence typically used on farms with no gate surrounds and secure the facility. The applicant motivates that due to the lack of improvements, (i.e. high concrete walls, concrete slabs, double storey buildings, lights that may cause light pollution, etc.) the existing facility is discreet and retains a rural character without being intrusive to its surroundings.
- Planned improvements according to the applicant are considered not to be intrusive to the rural character or have a visual impact.
 - In connection with services, the current facility does not have a bearing on municipal services or the service provision capacity as it does not generate waste, does not use electricity or water, and does not require sewerage services.
 - Swartland Municipality's Integrated By-Law on Land Use Planning (PG8226) is vague on the appropriate location and descriptive term under which storage facilities are suitable. This leaves room for interpretation in determining the most fitting descriptive term, according to those provided in the By-Law. "Warehouse" — was found to be the most fitting term.
 - The uncertainty in respect of an appropriate descriptive term limits the robustness of storage proposals in general. The land use relating to "storage", according to the applicant becomes restricted to the confines of a make-do land use and the parameters relating to the zoning in which the land use is accommodated. This proposal will therefore be limited to the scope permitted under the term "warehouse" while it is actually operating far below the permitted threshold as well as being hamstrung further by the range of zoning categories under which the term is permitted
 - The Swartland Municipal Spatial Development Framework (MSDF) determines the strategic policy guidelines for future development in the Swartland region. The subject property is located outside the Yzerfontein urban area where Swartland has provided detailed development proposals. The proposal accordingly has to be considered in a rural context dominated by agricultural uses. The storage facility is proposed to be accommodated under Industrial zoning, which is deemed inappropriate outside the urban edge. From this perspective, the proposal seems to be in contradiction with the MSDF and general planning principles for good practice.
 - The zoning required to accommodate a storage facility is a consequence of the shortcomings of the Swartland Municipal Land Use Planning By-Law (PG8226), which consequently pigeonholes this use to industrial related zoning. Upon closer inspection of the use relating to storage facilities, it is argued that the use is more robust than currently considered and should be permitted under a wider range of zonings in lieu of being considered under the term "warehouse".
 - The applicant is of opinion that the proposal only contradicts the MSDF as far as zoning is concerned without accounting for the land use itself, which is attributed to the limited zoning under which such use may currently be accommodated (i.e. industrial). This limitation goes against the development principle relating to spatial resilience, whereby flexibility in spatial plans, policies, and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer impacts of economic and environmental shocks. The question of whether the facility is spatially appropriate and aligned with the MSDF must therefore be resolved by asking the question; How appropriate are storage facilities in a rural context and does the use promote the objectives of the MSDF irrespective of the zoning?
 - The applicant motivates that the proposed use is consistent with the Western Cape Land Use planning Guidelines for rural areas for the following reasons:
 - Activities or land uses of appropriate scale that does not detract from farming production, diversifies farm income and adds value to locally produced products, are supported.
 - The proposal will help to diversify income without detracting from the farming production of the property.
 - With the COVID pandemic, many of the conventional diversification strategies that farmers employ (i.e. wedding venues, accommodation, tourism, breweries) have suffered due to the restriction on human interaction. Storage facilities offer more robust diversification strategies that are not dependant on human interaction and can withstand many of the threats the previously mentioned diversification strategies are prone to do.

- The use of containers as opposed to concrete structures are a more sustainable approach as it does not leave a physical footprint if the facility is shut down. The containers can thus be removed, and the land be reinstated for agricultural production.
- In England, many of the farmers have turned to using underutilized farm buildings and containers as storage facilities to increase the nett profit of farms. This shows that (1) shipping container storage facilities can be accommodated and are appropriate on agricultural land and (2) sufficient case-study information is available to demonstrate the appropriateness of the use under agricultural zoning.
- The facility avoids arable soils, sensitive ecosystems, and mineral resources while making use of temporary structures in as far as it is possible to move the containers.
- The facility is accommodated on a spot zoning, preventing the fragmentation of farm cadastral units.
- Chapter 12 of the document provides guidelines for rural businesses with the caveat that: "Non place-bound businesses (businesses not ancillary to agriculture or serving rural needs), should be located within urban areas and should only be considered in the rural area when exceptional cases and locational factors warrant such a land use. The obligation is on the applicant to illustrate why the land use cannot be accommodated in the urban area. Examples include a petrol station, hardware store, truck stop, transport contractors, wellness centres, frail care facilities, and animal feed factories.
- The applicant's primary argument for why the storage facility should be permitted in the rural area is based on a historic land use decision from Swartland Municipality relating to a proposal for a storage facility on Erven 503 and 504 Yzerfontein. Both erven form part of the Primary Business District (PDB) of Yzerfontein, the area where land uses such as a petrol station and hardware store are located. The outcome of the application, dated 15 September 2014, resolved that; "storage facilities are not an appropriate use within the PDB of Yzerfontein." The applicant continues to motivate that there are no alternatively zoned areas available within Yzerfontein where such a facility would be appropriate according to Swartland Municipality's previously held position. Other areas, according to the applicant relates to secondary business areas, institutional, and residential areas. The only alternative location to accommodate the proposal within the urban edge would be the area demarcated for service industries, which consist of Erf 2024, Portion 34 of Farm 560, and the Remainder of Portion 4 of Farm 560. The problem with placing the facility in the service industries area can again be traced back to the challenge of finding a defining term within the current By-Law that accurately defines a storage facility.

The application for a storage facility on Erf 503 and 504 interpreted the land use (storage) as a service trade and subsequently applied for approval under this term. Swartland resolved in the same decision letter dated 15 September 2014, that the Municipality is of the opinion that a storage facility does not correspond to the definition of 'service trade". Ultimately, this means that there is no opportunity to accommodate a storage facility within the urban edge of Yzerfontein and that the only alternative is to facilitate the use outside the urban edge if it does not detract from the agricultural resources, historic resources, or natural environment.

- According to the applicant the proposal supports the directives of the PSDF by supporting a diversified, climate resilient agricultural sector by allowing for a more diverse range of activities that can be accommodated on agricultural land, does not threaten agricultural activities, and is resilient to climate change by being non-dependant on climate.
- The proposal conforms to the land development parameters of the Swartland Municipal By-Law on Land Use Planning (PG8226).
- The proposal supports the principles of LUPA and SPLUMA.
- The proposal supports the directives of the MSDF relating to nodal development as opposed to ribbon development and the creation of effective environments.
- The facility renders a service to the local community by providing a service that is not currently available in the immediate area (Yzerfontein).
- The facility is temporary as far as containers are not permanent structures that require a foundation. Therefore no risk of the facility falling into disrepair and resulting in decaying or dilapidated buildings that permanently alter the agricultural unit and are unsightly.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: Municipal Land Use Planning By-Law	Y	N
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The application was published in local newspapers and the Provincial Gazette on the 23rd July 2021, in terms of Section 55 of the By-law. The commenting period, for or against the application, closed on 23rd of August 2021.

In addition to the publication, a total of 17 written notices were sent via registered mail to the owners of affected properties as well as the Jacobuskraal Owners Association, in term of Section 56(1) & (2) of the By-Law (refer to Annexure C).

Total valid comments	2			Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures				
Community organisation(s) response	Y	N		Ward councillor response	Y	N	
Total letters of support	None						

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation	
Department Civil Engineering Services	19 July 2021	In order	Positive	
Department Development Services: Building Control	22 July 2021	Building plans to be submitted to building control for consideration and approval.	Positive	
Telkom	17 August 2021	Open serve approves, in principle the proposed work indicated on the drawing subject to conditions.	Positive	
Department of Transport and Public Works	22 September 2021	This branch offer no objection to the proposal in terms of the Land Use Planning Act, Act 3 of 2014	Positive	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS	
<p>Jacobus Kraal Home Owners Association (JKHOA)</p>	<p>The chairperson of the JKHOA writes that they represent the interest of 25 property owners with the eastern access gate to the estate being situated opposite the subject property.</p> <p>The JKHOA state that they vehemently oppose the application for the following reasons:</p> <p>1. Buffer Zone</p> <p>According to the Department of Environment, Forests and Fisheries Protected Areas Register Portion 39 of Farm 554 is situated in a Nature Reserve and National Park Buffer Zone in terms of the Protected Areas Act (Act 57 of 2003 as amended). (see Map 1 below)</p> <p>The JKHOA firmly believe that only appropriate developments ensuring conservation friendly land use should be considered favourably. The erection of storage facilities, in their view, does not constitute conservation friendly land use.</p>	<p>In response to the objection from the JKHOA, the applicant states that the conundrum relating to the lack of appropriate zoning and a fitting descriptive term contained in the Swartland Municipal By-Law that accurately describes the proposed use, is addressed in their motivational report.</p> <p>The proposed industrial zoning is therefore considered a means to an end and not an end in itself and based on this, the merit of the proposal should be determined by evaluation of the proposed land use and not the proposed zoning.</p> <p>Furthermore, Swartland Municipality may restrict the rights of the proposed Industrial Zoning to only permit the storage facility, eliminating any uncertainty or the possibility of establishing uses that may be detrimental to the natural environment.</p> <p>The applicant continues to motivate that the impact of the proposal will be less than the impact generated by a single residential dwelling (considered a low-impact land use) on account of generating fewer daily trips, using less electricity, and generating less waste.</p> <p>The proposal will not lead to the subdivision of agricultural land or act as a catalyst for other development.</p> <p>Additionally, the proposal will have environmentally sensitive lighting (down lighting) and will not generate bad odours or noise due to limited human activity at the facility.</p> <p>For all these reasons, the proposal is not considered a conventional industrial activity and is deemed compatible and sustainable given the anticipated developmental and environmental impacts.</p> <p>The facility is located on a portion of land that has already been disturbed and accordingly no CBA's will be impacted.</p>	<p>1. It is agreed that only appropriate developments, supported by local and provincial policy and legislation, should be accommodated.</p> <p>The applicant's argument that the proposal only contradicts the MSDF as far as zoning is concerned without accounting for the land use itself, is not accurate.</p> <p>Commercial storage is not a use compatible with rural development. If it was, it would have been included as one of the numerous consent uses one can apply for under the agricultural zoning categories. It is true that the Development Management Scheme does not specifically define commercial storage / commercial storage facilities</p> <p>Commercial storage is a use that is inappropriate in a residential area, inappropriate in the central business district. As mentioned above and as will be more fully explained below, it is inappropriate within a rural context. The only areas where it is deemed appropriate is within the industrial areas or areas that is seen as a transitional zone between the abovementioned areas and industrial areas.</p> <p>The objective of the Industrial Zone 1 zoning in which a warehouse / warehousing is a primary right clearly states that it is uses that may be exercised without nuisance to other land or the general public. Although not specifically defined, the development management scheme is not vague in the fact that commercial storage fits directly into this objective. Commercial storage on agricultural land is therefore deemed inappropriate.</p>

2. Industrial Zone

The JKHOA are of the opinion the rezoning application to an Industrial Zone is not a conducive development in a National Park and Nature Reserve Buffer Zones and is likely to adversely impact on the aesthetics of the National Park, Nature Reserves in close proximity in general as well as Jacobus Kraal in particular.



3. Critical Biodiversity Area (CBA)

As can be seen from the Agricultural Department of the Western Cape Government, part of Portion 39 of Farm 554 is situated in a BCA.

The JKHOA is of the opinion that an Industrial Zone has no place in a CBA and therefore any application for rezoning should not be approved by the Swartland Municipality.



This is further supported by the fact that the proposal does not trigger the National Environmental Management Act (Act 107 of 1998).

Upon closer inspection of the spatial data for CBA's, as provided on the Agricultural Department of the Western Cape Government's website (Cape Farm Mapper), the data appears to be unreliable because of inconsistencies, where cleared land is earmarked as CBA's, and obscure patterns (indicated in red below).




2. It is important to note that the proposed Buffer Zone from the West Coast National Park as well as the North South ecological link between the West Coast National Park and the greater Cape Town metropolitan area should not sterilise development along this corridor. As mentioned above, appropriate developments, supported by local and provincial policy and legislation, should be accommodated.

3. The small gaps in the demarcated CBA areas as indicated by the BGIS data cannot be deemed unreliable without proper investigation or proof. In such cases, it is the responsibility of the applicant to provide supporting documentation like a botanical assessment that clearly indicates that the biodiversity data is inaccurate / outdated. As it stands, this data has been included in the MSDF, 2019 which means that the proposal is in contradiction with the MSDF given the fact that only low-impact, biodiversity-sensitive land uses are deemed appropriate, within Core 1 areas.

The issue regarding the Industrial Zone 1 zoning in a rural context have already been discussed above.

<p>The Cape West Coast Biosphere (CWCBR)</p>	<p>The Cape West Coast Biosphere (CWCBR) is part of the UNESCO worldwide network, which today consist of more than 700 biospheres.</p> <p>The CWCBR respect the applicants right to apply for the change in land use however they do not support the proposed application for the following reasons:</p> <ol style="list-style-type: none"> 1. The property is within 500m of the very dangerous R27/R315 intersection, keeping in mind the current attempts of the Yzerfontein community to ensure a safer intersection. The CWCBR states that, should a bridge or similar intersection to that of the Saldanha intersection be constructed, land within a 500m radius of the intersection will be required. 2. Long ago with the subdivision of the greater Jacobus Kraal, there was a lot of opposition from the local authority against it, specifically due to the cumulative impact that it will cause. 3. The property borders or is very close to the Yzerfontein national water management area. 2017 has proven the value of fresh water sources in our as well as the Municipality's Biosphere. The CWCBR request that a water study be conducted in order to determine the state of the aquifer on the property and then all the legal requirements of the Department of Water Affairs must be complied with. The Grootwater Aquifer doesn't stop at the boundaries of the subject property, it is however located in the sand formations. Pollution can pose a significant danger for this water resource. 	<p>In response to the objection from the CWCBR the applicant states that the objection is dated 23 August 2021 which is 3 days after the closing date for comments.</p> <p>The motivational report for the proposed rezoning addressed the 500m development restriction area under Section 10 of the report. The grounds for why the proposal should be permitted within the development restriction area are:</p> <ol style="list-style-type: none"> a) The existing farm stall and building on Farm 554/39 is located closer to the R27-R315 intersection than the proposal; b) Containers will be used as storage units. These can be moved easily and makes the development more robust than conventional concrete units which cannot be moved; c) A detailed design of the planned interchange is provided on the following page. The proposal will not affect the interchange as it will be located on the opposite side of the existing buildings. d) A low trip generation is expected on account of the limited number of storage units and due to frequency of visits by clients as there is no need for clients to visit the storage facility on a daily basis. e) The Western Cape Department of Transport and Public Works is the controlling authority that determines whether or not the proposal can be accommodated within the 500m building restriction area that surrounds the R27 and R315 intersection. This department has provided a letter of no objection and consequently, the proposal is deemed appropriate. 	<p>It is confirmed that the closing date for comments for the public participation process, closed on the 23rd of August 2021 at 17h00. The objection is therefore deemed valid.</p> <ol style="list-style-type: none"> 1. Clearly, the future upgrading of the intersection will not have a negative impact on the proposed development or future development of the subject property. The relevant roads authority also did not object to the proposed development. 2. It is agreed that development at the intersection as well as the Yzerfontein Rural Corridor should be sensitive to the surrounding environment in order not to negatively affect the sense of place. As mentioned above, only appropriate developments, supported by local and provincial policy and legislation, should be accommodated. 3. It is not envisaged that the proposed development will have any negative impact on the ground water resources.
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	<p>4. The municipality is aware that SANparks together with property owners are currently busy establishing a North South corridor to the West of the R27 to act as buffer for the West Coast National Park, focussed on conservation and tourism.</p> <p>5. The CWCBR suggest that the decision that was made in terms of the application on portion 6 of Farm 554 should also be made applicable here. It was already decided not to allow industrial properties.</p> <p>6. The CWCBR states that they have in the past requested that the Municipality should compile a thorough development framework for the area at the intersection. The property is located in the Cape Flower Region and tourism is without a doubt the most sustainable development option.</p> <p>7. The objector concludes that they are also concerned that exotic plants are being planted on the property and that declared alien species are not being removed as required by national Environmental legislation of South Africa.</p>	 <p>In conclusion the applicant states that the proposal is appropriate in the buffer area surrounding the National Park and Nature Reserve on account of the limited extent of the proposal and the low impact thereof. The proposal is located on already disturbed land, does not trigger environmental legislation, and can therefore be considered as sustainable development from an environmental perspective. The proposal does not prevent future plans to create a safer intersection or the development of an interchange. For these reasons, it is requested that Swartland Municipality supports the application for a storage facility on a portion of the subject property.</p>	<p>4. Please refer to the comments under point 2 of the JKHOA.</p> <p>5. Noted and agreed. The municipality needs to be consistent in its decision making and confirm that the proposal is clearly in contradiction with the MSDF, 2019 and should therefore, not be supported.</p> <p>6. Noted</p> <p>7. The concern relating to exotic plants as well as alien vegetation does not relate to the subject application. The CWCBR needs to direct their complaint / concerns to the relevant authorities.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

The application was submitted in terms of the By-Law on 9th of July 2021. The public participation process commenced on the 21st of July 2021 and ended on the 23rd of August 2021 (affected parties and internal departments). The objections received were referred to the applicant for comments on 25th of August 2021. The municipality received the comments on the objections on the 17th of September 2021.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision-making.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

The application is evaluated according to the principles of spatial planning, as contained in the abovementioned legislation.

SPATIAL JUSTICE

Spatial justice in essence means that plans should include everyone. Past spatial and other development imbalances be redressed through the improved access to and use of land and development management systems must include all areas of a municipality. The applicant's right to submit an application for consideration is recognised. The application is evaluated in terms of local and provincial spatial planning policy and is deemed to be inconsistent with the land use proposals or appropriate land uses in a rural context. The application therefore is in contradiction with the principle of spatial justice.

SPATIAL SUSTAINABILITY

Spatial sustainability refers the:

1. Promotion of land development that is within the fiscal, institutional and administrative means of the country.
2. Protection of prime and unique agricultural land as well as the application of environmental management instruments to development.
3. Effective and equitable functioning of the land market.
4. The promotion of development in locations that is sustainable as well as limit urban sprawl.

It is agreed that the proposed facility will not negatively impact municipal services or service delivery as well as that the diversification of land uses will generate additional income for the owner, the application will set a negative precedent for future development of the Yzerfontein Rural corridor as well as the development node envisaged for the R27 & R315 intersection. The proposed use is deemed incompatible with the rural context in which the property is located. The application is therefore deemed to be in contradiction with the principle of spatial sustainability.

EFFICIENCY

Efficiency refer to decision making encouraging land development that optimises the use of existing resources/infrastructure, while minimising the negative financial, social, economic or environmental impacts.

The development does optimise the use of space as well as does not require large quantities of resources / infrastructure. It could however be argued that it negatively affects the rural character as well as the environment in the sense that it is a use that should be accommodated within the urban area / edge as well as is located on a portion of the property demarcated as a Critical Biodiversity Area.

SPATIAL RESILIENCE

From spatial resilience, it is understood that spatial plans, policies and development management systems should be flexible in order to accommodate and ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The principle of spatial resilience, does not apply to the specific application.

GOOD ADMINISTRATION

The public participation was done by Swartland Municipality in terms of the provisions of the By-Law. Those affected by the application were sent notices and the application was advertised in the local newspaper as well as provincial gazette. The comments from all relevant municipal and external departments were also requested.

Consideration is given to all correspondence received and the application is dealt with in a timeously manner. It can therefore be argued that the Municipality complies with the principles of good administration.

2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF)

The SDF forms an integral part of the IDP. Applications like these are measured according to the principles of the SDF to determine whether it is in compliance. Secondly, it could be argued that the proposal should be evaluated in terms of strategic goal 3 by ensuring quality and sustainable living environments.

The IDP under strategic goal 3 clearly states that through the use of the approved urban edges, orderly development of the built environment is guided and controlled through its demarcation which is in accordance with the planning principles as advocated in SPLUMA and LUPA. The urban edges of the towns in the Swartland protects high value agricultural land and encourage compact urban form, spatial integration whilst providing for additional land to address the future urban growth.

Strategic goal 3.2 also states that sustainable rural and agricultural development should be enabled through growing and diversifying the agricultural sector. This includes alternative and intensive uses like agri-processing, agri-tourism, smallholdings and product development. The development of the Yzerfontein rural development corridor should therefore not be used as a tool to accommodate land uses which are predominantly urban in nature or which is clearly accommodated in urban zoning categories. It is clearly stated in the MSDF, 2019 that urban-related development should be concentrated in urban areas.

The MSDF, 2019 also clearly states that the Swartland' s sense of place need to be protected by doing the following; Development in the rural and natural areas need to:

- Exploit (develop) economic opportunities in a sustainable manner;
- Protect the sensitive natural environment and agricultural resources from inappropriate and opportunistic development;
- Create (change to) sustainable rural livelihoods.

Objective 1 of the MSDF does state that we should strive to grow economic prosperity and facilitate economic sector growth (including mining, agriculture, tourism, commercial and industry). Under objective 1 the following is promoted in the context of the subject application:

1. The development of a node at the intersection of the R27 and R315
2. The development of the Yzerfontein rural corridor
3. Support economic incentives to stimulate growth.
4. Support alternative uses of farms.
5. Re-orient the existing agricultural model to allow for the creation of smaller agricultural units in rural areas.
6. Safeguard the intersection between the R27 and the R315 by making it more visible
7. A tourism node could provide visible supporting services.
8. Support development of commercial infrastructure on farms, including farm stalls and limited agri-processing, tasting of farm produce and markets, venues, along the R315 transport zone.
9. Diversify agricultural activities to focuses on conservation and tourism offering alternative uses and products.

Objective 5 of the MSDF, 2019 states that ecological and agricultural integrity should be protected.

The above-mentioned is envisaged through the protection of agricultural landscapes, the establishment of an intensive rural corridor on the R315, the revitalisation of the rural economy in order to address poverty and improve access to the local economy as well as to align development with the bio-regional land use initiatives.

It is important to note that in terms of the Bioregional Spatial Planning Categories (SPCs) most of the subject property is an identified terrestrial CBA (CBA Core 1) with some terrestrial and aquatic Ecological support areas (ESA 1 & 2) also identified.

CBA: Terrestrial areas are defined as area in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. It recommended, that in CBA areas, the natural or near-natural state need to be maintained, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.

The applicant's argument that the proposal only contradicts the MSDF as far as zoning is concerned without accounting for the land use itself, **is not accurate**. Commercial storage is not a use compatible with rural development. If it was, it would have been included as one of the numerous consent uses one can apply for under the agricultural zoning categories. It is true that the Development Management Scheme does not specifically define commercial storage / commercial storage facilities and that Swartland Municipality does currently interpret the use under the definition of warehouse / warehousing.

The applicant accurately identifies the subject property outside the Yzerfontein urban area and therefore the proposal is considered in a rural context. Uses should therefore be consistent with and complementary to the agricultural nature / character of the area.

Commercial storage is therefore deemed inappropriate outside the urban edge and given the above the proposal is clearly in contradiction with the MSDF as well as general planning principles for good practice. This was specifically explained to the owner of the property when the Municipality was initially informed about the illegal land use.

2.3 Western Cape Land Use Planning Guidelines Rural Areas, 2019

The guideline makes provision for rural business as well as industry in rural areas however, it is clear that such development should specifically serve the needs of local communities, rural tourists and agricultural production. Appropriate industrial activity / uses in rural areas, on the other hand, are listed as:

- Packing, storage and bottling or processing of agricultural products.
- Small scale production or processing activities associated with tourist facilities.
- Extracting minerals e.g. salt mining.
- Processing natural resources e.g. bottling of spring water.

The guidelines clearly state that non place-bound businesses (businesses not ancillary to agriculture or serving rural needs), should be located within urban areas and should only be considered in the rural area when exceptional cases and locational factors warrant such a land use.

The same argument applies for non-place-bound industry (industries not ancillary to agriculture or serving the rural needs e.g. transport contractors, breweries, fabricating pallets, bottling & canning plants, abattoirs, sawmills and builder's yards) should be located within urban areas.

The applicant does refer to the community of Yzerfontein's need for a storage facility as well as a previous municipal decision regarding a storage facility in the Business District of Yzerfontein, that was not approved. This does not make the proposed application an exceptional case and above that, there are no locational factors that warrant the accommodation of commercial storage in this specific location. The proposal is not the same as, for example, a rural community like Broodkraal that is in need of a petrol station or hard ware store on the farm given the fact that the closest filling station or hard ware store is situated a great distance away. There are also sufficient vacant land within the urban edge of Yzerfontein where a storage facility could be accommodated.

The following statement made in the guidelines should also be noted *"...Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated. The long term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken..."*

Should the application be approved it will not promote sustainable development in appropriate rural locations as required by the guideline. It will also not safeguard priority biodiversity areas or maintain integrity or authenticity of the farming, ecological, coastal, cultural and scenic rural landscape in which it is located.

2.4 Schedule 2 of the By-Law (Development Management Scheme)

The applicant refers to the Development Management Scheme as being vague and not appropriately accommodating commercial storage under the definitions or the land uses of the different zoning categories. It is further stated that zoning required to accommodate a storage facility is a consequence of the shortcomings of the Swartland Municipal Land Use Planning By-Law and consequently pigeonholes the use as an industrial related use. It is argued that the use is more robust than currently considered and should be permitted under a wider range of zonings in lieu of just being considered under the term "warehouse".

Commercial storage is a use that is inappropriate in a residential area, inappropriate in the central business district, it is inappropriate within a rural context. The only areas where it is deemed appropriate is within the industrial areas or areas that is seen as a transitional zone between the abovementioned areas and industrial areas. The objective of the Industrial Zone 1 zoning in which a warehouse / warehousing is a primary right clearly states that it is uses that may be exercised without nuisance to other land or the general public. Although not specifically defined, the development management scheme is not vague in the fact that commercial storage fits directly into this objective.

3. The desirability of the proposed development

All costs relating to the application is for the account of the applicant.

Surrounding land uses are mostly agricultural with some development envisaged for the R27 / R315 intersection which includes an approved but not yet constructed filling station.

The property has no heritage grading.

The development proposal complies with the zoning parameters of the existing as well as proposed zoning categories.

The application is in contradiction with the spatial planning principles in terms of local and provincial policy as well as legislation and is therefore deemed to be not desirable.

The application if approved will set a negative precedent for the future development of the envisaged R27/R315 node as well as Yzerfontein development corridor and is therefore deemed to be not in the interest of the community directly affected.

Although the structures are temporary in nature the application does not take into account the fact that the footprint of the development is situated on a demarcated CBA area which forms part of a larger area that is deemed conservation worthy. The application also does not provide sufficient evidence to prove that the area is not a Critical Biodiversity Area

4. **Impact on municipal engineering services**

The existing services connections are used, which are seen as sufficient.

5. **Response by applicant**

Refer to Annexure I.

6. **Comments from other organs of state/departments**

See the comments of internal departments at Part I.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights
N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal
N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended
N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights
N/A

PART L: RECOMMENDATION WITH CONDITIONS

The application for the rezoning of a portion of portion 39, of the Farm Jacobus Kraal no 554, Malmesbury Registration Division, be rejected in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

1. **General**

- (a) The applicant be informed of their right to appeal against the decision of the Municipal Planning Tribunal, in terms of section 89(2) of the By-Law.
- (b) Building plans be submitted to the Senior Manager Built Environment for consideration and approval with specific reference to any existing unauthorised structures. These plans need to specifically indicate how the existing container structures relate to the primary right as well as authorised activities on the property. All structures which does not relate to the existing authorised use or which is in contradiction with conditions of approval of any existing approval granted to the property, be removed within 60days from the date of the notice.

- (c) The use of a portion of the property as a car wash is in contradiction with the By-Law as well as the existing authorisations on the property and should be stopped immediately.

PART M: REASONS FOR RECOMMENDATION

1. The proposal is in contradiction with the spatial proposals of the Swartland MSDF, 2019. The SDF clearly identifies the R315 as a vibrant and growing tourism corridor with an agricultural and natural landscape that needs to be protected. It also supports development that is sensitive to the agricultural landscape with the development of limited service industries and agri-processing being supported south of the fish market as well as at the R315 and R27 intersection. The MSDF, 2019 does identify this portion of the R315 as an intensive rural use corridor but only supports the development of small holdings, small scale agri-processing as well as conservation and tourism related uses.
2. In terms of Section 22(1) of the Spatial Planning and Land Use Management Act, Act 16 of 2013, (SPLUMA) the Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of the Act or any other law relating to land development, may not make a decision which is inconsistent with the applicable Municipal Spatial Development Framework.
3. As stated in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, "...all non place-bound industry (industries not ancillary to agriculture or serving the rural needs e.g. transport contractors and builder's yards) should be located within urban areas...". Should the application be approved it will not promote sustainable development in appropriate rural locations as required by the guideline. It will also not safeguard priority biodiversity areas or maintain integrity or authenticity of the farming, ecological, coastal, cultural and scenic rural landscape in which it is located.
4. Although not specifically defined, the development management scheme is not vague in the fact that commercial storage fits directly into the objective of Industrial zone 1 zoning. Commercial storage is deemed inappropriate within a residential area, inappropriate within the central business district as well as inappropriate in a rural context. The application is therefore deemed inappropriate in the position applied for, as it is not within the urban edge, not in an area deemed to be an industrial area or a transitional area between an industrial area and a residential and business area respectively.
5. The Yzerfontein community's need for a storage facility is recognised, however sufficient vacant and under-utilised land exists within the urban edge of Yzerfontein where this need can be accommodated.
6. The proposed use is detrimental to the rural character of the area.
7. The application does not take into account that the facility is located in an earmarked CBA and no proof / supporting documentation is provided to motivate the contrary.



PART N: ANNEXURES

Annexure A : Locality plan
 Annexure B : Site plan
 Annexure C : Land Use Plan
 Annexure D : Plan indicating the public participation process
 Annexure E : Comments Telkom
 Annexure F : Comments Department of Transport and Public Works
 Annexure G : Objection from Jacobus Kraal Owners Association
 Annexure H : Objection from Cape West Coast Biosphere Reserve
 Annexure I : Applicant's comment on the objections
 Annexure J : Photos

PART O: APPLICANT DETAILS

Name	CK Rumboll & Partners		
Registered owner(s)	Weskus Kwekery CC.	Is the applicant authorised to submit the application:	Yes N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		Date: 4 October 2021	
Recommendation: Alwyn Zaayman Senior Manager Built Environment SACPLAN: B/8001/2001	Recommended	Not recommended	<input checked="" type="checkbox"/>
		Date: 5 October 2021	

ANNEXURE A

Locality Map of Farm
39/554 Malmesbury RD

Legend

 Farm Portions



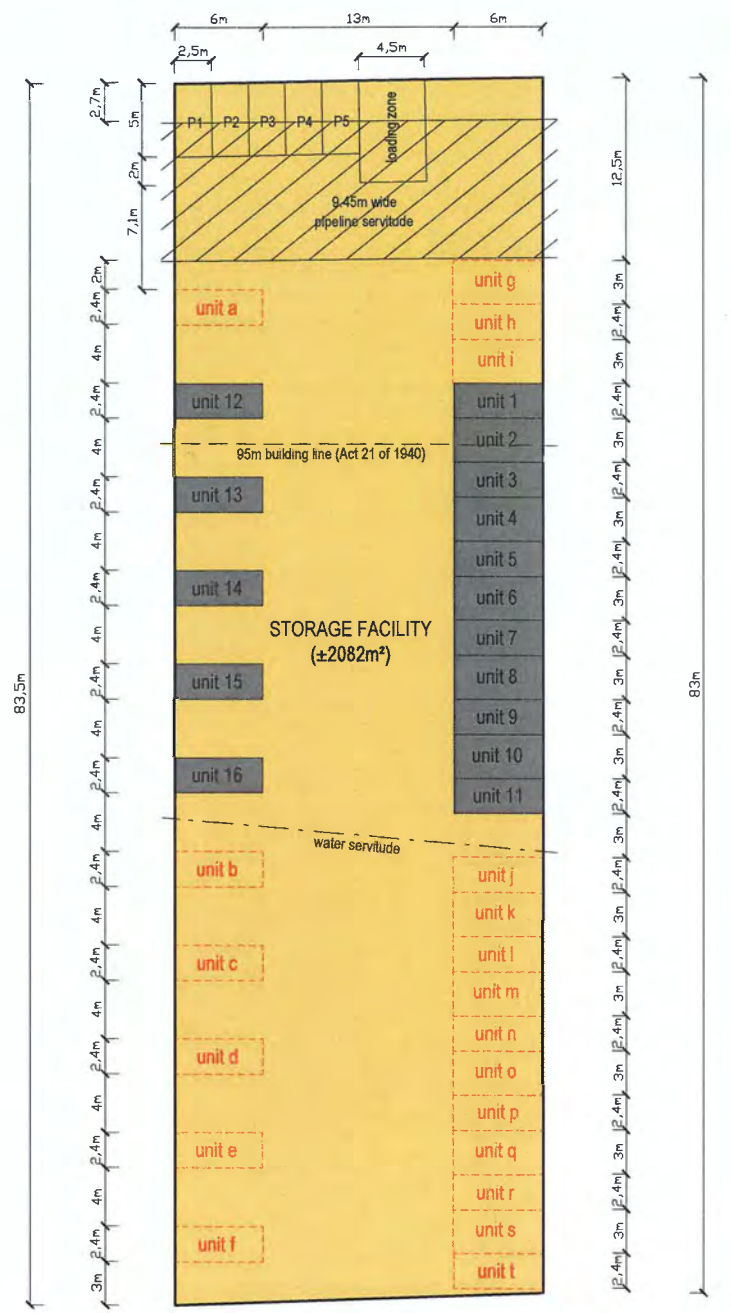
Scale: 1:50 000
Date created: June 28, 2021

Compiled with CapeFarmMapper



Western Cape
Government

Agriculture



- LEGEND:**
- Existing buildings
 - Existing storage containers
 - Potential storage containers
 - Road
 - Grave / soil
 - Trees
 - Building lines
 - Pipeline servitude
 - Water servitude
 - Area demarcated for storage
 - Access to storage

1. SITE DEVELOPMENT PLAN: NEW STORAGE FACILITY - FARM 39/554 MALMESBURY RD

NOTES:
This plan indicates a newly proposed storage facility on a portion (±2082m²) of Portion 39 of Farm 554 Malmesbury Division. The footprint of the facility is to be rezoned from Agricultural Zone I to Industrial Zone I to accommodate the facility as a primary use.

Only containers will be as storage units. 11 Containers are currently being used on-site for this purpose with 5 storage units created between the containers

BUILDING LINES:
None of the 30m agricultural building lines are affected by the proposal although a portion of the facility falls within the 95m setback from the centre of the R315 road as well as the 500m development perimeter surrounding the R27 and R315 intersection. Both restrictions are implemented in accordance with the Roads and Ribbon Development Act (Act 21 of 1940) and accordingly, the Western Cape Department of transport & Public Works.

SERVITUDES:
A 9.45m pipeline servitude and a "luiwater" servitude runs over the storage facility site. Both these servitudes currently are, and will remain unobstructed.

PARKING:
5 parking spaces (2.5m x 5m) are provided and 1 loading bay (4.5m x 7m).

COVERAGE:
Existing buildings: 818m²
Existing storage units: 248m²
New storage units: 313m²
TOTAL: 1 379m² (2%)

SCALE: 1:2000

2. INSERT: NEW STORAGE FACILITY

SCALE: 1:500

CONTAINER SPECIFICATIONS:
Containers currently being used measure 2.4m x 6m. All containers are placed on the natural ground and no concrete foundations or slabs will be created to place the containers on. The storage facility thus avoids permanent alterations that could prevent utilization of the natural ground on which the containers stand.

The facility currently has 16 storage units. Although there are no plans to expand the amount of storage units, a potential expansion of the facility is illustrated in the insert resulting in 20 additional units based on the current layout pattern.

