



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 15 NOVEMBER 2023 AT 13:00**

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: Development Management, Mr A M Zaayman
Senior Town and Regional Planner, Mr A J Burger
Town and Regional Planner & GIS, Mr H Olivier
Town and Regional Planner, Ms A de Jager
Manager: Secretariat and Records, Ms N Brand (secretariat)

1. OPENING

The chairperson opened the meeting and welcomed members.

A special word of welcome is addressed to Mr A Stone, owner of Erf 141, Riebeek Kasteel.

2. APOLOGY

COGNISANCE BE TAKEN of the apologies received from the Director: Development Services, Ms J S Krieger.

3. DECLARATION OF INTEREST

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

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 11 OCTOBER 2023

RESOLUTION

(proposed by Mr C Rabie, seconded by Mr P A C Humphreys)

That the minutes of a Municipal Planning Tribunal Meeting held on 11 October 2023 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1/...

6.1 PROPOSED CONSENT USE ON ERF 141, RIEBEEK KASTEEL (15/3/10-11) (WARD 12)

Ms A de Jager, as author of the item, gave background to the application for a consent use on Erf 141, Riebeek Kasteel in order to operate a guesthouse from the existing dwelling.

Ms de Jager stated that the application is consistent with the applicable zoning regulations as well as the SDF and is situated within the CBD of Riebeek Kasteel. The SDF promotes the development of improved tourism infrastructure and accommodation facilities for tourists.

During the public participation process it was pointed out by one of the objectors that the proposed on-site parking will not be accessible to guests due to the construction of a pedestrian gate at the driveway.

Ms de Jager mentioned that that the non-provision of parking needs to be addressed by means of a departure from the requirement. The proposal by the applicant to provide parking elsewhere is procedurally incorrect as it does not form part of the application for consideration and approval by the Municipal Planning Tribunal.

RESOLUTION

- A. The application for consent use on Erf 141, Riebeek Kasteel, 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 guesthouse, as presented in the application as follows:
- (i) 4 x guest bedrooms for occupation by a maximum of 8 paying guests at any time;
 - (ii) 2 x en-suite bathrooms;
 - (iii) 1 x shared bathroom;
 - (iv) 1 x shared water closet;
 - (v) 1 x kitchen;
 - (vi) 1 x dining room;
 - (vii) 1 x living room;
 - (viii) 1 x garage; and
 - (ix) swimming pool
- (b) A minimum of four (4) on-site parking bays be provided, 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) Building plans indicating the change in use, i.e. guest room etc. be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) A site development plan, clearly indicating the development, including the parking layout, manoeuvring space, demolishing of the pedestrian gate and wall portion and the intended use of the existing garage be submitted to the Senior Manager: Built Environment at building plan stage 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: Development Management, for consideration and approval;
- (g) The owner/developer be responsible for enforcing the code of conduct to the satisfaction of the Division: Law Enforcement;
- (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: Development Management 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) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the guesthouse;
- (n) A trade licence be obtained from Swartland Municipality for the operation of the guesthouse;
- (o) No off-site parking be allowed by guests and staff of the guesthouse;
- (p) Should the applicant fail to take effective steps to the satisfaction of the Senior Manager: Development Management, to ensure proper compliance with the provisions of the approved code of conduct, or should unauthorised land uses on the property occur, 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) The existing connection be used and no additional connections be provided;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for the development charge of R2 715,84 towards bulk water supply at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R2 562,43 towards bulk water distribution at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R2 134,49 towards sewerage at building plan stage. The amount is due to the Swartland Municipality, valid for the year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R2 870,31 towards waste water treatment at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R2 306,44 towards roads at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/247-188-9210);
- (f) The Council resolution of May 2023 provides for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter.

B. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) Should it be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable;
- (d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag

6.1/B(d)...

X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

C. The approval be supported for the following reasons:

- (a) The proposed guesthouse 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 Riebeek Kasteel, as well as the local economy;
- (e) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Riebeek Kasteel;
- (f) Access to on-site parking is mitigated through conditions of approval and the applicant may propose alternative remedies at a later stage;
- (g) The owner/developer runs the risk of losing the land use approval, should any unauthorised land use occur;
- (h) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

6.2 APPLICATION FOR REZONING, SUBDIVISION AND PHASING OF ERF 2111, RIEBEEK KASTEEL (15/3/3-11, 15/3/6-11) (WARD 12)

Mr H Olivier, as author of the item, explained the extent of the application received, amongst others, to establish a shopping centre of 3 500 m² and offices and 72 group housing erven of 2 000 m².

A discussion followed on the proposed development of Erf 2111, Riebeek Kasteel and the inadequacies in the site development plan as well as other concerns addressed in the resolution below.

RESOLUTION

That the item be referred back by the Municipal Planning Tribunal in order to address the following:

- (a) The site development plan be amended in order to include all information as required in terms of the Development Management Scheme.
- (b) The construction of the proposed berm, as required in terms of the Environmental Authorisation, adjacent to the 1 : 100year flood line as well as along the western boundary of the subject property be included in the site development plan. The proposed berm, as proposed in the environmental authorization will be landscaped with indigenous vegetation and be 1m high. The position of the proposed berm on the western boundary need to be surveyed and transferred to the Owners Association in order to ensure its protection as well as maintenance.
- (c) The amended site development plan provide for functional communal open space as well as the reconsideration of the position / extent of the business erf as the maintenance of the abutting open space and pedestrian bridge will most probably be the responsibility of the owner of the shopping centre and not the owners association of the group housing development.
- (d) It be noted that should the application be approved it will be required of the owner / developer to appoint a legal firm from the Council approved panel of legal representatives or as approved by the Municipality to, in accordance with Section 76(3) and Section 92(4) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to conclude a service agreement between the Municipality and the owner / developer setting out the responsibilities for the provision of engineering services including the conditions relating to the installation of services as well as the payment of development charges as set out below prior to the construction of any

6.2(d)/...

Engineering services or infrastructure. The services agreement be submitted to the Director Civil Engineering Service for consideration and approval.

- (e) The engineering department to reconsider the transfer of services as the proposed application is for a gated development;
- (f) The issue regarding the upgrading and maintenance of Kloof Street, e.g. the possibility to include the upgrading of Kloof Street in an engineering services agreement or consideration by Province to determine a condition of approval for a contribution by the owner/developer to the upgrading of Kloof Street.

6.3 PROPOSED REZONING OF ERF 961, RIEBEEK WEST (15/3/3-12) (WARD 3)

Ms A de Jager, as author of the item, explained the land use application received on Erf 961, Riebeeck West in order to develop the property with flats and a dwelling. The property is bordered by two activity streets and high density residential development is considered desirable along activity streets.

RESOLUTION

- A. The application for the rezoning of Erf 961, Riebeeck West, from Residential Zone 1 to General Residential Zone 3, 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:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf (3 209 m² in extent) be rezoned from Residential Zone 1 to General Residential Zone 3, to accommodate seven (7) flats and one dwelling house, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Development Management, for consideration and approval;
- (c) The design and style of the proposed flats be completed in such a manner as to complement the character of the surrounding area, to the satisfaction of the Senior Manager: Development Management;
- (d) A landscaping plan be submitted that mitigates the visual impact of the parking area from Sending Street, for consideration and approval by the Senior Manager: Development Management;
- (e) The Aesthetic Committee of Riebeeck Valley be consulted for input with regard to the architectural design of the proposed flats before the building plans be submitted;
- (f) The minimum of fourteen (14) on-site parking bays be provided and that the parking bays be clearly marked;
- (g) The parking bays, including the sidewalk, be finished in a dust-free, permanent surface, being tar, concrete, paving or any other material preapproved by the Director: Civil Engineering Services;
- (h) Application be made to the Senior Manager: Development Management for the right to construct or affix and display any signage and that the signage be limited to 1 m² in area and may not project over a public street;
- (i) No off-site parking be allowed;

A2 WATER

- (a) The property be provided with a single water connection that connects with the water network at a suitable position, preapproved by the Director: Civil Engineering Services;

A3 SEWERAGE

- (a) The property be provided with a single sewerage connection;

A4 CLEANING SERVICES

- (a) A refuse storage area be specifically designated and that the area be accessible to the municipal service vehicle;
- (b) The refuse storage area be provided with running water and a drainage point and that the area be secured by means of a lockable door/gate, as preapproved by the Director: Civil Engineering Services;

A5 DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for a development charge of R21 183,55 towards the bulk supply of regional water, at building plan stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer be responsible for the development charge of R19 986,95 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer be responsible for the development charge of R19 984,18 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (d) The owner/developer be responsible for the development charge of R26 873,26 towards waste water treatment at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (e) The owner/developer be responsible for the development charge of R20 947,02 towards roads and storm water, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/247-144-9210);
- (f) The Council resolution of May 2023 makes provision for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

B. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) Should it be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable.
- (d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) The application is in compliance with the planning principles of LUPA and SPLUMA;
- (b) The application is in compliance with the spatial planning of Riebeek West;
- (c) The development proposal complies with all applicable zoning parameters of the General Residential Zone 3 zoning;
- (d) The impact of the proposal on the surrounding residential area is deemed moderate;
- (e) The proposed land use remains residential in nature;
- (f) Erf 961 does not have any physical restrictions which may have a negative impact on the application;
- (g) The development proposal supports the optimal utilisation of the property;
- (h) Existing services are deemed sufficient to accommodate the development;

6.3/C...

- (i) The impact of the development on property values of surrounding properties is deemed low to none;
- (j) There are no restrictions in the Title Deed of Erf 961 which restricts the proposed development;
- (k) The development will make a wider variety of residential opportunities available to a larger range of income groups, thereby improving the opportunity for ownership of property.

6.4 PROPOSED SUBDIVISION AND REZONING OF ERF 2226, DARLING (15/3/3-3, 15/3/6-3) (WARD 6)

Mr H Olivier, as author of the item, gave the background to the establishment of Erf 2226, Darling and the proposed development of 8 residential erven.

RESOLUTION

- A. The application for the subdivision of Erf 2226, Darling, 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 following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 2226, Darling ($\pm 4141\text{m}^2$ in extent) be subdivided into a Portion A (3317m^2 in extent) and a remainder (824m^2 in extent), as presented in the application;
- (b) The registration of the remainder in the name of Swartland Municipality be for the owner / developer's account;
- (c) The registration of the remainder be done simultaneously with the registration of portion A;

- B. The application for the rezoning of a portion (3317m^2 in extent) of Erf 2226, Darling, from Residential Zone 1 to Subdivisional Area, be approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

- C. The application for the subdivision of portion A (Portion of erf 2226, Darling), be approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

- D. Decisions B and C above are subject to the following conditions:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) Portion A (3317m^2 in extent) be rezoned from Residential Zone 1 to Subdivisional Area in order to accommodate the following zoning categories, as presented in the application:

- (i) 8 General Residential Zone 1 erven (2589m^2 in total)
- (ii) 1 Open Space Zone 2 erf ($\pm 405\text{m}^2$ in extent)
- (iii) 1 Transport Zone 2: private road including service yard ($\pm 599\text{m}^2$ in extent)

- (b) Portion A (3317m^2 in extent) be subdivided as follows:

- (i) Portion 1 ($\pm 296\text{m}^2$ in extent)
- (ii) Portion 2 ($\pm 285\text{m}^2$ in extent)
- (iii) Portion 3 ($\pm 285\text{m}^2$ in extent)
- (iv) Portion 4 ($\pm 285\text{m}^2$ in extent)
- (v) Portion 5 ($\pm 285\text{m}^2$ in extent)
- (vi) Portion 6 ($\pm 285\text{m}^2$ in extent)
- (vii) Portion 7 ($\pm 285\text{m}^2$ in extent)
- (viii) Portion 8 ($\pm 308\text{m}^2$ in extent)
- (ix) Portion 9 ($\pm 405\text{m}^2$ in extent)
- (x) Remainder Road ($\pm 598\text{m}^2$)

- (c) A Landscape Plan be submitted to the Senior Manager: Development Management for consideration and approval, including:

(i)/...

6.4/D1(c)...

- (i) Detailed landscaping proposals for communal open spaces and green strips within the development, specifying planting, materials, street furniture, play structures and any other such detail applicable to landscaping;
- (ii) Detailed landscaping proposals for the sidewalks on the outside of the private road;
- (d) The green strips along the internal roads remain unobstructed, unfenced, and maintained by the Owners' Association into perpetuity, and the condition be included in the constitution of the Owners' Association;
- (e) The landscaping of the communal open space be completed before the transfer of the fourth residential property;
- (f) The entrance gate to the development be located at least 10m from the property boundary to allow sufficient stacking distance for minimum two vehicles at a time;
- (g) The General Plan be submitted to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
 - (i) the municipality's decision to approve the subdivision;
 - (ii) the conditions of approval imposed in terms of section 76; and
 - (iii) the approved subdivision plan;
 - (iv) and copies of said diagrams be made available to the Municipality;
- (h) An Owners Association be established in terms of section 39 of the By-Law and that a constitution be compiled and submitted to the Senior Manager: Built Environment, for consideration and approval;
- (i) The constitution of an owner's association be approved by the municipality before registration of the transfer of the first land unit and make provision for—
 - (i) The owner's association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;
 - (ii) Control over and maintenance of buildings, services or amenities arising from the subdivision;
 - (iii) The regulation of at least one annual meeting with its members;
 - (iv) Control over the design guidelines of the buildings and erven arising from the subdivision;
 - (v) The ownership by the owners' association of all common property arising from the subdivision, including:
 - a. private open spaces;
 - b. private roads; and
 - c. land required for services provided by the owners' association;
 - (vi) Enforcement of conditions of approval or management plans;
 - (vii) Procedures to obtain the consent of the members of the owners' association to transfer an erf if the owners' association ceases to function; and
 - (viii) The implementation and enforcement by the owners' association of the provisions of the constitution;
- (j) The Transport Zone 2 erf and the Open Space Zone 2 portion be transferred to the Owners Association, before transfer of the first residential property is approved;
- (k) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- (l) The owner/developer appoints a legal firm from the Council approved panel of legal representatives or as approved by the Municipality to, in accordance with Section 76(3) and Section 92(4) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), conclude a service agreement between the Municipality and the owner / developer setting out the responsibilities for the provision of engineering services including the conditions relating to the installation of services as well as the payment of development charges as set out below prior to the construction of any Engineering services or infrastructure. The services agreement be submitted to the Director Civil Engineering Service for consideration and approval.

D2 WATER

- (a) The development be provided with a single bulk water connection and an internal water distribution network with connections to each sub-divided portion;
- (b) The maintenance and operation of the internal water network is the responsibility of the Owners' Association;
- (c) The developer appoints an Engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the internal water network and the connection to the external network;
- (d) The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer. The construction work be undertaken by a recognized civil construction firm;

D3 SEWERAGE

- (a) The development be provided with a single bulk sewer connection and an internal sewer distribution network with connections to each subdivided portion;
- (b) The maintenance and operation of the internal sewerage network is the responsibility of the Owners' Association;
- (c) The developer appoints an Engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the internal sewer network and the connection to the external network;
- (d) The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer. The construction work be undertaken by a recognized civil construction firm;

D4 STREETS AND STORMWATER

- (a) The internal road including the intersection with Tuin Street be provided with a permanent surface;
- (b) Stormwater originating from the development be conveyed underground to the nearest suitable municipal collection point;
- (c) The developer appoints an Engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the internal street and stormwater drainage;
- (d) The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;
- (e) The construction work be undertaken by a recognized civil construction firm;
- (f) The maintenance and operation of the internal road and stormwater network is the responsibility of the Owners' Association;

D5 CLEANING SERVICES

- (a) A common refuse area be provided which is properly secured, provided with a water connection and a drainage system which is connected to the sewerage network. The common refuse area be accessible to the service truck from Tuin Street;

D6 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R16 295.50 toward the bulk supply of regional water, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R10 938.00 towards bulk water reticulation, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R6 580.30 towards sewage at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R14 271.50 towards wastewater treatment at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);

6.4/D6...

- (e) The owner/developer is responsible for the development charge of R 12 926.00 towards roads and storm water, at clearance stage. The amount is payable to Swartland Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/247-144-9210);
- (f) The owner/developer is responsible for the development charge of R4 620.01 towards electricity, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/253-164-9210);
- (g) The Council resolution of May 2023 makes provision for a 60% rebate on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

D7 ELECTRICAL ENGINEERING SERVICES

- (a) Each subdivided portion be provided with a separate electrical connection at the expense of the owner/developer.;
- (b) Should it be necessary to relocate any electrical cables across the relevant subdivided property, it be moved at the expense of the owner / developer.
- (c) Any electrical interconnect be isolated and fully removed;
- (d) The electricity connection be connected to the existing low-voltage network.
- (e) In addition to the above, the developer or owner pays for the electricity connections to subdivided property;
- (f) A low voltage electrical design be submitted to the Director of Electrical Engineering Services for approval before construction may begin;

E. GENERAL

- (a) Any existing services connecting the remainder and subdivided portion be moved and/or disconnected so that each erf's piping is located on the relevant erf;
- (b) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (c) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision against the appeal;
- (e) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will lapse. Should all conditions of approval be met within the 5-year period, the land use becomes permanent, and the approval period will no longer be applicable;
- (f) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

F. The application be supported for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed subdivision or land use;
- (c) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (d) The proposed application will not have a negative impact on the character of the area;
- (e) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets;
- (f) The development proposal supports the optimal utilisation of the property;

6.4/F...

- (g) Erf 2226 is situated inside the urban edge of Darling as well as located in an area earmarked for medium density residential land uses, making this application in compliance with the provisions of the MSDF, 2023;
- (h) The development proposal is foreseen to create employment opportunities in the short, as well as the long term;
- (i) The development will make a larger variety of housing typologies available to a broader section of the public, creating greater equity;
- (j) The application complies with the principles of LUPA (Land Use Planning Act) and SPLUMA (Spatial Planning and Land Use Management Act) (Spatial Planning and Land Use Management Act);
- (k) Sufficient services capacity exists to accommodate the proposed development.
- (l) The proposal is consistent with the applicable development parameters as contained in the development management scheme.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**



25 Januarie 2024

15/3/4-8/Erf_3034
15/3/10-8/Erf_3034
15/3/3-8/Erf_3034

WYK: 8

ITEM 6.1 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 14 FEBRUARIE 2024

LAND USE PLANNING REPORT PROPOSED CONSENT USE, AMENDMENT OF CONDITIONS OF APPROVAL AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 3034, MALMESBURY					
Reference number	15/3/10-8/Erf_3034 15/3/4-8/Erf_3034 15/3/3-8/Erf_3034	Application submission date	6 September 2023	Date report finalised	1 February 2024

PART A: APPLICATION DESCRIPTION					
<p>The application for consent use for a place of assembly on erf 3034, Malmesbury 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. The place of assembly (295m² in extent – maximum 50 guests) will be operated as a function facility.</p> <p>The application for the amendment of condition A.1(a) of the rezoning of erf 3034, Malmesbury in terms of section 25(2)(h) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The purpose of the amendment is to increase the number of bedrooms from 5 to 7.</p> <p>The application for a departure from the development parameters on Erf 3034, 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 departures entail the following:</p> <ul style="list-style-type: none"> • Departure of the required 13 on-site parking bays to 0. • Departure of the permissible coverage of 40% to 41%. • Departure of the 5m side building line to 0m (southern boundary) and 2.9m (northern boundary) respectively. <p>The applicant is the CK Rumboll & Partners and the owner is S Pieters.</p>					
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erf 3034 Malmesbury, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Wes-Kaap				
Physical address	18 Palmboom Street	Town	Malmesbury		
Current zoning	General Residential zone 3: Guesthouse	Extent (m ² /ha)	719m ²	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)				
Current land use	Guesthouse	Title Deed number & date	T37700/08		
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?	Y	N	If Yes, specify	
Any unauthorised land use/building work	Y	N	If Yes, explain	

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning		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	<input checked="" type="checkbox"/>	Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval	
Determination of zoning		Closure of public place		Consent use		Occasional use	<input checked="" type="checkbox"/>
Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing non-conforming use			

PART D: BACKGROUND

The rezoning of erf 3034, Malmesbury from Residential zone 1 to General Residential zone (restricted to a guesthouse with 5 bedrooms) was approved by the Council of Swartland Municipality 11 Desember 2008.

Since then another land use application on the property for the rezoning of a portion (107m² in extent) of erf 3034 from General Residential zone to Business zone in order to operate a conference and function facility was refused by the Council of Swartland Municipality on 13 November 2013. (The application at the time only included a portion of the existing buildings and did not include the outside area surrounding the swimming pool as is the case of this application.)

Since 2014 numerous complaints from surrounding property owners to erf 3034, regarding the use of the property as a function facility, have been received. Several compliance notices for an illegal land use for the operation of a function facility on the property has been issued since 2014. The illegal activities stopped for a while but then commenced again.

Recent complaints have been received that the function facility is still being operated on the property. The function facility includes the use of the guesthouse for functions as well as the outdoor swimming pool area is rented as facility where people can swim and braai.

A notice of compliance was once more issued on 3 March 2023 to the owner of erf 3034 which resulted in the submission of the application.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	
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PART F: SUMMARY OF APPLICANT'S MOTIVATION

1. The proposed development supports the Swartland Spatial Development Framework (SDF) that guides sustainable future development in Malmesbury.
2. The application supports the planning principles of SPLUMA and LUPA.
3. The proposed development is compatible with the land use proposals for the area in which Erf 3034 is located.
4. The proposed consent use will provide additional economic opportunities in Malmesbury.

<p>5. Existing infrastructure is being used which promotes sustainable development; No new buildings are proposed.</p> <p>6. The proposal complies with all the development parameters of General Residential Zone 3.</p> <p>7. The development is accessible and there will be no major negative effects on the surrounding built environment, natural environment or economic environment.</p>					
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
<p>A total of 19 registered notices which were send to affected parties. The public participation process started on 29 September 2023 and ended on 30 October 2023. Where e-mail addresses were available, affected parties were notified via e-mail as well. 5 of owners were also notified via email. No notices were returned uncollected.</p> <p>A total of 5 objection letters were received which are generic of nature. One of the letters contains signatures of 5 people. The applicant's comments on the objections were received on 6 December 2023.</p>					
Total valid comments	5		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 referred to the ward councillor which did not comment on the application.				
Total letters of support	0				

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Received	Summary of comments		Recomm.
Directorate: Development Services	19 September 2023	1. Building plans be submitted to the Senior Manager: Development Management for consideration and approval.		✓
Departement : Siviele Ingenieursdi enste	11 Oktober 2023	1. Die aansoek maak melding dat daar vir 50 gaste voorsiening gemaak word en dat slegs 5 parkeerplekke voorsien word, Gegewe die aard van die omgewing en dat daar nie alternatiewe parkeerplekke beskikbaar is nie word die aansoek nie ondersteun nie.		X
Directorate: Civil Engineering Services	2 February 2024	<p>(Please note that the comments from the Department was communicated to the applicant to address. An agreement regarding the parking layout for the place of assembly was reached between the applicant and the Department. The parking proposal is acceptable to the Department.)</p> <p>1. Note that the parking area will need to be provided with a dropped kerb and asphalt surface. The storm water catch pit will also need to be lowered and provided with a grid inlet. To this end the property owner will need to appoint a professional engineer/technologist for the design and supervision/certification for the construction of the parking area, as well as a suitably qualified and experience contractor for the construction thereof, which will be for the property owners account.</p>		✓

		2. Prior to commencement the owner will need to submit the plans for the departments approval.	
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PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS	
<p>A generic letter was submitted by the following owners: L & SAM Lingeveldt (owners of erf 2032), N & V Josias (owners of erf 2031), G & J Damonse (owners of erf 3035), J & M Marais (owners of erf 2030) and a letter signed by 5 people J Fredericks (owner of erf 3033), C van der Merwe (owner of erf 3037), H McKenzie (owner of erf 2028), M Petersen (owner of erf 3038) and SH & AW Solomons (owners of erf 3030).</p>			
<p>1.</p>	<p>Ons woning is reg langs Erf 3034. Ons slaapkamer is langs die vertrek wat die gastehuis gebruik as onthaallokaal. In die verlede wanneer hul funksies gehou het was dit ondraaglik met die harde musiek en geraas wat tot laat in die nag aangaan. Soveel so dat my vrou telke male as daar funksies was 'n dokter moes gaan sien die volgende dag.</p>	<p>The location of the objectors' bedroom in relation to the proposed area to be use as a place of assembly is noted. The owner of the property has already increase the height of a section of the boundary wall between Erven 3034 and 3035, in an effort to decrease the potential impact of the music being played and noise that might be generated by people attending a function. The owner has indicated to us that she is willing to increase the height of more sections of the boundary wall between Erven 3034 and 3035, in accordance with section 5(4) of the By-Law relating to boundary walls and fences, 2016, to help mitigate the effects of loud sound and noises (See Figure 1 & 2 below). The owner has with past events made sure that should sound equipment be set up, that the equipment be setup on the side of the house which is farthest from the objector's house, and setup in such a way as to minimise the sound that is directly directed towards Erf 3035.</p> <p>Furthermore, the property is located in Zone R, which encourage supporting social and neighbourhood orientated commercial services. Allow for Infill opportunities. The zone has been identified as a restructuring zone for social housing. The area also provides opportunities for recreational facilities. Area located at the primary activity axis is earmarked for integrated business uses in order to strengthen the connection between Malmesbury and Wesbank.</p> <p>Since the zone support social and neighbourhood orientated commercial services, such as the place of assembly and is located adjacent an activity street, the proposed use is supported by the Swartland Spatial Development Framework.</p>	<p>History has shown since 2014 by means of complaints from neighbouring owners to erf 3034 that the operation of a function venue on the property has caused a nuisance to neighbours.</p> <p>Attempts to legalise the function venue (smaller in size at the time and only indoors) was refused by the Council of Swartland Municipality in 2013.</p> <p>The comments from the objectors in points 1 to 6 are therefore noted as these complaints are well know to the Division: Land Use & Town Planning.</p> <p>Further comments are reserved.</p>

2.	Leë bottels word oor my muur gegooi en ook gebruikte kondome.	The owner of Erf 3034 will ensure that there is sufficient dustbins to dispose of any used items or other materials. It is kindly requested that the Objector provides dated evidence that the stated items were found on his/her property either the night of a function that was held, or the day after a function was held.	Comments are reserved.
3.	Dit is 'n woongebied en so 'n onthaal fasiliteit sal inbraak maak op ons privaatheid en ons rus verstoort soos wat al telke male in die verlede gebeur het wanneer daar funksies by die gastehuis aangebied was.	<p>The proposed place of assembly might not be used every day, or even every weekend. When it come to the privacy of surrounding neighbours, the main challenge that is highlighted, is the potential noise pollution. Other challenges that might also cause some privacy challenges are light pollution, Traffic and Parking issues, Visual intrusion, and an overflow of people on to private property, and waste and litter. Mitigation measure that can be used are:</p> <ul style="list-style-type: none"> • Implement Noise control measures: Limiting the noise levels and to adhere to the regulations relating to the Swartland Municipality: By-Law relating to Public Nuisances. • Manage traffic and parking: As part of the application, we are in contact with the Municipality's Civil Services roads department to find the best solution relating to parking, and how to manage the traffic when guests are arriving and departing. The parking that is proposed with the application will ensure that the vehicles of the guests attending an event will be parked at the venue in order to minimise the chance of somebody blocking a neighbouring property's entrance way. • Minimize lighting: Use directional lighting, install shielding to direct light where it's needed, and adhere to local regulations regarding outdoor lighting. • Crowd Control Measures: Ensure that crowd sizes are managed to prevent overflow into residential areas and private properties. In this case, the place of assembly is located at the back of the property, and all efforts will be made to ensure that the guests stay within the designated area. When 	<p>The proposed mitigation measures are noted.</p> <p>Comments are reserved.</p>

		<p>guests depart all efforts will be made to ensure that guests proceed directly to their vehicles, and that the vehicles depart in an orderly manner.</p> <ul style="list-style-type: none"> • Waste Management: This can be done by ensuring that sufficient dustbins and waste disposal capacities are present at each function. Arrangements between the owner and the municipality will need to be made with regards to the safe disposal of waste from the property. <p>A means of communication between the owner and the surrounding community can be establish, where the owner can inform the surrounding properties when an event will be held and other important information, as well as a way in which the surrounding community can lodge concerns and provide solutions to potential concerns.</p> <p>Please see the Section about the Spatial Development Framework for more detail regarding potential future development in the area surrounding the application property</p>	
4.	Soos in die verlede wanneer daar funksies gehou was by die gastehuis het ons ervaar dat ons rus versteur deur motors wat tot laat ure raas in die straat, asook mense wat raas en wat kru taal gebruik en misbruik maak van ons tuine.	The owner of Erf 3034 will ensure that any event held at night will only be held until 23:00 so that the majority of the event's guests would have departed and the venue to be quiet at approximately midnight. Guests are informed ahead of and at the beginning of each function/event to always be considerate towards the surrounding neighbours in terms of noise levels at the vehicles and at the place of assembly area.	<p>The mitigation measures are noted.</p> <p>Comments are reserved.</p>
5.	Musiek wat luid en hard is, is 'n steurnis tot laat.	Events will only be held until 23:00 in the evenings, to ensure that guest would have departed and the venue to be quiet by midnight. The owner has informed the objector on previous occasions that music will be played at an event that is held, but only until 23:00. Should an event likely end after 23:00, the owner will inform the objector. Noise levels will adhered to according to the Swartland Municipality: By-Law relating to Public Nuisances.	<p>The mitigation measure is noted.</p> <p>Comments are reserved.</p>

6.	<p>Die parkeer areas wat aangewys word, is sekerlik nie genoeg vir 50 gaste nie. So ons toegang tot ons opritte sal sekerlik weer versper word soos wat ons in die verlede ervaar het.</p>	<p>According to the Swartland Municipality Development Management Scheme, a place of assembly must provide 1 parking space per 4 seats. This amounts to at least 12 parking spaces for 50 guests. Although no on-site parking can be provided, the owner is willing to negotiate with the Municipality to create around 7 parking spaces in the road reserve, in front of the property. The owner of the guesthouse and propose place of assembly at first gave us instruction to apply for a maximum of 50 people at the venue, but indicate that this number could be lowered down to 30 people. The proposed parking of 7 parking spaces in the road reserve will be sufficient for 28 people, according to Swartland Municipality's parking requirements for a place of assembly. Therefore, should the maximum number of guest at the place of assembly be 30 people, the proposed 7 parking space will be sufficient. It should be noted that scenarios can occur namely, that a guest could stay at the guest house the night before an event/function, or a guest could attend an event/function and then decide to utilize the guest house for accommodation after the event has concluded. In both of these scenarios the parking bays allocated for the guesthouse can also be used by guests attending an event. Thereby reducing the required number of parking bays.</p>	<p>The applicant amended the land use application to amend the number of guests to the place of assembly from 50 to 30. At a parking ration of 1 parking bay for every 4 seats a total of 7 parking bays have to be provided. Only 5 on-street parking bays can be provided. The amendment of the application will be considered accordingly.</p> <p>Further comments are reserved.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

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

The application for consent use for a place of assembly on erf 3034, Malmesbury 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. The place of assembly (295m² in extent – maximum 50 guests) will be operated as a function facility.

Please note that after consultation between the applicant and the Department: Civil Engineering Services, the applicant reduced the number of guests from 50 to 30.

The application for the amendment of condition A.1(a) of the rezoning of erf 3034, Malmesbury in terms of section 25(2)(h) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The purpose of the amendment is to increase the number of bedrooms from 5 to 7.

The application for a departure from the development parameters on Erf 3034, 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 departure entails the following:

- Departure of the required 13 on-site parking bays to 0.
- Departure of the permissible coverage of 40% to 41%.
- Departure of the 5m side building line to 0m (southern boundary) and 2.9m (northern boundary) respectively.

By reducing the number of guests from 50 to 30, the provision of the required on-site parking bays is amended to a departure of 7 on-site parking bays to 1. (See point 2.4 for the more details.)

A total of 19 registered notices which were sent to affected parties. The public participation process started on 29 September 2023 and ended on 30 October 2023. Where e-mail addresses were available, affected parties were notified via e-mail as well. 5 of the owners were also notified via email. No notices were returned uncollected.

A total of 5 objection letters were received which are generic. One of the letters contains signatures of 5 people. The applicant's comments on the objections were received on 6 December 2023.

The Division: Land Use & Town 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

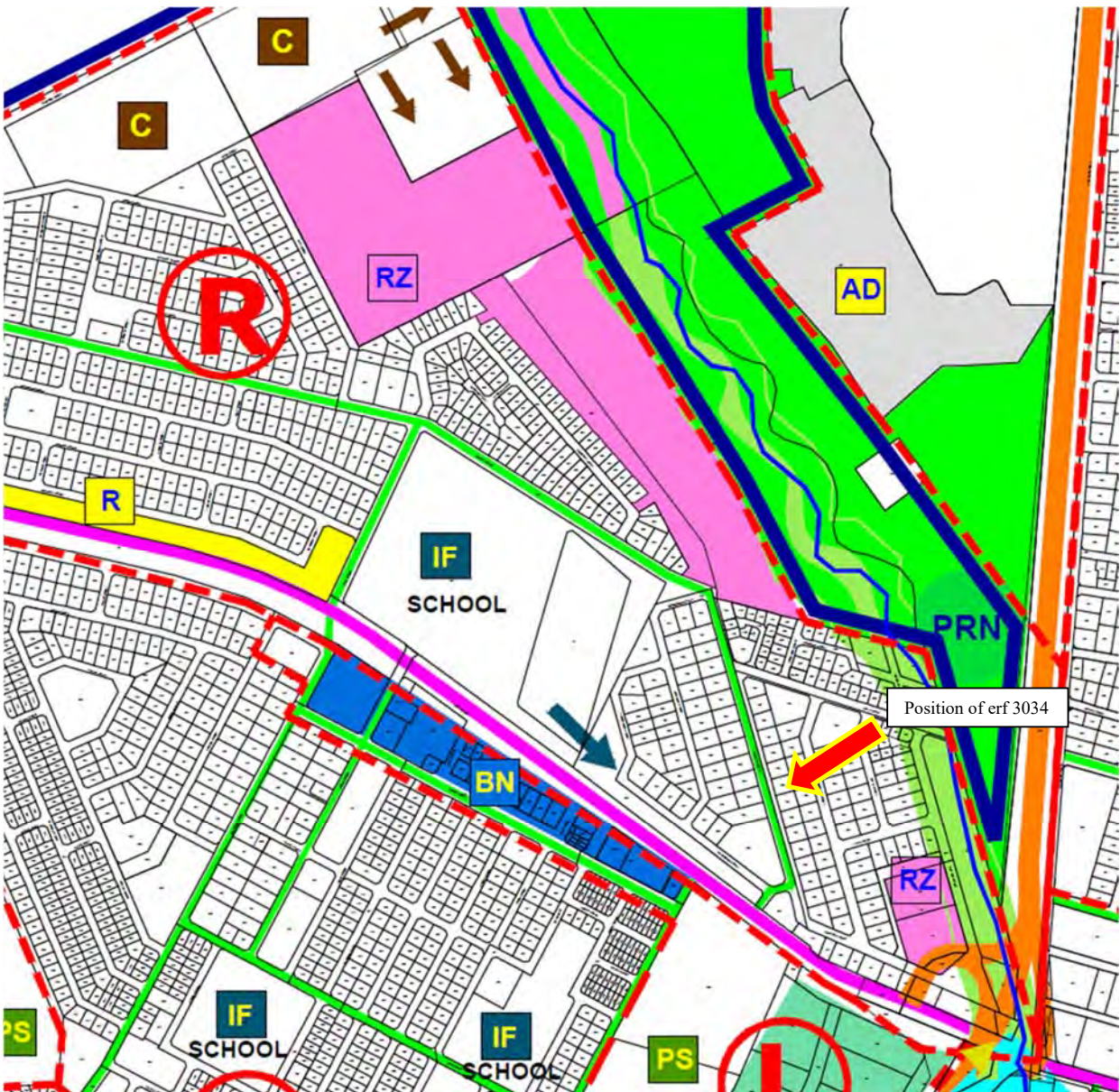
- a) Spatial Justice: As discussed in detail at point 2.2. the proposed place of assembly is deemed to be in conflict with the spatial planning of the area. The use of the property for guesthouse purposes and the extension of the guesthouse facility from 5 to 7 bedrooms remains to be deemed in compliance with the SDF.
- b) Spatial Sustainability: Sufficient services capacity exist in order to accommodate the proposed 7 bedrooms of the guest house as well as the proposed place of assembly. Only 1 of the required on-site parking bays for the place of assembly can be provided. 5 parking bays can be provided in the road reserve of Palmboom Street in front of erf 3034. The cost thereof will be for the owner/developer.
- c) Efficiency: The existing guest house has been functioning successfully since 2013. Increasing the number of bedrooms provides additional lodging capacity. The illegal use of the property as a place of assembly has proven over time to cause a nuisance to the surrounding property owners and affects the neighbourhood negatively.
- d) Good Administration: The application was communicated to the affected landowners through registered mail. The application was also circulated to the relevant municipal departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timeous manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) Spatial Resilience: The illegal use of a place of assembly affected the surrounding residential neighbourhood negatively. This is evidence that a place of assembly is better suited in a business node or in the CBD of a town. Taking into consideration the location of the guesthouse, the neighbourhood is not resilient enough to accommodate the proposed place of assembly.

2.3 Spatial Development Framework(SDF)

The Spatial Development Framework indicates that Erf 3034, Malmesbury is situated in zone R.

Zone R is an area where low and medium density residential development occurs. This zone includes an existing cemetery with potential for expansion. Supporting social and neighbourhood orientated commercial services as well as infill opportunities should be allowed. The zone has also been identified as a restructuring zone for social housing. The area also provides opportunities for recreational facilities. The area located at the primary activity axis (along Darling Way) is earmarked for integrated business uses in order to strengthen the connection between Malmesbury and Wesbank.

See the extract from the SDF below.



Erf 3034 is situated on Palmboom Street which is an identified activity street. Mixed uses of business and residential can be accommodated along activity streets. Palmboom Street as activity street is poorly developed with mixed uses at this stage and has a predominant single residential character.

The SDF also indicates that mixed uses along an activity street must provide for low-intensity business activities that meet the neighbourhood's needs for consumer goods and personal services. Such developments should be limited

in scope and should be able to integrate with the adjacent residential neighbourhood or other uses without adversely affecting the integrity of the residential neighbourhood and other uses.

The proposed place of assembly is deemed not to be a low-intensity commercial activity. The scope of the proposed place of assembly does not integrate well with the adjacent residential neighbourhood as it adversely affects the integrity of the area. This is evident from the complaints that has been received since 2014 for the illegal operation of the function venue. The place of assembly is better suited in a business node or in the CBD of a town.

The proposed place of assembly (venue facility) is deemed to be in contradiction with the spatial planning of zone R of the SDF.

The use of the property for guesthouse purposes and the extension of the guesthouse facility from 5 to 7 rooms remains to be deemed in compliance with the SDF.

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

The existing guesthouse with 5 rooms make provision for 4 on-site parking bays which are practical and workable. A site inspection on 31 January 2024 by the Division: Land Use & Town Planning confirm this. The 5 on-site parking bays which were approved for the guesthouse in 2008 cannot be accommodated on the property due to the physical restrictions on the property. The information presented at that time was incorrect.

The Planning By-law requires 3 parking bays for every 4 bedrooms for a guesthouse. The expansion of the guesthouse from 5 to 7 bedrooms remains to only require 3 parking bays. The provision of the 4 on-site parking bays for the guesthouse is deemed sufficient.

The Planning By-law requires 1 parking bay for every 4 seats for a place of assembly. The proposed place of assembly makes provision for 30 guests. Therefore a total of 7 parking bays need to be provided. It can be argued that 1 of the 4 existing on-site parking bays can be taken up as parking for the place of assembly. That implies that 6 on-site parking bays cannot be provided for the place of assembly.

The applicant proposes 5 on-street parking bays in the road reserve of Palmboom Street. See the proposal below.



The existing street boundary walls on erf 3034 encroaches the street boundary of the erf. See the picture below. The red line indicates the cadastral street boundary of the erf.



This implies that the boundary walls will need to be demolished and dropped kerbs be installed to make provision for the off-street parking bays.

Previous approved building plans for the buildings on erf 3034 did not reflect the correct erf size of the property. This resulted in incorrect coverage calculations. The coverage calculations have now been corrected. The departure of the permissible coverage of 40% to 41% is deemed minimal and will have no impact on the surrounding single residential properties which have a permissible coverage of 50%. The departure of coverage is supported.

The placement of the existing buildings on erf 3034 has been approved on previous building plans. However the departure of building lines have not been considered. The departure of the 5m side building line to 0m (southern boundary) and 2.9m (northern boundary) respectively, are as a result of the placement of the existing buildings in relation to the applicable building lines of the General Residential zone 3 zoning. The building line departures have no additional impact on the adjoining properties and are supported.

2.5 Desirability of the proposed utilisation

Erf 3034, Malmesbury is zoned General Residential zone 3 which are restricted to the use a guesthouse with 5 rooms.

Guesthouses are permitted in residential neighbourhoods due to its low disturbance potential. Over the years guesthouses have improved their lodging experience by providing facilities and amenities like a conference facility, venue facility, gym, restaurant, swimming pool, ect. These facilities are restricted to be used by guests of the guesthouse and are not available to be used by the general public.

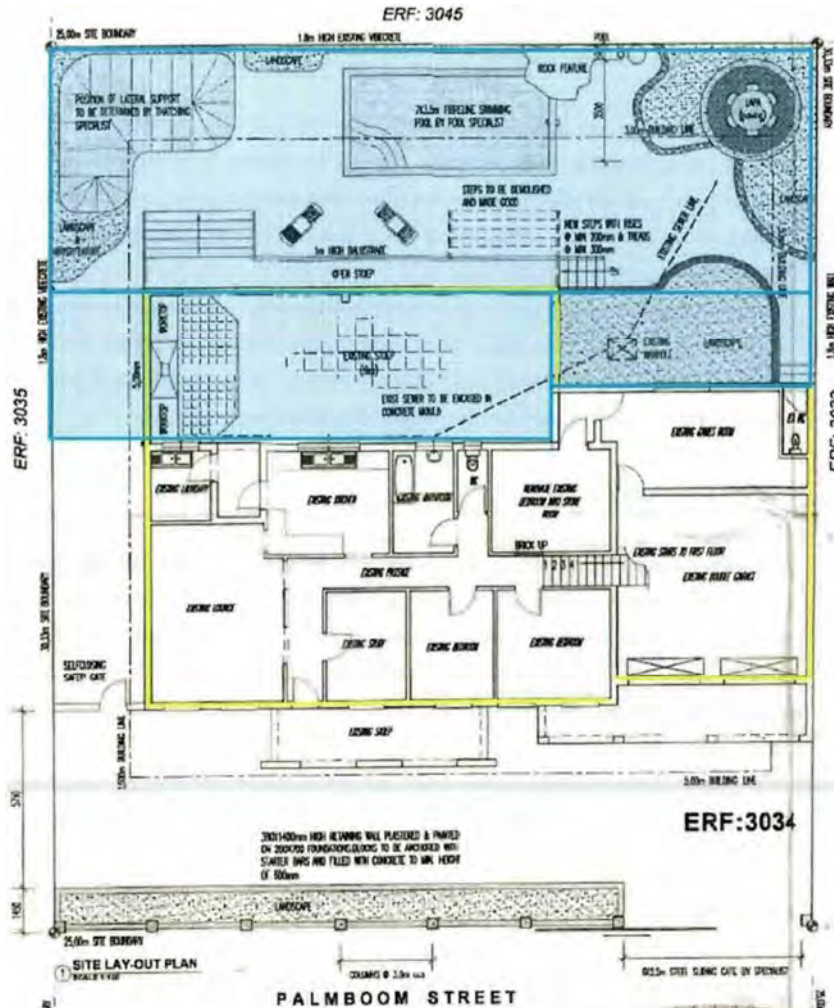
The guesthouse on erf 3034 has been successfully operating since 2013/2014. The need has arisen to enlarge the guesthouse by providing to additional bedrooms. The existing dining area has already been converted into two single bedrooms which brings to total number of bedrooms to be let to 7. At full capacity the guesthouse with 7 bedrooms can accommodate 13 guests. This is however very rarely the case.

The character of the surrounding area to erf 3034 are single residential properties. It is foreseen that the two additional bedrooms will have little to now impact on the character of the surrounding area.

Sufficient on-site parking is provided to accommodate guests of the 2 additional bedrooms. The increase of the number of bedrooms from 5 to 7 are supported.

The departure of building lines and coverage are as a result of the placement and scale of the existing buildings which have not been considered before. The impact of these departures on the surrounding residential properties are deemed low to none. The departures are supported.

The purpose of the application is also to obtain consent use approval for a place of assembly to accommodate a function facility. The function facility consist of an indoor and outdoor area with braai facilities and a swimming pool. The proposed function facility is 295m² in extent and can accommodate a maximum 30 guests. See the area marked blue on the plan below.



A place of assembly is defined as follows:

"...place of assembly, means a public hall, a hall for public or social functions, a music hall, a concert hall or a hall for display purposes which is not directly related to a commercial enterprise, town hall or civic centre;..."

The proposed function facility falls in under the definition of a place of assembly.

The proposed function facility will not only be available as a facility for guests lodging at the guesthouse but will also be available to the general public to use as a place to have birthday parties, year-end functions, ect. The function facility can be operated separately from the guesthouse as a business.

The mitigation measures proposed by the applicant is noted. It is however questioned whether the owner will be able to enforce house rules adequately for the place of assembly given the history of the property.

The proposed function facility is deemed not to be a low-intensity business activity. The scope of the proposed place of assembly does not integrate well with the adjacent residential neighbourhood as it adversely affects the integrity of the area. This is evident from the complaints that has been received since 2014 for the illegal operation of the function facility.

Sufficient on-site parking cannot be provided on-site. 5 on-street parking bays in Palmboom Street is proposed which is supported by the Department: Civil Engineering Services. This still results in 1 of the required parking bays that is not provided at all.

The proposed place of assembly on erf 3034 is deemed to be not desirable.

3. Impact on municipal engineering services

Sufficient services capacity exists to accommodate the proposed increase in bedrooms and the proposed place of assembly.

4. Comments of organs of state

N/A

5. Response by applicant

See Annexure H.

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

A. The application for consent use for a place of assembly on erf 3034, Malmesbury be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

B. The application for the amendment of condition A.1(a) of the rezoning of erf 3034, Malmesbury 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 BUIDLING CONTROL

a) Condition A.1(a) be amended to read as follows:

“...A.1(a) dat die gastehuis binne die bestaande gebou akkommodeer word en die volgende fasiliteite sal bied:

- 7 slaapkamers;
- binne en buite leefareas...”

C. The application for a departure from the development parameters on Erf 3034, Malmesbury, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) as follows:

- Departure of the permissible coverage of 40% to 41%.
- Departure of the 5m side building line to 0m (southern boundary) and 2.9m (northern boundary) respectively.

The decision is subject to the following condition:

1. TOWN PLANNING AND BUILDING CONTROL

- a) All building work that encroaches the street boundary of erf 3034 be removed within 90 days of the date of the final decision on the application.
- D. The application for a departure from the development parameters on Erf 3034, Malmesbury, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) as follows:
- Departure of the required on-site parking bays from 7 to 1 (non-provision of 6 parking bays).

PART M: REASONS FOR RECOMMENDATION

A Reasons for refusal

1. Guesthouses are permitted in residential neighbourhoods due to its low disturbance potential. Guesthouses provides facilities and amenities like a conference facility, venue facility, gym, restaurant, swimming pool, ect. These facilities are restricted to be used by guests of the guesthouse and are not available to be used by the general public.
2. The proposed place of assembly is deemed not to be a low-intensity commercial activity. The scope of the proposed place of assembly does not integrate well with the adjacent residential neighbourhood as it adversely affects the integrity of the area.
3. Complaints has been received since 2014 regarding the illegal operation of a place of assembly (function facility) on erf 3034.
4. The proposed place of assembly (function facility) is deemed to be in contradiction with the spatial planning of zone R of the SDF as well as the principles of LUPA and SPLUMA.
5. The place of assembly can be operated separately from the guesthouse as a business. It is therefore better suited in a business node or in the CBD of a town.
6. Sufficient on-site parking for the place of assembly cannot be provided.
7. Even though the proposed on-street parking is supported by the Department: Civil Engineering Services, the place of assembly as a business use is found not to be desirable on the property.
8. Enforcement of the proposed mitigation measures are questioned as a result of the history of the property.
9. Affected property owners do not consent to the operation of the place of assembly.

B Reasons for approval

1. Lodging capacity at the guest house is increased.
2. The use of the property for guesthouse purposes remains to be deemed in compliance with the SDF and principles of LUPA and SPLUMA.
3. It is foreseen that the two additional bedrooms will have little to no impact on the character of the surrounding area.
4. Sufficient on-site parking is provided to accommodate guests of the 2 additional bedrooms.
5. The departure of building lines and coverage are as a result of the placement and scale of the existing buildings which have not been considered before. The impact of these departures on the surrounding residential properties are deemed low to none.

PART N: ANNEXURES



Annexure A	Locality Plan
Annexure B	Site development plan
Annexure C	New site development plan with new parking layout
Annexure D	Photos of the proposed place of assembly
Annexure E	Public Participation Map
Annexure F	Position of objectors
Annexure G	Objection from I & SAM Lingeveldt
Annexure H	Objection from N & V Josias
Annexure I	Objection from G & J Damonse
Annexure J	Objection from M & J Marais

Annexure K	Letter of objection signed by 5 people
Annuxure L	Comments from the applicant on the objections received.

PART O: APPLICANT DETAILS

First name(s)	CK Rumboll & Partners				
Registered owner(s)	Shamielah Pieters	Is the applicant authorised to submit this application:	<table border="1"> <tr> <td>Y</td> <td>N</td> </tr> </table>	Y	N
Y	N				

PART P: SIGNATURES

Author details: AJ Burger Chief Town & Regional Planner SACPLAN: B/8429/2020		Date: 1 February 2024	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended <input type="checkbox"/>
		Date: 5 February 2024	

Locality plan

Annexure A






Locality plan

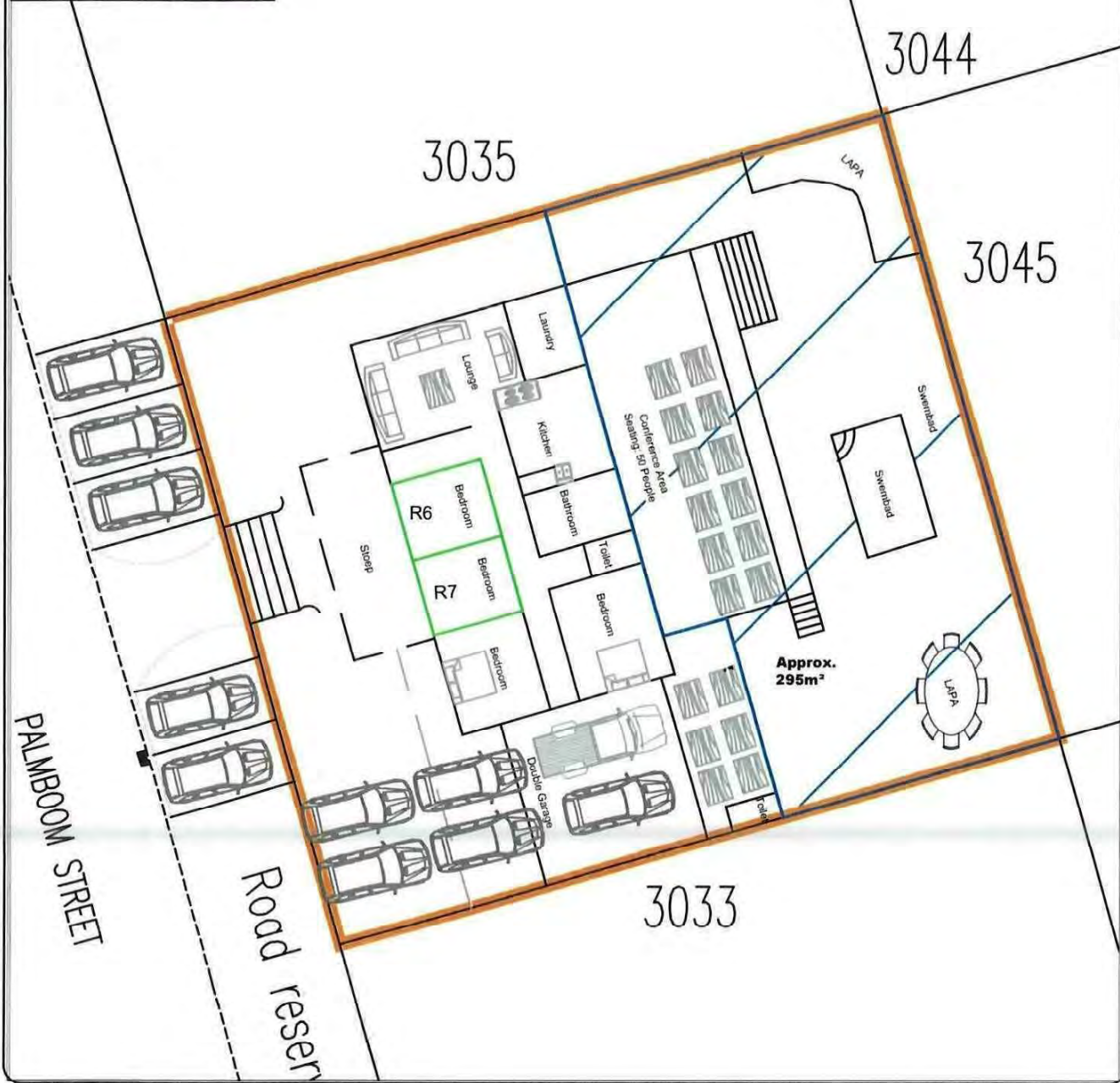
Erf 3034, Malmesbury

Scale : N/A




Legend:

- Property Boundaries 
- Proposed Area for Place of Assembly Approx. 295m² 
- Additional Rooms 




PROPOSED DEVELOPMENT PLAN FOR ERF 3034, MALMESBURY

MUNICIPALITY:
SWARTLAND



NOTA:
All areas and distances
are subjected to
surveying

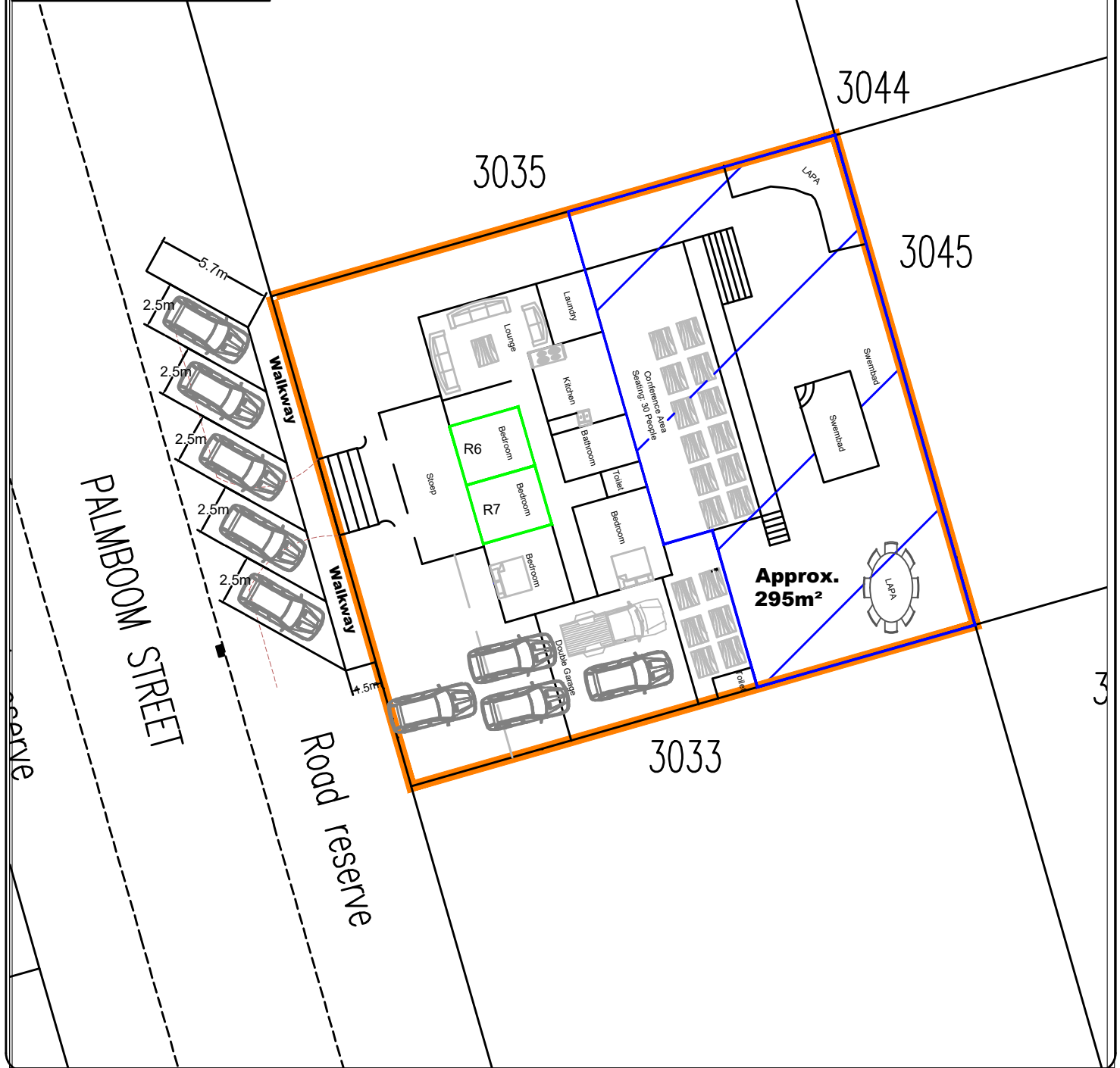
VERW. MAL/13188/HDT



Compiled by
C.K. RUMBOLL AND PARTNERS
P. O. Box 211
MALMESBURY
7300
Tel. 022 482 1845
Fax. 022 487 1661
email. planning4@rumboll.co.za

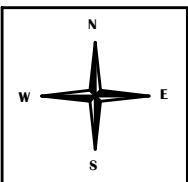
Legend:

- Property Boundaries
- Proposed Area for Place of Assembly
Approx. 295m²
- Additional Rooms



PROPOSED DEVELOPMENT PLAN FOR ERF 3034, MALMESBURY

MUNICIPALITY:
SWARTLAND



NOTA:

All areas and distances
are subjected to
surveying

Ref. MAL/13188/HDT
Scale 1:10



Compiled by

C.K. RUMBOLL AND PARTNERS
P. O. Box 211
MALMESBURY
7300
Tel. 022 482 1845
Fax. 022 487 1661
email. planning4@rumboll.co.za









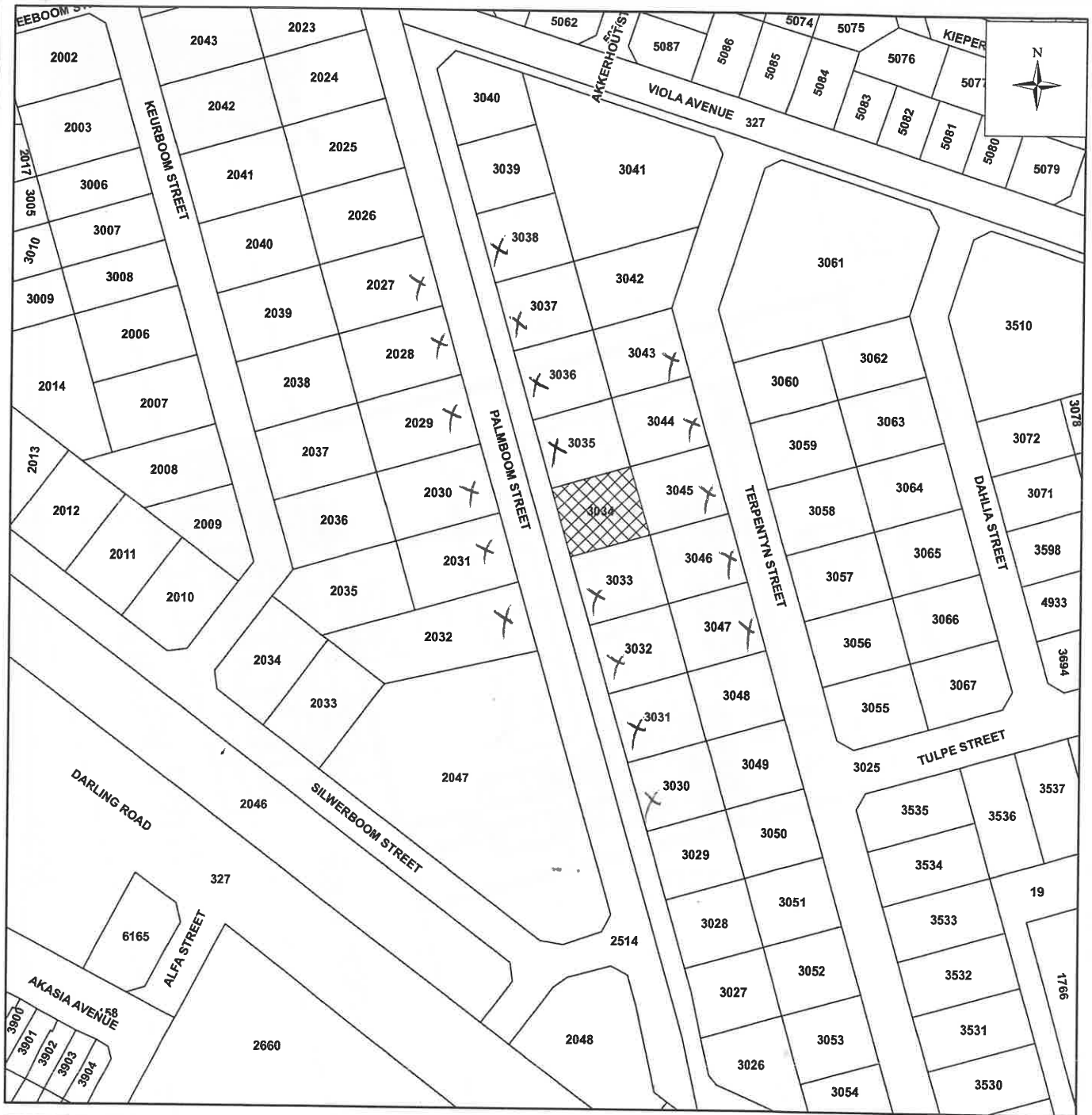






Ligingsplan

Annexure E

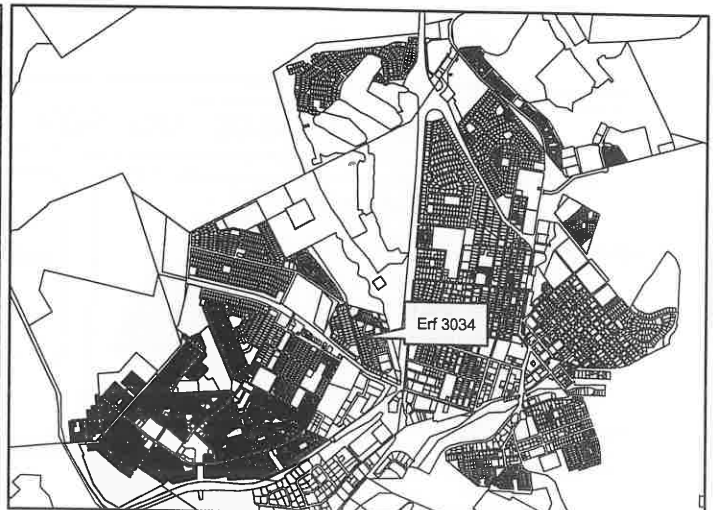


Voorgestelde vergunningsgebruik, afwyking en wysiging van voorwaardes

Erf 3034, Malmesbury

Publieke deelname

Skaal: NVT



Locality of objectors

Annexure F



Locality plan

Position of objectors

Scale : N/A



Palmboomstraat 3
MALMESBURY
7300

MUNICIPALITY OF SWARTLAND
15/3/4-8/Erf- 3034
SSSB
a Del
15/3/10-8/Erf- 3034

NO.	NAME	DATE	REMARKS

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52
MALMESBURY
7299

RE: Vergunningsgebruik en Afwyking op ERF 3034

Geagte Heer

U aansoek op vergunningsgebruik vir 'n plek van samekoms op ERF 3034 wat as 'n onthaal fasiliteit bedryf sal word, **staan ons ten sterkste tee** en gee nie toestemming nie.

Dit is 'n woon gebied en so n onthaal fasiliteit sal inbraak maak op ons privaatheid en ons rus verstoer soos wat al telkemale in die verlede gebeur het wanneer daar funksies by die gastehuis aangebied was.

Soos in die verlede wanneer daar funksies gehou was by die gastehuis het ons ervaar dat ons rus word versteur deur motors wat tot laat ure raas in die straat asook mense wat raas en wat kru taal gebruik en misbruik maak van ons tuine. Musiek wat luid en hard is, is 'n steurnis tot laat.

Die parkeer areas wat aangewys word, is sekerlik nie genoeg vir 50 gaste nie. So ons toegang tot ons opritte sal sekerlik weer versper word soos wat ons in die verlede ervaar het.

Ons gee definitief nie toestemming vir hierdie aansoek nie.

Met dank

L Lingeveltdt
S A M Lingeveltdt

L. Lingeveltdt 0782751416.
ERF 2032



Palmboomstraat 5
MALMESBURY
7300

MUNISIPALITEIT SWARTLAND			
№	Naam	Adres	Stad
15/3/4-8	Erf	3034	
SSSB			
e Del			
15/3/10-8	Erf	3034	

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52
MALMESBURY
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Ons gee definitief nie toestemming vir hierdie aansoek nie.

Met dank

N Josias
V Josias

N Josias TEL 0660220674
V Josias AFD. 2034.



Palmboomstraat 20
MALMESBURY
7300

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52
MALMESBURY
7299

15|3|4-8|Erf_3034

SSSB
abel

15|3|10-8|Erf_3034

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Ons gee definitief nie toestemming vir hierdie aansoek nie.

Met dank

G Damonse
J Damonse

G. Damonse
J. Damonse

ERF NO 3035
foon 0784800474



Palmboomstraat 7
MALMESBURY
7300

15/3/4-8/Erf-3034			
SSSB			
"Del			
15/3/10-8/Erf-3034			

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52
MALMESBURY
7299

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Ons gee definitief nie toestemming vir hierdie aansoek nie.

Met dank

M Marais
J Marais

M Marais 0660272892 ERF 2030
J Marais 076 7084944 " " "



Palmboomstraat 20
MALMESBURY
7300

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52
MALMESBURY
7299

15/3/4-8 Erf - 3034				
SSsB				
abel				
15/3/10-8 Erf - 3034				

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Ons gee definitief nie toestemming vir hierdie aansoek nie.

- Met dank J. Fredericks 076 111 4748 Erf 3033
- G Damonse C.v.d. Merwe 0847698030
- J Damonse ~~Di emu~~ ERF 3037
- H. Mackenzie 02248 644 64
- H. Mackenzie ERF 2228.
- M. Davisa 022 48 66788
- h. Davisa ERF 3038.
- h. Davisa 0614052117 ERF 3030 (SHAW SOLOMONS)



CK RUMBOLL & VENNOTE / PARTNERS



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

Date: 05 December 2023

Per Email

Attention: Mr A. Zaayman

The Municipal Manager

Swartland Municipality

Private Bag X52

MALMESBURY

7300

MUNISIPALITEIT SWARTLAND				
15/3/4-8/Erf_3034	Inligting	Verke	Areandf	Kom/Taar
SGSB cc Del				
15/3/10-8/Erf_3034				

REF: MAL/13188/HDT



RESPONSE TO OBJECTIONS:

PROPOSED CONSENT USE ON ERF 3034, MALMESBURY

Herewith formal response to the objection received from the owner(s) and/or interested parties, in relation to the application for Consent Use on Erf 3034, Malmesbury, to use a part of the existing building as a place of assembly. The objections (attached as **Annexure A**) were received on 6th November 2023. This response is arranged so that points raised by the objectors are summarized and numbered which is followed the respective response.

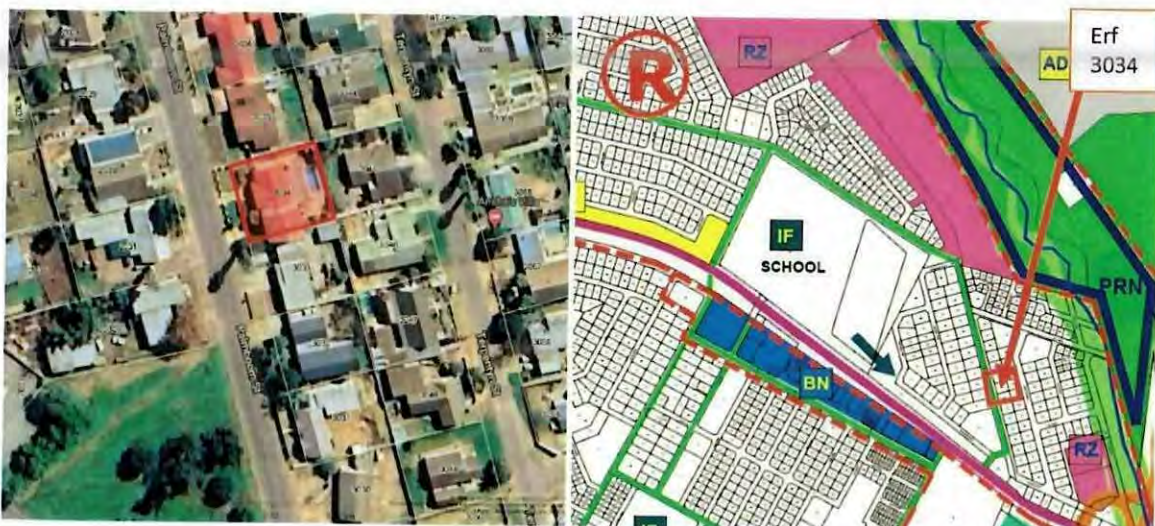


Figure 1: Erf 3034, Malmesbury

The Following owner(s) and/or interested parties are listed as:

- G & J Damonse – Erf 3035 – 20 Palmboom Street
- N & V Josias – Erf 2031 – 5 Palmboom Street
- M & J Marais – Erf 2030 – 7 Palmboom Street
- L & S A M Lingevelde – Erf 2032 – 3 Palmboom Street
- G Damonse plus other residents

The following documents are attached:

- Annexure A: Objection letters
- Annexure B: Response to objections

It is respectfully requested that Swartland Municipality consider the application favourably and finalize the decision for the proposed consent use of Erf 3034, Malmesbury.

Regards



Hendri du Toit
for CK RUMBOLL & PARTNERS

VENNOTE / PARTNERS:

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

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

MALMESBURY (T) 022 482 1845 (F) 022 487 1661

VREDENBURG (T) 022 719 1014

ANNEXURE A: OBJECTION LETTER



CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



*Swartland forward-thinking 2040 -
where people can live their dreams!*

*Swartland vooruitdenkend 2040 -
waar mense hul drome kan uitleef!*

File ref: 15/3/10-8/Erf_3034

Enquiries:
Ms D N Stellenberg

6 November 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

PROPOSED CONSENT USE ON ERF 3034, MALMESBURY

Your application with reference MAL/13188/HDT dated 18 September 2023 refers.

Kindly find attached the objections received by G & J Damonse, N & V Josias, M & J Marais, L & S A M Lingeveldt and G Damonse plus other residents 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

Palmboomstraat 20
MALMESBURY
7300

15/3/4-8/Erf_3034

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52
MALMESBURY
7299

SSSB
abel

16/3/10-8/Erf_3034

RE: Vergunningsgebruik en Afwyking op ERF 3034

Geagte Heer

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Ons woning is reg langs ERF 3034. Ons slaapkamer is langs die vertrek wat die gastehuis gebruik as onthaalokaal. In die verlede wanneer hul funksies gehou het was dit ondraaglik met die harde musiek en geraas wat tot laat in die nag aangaan. Soveel so dat my vrou telke male as daar funksies was 'n dokter moes gaan sien die volgende dag.

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Ons gee definitief nie toestemming vir hierdie aansoek nie.

Met dank

G Damonse
J Damonse

G. Damonse
J. Damonse

Erf No 3035

foon 0784800474



Palmboomstraat 5
MALMESBURY
7300

15/3/4-8 | Erf_3034

SSSB
& Del

15/3/10-8 | Erf_3034

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52
MALMESBURY
7299

RE: Vergunningsgebruik en Afwyking op ERF 3034

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Met dank

N Josias

V Josias

N Josias Tel 0660220674
V Josias Erf 3034



Palmboomstraat 7
MALMESBURY
7300

15/3/4-8 | Erf_3034

GSSB
"Del

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52
MALMESBURY
7299

15/3/10-8 | Erf_3034

RE: Vergunningsgebruik en Afwyking op ERF 3034

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Met dank

M Marais
J Marais

M Marais 0660272892 ERF 2030
J Marais 076 7084944 " " "



Palmboomstraat 3
MALMESBURY
7300

15/3/4-8/Erf-3034

SSSB
a Del

Die Munisipale Bestuurder
Swartland Munisipaliteit
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Soos in die verlede wanneer daar funksies gehou was by die gastehuis het ons ervaar dat ons rus word versteur deur motors wat tot laat ure raas in die straat asook mense wat raas en wat kru taal gebruik en misbruik maak van ons tuine. Musiek wat luid en hard is, is 'n steurnis tot laat.

Die parkeer areas wat aangewys word, is sekerlik nie genoeg vir 50 gaste nie. So ons toegang tot ons opritte sal sekerlik weer versper word soos wat ons in die verlede ervaar het.

Ons gee definitief nie toestemming vir hierdie aansoek nie.

