



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES, MALMESBURY ON WEDNESDAY, 9 FEBRUARY 2022 AT 14:00**

PRESENT

Internal members:

Director: Corporate Services, Ms M S Terblanche (acting chairperson)

Director: Protection Services, Mr P A C Humphreys

External members:

Ms C Havenga

Mr C Rabie

Other officials:

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

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

Director: Development Services, Ms J S Krieger

Snr Town and Regional Planner, Mr A J Burger

Town and Regional Planner and GIS, Mr H Olivier

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

That cognisance be taken of the apologies received from the Municipal Manager, Mr J J Scholtz and the Town and Regional Planner, Ms A de Jager.

3. DECLARATION OF INTEREST

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

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 17 NOVEMBER 2021

RESOLVED

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

That the minutes of a Municipal Planning Tribunal Meeting held on 17 November 2021 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

5.1 MINUTES OF MUNICIPAL PLANNING TRIBUNAL HELD ON 17 NOVEMBER 2021

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE ON ERF 182, YZERFONTEIN (15/3/5-14, 15/3/10-14) (WARD 5)

The chairperson/...

The chairperson requested the author, Mr A J Burger, to table the item and to give background on the application.

Mr Burger explained that the previous owner converted the dwelling into a double dwelling for which no building plans were submitted. The property was sold and the current owner submitted the application in order to rectify the illegal land use.

RESOLUTION

- A. The application for the removal of title deed restriction on Erf 182, Yzerfontein in order to remove a restrictive condition C3 registered in Deed of Transfer T27412/2020, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

Condition C3 reads as follows:

“...That not more than one dwelling, together with the necessary outbuildings and appurtenances, be erected on the erf...”

The following process be followed:

- (a) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive condition;
 - (b) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
 - (i) Copy of the approval by Swartland Municipality;
 - (ii) Original title deed; and
 - (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
 - (c) A copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;
- B. The application for a consent use on Erf 182, Yzerfontein in order to establish a double dwelling on the property, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent authorises a double dwelling on Erf 182, as presented in the application;
- (b) The double dwelling complies with the applicable zoning parameters of the By-law;
- (c) At least 4 on-site parking bays be provided as presented in the application;
- (d) Building plans, clearly indicating the separate dwelling units, be submitted to the Senior Manager: Built Environment, for consideration and approval;
- (e) The contact information of the owner/developer be available at all times and conspicuously displayed in the self-catering unit;

B2 WATER

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

B3 SEWERAGE

- (a) The property be provided with a conservancy tank of appropriate size (minimum capacity of 8000l), as previously approved by the Director: Civil Engineering Service;
- (b) The conservancy tank be accessible to the municipal vacuum truck from the street;

B4 DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R5 445,25 and is for the account of the owner/developer at building plan stage.

6.1/B4(a)/...

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

C. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be complied with by 20 May 2022. Failure to comply will result in the approval expiring;
- (b) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law;

D. The application is supported for the following reasons:

- (a) The application is consistent with the planning principles of LUPA and SPLUMA;
- (b) The application is consistent with local, regional and provincial spatial planning policy;
- (c) The development proposal complies with all applicable zoning parameters of the Residential zone 1 zoning;
- (d) Erf 182 does not have any physical restrictions which may have a negative impact on this application;
- (e) The proposed double dwelling will complement and not have a negative impact on the character of the surrounding residential area;
- (f) The development proposal supports the optimal utilisation of the property;
- (g) The proposed land use is considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area;
- (h) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy;
- (i) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population;
- (j) Sufficient services capacity exists to accommodate the proposed double dwelling;
- (k) The removal of the relevant restrictive condition will enable a second dwelling on the property as provided for by the land use rights applicable to the property;

6.1/...

- (l) The removal of the relevant restrictive condition will not impact negatively or disadvantage surrounding/affected owners.

6.2 PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE ON ERF 1192, YZERFONTEIN (15/3/4-14, 15/3/5-14, 15/3/10-14) (WARD 5)

The author of the report, Mr H Olivier, gave the background on the application received for the removal of restrictive conditions, consent use and departure on Erf 1192, Yzerfontein.

A discussion followed on the removal of restrictive conditions versus the amendment of restrictive conditions in respect of the 5 m street line. Mr Rabie requested the tribunal to be sensitive in considering the total removal of restrictive conditions and to consider if an amendment is not the best solution as the application is only to accommodate the existing stairs and pergola.

The Senior Manager: Built Environment, Mr A M Zaayman confirmed that, for most new developments in Yzerfontein, the 4 m street building line according to the By-law applies and therefore the removal of restrictive conditions suffice.

RESOLUTION

- A. The application for the removal of title deed restrictions on Erf 1192, Yzerfontein in order to remove the restrictive condition B7(a) registered in Title Deed T48073/2018, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for the removal of title deed restrictions on Erf 1192, Yzerfontein in order to remove the restrictive condition B7(b) registered in Title Deed T48073/2018, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The restrictions to be removed read as follows:

B7(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.*
- (b) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive conditions;
- (c) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
 - (i) Copy of the approval by Swartland Municipality;
 - (ii) Original title deed, and
 - (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
- (d) A copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;

6.2/...

- C. The application for consent use on Erf 1192, 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:

C1 TOWN PLANNING AND BUILDING CONTROL

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

C2 WATER

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

C3 SEWERAGE

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

C4 DEVELOPMENT CHARGES

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

- D. The application for departure of the street building line on Erf 1192, Yzerfontein, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) The 4 m street building line be departed from and reduced to 3,4 m, solely in order to accommodate the existing stairs and pergola to encroach on the building line;

E./...

E. GENERAL

- (a) All the relevant conditions of approval with regards to the removal of the title deed restrictions and departure of the street building line, be complied with by 20 May 2022. Failure to comply will result in the approvals expiring;
 - (b) The approval relating to the consent use is, in terms of section 76(2)(w) of the By-Law, only valid for a period of 5 years. All the relevant conditions of approval be complied with before the necessary occupancy certificate for the second dwelling be issued and failing to do so will result in the approval expiring.
 - (c) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
 - (d) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.
- F. The application for the removal of restrictive condition B7(a) is refused for the following reason:
- (a) A second dwelling is a building permitted under the Residential Zone 1 zoning and it is therefore not necessary to remove the conditions relating to the use of the property given the current proposal;
- G. The application is supported for the following reasons:
- (a) The proposed double dwelling is a residential use and is therefore consistent with the proposals of the SDF;
 - (b) A double dwelling is accommodated as a consent use under Residential Zone 1 of the By-Law.
 - (c) The development proposal supports the optimal utilisation of the property;
 - (d) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy;
 - (e) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population;
 - (f) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Yzerfontein;
 - (g) The departure of the street building line to accommodate the existing stairs and pergola will not have a negative impact on neighbouring affected properties nor does it have a negative impact on the streetscape.

6.3 PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS ON ERF 1585, MALMESBURY (15/3/5-8) (WARD 10)

Mr A J Burger, as author, confirmed that the application aims to remove restrictive conditions regarding the permissible amount of dwelling units on the property. The second dwelling is smaller than 60m² and is therefore permitted under the Residential Zone 1 zoning.

The outbuilding was already been converted into a second dwelling when the current owner took ownership of the property in 2020.

RESOLUTION

- A. The application for the removal of restrictive condition C(c) registered against Erf 1585, Malmesbury, as contained in Title Deed T44200/2020, is hereby approved in terms of section 70 of the By-Law;

The following process needs to be followed:

- (a) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive conditions;
- (b) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
 - (i) Copy of the approval by Swartland Municipality;
 - (ii) Original title deed, and

6.3/A(b)...

- (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
- (c) A copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;

B. GENERAL

- (a) The approval is in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be complied with by 20 May 2022. Failure to comply will result in the approval expiring;
- (b) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law;

C. The application is supported for the following reasons:

- (a) The second dwelling smaller than 60m² is an additional use right under the Residential zone 1 zoning;
- (b) The removal of the relevant restrictive condition will enable a second dwelling on the property as provided for by the land use rights applicable to the property;
- (c) The second dwelling is foreseen not to have an impact on the character of the surrounding area;
- (d) The removal of the relevant restrictive condition will not impact negatively or disadvantage surrounding/affected owners;
- (e) The impact of additional traffic to and from the property as a result of the second dwelling is deemed to be very low.

**(SIGNED) M S TERBLANCHE
ACTING CHAIRPERSON**

28 February 2022

15/3/3-7/Erf 278
15/3/4-7/Erf 278
15/3/10-7/Erf 278

WYK: 1

ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 9 MARCH 2022

LAND USE PLANNING REPORT					
PROPOSED REZONING, DEPARTURE AND CONSENT USE ON ERF 278, KORINGBERG					
Reference number	15/3/3-14/Erf 278 15/3/4-14/Erf 278 15/3/10-14/Erf 278	Submission date	30 September 2021	Date finalised	28 February 2022

PART A: APPLICATION DESCRIPTION					
<p>Application for the rezoning of Erf 278, Koringberg, from Residential Zone 1 to Business Zone 2, is made in terms of Section 25(2)(a) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to establish a business premises and flats on the property.</p> <p>Application for a permanent departure on Erf 278, Koringberg, is made in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021), in order to:</p> <ul style="list-style-type: none"> a) Reduce the number of on-site parking bays from 23 to 15; b) Encroach on the 3m southern side building line to 2,96m; c) Encroach on the 3m western rear building line to 2,06m; <p>Application for a consent use on Erf 278, Koringberg, 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 bottle store and a place of assembly on the property;</p> <p>The applicant is C.K. Rumboll and Partners and the property owner is D.B. Rhodes.</p>					
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	ERF 278 KORINGBERG, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Wes-Kaap				
Physical address	278 Leeubekkie Street (locality plan attached as Annexure A).	Town	Koringberg		
Current zoning	Residential Zone 1	Extent (m ² /ha)	755m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021)				
Current land use	Vacant building			Title Deed number & date	T20273/2017
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)	Conveyancer's certificate was provided to confirm (Annexure C)	
Any third party conditions applicable?	Y	N	If Yes, specify		
Any unauthorised land use/building work	Y	N	If Yes, explain		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

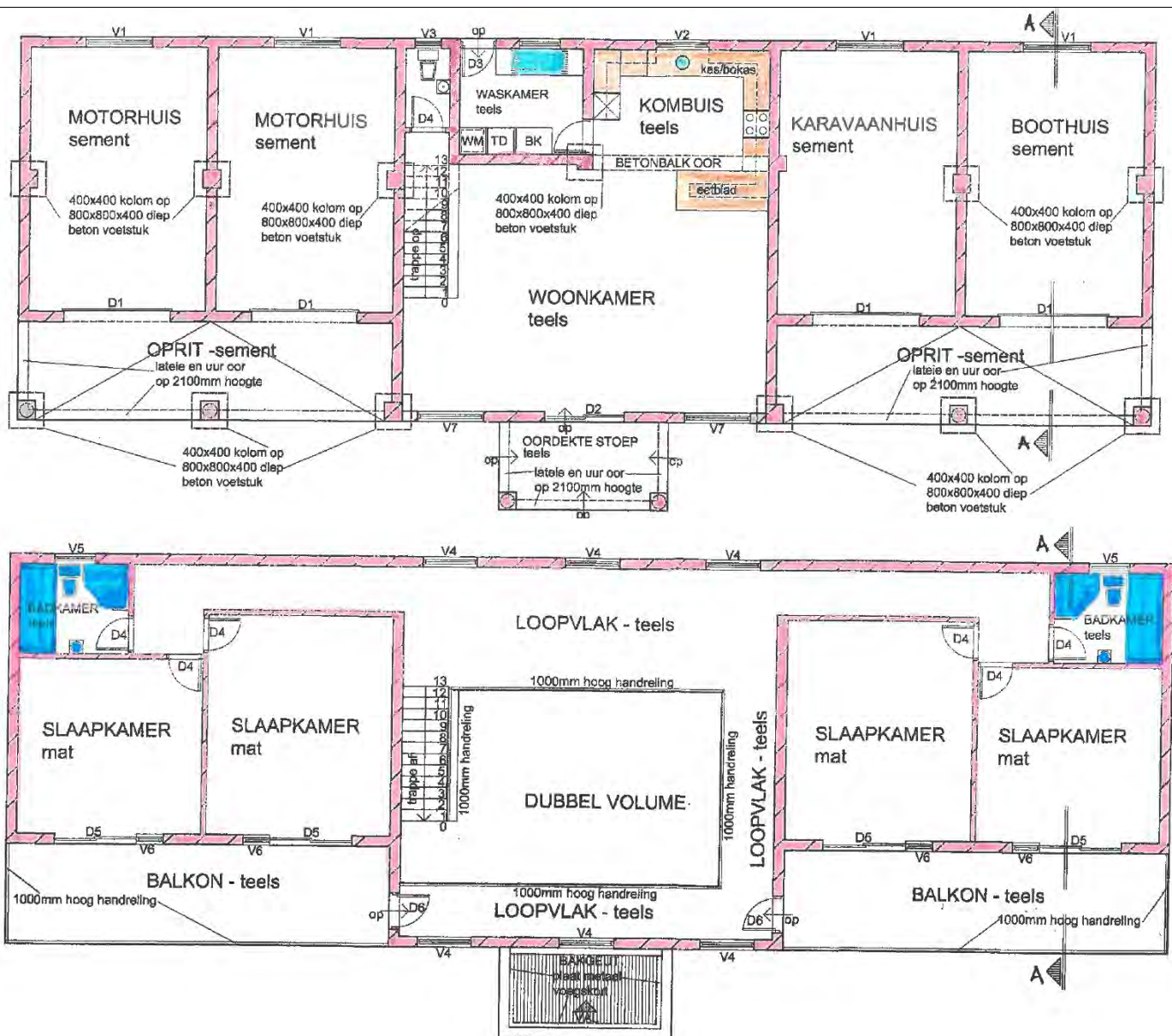
Rezoning	✓	Permanent departure	✓	Temporary departure		Subdivision	
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions	
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions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

PART D: BACKGROUND

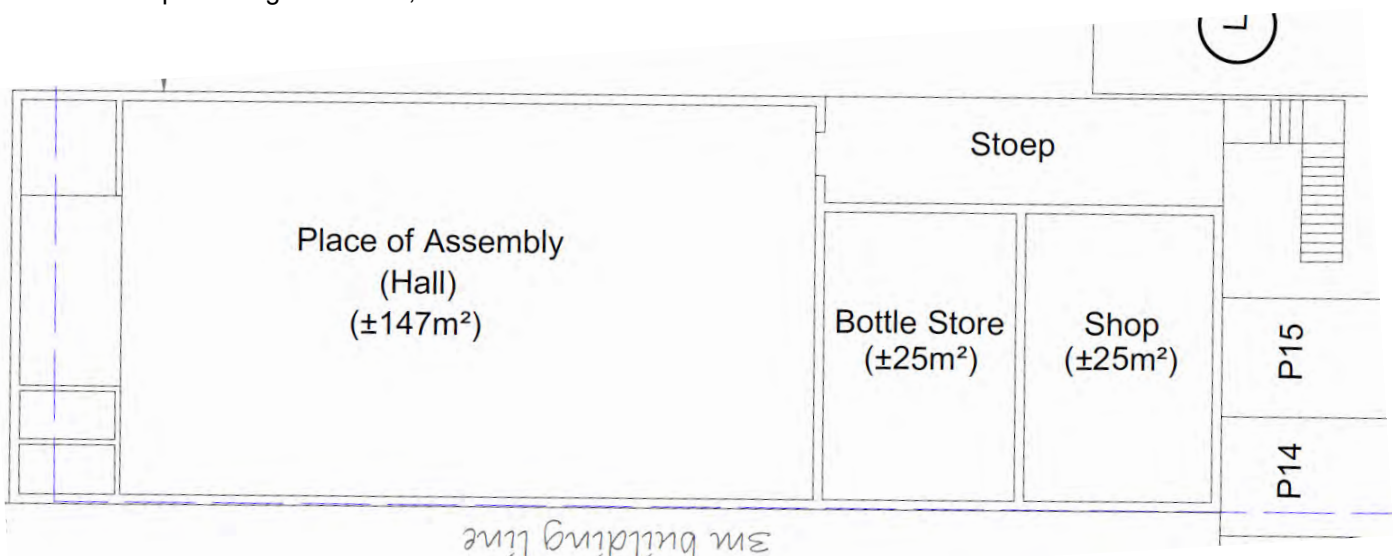
Erf 278 is located in the northern portion of Koringberg, known as Rautenville. The property abuts an activity corridor and the character of the area is. The Swartland Municipal Spatial Development Framework (SDF, 2019) identifies the area as medium and high density residential development with amenities, such as a school, an aftercare and church. Limited business opportunities, mixed uses and the potential for flats are proposed along activity routes/corridors. The erf is surrounded by residential properties. The taxi rank is in very close proximity to Erf 278 and the proposed market square in the CBD is within walking distance ($\pm 600\text{m}$).

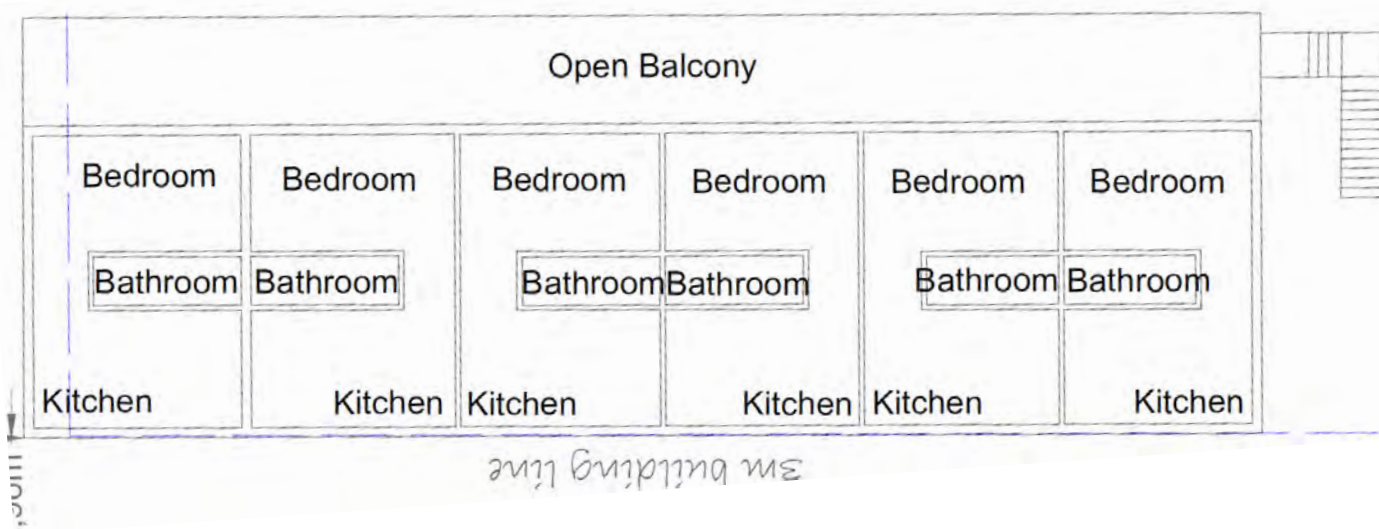


Erf 278 is zoned Residential Zone 1 and contains a dwelling with two double garages and four bedrooms. The building plans for the dwelling were approved on 26 June 2018 and the dwelling was partially constructed, but not yet occupied.



The application proposes the remodelling of the dwelling house, in order to accommodate a place of assembly, a bottle store and a shop on the ground floor, as well as flats on the first floor:





A number of Title Deeds pertaining to Koringberg erven, include specific restrictions with regard to the sale of, amongst others, liquor. It was subsequently requested that a conveyancers' certificate be provided, confirming that the restriction is not applicable to Erf 278. Said confirmation was received 10 February 2022.

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. Rezoning:

The development proposal entails the rezoning of Erf 278, Koringberg, from Residential Zone 1 to Business Zone 2, in order to allow for a business premises and flats are the primary uses on the property.

The rezoning is motivated on account of the following:

- Business premises and flats are accommodated as primary rights and a bottle store and place of assembly is accommodated as consent uses under the proposed zoning, Business Zone 2;
- The rezoning will not negatively affect the surrounding properties as the area is earmarked for commercial and higher density residential uses and supports the provision of flats, business uses and secondary business uses, according to the SDF;
- The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets;
- The provision of flats, place of assembly, business premises and a bottle store, will promote housing, tourism and commercial opportunities in Koringberg, adjacent to and activity corridor;
- The property is easily accessible due to its location bordering an activity corridor and the locality being $\pm 35\text{m}$ from the taxi terminal;
- Leeubekkie street is sufficient to manage the possible increase in traffic;
- The development will create a higher density development, which is in keeping with the SDF proposals;
- The property owner will be provided with an income opportunity;
- No new buildings are proposed.

2. Consent Uses

The proposed consent uses include a bottle store and a place of assembly, motivated as follows:

- A bottle store and flats are both consent uses accommodated under Business Zone 2;
- The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets;
- The property is easily accessible due to its location;
- No new buildings are proposed on site;
- The proposed development will make a positive contribution to the economy of Koringberg by attracting tourists to the town attending social functions within the proposed place of assembly.

3. Departure

The proposal is to depart from the number of required parking bays from 23 bays to 15 bays.

The new zoning will also require more restrictive building lines than that of the Residential Zone 1 building lines, causing the existing building to encroach on the new 3m building lines. Application for departure is thus inevitable.

- a) The existing building on the property limits the area available for parking bays;
- b) An identified taxi terminal is located within walking distance of the property;
- c) The tarred road surface is located $\pm 16,4$ m from the property street boundary, providing space for on street parking, without obstructing traffic;
- d) The on-site parking bays will be used as combined parking bays as the shop and bottle store will only be operating during the day-time working hours.

1. Legislation and policy frameworks

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

- a) Spatial Justice: The proposal will lead to improved use of land and is aligned and with the relevant land use management provisions. Job opportunities will be created for previously disadvantaged.

The footprint supports urban development, promoting an integrated settlement. The proposal is consistent with the SDF and does not support segregation of the community.

- 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 high density residential use. The proposal will benefit from existing infrastructure and services.

Financial viability is promoted and the proposal is located within the existing Urban Edge. The development will not jeopardise high potential agricultural land, nor natural resources.

- 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.

The development will promote integrated residential functions that contribute to land use development. The proposed development will promote urban functions remaining within urban areas. The proposed development will promote the short, medium and long term financial sustainability of the property, seeing as optimal use of existing buildings, services and infrastructure is made and will contribute to achieving the desired densification strategy as set out within the SDF.

- d) Spatial Resilience: Flexible development opportunities promote sustainable livelihoods. The spatial resilience of the property is increased by allowing a use needed in the housing, commercial and tourism sectors of Koringberg. The proposed land use change will be resilient in terms of the multiple uses that are allowed if the correct land use rights are obtained. The development will not limit any future benefits of the property or surrounding area and will have no negative impact on disadvantaged communities.
- e) Good administration: Swartland Municipality will manage the administrative process and public participation processes consistent with the requirements of the By-Law.

2.2 Swartland Municipal Spatial Development Framework (SDF, 2019)

The SDF identifies the area as Zone A, a high density residential area, with supportive social services and limited opportunities for infill development. The area further allows for limited commercial opportunities and GAP housing along the eastern boundary and south-west corner.

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

A place of assembly and a bottle store are consent uses that may be considered within the zoning category of Business Zone 2. 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

The application was advertised in the local newspapers and Provincial Gazette on 15 October 2020 and a total of 18 registered notices were issued to affected parties. No notices were returned unread. Please refer to Annexure D for the public participation map.

Total valid comments	34		Total comments and petitions refused	1 The petition is in support of the Place of Assembly, but does not comply with the requirements of a legal petition, in terms of section 59 of the By-Law . However, the petition is accompanied by a letter of support and is treated as such (Annexure E)	
Valid petition(s)	Y	N	If yes, number of signatures		106
Community organisation(s) response	Y	N	Ward councillor response	Y	N The application was forwarded to councillor Van Zyl, but no comments were forthcoming.
Total letters of support	1				

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	<p>1. <u>Water</u></p> <p>a) Die bestaande wateraansluiting gebruik word en dat geen addisionele aansluitings voorsien sal word nie; b) 'n Kapitaalbydrae ten bedrae van R36 704.15 t.o.v. die grootmaat verspreiding van water en R32 671.50 (R10 890.50 x 0.6 vir Enkel Res) t.o.v. die grootmaat voorsiening van water gemaak word.</p> <p>2. <u>Riool</u></p> <p>a) Die bestaande rioolaansluiting gebruik word en dat geen addisionele aansluitings voorsien sal word nie; b) 'n Kapitaalbydrae t.o.v. riool ten bedrae van R18 157.85 gemaak word.</p> <p>3. <u>Strate</u></p> <p>a) Die voorgestelde parkeerplekke met inbegrip van die sygaardjies wat toegang verleen tot die parkeerplekke van 'n permanente oppervlakte voorsien word; b) 'n Kapitaalbydrae t.o.v. strate en stormwater ten bedrae van R11 096.45 gemaak word;</p> <p>4. <u>Algemeen</u></p> <p>a) Indien die uitbreiding van enige bestaande dienste nodig sou wees om die ontwikkeling van diensaansluitings te kan voorsien, dit vir die koste van die aansoeker sal wees.</p>	✓	
ESKOM and other government bodies	None	No comments received.		

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>NOTE: The applicant did not summarise the long list of objections, but rather listed it one by one, resulting in a 48 page document. The complete document is available for scrutiny as Annexure G , but the author is of the opinion that the objections and comments were similar throughout and thus a summarised version of the response to comments is more succinct and expedient. The names of all the objectors are listed together below and the objections are then sorted into themes, rather than addressing each objector separately.</p>		
<p>S J K & A J Beukes Erf 275 Brian Stander Koringberg Police Sub Forum Mrs. Bessie Maarman POP Centre Koingberg Erf 517 Martina Klopper Erf 97 Janette De Villiers Ou Skool Kerry Hoffman (Erven 13, 352, 521, 522, 523, and 524 Pieter Fourie on behalf of Koringberg Day Care Facility Dr NP Steyn-</p>	<p>1. Rautenville is a small residential area, not a business area. There is no need for another business area in Koringberg.</p> <p>The CBD is more than sufficient for the small town and there is no need to have a facility such as this in a fully residential area, specifically as set out in the town plan.</p> <p>2. Residents were not informed of the development or did not received notices of the intended development.</p> <p>3. The proposed development will obscure the view from properties in the area.</p>	<p>1. With regard to land use proposals applicable to Koringberg, the Swartland Spatial Development Framework (SDF) (2019) identifies the area in which Erf 278 is located, as Zone A, which is a high density residential area known as "Rautenville". The area has supportive social services and limited opportunities for infill development at the northern entrance to Koringberg. The area also allows for limited commercial opportunities and accommodates GAP housing along the eastern boundary and subsidised housing in the south-west corner.</p> <p>The locality of Erf 278 adjacent to an Activity Corridor (Leeubekkie Street), and in close proximity to an intersection of an Activity Corridor and Activity Street, and an identified Taxi Terminal at the intersection, makes the property highly suitable for commercial opportunities as supported by the Swartland SDF. The application does not only include commercial land uses. Application is made to accommodate flats as well, which is a residential component that will contribute to the relief of the need for housing opportunities in Koringberg.</p> <p>2. As per Section 54-58 of the Swartland Municipal Land Use Planning By-law (PG 8226), notices were sent to surrounding owners that may be affected by the proposed development, as identified by the Swartland Municipality. The application was also advertised in the Local Newspaper and Provincial Gazette to invite the public to comment on the application. Therefore, the correct procedure, as prescribed in the By-Law was followed.</p> <p>3. The existing building adhered to the prescribed building parameters, including the building lines, of a Residential Zone 1 property. However, with the</p> <p>1. Granted, the SDF proposes the Koringberg CBD along Main Street, but flats and limited commercial opportunities are supported along activity corridors and streets in Area A.</p> <p>The land use proposal does not imply the development of a new CBD, but rather a small neighbourhood business, in close proximity to the taxi rank, thereby promoting the clustering of services.</p> <p>2. The objection is unfounded, as demonstrated by the applicant.</p> <p>3. The applicant is supported. The proposed development will have no additional impact on the view from properties in the area, as no new buildings are</p>

Honsel Erven 1, 2, and 3 R Kinross Erf 122 S Diedericks Erf 282 AM Coenraad Erf 132 P van Noord & J van Zyl Erf 94 Barbara Malaise Erf 41 P Adonis Erf 202 P Adonis on behalf of Bovertrek Pinkster Kerk van SA E Spies Erf 113 C Fishlock Erf 66 F A & B R van Rooi Erf 277 R de Klerk Erf 272 J de Klerk Erf 276 T & B Jagers		<p>proposed rezoning of Erf 278 from Residential Zone 1 to Business Zone 2, the existing building encroaches the southern and western building lines. Therefore, this application includes the relaxation of the southern street building line from 3m to $\pm 2.96\text{m}$ and the western 3m rear building line to $\pm 2.06\text{m}$ to accommodate the existing building on Erf 278.</p> <p>The departure will have a minimal impact on the views of the surrounding property owners as the difference between the required building line and the distance of the building from the property boundary is $\pm 0.04\text{m}$. The building is existing and adheres to the eastern street and northern side property boundaries. No new buildings are proposed at this stage.</p>	<p>proposed. The impact of the building will remain the same as when the property was zoned Residential Zone 1.</p>
	<p>4. The town already has one legal bottle store on the main road and for the extent of the town there is no need for any additional liquor outlets.</p>	<p>4. The property owner of Erf 278 is allowed to apply in terms of Section 25 of the By-Law for the establishment of a bottle store. The application for the establishment of a bottle store, place of assembly, shop, and flats is compliant with the Land Use Proposals of Koringberg as indicated in the Swartland SDF (2019).</p> <p>A need was identified for, amongst others, a bottle store to be established in the Rautenville area of Koringberg. A petition was signed by 106 residents of Rautenville supporting the application.</p>	<p>4. The petition letter does not adhere to the requirements of the By-Law to be considered as a legal petition. However, the content of the letter was scrutinised and it revealed that the residents of Rautenville support the proposed place of assembly. The bottle store is not supported as such.</p>
	<p>5. The liquor store and hall will lead to a tavern later.</p>	<p>5. The purpose of this application is to grant the property owner of Erf 278, Koringberg, the necessary land use rights to accommodate a business premises (a shop), flats, a bottle store, and a place of assembly (hall for social functions). Therefore, if approval is granted for the mentioned application, the property owner will not be allowed to operate a tavern on the property, unless further application is made, where a public participation process will be followed in terms of the Swartland Municipal Land Use Planning By-law (PG 8226) again.</p>	<p>5. While the application is not for a tavern, the proposed uses and the proximity to each other does not bode well for the manner in which the place of assembly will be used.</p> <p>In addition, a liquor store is not considered compatible with the character of the neighbourhood that is residential with education amenities. The SDF earmarks the location for <u>limited</u> commercial development, not entertainment facilities.</p>
	<p>6. Too many people from other towns will come to Koringberg.</p>	<p>6. This statement is a gross assumption from the objector. The proposed place of assembly cannot be held responsible for any socio-economic problems in Koringberg. The proposed</p>	<p>6. People may come to Koringberg with or without the proposed development, as freedom of movement is a constitutional right.</p>

<p>Sylvie Jagers Erf 184 E Markus Erf 340 A de Klerk Erf 270 S Carolus Erf 198 A Dirks Erf 197 A Dampies Erf 273</p>	<p>A commercial social events facility for a community that already has more than enough venues for social gatherings is unnecessary. To be sustainable it will necessitate offering the venue to outside groups and not the residents of Koringberg. This will bring a myriad of secondary negative issues to the town such as drugs and gangsterism, loitering, noise and any number of other nefarious actions the town can ill afford.</p>	<p>development will ensure economic growth within Koringberg.</p> <p>A need was identified, amongst others, for a place of assembly (hall for social functions) to be established in the Rautenville area of Koringberg. A petition was signed by 106 residents of Rautenville supporting the application on Erf 278.</p> <p>The owner of Erf 278 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 visiting the place of assembly will need to adhere to these regulations as well. This will ensure low noise pollution.</p>	<p>It is also the right of the applicant to develop his property to its full potential within the confines of the law. It is not the right of the objectors to prohibit such a development on the grounds of perceptions.</p> <p>The number of successful gathering places in Koringberg will be determined by natural supply and demand.</p>
	<p>7. The facilities will create increased traffic late at night which will be a disturbance for the community and unsafe for the children of the town.</p>	<p>7. All road rules should be adhered to by all motorists. All individuals, including motorists, need to adhere to the regulations set out in the Swartland By-law relating to Public Nuisances (12 April 2019).</p>	<p>7. Any increased traffic will be governed by the same traffic legislation as is currently applicable. The development cannot be made responsible for the behaviour of road users.</p>
	<p>8. The Koringberg Sub Forum represents the people of Koringberg in their desire for crime prevention, safety, security, and a better environment for all the residents and especially the children.</p> <p>Currently, the town faces numerous challenges relating to the abuse of liquor. This then cascades down to child abuse and gender-based violence, a scourge that the Sub Forum is constantly trying to combat.</p> <p>The rezoning application will not be in the best interest of the town and its people. With a venue of this nature and considering the socio-economic situation of the people who will be using the venue this will create a bigger strain on an already stretched Police service who are more than 15 km's away from the town if any related crimes are reported.</p>	<p>8. Noted</p>	<p>8. The proposed place of assembly is regarded as a social amenity, consistent with uses that can normally be found in residential neighbourhoods, for instance a church hall, community hall, etc. A function hall also seems to be needed and supported by the local community.</p> <p>However, the SDF proposes only limited commercial development along activity streets and corridors in area A. Commercial uses such as house shops are considered commonplace in residential areas, therefore the proposal of small shops is deemed to be in keeping with the character of the residential area. Small neighbourhood shops do not include the sale of liquor as the activity would be contrary to the character of a residential neighbourhood. Therefore it is argued that the proposed consent use of a liquor store was considered, but found to be contrary to the SDF proposals for the area, as well as the character of the residential neighbourhood.</p>

	<p>9. A large number of residential dwellings in the immediate proximity of Erf 278 have families with young children. The development will be detrimental to the development of the children. To put such a land use so close to the centre is unethical and very short-sighted.</p> <p>Unnecessary exposure to alcohol and the social behaviour associated with its abuse is, inappropriate and unfair to families currently living around the premises. In addition to the many children that live within the immediate vicinity of the proposed development, there is also a school, a church and a community upliftment centre less than 200m away from the erf.</p>	<p>9. The proposed development, including the establishment of flats, a bottle store, business premises (a shop), and a place of assembly (hall for social functions), will not have a tremendous negative impact on the surrounding owners or the town as the application is fully supported by the Swartland SDF (2019). The proposed development will contribute to the economic growth of the town. The proposed place of assembly cannot be held responsible for social problems in Koringberg.</p>	<p>9. The applicant is not entirely supported. Refer to comment 8.</p>
	<p>10. The number of alcohol-related incidents drastically decreased during Covid-19 lockdown, proving that the sale of liquor may be linked to domestic violence, child abuse and assaults. As such it would be prudent not to approve more liquor outlets in the town.</p>	<p>10. The proposed flats, bottle store, business premises (shop), and place of assembly (hall for social functions), will contribute to the economic growth of the town. The proposed land uses on Erf 278 cannot be held responsible for alcohol abuse in Koringberg. No alcohol will be sold to under-aged children - neither from the bottle store, nor the place of assembly - which ensures that the proposed businesses will not affect the children in the vicinity.</p>	<p>10. Refer to comment 8.</p>
	<p>11. The town already has a large church hall and a POP Centre that surpass all the needs of any social gathering in the town and more specifically in the area close to the proposed tavern.</p> <p>There is a church hall, a community hall, and a school hall that can be rented for any gatherings. Another place of gathering is superfluous.</p> <p>There is the POP centre and other halls that can be used for events. Why build another? Proper housing is needed. If the said halls are not sufficient for them, they</p>	<p>11. Application is not made to accommodate a tavern on Erf 278, Koringberg.</p> <p>A need was identified for, amongst others, a place of assembly to be used for social functions and to be established in the Rautenville area of Koringberg. A petition was signed by 106 residents of Rautenville supporting the application on Erf 278.</p> <p>The application on Erf 278 includes a residential component as well, being 6 flats to be accommodated within the existing building. There is no need to hire a place of assembly in towns such as Moorreesburg and Piketberg if the facility could be accommodated on premises in Koringberg.</p>	<p>11. Refer to comment 8</p>

	can go to Moorreesburg or Piketberg where there are such facilities.	Although Koringberg is a rural town, it still needs social infrastructure, such as places of assembly. These places of assembly can be used for functions not only for the local residence, but for conferences for regional bodies as well, which sparks an economic injection into the community.	
	12. A venue of this nature will create an increase in noise levels in a residential area. Besides the negative social impact, the noise pollution from the venue will have a hugely detrimental impact on the character of the quiet, rural village.	12. The owner of Erf 278 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 visiting the place of assembly will need to adhere to these regulations as well. This will ensure low noise pollution.	12. Noise and disturbance may be mitigated as far as possible through conditions of approval such as operating times, conduct of patrons and soundproofing construction methods.
	13. Numerous building legislation violations have been made in the construction of the building. The building line as set out by the Municipality and the National Building Regulations has been ignored. The land use for flats did not get the approval from the neighbouring residents, and there is not enough parking. Matters that need to be addressed by the Local Authority.	13. Building Plans for a dwelling unit on Erf 278 were submitted to the Swartland Municipal Building Control Offices and approved in 2018. All building parameters as prescribed in the National Building Regulations and the Swartland Municipal Land Use Planning By-law (PG 8226) were adhered to. The owner commenced with construction of the proposed building, but the building was never used for residential purposes. The owner of the property now intends to utilise the existing building for commercial and residential purposes being a bottle store, business premises (a shop), place of assembly (hall for social functions), and flats. To do so, the property needs to be rezoned to Business Zone 2. The building line restrictions of a Business Zone 2 property are much more restrictive than a Residential Zone 1 property. The change in land use requires additional parking bays to be provided as well. Therefore this application includes the departure from the southern and western building lines and the required parking bays. Building Plans will be submitted to the Swartland Municipal Building Control Offices for approval after approval of this application.	13. The applicant is supported.
	14. The development proposal is not in keeping with the character of Koringberg and its future development.	14. Refer to Point 1. The Swartland SDF (2019) determines the strategic policy guidelines for future development in the Swartland region and in this case, in Koringberg. The application to grant the property owner of the necessary land use rights on Erf 278, Koringberg, to	14. Refer to comment 8.

		accommodate business premises (a shop), flats, a bottle store, and a place of assembly (hall for social functions), is fully compliant with the Swartland SDF (2019) and allow an economic injection in the town.	
	15.The extent of the proposed shops and flats is completely disproportional to the community of Koringberg and Rautenville which have a combined residency of less than fifteen hundred.	15.The population of Koringberg is not the only driver for business uses and the surrounding farming community and tourists should also be included in the equation. It is the need of the owner to accommodate these uses on his erf. If the business is not profitable, it is at his risk and his alone.	15.The nature and scale of the proposed development – apart from the bottle store - are deemed to be in keeping with uses that normally may be found in residential areas. The mixed use approach is further supported by legislation and policy, as is the residential densification on the property.
	16.The safety and security of the town's residents will be eroded forever.	16.The development will be subject to all laws and legislation applicable to any other development elsewhere.	16. The statement by the objectors is unfounded.
	17.The proposed new development is legally not allowed to be within the distance of a school or day care centre. Approval of such a development will thus contravene these legal rights.	17.The By-Law does not make mention of any liquor premises that may not be allowed within the vicinity of a school or day care centre. The only reference that could be found to a liquor license and a school is the Liquor Act of 1989, Act 27 of 1989, which only states that premises situated in the vicinity of a school should not disturb the proceedings of the school, and the proposed bottle store will comply with this regulation.	17. There is currently no western Cape legislation that regulate the proximity of a bottle store to a place of education. However, the proposal of a bottle store is inconsistent with the character of the residential neighbourhood, as well as contradicting spatial planning for the area that only allows limited commercial activities. The aforementioned, in conjunction with the fact that a number of education and social activities occur in close proximity to the development, further render the proposal of a bottle store undesirable in the proposed location.
	18.To our mind the proposed plans have been designed to emoliate the Swartland Municipality into accepting the rezoning by suggesting that the community will benefit. However, we guess the developers' true objective is to start with the bottle store and entertainment centre first — and probably stop there! Without active policing (Koringberg has no police station), we will soon have a shebeen on our hands of monster proportions and this will attract all the wrong sort of patrons from far afield. Koringberg will become a den of iniquity — a haven for drug dealers, gangs and other undesirables.	18.See comment 13	18. See comments 8, 13 and 19,

	<p>19.Koringberg does not have a dedicated SAPS branch and as it is we are told by SAPS that resources are severely constrained. Who would proactively police these 2 proposed establishments especially on the weekends (after hours)?</p>	<p>19. Any complaints can be directed to the nearest SAPS branch, which will send a unit to investigate, if necessary. There is, however, no need to patrol the premises, because all the uses on the premises will be lawful and comply with the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>.</p>	<p>19.While offences will unfortunately remain the jurisdiction of the SAPS, the conditions of approval will aim at addressing the concerns of the public as far as possible, thereby limiting the need for additional policing in the future.</p>
	<p>20.The applicant has clearly breached certain building laws during the building of the “flats” (reference to the building line for example and the application in reduction of parking spaces).</p> <p>If the applicant cannot even build without breaking the rules, what makes the authorities think that he will adhere to the laws governing his liquor license and respect the neighbours’ rights to privacy and peace and quiet and enjoyment of their own homes?</p>	<p>20. The owner of the property intends to utilise the existing building for commercial and residential purposes being a bottle store, business premises (a shop), place of assembly (hall for social functions), and flats. To do so, the property needs to be rezoned to Business Zone 2. The building line restrictions of a Business Zone 2 property are much more restrictive than a Residential Zone 1 property. The change in land use requires additional parking bays to be provided as well. The Swartland Municipal By-law on Land Use Planning (PG 8226) makes provision to apply for the departure from development parameters. Therefore this application includes the departure from the southern and western building lines and the required parking bays. Building Plans will be submitted to the Swartland Municipal Building Control Offices for approval after approval of this application. The proposed development will adhere to other development parameters related to the permissible coverage, floor factor, height, and setback.</p>	<p>20.Refer to comment 13.</p>
	<p>21. The current building will not comply with the SANS10400 regulation for a place of assembly/shops/flats after rezoning.</p>	<p>21.The preliminary building plans will be submitted to the Building Control Department of Swartland and the building inspector will determine if the building complies with the NBR SANS codes. If the building does not comply the building inspector will handle it.</p>	<p>21.The applicant in no way contravened the SANS requirements for the building of a residential dwelling, nor are the parking requirements and building lines for flats currently applicable to the dwelling. It is only after the rezoning is approved, that the new development parameters will come into effect. These parameters are mitigated through the proposed departures – entirely legal method of legalising land uses – and building plans will be required for scrutiny to ensure that all other legal and safety aspects are addressed correctly.</p>

PART J: MUNICIPAL PLANNING EVALUATION

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

Application for the rezoning of Erf 278, Koringberg, from Residential Zone 1 to Business Zone 2, is made in terms of Section 25(2)(a) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to establish a business premises and flats on the property.