CK RUMBOLL & PARTNERS
16 Rainier Street Malmesbury
T: 022 482 1945 E: leap@rumboll.co.za

**SITE DEVELOPMENT PLAN:
FARM 39/554 MALMESBURY RD**

PAPER SIZE: A3

REF.#11937 Date: 29/05/2021

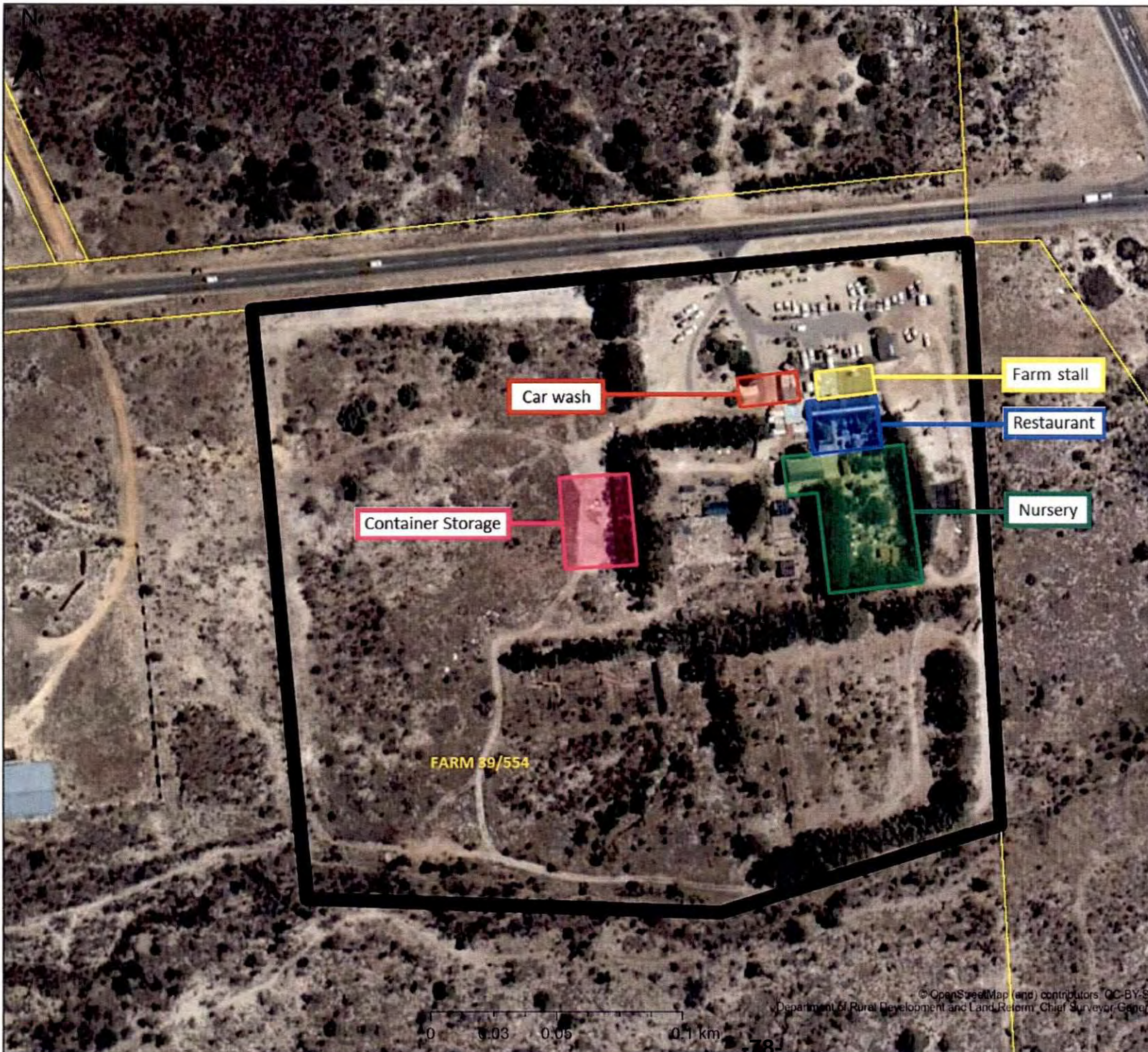
ANNEXURE C

LAND USE MAP: PORTION 39 OF FARM 554 MALMESBURY RD

The subject property has multiple land uses including:

- a car wash
- a container storage
- a restaurant
- a nursery
- and a farm stall which also sells wine

The Remainder of the property is zoned Agricultural zone 1 but no intensive agricultural activities are evident



Scale: 1:2 500

Date created: July 8, 2021

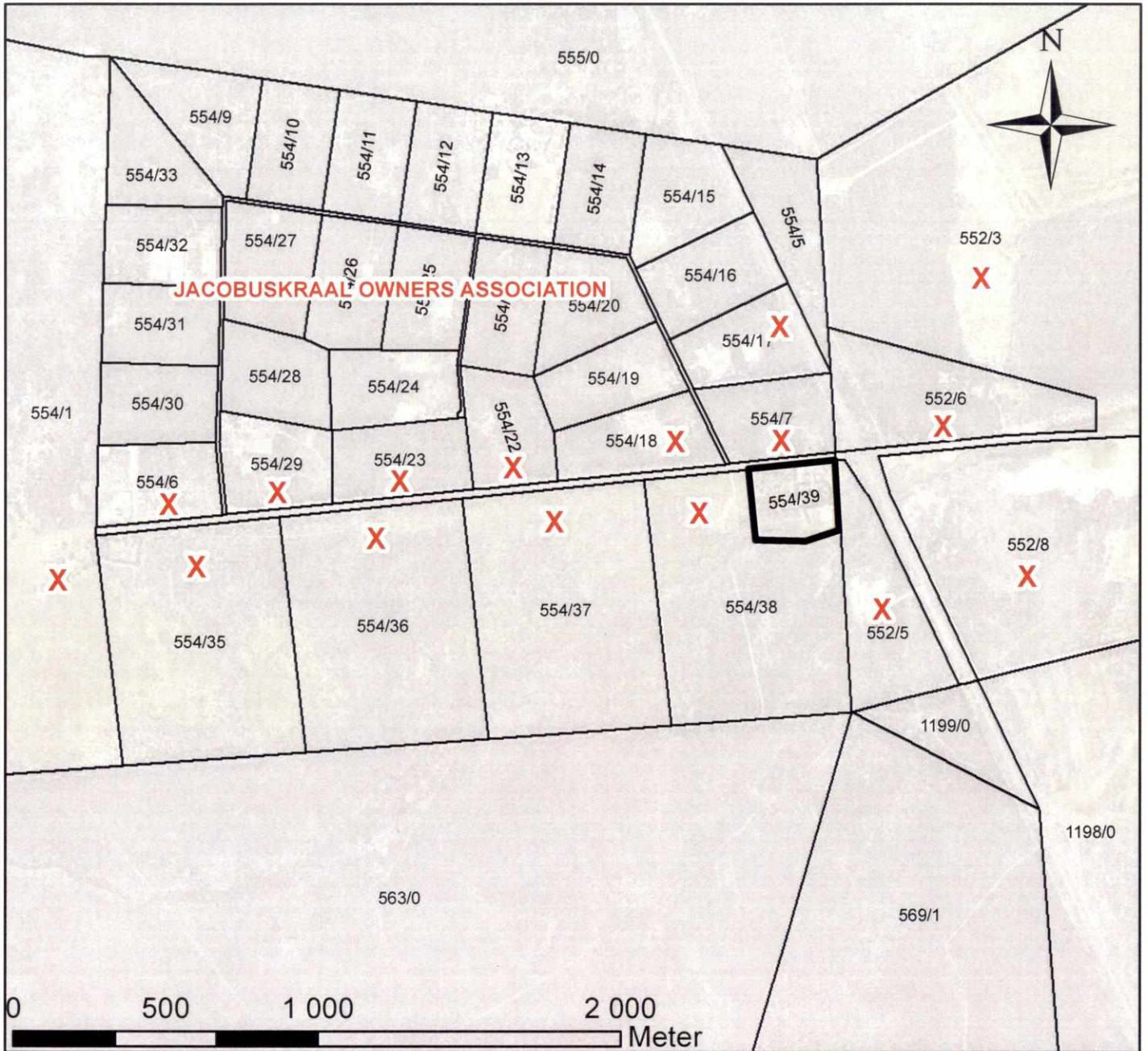
Compiled with CapeFarmMapper



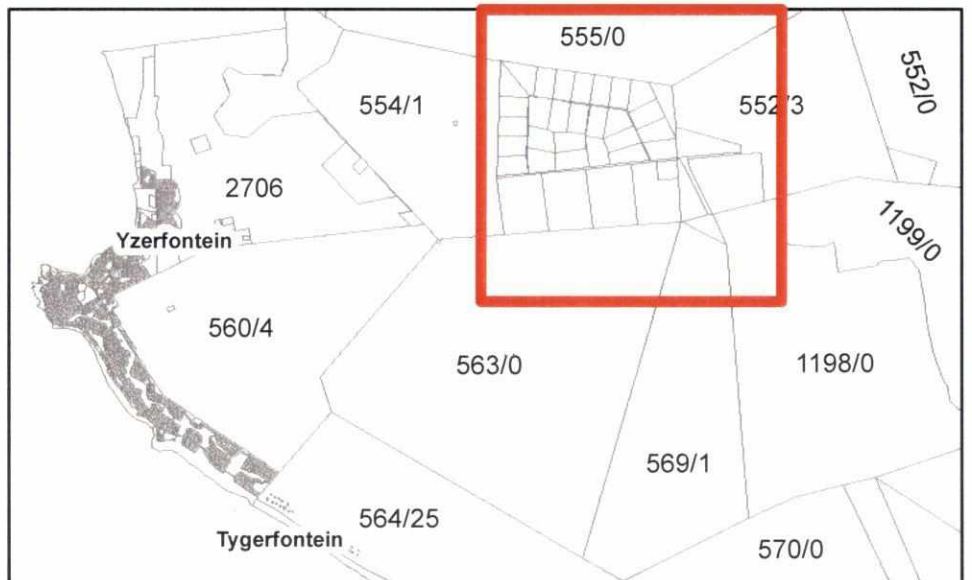
Western Cape
Government

Agriculture

**PUBLIC PARTICIPATION PLAN
PROPOSED REZONING OF A PORTION OF FARM 554/39,
MALMESBURY REGISTRATION DIVISION**



17 LETTERS
16





Division of Telkom SA SOC Ltd

Wayleave Office Western Region

Tel: 081 354 7398

Email: WayleavesWR@telkom.co.za

Our Ref.: WWIP_WYFN2705_21

Your Ref.: 15/3/3-15/Farm_554/39

17 August 2021

Attention: Delmary Stellenberg

Swartland Municipality

PLANT AFFECTED – COPPER & OPTIC FIBRE

APPLICATION FOR OPENSERVE WAYLEAVE: PROPOSED REZONING OF PORTION 39 OF FARM NO. 554, DIVISION MALMESBURY.

With reference to your application received **21 July 2021**.

As important cables and other infrastructure are affected, please contact our representative **Marius Makier on **081 348 2317/MariusM1@openserve.co.za** 48 hours prior to commencement of construction work.**

I hereby inform you that Openserve approves the proposed work indicated on your drawing in principle. This approval is valid for **12 MONTHS ONLY**, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per sketch attached, Openserve infrastructure **WILL BE AFFECTED**, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

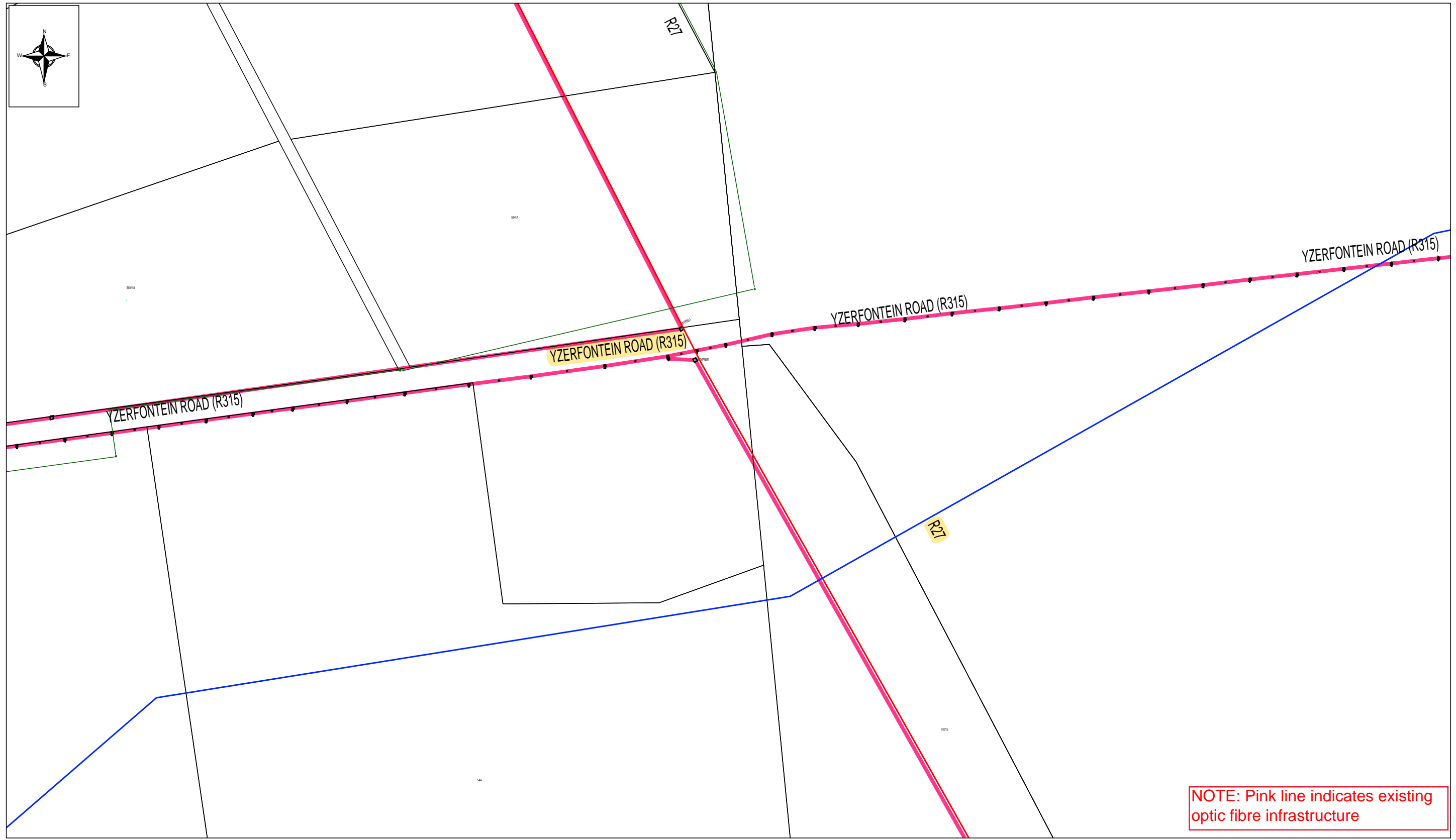
Should Openseve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Openseve rights remain reserved.

Yours faithfully



For Selwyn Bowers
Operations Manager
Wayleave Management: Western Region



Legend				OpenServe plan details	
	Existing Manhole		Existing Street Distribution Cabinet		Existing Indoor Distribution Point
	Planned Manhole		Planned Street Distribution Cabinet		Planned Indoor Distribution Point
	To Be Abandoned Manhole		To be Recovered Street Distribution Cabinet		To be Recovered Indoor Distribution Point
	Existing Jointing Pit		Existing Digital Line Concentrator		Existing Distribution Point
	Planned Jointing Pit		Planned Digital Line Concentrator		Planned Distribution Point
	To Be Abandoned Jointing Pit		To Be Recovered Digital Line Concentrator		To Be Recovered Distribution Point
	Existing Pipe Junction Box		Planned Pillar Joint		Existing Pole
	Planned Pipe Junction Box		Existing Pillar Joint		Planned Pole
	To Be Abandoned Pipe Junction Box		To Be Recovered Pillar Joint		To Be Recovered Pole
			Existing Mini Optical Main Distribution Cabinet		Planned Mini Optical Main Distribution Cabinet
			Existing Strut and Stay		

OpenServe plan details			
Select a bitmap			
TELKOM REGIONAL EXECUTIVE			
Compiled By		Date	17/08/2021
Client	Swartland Municipality	OpenServe ref	WWIP_WYFN2705_21
Client ref	15/3-15/Farm_554/39	Details	
		Copper & optic fibre infrastructure affected	
		Page Size	A3



This wayleave, Reference Number WWIP WYFN2705_21 is valid for 12 months from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Openserve plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and Marius Makier must be contacted at telephone number 081 348 2317 email address : MariusM1@openserve.co.za at least 48 hours prior to commencement of the work, upon which the actual location of Openserve plant will be indicated on site.
3. A written request must be submitted to Openserve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Openserve immediately should the applicant locate any Openserve plant which is not indicated on the plans.
5. Should the applicant expose any Openserve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

Date: 17 August 2021

Wayleave Management
Western Cape

Legend	
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / A/JB	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable (A/C)	

PLEASE NOTE:

The pipeline indicated contains **OPTIC FIBRE** cables.



Western Cape
Government

TRANSPORT & PUBLIC WORKS: ROADS

Chief Directorate: Road Planning

Email: grace.swanepoel@westerncape.gov.za

Tel: +27 21 483 4669

Room 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-26/145 (Job 13260)

ENQUIRIES: Ms G Swanepoel

DATE: 6 September 2021

The Municipal Manager

Swartland Municipality

Private Bag X52

MALMESBURY

7299

MUNISIPALITEIT SWARTLAND				RES	
LEER No.	Versys No.	Inligting	Verslag	Afhandeling	Kom/Taar
	15/3/3-15/Farm-554/39				
	SSSB e poel				
Ander Omskrywing					
SFERDATE					GETEKEN

Attention: Ms DN Stellenberg

Dear Madam

PORTION 39 OF FARM JACOBUSKRAAL 554, MALMESBURY: PROPOSED REZONING

1. Your letter to this Branch referenced 15/3/3-15/Farm_554/39 dated 21 July 2021 refers.
2. The application affects Main Road 215 for which this Branch is the Road Authority.
3. The proposal is for the rezoning of a portion (2082m²) of the subject property from Agricultural Zone 1 to Industrial Zone 1 to accommodate a storage facility.
4. This Branch offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS



P.O. Box 89
Yzerfontein
7351
Cell: 076-199-1488
Email: Rentia.vanrooyen@gmail.com

15/3/3-15/Farm_554/39 **Your reference**

ABester/MSW/JKH/Doc **Our reference**

17 August 2021 **Date**

The Municipal Manager

Swartland Municipality

Private Bag X52

Malmesbury, 7299

Per e-mail: swartlandmun@swartland.org.za

Dear Sir,

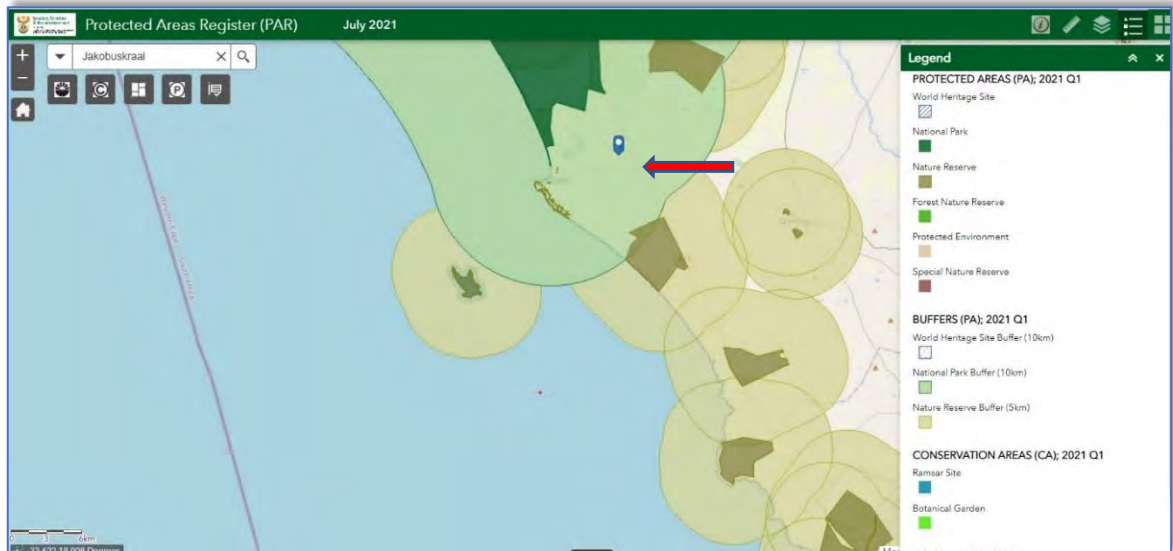
Re: Opposition to the Rezoning of Portion 39 of Farm 554

1. The duly elected Jacobuskraal Home-Owners Association represents the interests of 25 property owners in Jacobuskraal. Its eastern access gate is situated opposite Portion 39 of Farm 554.
2. We vehemently oppose the application submitted to the Swartland Municipality to rezone this property from an Agricultural to an Industrial Zone for the following reasons:

2.1 Buffer Zone – According to the Department of Environment, Forests and Fisheries Protected Areas Register Portion 39 of Farm 554 is situated in a Nature Reserve and National Park Buffer Zone in terms of the Protected Areas Act (Act 57 of 2003 as amended). (*see Map 1 below*)

We firmly believe that only appropriate developments ensuring conservation friendly land use should be considered favourably. The erection of storage facilities does not, in our view, constitute conservation friendly land use.

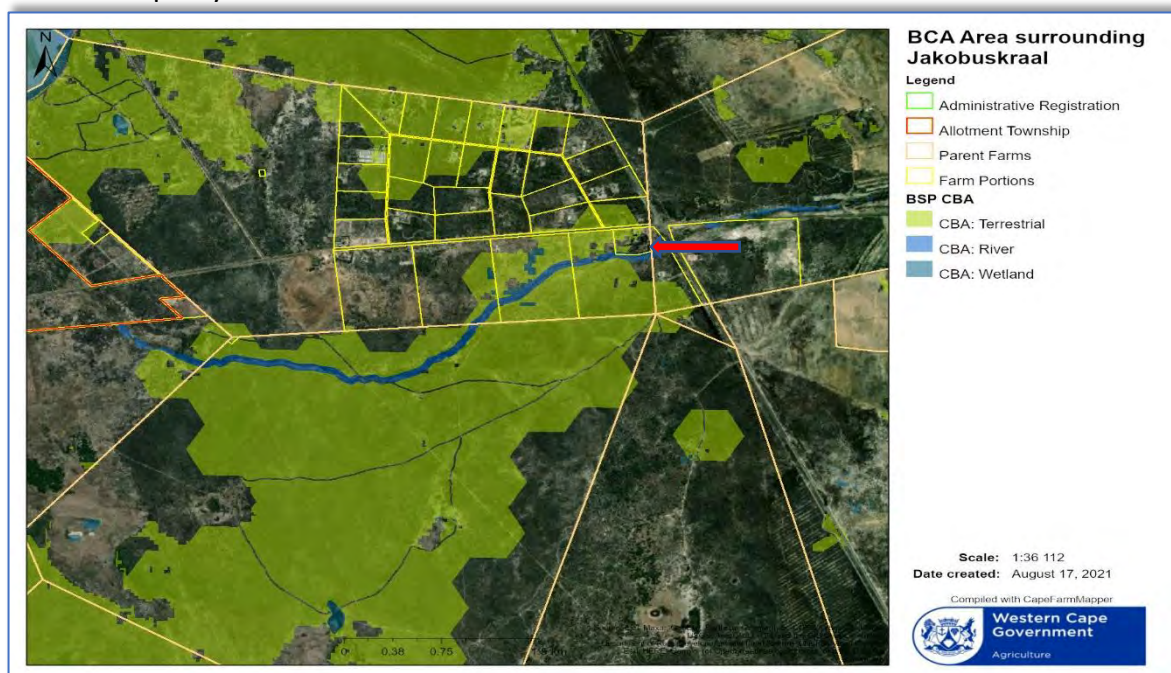
2.2 Industrial Zone – We are of the opinion the rezoning application to an Industrial Zone is not a conducive development in a National Park and Nature Reserve Buffer Zones and is likely to adversely impact on the aesthetics of the National Park, Nature Reserves in close proximity in general and Jakobuskraal in particular.



Map 1 – [Protected Areas Register](#)

2.3 Biodiversity Critical Area (BCA) – As can be seen from the Agricultural Department of the Western Cape Government, part of Portion 39 of Farm 554 is situated in a BCA.

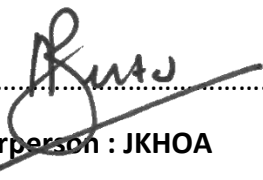
We are of the opinion that an Industrial Zone has no place in a BCA and any application for rezoning should, as such, not be approved by the Swartland Municipality.



Map 2 – [Cape Farm Mapper](#)

3. For the reasons mentioned above, the Jakobuskraal Home-Owners Association urgently requests the Swartland Municipality to reject the application to rezone portion 39 of Farm 552 from an Agricultural to an Industrial Zone.

Yours sincerely,

pp.....
Chairperson : JKHOA



WEBSITE: <http://www.capebiosphere.co.za>
EMAIL: info@capebiosphere.co.za
TEL: 083 708 4007
FAX: 086 662 6818

(Non Profit Company)
(Co. Reg. No 2000/014447/08)

Die Munisipale Bestuurder,
Privaatsak X 52,
Malmesbury,
7299
swartlandmun@swartland.org.za

23/08/2021

Geagte Mnr Scholtz,

Insake voorgestelde Hersonering van gedeelte 39 van Plaas Jacobuskraal 554, afdeling Malmesbury; Kennisgewing 09/2021/2022

Die Kaapse Weskus Biosfeerreservaat (CWCBR) is deel van UNESCO se wereldwye netwerk van biosfere, vandag al meer as 700 in totaal. Die CWCBR streef na volhoubaarheid en om die balans tussen ontwikkeling en die natuur te verkry.

Ons respekteer die aansoeker se reg om aansoek te doen vir 'n grondgebruiks verandering.

Ons ondersteun nie hierdie aansoek nie.

Die perseel is binne 500m van die baie gevaarlike R27/R315 kruising veral in die lig gesien van huidige pogings van die Yzerfontein gemeenskap om 'n veiliger kruising te bewerkstellig. As daar 'n brug of ordentlike wisselaar opgerig word sal die grond binne 500m vanaf kruising benodig word vir konstruksie. Iets soortgelyke soos die Saldanha wisselaar op die R27.

Destyds met die onderverdeling van die groter Jacobuskraal was daar baie teenstand van plaaslike mense en die Yzerfontein Plaaslike Raad daarteen, spesifiek oor die kumulatiewe impakte wat sou geskied. En nou geskied dit.



DIRECTORS

Ms. SC February (Chairman), ME Halvorsen (Vice- Chairman),
KHB Harrison, Ms H. Slabbig Dr D van Driel, A.J. West; Technical M. Coetzee,, Mr W Smith.

Die eiendom grens aan of is baie na aan die Yzerfontein Staatswaterbeheergebied. 2017 het bewys wat die waarde van varswater bronne kan wees. In ons en u Biosfeer is die meeste water ondergronds in akwifers. N-Waterstudie moet gedoen word om stand van akwifer op die perseel te bepaal en dan moet al die wetlike vereistes van die Departement van Waterwese en Sanitasie nagekom word. Die Grootwater akwifer stop nie op plaasgrense nie, maar is geleë in die sandformasies, besoedeling kan 'n wesenlike gevaar vir die waterbron inhou.

Soos u bewus is van is Sanparke saam met grond-eienaars besig om 'n Noord-Suid korridor te skep, wes van die R27 om as buffersone te dien vir die Weskus Nasionale Park met die fokus op bewaring en toerisme.

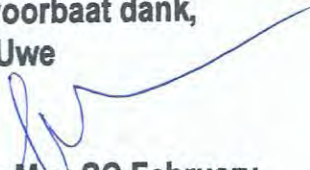
Ons stel voor dat sonering landbou-sone met 'n vergunningsgebruik bly. Ons stel ook voor dat die besluit wat geneem is t.o.v. gedeelte 6 van plaas 554 ook hier van toepassing sal wees. Daar is besluit om nie nywerheidpersele toe te laat nie.

Die CWCBR het u reeds vantevore versoek om 'n deeglike ontwikkelingsraamwerk vir die gebied om die kruising te bepaal. Die eiendom is geleë in die Kaapse Blomme Streek en toerisme is van selfsprekend die volhoubaarste ontwikkelings opsie.

Ons is ook bekommerd dat eksotiese plante aangeplant word op die perseel en dat uitheemse verklaarde indringer spesies nie verwyder word nie. Dit is 'n vereiste van die Nasionale Omgewingsbestuurswette van Suid-Afrika.

Dankie vir die geleentheid om kommentaar te lewer, maar ons as organisasie kan glad nie hierdie aansoek ondersteun nie,

By voorbaat dank,
Die Uwe


Nms Mv SC February
Voorsitter





CK RUMBOLL
& PARTNERS

16 Rainier Street, Malmesbury,
Western Cape, 7299
022 482 1845
izak@rumboll.co.za
www.rumboll.co.za

Ref: YZF/11937/NG

30 August 2021

Attention: Mr. A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

**RESPONSE TO OBJECTIONS:
REZONING OF PORTION 39 OF FARM 554 MALMESBURY RD**

Dear Sir

Swartland Municipality's email dated 25 August 2021 refers. This serves as a written response in reply to the comments and objections¹ received on the proposed rezoning of a portion of Portion 39 of Farm Jacobuskraal, No. 554, Malmesbury Registration Division from Agricultural Zone 1 to Industrial Zone 1 to permit a storage facility. The response is submitted in accordance with Section 65 of the Swartland Municipal Land Use Planning By-Law (PG8226).

Objections were received from the following parties:

- i. Jacobus Kraal Homeowners Association
- ii. Cape West Coast Biosphere



MUNISIPALITEIT SWARTLAND				
LEER No.	Verreks No.	Inligting	Verslag	Afhandeling
15/3/3-15	Farm 554/39			
	SSSB(A3)			
	cc Delmar			
Ander Opdrag				(get)Bk
SPERDATUM				

¹ Objections attached as **Annexure A**

i. RESPONSE TO JACOBUSKRAAL HOMEOWNERS ASSOCIATION

The Jacobuskraal HOA represents the interest of 25 property owners in Jacobuskraal. Their objection argues that the proposal is undesirable on account of being located in a buffer area for the West Coast National Park and that the proposed use does not constitute conservation-friendly land use as it will likely have an adverse aesthetic effect. The objector goes on to explain that the proposal is located in a critical biodiversity area (CBA) and that industrial zoning has no place in a CBA.

The motivational report for the proposed rezoning addresses the conundrum relating to the lack of appropriate zoning and a fitting descriptive term contained in the Swartland Municipal By-Law that accurately describes the proposed use. The proposed industrial zoning is therefore considered a means to an end and not an end in itself and based on this, the merit of the proposal should be determined by evaluation of the proposed land use and not the proposed zoning. Furthermore, Swartland Municipality may restrict the rights of the proposed Industrial Zoning to only permit the storage facility which will eliminate any uncertainty or the possibility of establishing uses that may be detrimental to the natural environment.

The impact of the proposal will be less than the impact generated by a single residential dwelling (considered a low-impact land use) on account of generating fewer daily trips, using less electricity, and generating less waste. The proposal will not lead to the subdivision of agricultural land or act as a catalyst for other development. Additionally, the proposal will have environmentally sensitive lighting (down-lighting) and will not generate bad odors or noise due to limited human activity at the facility. For all these reasons, the proposal is not considered a conventional industrial activity and is deemed compatible and sustainable given the anticipated developmental and environmental impacts.

The facility is located on a portion of land that has already been disturbed and accordingly no CBA's will be impacted. This is further supported by the fact that the proposal does not trigger the National Environmental Management Act (Act 107 of 1998). Upon closer inspection of the spatial data for CBA's, as provided on the Agricultural Department of the Western Cape Government's website (Cape Farm Mapper), the data appears to be unreliable on account of inconsistencies, where cleared land is earmarked as CBA's, and obscure patterns (indicated in red below).



Map1 – [Obscure patterns within CBA on Farm 554/39](#)

ii. RESPONSE TO CAPE WEST COAST BIOSPHERE

This objection is dated 23 August 2021 which is 3 days after the closing date² for comments. The grounds for this objection relates to the 500m radius development restriction area surrounding the R27 and R315 intersection which is a requirement in terms of the Roads & Ribbon Development Act (Act 21 of 1940). The objector argues that the current R27-R315 intersection is dangerous and that the community of Yzerfontein is working to make it safer. A safer interchange would require an off-ramp and the proposal will obstruct the off-ramp. The objector is also concerned about the cumulative impact of development in the greater Jacobuskraal area.

The motivational report for the proposed rezoning addressed the 500m development restriction area under Section 10 of the report. The grounds for why the proposal should be permitted within the development restriction area are:

- a) The existing farm stall and building on Farm 554/39 is located closer to the R27-R315 intersection than the proposal;
- b) Containers will be used as storage units. These can be moved easily and makes the development more robust than conventional concrete units which cannot be moved;
- c) A detailed design of the planned interchange is provided on the following page. The proposal will not affect the interchange as it will be located on the opposite side of the existing buildings.
- d) A low trip generation is expected on account of the limited number of storage units and due to frequency of visits by clients as there is no need for clients to visit the storage facility on a daily basis.

The Western Cape Department of Transport and Public Works is the controlling authority that determines whether or not the proposal can be accommodated within the 500m building restriction area that surrounds the R27 and R315

² Closing date for comments was **20 August 2021**

intersection. This department has provided a letter³ of no objection and consequently, the proposal is deemed appropriate.



Map 2 – [Proposed R27- R315 interchange](#)

In conclusion, the proposal is appropriate in the buffer area surrounding the National Park and Nature Reserve on account of the limited extent of the proposal and the low impact thereof. The proposal is located on already disturbed land and does not trigger environmental legislation and can therefore be considered as sustainable development from an environmental perspective. The proposal does not prevent future plans to create a safer intersection or the development of an interchange. For these reasons, it is requested that Swartland Municipality supports the application for a storage facility on a portion of the subject property.

Regards

Nical Grobbelaar

Pr. PIn A/2777/2019

CK Rumboll & Partners

³ The letter dated 6 September 2021 can be found attached as **Annexure B**

**ANNEXURE A
OBJECTIONS**



CLEAN AUDITS SINCE 2010/11



*Ons gee gestalte aan 'n beter toekoms!
We shape a beter future!
Sibumba ikamva elingcono!*

File ref: 15/3/3-15/Farm_554/39

Enquiries:
Ms D N Stallenberg

25 August 2021

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

PROPOSED REZONING ON PORTION 39 OF FARM JACOBUSKRAAL NO. 554, DIVISION MALMESBURY

Your application with reference YZF/11937/NG dated 8 July 2021 refers.

Kindly find attached the objection/comment received by Cape West Coast Bioshere and Jacobuskraal Homeowners Association during the commenting period.

Your comment on the objections is requested within 30 days from the date of this letter in order for Swartland Municipality to make a decision.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

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

-96-

Kindly address all correspondence to:

The Municipal Manager
Private Bag X52
Malmesbury 7299

Yzerfontein Tel: 022 451 2366

P.O. Box 89
Yzerfontein
7351
Cell: 076-199-1488
Email: Rentia.vanrooyen@gmail.com

15/3/3-15/Farm_554/39	Your reference
ABester/MSW/JKH/Doc	Our reference
17 August 2021	Date

The Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury, 7299

Per e-mail: swartlandmun@swartland.org.za

Dear Sir,

Re: Opposition to the Rezoning of Portion 39 of Farm 554

1. The duly elected Jacobuskraal Home-Owners Association represents the interests of 25 property owners in Jacobuskraal. Its eastern access gate is situated opposite Portion 39 of Farm 554.
2. We vehemently oppose the application submitted to the Swartland Municipality to rezone this property from an Agricultural to an Industrial Zone for the following reasons:
 - 2.1 **Buffer Zone** – According to the Department of Environment, Forests and Fisheries Protected Areas Register Portion 39 of Farm 554 is situated in a Nature Reserve and National Park Buffer Zone in terms of the Protected Areas Act (Act 57 of 2003 as amended). (see Map 1 below)

We firmly believe that only appropriate developments ensuring conservation friendly land use should be considered favourably. The erection of storage facilities does not, in our view, constitute conservation friendly land use.

