



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE BANQUETING HALL,  
MALMESBURY ON WEDNESDAY, 13 APRIL 2022 AT 14:00**

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**PRESENT**

Internal members:

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

External members:

Ms C Havenga  
Mr C Rabie

Other officials:

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

**1. OPENING**

The chairperson opened the meeting and welcomed members.

**2. APOLOGY**

No apology was received.

**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 9 MARCH 2022**

**RESOLVED**

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

That the minutes of a Municipal Planning Tribunal Meeting held on 9 March 2022 are approved and signed by the chairperson.

**5. MATTERS ARISING FROM MINUTES**

**5.1 MINUTES OF MUNICIPAL PLANNING TRIBUNAL HELD ON 9 MARCH 2022**

None.

**6. MATTERS FOR CONSIDERATION**

6.1/...

## 6.1 PROPOSED REZONING, CONSOLIDATION AND CONSENT USE ON ERF 301 AND ERF 302, KORINGBERG (15/3/3-7, 15/3/10-7, 15/3/12-7) (WARD 1)

The author, Ms A de Jager, tabled the item and highlighted the location of the erven a block from the main road in Koringberg and Erf 302 abutting an activity street. The erven are located in a low density residential area with limited opportunities for densification along the activity streets. The application is therefore partially supported for the accommodation of a residential dwelling and a guest house.

Ms de Jager confirmed that the majority of objections were against the proposed development of a Place of Assembly of which the latter is not consistent with the Swartland Municipality: Spatial Development Framework and therefore not supported.

### RESOLUTION

- A. The application for the rezoning of Erf 301 and Erf 302, Koringberg from Residential Zone 1 to General Residential Zone 3, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for the consolidation of Erf 301 and Erf 302, Koringberg be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. Approvals A. and B. are subject to the conditions that:

#### **C1 TOWN PLANNING AND BUILDING CONTROL**

- (a) Erf 301 and Erf 302, Koringberg be rezoned from Residential Zone 1 to General Residential Zone 3, in order to accommodate a residential dwelling and a guest house, as presented in the application;
- (b) Erf 301 (1 658 m<sup>2</sup> in extent) and Erf 302 (1 493 m<sup>2</sup> in extent) be consolidated in order to form one erf of 3 151 m<sup>2</sup> in extent;
- (c) A minimum of thirteen (13) on-site parking bays be provided and that parking bays be finished in a permanent dust free surface, whether it be tar, concrete, paving or any other material, as approved by the Director: Civil Engineering Services beforehand, and the parking bays be clearly demarcated, at building plan stage;
- (d) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- (e) A site development plan, including positioning of buildings, parking layout, access to property and proposed landscaping that complement the residential character of the area, be submitted to the Senior Manager: Built Environment at building plan stage for consideration and approval;
- (f) Application be made to the Senior Manager: Built Environment for the right to construct or affix and display any signage;
- (g) Any signage be limited to 1 m<sup>2</sup> in area and may not project over a public street;
- (h) A contact number of the owner be displayed conspicuously on the premises at all times for emergency and/or complaint purposes;
- (i) A code of conduct for guests to the guest house be submitted to the Senior Manager: Built Environment for consideration and approval;
- (j) The owner/developer be responsible for enforcing the code of conduct;
- (k) All amenities and provision of meals be for the sole benefit of bona fide lodgers. The approval does not authorise the use of the guest house or its amenities by individuals who are not bona fide lodgers as a venue for parties, weddings or any other such use restricted by the By-Law;
- (l) A register of guests and lodgers be kept and completed when rooms are let, and the register be produced for inspection on request by a municipal official at any time;
- (m) Guest rooms not be converted to, or used as separate dwelling units;
- (n) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the guest house;
- (o) A trade licence be obtained from Swartland Municipality for the operation of the guest house;
- (p) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be adhered to, to the satisfaction of the relevant authority;

**C2 WATER**

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

**C3 SEWERAGE**

- (a) The consolidated property be provided with a conservancy tank of minimum 8 000 litre volume, which is accessible to the service truck from the street;

**C4 STREETS AND STORM WATER**

- (a) The parking bays and sidewalk be designed by an engineer, appropriately certified in terms of Act 46 of 2000;
- (b) The design be submitted to the Director: Civil Engineering Services for consideration and approval, at building plan stage;
- (c) The construction of the sidewalk and parking bays be completed under the supervision of the appointed engineer;

**C5 DEVELOPMENT CHARGES**

- (a) The owner/developer be responsible for the development charge of R23 959,10 towards bulk water supply, payable at building plan stage. The amount is due to the Swartland Municipality and is valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer be responsible for the development charge of R26 916,37 towards bulk water distribution, payable at building plan stage. The amount is due to Swartland Municipality and is valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer be responsible for the development charge of R13 315,77 towards sewerage, payable at building plan stage. The amount is due to the Swartland Municipality and is valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to C5(a).

**D. GENERAL**

- (a) Should it be necessary to expand any of the engineering services, in order to ensure supply to the development, the associated costs will be for the account of the owner/developer;
- (b) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years. All conditions of approval be met before the occupancy certificate be issued, after which the 5 year period will no longer be applicable;
- (c) The approval does not exonerate the applicant from obtaining the necessary approval(s) from any other applicable statutory authority;
- (d) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.

- E. The application for a consent use in order to accommodate a Place of Assembly on Erf 301 and Erf 302, Koringberg, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

**E1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The SDF only allows for limited residential densification along activity streets in Zone C of Koringberg, thus the proposed land use is contradictory to the spatial planning for the area;
- (b) The Place of Assembly will constitute a land use that is not consistent with the character of the low density residential neighbourhood;

- F. The application for rezoning and consolidation be supported for the following reasons:

- (a) The proposed dwelling and guest house are residential uses and are therefore consistent with the proposals of the SDF;
- (b) A rezoning is necessary, as General Residential Zone 3 allows for both a dwelling and a guest house as primary rights within the zone;

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- (c) The development proposal supports the optimal utilisation of the property;
- (d) The guesthouse will support the tourism industry in Koringberg, as well as the local economy;
- (e) The development proposal, without the Place of Assembly, will not negatively impact on the character of the area;
- (f) The property is of sufficient space to accommodate the required number of parking bays;
- (g) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval;
- (h) The desirability factors considered are consistent with those applied during the evaluation of similar, previous applications;
- (i) The nature and scale of the development is limited and appropriate in the context;

G. The application for consent use be refused for the following reasons:

- (a) The SDF only allows for limited residential densification along activity streets in Zone C of Koringberg, thus the proposed land use is contradictory to the spatial planning for the area;
- (b) The Place of Assembly will constitute a land use that is not consistent with the character of the low density residential neighbourhood.

## 6.2 APPLICATION FOR A CONSENT USE ON ERF 278, DARLING (15/3/10-3) (WARD 5)

Mr H Olivier, as author of the item, confirmed that the application entails the obtaining of the necessary approval to operate a bottle store from a portion of Erf 728, Darling. A bottle store is accommodated as a consent use (with special permission from the Municipality) under the Business Zone 2 zoning.

### RESOLUTION

A. The application for a consent use on Erf 728, Darling, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

#### **A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use be restricted to accommodate a bottle store from a portion of the existing business premises, as presented in the application;
- (b) Building plans, clearly indicating the bottle store, be submitted to the Senior Manager: Built Environment for consideration and approval;
- (c) The trading hours of the bottle store be determined by the By-Law relating to control of undertakings that sell liquor to the public (PG 7394 of 22 May 2015);
- (a) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be adhered to, to the satisfaction of the relevant authority;
- (b) Application for construction of or attaching an advertising sign to the building be submitted to the Senior Manager: Built Environment, for consideration and approval. Only one sign, not exceeding 1 m<sup>2</sup> in area and not exceeding the land unit boundaries with any part of it, shall be permitted and it shall indicate only the name of the owner, name of the business and nature of the retail trade;

#### **A2 WATER**

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

#### **A3 SEWERAGE**

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

B. **GENERAL**

- (a) The approval is in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be complied with within the time period from the date of notice of the approval and that failing to do so will result in the lapsing of the approval;

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- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) The objectors be informed of their right to appeal against the decision of the Municipal Planning Tribunal, in terms of section 89(2) of the By-Law;

C. The application be supported for the following reasons:

- (a) No physical restrictions exists on the property that will have a negative impact on the proposed application;
- (b) No restrictions registered against the title deed of the property that prohibits the proposed land use;
- (c) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (d) The proposed bottle store complies with the requirements of the zoning scheme regulations;
- (e) The bottle store will not increase the risk and safety of the community as the business cannot be blamed for the existing social problems;
- (f) Have a complementary impact on the surrounding land uses as well as the existing neighbouring shops by enhancing the shopping experience in the area;
- (g) Is in the interest of the community of Darling North;
- (h) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets.

### **6.3 APPLICATION FOR REZONING AND DEPARTURE ON ERF 349, DARLING (15/3/3-3, 15/3/4-3) (WARD 5)**

Mr H Olivier stated that Erf 349, Darling is a Residential Zone 1 property located within the Central Business District of Darling and adjacent to an activity corridor and activity street.

The purpose of the application is to obtain the necessary land use rights for the property to be utilised as a business premises to accommodate a restaurant, nursery and shop.

#### **RESOLUTION**

A. The application for the rezoning of Erf 349, Darling from Residential Zone 1 to Business Zone 1, be approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

##### **A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The use of the business premises be restricted to a restaurant, nursery and shop;
- (b) The trading hours be restricted to normal business hours as presented in the application;
- (c) Any music being played on the property complies with the Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) and that the necessary measures be taken in order to mitigate any potential nuisance;
- (d) Building plans, including a site development plan, be submitted to the Senior Manager: Built Environment for consideration and approval;

##### **A2 WATER**

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

##### **A3 SEWERAGE**

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

##### **A4 STREETS AND STORMWATER**

- (a) The proposed parking bays, including the sidewalk that provide access to the parking bays, be provided with a permanent surface. The materials used to be pre-approved by the Director Civil Engineering services on building plan stage;

**B. GENERAL**

- (a) Should it be necessary to upgrade any existing services in order to accommodate the access or service connections of the proposed development, the cost thereof will be for the developer's account;
- (b) The approval is in terms of section 76 (2) (w) of the By-Law valid for a period of 5 years, during which time the rezoned land use be utilised, and all conditions of approval adhered to for the new zoning to be established;
- (c) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (d) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal, within 21 days of the notice, in terms of section 89(2) of the By-Law;

- C. The application for the departure of the building lines applicable to the new zoning of Erf 349, Darling, be approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

**C1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The approval is restricted to the accommodation of existing structures pergola and patio ("lapa"), 0 m and 2,3 m respectively from the side boundary in-lieu of the 3 m side building line restriction;

- D. The application for the departure for the non-provision of the required on-site parking on Erf 349, Darling, be approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

**D1 TOWN PLANNING AND BUILDING CONTROL**

- (a) As presented in the application the proposed restaurant be restricted to 32 seats;
- (b) In terms of section 13.1.2(c) of the development management scheme the owner/developer pay a cash sum for the non-provision of the 3 on-site parking bays calculated at R400/m<sup>2</sup> = R 15 000;

- E. The application be supported for the following reasons:

- (a) No physical restrictions exist on the property that will have a negative impact on the proposed application;
- (b) No restrictions registered against the title deed of the property exist that prohibits the proposed land use and departures;
- (c) Business / mixed use development is generally supported along activity streets and corridors;
- (d) The MSDF, 2019 supports the strengthening of the primary commercial node along Main Street and secondary nodes in neighbourhoods and especially business uses along activity streets;
- (e) The proposed application is consistent with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (f) The proposed application will not have a negative impact on the character of the area;
- (g) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets;
- (h) The proposal will not have a significant impact on traffic along Main Street or High Street;
- (i) The departure of the building lines, as presented in the application, does not pose a threat to privacy or safety of neighbouring property owners. It also does not detract from the character of the area;
- (j) During the site inspection held on the 5th of April 2022 it was found that there are ample space for parking next to both Main and High Street. Please refer to the photos attached as annexure H. This is mainly due to the very large road reserves. During the site inspection it was also found that people already use the side of the road to park their vehicles and that it does not cause any obstruction of vehicle or pedestrian traffic. Patrons to the proposed restaurant/coffee shop can also be directed with signage/road markings where parking is allowed or not.

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It can therefore be argued that the non-provision of on-site parking in this case will not have a detrimental impact on the neighbouring properties and that the departure can therefore be considered favourable.

#### **6.4 PROPOSED CONSENT USE AND DEPARTURE ON ERF 3785, MALMESBURY (15/3/10-8, 15/3/4-8) (WARD 10)**

Mr A J Burger, as author, explained the background to the application, namely the conversion of a dwelling house in order to accommodate a crèche (Kammaland Skool) on Erf 3785, Malmesbury.

Currently the crèche accommodates 42 children of which some only attends half a day and 15 after care students. In accordance with the capacity of the crèche it may accommodate 72 children ranging from ages 4 months to 13 years.

Mr Burger confirmed that only 4 on-site parking bays are available for the use of staff members. However, an agreement was entered into with the *Evangeliese Reformeerde Kerk* situated on Erf 5617, to utilise the church's parking as the primary drop-off and pick-up area for the crèche, providing 12 parking bays.

A discussion followed on the levying of the municipal tariff for the continued illegal land use and it is concurred that the tariff be calculated for the period from the expiring date of the compliance notice to the receiving of the application, namely from 21 February 2022 to 23 February 2022 (2 days).

#### **RESOLUTION**

- A. The application for consent use on Erf 3785, 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:

##### **A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use authorises a Place of Education, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- (c) The crèche be restricted to 72 registered children at any time as presented in the application;
- (d) A minimum of 1,5 m<sup>2</sup> free, unlimited floor space per child and a minimum of 2 m<sup>2</sup> outside playing area per child be provided;
- (e) The operation of the crèche be restricted between 06h00 and 18h00 from Mondays to Fridays;
- (f) The crèche complies with the requirements of Department Social Services and be registered at the Department;
- (g) Application be made to the West Coast District Municipality for a compliance certificate for an early childhood development facility as well as a second compliance certificate for the preparation of food;
- (h) Application for the display of advertising signs be submitted to the Senior Manager: Built Environment for consideration and approval;
- (i) At least 4 on-site parking bays be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality to the satisfaction of the Director: Civil Engineering Services. The parking bays be clearly marked;
- (j) The drop-off and pick-up of children are restricted to the parking area of the church on Erf 5617. The drop-off and pick-up of children in Dr Euvrard Street is prohibited;
- (k) If the lease agreement for the use of the parking area of the church is ended for whatever reason in the future, the Municipality be informed immediately as the operation of the Place of Education will need to be re-evaluated;
- (l) A municipal tariff of R540,00 be levied for the continued illegal land use;

##### **A2 WATER**

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

**A3 SEWERAGE**

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

**A4 STREETS AND STORMWATER**

- (a) A proper design of the safe pedestrian crossing be done by an engineer registered in terms of the requirements of Act 46 of 2000 which be submitted to the Director: Civil Engineering Services for approval. The pedestrian crossing be constructed under the supervision of the engineer. The condition be met within 60 days from the date of the final decision;

**A5 WEST COAST DISTRICT MUNICIPALITY**

- (a) The provisions of the Norms and Standards of 24 December 2015 be complied with;
- (b) Application for a compliance certificate for a childcare facility be submitted to the Environmental Health Division of the West Coast District Municipality;
- (c) If food is to be prepared on the premises, a suitability certificate for food preparation be submitted to the West Coast District Municipality's Environmental Health Division;
- (d) Other health requirements may be set from time to time;

- B. The application for a departure of development parameters on Erf 3785, 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 presented in the application as follows:

- 1. Departure of coverage from 50% to 52%;
- 2. Departure of the 10 m side building line (northern boundary) to 0 m;
- 3. Departure of the 10 m street building line to 5,7 m, 4,6 m and 9,3 m respectively;
- 4. Departure of the 10 m side building line (southern boundary) to 2,5 m and 0 m respectively;
- 5. Departure of the 10 m rear building line to 5,8 m, 5,2 m and 2,8 m respectively, and
- 6. Departure of the required 16 on-site parking bays by only providing 4 on-site parking bays.