Application for a permanent departure on Erf 278, Koringberg, is made in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021), in order to:

- a) Reduce the number of on-site parking bays from 23 to 15;
- b) Encroach on the 3m southern side building line to 2,96m;
- c) Encroach on the 3m western rear building line to 2,06m;

Application for a consent use on Erf 278, Koringberg, 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 bottle store and a place of assembly on the property;

The application was advertised in the local newspapers and Provincial Gazette on 15 October 2020 and a total of 18 registered notices were issued to affected parties. No notices were returned unread. The commenting period for the application concluded on 15 November 2021 and 35 responses were received. 34 of the responses were objections and 1 response was a petition in favour of the development, signed by 106 respondents. The petition did not, however, adhere to the requirements of the By-Law.

The objections received were referred to the applicant for comment on 19 November 2021. Comments on objections were received back from the applicant on 8 December 2021. The application was being prepared for submission to the MPT in February 2022, when it came to light that additional information was needed in order to finalise the report, which was subsequently received on 10 February 2022.

The applicant is C.K. Rumboll and Partners and the property owner is D.B. Rhodes.

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 shop(s) and place of entertainment create employment opportunities, while the flats enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society.

The proposal supports the goals of the SDF, such as higher density residential (flats) and limited commercial developments along activity corridors and streets.

The mixed use development will optimally utilise existing services and capacity was confirmed by the Department: Engineering Services. Development contributions will be levied to mitigate the increased load on services.

The developer states that the place of assembly is specifically aimed at the low income community for social functions and alternative residential opportunities, as the available facilities are too expensive and not located within the neighbourhood itself.

The proximity of places of education and institutional uses have not been taken into account upon proposing a bottle store on the premises. The bottle store is proposed within 150m of pre-primary and primary schools and a social development NGO.

- 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.

The rezoning and consequent mixed land uses promote flexibility of the development, ensuring short, medium and long term sustainability.

The proposal makes provision for a wider range of income groups, both in housing opportunities, as well as social amenities.

The financial viability of the municipality is promoted, as the change in land use will affect the valuation of the land, which in turn has an effect on the municipal rates and taxes.

When the long term impact of the development is taken into account, the combination of land uses on the property is inevitably questioned. How is a place of assembly, directly adjacent to a bottle store any different from a club/disco/place of entertainment? It is concluded that a place of entertainment was not forthright applied for, as the use is not appropriate within the setting and the impact of such a use would be detrimental over time in a residential neighbourhood. The author is of the opinion that removing the bottle store from the development will at least render the impact of the place of assembly manageable and more sustainable.

- c) Efficiency: The development proposal will promote the optimal utilisation of services on the property and enhance the tax base of the Municipality.

The proposal will contribute to achieving a mixed use development along an activity corridor, in close proximity to a taxi rank, thus also promoting the clustering of services.

Densification within the urban edge is promoted, as is advocated by local, provincial and national policy.

- d) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The mix of land uses on the property will assist in strengthening the ability to deal with economic and environmental shocks, not only of the development, but also the broader settlement.

It is subsequently clear that the development proposal mostly adheres to the spatial planning principles and applicable legislation. However, mitigating measures are required to address the aspects of the proposal that are contrary to the aforementioned.

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 facilities in Koringberg, while minimally impacting on the character of its environment.

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

2.3 Spatial Development Framework(SDF)

The application property is situated within a residential area, in close proximity to a proposed taxi terminus. The area is delineated as Area A, according to the spatial proposals for Koringberg, as contained in the SDF. The area is characterised as residential, with educational, institutional and sport uses. The development of high density housing such as flats is promoted and restricted to activity roads/corridors and limited business opportunities may be considered along these routes. A taxi terminal is proposed directly south of the application property, potentially creating a mixed use development node in Rautenville.

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

Application is made to rezone the property from Residential Zone 1 to Business Zone 2: Neighbourhood Business. The proposed zoning is appropriate, as the applicant intends to re-develop the existing vacant dwelling into 6 flats, 2 shops – one of which is proposed to be a bottle store – and a place of assembly. The bottle store and place of assembly are consent uses under Business Zone 2, thus the proposal includes application for consent.

The departure applied for are not because of illegal building work or land use, but because of the proposed rezoning. The existing building on the property was proposed as a dwelling house on a Residential Zone 1 property, with a 2m rear building line, 1,5m side building lines and a 4m street building line and the dwelling complied with said parameters. The building lines for Business Zone 2 are more restrictive and seeing that the building is existing, application is made for the departure from the new building lines.

The By-Law prescribes the required on-site parking bays in accordance with specific land uses. As the development proposal entails various uses, the required number of on-site parking bays is calculated as follows:

PROPOSED LAND USE	SCHEME REQUIREMENT	DEVELOPMENT NEED	PROVIDED
Business premises	1 bay per 25m ² GLA	2 x shops @ 50m ² total = 2 bays	2 bays and 1 loading bay
Place of assembly	1 bay per 4 seats	50 seats = 12 bays	7 bays provided 5 bays departed from
Flats	1,25 bays per unit 0,25 bay per unit for visitors	9 bays	6 bays provided 3 visitors' bays departed from
TOTALS		23 required on-site bays	15 bays provided 8 bays departed from

The By-Law requires that the non-provision of parking bays be mitigated by either providing the parking elsewhere and notarially binding the bays to the property, or that the land value of the non-provided bays be calculated and the amount settled by the owner/developer.

The proposed development is consistent with most of the development parameters of Business Zone 2 and the parameters that are deviated from are appropriately addressed through the corrects planning mechanisms.

3. Desirability of the proposed utilisation

Any development within a predominantly residential neighbourhood should be treated with sensitivity to the nature and scale of the proposal.

The development proposal at hand seems, at first glance, to be innocuous and consistent with the spatial planning for Rautenville. The SDF promotes flats and limited business opportunities along activity streets and corridors; precisely the land uses that are proposed. Each component of the development is of an appropriate scale, as it includes only 6 flats on the first floor, two shops on the ground floor (a bottle store is in essence just a shop) and a relatively small place of assembly that can accommodate maximum 50 people. However, once the land uses are viewed in combination, it becomes clear that the physical use of the various facilities will result in a different land use altogether.

Consider the operation of a place of entertainment/club, where there is a large dance area and a bar on one side. The proposed place of assembly with a bottle store directly next door are separate in name, but in nature will operate exactly the same as a club. The question then arises why application was not made for a place of entertainment and if it were, would it have been considered positively? The author is of the opinion that it would not have been approved, as such a land use is not consistent with the character or other uses that are acceptable in a residential development.

It is therefore argued that the combination of a place of assembly and a bottle store is not desirable in the context and only one of the two uses may be considered. Taking into account that the aspect of the development most opposed is that of the bottle store, and conversely the fact that the place of assembly garnered letters of support from the community, the latter use seems to be most acceptable. The space for the proposed bottle store can easily be used for other business purposes.

Furthermore, although there is no legislation in the Western Cape restricting the distance between schools and bottle stores, the notion that a business that sells liquor, should not be located in close proximity to a place of education, is supported. It is thus proposed that the consent use for a liquor store be refused.

The desirability of the development is henceforth considered in the absence of the proposed bottle store.

There are no physical restrictions on the property that will have a negative impact on the application. The existing dwelling on the property is converted into the flats, shops and place of assembly.

The proposed development is not foreseen to impact negatively on the health or safety of the surrounding community, as all aspects will be addressed at building plan stage through input from the relevant departments. The wellbeing of the community may be disrupted through noise pollution/disturbance. It is therefore proposed that the conditions of approval include operating times and sound proofing measures in the place of assembly, to mitigate disturbances as much as possible.

The development will not have an impact on the cultural heritage of the area, nor on the biophysical environment. The existing building on the property adhered to the development parameters that were applicable at the time of building plan approval. The claim that the structure now obscures the view from surrounding erven is not valid, as the development will be contained in the existing building and no additional construction is proposed.

The proposal will undoubtedly cause an increase in traffic to the property, but it is argued that the same traffic laws will continue to apply to any additional road users. Also, the development is located at an intersection point in Rautenville, meters away from the taxi rank, where traffic volumes are already higher than in the neighbourhoods. The traffic generated by the development will be no different, probably less, than that of the taxi rank. The non-provision of on-site parking is considered acceptable, as a number of users of the premises will either walk or make use of public transport. A cash amount will be calculated to mitigate the non-provision, in accordance with the By-Law.

Access to the property is obtained directly from Leeubekkie Street.

The property is serviced and the additional load on the existing services will be mitigated through development charges.

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 viability of the development is dependent on a number of different uses, consistent with planning policy.

The proposed flats are located consistent with the SDF proposals and will provide additional residential opportunities in Rautenville. The flats also promote densification of the residential area.

The place of assembly will provide alternative social amenities to the local community, especially previously disadvantaged groups who do not have access to other, more expensive facilities.

The scale and nature of two small shops on the ground floor of the flats are appropriate in the context and consistent with the character of a neighbourhood shop.

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 the community, through job creation and the spending of visitors to the area.

The proposed development does not promote violence, the use of dangerous machinery or 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 Leeubekkie Street. 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 promote financial exploitation or prevent working or earning a living. The wellbeing of property owners is thus not affected.

The approval of the place of assembly will in no way approve or condone unauthorised, unlawful uses of the property and mitigating measures are proposed in order to limit any noise disturbance that may be caused by the development. 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.

The Title Deed T20273/2017 contains paragraph B. that reads as follows:

"...B. GEREGTIG op die voordeel van die servituut waarna verys word in die endossement detadeer 31 Januarie 1948 aangebring op Transportakte Nr. T2917/1924, wat soos volg lees:

"Remdr

Registration of servitude

Deed of Transfer No. 1903 d/d 31/1/48 the land thereby transferred was made subject to and in favour of the remainder of land held hereunder, the following conditions relating to (a) the sale of intoxicating liquor, (b) the approval of building plans (c) ... (d) ... (e) ... (f) the sale of fish (g) re-sale of ppty etc, as will more fully appear on the reference to the said transfer..."

Even though the bottle store will not be considered, users of the place of assembly may apply for liquor licences, or the owner may submit the relevant applications. A conveyancer's certificate was requested and provided to ensure that any future sale of alcohol on the property will be lawful and not inconsistent with the Title Deed.

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 development contributions will be levied in accordance with the Swartland Municipality: Municipal Policy on Capital Contributions, 2005.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A.

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

N/A

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

N/A

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

N/A

PART L: RECOMMENDATION WITH CONDITIONS

- A.** The application for the rezoning of Erf 278, Koringberg from Residential Zone 1 to Business Zone 2 be approved, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021);
- B.** The application for a consent use on Erf 278, Koringberg be approved, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021);

Approvals A. and B. are subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

soundproofing

- a) Erf 278, Koringberg be rezoned from Residential Zone 1 to Business Zone 2: Neighbourhood Business, in order to accommodate:
- 2 x shops (25m² each);
 - 1 x place of assembly (170m²); and
 - 6 x flats (27,5m² each);
- b) The consent use authorises a place of assembly, as presented in the application;
- c) The use of the place of assembly be restricted to public and social functions;
- d) The operating hours of the place of assembly be restricted as follows:
- 8:00 – 23:00 on weekdays;
 - 8:00 – 24:00 on Fridays, Saturdays and Public Holidays;
 - 8:00 – 20:00 on Sundays
- e) Music be allowed to be played in the place of assembly during operating hours on weekdays, Fridays and Saturdays, but not on Sundays or closed days – closed days are Good Friday and Christmas Day;
- f) The playing of music outside of the place of assembly, in the parking lot or street, be prohibited;
- g) No guests be allowed to remain at the place of assembly or in the parking lot on the site outside of operating hours;
- h) A minimum of fifteen (15) on-site parking bays be provided and that parking bays be finished in a permanent dust free surface, whether it be tar, concrete, paving or any other material, as approved by the Director: Civil Engineering Services beforehand, and the parking bays be clearly demarcated;
- i) A development charge be levied for the non-provision of 8 parking bays and the amount be calculated as follows:
- $$\begin{aligned} & (\text{Area of total parking bays}) \times (\text{value of the property per m}^2) \\ & = (12,5\text{m}^2 \times 8) \times (\text{R}40 \text{ per m}^2) \end{aligned}$$
- j) Building plans indicating the change in use be submitted to the Senior Manager: Built Environment for consideration and approval;
- k) Building plans include the method and implementation of sound proofing measures to the satisfaction of the Senior Manager: Built Environment;
- l) A site development plan, including parking layout and proposed landscaping that complement the residential character of the area, be submitted to the Senior Manager: Built Environment at building plan stage for consideration and approval;
- m) Application be made to the Senior Manager: Built Environment for the right to construct or affix and display any signage;
- n) A sign be affixed to the door of the place of entertainment displaying the operating hours detailed in condition d)i. – d)iii. above;
- o) Any signage be limited to 1m² in area and may not project over a public street;
- p) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the place of assembly;
- q) A trade licence be obtained from Swartland Municipality for the operation of the shops;
- r) No off-site parking be allowed;
- s) Should the applicant fail to take effective steps to the satisfaction of the Senior Manager: Built Environment, to ensure proper compliance with the conditions of approval, the approval for the consent use may be withdrawn after following due process.

2. WATER

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

3. SEWERAGE

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

4. DEVELOPMENT CHARGES

- a) The owner/developer be responsible for the development charge of R32 671,50 towards bulk water supply. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);

- b) The owner /developer be responsible for the development charge of R36 704,50 towards bulk water distribution. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
 - c) The owner/developer be responsible for the development charge of R18 157,85 towards sewerage. The amount is due to the Swartland Municipality, valid for the year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
 - d) The owner/developer be responsible for the development charge of R11 096,45 towards streets and storm water. 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);
 - e) The owner/developer be responsible for the development charge of R4 000,00 towards the non-provision of on-site parking. The amount is due to Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/222-303-9212);
 - f) 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).
- C.** The application for departure on Erf 278, Koringberg, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions that:
- a) The number of required on-site parking bays be reduced from 23 to 15;
 - b) The 3m southern side building line be departed from to 2,96m for the extent of the existing building;
 - c) The 3m western rear building line be departed from to 2,06m for the extent of the existing building;

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 place of assembly comes into operation and the occupancy certificate is issued, after which the 5 year period will no longer be applicable;
 - b) The approval does not exonerate the applicant from obtaining the necessary approval(s) from any other applicable statutory authority;
 - c) The applicant/objectors be notified of the outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.
- D.** The application for a consent use on Erf 278, Koringberg, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), in order to accommodate a bottle store, be not approved;

1. TOWN PLANNING AND BUILDING CONTROL

- a) The SDF only allows for limited business uses along activity corridors, thus the proposed land use is contradictory to the spatial planning for the area;
- b) The combination of the bottle store with the place of assembly will constitute a land use that is not consistent with the character of the residential neighbourhood;
- c) In addition to the residential character of the neighbourhood, the application property is located within 150m of places of education and social amenities and as such poses a threat to the social and moral wellbeing of the children in the community. The location of the proposed bottle store is in contradiction to the Western Cape Strategic Plan Framework (2019 – 2024).

PART M: REASONS FOR RECOMMENDATION

1. Reasons for approval:

- a) The proposed flats are consistent with the SDF that promotes flats along activity corridors/streets.
- b) The flats are also consistent with local, provincial and national legislation and policy promoting densification inside the urban edge;
- c) The shops and place of assembly are consistent with the spatial proposals of the SDF that supports limited business development along activity corridors/streets in area A;
- d) The place of assembly will make a social facility available to a lower income group that does not necessarily have access to the existing facilities in Koringberg;
- e) Mitigating measures have been recommended in order to limit the possible disturbances that may be caused by the place of assembly;
- f) The buildings on the property are existing and no additional construction is proposed. The application for departure from building lines is to formalise the encroachment of the existing building on the new, more restrictive building lines of Business Zone 2 and not because of unauthorised building work;

- g) The non-provision of on-site parking is considered acceptable, as it is foreseen that some of the bays may be utilised at alternate times, some guests or residents may not have cars or make use of public transport and the non-provision may be mitigated through a financial contribution to the municipality that may in turn be utilised to upgrade the taxi terminal, for instance;
- h) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Koringberg, as the nature and scale of the development is limited and appropriate in the context;
- i) The owner/developer runs the risk of losing the land use approval, should any unauthorised land use continue;
- j) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

2. Reasons for refusal

- a) The SDF only allows for limited business uses along activity corridors, thus the proposed land use is contradictory to the spatial planning for the area;
- b) The combination of the bottle store with the place of assembly will constitute a land use that is not consistent with the character of the residential neighbourhood;
- c) In addition to the residential character of the neighbourhood, the application property is located within 150m of places of education and social amenities and as such poses a threat to the social and moral wellbeing of the children in the community. The location of the proposed bottle store is in contradiction to the Western Cape Strategic Plan Framework (2019 – 2024).

PART N: ANNEXURES

ANNEXURE A	Locality Plan
ANNEXURE B	Site Development Plan
ANNEXURE C	Title Deed and Conveyancer's Certificate
ANNEXURE D	Public Participation Map
ANNEXURE E	Letter of Support
ANNEXURE F	Objections from: <ul style="list-style-type: none"> 1. S J K & A J Beukes (Erf 275 – Leeubekkie Street) 2. Brian Stander on behalf of the Koringberg Police Sub Forum 3. Mrs. Bessie Maarman on behalf of the POP Centre Koringberg (Erf 517 – C/o Riet and Zambesi Streets) 4. Martina Klopper (Erf 97 – Main Road) 5. Janette De Villiers (Hoopvol Street + Ou Skool) 6. Kerry Hoffman (Erven 13, 352, 521, 522, 523, and 524 – Karee and Hoopvol Streets) 7. Pieter Fourie on behalf of the Koringberg Day Care Facility 8. Dr N P Steyn-Hounsel (Erven 1, 2, and 3 – Duiker Street) 9. Richard Kinross (Erf 122 – Zambesi Street) 10. S Diedericks (Erf 282 - C/o Wilge and Sonop Streets) 11. A M Coenraad (Erf 132 – Zambesi Street) 12. Pieter van Noord & Johan van Zyl (Erf 94 – Main Road) 13. Barbara Malaise (Erf 41 – C/o Sterling and Pelgrims Streets) 14. Petrus Adonis (Erf 202 - Gousblom Street) 15. Petrus Adonis on behalf of Bover trek Pinkster Kerk van SA 16. Elzeth Spies (Erf 113 - Zambezi Street) 17. Cate Fishlock (Erf 66 - Karee Street) 18. F A & B R van Rooi (Erf 277 – Leeubekkie Street) 19. R de Klerk (Erf 272 – Leeubekkie Street) 20. Johannes de Klerk (Erf 276 – Leeubekkie Street) 21. T & B Jagers (6 Jakaranda Street) 22. Sylvie Jagers (Erf 184 - Main Street) 23. Elizabeth Markus (32 Kanaal Street)

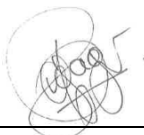
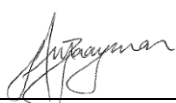
24. Andreas de Klerk (Erf 270 - Leeubekkie Street)
25. Susanna Carolus (Erf 198 - Roosboom Street)
26. Adri Dirks (Erf 197 - Roosboom Street)
27. A Dampies (Erf 273 - Leeubekkie Street)
28. Rhichard de Klerk (Erf 105 - Zambezi Street)
29. Natanya Israel (29 Karee Street)
30. Pieter van Niekerk (1 Kasteel Street)
31. Dean Lancaster (Erf 558 - Unia Street)
32. Dr N P Steyn (Erf 2 - Impala Street)
33. Lynn Russel (3 Main Road)
34. Elsabe Jooste (Erf 64 – Impala Street)

ANNEXURE G Response to comments

PART O: APPLICANT DETAILS

First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	D.B. Rhodes.	Is the applicant authorised to submit the application:	Y	N

PART P: SIGNATURES

Author details: Annelie de Jager Town Planner SACPLAN: A/2203/2015			Date: 1 March 2022	
	Recommended	<input checked="" type="checkbox"/>	Not recommended	
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001			Date: 2 March 2022	



Erf 278, Koringberg






CK RUMBOLL
& PARTNERS

16 Rainier Street, Malmesbury, 7299

The diagram is a hand-drawn site plan for ERF 199. It shows a rectangular plot with a blue boundary line. The plot is divided into several areas:

- Parking Spaces:** A row of 12 parking spaces labeled P1 through P12 is located along the top boundary. A row of 3 parking spaces labeled P13, P14, and P15 is located along the bottom boundary.
- Building Footprints:**
 - A large rectangular building footprint is located in the center-left, labeled "Place of Assembly (Hall) (±147m²)".
 - A smaller rectangular building footprint is located in the center-right, labeled "Shop (±25m²)".
 - A rectangular building footprint is located in the bottom-right, labeled "Bottle Store (±25m²)".
 - A circular building footprint is located in the top-right, labeled "L".
- Other Features:**
 - A "Stoep" (patio) is located between the Shop and the Bottle Store.
 - A "3m building line" is indicated by a dashed blue line running along the top and bottom boundaries.
 - A "3m building line" is indicated by a dashed blue line running along the left boundary.
 - A "3m building line" is indicated by a dashed blue line running along the right boundary.
- Dimensions and Distances:**
 - The top boundary is labeled "ERF 199".
 - The left boundary is labeled "ERF 277".
 - The bottom boundary is labeled "ERF 279".
 - The right boundary is labeled "LEEUWERK STREET".
 - Distances from the top boundary to the top of the building footprints are: ±0,78m, 2,5m, and ±0,78m.
 - Distances between the top of the building footprints are: 5m, 5m, and 5m.
 - Distances from the left boundary to the left of the building footprints are: ±2,06m and ±2,96m.
 - Distances from the bottom boundary to the bottom of the building footprints are: ±1m, ±4m, and ±16,42m.
 - Distances from the right boundary to the right of the building footprints are: 7,5m and ±1m.
 - Distances from the top boundary to the top of the building footprints are: ±7,16m and 6m.
 - Distances from the bottom boundary to the bottom of the building footprints are: ±1m and 3m.

 Building Lines
 Access
 Loading Bay

A map of Koringberg, Norway, showing a residential area with a grid of streets. A red rectangle highlights a specific building complex. A north arrow is visible in the top left corner.

Application is made for the:

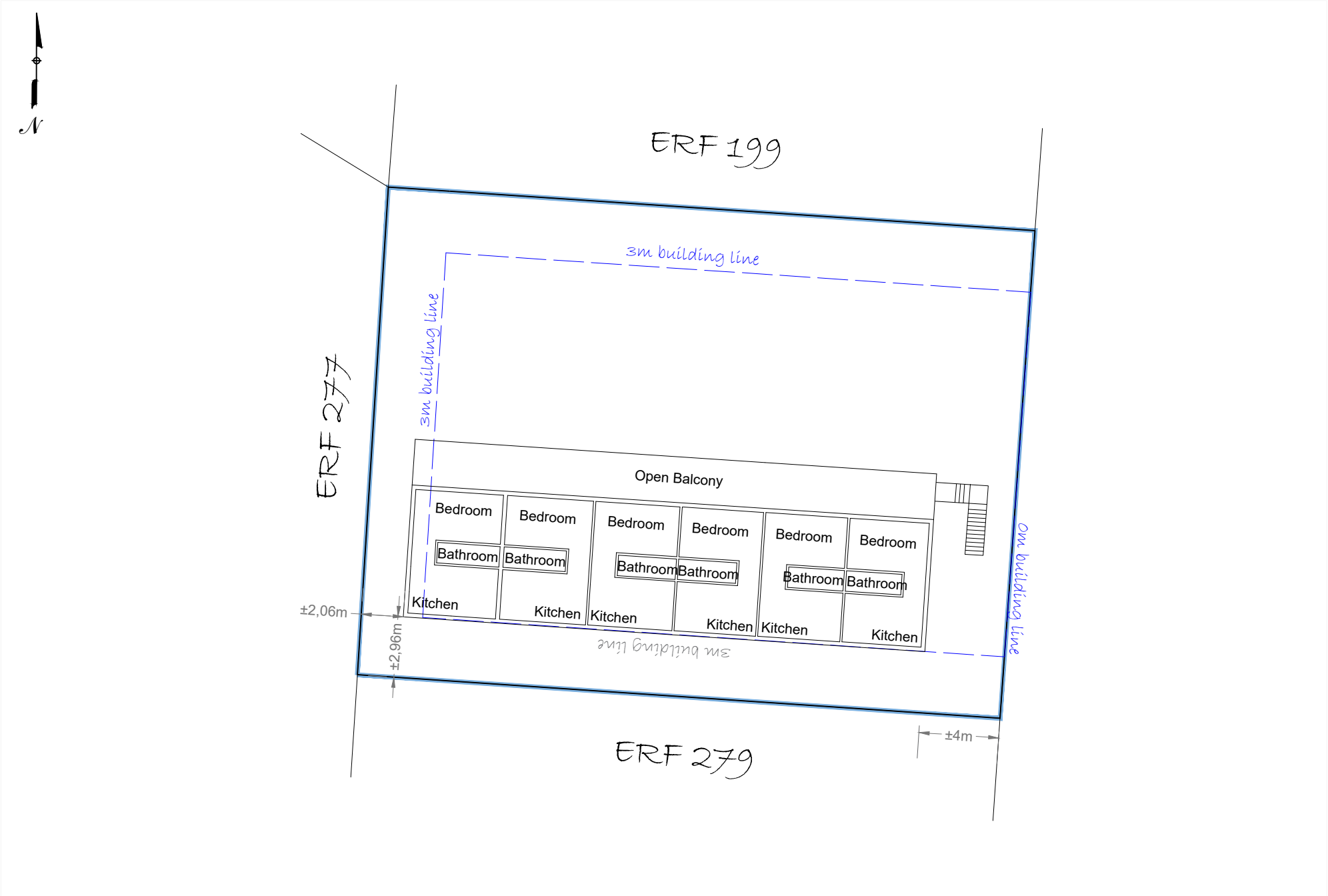
- rezoning of Erf 278, Koringberg, from Residential Zone 1 to Business Zone 2 to accommodate flats and business premises on the property;
- consent use on Erf 278, Koringberg, to accommodate a bottle store and a place of assembly on the property; and
- the relaxation of building lines and parking bay provision to accommodate the existing building and proposed uses.

-32-

REF:

ANNEXURE B

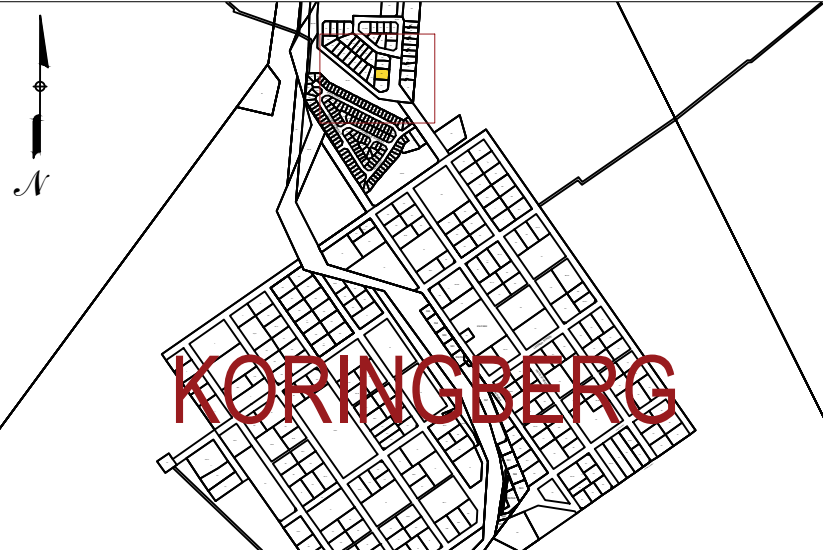
PROPOSED DEVELOPMENT ON ERF 278, KORINGBERG (First Floor)



LEGEND:

— Building Lines

Locality Insert



NOTES

- Application is made for the:
- rezoning of Erf 278, Koringberg, from Residential Zone 1 to Business Zone 2 to accommodate flats and business premises on the property;
 - consent use on Erf 278, Koringberg, to accommodate a bottle store and a place of assembly on the property; and
 - the relaxation of building lines and parking bay provision to accommodate the existing building and proposed uses.

This diagram illustrates Erf 278, Koringberg, zoned Business Zone 2.

Drawing by: MANDRI VILJOEN

ALL AREAS AND DISTANCES ARE SUBJECT TO THE TOWN PLANNING ACT, 1976 (ACT 103 OF 1976)



C.K. RUMBOLDI
TOWN PLANNING
PROFESSIONAL
16 RAINIER STREET
TEL: 022 - 4821
FAX: 022 - 4871
Email: planning@ckrumboldi.co.za

DATE:
SEPTEMBER 2021

AUTHOR:
SWARTLAND

REF:
KOR/12154/ZN/MV

ANNEXURE Bb

CK RUMBOLL & VENNOTE / PARTNERS

ANNEXURE C

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

10/02/2022

REF: KOR/12154/ZN/MV

ATTENTION: Mr. A. Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Mr,

Additional Information


**PROPOSED REZONING, CONSENT USE, AND DEPARTURE FROM DEVELOPMENT PARAMETERS
ON ERF 278, KORINGBERG**

Please find attached:

1. Conveyancer Certificate for to accommodate the land use application on Erf 278, Koringberg.

We trust you find the above in order.

Friendly greeting,


Zanelle Nortje/Mandri Viljoen
For CK RUMBOLL AND PARTNERS



MUNISIPALITEIT SWARTLAND				REG
LEER No: 15/3/3-71Erf-278				LIO No:
Vervyc Na	Inligting	Verslag	Afhandel	Kom/Taar
SBBO				
15/3/4-71Erf-278				(get)BK
15/3/10-71Erf-278				

CONVEYANCER CERTIFICATE

I, **Catherine Louw**
(Conveyancer)

Practising at: Van der Merwe & Robertson Inc,
Durbanville

In respect of: Erf 278 Koringberg

Registered owner: Dylan Bernard Rhodes

With regards to: Rezoning, Consent Use to accommodate a bottle store and place of assembly, Permanent Departure

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (including both current and earlier title deeds/pivot deeds/deeds of transfer):

T20273 / 2017;
T7794 / 1907; T2917 / 1924; T1903 / 1948

A. IDENTIFY RESTRICTIVE TITLE CONDITIONS

Categories		Are there deed restrictions (indicate below)		If restrictive conditions are found	
				Title Deed number	Clause number
1.	Use of Land		No		
2.	Building lines		No		
3.	Height		No		
4.	Number of dwellings		No		
5.	Bulk floor area		No		
6.	Coverage / built upon area		No		
7.	Subdivision		No		
8.	Servitudes that may be registered over or in favour of the property		No		
9.	Other restrictive conditions		No		



B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

In respect of which it was found that there **are no** restrictive conditions with reference to Section 43(3) (a or b) of the Land Use Planning By-law (2020) registered against such property (ies) prohibiting it from being utilised/developed for the purposes, as elaborated in the accompanying application.

NB: Additional Certificate is attached hereto relating to reasons that Condition B of Deed of Transfer T20273 / 2017 is not a restrictive condition

a.	Organ(s) of State that might have an interest in the restrictive condition	
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/ amendment of a restriction condition.	
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

Application in terms of Section 43 of the Municipal Land Use Planning By-Law (2020)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
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Van der Merwe & Robertson Inc.
P.O. Box 1469
Durbanville
7551

Tel: 021 – 976 4663

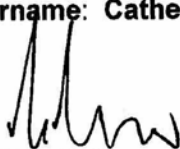
Email: renette@vrincorporated.co.za

Cell: 082 496 1642

Signed at Durbanville on this 9th day of February 2022

Full names and Surname: Catherine Louw

Signature: _____



ADDITIONAL CONVEYANCER'S CERTIFICATE: ERF 278 KORINGBERG

I, the undersigned CATHERINE LOUW, conveyancer, certify and confirm as follows:

The reference in Condition B of Deed of Transfer T20273 / 2017 to (a) the sale of intoxicating liquor, is not a restrictive condition prohibiting the proposed development of Erf 278 Koringberg for the following reasons:

1. Erf 278 Koringberg is NOT SUBJECT to the servitude created in Deed of Transfer T1903 / 1948 relating to (a) the sale of intoxicating liquor etc., but is ENTITLED to the said servitude condition;
2. The land transferred by Deed of Transfer T1903 / 1948, namely Portion 15, a portion of the Farm Hooggelegen, situated at Koringberg in extent 1(one) morgen, was made SUBJECT to the servitude condition relating to (a) the sale of intoxicating liquor etc. in favour of the Remainder of the land;
3. Accordingly, only the said Portion 15 transferred by Deed of Transfer T1903 / 1948 is subject to the restrictive condition relating to the sale of intoxicating liquor, whereas the Remainder of the land, of which Erf 278 Koringberg is a subdivision, is NOT SUBJECT to the servitude condition.

Signed at Durbanville on 9th February 2022



CATHERINE LOUW

(Conveyancer)

Van der Merwe & Robertson. INC

Tel: 021 976 4663

Unit 1, Heritage Square | P.O. BOX 1469
C/O Vredes & Gladstone Street | DURBANVILLE

40

ROUX & VAN DYK

Tel: 021 982 2274

Opgestel deur my,

Fee-endorsement		
	Amount	Office fee
Purchase price/value	R 20 000,00	R 35,00
Mortgage capital Amount	R	R
Reason for exemption	Exempt i.t.o	
Cat.	section	Act

TRANSPORTBESORGER
ERIKUS DANIEL ALBERTUS VAN DYK

T 000020273 / 2017

TRANSPORTAKTE**SY DIT KENNELIK AAN ALMAL WIE DIT MAG AANGAAN**Dat ~~LINDA ANNE BIRCH~~ LOUIS PAUL VAN SCHALKWYK

voor my, Registrateur van Aktes, verskyn het, te **KAAPSTAD**, die genoemde komparant synde behoorlik daartoe gemagtig deur 'n volmag aan hom/haar verleen deur

OVERBERG AGRI BEDRYWE PROPRIETARY LIMITED
Registrasienommer 1997/021082/07

geteken te CALEDON

en gedateer 15 Februarie 2017



En genoemde komparant het verklaar dat sy Prinsipaal, waarlik en wettiglik verkoop het op 6 Februarie 2017 en dat hy, die Komparant, in sy/haar voornoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

DYLAN BERNARD RHODES
Identiteitsnommer 950521 5095 08 3
Ongetroud

Sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, in volle en vrye eiendom

ERF 278 KORINGBERG, in die Swartland Munisipaliteit,
Afdeling Malmesbury, Provinsie Wes-Kaap;

GROOT : 755 (Sewehonderd Vyf en Vyftig) vierkante meter;

SOOS meer volledig sal blyk uit Algemene Plan No. 2368/1998;

GEHOU kragtens Transportakte Nr. T2799/2014.

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T 7794/1907.

B. GEREKTIG op die voordeel van die servituut waarna verwys word in die endossement gedateer 31 Januarie 1948 aangebring op Transportakte Nr. T 2917/1924, wat soos volg lees:

"Remdr

Registration of Servitude

Deed of Transfer No. 1903 d/d 31/1/48 the land thereby transferred was made subject tot and in favour of the remainder of land held hereunder, the following conditions relating to (a) the sale of intoxicating liquor (b) the approval of building plans (c) ... (d) ... (e) ... (f) the sale of fish (g) re-sale of ppty etc, as will more fully appear on reference to the said transfer."

Weshalwe die Komparant afstand doen van al die regte en titel wat die genoemde

TRANSPORTGEWER/S

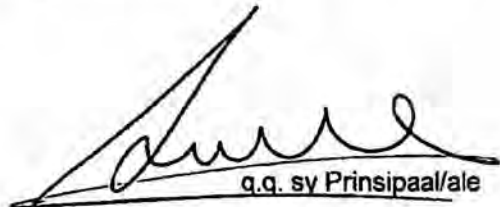
voorheen op genoemde eiendom gehad het, en gevolglik ook erken dat die TRANSPORTGEWER/S geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat kragtens hierdie akte, bogenoemde

TRANSPORTNEMER/S

Sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat; en erken hy/sy ten slotte dat die hele Koopsom die bedrag van **R20 000,00 (TWINTIGDUISEND RAND)** bedra, wat ten volle betaal of verseker is en welke eiendom waardeur is teen R15 500,00 (Vyftienduisend Vyfhonderd Rand).

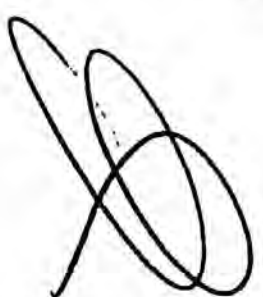
Ten Bewyse waarvan ek, die genoemde Registrateur, tesame met die Komparant, hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN en verly op die Kantoor van die Registrateur van Aktes, te KAAPSTAD
op 12 April 2017.


q.q. sy Prinsipaal/ale

In my teenwoordigheid,


REGISTRATEUR VAN AKTES.



Walmerbury F. #2/540

1-1948

1-1948

GETRANSPOORTE
TRANSFERRED
No. 1813/1975
NEDERLANDSE
336
1975
D. L. LAUBESCHER
Post-registrateur / Post Registrar
1903

1467
1-1-1948
CANCELLLED
100
117/42

1925
1950
VERBOD
MORTUARIUM
for an an...
100

T951
2917
B697 1903

1946

TRANSPORTAKTE

(JW/RL)

(UIT) VAN 'N PROKURASE

Hierby word bekend gemaak

Dat EDGAR DRYDEN TUDHOPE (Transportbesorger voor my, Registrateur van Aktes, te Kaapstad, verskyn het, en die genoemde Komparant synde behoorlik daartoe gemagtig deur 'n volmag, geteken te KORINGBERG,

van Julie 1947 en aan hom verleen deur op die 30ste dag

HENDRIK ANDRIES CARSTENS, en JOHANNES
LODEWYK VAN NIEKERK, behoorlik daartoe
gemagtig en handelende daarin namens die

KERKRAAD VAN DIE GEMEENTE TE
KORINGBERG VAN DIE NEDERDUITSE
GEREFORMEERDE KERK IN SUID-AFRIKA,

kragtens 'n Besluit daarvan geneem op die
7de September 1946,

En Genoemde Komparant het verklaar dat nademaal die gesegde Kerkraad
die ...

die hiernaomskrywe eiendom geskenk het aan die hiernagenoemde Vereniging op 3 Desember 1938;

SO IS DIT DAT hy, die gesegde Komparant, in sy voornoemde hoedanigheid, hiermee in volkome en vrye eiendom sedgeer en transporteer aan en ten gunste van

DIE VOORSITTER EN SEKRETARIS-PENNINGMEESTER
AS TRUSTEES VIR DIE KORINGBERG-OPVOEDINGS-
VERENIGING,

Hul Opvolgers of Regverkrygendes;

SEKER stuk opbetaalde erfpaggrond, genoem

GEDEELTE 15,

gedeelte van die plaas HOOGGELEGEN, geleë te
KORINGBERG, Afdeling MALMESBURY;

GROOT een (1) morg;

UITSTREKKENDE soos die Sertifikaat van
Geregistreerde Titel gedateer 5 Februarie 1942,
No. 951, met 'n kaart (No. 3493/1939) daaraangeheg,
uitgereik aan die Kerkraad van die Gemeente te
Koringberg van die Nederduitse Gereformeerde Kerk in
Suid-Afrika, meer volledig sal aandui;

ONDERHEWIG aan die voorwaardes waarna verwys
word in Transportakte No. 7794 gedateer 26 September
1907;

ONDERHEWIG VERDER aan die volgende voorwaardes
opgelê deur die Kerkraad van die Gemeente te Koringberg
van die Nederduitse Gereformeerde Kerk in Suid-Afrika,
as eienaar van die grond gehou onder Transportakte
No. 2917 gedateer 8 April 1924, naamlik :-

1. No business for the sale of intoxicating liquor of any kind be carried on on the said property.
2. Until such time as a Village Management Board or a Municipality shall have been established in the Township and such Village Management Board or Municipality shall have adopted building regulations, no person shall erect any building or structure on the said property without the approval in writing of the Kerkraad for the time being of the Dutch Reformed Church at Koringberg, for which purpose building plans shall be required to be submitted, provided that such approval shall not be arbitrarily withheld.
3. That though they may buy and own land and houses and let and sell them, yet no Asiatics shall have the right to be permitted to live in or occupy any house, shop or other building or structure on the said property.
4. That though they may buy and own land and houses and let and sell them, yet no Kaffirs or members of any aboriginal tribe or race of Africa shall have the right or be permitted to live in or occupy any house, shop or other building or structure on the said property, save only as such necessary domestics as the master or mistress of the dwelling house may require for his or her purpose in the comfortable habitation of the said dwelling house.
5. That

5. That though they may buy and own land and houses and let and sell them, yet no people known and understood in the Cape Province by the term "Coloured People" shall have the right or be permitted to live in or occupy any house, shop or other building or structure on the said property, save only as such necessary domestics as the Master or Mistress of the dwelling house may require for his or her purpose in the comfortable habitation of the said dwelling house.
6. No business for the sale of fish shall be carried on on the said property.
7. The above conditions are imposed for its protection by the Kerkraad for the time being of the Dutch Reformed Church at Koringberg as the registered owner of lots in the said Township and the remainder of the farm Hooggelegen and in the interest of persons acquiring lots in the said Township and becoming registered owners thereof. The said Kerkraad as the owner of the property above mentioned or any owner or owners of lots in the said Township or their successors-in-title may in the event of the breach of any of the above conditions take such action as may be necessary to stop breaches of the said conditions and to compel compliance with such conditions."
8. Dat die Kommissie van die Opvoedingsvereniging nie die reg sal hê om van die grond af te verkoop nie, sonder die toestemming van die Kerkraad van die Gemeente te Koringberg van die Nederduitse Gereformeerde Kerk in Suid-Afrika nie.