Met dank

L Lingeveltdt
S A M Lingeveltdt

 0782751416.
ERF 2032



Palmboomstraat 20
MALMESBURY
7300

15/3/4-8 | Erf - 3034

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52
MALMESBURY
7299

SSSB
abel

15/3/10-8 | Erf - 3034

RE: Vergunningsgebruik en Afwyking op ERF 3034

Geagte Heer

U aansoek op vergunningsgebruik vir 'n plek van samekoms op ERF 3034 wat as 'n onthaal fasiliteit bedryf sal word, **staan ons ten sterkste tee** en gee nie toestemming nie.

Ons woning is reg langs ERF 3034. Ons slaapkamer is langs die vertrek wat die gastehuis gebruik as onthaalokaal. In die verlede wanneer hul funksies gehou het was dit ondraaglik met die harde musiek en geraas wat tot laat in die nag aangaan. Soveel so dat my vrou telke male as daar funksies was 'n dokter moes gaan sien die volgende dag.

Lee bottels word oor my muur gegooi en ook gebruikte kondome.

Dit is 'n woon gebied en so n onthaal fasiliteit sal inbraak maak op ons privaatheid en ons rus verstoor soos wat al telkemale in die verlede gebeur het wanneer daar funksies by die gastehuis aangebied was.

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Die parkeer areas wat aangewys word, is sekerlik nie genoeg vir 50 gaste nie. So ons toegang tot ons opritte sal sekerlik weer versper word soos wat ons in die verlede ervaar het.

Ons gee definitief nie toestemming vir hierdie aansoek nie.

Met dank

G Damonse
J Damonse

J. Freckelck 076 1114748 Erf 3033

C.v.d. Merwe 0847698030

~~Abel~~ Erf 3037

H. Makkenari 022486464

Allicelenje Erf 3028

M. K. N. S. 022 4866788

K. P. S. Erf 3038

Shaw Saloons 111415117 Erf 3030 (SHAW SALOONS)



ANNEXURE B: RESPONSE TO OBJECTIONS

Annexure B

Herewith formal response to the objection received from the owner(s) and/or interested parties, in relation to the application for Consent Use on Erf 3034, Malmesbury, to use a part of the existing building as a place of assembly. The objections received are summarized in Table 1. Table 2 consists of our response to each of the objections listed in Table 1.

Table 1: Summary of Objections to Erf 3034 Malmesbury

Objection No.	Objector: G & J Damonse	Objector: N & V Josias	Objector: M & J Marais	Objector: L & S A M Lingeveldt	Objector: G Damonse And other residents
1	Ons woning is reg langsaa Erf 3034. Ons slaapkamer is langsaa die vertrek wat die gastehuis gebruik as onthaallokaal. In die verlede wanneer hul funksies gehou het was dit ondraaglik met die harde musiek en geraas wat tot laat in die nag aangaan. Soveel so dat my vrou telke male as daar funksies was 'n dokter moes gaan sien die volgende dag.				Ons woning is reg langsaa Erf 3034. Ons slaap is langsaa die vertrek wat die gastehuis gebruik as onthaallokaal. In die verlede wanneer hul funksies gehou het was dit ondraaglik met die harde musiek en geraas wat tot laat in die nag aangaan. Soveel so dat my vrou telke male as daar funksies was 'n dokter moes gaan sien die volgende dag.
2	Lee bottles word oor my muur gegooi en ook gebruikte kondome.				Lee bottles word oor my muur gegooi en ook gebruikte kondome.

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3	Dit is 'n woongebied en so 'n onthaal fasiliteit sal inbraak maak op ons privatheid en ons rus verstoor soos wat al telke male in die verlede gebeur het wanneer daar funksies by die gastehuis aangebied was.	Dit is 'n woongebied en so 'n onthaal fasiliteit sal inbraak maak op ons privatheid en ons rus verstoor soos wat al telke male in die verlede gebeur het wanneer daar funksies by die gastehuis aangebied was.	Dit is 'n woongebied en so 'n onthaal fasiliteit sal inbraak maak op ons privatheid en ons rus verstoor soos wat al telke male in die verlede gebeur het wanneer daar funksies by die gastehuis aangebied was.	Dit is 'n woongebied en so 'n onthaal fasiliteit sal inbraak maak op ons privatheid en ons rus verstoor soos wat al telke male in die verlede gebeur het wanneer daar funksies by die gastehuis aangebied was.	Dit is 'n woongebied en so 'n onthaal fasiliteit sal inbraak maak op ons privatheid en ons rus verstoor soos wat al telke male in die verlede gebeur het wanneer daar funksies by die gastehuis aangebied was.
4	Soos in die verlede wanneer daar funksies gehou was by die gastehuis het ons ervaar dat ons rus versteur deur motors wat tot laat ure raas in die straat asook mense wat raas en wat kru taal gebruik en misbruik maak van ons tuine.	Soos in die verlede wanneer daar funksies gehou was by die gastehuis het ons ervaar dat ons rus versteur deur motors wat tot laat ure raas in die straat asook mense wat raas en wat kru taal gebruik en misbruik maak van ons tuine.	Soos in die verlede wanneer daar funksies gehou was by die gastehuis het ons ervaar dat ons rus versteur deur motors wat tot laat ure raas in die straat asook mense wat raas en wat kru taal gebruik en misbruik maak van ons tuine.	Soos in die verlede wanneer daar funksies gehou was by die gastehuis het ons ervaar dat ons rus versteur deur motors wat tot laat ure raas in die straat asook mense wat raas en wat kru taal gebruik en misbruik maak van ons tuine.	Soos in die verlede wanneer daar funksies gehou was by die gastehuis het ons ervaar dat ons rus versteur deur motors wat tot laat ure raas in die straat asook mense wat raas en wat kru taal gebruik en misbruik maak van ons tuine.
5	Musiek wat luid en hard is, is 'n steurnis tot laat.	Musiek wat luid en hard is, is 'n steurnis tot laat.	Musiek wat luid en hard is, is 'n steurnis tot laat.	Musiek wat luid en hard is, is 'n steurnis tot laat.	Musiek wat luid en hard is, is 'n steurnis tot laat.

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6	Die parkeer areas wat aangewys word, is sekerlik nie genoeg vir 50 gaste nie. So ons toegang tot ons opritte sal sekerlik weer versper word soos wat ons in die verlede ervaar het.	Die parkeer areas wat aangewys word, is sekerlik nie genoeg vir 50 gaste nie. So ons toegang tot ons opritte sal sekerlik weer versper word soos wat ons in die verlede ervaar het.	Die parkeer areas wat aangewys word, is sekerlik nie genoeg vir 50 gaste nie. So ons toegang tot ons opritte sal sekerlik weer versper word soos wat ons in die verlede ervaar het.	Die parkeer areas wat aangewys word, is sekerlik nie genoeg vir 50 gaste nie. So ons toegang tot ons opritte sal sekerlik weer versper word soos wat ons in die verlede ervaar het.	Die parkeer areas wat aangewys word, is sekerlik nie genoeg vir 50 gaste nie. So ons toegang tot ons opritte sal sekerlik weer versper word soos wat ons in die verlede ervaar het.
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Table 2: Objections and Response to Erf 3034 Malmesbury

Objection	CK Rumboll & Partners Response
<p>1) Ons woning is reg langs Erf 3034. Ons slaapkamer is langs die vertrek wat die gastehuis gebruik as onthaallokaal. In die verlede wanneer hul funksies gehou het was dit ondraaglik met die harde musiek en geraas wat tot laat in die nag aangaan. Soveel so dat my vrou telke male as daar funksies was 'n dokter moes gaan sien die volgende dag.</p>	<p>1) The location of the Objectors' bedroom in relation to the proposed area to be use as a place of assembly is noted. The owner of the property has already increase the height of a section of the boundary wall between Erven 3034 and 3035, in an effort to decrease the potential impact of the music being played and noise that might be generated by people attending a function. The owner has indicated to us that she is willing to increase the height of more sections of the boundary wall between Erven 3034 and 3035, in accordance with section 5(4) of the By-Law relating to boundary walls and fences, 2016, to help mitigate the effects of loud sound and noises (See Figure 1 & 2 below). The owner has with past events made sure that should sound equipment be set up, that the equipment be setup on the side of the house which is farthest from the objector's house, and setup in such a way as to minimise the sound that is directly directed towards Erf 3035.</p> <div data-bbox="687 671 1424 1262" data-label="Image"> </div> <p data-bbox="1451 683 1950 754">Figure 1: Raised section of common boundary wall (As per Google Map street view).</p>

		<p>Figure 2: Raised common boundary wall.</p>
<p>2) Lee bottles word oor my muur gegooi en ook gebruikte kondome.</p>	<p>2) The owner of Erf 3034 will ensure that there is sufficient dustbins to dispose of any used items or other materials. It is kindly requested that the Objector provides dated evidence that the stated items were found on his/her property either the night of a function that was held, or the day after a function was held.</p>	<p>Furthermore, the property is located in Zone R, which encourage supporting social and neighbourhood orientated commercial services. Allow for Infill opportunities. The zone has been identified as a restructuring zone for social housing. The area also provides opportunities for recreational facilities. Area located at the primary activity axis is earmarked for integrated business uses in order to strengthen the connection between Malmesbury and Wesbank.</p> <p>Since the zone support social and neighbourhood orientated commercial services, such as the place of assembly and is located adjacent an activity street, the proposed use is supported by the Swartland Spatial Development Framework.</p>
<p>3) Dit is 'n woongebied en so 'n onthaal fasiliteit sal inbraak maak op ons privatheid en ons rus verstoer soos wat al telke male in</p>	<p>3) The proposed place of assembly might not be used every day, or even every weekend. When it come to the privacy of surrounding neighbours, the main challenge that is highlighted, is the potential noise pollution. Other challenges that might also cause some privacy challenges are light pollution, Traffic and Parking issues, Visual intrusion, and an overflow of people on to private property, and waste and litter. Mitigation measure that can be used are:</p>	

<p>die verelde gebeur het wanneer daar funksies by die gastehuis aangebied was.</p>	<ul style="list-style-type: none"> ○ Implement Noise control measures: Limiting the noise levels and to adhere to the regulations relating to the Swartland Municipality: By-Law relating to Public Nuisances ○ Manage traffic and parking: As part of the application, we are in contact with the Municipality's Civil Services roads department to find the best solution relating to parking, and how to manage the traffic when guests are arriving and departing. The parking that is proposed with the application will ensure that the vehicles of the guests attending an event will be parked at the venue in order to minimise the chance of somebody blocking a neighbouring property's entrance way. ○ Minimize lighting: Use directional lighting, install shielding to direct light where it's needed, and adhere to local regulations regarding outdoor lighting. ○ Crowd Control Measures: Ensure that crowd sizes are managed to prevent overflow into residential areas and private properties. In this case, the place of assembly is located at the back of the property, and all efforts will be made to ensure that the guests stay within the designated area. When guests depart all efforts will be made to ensure that guests proceed directly to their vehicles, and that the vehicles depart in an orderly manner. ○ Waste Management: This can be done by ensuring that sufficient dustbins and waste disposal capacities are present at each function. Arrangements between the owner and the municipality will need to be made with regards to the safe disposal of waste from the property. <p>A means of communication between the owner and the surrounding community can be establish, where the owner can inform the surrounding properties when an event will be held and other important information, as well as a way in which the surrounding community can lodge concerns and provide solutions to potential concerns.</p> <p>Please see the Section about the Spatial Development Framework for more detail regarding potential future development in the area surrounding the application property.</p>
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<p>4) Soos in die verlede wanneer daar funksies gehou was by die gastehuis het ons ervaar dat ons rus versteur deur motors wat tot laat ure raas in die straat asook mense wat raas en wat kru taal gebruik en misbruik maak van ons tuine.</p>	<p>4) The owner of Erf 3034 will ensure that any event held at night will only be held until 23:00 so that the majority of the event guest would have departed and the venue to be quiet at approximately midnight. Guests are informed ahead of and at the beginning of each function/event to always be considerate towards the surrounding neighbours in terms of noise levels at the vehicles and at the place of assembly area.</p>
<p>5) Musiek wat luid en hard is, is 'n steurnis tot laat.</p>	<p>5) Events will only be held until 23:00 in the evenings, to ensure that guest would have departed and the venue to be quiet by midnight. The owner has informed the objector on previous occasions that music will be played at an event that is held, but only until 23:00. Should an event likely end after 23:00, the owner will inform the objector. Noise levels will adhered to according to the Swartland Municipality: By-Law relating to Public Nuisances.</p>
<p>6) Die parkeer areas wat aangewys word, is sekerlik nie genoeg vir 50 gaste nie. So ons toegang tot ons opritte sal sekerlik weer versper word soos wat ons in die verlede ervaar het.</p>	<p>6) According to the Swartland Municipality Development Management Scheme, a place of assembly must provide 1 parking space per 4 seats. This amounts to at least 12 parking spaces for 50 guests. Although no on-site parking can be provided, the owner is willing to negotiate with the Municipality to create around 7 parking spaces in the road reserve, in front of the property. The owner of the guesthouse and propose place of assembly at first gave us instruction to apply for a maximum of 50 people at the venue, but indicate that this number could be lowered down to 30 people. The proposed parking of 7 parking spaces in the road reserve will be sufficient for 28 people, according to Swartland Municipality's parking requirements for a place of assembly. Therefore, should the maximum number of guest at the place of assembly be 30 people, the proposed 7 parking space will be sufficient. It should be noted that scenarios can occur namely, that a guest could stay at the guest house the night before an event/function, or a guest could attend an event/ function and then decide to utilize the guest house for accommodation after the event has concluded. In both of these scenarios the parking bays allocated for the guesthouse can also be used by guests attending an event. Thereby reducing the required number of parking bays.</p>

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a. SWARTLAND SPATIAL DEVELOPMENT FRAMEWORK (SDF)

The Swartland Spatial Development Framework (SDF) of 2023 determines the strategic policy guidelines for future development in the Swartland and in this case Malmesbury. The SDF identifies the area in which Erf 3034 appears as Zone R. Zone R is an area where low and medium density residential development occurs. Includes an existing cemetery with potential for expansion. Allow for supporting social and neighbourhood orientated commercial services. Allow for infill opportunities. The zone has been identified as a restructuring zone for social housing. This area also provides opportunities for recreational facilities. Area located at the primary activity axis is earmarked for integrated business uses in order to strengthen the connection between Malmesbury and Wesbank.

The Swartland SDF (2023) stated the following:

Protect	Change
(6) Activity streets/corridors in Wesbank: Darling Road, Palmboom, Alfa, Jasmyn and Jakaranda Streets.	(11) Support and concentrate higher order development and mixed uses along activity corridors and street.
(66) Wesbank, west of the N7 is a medium and high-density residential area while llinge Lethu on the southwestern boundary of Malmesbury only has high density residential areas.	(96) Renew and enhance the visual appeal of Malmesbury's central area to be more visitors friendly and vibrant.

The location of Erf 3034 is along a designated activity street, this makes the property an ideally suited for the proposed place of assembly. Palmboom Street is easily accessible, and a prime location for potential future business. The proposed place of assembly will therefore help to promote Palm Street as an activity street located outside of the Malmesbury CBD. Referring to figure 2 below, this form of development is supported by the SDF in the area in which Erf 3034 is located and should therefore be positively considered.

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Figure 3: Extract 1 from Swartland SDF (2023)

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- (1) Flats along activity Streets
- (2) Along activity streets and identified business and mixed use nodes
- (3) Along activity streets/corridors
- (4) At identified business node
- (5) Neighbourhood centre
- (6) Sport facility
- (7) Service trade and light industries
- (8) Service trade and warehouse where adjacent to industrial area to the south
- (9) Expand cemetery
- (10) Picnic area along Platteklip River
- (11) Service trade adjacent to CBD
- (12) At proposed future residential development nodes
- (13) Only service trade
- (14) At existing nodes (clubhouse/gate house)
- (15) Within rural development corridor

MALMESBURY LAND USE ZONES		Low Density Residential Uses	Medium Density Residential	High Density Residential	Secondary Educational Uses	Place of Education	Professional Uses	Business Uses	Secondary Business Uses	Place of Worship	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
R	Zone R is an area where low and medium density residential development occurs. Includes an existing cemetery with potential for expansion. Allow for supporting social and neighbourhood orientated commercial services. Allow for Infill opportunities. The zone has been identified as a restructuring zone for social housing. The area also provides opportunities for recreational facilities. Area located at the primary activity axis is earmarked for integrated business uses in order to strengthen the connection between Malmesbury and Wesbank.	X	X	X ₃	X	X	X	X ₃	X ₃	X	X	X	X	X	

Figure 4: Extract 2 from Swartland SDF (2023)

From the Table of the land use zone of Malmesbury it can be seen that all of the future higher density and business developments must be located along the activity street / corridor. The proposed place of assembly complies with the SDF in this regard. Although a place of assembly does not appear under the definitions relating to Business Uses and Secondary Business Use, it is significant noteworthy that a place of assembly is not directly excluded from any land use zone within this area.

It is respectfully requested that Swartland Municipality consider the application favourably and finalize the decision for the proposed consent use of Erf 3034, Malmesbury.

Regards



Hendri du Toit
for CK RUMBOLL & PARTNERS

VENNOTE / PARTNERS:

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2 February 2024

15/3/10-8/Erf_7431

WYK: 8

ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 14 FEBRUARY 2024

LAND USE PLANNING REPORT					
PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL ON ERF 7431, MALMESBURY					
Reference number	15/3/10-8/Erf 7431	Application submission date	26 October 2023	Date report finalised	2 February 2024

PART A: APPLICATION DESCRIPTION

Application for the amendment of conditions of approval pertaining to the consent use for a Place of Entertainment on a portion of Erf 7431, Malmesbury in terms of section 25(2)(h) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The application is aimed at expanding the existing rights in order to accommodate 20 limited pay-out machines, 4 additional pool tables and occasional live entertainment.

The applicant is the CK Rumboll & Partners and the owner is EFA Trafalgar (Pty) Ltd.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 7431, Malmesbury, in die gebied van die Malmesbury Plaaslike Oorgangsraad, Afdeling Malmesbury, Provinsie Wes-Kaap				
Physical address	13 Kerk Street (Annexure A)	Town	Malmesbury		
Current zoning	Business Zone 1	Extent (m ² /ha)	6 773m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Various businesses, including the Place of Entertainment – currently a night club with 5 LPMs and 2 pool tables		Title Deed number & date	T96354/1999	
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		

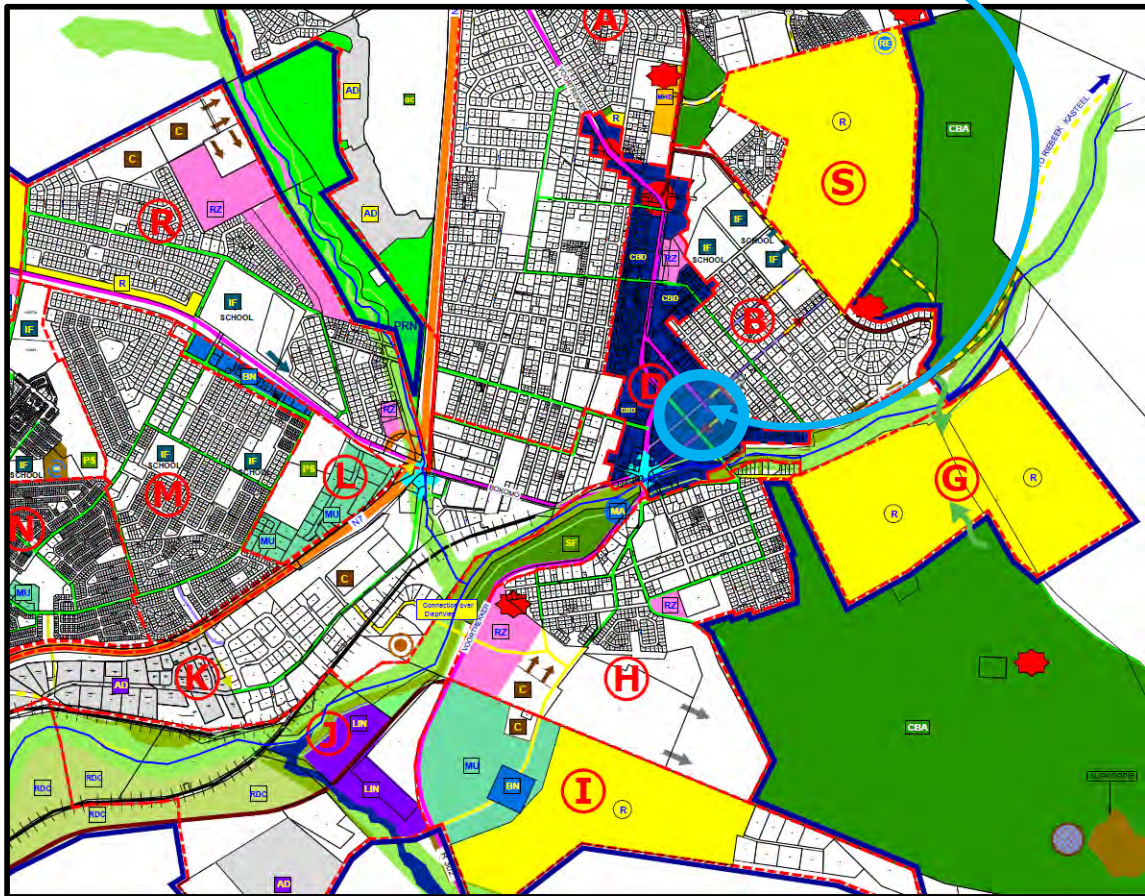
PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Amendment of conditions of approval	<input checked="" type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision
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

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	
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 non-conforming use		

PART D: BACKGROUND

Erf 7431, Malmesbury, is located towards the east of Malmesbury, inside the Central Business District (Area D), as identified in the Swartland Municipal Spatial Development Framework (SDF, 2023)



MALMESBURY LAND USE ZONES		Low Density Residential Uses	Medium Density Residential	High Density Residential	Secondary Educational Uses	Place of Education	Professional Uses	Business Uses	Secondary Business Uses	Place of Worship	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
		D	Zone D is the Central Business District with a commercial character. Include a restructuring zone identified for potential development of social housing.	X	X	X	X	X	X	X	X	X	X	X	X

Erf 7431 is zoned Business Zone 1 with existing buildings used as offices, retail space and the night club in question (AT's). The property slopes downward from Piet Retief Street towards Kerk Street, necessitating a multi-level building in response to the topography. AT's is on the lower ground level, accessed from Rainier Street.



Looking back towards the building from Piet Retief Street



Sufficient on-site parking is provided

The property block is bordered by an activity corridor, and activity street/collector route (SDF).



The property zonings in the immediate area range from General Residential Zone 3 towards the north (retirement facility), Residential Zone 1 north-east and south-east of Erf 7431, Authority Zone (Swartland Municipality Town Hall) towards the south-west and the Dutch Reformed Church directly across the road, north-west of the property.



It should also be noted that Erf 7431 is located in a part of Malmesbury containing a large number of heritage assets, ranging from Heritage Grade 2 to Heritage Grade 3C.



Dutch Reformed Church in relation to the location of the night club.

The owner obtained the land use rights and business licence in order to operate a Place of Entertainment in the form of a night club/discothèque with two pool tables, during 2014. Application was subsequently made in 2019 to expand the permitted Place of Entertainment rights to include five (5) limited pay-out machines. The applicable licences were also obtained from the relevant gambling authorities.

Application is made once more for the expansion of the rights provided within the Place of Entertainment consent use, which was previously limited to a Place of Entertainment (night club), with 5 LPM's and 2 pool tables.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

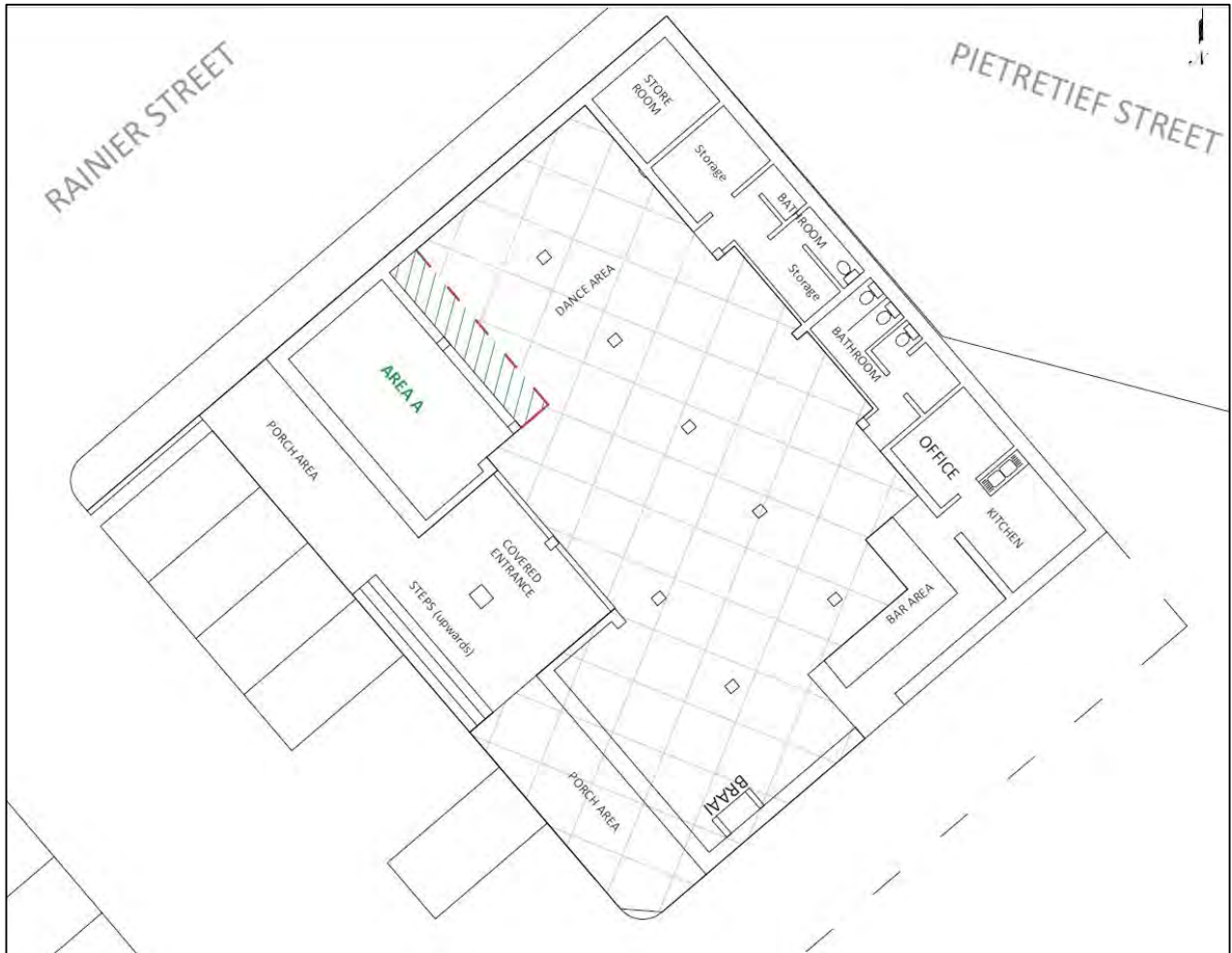
PART F: SUMMARY OF APPLICANT'S MOTIVATION

1. Proposal

Application is made to amend the conditions of approval to allow for an additional 15 lpm's (20 in total), four (4) additional pool tables (6 in total) and occasional live entertainment/performance.

The application is necessary, as the proposal exceeds the maximum number of LPM's and pool tables for which both the National Gambling Act, 2004 (Act 7 of 2004) and the Business Act, 1991 (Act 71 of 1991) require permits and/or licences.

Furthermore, the acts stipulates certain development specifications, such as that at least 2m² be provided for each LPM, which in turn requires that the floor plan of the Place of Entertainment be amended to meet the legal requirements.



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

a) Spatial Justice: Erf 7431 is zoned Business Zone 1. The amendment of conditions of approval will not cause a change in zoning. The right of the owner to utilise a portion of the existing building for a place of entertainment, in accordance with the Business Zone 1 land use rights, must be recognized. The owner is acting within the sphere of spatial justice.

- b) Spatial Sustainability: the development promotes spatial compactness and sustainable resource usage, as it does not require any new facilities to be constructed. The proposal is thus deemed resource frugal. The proposed lpm's are considered a contribution to creating social and economic benefits, in an acceptable location.
- c) Efficiency: te proposed development will optimise the use of existing resources and infrastructure. It will further create recreational opportunities.
- d) Spatial Resilience: The proposed amendment of the existing approval will continue to be resilient in terms of the multiple uses that are allowed. The proposed development will not limit future benefits of the property.
- e) Good administration: The public participation process will be managed by Swartland Municipality. The decision making process will be guided by statutory land use systems.

Motivation

- a) The development is aligned with the proposals of the Swartland SDF and By-Law;
- b) The development supports the principles of SPLUMA and LUPA;
- c) The proposed development complies with the zoning of the property, namely Business Zone 1 and all regulations and conditions are adhered to;
- d) The proposed expansion of the consent uses will be contained inside the footprint of the existing night club and as such the impact on the surrounding properties will remain unchanged;
- e) The current land use does not adversely affect the surrounding properties, as is evident from the low number of complaints received against the establishment;
- f) The expansion of the land use rights will capitalise on the existing resources and no additional pressure will be created on the existing resources;
- g) A variety of Business land uses are promoted in the area;
- h) The property is highly accessible which culminates in excellent business opportunities;
- i) The number of on-site parking bays comply with the requirements of the By-Law and no additional bays will be required, as the development of the footprint will remain unchanged;
- j) The location of Erf 7431 is optimal within the CBD, as the most appropriate location for such development proposals;
- k) The zoning of Business Zone 1 is furthermore the most appropriate zoning category to accommodate the proposed uses;
- l) The expansion of the existing land use rights will enable the property to be developed to its full potential.

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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A total of 11 registered notices which were send to affected parties. Where e-mail addresses were available, affected parties were also notified electronically. The public participation process commenced on 17 November 2023 and the commenting period came to a close on 18 December 2023.

Four objections were received against the application, of which one is a petition signed by 25 signatories – residents of Huis Amandelrug. The applicant's comments on the objections were received on 16 January 2024.

Total valid comments	4			Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures	25			
Community organisation(s) response	Y	N	Ward councillor response	Y	N	The application was referred to ward councillor De Beer, but no comments were forthcoming.	
Total letters of support	0						

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

Name	Received	Summary of comments	Recomm.
Direktoraat: Ontwikkelingsdienste	13 Nov 2023	1. Bouplanne aan die Senior Bestuurder: Ontwikkelingsbestuur vir oorweging en goedkeuring voorgelê word.	✓

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>A.M. Sheridan Erf 463 Annexure D</p> <p>ACVV Malmesbury Annexure E</p> <p>ACVV Dienssentrum Malmesbury Annexure D</p> <p>NG Moederge- meente Malmesbury Annexure F</p>	<p>1. Adriaan Truter, owner of AT's Pub for the past 25 years, has never received a formal complaint or a request for a meeting to discuss any inconvenience caused by the pub, from the objector.</p> <p>2. AT's Pub operating hours are as follows:</p> <ul style="list-style-type: none"> • Monday – Thursday: until 00:00 • Friday & Saturday: until 02:00 <p>The doors close at these times and visitors leave the premises.</p> <p>3. Noted</p> <p>4. AT's Pub already has Gambling Machines and Pool Tables. The application for additional machines and tables is to accommodate existing clients waiting for their turn.</p>	<p>1. Erf 7431 is located in the portion of Malmesbury indicated as the Central Business District. The business of a night club is generally acceptable in such an area. No evidence can be obtained that the objector has indeed lodged any complaints in the past.</p> <p>2. The owner cannot be held accountable for the behaviour of patrons even after the establishment has closed for the night. Furthermore, the property is bordered by various businesses, an activity corridor, a collector route and an activity street. A high measure of traffic and associated noise is already experienced day and night by properties next to these routes, due to the nature of activity routes.</p> <p>It should be noted that said traffic and traffic caused by the patrons of the pub, are all subject to the same traffic laws and principles. Unsafe driving practises should be reported to the relevant traffic authorities.</p> <p>3. The SAPD and Law Enforcement officers are the responsible parties for dealing with issues such as drunk and disorderly behaviour, traffic violations, etc. The fact remains that the pub is located in the CBD, directly bordered by traffic routes that already generate noticeable noise, the pub has existed in relative harmony with its surroundings for a number of years and is thus regarded as spatially appropriate.</p> <p>4. The number of pool tables and gambling machines are immaterial when taking into account that the footprint of the night club will remain unchanged. Safety legislation stipulates that a certain amount of square meterage inside a building will only allow for a fixed maximum number of people to enter the building. As the footprint of the club will not expand, the maximum number of patrons will also not be able to increase. Also refer to 2.</p>

	<p>5. The number of on-site parking bays raises concern. It is perceived to be inadequate and residents of the retirement home do not want patrons to the club to park on the parking in front of the church.</p>	<p>5. Adequate parking is provided for AT's Pub clients on the application property and by means of public parking. The building plan and land use has already previously been approved. The addition of machines and tables will not result in addition to the GLA i.e. proposed uses will be accommodated within the existing building resulting in no new parking bays required.</p>	<p>5. On-site parking bays have been calculated and provided in terms of the development parameters of the By-Law. The additional machines and use will not increase the footprint and thus not necessitate the expansion of the parking lot.</p> <p>The parking lot in front of the church is open to the public and residents of the retirement village are not entitled to dictate who may or may not park there.</p>
	<p>6. Concerns exist surrounding the proposed live music performances at the club. According to objectors the music is already deafening on some evenings and live entertainment would only worsen this. A volume and time limit for the live entertainment is proposed.</p>	<p>6. AT's Pub (which includes the proposed live entertainment area) is situated below ground level in relation to the objector's property, in order to ensure minimisation of any disturbances that might be caused. AT's Pub closes their doors at 22:00 and only opens</p>	<p>6. The restriction of permissible times for live entertainment may be managed via the conditions of approval. Likewise, the proposed mitigating measures such as keeping doors closed, not permitting any performances outside the club, restricting sound enhancing appliances to the inside of the club etc. may also be employed in order to lessen the noise impact on the surrounding area.</p>
	<p>7. The owner points out that a previous objection she submitted to the municipality was rejected without any communication. The objection pertained to the increase in her property valuation, although she believed the property valuation decreased due to an increasing amount of traffic and unpleasant and unsafe conditions at night caused by the Pub.</p>	<p>7. Noted.</p> <p>The statement regarding property values is not based on any factual information, and there is no substantiated evidence suggesting that the value of the surrounding erven will be adversely affected.</p> <p>Furthermore, the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning, among others: <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>For these reasons, Swartland Municipality may not base its decision solely on the possibility that property values may be affected.</p>	<p>7. The objection does not apply to the application at hand.</p>

	8. Objectors are concerned about an increase in noise disturbance for the residents of ACVV Amandelrug & ACVV Aandskemering.	8. The earmarked additional x15 gambling machines, 4x pool tables and live entertainment will be situated within the existing building where AT's Pub are already operating from.	8. The applicant is supported. It should also be noted that both ACVV's are located within earshot of the church bell, which is audible every 15 minutes and for far greater distances than the club in question.
	9. The Objector points out that several windows and doors border and opens directly onto Piet Retief Street and that these structures have no noise cancelation potential. The Objector is also concerned that there are no mentioning of building plans or application made to heritage Western Cape.	9. None of AT's Pub's windows or doors opens onto either Piet Retief- nor Rainier Street. No additions or alterations to the existing building are planned except for the expansion of an enclosed area, consisting out of drywall, in order to allow for the separation of the gambling area from the rest of AT's Pub as required by Law.	9. The author agrees with the applicant. Furthermore, the door and windows to the club are located towards the parking area in front of the club, facing away from the objectors and several metres lower than other buildings.
	10. The Objector requests that a Noise Impact Assessment be done.	10. See point 6 above, the owner is open to a condition restricting live entertainment to only be allowable until 22:00 in the evenings.	10. The club is located in the CBD, an area where various forms of noise is to be expected. Limiting the hours for live entertainment, as well as keeping openings to the club closed after 22:00, are foreseen to be sufficient mitigating measures. However, should a noise impact assessment be conducted on the club, it should be argued that the noise from the church bell, as well as traffic passing between the various properties involved, should also be assessed and equally mitigated.
	11. It is stated that no information is provided that the proposed development could lead to potential socio-economic impacts, or regular complaints of nuisances. One objector feels that the proposed development is not a suitable use adjacent to Amandelrug and requests that sufficient information be provided.	11. No increase in socio-economic impacts, or regular complaints of nuisance are expected due to application being made for the addition of gambling machines, pool tables and live entertainment in order to accommodate AT's Pub's existing clientele.	11. Even though the club is located in Amandelrug, it is still situated in the Malmesbury CBD. All South Africans are entitled to the freedom of movement and no individual may be forced to participate in an activity, be it drinking, gambling or dancing, without consent. Additionally, stringent legislation exist specifically to govern each of the (perceived) vices mentioned above. The socio-economic impact of the development is not a spatial issue, but cognisance is always taken of the relevant legislative aspects that should be adhered to.

	<p>12. NG Moedergemeente objects to the proposed application and states that AT's Pub does not have sufficient parking bays. that their newly built church hall will be utilised for church activities from January 2024, and that there are only sufficient parking bays to meet their needs.</p>	<p>12. Noted. Refer to point 5. Only 13 onsite parking bays are indicated and is approved as per the Approved Building Plan, although there is sufficient space to provide 16 onsite parking bays directly in front of AT's Pub. There are also several parking bays provided on Erf 7431, on Riebeeck Street. Parking bays provided in Piet Retief Street is open to the public.</p>	<p>12. Refer to comment 5. On-street parking is open to the public and occupied on a first come, first served basis.</p>
	<p>13. The objector states that it won't be in their or the public's best interest to appoint a security guard in order to control access to the parking area, this will result in an additional expense for the church. The Objector also propose that a wall be built surrounding the Church parking areas along with access gates in order to allow controlled access to the parking.</p>	<p>13. Noted. Refer to Points 5 and 13. The costs of building a wall will have to be borne by the Church, as the proposed development utilises the existing onsite parking bays located on the application property along with public parking spaces.</p>	<p>13. The objectors retains the right to enclose any parking bays that are located on their properties, but public parking will not be reserved for any one property.</p>
	<p>14. The Objector states that the noise factor of proposed live entertainment could also have a negative effect on planned art exhibitions, dedicated talk evenings or other performances due to the close proximity to the hall.</p>	<p>14. Refer to previous comments.</p>	<p>14. The new church hall was designed with limited openings towards Rainier Street and the property is surrounded by the historical high church wall. In addition, the club is situated slightly below the level of the hall and openings face in a southern direction. Mitigating measures are proposed to minimise the noise impact on the properties surrounding the club, but the affected property owners may also employ noise cancelling measures. The new church hall, in particular, is exposed not only to the night club, but notably to the persistent noise from Rainier Street, an important transport route through Malmesbury. Surely, any measures taken to mitigate the traffic noise, will be sufficient in also reducing any possible disturbances caused by noises from the club.</p>

PART J: MUNICIPAL PLANNING EVALUATION

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

Application is made for the amendment of conditions of approval pertaining to the consent use for a Place of Entertainment on a portion of Erf 7431, Malmesbury in terms of section 25(2)(h) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). The application is aimed at expanding the existing rights in order to accommodate a total of 20 limited pay-out machines, a total of 6 pool tables and occasional live entertainment.

Eleven (11) registered notices were sent to affected parties. Where e-mail addresses were available, affected parties were also notified electronically. The public participation process commenced on 17 November 2023 and the commenting period came to a close on 18 December 2023.

Four objections were received against the application, of which one is a petition signed by 25 signatories – residents of Huis Amandelrug. The applicant's comments on the objections were received on 16 January 2024.

Note that limited additional response time was afforded the applicant, as the commenting only concluded after the applicant's offices closed for the December holidays. Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

The applicant is the CK Rumboll & Partners and the owner is EFA Trafalgar (Pty) Ltd.

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 is consistent with the character of the Malmesbury CBD and will provide additional business and recreational opportunities to a wide range of the community. The proposed development is therefore in compliance with the SDF, it does not discriminate against any person or group and is therefore compliant with the principle of spatial justice.
- b) Spatial Sustainability: The development proposal is aimed at the optimal use of the building footprint, optimising the use of the existing infrastructure. Allowing various uses on the property strengthens the financial sustainability. The proposal is deemed sustainable.
- c) Efficiency: The existing building footprint will be utilised and the use of infrastructure is optimised. The development also contributes to the provision of mixed land uses, as strategized by the local, provincial and national policy.
- d) Good Administration: The application was communicated to the affected landowners through registered mail and electronic platforms. The application was also circulated to the relevant municipal departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timely manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) Spatial Resilience: The proposal creates an alternative revenue stream for the owner/developer. The proposed building, however, being a heritage asset, is minimally altered – only interior, removable structures – and may be reverted back to original form at any time, should it become necessary. The wider variety of amenities proposed in the application is foreseen to strengthen the ability of the club to deal with possible economic and environmental shocks in future. The expansion of the rights on the property remains compatible with the surrounding character of the neighbourhood.

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 Spatial Development Framework(SDF)

The application contributes to healthy management of the urban and rural area. IDP outcome 5.2.

The proposed development is in compliance with the character and land uses prescribed by the SDF as well as the principle of mixed use development which is supported by the SDF and PSDF. The application affects optimal and more intensive use of land and existing infrastructure.

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

The proposal complies with all the development parameters determined by the By-Law.

On-site parking is provided in accordance with the ratio stipulated by the By-Law and as the footprint of the building will not increase, the number of required parking bays will also not increase.

2.4 Desirability of the proposed utilisation

The impact of the proposed development is anticipated to be negligible, as it entails only the expansion of existing rights. The development is considered consistent with the MSDF visions and objectives for the future of Malmesbury.

The development proposal is wholly consistent with the land use proposals of the SDF and principles of local, Provincial and National policies.

Access to the property will continue to be obtained via Rainier Street. The number of parking bays provided are more than sufficient in terms of the By-Law parameters. The parking lot is already finished in a permanent, dust free material, as required by the Department: Civil Engineering Services.

The club already provides the amenities of LPM's and pool tables. The application is merely intended to expand the right through increasing the number of machines/tables. The additional machines will still be contained inside the same footprint of the building.

The addition of providing live entertainment is considered consistent with the land use of a club. However, it is acknowledged that noise is naturally associated with such events. The mitigating measures proposed by the applicant are thus considered reasonable to reduce any noise disturbances as much as possible. It is additionally noted that the noise created by the traffic passing between the club and the church, as well as that of the church bell, are quite excessive in itself and at least equal to that generated by the applicant. In addition to measures taken by the applicant, the affected owners have the right to employ their own noise cancelling measures which will mitigate the sounds generated by any one of the above sources.

The proposed amendment to the building to accommodate a larger portion for the LPM's, will be restricted to the interior of the building and also subject to building plan approval. As the building is a heritage asset, input from the relevant officials will also be obtained at building plan stage. The architectural style of the building will not be altered and therefore remain consistent with the heritage character of other buildings in the street/area.

The construction phase is foreseen to create employment opportunities, while rates and taxes will provide continuous income to the Municipality in future.

The proposed development encourages optimal use of the property, resources and infrastructure, while land and functionality is foreseen to be promoted by the development.

All development parameters of the Zoning Scheme will be adhered to.

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

Existing services infrastructure are deemed sufficient to accommodate the proposed additional amenities.

There are no restrictions in the title deed of Erf 7431 which may restrict the application.

In conclusion, the proposal to rezone Erf 7431, Malmesbury, is deemed desirable in terms of the above-mentioned criteria.

3. Impact on municipal engineering services

Sufficient services capacity exists to accommodate the proposed development.

4. Comments of organs of state

No comments forthcoming.

5. Response by applicant

See Annexure H.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS
<u>The financial or other value of the rights</u>
N/A
<u>The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal</u>
N/A
<u>The social benefit of the restrictive condition remaining in place, and/or being removed/amended</u>
N/A
<u>Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights</u>
N/A

PART L: RECOMMENDATION WITH CONDITIONS
<p>The application for the amendment of conditions of approval pertaining to the Place of Entertainment on Erf 7431, Malmesbury, 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:</p>
<p>1. TOWN PLANNING AND BUILDING CONTROL</p> <p>a) Condition 1.a) of approval letter 15/3/10-8Erf 7431, dated 13 August 2019, be amended to read as follows: “The consent use granted for extending the existing place of entertainment on Erf 7431, in order to facilitate limited pay-out machines, pool tables and live entertainment and performances”;</p> <p>b) Condition 1.b) of approval letter 15/3/10-8Erf 7431, dated 13 August 2019, be amended to read as follows: “The proposed gambling facility be limited to 20 limited pay-out machines, 6 pool tables and the live entertainment and performances be restricted to the allocated internal area, as presented in the application”;</p> <p>c) The external doors to the club be kept closed from 22:00 in the evenings;</p> <p>d) Live entertainment and performances be not allowed to continue later than midnight;</p> <p>e) No form of entertainment be permitted outside the existing club and that no sound enhancing equipment be allowed outside the club;</p> <p>f) Building plans be submitted to the Senior Manager: Development Management, for consideration and approval;</p> <p>g) The minimum number of parking bays be maintained to the satisfaction of the Director: Civil Engineering Services;</p>
<p>2. GENERAL</p> <p>a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;</p> <p>b) Should it in future be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;</p> <p>c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable.</p> <p>d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.</p>

PART M: REASONS FOR RECOMMENDATION
<ol style="list-style-type: none"> 1. The application is in compliance with the planning principles of LUPA and SPLUMA. 2. The application is in compliance with the spatial planning of Malmesbury. 3. The development proposal complies with all applicable zoning parameters of Business Zone 1. 4. The expansion of rights will be contained inside the existing footprint of the club.

5. The external facades of the building will remain unchanged, thus the heritage value of the building will not be negatively impacted.
6. No additional services or parking bays will be required.
7. The activities are restricted to the interior of the club and the doors to the club are closed at 22:00 to further contain any noise.
8. The noise generated by the club is expected to be mitigated by the fact that the club is located at a lower level than the objectors, the doors will be kept closed after 22:00, live entertainment will not continue after 24:00, no entertainment will be allowed outside of the club, no sound enhancement such as speakers are allowed outside the club.
9. The owner still needs to comply with all other relevant legislation applicable to the various amenities on offer.
10. Erf 7431 does not have any physical restrictions which may have a negative impact on the application.
11. The development proposal supports the optimal utilisation of the property.
12. Existing services are deemed sufficient to accommodate the development.
13. The impact of the development on property values of surrounding properties is deemed low to none.
14. There are no restrictions in the Title Deed of Erf 7431 which restricts the proposed development.



PART N: ANNEXURES

Annexure A	Locality Plan
Annexure B	Site development plan
Annexure C	Public Participation Map
Annexure D	Objection by A M Sheridan
Annexure E	Objection by ACVV Malmesbury
Annexure F	Objection by ACVV Dienssentrum
Annexure G	Objection by N G Moeder Gemeente Malmesbury
Annexure H	Applicant's response to comments

PART O: APPLICANT DETAILS

First name(s)	CK Rumboll and Partners			
Registered owner(s)	EFA Trafalgar (Pty) Ltd	Is the applicant authorised to submit the application:	Y	N

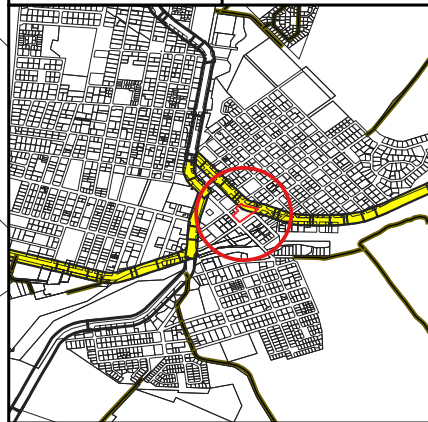
PART P: SIGNATURES

Author details: A de Jager Town & Regional Planner SACPLAN: A/2203/2015		Date: 2 February 2023	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended
		Date: 6 November 2023	



LOCALITY OF ERF 7431,
MALMESBURY

REF:
MAL/13341/RP



NOTE:
ALL SIZES AND DISTANCES ARE SUBJECT TO SURVEY

LEGEND

- Erf 7431
- Applicable area
- Malmesbury

ANNEXURE A

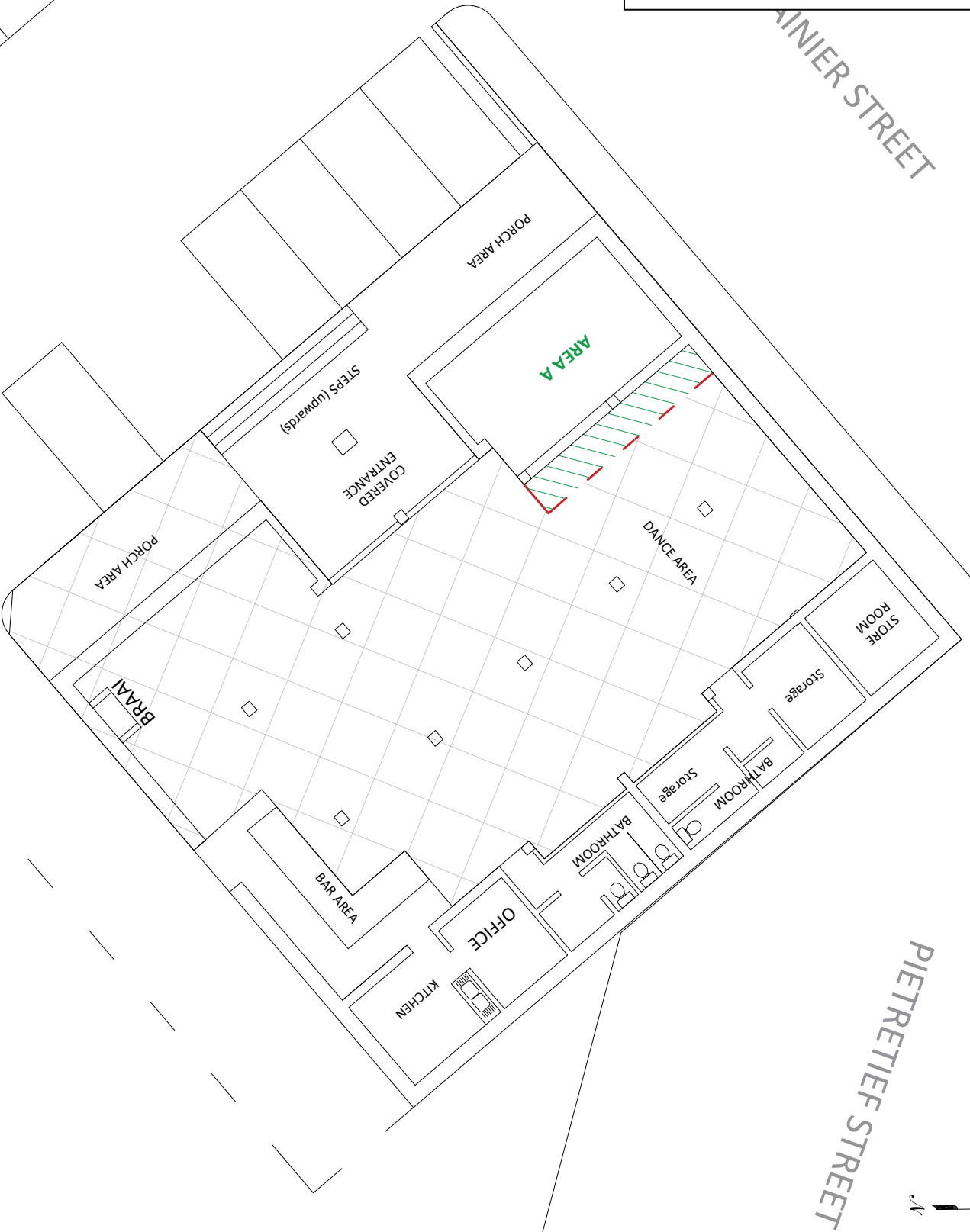
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Date: September 2023
SWARTLAND

COMPILED BY: [Signature]
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Malm
Tel: 02
Fax: 0224871661
reception@rumboll.o.za





ANNEXURE B



**SITE DEVELOPMENT PLAN:
PORTION OF ERF 7431,
MALMESBURY**

NOTES:

 Proposed Expansion of Drywall of Area A (Gambling facility) to accommodate x20 Limited Pay Out Machines.

 Demarcated Live Entertainment and Performances Area.

Drawing by: **Roëben Plenaar**

NOTE: ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING



C. K. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS
16 RAINIER STREET, MALMESBURY
Tel: 022-4821845
Fax: 022-4871851
Email: planning@rumboll.co.za

DATE: October 2023
AUTHORITY: Sutherland Municipality

REF: MAL/13341/PP
SCALE: 

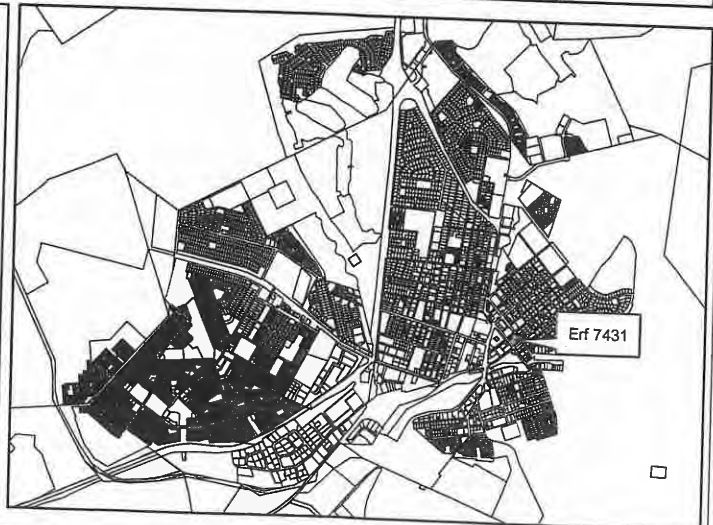


**Voorgestelde wysiging van voorwaardes:
Vergunningsgebruik**

Erf 7431, Malmesbury

Publieke deelname

Skaal: NVT



ANNEXURE D

Anna Maria Sheridan

Piet Retief Straat 23
Malmesbury

5 Desember 2023

Vir aandag: Danielle Warriess

Intern: Division Planning, Department Development Services
Swartland Municipality

Na aanleiding van die skrewe aan ACVV-bestuur gedateer 17 November 2023 (en wat ek tot op datum nog nie direk ontvang het nie) rakende die vergunnings aansoek deur EFA Trafalgar Prop Ltd.

Geagte Me Warriess

Ek is die eienaar van die eiendom op die hoek van Rainier en Piet Retief Straat, regoor die betrokke eiendom. Ek bly reeds sedert 1992 hier en van die begin wat die perseel as kuierplek verhuur word het ons almal in die area probleme met die plek se kliente.

Oor naweke (en veral tussen 00:00 - 03:00 soggens) is die mense is lawaaierig en hulle baklei en vloek en skree. Hul reff en jaag met hul karre en motorfietse wat mens wakker laat skrik met oorverdwende lawaai.

Dit help al jare nie om die polisie te bel nie. Indien daar nou nog dobbel masjiene en pot tafels bygevoeg gaan word gaan daar mos nog meer kliente en voertuie en dronk bestuurders wees - waar gaan almal parkeer? Die kerk se parkeer area behoort nie n opsie te wees nie agv die geraas wat dit reg voor die aftree oord veroorsaak.

Volgens die kaart besit EFA Trafalgar Prop feitlik die hele blok tussen Rainier, Loedolf, Piet Retief & Kerk straat so daar behoort dus genoeg plek op hul eiendom te wees om vir kliente parkeerplek te maak sodat daar op hul eie perseel geraas word.

Lewendige musiek: Die musiek is reeds somige aande oorverdwend - hoeveel erger gaan 'n lewendige orkes nie wees nie!? Daar behoort n perk gestel te word op die volume waarteen (en tye waartydens) musiek gespeel kan word.

Inwoners wat kamers in Trafalgar Huis, langs die kuierplek, huur het saans tot laat geen rus agv die geraas. Hierdie inwoners is meestal minder gegoed wat nie duur huisvesting kan bekostig nie en ek voel baie sterk dat hulle kook die reg tot n rustige omgewing het.

Toe my huis se waardasie n paar jaar gelede met 70% verhoog is het ek beswaar ingedien want in teendeel het my huis se waarde verminder met die verskriklike verkeer en onaangename en

onveilige onstandighede saans agv die kuiierplek. My aansoek is summier en sonder enige kommunikasie verwerp - almal reken hierdie beswaar sal dieselfde reaksie kry maar ek voel egter dat die van ons wat in hierdie deel van die dorp bly ook 'n reg het om in 'n rustige en veilige, ordentlike buurt te woon.

Ek glo dat my beswaar gehoor en op gereageer sal word,

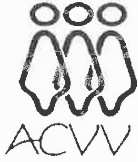
Vriendelike groete

Mev AM Sheridan

Tel 022 482 2289

Sel. 064 854 4924

ANNEXURE E



ACVV MALMESBURY

NPO 003-123 PBO 930009925 SARS 7080701057



ACVV Malmesbury
Piet Retiefstraat 21
Posbus 153
MALMESBURY
7300

Telnr: 022 482 3326
022 482 2245
Epos: mbury.dienssentrum@acvv.org.za

13 Desember 2023

VERGUNNINGSGEBRUIK OP ERF 7341, MALMESBURY

Die aansoek om wysiging van voorwaardes 1(a) en 1(b) van 'n bestaande goedkeuring rakende die vergunningsgebruik op erf 7341, Malmesbury, verwys.

Die ACVV Takbestuur van Malmesbury staan die goedkeuring vir wysiging van die genoemde aansoek om vergunningsgebruik, teen. Die motivering is as volg:

1. Die gedeelte van die gebou wat geormerk is vir die addisionele 20 dobbelmasjiene, 6 potspeltafels en lewendige vermaak en optrede, grens direk aan Rainierstraat en Piet Retiefstraat en word tans vir kommersiële doeleindes aangewend. Die besigheidsure gedurende die dag is tans vanaf ongeveer 08:00 – 17:00. Die hersiening van die vergunningsgebruik sal meebring dat hierdie lokale, wat direk aan Piet Retief- en Rainierstraat grens, hoofsaaklik na normale besigheidsure sal funksioneer en die geraasvlakke as “steurende geraas” vir die inwoners van ACVV Amandelrug en ACVV Aandskemering geklassifiseer word.
2. Die bestaande uitleg van die gebou het verskeie vensters en deure aangrensend aan Piet Retiefstraat. Hierdie strukture het bykans geen klankverminderingspotensiaal nie. Die dokumentasie wat beskikbaar gestel is, maak nie melding van bouplanaansoeke nie. Die moontlikheid bestaan ook dat hierdie gebou 'n gradering het vir Historiese Geboue. Geen aansoek vir verandering by “Western Cape Heritage” word in enige dokumentasie gemeld nie.

3. SANS 10328 bepaal dat 'n Geraasimpak-assessering gedoen word, wat die volgende aspekte insluit:
 - a. Bestaande geraasvlakke (soos uiteengesit in die regulasie).
 - b. Toename in geraasvlakke van die addisionele toerusting en aktiwiteite (klankfrekwensies en vlakke) wat beplan word.
 - c. Implimentering van dempmaatreëls; en
 - d. Geraasbestuursplan.

4. Geen informasie is verskaf om te bewys dat die voorgestelde ontwikkeling nie tot onaanvaarbare sosio-ekonomiese impakte sal lei nie, of tot gereelde klagtes van "nuisance" sal lei. Ons voel dat die voorgestelde ontwikkeling nie 'n geskikte gebruik is aanliggend tot Amandelrug (as 'n baie kwesbare komponent van die gemeenskap) nie. Voldoende informasie moet beskikbaar gestel word sodat 'n ingeligte besluit geneem kan word.

5. Die bestaande AT's maak slegs voorsiening vir 13 parkeerplekke op die bestaande perseel vanwaar AT's bedryf word. As gevolg van te min parkering, wend die besoekers van AT's hulle tot parkering in Piet Retiefstraat (direk aangrensend tot ACVV Amandelrug) en die parkering van NG Moedergemeente (ook geleë in Piet Retiefstraat). 'n Baie groot komponent van AT's se klante veroorsaak met hulle terugkeer na die parkeerareas 'n "geraasoerlas" deur onweloweglike optredes (kru taal, agressiewe houding teen publiek wat kla oor onweloweglike optrede(s), rommelstrooi, voertuiglawaai (skreeuende bande, enjinlawaai) ens. Verskeie klagtes deur Amandelruginwoners is tydens verskeie rapporterings aan wetstoepassingsagentskappe (SAPS, Munisipale Polisie, ens.) deurgegee, maar het tot op hede nie hierdie probleem opgelos nie. By tye was daar selfs geen optrede teen oortreders, nadat inwoners by wetstoepasingsagentskappe dit rapporteer het nie. Die bestaande "wet en orde" word bykans nie aangespreek nie, dus gaan meer besoekers aan AT's nog groter uitdagings bied wat ook nie beheer sal kan word nie.

6. Die addisionele slotmasjiene, potspeltafels en vermaaklikheid het dit ten doel om meer klandisie te trek. Die vergunningsaansoek maak geen melding van die beplande toename in besoekers nie. Die toename in besoekers gaan 'n toename in parkering vereis. Geen melding word in die vergunningsversoek gemaak van die toename in parkingsvereistes nie. Die verhoogde getal besoekers en voertuie, gaan die "geraaslas" vermeerder, dus groter ongerief vir die inwoners van ACVV Amandelrug en ACVV Aandskemering. Sien aanhegte aanhangsel met die handtekening van die Amandelrug-inwoners.

7. Die Weskaapse Geraasbeheerregulasies bepaal dat Plaaslike Owerhede moet toesien dat “geraasoorlas”, “steurende geraas” en “publieke oorlas” wat deur die klante van die onderskeie vermaaklikheidsinstansies aangrensend tot die ACVV Amandelrug en Aandskemering oorde nie residensiële inwoners van die twee onderskeie oorde versteur of verontrief nie. Die bestaande fasiliteite van die aangrensende vermaaklikheidsinstansies het gereeld ongerief vir die inwoners van ACVV Amandelrug tot gevolg. Verskeie klagtes is al in die verband onder die aandag van SAPS en die plaaslike owerhede gebring sonder enige bystand om die “geraasoorlas” en “steurende geraas” wat deur die klante van onderskeie ondernemings veroorsaak word, aan te spreek deur die misdrywe met optrede en/of straf te bestuur.

Die bestuur van ACVV Malmesbury vertrou dat die welstand van die inwoners van die twee onderskeie tehuse respekteer sal word sodat die lewenskwaliteit van die inwoners gerespekteer sal word en hulle toegelaat sal word om hulle oudag in rus en vrede deur te bring.

Die Uwe

Byvoorbaat dankie



Aletta Visagie
VOORSITTER

*ACVV lewer maatskaplike dienste aan kwesbare kinders, gesinne, vroue en ouer persone/
ACVV renders social services to vulnerable children, families, women and older persons*

**· SAAM IN DIENS VAN DIE GEMEENSAP · TOGETHER IN SERVICE OF THE COMMUNITY ·
· SIKUNYE KWIINKONZO ZOLUNTU · RE MMOGO MO DITIRELONG TSA LOAGO ·**

VRYWARING: Die informasie yervat in die boodskap is konfidensieel en beskerm deur die reg. Dit is oitsluitlik aan die geadresseerde gegig en toegang daartoe deur enige ander party is ongemagtig. Die ACVV het sover moontlik gepoeg dat die e-pos boodskap vry van enige virusse is. Die ACVV aanvaar geen verantwoordelikheid vir skade, verlies van inligting of uitgawes na aanleiding van die e-pos boodskap of aanhangsels nie. Baie dankie ACVV

DISCLAIMER: The information in this message is confidential and legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. The ACVV has made every effort to ensure that the email is free of errors, virus, interception or interference. The ACVV does not accept liability for damage, loss, expense or otherwise from this message and/or any attachments. Thank you ACVV

ANNEXURE F

WVW ACVV
Dienssentrum
Malmesbury

Die Munisipale Bestuurder
Swartland Munisipaliteit
Malmesbury
7300

11 Desember 2023

Meneer,

VERGUNNINGSGEBRUIK ERF 7431 / VERWNR 15/3/10-8/Erf 7431

Inwoners van Amandelrug Aftreeoord staan bogenoemde vergunning teen.

Inwoners is ontevrede met aansoeke wat toegestaan word vir kuierplekke rondom die aftreeoord. Almal is vorige inwoners van die gemeenskap wat beplan het om hul te vestig by Amandelrug vir hul aftrede. Die aftreeoord bestaan reeds 27 jaar direk langs Aandskemering en sedertdien is daar nou kuierplekke waar drank verkoop word rondom Amandelrug en nou nog 'n aansoek vir dobbelmasjiene, potspeltafels asook lewendige vermaak en optredes.

Inwoners sien nie kans vir nog 'n kuier/drink/dobbelplek nie. Behalwe al hierdie plekke se lawaai deur die nag, is die straatlawaai, veral naweke net so erg met motors wat in Piet Retiefstraat resies jaag.

Om van inwoners te verwag om Wetstoepassing te kontak wanneer die plekke se lawaai so oorverdoewend is, is 'n vermorsing van tyd. Die afgelope paar jaar word die Munisipale Wetstoepassers gebel, polisie word gebel en is klagtes reeds per epos aan die Munisipaliteit gestuur. Indien inwoners gelukkig is om antwoord te kry by die polisie, moet hul hoor die boodskap sal oorgedra word en dit is die laaste van die polisie, vele kere word oproepe nie eers beantwoord nie. Munisipaliteit stuur 'n sms om ontvangs van epos te erken en verder gebeur daar niks. Blykbaar is wetstoepassers se werkstyd net tot 23:00 en is hul nie meer aan diens wanneer klagtes gemaak word nie.

Hier is geen polisie of sekuriteit wat ooit hier rond beweeg nie en is die lawaai party naweke onuithoudbaar. Dit is nie die tipe van aftrede wat inwoners beplan het nie, naweke kla almal dat hul die nag/nagte glad nie kon slaap nie.

Inwoners versoek dringend dat bogenoemde vergunning nie toegestaan moet word nie asb.

Vriendelike Groete,



ELIZNA BASSON
Skakelbeampte Amandelrug

Bylaag 1

HANDTEKENINGE VAN AMANDELRUG INWONERS WAT NIE DIE VERGUNNINGSGEBRUIK OP ERF 7431 GOEDKEUR NIE

(soos uiteengesig in meegaande dekbrieff)

Woon-stel	Naam van inwoner	Handtekening	Datum
1	Hella Steyn & Lehan	H. Steyn	12.12.23
2	123 - Luce van der Merwe	Luce van der Merwe	12.12.23
3 x	M.A. van der Vyver	A.V.D.V.	13.12.23
4 x	Onbewoon		
5	Anna-Marie Meyer	A. Meyer	12.12.23
6	Alma de Manelle	A. de Manelle	13.12.23
7	Noeline Bywater	N. Bywater	12.12.23
8	J. Coetzee	J. Coetzee	12.12.23
9	W.P. Koster	W.P.K.	12.12.23
10	Beddinghuis	B.	13.12.23
11	M. J. Marais	M.J.M.	12.12.23
12	Shackelle	S.H.	12.12.23
13	Susie Baard	S. Baard	13.12.23
14	Onbewoon		
15	Carol/Juanita vd. Merwe	C. vd. Merwe	12.12.23
16	Denise Mellet	D. Mellet	12.12.23

Woon- stel	Naam van inwoner	Handtekening	Datum
17	B. Kellerman	B. Kellerman	12.12.23
18	M.J. Swart	M.J. Swart	12.12.23.
19	V. Kemp	V. Kemp	12.12.23
20	Marius + Charlotte Toljaard.	M. Toljaard.	12.12.23.
21	H. van Niekerk	H. van Niekerk	12.12.23
22	J. Klopper	J. Klopper	12.12.23
23	M. Stodart	M. Stodart	12/12/23
24	E. van der Merwe	E. van der Merwe	12.12.23
25	R. van der Poll	R. van der Poll	12.12.23
26	ROY ARON BOSCH	Roy Bosch	12-12-23



Tel: 022 482 2411

ANNEXURE G

LEERAARS

Ds Jacobus Snyders: 082 777 1262 | jacobus.snyders7@gmail.com

Ds Kobus Maass: 083 385 2112 | jacobusmaass@gmail.com

KANTOORPERSONEEL

Voorsitter Kerkraad: Denzil Holloway | 082 772 3417 | denzil.holloway@gmail.com

Skriba: Huibrecht Moolman | ng.swartlandgem63@gmail.com

Tesourier: Petro v.d. Merwe | swartlandgemeente@gmail.com

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7300

Geagte Minisipale Bestuurder

BESWAAR TEEN VOORGESTELDE WYSIGING VAN VOORWAARDES VAN N BESTAANDE GOEDKEURING:
VERGUNNINGSGEBRUIK OP ERF 7431, MALMESBURY

U skrywe 15/3/10-8/Erf_7431 van 17 November 2023 verwys.

As NG Moedergemeente Malmesbury teken ons beswaar aan waar erf 7431 volgens ons nie oor voldoende parkeerruimte beskik om die voorgestelde uitbreiding van 20 dobbelmasjiene, 6 potspeltafels en lewendige vermaak en optredes te huisves nie.

Ons onlangs voltooide nuwe saalgebou gaan bedags en saans vir gemeenteaktiwiteite gebruik word vanaf Januarie 2024, en daar is tans net genoeg parkeringsruimtes daar om aan ons behoeftes te voorsien en die kommer word uitgespreek dat hierdie parkeerruimtes deur besoekers aan erf 7431 gebruik sal word waar daar in die onmiddellike omgewing geen ander parking bestaan nie.

Dit sal nie in ons of die publiek se belang wees om n wag aan te stel om toegang tot die parkeerarea te reguleer nie, waar dit n addisionele uitgawe vir die gemeente sal meebring, dog is hierdie uitweg nie uitgesluit nie, waar die parkeerruimtes aan ons behoort en omhein kan word en dat permitte dan uitgereik word aan gemeentelide asook sleutels vir die twee hekke wat aangebring kan word, om sodoende toegang te beheer.

Daar word ook jeugbyeenkomste in die nuwe saal beplan asook die gebruik van die kantore om ons kerkkantoor te huisves, en sal die reeds beperkte parking n groot probleem wees waar die kantoor besoek moet word deur ampsdraers on gelde in te betaal asook om kennisgewings vir uitdeel af te haal.

Die kwessie van geraas is ook n faktor, waar ons kunsuitstallings, gewyde praatjies aande en ander optredes oorweeg sal dit nie gepas wees indien die geraas van lewendige vermaak so naby aan ons die atmosfeer bederf nie.



Tel: 022 482 2411 | Posbus 2 | Voortrekker Str 51 | MALMESBURY | 7300

LERAARS

Ds Jacobus Snyders: 082 777 1262 | jacobus.snyders7@gmail.com

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KANTOORPERSONEEL

Voorsitter Kerkraad: Denzil Holloway | 082 772 3417 | denzil.holloway@gmail.com

Skriba: Huibrecht Moolman | ng.swartlandgem63@gmail.com

Tesourier: Petro v.d. Merwe | swartlandgemeente@gmail.com

Begrafnisgangers sal ook moontlik aankom en geen beskikbare parkering vind nie, waar begrafnisse op beide weksdae en naweke plaasvind.

Vir u ter inligting en oorweging asseblief.

Vriendelike groete.

 2023/12/14

VOORSITTER KERKRAAD
NG MOEDERGEMEENTE MALMESBURY
Denzil Holloway 14 Desember 2023



DATE: 16 January 2024

ONS VERW / OUR REF: MAL/13341/RP

PER E-MAIL

ATTENTION: Mr. A. Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir,

**APPLICATION FOR AMENDMENT OF CONDITIONS OF EXISTING APPROVAL: CONSENT USE ON ERF
7431, MALMESBURY**

With reference to the comments/objections received during the public participation period in your letter dated 2 January 2024:

The following table sets out the comments/objections that were received from the parties below along with the response from CK Rumboll and Partners on behalf of our client Adriaan Truter, representative of the registered owner of Erf 7431, Malmesbury (EFA Trafalgar Pty LTD).

Objections/comments were received from the following party:

- Anna Maria Sheridan (Erf 463, Malmesbury);
- ACVV Malmesbury;
- ACVV Dienssentrum Malmesbury; and
- NG Moedergemeente Malmesbury.