**C. GENERAL**

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years. All conditions of approval be complied with within a period of 2 months after the date of the final decision, after which the 5 year period will no longer be applicable;
- (b) The preparation of meals for the children are permitted on the property;
- (c) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (d) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.

- D. The application be supported for the following reasons:

- (a) The application is in compliance with the planning principles of LUPA and SPLUMA;
- (b) The application is compliant with the spatial planning of Malmesbury;
- (c) The proposed Place of Education will complement and not have a negative impact on the mixed use character of the surrounding residential area;
- (d) The development proposal supports the optimal utilisation of the property;
- (e) A Place of Education is an acceptable use in a residential area which makes the possible impacts on affected parties, also acceptable;
- (f) Sufficient services capacity exists to accommodate the Place of Education;
- (g) The departure of coverage and building lines are as a result of the placement and scale of existing buildings in relation to the new zoning parameters. No new building work is proposed;
- (h)/...

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- (h) The usage of the parking area of the church on Erf 5617, which is arranged by means of a lease agreement, provides sufficient parking for the drop-off and pick-up of children;
- (i) The construction of a pedestrian crossing in Dr Euvrard Street will provide safe access from the parking area of the church (Erf 5617) to the crèche on Erf 3785;
- (j) The noise impact of the crèche on the tranquility of the neighbourhood is deemed to be low;
- (k) The ad-hoc use of Dr Euvrard Street by parents to drop-off and pick-up children if the parking area on Erf 5617 are used by the church is deemed acceptable as it is not the rule/norm;
- (l) Section 96(3) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) authorises the institution of a fine for every day the illegal land use continues. Municipal tariffs make provision for a tariff to be levied for a continued unauthorised land use. The reluctance of the owner to stop the illegal land use cannot be condoned.

**(SIGNED) J J SCHOLTZ  
CHAIRPERSON**



**ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 11 MAY 2022**

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON ERF 1858, YZERFONTEIN							
Reference number	15/3/10-14/Erf 1858	Submission date	14 January 2022	Date finalised	4 May 2022		
<b>PART A: APPLICATION DESCRIPTION</b>							
<p>Application for a consent use on Erf 1858, 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 use the existing dwelling as a guesthouse.</p> <p>The applicant is C.K. Rumboll and Partners and the property owner is Cornelia Johanna Retief.</p>							
<b>PART B: PROPERTY DETAILS</b>							
Property description (in accordance with Title Deed)	ERF 1858 YZERFONTEIN, IN THE SWARTLAND MUNICIPALITY, DIVISION MALMESBURY, PROVINCE OF THE WESTERN CAPE						
Physical address	20 Roosmaryn Street, (locality plan attached as annexure A).	Town	Yzerfontein				
Current zoning	Residential Zone 1	Extent (m <sup>2</sup> /ha)	753m <sup>2</sup>	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021)						
Current land use	Dwelling house	Title Deed number & date	T33440/2021				
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					
<b>PART C: LIST OF APPLICATIONS (TICK APPLICABLE)</b>							
Rezoning	<input type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Removal, suspension or amendment of restrictive conditions	<input type="checkbox"/>
Permissions in terms of the zoning scheme	<input type="checkbox"/>	Amendment, deletion or imposition of conditions in respect of existing approval	<input type="checkbox"/>	Amendment or cancellation of an approved subdivision plan	<input type="checkbox"/>	Permission in terms of a condition of approval	<input type="checkbox"/>
Determination of zoning	<input type="checkbox"/>	Closure of public place	<input type="checkbox"/>	Consent use	<input checked="" type="checkbox"/>	Occasional use	<input type="checkbox"/>
Disestablish a home owner's association	<input type="checkbox"/>	Rectify failure by home owner's association to meet its obligations	<input type="checkbox"/>	Permission for the reconstruction of an existing building that constitutes a non-conforming use	<input type="checkbox"/>		<input type="checkbox"/>

## PART D: BACKGROUND

Swartland Municipality received a complaint that the existing dwelling on erf 1858 has been converted into 4 separate flats / self-catering units. On the 18th of October 2021 a compliance notice was issued as the use is in contradiction with the parameters of the current zoning. On the 14<sup>th</sup> of January 2022 Swartland Municipality received an application as an attempt to rectify the situation regarding the use of the property. The applicant states that the property is used as a guest house consisting of 4 rooms that are rented out with access to communal kitchen and living spaces. All rooms are interconnected within the house.

According to the Swartland Municipal Land Use Planning By-law (2020), guest house "means a dwelling that is used for the purpose of letting individual rooms for residential accommodation, with or without meals, and which exceeds the restrictions of a bed and breakfast establishment, provided that:

- (a) the dwelling is retained in a form which can easily be re-used by a family as a single dwelling, and
- (b) all amenities and provision of meals shall be for the sole benefit of bona fide lodgers. "

The property is currently advertised on a popular website as a holiday home accommodating a maximum of 10 people. Using the property as a self-catering unit is a land use that is not in contradiction with the By-Law. On their own website, <https://anchorsrestyzer.co.za/>, it is also clearly stated that Anchor's Rest is booked as a complete unit, meaning you won't share with other guests. However it is mentioned that the house offers 4 separate Self-Catering rooms. It is however noted from the photos of the facility that the guesthouse offers 5 bedrooms in total.

## 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 applicant confirms that the ground floor contains the 1st bedroom (main bedroom) with access to the bathroom, study and communal lounge, communal dining area, communal kitchen, laundry and a double garage.

The basement of the dwelling contains 3 bedrooms, each with an en-suite bathroom and a kitchenette to make coffee. The basement also has a laundry and a storage room. There is a staircase that connects the basement rooms to the ground floor allowing access to the communal spaces.

The applicant motivates that the proposed consent use will not adversely affect Erf 1858 or surrounding properties as it still displays as a single residential dwelling.

Secondly the applicant states that the guesthouse only has 4 rooms which further ensures for a minimum impact on the surrounding properties.

Furthermore, no new buildings are proposed that will change the built environment of the property. The proposed development will be accommodated from the existing building. No new internal changes to the existing buildings are proposed.

The proposed guest house can be easily transformed back to a dwelling unit as all rooms within the main dwelling are interconnected and all have access to the kitchen, living room, dining room and laundry room.

The applicant refers to the Swartland Spatial Development Framework (2019) where it is stated that, Yzerfontein should be developed as the tourism centre. The applicant is of opinion that this gives the owners in Yzerfontein the opportunity to develop more accommodation opportunities to help develop and promote tourism in this area. Promoting the tourism sector in Yzerfontein encourage more people to visit the Swartland Municipal area, which contributes to economic growth.

The applicant concludes that the proposed consent use is considered desirable on the basis of the following;

1. The proposed development complies with the regulations set out by the Swartland Municipal Land Use Planning By-law (2020)
2. The proposed development enhances the principles of LUPA and SPLUMA.
3. The proposal complies with the Swartland Spatial Development Framework (2019) as the main forward planning document for Yzerfontein and the Swartland Municipal Area as a whole.
4. The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises.
5. The optimal utilisation of existing services, as it reduces past expenditure on infrastructure.
6. The proposed application will limit urban sprawl in Yzerfontein.
7. The affected property will retain the current zoning.
8. This development uses an existing plot within the Urban Edge to its optimal potential.

9. The proposal will also contribute to the visual representation and aesthetic value of the property.
10. The proposal will not negatively affect the privacy of the surrounding properties, as the buildings are situated within boundaries of the subject property adjacent to a street.
11. The proposed development will provide accommodation opportunities for tourism in Yzerfontein.
12. Services on the subject property are existing and no new services are proposed.

**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 12 registered notices were issued to affected parties and the same notices were also sent via e-mail. A total of six posted notices were returned unclaimed. Please refer to Annexure C for public participation map.

Total valid comments	<b>3</b>	Total comments and petitions refused	<b>2</b>
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Valid petition(s)	Y	<b>N</b>	If yes, number of signatures	
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Community organisation(s) response	Y	<b>N</b>	Ward councillor response	Y	<b>N</b>	The application was forwarded to councillor Rangasamy, but no comments were forthcoming.
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Total letters of support	<b>0</b>
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**PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**

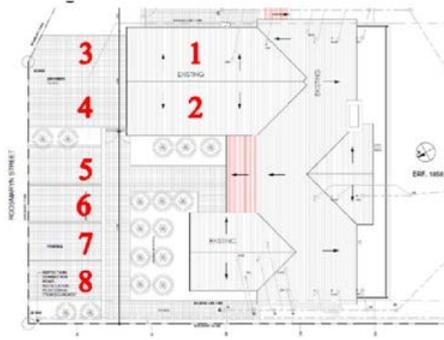
Name	Date received	Summary of comments	Recommendation																									
			Positive	Negative																								
Department: Civil Engineering Services	25 January 2022	<p>1. <u>Sewerage</u></p> <p>The property be provided with a concervancy tank of sufficeint capacity that is accessible for the service vehicle from the street.</p> <p>2. <u>Water</u></p> <p>The existing water connection be used and that no addisional water connections be provided;</p> <p>3. <u>Streets</u></p> <p>In order;</p> <p>4. <u>Other</u></p> <p>Fixed cost capital contributions be made according of the following table;</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th colspan="2">Bulk Contribution</th> </tr> </thead> <tbody> <tr> <td>Bulk Water Distribution</td> <td>R</td> <td>1 500,75</td> </tr> <tr> <td>Bulk Water Supply</td> <td>R</td> <td>1 815,08</td> </tr> <tr> <td>Sewer</td> <td>R</td> <td>1 870,67</td> </tr> <tr> <td>WWTW</td> <td>R</td> <td>2 760,00</td> </tr> <tr> <td>Roads</td> <td>R</td> <td>3 833,33</td> </tr> <tr> <td>Storm Water</td> <td>R</td> <td>1 064,13</td> </tr> <tr> <td style="text-align: right;">Total</td> <td>R</td> <td>12 843,97</td> </tr> </tbody> </table>		Bulk Contribution		Bulk Water Distribution	R	1 500,75	Bulk Water Supply	R	1 815,08	Sewer	R	1 870,67	WWTW	R	2 760,00	Roads	R	3 833,33	Storm Water	R	1 064,13	Total	R	12 843,97	✓	
	Bulk Contribution																											
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WWTW	R	2 760,00																										
Roads	R	3 833,33																										
Storm Water	R	1 064,13																										
Total	R	12 843,97																										
Development Services: Building Control	8 February 2022	Submit building plans to Building Control for consideration for approval.	✓																									
Electrical Engineering Services	17 January 2022	No comments	✓																									
Protection Services	25 January 2022	Traffic and Law Enforcement has no objection to the proposed application. There already is an existing guesthouse on the property and parking will be provided. The traffic flow will not be compromised.	✓																									

West Coast District Municipality	3 March 2022	The West Coast District Municipality has no objection against the approval of a consent use in order to use the existing dwelling on erf 1858, Yzerfontein as a guesthouse	✓
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PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p><b>Bastiaan and Maria Holswilder as owners of neighbouring property erf 1836. Please refer to (Annexure E)</b></p>	<p>Mr and Mrs Holswilder strongly object to the proposed application for the following reasons;</p> <ol style="list-style-type: none"> <li>1. A guesthouse, in their opinion is a business and the area where it is proposed is a residential area.</li> </ol> <p>The objectors state that they have bought their property far from the business area for the tranquillity of the area.</p> <ol style="list-style-type: none"> <li>2. The objectors further state that the effect of a residential home as a guest house, which caters for various groups of people will, in their opinion have a negative impact on them as "neighbours". Guesthouses have a completely different dynamic than residents occupying a dwelling house.</li> <li>3. The objectors note that, diagonally behind the proposed guest house, there is already an existing guest house that has acquired business rights.</li> <li>4. Lastly the objectors state that they are already experiencing disturbance</li> </ol>	<ol style="list-style-type: none"> <li>1. The applicant motivates that according to the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020) guesthouses are not actually permitted on business zonings but in residential zoned properties. Yzerfontein is a good example of this, as guesthouses can be seen scattered across all the residential areas. There is a guesthouse located diagonally across from this property.</li> </ol> <p>Furthermore, guesthouses have to comply with all the same public nuisance regulations as residential dwellings and should not disturb the calm surroundings.</p> <ol style="list-style-type: none"> <li>2. As mentioned above, the owner of Erf 1858 will be subject to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All residents of the dwelling units will need to adhere to these regulations as well. This will ensure low noise pollution.</li> </ol> <p>Furthermore, each property owner has the right to develop his/her property to its full potential in accordance with the development parameters as set out in the Swartland Municipal By-Law on Land Use Planning (PG 8226).</p> <ol style="list-style-type: none"> <li>3. The applicant states that this further strengthens the notion that this is an applicable location for a guesthouse.</li> <li>4. Whether a dwelling house or a guesthouse the owner has the right to install lights to ensure good visibility and safety of the residents or the guests.</li> </ol>	<ol style="list-style-type: none"> <li>1. Erf 1858 is situated in land use proposal zone B, also known as the Pearl Bay area. The Pearl bay area mainly consists 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.</li> </ol> <p>In terms of the land use proposals, guesthouses are supported in the area.</p> <p>The proposed guesthouse will not have a negative impact on the character of the area.</p> <ol style="list-style-type: none"> <li>2. The impact of the proposal, if any, can be mitigated with the implementation and enforcement of conditions.</li> <li>3. Noted</li> <li>4. The installation of outdoor lighting does not relate to the proposed application.</li> </ol>

	<p>from the extremely bright lights that the owner of intended guest house has installed right around the house. It penetrates their bedroom, despite the blinds that they have installed.</p>	<p>Furthermore the applicant states that according to the owner she did not put any bright lights on the property. All lights had already been installed by the previous owner. On the contrary, they have dimmed the lights as it was too bright for them. The owner also feels that, surely it has nothing to do with the guest house application.</p>	
<p><b>Mr Sakkie Schrader as owner of neighbouring property erf 1837, Yzerfontein</b> <b>Please refer to (Annexure F)</b></p>	<p>Mr Schrader objects to the proposed application for the following reasons;</p> <p>5. There are 3 dwelling units on the ground floor as well as the dwelling on level 1.</p> <p>6. Should all the units be rented out, 4 different families could reside on the premises at once. This could result in conflict situations as the guests stay next to each other and also have to make use of the same relaxation area.</p> <p>7. Parking will be a problem if guests arrive with more than one vehicle and there are also more visiting guests.</p>	<p>5. The proposed guesthouse consists of 4 rooms. The ground floor contains the 1st bedroom (main bedroom) with access to the bathroom, study and communal lounge, communal dining area, communal kitchen, laundry and a double garage. The basement of the dwelling contains 3 bedrooms each with an en-suite bathroom and a kitchenette to make coffee. The basement also has a laundry and a storage room. There is a staircase that connects the basement rooms to the ground floor allowing access to the communal spaces. This, according to the applicant, ensures that the guesthouse remains interconnected.</p> <p>6. The applicant motivates that the owner of the proposed guesthouse has created a private outdoor area for each unit with the layout of the garden. There are also 3 braai areas, enough for each guest unit to visit separately. This ensures that any conflict situation can be avoided. Despite this, the guesthouse still provides interconnected rooms that all have access to the communal areas.</p> <p>Furthermore, as previously mentioned, guests have to abide the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019).</p> <p>7. In terms of Section 13 of the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020), 3 parking bays are required for 4 bedrooms. Two garages (2 parking bays) is provided onsite along with 2 parking spaces in the</p>	<p>5. The statement is noted</p> <p>6. The issue regarding conflicting situations does not relate to the proposed application. Should guests require privacy they should book the entire house.</p> <p>7. There is ample space available for on-site parking. The parking should just be clearly marked.</p>

driveway. Furthermore, 4 additional parking bays are provided in front of the house. Therefore, more than enough parking bays are provided on Erf 1858, Yzerfontein, in accordance with the Swartland Municipal By-Law on Land Use Planning (PG 8226) as shown in the figure below.