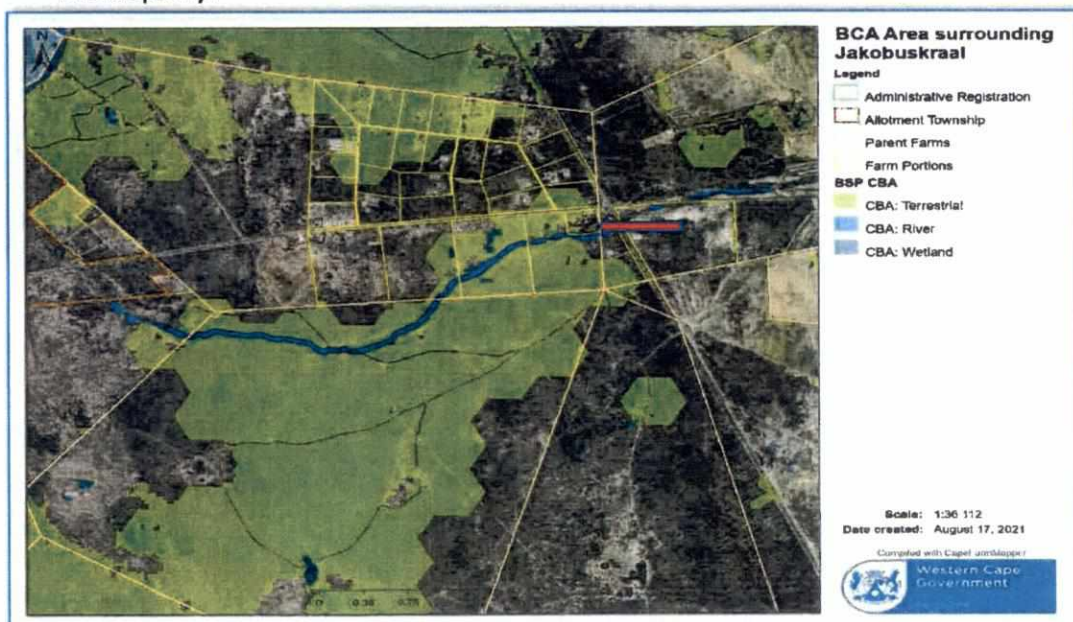
2.2 Industrial Zone – We are of the opinion the rezoning application to an Industrial Zone is not a conducive development in a National Park and Nature Reserve Buffer Zones and is likely to adversely impact on the aesthetics of the National Park, Nature Reserves in close proximity in general and Jakobuskraal in particular.



Map 1 – Protected Areas Register

2.3 Biodiversity Critical Area (BCA) – As can be seen from the Agricultural Department of the Western Cape Government, part of Portion 39 of Farm 554 is situated in a BCA.

We are of the opinion that an Industrial Zone has no place in a BCA and any application for rezoning should, as such, not be approved by the Swartland Municipality.



Map 2 – Cape Farm Mapper

3. For the reasons mentioned above, the Jakobuskraal Home-Owners Association urgently requests the Swartland Municipality to reject the application to rezone portion 39 of Farm 552 from an Agricultural to an Industrial Zone.

Yours sincerely,

pp.....
Chairperson : JKHOA



DARLING
7345

WEBSITE: <http://www.capebiosphere.co.za>
EMAIL: info@capebiosphere.co.za
TEL: 083 708 4007
FAX: 086 862 6818

(Non Profit Company)
(Co. Reg. No 2000/014447/08)

Die Munisipale Bestuurder,
Privaatsak X 52,
Malmesbury,
7299
swartlandmun@swartland.org.za

23/08/2021

Geagte Mnr Scholtz,

Insake voorgestelde Hersonering van gedeelte 39 van Plaas Jacobuskraal 554, afdeling Malmesbury; Kennisgewing 09/2021/2022

Die Kaapse Weskus Biosfeerreservaat (CWCBR) is deel van UNESCO se wereldwye netwerk van biosfere, vandag al meer as 700 in totaal. Die CWCBR streef na volhoudbaarheid en om die balans tussen ontwikkeling en die natuur te verkry.

Ons respekteer die aansoeker se reg om aansoek te doen vir 'n grondgebruiks verandering.

Ons ondersteun nie hierdie aansoek nie.

Die perseel is binne 500m van die baie gevaarlike R27/R315 kruising veral in die lig gesien van huidige pogings van die Yzerfontein gemeenskap om 'n veiliger kruising te bewerkstellig. As daar 'n brug of ordentlike wisselaar opgerig word sal die grond binne 500m vanaf kruising benodig word vir konstruksie. Iets soortgelyke soos die Saldanha wisselaar op die R27.

Destyds met die onderverdeling van die groter Jacobuskraal was daar baie teenstand van plaaslike mense en die Yzerfontein Plaaslike Raad daarteen, spesifiek oor die kumulatiewe impakte wat sou geskied. En nou geskied dit.



DIRECTORS

Ms. SC February (Chairman), ME Halvorsen (Vice- Chairman),
KHB Harrison, Ms H. Slabbig Dr D van Driel, A.J. West; Technical M. Coetzee, Mr W Smith.

ANNEXURE B
LETTER FROM DEPARTMENT OF TRANSPORT &
PUBLIC WORKS



REFERENCE: 16/9/6/1-26/145 (Job 13260)

ENQUIRIES: Ms G Swanepoel

DATE: 6 September 2021

The Municipal Manager

Swartland Municipality

Private Bag X52

MALMESBURY

7299

Attention: Ms DN Stellenberg

Dear Madam

PORTION 39 OF FARM JACOBUSKRAAL 554, MALMESBURY: PROPOSED REZONING

1. Your letter to this Branch referenced 15/3/3-15/Farm_554/39 dated 21 July 2021 refers.
2. The application affects Main Road 215 for which this Branch is the Road Authority.
3. The proposal is for the rezoning of a portion (2082m²) of the subject property from Agricultural Zone 1 to Industrial Zone 1 to accommodate a storage facility.
4. This Branch offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

ENDORSEMENTS

1. Swartland Municipality
Attention: DN Stellenberg (e-mail: swartlandmun@swartland.org.za)

2. CK Rumboll & Partners
Attention: N Grobbelaar (e-mail: planning3@rumboll.co.za)

3. District Roads Engineer
Paarl

4. Ms L Maakal (e-mail)

5. Mr D Fortuin (e-mail)

6. Mr SW Carstens (e-mail)



View of existing storage facility from entrance to Farm 39/554



View of existing storage facility from entrance to facility



View of row of containers with doors fitted in-between (unit 1 – 11 on SDP)



View of row of containers with doors fitted in-between (unit 1 – 11 on SDP)



View of row of containers
(unit 12 – 16 on SDP)



View of row of containers
(unit 12 – 16 on SDP)



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Afdeling: Bou-Omgewing

28 September 2021

15/3/10-1/Erf_107

WYK: 7

ITEM 6.3 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 13 OKTOBER 2021

LAND USE PLANNING REPORT					
APPLICATION FOR A CONSENT USE ON ERF 107, ABBOTSDALE					
Reference number	15/3/10-1/Erf_107	Application submission date	14 July 2021	Date report finalised	28 September 2021

PART A: APPLICATION DESCRIPTION

An application for consent use for a house tavern on erf 107, Abbotsdale in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), has been received. It is proposed that the house tavern will operate from a portion ($\pm 41\text{m}^2$ in extent) within the existing outbuilding. The house tavern will sell liquor for off-consumption purposes.

The owner is JJ Cloete Williams and the applicant is the owner's son, Mr EL Williams.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 107 in Swartland Municipality, Division Malmesbury, Western Cape Province				
Physical address	130 Winkel Street	Town	Abbotsdale		
Current zoning	Residential zone 1	Extent (m^2/ha)	2010 m^2	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)				
Current land use	Dwelling house	Title Deed number & date	T5755/2012		
Any restrictive title conditions applicable	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, list condition number(s)			
Any third party conditions applicable?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, specify			
Any unauthorised land use/building work	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	If Yes, explain			

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

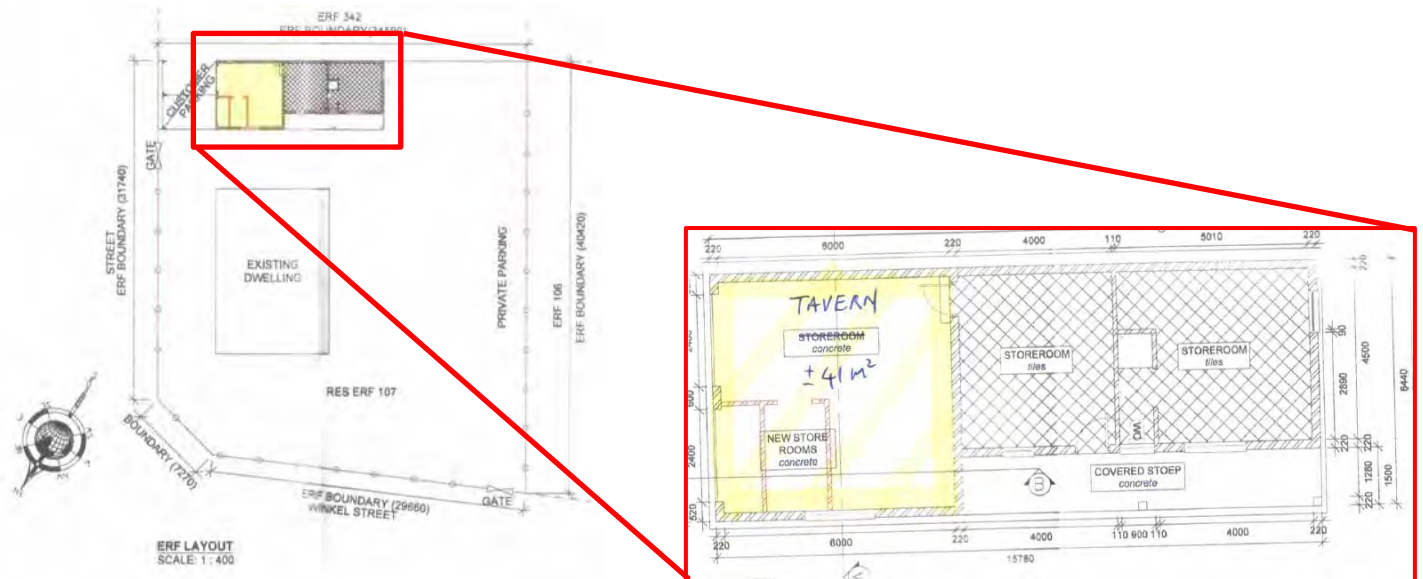
Rezoning		Permanent departure		Temporary departure		Subdivision
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval plan
Determination of zoning		Closure of public place		Consent use	✓	Occasional use
Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		

PART D: BACKGROUND

Erf 107 is zoned Residential Zone 1 in terms of Schedule 2 of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020). The property is improved with a dwelling house, outbuilding as well as second dwelling. The applicant propose to use a portion of the existing outbuilding (±41m² in extent) for the proposed house tavern.

The Swartland Municipality Land Use Planning By-Law defines a house tavern as: "a premises for the conducting of an enterprise from a dwelling or outbuilding, by the occupant of the dwelling concerned, for the sale of alcoholic beverages, and may include consumption of alcoholic beverages by customers on the land unit, provided that the dominant use of the dwelling concerned shall remain for the living accommodation of a single family". The intended use is accommodated as a consent Use under the Residential Zone 1 zoning.

Please refer to the photo of the subject property as well as the site plan below:





PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a brief summary of the outcomes below.
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PART F: SUMMARY OF APPLICANTS MOTIVATION

(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)

The applicant motivates that the property is located next to and within the immediate proximity of Winkel Street which is seen as economically active. The Abbotsdale Minimarket is for example located next to the property. There are also no schools, old age homes, churches or any rehabilitation facilities in the area. The closest school is location about 1,1km from the subject property.

Secondly, the applicant motivates that although the property is located within a residential area, the proposed business activities will in no way adversely affect the community of the neighbourhood. On the contrary, the applicant is of opinion that the residents of Abbotsdale will benefit from the proposed business, as the nearest liquor store is 5,8km away within the CBD of Malmesbury.

Thirdly, the applicant motivates that the owner, the applicant as well as his family will reside on the property.

The applicant confirms that conditions as determined by the Western Cape Liquor Authority will strictly be adhered to. They are also aware that a liquor license is required for house taverns and that should the application be approved, the consent use rights may lapse should the Liquor license lapse or be revoked.

The applicant refers to supporting documents attached to the application and state that they will not cause any damage to the community of Abbotsdale, not to violate the image of the town or any other negative impact. The applicant envisage building and promoting businesses to ensure positive economic growth and thereby contribute to the regulations, laws and guidelines as contained in LUPA and SPLUMA on a national, provincial and local level.

The applicant motivates that they strive towards the development that is harmonised with the character of the area as well as municipal vision. The applicant states that the application will ensure the promotion and integration of infrastructure and social facilities.

Sufficient parking is also proposed / provided for the proposed liquor outlet.

With the approval of the consent use, the applicant is of opinion that the tavern will have little to no impact on municipal engineering services.

The approval of the proposed consent use is consistent with the provisions and proposals of the Swartland Municipality IDP, as well as the local Spatial Development Framework.

The applicant states that there are no public transport, except for the occasional taxis and the costs resulting in transport and expenses made with regards to the purchase of consumer goods are extravagant especially if you do not have your own transport. With most of the residents in Abbotsdale being previously disadvantaged and with the increasing rate of unemployment, families are searching for more and more opportunities to earn an income / additional income. The applicant motivates that they will consequently provide a much more convenient and accessible service to potential clients.

The applicant also propose that they will employ a security guard that will be responsible to ensure the security of the premises as well as immediate environment.

The applicant states that they are clearly aware of the social issues regarding alcohol abuse including drunkenness and assault however feels that they are prepared given that these challenges present themselves every day in communities where liquor is not even presented.

As mentioned above the applicant refers to supporting documents that was submitted with the application which includes the letter of support from the Abbotsdale neighbourhood watch

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-Law on Municipal Land Use Planning	Y	N
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With reference to Section 55(1) (f) of the By-law, the application will not materially affect the public interest or the interest of the broader community of Abbotsdale, therefore the application was not published in the newspapers or the Provincial Gazette. With reference to Section 56(2) of the By-Law, a total of 29 notices were sent by hand to the owners affected by the application as well as the South African Police Service. It should be noted that three (7) letters could not be delivered / the affected parties could not be located.

Total valid comments	4	Total comments and petitions refused	0
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Valid petition(s)	Y	N	If yes, number of signatures
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Community organisation(s) response	Y	N	Abbotsdale Neighbourhood Watch	Ward councillor response	Y	N	Please refer to the objections below
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Total letters of support	The applicant provided a letter of support received 2 August and 16 August 2021 with a total number of 86 signatories.
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PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation
Department Civil Engineering Services	19 July 2021	<p>Water</p> <p>The existing connection be used and that no additional connections be provided;</p> <p>Sewerage</p> <p>The existing connection be used and that no additional connections be provided;</p> <p>Streets and storm water</p> <p>Deliveries may only be done by delivery vehicles of with a gross vehicle mass of 16000kg;</p>	Positive

Department Protection Services	13 August 2021	The applicant must ensure to adhere to all applicable bylaws. Must ensure that no disturbance and nuisances occurs. No excessive noise.	Positive	
Department Development Services : Building Control	21 July 2021	Building plans to be submitted to building control for consideration and approval.	Positive	
South African Police Service				

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS	
<p>Ward councillor response</p>	<p>The ward councillor of ward 7, Cllr VD McQuire wrote that the owner previously applied for a liquor license in order to sell liquor from the subject property. The application was received negatively from community members of the area and therefore she as ward councillor also replied negatively towards the application.</p> <p>Therefore, her comments on the application for consent use is also negative and she refers to the reasons provided on the liquor license application.</p> <p>The reasons can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Cllr McQuire feels that the proposed application can have a major negative impact on the community safety should the application be approved. 2. In her capacity as the relevant ward councillor she strongly objects against the proposed application given that the said property is zoned residential. 3. Liquor plays a dominant role in poverty, domestic violence assaults, theft, crimen injuria and other social problems in the community of Abbotsdale that complicates the work of the Abbotsdale Neighbourhood Watch. Councillor McQuire adds that the proposed liquor shop shall increasingly contribute to the social decay of an already impoverished community. 	<p>The comments from the ward councillor was not sent to the applicant for comment.</p>	<ol style="list-style-type: none"> 1. This statement are not supported by any valid reasons. Should the business not operate within the framework of the applicable laws and conditions, the approval may lapse or be withdrawn. 2. The property is currently zoned Residential Zone 1, however, the Residential Zone 1 zoning makes provision for the owner to apply for a secondary use (consent use) to accommodate a house tavern. The proposed house tavern is also situated next to an existing neighbourhood shop. 3. It can be argued that the proposed business cannot be held accountable for the claimed alcohol abuse in the community of Abbotsdale. The application being considered will not contribute to alcohol abuse and violence, but could rather be seen as an attempt by the owner to get the necessary land use rights as well as liquor license to operate a legal liquor outlet. <p>It should further be noted that Abbotsdale currently does not have any valid liquor outlets. There is therefore a great need in the community for such a facility and that the community currently have to travel great distances in order to satisfy the need or alternatively support the illegal trade in alcohol.</p>

	<p>4. The property is located in a peaceful residential area and the proposed use of the premises, in her opinion, may cause disturbances and bring unwanted elements to the area which will negatively impact the mostly senior residents in the area.</p>		<p>It could also be argued that the fact that the applicant will reside on the property, contributes to the desirability of this specific case.</p> <p>4. The objection from the Ward councillor is noted. The question here is whether the proposed position of the house tavern in an area that is predominantly residential in nature, will have an adverse impact on the character of the street or negatively impact on the health and safety of the residents in Winkel Street or 7th Avenue.</p>
<p>D.C. & A.M. Petersen as owners of neighbouring property erf 326, Abbotsdale</p>	<p>Mr and Mrs Petersen objects to the application for the following reasons:</p> <p>5. The proposed tavern is only ±40m from their property and will not only negatively affect the property value it may also affect the sale of their property in the future.</p> <p>6. Taverns tend to attract certain elements, vagrants and evildoers to an area. The once quiet and peaceful neighbourhood will definitely change. Liquor and drugs have always been a problem for the community of Abbotsdale and the once peaceful mission station may change into an ant's nest of negative activities.</p>	<p>5. The applicant states that in terms of Section 59(1)(f) of the Western Cape Land use Planning Act, an application may not be solely objected on grounds that it will decrease market value.</p> <p>They are also of opinion that it can only be validated or proven once the application is approved and that the facility may in fact result in a positive effect towards a growing community.</p> <p>The applicant states that they will comply with all the applicable provisions and regulations as required by the Swartland Municipal By-Law as well as the Western Cape Liquor Act.</p> <p>6. The applicant states that it is due to illegal enterprises and activities that chaos erupts and they assure that the proposed tavern will have set hours, provide a safe environment, prevent under age sale of alcohol and noise disturbance and lastly try to prevent drunk driving as individuals will not have to drive to Malmesbury.</p>	<p>5. It is true that the Municipality, when considering an application may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application. It is important that the word solely be emphasised as in this case it is not the only consideration.</p> <p>The fact is that the objectors do not provide any proof to support their argument. It may therefore also be argued that the establishment of the liquor outlet may add value as the community will find it convenient to support this business instead of driving all the way to Malmesbury.</p> <p>The applicant has identified a great need in the community of Abbotsdale and saw the opportunity to accommodate the business next to an existing neighbourhood shop.</p> <p>6. The application 7. under consideration is an attempt by the owner of the property to obtain the necessary land use rights in order to run a legal liquor outlet.</p> <p>The proposed off-consumption facility will not contribute to alcohol abuse, it however ensure that the community of Abbotsdale will have a legal liquor outlet and they can then stop supporting the illegal shebeens.</p>

	<p>7. The proposed tavern is according to the applicant in front of storerooms. These storerooms does not exist, seeing that it is used as a second dwelling.</p> <p>8. The objectors state that the applicant, E Williams has previously been arrested for the illegal sale of liquor and the possession of drugs.</p> <p>9. An application like this will not even be considered in a neighbourhood like Tafelzicht or other areas in Malmesbury. Taverns are too easily approved in disadvantaged areas where the community already experience hardship.</p> <p>10. The objectors questions the list of people supporting the application which was submitted by the applicant and asks whether the people are residents in the area, are the property owners or are they a bunch of drinkers that was randomly asked to sign the letter of support.</p> <p>11. The objectors stresses that we should think of the children and women whom are assaulted, raped and even murdered on a daily basis due to alcohol abuse in South Africa. Council easily gives permission to such requests and not always think about, how this will affect the future of an area.</p> <p>The objectors conclude that the objection is not only submitted for their family but also the close community of Abbotsdale.</p>	<p>7. Swartland Municipality and the Western Cape Liquor Authority is aware the double garage unit was converted into the proposed tavern.</p> <p>8. The applicant states that this testament of the objector is false and confirms that he has never been arrested for the illegal sale of alcohol. The applicant has previously had to pay a fine for the possession of marijuana.</p> <p>9. The applicant did not comment on this point.</p> <p>10. The applicant states that if the objector read the letter of support as well as the names addresses and contact details of the signatories they will see that the people whom signed the letter of support are individuals of all ages (legal to pension), property owners, business owners and all are Abbotsdalers.</p> <p>11. The applicant replies that it is due to the illegal establishments thriving on individuals that has no respect for the laws, where noise and gender based violence occur.</p> <p>The applicant asks the question that wouldn't a legal establishment, with no on site consumption, legal trading hours, no traffic and which is controlled, have a more positive impact. The applicant refer to the neighbourhood watch whom agree to their vision and concludes that with structure positive growth can be achieved.</p>	<p>The fact that people will continue to purchase alcohol, whether the application is approved or not, should be noted.</p> <p>8. The application being considered is the tavern and not a second dwelling or the authorization of an existing unlawful use. Swartland Municipality will ensure compliance with the relevant by-law and regulations.</p> <p>9. The objector does not provide any proof and therefore the comment is not a valid objection.</p> <p>10. The application is supported by the spatial development framework. As mentioned above, people will continue to purchase alcohol whether the application is approved or not.</p> <p>11. The list of people supporting the application clearly indicate the name, address contact number and signature of the individual.</p> <p>12. The objector can be assured that a number of issues are considered with the processing of an application.</p>
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<p>Mr G Siebritz as the owner erf 60, Abbotsdale</p>	<p>Mr Siebritz objects to the proposed application for the following reasons;</p> <p>12. The area is currently very peaceful with mostly elderly and widows residing in the area.</p> <p>13. The objector states that there is already an unlicensed shebeens in the area that is creating a lot of problems and the objector is specifically concerned about the unwanted characters that will be attracted to the area.</p> <p>14. The objector is also of opinion that the impact that liquor sales will have on the community will have far-reaching consequences for the neighbourhood. The objector is also concerned that the nation is already so rundown and the granting of liquor license will only make it worse.</p> <p>15. The objector states that the applicant is lying about the outbuildings that are currently used as a second dwelling and not a storeroom as indicated.</p>	<p>12.-14. The applicant states that the statements made by the objector's are full of contradictions. The applicant raise the question whether a legal entity would not provide more structure, possible employment and giving back to the community if the project is realised. The applicant also asks how can the objector plea for the application to be refused when in the same objection concerns are raised regarding illegal enterprises and existing illegal activities.</p> <p>15. Swartland Municipality has done an inspection and can confirm that nobody resides in the 41m² proposed for the tavern.</p> <p>They conclude that not all of the supporters whom signed the letter of support are alcohol consumers, they see the bigger picture, the positive as well as input.</p>	<p>13. The application under consideration is an attempt by the owner of the property to obtain the necessary land use rights in order to run a legal liquor outlet.</p> <p>14. The proposed off-consumption facility will not contribute to alcohol abuse, it however ensure that the community of Abbotsdale will have a legal liquor outlet and they can then stop supporting the illegal shebeens.</p> <p>15. The fact that people will continue to purchase alcohol, whether the application is approved or not, should be noted.</p> <p>16. As mentioned above, the application being considered is the tavern and not a second dwelling or the authorization of an existing unlawful use. Swartland Municipality will ensure compliance with the relevant by-law and regulations.</p>
<p>Mr Harry Liedeman on behalf of Raymond Liedeman the owner of erf 898, Abbotsdale</p>	<p>Mr Liedeman objects to the proposed consent use on erf 107, Abbotsdale for the following reasons:</p> <p>16. <u>Socio Economic Impact</u></p> <p>Abbotsdale, like most lower income areas, is already plagued by alcohol abuse and the establishment of a house tavern in this residential area will in all probability add to this problem.</p>	<p>16. The applicant states that should the application be approved it will result in job-creation ensuring growth and progress.</p>	<p>17. Please refer to the comments made above regarding alcohol abuse.</p>

Secondly the objector is of opinion that alcohol abuse results in higher unemployment rate which in turn leads to higher crime. This statement is proven either by experience or SAPS crime stats should it be required.

17. Noise and nuisance

The objector refers to Section 59(4) & (5) of the Western Cape Liquor Act, 2008.

(4) A licensee may at any time apply to the Liquor Licensing Tribunal to have his, her or its trading hours extended to a time later than the trading hours referred to in subsection (3): Provided that such extended time period imposed by the Liquor Licensing Tribunal may not exceed 20:00 the same day with regard to subsection (3)(a) and 04:00 the next day with regard to subsection (3)(b).

(5) The Liquor Licensing Tribunal may not grant an application referred to in subsection (4) unless it is satisfied on a balance of probabilities that the granting thereof—

(a) is in the public interest; and

(b) does not prejudice—

(i) the residents of a residential area;

(ii) the residents of an institution for the aged or frail;

(iii) the learners of an educational institution who are under the age of eighteen (18) years;

(iv) the patients of an institution for drug or alcohol related dependencies; or

(v) the congregants of a religious institution located in the vicinity of the licensed premises concerned.

With the area around the proposed being 99% residential with many elderly residents as well as school-going children the influx of customers to the tavern will lead to noise and unwanted activities such as people urinating against boundary walls, ect.

No child should be exposed to this type of behavior and therefore this application should not be considered.

17. The applicant states that they have applied to the Western Cape Liquor Authority for an off-consumption "liquor store". No loitering, no music, no consumption of alcohol on-site. The operating hours are regulated by law and they will not exceed trading times as instructed by the Western Cape Liquor Authority or Swartland Municipality Regulations.

18. Application is made for an off-consumption facility therefore no loud music will be generated on the property relating to the facility. The proposal will therefore not have an impact on whether music will be played or not.

As mentioned above, whether the application is approved or not the need from the community to purchase alcohol will persist. An opportunity is presented by the proposed application to create the first legal liquor outlet in Abbotsdale. The sale of alcohol from the subject property, within an area that is predominantly residential in nature does pose a degree of risk to the residents in Winkel Street and 7th Avenue.

	<p>Noise generated (Loud music and anti-social behavior) by the activities at taverns in general are unacceptable and is also dealt with in Swartland Municipality's own Bylaws. This will lead to an untenable situation for both residents and local authority.</p> <p>18. <u>Parking and traffic flow</u></p> <p>Currently two parking spaces are allocated on the erf for customers. The objector is of opinion that this is not nearly enough parking for the type of business proposed and therefore customers of the tavern will inevitably park on the sidewalk, in front of driveways and within intersections. This will force pedestrians into the roadway putting them in danger.</p> <p>The parking arrangement will also have a negative impact on the existing shop right next to the proposed tavern, forcing their customers to park in the street or even make use of another, more accessible store.</p> <p>The objector concludes by requesting that the Municipality take the objections into account when making its decision.</p>	<p>18.The regulations for off-site consumption requires that customers may not park on the premises after purchase. The applicant will ensure compliance. Measures will be put in place to efficiently assist customers and to ensure the flow of traffic.</p>	<p>19.Sufficient space is provided for parking in front of the proposed house tavern. Due to the scale and nature of the proposed business, it will not have a negative impact on the vehicle or pedestrian safety.</p>
<p>Fergie Thomson as resident in the vicinity of the proposed house tavern, erf 910.</p>	<p>19.The objector states that the community of Abbotsdale is already suffering from tremendous social problems such as crime and poverty and is of opinion that the proposed application may contribute to further problems.</p> <p>20. Mr / Mrs Thomson objects to poor people already being exploited by similar taverns that operate legally / illegally. The people's finances are being suppressed with liquor being sold on credit at ridiculous prices.</p> <p>21. Unfamiliar people / elements will loiter in the quiet and peaceful neighbourhood and the children will be extradited to these elements.</p>	<p>19.The applicant refers to their previous comment and emphasize the owners vision for growth as well as to give back to the community. They state that gender based violence is already a plague of which the illegal establishments has a big role.</p> <p>20.The applicant states that they have no intention to change from off-site to onsite which is however a legal process.</p> <p>21.The applicant concludes that they are fully aware of all the consequences if laws and</p>	<p>20.The proposed facility will not contribute to existing social problems but will rather result in the creation on a legal liquor outlet where the community of Abbotsdale will be able to legally purchase alcohol without having to travel great distances to Malmesbury. Please also refer to the comments made under points 3 and 6 above.</p> <p>21.The municipality does not support the illegal trade in alcohol. The legal trade in alcohol is however, a free market and therefore people decide for themselves what price they are willing to pay for specific items.</p> <p>22.Please refer to comments under points 6 and 13 above.</p>

	<p>The objector states that they will be forced to keep their children inside their houses where they once played innocently in the streets.</p> <p>22. The objector states that, with it comes theft, as suddenly there will be more people moving around.</p> <p>23. The objector also raises the issue of noise and disturbance of peace and states that he / she is aware that the proposed tavern will only be for off-consumption, however states that unfortunately it has never worked like that.</p>	<p>regulations are not abided and accept responsibility.</p>	<p>23. Noted</p> <p>24. Please refer to the comments made under point 17 above.</p>
--	---	--	---

PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

The application was submitted in terms of the By-Law on 14th of July 2021. The public participation process commenced on the 30th of July 2021 and ended on the 30th of August 2021 (affected parties and internal departments). The objections received were referred to the applicant for comments between the 31st of August and the 3rd of September 2021. The municipality received the comments on the objections on the 8th of September 2021.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision-making.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

The application is evaluated according to the principles of spatial planning, as contained in the abovementioned legislation.

- a) Spatial Justice: According to the SDF, 2019 the subject property is situated in zone G. The SDF confirms that Zone G has a low density residential character with some infill development opportunities on the norther periphery. The Land use proposal table does indicate that secondary business opportunities including house taverns (only to be allowed along activity streets in residential areas) can be supported. The land use proposal map clearly indicate Winkel Street as an activity street therefore confirming that the proposed application is consistent with the spatial planning proposals. Secondly, an opportunity is presented by the proposed application to create the first legal liquor outlet in Abbotsdale. The application therefore complies with the principle of spatial justice.
- b) Spatial Sustainability: Existing services are sufficient to accommodate the proposed house tavern. The mixed use may result in the optimal use of space and services. Secondly, the position of the existing neighbourhood shop next to the subject property also supports the principle of spatial sustainability. The question here is whether the proposed position of the house tavern in an area that is predominantly residential in nature, will have an adverse impact on the character of the area or on the health and safety of the residents in 7th Avenue and Winkel Street.
- c) Efficiency: Surrounding land uses mainly includes single residential properties. The proposed land use change may be seen as a contribution to mixed land uses along an identified activity corridor. It may be assumed that most of the clientele to the facility will frequent the property by foot, however should the application be approved, this will be the only legal liquor outlet in Abbotsdale. Therefore, it could be argued that a larger number of vehicles will frequent the premises than anticipated. The proposed house tavern has sufficient access from 7th Avenue and provision is made for two on-site parking bays. The nature of the business as well as the layout is clearly not for people to congregate or spend a lot of time. The proposal will therefore not result in mayor congestion in the street or frustration in neighbouring property owners. The proposed tavern can therefore effectively be accommodated within a portion of the existing outbuilding.
- d) Good Administration: Public participation was done by Swartland Municipality in terms of the provisions of the By-Law. Those affected by the application were sent notices that was delivered by hand. The comments from the relevant municipal departments were also obtained. Consideration is given to all correspondence received and the application is dealt with in a timeously manner. It can therefore be argued that the Municipality comply with the principles of good administration.
- e) Spatial Resilience: The house tavern, as local business, supports the local economy and promotes entrepreneurship. Abbotsdale does not have a formal liquor outlet / facility and therefore there is a definite need as such in the community. The applicant identified the need and wishes to get the necessary authorisations. Like house shops, house taverns play an important role in communities as it is situated within walking distance for customers, which normally need to travel to visit liquor outlets in business areas. In the case of Abbotsdale people need to travel to Malmesbury for that purpose. Therefore, the application complies with the principle of spatial resilience. Should the house tavern not be successful, the outbuilding can easily be converted back into a garage as part of the primary use.

2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF)

The SDF indicates that Erf 107, Abbotsdale to be situated in land use proposal Zone G. From the table as well as the extract from the land use proposal map below, the application is clearly consistent with the proposals of the SDF, 2019.

ABBOTSDALE LAND USE ZONES		Low Density Residential Uses	Medium Density Residential	High Density Residential Uses	Secondary Educational Uses	Institutional Uses	Professional Services	Secondary Business Uses	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
G	Zone G has a low density residential character with infill development opportunities on the northern periphery.	X	X	X	X	X		X	X	X	X	X	



The SDF forms an integral part of the IDP. Applications like these are measured according to the principles of the SDF to determine whether it is in compliance. Secondly, it could be argued that the proposal supports strategic goal 3 by ensuring quality and sustainable living environments, bringing opportunity closer to the people.

2.3 Schedule 2 of the By-Law (Zoning Scheme Provisions)

The proposed consent use complies with all applicable zoning parameters.

3. The desirability of the proposed development

All costs relating to the application is for the account of the applicant.

Surrounding land uses are mostly single residential. The property is however situated next to an existing neighbourhood shop. The application will therefore not have a negative impact the character of the area.

Erf 107 has no heritage grading.

The development proposal complies with the zoning parameters of the Residential Zone 1 zoning as well as the regulations applicable to house taverns.

It is clear from the public participation process that the Ward Councillor as well as a number of residents in the area that the application should not be approved. It is however important to note that the applicant did manage to provide the municipality with a letter of support from the community of Abbotsdale signed by 86 signatories. The applicant also provided the consent of the Abbotsdale Neighbourhood Watch. The comments from the SAPD was also requested which turned out to be positive / in support of the application.

It is therefore important to determine whether the proposed land use is in the public interest as well as the impact on the safety, health and wellbeing of the community in Abbotsdale as well as those directly affected by the proposed activity.

Public interest must be taken into account with reference to Section 42 of SPLUMA as well as Section 65 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG8226 of 25 March 2020) and can be summarised as follows:

The degree to which the development principles as well as the norms and standards of relevant legislation and policy will be promoted or prejudiced

From the above information, the proposed consent use is promoted in terms of the development principles and norms and standards of the planning legislation and policy. The provision of adequate on-site parking is provided and due to the scale and nature of the business it will not have an adverse impact on the street nor the safety of road users. Being situated next to an identified activity street as well as an existing neighbourhood shop, the proposal will not have a negative impact on the character of the area.

The degree of risk or potential risk

The operation of a house tavern selling liquor for off-consumption purposes do pose a degree of risk for the community in the form of social problems associated with alcohol abuse. However, the business of operating a house tavern cannot be held accountable for the social problems. It is also acknowledged that the application is an attempt from the owner of erf 107 to obtain land use approval for a house tavern to put them in a position to obtain a liquor license to be able to sell liquor legally.

It is acknowledged that, if approved, the owners of erf 107 will be in a position to obtain a liquor license. If a liquor license is obtained, the house tavern will need to operate according to the conditions of approval of the land use approval, conditions of the liquor license as well as comply with the trading days and hours of Swartland Municipality's By-law relating to control of undertakings that sell liquor to the public.

