



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY, 12 JUNE 2024 AT 14:00

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)
Director: Protection Services, Mr P A C Humphreys

External members:

Ms C Havenga
Mr C Rabie

Other officials:

Director: Development Services, Ms J S Krieger
Senior Manager: Development Management, Mr A M Zaayman
Town and Regional Planner, Ms A de Jager
Manager: Secretariat and Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

The apologies received from the Director: Corporate Services, the Senior Town and Regional Planner and the Town and Regional Planner and GIS Administrator be noted.

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 8 MAY 2024

RESOLUTION

(proposed by Mr P A C Humphreys, seconded by Ms C Havenga)

That the minutes of a Municipal Planning Tribunal Meeting held on 8 May 2024 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED REZONING, SUBDIVISION AND REGISTRATION OF A SERVITUDE ON ERF 2582, YZERFONTEIN (15/3/3-14; 15/3/6-14) (WARD 5)

The chairperson requested the Town and Regional Planner, Ms A de Jager, to give background regarding the Addendum to the application that was referred back by the Municipal Planning Tribunal on 13 March 2024.

Ms de Jager mentioned the three options that were given to the applicant to consider and to amend the application accordingly. The applicant decided on Option 2 which entails the reconstruction of the encroaching garage into a carport.

RESOLUTION

- A. The application for the amendment of restrictive Title Deed condition registered against Erf 1142, Yzerfontein, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to amend condition B.7.(b), in Title Deed T13301/2020 as follows:

- (a) Restrictive condition B.7.(b) that reads as follows:

"...B.7.(b) No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5m to the street line which forms a boundary of this erf, not within 3m of the rear or 1,5m of the lateral boundary common to any adjoining erf, provide that with the consent of the local authority:

be amended to read as follows:

"...B.7(b) No building or structure or any portion thereof, except boundary walls and fences, shall, except with the consent of the Administrator, be erected nearer than 1,5m of the south-eastern lateral boundary, common to the adjoining erf, provided that with the consent of the local authority:..."

- (b) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive conditions;
- (c) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
- Copy of the approval by Swartland Municipality;
 - Original title deed, and
 - Copy of the notice, which was placed by Swartland Municipality in the Provincial Gazette;
- (d) A copy of the amended Title Deed be provided to Swartland Municipality for record purposes;
- B. The application for departure from development parameters on Erf 1142, Yzerfontein, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), subject to the conditions that:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The type of structure allowed to encroach on the street building line be limited to that of a carport, as defined by the By-Law and as described in the conditions of approval;
- (b) The 1,5 m north-western side building line be departed from to 0 m;
- (c) The 4 m north-eastern street building line be departed from to 0 m;
- (d) Both (b) and (c) above be restricted to the portions of the carport that encroaches on the building line, as presented in the application;
- (e) The carport be constructed without any walls, as well as a door to the satisfaction of the Senior Manager: Development Management;
- (f) The street façade of the carport be restricted to a maximum width of 6,5 metres, measured from edge to edge of the roof;
- (g) The screen-wall surrounding the fire pit be raised to a height of at least 2 metres and that the northern portion of the boundary wall connecting with the screen wall of the fire pit be extended at the same height of 2 m for a distance of at least 2 metres, on top of the existing boundary wall, to the satisfaction of the Senior Manager: Development Management;
- (h) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

- (i) Storm water be managed on the property itself and construction measures be taken to ensure no storm water run-off is directed to the abutting properties;

C. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (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;
- (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;
- (d) All conditions of approval be implemented within 60 calendar days from the date of decision, before 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 prescribed period, the land use becomes permanent and the approval period will no longer be applicable;
- (e) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

D. The application be supported for the following reasons:

- (a) Section 62 of the By-Law allows applicants to amend applications at any point in the process, prior to approval or refusal. The applicant acted on said right at the suggestion of the Tribunal;
- (b) In order for the Tribunal to consider a carport as an option to approve, the applicant had to include such an option in the application. The current report thus serves as an addendum to the original, while the original information remain unchanged;
- (c) The removal of the affected Title Deed building lines is deemed necessary in order to optimally develop the property. Restrictive conditions that are not affected by the development proposal, remain intact;
- (d) The removal of restrictions will not have a negative financial or social impact on either the owner or the holder(s) of the rights;
- (e) Application for departure is an acceptable mechanism provided for by the By-Law, in order to deviate from the required development parameters;
- (f) The fire pit is consistent with structures defined by the By-Law to be exempted from building line departure. However, the use of the area for social purposes is a potential nuisance and therefore mitigating measures are proposed to the structure;
- (g) The property owners of Erf 1151 – potentially most affected by the fire pit placement – did not object against the proposal;
- (h) Carports are defined in the By-Law as structures that may be considered for street and side building line departure;
- (i) A carport façade is permeable and vehicles may park in front of the carport, without protruding onto the street with the rear of the vehicle;
- (j) The impact of the carport departures on the character of the area and the streetscape is deemed much less invasive than that of a garage;
- (k) A carport would allow for more flexibility with regard to parking space and would allow for two vehicles to be parked in tandem if necessary, without protruding into the road and creating unsafe traffic conditions;
- (l) The structure of a carport is also considered to have a lesser visual impact than that of the solid garage;

6.1/D...

- (m) The garage was constructed unauthorised, a calculated risk taken by the property owners. Fortunately the structure is comprised of an aluminium pillar and beam system, with Nu-tec cladding, which is relatively uncomplicated to reconfigure and reconstruct into the proposed carport.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Development Services
Division: Built Environment

29 July 2024

15/3/10-14/Erf 1496

WYK: 5

ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 14 AUGUST 2024

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON ERF 1496, YZERFONTEIN					
Reference number	15/3/10-14/Erf 1496	Submission date	17 April 2024	Date finalised	30 July 2024

PART A: APPLICATION DESCRIPTION						
Application for a consent use on Erf 1496, Yzerfontein, is made in terms of Section 25(2) (o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021), in order to accommodate a double dwelling house on the property.						
The applicant is Ilani Heyns Planners and the property owners are Heinrich & Simone Noordermeer.						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	ERF 1496 YZERFONTEIN, IN THE MUNICIPALITY OF SWARTLAND, DIVISION MALMESBURY, WESTERN CAPE PROVINCE					
Physical address	19 Jeff's Place		Town	Yzerfontein		
Current zoning	Residential Zone 1	Extent (m²/ha)	720m²	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	T9150/2023	
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		Subdivision
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval

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

The application for consent use for a double dwelling house on Erf 1496, Yzerfontein 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.

Erf 1496, Yzerfontein is currently zoned Residential Zone 1. A second dwelling >60m² is permitted under Residential zone 1 but only as a consent use.

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

(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 owner of Erf 1496 wishes to construct a 76.67m² second dwelling on the property, as permitted with Consent from Council within the parameters of the Municipal Planning By-law. The second dwelling will be located on the ground floor of the proposed residential structure and will be fully integrated into the building as illustrated on the attached layout plans.

The Swartland Spatial Development Framework (2023) identifies the south-western, Pearl Bay area of Yzerfontein, in which Erf 1496 is located, as a Low-Density Residential area (Zone B). The SDF makes provision for the densification of existing residential areas and further supports the development of both low and medium density residential development in this area. The construction of a second dwelling on the property is therefore supported by the SDF.

The proposed second dwelling unit will be fully integrated into the structure of the dwelling unit to be constructed on the property, creating the impression of a single residential unit, as opposed to 2 separate units on site. It will therefore not have an adverse impact on the character of the area.

The full development, i.e., dwelling house and second dwelling combined, is fully compliant with the provisions of the Swartland Municipality Development Management Scheme related to coverage, height and building lines.

The Title Deed of Erf 1496 (T9150/2023) do not have any restrictive title conditions that prohibits or limits the development as proposed.

The proposed development should not have an adverse impact on the existing municipal engineering infrastructure.

Based on the above, the applicant concludes that the proposed development will not have an adverse impact on the rights of the surrounding community and landowners as it will not change the land uses permitted on the property, nor the character of the area.

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 8 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 Rangasamy, but no comments were received.
Total letters of support	2					

Name	Date received	Summary of comments	Recommendation		
			Positive	Negative	
Building Control	6 May 2024	Building plans to be submitted to for consideration of approval	Comments only		
Protection Services	14 May 2024	No comments	No comment		
Electrician Engineering Service	29 April 2024	No comments	No comment		
Department: Civil Engineering Services	17 May 2024	1. <u>Water</u> The property be provided with a single water connection.	Comments only		
		2. <u>Sewerage</u> The property be provided with a conservancy tank with a minimum capacity of 8000 litres that is accessible for the service vehicle from the street.			
		3. Streets and Storm water In order			
		3. <u>Other</u> That the fixed cost capital contributions be made as follows:			
					Bulk Contribution
		Bulk Water Distribution			R4 345,34
		Bulk Water Supply			R 394,68
		Sewer			R1 978,52
		WWTW			R4 800,93
		Roads			R2 717,22
		Total			R14 236,69

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
C van Wyk as owner of erf 1699, Yzerfontein	Mr van Wyk state that they have no objection for the building project to progress on erf 1496, Yzerfontein	The applicant was not requested to comment on this letter of support.	
M Verster as owner of erf 1700, Yzerfontein	Me M Verster state that they have no objection against the consent use on erf 1496, Yzerfontein	The applicant was not requested to comment on this letter of support.	
Mr. Sean Poultney on behalf of Undies-4-ALL (Pty) Limited – registered owner of erf 2022 (previously erf's 1497 & 1498) since 2002	<p>Mr Poultney wishes to object to the proposed application for consent use.</p> <p>He firstly refers all previous correspondence pertaining to the application for consent to permit a second dwelling on erf 1496 Yzerfontein. This will be dealt with under points 1-6 below, with the formal objection being dealt with from points 7 onwards.</p> <p>1. On the 8th of May 2024, Mr. Poultney replied to the notice sent via e-mail. Mr Poultney requested that, “to understand the reason(s) for the application and to make an informed reply to the application, the require more explanatory information as to factual / truthful nature of said application by the applicant regarding “second dwelling”.</p> <p>2. On the 9th of May 2024 Mr Poultney replied that after studying the application they wish to put on record that the survey that was attached to the application referred to the old erf number for his property. He is of opinion that it could be seen as the use of deliberate “misleading” information in the application and therefore the</p>	<p>1. All communication received before the submission of the formal objection were not sent to the applicant for comment.</p> <p>2. The communication received before the submission of the formal objection were not sent to the applicant for comment.</p>	<p>1. A full copy of the application was sent to Mr. Poultney that same day.</p> <p>2. The objector was informed that the error is seen as a minor technicality which has no impact on the application and that there is therefore no reason for the Municipality to reject the application at this stage.</p>

	<p>Municipality should reject the application forthwith.</p> <p>3. On the 10th of May Mr Poultney requested:</p> <ul style="list-style-type: none"> (a) explanatory reason(s) for the application if there are no “infringement(s), i.e., zoning, building regulations, Title Deed, no adverse impact (environmental / noise pollution, civil right to adjacent properties) etc. as stated in the application. (b) Copy of By-law relating to the Application. (c) Copy of Swartland Spatial Development Framework (2023). When was the public participation process done? (d) Expressed explanation from Applicant to the intended purpose / usage for a Second Dwelling – guest house / B&B / Airbnb / etc. <p>4. On the 13th of May 2024 the objector replied stating that with reference to points (a) and (d) above, the Municipality has been requested to provide information as to reason(s) why the submitted plan does not conform to the regulation but has failed to provide such information.</p> <p>The objector concludes that, based on the non-co-operation of Swartland Municipality in providing the relevant requested information to consider the request for consent from the surrounding/adjacent property owners, they are unable to fully understand and consider the request to consent.</p> <p>This, according to the objector is solely due to the action/inaction of Swartland</p>	<p>3. The communication received before the submission of the formal objection were not sent to the applicant for comment.</p> <p>4. The communication received before the submission of the formal objection were not sent to the applicant for comment.</p>	<p>3. .</p> <ul style="list-style-type: none"> (a) The objector was informed that the applicant may be contacted directly in order to answer the specific question. (b) A copy of the relevant by-law was provided (c) A link to the latest SDF was provided as published on the municipality’s website. (d) The objector was informed that the applicant may be contacted directly in order to answer the specific question. <p>4. On reply to the request dated 13 May 2024, the objector was informed that the development proposal as presented as part of the land use application complies with all zoning parameters of the Residential zone 1 zoning and is reflected on building plans. It is noted that there are no restrictions in the title deed which prohibits the proposed second dwelling. The impact of the second dwelling regarding noise, pollution, etc. is deemed to be low to none. The impact of the second dwelling on adjoining erven are deemed to be low to none. The owner of the subject property was contacted whom explained that it is their intention to accommodate their elderly parents in the second dwelling. The owner’s father is ill, and according to the applicant they want their parents to be close to them to take care of them.</p>
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	<p>Municipality. The objector states that should the information not be provided, and the application approved without allowing all the surrounding/adjacent property owners to erf 1496 an opportunity to fully understand and consider the application, then such action by Swartland Municipality would be an infringement on the rights of property owners under the Constitution of South Africa.</p> <p>5. The objector is of opinion that the consent or non-consent for said application should also be received from the Yzerfontein Property Ratepayers and Residence Association.</p> <p>6. The objector states that they reserve their right to act without any further notice to Swartland Municipality in this matter with costs to Swartland Municipality on a scale of attorney / client fees, should the requested information not be provided.</p> <p>On the 5th of June 2024 Mr Poultney submitted their formal objection against the proposed application to accommodate a second dwelling on the subject property. The objection is based on the following reasons:</p> <p>7. History has shown that many erven have been allowed to be developed which are not Single Residential Properties and not being used as such, namely in Jeff's Place Street. The objector refers to a number of</p>	<p>5. The communication received before the submission of the formal objection were not sent to the applicant for comment.</p> <p>6. The communication received before the submission of the formal objection were not sent to the applicant for comment.</p> <p>7. The applicant states that adjacent properties that are perceived to be utilized for any uses not permitted in terms of their approved land use rights are not relevant to the application at hand.</p> <p>The applicant continues, motivating that all applications submitted must be assessed on their</p>	<p>5. Noted. Due to its scale and nature the application under consideration only affects the neighbouring property owners. It was therefore not deemed necessary to send the notice to any other person or organisation.</p> <p>6. Noted</p> <p>7. It is agreed that each application should be considered on its own merit. Application is made for a consent use to accommodate a second dwelling unit on the property.</p> <p>A dwelling unit is defined as, <i>"a self-contained inter-leading group of rooms with not more than one</i></p>
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	<p>properties in the vicinity used for self-catering or guest accommodation.</p> <p>The objector is of opinion that the mentioned properties are used as commercial enterprises and yet Swartland Municipality permits ("turns a blind eye") to such activities nor charges commercial rates on these erven.</p> <p>8. The objector is of opinion that the environmental, noise and waste pollution impact by these erven operating such an enterprise has a major effect on surrounding erven. He states that they can attest to this over the years with high noise levels from paying guests, increase traffic volumes, tour buses blocking the street, added road congestion, high volume of sewerage waste removal trucks causing unpleasant smells and noise pollution from early morning to late evening.</p>	<p>own merit and decisions on such applications should be based on the contents of such application.</p> <p>The application as submitted is to permit a Second Dwelling in excess of 60m² (a permitted land use within the Residential Zone 1: Low Density Zoning (R1)). No application has been made for a Guest House and/or a Bed-and-Breakfast establishment (both of which are permitted with Consent from Council within this Zoning application) and any allegations related to such establishments to be operated on the property are untrue.</p> <p>8. The applicant states that a second dwelling is a permitted use within the Residential Zone 1 zoning and the landowner has no intention to utilize the property for anything other than what is outlined in the application and plans as submitted.</p> <p>The applicant continues to state that no proof is provided that a second dwelling will have any negative impact, or add to any perceived nuisances, on the surrounding community in terms of noise, waste or traffic and any concerns with surrounding properties are irrelevant to this application and should be addressed separately with the Municipality, utilizing the correct platforms to do so.</p>	<p><i>kitchen, used for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith".</i></p> <p>In terms of the development management scheme family is defined as:</p> <ul style="list-style-type: none"> (a) <i>a single person maintaining an independent household, or</i> (b) <i>two or more persons directly related by blood or marriage maintaining a common household, or</i> (c) <i>no more than five unrelated persons maintaining a common household;</i> <p>The proposed second dwelling is ±76.7m² and can per definition be used for the living accommodation of a single family separate from the main dwelling. In this case, and as pointed out in the above correspondence the intention of the applicant is to accommodate their parents in the second dwelling.</p> <p>This is indeed not un-common for Yzerfontein and will therefore not have a negative impact on neighbouring properties or the character of the area.</p> <p>8. Please refer to the comments above. Self-catering accommodation is not seen as a commercial enterprise in terms of the applicable development management scheme.</p> <p>Residents that have been living in Yzerfontein for a long time, will have perceived an increase in traffic as well as high volume of sewerage waste removal trucks. This increase is caused by the existing Residential Zone 1 properties, which was vacant for a long time, having been developed within their rights. Below is aerial photography of Jeff's Place Street since 2004 indicating a total of 4 houses that were present at the time. In 2014, there are a total of 14 houses is visible and 2023 where a total of 21 houses</p>
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The objector continues to state that in correspondence (email dated 13 May 2024, point 1) the Municipality states that such a development (Second Dwelling), “will have low to no impact on adjoining/surrounding erven”. Such a statement is totally untrue. The objector is of opinion that the Town Planner does not reside in the area and such a statement cannot be substantiated with facts nor be supported by an Independent Environmental Assessment Survey / Report. The objector therefore feels that such a statement is merely subjective and cannot be relied upon for the application to be approved.

9. The objector referring to previous correspondence state that the owner of erf 1496 is the son of the owner of erf 1698. The statement made by the

9. This comment is pure speculation and there is no proof of the allegations made. The applicant is not applying for consent to operate a guest House or Bed and Breakfast to ‘join the scheme’, simply

have now been constructed and only 6 properties are vacant along Jeff’s Place.

Image 1: Jeff’s Place (2004)



Image 2: Jeff’s Place (2014)



Image 3: Jeff’s Place (2023)



9. The municipality can only consider what is being presented in the application. Should the dwelling & second dwelling be used as a guest house or bed and breakfast in the future, the owner/developer will need

	<p>applicant can therefore not be accepted as completely trueful. Erf 1698's ground level is used by Kaalvoet (erf 1501 for additional accommodation when required). Both owners of erfs 1501 and 1698 are "connected parties" and now a 3rd erf (erf 1496) is trying to join the "scheme".</p> <p>They note that there is a large off-street open parking area planned on erf 1496 which can only be for "paying guest" to park vehicles as there is a planned double garage to face the road for the owner's vehicles. Clearly this, in the opinion of the objector, shows the true intention of the Application – to operate a Guest House / B&B / rental of multiple rooms to non-associated paying guests on same day(s) – another commercial enterprise operating on a Single Residence zoned erf.</p>	<p>to construct a second dwelling larger than 60m² in extent.</p> <p>A second dwelling is already a permitted land use within the R1 zoning.</p>	<p>to submit a new land use application for consideration and subject to its own public participation process.</p>
	<p>10.The objector notes that the application refers the intended size of the second dwelling being greater than 60 square meters which is not within the regulations, and therefore being a reason for the application.</p>	<p>10. The Land Use Planning By-law regulations allows for a second dwelling as an additional use right within the Residential Zone 1 zoning, and further allows for this second dwelling to be larger than 60m² in extent with consent from Council, which is the subject of this application.</p> <p>It is incorrect to state that it is "not within the regulations".</p>	<p>10.It is correct. A second dwelling smaller than 60m² is deemed an additional use right in terms of the applicable development management scheme. Application is therefore made for a consent use within the provisions of the By-law.</p>
	<p>11.The objector states that second dwellings are strictly reserved for residential use, but all the erven mentioned above are operating as commercial enterprises (meaning: the activity of providing goods and services involving financial aspects).</p>	<p>11. Adjacent properties that are perceived to be utilized for any uses not permitted in terms of their approved land use rights are not relevant to the application at hand. All applications submitted must be assessed on their own merit and decisions on such applications should be based on the contents of such application.</p> <p>It is incorrect to make assumptions, unsubstantiated statements and/or allegations</p>	<p>11.Please refer to the comments above.</p>

	<p>that the proposed second dwelling will be utilized for anything other than residential purposes as detailed in the application submitted.</p>	
<p>12. These activities are illegal on erven zoned as Single Residential Properties. Therefore, it can be said Swartland Municipality is supporting and in support of such illegal activities as Swartland Municipality is aware of such illegal activities which in turn means Swartland Municipality is failing in its material responsibility and duties.</p>	<p>12. This comment is not relevant to the application at hand.</p> <p>Any concerns with the use of adjacent properties should be directed to the Municipality utilizing the correct platforms.</p>	<p>12. Please refer to the comments above.</p>
<p>13. The request to support any relaxation of the building line regulation and Application (Second Dwelling) is a major concern to us as we will be negatively impacted and directly affected by excessive noise from paying guests ("partying & drinking") at all hours of the day and night, and our right to privacy, which is enshrined in the constitution of South Africa, will be adversely affected, and eroded.</p>	<p>13. No application for the relaxation of any building lines were made, so this comment is incorrect. The proposed building, as confirmed in the application, will be completely within the building envelope as prescribed within the Residential Zone 1 zoning.</p> <p>A Second Dwelling is permitted within the R1 zoning, this application only seeks to request consent for a unit larger than the prescribed 60m², but still within the building lines as prescribed.</p>	<p>13. This comment has already been dealt with. The proposed application will not have a negative impact on the privacy of the owner of erf 2022.</p>
<p>14. The development of erf 1498 with a Second Dwelling will have an adverse impact on the constitutional privacy rights of erf 2022, the surrounding community and other landowners situated in Jeff's Place Street, Pearl Bay, Yzerfontein.</p>	<p>14. This statement is incorrect, as there is no evidence of the 'constitutional privacy' of adjacent landowners being affected.</p> <p>A Second Dwelling is permitted within the R1 zoning, this application only seeks to request consent for a unit larger than the prescribed 60m², i.e. 76.67m² in extent.</p>	<p>14. The proposed application will not have a negative impact on the privacy of the owner of erf 2022.</p>
<p>15. What's also of great concern is the fact is there is no police service (SAPS) based in Yzerfontein to deal with such social disobedience behaviour. The closest SAPS station being in Darling, about 40km away.</p>	<p>15. This statement is irrelevant to the application at hand.</p>	<p>15. The second dwelling, as proposed does not warrant a Police Station.</p>

	<p>16.The objector request that they are informed directly in writing of the decision made by Swartland Municipality in this application within 7 days of such a decision as they reserve their rights to act in any way which they deem necessary prior to any commencement of construction.</p>	<p>16.The applicant concludes that it is important to point out that most of the above comments/objections raised by Mr Poultney are concerns with the operations of other landowners in the vicinity of the application site, which is unrelated and irrelevant to the application at hand. All allegations and assumptions related to the intended use of Erf 1496 are unsubstantiated and untrue.</p> <p>The landowner is simply applying to allow for a Second Dwelling of 76.67m², in lieu of 60 m², as permitted with consent from Council within the Land Use Planning By-law. As illustrated in the application, all other parameters of the By-law are being complied with.</p>	<p>16.The application will be processed within the timeframe as prescribed in terms of the relevant legislation.</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 17 April 2024. The public participation process commenced on the 7th of May 2024 and ended on the 10th of June 2024. An objection was received and referred to the applicant for comment on the 12th of June 2024. The municipality received the comments on the objection from the applicant on the 4th of July 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 second 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 was administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed double dwelling creates more affordable housing typologies in Yzerfontein.

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)

According to the PSDF (2014), 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

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 proposed application will result in higher densities without impacting on the sense of place and is therefore deemed consistent with the PSDF.

2.3 West Coast District SDF, 2020

The West Coast District is a popular tourist destination due to its natural beauty, quaint coastal villages and its proximity to the Cape Metropole as the primary tourist attraction in the area. According to the available data coastal towns as holiday destinations, nature conservation & natural beauty, cultural tourism, wine & olives and Agri-tourism, are all tourism opportunities contributing to the sustainability and economic development in the district.

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.

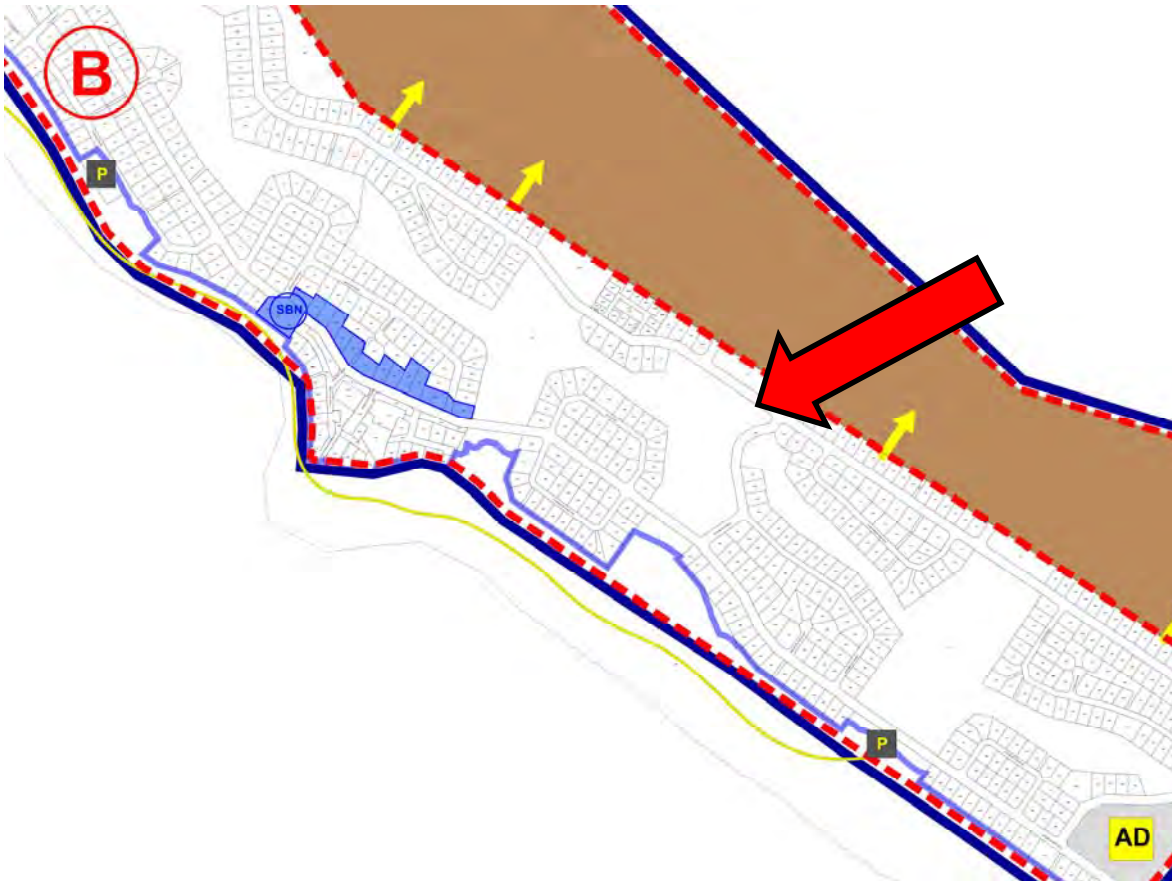
It is stated in the WCDSDF, 2020 that the functional classification for Yzerfontein is tourism and according to the growth potential study Yzerfontein is a small town that has a medium growth potential.

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.

A second dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. The proposal is thus consistent with the WCDSDF, 2020.

2.4 Municipal Spatial Development Framework (SDF), 2023.

The subject property is situated within the Pearl Bay area which according the MSDF, 2023 consists mainly of low-density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high-density housing opportunities. Medium density residential uses are supported in this area.



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. The garage door façade indicated on the proposed building plans did not form part of the application. The departure of the side building line in this regard is not supported. With the submission of building plans the owner /developer will be instructed to have it removed from the plans. Should they wish to continue with the garage façade, as proposed, a separate application needs to be submitted for consideration.

It should also be noted that the proposed second dwelling is proposed as an integral part of the proposed dwelling house. Therefore, it conforms with the definition of a double dwelling.

A double dwelling is defined as a building erected for residential purposes that is designed as a single architectural entity containing two dwelling units on one land unit. The correct description for the proposal would therefore be, double dwelling house.

3. Desirability of the proposed utilisation

There are no physical restrictions on the property that may have a negative impact on the application. The overall height of the second dwelling is lower than the maximum permissible height, which is considered a sensitive approach towards the views of surrounding properties.

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

The proposed second dwelling will have a positive economic impact, as it may in the future generate income for both the landowner, municipality (through rates and taxes) and tourism as a whole, through the spending of the new residents / visitors to the area. As proposed by the applicant the unit will, at this stage be used to accommodate elderly family members.

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 it is clear that access to the property is obtained directly from Jeff's Place. The impact of the proposal on traffic in the area will be minimal.

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 Swartland Development charges policy (2024).

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 1496, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions:

1. TOWN PLANNING AND BUILDING CONTROL

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

2. WATER

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

3. SEWERAGE

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

4. DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for the development charge of R 11 514,95 towards the supply of regional bulk water at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R 1 045,35 towards bulk water reticulation at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R 5 242,85 towards sewerage at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R12 722,45 towards waste water treatment building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R7 200,15 towards roads at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA 9/247-188-9210);
- (f) The owner/developer is responsible for the development charge of R 11 762,00 towards electricity at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and can 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.


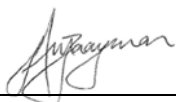
PART M: REASONS FOR RECOMMENDATION

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

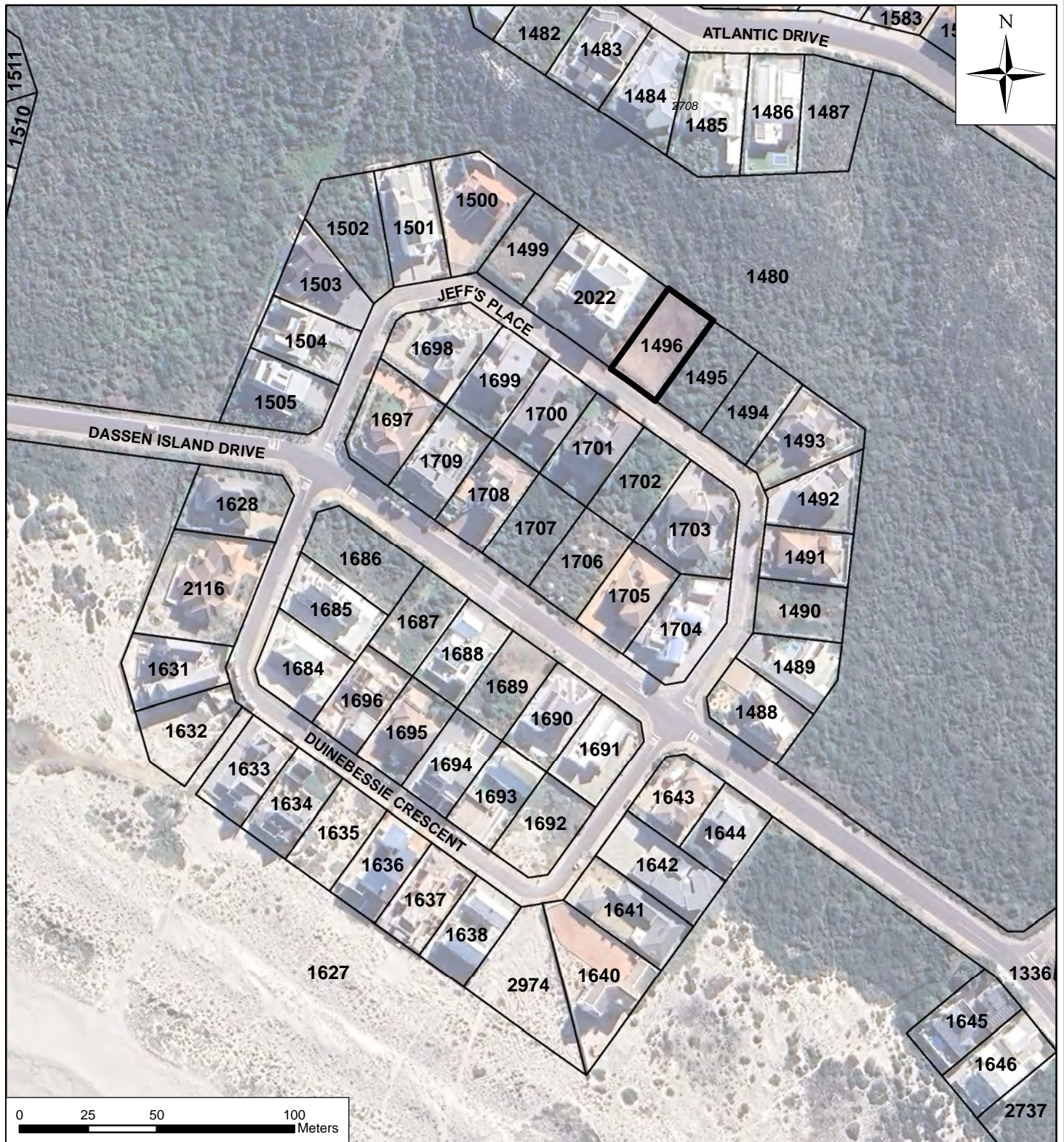
PART N: ANNEXURES

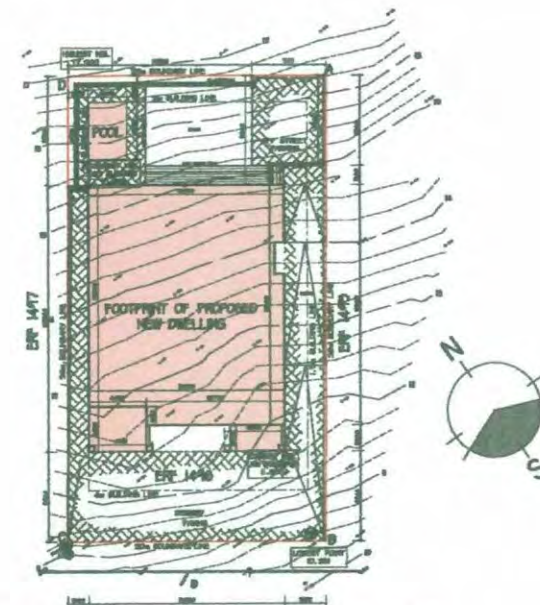
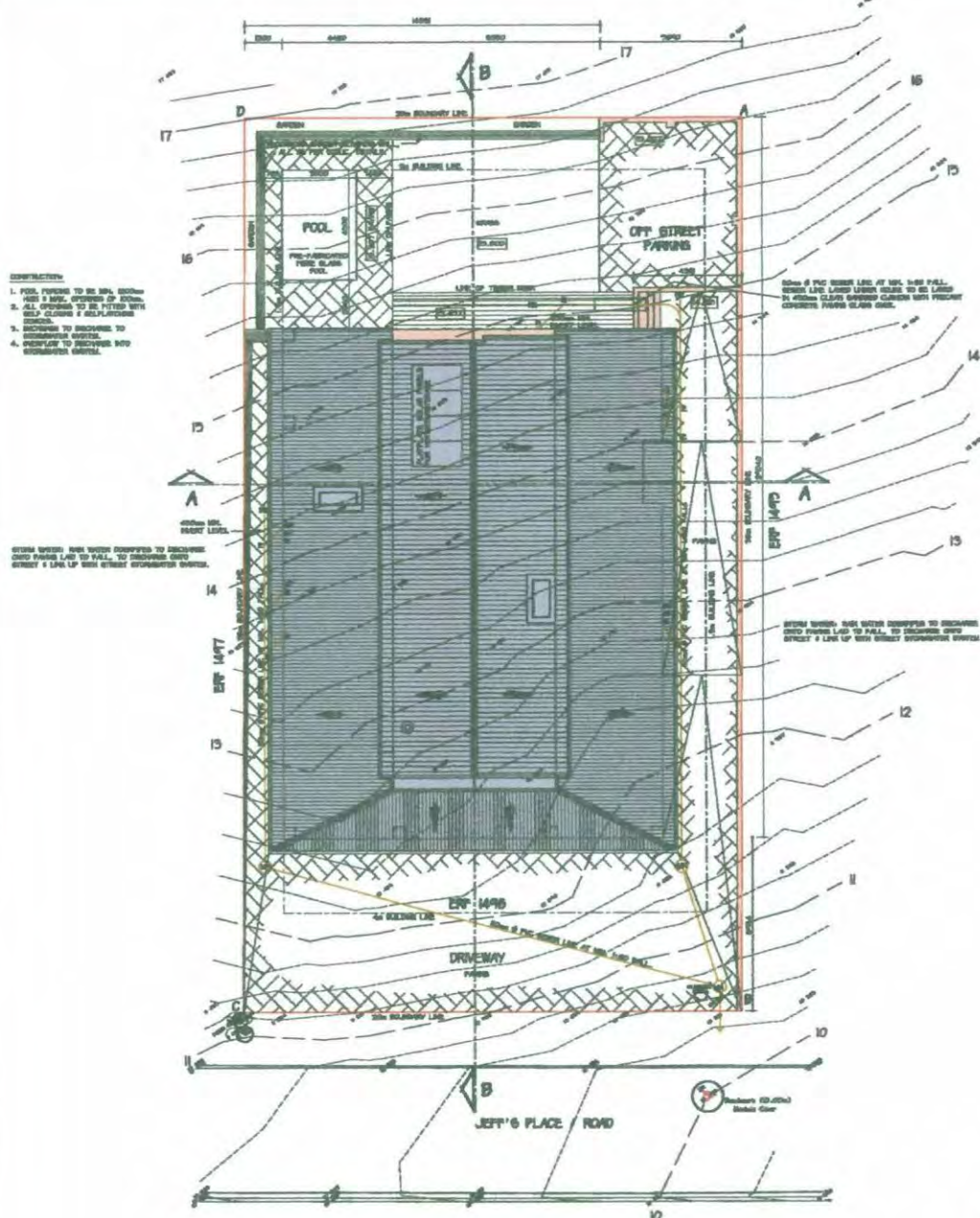
Annexure A	Locality Plan
Annexure B	Proposed building plan
Annexure C	Public Participation plan
Annexure D	Letter of support M Verster
Annexure E	Letter of support C van Wyk
Annexure F	Objections from Undies 4 All
Annexure G	Comments on the objections received

PART O: APPLICANT DETAILS

First name(s)	Ilani Heyns Planners			
Registered owner(s)	Heinrich & Simone Noordermeer	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
Author details: Herman Olivier Town Planner SACPLAN: A/204/2010				Date: 30 July 2024
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001		Recommended	<input checked="" type="checkbox"/>	Not recommended
				Date: 2 August 2024

LOCATION PLAN OF ERF 1496, YZERfontein





SITE PLAN WITH FOOTPRINT 1 : 200

AREAS PROPOSED NEW BUILDING: ERF 14/96: 720.00m²

MAIN DWELLING: COVERAGE = 41.36%

GROUND STOREY: 140.500m² TOTAL FOOTPRINT = 240.00m²

FIRST STOREY: 242.350m²

LOFT: 27.000m²

TOTAL MAIN HOUSE: 467.90m²

RESIDENTIAL ZONE 1; LOW DENSITY (R1)

NEW BOUNDARY WALL: 34.7m LONG ln @ 1.0m HIGH.

TOTAL FLAT GROUND STOREY: 76.670m²

TOTAL NEW AREA: 344.300m²
(EXCLUDING STOREY/BALCONIES)

UNDER COVER STOREY,
ENTRANCES & PASSAGES: 54.97m²

BALCONIES: 36.97m²

TOTAL: 146.940m²

LIST OF REGISTERED VEHICLES TO BE DIVIDED IN PROPOSED AREAS

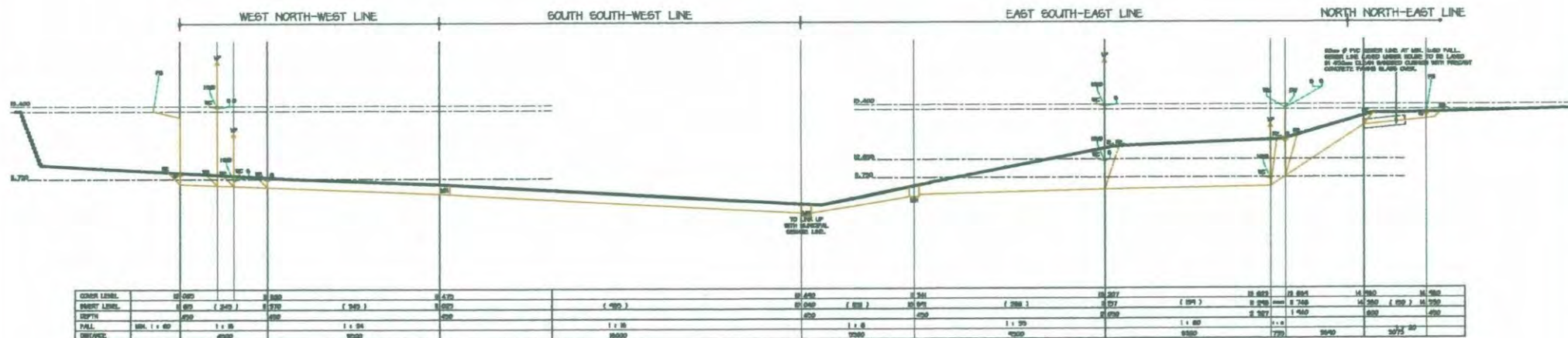
1) CORVARE - DE 2024
2) VEHICLE - FLAVIO SP
3) NISSA MICRA - CP 30366
4) ACORNWELL - LFA 2779
5) VEHICLE - CHA 3434
6) VEHICLE - CHA 3407
7) TRAILER - CP 177466

8) 2 CARS & 1 OTHER VEHICLE SPOT NEARBY
9) BICYCLES FOR EACH HOUSE - 700 PAIRLY



SITE PLAN & ROOF VIEW 1:100

[illegible]



SEWAGE LINE N.T.S

NOTE:
 1. ALL ELEVATIONS ARE IN METERS.
 2. ALL ELEVATIONS ARE ABOVE MSL.
 3. ALL ELEVATIONS ARE TO THE CENTER OF THE PIPE.

NO. 1 DATE 10/01/2024		PROJECT NEW HOUSE NOORDERMEER ERF 1496 JEFFS PLACE ROAD YZERFONTEIN		SCALE 1:100 DATE 10/01/2024	
TITLE SEWAGE LINE		PROJECT NEW HOUSE NOORDERMEER ERF 1496 JEFFS PLACE ROAD YZERFONTEIN		SCALE 1:100 DATE 10/01/2024	
NO. 2 DATE 10/01/2024		PROJECT NEW HOUSE NOORDERMEER ERF 1496 JEFFS PLACE ROAD YZERFONTEIN		SCALE 1:100 DATE 10/01/2024	

Liggingsplan

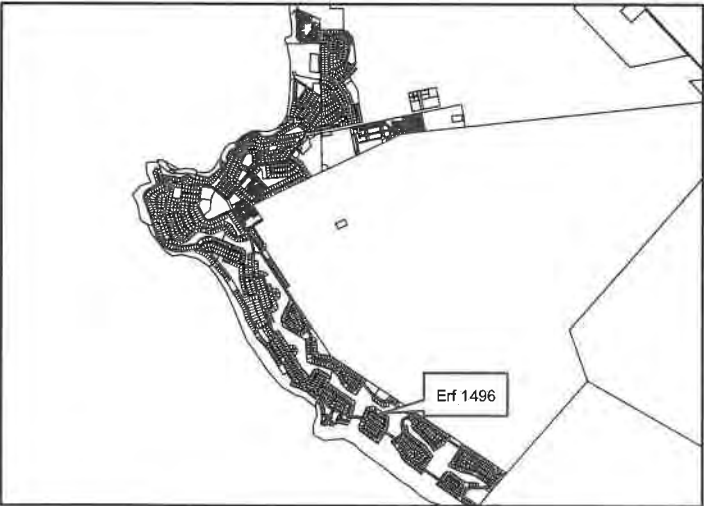


Voorgestelde vergunningsgebruik

Erf 1496, Yzerfontein

Publieke deelname

Skaal: NVT



From: Margo Verster <margoverster@gmail.com>
Sent: Wednesday, 08 May 2024 1:50 PM
To: Danille Warries <PlanIntern1@swartland.org.za>
Subject: Re: Voorgestelde vergunningsgebruik op Erf 1496, Yzerfontein

Middag Danille

Ons het geen beswaar op vergunnings gebruik op erf 1496, Yzerfontein.

M Verster erf 1700

Dr I H Breyenbach erf 1701.

Vriendelike groete

M Verster

From: Carl van Wyk <carlrsa@gmail.com>
Sent: Wednesday, 08 May 2024 2:06 PM
To: Danille Warries <PlanIntern1@swartland.org.za>
Cc: Nicolette Van Wyk <nicolette.vanwyksa@gmail.com>
Subject: Re: Voorgestelde vergunningsgebruik op Erf 1496, Yzerfontein

Good afternoon Danille,

Thank you for the notification.

We have no objections for the building project to progress on erf 1496.

Thank you,

Carl Van Wyk.

Erf 1699

Sent from my iPhone

UNDIES-4-ALL

(Pty) Limited

(registration number: 2017/181279/07)

4 Margaret Close, Constantia, Cape Town, 7806
Tel: 087 7023865 emails: charcoal@mweb.co.za

The Municipal Manager / Mr. Alwyn Burger / Mr. Herman Olivier / Mr. Alwyn Zaayman
Swartland Municipality
Private Bag X52.
Malmesbury,
7299

Re: Application For Consent To Permit A Second Dwelling On Erf 1496 Yzerfontein

Refer all previous correspondence pertaining to the Application For Consent To Permit A Second Dwelling On Erf 1496 Yzerfontein, (requested consent from property owners of erf 2022 (previously 1497 & 1498), 1495, 1494, 1699, 1700, 1701, 1702 & 1703).

As the rightful owner of erf 2022 since May 2002 and having made large investments in our property over the years, well before all surrounding erven mentioned above, and the understanding of the right for erven to be developed by the owners, there are however prescribed building and zoning regulations. It is our understanding that **all** erven in Pearly Bay area is zoned **Single Residential Properties and stated such in the Application.**

History has shown that many erven have been allowed to be developed which are **not** Single Residential Properties and **not** being used as such, namely in Jeff's Place Street.

1. Erf 1501 - (Kaalvoet B&B / Guest House) (Second Dwelling status was obtained under "home schooling" on ground floor for daughter which was a complete lie), multiple rooms used on same day by separate non-associated paying guests.
2. Erf 1698 - (ground floor) used by erf 1501 (Kaalvoet) when erf 1501 is full.
3. Erf 1504 - (multiple rooms used on same days) by separate non-associated paying guests.
4. Erf 1701- (solely used as self-catering accommodation (short stay - weekends) / multiple storeys used on same day by separate non-associated paying guests. This dwelling is a triple storey dwelling which is **illegal** and Swartland Municipality has done nothing to correct this illegal property for years, and
5. Erf 1700 - (self-catering accommodation, short stay rentals).

All these properties are operating commercial enterprises on Single Residential Property erven, and yet Swartland Municipality permits (*"turns a blind eye"*) to such activities nor charges commercial rates on these erven.

The environmental, noise and waste pollution impact by these erven operating such an enterprise has a **major effect on surrounding erven**. We can attest to this over the years with high noise levels from paying guests, increase traffic volumes, tour buses blocking the street, added road congestion, high volume of sewerage waste removal trucks causing unpleasant smells and noise pollution from early morning to late evening. Mr. Alwyn Burger stated in correspondence (email dated 13 May 2024, point 1) that such a development (Second Dwelling), *"will have low to no impact on adjoining / surrounding erven"*. **Such a statement is totally untrue (Mr. Alwyn Burger does not reside in the area) and such a statement cannot be substantiated with facts nor be supported by an Independent Environmental Assessment Survey / Report. Such a statement is merely subjective and therefore cannot be relied upon for the Application to be approved.**

Refer point 2 in correspondence (email) dated 13 May 2024 by Mr. Alwyn Burger. The owner of erf 1496 is the son of the owner of erf 1698. We **cannot** accept the reason in point 2 to be completely trueful. Erf 1698's ground level is used by Kaalvoet (erf 1501 for additional accommodation when required). Both owners of erfs 1501 and 1698 are "connected parties" and now a 3rd erf (erf 1496) is trying to join the "scheme". We note that there is a large off-street open parking area planned on erf 1496 which can **only be for "paying guest" to park vehicles** as there is a planned double garage to face the road for the owner's vehicles. This clearly shows the true intention of the Application – ***to operate a Guest House / B&B / rental of multiple rooms to non-associated paying guests on same day(s) – another commercial enterprise operating on a Single Residence zoned erf.***

We note the Application refers the intended size of the Second Dwelling is greater than 60 square meters which is **not** within the regulations., ***and therefore being a reason for the Application.*** Also, **Second Dwellings are strictly reserved for residential use**, but all the erven mentioned above are operating as commercial enterprises (meaning: the activity of providing goods and services involving financial aspects). These activities are illegal on erven zoned as Single Residential Properties. Therefore, it can be said Swartland Municipality is supporting and in support of such illegal activities as Swartland Municipality is aware of such illegal activities which in turn means Swartland Municipality **is failing in its material responsibility and duties.**

The request to support any relaxation of the building line regulation and Application (Second Dwelling) is a major concern to us as we will be **negatively impacted and directly affected by excessive noise from paying guests ("partying & drinking") at all hours of the day and night, and our right to privacy, which is enshrined in the constitution of South Africa, will be adversely affected, and eroded.**

The development of erf 1498 with a Second Dwelling will have an adverse impact on the constitutional privacy rights of erf 2022, the surrounding community and other landowners situated in Jeff's Place Street, Pearl Bay, Yzerfontein.

What's also of great concern is the fact is there is **no** police service (SAPS) based in Yzerfontein to deal with such social disobedience behaviour. The closest SAPS station being in Darling, about 40km away.

We formally advise that due to the above facts and experiences over the years we (1) **cannot consent to the request for any relaxation of the building line regulations**, and (2) **cannot support nor consent to the Application for Consent for a Second Dwelling to be permitted on erf 1496.**

We request that we are informed directly in writing of the decision made by Swartland Municipality in this Application **within 7 days of such a decision** as we reserve our rights to act in any way which we deem necessary prior to any commencement of construction.


Sean Poultny

For and on behalf of UNDIES-4-ALL Pty Limited
(registered owner of erf 2022, Yzerfontein)

Ilani Heyns Planners
31 Kronendal Crescent
Stellenryk
7550
Applicant Ref No: 2024_1496
File ref: 15/3/10-14/Erf_1496

The Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury
7299

For Attention: Mr Herman Olivier / Mr Alwyn Burger / Ms Delmary Stallenberg

Dear Sir/Madam

RESPONSE TO COMMENTS: APPLICATION FOR CONSENT TO PERMIT A SECOND DWELLING IN EXCESS OF 60SQM ON ERF 1496 YZERFONTEIN

Your letter dated 12 June 2024 refers.

Herewith our responses to the comments raised in the letter of objection, submitted by Mr Sean Poultney, owner of Erf 2022, in relation to the Application for Consent to permit a second dwelling in excess of 60m² on Erf 1496 Yzerfontein.

For ease of reference, each of the comments raised with the associated response have been tabulated:

	Comment	Response
1	<p>History has shown that many erven have been developed which are not Single Residential Properties and not being used as such, namely in Jeff's Place Street</p> <ol style="list-style-type: none">1. Erf 1501 – (Kaalvoet B&B/Guest House), Second Dwelling status was obtained under 'home schooling' on ground floor for daughter which was a complete lie, multiple rooms used on same day as separate non-associated paying guests2. Erf 1698 – (ground floor) used by Erf 1501 (Kaalvoet) when Erf 1501 is full.	<p>Adjacent properties that are perceived to be utilized for any uses not permitted in terms of their approved land use rights are not relevant to the application at hand. All applications submitted must be assessed on their own merit and decisions on such applications should be based on the contents of such application.</p> <p>The application as submitted is to permit a Second Dwelling in excess of 60m² (a permitted land use within the Residential Zone 1: Low Density Zoning (R1)). No application has been made for a Guest House and/or a Bed-and-Breakfast establishment (both of which are</p>

	<p>3. Erf 1504 – (multiple rooms used on same days) by separate non-associated paying guests</p> <p>4. Erf 1701 – (solely used as self-catering accommodation, multiple storeys used on same day by non-associated paying guests. This dwelling is a triple storey dwelling which is illegal and Swartland Municipality has done nothing to correct this illegal property for years</p> <p>5. Erf 1700 0 self catering accommodation, short stay rentals.</p> <p>All these properties are operating commercial enterprises on Single Residential Property erven, and yet Swartland Municipality permits ('turns a blind eye) to such activities nor charges commercial rates on these erven.</p>	<p>permitted with Consent from Council within this Zoning application) and any allegations related to such establishments to be operated on the property are untrue.</p>
2	<p>The environmental noise, and waste pollution impact by these erven operating such an enterprise has a major effect on surrounding erven. We can attest to this over the years with high noise levels from paying guests, increase traffic volumes, tour buses blocking the street, added congestion, high volume of sewerage waste removal trucks causing unpleasant smells and noise pollution from early morning to late evening.</p>	<p>A Second Dwelling is a permitted use within the R1 Zoning and the landowner has no intention to utilize the property for anything other than what is outlined in the application and plans as submitted.</p> <p>There is no proof that a second dwelling will have any negative impact, or add to any perceived nuisances, on the surrounding community in terms of noise, waste or traffic.</p> <p>Any concerns with surrounding properties are irrelevant to this application and should be addressed separately with the Municipality, utilizing the correct platforms to do so.</p>
3	<p>The owner of erf 1496 is the son of the owner of 1698. We cannot accept the reason in point 2 being completely truthful. Erf 1698's ground level is used by Kaalvoet for additional accommodation as</p>	<p>This comment is pure speculation and there is no proof of the allegations made. The applicant is not applying for Consent to operate a Guest House or Bed-and-Breakfast to 'join the scheme', simply to</p>

	required. Both owners of Erven 1501 and 1698 are connected parties and now a 3 rd erf (erf 1496) is trying to join the scheme.	construct a second dwelling larger than 60m ² in extent. A second dwelling is already a permitted land use within the R1 zoning.
4	There is a large off-street open parking area planned on Erf 1496 which can only be for paying guests to park vehicles as there is a planned double garage to face the road for the owner's vehicles. This clearly shows the true intention of the application.	The plans as submitted provides for 2 additional parking bays at the back of the property together with the associated paved driveway, which can hardly be deemed a 'large off-street open parking area'. This parking, together with the planned garage is to accommodate the vehicles, trailer and caravan currently owned by the landowner. Once again, the applicant did not apply for a commercial enterprise on the property, so there is no 'true intention' as is alleged. Any commercial land uses, if at all planned in future, will have to be subject to separate land use applications as required in terms of the Land Use Planning Bylaw.
5	The Application refers the intended size of the second dwelling is greater than 60 square meters which is not within the regulations and therefore being a reason for the Application.	The Land Use Planning Bylaw regulations allows for a Second Dwelling as an Additional Use Right within the R1 Zoning, and further allows for this Second Dwelling to be larger than 60m ² in extent with Consent from Council, which is the subject of this application. It is incorrect to state that it is 'not within the regulations'.
6	All the erven mentioned above are operating as commercial enterprises. These activities are illegal on erven zoned as Single Residential Properties.	Adjacent properties that are perceived to be utilized for any uses not permitted in terms of their approved land use rights are not relevant to the application at hand. All applications submitted must be assessed on their own merit and decisions on such

		<p>applications should be based on the contents of such application.</p> <p>It is incorrect to make assumptions, unsubstantiated statements and/or allegations that the proposed second dwelling will be utilized for anything other than residential purposes as detailed in the application submitted.</p>
7	Swartland Municipality is aware of such illegal activities which in turn means Swartland Municipality is failing in its material responsibility and duties.	<p>This comment is not relevant to the application at hand.</p> <p>Any concerns with the use of adjacent properties should be directed to the Municipality utilizing the correct platforms.</p>
8	The request to support any relaxation of the building line regulations and Application (Second Dwelling) is a major concern to us as we will be negatively impacted and directly affected by excessive noise from paying guests at all hours of the day and night and our right to privacy.	<p>No application for the relaxation of any building lines were made, so this comment is incorrect. The proposed building, as confirmed in the application, will be completely within the building envelope as prescribed within the R1 zoning.</p> <p>A Second Dwelling is permitted within the R1 zoning, this application only seeks to request consent for a unit larger than the prescribed 60m², but still within the building lines as prescribed.</p>
9	The development of erf 1496 with a Second Dwelling will have an adverse impact on the constitutional privacy of Erf 2022, the surrounding community and other landowners situated in Jeff's Place Street.	<p>This statement is incorrect, as there is no evidence of the 'constitutional privacy' of adjacent landowners being affected.</p> <p>A Second Dwelling is permitted within the R1 zoning, this application only seeks to request consent for a unit larger than the prescribed 60m², ie. 76.67m² in extent.</p>
10	There is no police service based in Yzerfontein to deal with such social disobedience behaviour.	This statement is irrelevant to the application at hand.
11	We cannot consent to the request for any relaxation of the building regulations	No application for the relaxation of any building regulations were made, so this

		comment is irrelevant. The proposed building will be completely within the building envelope as prescribed within the R1 zoning.
12	Cannot support not consent to the application for Consent for a Second Dwelling to be permitted on Erf 1496.	Application is not being made for Consent to construct a Second Dwelling, this is already an allowed Additional Use Right within the current zoning. This application simply seeks Consent to allow for the Second Dwelling to be larger than 60m ² in extent, i.e. 76.67m ² , which is a requirement from Council.

It is important to point out that most of the above comments/objections raised by Mr Poultney are concerns with the operations of other landowners in the vicinity of the application site, which is unrelated and irrelevant to the application at hand. All allegations and assumptions related to the intended use of Erf 1496 are unsubstantiated and untrue.

The landowner is simply applying to allow for a Second Dwelling of 76.67m², in lieu of 60 m², as permitted with Consent from Council within the Land Use Planning Bylaw. As illustrated in the application, all other parameters of the Bylaw are being complied with.