Objector	Objection/Comments	Comments on objections
<p>1. Anna Maria Sheridan (Erf 463, Malmesbury – 23 Piet Retief Street)</p>	<p>1. The objector states she has been residing there since 1992, and since the first time the building was used as a pub, the area has had problems with the pub's clients.</p> <p>2. States that during the weekends, between 00:00 – 03:00) the people are noisy, they fight, curse and shout. Vehicles and motorcycles are being revved and raced, waking and startling everyone with deafening noise.</p> <p>3. The owner states that calling the police has not been helpful for years.</p> <p>4. She is concerned that if gambling machines and pool tables are to be added, the crowds, vehicles and drunk drivers will increase.</p> <p>5. She is also concerned with where everyone will park as she points out that the parking at the church should not be an option due to the noise it causes right in front of the retirement home. The owner points out that the property on which the Pub is located is large enough to provide parking elsewhere.</p> <p>6. Live Music: the owner states that the music is already deafening on some evenings and is concerned that live entertainment would only worsen this. She proposes a volume and time limit during which live entertainment are to take place.</p>	<p>1. Adriaan Truter, owner of AT's Pub for the past 25 years, has never received a formal complaint or a request for a meeting to discuss any inconvenience caused by the pub, from the objector.</p> <p>2. AT's Pub operating hours are as follows:</p> <ul style="list-style-type: none"> • Monday – Thursday: until 00:00 • Friday & Saturday: until 02:00 <p>The doors close at these times and visitors leaves the premises.</p> <p>3. Noted.</p> <p>4. AT's Pub already has Gambling Machines and Pool Tables. The application for additional machines and tables is to accommodate existing clients waiting for their turn.</p> <p>5. Adequate parking is provided for AT's Pub clients on the application property and by means of public parking. The building plan and land use has already previously been approved. The addition of machines and tables will not result in addition to the GLA i.e. proposed uses will be accommodated within the existing building resulting in no new parking bays required.</p> <p>6. AT's Pub (which includes the proposed live entertainment area) is situated below ground level in relation to the objector's property, in order to ensure minimisation of any disturbances that might be caused. AT's Pub closes their doors at 22:00 and only opens</p>

VENNOTE / PARTNERS:

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

<p>2. ACVV Malmesbury</p>	<p>7. The Objector is concerned for the noise for the residents occupying Trafalgar house.</p> <p>8. The owner points out that a previous objection she submitted to the municipality was rejected without any communication. The objection pertained to the increase in her property valuation, although she believed the property valuation decreased due to an increasing amount of traffic and unpleasant and unsafe conditions at night caused by the Pub.</p> <p>9. The objector points out that the allocated area for the “additional 20 Gambling Machines, 6 Pool tables and</p>	<p>when clients enter or leaves the premises.</p> <p>The owner of AT's Pub is open to a condition restricting live entertainment to only be allowable until 22:00.</p> <p>7. Noted. Refer to point 6 for details on minimal disturbance.</p> <p>8. Noted. The statement regarding property values is not based on any factual information, and there is no substantiated evidence suggesting that the value of the surrounding erven will be adversely affected.</p> <p>Furthermore, the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles Section 59 (1), which divulges principles of spatial justice 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>For these reasons, Swartland Municipality may not base its decision solely on the possibility that property values may be affected.</p> <p>In order to accommodate the objector, live entertainment will not extend beyond 22:00.</p> <p>9. The earmarked additional x15 gambling machines, 4x pool tables and live entertainment will</p>
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	<p>place for live entertainment” borders directly to Rainier – and Piet Retief streets which is earmarked for commercial purposes. The objector is concerned about an increase in noise disturbance for the residents of ACVV Amandelrug & ACVV Aandskemering.</p> <p>10. The Objector points out that several windows and doors border and opens directly onto Piet Retief Street and that these structures have no noise cancelation potential. The Objector is also concerned that there are no mentioning of building plans or application made to heritage Western Cape.</p> <p>11. The Objector requests that a Noise Impact Assessment be done.</p> <p>12. The Objector states that no information is provided that the proposed development could lead to potential socio-economic impacts, or regular complaints of nuisances. The objector feels that the proposed development is not a suitable use adjacent to Amandelrug and request that sufficient information be provided.</p> <p>13. The Objector states that AT’s has only 13 onsite parking bay’s, and mentions that AT’s Clients utilises parking in Piet Retief street and parking at NG Moedergemeente. The Objector states the utilisation of these parking’s causes nuisances. Several</p>	<p>be situated within the existing building where AT’s Pub are already operating from.</p> <p>10. See point 6 above. None of AT’s Pub’s windows or doors opens onto either Piet Retief- nor Rainier Street. No additions or alterations to the existing building are planned except for the expansion of an enclosed area, consisting out of drywall, in order to allow for the separation of the gambling area from the rest of AT’s Pub as required by Law.</p> <p>11. Noted. See point 6 above, the owner is open to a condition restricting live entertainment to only be allowable until 22:00 in the evenings.</p> <p>12. No increase in socio-economic impacts, or regular complaints of nuisance are expected due to application being made for the addition of gambling machines, pool tables and live entertainment in order to accommodate AT’s Pub’s existing clientele.</p> <p>13. Noted. Refer to point 5. Only 13 onsite parking bays are indicated and is approved as per the Approved Building Plan, although there is sufficient space to provide 16 onsite parking bays directly in front of AT’s Pub. There are also several parking bays provided on</p>
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<p>3. ACVV Dienssentrum Malmesbury</p>	<p>complaints have been made in the past with no consequences.</p> <p>14. The objector States that the addition of Gambling machines, pool tables and live entertainment, will result in the increase of clients visiting AT's Pub resulting in the shortage of onsite parking bays. The objector also states that an increase in clients will result in an increase in noise load.</p> <p>15. The Objector states that the Western Cape Noise Control Regulations stipulate that local authorities must ensure that "Noise Nuisance", "Disturbing noise", and "Public nuisance" caused by the clients of the respective entertainment establishment do not disturb or inconvenience residential residents of Amandelrug or Aandskemering.</p> <p>16. Objector states that residents are unsatisfied with applications being approved for places of entertainment in the adjacent areas. The retirement home has already been existent for the past 27 years, since then several places of entertainment (Pubs) has opened in the surrounding areas, the objector is concerned with the application for additional gambling machines, pool tables and place of entertainment.</p> <p>17. The objector states that the residents do not want another pub in the area since there are existing nuisances in the</p>	<p>Erf 7431, on Riebeeck Street. Parking bays provided in Piet Retief Street is open to the public.</p> <p>14. Noted. Refer to points 5, 13 & 12 above.</p> <p>15. Noted. Refer to point 6 with regards to noise nuisance.</p> <p>16. AT's pub has been operational for the past 25 years. All activities and land uses has been legally applied for and obtained and all necessary business permits and licenses has been obtained and are up to date.</p> <p>17. AT's Pub is an existing pub in the area and has been operational for the past 25 years. The application is merely made for the addition of existing uses already found onsite in order to accommodate the</p>
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<p>4. NG Moedergemeente Malmesbury</p>	<p>evenings and races in Piet Retief Street over weekends.</p> <p>18. The Objector states that it is a waste of time to expect that the residents should contact law enforcement every time there is a nuisance, while none of the complaints are being addressed.</p> <p>19. The Objector states that there is never any law enforcement or security moving around or in sight when there are noise nuisances. Several residents complain over weekends that they could not sleep due to nuisances.</p> <p>20. NG Moedergemeente objects to the proposed application and states that AT's Pub does not have sufficient parking bays in order to accommodate 20 Gambling Machines, 6 Pool tables and Live Entertainment.</p> <p>21. The Objector states that their newly built church hall will be utilised for church activities from January 2024, and that there are only sufficient parking bays to meet their needs. The Objector also brings up their concerns with regards to the parking requirements needed for AT's Pub since there will be no parking available in the immediate location.</p> <p>22. The objector states that it won't be in their or the publics best interest to appoint a security guard in order to control access to the parking area, this will result in an</p>	<p>existing clientele of AT's Pub.</p> <p>18. Noted.</p> <p>19. Noted.</p> <p>20. Noted. Refer to Points 5 and 13.</p> <p>21. Noted. Refer to Points 5, 16 and 13. AT's Pub has been operational prior to the construction of the Church Hall. Public Parking will be utilised on a first come – first serve basis.</p> <p>22. Noted. Refer to Points 5 and 13. The costs of building a wall will have to be borne by the Church, as the proposed development utilises the existing onsite parking bays located on the application property along with public parking spaces.</p>
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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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MALMESBURY (T) 022 487 1845 (F) 022 487 1661

	<p>additional expense for the church. The Objector also propose that a wall be built surrounding the Church parking areas along with access gates in order to allow controlled access to the parking.</p> <p>23. The Objector states that youth gatherings will occur in the newly built church hall along with the utilisation as offices as a church office, which will already result in limited parking, for the church staff and visitors.</p> <p>24. The Objector states that the noise factor of proposed live entertainment could also have a negative effect on planned art exhibitions, dedicated talk evenings or other performances due to the close proximity to the hall.</p> <p>25. The objector also has concerns due to limited parking for funeral goers for funerals which occurs during week days and over weekends.</p>	<p>23. Noted. Refer to points 5 and 13.</p> <p>24. Noted. Refer to point 6 & 21.</p> <p>25. Noted. Refer to point 5 and 13.</p>
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We trust you will take the above into account when considering the application.



Roeben Pienaar

On behalf of CK Rumboll and Partners



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Development Services
Department : Development management

2 Februarie 2024

15/3/10-8/Erf 10654

WYK: 10

ITEM 6.3 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 14 FEBRUARIE 2024

LAND USE PLANNING REPORT					
PROPOSED CONSENT USE ON ERF 10654, MALMESBURY					
Reference number	15/3/10-14/Erf 10654	Submission date	17 October 2023	Date finalised	2 February 2024

PART A: APPLICATION DESCRIPTION					
<p>Application is made for a consent use on Erf 10654, Malmesbury, in terms of Section 25(2) (o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), to accommodate a double dwelling house on the property.</p> <p>The applicant is C.K. Rumboll and Partners and the property owners is Suikerbos Konstruksie Pty Ltd</p>					
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	ERF 10654 MALMESBURY, IN THE SWARTLAND MUNICIPALITY, MALMESBURY DIVISION, PROVINCE OF WESTERN CAPE				
Physical address	44 Love Street, Glen Lily	Town	Malmesbury		
Current zoning	Residential Zone 1	Extent (m ² /ha)	357m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Vacant property			Title Deed number & date	T8680/2022
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		Permanent departure		Temporary departure	
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation	
				Subdivision	
				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
Determination of zoning		Closure of public place		Consent use	✓	Occasional use
Disestablish a homeowner's association		Rectify failure by homeowner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		

PART D: BACKGROUND

Application is made for a consent use on Erf 10654, Malmesbury in terms of section 25(2) (o) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) to accommodate a double dwelling house on the subject property.

Erf 10654, Malmesbury is currently zoned Residential Zone 1, and is located within the Glen Lily development.

A second dwelling smaller than 60m² is an additional use right in terms of the development management scheme. However, the proposal entails to accommodate a double dwelling house, each being ±144m² in extent.

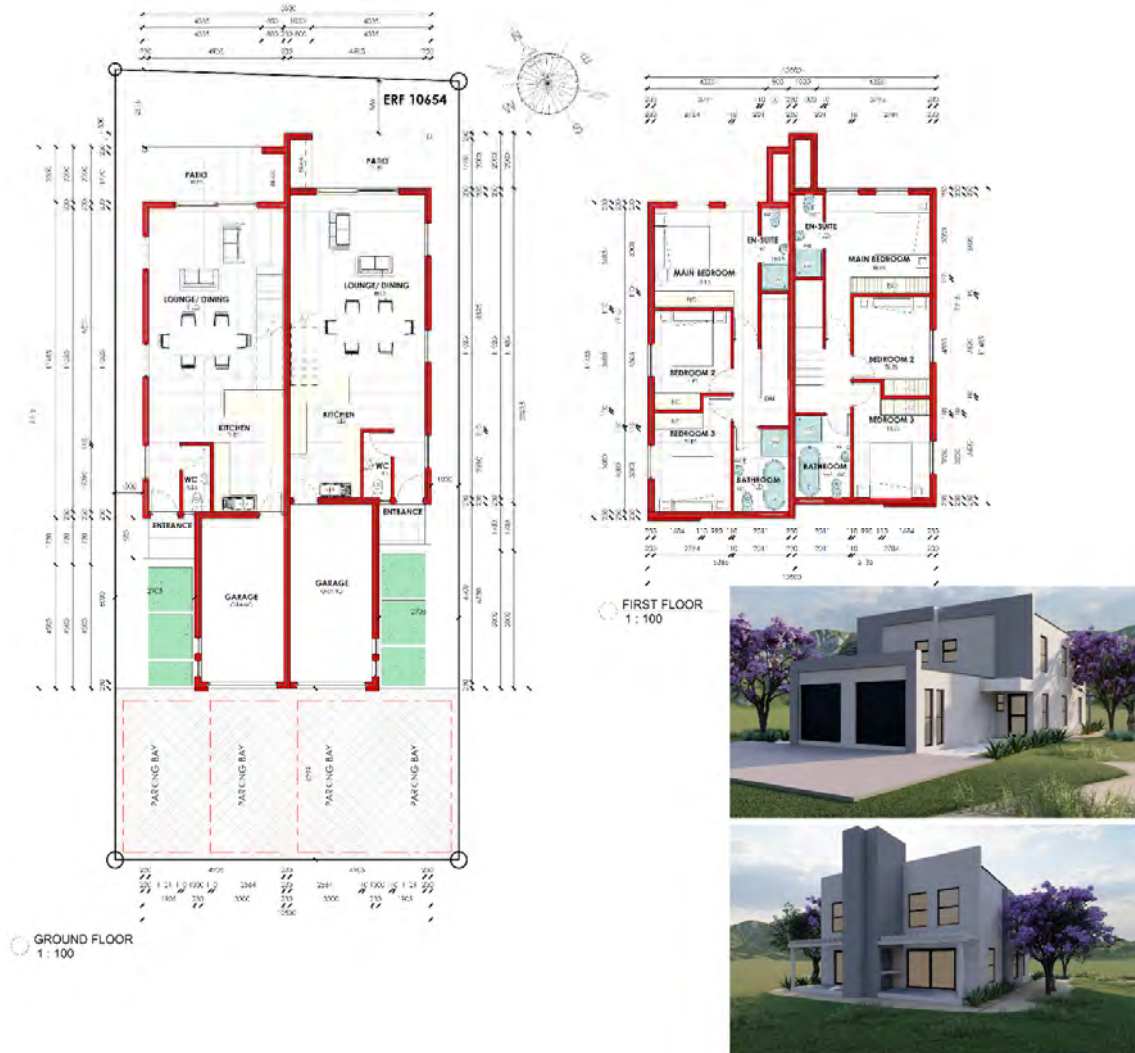


Image 1: Copy of the revised building plan of the proposed double dwelling.

A double dwelling is permitted as a consent use under the Residential Zone 1 zoning.

The applicant provided a resolution from the Glen Lilly Owners association where it is confirmed that the owner's association does not object to the proposal to accommodate two units on one erf (as sectional title), it is however acknowledged by the members present at the meeting, that the financial implications require further investigation and agreement among all members. This is seen as an internal issue for the Owners Association to determine and enforce and does not impact on the proposed application.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a summary of the outcomes below.
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PART F: SUMMARY OF APPLICANT'S 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 proposed consent use for a double dwelling house can be motivated based on the following:

- Additional housing opportunities are provided through the proposed development;
- The proposed development combats urban sprawl;
- The proposed development supports the notion of infill development;
- The proposed development is aligned with the proposals of the Swartland Spatial Development Framework;
- The proposed development supports the principles of SPLUMA (Spatial Planning Land Use Management Act) and LUPA;
- The existing services will be used to its full potential;

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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A total of 14 registered notices were issued to affected parties and the same notices were also sent via e-mail, where possible. Please refer to Annexure D for public participation map.

Total valid comments	3	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	Ward councillor response	Y	N	The application was forwarded to councillor Van Essen, but no comments were received.
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Total letters of support	0
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PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS																
Name	Date received	Summary of comments	Recommendation													
			Positive	Negative												
Building Control	20 October 2023	Building plans be submitted to Building Control for consideration of approval	Comments only													
Protection Services	19 October 2023	No comments	No comment													
Department: Civil Engineering Services	23 October 2023	<ol style="list-style-type: none"> 1. <u>Water</u> The property be provided with a single water connection; 2. <u>Sewerage</u> The property be provided with a single sewer connection; 3. <u>Streets and Storm water</u> In order 4. <u>Parks</u> No comments 5. <u>Other</u> The fixed cost development charges be made as follows: <table border="1" style="margin-left: 40px;"> <thead> <tr> <th></th> <th>Bulk Contribution</th> </tr> </thead> <tbody> <tr> <td>Bulk Water Distribution</td> <td>R2 404.14</td> </tr> <tr> <td>Bulk Water Supply</td> <td>R2 440.94</td> </tr> <tr> <td>Sewer</td> <td>R1 517.93</td> </tr> <tr> <td>WWTW</td> <td>R1 645.55</td> </tr> <tr> <td>Roads</td> <td>R4 775.26</td> </tr> </tbody> </table>		Bulk Contribution	Bulk Water Distribution	R2 404.14	Bulk Water Supply	R2 440.94	Sewer	R1 517.93	WWTW	R1 645.55	Roads	R4 775.26	Comments only	
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WWTW	R1 645.55															
Roads	R4 775.26															

Department Electrical Engineering Services	18 October 2023	No comment	Comments only
PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
Mr and Mrs DB & LD Gerber as neighbouring property owner of erven 10653, Malmesbury	<p>DB & LD Gerber, owners of erf 10653, Love Street 46 do not approve the construction of a double dwelling.</p> <p>Reasons for it:</p> <p>1) In accordance with the rules of Glen Lily, only 6 people may live in the building per residential unit. A semi-detached house will then allow 12 people on one premises as well as a minimum of 4 cars.</p> <p>2) If 1 is allowed to build a double dwelling house, several owners can make the same decision to increase their rental income.</p>	<p>1) The rules of the Glen Lily complex will remain unchanged. Only six persons will reside in a dwelling unit. Furthermore, the total parking bays provided comply with the minimum requirements for a double dwelling house as stipulated within the Swartland Municipal Land Use Planning By-Law 2020.</p> <p>When considering the Swartland Spatial Development Framework (2023), the following is proposed in Malmesbury:</p> <ul style="list-style-type: none"> • Increase density by 2027 from the current 10.8 units per hectare to 18 units per hectare. • Provide different housing types to allow for integration and spatial justice. • Provide for housing for retirees. • Support densification in Malmesbury through Infill development. <p>The proposal to densify Malmesbury (and in this case Glen Lily) is therefore supported by the Spatial Development Framework of Swartland Municipality.</p> <p>2) The following is an extract from the meeting held on 13 September 2023:</p> <p>“Ismail advised this is not going to be easy to get completed and there is only a few of the erfs that would allow this to be done on. It would also need to</p>	<p>1) The objector refers to a house-rule within the Glen Lily development enforced by the Owners Association. In terms of the development management scheme there is not restriction relating to the number of people permitted per dwelling on condition that each dwelling unit accommodates a single family.</p> <p>2) A second dwelling smaller than 60m² is already permitted under the Residential zone 1 zoning. The two units proposed as part of this application complies with all the parameters of the development management scheme as well as the applicable design guidelines, with ample space for parking</p>

	<p>3) The number of residents in Glen Lily could drastically increase which adversely affects movement and tranquillity which can have a direct negative impact on resale value and rental income.</p>	<p>be designed in a very specific way, so that 2 houses on one Erf would not be too small." Considering that around two thirds of Glen Lily is already occupied, this would even further reduce the number of erven that could accommodate double dwelling units.</p> <p>Ismail confirm that "if this is done in the correct way, he feels this will increase the value of the properties."</p> <p>Considering the above, only a few of the properties within Glen Lily will be able to accommodate a double dwelling house. This will therefore not set a precedent for all property owners to do the same but may increase the property value of all landowners in the complex.</p> <p>3) Referring to point 1, the Swartland Spatial Development Framework support densification in Malmesbury. Furthermore, according to the HOA meeting, the proposed double dwellings will increase the estate's property and resale value rather than to negatively affect it.</p> <p>In addition, every Residential Zone 1 land parcel (like the erven in Glen Lily) can accommodate a second dwelling house smaller than 60m² as a primary right under the zoning. Thus, every landowner in Glen Lily can accommodate a second dwelling house on the property as a primary right, which can be rented out for an additional income. The impact of the proposed double dwelling house on the number of additional residents in Glen Lily will therefore be limited.</p>	<p>provided on the property not only for the owner but also for visitors, the proposal will not have a negative impact on neighbouring properties.</p> <p>3) Each application is considered on its own merit. As stated by the applicant there are only a few undeveloped properties within the estate. It could therefore be argued that not all properties have the potential to accommodate double dwelling houses as they have already been developed as well as not all owners within the estate want to use their property for that purpose. The application as proposed will not have a negative impact on the value of neighbouring properties.</p>
<p>Mr P Calitz as neighbouring property owner</p>	<p>Mr and Mrs Calitz state that they object to the consent use application.</p> <p>Reasons for the objections:</p>		

<p>of erven 10725, Malmesbury</p>	<p>4) Glen lily was advertised and sold to everyone as a "single dwelling per plot" complex.</p> <p>5) The size of the lot hardly leaves room for 8 plus people and vehicles compared to the other homes in Glen lily. Or will there be a limit on how many vehicles may be between these two residences?</p> <p>6) Where will all the vehicles be parked when these two 3-bedroom homes receive guests? Glen lily's infrastructure just does not allow it.</p> <p>7) Glen lily has a rule that only a certain percentage of an erf may be under construction, I assume this was precisely to prevent overcrowding. Does this application meet those requirements/rules?</p> <p>8) If this application continues, Glen Lily's appearance will change a lot in a cramped lifestyle area which will in no way have a positive impact on our house prices.</p>	<p>4) The only reality or certainty we have in this business of Land Use Planning and Physical Planning of properties is that what we have today in front of us will change. We experience it in established townships as well as in "newly" approved developments. It is in our human nature to question and change and then change back again. Although the complex may have been created as a single erf, single unit complex, the need changed over time and was approved and supported by the HOA and ALL the residents who attended the meeting.</p> <p>5) The double dwelling house is designed to accommodate one parking bay within each of the garages and then provide a total of two parking bays for each unit on the driveway. A total of 6 parking bays will then be provided on the property.</p> <p>6) As stated in point 5 above, each dwelling unit will have a total of three parking bays to accommodate the residents as well as its guests. According to the Swartland Municipal Land Use Planning By-Law 2020, only two parking bays are required per unit. The proposal will provide a total of three per unit. Sufficient parking bays will therefore be provided.</p> <p>7) Extract from the Glen Lily Design Guidelines: "Total percentage area of site that is covered by buildings measured over the outside walls and covered by roof or projections is to be a maximum of 75%." The total coverage of the proposed double dwelling house will be ±48.5%.</p> <p>8) As previously indicated, the expectation is for an upward trajectory in property values rather than a decline. Additionally, the proposal will also not give the impression of a cramped lifestyle, as it adheres to a permissible coverage of 75%, with the actual proposal suggesting only a ±48.5% coverage.</p>	<p>4) There are no restrictions in the title deed of the property, design guideline or constitution of estate or the applicable development management scheme prohibiting the application.</p> <p>5) The proposal complies with the development management scheme as well as the design guideline for the estate. Sufficient space is provided for on-site parking.</p> <p>6) Please refer to the above-mentioned comment regarding parking.</p> <p>7) Please refer to the above-mentioned comment regarding compliance with the applicable regulations</p> <p>8) It could be argued that the original design / idea for Glen Lily was to accommodate the Old Cape Architecture as found in the Bo-Kaap. Please refer to the image below. With the 0m building lines as well as 75% coverage restriction the proposal will not detract from the character of the estate.</p>
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	<p>9) According to the appointed architect company of Glen lily, the height restriction from ground level to ridge height is 8m. How will a two-storey house with a built-up floor/foundation height at the bottom of the yard stay within that height? Or is the rear of the house going to be recessed to accommodate it?</p> <p>10) My interest in the application is that it is 3 plots away from us and there are many open plots directly opposite us, which presents the opportunity that if this meets the norm, the same will be built opposite us. For us, and Glen lily as a whole, this breaks down the image of the complex and turns it into an apartment feeling with too many vehicles for the available roads.</p>	<p>9) The proposal will comply with the required height restrictions.</p> <p>10) The applicant did not comment on this point.</p>	 <p>9) The proposal needs to comply with all the parameters as no application for departure is currently considered. The building plan application will be scrutinised for compliance.</p> <p>10) Please refer to the above comments.</p>
<p>Mr G Cockrell as neighbouring property owner of erven 10721, Malmesbury</p>	<p>Mr Cockrell state that he and us wife object to the construction of a double dwelling house on Erf 10654.</p> <p>11) Firstly, they are of opinion that the proposal, if approved will obstruct their view and that the double dwellings should only be allowed, as far as possible at the higher elevation erven.</p>	<p>11) The owners of Erf 10654 are allowed to design and erect their house / double dwelling house, provided that it adheres to the prescribed development parameters.</p>	<p>11) The proposal complies with the design guideline as well as development management scheme.</p>

	<p>12) The objector secondly state that, there already is insufficient parking in the complex and according to the plan there is no space for parking in front of the proposed garages.</p> <p>13) Lastly the objectors are of opinion that there are already 2 single-storey residential units next to the proposed unit and the proposal will detract from the layout of the complex, especially at the lower lying properties of the complex.</p>	<p>12) Noted. The proposal for double dwelling units was approved for the entire Glen Lily complex and not only certain parts thereof.</p> <p>13) Refer to points 5 and 6 above.</p>	<p>12) Sufficient on-site parking is provided for the subject property. Please refer to the proposed site development plan.</p> <p>13) Please refer to the comments above regarding the compliance with the applicable regulations.</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 17th of October 2023. The public participation process commenced on the 23rd of October 2023 and ended on the 27th of November 2023. Objections were received and referred to the applicant for comment on the 5th of December 2023. The municipality received the comments on the objections from the applicant on the 7th of December 2023. Additional information was requested on the 17th of January 2024 which we received from the applicant on the 30th of January 2024.

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

- 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 promotes the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) Efficiency: The development proposal promotes the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Good Administration: The application and public participation were administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed double dwelling creates more affordable housing typologies in Malmesbury.

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 (2014) indicates that the average densities of cities and towns in the Western Cape is low by international standards, despite policies to support mixed-use and integration. There is unmistakable evidence that urban sprawl and low densities contribute to unproductive and inefficient settlements as well as increase the costs of municipal and Provincial service delivery.

The PSDF suggest that by prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

It is further mentioned in the PSDF that the lack of integration, compaction, and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the environment, and the economy. Therefore, the PSDF provides principles to guide municipalities towards more efficient and sustainable spatial growth patterns.

One of the policies proposed by the PSDF is the promotion of compact, mixed-use, and integrated settlements. This according to the PSDF can be achieved by doing the following:

- 1) Target existing economic nodes (e.g., CBDs (Central Business District), township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares, and markets, etc.) as levers for the regeneration and revitalisation of settlements.
- 2) Promote functional integration and mixed-use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.
- 3) Locate and package integrated land development packages, infrastructure, and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.
- 4) Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining, and tourism remain important economic underpinnings of rural settlements.

- 5) Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
- 6) Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient, and sustainable forms of urban development.
- 7) Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
- 8) Municipal SDFs (Spatial Development Framework) (Spatial Development Framework) to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities, and appropriate development typologies.

The PSDF further states that scenic landscapes, historic settlements, and the sense of place which underpins their quality are being eroded by inappropriate developments that detracts from the unique identity of towns. These are caused by inappropriate development, a lack of adequate information and proactive management systems.

The Provincial settlement policy objectives according to the PSDF are to:

- (a) Protect and enhance the sense of place and settlement patterns
- (b) Improve accessibility at all scales
- (c) Promote an appropriate land use mix and density in settlements
- (d) Ensure effective and equitable social services and facilities
- (e) Support inclusive and sustainable housing

And to secure a more sustainable future for the Province the PSDF propose that settlement planning and infrastructure investment achieves:

- (a) Higher densities
- (b) A shift from a suburban to an urban development model
- (c) More compact settlement footprints to minimise environmental impacts, reduce the costs, time impacts of travel, and enhance provincial and municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities, and services.
- (d) Address apartheid spatial legacies by targeting investment in areas of high population concentration and socio-economic exclusion.

The development proposal is therefore deemed consistent with the PSDF.

2.3 West Coast District SDF (WCDSDF, 2014)

In the WCDSDF, 2020 it is stated that the functional classification for Malmesbury is a regional centre and according to the growth potential study, only Malmesbury and Vredenburg has been classified as towns with an extremely high growth potential index.

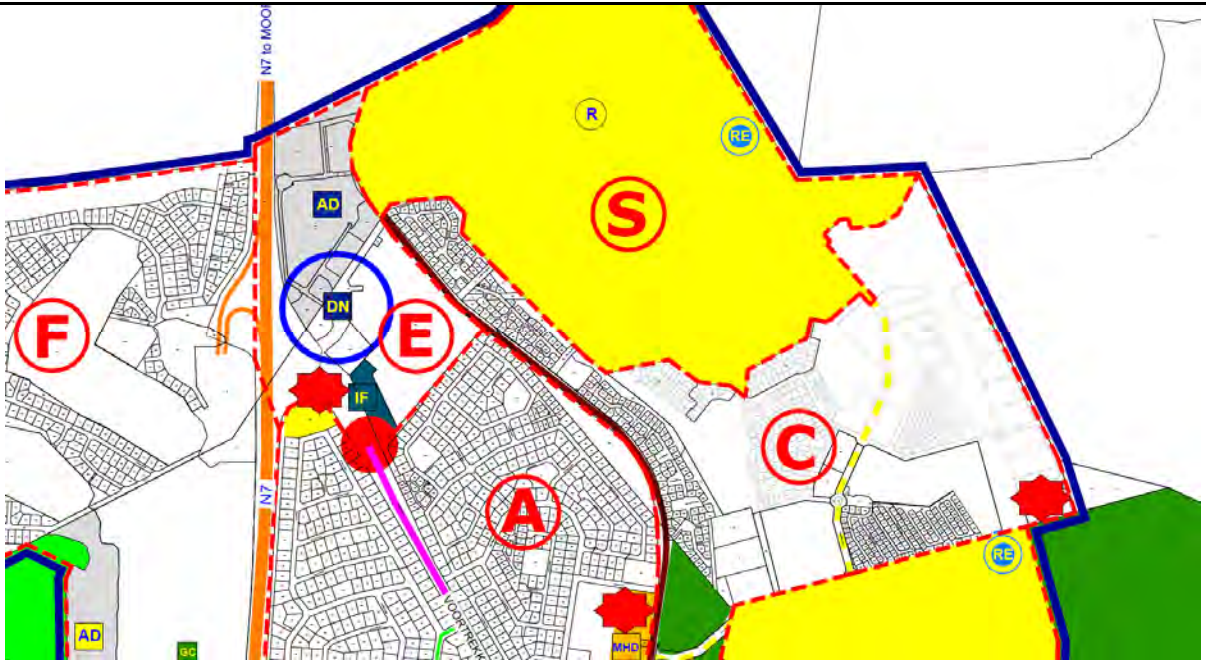
In terms of the built environment policy of the WCDSDF, local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification, and basic service provision. Priority should also be given to settlement development in towns with the highest economic growth potential and socio-economic need.

The WCDSDF rightfully looks at spatial development on a district level. However, the WCDM SDF promotes the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required in terms of SPLUMA and recommended in the PSDF, 2014), to improve quality of life and access to amenities and opportunities to all residents in the WCDM.

A second dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. It could therefore be argued that the proposal is consistent with the spatial planning policies of the WCDSDF, 2020.

2.4 Municipal Spatial Development Framework (SDF), 2023

The subject property is situated in land use proposal zone C as indicated on the land use proposal map of Malmesbury. Please refer to the extract below. Zone C is an integrated residential area with supporting social and commercial uses and according to the MSDF, 2023, Low and medium density residential uses are supported within this zone.



Medium density Residential uses are defined as: Residential densities of up to 20 to 50 units per hectare within the Residential Zones 2 and 3, General Residential Zones 1 and 2* can be accommodated within these zones.

The proposal is deemed consistent with the MSDF, 2023 as it will result in an increase in density of units per Ha, which is supported. The proposal also provides different housing types to allow for integration and spatial justice. It is also recognised that the proposal supports Objective 1 and 4 of the MSDF.

*Objective 1: Grow economic prosperity and facilitate economic sector growth and
Objective 4: Protect and grow place identity and cultural integrity*

The proposal is therefore deemed consistent with the land use proposals of the MSDF, 2023.

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

The proposal complies with the parameters of the development management scheme.

3. Desirability of the proposed utilisation

There are no physical restrictions on the property that may have a negative impact on the application.

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 it proposes housing options that are more affordable.

The Glen Lilly Estate can be medium density, however, through the design guidelines permitting 0m building lines as well as 75% coverage. The character created by these relaxed parameters is that of a higher density. The proposal does not detract from the character of the area, and it may be argued that it will contribute to the overall sense of place.

The proposed second dwelling (double dwelling house) will have a positive economic impact, as it generates income for both the landowner, municipality (through rates and taxes) and tourism, through the spending of the new residents / visitors to the area.

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

From the proposal access to the property is obtained directly from Love Street. The impact of the proposal on traffic in the area will be minimal and sufficient on-site parking is provided.

The development proposal is 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 applicable tariffs.

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 10654, Malmesbury, 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:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house, as presented in the application;
- (b) The double dwelling adheres to the applicable development parameters;
- (c) Building plans be submitted to the Senior Manager: Development management for consideration and approval;

2. WATER

- (a) A single water connection be provided, and no additional connections be provided;

3. SEWERAGE

- (b) A single sewer connection be provided, and no additional connections be provided;

4. DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R10 862,90 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 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R6 101,90 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards sewerage amounts to R 3 795,00 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge towards wastewater treatment amounts to R 4 113,55 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 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge towards streets amounts to R 11 938,15 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards electricity amounts to R 4 620,01 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The Council resolution of May 2023 makes provision for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter.

- 5. GENERAL**
- (a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies.
 - (b) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
 - (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision against the appeal.
 - (d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will lapse. Should all conditions of approval be met within the 5-year period, the land use becomes permanent, and the approval period will no longer be applicable.
 - (e) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

- 1) The proposed second dwelling is a residential use and is therefore consistent with the proposals of the MSDF.
- 2) A double dwelling is accommodated as a consent use under Residential Zone 1 of the Development Management Scheme and there are no restrictions registered against the title deed of the property or contained in the design guideline of the Estate prohibiting the proposal.
- 3) The development proposal supports the optimal utilisation of the property.
- 4) The second dwelling provides in a need for a larger variety of housing opportunities to the wider population.
- 5) The development proposal will not negatively impact on the character of the Glen Lily Estate or the larger Malmesbury.



PART N: ANNEXURES

Annexure A	Locality plan
Annexure B	Proposed building plan
Annexure C	Revised building plan
Annexure D	Public participation plan
Annexure E	Owners Association's Consent
Annexure F	Objection from DB & LD Gerber
Annexure G	Objection from P Calitz
Annexure H	Objection from G Cockrell
Annexure I	Applicants comments on the objections
Annexure J	Request for additional information

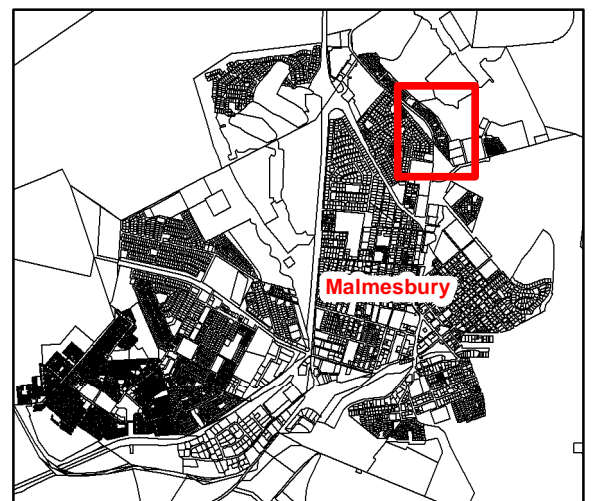
PART O: APPLICANT DETAILS

First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Suikerbos Konstruksie Pty Ltd	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		Date: 2 February 2024	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended
		Date: 5 February 2024	

LOCATION PLAN PROPOSED CONSENT USE ON ERF 10654, MALMESBURY



H.O.A STAMP	MUNICIPALITY

AREA CALCULATIONS

GROUND FLOOR UNIT 1:		
HOUSE	: 60.745m ²	SITE : 356.812m ²
GARAGE	: 21.608m ²	FOOTPRINT : 173.029m ²
ENTRANCE	: 3.294m ²	COVERAGE : 48.50%
TOTAL	: 85.647m²	
FIRST FLOOR UNIT 1:		
HOUSE	: 57.269m ²	
TOTAL	: 142.918m²	
GROUND FLOOR UNIT 2:		
HOUSE	: 60.745m ²	
GARAGE	: 23.281m ²	
ENTRANCE	: 3.294m ²	
TOTAL	: 87.322m²	
FIRST FLOOR 2:		
HOUSE	: 57.269m ²	
TOTAL	: 144.591m²	
OVERALL TOTAL	: 287.509m²	

ROOF CALCULATIONS

PROPOSED NEW DWELLING FOR
 MR. CK RUMBOLL ON
 ERF 10654
 GLEN LILY, MALMESBURY

-GROUND FLOOR
-FIRST FLOOR
-RENDERS

OWNER'S SIGNATURE: 

THIS DRAWING IS THE COPYRIGHT OF L2 DRAUGHTING CONSULTANTS AND SHALL NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR PRIOR WRITTEN CONSENT.



L2 ARCHITECTURAL
 DRAUGHTING CONSULTANTS
 SINCE 1984

OWNER : LEONARD DE KLERK

REG NO 2019/068653/07
 T : +27 (0)22 772 0222
 M : +27 (0)75 144 5786

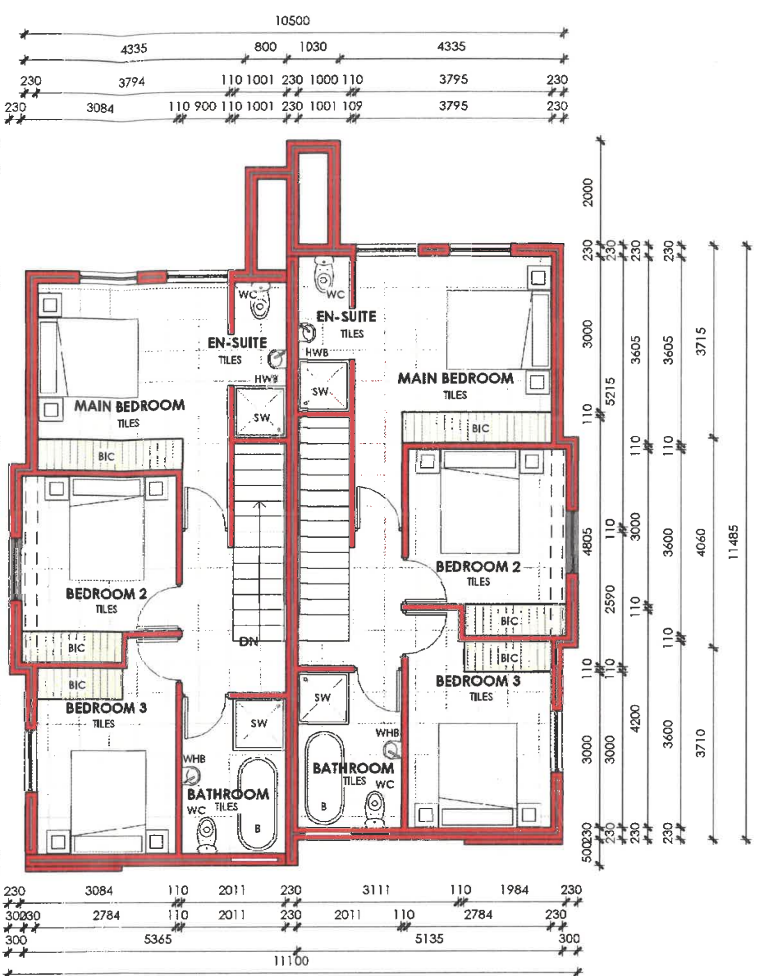
S.A.C.A.P REG NO D0067
 S.A.I.A.T. MEMBERSHIP NO 32703
 E : leonardel2draughting.co.za

Oostewal Business Centre, 146 Oostewal Road, Unit 8, Langebaan

PROJECT NR	SHEET NR	REVISION	DATE	SCALE	SHEET SIZE
101654/2023	SHEET 1 OF 1		29 SEPT 2023	1 : 100	A2
DRAWN BY	CHECKED BY	PROJECT STATUS			
I. HEYNEMAN	L. DE KLERK	Project Status			



FIRST FLOOR
 1 : 100



GROUND FLOOR
 1 : 100

H.O.A STAMP	MUNICIPAL STAMP

AREA CALCULATIONS


GROUND FLOOR UNIT 1:	
HOUSE	: 59.527m ²
GARAGE	: 21.608m ²
ENTRANCE	: 3.296m ²
TOTAL	: 84.431m²
FIRST FLOOR UNIT 1:	
HOUSE	: 56.051m ²
TOTAL	: 140.482m²
GROUND FLOOR UNIT 2:	
HOUSE	: 59.527m ²
GARAGE	: 23.281m ²
ENTRANCE	: 3.296m ²
TOTAL	: 86.104m²
FIRST FLOOR UNIT 2:	
HOUSE	: 56.051m ²
TOTAL	: 142.155m²
OVERALL TOTAL	: 282.637m²

ROOF CALCULATIONS

--	--

PROPOSED NEW DWELLING FOR
MR. CK RUMBOLL ON
ERF 10654
GLEN LILY, MALMESBURY

**-GROUND FLOOR
-FIRST FLOOR
-RENDERS**

OWNER'S SIGNATURE: 

THIS DRAWING IS THE COPYRIGHT OF L2 DRAUGHTING CONSULTANTS AND SHALL NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR PRIOR WRITTEN CONSENT.



L2 ARCHITECTURAL
DRAUGHTING CONSULTANTS (PTY) LTD
SINCE 1984

OWNER : LEONARD DE KLERK

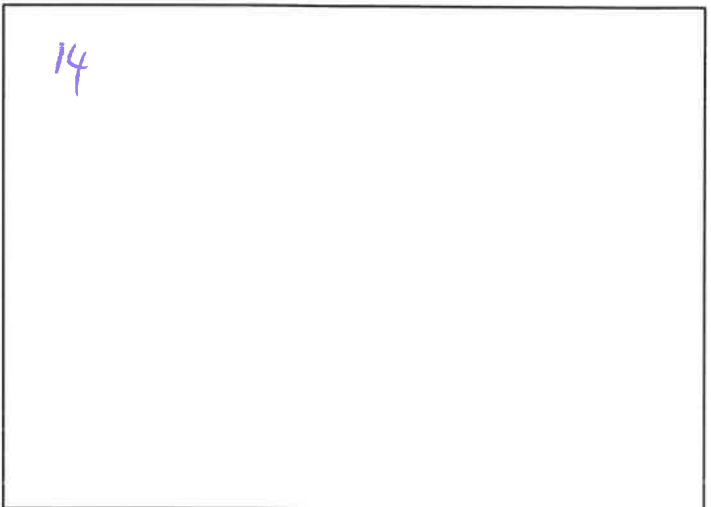
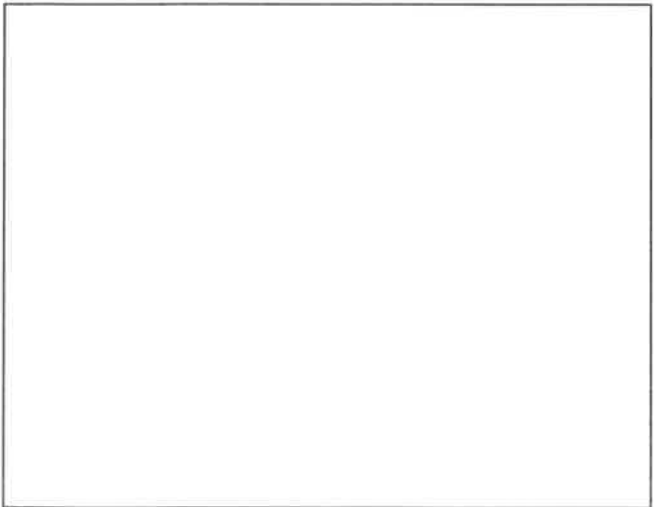
REG NO 2019/068653/07 S.A.C.A.P REG NO D0067
T : +27 (0)22 772 0222 S.A.I.A.T. MEMBERSHIP NO 32703
M : +27 (0)73 144 5786 E : leonardeL2draughting.co.za

Oostewal Business Centre, 146 Oostewal Road, Unit 8, Langebaan

PROJECT NR 101654/2024	SHEET NR SHEET 1 OF 1	REVISION	DATE 26 JAN 2024	SCALE 1 : 100	SHEET SIZE A2
DRAWN BY I. HEYNEMAN	CHECKED BY L. DE KLERK	PROJECT STATUS Project Status			



Locality plan





RESOLUTION

As per the Sectional Titles Act of 2011 No.8

IT WAS RESOLVED AS FOLLOWS AT THE FOLLOWING MEETING

Resolution on Development of Two Units on One Erf as Sectional Title

WHEREAS, the homeowners' association (HOA) owners convened at a Special General Meeting (SGM) held on 13 September 2023, where the matter of developing two units on one erf as a sectional title was discussed; and

WHEREAS, the owners present at the SGM recognized the potential benefits of this development, including maximizing the use of available space, increasing property values, and contributing to the overall well-being of the community; and

WHEREAS, the financial implications of this development, including the determination of how each member will contribute to the levies associated with the additional units, require further clarification and agreement among all members; and

WHEREAS, the HOA owners acknowledge the need to amend the constitution to accommodate the proposed development and ensure that it aligns with the association's governance framework;

This resolution is hereby passed by a majority vote at the SGM, and it represents the collective agreement of the HOA owners. The association's board of trustees and relevant committees are authorized to take all necessary actions to implement this resolution in accordance with the agreed-upon conditions.

SIGNED ON THIS 04 DAY OF October 2023.

[Signature]
Trustee Name

[Signature]
Signature

10709
Unit No

DR. Abraham
Trustee Name

[Signature]
Signature

10661
Unit No

Zelda Jordan
Trustee Name

[Signature]
Signature

10715
Unit No

DB & LD GERBER
Esdoring singel 15
VREDEKLOOF 7560

E-mail : fin@dzeng.co.za
sel 0829554925

Die Munisipale Bestuurder
Privatsak X52
Malmesbury 7299

Leer verw. 15/3/10-8/Erf_10654

16 November 2023

VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 10654 MALMESBURY

DB & LD Gerber, eienaars van erf 10653, Love straat 46 keur nie die oprigting van n dubbelwoonhuis goed nie.

Redes daarvoor:

- 1 Ingevolge reëls van Glen Lily mag daar slegs 6 persone per wooneenheid gebou bewoon. Dit blyk dat n dubbelwoonhuis dan 12 mense op een perseel sal toelaat asook minimum van 4 motors.
- 2 Indien 1 toegelaat word om n dubbelwoonhuis op te rig, kan verskeie eienaars dieselfde besluit neem om hul huurinkomste te vermeerder.
- 3 Die getal inwoners in Glen Lily kan drasties vermeerder wat beweging en rustigheid nadelig beïnvloed wat n direkte negatiewe invloed op herverkoop waarde en huurinkomste kan bewerkstellig.

Die uwe



DB & LD Gerber

From: Petrus Calitz <fantacalitz@gmail.com>
Sent: Monday, 27 November 2023 09:12
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: lauracalitz <lauracalitz@gmail.com>
Subject: Vergunningsgebruik op erf 10654, Malmesbury

Geagte Swartland munisipaliteit,

Hiermee ons terugvoering rakende vergunningsgebruik op erf 10654, Glenlily, Malmesbury.

Ons teken beslis beswaar aan met betrekking tot die vergunningsgebruik aansoek.

Redes vir die besware:

- Glenlily was adverteer en verkoop aan almal as "enkel woning per erf" kompleks.
- Die grootte van die erf laat beswaarlik ruimte vir 8plus mense en voertuie in vergelyking met die ander wonings in Glenlily. Of gaan daar n limiet wees op hoeveel voertuie tussen hierdie twee wonings mag wees?
- Waar gaan al die voertuie staan waneer hierdie twee 3 slaapkamer wonings gaste ontvang? Glenlily se infrastruktuur laat dit net nie toe nie.
- Glenlily het n reel dat slegs n sekere persentasie van n erf onder gebou mag wees, ek neem aan dit was juis om oorbewoning te verhoed. Voldoen hierdie aansoek aan daardie vereistes/reels?
- Indien hierdie aansoek voortgaan sal nog volg waarna GlenLily se aansig baie gaan verander in n beknopte leefstyl area wat geensins n positiewe impak op ons huis pryse gaan hê nie.
- Volgens die aangestelde argitek maatskappy van Glenlily is die hoogte beperking vanaf grondvlak tot nok hoogte 8m. Hoe gaan n twee verdieping woning met n opgeboude vloer/fondasie hoogte aan die onderkant van die erf binne daardie hoogte bly? Of gaan die agterkant van die woning versonke wees om daarvoor voorsiening te maak?

My belang by die aansoek is dat dit 3 erwe van ons af is en daar vele oop erwe reg oorkant ons is, wat die geleentheid daar stel dat indien hierdie die norm raak, dieselfde oorkant ons gebou gaan word. Vir ons, en Glenlily as n geheel, breek hierdie die beeld van die kompleks af en verander dit in n woonstel gevoel met te veel voertuie vir die beskikbare paaië.

Hiermee by kontak besonderhede.

Petrus Calitz

31 Love str, Glenlily

082 777 1823

fantacalitz@gmail.com (voorkeur kontak wyse)

From: George Cockrell <georgec@dutoit.com>
Sent: Wednesday, 15 November 2023 11:17
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Voorgestelde vergunning op erf 10654 Malmesbury

Aan die MunisipaleBestuurder

Van GJ&S Cockrell

Confident close 4 Glenlily

Cell ..0823021866

Kan my kontak per Epos georgec@dutoit.com

Hiermee teken ek en my gade beswaar aan teen die bou van n dubbele woonhuis op Erf 10654. Ons voel dat dit eerstens ons uitsig gaan belemmer. Ons voel dat double eenhede net aan die bokant gebou moet word indien so ver moontlik.

Daar is al baie min parkeerplek in die kompleks en volgens die plan is daar geen ruimte vir parkeering voor die voorgestelde moterhuise nie. Laastens is daar reeds 2 enkel verdiepings wooneenhede langs die voorgestelde eenheid en dit gaan afbreek maak aan die uitleg van die kompleks veral aan die ondergrens van die kompleks.

So nee van ons kant af.

Groete

Vriendelike groete / Kind regards,

George Cockrell

Dutoit Agri (Pty) Ltd.

Tel: +27 (0)22 485 7044

Fax: +27 (0)22 485 7364

Mobile: +27 (0)82 302 1866

georgec@dutoit.com

www.dutoit.com

Workshop Manager



Skaapkraal

CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: **6 December 2023**

OUR REF: **MAL/13408/NJdK**

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 10654, MALMESBURY

Your letter dated 5 December 2023 refers (see annexure A attached). Please find attached our comments to objections as requested.

This office has been instructed by the owners of Erf 10654 to handle all town planning actions regarding the application for consent use on erf 10654, Malmesbury.

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

- D B & L D Gerber (Erf 10653)
- Petrus Calitz
- George Cockrell

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: Layout of Erf 10654 and surrounding erven.

Please note: An annual general meeting of Glen Lily HOA was held on 13 September 2023, in which the proposal to include double dwelling units in the Glen Lily complex was discussed. A vote was taken and all approved 100% in favour. (The meeting minutes are attached as Annexure B)

The table below gives a summary of the objections together with the comments from CK Rumboll & Partners.

Objector	Objection	Comment from CK Rumboll & Partners
DB & LD Gerber	1. In terms of the rules of Glen Lily, only 6 persons are allowed to live per dwelling unit. With the double dwelling, a total of 12 people may reside on the premises with a minimum of 4 parkings.	<p>1. The rules of the Glen Lily complex will remain unchanged. Only six persons will reside in a dwelling unit. Furthermore, the total parking bays provided comply with the minimum requirements for a double dwelling house as stipulated within the Swartland Municipal Land Use Planning By-Law 2020.</p> <p>When considering the Swartland Spatial Development Framework (2023), the following is proposed in Malmesbury:</p> <ul style="list-style-type: none"> • Increase density by 2027 from the current 10.8 units per hectare to 18 units per hectare.

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

		<ul style="list-style-type: none"> • Provide different housing types to allow for integration and spatial justice. • Provide for housing for retirees. • Support densification in Malmesbury through Infill development. <p>The proposal to densify Malmesbury (and in this case Glen Lily) is therefore supported by the Spatial Development Framework of Swartland Municipality.</p>
	2. If one owner is allowed to erect a double dwelling, various other land owners will do the same to increase their rent income.	<p>2. The following is an extract from the meeting held on 13 September 2023:</p> <p><i>“Ismail advised this is not going to be easy to get completed and there is only a few of the erfes that would allow this to be done on. It would also need to be designed in a very specific way, so that 2 houses on one Erf would not be too small.”</i></p> <p>Ismail confirm that <i>“if this is done in the correct way, he feels this will increase the value of the properties.”</i></p> <p>Considering the above, only a few of the properties within Glen Lily will be able to accommodate a double dwelling house. This will therefore not set a precedent for all property owners to do the same, but will increase the property value of all land owners in the complex.</p>
	3. The amount of residents in Glen Lily will drastically increase, which will disturb the peace and negatively affect the resale value and rent income.	3. Referring to point 1, the Swartland Spatial Development Framework support densification in Malmesbury. Furthermore, according to the HOA meeting, the proposed double dwellings will rather increase the property and resale value rather than to negatively affect it.
Petrus Calitz	4. Glen Lily was advertised and sold as a single lot single unit complex.	4. The only reality or certainty we have in this business of Land Use Planning and Physical Planning of properties is that what we have today in front of us will change. We experience it in established townships as well as in “newly” approved developments. It is in our human nature to question and change and then change back again. Although the complex may have been created as a single

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

		erf, single unit complex, the need changed over time and was approved and supported by the HOA and ALL the residents who attended the meeting.
	5. The size of the lot hardly leaves room for 8plus people and vehicles compared to the other homes in Glenlily. Or will there be a limit on how many vehicles may be between these two residences?	5. The double dwelling house is designed to accommodate one parking bay within each of the garages and then provide a total of two parking bays for each unit on the driveway. A total of 6 parking bays will then be provided on the property.
	6. Where will all the vehicles park when these two 3 bedroom homes receive guests? Glenlily's infrastructure just doesn't allow it.	6. As stated in point 5 above, each dwelling unit will have a total of three parking bays to accommodate the residents as well as its guests. According to the Swartland Municipal Land Use Planning By-Law 2020, only two parking bays are required per unit. The proposal will provide a total of three per unit. Sufficient parking bays will therefore be provided.
	7. Glenlily has a rule that only a certain percentage of an erf may be under construction, I assume it was precisely to prevent overcrowding. Does this application meet those requirements/rules?	7. Extract from the Glen Lily Design Guidelines: " <i>Total percentage area of site that is covered by buildings measured over the outside walls and covered by roof or projections is to be a maximum of 75%.</i> " The total coverage of the proposed double dwelling house will be $\pm 48.5\%$.
	8. If this application goes ahead, Glen Lily's appearance will change a lot in a cramped lifestyle area which will in no way have a positive impact on our house prices.	8. As previously indicated, the expectation is for an upward trajectory in property values rather than a decline. Additionally, the proposal will also not give the impression of a cramped lifestyle, as it adheres to a permissible coverage of 75%, with the actual proposal suggesting only a $\pm 48.5\%$ coverage.
	9. According to the appointed architect company of Glenlily, the height restriction from Gronaviak to ridge height is 8m. How will a two-storey house with a built-up	9. The proposal will comply with the required height restrictions.

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

	floor/foundation height at the bottom of the yard stay within that height? Or is the rear of the house going to be recessed to accommodate it?	
George Cockrell	10. We feel that it will obstruct our view.	10. The owners of Erf 10654 are allowed to design and erect their house / double dwelling house, provided that it adheres to the prescribed development parameters.
	11. We feel that double units should only be built at the top if as far as possible.	11. Noted. The proposal for double dwelling units were approved for the entire Glen Lily complex and not only certain parts thereof.
	12. There is already very little parking space in the complex and according to the plan there is no space for parking in front of the proposed motor homes.	12. Refer to point 5 and 6 above.
	13. There are already 2 single-storey residential units next to the proposed unit and this will detract from the layout of the complex, especially at the lower boundary of the complex.	13. The proposed double dwelling house is designed to give the impression of a single dwelling house. The proposal will therefore not have a negative impact on the character of the area. In addition, there are several double storey dwellings in Glen Lily, the proposal is anticipated to enhance and complement the existing aesthetic appeal of the neighbourhood.

Considering the above, it is evident that the proposed development will have a limited impact on the surrounding land owners and will be a positive contribution to the complex of Glen Lily. The proposal can therefore be favourably considered.

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.

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

MALMESBURY (T) 022 482 1845

Annexure A

Objections



CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



Swartland forward-thinking 2040 -
where people can live their dreams!

Swartland vooruitdenkend 2040 -
waar mense hul drome kan uitleef!

File ref: 15/3/10-8/Erf_10654

Enquiries:
Ms D N Stellenberg

5 December 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

OBJECTIONS : PROPOSED CONSENT USE ON ERF 10654, MALMESBURY

Your application with reference MAL/13408/NJdK dated 10 October 2023 refers.

Kindly find attached the objections received by D B & L D Gerber, Petrus Calitz and George Cockrell 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

DB & LD GERBER
Esdoring singel 15
VREDEKLOOF 7560

E-mail : fin@dzeng.co.za
sel 0829554925

Die Munisipale Bestuurder
Privatsak X52
Malmesbury 7299

Leer verw. 15/3/10-8/Erf_10654

16 November 2023

VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 10654 MALMESBURY

DB & LD Gerber, eienaars van erf 10653, Love straat 46 keur nie die oprigting van n dubbelwoonhuis goed nie.

Redes daarvoor:

- 1 Ingevolge reëls van Glen Lily mag daar slegs 6 persone per wooneenheid gebou bewoon. Dit blyk dat n dubbelwoonhuis dan 12 mense op een perseel sal toelaat asook minimum van 4 motors.
- 2 Indien 1 toegelaat word om n dubbelwoonhuis op te rig, kan verskeie eienaars dieselfde besluit neem om hul huurinkomste te vermeerder.
- 3 Die getal inwoners in Glen Lily kan drasties vermeerder wat beweging en rustigheid nadelig beïnvloed wat n direkte negatiewe invloed op herverkoop waarde en huurinkomste kan bewerkstellig.

Die uwe



DB & LD Gerber



From: Petrus Calitz <fantacalitz@gmail.com>
Sent: Monday, 27 November 2023 09:12
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: lauracalitz <lauracalitz@gmail.com>
Subject: Vergunningsgebruik op erf 10654, Malmesbury

Geagte Swartland munisipaliteit,

Hiermee ons terugvoering rakende vergunningsgebruik op erf 10654, Glenlily, Malmesbury.

Ons teken beslis beswaar aan met betrekking tot die vergunningsgebruik aansoek.

Redes vir die besware:

- Glenlily was adverteer en verkoop aan almal as "enkel woning per erf" kompleks.
- Die grootte van die erf laat beswaarlik ruimte vir 8plus mense en voertuie in vergelyking met die ander wonings in Glenlily. Of gaan daar n limiet wees op hoeveel voertuie tussen hierdie twee wonings mag wees?
- Waar gaan al die voertuie staan waneer hierdie twee 3 slaapkamer wonings gaste ontvang? Glenlily se infrastruktuur laat dit net nie toe nie.
- Glenlily het n reel dat slegs n sekere persentasie van n erf onder gebou mag wees, ek neem aan dit was juis om oorbewoning te verhoed. Voldoen hierdie aansoek aan daardie vereistes/reels?
- Indien hierdie aansoek voortgaan sal nog volg waarna GlenLily se aansig baie gaan verander in n beknopte leefstyl area wat geensins n positiewe impak op ons huis pryse gaan hê nie.
- Volgens die aangestelde argitek maatskappy van Glenlily is die hoogte beperking vanaf grondvlak tot nok hoogte 8m. Hoe gaan n twee verdieping woning met n opgeboude vloer/fondasie hoogte aan die onderkant van die erf binne daardie hoogte bly? Of gaan die agterkant van die woning versonke wees om daarvoor voorsiening te maak?

My belang by die aansoek is dat dit 3 erwe van ons af is en daar vele oop erwe reg oorkant ons is, wat die geleentheid daar stel dat indien hierdie die norm raak, dieselfde oorkant ons gebou gaan word. Vir ons, en Glenlily as n geheel, breek hierdie die beeld van die kompleks af en verander dit in n woonstel gevoel met te veel voertuie vir die beskikbare paaie.

Hiermee by kontak besonderhede.

Petrus Calitz
31 Love str, Glenlily
082 777 1823
fantacalitz@gmail.com (voorkeur kontak wyse)

From: George Cockrell <georgec@dutoit.com>
Sent: Wednesday, 15 November 2023 11:17
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Voorgestelde vergunning op erf 10654 Malmesbury

Aan die MunisipaleBestuurder
Van Gj&S Cockrell
Confident close 4 Glenlily
Cel ..0823021866
Kan my konyak per Epos georgec@dutoit.com

Hiermee teken ek en my gade beswaar aan teen die bou van n dubbele woonhuis op Erf 10654. Ons voel dat dit eerstens ons uitsig gaan belemmer. Ons voel dat double eenhede net aan die bokant gebou moet word indien so ver moontlik.

Daar is al baie min parkeerplek in die kompleks en volgens die plan is daar geen ruimte vir parkeering voor die voorgestelde moterhuise nie. Laastens is daar reeds 2 enkel verdiepings wooneenhede langs die voorgestelde eenheid en dit gaan afbreek maak aan die uitleg van die kompleks veral aan die ondergrens van die kompleks.

So nee van ons kant af.

Groete

Vriendelike groete / Kind regards,

George Cockrell

Dutoit Agri (Pty) Ltd.
Tel: +27 (0)22 485 7044
Fax: +27 (0)22 485 7364
Mobile: +27 (0)82 302 1866
georgec@dutoit.com
www.dutoit.com

**Workshop Manager
Skaapkraal**



"Dedication Always Shows"

"Dedication Always Shows"

Annexure B

HOA meeting of 13 September 2023



BELMONT
PROPERTY MANAGEMENT

RESOLUTION

As per the Sectional Titles Act of 2011 No.8

IT WAS RESOLVED AS FOLLOWS AT THE FOLLOWING MEETING

Resolution on Development of Two Units on One Erf as Sectional Title

WHEREAS, the homeowners' association (HOA) owners convened at a Special General Meeting (SGM) held on 13 September 2023, where the matter of developing two units on one erf as a sectional title was discussed; and

WHEREAS, the owners present at the SGM recognized the potential benefits of this development, including maximizing the use of available space, increasing property values, and contributing to the overall well-being of the community; and

WHEREAS, the financial implications of this development, including the determination of how each member will contribute to the levies associated with the additional units, require further clarification and agreement among all members; and

WHEREAS, the HOA owners acknowledge the need to amend the constitution to accommodate the proposed development and ensure that it aligns with the association's governance framework;

This resolution is hereby passed by a majority vote at the SGM, and it represents the collective agreement of the HOA owners. The association's board of trustees and relevant committees are authorized to take all necessary actions to implement this resolution in accordance with the agreed-upon conditions.

SIGNED ON THIS 04 DAY OF October 2023.

[Signature]
Trustee Name

[Signature]
Signature

10709
Unit No

DR. Abraham
Trustee Name

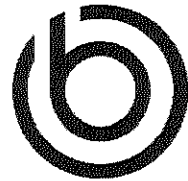
[Signature]
Signature

10661
Unit No

Zelda Jordan
Trustee Name

[Signature]
Signature

10715
Unit No




MINUTES OF THE ANNUAL GENERAL MEETING OF GLEN LILY HOA HELD ON THURSDAY 13 SEPTEMBER 2023 AT 18:00 AM AT JO-DOLFIN SWARTLAND APD

Item No	Topic and notes	Resolution
1	Welcome and Constitution	
1.1	Attendance Register, Proxies and Confirmation of a Quorum	With attendance and proxy, the quorum was formed with 50 Owners signing the register.
1.2	Appointment of Chairman to reside over the proceedings	Thys Carstens was appointed
2	Confirmation of previous Annual General Meeting minutes	The owners approved the minutes. Zelda just asked for a correction on Carolus name.
3	Consideration of Chairman/Trustees Report	Thys Carstens reported: The trustees have had a good year and a lot has been completed in the Estate.
4	Consideration of Audited Annual Financial Statements	2023 AFS approved with the amendment of below: Thys confirmed that on the Financial Statements there is an amount of R296,659 that needs to be written off. In 2017 before we as trustees took over Glen Lily it was in chaos. Money that was being to be paid to Burns and Steele. We did have attorneys that had the matter in court. The amount has been reflecting on our audits since 2017, I would like to suggest to all the owners if we can get the auditors to write off this amount so we can get our financials clean as this money cannot be recovered. Ismail raised concerns if this money is removed off the financials would this cause the Erfs not been able to be sold, Thys confirmed that this is only for the audit and that won't cause any issues. We can then ask the attorneys to also close the file. All owners agreed for the amount to be removed.
5	Appointment of Auditors	AMF and Associates were re-appointed
6	Approval with or without	The budget was approved with a 6% INCREASE by everyone.

	amendment	
6.1	The Estimated Income and Expenditure - Proposed Budget & Levy Schedule per unit	So, there were an overall 6% increase onto your levies. Admin levy will go from R253,79 to R375,80 and your reserve ley will be R47,46, which will make a total of R423,06. Total levy per month will be R425.
6.2	The Reserve Fund	The trustees ask to add additional amount from the Reserve. Additional R35 000 to clean up the Estate and R46,000.00 for paving. Faye proposed if a trustee's budget can be done at the next financial year end, 1 st March 2023. Then the budget will be raised over 12 months than 6-8 months. The owners all agreed on the increase and additional funds for the clean-up and paving.
7	Insurance	The owners were happy with the insurance policy.
8	Trustees:	
8.1	Determination of number of Trustees	It was determined to stay with 8 Trustees: There were 9 Nominations were voted on by all owners. After the vote was counted the same trustees from last year will remain the same.
8.2	Election of Trustees	The following members were nominated and appointed as trustees again. <ol style="list-style-type: none"> 1. Thys Cartens 2. Carlo Auret 3. Dr Ismail Abrahams 4. Zelda Jordaan 5. Niel Niewenhuys 6. Rohan Cronje 7. Michael van Laeren 8. Devea Padayachee
9	Confirmation of the Resolutions	
9.1	Adopting the current levies payable	<ol style="list-style-type: none"> 1. That the above payment by monthly instalments is conditional upon every instalment being paid on or before the 7 th day of each month in advance. 2. That if an owner should fail to pay any monthly instalment on or before the 7 th day of each month.
9.2	Adopting and confirming interest, arrear penalties and legal action if required	<ol style="list-style-type: none"> 1. That the interest rate in respect of all arrears due by owners be determined at 24% per annum, that is 2% per annum and per month. <p>Ismail raised his concerns on interest been changed onto owners who may have paid late or are struggling to pay their levies. We will be adding more pressure on them by adding interest. Faye suggested that a threshold be added for two months. Then no first letter, or interest will be charged. Belmont will only start</p>



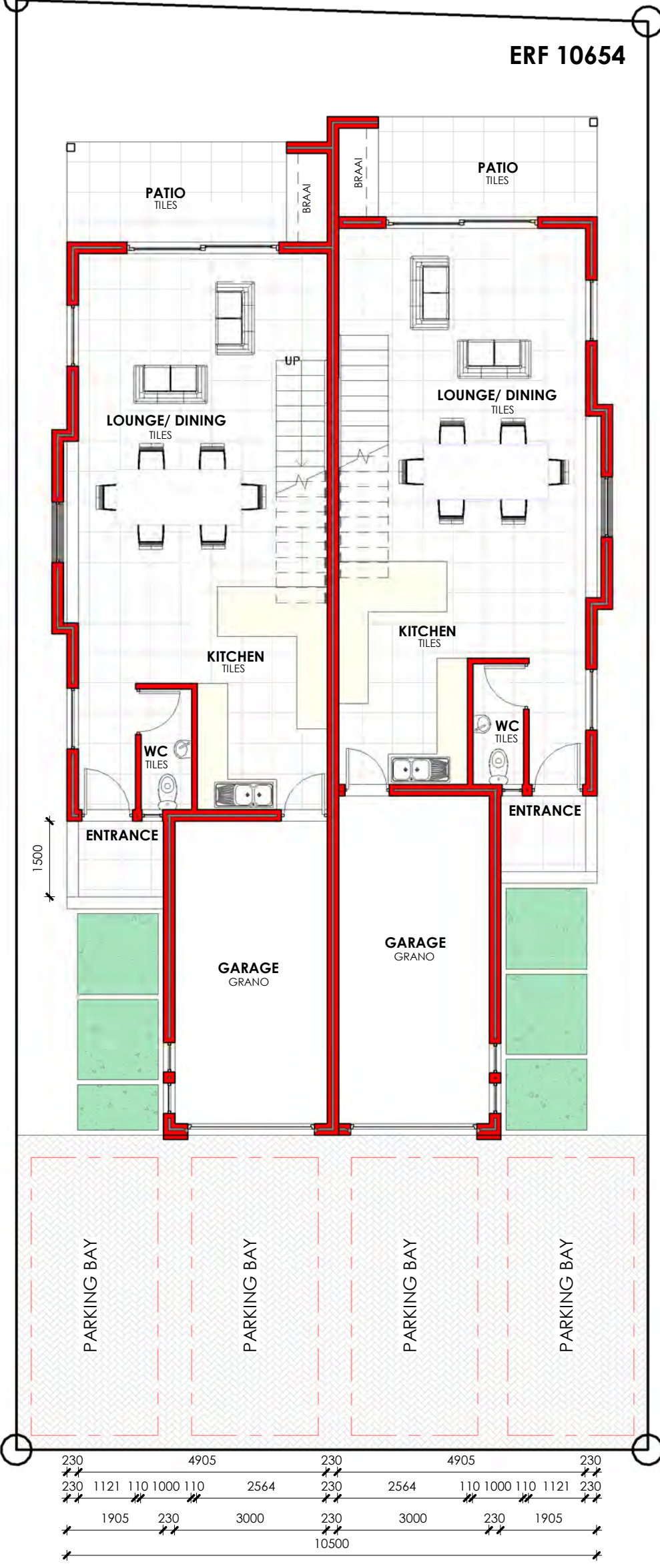
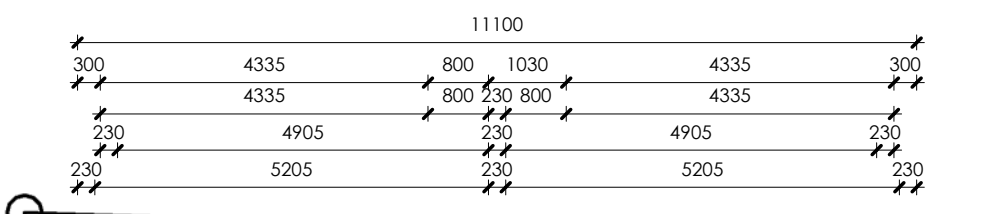
		this from the 60 days. The owners all agreed.
10	Confirmation of the Body Corporate Services Address	Belmont Property address: Time Building Office Park Blaauwberg Road, Cape Town,7441
11	<p>General</p> <p>Trustees should be allocated portfolios</p> <p>Guard House</p> <p>Security Guard/Cell Phone</p> <p>Security Guard - License Disk Scanner</p>	<p>Karin had asked if the upcoming trustees could be allocated Portfolios. "Security", "Maintenance", "Gardens", "Communication", "Finances", "Building work" and "Admin". Thys confirmed this will be discussed by the trustees.</p> <p>Karin asked if this could build a guard house front of the complex. Ismail advised that this could be looked at, as the ERF in front could belong to Swartland. Ismail and Michael confirmed they would investigate if this could be considered for the future.</p> <p>Karin asked if in 2024 they could look at having a security guard 24 hours a day. Faye advised if this was to be looked at the budget would need to increase by 85%. The trustees also suggested when all the properties have been built we could look at changing the guards from day shift to night shift. Security guard needs a cell phone to call residents when someone is visiting them. Thys explained that the guards are not there to call the owners if there are visitors arriving. The visitors would need to call the owners themselves.</p> <p>Karen suggested that the security guard needs a license disk scanner to confirm the identities of visitors. Ismail confirmed this would not work as there is only one gate to get in and out and no place for the visitors to park to do the scanning. They could only consider this if there was a place to park The guards are there to monitor the contractors coming in and out and not the visitors.</p>
	<p><u>Special Resolution</u></p> <p>Purchasing ERF and allowing Sectional Title to be developed</p> 	<p>So, you Thys explained that they can register a Body Corporate within an HOA.</p> <p>This would allow an owner to purchase one of the Erf's, which will allow you to build 2 houses on the same Erf.</p> <p>Er are asking the owners permission to allow an owner opportunity to approve this in future.</p> <p>Ismail advised this is not going to be easy to get completed and there is only a few of the Erfs that would allow this to be done on. It would also need to be designed in a very specific way, so that 2 houses on one Erf would not be too small.</p> <p>Karin asked the sizes of the Erfs are very small already, they don't think building 2 houses on one Erf would devalue Glen Lily.</p> <p>Ismail confirmed if this is done in the correct way, he feels this will increase the value of the properties. We would also need to discuss how the HOA levies are paid with 2 houses on one ERF as they would need to pay a higher amount.</p> <p>Faye confirmed the vote is just confirm if the owner would allow an owner this option. If this would be done, we will address and add</p>

		amendments to the constitution of how they will be billed. They would also need to do their own financials, insurance. Vote was taken and all approved 100% in favor
11	Closure	The meeting closed at 19:41 pm

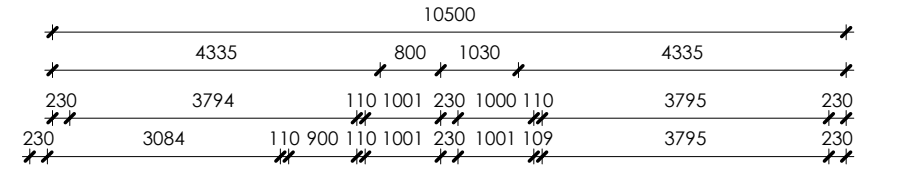
A handwritten signature in black ink, appearing to be 'DGA' with a stylized flourish.

