



## **MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY, 11 AUGUST 2021 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

#### Other officials:

Senior Manager: Built Environment, Mr A M Zaayman (advisor)

Manager: Secretariat and Records, Ms N Brand (secretariat)

Director: Development Services, Ms J S Krieger

Snr Town and Regional Planner, Mr A J Burger

Town and Regional Planner and GIS, Mr H Olivier

### **1. OPENING**

The chairperson opened the meeting and welcomed members.

### **2. APOLOGY**

That cognisance be taken of the apology received from Mr C Rabie.

### **3. DECLARATION OF INTEREST**

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

### **4. MINUTES**

#### **4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 12 MAY 2021**

##### **RESOLVED**

That the minutes of a Municipal Planning Tribunal Meeting held on 12 May 2021 are approved and signed by the chairperson.

#### **4.2 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 9 JUNE 2021**

##### **RESOLVED**

That the minutes of a Municipal Planning Tribunal Meeting held on 9 June 2021 are approved and signed by the chairperson

### **5. MATTERS ARISING FROM MINUTES**

#### **5.1 MINUTES OF MUNICIPAL PLANNING TRIBUNAL HELD ON 9 JUNE 2021**

None.

6./...

## 6. MATTERS FOR CONSIDERATION

### 6.1 APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND DEPARTURE ON ERF 706, YZERFONTEIN (15/3/4-14, 15/3/5-14 – ERF 706) (WARD 5)

The chairperson granted an opportunity for the author, Mr H Olivier, to table the application for removal of restrictive title conditions and departure on Erf 706, Yzerfontein.

Mr Olivier highlighted the background to the application which entails the extension of the garage resulting in a departure of the building line from the required 4 m to 0 m. It was also found that there are more restrictive building lines registered against the title deed of the property.

Mr Olivier elaborated on the reasons why the applications is deemed undesirable, amongst other, the negative impact on pedestrian movement, the precedent that will be set as there are no similar departures in the vicinity and the negative impact on the streetscape.

Mr Olivier gave an illustration (see attached) of the effect of the proposed extension of the garage on the slope of the driveway if the floor level is maintained as presented in the application. The proposed departure of the street building line is therefore established to be impractical.

### RESOLUTION

- A. The application for the removal of restrictive conditions B6(b), B6(b)(i) and B6(b)(ii) from Deed of Transfer T38570/2019 not 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 departure of the street building line from 4m to 0m in order to extend the existing garage on the property upto the property boundary not be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. **GENERAL**
  - (a) The applicant and 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;
  - (b) Building plans be submitted for the unauthorised alterations and additions to the existing building within 60days after the date of the notice;
- D. The reasons for not approving the application are:
  - (a) The proposed departure of the street building line, in order to accommodate the extension of the existing garage, as proposed in the application is impractical given the fact that the slope of the driveway will only increase if the floor level of the garage is maintained, as presented in the application. It is therefore not deemed desirable;
  - (b) Parking of vehicles in front of the garage, if possible given the slope, will have a negative impact on pedestrian movement on the sidewalk, as there is not enough space;
  - (c) The architectural effect of the building line relaxation will not enhance the appearance of SE Sauerma Street. There are also no departures evident in the vicinity, therefore it could be argued that the proposal will set a precedent that will have a negative impact on the streetscape;
  - (d) The proposed removal of all the conditions on the title deed relating to building lines are not deemed desirable as it needs to be supported by a development proposal. The impact of the development as well as its desirability can then be considered.

6.2/...

**6.2 APPLICATION FOR THE REZONING AND CONSENT USE ON PORTION 35 OF FARM JACOBUSKRAAL NO 554, DIVISION MALMESBURY (15/3/3-15, 15/3/10-15 – Plaas 554/35) (WARD 5)**

The author, Mr A J Burger, tabled the item as requested by the chairperson. Mr Burger mentioned that the application entails that a portion (18 m<sup>2</sup> in extent) of Farm 554 be rezoned from Agricultural Zone 1 to Business Zone 1 in order to accommodate gambling machines in the existing bar.

Mr Burger mentioned that the proposed “place of entertainment” cannot be accommodated as a tourism related facility in the rural context and will have a negative impact on the character of the area.

**RESOLUTION**

- A. The application for the rezoning of a portion of portion 35 of farm Jacobuskraal no 554, Division Malmesbury, Malmesbury, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for a consent use on portion 35 of farm Jacobuskraal no 554, Division Malmesbury, Malmesbury be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. **GENERAL**
  - (a) The applicant and 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;
- D. The application be refused for the following reasons:
  - (a) The proposed “place of entertainment”, which in this case makes provision for a gambling facility, cannot be accommodated as a tourism related use in this rural context and have a negative impact on the character of the area. Similar gambling facilities in the Swartland are currently accommodated in the CBD of towns;
  - (b) The proposed use is non-compliant with the Spatial Development Framework of Swartland Municipality;
  - (c) The proposed use is non-compliant with the Western Cape Land Use Planning Guidelines: Rural Areas 2019;
  - (d) The proposed use is non-compliant with the principles of SPLUMA and LUPA.

**(SIGNED) J J SCHOLTZ  
CHAIRPERSON**











26 August 2021

15/3/10-14/Erf 1182

WYK: 5

**ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 8 SEPTEMBER 2021**

LAND USE PLANNING REPORT					
PROPOSED CONSENT USE ON ERF 1182, YZERFONTEIN					
Reference number	15/3/10-14/Erf 1182	Submission date	28 May 2021	Date finalised	26 August 2021

PART A: APPLICATION DESCRIPTION						
Application for a consent use on Erf 1182, 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 operate a guesthouse in the existing dwelling.						
The applicant is C.K. Rumboll and Partners and the property owner is Dassen Properties (Pty) Ltd.						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	ERF 1182 YZERFONTEIN, IN DIE MUNISIPALITEIT VAN SWARTLAND, AFDELING MALMESBURY, PROVINSIE WES-KAAP					
Physical address	122 Dassen Island Drive (locality plan attached as Annexure A).		Town	Yzerfontein		
Current zoning	Residential Zone 1	Extent (m²/ha)	1 139m²	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, second dwelling unit and garage			Title Deed number & date	T32305/2001	
Any restrictive title conditions applicable	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, list condition number(s)			
Any third party conditions applicable?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, specify			
Any unauthorised land use/building work	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, explain			
PART C: LIST OF APPLICATIONS (TICK APPLICABLE)						
Rezoning	<input type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Removal, suspension or amendment of restrictive conditions
Permissions in terms of the zoning scheme	<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
Determination of zoning	<input type="checkbox"/>	Closure of public place	<input type="checkbox"/>	Consent use	<input checked="" type="checkbox"/>	Occasional use

Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		
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#### PART D: BACKGROUND

Erf 1182 is located on the coastline of Pearl Bay, towards the southern secondary business node of Yzerfontein, as identified by the Swartland Municipal Spatial Development Framework (SDF, 2019). The erf is surrounded by residential properties and protected open spaces. Guest houses are already prevalent in the area and residential development continues steadily. The SDF categorises the area as Area B, consisting of low to medium density residential developments with ancillary uses. The secondary business development is located south-east of the application property.



Erf 1182 is zoned Residential Zone 1 and contains a double storey dwelling with a double garage and a second dwelling unit which is smaller than 60m<sup>2</sup>. The building plans for the dwelling were approved 11 June 2003, containing 5 bedrooms, including the second dwelling.

The dwelling has been made available for self-catering purposes – a land use that is not in contradiction with the By-Law – but the owner now intends to manage the property as a guesthouse. The ground floor of the dwelling contains a family room with an en-suite bathroom, a dining room, living room, laundry room, lobby, two toilets, a gym, sauna, store room and a double garage. The first floor of the primary dwelling contains 3 bedrooms, 1 bathroom and a balcony. The additional dwelling unit is also on the first floor and contains a granny flat. Bedrooms 1, 4 and 5 have separate bathrooms each, while bedrooms 2 and 3 share a bathroom. The application subsequently entails the proposal for a consent use, in order to utilise the dwelling as such.

#### PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

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

1. The applicant states the following as motivation for the desirability of the development proposal:
  - a) The proposed development enhances the principles of LUPA and SPLUMA;
  - b) The proposal complies with the SDF as the forward planning document for Yzerfontein and the Swartland Municipal Area as a whole;

- c) The development proposal will complement the character of the area and not adversely affect any natural conservation area or surrounding agricultural practices;
- d) The optimal utilisation of existing services, as it reduces expenditure on infrastructure;
- e) The proposed application will limit urban sprawl in Yzerfontein;
- f) The application property will retain the current zoning;
- g) The development uses an existing plot within the urban edge to its full potential;
- h) The proposal will also contribute to the visual representation and aesthetic value of the property;
- i) 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;
- j) The proposed development will provide accommodation opportunities for the tourism in Yzerfontein.

## 2. Legislation and policy frameworks

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

- a) Spatial Justice: The proposed guesthouse is consistent with the applicable zoning regulations as well as the SDF proposals for the area. The use of the property for guest house purposes is consistent with the applicable zoning regulations. The physical footprint supports an urban type of development, promoting an integrated settlement. The proposed development does not support further segregation of communities.
- b) Spatial Sustainability: The development of the property falls within the densification proposal suggested within urban boundaries of all towns in the Western Cape. The proposed development promotes spatial compactness and resource frugal development, whilst protecting the environment. The proposed application supports sustainable use of resources and falls within an administrative area earmarked for residential use. The proposal limits urban sprawl and promotes densification.

The proposed development promotes the financial viability of the municipality of the present and for the future. No heritage resources will be influenced by the development and no vegetation or conservation areas will be endangered.

- c) Efficiency: The property can be developed to its full potential in accordance with the SDF and By-Law. The zoning scheme regulations can be considered sufficient in regulating future development. The proposed development uses the land and services to its full potential.
- d) Spatial Resilience: Flexible development opportunities promote sustainable livelihoods. The proposed guesthouse is resilient and can revert to be used as a holiday home for a single family, should the proposed endeavour not be successful.
- e) Good administration: Swartland Municipality will manage the administrative process and public participation processes consistent with the requirements of the By-Law.

### 2.2 Swartland Municipal Spatial Development Framework (SDF, 2019)

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

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

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

## **PART G: SUMMARY OF PUBLIC PARTICIPATION**

Was public participation undertaken in accordance with section 55 - 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?						Y	N
A total of 27 registered notices were issued to affected parties and, where addresses were available, the notices were also sent via e-mail. Four posted notices were returned unread. Refer to Annexure C for public participation map.							
Total valid comments		5		Total comments and petitions refused		0	
Valid petition(s)	Y	N	If yes, number of signatures				
Community organisation(s) response	Y	N	Ward councillor response	Y	N	The application was forwarded to councillor Rangasamy, but no comments were forthcoming.	
Total letters of support	0						

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Department: Civil Engineering Services	14 June 2021	1. <u>Riool</u>  Die erf voorsien word van 'n riooluitsuigtenk van geskikte grootte wat vir die diensvragmotor vanuit die straat toeganklik is;	✓	
		2. <u>Water</u>  Die bestaande wateraansluiting gebruik word en dat geen addisionele aansluitings voorsien sal word nie;		
		3. <u>Ander kommentaar</u>  Dat vaste kapitale bydraes volgens die onderstaande tabel gemaak word:		

<p><b>V &amp; P Karshagen Erf 1109 Annexure F</b></p> <p><b>W Conradie Erf 1126&amp;1127 Annexure G</b></p> <p><b>Cluver Markotter o.b.o. Fussel &amp; Minnaar Erf 1183 Annexure H</b></p>	<p>definitely spoil our desire to relax and enjoy our view.</p> <p>We object to the proposed consent use on Erf 1182, Yzerfontein, as the property is situated close to us and we purchased and built our property because of the tranquillity and quiet residential area for us to retire to.</p> <p>The guest house will disturb the peace and cause noise within the area. There cannot be so many guest houses in a residential neighbourhood.</p> <p>The owners of Erf 1183 bought their property in 2000 with the intention to build a holiday and retirement property in a tranquil and peaceful residential area. However, this dream seems to have been destroyed by the commercial activities already conducted by the applicant on Erf 1183 and the activities it now seeks to legalise</p>	<p>According to the By-Law a guest house is <i>"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:</i></p> <p><i>a) the dwelling is retained in a form which can easily be re-used by a family as a single dwelling; and</i></p> <p><i>b) all amenities and provision of meals shall be for the sole benefit of bona fide lodgers.</i></p> <p>The By-Law allows the land use of a guest house as a consent use on a Residential Zone 1 property, such as Erf 1182. The SDF identifies the area in which Erf 1182 is located as Area 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 provision of a guest house within Area B is supported by the SDF.</p> <p>The purpose of the guesthouse is solely for accommodation and it does not include commercial activities, such as functions, on the site. Guesthouses are supported in towns like Yzerfontein due to its attraction to tourists.</p> <p>The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>. All guests of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p>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 <i>Swartland Municipality: Land Use Planning By-Law (PG 8226 of 25 March 2020)</i>.</p>	<p>approval, should it be determined that an owner/developer does not adhere to the relevant conditions of approval or transgresses in terms of relevant legislative requirements.</p>
<p><b>E &amp; J Elsner Erf 1181</b></p>	<p>3. Traffic will increase and as the plot is rather small, we cannot see how efficient parking on their property will be ensured.</p> <p>Lack of parking on the premises with associated invasion of privacy through vehicles</p>	<p>3. According to the By-Law, 3 parking bays for every 4 bedrooms are required for a guest house. The guest house has 5 bedrooms and therefore 3 on-site parking bays are required. There is adequate space on the property for more than 3 parking bays, including the existing double garage, to be</p>	<p>3. The conditions of approval may be written to require more parking bays, in order to address any traffic flow issues. Several objectors established that visitors to the dwelling often park on-street. It is understandable that a guest house will generate one or two cars more than a large family might, as visitors are not necessarily</p>

<p><b>W Conradie Erf 1126&amp;1127</b></p> <p><b>Cluver Markotter o.b.o. Fussel &amp; Minnaar</b></p>	<p>that park on neighbouring properties and streets.</p>	<p>provided on-site for the proposed development. Refer to the Site Development Plan attached as <b>Annexure</b> .</p> <p>The guest house will not generate more traffic than normally associated with a large family vacation home in a residential area. There is sufficient parking on site for all guests.</p>	<p>related and travel in separate vehicles. Therefore, the provision of 5 parking bays is considered pro-active in addressing any concerns regarding on-site parking.</p>
<p><b>W Conradie Erf 1126&amp;1127</b></p> <p><b>D &amp; J Papenfus- Swart Erf 1195&amp;1110 Annexure I</b></p> <p><b>Cluver Markotter o.b.o. Fussel &amp; Minnaar Erf 1183</b></p>	<p>4. The peace disturbance and lack of parking is already experienced through model &amp; film shoots, as well as weddings, which take place on Erf 1182 and surrounding environment.</p> <p>From time to time I cannot get access to my property as streets are occupied by parked vehicles. Also, at times, I cannot/may not use the beach due to film/advertisement shoots.</p> <p>It is well known that the home is rented out for weddings and advertising photo shoots. Coupled with this, tremendous parking problems are created with vehicles parking on both sides of the street and thus only being able to drive one row of vehicles at a time which is very dangerous. Sight is blocked and I have personally seen a few incidents that could be very detrimental.</p> <p>From information received from neighbours and evidence found on the internet, Erf 1182 has been used for – and is still advertised as a boutique hotel, guest house, social function venue, wedding venue, and a film shoot venue under the name “Lighthouse”.</p> <p>Neighbours confirmed that the owners of Erven 1182 and 1184 joined forces in late 2020 to launch Corona Beer over three days on these properties. The neighbours are still talking about the traffic congestion and parking problems during this launch and misuse of the properties.</p>	<p>4. Refer to Points 2-4.</p> <p>The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>. All guests of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p>The guest house will not generate more traffic than normally associated with a large family vacation home in a residential area. There is sufficient parking on site for all guests.</p> <p>The beach is zoned Open Space Zone 1: Public Open Space and therefore identified as a public place. According to the By-Law a public place <i>“means any open or enclosed place, park, street, road or thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, a municipality, and includes a public open space and a servitude for any similar purpose in favour of the general public.”</i> No person may, without the consent of the Municipality, restrict the public from having access to a public place.</p> <p>The intent of this application is to allow for the consent use to operate a guest house on Erf 1182. This application is not intended to legalise film shoots or a function venue on the mentioned property. The guesthouse is solely for accommodation and it does not include commercial activities to be allowed on site, such as functions.</p>	<p>4. Refer to comment 3.</p> <p>The definition of a guest house states that meals served and the use of amenities are restricted to the bona fide lodgers of the guest house.</p> <p>Consent for a guest house in no way provides permission to use the property as a venue for functions, photo shoots or any use other than that specified by the development parameters for the zone and consent use. The Municipality does not approve of or condone any land use that has not been applied for, or that is in contradiction with the zoning parameters.</p> <p>It is proposed that the issues be mitigated through conditions of approval, as follows:</p> <ul style="list-style-type: none"> <li>a) The maximum number of guests that may reside on the property at any given time is ten (10) people;</li> <li>b) A minimum of 5 on-site parking bays be provided;</li> <li>c) Any form of advertising that promotes the property as anything other than a guest house that adheres to the development parameters, be removed from electronic and other media;</li> <li>d) A code of conduct be prepared and submitted to the Senior Manager: Built Environment, for consideration and approval and that the owner will be liable for enforcing the code of conduct at all times;</li> <li>e) The owner/developer will not be allowed to do photo shoots or filming on the property without the relevant permits, that were up to now, not applied for;</li> <li>f) No person may be restricted or prohibited from free use of the beach in front of the application property;</li> <li>g) The approval may be reversed at any time, by means of the applicable administrative process, should the owner/developer fail to adhere to said conditions.</li> </ul>



	<p>It is clear that the applicant is using this property for much more than what it is entitled to do, much more than what it is currently applying for by means of this consent use application and much more than what will be permitted even if the consent use application is successful.</p> <p>The owners of Erf 1183 have no assurance that the use of the property for unlawful purposes will not continue. Our clients are of the view that the consent use application for a guest house is just a manner in which the applicant intends justifying its other unlawful uses of the property. We strongly object to the use being extended in this manner to commercial enterprises such as social functions, weddings, conferences, and product launches.</p>	<p>If the owner intends to use the property as a function venue, he will have to apply for the necessary land use rights to do so. However, as previously mentioned by means of this application, the owner only intends to gain the necessary land use rights in accordance with the By-Law and SDF to operate a guest house on Erf 1182, Yzerfontein. Therefore, the guest house is not proposed to be used as a venue.</p>	<p>A venue is not considered to be consistent with the character of a residential neighbourhood. The applicant is opposed in the statement that the owners may apply for the necessary land use rights for a venue. A venue would be inconsistent with any permissible zoning category in a residential context and opposed to the SDF.</p>
<p><b>D &amp; J Papenfus-Swart Erf 1195&amp;1110</b></p> <p><b>Cluver Markotter o.b.o. Fussel &amp; Minnaar Erf 1183</b></p>	<p>5. The residential building is already being used by guests. The accompanying music and noise of guests causes unnecessary disturbance in a peaceful neighbourhood. We are of the opinion that the noise and disturbance of peace will increase if the application for the consent use of a guest house will be approved.</p> <p>The fact that there is already so much tourism accommodation offered takes away the residential and peaceful character of the neighbourhood.</p>	<p>5. Refer to Point 5.</p> <p>The SDF identifies the area surrounding Erf 1182 as Area B, which consists mainly of low and medium 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 provision of a guest house within Area B is supported by the SDF.</p> <p>The purpose of the guesthouse is solely for accommodation and it does not include commercial activities to be allowed on site, such as functions. Guesthouses are supported in towns like Yzerfontein due to the vacation attraction it has. A guest house is allowed as a consent use on a Residential Zone 1 property, and therefore considered as a residential land use, rather than a commercial use.</p>	<p>5. Refer to comment 4.</p> <p>A guest house that is operated within the parameters of the By-Law is wholly consistent with any other residential use and will not negatively impact on the residential character of an area.</p>
<p><b>D &amp; J Papenfus-Swart Erf 1195&amp;1110</b></p>	<p>6. Further objection is proposed to the removal of restrictive conditions with regards to the land use of the property. The neighbourhood in Dassen Island Drive is zoned as residential and we are opposed to any businesses that are operating in our</p>	<p>6. The application is not for the removal of restrictive conditions as there are no restrictive Title Deed conditions within the Title Deed that will prohibit the proposed consent use of a guest house on Erf 1182.</p>	<p>6. The objection against removal of restrictions are not applicable to the application.</p> <p>A guest house is not a business in land use terms, but deemed residential in nature.</p>

	neighbourhood. We are especially concerned about “business creep” in a residential zone.	Also refer to comment 5.	Also see comment 5.
<b>D &amp; J Papenfus-Swart Erf 1195&amp;1110</b>	7. We are of the opinion that if the restrictive conditions are relaxed or removed, that a precedent will be created accordingly and that the character of the neighbourhood and pleasant living environment will be negatively affected.	7. Refer to Points 4 and 5.  The approval of the proposed application will not create a precedent for future development, as each land use application submitted to Swartland Municipality is unique, and should be addressed accordingly.	7. Refer to comments 2, 4 and 5.
<b>D &amp; J Papenfus-Swart Erf 1195&amp;1110</b>	8. Access to the beach and public areas in front of the residence is regularly blocked for the exclusive use of the guests. It's illegal because that area is exactly that, public areas.	8. Refer to Point 5.  The beach is zoned Open Space Zone 1: Public Open Space and therefore identified as a public place. No person may, without the consent of the Municipality, restrict the public from having access to a public place.	8. It is highly unlikely that the municipality will provide consent for a private person/entity to block/cordon off a portion of public open space. The owners of Erf 1182 have acted illegally to date.
<b>Cluver Markotter o.b.o. Fussel &amp; Minnaar Erf 1183</b>	9. It appears that the applicant itself rents out the property built on Erf 1184 as under the name “The Duinhuis” as part of the “Lighthouse Collection”.  It furthermore appears to our clients that Duinhuis is being renovated to enlarge the accommodation due to it being a popular rental property. Once these renovations are completed, it will no doubt increase the number of people to be accommodated between the two properties and will cause even more disturbance to other property owners in the vicinity.	9. This comment is not relevant to the application for the consent use to operate a guest house on Erf 1182, Yzerfontein, as the objector refers to a different property than Erf 1182.	9. The renting of a dwelling for self-catering purposes is allowed by the By-Law. The self-catering dwelling may be used in conjunction with the guest house, as long as it does not exceed the parameters for Residential Zone 1.
<b>Cluver Markotter o.b.o.</b>	10. The number of people that can be accommodated to sleep over at the Lighthouse is indicated to be 10 but according to certain websites, it can be increased at an extra charge for events.  Apart from the fact that the applicant does not have Municipal permission to host weddings or any other social functions and events at the property, it is clear that the number of guests appearing in the wedding pictures placed on	10. Refer to Point 4.  This application is not intended to legalise film shoots or a function venue on the mentioned property.  The guesthouse will not attract more visitors than what is normally associated with a large family vacation home in a residential area. The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the Swartland By-Law relating to Public Nuisances	10. Refer to comment 4.

<b>Fussel &amp; Minnaar Erf 1183</b>	Facebook and the number of places set at the pictures of the wedding receptions by far extends 10-12 people. There could be no doubt that the influx of people every time that such an event is hosted causes a huge disturbance to neighbours.	(12 April 2019). All guests of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.	
	11. We are instructed to invite the Municipal Tribunal members to listen to the video clips of the wedding reception to be found on <a href="https://www.facebook.co/1223197637/videos/10223502601652852">https://www.facebook.co/1223197637/videos/10223502601652852</a> and to ask themselves how it can be expected of neighbours to tolerate noise levels of this magnitude which does not even appear to have been taken when the attendees have not started dancing yet.	11. Noted.	11. Noted.
	12. The advertisements state that Lighthouse: <ul style="list-style-type: none"> <li>- has fully equipped kitchenettes in bedrooms 4 and 5;</li> <li>- is suitable for events;</li> <li>- can accommodate gatherings of 25 or more attendees;</li> <li>- is ideal for large families and social gatherings, film and photo shoots, product launches and corporate gateways;</li> <li>- offers street parking; and</li> <li>- is a boutique hotel.</li> </ul> <p>This raises the question as to how many dwellings are in fact on the property. Furthermore, these advertised services rendered by the applicant are not allowed at properties zoned as Residential Zone 1.</p>	12. Refer to Point 4.  Referring to the definition of guest house, no reference is made that a guest house is only restricted to one kitchen. However, the referred "kitchens" by the objector consists of heating plates combined with a sink that were initially installed when a portion of the dwelling were used as a granny flat. The owner of Erf 1182 confirmed that these heating plates and sinks will be removed as they are never being used.  The proposed guest house can easily be transformed back to a dwelling unit as all rooms within the main dwelling are interconnected with each other. The guest rooms will not be converted to, or used as separate dwelling units.	12. Noted. The By-Law specifically prohibits the development of the guest house rooms into separate dwelling units. The dwelling, in its current state, can easily be converted back into a home for a single family.
	13. Two other neighbours informed the owners of Erf 1183 that the staffs employed by the applicant on Erf 1182 makes a big noise when the property is not rented out. The advertisements confirm that there is staff available on premises.	13. Only one staff member is on the property. The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019). All guests and staff members of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.	13. Any property owner has the right to employ domestic staff. Every human being has autonomy over the volume of his/her voice. The objectors possess the right to ask the staff members to speak softer/make less noise.

	<p>14.The Spatial Development Framework and the By-Law provide the background against which applications of this nature must be considered. The applicant has focused on the aspects in the SDF that support this application. However, it is also required in the SDF that the unique sense of place and character of each urban area in future developments should be protected; safe, healthy, liveable and sustainable communities, and neighbourhoods should be enhanced; the Swartland should be branded as a good place to live; the unique character of towns should be protected; material, physical, and social well-being should be sustained.</p>	<p>14.Guest houses are supported in towns like Yzerfontein due to the vacation attraction it has.</p> <p>In light of the above, the proposed consent use for a guest house on Erf 1182 will ensure that the unique sense of place and character of the urban area of Yzerfontein will be protected and create a safe, healthy, liveable and sustainable community.</p>	<p>14.A guest house is by nature a residential land use. The character of the area will thus not be negatively affected, provided that the owner/developer operates within the confines of the development parameters.</p>
	<p>15.Zone B in which Erven 1182 and 1183 are situated is a low density area. The planning guidelines and directives in the SDF states that densification in urban areas must be sensitive to the existing character, natural and historic environment of towns. Mixed and alternative uses along activity roads to enhance tourism and scenic potential are indeed a relevant consideration for spatial integration. However, an informal search on the internet has shown that Yzerfontein already offers 185 properties on Airbnb and 161 of these properties are rented out in their entirety.</p> <p>It is submitted that the time has arrived for Swartland Municipality to guard against permitting each and every tourist accommodation application that crosses its tables, thereby disregarding the rights of other owners in the vicinity.</p>	<p>15.The purpose of the Swartland Spatial Development Framework (SDF) is to set out policy guidelines and proposals to direct spatial development in the Swartland municipal area in a desirable and sustainable manner. Future growth, development and land use planning in the municipal area must be based on the vision and principles which were agreed on to address spatial challenges to create and support integrated, sustainable and liveable environments and socio-economic opportunities.</p> <p>The SDF should be seen as a dynamic document that needs to evolve in an ongoing changing social and economic environment within a specific spatial setting.</p> <p>Land uses cannot be limited to a certain amount per town. All land owners should have the right to develop their erf in accordance with the applicable legislation. If there are sufficient tourist accommodation in the town the market will determine the success of the business.</p>	<p>15.Every land owner in Yzerfontein possesses the right to develop their property to its full potential. The decision to develop tourist accommodation on a property is the right of a land owner, as is the risk that the endeavour may not be successful. The principles of supply and demand, as well as economic competition apply to the development of tourist accommodation in Yzerfontein.</p> <p>The town used to be a quiet coastal village, but it is by no means a historic conservation area. Property owners cannot be prohibited to develop their properties and the growth of the town is inevitable, however unpleasant it may be to people who prefer small towns.</p> <p>Tourism and accommodation for said tourists are the economic drivers of Yzerfontein. The challenge is not to restrict development, but to manage development within the confines of policy such as the SDF and the By-Law.</p>
	<p>16. Residential Zone 1 has the objective “to provide low to medium density residential development on relatively large erven and to protect the quality and character of such</p>	<p>16.The proposed consent use will not adversely affect Erf 1182 or surrounding properties, as the main use will remain residential with only a different component of residential land uses being</p>	<p>16.The affected property owners retain all the rights on their properties, including the right to develop their properties similarly to the applicant.</p>

	<p>areas.” Additional accommodation opportunities are possible provided that the dominant use of the land remains residential and the impact of such use does not adversely affect the surrounding residential area. By only focussing on the densification and the expansion of tourism accommodation, but ignoring the negative effect that comes with it, the rights of the owners of Erf 1183 and their neighbours are completely ignored.</p>	<p>proposed; a guest house. No new buildings are proposed that will change the built environment of the property. The proposed development will be accommodated in the existing building. No new internal changes to the existing buildings are proposed. The proposed guest house can easily be transformed back to a dwelling unit as all rooms within the main dwelling are interconnected.</p> <p>With the proposed consent use to convert the existing dwelling unit into a guest house, it will contribute to the densification of Yzerfontein by utilising Erf 1182 with existing infrastructure and services to its full potential. The proposal will also contribute to diversification by means of different housing types in the existing residential area.</p>	<p>No rights are ignored, as no real rights are affected.</p>
	<p>17.Locus standi: The power of attorney and resolution referred to are neither signed by all the directors nor do they authorise any director permission to act on behalf of the applicant.</p>	<p>17.Mr Andrej Brandt is the only director of Dassen Properties (Pty) Ltd. Please see the letter from the Registrar of Close Corporations attached.</p>	<p>17.The power of attorney was inspected and found valid.</p>
	<p>18.It is stated within the motivational report that “the guest house is not proposed to be used as a venue”. This is simply not true as is evident from previously in information above. The property has been used in the past for functions, events, film shoots, and weddings. In this week still, the property is marketed on the internet as an events, filming and wedding venue.</p>	<p>18.Refer to comment 4.</p>	<p>18. Refer to comment 4</p>
	<p>19.The Swartland Municipality’s Filming By-law provides that the By-law applies to all film activities that take place within the jurisdictional area of the municipality, whether on private or municipal land. We are instructed to invite the Municipality and the applicant to provide us with all permits applications lodged by the applicants and permits issued by the Municipality for the filming activities conducted at Erf 1182.</p>	<p>19. Noted.</p>	<p>19. The applicant acted without permission from the municipality and that is partly why the owner was issued by a notice of non-compliance that resulted in the current application.</p>

	<p>20. According to the applicant, it is evident that there are no conditions that will prohibit the proposed consent. We do not agree, as it is evident from the Title Deed, Part B, paragraph 7 and Part C that –</p> <ul style="list-style-type: none"> <li>- the erf shall be used solely for the purpose of erecting thereon one dwelling.</li> <li>- this erf shall be used exclusively for single residential uses.</li> </ul> <p>The applicant does not apply for the removal of restrictive title deed conditions. The restrictive title deed conditions prohibit the property from being used for anything but a single dwelling. It is submitted that these restrictive conditions prevent the Municipality from approving the application.</p> <p>Furthermore, it is clear that apart from the fact that there are already two dwellings on the property, which is not permitted in terms of the title deed restrictions, the use of the property as a guest house, the title deed prohibits the use of the property as a social function venue, a wedding venue, and a filming venue.</p>	<p>20. Section B (7)(a) of the Title Deed of Erf 1182 states that “This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference of the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme.”</p> <p>Erf 1182 is included in a Town Planning Scheme and is zoned Residential Zone 1 and according to the Swartland Municipal By-law on Land Use Planning (PG 8226), a guest house is permitted as consent use on Residential Zone 1 property. In this case, Swartland Municipality is the local authority. Therefore, Section B (7)(a) of the Title Deed is not considered as a restrictive condition to the application for the consent use is in accordance with Section 25 (2) (o) of the mentioned By-law to allow a guest house on Erf 1182. The Municipality thus have the authority to approve other buildings as permitted in the scheme.</p> <p>Section C (2) of the Title Deed of Erf 1182 states that “hierdie erf sal uitsluitlik gebruik word vir enkel residensiële doeleindes.”</p> <p>As mentioned above, Erf 1182 is zoned Residential Zone 1 and according to the Swartland Municipal By-law on Land Use Planning (PG 8226), and the purpose of Residential Zone 1 is to provide low to medium density residential development – also known as single residential purposes. A guest house is permitted as consent use on Residential Zone 1 property. Therefore, Section C (2) of the Title Deed is not considered as a restrictive condition to the application for the consent use is in accordance with Section 25 (2) (o) of the mentioned By-law to allow a guest house on Erf 1182.</p> <p>This application will not give the owner of Erf 1182 the rights to conduct film shoots or use the property as a function venue.</p>	<p>20. The objector conveniently does not quote the section of the title Deed that states other buildings may be permitted on the property by the local authority if the erf is included in a Town Planning Scheme and the building is permitted by the scheme.</p> <p>A guest house is permitted by the scheme within Residential Zone 1, thus the local authority, i.e. Swartland Municipality, may permit the guest house, without the removal of restrictive conditions.</p> <p>Also refer to comment 19.</p>
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	21.It is misleading to state that the property is currently utilized by residential purposes for self-catering accommodation, as it is used for much more than this. Given the activities being conducted on Erf 1182, it cannot be argued that our clients and other neighbours are not adversely affected by the impact of the guest house.	21.Refer to Point 17. It is not clear by this statement to what negative effects the proposed guest house will have on the rights of the owners of Erf 1183 and their neighbours.	21.The objector is clearly referring to the unauthorised uses of the property for filming, events and a venue. These rights will not be legalised or justified by approval of the application.
	22.The applicant's directors do not reside on the property and there is not control over visitors of the guest accommodation. There is no indication that visitors will be required to comply with house rules. It would probably be easy to argue that complaints must be laid when transgressions take place. However, it is not a proper argument to place this burden on surrounding owners who just want to peacefully exist in their environments.	22.It is not a requirement for directors to reside on the property proposed to be utilised for residential purposed for the use of a guest house.  The owner of Erf 1182 will ensure that the proposed development will adhere 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.	22.Refer to comment 4.
	23.The number of people will cause extra garbage. The normal once a week removal will certainly not be sufficient to take care of the increased amounts of garbage. The application is silent on how refuse removal will be handled at the property.	23.The Swartland Municipality collects all domestic waste and transports it to Highlands Landfill on a weekly basis. The guesthouse will not generate more refuse than normally associated with a large family vacation home in a residential area.	23.The applicant is supported. The provision of meals will require that the applicant obtains a compliance certificate from West Coast District Municipality. The certificate application includes the management of waste as well.
	24.The application is silent on advertising signs for the guest house. Advertising signs will have a negative impact on the residential character of the area.	24.Signage, application will be made to the Senior Manager: Built Environment for the right to construct or affix and display any signage. Any signage will be limited to 1m <sup>2</sup> in area and will not project over a public street.	24.The conditions of approval will stipulate the process for signage application.
	25.The owners of Erf 1183 realise that there is a need to promote Yzerfontein as a tourist destination. However, this cannot be allowed at all costs. The owners of Erf 1183 bought in a tranquil residential area. The continued existence of guest houses will destroy it, with or without functions being offered. The guest house detracts from the tranquillity, peace and privacy that one	25. Refer to responses 3, 4 and 15.	25. Refer to comments 3,4, and 15.

	expects from residential living and result in noise pollution and increased traffic which are not desirable.		
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## PART J: MUNICIPAL PLANNING EVALUATION

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

Application for a consent use on Erf 1182, Yzerfontein, in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), is made in order to operate a guesthouse from the existing dwelling.