We trust that the above will allow Council to process and finalize the application as submitted.

Should there be any additional information required, please do not hesitate to contact the undersigned.

Your Faithfully



Ilani Heyns

PR Pln A/1621/2012

Date 7 July 2024

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

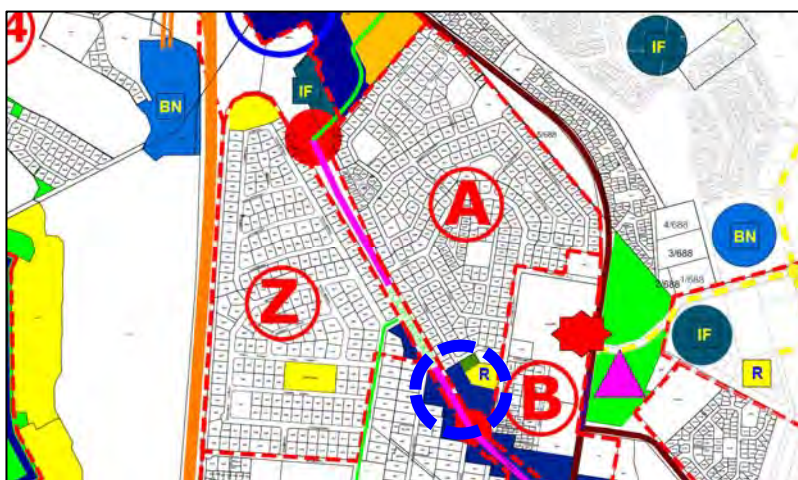
LAND USE PLANNING REPORT PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL: CONSENT USE ON ERF 7278, MALMESBURY					
Reference number	15/3/10-8/Erf_7278	Submission date	18 April 2024	Date finalised	2 Augustus 2024

PART A: APPLICATION DESCRIPTION						
Application for the amendment of a condition of approval related to the consent use on Erf 7278, Malmesbury, is made in terms of Section 25(2)(h) of the Swarthland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to amend condition A1(c) of approval letter 15/3/10-8/Erf 7278 of 17 May 2022 that reads as follows:						
<p>“...(c) A maximum of six (6) children be enrolled at the Day Care Centre at any time, as presented in the application...”</p> <p>be amended to read as follows:</p> <p>“...(c) A maximum of fifteen (15) children be enrolled at the Day Care Centre at any time, as presented in the application...”</p> <p>The applicants and property owners are J. and L. Coetzee.</p>						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	ERF 7278 MALMESBURY, in die Swarthland Municipality, Division Malmesbury, Province of the Western Cape					
Physical address	18 Palomino Street		Town	Malmesbury		
Current zoning	Residential Zone 1	Extent (m²/ha)	684m²	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
Applicable zoning scheme	Swarthland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)					
Current land use	Residential dwelling with consent for a day care centre			Title Deed number & date	T1086/2022	
Any restrictive title conditions applicable	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, list condition number(s)			
Any third party conditions applicable?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, specify			
Any unauthorised land use/building work	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, explain			
PART C: LIST OF APPLICATIONS (TICK APPLICABLE)						
Rezoning	<input type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision
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

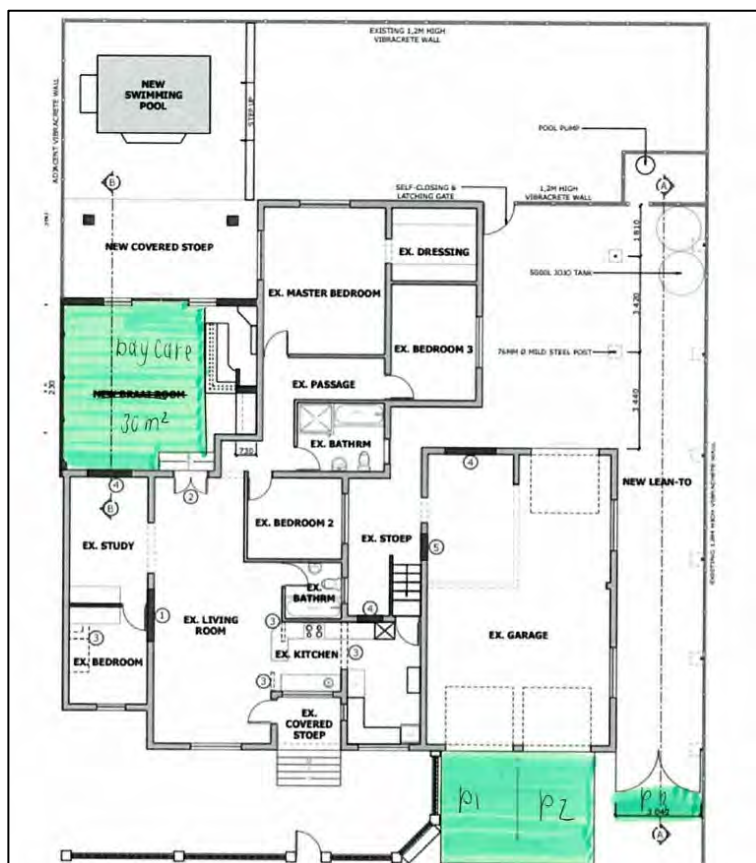
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval	✓	Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval	
Determination of zoning		Closure of public place		Consent use		Occasional 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 building that constitutes a non-conforming use			

PART D: BACKGROUND

Erf 7278, Malmesbury is zoned Residential Zone 1. The erf is located in Tafelzicht, delineated as Area A by the Swartland Municipal Spatial Development Framework (2023). The area is predominantly residential in nature, with a moratorium on subdivision of most of the residential erven. Possibilities for commercial development occur towards the south of Tafelzicht, on a large vacant portion adjacent to Voortrekker Road, an activity axis that connects with the N7.

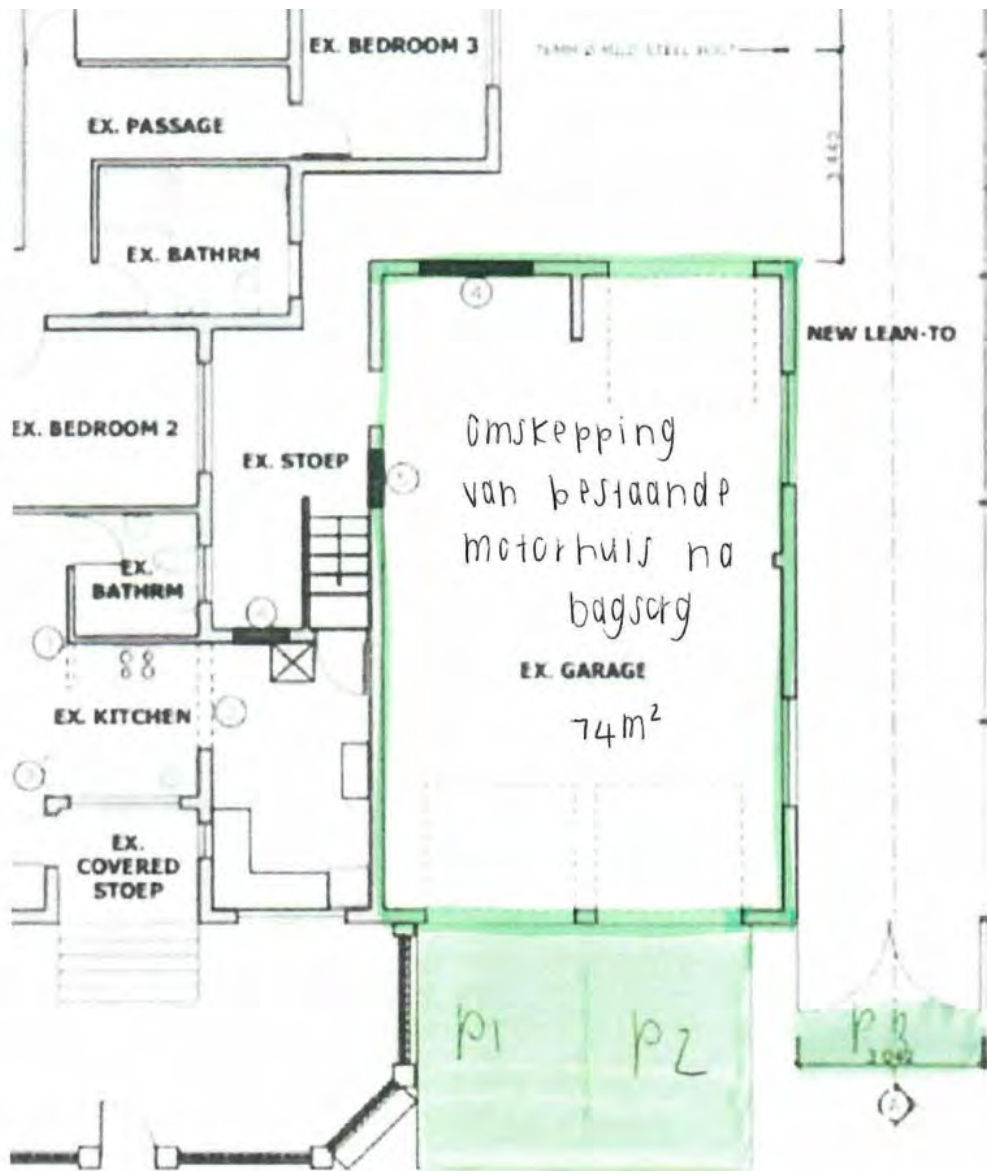


The property owners applied and obtained consent to establish a day care centre in a 30m² portion of their dwelling on 17 May 2024.



The centre accommodated 6 children between 3 months to 24 months of age, minded by the owner – a qualified teacher in early childhood development – and one assistant teacher. The By-Law, consistent with the Children’s Act, requires 1,5m² free space per child indoor space and 2m² per child outdoor space if the children are mobile, but no outside area is required for babies not walking yet. The day care was thus accommodated in the braai room of the dwelling.

Later that same year, the applicants applied for the amendment of the approval, in order to relocate the centre from the previous entertainment room to the garage (converted according to needs), which increased the available floor space from 30m² to 74m².



The residents and staff remain able to park their vehicles under the carport on the property, while the three on-site parking bays remain available to parents for the drop-off and pick-up of children.

The operating hours are proposed from 6am to 6pm Mondays to Fridays, consistent with the requirements of the By-Law.

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

- The applicant states the following as motivation for the development proposal:
 - The proposal satisfies and supports the development principles as set out in LUPA and SPLUMA.

- b) The proposal adheres and conforms to the vision and spatial planning strategies/objectives of the SDF.
- c) The consent use complies with the Land Use Proposals of the SDF for Malmesbury which promotes secondary educational uses.
- d) The proposed consent use complies with the development parameters as set out in the Swartland Municipal Planning By-law (March 2020).
- e) The proposed consent use will have no adverse impact on the neighbouring properties or character of the surrounding area.
- f) The proposal entails the expansion of social facility, addressing a specific community need.
- g) By allowing for a dual land use, the property will be utilised optimally and efficiently.
- h) The proposed expansion of the care centre will make use of existing infrastructure services and will not have any significant impact on external engineering services, nor will it negatively impact on environmental / heritage assets.
- i) Adheres to the guidelines for educational facilities of the Western Cape Development Parameters.
- j) The location of the proposed day care centre makes it highly accessible to all residents.
- k) The land use on the property will remain unchanged – primary dwelling with a day care centre as consent – and the footprint of the facility remains unchanged. Only the number of babies allowed on the property increases.
- l) The day care centre is in possession of all the applicable certificates and documents relating to the safety and security, operating protocols and permissions required to operate a day care centre.

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 17 registered notices were issued to affected parties, and the same notices were also sent via e-mail, where addresses were available. No notices were returned uncollected.					
Total valid comments	3		Total comments and petitions refused	0	
Valid petition(s)	Y	N	If yes, number of signatures		
Community organisation(s) response	Y	N	Ward councillor response	Y	N
					Councillor van Essen: Ek het geen beswaar teen die wysiging van voorwaardes en vergunningsgebruik op Erf 7278 nie. Indien daar verkeersprobleme ontstaan moet daar asb. aansoek gedoen word vir snelheidskalmering, soos 'n speedwal.
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	6 May 2024	a) Building plans, indicating how the additional cots will be accommodated, and how the facility will function, be submitted to the Senior Manager: Built Environment for consideration and approval;	X	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>G. & W. Lesch Erf 7280 Annexure D</p>	<p>1. We understand that noise can be a concern, and we have taken steps to minimize the amount of noise. We have minimized the amount of time the children play outside, and when they do go outside it is only 4 at a time. Additionally, I have instructed the staff to try and keep noise to a minimum when outside. We have also installed air conditioning, which will allow us to keep the kids indoor during hot days as much as possible, as well as installed doors to keep the noise from escaping. The children will do their gross motor activities (ball play, trampoline jump, balancing activities) between 9 and 10am once a week (if weather permits) This will be done on the grass outside. Sensory activities like sand play, water play etc we do between 9 and 10 am once a week if weather permits. The babies ages 4 to 12 months do not participate in these activities, so these activities are only from 13 months to 24 months. Free play outside is only for 30min between 4pm and 4.30 (SUMMER SEASON). During the winter and hot summer days we don't go outside. The amount we keep at 4 children at a time. The owner has children of her own coming home from school at 2.30 and play outside with friends. This is the home of my children and they are surely allowed to play outside in their own garden in the afternoons. I understand that neighbours want a quiet environment, and am always mindful of this fact. I keep in contact with our direct neighbour regularly to see if there are any disturbances, and I am willing to engage with other neighbours as well to address any concerns in a respectful manner if any may arise.</p>	<p>1. A certain level of noise may be expected in a residential neighbourhood and the noise of children playing is a general sound that occurs.</p> <p>The mitigating measures employed by the applicant are considered more than sufficient and respectful towards the surrounding land owners.</p>

<p>IJM & AJ van Niekerk Erf 7247 Annexure E</p>	<p>2. The amount of traffic will increase, cause congestion and peace will be disturbed.</p>	<p>2. There is a 2-hour window, between 7 and 9, where parents drop of their children. There is ample parking at the facility and there are no cars parking in the street or blocking traffic. The same for pick up times, which is from 3 to half past 5. I have not observed any traffic being backed up for the almost 2 years the school has been operational, neither has our direct neighbours of Palomino Street raised any complaints. Complainant Van Niekerk mentioned people driving in the middle of the road and the driving ability of the cars driving Palomino Street, I believe this is a separate matter, but nevertheless I have communicated to the parents at my school to please drive carefully. The complainant also mentioned taxi's coming in to drop off staff members, I currently only have 1 staff member who travels via taxi to and from work, the rest come in per foot. There are also multiple other people being dropped off by taxi working for people in Palomino Street, so I don't think this accusation is fair.</p>	<p>2. The number of parking bays on the property remain consistent with the number required by the By-Law.</p> <p>No complaints have been received to date regarding unsafe driving conditions due to the centre, nor congestion caused by the centre – not even by the vigilant objector. The objection seems to be against a situation that may occur in the future, but it is considered unlikely, as the applicant abides by all legal requirements.</p> <p>It should be noted that Palomino street is a public road and all drivers are subject to the same traffic laws. Furthermore, the day care centre cannot be held responsible for all the vehicles present in the street at any time.</p>
<p>B. Rall Erf 7263 Annexure F</p>	<p>3. The facility is not monitored by Swartland Municipality.</p>	<p>3. Not applicable – Documents are intact and signed off by the municipality. I always give my full cooperation if needed.</p>	<p>3. The Division: Community Development is in close cooperation with the Department of Education, as well as Community Health and annually completes inspections of all the Early Childhood Development facilities in the Swartland municipal area. Any complaints are also monitored and followed up.</p> <p>The applicant complies with all the relevant land use requirements, as well as the various legal prescriptions issued by other departments/bodies. The statement by the objector is unfounded.</p>
	<p>4. Are the children and the day care still babies?</p>	<p>4. Our age groups are 4 to 24 months. This is a baby and toddler centre, there are no older children at the school. Once they turn 2, I send them off to our feeder schools. There are other complaints made by complainant Rall, which I don't think is based on any facts. The facility accepts children only until 2 years old and there are no older children present.</p>	<p>4. The By-Law does not concern itself with the age of the children at a day care, but rather the number of children and the space required per child for movement and play. The applicant complies with said requirements and the decision to accommodate children of certain ages is het prerogative.</p>

	5. The day care centre will have a negative effect on the value of my property.	5. Regarding valuation of property, I believe there are arguments to make both ways, as a high-quality school in the neighbourhood can raise property prices, but I don't think there is any proof of this being the case. As of my knowledge the properties only grew in validation since 2019 since I checked the validation roll.	5. The applicant is supported. Comment by the objector is conjecture.
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Objectors in relation to the application erf

PART J: MUNICIPAL PLANNING EVALUATION

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

Application for the amendment of a condition of approval related to the consent use on Erf 7278, Malmesbury, is made in terms of Section 25(2)(h) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to amend condition A1(c) of approval letter 15/3/10-8/Erf 7278 of 17 May 2022 that reads as follows:

“(c) A maximum of six (6) children be enrolled at the Day Care Centre at any time, as presented in the application...”

be amended to read as follows:

“(c) A maximum of fifteen (15) children be enrolled at the Day Care Centre at any time, as presented in the application...”

A total of 17 registered notices were issued to affected parties and also sent via e-mail, where addresses were available. No notices were returned unclaimed. The commenting period for the application commenced on 7 May 2024 and concluded on 10 June 2024.

Three objections were received and referred to the applicant for comment on 12 June 2024. The response to objections were provided to the Municipality on 18 June 2024.

The applicants and property owners are J. and L. Coetzee.

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 SDF identifies the area surrounding Erf 7278 as an area which can accommodate secondary educational uses. The scale and nature of the proposal remains consistent with the spatial proposals for Malmesbury and thus spatially just.
- 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.

Existing services are deemed sufficient to accommodate the place of education.
- c) Efficiency: The existing infrastructure and resources on Erf 7278 will be used optimally by the day care facility.
- d) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained.
- e) Spatial Resilience: The place of education can easily revert back to the use of a dwelling house for a single family, should it become necessary in future.

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

2.2 Spatial Development Framework(SDF)

Erf 7278 is located in Area A of Malmesbury, as delineated by the SDF. Area A has a residential character with possibility for commercial development towards the southern point. Secondary educational uses and institutional uses are proposed as land uses in Area A, which makes this application compliant with the spatial planning of Malmesbury.

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

Erf 7278 is zoned Residential Zone 1 and a day care centre may be accommodated within the zoning category as a consent use. The proposal is to increase the number of children enrolled in the day care from six to fifteen. Even though the number is more than double, it is still under 20 children, which is the maximum number of children allowed.

The proposal adheres to all the development parameters, including building lines, coverage and required parking bays.

The indoor and outdoor play areas that must be provided per child, adhere to the requirements stipulated in the By-Law, as well as by the Children's Act.

3. Impact on municipal engineering services

The Department: Civil Engineering Services supports the application in its current form, but cautions that, should the number of children at the facility increase, the impact on engineering services will also increase and the availability of services will need to be re-assessed.

Previous approvals limited the development to 6 children, which obliged the applicant to launch a new application, in order to expand the facility. The application was circulated to the Department: Engineering Services to comment on the impact on services once more, but no additional comments were made.

4. Desirability of the proposed utilisation

Erf 7278, Malmesbury is zoned Residential Zone 1 and is developed with a dwelling house of which a portion has been converted into a day care centre (30m²) to accommodate 6 children between 3 and 24 months of age. The portion of the dwelling has since been expanded to 74m² (via a land use application) and the number of children is now increased to 15.

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

The predominant land use in the area is residential dwellings with amenities. The indoor portion of the day care centre operates from the converted garage of the existing dwelling and outdoor play is limited, due to the age of the children. The noise generated by the day care is considered to be expected and compatible within a residential neighbourhood. The day care centre will thus have no impact on the character of the area and is considered wholly compatible with the permissible land uses within a residential neighbourhood.

The proposed expansion is to accommodate 15 children, which implies that a maximum of 15 additional vehicles may be expected to be present in the street early in the mornings and in the early evenings (business hours are proposed between 6am and 6pm). The vehicles will only be at Erf 7278 for short periods and not all are once. The three on-site parking bays are sufficient for the drop-off and pick-up of children. It is not expected for fifteen vehicles to have any negative impact on the traffic patterns of the street.

The distances from each of the 'blind turns' at the ends of Palomino Street to the development property, are 127m and 65m respectively. Vehicles coming around these turns have sufficient sight distance to observe other vehicles arriving and leaving Erf 7278 in time, so as not to create unsafe circumstances.

The day care centre remains responsible for complying with health and safety standards comprised by the West Coast Municipality, as well as the various requirements of the Department of Social Services and the Department of Education relating to early childhood development facilities. The health and safety of the children at the centre, as well as that of the surrounding neighbourhood is thus not foreseen to be negatively impacted upon.

The noise impact on the tranquillity of the neighbourhood is deemed to be acceptable, as a number of mitigating measures are applied to limit possible noise to a minimum. A day care centre is an acceptable use in a residential area which implies that the possible impacts on affected parties, are similarly acceptable.

The public participation process of the application was done according to the prescribed timeframes of the By-Law.

Sufficient services capacity exists to accommodate the proposal.

The property is not registered as a heritage asset and the development proposal will have no impact on the cultural or natural historical assets of Malmesbury.

The Title deed contains no restrictive conditions to prohibit the proposed consent use.

The application is considered to be desirable.

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 the amendment of an approval condition, with respect to the consent use for a day care centre on Erf 7278, 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 BUILDING CONTROL

a) Condition A1(c) of approval letter 15/3/10-8/Erf 7278 of 17 May 2022 that reads as follows:

“(c) A maximum of six (6) children be enrolled at the Day Care Centre at any time, as presented in the application...”

be amended to read as follows:

“(c) A maximum of fifteen (15) children be enrolled at the Day Care Centre at any time, as presented in the application...”

- b) The remaining conditions contained in approval letter 15/3/10-8/Erf 7278, dated 17 May 2022, remain applicable;
- c) Building plans indicating the configuration and operation within the day care centre be submitted to the Senior Manager: Development Management, for consideration and approval;

2. 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 increased number of children at the day care centre (15) remains fewer than the maximum permissible number of 20 children at such a facility.
2. The application complies with the planning principles of LUPA and SPLUMA.
3. The application is compliant with the spatial planning of Malmesbury, as directed by the SDF.
4. The proposed day care centre will complement and not have a negative impact on the residential character of the surrounding area.
5. The development proposal supports the optimal utilisation of the property.
6. A day care centre is an acceptable use in a residential area which implies that the possible impacts on affected parties, are similarly acceptable.
7. Sufficient services capacity exists to accommodate the day care centre.

8. Sufficient on-site parking bays are provided for safe drop-off and pick-up of children.
9. Health and safety concerns are addressed through the conditions of approval.
10. The noise impact of the facility on the tranquillity of the neighbourhood is deemed to be sufficiently mitigated by the applicant.


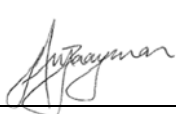
PART N: ANNEXURES

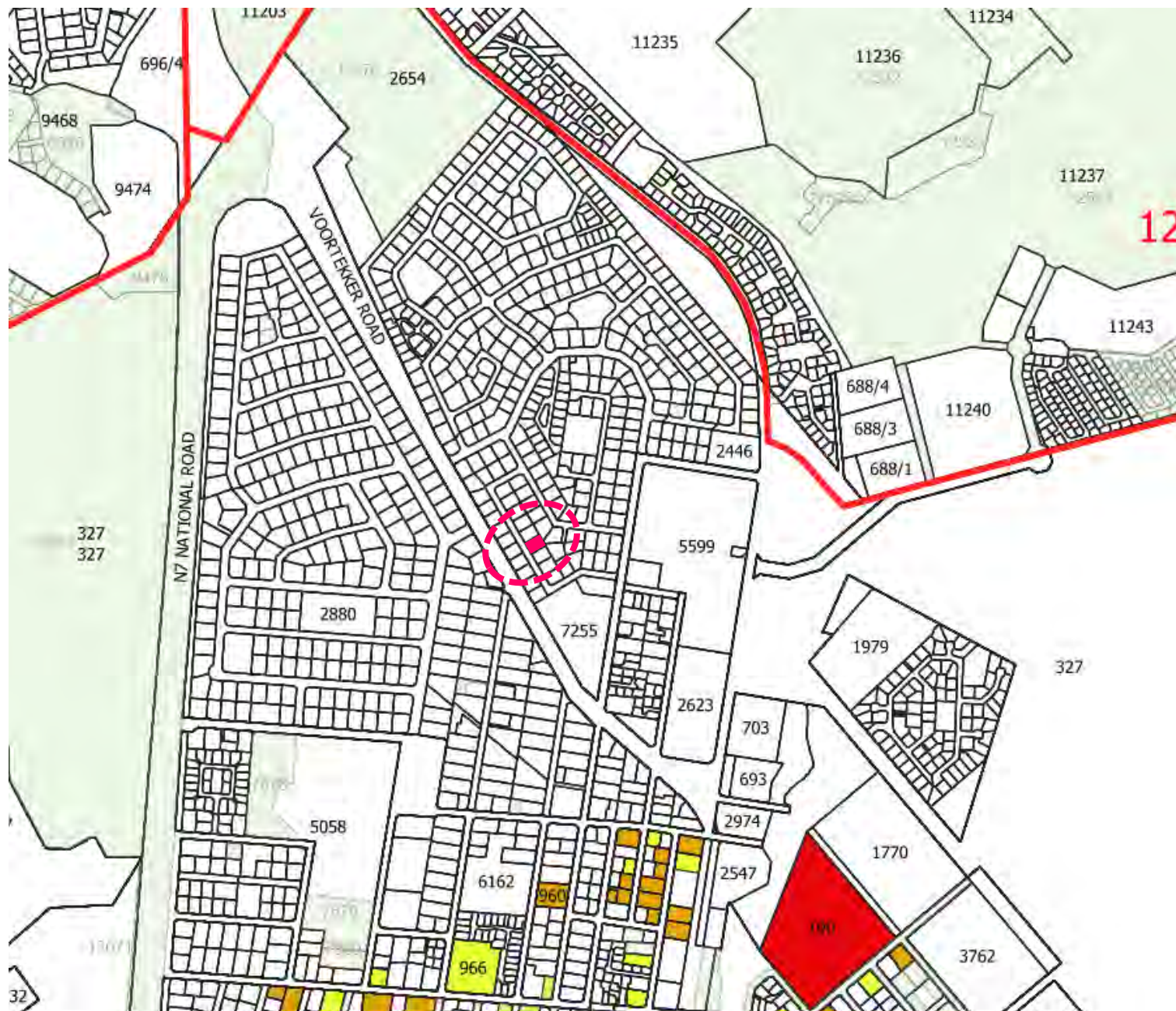
ANNEXURE A	Locality Plan
ANNEXURE B	Site Development Plan
ANNEXURE C	Public Participation Map
ANNEXURE D	Objections from G. & W. Lesch
ANNEXURE E	Objections from IJM & AD van Niekerk
ANNEXURE F	Objections from B. Rall
ANNEXURE G	Response to comments

PART O: APPLICANT DETAILS

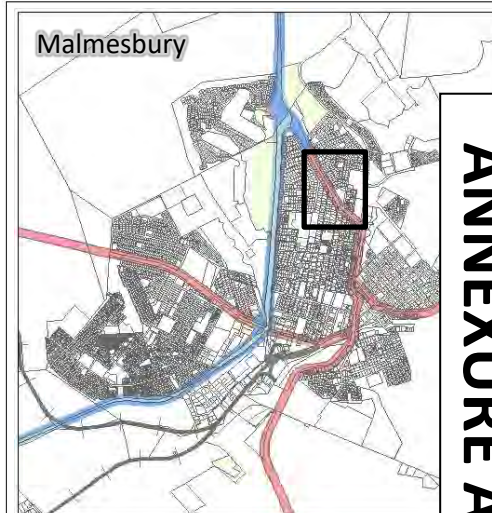
First name(s)	J. and L. Coetzee.			
Registered owner(s)	J. and L. Coetzee.	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

Author details: A. de Jager Town & Regional Planner SACPLAN: A/2203/2015			Date: 2 August 2024	
	Recommended	<input checked="" type="checkbox"/>	Not recommended	
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001			Date: 2 August 2024	



**LOCALITY MAP:
ERF 7278,
MALMESBURY**



ANNEXURE A

ANNEXURE B

PROJECT DESCRIPTION

GENERAL COMMENTS: The project is a residential development consisting of a main house and a detached garage. The main house is a two-story structure with a gabled roof and a large front porch. The detached garage is a single-story structure with a gabled roof. The project is located on a lot with a front boundary of 30.00m and a side boundary of 30.00m. The project is subject to the following conditions:

- 1. The project must be completed within 12 months of the date of approval.
- 2. The project must be completed in accordance with the approved plans and specifications.
- 3. The project must be completed in accordance with the applicable building codes and regulations.
- 4. The project must be completed in accordance with the applicable environmental regulations.
- 5. The project must be completed in accordance with the applicable fire safety regulations.
- 6. The project must be completed in accordance with the applicable accessibility regulations.
- 7. The project must be completed in accordance with the applicable heritage regulations.
- 8. The project must be completed in accordance with the applicable landscaping regulations.
- 9. The project must be completed in accordance with the applicable parking regulations.
- 10. The project must be completed in accordance with the applicable signage regulations.

AMENDMENTS

1. The project is amended to include a detached garage.

2. The project is amended to include a front porch.

3. The project is amended to include a side porch.

4. The project is amended to include a rear porch.

5. The project is amended to include a front yard.

6. The project is amended to include a side yard.

7. The project is amended to include a rear yard.

8. The project is amended to include a front fence.

9. The project is amended to include a side fence.

10. The project is amended to include a rear fence.

PERCENTAGE

55 %

TOTAL FOOTPRINT

734 m²

EXIST. SWIMMING POOL

11 m²

EXIST. COV. STOPS

24 m²

EXIST. LEANTO

80 m²

EXIST. ADDITIONS

40 m²

EXISTING GARAGE

70 m²

EXISTING DWELLING

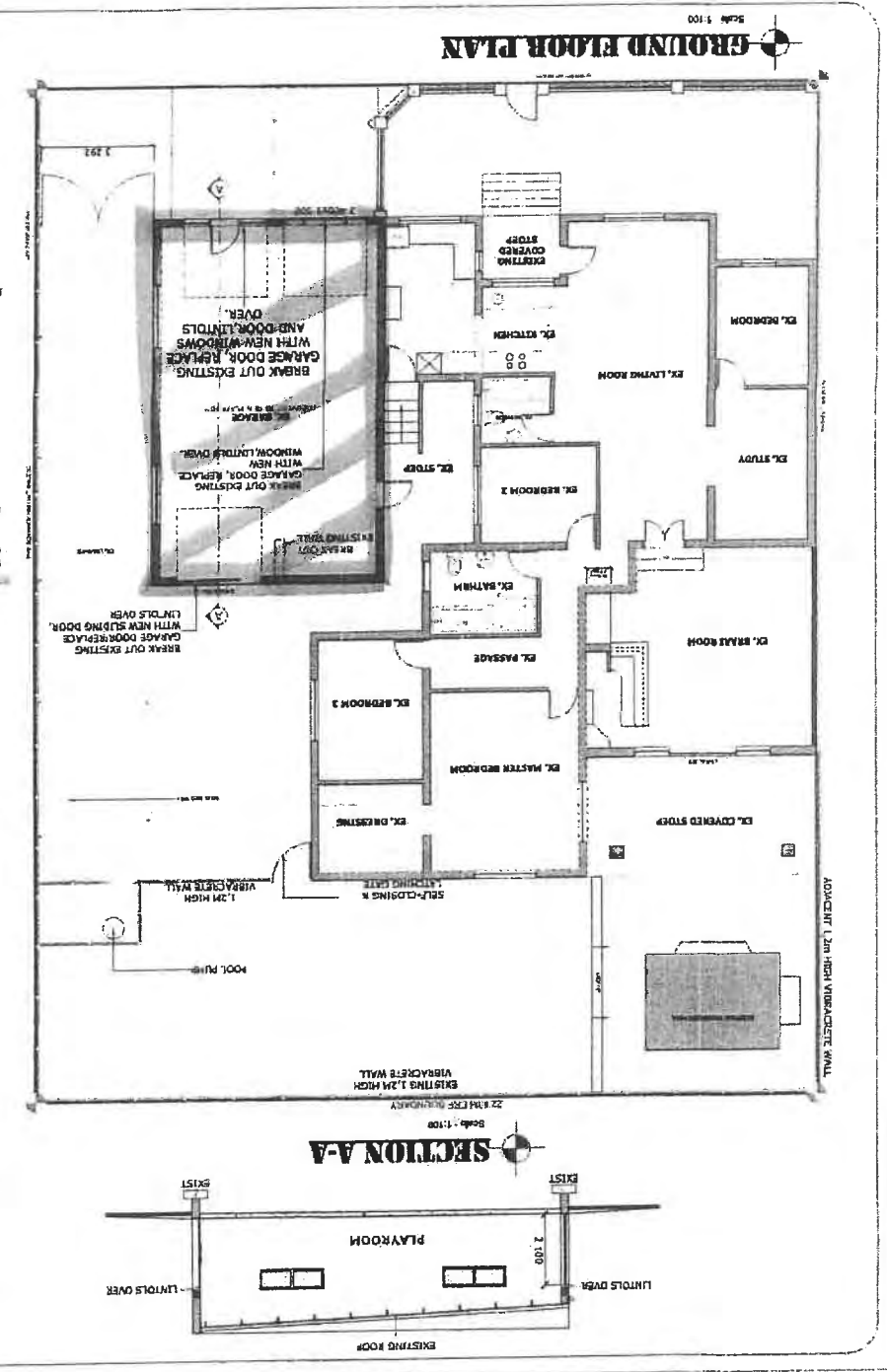
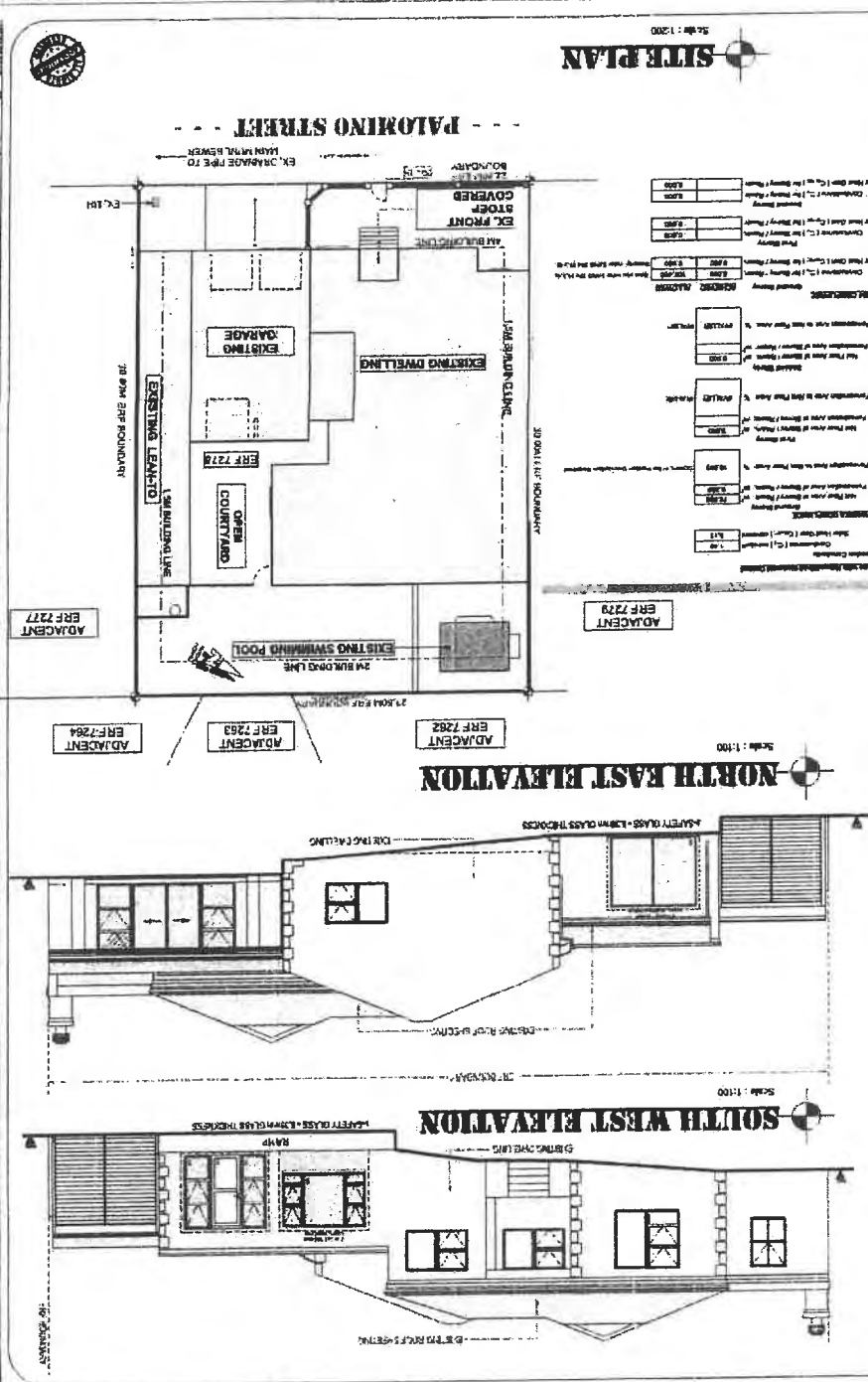
14 m²

AREA OF ERF

834 m²

PROJECT DESCRIPTION

GENERAL COMMENTS: The project is a residential development consisting of a main house and a detached garage. The main house is a two-story structure with a gabled roof and a large front porch. The detached garage is a single-story structure with a gabled roof. The project is located on a lot with a front boundary of 30.00m and a side boundary of 30.00m. The project is subject to the following conditions:



ANNEXURE D

From: wandalesch@mweb.co.za <wandalesch@mweb.co.za>

Sent: Tuesday, 21 May 2024 10:45

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Cc: Danille Warries <PlanIntern1@swartland.org.za>; wandalesch57@gmail.com

Subject: RE: Voorgestelde wysiging van voorwaarde: vergunningsgebruik op Erf 7278, Malmesbury

AAN DIE MUNISIPALE BESTUURDER

Privaatsak X52

Malmesbury

7299

VOORGESTELDE WYSIGING VAN VOORWAARDES: VERGUNNINGSGEBRUIKE OP ERF 7278, MALMESBURY

FISIESE ADRES: PALOMINOSTRAAT 18, MALMESBURY

Lêerverw: 15 / 3 / 10 – 8 / ERF_7278

Geagte Mnr

Aangaande die bogenoemde versoek – moet ons ongelukkig beswaar aanteken met die versoek.

Daar word genoem dat daar tans 6 babas deur die dag op die perseel is (Palominostraat 18) – maar dit klink soms of daar meer is.

Ons het 'n seun wat die jaar sy **Graad 12 / Matriek** moet voltooi te Hoërskool Swartland.

Die Junie eksamen het op Maandag, 20 Mei 2024 begin. Die rekord eksamen en finale matriek eind eksamen lê nog voor.

Dit spyt my – maar **ons GEE NIE TOESTEMMING om die aantal babas van 6 na 15 te vermeerder nie.**

Dit is klaar chaoties – 'n gegil en geskreeu – veral in die middag wanneer my seun by die huis is. En dit is nie altyd net die babas wat

skree en huil nie – daar is volwassenes ook.

Die uwe

Gerhard & Wanda Lesch

Lipizzanerstraat 11, Malmesbury, 7300

S: 084 519 2237

Epos (w): wandalesch@mweb.co.za

ANNEXURE E

From: Althea van Niekerk <altheavanniekerk@outlook.com>

Sent: Wednesday, 05 June 2024 22:59

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Subject: Voorgestelde wysiging van voorwaardes: Vergunningsgebruike op erf 7278

Goeie dag

Verwys na skrywe ged. 7 Mei 2024 rakende bogenoemde.

Hiermee maak ons IJM en AD van Niekerk baie sterk beswaar teen die voorgestelde wysiging van Voorwaardes op erf 7278. Daar was reeds met die eerste aansoek beswaar gemaak maar dit was nie aanvaar nie. Ons redes vir die beswaar is nogsteeds dieselfde. Die verkeer wat baie besiger gaan raak in die straat as wat dit nou is. Ons het destyds hier gekoop het om in 'n rustige omgewing te bly en dit gaan beslis verander met 15 voertuie plus die eienaars van die ander eiendomme wat in die straat op en af gaan beweeg. Bv 6 voertuie vir 6 kinders en dan 15 voertuie vir 15 kinders. En dan nog nie eers bygesê van die taxis wat hulpe kom aflaai nie. Hulle ry soos hulle wil en stop net waar hulle wil. Daar is reeds motors wat in die middel van die pad om die 2 draaie kom. Hulle hou nie aan die linkerkant nie.

Soos ek destyds verneem het van die Munisipaliteit met die probleem van Land van Kabouters moet daar 'n spesifieke in en uit roete wees by 'n dagsorg of nasorg. Waar gaan 15 voertuie gelyk of kort op mekaar stop waar daar huidig net 4 plekke op die perseel is. Dit maak nie sin nie. Daar was ook destyds gesê kinders mag nie in die straat afgelaai word nie. Hoe gaan dit moontlik wees. En nog bygesê hierdie aansoek kon ek voorspel het. Net eers die voet in die deur gekry en dan verder gegaan. Moet ook nie vergeet dat ons weet dat daar van die betrokke partye in die besluitneming persoonlike vriende met die aansoekers is nie. En moenie my beswaar van die tafel afvee en weer geld vra om te appelleer nie. Die Munisipaliteit het slim geword om 'n plan uit te dink om dan die beswaar te stop want ek gaan nie my geld mors nie.

Ek wil ook noem dat ek die situasie deeglik sal dophou en nie sal skroom om 'n klagte in te dien wanneer nodig nie. Ons is nie hier vir mooi broodjies bak nie en wil ook nie gepla word nie. Niemand hoef ons te kontak oor ons beswaar nie dit gaan nie verander nie.

Die uwe

IJM en AD van Niekerk
Palominostraat 17
Malmesbury
0824118116 / 0765859143

10 Junie 2024

INSAKE: VERGUNNINGSGEBRUIK OP ERF 7278

Hiermee dien ek die volgende beswaar in ten opsigte van die vergunningsgebruik op erf 7278, Malmesbury.

1. Die huidige vergunning word nie deur die Departement van ontwikkelingsbestuur van Swartland Munisipaliteit gemoniteer nie.
2. Tot op watter ouderdom beskou die aansoeker 'n baba as baba?
3. Ek glo nie 'n ouer sal sy / haar kind vanaf baba-stadium tot peuter-stadium van 'n dagmoeder verander nie. Gaan ouer kinders nie hier versorg totdat dit tyd raak vir 'n kleuterskool nie?
4. My erf grens direk aan die dagsorgsentrum se rug en ek is nie tevrede met 'n uitbreiding van leerdergetalle nie.
5. Dit is per slot van sake, 'n woonbuurt en dus is selfs die huilende baba's huidiglik REEDS 'n steurnis.
6. Die dagsorgsentrum kan ook my eiendom se waarde en verkoop daarvan in die toekoms, nadelig beïnvloed.
7. Daarom teken ek beswaar aan teen die aansoek en glo u sal dit ernstig oorweeg om nie die vergunning van meer kinders / baba's toe te ken nie.

Eienaar: Bouwer Rall 082 877 4808

Lipizzanerstraat 13 - Erf 7623, Malmesbury

Bouwer Rall

Naam


Handtekening

Attention Municipal Manager**Private Bag X52****Malmesbury****7300****RE: Comments on objections on Erf 7278, Malmesbury**

To whom it may concern

I am writing to you today to urge you to consider the importance of our pre-school, iGrow, in Palomino Street. The two main factors raised by the complainants are Noise, by complainants Rall and Lesch and Traffic by complainants' van Niekerk.

Complaints	Response
Rall and Lesch – Noise	<p>We understand that noise can be a concern, and we have taken steps to minimize the amount of noise. We have minimized the amount of time the children play outside, and when they do go outside it is only 4 at a time. Additionally, I have instructed the staff to try and keep noise to a minimum when outside.</p> <p>We have also installed air conditioning, which will allow us to keep the kids indoor during hot days as much as possible, as well as installed doors to keep the noise from escaping.</p> <p>The children will do their gross motor activities (ball play, trampoline jump, balancing activities) between 9 and 10am once a week (if weather permits) This will be done on the grass outside.</p> <p>Sensory activities like sand play, water play etc we do between 9 and 10 am once a week if weather permits.</p> <p>The babies ages 4 to 12 months do not participate in these activities, so these activities are only from 13 months to 24 months.</p> <p>Free play outside is only for 30min between 4pm and 4.30 (SUMMER SEASON). During the winter and hot summer days we don't go outside. The amount we keep at 4 children at a time.</p> <p>The owner has children of her own coming home from school at 2.30 and play outside with friends. This is the home of my children and they are surely allowed to play outside in their own garden in the afternoons.</p> <p>I understand that neighbours want a quiet environment, and am always mindful of this fact. I keep in contact with our direct neighbour regularly to see if there are any disturbances, and I am willing to engage with other neighbours as well to address any concerns in a respectful manner if any may arise.</p>

Rall- Facility not being monitored by Swartland municipality	Not applicable – Documents are in tact and signed off by the municipality. I always give my full cooperation if needed.
Rall – Age Groups	Our age groups are 4 to 24 months. This is a baby and toddler centre, there are no older children at the school. Once they turn 2, I send them off to our feeder schools. There are other complaints made by complainant Rall, which I don't think is based on any facts. The facility accepts children only until 2 years old and there are no older children present.
Rall – Valuation of property	Regarding valuation of property, I believe there are arguments to make both ways, as a high-quality school in the neighbourhood can raise property prices, but I don't think there is any proof of this being the case. As of my knowledge the properties only grew in validation since 2019 since I checked the validation roll.
FAMILY RALL AND LESCH ARE NOT LIVING IN PALOMINO STREET AND THEIR COMPLAINTS IS NOT SOMETHING THAT REGULARY OCCURS AS WE DON'T USE THE OUTSIDE AREAS REGULARY AND IF SO, ONLY FOR AN HOUR A DAY. IF WEATHER PERMITS.	
Van Niekerk – Traffic Management	There is a 2-hour window, between 7 and 9, where parents drop off their children. There is ample parking at the facility and there are no cars parking in the street or blocking traffic. The same for pick up times, which is from 3 to half past 5. I have not observed any traffic being backed up for the almost 2 years the school has been operational, neither has our direct neighbours of Palomino Street raised any complaints. Complainant Van Niekerk mentioned people driving in the middle of the road and the driving ability of the cars driving Palomino Street, I believe this is a separate matter, but nevertheless I have communicated to the parents at my school to please drive carefully. The complainant also mentioned taxi's coming in to drop off staff members, I currently only have 1 staff member who travels via taxi to and from work, the rest come in per foot. There are also multiple other people being dropped off by taxi working for people in Palomino Street, so I don't think this accusation is fair.
Van Niekerk - Friends with people within the municipality, thus complaints will go unheard.	Additionally, the complainant raised the fact that I am friends with people within the municipality, which is the reason their complaints go unheard. I don't think my personal life has anything to do with these procedures, so I won't even address this accusation. I am sure the municipality will handle these issues impartially. Targeting our personal life, which I am unsure of how they know anything about, is not something I feel belong in these discussions.

Additional benefits of the school

Essential Service

Our pre-school has become a place where many parents feel safe leaving their children. We offer a comprehensive curriculum that prepares our children for a bright future, and our dedicated staff are passionate about shaping young minds. This service I think is vital in our community, as there is a shortage of schools that take care of the 4–24-month age bracket, especially with more parents having to both work full time.

Benefits to the Community

Currently my school employ 4 local Swartland people full time. I provide job opportunities for locals, all of whom also have dependents that benefit from their employment. There is also a sense of community amongst the parents at the school, where fundraising has been done in the past for families in need.

Conclusion

We believe that our facility is an invaluable asset to our community, and we urge you to consider the long-term benefits of allowing us to increase our number of children to 15 max. We are willing to work with the municipality to address any concerns and find mutually beneficial solutions.

Thank you for your time and consideration.

Sincerely

Lecia Coetzee

Owner, iGrow



ITEM 6.3 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 14 AUGUSTUS 2024

LAND USE PLANNING REPORT PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 3632, MALMESBURY					
Reference number	15/3/4-8/Erf_3632 15/3/10-8/Erf_3632	Application submission date	17 May 2024	Date report finalised	2 August 2024

PART A: APPLICATION DESCRIPTION

The application for a consent use for a second dwelling on erf 3632, 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 existing second dwelling (60m² in extent) is enlarged with a covered stoep (22m² in extent).

The application for the departure of development parameters on erf 3632, 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 4m street building line to 0m;
- Departure of the 1,5m side building line to 0m;
- Departure of coverage from 40% to 51,93%.

The applicant is CK Rumboll and owners is CH Prins.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 3632 Malmesbury, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Weskaap				
Physical address	4 Louw Street		Town	Malmesbury	
Current zoning	Residential zone 1	Extent (m ² /ha)	1053 m 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	Dwelling house, second dwelling (smaller than 60m ²) and outbuildings		Title Deed number & date	T96419/2001	
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"/>	Temporary departure	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
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PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

PART F: SUMMARY OF APPLICANT'S MOTIVATION

1. Second dwelling unit

The proposed second dwelling unit is considered as favourable on the basis of:

- a) Densification is supported due to the existing large plots of the town. Therefore, the existing land will be utilised more efficiently in accordance with the zoning applicable.
- b) The property already has access to infrastructure and services. The enlarged second dwelling unit will be connected to the existing service network. The existing municipal services will be sufficient to provide for the additional unit to connect.
- c) Owners can generate additional income by renting out the second dwelling. This can help offset mortgage payments, property taxes, and maintenance costs, making homeownership more affordable.
- d) Enlarging the second dwelling can increase the overall value of the property. Additional housing options make the property more attractive to potential buyers, leading to higher resale value.
- e) Second dwellings increase the housing supply, which is beneficial in areas facing housing shortages or high demand. This helps alleviate pressure on the housing market and provides more options for residents.
- f) Additional dwellings contribute to a diverse range of housing options within the community, accommodating different household sizes, income levels, and lifestyles. This promotes inclusivity and diversity in the neighborhood.

2. Street building line departure:

- a) Transparent Shaded Carport for Safe Traffic Flow: The relaxation of building lines specifically for a shaded carport, rather than a covered garage, ensures transparency and openness, promoting safe traffic flow. Unlike enclosed garages, which can obstruct visibility, the open design of a shaded carport allows for better sightlines, reducing the risk of accidents or collisions within the area.
- b) Aesthetic Alignment with Adjacent Properties: The presence of a similar shaded carport on Erf 3203, located two properties away, establishes a visual continuity along the street. By allowing the proposed shaded carport on Erf 3632 to relax the street building line, it can preserve this visual consistency, enhancing the aesthetic appeal of the public street and maintaining its unique charm.
- c) Sufficient Space for Pedestrians and Vehicles: Despite the erection of the proposed carport, the width of the existing road reserve (approximately $\pm 4.3\text{m}$) ensures there is ample space to accommodate pedestrians and maintain safe viewing distances for vehicles. This consideration addresses concerns about potential congestion or obstruction caused by the addition of the shaded carport, thereby ensuring the continued safety and accessibility of the street.
- d) Optimization of Land Use Efficiency: Permitting the proposed shaded carport to relax the street building line, ensures efficient use of available space within the land unit. By utilizing existing land more effectively, it can maximize the provision of essential parking infrastructure while minimizing the need for additional land allocation. This approach aligns with principles of sustainable urban development, promoting densification and efficient land use practices.
- e) Limited Alternative Space for Carport Placement: Given the placement of the second dwelling unit and the existing dwelling house, there are limited alternative locations available for proposing the shaded carport. The selected location represents the most practical and feasible option for accommodating the carport while ensuring convenient access and functionality for residents. This consideration underscores the necessity of relaxing building setback regulations to accommodate essential infrastructure within constrained urban area.

3. Side building line departure:

- a) The impact of the covered stoep on the surrounding area will be limited, as the boundary between erven 3632 and 2775, is already divided by a boundary wall and large bushes, which enhances the privacy of both land owners. The covered stoep will in fact further increase privacy for both properties.
- b) Furthermore, there is a distance of $\pm 3\text{m}$ between the existing dwelling of Erf 2775 and the boundary wall, which further limit the impact on the surrounding land owner.
- c) Only approximately 10m of the side building line will require relaxation, the remaining portion of the building will remain within the building lines.
- d) The proposed relaxation will further not have a negative impact on the character of the area, as it will barely be visible from the street or the surrounding properties.

4. Coverage departure:

The relaxation can be motivated on the basis of the following:

- The coverage will only be exceeded with a small portion of $\pm 20.35\text{m}^2$ (1.93%). This small departure will have limited to no impact on the surrounding area.
- The departure will enable the property to be developed to its full potential and allow the second dwelling unit to have a covered patio.
- Covered patios extend the usable living space of a home, providing residents with a comfortable outdoor area for relaxation, entertainment, and socializing. The departure will contribute to an enhanced quality of life for inhabitants and promote community engagement.
- Adding the covered patio can increase the overall value of the property. It enhances the appeal and provides an attractive feature that may appeal to potential renters. This can positively impact the economic vitality of the neighbourhood and contribute to a healthy real estate market.

5. Summary

The proposed consent use and departure can be motivated on the basis of 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 and LUPA;
- The existing services will be used to its full potential;
- The proposed relaxations will have limited impact on the area.

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 7 registered notices which were sent to affected parties by means of registered mail as well as by email.

The public participation process started on 31 May 2024 and ended on 1 July 2024.

The objections were sent to the applicant for comments on 1 July 2024. The comments from the applicant on the objection was received on 3 July 2024.

Total valid comments	2		Total comments and petitions refused	0	
Valid petition(s)	Y	N	If yes, number of signatures	N/A	
Community organisation(s) response	Y	N	Ward councillor response	Y	N No objection.
Total letters of support	0				

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**1. Division: Building Control**

- Building plans be submitted for consideration and approval.

2. Department Civil Engineering Services

- The existing water connection be used and that no additional water connection be provided.
- The existing sewerage connection be used and that no additional sewerage connection be provided.