There is a fine balance between accommodating a business in a residential area, thereby enhancing the shopping experience of residents, bringing business and opportunities closer to the community and the impact that such a business will have on the properties and community directly affected by the business. In this case, the potential risk of the facility having a negative impact is deemed low given its location next to an identified activity corridor, next to an existing neighbourhood shop, sufficient space exist to accommodate the facility within the parameters of the By-Law as well as adequate provision is made for on-site parking.

Impact on existing and surrounding land uses

The surrounding area to erf 107 is mainly residential in nature. Opportunities does exist to accommodate formal business along the identified activity corridor consistent with the land use proposals made in the MSDF, 2019.

As mentioned above the proposed business cannot be held accountable for the claimed alcohol abuse in the community of Abbotsdale and the general anti-social behaviour experienced at other facilities. The application being considered will not contribute to alcohol abuse and violence, but could rather be seen as an attempt by the owner to get the necessary land use rights as well as liquor license to operate a legal liquor outlet.

It could therefore be argued that the proposed house tavern will not have an adverse impact on the existing use of the property nor will it negatively impact on the surrounding land uses. In fact, the proposed use might even have a positive impact on the existing neighbourhood shop next to the property.

Whether the proposed development is prejudicial to the interests of the community

As mentioned above there is a definite need for a legal liquor outlet in Abbotsdale which will definitely be in the interest of the community as the community currently need to travel to Malmesbury or support the illegal trade in alcohol to fulfil this need. The application is consistent with the MSDF, 2019 and will not have a negative impact on the existing use of the property nor the surrounding land uses. Therefore the development will not be prejudicial to the interests of the community.

The long term benefit of the proposed development, which at times may be in conflict with short terms gains

The proposed house tavern will be accommodated in a portion of the existing outbuilding. Short and long-term benefits for the owners of erf 107 include a sustained income generated from the operation of the house tavern. Short and long term benefits for the community includes an enhanced shopping experience with no long distances that needs to be travelled to visit a shop that sells liquor.

Although the proposed house tavern is situated along an activity street which promotes mixed uses along such street and that the application is in compliance with the SDF the public interest plays an important role in the decision making of the application.

The information regarding public interest such as:

Although identified in terms of the MSDF, 2019, Abbotsdale does not have a central business district. The property is located next to an identified activity corridor and the tavern is proposed next to an existing neighbourhood shop. The application will therefore not have a negative impact on the character of the area. This together with the fact that sufficient space exist on the property for the provision of on-site parking, it could be argued that the proposal will not have a negative impact on the health and safety of the community. Furthermore, the business will promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood, therefore the positive impact in this specific case outweighs the possible negative resulting in the proposal deemed to be in the public's interest.

4. Impact on municipal engineering services

The existing services connections are used, which are seen as sufficient.

5. Response by applicant

Refer to Annexure I.

6. Comments from other organs of state/departments

See the comments of internal departments at Part I.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights

N/A

PART L: RECOMMENDATION WITH CONDITIONS

The application for consent use on erf 107, Abbotsdale, 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:

1. Town Planning and Building Control

- (a) The consent use be restricted to accommodate a house tavern ($\pm 41\text{m}^2$ in extent), in a portion of the existing outbuilding as presented in the application;
- (b) Liquor may only be sold for off-consumption purposes;
- (c) In addition to the house tavern, the land unit contain a dwelling which is occupied by the proprietor of the house tavern;
- (d) Building plans, clearly indicating the house tavern in relation to the house, be submitted to the Senior Manager : Built Environment, for consideration and approval;
- (e) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be adhered to, to the satisfaction of the relevant authority;
- (f) 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 1m^2 in area and not exceeding the land unit boundaries with any part of it, shall be permitted and it shall indicate only the name of the owner, name of the business and nature of the retail trade;

2. Water

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

3. Sewerage

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

4. Streets and stormwater

(a) Deliveries may only be done by delivery vehicles of with a gross vehicle mass of 16000kg;

5. General

- (a) 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 within the time period from the date of notice of the approval and that failing to do so will result in the lapsing of the approval;
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.
- (c) The objectors be informed of their right to appeal against the decision of the Municipal Planning Tribunal, in terms of section 89(2) of the By-Law.

PART M: REASONS FOR RECOMMENDATION

- 1. The application is in compliance with the SDF and promotes mixed uses along activity street
- 2. The proposed house tavern complies with the requirements of the zoning scheme regulations.
- 3. The house tavern will not increase the risk and safety of the community as the business cannot be blamed for the existing social problems.
- 4. Have a complimentary impact on the surrounding residential land uses as well as the existing neighbouring shop by enhancing the shopping experience in the area.
- 5. Is in the interest of the surrounding community.


PART N: ANNEXURES


- Annexure A Locality plan
- Annexure B Site plan
- Annexure C Extract from the zoning map of Abbotsdale
- Annexure D Plan indicating the public participation process
- Annexure E Letter of support provided by applicant
- Annexure F Objection from Ward Councillor Vallery McQuire
- Annexure G Ward Councillor comment on liquor licence application
- Annexure H Objection from DC & AM Petersen
- Annexure I Objection from D Siebritz
- Annexure J Objection from H Liedeman on behalf of R Liedeman
- Annexure K Objection from F Thompson
- Annexure L Comments from the SAPD
- Annexure M Applicant's comment on the objections

PART O: APPLICANT DETAILS

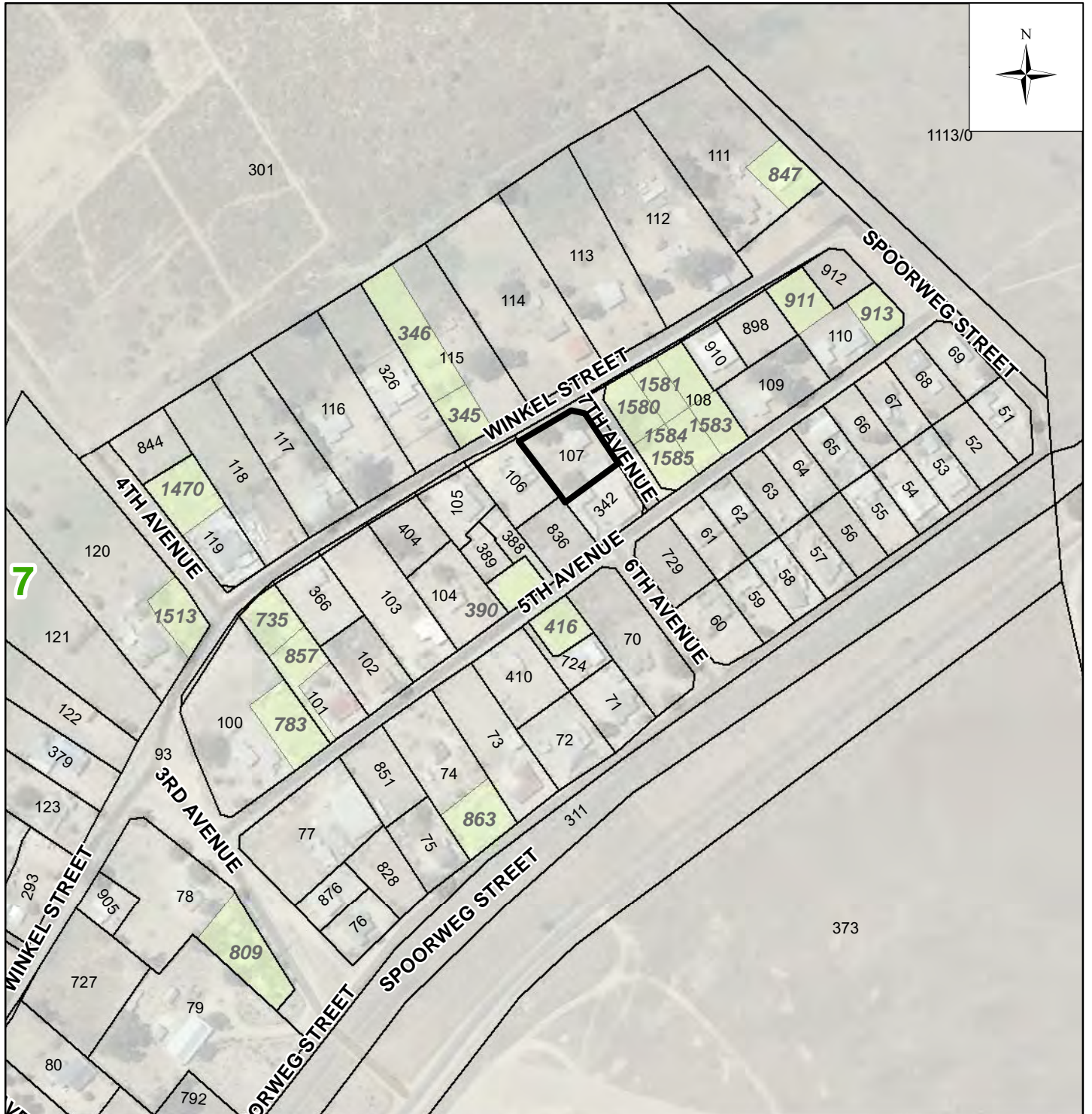
Name	E L Williams		
Registered owner(s)	JJ Cloete Williams	Is the applicant authorised to submit the application:	Yes N

PART P: SIGNATURES

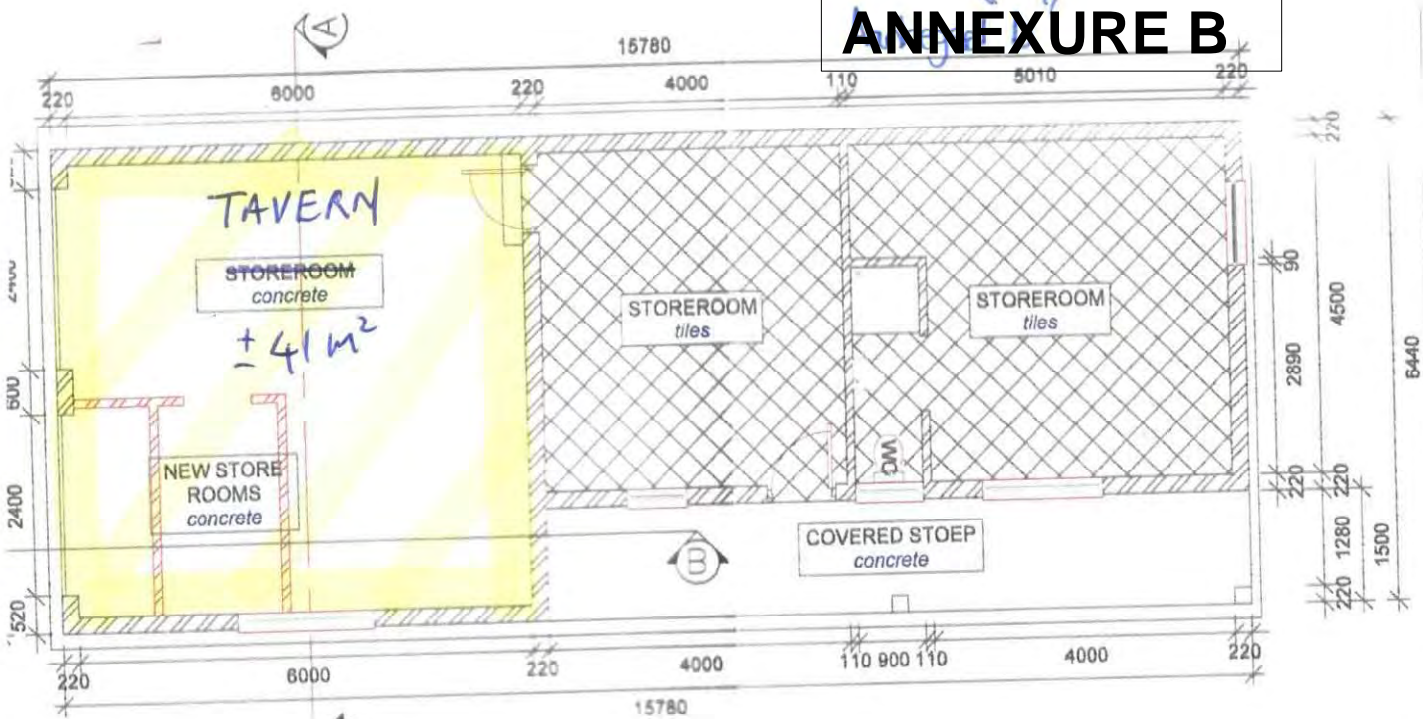
Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		Date: 29 September 2021
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Recommendation: Alwyn Zaayman Senior Manager Built Environment SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: 4 October 2021	

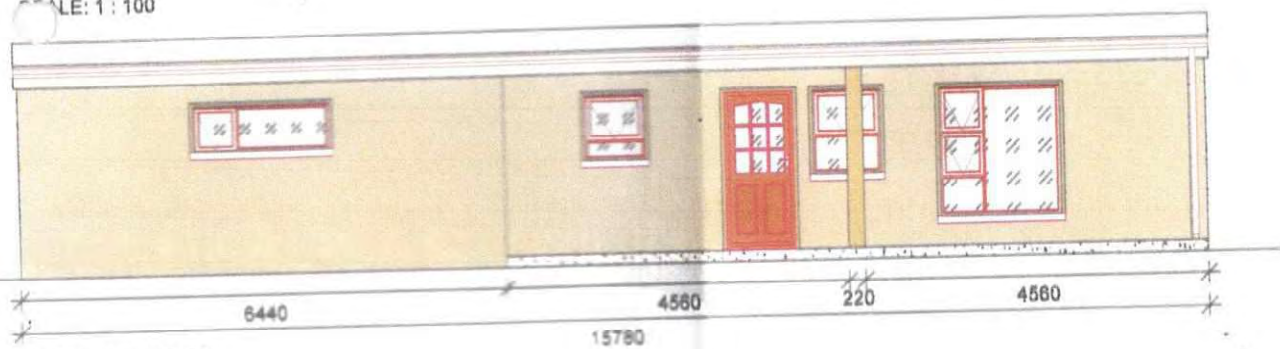
LOCATION PLAN OF ERF 107, ABBOTSDALE



ANNEXURE B



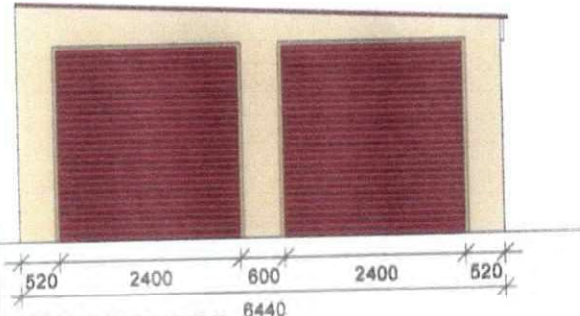
PLAN VIEW
SCALE: 1 : 100



WEST ELEVATION
SCALE: 1 : 100



NORTH ELEVATION 6440
SCALE: 1 : 100

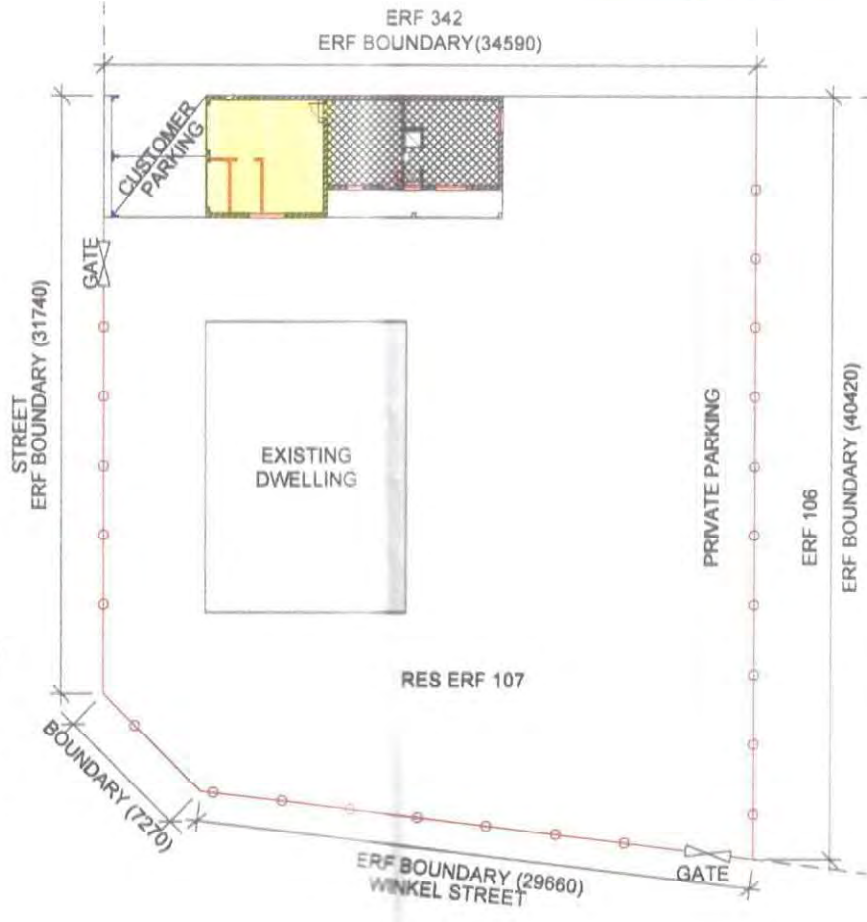


SOUTH ELEVATION
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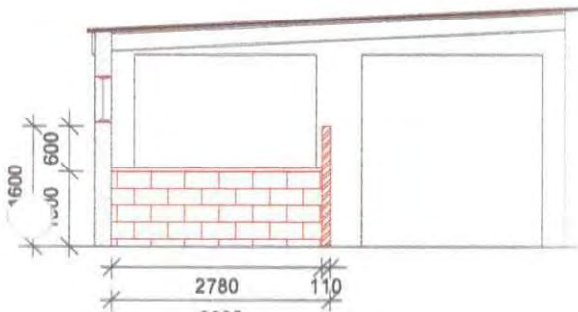
COPYRIGHT RESERVED
 No design or contents of this drawing shall be copied or stored in any form without the express written permission of the artist.
 CHECKED: A. HUGHES
 DESIGNED: A. HUGHES
 DRAWN: A. HUGHES
MC BUILD DESIGN
 A. HUGHES
 111 WINKEL STREET
 ABBOTSDALE

PROJECT	DRAWING TITLE	
ALTERATIONS TO EXISTING STOREROOM	LAYOUT AND ELEVATIONS	
ERF 107 - 130 WINKEL STREET, ABBOTSDALE	DRAWING NUMBER	REV NO.
CLIENT	MCB2104-01	01
Mr E. WILLIAMS	CLIENT DRAWING NUMBER	SIZE
		A3

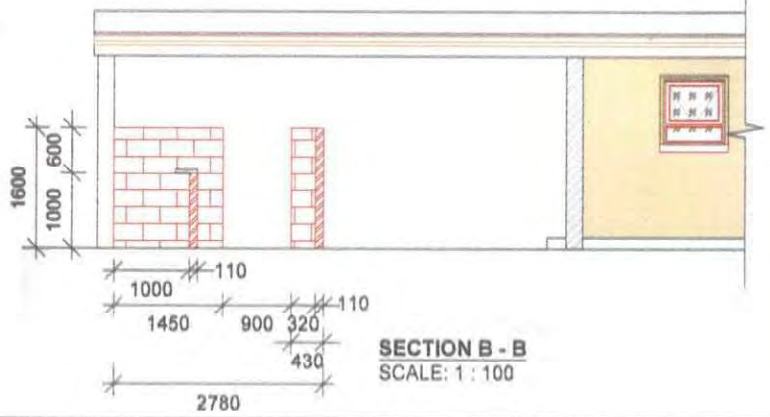
Aanhegsel "D1"



ERF LAYOUT
SCALE: 1 : 400



SECTION A - A
SCALE: 1 : 100

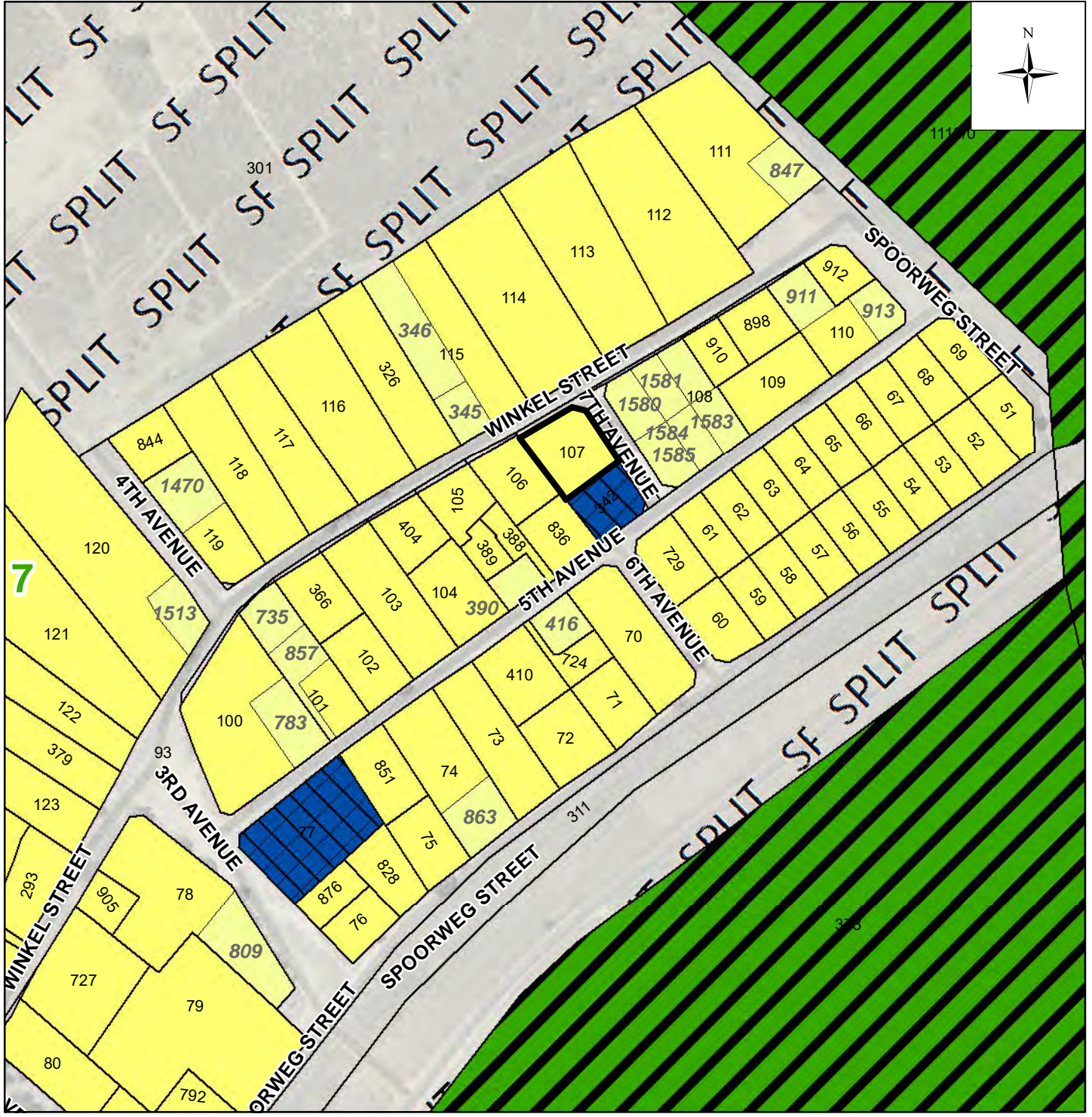


SECTION B - B
SCALE: 1 : 100






NOTES

REVISIONS		
DATE	REV	DETAILS
13 MARCH 2021	0	FOR MUNICIPAL APPROVAL
22 MARCH 2021	01	ERF LAYOUT ADDED

**EXTRACT OF THE ZONING PLAN
APPLICATION FOR CONSENT USE ON ERF 107, ABBOTSDALE**

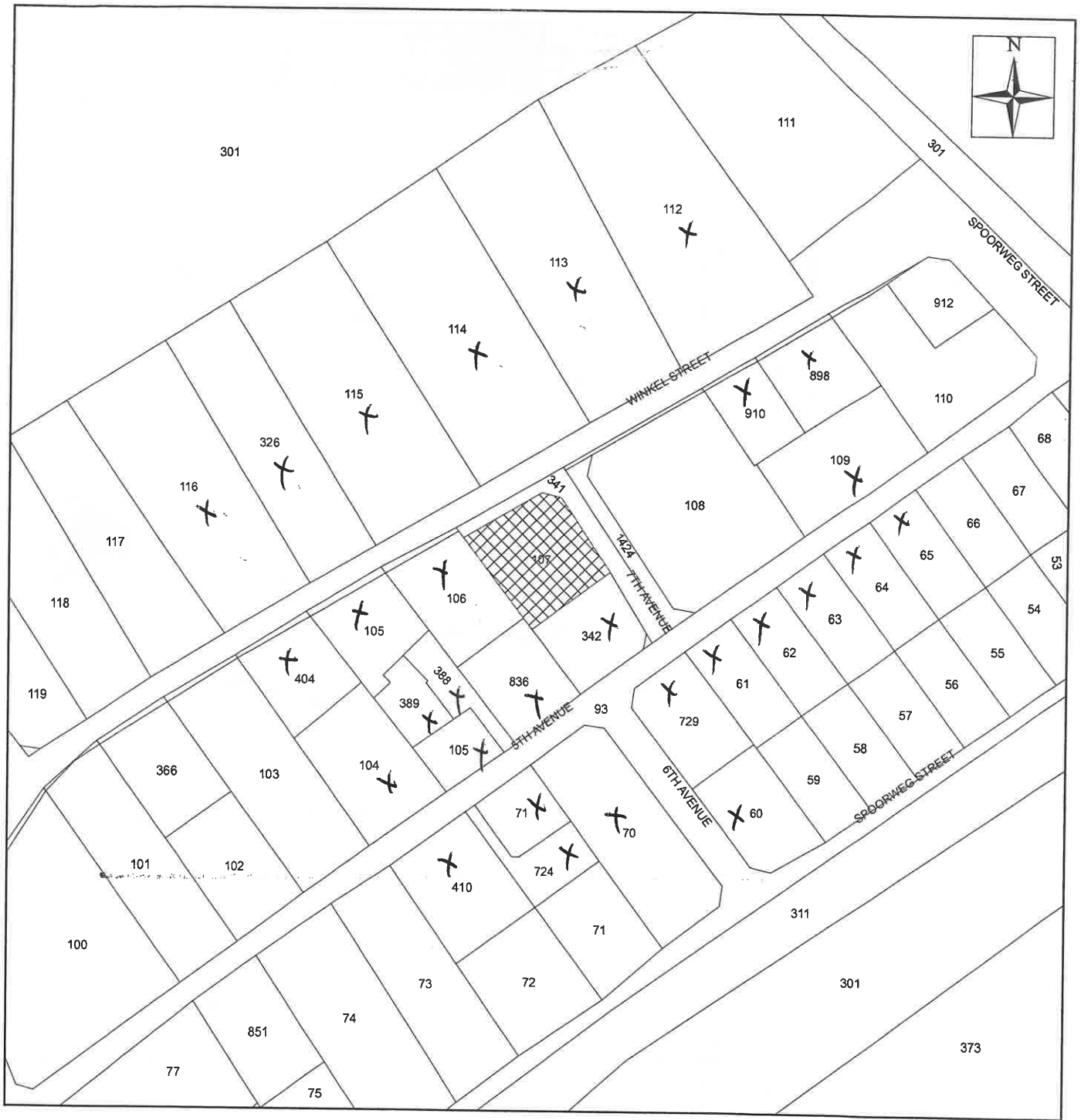


Legend

-  <all other values>
-  AGRICULTURAL ZONE 1
-  BUSINESS ZONE 2
-  RESIDENTIAL ZONE 1
-  SPLIT ZONING



Liggingsplan

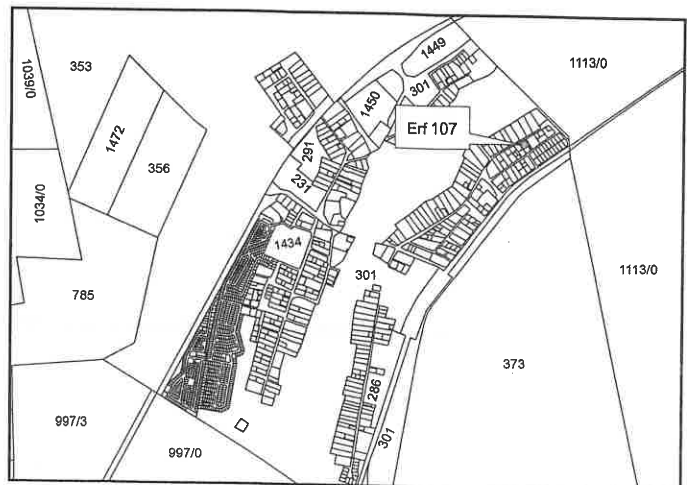


Voorgestelde vergunningsgebruik

Erf 107, Abbotsdale

Publieke deelname

Skaal: NVT



EK DIE ONDRTEKENDE DRA KENNIS EN VERSTAAN DIE SENSUS OPEGTREK DEUR : MONIQUE WILLIAMS & EDGAR WILLIAMS RAKENDE TENGUNSTE INDIVIDUE VIR WINKEL LIQUORS TE ERF 107, 130 WINKELSTRAAT ABBOTSDALE,7301 ASOOK DAT HUL:

Toepasing van alle wete en reëls sal volg

Die gemeenskap se beeld sal uitdra en behou

Geen slentery of raasversteuring sal toelaat

Rommel en besoedeling sal bestry

Terug ploeg in gemeenskap

Hiermee plaas ek as inwoner van Abbotsdale my handtekening op my eie, kennis en informasie was verskaf, ek is ten gunste van n wettige drank winkel wat n voordeel vir ons gemeenskap kan wees. Ek verstaan en is vertrouwd met informasie wat aan my verduidelik was.

MUNISIPALITEIT SWARTLAND		REG		
LEER No:	15/3/10-1/Ef-107	MUT No:		
Verwys Na	Inligting	Verslag	Afhandel	Kom/Taar
SSSB - AJ				
Ander Opdrag:				
SIT 70 2201				(get)BK



	NAMES OF SUPPORTERS WINKEL LIQUORS	ADDRESS	CONTACT NUMBER	SIGNATURE
①	Wafred Erasmus	123	0735839972	
②	ANAELO HENBRIGES	132	0640429265	
③	Bradley Erasmus	123	0745794073	
④	GAVIN SMITH	122	0780185141	
⑤	BERNARD NOVEMBER	153		
⑥	OMAR 342	PAANK	0642803456	PAANK
⑦	S Sago	156 Spoorweg	0737393551	S Sago
⑧	E. Krieling	312 Winkel	0720812669	
⑨	D. VAN COOT	"	07470409571	
⑩	Jaque Erasmus	123	0812477380	
⑪	S. SYSTER	310	0835099172	S. Syster
⑫	A. Esau	311	0632846822	A. Esau
⑬	M. Foruis	156 Spoorweg	083507427	
⑭	B. ERASMUS	126 Winkel	085197905	B. Erasmus
⑮	E. Koopman	Spoorweg 165	0840362914	
⑯	M. ISAACS	164	0785503940	M. Isaacs
⑰	S. Erasmus	104 Darlingweg	0644754939	S. Erasmus
⑱	H. la Meyer	142 Darlingweg	0644754939	H. la Meyer
⑲		Spoorweg	0829756078	
⑳	A.M. GRANT	7 ALBERTI	0824296739	
㉑	T. de Groot	131	0665151070	
㉒	C. de Groot	131	0629581753	
㉓	Henry Hendrick	132 Alboor	0742804436	
㉔	S. Dickson	Winkelst. 14	060920662	S. Dickson
㉕	S. Cloete	"	0611623415	S. Cloete
㉖	I. Mentoor	1111	0768539261	
㉗	R. Mentoor	Winkelst.	0724904363	R. Mentoor
㉘	A. SYSTER	136 Winkel	0680524076	
㉙	C. FEBRUARY	164 Spoorweg	0798493765	
㉚	S. J. BOOISEN	275 PAAL WY 512	0626180909	
⑳	L. JANSEN	128 SHOP STREET	0678245594	

Sheet1

	NAMES OF SUPPORTERS WINKEL LIQUORS	ADDRESS	CONTACT NUMBER	SIGNATURE
31	Denton PETERSEN	Winkelstr 108	0636384286	[Signature]
32	Randall ERAN	Boornweg ⁵⁴ str	0625134934	[Signature]
33	Monique Flander	Spoorwegstris	0820573372	[Signature]
34	Benjamin Fortuin	Winkelstr 108	0830304878	[Signature]
35	John McClinton	Winkelstr 322	0815694531	[Signature]
36	TREVOR GREENING	T29 ^{5TH} AVE	0797330984	[Signature]
37	DARRAN SEDEMAN	WINKELSTR.	066 8012443	[Signature]
38	Stephan Solomons	Winkelstr	070396634	[Signature]
39	ANDELIVE SYSTER.	WINKELSTR	0720188406	[Signature]
40	MILROY ISAACS	WINKELSTRAN	0781877112	M. ISAACS
41	Stephanus Zeger	Kloof St.	0828700259	[Signature]
42	Harold Arede	Kloof St.	0843269510	[Signature]
43	Lorne Arendse	Kloofstr.	0843749570	[Signature]
44	Charmaine Erasmus	Winkelstr 315	0817149166	[Signature]
45	Chael Steyn	Winkel str ¹⁰⁴	0619409427	[Signature]
46	TREU	Winkel Str	083785254	[Signature]
47	Henry HONDRICKS	WINK STR 132A	0712833096	[Signature]
48	Wilhelm van Horba	Hoopstreet	0631075850	[Signature]
49	Kevin Syster	Winkelstr 136	0810739587	[Signature]
50	Anton Sijtsma	Hoopweg str	-	[Signature]
51	CURTIS V.S. SPACK	Boornwegstr	082842818	[Signature]
52	Pieter ARENDSE	Hoopwegstr	0655222221	[Signature]
53	Virginia ERASMUS	Winkelstr.		[Signature]
54	Anton Fokking	Boornweg str	0738560666	[Signature]
55	Antonia Luedeman	Winkelstr	0790565265	[Signature]
56	Marc Lincoln JULIES	Boornweg	0663070416	[Signature]
57	K. Valentine	Spoorweg 157		[Signature]
58	S. COOPE	578P Boornweg STRAN	072287420	[Signature]
59				
60				

EK DIE ONDRTEKENDE DRA KENNIS EN VERSTAAN DIE SENSUS OPEGTREK DEUR : MONIQUE WILLIAMS & EDGAR WILLIAMS RAKENDE TENGUNSTE INDIVIDUE VIR WINKEL LIQUORS TE ERF 107, 130 WINKELSTRAAT ABBOTSDALE,7301 ASOOK DAT HUL:

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Rommel en besoedeling sal bestry

Terug ploeg in gemeenskap

Hiermee plaas ek as inwoner van Abbotsdale my handtekening op my eie, kenis en informasie was verskaf, ek is ten gunste van n wettige drank winkel wat n voordeel vir ons gemeenskap kan wees. Ek verstaan en is vertrouwd met informasie wat aan my verduidelik was.