The owner comments that: the objector should know that there is enough parking in front of the house on the yard. In total 20m - enough for 6 cars and then there can be 2 more cars inside the garage as well. The owner also confirms that no day visitors of guests are allowed, so it will only be the guests' car parked there.

8. The operation of a full-time guest house may adversely affect the value of the surrounding properties.

8. Each property owner has the right to develop his/her property to its full potential in accordance with the development parameters as set out in the Swartland Municipal By-Law on Land Use Planning (PG 8226). If future development is within the parameters set out in the mentioned By-law it will not negatively affect the surrounding neighbours.

Furthermore, the relevant authority may not restrict the application on grounds of the potential financial implications as specified under Section 59(1)(f) of Chapter VI of the Land Use Planning Act: "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 the land or property will be affected by the outcome of the application".

8. The statement is unjustified. Being some distance away, it could be argued that the objectors' property is not affected by the proposed application.



	<p>9. As there are no supervision on the property, the facility may also affect the tranquil atmosphere of the surrounding area. There is no law enforcement either from the SAPS or Swartland during weekends and if any problems arise it becomes the neighbourhood watch's problem.</p> <p>10. The problem was also identified by the Yzerfontein tourism office and neighbourhood watch.</p>	<p>9. As previously mentioned, the owner of Erf 1858 will be subject to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All residents of the dwelling units will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p>The owner comments that she, as lives in the house in the upper room from time to time and then there will be supervision of the lower 3 rooms (as the previous owner did). She also confirms that she has a contract with a manager who lives in Yzerfontein who can make the necessary inspections and handle any complaints. In her opinion, it will not be necessary for any police or neighbourhood watch to get involved.</p> <p>10. Noted. The nature of the proposed guesthouse should not require law enforcement under normal circumstances, but as mentioned by the owner, supervision will be provided by her and the guesthouse manager that lives in Yzerfontein.</p>	<p>9. Should the application be approved, a condition may be imposed that require the owner of the facility to display the contact number of the manager of the facility in order to deal with any complaints. As stated by the applicant there are other legislation regulating noise and nuisances. The use of the property as a guesthouse will not have an adverse impact on the character of the area, especially in Yzerfontein where tourist accommodation facilities is evident almost in every street.</p> <p>10. The issue regarding the lack of law-enforcement in Yzerfontein during weekends is noted.</p>
<p><b>Andre de Kock as owner of neighbour property erf 1859, Yzerfontein Please refer to (Annexure G)</b></p>	<p>Mr de Kock very strongly object to the conversion of the property in question to a guesthouse.</p> <p>11. Mr de Kock is of opinion that, should the subject property be used as a guesthouse, it will instantly drive down the value of his property as no one wants to stay next to a commercial guesthouse with 4 guestrooms which is in essence a mini hotel.</p> <p>12. Mr de Kock argues that guests will come and go at any time during the day and night with the noise of cars and people taking away the peace, quietness and ambiance of this tranquil street.</p> <p>Mr de Kock states that he is planning to build his dreamhouse in</p>	<p>11. Please refer to comment 8 above.</p> <p>12. The owner of Erf 1858, Yzerfontein, will be subject to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All guests of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p>The owner comments that, as a property professional herself with 17yrs experience, she</p>	<p>11. The statement the neighbouring property values will be negatively affected is unjustified.</p> <p>12. Please refer to the comments above regarding the possible impact on the character of the area as well as noise.</p>

	<p>Yzerfontein and retire there in the near future. He has absolutely no desire to stay next to a guesthouse/commercial setup and everything that comes with it.</p> <p>13. Mr de Kock concludes that he will definitely consider legal action should this project go ahead and expect his objection to be noted and to be immediately informed of any further actions regarding the intended use of this property.</p>	<p>can unequivocally state that the values of properties are not negatively affected by any guest house activities in any area. The rules of her guesthouse are in accordance with the Municipal By-Laws with regards to noise - no noise after 10pm and to consider all neighbours at all times, during the day and night.</p> <p>13. The objections is noted and has been addressed above.</p>	<p>13. The objection is noted and the objector will be informed of the decision of the Municipal Planning Tribunal as required in terms of the applicable By-Law.</p>
<p><b>Andrzej and Janine Tromczynski</b> Please refer to (Annexure H)</p>	<p>Mr and Mrs Tromczynski's objection was received after the commenting period has lapsed and can therefore not be considered as a valid objection.</p>		
<p><b>Adam Gladyszek</b> Please refer to (Annexure I)</p>	<p>Mr Gladyszek only sent his objection on the 24<sup>th</sup> of March 2022 long after the commenting period has lapsed and can therefore not be considered as a valid objection.</p>		

## **PART J: MUNICIPAL PLANNING EVALUATION**

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

Application for a consent use on Erf 1858, 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 2020), in order to operate a guesthouse from the existing dwelling.

A total of 12 registered notices were issued to affected parties and where possible the same notices were also sent via e-mail. The commenting period for the application concluded on 28<sup>th</sup> of February 2022 and one objection was received. A total of 6 posted notices were returned unclaimed.

The objections received were referred to the applicant for comment on the 2<sup>nd</sup> of March 2022. Comments on objections were received on 31<sup>st</sup> of March 2022.

**It should be noted that application is made for a maximum of four bedrooms, however during investigation it was found that a total of five bedrooms accommodating a maximum of 10 guests is advertised for the facility on a number of well-known web sites including the facility's own web-site. The addition of one bedroom, indicated as a study on the site plan, will not have a significant impact on the proposal and it is therefore argued that it is not necessary to follow a new public participation process. Should the application be approved the addition of the one extra bedroom should be accommodated in the conditions of approval as well as reflect on the building plans submitted for consideration.**

### **2. Legislation and policy frameworks**

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

Erf 1858 is situated in the Pearl Bay area which mainly consists of low density residential uses. Due to the natural beauty, moderate climate and laid back living environment of Yzerfontein, it is a prestigious tourism and holiday destination. Numerous B&B's and guesthouse already exist in Yzerfontein. This application for a guesthouse can be seen as a complementary land use for the existing tourism and holiday character of Yzerfontein making it compliant with the principle of spatial justice.

The economy of the Western Cape is largely underpinned by tourism derived from its scenic and heritage qualities, the proposed guesthouse will enhance the tourism character of Yzerfontein, creating a more spatially compact, resource-efficient town. Therefore complying with the principle of spatial sustainability.

Existing infrastructure is seen as sufficient to provide the guest house with services. The guest house also contributes to the integration of land uses in the town, ensuring the contribution of social-economic opportunities. Therefore complying with the principles of sustainability and efficiency.

The public participation process was administered by the municipality in terms of the relevant provisions of the By-Law. The comments from internal departments were also obtained. Consideration is given to all correspondence received. Therefore the principles of good administration is complied with.

The dwelling can easily be converted back into a dwelling house should the guesthouse not be successful. It could therefore be argued that the proposal complies with the principle of spatial resilience.

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

#### **2.2. Provincial Spatial Development Framework (PSDF, 2014)**

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

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

#### **2.3 West Coast District SDF (WCDSDF, 2020)**

The WCDSDF, 2020 identifies the West Coast District as a popular tourist destination due to its natural beauty, quant coastal villages and its proximity to the Cape Metropole as the primary tourist attraction in the area. According to the available data, tourism in the West Coast District includes the following exciting tourism opportunities:

Holiday destinations - Coastal Towns

The quiet and tranquil villages along the coastline of the West Coast District is a sought after tourism attraction and provide a unique breakaway opportunity within a short drive from Cape Town.

In the WCDSDF, 2020 it is stated that the functional classification for Yzerfontein is tourism and according to the growth potential study Yzerfontein 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.

The development proposal can provide in the need for accommodation by various tourists who visit the district, and thus contribute to the income derived from tourism. It is thus clear that the proposed development is not in conflict with the principles as set out in the WCDSDF, 2020.

#### 2.4 Municipal Spatial Development Framework(MSDF, 2019)

The application property is situated within a residential area, delineated in Area B, according to the spatial proposals for Yzerfontein, as contained in the SDF. The zone is characterised as residential, with ancillary uses and a small business node. Guesthouses are specifically consistent with the character of the zone.

The SDF identifies the area in which Erf 1858 is located as Zone B, which 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. The development of guesthouses is supported in Zone B.



The MSDF, 2019 further states that the development - and improvement of tourism related infrastructure should be supported, including local tourism kiosk, tourism signs and facilities (guesthouses, restaurants and venues). The development of accommodation options in the urban and surrounding rural area is supported.

The proposed application is therefore consistent with the proposals of the MSDF, 2019.

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

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

### **3. Desirability of the proposed utilisation**

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

The dwelling will be utilised as is and no additional bedrooms will be constructed.

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

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

The character of the surrounding area is that of a low density residential neighbourhood. The nature of a guesthouse is to provide in temporary residential needs. The proposed land use is thus considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities, albeit of a temporary nature, compatible with that of the existing area.

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

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

Access to the property is obtained directly from Roosmaryn street.

The development proposal may thus be considered desirable.

### **4. Impact on municipal engineering services**

The proposed application is intended to optimise the use of existing infrastructure and municipal engineering services, but will not necessitate the expansion of said services.

## **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 1858, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions that:

### **1. TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use be restricted to enable the existing dwelling to be used as a guesthouse, including;
  - (i) 5 x guest bedrooms with en-suite bathrooms, for occupied by a maximum of 10 paying guests at any time;
  - (ii) 1 x open plan kitchen, dining and lounge
  - (iii) 1 x double garage;
- (b) A minimum of three (3) on-site parking bays be provided and the parking bays be finished in a permanent dust free surface whether it be tar, concrete, paving or any other material, as approved by the municipality beforehand, and the parking bays be clearly demarcated;
- (c) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- (d) A site development plan, including parking layout and proposed landscaping which complements the residential character of the dwelling, be submitted to the Senior Manager: Built Environment at building plan stage for consideration and approval;
- (e) A contact number of the owner / manager of the facility be displayed conspicuously on the premises at all times for emergency and/or complaint purposes;

- (f) All amenities and provision of meals be for the sole benefit of bona fide lodgers;
- (g) A register of guests and lodgers be kept and completed when rooms are let, and the register be produced for inspection on request by a municipal official;
- (h) Guest rooms not be converted to, or used as separate dwelling units;
- (i) Application be made to the Senior Manager: Built Environment for the right to construct or affix and display any signage;
- (j) Any signage be limited to 1m<sup>2</sup> in area and may not project over a public street;
- (k) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the guesthouse;
- (l) A trade licence be obtained from Swartland Municipality for the operation of the guesthouse;

## **2. WATER**

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

## **3. SEWERAGE**

- (a) The property be provided with a conservancy tank of sufficient capacity to the satisfaction of the Director: Civil Engineering Services and that the tank be accessible to the municipal service truck via the street;

## **4. DEVELOPMENT CHARGES**

- (a) The development charge towards the supply of regional bulk water amounts to R3 630,17 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R3 001,50 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards waste water treatment amounts to R5 520,00, and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);
- (d) The development charge towards sewerage amounts to R 3 741,33 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- (e) The development charge towards streets amounts to R7 666,66 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards storm water amounts to R2 128,27 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/248-144-9210);
- (g) The development charge towards electricity amounts to R6 946,00 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/253-164-9210);
- (h) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to 4.(a).

## **5. GENERAL**

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

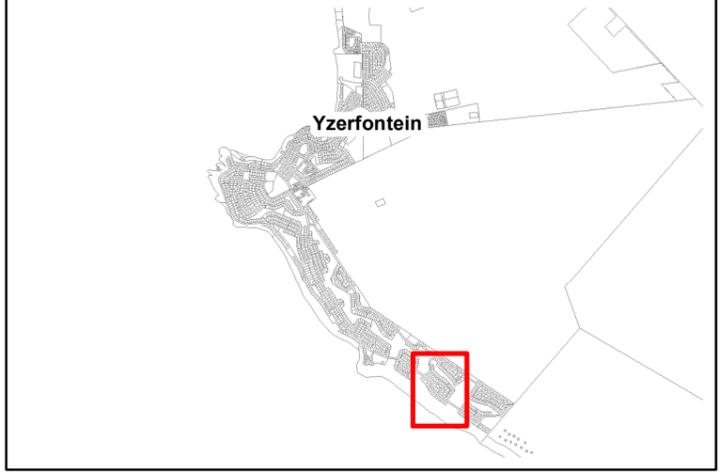
## **PART M: REASONS FOR RECOMMENDATION**

- (1) The proposed guesthouse is a residential use and is consistent with the proposals of the MSDF.
- (2) A guesthouse 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 guesthouse will support the tourism industry in Yzerfontein, as well as the local economy.
- (5) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Yzerfontein.
- (6) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

PART N: ANNEXURES				
Annexure A	Locality Plan			
Annexure B	Site Development Plans			
Annexure C	Building plan (proposed)			
Annexure D	Public Participation Map			
Annexure E	Objection Bastiaan and Maria Holswilder			
Annexure F	Objection Sakkie Schrader			
Annexure G	Objection Andre de Kock			
Annexure H	Objection Andrzej and Janine Tromczynski			
Annexure I	Objection Adam Gladyssek			
Annexure J	Applicants comment on the objections			
Annexure K	Photos			
PART O: APPLICANT DETAILS				
First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Cornelia Johanna Retief	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
Author details: Herman Olivier Town Planner SACPLAN registration number: A/204/2010			Date: 4 <sup>th</sup> of May 2022	
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: 4 <sup>th</sup> of May 2022	