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
L Botes, owner of erf 3633	<p>1. I want to express myself strongly against the division of the plot. The buildings on the corner of Louwstraat and Flamekstraat I think already exceed some building regulations and the land is certainly built to the maximum. Almost all the plots in the Panorama area are of high quality with larger houses and a large, spacious garden. Erf 3632 is already breaking down the norm in the area and if the erf is divided to register two smaller erfs, it will adversely affect the value of all the erfs in the organization. Smaller and cheaper houses also bring down the affordability of the home, which in turn attracts a cheaper rental market or buyer to come into the area.</p>	<p>1. The objector may be misinformed to what is being proposed on Erf 3632. The property is not being subdivided, which would lead to smaller erven in the area, but the proposal is made to accommodate a second dwelling unit on the property, together with the deviation of building lines and coverage.</p> <p>Considering the objections, the proposal in its current form will not adversely affect the objector.</p>	<p>1. The objection is not relevant as the application is not for the subdivision of the property.</p>
Charl & Annaleen Bezuidenhout	<p>2. We bought the property to enjoy privacy from our neighbours. If you stand in front of our house, our bedrooms are on the left-hand border of our house, where there is a space of at least 1.5m to the border wall. Mr Prins' yard is also about a meter higher than our yard.</p> <p>The garage has recently been converted into a living unit with a sliding door and another door on my bedrooms side and the access to this living unit is through these two doors and the sliding door opens from the inside living area to an outside living area opposite my bedroom windows.</p> <p>3. As I understand after talking to Mr Herman Olivier by phone on Friday 28 June 2024, this request relates to a permission for a second dwelling on plot 3632 larger than 60m². I object to this as this second</p>	<p>2. Noted.</p> <p>3. According to the Swartland Spatial Development Framework, Malmesbury should increase its density by 2027 from the current 10.8 units per hectare to 18 units per hectare, which means that 60% of the existing residential erven in</p>	<p>2. Noted. The existing outbuilding has been converted into a second dwelling which is smaller than 60m². A second dwelling smaller than 60m² is an additional use right under the Residential zone 1 zoning. Building plan approval for the conversion of the outbuilding to a second dwelling has been granted by the municipality. The second dwelling complies with all the zoning parameters of the Residential zone 1 zoning.</p> <p>3. The existing second dwelling is proposed to be enlarged with a roof over the existing outside living area of the second dwelling. The proposed roof is 22,67m² in extent which brings the total size of the second dwelling to 82.67m².</p>

	<p>residential unit is opposite my bedroom windows and it negatively affects my privacy.</p>	<p>Malmesbury should either be subdivided or receive a second dwelling unit or double dwelling unit. An application for second dwelling unit and double dwelling unit on residential zoned land is the ideal tool to reach this densification goal. It further provides additional housing opportunities to accommodate a variety of housing income groups. The proposal for a second dwelling unit is encouraged and supported by the Swarltand SDF.</p> <p>Since the entire second dwelling will be located $\pm 2.5\text{m}$ from the boundary of Erf 2775, and only the covered patio will be build unto the boundary line, the impact on privacy will be limited, as it may only have an impact if the residents are spending time outside. (see building plan attached). The purpose of the proposed patio is to block rain from entering the house.</p> <p>In terms of privacy, the owner of Erf 3632 stated that he intends to erect wooden coverings along the boundary of the covered patio to increase the privacy of both erven 3632 and 2775. The wooden covering will be similar to figure 1 below. This will mitigate the impact on privacy of both properties.</p> <div data-bbox="981 987 1332 1319" data-label="Image"> </div> <p>Figure 1: Mitigation for privacy</p>	<p>The existing outside living area of the second dwelling is adjacent to the bedroom windows of the dwelling on the adjoining property, erf 2775.</p> <p>Irrespective of the outside living area being roofed or not, nor that the existing second dwelling now requires consent use approval, the impact of the second dwelling on erf 2775 remains unchanged.</p> <p>Any negative impact created by the second dwelling on erf 2775 is an existing issue and must be addressed and mitigated by the relevant parties as part of good neighbourliness.</p> <p>It is noted that no objection is raised regarding the roof over the 1,5m side building line.</p>
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	<p>4. Do I understand correctly that this deviation has to do with the planned shade net at the front of Mr Prins' erf? Could you please explain to me better what this concession is that is requested and what my rights are in this? I don't want to be unnecessarily difficult, but the shade netting at the front of the residential unit will go to my boundary of my yard and I'm not necessarily comfortable with that as it creates the impression when standing in front of both of our properties that Mr Prins's property has been built right up against my property's boundary wall and I believe this negatively affects the value of my property. In my opinion, the existing regulation of 4m is precisely there to ensure the necessary privacy.</p>	<p>4. In terms of Section 12.2.2 Garages and carports within building lines. The following additional land use provisions apply regarding garages and carports within building lines:</p> <p>a) The municipality may permit the erection of a garage within the street building line if, in the municipality's opinion, the garage cannot reasonably be sited at the prescribed distance due to the slope of the land unit, or for other reasons provided that the height of such garage from the finished floor level to the top of its roof shall not exceed 4m.</p> <p>b) A carport may be erected on the erf boundary provided that: (i) the width of such carport measuring the roofing and guttering edge to edge and parallel to the street boundary, shall not exceed 6,5m; (ii) the roof of the carport shall be supported by metal or wrought timber posts or brick, concrete or masonry pillars; (iii) the carport shall not be enclosed on any side except by: (aa) a boundary wall or fence; (bb) a wall which forms an external wall to the building, or (cc) another wall or fence, which does not exceed 1,25m in height; (iv) The height of such carport from the floor to the highest point of its roof shall not exceed 3m, and (v) The edges of the roof sheeting shall be neatly trimmed with a fascia board not less than 150mm in depth.</p> <p>When considering section 12.2.2 above, the departure is motivation on account of the following:</p> <p>a) The relaxation of building lines specifically for a shaded carport, rather than a covered garage, ensures transparency and openness, promoting safe traffic flow. Unlike enclosed garages, which can obstruct visibility, the open design of a shaded carport allows for better sightlines, reducing the risk of accidents or collisions within the area.</p>	<p>4. The second dwelling has no covered parking area. The garage and carports on the property is being used by the main dwelling. (Please note that the main dwelling is being rented out and the owner's son of erf 3632 is living in the second dwelling.)</p> <p>A need has arisen for covered parking at the second dwelling. The proposed shadeport is proposed on the only practical space in front of the second dwelling which is currently being use as a parking area.</p> <p>The proposed placement of the shadeport results in the departure of the 4m street and 1,5m side building lines. The adjoining erf 2775 accommodates an outside storage area, single and double garage on the same street front as the proposed shadeport. The impact of the shadeport on the street scape is deemed low.</p> <p>It is unclear how the proposed shadeport will affect the property value of erf 2775 negatively. The municipal valuation of erf 2775 increased from the 2019 valuation to the 2023 valuation from R2 975 000,00 to R4 355 000,00. The statement is unfound and has no merit.</p>
--	--	--	--

		<p>b) The presence of a similar shaded carport on Erf 3203, located two properties away, establishes a visual continuity along the street. By allowing the proposed shaded carport on Erf 3632 to relax the street building line, it can preserve this visual consistency, enhancing the aesthetic appeal of the public street and maintaining its unique charm.</p> <p>c) Despite the erection of the proposed carport, the width of the existing road reserve (approximately ±4.3m) ensures there is ample space to accommodate pedestrians and maintain safe viewing distances for vehicles. This consideration addresses concerns about potential congestion or obstruction caused by the addition of the shaded carport, thereby ensuring the continued safety and accessibility of the street.</p> <p>d) Permitting the proposed shaded carport to relax the street building line, ensures efficient use of available space within the land unit. By utilizing existing land more effectively, it can maximize the provision of essential parking infrastructure while minimizing the need for additional land allocation. This approach aligns with principles of sustainable urban development, promoting densification and efficient land use practices.</p> <p>e) Given the placement of the second dwelling unit and the existing dwelling house, there are limited alternative locations available for proposing the shaded carport. The selected location represents the most practical and feasible option for accommodating the carport while ensuring convenient access and functionality for residents. This consideration underscores the necessity of relaxing building setback regulations to accommodate essential infrastructure within constrained urban area.</p>	
5. I don't want to agree to this as I feel the existing percentage coverage that is	5. When applying for a second dwelling unit the “coverage, including all buildings, shall be at most	5. Erven larger than 1000m² have a coverage restriction of 40%. Erf 3632 is 1053m² in extent and has an	

	<p>allowable on the plots in the area is integral to the value of the properties and I would like to protect the value of my property. However, I do not have enough knowledge in this regard and should it be necessary, I would ask for the opportunity to consult to gain the necessary knowledge. However, the July 1st deadline does not allow this, as we are currently on vacation.</p>	<p>66% if there is deviation from the coverage parameter of the relevant residential zoning;"</p> <p>Erf 3632 currently covers an area of $\pm 524,19\text{m}^2$ with a coverage of $\pm 49.78\%$. With the proposed conversion of the existing garage into a second dwelling, the coverage will increase to $\pm 546,86\text{m}^2$ or $\pm 51.93\%$ coverage. The coverage will only be exceeded with a small portion of $\pm 20.35\text{m}^2$ (1.93%). This small departure will have limited to no impact on the surrounding area.</p> <p>Additionally, 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, specifies in subsection (f) that: "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."</p> <p>The increase of the coverage with $\pm 1.93\%$ or $\pm 20.35\text{m}^2$, will have limited to no impact on Erf 2775. It is also not foreseen that the value of the property will be affected.</p>	<p>existing coverage of 49,78%. The proposed additions bring the total footprint of building work to $546,86\text{m}^2$ or 51,93% coverage.</p> <p>The impact of the increased coverage on the surrounding area is deemed minimum. It is also not clear how the value of surrounding properties will be affected. Property values increase dramatically as indicated at the comments at point 4.</p>
6.	<p>I am no expert, as already admitted earlier in the writing. There is a sliding door that opens from the interior braai area to the outside and as already explained opposite my bedroom windows which negatively affects my privacy.</p> <p>There is already a wall, as high as the flat's roof up to my boundary wall, built at the front of the flat for which I also did not give permission. This wall gives the impression that Mr Prins' property is built up to my boundary wall and I therefore object to it as it was not done within the existing</p>	<p>6. Since the sliding door on Erf 3632 is 2.5m away from the common boundary of Erf 3632 and Erf 2775 and the bedroom window again $\pm 3\text{m}$ away from the common boundary on the other side, the sliding door is approximately 5.5m away from the bedroom window of Erf 2775. The impact on privacy will be minimal, especially with the mitigations proposed.</p>	<p>6. The indoor and outdoor living area of the second dwelling is linked by the sliding door which is referred to. It appears that the outside living area of the second dwelling impacts on the adjoining bedrooms on erf 2775. The owner of erf 3632 has already attempted to mitigate the impact of the outside living area onto erf 2775 by putting up a lattice fence.</p> <p>The as-build screen wall next to the second dwelling departs from the approved building plans. This screen wall compliments the existing street front of buildings on erf 3632 and 2775. It is not clear how the screen wall will affect the value and privacy of erf 2775.</p>

regulations, and I feel it creates the impression that Mr Prins' property is up to my boundary wall which in my opinion negatively affects the value and privacy of my property.



Regarding the wall, it serves as a boundary wall, in which the owner has the right to built unto his erf boundary. Swartland Municipality has to confirm if it was done within the existing regulations. It is unclear how the boundary wall will affect the objectors property value and privacy, as it is a primary right for the owner of Erf 3632 to erect.

See the photos below.



PART J: MUNICIPAL PLANNING EVALUATION

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

The application for a consent use for a second dwelling on erf 3632, 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 existing second dwelling (60m² in extent) is enlarged with a covered stoep (22m² in extent).

The application for the departure of development parameters on erf 3632, 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 4m street building line to 0m;
- Departure of the 1,5m side building line to 0m;
- Departure of coverage from 40% to 51,93%.

A total of 7 registered notices which were sent to affected parties by means of registered mail as well as by email.

The public participation process started on 31 May 2024 and ended on 1 July 2024.

The objections were sent to the applicant for comments on 1 July 2024. The comments from the applicant on the objection was received on 3 July 2024.

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: Not considered due to the nature of the application.
- b) Spatial Sustainability: Not considered due to the nature of the application.
- c) Efficiency: Not considered due to the nature of the application.
- d) Good Administration: Not considered due to the nature of the application.
- e) Spatial Resilience: Not considered due to the nature of the application.

2.3 Spatial Development Framework(SDF)

Permitting second dwellings is a form of densification which is supported on local and provincial level. Densification results in the optimal use of land and the more intensive use of infrastructure. This application is deemed in compliance with the spatial planning of Malmesbury.

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

The proposed additions encroaches building lines and coverage. The desirability of the departures will be discussed at point 2.5 below.

2.5 Desirability of the proposed utilisation

Erf 3632, Malmesbury is zoned Residential zone 1 and is developed with a dwelling, second dwelling (smaller than 60m²) and outbuildings. (Please note that development charges has already been paid as part of the building plan approval for the second dwelling smaller than 60m²).

The existing second dwelling is proposed to be enlarged with a roof over the existing outside living area of the second dwelling. The proposed roof is 22,67m² in extent which brings the total size of the second dwelling to 82.67m². This roof also encroaches the 1,5m side building line to 0m. The proposed roof will provide protection against nature's elements.

The existing outside living area of the second dwelling is adjacent to the bedroom windows of the dwelling on the adjoining property, erf 2775. Irrespective of the outside living area being roofed or not, nor that the existing second dwelling now requires consent use approval, the impact on erf 2775 remains unchanged.

Any negative impact created by the second dwelling on erf 2775 is an existing issue and must be addressed and mitigated by the relevant parties as part of good neighbourliness.

The second dwelling has no covered parking area. The garage and carports on the property is being used by the main dwelling. (Please note that the main dwelling is being rented out and the owner's son of erf 3632 is living in the second dwelling.)

A need has arisen for covered parking at the second dwelling. The proposed shadeport is proposed on the only practical space in front of the second dwelling which is already being used as parking. The adjoining erf 2775 accommodates an outside storage area, single and double garage on the same street front as the proposed shadeport. The impact of the shadeport on the street scape is deemed low.

It is unclear how the proposed shadeport and additions on erf 3632 will affect the property value of erf 2775 negatively. The municipal valuation of erf 2775 increased from the 2019 valuation to the 2023 valuation from R2 975 000,00 to R4 355 000,00. The statement is unfounded and has no merit.

Erven larger than 1000m² have a coverage restriction of 40%. Erf 3632 is 1053m² in extent and has an existing coverage of 49,78%. The proposed additions bring the total footprint of building work to 546,86m² or 51,93% coverage. The impact of the increased coverage on the surrounding area is deemed minimum.

The screen wall which provides access to the second dwelling from the street departs from the 2,1m height restriction as approved on building plans. The existing height of the screen wall compliments the garage wall on erf 2775. Furthermore, the screen wall will hide the roof behind it to be not visible from the street. The proposed shade port will also soften the impact of the screen wall being higher than permitted.

3. Impact on municipal engineering services

No impacts are anticipated.

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 a consent use on erf 3632, Malmesbury is approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use be restricted to a second dwelling, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;

2. WATER

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

3. SEWERAGE

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

4. REFUSE REMOVAL

- (a) The basic refuse removal tariff be charged for each dwelling on the property;

B. The application for the departure of development parameters on erf 3632, 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 4m street building line to 0m;
- Departure of the 1,5m side building line to 0m;
- Departure of coverage from 40% to 51,93%.

C. 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) It is noted that development charges for the second dwelling has already been paid at building plan stage for the second dwelling smaller than 60m²;
- 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 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.

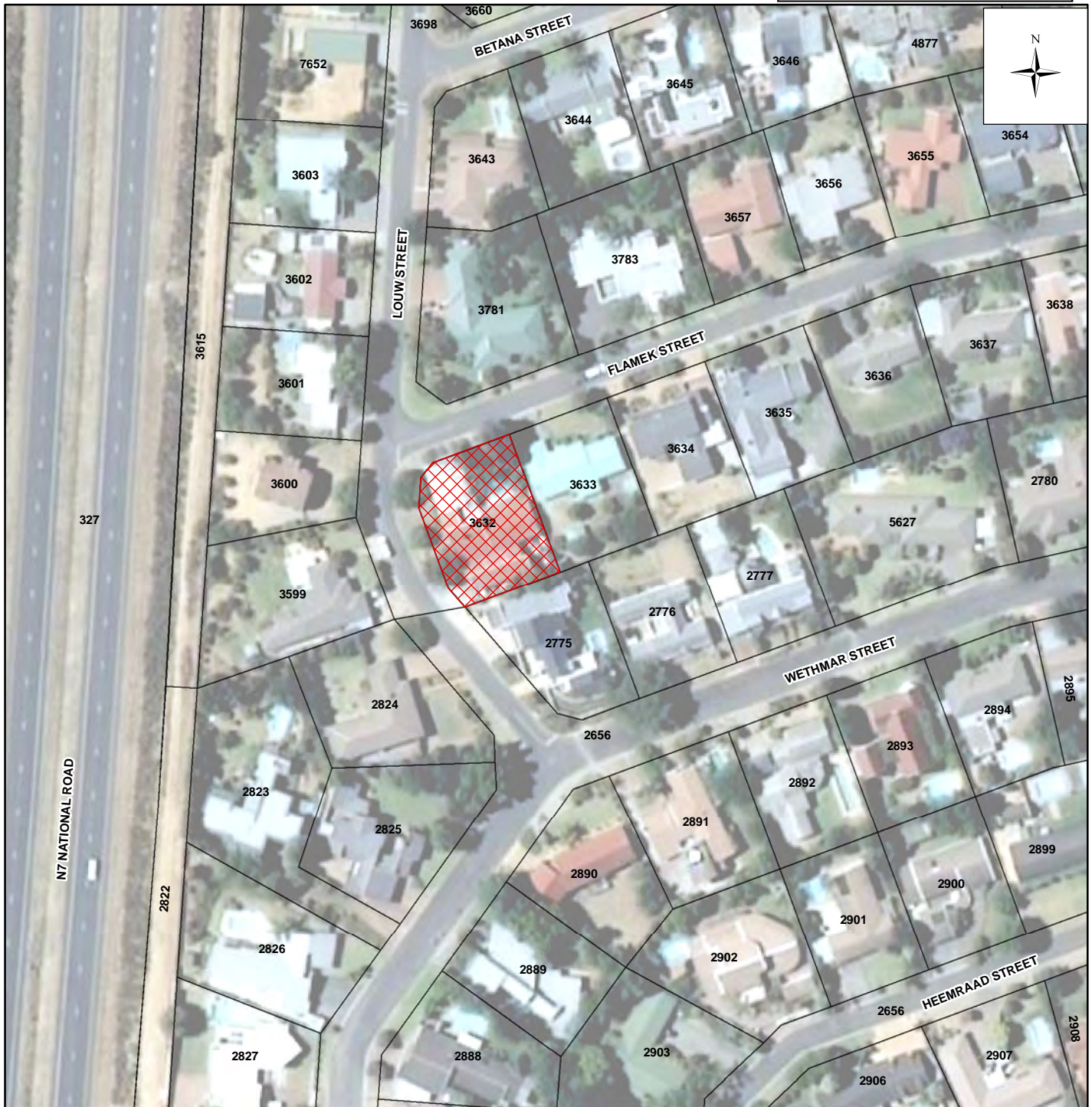
PART M: REASONS FOR RECOMMENDATION

1. An existing second dwelling is enlarged by covering an existing outside living area with a roof.
2. The proposed roof will provide protection to the outside living area against nature's elements.
3. The proposed roof is deemed to have a low to no impact on the adjoining erf 2775.
4. Any negative impact created by the second dwelling or the outside living area to erf 2775 is an existing issue and must be addressed and mitigated by the relevant parties as part of good neighbourliness.
5. The shadeport is proposed in an area which is already being used for the parking of motor vehicles which is logical and practical.
6. The streetscape of this portion of Louw Street will not be affected negatively by the proposed shadeport as it complements the character of the street with similar shadeports in the surrounding area.
7. The increase in coverage is deemed minimal and will have a low to no impact on the surrounding properties.

PART N: ANNEXURES				
Annexure A	Locality Plan			
Annexure B	Building plan of erf 3632			
Annexure C	Plan indicating the public participation process			
Annexure D	Objection from L Botes			
Annexure E	Objection from Charl & Annaleen Bezuidenhout			
Annexure F	Comments from the applicant on the objections			
Annexure G	Photos			
PART O: APPLICANT DETAILS				
First name(s)	NJ de Kock from CK Rumboll & Partners			
Registered owner(s)	CH Prins	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
Author details: AJ Burger Chief Town & Regional Planner SACPLAN: B/8429/2020			Date: 2 August 2024	
Recommendation: AJ Burger Acting Senior Manager: Development Management SACPLAN: B/8429/2020		Recommended	<input checked="" type="checkbox"/>	Not recommended
			Date: 2 August 2024	

Locality plan

ANNEXURE A



Locality plan

Erf 3632, Malmesbury

Scale : N/A





aangepas
ongeldig.
es.
sters.

- Een lustgeen bokant elke venster, twee boe bakkenervensters.
- Hestomatiele oor alle openinge groter as 1000mm.
- Hestekstene streng in alle mure.
- KALLE BOELWERNK STRENG VOLGENS SANS 10400-2011 Kodes, PROVINSIALE-, EN PLASIALE BOUEGLASIES.
- Kalle glas groter as 1,0vk.m moet voldoen as SANS 10400-2011 N.
- Die kontrakteur moet aan alle voorwaardes en regulasies van die plasiale owerheid, bouregulasies, Bouplan, ingenieur en die NHRC voldoen.
- Kkopiereg verdoehou op alle tekeninge en ontwerpe.
- Kkrie kontrakteur op terrein om te voldoen aan die Beroepsgesondheid en Veiligheidsdeed no.85 van 1983.

A. NUME AFAD DAKKONSTRUKSIE.

1. IBR dakplate 83' dakval op 76x50mm daklatte volgens NAS. Bourgeoisies en 1000 h/h op 50x152mm graad 5 S&D dakbalk e max 1000 h/h teen 76x228mm graad 5 S&D drabalk, goed

bevestig op 76x76mm staal pilare, goed bevestig in 500x500x500mm beton fondasie.

2. PVC goue en afleipype bevestig teen 225x12mm fibrecen fassies.

B. NUWE SKADUNET

1.94% UV BLOKK skadUNET bevestig op staalraam, opgemaak uit

- A: 48mmØ staal balk,
- B: 60mmØ staal balk, bevestig teen
- C: 76mmØ staal kollom goed bevestig in
- D: 500x500x500mm beton fondasie. Opgerig deur spesialis.

C. MUUR EN VLOER.
Bestaande

D. VENSTERS EN DEURE.
Bestaande

E. SANITERE WARE.
Bestaande

1. Alle bourommel moet deur kontrakteur verwyder word na voltooiing van die werke.

EIENAAR : _____ ERF : 3632
 NAAM : CH Prins _____

Hiermee bevestig die eienaar van die perseel wat tersprake is dat hy/sy wel die plan bestudeer het en enige werke aan hom/haar verduidelik is indien hy/sy dit nie verstaan het nie.

○	Plafonlig	⇌	Buislig	⊗	Klokkie
⊕	Lae plafonlig	⊖	Geyser punt	↔	Skakelaar
⊕	Muurlig-watervig	⊖	15A Stokkontak	⌋	Verdeelbord
⊕	Muurlig	⊖	Stoofpunt	⌋	Metekas
⊕	Plafonlig-versink	⊖	TV-punt	⌋	Koepkrag
⊕	Kollig	⊖	Telefoonpunt	⌋	Skeerpunt
DR	Rekenaarpunt	DRN	Rek. netwerk	B-AC	Lugversorger
⊕	Symboolgids				

BOUPLAN OUTHIESTR. 18
ARGITEKTUUR MALMESBURY
7300
TEL. 082 601 0089
bouplan2@propertyseeker.co.za

KLIENT. CH Prins

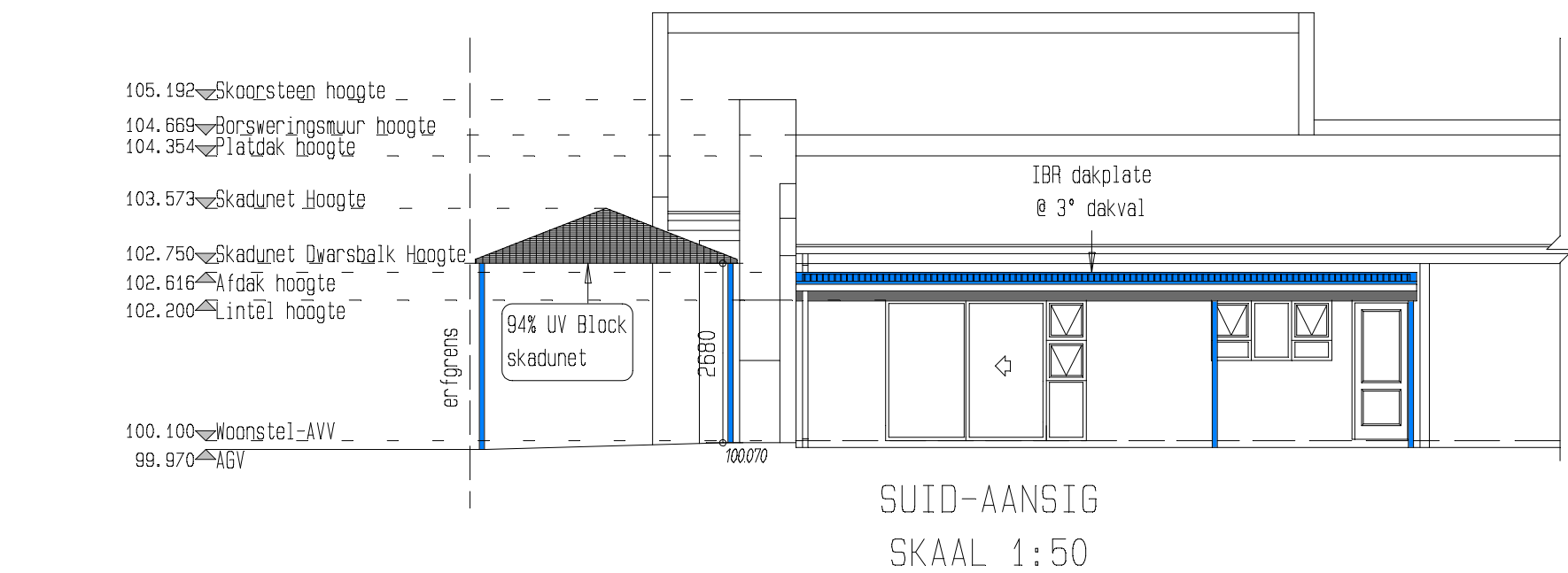
PROJEK. Nuwe Skadunet en afdak te erf 3632,
Louwstraat 4, Malmesbury

SACAP H Hall ST 2019 & L Viljoen PAD 21108
MC LAMPRECHT PAD 42230211

TEK. NO. 7300-239-1 (DATUM. Mei 2024

GETEKEN. W. Rlihan SKAAL. soos getoon

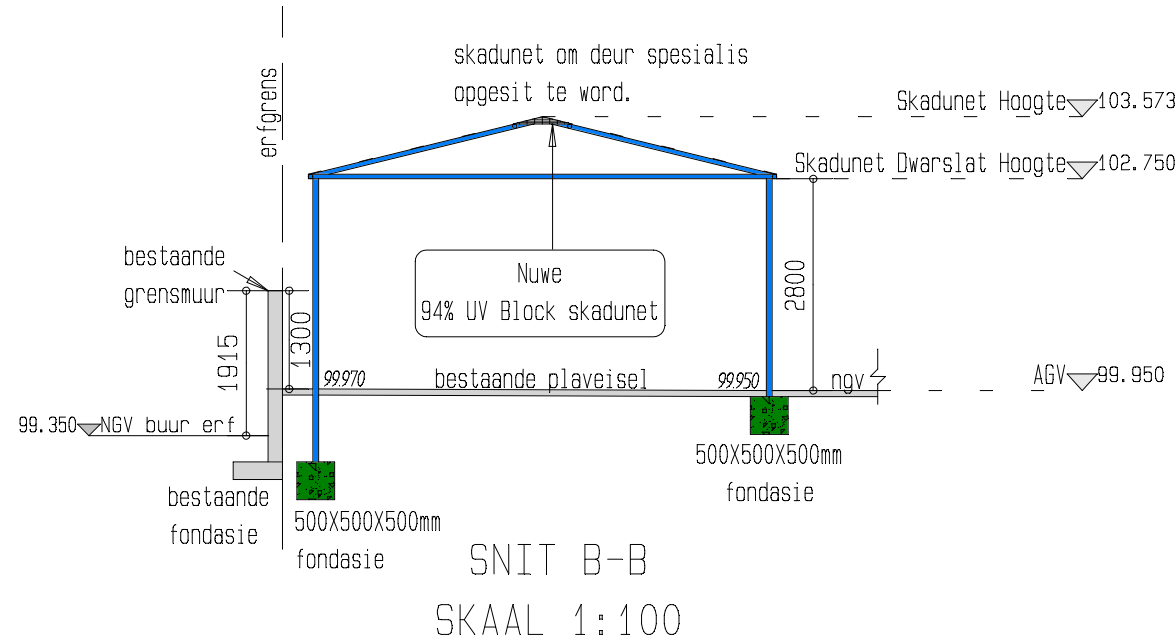
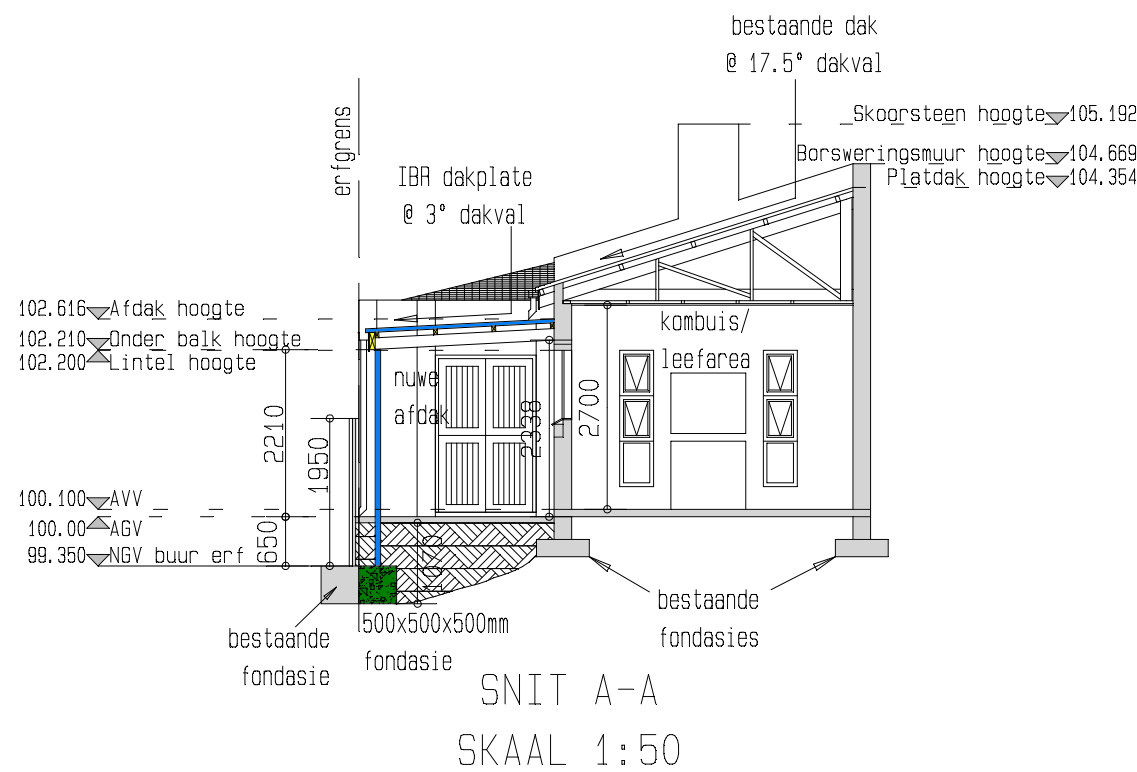
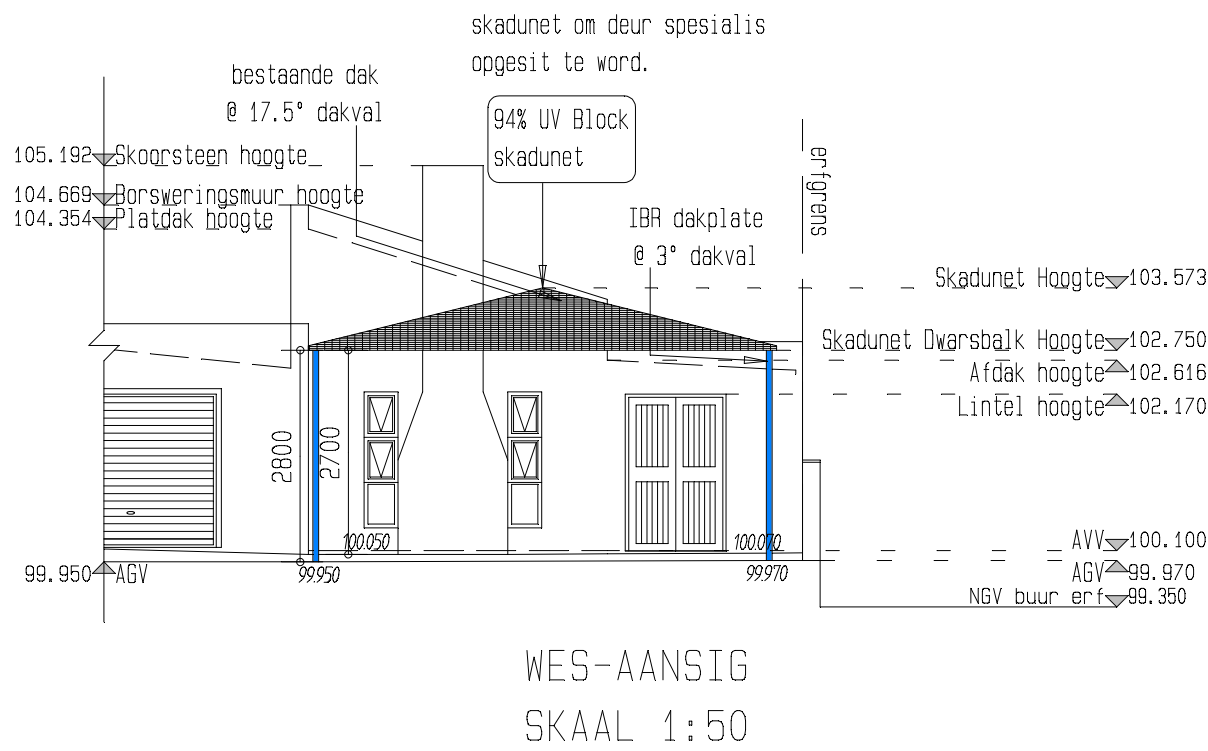
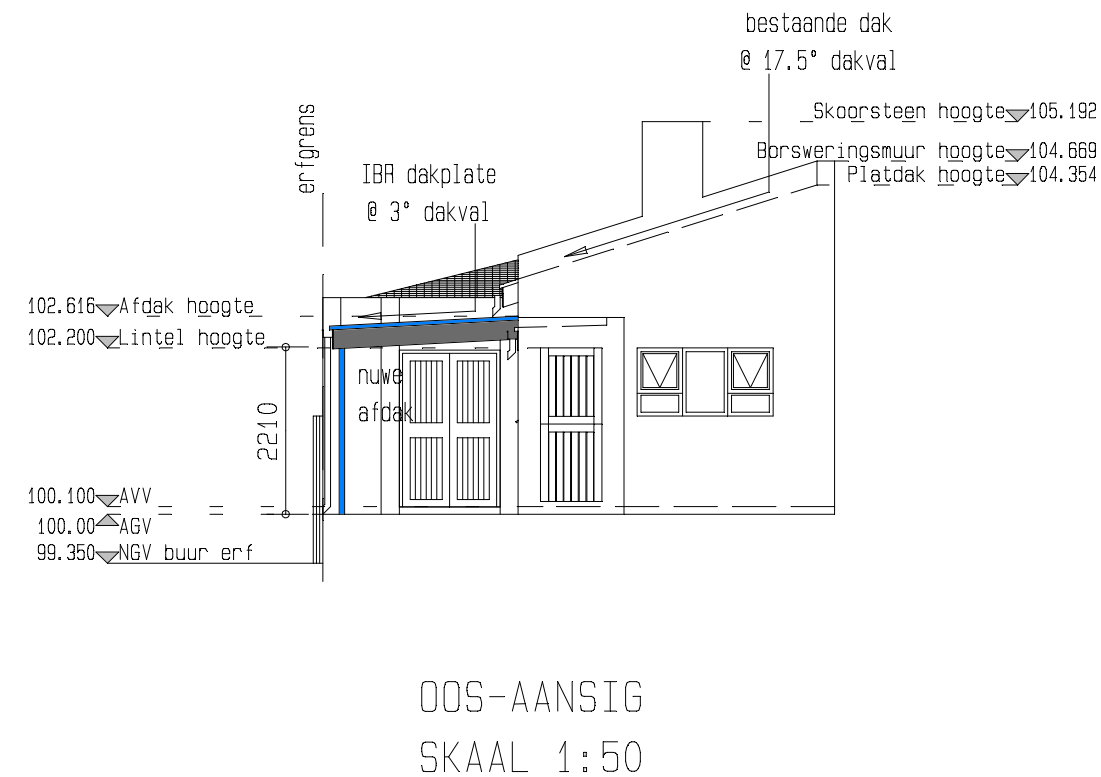
KOPIEREG VOORBEHOU DEUR BOUPLAN



ENDORSEMENTS:

1. NO BUILDING WORK MAY ENCROACH ANY ERF BOUNDARIES.
2. BUILDING INSPECTOR TO EVALUATE BOUNARY PEGS BEFORE COMMENCEMENT OF BUILDING WORK.

ALLE MATES, HOOGTES, WATER, KRAFTOEVOER, RIOOL EN LEVELS NA PERSEEL MOET DEUR KONTRAKTEUR OP TERREIN NAGEGAAN EN BEVESTIG WORD VOOR AANVANG VAN ENIGE BOUWERK



EIENAAR : _____ ERF : 3632
NAAM : CH Prins
Hiermee bevestig die eienaar van die perseel wat tersprake is dat hy/sy wel die plan bestudeer het en alle werke aan hom/haar verduidelik is indien hy/sy dit nie verstaan het nie.

*Alle mates en vlakke moet vooraf op terrein nagegaan en aangepas word alvorens enige bouwerk begin word. Geskaalde mates ongeldig.
*Alle materiale wat gebruik word moet SABS goedgekeur wees.
*Vogwering onder alle mure, vloere, bo en onder alle vensters.
*Een lugsteen bokant elke venster.Twee bo badkamervensters.
*Betonlateie oor alle openinge groter as 1000mm.
*Baksteenwapening in alle mure.
*ALLE BOUWERK STRENG VOLGENS SANS 10400-2011 Kodes, PROVINSIALE-, EN PLAASLIKE BOUREGULASIES.
*Alle glas groter as 1,0vk.m moet voldoen aan SANS 10400-2011 N.
*Die kontrakteur moet aan alle voorwaardes en regulasies van die plaaslike owerheid, bouregulasies, Bouplan, ingenieur en die NHBRC voldoen.
*Kopiereg voorbehou op alle tekeninge en ontwerpe.
*Die kontrakteur op terrein om te voldoen aan die Beroepsgesondheid en Veiligheidswet no.85 van 1993.

○	Plafonlig	⊕	Buislig	⊙	Klokkie
⊕	Lae plafonlig	●	Geyser punt	⚡	Skakelaar
⊕	Muurlig-wateldig	⊕	15A Stopkontak	⊕	Verdeelbord
⊕	Muurlig	⊕	Stoofpunt	⊕	Meterkas
⊕	Plafonlig-versink	⊕	TV-punt	⊕	Koepkras
⊕	Kollig	⊕	Telefoonpunt	⊕	Skeerpunt
⊕	Rekenaarpunt	⊕	Rek. netwerk		

BOUPLAN
ARGITEKTUUR

DUTHIESTR.18
MALMESBURY
7300

TEL. 082 601 0089
bouplan2@propertyseeker.co.za

KLIENT. CH Prins
PROJEK. Nuwe Skadunet en afdak te erf 3632, Louwstraat 4, Malmesbury

SACAP. H Hall ST 2019 & L Viljoen PAD 21108
MC LAMPRECHT PAD 4223021

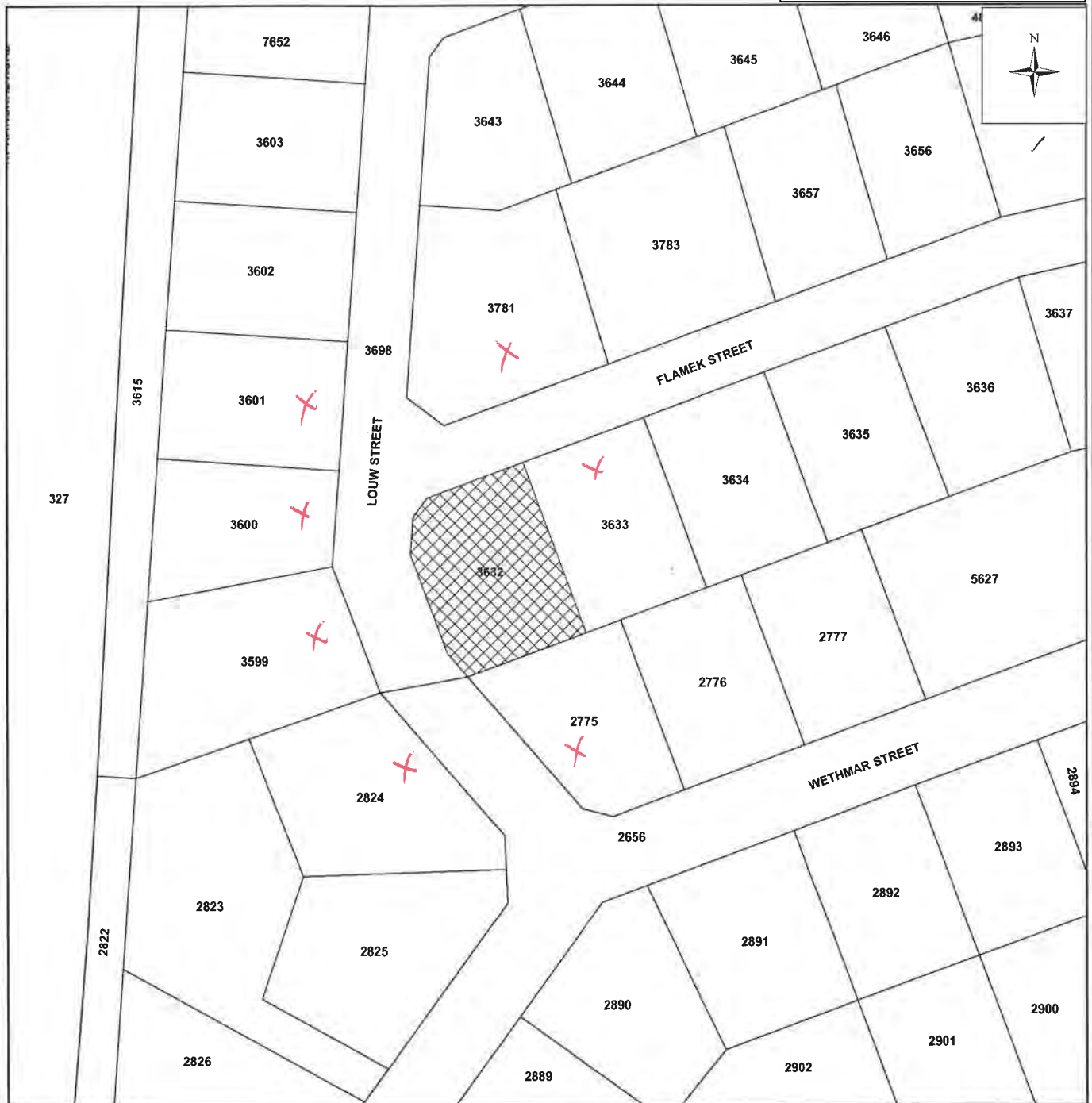
TEK NO. 7300-239-2
DATUM. Mei 2024

GETEKEN.W.Rihan
SKAAL. soos getoon

KOPIEREG VOORBEHOU DEUR BOUPLAN

Liggingsplan

ANNEXURE C

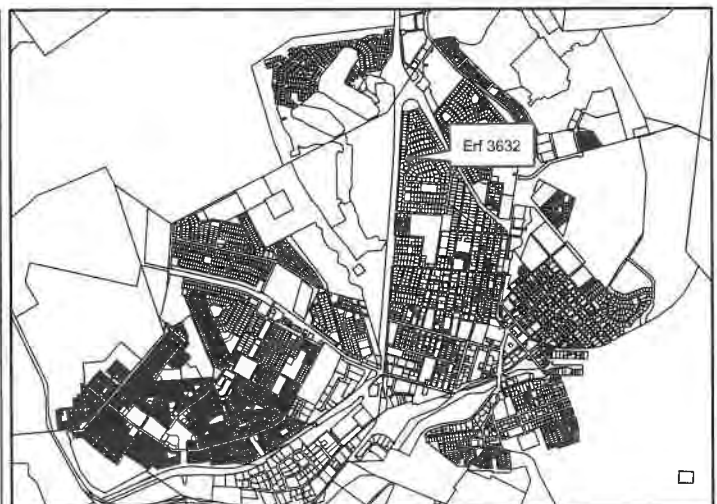


Voorgestelde vergunningsgebruik en afwyking

Erf 3632, Malmesbury

Publieke deelname

Skaal : NVT



ANNEXURE D

L Botes

HM Smit Boerdery

Eendekuil

7335

30 Junie 2024

Die Munisipale Bestuurder

Privaatsak X52

Malmesbury

7299

Beste Mnr. / Me.

Hiermee gee ek graag my reaksie rakende die skrywe vanaf julle kantoor in verband met die aansoek op verdeling van die erf langs my, erf 3632.

Ek wil myself ten sterkste teen die verdeling van die erf uitspreek. Die geboue op die hoek van Louwstraat en Flamekstraat dink ek oorskry alreeds n paar bou regulasies en die grond is sekerlik maksimum toe gebou. Nagenoeg al die erwe in die Panorama area is van die hoë gehalte met groter huise en n groot, ruim tuin. Erf 3632 doen alreeds afbreek aan die norm in die area en indien die erf verdeel om twee kleiner erwe te registreer, gaan dit die waarde van al die erwe in die omgewing nadelig beïnvloed. Kleiner en goedkoper huise bring ook die bekostigbaarheid van die woning af wat op sy beurt n goedkoper huur mark of koper uitlok om die area in te kom.

Ek voel die verdeling moet nie goedgekeur word nie.

Indien erf 3632 goedkeuring kry om van die regulasies afwyking te kry, sal ek in ruil wil my grens na die pad toe wil verleng en sal ek n heining teen die teerpad, Flamekstraat, wil oprig. Ek is seker al die erwe in die Panorama area sal hiervan wil gebruik maak en sal ek al die eienaars persoonlik gaan sien om aansoek vir die afwyking te doen.

Ek sien uit daarna om van u te verneem en die resultate van die aansoek aan te hoor.

Die Uwe

L Botes



01 Julie 2024

Die Munisipale Bestuurder

Per e-pos: Swartlandmun@swartland.org.za

Insake: Voorgestelde vergunningsgebruik en afwyking van ontwikkelingsparameters op erf 3632, Malmesbury.

Agtergrond:

Ek en my eggenoot is die eienaars van erf 2775, Malmesbury. Mnr Prins is my buurman en as jy voor ons huise staan is hy links van my,

Ons het besluit om die eiendom in Panorama te koop aangesien dit 'n gevestigde buurt is.

Deel van ons beoordeling van ons eiendom was om te kyk dat ons die nodige privaatheid sal geniet van ons bure, wat die eiendom vir ons gebied het.

As jy voor ons huis staan is ons slaapkamers aan die linkerkantste grens van ons huis, dan is daar 'n spasie van minstens 1.5m na die grensmuur.

Aan mnr Prins se kant was daar ook die nodige oop spasie en dan was daar 'n garage.

Mnr Prins se erf is ook ongeveer 'n meter hoër as ons erf.

Die garage is onlangs omskep in 'n wooneenheid met 'n skuifdeur en nog 'n deur aan my slaapkamers se kant en die toegang tot hierdie wooneenheid geskiet deur hierdie twee deure en die skuifdeur maak van die binne leefarea af oop na n buite leefarea oorkant my slaapkamervensters.

Die versoek:

Die skrywe wat ek ontvang het is as volg: (Sien skermgreep onder).

Volledige beskrywing van aansoek:

Die aansoek vir 'n vergunningsgebruik vir 'n tweede wooneenheid op erf 3632, Malmesbury ingevolge artikel 25(2)(o) van Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020), is ontvang.

Die aansoek om afwyking van ontwikkelingsparameters op ef 3632, Malmesbury ingevolge artikel 25(2)(b) van Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020), is ontvang. Die afwykings behels die volgende:

- Afwyking van die 4m straatboulyn na 0m;
- Afwyking van die 1,5m syboulyn (suidelike grens) na 0m;
- Afwyking van dekking van 40% na 51,93%.

Ek antwoord graag as volg, maar verstaan asb dat ek nie oor voldoende kennis beskik oor al die regulasies nie, dus as ek 'n fout maak help my asb reg deur die nodige regulasies te verskaf.

Vergunningsgebruik vir 'n tweede wooneenheid op erf 3632:

Soos ek verstaan nadat ek met Mnr Herman Olivier telefonies gesels het op Vrydag 28 Junie 2024 hou hierdie versoek verband met 'n vergunning vir 'n tweede woning op erf 3632 groter as 60m².

Ek maak beswaar hierteen aangesien hierdie tweede wooneenheid oorkant my kamervenster is en dit my privaatheid negatief beïnvloed.

Afwyking van die 4m straatboulyn na 0m:

Verstaan ek reg dat hierdie afwyking te doen het met die beplande skadunet aan die voorkant van Mnr Prins se erf?

Kan julle my asb net beter verduidelik wat hierdie toegewing is wat versoek word en wat my regte hierin is?

Ek wil nie onnodig moeilik wees nie, maar die skadunet aan die voorkant van die wooneenheid sal tot op my grens van my erf gaan en ek is nie noodwendig gemaklik daarmee nie aangesien dit die indruk skep as mens voor ons albei se eiendomme staan dat mnr Prins se eiendom tot reg teen my eiendom se grensmuur gebou is en ek glo dit die waarde van my eiendom negatief beïnvloed. Die bestaande regulasie van 4m is volgens my juis daar om die nodige privaatheid te verseker.

Afwyking van die 1.5m syboulyn

Hierdie spesifieke versoek het, soos ek dit verstaan te make met 'n afdak wat beplan word vanaf die voorkant van die woonstel in die lengte af bo oor die skuifdeur en ander deur, vanaf die muur van die woonstel tot op ons grensmuur. Soos ek dit sien 'n afdak oor die buite leefruimte van die woonstel, die leefruimte aan die binnekant maak met die skuifdeur oop na die leefruimte aan die buitekant.

My slaapkamers is soos verduidelik in daardie area en gevolglik voel ek my privaatheid word beïnvloed, Ek kan dus nie toestemming hiervoor gee nie.

Afwyking van 40% na 51.93%

Ek wil nie hiertoe toestem nie aangesien ek voel die bestaande persentasie dekking wat toelaatbaar is op die erwe in die omgewing is intergraal tot die waarde van die eiendomme en ek sou graag die waarde van my eiendom wou beskerm. Ek het egter nie genoeg kennis in die verband nie en sou dit nodig wees, sou ek die geleentheid vra om te konsulteer om die nodige kennis in te win. Die sperdatum van 1 Julie laat dit egter nie toe nie, aangesien ons tans met vakansie is.

Nota ten opsigte van motorafdak wat omskep is in 'n tweede wooneenheid:

Ek is geen kenner nie, soos reeds vroër in die skrywe erken.

Daar is 'n skuifdeur wat oopmaak vanaf die binnebraai area na buite en soos ook reeds verduidelik oorkant my kamervenster wat my privaatheid negatief beïnvloed.

Daar is reeds tans 'n muur, so hoog soos die woonstel se dak tot op my grensmuur gebou aan die voorkant van die woonstel waarvoor ek ook nie toestemming gegee het nie. Hierdie muur gee die indruk dat mnr Prins se eiendom tot op my grensmuur gebou is en ek maak dus beswaar daarteen aangesien dit nie binne die bestaande regulasies gedoen is nie, en ek voel dit skep die indruk dat mnr Prins se eiendom tot teen my grensmuur is wat volgens my die waarde asook privaatheid van my eiendom negatief beïnvloed.

Om af te sluit:

In die eerste plek, sou ek die keuse gehad het om te kon verhoed dat daar 'n tweede wooneenheid oorkant my kamervenster met toegang en leefarea oorkant my kamervenster gebou word, sou ek dit wou verhoed.

Tweedens, wat aansluit by punt 1 hierbo is ek van mening dat die afdak oor die leefarea my privaatheid net verder negatief beïnvloed.

Derdens is ek ongemaklik met 'n struktuur tot op my grensmuur al is dit aan die voorkant van my eiendom tot by die straat.

Vierdiens voel ek die muur aan die voorkant van die woonstel wat so hoog soos die dak gebou is tot op my grensmuur is soos bo verduidelik ook negatief vir my eiendom.

Laastens voel ek die boulyne (4m straat en 1.5m grens) asook persentasie dekking wat deur die normale regulasies daargestel is, is juis daar om te verseker dat ons almal in vrede kan saamleef en mekaar se privaatheid respekteer.

Dit blyk ook vanaf mnr Prins se plan, wat ek van mnr Burger ontvang het, dat daar 'n bestaande motorafdak gemerk '**BESTAANDE MOTOR AFDAK 2**' is wat 'n alternatief sou kon wees vir 'n buite leefarea in die geval waar ek geen keuse het oor die tweede wooneenheid kleiner as 60vm nie.

Ek sal ek ook wil sekermaak of die skuifdeur wat tans daar is wel goedgekeur is.

Groete

Charl en Annaleen Bezuidenhout.

CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 3 July 2024

Your Ref: 15/3/10-8/Erf_3632

PER HAND AND EMAIL

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED CONSENT USE AND DEPARTURE ON ERF 3632, MALMESBURY

Your letter dated 1 July 2024 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by the owners of Erf 3632 to handle all town planning actions regarding the application for consent use and departure on the property.

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

- L Botes
- Charl and Annaleen Bezuidenhout

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

Objector	Objection	Comment from CK Rumboll & Partners
L Botes	<p>1. I want to express myself strongly against the division of the plot. The buildings on the corner of Louwstraat and Flamekstraat I think already exceed some building regulations and the land is certainly built to the maximum. Almost all the plots in the Panorama area are of high quality with larger houses and a large, spacious garden. Erf 3632 is already breaking down the norm in the area and if the erf is divided to register two smaller erfs, it will adversely affect the value of all the erfs in the organization. Smaller and cheaper houses also bring down the affordability of the home, which in turn attracts a cheaper rental market or buyer to come into the area.</p>	<p>1. The objector may be misinformed to what is being proposed on Erf 3632. The property is not being subdivided, which would lead to smaller erven in the area, but the proposal is made to accommodate a second dwelling unit on the property, together with the deviation of building lines and coverage.</p> <p>Considering the objections, the proposal in its current form will not adversely affect the objector.</p>
Charl and Annaleen Bezuidenhout	<p>Background:</p> <p>We bought the property to enjoy privacy from our neighbours. If you stand in front of our house, our bedrooms are on the left-hand border of our house, where there is a space of at least 1.5m to the border wall. Mr Prins' yard is also about a meter higher than our yard.</p> <p>The garage has recently been converted into a living unit with a sliding door and another door on my bedrooms side and the access to this living unit is through these two doors and the sliding door opens from the inside living area to an outside living area opposite me bedroom windows.</p>	Noted.
	<p>2. Consent use for a second dwelling:</p> <p>As I understand after talking to Mr Herman Olivier by phone on Friday 28 June 2024, this</p>	<p>2. According to the Swartland Spatial Development Framework, Malmesbury should increase its density by 2027 from the</p>

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	<p>request relates to a permission for a second dwelling on plot 3632 larger than 60m². I object to this as this second residential unit is opposite my bedroom windows and it negatively affects my privacy.</p>	<p>current 10.8 units per hectare to 18 units per hectare, which means that 60% of the existing residential erven in Malmesbury should either be subdivided or receive a second dwelling unit or double dwelling unit. An application for second dwelling unit and double dwelling unit on residential zoned land is the ideal tool to reach this densification goal. It further provides additional housing opportunities to accommodate a variety of housing income groups. The proposal for a second dwelling unit is encouraged and supported by the Swartland SDF.</p> <p>Since the entire second dwelling will be located $\pm 2.5\text{m}$ from the boundary of Erf 2775, and only the covered patio will be build unto the boundary line, the impact on privacy will be limited, as it may only have an impact if the residents are spending time outside. (see building plan attached). The purpose of the proposed patio is to block rain from entering the house.</p> <p>In terms of privacy, the owner of Erf 3632 stated that he intends to erect wooden coverings along the boundary of the covered patio to increase the privacy of both erven 3632 and 2775. The wooden covering will be similar to figure 1 below. This will mitigate the impact on privacy of both properties.</p>  <p>Figure 1: Mitigation for privacy</p>
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	<p>3. Departure of the 4m street building line: Do I understand correctly that this deviation has to do with the planned shade net at the front of Mr Prins' erf? Could you please explain to me better what this concession is that is requested and what my rights are in this? I don't want to be unnecessarily difficult, but the shade netting at the front of the residential unit will go to my boundary of my yard and I'm not necessarily comfortable with that as it creates the impression when standing in front of both of our properties that Mr Prins 's property has been built right up against my property's boundary wall and I believe this negatively affects the value of my property. In my opinion, the existing regulation of 4m is precisely there to ensure the necessary privacy.</p>	<p>3. In terms of Section 12.2.2 Garages and carports within building lines. The following additional land use provisions apply regarding garages and carports within building lines:</p> <p>(a) <i>The municipality may permit the erection of a garage within the street building line if, in the municipality's opinion, the garage cannot reasonably be sited at the prescribed distance due to the slope of the land unit, or for other reasons provided that the height of such garage from the finished floor level to the top of its roof shall not exceed 4m.</i></p> <p>(b) <i>A carport may be erected on the erf boundary provided that: (i) the width of such carport measuring the roofing and guttering edge to edge and parallel to the street boundary, shall not exceed 6,5m; (ii) the roof of the carport shall be supported by metal or wrought timber posts or brick, concrete or masonry pillars; (iii) the carport shall not be enclosed on any side except by: (aa) a boundary wall or fence; (bb) a wall which forms an external wall to the building, or (cc) another wall or fence, which does not exceed 1,25m in height; (iv) The height of such carport from the floor to the highest point of its roof shall not exceed 3m, and (v) The edges of the roof sheeting shall be neatly trimmed with a facia board not less than 150mm in depth.</i></p> <p>When considering section 12.2.2 above, the departure is motivation on account of the following:</p> <p>1. The relaxation of building lines specifically for a shaded carport, rather than a covered garage, ensures transparency and openness, promoting safe traffic flow. Unlike enclosed garages, which can</p>
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		<p>obstruct visibility, the open design of a shaded carport allows for better sightlines, reducing the risk of accidents or collisions within the area.</p> <ol style="list-style-type: none"> 2. The presence of a similar shaded carport on Erf 3203, located two properties away, establishes a visual continuity along the street. By allowing the proposed shaded carport on Erf 3632 to relax the street building line, it can preserve this visual consistency, enhancing the aesthetic appeal of the public street and maintaining its unique charm. 3. Despite the erection of the proposed carport, the width of the existing road reserve (approximately $\pm 4.3\text{m}$) ensures there is ample space to accommodate pedestrians and maintain safe viewing distances for vehicles. This consideration addresses concerns about potential congestion or obstruction caused by the addition of the shaded carport, thereby ensuring the continued safety and accessibility of the street. 4. Permitting the proposed shaded carport to relax the street building line, ensures efficient use of available space within the land unit. By utilizing existing land more effectively, it can maximize the provision of essential parking infrastructure while minimizing the need for additional land allocation. This approach aligns with principles of sustainable urban development, promoting densification and efficient land use practices. 5. Given the placement of the second dwelling unit and the existing dwelling house, there are limited alternative locations available for proposing the
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		<p>shaded carport. The selected location represents the most practical and feasible option for accommodating the carport while ensuring convenient access and functionality for residents. This consideration underscores the necessity of relaxing building setback regulations to accommodate essential infrastructure within constrained urban area.</p>
	<p>4. Departure of the 1.5m side building line: This specific request, as I understand it, has to do with a canopy that is planned from the front of the apartment lengthwise, including over the sliding door and other doors, from the wall of the apartment to our boundary wall. As I see it in canopy over the outside living space of the apartment, the living space on the inside opens with the sliding door to the living space on the outside. My bedrooms are as explained in that area and as a result I feel my privacy is being affected, I therefore cannot give consent for this.</p>	<p>4. Refer to point 2. Departure is made to accommodate the proposed patio / roof. As mentioned in point 2, the patio / roof is proposed to ensure that rain does not enter the house. Since the second dwelling house is located inside the building lines and only the patio / roof abuts the building line, the impact on privacy will be limited. Mitigation measures will be put in place to reduce any possible impact on privacy.</p>
	<p>5. Departure of coverage: I don't want to agree to this as I feel the existing percentage coverage that is allowable on the plots in the area is integral to the value of the properties and I would like to protect the value of my property. However, I do not have enough knowledge in this regard and should it be necessary, I would ask for the opportunity to consult to gain the necessary knowledge. However, the July 1st deadline does not allow this, as we are currently on vacation.</p>	<p>5. When applying for a second dwelling unit the "coverage, including all buildings, shall be at most 66% if there is deviation from the coverage parameter of the relevant residential zoning;"</p> <p>Erf 3632 currently covers an area of ±524,19m² with a coverage of ±49.78%. With the proposed conversion of the existing garage into a second dwelling, the coverage will increase to ±546,86m² or ±51.93% coverage. The coverage will only be exceeded with a small portion of ±20.35m² (1.93%). This small departure will have limited to no impact on the surrounding area.</p>

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		<p>Additionally, 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, specifies in subsection (f) that: “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.”</p> <p>The increase of the coverage with $\pm 1.93\%$ or $\pm 20.35\text{m}^2$, will have limited to no impact on Erf 2775. It is also not foreseen that the value of the property will be affected.</p>
	<p>6. Note with regards to the carport being transformed as a second dwelling:</p> <p>I am no expert, as already admitted earlier in the writing. There is a sliding door that opens from the interior braai area to the outside and as already explained opposite my bedroom windows which negatively affects my privacy.</p> <p>There is already a wall, as high as the flat's roof up to my boundary wall, built at the front of the flat for which I also did not give permission. This wall gives the impression that Mr Prins' property is built up to my boundary wall and I therefore object to it as it was not done within the existing regulations, and I feel it creates the impression that Mr Prins' property is up to my boundary wall which in my opinion negatively affects the value and privacy of my property.</p>	<p>6. Since the sliding door on Erf 3632 is 2.5m away from the common boundary of Erf 3632 and Erf 2775 and the bedroom window again $\pm 3\text{m}$ away from the common boundary on the other side, the sliding door is approximately 5.5m away from the bedroom window of Erf 2775. The impact on privacy will be minimal, especially with the mitigations proposed.</p>  <p>Regarding the wall, it serves as a boundary wall, in which the owner has the right to built unto his erf boundary. Swartland Municipality has to confirm if it was done within the existing regulations. It is unclear how the boundary wall will affect the objectors</p>

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		property value and privacy, as it is a primary right for the owner of Erf 3632 to erect.
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Given the above, it is evident that the proposed development is in line with the Swartland Spatial Development Framework to ensure densification. Furthermore, with the proposed mitigation measures, the impact on Erf 2775 will be very limited.