MUNISIPALITEIT SWARTLAND				REG	
LEER No: 15/3/10-1/Erf		No: 107			
Verwys No	Inligting	Verslag	Afhandl	Kom/Taar	
SSSB	-AJ				
De/					
Ander Opdrag					
SPERDATUM:					(get)BK



	NAMES OF SUPPORTERS WINKEL LIQUORS	ADDRESS	CONTACT NUMBER	SIGNATURE
61	BREYTEN Isaacs	137 Winkelstr	0784037431	B Isaacs
62	ALTHEA ISAACS	11	0782846155	A ISAACS
63	JANE CARLSE	117 Winkelstr	0761905699	Jane
64	GLINAY CARLSE	11	0713551799	Glina
65	Samuel Abrahams	241 Bslbrey	0736515381	S. Abrahams
66	Peter Brown	11 WOODSIR 85 ABBOTSDALE	0638920621	P. Brown
67	Hazel Arendse	138 Wink Str	0822254751	H. Arendse
68	Caylen Gysenberg	124 Winkel str.	0742473388	C. Gysenberg
69	Vernon ARENDESE	410 Winkelstr	0631925426	V. Arendse
70	MICHELLE Fortuin	115 Winkelstr	0633516211	M. Fortuin
71	Stephen Palmer	145 Winkstr	063156438	S. Palmer
72	Liam Harley	BOLINER STR 848 ABBOTSDALE	0749400006	L. Harley
73	Celeste Grant	305 Winkelstr ABBOTSDALE	0620708924	C. Grant
74	Royston Arendse	166 Harting kleg	0719227199	R. Arendse
75	Godwin Jacobs	314 Spoorweg straat	0642336308	G. Jacobs
76	Liam Rinywest	115 Winkel straat	0813153974	L. Rinywest
77	TREVOR folding	127 WINKEL STR. ABBOTS	0733816272	T. Folding
8	MEDA CUETE	58 SPOORWEGSTR ABBOTSDALE	0812523322	M. Cuete
9	TAMMY-CANE CUETE	750 WINKELSTR. ABBOTSDALE	0843292766	T. Cuete
10	MAXWELL SYSTER	136 Winkelstr	0783732096	M. Syster
11	Rauno Paulus	321 Spoorwegstr	0810954531	R. Paulus
12	Hazen Syster	136 Kopsfr.	0638032548	H. Syster
13	Ashwil Siebritz	43 Schootstraat	0712059212	A. Siebritz
14	DURWIN BROWN	Kloofstr	0643517464	D. Brown
15	CHRISTIAN NEWMAN	211 Kerkstr.	0714943628	C. Newman
16	KURT STEYN	104 SIMPSTR	0618766682	K. Steyn

From: Valery Mcquire [<mailto:vdmcquire@gmail.com>]
Sent: 27 September 2021 07:57 PM
To: Delmarie Stellenberg <StellenbergD@swartland.org.za>
Subject: Re: Vergunningsgebruik Erf 107, Abbotsdale

Goeiedag me Stellenberg

Eienaar van erf 107 het voorheen aansoek gedoen vir dranklisensie om drank te verkoop van genoemde erf wat negatief ontvang was deur gemeenskapslede in die omgewing.

Ek as raadslid het dan ook negatief geantwoord op die aansoek.

Dus is my antwoord of reaksie op hierdie aansoek om vergunningsgebruik ook negatief.

Sien asb die redes op die aansoek vir dranklisensie.

Met dank.
Ald Valery McQuire

Other interested Departments
(Please name these interested Department)

Name of Department/Organisation

Not applicable

- **What will the impact on community safety be if the liquor licence is granted?** Choose from below list by marking with an X.

1	Can have a major negative impact	
2	Can have a slight negative impact	
3	No impact	
4	Can have a slight positive impact	
5	Can have a major positive impact	

Further comments:

- **Granting of licence recommended:**

Yes	
No	

Ward Councillor & Ward Committee

- **What will the impact on community safety be if the liquor licence is granted?**

1	Can have a major negative impact	x
2	Can have a slight negative impact	
3	No impact	
4	Can have a slight positive impact	
5	Can have a major positive impact	

Further comments:

Comments by councillor V D McQuire (ward councillor, ward 7):

In my capacity as councillor for ward 7 in which this property is located, I wish to strongly object against approval of this licence, given that the said property is zoned residential.

Further, given that liquor plays a dominant role in poverty, domestic violence, assaults, theft, crimen injuria and other social problems in the community of Abbotdale which complicates even the work of the Abbotdale Neighbourhood Watch, I am of the view that a liquor shop shall increasingly negatively contribute to the social decay of an already impoverished community.

The property is located in a peaceful residential area, and the proposed use of the premises may cause disturbances and bring unwanted elements to the area, which will negatively impact the mostly senior residents in the area.

- **Are there any of the institutions listed below within the vicinity of the premises applied for?** Mark with x and provide distance.

Religious institutions	Yes	No	Distance	No comment.	Refer application.
------------------------	-----	----	----------	-------------	--------------------

Institution for the aged or frail	Yes	No	Distance	No comment. Refer application.
Educational institution who are under the age of 18 years	Yes	No	Distance	No comment. Refer application.
Institution for drug or alcohol related dependencies	Yes	No	Distance	No comment. Refer application.
Residents living in the vicinity	Yes	No	Distance	The proposed premises are located in a residential area.

- **What other liquor establishments (legal and illegal) are in the vicinity of the proposed premises?**
- **Are there particular trends regarding current liquor abuse in the area?**
- **Are there particular at-risk populations that might be affected by granting of the licence?**
- **Is underage drinking prevalent in the area?**
- **What will the impact be of granting/not granting the liquor licence?**
- **Are there areas surrounding existing licensed premises with high incidence of crime?**

Yes	
No	X
- **Is the applied for premises in or near one of these areas?**
- **Granting of licence recommended by Ward Councillor/Ward Committee:**

Yes	
No	X

- **Granting of licence recommended by the Municipality:**

Yes	
No	X

Further comments:

Based primarily on the zoning of the premises, approval of the licence application is not support.

RECOMMENDATION FROM THE MUNICIPALITY

121 A Winkelstraat
Abbotsdale
Malmesbury
7301
29 Augustus 2021

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7299

**BESWAAR OP VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 107,
ABBOTSDALE (15/3/10-1/Erf 107):**

Hiermee teken ons beswaar aan teenoor die voorgestelde aansoek vir 'n "tavern".

Die beoogde "tavern" is slegs +/- 40 meter van ons erf, nie net gaan dit die waarde van ons eiendom verminder nie, maar gaan ook later die verkoop van ons eiendom beïnvloed.

'n "Tavern" is geneig om sekere elemente te lok na 'n area. Die eens stil en rustige woonbuurt gaan definitief 'n gedaante verwisseling ondergaan. Leeglêers en kwaad doeners gaan ook gelok word na ons rustige area.

Drank en dwelms was nog altyd 'n kopseer vir die gemeenskap van Abbotsdale. Die eens rustige sending stasie kan in 'n miernes van negatiewe aktiwiteite verander.

Die voorgestelde +/- 41m² vir "Tavern" is volgens die aansoeker E. Williams aan die voorkant van die sogenaamde stoorkamers op sy bou planne, hierdie store bestaan nie aangesien dit as 'n woning beskou word. Die "store" is 'n huis op die erf waarin hy al vir jare bly sonder om belasting te betaal vir 'n tweede woning op die erf van sy ma. Geen planne was in gedien vir hierdie bestaande tweede woning nie.

Die aansoeker, E. Williams was al van tevore in hegtenis geneem, vir die onwettige verkoop van drank en besit van dwelms, so 'n aansoek sal nie eers oorweeg word in 'n buurt soos Tafelsig of ander areas in die Malmesbury dorp areas nie.

Daar word te maklik toestemming gegee vir “Taverns” in minder bevooregte areas waar dit al klaar swaar gaan met die gemeenskap. Volgens bronne van die munisipaliteit, het aansoeker ‘n lys met name ingedien wat goedkeuring gee vir so ‘n “Tavern”. Is hierdie mense, mense wat self hier rond bly? Is hulle grond eienaars? Of is dit ‘n klomp drinkers wat lukraak gevra was om hierdie petisie te teken?

Ons moet begin dink aan ons kinders en vroue wat as gevolg van drankmisbruik regoor Suid-Afrika op ‘n daaglikse basis aangerand, verkrag en selfs vermoor word. So maklik besluit ‘n raad dat daar toestemming aan so ‘n versoek gerig kan word , maar daar word nie altyd gedink aan hoe dit die toekoms van ‘n area kan beïnvloed nie.

Hierdie skrywe is nie net vir my en my gesin nie, maar vir die hegte gemeenskap van Abbotsdale. Ons vertrou dat u al hierdie kwessie in ag sal neem en nie goedkeuring vir die ontstaan van ‘n “Tavern” op erf 107 sal toestaan.

Die uwe

D.C & A.M. Petersen

Dianne.c.wp@gmail.com

082 781 1341



CONSECUTIVE CLEAN AUDITS



Munisipaliteit
Municipality
Umasipala

*Ons gee gestalte aan 'n beter toekoms!
We shape a better future!
Sibumba ikamva elingcono!*

Lêerverw: 15/3/10-1/Erf_107

Navrae:
Me D N Stellenberg

30 Julie 2021

DC Petersen
121A Winkelstraat
ABBOTSDALE
7301

**Per Geregistreerde Pos
By Registered Mail**

*Meneer/Mevrou
Sir/Madam*

VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 107, ABBOTSDALE
PROPOSED CONSENT USE ON ERF 107, ABBOTSDALE

Aansoeker:	E Williams, Winkelstraat 130, Abbotsdale, 7301. Tel no. 0833064497
Eienaar:	JJ Cloete-Williams, Winkelstraat 130, Abbotsdale, 7301. Tel no. 0717192451
Verwysingsnommer:	15/3/10-1/Erf_107
Eiendomsbeskrywing:	Erf 107, Abbotsdale
Fisiese Adres:	Geleë te Winkelstraat 52, Abbotsdale

Volledige beskrywing van aansoek:

Die aansoek om 'n vergunningsgebruik vir 'n huistaverne op erf 107, Abbotsdale, ingevolge artikel 25(2)(o) van Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020), is ontvang. Die voorstel is dat die huistaverne (groot 41m²) vanuit 'n bestaande buitegebou bedryf sal word vir die verkoop van drank vir verbruik buite die gelisensieerde perseel.

Kennis word hiermee gegee ingevolge artikel 56(2) van Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning dat bogenoemde aansoek ontvang is en beskikbaar is vir inspeksie vanaf Maandag tot Donderdag tussen 08:00-13:00 en 13:45 - 17:00 en Vrydag 08:00-13:00 en 13:45 - 15:45 by Department Ontwikkelingsdienste, kantoor van die Senior Bestuurder : Bou-Omgewing, Munisipale Kantoor, Kerkstraat, Malmesbury. Enige skriftelike kommentaar hetsy 'n beswaar of ondersteuning kan ingevoige artikel 60 van genoemde wetgewing aan Die Munisipale Bestuurder, Privaatsak X52, Malmesbury, 7299/Faks – 022-487 9440/e-pos – swartlandmun@swartland.org.za gestuur word voor of op **30 Augustus 2021 om 17:00.** Die kommentaar moet asseblief u naam, adres en kontakbesonderhede asook die voorkeurwyse waarop daar met u gekommunikeer moet word aandui, sowel as u belang by die aansoek asook redes vir u kommentaar. Telefoniese navrae kan gerig word aan die stadsbeplanningsafdeling (Alwyn Burger of Herman Olivier) by 022-487 9400. Die Munisipaliteit mag kommentaar wat na die

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

- Tel: 022 487 9400
Faks/Fax: 022 487 9440
Epos/Email: swartlandmun@swartland.org.za

-140-

Moorreesburg Tel: 022 433 2246

Kindly address all correspondence to:
The Municipal Manager
Private Bag X52
Malmesbury 7299

Darling Tel: 022 492 2237

Yzerfontein Tel: 022 451 2366

From: Gail siebritz <siebritzgail0@gmail.com>
Sent: Monday, 30 August 2021 14:23
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Voorgestelde vergunningsgebruik op Erf 107, Abbotsdale (Huis Tavern)

Aandag : Mnre A Burger/ H Olivier

Ek die ondergetekende is absoluut gekant teen die aansoek om n dranklisensie aan die betrokke toe te staan. Die area is huidiglik baie stil en hier bly feitlik net bejaardes en weduwees. Ons is bejaardes in die gebied wat al vir meer as 35 jaar hier bly.

Hier is alreeds n ongelisensieerde drank smokkelaar wat reeds baie probleme veroorsaak. Ek sidder om te dink watter karakters na ons gebied gelok sal word. Die invloed wat die drankverkope op die gemeenskap sal he sal vereikende gevolge vir die gebied he. Die volk is alreeds so vervalde en die toekenning van dranklisensie sal dit vererger.

Die aansoeker lieg alreeds waar hy se (op Aanhangsel D) van plan dat geboue agter voorgestelde Tavern stoorplek is. Aansoeker woon hierin.

Ek sal verkies om telefonies mee gekommunikeer te word andersins pos.

By voorbaat dank

Die uwe

Denton Siebritz
0827702468
232 spoorwegstraat
Abbotsdale
7301

From: Harry Liedeman <Harry.Liedeman@drakenstein.gov.za>
Sent: Monday, 30 August 2021 14:51
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: RE: Proposed consent use erf 107 for home tavern, Abbotsdale

Good day

I am writing the following correspondence on behalf of my 75year old father and owner of erf 898, Abbotsdale.

Please see below his objection to the proposed consent use of erf 107, Abbotsdale:

1) Socio economic impact

As in most lower income areas, Abbotsdale is already plagued by alcohol abuse and the establishment of a house tavern in this residential area will in all probability add to this problem. Alcohol abuse leads to higher jobless numbers, which in turn leads to higher crime statistics...this latter can be proven either by experience or SAPS crime stats should it be required.

2) Noise and Nuisance

Please take note of the following abstract out of the Western Cape Liquor Act, points (4) and (5)

(4) A licensee may at any time apply to the Liquor Licensing Tribunal to have his, her or its trading hours extended to a time later than the trading hours referred to in subsection (3). Provided that such extended time period imposed by the Liquor Licensing Tribunal may not exceed 20:00 the same day with regard to subsection (3)(a) and 04:00 the next day with regard to subsection (3)(b).

(5) The Liquor Licensing Tribunal may not grant an application referred to in subsection (4) unless it is satisfied on a balance of probabilities that the granting thereof— (a) is in the public interest; and (b) does not prejudice— (i) the residents of a residential area; (ii) the residents of an institution for the aged or frail; (iii) the learners of an educational institution who are under the age of eighteen (18) years; (iv) the patients of an institution for drug or alcohol related dependencies; or (v) the congregants of a religious institution located in the vicinity of the licensed premises concerned. (6) The Board must, within the prescribed period after granting or refusing an application made in terms of subsection (4), notify the applicant of the decision of the Liquor Licensing Tribunal. (7) Where the application

With the area around the proposed being 99% residential with many elderly residents as well as school-going children the influx of customers to the tavern will lead to noise and unwanted activities such as people urinating against boundary walls, ect. No child should be exposed to this type of behavior and should this application not be considered.

Noise generated(Loud music and anti-social behavior) by the activities at taverns in general are unacceptable and is also dealt with in Swartland Municipality's own Bylaws. This will lead to an untenable situation for both residents and local authority.

3) Parking and traffic flow

Currently two parking spaces are allocated on the erf for customers...common sense and experience shows that this is not nearly enough parking for this type of business. Customers to the tavern will inevitably park on the sidewalk, in front of driveways and within intersections. This will force pedestrian into the roadway, putting them in danger. The parking arrangements will also negatively affect the store(They have adequate parking on site) right next to the proposed tavern as this will either force their customers to park in the street next to the store or even make use of another, more accessible store.

Please take into account the above objections when council makes its decision with regard to Mr Williams application as the resident endeavor to keep the character of the community and protect our residential area.

Regards

**Mr Harry Liedeman on behalf of Raymond Liedeman
Chief Engineering Technician: Traffic Engineering**

t: +27 21 807 6254
c: +27 82 497 9214
e: harry.ledeman@drakenstein.gov.za
a: 3rd Floor, c/o Market/Main Streets, Paarl 7646

From: Fergie Thompson <fergie.thompson@kaapagri.co.za>
Sent: Monday, 30 August 2021 16:36
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: Raylene Liedeman <raylene.liedeman@gmail.com>
Subject: Verwysingsno: 15/3/10 - 1/Erf_107

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X52
Malmesbury
7299

Beswaar teen vergunningsgebruik vir huistaverne op erf 107

Ek is woonagtig te Abbotsdale, Winkelstraat 910. Vind hiermee my beswaar teen bogenoemde plan om 'n huistaverne te bedryf uit gebou te erf 107, geleë te Winkelstraat 52.

Ons gemeenskap gaan reeds gebuk onder geweldige sosiale probleme soos misdaad en armoede en kan voorgestelde plan net bydra tot verdere probleme. Ons arm mense word reeds uitgebuit deur soortgelyke taverns wat wettig/onwettig bedryf word. Die mense se finansies word onderdruk geplaas met drank wat op skuld verkoop word teen belaglike pryse.

Snaakse elemente/mense gaan in ons woonbuurt begin rondhang wat baie stil en rustig is en dit gaan ons kinders uitlewer aan hierdie elemente. Ons sal nou gedwing word om hul nou binne in die huise te hou waar hul eens onskuldig in die strate kon speel. Saam met dit kom ook diefstal. Skielik gaan hier meer mense rondbeweeg. Op die stadium is hier nie baie beweging in ons straat nie en kyk ons as bure nog uit vir mekaar veral waar niemand per dag by die huis is nie.

Moenie nie eens praat van die lawaai wat hiermee gepaard gaan nie – rusverstoring vir ons eens rustige woonbuurt.

Ek weet daar word gesê die mense gaan net koop en loop. Dit het ongelukkig nog nooit so gewerk nie. Geskiedenis het al homself telkemale herhaal ooral waar mense taverns oopgemaak het en gaan kyk maar na statistieke, misdaad en sosiale euwels het geen perke nie.

Vir ons is dit 'n definitiewe NEE vir 'n taverne in ons straat en eens rustige woonbuurt.

Groete

Fergie Thompson
Bestuurder: Riebeek-Wes
Manager: Riebeek-Wes

T +27 (0)22 461 8260
C +27 (0)82 827 3959 | F +27 (0)86 634 3210
E fergie.thompson@kaapagri.co.za
www.myagrimark.co.za

Voortrekkerweg 968 | P O Box 172 | Riebeek-Wes | 7306
Agrimark is a member of the Kaap Agri family.
Verified Level 3 contributor to BBBEE

Annexure L: Kommentaar van SAPD nog uitstaande

HOT N COLD SOLUTIONS PTY LTD T/A WINKEL LIQUOR 2018/516004/07

130 WINKEL STREET ABBOTSDALE 7301

OWNERS AND DIRECTORS

**EDGAR LINDZAY WILLIAMS
MONIQUE LEONARD DAMES**

BUSINESS TO BE CONDUCTED ON 107 LOCATED ON ACTIVITY STREET

MUNISIPALITEIT SWARTLAND				RFG
LEER No. 16/3/10-1/Erf. 107			RFG ID No:	
Verwys No.	Inligting	Verslag	Afhandeling	Kom/Taar
SSSB (AS)				
Ander Opdrag:				
SPERDATUM:				(get)BK



INDEX

1. Summary of applicants application, union, measures and progress
2. Comment made by individuals responding/ objecting to off-site liquor store, applicants defence/ reply to the concerns/ comments with attached Annexure indicated photo's and documents.
3. Summary and conclusion

HOT N COLD SOLUTIONS PTY LTD 2018/516004/07 applied by Western Cape Liquor Authority through advocate WJ Van Der Merwe for a license to operate an off-site consumption liquor store. all needed steps were followed and abided. Our store will be located on erf 107 on a activity street zone 1. We attached all necessary layouts forms and deeds needed. Registered letters (29) were sent to residents and we conducted our own senses of individuals who support our venture. All of the signatures are inhabitants of Abbotsdale all genres all over 18 and from economic point of view from all sectors. we have support from our neighbourhood watch as well as the 95 signatures. site was viewed by Mr Zaayman and Oliver to best our abilities. we strive to ensure all right methods protocols be it fire, safety, loitering prohibiting acceptance of pension (sassa cards) covid safety and no sale on credit will be followed. we are aware and informed on the term off-site consumption and no individuals will be allowed to loiter make noise or be serviced (no special treatment after trading hours). Customers has Approx. 1.5m entrance before reaching counter so no build up will take place. The secondary door is for loading and uploading purpose only. No traffic will be allowed to park, loiter or stand after service. we are aware of the consequences for trespassing of these laws.

COMPLAINT	COMMENTS	SUMMARY OF APPLICANT REPLY
D C AND A M PETERSENT	Off- site liquor store will decrease market value of their property	In terms of article 59(1)(f) of western cape spatial planning 2014, application non based may not be negativity set out in the freedom of practice. According to law applications can not be solely objected. on grounds that it will decrease market value. This can only be validated or proven once application is approved. With reasoning there can be said that negative impact on immediate effect cannot be stated. In fact within result a positive effect toward a growing community in a positive light.
D C AND A M PETERSENT	Tavern will draw attention and disrupt a once quite community as well as negativity elements.	regulations listed in the Swartland by law control of undertaking that sell liquor to the public and western cape liquor act 2008 will be followed by ordering to all laws and the consequences and legal undertakings if not abide.

COMPLAINANT	COMMENT	SUMMARY OF APPLICANT REPLY
D C AND PETERSEN	Drugs and alcohol has always been an issue for Abbotsdale. the small town will become a chaotic environment	It is due to illegal enterprises and activities that chaos erupts. There are no rules, laws, protocols or safety measures are followed trading all hours to any and all individuals. We strive to have set hours, provide a safe environment, club underage sale of alcohol and noise disturbance as well as try to prevent drunk driving as individuals will not have to drive to Malmesbury. As per annexure a photo we have all safety measure required and customers can efficiently purchase via eft card machine or cash and safely go home as we operate on set times.
D C AND A M PETERSEN		Swartland Municipality and Western Cape Liquor Authority is aware the double garage unit was converted into the store "off-site liquor store" plans drawn by V.Tino Mqure Annexure B.

COMPLAINANT	COMMENTS OF COMPLAIN	SUMMARY OF APPLICANT REPLY
DC AND AM PETERSEN	Applicant Mr E Williams was arrested for sale of alcohol and possession of drugs.	Mr Williams can confirm and has confirmed with saps that there never has been a incident of arrest for sale of alcohol the statement made by individual is falls. Mr Williams paid a fine for possession of marijuana and this lesson put into place chain reaction to abide be proactive and install stability for owner by following law and thus in process of the proposed consent use and Western Cape Liquor Authority application.To be a example saps are responsible for enforcing law on the community and not applicant.
AM AND DC PETERSEN	Approval is to easily given for taverns. Applicant provided municipality with support signatures are there Abbotsdale inhabit ends and property owners or just drinking buddies.	If complaint read support signatures with individuals names, address and contact details they would be aware the supporters are all different individuals all ages legal to pension, property owners, business owners and all Abbotsdalers if they know their town and fellow neighbours complaint would see this statement will void. As per annex c support information.

COMPLAINANT	COMPLAINANT COMMENTS	SUMMARY OF APPLICANT REPLY
DC AND AM PETERSEN	We must consider our woman and children. take poverty into consideration. This is not only my concern but community as well of Abbotsdale	It is due to illegal establishment that thrive on individuals, that have no rules laws where individuals occupy and consume to all hours of night, where noise arise, gender based and domestic violence occur. These are examples of incidents already taking place. wouldn't a legal establishment, with no on site consumption, legal trading hours, no traffic and control have a more positive impact. The neighbourhood watch agree with our vision as per annex d a letter of support by our neighbourhood watch. With structure we can move toward positive growth.

COMPLAINANT	COMMENTS OF COMPLAINANT	SUMMARY OF APPLICANT REPLY
GAIL SIEBRITZ	Full objection as this is a quite area with pensioners and widowers. there is already a plague of illegal institutes that causes problems what elements will be lured out. The town is already poverty ridden and alcoholism is high a liquor license will worsen situation applicant lies when he says storage will be tavern here sides there.	As complainants objections is ridden with contradictions our reply is. with a quiet area with pensioners already ridden with alcoholism, illegal smugglers would as mentioned a legal entity not provide more struction, possibly employment more plough back in community if opportunity is provided to realise this project. How can applicant plea for refused for legal liquor license when in same complaint concern and fear for illegal enterprises roaming illegal activities where as a legal store would provide structure and owner is responsible to maintain order on property site inspection by Swartland was done and no one resides/lives in the area of 41 m as per annex b building plans and support signed by individuals including pensioners not all supporters are alcohol consumers but sees the bigger picture the positive as well as input.

COMPLAINANT	COMMENTS OF COMPLAINANT	SUMMARY OF APPLICANT REPLY
HARRY LIEDEMAN	Socio economic impact. unemployment crime will increase.	Not for status or advertisement applicant has helped individuals of Abbotsdale most not even in possession of south African identity documents driving them to home affairs, having discussions of their futures. In events of approval and growth as stated in reply 7 employment opportunity will arises growth progress, the owner is responsible to maintain order on premises and it is saps responsibility to enforce law in community.

COMPLAINANT	COMMENTS OF COMPLAINANT	SUMMARY OF APPLICANT REPLY
HARRY LIEDEMAN	Irregular operating hours noise, loitering exposing child rent to drunk individual urinating.	We are striving and applied at Western Cape Liquor Authority for a off-site liquor store. no loitering, no music and no consumption on site. Our hours are regulate by law and will not exceed trading times as instructed Western Cape Liquor Authority and Swartland municipality regulations.

COMPLAINANT	COMMENT OF COMPLAINANT	SUMMARY OF APPLICANT REPLY
HARRY LIEDEMAN	Congestion of traffic, insufficient parking, pile up of cars, noise disturbance	Off-site consumption as per regulated and the law, customers may not "park on premises after purchase" speed point efficient measures are and will be in place to create flow of customers no pile up. It is Mr Williams responsibility to ensure a customer leaves premises after purchase no reason thinkable for a individual to remain after purchase and will be strictly followed. All sign of rules when entering store of premises annex a will be complied with and followed. The character growth will increase as a structured regulated business will provide more opportunities and prevent and combat illegal traders.

COMPLAINANT	COMMENTS OF COMPLAINANT	SUMMARY OF APPLICANTS REPLY
FERGIE THOMPSON	Enhancement of socio economic problems, poverty, violents, fear that the off-site will change to on site, more elements of outside neighbour towns.	As per reply 7 the owner has vision strives for growth plough back into community. gender based/ domestic violence poverty is already a plague of which illegal establishment has a big role and push back for legal establishment is baffling. Mr Williams is aware and has no intention to change from off-site to on site. As there is no plans to change and order will remain. to change from off-site to on site is a legal process and can not be done at will. The consequences for the owner would be severe and he has no plans to change or adjust application from off-site to on site. Mr E Williams is fully aware of all consequences if laws and rules are not abided. and accept responsibility as set out by Western Cape Liquor Authority and Swartland municipality to best of ability to build trust, understanding and be a rising citizen to help uplift community.

Supporting Documentation

Annexure e

- A. Swartland fire certificate
- B. Abbotsdale neighbourhood watch support letter of recommendation
- C. Supporters' names, address and contact information, all Abbotsdale residents over the age of 18, all religions, private sector employees, general workers, pensioners, not all alcohol consumers, property owners individuals of of all genres from Abbotsdale

Annex "A"



LOADING
AND
UNLOADING
ZONE

NOTICE
FACE MASK
REQUIRED
THANK YOU

NO
LOITERING
ON THIS
PROPERTY

REG VAN TOEGANG
VOORBEHOU
RIGHT OF ADMISSION
RESERVED
UKUMUKELWA OKU
BALULEKILE KUKHONA



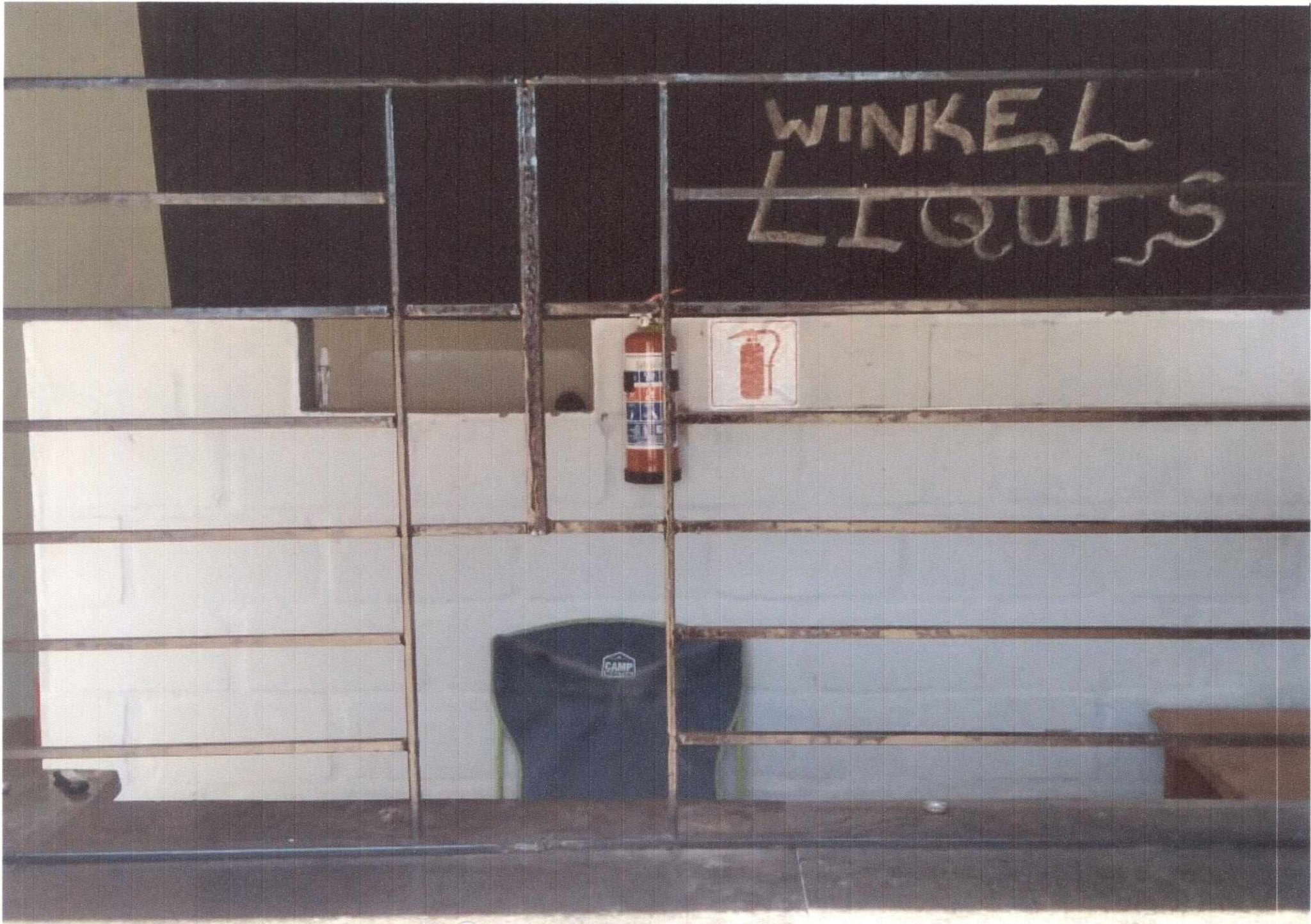


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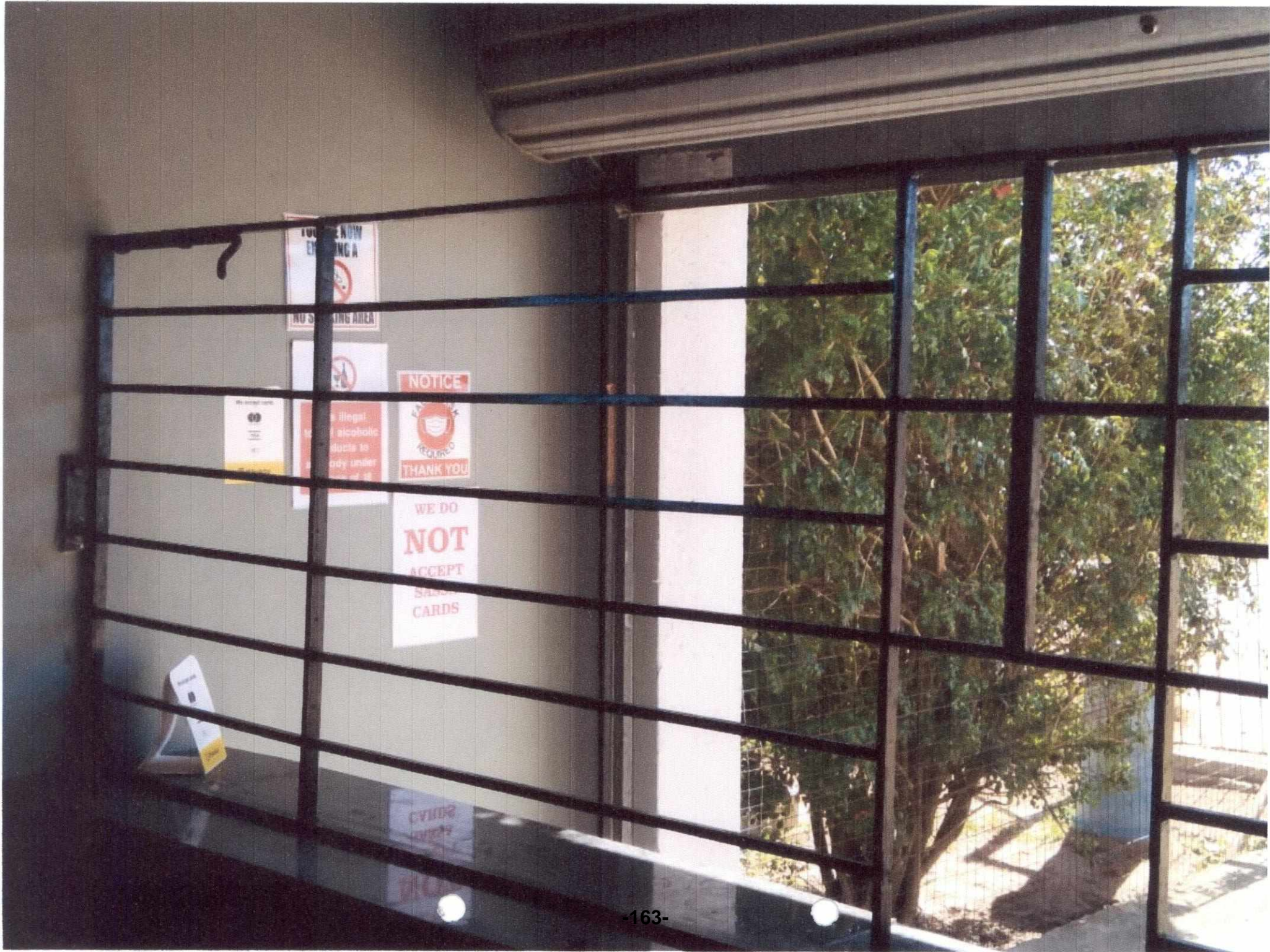
REG VA
VOO
RIGHT C
RE
UKUMI
BALULEI



WINKEL
LIQUORS







NO SMOKING
NO SMOKING AREA

NOTICE

THANK YOU

WE DO
NOT
ACCEPT
SMOKE
CARDS

Annex "B"

1 Page



COPYRIGHT RESERVED The design and contents of this drawing remain the property of Gribble Centre Solutions and may not be copied, reproduced or used in any manner without the express written permission of the owner.		PROJECT ALTERATIONS TO EXISTING STOREROOM ERF 107 - 130 WINKEL STREET, ABBOTSDALE	DRAWING TITLE LAYOUT AND ELEVATIONS	
CHECKED: [Signature] DESIGNED: [Signature] DRAWN: [Signature]	SCALE: AS SHOWN DATE: 22 MARCH 2022	CLIENT Mr E. WILLIAMS	DRAWING NUMBER MCB2104-01	REV. NO. 01
MC BUILD DESIGN			CLIENT DRAWING NUMBER	SIZE A3

Annex "C" 4 Pages

**EK DIE ONDRTEKENDE DRA KENNIS EN VERSTAAN DIE SENSUS
OPEGTREK DEUR : MONIQUE WILLIAMS & EDGAR WILLIAMS
RAKENDE TENGUNSTE INDIVIDUE VIR WINKEL LIQUORS TE
ERF 107, 130 WINKELSTRAAT ABBOTSDALE, 7301 ASOOK DAT HUL:**

Toepasing van alle wete en reels sal volg

Die gemeenskap se beeld sal uitdra en behou

Geen slentery of raasversteuring sal toelaat

Rommel en besoedeling sal bestry

Terug ploeg in gemeenskap

Hiermee plaas ek as inwoner van Abbotsdale my handtekening op my eie, kenis en informasie was verskaf, ek is ten gunste van n wettige drank winkel wat n voordeel vir ons gemeenskap kan wees. Ek verstaan en is vertrouwd met informasie wat aan my verduidelik was.