BC 13463/1925

CANCELLED
GEKANSLEER
1925
J. L. LAURIE
DIARIST
W. W. ...

M.A.E.
19-5-1967 7146
VERBOD
MORDEGAGED
vir R 3000-00 (met profiteer)
for ... (with or without)
vir 'n verdere bedrag nie te begroep
for additional amount not including
R 200-00
R. W. ...

WESHALWE

Weshalwe die Komparant afstand doen van al die regte en titel wat die gesegde

KERKRAAD VAN DIE GEMEENTE TE KORINGBERG
van die NEDERDUITSE GEREFORMEERDE KERK
in SUID-AFRIKA,

voorheen

op genoemde eiendom gehad het en gevolglik ook erken dat dit
geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat
krachtens hierdie Akte bogenoemde

VOORSITTER en SEKRETARIS-PENNINGMEESTER as
TRUSTEES vir DIE KORINGBERG-OPVOEDINGSVERENIGING,

Hul Opvolgers of Regverkrygendes;

tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte
van die Regoring, en ten slotte erken hy dat Insgelyks verskyn het
EDGAR DRYDEN TUDHOPE, hy behoortlik daartoe gemagtig deur
'n volmag aan hom verleen te KORINGBERG op 30 Julie
1947 deur JAN JACOB DANIEL MALAN en MATHYS DU TOIT
POTGIETER, in hul hoedanigheid as Voorsitter en
Sekretaris-Penningmeester respektiewelik van

DIE KORINGBERG-OPVOEDINGSVERENIGING,
en as sulks die Trusteess daarvan
handelende krachtens 'n Besluit van die gesegde Vereniging
gedateer 4 September 1946.

EN die Komparant q.q. het verklaar voormelde geskenk
namens sy Lasgewers aan te neem en hierdie transport in
uitvoering daarvan;

EN eindelijk erken het dat die geswore waardasie van
die eiendom

VYF-EN-SEWENTIG POND (£75. 0. 0.),

is, waarop herereg betaal is.

Ten Belyngte waarvan ek, die genoemde Registrateur van Aktes, tesame met
die Komparant, q.q., hierdie Akte onderteken en met die Ampseël bekrachtig het.

ALDUS GEDOEN en geteken op die Kantoer van die Registrateur van Aktes in
Kaapstad, Provinsie van die Kaap die Goeie Hoop, op die

31ste Dag

van die Maand

In die Jaar van onse Heer Eenduisend Nogehonderd

En Veertig (1948).

(Transportbesorger)
q.q. sy Prinsipaal/ale.

In my teenwoordigheid

Registrateur van Aktes.

Plaas

Geregistreer in die Register van Malmesbury. Boek 112 Folio 540 29

1. Ek is nie bereid om te sertifiseer dat art. 19/10 van
bepaling is nie.

2. Ek sertifiseer dat die bevestiging van die
beheer word deur natuurlike soos omstandighede in 1936 hier deur
bevestiging, aan die ene nie.

Klerk.

Transportbesorger

DEED OF TRANSFER

BY VIRTUE OF A POWER OF ATTORNEY.

EXECUTED
26 SEP 1907
Conveyancer.

Prepared by

DATED Hooggelegen 20th 1907

Know all Men whom it may concern,

JOHN CHRISTOPHER BERRANGE

Before me, Registrar of Deeds, He, the said Appearer, being duly authorized thereto by a Power of Attorney, dated the 20th day of August 1907, drawn up at Malmesbury and granted to him by

Kahn and Joseph Levin, trading under the style or firm of

Kahn & Levin

Power of Attorney was exhibited to me on this day : and the said Appearer declared that whereas his

property :-

quitrent place called Hooggelegen situate in the town of Malmesbury. Measuring as per remaining extent 917 square Rods.

whereas they have agreed to alter the tenure upon which the Landed Property has hitherto been held by the said Max Kahn paying to the said Joseph Levin the sum of £150 to equalize the partition of sub-dividing the same according to their respective interests therein, and receiving Transfer in full of each sub-divided portion;—Now, therefore, the said Appearer in his capacity as Attorney aforesaid in pursuance of the above in part recited agreement, declared that he did by these Presents Cede and convey full and free Property, to and on behalf of

MAX KAHN

Heirs, Executors, Administrators, or Assigns, The remaining extent of the quitrent place called Hooggelegen, situate in the town of Malmesbury.

Measuring as per remaining extent Four hundred and Sixty five Mor-

Diagram.

Transfer	To
17802-1948	W. G. G. 1907/28
5382/152	
17278/95	W. G.

gen, One hundred and Eighty-nine, decimal five square Roods.
 Extending as the Quitrent Lease with a diagram thereunto annexed
 granted to J.G. Lombard, C. Son on the 1st day of August 1841, and
 subsequent Deeds of Transfer, the last of which made in favor
 the Appearer's Constituent, as per Deed of Transfer dated 9th
 October 1905, will morefully point out and further subjoin
 to such conditions as are therein mentioned or referred to.

"

Wherefore the Appearer, renouncing all the Right and Title his Constituents heretofore jointly in
 Premises on behalf aforesaid, did in consequence, also acknowledge the said

Joseph

be entirely dispossessed of and disentitled to, the part hereby transferred; and that by virtue

MAX KAHN

His Heirs, Executors, Administrators, or Assigns, now is, and henceforth shall be, entitled
 conformably to local custom; moreover promising to free and warrant the Property thus transferred
 to clear from all encumbrances and Hypothecations, according to Law;—Government, however,
 Right;—and, finally, acknowledging his remaining Constituents to have received as a Consideration
 on this day, of their respective shares in the said Landed Property, and acknowledging to
 received payment of the said sum of £ 450 0/0.
 In Witness whereof I, the said Registrar, together with the Appearer, qd., have
 to these Presents, and have caused the Seal of Office to be affixed thereto.

Thus done and executed, at the Office of the Registrar of Deeds in Cape of Good Hope, on the

Day of the Month of September, in the
 Lord One Thousand Nine Hundred and Seven (1907)

in my presence,

MORTGAGED this 26th day of September 1907 for £ 1400 D. R. La. CHIEF CLERK

MORTGAGED this 26th day of September 1907 for £ 600 D. R. La. CHIEF CLERK

Mortgaged this 12 day of September 1907 for £ 600 0/0 0/0 D. R. La. CHIEF CLERK

BOX 135
TEL 228336

ENDOSSEMENTE KYK BLADSY
ENDORSEMENTS SEE PAGE

VAN DYK POTGIETER
MARAIS JOUBERT
TEL: 261670

40 VAN DYK POTGIETER INC.
TEL: 914 5000

40 VAN DYK POTGIETER INC.
TEL: 914 5000



Page 3 of last

REGISTERED

Mortgaged this day of 1924
for £3000
and for
to
1400
Registrar of Deeds.

For deductions vide
Gen Plan: K 64 29/12/35

Ph. Die Bunt
18/5/1926
TRANSFERRED

Ph. "Anney" Vleedam
23 May 500 29-12-35
TRANSFERRED

4226
Mortgage this day of 1924
for £3000
and for
a further sum of £1000
to be paid by the mortgagor
in three equal, etc.
instalments of £333 1/3 each
on the 1st day of January 1925
1926
P. R.
P. 14109

2917/924



Deed of Transfer.

BY VIRTUE OF SPECIAL POWER OF ATTORNEY

J. & H. REID & NEPHEW,
ATTORNEYS, NOTARIES & CONVEYANCERS,
125, ST. GEORGE'S STREET, CAPE TOWN.



Drafted by
Norman Reid

192
Conveyancer.

Know all Men whom it may concern.

That ———— NORMAN REID, ————

of Cape Town, appeared before me, 47-Registrar of Deeds, He, the said

any
to be transferred on this
page

Appearer, being duly authorised thereto by a Power of Attorney granted to him by

MAX KAHN

dated the 18th day of March 1924, and drawn up at Cape Town and witnessed in accordance with Law, which Power of Attorney was exhibited to me on this day:—and the said Appearer declared that his Constituent the said

MAX KAHN

had truly and legally sold, and that He, the said Appearer, in his capacity as Attorney aforesaid, did, by these Presents, Cede and Transfer, in full and free Property to and on behalf of

"THE KERKERAAD for the time being of the DUTCH REFORMED CHURCH
at KORINGBERG
tc.

^{or} Successors in Title Office
or Its Heirs, Executors, Administrators, or Assigns. The remaining extent of certain redeemed quitrent place called Hooggelegen, situate in the Division of Malmesbury,

MEASURING as per remaining extent :- Four Hundred and Sixty Five (465) Morgen One Hundred and Eighty Nine decimal five (189.5) square Roods.

^{or Grant} Extending as a certain Quitrent Lease with a diagram annexed granted to J. G. Lombard C. Son on 1st August 1841 (No: 22 Stellenbosch Quitrents - Volume 13) and subsequent deeds of transfer the last whereof made in favour of the Appearer's Constituent on 26th September 1907 (No: 7794) will more fully point out and further subject to such conditions as are referred to in such last mentioned deed of transfer, and to the further special conditions as set forth in paragraphs 6 and 7 of a certain deed of ~~sale entered into between the Appearer's Constituent and the~~

Remdt

REGISTRATION OF SERVITUDE.
Deed of Transfer, No. 1905 of 14. 21/1/48
the land hereby transferred was hereby
subject to and in favour of the remainder
of land held hereunder the following
conditions relating to (a) the said
of intoxicating liquor (b) the approval
of buildings (c) occupation by (d)
the said (e) occupation by Coloured people
(f) the sale of fish (g) re-sale of
apply etc.
As will more fully appear on
reference to the said transfer.
Deeds Registry
Cape Town
31/1/48
Deeds Registrar

12-5-1955. Annual Band of the
To
Restant
Remainder
12110
EXP. PORTSEER
TRANSFERRED

4948

Wherefore the said Appearer, renouncing all the Right and Title
his Constituent heretofore had to the Premises, on behalf as aforesaid, did in
consequence also acknowledge his Constituent as aforesaid to be entirely dispossessed
of, and disentitled to, the same; and that, by virtue of these Presents, the said

Kerkeraad for the time being of the Dutch Reformed Church
of Koringberg,

or its Successors in Title
Heirs, Executors, Administrators, or Assigns, now and henceforth shall be
entitled thereto, conformably to local custom; moreover promising to free and
warrant the Property thus sold and transferred, as also to clear it from all
Encumbrances and Hypothecations, according to the Laws respecting the Purchase
and Sale of Landed Property; Government, however, reserving its Right; and
finally, acknowledging his Constituent to be satisfactorily paid the whole of the
Purchase Money, amounting to a sum of

ELEVEN THOUSAND POUNDS STERLING (£11000)

In Witness whereof I, the said Registrar, together with the Appearer,
q.q., have subscribed to these Presents, and have caused my Seal of Office to be affixed
thereto.

THUS DONE AND EXECUTED, at the Office of the Registrar of
Deeds, in Capetown, Province of the Cape of Good Hope, on the
8th Day of the Month of April
in the Year of our Lord One Thousand Nine Hundred and Twenty
Four (1924).

Norman Reid

q.q.

In my Presence,

W. J. M. M. M.

Registrar of Deeds.

(For endorsements of mortgages, if any, see head of Deed.)

the Ministry
the Parliament & the
Administration

TRANSFERRED

A Certificate of Registered Title has
in accordance with Section 43, Act 13
of 1917, been substituted for this Deed in re-
spect of Portion 15 = 1 morgen

on EFFN (no. 951)

10-28-89 Key 421011

[illegible]

$$\begin{array}{r} 79420 \\ 46041 \\ \hline 54479 \end{array}$$

$$\begin{array}{r} 46041 \\ 54479 \\ \hline 58060 \end{array}$$

$$\begin{array}{r} 22536000 (252) \\ 1728 \\ \hline 4156 \\ 4220 \\ \hline 2366 \\ 1728 \end{array}$$

$$\begin{array}{r} 638 \\ 124 \\ \hline 2552 \\ 2552 \\ \hline 628 \end{array}$$

$$\begin{array}{r} 465 \quad 187 \quad 72 \\ 41 \quad 500 \quad \hline 628 \end{array}$$

$$\begin{array}{r} 423 \quad 288 \quad 77 \\ 384 \quad 219 \quad 55 \\ \hline 5472 \\ 5194 \end{array}$$

$$\begin{array}{r} 39 \quad 69 \quad 31 \end{array}$$

GETRAINSPOORTEER.....
TRANSFERRED

No.....

Restant.....
Remainder.....

DIE MOORREESBURG
DOPPELINGSBOECHE
KONFERENTIE
VERENIGING.

Handwritten signature across the bottom.

Handwritten signature at the bottom right.

Handwritten signature at the bottom right.

Gy 11 miles / 20 Hymns

GETTRANSPORTER.....**28-7-1968**
TRANSFERRED
No.....**15557**
Resistant.....
Remainder.....

Ast. *A N Tracer*
To

In black

Asst.-Registerer.
Radi. Recorder.

[illegible]

BLADSY/PAGE 5

ENDOSSEMENT OP
ENDORSEMENT ON T 2917/1924

EIENDOM/PROPERTY Land

Hooggelegen

Er 169 - 5761 89 m

GETRANSPORTEER
TRANSFERRED

Aan De NG. Landbouwgemeente
To to 1500 gld

No. 22-08-1924

Restant
Remainder

27881

Registrateur
Registrar

OTTE GROND
THE LAND

IS GERECHTIGD EN MOET IN DIE TOEKOMST BESKRYFTE WORD AS
IS REGISTERED AS, AND MUST IN FUTURE BE DESCRIBED AS

Remainder of the
farm Hooggelegen
no. 329

AKTESKANTOOR,
DEURS RECHTER,
KAAPSTAD,
CAPE TOWN

21/2/79

M. du Toit
HOOF REGISTRASIEAMPTENAAR,
CHIEF REGISTRATION OFFICER.

SERWITHT VAN WATERLEIDING

Ceded to REPUBLIEK VAN SUID-AFRIKA

Deed of Cession No. K 378/1979

Deur to van Sessie No. 1979-06-15

Geopstreepte hierdie 1979-06-15

DEURS OFFISER
DEURS OFFISER

[Signature]
DEURS REGISTRAR
DEURS REGISTRAR

Er 23 Koningse gte 4982 m

GETRANSPORTEER
TRANSFERRED

No. T 1982

[Signature]
Registrateur
Registrar

-51-

BLADSY/PAGE 6
ENDOSSEMENT OP
ENDORSEMENT ON T2917 / 1924
EINDOM/PROPERTY Rescindet
van Hooggelegen

~~EIF 149 meas. 6,1813 Ha.~~
~~EIF 181 meas. 5,890 Ha.~~
GETRANSPORTEER
TRANSFERRÉD. Aan Municipaliteit van Koningberg
No. T Restant Rescindet
Registratu. Registrar.

ERRO

~~GETRANSPORTEER
TRANSFERRÉD. Aan Municipaliteit van Koningberg~~

IN ERRO

~~EIF 126 meas. 14,44 km²~~
~~GETRANSPORTEER
TRANSFERRÉD. No. 1 Restant Rescindet~~
~~Registratu. Registrar.~~

ERRO

Er 125 meas: 1660m² 2/1 Plan

GETRANSPORTEER
TRANSFERRED

No. 34217 187

1986-09-01

Aan To

Restant Remainder

Registrateur Registrar

Deduction from

Meissenheimer

Er 3 = meas 1487 m²

Er 2 = meas 1487 m²

GETRANSPORTEER
TRANSFERRED

No. 187

1986-09-01

Aan To

Restant Remainder

Registrateur Registrar

Deduction from

Meissenheimer

GETRANSPORTEER
TRANSFERRED

No. 187

1986-09-01

Aan To

Restant Remainder

Registrateur Registrar

Er 2

442.88

Certificate of Registered Title No. Issued in terms of
Bewijs van Geregtigde Titel No. uitgereik ingevolge

Art. 43 Act No. 47/1937 In respect of the
Wet No. 47/1937 ten opzichte van

Er 37 meas 2,3322 ha

Registrateur Registrar

1988-01-06

Vir verdere endossements sien
For further endorsements see.....

Pe. 8

1. Erf 147 meas: 1388 m²

2. Erf 141 meas: 1388 m²

8

GETRANSPORTEER
TRANSFERRED

No. **T**

FROM **General**

TO **Van R. Veldsman**

REGISTRAR

GETRANSPORTEER AAN

TRANSFERRED TO

RESTANT/REMAINDER

T

REGISTRATEUR/REGISTRAR

ERF 294 = 48028 HA

GETRANSPORTEER AAN
SWART LAND

TRANSFERRED TO

RESTANT/REMAINDER

T

REGISTRATEUR/REGISTRAR

FOR FURTHER ENDORSEMENTS SEE
VIR-VERDERE ENDOSSEMENTE SIE

9.

T2917 / 1924

EQF 294 = 4,8028 HA.

GETRANSPORTEER AAN SWARTLAND		TRANSFERRED TO MUNISIPALITEIT.	
RESTANT/REMAINDER			
T		000026296 / 2006	
18 APR 2006		REGISTRATEUR/REGISTRAR	

For further end. see pg. 10.


Kragtens Notariele Serwituutakte van
Waterleiding no. K

000000232 / 2014

gedateer 18 Februarie 2014 is die
binnegemelde eiendom **onderhewig** aan n
reg ten gunste van die Weskus
Distriksmunisipaliteit, om water te lei deur
middel van n pyplyn binne n serwituutgebied,
5 meter wyd, waarvan die noord-westelike
grens voorgestel word deur die lyne **AB en**
CD, en die noord-oostelike gons deur die lyn
BC op die Serwituutkaart Nr. 5451/2002
onderhewig aan voorwaardes

Soos meer volledig sal blyk uit genoemde
Notariele Akte

07 MAR 2014
Akteskantoor
KAAPSTAD


Registrateur van Aktes

Kragtens Notariele Serwituutakte van
Waterleiding no. K 000000233 / 2014

gedateer 18 Februarie 2014 is die
binnegemelde eiendom **onderhewig** aan n
reg ten gunste van die Weskus
Distriksmunisipaliteit, om water te lei deur
middel van n pyplyn binne n serwituutgebied,
5 meter wyd, waarvan die noord-oostelike
grens voorgestel word deur die lyne **AB**, op
die Serwituutkaart Nr. 5292/2002,
onderhewig aan voorwaardes

Soos meer volledig sal blyk uit genoemde
Notariele Akte

07 MAR 2014

Akteskantoor

KAAPSTAD



Registrateur van Aktes

Kragtens Notariele Serwituutakte van
Waterleiding no. K 000000234 / 2014

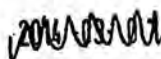
gedateer 18 Februarie 2014 is die
binnegemelde eiendom **onderhewig** aan n
reg ten gunste van die Weskus
Distriksmunisipaliteit, om water te lei deur
middel van n pyplyn binne n serwituutgebied,
5 meter wyd, waarvan die noord-oostelike
grens voorgestel word deur die lyne **AB, FG**,
die noord-westelike grens deur die lyne **BC**,
EF en die Westelike grens deur die lyn **DE** op
die Serwituutkaart Nr. 4956/2009,
onderhewig aan voorwaardes

Soos meer volledig sal blyk uit genoemde
Notariele Akte

07 MAR 2014

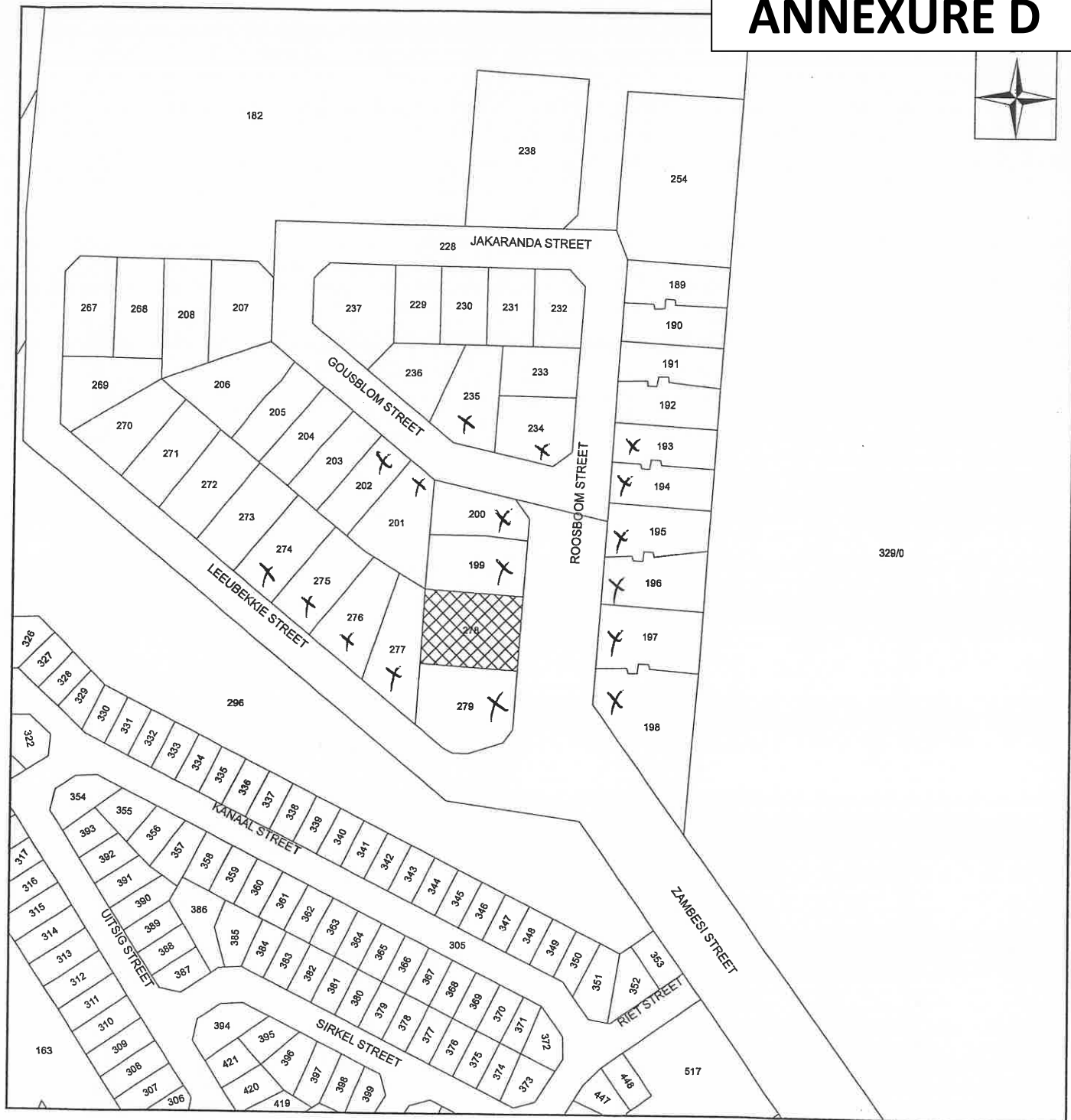
Akteskantoor

KAAPSTAD




Registrateur van Aktes

ANNEXURE D

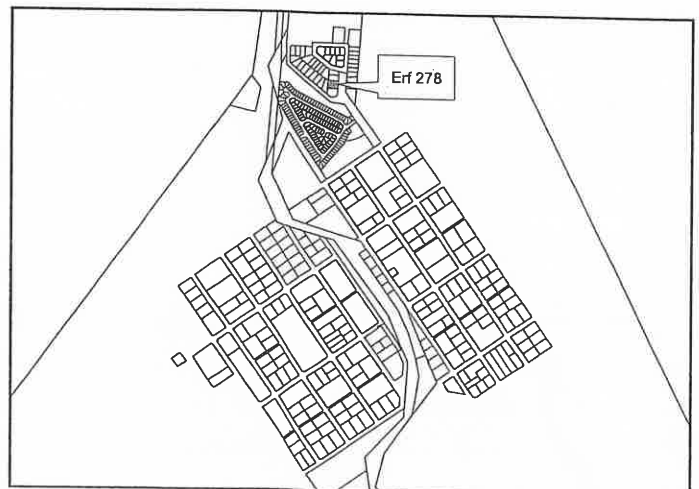


Voorgestelde hersonering, vergunningsgebruik en afwyking

Erf 278, Koringberg

Publieke deelname

Skaal: NVT



ANNEXURE E

VAN: KORINGBERG (RAUTENVILLE) GEMEENTE
7312

AAN: Munisipale Bestuurder
Privaat sak x52
Malmesbury
7299

Geagte Mr Scholtz

Rakende: Hersenering van erf 278, Koringberg

Hiermee voel ons die ondertekenaars positief/sterk oor erf 278 wat besigheids regte moet kry. Ons weet dat dit vir ons n voordeel sal wees asook veiliger vir die verbruikers van drank. Ons het geen gemeenskap saal nie, daarom meen ons hoekom iets teenstaan as ons voordeel kan trek. Die huidige gemeenskap saal is onbekostigbaar. Die POP sentrum is n jeug sentrum dit is nie ingerig vir n funksie saal nie. Die kerke het ook hul eie gedragkodes wat ons inag moet neem, daarom sal die saal op erf 278 ideaal wees.

Ons voel dat ons wat Rautenville bewoon se stem meer krag moet dra as die ander hoof gebied van Koringberg. Ons is die mense wat weet wat ons nodig het, hoekom sal die ander gebied van Koringberg van beter weet?. Koringberg is n plek vir almal, as die plek te klein is vir besigheid dan moet dit vir almal te klein wees.

NAAM & VAN	ID NOMMER	ADRES	SIGN
Lydia Faro	7106300799685	Rooiboom str. 14	L Faro
Wilhelm Jagers	5304265146085	Rooiboom str. 9	W Jagers
Karleng Jagers	5310150086088	Rooiboom str. 9	K Jagers
Christa Faro	9207090175026	Rooiboom str. 15	C Faro
Kristina	560204 0189 05 4	Rooiboom str. 7	K-MT
Antoine Antone	910430136086	Rooiboom str. 16	Antone
Jeremy Antone	7912135114 072 2	"	Antone
Yvonne Antone	870630 0130 089	"	Yvonne
Jan Antonie	19 Jan 1982	Rooiboom str. 14	J.A.
Jan Antonie	6104175217087	Rooiboom str. 16	Jan Antonie
Rebecca Bass	4306150086085	Rooiboom str. 18	Rebecca
Andreas Bass	500625090082	Rooiboom str. 18	A-Bass
Rooiboom str. 18		Rooiboom str. 18	A-Bass
Carolanne Swan	6702270572089	Rooiboom str. 5	Carolanne
Wilma Jagers	7310070244086	Rooiboom str. 5	Wilma
Maria Jagers	500638 0119 081	Takaranda str. 2	M Jagers
Klas Klaar	570645131086	" " "	Klaar

NAAM & VAN	ID NOMMER	ADRES	SIGN
JOSEPHINE BASSON	6908170114088	LECHBEKKIE 12 KOPING BEER	J. BASSON
LAUREN KILLIAN	9407300040084	LECHBEKKIE 12 KOPING BEER	L. Killian
Johanne V. Wey	7308100518088	SKANNAALSTR. 1	J. V. Wey
ELUIS FARRAO	8811165263088	KANNAAL STR. 6	E. Farrao
Niklas Farnas	8702256262083	KANNAAL STR. 6	N. Farnas
ANNE VEEGER	6601170240085	KANNAAL STR. 2	A. VEEGER
ALVIO FARRAO	0746092833	KANNAAL STR. 3	A. FARRAO
SARINA ROBYN	0746092833	KANNAAL STR. 3	S.R.
KAROLIS ROBYN	0629608736	KANNAAL STR. 3	K.R.
DOROTHEA HENDRICKS	0629608736	KANNAAL STR. 3	D. HENDRICKS
ALVIO FARRAO	8710190154084	KANNAAL STR. 3	A.F.
KAROLIS ROBYN	5708105165081	KANNAAL STR. 3	K.R.
SARINA ROBYN	6004120163080	KANNAAL STR. 3	S.R.
DOROTHEA HENDRICKS	9801190168089	KANNAAL STR. 3	D. HENDRICKS
FELICIA MANAS	9110280180082	KANNAAL STR. 28	F. MANAS
FAREN BRAND	9109240230084	KANNAAL STR. 1	F. BRAND
NICHOLINE SWARTS	0112051403080	KANNAAL STR. 1	N. SWARTS
MICHELLE ALBERTS	711270224002	KANNAAL STR. 8	M. ALBERTS
HENRIETTE FORTUN	8004050243087	KANNAAL STR. 10	H. FORTUN
FRANK GYDECH	7801235125089	KANNAAL STR. 10	F. GYDECH
JOHANNA JENSEN	5404290160083	KANNAAL STR. 14	J. JENSEN
CHRISTA JENSEN	9206220235083	KANNAAL STR. 14	C. JENSEN
W. V. D. VENSTRA	6010025044085	KANNAAL STR. 9	W. V. D. VENSTRA
DINA FERNANDES	6411290239089	KANNAAL STR. 11	D. FERNANDES
ALICE JAGERS	8302255221087	KANNAAL STR. 15	A. JAGERS
JONETTA MANAS	6109110215087	KANNAAL STR. 22	J. MANAS
JOHANNA MANAS	5205315152082	KANNAAL STR. 22	J. MANAS
JEANNE JENSEN	8501240236085	KANNAAL STR. 24	J. JENSEN
LENE DARGES	0630107260	KANNAAL STR. 17	L. DARGES
HESTER LOUIS	6902151050086	KANNAAL STR. 21	H. LOUIS
THOMAS WILLIAMS	6502075124080	KANNAAL STR. 23	T. WILLIAMS
JENNIE MACRAE	8810240241087	KANNAAL STR. 21	J. MACRAE
SOLIA PIETERS	5901110190083	KANNAAL STR. 30	S. PIETERS
ELIZABETH ALEXANDER	9110130059080	KANNAAL STR. 40	E. ALEXANDER
JOHANNA NERO	9102170171083	KANNAAL STR. 43	J. NERO
MARGARETHA PETERS	8405260132085	KANNAAL STR. 40	M. PETERS
LEONIE RAMBURG	8611260132086	KANNAAL STR. 42	L. RAMBURG
BERNETT FORTUN	89908095526088	KANNAAL STR. 35	B. FORTUN
PHILIPPE FORTUN	9512230036084	KANNAAL STR. 33	P. FORTUN
KETRINA	7302260648083	KANNAAL STR. 23	K. FORTUN

NAAM & VAN	ID NUMMER	ADRES	SIGN
Evel Fortuin	79 0315 01350 87	Kanaal / Kanaalstr. 27	E Fortuin
Loonie Swart	9606250221083	Kanaalstr. 31	L Swart
Koosje Swart	72 11060734089	Kanaalstr. 31	K Swart
Julius Swart	670921 508709	Kanaalstr. 31	J Swart
Leo Meas	880604 6336087	Kanaalstr. 31	L Meas
C. ADAMS	680121 0112087	Kanaalstr. 10	C Adams
L. V. A. Venter	920204 0821080	Kanaalstr. 9	L Venter
G. PASENS	740428 0090082	Kanaalstr. 9	G Pases
H. Jagers	680904 0844081	Kanaalstr. 13	H Jagers
W. Jagers	6003095825087	Kanaalstr. 13	W Jagers
C. M. K. Kanaal	740120 0035 080	Kanaalstr. 15	C M K
L. Dampies	9609255174082	Kanaalstr. 17	L Dampies
Abrahamus	0211300267089	Kanaalstr. 15	A Abrahamus
S. Goliath	801008 0114 086	Kanaalstr. 9	S Goliath
L. Dampies	0012245512082	Kanaalstr. 19	L Dampies
E. Antkowi	01305045232083	Kanaalstr. 26	E Antkowi
G. Booyzen	7404030258088	Kanaalstr. 26	G Booyzen
S. Booyzen	7410165251087	Kanaalstr. 26	S Booyzen
J. N. Kanaal	981231 5963 081	Kanaalstr. 26	J N Kanaal
Katerfordia	730326 0104 089	Kanaalstr. 25	K
Bella Thomas	590614 0369 086	Kanaalstr. 37	X
DANIE NAKENS	620722 5910 087	Kanaalstr. 27	X
Jouans Goliath	800225242087	Kanaalstr. 37	J Goliath
Mina Swart	720329 0211 088	Kanaalstr. 37	M Swart
BRAND F. Kanaal	960135242088	Kanaalstr. 50	B F
Samuel Kanaal		Kanaalstr. 50	S Kanaal
Maria Jacobs	7407060184082	Kanaalstr. 52	M Jacobs
Maria Kanaal	7807110204089	Rietstraat 17	M Kanaal
Elton Cibe	861205 5143 087	Kanaalstr. 43	E Cibe
Latriena Nene	7101010248085	Kanaalstr. 43	L Nene
Jouryne Nene	0401195308 089	Kanaalstr. 43	J Nene
Christo Frans	7403155213084	Rietstr. 21	C Frans
Carl Nene	7106175164 089	Uitstraat 34	C Nene
T. Bekkes	9602205218088	Kanaalstr. 11	T Bekkes
Simon de Woe	73 08295899083	Rietstraat 5	S de Woe
JEUNE SWART	9002035155081	Kanaalstr. 37	J Swart
L. J. A. Kanaal	8107230190089	Rietstraat 27	L J A Kanaal
Karin Carolus	7501080094086	Sirkelstr. 21	K Carolus
J. Titus	690506 0213 087	Rietstr. 23	J Titus
Katrik Booyzen	9507050155081	Rietstr. 25	K Booyzen

NAAM & VAN	ID NOMMER	ADRES	SIGN
Leonore Sout	940506026083	19 Rietstraat	<i>[Signature]</i>
Rudiana Sauls	9602020210088	21 Rietstraat	<i>[Signature]</i>
Junita Sauls	8103100269089	21 Rietstraat	J. Sauls
Mina Thun	481213027080	21 Rietstraat	M. Thun
Dimitri Sauls	0209245354081	21 Rietstraat	<i>[Signature]</i>
Joseph Januere	6505135264085	21 Rietstraat	J. Januere
Joshua Frederis	0101305794087	10 Rietstraat	<i>[Signature]</i>
Lee-Ping Ahn	9309300212087	10 Rietstraat	L. Ahn
Danwill Barkes	4804055142083	17 Rietstraat	D. Barkes
Leandra Barkes		16 Sirkelstraat	<i>[Signature]</i>
Ashwin Meer		Kanaal str 21	<i>[Signature]</i>
Jan-Lee Wouter	070787609 cell	15 Kanaalstraat	<i>[Signature]</i>
Joseph D.	02020014322	Rietstraat 11	<i>[Signature]</i>
Wim van der V.	0200071005083	Rietstraat 110	<i>[Signature]</i>
Meer van der V.	0201250542089	Rietstraat 110	<i>[Signature]</i>
Christiaan van der V.	0204115270086	Rietstraat 110	C. van der V.
Jeannette Afkane	730221099082	Rietstraat 31	J. Afkane
Elsie Janmar	7105100234087	Uitsig 31	E. Janmar
Deborah Dero	090102514088	Uitsig 31	D. Dero
Norman Janmar	7503147485088	Uitsig 31	N. Janmar
Jan van der V.	0511015194089	Uitsig 21	<i>[Signature]</i>
Andrea Andrea	507365594011	Uitsig 21	<i>[Signature]</i>
Giannina Buisson	8609155126089	Uitsig 19	<i>[Signature]</i>
Michelle Oliver	7910160216084	Uitsig 19	M. Oliver
Gail van der V.	7112251085085	Uitsig 19	<i>[Signature]</i>
Alfred van der V.	7503070228087	Uitsig 13	<i>[Signature]</i>
Rogel de Kleik	050373	Uitsig 17	R. de Kleik
Kelvin Schutte	78011553087	Uitsig 13	<i>[Signature]</i>
E. Goliath	10 April 1968	Kanaal str 37	E. Goliath
E. Daniels	18 Desember 1977	Uitsig 39	E. Daniels
P. Fum	1996/05/12	Sirkelstr 22	P. Fum
S. Fortuyn	2000/13/12	Sirkelstr 22	S. Fortuyn
André Buij	205250163085	Sirkelstr 9	A. Buij
S. Vickerbyl	9412310253081	Sirkelstr 9	S. Vickerbyl
J. Stuurman	8005015845082	Leebekkie 11	J. Stuurman
S. Janssens	5704040168082	Leebekkie 11	S. Janssens
E. Janssens	31.7.1990	Leebekkie 11	E. Janssens
E. Janssens	4/11/1988	Leebekkie 11	E. Janssens
J. Janssens	710222587082	Leebekkie 11	J. Janssens
J. Stuurman	6212255873083	Leebekkie 11	J. Stuurman

24 November 2021

Aan : Munisipale Bestuurder
Swartland Munisipaliteit
Private Bag x52
Malmesbury
7299

Van : Dylan Rhodes
3 Roosboomstraat
Rautenville, Koringberg
7312

Geagte Mnr. Scholtz

Ek, die eienaar en boorling van Koringberg, skryf hierdie brief om iets wat ek glo onregverdig is onder u aandag te bring.

Erf 278 was oop vir publieke deelname en het 15 November 2021 gesluit. CK Rumboll het my bewus gemaak van alle besware. Van die totale besware is daar een persoon wat twee keer beswaar maak op twee verskillende adresse. Een adders is haar woning, die ander is haar werksplek wat die Poskantoor is. Geen stamp van Poskantoor is getoon op beswaar nie. Die twee besware kom vanaf T & B Jagers en Sylvia Jagers.

Die Koringberg POP sentrum het ook beswaar gemaak. Hulle meen dat 'n drankwinkel die kinders/Jeug negatief sal beïnvloed. Die Jeugsentrum word gebruik vir funksies, soos dit in beswaar duidelik gemaak is. Ek persoonlik weet dat daar al 'n troue, 21ste, 50ste, 70ste en 'n dans gehou was. By al daardie funksies was drank betrokke, en ons kinders moes toe waarneem dat by die plek waar hulle onderrig en morele waardes moes kry 'n plek vir drank en partytjies is. Watter voorbeeld stel die jeug sentrum dan? In Koringberg is daar soveel smokkelhuise waar kinders reeds blootgestel word aan drank. As hier op Koringberg bv. 200 (twee honderd) mense in die gemeenskap verbruikers is van drank, sal syfers nie toeneem omdat nog 'n 2de drankwinkel in gemeenskap is nie. Syfers sal onveranderd bly, tensy gemeenskap uitbrei of groter huis gesinne.

Koringberg Sub Forum meen dat Koringberg reeds 'n groot kerk gemeenskapsaal het, maar het hulle al navrae gedoen hoeveel van Rautenville/ASLA inwoners al gebruik gemaak het van die "groot kerk saal?". Vir byna 26 jaar is ek as eienaar erf 278 al in Koringberg, en weet net van 3 (drie) persone wat al die NG gemeente se kerk saal gebruik het. Ek was gelukkig die 3de (derde) persoon wat dit gehuur het in 2016 vir 'n funksie. 'n R1500 (duidend vyf honderd) vir saal + R500 (vyf honderd) deposito moes ek betaal, eet gery uitgesluit. As u moet sit en dink kan u die gevolgtrekking maak, daarom word VGK en BO-vertrekker gebruik vir sosiale funksies vir ons Rautenville/ASLA inwoners. Die jeug moet elke keer aanskou dat daar partytjies in ons kerke gehou moet word. Dit is iets wat ons kinders se ontwikkeling negatief kan beïnvloed.

Baie beswaardes meen om 'n 2de drankwinkel af te keer sal inwoners verhoed om meer alkohol te bekom. Ons almal weet dat mense sal moeite doen om drank te bekom, soos bv. Taxi huur om drank te gaan koop in ons naaste Dorpe (Moorreesburg en Piketberg). Dit sal 'n verbruiker meer geld kos vir iets wat tot hul beskikking kon wees. Om nie vêr te gaan nie, in Lockdown 2020 het mense vir drank wat ±R17 kos ±R80 betaal voor. Dit het niemand verhoed om te drink nie. Soos ons weet verbruikers sal 'n plan maak, maak nie saak wat uitkoms daarvan is nie. Selfs sulke redes kan gesinne uit mekaar dryf. In Koringberg is hier meer as 'n handvol smokkelaars.