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
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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 dromë kan uitleef!

File ref: 15/3/10-8/Erf_3632
15/3/4-8/Erf_3632

Enquiries:
Ms D N Stallenberg

1 July 2024

C K Ruboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

OBJECTIONS: PROPOSED CONSENT USE AND DEPARTURE ON ERF 3632, MALMESBURY

Your application with reference MAL/13763/NJdK dated on 17 May 2024 refers.

Kindly find attached the objections received by L Botes and Charl and Annaleen Bezuidenhout during the commenting period.

In terms of Section 65 of the Swartland Municipality: Municipal Land Use Planning By Law (PG 8226 of 25 March 2020) you are hereby requested to submit comments on the objections within 30 days from the date of this letter.

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

L Botes

HM Smit Boerdery
Eendekuil
7335

30 Junie 2024

Die Munisipale Bestuurder

Privaatsak X52

Malmesbury

7299

Beste Mnr. / Me.

Hiermee gee ek graag my reaksie rakende die skrywe vanaf julle kantoor in verband met die aansoek op verdeling van die erf langs my, erf 3632.

Ek wil myself ten sterkste teen die verdeling van die erf uitspreek. Die geboue op die hoek van Louwstraat en Flamekstraat dink ek oorskry alreeds n paar bou regulasies en die grond is sekerlik maksimum toe gebou. Nagenoeg al die erwe in die Panorama area is van die hoë gehalte met groter huise en n groot, ruim tuin. Erf 3632 doen alreeds afbreek aan die norm in die area en indien die erf verdeel om twee kleiner erwe te registreer, gaan dit die waarde van al die erwe in die omgewing nadelig beïnvloed. Kleiner en goedkoper huise bring ook die bekostigbaarheid van die woning af wat op sy beurt n goedkoper huur mark of koper uitlok om die area in te kom.

Ek voel die verdeling moet nie goedgekeur word nie.

Indien erf 3632 goedkeuring kry om van die regulasies afwyking te kry, sal ek in ruil wil my grens na die pad toe wil verleng en sal ek n heining teen die teerpad, Flamekstraat, wil oprig. Ek is seker al die erwe in die Panorama area sal hiervan wil gebruik maak en sal ek al die eienaars persoonlik gaan sien om aansoek vir die afwyking te doen.

Ek sien uit daarna om van u te verneem en die resultate van die aansoek aan te hoor.

Die Uwe

L Botes



01 Julie 2024

Die Munisipale Bestuurder

Per e-pos: Swartlandmun@swartland.org.za

Insake: Voorgestelde vergunningsgebruik en afwyking van ontwikkelingsparameters op erf 3632, Malmesbury.

Agtergrond:

Ek en my eggenoot is die eienaars van erf 2775, Malmesbury. Mnr Prins is my buurman en as jy voor ons huise staan is hy links van my,

Ons het besluit om die eiendom in Panorama te koop aangesien dit 'n gevestigde buurt is.

Deel van ons beoordeling van ons eiendom was om te kyk dat ons die nodige privaatheid sal geniet van ons bure, wat die eiendom vir ons gebied het.

As jy voor ons huis staan is ons slaapkamers aan die linkerkantste grens van ons huis, dan is daar 'n spasie van minstens 1.5m na die grensmuur.

Aan mnr Prins se kant was daar ook die nodige oop spasie en dan was daar 'n garage.

Mnr Prins se erf is ook ongeveer 'n meter hoër as ons erf.

Die garage is onlangs omskep in 'n wooneenheid met 'n skuifdeur en nog 'n deur aan my slaapkamers se kant en die toegang tot hierdie wooneenheid geskiet deur hierdie twee deure en die skuifdeur maak van die binne leefarea af oop na 'n buite leefarea oorkant my slaapkamervensters.

Die versoek:

Die skrywe wat ek ontvang het is as volg: (Sien skermgreep onder).

Volledige beskrywing van aansoek:

Die aansoek vir 'n vergunningsgebruik vir 'n tweede wooneenheid op erf 3632, Malmesbury ingevolge artikel 25(2)(o) van Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020), is ontvang.

Die aansoek om afwyking van ontwikkelingsparameters op erf 3632, Malmesbury ingevolge artikel 25(2)(b) van Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020), is ontvang. Die afwykings behels die volgende:

- Afwyking van die 4m straatboulyn na 0m;
- Afwyking van die 1,5m syboulyn (suidelike grens) na 0m;
- Afwyking van dekking van 40% na 51,93%.

Ek antwoord graag as volg, maar verstaan asb dat ek nie oor voldoende kennis beskik oor al die regulasies nie, dus as ek 'n fout maak help my asb reg deur die nodige regulasies te verskaf.

Vergunningsgebruik vir 'n tweede wooneenheid op erf 3632:

Soos ek verstaan nadat ek met Mnr Herman Olivier telefonies gesels het op Vrydag 28 Junie 2024 hou hierdie versoek verband met 'n vergunning vir 'n tweede woning op erf 3632 groter as 60m².

Ek maak beswaar hierteen aangesien hierdie tweede wooneenheid oorkant my kamervenster is en dit my privaatheid negatief beïnvloed.

Afwyking van die 4m straatboulyn na 0m:

Verstaan ek reg dat hierdie afwyking te doen het met die beplande skadunet aan die voorkant van Mnr Prins se erf?

Kan julle my asb net beter verduidelik wat hierdie toegewing is wat versoek word en wat my regte hierin is?

Ek wil nie onnodig moeilik wees nie, maar die skadunet aan die voorkant van die wooneenheid sal tot op my grens van my erf gaan en ek is nie noodwendig gemaklik daarmee nie aangesien dit die indruk skep as mens voor ons albei se eiendomme staan dat mnr Prins se eiendom tot reg teen my eiendom se grensmuur gebou is en ek glo dit die waarde van my eiendom negatief beïnvloed. Die bestaande regulasie van 4m is volgens my juis daar om die nodige privaatheid te verseker.

Afwyking van die 1.5m syboulyn

Hierdie spesifieke versoek het, soos ek dit verstaan te make met 'n afdak wat beplan word vanaf die voorkant van die woonstel in die lengte af bo oor die skuifdeur en ander deur, vanaf die muur van die woonstel tot op ons grensmuur. Soos ek dit sien 'n afdak oor die buite leefruimte van die woonstel, die leefruimte aan die binnekant maak met die skuifdeur oop na die leefruimte aan die buitekant.

My slaapkamers is soos verduidelik in daardie area en gevolglik voel ek my privaatheid word beïnvloed, Ek kan dus nie toestemming hiervoor gee nie.

Afwyking van 40% na 51.93%

Ek wil nie hiertoe toestem nie aangesien ek voel die bestaande persentasie dekking wat toelaatbaar is op die erwe in die omgewing is intergraal tot die waarde van die eiendomme en ek sou graag die waarde van my eiendom wou beskerm. Ek het egter nie genoeg kennis in die verband nie en sou dit nodig wees, sou ek die geleentheid vra om te konsulteer om die nodige kennis in te win. Die sperdatum van 1 Julie laat dit egter nie toe nie, aangesien ons tans met vakansie is.

Nota ten opsigte van motorafdak wat omskep is in 'n tweede wooneenheid:

Ek is geen kenner nie, soos reeds vroër in die skrywe erken.

Daar is 'n skuifdeur wat oopmaak vanaf die binnebraai area na buite en soos ook reeds verduidelik oorkant my kamervenster wat my privaatheid negatief beïnvloed.

Daar is reeds tans 'n muur, so hoog soos die woonstel se dak tot op my grensmuur gebou aan die voorkant van die woonstel waarvoor ek ook nie toestemming gegee het nie. Hierdie muur gee die indruk dat mnr Prins se eiendom tot op my grensmuur gebou is en ek maak dus beswaar daarteen aangesien dit nie binne die bestaande regulasies gedoen is nie, en ek voel dit skep die indruk dat mnr Prins se eiendom tot teen my grensmuur is wat volgens my die waarde asook privaatheid van my eiendom negatief beïnvloed.

Om af te sluit:

In die eerste plek, sou ek die keuse gehad het om te kon verhoed dat daar 'n tweede wooneenheid oorkant my kamervenster met toegang en leefarea oorkant my kamervenster gebou word, sou ek dit wou verhoed.

Tweedens, wat aansluit by punt 1 hierbo is ek van mening dat die afdak oor die leefarea my privaatheid net verder negatief beïnvloed.

Derdens is ek ongemaklik met 'n struktuur tot op my grensmuur al is dit aan die voorkant van my eiendom tot by die straat.

Vierdiens voel ek die muur aan die voorkant van die woonstel wat so hoog soos die dak gebou is tot op my grensmuur is soos bo verduidelik ook negatief vir my eiendom.

Laastens voel ek die boulyne (4m straat en 1.5m grens) asook persentasie dekking wat deur die normale regulasies daargestel is, is juis daar om te verseker dat ons almal in vrede kan saamleef en mekaar se privaatheid respekteer.

Dit blyk ook vanaf mnr Prins se plan, wat ek van mnr Burger ontvang het, dat daar 'n bestaande motorafdak gemerk '**BESTAANDE MOTOR AFDAK 2**' is wat 'n alternatief sou kon wees vir 'n buite leefarea in die geval waar ek geen keuse het oor die tweede wooneenheid kleiner as 60vm nie.

Ek sal ek ook wil sekermaak of die skuifdeur wat tans daar is wel goedgekeur is.

Groete

Charl en Annaleen Bezuidenhout.

Alle matten en vlakke moet vooraf op terrein nagaan en aanpassen
word alvorens enige bouwwerk begin word. Beskaidde matten ongedig-
Alle materiale vat gebruik word moet SABS goedgekeur wees.
Weging onder alle aare, vloere, bo en onder alle vensters.
Elkeen lugsteen bekant elke venster. Twee bo baksteenvensters.
Rekonstruksie op alle omliggende proter as 100mm.

Reksteenwepening in alle mure.
 ALLE BOUWERK STRENG VOLGENS SANS 10400-2011 Kodes, PROVINSIALE-
 EN PLAASLIKE BOUWREGULASIES.

Alle glas groter als 1,0x1,0 moet voldoen aan SWS 10400-2011. Nieuwe contracteur moet aan alle voorwaarden en regulaties van de plaatselijke overheid, bouregulaties, bouptien, ingenieur en die NEN9696 voldoen.

De kopiering voorbehou op alle tekening en ontwerp.
De kontrakteur op terrein om te voldoen aan die Beroepsgesondheid en Veiligheidswet no. 85 van 1993.

Source: U.S. Census Bureau, *Marriage, Divorce, Remarriage in the 1990s*, Washington, D.C., 1995.

○	Platoniig	☛	Buistig	⊙	Klokkie
⊕	Toe platoniig	⊙	Gerser punt	⌞	Skakelaar
⊕	Muuring-watertig	⊖	15A stopkontak	⊕	Verdeelbord
⊕	Muuring	⊖	Stoepunt	⊕	Meerklas
⊕	Platoniig-versink	⊕	IV-punt	⊕	Koepkrans
⊕	Natlig	⊕	Telefoonpunt	⊕	Steeppunt

BOUPLAN
ARCHITECTUUR
OUTHIESTR. 18
MALMESBURY
7300

TEL. 082 601 0089

KLIENT. CH Prins
bouplandzpropertysseker. co.za

PROJEK. Nuwe Skadunet en afdek te erf 3632,
Louwstraat 4, Malmesbury

SACAP, H Hall ST 2019 & L Villigen PAD 21108

TEK NO. 7300-239-2

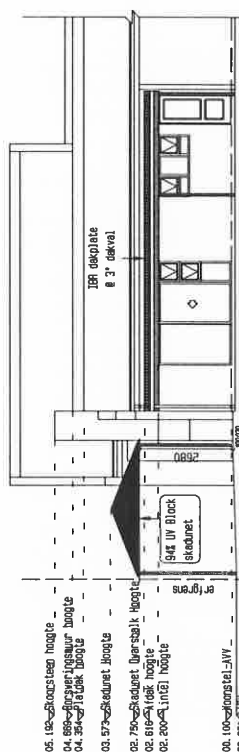
DATUM, Mei 2024

GETEKEN.W. Alihan

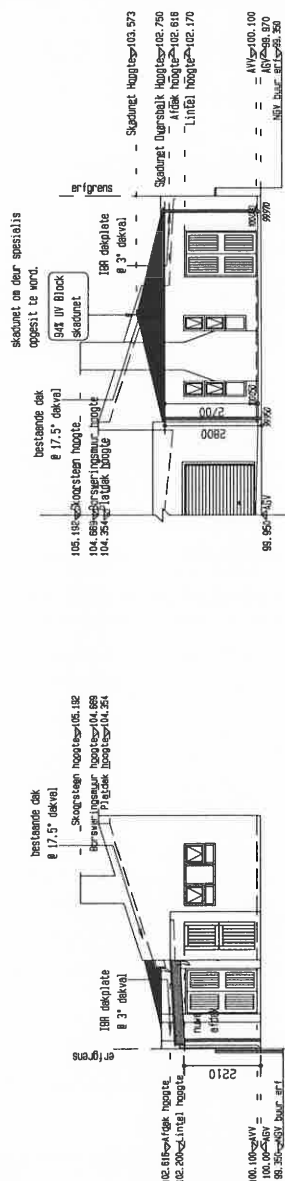
KOPIEREG VOORBEHOU DEUR BOUPLAN



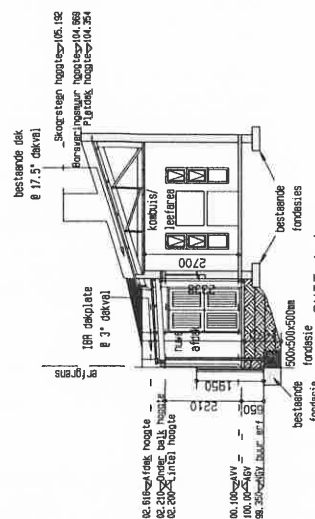
ALLE MATES, HOOGTES, WATER,
RAGTOEGEVOER, RIJOL EN LEVELS
PERSEEL MOET DEUR KONTRAKTEUR
OP TERREIN NAGESAAN EN
BEVESTIG WORD VOOR
AANVANG VAN ENIGE BOUWERK



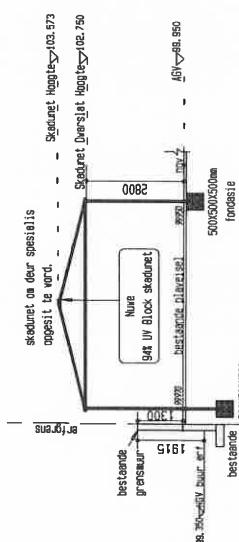
GUID-AANSIG
SKAAL 1:50



WES-AANSIG
SKAAL 1:50



SNIT A-A
SKAAL 1:50



SNIT B-B
SKAAL 1:100

EIENAAR : _____ ERF : 3632
 NAAM : CH Prins

Hiermee bevestig die eienaar van die perseel wat terspreke is
 dat hy/sy wel die plan bestuurder het en alle werke aan hom/
 haar verbindelik is indien hy/sy dit nie verstaan het nie.

Annexure B

Proposed building plan



ENDORSEMENTS:

1. NO BUILDING WORK MAY ENCR OACH ANY ERF BOUNDARIES.
2. BUILDING INSPECTOR TO EVALUATE BOUNDARY PEGS BEFORE COMMENCEMENT OF BUILDING WORK.

- Alle muren en vlakke mot vooraf op terrein nagaan en aangevuld met volgens een bouwtek op te tekenen. Geskiedte nates ongeteld.
- Alle materialen wat gebruik word moet SABS goedgekeurde wees.
- Wogering onder alle mure, vloere, to en onder alle vensters.
- Een ljusteen bokant elke venster. Twee to baksteenvensters.
- Betonlateste op alle oepeninge groter as 1000mm.
- Baksteenwepening in alle mure.
- Alle vloere STRENG VOLGENS SABS 10400-2011 kodes, PROVINSIALE, EN PLAASLIKE BOUREGULASIES.
- Alle glas moet as 1,0v.m moet voldoen aan SABS 10400-2011 N.
- Die kontrakteur moet aan alle voorwaardes en regulasies van die plaaslike owerheid, bouregulaties, Bouplan, ingenieur en die NHBRC voldoen.
- Kopiereg voorbehou op alle tekeninge en ontwerpe.
- Die kontrakteur op terrein on te voldoen aan die Beroepsgeondheid en Veiligheidswet no.85 van 1993.

A. NUME AFDAK DAKKONSTRUKSIE.

1. IBR dakplaatte 83" dakval op 76x50mm daklatte volgens NAS. Bourgeoisiesse 8 1000 h/n op 50x152mm graad 5 SAD dakbalkte 8 max 1000 h/n teen 76x228mm graad 5 SAD draabalk, goed

bevestig op 76x76mm staal pilare, goed bevestig in 500x500x500mm beton fondasie.

2. PVC geute en afleipejse bevestig teen 225x12mm fibrecem fassies.

B. NUWE SKADUNET
1.94% UV BLOKCK skadunet bevestig op staalraam, opgemaak uit
A: 48mmØ staal balk,
B: 60mmØ staal balk, bevestig teen
C: 76mmØ staal kolloom goed bevestig in
D: 500x500x500mm beton fondasie. Opperig deur spesialis.

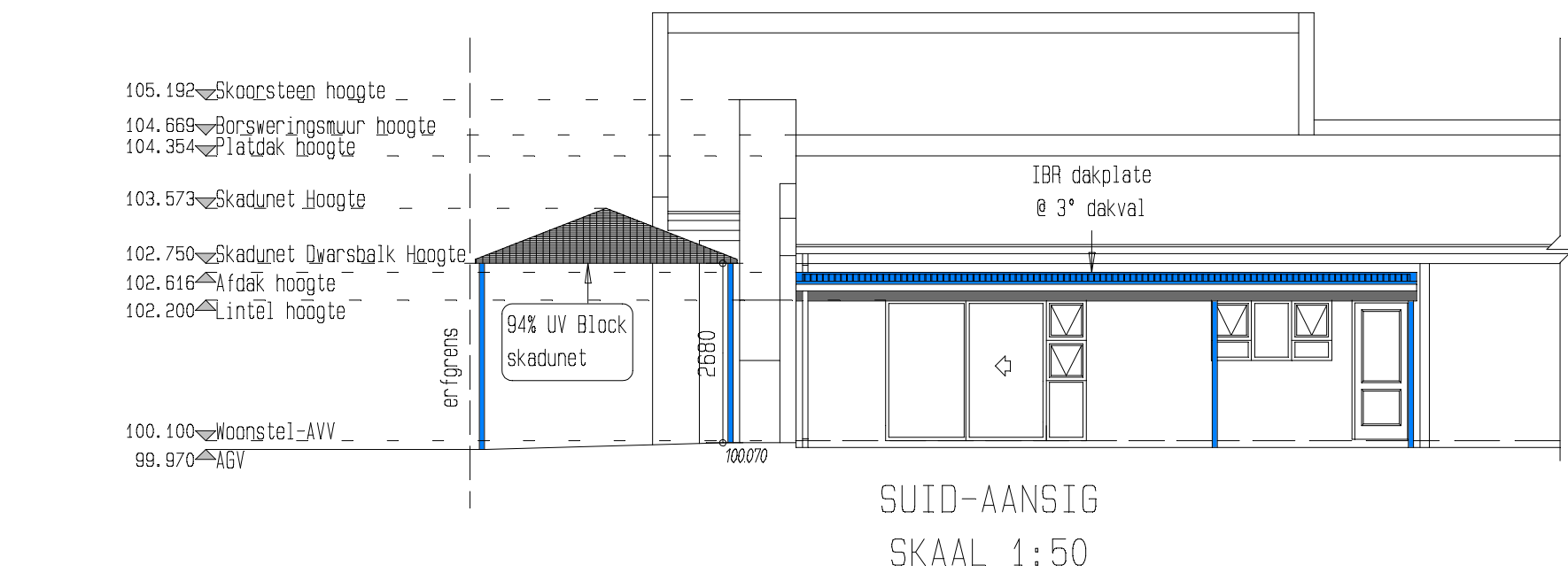
C. MURE EN VLOERE.
Bestaande

D. VENSTERS EN DEURE.
Bestaande

E. SANITERE WARE.
Bestaande

1. Alle bourommel moet deur kontrakteur verwyder word na voltooiing van die werke.

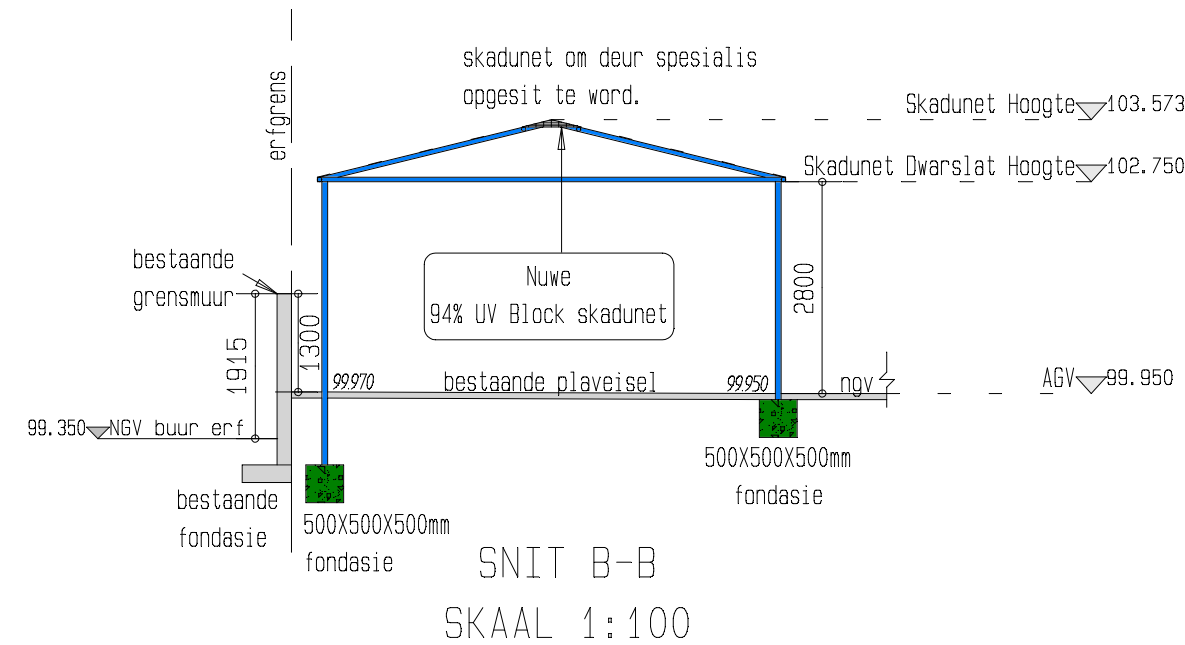
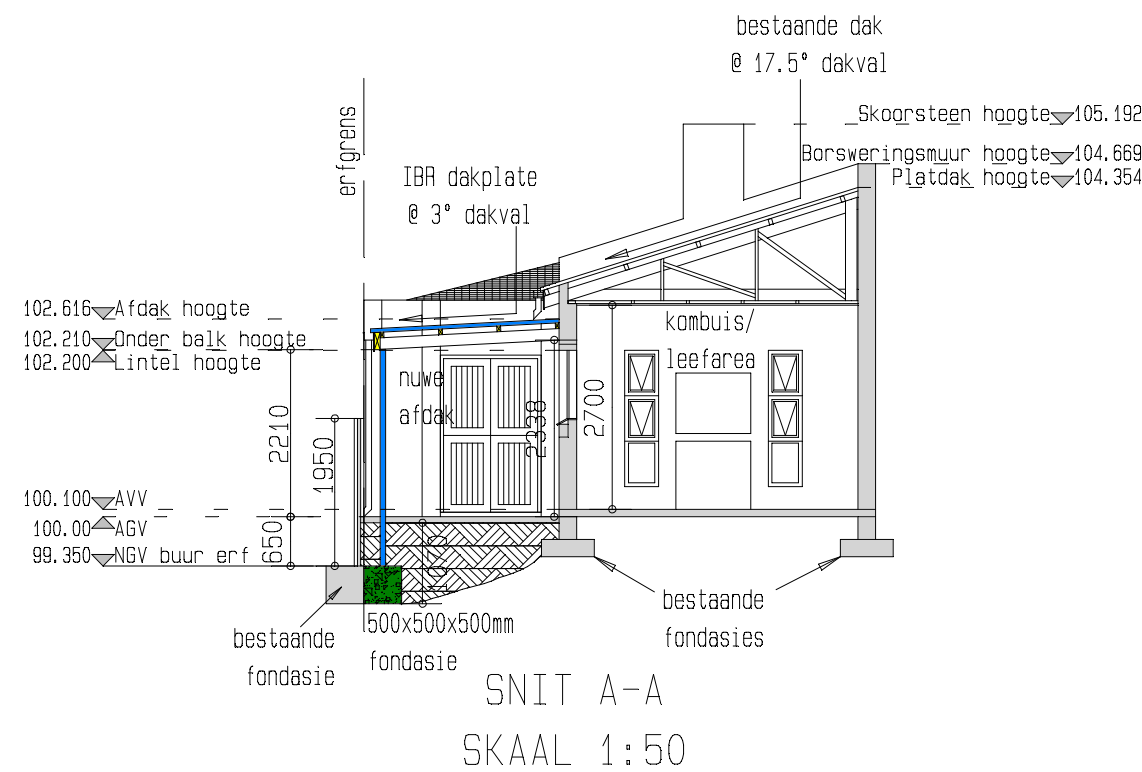
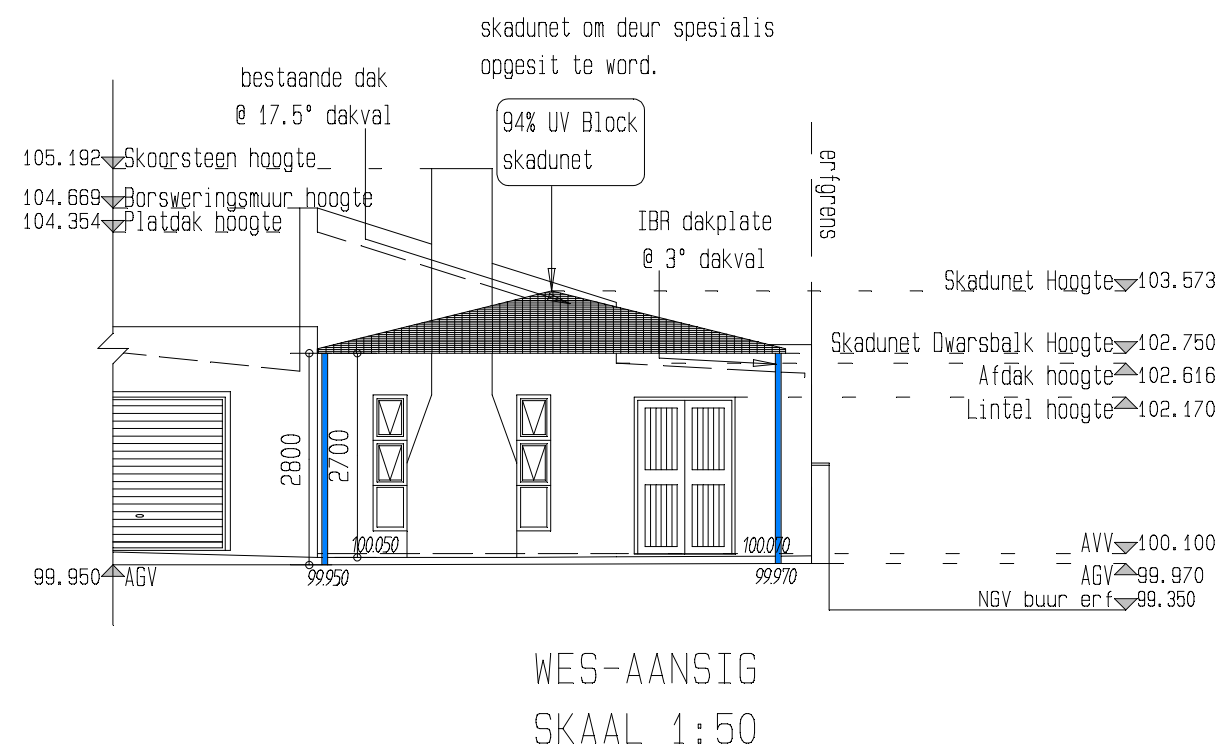
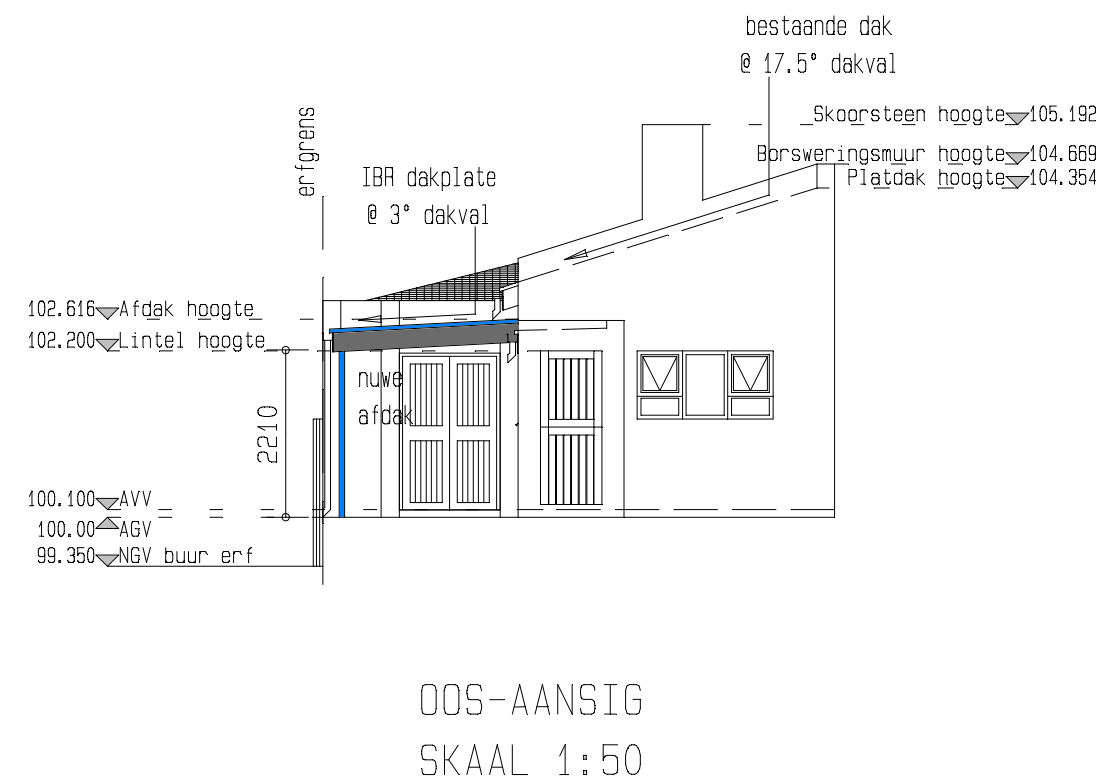




ENDORSEMENTS:

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ALLE MATES, HOOGTES, WATER, KRAGTOEVOER, RIOOL EN LEVELS NA PERSEEL MOET DEUR KONTRAKTEUR OP TERREIN NAGEGAAN EN BEVESTIG WORD VOOR AANVANG VAN ENIGE BOUWERK



EIENAAR : CH Prins ERF : 3632
NAAM : CH Prins
Hiermee bevestig die eienaar van die perseel wat tersprake is dat hy/sy wel die plan bestudeer het en alle werke aan hom/haar verduidelik is indien hy/sy dit nie verstaan het nie.

*Alle mates en vlakke moet vooraf op terrein nagegaan en aangepas word alvorens enige bouwerk begin word. Geskaalde mates ongeldig.
*Alle materiale wat gebruik word moet SABS goedgekeur wees.
*Vogwering onder alle mure, vloere, bo en onder alle vensters.
*Een lugsteen bokant elke venster.Twee bo badkamervensters.
*Betonlateie oor alle openinge groter as 1000mm.
*Baksteenwapening in alle mure.
*ALLE BOUWERK STRENG VOLGENS SANS 10400-2011 Kodes, PROVINSIALE-, EN PLAASLIKE BOUREGULASIES.
*Alle glas groter as 1,0vk.m moet voldoen aan SANS 10400-2011 N.
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*Kopiereg voorbehou op alle tekeninge en ontwerpe.
*Die kontrakteur op terrein om te voldoen aan die Beroepsgesondheid en Veiligheidswet no.85 van 1993.

○	Plafonlig	⊕	Buislig	⊙	Klokkie
⊕	Lae plafonlig	●	Geyser punt	⚡	Skakelaar
⊕	Muurlig-wateldig	⊕	15A Stopkontak	⊕	Verdeelbord
⊕	Muurlig	⊕	Stoofpunt	⊕	Meterkas
⊕	Plafonlig-versink	⊕	TV-punt	⊕	Koepkras
⊕	Kollig	⊕	Telefoonpunt	⊕	Skeerpunt
⊕	Rekenaarpunt	⊕	Rek. netwerk		

BOUPLAN DUTHIESTR.18
ARGITEKTUUR MALMESBURY 7300
TEL. 082 601 0089
bouplan2@propertyseeker.co.za

KLIENT. CH Prins
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SACAP. H Hall ST 2019 & L Viljoen PAD 21108
MC LAMPRECHT PAD 4223021

TEK NO. 7300-239-2 DATUM. Mei 2024

GETEKEN.W.Rihan SKAAL. soos getoon

KOPIEREG VOORBEHOU DEUR BOUPLAN









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

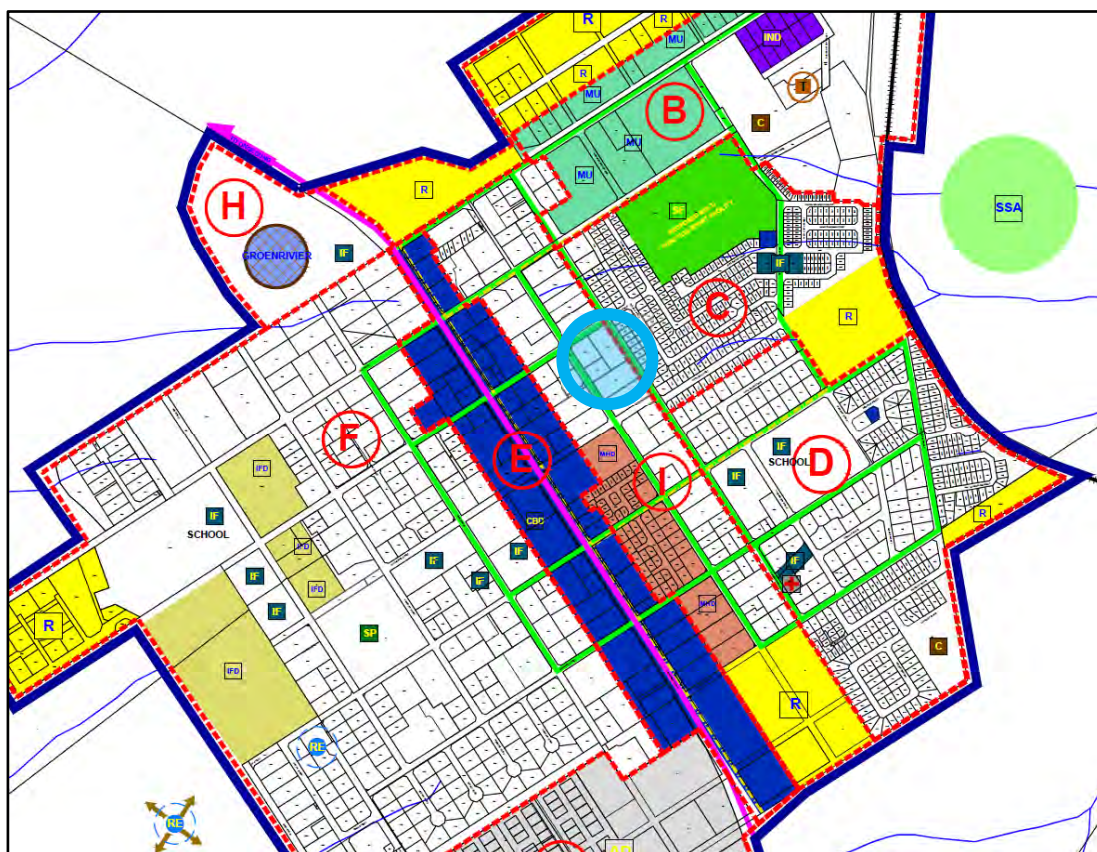
LAND USE PLANNING REPORT PROPOSED TEMPORARY DEPARTURE AND PERMANENT DEPARTURE ON ERF 258, RIEBEEK WEST					
Reference number	15/3/4-12/Erf 258	Submission date	4 April 2024	Date finalised	30 July 2024

PART A: APPLICATION DESCRIPTION							
<p>Application for a permanent departure on Erf 258, Riebeeek West, 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:</p> <ul style="list-style-type: none"> a) Depart from the north-western street building line from 4m to 0m, in order to accommodate the covered assembly area; b) Depart from the south-western side building line from 1,5m to 0m, in order to accommodate the shadeport. <p>Application for temporary departure on Erf 258, Riebeeek West, is made in terms of Section 25(2)(c) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to establish a Place of Assembly on the property.</p> <p>The applicant is C.K. Rumboll and Partners and the property owners are M. D. and T. Fischer.</p>							
PART B: PROPERTY DETAILS							
Property description (in accordance with Title Deed)	RESTANT ERF 258 RIEBEEK WES, geleë in die SWARTLAND MUNISIPALITEIT, AFDELING MALMESBURY, PROVINSIE WES-KAAP						
Physical address	18 Kachelhofferer Street (locality plan attached as Annexure A).		Town	Riebeeek West			
Current zoning	Residential Zone 1 & Business Zone 2	Extent (m ² /ha)	2 801m 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	Residential property with dwelling and amenities and a shop			Title Deed number & date	T94580/2005		
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)	Conveyancer's certificate was provided to confirm (Annexure C)			
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	✓	Subdivision	
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions	

Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval	
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 258 is located towards the north-eastern centre of the town, in area I, as delineated by the Municipal Spatial Development Framework (SDF, 2023)



RIEBEEK WEST LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	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
I	Zone I has a mixed density residential character with opportunities for infill development.	X	X	X 1	X	X	X	X 1,3	X 1,3	X	X	X	X	X	
(1) Along activity streets/corridors (2) At identified business and mixed use nodes (3) At proposed future residential development nodes (4) Only service trades		Business Uses e.g. shop, supermarket, restaurant, offices, service station Place of Education e.g. Schools, places of instruction Professional Uses e.g. offices like doctors, dentists, attorneys, architects, engineers and town planners. Secondary Business Uses e.g. neighbourhood business uses such as house shops, small offices and home occupation. House taverns only to be allowed along activity streets in residential areas on discretion of the Municipality. Secondary Educational Uses e.g. Crèches/day care													

Erf 258 is zoned Residential Zone 1 and contains a dwelling and an approved small neighborhood shop (Business Zone 2) on a portion of the property(231m²). The shop was approved 14 October 2015.

The plot is situated between the CBD and a high-density residential area. The surrounding uses include municipal offices, commercial use around Voortrekker Road, as well as high-density residential areas, open spaces, and a church to the east.

Erf 258 is also located at the intersection of Smuts Street and Kachelhoffer Street, both identified in the Swartland Spatial Development Framework as activity streets.

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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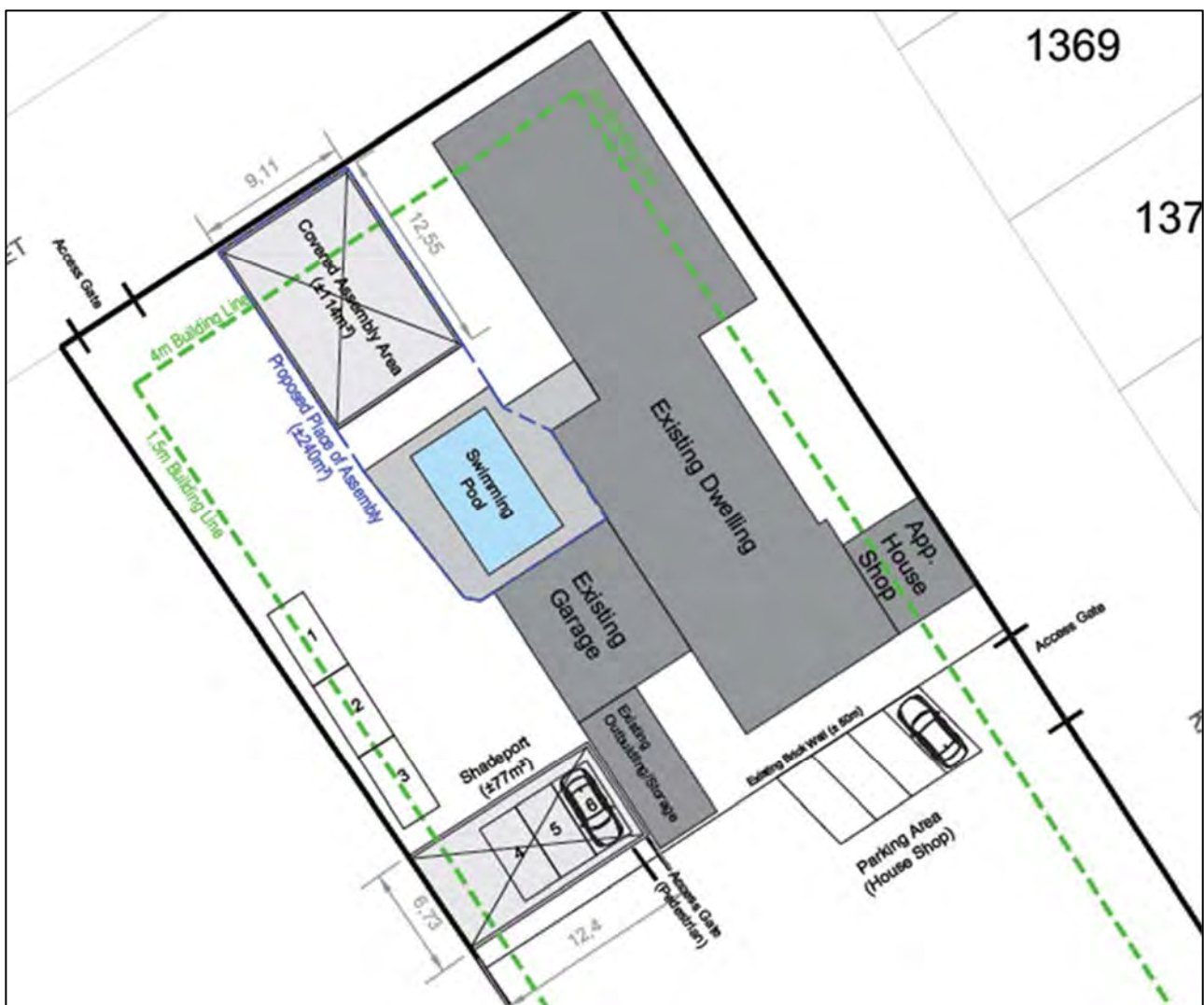
PART F: SUMMARY OF APPLICANT'S MOTIVATION

1. Proposed temporary departure

The purpose of the application is to apply for a temporary departure to permit the establishment of a place of assembly on a portion (240m²) of Erf 258 in Riebeeek West. The proposed development seeks to create a communal space for recreational activities, including swimming, social gatherings, and other leisure pursuits.

The proposal aligns with the definition of a place of assembly, as defined by the By-Law, namely: *"a venue for public or social functions, recreation, and cultural activities..."*.

The aim is to provide a dedicated area for community engagement and enjoyment.



Site Plan

The proposed place of assembly will serve as a space for fostering community and strengthening social ties among residents of Riebeek West. By hosting a venue for social gatherings and recreational activities, the owners of Erf 258 aim to enhance the quality of life for local residents and promote a sense of belonging and safety within the community.

Riebeek West currently lacks adequate facilities for leisure activities, particularly during the summer months when outdoor recreation is in high demand. The proposed space will also establish a safe area for children after school.

The proposed place of assembly will allow a maximum of 30 guests and focused to operate from:

- i) 1 November to end 31 May (7 months).
- ii) On weekdays from 1 November to 20 January (Mondays to Saturday 9 am - 7 pm and Sundays 11am - 7pm)
- iii) Open only during weekends from 21 January to 31 May.
- iv) Due to the open air nature of the assembly it is also totally dependent upon the weather conditions as well so the operating hours of the place of assembly will be affected.

The proposed place of assembly will consist of the following components:

a) Covered Social Area

The covered space will act as the main social area. Amenities such as restrooms are located at the existing carport and outbuilding.



b) Swimming Pool

The swimming pool is for the use and enjoyment of all residents and the owners will comply with any necessary safety regulations regarding the pool.

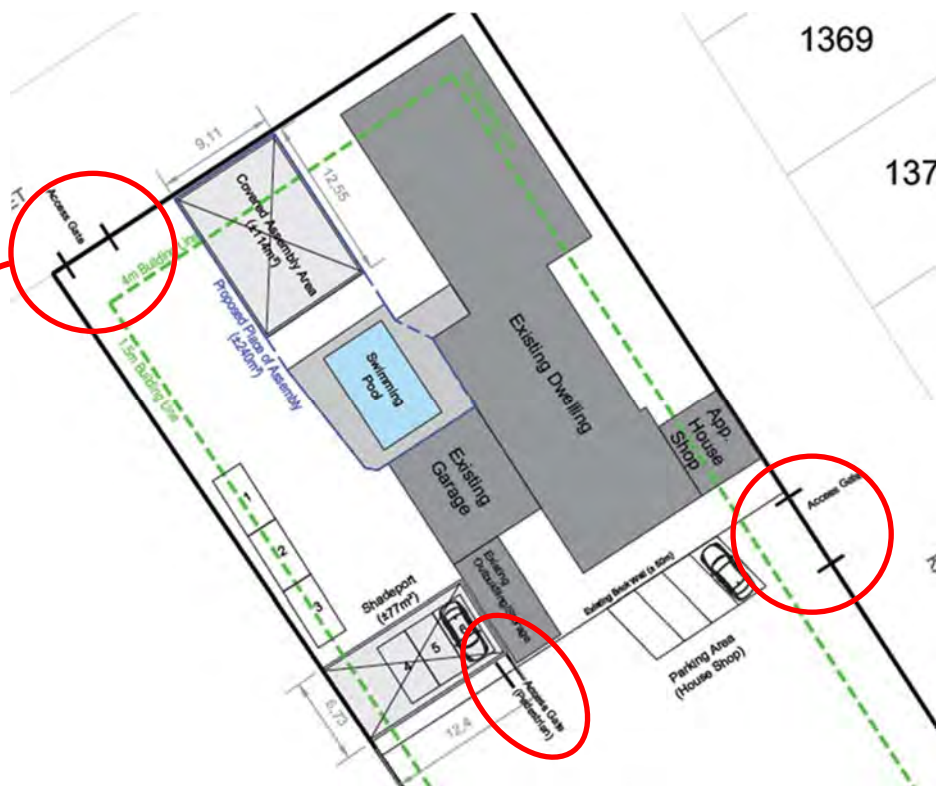
Note that the proposed place of assembly is separated from the commercial ventures on Erf 258, such as the approved house shop. The proposed development will operate independently, ensuring that its primary function as a place of assembly remains uncompromised by commercial interests.

c) Music and Nuisance

The owners will ensure that music is at moderate levels and be turned off by 10pm. The location of the covered assembly area will minimize the impact on the surrounding residential area.

d) Access and Parking

Erf 258 is located on the corner of Kachelhoffer and Smuts Street. The proposed place of assembly will obtain most of its access from the existing entrance from Smuts street. Parking for the house shop is located off Kachelhofferer Street, and an alternative pedestrian gate will be created to provide access between the two areas.



A total of 6 parking bay will be provided on site, of which 3 is provided by the existing shadeport. An additional 3 parking bays will be provided parallel to the driveway along the north-western boundary of Erf 258.



2. Proposed permanent departures

There are two encroachments located on the site, the existing covered social area as part of the proposed place of assembly and the existing shadeport for the provided parking.

Application is therefore made for the following encroachments:

- Street building line, from 4m to 0m to rectify the encroachment of the covered assembly area.
- South-western side building line from 1.5m to 0m to rectify the encroachment of the existing shadeport.

The permanent departures of the above listed building lines are based on the following:

2.1 Street Building Line

- Low impact of the proposed place of assembly in terms of noise as the proposed area is located towards the street and not any abutting neighbours.
- Low Impact based on visibility and privacy through means of the boundary wall.
- The encroachment does not significantly stand out (due to trees and wall) and aesthetically integrates with the main dwelling of the property.

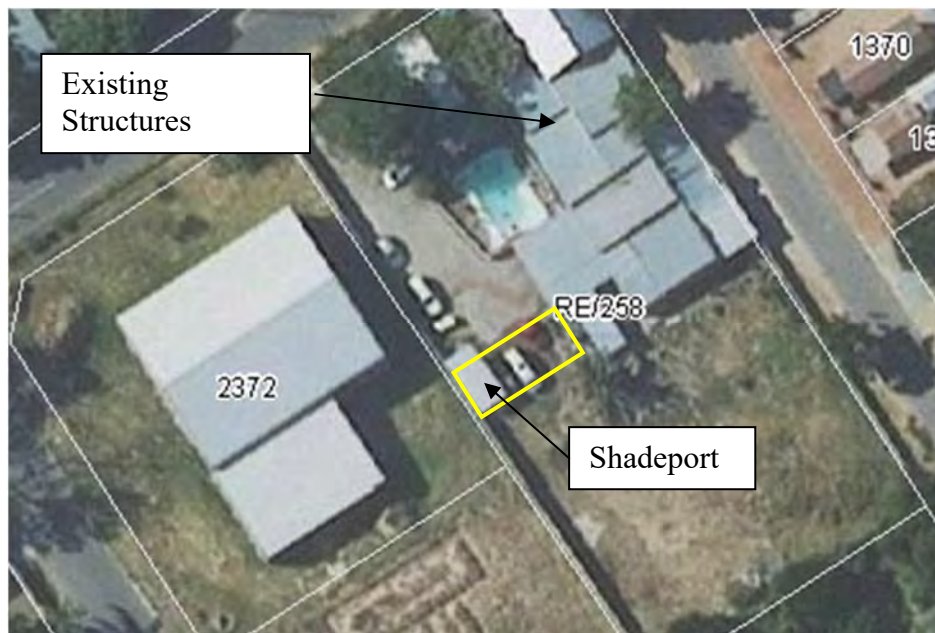
2.2 Side Building Line

- Low impact of the existing shade port as it will only be utilised for parking and outside of the proposed place of assembly area.
- Minimal impact on abutting Erf 2372 due to the space between the existing structures on the property and Erf 258.

Covered Assembly Area



Existing Structures



3. Legislation and policy frameworks

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

- a) **Spatial Justice:** The provision of a place of assembly in the neighbourhood ensures equitable access to recreational amenities for all residents, regardless of socio-economic status. It addresses historical imbalances by democratising access to leisure spaces and promoting social inclusion and cohesion within the community.
- b) **Spatial Sustainability:** The proposed place of assembly can contribute to sustainable development by providing residents with access to recreational facilities within their neighbourhood. By promoting physical activity and outdoor leisure, the facility encourages a healthier lifestyle while minimizing the need for residents to travel long distances for leisure activities, thus reducing carbon emissions and environmental impact.
- c) **Spatial Efficiency:** The proposed place of assembly optimizes land use within the neighbourhood by repurposing existing land for a community-enhancing purpose. By maximizing the efficient use of available space, the facility minimizes urban sprawl and promotes compact development.
- d) **Spatial Resilience:** The proposed place of assembly can enhance spatial resilience by providing a communal space that fosters community resilience and cohesion. In times of crisis or emergency, the facility can serve as a gathering point for community support and mutual assistance, strengthening social bonds and resilience. In the event that the necessity for the place of assembly diminishes, it can transition back to residential use only.

- e) Good administration: Swartland Municipality will manage the administrative process and public participation processes consistent with the requirements of the By-Law.

3.2 Swartland Municipal Spatial Development Framework (SDF, 2023)

The SDF identifies both Smuts Street and Kachelhoffer Street, located to the north and east sides of the property, as activity streets. These streets are aimed at allowing a higher degree of accessibility and thus also serving as streets within which development opportunities for the surrounding communities.

The proposed temporary departure accommodates the need for more social infrastructure for as part of Objective 3 of the proposals include within Riebeek West:

“Create social infrastructure in previously disadvantaged communities”. (SDF Proposal 95, p. 73)

Activity Street:

- Promote mixed use
- Concentrate development of higher order uses along activity streets (p. 70)

Therefore the proposed temporary departure is supported by the Swartland SDF 2023 as it will aim to create a space for social cohesion and safety within the surrounding communities.

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

Erf 258 is currently zoned Residential Zone 1 according to the Swartland Municipal Land Use Planning By-Law, along with an approved small neighbourhood shop (Business Zone 2) on a portion of the property(231m²).

4. Engineering services

The property already has access to services. The proposed development will be accommodated from the existing service network. Swartland Civil Departments would be expected to give comment the potential impact of service provision.

5. Desirability

The establishment of a temporary place of assembly on Erf 258, Riebeek West, presents a valuable opportunity to enhance community well-being, provide recreational amenities, and promote social cohesion among residents. The proposed development aligns with the objectives of the Swartland Spatial Development Framework and addresses the needs of the local population for communal spaces and recreational facilities.

- The proposal is supported by the Swartland Spatial Development Framework, 2023 in that promotes social development of the previously disadvantaged communities;
- The proposed temporary departure and permanent departure are consistent with the sustainable land use planning principles of SPLUMA;
- The proposal does not infringe on the rights of any surrounding land owners;
- The proposal will result in the improvement of land use efficiency;
- Optimal use of infrastructure and services will occur;
- The character of the area will not adversely be affected by the proposed development;
- The permanent departures to rectify encroachments do not have sufficient impact on the surrounding land owners;
- The development will make use of existing structures and no changes are required.

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 18 registered notices were issued to affected parties. Four notices were returned unread. Please refer to Annexure C for the public participation map.					
Total valid comments	1		Total comments and petitions refused	n.a	
Valid petition(s)	Y	N	If yes, number of signatures		n.a
Community organisation(s) response	Y	N	Ward councillor response	Y	N
					The application was forwarded to councillor Van Zyl, but no comments were forthcoming.

Total letters of support	n.a
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ART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommend	
			Yes	No
Department: Civil Engineering Services	15 April 2024	Dit is nie moontklik om die impak op dienste met die inligting verstrek in die aansoek te bepaal nie	n.a	
ESKOM and other government bodies	None	No comments received.		