A total of 27 registered notices were issued to affected parties and, where addresses were available, the notices were also sent via e-mail. Four posted notices were returned unopened. The commenting period for the application concluded on 7 July 2021 and five responses were received.

The objections received were referred to the applicant for comment on 12 July 2021. Comments on objections were received back from the applicant on 11 August 2021.

The applicant is C.K. Rumboll and Partners and the property owner is Dassen Properties (Pty) Ltd.

### 2. Legislation and policy frameworks

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

- a) Spatial Justice: The proposed guesthouse creates employment opportunities and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society;
- b) Spatial Sustainability: The proposed development will promote the intensive utilisation of an existing building and engineering services, without additional impact on the natural environment, while creating employment opportunities;
- c) Efficiency: The development proposal will promote the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed guesthouse can easily revert back to the use of a dwelling house for a single family, should the commercial aspect cease.

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

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

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

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

#### 2.3 West Coast District SDF (WCDSDF, 2014)

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

#### 2.4 Spatial Development Framework(SDF)

The application property is situated within a residential node, 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.

#### 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.

The By-Law prescribes on-site parking at a ratio of 3 parking bays for every 4 bedrooms. The guesthouse will contain 5 bedrooms and the 3 on-site parking bays that are provided are therefore consistent with the number of bays required. However, the author is of the opinion that additional parking bays should be provided. Visitors to guesthouses are not necessarily related or traveling in the same vehicles. Should the guesthouse be booked to capacity, each room occupied by someone driving a separate vehicle, parking would have to be provided for 5 vehicles.

Guests will be forced to park on-street, which will in turn infringe on the privacy, peace and quiet of neighbours and will negatively impact on the flow of traffic on the residential street. The security of vehicles parked on-street is also harder to maintain. It is thus proposed that 3 on-site parking bays be created, in addition to the 2 bays in the existing garage, making a total of 5 parking bays available, once the existing garage is included.

All remaining zoning parameters are adhered to.

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

There are no physical restrictions on the property that will have a negative impact on the application. The existing dwellings on the property are lower than the current maximum height restriction of 10,5m and no additional structures are proposed. 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 guest house be closed.

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 character will not be negatively impacted, provided that the applicant operates within the development parameters of a guest house, as determined by the By-Law.

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

The proposed guest house does not jeopardise the health of the affected property owners, nor their right to a healthy environment. Refuse removal and sewerage services are delivered on Erf 1182 in the same manner as that of the surrounding erven. The proposal is will not pollute drinking water or diminish air quality. The development is not considered to pose a health threat. Any additional health and safety concerns will be addressed by the Division: Environmental Health of the West Coast District Municipality.

The proposed development does not promote violence, the use of dangerous machinery or the firing of weapons. The intended use is not combustible, explosive or contagious. The access to the property is located more than 5m from the corner splay and on-site parking does not obstruct any sight lines in Dassen Island Drive. The proposal is thus considered safe.

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

The approval of the guest house will in no way approve or condone unauthorised, unlawful uses of the property such as accommodating more than 10 guests, serving as a venue, claiming portions of the beach and obstructing movement of the public when weddings are performed on the beach. No unauthorised, unlawful actions will be tolerated and the Municipality reserves the right to withdraw any land use permission, should the owner/developer not comply with conditions or act unlawfully.

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

Access to the property is obtained directly from Dassen Island Drive.

The development proposal may thus be considered desirable.

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

The proposed application is intended to optimise the use of existing infrastructure and municipal engineering services,

but will not necessitate the expansion of said services. The intensity of use of the existing services is however expected to increase and according to the Swartland Municipality: Yzerfontein Development Charge Policy of March 2017, development contributions for a guest house will be levied per additional bedroom exceeding 3. Charges will thus be levied for 2 additional bedrooms.

## **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 1182, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved, subject to the conditions that:

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

- a) The consent use authorises a guesthouse, as presented in the application as follows:
  - i) 5 x guest bedrooms for occupation by a maximum of 10 paying guests at any time;
  - ii) 3 x en-suite bathrooms;
  - iii) 1 x shared bathroom
  - iv) 1 x open plan kitchen, dining and living room
  - v) 1 x lounge / family room;
  - vi) 1x gym;
  - vii) 1x sauna;
  - viii) 4 x patios/open deck areas;
  - ix) 1 x double garage; and
  - x) Laundry and store room;
- b) A minimum of five (5) on-site parking bays be provided and that parking bays be finished in a permanent dust free surface, whether it be tar, concrete, paving or any other material, as approved by the municipality beforehand, and the parking bays be clearly demarcated;
- c) Building plans indicating the change in use, i.e. guest room etc. be submitted to the Senior Manager: Built Environment for consideration and approval;
- d) A site development plan, including parking layout and proposed landscaping that complement the residential character of the dwelling, be submitted to the Senior Manager: Built Environment at building plan stage for consideration and approval;
- e) A contact number of the owner be displayed conspicuously on the premises at all times for emergency and/or complaint purposes;
- f) A code of conduct for guests be submitted to the Senior Manager: Built Environment, for consideration and approval;
- g) The owner/developer be responsible for enforcing the code of conduct to the satisfaction of the Division: Law Enforcement;
- h) All amenities and provision of meals be for the sole benefit of bona fide lodgers. The approval does not authorise the use of the guest house or its amenities by individuals who are not bona fide lodgers as a venue for parties, weddings or any other such use restricted by the By-Law;
- i) A register of guests and lodgers be kept and completed when rooms are let, and the register be produced for inspection on request by a municipal official at any time;
- j) Guest rooms not be converted to, or used as separate dwelling units;
- k) Application be made to the Senior Manager: Built Environment for the right to construct or affix and display any signage;
- l) Any signage be limited to 1m<sup>2</sup> in area and may not project over a public street;
- m) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the guesthouse;
- n) A trade licence be obtained from Swartland Municipality for the operation of the guesthouse;
- o) No off-site parking be allowed;
- p) Should the applicant fail to take effective steps to the satisfaction of the Senior Manager: Built Environment, to ensure proper compliance with the provisions of the approved code of conduct, or should unauthorised land uses on the property continue, the approval for the consent use may be withdrawn after following due process.

## **2. WATER**

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

## **3. SEWERAGE**

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

## **4. DEVELOPMENT CHARGES**

- a) The owner/developer is responsible for the development charge of R3 630,17 towards bulk water supply payable at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- b) The owner /developer is responsible for the development charge of R3 001,50 towards bulk water distribution payable at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- c) The owner/developer is responsible for the development charge of R3 741,33 towards sewerage payable at building plan stage. The amount is due to the Swartland Municipality, valid for the year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- d) The owner/developer is responsible for the development charge of R5 520,00 towards waste water treatment payable at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);
- e) The owner/developer is responsible for the development charge of R7 666,67 towards roads payable at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter. (mSCOA 9/247-188-9210);
- f) The owner/developer be responsible for the development charge of R2 128,27, towards storm water payable at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/247-144-9210);
- g) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to 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 guest house comes into operation and the occupancy certificate be issued, after which the 5 year period will no longer be applicable;
- b) The approval does not exonerate the applicant from obtaining the necessary approval(s) from any other applicable statutory authority;
- c) The owner/applicant be notified of the need to apply to the Department: Law Enforcement for a permit prior to any filming taking place on the property;
- 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.

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

- 1) The proposed guesthouse is a residential use and is therefore consistent with the proposals of the SDF.
- 2) A guesthouse is accommodated as a consent use in the Residential Zone 1 zoning category.
- 3) The development proposal supports the optimal utilisation of the property.
- 4) The guesthouse will support the tourism industry in 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) Additional parking bays are required to mitigate on-street parking.
- 7) The owner/developer runs the risk of losing the land use approval, should any unauthorised land use continue.
- 8) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

## **PART N: ANNEXURES**



ANNEXURE A	Locality Plan
ANNEXURE B	Site Development Plan
ANNEXURE C	Public Participation Map
ANNEXURE D	Title Deed
ANNEXURE E	Objections from E and J Elsner

ANNEXURE F	Objections from V and P Karshagen			
ANNEXURE G	Objections from W. Conradie			
ANNEXURE Ha	Objections from Cluver Markotter			
ANNEXURE Hb	Objections from Cluver Markotter			
ANNEXURE Hc	Objections from Cluver Markotter			
ANNEXURE I	Objections from Papenfus-Swart			
ANNEXURE J	Response to comments			

PART O: APPLICANT DETAILS				
First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Dassen Properties (Pty) Ltd.	Is the applicant authorised to submit the application:	Y	N

PART P: SIGNATURES				
<b>Author details:</b> Annelie de Jager Town Planner SACPLAN: A/2203/2015			Date: <b>27 August 2021</b>	
<b>Recommendation:</b> Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: <b>31 August 2021</b>	



Erf 1182, Yzerfontein



CK RUMBOLL  
A PARTNERS

16 Rainier Street, Malmesbury, 7299

# ANNEXURE B

**APPLICATION IS DONE FOR THE:**  
Consent Use for a guest house on Erf  
1182, Yzerfontein.

**KEY:**  
Subject property  
Building lines

**NOTES:**  
Figure ABCDE represents Erf 1182, Yzerfontein,  
with an extent of 1139m<sup>2</sup>.

**ZONING I.T.O. THE ZONING SCHEME:**  
Current: Residential Zone 1  
Proposed: Residential Zone 1

**COVERAGE CALCULATIONS:**  
Property extent 1139m<sup>2</sup>  
Main Dwelling ±329m<sup>2</sup>  
Total Coverage (%) ±28.88%

**PARKING:**  
Total bays needed i.t.o. Zoning Scheme 3  
Total bays provided on site 3

**TITLE:**  
SITE DEVELOPMENT PLAN, GROUND FLOOR  
ERF 1182 YZERFONTEIN

**PHYSICAL ADDRESS:**

DASSEN ISLAND DRIVE, YZERFONTEIN, 7351

**NOTE:**

ALL AREAS AND DISTANCES ARE SUBJECT TO SUR

**COMPILED BY:**



**DATE:**

APRIL 2021

**AUTHORITY:**

SWARTLAND MUNICI

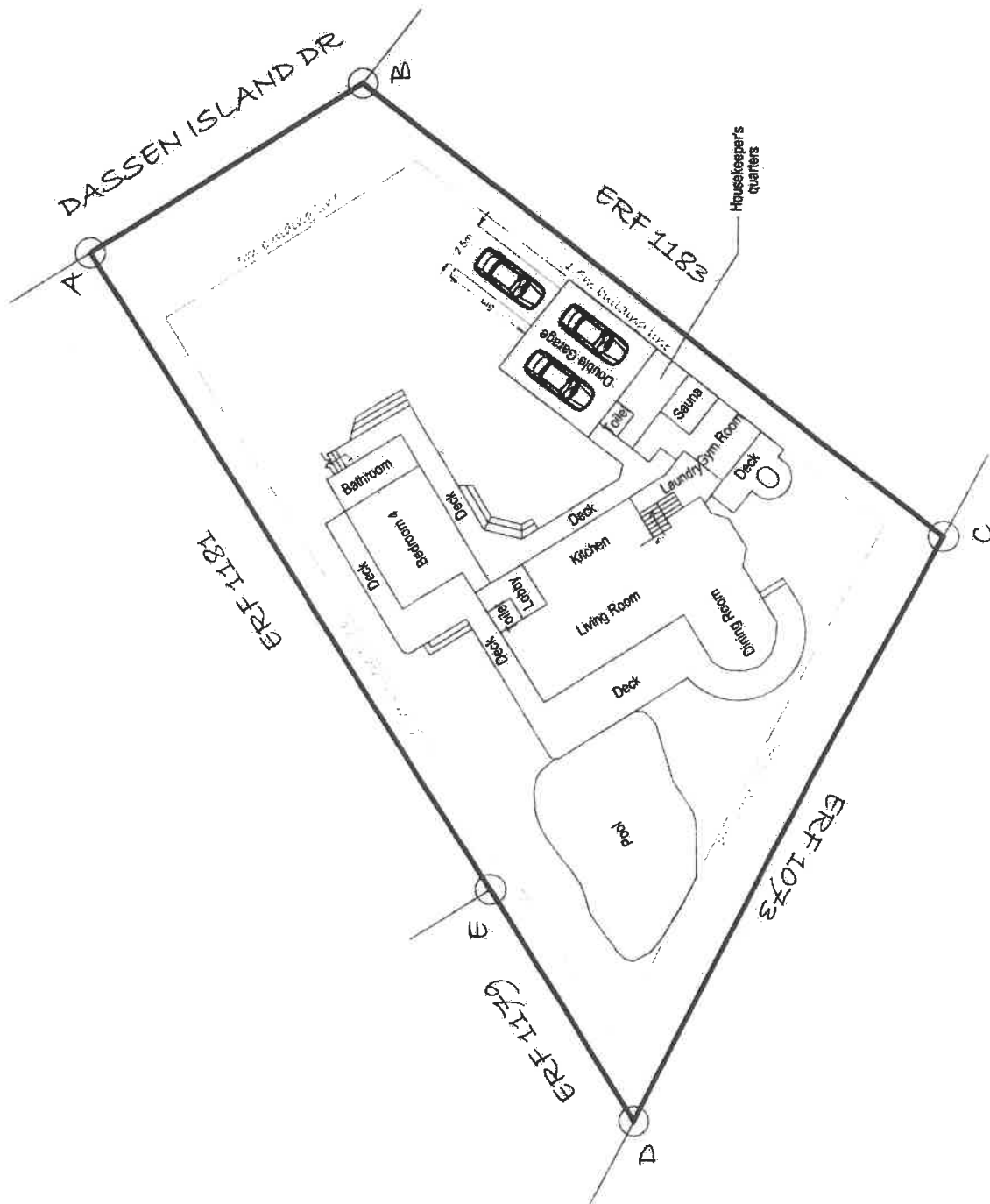
**REF:**

YZE/1939/ZNMV



Drawing done by Jethin Vloem

Planned by C.A. Rumbold & Partners



**SCALE:**

**PAPER SIZE: A4**



# APPLICATION IS DONE FOR THE:

Consent Use for a guest house on Erf 1182, Yzerfontein.

## KEY:

- Subject property
- Building lines

## NOTES:

Figure ABCDE represents Erf 1182, Yzerfontein, with an extent of 1139m<sup>2</sup>.

## ZONING I.T.O. THE ZONING SCHEME:

Current: Residential Zone 1

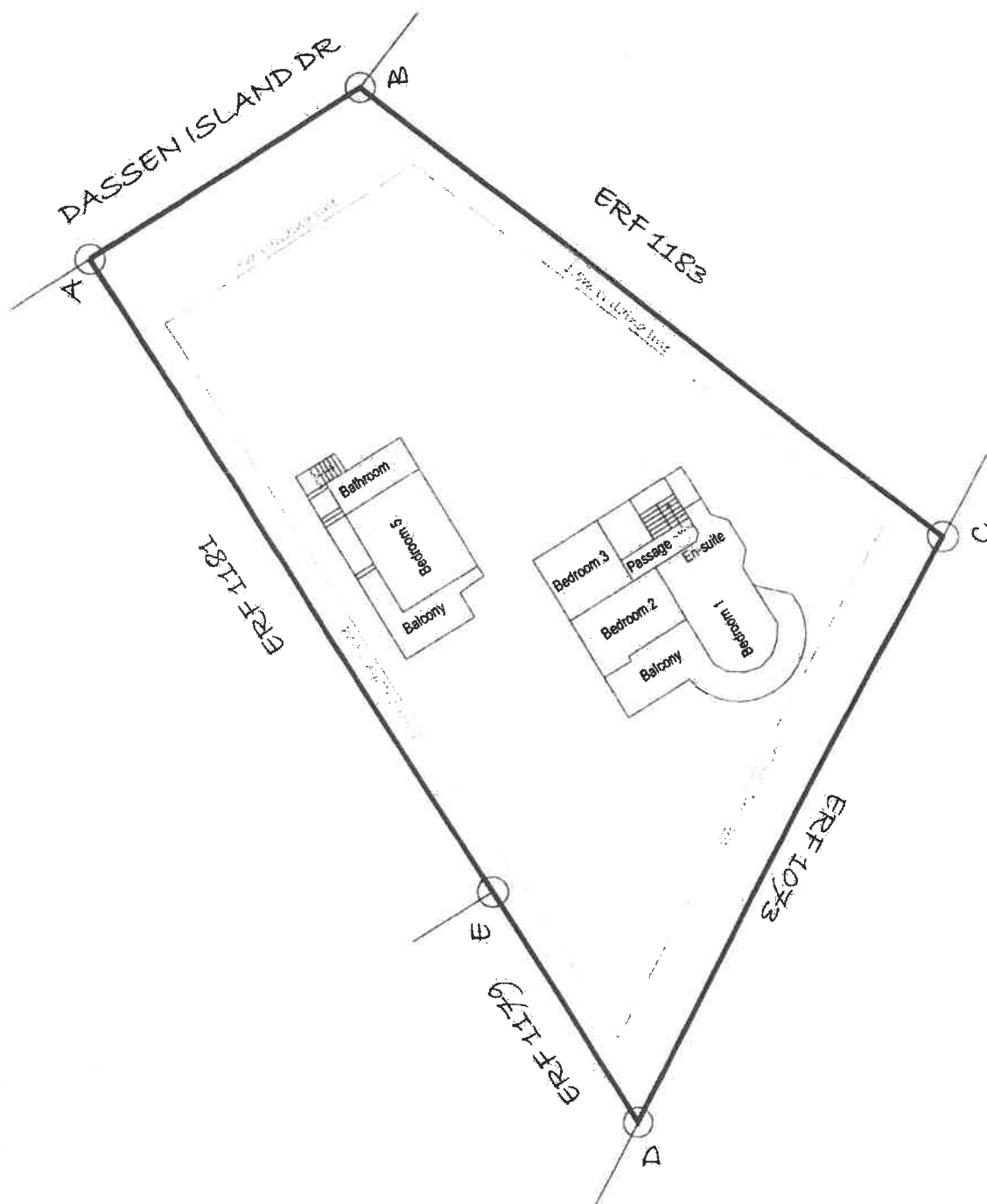
Proposed: Residential Zone 1

## COVERAGE CALCULATIONS:

Property extent 1139m<sup>2</sup>  
Main Dwelling ±329m<sup>2</sup>  
Total Coverage (%) ±28.88%

## PARKING:

Total bays needed i.t.o. Zoning Scheme 3  
Total bays provided on site 3



**TITLE:**  
SITE DEVELOPMENT PLAN FIRST FLOOR  
ERF 1182, YZERFONTEIN

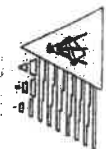
## PHYSICAL ADDRESS:

DASSEN ISLAND DRIVE, YZERFONTEIN, 7351

## NOTE:

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

## COMPILED BY:



**DATE:**  
APRIL 2021

**REF:**  
YZE119502/M/V

**AUTHORITY:**  
SMARTLAND MUNICIPALITY



Drawn and checked by: Mervyn Veyron

Planned by: C.K. Rumbold & Partners

**SCALE:**



**PAPER SIZE: A4**



# ANNEXURE C

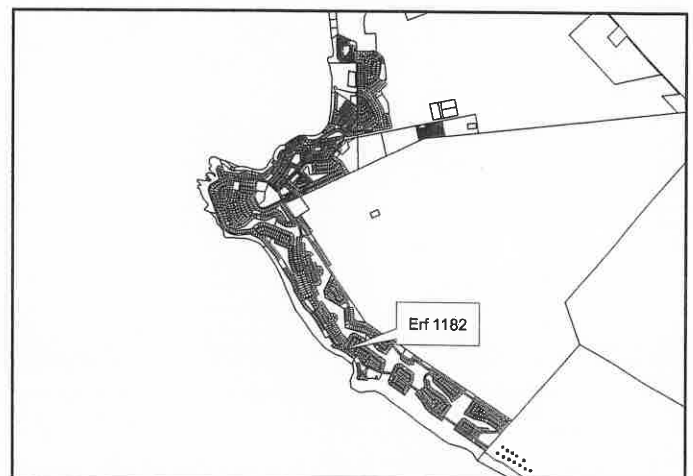


Voorgestelde vergunningsgebruik

Erf 1182, Yzerfontein

Publieke deelname

Skaal: NVT



# ANNEXURE D

84 11 MLC

VIR ENDOSSEREMENTE AAN BLAD 1  
FOR ENDORSEMENTS SEE PAGE

CK FRIEDLANDER SHANDLING VOLKS  
POSBUS 3166 KAAPSTAD 8000

BC0003337\*2003

GEKANSELLEER  
CANCELLED

VERBOND MORTGAGED

REGISTRATEUR/REGISTRAR

2003-01-22 VIR FOR R 300 000,00

SEELING DUTY R 260,00  
FOOD FEE R

B 001500 / 2002

REGISTRATEUR/REGISTRAR

TRANSPORTBESORGER  
SHANDLING, A

GE-TRANSPORTEER AAN TRANSFERRED TO

RESTANT/REMAINDER

T 27 SEP 2005

VIR ENDOSSEREMENTE AAN BLAD 1  
FOR ENDORSEMENTS SEE PAGE

KYK BLAD 1  
SEE PAGE

REGISTRATEUR/REGISTRAR

1433

T 032305\*2 21

## TRANSPORTAKTE

SY DIT KENNELIK AAN ALMAL WIE DIT MAG AANGAAN

Dat HARRY JOHN FRIEDLANDER

verskyn het voor my, Registrateur van Aktes te KAAPSTAD, Hy die gesegde Komparant synde daartoe behoorlik gemagtig deur 'n volmag geteken te KAAPSTAD op 24 JANUARIE 2001 aan hom verleen deur

YZERFONTEIN SEASIDE ESTATES (PROPRIETARY) LIMITED  
Nr 05/08830/07

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

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ALLEN VIR INFORMATIEDOELEINDES UITGEREIK

En die Komparant het verklaar dat voormelde TRANSPORTGEWER waarlik en wettiglik verkoop het op 4 JANUARIE 2000 en dat Hy, in sy hoedanigheid as voormeld hiermee in volle en vrye eiendom sedeer en transporteer aan en ten behoeve van

**DASSEN PROPERTIES (PROPRIETARY) LIMITED**  
Nr 2000/020928/07

of hul Gemagtides

**ERF 1182 YZERFONTEIN**  
**IN DIE MUNISIPALITEIT VAN SWARTLAND, AFDELING MALMESBURY,**  
**PROVINSIE WES-KAAP**

**GROOT 1139 (EEN DUISEND EEN HONDERD NEGE EN DERTIG) VIERKANTE METER**

Soos aangedui op Algemene Plan Nr. TP11828 en gehou kragtens SERTIFIKAAT VAN GEREISTREERDE TITEL NR T4850/1988.

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte T.17863/1945.

B. ONDERHEWIG VERDER aan die volgende voorwaardes opgelê deur die Administrateur van die Provinsie Kaap die Goeie Hoop in terme van Ordinansie Nr. 33 van 1934, by goedkeuring van Yzerfontein Dorp Uitbreiding Nr. 5, naamlik :

1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice No. 623 dated 14 August 1970.
2. In the event of a Town Planning Scheme or any portions thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any condition of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 17 of Ordinance No. 19 of 1976, as amended.
3. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.

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4. The owner of this erf shall, without compensation be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if deemed necessary by the local or any other statutory authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any work connected with the above.
5. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
6. This erf shall be used only for such purposes as are permitted by the Town Planning Scheme of the local authority and subject to the conditions and restrictions stipulated by the scheme.
7. (a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.
- (b) No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 1,5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:-
  - (i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear space, and any other outbuildings of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf;
  - (ii) an outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.

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(c) On consolidation of this erf or any portion thereof with any abutting erf which is subject, to the same conditions as herein set forth, these conditions shall apply to the consolidated holding as if it was one erf.

(d) In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the condition herein set forth as if it were the original erf.

C. ONDERHEWIG aan die volgende voorwaardes opgelê deur die transportgewer Yzerfontein Seaside Estates (Proprietary) Limited] tot sy voordeel as eienaar van die restant van Erf 1332 Yzerfontein gehou kragtens voormelde Sertifikaat van Geregistreeerde Titel T.4850/1988:

1. Hierdie erf mag nie onderverdeel word nie.
2. Hierdie erf sal uitsluitlik gebruik word vir enkel residensiele doeleindes.
3. Nog die oordragnemer of sy opvolgers in titel mag aansoek doen by die Plaaslike Oorgangsraad van Yzerfontein of enige ander owerheid om die eiendom te herzoneer nie.

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Weshalwe die Komparant afstand doen van al die regte en titel wat die TRANSPORTGEWER MAATSKAPPY voorheen op genoemde eiendom gehad het, en gevolglik ook erken dat die TRANSPORTGEWER/S geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat kragtens hierdie akte, bogenoemde TRANSPORTNEMER MAATSKAPPY, of hul Gemagtides, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die Regte van die Staat; en ten slotte erken hy dat die hele Koopsom die bedrag van R299 000,00 (TWEEHONDERD NEGE EN NEGENTIGDUISEND RAND) bedra, wat ten volle betaal of verseker is.

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

ALDUS GEDOEN en verly op die Kantoor van die Registrateur van Aktes, te KAAPSTAD op

8 Mei 2001

  
q.q. sy Prinsipaal/ale

In my teenwoordigheid,

  
REGISTRATEUR VAN AKTES.

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ALLEEN VIR INFORMATIEDOELEINDES UITGEBEIK

-6-

BC 00007083 / 2003	VERBIND	MORTGAGED
GEKANSLEER CANCELLED	VIR FOR R 810 000,00	
REGISTRATEUR/REGISTRAR	02847 / 2003	lling
27 SEP 2005	2003-01-22	REGISTRATEUR/REGISTRAR

BC 000070884 / 2005	VERBIND	MORTGAGED
GEKANSLEER CANCELLED	VIR FOR R 275 000,00	
REGISTRATEUR/REGISTRAR	030617 / 2003	1
2 SEP 2005	06 JUN 2003	REGISTRATEUR/REGISTRAR

VERBIND	MORTGAGED
VIR FOR R 2 160 000,00	
B 000102886 / 2005	REGISTRATEUR/REGISTRAR
27 SEP 2005	

Certified a true copy of the original filed  
of record in this Registry in terms of

Reg 66

Deeds Registry  
Cape Town  
30/4/21

Register

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LEEN VIR INFORMATASIEDOELEINDES UITGEREIK

# ANNEXURE E

**From:** Jochem Elsner <jochemelsner@gmail.com>  
**Sent:** Tuesday, 06 July 2021 13:26  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Cc:** Evi <evielsner@gmail.com>  
**Subject:** Proposed consent use on ERF 1182, Yzerfontein

Dear Mr Olivier,

We received your request to comment on the proposed rezoning of ERF 1182.

As we are the owner of the neighbouring plot we got a few concerns with the proposal. The pool, braai and outside entertainment area of the proposed guesthouse is in line with our outside area. If it's used permanently by up to 10 guests it will definitely spoil our desire to relax and enjoy our view. Traffic will also increase and as the plot is rather small, we can not see how efficient parking on their property will be insured. We therefore object the proposal.

Evi and Jochem Elsner  
082 6283618

For further questions please send email to [jochemelsner@gmail.com](mailto:jochemelsner@gmail.com)

Please confirm that you received this objection in time. Thank you.

Sent from [Mail](#) for Windows 10

DISCLAIMER: This E-Mail and any files transmitted with it are private and confidential and are for the sole use of the addressee. It may contain legally privileged material. If you are not the addressee or the person responsible for delivering to the addressee, be advised that you have received this E-Mail in error as such any use, printing, copying or distribution of it is strictly prohibited. Failure to abide by this warning could give rise to legal action and a claim for damages. If you have received this E-Mail in error please notify Swartland Municipality on (27)224879400 or E-Mail [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za). Any opinions expressed in the E-Mail are those of the individual writer and not necessarily the Company's unless specifically stated otherwise. There is no intention to create any legally binding contract or other commitment through use of this E-Mail. The content of this E-Mail and any attachments should be virus tested before being downloaded to your computer.



# ANNEXURE F

**From:** Patt Karshagen <patk@afrihost.co.za>  
**Sent:** Tuesday, 06 July 2021 17:21  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** GUEST HOUSE ERF 1182 YZERFONTEIN

Good Day

We hereby wish to object to the granting of a Guest House Licence/Permit to the owners of the residence on Erf 1182 Yzerfontein.

The reason for our objection is that the property is situated close to us and we purchased and built our property because of the tranquillity and quiet residential area for us to retire to.