# ANNEXURE A

## LOCATION PLAN OF ERF 1858, YZERFONTEIN

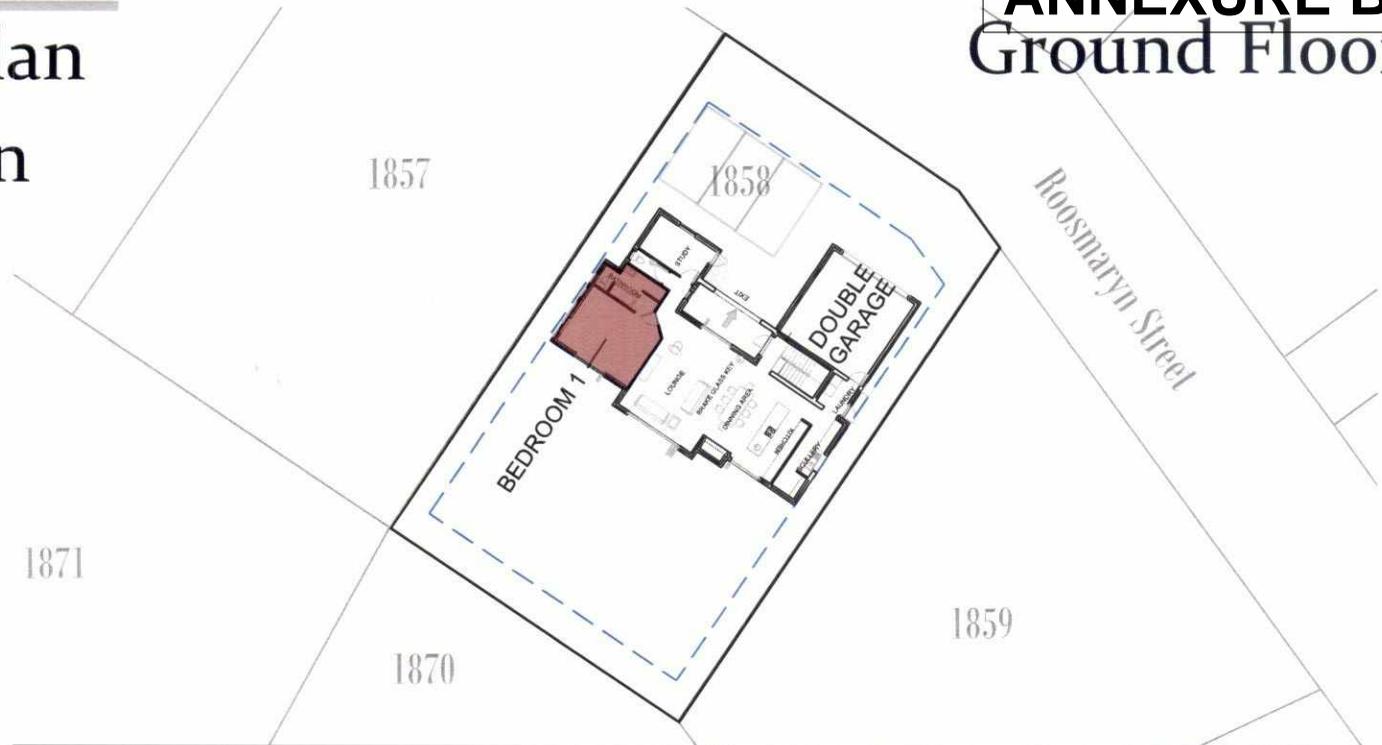


# Site Development Plan

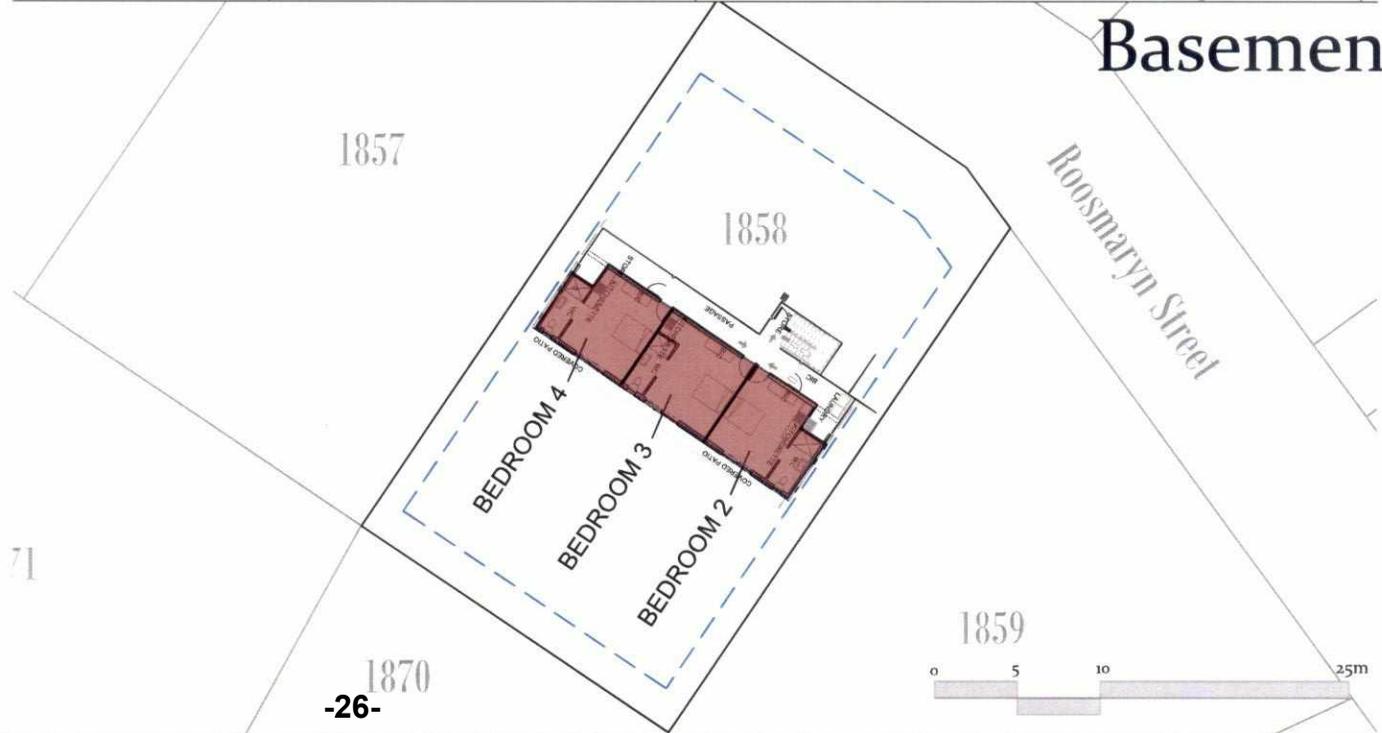
## Erf 1858, Yzerfontein

# ANNEXURE B

## Ground Floor



## Basement



### Legend

- Erf 1858, Yzerfontein
- Rooms
- Building line

Zoning: Residential Zone 1      North

CK Rumboll & Partners  
Town Planners & Land Surveyors  
022 482 1845  
Info@rumboll.co.za

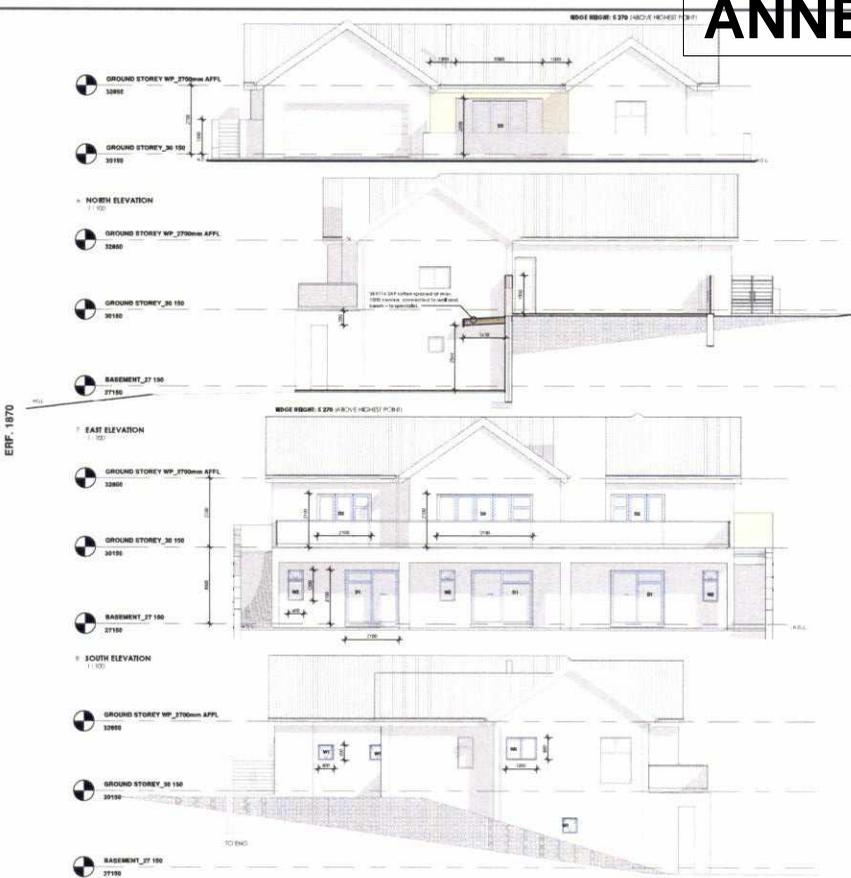
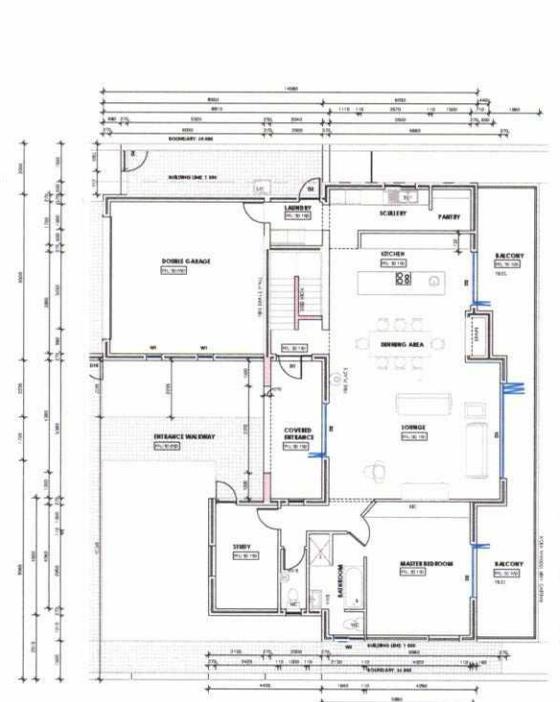
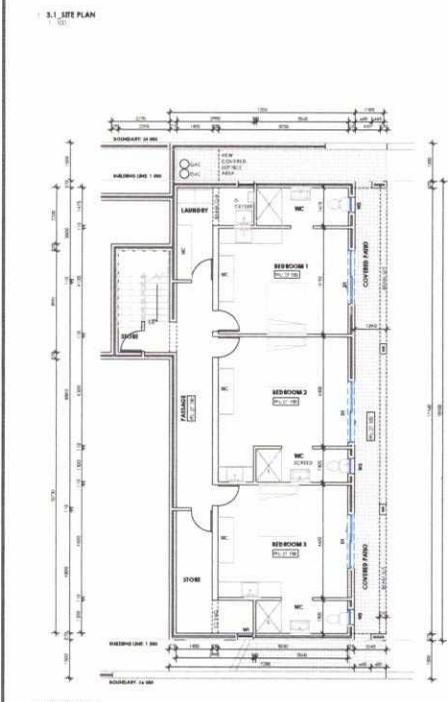
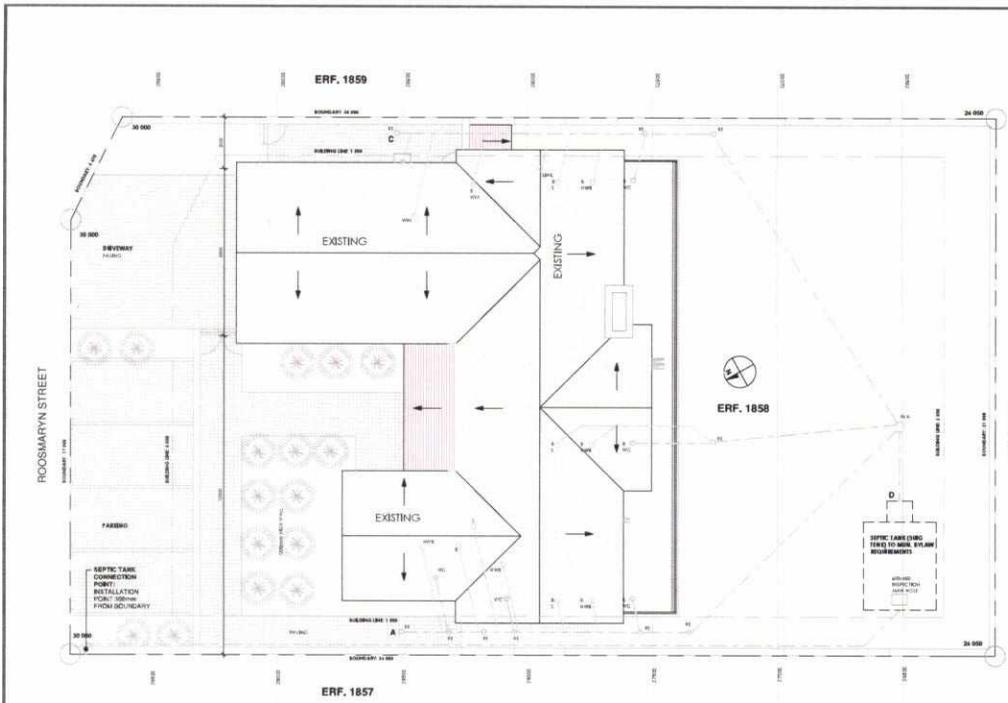
REF: YZR/12265/CVDW/JL

Date: December 2021

All areas and distance are subjected to surveying



# ANNEXURE C



**ENVIRONMENTAL SUSTAINABILITY AND ENERGY USE (EASU) BY BUILDERS, 2010 PART 1:**  
 All new buildings shall be designed in accordance with the provisions of the Environmental Sustainability and Energy Use (EASU) Act, 2010 and the Environmental Sustainability and Energy Use (EASU) Regulations, 2011. The design shall be in accordance with the provisions of the Environmental Sustainability and Energy Use (EASU) Act, 2010 and the Environmental Sustainability and Energy Use (EASU) Regulations, 2011. The design shall be in accordance with the provisions of the Environmental Sustainability and Energy Use (EASU) Act, 2010 and the Environmental Sustainability and Energy Use (EASU) Regulations, 2011.

**ENVIRONMENTAL SUSTAINABILITY AND ENERGY USE (EASU) BY BUILDERS, 2010 PART 2:**  
 All new buildings shall be designed in accordance with the provisions of the Environmental Sustainability and Energy Use (EASU) Act, 2010 and the Environmental Sustainability and Energy Use (EASU) Regulations, 2011. The design shall be in accordance with the provisions of the Environmental Sustainability and Energy Use (EASU) Act, 2010 and the Environmental Sustainability and Energy Use (EASU) Regulations, 2011.