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>L. Nieburg Erf 259 Annexure D</p>	<p>1. The land use application does not entail the permanent change of land use rights such as a rezoning. Application was made for temporary departure on Erf 258 in accordance with the By-Law, in order to establish a place of assembly, along with two permanent departures to rectify encroachments of building lines.</p> <p>It is important to acknowledge that any development or establishment must adhere to noise regulations and public decency standards. Public disturbances are, in fact, police matters governed by the rule of law. If such issues were not addressed, all amenities and establishments would potentially have to close. While the objector raises valid concerns, it is essential to note that the owner of Erf 258 is not responsible for activities outside their property; these are matters for the South African Police Service (SAPS), as public indecency and disturbances fall within their jurisdiction and apply to any social establishment.</p> <p>The success and safety of any place of assembly largely depend on effective management. A lack of support from SAPS does not inherently mean the establishment will pose an increased risk. Through responsible management, adherence to local regulations, and appropriate security measures, potential issues can be mitigated, ensuring safe and responsible operation.</p> <p>The absence of police support presents an opportunity for cooperation with local authorities to ensure a safe environment for both residents and its neighbours. A collaborative approach involving the community, local authorities, and the owner of Erf 258 could address the specific concerns raised by the objector. This collaboration can lead to a more comprehensive safety plan and better community integration.</p>	<p>1. The development proposal does not involve the rezoning of the property, but a departure from the land use rights available under the Residential Zone 1 zoning.</p> <p>Some questions are however raised with regards to the interpretation of the definition of a Place of Assembly, as well as whether the proposed departure is indeed in accordance with the By-Law, if a more appropriate planning approach could have been followed.</p> <p>The applicant is supported in the statement that the property owner is not responsible for the behaviour of visitors to Erf 258, once they leave the property.</p> <p>However, the property owner will be responsible for the behaviour of customers (visitors who pay to use the facilities) on the property if alcohol is being used without the property being licenced for on-consumption.</p> <p>Note is taken of the fact that the presence of the development is already causing a nuisance in the neighbourhood.</p>

		Issues related to drug use are broader societal problems and not exclusive to this neighbourhood. Therefore it does not apply to this application and specifically, prohibit its land use rights. When operated in accordance with local regulations and standards regarding noise disturbance, the proposed place of assembly will function as any other residential area that uses its private space for social gatherings or recreational activities.	
	2. I am not sure how this venue got a license to host parties and possibly sell alcohol at the same time but as we are immediate neighbours most, of our weekends are spent trying to avoid the noise/anti-social behaviour. We don't get much sleep as a result and it's not the best for my kids to see either. We strongly oppose any contraventions/ amendments to this act and DO NOT give our permission.	<p>2. The application aims to obtain the necessary land use rights to accommodate the place of assembly on a portion of the property and should be viewed positively, as it creates additional amenities for the community given the favourable location of the property. Furthermore, it should be mentioned that the property's primary use remains residential, and the building used for assembly can be easily converted back to residential purposes.</p> <p>As previously mentioned, all disturbances of noise or public disturbances after hours should be reported to SAPS as they are the relevant authority within this matter. The concerns raised are acknowledged, however the owner of Erf 258 is not responsible for any noise disturbance outside of their property. There is no sale of alcohol on the premises, and the place of assembly is set to close at 8 PM.</p> <p>Louder noise from social gatherings is typical within residential areas on weekend evenings. (Where noise is permitted until 10pm on average). This objection has no relevance to the application as the application aims to establish a place of assembly that will abide by all regulations stated by the relevant authority.</p> <p>The objection raised is more related to general concerns of noise impact and public disturbance of social gatherings in the area, which is subject to SAPS to enforce the regulations.</p>	<p>2. The venue does not possess any approvals or licences with regards to any of the activities that are currently contradictory to the residential zoning. The aim of the application is to rectify the contraventions of the By-Law.</p> <p>Also refer to assessment 1.</p>

	<p>3. I would love to see the application that gave them permission to operate in the first place as it's the only place in the area and built in a residential area and clearly causing offense to ourselves and other in the immediate area.</p>	<p>3. There was no application prior that relates to the proposed place of assembly.</p> <p>The owner has the right to host social gatherings as does any property owner in the surrounding area, subject to the relevant regulations and local bylaws. With the proposed place of assembly the owner of Erf 258 will ensure that the land use abides by all regulations in accordance to the Environmental Conservation Act (Act 73 of 1989) and the By-Law.</p> <p>Additionally, the application is consistent with the SDF, as both Smuts Street and Kachelhoffer Street, located to the north and east sides of the property, are identified as activity streets. These streets are aimed at allowing a higher degree of accessibility and thus also serving as streets within which development opportunities for the surrounding communities.</p> <p>Furthermore, the subject property is located within Land Use Zone I of Riebeek West. “Zone I has a mixed density residential character with opportunities for infill development.”</p> <p>The proposed temporary departure accommodates the need for more social infrastructure as part of Objective 3 of the spatial proposals for Riebeek West.</p>	<p>3. The applicant never specifically states whether or not facility will be rented out or whether an entrance fee will be charged. Once money changes hands, the facility becomes a business venture and will no longer be just a social gathering.</p> <p>The SDF identifies Area I as a mixed <u>density</u> residential development, not a mixed <u>use</u> development. There is a marked difference. Furthermore, while activity streets promote a wider variety of land uses, it does not suggest a free for all and anything goes. The proposed land use must remain consistent with the character of the area, the permissible land uses must fall within the applicable zoning category and demonstrate clear desirability in its specific context. The author contests the statement that the proposal is consistent with the SDF.</p> <p>The interpretation of the By-Law definition of a place of assembly is considered to be applied very loosely and ultimately not consistent with the nature/character of the proposed land use. Additionally, the By-Law clearly states that the zoning that is most compatible with the intended land use, is the zoning that should be applied. The By-Law contains other land uses, such as a tourist facility, that would have been a more appropriate description of the development proposal. However, the question remains whether the proposed use is desirable within the context.</p> <p>Taking the abovementioned into account, it is argued the proposed land use of a place of assembly is inconsistent with the SDF and the By-Law.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

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

Application for temporary departure on Erf 258, Riebeek West, is made in terms of Section 25(2)(c) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to establish a Place of Assembly on the property.

Application for a permanent departure on Erf 258, Riebeek West, 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:

- a) Depart from the north-western street building line from 4m to 0m, in order to accommodate the covered assembly area;
- b) Depart from the south-western side building line from 1,5m to 0m, in order to accommodate the shadeport.

A total of 18 registered notices were issued to affected parties and e-mails were also sent where the addresses were available. Four notices were returned unread. The commenting period for the application concluded on 16 May 2024 and 1 objection was received.

The objection was referred to the applicant for comment on 20 May 2024. Comments on objections were received back from the applicant on 18 June 2023.

The applicant is C.K. Rumboll and Partners and the property owners are M. D. and T. Fischer.

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 place of assembly is considered in contradiction with the SDF and the By-Law and thus cannot be considered as spatially just.

More than half the property is undeveloped which means that there is no legitimate reason for the shadeport to encroach on the side building line.

- b) Spatial Sustainability: The proposed development will not promote the long term development path of the municipality (inconsistent with the By-Law and SDF) and Riebeek West as a settlement and as such cannot be considered spatially sustainable.
- c) Efficiency: The development proposal does not include any details regarding the expected impact on engineering services. The proposed number of parking bays are insufficient in terms of the By-Law requirements of 1 parking per 4 seats.
- d) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The vacant portion of the erf will remain vacant, while the developed portion with the dwelling and pool can revert back to be used by a single family.

It is subsequently clear that the development proposal does not adhere to the spatial planning principles and applicable legislation.

2.3 Spatial Development Framework(SDF)

The SDF identifies Area I as a mixed density residential development, situated along an activity street. Activity streets provide opportunity for a wider range of land uses, but the proposed use must remain compatible with the character of its surroundings. The proposed place of assembly is not considered compatible with its environment or the spatial proposals of the SDF.

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

Erf 258, Riebeek West is zoned Residential Zone 1. The property owner wishes to host a maximum of 30 guests under the pergola area, as well as allow use of the swimming pool. The land use is not listed as permissible – whether as

primary or a consent use – under Residential Zone 1 and the applicant thus proceeded to apply for a temporary departure to establish a place of assembly. Schedule 2 of the By-Law defines a place of assembly 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 development is not considered consistent with either the definition or the character of a place of assembly and thus in contradiction with the By-Law. The proposal is more consistent with that of a venue for recreational facilities, which is a use accommodated under ‘tourist facility’. However, even if the planning approach had been to apply for a tourist facility, the proposal would also be inconsistent with the character and spatial planning for the area.

The By-Law further requires a street building line of 4m and side building lines of 1,5m each. The property is a corner plot and a rear building line is not applicable. The By-Law states that proposals should be designed to comply, unless circumstances such as topography, space or any other well-motivated reason can be proven to necessitate building line departure. The requirements are even more strict for the departure from street building lines, which are only permitted if, in the opinion of the Municipality:

“...12.2.1 (ii) the architectural effect of the building line relaxation will enhance the appearance of a public street, or (iii) if, in its opinion, there are other special circumstances such as the topography of the site.

At least half of the property is vacant and the topography of the site is flat. The applicant fails to provide sufficient motivation for the encroachment of either the shadeport over the side building line or the pergola/shade structure over the street building line.

Lastly, the By-Law prescribes the required on-site parking bays in accordance with the specific land use. The requirement for a place of assembly is one bay for every four seats. The maximum number of patrons is 30, which means at least eight bays should be provided for the place of assembly. The dwelling itself also requires two bays, raising the total to ten bays. The parking bays for the neighbourhood shop are sufficient, but the shortfall created by the venue and dwelling is not addressed and in contradiction with the By-Law.

The proposed development and departures are deemed inconsistent with the definition and development parameters of the By-Law and therefore cannot be considered positively.

3. Impact on municipal engineering services

The development proposal does not address the impact on services sufficiently and the Department: Engineering Services was therefore not in a position to comment on service provision.

The intensity of use of the existing services is expected to increase if a venue is operated on the property but the impact can be addressed by stipulating conditions of approval (if approved) and levying development contributions in accordance with the Swartland Municipality: Municipal Policy on Capital Contributions, 2024, once the impact has been monitored and established at a later date.

2. Desirability of the proposed utilisation

The development proposal at hand seems, at first glance, to be innocuous and to be a social amenity in favour of the broader community. However, once the details of the proposal are examined more closely, a number of flaws become apparent in the argument for the proposal.

Firstly, the applicant decided that the definition for a place of assembly is the most compatible with the intended land use of a function venue for maximum 30 people, with access to a swimming pool. The venue will only be in operation for 7 months of the year (weather permitting) and subject to strict operational hours.

Section 23.2(b) of the By-Law states that when the Municipality considers a zoning (or land use), the zoning that is most compatible with the utilisation of the land should be applied.

Consider the definition *“...**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...”* with reference to the land use proposal and then consider the definition of a tourist facility, namely *“...amenities for tourists or visitors such as lecture rooms, restaurants, gift shops, restrooms or recreational facilities, conference facilities, reception facilities and market, but does not include a hotel or overnight accommodation...”*

It becomes clear that, in terms of the definitions, the place of assembly is not the most compatible land use to attribute to the proposal and that a tourist facility would have been the correct use to apply for.

In addition to the definitions being incorrectly applied, the applicant argues that the proposed land use is consistent with the spatial planning for the area, as the property is located on a corner formed by two activity streets. However, the SDF identifies the character of the specific portion of Riebeeck West as predominantly residential, but of mixed densities. The SDF does not earmark the area for mixed uses.

Granted, activity streets do afford opportunity for a wider variety of land uses, but any development within a predominantly residential neighbourhood should be treated with sensitivity towards the character of the area. Erf 258 and surrounding erven are zoned Residential Zone 1 or 2. Residential zones do not include venues – either as a place of assembly or a tourist facility – as the land use is not compatible within a residential setting, due to the nature of such facilities. In fact, the problems usually associated with such uses, such as noise and bad behaviour of patrons, are already causing nuisances in the neighbourhood.

The applicant states that strict operating hours will be adhered to, but in practice it would be impossible to police, as the owner may claim that any individuals on the erf after hours are guests to the property or that the function is a private social gathering.

The proposed permanent building line departures cannot be sufficiently motivated, as half of the property is vacant and structures can be accommodated elsewhere or reconstructed to comply with building lines.

Parking provision was not calculated correctly and poorly addressed in the application.

The By-Law states that any person or entity reserves the right to submit a land use application and thus the application was received by the Municipality. However, following closer investigation and evaluation of the application, it is determined that the development proposal is inconsistent with both the By-Law and the SDF for Riebeeck West and therefore cannot be considered desirable.

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 the temporary departure on Erf 258, Riebeeck West, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to establish a Place of Assembly, be refused, due to the following:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The definition of a Place of Assembly is not compatible with the proposed land use for a venue;
- b) The proposal is inconsistent with the spatial proposals of the Spatial Development Framework for Riebeeck West;
- c) The proposed land use is incompatible with the character of the surrounding residential area;

B. The application for permanent building line departures on Erf 258, Riebeeck West, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be refused, due to the following;

1. TOWN PLANNING AND BUILDING CONTROL

- a) The By-Law restricts street building line departure to carports and garages or, in terms of section 12.2.1 “...(ii) the architectural effect of the building line relaxation will enhance the appearance of a public street, or (iii) if, in its opinion, there are other special circumstances such as the topography of the site...”
The proposed pergola/shade structure over the venue area does not address any of the abovementioned criteria.

- b) A large portion of the property remains vacant and the structure that departs from the side building line could be accommodated elsewhere on the erf;
- c) The only motivation for the departure is the fact that the structures already exist, which in itself is an offence, as the building work is unauthorised.

GENERAL

- a) 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. Reasons for refusal

- a) The definition of a Place of Assembly is not compatible with the proposed land use for a venue;
- b) The proposal is inconsistent with the spatial proposals of the Spatial Development Framework for Riebeeck West;
- c) The proposed land use is incompatible with the character of the surrounding residential area;
- d) The By-Law restricts street building line departure to carports and garages or, in terms of section 12.2.1
*"...(ii) the architectural effect of the building line relaxation will enhance the appearance of a public street, or
 (iii) if, in its opinion, there are other special circumstances such as the topography of the site..."*
 The proposed pergola/shade structure over the venue area does not address any of the abovementioned criteria.
- e) A large portion of the property remains vacant and the structure that departs from the side building line could be accommodated elsewhere on the erf;
- f) The only motivation for the departure is the fact that the structures already exist, which in itself is an offence, as the building work is unauthorised.



PART N: ANNEXURES

ANNEXURE A	Locality Plan
ANNEXURE B	Site Development Plan
ANNEXURE C	Affected property owners
ANNEXURE D	Objections from L. Nieburg
ANNEXURE E	Response to comments

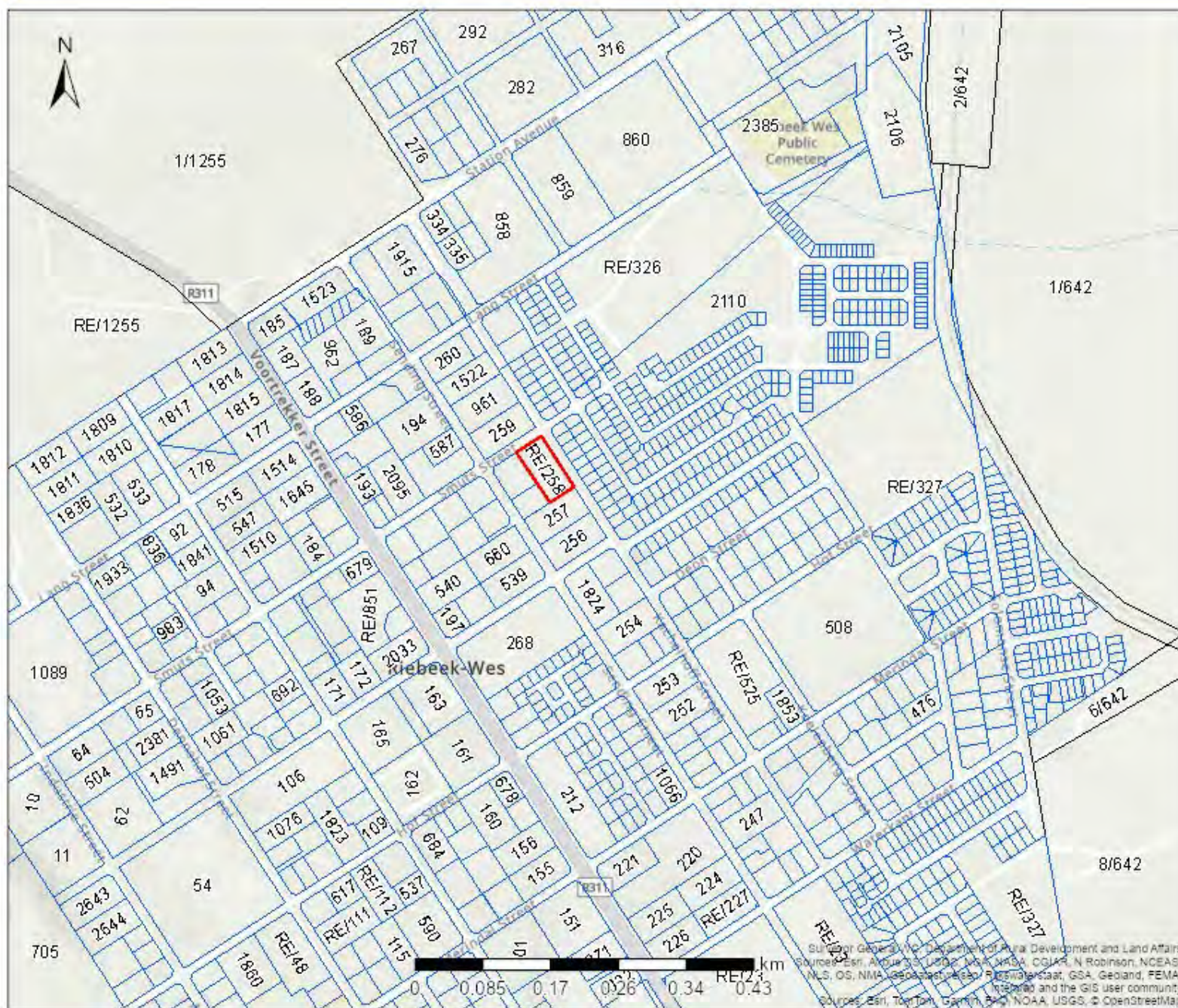
PART O: APPLICANT DETAILS

First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	D.B. Rhodes.	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 August 2024	
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001	Recommended	✓	Not recommended	
			Date: 2 August 2024	

Erf 258 Locality



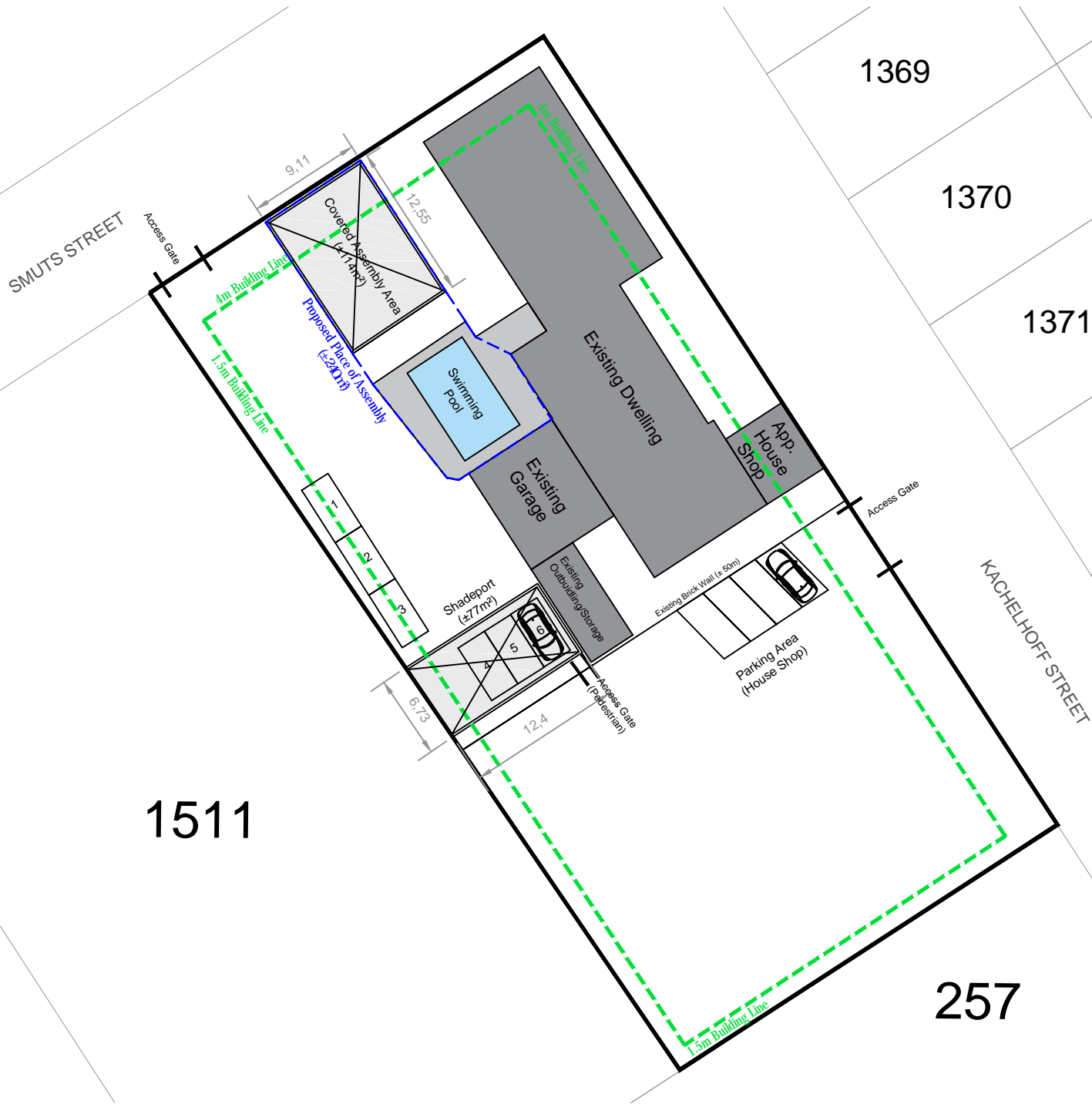
Legend

- Erf
- Farm Portions

Map Center: Lon: 18°52'
Lat: 33°20'
Scale: 1:8,038
Date created: 2024/07/01



ANNEXURE A



TITLE:
ERF 258 RIEBEEK WEST
TEMPORARY DEPARTURE
SITE DEVELOPMENT PLAN
SHEET 1 OF 1

NOTES:	
Current Zoning:	Residential Zone 1, Business Zone 2
Coverage:	±26.1%
Total property area:	±2790m²
Ext. Dwelling	±38395m²
Existing Garage:	±70m²
Existing Outbuilding	±34.32m²
House Shop	±88m²
Parking Area (4 bays):	±75m²
Proposed Place of Assembly:	±240m²
Covered Assembly Area:	±114m²
Swimming Pool	±30m²
Shadeport	±83m²
Proposed Parking (6 bays):	±75m²

KEY:	
Relevant boundary	
Building Line	
Place of Assembly	

ANNEXURE B

Drawing by: Etienne Malan

ALL AREAS AND DISTANCES ARE SUBJECT TO TOWN PLANNING PROFESSION

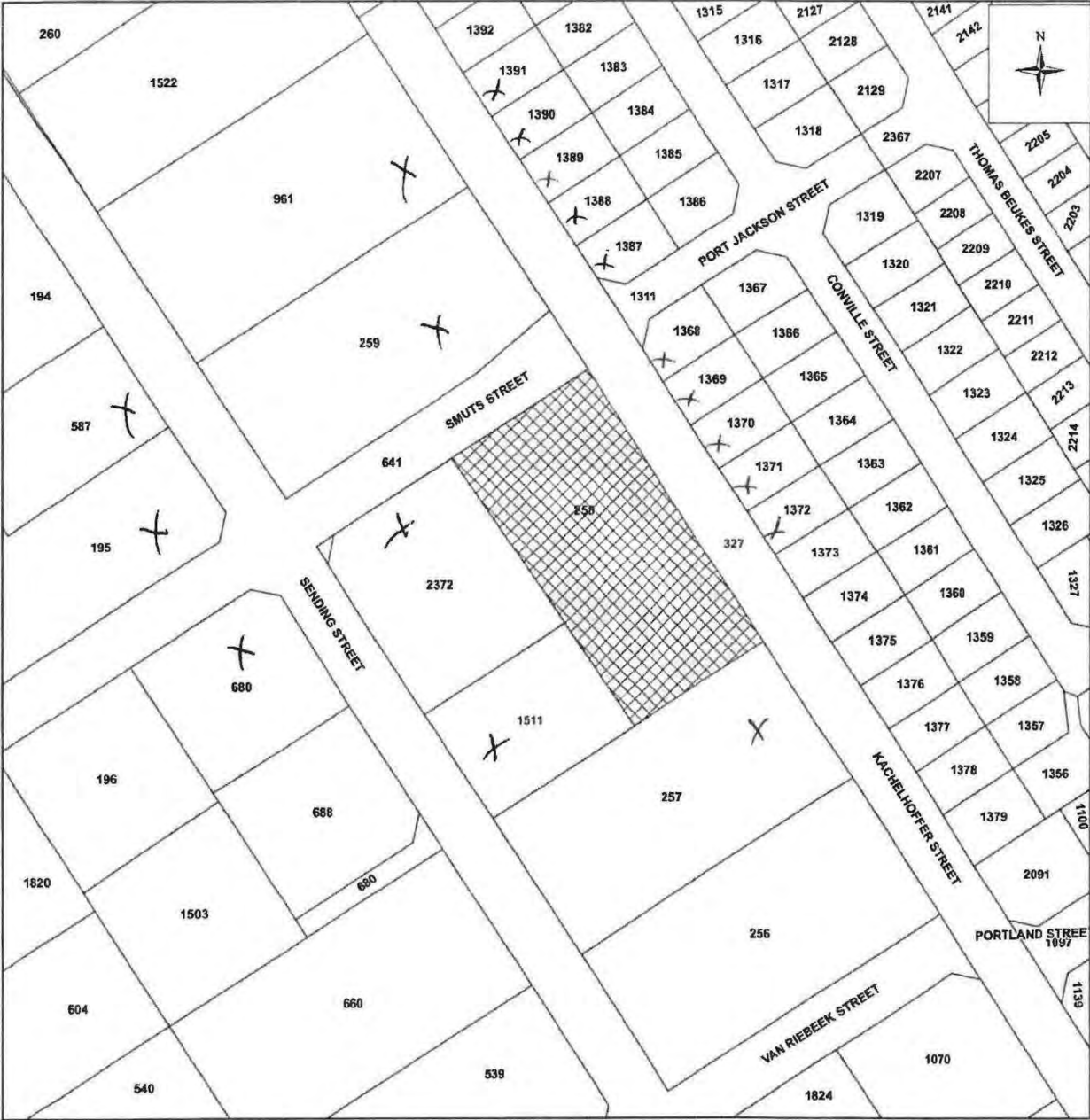
Tel: 022 - 4821
Fax: 022 - 4871
Email: planning@ckrumbold.co.za

DATE: March 2024

REF: 13648/RW/JL/EM

ANNEXURE C

Liggingsplan



18

ANNEXURE D

From: lewisn@mweb.co.za <lewisn@mweb.co.za>

Sent: Monday, April 15, 2024 2:14 PM

To: Danille Warries <PlanIntern1@swartland.org.za>

Cc: Registrasie Email <RegistrasieEmail@swartland.org.za>

Subject: RE: Voorgestelde tydelike afwyking en afwyking van ontwikkelingsparameters op Erf 258, Riebeek Wes

Importance: High

Greetings,

I wish to object to the rezoning application.

This site/venue is often misused and plays music late at night with parties and anti-social behaviour. We often come outside late at night to find people doing drugs on our property which is across the road. We have even caught people having sex in the bushes. I have sent several complaints to the police department and while they are aware of such goings on they say it's a council issue.

I am not sure how this venue got a license to host parties and possibly sell alcohol at the same time but as we are immediate neighbours most of our weekends are spent trying to avoid the noise/anti-social behaviour. We don't get much sleep as a result and it's not the best for my kids to see either.

We would strongly oppose any contraventions/amendments to this act and DO NOT give our permission

I would love to see the application that gave them permission to operate in the first place as it's the only such place in the area and built in a residential area and clearly causing offence to ourselves and other in the immediate area.

Lewis Nieburg

ANNEXURE E

DATE: 18 June 2024

OUR REF: RW/13468/JL/EM

Attention: Mr. A. Zaayman
Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

RESPONSE TO OBJECTIONS: TEMPORARY DEPARTURE, ERF 258 RIEBEEK WEST

Dear Sir

Herewith a formal response is lodged to the objections raised by Lewis Nieburg , received on the 20th of May in regard to the proposed temporary departure on Erf 258, Riebeek West for the permission to host a place of assembly.

With reference to the above-mentioned application, please find attached the following:

- ❖ Annexure A- Objections raised
- ❖ Annexure B- Response to Objections raised

The response letter is in table format that addresses each point raised within the objection letter.

Thank you for your attention to this matter.



Etienne Malan- Jolandie Linneman

for CK RUMBOLL & PARTNERS

ANNEXURE A: Objections Received



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: 15/3/4-12/Erf_258

Enquiries:
Ms D N Stallenberg

20 May 2024

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

OBJECTIONS: PROPOSED TEMPORARY DEPARTURES ON ERF 258, RIEBEEK WEST

Your application with reference 13648RW/JL/EM dated 3 March 2024 refers.

Kindly find attached the objection received by Lewis Nieburg 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

From: lewisn@mweb.co.za <lewisn@mweb.co.za>
Sent: Monday, 15 April 2024 14:14
To: Danille Warries <PlanIntern1@swartland.org.za>
Cc: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: RE: Voorgestelde tydelike afwyking en afwyking van ontwikkelingsparameters op Erf 258, Riebeek Wes
Importance: High

Greetings,

I wish to object to the rezoning application.

This site/venue is often misused and plays music late at night with parties and anti-social behaviour.

We often come outside late at night to find people doing drugs on our property which is across the road. We have even caught people having sex in the bushes.

I have sent several complaints to the police department and while they are aware of such goings on they say it's a council issue.

I am not sure how this venue got a license to host parties and possibly sell alcohol at the same time but as we are immediate neighbours most of our weekends are spent trying to avoid the noise/anti-social behaviour.

We don't get much sleep as a result and it's not the best for my kids to see either.

We would strongly oppose any contraventions/amendments to this act and DO NOT give our permission

I would love to see the application that gave them permission to operate in the first place as it's the only such place in the area and built in a residential area and clearly causing offence to ourselves and other in the immediate area.

Lewis Nieburg

ANNEXURE B: Response Letter

Table 1: Objections and Response to Erf 258

Objector	Objection (1)	CK Rumboll & Partners Response
<p>Lewis Nieburg - Erf unknown</p>	<p>I wish to object to the rezoning application. This site /venue are often misused and play music late at night with parties and anti-social behaviour. We often come outside late at night to find people doing drugs on our property which is across the road. We have even caught people having sex in the bushes. I have sent several complaints to the police complaints to the police department and while they are aware of such goings on they say it's a council issue.</p>	<p>The purpose of the land use application is does not entail the permanent change of land use rights such as a rezoning. Application was made for of Erf 258 in accordance to <i>Section 25 (2) (c) of the Swartland Municipal By-law on Municipal Land Use Planning (25 March 2020), for the (1) Temporary Departure of Erf 258, Riebeek West, in order to host a place of assembly along with (2) Permanent departures in terms of Section 25(2)(b) of the Swartland Municipal Land Use Planning By-Law (PG8226 of 25 March 2020)to rectify encroachments of building lines.</i></p> <p>It is important to acknowledge that any development or establishment must adhere to noise regulations and public decency standards. Public disturbances are, in fact, police matters governed by the rule of law. If such issues were not addressed, all amenities and establishments would potentially have to close. While the objector raises valid concerns, it is essential to note that the owner of Erf 258 is not responsible for activities outside their property; these are matters for the South African Police Service (SAPS), as public indecency and disturbances fall within their jurisdiction and apply to any social establishment.</p> <p>The success and safety of any place of assembly largely depend on effective management. A lack of support from SAPS does not inherently mean the establishment will pose an increased risk. Through responsible management, adherence to local regulations, and appropriate security measures, potential issues can be mitigated, ensuring safe and responsible operation.</p> <p>The absence of police support presents an opportunity for cooperation with local authorities to ensure a safe environment for both residents and its neighbours. A collaborative approach involving the community, local authorities, and the owner of Erf 258 could address the specific concerns raised by the</p>

		<p>objector. This collaboration can lead to a more comprehensive safety plan and better community integration.</p> <p>Issues related to drug use are broader societal problems and not exclusive to this neighbourhood. Therefore it does not apply to this application and specifically, prohibit its land use rights. When operated in accordance with local regulations and standards regarding noise disturbance, the proposed place of assembly will function as any other residential area that uses its private space for social gatherings or recreational activities.</p>
	Objection (2)	CK Rumboll & Partners Response
	<p>I am not sure how this venue got a license to host parties and possibly sell alcohol at the same time but as we are immediate neighbours most, of our weekends are spent trying to avoid the noise/anti-social behaviour. We don't get much sleep as a result and it's not the best for my kids to see either. We strongly oppose any contraventions/amendments to this act and DO NOT give our permission.</p>	<p>This application aims to obtain the necessary land use rights to accommodate the place of assembly on a portion of the property and should be viewed positively, as it creates additional amenities for the community given the favourable location of the property. Furthermore, it should be mentioned that the property's primary use remains residential, and the building used for assembly can be easily converted back to residential purposes.</p> <p>As previously mentioned, all disturbances of noise or public disturbances after hours should be reported to SAPS as they are the relevant authority within this matter. The concerns raised are acknowledged, however the owner of Erf 258 is not responsible for any noise disturbance outside of their property. There is no sale of alcohol on the premises, and the place of assembly is set to close at 8 PM.</p> <p>Louder noise from social gatherings is typical within residential areas on weekend evenings. (Where noise is permitted until 10pm on average). This objection has no relevance to the application as the application aims to establish a place of assembly that will abide by all regulations stated by the relevant</p>

		<p>authority.</p> <p>The objection raised is more related to general concerns of noise impact and public disturbance of social gatherings in the area, which is subject to SAPS to enforce the regulations.</p>
	Objection (3)	CK Rumboll & Partners Response
	<p>I would love to see the application that gave them permission to operate in the first place as it's the only place in the area and built in a residential area and clearly causing offense to ourselves and other in the immediate area</p>	<p>There was no application prior that relates to the proposed place of assembly.</p> <p>The owner has the right to host social gatherings as do any property owner in the surrounding area, subject to the relevant regulations and local bylaws. With the proposed place of assembly the owner of Erf 258 will ensure that the premises abide by all regulations in accordance to the Environmental Conservation Act (Act 73 of 1989) along within the Swartland Municipal Land Use Planning By-Law (PG8226 of 25 March 2020).</p> <p>Additionally, the application is motivated by accordance of the Swartland Municipal Spatial Development Framework (May 2023) in that that both Smuts Street and Kachelhoff Street located to the north and east sides of the property are identified as activity streets (see figure below). These streets are aimed at allowing a higher degree of accessibility and thus also serving as streets within which development opportunities for the surrounding communities.</p> <p>Furthermore, the subject property is located within Land Use Zone I of Riebeek West (see figure below).</p> <p><i>"Zone I has a mixed density residential character with opportunities for infill development."</i></p> <p>The proposed temporary departure accommodates the need for more social infrastructure for as part of Objective 3 of the proposals include within Riebeek West:</p> <p><i>"Create social infrastructure in previously disadvantaged communities". Proposal 95,pg 73</i></p>



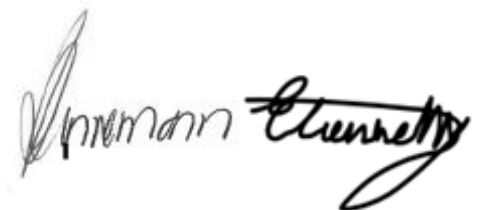
Figure 1: SDF Extract, Riebeeck West Land Use Proposals

RIEBEEK WEST LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	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
I	Zone I has a mixed density residential character with opportunities for infill development.	X	X	X 1	X	X	X	X 1,3	X 1,3	X	X	X	X	X	

Therefore the owner of Erf 258 has the right to apply for the proposed temporary departure as supported by the Swartland Spatial Development Framework.

It is respectfully requested that Swartland Municipality consider the application favourably and finalize the decision for the application in respect of Erf 258 Riebeek West.

Regards

A handwritten signature in black ink, appearing to read 'Linnemann Etienne', with a stylized flourish at the end.

Jolandie Linnemann/Etienne Malan
for **CK RUMBOLL & PARTNERS**



Verslag ☐ Ingxelo ☐ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
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1 Augustus 2024

15/3/3-11/Erf_1260

WYK: 12

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

LAND USE PLANNING REPORT					
PROPOSED REZONING OF ERF 1260, RIEBEEK KASTEEL					
Reference number	15/3/3-11/Erf_1260	Application submission date	17 May 2024	Date report finalised	2 August 2024

PART A: APPLICATION DESCRIPTION						
<p>Application is made for the rezoning of Erf 1260, Riebeek Kasteel, in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). It is proposed that Erf 1260 be rezoned from Residential Zone 1 to Business Zone 1 in order develop the property with a hardware shop.</p> <p>The applicant is High Wave Consultants, and the property owner is Maracor CC</p>						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	Erf 1260 Riebeek Kasteel in the Swartland Municipality, Division Malmesbury, Province of the Western Cape					
Physical address	c/o Sarel Cilliers and Piet Retief Street. (Please refer to the location plan attached as Annexure A)		Town	Riebeek Kasteel		
Current zoning	Residential Zone 1	Extent (m ² /ha)	674m 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	Vacant		Title Deed number & date	T12573/2024		
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 type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Removal, suspension, or amendment of restrictive conditions	<input type="checkbox"/>
Permissions in terms of the zoning scheme	<input type="checkbox"/>	Amendment, deletion, or imposition of conditions in respect of existing approval	<input type="checkbox"/>	Amendment or cancellation of an approved subdivision plan	<input type="checkbox"/>	Permission in terms of a condition of approval	<input type="checkbox"/>
Determination of zoning	<input type="checkbox"/>	Closure of public place	<input type="checkbox"/>	Consent use	<input type="checkbox"/>	Occasional use	<input type="checkbox"/>
Disestablish a homeowner's association	<input type="checkbox"/>	Rectify failure by homeowner's association to meet its obligations	<input type="checkbox"/>	Permission for the reconstruction of an existing building that constitutes a non-conforming use	<input type="checkbox"/>	Phasing	<input type="checkbox"/>

PART D: BACKGROUND			
<p>The owner wants to open a community hardware store on the premises for the supply of building material. Although Erf 1260 is situated in the existing CBD (Figure 1) the current zoning of Residential Zone 1: Low density (R1) does not allow for a business. Therefore, the owner applies for a rezoning to Business Zone 1: General Business (BZ1). Business Zone 1 is specifically proposed because the development will be a business premises which is a primary use under the proposed zoning.</p>			

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)			
Has pre-application consultation been undertaken?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If yes, provide a summary of the outcomes below.

PART F: SUMMARY OF APPLICANTS MOTIVATION
<p>(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)</p> <p>The applicant motivates that the subject property is not only located within the urban edge but also the demarcated CBD for Riebeeck Kasteel.</p> <p>According to the applicant the surrounding properties will not be visually negatively affected by the proposed new business, because:</p> <ul style="list-style-type: none"> • The proposed architectural style is in good taste. • The proposed addition will not degrade the architecture of the surrounding properties. • It will not affect the surrounding properties' privacy as there are still ample space between the proposed development and the side erf boundaries (adjacent to Erf 1260, Riebeeck Kasteel). • The area has a mixed-use character. The proposed development is compatible with the character of the area and will remain true to it. • The application property is in Piet Retief Street that developed over time into an area with mostly business uses. The business portion of the property is compatible with these business uses. <p>The applicant motivates that the subject property is adjacent to Sarel Cilliers- and Piet Retief Streets and that the existing street access on Piet Retief Street will remain the same for the proposed business building while the existing access on Sarel Cilliers Street will be used as an exit. The applicant refers to the site development plan.</p> <p>The applicant continues to state that Piet Retief Street is part of the main routes in Riebeeck Kasteel which feeds into the road to the R46 and that Piet Retief Street can therefore experience relatively higher traffic volumes during peak times</p>

which is 07:00 to 08:00, 13:00 to 14:00 and 16:00 to 17:30. However, the applicant argues that the proposed development will not place additional pressure on the traffic volumes experienced on this street as the proposed use will not have a negative impact on the traffic flow of Sarel Cilliers and Piet Retief Street.

The proposed development will also not have a detrimental impact on the general road network of these two roads, because the proposed business has a low impact in terms of the traffic it generates as well as that sufficient parking is provided on-site as required in terms of the development management scheme.

The applicant motivates further that the subject property is located optimally to operate a business on. According to the applicant the proposed use is compatible with the business character of the immediately surrounding properties, it is aligned with the Municipal SDF, and the proposed development will be very accommodating towards the owner and surrounding owners' needs.

In terms of need, desirability and opportunity the applicant motivates that:

1. The character of the application property will change but it will still be compatible with the surrounding area's mixed-use character:
 - The proposed development will not have a negative visual impact on the surrounding properties.
 - The proposed architectural style is in good taste and will not be a disturbance to the surrounding properties building's architectural style.
2. The proposed development will be in the interest of the public and neighbours:
 - The application property will be utilised in an optimal manner.
 - It will assist the application property's value to increase, and this will assist the value of surrounding properties to increase as well.
3. The site has an optimal location. It is situated within a commercial/ mixed-use nodal area which means there are opportunities for capitalizing on the locational advantage and encouraging a mixture of uses developed along activity corridors and nodes. The proposed development is suitable from a town planning perspective.
4. The proposed development will have work opportunities for several people. This is a successful business and that contribute to the economic growth in the business sector in which it operates. The proposed development can also be an income source for contractors and suppliers that construct and supply the material for the proposed building.

The proposed development complies with the densification policy because it promotes higher density developments and integration of land uses by means of the mixed-use development that is proposed.

The proposed development can assist in this matter by means of employing local inhabitants, appointing local contractors and suppliers to construct the proposed business. The service suppliers to the business when they start operating will also be local suppliers and businesses. They also provide a service to the local businesses. The scale of this proposed development is too low to have a negative impact on the district, provincial and/or national IDP.

The applicant motivates that the proposed development is in support of the latest Municipal Spatial development framework (SDF). They continue to state that due to the scale of the proposed development, it is too small to have a considerable impact on the district, provincial and/or national spatial development frameworks. However, it should be noted that the proposed development is in support of the Provincial SDF by means of supporting densification and avoiding urban sprawl.

According to the applicant, should the application be approved, it will contribute to the development of compact cities to assist in reducing environmental impacts and the costs and time impacts related to travel. The proposed development does this by means of promoting mixed use development and bringing businesses closer to residential areas in Riebeek Kasteel South.

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
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 11 notices were sent via registered mail to the owners of properties which are affected by the application. Although 4 letters returned unclaimed it should be noted that 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	6	Total comments and petitions refused	0

Valid petition(s)	Y	N	If yes, number of signatures		N/A														
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.											
Total letters of support	0																		
PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS																			
Name	Date received		Summary of comments					Recommendation											
Department Civil Engineering Services	30 July 2024		<p>Water Comments The property be provided with a single water connection and no additional connections be provided.</p> <p>Sewerage Comments The property be provided with a single sewer connection and no additional connections be provided.</p> <p>Streets Comments The parking area be provided with a permanent surface.</p> <p>Storm Water Comments In order</p> <p>Parks Comments No comments</p> <p>General Should the expansion of any of the existing services be necessary in order to accommodate the proposed subdivided portions, it be for the owner / developer's account.</p> <p>Development charges</p> <table><tr><td>Water</td><td>R 8 949, 21</td></tr><tr><td>Bulk Water</td><td>R 9 484, 99</td></tr><tr><td>Sewer</td><td>R 5 394, 00</td></tr><tr><td>WWTW</td><td>R 7 253, 45</td></tr><tr><td>Roads</td><td>R 27 280, 23</td></tr></table>					Water	R 8 949, 21	Bulk Water	R 9 484, 99	Sewer	R 5 394, 00	WWTW	R 7 253, 45	Roads	R 27 280, 23	Positive	Negative
Water	R 8 949, 21																		
Bulk Water	R 9 484, 99																		
Sewer	R 5 394, 00																		
WWTW	R 7 253, 45																		
Roads	R 27 280, 23																		
Building control	24 June 2024		No comments					Positive	Negative										
Protection services	3 June 2024		No comment					Positive	Negative										

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
Alison Soanes (Prest) as owner of erf 1261, Riebeek Kasteel	<ol style="list-style-type: none"> 1. The objector states that this area of Riebeek has been densified 100-fold in the last few years with some stands having two homes. By allowing business on the last piece of land on this block will start the breakdown of the community. 2. The objector argues that by permitting the rezoning to business it will impact the value of her property. The objector states that nobody comes to live in the country to have a hardware shop carpark next door and across the road. The objector points out that there is a hardware shop across the road. 3. To hear the sound of trucks reversing and hardware material being delivered as well as workmen hanging around, puts pressure on her property to sell and revert it to business. As a ratepayer it is very disappointing for her. 4. The objector states that for over 30 years she has nurtured what is now called Riebeek Botanical Garden, promoted by tourism, on the visitor's map. This initiative and collection of plants will be threatened as a tourist attraction. 	<ol style="list-style-type: none"> 1. The application is supported as follows by recent policies and plans: The 2023 Integrated Development Plan (IDP) views Riebeek Kasteel as an agricultural service centre that should be maintained and strengthen. Respondents voted for Local Economic Development as one of the top four functions of Swartland Municipality. 2. Mixed use is encouraged along activity streets and link roads in Riebeek Kasteel (SDF 2023-2028). A need for GAP housing was determined in Riebeek Kasteel and not a need for low density housing (SDF 2023-2028). 3. According to the SDF (2023-2028) the town centre has a combination of residential and commercial uses and higher residential developments, and mixed uses should be encouraged along activity streets in the town. The subject property is in zone B which allows business uses and secondary business uses. 4. The idea for the Riebeek Kasteel shop is an upper end flagship outlet. There will be DIY basics and hardware, like in their Riebeek West shop, but rough hardware such as cement, corrugated iron sheets and roof sheets will only be available at the Riebeek West branch. Customers in Riebeek Kasteel will have the convenience to come to the Riebeek Kasteel shop to order and pay for their items which will not be in stock on site, and which will be delivered from Riebeek West to their homes and building sites. In addition, on the mezzanine area, will be a showroom for floor finishes, tiles, vinyl surfaces, a selection of the latest in lighting trends available in South Africa, sanitary ware, taps and mixers, and craft tools for hobbies such as Tjhoko paint. The arts and crafts people in the valley currently drive long distances for their tools and paints. All of 	<ol style="list-style-type: none"> 1. The application is consistent with the Swartland MSDF, 2023. It is situated within the demarcated CBD and is located next to an identified activity street. 2. It could be argued that the proposed application would rather add value to erf 1261. Piet Retief Street is an identified activity street as well as one of the main roads of the town. The proposed shop will not have a negative impact on the character of the area nor the town as a whole. 3. The proposal does not include the stock or trade in bulk construction material. This can also be mitigated through the implementation of conditions restricting the use as proposed in the application. 4. The proposed use will not have a negative impact on tourism for the town or the Riebeek Valley as a whole.

	<p>5. The objector is of opinion that the Municipality has not provided sufficient pavements. Sarel Cilliers Street, according to her is a walkway for many residents. The exit of this development converges with 3 other driveways and into a one-way narrow road. She believes that people will not ride around the block to park but will rather park in the road.</p> <p>6. The objector states that business creates a weak link in security for residential inhabitants.</p> <p>7. According to Me Soanes the style of the proposed building distracts from the lovely Art Deco garage and sadly, Erf 886 which according to the objector has a wonderful historical house, has totally been subdued to submission with the monster house built next door. The objector is of opinion that they need aesthetics and a narrative of architecture in the valley that will hold its own for the next generation.</p> <p>8. The objector emphasizes that the minimum the municipality can agree to, should the application be approved, is that a wall gets built around the two sides of the residential properties before development starts. The objector states that the car park is a metre and half away from her boundary. At night the car park be locked off by two gates at each end and there be no bright lights shining onto neighbouring properties at night.</p>	<p>these will be on display on showroom for high end finishes on the mezzanine floor.</p> <p>5. The Director: Civil Engineering Services is in favour of the proposed subdivision with due consideration of the access as indicated on the proposed layout.</p> <p>6. On the joint open days held between 30 January 2023 and 8 February 2023 for the Spatial Development Framework (SDF) as well as the Integrated Development Plan (IDP) a police structure close to Riebeek Kasteel requested (IDP 2023). The SDF (2023-2028) proposed a satellite Police Station and Fire Station for Riebeek Kasteel.</p> <p>7. The design was based on the existing Victorian style buildings of Riebeek Kasteel and more specifically on the design of the old post office building on the town square. This will be done to contribute towards the architectural and aesthetic narrative of the valley.</p> <p>8. The applicant did not comment on these requests of the objector.</p>	<p>5. The development management scheme allows an access from each public road abutting the property. The proposed entrance in Piet Retief Street as well as exit to Sarel Cilliers Street is supported from a town planning point of view as it ensures optimal vehicle manoeuvrability on a relatively small property.</p> <p>6. The proposed business will not contribute to crime in the area or the town as a whole.</p> <p>7. The proposed design will not detract from the character of the area.</p> <p>8. Noted. The Municipal Planning Tribunal may decide to include the addition of boundary walls as well as the issue regarding lights as conditions of should the application be approved.</p>
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<p>JNF Botha as owner of erf 1311, Riebeek Kasteel</p>	<p>9. The objector states that his property is located in a one-way street on the corner of Van Riebeek and Sarel Cilliers streets across from the ACVV retirement complex.</p> <p>Although the application states that Sarel Cilliers Street will only be used as an exit to the proposed new development it will increase traffic of a one-way street in a residential zone. The objector continues to state that although parking is provided for, he is of opinion that customers will use Sarel Cilliers Street for parking. The proposal will result in an increase in traffic in Van Riebeek and Sarel Cilliers streets. This according to the objector will be problematic as it will increase risk of injury for elderly residents of the retirement village and the ACVV hall.</p> <p>The ACVV hall is opposite objector's garage and parking for their daily events already congests this one-way.</p> <p>10. Hardware stores are usually situated in semi-industrial areas, not in the middle of residential areas, definitely not in historic towns. Riebeek-Kasteel does not need another hardware store. There is a hardware store across the road, and two more stores in Riebeek-West. Maracor in Riebeek-West delivers to the village. Because of competition, this new development will most likely become vacant in the next few years. In Riebeek-Kasteel there are already commercial spaces standing empty.</p>	<p>9. The Director: Civil Engineering Services is in favour of the proposed application with due consideration of the access as indicated on the proposed layout.</p> <p>10. The idea for the Riebeek Kasteel shop is an upper end flagship outlet. There will be DIY basics and hardware, like in their Riebeek West shop, but rough hardware such as cement, corrugated iron sheets and roof sheets will only be available at the Riebeek West branch. Customers in Riebeek Kasteel will have the convenience to come to the Riebeek Kasteel shop to order and pay for their items which will not be in stock on site, as explained below, and which will be delivered from Riebeek West to their homes and building sites. In addition, on the mezzanine area, will be a showroom for floor finishes, tiles, vinyl surfaces, a selection of the latest in lighting trends available in South Africa, sanitaryware, taps and mixers, and craft tools for hobbies such as Tjhoko paint. The arts and crafts people in the valley currently drive long distances for their tools and paints. All of these will be on display on showroom for high end finishes on the mezzanine floor.</p>	<p>9. Sarel Cilliers street is a public street. The proposed development will not generate a significant number of traffic and therefore will not have an adverse impact on the existing road network. The development therefore does not pose a risk of injury to the elderly or any of the residents at the ACVV site, situated in Van Riebeek Street.</p> <p>10. The proposal is situated within the identified CBD for Riebeek Kasteel. The proposal does not make provision for or accommodate bulk construction material and therefore it can be included as a condition of approval.</p>
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	<p>11. The objector's property is a protected heritage house, one of the oldest buildings in the village. The property adds to the character of the town, drawing visitors. Yet another hardware store so close to the town's historic centre will affect the character greatly and threaten its thriving tourism.</p> <p>12. The objector is of opinion that Erf 545 and 1262, which is a panhandle, will be greatly affected in terms of privacy and noise, especially seeing that the proposal is for a hardware store.</p> <p>According to the objector the delivery area for building and construction material will be a few metres away from their houses.</p> <p>Also, the allocation for building materials is inadequate for a hardware store. It is his view that the parking bays indicated on the proposal will be used to store construction materials.</p> <p>13. The proposed entrance in Piet Retief Street is on a blind corner. The objector states that due to the complexity of this entrance, he believes that people will use Sarel Cilliers to get to the site.</p>	<p>11.Eight hundred (800) and more preservation worthy buildings are in the Swartland with the highest concentration of buildings located in the towns of Malmesbury, Moorreesburg, Darling, Riebeek West and Riebeek Kasteel. While the predominant number of heritage resources is residential buildings, there are also a range of commercial, institutional, social and industrial buildings that have been identified. To protect these special qualities and areas a Heritage Overlay Zone and Special Area Overlay Zone are proposed. (SDF 2023-2028). One property (the De Oude Church, which was the first church, built in 1855 in Riebeek Kasteel) in Riebeek Kasteel is covered by the heritage overlay zone and special area.</p> <p>12.Even Ongegund depends on Riebeek West and Riebeek Kasteel and other nearby centres for economic and other social services and infrastructure. The idea for the Riebeek Kasteel shop is an upper end flagship outlet. There will be DIY basics and hardware, like in their Riebeek West shop, but rough hardware such as cement, corrugated iron sheets and roof sheets will only be available at the Riebeek West branch. Customers in Riebeek Kasteel will have the convenience to come to the Riebeek Kasteel shop to order and pay for their items which will not be in stock on site, and which will be delivered from Riebeek West to their homes and building sites.</p> <p>13.The Director: Civil Engineering Services is in favour of the proposed subdivision with due consideration of the access as indicated on the proposed layout.</p>	<p>11. The proposed design will not detract from the character of the area.</p> <p>12. Please refer to the comments above regarding the trading of construction material.</p> <p>Provision needs to be made for a loading bay on-site. This will also be included as a condition of approval should the application be approved.</p> <p>13. The access to the proposed development is deemed sufficient.</p>
D Joubert on behalf of the Tjaila Trust as the owners of	<p>14. Sarel Cilliers & Piet Retief Streets are provincial roads which carry a large volume of traffic, including large volume vehicles such as interlink trucks. Any additional traffic added to this intersection as result of</p>	<p>14.Riebeek Kasteel has access via Hermon Street and Main Street to the Paarl Road (Divisional Road 24/1) to the R45 that connects Malmesbury with Hermon. The R45 is connected to the N7 via the R311 (main route in the Riebeek Valley).</p>	<p>14. The proposal does not pose any danger to the existing road users. Sufficient sight distance is available to allow safe vehicular and pedestrian traffic.</p>

neighbouring properties, erven 366, 990 and 988.	<p>access & egress points to the proposed development will increase the danger of road users, both vehicular & pedestrians.</p> <p>15. The intersection of the one-way street into Piet Retief Street will be obstructed thereby endangering road users, including pedestrians.</p> <p>The increased foot traffic generated by the proposed development along the provincial road of Piet Retief Street will endanger road users, both vehicular and pedestrian. - The old Age Home, ACVV, has facilities located on the Sarel Cilliers one way street and their users will be placed in additional danger because of the extra traffic generated by the proposed development.</p> <p>16. The design of the building with a double story does not fit into the neighbouring building designs and will negatively impact on the privacy of neighbouring residential properties.</p> <p>17. Parking required by visitors to the proposed development will place pressure on neighbouring properties and again endanger road users.</p> <p>18. In their view the subject property should retain its residential status and that a residential building be constructed in keeping with all other neighbouring erven.</p>	<p>15. The following should be developed according to the SDF (2023-2028): surfaced and shaded pedestrian walkway along Main and Kloof streets to integrate Esterhof and central Riebeek Kasteel, and a pedestrian walkway development in Short Street.</p> <p>16. The double storey design was based upon abutting double storey buildings close by.</p> <p>17. The portion allocated for Residential Zone 1 requires one parking per property. Onsite parking bays will be allocated. Eleven parking bays will be provided because the GLA will be 270sqm and 1 parking bay per 25sqm is required. Each parking bay will have a minimum size of 5m X 2.5m. Therefore, the proposed parking complies for this zone.</p> <p>18. The design was based on the existing Victorian style buildings of Riebeek Kasteel and more specifically on the design of the old post office building on the town square. This will be done to contribute towards the architectural and aesthetic narrative of the valley.</p>	<p>15. The intersection will not be obstructed due to the very large road reserve of Piet Retief Street.</p> <p>16. The design does not detract from the character of the area.</p> <p>17. Sufficient parking is provided on-site. Should road users park illegally the potential problem can be mitigated by providing the necessary road markings as well as enforcement of the relevant traffic rules.</p> <p>18. The proposed business premises is situated in the demarcated CBD of Riebeek Kasteel as well as next to an Activity Street. It is therefore supported from a spatial planning point of view.</p>
ACVV Dacoma Trust	<p>19. The transition from a residential to a business zone is fundamentally at odds with the character and intended use of our neighbourhood. This rezoning not only</p>	<p>19. According to the SDF (2023-2028) the town centre has a combination of residential and commercial uses and higher residential developments, and mixed uses should be encouraged along activity streets in the town.</p>	<p>19. Future development is subject to the same spatial planning principles and need to be consistent with the MSDF to possibly be considered favourably.</p>