Yours sincerely

VERNON & PAT KARSHAGEN  
151 DASSEN EILAND DRIVE  
YZERFONTEIN

DISCLAIMER: This E-Mail and any files transmitted with it are private and confidential and are for the sole use of the addressee. It may contain legally privileged material. If you are not the addressee or the person responsible for delivering to the addressee, be advised that you have received this E-Mail in error as such any use, printing, copying or distribution of it is strictly prohibited. Failure to abide by this warning could give rise to legal action and a claim for damages. If you have received this E-Mail in error please notify Swartland Municipality on (27)224879400 or E-Mail swartlandmun@swartland.org.za. Any opinions expressed in the E-Mail are those of the individual writer and not necessarily the Company's unless specifically stated otherwise. There is no intention to create any legally binding contract or other commitment through use of this E-Mail. The content of this E-Mail and any attachments should be virus tested before being downloaded to your computer.

Attention:  
Municipal Manager  
Private Bag X52  
Malmesbury  
7299

RE: Voorgestelde vergunningsgebruik op Erf 1182, Yzerfontein.

Aansoeker: CK Rumboll & Vennote

Eienaar: Dassen Properties Pty Ltd, Dassen Eiland Rylaan 22, Yzerfontein

Verwysingsnommer: 15/3/10-14/ Erf 1182, Yzerfontein

1. Name: Willem Conradie
2. Address: 33 Seaview Crescent Yzerfontein (Erf 1126 & 1127)
3. Contact details: E-Mail: [wsconsulting@mweb.co.za](mailto:wsconsulting@mweb.co.za)  
Cell: 082 464 0829  
Postal Address: P.O.Box 5303  
Tygervallei, 7536
4. Preferred Way of Communication: E-Mail

## **5. Introduction**

This letter serves as objection against the application for proposed consent use on Erf 1182, Yzerfontein in its' totality. The objection is based inter-alia on the following:

Hiermee word formeel beswaar aangeteken teen die aasook om vergunningsgebruik vir 'n gastehuis op erf 1182 om die volgende redes:

- a) Rusverstoring en geraas deur gaste;
- b) Die rustige aard van die woongebied en gepaardgaande stilte van die buurt word versteur (- daar kan nie so baie gastehuisse in 'n woonbuurt wees nie);
- c) Gebrek aan parkering op die perseel met gepaardgaande inbreuk van privaatheid deurdat voertuie op aangrensende erwe en strate geparkeer word.

Bogenoemde word reeds ondervind tydens "model & film shoots" wat plaasvind op Erf 1182 en omgewing, asook troues. Dit was erg genoeg dat die strate soms toegeparkeer is & ek skaars nie kon inry op my eie erf nie. Ook soms nie die strand mag gebruik nie, weens films/ advertensies wat geskied word.

'n Mens wil liewer nie daaraan dink hoe dit gaan wees as dit as 'n gastehuis bedryf word nie.

Groete,

**Willem Conradie**

33 Seaview Crescent, Yzerfontein Erf 1126 & 1127

The Municipal Manager  
Swartland Municipality  
Attention: Ms DN Stallenberg

Date: 7 July 2021  
Your ref: 15/3/10-14/Erf\_1182  
Our ref: MIN37/0001 | LNK/ndv  
e-mail: lorindan@cluvermarkotter.law

By email: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

[StellenbergD@swartland.org.za](mailto:StellenbergD@swartland.org.za)

[alwynburger@swartland.org.za](mailto:alwynburger@swartland.org.za)

[zaaymana@swartland.org.za](mailto:zaaymana@swartland.org.za)

Dear Ms Stallenberg

**OBJECTIONS AGAINST APPLICATION FOR CONSENT USE FOR A GUEST HOUSE ON ERF 1182, YZERFONTEIN**

1. We address you on behalf of our clients, Mr Kenneth Fussell and Ms Florenske Minnaar, the registered owners of erf 1183, Yzerfontein.
2. It is our instructions that on or about 4 June 2021 the Swartland Municipality invited interested parties to comment on the application for a consent use submitted on behalf of Dassen Properties (Pty) Ltd, the registered owner of erf 1182, Yzerfontein ("the applicant").
3. Our clients are interested and affected parties. They are against the granting of the application. We are instructed to submit their objections on their behalf.

**Factual background**

4. Erf 1182 adjoins erf 1183. Erf 1182's southern boundary is erf 1183's northern boundary.
5. When our clients bought erf 1183 in 2000, they did it with the intention to build a holiday and retirement property in a tranquil and peaceful residential area. However, this dream seems to have been destroyed by the commercial activities already conducted by the applicant on erf 1183 and the activities it now seeks to legalise.
6. Our clients are aware from personal experience, information received from neighbours and evidence found on the internet, that erf 1182 has been used for - and is still advertised as a boutique hotel, guest house, social function venue, wedding venue and a film shoot venue under the name "Lighthouse". See **pages 1 – 11 of Annexure A** annexed hereto.
7. Our clients were informed by neighbours in the direct vicinity of erf 1182 that the owners of erven 1182 and 1184 joined forces in late 2020 to launch Corona Beer over three days on these properties. The neighbours are still talking about the traffic congestion and parking problems during this launch and misuse of the properties.
8. In fact, it appears to our clients that the applicant itself rents out the property built on erf 1184 as under the name "The Duinhuis" as part of the "Lighthouse collection". See **pages 17 - 19 of Annexure A** annexed hereto for an advertisement of Duinhuis.
9. Our clients' property is situated right in the middle of Duinhuis en Lighthouse.

Cluver Markotter Building | Mill Street | Stellenbosch | 7600  
PO Box 12 | Stellenbosch | 7599 | South Africa

**Directors**  
AMJ Melck (Chairman) | L Brink | AL de Waal | JM Geyser | SM Geyser  
B Hess | PL Hill | M Koen | JH Lamprecht | MM Loubser | L Pecoraro  
S Roberts | RA Stevens | L van Niekerk | MC Wild



**Telephone** +27(0)21 808 565652 | Fax +27(0)21 886 5420  
Docex 6 | Stellenbosch | [www.cluvermarkotter.law](http://www.cluvermarkotter.law)

**Senior Associates** | PA Badenhorst | B Hill Associates | C Cupido | B Bionni  
Toit | W Hussain | CF Petersen | JL Rutgers | S Sogula  
**Practice Manager** | A Keyter

Cluver Markotter Incorporated | Registration Number 2000/002905/21

10. It furthermore appears to our clients that Duinhuis is being renovated to enlarge the accommodation due to it being a popular rental property. See in this regard the architect's comments on **page 19 of Annexure A** annexed hereto. Once these renovations are completed, it will no doubt increase the number of people to be accommodated between the two properties and will cause even more disturbance to other property owners in the vicinity. Our clients will address the fact that Duinhuis has exceeded the building line in separate correspondence to the Municipality.
11. In January 2021 our clients took pictures of the remnants of a wedding ceremony and reception hosted at the time by the applicant at the Lighthouse. See **page 12 of Annexure A** annexed hereto.
12. As is evident from the advertisements and pictures obtained from the internet as recently as 6 and 7 July 2021, Erf 1183 is advertised and used by the applicant as a boutique hotel, guesthouse, social function venue, wedding venue and film shoot venue. The number of people that can be accommodated to sleep over, is indicated to be 10, but according to certain websites, it can be increased at an extra charge for events. See for instance the AirBnB advertisement on **p 3 of Annexure A** annexed hereto.
13. Your attention is drawn to the following:
  - 13.1. Apart from the fact that the applicant does not have Municipal permission to host weddings or any other social functions and events at the property, it is clear that the number of guests appearing in the wedding pictures placed on Facebook and the number of places set at the pictures of the wedding receptions by far exceed ten – twelve people. See in this regard **pages 14 - 17 of Annexure A** annexed hereto. There could be no doubt that the influx of people every time that such an event is hosted, causes a huge disturbance to neighbours.
  - 13.2. We are instructed to invite the Municipality Tribunal members to listen to the video clips of the wedding reception to be found on the link <https://www.facebook.com/1223197637/videos/10223502601652852/> and to ask themselves how it can be expected of neighbours to tolerate noise levels of this magnitude which does not even appear to have been taken when the attendees have not started dancing yet. Further video links to two weddings appear on **p 12 of Annexure A** annexed hereto.
  - 13.3. The advertisements state that Lighthouse -
    - 13.3.1. has fully equipped kitchenettes in bedrooms 4 and 5
    - 13.3.2. is suitable for events
    - 13.3.3. can accommodate gatherings of 25 or more attendees
    - 13.3.4. has kitchens in some rooms
    - 13.3.5. is ideal for large families and social gatherings, film and photo shoots, product launches and corporate getaways
    - 13.3.6. offers street parking
    - 13.3.7. is a boutique hotel

This raises the question as to how many dwellings are in fact on the property. Furthermore, these advertised services rendered by the Applicant are not allowed at properties zoned as Residential 1.

14. Our clients were informed by two other neighbours that the staff employed by the applicant on erf 1182 make a big noise when the property is not rented out. The advertisements confirm that there are staff available on premises.
15. It is clear that the applicant is using this property for much more than what it is entitled to do, much more than what it is currently applying for by means of this consent use application and much more than what will be permitted even if the consent use application is successful.

### **Legislative framework**

16. The Spatial Development Framework and the Bylaw provides the background against which applications of this nature must be considered. The applicant has focused on the aspects in the SDF that support its application. However, it is also required in the Spatial Development Framework that the unique sense of place and character of each urban area in future developments should be protected; safe, healthy, liveable and sustainable communities and neighbourhoods should be enhanced; the Swartland should be branded as a good place to live; the unique character of towns should be protected; material, physical and social wellbeing should be sustained.
17. Zone B in which erven 1182 and 1183 are situated is low density area. The planning guidelines and directives in the Spatial Development Framework states that densification in urban areas must be sensitive to the existing character, natural and historic environment of towns. Mixed and alternative uses along activity roads to enhance tourism and scenic potential is indeed a relevant consideration for spatial integration. However, an informal search on the internet has shown that Yzerfontein already offers 185 properties on Airbnb and 161 of these properties are rented out in their entirety. It is submitted that the time has arrived for Swartland Municipality to guard against permitting each and every tourist accommodation application that crosses its tables, thereby disregarding the rights of other owners in the vicinity.
18. Residential Zone 1 has the objective “to provide low to medium density residential development on relatively large even and to protect the quality and character of such areas. Additional accommodation opportunities are possible provided that the dominant use of the land remains residential and the impact of such use does not adversely affect the surrounding residential area. By only focusing on the densification and the expansion of tourism accommodation, but ignoring the negative effect that comes with it, the rights of our clients and their neighbours are completely ignored.

### **Comments on the application itself**

#### **Ad Section 1**

19. Locus standi: The power of attorney and resolution referred to are neither signed by all the directors nor do they authorise any director permission to act on behalf of the applicant.

#### **Ad Section 1.1**

20. It is stated that "The guest house is not proposed to be used as a venue". This is simply not true, as is evident from the information above. The property has been used in the past for functions, events, film shoots and weddings. In this week still the property is marketed on the internet as an events, filming and wedding venue.
21. The Swartland Municipality's Filming By-Law provides that the by-law applies to all film activities that take place within the jurisdictional area of the municipality, whether on private or municipal land. We are instructed to invite the Municipality and the applicant to provide us with all permits applications lodged by the applicants and permits issued by the Municipality for the filming activities conducted at erf 1182.

Ad sections 1.3 & 1.4

22. According to the applicant it is evident that there are no conditions that will prohibit the proposed consent. We do not agree, as it is evident from Annexure C, Part B, paragraph 7 and Part C that –
  - 22.1. the erf shall be used solely for the purpose of erecting thereon or one dwelling.
  - 22.2. this erf shall be used exclusively for single residential purposes.
23. The applicant does not apply for the removal of restrictive title deed conditions. The restrictive title deed conditions prohibit the property from being used for anything but a single dwelling. It is submitted that these restrictive conditions prevent the Municipality from approving the application.
24. Furthermore, it is clear that apart from the fact that there are already two dwellings on the property, which is not permitted in terms of the title deed restrictions, the use of the property as a guest house, the title deed prohibits the use of the property as a social function venue, a wedding venue and a filming venue.

Ad section 2.3

25. It is misleading to state that the property is currently utilized by (sic) residential purposes for self-catering accommodation, as it is used for much more than this. Given the activities being conducted on erf 1182, it cannot be argued that our clients and other neighbours are not adversely affected by the impact of the guesthouse.
26. The applicant's directors do not reside on the property and there is not control over visitors of the guest accommodation. There is no indication that visitors will be required to comply with house rules. It would probably be easy to argue that complaints must be laid when transgressions take place. However, it is not a proper argument to place this burden on surrounding owners who just want to peacefully exist in their environments.
27. The fact that there are already so much tourism accommodation offered takes away the residential and peaceful character of the neighbourhood.

Ad section 2.4

28. The requirement for off-street parking is that three parking bays per four bedrooms must be provided.
29. Only three parking bays are provided for in the application. But what about parking for the two remaining bedrooms and for staff working at the property? Logic dictates that when the facility is booked to its capacity, at least five parking bays will be required to accommodate guests.
30. Past experience has shown that three parking bays are simply not sufficient, as guests attending the property parked in the road and on the side of other properties. In fact, as stated above, the applicant advertises Lighthouse to provide street parking.
31. The neighbours are negatively affected by vehicles parked in the street, the number of vehicles using the street, the congestion caused by parked vehicles in the street and the security risk caused by parked vehicles in the street.

Ad section 3 and subsections

32. See also the comment in paragraphs 10 and 11 above.
33. The applicant already uses the property unlawfully for other purposes, as shown above. It already causes noise pollution and by legalising the guesthouse, it will in all likelihood lead to an increase of noise pollution.
34. As shown above, the property does not only contain one kitchen, it has a kitchen and at least two more kitchenettes.
35. Our clients have no assurance that the use of the property for unlawful purposes will not continue. Our clients are of the view that the consent use application for a guest house is just a manner in which the applicant intends justifying its other unlawful uses of the property. Our clients strongly object to the use being extended in this manner to commercial enterprises such as social functions, weddings, conferences and product launches.
36. Our clients also object to the fact that the applicant does not appear to control its staff overlooking the property when the guesthouse is not in use, as the staff members are unbearable noisy.
37. The number of people will cause extra garbage. The normal once a week removal will certainly not be sufficient to take care of the increased amounts of garbage. The application is silent on how refuse removal will be handled at the property.
38. The application is silent on advertising signs for the guest house. Advertising signs will have a negative impact on the residential character of the area.

**Conclusion**

39. Our clients realise that there is a need to promote Yzerfontein as a tourist destination. However, this cannot be allowed at all costs. Our clients bought in a tranquil residential area. The continued existence of guesthouse will destroy it, with or without functions begin offered. The

guesthouse detracts from the tranquillity, peace and privacy that one expects from residential living and result in noise pollution and increased traffic which are not desirable.

40. It is simply not true that the guest house will not have a negative impact, and that the legalization thereof will not negatively affect our clients' rights. The neighbouring properties already experience the negative impact of the guest house and all the other activities conducted on the property. By indiscriminately allowing tourism accommodation in the area, the residential and peaceful character of the area is indeed harmed.
41. Furthermore, it is clear that the manner in which the applicant utilizes the property, seriously infringes our clients' rights as well as the rights of other property owners in the vicinity.
42. In these circumstances our clients object strongly against the approval of the guesthouse and insist that the applicant be instructed by the Municipality to cease and desist from hosting any unlawful social events, functions, film shoots and weddings on erf 1182.

Yours faithfully



**LORINDA VAN NIEKERK**  
**CLUVER MARKOTTER INC**



LINK TO LIGHTHOUSE WEDDING VENUE ADVERTISEMENT:

<https://weddingsoutofafrica.com/product/the-lighthouse-wedding-ceremony/>



**The Lighthouse Wedding Ceremony  
From R63,000 ZAR**

The Lighthouse is located on the beautiful beach at Yzerfontein, a mere 1 ½ hours' drive from Cape Town. This is the perfect venue for an intimate wedding celebration to combine a beach ceremony with an elegant, private dinner. And of course offers fabulous accommodation at the same time! The 5 bedroom house sleeps 10 guests in total, and there is plenty of guest house accommodation in the area to sleep the over flow of guests.

## **Details**

### **The Lighthouse Wedding Ceremony**

- Yzerfontein ~ Cape Town
- Wedding co – ordination services
- Minister, legal and administration fees with Marriage Certificate
- Gazebo or Floral Arch with floral decoration for ceremony on the beach
- Bridal Bouquet & Grooms Buttonhole & Petals for confetti
- 3 – 4 hours Professional Photographer
- 100 prints with CD of all images
- Single Tier Wedding Cake of couples' choice
- 1 night accommodation at The Lighthouse
- 5 double rooms Maximum of 10 guests
- Bottle of MCC bubbly

**PICTURES TAKEN BY OWNERS OF ERF 1182 OF WEDDING REMNANTS IN JANUARY 2021****LINKS TO VIDEOS OF WEDDINGS HELD AT LIGHTHOUSE YZERFONTEIN**

<https://www.facebook.com/1223197637/videos/10223502601652852/>

<https://www.fjs.co.za/genevieve-rachad-the-lighthouse-yzerfontein/>

<https://vimeo.com/71894861>



**LINK TO LIGHTHOUSE FACEBOOK PAGE:**

<https://www.facebook.com/pages/The%20Lighthouse/1230623060425301/>

The Lighthouse  
Beach

Learn More  
lighthouselocation.com

Home About Photos Reviews Like

**About** See All

122 Daxsen Island Drive  
Yzerfontein, South Africa

Posts about The Lighthouse

Werner van Dyk was with Clene Roos and 2 others at The Lighthouse.  
April 25 · Yzerfontein ·

**The Lighthouse** Learn More Like

122 Daxsen Island Drive  
Yzerfontein, South Africa

43 people like this  
43 people follow this  
48 people checked in here  
<https://www.lighthouselocation.com/>  
083 299 0500  
Always Open  
Beach

**Photos** See All

**Page Transparency** See All  
Facebook is showing information to help you better understand the

Natalie Grey is at The Lighthouse.  
October 25, 2020 · Yzerfontein ·

Click to expand

59 6 Comments  
Like Share

**PICTURES OF WEDDINGS HELD AT LIGHTHOUSE**



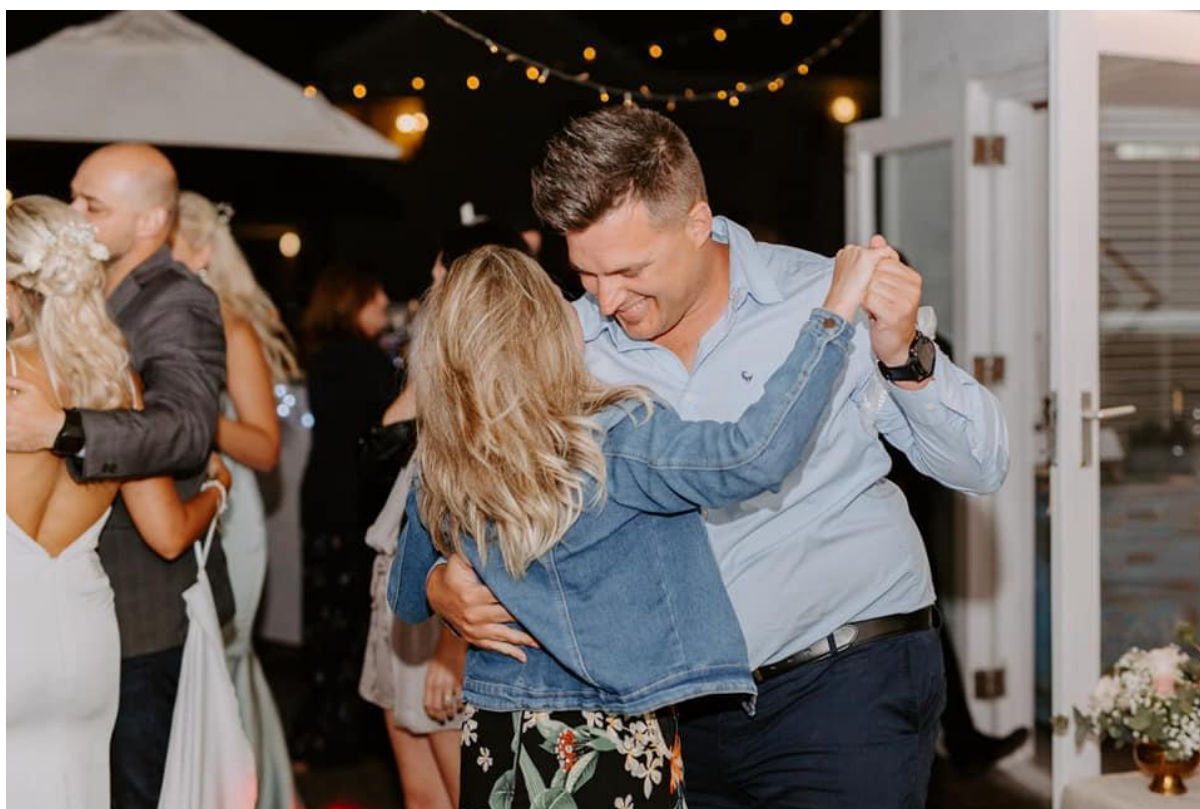


## PICTURES OF WEDDINGS HELD AT LIGHTHOUSE









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LINK TO DUINHUIS YZERFONTEIN WEBSITE: <https://www.duinhuis-zyerfontein.com/>





### WELCOME

The Duinhuis Yzerfontein offers 3 bedrooms (sleeping 6) - a beautiful beach house, perfectly located on the dune above the lovely Yzerfontein beach. It contains two lovely bedrooms on the ground floor, with the entire upper floor forming one large apartment style room with a large queen size bed (and on request, e.g. for family and kids) two additional beds) with en suite bathroom. The beautiful terrace faces directly onto the sea, with the Dassen Island lighthouse on the horizon. Come and spend some lovely days with us.

Set in the pristine coastal fynbos dunes of the idyllic West Coast village of Yzerfontein, this is a beach house for nature lovers.

This beautiful, one of a kind beach retreat, with undisturbed and magnificent ocean views is balsam for the soul. . Kick up your feet, relax and absorb the exquisite scenery. Let the sound of the waves and seagulls wash away the stress of daily life.

### Accommodation Pricing Guidelines

3 Bedrooms, up to 6 people, from R5'000 (In Season) to 8'500 (December / January) and from R3'500 to R5'000 (Out of Season) per night. Out of season weekdays on special, from R3'000.

Minimum booking: 2 nights; in December / January 5 nights.

Check in: from 15:00; Check out: 10:00 am

From February until November: 20% discount for weekly bookings, 35% on monthly bookings.

Booking / Cancellation / Refund: To confirm a booking, min. 50% deposit is required. Full refund for cancellations made within 48 hours of booking, if the check-in date is at least 14 days away. 50% refund of full invoice amount for cancellations made at least 7 days before check-in. No refunds for cancellations made within 7 days of check-in.

### Specifications and Facilities

- 3 bedrooms & 3 bathrooms
- Main bedroom: king bed, shower and tub en suite in bathroom, sea view
- Second bedroom: two single beds, shower en suite in bathroom, sea view
- Third bedroom: two large beds, tub en suite in bathroom, sea view
- Additional futons and mattresses are available to keep families in the same unit
- Fully-equipped kitchen
- Braai
- Domestic service as upon request

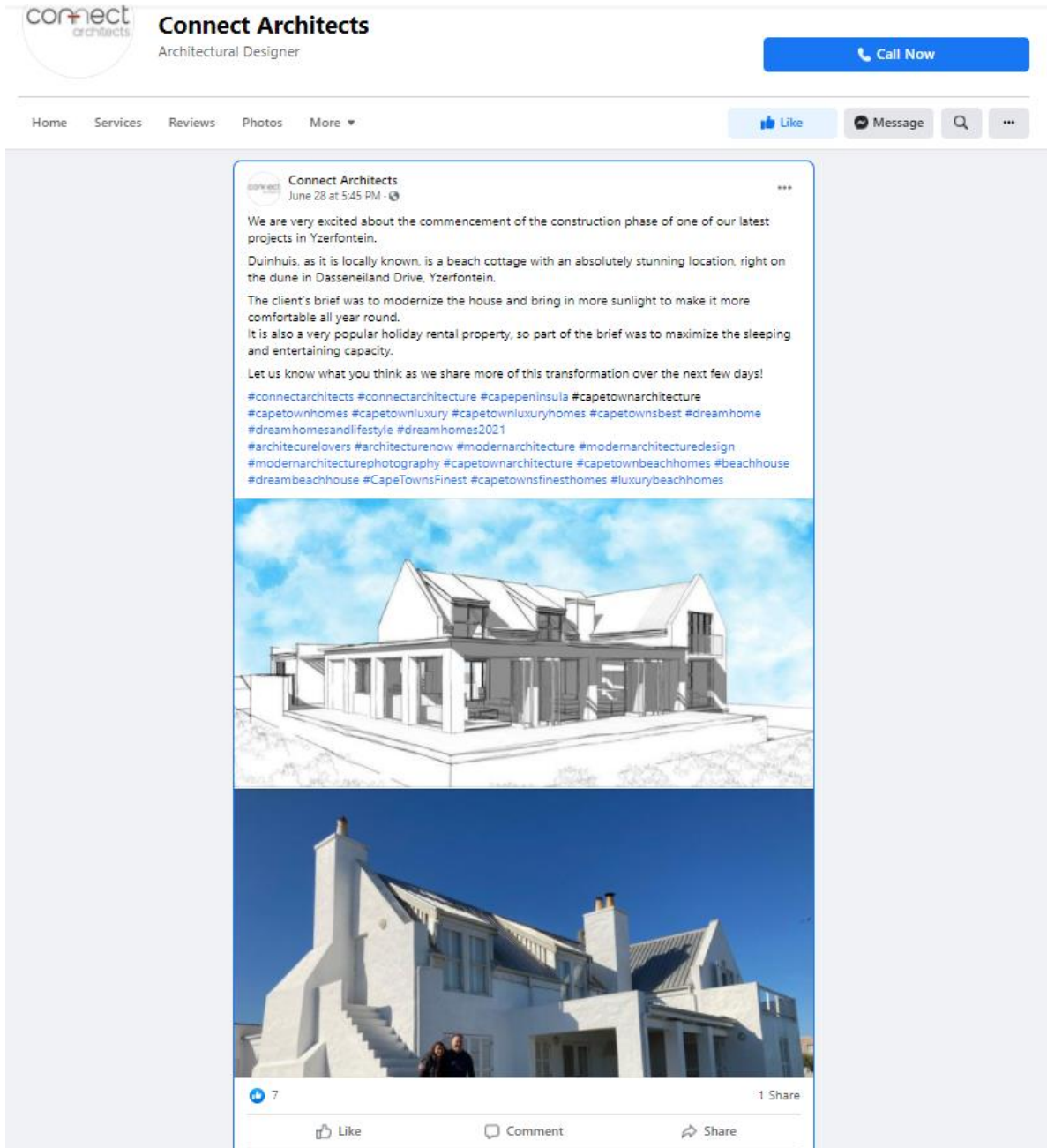
- No pets
- No smoking
- Maximum occupancy 6 people

CONTACT US

[Tel: +27-84-415 6938 \(WhatsApp\)](tel:+27-84-415 6938)

[lighthousecollection@icloud.com](mailto:lighthousecollection@icloud.com)

126 Dassen Island Drive, Yzerfontein, Western Cape, South Africa



Die Munisipale Bestuurder  
Privaatsak X52  
Malmesbury  
7522

**Beswaar teen voorgestelde opheffing vergunningsgebruik as gastehuis op Erf 1182  
Yzerfontein verwysingsnommer 15/3/10-14/Erf 1182)**

Denise en Jennifer Helena Papenfus-Swart

127 Dassen Eiland Rylaan  
Yzerfontein  
7351

Asook

123 Dassen Eiland Rylaan  
Yzerfontein  
7351  
EPos: [jennypap@gmail.com](mailto:jennypap@gmail.com)

Voorkeurwyse vir Kommunikasie: EPos

**Belang bv Aansoek:** Eksekuteur van Boedel NJ Swart, Erfgenaam van woning 127 Dassen Eiland Rylaan, Yzerfontein, Erf 1195

**Belang bv Aansoek:** Eienaars van woning 123 Dassen Eiland Rylaan, Yzerfontein, Erf 1110

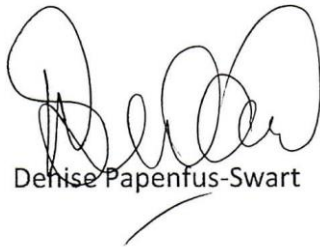
Redes vir Kommentaar/Beswaar:

1. Hiermee word beswaar aangeteken teen die aansoek om vergunningsgebruik vir 'n gastehuis op Erf 1182. Die woning word reeds vir baie lank verhuur aan gaste. Die gepaardgaande musiek en geraas van gaste veroorsaak onnodige steurnis in 'n andersins stil woonbuurt. Ons is van mening dat die geraas en steurnis nog erger sal word indien die vergunningsgebruik as gastehuis goedgekeur word.
2. 'n Verdere beswaar word aangeteken teen die opheffing van beperkende voorwaardes ten opsigte van die gebruik van die perseel van Erf 1182. Die woonbuurt in Dassen Eiland Rylaan is gesoneer as residensieel en ons is gekant teen enige besighede wat in ons woonbuurt bedryf word. Ons is veral bekommerd oor "business creep" in 'n residensiele sone.
3. Ons is van mening dat indien die beperkende voorwaardes verslap of opgehef word, dat 'n presedent sodoende geskep word en dat die karakter van die buurt en aangename leefomgewing nadelig beïnvloed sal word.
4. Dit is welbekend dat die woning uitverhuur word vir Troues en advertensie "photoshoots". Gepaard met dit word geweldige parkeringsprobleme geskep met voertuie wat aan beide kante

van die straat parkeer en sodoende slegs een ry voertuie op n slag kan ry wat baie gevaarlik is. Sig word geblokkeer en ek het al persoonlik n paar insidente gesien wat baie nadelig kon wees.

5. Toegang tot die Strand en openbare areas voor die woning word gereeld afgesper vir die eksklusiewe gebruik van die gaste. Dit is onwettig aangesien daardie area juis dit is, Openbare areas.

Vriendelike groete



Denise Papenfus-Swart



Jennifer Helena Papenfus-Swart



REPUBLIC OF SOUTH AFRICA

**EKSEKUTEURSBRIEF**  
**LETTERS OF EXECUTORSHIP**  
 (Artikel 13 en 14 van die Boedelwet, No 66 van 1965)  
 (Section 13 and 14 of the Administration of Estates Act, No 66 of 1965)

Estate No: ..... **015601/2020** .....

HIERBY WORD GESERTIFISEER dat  
 THIS IS TO CERTIFY that

**DENISE PAPENFUS-SWART - 6212050083083 (ID)**

behoorlik aangestel is as  
 has/have been duly appointed

**EKSEKUTEUR/EKSEKUTRISE**  
**EXECUTOR/EXECUTRIX**

en as sodanig gemagtig is om die Boedel van wyle  
 and is/are hereby authorised as such to liquidate and distribute the Estate of the late

**NICO JOHANN SWART**

Identiteits No: .....  
 Identity No: ..... **3708115081080** .....

wie op .....  
 who died on: ..... **13 SEPTEMBER 2020** .....

oorlede is, te beredder en verdeel.

*Asst. Meester van die Hooggeregshof*  
*Asst. Master of the High Court* : **CAPE TOWN**

Aandag word gevestig op die bepalings van artikel 102.  
 Attention is directed to the provisions of section 102.