Annexure C

Building Plans



GROUND FLOOR
1 : 100



FIRST FLOOR
1 : 100



H.O.A STAMP	MUNICIPAL STAMP

AREA CALCULATIONS		
GROUND FLOOR UNIT 1:		
HOUSE	: 60.745m ²	SITE FOOTPRINT COVERAGE : 356.812m ²
GARAGE	: 21.608m ²	: 173.029m ²
ENTRANCE	: 3.296m ²	: 48.50%
TOTAL	: 85.649m ²	
FIRST FLOOR UNIT 1:		
HOUSE	: 57.269m ²	
TOTAL	: 142.918m ²	
GROUND FLOOR UNIT 2:		
HOUSE	: 60.745m ²	
GARAGE	: 23.281m ²	
ENTRANCE	: 3.296m ²	
TOTAL	: 87.322m ²	
FIRST FLOOR UNIT 2:		
HOUSE	: 57.269m ²	
TOTAL	: 144.591m ²	
OVERALL TOTAL	: 287.509m ²	

ROOF CALCULATIONS	

PROPOSED NEW DWELLING FOR
MR. CK RUMBOLL ON
ERF 10654
GLEN LILY, MALMESBURY

**-GROUND FLOOR
-FIRST FLOOR
-RENDERS**

OWNER'S SIGNATURE:

THIS DRAWING IS THE COPYRIGHT OF L2 DRAUGHTING CONSULTANTS AND SHALL NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR PRIOR WRITTEN CONSENT.



L2 ARCHITECTURAL
DRAUGHTING CONSULTANTS (PTY) LTD
SINCE 1984

OWNER : LEONARD DE KLERK

REG NO 2019/068653/07
T : +27 (0)22 772 0222
M : +27 (0)73 144 5786

S.A.C.A.P REG NO D0067
S.A.I.A.T. MEMBERSHIP NO 32703
E : leonardeL2draughting.co.za

Oostewal Business Centre, 146 Oostewal Road, Unit 8, Langebaan

PROJECT NR 101654/2023	SHEET NR SHEET 1 OF 1	REVISION	DATE 29 SEPT 2023	SCALE 1 : 100	SHEET SIZE A2
DRAWN BY I. HEYNEMAN	CHECKED BY L. DE KLERK	PROJECT STATUS Project Status			

Annexure A

Objections



CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



Swartland forward-thinking 2040 -
where people can live their dreams!

Swartland vooruitdenkend 2040 -
waar mense hul drome kan uitleef!

File ref: 15/3/10-8/Erf_10654

Enquiries:
Ms D N Stellenberg

5 December 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

OBJECTIONS : PROPOSED CONSENT USE ON ERF 10654, MALMESBURY

Your application with reference MAL/13408/NJdK dated 10 October 2023 refers.

Kindly find attached the objections received by D B & L D Gerber, Petrus Calitz and George Cockrell 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

DB & LD GERBER
Esdoring singel 15
VREDEKLOOF 7560

E-mail : fin@dzeng.co.za
sel 0829554925

Die Munisipale Bestuurder
Privatsak X52
Malmesbury 7299

Leer verw. 15/3/10-8/Erf_10654

16 November 2023

VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 10654 MALMESBURY

DB & LD Gerber, eienaars van erf 10653, Love straat 46 keur nie die oprigting van n dubbelwoonhuis goed nie.

Redes daarvoor:

- 1 Ingevolge reels van Glen Lily mag daar slegs 6 persone per wooneenheid gebou bewoon. Dit blyk dat n dubbelwoonhuis dan 12 mense op een perseel sal toelaat asook minimum van 4 motors.
- 2 Indien 1 toegelaat word om n dubbelwoonhuis op te rig, kan verskeie eienaars dieselfde besluit neem om hul huurinkomste te vermeerder.
- 3 Die getal inwoners in Glen Lily kan drasties vermeerder wat beweging en rustigheid nadelig beïnvloed wat n direkte negatiewe invloed op herverkoop waarde en huurinkomste kan bewerkstellig.

Die uwe



DB & LD Gerber

From: Petrus Calitz <fantacalitz@gmail.com>
Sent: Monday, 27 November 2023 09:12
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: lauracalitz <lauracalitz@gmail.com>
Subject: Vergunningsgebruik op erf 10654, Malmesbury

Geagte Swartland munisipaliteit,

Hiermee ons terugvoering rakende vergunningsgebruik op erf 10654, Glenlily, Malmesbury.

Ons teken beslis beswaar aan met betrekking tot die vergunningsgebruik aansoek.

Redes vir die besware:

- Glenlily was adverteer en verkoop aan almal as "enkel woning per erf" kompleks.
- Die grootte van die erf laat beswaarlik ruimte vir 8plus mense en voertuie in vergelyking met die ander wonings in Glenlily. Of gaan daar n limiet wees op hoeveel voertuie tussen hierdie twee wonings mag wees?
- Waar gaan al die voertuie staan waneer hierdie twee 3 slaapkamer wonings gaste ontvang? Glenlily se infrastruktuur laat dit net nie toe nie.
- Glenlily het n reel dat slegs n sekere persentasie van n erf onder gebou mag wees, ek neem aan dit was juis om oorbewoning te verhoed. Voldoen hierdie aansoek aan daardie vereistes/reels?
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Petrus Calitz
31 Love str, Glenlily
082 777 1823
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Van Gj&S Cockrell
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Kan my konyak per Epos georgec@dutoit.com

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So nee van ons kant af.

Groete

Vriendelike groete / Kind regards,

George Cockrell

Dutoit Agri (Pty) Ltd.
Tel: +27 (0)22 485 7044
Fax: +27 (0)22 485 7364
Mobile: +27 (0)82 302 1866
georgec@dutoit.com
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**Workshop Manager
Skaapkraal**



DUTOIT -

"Dedication Always Shows"

"Dedication Always Shows"

Annexure B

HOA meeting of 13 September 2023



BELMONT
PROPERTY MANAGEMENT

RESOLUTION

As per the Sectional Titles Act of 2011 No.8

IT WAS RESOLVED AS FOLLOWS AT THE FOLLOWING MEETING

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WHEREAS, the financial implications of this development, including the determination of how each member will contribute to the levies associated with the additional units, require further clarification and agreement among all members; and

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SIGNED ON THIS 04 DAY OF October 2023.

[Signature]
Trustee Name

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DR. Abraham
Trustee Name

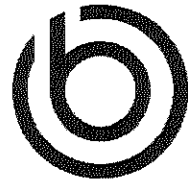
[Signature]
Signature

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Unit No

Zelda Jordan
Trustee Name

[Signature]
Signature

10715
Unit No




MINUTES OF THE ANNUAL GENERAL MEETING OF GLEN LILY HOA HELD ON THURSDAY 13 SEPTEMBER 2023 AT 18:00 AM AT JO-DOLFIN SWARTLAND APD

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10	Confirmation of the Body Corporate Services Address	Belmont Property address: Time Building Office Park Blaauwberg Road, Cape Town,7441
11	<p>General</p> <p>Trustees should be allocated portfolios</p> <p>Guard House</p> <p>Security Guard/Cell Phone</p> <p>Security Guard - License Disk Scanner</p>	<p>Karin had asked if the upcoming trustees could be allocated Portfolios. "Security", "Maintenance", "Gardens", "Communication", "Finances", "Building work" and "Admin". Thys confirmed this will be discussed by the trustees.</p> <p>Karin asked if this could build a guard house front of the complex. Ismail advised that this could be looked at, as the ERF in front could belong to Swartland. Ismail and Michael confirmed they would investigate if this could be considered for the future.</p> <p>Karin asked if in 2024 they could look at having a security guard 24 hours a day. Faye advised if this was to be looked at the budget would need to increase by 85%. The trustees also suggested when all the properties have been built we could look at changing the guards from day shift to night shift. Security guard needs a cell phone to call residents when someone is visiting them. Thys explained that the guards are not there to call the owners if there are visitors arriving. The visitors would need to call the owners themselves.</p> <p>Karen suggested that the security guard needs a license disk scanner to confirm the identities of visitors. Ismail confirmed this would not work as there is only one gate to get in and out and no place for the visitors to park to do the scanning. They could only consider this if there was a place to park The guards are there to monitor the contractors coming in and out and not the visitors.</p>
	<p><u>Special Resolution</u></p> <p>Purchasing ERF and allowing Sectional Title to be developed</p> 	<p>So, you Thys explained that they can register a Body Corporate within an HOA.</p> <p>This would allow an owner to purchase one of the Erf's, which will allow you to build 2 houses on the same Erf.</p> <p>Er are asking the owners permission to allow an owner opportunity to approve this in future.</p> <p>Ismail advised this is not going to be easy to get completed and there is only a few of the Erfs that would allow this to be done on. It would also need to be designed in a very specific way, so that 2 houses on one Erf would not be too small.</p> <p>Karin asked the sizes of the Erfs are very small already, they don't think building 2 houses on one Erf would devalue Glen Lily.</p> <p>Ismail confirmed if this is done in the correct way, he feels this will increase the value of the properties. We would also need to discuss how the HOA levies are paid with 2 houses on one ERF as they would need to pay a higher amount.</p> <p>Faye confirmed the vote is just confirm if the owner would allow an owner this option. If this would be done, we will address and add</p>

		amendments to the constitution of how they will be billed. They would also need to do their own financials, insurance. Vote was taken and all approved 100% in favor
11	Closure	The meeting closed at 19:41 pm

A handwritten signature in black ink, appearing to be 'DGA', is located below the table.

Annexure C

Building Plans

H.O.A STAMP	MUNICIPAL STAMP

AREA CALCULATIONS		
GROUND FLOOR UNIT 1:		
HOUSE	: 60.745m ²	SITE FOOTPRINT COVERAGE : 356.812m ²
GARAGE	: 21.608m ²	ENTRANCE : 173.029m ²
ENTRANCE	: 3.296m ²	
TOTAL	: 85.649m ²	
FIRST FLOOR UNIT 1:		
HOUSE	: 57.269m ²	
TOTAL	: 142.918m ²	
GROUND FLOOR UNIT 2:		
HOUSE	: 60.745m ²	
GARAGE	: 23.281m ²	
ENTRANCE	: 3.296m ²	
TOTAL	: 87.322m ²	
FIRST FLOOR UNIT 2:		
HOUSE	: 57.269m ²	
TOTAL	: 144.591m ²	
OVERALL TOTAL	: 287.509m ²	

ROOF CALCULATIONS		

PROPOSED NEW DWELLING FOR
MR. CK RUMBOLL ON
ERF 10654
GLEN LILY, MALMESBURY

**-GROUND FLOOR
-FIRST FLOOR
-RENDERS**

OWNER'S SIGNATURE: 

THIS DRAWING IS THE COPYRIGHT OF L2 DRAUGHTING CONSULTANTS AND SHALL NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR PRIOR WRITTEN CONSENT.



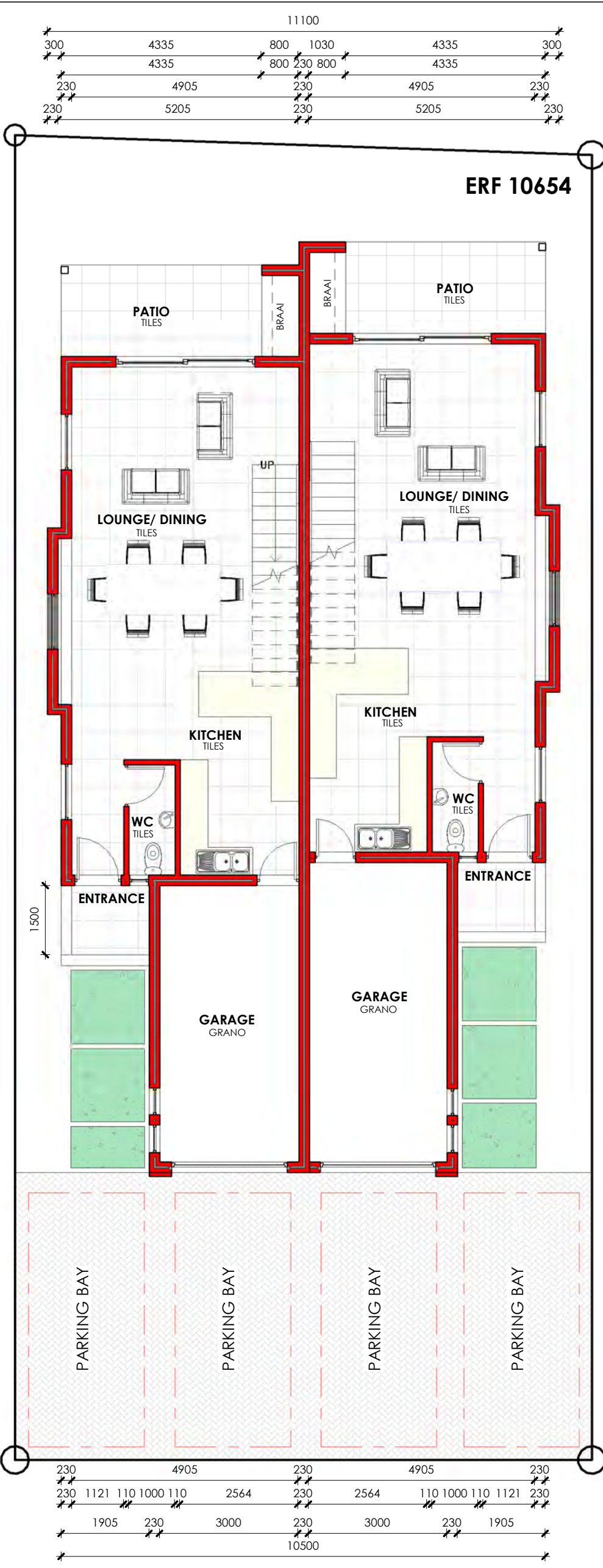
L2 ARCHITECTURAL
DRAUGHTING CONSULTANTS (PTY) LTD
SINCE 1984

OWNER : LEONARD DE KLERK

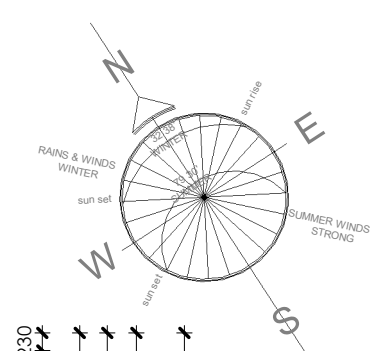
REG NO 2019/068653/07 S.A.C.A.P REG NO D0067
T : +27 (0)22 772 0222 S.A.I.A.T. MEMBERSHIP NO 32703
M : +27 (0)73 144 5786 E : leonarde@l2draughting.co.za

Oostewal Business Centre, 146 Oostewal Road, Unit 8, Langebaan

PROJECT NR 101/654/2023	SHEET NR SHEET 1 OF 1	REVISION	DATE 29 SEPT 2023	SCALE 1 : 100	SHEET SIZE A2
DRAWN BY I. HEYNEMAN	CHECKED BY L. DE KLERK	PROJECT STATUS Project Status			



GROUND FLOOR
1 : 100



FIRST FLOOR
1 : 100



From: Alwyn Burger <alwynburger@swartland.org.za>
Sent: Wednesday, 17 January 2024 12:06
To: CK Rumboll & Partners <planning2rumboll@gmail.com>; Blanche Howburg <reception@rumboll.co.za>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>
Subject: Vergunningsgebruike op Erwe 10678 & 10654, Malmesbury

Middag NJ

Die onderwerp aansoeke het betrekking, asook ons gesprek vroeër.

Beide die terreinplanne op hierdie aansoeke bevat nie uitsetmates van die geboue na die erfgrense nie.

Die plasing van die geboue blyk problematies te wees ten opsigte van 2 aspekte:

Geen vensters, deure of openings in mure van die geboue mag nader as 1m vanaf die erfgrens wees nie.

'n Toegangsweg van ten minste 1m wyd, anders as deur 'n gebou, moet na die agterkant van die perseel voorsien .

Skakel asb met die tekenaar om die nodige inligting op die planne aan te bring en voorsien dit aan my.

Groete

Alwyn Burger

Tch. Pln B/8429/2020

Chief Town and Regional Planner | Division: Land use & Town Planning

Department: Development Management

Directorate: Development Services

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za





2 February 2024

15/3/10-11/Erf 461

WYK: 12

ITEM 6.4 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 14 FEBRUARY 2024

LAND USE PLANNING REPORT PROPOSED CONSENT USE AND DEPARTURE ON ERF 461, RIEBEEK KASTEEL					
Reference number	15/3/4-11/Erf 461 15/3/10-11/Erf 461	Submission date	22 September 2023	Date finalised	2 February 2024

PART A: APPLICATION DESCRIPTION

Application for departures on Erf 461, Riebeeck Kasteel, is made in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to depart from the eastern, southern and western building lines, as well as the permissible coverage.

Application for a consent use on Erf 461, Riebeeck Kasteel, is made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to operate a guesthouse on the subject property.

The applicant is C.K. Rumboll and Partners and the property owners are L. van Wyk Schoeman and J. de Kock.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	RESTANT ERF 461 RIEBEEK KASTEEL, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Wes-Kaap				
Physical address	7 Piet Retief Street (locality plan attached as Annexure A).	Town	Riebeeck Kasteel		
Current zoning	Residential Zone 1	Extent (m ² /ha)	1 225m ²	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Guest house	Title Deed number & date	T48201/2015		
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			

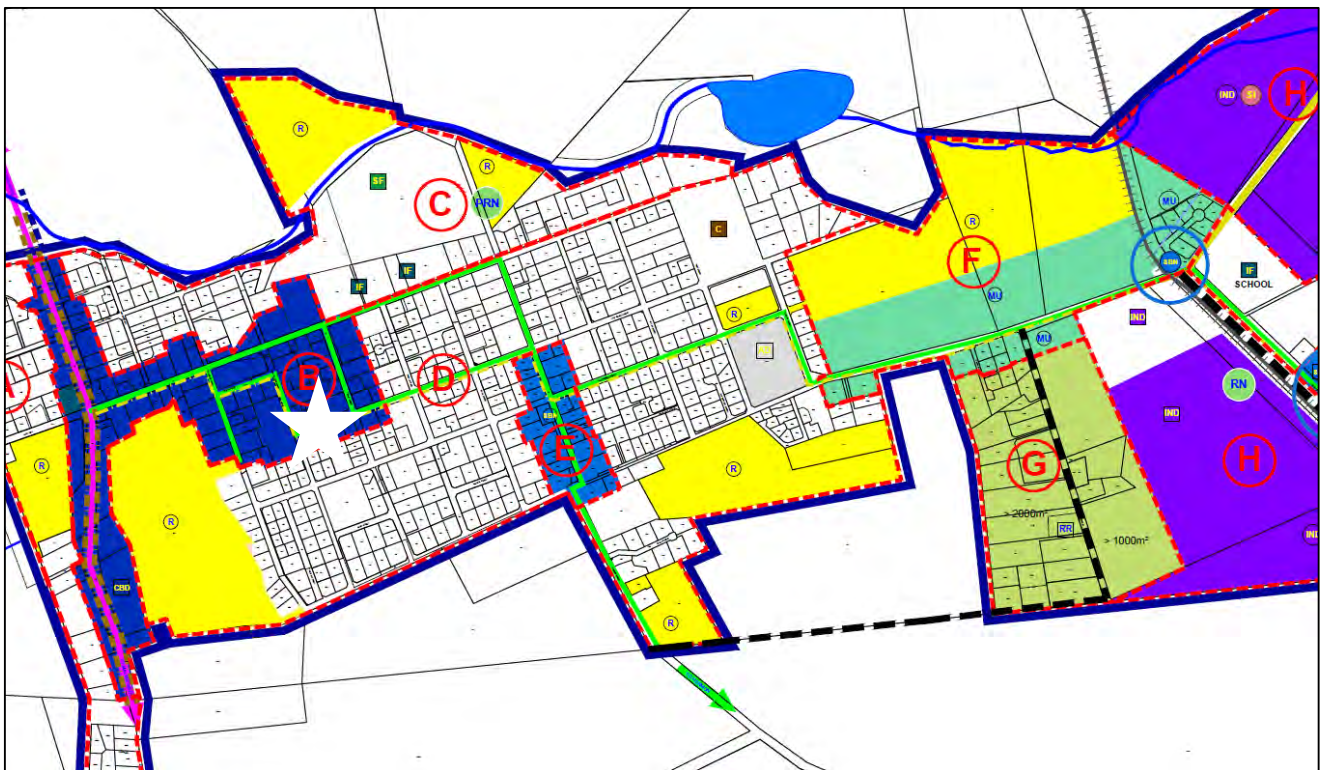
PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input type="checkbox"/> Permanent departure	<input checked="" type="checkbox"/>	<input type="checkbox"/> Temporary departure	<input type="checkbox"/> Subdivision
Extension of the validity period of an approval	<input type="checkbox"/> Approval of an overlay zone	<input type="checkbox"/>	<input type="checkbox"/> Consolidation	<input type="checkbox"/> Removal, suspension or amendment of restrictive conditions
Permissions in terms of the zoning scheme	<input type="checkbox"/> Amendment, deletion or imposition of	<input type="checkbox"/>	<input type="checkbox"/> Amendment or cancellation of an	<input type="checkbox"/> Permission in terms of a condition of approval

		conditions in respect of existing approval	approved subdivision 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 461 is located towards the west of Riebeeck Kasteel, in Area B, the CBD of Riebeeck Kasteel, as identified by the Swartland Municipal Spatial Development Framework (SDF, 2023). The erf is in Piet Retief Street, within walking distance of historical landmarks such as the Royal Hotel, the Moederkerk, the town square, as well as various galleries, shops and restaurants in Main Street. Guest houses are already prevalent in the area and residential development continues steadily. The SDF characterises the CBD as containing various businesses, but also mixed density residential and other relevant uses.



Erf 461 is zoned Residential Zone 1. The property was rezoned from Residential Zone 1 to General residential Zone 3 on 1 June 2016, in order to establish a guest house on the property. The guest house came into operation, but the remainder of the conditions of approval were not met within the allocated 5year approval period, and subsequently the rezoning lapsed. The owners wish to continue with the operation of the guest house, but are obliged to re-apply for the correct land use rights. However, a guest house was included as a consent use under Residential Zone 1 during the 2020 amendment of the By-Law and it is no longer necessary to apply for a full rezoning to accommodate the use.

The original approval allowed for a guest house inside the existing, double storey heritage dwelling (3B Heritage asset grading) and additional bedrooms in a building separate from the main dwelling, creating 10 en-suite bedrooms in total. However, the owner initially decided to create only seven bedrooms and will only now give effect to the maximum permitted bedrooms, by adding three and also developing amenities such as the braai room, verandas and walkways.

Access to the property is obtained vir Royal Street and Piet Retief Street. Seven on-site parking bays are provided on the western property boundary and a shade carport accommodates an additional two parking bays, accessible from Piet Retief Street.

The proposed departures include building line departures by the existing carport and proposed covered porch. Additionally, Residential Zone 1 properties exceeding an area larger than 1000m² are permitted a maximum coverage of

40%. As the erf is 1125m² in extent, and the footprint of the guest house is 457,5m², the maximum coverage is only just exceeded at 40,65%, necessitating departure.

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. Motivation

a) The consent use:

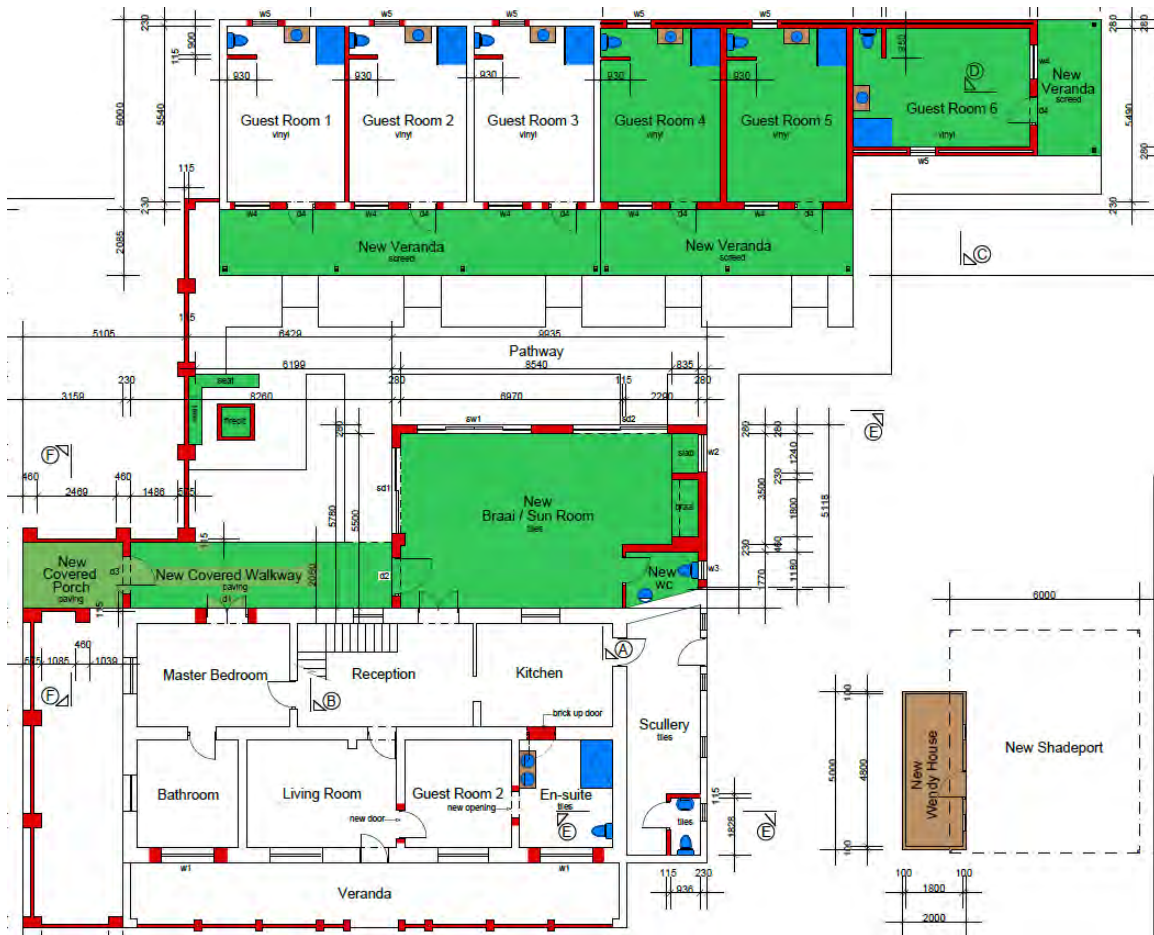
The By-Law defines a guest house as a dwelling that is used for the purpose of letting individual rooms for residential accommodation, with or without meals, and which exceeds the restrictions of a bed-and-breakfast establishment, provided that:

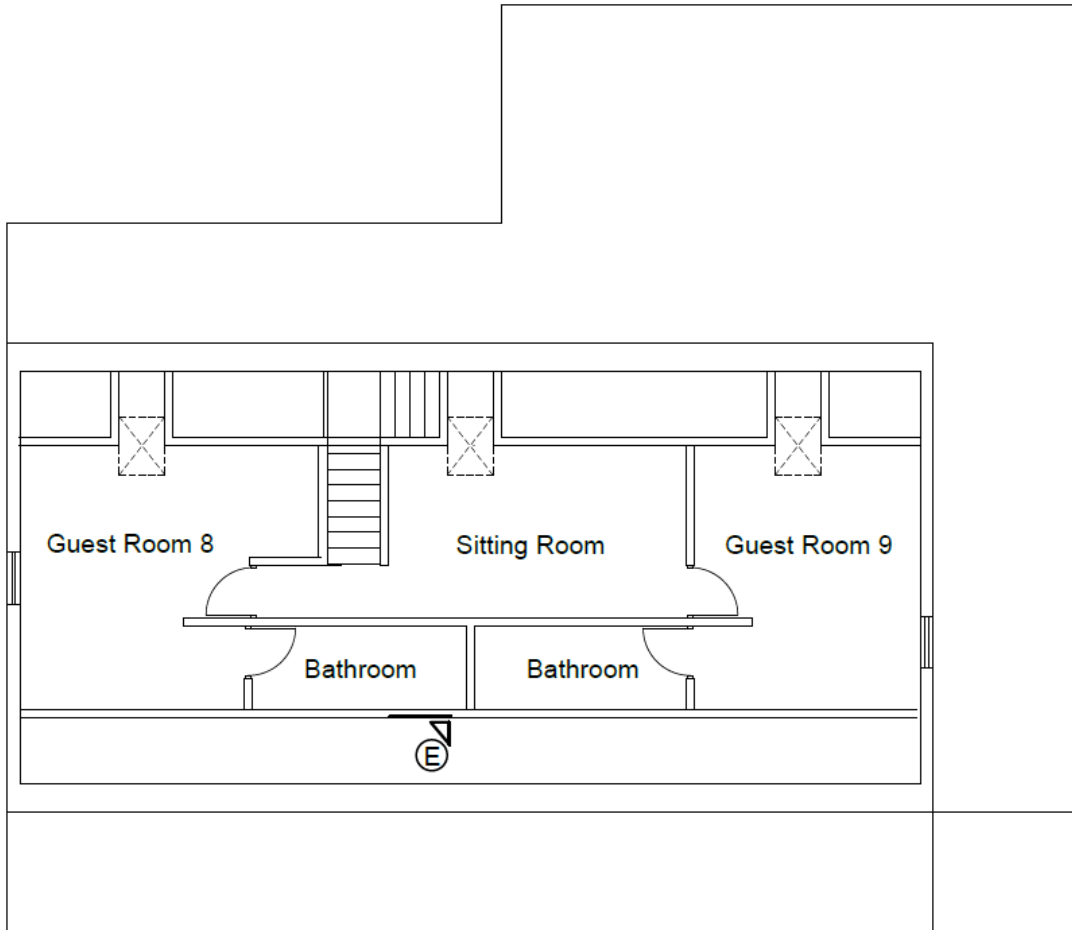
- the dwelling be retained in a form which can easily be re-used by a family as a single dwelling and;
- All amenities and provision of meals shall be for the sole benefit of bona fide lodgers.

The ground floor of the dwelling will house the caretaker and one guest room with its own on-suite bathroom. The kitchen scullery, reception, and the proposed braai room will also form part of the main dwelling house. The first floor houses two more guest rooms and a sitting area.

The detached building consists of three en-suite guest’s rooms. The development proposal is to provide and additional three rooms as an extension of the annex. The detached building will, in total, accommodate six guest rooms.

A new double carport is also proposed as part of the development. The total number of parking bays that will be provided on-site for guests, is 9. (Please refer to Annexure B for clear development plans).





The proposed consent use will not adversely affect the surrounding properties, as the predominant use will remain residential in nature. Likewise, the guest house has been in operation for a few years already and the proposed additions will have a minimal effect on its operations.

The proposed guest house will support the development of high standard accommodation opportunities in Riebeeck Kasteel. Promoting the tourist sector in Riebeeck Kasteel will positively contribute to the local economic growth of the town.

b). The departures:

Departure application is submitted for the relaxation of the 4m southern street building line to 3,2m and the eastern side building line from 1,5m to 0,45m to accommodate the shaded carport.

The carport is erected in line with the southern façade of the existing dwelling for aesthetic continuity. The distance from the street is nevertheless sufficient to ensure traffic safety, as no incident have been reported during the six years since

the carport has been in existence. The neighbouring owners provided consent for the side building line departure and no objections were made.

The carport complies with the conditions referred to in section 12.2.2. of the By-Law that stipulates the parameters for street building line departure.

The departure of the covered walkway (porch) contributes to the diversity of the urban fabric. Historical neighbourhoods often exhibit variations in building setbacks and older properties are regularly situated much closer to the street than modern day dwellings.

The parking bay and boundary wall will be aligned with the proposed porch and as such no additional impact is foreseen on traffic impact. Also, Royal street is bordered by dense trees and bushes directly next to the road reserve.

The departure from the permissible coverage of 40% to 40,65% constitutes a surplus of 7,3m² and is considered marginal. As the subject property is located within the CBD of Riebeek Kasteel, which is earmarked for higher density development, the small departure will not have an adverse effect on the character of the area.

1. **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 guesthouse is consistent with the applicable zoning regulations as well as the SDF proposals for the area. The use of the property for guest house purposes is consistent with the applicable zoning regulations. The physical footprint supports an urban type of development, promoting an integrated settlement. The proposed development does not support further segregation of communities.

b) Spatial Sustainability: The proposed development promotes spatial compactness and resource frugal development, whilst protecting the environment. The proposed application supports sustainable use of resources and falls within an administrative area earmarked for residential use. The development will benefit from existing infrastructure and services and promote the future financial viability of the Municipality.

The heritage resources will not be negatively influenced by the development and no vegetation or conservation areas will be endangered.

c) Efficiency: The property can be developed to its full potential in accordance with the SDF and By-Law. The zoning scheme regulations can be considered sufficient in regulating future development. The proposed development uses the land and services to its full potential.

d) Spatial Resilience: Flexible development opportunities promote sustainable livelihoods. The proposed guesthouse is resilient and can revert back to be used as a home for a single family, should the proposed endeavour not be successful.

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 as the CBD of Riebeek Kasteel. The SDF further promotes the development of improved tourism infrastructure and accommodation facilities for tourists in rural and urban areas.

The development supports Objective 4 of the SDF, namely: Protect and grow place identity and cultural integrity.

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

A guesthouse 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 10 registered notices were issued to affected parties on 6 October 2023 and, where addresses were available, the notices were also sent via e-mail. Four posted notices were returned unread. Refer to Annexure C for public participation map.

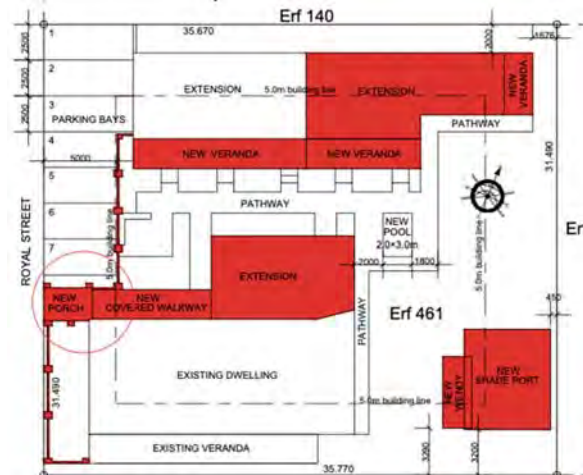
Total valid comments	2	Total comments and petitions refused	0
Valid petition(s)	Y N	If yes, number of signatures	
Community organisation(s) response	Y N	Ward councillor response	Y N
The application was forwarded to councillor Bess, but no comments were forthcoming.			
Total letters of support	0		

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

Name	Date received	Summary of comments	Recommendation															
			Positive	Negative														
Building Control	4 Oct 2023	1. Building plan to be submitted to the Senior Manager: Development Management, for consideration and approval.	✓															
Department: Civil Engineering Services	10 Oct 2023	<p>1. <u>Water</u></p> <p>Die erf gebruik maak van die bestaande aansluiting en dat geen addisionele aansluiting voorsien sal word nie.</p> <p>2. <u>Riolering</u></p> <p>Die bestaande rioolaansluiting gebruik word en dat geen addisionele aansluitings voorsien sal word nie;</p> <p>3. <u>Strate</u></p> <p>Die parkeerplekke, met inbegrip van die sygaardjie wat toegang verleen, van 'n permanente oppervlak voorsien word;</p> <p>4. <u>Ander kommentaar</u></p> <p>a) Dat vaste kapitale bydraes volgens die onderstaande tabel gemaak word (BTW ingesluit en 60% afgetrek):</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th></th> <th>Bulk Contribution</th> </tr> </thead> <tbody> <tr> <td>Bulk Water Supply</td> <td>R19 010,88</td> </tr> <tr> <td>Bulk Water Reticulation</td> <td>R17 937,01</td> </tr> <tr> <td>Sewer</td> <td>R14 941,44</td> </tr> <tr> <td>WWTW</td> <td>R20 092.16</td> </tr> <tr> <td>Roads</td> <td>R16 145.08</td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>		Bulk Contribution	Bulk Water Supply	R19 010,88	Bulk Water Reticulation	R17 937,01	Sewer	R14 941,44	WWTW	R20 092.16	Roads	R16 145.08				
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Sewer	R14 941,44																	
WWTW	R20 092.16																	
Roads	R16 145.08																	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p style="text-align: center;">D. King (Annexure D)</p>	<p>1. The building located on the property already encroaches Piet Retief Street and Royal Street. The impact of the encroachment at Piet Retief Street will have limited impact due to:</p> <ul style="list-style-type: none"> - The wendy house and carport are erected in line with the dwelling. There will be no additional impact on traffic due to the proposed departure of building lines; - The carport has been erected at this location for more than 6 years without any complaints or incidents; - The surrounding neighbours already gave their consent for the proposed relaxation of building lines; - The proposed carport complies with all the conditions referred to in section 12.2.2 of the Swartland Municipal Land Use Planning By-Law; - The shaded carport and wendy house were erected linear to the existing dwelling house (heritage building) to conform to the visual aesthetics of the property; - The carport will not adversely affect the privacy of the surrounding neighbours. <p>The impact of the encroachment at Royal Street will have limited impact due to:</p> <ul style="list-style-type: none"> - The departure contributes to a diverse urban fabric by breaking up the monotony of uniform building lines. This diversity can make the streetscape more interesting and visually appealing, attracting pedestrians and fostering a vibrant atmosphere; - Historical neighbourhoods often exhibit variations in building setbacks. Allowing departures can preserve and replicate these historical characteristics, maintaining the area's unique heritage and contributing to its historical significance; 	<p>1. The objector appears to be unsure of the difference between a building line, a property boundary and a street boundary. The proposed departures are not intended to encroach on the property boundary and will have no impact whatsoever on the existing width of the sidewalk. The structures will only be closer to the property boundary, but all building work will still be contained on the erf itself.</p>

- Since the parking bays and boundary wall will all be in line with the proposed porch, the deviation will not have an adverse impact on the aesthetics of the area;
- The street landscape (Royal Street) is already covered by trees and bushes to the erf boundaries and even onto the road reserve. The departure to accommodate the proposed porch will therefore not have an additional impact on the safety of vehicle traffic, as the majority of the street is already covered onto the road reserve



	<p>2. Royal Street is fast becoming a no-go area for pedestrians too and removing the entire sidewalk at the corner of Piet Retief is dangerous and short sighted. I have no problem with the marginal increase in cover provided this is calculated on the existing erf and not the proposed erf.</p> <p>3. I also find this request so obviously unacceptable that the Department responsible should surely be able to reject it outright without referring it to the Ward Committee or the 'affected parties', but having said that, I am pleased that these issues are, at last, being referred. I just don't want everything referred - the Ward Committee should be asked for an opinion when the Department is in doubt regarding its response to an application.</p>	<p>Even with the departure of building lines, there will still be more than sufficient space to walk on the sidewalk on both sides of Royal Street. See figure 2 above.</p> <p>2. See point 1 and figures above.</p> <p>3. Noted</p>	<p>2. Refer to comment 1.</p> <p>3. Applications are, and have always been, communicated to the public in terms of the legal requirements of the By-Law. The application at hand is by no means the first to be referred to the ward, nor will it be the last.</p>
<p>J. Geldenhuys Ward 12 Committee Member (Annexure E)</p>	<p>4. What building material and finishes will be used for the proposed extensions? I can't find this detail in the provided plans, and therefore can't adjudge the aesthetic properties. I do not want to see another Nutek dwelling, for example.</p> <p>5. The proposed guest house has 10 bedrooms, but it appears to only make provision for 7 off-street parking bays. The number of parking bays should at least align with the number of bedrooms.</p> <p>6. The direct neighbouring ERF 140 is not marked as an interested party to receive the notice. This makes no sense, and they should be included.</p> <p>7. The main dwelling on ERF 461 is well over 60 years old. Will Heritage also be consulted for these updated plans?</p>	<p>4. The proposed development will comply with the building regulations. The building plans are available for viewing at the Municipality.</p> <p>5. Parking calculations - Guest house: 3 bays per 4 bedrooms. The guest house will have 9 bedrooms and a caretaker room. A total of 6 parking bays are required. The proposal will provide a total of 9 parking bays on site. See building plans.</p> <p>6. The owners of Erf 140 already gave their consent for the proposed development on Erf 461 (see building plans and consent attached)</p> <p>7. The main dwelling located on Erf 461, Riebeek Kasteel has a heritage grading of 3B. "This grading is applied to buildings and/or sites of a marginally</p>	<p>4. The building plans are available for scrutiny at the Municipality. Additionally, the plans will be even further scrutinised during the building plan phase to ensure that the heritage character of the subject property and neighbourhood is promoted.</p> <p>5. The number of required parking bays was calculated in terms of the By-Law development parameters. As such, the number of parking bays (9) is a over-provision and thus no obstruction of traffic flow is foreseen.</p> <p>6. Noted.</p> <p>7. The additions to the guest house are separate from the dwelling with heritage value and the façade of the building will also remain</p>

		<p>lesser significance than Grade 3A; and such marginally lesser significance militates against the regulation of internal alterations. Such buildings and sites may have similar significance to those of grade 3A building or site, but not a lesser degree"</p> <p>Given that alterations to the primary residence were executed several years ago and subsequent modifications to the structure have been minimal, the potential for heritage impacts remains limited. Furthermore, since the additional guest rooms are only an extension of the existing outbuilding, it will not have an impact on the heritage value of the property.</p>	<p>unchanged. Furthermore, the separate "annex" portion of the guest house is not visible from the street and as such is not foreseen to impact negatively on the heritage value of the existing dwelling, nor the character of the surrounding area.</p>
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Façade facing Piet Retief Street



Annex-façade facing Royal Street

PART J: MUNICIPAL PLANNING EVALUATION

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

Application for departures on Erf 461, Riebeeck Kasteel, is made in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), as follows:

- a) Departure from the 4m southern street building line to 3,2m;
- b) Departure from the 4m western street building line to 0m;
- c) Departure from the 1,5m eastern side building line to 0,45m;
- d) Departure from the 40% permissible coverage, increased to 40,65%

Application for a consent use on Erf 461, Riebeeck Kasteel, is made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to operate a guesthouse on the subject property.

A total of ten (10) registered notices were issued to affected parties on 6 October 2023 and, where addresses were available, the notices were also sent via e-mail. The commenting period for the application concluded on 6 November 2023 and two objections were received.

The objections were referred to the applicant for comment and the response was received on 16 November 2023. The response was not in time for the last Tribunal meeting of November 2023 and due to the festive season no meetings were scheduled for December and January. The application is now ready to be submitted for evaluation by the Tribunal.

The applicant is C.K. Rumboll and Partners and the property owners are L. van Wyk Schoeman and J. de Kock.

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 guesthouse creates employment opportunities 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 an existing building and engineering services, without additional impact on the natural environment, while creating employment opportunities;
- 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 guesthouse can easily revert back to the use of a dwelling house for a single family, should the commercial aspect cease.

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 Riebeeck Kasteel, 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)

Riebeeck Kasteel is one of the major tourist attractions of the West Coast District. One of the strategies contained in the WCDSDF is to promote and develop tourism infrastructure within the District. The proposed guest house can provide in

the need for accommodation by various tourists who visit the district, and thus contribute to the income derived from tourism.

2.4 Spatial Development Framework(SDF)

The application property is situated within Area B, according to the spatial proposals for Riebeeck Kasteel, as contained in the SDF. The area is characterised as the CBD, containing businesses and related uses. Guesthouses located just off Main Road and in close proximity to the historic Royal Hotel, are specifically consistent with the heritage rich character of the area.

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

The application property is zoned Residential Zone 1 and a guest house may be accommodated within the zoning category as a consent use.

The By-Law prescribes on-site parking at a ratio of 3 parking bays for every 4 bedrooms. The subject property will contain 10 bedrooms and the 9 on-site parking bays indicated on the SDP that are provided are therefore in excess of the number of bays legally required, supporting the traffic safety and accessibility of the guest house.

The proposal departs from the development parameters in terms of the building lines, as well as the permissible maximum coverage. However, with reference to the covered entrance porch, it may be argued that the porch is similar to a covered entrance with a roofed area no larger than 5m², as described in section 12.2.1(v) of the By-Law, in which case the entrance porch is actually consistent with the legislation.

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. While building line departure is proposed, pedestrian traffic may still be accommodated on the sidewalks, thus the development is not foreseen to cause physical obstructions in turn.

The heritage value of the dwelling will in no way be negatively impacted, as no additional construction is proposed to the original dwelling. The additional rooms will be added to the "annex" which is separate from the dwelling and will have no impact on its facades or construction. Additionally, the guest house may support the preservation of the structure, as funds will be generated by the use and sensitivity towards heritage assets may be cultivated through exposure of guests/tourists to the historic dwelling.

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 guest house be closed.

The character of the surrounding area is that of the CBD and Main Road containing various commercial and related uses. The nature of a guesthouse is to provide in temporary residential needs. The proposed land use is thus considered as a desirable activity within the area, as it will accommodate residential activities, albeit of a temporary nature, compatible with the uses inside the CBD. The character will not be negatively impacted, provided that the applicant operates within the development parameters of a guest house, as determined by the By-Law.

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 guest house does not jeopardise the health of the affected property owners, nor their right to a healthy environment. Refuse removal and sewerage services are delivered on Erf 461 in the same manner as that of the surrounding erven. The proposal is will not pollute drinking water or diminish air quality. The development is not considered to pose a health threat. Any additional health and safety concerns will be addressed by the Division: Environmental Health of the West Coast District Municipality.

The proposed development does not promote violence, the use of dangerous machinery or the firing of weapons. The intended use is not combustible, explosive or contagious. The proposal is thus considered safe.

The development proposal does not obstruct the right of free movement of surrounding land owners, nor does it impede their freedom of speech, the right to protect themselves and their children; it does not exploit them financially or prevent them from working or earning a living. The wellbeing of property owners is thus not affected.

The approval of the guest house will in no way approve or condone unauthorised, unlawful uses of the property such as guests parking off-site on other properties. The current parking arrangement an permissions from surrounding land owners is a private matter between the owners and does not exempt the developer to adhere to the requirements and procedures stipulated by the By-Law. No unauthorised, unlawful actions will be tolerated and the Municipality reserves the right to withdraw any land use permission, should the owner/developer not comply with conditions or act unlawfully.

All guests to the property will be subject to nuisance and noise control legislation. The conditions of approval will also be aimed at regulating the behaviour of guests, through the imposition of a code of conduct, the enforcement of which will be the responsibility of the owner/developer.

Access to the property is obtained directly from Royal Street.

The development proposal may thus 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, but will not necessitate the expansion of said services. The intensity of use of the existing services is however expected to increase and according to the Swartland Municipality: Riebeeck Kasteel Development Charge Policy of March 2017, development contributions for a guest house will be levied per additional bedroom exceeding 3. Charges will thus be levied for 1 additional bedroom.

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

A. The application for consent use on Erf 461, Riebeeck Kasteel, 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:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent use authorises a guesthouse, as presented in the application as follows:
 - i) 10 x guest bedrooms for occupation by a maximum of 20 paying guests at any time;
 - ii) 10 x en-suite bathrooms;
 - iii) 1 x kitchen and scullery;
 - iv) 1 x braai/sun room;
 - v) 2 x living rooms;
 - vi) 1 x shade port and wendy structure for storage
- b) A minimum of nine (9) on-site parking bays be provided and, including the sidewalk that provides access, 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) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- d) A contact number of the owner be displayed conspicuously on the premises at all times for emergency and/or complaint purposes;
- e) A code of conduct for guests be submitted to the Senior Manager: Development Management, for consideration and approval;

- f) The owner/developer be responsible for enforcing the code of conduct to the satisfaction of the Division: Law Enforcement;
- g) 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;
- h) 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;
- i) Guest rooms not be converted to, or used as separate dwelling units;
- j) Application be made to the Senior Manager: Development Management for the right to construct or affix and display any signage;
- k) Any signage be limited to 1m² in area and may not project over a public street;
- l) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the guesthouse;
- m) A trade licence be obtained from Swartland Municipality for the operation of the guesthouse;
- n) Should the applicant fail to take effective steps to the satisfaction of the Senior Manager: Development Management, to ensure proper compliance with the provisions of the approved code of conduct, or should unauthorised land uses on the property occur, the approval for the consent use may be withdrawn after following due process;

2. WATER

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

3. SEWERAGE

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

4. DEVELOPMENT CHARGES

- a) The owner/developer is responsible for the development charge of R19 010,88 towards bulk water supply, at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- b) The owner /developer is responsible for the development charge of R17 937,01 towards bulk water reticulation at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- c) The owner/developer is responsible for the development charge of R14 941,44 towards sewerage at building plan stage. The amount is due to the Swartland Municipality, valid for the year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- d) The owner/developer is responsible for the development charge of R20 092,16 towards waste water treatment at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- e) The owner/developer is responsible for the development charge of R16 145,08 towards roads, at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/247-188-9210);
- f) The Council resolution of May 2023 provides for a 60% discount on development charges to Swartland Municipality. The discount has already been applied to conditions 4.a) – 4.e), is valid for the financial year 2023/2024 and may be revised thereafter.

- B.** The application for departures on Erf 461, Riebeeck Kasteel, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved as follows:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Departure from the 4m southern street building line, reduced to to 3,2m;
- b) Departure from the 4m western street building line, reduced to 0m;
- c) Departure from the 1,5m eastern side building line, reduced to 0,45m;
- d) Departure from the 40% permissible coverage, increased to 40,65%;
- e) Each of the departures are restricted to the portion of the building or structure that encroaches, as presented in the application;

5. GENERAL

- a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;

- b) Should it be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;
- c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable.
- d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

- 1) The proposed guesthouse is a residential use and is therefore consistent with the proposals of the SDF.
- 2) A guesthouse is accommodated as a consent use in the Residential Zone 1 zoning category.
- 3) The development proposal supports the optimal utilisation of the property.
- 4) The guesthouse will support the tourism industry in Riebeeek Kasteel, as well as the local economy.
- 5) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Riebeeek Kasteel.
- 6) The building line departures of the street building lines adhere to the requirements for building line departure prescribed by the By-Law
- 7) A guest house is predominantly a residential land use, and therefore considered appropriate on a Residential Zone 1 property, while also located in the CBD of Riebeeek Kasteel.
- 8) 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	Building Plans
ANNEXURE C	Public Participation Map
ANNEXURE D	Objections from D. King
ANNEXURE E	Objections from J. Geldenhuys
ANNEXURE F	Response to comments

PART O: APPLICANT DETAILS

First name(s)	C.K. Rumboll and Partners		
Registered owner(s)	L. van Wyk Schoeman and J. de Kock.	Is the applicant authorised to submit the application:	Y N

PART P: SIGNATURES

Author details: Annelie de Jager Town Planner SACPLAN: A/2203/2015			Date: 2 February 2024	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: 6 February 2024	

**Locality of Erf 461,
Riebeeck Kasteel**

Legend

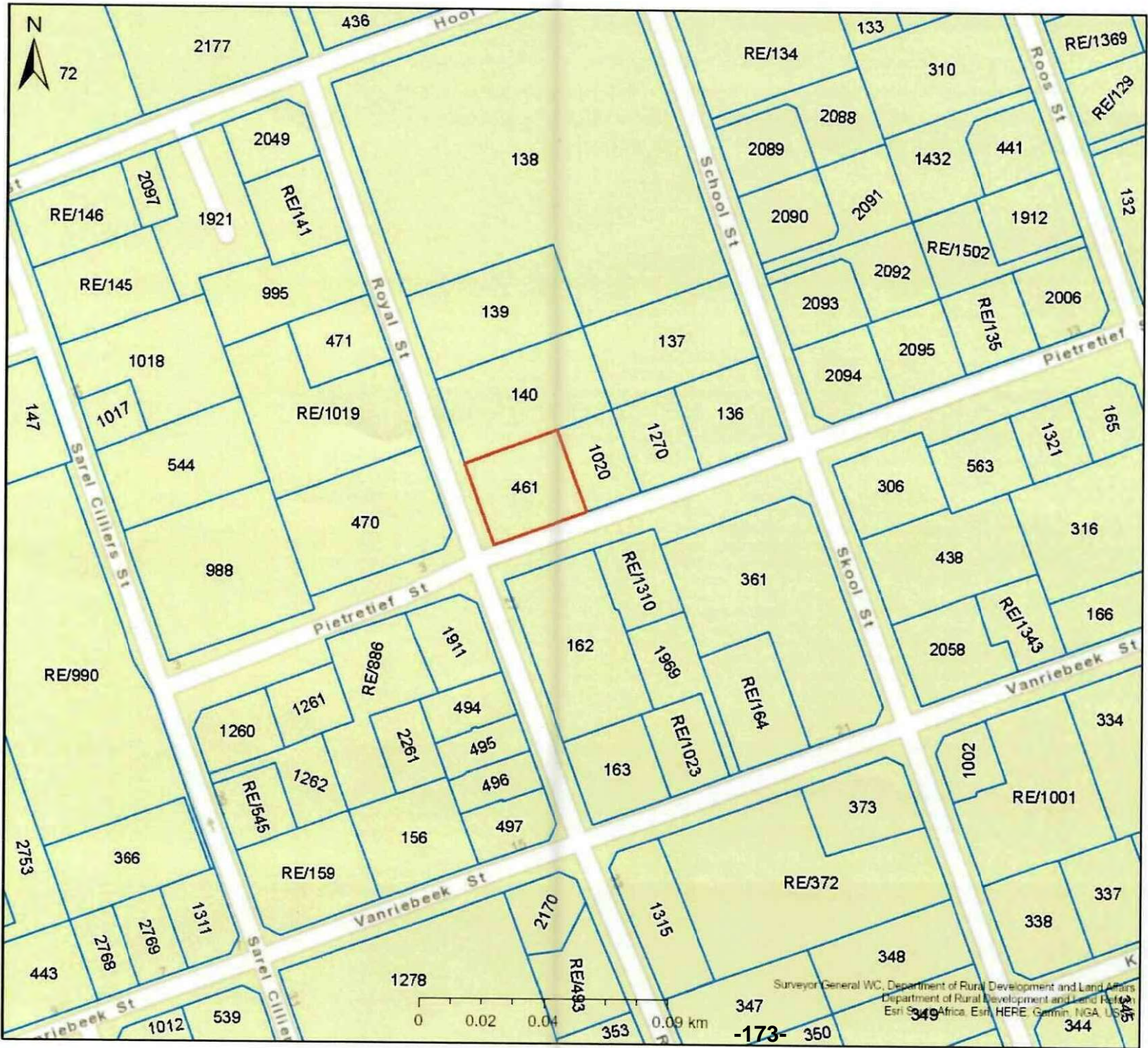
ANNEXURE A

Map Center: Lon: 18°5
Lat: 33°2

Scale: 1:18 056

Date created: August 18





Locality of Erf 461, Riebeeek Kasteel

Legend



Map Center: Lon: 18°53'52.7"E
Lat: 33°23'5"S

Scale: 1:2 257

Date created: August 18, 2023



**Western Cape
Government**

FOR YOU

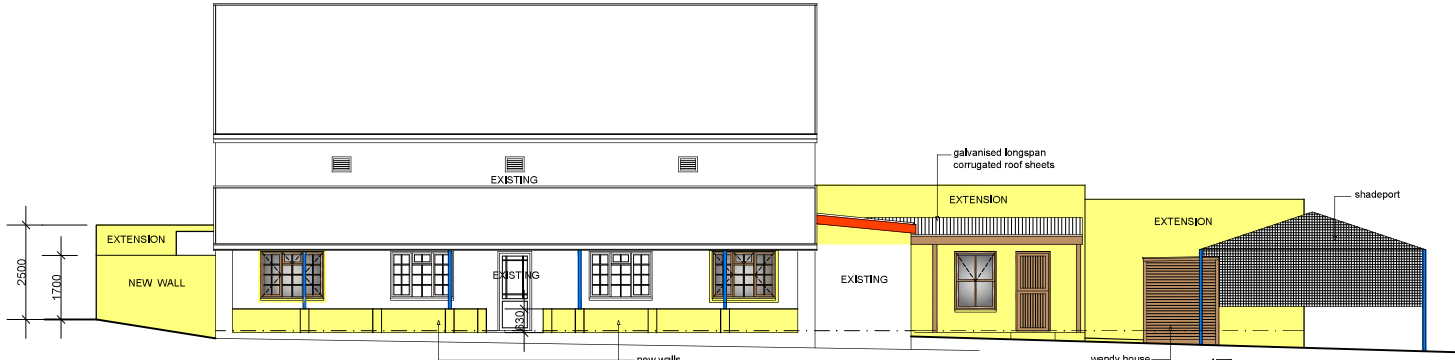
Agriculture



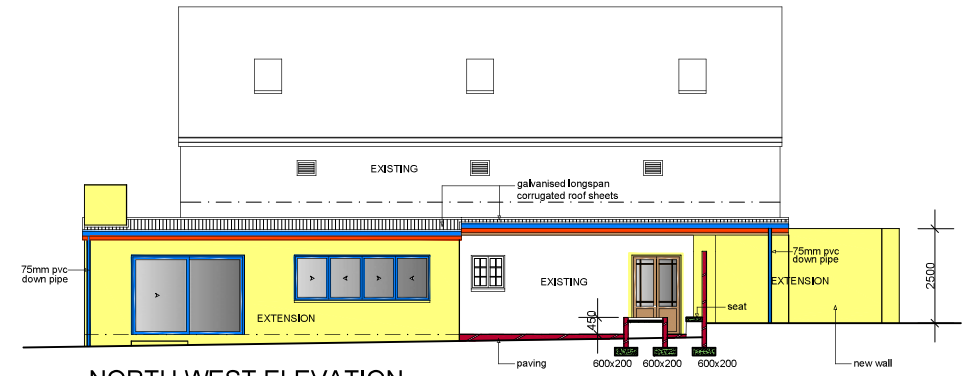
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scale 1:100



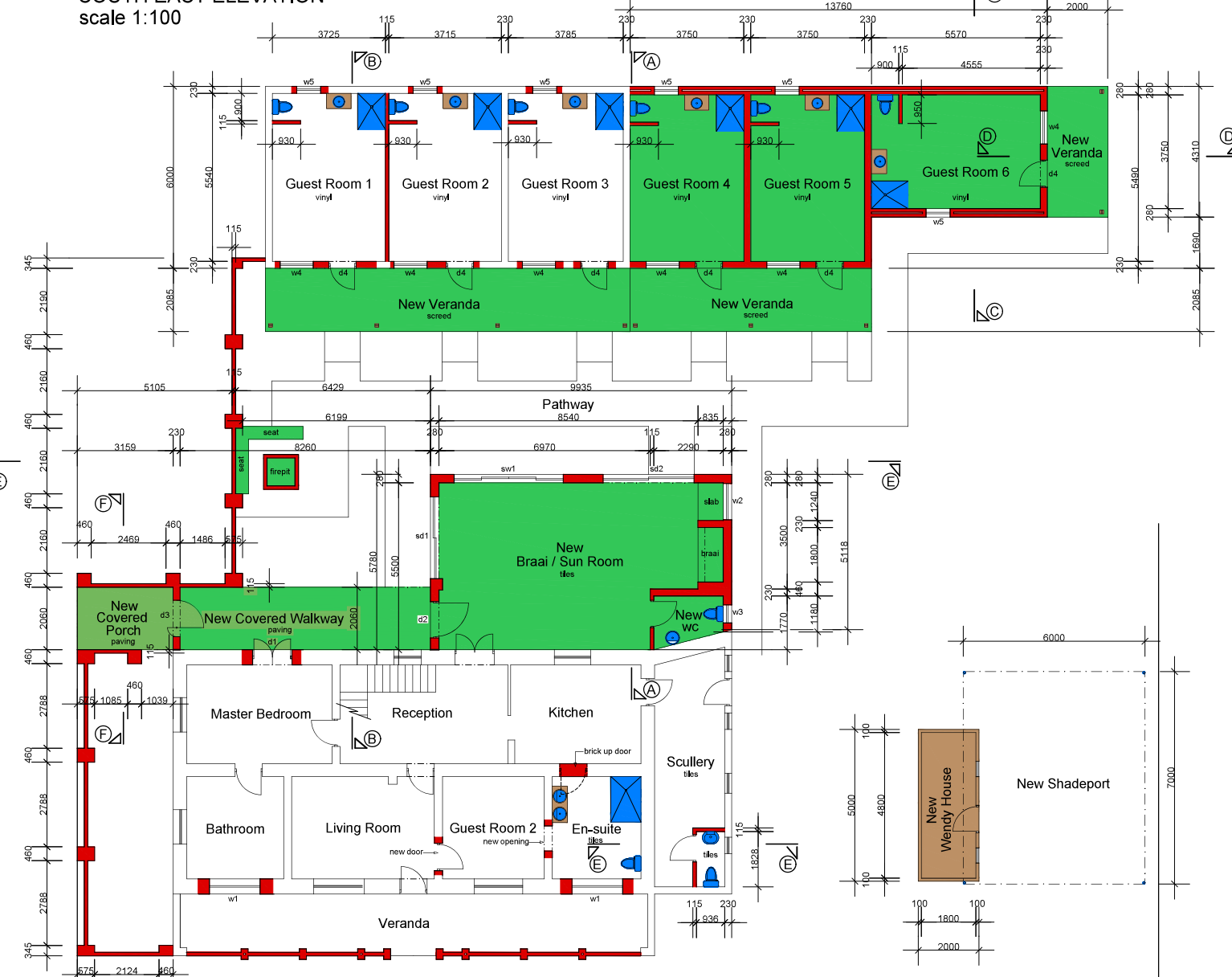
OUTBUILDING (GUEST SUITES) - NORTH WEST ELEVATION
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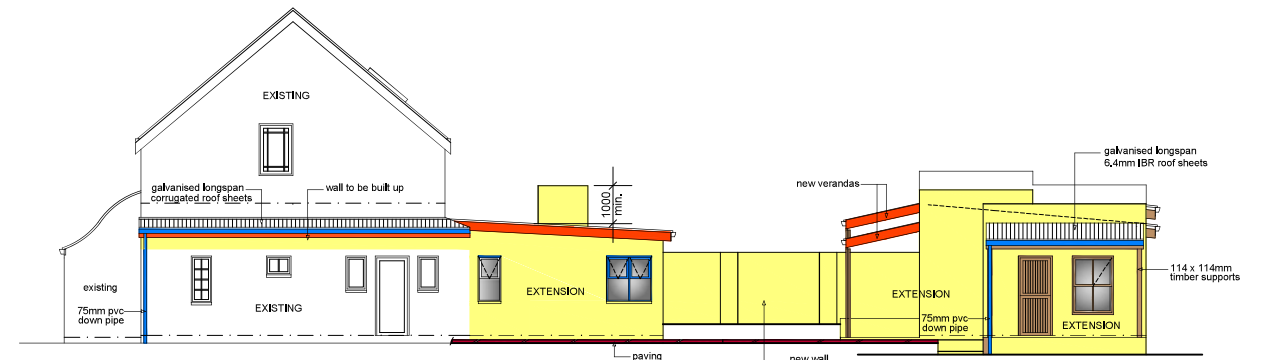
SOUTH EAST ELEVATION
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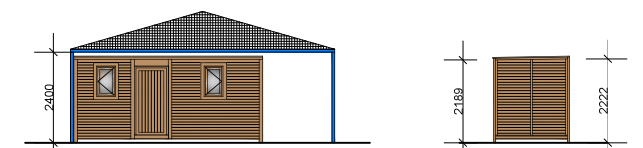
NORTH WEST ELEVATION
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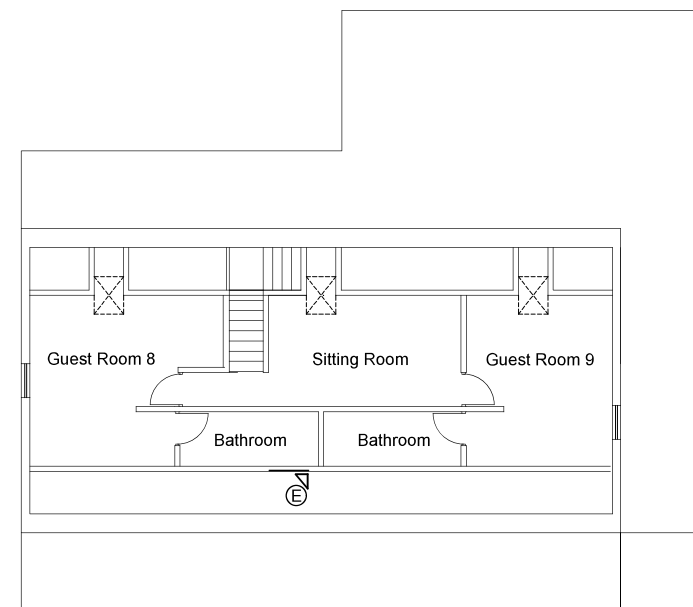
GROUND STOREY PLAN
scale 1:100



NORTH EAST ELEVATION
scale 1:100



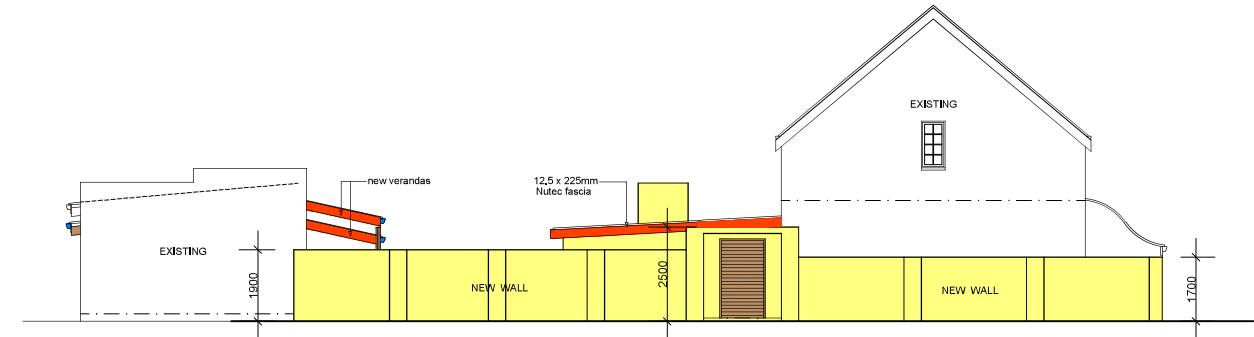
NORTH EAST ELEVATION
scale 1:100
WENDY HOUSE & SHADEPORT



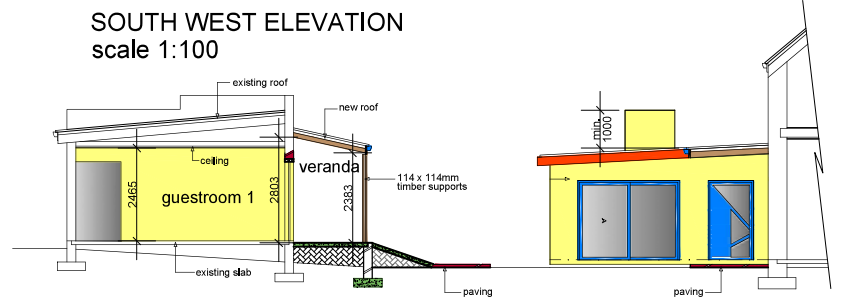
FIRST STOREY PLAN
scale 1:100

PROJECT NR. 4492/1	PROPOSED EXTENSIONS and EXISTING LA MONTAGHE GUE 461, c/o PIET RETIEF and ROYAL VAN WYK SCHOEMAN and J
ERF	112
EXISTING:	18
Existing Main Building:	13
Ground Storey:	7
Rooms:	5
Outbuilding:	20
EXTENSIONS:	
Mail Building:	
Braai Room	
Covered Walkway and Porch:	
Rooms:	
Outbuilding:	
Braai Room	
Covered Walkway and Porch:	
Rooms:	
Verandas:	
Coverage:	40.7% (457.5m ²)
Floor factor:	0.52 (589.3m ²)
Shade Port:	42.00
Wendy House:	10.00
Date:	08 November 2022
Drawn by:	Ronell Ackermann ST 0827 Cell nr: 083 456 1770 Email: ronellackermann002@gmail.com

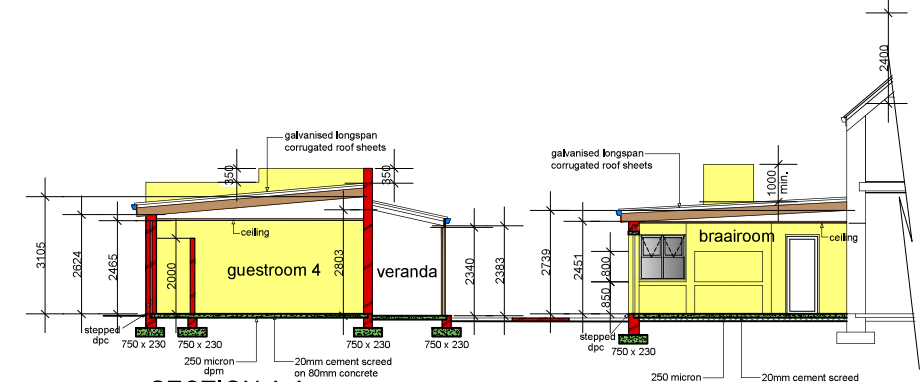
ANNEXURE B



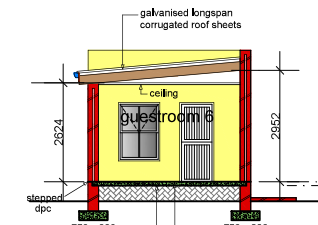
SOUTH WEST ELEVATION
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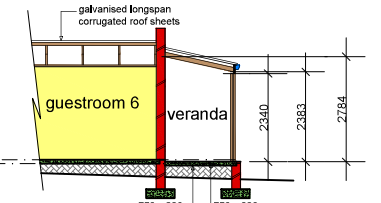
● **SECTION B B**
scale 1:100



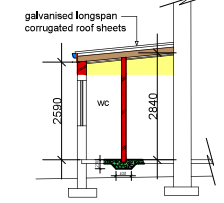
SECTION A A
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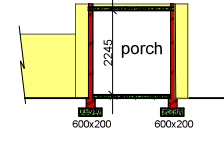
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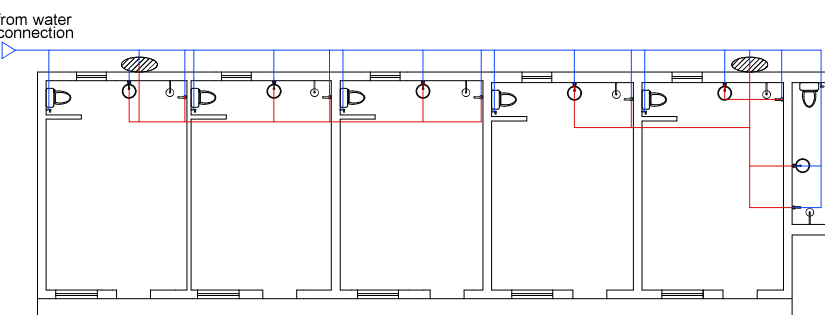
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● **SECTION E E**
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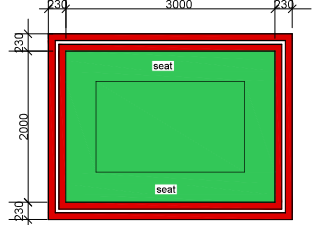
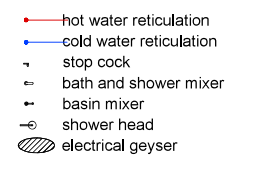
● **SECTION F F**
scale 1:100



COLD and HOT WATER RETICULATION

ENERGY DEMAND & CONSUMPTION
Hot water services

Building Occupancy:	H1
Type of accommodation:	Guest House
Hot water demand:	120,00L/capita/day
No. of persons:	20
Assumed hotwater demand:	120,00L x 20 persons
Daily hot water demand:	3240,00L - incl. 20% allowance for heat loss
Annual hot water demand:	1179,36kL - based on design occupancy
50% of annual hot water demand:	589,68kL - incl. 20% allowance for heat loss to be heated by means other than electrical



● **POOL PLAN**
scale 1:50

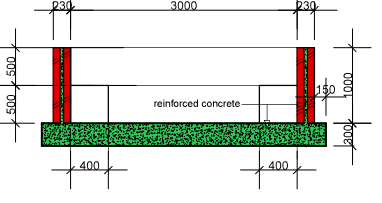
ROOF ASSEMBLY

Climatic zone 1: Min total R-Value required: 3,7
Direction of heat flow: up

Roof type 1: Metal roof sheeting @ 12° pitch with sloped ceiling fixed to bottom of rafters

Basic R-Value for roof:	m² K/W	= 0,03
Outdoor air film (7m/s):	= 0,00	
Metal sheeting:	= 0,15	
Roof air space (non-reflective):	= 0,89	
Isoboard (25mm thick):	= 0,11	
Indoor air film (still air):	= 1,18	
Total R-Value for roof:	= 2,52 (3,70 - 1,18)	

Generic insulation products to be added:
 Reflective foil (Radiant shield) = 0,68
 Polyester Isotherm - 100mm thick: = 2,33
 Achieved R-Value: = 3,01 acceptable