<p>Tjaila Trust Kasteel Hardware (Pty) Ltd</p>	<p>disrupts the harmony of our residential community but also sets a concerning precedent for future commercial developments in our area.</p> <p>20. Parking along Neighbours' Properties: The proposed parking plans, which include the construction of parking spaces along neighbours' properties, are particularly troubling. This will result in increased traffic congestion, loss of privacy, and potential conflicts over property boundaries. The presence of parked cars so close to residential homes will severely impact the aesthetic and tranquil environment they currently enjoy.</p> <p>21. The construction and daily operations of a hardware store will introduce significant noise pollution. The constant flow of customers, delivery trucks, and the operation of machinery will disrupt the peace and quiet that residents value. This is especially concerning during early mornings and late evenings when residents expect minimal noise.</p> <p>22. The objectors have the following safety concerns:</p> <p>(a) The increased traffic and commercial activity associated with a hardware store pose serious safety risks, particularly for children and the elderly in our community. The likelihood of accidents will rise, and the presence of large delivery vehicles and increased foot traffic could compromise the safety and security of our neighbourhood.</p> <p>(b) The proposed business borders on neighbouring properties which have to date enjoyed unimpeded safety. Plans for the new development should include secure walls all round as well as locked secure</p>	<p>The subject property is in zone B (see above) which allows business uses and secondary business uses.</p> <p>20. The Director: Civil Engineering Services is in favour of the proposed subdivision with due consideration of the access as indicated on the proposed layout.</p> <p>21. This is thus not another hardware store, but an extension of the existing store in the valley. Any building site is a nuisance during office hours, but it is a temporary nuisance. The proposed building is about the size of a family dwelling and the construction time will be similar to that of a house for one family. Therefore, the disruption during construction will be for a short period.</p> <p>22.</p> <p>(a) On the joint open days held between 30 January 2023 and 8 February 2023 for the Spatial Development Framework (SDF) as well as the Integrated Development Plan (IDP) a police structure close to Riebeek Kasteel requested (IDP 2023). The SDF (2023-2028) proposed a satellite Police Station and Fire Station for Riebeek Kasteel</p> <p>(b) Provision of Emergency services i.e., police stations in all Swartland settlements comply with the norms: There is one police station in Riebeek-Kasteel and Riebeek Wes each (Spatial Development Framework 2023-2028).</p>	<p>20. The impact on privacy as well as the presence of park cars so close to neighbouring dwellings can be mitigated with the construction of a boundary wall. Such a mitigation measure could be included as a condition should the application be approved.</p> <p>21. Please refer to the above comments regarding bulk construction material.</p> <p>22. .</p> <p>(a) The proposal does not pose a significant increase in traffic and with sufficient on-site parking, the proposed business premises does not pose any safety concerns for road users.</p> <p>(b) The proposal will not contribute to crime in the area. The comment regarding boundary walls have already been attended to.</p>
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	<p>overnight facilities to deter unwanted elements from squatting/lurking on the premises.</p> <p>(c) The proposed plans suggest parking along the neighbours' borders it is therefore, imperative that strong boundary walls should be constructed.</p>	<p>(c) The portion allocated for Residential Zone 1 requires one parking per property. Onsite parking bays will be allocated. Eleven parking bays will be provided because the GLA will be 270sqm and 1 parking bay per 25sqm is required. Each parking bay will have a minimum size of 5m X 2.5m. Therefore, the proposed parking complies for this zone.</p>	<p>(c) Please refer to the comments above regarding boundary walls.</p>
Gillian & Lesley Barrett	<p>23. Firstly, our village is relatively small, and the need for another hardware store is questionable. We already have sufficient hardware supply options and adding another store of this nature does not seem necessary or beneficial to our community. The presence of an additional hardware store could potentially lead to an oversaturation of similar businesses, which may not be sustainable in our small market.</p> <p>24. Secondly, the objectors are concerned about the use of the other two shops included in the development plan. It is crucial for the well-being and character of our village that these shops are occupied by businesses that contribute positively to our community. strongly hope that these spaces do not become additional liquor stores. The village already has enough establishments of this kind and adding more could negatively impact the community.</p>	<p>23. The idea for the Riebeek Kasteel shop is an upper end flagship outlet. There will be DIY basics and hardware, like in their Riebeek West shop, but rough hardware such as cement, corrugated iron sheets and roof sheets will only be available at the Riebeek West branch. Customers in Riebeek Kasteel will have the convenience to come to the Riebeek Kasteel shop to order and pay for their items which will not be in stock on site, and which will be delivered from Riebeek West to their homes and building sites. In addition, on the mezzanine area, will be a showroom for floor finishes, tiles, vinyl surfaces, a selection of the latest in lighting trends available in South Africa, sanitary ware, taps and mixers, and craft tools for hobbies such as Tjhoko-paint. The arts and crafts people in the valley currently drive long distances for their tools and paints. All of these will be on display on showroom for high end finishes on the mezzanine floor.</p> <p>24. The owner has no intention to open a bottle stoor on the premises, but rather a compatible use such as a pharmacy or an upmarket hobby shop which will fit in with the proposed showroom.</p>	<p>23. The application cannot be rejected on the basis of possible competition in the market.</p> <p>24. Noted. The use of the property may be restricted to shops as proposed in the application. Any future application for the amendment of a condition of approval will be subject to a public participation process as determined by the Municipality.</p>

	<p>25. The objectors also question the need for more shops in general, given that there are always a few vacant units at any given time. The priority should perhaps be to fill these existing vacancies with businesses that meet the needs of the residents, rather than creating new spaces that may remain empty or contribute to an unbalanced commercial landscape.</p> <p>Additionally, the objectors believe it is imperative that the developers provide detailed plans on how they intend to manage the increased traffic that this new development will bring to the area, additional trucks offloading on the corner where ERF 1260 is located.</p> <p>26. In summary while the design of the building itself is commendable, the practical aspects of its use raise significant concerns. The objectors urge the municipality to reconsider the necessity and potential impact of this development on Erf 1260, considering the points raised in this letter.</p>	<p>25. The Director: Civil Engineering Services is in favour of the proposed subdivision with due consideration of the access as indicated on the proposed layout.</p> <p>26. The applicant did not respond to this comment.</p>	<p>25. The market principle of supply and demand is not taken into consideration by Swartland Municipality when considering land use applications.</p> <p>26. Noted. Please refer to the comments above.</p>
S Sallie & S Patel as a resident of Riebeek Kasteel	<p>27. Residential to Business Rezoning:</p> <p>The transition from a residential to a business zone is fundamentally at odds with the character and intended use of our neighbourhood. This rezoning not only disrupts the harmony of our residential community but also sets a concerning precedent for future commercial developments in our area.</p> <p>28. Parking Along Neighbours' Properties:</p> <p>The proposed parking plans, which include the construction of parking spaces along neighbours' properties, are particularly troubling. This will result in increased traffic</p>	<p>27. According to the SDF (2023-2028) the town centre has a combination of residential and commercial uses and higher residential developments, and mixed uses should be encouraged along activity streets in the town. The subject property is in zone B which allows business uses and secondary business uses, and Piet Retief Street and Sarel Cilliers Street were identified as activity streets.</p> <p>28. The Director: Civil Engineering Services is in favour of the proposed subdivision with due consideration of the access as indicated on the proposed layout.</p>	<p>27. Please refer to the comments above regarding the consistency of the proposed application with spatial planning principles.</p> <p>28. Sufficient parking is provided on the site development plan. The applicant will however be required to provide an on-site loading bay as required in terms of the development management scheme.</p>

	<p>congestion, loss of privacy, and potential conflicts over property boundaries. The presence of parked cars so close to residential homes will severely impact the aesthetic and tranquil environment we currently enjoy.</p> <p>29. Noise Pollution:</p> <p>The construction and daily operations of a hardware store will introduce significant noise pollution. The constant flow of customers, delivery trucks, and the operation of machinery will disrupt the peace and quiet that residents value. This is especially concerning during early mornings and late evenings when residents expect minimal noise.</p> <p>30. Safety Concerns:</p> <p>(a) The increased traffic and commercial activity associated with a hardware store pose serious safety risks, particularly for children and the elderly in our community. The likelihood of accidents will rise, and the presence of large delivery vehicles and increased foot traffic could compromise the safety and security of our neighbourhood.</p> <p>(b) The proposed business borders on neighbouring properties which have to date enjoyed unimpeded safety. Plans for the new development should include secure walls all round as well as locked secure overnight facilities to deter unwanted elements from squatting/lurking on the premises.</p>	<p>29. For deliveries the owner will not make use of heavy and construction vehicles, but at most a Hyundai H1 vehicle because large and heavy building materials will not be brought to the business.</p> <p>30.</p> <p>(a) Both Sarel Cilliers street and Piet Retief Street were identified as activity streets and the SDF (2023-2028) support economic activity along activity streets.</p> <p>(b) Provision of Emergency services i.e., police stations in all Swartland settlements comply with the norms: There is one police station in Riebeeck-Kasteel and Riebeeck Wes each (Spatial Development Framework 2023-2028).</p>	<p>29. Please refer to the comments above regarding noise pollution as well as bulk construction material.</p> <p>30.</p> <p>(a) Please refer to the comments above regarding vehicular and pedestrian safety.</p> <p>(b) Please refer to the comments above regarding crime as well as the addition of conditions mitigating privacy concerns.</p>
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	<p>(c) The proposed plans suggest parking along the neighbours' borders it is therefore, imperative that strong boundary walls should be constructed.</p> <p>31. The objectors state that they urge the municipal authorities to reconsider this rezoning application. The potential negative impacts on our community's quality of life, property values, and overall safety are significant. They believe that alternative locations more suited to commercial activities should be explored for the hardware store, preserving the residential nature of the area.</p>	<p>(c) The portion allocated for Residential Zone 1 requires one parking per property. Onsite parking bays will be allocated. Eleven parking bays will be provided for Business Zone 1: General business (BZ1) because the GLA will be 270sqm and 1 parking bay per 25sqm is required. Each parking bay will have a minimum size of 5m x 2.5m (see below from the 2020 Land Use Planning By-Law). Therefore, the proposed parking complies for this zone.</p> <p>The applicant concludes that it is therefore requested that the Municipality views this application favourably. We trust the above response addresses your concerns. Please do not hesitate to contact us should you have any additional queries.</p>	<p>(c) Please refer to the above comments regarding boundary walls.</p> <p>31. The proposal will not have a negative impact on the character of the area, is situated in the CBD as well as along an identified activity street and will not have a detrimental impact on the value of neighbouring properties.</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 17th of May 2024. The public participation process commenced on the 21st of May 2024 and closed on the 24th of June 2024. Objections were received and referred to the applicant for comment on 1st of July 2023. The municipality received the comments on the objection from the applicant on the 4th of July 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 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 in accordance with 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. 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 within the demarcated business centre of the town.

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 property is currently vacant, should it successfully be developed as a business premises it will be able to accommodate a range of businesses, supporting job creation as well as local economic development. Should the proposed

hardware store not be feasible and need to close down, the property can be used for a range of other uses compatible with the Business Zone 1 zoning and will not be detrimental to the character of the area.

Good Administration

The application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. Although some of the objectors refer to them not receiving the notices, the municipality also used electronic communication to the last known e-mail address of the owners of property deemed to be affected by the application. The comments from the relevant municipal departments were also obtained. Consideration is given to all correspondence received and the application is dealt with in a timeously manner. It is therefore argued that the principles of good administration are complied with by the Municipality.

2.2 Provincial Spatial Development Framework (PSDF)

According to the PSDF (2014), 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) 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.**

It is further stated in the PSDF 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 deemed consistent with the PSDF as the proposal will improve the 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.

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 Riebeeck Kasteel is residential / tourism and according to the growth potential study Riebeeck 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)

According to the Swartland IDP 2023 the Municipality's vision is forward thinking 2040, a place where people can live their dreams. The property is currently vacant and therefore rezoning it to accommodate a business premises will certainly contribute to job creation as well as local economic development. Contributing to Strategic Goal 2 of the Swartland IDP.

According to the spatial development proposals of the Swartland MSDF, 2023 the subject property is in Land Use Proposal Zone B. According to the SDF, zone B consist of the identified CBD of Riebeeck Kasteel. Except for industrial it is clear that all types of development are supported within this zone. It should be noted that consistency with the SDF is only one of the considerations that need to be taken in to account and the impact on the character of the area is also evaluated. The proposal as presented does not threaten the character of the area. Please refer to an extract of the land use proposal map of Riebeeck Kasteel on the right.

The proposal is deemed consistent with the Municipal Spatial Development Framework, 2023.

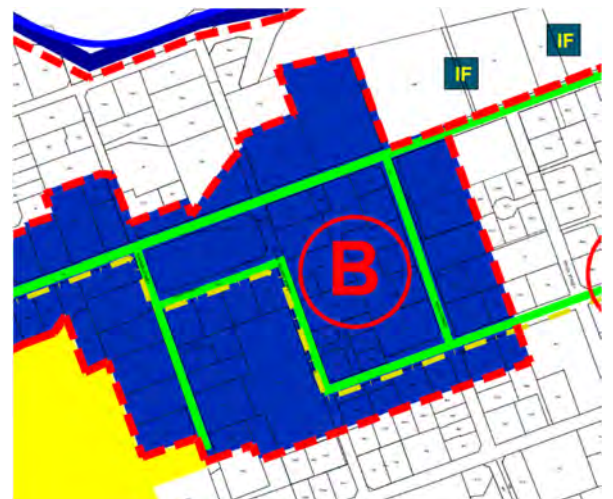


Image 1: Extract of the land use proposal map of Riebeeck Kasteel

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

The proposal complies with the provisions of the applicable development management scheme. With the subdivision and rezoning sufficient space is provided for access, on-site parking as well as the applicable building lines.

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

It is agreed that the general character for the area around Erf 1260 is predominantly mixed use in nature. Like most small towns the CBD for Riebeek Kasteel has not yet been fully developed and you therefore often find businesses being situated next to residential. The proposed application will not detract from the character of the area.

The title deed of Erf 1260 does not contain any restrictions that prohibits the development proposal.

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

The proposed development will not have a negative impact on the municipality's ability to provide services to the community of Riebeek Kasteel.

The proposed development is situated within the urban edge of Riebeek Kasteel and 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.

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**

The impact of the proposed development on municipal engineering services is deemed 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 roads, water as well as sewerage.

5. **Response by applicant**

Refer to Annexure N.

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

Comments were received from ESKOM as well as the Provincial Department of Infrastructure.

Eskom states that it has no objection to the proposed work and included a drawing indicating Eskom Overhead and underground services in close proximity. It is noted that underground services indicated are only approximate and the onus is on the applicant to verify its location and there may be LV overhead services / connections not indicated on this drawing. It is also confirmed that, should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Therefore, the applicant should apply for a working permit before they start construction. The general conditions as contained in the letter dated 12 June 2024 is noted and can be included as conditions of approval should the application be approved. Please refer to Annexure I attached herewith.

The Chief Directorate: Road Planning of the Department of Infrastructure confirmed in their letter dated 2 July 2024 that they do not object to the proposed rezoning application.

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 within the CBD as well as next to an identified activity street.

Development of this vacant piece of land within the CBD of Riebeek Kasteel will definitely add value benefitting the community of Riebeek Kasteel through long term gains.

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

The application for the rezoning of erf 1260, Riebeek Kasteel from Residential Zone 1 to Business Zone 1 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 AND BUILDING CONTROL

- (a) The use of erf 1260 be restricted to the operation of shops as presented in the application;
- (b) The storage of and trade in bulk construction materials on the subject property be prohibited;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) On-site parking be provided in accordance with the requirements of the development management scheme including at least one (1) loading bay. The parking area as well as the sidewalk giving access to the property, on both streets, be provide with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality and that the parking bays and loading bay are clearly marked;
- (e) Application for the erection of advertising signs be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) Boundary walls, at least 1,8m high be provided on both side boundaries in order to screen the proposed parking area from the neighbouring residential erven.
- (g) Where floodlights are installed in order to illuminate the parking area, it be confined to the boundaries of the property. Lighting should therefore not spill over to neighbouring properties to the effect that it is deemed unreasonable by the Municipality;
- (h) Deliveries may only be done on-site and may therefore not be made from the road reserve or from neighbouring properties. Delivery vehicles be restricted to vehicles where the gross vehicle mass does not exceed 16 000kg;
- (i) With the access to the shop being proposed on the corner, a detailed Landscape Plan be submitted to the Senior Manager: Development Management, for consideration and approval;

2. WATER

- (a) The property be provided with a single water connection and no additional connections be provided.

3. SEWERAGE

- (a) The property be provided with a single sewer connection and no additional connections be provided.

4. REFUSE REMOVAL

- (a) The basic refuse removal tariff be levied per business which be amended according to the amounts of refuse removed;
- (b) The refuse be placed in refuse bags on the nearest municipal sidewalk on the morning of refuse removal;

5. DEVELOPMENT CHARGES

- (a) The applicable development charges be calculated on building plan stage;

6. ESKOM

- (a) The owner / developer applies for a working permit before construction commence;
- (b) Works be cared out as indicated on the plans;
- (c) No mechanical plant be used within 3m of Eskom underground cables;
- (d) The following building and tree restriction on either side of a centre line of overhead power lines be observed:

Voltage	Building restriction on either side of the centre line
11kV & 22kV	9m
66kV & 22kV	11m
132kV	15,5m

- (e) No construction work may be executed closer than 6m from any Eskom structure or structure supporting mechanism;
- (f) The natural ground level be maintained within the Eskom reserve areas and servitudes;
- (g) No work or machinery permitted nearer than the following distances from conductors:

Voltage	No closer than:
11kV & 22kV	3m
66kV & 22kV	3,2m
132kV	3,8m

- (h) The minimum ground clearance of the overhead power line be maintained to the following clearance distance:

Voltage	Safety clearance above road
11kV & 22kV	6,3m
66kV & 22kV	6,9m
132kV	7,5m

- (i) A 10m obstruction free zone to be maintained around all pylons;
- (j) Any development which necessitates the relocation of Eskom's services will be to the account of the developer;

7. GENERAL

- (a) Should it be determined necessary to expand or relocate any of the engineering services in order to provide any of the portions with separate connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (b) 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 for or against the appeal;
- (c) All conditions of approval be implemented before clearance 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/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 title deed of Erf 1260 does not contain any restrictions that prohibits the development proposal.
2. There is no physical restriction on the property that negatively impacts the proposal.
3. The proposed development will not have a negative impact on the municipality's ability to provide services to the community of Riebeek Kasteel.
4. The proposed development is situated within the urban edge as well as demarcated Central Business District of Riebeek Kasteel. It will result in commercial use along an identified activity street which is supported by local, district as well as provincial planning principles and policy.
5. The proposed development will not have a negative impact on any heritage or environmental resources.
6. 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).
7. The proposal is deemed consistent with the Municipal Spatial Development Framework (MSDF), 2023.
8. The proposal will result in job creation as well as local economic development which is in the interest of the community of Riebeek Kasteel.


PART N: ANNEXURES

Annexure A	Locality plan
Annexure B	Site development plan
Annexure C	Public Participation Plan
Annexure D	Objection from Alison Soanes
Annexure E	Objection from JNF Botha
Annexure F	Objection from D Joubert on behalf of the Tjaila Trust
Annexure G	Objection from G Barret
Annexure H	Objection from ACVV, Dacoma Trust, Tjaila Trust and Kasteelberg Hardware PTY Ltd
Annexure I	Objection from MS Sallie and S Patel
Annexure J	Applicants comments on the objections
Annexure K	Comments Dept of Infrastructure
Annexure L	Comments Eskom
Annexure M	Photos

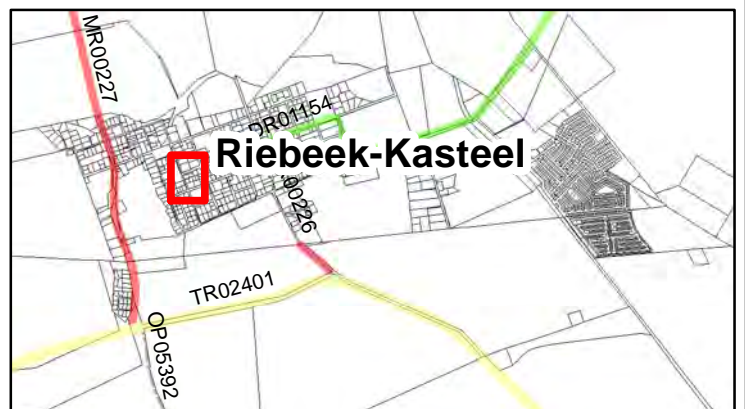
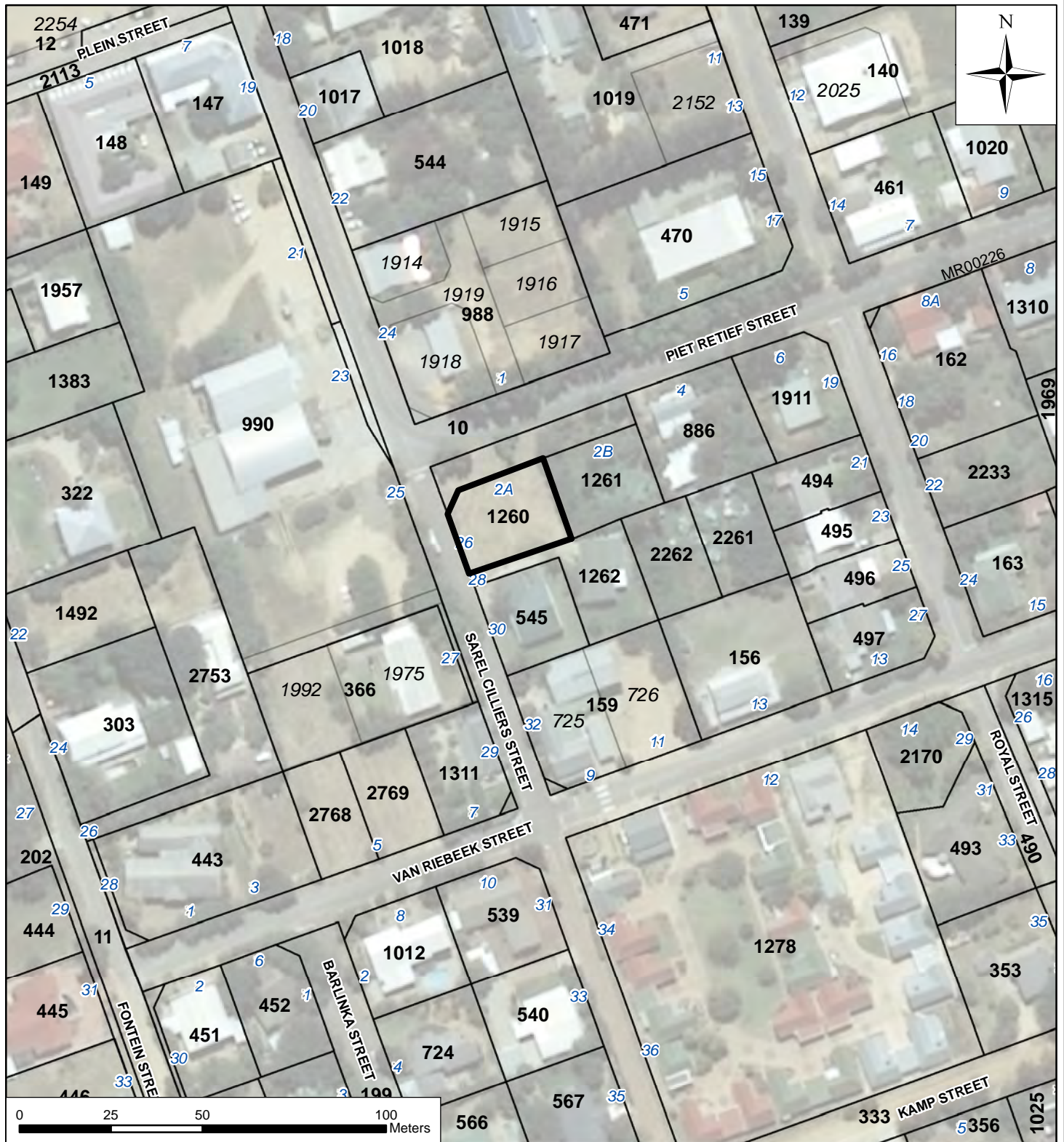
PART O: APPLICANT DETAILS

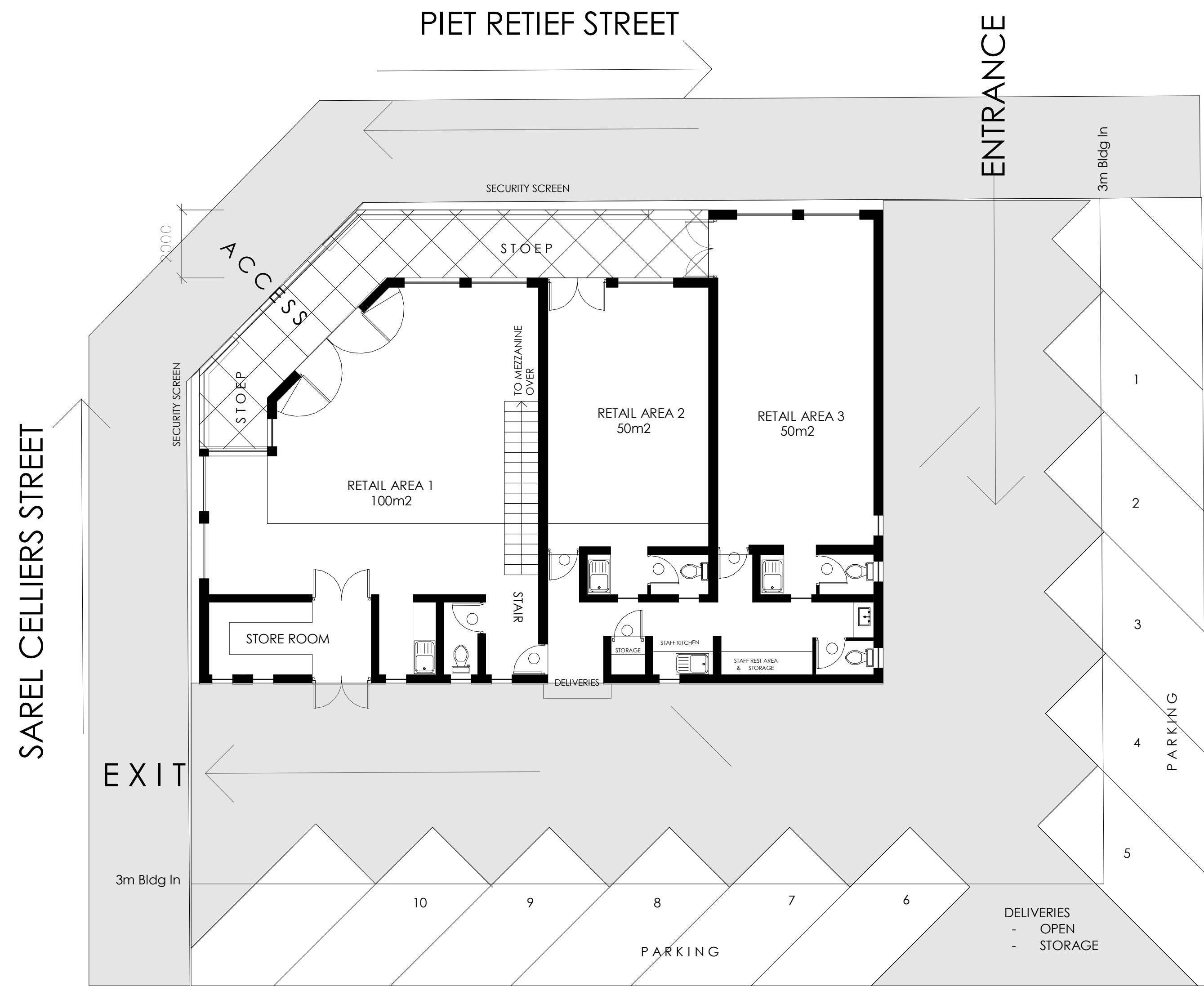
Name	High Wave Consultants			
Registered owner(s)	Maracor CC	Is the applicant authorised to submit this application?	Yes	N

PART P: SIGNATURES

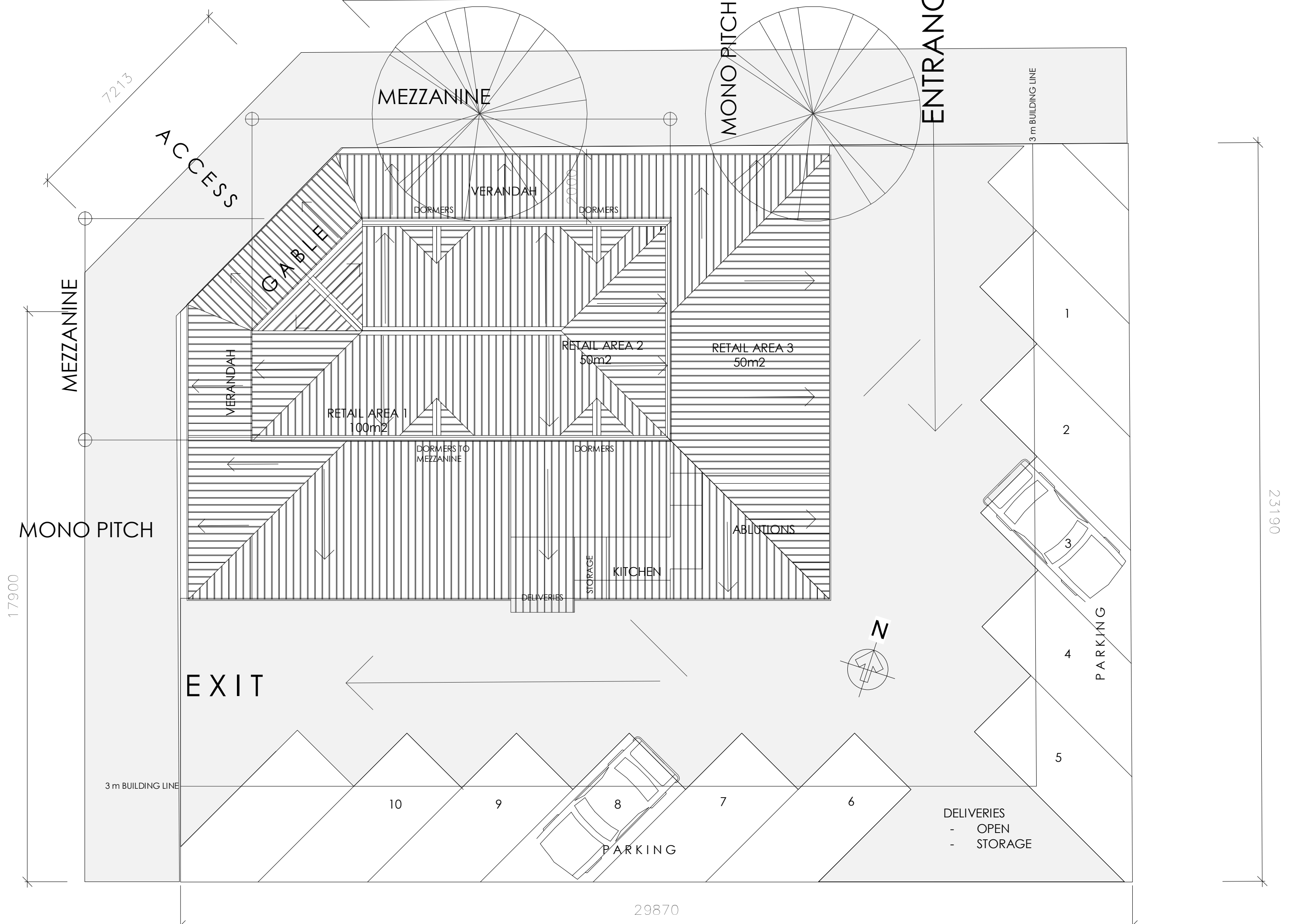
Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		Date: 1 August 2024		
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: A/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 2 August 2024		

LOCATION PLAN OF ERF 1260, RIEBEEK KASTEEL





GROUND FLOOR PLAN
SCALE 1: 100



ROOF & SITE STUDY
SCALE 1: 100



NORTH ELEVATION
SCALE 1: 100

AREA SCHEDULE	
ERF SIZE:	677M ²
TOTAL BUILT AREA	355M²
STOEP :	34M ²
RETAIL AREA:	236M ²
MEZZANINE:	85M ²
GLA:	270m2
1 parking bay per 25m2 = 11 parking spots required	



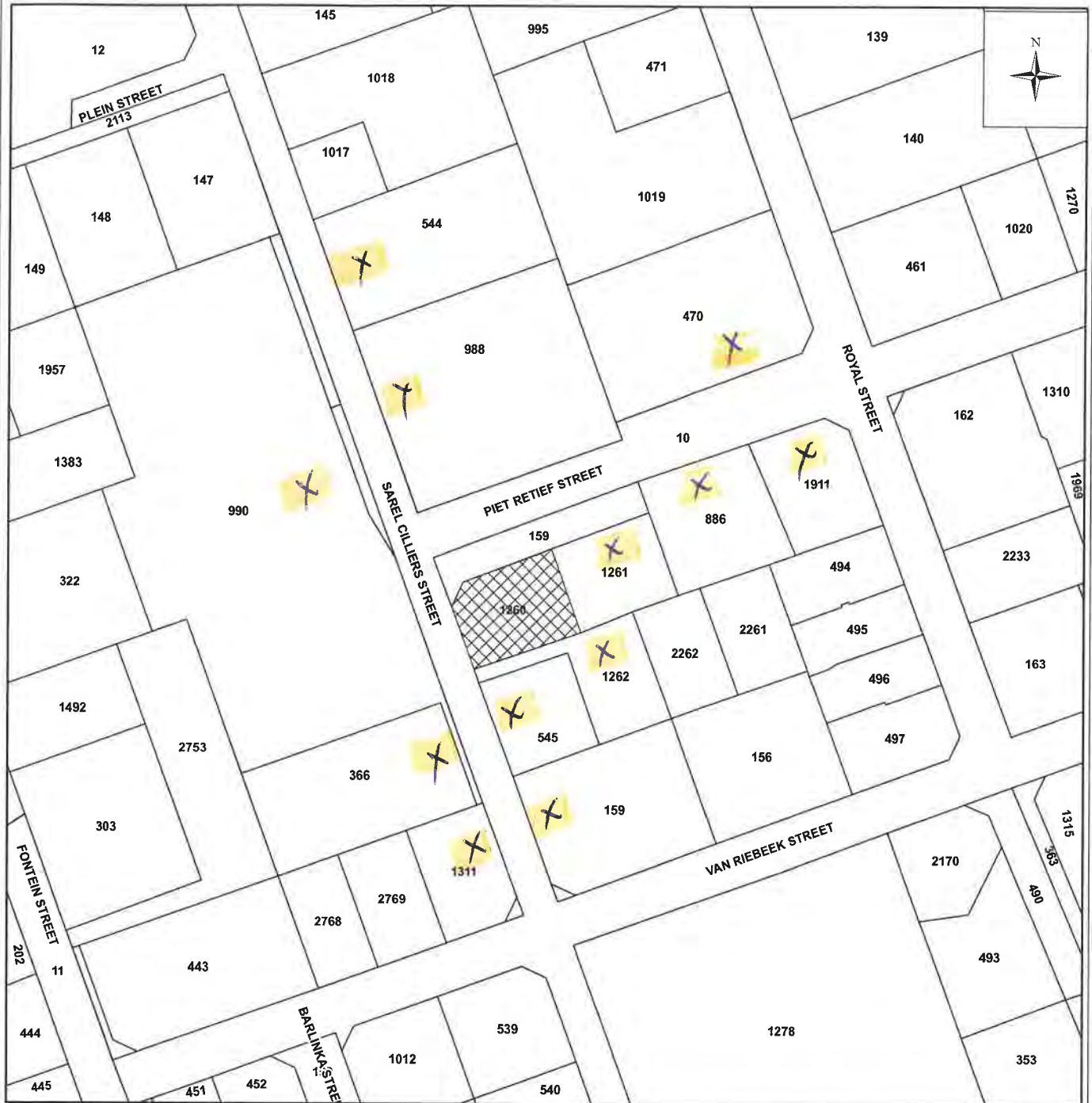
+27 64 514 0496 | info@archonmain.co.za
115 Hoof Road, Wellington, 7655

Client
MR. A. LOTZ

Project
SITE DEVELOPMENT PLAN

Drawing title PLANS & ELEVATION	Scale on A1 As indicated Date 30/04/2023
Drawing no. 4119 - 00	Revision 01
Drawn WAF/NVZ	Checked WAF

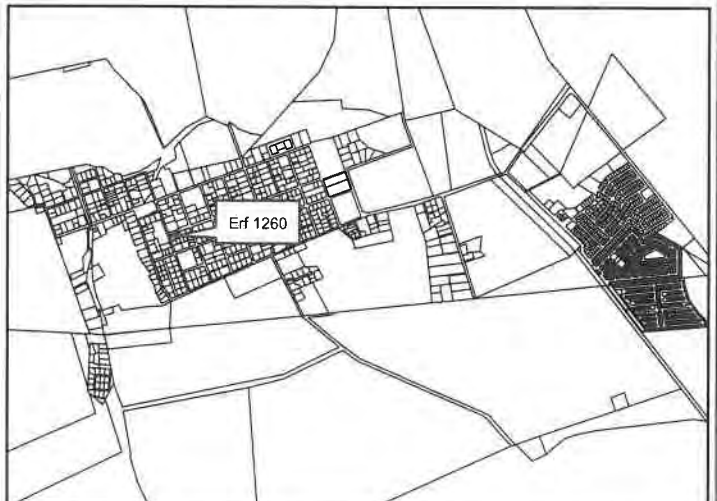
Liggingsplan



Voorgestelde hersonering

Erf 1260, Riebeek Kasteel**Publieke deelname**

Skaal : NVT



From: Alison Prest <alisonprest@gmail.com>
Sent: Friday, 21 June 2024 12:59
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objections Erf 1260 development Riebeek Kasteel

21 June 2024
Alison Soanes (Prest)
4 Piet Retief Street Erf 1261
Riebeek Kasteel
alisonprest@gmail.com

OBJECTION TO REZONING erf 1260 from Residential to Business

My Objections to rezoning from residential to business

1. This area of Riebeek has been densified 100-fold in the last few years with some stands having two homes. By allowing business on the last piece of land on this block will start the breakdown of the community.
2. By permitting the rezoning to business, as the neighbour this will alter the value of my property, developers only want the land, not what I have created. Nobody comes to live in the country to have a hardware shop carpark next door and across the road. (you do know there is a hardware shop across the road)???
3. To hear the sound of trucks reversing and hardware material being delivered and workmen hanging around puts pressure on my property to sell and revert it to business, as a rate payer it is very disappointing.
4. Over 30 years I have nurtured what is now called Riebeek Botanical Garden, promoted by tourism, on the visitor's map. This initiative and collection of plants will be threatened as a tourist attraction.
5. Traffic congestion, town planning has not provided many pavements, Sarel Celliers road is a walkway for many residents, the exit of this development converges with 3 other driveways and into a one-way narrow road. People will not ride around the block to park but park on the road. Never mind the traffic entering the car park.
6. Business creates a weak link in security for residential inhabitants.
7. The architectural narrative, being a tourist town with very few historical buildings left, the style of the proposed building distracts from the lovely Art Deco garage. Sadly, the property ERF886 a wonderful historical house totally subdued to submission with the monster house built next door. We need aesthetics and a narrative of architecture in this valley that will hold its own for the next generation.

As a pensioner, having paid my rates for 35 years and from past experience of writing these letters and never getting feedback and hearing of the difficulties of Springbok Hill, and wondering how Erf 1911 got to take the pavement, are our OBJECTIONS really taken into account??

The minimum Town planning can agree to is a wall gets built around the two sides of the residential properties before development starts. The car park is a metre and half away from my boundary. At night the car park is locked off by two gates at each end of the car park and there are no bright lights shining on our properties at night.

I would really value feedback on the decisions made to the property.

Regards

Alison Soanes (Prest)

29 Sarel Cilliers Street (Erf 1311)
Riebeek-Kasteel

The Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury
7299

24 June 2024

To the Municipal Manager

PROPOSED REZONING OF ERF 1260, RIEBEEK-KASTEEL (NOTICE 85/203/2024)

As the owner of 29 Sarel Cilliers Street (Erf 1311), Riebeek-Kasteel, I object to the rezoning of Erf 1260, Riebeek-Kasteel, from a single residential zone 1 to a business zone 1, in order to construct a hardware store.

My property is located in a one-way street on the corner of Van Riebeek and Sarel Cilliers streets across from the ACVV retirement complex. Although the application states that Sarel Cilliers Street will only be used as an exit to the proposed new development, this will increase traffic of a one-way in a residential zone. Although parking is provided for, customers will use Sarel Cilliers Street for parking. Traffic will be increased in Van Riebeek and Sarel Cilliers streets, something that will be problematic and increase risk of injury for elderly residents of the retirement village and the ACVV hall. The ACVV hall is opposite our garage and parking for their daily events already congests this one-way.

Hardware stores are usually situated in semi-industrial areas, not in the middle of residential areas, definitely not in historic towns. Riebeek-Kasteel does not need another hardware store. There is a hardware store across the road, and two more stores in Riebeek-West. Maracor in Riebeek-West delivers to the village. Because of competition, this new development will most likely become vacant in the next few years. In Riebeek-Kasteel there are already commercial spaces standing empty.

My property is a protected heritage house, one of the oldest buildings in the village. The property adds to the character of the town, drawing visitors. Yet another hardware store so close to the town's historic centre will affect the character greatly and threaten its thriving tourism.

Erf 545 and 1262, which is a pan-handle, will be greatly affected in terms of privacy and noise, especially seeing that the proposal is for a hardware store. The delivery area for building and construction material will be a few metres away from their house. Also, the allocation for building materials is inadequate for a hardware store. It is my view that the parking bays indicated on the proposal will be used to store construction materials.

The proposed entrance in Piet Retief Street is on a blind corner. Due to the complexity of this entrance, people will use Sarel Cilliers to get to the site.

Yours faithfully,



JNF Botha, 29 Sarel Cilliers Street

TJAILA TRUST

REG NO: IT 345 - 2007

23 Sarel Cilliers Street
Riebeeck Kasteel
7300

TEL NO: (022) 4481 252

BTW NO: 403 023 9307

24 June 2024

The Municipal Manager
Malmesbury

Dear Sir / Madam

Email: swartlandmun@swartland.org.za

OBJECTION TO REZONING OF ERF1260, RIEBEEK KASTEEL (NOTICE 85/2023/2024)

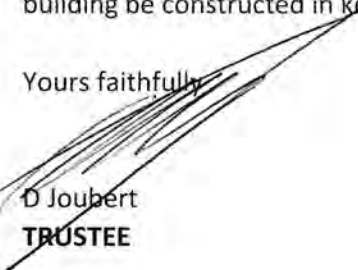
With reference to your letter with reference number 15/3/3-11/ERF_1260.

The Tjaila Trust is influenced by any such rezoning & development as the Trust owns land on the opposite sides of Sarel Cilliers & Piet Retief Streets, i.e Erven 366, 990 and 988.

We would like to register the following objections to the proposed above - mentioned development:

- Sarel Cilliers & Piet Retief Streets are provincial roads which carry a large volume of traffic, including large volume vehicles such as interlink trucks. Any additional traffic added to this intersection as a result of access & egress points to the proposed development will increase the danger of road users, both vehicular & pedestrians.
- The intersection of the one way street into Piet Retief Street will be obstructed thereby endangering road users, including pedestrians.
- The increased foot traffic generated by the proposed development along the provincial road of Piet Retief Street will endanger road users, both vehicular and pedestrian.
- The old Age Home, ACVV, has facilities located on the Sarel Cilliers one way street and their users will be placed in additional danger because of the extra traffic generated by the proposed development.
- The design of the building with a double story does not fit into the neighbouring building designs and will negatively impact on the privacy of neighbouring residential properties.
- Parking required by visitors to the proposed development will place pressure on neighbouring properties and again endanger road users.
- It is our view that the Erf should retain it's residential status and that a residential building be constructed in keeping with all other neighbouring erven.

Yours faithfully,


D Joubert
TRUSTEE

24 June 2024

To the Municipality Manager

Re: Objection to Proposed Development on ERF 1260

I am writing to formally object to the proposed development on ERF 1206, as outlined in the recent planning application. While I appreciate that the aesthetics of the proposed building are in keeping with the surrounding structures and have no objections in that regard, I do have several concerns about the planned use of the development.

Firstly, our village is relatively small, and the need for another hardware store is questionable. We already have sufficient hardware supply options, and adding another store of this nature does not seem necessary or beneficial to our community. The presence of an additional hardware store could potentially lead to an oversaturation of similar businesses, which may not be sustainable in our small market.

Secondly, I am concerned about the use of the other two shops included in the development plan. It is crucial for the well-being and character of our village that these shops are occupied by businesses that contribute positively to our community. I strongly hope that these spaces do not become additional liquor stores. The village already has enough establishments of this kind, and adding more could negatively impact the community.

Moreover, I question the need for more shops in general, given that there are always a few vacant units at any given time. The priority should perhaps be to fill these existing vacancies with businesses that meet the needs of the residents, rather than creating new spaces that may remain empty or contribute to an unbalanced commercial landscape.

Additionally, I believe it is imperative that the developers provide detailed plans on how they intend to manage the increased traffic that this new development will bring to the area, additional trucks offloading on the corner where ERF 1206 is located.

In summary, while the design of the building itself is commendable, the practical aspects of its use raise significant concerns. I urge the municipality to reconsider the necessity and potential impact of this development on ERF 1206, considering the points raised in this letter.

Thank you for considering my objections. I trust that you will take these concerns into account in your deliberations.

Yours faithfully,

Gillian & Lesley Barrett

ERF 886

The Municipal Manager
Swartland
Private Bag X52, Malmesbury
7299

Dear Municipal Manager,

Re: Erf 1260 – Piet Retief Street 2A - Objection to Proposed Construction of Hardware Store and Rezoning of Residential Area

I am writing to formally object to the proposed construction of a hardware store at Erf 1260 – Piet Retief Street 2A - and the associated rezoning of this area from residential to business rights. As a resident of this community, I am deeply concerned about the negative impacts this development will have on our neighbourhood.

1. **Residential to Business Rezoning:** The transition from a residential to a business zone is fundamentally at odds with the character and intended use of our neighbourhood. This rezoning not only disrupts the harmony of our residential community but also sets a concerning precedent for future commercial developments in our area.
2. **Parking Along Neighbours' Properties:** The proposed parking plans, which include the construction of parking spaces along neighbours' properties, are particularly troubling. This will result in increased traffic congestion, loss of privacy, and potential conflicts over property boundaries. The presence of parked cars so close to residential homes will severely impact the aesthetic and tranquil environment we currently enjoy.
3. **Noise Pollution:** The construction and daily operations of a hardware store will introduce significant noise pollution. The constant flow of customers, delivery trucks, and the operation of machinery will disrupt the peace and quiet that residents value. This is especially concerning during early mornings and late evenings when residents expect minimal noise.
4. **Safety Concerns:**
 1. The increased traffic and commercial activity associated with a hardware store pose serious safety risks, particularly for children and the elderly in our community. The likelihood of accidents will rise, and the presence of large delivery vehicles and increased foot traffic could compromise the safety and security of our neighborhood.
 2. The proposed business borders on neighbouring properties which have to date enjoyed unimpeded safety. Plans for the new development should include secure walls all round as well as locked secure overnight facilities to deter unwanted elements from squatting/lurking on the premises.
 3. The proposed plans suggest parking along the neighbours' borders – it is therefore imperative that strong boundary walls should be constructed.

We, the undersigned residents, urge the municipal authorities to reconsider this rezoning application. The potential negative impacts on our community's quality of life, property values, and overall safety are significant. We believe that alternative locations more suited to commercial activities should be explored for the hardware store, preserving the residential nature of our area.

Thank you for considering our objections. We trust that the decision will prioritize the well-being and interests of the current residents.

Sincerely,

Ged-

Manager (ACVV)

9 Van Riebeeck Street

083 288 2902

Epico

Dacoma Trust

9 Piet Retief Street

Riebeeck Kasteel

082 809 6595

~~ITAJA TRUST (DANIE JOUBERT~~

~~24 SARIE CILLIER STREET~~

~~24 " "~~

~~23 SARIE CILLIER STREET~~

~~082 559 6048~~

g...
Kasteel Hofwagere (pny) v/d
25 Sarie Cillier St
Riebeeck Kasteel

MS Sallie and S Patel
26 Sarel Cilliers, Riebeeck Kasteel
7307
shareef.sallie@gmail.com
082 455 2587
24 June 2024

The Municipal Manager
Swartland
Private Bag X52, Malmesbury
7299

Dear Municipal Manager,

Re: Erf 1260 – Piet Retief Street 2A - Objection to Proposed Construction of Hardware Store and Rezoning of Residential Area

I am writing to formally object to the proposed construction of a hardware store at Erf 1260 – Piet Retief Street 2A - and the associated rezoning of this area from residential to business rights. As a resident of this community, I am deeply concerned about the negative impacts this development will have on our neighbourhood.


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 2. The proposed business borders on neighbouring properties which have to date enjoyed unimpeded safety. Plans for the new development should include secure walls all round as well as locked secure overnight facilities to deter unwanted elements from squatting/lurking on the premises.
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Thank you for considering our objections. We trust that the decision will prioritize the well-being and interests of the current residents.

Sincerely,

MS Sallie and S Patel



* PLEASE NOTE : ① there is already an existing Maracor store in Riebeck Wes - 7 minutes' drive away from this proposed premises use

② there is an existing hardware store opposite this proposed premise's use. We definitely do not need another Maracor store in Riebeck Kasteel / Valley.



HIGH WAVE

CONSULTANTS

Suite 23

Private Bag X3

Malmesbury

7299

Reference: 15/3/3-11 /Erf_ 1260

4 July 2024

The Municipal Manager
Department Development Services
Private Bag X52
Malmesbury
7299
Attention: Ms D N Stallenberg

Dear Ms Stallenberg

OBJECTIONS: PROPOSED REZONING OF ERF 1260, RIEBEEK KASTEEL

This letter serves as a response to the comments and objections received during the public participation phase.

Notice was given in terms of Section 65 of the Swartland Municipality: Municipal Land Use Planning By Law (PG 8226 of 25_March 2020) to the adjacent property owners and sufficient time was given to send their comments and objections with regards to application on the above-mentioned property. Six letters with comments and/ or objections were received from the following objectors: Alison Soanes (Prest), J N F Botha, D Joubert, ACVV, Dacomas Trust, Thaila Trust, Kasteel Hardware, Gillian & Lesley Barrett and M S Sallie & S Patel during the commenting period.

Highwave Consultants (as the Applicant) is given the opportunity to provide the above-mentioned office with our written response to the comments received on the above-mentioned application. Kindly find our responses below.

1. Alison Soanes (Prest)

1. This area of Riebeek has been densified 100 fold in the last few years with some stands having two homes. By allowing business on the last piece of land on this block will start the breakdown of the community.

Response: The application is supported as follows by recent policies and plans: The 2023 Integrated Development Plan (IDP) views Riebeek Kasteel as an agricultural service centre that should be maintained and strengthened. Respondents voted for Local Economic Development as one of the top four functions of Swartland Municipality.

2. By permitting the rezoning to business, as the neighbour this will alter the value of my property, developers only want the land, not what I have created. Nobody comes to live in the country to have a hardware shop carpark next door and across the road. (you do know there is a hardware shop across the road)???

Response: Mixed use is encouraged along activity streets and link roads in Riebeek Kasteel (SDF 2023-2028). A need for GAP housing was determined in Riebeek Kasteel and not a need for low density housing (SDF 2023-2028).

3. To hear the sound of trucks reversing and hardware material being delivered and workmen hanging around puts pressure on my property to sell and revert it to business, as a rate payer it is very disappointing.

Response: According to the SDF (2023-2028) the town centre has a combination of residential and commercial uses and higher residential developments, and mixed uses should be encouraged along activity streets in the town. The subject property is in zone B which allows business uses and secondary business uses:

RIEBEEK KASTEEL LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	Secondary Educational Uses	Place of Education	Professional Services	Business Uses	Secondary Business Uses	Place of Worship	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
B	Zone B is the Central Business District with business and other relevant uses.	X	X	X 4	X	X	X	X	X	X	X	X	X	X	

4. Over 30 years have nurtured what is now called Riebeek Botanical Garden, promoted by tourism, on the visitor's map. This initiative and collection of plants will be threatened as a tourist attraction.

Response: The idea for the Riebeek Kasteel shop is an upper end flagship outlet. There will be DIY basics and hardware, like in their Riebeek West shop, but rough hardware such as cement, corrugated iron sheets and roof sheets will only be available at the Riebeek West branch. Customers in Riebeek Kasteel will have the convenience to come to the Riebeek Kasteel shop to order and pay for their items which will not be in stock on site, and which will be delivered from Riebeek West to their homes and building sites. In addition, on the mezzanine area, will be a showroom for floor finishes, tiles, vinyl surfaces, a selection of the latest in lighting trends available in South Africa, sanitary ware, taps and mixers, and craft tools for hobbies such as chocopaint. The arts and crafts people in the valley currently drive long distances for their tools and paints. All of these will be on display on showroom for high end finishes on the mezzanine floor.

5. Traffic congestion, town planning has not provided many pavements, Sarel Celliers road is a walkway for many residents, the exit of this development converges with 3 other driveways and into a one way narrow road. People will not ride around the block to park but park on the road. Never mind the traffic entering the car park.

Response: The Director: Civil Engineering Services is in favour of the proposed subdivision with due consideration of the access as indicated on the proposed layout.

6. Business creates a weak link in security for residential inhabitants.

Response: On the joint open days held between 30 January 2023 and 8 February 2023 for the Spatial Development Framework (SDF) as well as the Integrated Development Plan (IDP) a police structure close to Riebeek Kasteel requested (IDP 2023). The SDF (2023-2028) proposed a satellite Police Station and Fire Station for Riebeek Kasteel

7. The architectural narrative, being a tourist town with very few historical buildings left, the style of the proposed building distracts from the lovely Art Deco garage. Sadly, the property ERF886 a wonderful historical house totally subdued to submission with the monster house built next door. We need aesthetics and a narrative of architecture in this valley that will hold its own for the next generation.

Response: The design was based on the existing Victorian style buildings of Riebeek Kasteel and more specifically on the design of the old post office building on the town square. This will be done to contribute towards the architectural and aesthetic narrative of the valley.

2. JN F Botha

My property is located in a one-way street on the corner of Van Riebeek and Sarel Cilliers streets across from the ACW retirement complex. Although the application states that Sarel Cilliers Street will only be used as an exit to the proposed new development, this will increase traffic of a one-way in a residential zone. Although parking is provided for, customers will use Sarel Cilliers Street for parking. Traffic will be increased in Van Riebeek and Sarel Cilliers streets, something that will be problematic and increase risk of injury for elderly residents of the retirement village and the ACVV hall. The ACW hall is opposite our garage and parking for their daily events already congests this one-way.

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Hardware stores are usually situated in semi-industrial areas, not in the middle of residential areas, definitely not in historic towns. Riebeek-Kasteel does not need

another hardware store. There is a hardware store across the road, and two more stores in Riebeek-West. Maracor in Riebeek-West delivers to the village. Because of competition, this new development will most likely become vacant in the next few years. In Riebeek-Kasteel there are already commercial spaces standing empty.

Response: The idea for the Riebeek Kasteel shop is an upper end flagship outlet. There will be DIY basics and hardware, like in their Riebeek West shop, but rough hardware such as cement, corrugated iron sheets and roof sheets will only be available at the Riebeek West branch. Customers in Riebeek Kasteel will have the convenience to come to the Riebeek Kasteel shop to order and pay for their items which will not be in stock on site, as explained below, and which will be delivered from Riebeek West to their homes and building sites. In addition, on the mezzanine area, will be a showroom for floor finishes, tiles, vinyl surfaces, a selection of the latest in lighting trends available in South Africa, sanitary ware, taps and mixers, and craft tools for hobbies such as chocopaint. The arts and crafts people in the valley currently drive long distances for their tools and paints. All of these will be on display on showroom for high end finishes on the mezzanine floor.

My property is a protected heritage house, one of the oldest buildings in the village. The property adds to the character of the town, drawing visitors. Yet another hardware store so close to the town's historic centre will affect the character greatly and threaten its thriving tourism.

Response: Eight hundred (800) and more preservation worthy buildings are in the Swartland with the highest concentration of buildings located in the towns of Malmesbury, Moorreesburg, Darling, Riebeek West and Riebeek Kasteel. While the predominant number of heritage resources is residential buildings, there are also a range of commercial, institutional, social and industrial buildings that have been identified. To protect these special qualities and areas a Heritage Overlay Zone and Special Area Overlay Zone are proposed. (SDF 2023-2028). One property (the De Oude Church, which was the first church, built in 1855 in Riebeek Kasteel) in Riebeek Kasteel is covered by the heritage overlay zone and special area.

Erf 545 and 1262, which is a pan-handle, will be greatly affected in terms of privacy and noise, especially seeing that the proposal is for a hardware store. The delivery area for building and construction material will be a few metres away from their house. Also, the allocation for building materials is inadequate for a hardware store. It is my view that the parking bays indicated on the proposal will be used to store construction materials.

Response: Even Ongegend depends on Riebeek West and Riebeek Kasteel and other nearby centres for economic and other social services and infrastructure. The idea for the Riebeek Kasteel shop is an upper end flagship outlet. There will be DIY basics and hardware, like in their Riebeek West shop, but rough hardware such as cement, corrugated iron sheets and roof sheets will only be available at the Riebeek West branch. Customers in Riebeek Kasteel will have the convenience to come to the Riebeek Kasteel shop to order and pay for their items which will not be in stock on site, and which will be delivered from Riebeek West to their homes and building sites.

The proposed entrance in Piet Retief Street is on a blind corner. Due to the complexity of this entrance, people will use Sarel Cilliers to get to the site

Response: The Director: Civil Engineering Services is in favour of the proposed subdivision with due consideration of the access as indicated on the proposed layout.

3. D Joubert

The Tjaila Trust is influenced by any such rezoning & development as the Trust owns land on the opposite sides of Sarel Cilliers & Piet Retief Streets, i.e Erven 366, 990 and 988. We would like to register the following objections to the proposed above - mentioned development:

- Sarel Cilliers & Piet Retief Streets are provincial roads which carry a large volume of traffic, including large volume vehicles such as interlink trucks. Any additional traffic added to this

intersection as result of access & egress points to the proposed development will increase the danger of road users, both vehicular & pedestrians.

Response: Riebeek Kasteel has access via Hermon Street and Main Street to the Paarl Road (Divisional Road 24/1) to the R45 that connects Malmesbury with Hermon. The R45 is connected to the N7 via the R311 (main route in the Riebeek Valley).

- The intersection of the one way street into Piet Retief Street will be obstructed thereby endangering road users, including pedestrians.
- The increased foot traffic generated by the proposed development along the provincial road of Piet Retief Street will endanger road users, both vehicular and pedestrian.
- The old Age Home, ACVV, has facilities located on the Sarel Cilliers one way street and their users will be placed in additional danger because of the extra traffic generated by the proposed development.

Response: The following should be developed according to the SDF (2023-2028): surfaced and shaded pedestrian walkway along Main and Kloof streets to integrate Esterhof and central Riebeek Kasteel, and a pedestrian walkway development in Short Street.

The design of the building with a double story does not fit into the neighbouring building designs and will negatively impact on the privacy of neighbouring residential properties.

Response: The double storey design was based upon abutting double storey buildings close by.

- Parking required by visitors to the proposed development will place pressure on neighbouring properties and again endanger road users.