Drie kwart van inwoners wat beswaar gemaak het, bly in "hoof" gebied van Koringberg. Hulle kommentaar gaan nie so seer oor die minder bevoorregte Rautenville/ASLA mense nie. Dit gaan meer oor hul eie behoeftes. Dit is maklik om kommentaar te lewer as jy onafhanklik is. Hoe weet "hulle" wat ons as Rautenville/ASLA inwoners nodig het? Ek weet, want ek het groot geword tussen hierdie mense. My doel is om werk te skep al is dit ook vir twee persone, asook om 6 mense te huisves teen 'n bekostigbare bedrag. In 2018 het ek met die projek begin en het net van hierdie gemeenskap se mense gebruik gemaak. Die drie kwart wat in Koringberg Hoof gebied bly is "BEKOMMERD" oor die gemeenskap, daarom het hulle beswaar gemaak. Meeste van hulle maak tans gebruik van buitelanders as huishulp, tuinwerkers. Dit is waar werkloosheid begin en nie a.g.v. 'n saal, woonstelle en drankwinkel nie. Erf 278 sit ±sentraal van die hele lokasie gebied, dus het ek redeneer dat 'n drankwinkel geskik sal wees, want ±80% is ons mense wat die huidige drankwinkel ondersteun. Dit stel ons mense ook in gevaar, want die huidige drankwinkel sit teen die hoofpad. Mense kan gestamp/raakgery word. Daar was al baie gestamp/raakgery in hoofpad tussen lokasie en drankwinkel. Ek sê nie dat hulle almal onder die invloed van drank was nie, ek probeer u net bewus maak van alles.

Uit ±36 huise in Rautenville het 8 (agt) eienaars beswaar gemaak + POP sentrum. Uit (RDP/ASLA) is daar ±150 huise en net een persoon het beswaar gemaak. D.w.s meer as ±80% het geen kommentaar gelewer nie wat daarop dui dat hulle wel goedkeuring gee. Ek verstaan nie waarom mense sien dat nog 'n drankwinkel so 'n groot gevaar inhou vir die gemeenskap nie. Vir 26 jaar het ek nog geen gevaar wat huidige drankwinkel inhou vir gemeenskap gesien nie. Die saal op erf 278 sal geen verband hou as daar 'n drankwinkel moet wees, want dit sal beskou word as onwettig.

Inwoners wat beswaar gemaak het meen Koringberg is te klein. Dit was dan nie te klein vir 'n winkelder (Wildevorst) nie. Die winkelder lok dan ook toeriste/besoekers, dan is daar dan geen probleem dat mense van buite vir Koringberg besoek nie. Koringberg is altyd net te klein as sekere mense probeer 'n lewe maak. Hier is ook baie gastehuise wat ook vreemdelinge lok, dan is dit dan nie 'n bedreiging vir ons kinders nie.

In Koringberg is daar die spesifieke inwoner wat besigheid dryf met olyf bome, ±15ton olywe per seisoen. Dit word op residensiële erwe bedryf. Ek as boorling meen dat dit iets is waar aandag gegee moet word, want die onsigbaarheid kan lei tot kinders/grootmense wat vermoor kan word asook verkragtings ensovoorts. Hoekom erf 278 van die hand wys as ek as jong man iets probeer reg doen?.

Ons is 4 (vier) broers en 1 (een) suster wat groot geword het op Koringberg. Vir baie jare lank was die winkel net langs die drankwinkel dit was op 'n stadium die enigste winkel wat daardie tyd op Koringberg was. Ons was elke dag blootgestel aan drank, want ons moes verby die drankwinkel beweeg om brood of so te gaan koop. Dit het geen negatiewe impak op ons gehad nie, want niemand van ons 5 (vyf) is gebruikers van sterk drank nie. Daarom sukkel ek bietjie om die eintlike probleem waar te neem.

Ek hoop van harte dat u my sal verstaan as inwoner/eienaar van erf 278

By voorbaat dank

Mnr Dylan Rhodes
ID: 9505215095083
Sel: 060 345 6242

ANNEXURE F



Koringberg Sub Forum

MUNISIPALITEIT SWARTLAND		REG	FOLIO
LEER No:	15/3/3-7/Erf	-278	
Verwys Na	8888		
Inligting	a del		
Verslag			
Afriantel			
Anders	15/8/4-7/Erf	-278	
SPERDU	15/8/10-7/Erf	-278	
			(get)BK

WEST COAST DISTRICT MUNICIPALITY.

MOORREESBURG

7310

The Municipal Manager

PROPOSED REZONING OF ERF 278 KORINGBERG: BOTTLE STORE LICENSE\EVENTS VENUE APPLICATION: COMMUNITY NOT IN FAVOUR OF REZONING.

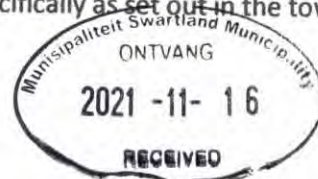
This letter serves to inform the Swartland Municipality of the Koringberg Police Sub Forum's opposition to the re zoning of the above property and to give the reasons behind the decision to appose the application.

The Koringberg Police Sub Forum represent the people of Koringberg in their desire for crime prevention, safety, security and a better environment for all the residents especially the children.

As such it is in the best interests of the town and its residents to appose the rezoning application in the strongest manner. Currently the town faces numerous challenges relating to the abuse of liquor, this then cascades down to child abuse and gender based violence, a scourge that the Sub Forum is constantly trying to combat.

The main reasons for the opposition are as follows:

- The town already has one legal bottle store on the main road and for the extent of the town there is no need for any additional liquor outlets.
- The re zoning application will not be in the best interest of the town and its people as it will have a very negative impact on the residents of the town. There is already a huge socio economic vacuum in the town and this will only add to an already hemorrhaging economic situation in the town.
- A large sector of the residential dwellings in the immediate proximity of Erf 278 and those contiguous to it have young children living there and this would be detrimental to the development of the children.
- Koringberg is a small bucolic village which does have a Central Business District as set out in the town plan. Shown to the rate payers by the Swartland Municipality at a meeting at the Church hall during 2011. This CBD is more than sufficient for the small town and there is no need to have a facility such as this in a fully residential area, specifically as set out in the town plan.



- The above sentiment was echoed again in 2014 at the Koringberg Police Sub Forum meeting when an application was made for a tavern.
- A lesson learned during the Covid pandemic has been that less liquor being sold has led to less Domestic violence, child abuse and assaults. As such it would be prudent not to approve more liquor outlets in the town.
- The town already has a large church hall and a POP (path out of poverty) centre that surpass all the needs of any social gathering in the town and more specifically in the area close to the proposed tavern.
- A venue of this nature will also create an increase in noise levels in a residential area, creating endless problems for neighbours with young children as well as the elderly, who also make up a portion of the community close to Erf 278.
- With a venue of this nature and considering the socio economic situation of the people who will be using the venue this will create a bigger strain on an already stretched Police service who are more than 15 Km's away from the town if any related crimes are reported.
- This location is within 100 meters from the Local NGO POP centre who care for children after school hours.
- Erf 278 is also within 150 meters from the local primary school and the local church which will prove to be extremely problematic.
- A commercial social events facility for a community that already has more than enough venues for social gatherings is unnecessary. Thus to be sustainable it will necessitate offering the venue to outside groups and not the residents of Koringberg. This will bring a myriad of secondary negative issues to the town such as drugs and gangsterism, loitering, noise and any number of other nefarious actions this town can ill afford.
- After a cursory inspection on the dwelling by myself, a qualified Estate Agent with more than 30 years experience in the industry it is clear that numerous building legislation violations have been made in the construction of the building. The building line as set out by the Municipality and the National Building Regulations has been ignored. The land use for flats did not get the approval from the neighbouring residents, and there is not enough parking. Matters that need to be addressed by the Local Authority.

Thus, in light of the above it is the opinion of the Koringberg Police Sub Forum that the approval of any business of this nature must be rejected and apposed by the Forum forthwith.

Kindly note that if approved this matter will be taken to the highest authority, Koringberg as a community will not stand for the degeneration of our village and the bad influence on our youth. Not to mention the additional strain on our police force who are not aided by any Municipal policing.

Kindly inform all interested parties of the outcome and final decision of the Municipality.

Your serious attention to this correspondence will be greatly appreciated.



Brian Stander

Chairman: Koringberg Police sub Forum.

Date: 9 November 2021

ERF 97
Hoek van Hoof- en Sonderendstraat
Koringberg
7312

Die Munisipale Bestuurder
Privaat sakX52
Malmesbury
7299

Geagte Mr Scholtz

Rakende: Hersonering van ERF 278, Koringberg

Ek wil met hierdie skrywe my besware aanteken rakende die hersonering van ERF 278 tot sakesone. Omdat die hersoneringaansoek 'n tweede drankwinkel vir Koringberg, asook 'n lokaal vir sosiale funksies voorstel, teken ek beswaar aan vir die volgende redes:

- ERF 278 is in 'n residensiële woonbuurt waarin baie gesinne met jong kinders bly. Onnodige blootstelling aan drank en die sosiale gedrag wat met die misbruik daarvan gepaartgaan, is in my mening onvanpas en onregverdig vir gesinne wat tans ronsom daardie perseel woon
- Ek kan die huidige drankwinkel vanaf my slaapkamer sien; ek hoor en sien elke naweek hoe mense daar vergader, hulle musiek teen top volume speel, hulle spaargeld spandeer en hulle self heeltemal te buite gaan met drankverbruik. Hoewel ek dit uiters onaangenaam en steurend vind, gun ek hierdie ervaring nie vir ander mense in die omgewing nie. 'n Tweede drankwinkel sal na my mening drankmisbruik verder aanhits en bydra tot groter elende in die sosiale samestelling van hierdie gemeenskap.

Ek versoek daarom dat die hersonering van ERF 278 tot sakesone deur u afgekeur word.

Bel of e-pos gerus indien u enige verdere inligting benodig of die bogenoemde wil bespreek.

Beste wense



MARTINA KLOPPER
0824981813
martina.kloppe@gmail.com

PROPOSED REZONING, CONSENT USE AND DEPARTURE OF ERF 278, KORINGBERG (NOTICE 28/2021/2022)

Dear Sirs

Thank you for the opportunity to comment on the above proposal. **I will be objecting to this development in the strongest possible terms** and our reasoning is laid out below.

I bought my house in Hoopvol str 25 years ago and have been very happy in the village the last 25 years. I have recently bought die Ou skool and am currently restoring it to run as a wellness retreat...and plan to be moving to Koringberg full time in the next two years.

I have seen the village grow from what it was to what it is now, and am deeply invested emotionally in the village and how it develops.

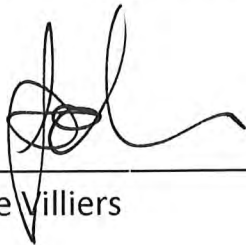
I believe this development would totally wreck the character of Koringberg and its future development.

There are a lot of reasons for our objection but the most significant is as follows:

The extent of the proposed shops and flats is completely disproportional to the community of Koringberg and Rautenville which have a combined residency of less than fifteen hundred.

We have more points which will probably be echoed by all the other objectors:

- 1) Our house is within earshot of the proposed development.
- 2) More particularly, the school is within earshot of the development.
- 3) We most certainly don't need a second bottle store in such a small village. The Western Cape has a serious problem with both excessive alcohol consumption and drug addiction. Another bottle store is fuelling such a problem and not in the interest of the residents.
- 4) We don't need another "amenity hall" since we have a church hall, school hall and a community centre.
- 5) Koringberg has a growing number of facilities such as bed and breakfast and self - catering for the hospitality industry – patrons wanting to come to the peace and tranquillity of our quaint little town. Thumping loud "douff douff" music will be heard over most of Koringberg. We have already experienced this at times especially during holiday periods or at weekends and we would hate this to become a permanent feature of our town. The loud train is quaint – the loud music is not! (SIGNED)



Janette De Villiers

From: Kerry Hoffman <kerryliz@outlook.com>
Sent: Monday, 15 November 2021 15:52
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: nats.qm@hotmail.com
Subject: OBJECTION ERF 278

To whom it may concern,

As the registered owner of 13 Karee Street, 532 Karee Street, 521, 522 523 and 524 Hoopvol Street, Koringberg, I strongly object to the proposed rezoning of Erf 278 in Koringberg.

This application goes against the public interest as it will have a negative impact on our small, peaceful village in terms of noise pollution and bringing alcohol sales and the associated issues that go hand in hand with it into a residential area. There are many children that live within the immediate vicinity of the proposed development as well as a school and a church.

We do not need another commercial area in a village as small as ours and we have no dedicated police unit to deal with the problems that will naturally occur with a development such as is proposed.

Besides the negative social impact, the noise pollution from such a venue will have a hugely detrimental impact on our quiet, rural village. We need to protect the character of our village at all costs.

Yet another concern is the precedent that this application will lead to other ad hoc applications and the character of our village, the safety and security of it's residents will be eroded forever.

Social event venues and alcohol sales for our relatively small population are already well taken care of and there is no need for any further developments of this nature. We have no need or desire to attract others from out of town either.

I appreciate your full giving attention to this matter and the associated irreversible negative impact it will have on the village of Koringberg and it's residents.

Yours sincerely,

Kerry Hoffman

Cell : +27 82 781-1726

Email : kerryliz@outlook.com

Leigh Kinross
Erf 140
Koringberg
7312

15 November 2021

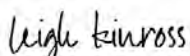
**The Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury
7299**

Dear Mr Scholtz

Kindly find below my opposition to the proposed rezoning of Erf 278. the application for a liquor store license and a functions venue based on the points raised hereunder.

1. This application is not in the public interest in that it will have a negative impact on the residential character of the area and a negative social impact too by nature of the type of activity being applied for.
2. Many of the residents in the immediate area of Erf 278 are young children.
3. Koringberg is a small rural village and already has a Central Business District (CBD) which is widely accepted to be on the Main-Road (as per Swartland Town Planning in a CPF meeting in or about 2014) There is no need to have a separate commercial area.
4. Koringberg already has a bottle store that adequately serves the needs on the community.
5. There is an existing Church Hall, School Hall and POP Youth Centre that meets the social events needs of the community in the area surrounding Erf 278.
6. The immediate proximity of a bottle store and a devoted and commercial "social functions hall" to existing residential homes will no doubt cause a major disturbance of the peace (noise) for those living both in the vicinity and those living within earshot myself included.
7. The proposed location for this development is very close {within 150 meters} to an NGO funded after school care of children - POP. It is within 200 meters of the local junior school. It is within 200 meters of the Church.
8. Koringberg does not have a dedicated SAPS branch and as it is we are told by SAPS that resources are severely constrained. Who will actively regulate the applicant ensuring compliance with the law when he has already demonstrated a lack of regard for regulations?

Yours sincerely,



Leigh Kinross
072 2656533

PROPOSED REZONING, CONSENT USE AND DEPARTURE OF ERF 278, KORINGBERG (NOTICE 28/2021/2022)

Dear Sirs

In addition to the letter below which I fully endorse I would like to add the following comments. I am the Chairperson of the Koringberg Day Care facility, and which has been established since 18 January 2011. This facility lies approximately 200metres for the proposed development. I object very strongly to the proposed development and the detrimental effects on this education facility and young children. This concern has also been conveyed to me by many of the parents. I have examined the legal situation and has found that this new development is not allowed to be within the distance of a school or day care centre. Approval of such a development will thus contravene these legal rights.



Mr. Pieter Fourie 15th November 2021

Thank you for the opportunity to comment on the above proposal. **We will be objecting to this development in the strongest possible terms** and our reasoning is laid out below. Our signatures and details are at the end.

We own three plots (Erven 1,2 and 3 Koringberg) and I (Nelia) have peacefully resided here for 20 years. My husband and I are passionate about the semi-rural character of Koringberg and Rautenville, as are most other residents. We believe this development would totally wreck the character of Koringberg and its future development.

There are a lot of reasons for our objection but the most significant is as follows:

The extent of the proposed shops and flats is completely disproportional to the community of Koringberg and Rautenville which have a combined residency of less than fifteen hundred.

SIXTEEN SHOPS? Who are they kidding? To our mind the proposed plans have been designed to emolliate the Swartland Municipality into accepting the re-zoning by suggesting that the community will benefit. However, we guess the developers' true objective is to start with the bottle store and entertainment centre first – and probably stop there! Without active policing (Koringberg has no police station) we will soon have a shebeen on our hands of monster proportions. And this will attract all the wrong sort of patrons from far afield. Koringberg will become a den of iniquity – a haven for drug dealers, gangs and other undesirables.

We live in the upper part of Koringberg but believe that the greatest harm will be done to the residents of Rautenville, particularly adolescents and the youth. As you are aware unemployment is high in Rautenville and many residents survive on social grants. Unscrupulous people may access the money from these grants for alcohol and other non-necessities if they are available.

We have more points which will probably be echoed by all the other objectors:

- 1) Our house is within sight of the proposed development.
- 2) More particularly, our house is within earshot of the development.
- 3) We most certainly don't need a second bottle store in such a small village. The Western Cape has a serious problem with both excessive alcohol consumption and drug addiction. Another bottle store is fuelling such a problem and not in the interest of the residents.
- 4) We don't need another "amenity hall" since we have a church hall, school hall and a community centre.
- 5) Koringberg has a growing number of facilities such as bed and breakfast and self - catering for the hospitality industry – patrons wanting to come to the peace and tranquillity of our quaint little town. Thumping loud "douff douff" music will be heard over most of Koringberg. We have already experienced this at times especially during holiday periods or at weekends and we would hate this to become a permanent feature of our town. The loud train is quaint – the loud music is not!
- 6) Overall, the residents of Koringberg and Rautenville are a Christian community. Having a bar/bottle store/entertainment centre in the middle of Rautenville would not represent the values which they strive for and pose a threat to adolescents and youth.

Furthermore, and from a legal standpoint:

We believe that providing approval for this enterprise contravenes many aspects of the **Constitution and can be challenged at the Constitutional Court:**

Including the following which are highlighted from the **Bill of Rights**: These rights could be infringed on and can be taken to the Constitutional Court:

Environment 24. Everyone has the right— (a) to an environment that is not harmful to their health or wellbeing; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that— (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development

Children 28. (1) Every child has the right— (a) to a name and a nationality from birth; (b) to family care or parental care, or to appropriate alternative care when removed from the family environment; (c) to basic nutrition, shelter, basic health care services and social services; (d) to be protected from maltreatment, neglect, abuse or degradation; (e) to be protected from exploitative labour practices; (f) not to be required or permitted to perform work or provide services that— (i) are inappropriate for a person of that child's age; or (ii) place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;

Just administrative action 33. (1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair. (2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons. (3) National legislation must be enacted to give effect to these rights, and must— Chapter 2: Bill of Rights 14 (a) provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal; (b)

impose a duty on the state to give effect to the rights in subsections (1) and (2); and (c) promote an efficient administration

South African law, through the Environment Conservation Act 73 of 1989 and municipal by-laws, protect recipients of intolerable noise pollution.

The Regulations define noise disturbance as follows:

"Any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person" and "disturbing noise" as "a noise level that exceeds the ambient sound level measured continuously at the same measuring point by 7 decibels or more."

A resident in a town, and more particularly a resident in a residential neighbourhood, is entitled to the ordinary comfort and convenience of his home, and if owing to the actions of his neighbour he is subjected to annoyance or inconvenience greater than that to which a normal person must be expected to submit in contact with his fellow-men, then he has a legal remedy."

The urban myth says you can make noise until 10pm on a week night and 12pm on a weekend but, in actual fact most municipalities have by-laws in place that focus on the number of decibels rendered rather than the actual time frame in which noise is made.

Municipal by-laws govern disturbing noise. An example of this kind of noise would be loud party music. This kind of party noise is generally tolerated until 10pm on a Friday and/or Saturday evening before you can take steps against the perpetrator/s. SAPS will generally deal with these noise issues if there are complaints from neighbours and there are steps to follow if it becomes a nasty habit of a neighbour.

Noise nuisance is a totally different animal. This kind of noise makes you reach for the Panados and can include playing loud music or a musical instrument or operating a television set loudly, operating machinery or power tools that cause a noise nuisance, shouting and talking loudly, allowing an animal to become a noise nuisance, operating a vehicle that causes a noise nuisance an driving a vehicle on a public road in a manner that causes a noise nuisance. This noise is illegal at all times and is enforceable at any time of the day.

NOTE:

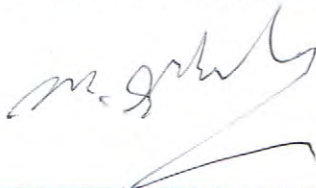
Our Plot numbers are 1 +2 + 3 KORINGERG

Our preferred manner of communication is email to nelia.steyn@uct.ac.za and max@mb-net.co.za Tel: (Nelia) 082 449 8057 / (Max) 072 443 3122

(SIGNED)



DR NP STEYN-HOUNSELL (Emeritus Professor UCT)



Proposed Rezoning Erf 278 Koringberg / Bottle Store License / Events Venue Applications

Argument **against this proposal** can be based on some or all the following points -

- This application is not in the public interest in that it will have a negative impact on the residential character of the area and a negative social impact too.
- Many of the residents in the immediate area of Erf 278 are young children.
- Koringberg is a small semi-rural village and already has a Central Business District (CBD) which is widely accepted to be on the Main Road (as per Swartland town planning in a CPF meeting in or about 2014) There is **no need** to have a separate commercial area.
- Koringberg already has a bottle store that adequately serves the needs on the community.
- There is an existing Church Hall, School Hall and POP Youth Centre that meets the social events needs of the small community in the area of Erf 278.
- **The immediate proximity** of a bottle store and a devoted and commercial “social functions hall” to existing residential homes will no doubt cause a major disturbance of the peace (noise) for those living both in the vicinity **and those living within earshot**.
- The proposed location for this development is very close (within 100 meters) to an NGO funded after school care of children – POP.
- It is within 150 meters of the local junior school.
- It is within 150 meters of the local Church
- Koringberg does not have a dedicated SAPS branch and as it is we are told by SAPS that resources are severely constrained. Who would proactively police these 2 proposed establishments?
- Having a **commercial** social events hall for a community that is already well catered for suggests that to be sustainable it will become a destination for people not from Koringberg. We have ZERO law enforcement currently - save our own efforts with the KW – who will protect us from the social ills that DO come with this type of establishment such as drink driving, drugs, noise, loitering in the streets, public disorder and even worse....
- The applicant has clearly breached certain building laws during the building of the “flats” (reference to the building line for example and the application in reduction of parking spaces).
- If the applicant cannot even build without breaking the rules from the get-go - WHAT makes the authorities think that he will adhere to the laws governing his liquor license and just as importantly respect the neighbors’ rights to privacy and peace and quiet and enjoyment of their own homes?

Date: 15 November 2021

**PROPOSED REZONING, CONSENT USE AND DEPARTURE OF ERF 278,
KORINGBERG (NOTICE 28/2021/2022)
Physical Address: 3 Roosboom Street, Koringberg**

OBJECTION AGAINST PROPOSED REZONING, CONSENT USE AND DEPARTURE OF ERF 278

Herewith **objection against** above mentioned rezoning as follows:

1) Non-Compliance with National Building Regulations (NBR) SANS 10400 with specific references below:

1.1) PART D Public Safety Sections

D2: Pedestrian entrances to parking areas: Non-compliance as surrounding pedestrians and small children are not protected against unintentional walking in the path of incoming traffic to the proposed function hall or liquor store.

D3: Ramps: Entrance ramp is not designed for safe use for additional public traffic implied by the additional usage when changing from residential to public use of a liquor store and/or function hall.

1.2) PART M Stairways

M1: General requirement: Should the rezoning be approved, stairways which are not designed by a professional engineer for the implied additional loads caused by more public traffic, will be compromised the concrete and steel structure, thus will be non-compliant with general requirements for NBR regulations for stairways and entrances.

M2: Fire requirement: Non-compliant in terms of dimensions and stairway winders in accordance with additional public use and traffic should rezoning of the building be approved.

1.3) PART O Lighting and Ventilation

O5: Artificial Ventilation Plant: Not compliant with the required NBR designed capacity, location and protection of such a ventilation plant, nor is any provision made for air vents and ducting as required for public buildings/rezoning of building situated on Erf 278.

1.4) PART P Drainage

P3: Control of Objectionable Discharge: Inadequate design dimensions and construction of sewerage tank and plumbing in terms of NBR requirement for additional public use when rezoning the building for a functions hall and liquor store.

PP3: Sanitary Fixture: Inadequate design in terms of the NBR requirement for disabled public members and the additional fixtures required per public member when rezoning the building for a functions hall and liquor store.

1.5) Part S: Facilities for Disable Persons

S3: Deemed-to-Satisfy Requirements: General access, design and use of building will not be compliant with NBR requirement for disabled public members when rezoning the building for a functions hall.

1.6) PART T: Fire Protection

Building currently not designed or compliant with NBR requirements for protection of occupants or adjacent residents, minimum spread of fire, access and exit routes, fire hydrant plumbing and equipment.

2) Safety and Nuisance Risk for Koringberg Community

- 2.1) Existing Central Business District:** Swartland Town Planning already approved and implemented a commercial section on the Koringberg Main Road, which currently included a liquor store. There is thus no need for another liquor store within such a small community or a separate commercial area situated within the residential area, as implied by rezoning the building on Erf 278. There is also an existing School Hall, POP Youth Centre and a Church Hall that have, since inception of the aforementioned facilities, served the community for all social events and functions. The necessary ethical control and conduct of the public is overseen by Swartland Municipality or proprietary authorities, resulting in the responsible use of the facilities.
- 2.2) Community Safety:** The firebrigade facility is limited and only available on call out from adjacent towns. By rezoning the relevant double storey for additional functions and consequent increase of public traffic will increase the burden on the firebrigade and fire hazard risk for immediate residents, mainly due to Section 1.6 as mentioned.
- 2.3) Children Safety:** There are a NGO funded school and after care centre within immediate proximity of the requested functions hall and liquor store. With the limited access by Municipal Law Enforcement, the functions hall, with access to liquor on the same premises will in all likelihood become a shebeen. This will also attract more non-Koringberg residents, increasing the road safety risk, especially for Koringberg children literally living on the roadside next to the intended functions hall.
- 2.4) Nuisance Factor:** The applicant, which is the owner and builder of this building, has already breached the Swartland Municipal By-Laws (building and parking restrictions) and will also become non-compliant with National Building Regulations as far as public spaces are concerned. By showing his disregard during the inception stages of his building construction, the applicant will in all likelihood also show his disregard towards the community in terms of the late evening noise and road traffic nuisances created by non-Koringberg residents. It is already evident that non-Koringberg residents are using Koringberg's Main Road for road races, which as SAPS and Traffic Services statistics will testify, increases with liquor use at function and liquor store facilities.

Given the abovementioned reasons, your careful consideration of the community's well being for not approving the rezoning of Erf 278 will be much appreciated.

Kind regards.

S Diedericks	PO Box 16
7 Wilger Street	Koringberg
Erf 282	7312
Koringberg	
7312	

Email: s.diedericks@webmail.co.za

Tel: 082 487 4827

Beswaar:

Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278

Naam – Arlene Coenraad

Adres – Erf 132 Zambezi Street Koringberg

Kontak nommer – 078 568 4177

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het nie n brief of kennisgewing ontvang.
- 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
- 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
- 4- These types of venues attract crime and many incidents of lawlessness and serious crimes such as drug peddling, muggings, fights, intimidation of residents, prostitution will be encouraged by the opening of this business and this is not acceptable to any community.
- 5- Begging outside of the venue is likely to occur as the area already has a huge unemployment rate. Those who are employed will in all likelihood spend their hard earned money on liquor and this will give rise to further socio-economic issues.
- 6- Drunk driving, speeding is already an issue in the community and this will further exacerbate it.
- 7- A further grave concern is the youth in the area and this will lead to more alcohol and drug abuse in the community which they are currently experience.
- 8- The venues also has a tendency to attract an influx of illegal foreign nationals to protect the proposed business.
- 9- House break in and burglaries will also increase as a result. I am totally opposed to this business and the adverse effects it will have on our community.

Ek versoek dat die aansoek afgekeur word.

Handtekening A.M.Coenraad

Naam en Van Arlene Coenraad

Datum 15.11.2021

Erf 94, Hoofstraat
Koringberg
7312
15 November 2021

Die munisipale bestuurder
Private Sak X52
Malmesbury
7299

Geagte mnr. Joggie Scholtz

HERSONERING VAN ERF 278, KORINGBERG

Ons skryf aan u met 'n beklemming om die hart oor die voorgestelde hersonering van Erf 278 op Koringberg van Residensiële sone tot Sakesone 2. Deel van die aansoek is om 'n drankwinkel en saal vir sosiale funksies oop te stel op 'n erf wat omring word deur woonhuise.

Ons maak ten sterkste beswaar daarteen. Ons woon in die hoofstraat van Koringberg, op die hoek van Hoof- en Sonderendstraat, en ken die gevolge van so 'n besigheid eerstehands. En wanneer so 'n onderneming eers staan, blyk daar niks te wees wat 'n mens kan doen aan al die gepaardgaande probleme nie.

Ons word elke naweek en op betaaldae – veral wanneer SASSA-toelaes uitbetaal word – blootgestel aan openbare drinkery op ons voorstoep. Dit lei natuurlik tot die allervieslikste skeldtaal en geweld, plus openbare urinering, rommelstrooiery, dronkbestuur en vele ander probleme. Daaglik wag mense om 09:00 al dat die drankwinkel oopmaak, en dan begin die probleme. Dit hou aan tot 20:00 wanneer die drankwinkel sluit. Ons tel 3-4 keer per week 'n groot vullissak vol rommel rondom ons eiendom op, en dit het 100% daarmee te make dat mense oral sit en alkohol drink.

Boonop is die ure waarin die drankwinkel sake doen, met die jare dramaties verleng – van 08:00-17:00 in 2005 tot 09:00-20:00 vandag (op weekdae), en van 08:00-13:00 tot 09:00-20:00 (op Saterdag), sonder dat enige van die inwoners rondom die drankwinkel geraadpleeg is. Omdat daar geen polisie teenwoordigheid op Koringberg is nie, sien ons weekliks meer motors van buite wat inkom en nie net in die hoofstraat jaag nie, maar ook klipharde musiek speel en onder die invloed van drank bestuur. Die beste tyd van die 16 jaar wat ons hier woon, was die tydperk van die streng inperking, toe die drankwinkel gesluit was. Stilte. Rus. Vrede. Geen rommelstrooiery nie. 'n Mens kon in die hoofstraat stap!

Ons het die kwessie al etlike kere onder die aandag gebring van die Moorreesburgse polisie, die plaaslike Gemeenskapspolisieringsforum, mnr. Alec Dick en die Koringberg Watch én ons geagte raadslid, Me. Marlene van Zyl – sonder enige hulp of bystand. Die laaste keer toe ons dit met Me. Van Zyl bespreek het, het sy voorgestel ons verkoop die huis en verlaat Koringberg. Haar woorde was: "Hierdie menses [wat in die openbaar drink, urineer, rommel strooi, eiendom beskadig] was lank voor julle hier – hoekom trek julle nie net nie?"

Ons het dus geen vertroue dat die probleme wat gaan kom met die nuwe drankwinkel – wat, net soos die een in Hoofstraat, deur woonhuise omring word – opgelos of selfs net gehanteer gaan word nie. En al sou ons 'n tweede drankwinkel steun as dit sou kon help om die huidige een se deure te sluit, gun ons dit nie vir die mense wat daar woon en onder andere bejaardes en skoolgaande kinders insluit nie. Dit sou boonop onbillik wees teenoor die nabygeleë kerke, crèches en skole.

Ons versoek baie dringend dat u nie die totstandkoming van 'n tweede drankwinkel en "funksiegebou" goedkeur nie. Indien u met ons in verbinding wil tree, moet asseblief nie huiwer om na die onderstaande e-posadres te skryf nie.

Die uwe



PETER VAN NOORD
082 940 7741
peter@subteks.co.za



JOHAN VAN ZYL
082 679 4539
johan@subteks.co.za

From: Barbara Malaisé <noodle@mweb.co.za>
Sent: Monday, 15 November 2021 07:38
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Rezoning Application ERF 278

?To whom it may concern,
I wish to object most strenuously to the application to build a commercial "social functions hall", which will benefit nobody but the applicant.
The reasons for objection are numerous.

- This application is not in the public interest in that it will have a negative impact on the residential character of the area and a negative social impact too.
- Many of the residents in the immediate area of Erf 278 are young children.
- Koringberg is a small semi-rural village and already has a Central Business District (CBD) which is widely accepted to be on the Main Road (as per Swartland town planning in a CPF meeting in or about 2014) There is **no need** to have a separate commercial area.
- Koringberg already has a bottle store that adequately serves the needs on the community.
- There is an existing Church Hall, School Hall and POP Youth Centre that meets the social events needs of the small community in the area of Erf 278.
- **The immediate proximity** of a bottle store and a devoted and commercial "social functions hall" to existing residential homes will no doubt cause a major disturbance of the peace (noise) for those living both in the vicinity **and those living within earshot**.
- The proposed location for this development is very close (within 100 meters) to an NGO funded after school care of children – POP.
- It is within 150 meters of the local junior school.
- It is within 150 meters of the local Church
- Koringberg does not have a dedicated SAPS branch and as it is we are told by SAPS that resources are severely constrained. Who would proactively police these 2 proposed establishments?
- Having a **commercial** social events hall for a community that is already well catered for suggests that to be sustainable it will become a destination for people not from Koringberg. We have ZERO law enforcement currently - save our own efforts with the Koringberg Watch – who will protect us from the social ills that DO come with this type of establishment such as drink driving, drugs, noise, loitering in the streets, public disorder and even worse....
- The applicant has clearly breached certain building laws during the building of the "flats" (reference to the building line for example and the application in reduction of parking spaces). This is absolutely incomprehensible to me - why are these breaches being overlooked by the authorities?
- If the applicant cannot even build without breaking the rules from the get-go - WHAT makes the authorities think that he will adhere to the laws governing his liquor license and just as importantly respect the neighbors' rights to privacy and peace and quiet and enjoyment of their own homes?

I urge you to consider the greater good of our little community. This development would be a disaster.

Yours sincerely,
Mrs Barbara Malaisé
2 Sterling Street
Koringberg
ERF 41
082 9515388

Petrus Adonis
Coastblom 76
Pashers 76
Koningberg

Graagte Heer

Hiermee wil boegenoemde net sê
dat daar op Erf 278 nie in Drank winkel geb
maet wees nie of in dansaal nie

Dat inwoner nie kan rustig kan slaap nie
Oms Misdaat gaan vermeerder
Armoede gaan vermeerder

Met Dank Die Uwe
B. M. S.

MUNISIPALITEIT SWARTLAND		REG		
LEER NO:	15/3/3-7/Erf-278	FOLIO NO		
Verwys N	Inligting	Verslag	Afhandel	Kom/Taar
SSSB				
cc bel				
15/3/4-7/Erf 278				
15/3/10-7/Erf-278				(get)BK



MUNISIPALITEIT SWARTLAND						REG
LEI No:						
15/3/3-7/Ef						278
Verwys Na	Inligting	Verlag	Afhandel	Kom/Taar		
ESSB						
cc del						
15/3/4-7/Ef - 278						
15/3/10-7/Ef - 278						(get)BK

Gegte. Heer

1513110-71147-278 (get)BK

Heerme wil Gemeente mit
nie in Drankiwel op Ert 278 he^{nie} en ook
ook nie in Dansaal nie
Ons Ieng sal in Drank verval.
Kinder sal honger by
Ons mensse wat na by bly
sal nie kan rustig slaap nie

UPPERROOM PENTECOSTAL CHURCH
KORINGBERG
LEIER
TEL
HAND 1 12



Die Vve. Plums



beswaar:

Voorgestelde Hersenering, Vergunnings, en
Afwyking op Erf 278 Koningberg.

Kennisgeving 28/2021/2022/ Leer 15/3/3
erf 278.

Naam: S.J.K & A.J. Beuk

Postbus 119

Koringberg

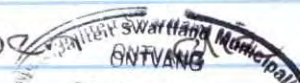
7312

- 0797430690

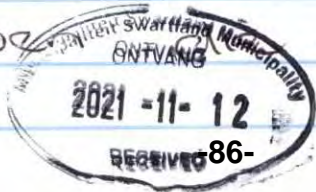
[illegible]

Ek wil hiemee my beswaar indien
teen Hersoneering van erf 278 van
residensieel na besigheid.

Die area van Kautenville is baie klein en is in woonbuurt nie in besigheids area nie. Ons was nie ingelig van die begin af nie. My uitsig is weg stem nie saam met nog in drankwinkel nie ons dorpie is te klein vir 2 drank winkels. Die drank winkel en saal mag lei tot in Tarven later. Te veel buite plekke se mense sal in ons dorp kom. N gejaag van motors tot watter tyd van die nag en is nie goed vir ons dorp en kinders nie. Ek stem nie saam met wat hy wil doe.

 S. Beukes
S. J. Beukes

S. Benkes
S. J. K. & A. J. Benkes
10 November 2021



From: elzeth@boezetti.com <elzeth@boezetti.com>
Sent: Wednesday, 10 November 2021 14:40
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: 'Alexander Dick' <galbraithrisky@gmail.com>
Subject: PROPOSED REZONING ERF 278 KORINGBERG
Importance: High

Good day Sir / Mam (Municipal Manager)

Hope this mail finds you well?

I am Elzeth Spies ID 651003 0056 081, the owner of Zambezi Street 113, Koringberg and married to Lodewyk Spies also residing at Zambezi Street 113, Koringberg and we would like to oppose against the rezoning of Erf 278 Koringberg / Bottle store License and Events Venue application from CK RUNBDL & VENNOTE owner DB RHODES property in Roosboomstraat 3 Koringberg.

Just a view reasons why we are against this application:

- This application is not in the public interest in that it will have a negative impact on the residential character of the area and a negative social impact too.
- Many of the residents in the immediate area of Erf 278 are young children.
- Koringberg is a small semi-rural village and already has a Central Business District (CBD) which is widely accepted to be on the Main Road (as per Swartland town planning in a CPF meeting in or about 2014) There is **no need** to have a separate commercial area.
- Koringberg already has a bottle store that adequately serves the needs on the community.
- There is an existing Church Hall, School Hall and POP Youth Centre that meets the social events needs of the small community in the area of Erf 278.
- **The immediate proximity** of a bottle store and a devoted and commercial "social functions hall" to existing residential homes will no doubt cause a major disturbance of the peace (noise) for those living both in the vicinity **and those living within earshot**.
- The proposed location for this development is very close (within 100 meters) to an NGO funded after school care of children – POP.
- It is within 150 meters of the local junior school.
- It is within 150 meters of the local Church
- Koringberg does not have a dedicated SAPS branch and as it is we are told by SAPS that resources are severely constrained. Who would proactively police these 2 proposed establishments?
- Having a **commercial** social events hall for a community that is already well catered for suggests that to be sustainable it will become a destination for people not from Koringberg. We have ZERO law enforcement currently - save our own efforts with the KW – who will protect us from the social ills that DO come with this type of establishment such as drink driving, drugs, noise, loitering in the streets, public disorder and even worse....
- The applicant has clearly breached certain building laws during the building of the "flats" (reference to the building line for example and the application in reduction of parking spaces).
- If the applicant cannot even build without breaking the rules from the get-go - WHAT makes the authorities think that he will adhere to the laws governing his liquor license and just as importantly respect the neighbors' rights to privacy and peace and quiet and enjoyment of their own homes?

Your feedback or response to this can be send via email to elzeth@boezetti.com and you can contact me on 076 989 8065

Warmest Regards

Elzeth Spies

TEL: 021 577 1094 / 076 989 8065

EMAIL: elzeth@boezetti.com

Beswaar:

**Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278**

Naam – F A en B R Van Rooi

Adres – (Erf 277) Leeubekkie straat nommer 2 Rautenville – Posbus 235 Koringberg 7312

Kontak nommer – 073 902 6220


Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie. Daar is nie n nodigheid vir nog n besigheids area in Koringberg nie.
- 2- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
- 3- Die beoogde plek van samekoms gaan niks anders as n tavern of kroeg wees nie.
- 4- Ons kinders speel in die strate en sal in gevaar wees as daar dronk mense op die perseel is en daarvan af ry met motors.
- 5- Dit sal ook lui toe erge rusvertoring.
- 6- Die persoon/ aansoeker het oorspronklik planne ingedien vir die bou van n huis aan die noordelike kant van die erf. Hy het daarna van die planne afgewyk en die gebou onwettig opgerig aan die suide kant van die erf bo-op riool pype. Daar was baie probleme met die riool pype wat verstopt geraak en dan het die riool oor my erf geloop.
- 7- Die aansoeker het reeds alle reëls oortree en daar is geen waarborg dat hy by die reëls van n drankwinkel en n kroeg sal hou nie. Ek is bewus dat hy reeds deur die SAPS aangekla was vir die onwettig verkoop van drank vanaf n winkel wat op erf 267 bedryf word of vanaf sy huis perseel in Koringberg.
- 8- So n kroeg tipe perseel sal outomaties ongewenste mense trek van buite die dorp wat sal lei tot moeilikheid, bakleiery en n gejaag met motors
- 9- Daar is geen polisie stasie in Koringberg en wetstoepassing sal moeilik wees.
- 10- Die perseel is my direkte buur perseel. Die onwettige gebou blokkeer ook my uitsig en indien daar inwoners in die woonstelle gaan bly sal ek heeldag my agter deur moet toehou omrede die mense direk in my huis sal kan kyk.

Ek versoek dat die aansoek afgekeur word.