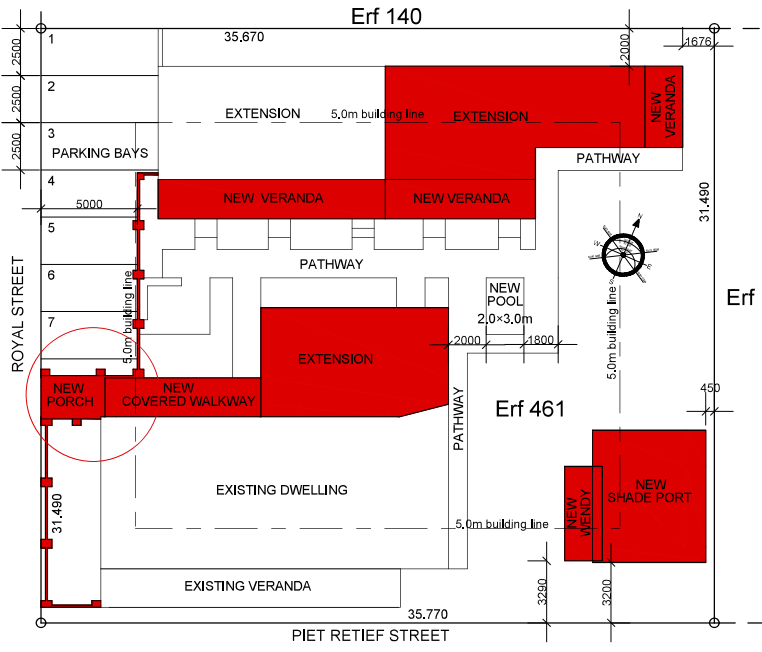


● **SECTION THROUGH POOL**
scale 1:50

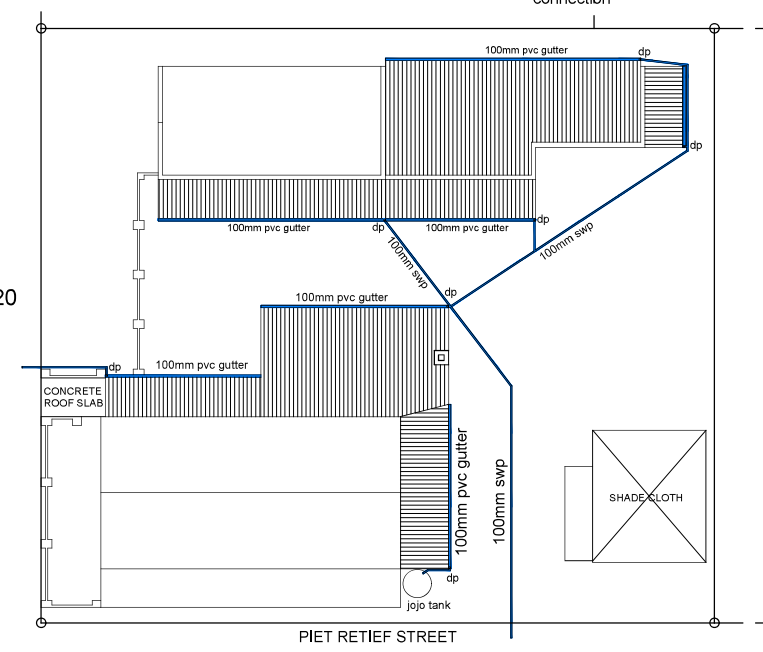
Roof type 2: Metal roof sheeting @ 3° & 5° pitch with suspended ceiling fixed to bottom of rafters

Basic R-Value for roof:	m² K/W	= 0,03
Outdoor air film (7m/s):	= 0,00	
Metal sheeting:	= 0,15	
Roof air space (non-reflective):	= 0,89	
Isoboard (25mm thick):	= 0,11	
Indoor air film (still air):	= 1,18	
Total R-Value for roof:	= 2,52 (3,70 - 1,18)	

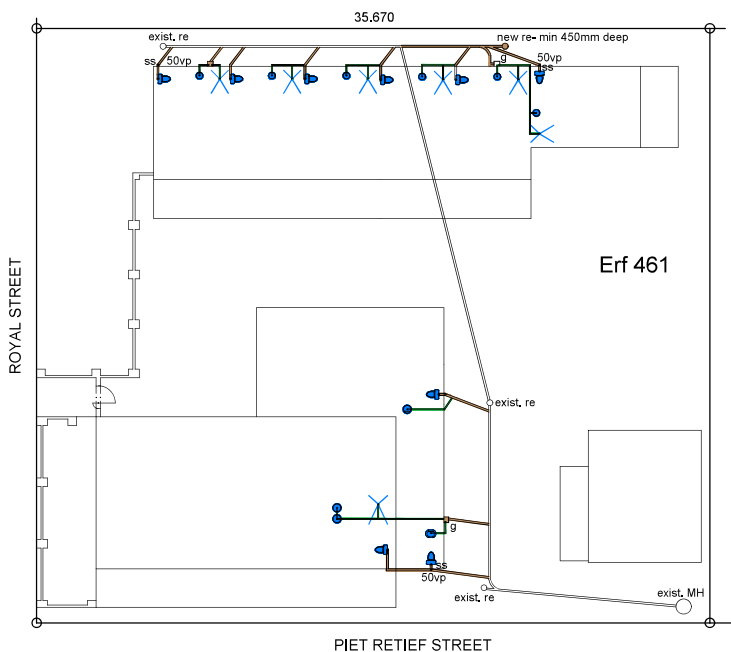
Generic insulation products to be added:
 Reflective foil (Radiant shield) = 0,68
 Polyester Isotherm - 100mm thick: = 2,33
 Achieved R-Value: = 3,01 acceptable



SITE PLAN
scale 1:200



ROOF & STORMWATER LAYOUT
scale 1:200



DRAINAGE LAY-OUT
scale 1:200

GENERAL SPECIFICATIONS

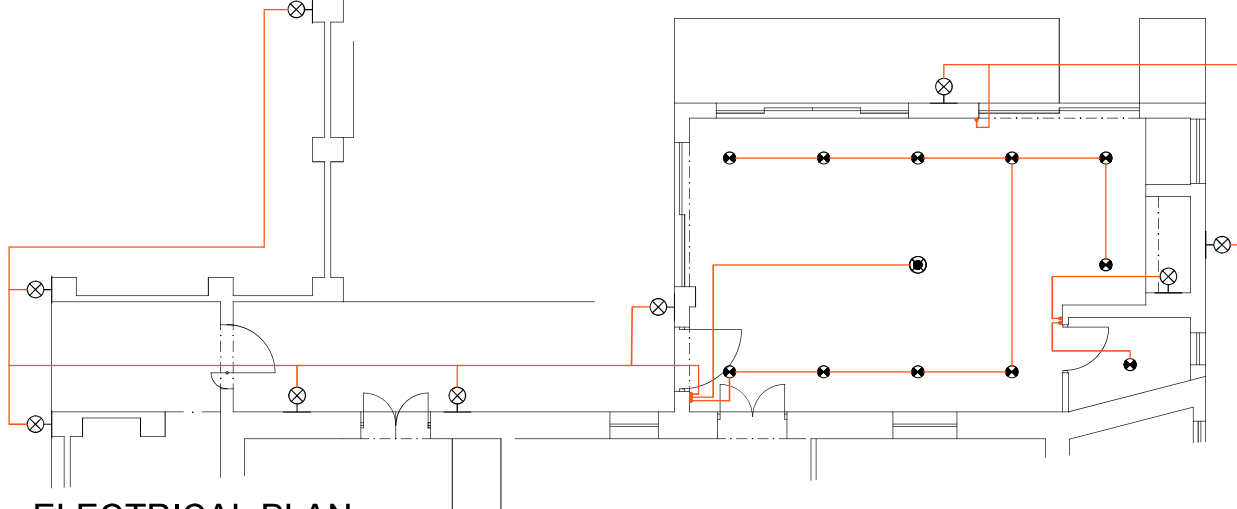
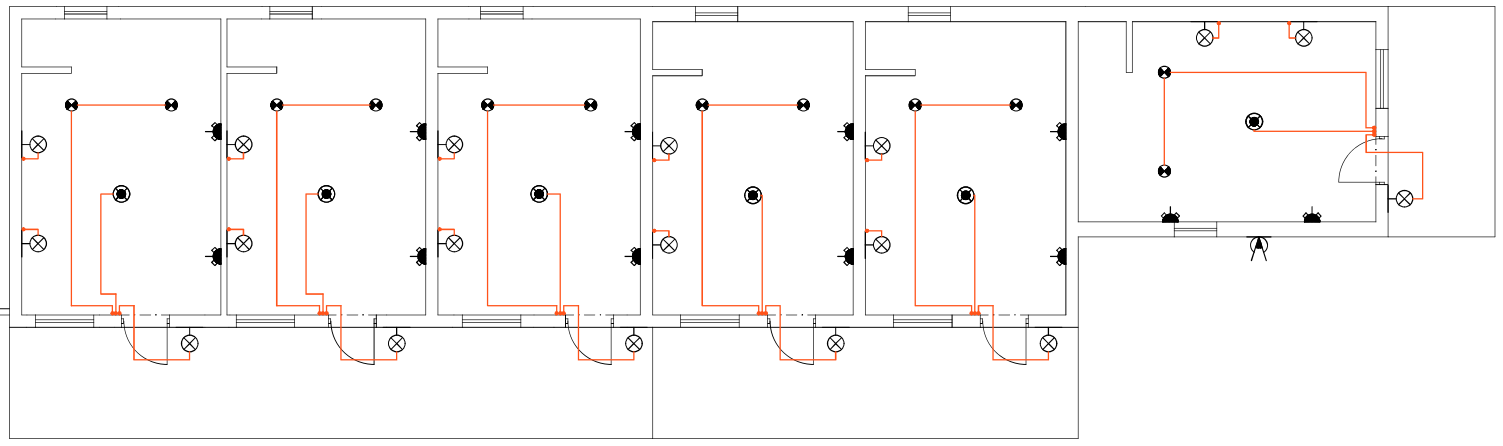
- Preliminary Site works:**
 - The building area must be cleared of vegetable matter and all relevant levels and dimensions to be checked by the contractor prior to setting out. Figured dimensions to be taken in preference to scaled dimensions and work to comply with N.B.R. Any discrepancies to be brought to the attention of the architectural designer.
- Foundations:**
 - 230mm and 280mm thick walls to be built on 750x230mm concrete footings (1:4:5 or 10 M.P.A.) to be taken down to required depths.
 - Foundation walls of 115mm thick walls higher than 300mm to be built 230mm thick and those of 230mm and 280mm thick walls higher than 1,0m to be built 345mm thick.
 - Filling under floors, steps and back filling to foundations to be approved clean dry material free of clay and vegetable and deleterious matter. Filling to be levelled and mechanically compacted in dampened layers of at most 150mm.
- Brick work and structure:**
 - Walls of house to be constructed of local SABS approved clay bricks.
 - Cavity walls to be tied with 3 galvanised wire ties per m². Cavity to be filled with concrete to dpc level and top three courses of cavity to be filled with reinforced concrete. 30mm Isoboard to be fitted in cavities.
 - Floors: 20mm cement screed on 80mm concrete.
 - Floor level in all cases minimum 250mm above finished ground level.
 - Where fill exceeds 1,0m in height floor slab to be reinforced with steel mat.
 - Pre-stressed reinforced concrete lintels to extend 230mm beyond all openings in external walls and openings exceeding 1500mm in internal walls. Lintels to be laid according to manufacturer's specifications with min. 4 courses of brickwork above. Where openings are between 3,0 and 4,8m 3/16 rods to be built into brick work and cavities to be filled with 20 MPa concrete.
 - No foundations or any other part of building to project beyond boundary of property.
 - Street Boundary Wall to comply in terms of the requirements of Part K (table 18) of SANS 10400.
- Stairs and steps:**
 - Maximum riser: 200mm
 - Minimum tread: 250 mm
- Plaster work and wall finish:**
 - External walls: one coat wood-floated plaster.
 - Internal walls: one coat steel trowelled plaster. Exposed Brick internally where indicated
- Dampcourse:**
 - 250 Micron polythene to be provided underneath all solid concrete floors - min. of 150mm above ground level.
 - 375 Micron polythene on walls on floor slab and underneath all openings in external walls.
- Roof construction:**
 - Braai Room: Galv. longspan Corrugated roof sheeting to be laid @ 3° slope on 50x76mm purlins @ 1200mm c/c on 50x228mm (grade 7) rafters @ 1000mm c/c to be fixed on one side to existing wall with teaco brackets and on other side to be tied to 38x114mm wall plates with 30mm wide, 1,3mm thick galv. hoop iron ties built 600mm into brickwork. Sialation to be provided underneath roof sheets.
 - Guest Room Outbuilding: Galv. longspan Corrugated roof sheeting to be laid @ 5° slope on 50x76mm purlins @ 1200mm c/c on 50x228mm (grade 7) rafters @ 1000mm c/c to be fixed on one side to parapet wall with teaco brackets and on other side to be tied to 38x114mm wall plates with 30mm wide, 1,3mm thick galv. hoop iron ties built 600mm into brickwork. Sialation to be provided underneath roof sheets.
 - Verandas to Guest Rooms: Galv. longspan Corrugated roof sheeting to be laid @ 12° slope on 50x76mm purlins @ 1200mm c/c on 38x114mm (grade 7) rafters @ 1400mm c/c to be fixed on one side to existing wall with teaco brackets and on other side to 38x228mm supporting beam with coach screws
 - Scullery: Galv. longspan Corrugated roof sheeting to be laid @ 6° slope on 50x76mm purlins @ 1200mm c/c on 38x152mm (grade 5) rafters @ 1400mm c/c to be fixed on one side to parapet wall with teaco brackets and on other side to be tied to 38x114mm wall plates with 30mm wide, 1,3mm thick galv. hoop iron ties built 600mm into Sialation to be provided underneath roof sheets.
 - Covered Walkway: Galv. longspan Corrugated roof sheeting to be laid @ 3° slope on 50x76mm purlins @ 1200mm c/c on 50x152mm (grade 5) rafters @ 1400mm c/c to be fixed on one side to existing wall with teaco brackets and on other side to be tied to 50x228mm supporting beam with coach screws.
- Fascias and barge boards**
- 12 x 225mm Nutec fascias.**
- Ceilings and roof insulation:**
 - Roof over Braai Room and Guest Suites: Suspended 25mm Isoboard with 100mm Isotherm to be laid above
 - Roof over Scullery: 25mm Isoboard to be fixed to bottom of rafters with 100mm Isotherm to be laid above
- Window frames, doors and gates:**
 - Braai Room: Window frames and doors of aluminium - see schedule.
 - Rest: Timber doors and windows, Catalogue numbers refer to Swartland catalogue. Refer schedule
- Glazing**
 - Glass type strictly to be adhered to according to Fenestration schedule.
 - Thickness of glass according to NBR - prt. N - SANS 10400. Glass areas exceeding 1,0m² and glass lower than 500mm above floor level to be safety glass.
 - Safety glazing to all glass panelled doors.
 - Window sills
- Externally and internally: plaster.**
- Plumbing:**
 - Sewerage: All pipe work to be best quality PVC.
 - Water reticulation: polycop piping to be used outside and Cobra piping throughout inside.
 - Closed sewerage system to be used.
 - Drainline protected if cover is less than 300mm.
 - Flashing to be provided to all wall / roof intersections.
 - Hot water to be supplied to bathrooms of Guests Rooms by 200L (400KPA) horizontal geyser complete with overflow and drip tray
 - Water pipes to be lagged into walls with dpc.
 - Sanitaryware according to owner's specification.
- Wall tiles:**
 - Splashback tiles Vanities. Showers to be tiled to 1800mm height.
 - Floor finish
 - Vinyl and floor tiles to owner's specification.
- Electrical Installation:**
 - Electrical installation as per electrical plan.
 - Light fittings according to owner's choice.
 - Built in cupboards:
 - Built in cupboards according to owner's specifications.
- Stoops, Verandas and Paving:**
 - Level of Stoops, Verandas and paving to be 50mm lower than house floor level and to slope away from dwelling walls
 - Storm-water:
 - PVC gutters and down pipes to be fitted
 - Stormwater to be taken along 100mm stormwater pipes to street.
- Fireplaces:**
 - No roof rafters to be built within 200 mm of the inside of chimneys.
- Painting:**
 - All plastered wall surfaces and ceilings to be finished with one filler coat and two coats acrylic P.V.A.
 - Wooden doors and windows, fascias and exposed roof timber to be enamel painted
 - Paint and colours according to owner.
- Pool:**
 - All gates leading to pool to be at least 1,2m high and to be self locking and self closing. Pool fence must comply with the requirements of Part D of the NBR and BS (Act 103 of 1977).
 - All water from swimming pool backwash must be directed to municipal sewer system.
 - Overflow to discharge into the stormwater system, never into the landscape.
 - Pool pump to be positioned underneath deck in position indicated on electrical plan.
- General:**
 - Building Inspector to evaluate boundary pegs before commencement of building work

PROJECT NR. 4492/2 PROPOSED EXTENSIONS and ALTERATIONS to EXISTING LA MONTAGHE GUEST HOUSE on Erf 461, c/o PIET RETIEF and ROYAL STREETS for L VAN WYK SCHOEMAN and J de KOCK

Date: 08 November 2022
 Drawn by: Ronell Ackermann ST 0827
 Cell nr: 083 456 1770
 Email: ronellackermann002@gmail.com

ELECTRICAL LEGEND

	light switch
	ceiling light
	down light
	wall light
	Euro plug



ELECTRICAL PLAN
scale 1:100

ENERGY DEMAND & CONSUMPTION Lighting and Power

Max permissible energy demand (Power) Lighting: 2256.0 W
Max annual permissible energy consumption Lighting: 9881.28 kWh

Ground Storey	Lamp Power W	No of lights	Total
Down lights	5	23	115 W
Ceiling lights	7	7	49 W
Wall lights	7	27	189 W
Movement sensor light	10	1	10 W
			363 W

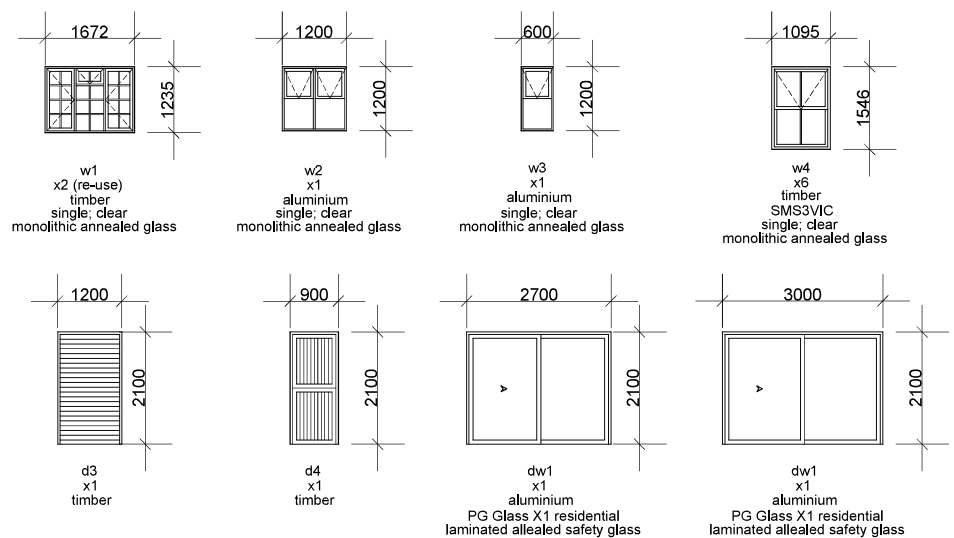
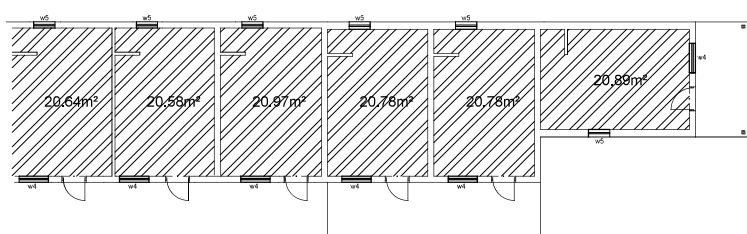
ENERGY DEMAND (POWER) - LIGHTING
Total lamp energy demand (W): 363.00 acceptable
Available energy demand (W): 9881.28 acceptable

ENERGY CONSUMPTION - LIGHTING (per annum)
Total energy consumption (kWh): 1057.06 acceptable
Available energy consumption (kWh): 8824.22 acceptable

Artificial lighting
The minimum artificial lighting levels for the occupancy and activity undertaken in the building shall be in accordance with the requirements of SANS 10114-1
Natural lighting
Natural lighting shall be in accordance with the requirements of SANS 10400-O
Daylighting should be employed to reduce energy usage

Storey Level	Identifier No:	No. of Units	Width (m)	Height (m)	Area	Framing System	Glass Desc.	U-value	SHGC	Glass Material	Orientation	Projection-P (m)	Height-H (m)	Height-G (m)	Conductance	SHG
Guest Room 1	w5	1	0,794	1,196	0,950	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	South East	2,090	0,190	1,386	5,32	0,15
Guest Room 1	w4	1	1,095	1,546	1,693	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	North West	2,090	0,190	1,736	9,48	0,22
Guest Room 2	w5	1	0,794	1,196	0,950	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	South East	2,090	0,190	1,386	5,32	0,15
Guest Room 2	w4	1	1,095	1,546	1,693	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	North West	2,090	0,190	1,736	9,48	0,22
Guest Room 3	w5	1	0,794	1,196	0,950	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	South East	2,090	0,190	1,386	5,32	0,15
Guest Room 3	w4	1	1,095	1,546	1,693	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	North West	2,090	0,190	1,736	9,48	0,22
Guest Room 4	w5	1	0,794	1,196	0,950	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	South East	2,090	0,190	1,386	5,32	0,15
Guest Room 4	w4	1	1,095	1,546	1,693	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	North West	2,090	0,190	1,736	9,48	0,22
Guest Room 5	w5	1	0,794	1,196	0,950	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	South East	2,090	0,190	1,386	5,32	0,15
Guest Room 5	w4	1	1,095	1,546	1,693	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	North West	2,090	0,190	1,736	9,48	0,22
Guest Room 6	w5	1	0,794	1,196	0,950	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	South East	2,090	0,190	1,386	5,32	0,15
Guest Room 6	w4	1	1,095	1,546	1,693	Timber	Single : clear	5,60	0,77	Monolithic annealed glass	North West	1,995	0,190	1,736	9,48	0,22
	GUEST ROOM 1	GUEST ROOM 2	GUEST ROOM 3	GUEST ROOM 4	GUEST ROOM 5	GUEST ROOM 6										
Net floor area	20.64m	20.58m	20.97m	20.78m	20.78m	20.89m										
Fenestration Area	2.64m²	2.64m²	2.64m²	2.64m²	2.64m²	2.64m²										
Percentage (%) fenestration	12.80%	12.84%	12.60%	12.72%	12.72%	12.65%	ACCEPTABLE									
Permissible CU-value	24.77	24.70	25.16	24.94	24.94	25.07										
Achieved CU value	14.8	14.8	14.80	14.80	14.8	14.8										
Permissible SHG-value:	3.10	3.09	3.15	3.12	3.12	3.10										
Achieved SHG-value:	0.38	0.38	0.38	0.38	0.38	0.38										

FENESTRATION CALCULATION



AIR INFILTRATION & LEAKAGE

General

Roofs, External walls, floors and any openings (glazing or doors) in the external fabric of the house shall be constructed to minimise air leakage. Refer SANS 204 (4.4.3)

Wall construction

External masonry walls to be 280mm thick. Walls to be plastered internally and exposed brick to be sealed externally. 25mm Isoboard to be fitted in cavities

Roofs

- Ceiling voids and attics shall be designed to minimize air infiltration.
- Wall plate and roof junctions shall be sealed.
- Joints in sheeted roof shall be sealed.

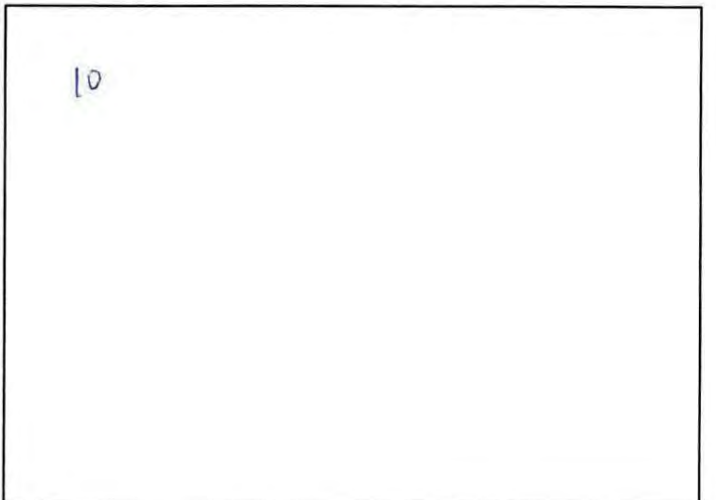
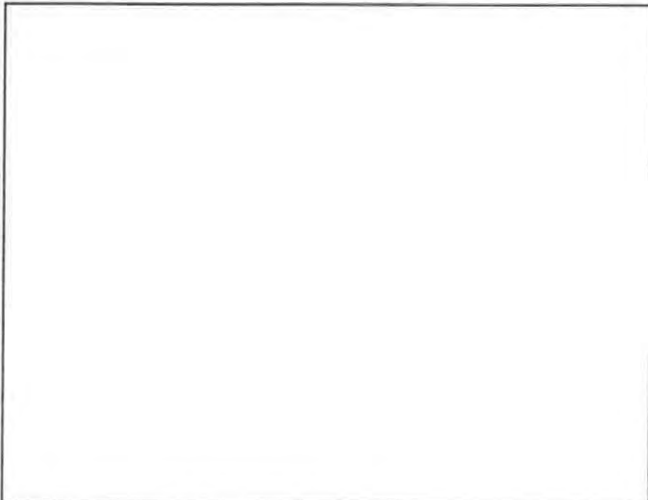
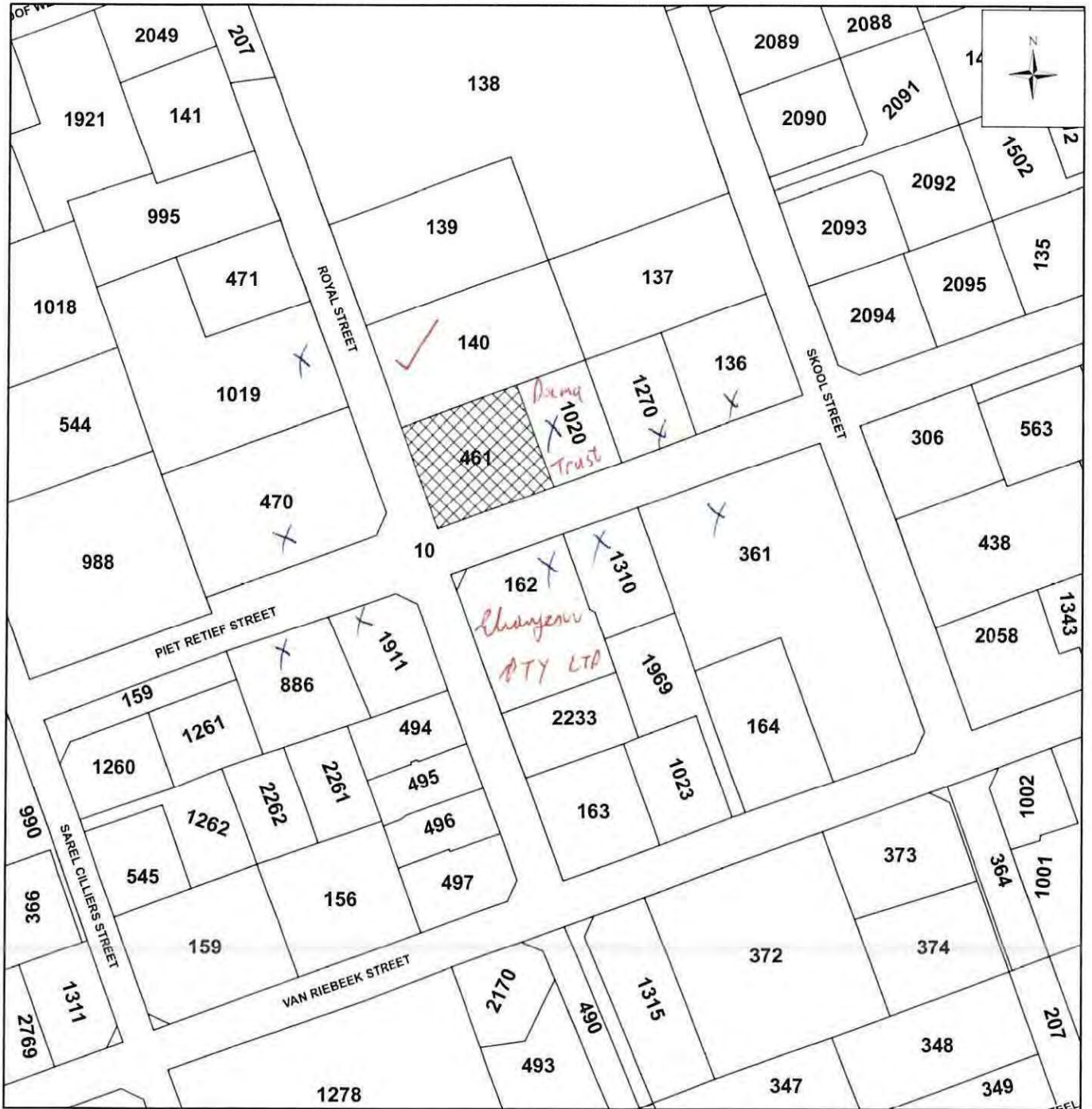
External doors serving habitual space

- A draught protection device shall be fitted to the bottom edge of each swing door leaf. Refer SANS 204 (4.4.3)
- A foam or rubber compressible strip or a fibrous seal (or similar) shall be fitted to each edge of internal doors and other such opening to restrict air leakage. Refer SANS 204 (4.4.3)

PROJECT NR. 4492/3 PROPOSED EXTENSIONS and ALTERATIONS to EXISTING LA MONTAGHE GUEST HOUSE on ERF 461, c/o PIET RETIEF and ROYAL STREETS for L VAN WYK SCHOEMAN and J de KOCK

Date: 08 November 2022

Drawn by: Ronell Ackermann ST 0827
Cell nr: 083 456 1770
Email: ronellackermann002@gmail.com



ANNEXURE D

From: Don King <donk@vipnet.co.za>

Sent: 05 October 2023 01:24 PM

To: Delmary Stellenberg <StellenbergD@swartland.org.za>; Delmary Stellenberg <StellenbergD@swartland.org.za>

Cc: Harold Cleophas <Mayor@swartland.org.za>; Desiree Bess <desireevgk@gmail.com>; Helen Weber <h.m.weber@gmail.com>; Johann Joubert <johann@calibrapmcs.co.za>; Joshua Geldenhuys <joshuageldenhuys1@gmail.com>

Subject: Erf 461 departure request.

I refer to the email dated 02/10/ 23 regarding the deviations requested for Erf 461 Riebeek Kasteel.

In particular I find the encroaching onto Piet Retief, sidewalk reduced to 3.2m, and the encroachment onto Royal, where the sidewalk is completely removed, unacceptable.

This is a high pedestrian traffic area and the sidewalks of the opposite sides of the proposed development have already been encroached to make them very narrow. All the way down Piet Retief the sidewalks are virtually no-existent due to encroachment having been allowed and this leads to people walking down the road with their backs to approaching traffic.

Royal Street is fast becoming a no-go area for pedestrians too and removing the entire sidewalk at the corner of Piet Retief is dangerous and short sighted.

I have no problem with the marginal increase in cover provided this is calculated on the existing erf and not the proposed erf.

I also find this request so obviously unacceptable that the Department responsible should surely be able to reject it outright without referring it to the Ward Committee or the 'affected parties', but having said that, I am pleased that these issues are, at last, being referred. I just don't want everything referred – the Ward Committee should be asked for an opinion when the Department is in doubt regarding its response to an application.

Kind Regards

Don King
Ward 12

From: Joshua Geldenhuys <joshuageldenhuys1@gmail.com>
Sent: 05 October 2023 08:43 PM
To: Don King
Cc: Delmary Stallenberg; Delmary Stallenberg; Harold Cleophas; Desiree Bess; Helen Weber; Johann Joubert
Subject: Re: Erf 461 departure request.

Hi All,

I fully agree with Don's concerns regarding the application submitted for ERF 461, Riebeek Kasteel.

I would also like to note the following concerns and questions:

- The proposed guest house has 10 bedrooms, but it appears to only make provision for 7 off-street parking bays. The number of parking bays should at least align with the number of bedrooms.
- The direct neighbouring ERF 140 is not marked as an interested party to receive the notice. This makes no sense, and they should be included.
- The main dwelling on ERF 461 is well over 60 years old. Will Heritage also be consulted for these updated plans?
- What building material and finishes will be used for the proposed extensions? I can't find this detail in the provided plans, and therefore can't adjudge the aesthetic properties. I do not want to see another Nutek dwelling, for example.

May I ask how my and Don's feedback in this email will be recognized regarding this application? Will it be submitted on behalf of the Ward 12 committee? Or do we need to submit our feedback and objections to SM independently?

Kind regards,

Joshua Geldenhuys

On Thu, 5 Oct 2023, 13:24 Don King, <donk@vipnet.co.za> wrote:

I refer to the email dated 02/10/ 23 regarding the deviations requested for Erf 461 Riebeek Kasteel.

In particular I find the encroaching onto Piet Retief, sidewalk reduced to 3.2m, and the encroachment onto Royal, where the sidewalk is completely removed, unacceptable.

This is a high pedestrian traffic area and the sidewalks of the opposite sides of the proposed development have already been encroached to make them very narrow. All the way down Piet Retief the sidewalks are virtually non-existent due to encroachment having been allowed and this leads to people walking down the road with their backs to approaching traffic.

Royal Street is fast becoming a no-go area for pedestrians too and removing the entire sidewalk at the corner of Piet Retief is dangerous and short sighted.

DATE: 16 November 2023

OUR REF: RK/13305/NJdK

PER HAND / EMAIL

Attention: Mr. A. Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

Proposed Consent use and departure on Erf 461, Riebeek Kasteel

The objections that were received at the end of the public participation process relate to:

The table below provides a summary of the objections that were received together with the comments from CK Rumboll and Partners on behalf of our clients, Louis van Wyk and Jolanda de Kock as owners of Erf 461, Riebeek Kasteel. The following persons objected:

1. Don King
2. Joshua Geldenhuys

Objector	Objection	Comment on Objection
1. Don King	1.1 In particular I find the encroaching onto Piet Retief, sidewalk reduced to 3.2m, and the encroachment onto Royal, where the sidewalk is completely removed, unacceptable. This is a high pedestrian traffic area and the sidewalks of the opposite sides of the proposed development have already been encroached to make them very narrow. All the way down Piet Retief the sidewalks are virtually no-existent due to encroachment having been allowed and this leads to people walking down the road with their backs to approaching traffic	<p>1.1 The building located on the property already encroaches Piet Retief Street and Royal Street. The impact on the encroachment will at Piet Retief Street will have limited impact due to:</p> <ul style="list-style-type: none"> • The wendy house and carport is erected linear to the existing approved dwelling house. There will be no additional impact on traffic due to the proposed departure of building lines. • The carport and wendy has been erected at this location for more than 6 years without any complaints or incidents. • The surrounding neighbours already give their consent for the proposed relaxation of building lines. • The proposed carport complies with all the conditions referred to in section 12.2.2 of the Swartland Municipal Land Use Planning By-Law. • The shaded carport and wendy house were erected linear to the existing dwelling house (heritage building) to conform to the visual aesthetics of the property. • The carport will not adversely affect the privacy of the surrounding neighbours. <p>The impact on the encroachment will at Royal Street will have limited impact due to:</p> <ul style="list-style-type: none"> • The departure contributes to a diverse urban fabric by breaking up the monotony of uniform building lines. This diversity can make the streetscape more interesting and visually appealing, attracting pedestrians and fostering a vibrant atmosphere. • Historical neighbourhoods often exhibit variations in building setbacks. Allowing departures can preserve

VENNOTE / PARTNERS:

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

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

MALMESBURY (T) 022 482 1845 (F) 022 487 1666

VREDENBURG (T) 022 719 1014

and replicate these historical characteristics, maintaining the area's unique heritage and contributing to its historical significance.

- Since the parking bays and boundary wall will all be in line with the proposed porch, the deviation will not have an adverse impact on the aesthetics of the area.
- The street landscape (Royal Street) is already covered by trees and bushes to the erf boundaries and even onto the road reserve. The departure to accommodate the proposed porch will therefore not have an additional impact on the safety of vehicle traffic, as the majority of the street is already covered onto the road reserve.

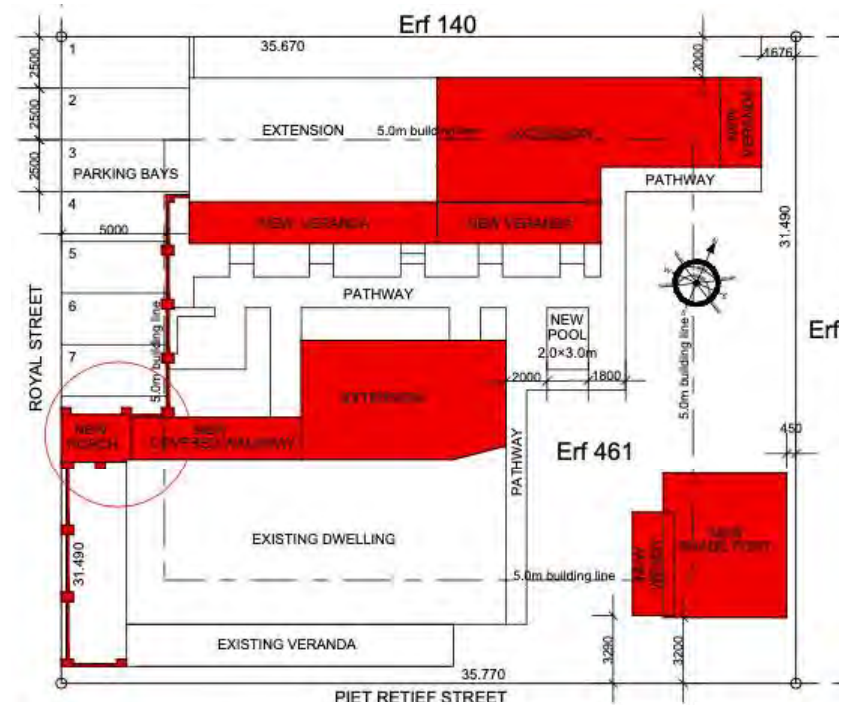


Figure 1: Encroachment unto the building lines

VENNOTE / PARTNERS:

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Figure 2: Existing sidewalk encroachment on Royal Street

Even with the departure of building lines, there will still be more than sufficient space to walk on the sidewalk on both sides of Royal Street. See figure 2 above.

1.3 Royal Street is fast becoming a no-go area for pedestrians too and removing the entire sidewalk at the corner of Piet Retief is dangerous and short sighted. I have no problem with the marginal increase in cover provided this is calculated on the existing erf and not the proposed erf.

1.2 See point 1.1 and figure 2 above.

1.2 I also find this request so obviously unacceptable that the Department responsible should surely be able to reject it outright without referring it to the Ward Committee or the 'affected parties', but having said that, I am pleased that these issues are, at last, being referred. I just don't want everything referred - the Ward Committee should be asked for an opinion when the Department is in doubt regarding its response to an application.

1.3 Noted.

VENNOTE / PARTNERS:

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

2 Joshua Geldenhuys	<p>2.1 fully agree with Don's concerns regarding the application submitted for ERF 461, Riebeek Kasteel.</p> <p>I would also like to note the following concerns and questions:</p> <p>What building material and finishes will be used for the proposed extensions? I can't find this detail in the provided plans, and therefore can't adjudge the aesthetic properties. I do not want to see another Nutek dwelling, for example.</p>	<p>2.1 The proposed development will comply with the building regulations. The building plans are available for viewing at the Municipality.</p>
	<p>2.2 The proposed guest house has 10 bedrooms, but it appears to only make provision for 7 off-street parking bays. The number of parking bays should at least align with the number of bedrooms.</p>	<p>2.2 Parking calculations - Guest house: 3 bays per 4 bedrooms.</p> <p>The guest house will have 9 bedrooms and a caretaker room. A total of 6 parking bays are required. The proposal will provide a total of 9 parking bays on site. See building plans.</p>
	<p>2.3 The direct neighbouring ERF 140 is not marked as an interested party to receive the notice. This makes no sense, and they should be included.</p>	<p>2.3 The owners of Erf 140 already gave their consent for the proposed development on Erf 461 (see building plans and consent attached)</p>
	<p>2.4 The main dwelling on ERF 461 is well over 60 years old. Will Heritage also be consulted for these updated plans?</p>	<p>2.4 The main dwelling located on Erf 461, Riebeek Kasteel has a heritage grading of 3B. <i>"This grading is applied to buildings and/or sites of a marginally lesser significance than Grade 3A; and such marginally lesser significance militates against the regulation of internal altercations. Such buildings and sites may have similar significance to those of grade 3A building or site, but not a lesser degree"</i></p> <p>Given that alterations to the primary residence were executed several years ago and subsequent modifications to the structure have been minimal, the potential for heritage impacts remains limited. Furthermore, since the additional guest rooms are only an extension of the existing outbuilding, it will not have an impact on the heritage value of the property.</p>

VENNOTE / PARTNERS:

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When considering the above, this office is of the opinion that the proposed development on Erf 461, Riebeek Kasteel will not have a negative impact on the surrounding environment, but rather will be supportive.

We trust that you will find the above in order while considering this application.



NJ de Kock

For CK Rumboll and Partners

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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Verslag Ingxelo Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Departement : Ontwikkelingsbestuur

1 Februarie 2024

15/3/3-11/Erf_361
15/3/4-11/Erf_361
15/3/6-11/Erf_361
15/3/10-11/Erf_361

WYK: 12

ITEM 6.5 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 14 FEBRUARIE 2024

LAND USE PLANNING REPORT					
PROPOSED REZONING, SUBDIVISION, CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 361, RIEBEEK KASTEEL					
<i>Reference number</i>	15/3/3-11/Erf_361 15/3/6-11/Erf_361 15/3/10-11/Erf_361 15/3/4-11/Erf_361	<i>Application submission date</i>	24 October 2023	<i>Date report finalised</i>	1 February 2024

PART A: APPLICATION DESCRIPTION

Application is made for the rezoning of Erf 361, Riebeeck Kasteel, in terms of section 25(2)(a) of Swartland Municipality : Municipal Land Use Planning By-Law (PK 8226 of 25 March 2020). It is proposed that Erf 361 (3785m² in extent) be rezoned from Community Zone 2 to Sub-divisional area in order to provide for the following land uses, namely: Residential Zone 1 (1312m² in extent) and General Residential Zone 3 (2469m² in extent).

The subject application also includes the subdivision of Erf 361, Riebeeck Kasteel, in terms of section 25(2)(d) of the By-Law. It is proposed that Erf 361 (3785m² in extent) be subdivided into a remainder (2469m² in extent), portion A (668m² in extent) and portion B (644m² in extent).

With the above mentioned rezoning and subdivision, the applicant also wish to keep the existing rights for a rooftop base station on the remainder of erf 361. Application is therefore made for a consent use on the remainder erf 361, Riebeeck Kasteel, in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020).

Application is made for a departure from the development parameters on the remainder Erf 361, Riebeeck Kasteel, in terms of section 25(2)(b) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020). The departures entails the following:

- Departure of the 2,5m height to 6,5m which makes the roof base station's antenna protrudes above the building;
- Departure of the 5m building line (southern boundary) to 0m.

The purpose of the application is to convert the existing church hall building into 12 flats, keep the existing rooftop base station and to create 2 new single residential erven.

The applicant is South Consulting and the property owner is The Church Council of the Dutch Reform Church in Riebeek Kasteel

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 361 Riebeek Kasteel in the Swartland Municipality, Division Malmesbury, Province of the Western Cape					
Physical address	c/o Piet Retief, Skool and van Riebeek Streets, Riebeek Kasteel (Please refer to the location plan attached as Annexure A)	Town	Riebeek Kasteel			
Current zoning	Community Zone 2	Extent (m ² /ha)	3785m ²	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	Place of Worship (Church Hall)		Title Deed number & date	T10091/1959		
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	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>	Occasional use	
Disestablish a homeowner's association		Rectify failure by homeowner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		Phasing	

PART D: BACKGROUND

The applicant provides a background for the proposed project stating that the demarcation of Erf 361 originated from the 1959 subdivision of Erf 164. In that same year, the Dutch Reform Church of Riebeek Kasteel developed it to house their

church hall, a purpose it continues to serve. Over time, the congregation's activities have adapted to changes in Riebeeck Kasteel's socio-economic and demographic landscape. Consequently, they've decided to release the hall and focus on developing the open area near the historic church on Erf 436 on Main Street.

Since the beginning of 2022, the owner explored various potential options for the future development of Erf 361. These included, among others, the idea of converting the hall into a retirement complex, with the addition of several smaller self-contained apartment units on the land surrounding the hall. However, the proposal's financial viability was deemed insufficient, prompting the owner to opt for a more focused approach. This involved repurposing the hall for use as apartments and subdividing the remaining property into individual plots for single residential purposes, in line with the prevailing residential market in Riebeeck Kasteel.

On the 8th June 2022, during a Church Council meeting, the Owner resolved to apply for land use rights that would allow for the renovation of the hall into apartment units, and for the remainder of the property to be subdivided and the new land units to be designated for single residential plots. The meeting also agreed to appoint the Applicant to assist the Church with the municipal land use application process, working towards achieving this goal.

The motivation behind the Owner's decision is rooted in their desire to create a marketable asset for eventual sale, generating an income for the Church. The income they plan to make, coupled with the savings resulting from no longer having to maintain the hall and surrounding grounds on Erf 361, will contribute to funding the further development of Erf 436. These developments will be better suited to the Church's purpose and aligned with the congregation's needs and activities.

The applicant states that the abovementioned will be achieved through a two-phase approach. Phase 1 involves subdividing the remainder in order to accommodate Portion A (±668.52m²) and Portion B (±644.27m²) and selling the land for single residential use to generate funding for Phase 2, which focuses on converting the church hall. The apartment building occupies the Remainder of Erf 361, measuring ±2469.86m².

The proposed apartment building consists of 12 luxury 2-bedroom apartment units, distributed across two levels — 8 on ground level and 4 on first floor level. These units are positioned to the east and west of a central open vaulted atrium, which serves as both an access point to the living spaces and a ventilation source for the interior of the building. This atrium functions as an "internal central street" for movement within the building. The design retains the hall's lobby area and allows for future enhancements, such as the potential addition of an elevator shaft to facilitate accessibility for first-floor residents. The ground-level apartments vary in size, ranging from 72m² to 76m², while all four first-floor units are each 76m² in extent.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

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

The Owner of Erf 361 intends to liquidate this asset and re-redirect the income generated by the sale of the property towards developments on Erf 436 that align better with their long-term objectives. This development proposal aims to optimize Erf 361's potential and maximize returns.

The main objective of the proposal is to make minimal changes to the building's exterior, in order to preserve its original profile and character. This approach aligns with the historical ambience of the neighbourhood, emphasizing a sense of place.

The proposed development will expand housing opportunities in Riebeeck Kasteel, contributing to densifying the town's residential footprint.

The development proposal is in complete alignment with Swartland Municipality's Spatial Development Framework for Riebeeck Kasteel. It involves densifying an area of the town designated for further development (through subdivision, infill development and renewal and restructuring), resulting in an increase in the number of development units per hectare from the current ±8.12 du/ha to ±8.5 du/ha, in direct accordance with the SDFs guidelines.

Erf 361 is situated in Spatial Development Zone D of Riebeeck Kasteel. Zone D consists of a residential as well as institutional character with government functions (cemetery). There are mixed-density residential uses situated within the zone with opportunities for infill developments.

The proposal encompasses a diverse range of residential options to cater to different buyers, from traditional single-family homes to upscale compact apartments for retirees. These will be conveniently situated near an activity street and pedestrian walkway that links the subject property to the town's centre.

The proposal's scale and scope aim to not only enhance the site's historical significance but also foster growth and development, inviting increased investment in Riebeeck Kasteel. Ultimately, this will contribute to sustaining the town's distinct character and the coveted lifestyle it offers.

The general character for the area around Erf 361 is predominantly residential. The proposed land use for the hall, because of way in which the exterior of the building will be preserved, will maintain the current sense of place established by the church hall over the years, with the proposed two single residential erven, integrating the open undeveloped portion of Erf 361 into the prevailing residential character of the location.

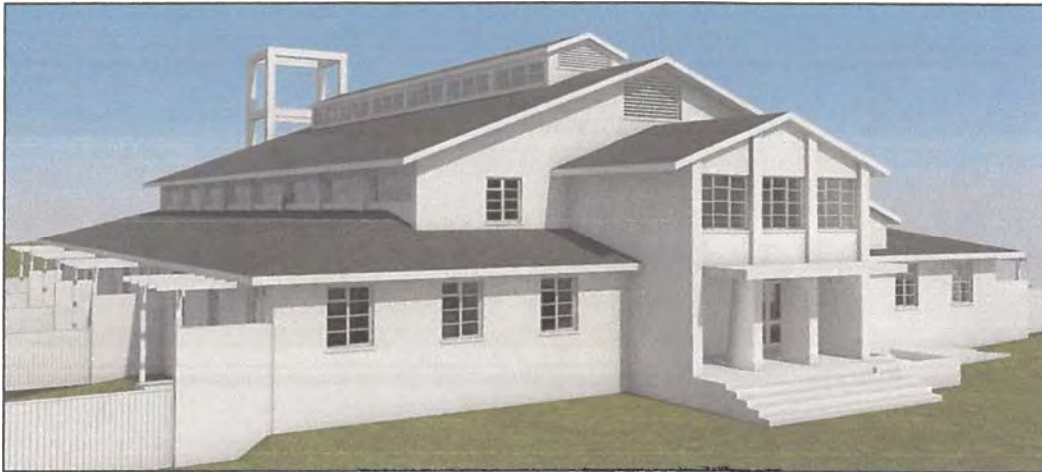


Image 1: A three-dimensional rendering of the northern "front" elevation of the building, as viewed from Piet Retief Street.

The apartments will echo the denser residential land use activities already featured in the vicinity. Its location on the northern side of Erf 361 towards Piet Retief Street matches the higher frequency of traffic movement along the activity street (very much also in line with the location of commercial building on Erf 1270 (fitness centre) just opposite to the north of the hall.

The property is within 250m walking distance from the CBD for Riebeeck Kasteel and borders Piet Retief Street, an important activity street as well as a pedestrian route. This underscores the location's accessibility as well as nodal location which supports its denser residential development for the site (serving as a connecting interface between commercial land use towards the west and more residentially orientated land use activities towards the east and south.

Impact on municipal engineering services

Erf 361 is located in an established part of Riebeeck Kasteel and the land unit already shares connections with the municipal sewage and water networks, as well as ESKOM's electrical reticulation network.

Road Access

Erf 361 is accessible from three sides: Piet Retief, Skool as well as Van Riebeeck Streets. A split remainder of Erf 164 is located between the northern boundary of Erf 361 and Piet Retief Street. The portion has been demarcated as a public street and used a part of the parking area around the church hall. Access from Piet Retief Street will be limited to pedestrians but will allow for the continuation of street parking. Primary vehicular access to the parking area for the apartment building will be from Skool Street. Portion B will have access from Skool Street with Portion A being able to gain access from either Skool or Van Riebeeck Streets.

Electrical services

The additional electrical demand had been discussed with Mr MJ (Matthys) Swanepoel of the Municipality as well as Mr Kallie Skippers of ESKOM Customer Services. The property is serviced by ESKOM. Mr Skippers confirmed that Erf 361 is located in a part of Riebeek Kasteel having an established services network with enough capacity to accommodate the proposed development.

Civil Services

The increased demand for civil services was addressed through discussions with Mr. Louis Zikman and Mr. Esias de Jager from the Municipality. Mr. De Jager recommended obtaining a GLS impact evaluation report.

GLS supplied feedback on 01 September 2023, comprising two separate reports. Please refer to Annexure F.

- (a) A report addressed to Swartland Municipality regarding a "CAPACITY ANALYSIS OF THE BULKWATER AND SEWER SERVICES" and
- (b) A report to the West Coast District Municipality titled "IMPACT AND CAPACITY ANALYSIS ON THE SWARTLAND BULK WATER SUPPLY SYSTEM".

Water Reticulation system

The existing water reticulation system of Riebeek Kasteel has sufficient capacity in order to supply the proposed development with sufficient domestic and fire flow supply.

Water Bulk supply

The impact of the proposed development on the Swartland bulk water system infrastructure is considered to be relatively small and it contributes insignificantly to the growth in water demand for the system as a whole (the abstraction is less than 1% of the total peak day flow in the future model). Based on the current water demand of the Swartland bulk water system the Swartland WTP has sufficient capacity to accommodate the proposed development in the existing system.

Implementation of the water master plan: Network upgrade

According to the report the accommodation of the development in the existing system will have a negative impact on water supply to the higher lying erven in the Riebeek Kasteel PRV no. 1 zone and the implementation of master plan item SRkW2.4 is recommended in order to improve network conveyance and redundancy to the surrounding network. Please refer to the above mentioned services reports attached as Annexure F.

The application states that Mr Louis Zikman, Director Civil Engineering Services indicated that the capital contributions as calculated with the information from the GLS reports, are estimated to be as follows:

<i>Water</i>	<i>53,298.54</i>
<i>Bulk Water</i>	<i>56,489.47</i>
<i>Sewer</i>	<i>45,251.23</i>
<i>WWTW</i>	<i>60,850.53</i>
<i>Roads</i>	<i>47,967.42</i>
(A) Sub-total:	263,857.19
<i>Water network upgrade (SRkW2.4)</i>	<i>442,750.00</i>
<i>(Water)</i>	<i>-53,298.54</i>
(B) Sub-total:	389,451.46
(A + B) TOTAL Capital contribution (estimate)	653,308.65

Image 2: Table calculation the total development charges applicable to the proposed development.

During discussions with the Director Civil Engineering services, the applicant states that it was made clear that the Municipality can accommodate the development if the water network upgrade item SRkW2.4 is implemented.

SRkW2.4 is a water network reinforcement necessary to prevent low pressure and flow conditions elsewhere when the proposed development of Erf 361 is realized. The estimated cost is R 385 000.00 (excluding VAT), and the capital contributions for water (R 53 298.54) can be utilized for this purpose.

According to the applicant, the remaining recommendations from the GLS reports are part of the medium-term planning and will be implemented by the Municipality. Therefore, the implementation of these recommendations will not be a condition.

The applicant emphasize that the additional costs resulting from the network augmentation will raise the development cost per new dwelling (based on 14 — 1 units) from R20,296.71 to R50,254.51. This represents a significant increase in cost, especially considering that the proposed development primarily involves the creation of 12 two-bedroom apartments. According to GLS's own estimates based on water utilization, this translates to 5.64 standard single residential dwelling opportunities. Which according to the applicant means that the capital contribution for creating one additional single residential opportunity under the same conditions amounts to a staggering R 85 511.60.

The applicant motivates that the suggested network upgrade will not solely benefit the proposed development on Erf 361, although its scale served as the triggering event. Instead, it will lead to a general and systematic improvement in the water network for properties situated higher up in Riebeeek Kasteel.

The applicant is of opinion that it's unfortunate and unfair that the owner of Erf 361 be held responsible for these water network improvements, from which several other potential developers applying for single or double erf subdivisions may also benefit in the future without proportionally sharing in the additional capital expenditure that the owner now faces in their circumstances.

The applicant propose that in order to help mitigate the impact of the additional cost implication on the financial viability of the project, the Municipality, in formulating conditions for their land use decision, allow for the payment of the additional capital contribution in line with the phased implementation of the project. Therefore permitting the payment of the additional contribution in tranches, firstly prior to the transfer of the first two single residential erven (Portion A and Portion B) upon settling outstanding municipal account payments, and secondly, for the balance of the amount, upon the submission for approval of the final building plan for the conversion of the church hall into 12 apartments.

Sewer

In terms of sewerage the applicant motivates that the existing sewer reticulation system from Erf 361 to the main outfall sewer in Pieter Cruythoff Avenue has sufficient capacity in order to accommodate the proposed development within the existing Riebeeek Kasteel sewer system.

Service yard

The applicant motivates that a service yard will be provided on-site for the apartment building. The service yard will house among the storage of refuse bins for municipal waste collection purposes. Currently, two potential locations are under consideration: one next to the rooftop base station tower on the southern wall of the hall, or, alternatively, at the north western corner of the REMAINDER next to Piet Retief Street. The specifics of the service yard's design will be outlined in the final building plans to be submitted for Council approval.

Desirability

1. The densification of the residential footprint will also lead to a more optimal use of infrastructural services.
2. The anticipated buyers of these new dwelling units will likely belong to the higher income bracket. Their presence will stimulate higher spending on local goods and services. This, in turn, will contribute to the strengthening of Riebeeek Kasteel's economic foundation by increasing demand for a wide range of tertiary services. Ultimately, this economic growth will generate employment opportunities for people living in Riebeeek Kasteel, spanning various skills and income levels.
3. The proposal will generate revenue, allowing the Owner to focus capital developments on their main property. This will free up resources from hall upkeep, redirecting them toward more suitable infrastructure. This increased agility will empower the congregation as a faith-based organization to play a meaningful role in the community of Riebeeek Kasteel.
4. The composition of residential land use and specific site layout within Erf 361 align the development proposal with surrounding land use activities.
5. The existing municipal services infrastructure is capable of absorbing the increased demand arising from the development. A water network upgrade is recommended, for which the additional capital contribution has been factored into the proposal, subject to proposals to help mitigate the impact thereof on the financial viability of the

proposed development (spreading payment over two tranches according to the development phases of the project). The layout for the development will also retain existing patterns of vehicular flow by confining public and pedestrian access to the apartments from Piet Retief Street (and keeping the off-street parking spaces) and locating private access to both the apartments and dwellings to Skool Street and Van Riebeeck Street.

6. The scale and scope of the proposed development will lead to the establishment of quality housing opportunities that will attract increased care and attention to the utilization of land, the upkeep of property and the maintenance of a residential neighbourhood character.
7. The applicant motivates that there will be no impact on any heritage resources. The hall is not a heritage building. However, the proposed development will retain the external profile of the building, thereby ensuring that its contribution to the sense of place for the vicinity is not lost, but rather used as a future inherent to the sustainability of the development.
8. The applicant motivates that the proposal will not have a negative impact on the biophysical environment.
9. The applicant motivates that the number of parking bays proposed exceeds the requirement.
10. The development proposal responds to various spatial planning cues and immediate land use factors. It introduces residential densification, aligned with Riebeeck Kasteel's spatial plan. The denser land use is strategically positioned along a key street, a central element in Riebeeck Kasteel's spatial development framework. The site layout also incorporates a density gradient, following the town's overall development pattern: denser areas are located closer to the CBD, while single residential units align with similar properties to the east and south of Erf 361.
11. The proposal is consistent with the land spatial planning and future land use proposals for Riebeeck Kasteel as set out in the Swartland municipality SDF 2023-2027.

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, the application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. A total of 16 notices were sent via registered mail to the owners of properties which are affected by the application. The notices were also sent through to the e-mail addresses the Municipality has on record for those deemed affected by the application.

Total valid comments	4	Total comments and petitions refused	0
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Valid petition(s)	Y	N	If yes, number of signatures	N/A
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Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	The application was referred to the Ward Councillor and no comments have been received.
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Total letters of support	1
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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 October 2023	<p>Water Comments Each subdivided portion be provided with a separate water connection. This condition applies to building plan stage.</p> <p>Sewerage Comments Each subdivided portion be provided with a separate sewer connection. This condition applies at subdivision stage.</p> <p>Streets Comments The proposed parking spaces, including the sidewalk that provides access, be provided with permanent surfaces.</p> <p>Storm Water Comments In order</p>	Positive	Negative

		<p>Parks Comments No comments</p> <p>Development charges</p> <p>A fixed development charge be made (VAT incl. and 60% rebate subtracted)</p> <table> <tr> <td>Water</td> <td>R36 857,99</td> </tr> <tr> <td>Bulk water</td> <td>R51 701,85</td> </tr> <tr> <td>Sewer</td> <td>R27 927,69</td> </tr> <tr> <td>WWTW</td> <td>R37 555,11</td> </tr> <tr> <td>Roads</td> <td>R 5 939,52</td> </tr> </table> <p>After questioning the above mentioned comments, the Director Civil Engineering services provided the following comments on the 1st of February 2024.</p> <p>Master plan item SRkW2.4 is a network upgrade and not a connection-service. The developer is therefore proportionally liable for the increased capacity, which the proposed development requires. The item in question is part of the network upgrade the Municipality are implementing and the development charges applicable to the development are the proportional contribution.</p> <p>The extent of the remaining proposed upgrades in the GLS report is significant and therefore also part of the long-term planning for Riebeeck Kasteel.</p> <p>Attached is the calculation of the capital contributions. Please refer to Annexure G.</p>	Water	R36 857,99	Bulk water	R51 701,85	Sewer	R27 927,69	WWTW	R37 555,11	Roads	R 5 939,52		
Water	R36 857,99													
Bulk water	R51 701,85													
Sewer	R27 927,69													
WWTW	R37 555,11													
Roads	R 5 939,52													
Cleaning services	1 November 2023	Waste wheelie bin storage area to be easily accessible by the refuse collection truck. The storage area floor must be sloped towards a grid inlet that is connected to the sewer reticulation for washing band sanitising purposes.	Positive	Negative										
Building Control	3 November 2023	Building plans to be submitted to Building Control for consideration and approval	Positive	Negative										
Protection services	7 November 2023	No comment	Positive	Negative										
Department of Transport and Public Works Please refer to Annexure H	23 September 2023	<p>The application affects the section of Main Road 226 (Piet Retief Street) for which this Branch is the Road Authority however, the road operates like a municipal street.</p> <p>This Branch offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014.</p>	Positive	Negative										

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>Hega North</p> <p>Resident near proposed development.</p> <p>Please refer to Annexure I.</p>	<p>Me North wish to strongly object to the subdivision and development of Erf 361 Riebeeek Kasteel as far as the proposed plan to convert the church hall into 12 flats/tiny apartments is concerned. The objector states that the residential plots are not a problem, but the proposed development of the church hall into 12 flats is, according to her, unacceptable.</p> <p>1. The proposed flats will have a negative impact on the character of the village. The objector points out that there are already flats on the corner of van Riebeeek and Royal Streets, in the old police station on Piet Retief Street, on the corner of van Riebeeek and Roos Streets and in Skool Street and is of opinion that it surely is enough small residential flats in the centre of the town.</p>	<p>Noted</p> <p>1. The Owner deeply values the sentiments expressed by residents regarding the village character of Riebeeek Kasteel and shares a vision for its preservation, wherever practically feasible. This vision serves as the foundation for the Owner's approach to formulating the development proposal.</p> <p>Acknowledging the evolving circumstances, the Owner recognizes its inability to maintain the asset as before and aims to consolidate property-related obligations to a single location, aligning with operational requirements. Consequently, releasing Erf 361 and progressing with the development if suitably designed accommodations on Erf 436 (around the church building) is considered a practical and necessary step in sustaining the congregation's ongoing activities. Mindful of its longstanding role in the Riebeeek Kasteel community and the spatial value attributed to its properties, the Owner explored diverse options for redeveloping ERF 361, particularly the hall building. These options ranged from a full-care retirement facility to high-density luxury self-care apartments for early retirees. The most viable alternative is encapsulated in the presented development proposal.</p> <p>The core objectives of the development revolve around optimizing costs and mitigating the impact of the change in land use on the surrounding neighbourhood. Setting aside the issue of the two single residential erven for now, the Owner believes that utilizing the current hall structure with minimal structural alterations</p>	<p>1. The proposal will achieve higher densities, will result in the optimum use of land / space within the urban edge, will not have a negative impact on the character of the area as well as not adversely affect the sense of place.</p> <p>The two single residential erven will integrate seamlessly into the existing urban fabric.</p> <p>The proposed apartments compliment the denser residential land use activities already featured in the vicinity.</p>

	<p>2. The objector states that she has become aware that lower cost housing has become a need, however not in central Riebeeck Kasteel.</p> <p>3. The objector is concerned that the number of flats is very high density living which could create problems in itself, including noise levels, (children, pets, visitors, traffic).</p> <p>4. The objector is concerned that traffic in town is already a problem. Whenever there is an event in the village over weekends and holidays there are very little parking in town.</p>	<p>to its exterior is key to achieving the main development objectives.</p> <p>The primary goal is to create dwelling opportunities for the middle to higher income bracket of the property market, specifically catering to individuals who appreciate the historical character of Riebeeck Kasteel.</p> <p>Preserving the existing sense of place is deemed essential to the project's success.</p> <p>The Owner is confident that there is a market for these types of apartment units in Riebeeck Kasteel, emphasizing that the current rental apartment stock in town falls short of delivering the desired standard of service and value proposition. In this regard, the Owner will collaborate closely with experienced property developers with a proven track record in this segment of the property market.</p> <p>2. Please see response above.</p> <p>3. Please see response above.</p> <p>4. Initially, the Owner considered developing a third single residential erf at the north-eastern corner of ERF 361 (intersecting Piet Retief and Skool Streets). However, upon obtaining further clarification regarding the ownership status of the split remainder of ERF RE/164</p>	<p>2. The proposal will create housing opportunities within walking distance from the economic and social facilities, which is supported.</p> <p>3. Noted. The proposal will not result in the increase in noise levels. It could be argued that the existing use of the property as a place of assembly has a much larger impact in terms of possible noise as well as traffic.</p> <p>The high level of accessibility as well as the sufficient number of parking bays provided result in the proposal not having a negative impact on the existing road network.</p> <p>4. Sufficient parking is proposed as required in terms of the development management scheme for the proposed development.</p>
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	<p>5. It is also noted that parking has been allocated to the flats, but a possible two car family, as well as visitors to those 12 flats, the objector asks whether that will not cause other traffic and parking issues.</p> <p>6. The objector suggest that the church hall rather be converted into a few different facilities for example a community centre of sorts, a step-down facility, a sports facility - with squash courts, table tennis etc, rather than the developer packing flats into that building.</p>	<p>(located between Piet Retief Street and the northern boundary of ERF 361), the decision was made to forego the development of the third erf. Instead, this space is allocated for on-site parking for the apartment units.</p> <p>In accordance with the Site Development Plan (SDP), the proposed parking facilities include 20 standard parking bays and two designated for disabled persons. It is noteworthy that this provision exceeds the development parameter requirements for onsite parking outlined in the Zoning Scheme for "Flats" (par. 13.1).</p> <p>The split remainder portion of ERF RE/164 is classified as "street" under a TRANSPORT ZONE II designation, encompassing public parking use. Since the inception of the church hall in 1959, this portion has consistently served as a parking space, and logically, this use will persist. Consequently, the area north of the apartment building will continue to be utilized for public parking by visitors to surrounding properties, including the proposed apartment building in ERF REM/361.</p> <p>5. Please see response above.</p> <p>6. See the response above regarding the consideration of alternative development options.</p>	<p>5. Please refer to the comments above.</p> <p>6. The repurposing of existing buildings into more feasible / sustainable use resulting in the optimal use of land and space within the urban edge is supported from a Town Planning Point of view. The proposal will not detract from the character of the area and will provide the owner of Erf 361 the income that can be used towards developments on Erf 436 (Church property) that align better with their long-term objectives. This development proposal aims to optimize Erf 361's potential and maximize returns.</p>
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<p>TC & E Siebert as owners of Erf 1969 Riebeek Kasteel. Please refer to Annexure J</p>	<p>Mr and Mrs Siebert object to the proposed application, specifically to the conversion of the church hall into flats.</p> <p>7. Neighbourhood character</p> <p>(a) The objectors state that the church hall building dates back to 1959, forming part of the urban fabric not only of the immediate surrounding residential area, but also the town. The conversion of the church hall into flats poses a considerable impact on this sense of place.</p> <p>(b) The church hall serves as a hub for community activities, gatherings, or events. Converting it into residential flats will eliminate this communal space, which plays a crucial role in fostering social interactions, community cohesion, and local events that contribute to the town's vibrancy.</p> <p>(c) In Riebeek Kasteel, the promotion of higher densities typically revolves around</p>	<p>7. Neighbourhood character</p> <p>(a) The proposal seeks to preserve the building's distinctive character primarily by confining substantial modifications to the interior of the existing structure. The exterior of the building will largely remain intact. The historical significance and spatial value inherent in the structure, contributing to elements like a sense of place, will be thoughtfully maintained, ensuring no loss to the town's cultural heritage.</p> <p>(b) It is essential to differentiate between the Hall's functionality for the town and its functionality for the Owner. While acknowledging the positive impact the Hall brings to Riebeek Kasteel as a whole, it is imperative to recognize that the building primarily serves the needs of the local Dutch Reform Congregation. Since the establishment of the Hall in approximately 1959, there has been a significant transformation in the composition and size of the Congregation. This evolution necessitated a reassessment of the functional requirements for the Hall and the organizational capacity to manage and maintain various properties.</p> <p>In light of these changes, the Congregation, mindful of its responsibility to address practical considerations, made a strategic decision to relinquish the Hall. This decision is not influenced solely by the Objector's perceptions of the town's needs for a hall. Instead, it stems from the Congregation's commitment to adapting to its own evolving requirements. The objective is to facilitate a more focused and purposefully designed development outcome, concentrating on new buildings situated around the Church on ERF 436 (in Main Road) to better accommodate its activities.</p> <p>(c) The development proposal ensures the preservation of the architectural landscape in Riebeek Kasteel,</p>	<p>7. Neighbourhood character</p> <p>(a) The proposal will achieve higher densities, will result in the optimum use of land / space within the urban edge, will not have a negative impact on the character of the area as well as not adversely affect the sense of place.</p> <p>(b) The church council has clearly considered the continued use of the building in its current position and found that it was not feasible to keep it. As mentioned by the applicant it is not a community hall but rather a church hall for the local Dutch Reform Congregation.</p> <p>Although the Churches plans on erf 436 are not presented as part of the application, the proposed concentration of buildings around the existing church and therefore resulting in the optimal use of space and land within the town is a planning principle that should be supported.</p> <p>(c) The proposal does not detract from the character of the area. It could be</p>
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	<p>strategies such as adding extra dwellings within existing residential properties or developing higher density estates. These approaches maintain and reinforce the town's rural character. The proposed typology of converting the church hall into flats diverges significantly from the established character and architectural norms prevalent throughout Riebeek Kasteel. The introduction of flats within this historical context would represent a departure from the customary architectural landscape characterized by lower-density housing and traditional rural aesthetics.</p> <p>8. Traffic and congestion</p> <p>(a) The current usage of the church hall primarily occurs during weekends for specific events or gatherings, resulting in sporadic traffic flow limited to these particular times which has a limited impact in terms of traffic and congestion. However, the proposed conversion of the church hall into flats entails a permanent shift in the building's function from a weekend-specific public facility to a residential space. This transformation will generate continuous traffic</p>	<p>maintaining the spatial character of the vicinity. This is achieved by retaining the overall structural integrity of the Hall, including external elevations and, for example, the overarching scale in terms of the roofline. By repurposing the functionality of the structure to align with the prevailing residential land use character of the area, the proposal effectively extends the lifespan of the Hall's spatial value and contribution to the sense of place in the vicinity.</p> <p>Notably, the development avoids increasing the physical extent of the built footprint within a low-density residential zone. The construction of apartments is confined to a pre-existing built-up area, demonstrating a conscientious approach to maintaining the existing development character of the community. The inclusion of two additional single residential dwellings adheres to development parameters aligned with the minimum erf sizes specified in the Spatial Development Framework for Riebeek Kasteel (Development Zone D).</p> <p>This proposal strategically addresses the need for residential densification in a sensitive and accommodative manner. It steers clear of the potential pitfalls associated with simply subdividing large residential stands, a practice that could lead to a dense and compact inner-city development footprint. By doing so, the proposal ensures that residents can enjoy a meaningful lifestyle experience in the serene environment of a "plattelandse" Swartland town.</p> <p>8. Traffic and congestion</p> <p>(a) Erf 361, along Piet Retief Street, is an activity street linking the property to Riebeek Kasteel's centre. It aligns with the SDF's motivation for densification and mixed-use developments on such streets.</p> <p>The proposal focuses on adding 14 dwelling units in a residential area, logically anticipating increased traffic. This increased flow is, however, mitigated by the strategic location of the site, luxury apartment development concept, and existing traffic patterns in the</p>	<p>argued that it rather complements the existing mixed use / mixed density nature of the surrounding area. With the property also being situated next to an identified activity street, the proposal is also supported in terms of spatial planning principles.</p> <p>8. Traffic and congestion</p> <p>(a) The proposal will not have a significant impact on the road network. The property is accessible from three streets and with ample parking provided for the proposed flats.</p>
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	<p>flow, predominantly associated with residential living, thereby significantly altering the traffic patterns in the area.</p> <p>(b) In Riebeeck Kasteel, the typical street block comprises an average of 3 to 4 residential plots along each side. This configuration generally entails a maximum of 4 access points distributed evenly along each side, accommodating an average of 2 vehicles per entry point, totalling 8 vehicles requiring access on a respective block side. However, the proposed conversion of the church hall into flats is projected to accommodate 18 vehicles, based on the requirement of 1.5 parking spaces per flat. Additionally, with the inclusion of two proposed residential plots adjacent to the intended flats, the total vehicles seeking access on this side of the block would rise to 22. This is nearly three times the customary vehicle access for a side of a block.</p>	<p>neighbourhood influenced by an abundant number of nearby guest accommodations (adding to continuous traffic flow throughout the day).</p> <p>The proposed development layout maintains current traffic patterns. Public access to apartments and parking is via Piet Retief Street, while private access uses Skool Street and Van Riebeeck Street.</p> <p>(b) The development proposal provides a realistic reflection of Riebeeck Kasteel's current development landscape. Traditional eight-erf street blocks are scarce, with only one identified further south of ERF 361 (between Skool and Rose Streets and Kasteel and Kloof Streets).</p> <p>The creation of panhandle erven, exemplified by the Objector's ERF 1969, has notably increased dwelling units and contributed to heightened traffic flow in the neighbourhood (for example Skool and Rose Street between Main and Piet Retief Streets).</p> <p>In Riebeeck Kasteel, the classical eight-erf street block, along with its associated street access per block, is an exception rather than the norm. Most street blocks have undergone reconfiguration in terms of erf boundaries and layouts across the town.</p> <p>The Owner is conscious that excessive development could compromise Riebeeck Kasteel's unique character, vital for its appeal as a sought-after residential destination. They therefore want to echo the Objector's description of the vicinity as "a quiet part of the quaint village" (https://blaauw-riebeek.co.za/).</p> <p>To minimize the development's impact on the area, including traffic flow, the proposal aims to confine construction within ERF 361's existing built footprint. Additionally, surrendering a third residential erf (at the corner of Piet Retief and Skool Streets) is proposed to accommodate off street parking for the apartment building, showcasing the Owner's commitment to mitigating the project's effects on the surroundings.</p>	<p>(b) The objector fails to realise that the area in which the specific property is located does not comprise of a typical street block. The existing mixed use character of the area indicates that the proposed flats will not detract from the status quo.</p> <p>The objector also fails to realise that the current permitted use of the property as a place of assembly, should it be used to its full potential, it would have a much larger impact on the traffic in the area than that of the 12 flats.</p> <p>With the objector's property being situated within Van Riebeeck Street and the proposed flats getting their access form Piet Retief Street and Skool Street. It is clear that the proposal will have an minimal impact on the objectors property in terms of the possible increase in traffic.</p>
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	<p>(c) While the applicant contends that the section of the remainder of Erf 164, situated north of Erf 361, is currently designated as a public road area used for parking, and will persist in serving as off-street parking, this allowance should not be permitted. It is reasonable for this space to function as public parking that caters to the needs of the community while Erf 361 houses the church hall which is considered a public facility. In the event that the church hall is converted into flats, the establishment will shift from a public facility to a land use with private interests. As such, the argument stands that the public parking area, initially designated to support public amenities, should not be repurposed to serve the private interests associated with the proposed flats. On these grounds, the portion of Erf 164 designated as a public road area should not be appropriated to accommodate off-street parking for the intended flats.</p> <p>(d) Therefore, the additional vehicles linked to the flats must rely on a single entrance from School Street, contrary to the conventional distribution of access points for individual residential properties. Consequently, this concentrated traffic influx will substantially exacerbate congestion and disrupt the smooth flow of movement within the neighbourhood. The proposal is thus in stark contrast to the current situation with single residential properties, where access points are more evenly dispersed, mitigating traffic concentration and congestion issues. The disproportionate increase in vehicle volume and the subsequent congestion that the proposed flats would bring will severely impact the existing traffic dynamics and neighbourhood functionality.</p> <p>9. Services</p>	<p>(c) Contrary to this, the Owner is keen on acquiring the land portion referenced by the Objector. Initially intended for on-site parking in the apartment area development proposal, the Owner believed it was privately owned (by the Owner of ERF RE/164) and made an offer to purchase. Swartland Municipality intervened, asserting ownership based on prescriptive acquisition principles. Rather than pursuing the matter further, the Owner opted to revise the site development plan. The land portion is now excluded, left for utilization in alignment with its formal land use designation as a public street (specifically for public parking purposes).</p> <p>(d) Refer to remarks above in relation to the "normal state of development" in Riebeeck Kasteel.</p> <p>9. Services</p>	<p>(c) A property indicated as public street or road on a diagram approved by the Surveyor General vests in the name of the municipality. The zoning of such property is also deemed Transport zone 2 which allow public parking. This portion of erf 164 was clearly been earmarked for road widening purposes as can be found on several properties along Piet Retief Street. Ample parking is proposed on the subject property as well as that the future residents of the flats will not be able to reserve the parking bays situated on the portion of erf 164.</p> <p>(d) Please refer to the comments above regarding the increase in traffic as well as the potential impact thereof on the objectors property.</p> <p>9. Services</p>
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	<p>GLS notes that accommodating the development will have a negative impact on water supply to the higher lying erven in the Riebeek Kasteel. Accommodating the proposed development without adhering to such recommendations could exacerbate existing deficiencies in the water supply infrastructure, affecting not only the proposed flats, but also impacting the reliability and adequacy of water distribution to the wider surrounding network. Converting a church hall into flats might strain all local infrastructures like sewage, water supply, and electricity if it wasn't initially designed for residential purposes.</p> <p>10.General</p> <p>The conversion of a church hall into flats disregards the historical and cultural significance of the building, erasing a tangible piece of history that holds sentimental and symbolic value for the community. Maintaining these structures as cultural landmarks or community spaces rather than repurposing them for private residential use is of importance.</p> <p>Should there ever arise a real need for alternative ways to repurpose the building that respect its historical and cultural value, whilst still meeting the community's needs, there are options such as transforming it into a community centre, museum, art space, or another public-use facility that retains its original character and purpose and would not have a negative impact on the surrounding neighbours.</p> <p>Furthermore, the demolishing of the inside of the hall (wooden floors, stage area, kitchen etc.) and the rebuilding of the new development would have a very negative impact noise and dust wise on all the neighbouring properties. The existing old trees that provide a natural fence and a lot of privacy for their swimming-pool area might also be damaged</p>	<p>The developer will adhere to the recommendations in the GLS report and as directed by the Engineering Department of Swartland Municipality.</p> <p>10. General</p> <p>The Owner acknowledges the Objector's sentiments but emphasizes the need to address real-world conditions responsibly. The Dutch Reform Congregation of Riebeek Kasteel has evolved since the hall's commissioning in 1959, facing different challenges with limited resources to retain the property. The Owner must reorganize to align with its current membership and financial capacity.</p> <p>The congregation cannot be expected to subsidize infrastructure and property for the town without adequate resources. However, the Municipality, representing the town, is invited to relieve the Owner of this responsibility by acquiring the property. This would help maintain the space's functionality and its contribution to the town's character.</p> <p>Justifying this, the town should be prepared to compensate the Owner for the asset at a value corresponding to the expected proceeds from the development's sale.</p> <p>This information should be considered in the context that the Objector owns and operates a guest house facility on the adjacent Erf 1969 (https://blaauw-riebeek.co.za/), and as far as we understand, is not a resident of the property. The proposed development, including construction activities, will adhere to industry best practices. The final building plans will incorporate elements to address storm</p>	<p>As confirmed by the Director Civil Engineering services as well as supported by the services reports, the proposed development will not have a negative impact on the existing services networks within town and sufficient capacity exist to accommodate the proposed new 14 units. The developer is responsible for development charges that will be used as the proportional contribution to the municipality's planned upgrades to the existing services network in terms of water as well as sewerage.</p> <p>10.General</p> <p>The challenges of the owner of the property is recognised as well as that the church cannot be expected to subsidise infrastructure.</p> <p>The construction phase of the repurposing of the building is temporary in nature. The same applies to the construction of the two new dwellings on the proposed portions A and B.</p> <p>As confirmed by the applicant, the owner does not intend to remove or damage any of the existing trees on the subject property.</p>
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	<p>or negatively affected. These trees also serve as an eco-friendly way of regulating the natural spring that exist on the hall side of the church property, the natural flow of water from the higher lying properties in our block is through our property into the church yard and redevelopment might have a negative impact on the disposal of the excess water. This past year especially we had a very big problem with the high volume of water that flowed through our property into the church hall side of Erf 361 Riebeek Kasteel.</p> <p>11.The objectors also want to add that they would never have bought their property if the proposed development of Erf 361 existed. They bought their house because it was next to the hall and parking area for they liked the privacy the peaceful and spacious feeling the neighbouring property provided.</p> <p>12.For these compelling reasons, they express their firm opposition to the proposed repurposing of the church hall into flats.</p>	<p>water management effectively. Currently, the Owner has no intention to cut any trees on the property. However, the Objector is encouraged to enhance greenery on their side of the fence as they see fit in the meantime.</p> <p>11. The Objector acquired ERF 1969 on February 5, 2021, for R2.4 million (T21234/2021). Originally defined in 2006 through a survey diagram, the land unit, approximately 794m² in size, resulted from the subdivision and consolidation of pre-existing erven. It was first transferred in 2015.</p> <p>Satellite images reveal that development on the land unit commenced in 2016, with substantial alterations undertaken in the latter half of 2022. The Owner's primary objective is to preserve the privacy and tranquillity of the location, crucial for attracting potential buyers for the apartments. The strategic placement of the ground base stage in the south-western corner of REM/361, bordering ERF 1969, will serve as a significant buffer area between the apartment building and the Objector's guest house</p> <p>12. Please refer to the responses above regarding the need for the Owner to confront the challenges it has to face while having to contend with a dynamically evolving environment.</p>	<p>11.Noted.</p> <p>12.Noted</p>
<p>Mr Nick Treurnicht on behalf of the Nic Treurnicht Trust, as Neighbouring property</p>	<p>Mr Treurnicht wishes to object to the proposed rezoning, subdivision and all aspects of the application concerning Erf 361, Riebeek Kasteel, as notified by the Swartland Municipality in the letter dated 3 November, 2023.</p> <p>The contents of the objections are, word for word, exactly the same in terms of the objection on behalf of Kasteel Eiendom as well as the Nic Treurnicht</p>		