**AREAS:**

ERP:	702m <sup>2</sup>
BASEMENT:	128.5m <sup>2</sup>
COVERED PATIO (BASEMENT):	200m <sup>2</sup>
OPEN PATIO (BASEMENT):	N/A
GROUND STOREY:	191m <sup>2</sup>
COVERED PATIO (GROUND STOREY):	12.5m <sup>2</sup>
OPEN PATIO (GROUND STOREY):	25.7m <sup>2</sup>
<b>COVERED:</b>	191m <sup>2</sup>
<b>COVERED PATIO:</b>	12.5m <sup>2</sup>
<b>TOTAL COVERED AREA:</b>	<b>338.4m<sup>2</sup></b>
<b>TOTAL NEW DWELLING (COVERED PATIO &amp; GARAGE):</b>	<b>347.4m<sup>2</sup></b>
<b>TOTAL COVERAGE:</b>	<b>275</b>

**REVISIONS:**

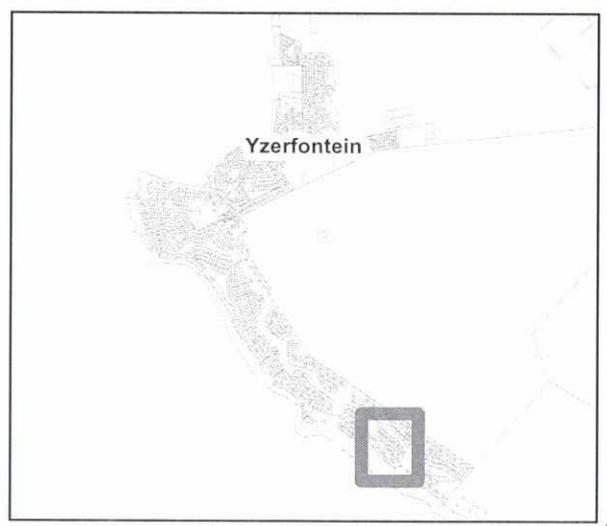
NO.	DATE	DESCRIPTION	BY	CHKD.

**ARCHITECT:**  
 WSK  
 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

**PROJECT NO:**  
 ERF 1858, ROOSMARNY STREET, ZERFONTEIN

**DRAWING NO:**  
 RIDER PLAN & FIRE ESCAPE LAYOUTS.

**PUBLIC PARTICIPATION  
PROPOSED CONSENT USE ON ERF 1858, YZERFONTEIN**



From: Maria Holswilder <mariaholswilder@gmail.com>  
Sent: Thursday, February 24, 2022 4:27 PM  
To: Chanice Dyason <PlanIntern1@swartland.org.za>  
Subject: Re: Voorgestelde vergunningsgebruik op Erf 1858, Yzerfontein

Goeiemiddag,

Baie dankie vir die kommunikasie i.s. hierdie aangeleentheid.

As eienaars van die woning te Roosmaryn straat 23 , Yzerfontein, teken ons TEN STERKSTE BESWAAR aan TEEN die voorneming om die woning skuins oorkant ons huis te omskep in n gastehuis.

N gastehuis is n besigheid en hierdie is n residensiele area, ons het juis n huis gekoop ver van die besigheidsarea van die dorp vir die rustigheid van die omgewing.

Die effek van n residensiele woning as gastehuis, wat voorsiening maak vir verskeie groepe mense , gaan definitief n negatiewe impak he ons as " bure". Ek glo nie dis nodig om hierop uit te brei nie aangesien dit voor die hand liggend is dat dit n heeltemaal ander dinamika is as inwoners wat huis bewoon.

Skuins agter die beoogde gastehuis, is reeds n bestaande gastehuis wat wel besigheidsregte bekom het.

Ons ervaar alreeds steurnis van die uiters helder ligte wat die eienaar van beoogde gastehuis reg rondom die huis aangebring het. Dit dring ons slaapkamer binne, t.s.v. die blindings wat ons sluit.

Ek ontvang graag bevestiging van u vir hierdie skrywe.

Vriendelike groete.

Bastiaan en Maria Holswilder.

Die Munisipale bestuurder  
Swartland Munisipaliteit  
Malmesbury

IJ Schrader  
Roosmaryn 21  
Yzerfontein

Voorgestelde vergunningsgebruik ERF 1858.

Insake bogenoemde vergunningsgebruik.

Graag wens ek as huiseienaar van no 21 Roosmaryn om beswaar te maak ten opsigte van die vergunning om bogenoemde perseel as 4 slaapkamer gastehuis te bedryf en wel om die onderstaande redes.

1. Daar is 3 wooneenhede op die grond vloer asook die woonhuis op vlak 1.
2. Indien al die eenhede verhuur sou word kan daar verskillende 4 gesinne op een slag op die perseel bly. Dit kan lei tot konfliktsituasies aangesien die gaste langs mekaar bly en ook van dieselfde ontspanning area gebruik moet maak.
3. Parkeering sal n probleem wees indien gaste met meer as een voertuig opdaag en daar ook nog kuiergaste kom .
4. Die bedryf van 'n voltydse gastehuis die waarde van die omliggende eiendomme nadelig kan beïnvloed.
5. Die bedryf kan ook die rustige atmosfeer van die omgewing beïnvloed aangesien daar geen toesig op die perseel is nie.
6. Daar is geen wetstoepassing hetsy vanaf die SAPS of Swartland gedurende naweke nie en indien daar enige probleme opduik raak dit die buurtwag se probleem.
7. Die probleem is ook deur die Yzerfontein toerisme kantoor en buurtwag geïdentifiseer.

Ek IJ Schrader ID No 5708165073084 keur dus die vergunning ten sterkste af en hoop om so spoedig moontlik na 28 Februarie 2022 vanaf Swartland terugvoer te ontvang hetsy positief of negatief sadat ek verdere regshulp kan inwin indien die vergunning toegestaan word.

Groete : *IJ Schrader*

Sakkie Schrader

[schradersakkie@gmail.com](mailto:schradersakkie@gmail.com)

Selfoon: 082 8700 259

27 Januarie 2022

**From:** Andre De Kock <andre.dekock@kanoo.com>  
**Sent:** Sunday, 27 February 2022 19:09  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** FW: Voorgestelde vergunningsgebruik op Erf 1858, Yzerfontein

To the Municipal Manager.....

Dear Sir/Madam

I own 22 Roosmaryn straat which is next to the property where the guest house wants to be set up. I hereby very strongly object to the conversion of the property in question to a guesthouse. This will instantly **drive down the value of my property** as no one wants to stay next to a commercial guesthouse with 4 guestrooms which is in essence a mini hotel. Guests will come and go at any time during the day and night with noise of cars and people **taking away the peace, quietness and ambiance of this tranquil street.**

I am planning to build my dreamhouse in Yzerfontein and retire there in the near future. I have absolutely no desire to stay next to a guesthouse/commercial setup and everything that comes with it.

I will definitely consider legal action should this project go ahead. I expect my objection to be noted and to be immediately informed of any further actions regarding the intended use of this property. My contact details below.

Best Regards

**Andre de Kock**

**Vice President Finance**

Kanoo Shipping

(As Agents Only)

A Division of Kanoo Group LLC

P.O. Box 290, Dubai, United Arab Emirates

T. +971- 4 393 1900 | D. +971- 4 507 2281

M. +971- 5270 19155

[andre.dekock@kanoo.com](mailto:andre.dekock@kanoo.com) | [kanooshipping.com](http://kanooshipping.com)



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Our Locations :



All business transactions are subject to Kanoo Shipping's Standard Terms and Conditions for Agency Services, a copy of which is available on request.

**From:** Adam Gladyssek <glasystemsc@gmail.com>  
**Sent:** Thursday, 24 March 2022 09:47  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** rezoning applicat6ion ref 15/3/10-14/Erf1858

Adam Gladyssek

5 Dassen Island Close

Yzerfontein

Erf 1871

cell 076 5847799

mail: [glasystemsc@gmail.com](mailto:glasystemsc@gmail.com)

I strongly object to the re-zoning attempt to Erf 1858 Yzerfontein. I'm owner of Guesthouse Erf 1871 and the stand was rezoned in 2017 to Residencial 3 with full Guest House permit. There can't be another Guesthouse not even 50m away.

Please note *did not receive any notification from the municipality regarding the rezoning.*

*I found out from the owner of Erf 1870 Mr Tromczynski he received a register letter only a few days ago. According to your letter the objection could be only submitted till 28.02.2022.*

*Since we were not informed this is totally unacceptable any should my objection not be considered I will take stron legal action.*

Adam Gladyssek

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**From:** jtr@mweb.co.za <jtr@mweb.co.za>  
**Sent:** Wednesday, 23 March 2022 11:41  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** Erf-1858, Yzerfontein application for consent use for a guesthouse

Good day,

I received a notice in my PO box just yesterday, 22nd March 2022.

The notice is dated 28 January 2022 and the registered envelope dated 27 January 2022 in Malmesbury Post Office.

The notice also stipulates that objections to be logged on or before 28 February 2022 - I find this really strange that the registered notice is only delivered well after this deadline date.

I hereby object to this request on the following grounds:-

- I already have a guesthouse right next door to me - ERF 1871. How many guesthouses will you be approving around that area?
- I am concerned that there will be noise from a 4 guest room guesthouse right behind my property.

Regards,

Andrzej and Janine Tromczynski

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# CK RUMBOLL & VENNOTE / PARTNERS

PROFESSIONAL SURVEYORS~ ENGINEERING AND MINE SURVEYORS~ TOWN AND REGIONAL PLANNER~ SECTIONAL TITLE CONSULTANTS

31/03/2022

REF: YZ/12265/CVDW/JL

ATTENTION: Mnr. A. Zaayman

Municipal Manager  
Swartland Municipality  
Private bag X52  
**MALMESBURY**  
7300

Mr,

## RESPONSE TO COMMENTS:

### **PROPOSED CONSENT USE ON ERF 1858, YZERFONTEIN**

With reference to the letter dated 2 March 2022 received from Swartland Municipality regarding the objections against the consent use on Erf 1858, Yzerfontein. Please find attached our comments to the objections.

During the public participation period, an objection was received from the following individuals/ neighbours:

1. Bastiaan en Maria Holswilder
2. Sakkie Schrader
3. Andre de Kock

The letters as received were evaluated by this firm and the following comments are provided.

Objector	Objections	Comments
<b>Bastiaan en Maria Holswilder</b>	1. A guesthouse is a business and this is a residential area. We especially bought a house away from the town's business area for the calm surroundings.	1. According to the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020) guesthouses are not actually permitted on business zonings but in residential zoned properties. Yzerfontein is a good example of this, as guesthouses can be seen scattered across all the residential areas. There is a guesthouse located diagonally across from this property.  Guesthouses have to comply with all the same public nuisance regulations as

#### **VENNOTE / PARTNERS:**

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

# CK RUMBOLL & VENNOTE / PARTNERS



PROFESSIONAL SURVEYORS~ ENGINEERING AND MINE SURVEYORS~ TOWN AND REGIONAL PLANNER~ SECTIONAL TITLE CONSULTANTS

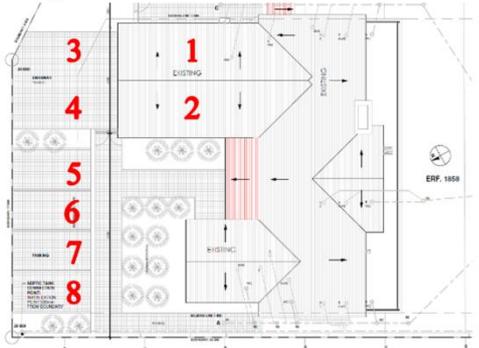
		residential dwellings and should not disturb the calm surroundings.
	2. The residential dwelling turned into a guesthouse which accommodates a variety of people, will definitively have a negative impact on the neighbours. I don't believe it's necessary to expand on this topic as it is obvious that it brings about a whole other dynamic to whom stays in a dwelling.	2. As mentioned above, the owner of Erf 1858 will be subject to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All residents of the dwelling units will need to adhere to these regulations as well. This will ensure low noise pollution.  Furthermore, each property owner has the right to develop his/her property to its full potential in accordance with the development parameters as set out in the Swartland Municipal By-Law on Land Use Planning (PG 8226).
	3. Diagonally behind the proposed guesthouse there is already an existing guesthouse which has gained business rights.	3. This further strengthens the notion that this is an applicable location for a guesthouse.
	4. We already experience disturbance produced by the bright lights which the owner has installed right around the house despite installing blinds.	4. Whether a dwelling house or a guesthouse the owner has the right to install lights to ensure good visibility and safety of the residents or the guests.  <b>Owner's comments:</b> I did not put any bright lights on the property. All lights had already been installed by the previous owner. On the contrary, we dimmed the lights as it was too bright for us. Surely it has nothing to do with the guest house application?
<b>Sakkie Schrader</b>	5. There are three units on the ground floor and a dwelling on the first floor.	5. The proposed guesthouse consists of 4 rooms. The ground floor contains the 1st bedroom (main bedroom) with access to the bathroom, study and communal lounge, communal dining area, communal kitchen, laundry and a double garage. The basement of the dwelling contains 3 bedrooms each with an on suite bathroom and a kitchenette to make coffee. The basement also has a laundry and a storage

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ADDRESS/ ADRES: [planning2@rumboll.co.za](mailto:planning2@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299  
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		<p>room. There is a staircase that connects the basement rooms to the ground floor <b>allowing access to the communal spaces</b>. This ensures that the guesthouse remains interconnected.</p>
	<p>6. If all the units are rented out to 4 different families it could lead to conflict situations seeing that the guests have to live next to each other and have to use the same communal areas.</p>	<p>6. The owner of the proposed guesthouse has created a private outdoor area for each unit with the layout of the garden. There are also 3 braai areas, enough for each guest unit to visit separately. This ensures that any conflict situation can be avoided. Despite this, the guesthouse still provides interconnected rooms that all have access to the communal areas.</p> <p>Furthermore, as previously mentioned, guests have to abide the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019).</p>
	<p>7. Parking will be a problem if guests arrive with more than one vehicle and if they receive guests.</p>	<p>7. In terms of Section 13 of the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020), 3 parking bays are required for 4 bedrooms. Two garages (2 parking bays) is provided on-site along with 2 parking spaces in the driveway. Furthermore, 4 additional parking bays are provided in front of the house. Therefore, more than enough parking bays are provided on Erf 1858, Yzerfontein, in accordance with the Swartland Municipal By-Law on Land Use Planning (PG 8226) as shown in the figure below.</p> 

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		<p><b>Owners comment:</b> the author should know that there is enough parking in front of the house on the yard. In total 20m - enough for 6 cars and then there can be 2 more cars inside the garage as well. No day visitors of guests are allowed, so it will only be the guests' car parked there.</p>
	<p>8. The operation of a full time guesthouse could have a negative impact on the value of the surrounding properties.</p>	<p>8. Each property owner has the right to develop his/her property to its full potential in accordance with the development parameters as set out in the Swartland Municipal By-Law on Land Use Planning (PG 8226). If future development is within the parameters set out in the mentioned By-law it will not negatively affect the surrounding neighbours.</p> <p>Furthermore, the relevant authority may not restrict the application on grounds of the potential financial implications as specified under Section 59(1)(f) of Chapter VI of the Land Use Planning Act: "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 the land or property will be affected by the outcome of the application".</p>
	<p>9. The operation could disturb the peaceful atmosphere seeing that there is no supervision on the property</p>	<p>9. As previously mentioned, the owner of Erf 1858 will be subject to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All residents of the dwelling units will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p><b>Owners comments:</b> I as an owner live in the house in the upper room from time to time and then there will be supervision of the lower 3 rooms (as the previous owner did). I also have a contract with a manager</p>

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



		<p>who lives in Yzerfontein who can make the necessary inspections and handle any complaints. It will not be necessary for any police or neighbourhood watch to get involved.</p>
	<p>10. There is no law enforcement by SAPS or Swartland on weekend during weekends which means it would become the neighbourhood watch's problem. This problem has also been identified by Yzerfontein's tourism office as well as the neighbourhood watch.</p>	<p>10. Noted. The nature of the proposed guesthouse should not require law enforcement under normal circumstances, but as mentioned by the owner, supervision will be provided by her and the guesthouse manager that lives in Yzerfontein.</p>
<p><b>Andre de Kock</b></p>	<p>11. During peak seasons I own 22 Roosmaryn straat which is next to the property where the guest house wants to be set up. I hereby very strongly object to the conversion of the property in question to a guesthouse. This will instantly drive down the value of my property as no one wants to stay next to a commercial guesthouse with 4 guestrooms which is in essence a mini hotel.</p>	<p>11. Please refer to comment 8 above.</p>
	<p>12. Guests will come and go at any time during the day and night with noise of cars and people taking away the peace, quietness and ambiance of this tranquil street. I am planning to build my dream house in Yzerfontein and retire there in the near future. I have absolutely no desire to stay next to a guesthouse/commercial setup and everything that comes with it.</p>	<p>12. The owner of Erf 1858, Yzerfontein, will be subject to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All guests of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p><b>Owner's comments:</b> As a property professional myself with 17yrs experience, I can unequivocally state that the values of properties are not negatively affected by any guest house activities in any area. The rules of my guesthouse are in accordance with the Municipal bylaws with regards to noise - no noise after 10pm and to consider all neighbors at all times, during the day and night.</p>

# CK RUMBOLL & VENNOTE / PARTNERS



PROFESSIONAL SURVEYORS~ ENGINEERING AND MINE SURVEYORS~ TOWN AND REGIONAL PLANNER~ SECTIONAL TITLE CONSULTANTS

	13. I will definitely consider legal action should this project go ahead. I expect my objection to be noted and to be immediately informed of any further actions regarding the intended use of this property.	13. The objections is noted and has been addressed above.
--	--	---

This office is of the opinion that this application will have no negative impact on the surrounding properties but rather fulfil the proposals of the Swartland SDF. The proposed guest house will support the development of high standard accommodation opportunities in Yzerfontein. The Swartland Spatial Development Framework (2019) suggests that Yzerfontein should be developed as the tourism centre. This will give owners in Yzerfontein the opportunity to develop more accommodation opportunities to help develop and promote tourism in this area. Promoting the tourism sector in Yzerfontein will encourage more people to visit the Swartland Municipal area, which will contribute to economic growth.