F A en B R van Rooi

2021/10/29

Beswaar:

**Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278**

Naam – Rosie de Klerk

Adres – (Erf 272) Leeubekkie straat nommer 7 Rautenville

Kontak nommer – 072 328 7052

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het nie n brief of kennisgewing ontvang nie maar is woonagtig 5 erwe weg vanaf die betrokke perseel en die beoogde verandering sal n groot invloed op my lewe he.
- 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie. Koringberg het reeds n besigheids area met winkels en n drank winkel.
- 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
- 4- Die beoogde plek van samekoms gaan niks anders as n kroeg wees nie.
- 5- Ons kinders speel in die strate en sal in gevaar wees as daar dronk mense op die perseel is en daarvan af ry met motors.
- 6- Dit sal ook lui toe erge rusvertoring met n kroeg tussen al die huise.
- 7- So n kroeg tipe perseel sal outomaties ongewenste elemente trek van buite die dorp wat sal lei to moeilikheid, bakleiery en n gejaag met motors.
- 8- Daar is n kerk saal, n gemeenskap saal en n skool saal wat gehuur kan word vir enige byeenkomstes. Nog n plek van byeenkoms is oorbodig.
- 9- Daar is geen polisie stasie in Koringberg en wetstoepassing sal moeilik wees.

Ek versoek dat die aansoek afgekeur word.



R de Klerk

2021/10/29

Beswaar:

**Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278**

Naam – Johannes de Klerk

Adres – (Erf 275) Leeubekkie straat nommer 3 Rautenville

Kontak nommer – 074 726 4402


Ek wil hiermee my beswaar indien teen die voorgestelde wysigings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het n brief/kennisgewing ontvang ivm die voorgestelde wysigings.
- 2- Rautenville is n klein residentieele area en nie besigheids area nie. Daar is reeds n drank winkel in Koringberg en n tweede een sal oorbodig wees.
- 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
- 4- Die plek van samekoms gaan net n kroeg wees.
- 5- So n drank perseel sal lui toe erge rusvertoring.
- 6- Ek is nie in beginsel gekant teen die woonstelle of n winkel nie.
- 7- Daar is geen polisie stasie in Koringberg en beheer oor so n perseel sal moeilik wees.

Ek versoek dat die aansoek afgekeur word.



Johannes de Klerk

2021/10/29

Beswaar:

Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278

Naam - T & B JACOBUS
Adres - JAKARANDA 6 - POSEBIS 149 - K/BERG.
Kontak nommer - 081 232 9950

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het nie n brief of kennisgewing ontvang. WAT NABY PERSEEL.
 - 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
 - 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
 - 4- ~~Bestaande gebou stem nie ooreen met plan wat ingedien is nie. Plan agterna opgebou~~
 - 5- ~~Bestaande gebou dien as taveren, want hulle verkoop reeds onwettig wyn.~~
 - 6- ~~Sal baie inkommers hant inkom op haweke wat tot eie probleme en russteuring lei.~~
 - 7- ~~Die gebou het ons hele lewensweg gekneem.~~
- Ongeag geld wat uitgegee is kan hulle maar hant gebou sloep, want niemand was geken voordat gebou opgerig is.

Ek versoek dat die aansoek afgekeur word.

Handtekening [Handtekening]
Naam en Van T & B. JACOBUS
Datum 04/11/2021

- Ouers van erf 278 besit reeds winkel op erf 278
Verkoop reeds onwettig drank en hou reeds SASSIKARITE + IOL'S
Van mense wat gekuld

Koep. - Ons. gemeenskap kry reeds swaar
werk met seisoentype ander maande
droe tyd. Geen polisie stasie of
ambulans dienste op K/Berg.

Beswaar:

**Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278**

Naam – SYLVIE JAGERS
Adres – HOOPSTRAAT 184
Kontak nommer – 099 4238035 / 0833304910

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het/ het nie n brief of kennisgewing ontvang.
- 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
- 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
- 4- PLAN WAT INGEDIEN WAT VERSIL VAN BESTAANDE 1 NOU BO - OP RIOL PIPE GEBOU.
- 5- DIE ONTHAAL LOKAAL GEEN VENSTER, AL
- 6- COVID 19 THO SO HOE SAL DAAR VARS LIG INKOM
- 7- GEEN REDE VIR NOU N DRANK WINKEL.
- 8- KIRBERG HET REEDS 1 EN HELFTE VAN JAAR GEEN WEL
- 9- ONTHAAL GEBOU SAL MEER INKOMMERS AKKOMODER, SAL LEI TOT GROOT GETRANS EN
- 10- RUS VERSTORING.
- 11- WINKEL WAT WA + PA VAN EENANDER VAN
- 12- ERF 278 BESIT NOU REEDS MENSE WAT
- 13- OPSKULD KOOP SE SASSAKAARTE +
- 14- ID'S; SO SAL ONS MENSE NIET MEER IN
- 15- SKULD GEDOMPEL WORD.
- 16- GEEN POLISIESTASIE OP
- 17- KIRBERG SAL MOETLIK
- 18- WEES.

Ek versoek dat die aansoek afgekeur word.

Handtekening [Handtekening]
Naam en Van SYLVIE JAGERS
Datum 04/11/2021

Beswaar:

Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278

Naam – ELIZABETH MARKUS

Adres – KANAAL 32 - ROEBUS 250 - K/BERG,

Kontak nommer – 076 8085395

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het/ het nie n brief of kennisgewing ontvang.
 - 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
 - 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
 - 4- Koringberg het reeds n Bottelstoar.
Geen reele vir n op n met ons verarm verd
 - 5- Reeds baie antiaal plekke wat ons hul tot NGKEK hul hul soc
 - 6- Te veel ongewenste karakters
wat ons clomp inkom, sien, elke dag.
 - 7- Reeds dalems wat ons clomp wil
aanneem, so dan opom te veel inkom-
ers nrg inkom en ook kom doen
wat wil.
- Hier is reeds nie n polisieposie.
- Ouis van eienaar 278 besit reeds
n winkel wat hul bedryf so

Ek versoek dat die aansoek afgekeur word.

Handtekening E MARKUS

Naam en Van ELIZABETH MARKUS

Datum 04/11/2021

reeds 5 winkels in
K/Berg; geen
sins nie mee
nodig in K/Ber

ONS mense is seisoenwerkers, hulle
werk kassies net 6maande van jaar.
Ander maande kry ons mense
moelik en swaar.

Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278 Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278

Kontak nommer – _____

- 1- Hersonerig van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

- 1- Ek het/ het nie n brief of kennisgewing ontvang.
- 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
- 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel

7-

Datum 5 November 2021

Beswaar:

**Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278**

Naam – Susanna Carolus

Adres – 11 Roesboom str. (Postbus 157)

Kontak nommer – 0796655114

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het/ het nie n brief of kennisgewing ontvang.
- 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
- 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
- 4- My erf is oorkant die gebou en my erf is nu met muur omheg so mens kan inderhalp
- 5- om drank winkel in die area te open is n gewaar vir ons tinnars en ons is alreeds bekomme
- 6- Waar daar drank betrokke is is altyd bakleiery & moord. en ons het klomp bejardes
- 7- Een drankwinkel is reeds te veel vir ons gemeenskap mans & vrouens drink hul geld yt en ons kinders lei daardr.

Ek versoek dat die aansoek afgekeur word.

Handtekening ~~(S)~~ S Carolus

Naam en Van Susanna Carolus

Datum 04/11/21

Beswaar:

**Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278**

Naam – Adri DIRKS

Adres – Roosboomstr 12 (Posbus 153)

Kontak nommer – 0796655014

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het/ het nie n brief of kennisgewing ontvang.
- 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
- 3- Daar is n laerskool, n nasprg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
- 4- my erf is oop waar drank betrokke is net beklei en mense in my erf
- 5- in Hardloop ek het n tiener dogter ek is bekomerd oor die di tieners
- 6- in die gemeenskap om n drankplek in die area te open gaan net by
- 7- na moord en verkragting want ander plekke se mense gaan kom inloer wat gaan WAN ons kinders word

Ek versoek dat die aansoek afgekeur word.

Handtekening A. DIRKS

Naam en Van Adri DIRKS

Datum 04/11/2020

Beswaar:

**Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278**

Naam – A. J. van Pies

Adres – Leer Bokke Str 6

Kontak nommer – 0785763565

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het/ het nie n brief of kennisgewing ontvang.
- 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
- 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
- 4- Die is n klein Plek en nie n besigheids area nie, met drank nie n aansoek word afgekeur
- 5- _____
- 6- _____
- 7- _____

Ek versoek dat die aansoek afgekeur word.

Handtekening A. J. van Pies

Naam en Van Anna J. van Pies

Datum 3/11/2021

Beswaar:

Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278

Naam – Richard De Klerk

Adres – Zambezi Str. 105

Kontak nommer – 081 0645081

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het/ het nie n brief of kennisgewing ontvang.
- 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
- 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel
- 4- Rusverstoring
- 5- Op en af gejaag in die Straat.
- 6- Ons geen werkstepping nie
- 7- Reeds n drankewinkel in ons gemeenskap

Ek versoek dat die aansoek afgekeur word.

Handtekening 

Naam en adres Richard De Klerk

Daar 05/11/2021



Alexander Dick <galbraithrisksol@gmail.com>

Rezoning Application ERF 278 Koringberg : Notice 28/2021/2022

1 message

natanya israel <nats.qm@hotmail.com>

Tue, Nov 2, 2021 at 2:16 PM

To: "swartlandmun@swartland.org.za" <swartlandmun@swartland.org.za>

TO WHOM IT MAY CONCERN

It has come to our attention that there is a proposed rezone of ERF 278 Koringberg situated at 3 Roosboom Street for the purposes of a bottle store and a hall for social functions.

It is of our opinion that such rezoning is not in the interest of our community due to the following reasons:

- There is an existing bottle store on the Main Road.
- This establishment borders familial homes on all sides, making it a social dilemma for those who have small children, the elderly and those who have lived in Koringberg for many, many years.
- There is very little law enforcement available to our small community and opening another bottle store and social hall will impact greatly on things such as violence, drunk driving and noise.
- The children of Rautenville play in the streets and it is not in the interest of ANY child having an establishment that sells alcohol or promotes social drinking or parties in a residential area.
- The proposed building is opposite a Children's Community Centre run by Goedgedacht Trust, 150m from the Primary School and 150m from the church.
- There are ample places to hire for social functions like school halls, church halls and such.

We hope our objection will be met with approval as we submit this with many other residents, owners and citizens living in this small rural village.

With Regards
Natanya Israel
0828795572
29 Karee Street, Koringberg

Beswaar:

Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278

Naam - Pieter van Niekerk
Adres - 1 Kasteel Str, Koringberg
Kontak nommer - 082 805 4399

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het/ het nie n brief of kennisgewing ontvang.
- 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
- 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel


- 4- _____
- 5- _____
- 6- _____
- 7- _____

Ek versoek dat die aansoek afgekeur word.

Handtekening

Naam en Van

Datum


Pieter v. Niekerk
07 November 2021

TO: Swartland Municipality

FROM: Dean Lancaster 558 Inia Street Koringberg

RE: PROPOSED REZONING CONSENT AND DEPARTURE OF ERF 278 KORINGBERG (Notice 28/2021/2022)

Dear Sirs

I strongly object to the planned building of a new bottle store and tavern in the Koringberg village.

We have one bottle store which more than adequately serves the community and a second establishment will not be acceptable based on the following objections:

- This application is not in the public interest in that it will have a negative impact on the residential character of the area and a negative social impact too.
- Many of the residents in the immediate area of Erf 278 are young children.
- Koringberg is a small semi-rural village and already has a Central Business District (CBD) which is widely accepted to be on the Main Road (as per Swartland town planning in a CPF meeting in or about 2014) There is **no need** to have a separate commercial area.
- Koringberg already has a bottle store that adequately serves the needs on the community.
- There is an existing Church Hall, School Hall and POP Youth Centre that meets the social events needs of the small community in the area of Erf 278.
- **The immediate proximity** of a bottle store and a devoted and commercial “social functions hall” to existing residential homes will no doubt cause a major disturbance of the peace (noise) for those living both in the vicinity **and those living within earshot**.
- The proposed location for this development is very close (within 100 meters) to an NGO funded after school care of children – POP.
- It is within 150 meters of the local junior school.
- It is within 150 meters of the local Church
- Koringberg does not have a dedicated SAPS branch and as it is we are told by SAPS that resources are severely constrained. Who would proactively police these 2 proposed establishments?
- Having a **commercial** social events hall for a community that is already well catered for suggests that to be sustainable it will become a destination for people not from Koringberg. We have ZERO law enforcement currently - save our own efforts with the KW – who will protect us from the social ills that DO come with this type of establishment such as drink driving, drugs, noise, loitering in the streets, public disorder and even worse....

- The applicant has clearly breached certain building laws during the building of the “flats” (reference to the building line for example and the application in reduction of parking spaces).
- If the applicant cannot even build without breaking the rules from the get-go - WHAT makes the authorities think that he will adhere to the laws governing his liquor license and just as importantly respect the neighbors’ rights to privacy and peace and quiet and enjoyment of their own homes?

I trust these considerations and any others raised against this proposed rezoning of ERF 278 will be considered and the zoning denied.

Regards

DEAN LANCASTER

PROPOSED REZONING, CONSENT USE AND DEPARTURE OF ERF 278, KORINGBERG (NOTICE 28/2021/2022)

Dear Sirs

Thank you for the opportunity to comment on the above proposal. **We will be objecting to this development in the strongest possible terms** and our reasoning is laid out below. Our signatures and details are at the end.

We own three plots (Erven 1,2 and 3 Koringberg) and I (Nelie) have peacefully resided here for 20 years. My husband and I are passionate about the semi-rural character of Koringberg and Rautenville, as are most other residents. We believe this development would totally wreck the character of Koringberg and its future development.

There are a lot of reasons for our objection but the most significant is as follows:

The extent of the proposed shops and flats is completely disproportional to the community of Koringberg and Rautenville which have a combined residency of less than fifteen hundred.

SIXTEEN SHOPS? Who are they kidding? To our mind the proposed plans have been designed to emolliate the Swartland Municipality into accepting the re-zoning by suggesting that the community will benefit. However, we guess the developers' true objective is to start with the bottle store and entertainment centre first – and probably stop there! Without active policing (Koringberg has no police station) we will soon have a shebeen on our hands of monster proportions. And this will attract all the wrong sort of patrons from far afield. Koringberg will become a den of iniquity – a haven for drug dealers, gangs and other undesirables.

We live in the upper part of Koringberg but believe that the greatest harm will be done to the residents of Rautenville, particularly adolescents and the youth. As you are aware unemployment is high in Rautenville and many residents survive on social grants. Unscrupulous people may access the money from these grants for alcohol and other non-necessities if they are available.

We have more points which will probably be echoed by all the other objectors:

- 1) Our house is within sight of the proposed development.
- 2) More particularly, our house is within earshot of the development.
- 3) We most certainly don't need a second bottle store in such a small village. The Western Cape has a serious problem with both excessive alcohol consumption and drug addiction. Another bottle store is fuelling such a problem and not in the interest of the residents.
- 4) We don't need another "amenity hall" since we have a church hall, school hall and a community centre.
- 5) Koringberg has a growing number of facilities such as bed and breakfast and self - catering for the hospitality industry – patrons wanting to come to the peace and tranquillity of our quaint little town. Thumping loud "douff douff" music will be heard over most of Koringberg. We have already experienced this at times especially during holiday periods or at weekends and we would hate this to become a permanent feature of our town. The loud train is quaint – the loud music is not!

- 6) Overall, the residents of Koringberg and Rautenville are a Christian community. Having a bar/bottle store/entertainment centre in the middle of Rautenville would not represent the values which they strive for and pose a threat to adolescents and youth.

Furthermore, and from a legal standpoint:

We believe that providing approval for this enterprise contravenes many aspects of the **Constitution** and can be challenged at the Constitutional Court:

Including the following which are highlighted from the **Bill of Rights**: These rights could be infringed on and can be taken to the Constitutional Court:

Environment 24. Everyone has the right— (a) to an environment that is not harmful to their health or wellbeing; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that— (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development

Children 28. (1) Every child has the right— (a) to a name and a nationality from birth; (b) to family care or parental care, or to appropriate alternative care when removed from the family environment; (c) to basic nutrition, shelter, basic health care services and social services; (d) to be protected from maltreatment, neglect, abuse or degradation; (e) to be protected from exploitative labour practices; (f) not to be required or permitted to perform work or provide services that— (i) are inappropriate for a person of that child's age; or (ii) place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;

Just administrative action 33. (1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair. (2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons. (3) National legislation must be enacted to give effect to these rights, and must— Chapter 2: Bill of Rights 14 (a) provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal; (b) impose a duty on the state to give effect to the rights in subsections (1) and (2); and (c) promote an efficient administration

South African law, through the Environment Conservation Act 73 of 1989 and municipal by-laws, protect recipients of intolerable noise pollution.

The Regulations define noise disturbance as follows:

"Any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person" and "disturbing noise" as "a noise level that exceeds the ambient sound level measured continuously at the same measuring point by 7 decibels or more."

A resident in a town, and more particularly a resident in a residential neighbourhood, is entitled to the ordinary comfort and convenience of his home, and if owing to the actions of his neighbour he is subjected to annoyance or inconvenience greater than that to which a normal person must be expected to submit in contact with his fellow-men, then he has a legal remedy."

The urban myth says you can make noise until 10pm on a week night and 12pm on a weekend but, in actual fact most municipalities have by-laws in place that focus on the number of decibels rendered rather than the actual time frame in which noise is made.

Municipal by-laws govern disturbing noise. An example of this kind of noise would be loud party music. This kind of party noise is generally tolerated until 10pm on a Friday and/or Saturday evening before you can take steps against the perpetrator/s. SAPS will generally deal with these noise issues if there are complaints from neighbours and there are steps to follow if it becomes a nasty habit of a neighbour.

Noise nuisance is a totally different animal. This kind of noise makes you reach for the Panados and can include playing loud music or a musical instrument or operating a television set loudly, operating machinery or power tools that cause a noise nuisance, shouting and talking loudly, allowing an animal to become a noise nuisance, operating a vehicle that causes a noise nuisance an driving a vehicle on a public road in a manner that causes a noise nuisance. This noise is illegal at all times and is enforceable at any time of the day.

NOTE:

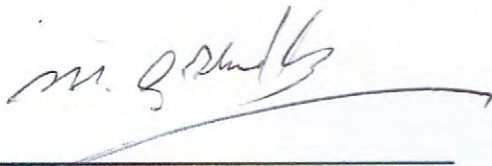
Our Plot numbers are 1 +2 + 3 KORINGERG

Our preferred manner of communication is email to nelia.steyn@uct.ac.za and max@mb-net.co.za Tel: (Nelia) 082 449 8057 / (Max) 072 443 3122

(SIGNED)



DR NP STEYN-HOUNSELL (Emeritus Professor UCT)



MR MAX HOUNSELL

PLACE: KORINGERG

DATE: 5th NOVEMBER 2021

Beswaar:

**Voorgestelde Hersonering, Vergunnings Gebruik, en Afwyking op Erf 278
Koringberg (Kennisgewing 28/2021/2022) Leer 15/3/3 -/erf_278**

Naam - Nelia Patricia Steyn
Adres - 5 Timpala St Koringberg
Kontak nommer - 082-4498057

Ek wil hiermee my beswaar indien teen die voorgestelde wysings:

- 1- Hersonering van erf 278 van residensieel na besigheid
- 2- Aansoek vir vergunning vir n drank perseel en n plek van samekoms
- 3- Afwyking van die 3m sy bou lyn en die 3m agter bou lyn

My redes vir die beswaar:

- 1- Ek het/ het nie n brief of kennisgewing ontvang.
- 2- Die hele area van Rautenville is n klein residentieele area en nie besigheids area nie
- 3- Daar is n laerskool, n nasorg sentrum vir kinders en n kerk binne n radius van minder as 150 meter vanaf die beoogde drank winkel

4- Brief is aangeheg
5- _____
6- _____
7- _____

Ek versoek dat die aansoek afgekeur word.

Handtekening _____

Naam en Van _____

Datum _____

K
DR. NP Steyn
5 Nov. 2021

Good day

I object to the rezoning of Eft 278 for the following reasons:

- This application is not in the public interest in that it will have a negative impact on the residential character of the area and a negative social impact too.
- Koringberg already has a bottle store that adequately serves the needs on the community
- Koringberg does not have a dedicated SAPS branch and as it is we are told by SAPS that resources are severely constrained. Who would proactively police these 2 proposed establishments?
- We have ZERO law enforcement currently - save our own efforts with the KW – who will protect us from the social ills that DO come with this type of establishment such as drink driving, drugs, noise, loitering in the streets, public disorder

Name: Lynn Russell

Cell: 0827458280

Address: 3 Main Road erf no 5000554000

regards

Lynn Russell

Head of Client Services

e: lynn@bcis.co.za

t: 087 057 0571 / 021 007 1500 | f: 086 502 5319 | [VCard](#)

Catnia Building, Bella Rosa Village, Bella Rosa Street, Bellville, 7530 - [View Map](#)

PLEASE NOTE INSTRUCTIONS SENT TO THIS EMAIL ADDRESS WILL NOT BE PROCESSED
INSTRUCTIONS HAVE TO BE SENT TO INSTRUCTIONS@BCI-TRANSACT.CO.ZA



DATE: 8 December 2021

OUR REF: KOR/12154/ZN/MV

YOUR REF: 15/3/3-7/Erf_278

15/3/10-7/Erf_278

15/3/4-7/Erf_278

BY HAND

Attention: Mr A. Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Mr,

Comments on objections

PROPOSED REZONING, CONSENT USE, AND DEPARTURE ON ERF 278, KORINGBERG

Your letter dated 19 November 2021 refers. Please find our comments to objections, as requested, below.

CK Rumboll and Partners have been appointed by Mr Dylan Bernard Rhodes, owner of Erf 278, Koringberg, to attend to all town planning actions regarding the rezoning, consent use, and departure from development parameters, namely parking bay provision and prescribed building lines, on Erf 278, Koringberg. The applications are made to accommodate business premises (a shop), flats, a bottle store, and a place of assembly (hall for social functions) within the existing building on the mentioned property.

During the public participation period, comments were received from the following surrounding neighbours and/or the public:

1. S J K & A J Beukes (**Erf 275 – Leeubekkie Street**)
2. Brian Stander on behalf of the **Koringberg Police Sub Forum**
3. Mrs. Bessie Maarman on behalf of the **POP Centre Koringberg (Erf 517 – C/o Riet and Zambesi Streets)**

4. Martina Kloppe (Erf 97 – Main Road)
5. Janette De Villiers (Hoopvol Street + Ou Skool)
6. Kerry Hoffman (Erven 13, 352, 521, 522, 523, and 524 – Karee and Hoopvol Streets)
7. Pieter Fourie on behalf of the Koringberg Day Care Facility
8. Dr N P Steyn-Hounsel (Erven 1, 2, and 3 – Duiker Street)
9. Richard Kinross (Erf 122 – Zambesi Street)
10. S Diedericks (Erf 282 - C/o Wilge and Sonop Streets)
11. A M Coenraad (Erf 132 – Zambesi Street)
12. Pieter van Noord & Johan van Zyl (Erf 94 – Main Road)
13. Barbara Malaise (Erf 41 – C/o Sterling and Pelgrims Streets)
14. Petrus Adonis (Erf 202 - Gousblom Street)
15. Petrus Adonis on behalf of Bovertrek Pinkster Kerk van SA
16. Elzeth Spies (Erf 113 - Zambezi Street)
17. Cate Fishlock (Erf 66 - Karee Street)
18. F A & B R van Rooi (Erf 277 – Leeubekkie Street)
19. R de Klerk (Erf 272 – Leeubekkie Street)
20. Johannes de Klerk (Erf 276 – Leeubekkie Street)
21. T & B Jagers (6 Jakaranda Street)
22. Sylvie Jagers (Erf 184 - Main Street)
23. Elizabeth Markus (32 Kanaal Street)
24. Andreas de Klerk (Erf 270 - Leeubekkie Street)
25. Susanna Carolus (Erf 198 - Roosboom Street)
26. Adri Dirks (Erf 197 - Roosboom Street)
27. A Dampies (Erf 273 - Leeubekkie Street)
28. Rhichard de Klerk (Erf 105 - Zambezi Street)
29. Natanya Israel (29 Karee Street)
30. Pieter van Niekerk (1 Kasteel Street)
31. Dean Lancaster (Erf 558 - Unia Street)
32. Dr N P Steyn (Erf 2 - Impala Street)
33. Lynn Russel (3 Main Road)
34. Elsabe Jooste (Erf 64 – Impala Street)

Objectors	Objections	Comments from CK Rumboll & Partners
S J K & A Beukes (1); A M Coenraad (11); F A & B R van Rooi (18); R de Klerk (19); Johannes de Klerk (20); T & B Jagers (21); Sylvie Jagers (22); Elizabeth Markus (23); Andreas de Klerk (24); Susanna Carolus (25); Adri Dirks (26); A Dampies (27); Rhichard de Klerk (28); Pieter van Niekerk (30); Dr N P Steyn (32)	1. The area of Rautenville is very small and seen as a residential area; not a business area. There is no need for another business area in Koringberg.	<p>1. With regard to land use proposals applicable to Koringberg, the <i>Swartland Spatial Development Framework (SDF) (2019)</i> identifies the area in which Erf 278 is located, as Zone A, which is a high density residential area known as "Rautenville". The area has supportive social services and limited opportunities for infill development at the northern entrance to Koringberg. The area also allows for limited commercial opportunities and accommodates GAP housing along the eastern boundary and subsidised housing in the south-west corner.</p> <p>The locality of Erf 278 adjacent to an Activity Corridor (Leeubekkie Street), and in close proximity to an intersection of an Activity Corridor and Activity Street, and an identified Taxi Terminal at the intersection, makes the property highly suitable for commercial opportunities as supported by the <i>Swartland SDF</i>. The Koringberg Land Use Proposals are attached as Annexure A.</p> <p>The application does not only include commercial land uses. Application is made to accommodate flats as well, which is a residential component that will contribute to the relief of the need for housing opportunities in Koringberg.</p>
S J K & A Beukes (1)	2. We were not informed from the beginning.	2. As per Section 54-58 of the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i> , notices were sent to surrounding owners that may be affected by the proposed development, as identified by the Swartland Municipality. The document indicating the identified surrounding owners and the documents indicating the notices sent to surrounding owners are attached as Annexure B . The application was also advertised in the Local Newspaper and Provincial Gazette to invite the public to comment on the application.

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 / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661

		Therefore, the correct procedure, as prescribed in the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i> , was followed by Swartland Municipality to inform the public of the proposed development on Erf 278.
S J K & A Beukes (1); T & B Jagers (21)	3. My view is gone.	<p>3. 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> <p>The existing building adhered to the prescribed building parameters, including the building lines, of a Residential Zone 1 property. However, with the proposed rezoning of Erf 278 from Residential Zone 1 to Business Zone 1, the existing building encroaches the southern and western building lines. Therefore, this application includes the relaxation of the southern street building line from 3m to $\pm 2.96\text{m}$ and the western 3m rear building line to $\pm 2.06\text{m}$ to accommodate the existing building on Erf 278.</p> <p>The departure will have a minimal impact on the views of the surrounding property owners as the difference between the required building line and the distance of the building from the property boundary is $\pm 0.04\text{m}$. The building is existing and the building lines of Business Zone 2 are too great to accommodate this building from the rear boundary and $\pm 0.94\text{m}$ from the southern side boundary. The building adheres to the eastern street and northern side property boundaries. No new buildings are proposed at this stage.</p>
S J K & A Beukes (1); Koringberg Police Sub Forum (2); Sylvie Jagers (22);	4. The town already has one legal bottle store on the main road and for the extent of the town there is no need for any additional liquor outlets.	4. The property owner of Erf 278 is allowed to apply in terms of Section 25 of the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i> for the establishment of a bottle store. The application for the establishment of a bottle store, place of assembly, shop, and flats is compliant with the Land Use Proposals of Koringberg as indicated in the <i>Swartland SDF (2019)</i> . The

Elizabeth Jagers (23); Rhichard de Klerk (28); Natanya Israel (29)		<p>Koringberg Land Use Proposals are attached as Annexure A.</p> <p>A need was identified for, amongst others, a bottle store to be established in the Rautenville area of Koringberg. A petition was signed by 106 residents of Rautenville supporting the application on Erf 278. The petition and a letter from the owner of Erf 278 are attached as Annexure C.</p>
S J K & A Beukes (1)	5. The liquor store and hall may lead to a tavern later.	<p>5. According to the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i>, the definitions of a house tavern and bottle store are as follows:</p> <p>House tavern: <i>“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.”</i></p> <p>Bottle store: <i>“premises where alcoholic drinks are sold primarily in the retail trade on an off-sales basis, and includes an off-sales facility which is under the same management as a licensed hotel.”</i></p> <p>The purpose of this application is to grant the property owner of Erf 278, Koringberg, the necessary land use rights to accommodate a business premises (a shop), flats, a <u>bottle store</u>, and a place of assembly (hall for social functions). Therefore, if approval is granted for the mentioned application, the property owner will not be allowed to operate a tavern on the property, unless further application is made, where a public participation process will be followed in terms of the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i> again.</p>
S J K & A Beukes (1); Koringberg Police Sub Forum	6. Too many people from other towns will come to our town.	6. This statement is a gross assumption from the objector. The proposed place of assembly cannot be held responsible for any socio-economic problems in Koringberg. The proposed development will ensure economic growth within

(2)	<p>A commercial social events facility for a community that already has more than enough venues for social gatherings is unnecessary. Thus to be sustainable it will necessitate offering the venue to outside groups and not the residents of Koringberg. This will bring a myriad of secondary negative issues to the town such as drugs and gangsterism, loitering, noise and any number of other nefarious actions this town can ill afford.</p>	<p>Koringberg.</p> <p>A need was identified, amongst others, for a place of assembly (hall for social functions) to be established in the Rautenville area of Koringberg. A petition was signed by 106 residents of Rautenville supporting the application on Erf 278. The petition and a letter from the owner of Erf 278 are attached as Annexure C.</p> <p>The owner of Erf 278 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 visiting the place of assembly will need to adhere to these regulations as well. This will ensure low noise pollution.</p>
S J K & A Beukes (1)	<p>7. There will be a rush of cars late at night and it is not good for our town and children.</p>	<p>7. All road rules should be adhered to by all motorists. All individuals, including motorists, need to adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>.</p>
Koringberg Police Sub Forum (2)	<p>8. The Koringberg Sub Forum represents the people of Koringberg in their desire for crime prevention, safety, security, and a better environment for all the residents and especially the children.</p> <p>Currently, the town faces numerous challenges relating to the abuse of liquor. This then cascades down to child abuse and gender-based violence, a scourge that the Sub Forum is constantly trying to combat.</p>	<p>8. Noted.</p>

Koringberg Police Sub Forum (2)	<p>9. The rezoning application will not be in the best interest of the town and its people as it will have a very negative impact on the residents of the town. There is already a huge socio-economic vacuum in the town and this will only add to an already haemorrhaging economic situation in the town.</p> <p>With a venue of this nature and considering the socio-economic situation of the people who will be using the venue this will create a bigger strain on an already stretched Police service who are more than 15 km's away from the town if any related crimes are reported.</p>	<p>9. Refer to Point 1.</p> <p>The proposed development, including the establishment of flats, a bottle store, business premises (a shop), and a place of assembly (hall for social functions), will not have a tremendous negative impact on the surrounding owners or the town as the application is fully supported by the <i>Swartland SDF (2019)</i>. The proposed development will contribute to the economic growth of the town. The proposed place of assembly cannot be held responsible for social problems in Koringberg.</p>
Koringberg Police Sub Forum (2); Martina Klopper (4); Kerry Hoffman (6)	<p>10. A large sector of the residential dwellings in the immediate proximity of Erf 278 and those contiguous to it have families with young children living there and this will be detrimental to the development of the children.</p> <p>Unnecessary exposure to alcohol and the social behaviour associated with its abuse is, in my opinion, inappropriate and unfair to families currently living around that premises.</p>	<p>10. The proposed flats, bottle store, business premises (shop), and place of assembly (hall for social functions), will contribute to the economic growth of the town. The proposed land uses on Erf 278 cannot be held responsible for alcohol abuse in Koringberg. No alcohol will be sold to under-aged children - neither from the bottle store, nor the place of assembly - which ensures that the proposed businesses will not affect the children in the vicinity.</p>

	There are many children that live within the immediate vicinity of the proposed development as well as a school and a church.	
Koringberg Police Sub Forum (2)	11. Koringberg is a small bucolic village which does have a Central Business District (CBD). The CBD is more than sufficient for the small town and there is no need to have a facility such as this in a fully residential area, specifically as set out in the town plan.	<p>11. Refer to Point 1.</p> <p>The application to grant the property owner of the necessary land use rights on Erf 278, Koringberg, to accommodate business premises (a shop), flats, a bottle store, and a place of assembly (hall for social functions), is fully compliant with the <i>Swartland SDF (2019)</i>.</p> <p>The location of Erf 278, being in a residential area, will ensure safer circumstances and easier access to economic and social facilities. Business opportunities shouldn't be limited to the CBD of a town. Neighbourhood and residential business nodes is of great importance to create a walkable sustainable community.</p>
Koringberg Police Sub Forum (2)	12. A lesson learned during the COVID-19 pandemic has been that less liquor being sold has led to less domestic violence, child abuse and assaults. As such it would be prudent not to approve more liquor outlets in the town.	<p>12. Refer to Point 10.</p> <p>An article on the Global Risk Insights¹ website stated that gender base violence and sexual offences increased drastically during the lockdown period in 2020, when alcohol was not available and most south Africans were at their homes. This is evidence that opening a bottle store is not the problem for social crimes, such as domestic violence, and that it cannot be discriminated as such.</p>
Koringberg Police Sub Forum (2); Natanya Israel	13. The town already has a large church hall and a POP Centre that surpass all the needs of any social gathering in the town	<p>13. Refer to Point 5.</p> <p>Application is not made to accommodate a tavern on Erf 278, Koringberg.</p>

¹ <https://globalriskinsights.com/2021/03/south-africas-secondary-pandemic-a-crisis-of-gender-based-violence/>

(29); Elizabeth Markus (23); R de Klerk (19); S Diedericks (10)	<p>and more specifically in the area close to the proposed tavern.</p> <p>There is a church hall, a community hall, and a school hall that can be rented for any gatherings. Another place of gathering is superfluous.</p> <p>There is the POP centre and other halls that can be used for events. Why build another? Proper housing is needed. If the said halls are not sufficient for them, they can go to Moorreesburg or Piketberg where there are such facilities.</p>	<p>A need was identified for, amongst others, a place of assembly to be used for social functions and to be established in the Rautenville area of Koringberg. A petition was signed by 106 residents of Rautenville supporting the application on Erf 278. The petition and a letter from the owner of Erf 278 are attached as Annexure C.</p> <p>The application on Erf 278 includes a residential component as well, being 6 flats to be accommodated within the existing building. There is no need to hire a place of assembly in towns such as Moorreesburg and Piketberg if the facility could be accommodated on premises in Koringberg.</p> <p>Although Koringberg is a rural town, it still needs social infrastructure, such as places of assembly. These places of assembly can be used for functions not only for the local residence, but for conferences for regional bodies as well, which sparks an economic injection into the community.</p>
Koringberg Police Sub Forum (2)	14. A venue of this nature will also create an increase in noise levels in a residential area, creating endless problems for neighbours with young children as well as the elderly, who also make up a portion of the community close to Erf 278.	14. The owner of Erf 278 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 visiting the place of assembly will need to adhere to these regulations as well. This will ensure low noise pollution.
Koringberg Police Sub Forum (2); POP Centre (3); A M Coenraad (11); B R van Rooi (18); R de Klerk (19);	15. POP works with many children who are already having a difficult struggle to stay away from drugs and alcohol. The POP Centre does everything in their power to teach the children about the problems that alcohol and drugs cause. To put such	15. Refer to Point 1. The proposed flats, bottle store, business premises (shop), and place of assembly (hall for social functions) will contribute to the economic growth of the town. The proposed land uses on Erf 278 cannot be held responsible for alcohol abuse or drugs in Koringberg.

<p>Johannes de Klerk (20); T & B Jagers (21); Sylvie Jagers (22); Elizabeth Markus (23); Andreas de Klerk (24); Susanna Carolus (25); Adri Dirks (26); A Dampies (27); Rhichard de Klerk (28); Pieter van Niekerk (30); Dr N P Steyn (32); Richard Kinross (9); Barbara Malaise (13); Elzeth Spies (16); Dean Lancaster (31); Elsabe Jooste (34); Natanya Israel (29); Janette de Villiers (5); Dr N P Steyn-Hounsel (8)</p>	<p>a land use so close to the centre is unethical and very short-sighted.</p> <p>The proposed location for this development is very close (within 150m) to an NGO funded after school care of children — POP centre. It is within 200 meters of the local junior school. It is within 200 meters of the Church.</p> <p>The proposed building is opposite a Children's Community Centre run by Goedgedacht Trust, 150m from the Primary School and 150m from the church.</p>	<p>The application to grant the property owner of the necessary land use rights on Erf 278, Koringberg, to accommodate business premises (a shop), flats, a bottle store, and a place of assembly (hall for social functions), is fully compliant with the <i>Swartland SDF (2019)</i>.</p> <p>As previously mentioned, alcohol will not be sold to under-aged children and will not affect their health in any way.</p>
<p>Koringberg Police Sub Forum (2)</p>	<p>16. After a cursory inspection on the dwelling by myself, a qualified Estate Agent with more than 30 years' experience in the Industry, it is clear that</p>	<p>16. Building Plans for a dwelling unit on Erf 278 were submitted to the Swartland Municipal Building Control Offices and approved in 2018. All building parameters as prescribed in the <i>National Building Regulations</i> and the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i> were adhered</p>

	<p>numerous building legislation violations have been made in the construction of the building. The building line as set out by the Municipality and the National Building Regulations has been ignored. The land use for flats did not get the approval from the neighbouring residents, and there is not enough parking. Matters that need to be addressed by the Local Authority.</p>	<p>to. The owner commenced with construction of the proposed building, but the building was never used for residential purposes. The approved building plans are attached as Annexure D.</p> <p>The owner of the property now intends to utilise the existing building for commercial and residential purposes being a bottle store, business premises (a shop), place of assembly (hall for social functions), and flats. To do so, the property needs to be rezoned to Business Zone 2. The building line restrictions of a Business Zone 2 property are much more restrictive than a Residential Zone 1 property. The change in land use requires additional parking bays to be provided as well. Therefore this application includes the departure from the southern and western building lines and the required parking bays. Building Plans will be submitted to the Swartland Municipal Building Control Offices for approval after approval of this application. The preliminary building plans are attached as Annexure E.</p>
<p>POP Centre (3); Richard Kinross (9); Barbara Malaise (13); Elzeth Spies (16); Dean Lancaster (31); Lynn Russel (33)</p>	<p>17. The town already has a bottle store in the CBD in the Main Street and there are plenty of gathering places to hold functions. The residential area certainly does not need a business of this nature.</p> <p>Koringberg already has a bottle store that adequately serves the needs on the community. There is an existing Church Hall, School Hall and POP Youth Centre that meets the social events needs of the community in the area surrounding Erf 278.</p>	<p>17. Refer to Points 13 and 15 above.</p> <p>A need was identified for a bottle store, business premises (shop), a place of assembly (hall for social functions), and flats, to be established in the Rautenville area of Koringberg. A petition was signed by 106 residents of Rautenville supporting the application on Erf 278. The petition and a letter from the owner of Erf 278 are attached as Annexure C.</p> <p>The application to grant the property owner of the necessary land use rights on Erf 278, Koringberg, to accommodate the mentioned uses, is fully compliant with the <i>Swartland SDF (2019)</i>. The proposed development will contribute to the economic growth of the town.</p>

POP Centre (3)	18. The POP centre also holds many fundraising functions that usually take place on Friday evenings. Our children will see and hear the people and with an alcohol abuse problem in the Western Cape already so big, this type of business will only have a negative impact on our town and mostly on our children.	18. Refer to Points 13 and 15 above. The owner of Erf 278 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 visiting the place of assembly will need to adhere to these regulations as well. This will ensure low noise pollution. The proposed flats, bottle store, business premises (shop), and place of assembly (hall for social functions), will contribute to the economic growth of the town. The proposed land uses on Erf 278 cannot be held responsible for socio-economic problems in Koringberg.
POP Centre (3)	19. Such an institution will make noise and with alcohol there will always be other problems such as fighting, and many times it turns into gender-based violence and child abuse.	19. Refer to Point 18.
POP Centre (3)	20. Children do their homework at the POP Centre and for many of the children in the town it is the only place where they can do homework and learn. With a bottle store and function venue in the area, it will have just too much of a negative effect on the kids and the whole town.	20. Refer to Point 1, 13 and 15. The application to grant the property owner of the necessary land use rights on Erf 278, Koringberg, to accommodate business premises (a shop), flats, a bottle store, and a place of assembly (hall for social functions), is fully compliant with the <i>Swartland SDF (2019)</i> .
Martina Klopper (4)	21. People gather at the current liquor store every weekend with top volume music. They spend their savings and go completely out of their way with alcohol	21. The owner of Erf 278 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> . This will ensure low noise pollution.