MASTER OF THE WESTERN CAPE HIGH COURT
CAPE TOWN
<div style="font-size: 1.5em; font-weight: bold;">2020 -10- 15</div>
A/M: DECEASED ESTATES 13
MEESTER VAN DIE WES KAAP HOË HOF



**CK RUMBOLL &  
VENNOTE / PARTNERS**



OUR REF: YZE/11959/ZN/MV  
YOUR REF: 15/3/10-14/Erf 1182

MUNISIPALITEIT SWARTLAND			REG	
LEER No: 15/3/10-14/Erf-1182			FOOT	
Verly: N1	Inligting	Verslag	Athandl	Kom/Taan
SSSB (AS)				
Delmay				
Ander Opdrag				
SPERDATUM:				(get)BK

Munisipaliteit Swartland Municipality  
 ONTVANG  
 2021-08-11  
 RECEIVED

**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:** [planning1@rumboll.co.za](mailto:planning1@rumboll.co.za) / PO Box 211 / Rainierstr 16, **Malmesbury**, 7299  
**MALMESBURY** (T) 022 482 1845 (F) 022 487 1661

Objectors	Objections	Comments from CK Rumboll & Partners
A	<p>1. I cannot approve this proposal. In April I attended a meeting in Darling with Alwyn Zaayman and Annelie de Jager regarding objections. My conclusion of the meeting was that the legislation is giving authority to Alwyn Zaayman to make and break as he wishes. Our objections carry no authority.</p> <p>I retain my rights and have no trust in Swartland Municipality's building and development services.</p>	<p>1. This comment has no relevance to the application submitted for the consent use to operate a guest house on Erf 11825, Yzerfontein.</p>
B	<p>2. The pool, braai and outside entertainment area of the proposed guesthouse is in line with our outside area. If it is used permanently by up to 10 guests, it will definitely spoil our desire to relax and enjoy our view.</p>	<p>2. The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>. All guests of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p>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 <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i>.</p>
B, D	<p>3. Traffic will increase and as the plot is rather small, we cannot see how efficient parking on their property will be ensured.</p> <p>Lack of parking on the premises with associated invasion of privacy through</p>	<p>3. According to the <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i>, 3 parking bays for every 4 bedrooms are required for a guest house. The guest house has 5 bedrooms and therefore 3 on-site parking bays are required. There is adequate space on the property for more than 3 parking bays, including the existing double garage, to be provided on-site for the proposed development. Refer</p>

	<p>vehicles that park on neighbouring properties and streets.</p>	<p>to the Site Development Plan attached as <b>Annexure B</b>.</p> <p>The guesthouse will not generate more traffic than normally associated with a large family vacation home in a residential area. There is sufficient parking on site for all guests.</p>
C, D, F	<p>4. We object to the granting of a guest house license/permit to the owners of the residence on Erf 1182, Yzerfontein, as the property is situated close to us and we purchased and built our property because of the tranquillity and quiet residential area for us to retire to.</p> <p>The guest house will disturb the peace and cause noise within the area. There cannot be so much guest houses in a residential neighbourhood.</p> <p>The owners of Erf 1183 bought their property in 2000 with the intention to build a holiday and retirement property in a tranquil and peaceful residential area. However, this dream seems to have been destroyed by the commercial activities already conducted by the applicant on Erf 1183 and the activities it now seeks to legalise.</p>	<p>4. CK Rumboll &amp; Partners applied in terms of Section 25 (2) (o) of the <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i> for the consent use to accommodate a guest house on Erf 1182, Yzerfontein.</p> <p>According to the <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i>, a 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:</p> <p>a) the dwelling is retained in a form which can easily be re-used by a family as a single dwelling, and</p> <p>b) all amenities and provision of meals shall be for the sole benefit of bona fide lodgers.</p> <p>The <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i> allows the land use of a guest house as a consent use on a Residential Zone 1 property, of which Erf 1182 is one. The <i>Swartland Spatial Development Framework (SDF) (2019)</i> identifies the area in which Erf 1182 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 provision of a guest house within Zone B is supported by the <i>SDF</i>. An extract from the</p>



		<p><i>SDF</i> is attached as <b>Annexure C</b>.</p> <p>As shown by <b>Annexure C</b>, the purpose of the guesthouse is solely for accommodation and it does not include commercial activities to be allowed on site, such as functions. Guesthouses are supported in towns like Yzerfontein due to the vacation attraction it has, as can be seen from the <i>SDF</i> extract attached as <b>Annexure C</b>.</p> <p>The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>. All guests of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p>
D, E, F	<p>5. The peace disturbance and lack of parking is already experienced through model &amp; film shoots, as well as weddings, which takes place on Erf 1182 and surrounding environment.</p> <p>From time to time I cannot get access to my property as streets are occupied by parked vehicles. Also, at times, I cannot/may not use the beach due to film/advertisement shoots.</p> <p>It is well known that the home is rented out for weddings and advertising photo shoots. Coupled with this, tremendous parking problems are created with vehicles parking on both sides of the street and thus only being able to drive one row of vehicles at a time</p>	<p>5. Refer to Points 2-4.</p> <p>The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>. All guests of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p>The guesthouse will not generate more traffic than normally associated with a large family vacation home in a residential area. There is sufficient parking on site for all guests.</p> <p>The beach is zoned Open Space Zone 1: Public Open Space and therefore identified as a public place. According to the <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i>, a public place "means any open or enclosed place, park, street, road or</p>

	<p>which is very dangerous. Sight is blocked and I have personally seen a few incidents that could be very detrimental.</p> <p>From information received from neighbours and evidence found on the internet, Erf 1182 has been used for – and is still advertised as a boutique hotel, guest house, social function venue, wedding venue, and a film shoot venue under the name “Lighthouse”. See pages 1-11 of <b>Annexure A</b> attached hereto.</p> <p>Neighbours confirmed that the owners of Erven 1182 and 1184 joined forces in late 2020 to launch Coröña Beer over three days on these properties. The neighbours are still talking about the traffic congestion and parking problems during this launch and misuse of the properties.</p> <p>It is clear that the applicant is using this property for much more than what it is entitled to do, much more than what it is currently applying for by means of this consent use application and much more than what will be permitted even if the consent use application is successful.</p> <p>The owners of Erf 1183 have no assurance that the use of the property for unlawful</p>	<p><i>thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, a municipality, and includes a public open space and a servitude for any similar purpose in favour of the general public.” No person may, without the consent of the Municipality, restrict the public from having access to a public place.</i></p> <p>Referring to Point 4, the intent of this application is to allow for the consent use to operate a guest house on Erf 1182. This application is not intent to legalise film shoots or a function venue on the mentioned property. As shown by <b>Annexure C</b>, the purpose of the guesthouse is solely for accommodation and it does not include commercial activities to be allowed on site, such as functions.</p> <p>If the owner intends to use the property as a function venue, he will have to apply for the necessary land use rights to do so. However, as previously mentioned by means of this application, the owner is only intend to gain the necessary land use rights in accordance with the <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i>, and the <i>Swartland Spatial Development Framework (2019)</i> to operate a guest house on Erf 1182, Yzerfontein. Therefore, the guest house is not proposed to be used as a venue.</p>
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	<p>purposes will not continue. Our clients are of the view that the consent use application for a guest house is just a manner in which the applicant intends justifying its other unlawful uses of the property. We strongly object to the use being extended in this manner to commercial enterprises such as social functions, weddings, conferences, and product launches.</p>	
E, F	<p>6. The residential building is already being used by guests. The accompanying music and noise of guests causes unnecessary disturbance in a peaceful neighbourhood. We are of the opinion that the noise and disturbance of peace will increase if the application for the consent use of a guest house will be approved.</p> <p>The fact that there is already so much tourism accommodation offered takes away the residential and peaceful character of the neighbourhood.</p>	<p>6. Refer to Point 5.</p> <p>The <i>Swartland Spatial Development Framework (SDF) (2019)</i> identifies the area in which Erf 1182 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 provision of a guest house within Zone B is supported by the <i>SDF</i>. An extract from the <i>SDF</i> is attached as <b>Annexure C</b>.</p> <p>As shown by <b>Annexure C</b>, the purpose of the guesthouse is solely for accommodation and it does not include commercial activities to be allowed on site, such as functions. Guesthouses are supported in towns like Yzerfontein due to the vacation attraction it has, as can be seen from the <i>SDF</i> extract attached as <b>Annexure C</b>. A guest house is allowed as a consent use on a Residential Zone 1 property, and therefore considered as a residential land use, rather than a commercial use.</p>



E	<p>7. Further objection is proposed to the removal of restrictive conditions with regards to the land use of the property. The neighbourhood in Dassen Island Drive is zoned as Residential and we are opposed to any businesses that are operating in our neighbourhood. We are especially concerned about “business creep” in a residential zone.</p>	<p>7. CK Rumboll &amp; Partners applied in terms of Section 25 (2) (o) of the <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i> for the consent use to accommodate a guest house on Erf 1182, Yzerfontein. The owner of Erf 1182, Yzerfontein, is not applying for the removal of restrictive conditions as there are no restrictive Title Deed conditions within the Title Deed that will prohibit the proposed consent use of a guest house on Erf 1182.</p> <p>According to the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i>, 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:</p> <p>(a) the dwelling is retained in a form which can easily be re-used by a family as a single dwelling, and</p> <p>(b) all amenities and provision of meals shall be for the sole benefit of bona fide lodgers.”</p> <p>As shown by <b>Annexure C</b>, the purpose of the guesthouse is solely for accommodation and it does not include commercial activities to be allowed on site, such as functions. Guesthouses are supported in towns like Yzerfontein due to the vacation attraction it has, as can be seen from the <i>SDF</i> extract attached as <b>Annexure C</b>. A guest house is allowed as a consent use on a Residential Zone 1 property, and therefore considered as a residential land use, rather than a commercial use.</p>
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E	<p>8. We are of the opinion that if the restrictive conditions are relaxed or removed, that a precedent will be created accordingly and that the character of the neighbourhood and pleasant living environment will be negatively affected.</p>	<p>8. Refer to Points 4 and 7.</p> <p>The <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i> allows the land use of a guest house as a consent use on a Residential Zone 1 property, of which Erf 1182 is one. The <i>Swartland Spatial Development Framework (SDF) (2019)</i> identifies the area in which Erf 1182 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. An extract from the <i>SDF</i> is attached as <b>Annexure C</b>. The proposed development is fully supported by the <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i> and the <i>SDF</i>.</p> <p>The approval of the proposed application will not create a precedent for future development, as each land use application submitted to Swartland Municipality is unique, and should be addressed accordingly.</p>
E	<p>9. Access to the beach and public areas in front of the residence is regularly blocked for the exclusive use of the guests. It's illegal because that area is exactly that, public areas.</p>	<p>9. Refer to Point 5.</p> <p>The beach is zoned Open Space Zone 1: Public Open Space and therefore identified as a public place. No person may, without the consent of the Municipality, restrict the public from having access to a public place.</p>
F	<p>10. It appears that the applicant itself rents out the property built on Erf 1184 as under the name "The Duinhuis" as part of the "Lighthouse Collection". See pages 17-19 of <b>Annexure A</b> annexed hereto for an</p>	<p>10. This comment is not relevant to the application for the consent use to operate a guest house on Erf 1182, Yzerfontein, as the objector refers to a different property than Erf 1182.</p>

	<p>advertisement of Duinhuis.</p> <p>It furthermore appears to our clients that Duinhuis is being renovated to enlarge the accommodation due to it being a popular rental property. See in this regard the architect's comments on page 19 of <b>Annexure A</b>. Once these renovations are completed, it will no doubt increase the number of people to be accommodated between the two properties and will cause even more disturbance to other property owners in the vicinity.</p>	
F	<p>11. The number of people that can be accommodated to sleep over at the Lighthouse is indicated to be 10 but according to certain websites, it can be increased at an extra charge for events. See for instance the AirBnB advertisement on page 3 of <b>Annexure A</b>.</p> <p>Apart from the fact that the applicant does not have Municipal permission to host weddings or any other social functions and events at the property, it is clear that the number of guests appearing in the wedding pictures placed on Facebook and the number of places set at the pictures of the wedding receptions by far extends 10-12 people. See</p>	<p>11. Refer to Point 4.</p> <p>CK Rumboll &amp; Partners applied in terms of Section 25 (2) (o) of the <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i> for the consent use to accommodate a guest house on Erf 1182, Yzerfontein.</p> <p>This application is not intent to legalise film shoots or a function venue on the mentioned property. As shown by <b>Annexure C</b>, the purpose of the guesthouse is solely for accommodation and it does not include commercial activities to be allowed on site, such as functions. Guesthouses are supported in towns like Yzerfontein due to the vacation attraction it has, as can be seen from the <i>SDF</i> extract attached as <b>Annexure C</b>.</p> <p>The <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i> allows the land use of a guest house as a consent use on a</p>



	<p>pages 14-17 of <b>Annexure A</b>. There could be no doubt that the influx of people every time that such an event is hosted causes a huge disturbance to neighbours.</p>	<p>Residential Zone 1 property, of which Erf 1182 is one. The <i>Swartland Spatial Development Framework (SDF) (2019)</i> identifies the area in which Erf 1182 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 provision of a guest house within Zone B is supported by the <i>SDF</i>. An extract from the <i>SDF</i> is attached as <b>Annexure C</b>.</p> <p>The guesthouse will not attract more visitors than what is normally associated with a large family vacation home in a residential area.</p> <p>The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>. All guests of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p>
F	<p>12. We are instructed to invite the Municipal Tribunal members to listen to the video clips of the wedding reception to be found on <a href="https://www.facebook.co/1223197637/videos/10223502601652852">https://www.facebook.co/1223197637/videos/10223502601652852</a> and to ask themselves how it can be expected of neighbours to tolerate noise levels of this magnitude which does not even appear to have been taken when the attendees have not started dancing yet. Further video links to 2 weddings appear on page 12 of <b>Annexure A</b>.</p>	<p>12. Noted. However, the intent of this application is only to obtain the necessary land use rights in accordance with the <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i> and the <i>Swartland Spatial Development Framework (2019)</i> to operate a guest house on Erf 1182, Yzerfontein. Therefore, the guest house is not proposed to be used as a venue.</p> <p>The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>. All guests of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p>

F	<p>13. The advertisements state that Lighthouse:</p> <ul style="list-style-type: none"> <li>- has fully equipped kitchenettes in bedrooms 4 and 5;</li> <li>- is suitable for events;</li> <li>- can accommodate gatherings of 25 or more attendees;</li> <li>- is ideal for large families and social gatherings, film and photo shoots, product launches and corporate gateways;</li> <li>- offers street parking; and</li> <li>- is a boutique hotel.</li> </ul> <p>This raises the question as to how many dwellings are in fact on the property. Furthermore, these advertised services rendered by the applicant are not allowed at properties zoned as Residential Zone 1.</p>	<p>13. Refer to Point 4.</p> <p>CK Rumboll &amp; Partners applied in terms of Section 25 (2) (o) of the <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i> for the consent use to accommodate a guest house on Erf 1182, Yzerfontein.</p> <p>This application is not intent to legalise film shoots or a function venue on the mentioned property. As shown by <b>Annexure C</b>, the purpose of the guesthouse is solely for accommodation and it does not include commercial activities to be allowed on site, such as functions. Guesthouses are supported in towns like Yzerfontein due to the vacation attraction it has, as can be seen from the <i>SDF</i> extract attached as <b>Annexure C</b>.</p> <p>According to the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i>, 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:</p> <p>(a) the dwelling is retained in a form which can easily be re-used by a family as a single dwelling, and</p> <p>(b) all amenities and provision of meals shall be for the sole benefit of bona fide lodgers.”</p> <p>Referring to the above definition of guest house, no reference is made that a guest house is only restricted to one kitchen. However, the referred “kitchens” by the objector consists of heating plates combined with a sink that were initially installed when a portion of the dwelling were used as a granny flat. The owner of Erf 1182 confirmed that these heating plates and sinks will be removed as</p>
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		<p>they are never being used.</p> <p>The proposed guest house can easily be transformed back to a dwelling unit as all rooms within the main dwelling are interconnected with each other. The guest rooms will not be converted to, or used as separate dwelling units.</p>
F	<p>14. Two other neighbours informed the owners of Erf 1183 that the staffs employed by the applicant on Erf 1182 makes a big noise when the property is not rented out. The advertisements confirm that there is staff available on premises.</p>	<p>14. Only one staff member is on the property. The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>. All guests and staff members of the guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p>
F	<p>15. The <i>Spatial Development Framework</i> and the <i>By-law</i> provide the background against which applications of this nature must be considered. The applicant has focused on the aspects in the <i>SDF</i> that support this application. However, it is also required in the <i>SDF</i> that the unique sense of place and character of each urban area in future developments should be protected; safe, healthy, liveable and sustainable communities, and neighbourhoods should be enhanced; the Swartland should be branded as a good place to live; the unique character of towns should be protected; material, physical, and social well-being should be sustained.</p>	<p>15. The <i>Swartland Spatial Development Framework (SDF) (2019)</i> identifies the area in which Erf 1182 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 provision of a guest house within Zone B is supported by the <i>SDF</i>. An extract from the <i>SDF</i> is attached as <b>Annexure C</b>.</p> <p>Furthermore, guest houses are supported in towns like Yzerfontein due to the vacation attraction it has, as can be seen from the <i>SDF</i> extract attached as <b>Annexure C</b>.</p> <p>In light of the above, the proposed consent use for a guest house on Erf 1182 will ensure that the unique sense of place and character of the urban area of Yzerfontein will be protected and create a safe, healthy, liveable and sustainable community.</p>

F	<p>16. Zone B in which Erven 1182 and 1183 are situated is a low density area. The planning guidelines and directives in the <i>SDF</i> states that densification in urban areas must be sensitive to the existing character, natural and historic environment of towns. Mixed and alternative uses along activity roads to enhance tourism and scenic potential are indeed a relevant consideration for spatial integration. However, an informal search on the internet has shown that Yzerfontein already offers 185 properties on Airbnb and 161 of these properties are rented out in their entirety.</p> <p>It is submitted that the time has arrived for Swartland Municipality to guard against permitting each and every tourist accommodation application that crosses its tables, thereby disregarding the rights of other owners in the vicinity.</p>	<p>16. The <i>Swartland Spatial Development Framework (SDF) (2019)</i> identifies the area in which Erf 1182 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. An extract from the <i>SDF</i> is attached as <b>Annexure C</b>. The proposed development for the consent use to allow a guest house on Erf 1182, creating a higher density residential area which allows for low, medium and high density housing opportunities, is fully supported by the <i>SDF</i>.</p> <p>The purpose of the <i>Swartland Spatial Development Framework (SDF)</i> is to set out policy guidelines and proposals to direct spatial development in the Swartland municipal area in a desirable and sustainable manner. Future growth, development and land use planning in the municipal area must be based on the vision and principles which were agreed on to address spatial challenges to create and support integrated, sustainable and liveable environments and socio-economic opportunities.</p> <p>The <i>SDF</i> should be seen as a dynamic document that needs to evolve in an ongoing changing social and economic environment within a specific spatial setting. Section 7 of the <i>Swartland Municipality Land Use Planning By-Law</i> and Sections 12 and 21 of the <i>Spatial Planning and Land Use Management Act, Act 16 of 2013</i> which guides the content of and procedure to follow to compile or amend an <i>SDF</i>. The latest amended <i>Swartland SDF (2019)</i> is valid for five years. After the five years, the <i>SDF</i> will be amended again in accordance with the needs to evolve in an ongoing changing social and economic environment within a specific spatial setting.</p>
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		<p>Land uses cannot be limited to a certain amount per town. All land owners should have the right to develop their erf in accordance with the applicable legislation. If there are sufficient tourist accommodation in the town the market will determine the success of the business.</p>
F	<p>17. Residential Zone 1 has the objective “to provide low to medium density residential development on relatively large erven and to protect the quality and character of such areas.” Additional accommodation opportunities are possible provided that the dominant use of the land remains residential and the impact of such use does not adversely affect the surrounding residential area. By only focussing on the densification and the expansion of tourism accommodation, but ignoring the negative effect that comes with it, the rights of the owners of Erf 1183 and their neighbours are completely ignored.</p>	<p>17. It is not clear by this statement to what negative effects the proposed guest house will have on the rights of the owners of Erf 1183 and their neighbours.</p> <p>The proposed consent use will not adversely affect Erf 1182 or surrounding properties, as the main use will remain residential with only a different component of residential land uses being proposed; a guest house. 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 easily be transformed back to a dwelling unit as all rooms within the main dwelling are interconnected with each other.</p> <p>With the proposed consent use to convert the existing dwelling unit into a guest house, it will contribute to the densification of Yzerfontein by utilising Erf 1182 with existing infrastructure and services into its full potential. The proposal will also contribute to densification by means of different housing types in the existing residential area.</p> <p>Referring to Point 4, the <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i> allows the land use of a guest house as a consent</p>

		<p>use on a Residential Zone 1 property, of which Erf 1182 is one. The <i>Swartland Spatial Development Framework (SDF) (2019)</i> identifies the area in which Erf 1182 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. An extract from the <i>SDF</i> is attached as <b>Annexure C</b>. The proposed development is fully supported by the <i>Swartland Municipal By-Law on Land Use Planning (PG 8226)</i> and the <i>SDF</i>.</p>
F	<p>18. <i>Locus standi</i>: The power of attorney and resolution referred to are neither signed by all the directors nor do they authorise any director permission to act on behalf of the applicant.</p>	<p>18. Mr Andrej Brandt is the only director of Dassen Properties (Pty) Ltd. Please see the letter from the Registrar of Close Corporations attached as <b>Annexure D</b>.</p>
F	<p>19. It is stated within the motivational report that "the guest house is not proposed to be used as a venue". This is simply not true as is evident from previously in information above. The property has been used in the past for functions, events, film shoots, and weddings. In this week still, the property is marketed on the internet as an events, filming and wedding venue.</p>	<p>19. Refer to Point 4. CK Rumboll &amp; Partners applied in terms of Section 25 (2) (o) of the <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i> for the consent use to accommodate a guest house on Erf 1182, Yzerfontein. This application will not give the owner of Erf 1182 the rights to conduct film shoots or use the property as a function venue.</p>
F	<p>20. The <i>Swartland Municipality's Filming By-law</i> provides that the <i>By-law</i> applies to all film activities that take place within the jurisdictional area of the municipality,</p>	<p>20. Noted.</p>

	<p>whether on private or municipal land. We are instructed to invite the Municipality and the applicant to provide us with all permits applications lodged by the applicants and permits issued by the Municipality for the filming activities conducted at Erf 1182.</p>	
F	<p>21. According to the applicant, it is evident that there are no conditions that will prohibit the proposed consent. We do not agree, as it is evident from the Title Deed, Part B, paragraph 7 and Part C that –</p> <ul style="list-style-type: none"> <li>- the erf shall be used solely for the purpose of erecting thereon one dwelling.</li> <li>- this erf shall be used exclusively for single residential uses.</li> </ul> <p>The applicant does not apply for the removal of restrictive title deed conditions. The restrictive title deed conditions prohibit the property from being used for anything but a single dwelling. It is submitted that these restrictive conditions prevent the Municipality from approving the application.</p> <p>Furthermore, it is clear that apart from the fact that there are already two dwellings on the property, which is not permitted in terms of the title deed restrictions, the use of the property as a guest house, the title deed</p>	<p>21. Section B (7)(a) of the Title Deed of Erf 1182 states that <i>“This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference of the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme.”</i></p> <p>Erf 1182 is included in a Town Planning Scheme and is zoned Residential Zone 1 and according to the <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i>, a guest house is permitted as consent use on Residential Zone 1 property. In this case, Swartland Municipality is the local authority. Therefore, Section B (7)(a) of the Title Deed is not considered as a restrictive condition to the application for the consent use is in accordance with Section 25 (2) (o) of the mentioned <i>By-law</i> to allow a guest house on Erf 1182. The Municipality thus have the authority to approve other buildings as permitted in the scheme.</p> <p>Section C (2) of the Title Deed of Erf 1182 states that <i>“hierdie erf sal uitsluitlik gebruik word vir enkel residensiële doeleindes.”</i></p> <p>As mentioned above, Erf 1182 is zoned Residential Zone 1 and</p>



	<p>prohibits the use of the property as a social function venue, a wedding venue, and a filming venue.</p>	<p>according to the <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i>, and the purpose of Residential Zone 1 is to provide low to medium density residential development – also known as single residential purposes. A guest house is permitted as consent use on Residential Zone 1 property. Therefore, Section C (2) of the Title Deed is not considered as a restrictive condition to the application for the consent use is in accordance with Section 25 (2) (o) of the mentioned <i>By-law</i> to allow a guest house on Erf 1182.</p> <p>This application will not give the owner of Erf 1182 the rights to conduct film shoots or use the property as a function venue.</p>
F	<p>22. It is misleading to state that the property is currently utilized by (sic) residential purposes for self-catering accommodation, as it is used for much more than this. Given the activities being conducted on Erf 1182, it cannot be argued that our clients and other neighbours are not adversely affected by the impact of the guest house.</p>	<p>22. Refer to Point 17. It is not clear by this statement to what negative effects the proposed guest house will have on the rights of the owners of Erf 1183 and their neighbours.</p> <p>CK Rumboll &amp; Partners applied in terms of Section 25 (2) (o) of the <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i> for the consent use to accommodate a guest house on Erf 1182, Yzerfontein. This application will not give the owner of Erf 1182 the rights to conduct film shoots or use the property as a function venue.</p>
F	<p>23. The applicant's directors do not reside on the property and there is not control over visitors of the guest accommodation. There is no indication that visitors will be required to comply with house rules. It would probably be easy to argue that complaints must be laid when transgressions take place. However, it is</p>	<p>23. It is not a requirement for directors to reside on the property proposed to be utilised for residential purposed for the use of a guest house.</p> <p>The owner of Erf 1182 will ensure that the proposed development will adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>. All guests of the</p>

	<p>not a proper argument to place this burden on surrounding owners who just want to peacefully exist in their environments.</p>	<p>guesthouse will need to adhere to these regulations as well. This will ensure low noise pollution.</p>
F	<p>24. The requirement for off-street parking is that 3 parking bays per 4 bedrooms must be provided. Only 3 parking bays are provided for in the application. What about the parking for the 2 remaining bedrooms and for staff working at the property? Logic dictates that when the facility is booked to its capacity, at least 5 parking bays will be required to accommodate guests.</p> <p>Past experience has shown that 3 parking bays are simply not efficient, as guest attending the property parked in the road and on the side of other properties. In fact, as stated previously, the applicant advertises Lighthouse to provide street parking.</p> <p>The neighbours are negatively affected by vehicles parked in the street, the number of vehicles using the street, the congestion caused by parked vehicles in the street and the security risk caused by parked vehicles in the street.</p>	<p>24. Refer to Point 3.</p> <p>The guest house has 5 bedrooms and therefore a minimum of 3 on-site parking bays are required. There is adequate space on the property for more than 3 parking bays, including the existing double garage, to be provided on-site for the proposed development. Refer to the Site Development Plan attached as <b>Annexure B</b>.</p> <p>The guesthouse will not generate more traffic than normally associated with a large family vacation home in a residential area. There is sufficient parking on site for all guests.</p>

F	25. The number of people will cause extra garbage. The normal once a week removal will certainly not be sufficient to take care of the increased amounts of garbage. The application is silent on how refuse removal will be handled at the property.	25. The Swartland Municipality collects all domestic waste and transports it to Highlands Landfill on a weekly basis. The guesthouse will not generate more refuse than normally associated with a large family vacation home in a residential area.
F	26. The application is silent on advertising signs for the guest house. Advertising signs will have a negative impact on the residential character of the area.	26. If the owner of Erf 1182 wishes to affix any signage, application will be made to the Swartland Municipal Senior Manager: Built Environment for the right to construct or affix and display any signage. Any signage will be limited to 1m <sup>2</sup> in area and will not project over a public street.
F	27. The owners of Erf 1183 realise that there is a need to promote Yzerfontein as a tourist destination. However, this cannot be allowed at all costs. The owners of Erf 1183 bought in a tranquil residential area. The continued existence of guest houses will destroy it, with or without functions being offered. The guest house detracts from the tranquillity, peace and privacy that one expects from residential living and result in noise pollution and increased traffic which are not desirable.	27. Refer to Points 3, 4 and 16.



In conclusion, the proposed consent use will not adversely affect Erf 1182 or surrounding properties, as the main use will remain residential with only a different component of residential land uses being proposed; a guest house. 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 easily be transformed back to a dwelling unit as all rooms within the main dwelling are interconnected with each other.

With the proposed consent use to convert the existing dwelling unit into a guest house, it will contribute to the densification of Yzerfontein by utilising Erf 1182 with existing infrastructure and services into its full potential. The proposal will also contribute to densification by means of different housing types in the existing residential area.

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.

Considering the above, it is evident that the proposed development will not have a significant impact on the surrounding properties or built environment seeing that the *Swartland Municipal Land Use Planning By-law (2020)* makes provision for Residential Zone 1 properties, such as Erf 1182, Yzerfontein. This office is of opinion that the proposed consent use on Erf 1182, Yzerfontein, will maximise the development potential of the property. The proposed development will be in accordance with the *Swartland Municipal Land Use Planning By-law (PG 8226 of 25 March 2020)*.

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

Kind regards



Zanelle Nortje / Mandri Viljoen  
For CK RUMBOLL & PARTNERS

## **Annexure A**

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Supporting annexures provided by Cluver Markotter Inc. on behalf of  
Kenneth Fussel and Florenske Minnaar



Check In

00 Jan Mon

Check Out

30 May

Rate

0

Kids

0

Search

### WELCOME

The Lighthouse offers 5 bedrooms (sleeps up to 10) and is by far the most scenic hideaway destination in just an hour's drive outside of Cape Town. Sit in the pristine coastal fynbos dunes of the idyllic West Coast village of Yzerfontein. It's the beach house for nature lovers.

This beautiful one-of-a-kind beach retreat is in undisturbed and magnificent coastal fynbos is famous for its beauty and tranquility and makes the perfect location for large families, school parties, friends, friends and is the perfect location for film and photo shoots.

It's a perfect place to relax and absorb the incredible scenery. Let the sound of the waves and seagulls wash away the stress of your life.

[Click here for a list of special rates and packages.](#)

Get a whole new perspective when you reflect the rays of light through the glass of the Lighthouse. The warm, natural, hand-crafted wooden floor is a blank canvas for your imagination. Relax and enjoy the view.

On the roof, the summer days are spent in the air, the sun is shining, the glass is open to the sky and the view is a perfect summer evening next to any of the Lighthouse's features.

Clamping and exclusive, the Lighthouse of Yzerfontein provides an unbeatable and magical experience.

[Click here for a list of special rates and packages.](#)

Let's Chat!

## Location Pricing Guidelines

Day rate for 10 people from R12,400.00 (10 hours use, 10 people max)  
 Crew (Shooting and Setup): R2,500 per night (scaled to day rate for the whole house, sleeps max 10 people)  
 Day rate for film shoots, events and wedding parties available on request.  
 Prices negotiable for long stays.

## Accommodation Pricing Guidelines

Accommodation Only  
 5 Bedrooms, up to 10 people, from R9,500 (in Season) to R16,000 (December, January) and from R5,900 to R7,500 (Out of Season) per night. Out of season in weekdays on special, from R5,900.  
 \* Minimum booking 2 nights, in December/January 3 nights.  
 Winter Special rates available on request.  
 Check in: From 15:00, Check out: 10:00 am.  
 All fees are negotiable.  
 Please note that a 50% non-refundable deposit is required to secure your booking.

## Specifications and Facilities

- 5 Bedrooms & 5 Bathrooms
- First bedroom king bed, en suite and sub en suite in bathroom, private terrace, sea view
- Second bedroom, double bed, private en suite, Terrace, sea view
- Third bedroom, 2 single beds, sea view
- Second en suite in bathroom, private bath, with tub
- Fourth bedroom, sub en suite in bathroom, private terrace, sea view
- Fifth bedroom, sub en suite in bathroom, private terrace, sea view
- Additional futons and mattresses are available to keep families in the same unit
- Fully equipped kitchen and kitchenette in bedroom Four and Five
- Apple TV, CD, DVD System
- Wireless ADSL Internet
- Sauna, hot tub and outdoor shower, up to 10 people
- Weber grill
- Domestic linen as upon request
- No pets
- No smoking
- Maximum occupancy 10 people

**LINK TO AIRBNB PAGE:**

[https://www.airbnb.co.za/rooms/21760303?source\\_impression\\_id=p3\\_1625642727\\_N1%2Fq7KGAYQx%2FE](https://www.airbnb.co.za/rooms/21760303?source_impression_id=p3_1625642727_N1%2Fq7KGAYQx%2FE)

Pxl

The screenshot shows the Airbnb listing for 'The Lighthouse Yzerfontein'. At the top, there's the Airbnb logo, a search bar with 'Start your search', and links for 'Become a host', a globe icon, and a menu icon. The listing title is 'The Lighthouse Yzerfontein' with a rating of 4.92 (39 reviews) and location 'Yzerfontein, Western Cape, South Africa'. Below the title are five photos: a large view of the villa, a pool area, a close-up of the villa's exterior, a view of the villa from a distance, and an interior shot of a living area. A 'Show all photos' button is at the bottom right of the photo grid. Below the photos, it says 'Entire villa hosted by Jay' with a profile picture of Jay. The villa details are '10 guests · 5 bedrooms · 8 beds · 5.5 baths'. The price is 'R5,614 / night' and the rating is '4.92 (39 reviews)'. There are buttons for 'CHECK-IN Add date', 'CHECKOUT Add date', and 'GUESTS 1 guest'.