<p>owner of erven 1001 and 374, Riebeeck Kasteel</p> <p>Mr Nick Treurnicht on behalf of Kasteel Eiendomme, Neighbouring property owner of erven 470 and 1315, Riebeeck Kasteel</p> <p>Annexure K & L</p>	<p>Trust. For ease of reference and to limit duplication the objections are presented collectively.</p> <p>Mr Treurnicht wishes to object to the proposed rezoning, subdivision and all aspects of the application concerning Erf 361, Riebeeck Kasteel, as notified by the Swartland Municipality in the letter dated November 3, 2023.</p> <p>13. The objector is specifically concerned about the departure of the building line up to 0m.</p> <p>The 5m building line must be retained at all costs to match the building line of the rest of Skool Street's existing properties.</p> <p>There is no precedent for deviating from the well-established 5m building line, and it would totally undermine the aesthetic appearance and character of the entire town centre, should this deviation be allowed on a key street in the town.</p> <p>More so, considering that the application envisages a wall right on this 0m line, the height of which has not even been specified yet. The 0m departure will in the objector's opinion adversely affect the entire layout of Skool Street and violate Riebeeck Kasteel as a whole, and adversely affect adjacent property values.</p> <p>14. Concern is raised regarding the lack of information provided for phase 1.</p> <p>No mention is made, or explanation given, of further development plans under Phase 1 of this project. An application is simply made for rezoning prior to land use: Residential zone 1.</p> <p>This is a comprehensive development in a key area of the town, and nothing prevents the applicant later, from obtaining the departures and easements obtained in Phase 2, then (in the future) using them to further develop Phase 1</p>	<p>13. The request for the departure is confined to a specific section of the southern boundary of ERF REM/361, adjoining ERF RE/164. This adjustment is necessary to facilitate the relocation of the existing ground-mounted installations of a Rooftop Base Station, which is permitted as a primary land use right under the land unit's current zoning classification as COMMUNITY ZONE II.</p> <p>It's crucial to note that the departure is restricted to a portion of the side boundary concerning the proposed ERF REM/361. Importantly, its impact will not extend to any street boundaries.</p> <p>14. The phasing of the development is a practical response to the Municipality's requirement, which entails an initial call for the rezoning of ERF 361 to SUBDIVISIONAL AREA (section 30.(2) of the Scheme). Following this, the subsequent rezoning of the subdivisions, initially focusing on POR A and POR B to SINGLE RESIDENTIAL ZONE I (PHASE 1), and later addressing the REMAINDER to GENERAL RESIDENTIAL ZONE 3 (PHASE 2).</p> <p>While we acknowledge the input from the Objector, it is important to convey that we are unable to provide more information than what has been outlined regarding the</p>	<p>13. The proposed departure of the building line on neighbouring properties, in order to accommodate ground mounted supporting equipment for the existing transmission tower, is deemed minimal to none. All other structures complies with the parameters of the applicable zoning scheme and should alterations or additions be proposed in the future that departs from the provision of the development management scheme, the relevant public participation process will be followed and the affected property owners notified. The objector and or his property are not affected by the proposed departure.</p> <p>14. The information provided in the notice is deemed sufficient. The full application document are available for inspection as indicated in the notice. As a norm, the municipality does not require a site development plan for the subdivision of Residential zone 1 properties. The development of these two plots will be done in accordance with the applicable by-law.</p> <p>The objector is clearly miss-informed about the proposed departure being</p>
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	<p>with the same departures and relaxations already obtained in Phase 2. This approval may mean that Phase 1 may then apply both the controversial deviations of 2.5m in height and 0m building line on the Southern border with ease.</p> <p>In its entirety, such a set of walls on the 0m line, plus the quite likely electrical or other wires on top, right in the centre of town would establish a kind of Alcatraz on a rural town, where the height and building line restrictions to the street, contribute much to the aforementioned atmosphere and access hereto. (Piet Retief Street can rightly be considered the main street of the town.)</p> <p>It is also strange that Phase 2 is developed first, and that Phase 1, about which dangerously little information is provided, will supposedly be developed later.</p> <p>This departure should therefore not be approved.</p> <p>Should it be granted despite these objections, the strictest conditions and restrictions on Phase 1 to standard Residential zone 1 use should be enforced. Alternatively, Phase 2 should not be approved at all, until the applicant has submitted a complete, separate application for Phase 1 as well, and both can be considered together in their totality.</p> <p>15. Concerns are raised regarding the potential impact of phase 1 & 2 on existing infrastructure</p> <p>Between the two phases of the project, there may possibly be more than 30 residential units built on Erf 361. This will result in tremendous compaction on Erf 361. We believe that the existing infrastructure on Riebeek Kasteel (roads, sewage, storm water as well as water and power supply) will not be able to handle the</p>	<p>phases. The Owner operates with transparency and has no hidden agenda.</p> <p>15. The applicant did not comment on this point of the objection.</p>	<p>applied for. As will be discussed in more detail later, the application for the departure of the height restriction is deemed not applicable and as mentioned above, the departure of the building line does not affect the objector.</p> <p>15. Application is made for 2 residential zone 1 properties as well as 12 flats and should the application be approved the use will be restricted to that. The assumption that up to 30 units may be built is therefore not accurate.</p> <p>As confirmed by the Director Civil Engineering services as well as supported by the services reports, the proposed development will not have a</p>
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	<p>additional burden of this high density project without much more proper, detailed planning.</p> <p>No information was received in the application about plans and undertakings of the developer(s) to help develop this necessary infrastructure.</p> <p>In fact, there is no indication whatsoever as to who the developers in the project will be (or what processes will be followed to select them): in itself this should delay this application for further investigation, inquiries and information.</p> <p>16.Height deviation "to 6.5 m".</p> <p>The application for departure "from the 2.5m height to 6.5m, allowing the roof base station's antenna tip to project above the building" is unclear, inconsistent with the attached drawings, and in fact, incomprehensible.</p> <p>Therefore, proper comments and possible objections to them, unlike the objections regarding height deviations elsewhere herein, cannot properly be made here.</p> <p>The author/objector therefore reserves the right to further object to this when proper explanation has been provided in this regard, as requested herewith from the applicant.</p> <p>17.Procedural and Legal Aspects</p> <p>No minutes in which this decision, plans and application are duly authorized by the Church Council of the Owner (NG Church, Riebeeck Kasteel) could be located.</p> <p>There are therefore good reasons to believe that the assignors of the Owner acted ultra vires (outside their powers and regulations) and without proper mandate from the Church Council in an</p>	<p>16. For detailed dimensions of the rooftop base station land use activity, please refer to the diagrams outlined in ANNEXURE E of the land use application. It's noteworthy that this land use is permitted as a primary activity under COMMUNITY ZONE II. However, under GENERAL RESIDENTIAL ZONE 3, it is categorized as a CONSENT use activity. This classification necessitates the inclusion of a consent use application component for regulatory purposes under the incoming zoning classification for the land unit.</p> <p>17. Please consult ANNEXURE B of the land use application for a segment from the minutes of the Church Council Meeting dated 08 June 2022, disclosing the appointment of the applicant and providing guidance regarding the land use application.</p> <p>Subsequently, the applicant has consistently followed this directive through periodic briefing sessions with representatives of the Church council. These representatives include Mr. Natie Albertyn, Chairperson of the General Council, Ds Andre du Plessis, minister to the Riebeeck Kasteel Congregation, and Mr. Zakkie</p>	<p>negative impact on the existing services networks within town and sufficient capacity exist to accommodate the proposed new 14 units. The developer is responsible for development charges that will be used as the proportional contribution to the municipality's planned upgrades to the existing services network in terms of water as well as sewerage.</p> <p>16.As will be discussed in more detail later, the application for the departure of the height restriction is deemed not applicable. The maximum height allowed under the General Residential Zone 3 zoning is 21m. The existing transmission tower is only 15m which is well within the requirement.</p> <p>17.The applicant provided the municipality with a power of attorney as well as a resolution / letter from the Church that is deemed sufficient for the municipality to process the application. The applicant is therefore deemed authorised to submit the application on behalf of the owner of the property.</p>
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	<p>open process, by having the applicant bring the application at this stage.</p> <p>18. There is great uncertainty about both the financial implications for the Church and what will be lost for the Church, should this central, key building be willingly converted into residential units.</p> <p>The application should not be considered until due consideration has been given in open, full meeting, and properly authorized decisions have been made in Church Council, regarding the plans, the implications of the application, as well as the plans going forward, should the Church's hall be destroyed.</p> <p>No time frame or proper plan exists, and it is clear that the Church (and community) will be without a hall. In itself, this creates a great loss to community cohesion in a town with limited such resources.</p> <p>19. The hall which is the subject of the application has a long history as a community focal point and carries a rich cultural history around the town and its heritage. The building, proposed to be altered is approximately 62 years old, and is protected by the so-called 60-year rule. (In accordance with Section 34 of the National Heritage Resources Act, no person or entity may modify or demolish such a structure (or part thereof) without obtaining a permit from the relevant provincial authority.) It would therefore, on this ground alone, be absolutely illegal and reviewable, should this application as presented, be granted.</p> <p>20. The writer trusts that the Management of Swartland Municipality will consider these objections seriously and fully, and refuse the application. This development (as now</p>	<p>Bester, representing the Council's property subcommittee. These sessions have been ongoing since the decision was made in 2022, with regular updates provided to the general meeting.</p> <p>18. See the previous response above.</p> <p>19. The Hall is older than 60 years (having been inaugurated on 20 March 1959).</p> <p>However, the Applicant confirmed that the hall is not listed by the Swartland Municipality as a heritage building. The Municipal Building Inspector, in his opinion, will refer the building plans to Heritage Western Cape for input at the time when these are submitted for approval.</p>	<p>18. Although aimed at the subject project / application, the comment refers to the internal affairs of the Church and not the land use application. Should the application be approved the Church Council should still have to make a decision whether they would like to continue with the project.</p> <p>19. The proposed development will not have a negative impact on any heritage or environmental resources. The existing building was identified not being of any conservation value, although older than 60 years. The application for the change in use can be considered as the alterations to the building will only be confirmed on building plan stage were the comments / consent from Heritage Western Cape be required before the building plan can be recommended for approval.</p> <p>20. Please refer to the comments above.</p>
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	<p>proposed) will have a serious negative impact on the core of the town and its unique character.</p> <p>Note: Author prefers and await all correspondence by email. You are requested to inform the author of any public hearings or meetings in a timely manner, as the author will be happy to participate in them.</p>		
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PART J: MUNICIPAL PLANNING EVALUATION

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

The application in terms of the By-law was submitted on the 24th of October 2023. The public participation process commenced on the 3rd of November 2023 and ended on the 4th of December 2023. Objections were received and referred to the applicant for comment on 12th of December 2023. The applicant applied for an extension of the commenting period which was granted until the 26th of January 2024. The municipality received the comments on the objection from the applicant on the 15th of January 2024.

Division: Planning is 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 is defined as the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. The principle of spatial justice seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities.

The proposal will expand the housing opportunities in Riebeek Kasteel. The development also result in densification which in turn limits urban sprawl as well as due to the location of the subject property, creates residential opportunities within the centre of town. It can also be argued that the inclusion of the proposed flats in the proposal creates residential opportunities which may contribute to spatial justice, due to affordability.

The proposed development is deemed consistent with the Swartland MSDF, 2023 as well as the goals of the district and provincial spatial policies as will be further discussed below. The consideration of the application also realises the owner of the property's right to apply in terms of the relevant legislation.

The application therefore complies with the principle of spatial justice.

Spatial Sustainability

The above-mentioned principle refers to land development being spatially compact, resource-frugal, and compatible with cultural and scenic landscapes. It should also not involve the conversion of high potential agricultural land or compromise ecosystems.

The proposed development is within the urban edge of Riebeek Kasteel and according to the Swartland MSDF, 2023. It can therefore be argued that the proposed development promotes spatial compactness and sustainable resource use within the urban edge. The proposed development is consistent with the development proposals of the MSDF and will not have an adverse impact on high potential agricultural land or compromise ecosystems. The existing infrastructure will be optimally used, and the site will be developed to its full potential. The development will connect to the municipal services and will not have a financial burden on the Municipality.

The application therefore complies with the principle of spatial sustainability.

Spatial Efficiency

Efficiency, in terms of the PSDF (Provincial Spatial Development Framework), relates to the form of settlements and use of resources. It also relates to the compaction as opposed to sprawl; mixed-use, as opposed to mono-functional land uses; residential areas close to work opportunities as opposed to dormitory settlement, and the prioritisation of public transport over private car use.

The proposed development is clearly supportive of the above mentioned principle given the nature of the development as well as the location next to an identified activity street.

Spatial resilience

The principle of Spatial resilience refers to the capacity to withstand shocks and disturbances such as climate change or economic crises and to use such events to catalyse renewal, novelty, and innovation. The proposed development provides different housing typologies. The proposal therefore satisfies multiple needs of the residents as well as integrating spatially within the existing town. The development is also proposed in phases to ensure its viability.

Good Administration

The application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. 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 timely manner. It is therefore argued that the principles of good administration are complied with by the Municipality.

2.2 Provincial Spatial Development Framework (PSDF)

The PSDF (2014) states that the average densities of cities and towns in the Western Cape is low by international standards, despite policies to support mixed-use and integration. There is unmistakable evidence that urban sprawl and low densities contribute to unproductive and inefficient settlements as well as increase the costs of municipal and Provincial service delivery.

The PSDF suggest that by prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

It is further mentioned in the PSDF that the lack of integration, compaction, and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the environment, and the economy. Therefore, the PSDF provides principles to guide municipalities towards more efficient and sustainable spatial growth patterns.

One of the policies proposed by the PSDF is the promotion of compact, mixed-use, and integrated settlements. The PSDF can achieve this by doing the following:

1. **Target existing economic nodes (e.g. CBDs (Central Business District), township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares, and markets, etc.) as levers for the regeneration and revitalisation of settlements.**
2. **Promote functional integration and mixed-use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.**
3. Locate and package integrated land development packages, infrastructure, and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.
4. **Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining, and tourism remain important economic underpinnings of rural settlements.**
5. Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
6. Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient, and sustainable forms of urban development.
7. Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
8. **Municipal SDFs (Spatial Development Framework) to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities, and appropriate development typologies.**

The PSDF further states that scenic landscapes, historic settlements, and the sense of place which underpins their quality are being eroded by inappropriate developments that detracts from the unique identity of towns. These are caused by inappropriate development, a lack of adequate information and proactive management systems.

The Provincial settlement policy objectives according to the PSDF are to:

1. Protect and enhance the sense of place and settlement patterns
2. Improve accessibility at all scales
3. Promote an appropriate land use mix and density in settlements
4. Ensure effective and equitable social services and facilities
5. Support inclusive and sustainable housing

And to secure a more sustainable future for the Province the PSDF propose that settlement planning and infrastructure investment achieves:

1. Higher densities
2. A shift from a suburban to an urban development model
3. More compact settlement footprints to minimise environmental impacts, reduce the costs, time impacts of travel, and enhance provincial and municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities, and services.
4. Address apartheid spatial legacies by targeting investment in areas of high population concentration and socio-economic exclusion.

The development proposal is therefore deemed consistent with the PSDF as the proposal will achieve higher densities, will result in the optimum use of land / space within the urban edge, will not have a negative impact on the character of the area as well as not adversely affect the sense of place. This is achieved by mainly complying with the minimum property size for Residential Zone 1 properties ensuring integration within the existing urban fabric, but also, the sensible repurposing with minimal alterations proposed to the external look of the existing church hall. Lastly, it could be argued that the development will result in the creation of numerous job opportunities in the long and short term.

The proposed development is therefore deemed consistent with the spatial development principles of the PSDF, 2014.

2.3 West Coast District SDF, 2020

In the WCDSDF, 2020 it is stated that the functional classification for Riebeek Kasteel is residential / tourism and according to the growth potential study Riebeek Kasteel is a small town that has a high growth potential.

In terms of the built environment policy of the WCDSDF, local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification, and basic service provision. Priority should also be given to settlement development in towns with the highest economic growth potential and socio-economic need.

The WCDSDF rightfully looks at spatial development on a district level. However it does promote the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required in terms of SPLUMA and recommended in the PSDF, 2014), to improve quality of life and access to amenities and opportunities to all residents in the WCDM.

The proposal is deemed consistent with the WCDSDF.

2.4 Integrated Development Plan (IDP) and Municipal Spatial Development Framework (SDF)

The Swartland IDP 2023 states that the Municipality's vision is forward thinking 2040, a place where people can live their dreams. The proposed development will contribute to the Strategic Goal 2 of economic transformation through the potential growth in the economy achieved through this investment in Riebeek Kasteel as well as the numerous job opportunities created by the proposed development in the short and long term. The proposed development also supports strategic goal 4 of the IDP through the development high density housing opportunities and the proposed design respecting the existing building on the property that is older than 60years.

According to the spatial development proposals of the Swartland MSDF, 2023 the subject property is in Land Use Proposal Zone D. Zone D consist of a residential as well as institutional character with government functions. There are mixed density residential uses with opportunities for infill development.

Low density residential uses (Proposed portions A and B) are supported within this zone.

High density residential uses are also supported, however the land use proposal indicate that it should only be accommodated along activity streets/corridors or at the proposed future residential development nodes. Piet

Retief Street is clearly an identified activity street resulting in the proposal being deemed consistent with the MSDF, 2023. Please refer to the extract of the land use proposal map of Riebeeek Kasteel below.

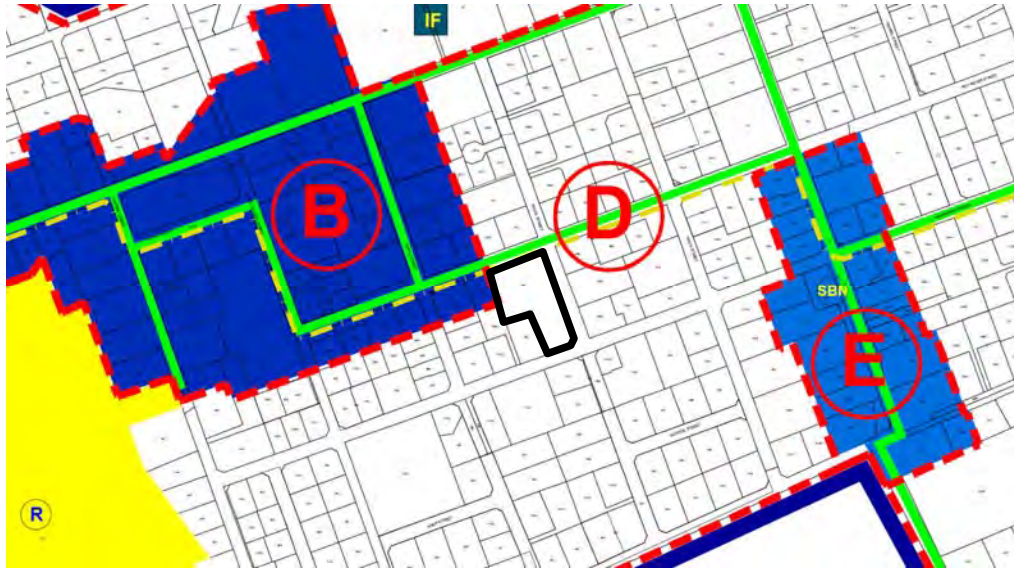


Image 3: Extract of the land use proposal map of Riebeeek Kasteel

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

In terms of the provisions applicable to the portions proposed as Residential Zone 1, the proposed development complies with the provisions of the applicable development management scheme.

In 2019 a building plan application was approved for a transmission tower on the subject property. This was due to the applicable scheme regulations at that time, making provision for a transmission tower as a primary right under the Community Zone 2 zoning. The municipality did however, in order to mitigate the impact of the tower, require the applicant to disguise the transmission tower as to form part of the church hall as well as restrict the height to 15m, complementing the aesthetics as well as character of the building. Please refer to the Swartland Municipality: Municipal Land Use Planning By-Law, 2017, (PG 7741 of 3 March 2017) as well as the copy of the approved building plan attached as Annexure O.

The 2020 By-law makes provision for transmission tower as a consent use under the Community zone 2 zoning which makes the transmission tower on Erf 361, a non-conforming use. A "non-conforming use" is defined as an existing land use that was lawful in terms of a previous zoning scheme but that does not comply with the Development Management Scheme in force.

Section 24(2) of the By-Law states that "...a non-conforming use may continue if it remains otherwise lawful, subject to the following:

- (a) if the non-conforming use is ceased for any reason for a period of more than twenty-four consecutive months, any subsequent utilisation of the property must comply with this By-Law and the Development Management Scheme, with or without departures;
- (b) an appropriate application contemplated in section 25(2) must be made for the alteration or extension of buildings or structures in respect of the non-conforming use;**
- (c) the owner bears the onus of proving that the non-conforming use right exists; and
- (d) the use right is limited to the area of the building or land in respect of which the proven use right exists.**

It is therefore correct that application is made for the consent use under the General Residential zone 3 zoning however is to accommodate a transmission tower and not a roof top base station.

Transmission tower, is defined as any support structure and associated infrastructure of more than 3m in height, that is used for the transmission and/ or reception of electromagnetic waves; and includes telecommunication, cellular telecommunication, radio, television and satellite transmission.

Rooftop base station, is defined as a cell phone base station where antennae are attached to the roof or side of an existing building.

In this case the change in description / use as part of the application is insignificant as the tower is existing and is only proposed to be accommodated under the new zoning category being applied for.

Therefore, the application for departure of the Par. 2.3.8 is not required given the fact that the height restriction applicable to the transmission tower is 21m.



Image 4: Photos provided by the applicant

The applicant do however propose to reposition the supporting infrastructure (ground-mounted equipment) in order to create private garden areas for the ground-floor apartments. It is proposed to be moved to an area next to the tower south of the hall $\pm 120\text{m}^2$ as originally specified in the agreement between the Owner and the tower operator.

Application is therefore made for the departure of the side building line from 5m to 0m in order to accommodate the ground-mounted equipment in the new proposed position behind the building. Should the application for the departure be approved, the Tribunal may include a condition that a screen wall be constructed around the ground-mounted equipment in order to mitigate any impact from the view from the street or from the abutting property, erf 164.

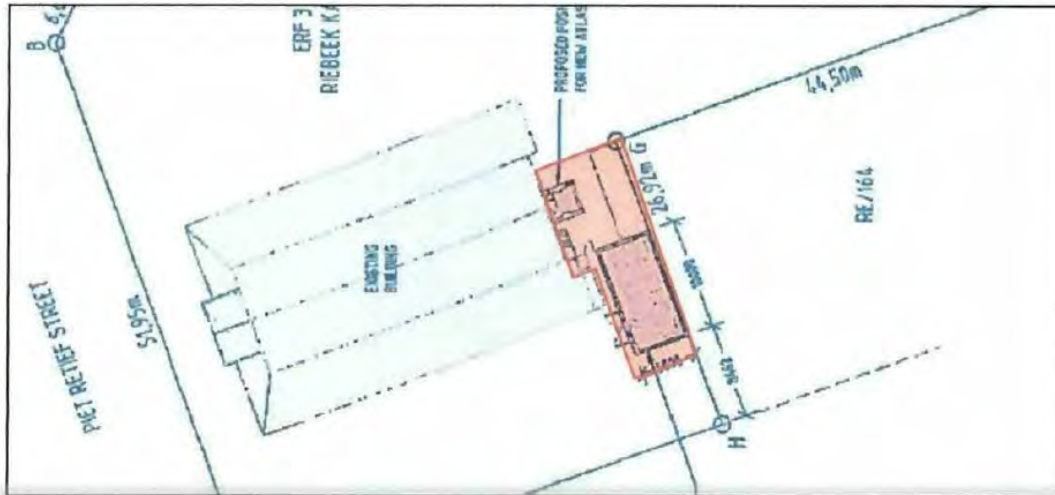


Image 5: Excerpt from the original lease diagram with the area shaded red being the proposed location for the consent use and applicable building line departure

3. The desirability of the proposed development

It is agreed that the general character for the area around Erf 361 is predominantly residential in nature. The proposed land use for the hall, because of way in which the exterior of the building is proposed to be preserved, will maintain the current sense of place established by the church hall over the years. The two single residential erven will integrate seamlessly into the existing urban fabric.

It can also be argued that the proposed apartments compliment the denser residential land use activities already featured in the vicinity. Its location on the northern side of Erf 361 towards Piet Retief Street matches the higher frequency of traffic movement along the activity street (very much also in line with the location of commercial building on Erf 1270 (fitness centre) just opposite to the north of the hall. It can therefore be argued that the proposed development will not have a negative impact on the character of the area.

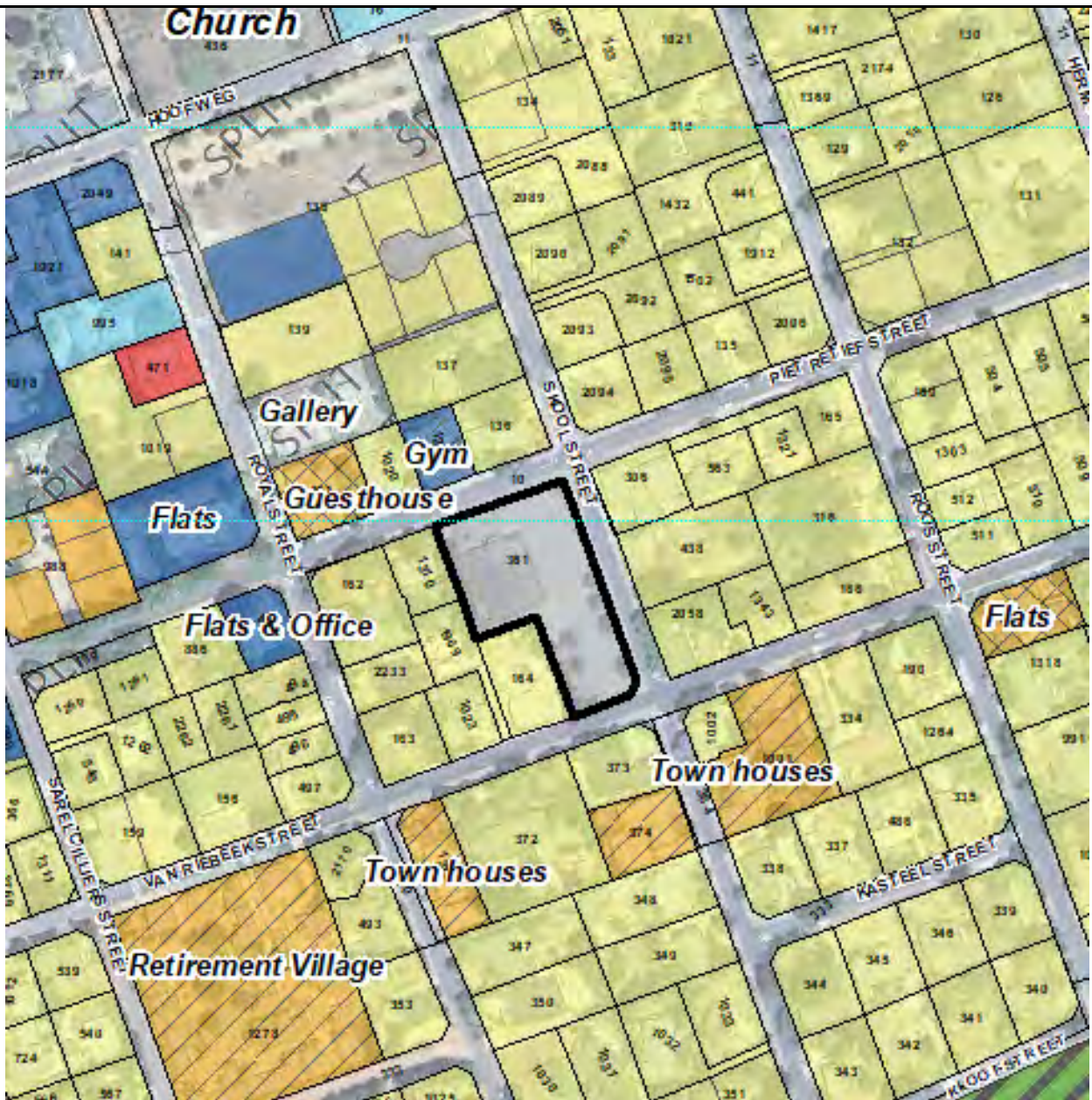


Image 6: Plan indicating the mixed use / density of the surrounding area



Image 7: View of neighbouring property to the north of erf 361

The title deed of Erf 361 does not contain any restrictions that prohibits the development proposal.

There are no physical restriction on the property that negatively impacts the proposal.

As confirmed by the Director Civil Engineering services as well as supported by the services reports, the proposed development will not have a negative impact on the existing services networks within town and sufficient capacity exist to accommodate the proposed new 14 units. It is however noted that the network for Riebeeek Kasteel needs upgrading to certain extents, however these improvements are included in the Municipalities long-term planning and the developer is responsible for development charges as a proportional contribution to the necessary upgrades. The proposed development will therefore not have a negative impact on the municipality's ability to provide services to the community of Riebeeek Kasteel.

The proposed development is situated within the urban edge of Riebeeek Kasteel and is a form of densification which is supported by local, district as well as provincial planning principles and policy.

The proposed development will not have a negative impact on any heritage or environmental resources. It could be argued that the repurposing of the existing building would rather add value to not only the property but also the neighbouring properties. As mentioned above, the existing building was identified not being of any conservation value, although older than 60 years. With that in mind the Tribunal can still consider the application as the alterations to the building will only be confirmed on building plan stage were the comments / consent from Heritage Western Cape may be required before the building plan can be recommended for approval. This is due to the building being protected by the Heritage Resources Act (Act 32 of 1999).

The consent use is proposed in order to confirm an existing lawful use and the impact of the proposed departure of the building line, in order to accommodate ground mounted supporting equipment for the existing transmission tower, is deemed minimal to none.

The application is deemed consistent with the Municipal Spatial Development Framework and for the above reasons it is deemed desirable.

4. **Impact on municipal engineering services**

As confirmed by the Director Civil Engineering services as well as supported by the services reports, the proposed development will not have a negative impact on the existing services networks within town and sufficient capacity exist to accommodate the proposed new 14 units. It is however noted that the network for Riebeeek Kasteel needs upgrading to certain extents, however these improvements are included in the Municipalities long-term planning and the developer is responsible for development charges as a proportional contribution to the necessary upgrades. The proposed development will therefore not have a negative impact on the municipality's ability to provide services to the community of Riebeeek Kasteel.

The impact on municipal engineering services will therefore be minimal. The developer is responsible for development charges that will be used as the proportional contribution to the municipality's planned upgrades to the existing services network in terms of water as well as sewerage.

5. **Response by applicant**

Refer to Annexure N.

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

Although the application was circulated to Telkom, Eskom as well as the Dept. of Transport and public works, the municipality only received the comments from the department of transport within the 60 day commenting period.

The department confirmed that the application affects the section of Main Road 226 (Piet Retief Street) for which they are the Road Authority however, the road operates like a municipal street. They confirm that they have no objection to the proposal.

7. **Public interest**

The proposed development does not detract from or damage the rights of existing landowners, it poses a negligible risk, and all legislative requirements will be met.

The proposal is deemed compatible with the character of the surrounding area, being situated next to an identified activity street and with higher density residential land uses already found in the vicinity.

Both the short-term gains (through the construction phase) and the long-term gains (increased tax base, employment opportunities and affordable housing opportunities within the centre of town) will be to the benefit of the developer, as well as the larger community.

In conclusion, it will be in the interest of the public for the development to continue as proposed.

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 361, Riebeek Kasteel from Community Zone 2 to Sub divisional Area be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) to make provision for the following land uses:

Residential zone 1 (Dwelling houses) and General Residential Zone 3 (Flats)

B. The application for the subdivision of Erf 361 (3785m² in extent), Riebeek Kasteel, be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to create a total of 3 portions, as follows:

Portion A: Residential Zone 1 (668m² in extent)

Portion B: Residential Zone 1 (644m² in extent)

Remainder: General Residential Zone 3 (2469m² in extent)

Decisions A and B are subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) Building plans to be submitted to the Senior Manager: Development Management for consideration and approval;
- (b) The legal certificate which authorises the transfer of the subdivided portions in terms of section 38 of the By-Law, will not be issued unless all the relevant conditions have been complied with;

2. WATER

- (a) Each subdivided portion be provided with a separate water connection. This condition applies to building plan stage.

3. SEWERAGE

- (a) Each subdivided portion be provided with a separate sewer connection. This condition applies at subdivision stage for portions A and B as well as on building plan stage for the Remainder (proposed flats).

4. STREETS AND STORMWATER

- (a) The proposed parking spaces, including the sidewalk that provides access, be provided with permanent surfaces to the satisfaction of the Director Civil Engineering Services.

5. SOLID WASTE

- (a) Waste wheelie bin storage area to be easily accessible by the refuse collection officials and vehicle. The storage area floor must be slanted towards a grid inlet that is connected to the sewer reticulation for washing and sanitising purposes;

6. DEVELOPMENT CHARGES

- (a) In terms of the proposed portion A the development charges be levied as follows;
- (i). The development charge towards the bulk water supply amounts to R18 892,80 and is payable by the owner/developer at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
 - (ii). The development charge towards water reticulation amounts to R17 825,60 and is payable by the owner/developer at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
 - (iii). The development charge towards sewer reticulation amounts to R10 208,44 and is payable by the owner/developer at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
 - (iv). The development charge towards wastewater treatment amounts to R13 727,56 and is payable by the owner/developer at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
 - (v). The development charge towards roads amounts to R14 591,00 and is payable by the owner/developer at clearance stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/247-188-9210);
 - (vi). The Council resolution of May 2023 provides for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter.
- (b) In terms of the proposed portion B the development charges be levied as follows;
- (i). The development charge towards the bulk water supply amounts to R 14 169,60 and is payable by the owner/developer at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
 - (ii). The development charge towards water reticulation amounts to R13 369,20 and is payable by the owner/developer at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
 - (iii). The development charge towards sewer reticulation amounts to R 9 744,42 and is payable by the owner/developer at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
 - (iv). The development charge towards wastewater treatment amounts to R 13 103,58 and is payable by the owner/developer at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
 - (v). The development charge towards roads amounts to R 13 132,00 and is payable by the owner/developer at clearance stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/247-188-9210);

(vi). The Council resolution of May 2023 provides for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter.

(c) In terms of the proposed flats on the Remainder the development charges be calculated and levied on building plan stage;

C. The application for the consent use on the Remainder of erf 361, Riebeek Kasteel be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to accommodate the existing transmission tower under the new zoning category, subject to the following conditions;

1. Town Planning

(a) The transmission tower be restricted to its current 15m in height designed to complement the existing building to the satisfaction of the Senior Manager: Development Management;

D. The application for the departure from the height restriction applicable to a roof-top base station be refused in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as it is deemed not applicable to the proposal;

E. The application for the departure from side building line restriction (southern boundary) be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions;

1. Town Planning

(a) The departure entails the relocation of existing supporting infrastructure (ground mounted equipment) on the property boundary in lieu of the 5m building line restriction, for a distance of 10m, as presented in the application.

(b) A screen wall be constructed around the ground-mounted equipment in order to mitigate any impact from the view from the street or from the abutting property, to the satisfaction of the Senior Manager: Development Management;

F. GENERAL

(a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies.

(b) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;

(c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision against the appeal.

(d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will lapse. Should all conditions of approval be met within the 5-year period, the land use becomes permanent, and the approval period will no longer be applicable.

(e) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

1. The proposal will expand the housing opportunities in Riebeek Kasteel.
2. The development also results in densification which in turn limits urban sprawl as well as due to the location of the subject property, creates residential opportunities within the centre of Riebeek Kasteel.
3. The proposal is deemed consistent with the Municipal Spatial Development Framework (MSDF), 2023.
4. The proposal will achieve higher densities, will result in the optimum use of land / space within the urban edge, will not have a negative impact on the character of the area as well as not adversely affect the sense of place.

5. The development will have a positive economic impact as well as result in the creation of numerous job opportunities in the short and long term.
6. The two single residential erven will integrate seamlessly into the existing urban fabric.
7. The proposed apartments compliment the denser residential land use activities already featured in the vicinity.
8. The title deed of Erf 361 does not contain any restrictions that prohibits the development proposal.
9. There are no physical restriction on the property that negatively impacts the proposal.
10. As confirmed by the Director Civil Engineering services as well as supported by the services reports, the proposed development will not have a negative impact on the existing services networks within town and sufficient capacity exist to accommodate the proposed new 14 units. The developer is responsible for development charges that will be used as the proportional contribution to the municipality's planned upgrades to the existing services network in terms of water as well as sewerage.
11. The consent use is proposed in order to confirm an existing lawful use and the impact of the proposed departure of the building line on neighbouring properties, in order to accommodate ground mounted supporting equipment for the existing transmission tower, is deemed minimal to none.
12. The proposed development will not have a negative impact on any heritage or environmental resources. The existing building was identified not being of any conservation value, although older than 60 years. The application for the change in use can be considered as the alterations to the building will only be confirmed on building plan stage were the comments / consent from Heritage Western Cape be required before the building plan can be recommended for approval
13. The application complies with the principles of LUPA (Land Use Planning Act) and SPLUMA (Spatial Planning and Land Use Management Act) (Spatial Planning and Land Use Management Act).



PART N: ANNEXURES

Annexure A	Locality plan
Annexure B	Subdivision plan
Annexure C	Site development plan
Annexure D	Proposed building plan
Annexure E	Public Participation Plan
Annexure F	Services Reports
Annexure G	Calculation of Development Charges
Annexure H	Comments from the Department of Transport
Annexure I	Objection from Hega North
Annexure J	Objection from Theo and Ester Siebert
Annexure K	Objection from Nic Treurnicht on behalf of Kasteel Eiendomme
Annexure L	Objection from Nic Treurnicht on behalf of Nic Treurnicht Trust
Annexure M	Extension of commenting period
Annexure N	Applicants comments on the objections
Annexure O	Copy of the approved building plan for the Transmission tower

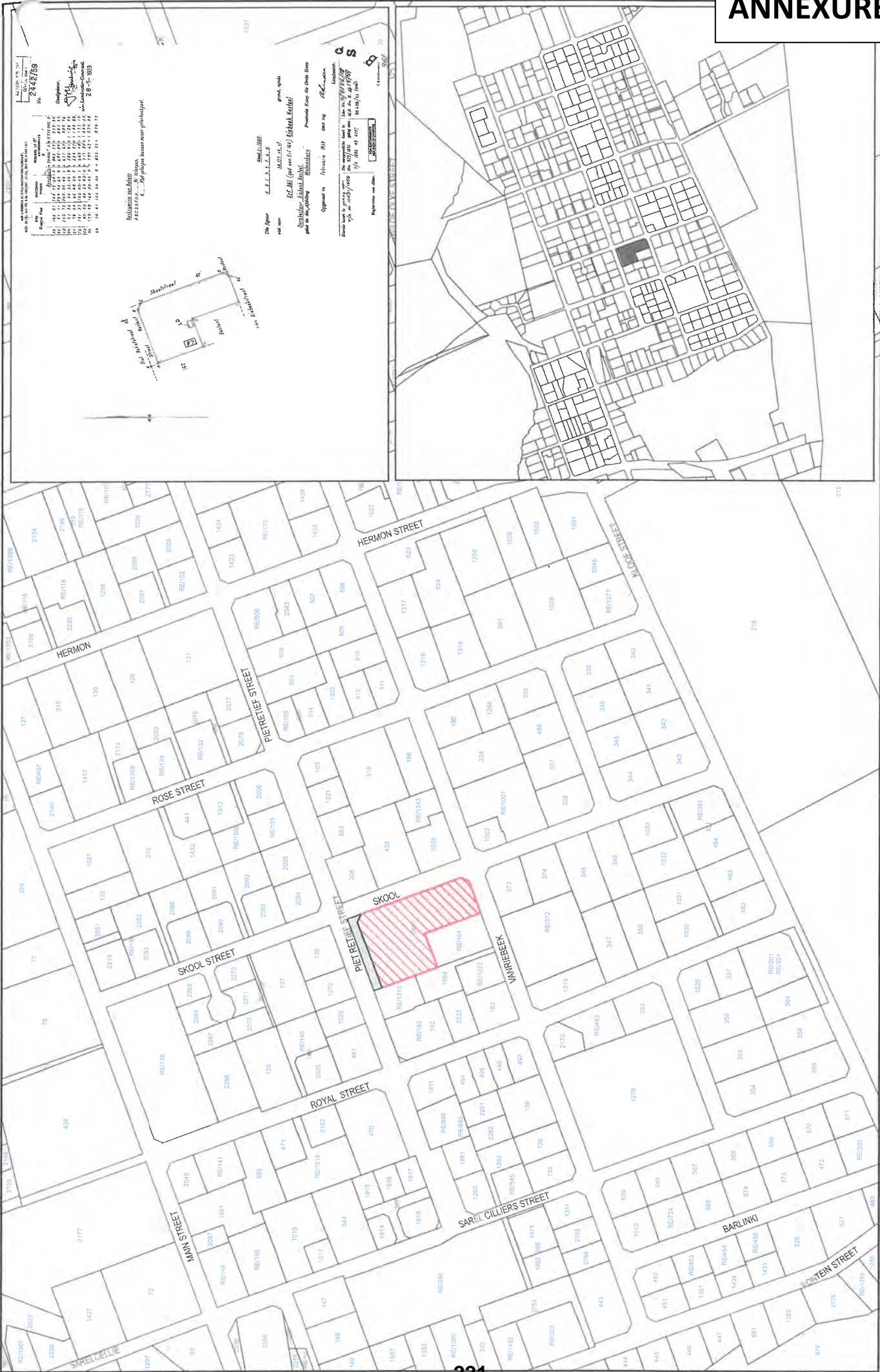
PART O: APPLICANT DETAILS

Name	South Consulting			
Registered owner(s)	The Church Council of the Dutch Reform Church in Riebeeek Kasteel	Is the applicant authorised to submit this application:	Yes	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		Date: 2 February 2023		
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: A/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 2 February 2023		

ANNEXURE A



Scale: 1:2,500

LAT : 33°23'05.97"S
LONG : 18°53'55.60"E

Co-ordinates:

Date: AUGUST 2023

Version: Ver 1.0

Title: **ERF 361 RIEBEEK KASTEEL : LOCATION**

Client: DUTCH REFORM CHURCH RIEBEEK KASTEEL

Ref no: ERF 361 RIEBEEK KASTEEL

District: RIEBEEK KASTEEL : Swartland Municipality

District:

Date: AUGUST 2023

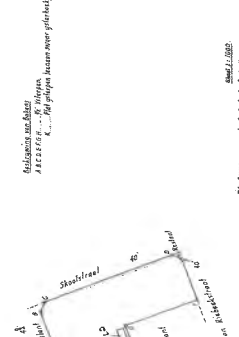
Version: Ver 1.0

Title: **ERF 361 RIEBEEK KASTEEL : LOCATION**

Client: DUTCH REFORM CHURCH RIEBEEK KASTEEL

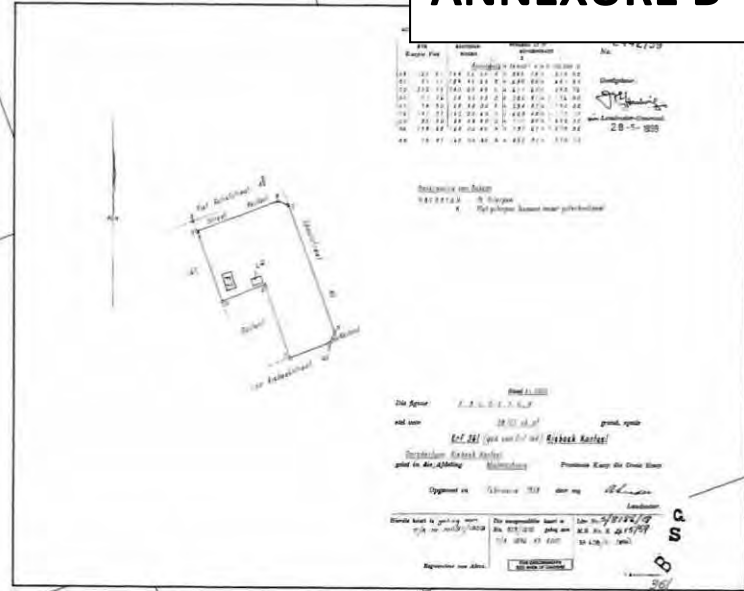
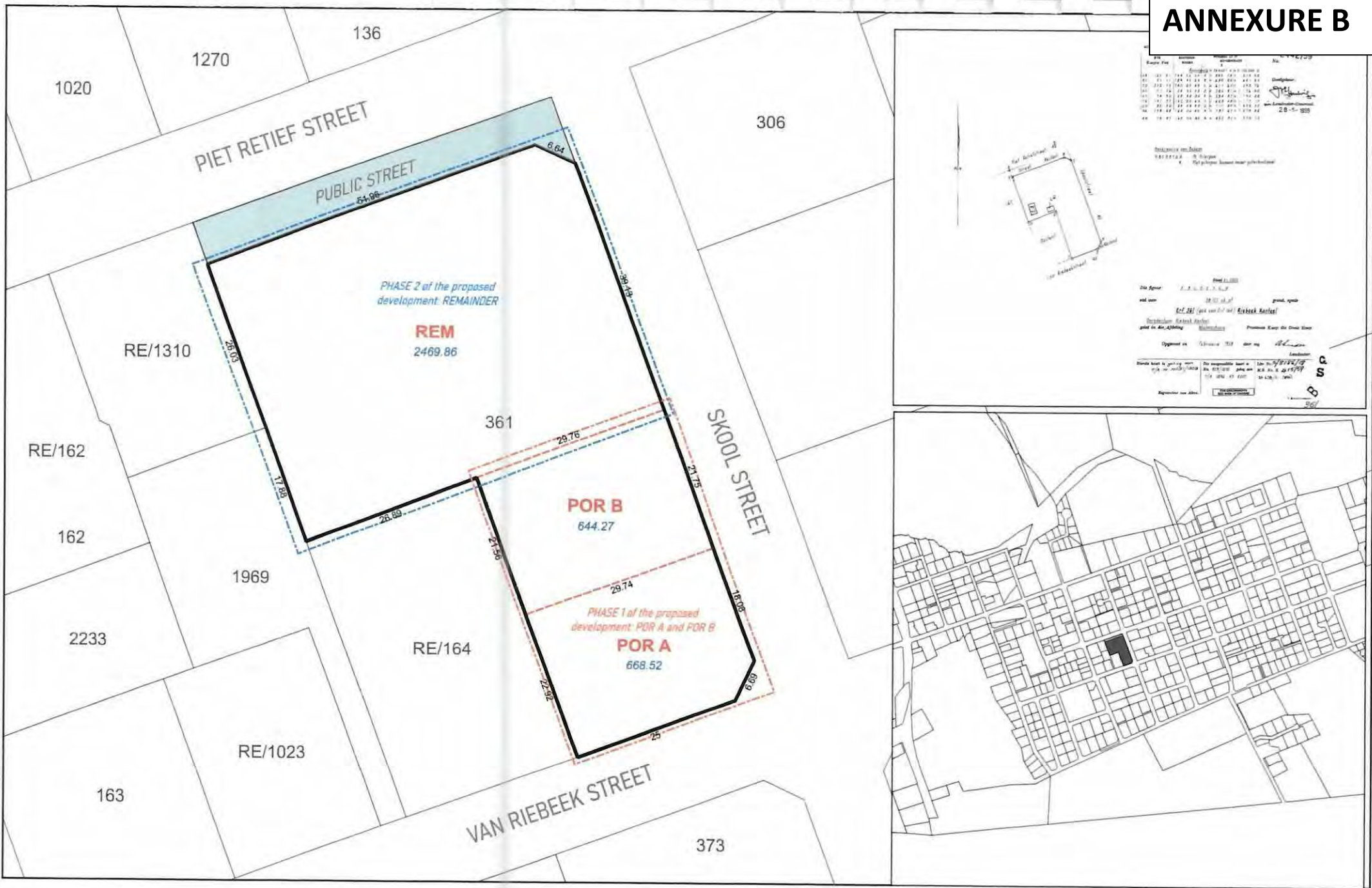
Ref no: ERF 361 RIEBEEK KASTEEL

Author: Mr. J. J. van der Merwe
Date: 2023-08-01
Scale: 1:2,500
Drawing No: 2442/59

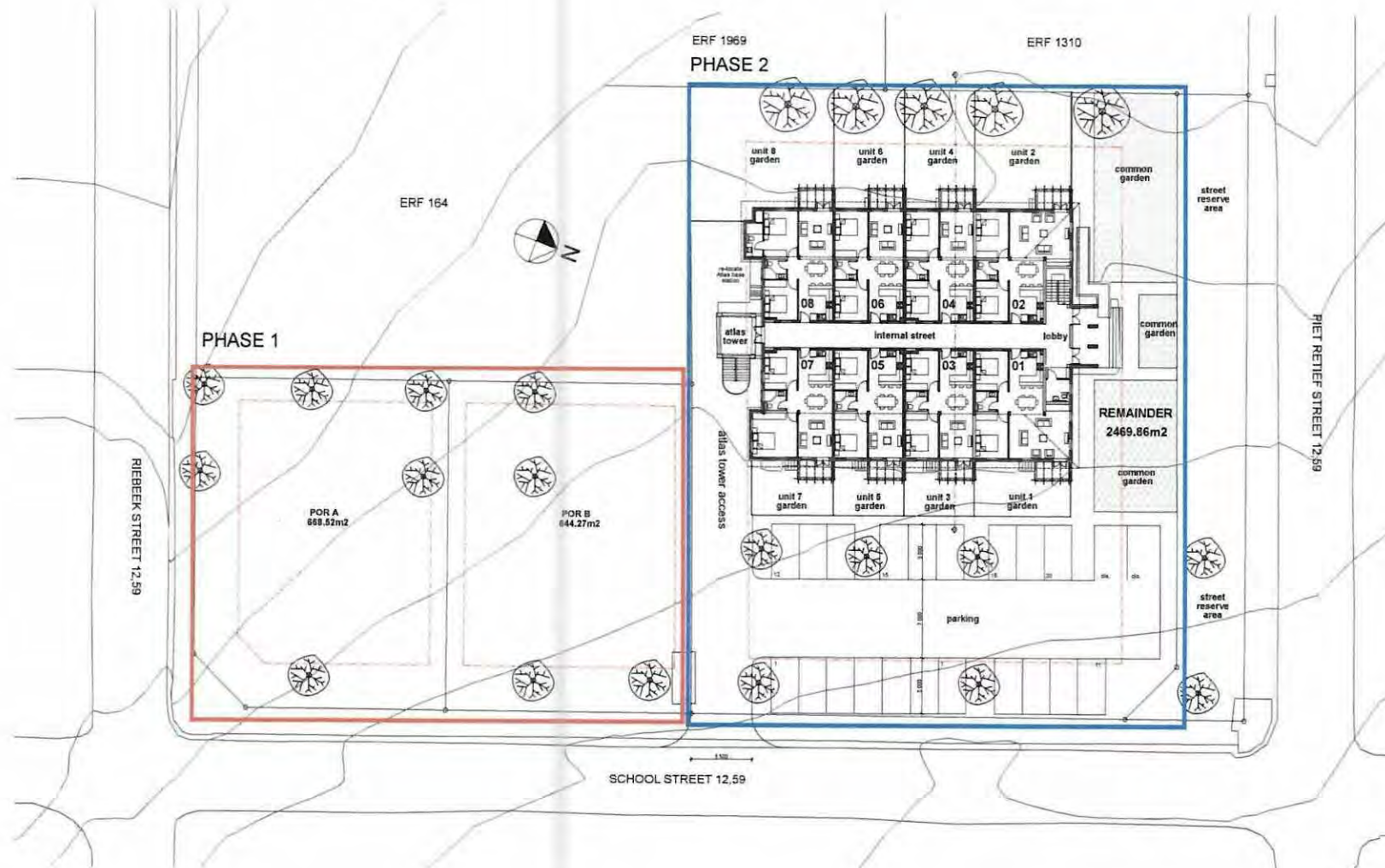


The Owner: **ERF 361 RIEBEEK KASTEEL**
Address: **ERF 361 RIEBEEK KASTEEL**
Plot No: **361**
Registration No: **RE/1001**
Area: **1000 m²**
Zoning: **RES**
Municipality: **SWARTLAND**

ANNEXURE B



Title: ERF 361 RIEBEEK KASTEEL : GENERAL SUBDIVISION PLAN		Co-ordinates: LAT : 33°23'05.97"S LONG : 18°53'55.60"E		Scale: 1:500	
Client: DUTCH REFORM CHURCH RIEBEEK KASTEEL	Date: AUGUST 2023	District: RIEBEEK KASTEEL : Swartland Municipality		All extents and measurements according to GIS and therefore only approximate. CRS: Hartbeesthoek94_La19_(E-N)	
Ref no: ERF 361 RIEBEEK KASTEEL	Version: Ver 1.0	-222-		Jan Truter pr: 20/11/2013 town and regional planning / e-roads and infrastructure 1/8 south coasting / planning 081 561 8741 info@swartland.gov.za P.O. Box 304 Middelburg 7201	



Site Plan
1:200

before commencement of work.

Ground Floor Plan 651 m²
Covered Terraces 61 m²
Total Floor Area 712 m²
REMAINDER 2469.86 m²
Coverage 29% (28.52%)

FLOOR AREAS:

A. SUB DIVIDED ERVEN:

POR A	668.52m ²
POR B	644.27m ²
TOTAL	1 312.79 m²

B. REMAINDER CHURCH HALL:

Unit 1 - 2 Bed	76 m ²
Unit 2 - 2 Bed	78 m ²
Unit 3 - 2 Bed	66 m ²
Unit 4 - 2 Bed	65 m ²
Unit 5 - 2 Bed	66 m ²
Unit 6 - 2 Bed	66 m ²
Unit 7 - 2 Bed	72 m ²
Unit 8 - 2 Bed	74 m ²
Unit 9 - 2 Bed	76 m ²
Unit 10 - 2 Bed	76 m ²
Unit 11 - 2 Bed	76 m ²
Unit 12 - 2 Bed	78 m ²
TOTAL:	864 m²

Project: Rezoning & Subdivision of Erf 381, Riebeeck Kasteel

Client: Dutch Reform Church, Riebeeck Kasteel

Site Development Plan

Scale	Date	Drawn
1:200	May 2023	
Project No.	Drawn No.	Revision
C494/381	SDP 001	C

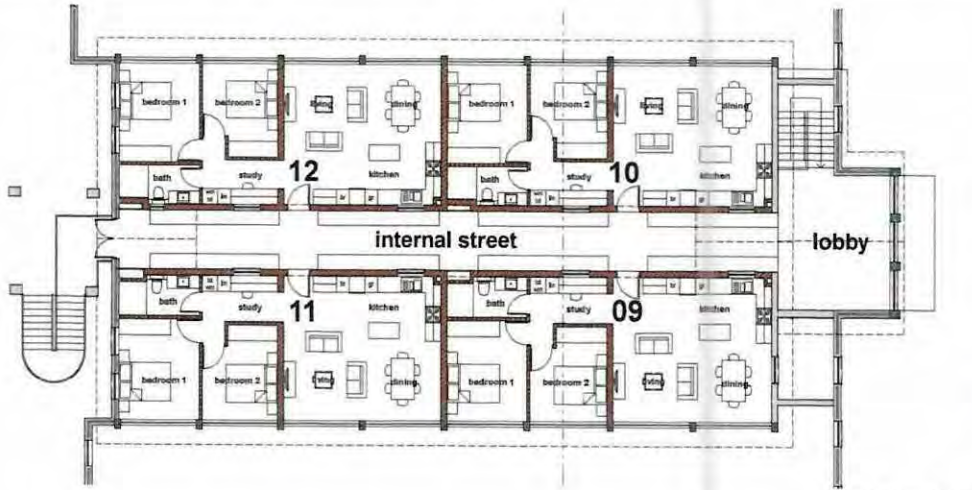


NIB BORDER ARCHITECTS
and project managers cc

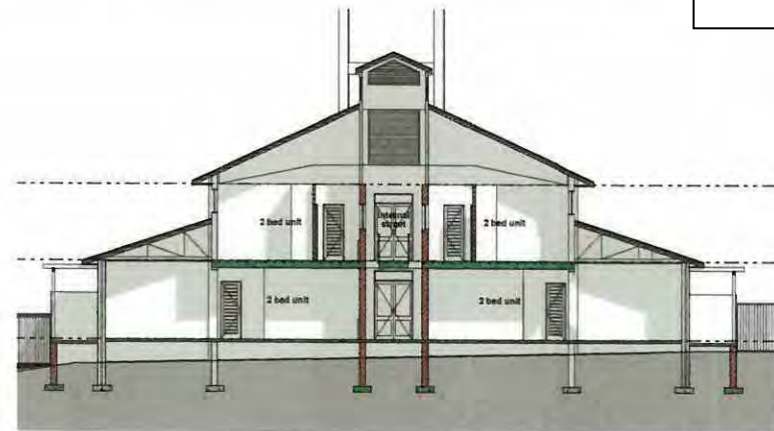
27 Bay Street Avenue, Durban 4001
Sunset Station 7441
Tel: 27 21 562 0565
Fax: 27 21 562 0566
Cell: 27 83 405 8612

04/08 7255 0224
B&S BARCH ICT
Professional Architect
B&CAP Reg No 6537
Email: info@niba.co.za

ANNEXURE D



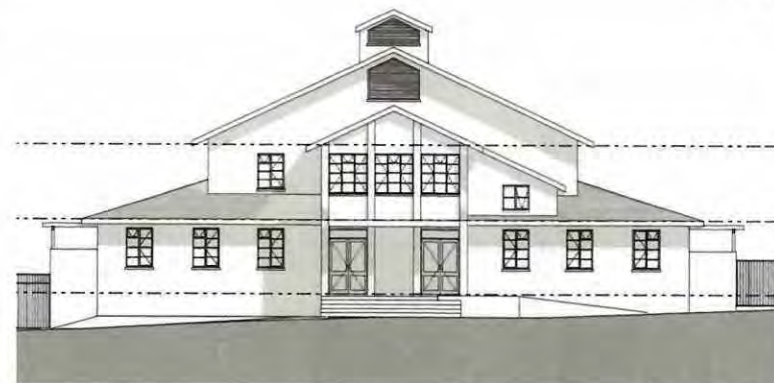
First Storey Plan
1:100



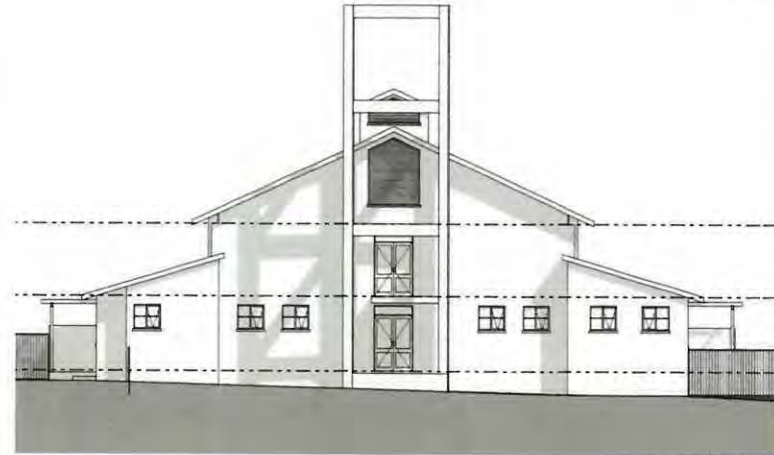
Section A-A
1:100



Ground Storey Plan
1:100



North Elevation
1:100



South Elevation
1:100

NOTE: All relevant details, levels, dimensions to be checked on site before commencement of work.

FLOOR AREAS:

A. SUB DIVIDED ERVEN:	
POR A	688.52 m ²
POR B	644.27 m ²
TOTAL:	1332.79 m²

B. REMAINDER CHURCH HALL:	
Unit 1 - 2 Bed	76 m ²
Unit 2 - 2 Bed	76 m ²
Unit 3 - 2 Bed	65 m ²
Unit 4 - 2 Bed	65 m ²
Unit 5 - 2 Bed	65 m ²
Unit 6 - 2 Bed	65 m ²
Unit 7 - 2 Bed	72 m ²
Unit 8 - 2 Bed	74 m ²
Unit 9 - 2 Bed	76 m ²
Unit 10 - 2 Bed	76 m ²
Unit 11 - 2 Bed	76 m ²
Unit 12 - 2 Bed	76 m ²
TOTAL:	864 m²

Project: Rezoning & Subdivision of Erf 361, Riebeeck Kasteel	
Client: Dutch Reform Church, Riebeeck Kasteel	
Drawing No: Site Development Plan	
Scale: 1:100	Date: May 2023
Ref No: C494/361	SDP 002
Revision No: C	

NIC BORDER ARCHITECTS
and project managers cc

27 Bay Beach Avenue, Cnr 8755 2723
Sunset Beach 7441, BAS BARCH UCT
Tel: 27 27 552 0965, Professional Architect
Fax: 27 27 552 0966, SACAP Reg No 6937
Cell: 27 63 452 3612, Email: suna@bayweek.com

Ligginsplan



**Voorgestelde hersonering, onderverdeling,
vergunningsgebruik en afwyking**

Erf 361, Riebeek Kasteel

Publieke deelname

Skaal: NVT





1 September 2023

The Manager : Civil Engineering Services
Swartland Municipality
Private Bag X52
MALMESBURY
7299

Attention: Mr Esias de Jager

Dear Sir,

PROPOSED DEVELOPMENT ON ERF 361, RIEBEEK KASTEEL : CAPACITY ANALYSIS OF THE BULK WATER AND SEWER SERVICES

The request by Mr Jan Truter of South Consulting Town and Regional Planning for GLS Consulting to investigate and comment on the bulk water supply and sewer discharge of the proposed development (residential development on Erf 361, Riebeeck Kasteel), refers.

This document should inter alia be read in conjunction with the Water Master Plan (performed for the Swartland Municipality) dated June 2020 and the Sewer Master Plan dated June 2020.

No provision was made for additional development on Erf 361 in Riebeeck Kasteel in the June 2020 master plans of the water and sewer networks.

1. WATER DISTRIBUTION SYSTEM

1.1 Distribution zone

The master plan indicated that the proposed development should be accommodated in the existing Riebeeck Kasteel Pressure Reducing Valve (PRV) no. 1 water distribution zone. The proposed connection to the existing water system is to the existing 100 mm Ø water pipe in School Street, as shown on Figure 2 attached.

The development is situated inside the water priority area.

1.2 Water demand

The original water analysis for the master plan was performed with a total annual average daily demand (AADD) of 1,1 kL/d for Erf 361 in Riebeeck Kasteel.

For this re-analysis, the AADD and fire flow requirements for the proposed development were calculated and classified as follows:

GLS Consulting (Pty) Ltd

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Reg no: 2007/003039/07

www.gls.co.za

Directors: Rebecca Pole, Marius de la Rey, Garreth Young

- 12 Apartments @ 0,45 kL/d/unit ⁽¹⁾ = 5,4 kL/d
- 2 Single residential erven @ 1,0 kL/d/unit ⁽¹⁾ = 2,0 kL/d
- Total = 7,4 kL/d

- Fire flow criteria (Moderate risk) = 25 L/s @ 10 m

⁽¹⁾ As per Table J.2 from Section J - Water Supply of "The Neighbourhood Planning and Design Guide" (so called "Red book").

1.3. Present situation

1.3.1 Reticulation system

The Riebeek Kasteel reservoir zone is supplied with water from the Riebeek Kasteel reservoirs with a Top Water Level (TWL) of 201,7 metres above mean sea level (m a.s.l.).

Water is supplied to the Riebeek Kasteel PRV no. 1 water distribution zone from the Riebeek Kasteel reservoir zone. Water pressure to the network is reduced through the Riebeek Kasteel PRV no. 1, located at the corner of Van Riebeek and Sarel Celliers Streets.

The existing water reticulation system of Riebeek Kasteel has sufficient capacity in order to supply the proposed development with sufficient domestic and fire flow supply.

Accommodation of the development in the existing system does however have a negative impact on water supply to the higher lying erven in the Riebeek Kasteel PRV no. 1 zone and upgrading of the existing 75 mm Ø and 50 mm Ø pipes in Royal Street is proposed in the Water Master Plan to improve network conveyance and redundancy in the surrounding network.

1.3.2 Bulk supply

The Riebeek Kasteel water system is supplied with bulk water from the West Coast District Municipality's (WCDM) bulk system. Bulk water is conveyed from the Swartland Water Treatment Plant (WTP) to the Kasteelberg reservoirs, from where water is then further distributed through a dedicated 200 mm Ø pipe (to Riebeek West) and 150 mm Ø pipe (from Riebeek West to Riebeek Kasteel).

The analysis of the capacity of the WCDM bulk water system in order to accommodate the proposed development is discussed in a separate report, addressed to WCDM.

1.3.3 Reservoir capacity

The criteria for total reservoir volume used in the Swartland Water Master Plan is 48 hours of the AADD (of the reservoir supply zone).