	<p>consumption. This creates an extremely unpleasant and disturbing experience. A second liquor store will, in my opinion, further incites liquor abuse and contributes to greater misery in the social composition of this community.</p>	<p>The proposed land uses on Erf 278 cannot be held responsible for social problems in Koringberg. No alcohol consumption will be allowed in the bottle store.</p>
<p>Janette de Villiers (5)</p>	<p>22. I bought my house in Hoopvol Street 25 years ago and have been very happy in the village the last 25 years. I have recently bought “Die Ou Skool” and am currently restoring it to run a wellness retreat. I also plan to be moving to Koringberg full time in the next two years.</p> <p>I have seen the village grow from what it was to what it is now, and am deeply invested emotionally in the village and how it develops. I believe this development would totally wreck the character of Koringberg and its future development.</p>	<p>22. Refer to Point 1.</p> <p>The <i>Swartland SDF (2019)</i> determines the strategic policy guidelines for future development in the Swartland region and in this case, in Koringberg. The application to grant the property owner of the necessary land use rights on Erf 278, Koringberg, to accommodate business premises (a shop), flats, a bottle store, and a place of assembly (hall for social functions), is fully compliant with the <i>Swartland SDF (2019)</i> and allow an economic injection in the town.</p>
<p>Janette de Villiers (5); Dr N P Steyn-Hounsel (8)</p>	<p>23. The extent of the proposed shops and flats is completely disproportional to the community of Koringberg and Rautenville which have a combined residency of less than fifteen hundred.</p>	<p>23. The population of Koringberg is not the only driver for business uses and the surrounding farming community and tourists should also be included in the equation. It is the need of the owner to accommodate these uses on his erf. If the business is not profitable, it is at his risk and his alone.</p> <p>Refer to Point 1.</p>

		The proposed development is fully compliant with the <i>Swartland SDF</i> .
Janette de Villiers (5); Dr N P Steyn-Hounsel (8)	<p>24. Our house is within earshot of the proposed development. More particularly, the school is within earshot of the development. We most certainly don't need a second bottle store in such a small village.</p> <p>The Western Cape has a serious problem with both excessive alcohol consumption and drug addiction. Another bottle store is fuelling such a problem and not in the interest of the residents.</p> <p>Koringberg has a growing number of facilities such as bed and breakfast and self-catering for the hospitality industry — patrons wanting to come to the peace and tranquillity of our quaint little town. Thumping loud “douff” music will be heard over most of Koringberg. We have already experienced this at times especially during holiday periods or at weekends and we would hate this to become a permanent feature of our town.</p>	<p>24. A need was identified for the establishment of a bottle store, business premises (shop), a place of assembly (hall for social functions), and flats in the Rautenville area of Koringberg. A petition was signed by 106 residents of Rautenville supporting the application on Erf 278. The petition and a letter from the owner of Erf 278 are attached as Annexure C.</p> <p>The application to grant the property owner of the necessary land use rights on Erf 278, Koringberg, to accommodate business premises (a shop), flats, a bottle store, and a place of assembly (hall for social functions), is fully compliant with the <i>Swartland SDF (2019)</i>.</p> <p>The proposed flats, bottle store, business premises (shop), and place of assembly (hall for social functions) will contribute to the economic growth of the town. The proposed land uses on Erf 278 cannot be held responsible for social problems in Koringberg.</p> <p>The owner of Erf 278 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 visiting the place of assembly will need to adhere to these regulations as well. This will ensure low noise pollution. Further the place of assembly is not proposed as a night club and loud music is not a foreseen problem. The bottle store will also not play loud music.</p>
Kerry Hoffman (6)	25. This application goes against the public interest as it will have a negative impact	25. Refer to Points 13 and 21.

	on our small, peaceful village in terms of noise pollution and bringing alcohol sales and the associated issues that go hand in hand with it into a residential area.	
Kerry Hoffman (6)	<p>26. We do not need another commercial area in a village as small as ours and we have no dedicated police unit to deal with the problems that will naturally occur with a development such as is proposed.</p> <p>Besides the negative social impact, the noise pollution from such a venue will have a hugely detrimental impact on our quiet, rural village. We need to protect the character of our village at all costs.</p>	26. Refer to Points 13 and 21.
Kerry Hoffman (6)	27. Yet another concern is the precedent that this application will lead to other ad-hoc applications and the character of our village, the safety and security of its residents will be eroded forever.	<p>27. 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> <p>The <i>Swartland SDF (2019)</i> determines the strategic policy guidelines for future development in the Swartland region and in this case, in Koringberg. Each application will be subject to the land use proposals as set out in the <i>Swartland SDF (2019)</i>.</p>
Kerry Hoffman (6)	28. Social event venues and alcohol sales for our relatively small population are already well taken care of and there is no	<p>28. Refer to Points 13, 20 and 21.</p> <p>The proposed development will contribute to the economic growth of the town.</p>

	need for any further developments of this nature. We have no need or desire to attract others from out of town either.	
Koringberg Day Care Facility (7)	29. I am the Chairperson of the Koringberg Day Care facility, which has been established since 18 January 2011. This facility lays ±200m from the proposed development. I object very strongly to the proposed development and the detrimental effects on this education facility and young children. This concern has also been conveyed to me by many of the parents.	29. Noted.
Koringberg Day Care Facility (7)	30. I have examined the legal situation and have found that this new development is not allowed to be within the distance of a school or day care centre. Approval of such a development will thus contravene these legal rights.	30. The <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i> , as well as the <i>Western Cape Liquor Act 4 of 2008 (PG 6582)</i> , do not make mention of any liquor premises that may not be allowed within the vicinity of a school or day care centre. The only reference that could be found to a liquor license and a school is the Liquor Act of 1989, Act 27 of 1989, which only states that premises situated in the vicinity of a school should not disturb the proceedings of the school, and the proposed bottle store will comply with this regulation.
Dr N P Steyn-Hounsel (8)	31. We believe this development would totally wreck the character of Koringberg and its future development.	31. It is unsure how the objector proposes the development to negatively influence the character of Koringberg. The <i>Swartland SDF (2019)</i> determines the strategic policy guidelines for future development in the Swartland region and in this case, in Koringberg. The application to grant the property owner of the necessary land use rights on Erf 278, Koringberg, to

		<p>accommodate business premises (a shop), flats, a bottle store, and a place of assembly (hall for social functions), is fully compliant with the <i>Swartland SDF (2019)</i>. The proposed development will contribute to the economic growth of the town.</p>
Dr N P Steyn-Hounsel (8)	<p>32. SIXTEEN SHOPS? Who are they kidding?</p> <p>To our mind the proposed plans have been designed to emolliate the Swartland Municipality into accepting the rezoning by suggesting that the community will benefit. However, we guess the developers' true objective is to start with the bottle store and entertainment centre first — and probably stop there! Without active policing (Koringberg has no police station), we will soon have a shebeen on our hands of monster proportions and this will attract all the wrong sort of patrons from far afield. Koringberg will become a den of iniquity — a haven for drug dealers, gangs and other undesirables.</p>	<p>32. Refer to Points 1 and 5.</p> <p>The proposed development is fully compliant with the <i>Swartland SDF (2019)</i>. With the granting of approval of the application, the owner will not be allowed to operate a shebeen.</p> <p>The proposed flats, bottle store, business premises (shop), and place of assembly (hall for social functions) will contribute to the economic growth of the town. The proposed land uses on Erf 278 cannot be held responsible for socio-economic problems in Koringberg.</p>
Dr N P Steyn-Hounsel (8)	<p>33. We live in the upper part of Koringberg but believe that the greatest harm will be done to the residents of Rautenville, particularly adolescents and the youth. As you are aware unemployment is high in Rautenville and many residents survive</p>	<p>33. The proposed land uses on Erf 278 cannot be held responsible for the residents of Koringberg's financial statuses. Alcohol will not be sold to under-aged children.</p>

	on social grants. Unscrupulous people may access the money from these grants for alcohol and other non-necessities if they are available.	
Dr N P Steyn-Hounsel (8)	34. Overall, the residents of Koringberg and Rautenville are a Christian community. Having a bar/bottle store/entertainment centre in the middle of Rautenville would not represent the values which they strive for and pose a threat to adolescents and youth.	34. The establishment of a bottle store and place of entertainment has no correlation with any religious values or beliefs. Referring to Point 1, the proposed development is fully compliant with the <i>Swartland SDF (2019)</i> . Alcohol will not be sold to under aged children.
Dr N P Steyn-Hounsel (8)	<p>35. Furthermore, and from a legal standPoint:</p> <p>We believe that providing approval for this enterprise contravenes many aspects of the Constitution and can be challenged at the Constitutional Court:</p> <p>Including the following which are highlighted from the Bill of Rights: These rights could be infringed on and can be taken to the Constitutional Court:</p> <p>Environment 24. Everyone has the right— (a) to an environment that is not harmful to their health or wellbeing; and (b) to have the environment protected, for the benefit of present and future</p>	<p>35. Erf 278 is located within the Urban Edge of Koringberg. The proposed development is within the Environmental Management requirements by developing land within the existing Urban Edge and leaving the surrounding natural areas untouched. The proposed development will have no negative effects on any potential agricultural land. No heritage resources will be influenced by the development. Furthermore, it will not affect any endangered vegetation or conservation areas. The environment is thus protected.</p> <p>The proposed place of assembly and bottle store will be subject to the National and Provincial Liquor Act. The Liquor Act includes the protection of children with regards to alcohol sales and consumption.</p>

	<p>generations, through reasonable legislative and other measures that— (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.</p> <p>Children 28. (1) Every child has the right—(ii) place at risk the child’s well-being, education, physical or mental health or spiritual, moral or social development;</p> <p>Just administrative action 33. (1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair. (2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.</p>	
Dr N P Steyn-Hounsel (8)	<p>36. South African law, through the Environment Conservation Act 73 of 1989 and municipal by-laws, protect recipients of intolerable noise pollution.</p> <p>The Regulations define noise disturbance as follows: “Any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person” and</p>	<p>36. The owner of Erf 278 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 visiting the place of assembly will need to adhere to these regulations as well. This will ensure low noise pollution.</p>

	<p>“disturbing noise” as “a noise level that exceeds the ambient sound level measured continuously at the same measuring Point by 7 decibels or more.”</p> <p>A resident in a town, and more particularly a resident in a residential neighbourhood, is entitled to the ordinary comfort and convenience of his home, and if owing to the actions of his neighbour he is subjected to annoyance or inconvenience greater than that to which a normal person must be expected to submit in contact with his fellow-men, then he has a regal remedy.”</p> <p>The urban myth says you can make noise until 10pm on a week night and 12pm on a weekend but, in actual fact most municipalities have by-laws in place that focus on the number of decibels rendered rather than the actual time frame in which noise is made.</p> <p>Municipal by-laws govern disturbing noise. An example of this kind of noise would be loud party music. This kind of party noise is generally tolerated until 10pm on a Friday and/or Saturday evening before you can take steps</p>	
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	<p>against the perpetrator/s. SAPS will generally deal with these noise issues if there are complaints from neighbours and there are steps to follow if it becomes a nasty habit of a neighbour.</p> <p>Noise nuisance is a totally different animal. This kind of noise makes you reach for the Pando's and can include playing loud music or a musical instrument or operating a television set loudly, operating machinery or power tools that cause a noise nuisance, shouting and talking loudly, allowing an animal to become a noise nuisance, operating a vehicle that causes a noise nuisance an driving a vehicle on a public road in a manner that causes a noise nuisance This noise is illegal at all times and is enforceable at any time of the day.</p>	
<p>Richard Kinross (9); Barbara Malaise (13); Elzeth Spies (16); Dean Lancaster (31); Lynn Russel (33)</p>	<p>37. This application is not in the public interest in that it will have a negative impact on the residential character of the area and a negative social impact too.</p> <p>Many of the residents in the immediate area of Erf 278 are young children. Koringberg is a small rural village and already has a CBD which is widely</p>	<p>37. Refer to Points 1, 20 and 21.</p> <p>The application is fully compliant with the <i>Swartland SDF (2019)</i>.</p>

	accepted to be on the Main Road (as per Swartland Town Planning in a CPF meeting in or about 2014). There is no need to have a separate commercial area.	
Richard Kinross (9); Barbara Malaise (13); Elzeth Spies (16); Dean Lancaster (31)	38. The immediate proximity of a bottle store and a devoted and commercial “social functions hall” to existing residential homes will no doubt cause a major disturbance of the peace (noise) for those living both in the vicinity and those living within earshot myself included.	38. The owner of Erf 278 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 visiting the place of assembly or customers of the bottle store will need to adhere to these regulations as well. This will ensure low noise pollution.
Richard Kinross (9); Barbara Malaise (13); Elzeth Spies (16); Dean Lancaster (31); Lynn Russel (33)	39. Koringberg does not have a dedicated SAPS branch and as it is we are told by SAPS that resources are severely constrained. Who would proactively police these 2 proposed establishments especially on the weekends (after hours)?	39. Any complaints can be directed to the nearest SAPS branch, which will send a unit to investigate, if necessary. There is, however, no need to patrol the premises, because all the uses on the premises will be lawful and comply with the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i> .
Richard Kinross (9); Barbara Malaise (13); Elzeth Spies (16); Dean Lancaster (31); Lynn Russel (33)	40. Having commercial social events hall for a community that is already well catered for suggests that to be sustainable it will become a destination for people not from Koringberg. We have ZERO law enforcement	40. Refer to Points 21 and 37 above. The proposed development will contribute to the economic growth of the town. The proposed land uses on Erf 278 cannot be held responsible for socio-economic problems in Koringberg. All road rules should be adhered to by all motorists. All individuals, including motorists, need to adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i> .

	<p>currently - save our own efforts with the Koringberg Watch — who will protect us from the social ills that will absolutely come with this type of establishment such as drunk driving, drag racing, drugs, noise, gambling, loitering in the streets, public disorder and even worse.... Crimes against women and children.</p>	
<p>Richard Kinross (9); Barbara Malaise (13); Elzeth Spies (16); Dean Lancaster (31)</p>	<p>41. The applicant has clearly breached certain building laws during the building of the “flats” (reference to the building line for example and the application in reduction of parking spaces).</p> <p>If the applicant cannot even build without breaking the rules from the get-go – WHAT makes the authorities think that he will adhere to the laws governing his liquor license and just as importantly respect the neighbours’ rights to privacy and peace and quiet and enjoyment of their own homes? As it stands there are already roller shutter installed in this building without necessary permissions clearly intended for the type of establishment he wants to (but does not have consent to) operate.</p>	<p>41. Refer to Point 16.</p> <p>The owner of the property intends to utilise the existing building for commercial and residential purposes being a bottle store, business premises (a shop), place of assembly (hall for social functions), and flats. To do so, the property needs to be rezoned to Business Zone 2. The building line restrictions of a Business Zone 2 property are much more restrictive than a Residential Zone 1 property. The change in land use requires additional parking bays to be provided as well. The <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i> makes provision to apply for the departure from development parameters. Therefore this application includes the departure from the southern and western building lines and the required parking bays. Building Plans will be submitted to the Swartland Municipal Building Control Offices for approval after approval of this application. The proposed development will adhere to other development parameters related to the permissible coverage, floor factor, height, and setback. The preliminary Building Plans are attached as Annexure E.</p> <p>The owner of Erf 278 will be subject to the Liquor Act and to adhere to all regulations and procedures as stipulated within this act.</p> <p>All individuals, including motorists, need to adhere to the regulations set</p>

		out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i> .
Richard Kinross (9)	<p>42. Koringberg has a natural rural charm about it and people are building and moving into Koringberg at a pace I have not seen in 17 years of my being there. My fear is that apart from ruining my own enjoyment of my home in Koringberg (situated 200m from Erf 278) that this positive trend of people moving into the area bringing with them bone fide employment opportunities and an improved rates collection is reversed by a slide we are seeing into a state of lawlessness. We are a proactive and united community. This type of proposed activity would, no doubt, be the beginning of the end of all the positive changes that have been coming out of our collective efforts at improvement. And it will be an unmitigated disaster for those homes near Erf 278.</p>	<p>42. Refer to Points 11 and 21.</p> <p>The proposed development including the establishment of flats, a bottle store, business premises (a shop), and a place of assembly (hall for social functions), will not have a tremendous negative impact on the surrounding owners or the town as the application is fully supported by the <i>Swartland SDF (2019)</i>. The proposed development will rather contribute to the economic growth of the town.</p>
S Diedericks (10)	<p>43. 1) Non-Compliance with National Building Regulations (NBR) SANS 10400 with specific references below;</p> <p>1.1) PART D Public Safety Sections D2: Pedestrian entrances to parking areas: Non-compliance as surrounding</p>	<p>43. The preliminary building plans will be submitted to the Building Control Department of Swartland and the building inspector will determine if the building complies with the NBR SANS codes. If the building does not comply the building inspector will handle it. The preliminary Building Plans are attached as Annexure E.</p>

	<p>pedestrians and small children are not protected against unintentional walking in the path of incoming traffic to the proposed function hall or liquor store.</p> <p>D3: Ramps: Entrance ramp is not designed for safe use for additional public traffic implied by the additional usage when changing from residential to public use of a liquor store and/or function hall.</p> <p>1.2) PART M Stairways</p> <p>M1: General requirement: Should the rezoning be approved, stairways which are not designed by a professional engineer for the implied additional loads caused by more public traffic, will compromised the concrete and steel structure, thus will be non-compliant with general requirements for NBR regulations for stairways and entrances.</p> <p>M2: Fire requirement Non-compliant in terms of dimensions and stairway winders in accordance with additional public use and traffic should rezoning of the building be approved.</p> <p>1.3) PART O Lighting and Ventilation</p> <p>O5: Artificial Ventilation Plant: Not compliant with the required NBR</p>	
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	<p>designed capacity, location and protection of such a ventilation plant, nor is any provision made for air vents and ducting as required for public buildings/rezoning of building situated on Erf 278.</p> <p>1.4) PART P Drainage</p> <p>P3: Control of Objectionable Discharge: Inadequate design dimensions and construction of sewerage tank and plumbing in terms of NBR requirement for additional public use when rezoning the building for a functions hall and liquor store.</p> <p>PP3: Sanitary Fixture; Inadequate design in terms of the NBR requirement for disable public members and the additional fixtures required per public member when rezoning the building for a functions hail and liquor store.</p> <p>1.5) Part S: Facilities for Disable Persons</p> <p>S3: Deemed-to-Satisfy Requirements: General access, design and use of building will not be compliant with NBR requirement for disabled public members when rezoning the building for a functions hail.</p>	
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	<p>1.6) PART T: Fire Protection</p> <p>Building currently not designed or compliant with NBR requirements for protection of occupants or adjacent residents, minimum spread of fire, access and exit routes, fire hydrant plumbing and equipment.</p>	
S Diedericks (10)	<p>44. Existing CBD: Swartland Town Planning already approved and implemented a commercial section on the Koringberg Main Road, which currently included a liquor store. There is thus no need for another liquor store within such a small community or a separate commercial area situated within the residential area, as implied by rezoning the building on Erf 278.</p> <p>There is also an existing School Hall, POP Youth Centre and a Church Hall that have, since inception of the aforementioned facilities, served the community for all social events and functions. The necessary ethical control and conduct of the public is overseen by Swartland Municipality or proprietary authorities, resulting in the responsible use of the facilities.</p>	44. Refer to Points 1, 11, and 13.

S Diedericks (10)	45. Community Safety: The fire brigade facility is limited and only available on call out from adjacent towns. By rezoning the relevant double storey for additional functions and consequent increase of public traffic will increase the burden on the fire brigade and fire hazard risk for immediate residents, mainly due to Section 1.6 as mentioned.	45. Noted.
S Diedericks (10)	46. Children Safety: There are a NGO funded school and after care centre within immediate proximity of the requested functions hall and liquor store. With the limited access by Municipal Law Enforcement, the functions hall, with access to liquor on the same premises will in all likelihood become a shebeen. This will also attract more non-Koringberg residents, increasing the road safety risk, especially for Koringberg children literally living on the roadside next to the intended functions hall.	46. Refer to Points 10 and 29.
S Diedericks (10)	47. Nuisance Factor: The applicant, which is the owner and builder of this building, has already breached the Swartland Municipal By-Laws (building and parking restrictions) and will also become non-compliant with National Building	47. Refer to Points 11, 16 and 39. The building was originally built in accordance with Residential Zone 1 parameters and it did comply with these parameters. The <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i> makes provision to apply for the departure from development parameters. Therefore this application includes the departure from the southern and western building lines and

	<p>Regulations as far as public spaces are concerned.</p> <p>By showing his disregard during the inception stages of his building construction, the applicant will in all likelihood also show his disregard towards the community in terms of the late evening noise and road traffic nuisances created by non-Koringberg residents.</p> <p>It is already evident that non-Koringberg residents are using Koringberg's Main Road for road races, which as SAPS and Traffic Services statistics will testify, increases with liquor use at function and liquor store facilities.</p>	<p>the required parking bays due to the increased parameters for business on the existing erf. Building Plans will be submitted to the Swartland Municipal Building Control Offices for approval after approval of this application. The proposed development will adhere to other development parameters related to the permissible coverage, floor factor, height, and setback. The preliminary Building Plans are attached as Annexure E.</p> <p>All road rules should be adhered to by all motorists. All individuals, including motorists and guests, need to adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>.</p>
A M Coenraad (11); R de Klerk (19); T & B Jagers (21)	48. I did not receive a registered notice.	<p>48. Refer to Point 2.</p> <p>17 of the surrounding property owners were sent registered notices. The document indicating the identified surrounding owners and the documents indicating the notices sent to surrounding owners are attached as Annexure B. The application was also advertised in the Local Newspaper and Provincial Gazette to invite the public to comment on the application. Therefore, the correct procedure as prescribed in the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i> was followed by Swartland Municipality to inform the public of the proposed development on Erf 278.</p>
A M Coenraad	49. These types of venues attract crime and	49. Refer to Points 11 and 21. The proposed flats, bottle store, business

(11)	many incidents of lawlessness and serious crimes such as drug peddling, muggings, fights, intimidation of residents, prostitution will be encouraged by the opening of this business and this is not acceptable to any community.	premises (shop), and place of assembly (hall for social functions) will contribute to the economic growth of the town. The proposed land uses on Erf 278 cannot be held responsible for socio-economic problems in Koringberg.
A M Coenraad (11)	50. Begging outside of the venue is likely to occur as the area already has a huge unemployment rate. Those who are employed will in all likelihood spend their hard earned money on liquor and this will give rise to further socio-economic issues.	50. Refer to Points 29 and 49.
A M Coenraad (11)	51. Drunk driving, speeding is already an issue in the community and this will further exacerbate it.	51. All road rules should be adhered to by all motorists. All individuals, including motorists and guests, need to adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i> .
A M Coenraad (11)	52. A further grave concern is the youth in the area and this will lead to more alcohol and drug abuse in the community which they are currently experience.	52. Refer to Points 10, 20, and 49.
A M Coenraad (11)	53. The venues also have a tendency to attract an influx of illegal foreign nationals to protect the proposed business.	53. Refer to Points 11, 21, and 49.

A M Coenraad (11)	54. House break in and burglaries will also increase as a result. I am totally opposed to this business and the adverse effects it will have on our community.	54. Refer to Points 11, 21, and 49.
Pieter van Noord & Johan van Zyl (12)	55. We are exposed to public drinking on our doorstep every weekend and on pay days - especially when SASSA grants are paid out. This, of course, leads to the most heinous profanity and violence, public urination, littering, drunk driving and many others. Every day at 09:00 people wait for the liquor store to open, and then the problems start. It continues until 20:00 when the liquor store closes. We pick up a large garbage bag full of rubbish around our property 3-4 times a week, and it has 100% to do with people sitting everywhere and drinking alcohol.	55. Refer to Points 13, 21, and 49.
Pieter van Noord & Johan van Zyl (12)	56. In addition, the hours in which the liquor store does business have been dramatically extended over the years - from 08: 00-17: 00 in 2005 to 09:00-20:00 today (on weekdays), and from 08:00-13:00 to 09:00-20:00 (on Saturdays) without any of the residents around the liquor store being consulted.	56. All owners of liquor stores are subject to the Liquor Act. The bottle store will only operate during the appropriate trading days and hours of a licensed premise. A liquor license will be obtained by the owner of the property.

<p>Pieter van Noord & Johan van Zyl (12)</p>	<p>57. Because there is no police presence in Koringberg, we see more cars coming in from outside every week and not only racing in the Main Street, but also playing rock hard music and driving under the influence of alcohol. The best time of the 16 years we have lived here was the period of the strict restriction, when the liquor store was closed. Silence, rest, peace and no littering. One could walk in the Main Street!</p> <p>We have brought the issue to the attention of the Moorreesburg Police, the local Community Policing Forum, Mr. Alec Dick and the Koringberg Watch and our board member, Ms. Marlene van Zyl - without any help or assistance. The last time we did it with Ms. van Zyl, she suggested we sell the house and leave Koringberg. Her words were: "Hierdie mensies [wat in die openbaar drink, urineer, rommel strooi, eiendom beskadig] was lank voor julle hier - hoekom trek julle nie net nie?"</p> <p>We therefore have no confidence that the problems that will come with the new liquor store - which, like the one in Main Street, is surrounded by houses -</p>	<p>57. Refer to Points 11, 13, and 21. The proposed flats, bottle store, business premises (shop), and place of assembly (hall for social functions) will contribute to the economic growth of the town. All road rules should be adhered to by all motorists. All individuals, including motorists and guests, need to adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>.</p>
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	<p>will be solved or even just dealt with. And even if we would support a second liquor store if it could help lock the current one's doors, we would not grant it to the people who live there and include the elderly and school-going children, among others. Moreover, it would be unfair to the nearby churches, crèches, and schools.</p>	
Petrus Adonis (14)	<p>58. I object to the liquor store and dance hall on Erf 278. Residents cannot sleep peacefully. Crime and poverty will increase.</p>	<p>58. The owner of Erf 278 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 visiting the place of assembly or customers at the proposed liquor store will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p>The proposed development will contribute to the economic growth of the town. The proposed place of assembly and liquor store cannot be held responsible for crime and poverty in Koringberg.</p>
Petrus Adonis on behalf of Bovertrek Pinkster Kerk (15)	<p>59. We object to the liquor store and dance hall on Erf 278. Our youth will fall into alcohol. Children will suffer from hunger. Residents who live nearby will not be able to sleep peacefully.</p>	<p>59. Refer to Points 10, 11, 20 and 21. The owner of Erf 278 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 visiting the place of assembly or customers at the proposed liquor store will need to adhere to these regulations as well. This will ensure low noise pollution.</p> <p>The proposed development will contribute to the economic growth of the town. The proposed place of assembly and liquor store cannot be held responsible for socio-economic problems in Koringberg.</p>

Cate Fishlock (17)	60. We feel there is already a bottle store adequately serving our very small community and also 3 function halls which I'm sure are not used to their full capacity given the size of the community. The proposed rezoning will put a bottle store within 150 meters of the local school full of children and also too close to an NGO funded aftercare facility for kids.	60. Refer to Points 1, 4, 13, and 15.
F A & B R van Rooi (18); R de Klerk (19); Johannes de Klerk (20)	61. The intended place of assembly is not going to be anything other than a tavern or bar.	61. Refer to Point 5. The purpose of this application is to grant the property owner of Erf 278, Koringberg, the necessary land use rights to accommodate business premises (a shop), flats, a bottle store, and a place of assembly (hall for social functions). Therefore, if approval is granted for the above-mentioned application, the property owner will not be allowed to operate a tavern on the property, unless further application is made, where a public participation process will be followed in terms of the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i> again.
F A & B R van Rooi (18); R de Klerk (19)	62. Our children play in the streets and will be in danger if there are drunken people on the premises and drive off with cars.	62. All road rules should be adhered to by all motorists. The proposed development cannot be held responsible for the safety of children playing in the streets.
F A & B R van Rooi (18); R de Klerk (19); Johannes de	63. It will also lead to severe disturbance of rest with a bar between all the dwellings.	63. Refer to Points 1 and 21. The proposed development is fully compliant with the <i>Swartland SDF (2019)</i> .

Klerk (20)		The owner of Erf 278 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 visiting the place of assembly or customers at the proposed liquor store will need to adhere to these regulations as well. This will ensure low noise pollution.
F A & B R van Rooi (18); Sylvie Jagers (22)	64. The person/applicant originally submitted plans for the construction of a house on the north side of the yard on top of sewer pipes. There were many problems with the sewer pipes becoming clogged and then the sewer runs over my yard.	64. Building Plans for a dwelling unit on Erf 278 were submitted to the Swartland Municipal Building Control Offices and approved in 2018. All building parameters as prescribed in the <i>National Building Regulations</i> and the <i>Swartland Municipal Land Use Planning By-law (PG 8226)</i> were adhered to. The approved Building Plans are attached as Annexure D .
F A & B R van Rooi (18)	65. The applicant has already violated all the rules and there is no guarantee that he will abide by the rules of a liquor store and a bar. I am aware that he has already been charged by the SAPS for the illegal sale of liquor from a shop operating on Erf 267 and or from his house in Koringberg.	65. Refer to Point 41.
F A & B R van Rooi (18); R de Klerk (19); Rhichard de Klerk (28)	66. Such a bar type of premises will automatically attract unwanted people from outside the town which will lead to trouble, fighting and chasing of cars.	66. Refer to Points 10, 11, 20, and 21. The proposed development will contribute to the economic growth of the town. The proposed place of assembly and liquor store cannot be held responsible for socio-economic and road safety problems in Koringberg.

F A & B R van Rooi (18); R de Klerk (19); Johannes de Klerk (20); Sylvie Jagers (22); Elizabeth Markus (23)	67. There is no police station in Koringberg and law enforcement will be difficult.	67. Noted.
F A & B R van Rooi (18)	68. The property is my immediate neighbouring property. The illegal building also blocks my view and if there are residents going to stay in the apartments I will have to keep my back door closed all day because people will be able to look directly into my house.	68. Building Plans for a dwelling unit on Erf 278 were submitted to the Swartland Municipal Building Control Offices and approved in 2018. The existing building on Erf 278 is not illegal. The approved Building Plans are attached as Annexure D .
Johannes de Klerk (20)	69. In principle I am not opposed to the flats or shop.	69. Noted.
T & B Jagers (21); Sylvie Jagers (22)	70. The existing building does not match the plan submitted. The plan was drawn up afterwards.	70. Refer to Point 16. Building Plans will be submitted to the Swartland Municipal Building Control Offices for approval after approval of this application. The preliminary Building Plans are attached as Annexure E .
T & B Jagers (21)	71. The bottle store will serve as a tavern because they are already selling wine illegally.	71. Refer to Point 5.

T & B Jagers (21); Sylvie Jagers (22)	72. This will allow many incomers to come in over weekends leading to severe problems and disturbance of peace.	72. Refer to Points 10, 11, 20, and 21. The proposed development will contribute to the economic growth of the town. The proposed place of assembly and liquor store cannot be held responsible for socio-economic problems in Koringberg. All individuals, residents and guests, need to adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i> .
T & B Jagers (21)	73. Regardless of money spent, they can only demolish the entire building because no one was informed before the building was erected.	73. Refer to Point 16. The existing building adheres to all development parameters and building regulations of a Residential Zone 1 property.
T & B Jagers (21); Sylvie Jagers (22); Elizabeth Markus (23)	74. The parents of the owner of Erf 278 already own a shop on Erf 267 already sell illegal liquor and already hold SASSA cards and ID's of people buying on debt. So our people will just be plunged into more debt.	74. This objection has no relevance to the proposed development on Erf 278.
T & B Jagers (21); Elizabeth Markus (23)	75. Our community is already suffering. Only works seasonally. Other months are a dry time. There is no police station or ambulance in Koringberg.	75. Noted.
Sylvie Jagers (22)	76. The hall has no windows. There is no air circulation that will prevent COVID-19.	76. Building Plans will be submitted to the Swartland Municipal Building Control Offices for approval after approval of this application. The preliminary Building Plans are attached as Annexure E .

Elizabeth Markus (23)	77. There are too many unwanted characters coming into our town. One sees every day that drugs already want to take over our town. Too many newcomers are still going to come in and do what they want.	77. Refer to Points 10, 11, 20, and 21. The proposed development will contribute to the economic growth of the town. The proposed development on Erf 278 cannot be held responsible for socio-economic problems in Koringberg.
Andreas de Klerk (24)	78. The development will make Rautenville unsafe for the community.	78. It is unclear how the proposed development will make the area unsafe for the community.
Susanna Carolus (25)	79. My erf is across from the building and is not fenced with a wall. People are going to run in.	79. This objection has no relevance to the proposed development on Erf 278.
Susanna Carolus (25)	80. Opening a liquor store in the area is a danger to our children and we are already worried. Where there is alcohol involved there is always a fight and murder and we have many elderly people.	80. Refer to Points 10, 11, 20, and 21. The proposed bottle store on Erf 278 cannot be held responsible for socio-economic problems in Koringberg.
Susanna Carolus (25)	81. One liquor store is already too much for our community. Men and women drink their money out and our children suffer from it.	81. The proposed bottle store on Erf 278 cannot be held responsible for other people's savings and how they spend their money.
Adri Dirks (26)	82. My erf is open and where liquor is involved is just fighting and people running into my erf. I have a teenage daughter and I'm worried about the teenagers in the community. Opening a	82. Refer to Points 10, 11, 20, 21, and 80.

	liquor shop in the area is only going to suffer after murder and rape, because people from other places are going to drop by.	
Rhichard de Klerk (28)	83. No job creation.	83. Through the proposed establishment of a business premises (a shop), a bottle store, and place of assembly, job creation will be promoted.
Natanya Israel (29)	<p>84. This establishment borders familial homes on all sides, making it a social dilemma for those who have small children, the elderly and those who have lived in Koringberg for many, many years.</p> <p>There is very little law enforcement available to our small community and opening another bottle store and social hall will impact greatly on things such as violence, drunk driving and noise.</p>	<p>84. Refer to Point 80.</p> <p>All individuals, residents and guests, need to adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>.</p>
Natanya Israel (29)	85. The children of Rautenville play in the streets and it is not in the interest of ANY child having an establishment that sells alcohol or promotes social drinking or parties in a residential area.	85. All road rules should be adhered to by all motorists. The proposed development cannot be held responsible for the safety of children playing in the streets.
Elsabe Jooste (34)	86. There is already a liquor store in Koringberg and it causes endless problems with people who are drunk, lying around in the streets and also	86. Refer to Points 10, 11, 20, and 21. The proposed development cannot be held responsible for socio-economic problems in Koringberg.

	<p>perishing at homes to beg after spending their money on liquor.</p> <p>We do not have a police station or police officers living in the town. Thus, the above problems cannot be monitored. Moorreesburg's police are also not enough to assign someone full-time to Koringberg. We try to keep our crime rate as low as possible, but with another liquor store it will be impossible. Everyone knows about the negative effects of alcohol.</p>	
Elsabe Jooste (34)	<p>87. The residents around Erf 278 are also not very happy with the course of events. The liquor store and hall are going to cause them to be disturbed and peace disturbed. Many of them also have small children and it must be taken into account what influences the "visitors" will have on them.</p> <p>Meetings are already being held on weekends where people use loudspeakers to address people right next to them. On top of that, they are shouting into the loudspeaker and to me who lives on the other side of town, it sounds like they are across the road! It</p>	<p>87. Refer to Points 10, 11, 20 and 21.</p> <p>All individuals, residents and guests, need to adhere to the regulations set out in the <i>Swartland By-law relating to Public Nuisances (12 April 2019)</i>.</p> <p>A need was identified for the establishment of a bottle store, business premises (shop), a place of assembly (hall for social functions), and flats in the Rautenville area of Koringberg. A petition was signed by 106 residents of Rautenville supporting the application on Erf 278. The petition and a letter from the owner of Erf 278 are attached as Annexure E.</p>

		also does not help to call the police and complain, because as soon as they are gone, the noise continues and where they know who has complained, the people are targeted with pebbles that are thrown at the house. Most residents of the town are very unhappy about this.	
Elsabe (34)	Jooste	88. If there is an events hall, it will also attract people from outside to the track. We're already struggling with people coming in on weekends, rushing up and down the streets, selling drugs, and generally just making a fuss of themselves. The chances that these will be "drink-free" events are also very slim. So again, these would mean that you have to spend for these processes.	88. Refer to Points 10, 11, 20 and 21. The proposed development will contribute to the economic growth of the town. The proposed development on Erf 278 cannot be held responsible for socio-economic problems in Koringberg. All road rules need to be adhered by all motorists.
Elsabe (34)	Jooste	89. There is a shortage of housing. So the flats are not a bad idea PROVIDED there are adhered to all building regulations and only the permissible amount of properties are erected on the erf and it is rented out to local permanent residents. It may not be operated as a motel/hotel/hostel, etc. But who is going to monitor it?	89. Noted.

Most of the objectors' properties are located more than 220m away from the application property (Erf 278). The proposed development on Erf 278 will not have a significant negative impact on these property owners due to their properties being located far away from the site.

It is noted that T & B Jagers (6 Jakaranda Street) and Sylvie Jagers (184 Main Road) is the same person who objected to the application twice. Ms Jagers is not the owner of Erf 184 in Main Road. Therefore, she is not authorised to act on behalf of the owner of Erf 184, where the Postal Office is situated. Petrus Adonis also objected twice in the capacity of the owner of Erf 202 and the Bovertrek Pinkster Church of SA. Mr Adonis is not authorised to act on behalf of the owner of Erf 254, where the Bovertrek Pinkster Church is situated. A need is identified for a bottle store, business premises (shop, place of assembly (hall for social functions), and flats to be established in the Rautenville area of Koringberg. A petition was signed by 106 residents of Rautenville supporting the application on Erf 278. The petition and a letter from the owner of Erf 278 are attached as **Annexure C**.

The objectors raised their concerns mainly around the proposed bottle store and place of assembly. Minimal concerns were raised against the establishment of a shop and flats, as well as the relaxation of parking bay provision and building lines.

Many of the objectors focused on Koringberg being a rural town which does not have the capacity to support the additional uses and keeping the town as is, but no consideration has been given to the economic growth and job opportunities it can create. A town such as Koringberg still needs economic growth to ensure that the town is sustainable for the future. If there is no growth, people will start to leave, services will always be provided only on a basic level, and it can cause the town to be a ghost town in 20 years' time. The proposed application creates opportunities for economic and residential uses and will grow and renew the town and support future uses with the same objective, to grow the town to its full potential.

The building on Erf 278 is existing and consists of approved building plans. The existing building is proposed to accommodate flats, business premises, a bottle store, and a place of assembly. No new buildings are proposed at this stage. The approved Building Plans are attached as **Annexure D** and the preliminary Building Plans are attached as **Annexure E**.

Erf 278 is located in a high density residential area in the northern part of Koringberg, known as Rautenville. Erf 278, Koringberg, is bordering an Activity Corridor (Leeubekkie Street) and in close proximity to an identified taxi terminal and therefore offers the opportunity to utilise the property for high density residential uses and commercial uses, especially in terms of its location and accessibility.

The proposed development could be regarded as promoting tourism, commercial, and housing opportunities in the area and creating an additional income for the landowner. The proposed development will not have any negative effects on the natural environment. The establishment of business premises, flats, a bottle store, and a place of assembly within the Urban Edge of Koringberg, and adjacent to an Activity Corridor, could be considered as effective spatial planning. The proposed

development will strengthen the proposed residential and commercial character nearby an established residential area and adjacent to an Activity Corridor.

The rezoning from Residential Zone 1 to Business Zone 2 will not negatively affect the surrounding properties as the area is earmarked for commercial and higher density residential uses and supports the provision of flats, business uses, and secondary business uses, according to the *Swartland SDF (2019)*. The proposed development will create a tendency of higher density within Zone A of Koringberg, where flats, business uses, and secondary business uses are allowed. The *Swartland SDF (2019)* encourages higher density development within the Urban Edge of Koringberg. The *Swartland SDF* also supports the *Western Cape Spatial Development Framework's* principle of densification within existing urban areas.

This office is of opinion that the proposed rezoning, consent use, and departure from development parameters on Erf 278, Koringberg, will maximise the development potential of the property.

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

Kind regards,

A handwritten signature in dark ink, appearing to read 'Zanelle' or 'Zortje', with a stylized flourish at the end.

Zanelle Nortje / Mandri Viljoen
For CK RUMBOLL & PARTNERS

28 Februarie 2022

15/3/3-14/Erf_515

WYK: 5

ITEM 6.2 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 9 MAART 2022

LAND USE PLANNING REPORT

APPLICATION FOR REZONING ON ERF 515, YZERFONTEIN

Reference number	15/3/3-14/Erf 515	Application submission date	16 November 2021	Date report finalised	1 March 2022
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PART A: APPLICATION DESCRIPTION

Swartland Municipality received an application for rezoning of Erf 515, Yzerfontein in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020). It is proposed that Erf 515 is rezoned from Residential Zone 1 to Business Zone 2 in order to accommodate a business premises (shops and offices) on the property.

The applicant is CK Rumboll and Partners and the owner of the property is 515 On Buitekant Pty Ltd.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 515, Yzerfontein, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape						
Physical address	39 Buitenkant Street. Please refer to the location plan attached as Annexure A			Town	Yzerfontein		
Current zoning	Residential zone 1	Extent (m²/ha)		805m²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)						
Current land use	Vacant			Title Deed number & date		T51963/2021	
Any restrictive title conditions applicable	Y	N	If yes, list condition number(s)				
Any third party conditions applicable?	Y	N	If yes, specify				
Any unauthorised land use/building work	Y	N	If yes, explain				

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input checked="" type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Removal, suspension or amendment of restrictive conditions	<input type="checkbox"/>

Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval plan	
Determination of zoning		Closure of public place		Consent use		Occasional use	
Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use			

PART D: BACKGROUND

Erf 515 (805m² in extent) is vacant and currently zoned Residential Zone 1 in terms of the applicable development management scheme. The purpose of the application is to rezone the property from Residential Zone 1 to Business Zone 2 to utilise the property for commercial purposes.

As the current zoning does not make provision for shops and offices, application is therefore made to rezone the property.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

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

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

The applicant motivates that the surrounding properties consist mainly of business and residential zoned properties and therefore the proposed development to utilise the subject property as a business premises (for example offices or shops) will, in their opinion, not adversely affect the character of the area. This, according to the application is due to the property being located directly adjacent to the central business district (CBD) of Yzerfontein.

The applicant states further that the precedent to develop Buitenkant Street as a business corridor has already been set. The proposal will, in the applicants' opinion, contribute to the already established business corridor.

The proposal will strengthen the commercial character of the area.