**The Lighthouse Yzerfontein**

4.92(39 reviews) · Yzerfontein, Western Cape, South Africa

R5,614 per night

4.92(39 reviews)

Entire villa hosted by Jay

10 guests · 5 bedrooms · 8 beds · 5.5 baths

Andrej is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

**All about Jay's place****THE LIGHTHOUSE**

is by far the most ideal hideaway destination just about an hour's drive outside of Cape Town. Set in the pristine coastal fynbos dunes of the idyllic West Coast village of Yzerfontein, this is a beach house for nature lovers.

This beautiful, one of a kind beach retreat, with undisturbed and magnificent ocean views is balsam for the soul.

Kick up your feet, relax and absorb the exquisite scenery. Let the sound of the waves and seagulls wash away the stress of daily life.

**The space**

Its unique, airy and spacious design is ideal for large families, social gatherings up to 10 people (more guests - like wedding and party - on request with extra charge), romantic rendezvous and is the perfect location for film and photo shoots (on request, extra charge).

Salty white clapperboard exteriors reflect the easy living atmosphere of the open-plan living area. Float around on the lime-washed wooden floors, a backdrop to the luxurious white interior furnishings.

On blissfully hot summer days cool down in the unique plunge pool, or snuggle up during seaside winters and cooler summer evenings next to any of the three sublime fireplaces.

Charming and exclusive, the Lighthouse of Yzerfontein promises an unrivalled and magical experience.

Domestic worker living on the premises (available on request, privacy guaranteed).



LINK TO BOOKING.COM PAGE: <https://www.booking.com/hotel/za/the-lighthouse-yzerfontein.en-gb.html#availability>

The screenshot shows the Booking.com interface for 'The Lighthouse Yzerfontein'. At the top, there's a navigation bar with 'Booking.com', currency 'ZAR', and links for 'List your property', 'Register', and 'Sign in'. Below this is a menu with 'Stays', 'Flights', 'Car rentals', 'Attractions', and 'Airport taxis'. A 'Coronavirus (COVID-19) Support' banner is visible. The breadcrumb trail reads: 'Home > Africa > South Africa > Western Cape > Yzerfontein > The Lighthouse Yzerfontein Villa (South Africa) deals'. The main section features a search bar with 'Yzerfontein' entered, check-in and check-out date selectors, and a 'Search' button. To the right, the hotel's name 'The Lighthouse Yzerfontein' is displayed with a 'Beachfront' tag and a 'Reserve your villa stay' button. Below the name is the address '122 Dassen Island Drive The Lighthouse, 7351 Yzerfontein, South Africa' and a 'show map' link. A 'We Price Match' badge is present. The main image is a large photo of the villa, with a smaller inset showing a room. To the right of the main image is a 'Good 7.2' rating and an 'Excellent location!' badge with a '10' score. Below the main image is a gallery of smaller photos and a '+29 photos' link. At the bottom, there's a '20 m²' label and icons for a menu, eye, and fork and knife.

Set just 100 m from Dassen Island Reserve, The Lighthouse Yzerfontein offers accommodation in Yzerfontein with access to an outdoor swimming pool, a shared lounge, as well as a shared kitchen. This beachfront property offers access to a patio and free private parking.

The villa has 5 bedrooms, a flat-screen TV, an equipped kitchen with a dishwasher and a microwave, a washing machine, and 5 bathrooms with a shower. For added convenience, the property can provide towels and bed linen for an extra charge.

The villa offers a sauna. A barbecue is available on site and hiking can be enjoyed within close proximity of The Lighthouse Yzerfontein.

West Coast National Park is 28 km from the accommodation, while Buffelsfontein Conference is 19 km from the property. The nearest airport is Cape Town International Airport, 78 km from The Lighthouse Yzerfontein. We speak your language!

**The Lighthouse Yzerfontein has been welcoming Booking.com guests since 28 Nov 2018.**

Distance in property description is calculated using © OpenStreetMap

**WELCOME** The Lighthouse offers 5 bedrooms (sleeping 10) and is by far the most ideal hideaway destination just about an hour's drive outside of Cape Town. Set in the pristine coastal fynbos dunes of the idyllic West Coast village of Yzerfontein, this is a beach house for nature lovers. This beautiful, one of a kind beach retreat, with undisturbed and magnificent ocean views is balsam for the soul. Its unique, airy and spacious design is ideal for large families, social gatherings, romantic rendezvous and is the perfect location for film and photo shoots. Kick up your feet, relax and absorb the exquisite scenery. Let the sound of the waves and seagulls wash away the stress of daily life. Salty white clapperboard exteriors reflect the easy living atmosphere of the open-plan living area. Float around on the lime-washed wooden floors, a backdrop to the luxurious white interior furnishings. On blissfully hot summer days cool down in the unique plunge pool, or snuggle up during seaside winters and cooler summer evenings next to any of the three sublime fireplaces. Charming and exclusive, the Lighthouse of Yzerfontein promises an unrivalled and magical experience.

My mission is to make you feel home in my home. I personally designed The Lighthouse more than 10 years ago, and since then it served many individuals as perfect hideaway, summer or weekend stay as well as (prices on request) companies for photo and film shoots, for corporate functions and weddings.

We wish you a delightful and memorable stay and hope that you feel very much at home here in this little paradise. Thank you for only wearing flat shoes, or going bare foot inside the house. High-heeled shoes cause a lot of damage. The house is situated in a nature conservancy full of animals and plants. Please walk only on the sandy paths and tread carefully: there are many tiny plants and succulents pushing their way to the surface of the sand. The ostriches are used to humans, but remain wild. They can be quite aggressive, especially in the mating season or when raising their young. Look at them, take photos of them, but do not approach them. We do not allow dogs on our premises as they can potentially harm the wildlife and cause damage. We've found many tortoises with cracked shells caused by dog's trying to bite them. Also, the ostriches stamp and kick dogs that try to chase them. Please enjoy the swimming pool! But enjoy it wisely: don't jump in it or run around it. Splashing wastes precious water. Please watch your children!! The towels in the sauna room can be used for around the pool or at the beach. Please make use of the outside braai (barbeque).

Languages spoken: **English**

### Parking

**Free!** Free private parking is possible at a location nearby (reservation is not needed).

Can I park a car at The Lighthouse Yzerfontein?

The following parking options are available to guests staying at The Lighthouse Yzerfontein (subject to availability):

- Private parking
- Parking
- Secured parking
- Street parking
- Free parking

**LINK TO TRIPADVISOR PAGE:** [https://www.tripadvisor.co.za/VacationRentalReview-g608448-d13168478-The\\_Lighthouse\\_Yzerfontein-Yzerfontein\\_Western\\_Cape.html](https://www.tripadvisor.co.za/VacationRentalReview-g608448-d13168478-The_Lighthouse_Yzerfontein-Yzerfontein_Western_Cape.html)

The screenshot displays the TripAdvisor listing for 'The Lighthouse Yzerfontein'. At the top, there's a navigation bar with 'Tripadvisor' logo and search icons. Below it, a category bar shows 'Yzerfontein', 'Hotels', 'Things to do', 'Restaurants', 'Flights', 'Holiday Homes' (selected), 'Cruises', and 'Car Hire'. The main header for the listing includes the property name 'The Lighthouse Yzerfontein', a 5-star rating, and a 'Save' button. A large image of the property is shown on the left. On the right, there's a booking summary section with 'Check-in', 'Check-out', '2 guests', and a price of 'From R 5 742 /night @'. Below this is a 'Book Now' button and a 'Send Message' button. At the bottom, there's a tabbed interface with 'Overview' (selected), 'Reviews', 'Amenities', 'Availability', and 'Map'.



## Overview

5 bedrooms  
6 bathrooms  
10 guests  
2 nights minimum

### Holiday Rental House

The Lighthouse is by far the most ideal hideaway destination just about an hour's drive outside of Cape Town. Set in the pristine coastal fynbos dunes of the idyllic West Coast village of Yzerfontein, this is a beach house for nature lovers. This beautiful, one of a kind beach retreat, with undisturbed and magnificent ocean views is balsam for the soul. Its unique, airy and spacious design is ideal for large families, social gatherings, romantic rendezvous and is the perfect location for film and photo shoots. Kick up your feet, relax and absorb the exquisite scenery. Let the sound of the waves and seagulls wash away the stress of daily life. Salty white clapperboard exteriors reflect the easy living atmosphere of the open-plan living area. Float around on the lime-washed wooden floors, a backdrop to the luxurious white interior furnishings. On blissfully hot summer days cool down in the unique plunge pool, or snuggle up during seaside winters and cooler summer evenings next to any of the three sublime fireplaces. Charming and exclusive, the Lighthouse of Yzerfontein promises an unrivalled and magical experience. Less

**LINK TO HIKERSBAY PAGE:** <http://hikersbay.com/africa/southafrica/hotel/za/the-lighthouse-yzerfontein.html?lang=en>

The Lighthouse Yzerfontein

Price from: \$10436.80 / Check price

Description of The Lighthouse Yzerfontein

Set just 100 metres from Dassen Island Reserve, The Lighthouse Yzerfontein offers accommodation in Yzerfontein with access to an outdoor swimming pool, a shared lounge, as well as a shared kitchen. This beachfront property offers access to a patio and free private parking. The villa has 5 bedrooms, a flat-screen TV, an equipped kitchen with a dishwasher and a microwave, a washing machine, and 5 bathrooms with a shower. For added convenience, the property can provide towels and bed linen for an extra charge. The villa offers a sauna. A barbecue is available on site and hiking can be enjoyed within close proximity of The Lighthouse Yzerfontein. West Coast National Park is 28 km from the accommodation, while Buffelsfontein Conference is 19 km from the property. The nearest airport is Cape Town International Airport, 78 km from The Lighthouse Yzerfontein.

### Description of The Lighthouse Yzerfontein

Set just 100 metres from Dassen Island Reserve, The Lighthouse Yzerfontein offers accommodation in Yzerfontein with access to an outdoor swimming pool, a shared lounge, as well as a shared kitchen. This beachfront property offers access to a patio and free private parking. The villa has 5 bedrooms, a flat-screen TV, an equipped kitchen with a dishwasher and a microwave, a washing machine, and 5 bathrooms with a shower. For added convenience, the property can provide towels and bed linen for an extra charge. The villa offers a sauna. A barbecue is available on site and hiking can be enjoyed within close proximity of The Lighthouse Yzerfontein. West Coast National Park is 28 km from the accommodation, while Buffelsfontein Conference is 19 km from the property. The nearest airport is Cape Town International Airport, 78 km from The Lighthouse Yzerfontein.

### Important information

This property will not accommodate hen, stag or similar parties. Please inform The Lighthouse Yzerfontein in advance of your expected arrival time. You can use the Special Requests box when booking, or contact the property directly with the contact details provided in your confirmation. Managed by a private host

When you plan a journey to South Africa, remember that accommodation is very important. The Lighthouse Yzerfontein is located in 122 Dassen Island Drive The Lighthouse and it is a nice place to stay. Find out more about accommodation such as: room availability, facilities, or customer reviews.

### Facilities:

Shared kitchen, Sun terrace, Terrace, Outdoor pool (all year), Express check-in/check-out, Shared lounge/TV area, Children television networks, BBQ facilities, Daily maid service, Private parking, Internet services, Beachfront, Non-smoking rooms, Family rooms, Outdoor pool, Hiking, Sauna, Heating, Free parking, Parking, Non-smoking throughout, Private check-in/check-out,

**Facilities:** Tea/Coffee Maker, Shower, Bath, TV, Iron, Kitchenette, Balcony, Spa Bath, Refrigerator, Desk, Ironing Facilities, Seating Area, Fan, Toilet, Microwave, Dishwasher, Washing Machine, Patio, Private bathroom, Kitchen, Bath or Shower, Fireplace, Additional Toilet, Interconnected room(s) available, Flat-screen TV, Private entrance, Sofa, View, Hardwood or parquet floors, Wake-up service, Dining area, Electric kettle, Kitchenware, Towels/Sheets (extra fee), Sauna, Private pool, Tumble dryer, Wardrobe or closet, Oven, Stovetop, Toaster, Barbecue, Sea view, Garden view, Pool view, Landmark view, Cleaning products, Additional bathroom, Coffee machine, Terrace, Towels, Linen, Dining table, Outdoor furniture, Outdoor dining area, Upper floors accessible by stairs only, Clothes rack, Drying rack for clothing, Toilet paper, Board games/puzzles, Walk in shower, Pool with a view, Salt-water pool, Plunge pool, Pool towels, Trash cans, Wine glasses, Children's cots/cribs, Socket near the bed, Adapter, Feather pillow, Quiet street view, Portable Wifi, Streaming service (such as Netflix), Fire extinguisher, Key access  
Room size: 20 m<sup>2</sup>

**LINK TO GITES PAGE:** <https://www.gites.fr/gites-the-lighthouse-yzerfontein-yzerfontein-h2886571-en.htm>



Set just 100 metres from Dassen Island Reserve, The Lighthouse Yzerfontein offers accommodation in Yzerfontein with access to an outdoor swimming pool, a shared lounge, as well as a shared kitchen. This beachfront property offers access to a patio and free private parking. The villa has 5 bedrooms, a flat-screen TV, an equipped kitchen with a dishwasher and a microwave, a washing machine, and 5 bathrooms with a shower. For added convenience, the property can provide towels and bed linen for an extra charge. The villa offers a sauna. A barbecue is available on site and hiking can be enjoyed within



close proximity of The Lighthouse Yzerfontein. West Coast National Park is 28 km from the accommodation, while Buffelsfontein Conference is 19 km from the property. The nearest airport is Cape Town International Airport, 100 km from The Lighthouse Yzerfontein.

**LINK TO SNIFFHOTELS PAGE:** <https://www.sniffhotels.com/za/hotel/the-lighthouse-yzerfontein>



**The Lighthouse Yzerfontein**

SOUTH AFRICA / WESTERN CAPE / YZERFONTEIN

**Reviews**

Booking score: 9.2

Metric	Score
Date	7.0
Comfort	9.4
Facilities	9.1
Location	10.0
Cleanliness	9.1
Value for money	7.7

**Availability**

ADULTS	CHILDREN	ROOMS
2	0	1

CHECK-IN DATE\* 07/07/2021

CHECK-OUT DATE\* 07/08/2021

[CHECK AVAILABILITY](#)

### About

Set just 100 m from Dassen Island Reserve, The Lighthouse Yzerfontein offers accommodations in Yzerfontein with access to an outdoor swimming pool, a shared lounge, as well as a shared kitchen. This beachfront property offers access to a patio and free private parking.

The villa has 5 bedrooms, a flat-screen TV, an equipped kitchen with a dishwasher and a microwave, a washing machine, and 5 bathrooms with a shower. For added convenience, the property can provide towels and bed linen for an extra charge.

The villa offers a sauna. A barbecue is available on site and hiking can be enjoyed within close proximity of The Lighthouse Yzerfontein.

West Coast National Park is 17 mi from the accommodations, while Buffelsfontein Conference is 12 mi from the property. The nearest airport is Cape Town International Airport, 48 mi from The Lighthouse Yzerfontein.



with loved ones. Very special.



**Jacob**  
April 2018

We had a lovely few days at Andrej's place. We used the space for 4 people doing a corporate getaway with creative planning, workshops, and fun. The space had everything we needed and we enjoyed getting up early in the morning, doing a quick workout, jumping in the ocean and heating up in the sauna afterwards. We also had many good talks at the fireplace with a glass of wine. Overall a great experience!

Q Search reviews



**Andrew**  
May 2018

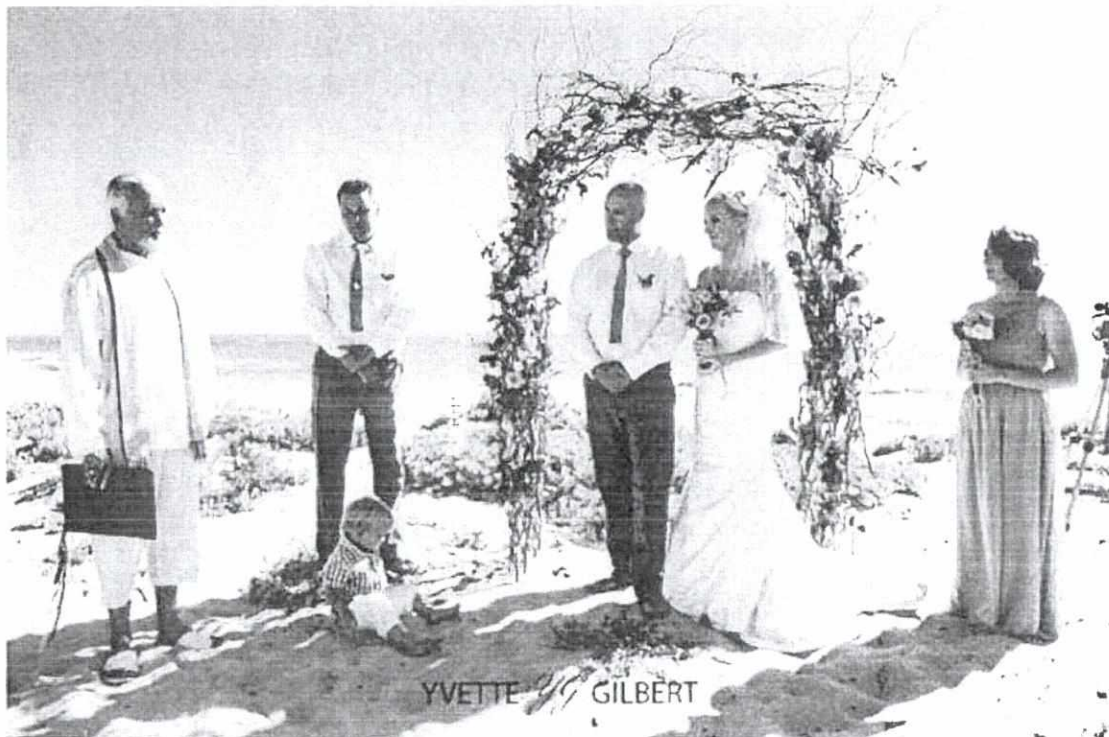
What can I say about Andrej's place? It's incredible! We booked for one weekend night whilst exploring the West Coast and we couldn't have asked for a better spot. Andrej and Aaron - onsite caretaker - were helpful from start to finish, ensuring we were comfortable and knew the lay of the land before giving us free roam of the place, although Aaron was only a stone's throw away when we needed something. Set right on the beach with unobstructed views of the ocean from almost every room in the house, we were completely blown away by the setting. Every bedroom is large and airy, and most have private en-suite bathrooms. There's a large swimming pool out back, which although we didn't use due to the time of year, would be perfect on a hot summer day. There are indoor and outdoor fireplaces and Andrej provided us with plenty of firewood to keep us warm into the evening. The cooking facilities, when combined with the braai, were more than adequate for a large group (we were 10 staying the night, and 12 for dinner). Whilst at first we didn't think we would use it, the cherry on top was the sauna and plunge pool which created the perfect wind down for our group at the end of the evening. If I had to make one suggestion it would be...

[Show more >](#)

Allister

**LINK TO LIGHTHOUSE WEDDING VENUE ADVERTISEMENT:**

<https://weddingsoutofafrica.com/product/the-lighthouse-wedding-ceremony/>



**The Lighthouse Wedding Ceremony**  
**From R63,000 ZAR**

The Lighthouse is located on the beautiful beach at Yzerfontein, a mere 1 ½ hours' drive from Cape Town. This is the perfect venue for an intimate wedding celebration to combine a beach ceremony with an elegant, private dinner. And of course offers fabulous accommodation at the same time! The 5 bedroom house sleeps 10 guests in total, and there is plenty of guest house accommodation in the area to sleep the over flow of guests.

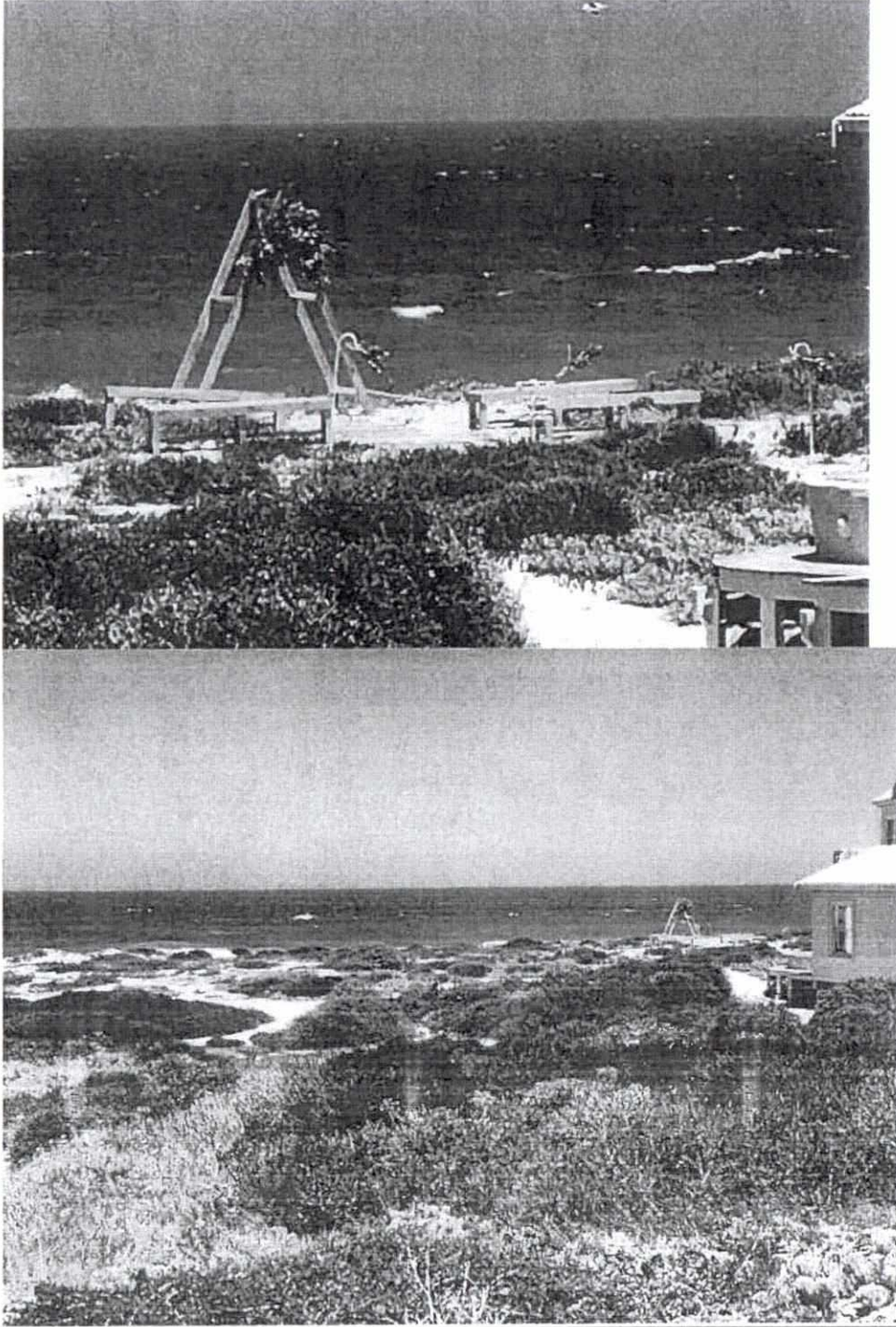
## **Details**

### **The Lighthouse Wedding Ceremony**

- Yzerfontein ~ Cape Town
- Wedding co – ordination services
- Minister, legal and administration fees with Marriage Certificate
- Gazebo or Floral Arch with floral decoration for ceremony on the beach
- Bridal Bouquet & Grooms Buttonhole & Petals for confetti
- 3 – 4 hours Professional Photographer
- 100 prints with CD of all images
- Single Tier Wedding Cake of couples' choice
- 1 night accommodation at The Lighthouse
- 5 double rooms Maximum of 10 guests
- Bottle of MCC bubbly



**PICTURES TAKEN BY OWNERS OF ERF 1182 OF WEDDING REMNANTS IN JANUARY 2021**



**LINKS TO VIDEOS OF WEDDINGS HELD AT LIGHTHOUSE YZERFONTEIN**

<https://www.facebook.com/1223197637/videos/10223502601652852/>

<https://www.fjs.co.za/genevieve-rachad-the-lighthouse-yzerfontein/>

<https://vimeo.com/71894861>

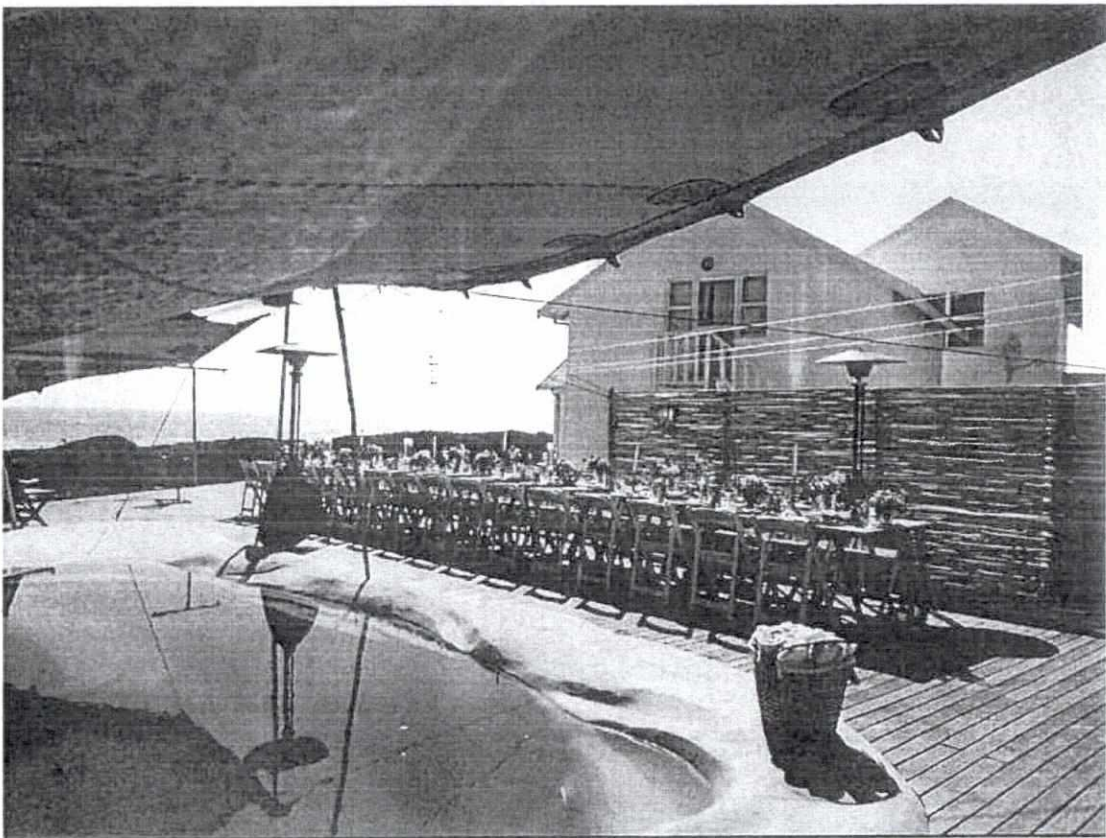
**LINK TO LIGHTHOUSE FACEBOOK PAGE:**

<https://www.facebook.com/pages/The%20Lighthouse/1230623060425301/>

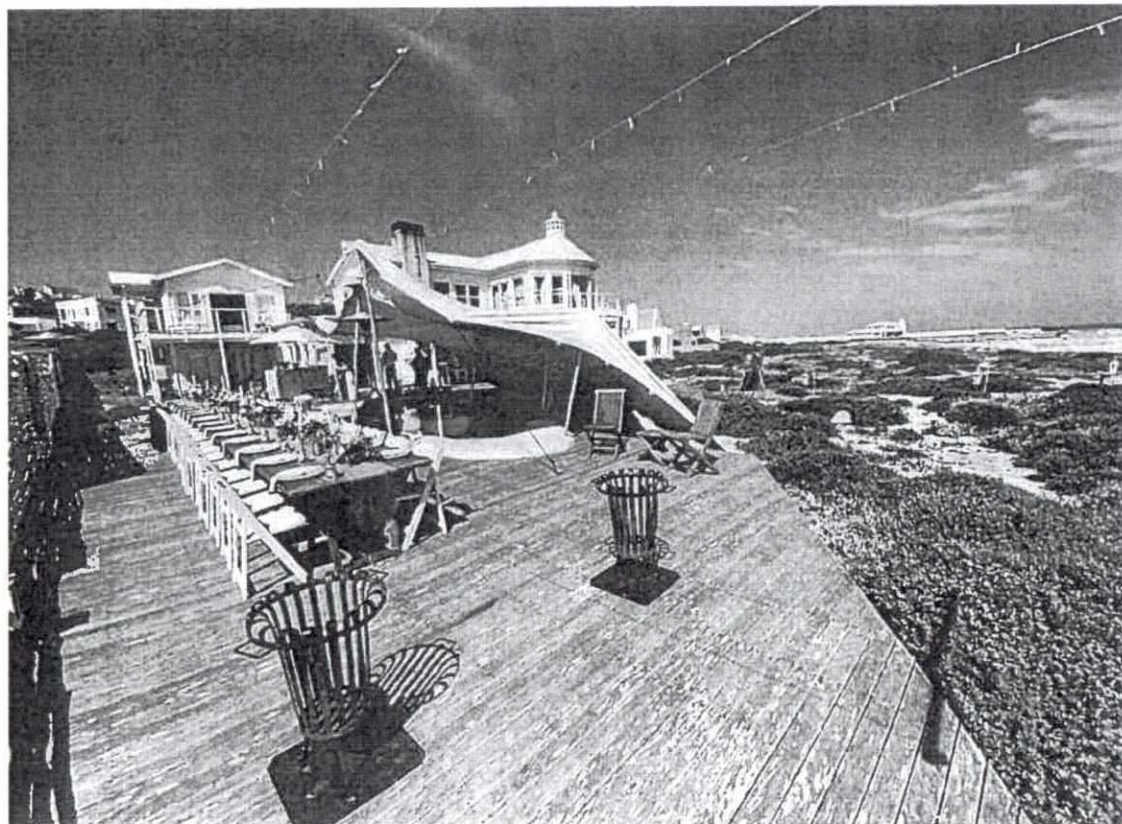
The screenshot displays the Facebook profile for 'The Lighthouse Beach'. The cover photo features a bride, groom, and flower girl. The profile picture is a circular logo with a lighthouse. The page includes a 'Learn More' button and a link to 'lighthouselocation.com'. The 'About' section lists the address: '122 Dassen Island Drive, Yzerfontein, South Africa'. The 'Photos' section shows a grid of wedding-related images. A video post from 'Nastie Grey' is visible, showing a wedding ceremony. The page also has a 'Page Transparency' section at the bottom.