Response: The portion allocated for Residential Zone 1 requires one parking per property. On site parking bays will be allocated. Eleven parking bays will be provided because the GLA will be

270sqm and 1 parking bay per 25sqm is required. Each parking bay will have a minimum size of 5m X 2.5m. Therefore, the proposed parking complies for this zone.

It is our view that the Erf should retain its residential status and that a residential zoning with all other neighbouring erven

Response: The design was based on the existing Victorian style buildings of Riebeeck Kasteel and more specifically on the design of the old post office building on the town square. This will be done to contribute towards the architectural and aesthetic narrative of the valley.

4. ACVV, Dacoma Trust, Thaila Trust and Kasteel Hardware

Residential to Business Rezoning: The transition from a residential to a business zone is fundamentally at odds with the character and intended use of our neighbourhood. This rezoning not only disrupts the harmony of our residential community but also sets a concerning precedent for future commercial developments in our area.

Response: According to the SDF (2023-2028) the town centre has a combination of residential and commercial uses and higher residential developments, and mixed uses should be encouraged along activity streets in the town. The subject property is in zone B (see above) which allows business uses and secondary business uses.

2. Parking along Neighbours' Properties: The proposed parking plans, which include the construction of parking spaces along neighbours' properties, are particularly troubling. This will result in increased traffic congestion, loss of privacy, and potential conflicts over property boundaries. The presence of parked cars so close to residential homes will severely impact the aesthetic and tranquil environment we currently enjoy.

Response: The Director: Civil Engineering Services is in favour of the proposed subdivision with due consideration of the access as indicated on the proposed layout.

3. Noise Pollution: The construction and daily operations of a hardware store will introduce significant noise pollution. The constant flow of customers, delivery trucks, and the operation of machinery will disrupt the peace and quiet that residents value. This is especially concerning during early mornings and late evenings when residents expect minimal noise.

Response: This is thus not another hardware store, but an extension of the existing store in the valley. Any building site is a nuisance during office hours, but it is a temporary nuisance. The proposed building is about the size of a family dwelling and the construction time will be similar to that of a house for one family. Therefore, the disruption during construction will be for a short period.

4. Safety Concerns:

I. The increased traffic and commercial activity associated with a hardware store pose serious safety risks, particularly for children and the elderly in our community. The likelihood of accidents will rise, and the presence of large delivery vehicles and increased foot traffic could compromise the safety and security of our neighborhood.

Response: On the joint open days held between 30 January 2023 and 8 February 2023 for the Spatial Development Framework (SDF) as well as the Integrated Development Plan (IDP) a police structure close to Riebeek Kasteel requested (IDP 2023). The SDF (2023-2028) proposed a satellite Police Station and Fire Station for Riebeek Kasteel

2. The proposed business borders on neighbouring properties which have to date enjoyed unimpeded safety. Plans for the new development should include secure walls all round as well as locked secure overnight facilities to deter unwanted elements from squatting/lurking on the premises.

Response: Provision of Emergency services i.e. police stations in all Swartland settlements comply with the norms: There is one police station in Riebeek-Kasteel and Riebeek Wes each (Spatial Development Framework 2023-2028).

3. The proposed plans suggest parking along the neighbours' borders it is therefore, imperative that strong boundary walls should be constructed.

Response: The portion allocated for Residential Zone 1 requires one parking per property. On site parking bays will be allocated. Eleven parking bays will be provided because the GLA will be 270sqm and 1 parking bay per 25sqm is required. Each parking bay will have a minimum size of 5m X 2.5m. Therefore, the proposed parking complies for this zone.

5. Dacomas Trust

Response: Kindly refer to the response to 4. ACVV, **Dacoma Trust**, Thaila Trust and Kasteel Hardware

6. Thaila Trust

Response: Kindly refer to the response to 3. D. Joubert who is the trustee of Thaila Trust as well as to the response to 4. ACVV, Dacoma Trust, **Thaila Trust** and Kasteel Hardware

7. Kasteel Hardware

Response: Kindly refer to the response to 4. ACVV, Dacoma Trust, Thaila Trust and **Kasteel Hardware**

8. Gillian & Lesley Barrett

Firstly, our village is relatively small, and the need for another hardware store is questionable. We already have sufficient hardware supply options, and adding another store of this nature does not seem necessary or beneficial to our community. The presence of an additional hardware store could potentially lead to an oversaturation of similar businesses, which may not be sustainable in our small market.

Response: The idea for the Riebeek Kasteel shop is an upper end flagship outlet. There will be DIY basics and hardware, like in their Riebeek West shop, but rough hardware such as cement, corrugated iron sheets and roof sheets will only be available at the Riebeek West branch. Customers in Riebeek Kasteel will have the convenience to come to the Riebeek Kasteel shop to order and pay for their items which will not be in stock on site, and which will be delivered from

Riebeeck West to their homes and building sites. In addition, on the mezzanine area, will be a showroom for floor finishes, tiles, vinyl surfaces, a selection of the latest in lighting trends available in South Africa, sanitary ware, taps and mixers, and craft tools for hobbies such as chocopaint. The arts and crafts people in the valley currently drive long distances for their tools and paints. All of these will be on display on showroom for high end finishes on the mezzanine floor.

Secondly, I am concerned about the use of the other two shops included in the development plan. It is crucial for the well-being and character of our village that these shops are occupied by businesses that contribute positively to our community. strongly hope that these spaces do not become additional liquor stores. The village already has enough establishments of this kind, and adding more could negatively impact the community.

Response: The owner has no intention to open a bottle stoor on the premises, but rather a compatible use such as a pharmacy or an upmarket hobby shop which will fit in with the proposed showroom.

Moreover, question the need for more shops in general, given that there are always a few vacant units at any given time. The priority should perhaps be to fill these existing vacancies with businesses that meet the needs of the residents, rather than creating new spaces that may remain empty or contribute to an unbalanced commercial landscape.

Additionally, believe it is imperative that the developers provide detailed plans on how they intend to manage the increased traffic that this new development will bring to the area, additional trucks offloading on the corner where ERF 1206 is located.

Response: The Director: Civil Engineering Services is in favour of the proposed subdivision with due consideration of the access as indicated on the proposed layout.

In summary while the design of the building itself is commendable, the practical aspects of its use raise significant concerns. urge the municipality to reconsider the necessity and

potential impact of this development on ERF 1206, considering the points raised in this letter.

9. M S Sallie & S Patel

1. Residential to Business Rezoning: The transition from a residential to a business zone is fundamentally at odds with the character and intended use of our neighbourhood. This rezoning not only disrupts the harmony of our residential community but also sets a concerning precedent for future commercial developments in our area.

Response: According to the SDF (2023-2028) the town centre has a combination of residential and commercial uses and higher residential developments, and mixed uses should be encouraged along activity streets in the town. The subject property is in zone B which allows business uses and secondary business uses, and Piet Retief Street and Sarel Celliers Street were identified as activity streets.

2. Parking Along Neighbours' Properties: The proposed parking plans, which include the construction of parking spaces along neighbours' properties, are particularly troubling. This will result in increased traffic congestion, loss of privacy, and potential conflicts over property boundaries. The presence of parked cars so close to residential homes will severely impact the aesthetic and tranquil environment we currently enjoy.

Response: The Director: Civil Engineering Services is in favour of the proposed subdivision with due consideration of the access as indicated on the proposed layout.

3. Noise Pollution: The construction and daily operations of a hardware store will introduce significant noise pollution. The constant flow of customers, delivery trucks, and the operation of machinery will disrupt the peace and quiet that residents value. This is especially concerning during early mornings and late evenings when residents expect minimal noise.

Response: For deliveries the owner will not make use of heavy and construction vehicles, but at most a Hyundai H1 vehicle because large and heavy building materials will not be brought to the business.

4. Safety Concerns:

- I. The increased traffic and commercial activity associated with a hardware store pose serious safety risks, particularly for children and the elderly in our community. The likelihood of accidents will rise, and the presence of large delivery vehicles and increased foot traffic could compromise the safety and security of our neighborhood.

Response: Both Sarel Cilliers street and Piet Retief Street were identified as activity streets and the SDF (2023-2028) support economic activity along activity streets.

2. The proposed business borders on neighbouring properties which have to date enjoyed unimpeded safety. Plans for the new development should include secure walls all round as well as locked secure overnight facilities to deter unwanted elements from squatting/lurking on the premises.

Response: Provision of Emergency services i.e. police stations in all Swartland settlements comply with the norms: There is one police station in Riebeek-Kasteel and Riebeek Wes each (Spatial Development Framework 2023-2028).

3. The proposed plans suggest parking along the neighbours' borders it is therefore, imperative that strong boundary walls should be constructed. We, the undersigned residents, urge the municipal authorities to reconsider this rezoning application. The potential negative impacts on our community's quality of life, property values, and overall safety are significant. We believe that alternative locations more suited to commercial activities should be explored for the hardware store, preserving the residential nature of our area.

Response: The portion allocated for Residential Zone 1 requires one parking per property. On site parking bays will be allocated. Eleven parking bays will be provided for Business Zone 1: General

business (BZ1) because the GLA will be 270sqm and 1 parking bay per 25sqm is required. Each parking bay will have a minimum size of 5m X 2.5m (see below from the 2020 Land Use Planning By Law). Therefore, the proposed parking complies for this zone.

parking bay, means an area measuring no less than 5m x 2,5m for perpendicular parking and 6m x 2,8m for parallel parking, which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible at the satisfaction of the municipality;

Primary use, excluding places of assembly: 1 parking bay per 25 m² of the total floor space shall be provided;

CONCLUSION:

It is therefore requested that the Municipality views this application favourably. We trust the above response addresses your concerns. Please do not hesitate to contact us should you have any additional queries.

Kind Regards



Lourens Booysen

Town Planner (C/7733/2016)



Ref: DOI/CFS/RN/LU/REZ/SUB-26/377 (Application No: 2024-05-0115)

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

Attention: Ms DN Stellenberg

Dear Madam

ERF 1260, RIEBEEK KASTEEL: PROPOSED REZONING

1. The following refer:
 - 1.1. Your letter to this Branch referenced 15/3/3-11/Erf_1260 dated 21 May 2024, and
 - 1.2. Swartland Municipality Civil Engineering Services' letter to this Branch referenced 16/5/3/2 dated 20 June 2024.
2. The application affects the section of Main Road 226 for which this Branch is the Road Authority however the road functions as a municipal street.
3. The proposal is for the rezoning of the subject property from Residential Zone 1 to Business Zone 1.
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 BRANCH

DATE: 2 JULY 2024

ENDORSEMENTS

1. Swartland Municipality
Attention: Ms DN Stellenberg (e-mail: swartlandmun@swartland.org.za)
2. District Roads Engineer
Paarl
3. Mr E Smith (e-mail)
4. Mr D Fortuin (e-mail)
5. Mr S Carstens (e-mail)

Highway Consultants

Date: 2024/06/12

admin@highwave.co.za

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Rezoning from Residential Zone 1 to Business Zone 1, in order to establish a hardware shop and a dwelling. : 2A Piet Retief Street : Rieheek Kasteel

YOUR REF: 15/3/3-11/Erf 1260**ESKOM REF:** 15045-24

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

1. **Eskom services are affected by your proposed works and the following must be noted:.**

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom Overhead and underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Malmesbury

Clive Strauss

022 482 6252

StrausC@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za

2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Nancy Piliso from the Land Development Office to be contacted at PilisoN@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch- pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.
- k) **No work can take place within the servitude of a 66kV Cable or 132kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Nancy Piliso at PilisoN@eskom.co.za to arrange a site visit.

3. O.H. Line Services:

- a) The following building and tree restriction on either side of centre line of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following distances from the conductors:

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
 - i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lungile Motsisi MotsisL@eskom.co.za, Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES. NO WORK WITHIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

4. **NOTE**

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)





Sarel Cilliers Street

Existing service station and Hardware shop on erf 990, Riebeeck Kasteel



Sarel Cilliers Street towards the subject property



Access of the proposed development from Piet Retief Street



Piet Retief Street towards the subject property and service station.



Sarel Cilliers Street taken from erf 1311 on the left and erf 159 on the right.



Proposed exit onto Sarel Cilliers Street one way



Verslag ☐ Ingxelo ☐ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Afdeling: Ontwikkelingsbestuur

24 July 2024

15/3/3-11/Erf_72

15/3/6-11/Erf_72

WYK: 12

ITEM 6.6 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 14 AUGUSTUS 2024

LAND USE PLANNING REPORT

PROPOSED REZONING & SUBDIVISION OF ERF 72, RIEBEEK KASTEEL

<i>Reference number</i>	15/3/3-11/Erf_72 15/3/6-11/Erf_72	<i>Application submission date</i>	27 March 2024	<i>Date report finalised</i>	25 July 2024
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PART A: APPLICATION DESCRIPTION

Application is made for rezoning of Erf 72, Riebeek Kasteel in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). It is proposed that erf 72 be rezoned from Residential Zone 1 to Subdivisional area in order to make provision for the following land uses: Residential Zone 1 (2741m² in extent and Business Zone 1 (609m² in extent).

The subject application also includes application for subdivision of erf 72, Riebeek Kasteel in terms of section 25(2)(d) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). It is proposed that erf 72 (3350m² in extent) be subdivided into a remainder (500m² in extent), portion A (2241m² in extent) and portion B (609m² in extent).

The purpose of the application is to expand the existing business zoning of the property, subdivide the existing business premises as well as dwelling on the property and to create a large vacant Residential zone 1 property.

The applicant is CK Rumboll and Partners and the property owners are Cornelius Jakobus Christiaansen and Margretha Maria Dercksen.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 72 Riebeek Kasteel in the Swartland Municipality, Division Malmesbury, Province of the Western Cape		
Physical address	c/o Main and Sarel Cilliers Street, Riebeek Kasteel (Please refer to the location plan attached as Annexure A)	Town	Riebeek Kasteel

Current zoning	Residential Zone 1 with a spot zoning for Business Zone 1	Extent (m²/ha)	3350m²	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	Shops and Dwelling		Title Deed number & date	T92974/2004		
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		Subdivision	✓
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension, or amendment of restrictive conditions	
Permissions in terms of the zoning scheme		Amendment, deletion, or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval	
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		Phasing	

PART D: BACKGROUND

The owner intends to subdivide the existing shop and dwelling from the larger property in order to accommodate each of the uses on their own cadastral units. Due to the existing business zoning being restricted to the footprint of the existing shop, application is made to rezone the portion around the existing building in order to make provision for building lines as well as sufficient space for on-site parking.

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

1. The relevant property is located within the Central Business District (CBD) of Riebeeck Kasteel.
2. Access to the property is obtained from Sarel Cilliers Street on the western side and Main Street on the southern side of the property.
3. Densification is supported due to the existing large plots within the Central Business District of town.
4. Therefore, the existing land will be utilised more efficiently in accordance with the zoning applicable.
5. Access to the newly created portions is gained from the current road infrastructure.
6. The existing municipal services will be sufficient to provide for the additional erven to connect.
7. The existing character will not adversely be affected.

8. Additional housing opportunities will be provided on existing residential zoned land.
9. The subdivision will have no negative impact on the area or surrounding properties. The proposed development will contribute positively to the value and functionality of Riebeek Kasteel.
10. The proposed subdivision supports LUPA and SPLUMA.
11. The proposed development effectively caters for future residential needs in Riebeek Kasteel by creating new housing opportunities.
12. The optimal use of services leads to cheaper infrastructure provision.
13. The proposed subdivision will limit urban sprawl within the Riebeek Kasteel area.
14. The development also supports the SDF by promoting densification within the existing urban areas; Even with the proposed rezoning, the character of the area will remain unchanged, since the footprint of the existing building is already zoned Business Zone 1.
15. Creation of smaller erven is easier to maintain.
16. The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises.
17. There are no physical restrictions on the property that will negatively affect the proposed use.
18. With the proposed subdivision, the owner of Erf 72, Riebeek Kasteel, is granted an income opportunity.
19. The development also supports the Western Cape SDF by promoting compactness within the existing urban areas.
20. The application complies with the minimum subdivision size.

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
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 9 notices were sent via registered mail to the owners of properties which are affected by the application. Although 5 letters returned unclaimed it should be noted that 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	5			Total comments and petitions refused		0		
Valid petition(s)	Y	N	If yes, number of signatures		N/A			
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.
Total letters of support	0							

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

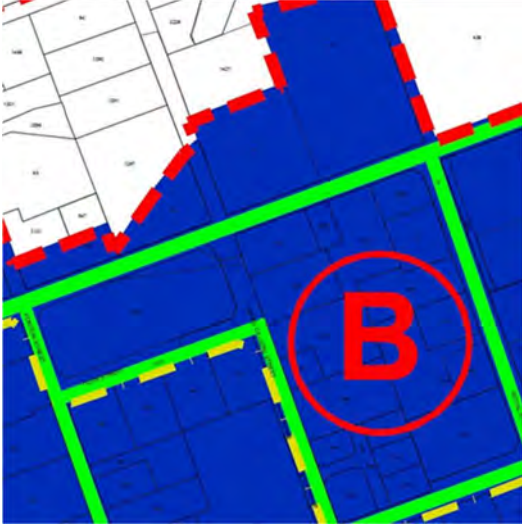
Name	Date received	Summary of comments	Recommendation	
Department Civil Engineering Services	10 April 2024	<p>Water Comments That each subdivided portion be provided with a separate water connection. This condition is applicable on subdivision stage in terms of the remainder as well as portion B and on building plan stage with regards to proposed portion A.</p> <p>Sewerage Comments That each subdivided portion be provided with a separate sewer connection. This condition applies at subdivision stage.</p> <p>Streets Comments In order</p> <p>Storm Water Comments In order</p>	Positive	Negative

		<p>Parks Comments</p> <p>No comments</p> <p>General</p> <p>That any existing services connecting the remainder and the subdivided portions be moved / disconnected in order to ensure that each property's pipework is located on the specific property. Should the expansion of any of the existing services be necessary in order to accommodate the proposed subdivided portions, it be for the owner / developer's account.</p> <p>Development charges</p> <p>Water R12 812,15</p> <p>Bulk water R13 579,20</p> <p>Sewer R 7 337,32</p> <p>WWTW R 9 866,68</p> <p>Roads R 6 711,86</p>		
Cleaning services	10 April 2024	No comments	Positive	Negative
Protection services	11 April 2024	No comment	Positive	Negative

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
Fabricio Bagdocimo as owner of neighbouring affected property, Erf 1290, Riebeek Kasteel	<p>Mr Bagdocimo objects to the proposed application for the following reasons:</p> <ol style="list-style-type: none"> 1. The objector is of opinion that the current sewage structure on Sarel Cilliers and Walter Streets are already under pressure as can be easily seen if you check the recent (and recurring) problems of sewage overflow at the corner of Walter and Sarel Cilliers. 2. The lower part of Sarel Cilliers (from Hoof St to Walter) is currently a dirt road so increase in traffic will result in considerable amount of dust in the air which eventually affects uncovered screens, computers, paintings. 3. The area of Sarel Cilliers bordered by Erf 72 and, on the other side of the street Erfs 65 and 1297 are a driving choke point with cars frequently parked in the area. An increase in buildings will lead inevitably to an aggravation of the problem if there is no deliberate planning to address it. 	<ol style="list-style-type: none"> 1. The applicant comments that the issue regarding sewerage is noted, however, since the property is to subdivide into only three properties the applicant is of opinion that the impact of the proposal will be minimal. 2. The applicant comments that since the proposed Remainder gains access from Main Street and portion B from both Main Street and Sarel Cilliers Street, the additional traffic impact on Sarel Cilliers Street will primarily come from Portion A and partially from Portion B. Consequently, the impact on traffic-induced dust will be very limited. 3. The applicant comments that with the proposed subdivision and rezoning, each portion of land and use can accommodate sufficient parking space on site in accordance with the development parameters of Swartland Municipality. 	<ol style="list-style-type: none"> 1. The proposal to subdivide the existing shop and dwelling as well as to create one large >2000m² residential zone 1 property will not have a significant impact on the existing services network. 2. It is noted that no on-site parking is provided for the existing shop. The development proposal does make provision for space, accessed from Sarel Cilliers Street, to accommodate on-site parking. This will ensure that people, already using the road have space to park on the subject property. Possible traffic generated by the very large residential zone 1 property is deemed insignificant. 3. Please refer to the comments above. It should be noted that the owner / developer will be responsible for development charges as contribution for bulk services including sewerage, wastewater treatment, water, bulk water as well as roads.
Joshua Geldenhuys as a Ward 12 committee member as well as an owner and resident in Riebeek Kasteel	<ol style="list-style-type: none"> 4. Mr Geldenhuys is of opinion that Erf 72 is far from any rural living erven identified zones and it therefore does not qualify for the 1000m² or 2000m² residential erven extents. The objector argues that it is, in fact, a high-density area where residential properties should not exceed 500m². Therefore, the objector is of opinion that commercial and higher density residential developments should be encouraged in this area in line with the Spatial Development Framework. 	<ol style="list-style-type: none"> 4. The applicant comments that Erf 72 is currently zoned Residential Zone 1 with an extent of 3350m². It consists of a spot zoning to accommodate an existing business. The proposal to subdivide the property is consistent with the SDF to increase densification. There are no maximum sizes for Residential Zone 1 properties. The proposal complies with the minimum subdivision size of 500m² and should be supported. 	<ol style="list-style-type: none"> 4. The proposal is deemed consistent with and not in contradiction with the principles of the Swartland Municipality Municipal Spatial Development Framework.

	<p>5. The objector states that it is incorrect to assume that a future buyer or developer of Portion A would develop the property as proposed in the SDF and is of opinion that if this proposal were approved, the owner of Portion A would be entitled to erect any dwelling that conforms with Residential Zone 1, which is not fitting. Therefore, the application to have Portion A as a single 2241m² Residential Zone 1 property should be rejected as it is inconsistent with the SDF.</p> <p>Commercial zoning and activity should be encouraged along Main Street wherever possible, aligning with its current usage trajectory.</p> <p>6. It is unclear in the proposed plans how this part will be used and how it would be integrated into both the proposed Portion A and Main Street. It doesn't make sense to develop more residential next to and opposite existing commercial plots and along an activity road.</p> <p>7. Since the proposal indicates that Portion A will be accessed from Sarel Cilliers Street, it is additionally unclear how this back part of the residential property would be accessed. An access route from Main Street should be prohibited, and the visual and heritage aspect from Main Street should be protected.</p> <p>8. Two parts of the application are incorrect or misleading, which therefore invalidates the application. This according to the objector means that a new application should be submitted with the correct information.</p> <p>These issues are:</p> <p>a) Page 6 of the application states: "Application is made to rezone Erf 515, Yzerfontein as follows:" and "Table 3: Proposed rezoning of Erf 515, Yzerfontein". I am not sure what a</p>	<p>5. Since the proposal includes densification of the existing property and the separation of the business premises from the existing residential property, this proposal complies with the SDF. Should the owner wish to develop the proposed Portion A for higher density in the future, a new land use application will need to be submitted and the public will be enquired to comment once again.</p> <p>6. Should the owner wish to develop the proposed Portion A in the future, a new land use application will be submitted.</p> <p>7. Since portion A is only one property, only one access point from Sarel Cilliers Street will be required.</p> <p>8. .</p> <p>a) The applicant state that the reference to Erf 515 Yzerfontein is a mistake within the land use application and should be ignored.</p>	<p>5. The developer / owner at this stage clearly does not have the appetite to develop the larger portion themselves. The subdivision will allow this portion to be sold to a potential developer whom could develop it consistent with the applicable MSDF. Any future application is subject to the required land use application as well as public participation processes. The same applies to the remainder. Should the owner wish to rezone the property in the future in order to accommodate a business premises within the existing dwelling, such an application is clearly supported in terms of the MSDF.</p> <p>6. Noted, please refer to the comment above regarding any future development of the vacant</p> <p>7. In terms of the applicable development management scheme, vehicular access is limited to 1 combined carriageway crossing per site per public street or road abutting the site. It is noted that proposed portion A does not currently obtain access from Main Road due to the raised curb. Future applications will be evaluated on its own merit.</p> <p>8. .</p> <p>a) The reference to the wrong property on page 6 of the motivation report does not invalidate the application.</p>
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	<p>property in Yzerfontein has to do with an application in Riebeek Kasteel.</p> <p>b) Page 8 of the application states: "Height: (i) No building may exceed a height of 6 storeys". I can't find a by-law that refers to the number of storeys in a building. The by-laws state that the height of a building's walls must be no higher than 8m from the ground, and the roof apex must be no higher than 10.5m from the ground. Therefore, setting the benchmark at 6 storeys is incorrect and the proposal fails to indicate the intended height of the building in line with the by-laws.</p>	<p>b) The applicant also refers to page 100 within the Swartland Municipal Land Use Planning By-Law—2020 for the development parameters for the proposed Business Zone 1 property.</p>	<p>b) The height restriction applicable to Business Zone 1 is indeed 6 storeys. To determine the overall height in meters one has to refer to the definition of storey in terms of the development management scheme. The table on page 8 of the applicant's motivation report only refers to the proposal's compliance with the applicable development parameters and does therefore not invalidate the application.</p>
<p>Dr Colin Levitan as owner of erf 2226</p>	<p>Dr Levitan states that although he did not receive a notice of the application, he would like to object as he is of opinion that the proposal affects his property.</p> <p>Dr Levitan states that the application is vague and ignores the location of erf 72 and surrounds, the proposed rezoning is not suitable, and the existing infrastructure is inadequate.</p> <p>The above mentioned is based on the following:</p> <p>9. Application is made for 2 x residential stands (single unit) and a commercial stand, which are perfectly within reasonable grounds if viewed in isolation. The objector does however point out that in the motivation report (Par 6) it is mentioned that the large residential portion will give the opportunity for investors and developers to create additional housing opportunities. The objector is of opinion that this is also reasonable if done responsibly and emphasise his concern of the potential negative impact that an ill-conceived residential development might have. The objector does not agree with the statement that the property is located within the CBD of the town but rather a highly sensitive area equivalent of Tulbagh's</p>	<p>9. Should any new development occur on the proposed Portion A, a new land use application will be submitted where the public can comment, and the proposal will be evaluated by the municipality.</p> <p>Erf 72, Riebeek Kasteel is indeed located within Zone B (central Business District) of the land use zone proposals</p>	<p>9. Any future development will be considered and evaluated in terms of the general criteria for consideration of applications in terms of Section 75 of the Swartland Municipality: Municipal Land Use Planning By-law.</p>

	<p>Church Street and the destruction of its character will have a huge impact.</p> <p>The objector states that the application gives notice of a potential high-density development that may follow but does not give any further information.</p> <p>10. The objector states further that the application aims to have an undeveloped stretch of Main Road as zoned residential. The objector motivates that this is a prime stretch of what surely should be used for commercial purposes. The detailed application states that access to the back of the larger residential erf would be via Main Road. The objector feels that it is unwise to use the most valuable piece of the vacant property for a driveway and states that it will destroy the ambiance of the area.</p> <p>According to the objector it will also take away several existing public parking places that are in short supply. Public parking will be waived for the sole benefit of residents' access.</p> <p>The objector propose that development must be in line with the façade of the street and access must be at the back, the front must be in line with the buildings of the surround.</p> <p>11. The objector state that his property is downhill from erf 72 (±36m) and the sewage lines of the area runs into a small sewage reservoir that</p>	 <p>10. The applicant states that it is noted that the property is located within a historic area, but application is now merely made for the subdivision of the property and to establish the existing commercial building on its own land unit with no further development. Once further development is proposed, the property will have to consider the surrounding historic character to ensure that it does not adversely affect the heritage value of Riebeeck Kasteel.</p> <p>11. The proposed erven will be connected to the existing service network in the area. It is the role of the</p>	<p>10. The proposal currently under consideration does not have a negative impact on any heritage assets or the environment.</p> <p>11. The impact of the proposal on the existing municipal services network is deemed insignificant.</p>
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	<p>serves as a pump station to pump the sewage uphill into the main lines. This pump station is close to his house on erf 2226 as well as erven 64, 1290, 1907 and the adjacent farm. The sewage of erf 72 will also be served by this pump station.</p> <p>This pump station is inadequate according to the objector as it has regularly been reported to overflow and what is worse is that the raw effluent is directly running into an irrigation dam on which boundary it is located. The objector notes that there are 5 other vacant erven that will be developed which will also make use of the facility. The application does not deal with this issue and the related health risks and stench.</p> <p>The objector points out that the farm dam irrigates export fruit crops, and the responsibility rests fully with the Municipality.</p> <p>It is also noted that the owners of above properties were not included in the mailing list of affected parties.</p> <p>12. Lastly the objector notes that apart from the sewage risks, Sarel Cilliers Street is unpaved and cannot cope with more traffic. The dust is a problem, and the road is narrow with a one-way bridge. The application does not address this issue nor provide details, although this part of Sarel Cilliers Street will also serve the planned future development.</p> <p>The objector concludes that the application is lacking in many areas and urges the municipality to ensure that any future development of the property is beneficial to the larger community and neighbouring properties.</p>	<p>Swartland Engineering Department to maintain and upgrade services accordingly.</p> <p>12.The applicant refers to the comments already made regarding traffic.</p> <p>The applicant concludes that, in light of the aforementioned details, it is clear that the proposition to subdivide and rezone of Erf 72 in Riebeek Kasteel aligns with the guidelines and future planning outlined in the Swartland Spatial Development Framework for the area.</p>	<p>12.Please refer to the comments above regarding the impact of the proposal under consideration on the existing road network as well as traffic.</p>
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Anton Espost as co-owner of erf 1921 known as the Short Street commercial complex as well as the owner of erf 2097 Riebeek Kasteel	<p>Mr Espost states that he previously commented on the subject application and after paying more attention to the matter and the invite to object, he has decided to formally object.</p> <p>13. Mr Espost has exactly the same concerns as the Dr Colin Levitan and therefore the concerns will be dealt with together.</p>	13.Refer to the comments above	13.The concerns of the objector have sufficiently been addressed above. Please refer to the comments made on the objection of Dr Colin Levitan.
Sue Pugh as owner of affected property, erf 64, Riebeek Kasteel	14. Me Pugh wishes to object to the proposed application for the same reasons as mentioned by Dr Colin Levitan and Mr Espost above. Me Pugh did not raise any additional concerns and for that reason the objection will be dealt with together.	14.Refer to the comments above	14.The concerns of the objector have sufficiently been addressed above. Please refer to the comments made on the objection of Dr Colin Levitan.

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 27th of March 2024. The public participation process commenced on the 19th of April 2024 and closed on the 20th of May 2024. Objections were received and referred to the applicant for comment on 28th of May 2024. The municipality received the comments on the objection from the applicant on the 3rd of June 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 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 town.

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 in accordance with 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. 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 within the demarcated business centre of the town.

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, subdividing the existing dwelling and leaving the larger plot to be developed with a dwelling house or alternatively accommodate future development, which is most likely the case. The proposal creates the opportunity for the owner to sell off the existing shop as well as the vacant part of the residential component, while still residing in the existing dwelling on the property.

Good Administration

The application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. Although some of the objectors refer to them not receiving the notices, the municipality also used electronic communication to the last known e-mail address of the owners of property deemed to be affected by the application. The comments from the relevant municipal departments were also obtained. Consideration is given to all correspondence received and the application is dealt with in a timeously manner. It is therefore argued that the principles of good administration are complied with by the Municipality.

2.2 Provincial Spatial Development Framework (PSDF)

According to the PSDF (2014), 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) 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.**

It is further stated in the PSDF 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 deemed consistent with the PSDF as the proposal will achieve higher densities, will improve the 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. Any future development of the large portion of vacant land that is being subdivided will be evaluated against these same principles in order to ensure development which is appropriate and desirable.

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)

According to the Swartland IDP 2023 the Municipality's vision is forward thinking 2040, a place where people can live their dreams. It could be argued that the owner possibly does not have the ability / capacity to develop the larger property themselves. Subdividing it and potentially selling it to a developer might unlock the opportunity for a mixed-use development within the identified business district of Riebeek Kasteel, which will ultimately contribute to economic development and job creation. Contributing to Strategic Goal 2.

According to the spatial development proposals of the Swartland MSDF, 2023 the subject property is in Land Use Proposal Zone B. According to the SDF, zone B consist of the identified CBD of Riebeek Kasteel. Except for industrial it is clear that all types of development are supported within this zone. It should be noted that consistency with the SDF is only one of the considerations that need to be taken in to account and the impact on the character of the area is also evaluated. The proposal as presented does not threaten the character of the area and any future development of the subdivided portions will be evaluated in terms of the above-mentioned principles. Please refer to an extract of the land use proposal map of Riebeek Kasteel below.

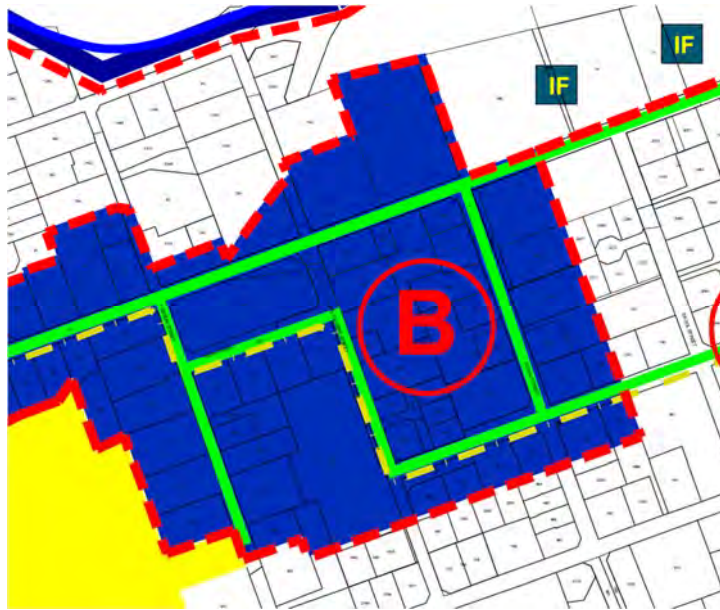


Image : Extract of the land use proposal map of Riebeek Kasteel

The proposal is deemed consistent with the Municipal Spatial Development Framework, 2023.

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

The proposal complies with the provisions of the applicable development management scheme. With the subdivision and rezoning sufficient space is provided for access, on-site parking as well as the applicable building lines.

3. The desirability of the proposed development

It is agreed that the general character for the area around Erf 72 is predominantly mixed use in nature. The proposed application to subdivide the existing dwelling and shop from the larger property will not detract from the character of the area. Any future development of the vacant portion of land will be subject to a land use application with its own public participation process.

The title deed of Erf 72 does not contain any restrictions that prohibits the development proposal.

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

The proposed development will not have a negative impact on the municipality's ability to provide services to the community of Riebeek Kasteel.

The proposed development is situated within the urban edge of Riebeek 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.

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

The impact of the proposed development on municipal engineering services is deemed minimal as only one additional residential unit is proposed, the shop and dwelling on portion A and the remainder is existing. The issue with the existing sewer network as indicated by the objectors are noted. The sewer tank at the pumpstation could have possibly not keep up due to loadshedding and not specifically due to a lack of capacity. The proposed development will have an insignificant impact on the network.

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 roads, water as well as sewerage.

5. **Response by applicant**

Refer to Annexure N.

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

Notice of the application was sent to Eskom, however the municipality did not receive any comments within the 60-day commenting period.

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 within the CBD as well as next to an identified activity street.

The owner is possibly not in the position to develop the property to its full potential, therefore the value created by the subject application is surely for the benefit of the owner. It could however be argued that the potential value is created in that the vacant portion can now be sold to a potential developer that could add real value benefitting the community of Riebeek Kasteel through long term gains.

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 72, Riebeek Kasteel from Residential zone 1 ($\pm 3113\text{m}^2$) and Business zone 1 ($\pm 237\text{m}^2$) 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 ($\pm 2741\text{m}^2$) and Business zone 1 ($\pm 609\text{m}^2$)

- B. The application for the subdivision of Erf 72 (3350m^2 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:

A & B above be subject to the following conditions

1. TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 72, Riebeek Kasteel (3350m^2 in extent), be subdivided into a remainder ($\geq 500\text{m}^2$ in extent), Portion A ($\pm 2241\text{m}^2$ in extent) and Portion B ($\pm 609\text{m}^2$ in extent);

- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval for any additions to the existing buildings or for any work done that does not have the required approval;
- (c) The parking area on portion B be formalized and that the parking bays be clearly marked. This condition is applicable at clearance stage;
- (d) The existing outside toilet structure on portion B be demolished at clearance stage;

2. WATER

- (a) Each subdivided portion be provided with separate water connections. This condition is applicable on clearance stage with regards to the remainder as well as Portion B and at building plan stage with regards to Portion A;

3. SEWERAGE

- (a) Each subdivided portions be provided with a separate sewerage connection at clearance stage;

4. DEVELOPMENT CHARGES

- (a) The following development charges are applicable to proposed portion A;
 - (i). The development charge towards the bulk water supply amounts to R35 984,65 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-176-9210);
 - (ii). The development charge towards water reticulation amounts to R 33 952,60 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-174-9210);
 - (iii). The development charge towards sewer reticulation amounts to R 19 444,20 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-184-9210);
 - (iv). The development charge towards wastewater treatment amounts to R 26 146,40 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-183-9210);
 - (v). The development charge towards roads amounts to R 18 853,10 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA 9/247-188-9210);
- (b) The applicable development charges for portion B, be calculated on building plan stage;
- (c) The Council resolution of May 2024 provides for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and may be revised thereafter;

5. GENERAL

- (a) The legal certificate which authorises 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;
- (b) Any existing services connecting the remainder and/or new portion, be disconnected and relocated, in order for each erf to have a separate connection and pipe work;
- (c) Should it be determined necessary to expand or relocate any of the engineering services in order to provide any of the portions with separate 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 for or against the appeal;
- (e) All conditions of approval be implemented before clearance 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;
- (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;

PART M: REASONS FOR RECOMMENDATION

1. The title deed of Erf 72 does not contain any restrictions that prohibits the development proposal.
2. There is no physical restriction on the property that negatively impacts the proposal.
3. The proposed development will not have a negative impact on the municipality's ability to provide services to the community of Riebeek Kasteel.
4. The proposed development is situated within the urban edge of Riebeek Kasteel and is a form of densification which is supported by local, district as well as provincial planning principles and policy.
5. The proposed development will not have a negative impact on any heritage or environmental resources.
6. 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).
7. The proposal is deemed consistent with the Municipal Spatial Development Framework (MSDF), 2023.



PART N: ANNEXURES

Annexure A	Locality plan
Annexure B	Site development plan
Annexure C	Copy of Motivation Report
Annexure D	Public Participation Plan
Annexure E	Objection from Fabricio Bagdocimo
Annexure F	Objection from Joshua Geldenhuys
Annexure G	Objection from Dr Colin Levitan
Annexure H	Objection from Anton Estpost
Annexure I	Objection from Sue Pugh
Annexure J	Applicants comments on the objections
Annexure K	Photos

PART O: APPLICANT DETAILS

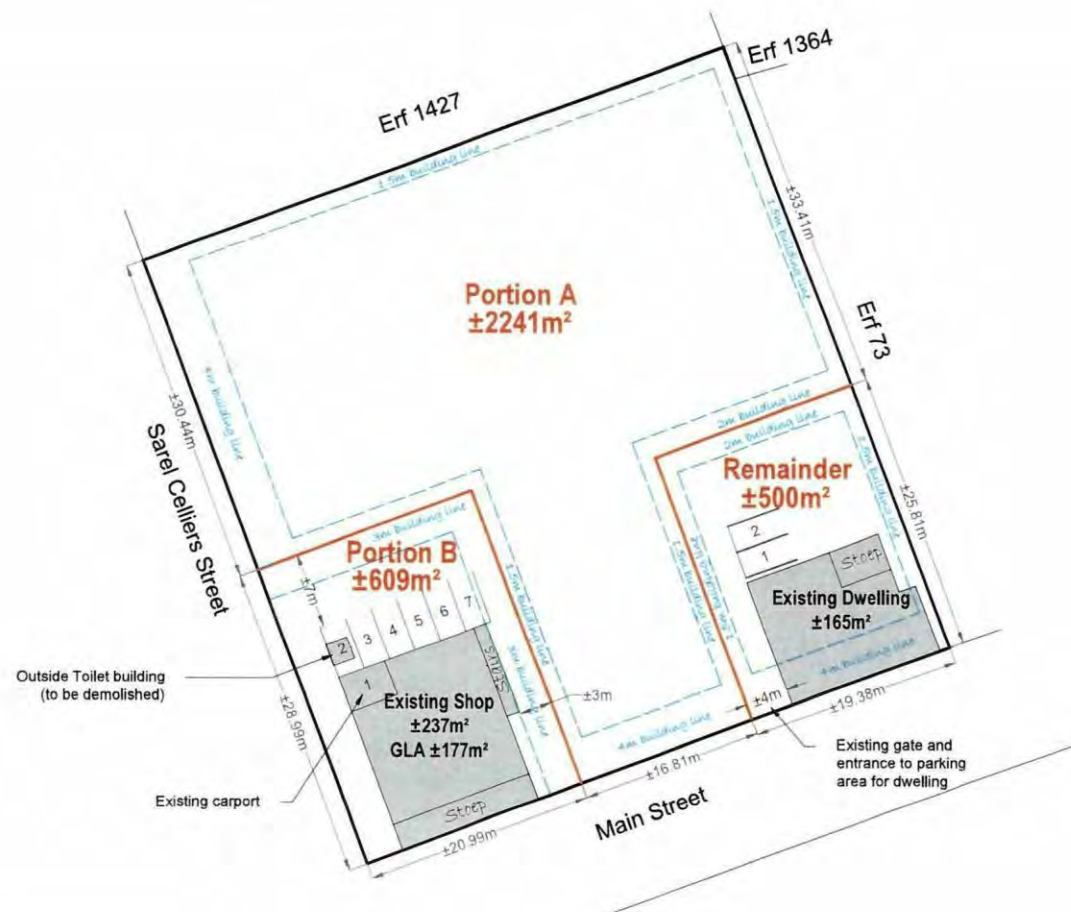
Name	CK Rumboll & Partners			
Registered owner(s)	Cornelius Jakobus Christiaansen & Margretha Maria Dercksen	Is the applicant authorised to submit this application:	Yes	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		Date: 26 July 2024		
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: A/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 2 August 2024		

LOCATION PLAN OF ERF 72, RIEBEEK KASTEEL





Zoning map



ZONING I.T.O. THE ZONING SCHEME:

Portion B: Business Zone 1

Portion A and Remainder: Residential Zone 1

PROPOSED SUBDIVISION

Portion A	±2241m ²
Portion B	±609m ²
Remainder	±500m ²
Erf 72, Riebeeck Kasteel	±3350m ²

KEY:

Subject property

Proposed subdivision line

Existing Buildings

Building lines

TITLE:

SUBDIVISION PLAN
ERF 72, RIEBEEK KASTEEL

PHYSICAL ADDRESS:

MAIN STREET, RIEBEEK KASTEEL

NOTE:

ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING

COMPILED BY:



C.K. RUMBOLL & PARTNERS
TOWN PLANNERS
PROFESSIONAL SURVEYORS
16 RAINIER STREET, MALMESBURY
Tel: 022 - 4821845
Fax: 022 - 4671661
Email: planning1@rumboll.co.za

DATE: _____

NOVEMBER 2023

AUTHORITY:

SWARTLAND MUNICIPALITY

REF:

RK/13528/NJdK



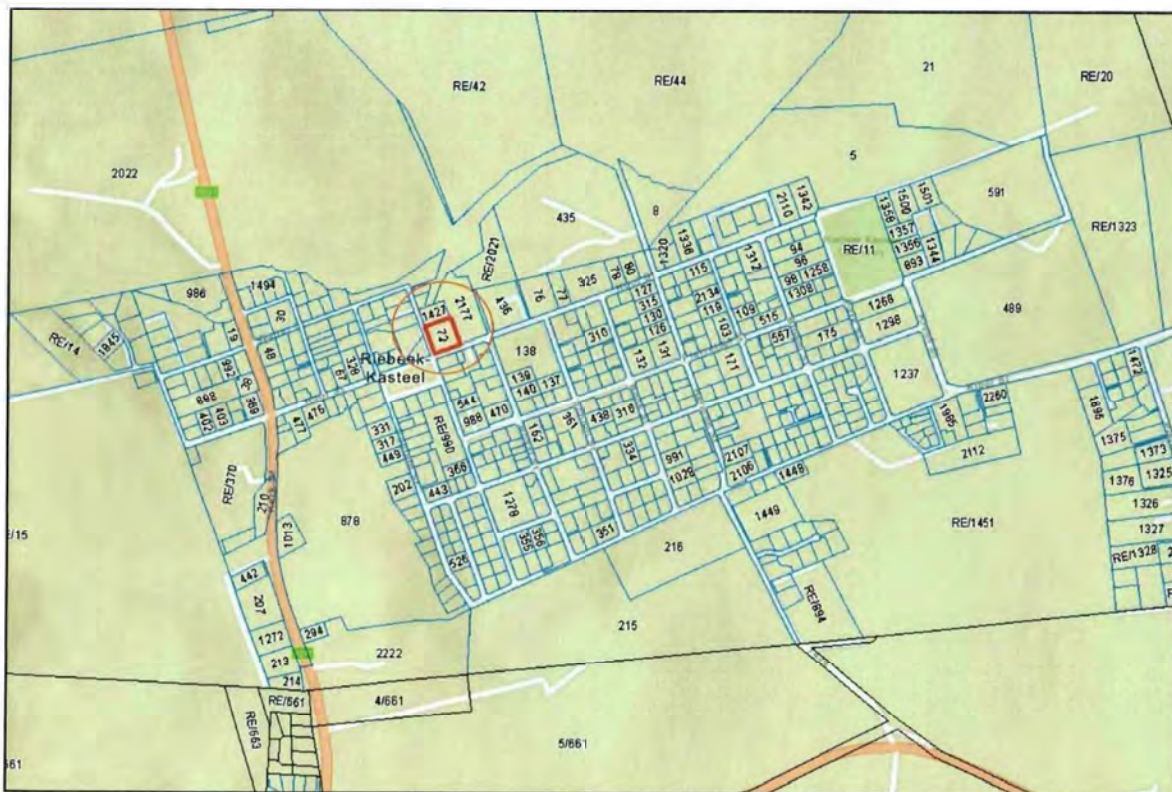
Drawing done by NJ de Kock

- Planner: CK Rumboll & Partners

MOTIVATION REPORT

Proposed subdivision and rezoning of Erf 72, Riebeeck Kasteel

Reference: RK/13528/NJdK



CK RUMBOLL & PARTNERS

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8. ACCESS AND PARKING	13
9. SERVICES	13
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ANNEXURE

- A- Power of Attorney
- B- Application form
- C- Title Deed and Diagrams
- D- Locality plan
- E- Subdivision Plan
- F- Rezoning Plan



CK Rumboll and Partners was appointed by Jacobus Christiaansen and Maria Dercksen as registered owners of Erf 72, Riebeek Kasteel, to conduct all town planning and surveying actions with regards to the proposed subdivision and rezoning of Erf 72, Riebeek Kasteel.

OBJECTIVE

- **Subdivision** of Erf 72, Riebeeck Kasteel, in terms of Section 25(2)(d) of the *Swartland Municipality: Municipal Land Use Planning By-Law* ((PG 8226 of 25 March 2020), into a Portion A ($\pm 2241\text{m}^2$), Portion B (± 609) and Remainder ($\pm 500\text{m}^2$).
- **Rezoning** of the Remaining portion of Portion B of Erf 72, Riebeeck Kasteel, in terms of Section 25(2)(a) of the *Swartland Municipality: Municipal Land Use Planning By-Law* ((PG 8226 of 25 March 2020), from Residential Zone 1 to Business Zone 1.

The relevant property is located within the Central Business District (CBD) of Riebeeek Kasteel. Access to the property is obtained from Sarel Cilliers Street on the western side and Main Street on the southern side of the property. Locality Map is attached as **Annexure C**.



Figure 1: Locality of Erf 72, Riebeek Kasteel

3. PROPERTY DESCRIPTION

Table 1: Property Description

TOTAL SIZE:	3350m ²
OWNER:	Jacobus Cornelius Christiaansen and Maria Margretha Derksen
LOCAL AUTHORITY:	Swartland Municipality
ZONING:	Residential Zone 1 with a spot zoning for Business Zone 1
TITLE DEED:	T92974/2004

The Title Deed and Diagrams are attached as **Annexure D**.

4. ZONING AND SURROUNDING USES

Erf 72, Riebeek Kasteel, is zoned Residential zone 1, with an existing Business Zone 1 building located on the south-western part of the property. As seen in figure 2 below, most of the surrounding properties are zoned for residential or business uses, with some authority uses in the area. The proposed development to create smaller plots will not adversely affect the existing character, but rather strengthen it by making new residential opportunities available on residential zoned existing land.

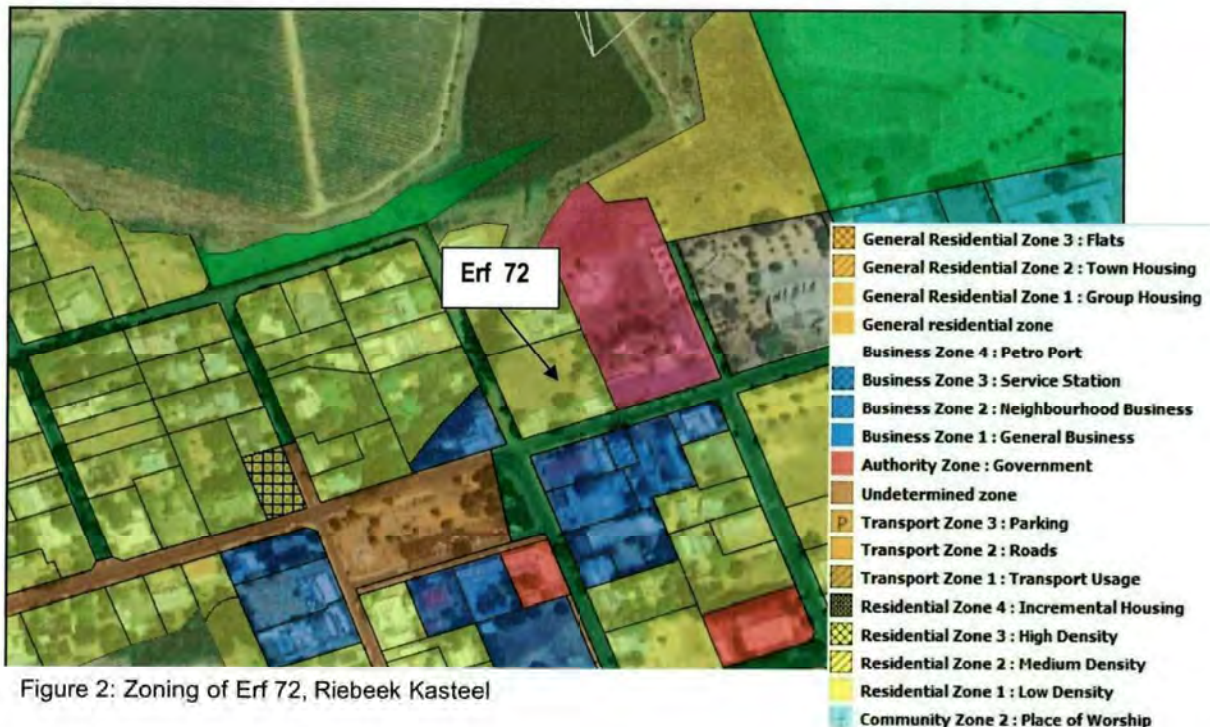


Figure 2: Zoning of Erf 72, Riebeek Kasteel

6.1 SUBDIVISION

There is a tendency for owners to invest in smaller properties. Smaller erven are easier to maintain and creates new housing opportunities. The proposed subdivision aims at dividing the property into Portion A ($\pm 2241\text{m}^2$), Portion B (± 609) and a Remainder ($\pm 500\text{m}^2$). Ownership of land is one of the economic pillars of the South African economy. In most cases the possession of land represents the largest portion of an individual's estate. The free trading of parcels of land is an acknowledged form of accumulation of wealth. The South African landscape offers investors the opportunity to subdivide and consolidate as the market dictates. Developers look at the marketability of the size of plots they create, and this is dictated by the demands of the market at the time. Individual needs for larger or smaller plots is a normal tendency amongst investors further down the line. The freedom to consolidate or subdivide properties gives access to new entrance into the property market. The proposed development aims to fulfill the need for smaller properties within the urban edge of town. Furthermore, the proposal will also allow the existing business premises to be located on its own land unit. The application for subdivision is also a market driven decision and should be encouraged.



Figure 3: Subdivision of Erf 72, Riebeek Kasteel

The Subdivision Plans is attached as **Annexure E**.

Application is made for the following:

Table 2: Proposed subdivision

Erf 72:	Size:
Portion A	±2241m ²
Portion B	±609m ²
Remainder	±500m ²
Total	3350m²

The proposed subdivision is considered as favourably on the basis of:

- Densification is supported due to the existing large plots within the Central Business District of town. Therefore, the existing land will be utilised more efficiently in accordance with the zoning applicable.
- Access to the newly created portions is gained from the current road infrastructure.
- The existing municipal services will be sufficient to provide for the additional erven to connect.
- The existing character will not adversely be affected.
- Additional housing opportunities will be provided on existing residential zoned land.

The subdivision will have no negative impact on the area or surrounding properties. The proposed development will contribute positively to the value and functionality of Riebeek Kasteel.

6.2 REZONING

The proposed application intends to obtain the necessary land use rights to utilise the remaining portion of the proposed Portion B, still zoned Residential Zone 1, as part of the existing business premises. In order to obtain the necessary rights for the proposed development, application is made for the following:

Application is made to rezone Erf 515, Yzerfontein as follow:

Table 3: Proposed rezoning of Erf 515, Yzerfontein

	Current zoning	Proposed zoning
Proposed Portion B	Business Zone 1 (Building footprint) Residential zone 1 (remaining extent)	Business zone 1





Figure 4: Rezoning of remaining portion of Portion B of Erf 72, Riebeek Kasteel

With the proposed rezoning of the remaining portion of Portion B of Erf 72, it will continue to be used as a business premises. The proposed rezoning will not adversely affect the character of the area, since the existing building is already zoned for business uses and due to the great amount of commercial properties in the surrounding area. Since the property is located along an activity street, it is highly accessible and ideal for commercial purposes. The proposed rezoning will have no adverse impact on the surrounding area.

SCHEME REGULATIONS



The table below provides an overview of the applicable scheme regulations for the proposed Rezoning of a portion of Portion B of Erf 72, Riebeek Kasteel, and how the development is compatible with the development parameters for Business Zone 1.



The objective of this zone is to provide for mixed use development, general business activities and intensive business opportunity with relatively few restrictions in order to promote urban viability and economic growth.

Erf 72, Riebeek Kasteel		
(Refer to land use provisions 3.1.1 of the Swartland Municipal Land Use Planning By-Law)		
Scheme regulations	Proposed Development	
Business zone 1		
<u>Primary use:</u> business premises , shopping centre, flats, offices, office park, restaurant, service trade, medical consulting rooms, public parking, animal hospital, nursery, rooftop base station, wine shop, filming, tasting facility, bottle store.	Business premises	✓
<u>Floor factor:</u> The floor factor of the land unit shall not exceed 3.0.	= Total surface area of building ÷ Erf extend = $\pm 414\text{m}^2 \div 609\text{m}^2$ = 0.679	✓
<u>Coverage:</u> The maximum coverage is 100%.	= (Building extent ÷ Erf extend) = $(\pm 237\text{m}^2 \div 609) \times 100$ = 38.9 %	✓
<u>Height:</u> (i) No building may exceed a height of 6 storeys; (ii) Notwithstanding the definition of a "storey", the ground storey of a building in Business Zone 1 may extend 4m from the surface of the ground floor to the surface of the next floor above.	The building does not exceed two storey's.	✓
<u>Street building line:</u> The street building line is zero subject to the following: (i) the setback regulation; (ii) a 5m street building line may be	Complies with municipal building lines (0m street Building Line)	✓



<p>required where the street boundary abuts a declared road, and</p> <p>(iii) minor architectural and sun screen features may project or extend beyond the street building line provided that such features are situated above the ground storey and do not project more than 1m into the street.</p>		
<p><u>Side and rear building line:</u></p> <p>The side and rear building lines may be zero, provided that:</p> <p>(i) a building or portion of a building which is erected on the side boundary of a land unit shall have no doors, windows, ventilation openings or other openings inserted in any wall on such boundary, unless the municipality is satisfied that such opening will not adversely affect any future development on adjacent land units, and</p> <p>(ii) where the side boundary of a Business Zone 1 land unit abuts a residential zone land unit, the side building line on the business zone shall be 3m from that side of the rear or side boundary, subject to paragraph 12.2.1.</p>	<p>Complies with municipal building lines (3m side Building Line)</p>	
<p><u>Parking and access:</u></p> <p>One parking bay per 25m² of the total floor space is required in respect of all the primary and consent uses</p>	<p>The total Gross Leasable Area consists of ±137m². A total of 5.48 parking spaces are required.</p> <p>A total of 7 parking spaces will be provided on the property.</p>	

The proposed development complies with all the land use provisions as set out in section 3.1.1 of the Swartland Municipal Land Use Planning By-Law and should therefore be supported.



7. PLANNING POLICY

a. SWARTLANDSPATIAL DEVELOPMENT FRAMEWORK (SDF)

The Swartland SDF, 2023, strives to guide current and future development in the region by determining strategic policy directives and proposals to ensure sustainable development. Erf 72, Riebeeck Kasteel is located within Zone B of the Land Use Proposal Map. *Zone B represents the Central Business District with business and other relevant uses.* The following are extracts from the Swartland SDF:

Change	Develop	Comply with SDF:
Increase density by 2027 from the current 8.2 units per hectare to 8.5 units per hectare in Riebeeck Kasteel.	Provide adequate land for different housing topologies.	<i>The proposed development supports the notion of infill development through subdivision and by adding a residential opportunity to the area.</i>
The low-density rate preserves the unique identity and character of Riebeeck Kasteel. Higher residential developments and mixed uses should be encouraged along activity streets in the town.	Provide and support development of housing for retirees.	<i>The subdivision will provide additional housing for retirees and create additional residential opportunities within the CBD.</i> <i>Infill development which results in efficient use of land and services.</i>
Develop areas in accordance with availability and capacity of infrastructure and services.	Allow for minimum subdivision size of single residential erven of 500m ² and rural living erven in identified zones of 1000m ² and 2000m ² respectively.	<i>This approach to densification eliminates the need for developing natural areas in order to achieve higher densities.</i> <i>The proposal also complies with the minimum subdivision size of the area.</i>
Support densification through Subdivision, Infill development and Renewal and restructuring.		<i>The proposal will utilise the existing infrastructure and services to its full potential.</i>



RIEBEEK KASTEEL LAND USE ZONES		Low Density Residential Uses	Medium Density Residential	High Density Residential Uses	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
A	Zone A has a low density residential character. Due to area's historical character and location of Historic Church in this zone, development is sensitive.	X	X		X	X	X	X	X	X	X	X			
B	Zone B represents the Central Business District with business and other relevant uses.	X	X	X	X	X	X	X	X	X	X	X	X	X	X

From the above it is clear that the proposed development is in line with the spatial proposals set out for Riebeek Kasteel. With the proposed development, the creation of a spatially efficient and compact urban form is promoted by applying sustainable infill development in an area consisting over potential for higher density residential development. The proposed subdivision complies with the minimum subdivision sizes.