We trust you find the above in order.  
Friendly greeting,

Christopher van der Walt/Jolandie Linneman  
FOR CK RUMBOLL & PARTNERS

---

**VENNOTE / PARTNERS:**

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

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



## ANNEXURE A: OBJECTIONS

---

**VENNOTE / PARTNERS:**

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

---

**ADDRESS/ ADRES:** [planning2@rumboll.co.za](mailto:planning2@rumboll.co.za) / PO Box 211 / Rainierstr 16, **Malmesbury**, 7299  
**MALMESBURY** (T) 022 482 1845 (F) 022 487 1661

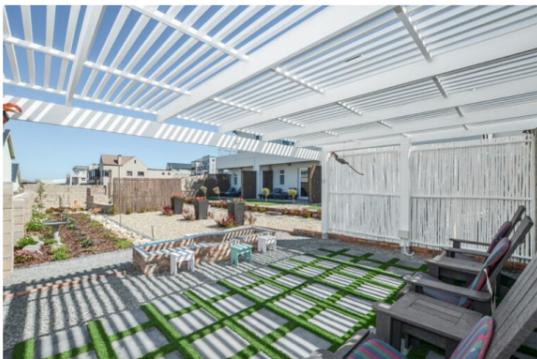
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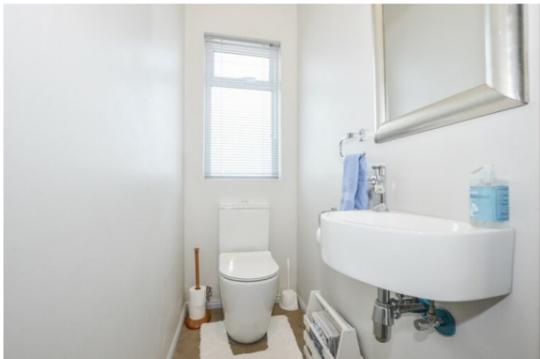
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# COVID-19

Online Resource & News Portal  
[SAcoronavirus.co.za](http://SAcoronavirus.co.za)



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26 April 2022

15/3/10-8/Erf\_7278

WYK: 10

**ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 11 MAY 2022**

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON ERF 7278, MALMESBURY					
Reference number	15/3/10-8/Erf_7278	Submission date	22 February 2022	Date finalised	26 April 2022

**PART A: APPLICATION DESCRIPTION**

Application for a consent use on Erf 7278, Malmesbury, is made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to operate a day care centre for six (6) children on the property.

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

**PART B: PROPERTY DETAILS**

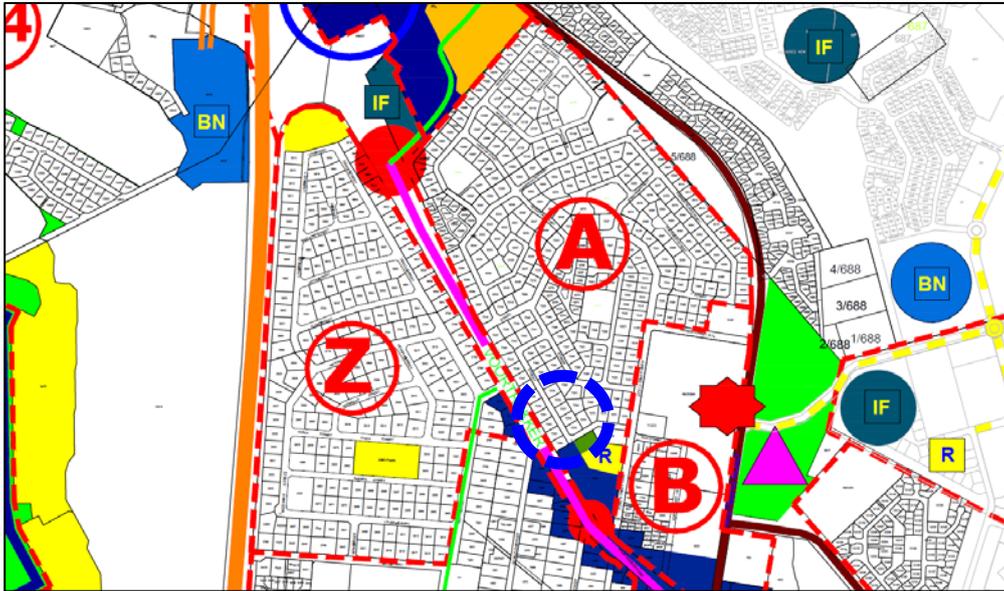
Property description (in accordance with Title Deed)	ERF 7278 MALMESBURY, in die Swartland Municipality, Division Malmesbury, Province of the Western Cape				
Physical address	18 Palomino Street	Town	Malmesbury		
Current zoning	Residential Zone 1	Extent (m <sup>2</sup> /ha)	684m <sup>2</sup>	Are there existing buildings on the property?	<input type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Residential dwelling	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	<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 checked="" type="checkbox"/>	Occasional use	<input type="checkbox"/>
Disestablish a home owner's association	<input type="checkbox"/>	Rectify failure by home owner's association to meet its obligations	<input type="checkbox"/>	Permission for the reconstruction of an existing building that constitutes a non-conforming use	<input type="checkbox"/>		<input type="checkbox"/>

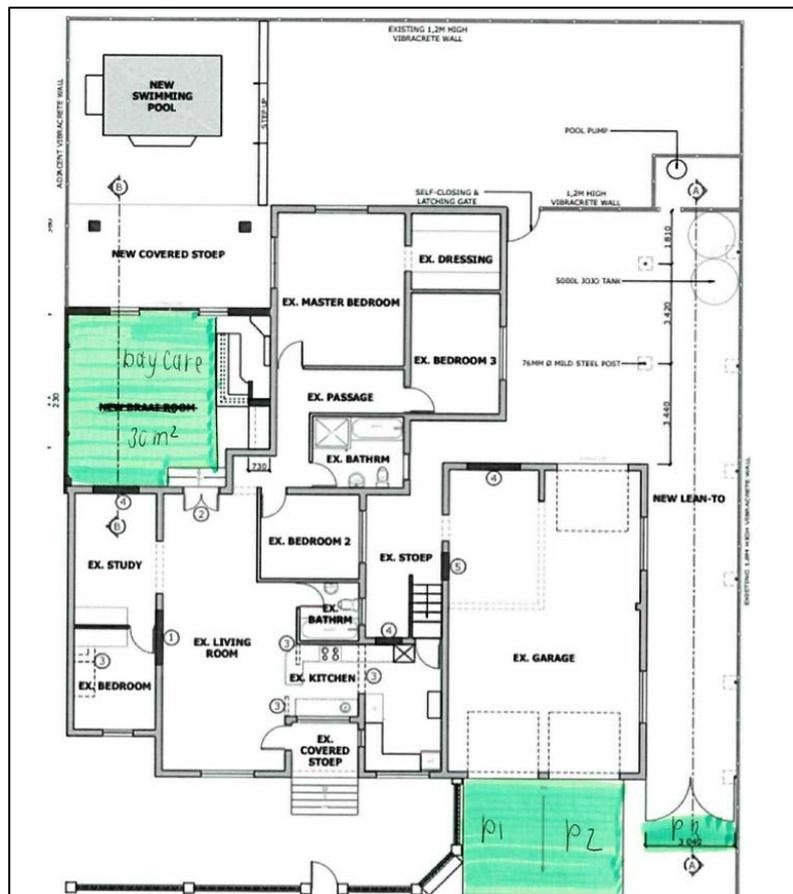
**PART D: BACKGROUND**

Erf 7278, Malmesbury is zoned Residential Zone 1. The erf is located in Tafelzicht, delineated as Area A by the Swartland Municipal Spatial Development Framework (2019). 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 proposed day care centre will be named iGrow and operated from a 30m<sup>2</sup> portion of the existing dwelling. The centre will accommodate 6 children between 3 months to 24 months of age, to be minded by the owner – a qualified teacher in early childhood development – and one assistant teacher. Due to the ages of the children, no outside play area is required. The By-Law, corresponding with the Children’s Act, require 3m<sup>2</sup> free space per child if there is not outside space and the facility is thus more than large enough to accommodate the children with ease.

Meals for the children will be prepared in the kitchen of the dwelling and the ablation facilities of the home will also be used. No separate facilities will be provided.



The residents and staff will be able to park their vehicles in the garage and under the carport on the property, while three on-site parking bays will be 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.
---	---	---	--

**PART F: SUMMARY OF APPLICANT’S MOTIVATION**

1. The applicant states the following as motivation for the development proposal:
- a) 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 will provide an amenity for a social need.
  - g) By allowing for a dual land use, the property will be utilised optimally and efficiently.
  - h) The proposed day 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 proposed consent use supports and promotes a mixed use development as envisioned by the SDF for secondary educational uses in Malmesbury.

**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, of which 12 of the same notices were also sent via e-mail. No notices were returned uncollected.

Total valid comments	2	Total comments and petitions refused	0			
Valid petition(s)	Y	N	If yes, number of signatures			
Community organisation(s) response	Y	N	Ward councillor response	Y	N	Councillor van Essen was informed and he replied that he has no objection against the development, unless other objections were received.
Total letters of support	0					

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

Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Department: Civil Engineering Services	25 February 2022	<p>1. <u>Water</u></p> <p>Die erf van die bestaande wateraansluiting gebruikmaak en dat geen addisionele aansluitings voorsien sal word nie;</p> <p>2. <u>Riolering</u></p> <p>Die erf van die bestaande riolaansluiting gebruik maak en dat geen addisionele aansluitings voorsien sal word nie;</p> <p>3. <u>Strate en stormwater</u></p> <p>a) Die aansoek dui aan dat ses kinders versorg gaan word. Die aantal kinders moet tot hierdie getal beperk word;</p> <p>b) Indien die eienaars die getal in die toekoms wil verhoog moet 'n verdere aansoek ingedien word.</p>	X	
Building Control	4 March 2022	a) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;	X	
West Coast District Municipality	29 March 2022	<p>Die Afdeling Omgewingsgesondheid van die munisipaliteit het die volgende kommentaar op die aansoek:</p> <p>b) Die kinderversorgingsfasiliteit is onderhewig aan die vereistes van die Gesondheidsverordeninge van die Weskus Distriksmunisipaliteit gedateer 9 September 2008;</p> <p>c) Indien voedsel op die perseel voorberei gaan word, moet die voorbereidingsarea voldoen aan die vereistes van Regulasie 638 van 22 Junie 2018 (Regulasie met betrekking tot die Algemene Higiëne: Vereistes vir Voedselpersele en die vervoer van voedsel.</p> <p>d) Aansoek vir die uitreiking van 'n geskiktheidsertifikaat moet aan die Afdeling Omgewingsgesondheid gerig word vir:</p> <p>i) Die bereiding van voedsel; en</p> <p>ii) Die bedryf van 'n kinderversorgingsfasiliteit</p> <p>e) Die Weskus Distriksmunisipaliteit het geen beswaar teen die bedryf van 'n kinderversorgingsfasiliteit vanaf Erf 7278, Malmesbury nie, mits die genoemde vereistes, sowel as die bepalings van enige ander toepaslike wetgewing nagekom word.</p>	X	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>GD Breytenbach Erf 7280</p>	<p>1. The previous school that operated unlawfully has moved away from the residential neighbourhood and was of a much larger scale than the development proposal. The accusation is considered unfair and has no bearing on the application at hand;</p> <p>2. Six additional cars in the morning and in the evening is not expected to have any impact on the current traffic patterns of Palomino Street.</p>	<p>1. The previous crèche was unlawful and much larger than the proposed day care centre. It is precisely because of the actions taken by the Municipality that the crèche is now located in the CBD. Business owners clearly do not have carte blanche to operate a business anywhere in any way they want to.</p> <p>It should also be noted that the proposed day care centre is not in operation yet, as the owners are asserting their right to legally apply for the land use, before commencing.</p> <p>2. Agreed with the applicant. Also, the additional vehicles will not be up and down the street all day, but mornings and evenings and on-site parking is provided. The application property is the 4<sup>th</sup> erf from the corner, providing sufficient visibility and time for safe vehicle movement in the street.</p>
<p>IJM &amp; AJ van Niekerk Erf 7247</p>	<p>3. The space on the property is too limited to expand the school any further than proposed. It is unfair to hold the applicant responsible for the transgressions of the previous crèche that previously operated in the neighbourhood unauthorised.</p>	<p>3. The application differs from the previous crèche in a number of ways. First of all, the applicant is following the legal process of applying for the land use, prior to commencing.</p> <p>Secondly, the statement of the objector is conjecture, as it cannot be proven that the applicant will unlawfully expand the day care centre over time. It is rather accepted in good faith that an applicant who is willing to abide by the legal procedures before a land use is affected, is more likely to act legally in the future.</p> <p>It is supported that the property does not allow for expansion of the centre in the future. In addition, an initiative by the Municipality has been ongoing for the past four years to ensure that all early childhood development facilities in the Swartland are correctly registered with the Departments of Social Services and Education and monitored on a regular basis. The day care centre thus does not run the risk of expanding without the knowledge of the relevant authorities.</p>



## **PART J: MUNICIPAL PLANNING EVALUATION**

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

Application for a consent use on Erf 7278, Malmesbury, is made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to operate a day care centre for six (6) children on the property.

A total of 17 registered notices were issued to affected parties, of which 12 were also sent via e-mail. No notices were returned unclaimed. The commenting period for the application commenced on 4 March 2022 and concluded on 4 April 2022.