**PICTURES OF WEDDINGS HELD AT LIGHTHOUSE**

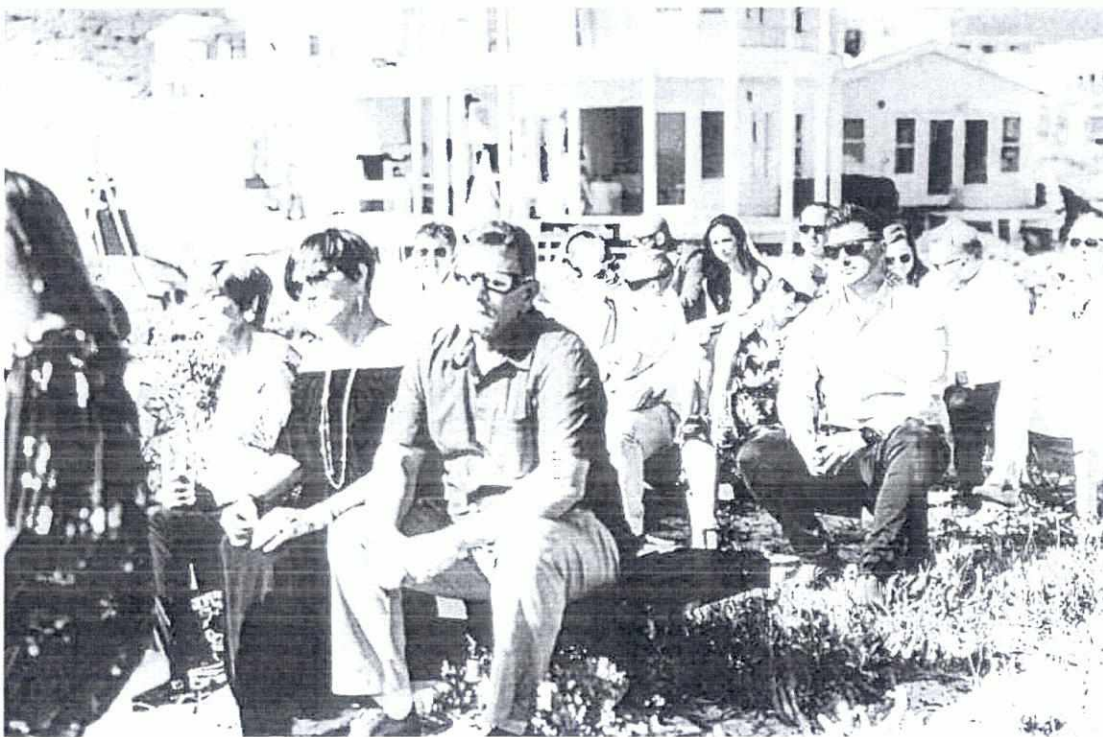




PICTURES OF WEDDINGS HELD AT LIGHTHOUSE





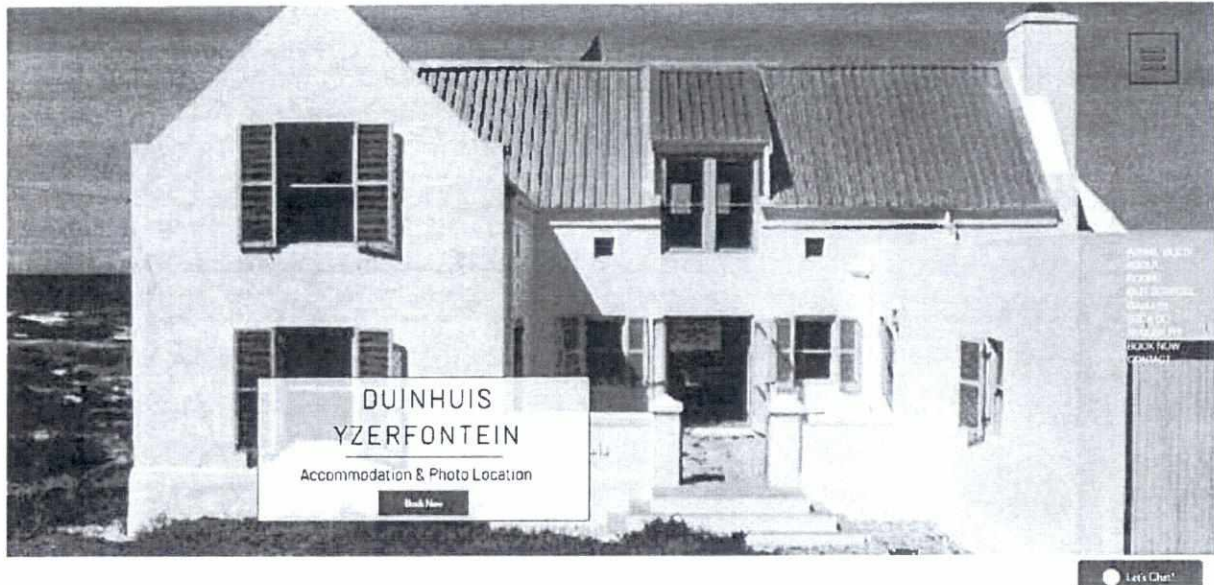






LINK TO DUINHUIS YZERFONTEIN WEBSITE: <https://www.duinhuis-zyerfontein.com/>





### WELCOME

The Duinhuis Yzerfontein offers 3 bedrooms (sleeping 6) - a beautiful beach house, perfectly located on the dune above the lovely Yzerfontein beach. It contains two lovely bedrooms on the ground floor, with the entire upper floor forming one large apartment style room with a large queen size bed (and on request, e.g. for family and kids two additional beds) with en suite bathroom. The beautiful terrace faces directly onto the sea, with the Dassen Island lighthouse on the horizon. Come and spend some lovely days with us.

Set in the pristine coastal fynbos dunes of the idyllic West Coast village of Yzerfontein, this is a beach house for nature lovers.

This beautiful, one of a kind beach retreat, with undisturbed and magnificent ocean views is balsam for the soul. . Kick up your feet, relax and absorb the exquisite scenery. Let the sound of the waves and seagulls wash away the stress of daily life.

### Accommodation Pricing Guidelines

3 Bedrooms, up to 6 people, from R5'000 (In Season) to 8'500 (December / January) and from R3'500 to R5'000 (Out of Season) per night. Out of season weekdays on special, from R3'000.

Minimum booking: 2 nights; in December / January 5 nights.

Check in: from 15:00; Check out: 10:00 am

From February until November: 20% discount for weekly bookings, 35% on monthly bookings.

Booking / Cancellation / Refund: To confirm a booking, min. 50% deposit is required. Full refund for cancellations made within 48 hours of booking, if the check-in date is at least 14 days away. 50% refund of full invoice amount for cancellations made at least 7 days before check-in. No refunds for cancellations made within 7 days of check-in.

### Specifications and Facilities

- 3 bedrooms & 3 bathrooms
- Main bedroom: king bed, shower and tub en suite in bathroom, sea view
- Second bedroom: two single beds, shower en suite in bathroom, sea view
- Third bedroom: two large beds, tub en suite in bathroom, sea view
- Additional futons and mattresses are available to keep families in the same unit
- Fully-equipped kitchen
- Braai
- Domestic service as upon request



- No pets
- No smoking
- Maximum occupancy 6 people

#### CONTACT US

Tel: +27-84-415 6938 (WhatsApp)

[lighthousecollection@icloud.com](mailto:lighthousecollection@icloud.com)

126 Dassen Island Drive, Yzerfontein, Western Cape, South Africa

connect **Connect Architects**  
Architectural Designer

Call Now

Home Services Reviews Photos More ▾

Like

Message

Search

More

Connect Architects  
June 28 at 5:45 PM · 🌐

We are very excited about the commencement of the construction phase of one of our latest projects in Yzerfontein.

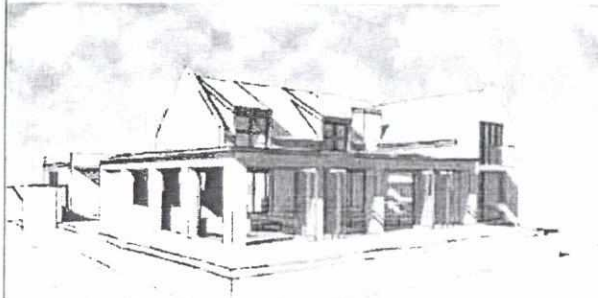
Duinhuys, as it is locally known, is a beach cottage with an absolutely stunning location, right on the dune in Dassen Island Drive, Yzerfontein.

The client's brief was to modernize the house and bring in more sunlight to make it more comfortable all year round.

It is also a very popular holiday rental property, so part of the brief was to maximize the sleeping and entertaining capacity.

Let us know what you think as we share more of this transformation over the next few days!

#connectarchitects #connectarchitecture #capepeninsula #capetownarchitecture  
#capetownhomes #capetownluxury #capetownluxuryhomes #capetownbest #dreamhomes  
#dreamhomesandlifestyle #dreamhomes2021  
#architecturelovers #architecturenow #modernarchitecture #modernarchitecturedesign  
#modernarchitecturephotography #capetownarchitecture #capetownbeachhomes #beachhouse  
#dreambeachhouse #CapeTownsfinest #capetownfinesthomes #luxurybeachhomes



7

1 Share

Like

Comment

Share

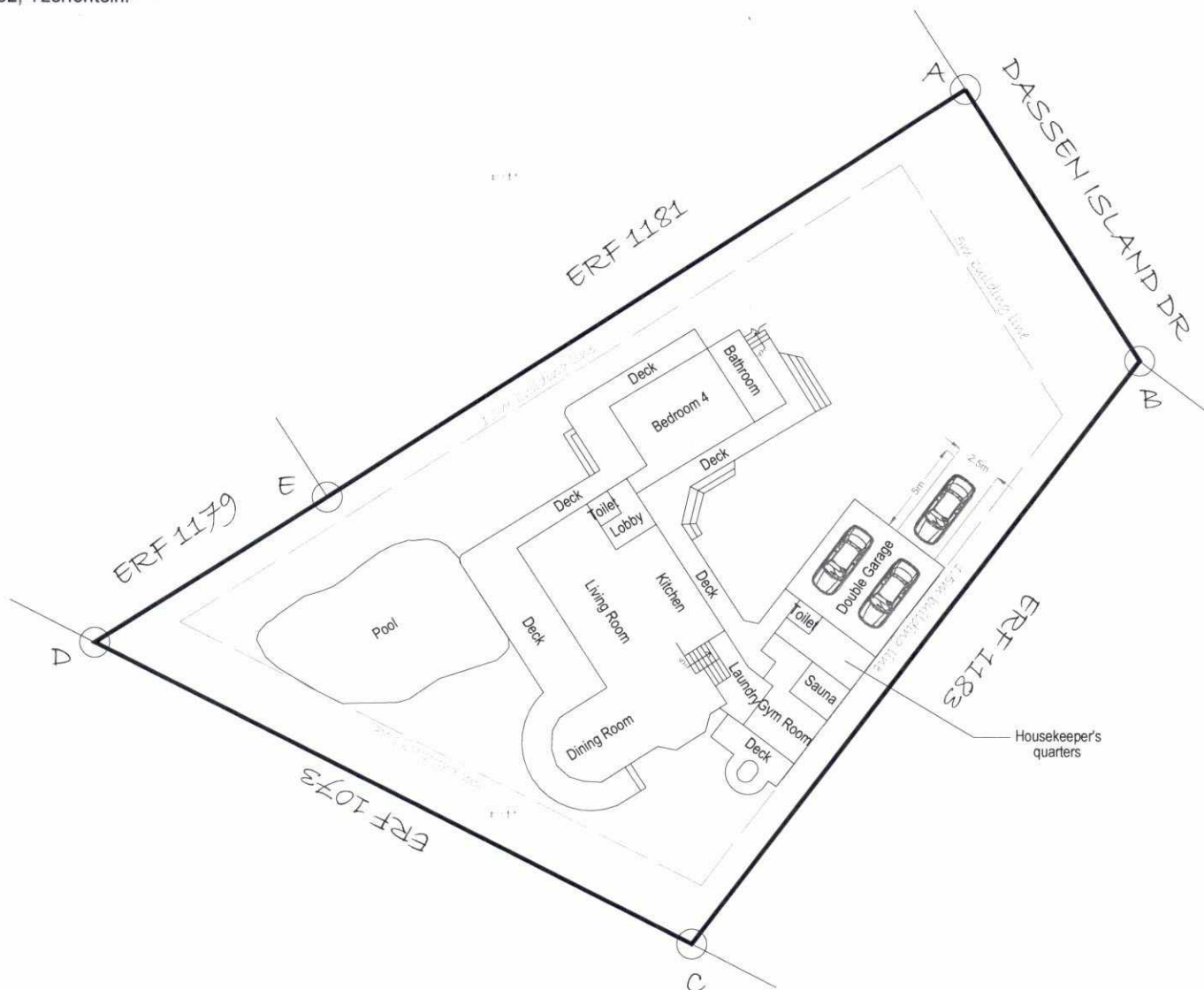
## **Annexure B**

---

### Site Development Plan

# APPLICATION IS DONE FOR THE:

Consent Use for a guest house on Erf 1182, Yzerfontein.



## KEY:

Subject property  
Building lines



## NOTES:

Figure ABCDE represents Erf 1182, Yzerfontein, with an extent of 1139m<sup>2</sup>.

## ZONING I.T.O. THE ZONING SCHEME:

Current: Residential Zone 1

Proposed: Residential Zone 1

## COVERAGE CALCULATIONS:

Property extent	1139m <sup>2</sup>
Main Dwelling	±329m <sup>2</sup>
Total Coverage (%)	±28.88%

## PARKING:

Total bays needed i.t.o. Zoning Scheme	3
Total bays provided on site	3

**TITLE:**  
SITE DEVELOPMENT PLAN, GROUND FLOOR  
ERF 1182, YZERFONTEIN

## PHYSICAL ADDRESS:

DASSEN ISLAND DRIVE, YZERFONTEIN, 7351

## NOTE:

ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING

## COMPILED BY:



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

## DATE:

APRIL 2021

## AUTHORITY:

SWARTLAND MUNICIPALITY

## REF:

YZE/11959/ZN/MV



Drawing done by Mandi Viljoen

Planner for CK Rumboll & Partners

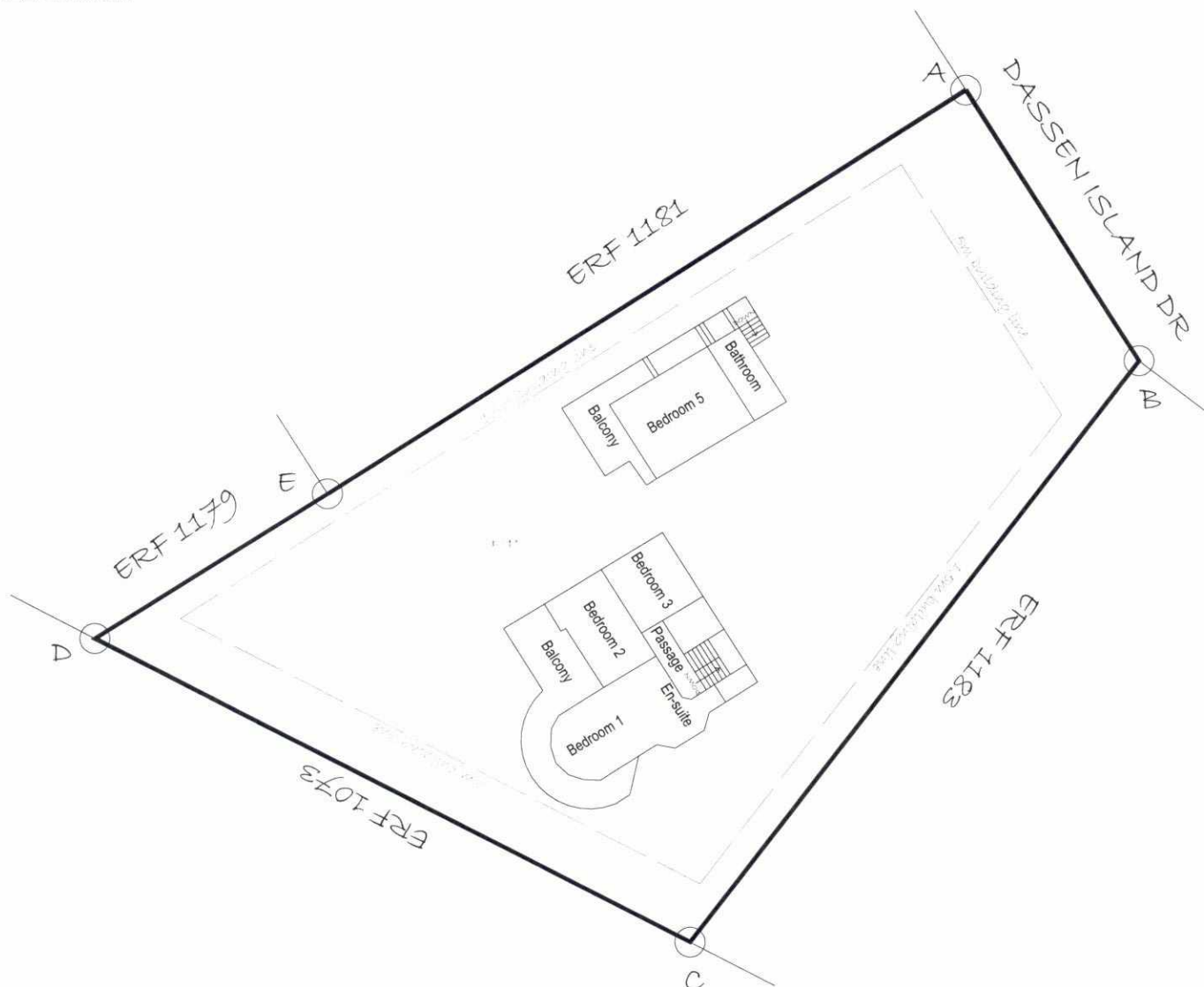
SCALE:

PAPER SIZE: A4



**APPLICATION IS DONE FOR THE:**

Consent Use for a guest house on Erf  
1182, Yzerfontein.

**SCALE:****PAPER SIZE: A4****KEY:**

Subject property

Building lines

**NOTES:**

Figure ABCDE represents Erf 1182, Yzerfontein,  
with an extent of 1139m<sup>2</sup>.

**ZONING I.T.O. THE ZONING SCHEME:**

Current: Residential Zone 1

Proposed: Residential Zone 1

**COVERAGE CALCULATIONS:**

Property extent	1139m <sup>2</sup>
Main Dwelling	±329m <sup>2</sup>
Total Coverage (%)	±28.88%

**PARKING:**

Total bays needed i.t.o. Zoning Scheme	3
Total bays provided on site	3

**TITLE:**  
SITE DEVELOPMENT PLAN, FIRST FLOOR  
ERF 1182, YZERFONTEIN

**PHYSICAL ADDRESS:**

DASSEN ISLAND DRIVE, YZERFONTEIN, 7351

**NOTE:**

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

**COMPILED BY:**

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

**DATE:**

APRIL 2021

**AUTHORITY:**

SWARTLAND MUNICIPALITY

**REF:**

YZE/11959/ZN/MV



Drawing done by Mandi Viljoen

Planner for CK Rumboll & Partners



## **Annexure C**

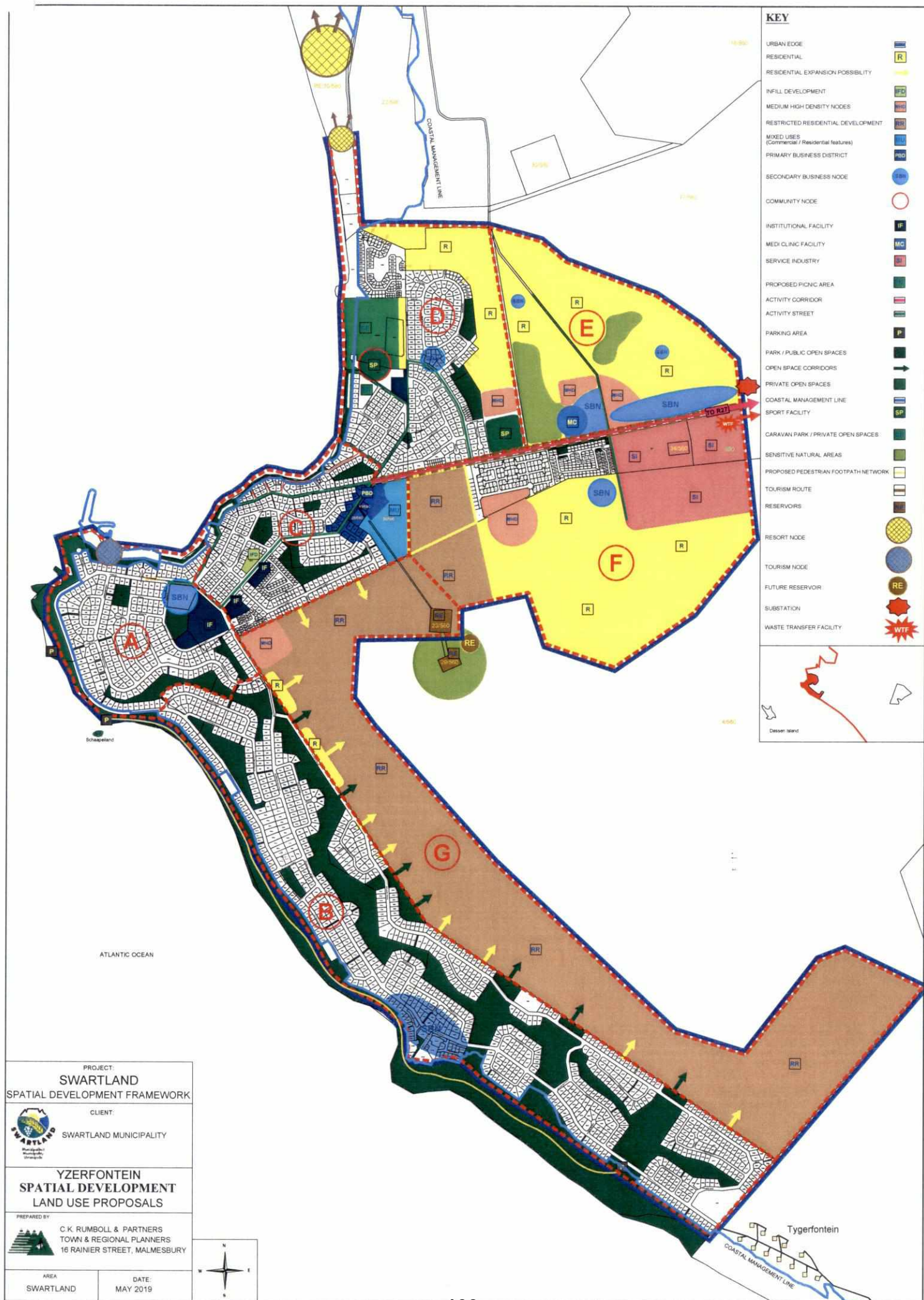
---

SDF Extract

## Yzerfontein SDF Extract

YZERFONTEIN LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	Secondary Educational Uses	Institutional Uses	Professional Services	Business Uses	Secondary Business Uses	Churches	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
<b>B</b>	Zone B, Pearl Bay area, consists mainly of low density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high density housing opportunities.	X	X	X 4	X		X 2	X 2	X	X	X	X	X	X 6	





PROJECT:  
**SWARTLAND  
SPATIAL DEVELOPMENT FRAMEWORK**

CLIENT:  
**SWARTLAND MUNICIPALITY**

**YZERFONTEIN  
SPATIAL DEVELOPMENT  
LAND USE PROPOSALS**

PREPARED BY:  
**C.K. RUMBOLL & PARTNERS  
TOWN & REGIONAL PLANNERS  
16 RAINIER STREET, MALMESBURY**

AREA:  
SWARTLAND

DATE:  
MAY 2019

## **Annexure D**

---

### Letter from the Registrar of Close Corporations



CK4



COMPANIES AND INTELLECTUAL  
PROPERTY REGISTRATION OFFICE

a member of the dti group

Date: 28/09/2009

Our Reference: 17564322

Box: 112040

Sequence: 1

WILSON RICH & ASSOCIATES  
Docex: DOCEX 15, RONDEBOSCH  
P O BOX 5344  
CAPE TOWN  
8000

**RE: Application to Convert a Company into a Close Corporation**

We have received a CK4 from you dated 18/09/2009.

The company 'DASSEN PROPERTIES' (reference number 2000 / 020928 / 07) was successfully converted into a close corporation.

The close corporation 'DASSEN PROPERTIES' was registered on our database on 28/09/2009. Your new reference number will be 2009 / 182655 / 23.

Yours truly

**Registrar of Close Corporations**

EMO EEB

**Please Note:**

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**Certificate of Incorporation**



COMPANIES AND INTELLECTUAL  
PROPERTY REGISTRATION OFFICE

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Registration Number 2009 / 182655 / 23  
 Converted from Company 2000 / 020928 / 07  
 Enterprise Name DASSEN PROPERTIES  
 Enterprise Shortened Name None provided.  
 Enterprise Translated Name None provided.  
 Registration Date 28/09/2009  
 Business Start Date 28/09/2009  
 Enterprise Type Close Corporation  
 Enterprise Status In Business  
 Financial Year End February  
 Tax Number Not available.  
 Number of Members 1  
 Aggregate Members' Contribution R 100.00  
 Description of Principal Business PROPERTY HOLDING  
 Postal Address P O BOX 78  
 CENTURY CITY  
 7446  
 Address of Registered Office UNIT E10 CENTURY SQUARE  
 HERON CRESCENT  
 CENTURY CITY  
 7446

**Accounting Officer**

Name BLOCH EISENSTEIN  
 Postal Address P O BOX 78  
 CENTURY CITY  
 7446  
 Profession The South African Institute of Chartered Accountants (SAICA)  
 Membership/Practice No 960861

**Active Members**

Surname and first names	ID number or date of birth	Contrib. (R)	Interest (%)	Appoint-ment date	Addresses
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30 August 2021

15/3/10-1/Erf 997

WYK: 7

**ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 8 SEPTEMBER 2021**

LAND USE PLANNING REPORT					
APPLICATION FOR A CONSENT USE ON ERF 997, ABBOTSDALE					
Reference number	15/3/10-1/Erf_997	Application submission date	18 May 2021	Date report finalised	30 August 2021

**PART A: APPLICATION DESCRIPTION**

An application for consent use for a house tavern on erf 997, Abbotsdale in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), has been received. It is proposed that the house tavern will operate from a portion ( $\pm 4\text{m}^2$  in extent) within the existing dwelling house. The house tavern will sell liquor for off-consumption purposes.

The applicant is CK Rumboll & Partners and the property owner is Rowena Marcoline Engelbrecht.

**PART B: PROPERTY DETAILS**

Property description (in accordance with Title Deed)	Erf 997 in Swartland Municipality, Division Malmesbury, Western Cape Province				
Physical address	28 Eikeboom Street		Town	Abbotsdale	
Current zoning	Residential zone 2	Extent ( $\text{m}^2/\text{ha}$ )	107 $\text{m}^2$	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)				
Current land use	Dwelling house		Title Deed number & date	T58956/2015	
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)		
Any third party conditions applicable?	Y	N	If Yes, specify		
Any unauthorised land use/building work	Y	N	If Yes, explain		

**PART C: LIST OF APPLICATIONS (TICK APPLICABLE)**

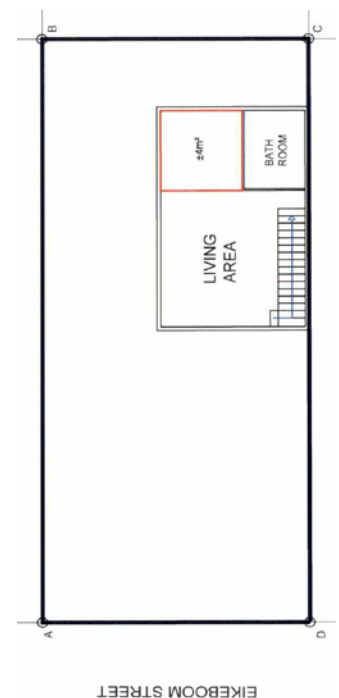
Rezoning		Permanent departure		Temporary departure		Subdivision	
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions	
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions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

**PART D: BACKGROUND**

Erf 997 is zoned Residential Zone 2 in terms of Schedule 2 of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020). The property is improved with a double storey dwelling house (semi-detached dwelling). The owner propose to use a portion of the ground floor ( $\pm 4\text{m}^2$  in extent) for the proposed house tavern.

The Swartland Municipality Land Use Planning By-Law defines a house tavern as: "a premises for the conducting of an enterprise from a dwelling or outbuilding, by the occupant of the dwelling concerned, for the sale of alcoholic beverages, and may include consumption of alcoholic beverages by customers on the land unit, provided that the dominant use of the dwelling concerned shall remain for the living accommodation of a single family". The intended use is accommodated as a consent Use under the Residential Zone 2 zoning.

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

**PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)**



Has pre-application consultation been undertaken?	Y	N	If yes, provide a brief summary of the outcomes below.
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<b>PART F: SUMMARY OF APPLICANTS MOTIVATION</b>			
<p><i>(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)</i></p> <p>The applicant motivates that the subject property is located in close proximity to the identified commercial node of Abbotsdale. The property borders to Eikeboom Street, which is an identified activity corridor. For that reason the applicant is of opinion that the location of Erf 997 is considered to be ideal given that the property is highly accessible to the residents located to the south and short distances needs to be travelled to reach the business.</p> <p>According to the applicant, the proposal will contribute to the enhancement of this node as well as support the establishment of mixed uses in this area.</p> <p>The applicant refers to the Swartland SDF, 2019 where the subject property is located in the land use proposal Zone B. According to the Swartland SDF, 2019 Zone B is known as the town's activity corridor where mostly commercial and other compatible functions are supported. Secondary business uses such as house shops, home occupations and house taverns are allowed within this zone.</p> <p>Taking into account the above, the proposal is considered consistent with the proposals of the Spatial Development framework.</p> <p>The applicant motivates that the proposed development supports the principles of Chapter VI (Section 59) of the Land Use Planning Act, Act 3 of 2014 as well as Chapter 2, Section 7 of the Spatial Planning and Land Use Management Act, Act 16 of 2013.</p> <p>The applicant continue to motivate that the proposal complies with the provisions in the By-Law relating to taverns and confirms that;</p> <ol style="list-style-type: none"> <li>1. Only a portion 4m<sup>2</sup> in extent of the existing dwelling will be utilised for the purpose of the house tavern as well as;</li> <li>2. Liquor will only be sold for off-consumption purposes</li> <li>3. The owner is not only the occupant of the dwelling but also the proprietor of the tavern.</li> </ol> <p>The applicant lists the following reasons why the application is deemed desirable and why the municipality should consider the application favourable.</p> <ol style="list-style-type: none"> <li>1. Access to the property from Eikeboom Street will be maintained.</li> <li>2. The existing dwelling is already connected to services. The proposal will not have a significant impact on existing municipal engineering services.</li> <li>3. The proposal is supported by the Swartland Spatial Development Framework, Amendment 2018/2019.</li> <li>4. The Consent Use promotes the optimal use of the existing building.</li> <li>5. It could be argued that the operation of a licensed house tavern will in turn reduce the number of unlicensed house taverns in the area.</li> <li>6. There are no physical restrictions present, which prohibits the development of the property for the intended use.</li> <li>7. The proposal promotes the optimal utilisation of existing services in the area.</li> <li>8. The dominant use of the existing dwelling will remain for residential purposes.</li> <li>9. The relevant title deed contains no restrictive conditions, which can prohibit the proposed house tavern.</li> <li>10. The location of the property, lends itself to be utilised for a more intensive use.</li> <li>11. The proposed Consent Use is consistent with the sustainable land use planning principles of LUPA and SPLUMA.</li> <li>12. All development parameters applicable to the proposed house tavern will be adhered to.</li> <li>13. The proposal is accommodated as a Consent Use under the current zoning of the property.</li> <li>14. Sufficient space is provided to reach the back of the property.</li> <li>15. The property will be optimally utilised considering the location of the property along an activity corridor.</li> <li>16. The proposal will complement the mixed-use character as envisaged for the area.</li> <li>17. The house tavern will not have any significant impact on external engineering services, nor will it negatively impact on environmental / heritage assets</li> </ol>			

<b>PART G: SUMMARY OF PUBLIC PARTICIPATION</b>			
Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-Law on Municipal Land Use Planning	Y	N	

With reference to Section 55(1) (f) of the By-law, the application will not materially affect the public interest or the interest of the broader community of Abbotsdale, therefore the application was not published in the newspapers or the Provincial Gazette. With reference to Section 56(2) of the By-Law, a total of 27 notices were sent by hand to the owners affected by the application as well as the South African Police Service. It should be noted that three (3) letters could not be delivered / the affected parties could not be located.