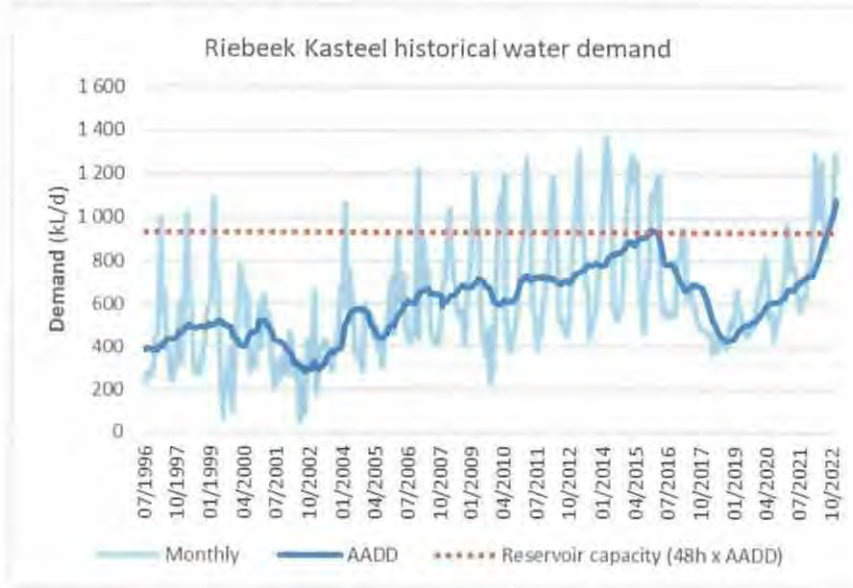
According to the water master plan the Riebeek Kasteel reservoir water supply area has a water demand of approximately 550 kL/d (based on the 2020 Water Master Plan water demand figures). The capacity of the existing Riebeek Kasteel reservoirs is 1 862 kL, which results in a reservoir storage capacity of 81 hours of the AADD.

The latest water demand readings obtained from WCDM (readings up to December 2022) however indicated that the water demand has increased to 1 099 kL/d, which results in a current reservoir storage capacity of only 41 hours of the AADD supplied.

There is therefore insufficient capacity in the existing Riebeek Kasteel reservoirs to accommodate the proposed development based on the current water demand for the town.

Figure W1 below shows the historical water demand for Riebeek Kasteel from 1996 to 2022:

Figure W1: Riebeek Kasteel historical water demand



1.4 Implementation of the water master plan

Upgrading of the existing 75 mm Ø network pipe (in Royal Street between Van Riebeek and Retief Streets) and the existing 50 mm Ø network pipe (in Royal Street between Retief and Main Streets) are proposed in the Water Master Plan to improve network conveyance and redundancy in the existing Riebeek Kasteel network:

Network upgrade

- SRkW2.4: 295 m x 110 mm Ø replace existing 50 Ø & 75 Ø pipes = R 385 000 *

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2022/23 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

The route of the proposed pipeline is schematically shown on Figure 2 attached, but has to be finalised subsequent to a detail pipeline route investigation.

The existing Riebeek Kasteel reservoirs have capacity to accommodate an AADD of 930 kL/d and it is therefore proposed that additional reservoir storage capacity is implemented by Swartland Municipality to accommodate additional development in Riebeek Kasteel:

Bulk supply upgrade

- SRkW.B1: 120 m x 250 mm Ø new bulk supply pipe = R 471 000 *
 - SRkW.B2: 150 mm Ø flow control valve = R 316 000 *
 - SRkW.B3: 4,5 ML new reservoir for Riebeek Kasteel
(new reservoir site at southern side of town) = R 12 726 000 *
 - SRkW2.1: 400 m x 355 mm Ø new supply pipe = R 1 988 000 *
- TOTAL = R 15 501 000 *

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2022/23 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

The routes of the proposed pipelines and position of the proposed reservoir are schematically shown on Figure SLW6.5f in the June 2020 water master plan, but have to be finalised subsequent to detail pipeline route and reservoir location investigations.

1.5 *Minimum items required*

There is sufficient capacity in the existing Riebeek Kasteel water reticulation system to supply the proposed development on Erf 361 with sufficient water pressure and fire flow.

Accommodation of the development in the existing system does however have a negative impact on water supply to the higher lying erven in the Riebeek Kasteel PRV no. 1 zone and the implementation of master plan item SRkW2.4 is recommended in order to improve network conveyance and redundancy to the surrounding network.

Riebeek Kasteel has insufficient reservoir storage capacity to accommodate the proposed development and the implementation of master plan items SRkW.B1, SRkW.B2, SRkW.B3 & SRkW2.1 are proposed in order to augment reservoir storage capacity for Riebeek Kasteel.

2. **SEWER NETWORK**

2.1 *Drainage area*

The master plan indicated that the proposed development should be accommodated in the existing Riebeek Kasteel Main pumping station (PS) sewer drainage area. The proposed connection to the existing sewer system is to the existing 150 mm Ø outfall sewer in School Street, as shown on Figure 3 attached.

The development is inside the sewer priority area.

2.2 *Sewer flow*

The original sewer analysis for the master plan was performed with a total peak daily dry weather flow (PDDWF) for development of Erf 361 in Riebeek Kasteel of 0,8 kL/d.

For this re-analysis of the sewer master plan, the PDDWF for the proposed development was calculated as 5,2 kL/d.

2.3 *Present situation*

The existing sewer reticulation system from Erf 361 to the main outfall sewer in Pieter Cruythoff Avenue has sufficient capacity in order to accommodate the proposed development within the existing Riebeek Kasteel sewer system.

The existing 150 mm Ø and 200 mm Ø main outfall sewers in Pieter Cruythoff Avenue (from the bottom of Kloof Street towards the railway line, as indicated on Figure 4 attached) are however at capacity and should be upgraded to larger diameters in order to accommodate any additional development within the upstream drainage area.

2.4 *Implementation of the master plan*

The following master plan items will be required to augment capacity within the existing Riebeek Kasteel bulk sewer system in order to accommodate the proposed development together with other future development areas:

Network upgrades

• SRkS1.2: 300 m x 250 mm Ø upgrade 200 mm Ø outfall sewer	= R	1 108 000 *
• SRkS1.3: 535 m x 200 mm Ø upgrade 160 mm Ø outfall sewer	= R	1 605 000 *
	TOTAL = R	2 713 000 *

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2022/23 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

The routes of the proposed pipelines are schematically shown on Figure 4 attached, but have to be finalised subsequent to detail pipeline route investigations.

2.5 *Minimum items required*

The minimum items required to accommodate the proposed development in the existing Riebeek Kasteel sewer system are master plan item SRkS1.2 & SRkS1.3 in order to augment capacity within the existing bulk sewer system.

3. **CONCLUSION**

The developer of Erf 361 in Riebeek Kasteel may be liable for the payment of a Development Contribution (as calculated by the Swartland Municipality) for bulk water and sewer infrastructure as per Council Policy.

The water master plan indicated that the proposed development should be accommodated in the existing Riebeek Kasteel PRV no. 1 zone. The proposed connection to the existing water system is to the 100 mm Ø water pipe in School Street.

There is sufficient capacity in the existing Riebeek Kasteel water system to supply the proposed development on Erf 361 with sufficient water pressure and fire flow. Accommodation of the development in the existing system does however have a negative impact on water supply to the higher lying erven in the Riebeek Kasteel PRV no. 1 zone and the implementation of master plan item SRkW2.4 is recommended in order to improve network conveyance and redundancy to the surrounding network.

Riebeek Kasteel has insufficient reservoir storage capacity to accommodate the proposed development and the implementation of master plan items SRkW.B1, SRkW.B2, SRkW.B3 & SRkW2.1 are proposed in order to augment reservoir storage capacity for Riebeek Kasteel.

The sewer master plan indicated that the proposed development should be accommodated in the existing Riebeek Kasteel Main PS sewer drainage area. The proposed connection to the existing sewer system is to the existing 150 mm Ø outfall sewer in School Street.

The existing sewer reticulation system from Erf 361 to the main outfall sewer in Pieter Cruythoff Avenue has sufficient capacity to accommodate the proposed development. Bulk sewers in Pieter Cruythoff Avenue (from the bottom of Kloof Street towards the railway line) are however at capacity and should be upgraded through the implementation of master plan items SRkS1.2 & SRkS1.3 in order to accommodate the proposed development in Riebeek Kasteel.

We trust you find this of value.

Yours sincerely,

GLS CONSULTING (PTY) LTD
REG. NO.: 2007/003039/07













Per: PC DU PLESSIS

cc. South Consulting Town and Regional Planning
P. O. Box 264
PIKETBERG
7320

Attention: Mr Jan Truter

Legend

-  Bulk supply pipeline
-  Riebeek Kasteel reservoir zone
-  Riebeek Kasteel PRV1
-  Riebeek Kasteel PRV2
-  Riebeek Kasteel PRV3
-  Riebeek Kasteel PRV4
-  Existing reservoir
-  Existing PRV
-  Proposed development
-  WCDM bulk supply water meter



Riebeek Kasteel reservoir 2
1 200 kL
TWL = 201.7 m

Riebeek Kasteel reservoir 1
682 kL
TWL = 201.7 m

Proposed development

RK PRV 1

RK PRV 2
RK PRV 4

RK PRV 3













September 2023

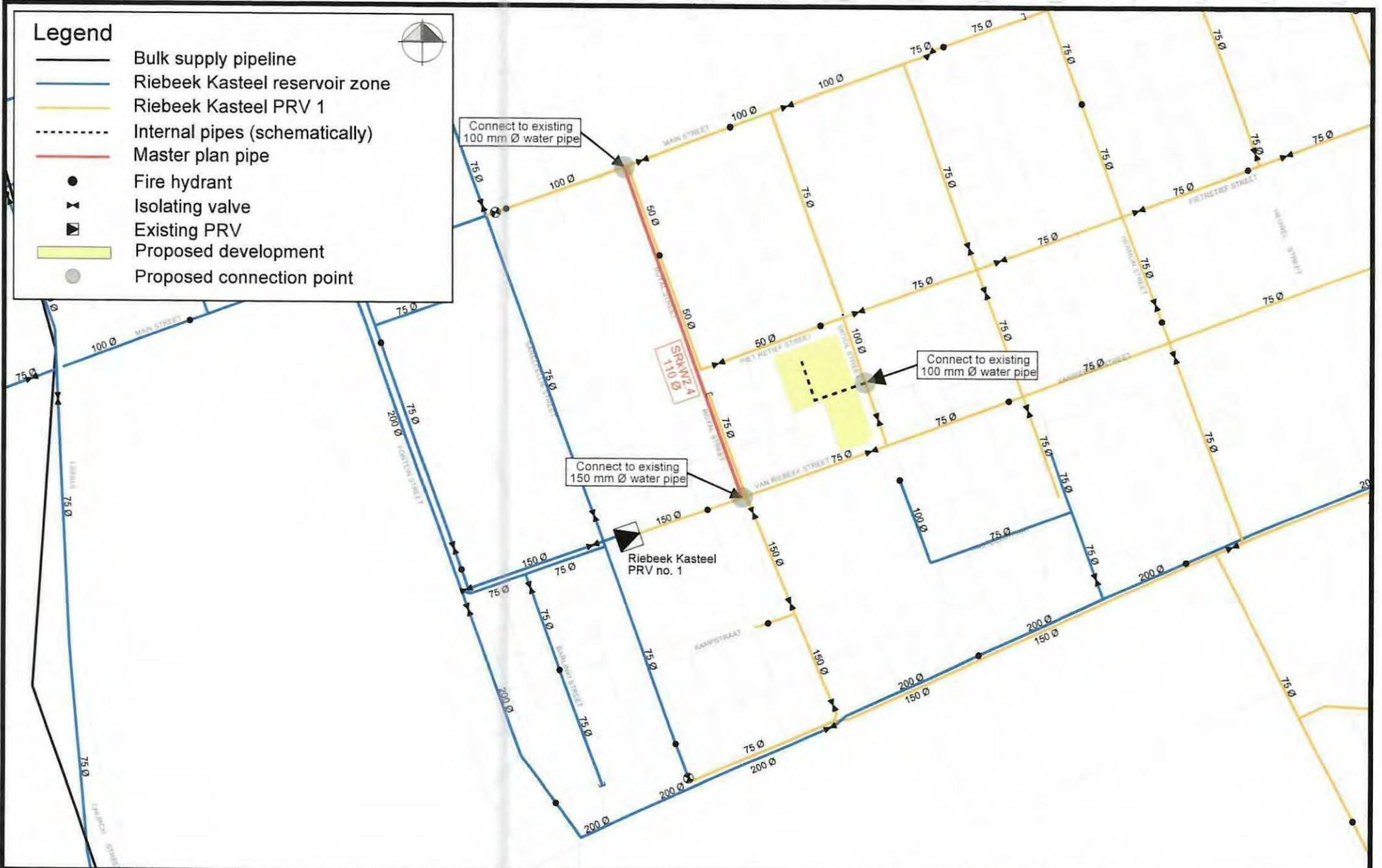
Riebeek Kasteel - Development of Erf 361



Figure 1
Proposed Development
Erf 361 - Riebeek Kasteel
Locality plan

Legend

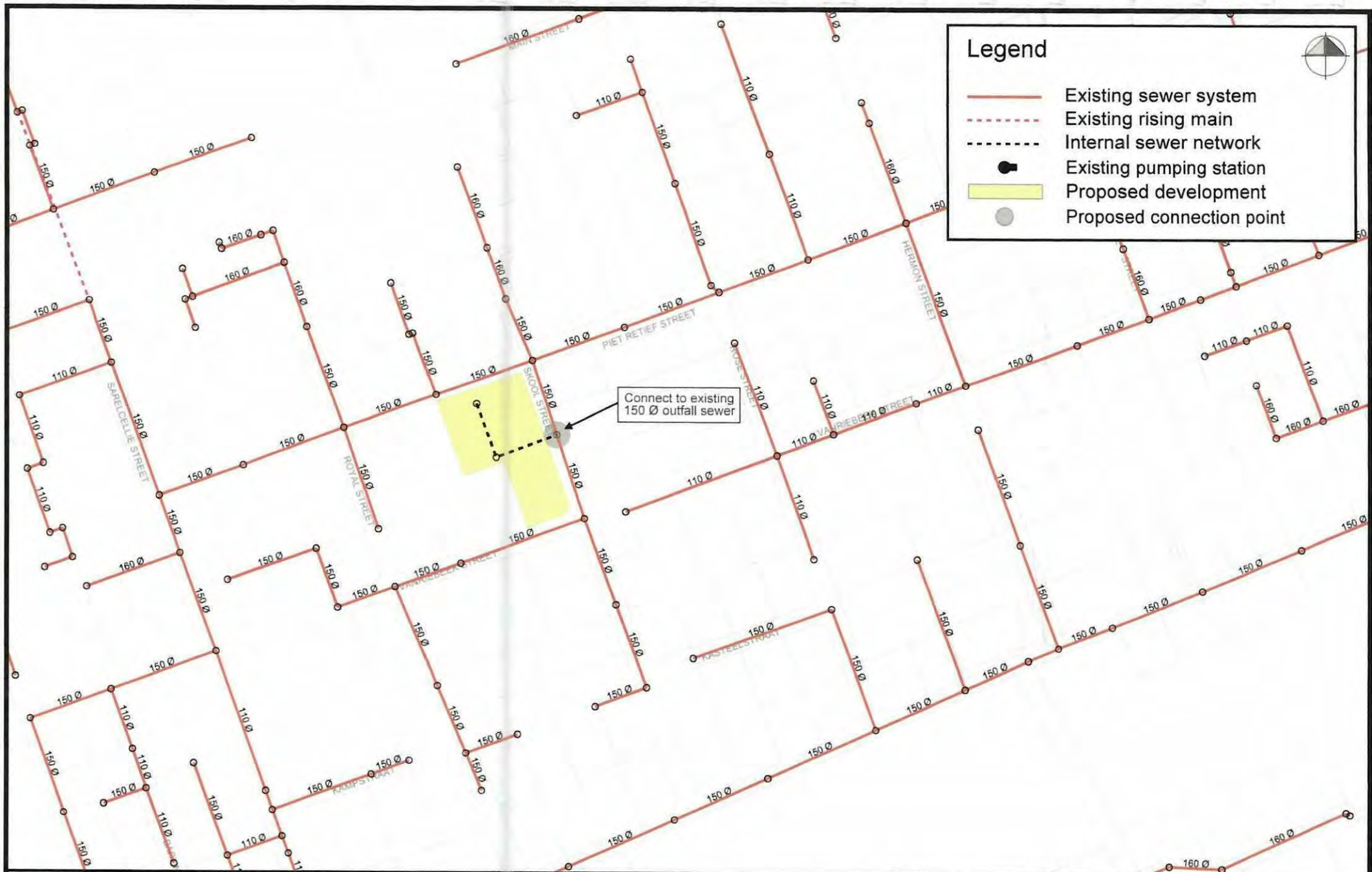
-  Bulk supply pipeline
-  Riebeek Kasteel reservoir zone
-  Riebeek Kasteel PRV 1
-  Internal pipes (schematically)
-  Master plan pipe
-  Fire hydrant
-  Isolating valve
-  Existing PRV
-  Proposed development
-  Proposed connection point



September 2023
 Riebeek Kasteel - Development of Erf 361



Figure 2
 Proposed Development
 Erf 361 - Riebeek Kasteel
 Existing Water System



September 2023

Riebeeck Kasteel - Development of Erf 361



Figure 3

Proposed Development
Erf 361 - Riebeeck Kasteel
Existing Sewer System

Legend



- Existing sewer system
- - - Existing rising main
- Master plan pipe
- Existing pumping station
- Proposed development
- Proposed connection point



September 2023
Riebeek Kasteel - Development of Erf 361



Figure 4
Proposed Development
Erf 361 - Riebeek Kasteel
Sewer Master Plan

1 September 2023

The Director Technical Services
West Coast District Municipality (WCDM)
P. O. Box 242
Moorreesburg
7310

Attention: Mr Michiel Visser

Dear Sir,

PROPOSED DEVELOPMENT ON ERF 361 , RIEBEEK KASTEEL: IMPACT AND CAPACITY ANALYSIS ON THE SWARTLAND BULK WATER SUPPLY SYSTEM

The request for GLS Consulting (Pty) Ltd to investigate and comment on the impact and capacity of the Swartland bulk water system to supply bulk water to the proposed residential development on Erf 361, Riebeeek Kasteel, within the Swartland Local Municipality (SLM) refers.

This document should inter alia be read in conjunction with the Swartland Bulk Water Master Plan (performed for SLM, dated December 2021).

SLM is the Water Services Authority (WSA) for all the areas within the jurisdiction of the boundary of the municipality, which includes the town of Riebeeek Kasteel. SLM is the owner of the bulk water system providing bulk water to Riebeeek Kasteel from the Swartland Water Treatment Plant (WTP) next to the Voëlvlei dam, but the bulk system is however operated by WCDM on behalf of SLM.

1. EXTENT OF DEVELOPMENT

The total annual average daily demand (AADD) required for the development was calculated as follows:

- | | |
|--|-------------------|
| • 12 Apartments @ 0,45 kL/d/unit | = 5,4 kL/d |
| • 2 Single residential erven @ 1,0 kL/d/unit | = <u>2,0 kL/d</u> |
| Total | = 7,4 kL/d |

The proposed development in Riebeeek Kasteel is supplied with water from the Riebeeek Kasteel reservoirs. The Riebeeek Kasteel reservoirs are supplied with water from the Swartland bulk water system through meter no. D4. The location of the WCDM meter no. D4 is shown on Figure 1 attached.

The present AADD recorded at the WCDM meter supplying water to Riebeeek Kasteel (meter no. D4) was 1 099,3 kL/d for the 12 months from January 2022 to December 2022. We confirm that the increase in water demand due to the proposed development will be in accordance with that allowed for in the water master plan.

GLS Consulting (Pty) Ltd

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Reg no: 2007/003039/07

www.gls.co.za

Directors: Rebecca Pole, Marius de la Rey, Garreth Young

2. WATER SYSTEM

2.1 Distribution system

The development is supplied from the SLM's Riebeek Kasteel reservoirs in Riebeek Kasteel. The Riebeek Kasteel reservoirs are supplied with water through meter no. D4 on the WCDM bulk supply system.

The impact of the proposed development on the existing infrastructure of SLM downstream of meter no. D4 is discussed in a separate report, addressed to SLM.

2.2 Reservoir capacity

Meter no. D4 is connected to a 100 mm Ø WCDM pipeline supplied from the so called "D-line" between the Kasteelberg reservoirs (in Ongegund) and Riebeek Kasteel.

The impact of the proposed development on the supply capacity of the Kasteelberg reservoirs is relatively insignificant (water demand of proposed development is less than 1% of the reservoir storage capacity) in relation to the storage volume of 18,1 ML for the reservoirs.

2.3 Bulk supply

The SLM reservoirs in Riebeek Kasteel are supplied with bulk water from the Swartland Water Treatment Plant (WTP) next to the Voëlvelei dam.

From the Swartland WTP water is pumped to the Kasteelberg reservoirs through a 525 mm Ø rising main, and from the Kasteelberg reservoirs water gravitates through the so called D-line to the Riebeek West reservoirs in Riebeek West, The Riebeek Prison reservoir between Riebeek West and Riebeek Kasteel and the Riebeek Kasteel reservoirs in Riebeek Kasteel.

The 525 mm rising main to the Kasteelberg reservoirs from the Swartland WTP is not significantly impacted by the development. The flow to the development is less than 1% of the flow in the rising main for the demand of 7,4 kL/d for the development.

It should however be noted that this pipeline supplies more than 96% of the total water demand of the Swartland bulk water system and the risk associated with failure on the line or the pump station is significant. It was therefore proposed in the water master plan for the Swartland bulk system that the pipeline between the Swartland WTP and the Kasteelberg reservoirs should be reinforced with a parallel 600 mm Ø rising main (project S1 in the master plan) in order to improve the redundancy of the overall system. A large section of this pipeline has already been constructed.

The D-line between the Kasteelberg reservoirs and the Riebeek Kasteel reservoirs consists of a 200 mm Ø pipe between the Kasteelberg reservoirs and Riebeek West and a 150 mm Ø pipe between Riebeek West and Riebeek Kasteel. In Riebeek Kasteel another 100 mm Ø pipe supplies water from the 150 mm Ø D-line to the Riebeek Kasteel reservoirs, as shown on Figure 1.

The existing 200 mm Ø and 150 mm Ø D-line between the Kasteelberg reservoirs and Riebeek Kasteel has sufficient capacity to accommodate the proposed development. The 100 mm Ø supply pipe from the D-line supplying water to the Riebeek Kasteel reservoirs is however at capacity and requires upgrading (project S4 in the master plan) in order to accommodate any additional developments in Riebeek Kasteel.

2.4 Implementation of the master plan

2.4.1 Short term requirements (0 - 3 years)

The following master plan item is required in order to augment capacity and conveyance within the existing Riebeek Kasteel bulk supply system in order to accommodate the proposed development, as indicated on Figure 1 attached:

Bulk supply upgrade (Required)

- S2.4 : 390 m x 200 mm Ø bulk pipe to install R 780 000 *

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2021/22 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

Take note that the route of the proposed pipeline is schematically shown on Figure 1 attached, but has to be finalised subsequent to a detailed pipeline route investigation.

2.4.2 Medium term requirements (3 - 10 years)

During January 2022 GLS performed a detailed analysis for SLM to prioritize bulk water infrastructure upgrades required in Malmesbury, Darling, Riebeek Kasteel, Riebeek West, at the Swartland WTP and between the Swartland WTP and Kasteelberg reservoirs.

Based on the analysis, it is estimated that:

- The 200 mm Ø section of the D-line between the Kasteelberg reservoirs and Riebeek West will reach capacity at 2028 (5 years),
- the 150 mm Ø section of the D-line between Riebeek West and Riebeek Kasteel will reach capacity at 2026 (3 years), and
- the 525 mm Ø section of the C-line between the Swartland WTP and the Kasteelberg reservoirs will reach capacity at 2032 (9 years).

200 mm Ø section of the D-line between the Kasteelberg reservoirs and Riebeek West

- Master plan item S2.1 (new 315 mm Ø pipe) is proposed in the Swartland Bulk Water Master Plan when the existing 200 mm Ø pipe reaches capacity, as shown on Figure 1 attached.

150 mm Ø section of the D-line between Riebeek West and Riebeek Kasteel

- Master plan item S2.2 (new 250 mm Ø pipe) is proposed in the Swartland Bulk Water Master Plan when the existing 150 mm Ø pipe reaches capacity, as shown on Figure 1 attached.
- Master plan item S2.3 (new 200 mm Ø pipe) is proposed in the Swartland Bulk Water Master Plan to supply bulk water to the new Riebeek Kasteel reservoir proposed on the southern side of Riebeek Kasteel (refer to Swartland reticulation master plan performed for SLM, dated June 2020).

525 mm Ø section of the C-line between Swartland WTP and Kasteel reservoirs

- Master plan item S1.1 (parallel 600 mm Ø pipe) is proposed in the Swartland Bulk Water Master Plan when the existing 525 mm Ø pipe reaches capacity, as shown on Figure 1 attached.

2.5 Water treatment capacity

The Swartland WTP supplies water to the Swartland system and has a current treatment capacity of 29,10 ML/d.

The recorded AADD treated at the Swartland WTP during the 2021/22 financial year was $\pm 15,71$ ML/d.

Monthly flow measurements of bulk water treated at the Swartland WTP from July 2003 to June 2021 indicate that the peak monthly demand for the Swartland WTP is 1,26 times the AADD and experienced in the month of February.

With a calculated ratio of peak week demand to peak month demand of 1.158, the current peak week demand for the Swartland WTP can be calculated as follows:

$$\begin{aligned}\text{Peak week factor (PWF)} &= \text{Peak month factor (PMF)} \times 1,158 \\ &= 1,26 \times 1,158 \\ &= 1,46\end{aligned}$$

$$\begin{aligned}\text{Peak weekly flow} &= \text{AADD} \times \text{PWF} \\ &= 15,71 \text{ ML/d} \times 1,46 \\ &= 22,94 \text{ ML/d}\end{aligned}$$

The Swartland WTP therefore has sufficient spare capacity available to accommodate an additional water demand with an AADD of 4,22 ML/d (peak weekly demand of 6,16 ML/d).

The peak week demand should however be verified by the WCDM.

2.6 Permitted water allocation

The WCDM is the bulk water service provider (WSP) for the Bergrivier, Swartland and Saldanha Bay Local Municipalities who are the WSA for their areas of jurisdiction. They are all part of the Western Cape Water Supply System (WCWSS). The WCDM holds the water use license on behalf of the Local Municipalities. The current allocation from the WCWSS to the Swartland system is 8 200 ML/a (7 900 ML/a allocated to SLM and 300 ML/a allocated to the Drakenstein LM respectively).

The recorded raw water abstraction during the 2021/22 financial year from the Voëlvlei dam for the Swartland system was $\pm 6\,515\,000$ kL, which is less than the current allocation.

The current water allocation from the Voëlvlei dam to WCDM is therefore sufficient to accommodate the proposed development.

3. CONCLUSION

The impact of the proposed development on the Swartland bulk water system infrastructure is considered to be relatively small and it contributes insignificantly to the growth in water demand for the system as a whole (the abstraction is less than 1% of the total peak day flow in the future model)

The existing 525 mm Ø WCDM's so called "C-line" running from the Swartland WTP to the Kasteelberg reservoirs and the 200/150 mm Ø so called "D-line" between the Kasteelberg reservoirs and Riebeek Kasteel have sufficient capacity to accommodate the proposed development. Upgrading of these pipes are however proposed in the bulk water master plan for the medium term (3 to 10 years' time).

The existing 100 mm Ø supply pipeline from the 150 mm D-line in Riebeek Kasteel to the Riebeek Kasteel reservoirs is however at capacity and requires upgrading in order to accommodate any additional developments in Riebeek Kasteel. No other upgrading to the WCDM system is required as a direct result of the development.

Based on the current water demand of the Swartland bulk water system the Swartland WTP has sufficient capacity to accommodate the proposed development in the existing system.

For the 2021/22 financial year the water demand for the Swartland system was less than the permitted water demand of 8 200 000 kL/year.

We trust that you find this of value.

Yours sincerely

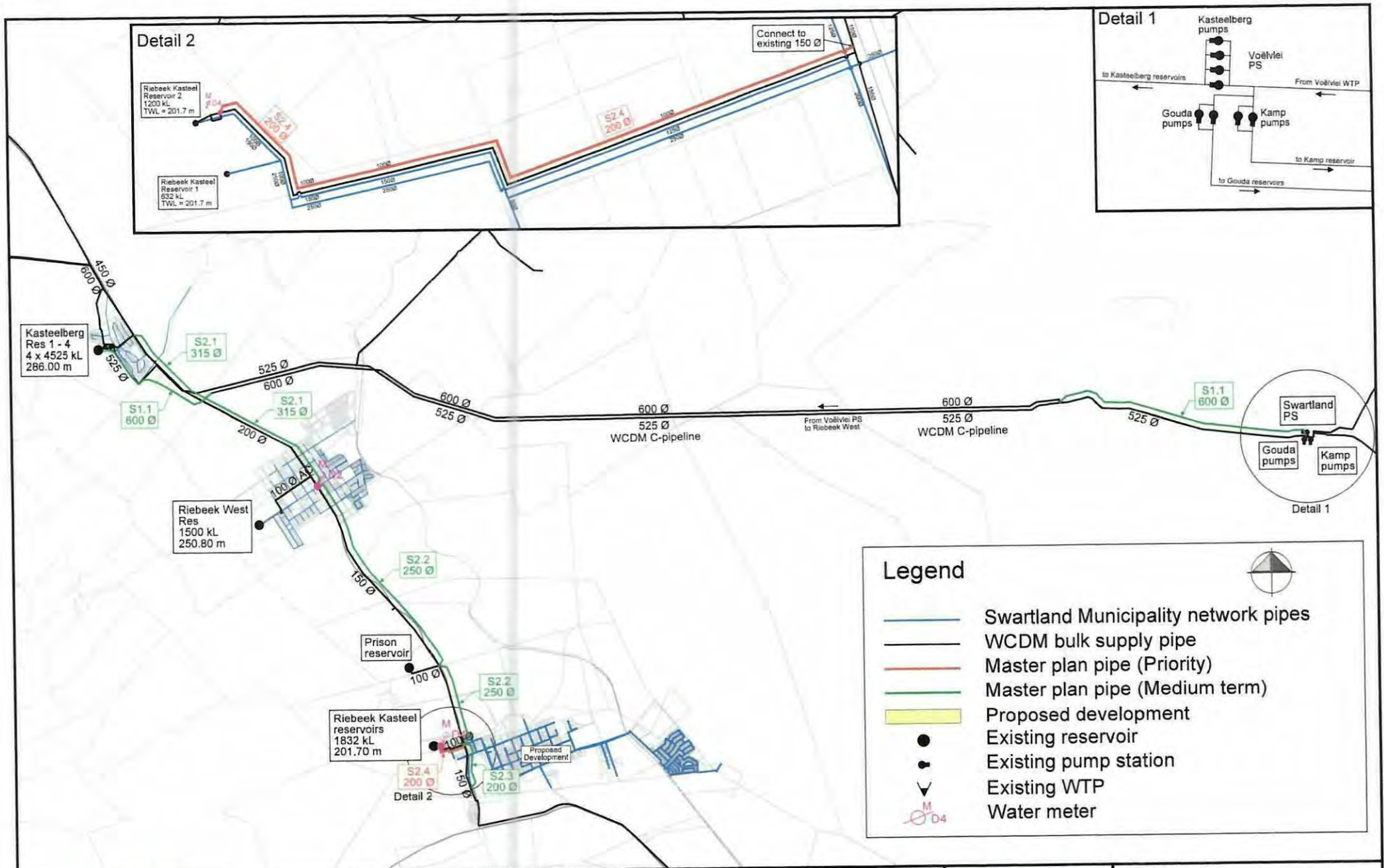
GLS CONSULTING (PTY) LTD
REG. NO.: 2007/003039/07



Per: PC DU PLESSIS

cc. South Consulting Town and Regional Planning
P. O. Box 264
PIKETBERG
7320

Attention: Mr Jan Truter



September 2023
 Development of Erf 361, Riebeeck Kasteel



Figure 1
 Proposed Development
 Erf 361 - Riebeeck Kasteel
 Swartland Bulk Supply System

ANNEXURE G

Riebeek Kasteel: Erf 361								
	New Single Residential >650m ² A	New Single Residential >350m ² B	General Residential: Flat C	Place of assembly / 100m ² GLA D	A + B + C - D	Vat	Contribution	Less 60%
Water	R 17,825.60	R 13,369.20	R 106,953.60	R 58,022.33	R 80,126.07	R 12,018.91	R 92,144.98	R 36,857.99
Bulk Water	R 18,892.80	R 14,169.60	R 113,356.80	R 34,023.86	R 112,395.34	R 16,859.30	R 129,254.64	R 51,701.85
Sewer	R 10,208.44	R 9,744.42	R 89,091.84	R 48,332.32	R 60,712.38	R 9,106.86	R 69,819.23	R 27,927.69
WWTW	R 13,727.56	R 13,103.58	R 119,804.16	R 64,993.76	R 81,641.54	R 12,246.23	R 93,887.77	R 37,555.11
Roads	R 14,591.00	R 13,132.00	R 92,604.00	R 107,415.00	R 12,912.00	R 1,936.80	R 14,848.80	R 5,939.52
Number	1	1	12	6.51		Total	R 399,955.43	R 159,982.17

Water	R 36,857.99
Bulk Water	R 51,701.85
Sewer	R 27,927.69
WWTW	R 37,555.11
Roads	R 5,939.52



Ref: DOI/CFS/RP/LUD/REZ/SUB-26/359 (Job 30678)

The Municipal Manager
Swartland Municipality
Private Bag X52

MALMESBURY

7299

Attention: Ms DN Stellenberg

Dear Madam

ERF 361, RIEBEEK KASTEEL: PROPOSED REZONING, SUBDIVISION, CONSENT USE AND DEPARTURE

1. The following refer:
 - 1.1. Your letter to this Branch referenced 15/3/3-11/Erf_361 dated 3 November 2023, and
 - 1.2. Mr J Spies letter to this Branch referenced 16/5/3/2 dated 27 November 2023.
2. The application affects the section of Main Road 226 (Piet Retief Street) for which this Branch is the Road Authority however, the road operates like a municipal street.
3. The proposal is for the following:
 - 3.1. The rezoning of the subject property from Community Zone 2 to Subdivisional area to provide Residential Zone 1 and General Residential Zone 3.
 - 3.2. The subdivision of the subject property in Portion A (668m²) and Portion B (644m²) and remainder,
 - 3.3. Consent use for a rooftop base station, and
 - 3.4. Departures of height restriction and southern building line.
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: TRANSPORT INFRASTRUCTURE****DATE: 29 NOVEMBER 2023**

ENDORSEMENTS

1. Swartland Municipality
Attention: Ms DN Stellenberg (e-mail: swartlandmun@swartland.org.za)
2. District Roads Engineer
Paarl
3. Mr L Louw (e-mail)
4. Mr D Fortuin (e-mail)
5. Mr S Carstens (e-mail)

From: Karen Hall <kphkaren1046@gmail.com>

Sent: Monday, 04 December 2023 13:27

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Subject: Objection to subdivision and development of ERF 361, Riebeek Kasteel

To the Municipal Manager

Good day

I am Mrs Hega North living at 20 van Riebeek Street, Riebeek Kasteel.

I wish to officially strongly object to the subdivision and development of ERF 361 Riebeek Kasteel as far as the proposed plan to convert the church hall into 12 flats/tiny apartments is concerned. The residential plots are not a problem, but the proposed development of the church hall into 12 flats is unacceptable.

The village also has a certain character which is very appealing to the locals and visitors alike. Additional flats/ tiny apartments in town will change the "feel" and character of our village even more considering there are already flats/tiny apartments on the corner of van Riebeek and Royal Streets, in the old police station on Piet Retief Street, on the corner of van Riebeek and Roos Streets and in Skool Street. That must surely be enough small residential flats in the centre of the town? More are not necessary. I am aware that lower cost housing has become a need, but not in central Riebeek Kasteel.

12 x flats in that church building is very high density living which can create problems in itself. Namely the number of people per flat and therefore the possibility of high noise levels (children,pets,visitors,traffic). Traffic concerns in town are a problem already whenever there is an event in the village over weekends and holidays. As well as parking issues. There is very little parking in town anyway.

I see parking has been allocated to the flats, but a possible two car family, as well as visitors to those 12 flats, will that not not cause other traffic and parking issues? Where will everyone park - legally?

Surely the church hall can be converted into a few different facilities for example a community centre of sorts, a step-down facility, a sports facility - with squash courts, table tennis etc, rather than the developer packing flats into that building!

These are my concerns.

I look forward to hearing from you regarding this matter.

Kind regards.

Hega North

From: Ester Siebert <Ester@shha.co.za>
Sent: Thursday, 30 November 2023 22:00
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objection to redevelopment of Erf 361 Riebeek Kasteel

TC & E Siebert
6 Maalbaai Street
ST HELENA BAY
7390

Attention: The Municipal Manager
2023

29 November

Private Bag X52
MALMESBURY
7299

To whom it may concern,

We, the undersigned owners of Erf 1969 Riebeek Kasteel, hereby lodge our objection against the proposed development on Erf 361 Riebeek Kasteel. Our objection specifically pertains to the conversion of the church hall into flats and does not extend to the creation of the two Residential Zone 1 units.

Our objection is founded on the following grounds:

1. Neighborhood character

- a) Considering that the church hall building dates back to 1959 it forms part of the urban fabric, if not of the town, of the immediate surrounding residential area. The conversion of the church hall into flats poses a considerable impact on this sense of place.

- b) The church hall serves as a hub for community activities, gatherings, or events. Converting it into residential flats will eliminate this communal space, which plays a crucial role in fostering social interactions, community cohesion, and local events that contribute to the town's vibrancy.

- c) In Riebeek Kasteel, the promotion of higher densities typically revolves around strategies such as adding extra dwellings within existing residential properties or developing higher density estates. These approaches maintain and reinforce the town's rural character. The proposed typology of converting the church hall into flats diverges significantly from the established character and architectural norms prevalent throughout Riebeek Kasteel. The introduction of flats within this historical context would represent a departure from the customary architectural landscape characterized by lower-density housing and traditional rural aesthetics.

2. Traffic and congestion

- a) The current usage of the church hall primarily occurs during weekends for specific events or gatherings, resulting in sporadic traffic flow limited to these particular times which has a limited impact in terms of traffic and congestion. However, the proposed conversion of the church hall into flats entails a permanent shift in the building's function from a weekend-specific public facility to a residential space. This transformation will generate continuous traffic flow, predominantly associated with residential living, thereby significantly altering the traffic patterns in the area.

- b) In Riebeek Kasteel, the typical street block comprises an average of 3 to 4 residential plots along each side. This configuration generally entails a maximum of 4 access points distributed evenly along each side, accommodating an average of 2 vehicles per entry point, totaling 8 vehicles requiring access on a respective block side. However, the proposed conversion of the church hall into flats is projected to accommodate 18 vehicles, based on the requirement of 1.5 parking spaces per flat. Additionally, with the inclusion of two proposed residential plots adjacent to the intended flats, the total vehicles seeking access on this side of the block would rise to 22. This is nearly three times the customary vehicle access for a side of a block.

- c) While the applicant contends that the section of the remainder of Erf 164, situated north of Erf 361, is currently designated as a public road area used for parking, and will persist in serving as off-street parking, this allowance should not be permitted. It is reasonable for this space to function as public parking that caters to the needs of

the community while Erf 361 houses the church hall which is considered a public facility. In the event that the church hall is converted into flats, the establishment will shift from a public facility to a land use with private interests. As such, the argument stands that the public parking area, initially designated to support public amenities, should not be repurposed to serve the private interests associated with the proposed flats. On these grounds, the portion of Erf 164 designated as a public road area should not be appropriated to accommodate off-street parking for the intended flats.

Therefore, the additional vehicles linked to the flats must rely on a single entrance from School Street, contrary to the conventional distribution of access points for individual residential properties. Consequently, this concentrated traffic influx will substantially exacerbate congestion and disrupt the smooth flow of movement within the neighborhood. The proposal is thus in stark contrast to the current situation with single residential properties, where access points are more evenly dispersed, mitigating traffic concentration and congestion issues. The disproportionate increase in vehicle volume and the subsequent congestion that the proposed flats would bring will severely impact the existing traffic dynamics and neighborhood functionality.

3. Services

- a) GLS notes that accommodating the development will have a negative impact on water supply to the higher lying erven in the Riebeek Kasteel. Accommodating the proposed development without adhering to such recommendations could exacerbate existing deficiencies in the water supply infrastructure, affecting not only the proposed flats, but also impacting the reliability and adequacy of water distribution to the wider surrounding network. Converting a church hall into flats might strain all local infrastructures like sewage, water supply, and electricity if it wasn't initially designed for residential purposes.

The conversion of a church hall into flats disregards the historical and cultural significance of the building, erasing a tangible piece of history that holds sentimental and symbolic value for the community. Maintaining these structures as cultural landmarks or community spaces rather than repurposing them for private residential use is of importance. Should there ever arise a real need for alternative ways to repurpose the building that respect its historical and cultural value, whilst still meeting the community's needs, there are options such as transforming it into a community center, museum, art space, or another public-use facility that retains its original character and purpose and would not have a negative impact on the surrounding neighbors.

Furthermore, the demolishing of the inside of the hall (wooden floors, stage area, kitchen etc) and the rebuilding of the new development would have a very negative impact noise and dust wise on all the neighboring properties. The existing old trees that provide a natural fence and a lot of privacy for my swimming-pool area might also be damaged or negatively affected. These trees also serve as an eco-friendly way of regulating the natural spring that exist on the hall side of the church property, the

natural flow of water from the higher lying properties in our block is through our property into the church yard and redevelopment might have a negative impact on the disposal of the excess water. This past year especially we had a very big problem with the high volume of water that flowed through our property into the church hall side of Erf 361 Riebeeek Kasteel.

I also want to add that we would never have bought our property if the proposed development of Erf 361 existed, we bought our house because it was next to the hall and parking area, we liked the privacy the peaceful and spacious feeling the neighboring property provided.

For these compelling reasons, we express our firm opposition to the proposed repurposing of the church hall into flats. We believe that such a transformation would not only disrupt the historical and cultural fabric of our neighborhood, but also compromise the peace, tranquility, and harmonious living conditions that we, as residents, currently cherish and strive to maintain within our community. Therefore, we vehemently oppose the conversion of this significant public space into multiple residential units, as it poses a fundamental threat to the cherished values and character of our neighborhood that we hold dear.

Regards.

Theo and Ester Siebert

theo@shha.co.za / 0832811493

ester@shha.co.za / 0832681073

Nic

From: Nic <nftreurnicht@telkomsa.net>
Sent: 30 November 2023 11:17 AM
To: swartlandmun@swartland.org.za
Cc: 'jotreur51@gmail.com'; Awie Treurnicht
Subject: RE:Voorgestelde Hersonerig,Onderverdeling,Vergunningsgebruik en Afwyking v Ontwikkelingsparameters op Erf 361,Riebeek Kasteel
Attachments: Die Munisipale Bestuurder {nms Kasteel Eiendomme} (1).pdf

Die Munisipale Bestuurder,

Swartland Munisipaliteit

Vind aangeheg ons besware i.v.m. bogenoemde ontwikkeling op Riebeek Kasteel soos versoek

In u skrywe van 3 Nov 2023(Verw 15/3/3-11/Erf 361).

Groete

Nic Treurnicht(Nms Kasteel Elendomme)

25 Muirfield Crescent

Greenways,Strand 7140

South Africa

Tel: +27 21 8532452

Cell:+27 (0)83 2920031

E-mail: nftreurnicht@telkomsa.net

Die Munisipale Bestuurder,
Swartland Munisipaliteit
P/bus X52
Malmesbury 7299

Verw. 15/3/3-11/Erf361
28 Nov 2023

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

RE: Beswaar teen Voorgestelde Hersonerings, Onderverdeling, Vergunningsgebruik en Akwyking van Ontwikkelingsparameters op Erf 361, Riebeek Kasteel

Namens die Kasteel Eiendomme saak (Eienaar van Erwe 470 en 1315, Riebeek Kasteel) en as gemagtigde vennoot,, wil ek hiermee ingevolge artikel 60 van die Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020) [hierna "die Verordening"], beswaar aanteken teen die voorgestelde hersonerings, onderverdeling en alle aspekte van die aansoek betreffende Erf 361, Riebeek Kasteel, soos daarvan in kennis gestel deur die Swartland Munisipaliteit dd. 3 November 2023.

Besware teen voorgestelde wysigings:

1. Boulyn-Suidelike Grens (0m)

Die 5m boulyn moet ten alle koste behou word om met die boulyn van die res van Skoolstraat

se bestaande eiendomme, ooreen te stem.

Daar bestaan geen presedent vir die afwyking van hierdie wel-gevestigde 5m boulyn nie, en dit sal die estetiese voorkoms en karakter van die hele midde-dorp totaal ondermyn, sou hierdie afwyking toegelaat word op 'n sleutel-straat in die dorp. Meer so, as in ag geneem word dat die aansoek 'n muur reg op hierdie 0m lyn beoog, waarvan die hoogte nog nie eers gespesifiseer is nie. Die 0m afwyking sal die hele uitleg van Skoolstraat nadelig beïnvloed en Riebeek Kasteel as geheel skend, en aanliggende eiendomswaardes nadelig raak.

2. Fase 1 –Toekomstige Ontwikkeling op gedeelte van Erf 361

Geen melding word gemaak, of uitleg gegee van verdere ontwikkelingsplanne onder Fase 1 van die projek nie. Daar word bloot aansoek gedoen vir hersonerings vir grondgebruik : Residensiele sone 1.

Hierdie is 'n omvattende ontwikkeling in 'n sleutel-area in die dorp, en niks verhoed die aansoeker later, om die afwykings en verslappings bekom in Fase 2, dan (in die toekoms) te gebruik om Fase 1 verder te ontwikkel met dieselfde afwykings en verslappings reeds bekom in Fase 2. Hierdie goedkeuring mag beteken dat Fase 1 dan ook beide die omstrede afwykings van 2,5m op hoogte (sic) en 0m boulyn aan die Suidelike grens, met gemak mag toepas.

In sy geheel, sal so 'n stel mure op die 0m lyn, plus die redelik waarskynlike elektriese of ander drade bo-op, reg in die midde-dorp 'n soort Alcatraz vestig op 'n landelike dorpie, waar die hoogte- en boulyn beperkings na die straat, veel tot lg. se atmosfeer en toeganklikheid bydra. (Piet Retiefstraat kan tereg as die hoofstraat van die dorp beskou word.)

Dit val ook vreemd op dat Fase 2 eerste ontwikkel word, en dat Fase 1, waaroor gevaarlik min inligting verskaf word, kwansuis later ontwikkel sal word.

Dit kom voor as 'n dun-end-van-die-wig strategie : gebruik Fase 2 as opening om afwykings en vergunnings te bekom, en skuif later agter die vergunnings in, om moontlik dieselfde vir Fase 1 met gemak te bekom.

Hierdie afwyking behoort dus nie goedgekeur te word nie.

Sou dit desnieteenstaande hierdie besware toegestaan word, behoort die aller-strengste voorwaardes en beperkings op Fase 1 tot standaard Residensiele sone 1 gebruik, nou reeds daaraan geheg te word. Alternatiewelik, behoort Fase 2 glad nie goedgekeur te word, totdat die Aansoeker 'n volledige, aparte aansoek vir Fase 1 ook ingedien het, en beide in hul totaliteit saam oorweeg kan word.

3. Impak van Fase 1 & 2 op Bestaande Infrastruktuur

Tussen die twee fases van die projek , mag daar moonlik meer as 30 wooneenhede op Erf 361 opgerig word. Dit sal geweldige verdigting op Erf 361 tot gevolg hê. Ons glo die bestaande infrastruktuur op Riebeek Kasteel (paaie, rioolwater, stormwater asook water en kragvoorsiening) sal nie die additionele las van hierdie hoë verdigtings-projek sonder veel meer behoorlike, gedetailleerde beplanning kan hanteer nie. Geen inligting is ontvang in die aansoek oor planne en ondernemings van die ontwikkelaar(s) om hierdie nodige infrastruktuur te help ontwikkel nie. Trouens, geen aanduiding hoegenaamd bestaan wie die ontwikkelaars in die projek sal wees nie (of watter prosesse gevolg sal word om hul te kies nie) : opsigself behoort dit hierdie aansoek vir verdere ondersoek, navrae en inligting uit te stel.

4.Hoogte-afwyking "na 6.5 m"

Hierdie aansoek vir afwyking "*van die 2.5m hoogte na 6.5m, wat die dak-basisstasie se antenapunt bokant die gebou laat uitsteek*" is onduidelik, strook nie met die aangehegte tekening nie, en is trouens, onverstaanbaar. Derhalwe kan behoorlike kommentaar en moontlike beswaar daarop (anders as die besware rondom hoogte-afwykings elders hierin) nie behoorlik hierin gemaak word nie.

Die skrywer/beswaar-maker behou dus die reg voor om verder hierteen beswaar aan te teken wanneer beoorlike verduideliking hieromtrent verskaf is, soos dan ook hiermee aangevra van die aansoeker.

5.Procedurele en Regsaspekte

Geen notule waarin hierdie besluit, planne en aansoek behoorlik deur die Kerkraad van die Elenaar gemagtig word (NG Kerk, Riebeek Kateel) kon opgespoor word nie. Daar bestaan goeie redes dus om te glo dat die opdraggewers van die Elenaar *ultra vires* (buite hulle magte en reglemente) en sonder behoorlike mandaat van die Kerkraad in ope proses, opgetree het deur die aansoeker op hierdie stadium die aansoek te laat bring.

Daar bestaan groot onduidelikheid oor beide die finansiele implikasies vir die Kerk en wat verlore sal gaan vir die Kerk, sou hierdie sentrale, sleutel-gebou goedsmoeds in wooneenhede omskep word.

Die aansoek behoort nie oorweeg te word tot behoorlike oorweging gegee is in ope, volle vergadering, en behoorlik gemagtigde besluite geneem is in Kerkraad, oor die planne, implikasies van die Aansoek, en ook die planne vorentoe, sou die Kerk se saal so tot niet gaan nie.

Geen tydsraamwerk of behoorlike plan bestaan nie, en dis duidelik dat die Kerk (en gemeenskap) sonder saal sal wees. Opsigself, skep dit 'n groot verlies aan gemeenskaps-samesyn in 'n dorp met beperkte sodanige bronne.

Die saal wat die onderwerp van die aansoek is, het 'n lang geskiedenis as gemeenskaps-sleutelpunt en dra 'n ryk kultuurgeskiedenis rondom die dorp en sy erfenis. Die gebou wat nou gewysig wil word, is ongeveer 62 jaar oud, en word beskerm deur die sogenaamde 60-jaar reel. (Ingevolge art. 34 van die Nasionale Erfenisbronne Wet, mag geen persoon of entiteit so 'n struktuur (of gedeelte daarvan), wysig of afbreek sonder 'n permit bekom van die betrokke provinsiale owerheid nie.) Dit sou dus, op hierdie grond alleen, absoluut onwettig en hersienbaar wees, sou hierdie aansoek soos gebring, toegestaan word.

Skrywer vertrou die Bestuur van Swartland Munisipaliteit sal hierdie besware ernstig en volledig oorweeg, en die aansoek weier. Hierdie ontwikkeling (soos nou voorgestel) sal 'n ernstige negatiewe impak op die kern van die dorp en sy unieke karakter hê.

Nota : Skrywer sal alle korrespondensie per epos (sien onder) verkies en afwag. U word versoek om skrywer van enige openbare verhore of vergaderings tydig in te lig, aangesien skrywer met graagte daaraan sal wil deelneem.

By voorbaat dank

Nic Treurnicht (nms. Kasteel Eiendomme)

e-pos: nftreurnicht@telkomsa.net

Sel: 083 292 0031

25 Muirfield Crescent

Greenways Estate

Strand

7140

Nic

From: Nic <nftreurnicht@telkomsa.net>
Sent: 30 November 2023 10:18 AM
To: 'swartlandmun@swartland.org.za'
Cc: 'jotreur51@gmail.com'
Subject: RE:Voorgestelde Hersonering,Onderverdeling,Vergunningsgebruik en Afwyking v
Ontwikkelingsparameters op ERF 361 Riebeek Kasteel
Attachments: Die Munisipale Bestuurder Swartland(nms Nic Treurnicht Trust).pdf

Die Munisipale Bestuurder,

Swartland Munisipalitet

Vind aangeheg ons besware i.v.m bogenoemde ontwikkeling op Riebeek Kasteel soos versoek

in u skrywe van 3 Nov 2023(Verw 15/3/3-11/ Erf361).

Groete

Nic Treurnicht(Nms Nic Treurnicht Trust)

25 Muirfield Crescent

Greenways,Strand 7140

South Africa

Tel: +27 21 8532452

Cell:+27 (0)83 2920031

E-mail: nftreurnicht@telkomsa.net

Die Munisipale Bestuurder,
Swartland Munisipaliteit
P/bus X52
Malmesbury 7299

Verw. 15/3/3-11/Erf361
28 Nov 2023

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

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Namens die Nic Treurnicht Trust (Eienaar van Erwe 1001 en 374, Riebeek Kasteel) en as gemagtigde trustee, wil ek hiermee ingevolge artikel 60 van die Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020) [hierna "die Verordening"], beswaar aanteken teen die voorgestelde hersonerings, onderverdeling en alle aspekte van die aansoek betreffende Erf 361, Riebeek Kasteel, soos daarvan in kennis gestel deur die Swartland Munisipaliteit dd. 3 November 2023.

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Die 5m boulyn moet ten alle koste behou word om met die boulyn van die res van Skoolstraat

se bestaande eiendomme, ooreen te stem.

Daar bestaan geen presedent vir die afwyking van hierdie wel-gevestigde 5m boulyn nie, en dit sal die estetiese voorkoms en karakter van die hele midde-dorp totaal ondermyn, sou hierdie afwyking toegelaat word op 'n sleutel-straat in die dorp. Meer so, as in ag geneem word dat die aansoek 'n muur reg op hierdie 0m lyn beoog, waarvan die hoogte nog nie eers gespesifiseer is nie. Die 0m afwyking sal die hele uitleg van Skoolstraat nadelig beïnvloed en Riebeek Kasteel as geheel skend, en aanliggende eiendomswaardes nadelig raak.

2. Fase 1 –Toekomstige Ontwikkeling op gedeelte van Erf 361

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3. Impak van Fase 1 & 2 op Bestaande Infrastruktuur

Tussen die twee fases van die projek , mag daar moontlik meer as 30 wooneenhede op Erf 361 opgerig word. Dit sal geweldige verdigting op Erf 361 tot gevolg hê. Ons glo die bestaande Infrastruktuur op Riebeek Kasteel (paaie, rioolwater, stormwater asook water en kragvoorsiening) sal nie die addisionele las van hierdie hoë verdigtings-projek sonder veel meer behoorlike, gedetailleerde beplanning kan hanteer nie. Geen inligting is ontvang in die aansoek oor planne en ondernemings van die ontwikkelaar(s) om hierdie nodige infrastruktuur te help ontwikkel nie. Trouens, geen aanduiding hoegenaamd bestaan wie die ontwikkelaars in die projek sal wees nie (of watter prosesse gevolg sal word om hul te kies nie) : opsigself behoort dit hierdie aansoek vir verdere ondersoek, navrae en inligting uit te stel.

4. Hoogte-afwyking "na 6.5 m"

Hierdie aansoek vir afwyking "*van die 2.5m hoogte na 6.5m, wat die dak-basisstasie se antenapunt bokant die gebou laat uitsteek*" is onduidelik, strook nie met die aangehegte tekeninge nie, en is trouens, onverstaanbaar. Derhalwe kan behoorlike kommentaar en moontlike beswaar daarop (anders as die besware rondom hoogte-afwykings elders hierin) nie behoorlik hierin gemaak word nie.

Die skrywer/beswaar-maker behou dus die reg voor om verder hierteen beswaar aan te teken wanneer beoorlike verduideliking hieromtrent verskaf is, soos dan ook hiermee aangevra van die aansoeker.

5. Prosedurele en Regsaspekte

Geen notule waarin hierdie besluit, planne en aansoek behoorlik deur die Kerkraad van die Eienaar gemagtig word (NG Kerk, Riebeek Kasteel) kon opgespoor word nie. Daar bestaan goeie redes dus om te glo dat die opdraggewers van die Eienaar *ultra vires* (buite hulle magte en reglemente) en sonder behoorlike mandaat van die Kerkraad in ope proses, opgetree het deur die aansoeker op hierdie stadium die aansoek te laat bring.

Daar bestaan groot onduidelikheid oor beide die finansiële implikasies vir die Kerk en wat verlore sal gaan vir die Kerk, sou hierdie sentrale, sleutel-gebou goedsmoeds in wooneenhede omskep word.

Die aansoek behoort nie oorweeg te word tot behoorlike oorweging gegee is in ope, volle vergadering, en behoorlik gemagtigde besluite geneem is in Kerkraad, oor die planne, implikasies van die Aansoek, en ook die planne vorentoe, sou die Kerk se saal so tot niet gaan nie.

Geen tydsraamwerk of behoorlike plan bestaan nie, en dis duidelik dat die Kerk (en gemeenskap) sonder saal sal wees. Opsigself, skep dit 'n groot verlies aan gemeenskaps-samesyn in 'n dorp met beperkte sodanige bronne.

Die saal wat die onderwerp van die aansoek is, het 'n lang geskiedenis as gemeenskaps-sleutelpunt en dra 'n ryk kultuurgeskiedenis rondom die dorp en sy erfenis. Die gebou wat nou gewysig wil word, is ongeveer 62 jaar oud, en word beskerm deur die sogenaamde 60-jaar reël. (Ingevolge art. 34 van die Nasionale Erfenisbronne Wet, mag geen persoon of entiteit so 'n struktuur (of gedeelte daarvan), wysig of afbreek sonder 'n permit bekom van die betrokke provinsiale owerheid nie.) Dit sou dus, op hierdie grond alleen, absoluut onwettig en hersienbaar wees, sou hierdie aansoek soos gebring, toegestaan word.

Skrywer vertrou die Bestuur van Swartland Munisipaliteit sal hierdie besware ernstig en volledig oorweeg, en die aansoek weier. Hierdie ontwikkeling (soos nou voorgestel) sal 'n ernstige negatiewe impak op die kern van die dorp en sy unieke karakter hê.

Nota : Skrywer sal alle korrespondensie per epos (sien onder) verkies en afwag. U word versoek om skrywer van enige openbare verhore of vergaderings tydig in te lig, aangesien skrywer met graagte daaraan sal wil deelneem.

By voorbaat dank

Nic Treurnicht (nms. Nic Treurnicht Trust)

e-pos: nftreurnicht@telkomsa.net

Sel: 083 292 0031

25 Muirfield Crescent

Greenways Estate

Strand

7140



CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



Swartland forward-thinking 2040 -
where people can live their dreams!

Swartland vooruitdenkend 2040 -
waar mense hul drome kan uitleef!

File ref: 15/3/3-11/Erf_361
15/3/4-11/Erf_361
15/3/6-11/Erf_361
15/3/10-11/Erf_361

Enquiries:
Ms D N Stallenberg

12 December 2023

Jan Truter
P O Box 264
PIKETBERG
7320

Dear Sir/Madam

REQUEST: EXTENSION OF COMMENTING PERIOD ON OBJECTIONS: SUBDIVISION REZONING, CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 361, RIEBEEK KASTEEL

Your e-mail dated 12 December 2023 regarding the subject refers.

Extention is hereby granted until 26 January 2024.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

Jan Truter*(Pr.Pln. A/1411/2011)*

P O Box 264
Piketberg, 7320
Mobile: 082 562 6740
Fax: 086 518 6801
jan@southcon.co.za

Ons verwysing: ERF 361 RBK
Our reference:
U verwysing:
Your reference:



15 January 2024

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

For the attention of : Senior Manager: Built Environment [per e-mail: DelmarieStellenberg@swartland.org.za]

Dear Sir,

RESPONSE TO PUBLIC INPUTS : ERF 361 RIEBEEK KASTEEL: APPLICATION FOR SUBDIVISION, REZONING, CONSENT AND DEPARTURE FOR PURPOSES OF DEVELOPING 12 APARTMENTS AND 2 RESIDENTIAL AND REGULATING AN EXISTING ROOFTOP BASE STATION LAND USE

I acknowledge receipt of your letter dated 12 December 2023, notifying us of objections raised by TC & E Siebert, Hega North, and Nic Treurnicht on behalf of the Nic Treurnicht Trust. The letter called for our comments within 30 days from the date of receipt. Subsequently, in your second letter, also dated 12 December 2023, we appreciate the extension granted, allowing us until 26 January 2024, to submit our comments.

We wish to inform you that we have corrected and updated the reference number for the project to "ERF 361 RBK."

Enclosed herewith are the objections raised by Mr. and Ms. Siebert, accompanied by our responses (ANNEXURE A and ANNEXURE B, respectively). Ms. North's objections are presented in ANNEXURE C, and our response is contained in ANNEXURE D. Additionally, Mr. Treurnicht's inputs are outlined in ANNEXURE E, and our corresponding responses are provided in ANNEXURE F.

We trust that the documentation is in order. Should you require any further information, please do not hesitate to contact me.

Yours sincerely,

Jan Truter, pr. pln.

south consulting | Town and Regional Planning

ANNEXURE A

From: Ester Siebert <Ester@shha.co.za>
Sent: Thursday, 30 November 2023 22:00
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objection to redevelopment of Erf 361 Riebeek Kasteel

TC & E Siebert
6 Maalbaai Street
ST HELENA BAY
7390

Attention: The Municipal Manager

29 November 2023

Private Bag X52
MALMESBURY
7299

To whom it may concern,

We, the undersigned owners of Erf 1969 Riebeek Kasteel, hereby lodge our objection against the proposed development on Erf 361 Riebeek Kasteel. Our objection specifically pertains to the conversion of the church hall into flats and does not extend to the creation of the two Residential Zone 1 units.

Our objection is founded on the following grounds:

1. Neighborhood character

- a) Considering that the church hall building dates back to 1959 it forms part of the urban fabric, if not of the town, of the immediate surrounding residential area. The conversion of the church hall into flats poses a considerable impact on this sense of place.
- b) The church hall serves as a hub for community activities, gatherings, or events. Converting it into residential flats will eliminate this communal space, which plays a crucial role in fostering social interactions, community cohesion, and local events that contribute to the town's vibrancy.
- c) In Riebeek Kasteel, the promotion of higher densities typically revolves around strategies such as adding extra dwellings within existing residential properties or developing higher density estates. These approaches maintain and reinforce the town's rural character. The proposed typology of converting the church hall into flats diverges significantly from the established character and architectural norms prevalent throughout Riebeek Kasteel. The introduction of flats within this historical context would represent a departure from the customary architectural landscape characterized by lower-density housing and traditional rural aesthetics.

2. Traffic and congestion

- a) The current usage of the church hall primarily occurs during weekends for specific events or gatherings, resulting in sporadic traffic flow limited to these particular times which has a limited impact in terms of traffic and congestion. However, the proposed conversion of the church hall into flats entails a permanent shift in the building's function from a weekend-specific public facility to a residential space. This transformation will generate continuous traffic flow, predominantly associated with residential living, thereby significantly altering the traffic patterns in the area.
- b) In Riebeek Kasteel, the typical street block comprises an average of 3 to 4 residential plots along each side. This configuration generally entails a maximum of 4 access points distributed evenly along each side, accommodating an average of 2 vehicles per entry point, totaling 8 vehicles requiring access on a respective block side. However, the proposed conversion of the church hall into flats is projected to accommodate 18 vehicles, based on the requirement of 1.5 parking spaces per flat. Additionally, with the inclusion of two proposed residential plots adjacent to the intended flats, the total vehicles seeking access on this side of the block would rise to 22. This is nearly three times the customary vehicle access for a side of a block.
- c) While the applicant contends that the section of the remainder of Erf 164, situated north of Erf 361, is currently designated as a public road area used for parking, and will persist in serving as off-street parking, this allowance should not be permitted. It is reasonable for this space to function as public parking that caters to the needs of the community while Erf 361 houses the church hall which is considered a public facility. In the event that the church hall is converted into flats, the establishment will shift from a public facility to a land use with private interests. As such, the argument stands that the public parking area, initially designated to support public amenities, should not be repurposed to serve the private interests associated with the proposed flats. On these grounds, the portion of Erf 164 designated as a public road area should not be appropriated to accommodate off-street parking for the intended flats.

Therefore, the additional vehicles linked to the flats must rely on a single entrance from School Street, contrary to the conventional distribution of access points for individual residential properties. Consequently, this concentrated traffic influx will substantially exacerbate congestion and disrupt the smooth flow of movement within the neighborhood. The proposal is thus in stark contrast to the current situation with single residential properties, where access points are more evenly dispersed, mitigating traffic concentration and congestion issues. The disproportionate increase in vehicle volume and the subsequent congestion that the proposed flats would bring will severely impact the existing traffic dynamics and neighborhood functionality.

3. Services

- a) GLS notes that accommodating the development will have a negative impact on water supply to the higher lying erven in the Riebeek Kasteel. Accommodating the proposed development without adhering to such recommendations could exacerbate existing deficiencies in the water supply infrastructure, affecting not only the proposed flats, but also impacting the reliability and adequacy of water distribution to the wider surrounding network. Converting a church hall into flats might strain all local infrastructures like sewage, water supply, and electricity if it wasn't initially designed for residential purposes.

The conversion of a church hall into flats disregards the historical and cultural significance of the building, erasing a tangible piece of history that holds sentimental and symbolic value for the community. Maintaining these structures as cultural landmarks or community spaces rather than repurposing them for private residential use is of importance. Should there ever arise a real need for alternative ways to repurpose the building that respect its historical and cultural value, whilst still meeting the community's needs, there are options such as transforming it into a community center, museum, art space, or another public-use facility that retains its original character and purpose and would not have a negative impact on the surrounding neighbors.

Furthermore, the demolishing of the inside of the hall (wooden floors, stage area, kitchen etc) and the rebuilding of the new development would have a very negative impact noise and dust wise on all the neighboring properties. The existing old trees that provide a natural fence and a lot of privacy for my swimming-pool area might also be damaged or negatively affected. These trees also serve as an eco-friendly way of regulating the natural spring that exist on the hall side of the church property, the natural flow of water from the higher lying properties in our block is through our property into the church yard and redevelopment might have a negative impact on the disposal of the excess water. This past year especially we had a very big problem with the high volume of water that flowed through our property into the church hall side of Erf 361 Riebeek Kasteel.

I also want to add that we would never have bought our property if the proposed development of Erf 361 existed, we bought our house because it was next to the hall and parking area, we liked the privacy the peaceful and spacious feeling the neighboring property provided.

For these compelling reasons, we express our firm opposition to the proposed repurposing of the church hall into flats. We believe that such a transformation would not only disrupt the historical and cultural fabric of our neighborhood, but also compromise the peace, tranquility, and harmonious living conditions that we, as residents, currently cherish and strive to maintain within our community. Therefore, we vehemently oppose the conversion of this significant public space into multiple residential units, as it poses a fundamental threat to the cherished values and character of our neighborhood that we hold dear.

Regards.

Theo and Ester Siebert

theo@shha.co.za / 0832811493

ester@shha.co.za / 0832681073

ANNEXURE B

ANNEXURE B

Objection	Response
<p>From: Ester Siebert <Ester@shha.co.za> Sent: Thursday, 30 November 2023 22:00 To: Registrasie Email <RegistrasieEmail@swartland.org.za> Subject: Objection to redevelopment of Erf 361 Riebeek Kasteel TC & E Siebert 6 Maalbaai Street ST HELENA BAY 7390</p>	
<p>We, the undersigned owners of Erf 1969 Riebeek Kasteel, hereby lodge our objection against the proposed development on Erf 361 Riebeek Kasteel. Our objection specifically pertains to the conversion of the church hall into flats and does not extend to the creation of the two Residential Zone 1 units. Our objection is founded on the following grounds:</p>	
<p>1. Neighbourhood character</p>	
<p>a) Considering that the church hall building dates back to 1959 it forms part of the urban fabric, if not of the town, of the immediate surrounding residential area. The conversion of the church hall into flats poses a considerable impact on this sense of place.</p>	<p>The proposal seeks to preserve the building's distinctive character primarily by confining substantial modifications to the interior of the existing structure. The exterior of the building will largely remain intact. The historical significance and spatial value inherent in the structure, contributing to elements like a sense of place, will be thoughtfully maintained, ensuring no loss to the town's cultural heritage.</p>
<p>b) The church hall serves as a hub for community activities, gatherings, or events. Converting it into residential flats will eliminate this communal space, which plays a crucial role in fostering social interactions, community cohesion, and local events that contribute to the town's vibrancy.</p>	<p>It is essential to differentiate between the Hall's functionality for the town and its functionality for the Owner. While acknowledging the positive impact the Hall brings to Riebeek Kasteel as a whole, it is imperative to recognize that the building primarily serves the needs of the local Dutch Reform Congregation. Since the establishment of the Hall in approximately 1959, there has been a significant transformation in the composition and size of the Congregation. This evolution necessitated a reassessment of the functional requirements for the Hall and the organizational capacity to manage and maintain various properties.</p>

Objection	Response
	<p>In light of these changes, the Congregation, mindful of its responsibility to address practical considerations, made a strategic decision to relinquish the Hall. This decision is not influenced solely by the Objector's perceptions of the town's needs for a hall. Instead, it stems from the Congregation's commitment to adapting to its own evolving requirements. The objective is to facilitate a more focused and purposefully designed development outcome, concentrating on new buildings situated around the Church on ERF 436 (in Main Road) to better accommodate its activities.</p>
<p>c) In Riebeek Kasteel, the promotion of higher densities typically revolves around strategies such as adding extra dwellings within existing residential properties or developing higher-density estates. These approaches maintain and reinforce the town's rural character. The proposed typology of converting the church hall into flats diverges significantly from the established character and architectural norms prevalent throughout Riebeek Kasteel. The introduction of flats within this historical context would represent a departure from the customary architectural landscape characterized by lower-density housing and traditional rural aesthetics.</p>	<p>The development proposal ensures the preservation of the architectural landscape in Riebeek Kasteel, maintaining the spatial character of the vicinity. This is achieved by retaining the overall structural integrity of the Hall, including external elevations and, for example, the overarching scale in terms of the roofline. By repurposing the functionality of the structure to align with the prevailing residential land use character of the area, the proposal effectively extends the lifespan of the Hall's spatial value and contribution to the sense of place in the vicinity.</p> <p>Notably, the development avoids increasing the physical extent of the built footprint within a low-density residential zone. The construction of apartments is confined to a pre-existing built-up area, demonstrating a conscientious approach to maintaining the existing development character of the community. The inclusion of two additional single residential dwellings adheres to development parameters aligned with the minimum erf sizes specified in the Spatial Development Framework for Riebeek Kasteel (Development Zone D).</p> <p>This proposal strategically addresses the need for residential densification in a sensitive and accommodative manner. It steers clear of the potential pitfalls associated with simply subdividing large residential stands, a practice</p>

Objection	Response
	that could lead to a dense and compact inner-city development footprint. By doing so, the proposal ensures that residents can enjoy a meaningful lifestyle experience in the serene environment of a “ <i>plattelandse</i> ” Swartland town.
2. Traffic and congestion	
<p>a) The current usage of the church hall primarily occurs during weekends for specific events or gatherings, resulting in sporadic traffic flow limited to these particular times which has a limited impact in terms of traffic and congestion. However, the proposed conversion of the church hall into flats entails a permanent shift in the building's function from a weekend-specific public facility to a residential space. This transformation will generate continuous traffic flow, predominantly associated with residential living, thereby significantly altering the traffic patterns in the area.</p>	<p>ERF 361, along Piet Retief Street, is an activity street linking the property to Riebeek Kasteel's center. It aligns with the SDF's motivation for densification and mixed-use developments on such streets.</p> <p>The proposal focuses on adding 14 dwelling units in a residential area, logically anticipating increased traffic. This increased flow is, however, mitigated by the strategic location of the site, luxury apartment development concept, and existing traffic patterns in the neighbourhood influenced by an abundant number of nearby guest accommodations (adding to continuous traffic flow throughout the day).</p> <p>The proposed development layout maintains current traffic patterns. Public access to apartments and parking is via Piet Retief Street, while private access uses Skool Street and Van Riebeek Street.</p>
<p>b) In Riebeek Kasteel, the typical street block comprises an average of 3 to 4 residential plots along each side. This configuration generally entails a maximum of 4 access points distributed evenly along each side, accommodating an average of 2 vehicles per entry point, totalling 8 vehicles requiring access on a respective block side. However, the proposed conversion of the church hall into flats is projected to accommodate 18 vehicles, based on the requirement of 1.5 parking spaces per flat. Additionally, with the inclusion of two proposed residential plots adjacent to the intended flats, the total number of vehicles seeking access on this side of the block would rise to 22. This is</p>	<p>The development proposal provides a realistic reflection of Riebeek Kasteel's current development landscape. Traditional eight-erf street blocks are scarce, with only one identified further south of ERF 361 (between Skool and Rose Streets and Kasteel en Kloof Streets).</p> <p>The creation of panhandle erven, exemplified by the Objector's ERF 1969, has notably increased dwelling units and contributed to heightened traffic flow in the neighbourhood (for example Skool and Rose Street between Main and Piet Retief Streets).</p> <p>In Riebeek Kasteel, the classical eight-erf street block, along with its associated street access per</p>

Objection	Response
<p>nearly three times the customary vehicle access for a side of a block.</p>	<p>block, is an exception rather than the norm. Most street blocks have undergone reconfiguration in terms of erf boundaries and layouts across the town.</p> <p>The Owner is conscious that excessive development could compromise Riebeek Kasteel's unique character, vital for its appeal as a sought-after residential destination. They therefore want to echo the Objector's description of the vicinity as "<i>a quiet part of the quaint village</i>" (https://blaauw-riebeek.co.za/).</p> <p>To minimize the development's impact on the area, including traffic flow, the proposal aims to confine construction within ERF 361's existing built footprint. Additionally, surrendering a third residential erf (at the corner of Piet Retief and Skool Streets) is proposed to accommodate off-street parking for the apartment building, showcasing the Owner's commitment to mitigating the project's effects on the surroundings.</p>
<p>c) While the applicant contends that the section of the remainder of Erf 164, situated north of Erf 361, is currently designated as a public road area used for parking, and will persist in serving as off-street parking, this allowance should not be permitted. It is reasonable for this space to function as public parking that caters to the needs of the community while Erf 361 houses the church hall which is considered a public facility. In the event that the church hall is converted into flats, the establishment will shift from a public facility to a land use with private interests. As such, the argument stands that the public parking area, initially designated to support public amenities, should not be repurposed to serve the private interests associated with the proposed flats. On these grounds, the portion of Erf 164 designated as a public road area should not be appropriated to accommodate off-street parking for the intended flats.</p>	<p>Contrary to this, the Owner is keen on acquiring the land portion referenced by the Objector. Initially intended for on-site parking in the apartment area development proposal, the Owner believed it was privately owned (by the Owner of ERF RE/164) and made an offer to purchase. Swartland Municipality intervened, asserting ownership based on prescriptive acquisition principles. Rather than pursuing the matter further, the Owner opted to revise the site development plan. The land portion is now excluded, left for utilization in alignment with its formal land use designation as a public street (specifically for public parking purposes).</p>

Objection	Response
<p>Therefore, the additional vehicles linked to the flats must rely on a single entrance from School Street, contrary to the conventional distribution of access points for individual residential properties. Consequently, this concentrated traffic influx will substantially exacerbate congestion and disrupt the smooth flow of movement within the neighbourhood.</p> <p>The proposal is thus in stark contrast to the current situation with single residential properties, where access points are more evenly dispersed, mitigating traffic concentration and congestion issues. The disproportionate increase in vehicle volume and the subsequent congestion that the proposed flats would bring will severely impact the existing traffic dynamics and neighbourhood functionality.</p>	<p>Refer to remarks above in relation to the “normal state of development” in Riebeek Kasteel.</p>
<p>3. Services</p>	
<p>a) GLS notes that accommodating the development will have a negative impact on the water supply to the higher-lying erven in the Riebeek Kasteel. Accommodating the proposed development without adhering to such recommendations could exacerbate existing deficiencies in the water supply infrastructure, affecting not only the proposed flats but also impacting the reliability and adequacy of water distribution to the wider surrounding network. Converting a church hall into flats might strain all local infrastructures like sewage, water supply, and electricity if it wasn't initially designed for residential purposes.</p>	<p>The developer will adhere to the recommendations in the GLS report and as directed by the Engineering Department of Swartland Municipality.</p>
<p>General</p>	
<p>The conversion of a church hall into flats disregards the historical and cultural significance of the building, erasing a tangible piece of history that holds sentimental and symbolic value for the community. Maintaining these structures as cultural landmarks or community spaces rather than repurposing them for private residential use is of important. Should there ever arise a real need for alternative ways to repurpose the building that respect its historical</p>	<p>The Owner acknowledges the Objector's sentiments but emphasizes the need to address real-world conditions responsibly. The Dutch Reform Congregation of Riebeek Kasteel has evolved since the hall's commissioning in 1959, facing different challenges with limited resources to retain the property. The Owner must reorganize to align with its current membership and financial capacity.</p>

Objection	Response
<p>and cultural value, whilst still meeting the community's needs, there are options such as transforming it into a community centre, museum, art space, or another public-use facility that retains its original character and purpose and would not have a negative impact on the surrounding neighbours.</p>	<p>The congregation cannot be expected to subsidize infrastructure and property for the town without adequate resources. However, the Municipality, representing the town, is invited to relieve the Owner of this responsibility by acquiring the property. This would help maintain the space's functionality and its contribution to the town's character.</p> <p>Justifying this, the town should be prepared to compensate the Owner for the asset at a value corresponding to the expected proceeds from the development's sale.</p>
<p>Furthermore, the demolishing of the inside of the hall (wooden floors, stage area, kitchen etc) and the rebuilding of the new development would have a very negative impact noise and dust wise on all the neighbouring properties. The existing old trees that provide a natural fence and a lot of privacy for my swimming pool area might also be damaged or negatively affected. These trees also serve as an eco-friendly way of regulating the natural spring that exists on the hall side of the church property, the natural flow of water from the higher-lying properties in our block is through our property into the churchyard and redevelopment might have a negative impact on the disposal of the excess water. This past year especially we had a very big problem with the high volume of water that flowed through our property into the church hall side of Erf 361 Riebeek Kasteel.</p>	<p>This information should be considered in the context that the Objector owns and operates a guest house facility on the adjacent ERF 1969 (https://blaauw-riebeek.co.za/), and as far as we understand, is not a resident of the property.</p> <p>The proposed development, including construction activities, will adhere to industry best practices. The final building plans will incorporate elements to address stormwater management effectively.</p> <p>Currently, the Owner has no intention to cut any trees on the property. However, the Objector is encouraged to enhance greenery on their side of the fence as they see fit in the meantime.</p>
<p>I also want to add that we would never have bought our property if the proposed development of Erf 361 existed, we bought our house because it was next to the hall and parking area, we liked the privacy the peaceful and spacious feeling the neighbouring property provided.</p>	<p>The Objector acquired ERF 1969 on February 5, 2021, for R2.4 million (T21234/2021). Originally defined in 2006 through a survey diagram, the land unit, approximately 794m² in size, resulted from the subdivision and consolidation of pre-existing erven. It was first transferred in 2015.</p> <p>Satellite images reveal that development on the land unit commenced in 2016, with substantial alterations undertaken in the latter half of 2022.</p> <p>The Owner's primary objective is to preserve the privacy and tranquillity of the location, crucial for attracting potential buyers for the</p>

Objection	Response
	apartments. The strategic placement of the ground base stage in the southwestern corner of REM/361, bordering ERF 1969, will serve as a significant buffer area between the apartment building and the Objector's guest house
<p>For these compelling reasons, we express our firm opposition to the proposed repurposing of the church hall into flats. We believe that such a transformation would not only disrupt the historical and cultural fabric of our neighbourhood, but also compromise the peace, tranquillity, and harmonious living conditions that we, as residents, currently cherish and strive to maintain within our community. Therefore, we vehemently oppose the conversion of this significant public space into multiple residential units, as it poses a fundamental threat to the cherished values and character of our neighbourhood that we hold dear.</p>	<p>Please refer to the responses above regarding the need for the Owner to confront the challenges it has to face while having to contend with a dynamically evolving environment.</p>
<p>Regards. Theo and Ester Siebert theo@shha.co.za / 0832811493 ester@shha.co.za 0832681073</p>	

ANNEXURE C

From: Karen Hall <kphkaren1046@gmail.com>

Sent: Monday, 04 December 2023 13:27

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Subject: Objection to subdivision and development of ERF 361, Riebeek Kasteel

To the Municipal Manager

Good day

I am Mrs Hega North living at 20 van Riebeek Street, Riebeek Kasteel.