MUNISIPALITEIT SWARTLAND				
TEENST.	AMPTL.	VERBOD.	REKON.	REKON.
15/3/10-1	Erf 107			
SSSB - AJ				
De/				



	NAMES OF SUPPORTERS WINKEL LIQUORS	ADDRESS	CONTACT NUMBER	SIGNATURE
1	Wafraal Erasmus	123	0135835772	[Signature]
2	ANNEKE HETHELIUS	132	064042111	[Signature]
3	Boudry Erasmus	123	0745744072	[Signature]
4	Gloria Smith	123	012055101	[Signature]
5	BERNARD HETHELIUS	132		[Signature]
6	OMAR 342	FRANK	0642803456	[Signature]
7	S Sago	156 Spoorweg	0737393551	[Signature]
8	C. Krueling	310 Winkel	0720812669	[Signature]
9	J. VAN COOT	"	07070409571	[Signature]
10	Jaque Erasmus	123	0812477380	[Signature]
11	S. SYSTER	310	0835499172	[Signature]
12	A. Esau	311	063284682	[Signature]
13	M. FOUJIS	156 Spoorweg	0835499172	[Signature]
14	B. ERASMUS	126 Winkel	085197905	[Signature]
15	E. Koopman	Spoorweg 165	084 0362914	[Signature]
16	M. ISAACS	164	0755503946	[Signature]
17	S. ERASMUS	140 Darlingweg	0644 754939	[Signature]
18	H. la Meys	142 Darlingweg	0644 754931	[Signature]
19	[Signature]	Spoorweg	0829756078	[Signature]
20	J. M. FRANK	74 Winkel	0824296739	[Signature]
21	T. de Boer	131	0665151070	[Signature]
22	C. de Boer	131	0619501753	[Signature]
23	Henry Hendrick	132 Winkel	0742804436	[Signature]
24	J. Dickson	Winkelst. 14	060520042	[Signature]
25	S. Cloete	"	0611623415	[Signature]
26	J. Mentoor	111	0768539261	[Signature]
27	H. Mentoor	Winkelst.	0724106263	[Signature]
28	A. SYSTER	156 Winkel	0680574078	[Signature]
29	C. F. J. VAN HANDEL	164 Spoorweg	0795493765	[Signature]
30	S. J. BOUWEN	275 Winkel	0626180909	[Signature]
31	L. BOUWEN	128 Winkel Street	067 8765596	[Signature]

	NAMES OF SUPPORTERS WINKEL LIQUORS		CONTACT NUMBER	SIGNATURE
31	Denton PETERSEN	Winkelstr 108	0634284286	[Signature]
32	Luis Abel Eder	Winkelstr 154	0615734934	[Signature]
33	Monique Abender	Sparwegstr 12	0820573777	[Signature]
34	Lorenz Fortuin	Winkelstr 108	0830304818	[Signature]
35	John Williams	Winkelstr 322	0875694531	[Signature]
36	TREVOR GREENING	729 ^{5TH} AVE	0797330984	[Signature]
37	JARREN JUDMAN	Winkelstr	0663012443	[Signature]
38	Stephan Solomons	Winkelstr	0710396654	[Signature]
39	Wendeline Syter	Winkelstr 112	0720183400	[Signature]
40	MILROY ISRAEL	Winkelstr 112	0751877112	M. ISRAEL
41	Stephanus Teysser	Kloof Str.	0828700259	[Signature]
42	Harold Aude	Kloof Str.	0843269570	[Signature]
43	Lone Arendse	Kloofstr.	084349570	[Signature]
44	Charmaine Cursons	Winkelstr 30	0817149160	[Signature]
45	Chanel Steyn	Winkelstr	0619409477	[Signature]
46	TREU	Winkelstr	083785254	[Signature]
47	Harriet Honarick	Winkelstr 132	0712833094	[Signature]
48	Wilhelm van Hamba	Winkelstr	0631075878	[Signature]
49	Kevin Jaster	Winkelstr 132	0810735587	[Signature]
50	Julien Joffe	Winkelstr	-	[Signature]
51	George van der Merwe	Winkelstr	0830000000	[Signature]
52	Peter Abender	Winkelstr	0830000000	[Signature]
53	Stephanus Teysser	Winkelstr	0830000000	[Signature]
54	Stephanus Teysser	Winkelstr	0830000000	[Signature]
55	Antonia Ludeman	Winkelstr	0790565265	[Signature]
56	Mari Lincoln Jones	Spice Weg	0663070416	[Signature]
57	K. Valentine	Spice Weg 157	-	[Signature]
58	S. Coetzee	Spice Weg 157	0722870020	[Signature]
59				
60				

	NAMES OF SUPPORTERS WINKEL LIQUORS	ADDRESS	CONTACT NUMBER	SIGNATURE
61	BREYTON ISAACS	137 WINKEL STR	0784057431	B. Isaacs
62	AUTHERA ISAACS	"	0782846155	A. Isaacs
63	DAVID CARLSE	117 WINKEL STR	0761905699	
64	GLINAY CARLSE	"	0713551799	
65	Samuel Abrahams	241 BSL Bury	0736515381	
66	PETER BROWN	11 WOODSIR ST ABBOTSDALE	0638920021	
67	Hazel Arendse	138 Wink Str	0822254751	
68	Coulen Gysenberg	124 Winkel str.	0742473388	
69	Veronique ARENDSE	410 Winkelstr	0631925426	
70	MICHELLE FORTUIN	145 WINKEL ST	0633516211	M. Fortuin
71	Stephan Palmeyer	145 Wink Str	0631564388	S. Palmeyer
72	Erwin Hoyer	HOLMEYER STR ABBOTSDALE	0749400006	
73	CELESTE Grant	305 Winkelstr ABBOTSDALE	0620708924	
74	ROYSTON ARENDSE	166 Harting weg	0719227299	R. Arendse
75	Godwin Jacobs	314 Spoorweg str. nat	0642536308	
76	Liam Ringwest	115 Winkel straat	0813153974	
77	TREVOR folding	127 WINKEL STR ABBOTS	0733816272	
78	MEDA LUETE	58 SPOORWEG STR ABBOTSDALE	0812523322	M. Luete
79	TAMMY-CANE LUETE	750 WINKELSTR ABBOTSDALE	0843292766	
80	MAXWELL SYSTER	130 WINKELSTR	0783752090	
81	Rayo Paulus	321 Spoorwegstr	0810954531	
82	Harzen Syster	136 Kopsstr.	0638032548	
83	Ashwik Siebortz	43 Schootstraat	0712059212	
84	DURWIN BROWN	Kloofstr	0643517464	
85	HERSTEN VEDSTAN	211 KEEKSE	0712143628	
86	KURT STEYN	104 SPOORSIR	0619760652	
87				

ABBOTSDALE NEIGHBOURHOOD WATCH

Accreditation nr: Dcs15/18/349

130 WINKEL STREET, ABBOTSDALE, 7301 (CONTACT: 062 402 0523/078 692 9105)



Aan wie dit mag aangaan

23 Junie 2021

Met hierdie skrywe het Abbotsdale Buurtwag nie beswaar teen die oprig en bedryf van 'n wettige drankwinkel in Winkelstraat nie, solank:

- Dit ordelik gehandhaaf word
- Streng volgens besigheidsure handel dryf met geen musiek wat blêr nie
- Nie alkohol aan minderjariges verkoop nie
- Nie op skuld verkoop word nie soos onwettige smokkelhuise en shebeens nie
- Nie op 'n Sondag handel dryf nie
- Streng dissipline toegepas word
- Werkskepping aan inwoners verskaf
- Terugploeg in die gemeenskap

Die uwe

C. Daniëls

[Epos: labbotsdalenhw@gmail.com/ccdaniels.wp@gmail.com](mailto:labbotsdalenhw@gmail.com/ccdaniels.wp@gmail.com)

HOTNCOLD SOLUTIONS(PTY) LTD
REGISTRATION NUMBER: 2018/516004/07

RESOLUTION PASSED ON THE 12TH DAY OF FEBRUARY 2021

RESOLVED:

1. **NOTICE**

THAT notice of the meeting has been dispensed with.

2. **RESOLVED**

- 2.1 THAT the company is authorized to apply for an off-consumption (Section 33(1)(c)) in terms of Section 36 of the Western Cape Liquor Act, as amended, by way and in the form of an application to the Western Cape Liquor Authority;
- 2.2 AND THAT the company is also authorized to apply in terms of Section 52(1) of the Western Cape Liquor Act, as amended, by way and in terms of an application to the Western Cape Liquor Authority;
- 2.3 AND THAT the company is hereby granted the authority and given the permission to trade in and/or sell liquor on the proposed license premises leased by the company;
- 2.4 AND THAT Edgar Lindzay Williams is hereby authorized to be appointed as the nominated manager of the proposed licensed premises in respect of the license in the company's name;
- 2.5 AND THAT a Power of Attorney is executed in favour of Advocate WJ Van Der Merwe, to nominate and appoint him as an agent and

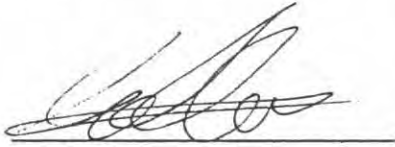
further authorize him to sign all documents in relation to the
aforementioned applications.

A handwritten signature in black ink, appearing to be 'E. Williams', written over a horizontal line.

HOTNCOLD SOLUTIONS (PTY) LTD

Herein represented by:

Edgar Lindzay Williams

A handwritten signature in black ink, appearing to be 'Edgar Lindzay Williams', written over a horizontal line.

EDGAR LINDZAY WILLIAMS

(Director)

POWER OF ATTORNEY

I, the undersigned

EDGAR LINDZAY WILLIAMS

Do hereby nominate and appoint

ADVOCATE WJ VAN DER MERWE

Of

THE CAPE BAR

1302 HUGUENOT CHAMBERS

40 QUEEN VICTORIA STREET

CAPE TOWN

(hereinafter called the "Agent")

1. To submit to the Western Cape Liquor Authority applications in terms of sections 33(1)(c) (off-consumption licence) and 52(1) (Appointment of designated manager) extension/ of the **Western Cape Liquor Act 4 of 2008** (the "Act") (as amended by the **Western Cape Liquor Amendment Act 10 of 2010** and **Western Cape Liquor Amendment Act 3 of 2015**), and the **Western Cape Liquor Authority** established by section 2(1) of the Act, on behalf of HOTNCOLD SOLUTIONS (Pty) Ltd;
2. To sign and execute the necessary acts, instruments and documents on its behalf;
3. Generally, to act in relation to the company's affairs with particular regard to be had for the licence, referred to in section 33 of the Act, or deemed to be such a licence in terms of section 89 of the Act, and in relation to this deed as fully and effectively in all respects as the company could do.

I undertake to ratify and confirm whatever my agent or any person appointed by him shall lawfully do or cause to be done by virtue of this power of attorney.

Signed at Cape Town on this the 12TH day of **February 2021**, in the presence of the undersigned witness:

1.



Witness



EDGAR LINDZAY WILLIAMS

Annex "F"



CONSECUTIVE CLEAN AUDITS



*Ons gee gestalte aan 'n beter toekoms!
We shape a beter future!
Sibumba ikamva elingcono!*

Lêer verw: 15/3/1

Navrae:
Me A. De Jager

19 Januarie 2021

JJ Cloete-Williams
Winkelstraat 130
Abbotsdale
7300

Per hand

Geagte Meneer/Dame

SONERINGCERTIFIKAAT: ERF 107, ABBOTSDALE

Hiermee word bevestig dat Erf 107, Abbotsdale, as Residensiële Sone 1 gesoneer is, soos in Skedule 2 van Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020) vervat.

Die primêre reg wat binne hierdie sone geakkommodeer word is 'n enkel woonhuis, met verfilming as addisionele gebruiksreg.

Die volgende vergunningsgebruike kan, slegs met spesiale toestemming van die Swartland Munisipaliteit, ook binne Residensiële Sone 1 geakkommodeer word, naamlik: 'n tweede wooneenheid of dubbelwoonhuis, bed & ontbyt bedryf, gastehuis, dagsorgsentrum, plek van onderrig, plek van aanbidding, 'n tuisberoep, huiswinkel, huistaverne.

Die uwe

MUNISIPALE BESTUURDER
per Departement Ontwikkelingsdienste

AdJ/ds

Amex " 1 Page.



Imagery ©2020 CNES / Airbus, Maxar Technologies, Map data ©2020 AfriGIS (Pty) Ltd 20 m

Annex "1 Page"

1113/0

301



29
16

Annex "G"

SWARTLAND FIRE SERVICES (PTY) LTD

078 871 6548 | 074 836 2326 | 022 433 3150 | MHFIRESERVICES@GMAIL.COM

REG NO: 2017/289087/07

CERTIFICATE OF NEW INSTALLATION

This is to certify that

HOTnCOLD SOLUTIONS (PTY)LTD t/a WINKEL LIQUOR STORE

ABBOTSDALE

Installed / serviced fire safety equipment

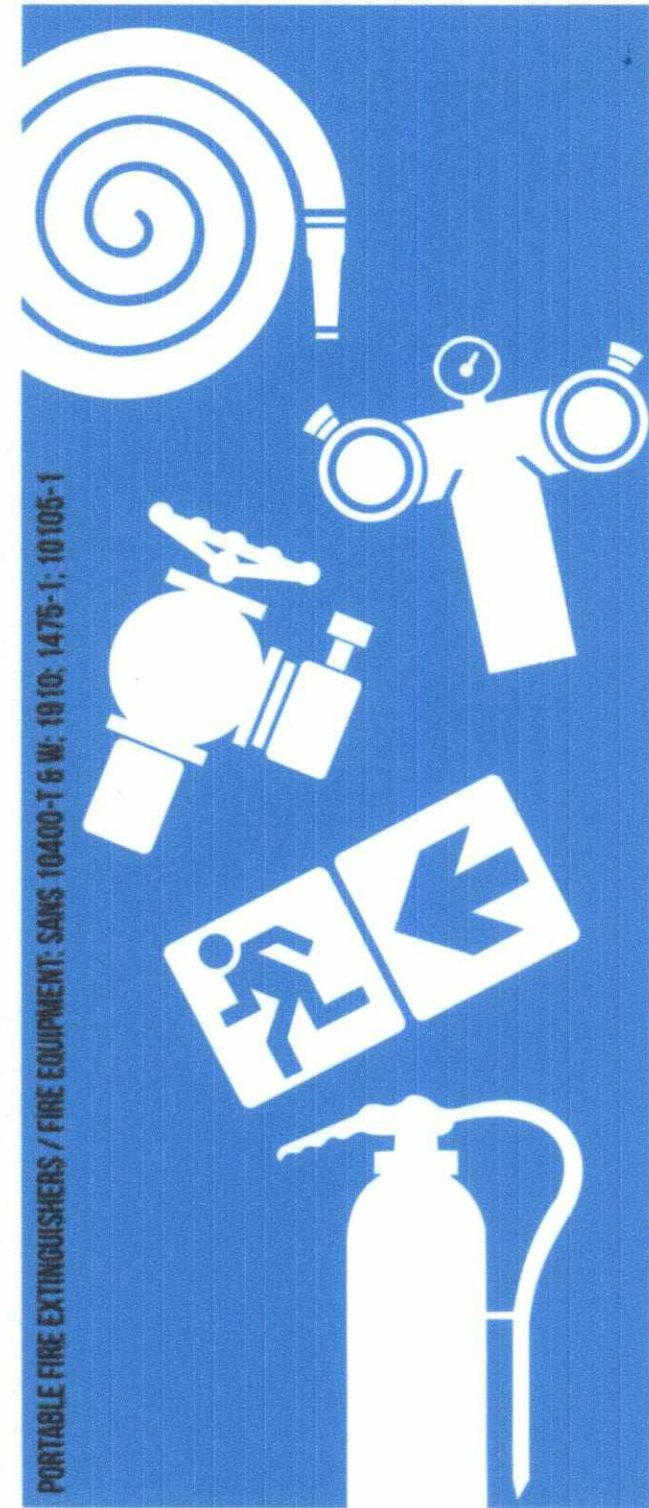
Installation / Issue date: August 2021

Next due Service date: August 2022

Director Signature



PORTABLE FIRE EXTINGUISHERS / FIRE EQUIPMENT: SANS 10400-T & W: 1910: 1475-1: 10105-1





IMPORTANT NOTICE

Annex "H"

2 Pages.

FORM 3A

NOTICE OF APPLICATIONS FOR LIQUOR LICENCES IN TERMS OF SECTION 37(1) OF THE WESTERN CAPE LIQUOR ACT, 2008 - [REG. 10(1)]

Notice is hereby given that the following applications for liquor licences have been lodged with the Western Cape Liquor Authority (the Authority) and with the designated liquor officers at the indicated South African Police Service offices. The applications concerned may, up to and including the 28th day from the date of publication of the application, upon request and free of charge, be inspected by any person, at the offices of the Authority or the designated liquor officer listed hereunder. Copies of an application can be obtained from the Authority after payment of the prescribed fee. Objections and representations must be lodged in writing with the Authority and the designated liquor officer in accordance with section 39 of the Act.

VORM 3A

KENNISGEWING VAN AANSOEKE OM DRANKLISENSIES INGEVOLGE ARTIKEL 37(1) VAN DIE WES-KAAPSE DRANKWET, 2008 - [REG. 10(1)]

Hiermee word kennis gegee dat die volgende aansoeke om dranklisensies ingedien is by die Wes-Kaapse Drankowerheid (die Owerheid) en by die aangewese drankbeampes by die aangeduide Suid-Afrikaanse Polisiedienskantore. Die betrokke aansoeke kan, tot en met die 28ste dag vanaf die datum van publikasie van die aansoek, op versoek en gratis deur enige persoon besigtig word by die kantore van die Owerheid of die aangewese drankbeampte hieronder gelys. Afskrifte van 'n aansoek kan by die Owerheid verkry word na betaling van die voorgeskrewe fooi. Besware en verhoë moet ooreenkomstig artikel 39 van die Wet skriftelik by die Owerheid en die aangewese drankbeampte ingedien word.

IFOMU 3A

ISAZISO SOKUFAKWA KWESICELO SEPHEPHA MVUME NGOKWECANDELO 37(1) LOMTHETHO WOTYWALA WENTSHONA KOLONI KA-2008 - [UMGAQO 10(1)]

Isaziso siyanikezelwa ukuba ezi zicelo zilandelayo zamaphepha mvume otywala zifakiwe kwabasemaGunyeni ezoTywala eNtshona Koloni (abasemaGunyeni) nakumagosa ajongene nemiba engotywala kwii-ofisi ezixeliweyo zeeNkonzo zamaPolisa aseMzantsi Afrika. Izicelo ekubhekiselelwa kuzo zingakwazi kwiintsuku ezingamashumi amabini anesibhozo (28) ukususela ngomhla wokupapashwa kwesi sicelo, xa eceliwe kwaye simahla, ziye kuhlolwa nguye nawuphi umntu okwi-Ofisi esemaGunyeni okanye yegosa elijongene nemiba engotywala elixelwe apha ngezantsi. Iikopi zesicelo zingafumaneka kwabasemaGunyeni emva kwentlawulo emiselweyo. Uchaso neengxelo ezixhasayo ezibhaliweyo zingafakwa kwabasemaGunyeni nakwigosa elijongene nemiba engotywala ngokwecandelo 39 loMthetho.

No.	Full name of applicant	Name under which business will be conducted	Address of the proposed premises	Kind of licence applied for	South African Police Services designated liquor officer office where the application has been lodged
	Volle naam van aansoeker	Naam waaronder besigheid bedryf sal word	Adres van die voorgename perseel	Tipe lisensie waarom aansoek gedoen word	Suid-Afrikaanse Polisiediens-kantoor van die aangewese drankbeampte waar die aansoek ingedien is
	Igama elipheleley lomfaki-sicelo	Igama ohini eza kushishina phantsi kwalo	Idilesi yesakhiwo	Uhlobo lwephepha mvume olucelayo	i-Ofisi yeGosa elijongene nemiba engotywala yeeNkonzo zamaPolisa eMzantsi Afrika

1.	Riebeek River Road CC	Yellowwood	Yellowwood, Farm Weltevreden, Riebeek River Road, Riebeek Kasteel, 7300	Micro-Manufacture On & Off - Consumption	Riebeek West
2.	Woolworths (Pty) Ltd	Woolworths (De Korenvlij Village - Malmesbury)	Shop 01, De Korenvlij Village Shopping Centre, 139 Voortrekker Road, Malmesbury, 7300	Off - Consumption	Malmesbury
3.	Starcrow 50 CC	Myrtledene Restaurant	Portion 1, Klipfontein Farm, Myrtledene Road, Malmesbury, 7300.	On Consumption	Malmesbury
4.	Hotncold Solutions (Pty) Ltd	Winkel Liquor Store	130 Winkel Street, Abbotsdale, 7301	Off - Consumption	Malmesbury

Annexure "Ja"

Annex " " 4 Pages.

Vrydag 30^{ste} Oktober 2020.

Hiermee Gee ek Johanna Cloete-Williams kennis dat ek ten volle bewis, instem saak as toestemming gee te aansoek op dranklisensie by my erf en op geregistreerde besigheids eiendom 130 Winkelstraat Abbotsdale gestaan word deur my en daar volle ondersteuning is.

Groete 30 Oktober geteken Abbotsdale Malmesbury

JJ Cloete Williams.



TRANSPORTAKTE

T000005755 / 2012

HIERBY WORD BEREND GEMAAK DAT

AIDAN KENNY

verskyn het voor my, Registrateur van Aktes te Kaapstad, hy die gesegde Komparant synde daartoe behoorlik gemagtig deur 'n volmag uitgevoer te Malmesbury op die 28STE dag van SEPTEMBER 2011 deur

DIE EKSEKUTEUR IN DIE BOEDEL VAN WYLE MARTHIN JAMES CLOETE (BOEDEL NOMMER 1525/2010)

welke volmag, geteken in die teenwoordigheid van getuie ooreenkomstig die Wet, my hede getoon is

T000005755 / 2012

En

En die Komparant het verklaar dat sy voorsegde Prinsipaal werklik en wettiglik op 1 Maart 2011 verkoop het aan die ondergenoemde Transportneemster en dat hy, in sy voornoemde hoedanigheid in volle en vrye eiendom sodeer en transporteer aan en ten gunste van:

JOHANNA JAKOEA CLOETE-WILLIAMS
 (Identiteitsnommer 420505 0119 08 1)
 Ongetroud

Haar Erfgename, Eksekuteurs, Administrateurs of Gemaagtigdes

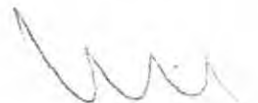
Restant ERF 107 Abbotsdale, in die Swartland Munisipaliteit, Afdeling Malmesbury
 Provinsie Wes-Kaap;

GROOT : 2 010 (Twee Duisend en Tien) vierkante meter ;

AANVANKLIK oorgedra en steeds gehou kragtens Transportakte Nr.T.16703/1988
 met Algemene Plan Nr.11199 wat daarop betrekking het.

ONDERHEWIG aan die voorwaardes vervat in Akte van Toekenning gedateer
 17 Januarie 1870, Malmesbury Erfpagte Boekdeel 1 Nr.25.

DIE Komparant/...



DIE Komparant doen dus hiermee afstand van al die regte, aanspraak en titel wat die gemelde

BOEDEL WYLE MARTHIN JAMES CLOETE (BOEDELNOMMER 1525/2010)

voorheen op genoemde eiendom gehad het, en gevolglik erken die Komparant ook dat die Transportgewer geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat kragtens hierdie akte, bogenoemde

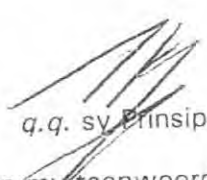

TRANSPORTNEEMSTER

Haar Erfgename, Eksekuteurs, Administrateurs of Regverkrigendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die Regte van die Staat; en ten slotte erken hy dat die hele Koopsom behoorlik betaal of verseker is in die bedrag van

R290 000.00 (Twee Honderd en Negentig Duisend Rand).

TEN BEWYSE waarvan ek, die genoemde Registrateur, tesame met die Komparant, hierdie Akte onderteken en dit met die Ampseël bekragtig het.


ALDUS GEDOEN en verly op die Kantoer van die Registrateur van Aktes, te Kaapstad op hede die 10^{de} dag van Februarie in die jaar van ons Heer, Twee Duisend en twaalf (2012).


q.q. sy Prinsipaal/ale.
In my teenwoordigheid, 




REGISTRATEUR VAN AKTES





Annex "J" 3 Pages

 **REPUBLIC OF SOUTH AFRICA**
NATIONAL IDENTITY CARD

Surname:
WILLIAMS
Names:
EDGAR LINDZAY
Sex:
M
Nationality:
RSA
Identity Number:
8507105200089
Date of Birth:
10 JUL 1985
Country of Birth:
RSA
Status:
CITIZEN



Signature:


Conditions: Date of Issue:
01 AUG 2016

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Department of Home Affairs in terms of the
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For enquiry or verification purposes contact 0800 90 11 90

 **RSA** 102623641




71143

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I.D.No. 870512 0152 08

S.A. BURGER/S.A. CITIZEN

VAN/SURNAME
DAMES

VOORNAME/FORENAMES
MONIQUE LEONORA

GEBORTEDISTRIK OF-LAND/
DISTRICT OR COUNTRY OF BIRTH
SUID-AFRIKA

GEBORTE DATUM/
DATE OF BIRTH
1987-05-12

DATUM UITGEREIK
DATE ISSUED
2003-06-23

UITGEREIK OP GESAG VAN DIE
DIREKTEUR-GENERAAL:
BINNELANDSE SAKE

ISSUED BY AUTHORITY OF THE
DIRECTOR-GENERAL:
HOME AFFAIRS

REGISTERED RESIDENTIAL AND POSTAL ADDRESS

1. Bewaar die bewys van u GEREKISTREERDE WOON- EN POSADRES in hierdie sakkie.

2. Indien u van adres verander het, of indien besonderhede van u huidige adres, bv. straatnaam en/of -nommer, ens. verander het, moet die vorm KENNISGEWING VAN ADRESVERANDERING, wat in die sakkie agter in die identiteitsdokument is, gebruik word om die verandering aan te meld en moet dit ingedien word by of gepos word aan die naaste streek-/distrikkantoor van die DEPARTEMENT VAN BINNELANDSE SAKE.

1. Keep the proof of your REGISTERED RESIDENTIAL AND POSTAL ADDRESS in this pocket.

2. If you have changed your address, or, if particulars of your present address, e.g. name of street and/or street number, etc., have been changed, the NOTICE OF CHANGE OF ADDRESS form in the pocket at the back of the identity document must be used to report the change and it must be handed in at or posted to the nearest regional/district office of the DEPARTMENT OF HOME AFFAIRS.



SUID-AFRIKAANSE POLISDIENST
STATION COMMANDER
M. ALLISON BRY
07 OCT 2020
COMMUNITY SERVICE CENTRE
SOUTH AFRICAN POLICE SERVICE

Ek verklaar dat hierdie dokument in ware althuis 'n kopie is van die oorspronklike wat deur my persoonlik besigtig is en dat, volgens my waarnemings, die oorspronklike nie op enige wyse gewysig is nie. Original has not been altered in any way.

[Handwritten Signature]
Handtekening/Signature

P0742

GEREGISTREERDE WOON- EN POSADRES

1. Bewaar die bewys van u GEREGISTREERDE WOON- EN POSADRES in hierdie sakkie.

2. Indien u van adres verander het, of indien besonderhede van u huidige adres, by straatnaam en/of -nommer, ens. verander het, moet die vorm KENNISGEWING VAN ADRESVERANDERING, wat in die sakkie agter in die identiteitsdokument is, gebruik word om die verandering aan te meld en moet dit ingedien word by of gepos word aan die naaste streek- distrikkantoor van die DEPARTEMENT VAN BINNELANDSE SAKE.

REGISTERED RESIDENTIAL AND POSTAL ADDRESS

1. Keep the proof of your REGISTERED RESIDENTIAL AND POSTAL ADDRESS in this pocket.

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1

I.D.No. 420505 0119 08 1



S. A. BURGER/S. A. CITIZEN

VAN/SURNAME

CLOETE-WILLIAMS

VOORNAME/FORENAMES

JOHANNA JAKOBA

GEBORTEDISTRIK OF LAND/
DISTRICT OR COUNTRY OF BIRTH

SUID-AFRIKA

GEBORTE DATUM/
DATE OF BIRTH

1942-05-05



DATUM UITGEREIK
DATE ISSUED

2006-10-11

UITGEREIK OF BESAG VAN DIE
DIREKTEUR-GENERAAL:
BINNELANDSE SAKE

ISSUED BY AUTHORITY OF THE
DIRECTOR-GENERAL:
HOME AFFAIRS

SUID-AFRIKAANSE POLISIEDIENS
STATION COMMANDER
MALLIESBURG
07 OCT 2020
COMMUNITY SERVICE CENTRE
SOUTH AFRICAN POLICE SERVICE

Ek verskien dat hierdie dokument 'n kopie is van die
I certify that this document is a copy of the original
oorspronklike wat deur my ondersoek is en dat, volgens my
which was examined by me and to my observation the
waarnemings, die oorspronklike se inhoud op geen wyse gewysig is nie.
original has not been altered in any manner.

[Handwritten Signature]
Tjekering/Signature

Annex "K"
5 Pages



Annexure "M"

LAND USE PLANNING APPLICATION FORM

In terms of the Swartland Municipal By-law on Municipal Land Use Planning, 2020

NOTE: Please complete this form using BLOCK capitals and ticking the appropriate boxes.

PART A: PROPERTY DETAILS (in accordance with Title Deed)

Property Description [Erf / Erven / Portion(s) and Farm number(s)]					
Physical Address	130 Winkel Street Abbotsdale Malmesbury				
GPS Coordinates		Town	Western Cape		
Current Zoning		Extent	m ² / ha	Are there existing buildings?	Y N
Current Land Use					
Title Deed number & date	T				
restrictive conditions prohibiting application?	Y	N	If Yes, list condition number(s).		
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies).		
Is the property encumbered by a bond?	Y	<input checked="" type="radio"/> N	If Yes, list Bondholder(s) ?		
Any existing unauthorised buildings and/or land use on the subject property(ies)?	Y	<input checked="" type="radio"/> N	If yes, is this application to legalise the building/land use?	Y	N

PART B: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	Y	<input checked="" type="radio"/> N	If Yes, please complete the information below and if available attach the minutes.
Official's name		Reference number	Date of consultation

ART C: TYPE OF LAND USE APPLICATIONS BEING SUBMITTED IN TERMS OF SECTION 25 OF THE SWARTLAND MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING & APPLICATION FEES PAYABLE

Has there been any previous related application(s)? Y N If yes, provide the municipal reference no.

All prices include VAT (15%) and are valid from 1 July 2020 to 30 June 2021

Tick	Type of application		FEES PAID
	a rezoning of land – Section 25(2)(a); [9/222-945-9234]	R2 900.00	
	Rezoning to sub-divisional area	R2 900.00+ R1 100.00 per land use (open spaces and roads not included)	
	a permanent departure from the development parameters of the zoning scheme – Section 25(2)(b); [9/222-347-9254]	Erven < 500m ² R470.00 Erven 501-750m ² R605.00 Erven > 750m ² R740.00	
	a departure to use land for a purpose not provided for in the zoning scheme granted on a temporary basis – Section 25(2)(c); [9/222-337-9192]	R2 160.00 House shop [9/222-339-9192] R675.00	
	a subdivision of land that is not exempted in terms of section 34, including the registration of a servitude or lease agreement – Section 25(2)(d); [9/222-1109-9244]	R1 555.00 More than 10 erven R1 555 + R60/ erf above 10 erven	
	a consolidation of land which is not exempted in terms of section 34 – Section 25(2)(e); [9/222-279-9244]	R1 470.00	
	an amendment, suspension or removal of restrictive conditions in respect of a land unit – Section 25(2)(f); [9/222-919-9234]	R2 900.00	
	a permission required in terms of the zoning scheme – Section 25(2)(g); [9/222-275-9234]	R2 900.00	
	an amendment, deletion or imposition of conditions in respect of an existing approval – Section 25(2)(h); [9/222-89-9234]	Keeping of animals R660.00 If public participation is required R2 125.00 If public participation is not required R955.00	
	an extension of the validity period of an approval – Section 25(2)(i);	Of a rezoning or consent use [9/222-945-9234] R970.00	
		Of a subdivision [9/222-1109-9244] R520.00	
		Of a temporary departure [9/222-337-9192] R520.00	
		House shops / Day care centres [9/222-339-9192] R310.00	
	an approval of an overlay zone as provided for in the zoning scheme – Section 25(2)(j); [9/222-945-9234]	R2 900.00	
	a phasing, amendment or cancellation of a plan of subdivision or a part thereof – Section 25(2)(k); [9/222-1109-9244]	R1 555.00	
	a permission required in terms of the conditions of approval – Section 25(2)(l); [9/222-89-9234]	R2 900.00	
	a determination of a zoning – Section 25(2)(m); [9/222-345-9246]	R2 900.00	

n
n
m
m
m
%
m
m

	a closure of a public place or part thereof – Section 25(2)(n); [9/222-251-9246]	R1 470.00	
✓	a consent use provided for in the zoning scheme – Section 25(2)(o); [9/222-275-9234]	R2 900.00	
	House shops / Day care centre [9/222-277-9234]	R660.00	
✓	an occasional use of land – Section 25(2)(p); [9/222-337-9192]	R2 160.00	
✓	To disestablish a home owner's association – Section 25(2)(q); [9/222-281-9246]	R565.00	
✓	To rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services – Section 25(2)(r); [9/222-281-9246]	R565.00	
✓	A permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building – Section 25(2)(s); [9/222-945-9234]	R2 900.00	

PRESCRIBED NOTICE AND ADVERTISEMENT FEES**

✓	SERVING OF NOTICES	Delivering by hand; Registered Letters; [9/222-811-9188]	R40/ Letter	
✓	PUBLICATION OF NOTICES	Local Newspaper(s); [9/222-50-9188]	R4 690.00	
		Combination applications: Additional cost per application type. [9/222-49-1443]	R800.00	
✓	PUBLICATION OF NOTICES	Provincial Gazette [9/222-52-9188]	R1 050.00	
✓	NOTICE OF DECISION	Provincial Gazette [9/222-52-9188]	R1 050.00	
✓	INTEGRATED PROCEDURES	T.B.C. [9/222-51-1443]		

ADDITIONAL APPLICATIONS

✓	Amendment of the SDF – Section 10 [9/222-87-9190]	R2 900.00	
✓	Exemption from approval – Section 34 [9/222-460-9244]	R320.00	
✓	Approval of a constitution – Section 39(3) [9/222-281-9246]	R1 135.00	
✓	Approval of an architectural design manual – Section 39(3)(d) [9/222-281-9246]	R1 135.00	
✓	Amendment of a constitution or an architectural design manual – Section 39(6) [9/222-281-9246]	R570.00	
✓	appeal – Section 89(2) [9/222-96-9234]	R2 260.00	

TOTAL APPLICATION FEES*

R

* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.

The applicant is liable for the cost of publishing and serving notice of an application.