Total valid comments	3			Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures	58			
Community organisation(s) response	Y	N	Abbotsdale Neighbourhood Watch	Ward councillor response	Y	N	Please refer to the objections below
Total letters of support	None						

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

Name	Date received	Summary of comments	Recommendation	
Department Civil Engineering Services	14 June 2021	<p>Water</p> <p>The existing connection be used and that no additional connections be provided;</p> <p>Sewerage</p> <p>The existing connection be used and that no additional connections be provided;</p> <p>Streets and storm water</p> <p>Deliveries may only be done by delivery vehicles of with a gross vehicle mass of 16000kg;</p>	<b>Positive</b>	
Department Protection Services	13 July 2021	<p>Our department does not approve the proposed application for the following reasons:</p> <p>a. Parking is a problematic.</p> <p>b. Visitors to the premises will cause obstruction to other road users, which lead to frustration and numerous complaints.</p>		<b>Negative</b>
Department Development Services : Building Control	27 May 2021	Building plans to be submitted to building control for consideration and approval.	<b>Positive</b>	
South African Police Service, Office of the Station Manager.	27 August 2021	<p>It is noted that the comments received from the SAPD is also their comments on the application for the liquor licence. During telephonic correspondence with the DPO (Designated Police Official) is was confirmed that the comments are the same on the land use application.</p> <p>The SAPD refers to the applicant being Luvellynne Ashwill Koopman whom resides at 110 Winkel Street. They confirm that Mr Koopman intends to lease the property from Ms Engelbrecht and that both the tenant and the owner does not have a criminal record.</p> <p>The SAPD does confirm that crime is prevalent in the area and that the opening of a liquor premises will contribute even more to the crime resulting in more complaints and social problems in the area.</p>		<b>Negative</b>

		The SAPD concludes that, in their opinion the proposed premises is not suitable for a liquor premises.		
ESKOM	7 June 2021	<p>I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. The approval is valid for 12 months only, after which reapplication be made if the work has not been completed.</p> <p>Please refer to their comments attached as Annexure K.</p>	<b>Positive</b>	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
Councillor Valery McQuire: Ward Councillor for Ward 7	Councillor McQuire objects to the proposed application of Ms R Engelbrecht for the operation of tavern from the subject property.	On the objection from the Ward Councillor, the applicant refers to their comments on the petition as well as the neighbourhood watch's objection. Please see below.	<p>It can be argued that the proposed business cannot be held accountable for the claimed alcohol abuse in the community of Abbotsdale. The application being considered will not contribute to alcohol abuse and violence, but could rather be seen as an attempt by the owner to get the necessary land use rights as well as liquor license to operate a legal liquor outlet.</p> <p>It should further be noted that Abbotsdale currently does not have any valid liquor outlets. There is therefore a great need in the community for such a facility and that the community currently have to travel great distances in order to satisfy the need or alternatively support the illegal trade in alcohol.</p> <p>Thirdly, the fact that the applicant states that the owner of the proposed house tavern is also the owner of the property as well as that the owner also reside on the property, contributes to the desirability of this specific case.</p> <p>The objection from the Ward councillor is noted. The question here is whether the proposed position of the house tavern in a street that is predominantly residential in nature, will have an adverse impact on the character of the street or negatively impact on the health and safety of the residents in Eikeboom Street.</p>
	Seen in the light of gender-based violence, assaults, woman and child abuse, hunger, unemployment and the negative impact of such places of leisure on our youth, she does not see any benefit in a tavern in an already impoverished community.		
	Municipal By-Laws are being contravened concerning load music starting early Friday until late Sunday night. The only assistance they as community get from the municipal law enforcement team is that they come and ask for the volume of the music to be lowered, and when they leave, the load music starts again but together with threats of assault towards the person who complained which, in many cases, is the Ward Councillor.		
	Seniors and the sick as well as people working night shift are being disturbed and robbed of their sleep.		
	Students lose valuable study time due to the weekend's load music, cursing and just overall anti-social behaviour		
	The Councillor continue, stating that they do not get any support from the SAPS and are fighting a losing battle with regards to the social decay of the community.		
	The Councillor wishes the Municipal Planning Tribunal views this objection through her eyes who experience these type of nuisances / complaints every weekend.		



<p>A petition signed by 58 signatories</p>	<p>The signatories of the petition wish to clearly indicate that they do not support the proposed tavern on Erf 997, Abbotsdale.</p> <p>They provide the following reasons:</p> <ol style="list-style-type: none"> <li>1. Most residents around said property are seniors and they already have a problem with every weekend from early Friday afternoon to late Sunday evenings with loud music.</li> <li>2. Swartland Municipal law enforcement officers and the SAPS do not assist at all if they are called for help with the noise, violence and swearing.</li> <li>3. The unemployment rate is already very high and those that do work have to struggle to make a living, but still support the shebeens and taverns.</li> <li>4. Some of us work night shifts and our rest is disturbed by the anti-social behaviour.</li> <li>5. The ward councillor have been verbally assaulted and threatened that she will be stabbed with a knife when she pointed out the by-laws of the municipality and asked those involved to have respect for others.</li> <li>6. Sick people do not get rest and cannot recover properly even if they use medication.</li> <li>7. Our youth is only declining more and more because the common question when they are admonished about their presence at the shebeens.</li> <li>8. The community is already impoverished and the social decay is becoming clearer by the day thus their plea is that this application should not be approved.</li> </ol>	<p>The applicant states that the concerns of the residents regarding disturbances will be adequately mitigated by the effective management of the proposed house tavern.</p> <p>This includes compliance with the trading hours as set out in the Swartland Municipality's By-Law relating to the sale of alcohol. The willingness of the landowner / operator to obtain the necessary approvals in terms of the relevant legislation must serve as proof that the landowner is committed to running the business well.</p> <p>Furthermore, the owner / operator also confirmed that one person would be employed to assist with activities of the proposed home tavern.</p>	<p>The number of signatories on the petition is noted.</p> <p>Application is made for an off-consumption facility therefore no load music will be generated on the property relating to the facility. The proposal will therefore not have an impact on whether music will be played or not.</p> <p>The comment regarding law enforcement as well as the support from SAPS is noted. It is also important to note that Abbotsdale does not have its own police station.</p> <p>As mentioned above, whether the application is approved or not the need from the community to purchase alcohol will persist. An opportunity is presented by the proposed application to create the first legal liquor outlet in Abbotsdale. The sale of alcohol from the subject property, within an area that is predominantly residential in nature does pose a degree of risk to the residents in Eikeboom and Wilgerboom Streets.</p> <p>The community is clearly concerned that the social impact of the activities in the neighbourhood as well as the potential impact posed by the consent use will have an adverse effect the wellbeing of the community.</p>
<p>Mr Roderick Onverwacht on behalf of the Abbotsdale Neighbourhood Watch</p>	<p>In their letter, the Abbotsdale Neighbourhood Watch states that they are an integral part of the community and was created to be the eyes and ears of the police. Their goal is to create an atmosphere within the community that is free from fear, as well as to maintain the quality of life of this area for the benefit of all residents.</p>	<p>On the objection received from the Abbotsdale Neighbourhood watch the applicant emphasize that the purpose of this land use application is to obtain the necessary land use rights to operate a business with the sole purpose of selling alcoholic beverages for off- consumption purposes. The proposed business therefore does not include an on-consumption facility.</p>	<p>The main basis for the objection from the Abbotsdale Neighbourhood Watch is alcohol abuse and the consequent anti-social behaviour that goes with it.</p> <p>The application under consideration is an attempt by the owner of the property to obtain the necessary land use rights in order to run a legal liquor outlet.</p>

	<p>Their vision is to create a safe community in Abbotsdale on a continuous basis.</p> <p>The Abbotsdale Neighbourhood Watch is of view that the necessary steps be taken to ensure that the proposed facility does not open its doors. This is based on the following:</p> <p>From their experience alcohol abuse is seen as the most contributing factor in the community resulting in murder, attempted murder, assaults, gender-based violence and rape cases.</p> <p>It is stated that many of these violent crimes actually take place outside in the streets of the illegal taverns, smuggling houses and shebeens who are definitely putting pressure on the Neighbourhood Watch.</p> <p>Alcohol abuse also affects the lives of the community on a daily basis with the economy, crime rates as well as marriages and plunging the community further into poverty.</p> <p>The neighbourhood watch does state that they do not view alcohol as completely unacceptable but they cannot continue to witness the devastation of the future of their children.</p>	<p>The applicant agrees that there is a possibility that the safety and well-being of the surrounding residents may be threatened by the proposed business due to the negative impacts associated with the sale of alcoholic beverages.</p> <p>However, they are of opinion that this application cannot be rejected based on an existing social problem as the residents will still be visiting un-authorised facilities as also pointed out by the objector. In addition to the latter, the granting of land use rights to the proposed house tavern will not exacerbate this social problem.</p> <p>The fact that the landowner gets the necessary statutory approvals in place must therefore be viewed in a positive light and also serve as proof that the owner / operator is committed to managing the proposed house tavern effectively.</p>	<p>The proposed off-consumption facility will not contribute to alcohol abuse, it however ensures that the community of Abbotsdale will have a legal liquor outlet and they can then stop supporting the illegal shebeens.</p> <p>The fact that people will continue to purchase alcohol, whether the application is approved or not, should be noted.</p>
Department: Protection services	<p>The Department: Protection services does not support the proposed application for the following reasons:</p> <ol style="list-style-type: none"> <li>Parking is a problematic.</li> <li>Visitors to the premises will cause obstruction to other road users, which lead to frustration and numerous complaints.</li> </ol>	<p>The comment was not sent to the applicant.</p>	<p>The assumption that most of the clientele to the facility will frequent the property by foot is acknowledged. However, it is agreed that the provision of adequate parking on the property for the dwelling as well as the business is problematic. The property has a street front of only 6,66m. This is technically sufficient to provide parking for at least 2 parking bays, however, as viewed from the photos there is an ESKOM supporting structure restricting access to the property.</p> <p>Should the application be approved, this will be the only legal liquor outlet in Abbotsdale, therefore it could be argued that a larger number of vehicles will frequent the premises than originally assumed. There is thus merit in the statement that the facility may have an adverse effect on the safety of road users as well as frustration from</p>

			<p>neighbouring property owners as visitors as well as deliveries will be made directly from the road.</p> <p>The proposal is for an off-consumption premise (Takeaway's), therefore it could be argued that the time clients will spend at the facility will be limited. However, the sheer lack of space negatively affects the adequate provision of on-site parking.</p>
South African Police Service	<p>The SAPD refers to the applicant being Luvellynne Ashwill Koopman whom resides at 110 Winkel Street. They confirm that Mr Koopman intends to lease the property from Ms Engelbrecht and that both the tenant and the owner does not have a criminal record.</p> <p>The SAPD does confirm that crime is prevalent in the area and that the opening of a liquor premises will contribute even more to the crime resulting in more complaints and social problems in the area.</p> <p>The SAPD concludes that, in their opinion the proposed premises is not suitable for a liquor premises.</p>	The comment was not sent to the applicant.	<p>Although not clear in the motivation report submitted with the land use application, the information contained in the request for comments on the liquor license, clearly indicates that Mr Koopman and Ms Engelbrecht is life partners / in a relationship. It also indicates that they will appoint an assistant. Given the fact that Mr Koopman's address differs from the subject property, it is not certain whether they will reside on the property or whether the assistant will reside on the property.</p> <p>The creation of a legal liquor outlet cannot be seen as a facility that will contribute to crime in the area. The proposed facility can also not be held accountable for the existing anti-social behaviour experienced in the area. The Ward councillor makes note of at least 6 illegal shebeens in the area that rather requires the SAPD's urgent attention.</p> <p>No specific reasons are provided why the proposed premises is deemed not suitable for the sale of liquor for off-consumption purposes.</p>

## PART J: MUNICIPAL PLANNING EVALUATION

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

The application was submitted in terms of the By-Law on 18<sup>th</sup> of May 2021. The public participation process commenced on the 27<sup>th</sup> of May 2021 and ended on the 28<sup>th</sup> of June 2021 (affected parties and internal departments). The objections received were referred to the applicant for comments on 30<sup>th</sup> of June 2021. The municipality received the comments on the objections on the 30<sup>th</sup> of July 2021.

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

### 2. Legislation and policy frameworks

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

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

- a) Spatial Justice: The SDF, 2019 indicates that the subject property is situated in zone B. Zone B is part of the town's activity corridor where mostly commercial and other compatible functions are supported to enhance the node. On more than one occasion, it is stated in the SDF that house taverns, in residential areas, should only be accommodated along identified activity streets and corridors. It is confirmed that Eikeboom Street is an identified activity corridor and therefore the application is consistent with the Spatial Development Framework. Secondly, an opportunity is presented by the proposed application to create the first legal liquor outlet in Abbotsdale. The application therefore complies with the principle of spatial justice.
- b) Spatial Sustainability: Existing services are sufficient to accommodate the proposed house tavern. The mixed use may result in the optimal use of space and services. The question here is whether the proposed position of the house tavern in a street that is predominantly residential in nature, will have an adverse impact on the character of the street or on the health and safety of the residents in Eikeboom Street.
- c) Efficiency: Surrounding land uses mainly includes single residential properties. The proposed land use change may be seen as a contribution to mixed land uses along an identified activity corridor. The assumption that most of the clientele to the facility will frequent the property by foot, is acknowledged, however should the application be approved, this will be the only legal liquor outlet in Abbotsdale. Therefore, it could be argued that a larger number of vehicles will frequent the premises than originally anticipated. There is thus merit in the statement that the facility may have an adverse effect on the safety of road users as well as frustration from neighbouring property owners as visitors as well as deliveries will be made directly from the road. The property also only has a street front of 6.66m, which technically can accommodate two parking bays, however, as viewed from the photos there is an ESKOM supporting structure that restricts access to the property. The sheer lack of space negatively affects the adequate provision of on-site parking. The lack of space and possible negative impact on the street as well as the safety of road users, vehicular as well as pedestrian, result in this application not contributing to the principle of efficiency.
- d) Good Administration: Public participation was done by Swartland Municipality in terms of the provisions of the By-Law. Those affected by the application were sent notices that was delivered by hand. The comments from the relevant municipal departments were also obtained. Consideration is given to all correspondence received and the application is dealt with in a timeously manner. It can therefore be argued that the Municipality comply with the principles of good administration.
- e) Spatial Resilience: The house tavern, as local business, supports the local economy and promotes entrepreneurship. Abbotsdale does not have a formal liquor outlet / facility and therefore there is a definite need as such in the community. The applicant identified the need and wishes to get the necessary authorisations. Like house shops, house taverns play an important role in communities as it is situated within walking distance for customers, which normally need to travel to visit liquor outlets in business areas. In the case of Abbotsdale people need to travel to Malmesbury for that purpose. Therefore, the application complies with the principle of spatial resilience. Should the house tavern not be successful, the portion of the existing dwelling can easily be converted back as part of the primary use.



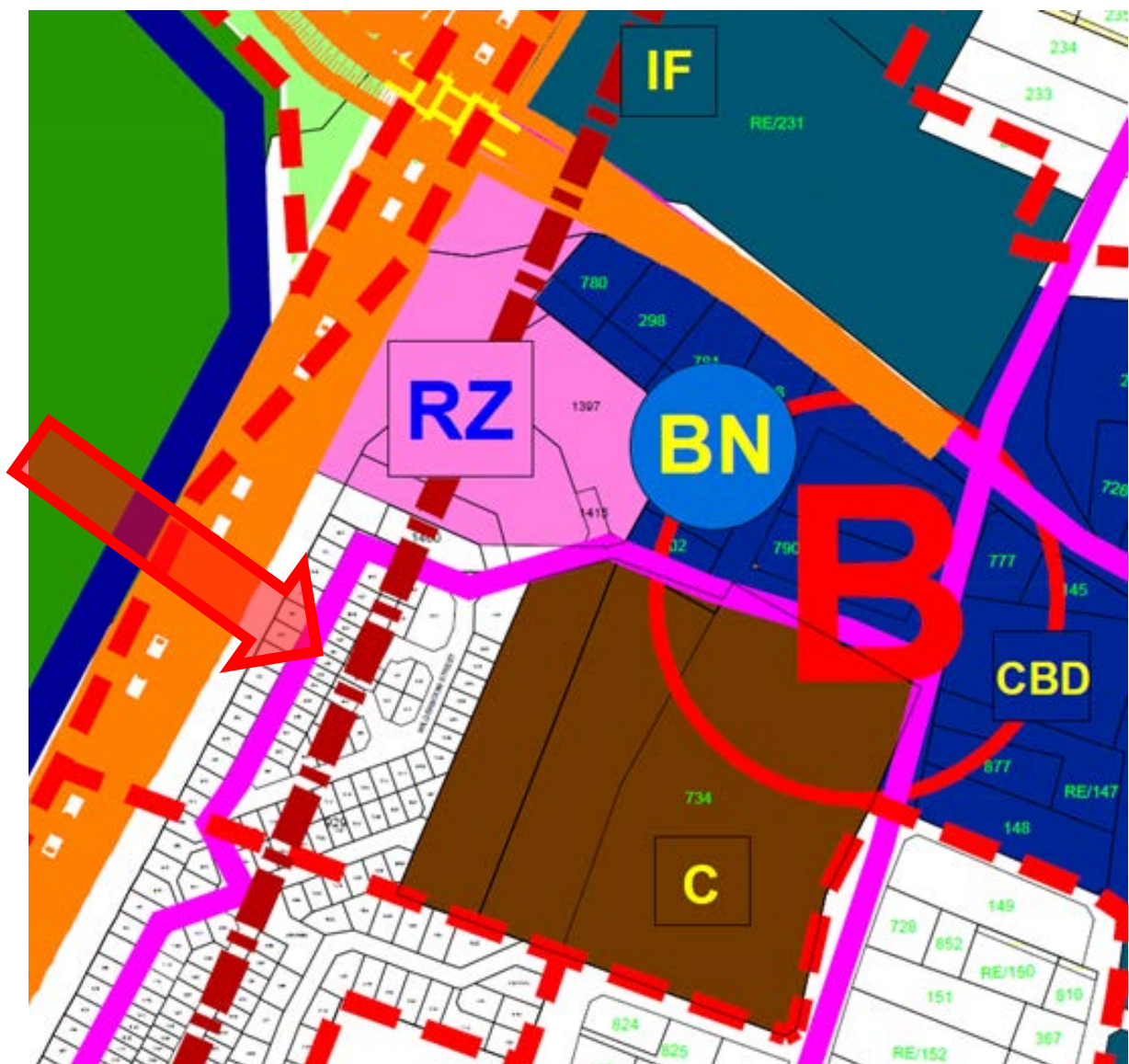
## 2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF)

The SDF indicates that Erf 997, Abbotsdale to be situated in land use proposal Zone B. Form the table as well as the extract from the land use proposal map below, the application is clearly consistent with the proposals of the SDF, 2019.

### LAND USE ZONE PROPOSALS FOR ABBOTSDALE

Refer to the land use zone map for Abbotsdale: The urban area of Abbotsdale is divided into thirteen (13) zones (areas with common features) and the recommended land uses for the different zones are listed in the table below:

ABBOTSDALE LAND USE ZONES		Low Density Residential Uses	Medium Density Residential	High Density Residential Uses	Secondary Educational Uses	Institutional Uses	Professional Services	Business Uses	Secondary Business Uses	Churches	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
A	Zone A is a mixed use precinct around the N7 interchange and new access route to Abbotsdale.	X	X	X 4	X	X	X	X	X	X	X	X	X	X	X 11
B	Zone B is part of the town's activity corridor where mostly commercial and other compatible functions are supported to enhance the node. Zone B includes a restructuring zone for the provision of social housing.		X	X 4	X	X	X	X	X	X	X	X	X 1	X	
C	Zone C has a low density residential														



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

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

The proposed consent use complies with all applicable zoning parameters although as mentioned above the provision of adequate on-site parking is deemed questionable.

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

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

Surrounding land uses are mostly single residential with existing business, institutional and higher density residential opportunities still being vacant and in Municipal ownership.

Erf 997 has no heritage grading.

The development proposal complies with the zoning parameters of the Residential Zone 2 zoning as well as the regulations applicable to house taverns.

It is clear from the public participation process that the Ward Councillor, the Neighbourhood Watch, a number of residents in the area as well as the SAPD is of opinion that the application should not be approved. It is therefore important to determine whether the proposed land use is in the public interest as well as the impact on the safety, health and wellbeing of the community in Abbotsdale as well as those directly affected by the proposed activity.

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

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

From the above information, the proposed consent use is promoted in terms of the development principles and norms and standards of the planning legislation and policy. The provision of adequate on-site parking is questionable as well as the sheer lack of space on the property will result in the facility having an adverse impact on the street as well as the safety of road users. It could therefore be argued that, although consistent with the SDF the proposal, if approved, will have a negative impact on the character of the area that is residential in nature.

#### **The degree of risk or potential risk**

The operation of a house tavern selling liquor for off-consumption purposes do pose a degree of risk for the community in the form of social problems associated with alcohol abuse. However, the business of operating a house tavern cannot be held accountable for the social problems. It is also acknowledged that the application is an attempt from the owner of erf 997 to obtain land use approval for a house tavern to put them in a position to obtain a liquor license to be able to sell liquor legally.

The sheer lack of space negatively affects the adequate provision of on-site parking. The possible negative impact on the street as well as the safety of road users, vehicular as well as pedestrian, result in this application having a risk of adversely affecting the safety and wellbeing of the residents in Eikeboom and Wilgerboom Streets. The negative impact on the character of the area also pose a degree of risk.

It is acknowledged that, if approved, the owners of erf 997 will be in a position to obtain a liquor license. If a liquor license be obtained, the house tavern will need to operate according to the conditions of approval of the land use approval, conditions of the liquor license as well as comply with the trading days and hours of Swartland Municipality's By-law relating to control of undertakings that sell liquor to the public.

There is a fine balance between accommodating a business in a residential area, thereby enhancing the shopping experience of residents, bringing business and opportunities closer to the community and the impact that such a business will have on the properties and community directly affected by the business. In this case, the potential risk of the facility having a negative impact is deemed high.

#### **Impact on existing and surrounding land uses**

The surrounding area to erf 997 is mainly residential in nature. Opportunities does exist to accommodate formal business however, these properties are still in the ownership of the Municipality.

As raised by the objectors, the social impact of existing activities in the neighbourhood as well as the potential impact posed by the consent use will have an adverse impact on the wellbeing of the community. The community's wellbeing is being impacted on by the abuse of alcohol, which results in violence, violent crimes and violence against woman and children, the safe movement of children in the neighbourhood and the exposure of the youth to alcohol.

The business of operating a house tavern cannot held accountable for these social problems. As mentioned above, it needs to be considered whether the proposed position of the house tavern in a street that is predominantly residential in nature, will have an adverse impact on the character of the street or negatively impact the health and safety of the residents in Eikeboom Street.

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

As mentioned above there is a definite need for a legal liquor outlet in Abbotsdale which will definitely be in the interest of the community as the community currently need to travel to Malmesbury or support the illegal trade in alcohol to fulfil this need. Although supported by the proposals of the SDF, 2019 it could be argued that the negative impact the safety and wellbeing of the residents in Eikeboom Street as well as the character of the street / area, outweighs the possible positive impact. In this specific case, it could be argued that the proposal is prejudicial to the interest of those directly affected.

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

The property is a very small residential property, 107m<sup>2</sup> in extent, which is improved with a dwelling. The proposed house tavern will be accommodated in a small portion of the house. Short and long-term benefits for the owners of erf 997 include a sustained income generated from the operation of the house tavern. Short and long term benefits for the community includes an enhanced shopping experience with no long distances that needs to be travelled to visit a shop that sells liquor.

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

#### **The information regarding public interest such as:**

In this case, in an area and street that is predominantly residential in nature, it is argued that the proposed house tavern will increase the risk and safety of the community. It will therefore not compliment the character of the area and although it is envisioned that the business will promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood, the negative impact outweighs the positive resulting in the proposal not to be in the interest of those directly affected by the application.

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

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

#### **5. Response by applicant**

Refer to Annexure I.

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

See the comments of internal departments at Part I.

### **PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

The financial or other value of the rights  
N/A

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

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

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

**PART L: RECOMMENDATION WITH CONDITIONS**

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

**1. General**

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

**PART M: REASONS FOR RECOMMENDATION**

1. The sheer lack of space as well as the position of existing ESKOM services supporting structure restricts the provision of adequate on-site parking and loading bays for the proposed land use.
2. The operation of a house tavern will increase the risk and safety those directly affected.
3. The proposed consent use will have a negative impact on the surrounding residential land uses.
4. The proposed consent use will be prejudicial to the interest of the surrounding community.
5. The benefit of operating the house tavern for the owner of erf 997 will not be in the short or long term in the interest of the community.



**PART N: ANNEXURES**

Annexure A	Locality plan
Annexure B	Site plan
Annexure C	Extract from the zoning map of Abbotsdale
Annexure D	Plan indicating the public participation process
Annexure E	Objection from Ward Councillor Vallery McQuire
Annexure F	Petition from various residents in the area
Annexure G	Objection from the Abbotsdale Neighbourhood Watch
Annexure H	Comments from the SAPD
Annexure I	Applicant's comment on the objections
Annexure J	Photos

**PART O: APPLICANT DETAILS**

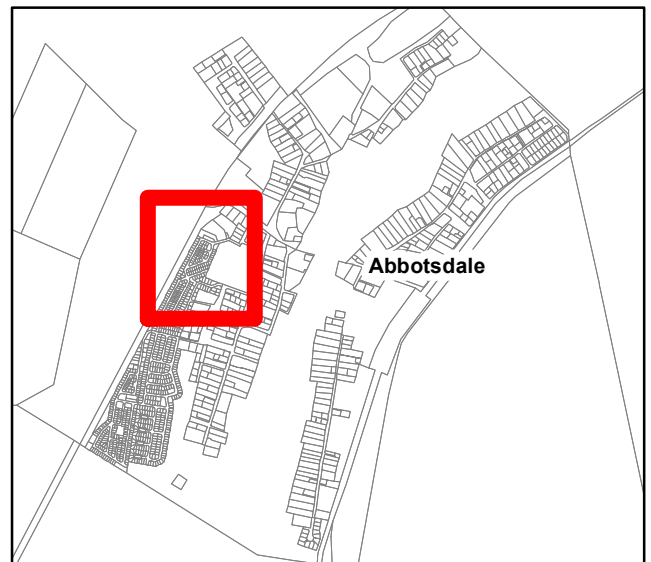
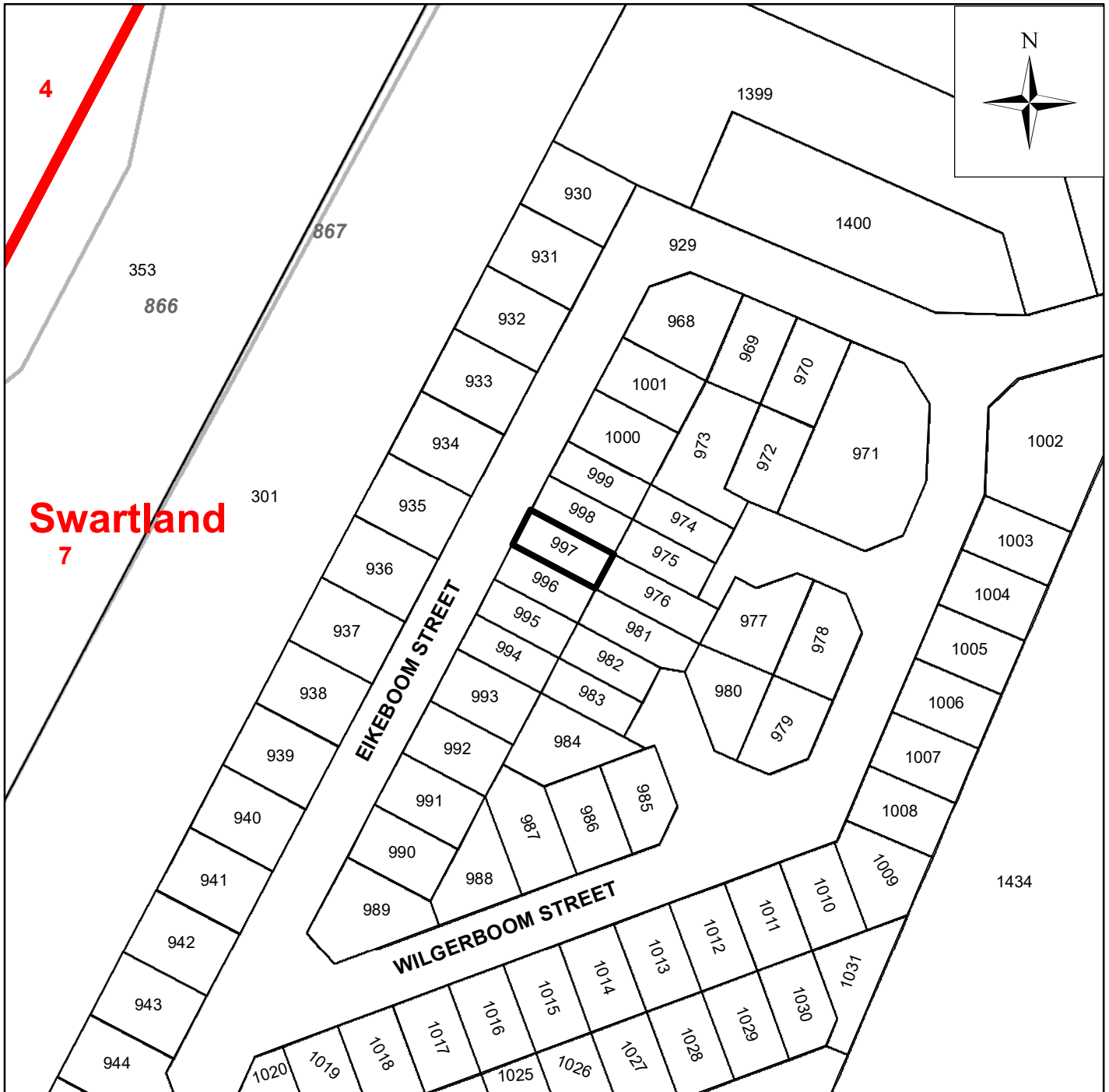
Name	CK Rumboll & Partners			
Registered owner(s)	Rowena Marcoline Engelbrecht	Is the applicant authorised to submit the application:	Yes	N

**PART P: SIGNATURES**

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		Date: 30 August 2021		
Recommendation: Alwyn Zaayman Senior Manager Built Environment SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 31 August 2021		

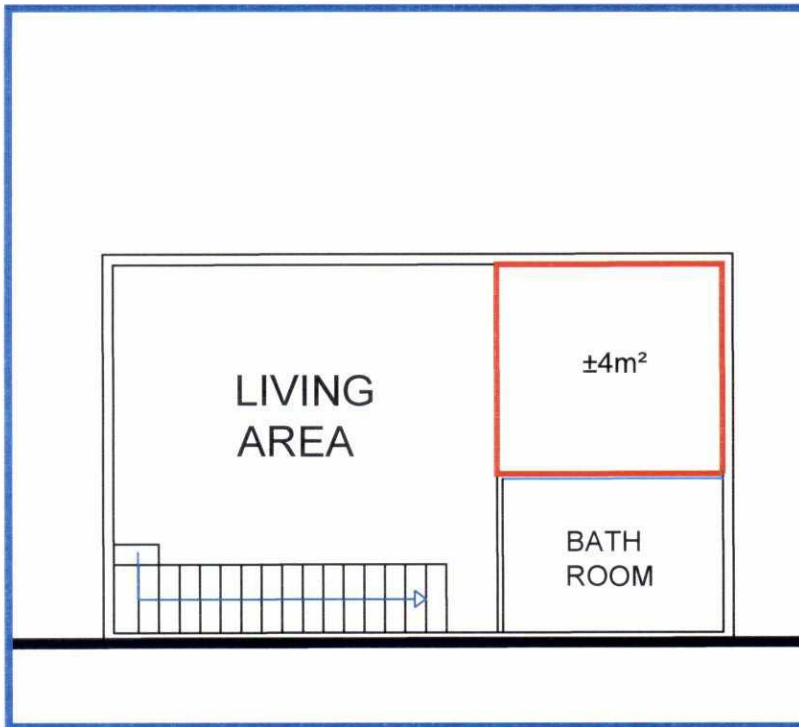


## LOCATION PLAN OF ERF 997, ABBOTSDALE



SCALE 1 : 1000 (A4)