Two objections were received and referred to the applicant for comment on 6 April 2022. The response to objections were provided to the Municipality on 22 April 2022.

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

### **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.

The conditions of approval will limit the development to the proposed 6 children, which will in turn oblige the applicant to launch a new application, should expansion be contemplated. At such juncture the Engineering Services Department will be requested to comment on the impact on services once more.

#### **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 (30m<sup>2</sup>) to accommodate 6 children between 3 and 24 months of age.

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 proposed day care centre will operate from a small portion of the existing dwelling and no outdoor play area will be provided. It is not expected that any noise disturbance may be generated by the day care. 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 day care centre will accommodate only six children, which implies that a maximum of six 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 three on-site parking bays will be made available for the drop-off and pick-up of children. It is not expected for six 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 are expected to 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 needs to comply 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 impact of the day care centre is foreseen to be minimal, especially since the scale of the proposal is so limited. The property also does not lend itself toward much expansion in future and therefore the proposed use is deemed desirable. Should the owner intend to expand the centre in future, application will need to be made for the amendment of the conditions of approval, at which stage the development will come under the attention of the Municipality and other relevant departments once more. Although unlikely, the impact of such an expansion may be evaluated in the future.

The noise impact on the tranquillity of the neighbourhood is deemed to be negligible, as no outdoor play areas are provided. A day care centre is an acceptable use in a residential area which implies that the possible impacts on affected parties, are similarly acceptable.

Residential Zone 1 zoning accommodates a day care centre as a consent use. The By-Law therefore makes provision for such a land use in a single residential area. Business rights are not required to operate a day care centre.

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 consent use 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) The consent use authorises a Day Care Centre, as presented in the application;
- b) The Day Care Centre is restricted to 30m<sup>2</sup>, as presented in the application;
- c) A maximum of six (6) children be enrolled at the Day Care Centre at any time, as presented in the application;
- d) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- e) The operation of the Day Care Centre be restricted between 06h00 and 18h00 from Mondays to Fridays;
- f) The Day Care Centre complies with the requirements of Department Social Services and be registered at the Department of Education;
- g) Application be made to the West Coast District Municipality for a compliance certificate for an early childhood development facility as well as a second compliance certificate for the preparation of food;
- h) Application for the display of advertising signs be submitted to the Senior Manager: Built Environment for consideration for approval;
- i) At least three (3) on-site parking bays be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality to the satisfaction of the Director: Civil Engineering Services. The parking bays be clearly marked;
- j) The drop-off and pick-up of children are restricted to the parking area of Erf 7278. The drop-off and pick-up of children off the property is prohibited;

### **2. WATER**

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

### **3. SEWERAGE**

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

### **4. WEST COAST DISTRICT MUNICIPALITY**

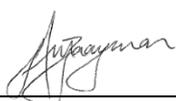
- a) The provisions of the Norms and Standards of 24 December 2015 be complied with;
- b) Application for a compliance certificate for a childcare facility be submitted to the Environmental Health Division of the West Coast District Municipality.
- c) If food is to be prepared on the premises, a suitability certificate for food preparation be submitted to the West Coast District Municipality's Environmental Health Division;
- d) Other health requirements may be set from time to time.

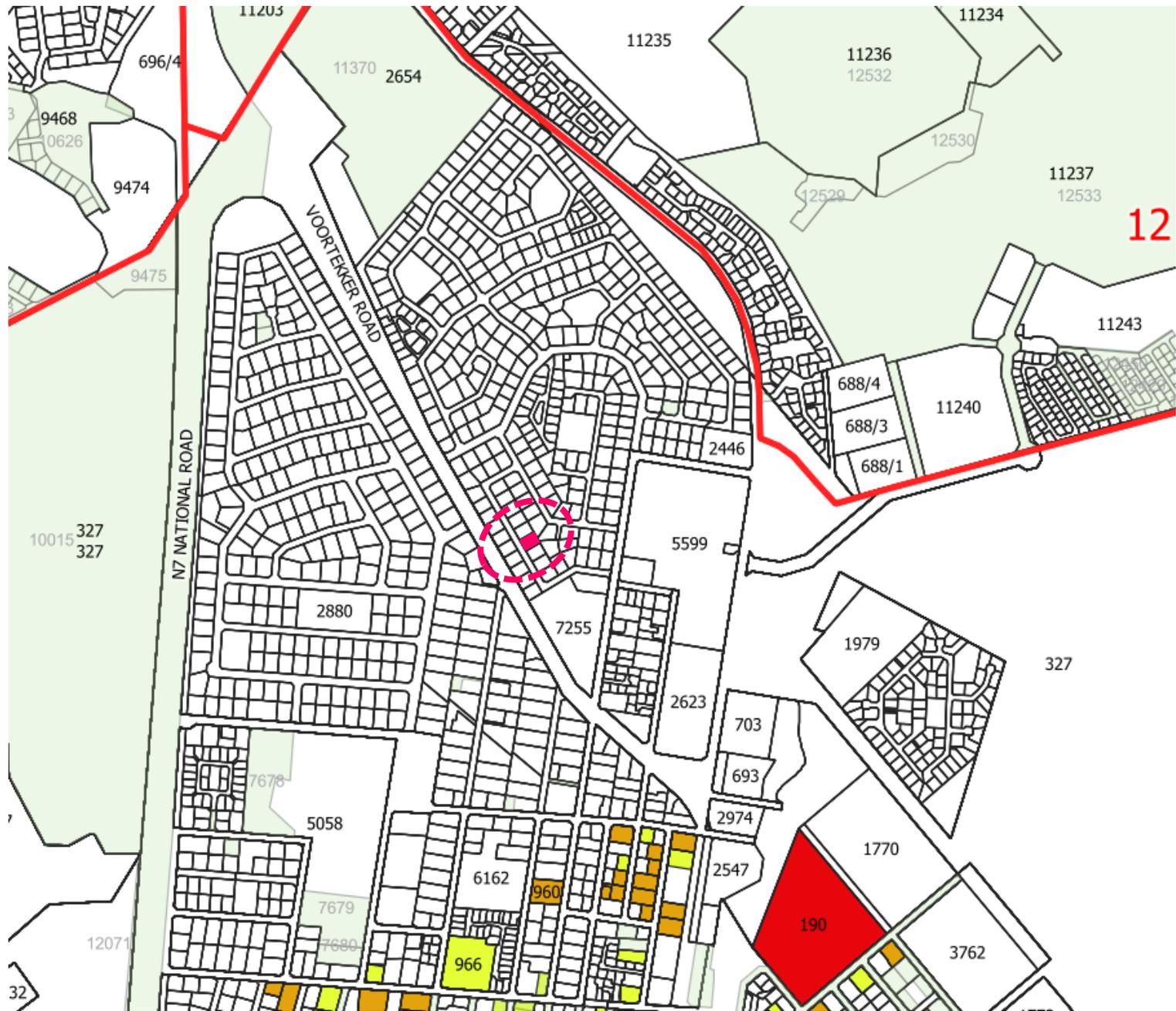
### **B. GENERAL**

- a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years. All conditions of approval be complied with before the Day Care Centre comes into operation and the occupancy certificate is issued, after which the 5 year period will no longer be applicable;
- b) The preparation of meals for the children are permitted on the property;
- c) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- d) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-Law.

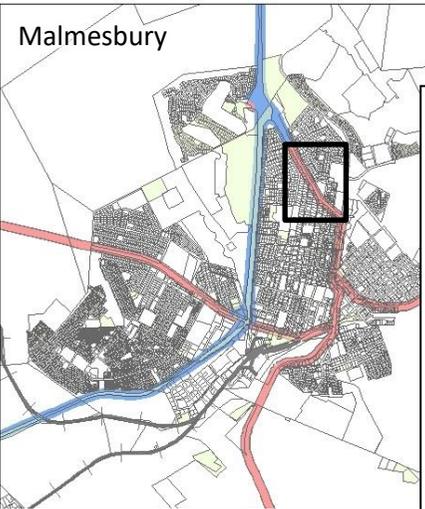
## **PART M: REASONS FOR RECOMMENDATION**

1. The application complies with the planning principles of LUPA and SPLUMA.
2. The application is compliant with the spatial planning of Malmesbury, as directed by the SDF.
3. The proposed day care centre will complement and not have a negative impact on the residential character of the surrounding area.
4. The development proposal supports the optimal utilisation of the property.
5. A day care centre is an acceptable use in a residential area which implies that the possible impacts on affected parties, are similarly acceptable.
6. Sufficient services capacity exists to accommodate the place of education.
7. Sufficient on-site parking bays are provided for safe drop-off and pick-up of children.
8. Health and safety concerns are addressed through the conditions of approval.
9. The noise impact of the facility on the tranquillity of the neighbourhood is deemed to be negligible.

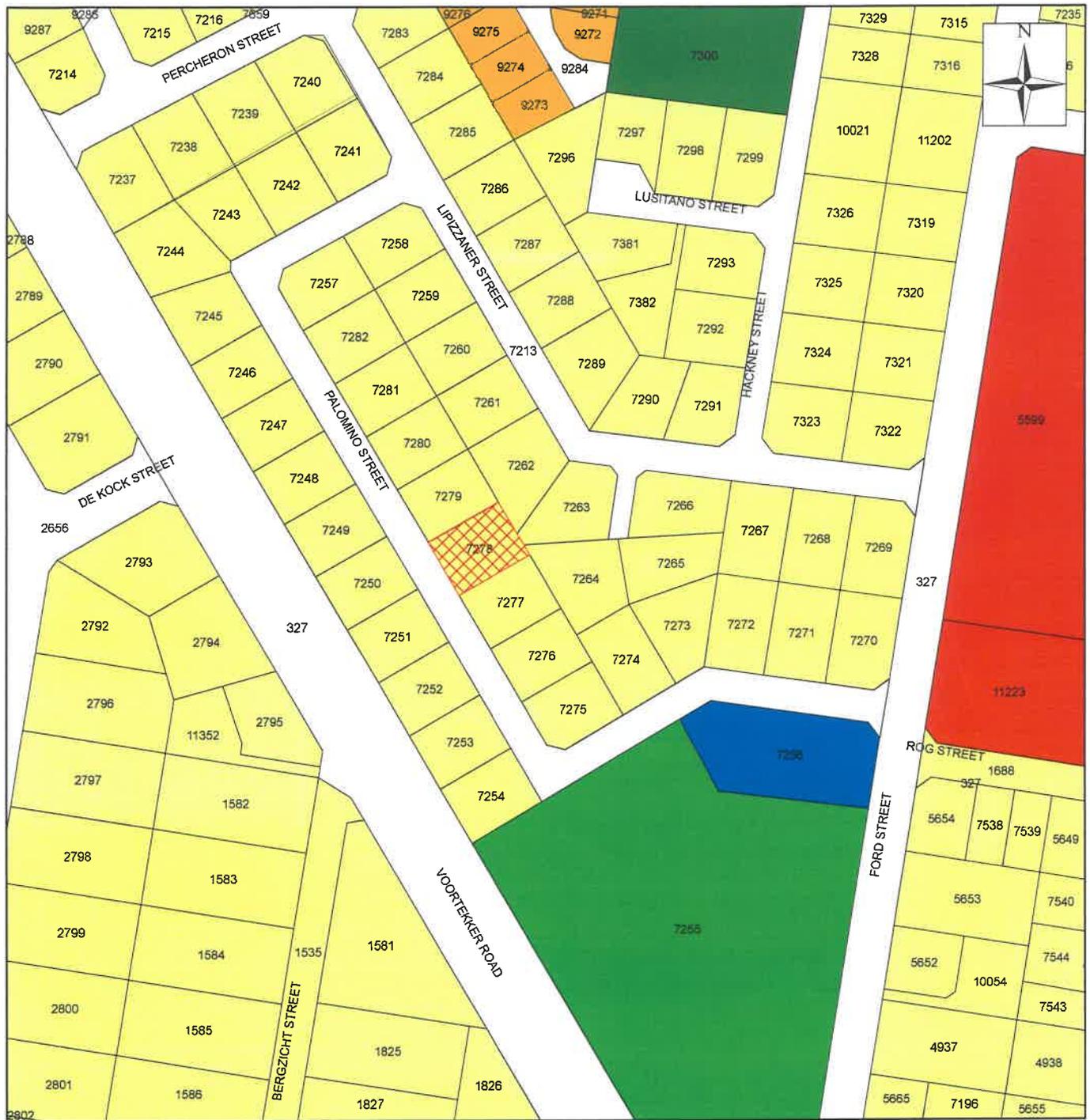
PART N: ANNEXURES				
ANNEXURE A	Locality Plan			
ANNEXURE B	Zoning Plan			
ANNEXURE C	Site Development Plan			
ANNEXURE D	Public Participation Map			
ANNEXURE E	Objections from GD Breytenbach			
ANNEXURE F	Objections from IJM & AD van Niekerk			
ANNEXURE G	Response to comments			
PART O: APPLICANT DETAILS				
First name(s)	J. and L. Coetzee.			
Registered owner(s)	J. and L. Coetzee.	Is the applicant authorised to submit this application:	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
PART P: SIGNATURES				
<b>Author details:</b> A. de Jager Town & Regional Planner SACPLAN: B/8429/2020				Date: <b>26 April 2022</b>
<b>Recommendation:</b> Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001		Recommended <input checked="" type="checkbox"/>	Not recommended <input type="checkbox"/>	
				Date: <b>2 May 2022</b>