* Placing of advertisements may be required for all applications be by the Town Planner at his/her discretion. Please contact the division Planning of the Department: Development Services for the relevant banking details

PART D: DETAILS OF PROPOSAL

Departure / Consent / Amendment / Rezoning required

✓	Building line encroachment	Street	From		m	To		m
		Street	From		m	To		m
		Side	From		m	To		m
		Side	From		m	To		m
		Rear	From		m	To		m
	Exceeding permissible site coverage	From		%	To		%	
	Exceeding maximum bulk / floor factor	From			To			
	Exceeding height restriction	From			To			
	Exceeding maximum storey height	From		m	To		m	
	Rezoning	From		m	To		m	

Other / Temporary departure / Consent use (Please specify)

Aansoek te huistavere te
 of 107 130 Winkel Straat Abbotdale Malmesbury

Brief description of proposed development / intent of application: erf op Aktiwiteit straat soos op Aansoek aangedui residensiële zone 1

PART E: APPLICANT DETAILS

First name(s)	Edgar Lindzay		
Surname	Williams	SACPLAN Reg No. (if applicable)	
Company name (if applicable)	HotnCold Solutions		
Postal Address	130 Winkel street erf 107 Abbotsdale Malmesbury		Postal Code
			7301
Email	edgar.w@lele@gmail.com		
	Fax		Cell
			0833064497

PART F: REGISTERED OWNER(S) DETAILS (compulsory if different from applicant)

Registered owner	Johanna Jakobae Coete - Williams		
Postal Address	130 Winkel street Abbotsdale Malmesbury		Postal code
			7301
E-mail			
Tel	Fax		Cell
			071 719 2451

PART G: ATTACHMENTS & SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATIONS [Section 25(2)(a) to (s) of the By-law on Municipal Land Use Planning]

Please complete the following checklist and attach all the information relevant to the proposal. Failure to submit all information required will result in the application being deemed incomplete.

Is the following compulsory information attached?

<input checked="" type="radio"/>	N	Power of Attorney / Owner's consent if applicant is not owner	<input type="radio"/>	<input type="radio"/>	Bondholder's consent
<input checked="" type="radio"/>	N	Motivation report / letter	<input type="radio"/>	<input type="radio"/>	Proof of payment of fees
<input checked="" type="radio"/>	N	Full copy of the Title Deed	<input checked="" type="radio"/>	<input type="radio"/>	S.G. noting sheet extract / Erf diagram / General Plan
<input checked="" type="radio"/>	N	Proof of agreement or permission for required servitude			

Minimum and additional requirements:

<input checked="" type="radio"/>	N	N/A	Locality plan	<input type="radio"/>	<input type="radio"/>	N/A	Proposed Subdivision Plan (including street names and numbers)
<input checked="" type="radio"/>	N	N/A	Land Use Plan	<input type="radio"/>	<input type="radio"/>	N/A	Consolidation Plan
<input checked="" type="radio"/>	N	N/A	Zoning plan	<input type="radio"/>	<input type="radio"/>	N/A	Landscaping / Tree Plan
<input type="radio"/>	N	N/A	Site Development Plan	<input type="radio"/>	<input type="radio"/>	N/A	Conveyancer's Certificate
<input type="radio"/>	N	N/A	Phasing Plan	<input checked="" type="radio"/>	<input type="radio"/>	N/A	Home Owners' Association consent
<input type="radio"/>	N	N/A	Abutting owner's consent	<input type="radio"/>	<input type="radio"/>	N/A	1:50 / 1:100 Flood line determination plan

Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD) strickethrough irrelevant	<input checked="" type="radio"/>	N	N/A	Any additional documents or information required as listed in the pre-application consultation form/minutes
Y	N	N/A	Services Report or indication of all municipal services / registered servitudes	Y	N	N/A	Other (specify)
<input checked="" type="radio"/>	N	N/A	Proof of lawful use right (Zoning certificate)				

SECTION H: DECLARATION

I / We hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. That I/we am/are properly authorized to make this application on behalf of the owner and (where applicable) that copies of such full relevant Powers of Attorney/Consent are attached hereto.
3. That where a consultant/agent is indeed appointed to submit this application on the owner's behalf, it is accepted that correspondence and formal notification as required in terms of the by-law will only be sent to such consultant/agent and that the owner will regularly consult with the consultant/agent in this regard.
4. That, as owner/applicant/developer, I'm/we're aware of the state of existing bulk services provision and infrastructure availability in the subject area and that any development contributions might be payable in respect of the development herein proposed (if applicable).
5. **I'm aware that it is an offense in terms of Section 96(1) (d) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct and in doing so can lead to criminal proceedings of a fine or imprisonment or both.**
6. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that owner will regularly consult with the agent in this regard.
7. That this submission includes all necessary land use planning applications required to enable the development proposed herein.
8. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission

Applicant's signature:  Date: 18 Maart 2021.

Full name: Edgar Williams



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Afdeling: Bou-Omgewing

27 September 2021

15/3/3-8/Erf_674

15/3/4-8/Erf_674

WYK: 10

ITEM 6.4 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 13 OKTOBER 2021

LAND USE PLANNING REPORT

APPLICATION FOR THE REZONING AND DEPARTURE ON ERF 674, MALMESBURY

<i>Reference number</i>	15/3/3-8/Erf_674 15/3/4-8/Erf_674	<i>Application submission date</i>	7 June 2021	<i>Date report finalised</i>	1 October 2021
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PART A: APPLICATION DESCRIPTION

The application for rezoning of Erf 674, Malmesbury in terms of section 25(2)(a) of Swartland Municipality : Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) has been received. It is proposed that erf 674 be rezoned from Residential Zone 1 (1183m² in extent) and Business Zone 1 (245m² in extent) to Community Zone 1 (921m² in extent) and Business Zone 1 (507m² in extent) in order to accommodate a place of education (crèche), shop and flat in the existing buildings on the premises.

The application for departure of the development parameters on erf 674, Malmesbury in terms of section 25(2)(b) of Swartland Municipality : Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) has been received. The proposal is to depart from the parameters of the new zoning categories in respect of the non-provision of the prescribed on-site parking from 10 to 5 parking bays as well as the departure of the 10m street building line to 1m and the 5m side building line to 2,5m in order to accommodate the existing buildings.

The applicant is CK Rumboll & Partners and the property owner of erf 674, Malmesbury is the Andre Halvorsen Familietrust.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 674, Malmesbury in die Gebied van die Malmesbury Plaaslike Oorgangsraad, Afdeling Malmesbury, Provinsie Wes-Kaap				
Physical address	Voortrekkeweg 131	Town	Malmesbury		
Current zoning	Residential zone 1 and Business zone 1 (offices of 245m ² in extent)	Extent (m ² /ha)	1428m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipal : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020)				
Current land use	Dwelling, shop and attorney's offices	Title Deed number & date	T832/1997		

Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)	
Any third party conditions applicable?	Y	N	If Yes, specify	
Any unauthorised land use/building work	Y	N	If Yes, explain	

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)						
Rezoning	<input checked="" type="checkbox"/>	Permanent departure	<input checked="" type="checkbox"/>	Temporary departure		Subdivision
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval plan
Determination of zoning		Closure of public place		Consent use		Occasional use
Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		

PART D: BACKGROUND

Erf 674 use to be a Residential zone 1 property with a dwelling house and second dwelling on the property. A portion of the property was rezoned to Business zone 1 (restricted to offices - 245m² in extent) in December 2018.

Currently portions of the buildings on the property are being used as a dwelling house, a pet shop and offices of an attorney. The operation of the pet shop (operated from main dwelling building) and offices of the attorney (operated from the second dwelling) are in contradiction with the current zoning of the property.

It is the intention of the application to rezone portions of the property for educational purposes in order to operate a crèche and to accommodate the existing shop and flat (second dwelling).

The crèche will accommodate 20 to 24 children. The staff of the crèche will consist of 1 teacher and 2 supporting staff members. The teacher will reside in the flat (existing second dwelling). Supporting staff will travel to the property by means of public transport.

During the public participation process there were 2 objections received from affected parties. The major concern of the objectors were that Hugenote Street cannot accommodate the proposed drop-off and go area as it will lead to more congestion and could jeopardise the safety of the children. By addressing the objections the applicant amended the application. The amendment resulted that the departure of the on-site parking changed from 10 parking bays to 9 parking bays. Please see the amendment of the site development plans below.

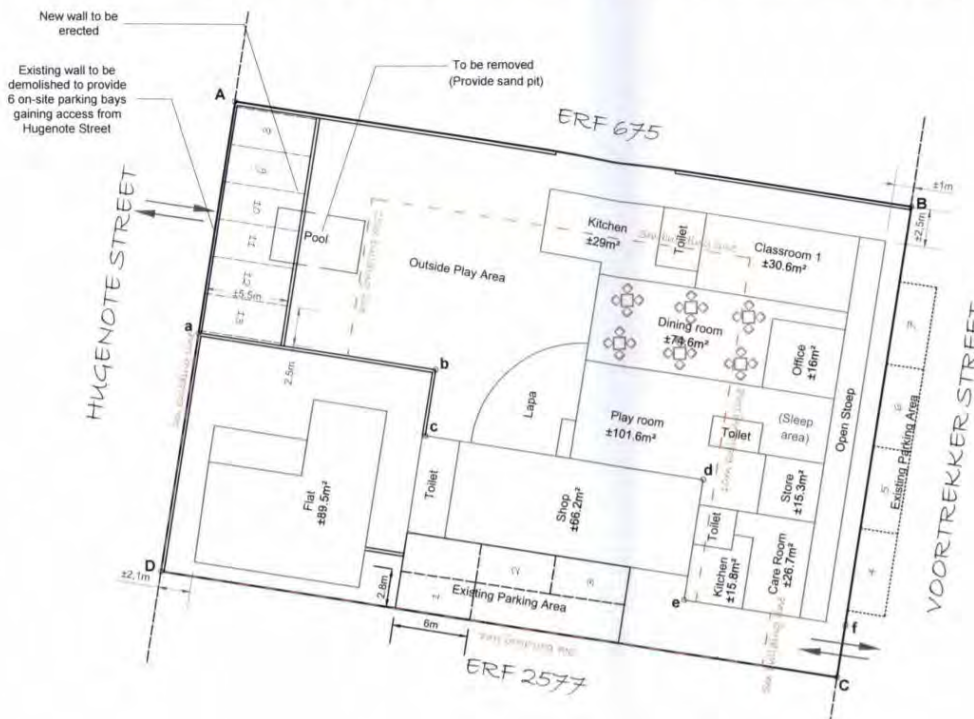
Original site development plan

PROPOSED DEVELOPMENT ON ERF 674, MALMESBURY



New site development plan

PROPOSED DEVELOPMENT ON ERF 674, MALMESBURY



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a brief summary of the outcomes below.
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PART F: SUMMARY OF APPLICANTS MOTIVATION

The following provides a summary of the motivation as discussed in detail above. In view of the latter, the subject application is considered desirable on the basis of the following:

1. The current zoning of the property is a split zoning, being Business Zone 1 and Residential Zone 1. This application is intend to enlarge the Business Zone 1 area to authorise a shop and flat on a part of the property and to rezone the remaining extent of the property to Community Zone 1 to establish a place of education (crèche) on the property.
2. No new buildings are proposed at this stage.
3. The development proposal complies with the land use proposals set out for Zone D within the SDF (2019).
4. The application is in compliance with the principles of LUPA and SPLUMA.
5. The proposal will not negatively affect any surrounding properties or the natural environment.
6. No heritage resources will be negatively impacted by the proposed development.
7. The proposed development will be complementary to the surrounding commercial, residential, and educational environment.
8. Erf 674 is located within the CBD, bordering an activity corridor, making the property highly suitable for mixed use development in terms of its locality and accessibility.
9. The proposed educational facility is compliant with the Development Parameters: A Quick Reference for the Provision of Facilities within Settlements of the Western Cape.
10. The educational facility will comply with National Health and Safety regulations.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-Law on Municipal Land Use Planning	Y	N
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With reference to Section 56(2) of the By-Law, notices were sent to affected parties by means of registered mail. A total of 17 notices were sent via registered mail to the owners of properties which are affected by the application. The application was also advertised in local newspapers and the Provincial Gazette. 6 Notices were returned uncollected.

Total valid comments	2			Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures				
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	No response was received from the Ward Councillor
Total letters of support	None						

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Departement: Siviele Ingenieursdienste	9 Julie 2021	<ol style="list-style-type: none"> 1. <u>Riool</u> Daar van die bestaande aansluiting gebruik gemaak word en dat geen addisionele aansluitings voorsien sal word nie. 2. <u>Water</u> Daar van die bestaande aansluiting gebruik gemaak word en dat geen addisionele aansluitings voorsien sal word nie. 3. <u>Strate & Stormwater</u> Die voorgestelde creché slegs van toegang vanuit Hugenotestraat voorsien word vir op- en aflaai doeleindes en dat geen toegang hiervoor vanuit Voortrekkestraat voorsien word nie. <p>Die voorgestelde parkeerplekke 8 tot 13 met inbegrip van die sygaardjie wat toegang verleen tot die parkeerplekke van 'n permanente oppervlak voorsien word.</p>	X	

		<p>4. <u>Parke</u> Geen kommentaar.</p> <p>5. <u>Ander kommentaar</u> Geen kommentaar.</p>		
Department: Elektriese Ingenieursdiens	11 Junie 2021	1. Indien enige munisipale elektriese dienste, byvoorbeeld die elektriese kiosk en straatlig in Hugenotestraat verskuif moet word, die eienaar/ontwikkelaar verantwoordelik sal wees vir die kostes.	X	
Department of Transport and Public Works	7 June 2021	1. This Branch herewith supports the recommendation and conditions supplied by the road authority and accordingly offers no objection to the proposal.	X	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>Please note that the objections have been grouped together in categories of similarity and will be addressed accordingly.</p>		
<p>HJ Kok on behalf of Flagstone Investments (owner of erf 719)</p>	<p>1. We are the owners of Erf 719, which are zoned Business Zone 1, restricted to the land use of offices. Therefore, the building is currently used accordingly.</p> <p>We just want to mention from the outset that we are not opposed to any development in Malmesbury. However, we have two objections to the proposal.</p> <p><u>Firstly, the proposed crèche:</u> The play area is indicated at the back of the premises and therefore directly opposite the offices. The problem can arise due to the noise factor that is usually associated with kindergartens, that we will receive complaints from our tenants (owners of the business operating in the office space) due to the noise. There is a wall, but it's not going to muffle the sound.</p> <p>2. Secondly, the proposed "drop-off-and-go" area: This section is shown across our site's parking area, and with</p>	<p>1. The portion of Hugenote Street (between Lowrey Cole and Lang Streets) in which erf 674 is situated accommodates high volumes of traffic as a result of the businesses that are situated in this portion of the street inside the CBD of Malmesbury.</p> <p>The proposed uses of a crèche, shop and flat are complimentary to the character of the street which accommodates businesses and single residential uses.</p> <p>The outside play area of the crèche will be screened by a boundary wall on the property on Hugenote Street. The outside playing area will not be in use all day.</p> <p>Given the existing noise created by traffic in Hugenote Street, as well as the distance from the nearest business, it is foreseen that possible noise created by the crèche will have a low impact on the surrounding properties.</p> <p>2. After consultation with the objectors the applicant amended the site development plan to provide 6 on-site parking bays on Hugenote Street. These on-site parkings</p>

<p>JM de Villiers (owner of erf 720)</p>	<p>Hugenote Street starting to get very busy, more traffic could start to become dangerous. Toddlers are not just dropped off, and there will be parked vehicles for a period of time. If one looks at the intended 24 toddlers and 20 vehicles that the toddlers drop off in the morning and pick up again in the afternoon, it is going to bring about a tremendous increase in traffic. We are of the opinion that the street can no longer handle more traffic as it is now.</p> <p>3. I have a problem with traffic and the pick-up and drop-off of learners in Hugenote Street. The corner of Croeser and Hugenote stop is already a traffic problem.</p> <p>There are many delivery trucks that drop off goods at the shopping centre.</p> <p>There are currently two street parking bays for the business premises on Erf 720 that are rented</p>	<p>provided on Erf 674 to waive the proposed drop-off-and-go area. Hugenote Street is deemed sufficient to accommodate the possible increase in traffic and the newly proposed parking area will reduce possible traffic congestion in Hugenote Street. The Site Development Plan is attached as Annexure B.</p> <p>The drop-off and pick-up times of the crèche are at 6:30-7:15 and 17:00-17:45 respectively, which are outside of business hours.</p> <p>Parents are also referred from the outset, to the office on the side of Voortrekker Road, i.e. for any appointments, they must use Voortrekker Street for parking. The road reserve width of Hugenote Street is 12.59m, which is substantially wider than the norm used nowadays in the design of towns. 12m reserves are used in residential areas to accommodate bus routes. The road width of Hugenote Street has been designed to accommodate high volumes of traffic. The provision of off-street parking/dropping areas will further alleviate any traffic congestion and the additional 10 odd motor cars will have no impact. Comparing Hugenote Street with streets in other cities where similar activities take place, traffic congestion fades in comparison as to what is the situation in all of our metropolitan areas. The establishment of the crèche will be the least intrusive from a traffic perspective of all allowable uses for this property.</p> <p>3. Refer to Point 2. The drop-off-and-go area is no longer proposed in Hugenote Street, as the Site Development Plan is amended to accommodate 6 additional on-site parking bays, gaining access from Hugenote Street. The Site Development Plan is attached as Annexure B.</p> <p>On-street parking bays are in the ownership of the Local Municipality and access cannot be denied to the public. The drop-off and pick-up times of the crèche are at 6:30-7:15 and 17:00-17:45 respectively. These times are outside of business hours, meaning that the on-street parking referred</p>	<p>will serve as the drop-off and pick-up area for the crèche which addresses the concerns of the objector.</p> <p>3. See the comments at point 2.</p>
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	<p>out. The parking bays purchased from the Municipality are used by Octavoscene and parents will use these parking bays during peak hours which will affect the business negatively.</p> <p>How will the street be secured for pick-up and drop-off of learners?</p>	<p>to by the objector (which is not marked out) will not be used by the crèche during business hours.</p> <p>Staff members will receive the children at the parking area on Hugenote Street and the drop-off area at Voortrekker Road.</p>	
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PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

The application was submitted in terms of the By-Law on 7 June 2021. The public participation process commenced on 24 June 2021 and ended on 26 July 2021 (affected parties and internal departments only) and on 26 August 2021 for external departments (Department of Transport and Public Works). The objections were received and referred to the applicant for comments on 4 August 2021. The municipality received the comments on the objections on the 1 September 2021.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

The application is evaluated according to the principles of spatial planning, as contained in the abovementioned legislation.

- a) **Spatial Justice:** According to the Spatial Development Framework (SDF) erf 674 is situated in Zone D. Zone D is the Central Business District with a commercial character. Business uses and secondary educational uses, which includes crèches, after care facilities and day care centres, are land uses accommodated in Zone D. The application is therefore in compliance with the spatial planning of Malmesbury. The application is therefore in compliance with the principle of spatial justice.
- b) **Spatial Sustainability:** The crèche, shop and flat will be accommodated in existing buildings. The Department: Civil Engineering Services indicated that existing services connections be used which will result in the optimal use of existing infrastructure within Malmesbury. The application is therefore in compliance with the principle of spatial sustainability.
- c) **Efficiency:** If the land use application is successful the property will accommodate 3 different land uses (crèche, shop and flat). Being situated inside the CBD of Malmesbury the proposed uses will contribute to the integration of social, economic and institutional aspects of land development. The application is therefore in compliance with the principle of efficiency.
- d) **Good Administration:** Notices were sent to affected property owners and the application was advertised in the local newspapers and Provincial Gazette. The comments from the relevant municipal departments and Department of Transport and Public Works were also obtained. Consideration was given to all correspondence received and the application was dealt with in a timeously manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) **Spatial Resilience:** The partial change of use of the property from residential to business (offices) in 2018 and now the proposed change from residential to educational is proof that the development potential of the property is being unlock. In future the use of the property may change again to business orientated uses as a result of the property being situated inside the CBD of Malmesbury. The application is therefore in compliance with the principle of resilience.

2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF)

Erf 674 is situated in Zone D according to the Spatial Development Framework (SDF). Zone D is the Central Business District with a commercial character. Business uses and secondary educational uses, which includes crèches, after care facilities and day care centres, are land uses accommodated in Zone D. The application is therefore in compliance with the spatial planning of Malmesbury.

The SDF forms an integral part of the IDP. Applications like these are measured according to the principles of the SDF to determine whether it is in compliance. Therefore it contributes to healthy management of the urban/rural area. IDP outcome 5.2.

2.3 Schedule 2 of the By-Law (Zoning Scheme Provisions)

The application includes two departures of development parameters. The one being a departure of building lines and the other a departure from the required on-site parking bays.

The departure of building lines include the departure of the 10m street building line (Voortrekker Road) to 1m and the 5m side building line (northern boundary) to 2,5m. The departures are as a result of the placement of the existing

buildings which needs to comply with the new zoning parameters. No new buildings are proposed. The departures of buildings lines have no impact and is supported.

The departure of on-site parking includes the departure of the required 10 parking bays to 9 parking bays. The on-site parking is evaluated as follows:

- Flat – 1.25 parking bays per unit & 0.25 parking bays for unit for guests. This implies that 1 on-site parking bay be provided for the flat. Parking bay marked no 1 on the site plan is reserved for the flat – compliance with parameter.
- Shop – 1 on-site parking bay per 25m² GLA needs to be provided. The total GLA of the shop is 66m² which implies that 2 on-site parking bays need to be provided. Parking bays marked 2 and 3 on the site plan is reserved for the shop – compliance with the parameter.
- Crèche – 1 parking bay per classroom/office and 1 parking bay per 6 students. 3 Classrooms/offices are provided and a maximum of 24 students will be accommodated. Therefore a total 3 + 4 = 7 on-site parking bays need to be provided. A total of 6 on-site parking bays are provided with access from Hugenote Street – departure of 1 on-site parking bay.

On Voortrekker Road there are 4 on-street parking bays in front of erf 674. These parking bays are primary used by the occupants of erf 674 or visitors to the property. It can be argued that visitors to the shop and crèche will be the patrons using these parking bays most of the time. See the photo below.



The applicant indicated that the 6 on-site parking bays obtaining access from Hugenote Street will be reserved only for the drop-off and pick-up area for the crèche. The 4 on-street parking bays in Voortrekker Road will only be used by parents/visitors to the crèche which want to visit the office of the teacher.

Taking into consideration the above mentioned, sufficient parking is provided for the crèche. The departure for the non-provision of 1 on-site parking bay is supported.

A financial contribution for the non-provision of 1 on-site parking be made.

3. **The desirability of the proposed development**

Erf 674, Malmesbury is zoned Residential zone 1 and Business zone 1 (restricted for office use – 245m² in extent). Currently portions of the buildings on the property are being used as a dwelling house, a pet shop and offices of an attorney. The operation of the pet shop (operated from main dwelling building) and offices of the attorney (operated from the second dwelling) are in contradiction with the current zoning of the property.

Access to a new on-site parking area is proposed with access from Hugenote Street. This portion of Hugenote Street in front of erf 674 has a raised kerb and the side walk accommodates a street light. See the photo below.



This section of the kerb needs to be dropped and the street light relocated in order to give unobstructed access to the proposed on-site parking bays. The costs for achieving this will be for the owner/developer.

The street boundary wall of erf 674 on Hugenote Street needs to be removed and a new wall with an access gate needs to be built to screen off the outside playing area of the crèche from the on-site parking area and Hugenote Street. Large Palm trees on the property and a part of the garden will need to be removed. There is also an existing swimming pool on erf 674 which will be filled up to enlarge the outside playing area of the crèche. The existing buildings can easily be converted into the proposed uses.

Other than the above mentioned physical restrictions, erf 674 has no physical restrictions which can impact negatively on the application.

Surrounding land uses include residential (dwellings) and business uses (Telkom depot, offices, restaurant, shops, shopping centre, petrol station and car dealership). The proposed land uses are complimentary to the existing mixed uses character of the area which is situated inside the CBD of Malmesbury.

As discussed at point 2.2, the application is in compliance with the spatial planning of Malmesbury.

The existing building to be used for the crèche and the existing garden provides sufficient space to comply with the requirements of a minimum of 1,5m² free, unlimited floor space per child and a minimum of 2m² outside playing area per child as only a maximum of 24 children will be permitted as presented in the application.

Sufficient on-site parking is provided for the shop and flat.

The provision of 6 on-site parking bays and 4 on-street parking bays in Voortrekker Road is deemed sufficient to justify the non-provision of 1 on-site parking bay for the crèche. A financial contribution for the non-provision of the 1 on-site parking bay is deemed necessary.

Given the existing noise created by traffic in Hugenote Street, it is foreseen that possible noise created by the crèche will have a low impact on the surrounding properties.

As discussed at point 2.1, the application is in compliance with the principles of LUPA and SPLUMA.

Erf 674, Malmesbury has no restrictive conditions in the title deed of the property which impacts negatively on the application.

Existing services are deemed sufficient to accommodate the proposed uses on the property.

Erf 674, Malmesbury has a 3B heritage grading according to the Swartland Heritage Register. No alterations to existing buildings are proposed. The approval of Heritage Western Cape is therefore not required.

4. **Impact on municipal engineering services**

Existing services is deemed sufficient and no additional services connections will be provided.

5. **Response by applicant**

Refer to Annexure E.

6. **Comments from other organs of state/departments**

The Department of Transport and Public Works has no objection against the application.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights

N/A

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for the rezoning of Erf 674, Malmesbury, is 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 following conditions:

1. Town Planning and Building Control

- a) Erf 674 be rezoned from Residential Zone 1 (1183m² in extent) and Business Zone 1 (245m² in extent) to Community Zone 1 (921m² in extent) and Business Zone 1 (507m² in extent) as presented in the application;
- b) The creche be restricted to 24 registered children at any time as presented in the application;
- c) A minimum of 1,5m² free, unlimited floor space per child and a minimum of 2m² outside playing area per child be provided;
- d) The operation of the creche be restricted between 06h00 and 18h00;
- e) The preparation of meals for the children are prohibited on the property;
- f) The creche complies with the requirements of Department Social Services and be registered at the Department;
- g) Application be made to the West Coast District Municipality for a compliance certificate for an early childhood development facility;
- h) A building plan for the change in use of the buildings, be submitted to the Senior Manager: Built Environment for consideration and approval;
- i) Application for the display of advertising signs be submitted to the Senior Manager: Built Environment for consideration for approval;
- j) At least 9 on-site parking bays be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality to the satisfaction of the Director: Civil Engineering Services. The parking bays be clearly marked;
- k) The creche may not go in operation until such time as the 6 on-site parking bays with access from Hugenote Street has been created;

2. Water

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

3. Sewerage

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

4. Streets and Stormwater

- a) Access to the creche be restricted to Hugenote Street for the drop-off and pick-up of children. No access to the creche may be taken from Voortrekker Road;
- b) Parking bays 8 to 13 including the side walk which gives access to the parking bays, be provided with a permanent dust free surface; as per A1 (j).

5. Electricity

- a) If any municipal electricity services needs to be moved, for example the relocation of the electricity kiosk and street light in Hugenote Street, it will be for the cost of the owner/devloper;

B. The application for a departure of development parameters on erf 674, Malmesbury is approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:

- a) Departure of 1 on-site parking bay by providing only 9 on-site parking bay instead of 10 on-site parking bays;
- b) A financial contribution of R 7500 (125m² & R600/m²) be made for the non-provision of 1 parking bay.
- c) Departure of the 10m street building line (Voortrekker Road) to 1m and the 5m side building line (northern boundary) to 2,5m.

C. General

- a) This 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 new land uses come into operation and failing to do so will result in the administrative action.
- b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

PART M: REASONS FOR RECOMMENDATION

1. Erf 674 has limited physical restrictions which will not impact negatively on the application.
2. The proposed uses compliments the existing mixed use character of the area situated inside the CBD of Malmesbury.
3. The application is in compliance with the SDF of Malmesbury.
4. The application complies with the principles of LUPA and SPLUMA.
5. Sufficient on-site parking is provided.
6. The existing noise created by traffic in Hugenote Street, it is foreseen that possible noise created by the crèche will have a low impact on the surrounding properties.
7. Existing services are deemed sufficient.
8. Erf 674 has no restrictive title deed conditions which will impact negatively on the proposed development.
9. The proposed uses will not result in alterations to the property which will impact on the heritage significance of the property.
10. Erf 674 provides sufficient indoor and outdoor space to accommodate the maximum of 24 children.



PART N: ANNEXURES

Annexure A : Locality plan
 Annexure B : Original site development plan
 Annexure C : New site development plan
 Annexure D : Plan indicating the public participation process
 Annexure E : Plan indicating letters not collected during public participation process
 Annexure F : Objection from HJ Kok on behalf of Flagstone Investments
 Annexure G : Objection from JM de Villiers
 Annexure H : Comments from the applicant on the objections

PART O: APPLICANT DETAILS

Name	CK Rumboll & Partners		
Registered owner(s)	Andre Halvorsen Familietrust	Is the applicant authorised to submit this application:	Yes N

PART P: SIGNATURES

Author details: AJ Burger Senior Town & Regional Planner SACPLAN: B/8429/2020		Date: 29 September 2021	
Recommendation: Alwyn Zaayman Senior Manager Built Environment SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended
			Date: 4 October 2021



Voorgestelde Hersonerings en Afwyking

Erf 674, Malmesbury

Liggingsplan

Skaal: NVT



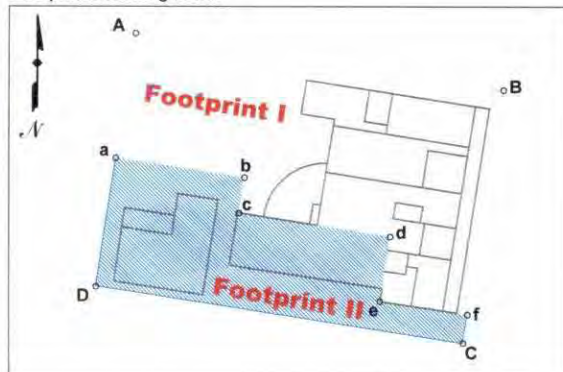
PROPOSED DEVELOPMENT ON ERF 674, MALMESBURY



LEGEND:

- Footprint I (Community Zone 1)
- Footprint II (Business Zone 1)
- Building Lines
- Existing access
- Existing trees

Footprint Rezoning Insert



NOTES

This diagram illustrates Erf 674, Malmesbury, located in Malmesbury's CBD.

Figure ABfedcba represents the rezoning of a portion (±507m²) of Erf 674, Malmesbury, to Community Zone 1 to operate a creche on the property. (Footprint I)

Figure DabcdefC represents the rezoning of a portion (±921m²) of Erf 674, Malmesbury, to Business Zone 1 to authorise a shop and a flat on the property. (Footprint II)

DEVELOPMENT PARTICULARS

PROPERTY	DESCRIPTION	EXTENT	CURRENT ZONING	PROPOSED ZONING	PROPOSED LAND USE
Erf 674	A B C D	1428m²	Split Zoning (245m² BZ 1 & 1183m² R 1)	Split Zoning	Shop Creche Flat
Footprint I	A B f e d c b a	±507m²	Residential Zone 1 Business Zone 1	Business Zone 1	Shop Flat
Footprint II	D a b c d e f C	±921m²	Residential Zone 1 Business Zone 1	Community Zone 1	Creche

Drawing by

MANDRI VILJOEN

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING



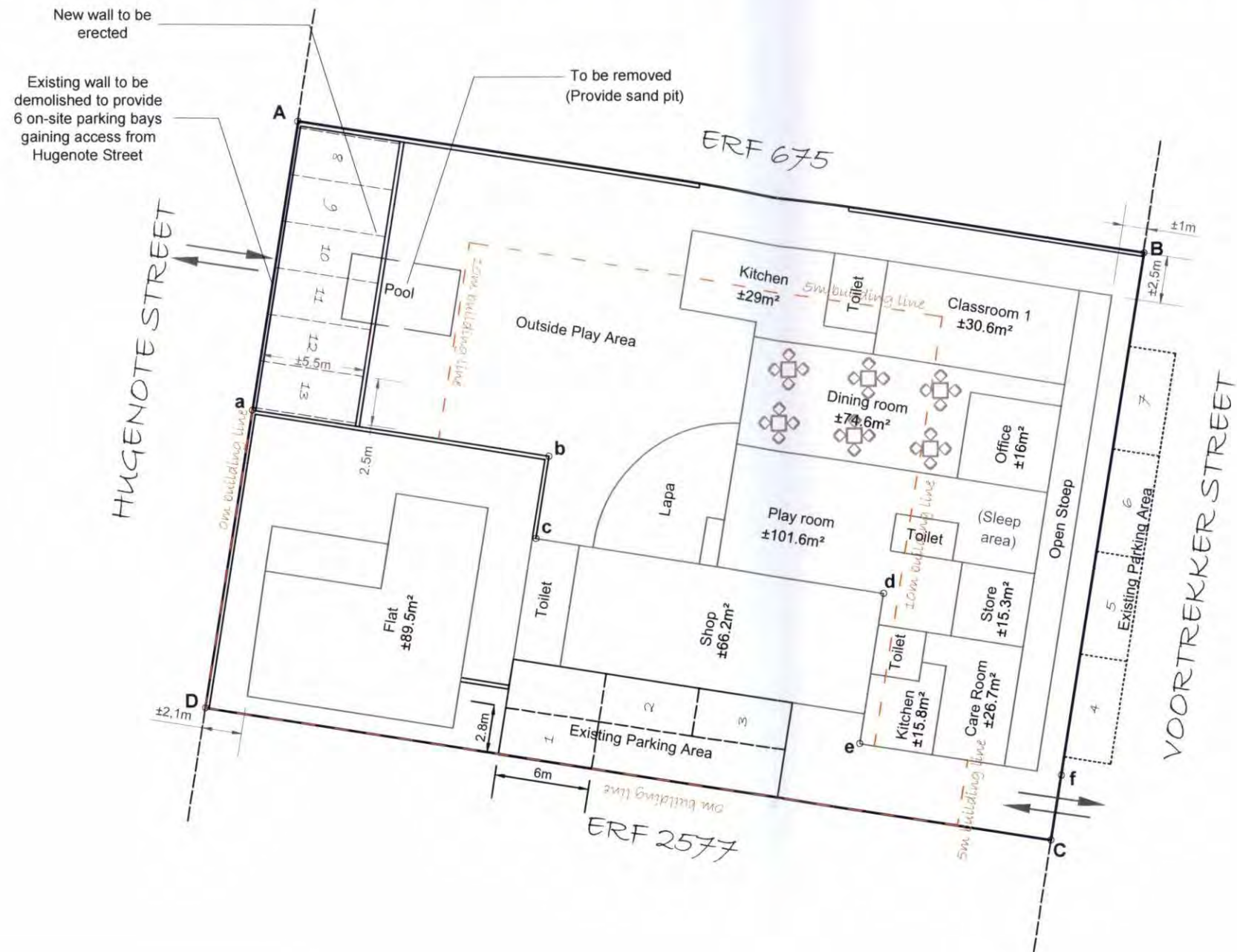
C.K. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS
16 RAINIER STREET, MALMESBURY
Tel: 022-4821845
Fax: 022-4871661
Email: planning1@rumboll.co.za

DATE:
MAY 2021

AUTHORITY:
SWARTLAND MUNICIPALITY

REF:
MAL/10532/ZN/MV

PROPOSED DEVELOPMENT ON ERF 674, MALMESBURY



LEGEND:

- Footprint I (Community Zone 1)
- Footprint II (Business Zone 1)
- Building Lines
- Access

NOTES

This diagram illustrates Erf 674, Malmesbury, located in Malmesbury's CBD.

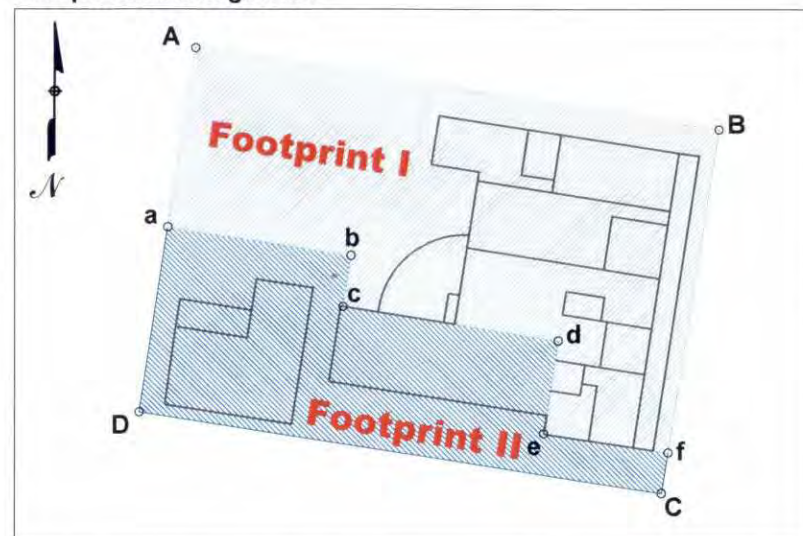
Figure ABfedcba represents the rezoning of a portion (±507m²) of Erf 674, Malmesbury, to Community Zone 1 to operate a creche on the property. (Footprint I)

Figure DabcdefC represents the rezoning of a portion (±921m²) of Erf 674, Malmesbury, to Business Zone 1 to authorise a shop and a flat on the property. (Footprint II)

The wall between points A and a on this drawing will be demolished to provide 6 additional parking bays gaining access to Erf 674 from Hugenate Street.