# ANNEXURE B



Erf 999

Erf 998

EIKEBOOM STREET

A

B

D

C



Erf 996

TITLE:

SITE DEVELOPMENT PLAN

NOTES:

Figure ABCDE represents Erf 997 Abbotsdale

Erf size = 107m<sup>2</sup>

Current zoning	Residential Zone 2
Current land use	Dwelling house



Proposed house tavern  
GROUND FLOOR



DESCRIPTION OF APPLICATION:  
CONSENT USE ON ERF 997 ABBOTSDALE  
TO OPERATE A HOUSE TAVERN

Physical address:

28 Eikeboom Street

All areas and distances subject to final survey

COMPILED BY:



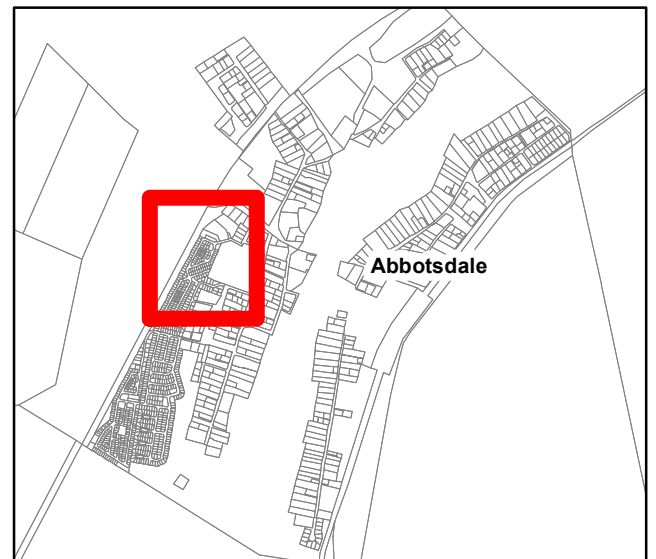
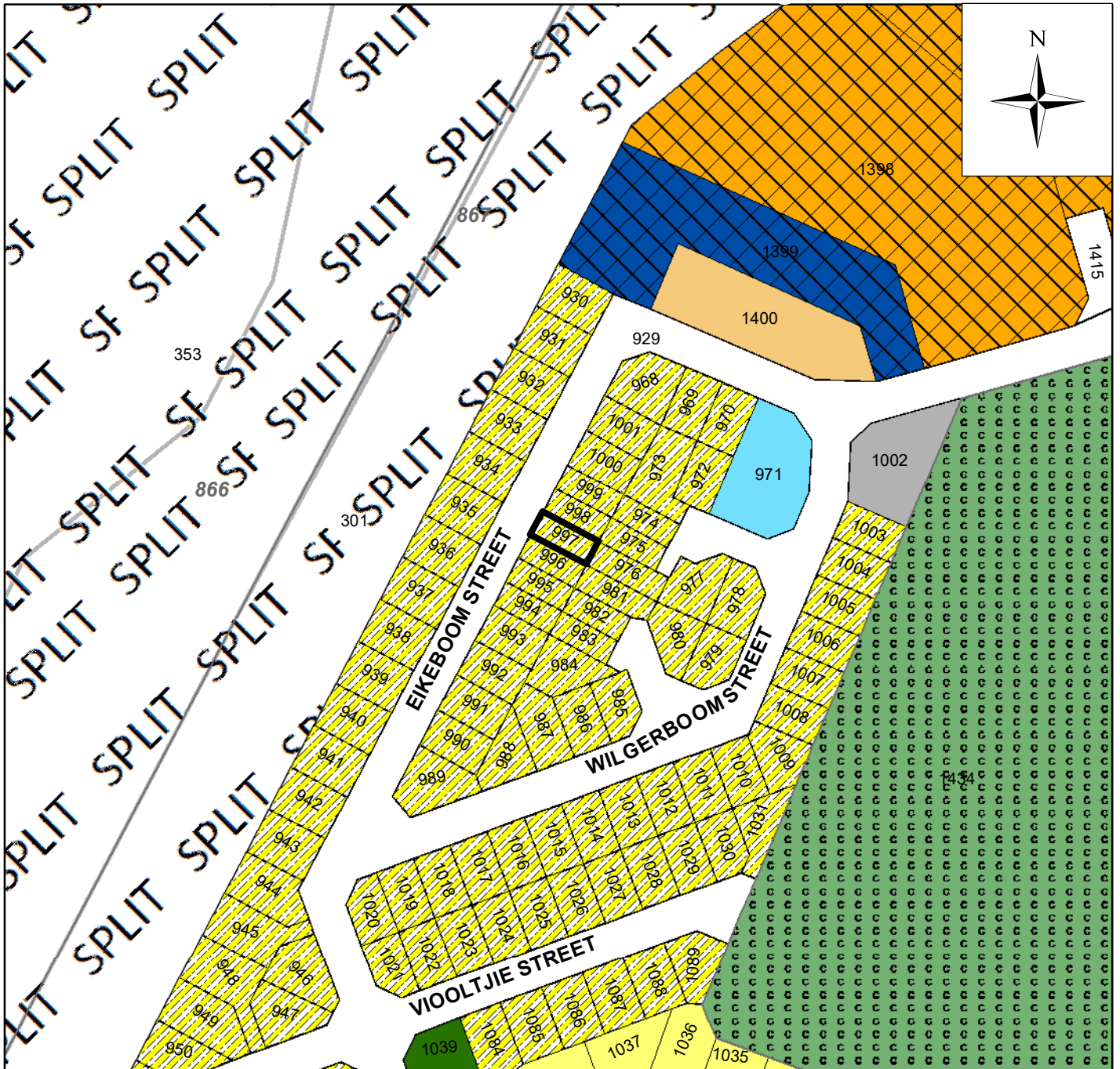
C.K. RUMBOLD & PARTNERS  
TOWN PLANNERS  
PROFESSIONAL SURVEYORS  
16 RAINIER STREET, MALMESBURY  
Tel: 022 - 4821845  
Fax: 022 - 4821861  
Email: planning1@rumbold.co.za

DATE:  
MAY 2021

REF:  
ABB/11960/MH

AUTHORITY:  
SWARTLAND  
MUNICIPALITY

**EXTRACT FROM THE ZONING MAP  
PROPOSED CONSENT USE ON ERF 997, ABBOTSDALE**



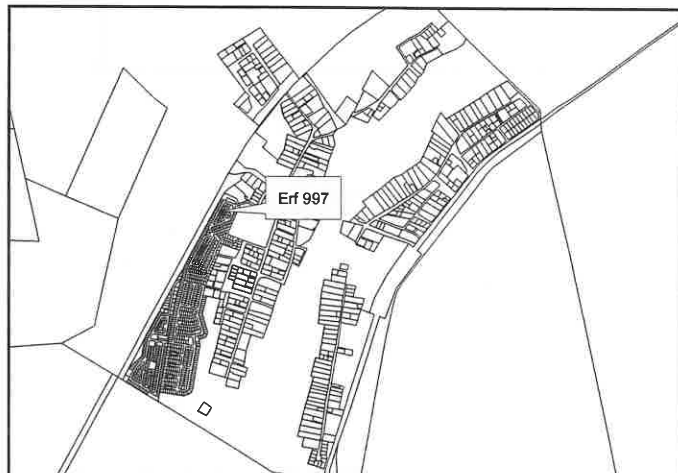


Voorgestelde vergunningsgebruik

Erf 997, Abbotsdale

Publieke deelname

Skaal: NVT





From: Valery Mcquire [mailto:vdmcquire@gmail.com]  
Sent: 30 May 2021 03:22 PM  
To: Delmarie Stellenberg <StellenbergD@swartland.org.za>  
Subject: Re: Vergunningsgebruik op Erf 997, Abbotsdale

GOODDAY MS STALLENBERG

I AM OBJECTING AGAINST THE APPLICATION OF MS R. ENGELBRECHT FOR A TAVERN ON ERF 997 AT 28 EIKEBOOM STREET , ABBOTSDALE.

SEEN IN THE LIGHT OF GENDER BASED VIOLENCE, ASSAULTS, WOMAN AND CHILD ABUSE , HUNGER , UNEMPLOYMENT AND THE NEGATIVE IMPACT OF SUCH PLACES OF LEISURE ON OUR YOUTH I DONT SEE ANY BENEFIT IN A TAVERN IN AN ALREADY EMPOVERISHED COMMUNITY.

MUNICIPAL BYLAWS ARE BEING CONTRAVENED WITH REGARDS TO LOUD MUSIC STARTING EARLY FRIDAY TILL LATE SUNDAY NIGHT.

THE ONLY ASSISTANCE WE AS COMMUNITY GET FROM THE MUNICIPAL LAW ENFORCEMENT TEAM IS THAT THEY COME ASK FOR THE VOLUME OF THE MUSIC TO BE LOWERED AND WHEN THEY LEAVE THE LOUD MUSIC STARTS AGAIN BUT THEN TOGETHER WITH THREATS OF ASSAULT TOWARDS THE PERSON WHO CONTACTED THE LAW ENFORCEMENTS AND IN MANY CASES THAT PERSON IS ME.

SENIORS AND THE SICK AS WELL AS PEOPLE WORKING NIGHT SHIFT ARE BEING DISTURBED AND ROBBED OF THEIR SLEEP.

STUDENTS LOSE VALUABLE STUDY TIME DUE TO THE WEEKEND 'S LOUD MUSIC, CURSING AND JUST OVERALL FIGHTING AND CONTINUOUS NOISE.

AS. WE DONT GET ANY SUPPORT FROM SAPS WE ARE FIGHTING A LOSING BATTLE WITH REGARDS TO THE SOCIAL DECAY OF OUR COMMUNITY.

I WISH THAT THIS LETTER WILL BE SEEN THROUGH MY EYES WHO EXPERIENCE THESE TYPE OF NUISANCE EVERY WEEKEND.

WITH THANKS.

ALDERMAN VALERY McQUIRE

COUNCILLOR WARD 7

Aan wie dit ook mag gaan

Dit het onder die inwoners se aandag gekom dat Me R Engelbrecht aansoek gedoen het vir vergunningsgebruik om n tavern te bedryf vanaf erf 997 te Eikeboomstraat 28, Abbotsdale.

Ons as inwoners wil beswaar maak teen die aansoek en wens dit baie duidelik te stel dat ons dit geensins goedkeur wil he nie.

## Die redes in as volg

1. Meeste inwoners rondom genoemde erf is seniors en ons het reeds n probleem met elke naweek van vroeg Vrydagmiddag tot laat Sondagaande met harde musiek.
2. SM wetsoeppers en Sapd staan glad nie by indien ons hulle bel vir hulp met die geraas en gemoer en gevloekery nie.
3. Die werkloosheidsyfer is reeds so hoog en die gene wat wel werk ,moet sukkel om n bestaan te voer, maar besteel om die smokkelhuise en taverns te besoek en te onderhou.
4. Van ons werk nagskof en ons rus word vestoor deur die geraas,gevloek en rumoer.
5. Ons wyksraadslid word netso gevloek en uitgejou as sy probeer om ons kant in te sien wanneer sy die betrokkenes gaan vra vir respek vir ander en hul wys op die bywette van die munisipaliteit. Sy was gedreig dat sy met die mes gesteeek sal word.
6. Siekes kry nie rus en kan nie ordentlik herstel al gebruik hulle medikasie.
7. Ons jeug verval net meer en meer want die algemene vraag wanneer hulle vermaan word oor hul teenwoordigheid op die smokkeljaart is:"Gee vir ons werk of geld of geleenthede " wat tot verdure onderonsies lei en selfs bakleiery en messtekery tot gevolg het.
8. Ons is reeds verarm en die sosiale verval raak duideliker by die dag dus is ons pleidooi dat hierdie aansoek nie goedgekeur word nie.

Met dank :

Inwoners rondom 28 Eikeboom Straat Abbotsdale .



MUNISIPALITEIT SWARTLAND				REG	
LEER No: 15/3/10-1/Erf-997					
Verwys N:	Inligting	Verslag	Afhandel	Kom/Taar	
SSSB(A3)					
cc Delmore					
Ander Opdrag:					
SPERDATUM:			(get)RK		

	Name	Surname	Address	Cell no	Signature
1	Charleen	Jantjies	Wilgerboomstraat 35	084 730 7301	Jantjies
2	Theresea	Isaacs	43 Eikeboom Str.	073 105 9903	Isaacs
3	Diane	Groers	39 Eikeboom Str.		D.Groers
4	Wilhelmina	Gekkenhuys	41 Eikeboom Str.	073 739 2244	W.G.
5	Gladys	Gwaza	38 Welgerboomstr	079 454 9963	Gwaza
6	Sydwell	Gwaza	" " "	073 491 741	Sydwell
7	Nothukela	Mbulawa	48 Eikeboom Str		N.Mbulawa
8	Luvuyo	Ntibane	36 Welgerboom	0633 73333	L.N.
9	Zoleka	Kewana	36 Wilgerboom str	065 665 0112	Z.
10	Headman	Marangana	36 Wilgerboom str	073 023 9656	H.M.
11	Nosakhela	Witbooi	24 Wilgerboom St	063 1144 771	N.L.W.
12	Welcome	Witbooi	24 Wilgerboom St	078 933 8771	M.C.W.
13	Katrien	Fourtin	22 Wilgerboom Str	"	K.F.
14	Elzita	Elzita	23 Wilgerboom	0695 690 236	Elzita
15	Nosoko	Maxhege	23 Wilgerboom	065 212 0289	N.M.
16	Fezine	Maxhege	25 Welgerboom str	"	F.M.
17	Lisa	Rubery	" "	" "	L.N.
18	Snyabanga	Maxhege	" "	" "	S.M.
19	Soufe	Warneberg	27 Welgerboom		S.W.
20	Gert	Skipppers	" "		G.S.
21	Kochelle	Berling	33 Wilgerboom Str	072 686 1893	K.
22	Kapman	Berling	" "	06 06 11 82 416	K.
23	Kayster	Folding	" "	06 11 82 416	K.Folding
24	Rodlston	Gekkenhuys	41 Eikeboom Str.	083 669 3000	R.
25	Rapardt	Isaacs	43 Eikeboom Str.	065 724 3765	Isaacs
26	Andrew	Groers	39 Eikeboom Str.	072 415 7091	A.Groers
27	Redoor	Jacobs	41 Eikeboom Str.		R.Jacobs
28	Conen	Mahoney	39 Eikeboom Str.	084 311 7833	C.Mahoney
29	Tamerihne	Engelbrecht	39 Eikeboom Str.	084 311 7833	T.Engelbrecht



	Name	Surname	Address	Cell no	Signature
1	Edntritas	Samson	39 Eikeboom Str	—	E Samson
2	Jacques	SECOOL	38 EIKEBOOM STR	0826562396	J. Hoos
3	Nomawethu	Khethane	46 Eikerboom Str	073504 3232	N.K.
4	Harry	WUCKS	" "	" "	H.L.
5	THOM BINKOS.	KETSHAN	35 EIKELBOOM STR	076470 1752	T. K.
6	BUYISWA	NGUYE	"	078399 7514	B. Nguye
7	Claudeite	Carule	Eikeboom 40	065372 0881	C. Carule
8	Leslee-Kay (Petersen)	Petersen	26 Eikeboom str Abbotsdale	0618230530	L. K.
9	Robyn C	CRAY	Eikeboom STR 26	063451 1476	R. C.
10	Amy	Jonjies	Wilgerboomstraat 35	0833012387	A. J.
11	Rondene	Jonjies	Wilgerboom Street 35	07490680526	R. J.
12	Susana	Bolsen	Wilgerboom str 30	082220470	S. B.
13	LA Maritza	DANIELS	Wilgerboom Str. 32	0656006656	M. Daniels
14	TH. DAVIDS		EIKEBOOM STR 34	0748600700	T. D.
15	M. DAVIDS		EIKEBOOM STR 34	0738688421	M. DAVIDS
16	Marian Kennaar	Pienaar	59 Eikeboom	✓	M. K.
17	Joleen	Mentoor	Eikeboom	✓	J. M.
18	Jasmine	Swarts	Eikeboom	✓	J. S.
19	Christoper	Swart	Eikeboom	✓	C. S.
20	William	Snel	Eikeboom		W. S.
21	Jolene	Snel	Eikeboom	—	J. S.
22	Brandon	Jagers	Eikeboom	—	B. J.
23	Anja Basson	Basson	Eikeboom	✓	A. B.
24	Peter	Jaffa	Eikeboom	—	P. J.
25	David	Jacobs	Eikeboom	—	D. J.
26	Christina	Snel	Eikeboom	—	C. S.
27	Roderick	Esau	Eikeboom	—	R. E.
28	Elana	Esau	Eikeboom	—	E. E.
29	Beyonithe	Williams	Eikeboom	—	B. Williams



# ABBOTSDALE NEIGHBOURHOOD WATCH

Accreditation nr: Dcs15/18/349

21 VIOOLTJIE STREET, ABBOTSDALE, 7301 (CONTACT: 062 402 0523/078 692 9105)



## ANNEXURE G

Aan: Die Munisipale Bestuurder

I.s: Beswaar van Shebeen

Verwysingsnommer: 15/3/10-1/Erf 997

25 Junie 2021

Geagte Heer,

**Abbotsdale Buurtwag** vorm 'n integrale deel van die gemeenskap en is geskep om die ore en oë van die polisie te wees. Ons doel is om 'n vreesvrye atmosfeer binne die gemeenskap te skep, asook om die lewenskwaliteit van hierdie omgewing te handhaaf tot voordeel van alle inwoners. Ons visie is om voortdurend 'n veilige gemeenskap in Abbotsdale te skep.

Dis juis om hierdie rede dat ons reageer op een van die ernstigste sake in ons samelewing, naamlik die opening van 'n shebeen soos bo vermeldde verwysingsnommer. Die inwoners van Abbotsdale besit almal gesinne en kinders. Dis kommerwekkend dat onwettige smokkelhuise alreeds 'n groot trekpleister vir ons inwoners is. Naweke sien ons eerstehands dat die verbruik en misbruik van alkohol word gesien as 'n direkte oorsaak of bydraende faktore in moord (geval wat plaasgevind het 19/06/2021), pogings tot moord (geval plaasgevind vroeg in Junie maand), aanrandings, geslagsgebaseerde aanrandings en verkragtingsake. Baie van hierdie geweldsmisdade vind in werklikheid plaas buite in die strate van die onwettige tavernes, smokkelhuise en sjebeens wat beslis druk uitoefen op die Buurtwag. Alkoholmisbruik het daaglik 'n effek op ons mense se lewens, ons ekonomie, misdaadsyfers en huwelike en dompel ons gemeenskap verder in armoede. Mense vergeet dat alkohol 'n **dwelmmiddel** is. Dit is wel sosiaal aanvaarbaar, en deel van ons samelewing, maar dit bly 'n dwelmmiddel - net soos kokaïne, nikotien, tik ens. Daarmee word nie bedoel dat alkohol heeltemal ontoelaatbaar moet wees nie, maar mens moet nie vergeet dat dit 'n dwelmmiddel is wat **fisies verslawend** is nie. Alkoholmisbruik het 'n negatiewe uitwerking het op **finansies** (byvoorbeeld deur geld wat vir die huisgesin bedoel was, op drank te spandeer), die **gemeenskap** (byvoorbeeld kinderverwaarlosing wat in die gemeenskap voorkom), die **gesin in sy geheel** (byvoorbeeld gesinslede wat met mekaar baklei), **gesondheid** (byvoorbeeld ander gesinslede wat spanning ervaar), die **huwelik** (byvoorbeeld huweliksmaats wat liefdeloosheid in die huwelik ervaar), **kinders** (byvoorbeeld 'n negatiewe uitwerking op kinders se skoolwerk) en **loopbane** (byvoorbeeld 'n ouer wat sy/haar werk verloor). Ons kan nie die verwoesting van ons kinders se toekoms voor ons oë sien nie.

Daar word dus versoek dat die nodige stappe gedoen kan word teen die opening van 'n shebeen.

---

Epos: 1abbotsdalenhw@gmail.com/ccdaniels.wp@gmail.com

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

P.O Box 18, MALMESBURY, 7299

Fax: (022) 482 7510

Posbus 18, MALMESBURY, 7299

Tel: (022) 482 7500

Your reference/U verwysing:

OFFICE OF THE STATION COMMANDER  
KANTOOR VAN DIE STASIE KOMMISSARIS

My reference/My verwysing:

MALMESBURY, WESTERN CAPE  
WES-KAAP PROVINSIE

Enquiries/Navrae

: WO, C J Cloete

Telephone

: (022) 482 7522/3

E-mail

: [malmesburydfo@saps.gov.za](mailto:malmesburydfo@saps.gov.za)

26 August 2021

**APPLICATION IN TERMS OF SECTION 36 OF THE WESTERN CAPE LIQUOR ACT 4/2008,  
APPLICATION FOR A OFF-CONSUMPTION LIQUOR PREMISES AT 28 EIKEBOOM STREET  
ABBOTSDALE, LALA-MANZI LIQUOR STORE , MALMESBURY.**

Applicant LUVELLYNNE ASHWILL KOOPMAN with ID nr 8908205134089 residing at 110 Winkel Street Abbotdale has no criminal record.

The applicant has a lease agreement with the owner ROWENA MARCOLINE ENGELBRECHT of 28 Eikeboom street Abbotdale. The owner has no criminal record.

There is crime in the area and the opening of a Liquor premise in the area will contributed even more to the crime, more complaints and social problems will came out of the area..

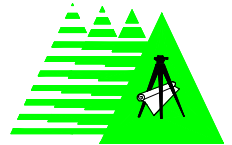
The proposed premises is not suitable for a Liquor premises

\*\*\*\*\*

C J CLOETE  
DESIGNATED POLICE OFFICIAL  
MALMESBURY SAPS

WO  
0445513-4

# CK RUMBOLL & VENNOTE / PARTNERS



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

---

**DATE:** 30 July 2021

**ONS VERW / OUR REF:** ABB/11960/MH

**PER E-MAIL**

**ATTENTION:** Mr. A. Zaayman

Municipal Manager  
Swartland Municipality  
Private Bag X52  
MALMESBURY  
7300

Sir,

**APPLICATION FOR CONSENT USE: ERF 997, ABBOTSDALE**

With reference to the comments/objections received during the public participation in your letter dated 30 June 2021:

The following table sets out the comments/objections that were received from the below parties along with the response from CK Rumboll and Partners on behalf of our client, Ms R. M Engelbrecht as owner of Erf 997, Abbotsdale. Objections/comments were received from the following parties:

Petition from Residents of Abbotsdale (representative Councillor Valerie McQuire), Abbotsdale Neighbourhood Watch and Councillor Valerie MacQuire

---

**VENNOTE / PARTNERS:**

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

---

**ADDRESS/ ADRES:** leap@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299  
**MALMESBURY** (T) 022 482 1845 (F) 022 487 1661 **VREDENBURG** (T) 022 719 1014

Objector	Objection/Comments	Comments on objections
1. Petition from Residents of Abbotsdale (representative Councillor Valerie McQuire)	<p>a) Dit het onder die inwoners se aandag gekom dat Me R Engelbrecht aansoek gedoen het vir vergunningsgebruik om n tavern te bedryf vanaf erf 997 te Eikeboomstraat 28, Abbotsdale.</p> <p>Ons as inwoners wil beswaar maak teen die aansoek en wens dit baie duidelik te stel dat ons dit geensins goedkeur wil he nie. Die redes in as volg</p> <ul style="list-style-type: none"> <li>• Meeste inwoners rondom genoemde erf is seniors en ons het reeds n probleem met elke naweek van vroeg Vrydagmiddag tot laat Sondagaande met harde musiek.</li> <li>• SM wetsoeppers en Sapd staan glad nie by indien ons hulle bel vir hulp met die geraas en gemoer en gevloekery nie.</li> <li>• Die werkloosheidsyfer is reeds so hoog en die gene wat wel werk ,moet sukkel om n bestaan te voer, maar besteel om die smokkelhuise en taverns te besoek en te onderhou.</li> <li>• Van ons werk nagskof en ons rus word vestoor deur die geraas,gevloek en rumoer.</li> <li>• Ons wyksraadslid word netso gevloek en uitgejou as sy probeer om ons kant in te sien wanneer sy die betrokkenes gaan vra vir respek vir ander en hul wys op die bywette van die munisipaliteit. Sy was gedreig dat sy met die mes gesteek sal word.</li> <li>• Siekes kry nie rus en kan nie ordentlik herstel al gebruik hulle medikasie.</li> <li>• Ons jeug verval net meer en meer want die algemene vraag wanneer hulle vermaan word oor hul teenwoordigheid op die smokkeljaart is:'Gee vir ons werk of geld of geleenthede wat tot verdure onderonsies lei en selfs bakleiery en messtekery tot gevolg het.</li> <li>• Ons is reeds verarm en die sosiale verval raak duideliker by die dag dus is ons pleidooi dat hierdie aansoek nie goedgekeur word nie.</li> </ul>	<p>a) Die inwoners se bekommernisse met betrekking tot versteurings sal voldoende mitigeer word deur die effektiewe bestuur van die voorgestelde huistaverne met inbegrip van nakoming van die verkoopsure soos uiteengesit in die Swartland Munisipaliteit se Verordening op die verkoop van alkohol. Die grondeienaar/operateur se bereidwilligheid om die nodige goedkeurings in terme van die relevante wetgewing te bekom moet ook as bewys dien dat die grondeienaar toegewy is om die onderneming goed te bestuur. Verder het die eienaar/operateur ook bevestig dat daar een persoon in diens geneem sal word om te help met aktiwiteite van die voorgestelde huistaverne.</p>

**VENNOTE / PARTNERS:**

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<p><b>2. Abbotsdale Neighbourhood Watch</b></p>	<p>a) Abbotsdale Buurtwag vorm 'n integrale deel van die gemeenskap en is geskep om die ore en oë van die polisie te wees. Ons doel is om 'n vreesvrye atmosfeer binne die gemeenskap te skep, asook om die lewenskwaliteit van hierdie omgewing te handhaaf tot voordeel van alle inwoners. Ons visie is om voortdurend 'n veilige gemeenskap in Abbotsdale te skep.</p> <p>Dis juis om hierdie rede dat ons reageer op een van die ernstigste sake in ons samelewing, naamlik die opening van 'n shebeen soos bo vermelde verwysingsnommer. Die inwoners van Abbotsdale besit almal gesinne en kinders. Dis kommerwekkend dat onwettige smokkelhuise alreeds 'n groot trekpleister vir ons inwoners is. Naweke sien ons eerstehands dat die verbruik en misbruik van alkohol word gesien as 'n direkte oorsaak of bydraende faktore in moord (geval wat plaasgevind het 19/06/2021), pogings tot moord (geval plaasgevind vroeg in Junie maand), aanrandings, geslagsgebaseerde aanrandings en verkrachtingsake. Baie van hierdie geweldsmisdade vind in werklikheid plaas buite in die strate van die onwettige tavernes, smokkelhuise en sjebeens wat beslis druk uitoefen op die Buurtwag. Alkoholmisbruik het daagliks 'n effek op ons mense se lewens, ons ekonomie, misdaadsyfers en huwelike en dompel ons gemeenskap verder in armoede. Mense vergeet dat alkohol 'n dwelmmiddel is. Dit is wel sosiaal aanvaarbaar, en deel van ons samelewing, maar dit bly 'n dwelmmiddel - net soos kokaïen, nikotien, tik ens. Daarmee word nie bedoel dat alkohol heeltemal ontoelaatbaar moet wees nie, maar mens moet nie vergeet dat dit 'n dwelmmiddel is wat fisies verslawend is nie.</p>	<p>a) Dit word beklemtoon dat hierdie grondgebruiksaansoek ten doel het om die nodige grondgebruiksregte te bekom om 'n onderneming te bedryf met die uitsluitlike doel om alkoholiese drank te verkoop vir verbruik buite die perseel. Die voorgestelde onderneming sal dus nie die verbruik van alkoholiese drank deur klante op die perseel insluit nie.</p> <p>Met inagneming van die inhoud van die beswaarmaker se skrywe en die werklike gevolge van alkoholmisbruik is daar 'n moontlikheid dat die veiligheid en welstand van die omliggende inwoners bedreig kan word deur die voorgestelde onderneming as gevolg van die negatiewe impakte geassosieer met die verkoop van alkoholiese drank.</p> <p>Daar word egter geargumenteer dat hierdie aansoek nie verwerp kan word aan die hand van 'n bestaande sosiale probleem nie aangesien die inwoners steeds ongematigde fasiliteite sal besoek soos ook uitgewys deur die beswaarmaker in hul skrywe. Bykomend tot die laasgenoemde gaan die toestaan van grondgebruiksregte vir die voorgestelde huistaverne nie hierdie sosiale probleem vererger nie.</p> <p>Die feit dat die grondeienaar die nodige statutêre goedkeurings in plek kry moet dus in 'n positiewe lig beskou word en ook as bewys dien dat die eienaar/operateur toegewy is om die voorgestelde huistaverne effektief te bestuur.</p>
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	<p>Alkoholmisbruik het 'n negatiewe uitwerking het op finansies (byvoorbeeld deur geld wat vir die huisgesin bedoel was, op drank te spandeer), die gemeenskap (byvoorbeeld kinderverwaarloosing wat in die gemeenskap voorkom), die gesin in sy geheel (byvoorbeeld gesinslede wat met mekaar baklei), gesondheid (byvoorbeeld ander gesinslede wat spanning ervaar), die huwelik (byvoorbeeld huweliksmats wat liefdeloosheid in die huwelik ervaar), kinders (byvoorbeeld 'n negatiewe uitwerking op kinders se skoolwerk) en loopbane (byvoorbeeld 'n ouer wat sy/haar werk verloor). Ons kan nie die verwoesting van ons kinders se toekoms voor ons oë sien nie.</p> <p>Daar word dus versoek dat die nodige stappe gedoen kan word teen die opening van 'n shebeen.</p>	
<p><b>3.</b> Councillor Valerie MacQuire</p>	<p>a) I am objecting against the application of Ms R Engelbrecht for a tavern on erf 997 at 28 Eikeboom Street Abbotsdale.</p> <p>Seen in the light of gender based violence, assaults, woman and child abuse , hunger, unemployment and the negative impact of such places of leisure on our youth I dont see any benefit in a tavern in an already impoverished community.</p> <p>Municipal Bylaws are being contravened with regards to loud music starting early Friday till late Sunday night.</p> <p>The only assistance we as community get from the municipal law enforcement team is that they come ask for the volume of the music to be lowered and when they leave the loud music starts again but then together with threats of assault towards the person who contacted the law enforcements and in many cases that person is me.</p>	<p>a) See comments as discussed under points 1(a) and 2(a).</p>

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	<p>Seniors and the sick as well as people working night shift are being disturbed and robbed of their sleep.</p> <p>Students lose valuable study time due to the weekend's loud music, cursing and just overall fighting and continuous noise.</p> <p>As we don't get any support from SAPS we are fighting a losing battle with regards to the social decay of our community.</p> <p>I wish that this letter will be seen through my eyes who experience these types of nuisance every weekend.</p>	
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We trust you will take the above into account when considering the application.

Mornay Herling

**for CK Rumboll and Partners**

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**VENNOTE / PARTNERS:**

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CK Rumboll and Partners

planning1@rumbol.co.za

Date: 2021/06/07

Enquiries:

WayleavesWesternOU@eskom.co.za

**WAYLEAVE APPLICATION:**

House tavern in portion of dwelling : 28 Eikeboom Street,  
Ahhotsdale · Ahhotsdale

**YOUR REF:** 15/3/10-1/Erf 997

**ESKOM REF:** 01849-21

**THIS IS NOT AN APPROVAL TO START CONSTRUCTION**

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

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

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Malmesbury

Clive Strauss

022 482 6252

StrausC@eskom.co.za

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

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

## 2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch- pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.
- k) **No work can take place within the servitude of a 66kV Cable or 132kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Graham Hector on 082 7720 359 or graham.hector@eskom.co.za

## 3. O.H. Line Services:

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

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

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

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

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

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

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

#### 4. **NOTE**

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

Yours faithfully

**LAND DEVELOPMENT (BRACKENFELL)**