Access to Erf 515 is obtained from Buitenkant Street on the northern side of the property.

The development will also enhance the value of the property and give local business owners commercial opportunities within the existing residential area and in close proximity to the CBD of town.

Commercial opportunities (professional services and home occupation) within the residential area are encouraged by the Swartland Spatial Development Framework.

Since the property is located along an activity street, it is highly accessible and ideal for commercial purposes.

There are no physical restrictions on the property or registered against the title that prohibits the proposed rezoning application to establish a business premises on Erf 515, Yzerfontein.

The proposed development can be regarded as promoting small business opportunities, creating additional income for local residents.

The proposed development will not have any adverse effect on the natural environment and the establishment of mixed-uses near the central business district (CBD) and along an existing activity street can be considered as effective spatial planning.

The applicant concludes that the proposed rezoning to transform Erf 515, Yzerfontein, into a business premises can be considered favourably on the basis of the following;

1. The proposed development is supported by the Swartland Spatial Development Framework (SDF) that guides sustainable future development in Yzerfontein;
2. The application supports the planning principles of SPLUMA and LUPA;
3. The proposed development is compatible with the land use proposals for the area in which Erf 515 is located;
4. With the proposed development, economic as well as employment opportunities will be created for local residents;
5. Effective use of services will occur as the property is currently vacant;

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

The application was published in local newspapers and the Provincial Gazette on 19 November 2021, in terms of Section 55 of the By-law. The commenting period, for or against the application, closed on 24th of January 2022.

In addition to the abovementioned publication, a total of 23 written notices were sent via registered mail to the owners of affected properties, in term of Section 56(1) & (2) of the By-Law (refer to Annexure E).



Of the above-mentioned, only 2 letters returned, unclaimed.

Total valid comments	2			Total comments and petitions refused		0		
Valid petition(s)	Y	N	If yes, number of signatures		N/A			
Community organisation(s) response	Y	N	N/A	Ward councillor response		Y	N	The application was referred to the Ward Councillor and no comments have been received.
Total letters of support	None							

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

Name	Date received	Summary of comments	Recommendation	
Department: Civil Engineering Services	23-11-2021	Water A single water connection be provided and that no additional connections will be provided;	Positive	Negative
		Sewerage The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;		
		Streets and storm water The proposed layout indicates that parking bays 1 to 7 is accessed directly from Buitenkant Street. This layout is unacceptable and must be amended in order to provide the property with a combined carriageway crossing and that no parking be accessed directly of the street. Please refer to Annexure B.		
		Development charges A fixed cost capital contribution be made calculated as follows:		

Protection Services	23-11-2021	No feedback required	Positive	Negative
Electrical Engineering Services	18-11-2021	No comments	Positive	Negative
Development Services: Building Control	25-11-2021	Submit building plans to Building Control for consideration and approval.	Positive	Negative

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS Please refer to Annexure H	MUNICIPAL ASSESSMENT OF COMMENTS
<p>Mr G Du Toit as neighbourin g property owner of erf 127, Yzerfontein Please refer to Annexure F</p>	<p>1. The applicant states that the surrounding properties consist mainly of business and residential zoned properties. The proposed development to utilise the property as a business premises (for example offices or shops) will not adversely affect the character of the area, as the property is located directly adjacent to the central business district (CBD) of Yzerfontein. The applicant continues by stating the precedent to develop Buitenkant Street as a business corridor has already been set. The proposal will therefore contribute to the already established business corridor (Activity Street).</p> <p>The proposal to rezone Erf 515, Yzerfontein, to Business Zone 2 is a market driven decision. Given the fact that Erf 122, Yzerfontein, (opposite Erf 515) is zoned Residential Zone 1 and are being used for commercial purposes indicates that there is still a shortage of available business properties / buildings in the area.</p> <p>2. The applicant motivates that due to the width of the road reserve, the road may be transformed into a two-way lane in the future which, in the applicant opinion will remove all possible negative traffic impacts. There is sufficient viewing distance to safely turn onto Erf 515, without causing any safety hazards. See figures below. Furthermore, due to the property being situated on a turn, drivers tend to reduce speed at a turn, further reducing any safety risks to the property.</p> <div data-bbox="853 1062 1328 1246">  </div> <div data-bbox="853 1265 1328 1453">  </div>	<p>1. The subject property is located on Buitenkant Street which is an identified activity street. Furthermore the subject property is located in close proximity to the identified Primary Business node for Yzerfontein. Buitenkant Street have seen several properties being converted into business properties in the last few years. The application is supported by the MSDP, 2019 and will not have an adverse effect on the character of the surrounding neighbourhood.</p> <p>Yzerfontein has also seen a large increase in permanent residents which results in an increase in demand for commercial property. Buitenkant Street being the link between two business nodes ensures its status as an activity street.</p> <p>2. Access to the property is proposed on the eastern corner. This ensures sufficient sight distance for oncoming vehicles when accessing the property from a westerly direction. There is also sufficient sight distance available when accessing the property from a northerly direction as well as exiting the property. The wide road reserve ensures safe access and egress to and from the property and as pointed out by the applicant also ensures sufficient space for future upgrading if necessary. It should be noted that from the Main Rd intersection to the Dassen Island Drive junction approximately 40% of Buitenkant Street have already been upgraded to a dual lane collector. The proposed shops and offices will not adversely affect the traffic flow in Buitenkant Street.</p>

	<p>3. Thirdly, the objector is of opinion that the rezoning may result in the commercialisation of the residential portions of Buitenkant Street, which will materially adversely impact the value, ambiance and character of the area.</p>	<p>3. The applicant refers to point 1.</p> <p>The precedent to develop Buitenkant Street as a business corridor has already been set. The proposal will therefore not have an adverse impact on the character of the area, as the commercial character already exist around Erf 515.</p> <p>The applicant further motivates that the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: "A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome".</p>	<p>3. Buitenkant Street is an identified activity street. According to the MSDP, 2019 mixed / alternative uses are supported along activity streets in Yzerfontein. As mentioned above the character of the area along Buitenkant Street is not residential as a number of commercial activities is already present along Buitenkant Street.</p>
<p>Mr D van Heerden as neighbouring property owner of Erf 122 Yzerfontein. Please refer to Annexure G</p>	<p>4. Mr van Heerden states that he, even in quieter times, he already experience large numbers of traffic and finds it difficult to get his car out of his property. He states that it is even worse when he is towing his boat and during holiday times, he must park his boat elsewhere until the traffic calms down again. He is therefore of opinion that should another shop be accommodated at Erf 515, he will not be able to get out of his property at all.</p> <p>5. Mr van Heerden asks that the municipality consider his plea not to approve the application as it will only cause more frustration to an already frustrating situation.</p>	<p>4. Since Erf 122 is located within the CBD of Yzerfontein and is located along an activity street, it is common for such an area to experience higher traffic volumes.</p> <p>The illegal commercial use on Erf 122 may also contribute to the higher traffic volume in the area, as well as to and from the property.</p> <p>5. The applicant refers to point 4 of their comments and adds that, the fact that Erf 515, Yzerfontein, is following the right procedures to operate a business premises, should be considered positively.</p>	<p>4. Buitenkant Street is a public street currently being the main collector connecting Dassen Island Drive and Lutie Katz Street with the Main Rd intersection. Arguably it is a very busy road which may need to be upgraded in the future. As mentioned above a large portion have already been upgraded and with the Pearl Bay area steadily filling up, this upgrading will probably need to take place sooner than later. The proposed development will not have a significant impact on the traffic volumes. The developer needs to make a development contribution which could be seen as their contribution to the future upgrading of Buitenkant Street. No further upgrading / contributions was required from the Department: Civil Engineering Services.</p> <p>The statement that the objector will not be able to access his property at all due to the proposed application is unjustified.</p> <p>5. Noted</p>

PART J: MUNICIPAL PLANNING EVALUATION

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

The application in terms of the By-law was submitted on 16 November 2021. The public participation process commenced on the 19th November 2021 and ended on the 24th January 2022. Objections were received and referred to the applicant for comment on 27th January 2022 and this municipality received the comments on the objection from the applicant on 31st of January 2022.

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

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

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

Spatial Justice: The proposed development is deemed consistent with the Swartland MSDF (2019) as well as the goals of the district and provincial spatial policies as will be further discussed below. The consideration of the application also realises the owner of the property's right to apply in terms of the relevant legislation.

Spatial Sustainability: The proposed development will result in a more spatially compact and resource-efficient settlement and will optimise the use of existing infrastructure. Seeing that the existing services will be used and that no upgrades to existing services / infrastructure is required to accommodate the development. The proposal will also not have a negative impact on critical biodiversity areas or high potential agricultural land and will in the long term contribute to the economy of Yzerfontein through the improvement of the property as well as through job creation.

Efficiency: The development proposal will promote the optimal utilisation of services on the property and enhance the tax base of the Municipality. The proposed use will also strengthen the current mixed-use character of the area as well as the existing identified activity street. Therefore this application complies with the principle of efficiency.

Good Administration: The application and public participation are administrated by Swartland Municipality and public and departmental comments were obtained. The decision making is guided by a number of considerations as required by the relevant By-law and MSDF;

Spatial Resilience:

The property is currently vacant and underutilised. The proposal to accommodate mixed uses along an identified activity street in close proximity to the primary business node for Yzerfontein is not only supported from a spatial planning point of view but also makes the property more resilient as it creates opportunity for a wider range of uses. With the above in mind the use of the property for commercial purposes is justified in the long term and is therefore deemed spatial resilient.

The development proposal clearly adheres to the spatial planning principles and is consistent with the abovementioned legislative measures.

Provincial Spatial Development Framework (PSDF, 2014)

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

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

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

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

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

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

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

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

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

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

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

West Coast District SDF (WCDSDF, 2020)

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

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

The WCDSDF rightfully looks at spatial development on a district level. It is however noted that poor access to social facilities often relate to spatial patterns, lack of spatial integration, limited mix-use development, disconnect between economic and social opportunities, car-dependent developments far from public transport and a 'business as usual' approach with the emphasis on greenfield development and low density sprawl.

It is thus clear that the proposed development is not in conflict with the principles as set out in the WCDSDF, 2020.

Municipal Spatial Development Framework (SDF), 2019

Erf 515, Yzerfontein is located in land use proposal zone C as indicated in the land use proposal map for Yzerfontein. Please refer to the extract below:



Zone C is defined as the older residential area, which also includes the primary business node which allows for mixed uses including residential, commercial and social uses.

Buitenkant and Main Street are identified as the main axis of the central town.

The SDF supports the accommodation of professional services, business uses as well as secondary business uses along activity streets or at the existing node. With Buitenkant Street being an identified activity street it is clear that the proposed application is consistent with the development proposals of the MSDF, 2019.

2.4 Zoning Scheme Provisions

All provision of the proposed zoning is complied with;

3. Desirability of the proposed utilisation

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

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

The proposed application will not have a negative impact on the character of the area.

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

4. Impact on municipal engineering services

The proposed development will not have a significant impact on municipal engineering services. Should any services need upgrading in order to accommodate the proposed development it will be for the developers account.

The comment from the Department Civil Engineering services regarding the parking layout was given through to the applicant which provided the municipality with an amended Site Plan on the 25th of February 2022. The Director Civil Engineering services confirmed that the amended site plan is in order. Please refer to the amended site development plan attached as Annexure C

5. Response by applicant

See Part F in terms of the motivation as well as part I in terms of the comments on the objections received.

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

The comments from external departments were not deemed necessary with the current proposal. Should the application be approved it does not exonerate the developer or occupants from the proposed shops and offices to comply with any other legislation.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

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

N/A

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

N/A

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

N/A

PART L: RECOMMENDATION WITH CONDITIONS

A The application for the rezoning of Erf 515, Yzerfontein from Residential Zone 1 to Business Zone 2, be approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The use of the business premises be restricted to shops and / or offices;
- (b) Building plans be submitted to the Senior Manager Built Environment for consideration and approval;

2. WATER

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

3. SEWERAGE

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

4. STREETS & STORMWATER

- (a) The proposed parking area, including the junction with Buitenkant Street, be provided with a permanent dust free surface. See Annexure "C" The materials used be pre-approved by the Director Civil Engineering services on building plan stage;

5. REFUSE REMOVAL

- (a) A built refuse area be constructed and provided with clean running water as well as a catchment point for dirty water that is connected to the sewer network. The refuse should be easily accessible to refuse removal workers but should not be accessible to unwanted animals and elements;

6. DEVELOPMENT CHARGES

- (a) The development charge towards the regional bulk supply of water amounts to R9 788.80 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The fixed development charge towards bulk water reticulation amounts to R7 985.60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The fixed development charge towards waste water treatment, to the amount of R16 486,40 is payable by the owner/developer, at building plan stage. The amount is payable to this Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);

- (d) The fixed development charge towards sewerage amounts to R 11 076.80 and is payable by the owner/developer at building plan stage. The amount is due to this Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- (e) The fixed development charge towards streets amounts to R12 880,00 and is payable by the owner/developer at building plan stage. The amount is due to this Municipality, valid for the financial year of 2021/2022 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The fixed development charge towards storm water, to the amount of R15 198,40 is payable by the owner/developer at building plan stage. The amount is payable to this Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/248-144-9210);
- (g) The Council resolution of May 2021 provides for a 40% discount on development charge to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to 6.(a);

7. GENERAL

- (a) Should it be necessary to upgrade any existing services in order to accommodate the access or service connections of the proposed development, the cost thereof will be for the developer's account;
- (b) The approval is in terms of section 76 (2) (w) of the By-Law valid for a period of 5 years, during which time the rezoned land use be utilised, and all conditions of approval adhered to for the new zoning to be established before occupancy certificate be issued;
- (c) The applicant/objectors be informed of the right to appeal against this decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;

PART M: REASONS FOR RECOMMENDATION

- 1) There are no physical restrictions on the property that will have a negative impact on the proposed application.
- 2) There are no restrictions registered against the title deed of the property that prohibits the proposed land use.
- 3) The SDF, 2019 supports the accommodation of professional services, business uses as well as secondary business uses along activity streets or at the existing node. Buitenkant Street is an identified activity street.
- 4) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
- 5) The proposed application will not have a negative impact on the character of the area.
- 6) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets.
- 7) The proposal will not have a significant impact on traffic in Buitenkant Street.



PART N: ANNEXURES

Annexure A	Locality Map
Annexure B	Site development plan
Annexure C	Amended Site development plan
Annexure D	Proposed building plans
Annexure E	Public Participation Plan
Annexure F	Objections by Mr G du Toit
Annexure G	Objections by Mr D van Heerden
Annexure H	Applicants comment on the objections

PART O: APPLICANT DETAILS

Name	CK Rumboll and Partners			
Registered owner(s)	515 On Buitekant Pty Ltd.	Is the applicant authorised to submit this application?	Y	N

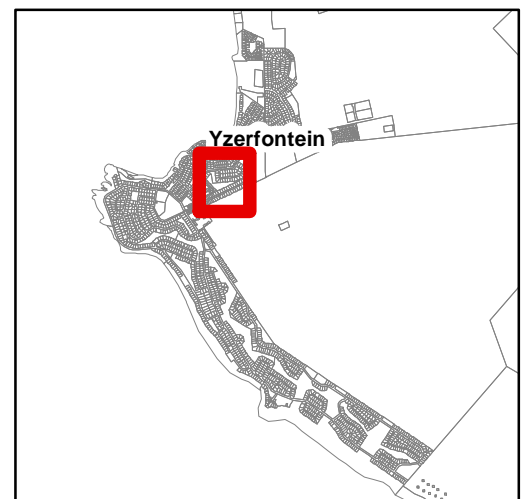
PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		Date: 1 st of March 2022		
Recommendation: Alwyn Zaayman Senior Manager Built Environment SACPLAN : A/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 2 nd of March 2022		

LOCATION PLAN OF ERF 515, YZERFONTEIN



0 25 50 100 Meters



SITE DEVELOPMENT PLAN: BUSINESS PREMISES ON ERF 515, YZERFONTEIN



NOTES:

ZONING:

Current zoning: Residential

Zone 1

Proposed zoning: Business

Zone 2

Total GLA: ±224m²

13 Parking spaces provided

Building Lines

Drawing by

NJ de Kock

ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING

C.V. RUMBOLD & VERNOOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS
16 PANIER STREET, MALMESBURY
Tel: 022 - 4621845
Fax: 022 - 4671861
Email: head@rumbold.co.za



DATE:

November 2021

AUTHORITY:

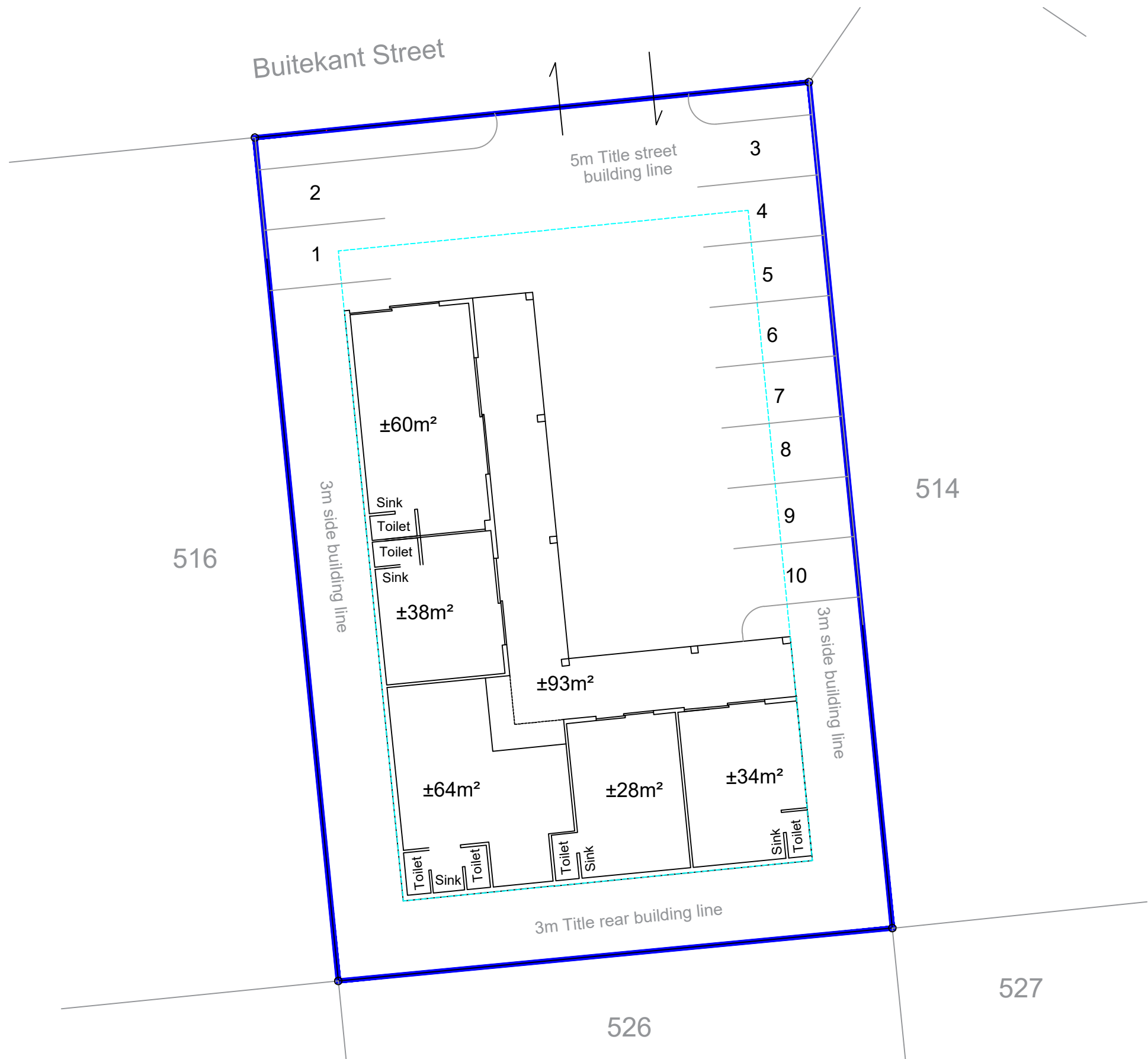
SWARTLAND MUNICIPALITY

REF:

YZ29/12240NJK

SCALE: NTS

SITE DEVELOPMENT PLAN: BUSINESS PREMISES ON ERF 515, YZERFONTEIN




NOTES:

ZONING:
Current zoning: Residential Zone 1
Proposed zoning: Business Zone 2

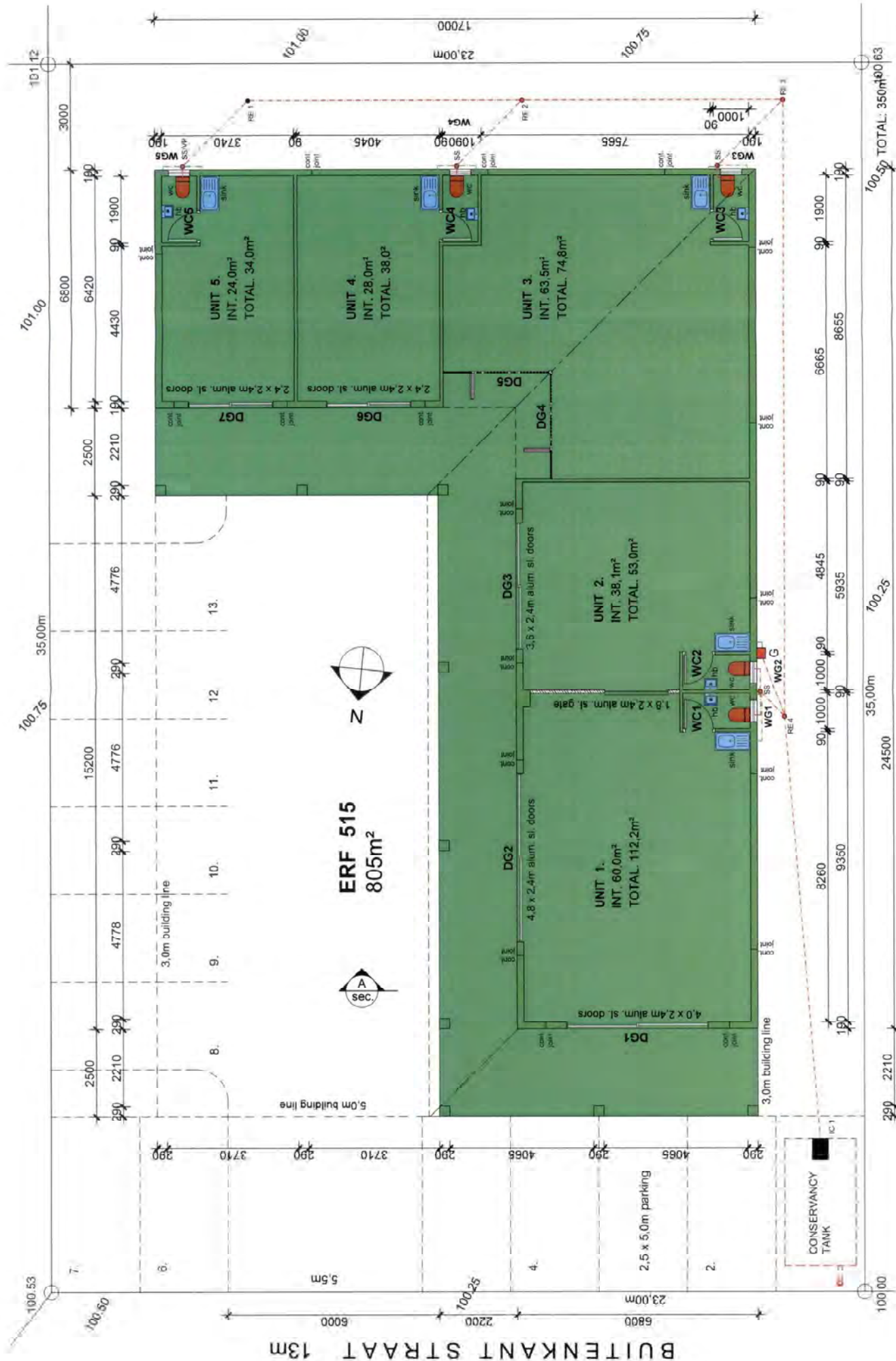
Total GLA: ±224m²

10 Parking spaces provided

Building Lines — — —

Drawing by: NJ de Kock	
ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING	
	C.K. RUMBOLL & VENNOTE TOWN PLANNERS PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY Tel: 022 - 4821845 Fax: 022 - 4871661 Email: leap@rumboll.co.za
DATE: November 2021	AUTHORITY: SWARTLAND MUNICIPALITY
REF: YZR/12240/NJdK	SCALE: NTS

ANNEXURE D



PROJECT
LA LEIGH
39 Buitekant Street
515 YZERFONTEIN

DRAWING
New Building - Offices



Monica Broeksma
Pr. Snr. Arch. T - Reg No. ST 2924
23 First Avenue Yzerfontein
Tel 082 5600 003 monicasign@net24.co.za

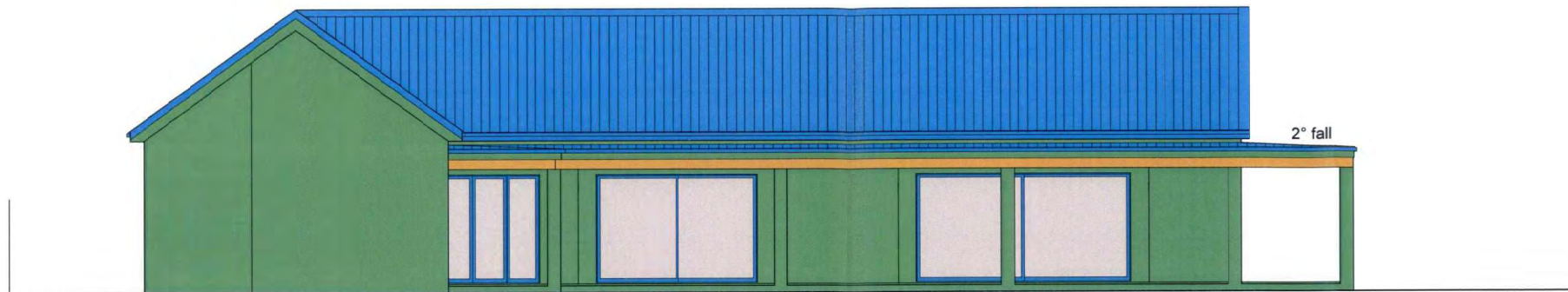
DRAWING

SIGNATURE _____

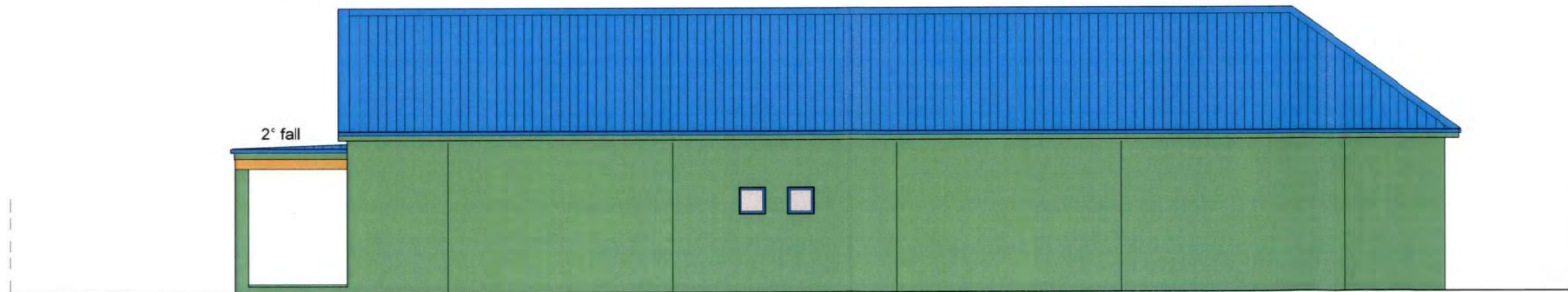
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DRAWING NO.	
JP-PLN-01	
REVISION	
F	

Sheet
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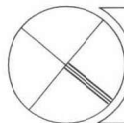
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EAST ELEVATION Scale 1:100



NORTH ELEVATION Scale 1:100



SCALE
1:100
DRAWING No
JP-PLN-02
DATE
Nov. 2021
REVISION
F

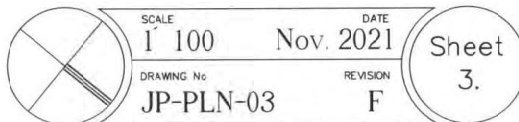
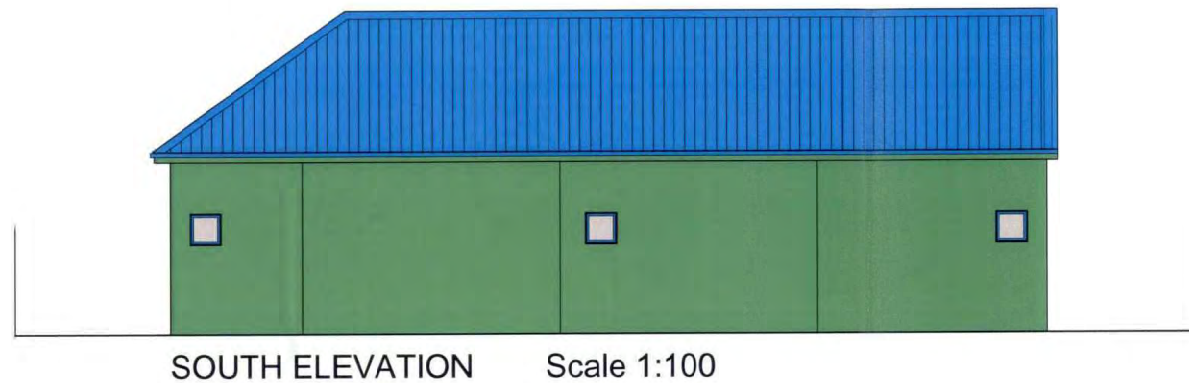
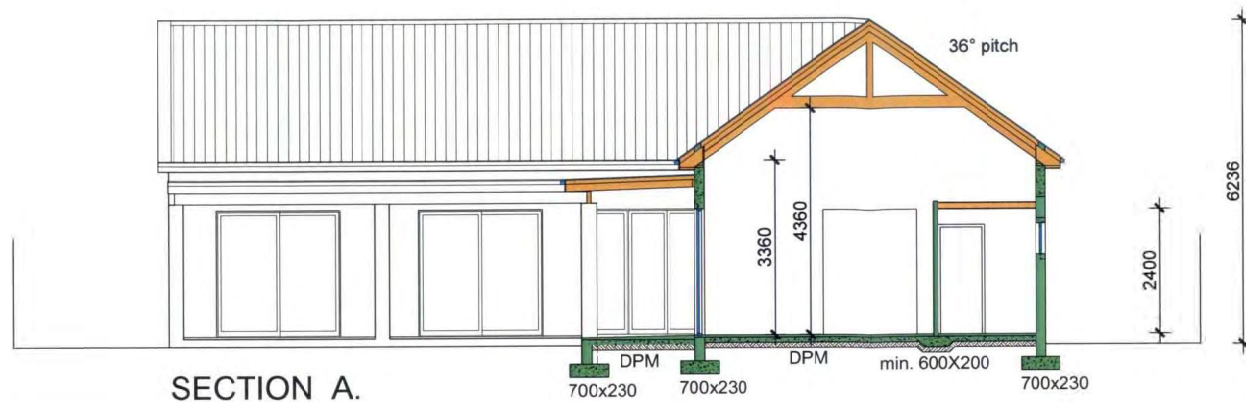
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PROJECT
LA LEIGH
39 Buitekant Street
ERF
515 YZERFONTEIN

DRAWING
New Building
SIGNATURE



Monica Broeksma
Pr. Snr. Arch. T - Reg. No. ST 2324
23 First Avenue Yzerfontein
Tel 082 5600 993 monicaesign@nwweb.co.za



PROJECT
LA LEIGH
39 Buitekant Street
ERF 515 YZERFONTEIN

DRAWING
New Building - Offices
SIGNATURE



Monica Broeksma
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23 First Avenue Yzerfontein
Tel 082 5600 993 monicaesign@mweb.co.za

ROOF CONSTRUCTION

VERANDAH ROOF: 2° fall

0,5mm thick ASTM 446 Grade E HHR Robertson Clipdek continuous galvanised roof sheeting with vertical over-laps and fixing to Manufacturer's specification with gray Colormet finish on 76 x 50mm purlins @ 1000mm crs on 152 x 50mm rafters @ 1000mm crs
67 x 231mm Cape Lam edge and end beams on 290 x 290mm solid concrete brick pillars as indicated on plan.
Rafters fixed to walls with galv. truss hangers. Rafters fixed to truss hangers with min. 2No. 12mm Ø bolts each (bolted through) Truss hangers fixed to walls with min. 12mm Ø Hilti chemical anchors each.
Rafters tied down to pillars with 1,2 x 30mm galv. hoop iron straps.

PITCHED ROOF: 38° pitch

Roof sheeting, rafters and purlins as described for verandah roof.
Roof trusses by EPRESS ROOFING & CEILINGS (PTY) Ltd
114 x 38mm wall plates
Roof bracing: 114 x 38mm diagonal end bracing at 45° nailed to u/s rafters at each end of the roof and in both planes.
FLASHING: Ridge, corner and side wall flashing and cranking details to Manufacturer's specification. All as supplied by Manufacturer with same finish and colour to match roof sheeting.

RAINWATER GOODS:

Min. 100mm VHV aluminium box gutters, finish to match roof, fixed to 220x12mm medium density plain Nutecc-cement fascia boards with finish to match roof sheeting. 85 x 50mm aluminium downpipes and fixings. Downpipes to discharge rainwater into pre-cast concrete channels 1,5m from dwelling / buildings or into storm water drains.

CEILINGS FOR PICHED ROOF:

100mm thick 'Lambdaboard' fire resistant ceiling board & insulation with min. thermal value of R 3,7 and to have white matt mineral coated fibre glass tissue finish with nail up ceiling application. Boards fixed between truss rafters.
Seamless finish with Plascon EZ Joint and EZ Skim system.
50x38mm branning on-edge @ 1220mm c in both directions.

CEILINGS UNDER NEW FLAT ROOF:

50mm thick 'Lambdaboard' fire resistant ceiling board & insulation with thermal value and to have white matt mineral coated fibre glass tissue finish with nail up ceiling application. Seamless finish with Plascon EZ Joint and EZ Skim system.
50x38mm branning on-edge @ 1220mm c in both directions.
6mm thick Nutecc-cement ceiling boards fixed to 50 x 38mm branning at 600mm crs with paint finish.

CEILINGS AND ROOF TO TOILETS:

6mm thick Nutecc-cement nail up ceiling board fixed to 114 x 50mm rafters @ 600mm crs and with 9mm thick Nutecc-cement boards on rafters.
Ceiling to have paint finish.
Supply 75mm coved cornices to inside with paint finish

BLOCK WALL CONSTRUCTION:

BOUNDARY WALLS: 1,8m high

DCM MA 140 plain blockwork with 10mm joints - see plan
Bagged and paint finish to both faces.
Continuous brickforce every 400mm.
Two number 140 x 400mm blocks to form pier at max. 2,5m crs and max. height not exceeding 1,8m above ground. Block piers 590 x 390mm projecting on one side with expansion joints every 5,0m in length on base for cantilevered loading. Pier blocks to have 15MPa concrete core filled and tampered well in two stages with reinforcing:
1R10, 150 x 620mm in 750 x 230mm concrete base,
1Y12 U-Bar, 270 x 700mm,
2Y12 Straight bars, 1900mm long.
Plastered coping to slope towards erf.
None wall and concrete strip footing to exceed boundary line.

BLOCK WALL CONSTRUCTION:

WALLS:

DCM MB190 hollow concrete blockwork walls - see plan
Plaster and paint finish to both faces.
190mm load bearing walls with 10mm joint.
Continuous brickforce every 400mm through expansion joints.
90mm hollow concrete block walls internally.
Two block beam using lintel block with reinforcing and concrete infill for openings exceeding 3,0m in length and single lintel block with reinforcing and min. 15MPa concrete infill for smaller openings and 90mm high pre-cast concrete lites for 900 and 600mm wide openings. Approved galv. block reinforcement every 2 horizontal courses for full length of wall, lapped at intersections.
Vertical and horizontal dpc to be provided at all external walls terminating 150mm min. above natural ground level.
Control butt joints every 5,0m to be 10mm wide formed with soft board and sealed with approved sealant.
25MPa concrete infill in cores on either side of control joints with Y8 bars.
Cores adjoining on both sides of door openings to have solid 25MPa concrete infill and reinforced with a single Y10 bar that extends from floor level to the top of the lintel.
Cores below top of concrete floor slab to be filled with 15MPa concrete.

DPC:

Provide 375 brick grip dpc to walls at floor level, window cills and window/door heads.
Dpc to be provided at all external reveals of doors and windows.
Dpc to be min. 150mm above ngl.
Provide 250micron Dpm under conc. surface bed.

WINDOWS AND DOORS:

Refer to Door and Window Schedule.
All windows and external doors to be dark bronze anodised aluminium.
All internal doors and frames to be semi-solid timber as per Swartland Joinery.
External door frame size (opening): 895 x 2073mm with 90 x 55mm hardwood frames with 813mm wide rebale.

CILLS:

Window cills to be standard concrete block with plastered and painted finish both sides.

GLAZING:

Refer to Door and Window Schedule.
Glazing to windows and doors in excess of 1m² or less than 500mm from finished floor level to be safety glass in accordance with the National Building Regulations.
Obscure glass to be confirmed by client.

FLOOR CONSTRUCTION:

GROUND STOREY CONCRETE SURFACE BED:

Floor finish: Polished 100mm thick concrete surface bed - 25Mpa concrete Ready Mix Concrete with galvanised mild steel mesh on 250 micron DPM as per USB Green on compacted sandblinding layer min. 100mm thick on well compacted clean fill.
DPM to be lapped with wall DPC.
Control joints in surface bed not to exceed 6,0m or 36m²
Bathroom floors to have sealed polished concrete surface bed as described above.

FOUNDATIONS:

90mm thick internal walls to have min. 600 x 200mm concrete strip foundation or thickening in concrete surface bed.
190mm load bearing walls to be founded on min. 700 x 230mm strip foundation with foundations to project 200mm past blockwork. Footings with 500mm mesh in foundations.
375micron DPC at all walls and window and window cills.
Depth of all foundations to be determined on site and to the approval of the local building inspector.
Contractor to confirm ground conditions & excavate footings to firm ground.
Freestanding walls on 750 x 230mm strip foundations

CONCRETE STEPS:

Concrete steps constructed on natural ground and fill - ex site with min. 150mm waist and finish to match external finish.
Risers: max. 200mm
Treads: min. 275mm each

DRAINAGE:

All drainage works as indicated on drawings.
Drainage installation to be undertaken in accordance with the National Building Regulations Part P and any requirements of the Local Authority.
Provide 5000 litre Conservancy Tank with 110mm inlet and inspection chamber to comply with Local Municipality Regulations. Provide suction head in box with cover.

DRAINAGE AND STORMWATER PIPES:

All drainage and stormwater pipes under paving, foundations and floor slabs to be encased in 100mm concrete.
No foundation to bear on sewer pipe.
Sand compaction of 300mm around sewer pipe as per PP24: SABS 0400

ELECTRICAL NOTES:

- Allow for dimmer switches for light fittings to ceiling roses, down lighters and wall lighting.
- All electrical fittings and fixtures of approved quality and to comply with energy efficiency in buildings reg.
- Business Zone 2 to have a maximum energy demand of 5 W/m² and a maximum energy consumption of 5 kW h/m² for lighting
- Should any new sanitary fittings or fixtures, requiring hot water supply, allowance shall be made for the installation of a heat pump system or Solar panels by specialist.
- This hot water service shall provide a minimum of 50% by volume of the annual average hot water heating requirement by means other than electrical resistance heating.
- Allow for galv. boxes in conc. beams (above) for light fittings (wall lighting).
- Allow for waterproof external light fittings.

ELECTRICAL INSTALLATION:

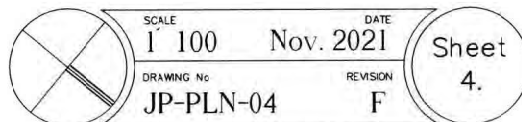
All electrical installations to be undertaken by a registered person.

ELECTRICAL FITTINGS:

All new electrical fittings and fixtures as supplied by Arora Lights or similar approved to comply to maximum energy consumption and energy efficiency in buildings.