A new wall will be erected between the western property boundary. A gate will also be installed to provide adequate access to the property from Hugenate Street.

Footprint Rezoning Insert



DEVELOPMENT PARTICULARS					
PROPERTY	DESCRIPTION	EXTENT	CURRENT ZONING	PROPOSED ZONING	PROPOSED LAND USE
Erf 674	A B C D	1428m²	Split Zoning (245m² BZ 1 & 1183m² R 1)	Split Zoning	Shop Creche Flat
Footprint I	A B f e d c b a	±921m²	Residential Zone 1 Business Zone 1	Community Zone 1	Creche
Footprint II	D a b c d e f C	±507m²	Residential Zone 1 Business Zone 1	Business Zone 1	Shop Flat

Drawing by:

MANDRI VILJOEN

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING



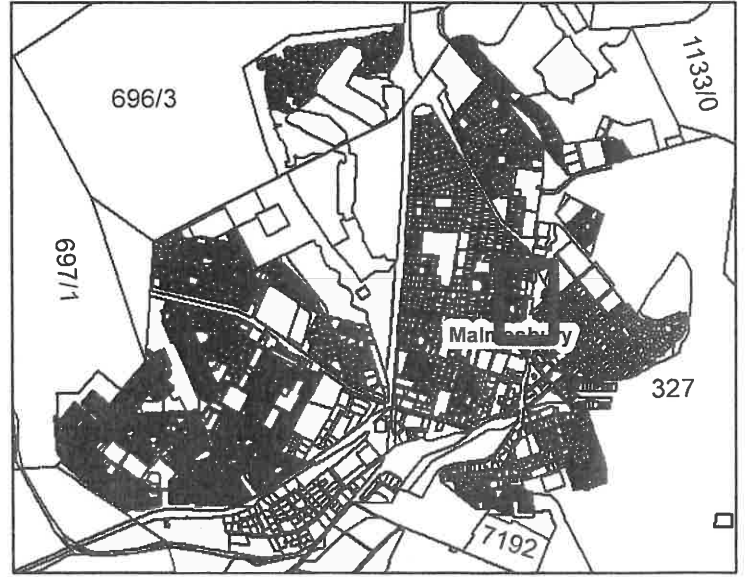
C.K. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS
16 RAINIER STREET, MALMESBURY
Tel: 022 - 4821845
Fax: 022 - 4871661
Email: planning1@rumboll.co.za

DATE:
AUGUST 2021

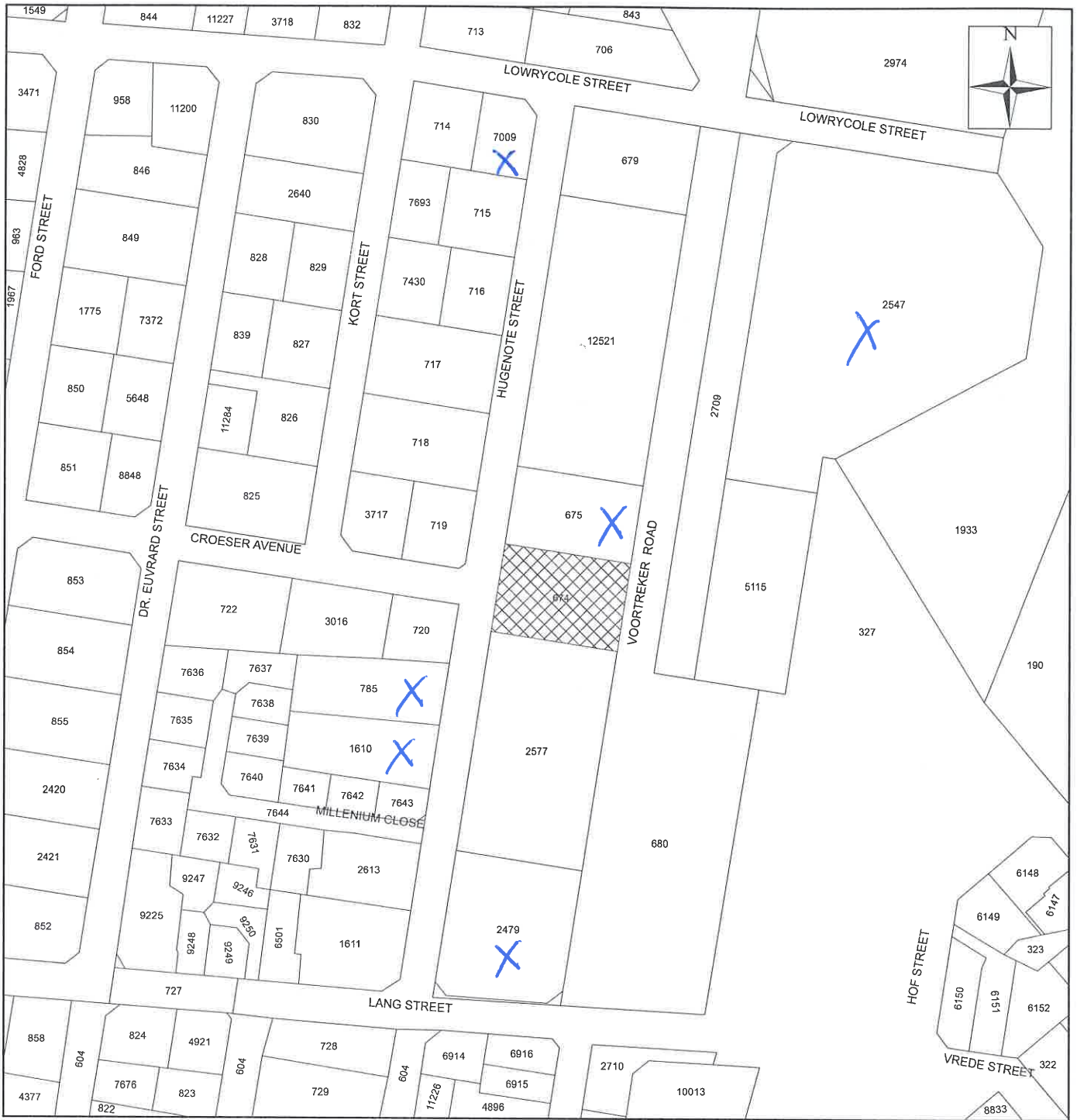
AUTHORITY:
SWARTLAND MUNICIPALITY

REF:
MAL/10532/ZN/MV

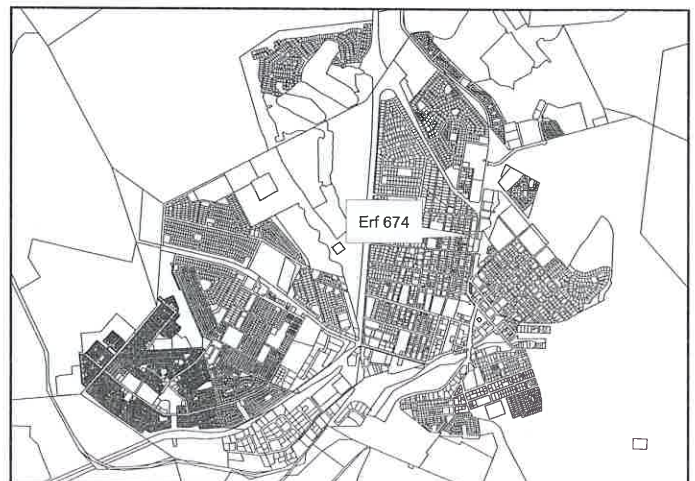
LOCATION PLAN: PROPOSED REZONING AND DEPARTURE ON ERF 674, MALMESBURY



Plan indicating notices not collected



Plan indicating notices not collected during the public participation process



FLAGSTONE INVESTMENTS 35 BK**CK 2009/103492/23**

Hugenotestraat / Street 61
Posbus / P.O. Box 752
Malmesbury

T: 022 487 2858
F: 022 487 2857
E: hendri@sfd.co.za

20 Julie 2021

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7299

Geagte meneer

I/S: VOORGESTELDE HERSONERING EN AFWYKING OP ERF 674, MALMESBURY
Verwysing: 15/3/3-8/Erf 674 en 15/3/4-8/Erf 674

Ek verwys graag na u skrywe van 24 Junie 2021, hierby aangeheg.

Ons besit Erf 719, Hugenotestraat 59 en 61 wat vir sakesone 1 met die uitsluitlike gebruik vir kantore gesoneer is. Ons perseel is dus aan die agterkant van Erf 674. Ons het tans huurders in die perseel wat die perseel gebruik vir professionele kantore.

Ons wil net van die staanspoor noem dat ons nie gekant is teen enige ontwikkeling in Malmesbury nie. Ons het egter die volgende besware teen die voorstel:

1. Die beoogte kleuterskool

Soos genoem word professionle kantore bedryf aan die Hugenotestraat kant van die perseel. Die speelarea is aangetoon aan die agterkant van die perseel en dus direk oorkant die kantore. Die probleem kan ontstaan weens die geraasfaktor wat gewoonlik met kleuterskole gepaart gaan, dat ons klagtes van ons huurders sal ontvang weens die "geraas". Daar is 'n muur, maar dit gaan nie die klank demper nie.

2. Die beoogte "drop off and go" area

Hierdie gedeelte word regoor ons perseel se parkeerarea aangetoon, en met Hugenotestraat wat baie besig begin raak kan nog verkeer gevaarlik begin raak. Kleuters word nie net afgelaai nie, en daar sal geparkeerde voertuie vir 'n periode staan. Indien mens kyk na die beoogte 24 kleuters en 20 voertuie wat die kleuters aflaai in die oggend en weer kom optel in die middag, gaan 'n groot toename in verkeer te weeg bring. Die area word ook reeds deur van die ander besighede gebruik as parkering. Dit is ons mening dat die straat nie meer verkeer kan hanteer soos dit nou is nie.

Die uwe



H.J. KOK

From: Jeanne-Marie De Villiers [mailto:catoggio@mweb.co.za]
Sent: Sunday, July 25, 2021 2:58 PM
To: Alwyn Burger <alwynburger@swartland.org.za>
Subject: RE: Grondgebruiksaanzoek op erf 674, Malmesbury

Goeiemiddag

Baie dankie vir die voorgestelde hersonering van Erf 674.

Graag lewer ek beswaar teen hierdie sonering

Ek het n probleem met verkeer en op en aflaai van leerders in Hugernote straat. Die hoek van Croeser en Hugernote stop is alreeds 'n probleem t.o.v. verkeer.

Daar is baie afleweringe wat by winkelsentrum goedere aflaai asook die verkeer.

Daar is tans 2 straat parkerings vir die besigheidsperseel van Erf 720 wat verhuur word. Die parkerings wat aangekoop is van die Munisipaliteit vir parkerings word gebruik deur Octavoscene en ouers sal tydens piek tye hierdie parkerings gebruik wat die besigheid sal benadeel,

Hoe gaan die straat beveilig word vir aflaai en oplaai van leerders?

Groete Jde Villiers Eienaar Erf 720

Hugernote 57

CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS - ENGINEERING AND MINE SURVEYORS - STADS- EN STREEKSBEPLANNERS - SECTIONAL TITLE CONSULTANTS

DATE: 1 September 2021

OUR REF: MAL/10532/ZN/MV

YOUR REF: 15/3/3-8/Erf_674

15/3/4-8/Erf_674

BY HAND

Attention: Mr A. Zaayman

The Municipal Manager

Swartland Municipality

Private Bag X52

MALMESBURY

7300

MUNICIPALITEIT SWARTLAND				nr.:
15/3/3-8/Erf_674				10 No:
Ontwikkeling	Verslag	Afhandeling	Kom/Teer	
SSSB(AJ)				
15/3/4-8/Erf_674				(get)BK

Mr,

Amendment of Motivational Report and Comments on Objections

PROPOSED REZONING AND DEPARTURE FROM DEVELOPMENT PARAMETERS ON ERF 674, MALMESBURY

1. Introduction

The Motivational Report for the proposed Rezoning and Departure from development parameters on Erf 674, Malmesbury, dated June 2021, and your letter dated 4 August 2021 refers.

CK Rumboll and Partners have been appointed by Mr Andre Halvorsen, representative of the Andre Halvorsen Family Trust, owners of Erf 674, Malmesbury, to attend to all town planning actions regarding the rezoning of Erf 674, Malmesbury, and the departure from development parameters, namely parking bay provision and the prescribed building lines. The applications are made to accommodate a place of education (crèche) and a shop within the existing buildings on Erf 674, Malmesbury.

During the public participation period, comments were received from the following objectors:

- A. H.J. Kok on behalf of Flagstone Investments 35 BK (Erf 719)
- B. Jeanne Marie De Villiers (Erf 720)

The objections are attached as **Annexure A**.



VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

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The extract below illustrates the locality of the objectors' properties in relation to Erf 674, Malmesbury.



Figure 1: Locality of objectors' properties in relation to Erf 674, Malmesbury.

The major concern of the objectors is that Hugenote Street cannot accommodate the proposed drop-off-and-go area as it will lead to more congestion and could potentially jeopardise the safety of the children. This letter is intended to amend the Motivational Report and Site Development Plan in terms of on-site parking, as well as to provide our comments to objections as requested.

2. Amendment of Motivational Report

This office initially applied for, amongst others, in terms of Section 25(2) (b) of the *Swartland Municipal By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020)*, for the **Departure** from the required 10 parking bays to 5 parking bays on Erf 674, Malmesbury. In response to the concerns of the objectors and after consultation with the owner of Erf 674, we amended the Site Development Plan to waive the proposed drop-off-and-go area in Hugenote Street. The existing wall between Points "A" and "a" on the amended Site Development Plan (refer to the new parking layout in Figure 2 below) will be demolished and moved inwards to provide 6 additional on-site parking bays on Erf 674, gaining access from Hugenote Street. The outside play area will still be consistent with the *Development Parameters: A Quick Reference for the Provision of Facilities within Settlements of the Western Cape*. The amended Site Development Plan is attached as **Annexure B**.

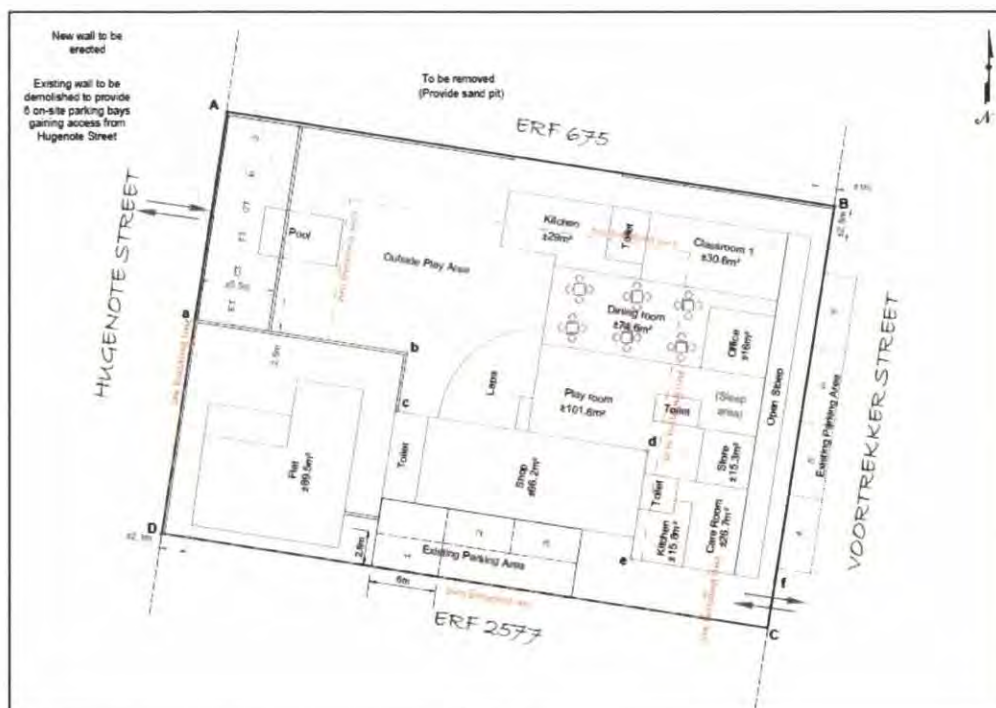


Figure 2: Parking Layout

Therefore, 6 parking bays will be provided on-site gaining access from Hugenate Street and 3 parking bays are existing on-site gaining access from Voortrekker Street. A total of 9 parking bays will be accommodated on Erf 674, Malmesbury, which will be dedicated to the proposed crèche, shop, and flat on the property.

The following table shows the proposed changes (underlined) to Section 1.2 of the Motivational Report, dated June 2021.

Table 1: Amendment of Motivational Report

PROPOSED ACTIONS	
Currently reading:	It is the purpose of this report to apply in terms of Section 25 (2) (b) of the <i>Swartland Municipal By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020)</i> , for the Departure from the required 10 parking bays to <u>5 parking bays</u> on Erf 674, Malmesbury.
Proposed amendment:	It is the purpose of this report to apply in terms of Section 25 (2) (b) of the <i>Swartland Municipal By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020)</i> , for the Departure from the required 10 parking bays to <u>9 parking bays</u> on Erf 674, Malmesbury.
Comments:	The Site Development Plan is amended to accommodate 9 on-site parking bays, which means the relaxation of <u>1 parking bay</u> should be applied for.

3. Comments on objections

This section is intended to provide comments on the objections received. Please see our office's response to the objections received, below in tabular form.

Table 2: Comments on Objections

Objectors	Objections	Comments from CK Rumboll & Partners
A	<p>1. We are the owners of Erf 719, which are zoned Business Zone 1, restricted to the land use of offices. Therefore, the building is currently used accordingly.</p> <p>We just want to mention from the outset that we are not opposed to any development in Malmesbury. However, we have two objections to the proposal.</p> <p><u>Firstly, the proposed crèche:</u> The play area is indicated at the back of the premises and therefore directly opposite the offices. The problem can arise due to the noise factor that is usually associated with kindergartens, that we will receive complaints from our tenants (owners of the business operating in the office space) due to the noise. There is a wall, but it's not going to muffle the sound.</p>	<p>1. With regard to land use proposals applicable to Malmesbury, the <i>Swartland Spatial Development Framework (SDF) (2019)</i> identifies the area in which Erf 674, Malmesbury, as Zone D, which is known as the Central Business District (CBD) with a commercial character. Erf 674, Malmesbury, is situated adjacent to an activity corridor, which provides the ideal opportunity for the proposed development for the uses of a crèche, a flat, and a shop. The application is fully supported by the <i>Swartland SDF (2019)</i>.</p> <p>As indicated on the Site Development Plan, attached as Annexure B, the existing wall on the property boundary of Hugenote Street will be demolished and a new wall will be erected ±5.5m from the property boundary, to provide adequate space for additional parking bays to be provided on-site. The wall serves as a mitigation measure to ensure increased safety for the children, as well as contributing to the reduction of possible noise disturbance. The setback of the wall will also lead to the outside play area to be situated further away from Hugenote Street, serving as mitigation measure to possible noise disturbance.</p> <p>It can also not be understood how the noise made by small children can compete with the noise generated by passing vehicles and the shopping centre.</p> <p>The owner of Erf 674 will, furthermore, ensure that the proposed development will adhere to the regulations set out in the <i>Swartland</i></p>

VENNOTE / PARTNERS:

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		<i>By-law relating to Public Nuisances (12 April 2019).</i>
A	<p>2. <u>Secondly, the proposed “drop-off-and-go” area:</u> This section is shown across our site's parking area, and with Hugenote Street starting to get very busy, more traffic could start to become dangerous. Toddlers are not just dropped off, and there will be parked vehicles for a period of time. If one looks at the intended 24 toddlers and 20 vehicles that the toddlers drop off in the morning and pick up again in the afternoon, it is going to bring about a tremendous increase in traffic. We are of the opinion that the street can no longer handle more traffic as it is now.</p>	<p>2. The Site Development Plan is amended to accommodate 6 parking bays on site, gaining access from Hugenote Street on the property's western boundary. An off-street parking area is provided on Erf 674 to waive the proposed drop-off-and-go area. Hugenote Street is deemed sufficient to accommodate the possible increase in traffic and the newly proposed parking area will reduce possible traffic congestion in Hugenote Street. The Site Development Plan is attached as Annexure B.</p> <p>The drop-off and pick-up times of the crèche are at 6:30-7:15 and 17:00-17:45 respectively, which are outside of business hours. Parents are also referred from the outset, to the office on the side of Voortrekker Road, i.e. for any appointments, they must use Voortrekker Street for parking.</p> <p>The road reserve width of Hugenote Street is 12.59m, which is substantially wider than the norm used nowadays in the design of towns. 12m reserves are used in residential areas to accommodate bus routes. The road width of Hugenote Street has been designed to accommodate high volumes of traffic. The provision of off-street parking/dropping areas will further alleviate any traffic congestion and the additional 10 odd motor cars will have no impact. Comparing Hugenote Street with streets in other cities where similar activities take place, traffic congestion fades in comparison as to what is the situation in all of our metropolitan areas. The establishment of the crèche will be the least intrusive from a traffic perspective of all allowable uses for this property.</p>

<p>B</p>	<p>3. I have a problem with traffic and the pick-up and drop-off of learners in Hugenote Street. The corner of Croeser and Hugenote stop is already a traffic problem.</p> <p>There are many delivery trucks that drop off goods at the shopping centre.</p> <p>There are currently two street parking bays for the business premises on Erf 720 that are rented out. The parking bays purchased from the Municipality are used by Octavoscene and parents will use these parking bays during peak hours which will affect the business negatively.</p> <p>How will the street be secured for pick-up and drop-off of learners?</p>	<p>3. Refer to Point 2. The drop-off-and-go area is no longer proposed in Hugenote Street, as the Site Development Plan is amended to accommodate 6 additional on-site parking bays, gaining access from Hugenote Street. The Site Development Plan is attached as Annexure B.</p> <p>On-street parking bays are in the ownership of the Local Municipality and access cannot be denied to the public. The drop-off and pick-up times of the crèche are at 6:30-7:15 and 17:00-17:45 respectively. These times are outside of business hours, meaning that the on-street parking referred to by the objector (which is not marked out) will not be used by the crèche during business hours.</p> <p>Staff members will receive the children at the parking area on Hugenote Street and the drop-off area at Voortrekker Road.</p>
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4. Conclusion

It needs mentioning that this property is situated in Malmesbury's CBD. The *Swartland SDF (2019)* proposes that this area can be utilised for all land uses, except industrial use. The least intrusive use for this property would be to accommodate a crèche. The nature of the structure on the property, a homestead that finds itself in the CBD, lends itself perfectly to function as a crèche, offering the children a "homely" atmosphere to start their journey of education, in a safe environment. The *Swartland SDF (2019)* further proposes that secondary educational uses be situated in residential and commercial areas. The establishment of education centres, including tutoring of scholars, in residential areas are often met with resistance, leaving the commercial zones as the ideal for these uses.

It is this office's belief that with communication between the neighbours, the traffic issues, if any, can easily be resolved. The dropping off and picking up of children will mostly take place outside of normal business hours. The 6 off-street parking bays, gaining access from Hugenote Street, will then be available to other users as well.

It is further this office's opinion that the objectors' concern over the safety of the "toddlers" has been adequately addressed with the provision of off-site parking bays, where the children can safely be dropped off. Both Voortrekker Road and Hugenote Street can be utilised by the parents to safely drop off and pick up their children. The parents will also find the easier option between the approved on-street parking bays in Voortrekker Road and the off-street parking bays in Hugenote Street, to drop off and pick up their children, and it might be that the Voortrekker Road option will be preferable to some. The owners of the crèche will also make the necessary arrangements with the parents. The safety of children is paramount on the agenda of mothers and carers, and the necessary arrangements will definitely be made to transport the children to and from the crèche.

Our personal opinion with regards to the possible noise disturbance is that there is nothing more beautiful than the noise of our young children expressing their joy, by laughing and other ways. It will indeed be a sad day when the expression of excitement of our children became a determining factor of where we educate our young.

Considering the above, it is evident that the proposed development will not have a significant impact on the surrounding properties, or built environment, seeing that the *Swartland Municipal Land Use Planning By-law (PG 8226)* makes provision for Community Zone 1 and Business Zone 1 properties, such as Erf 674, Malmesbury. The Site Development Plan is amended to provide mitigation measures of possible traffic, safety, and noise pollution concerns that were brought to front during the public participation period.

This office is of opinion that the rezoning and departures on Erf 674, Malmesbury, will maximise the development potential of the property, as was envisaged in the *Swartland SDF (2019)* when Hugenote Street was incorporated in the CBD, and that the on-site parking bays will be sufficient for the proposed uses.

We trust you will find the above in order when considering the application.

Kind regards

A handwritten signature in black ink, appearing to be 'Zortje'.

Izak Rumboll / Zanelle Nortje / Mandri Viljoen
For *CK RUMBOLL & PARTNERS*

Annexure A

Objections



CLEAN AUDITS SINCE 2010/11



*Ons gee gestalte aan 'n beter toekoms!
We shape a beter future!
Sibumba ikamva elingcono!*

File ref: 15/3/3-8/Erf_674
15/3/4-8/Erf_674

Enquiries:
Ms D N Stallenberg

4 August 2021

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

PROPOSED REZONING AND DEPARTURE ON ERF 674, MALMESBURY

Your application with reference mal/10532/ZN/MV dated 7 June 2021 refers.

Kindly find attached the objection received Jeanne-Marie De Villiers and H J Kok on behalf of Flagstone Investments 35 BK during the commenting period.

Your comment on the objections is requested within 30 days from the date of this letter in order for Swartland Municipality to make a decision.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

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

FLAGSTONE INVESTMENTS 35 BK

CK 2009/103492/23

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20 Julie 2021

Die Munisipale Bestuurder
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Malmesbury
7299

Geagte meneer

I/S: VOORGESTELDE HERSONERING EN AFWYKING OP ERF 674, MALMESBURY
Verwysing: 15/3/3-8/Erf 674 en 15/3/4-8/Erf 674

Ek verwys graag na u skrywe van 24 Junie 2021, hierby aangeheg.

Ons besit Erf 719, Hugenotestraat 59 en 61 wat vir sakesone 1 met die uitsluitlike gebruik vir kantore gesoneer is. Ons perseel is dus aan die agterkant van Erf 674. Ons het tans huurders in die perseel wat die perseel gebruik vir professionele kantore.

Ons wil net van die staanspoor noem dat ons nie gekant is teen enige ontwikkeling in Malmesbury nie. Ons het egter die volgende besware teen die voorstel:

1. Die beoogte kleuterskool

Soos genoem word professionle kantore bedryf aan die Hugenotestraat kant van die perseel. Die speelarea is aangetoon aan die agterkant van die perseel en dus direk oorkant die kantore. Die probleem kan ontstaan weens die geraasfaktor wat gewoonlik met kleuterskole gepaart gaan, dat ons klagtes van ons huurders sal ontvang weens die "geraas". Daar is 'n muur, maar dit gaan nie die klank demper nie.

2. Die beoogte "drop off and go" area

Hierdie gedeelte word regoor ons perseel se parkeerarea aangetoon, en met Hugenotestraat wat baie besig begin raak kan nog verkeer gevaarlik begin raak. Kleuters word nie net afgelaai nie, en daar sal geparkeerde voertuie vir 'n periode staan. Indien mens kyk na die beoogte 24 kleuters en 20 voertuie wat die kleuters aflaai in die oggend en weer kom optel in die middag, gaan 'n groot toename in verkeer te weeg bring. Die area word ook reeds deur van die ander besighede gebruik as parkering. Dit is ons mening dat die straat nie meer verkeer kan hanteer soos dit nou is nie.

Die uwe



H.J. KOK

From: Jeanne-Marie De Villiers [mailto:catoggio@mweb.co.za]
Sent: Sunday, July 25, 2021 2:58 PM
To: Alwyn Burger <alwynburger@swartland.org.za>
Subject: RE: Grondgebruiksaanzoek op erf 674, Malmesbury

Goeiemiddag

Baie dankie vir die voorgestelde hersonering van Erf 674.

Graag lewer ek beswaar teen hierdie sonering

Ek het n probleem met verkeer en op en aflaai van leerders in Hugenate straat. Die hoek van Croeser en Hugenate stop is alreeds 'n probleem t.o.v. verkeer.

Daar is baie afleweringe wat by winkelsentrum goedere aflaai asook die verkeer.

Daar is tans 2 straat parkeringe vir die besigheidperseel van Erf 720 wat verhuur word. Die parkeringe wat aangekoop is van die Munisipaliteit vir parkeringe word gebruik deur Octavoscene en ouers sal tydens piek tye hierdie parkeringe gebruik wat die besigheid sal benadeel,

Hoe gaan die straat beveilig word vir aflaai en oplaai van leerders?

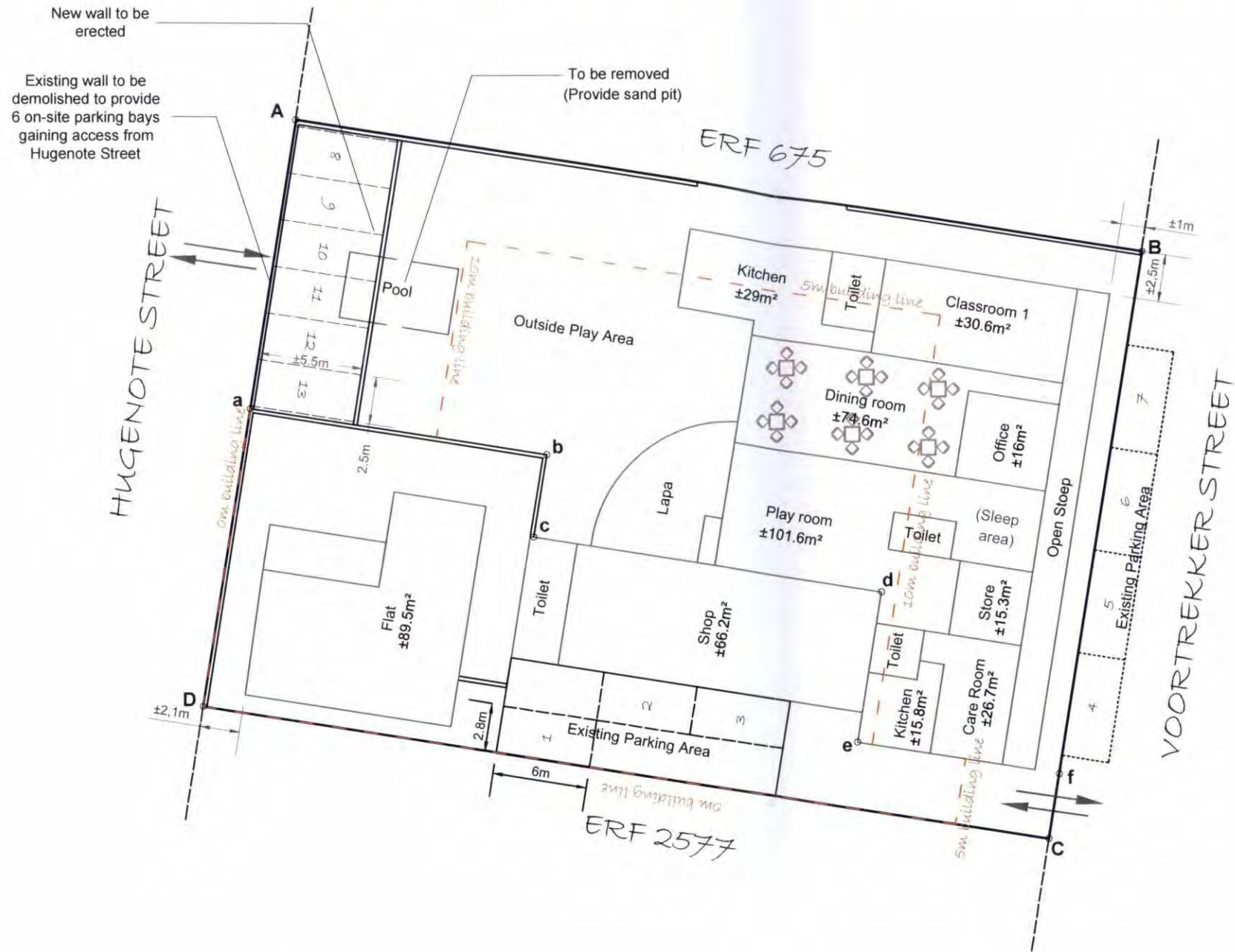
Groete Jde Villiers Eienaar Erf 720

Hugenate 57

Annexure B

Site Development Plan

PROPOSED DEVELOPMENT ON ERF 674, MALMESBURY



LEGEND:

- Footprint I (Community Zone 1)
- Footprint II (Business Zone 1)
- Building Lines
- Access

NOTES

This diagram illustrates Erf 674, Malmesbury, located in Malmesbury's CBD.

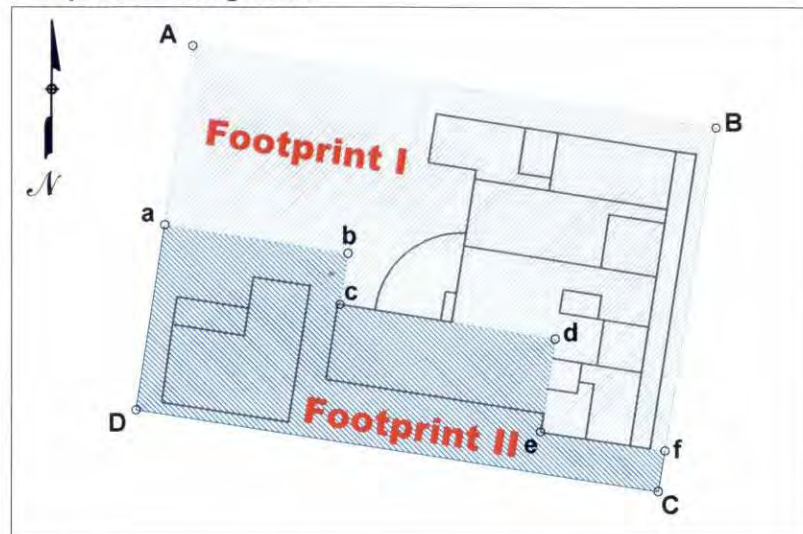
Figure ABfedcba represents the rezoning of a portion (±507m²) of Erf 674, Malmesbury, to Community Zone 1 to operate a creche on the property. (Footprint I)

Figure DabcdefC represents the rezoning of a portion (±921m²) of Erf 674, Malmesbury, to Business Zone 1 to authorise a shop and a flat on the property. (Footprint II)

The wall between points A and a on this drawing will be demolished to provide 6 additional parking bays gaining access to Erf 674 from Hugenate Street.

A new wall will be erected between the western property boundary. A gate will also be installed to provide adequate access to the property from Hugenate Street.

Footprint Rezoning Insert



DEVELOPMENT PARTICULARS					
PROPERTY	DESCRIPTION	EXTENT	CURRENT ZONING	PROPOSED ZONING	PROPOSED LAND USE
Erf 674	A B C D	1428m ²	Split Zoning (245m ² BZ 1 & 1183m ² R 1)	Split Zoning	Shop Creche Flat
Footprint I	A B f e d c b a	±921m ²	Residential Zone 1 Business Zone 1	Community Zone 1	Creche
Footprint II	D a b c d e f C	±507m ²	Residential Zone 1 Business Zone 1	Business Zone 1	Shop Flat

Drawing by:

MANDRI VILJOEN

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING



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DATE:
AUGUST 2021

AUTHORITY:
SWARTLAND MUNICIPALITY

REF:
MAL/10532/ZN/MV