I wish to officially strongly object to the subdivision and development of ERF 361 Riebeek Kasteel as far as the proposed plan to convert the church hall into 12 flats/tiny apartments is concerned. The residential plots are not a problem, but the proposed development of the church hall into 12 flats is unacceptable.

The village also has a certain character which is very appealing to the locals and visitors alike. Additional flats/ tiny apartments in town will change the "feel" and character of our village even more considering there are already flats/tiny apartments on the corner of van Riebeek and Royal Streets, in the old police station on Piet Retief Street, on the corner of van Riebeek and Roos Streets and in Skool Street. That must surely be enough small residential flats in the centre of the town? More are not necessary. I am aware that lower cost housing has become a need, but not in central Riebeek Kasteel.

12 x flats in that church building is very high density living which can create problems in itself. Namely the number of people per flat and therefore the possibility of high noise levels (children,pets,visitors,traffic). Traffic concerns in town are a problem already whenever there is an event in the village over weekends and holidays.As well as parking issues. There is very little parking in town anyway.

I see parking has been allocated to the flats, but a possible two car family, as well as visitors to those 12 flats, will that not cause other traffic and parking issues? Where will everyone park - legally?

Surely the church hall can be converted into a few different facilities for example a community centre of sorts, a step-down facility, a sports facility - with squash courts , table tennis etc, rather than the developer packing flats into that building!

These are my concerns.

I look forward to hearing from you regarding this matter.

Kind regards.

Hega North

ANNEXURE D

ANNEXURE D

Objection	Response
<p>From: Karen Hall <kphkaren1046@gmail.com> Sent: Monday, 04 December 2023 13:27 To: Registrasie Email <RegistrasieEmail@swartland.org.za></p> <p>Subject: Objection to subdivision and development of ERF 361, Riebeek Kasteel To the Municipal Manager</p> <p>Good day</p> <p>I am Mrs Hega North living at 20 van Riebeek Street, Riebeek Kasteel.</p>	
<p>I wish to officially strongly object to the subdivision and development of ERF 361 Riebeek Kasteel as far as the proposed plan to convert the church hall into 12 flats/tiny apartments is concerned. The residential plots are not a problem, but the proposed development of the church hall into 12 flats is unacceptable.</p>	<p>Noted.</p>
<p>The village also has a certain character which is very appealing to the locals and visitors alike. Additional flats/ tiny apartments in town will change the "feel" and character of our village even more considering there are already flats/tiny apartments on the corner of van Riebeek and Royal Streets, in the old police station on Piet Retief Street, on the corner of van Riebeek and Roos Streets and in Skool Street. That must surely be enough small residential flats in the centre of the town?</p>	<p>The Owner deeply values the sentiments expressed by residents regarding the village character of Riebeek Kasteel and shares a vision for its preservation, wherever practically feasible. This vision serves as the foundation for the Owner's approach to formulating the development proposal.</p> <p>Acknowledging the evolving circumstances, the Owner recognizes its inability to maintain the asset as before and aims to consolidate property-related obligations to a single location, aligning with operational requirements. Consequently, releasing ERF 361 and progressing with the development if suitably designed accommodations on ERF 436 (around the church building) is considered a practical and necessary step in</p>

Objection	Response
	<p>sustaining the congregation's ongoing activities.</p> <p>Mindful of its longstanding role in the Riebeek Kasteel community and the spatial value attributed to its properties, the Owner explored diverse options for redeveloping ERF 361, particularly the hall building. These options ranged from a full-care retirement facility to high-density luxury self-care apartments for early retirees. The most viable alternative is encapsulated in the presented development proposal.</p> <p>The core objectives of the development revolve around optimizing costs and mitigating the impact of the change in land use on the surrounding neighborhood. Setting aside the issue of the two single residential erven for now, the Owner believes that utilizing the current hall structure with minimal structural alterations to its exterior is key to achieving the main development objectives.</p> <p>The primary goal is to create dwelling opportunities for the middle to higher income bracket of the property market, specifically catering to individuals who appreciate the historical character of Riebeek Kasteel. Preserving the existing sense of place is deemed essential to the project's success.</p> <p>The Owner is confident that there is a market for these types of apartment units in Riebeek Kasteel, emphasizing that the current rental apartment stock in town falls short of delivering the desired standard of service and value proposition. In this regard, the Owner will collaborate closely with experienced property developers with a proven track record in this segment of the property market.</p>
<p>More is not necessary. I am aware that lower-cost housing has become a need, but not in central Riebeek Kasteel.</p>	<p>Please see response above.</p>

Objection	Response
<p>12 x flats in that church building is very high-density living which can create problems in itself. Namely the number of people per flat and therefore the possibility of high noise levels (children, pets, visitors, traffic).</p>	
<p>Traffic concerns in town are a problem already whenever there is an event in the village over weekends and holidays. As well as parking issues. There is very little parking in town anyway.</p>	<p>Initially, the Owner considered developing a third single residential erf at the northeastern corner of ERF 361 (intersecting Piet Retief and Skool Streets). However, upon obtaining further clarification regarding the ownership status of the split remainder of ERF RE/164 (located between Piet Retief Street and the northern boundary of ERF 361), the decision was made to forego the development of the third erf. Instead, this space is allocated for on-site parking for the apartment units.</p> <p>In accordance with the Site Development Plan (SDP), the proposed parking facilities include 20 standard parking bays and two designated for disabled persons. It is noteworthy that this provision exceeds the development parameter requirements for on-site parking outlined in the Zoning Scheme for "Flats" (par. 13.1).</p> <p>The split remainder portion of ERF RE/164 is classified as "street" under a TRANSPORT ZONE II designation, encompassing public parking use. Since the inception of the church hall in 1959, this portion has consistently served as a parking space, and logically, this use will persist. Consequently, the area north of the apartment building will continue to be utilized for public parking by visitors to surrounding properties, including the proposed apartment building in ERF REM/361.</p>
<p>I see parking has been allocated to the flats, but a possible two-car family, as well as visitors to those 12 flats, will that not cause other traffic and parking issues? Where will everyone park - legally?</p>	<p>See the previous response above.</p>

Objection	Response
<p>Surely the church hall can be converted into a few different facilities for example a community centre of sorts, a step-down facility, a sports facility - with squash courts, table tennis etc, rather than the developer packing flats into that building!</p>	<p>See the response above regarding the consideration of alternative development options.</p>
<p>These are my concerns.</p> <p>I look forward to hearing from you regarding this matter. Kind regards.</p> <p>Hega North</p>	

ANNEXURE E

Die Munisipale Bestuurder,
Swartland Munisipaliteit
P/bus X52
Malmesbury 7299

Verw. 15/3/3-11/Erf361
28 Nov 2023

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

RE: Beswaar teen Voorgestelde Hersonerings, Onderverdeling, Vergunningsgebruik en Akwyking van Ontwikkelingsparameters op Erf 361, Riebeek Kasteel

Namens die Nic Treurnicht Trust (Eienaar van Erwe 1001 en 374, Riebeek Kasteel) en as gemagtigde trustee, wil ek hiermee ingevolge artikel 60 van die Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020) [hierna "die Verordening"], beswaar aanteken teen die voorgestelde hersonerings, onderverdeling en alle aspekte van die aansoek betreffende Erf 361, Riebeek Kasteel, soos daarvan in kennis gestel deur die Swartland Munisipaliteit dd. 3 November 2023.

Besware teen voorgestelde wysigings:

1. Boulyn-Suidelike Grens (0m)

Die 5m boulyn moet ten alle koste behou word om met die boulyn van die res van Skoolstraat

se bestaande eiendomme, ooreen te stem.

Daar bestaan geen presedent vir die afwyking van hierdie wel-gevestigde 5m boulyn nie, en dit sal die estetiese voorkoms en karakter van die hele midde-dorp totaal ondermyn, sou hierdie afwyking toegelaat word op 'n sleutelstraat in die dorp. Meer so, as in ag geneem word dat die aansoek 'n muur reg op hierdie 0m lyn beoog, waarvan die hoogte nog nie eers gespesifiseer is nie. Die 0m afwyking sal die hele uitleg van Skoolstraat nadelig beïnvloed en Riebeek Kasteel as geheel skend, en aanliggende eiendomswaardes nadelig raak.

2. Fase 1 –Toekomstige Ontwikkeling op gedeelte van Erf 361

Geen melding word gemaak, of uitleg gegee van verdere ontwikkelingsplanne onder Fase 1 van die projek nie. Daar word bloot aansoek gedoen vir hersonerings vir grondgebruik : Residensiele sone 1.

Hierdie is 'n omvattende ontwikkeling in 'n sleutel-area in die dorp, en niks verhoed die aansoeker later, om die afwykings en verslappings bekom in Fase 2, dan (in die toekoms) te gebruik om Fase 1 verder te ontwikkel met dieselfde afwykings en verslappings reeds bekom in Fase 2. Hierdie goedkeuring mag beteken dat Fase 1 dan ook beide die omstrede afwykings van 2,5m op hoogte (sic) en 0m boulyn aan die Suidelike grens, met gemak mag toepas.

In sy geheel, sal so 'n stel mure op die 0m lyn, plus die redelik waarskynlike elektriese of ander drade bo-op, reg in die midde-dorp 'n soort Alcatraz vestig op 'n landelike dorpie, waar die hoogte- en boulyn beperkings na die straat, veel tot lg. se atmosfeer en

toeganklikheid bydra. (Piet Retiefstraat kan tereg as die hoofstraat van die dorp beskou word.)

Dit val ook vreemd op dat Fase 2 eerste ontwikkel word, en dat Fase 1, waarvoor gevaarlik min inligting verskaf word, kwansuis later ontwikkel sal word.

Dit kom voor as 'n dun-end-van-die-wig strategie : gebruik Fase 2 as opening om afwykings en vergunnings te bekom, en skuif later agter die vergunnings in, om moontlik dieselfde vir Fase 1 met gemak te bekom.

Hierdie afwyking behoort dus nie goedgekeur te word nie.

Sou dit desnieteenstaande hierdie besware toegestaan word, behoort die aller-strengste voorwaardes en beperkings op Fase 1 tot standaard Residensiele sone 1 gebruik, nou reeds daaraan geheg te word. Alternatiewelik, behoort Fase 2 glad nie goedgekeur te word, totdat die Aansoeker 'n volledige, aparte aansoek vir Fase 1 ook ingedien het, en beide in hul totaliteit saam oorweeg kan word.

3. Impak van Fase 1 & 2 op Bestaande Infrastruktuur

Tussen die twee fases van die projek , mag daar moontlik meer as 30 wooneenhede op Erf 361 opgerig word. Dit sal geweldige verdigting op Erf 361 tot gevolg hê. Ons glo die bestaande infrastruktuur op Riebeeck Kasteel (paale, rioolwater, stormwater asook water en kragvoorsiening) sal nie die addisionele las van hierdie hoë verdigtings-projek sonder veel meer behoorlike, gedetailleerde beplanning kan hanteer nie. Geen inligting is ontvang in die aansoek oor planne en ondernemings van die ontwikkelaar(s) om hierdie nodige infrastruktuur te help ontwikkel nie. Trouens, geen aanduiding hoegenaamd bestaan wie die ontwikkelaars in die projek sal wees nie (of watter prosesse gevolg sal word om hul te kles nie) : opsigself behoort dit hierdie aansoek vir verdere ondersoek, navrae en inligting uit te stel.

4. Hoogte-afwyking "na 6.5 m"

Hierdie aansoek vir afwyking "van die 2.5m hoogte na 6.5m, wat die dak-basisstasie se antennapunt bokant die gebou laat uitsteek" is onduidelik, strook nie met die aangehegte tekeninge nie, en is trouens, onverstaanbaar. Derhalwe kan behoorlike kommentaar en moontlike beswaar daarop (anders as die besware rondom hoogte-afwykings elders hierin) nie behoorlik hierin gemaak word nie.

Die skrywer/beswaar-maker behou dus die reg voor om verder hierteen beswaar aan te teken wanneer beoorlike verduideliking hieromtrent verskaf is, soos dan ook hiermee aangevra van die aansoeker.

5. Prosedurele en Regsaspekte

Geen notule waarin hierdie besluit, planne en aansoek behoorlik deur die Kerkraad van die Eienaar gemagtig word (NG Kerk, Riebeeck Kasteel) kon opgespoor word nie. Daar bestaan goeie redes dus om te glo dat die opdraggewers van die Eienaar *ultra vires* (buite hulle magte en reglemente) en sonder behoorlike mandaat van die Kerkraad in ope proses, opgetree het deur die aansoeker op hierdie stadium die aansoek te laat bring.

Daar bestaan groot onduidelikheid oor beide die finansiële implikasies vir die Kerk en wat verlore sal gaan vir die Kerk, sou hierdie sentrale, sleutel-gebou goedsmoeds in wooneenhede omskep word.

Die aansoek behoort nie oorweeg te word tot behoorlike oorweging gegee is in ope, volle vergadering, en behoorlik gemagtigde besluite geneem is in Kerkraad, oor die planne, implikasies van die Aansoek, en ook die planne vorentoe, sou die Kerk se saal so tot niet gaan nie.

Geen tydsraamwerk of behoorlike plan bestaan nie, en dis duidelik dat die Kerk (en gemeenskap) sonder saal sal wees. Opsigself, skep dit 'n groot verlies aan gemeenskaps-samesyn in 'n dorp met beperkte sodanige bronne.

Die saal wat die onderwerp van die aansoek is, het 'n lang geskiedenis as gemeenskaps-sleutelpunt en dra 'n ryk kultuurgeskiedenis rondom die dorp en sy erfenis. Die gebou wat nou gewysig wil word, is ongeveer 62 jaar oud, en word beskerm deur die sogenaamde 60-jaar reël. (Ingevolge art. 34 van die Nasionale Erfenisbronne Wet, mag geen persoon of entiteit so 'n struktuur (of gedeelte daarvan), wysig of afbreek sonder 'n permit bekom van die betrokke provinsiale owerheid nie.) Dit sou dus, op hierdie grond alleen, absoluut onwettig en hersienbaar wees, sou hierdie aansoek soos gebring, toegestaan word.

Skrywer vertrou die Bestuur van Swartland Munisipaliteit sal hierdie besware ernstig en volledig oorweeg, en die aansoek weier. Hierdie ontwikkeling (soos nou voorgestel) sal 'n ernstige negatiewe impak op die kern van die dorp en sy unieke karakter hê.

Nota : Skrywer sal alle korrespondensie per epos (sien onder) verkies en afwag. U word versoek om skrywer van enige openbare verhore of vergaderings tydig in te lig, aangesien skrywer met graagte daaraan sal wil deelneem.

By voorbaat dank

Nic Treurnicht (nms. Nic Treurnicht Trust)

e-pos: nftreurnicht@telkomsa.net

Sel: 083 292 0031

25 Muirfield Crescent

Greenways Estate

Strand

7140

ANNEXURE F

ANNEXURE F

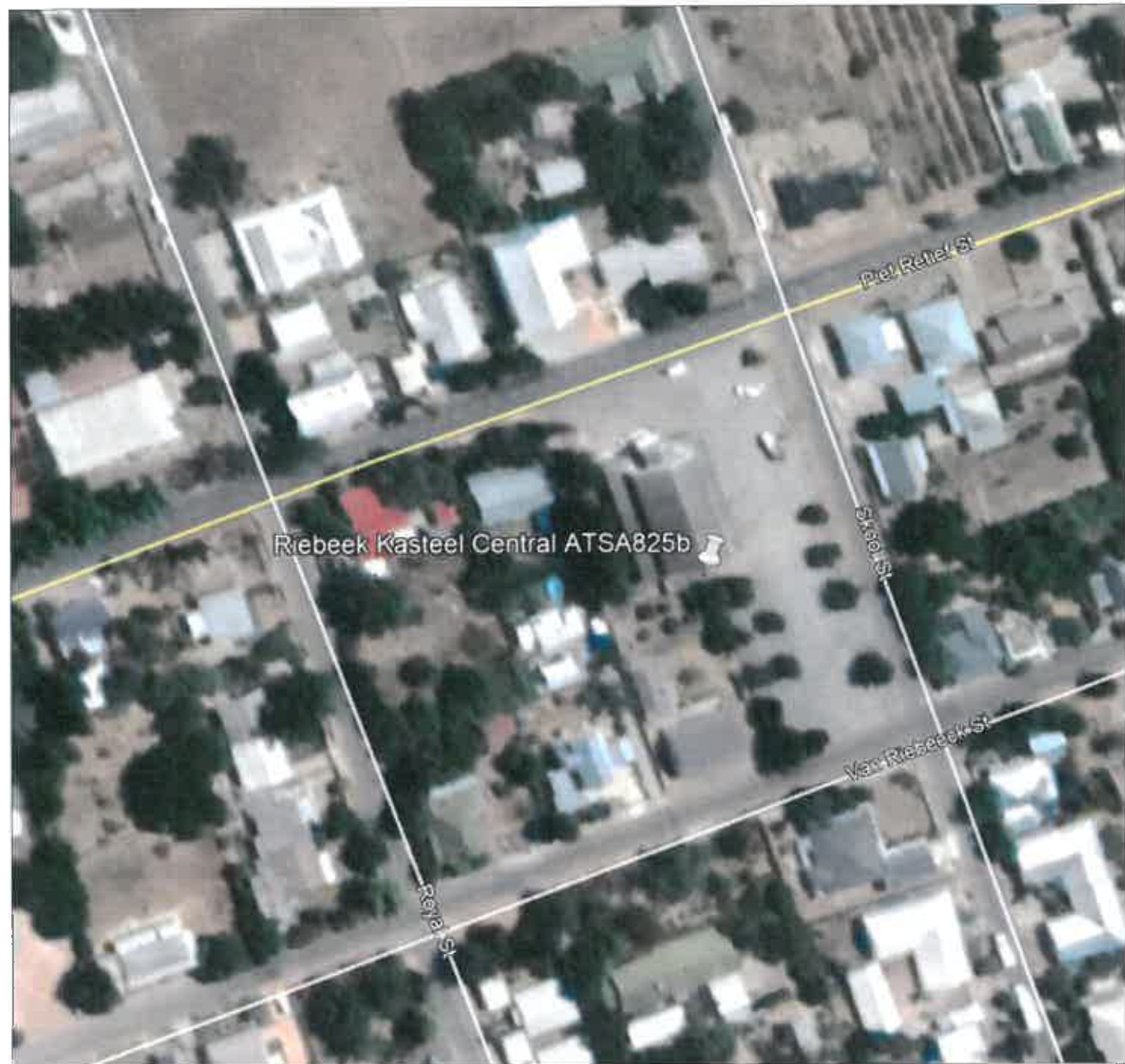
Objection	Response
<p>Per e-pos: swartlandmun@swartland.org.za</p> <p>RE: Beswaar teen Voorgestelde Hersonerings, Onderverdeling, Vergunningsgebruik en Afwyking van Ontwikkelingsparameters ERF 361, Riebeek Kasteel</p>	
<p>Namens die Nie Treurnicht Trust (Eienaar van Erwe 1001 en 374, Riebeek Kasteel) en as gemagtigde trustee, wil ek hiermee ingevolge artikel 60 van die Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020) [hierna "die Verordening"], beswaar aanteken teen die voorgestelde hersonerings, onderverdeling en alle aspekte van die aansoek betreffende Erf 361, Riebeek Kasteel, soos daarvan in kennis gestel deur die Swartland Munisipaliteit dd. 3 November 2023.</p> <p>Besware teen voorgestelde wysigings:</p>	
<p><i>1. Boulyn-Suldellke Grens (0m)</i></p> <p>Die 5m boulyn moet ten alle koste behou word om met die boulyn van die res van Skool straat se bestaande eiendom, ooreen te stem.</p> <p>Daar bestaan geen presedent vir die afwyking van hierdie wel-gevestigde 5m boulyn nie, en dit sal die estetiese voorkoms en karakter van die hele midde-dorp totaal ondermyn, sou hierdie afwyking toegelaat word op 'n sleutelstraat in die dorp. Meer so, as in ag geneem word dat die aansoek 'n muur reg op hierdie 0m lyn beoog, waarvan die hoogte nog nie eers gespesifiseer is nie. Die 0m afwyking sal die hele uitleg van Skool straat nadelig beïnvloed en Riebeek Kasteel as geheel skend, en aanliggende eiendomswaardes nadelig raak.</p>	<p>The request for the departure is confined to a specific section of the southern boundary of ERF REM/361, adjoining ERF RE/164. This adjustment is necessary to facilitate the relocation of the existing ground-mounted installations of a Rooftop Base Station, which is permitted as a primary land use right under the land unit's current zoning classification as COMMUNITY ZONE II.</p> <p>It's crucial to note that the departure is restricted to a portion of the side boundary concerning the proposed ERF REM/361. Importantly, its impact will not extend to any street boundaries.</p>

Objection	Response
<p data-bbox="204 271 783 338"><i>2.Fase 1- Toekomstige Ontwikkeling op gedeelte van Erf 361</i></p> <p data-bbox="204 394 783 562">Geen melding war gemaak, of uitleg gegee van verdere ontwikkelingsplanne onder Fase 1 van die projek nie. Daar word bloot aansoek gedoen vir hersonering vir grondgebruik : Residensiële Sone 1.</p> <p data-bbox="204 618 783 1003">Hierdie is 'n omvattende ontwikkeling in 'n sleutel-area In die dorp, en niks verhoed die aansoeker later, om die afwykings en verslappings bekom in Fase 2, dan (in die toekoms) te gebruik om Fase 1 verder te ontwikkel met dieselfde afwykings en verslappings reeds bekom in Fase 2. Hierdie goedkeuring mag beteken dat Fase 1 dan ook beide die omstrede afwykings van 2,5m op hoogte (sic) en Om boulyn aan die suidelike grens, met gemak mag toepas.</p> <p data-bbox="204 1059 783 1339">In sy geheel, sal so 'n stel mure op die Om lyn, plus die redelik waarskynlike elektriese of ander drade bo-op, reg in die midde-dorp 'n soort Alcatraz vestig op 'n landelike dorpie, waar die hoogte- en boulyn beperkings na die straat, veel tot lg. se atmosfeer en toeganklikheid bydra. (Piet Retief straat kan tereg as die hoofstraat van die dorp beskou word.)</p> <p data-bbox="204 1395 783 1529">Dit val ook vreemd op dat Fase 2 eerste ontwikkel word, en dat Fase 1, waaroor gevaarlik min inligting verskaf word, kwansuis later ontwikkel sal word.</p> <p data-bbox="204 1585 783 1753">Dit kom voor as 'n dun-end-van-die-wig strategie: gebruik Fase 2 as opening om afwykings en vergunnings te bekom, en skuif later agter die vergunnings in, om moontlik dieselfde vir Fase 1 met gemak te bekom.</p> <p data-bbox="204 1809 783 1877">Hierdie afwyking behoort dus nie goedgekeur te word nie.</p>	<p data-bbox="805 271 1394 589">The phasing of the development is a practical response to the Municipality's requirement, which entails an initial call for the rezoning of ERF 361 to SUBDIVISIONAL AREA (section 30.(2) of the Scheme). Following this, the subsequent rezoning of the subdivisions, initially focusing on POR A and POR B to SINGLE RESIDENTIAL ZONE I (PHASE 1), and later addressing the REMAINDER to GENERAL RESIDENTIAL ZONE 3 (PHASE 2).</p> <p data-bbox="805 622 1394 835">While we acknowledge the input from the Objector, it is important to convey that we are unable to provide more information than what has been outlined regarding the phases. The Owner operates with transparency and has no hidden agenda.</p>

Objection	Response
<p>Sou dit desnieteenstaande hierdie besware toegestaan word, behoort die aller-strengste voorwaardes en beperkings op Fase 1 tot standaard Residensiële Sone 1 gebruik, nou reeds daaraan geheg te word. Alternatiewelik behoort Fase 2 glad nie goedgekeur te word, totdat die Aansoeker 'n volledige, aparte aansoek vir Fase 1 ook ingedien het, en beide in hul totaliteit saam oorweeg kan word.</p>	
<p><i>4.Hoogte-afwykling "na 6.5 m"</i></p> <p>Hierdie aansoek vir afwyking "van die 2.5m hoogte na 6.5m, wat die dak-basis stasie se antenna punt bokant die gebou laat uitsteek' is onduidelik, strook nie met die aangehegte tekeninge nie, en is trouens, onverstaanbaar. Derhalwe kan behoorlike kommentaar en moontlike beswaar daarop (anders as die besware rondom hoogte-afwykings elders hierin) nie behoorlik hierin gemaak word nie.</p> <p>Die skrywer/beswaar-maker behou dus die reg voor om verder hierteen beswaar aan te teken wanneer behoorlike verduideliking hieromtrent verskaf is, soos dan ook hiermee aangevra van die aansoeker.</p>	<p>For detailed dimensions of the rooftop base station land use activity, please refer to the diagrams outlined in ANNEXURE E of the land use application. It's noteworthy that this land use is permitted as a primary activity under COMMUNITY ZONE II. However, under GENERAL RESIDENTIAL ZONE 3, it is categorized as a CONSENT use activity. This classification necessitates the inclusion of a consent use application component for regulatory purposes under the incoming zoning classification for the land unit.</p>
<p><i>5.Procedurele en Regsaspekte.</i></p> <p>Geen notule waarin hierdie besluit, planne en aansoek behoorlik deur die Kerkraad van die Eienaar gemagtig word (NG Kerk, Riebeek Kasteel) kon opgespoor word nie. Daar bestaan goeie redes dus om te glo dat die opdraggewers van die Eienaar <i>ultra vires</i> (bulte hulle magte en reglemente) en sonder behoorlike mandaat van die Kerkraad in ope proses, opgetree het deur die aansoeker op hierdie stadium die aansoek te laat bring.</p>	<p>Please consult ANNEXURE B of the land use application for a segment from the minutes of the Church Council Meeting dated 08 June 2022, disclosing the appointment of the applicant and providing guidance regarding the land use application.</p> <p>Subsequently, the applicant has consistently followed this directive through periodic briefing sessions with representatives of the Church council. These representatives include Mr. Natie Albertyn, Chairperson of the General Council, Ds Andre du Plessis, minister to the Riebeek Kasteel Congregation, and Mr. Zakkie Bester, representing the Council's property sub-committee. These sessions have been ongoing since the decision was made in 2022, with</p>

Objection	Response
	regular updates provided to the general meeting.
<p>Daar bestaan groot onduidelikheid oor beide die finansiële implikasies vir die Kerk en wat verlore sal gaan vir die Kerk, sou hierdie sentrale, sleutel-gebou goedsmoeds in wooneenhede omskep word.</p> <p>Die aansoek behoort nie oorweeg te word tot behoorlike oorweging gegee is in ope, voile vergadering, en behoorlik gemagtigde besluite geneem is in Kerkraad, oor die planne, implikasies van die Aansoek, en ook die planne vorentoe, sou die Kerk se saal so tot niet gaan nie.</p> <p>Geen tydraamwerk of behoorlike plan bestaan nie, en dis duidelik dat die Kerk (en gemeenskap) sonder saal sal wees. Opsigself, skep dit 'n groot verlies aan gemeenskap samesyn in 'n dorp met beperkte sodanige bronne.</p>	See the previous response above.
<p>Die saal wat die onderwerp van die aansoek is, het 'n lang geskiedenis as gemeenskap-sleutelpunt en dra 'n ryk kultuurgeskiedenis rondom die dorp en sy erfenis. Die gebou wat nou gewysig wil word, is ongeveer 62 jaar oud, en word beskerm deur die sogenaamde 60-jaar reel. (ingevolge art. 34 van die Nasionale Erfenis bronne Wet, mag geen persoon of entiteit so 'n struktuur (of gedeelte daarvan), wysig of afbreek sonder 'n permit bekom van die betrokke provinsiale owerheid nie.) Dit sou dus, op hierdie grond alleen, absoluut onwettig en hersienbaar wees, sou hierdie aansoek soos gebring, toegestaan word.</p>	<p>The Hall is older than 60 years (having been inaugurated on 20 March 1959).</p> <p>However, the Applicant confirmed that the hall is not listed by the Swartland Municipality as a heritage building.</p> <p>The Municipal Building Inspector, in his opinion, will refer the building plans to Heritage Western Cape for input at the time when these are submitted for approval.</p>
<p>Skrywer vertrou die Bestuur van Swartland Munisipaliteit sal hierdie besware ernstig en volledig oorweeg, en die aansoek weier. Hierdie ontwikkeling (soos nou voorgestel) sal 'n ernstige negatiewe impak op die kern van die dorp en sy unieke karakter hê.</p>	

Objection	Response
<p>Nota : Skrywer sal alle korrespondensie per epos (sien onder) verkies en afwag. U word versoek om skrywer van enige openbare verhore of vergaderings tydig in te lig, aangesien skrywer met graagte daaraan sal wil deelneem.</p> <p>By voorbaat dank</p>	
<p>Nic Treurnicht (nms. Nie Treurnicht Trust) e-pos: nftreurnicht@telkomsa.net Sel: 083 292 0031 25 Muirfield Crescent Greenways Estate Strand 7140</p>	



OUR DIVISIONAL DIAGRAM ENGINEERING DEPARTMENT, ACT NO. 9 OF 1977, ART. 24 (2), WET NO. 9 VAN 1977.

KANTOORAFSRYF OFFICE NO. 2442/59 No.

NO	Koördinate	HOEK	STREKKE, L ² OF HOEKSTREKKE	HOEK	STREKKE, L ² OF HOEKSTREKKE
AB	166.01	245.75	50.1A	885.29	939.90
BC	21.11	284.43	50.0B	690.80	881.93
CD	250.75	340.00	40.0C	671.63	890.76
DE	21.26	24.55	30.0D	585.91	1126.40
EF	79.50	69.48	00.0E	594.87	1145.60
FG	141.32	160.00	40.0F	669.48	1173.13
GH	85.50	68.59	40.0G	717.80	1040.33
HA	159.48	160.00	40.0H	797.62	1070.94
AA	20.41	160.00	40.0K	852.27	920.17

Goedkeuring: *[Signature]*
Londenaar-Generaal
28-5-1959

SWARTLAND
Munisipaliteit
Municipality
Umasipala

Goedkeuring geldig vir een jaar
Approval valid for one year

PLAN NR 95119

ERF NR 361

Datum van goedkeuring / Date of approval 07/11/2019

Blad 1: 1000.

Die Agter A. B. C. D. E. F. G. H.

stel voor 36177 v.d. v.f. grond, agter

Erf 361 (ged van Erf 164) Riebeeek Kasteel

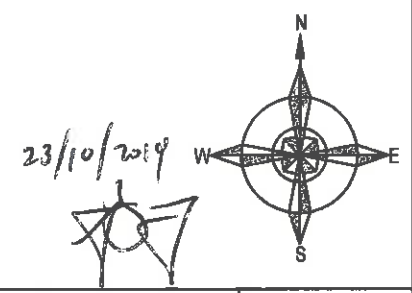
Dorpbestuur Riebeeek Kasteel
geleë in die Afdeling Malmesbury Provinsie Koep die Onse Hoop

Opgemaak in Februarie 1959 deur my A. Hindie
Londenaar.

Erfdele kaart is geneem van T/A. N. 1009/1959	Die oorspronklike kaart is No. 929/1896 geneem van T/A 1896. 49. 4207	Lib. No. <u>5/8186/18</u> M.S. No. E. <u>4/15/59</u> BH 4DB/v.1 (vsm)
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Registrateur van Aktes. **G**

SITE LOCALITY
NOT TO SCALE



PROPOSED ATLAS TELECOMMUNICATIONS INSTALLATION SITE NAME : RIEBEEK KASTEEL CENTRAL SITE ID: ATSA825b CLIENT:	SITE PARTICULARS		SIGNATURES		DATE: 16/09/2019
	ADDRESS: ERF DESCRIPTION: CO-ORDS / HASL: OWNERS NAME: OWNERS CONTACT: DRAWN BY:	21 VAN RIEBEECK STREET, RIEBEEK KASTEEL ERF 361, RIEBEEK KASTEEL, WESTERN CAPE 33°23'6.02"S, 18°53'55.28"E / HASL 131(m) CHARLOTTE REINHARDT	NAME:	SIGNATURE:	
			RADIO PLANNER:		SHEET NO.: 01 OF 09
			PROPERTY:		DWG NO.:
			IMPLEMENTATION:		CRDS1953 REV03
			OWNER:		
		ATLAS REPRESENTATIVE:			



Gemeenskaplikheid
 Municipality
 Gemeenskaplikheid
 Gemeenskaplikheid vir een jaar
 Municipality for one year
 2019
 Datum van goedkeuring / Date of approval
 2019
 [Signature]

SITE AERIAL CADASTRAL
NOT TO SCALE

PROPOSED ATLAS TELECOMMUNICATIONS INSTALLATION
 SITE NAME : RIEBEEK KASTEEL CENTRAL
 SITE ID: ATSA825b
 CLIENT:



SITE PARTICULARS	
ADDRESS:	21 VAN RIEBEEK STREET, RIEBEEK KASTEEL
ERF DESCRIPTION:	ERF 361, RIEBEEK KASTEEL, WESTERN CAPE
CO-ORDS / HASL:	33°23'6.02"S, 18°53'55.28"E / HASL 131(m)
OWNERS NAME:
OWNERS CONTACT:
DRAWN BY:	CHARLOTTE REINHARDT

SIGNATURES			
	NAME:	SIGNATURE:	DATE:
RADIO PLANNER:			16/09/2019
PROPERTY:			SHEET NO:
IMPLEMENTATION:			02 OF 09
OWNER:			DWG NO:
ATLAS REPRESENTATIVE:			CRDS1953 REV03

SCOPE OF WORK:

- NEW ATLAS TOWER SITE INSTALLATION INSIDE EXISTING PROPERTY.
- 10m x 5m SITE WITH 15m HIGH STEEPLE
- SITE TO BE PHOTOGRAPHED BEFORE CONSTRUCTION COMMENCES

NOTES:

- ALL DIMS. AND LEVELS TO BE VERIFIED ON SITE BY ATLAS TOWER.
- SETTING OUT AND LAYOUT OF EQUIPMENT TO BE FINALISED BY ATLAS TOWER.
- ALL EQUIPMENT DETAILS TO BE TO ATLAS TOWER REQUIREMENTS AND SPECS.
- ALL RC AND STRUCTURAL STEEL TO BE TO ENG. DETAILS.

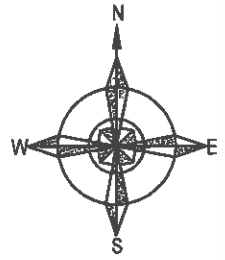
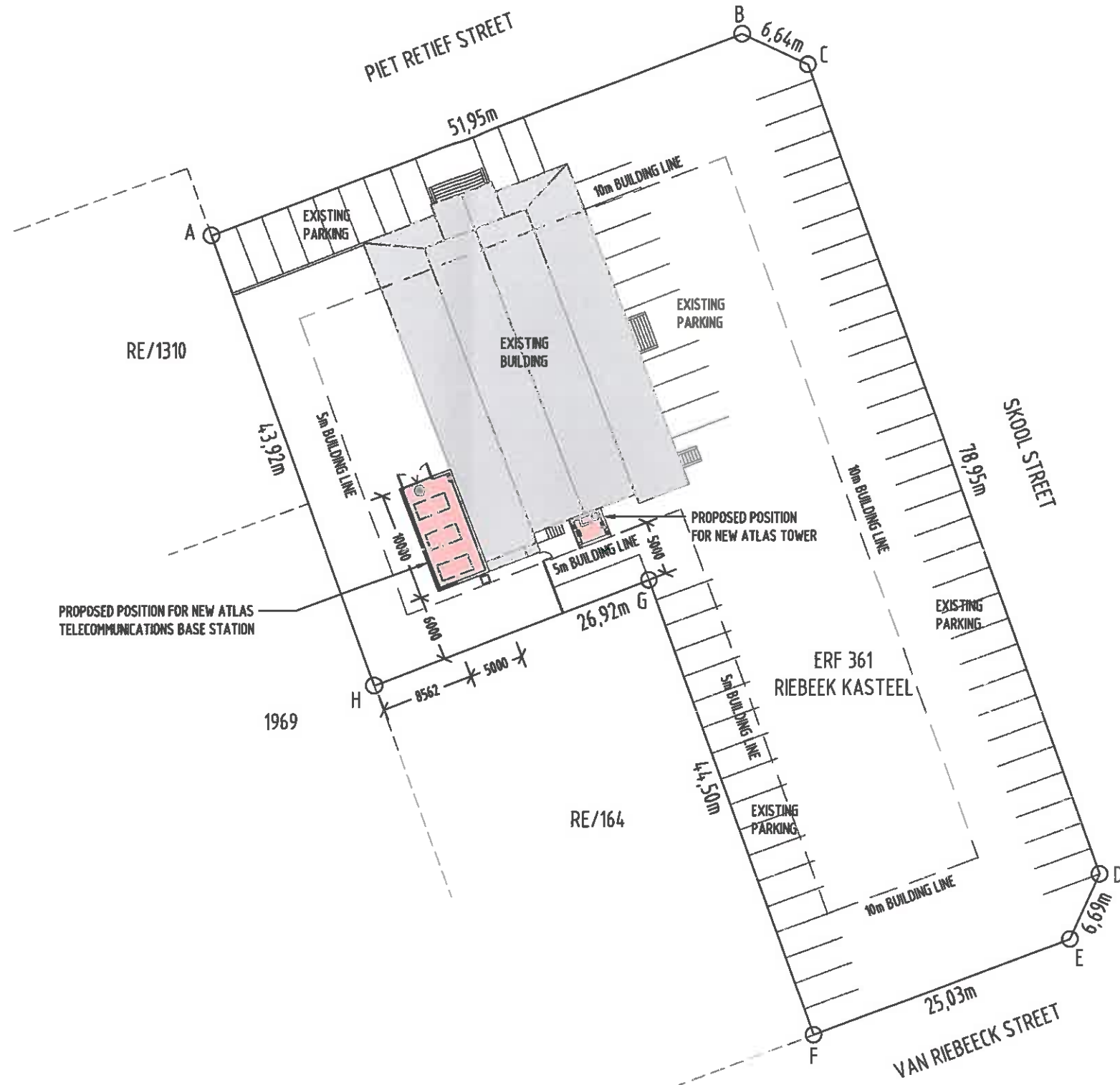
FIRE NOTES:

THE FOLLOWING TO COMPLY WITH SANS 10400.

- SAFETY DISTANCES T4.2
- FIRE STABILITY OF STRUCTURAL ELEMENTS T4.7
- PARTITION WALLS AND PARTITIONING T4.9
- PROTECTION OF OPENINGS T4.10
- ROOF ASSEMBLIES AND COVERINGS T4.12
- PROVISION OF FIRE FIGHTING EQUIPMENT T4.32
- PORTABLE FIRE EXTINGUISHERS T4.37

AREA SCHEDULE:

PROPOSED FAR	0m ²
PROPOSED COVERAGE	73m ²
AREA OF NEW DEVELOPMENT	73m ²
SITE AREA	3785m ²



Munisipaliteit
Municipality
Umasipala

Goedkeuring geldig vir een jaar
Approval valid for one year

PLAN NR 957119

ERF NR 361

Datum van goedkeuring / Date of approval

06/11/2019

[Signature]

SITE DEVELOPMENT PLAN
SCALE 1:500

PROPOSED ATLAS TELECOMMUNICATIONS INSTALLATION SITE NAME : RIEBEEK KASTEEL CENTRAL SITE ID: ATSA825b CLIENT:	SITE PARTICULARS		SIGNATURES		DATE: 16/09/2019
	ADDRESS: ERF DESCRIPTION: CO-ORDS / HASL: OWNERS NAME: OWNERS CONTACT: DRAWN BY:	21 VAN RIEBEEK STREET, RIEBEEK KASTEEL ERF 361, RIEBEEK KASTEEL, WESTERN CAPE 33°23'6.02"S, 18°53'55.28"E / HASL 131(m) CHARLOTTE REINHARDT	RADIO PLANNER: PROPERTY: IMPLEMENTATION: OWNER: ATLAS REPRESENTATIVE:	NAME: SIGNATURE:	



SCOPE OF WORK:

- NEW ATLAS TOWER SITE INSTALLATION INSIDE EXISTING PROPERTY.
- 10m x 5m SITE WITH 15m HIGH STEEPLE
- SITE TO BE PHOTOGRAPHED BEFORE CONSTRUCTION COMMENCES

NEW ATLAS TOWER SITE = 50 SQM

NO ADDITIONAL F.A.R. OR COVERAGE

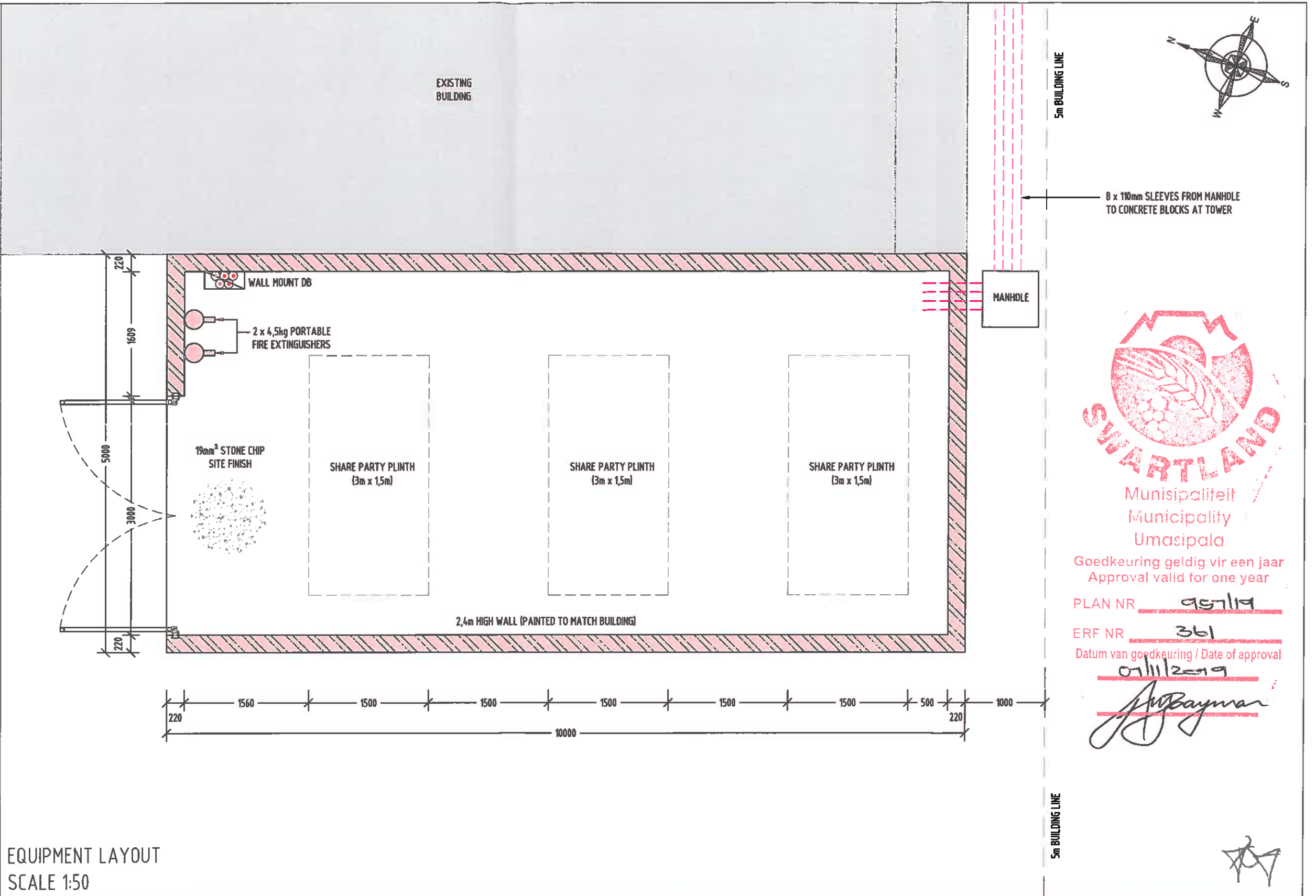
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EQUIPMENT LAYOUT
SCALE 1:50



Munisipaliteit
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Goedkeuring geldig vir een jaar
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PLAN NR 95719

ERF NR 361

Datum van goedkeuring / Date of approval

07/11/2019

J. Bayman

PROPOSED ATLAS TELECOMMUNICATIONS INSTALLATION

SITE NAME : RIEBEEK KASTEEL CENTRAL

SITE ID: ATSA825b

CLIENT:

SITE PARTICULARS

ADDRESS: 21 VAN RIEBEEK STREET, RIEBEEK KASTEEL
 ERF DESCRIPTION: ERF 361, RIEBEEK KASTEEL, WESTERN CAPE
 CO-ORDS / HASL: 33°23'6.02"S, 18°53'55.28"E / HASL 131(m)
 OWNERS NAME:
 OWNERS CONTACT:
 DRAWN BY: CHARLOTTE REINHARDT

SIGNATURES

	NAME:	SIGNATURE:	DATE:
RADIO PLANNER:			16/09/2019
PROPERTY:			SHEET NO.: 04 OF 09
IMPLEMENTATION:			DWG NO.: CRDS1953 REV03
OWNER:			
ATLAS REPRESENTATIVE:			



SCOPE OF WORK:

- NEW ATLAS TOWER SITE INSTALLATION INSIDE EXISTING PROPERTY.
- 10m x 5m SITE WITH 15m HIGH STEEPLE
- SITE TO BE PHOTOGRAPHED BEFORE CONSTRUCTION COMMENCES

NEW ATLAS TOWER SITE = 50 SQM

NO ADDITIONAL F.A.R. OR COVERAGE

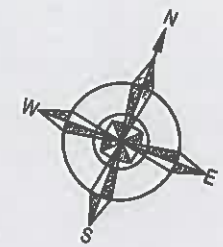
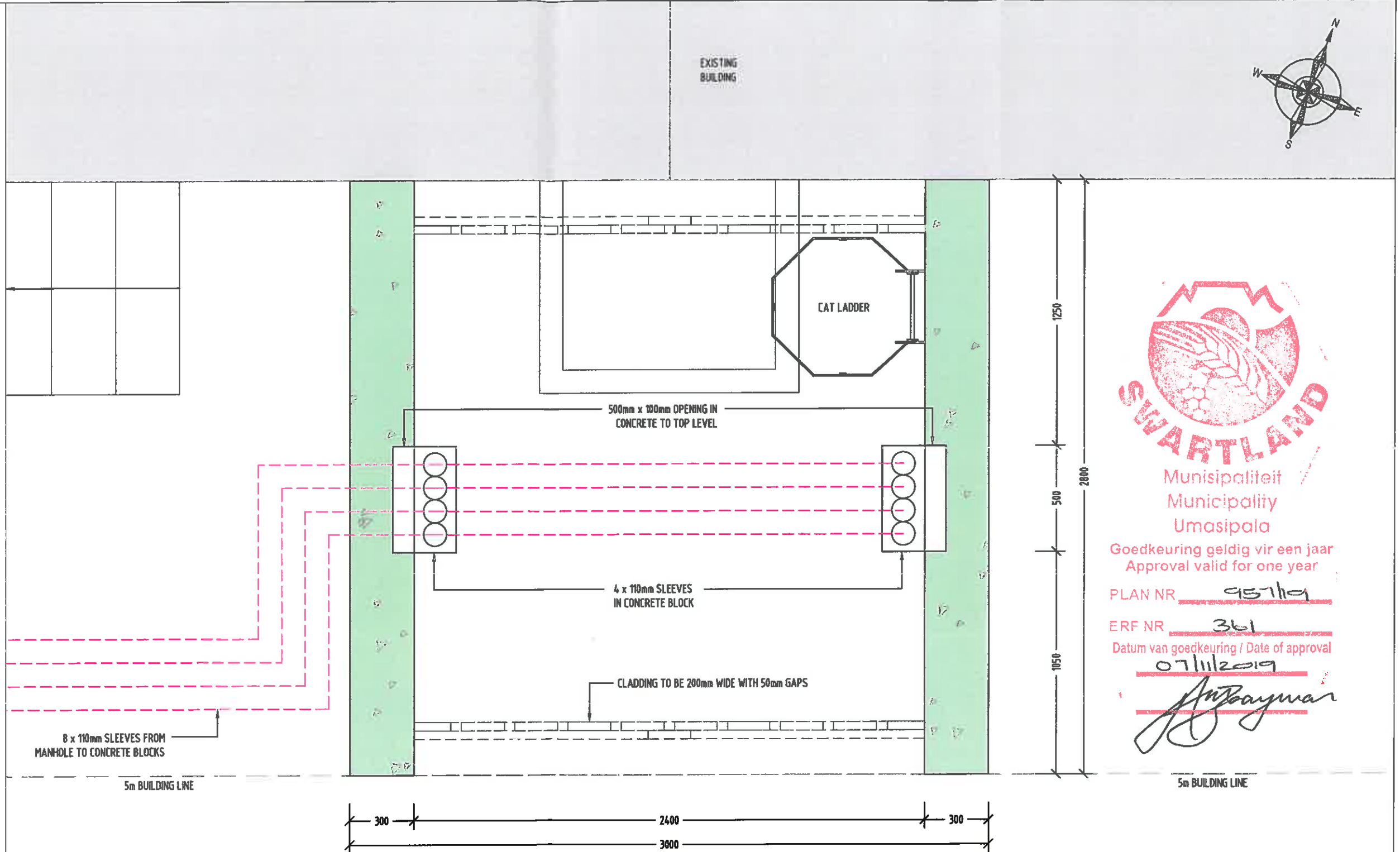
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Munisipaliteit
Municipality
Umasipala
Goedkeuring geldig vir een jaar
Approval valid for one year

PLAN NR 957119

ERF NR 361

Datum van goedkeuring / Date of approval
07/11/2019

[Signature]

TOWER LAYOUT
SCALE 1:20

PROPOSED ATLAS TELECOMMUNICATIONS INSTALLATION

SITE NAME : RIEBEEK KASTEEL CENTRAL
SITE ID: ATSA825b

CLIENT:



SITE PARTICULARS

ADDRESS: 21 VAN RIEBEECK STREET, RIEBEEK KASTEEL
 ERF DESCRIPTION: ERF 361, RIEBEEK KASTEEL, WESTERN CAPE
 CO-ORDS / HASL: 33°23'6.02"S, 18°53'55.28"E / HASL 131(m)
 OWNERS NAME:
 OWNERS CONTACT:
 DRAWN BY: CHARLOTTE REINHARDT

SIGNATURES

	NAME:	SIGNATURE:	DATE:
RADIO PLANNER:			16/09/2019
PROPERTY:			SHEET NO.: 05 OF 09
IMPLEMENTATION:			DWG NO.:
OWNER:			CRDS1953 REV03
ATLAS REPRESENTATIVE:			

SCOPE OF WORK:

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NEW ATLAS TOWER SITE = 50 SQM

NO ADDITIONAL F.A.R. OR COVERAGE

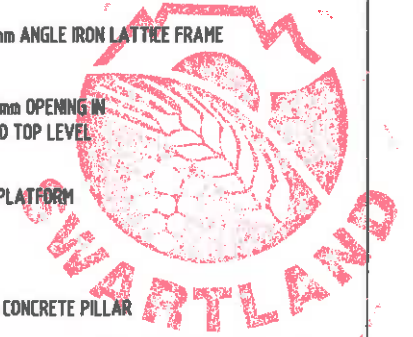
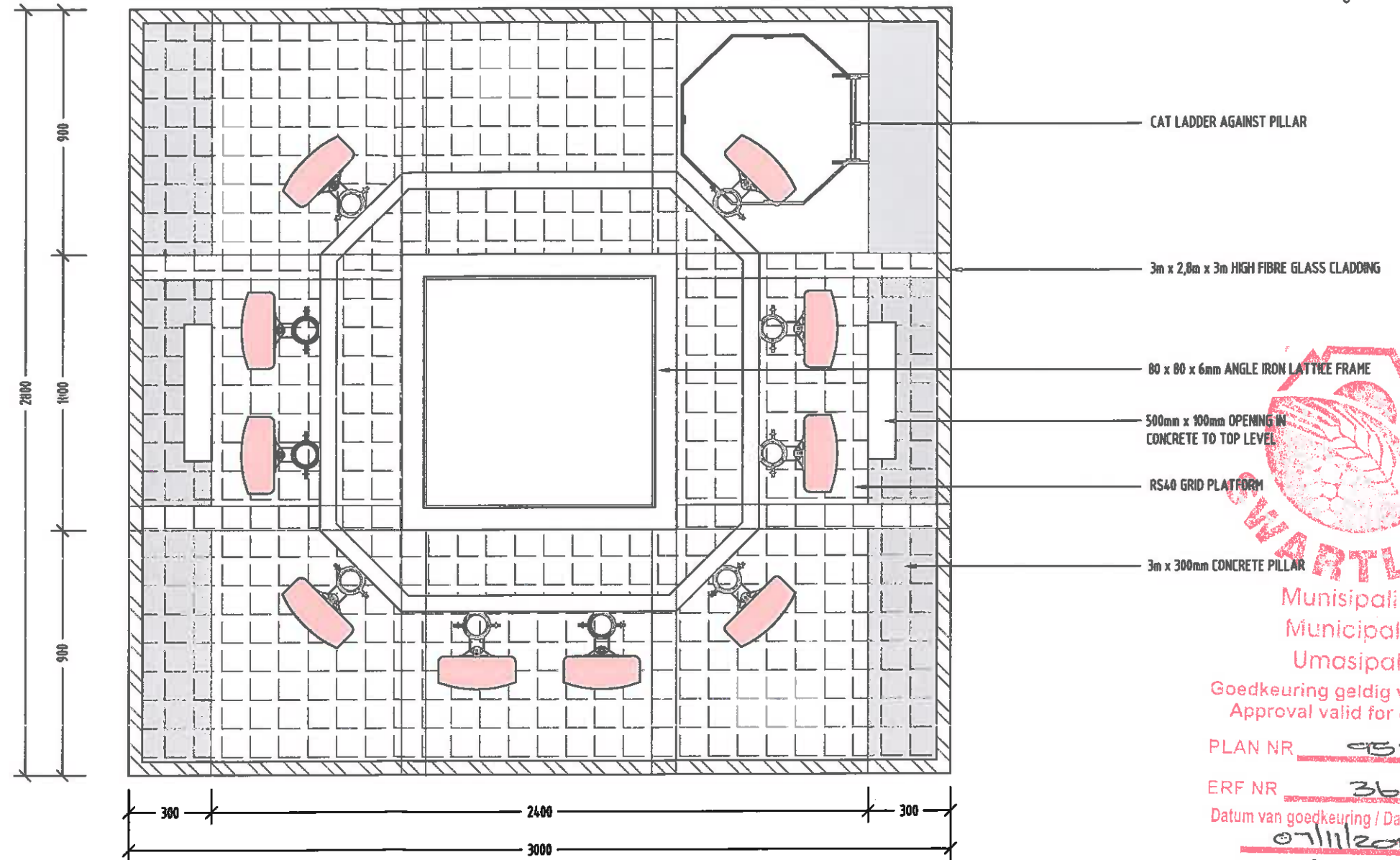
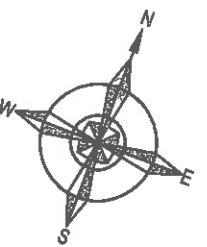
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Goedkeuring geldig vir een jaar
Approval valid for one year

PLAN NR 95719

ERF NR 361

Datum van goedkeuring / Date of approval 07/11/2019

[Signature]

TOP OF TOWER LAYOUT
SCALE 1:20

PROPOSED ATLAS TELECOMMUNICATIONS INSTALLATION

SITE NAME : RIEBEEK KASTEEL CENTRAL

SITE ID: ATSA825b

CLIENT:

SITE PARTICULARS

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 ERF DESCRIPTION: ERF 361, RIEBEEK KASTEEL, WESTERN CAPE
 CO-ORDS / HASL: 33°23'6.02"S, 18°53'55.28"E / HASL 131(m)
 OWNERS NAME:
 OWNERS CONTACT:
 DRAWN BY: CHARLOTTE REINHARDT

SIGNATURES

	NAME:	SIGNATURE:	DATE:
RADIO PLANNER:			16/09/2019
PROPERTY:			SHEET NO.: 06 OF 09
IMPLEMENTATION:			DWG NO.:
OWNER:			CRDS1953 REV03
ATLAS REPRESENTATIVE:			



SCOPE OF WORK:

- NEW ATLAS TOWER SITE INSTALLATION INSIDE EXISTING PROPERTY.
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NO ADDITIONAL F.A.R. OR COVERAGE

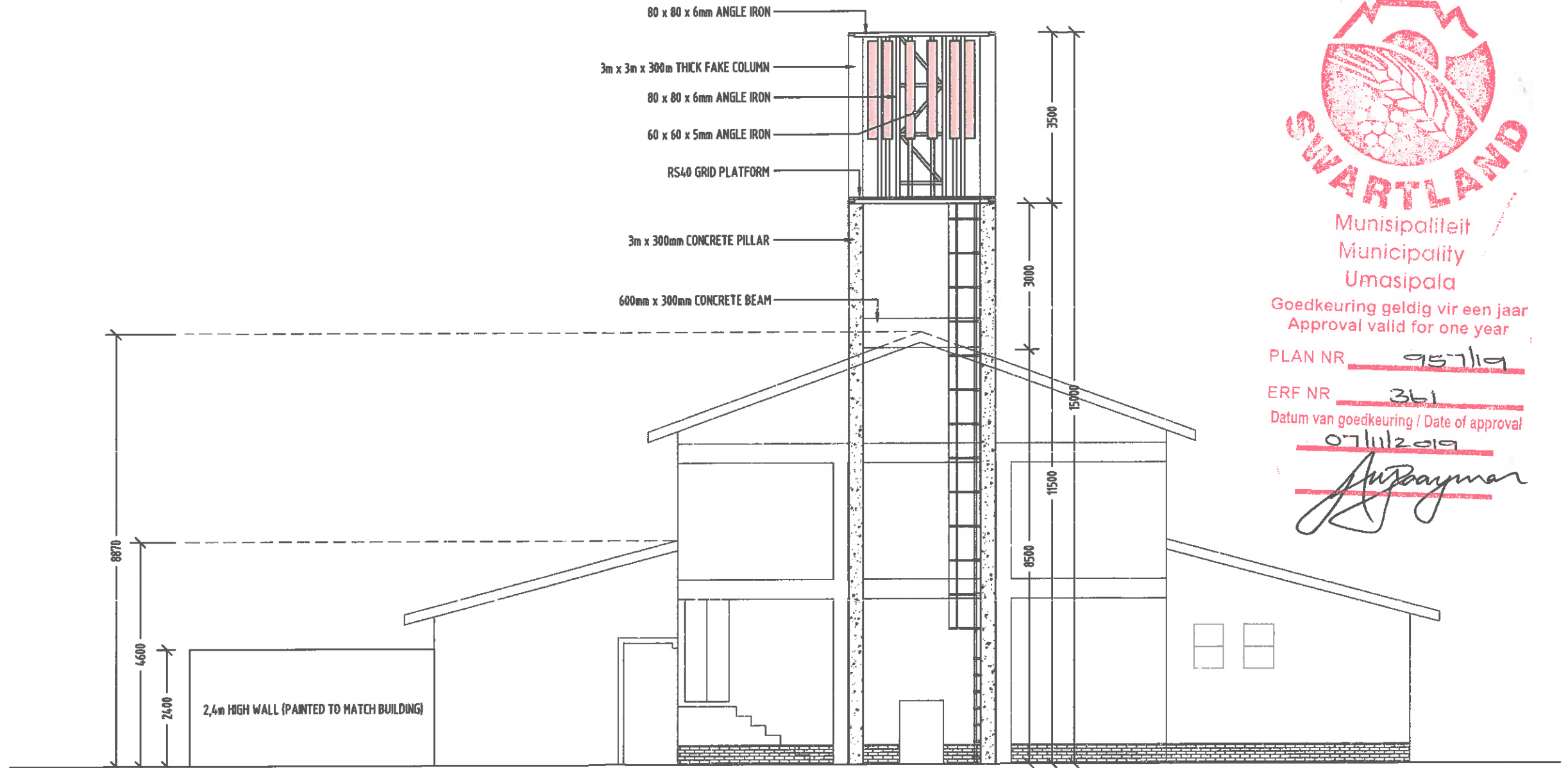
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SECTIONAL ELEVATION
SCALE 1:100

SWARTLAND
Munisipaliteit
Municipality
Umasipala
Goedkeuring geldig vir een jaar
Approval valid for one year
PLAN NR 957119
ERF NR 361
Datum van goedkeuring / Date of approval
07/11/2019
J. J. J. J.

PROPOSED ATLAS TELECOMMUNICATIONS INSTALLATION SITE NAME : RIEBEEK KASTEEL CENTRAL SITE ID: ATSA825b CLIENT:	SITE PARTICULARS ADDRESS: 21 VAN RIEBEEK STREET, RIEBEEK KASTEEL ERF DESCRIPTION: ERF 361, RIEBEEK KASTEEL, WESTERN CAPE CO-ORDS / HASL: 33°23'6.02"S, 18°53'55.28"E / HASL 131(m) OWNERS NAME: OWNERS CONTACT: DRAWN BY: CHARLOTTE REINHARDT		SIGNATURES NAME: SIGNATURE: RADIO PLANNER: PROPERTY: IMPLEMENTATION: OWNER: ATLAS REPRESENTATIVE:		DATE: 16/09/2019 SHEET NO.: 07 OF 09 DWG NO.: CRDS1953 REV03
	ATLAS TOWER				

SCOPE OF WORK:

- NEW ATLAS TOWER SITE INSTALLATION INSIDE EXISTING PROPERTY.
- 10m x 5m SITE WITH 15m HIGH STEEPLE
- SITE TO BE PHOTOGRAPHED BEFORE CONSTRUCTION COMMENCES

NEW ATLAS TOWER SITE = 50 SQM

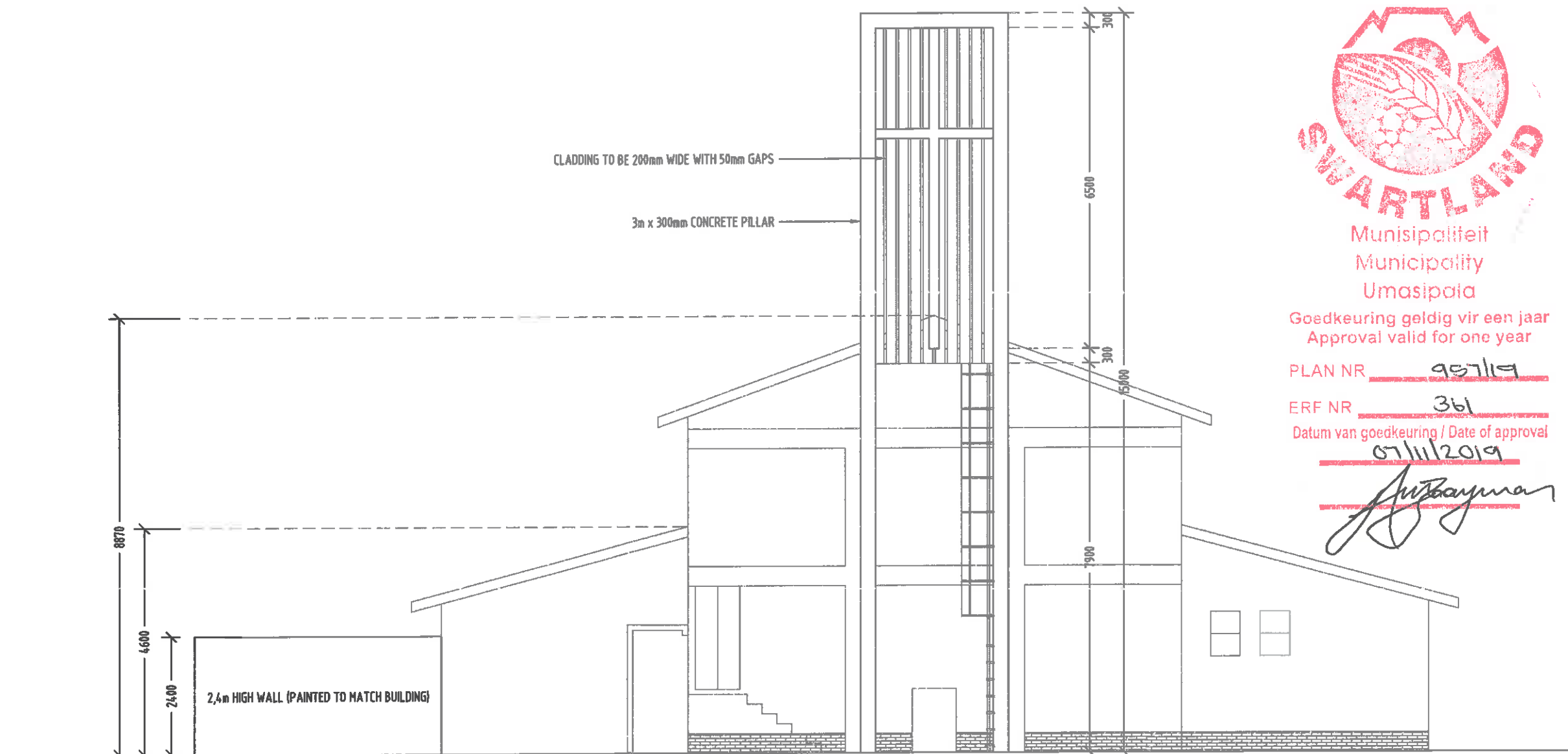
NO ADDITIONAL F.A.R. OR COVERAGE

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SOUTH ELEVATION
SCALE 1:100



Munisipaliteit
Municipality
Umasipala

Goedkeuring geldig vir een jaar
Approval valid for one year

PLAN NR 957119

ERF NR 361

Datum van goedkeuring / Date of approval

07/11/2019
[Signature]

PROPOSED ATLAS TELECOMMUNICATIONS INSTALLATION

SITE NAME : RIEBEEK KASTEEL CENTRAL
SITE ID: ATSA825b

CLIENT:



SITE PARTICULARS

ADDRESS: 21 VAN RIEBEEK STREET, RIEBEEK KASTEEL
ERF DESCRIPTION: ERF 361, RIEBEEK KASTEEL, WESTERN CAPE
CO-ORDS / HASL: 33°23'6.02"S, 18°53'55.28"E / HASL 131(m)
OWNERS NAME:
OWNERS CONTACT:
DRAWN BY: CHARLOTTE REINHARDT

SIGNATURES

	NAME:	SIGNATURE:	DATE:
RADIO PLANNER:			16/09/2019
PROPERTY:			SHEET NO.: 08 OF 09
IMPLEMENTATION:			DWG NO.:
OWNER:			CRDS1953 REV03
ATLAS REPRESENTATIVE:			



Munisipaliteit
Municipality
Umasipala

Goedkeuring geldig vir een jaar
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PLAN NR 95719

ERF NR 361

Datum van goedkeuring / Date of approval
07/09/2019

[Handwritten Signature]

SITE PHOTO'S
NOT TO SCALE

PROPOSED ATLAS TELECOMMUNICATIONS INSTALLATION SITE NAME : RIEBEEK KASTEEL CENTRAL SITE ID: ATSA825b CLIENT:	SITE PARTICULARS		SIGNATURES			
	ADDRESS: ERF DESCRIPTION: CO-ORDS / HASL: OWNERS NAME: OWNERS CONTACT: DRAWN BY:	21 VAN RIEBEECK STREET, RIEBEEK KASTEEL ERF 361, RIEBEEK KASTEEL, WESTERN CAPE 33°23'6.02"S, 18°53'55.28"E / HASL 131(m) CHARLOTTE REINHARDT		NAME:	SIGNATURE:	DATE:
			RADIO PLANNER:			16/09/2019
			PROPERTY:			SHEET NO.: 09 OF 09
			IMPLEMENTATION:			DWG NO.:
			OWNER: ATLAS REPRESENTATIVE:			CRDS1953 REV03