**LOCALITY MAP:  
ERF 7278,  
MALMESBURY**



**ANNEXURE A**

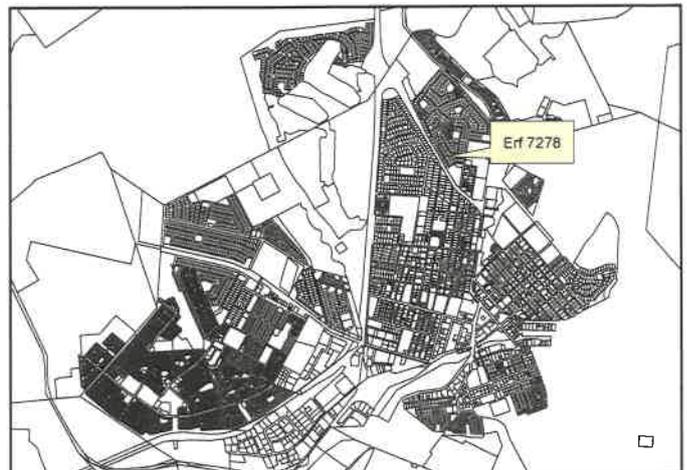


Voorgestelde vergunningsgebruik

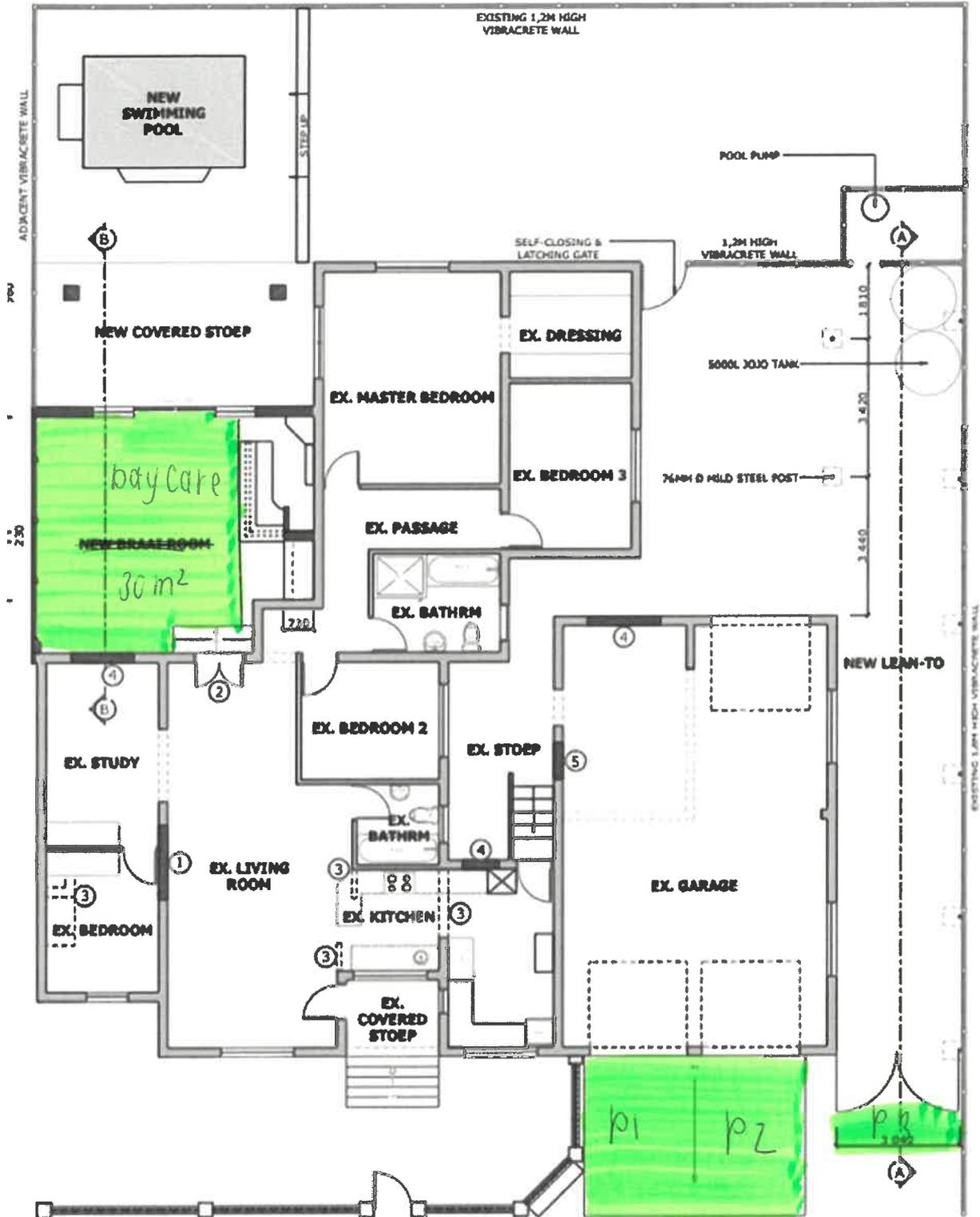
Erf 7278, Malmesbury

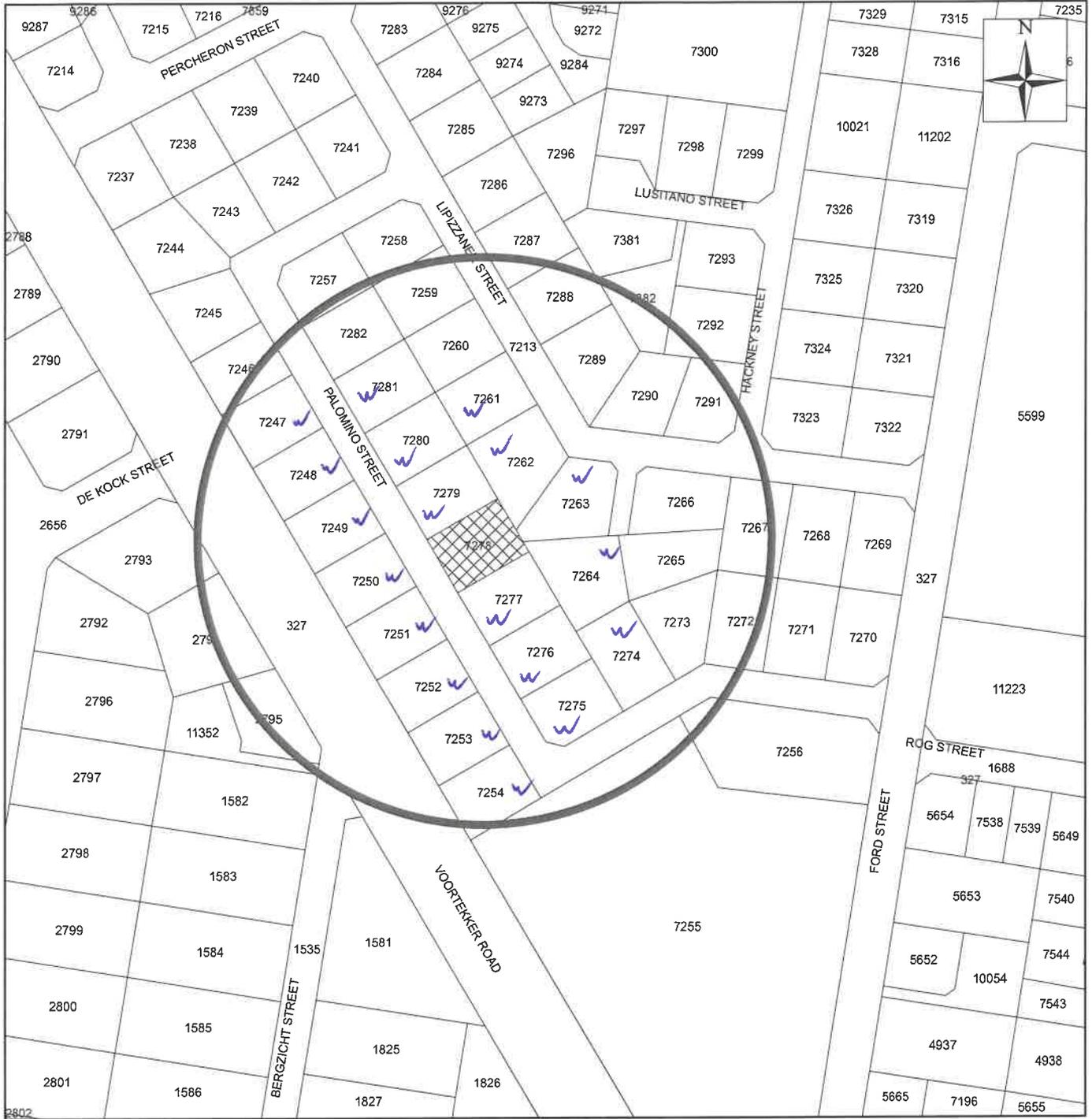
Soneringsplan

Skaal: NVT



# ANNEXURE C





w - woonhuis

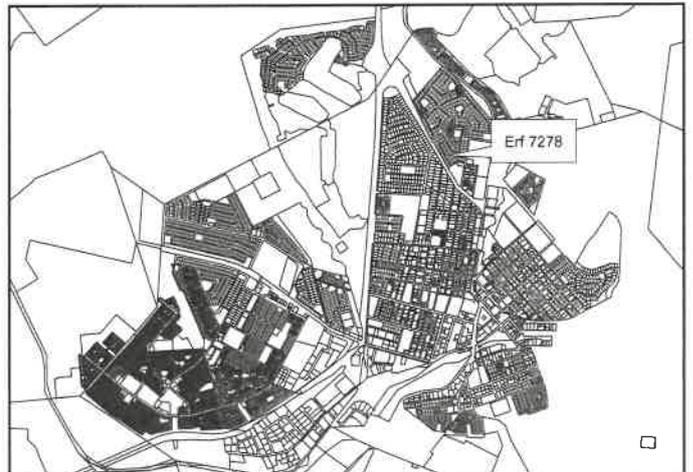


Voorgestelde vergunningsgebruik

Erf 7278, Malmesbury

Grondgebruik

Skaal: NVT



# ANNEXURE E

Die eienaar  
Erf 7280  
Palominostraat 22  
Malmesbury7  
7300  
Sel 082 941 4817

04 April 2022

Die Munisipale Bestuurder  
Privaatsak X52  
Malmesbury  
7299

Per e-pos: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

## **BESWAAR TEEN VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 7278, MALMESBURY**

Hiermee teken ek, Gabriël Daniel Breytenbach, **beswaar** teen bogenoemde voorstel aan en wel om die volgende redes.

Daar was voorheen ook 'n dagsorgsentrum, Land van Kabouters, in ons straat, reg oorkant my woning bedryf. Die skooltjie was eers in die woning waar die eienaar woonagtig was, het later sonder toestemming uitgebrei na 'n tweede woning en is daar eers aansoek gedoen vir verdere uitbreidings teen die tyd wat hulle na 'n derde woning wou uitbrei wat genadiglik nie gerealiseer het nie.

Hieruit is dit baie duidelik dat diegene wie 'n besigheid bedryf, in elk geval nie by die reëls bly nie en maak en breek net soos dit hulle pas en verder blyk dit dat daar geen beheer vanaf die Munisipaliteit se kant toegepas word om seker te maak daar word by die goedgekeurde perseel en voorwaardes gehou nie want indien daar van tyd tot tyd ondersoek ingestel was, sou sulke dinge nie gebeur het nie.

Verder is Palominostraat van die mees swak beplande strate in Malmesbury met twee gevaarlike draaie aan die bokant sowel as die onderkant en is daar boonop in beide draaie "vibracrete" mure tot feitlik teen die straat opgesit. Dit maak dit dus van die gevaarlikste twee draaie in 'n woonbuurt in Malmesbury en sou dit roekeloos wees om toestemming vir enige vorm van besigheid in hierdie straat te gee en sodoende onnodige verkeer na hierdie straat in ons woonbuurt te kanaliseer.

Ek vertrou dat die eienaars van alle erwe wat op die aangehegte dokument gemerk is, wel genader is om kommentaar, aangesien nie al my bure bewus was van hierdie skrywe toe ek dit geopper het nie.

Ek bevestig dus weereens dat ek beswaar aanteken teken teen die voorgestelde vergunningsgebruik op Erf 7278, Malmesbury.

Die uwe



G.D BREYTENBACH

# ANNEXURE F

**From:** Althea van Niekerk <altheavanniekerk@outlook.com>  
**Sent:** Friday, 18 March 2022 21:15  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** Voorgestelde Vergunningsgebruik op erf 7278, Malmesbury

Die Munisipale Bestuurder  
Privaatsak X52  
Malmesbury  
7299

Verwys na Munisipale brief ged 4 Maart 2022 ten opsigte van Voorgestelde Vergunningsgebruik op erf 7279, Malmesbury.

## **HIERMEE MAAK ONS TEN STERKSTE BESWAAR TEEN DIE AANSOEK.**

Die Munisipaliteit is deeglik bewus van die probleem wat ons in Palominostraat gehad het met die vorige dagsorg sentrum. Die probleem met verkeer gedurende die dag, veral in die oggende (aflaai) en namiddae (oplaai). Voor ons, ons oë uitvee het die 6 kinders meer graak en dan is dit weer 'n totale chaos. Ons gaan ons nie weer blootstel aan dit nie.

Ons sal graag wil weet hoe die persoon (iGrow) haar dagsorg op FB kan adverteer en die sluitingsdatum van die besware/ondersteuning moet eers op die laaste 4 April 2022 ingehandig wees. Wat beteken hierdie skrywe dan?

**Weereens, ons gee nie ons toestemming nie en gaan ook nie oor ons beswaar debatteer nie.**

Die uwe

IJM en AD van Niekerk  
Palominostraat 17  
Malmesbury  
7300

IJM van Niekerk 082 411 8116  
AD van Niekerk 076 585 9143

Die Munisipale Bestuurder  
**Privaatsak X52**  
Malmesbury  
7299

## COMMENTS ON OBJECTIONS FOR CONSENT USE ON ERF 7278, MALMESBURY

Hiermie wil ek, Lecia Coetzee, reageer op die besware wat aangeteken is op die voorgestelde vergunningsgebruik vir ERF 7278, Malmesbury.

Ek het gehoop om self-met die eienaars te gesels rakende hulle besware om my kant van die saak aan hulle te stel, maar na ek meer as een keer probeer uitreik het was daar geensins geantwoord of terug gestuur op my boodskap nie.

Die grootste probleem wat ek kon af lei wat die twee besware het, is dat daar voorheen 'n skool in Palomino straat was wat menigte probleme veroorsaak het en hierdie probleme word nou gebruik as redes om nie die goedkeuring te gee vir die vergunningsgebruik nie. Van wat ek bewus is van was die vorige skool in die straat 'n groot skool met baie kinders, wat in geen manier vergelykbaar is met wat ek hier wil doen nie, aangesien die skool wat ek wil begin gemik is op individuele aandag, ontwikkeling en stimulering van die baba's, asook dat daar net eenvoudig nie genoeg plek in die huis is om meer as n handvol kinders te he nie. Bygevoeg begin ek nie 'n skool nie maar 'n ontwikkelings sentrum.

Met dit in gedagte is hier n opsomming van die hoof beswaar punte met my kommentaar vir elkeen:

### Besware vanaf egpaar van Niekerk:

- Die skool mag begin met 6 kinders en dan groter raak

Soos genoem voorheen die dagsorg fokus op individuele aandag aan kinders, dus gaan die dagsorg klein moet bly om dit te kan doen. Nogtans is daar nie genoeg plek op die perseel om meer kinders in te neem nie, so die beswaar dink ek nie is van pas en regverdig nie.

- Die skool adverteer op Facebook

Ek kan nie sien dat dit **enigsins** van toepassing is op hierdie aansoek nie, maar om nogtans dit aan te spreek ek adverteer om die naam van die dagsorg uit te kry en belangstelling solank te toets, ek moes wel al reeds kinders weg wys wat by die skool wou aansluit om te wag dat die proses afgehandel is, omdat ek myself toegee om dinge op die regte en wettige manier te doen.

### Besware vanaf G.D Breytenbach:

- Diegene met besighede hou nie by reels van die munisipaliteit nie

Hierdie beswaar voel vir my het niks met my te doen nie, maar kom weer vanaf n plek van frustrasie oor die vorige skool in die straat. Die vorige skool se onwettige optrede is n onregverdige maatstaf vir iemand wat sover als wettig doen en beplan om als wettig te doen in die toekoms.

- Palomino straat is sleg uitgele vir verkeer

Palomino straat het wel n paar blinde draaie bo en onder, maar ek voel nie dat 6 ekstra karre n kenmerkende verskil aan die verkeer sal maak nie. Gewoonlik kom ouers op verskillende tye kinders af laai, maar tot as hulle almal op dieselfde tyd moet kom sal dit minimale impak he. Die straat het reeds baie meer verkeer as 6 karre in die oggende en ek is nie bewus van enige insidente op die draai nie.

Ek dink dit is duidelik dat die besware almal kom met 'n onregverdige aanname dat my skool soos die vorige skool Land van Kabouters wat onwettig opgetree het en baie groter was as wat my skool ooit gaan wees, vir die redes reeds genoem.

Daarom vra ek dat die munisipaliteit my dagsorg se aansoek op sy eie meriete ondersoek en alhoewel ek verstaan hoekom die besware gemaak is en die gevoelens van die mense wat dit gemaak het, dit nie van pas is op my nie.

Die uwe

Lecia Coetzee  
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