Taking a wider look at the **Western Cape Spatial Development Framework (WCSDF)**, the principle of densification within the existing urban edges is of high importance. Densification doesn't only restrict urban sprawl; it also supports and promotes the optimal use of land, infrastructure and services within the urban context. Infill development and densification of areas to develop undeveloped land, is one of the main effective planning tool to decrease urban sprawl.

Furthermore, when considering the proposed subdivision, although the proposed Portion B is located on the corner of Sarel Cilliers Street and Main Street, the property cannot receive a splay, due to the location of the existing building. Since the building has been located on the property for more than 20 years, without a splay and any traffic incidents, the subdivision in its current form can be supported.

b. LAND USE PLANNING PRINCIPLES

The Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013 and Land Use Planning Act (LUPA), Act 3 of 2014 provides for spatial planning and land use management on national level. From these spatial policies, five development principles for spatial planning were identified. The proposed subdivision application supports the principles as follows:



- **Spatial justice:** the proposed application supports spatial compactness, sustainable use of resources and falls within an area used for mixed uses. The owner's right to develop the land for additional residential purposes is in accordance with the current right of use of the property. The proposed development does not support further segregation within the community and access to all residential opportunities are promoted. Facilities and services are considered in the proposed development as there are sufficient services available to provide connections to the newly proposed properties. The development proposal is consistent with the *Swartland Spatial Development Framework (2023)* as a spatial instrument that directs future development at a Local Municipal level and in this case Riebeek Kasteel.
- **Spatial sustainability:** the development of this property is in line with the densification proposal suggested within urban boundaries of all towns in the Western Cape. The proposed development will be sustainable, seeing that the population growth in South Africa is significantly high. The proposed subdivision limits urban sprawl through the optimal utilization of existing land within the relevant residential environment and encourages spatial development that includes long-term social benefits for the Riebeek Kasteel community.

The proposed development promotes the financial viability of the municipality of the present and for the future. The proposed development is within the Environmental Management requirements by developing land within the existing Urban Edge and leaving the surrounding natural areas untouched. The proposed development will have no negative effects on any potential agricultural land. No heritage resources will be influenced by the development. Furthermore it will not affect any endangered vegetation or conservation areas.

- **Efficiency:** creating smaller erven promotes a combination of residential densities within the existing residential area. The proposed development promotes the quality and functionality of the property through the optimal use of existing services and infrastructure. It further strengthens the efficiency of the property by creating new housing opportunities. The proposed development will promote the short, medium and long term financial sustainability of the property, seeing as optimal use of existing services and infrastructure is made and will contribute to achieving the desired densification strategy as set out within the *Swartland SDF*. Infill development is an effective spatial planning tool that promotes sustainable development by making optimal use of available opportunities. The proposal will also ensure an overall a more compact town.



- **Spatial resilience:** the development will be resilient in terms of the multiple uses that may be allowed on the properties with relevant authorisation. The proposed development does not limit any future benefits of the properties or surrounding area.
- **Administration:** the proposed application will be taken through the public process by the Swartland Municipality and all relevant departments will be approached.

From the above, it can be concluded that the proposed development complies with the overall guidelines and proposals for future development in Riebeek Kasteel when taking into consideration the impact and scale of the proposed development. The proposal can be deemed consistent with the applicable planning policies and guidelines as it will result in uses that will still maintain the character of the area, whilst supporting densification within the urban edge of Riebeek Kasteel. With the proposed development, the property will be used to its full potential and contribute to limiting urban sprawl.

8. ACCESS AND PARKING

Access to the proposed Portion A and Portion B will be from Sarel Cilliers Street on the western boundary. The proposed Remainder will make use of the existing access point from Main Street on the southern boundary. Sufficient parking bays will be provided to accommodate the business premises and the two residential properties

Parking for the existing business premises is as follow:

- Existing shop: $137\text{m}^2 \text{ GLA} \div 25\text{m}^2 \text{ floor space} = 5.48$ parking bays. A total of 7 parking bays are provided.

9. SERVICES

The buildings on the proposed Portion B and Remainder already have access to services. The proposed Portion A will also be connected to the service network. Each proposed property will receive its own services point/s.

11. SUMMARY

The proposed subdivision and rezoning can be considered favourably on the basis of the following:

- The proposed subdivision supports **LUPA and SPLUMA**;



- The proposed development effectively caters for future residential needs in Riebeek Kasteel by **creating new housing opportunities**;
- The **optimal use of services** leads to cheaper infrastructure provision;
- The proposed subdivision will **limit urban sprawl** within the Riebeek Kasteel area;
- The development also supports the SDF by promoting **densification** within the existing urban areas;
- Even with the proposed rezoning, the **character of the area will remain unchanged**, since the footprint of the existing building is already zoned Business Zone 1.
- Creation of smaller erven is **easier to maintain**.
- The development proposal will **complement the character of the area** and not adversely affect any natural conservation areas or surrounding agricultural practises.
- There are **no physical restrictions** on the property that will negatively affect the proposed use.
- With the proposed subdivision, the owner of Erf 72, Riebeek Kasteel, is granted **an income opportunity**.
- The development also supports the Western Cape SDF by promoting compactness within the existing urban areas;
- The application complies with the minimum subdivision size.

It is the opinion of this office that the proposed subdivision and rezoning of Erf 72, Riebeek Kasteel will not have a negative impact on the surrounding properties or the environment. The proposed development can rather be regarded as a positive contribution to promoting sustainable residential opportunities.



NJ de Kock

CK Rumboll and Partners



Liggingsplan

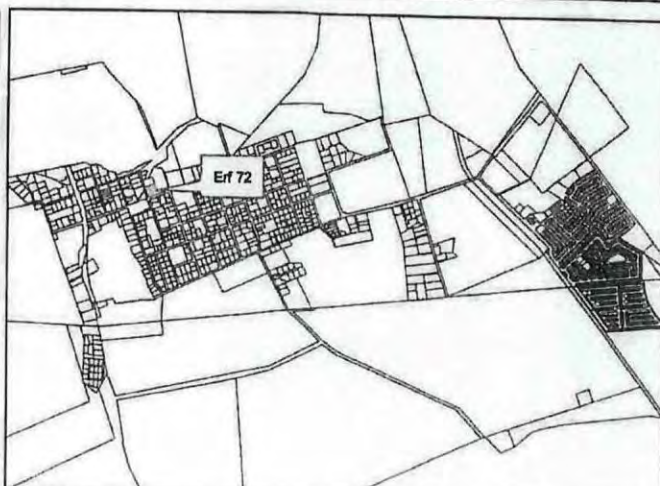


Voorgestelde onderverdeling

Erf 72, Riebeek Kasteel

Publieke deelname

Skaal : NVT



From: Fabricio Bagdocimo <fbagdocimo@gmail.com>
Sent: Wednesday, 15 May 2024 16:31
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: rezoning ERF 72/ Riebeek Kasteel (Hoofweg and Sarel Cilliers)

Att: The Municipal Manager

Fm : Fabricio Bagdocimo, owner, Sarel Cilliers 9 ERF 1290

Dear Sir,

In reference to your communication of April 15 I would like to lodge my objection and this based on 3 reasons:

- 1) The current sewage structure on Sarel Cilliers and Walter Streets is already under pressure as can be easily seen if you check the recent (and recurring) problems of sewage overflow at the corner of Walter and Sarel Cilliers.
- 2) The lower part of Sarel Cilliers (from Hoof St to Walter) is currently a dirt road so increase in traffic leads immediately to a considerable amount of dust in the air which eventually affects uncovered screens, computers, paintings.
- 3) The area of Sarel Cilliers bordered by Erf 72 and, on the other side of the street Erfs 65 and 1297 are a driving choke point with cars frequently parked in the area. An increase in buildings will lead inevitably to an aggravation of the problem if there is no deliberate planning to address it.

To be fair, all my 3 objections can be effectively addressed by the Municipality prior to actual construction on Erf 72 in which case I do not have any objections.

I trust you will see our problem and will find ways to address it.

I can be reached by email or cell phone (below details) should you need any further input.

Kind regards,

Fabricio Bagdocimo

Cell : + 27834417516

From: Joshua Geldenhuys <joshuageldenhuys1@gmail.com>
Sent: Wednesday, 15 May 2024 15:32
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objection to Proposed Rezoning and Subdivision of ERF 72, Riebeek Kasteel

Hello,

To The Swartland Municipal Manager and Town Planning Department:

I am writing this email to submit my objection and comments regarding NOTICE 74/2023/2024: PROPOSED REZONING AND SUBDIVISION OF ERF 72, RIEBEEK KASTEEL.

Name: Joshua Geldenhuys

Address: 86 Kloof Street, Riebeek Kasteel

Contact details: joshuageldenhuys1@gmail (preferred contact), 0724601970

Interest in application: I am a Ward 12 committee member and property owner & resident in Riebeek Kasteel

Reasons for comments: Objection and commentary regarding the said application in the context of the ERF's position within Riebeek Kasteel.

Background: ERF 72 is spatially positioned within the Central Business District of Riebeek Kasteel according to the Swartland Spatial Development Framework. It borders Main Street, which in this part of the town is primarily occupied by commercial establishments and is key to Riebeek Kasteel's economic viability and growth, tourism, and heritage appeal. It is also considered a high-density area.

In the table on page 10 of this application, it correctly states the development framework for Riebeek Kasteel: "Allow for minimum subdivision of single residential erven of 500m² and rural living erven identified zones of 1000m² and 2000m² respectively". This raises two issues with the proposed rezoning and subdivision:

- ERF 72 is far from any rural living erven identified zones, and it therefore doesn't qualify for the 1000m² or 2000m² residential erven extents. It is, in fact, in a high-density area where residential properties should not exceed 500m².
- Commercial and higher density residential developments should be encouraged in this area in line with the Spatial Development Framework.
- It is incorrect to assume that a future buyer or developer of Portion A would subdivide the property accordingly. If this proposal were approved, the owner of Portion A would be entitled to erect any dwelling that conforms with residential zone 1 within this space, which is not fitting.
- Therefore, the application to have Portion A as a single 2241m² residential zone 1 property should be rejected.

The protruding part of Portion A that borders Main Street and lies between Portion B and the Remainder is not coherent with the framework and ideals for this area of the town. This part has the following issues:

- Commercial zoning and activity should be encouraged along Main Street wherever possible, aligning with its current usage trajectory.

- It is unclear in the proposed plans how this part will be used and how it would be integrated into both the proposed Portion A and Main Street. It doesn't make sense to develop more residential next to and opposite existing commercial plots and along an activity road.
- Since the proposal indicates that Portion A will be accessed from Sarel Cilliers Street, it is additionally unclear how this back part of the residential property would be accessed. An access route from Main Street should be prohibited, and the visual and heritage aspect from Main Street should be protected. Without any further information or requirements, this part of Portion A that borders Main Street is left dangerously open to being used inappropriately (e.g. bins and service entrances, inappropriate building designs, driveways, etc.)
- While the Remainder is currently occupied as a residential property, Swartland Town Planning should be aligned with and give extra consideration to the inevitable likelihood and desire for this property to become commercial in the future.
- Therefore, the part of Portion A alongside Main Street and in between Portion B and the Remainder should be rejected as residential zone 1, and it should be encouraged to be commercial.

Two parts of the application are incorrect or misleading, which therefore invalidates the application meaning that a new application should be submitted with the correct information. These issues are:

- Page 6 of the application states: "Application is made to rezone Erf 515, Yzerfontein as follows:" and "Table 3: Proposed rezoning of Erf 515, Yzerfontein". I am not sure what a property in Yzerfontein has to do with an application in Riebeeck Kasteel.
- Page 8 of the application states: "Height: (i) No building may exceed a height of 6 storeys". I can't find a by-law that refers to the number of storeys in a building. The by-laws state that the height of a building's walls must be no higher than 8m from the ground, and the roof apex must be no higher than 10.5m from the ground. Therefore, setting the benchmark at 6 storeys is incorrect and the proposal fails to indicate the intended height of the building in line with the by-laws.

Kind regards,

Joshua Geldenhuys

Ward 12 Committee

15/05/2024

The Municipal Manager
c/o Danielle Warriess
Swartland Municipality

To whom it may concern

Regarding the subdivision of erf 72, Main Road Riebeek Kasteel.

I own erf 2226(via the Levitan Trust), Sarel Cilliers street, and although I did not receive notice of the application I would like to object as it affects my property that shares a road and is a mere 34m from erf 72. My neighbour, residing on erf 1097, alerted me to the pending application and I share his concerns.

Reason for comment:

- a) The application is vague and ignores the importance of the location of erf 72 and surrounds.
- b) The proposed rezoning is not suitable.
- c) The infrastructure is inadequate.

Substantiation:

a)The current application applies for 2 x residential stands (single unit) and a commercial stand, which are perfectly within reasonable grounds if viewed in isolation. The application, (par 6) mentions that the large residential portion will give the opportunity for investors and developers to create additional housing opportunities. This is also reasonable if done responsibly, but it is here that I feel concerned. I would like the municipality to take note of the serious negative impact that an ill-conceived residential development might have.

The application states that Riebeek Kasteel has two zones, a sensitive “ zone A “ and a central business district , “zone B”. The application identifies the area of the development as “zone B”. This is clearly not true. This area of the Main Road in Riebeek Kasteel is surely a “zone A”, sensitive zone. It has a historical character, it has a historic church. When I developed the Short Street complex, the municipality, prior to rezoning, asked for detailed information proving a sympathetic development, including an artist impression, to which I complied. Something lacking in this application. This led to the whole area becoming a tourist hub, due to the historic ambiance. Erf 72 is surrounded by a historic square, several historic houses (now businesses) and historic hotel and church. I did a survey and found that 132 persons are employed in this short stretch of Main Road alone, apart from about 16 estate agents, the rest are all reliant on the tourist and hospitality industry. Tourism in the town is dependent on the desirability of the town. This area is the tourism hub of the village and the Riebeek Kasteel equivalent of Tulbagh’s Church Street and destruction of its character will have a huge impact. It is not a CBD in the true sense of the word. The property is HIGHLY sensitive and the detailed application gives notice that a high density development will follow, but gives no further information. I thus have to object.

b) The application aims to have an undeveloped stretch of Main Road as zoned residential. This is a prime stretch of what surely should be used for commercial purposes. The detailed application states that access to the back of the larger residential erf would be via Main Road. Apart from stupidity of using the most valuable piece of the vacant property for a drive way, this will destroy the ambiance of the area. It also takes away several existing public parking places that are in short supply. Public parking will be waived for the sole benefit of residents’ access. Development must

be in line with the façade of the street and access must be at the back, the front must be in line with the buildings of the surround. I therefore feel compelled to object to the current application.

c) My property is downhill from erf 72 (36m) and the sewage lines of the area run into a small sewage reservoir that serves as a pump station to pump the sewage uphill into the main lines. This pump station is close to my house erf 2226, erven 64, 1290, 1907 and the adjacent farm. The sewage of erf 72 will also be served by this pump station.

This pump station is inadequate and I was told to me by my tenant, overflowing for two days, despite reporting it to the municipality three times. If this is not a problem on its own, the raw effluent is directly running into an irrigation dam on which boundary it is located. (5m)

The owners of above properties were not included in the mailing list of affected parties.

This pump station overflows regularly because it cannot cope with the load. There are another five vacant erven that will be developed, which this facility will also have to serve in future. The application does not mention the downstream problems and related stench and health risks. I point out that the farm dam irrigates export fruit crops and the responsibility rests fully with the municipality.

Apart from the sewage risks, Sarel Cilliers Street is unpaved and cannot cope with more traffic. The dust is a problem and the road is narrow with a one way bridge. The application does not address this issue nor provide details, although this part of Sarel Cilliers Street will also serve the planned future development. The same questions arise as with the sewage station, will it be upgraded and who is paying for it. I have to object to the application.

Conclusion

The application is obviously lacking in many areas and I urge the municipality to ensure that any further development of the property is beneficial to the larger community and neighbouring properties. They are after all the creators of the value of this property. I object to the application in its current form.

Regards



Dr Colin Levitan

Language preference English, colin@tah.co.za

15/05/2024

The Municipal Manager
c/o Danielle Warries
Swartland Municipality

To whom it may concern

Regarding the subdivision of erf 72, Main Road Riebeek Kasteel.

I previously commented on above application with a fellow affected party, but after paying more attention to the matter and the invite to object before the 20th of May 2024, I have decided to formally object.

I am commenting on the subdivision as the co-owner of erf 1921 (comprising the Short Street Commercial Complex, 8 businesses) and owner of erf 2097 (shop and guest accommodation). I developed both my properties and was a managing partner of the Royal Hotel for 5 years, I have managed my guest accommodation and specialist boutique wine shop for 15 years. All of these activities took place within 50m of erf 72. I also reside two erven away in Sarel Cilliers Street (erf 1907), which is very much affected by the development for reasons that will be explained below. I thus feel qualified to make a valuable contribution to protect the broader interests of the immediate community.

Reason for comment:

- a) The application is vague and ignores the importance of the location of erf 72 and surrounds.
- b) The proposed rezoning is not suitable.
- c) The infrastructure is inadequate.

Substantiation:

a) The current application applies for 2 x residential stands (single unit) and a commercial stand, which are perfectly within reasonable grounds if viewed in isolation. The application, (par 6) mentions that the large residential portion will give the opportunity for investors and developers to create additional housing opportunities. This is also reasonable if done responsibly, but it is here that I feel concerned. I would like the municipality to take note of the serious negative impact that an ill-conceived residential development might have.

The application states that Riebeek Kasteel has two zones, a sensitive “zone A” and a central business district, “zone B”. The application identifies the area of the development as “zone B”. This is clearly not true. This area of the Main Road in Riebeek Kasteel is surely a “zone A”, sensitive zone. It has a historical character, it has a historic church. When I developed the Short Street complex, the municipality, prior to rezoning, asked for detailed information proving a sympathetic development, including an artist impression, to which I complied. Something lacking in this application. This led to the whole area becoming a tourist hub, due to the historic ambiance. Erf 72 is surrounded by a historic square, several historic houses (now businesses) and historic hotel and church. I did a survey and found that 132 persons are employed in this short stretch of Main Road alone, apart from about 16 estate agents, the rest are all reliant on the tourist and hospitality industry. Tourism in the town is dependent on the desirability of the town. This area is the tourism hub of the village and the Riebeek Kasteel equivalent of Tulbagh’s Church Street and destruction of its character will have a huge impact. It is not a CBD in the true sense of the word. The property is HIGHLY sensitive and the detailed application gives notice that a high density development will follow, but gives no further information. I thus have to object.

b) The application aims to have an undeveloped stretch of Main Road as zoned residential. This is a prime stretch of what surely should be used for commercial purposes. The detailed application states that access to the back of the larger residential erf would be via Main Road. Apart from stupidity of using the most valuable piece of the vacant property for a drive way, this will destroy the ambiance of the area. It also takes away several existing public parking places that are in short supply. Public parking will be waived for the sole benefit of residents' access. Development must be in line with the façade of the street and access must be at the back, the front must be in line with the buildings of the surround. I therefore feel compelled to object to the current application.

c) I reside at the northern end of Sarel Cilliers Street. The property is downhill from erf 72 (45m) and the sewage lines of the area run into a small sewage reservoir that serves as a pump station to pump the sewage uphill into the main lines. This pump station is in front of my house erf 1907, erven 64, 1290, 1907, 2226 and the adjacent farm. The sewage of erf 72 will also be served by this pump station.

This pump station is inadequate and as I write this letter it has been overflowing for two days, despite reporting it to the municipality three times. If this is not a problem on its own, the raw effluent is directly running into an irrigation dam on which boundary it is located. (5m)

The owners of above properties were not included in the mailing list of affected parties.

This pump station overflows regularly because it cannot cope with the load. There are another five vacant erven that will be developed, which this facility will also have to serve in future. The application does not mention the downstream problems and related stench and health risks. I point out that the farm dam irrigates export fruit crops and the responsibility rests fully with the municipality.

Apart from the sewage risks, Sarel Cilliers Street is unpaved and cannot cope with more traffic. The dust is a problem and the road is narrow with a one way bridge. The application does not address this issue nor provide details, although this part of Sarel Cilliers Street will also serve the planned future development. The same questions arise as with the sewage station, will it be upgraded and who is paying for it. I have to object to the application.

Conclusion

The application is obviously lacking in many areas and I urge the municipality to ensure that any further development of the property is beneficial to the larger community and neighbouring businesses as in zone A. They are after all the creators of the value of this property. I object to the application in its current form.

Regards

Anton Espost,
Language preference English, espост @telkomsa.net,

15 May 2024

The Municipal Manager
c/o Danielle Warriess
Swartland Municipality

To whom it may concern

Regarding the subdivision of erf 72, Main Road Riebeek Kasteel.

I own erf 64, 7 Sarel Cilliers Street (corner of Walter Street), Riebeek Kasteel and, although I did not receive notice of the application, I would like to object as it affects my property that shares a road and is a mere 40 metres from erf 72. My neighbour, residing on erf 1097, alerted me to the pending application and I share his concerns.

I am in full agreement with all the points laid out below by the neighbour.

Reason for comment:

- a) The application is vague and ignores the importance of the location of erf 72 and surrounds.
- b) The proposed re-zoning is not suitable.
- c) The infrastructure is inadequate.

Substantiation:

- a) The current application applies for 2 x residential stands (single unit) and a commercial stand, which are perfectly within reasonable grounds if viewed in isolation. The application, (par 6) mentions that the large residential portion will give the opportunity for investors and developers to create additional housing opportunities. This is also reasonable if done responsibly, but it is here that I feel concerned. I would like the municipality to take note of the serious negative impact that an ill-conceived residential development might have.

The application states that Riebeek Kasteel has two zones, a sensitive “zone A” and a central business district, “zone B”. The application identifies the area of the development as “zone B”. This is clearly not true. This area of the Main Road in Riebeek Kasteel is surely a “zone A”, sensitive zone. It has a historical character, it has a historic church. When I developed the Short Street complex, the municipality, prior to rezoning, asked for detailed information proving a sympathetic development, including an artist impression, to which I complied. Something lacking in this application. This led to the whole area becoming a tourist hub, due to the historic ambiance. Erf 72 is surrounded by a historic square, several historic houses (now businesses) and historic hotel and church. I did a survey and found that 132 persons are employed in this short stretch of Main Road alone, apart from about 16 estate agents, the rest are all reliant on the tourist and hospitality industry. Tourism in the town is dependent on the desirability of the town. This area is the tourism hub of the village and the Riebeek Kasteel equivalent of Tulbagh’s Church Street and destruction of its character will have a huge impact. It is not a CBD in the true sense of the word. The property is HIGHLY sensitive and the detailed application gives notice that a high density development will follow, but gives no further information. I thus have to object.

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drive way, this will destroy the ambiance of the area. It also takes away several existing public parking places that are in short supply. Public parking will be waived for the sole benefit of residents' access. Development must be in line with the façade of the street and access must be at the back, the front must be in line with the buildings of the surround. I therefore feel compelled to object to the current application.

- c) My property is downhill from erf 72 (36m) and the sewage lines of the area runs into a small sewage reservoir that serves as a pump station to pump the sewage uphill into the main lines. This pump station is close my house erf 64, erven 64, 1290, 1907, 2226 and the adjacent farm. The sewage of erf 72 will be also be served by this pump station.

This pump station is inadequate and has currently been overflowing for two days, being reported to the municipality three times. If this is not a problem on its own, the raw effluent is directly running into an irrigation dam on which boundary it is located. (5m)

The owners of above properties were not included in the mailing list of affected parties.

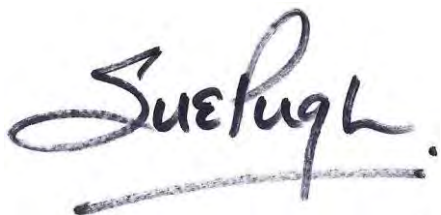
This pump station overflows regularly because it cannot cope with the load. There are another five vacant erven that will be developed, which this facility will also have to serve in future. The application does not mention the downstream problems and related stench and health risks. I point out that the farm dam irrigates export fruit crops and the responsibility rests fully with the municipality.

Apart from the sewage risks, Sarel Cilliers Street is unpaved and cannot cope with more traffic. The dust is a problem and the road is narrow with a one-way bridge. The application does not address this issue nor provide details, although this part of Sarel Cilliers Street will also serve the planned future development. The same questions arise as with the sewage station, will it be upgraded and who is paying for it. I have to object to the application.

Conclusion

The application is obviously lacking in many areas and I urge the municipality to ensure that any further development of the property is beneficial to the larger community and neighbouring properties. They are after all the creators of the value of this property. I object to the application in its current form.

Regards

A handwritten signature in dark ink, reading 'Sue Pugh'. The signature is stylized with a large, flowing 'S' and a long horizontal stroke at the bottom.

Sue Pugh

Language preference: English
Email: info@stillpure.co.za

CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 3 June 2024

Your Ref: 15/3/3-11/Erf 72

PER HAND AND EMAIL

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED REZONING AND SUBDIVISION OF ERF 72, RIEBEEK KASTEEL

Your letter dated 28 May 2024 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by Cornelius Jakobus Christiaansen and Margretha Maria Dercksen, as owners of Erf 72 to handle all town planning actions regarding the application for rezoning and subdivision of Erf 72, Riebeek Kasteel.

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

- Fabricio Bagdocimo (Erf 1290)
- Joshua Geldenhuys (Erf 1448)
- Sue Pugh (Erf 64)
- Anton Estpos (Erf 1921 and Erf 2097)
- Dr Colin Levitan (Erf 2226)

VENNOTE / PARTNERS:

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

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

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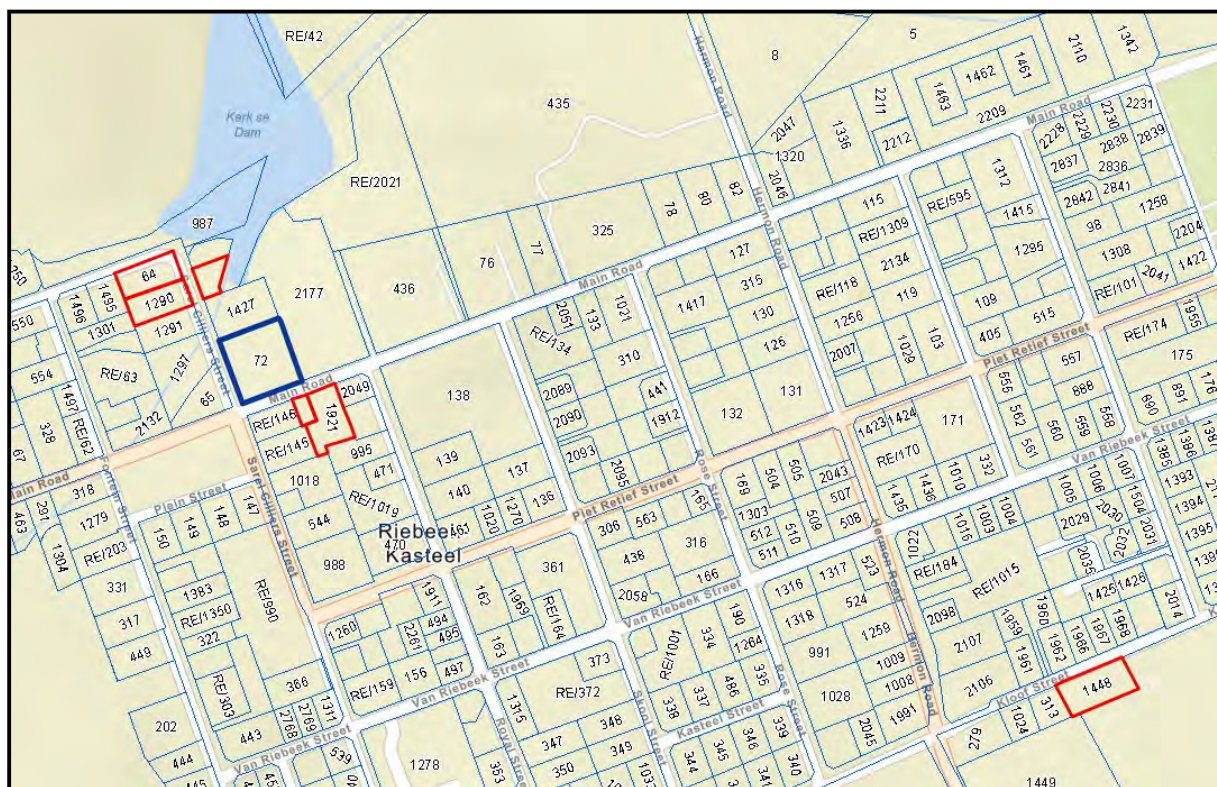


Figure 1: Erf 72 and surrounding objectors.

Objector	Objection	Comment from CK Rumboll & Partners
Fabricio Bagdocimo (Erf 1290)	1. The current sewage structure on Sarel Cilliers and Walter Streets is already under pressure as can be easily seen if you check the recent (and recurring) problems of sewage overflow at the corner of Walter and Sarel Cilliers.	1. Noted. Since the proposal is to subdivide the property into only three properties, it will have a very small impact on the provision of additional engineering services.
	2. The lower part of Sarel Cilliers (from Hoof St to Walter) is currently a dirt road so increase in traffic leads immediately to a considerable amount of dust in the air which eventually affects uncovered screens, computers, paintings.	2. Noted. Since the proposed Remainder gains access from Main Street and portion B from both Main Street and Sarel Cilliers Street, the additional traffic impact on Sarel Cilliers Street will primarily come from Portion A and partially from Portion B. Consequently, the impact on traffic-induced dust will be very limited.

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	<p>3. The area of Sarel Cilliers bordered by Erf 72 and, on the other side of the street Erfs 65 and 1297 are a driving choke point with cars frequently parked in the area. An increase in buildings will lead inevitably to an aggravation of the problem if there is no deliberate planning to address it.</p> <p>To be fair, all my 3 objections can be effectively addressed by the Municipality prior to actual construction on Erf 72 in which case I do not have any objections.</p>	<p>3. Noted. With the proposed subdivision and rezoning, each portion of land and use can accommodate sufficient parking space on site in accordance with the development parameters of Swartland Municipality.</p>
<p>Joshua Geldenhuys (Erf 1448)</p>	<p>4. In the table on page 10 of this application, it correctly states the development framework for Riebeek Kasteel: "Allow for minimum subdivision of single residential erven of 500m² and rural living erven identified zones of 1000m' and 2000m' respectively". This raises two issues with the proposed rezoning and subdivision:</p> <p>4.1 Erf 72 is far from any rural living erven identified zones, and it therefore doesn't qualify for the 1000m² or 2000m² residential erven extents. It is, in fact, in a high-density area where residential properties should not exceed 500m²</p> <p>4.2 Commercial and higher density residential developments should be encouraged in this area in line with the Spatial Development Framework. It is incorrect to assume that a future buyer or developer of Portion A would subdivide the property accordingly. If this proposal were approved, the owner of Portion A would be entitled to erect any dwelling that conforms with residential zone 1 within this space, which is not fitting. Therefore, the application</p>	<p>4.1 Currently Erf 72 is zoned Residential Zone 1 with an extent of 3350m² and consists of a spot zoning to accommodate an existing business. The proposal to subdivide the property is consistent with the SDF to increase densification. There are no maximum sizes for Residential Zone 1 properties. The proposal complies with the minimum subdivision size of 500m² and should be supported.</p> <p>4.2 Noted. Since the proposal includes densification of the existing property and the separation of the business premises from the existing residential property, this proposal complies with the SDF. Should the owner wish to develop the proposed Portion A for higher density in the future, a new land use application will need to be submitted and the public will be enquired to comment once again.</p>

VENNOTE / PARTNERS:

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	<p>to have Portion A as a single 2241m residential zone 1 property should be rejected. The protruding part of Portion A that borders Main Street and lies between Portion B and the Remainder is not coherent with the framework and ideals for this area of the town. This part has the following issues:</p> <p>4.3 Commercial zoning and activity should be encouraged along Main Street wherever possible, aligning with its current usage trajectory.</p> <p>4.4 It is unclear in the proposed plans how this part will be used and how it would be integrated into both the proposed Portion A and Main Street. It doesn't make sense to develop more residential next to and opposite existing commercial plots and along an activity road.</p> <p>4.5 Since the proposal indicates that Portion A will be accessed from Sarel Cilliers Street, it is additionally unclear how this back part of the residential property would be accessed. An access route from Main Street should be prohibited, and the visual and heritage aspect from Main Street should be protected. Without any further information or requirements, this part of Portion A that borders Main Street is left dangerously open to being used inappropriately (e.g. bins and service entrances, inappropriate building designs, driveways, etc.)</p> <p>4.6 While the Remainder is currently occupied as a residential property, Swartland Town Planning should be aligned with and give extra consideration to the inevitable likelihood and desire for this property to become commercial in the future</p>	<p>4.3 Noted. The proposal will allow the existing commercial property to be located on its own land unit.</p> <p>4.4 Noted. Should the owner wish to develop the proposed Portion A in the future, a new land use application will be submitted.</p> <p>4.5 Since portion A is only one property, only one access point from Sarel Cilliers Street will be required.</p> <p>4.6 Noted.</p>
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VENNOTE / PARTNERS:

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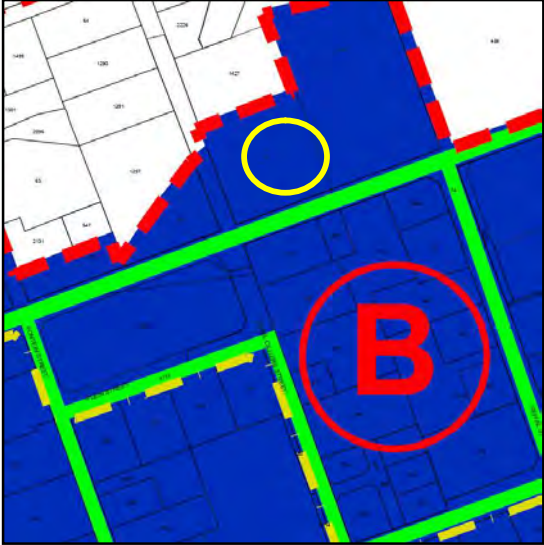
	<p>4.7 Therefore, the part of Portion A alongside Main Street and in between Portion B and the Remainder should be rejected as residential zone 1, and it should be encouraged to be commercial.</p> <p>4.8 Two parts of the application are incorrect or misleading, which therefore invalidates the application meaning that a new application should be submitted with the correct information. These issues are: Page 6 of the application states: "Application is made to rezone Erf 515, Yzerfontein as follows:" and "Table 3: Proposed rezoning of Erf 515, Yzerfontein". I am not sure what a property in Yzerfontein has to do with an application in Riebeeck Kasteel.</p> <p>Page 8 of the application states: "Height: (i) No building may exceed a height of 6 storeys" can't find a by-law that refers to the number of storeys in a building. The by-laws state that the height of a building's walls must be no higher than 8m from the ground, and the roof apex must be no higher than 10.5m from the ground. Therefore, setting the benchmark at 6 storeys is incorrect and the proposal fails to indicate the intended height of the building in line with the by-laws.</p>	<p>4.7 Noted. The entire Erf 72, Riebeeck Kasteel is earmarked for commercial use within the Spatial Development Framework. Should the owner wish to develop the property for commercial purposes in the future, he will have to submit a new land use application.</p> <p>4.8 The reference to Erf 515 Yzerfontein is a mistake within the land use application and should be ignored.</p> <p>Refer to page 100 within the Swartland Municipal Land Use Planning By-Law—2020 for the development parameters for the proposed Business Zone 1 property.</p>
<p>Sue Pugh (Erf 64)</p> <p>Anton Estpos (Erf 1921 and Erf 2097)</p> <p>Dr Colin</p>	<p>5. The current application applies for 2 x residential stands (single unit) and a commercial stand, which are perfectly within reasonable grounds and we have no problem with this. The application, (par 6) mentions that the large residential portion will give the opportunity for investors and developers to create additional housing opportunities. This is also reasonable if done responsibly and it is here that we feel concerned. We would like the municipality to take note of the serious negative impact that an ill-conceived residential development might have.</p>	<p>Noted. Should any new development occur on the proposed Portion A, a new land use application will be submitted where the public can comment and the proposal will be evaluated by the municipality.</p>

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<p>Levitan (Erf 2226)</p>	<p>6. The application states that Riebeek Kasteel has two zones, a sensitive "zone A" and a central business district, "zone B". The application identifies the area of the development as "zone B". This is clearly not true. This area of the Main Road in Riebeek Kasteel is surely "zone A", sensitive zone. It has a historical character, it has a historic church. When I did the Short Street development the municipality placed a long list of restrictions on me for a sympathetic development, to which I complied. This led to the whole area becoming a tourist hub, due to the historic ambiance. Erf 72 is surrounded by a historic square, 2 historic houses (now businesses) and a historic significant hotel and a historic church. We did a survey and found that 132 persons are employed in this short stretch of Main Road, apart from about 16 estate agents, the rest are all reliant on the tourist and hospitality industry. Tourism in the town is again dependant on the desirability of the town. This area is the tourism hub of the village because of the historic atmosphere. It is the Riebeek Kasteel equivalent of Tulbagh's Church Street and destruction of its character will have a huge impact. It is not a CBD in the true sense of the word. The property is HIGHLY sensitive and the detailed application gives notice that a high density development will follow, but gives no further information.</p>	<p>2. Erf 72, Riebeek Kasteel is indeed located within Zone B (central Business District) of the land use zone proposals.</p>  <p>It is noted that the property is located within a historic area, but application is now merely made for the subdivision of the property and to establish the existing commercial building on its own land unit with no further development. Once further development is proposed, the property will have to consider the surrounding historic character to ensure that it does not adversely affect the heritage value of Riebeek Kasteel.</p>
	<p>7. The application aims to have an undeveloped stretch of Main Road as zoned residential. This is a prime stretch of what surely should be used for commercial purposes. The detailed application states that access to the back of the larger residential erf would be via Main Road. Apart from stupidity of using the most valuable piece of the vacant property for a drive way, this will destroy the ambiance of the area. It also takes away several existing public parking places that are in short supply. Public parking</p>	<p>7. The following is an extract from the motivation report: "Access to the proposed Portion A and Portion B will be from Sarel Cilliers Street on the western boundary. The proposed Remainder will make use of the existing access point from Main Street on the southern boundary."</p> <p>It is clear that the objector is uninformed with regards to the access to and from the proposed properties. The proposal can therefore be supported.</p>

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MALMESBURY (T) 022 482 1845

	<p>will be waived for the sole benefit of residents' access. Development must be in line with the façade of the street and access must be at the back, the front must be in line with the buildings of the surround. I therefore feel compelled to object to the current application.</p>	
	<p>8. I reside at the northern end of Sarel Cilliers Street. The property is downhill from erf 72 (45m) and the sewage lines of the area runs into a small sewage reservoir that serves as a pump station to pump the sewage uphill into the main lines. This pump station is in front of my house erf 1907, erven 64, 1290, 1907, 2226 and the adjacent farm. The sewage of erf 72 will be also be served by this pump station.</p> <p>This pump station is inadequate and as I write this letter it has been overflowing for two days, despite reporting it to the municipality three times. If this is not a problem on its own, the raw effluent is directly running into an irrigation dam on which boundary it is located. (5m)</p> <p>The owners of above properties were not included in the mailing list of affected parties. This pump station overflows regularly because it cannot cope with the load. There are another five vacant erven that will be developed, which this facility will also have to serve in future. The application does not mention the downstream problems and related stench and health risks. I point out that the farm dam irrigates export fruit crops and the responsibility rests fully with the municipality.</p>	<p>8. Noted. The proposed erven will be connected to the existing service network in the area. It is the role of the Swartland Engineering Department to maintain and upgrade services accordingly.</p>

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

	<p>9. Apart from the sewage risks, Sarel Cilliers Street is unpaved and cannot cope with more traffic. The dust is a problem and the road is narrow with a one way brige. The application does not address this issue nor provide details, although this part of Sarel Cilliers Street will also serve the planned future development, the same questions arise as with the sewage station, will it be upgraded and who is paying for it. I have to object to the application.</p> <p>The application is obviously lacking in many areas and I urge the municipality to ensure that any further development of the property it beneficial to the larger community and neighbouring businesses as in zone A. They are after all the creators of the value of this property. I object to the application in its current form.</p>	<p>9. Refer to point 2 and 8 above.</p>
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In light of the aforementioned details, it is clear that the proposition to subdivide and rezone of Erf 72 in Riebeek Kasteel aligns with the guidelines and future planning outlined in the Swarltand Spatial Development Framework for the area.

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

Kind regards



NJ de Kock
For CK RUMBOLL AND PARTNERS

Annexure A



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_72
15/3/3-11/Erf_72

Enquiries:
Ms D N Stallenberg

28 May 2024

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

OBJECTIONS: PROPOSED REZONING AND SUBDIVISION OF ERF 72, RIEBEEK KASTEEL

Your application with reference RK/13528/NJdK dated 12 March 2024 refers.

Kindly find attached the objections received by Fabricio Bagdocimo, Joshua Geldenhuys, Sue Pugh, Anton Estpost, Dr Colin Levitan during the commenting period.

In terms of Section 65 of the Swartland Municipality: Municipal Land Use Planning By Law (PG 8226 of 25 March 2020) you are hereby requested to submit comments on the objections within 30 days from the date of this letter.

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

From: Fabricio Bagdocimo <fbagdocimo@gmail.com>
Sent: Wednesday, 15 May 2024 16:31
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: rezoning ERF 72/ Riebeeck Kasteel (Hoofweg and Sarel Cilliers)

Att: The Municipal Manager

Fm : Fabricio Bagdocimo, owner, Sarel Cilliers 9 ERF 1290

Dear Sir,

In reference to your communication of April 15 I would like to lodge my objection and this based on 3 reasons:

- 1) The current sewage structure on Sarel Cilliers and Walter Streets is already under pressure as can be easily seen if you check the recent (and recurring) problems of sewage overflow at the corner of Walter and Sarel Cilliers.
- 2) The lower part of Sarel Cilliers (from Hoof St to Walter) is currently a dirt road so increase in traffic leads immediately to a considerable amount of dust in the air which eventually affects uncovered screens, computers, paintings.
- 3) The area of Sarel Cilliers bordered by Erf 72 and, on the other side of the street Erfs 65 and 1297 are a driving choke point with cars frequently parked in the area. An increase in buildings will lead inevitably to an aggravation of the problem if there is no deliberate planning to address it.

To be fair, all my 3 objections can be effectively addressed by the Municipality prior to actual construction on Erf 72 in which case I do not have any objections.

I trust you will see our problem and will find ways to address it.

I can be reached by email or cell phone (below details) should you need any further input.

Kind regards,

Fabricio Bagdocimo

Cell : + 27834417516

From: Joshua Geldenhuys <joshuageldenhuys1@gmail.com>
Date: Wed, 15 May 2024 at 15:32
Subject: Objection to Proposed Rezoning and Subdivision of ERF 72, Riebeek Kasteel
To: Swartland Munisipaliteit <swartlandmun@swartland.org.za>

Hello,

To The Swartland Municipal Manager and Town Planning Department:

I am writing this email to submit my objection and comments regarding NOTICE 74/2023/2024:
PROPOSED REZONING AND SUBDIVISION OF ERF 72, RIEBEEK KASTEEL.

Name: Joshua Geldenhuys

Address: 86 Kloof Street, Riebeek Kasteel

Contact details: joshuageldenhuys1@gmail (preferred contact), 0724601970

Interest in application: I am a Ward 12 committee member and property owner & resident in Riebeek Kasteel

Reasons for comments: Objection and commentary regarding the said application in the context of the ERF's position within Riebeek Kasteel.

Background: ERF 72 is spatially positioned within the Central Business District of Riebeek Kasteel according to the Swartland Spatial Development Framework. It borders Main Street, which in this part of the town is primarily occupied by commercial establishments and is key to Riebeek Kasteel's economic viability and growth, tourism, and heritage appeal. It is also considered a high-density area.

In the table on page 10 of this application, it correctly states the development framework for Riebeek Kasteel: "Allow for minimum subdivision of single residential erven of 500m² and rural living erven identified zones of 1000m² and 2000m² respectively". This raises two issues with the proposed rezoning and subdivision:

- ERF 72 is far from any rural living erven identified zones, and it therefore doesn't qualify for the 1000m² or 2000m² residential erven extents. It is, in fact, in a high-density area where residential properties should not exceed 500m².
- Commercial and higher density residential developments should be encouraged in this area in line with the Spatial Development Framework.
- It is incorrect to assume that a future buyer or developer of Portion A would subdivide the property accordingly. If this proposal were approved, the owner of Portion A would be entitled to erect any dwelling that conforms with residential zone 1 within this space, which is not fitting.
- Therefore, the application to have Portion A as a single 2241m² residential zone 1 property should be rejected.

The protruding part of Portion A that borders Main Street and lies between Portion B and the Remainder is not coherent with the framework and ideals for this area of the town. This part has the following issues:

- Commercial zoning and activity should be encouraged along Main Street wherever possible, aligning with its current usage trajectory.

- It is unclear in the proposed plans how this part will be used and how it would be integrated into both the proposed Portion A and Main Street. It doesn't make sense to develop more residential next to and opposite existing commercial plots and along an activity road.
- Since the proposal indicates that Portion A will be accessed from Sarel Cilliers Street, it is additionally unclear how this back part of the residential property would be accessed. An access route from Main Street should be prohibited, and the visual and heritage aspect from Main Street should be protected. Without any further information or requirements, this part of Portion A that borders Main Street is left dangerously open to being used inappropriately (e.g. bins and service entrances, inappropriate building designs, driveways, etc.)
- While the Remainder is currently occupied as a residential property, Swartland Town Planning should be aligned with and give extra consideration to the inevitable likelihood and desire for this property to become commercial in the future.
- Therefore, the part of Portion A alongside Main Street and in between Portion B and the Remainder should be rejected as residential zone 1, and it should be encouraged to be commercial.

Two parts of the application are incorrect or misleading, which therefore invalidates the application meaning that a new application should be submitted with the correct information. These issues are:

- Page 6 of the application states: "Application is made to rezone Erf 515, Yzerfontein as follows:" and "Table 3: Proposed rezoning of Erf 515, Yzerfontein". I am not sure what a property in Yzerfontein has to do with an application in Riebeeck Kasteel.
- Page 8 of the application states: "Height: (i) No building may exceed a height of 6 storeys". I can't find a by-law that refers to the number of storeys in a building. The by-laws state that the height of a building's walls must be no higher than 8m from the ground, and the roof apex must be no higher than 10.5m from the ground. Therefore, setting the benchmark at 6 storeys is incorrect and the proposal fails to indicate the intended height of the building in line with the by-laws.

Kind regards,

Joshua Geldenhuys
Ward 12 Committee

15 May 2024

The Municipal Manager
c/o Danielle Warries
Swartland Municipality

To whom it may concern

Regarding the subdivision of erf 72, Main Road Riebeek Kasteel.

I own erf 64, 7 Sarel Cilliers Street (corner of Walter Street), Riebeek Kasteel and, although I did not receive notice of the application, I would like to object as it affects my property that shares a road and is a mere 40 metres from erf 72. My neighbour, residing on erf 1097, alerted me to the pending application and I share his concerns.

I am full agreement with all the points laid out below by the neighbour.

Reason for comment:

- a) The application is vague and ignores the importance of the location of erf 72 and surrounds.
- b) The proposed re-zoning is not suitable.
- c) The infrastructure is inadequate.

Substantiation:

- a) The current application applies for 2 x residential stands (single unit) and a commercial stand, which are perfectly within reasonable grounds if viewed in isolation. The application, (par 6) mentions that the large residential portion will give the opportunity for investors and developers to create additional housing opportunities. This is also reasonable if done responsibly, but it is here that I feel concerned. I would like the municipality to take note of the serious negative impact that an ill-conceived residential development might have.

The application states that Riebeek Kasteel has two zones, a sensitive "zone A" and a central business district, "zone B". The application identifies the area of the development as "zone B". This is clearly not true. This area of the Main Road in Riebeek Kasteel is surely a "zone A", sensitive zone. It has a historical character, it has a historic church. When I developed the Short Street complex, the municipality, prior to rezoning, asked for detailed information proving a sympathetic development, including an artist impression, to which I complied. Something lacking in this application. This led to the whole area becoming a tourist hub, due to the historic ambiance. Erf 72 is surrounded by a historic square, several historic houses (now businesses) and historic hotel and church. I did a survey and found that 132 persons are employed in this short stretch of Main Road alone, apart from about 16 estate agents, the rest are all reliant on the tourist and hospitality industry. Tourism in the town is dependent on the desirability of the town. This area is the tourism hub of the village and the Riebeek Kasteel equivalent of Tulbagh's Church Street and destruction of its character will have a huge impact. It is not a CBD in the true sense of the word. The property is HIGHLY sensitive and the detailed application gives notice that a high density development will follow, but gives no further information. I thus have to object.

- b) The application aims to have an undeveloped stretch of Main Road as zoned residential. This is a prime stretch of what surely should be used for commercial purposes. The detailed application states that access to the back of the larger residential erf would be via Main Road. Apart from stupidity of using the most valuable piece of the vacant property for a

drive way, this will destroy the ambiance of the area. It also takes away several existing public parking places that are in short supply. Public parking will be waived for the sole benefit of residents' access. Development must be in line with the façade of the street and access must be at the back, the front must be in line with the buildings of the surround. I therefore feel compelled to object to the current application.

- c) My property is downhill from erf 72 (36m) and the sewage lines of the area runs into a small sewage reservoir that serves as a pump station to pump the sewage uphill into the main lines. This pump station is close my house erf 64, erven 64, 1290, 1907, 2226 and the adjacent farm. The sewage of erf 72 will be also be served by this pump station.

This pump station is inadequate and has currently been overflowing for two days, being reported to the municipality three times. If this is not a problem on its own, the raw effluent is directly running into an irrigation dam on which boundary it is located. (5m)

The owners of above properties were not included in the mailing list of affected parties.

This pump station overflows regularly because it cannot cope with the load. There are another five vacant erven that will be developed, which this facility will also have to serve in future. The application does not mention the downstream problems and related stench and health risks. I point out that the farm dam irrigates export fruit crops and the responsibility rests fully with the municipality.

Apart from the sewage risks, Sarel Cilliers Street is unpaved and cannot cope with more traffic. The dust is a problem and the road is narrow with a one-way bridge. The application does not address this issue nor provide details, although this part of Sarel Cilliers Street will also serve the planned future development. The same questions arise as with the sewage station, will it be upgraded and who is paying for it. I have to object to the application.

Conclusion

The application is obviously lacking in many areas and I urge the municipality to ensure that any further development of the property is beneficial to the larger community and neighbouring properties. They are after all the creators of the value of this property. I object to the application in its current form.

Regards

A handwritten signature in black ink, reading "Sue Pugh". The signature is stylized with a large, flowing "S" and a long, horizontal stroke at the end.

Sue Pugh

Language preference: English
Email: info@stillpure.co.za

15/05/2024

The Municipal Manager
c/o Danielle Warries
Swartland Municipality

To whom it may concern

Regarding the subdivision of erf 72, Main Road Riebeek Kasteel.

I previously commented on above application with a fellow affected party, but after paying more attention to the matter and the invite to object before the 20th of May 2024, I have decided to formally object.

I am commenting on the subdivision as the co-owner of erf 1921 (comprising the Short Street Commercial Complex, 8 businesses) and owner of erf 2097 (shop and guest accommodation). I developed both my properties and was a managing partner of the Royal Hotel for 5 years, I have managed my guest accommodation and specialist boutique wine shop for 15 years. All of these activities took place within 50m of erf 72. I also reside two erven away in Sarel Cilliers Street (erf 1907), which is very much affected by the development for reasons that will be explained below. I thus feel qualified to make a valuable contribution to protect the broader interests of the immediate community.

Reason for comment:

- a) The application is vague and ignores the importance of the location of erf 72 and surrounds.
- b) The proposed rezoning is not suitable.
- c) The infrastructure is inadequate.

Substantiation:

a) The current application applies for 2 x residential stands (single unit) and a commercial stand, which are perfectly within reasonable grounds if viewed in isolation. The application, (par 6) mentions that the large residential portion will give the opportunity for investors and developers to create additional housing opportunities. This is also reasonable if done responsibly, but it is here that I feel concerned. I would like the municipality to take note of the serious negative impact that an ill-conceived residential development might have.

The application states that Riebeek Kasteel has two zones, a sensitive "zone A" and a central business district, "zone B". The application identifies the area of the development as "zone B". This is clearly not true. This area of the Main Road in Riebeek Kasteel is surely a "zone A", sensitive zone. It has a historical character, it has a historic church. When I developed the Short Street complex, the municipality, prior to rezoning, asked for detailed information proving a sympathetic development, including an artist impression, to which I complied. Something lacking in this application. This led to the whole area becoming a tourist hub, due to the historic ambience. Erf 72 is surrounded by a historic square, several historic houses (now businesses) and historic hotel and church. I did a survey and found that 132 persons are employed in this short stretch of Main Road alone, apart from about 16 estate agents, the rest are all reliant on the tourist and hospitality industry. Tourism in the town is dependent on the desirability of the town. This area is the tourism hub of the village and the Riebeek Kasteel equivalent of Tulbagh's Church Street and destruction of its character will have a huge impact. It is not a CBD in the true sense of the word. The property is HIGHLY sensitive and the detailed application gives notice that a high density development will follow, but gives no further information. I thus have to object.

b) The application aims to have an undeveloped stretch of Main Road as zoned residential. This is a prime stretch of what surely should be used for commercial purposes. The detailed application states that access to the back of the larger residential erf would be via Main Road. Apart from stupidity of using the most valuable piece of the vacant property for a drive way, this will destroy the ambience of the area. It also takes away several existing public parking places that are in short supply. Public parking will be waived for the sole benefit of residents' access. Development must be in line with the façade of the street and access must be at the back, the front must be in line with the buildings of the surround. I therefore feel compelled to object to the current application.

c) I reside at the northern end of Sarel Cilliers Street. The property is downhill from erf 72 (45m) and the sewage lines of the area runs into a small sewage reservoir that serves as a pump station to pump the sewage uphill into the main lines. This pump station is in front of my house erf 1907, erven 64, 1290, 1907, 2226 and the adjacent farm. The sewage of erf 72 will be also be served by this pump station.

This pump station is inadequate and as I write this letter it has been overflowing for two days, despite reporting it to the municipality three times. If this is not a problem on its own, the raw effluent is directly running into an irrigation dam on which boundary it is located. (5m)

The owners of above properties were not included in the mailing list of affected parties.

This pump station overflows regularly because it cannot cope with the load. There are another five vacant erven that will be developed, which this facility will also have to serve in future. The application does not mention the downstream problems and related stench and health risks. I point out that the farm dam irrigates export fruit crops and the responsibility rests fully with the municipality.

Apart from the sewage risks, Sarel Cilliers Street is unpaved and cannot cope with more traffic. The dust is a problem and the road is narrow with a one way bridge. The application does not address this issue nor provide details, although this part of Sarel Cilliers Street will also serve the planned future development. The same questions arise as with the sewage station, will it be upgraded and who is paying for it. I have to object to the application.

Conclusion

The application is obviously lacking in many areas and I urge the municipality to ensure that any further development of the property is beneficial to the larger community and neighbouring businesses as in zone A. They are after all the creators of the value of this property. I object to the application in its current form.

Regards

Anton Espost,
Language preference English, espост @telkomsa.net,

15/05/2024

The Municipal Manager
c/o Danielle Warries
Swartland Municipality

To whom it may concern

Regarding the subdivision of erf 72, Main Road Riebeek Kasteel.

I own erf 2226(via the Levitan Trust), Sarel Cilliers street, and although I did not receive notice of the application I would like to object as it affects my property that shares a road and is a mere 34m from erf 72. My neighbour, residing on erf 1097, alerted me to the pending application and I share his concerns.

Reason for comment:

- a) The application is vague and ignores the importance of the location of erf 72 and surrounds.
- b) The proposed rezoning is not suitable.
- c) The infrastructure is inadequate.

Substantiation:

a)The current application applies for 2 x residential stands (single unit) and a commercial stand, which are perfectly within reasonable grounds if viewed in isolation. The application, (par 6) mentions that the large residential portion will give the opportunity for investors and developers to create additional housing opportunities. This is also reasonable if done responsibly, but it is here that I feel concerned. I would like the municipality to take note of the serious negative impact that an ill-conceived residential development might have.

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c) My property is downhill from erf 72 (36m) and the sewage lines of the area runs into a small sewage reservoir that serves as a pump station to pump the sewage uphill into the main lines. This pump station is close my house erf 2226, erven 64, 1290, 1907 and the adjacent farm. The sewage of erf 72 will be also be served by this pump station.

This pump station is inadequate and I as told to me by my tenant, overflowing for two days, despite reporting it to the municipality three times. If this is not a problem on its own, the raw effluent is directly running into an irrigation dam on which boundary it is located. (5m)

The owners of above properties were not included in the mailing list of affected parties.

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Conclusion

The application is obviously lacking in many areas and I urge the municipality to ensure that any further development of the property is beneficial to the larger community and neighbouring properties . They are after all the creators of the value of this property. I object to the application in its current form.

Regards



Dr Colin Levitan

Language preference English, colin@tah.co.za