WATER SERVICES INSTALLATION:

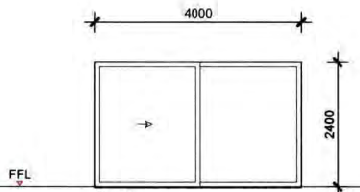
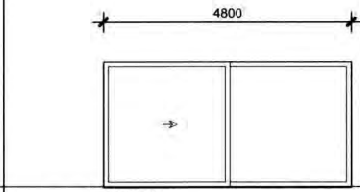
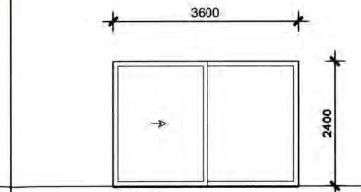
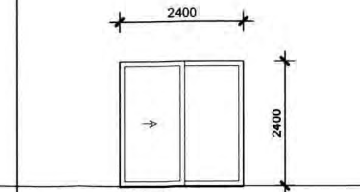
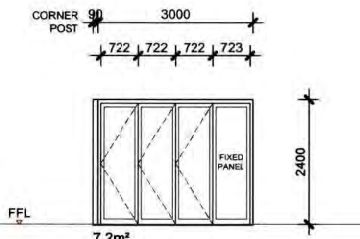
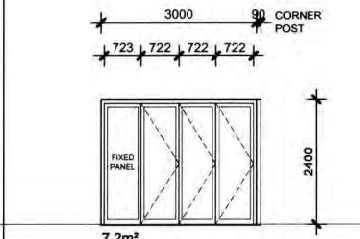
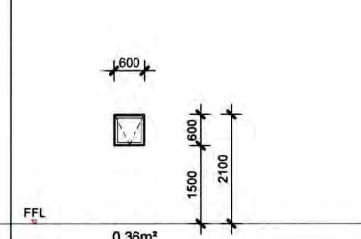
- All exposed pipes to and from the hot water cylinders and central heating systems shall be insulated with pipe insulation material.
- Hot water vessels and tanks shall be insulated with a material (blanket) achieving a minimum R-value of 2,0 including the manufacturer's installed insulation.
- Insulation on vessels, tanks and piping containing cooling water shall be protected by a vapour barrier on the outside of the insulation.
- Pipe and duct distribution system: All chilled water, hot water and refrigeration piping, conditioned air duct work and flexible ducting shall be insulated to limit heat gain or loss (or both) to be not more than 5% from source to furthest point of delivery on a system.
- Minimum R-value of pipe insulation: Internal Ø of pipe smaller than 80mm = Min. R-value of 1,00 Internal Ø of pipe larger than 80mm = Min. R-value of 1,50

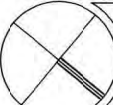


PROJECT
LA LEIGH
39 Buitekant Street
ERF
515 YZERFONTEIN

DRAWING
New Building
SIGNATURE


Monica Broeksma
Pr. Snr. Arch. T - Reg. No. ST 2324
23 First Avenue Yzerfontein
Tel 082 5600 993 monicaesign@mweb.co.za

 <p>9,6m²</p>	 <p>11,52m²</p>	 <p>8,64m²</p>	 <p>5,76m²</p>
NUMBER : Ground Storey DG1	NUMBER : Ground Storey DG2	NUMBER : Ground Storey DG3	NUMBER : Ground Storey DG6 and DG7
POSITION : Unit 1.	POSITION : Unit 1.	POSITION : Unit 2 and Unit 5.	POSITION : Unit 4.
QUANTITY : 1	QUANTITY : 1	QUANTITY : 2	QUANTITY : 2
TYPE: Dark bronze anodised aluminium sliding door with cill - outside sliding panel.	TYPE: Dark bronze anodised aluminium sliding door with cill - outside sliding panel.	TYPE: Dark bronze anodised aluminium sliding door with cill - outside sliding panel.	TYPE: Dark bronze anodised aluminium sliding door with cill - outside sliding panel.
GLAZING: 6,38mm clear PVB lam. safety glass. Clear film/laminate	GLAZING: 6,38mm clear PVB lam. safety glass. Clear film/laminate	GLAZING: 6,38mm clear PVB lam. safety glass. Clear film/laminate	GLAZING: 6,38mm clear PVB lam. safety glass. Clear film/laminate
 <p>7,2m²</p>	 <p>7,2m²</p>	 <p>0,36m²</p>	
NUMBER : Ground Storey DG4	NUMBER : Ground Storey DG5	NUMBER : Ground Storey WG1, WG2, WG3, WG4 and WG5	
POSITION : Unit 3.	POSITION : Unit 3.	POSITION : WC 1 to WC 5	
QUANTITY : 1	QUANTITY : 1	QUANTITY : 5	
TYPE: Dark bronze anodised aluminium folding - sliding door and fixed panel with cill - opening out.	TYPE: Dark bronze anodised aluminium folding - sliding door and fixed panel with cill - opening out.	TYPE: Dark bronze anodised aluminium window: 1No. top-hung	
GLAZING: 6,38mm clear PVB lam. safety glass. Clear film/laminate	GLAZING: 6,38mm clear PVB lam. safety glass. Clear film/laminate	GLAZING: 6,38mm obscure PVB laminated safety glass. Clear film/laminate	
DOOR AND WINDOW SCHEDULE Scale 1:100			



SCALE
1" 100

DATE
Nov. 2021

DRAWING No
JP-PLN-05

REVISION
F

Sheet
5.

PROJECT
LA LEIGH
39 Buitekant Street
ERF
515 YZERFONTEIN

DRAWING
New Building - Offices
SIGNATURE _____



Monica Broeksma
Pr. Snr. Arch. T - Reg. No. ST 2324
23 First Avenue Yzerfontein
Tel 082 5600 993 monicadesign@mweb.co.za

BUITENKANT STREET

BUITENKANT STREET 13m

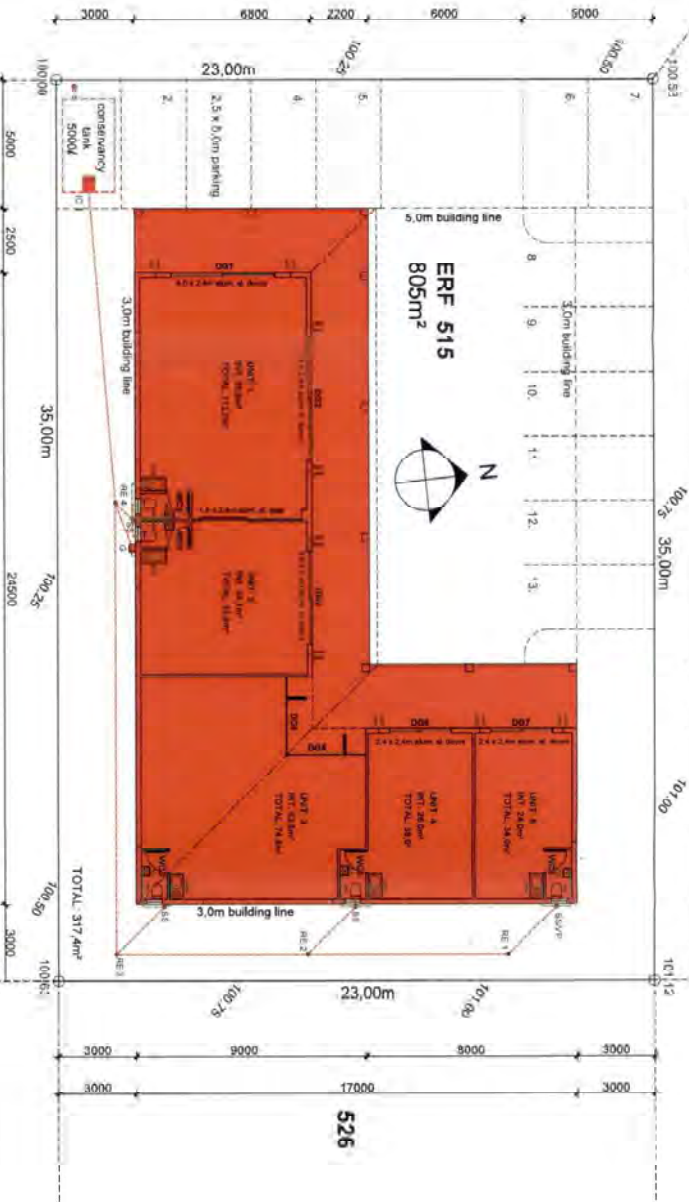
516

514

527

526

525



cover level	101.000	100.750	100.600	100.250	100.000
invert level	100.600	100.325	100.181	99.746	99.296
depth	400	425	419	504	704
distance	7.6m	7.2m	17.4m	12.0m	
gradient	1:30	1:50	1:40	1:27	

110dia JPVC SOIL PIPE



DRAINAGE SECTION 1:200

DRAINAGE: Allowance to be made for all drainage works as indicated on drawings. Drainage installation to be undertaken in accordance with the National Building Regulations Part P and any requirements of the Swartland Municipality



SCALE
1" = 200
DATE
Nov. 2021
DRAWING NO.
JP-PLN-S01
REVISION
F.

Sheet
S1

PROJECT
LA LEIGH
39 Buitenkant Street
ERF
515 YZERFONTEIN
DRAWING
New Building - Offices

SIGNATURE

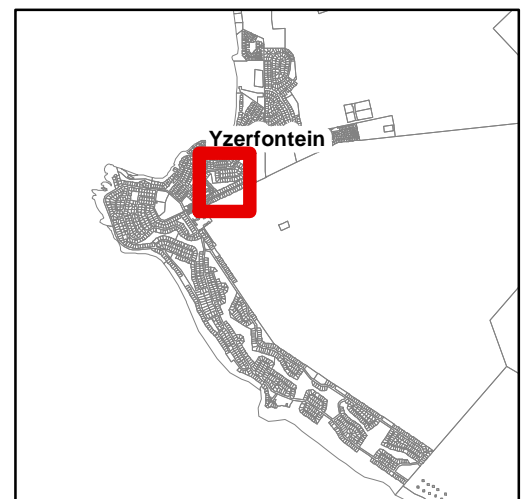


Monica Broeksma
Pr. Snr. Arch. T - Reg. No. ST 2324
23 First Avenue Yzerfontein
Tel 082 5690 993 monica.design@mweb.co.za

PUBLIC PARTICIPATION PLAN PROPOSED REZONING OF ERF 515, YZERFONTEIN



0 25 50 100 Meters



From: Gerhard Du Toit <gerharddd@courierit.co.za>
Sent: Sunday, 02 January 2022 08:32
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objection to proposed Rezoning of Erf 515: Ref 15/3/3-14/Erf_515

Dear Sir/Madam

RE: Proposed rezoning of Erf 515

The above refers.

I am the registered co-owner of the property situated at no 2 Third Street, Yzerfontein.

I object to the proposed rezoning of erf 515 ("the property") on inter alia the following grounds:

- a) The property is situated in a residential area which is already sufficiently served with commercial property spaces. In fact, Yzerfontein has a number of vacant business zoned premises and more such would be superfluous to the village's needs;
- b) The property is situated on a blind turn and will materially impact on the traffic flow in Buitenkant Street;
- c) The rezoning may lead to the commercialisation of the residential portions of Buitenkant street, which will materially adversely impact the value, ambiance and character of the area.

Kindly acknowledge receipt hereof and keep me apprised of all further developments in respect of the application.

Yours faithfully

Gerhard Du Toit

General Manager

P: +27 21 555 6777

M: +27 82 787 9897

E: gerharddd@courierit.co.za

A: Site 10 Tower Road Cape Town Airport City

From: van Heerden, Daniel <Daniel.vanHeerden@dcs.gov.za>
Sent: Thursday, 09 December 2021 13:04
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: beswaar teen erf 515

Die Munisipale bestuurder

Ek is Mnr van Heerden bly in Buitekantstraat 46 erf 122 ek ervaar reeds baie verkeer en ek sukkel om met my motor uit my erf te kom en as ek my boot uittrek of terugstoot is dit nog erger ek moet partykeer mense gaan soek om die verkeer te stop om my boot in die erf in te kry in die stil tye, en oor vakansietyd is dit nog erger ek moet my boot by andermense gaan parkeer tot dit stiller raak as daar nog n winkel by erf 515 kom sal ek glad nie daaruit kan kom nie

Hiermee vra ek dat dit hoogs frustrerend is om daardie besige pad te ervaar en dat daar asseblief gekyk moet na my versoek om nie winkels goed te keur nie dit gaan baie frustrasie op my plaas

Baie dankie

Waardeer u samewerking

Danie van Heerden

CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 31 January 2022

OUR REF: YZER/12240/NJdK
YOUR REF: 15/3/3-14/Erf_515

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED REZONING ON ERF 515, YZERFONTEIN

Your letter dated 27 January 2022 refers (see annexure A attached). Please find attached our comments to objections as requested.

This office has been instructed by Mr Gerard Pronk, as representative of 515 On Buitekant Proprietary Limited, the owners of Erf 515, Yzerfontein to handle all town planning actions regarding the application for rezoning on erf 515, Yzerfontein.

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

- Danie van Heerden (Erf 122)
- Gerhard du Toit (Erf 127)



MUNISIPALITEIT SWARTLAND				
LEER No: 15/3/3-14/Erf_515		TREC		
Verwys Na	Inligting	Verslag	Afhanter	Kom/Taar
SSSB (A3)				
Ander Opdrag:				
SPERDATUM:				(get)BK

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845



Figure 1: Layout of Erf 515 and surrounding objectors.



Objector	Objection	Comment from CK Rumboll & Partners
Gerhard du Toit (Erf 127)	1. The property is situated in a residential area which is already sufficiently served with commercial property spaces. In fact, Yzerfontein has a number of vacant business zoned premises and more such would be superfluous to the towns needs.	1. The surrounding properties consist mainly of Business and Residential Zoned properties. The proposed development to utilise the property as a Business premises (for example offices or shops) will not adversely affect the character of the area, as the property is located directly adjacent to the central business district (CBD) of Yzerfontein and the precedent to develop Buitekant Street (Activity Street) as a business corridor has already been set. The proposal will therefore contribute to the already established business corridor.

VENNOTE / PARTNERS:

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

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


MALMESBURY (T) 022 482 1845

		 <p>ACTIVITY STREET</p> <p>The proposal to rezone Erf 515, Yzerfontein, to Business Zone 2 is an market driven decision. Given the fact that Erf 122, Yzerfontein, (opposite Erf 515) is zoned Residential Zone 1 and are being used for commercial purposes indicates that there is still a shortage of available business properties / buildings in the area.</p>
	<p>2.The property is situated in a blind turn and will materially impact on the traffic flow in Buitekant Street</p>	<p>2. Due to the width of the road reserve, the road may be transformed into a two way lane in the future. This will remove all possible negative traffic impacts.</p> <p>There is sufficient viewing distance to safely turn onto Erf 515, without causing any safety hazards. See figures below. Due to the property being situated on a turn, drivers tend to reduce speed at a turn, further reducing any safety risks to the property.</p> 

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845

		
	<p>3. The rezoning may lead to the commercialisation of the residential portions of Buitekant Street, which will materially adversely impact the value, ambiance and character of the area.</p>	<p>3. Refer to point 1.</p> <p>The precedent to develop Buitekant Street (Activity Street) as a business corridor has already been set. The proposal will therefore not have an adverse impact on the character of the area, as the commercial character already exist around erf 515.</p> <p>Also, in terms of the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: <i>“A competent authority contemplating an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome.”</i></p>
Danie van Heerden (Erf 122)	<p>4. We already experience a lot of traffic and struggle to access the road from our property, especially if we have our boat. In the holiday season it is even worse.</p>	<p>4. Since Erf 122 is located within the CBD of Yzerfontein and is located along an activity street, it is common for such an area to experience higher traffic volumes.</p> <p>The illegal commercial use on Erf 122 may also contribute to the higher traffic volume in the area, as well as to and from the property.</p>
	<p>5. I am very frustrated by the busy roads and hereby ask that the business / shops do not be approved.</p>	<p>5. Refer to point 4.</p> <p>The fact that Erf 515, Yzerfontein, is following the right procedures to operate a business premises should be positively considered.</p>

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845

Considering the above, it is evident that the proposed development will not have a significant impact on the surrounding properties or built environment.

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

Kind regards

.....

NJ de Kock
VIR CK RUMBOLL EN VENNOTE

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845

Annexure A

OBJECTIONS



CLEAN AUDITS SINCE 2010/11



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

File ref: 15/3/3-14/Erf_515

Enquiries:
Ms D N Stallenberg

27 January 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

PROPOSED REZONING ON ERF 515, YZERFONTEIN

Your application with reference YZR/12240/NJdk dated 14 November 2021 refers.

Kindly find attached the objection received by Danie van Heerden and Gerhard du Toit during the commenting period.

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

Yours sincerely

MUNICIPAL MANAGER

per Department Development Services

/ds

From: Gerhard Du Toit <gerhardd@courierit.co.za>
Sent: Sunday, 02 January 2022 08:32
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objection to proposed Rezoning of Erf 515: Ref 15/3/3-14/Erf_515

Dear Sir/Madam

RE: Proposed rezoning of Erf 515

The above refers.

I am the registered co-owner of the property situated at no 2 Third Street, Yzerfontein.
I object to the proposed rezoning of erf 515 ("the property") on *inter alia* the following grounds:

- a) The property is situated in a residential area which is already sufficiently served with commercial property spaces. In fact, Yzerfontein has a number of vacant business zoned premises and more such would be superfluous to the village's needs;
- b) The property is situated on a blind turn and will materially impact on the traffic flow in Buitenkant Street;
- c) The rezoning may lead to the commercialisation of the residential portions of Buitenkant street, which will materially adversely impact the value, ambiance and character of the area.

Kindly acknowledge receipt hereof and keep me apprised of all further developments in respect of the application.

Yours faithfully

Gerhard Du Toit
General Manager
P: +27 21 555 6777
M: +27 82 787 9897
E: gerhardd@courierit.co.za
A: Site 10 Tower Road Cape Town Airport City
Disclaimer:www.courierit.co.za
Please consider the environment before printing this email.

From: van Heerden, Daniel <Daniel.vanHeerden@dcs.gov.za>
Sent: Thursday, 09 December 2021 13:04
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: beswaar teen erf 515

Die Munisipale bestuurder

Ek is Mnr van Heerden bly in Buitekantstraat 46 erf 122 ek ervaar reeds baie verkeer en ek sukkel om met my motor uit my erf te kom en as ek my boot uittrek of terugstoot is dit nog erger ek moet partykeer mense gaan soek om die verkeer te stop om my boot in die erf in te kry in die stil tye, en oor vakansietyd is dit nog erger ek moet my boot by andermense gaan parkeer tot dit stiller raak as daar nog n winkel by erf 515 kom sal ek glad nie daaruit kan kom nie

Hiermee vra ek dat dit hoogs frustrerend is om daardie besige pad te ervaar en dat daar asseblief gekyk moet na my versoek om nie winkels goed te keur nie dit gaan baie frustrasie op my plaas

Baie dankie

Waardeer u samewerking

Danie van Heerden

ITEM 6.3 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 9 MARCH 2022

LAND USE PLANNING REPORT PROPOSED DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 1631, YZERFONTEIN					
Reference number	15/3/4-14/Erf_1631	Submission date	10 November 2021	Date finalised	23 February 2022

PART A: APPLICATION DESCRIPTION					
Application for the departure of development parameters on Erf 1631, Yzerfontein, is made in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020). The departures entail the following:					
<ul style="list-style-type: none"> Departure of the 1m maximum height from which the groundfloor of a building may be raised above the natural ground level to 1,892m; Departure of the 10,5m height restriction of the highest point of the roof in the case of pitched roofs to 10,867m. 					
The applicant is Andre-Murray Hofmeyer Architectural Designer and the property owner is Blaarfontein Trust.					

PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	ERF 1631 YZERFONTEIN, MUNICIPALITY OF SWARTLAND, DIVISION OF MALMESBURY, WESTERN CAPE PROVINCE				
Physical address	75 Bergzicht Street		Town	Yzerfontein	
Current zoning	Residential Zone 1	Extent (m ² /ha)	793m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021)				
Current land use	Vacant		Title Deed number & date	T6103/2005	
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	<input checked="" type="checkbox"/>	Temporary departure	
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation	
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	
Determination of zoning		Closure of public place		Consent use	
				Subdivision	
				Removal, suspension or amendment of restrictive conditions	
				Permission in terms of a condition of approval	
				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 1631, Yzerfontein is zoned Residential zone 1 and is currently vacant.

The applicant intends to submit a building plan application in order to obtain approval for a new dwelling house. The development proposal in its current format does not comply with the zoning parameters as applied for. Land use approval is sought for the departures prior to the submission of the building plan application.

Erf 1631 slopes marginally from the street boundary to the rear boundary as follows:

- Northern side boundary – 13,401m (street) to 12,456m (rear) over a distance of 37,11m (fall of 0,945m)
- Southern side boundary – 12,715m (street) to 10,775m (rear) over a distance of 36m (fall of 1,94m)
- Western rear boundary – 12,456m (northern peg) to 10,775m (southern peg) over a distance of 28,4m (fall of 1,681m)

The proposed building work has a coverage of 43,48% (344,79m²) and a total floor area of 550,23m².

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

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

The applicant provides the following motivation:

“...As gevolg van die natuurlike val op die erf is dit nie moontlik om te bly binne die hoogte beperkings soos hierbo uiteengesit nie. Die natuurlike val van die terrein veroorsaak komplikasies aan die Oostelike kant van die erf wanneer daar binne die beperkings ontwerp word en ontstaan daar die moontlikheid om die fondasies oop te grawe van die Oostelike grensmuur as gevolg van die vlak verskille. As gevolg van die 1,5m boulyn (beperkte spasie) vanaf die Oostelike grens, is dit nie moontlik om die vlakverskil te akkomodeer met loffelstene nie. Daarmee gepaard ontstaan daar ook 'n afrit vanaf die sygaardjie tot in die garage wat onprakties is vir die parkering van 'n boot op 'n trailer (wat 'n behoefte van die kliënt is). As gevolg van die kliënt se behoefte om nie 'n vlak verskil op grondvloer te hê nie (bejaarde persone sal die grondvloer bewoon en hulle sukkel met beweging tussen vlak verskille), was die enigste praktiese en veilige opsie om die hoogte beperking so min as moontlik te oorskry.

Die 40 grade dakhelling maak deel uit van die Argitektoniese styl van die huis wat 'n moderne aanslag is op die 'Fishermans Cottage' tipe styl wat eie is aan die Weskus omgewing. Sodra die dakhelling verander word belemmer dit die proporsies van die huis se aansigte en sal dit 'n negatiewe impak hê op die estetiese waarde wat die huis vir die omgewing en woonbuurt kan bied.

As professionele argitek is daar baie tyd spandeer aan die ontwerp van die huis tesame met die uitdaging van die erf se val asook Mun. riglyne en die kliënt se behoeftes. Daar is sover moontlik binne hierdie riglyne gebly. Die oorskryding van die hoogte beperkings het 'n kleiner impak op omliggende eiendomme as om in te grawe en potensieel die aanliggende erf se fondasies oop te grawe.

Die hoogte beperking word met minder as 500mm oorskry op slegs een van die gewelmure en sodoende is die volle lengte van die nok van die spitsdak steeds onder die hoogte beperking. Die impak opsee uitsig en visuele impak wat hierdie oorskryding mag hê op enige van die omliggende eiendomme is weglaatbaar klein...”

Please see below an example of a 'Fishermans Cottage' style in Jacobsbaai.



PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?

Y

N

A total of 7 registered notices were issued to affected parties, of which 5 of the same notices were also sent via e-mail. 4 posted notices were returned uncollected, however only 2 of the notices were not also sent via email. The owners of erven 1633 & 1684 did not receive notice.

Total valid comments	1		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 the ward councillor, 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
None				
PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS	
DPF & MEG van den Eynde, owner of erf 1628	<p>1. The reason for our objection to the above deviation from the municipal stipulated height restrictions is that they are departing from their rights. The view, which is our right, will be encroached upon. The above property is situated right on the beach front therefore they will have a full sea view without the need to raise the floor level and height, spoiling it for us and all the residents behind them.</p> <p>(Correspondence between the applicant and the objectors followed which led to final comments from the objector.)</p> <p>Departure 1: 1m maximum height from the natural ground level to finished floor level of the ground floor to 1,892m.</p> <p>We have no objection to this departure as long as this does not affect the outcome of Departure 2.</p>	<p>1. Comments are made for each departure.</p> <p>Departure 1: 1m maximum height from the natural ground level to finished floor level of the ground floor to 1,892m. This departure will have no effect whatsoever on anyone's sea view as the site is sloping towards the ocean and away from the street level. The departure refers to the internal finished ground floor level of the house which is 1,892m above the natural ground level (lowest point of the erf touching the footprint of the house), but that exact floor level is still lower than the level of Duinebessie Street. I kindly ask you to please withdraw your objection on the above mentioned Departure 1 as your house's ground floor level is above that of the proposed new house and the departure will have no effect on your sea view.</p>	<p>1. Please note that the applicant consulted with the objectors in an attempt to get the objections withdrawn. These comments reflects the outcome of the consultations.</p> <p>Comments are made for each departure.</p> <p>Departure 1: The objector withdrew the objection as long as this does not affect the outcome of Departure 2.</p>	

	<p>Departure 2: Departure from 10,5m total height of the building to 10,867m.</p> <p>I believe that the municipal regulations and by-laws have been instituted for specific, well thought through reasons and are not just some arbitrary decisions made by some paper pushers. Remember that the 10,5m height restriction is an absolute maximum with the idea being that architect and designers need to design dwellings with a height preferably less than this maximum. Looking at the plans, there seems to be no reason why this dwelling cannot be designed within the restrictions, noting that there are no obstructions in front of the house when looking towards the sea (i.e. dropping of the ground floor level by 367mm for instance would do the trick). As an architect, I think, it is your professional duty to design with all stipulated regulations in mind and only exceed these regulations when there really is no other way – I don't see this as being the case here.</p> <p>We also feel strongly that approving this departure would set a precedent to other designers/builders and would result in a free-for-all to design/build as high as they want.</p> <p>We therefore are of the opinion that our objections to Departure 2 are valid and will remain in place.</p>	<p>Departure 2: Departure from 10,5m total height of the building to 10,867m. This departure is only in relation to the one point of the gable wall (which extends 367mm above the 10.5m height restriction) and not the complete ridgeline of the roof. In other words the whole house is underneath the 10.5m height restriction except for that one small gable wall point which makes up less than 0.2% of the structure. We as appointed Professional Architects strived to represent the character of Yzerfontein through the design of a 40 degree pitched roof with gable ends which reflects the vernacular of the old West Coast fisherman's houses. Due to the fact that 99% of the roof structure is below the height restriction, I kindly ask you to please withdraw your objection on the above mentioned Departure 2 as the small piece of gable wall and the departure will not increase the amount of your sea view being blocked by the proposed building (unfortunately the new development will happen on the erf between you and the ocean and there is no way that the erf can be developed without partially blocking your sea view).</p>	<p>Departure 2: There are 3 important parameters relating to height measurement compliance. The first being the height the finished floor level (FFL) of the building work. Compliance with the FFL not being more than 1m above the natural ground level (NGL) gives optimum design freedom which may allow for a three storey dwelling. This parameter forms the basis for compliance with the following two parameters. The second being the 8m wall plate height measured parallel to the gradeline and thirdly the total height of the building being 10,5m to the highest point of the roof in the case of a pitch roof measured parallel from the gradeline.</p> <p>In this case the FFL is raised to 1,892m above the NGL. Compliance with the 8m wall plate height is achieved but the total height of the building is encroached to 10,867m, a departure of 0,367m.</p> <p>Erf 1631 is a vacant erf which has a marginal slope and no other physical restrictions.</p> <p>There are no architectural design guidelines applicable to erf 1631 which gives optimal design freedom within the zoning parameters and National Building Regulations.</p> <p>Erf 1631 is an erf situated on the sea front giving it unobstructed views towards the beach and ocean.</p> <p>The possible impact on the views from the objector's property is deemed a right as the applicant intends to develop erf 1631 outside the rights of the property.</p> <p>There is no merit in the motivation of the applicant for the proposed departure.</p> <p>The objection is supported.</p> <p>Please note that a detailed evaluation of the desirability of the application will be made at Part J, paragraph 2.3 of this report.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

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

Application for the departure of development parameters on Erf 1631, Yzerfontein, is made in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020). The departures entail the following:

- Departure of the 1m maximum height from which the groundfloor of a building may be raised above the natural ground level to 1,892m;
- Departure of the 10,5m height restriction of the highest point of the roof in the case of pitched roofs to 10,867m.

A total of 7 registered notices were issued to affected parties, of which 5 of the same notices were also sent via e-mail. 4 posted notices were returned uncollected, however only 2 of the notices were not also sent via email. The owners of erven 1633 & 1684 did not receive notice. The commenting period for the application concluded on 24 January 2022 and 1 objection was received.

The objection received was referred to the applicant for comment on 27 January 2022 and the response to objections were provided to the Municipality on 18 February 2022.

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

2. Legislation and policy frameworks

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

- a) Spatial Justice: Not applicable.
- b) Spatial Sustainability: Not applicable.
- c) Efficiency: Not applicable.
- d) Good Administration: The application and public participation was administered by Swartland Municipality and public and departmental comments obtained.
- e) Spatial Resilience: Not applicable.

2.2 Spatial Development Framework(SDF)

Not applicable.

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

Erf 1631, Yzerfontein is zoned Residential zone 1 and is currently vacant. The erf slopes marginal from the street to the rear of the property with no other physical restrictions.

There are no architectural design guidelines applicable to erf 1631 which gives optimal design freedom within the zoning parameters and National Building Regulations.

Erf 1631 is an erf situated on the sea front giving unobstructed views towards the beach and ocean.



The impact on views from affected properties are deemed a right and need to be protected as the owner/developer intends to develop the property outside the permitted land use rights.

A precedent will be created for future applications.

There are no merit in the motivation from the applicant for the proposed departures.

2. Impact on municipal engineering services

Not applicable.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for the departure of development parameters on erf 1631, Yzerfontein, in order to depart from the 1m maximum height from which the groundfloor of a building may be raised above the natural ground level to 1,892m and the 10,5m height restriction of the highest point of the roof in the case of pitched roofs to 10,867m, be refused in terms of section 70 of the By-Law.

B. General

a) In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 8226 of 25 March 2020), affected parties have a right to appeal the abovementioned decision within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.


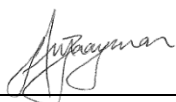
Should affected parties decide to appeal, you can write to the following address:

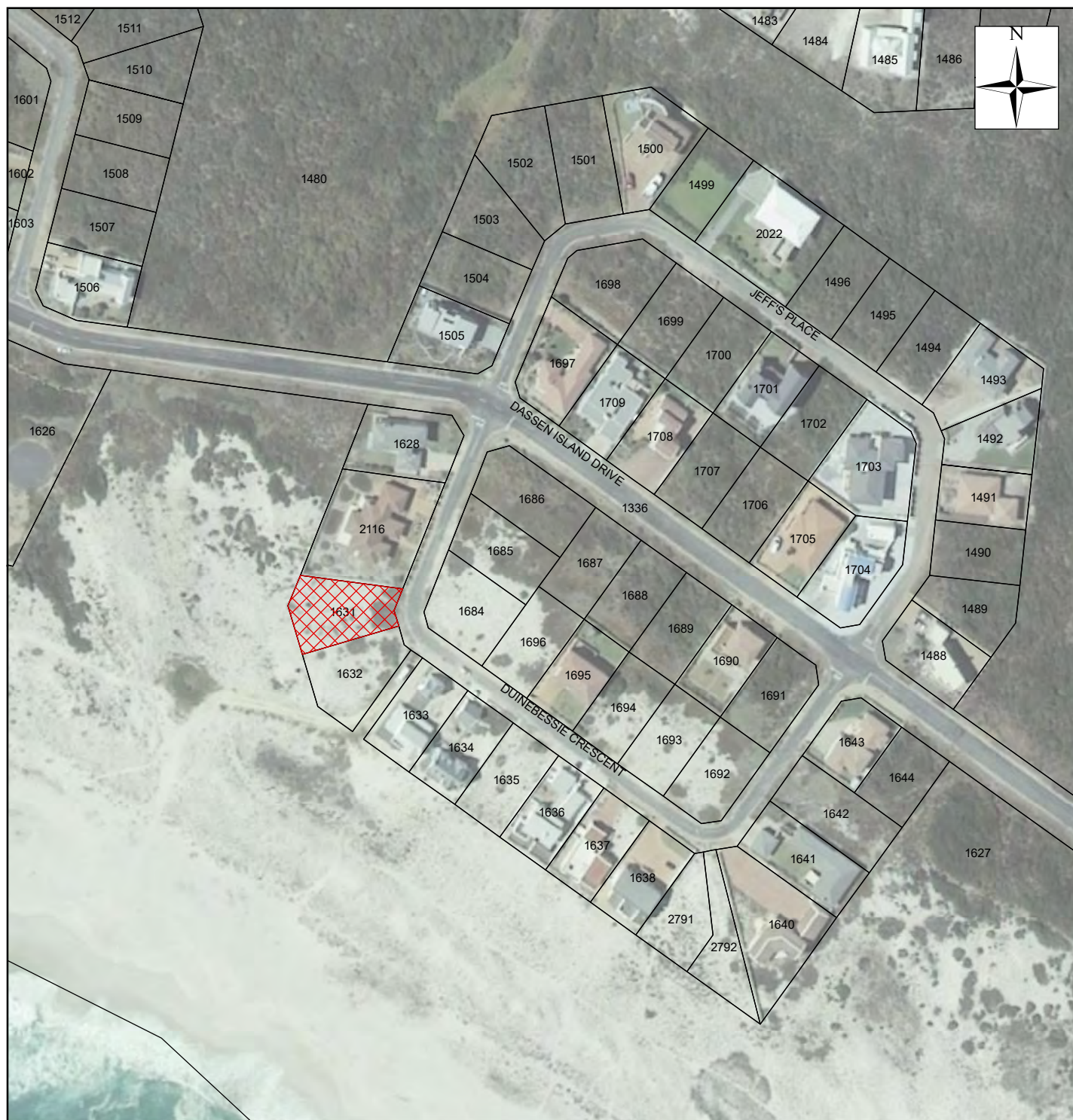
The Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299

Please note that an appeal fee of R2260-00 is payable should you wish to appeal the decision. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.

PART M: REASONS FOR RECOMMENDATION

1. Erf 1631 is vacant.
2. Erf 1631 has a marginal slope from the street to the rear of the property with no other physical restrictions.
3. There are no architectural design guidelines applicable to erf 1631 which gives optimal design freedom within the zoning parameters and National Building Regulations.
4. Erf 1631 is situated on the sea front giving unobstructed views towards the beach and ocean.
5. The impact on views from affected properties are deemed a right and need to be protected as the owner/developer intends to develop the property outside the permitted land use rights.
6. A precedent will be created for future applications.

PART N: ANNEXURES				
Annexure A: Locality plan Annexure B: Building plan Annexure C: Public participation plan Annexure D: Objection from DPR & MEG van den Eynde Annexure E: Comments from the applicant on the objections				
PART O: APPLICANT DETAILS				
First name(s)	Andre-Murray Hofmeyer Architectural Designer			
Registered owner(s)	Blaarfontein Trust	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
Author details: AJ Burger Senior Town & Regional Planner SACPLAN: B/8429/2020				Date: 23 February 2022
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001		Recommended	Not recommended	<input checked="" type="checkbox"/>
				Date: 2 March 2022

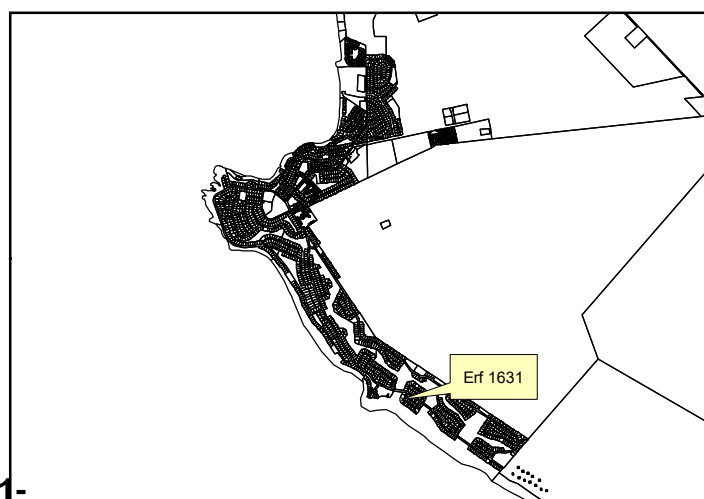


Departure

Erf 1631, Yzerfontein

Locality plan

Scale: N/A

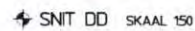
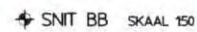




All measurements and levels to be checked and altered on site before any works or remediation dimensions noted. All works to be carried out strictly in accordance to National, Provincial, and Local building regulations. Consultant reserved.

[illegible]

[illegible]

[illegible]

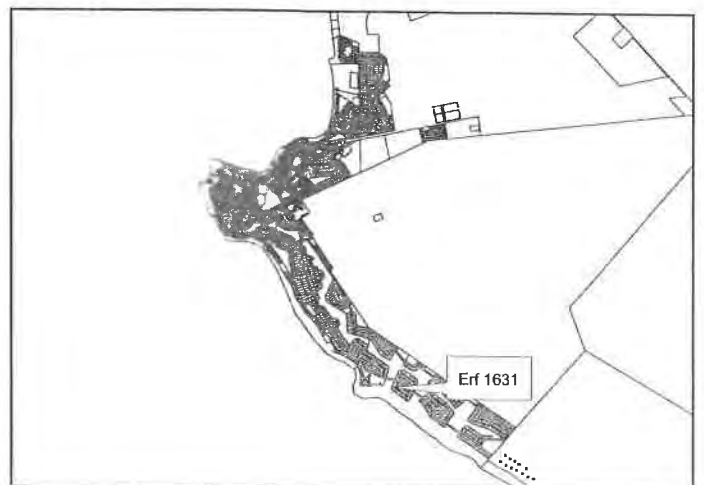


Voorgestelde afwyking

Erf 1631, Yzerfontein

Publieke deelname

Skaal: NVT



From: Margerita Vanden Eynde <lita.eynde@gmail.com>
Sent: Thursday, 20 January 2022 14:16
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: DIRK V <dirk.vandeneynde@wits.ac.za>
Subject: Proposed Departure on ERF 1631, Duinebessie single 7, YZERFONTEIN

Attention: Mr Alwyn Burger & Herman Olivier

Dear Sir,

In response to the application made by Andrew Murray Hofmeyr Architects on behalf of the owner of the above property, Blaarfontein Trust, we hereby object to the following as stated in their application.

- Objection to the departure from the 1m maximum height from the natural ground level to finish floor level of the ground floor to 1,892m
- Objection to Departure from 10.5m total height of the building to 10.867m

The reason for our objection to the above deviation from the municipal stipulated height restrictions is that they are departing from their rights. The view, which is our right, will be encroached upon. The above property is situated right on the beach front therefore they will have a full sea view without the need to raise the floor level and height, spoiling it for us and all the residents behind them.

Thanking you.

DPF & MEG Van Den Eynde
No. 1 Duinebessie Crescent
Yzerfontein
Ph : 083 650 4280

ANDREW-MURRAY H O F M E Y R

ARGITEKSONTWERPER / ARCHITECTURAL DESIGNER

FAIRBAIRNSTR. 27 FAIRBAIRN STR. ☒1783 WORCESTER 6849
Tel. 023 - 347 6892 andrew@diecaap.co.za Cell. 083 234 5260

AFWYKINGS AANSOEK ARGITEK KOMMENTAAR

Reference No. Departure erf 1631, Yzerfontein
Date: 29 Oktober 2021
Client: Blaarfontein Trust (Mev. L. Marais)
For Attention: Herman Olivier

Geagte Munisipale Bestuurder

Hiermee reageer ek PJS Olivier (Prof. Argitek) graag op die kommentaar soos ontvang van Swartland Mun. (Chanice Dyason) op 27 Januarie 2022.

Na aanleiding van die kommentaar van Mr. en Mev. Van Den Eynde, soos ontvang in die bogenoemde e-pos het ek uitgereik na die betrokke partye om die planne en afwykings in fyner 'detail' te bespreek. Beide van die patye was onder die indruk dat die afwykings 'n groter invloed op hulle see uitsig gaan hê as 'n ontwerp wat sonder afwykings ingedien word, wat nie die geval is nie, om rede hulle erf en grondvloer van hulle enkel verdieping woning hoër geleë is as die van die nuwe voorgestelde woning.

Mr. en Mev. Van Den Eynde het hulle beswaar op, '**Departure 1: 1m maximum height from the natural ground level to finished floor level of the ground floor to 1,892m**' terug getrek en besluit om steeds hulle beswaar teen die afwyking, '**Departure 2: Departure from 10,5m total height of the building to 10,867m**' te laat staan.

Ek as Professionele Argitek is van mening dat 'Departure 1' se afwyking oorweeg moet word vir goedkeuring deur die tribunaal om rede dit geen negatiewe impak het op die omliggende of aangrensende eiendomme nie.

Ek as Professionele Argitek is van mening dat 'Departure 2' se afwyking oorweeg moet word vir goedkeuring deur die tribunaal om rede die noklyn gebruik moet word as die hoogste punt van die dak (in die geval van spits dakke) en nie die hoogste punt van die gewel muur nie. Die nok oorskrei die hoogte beperking met slegs 61mm, wat weglaatbaar klein is.

Ek vra hiermee vir die tribunaal om asb. in diepte beide afwykings te oorweeg vir goedkeuring op gronde van die motivering soos beskryf in die oorspronklike aansoek dokument asook die bogenoemde kommentaar en enige dokumentasie wat deel uitmaak van die aansoek.

Die uwe.
P.J.S. Olivier

ANDREW-MURRAY
H O F M E Y R
ARGITEKSONTWERPER / ARCHITECTURAL DESIGNER



FAIRBAIRNSTR. 27 FAIRBAIRN STR. ☒1783 WORCESTER 6849

Tel. 023 - 347 6892 andrew@diecaap.co.za Cell. 083 234 5260

PROPOSED DEPARTURE ON ERF 1631, YZERFONTEIN

Dear Mr./Mrs. DPF and MEG Van Den Eynde

We would like to have the opportunity to discuss the Architectural plans with you in order to prevent assumptions and to clearly indicate the impact of each of the proposed departures on your sea view and the sea views of all the properties situated behind you. Please note that the departures are handled separately and not together.

I would like to guide your attention to the building plans as circulated by the Mun. to all affected property owners. See the section that also indicates the height restriction lines as prescribed by Swartland Municipality By-laws.

Departure 1:

1m maximum height from the natural ground level to finished floor level of the ground floor to 1,892m.

This departure will have no effect whatsoever on anyone's sea view as the site is sloping towards the ocean and away from the street level. The departure refers to the internal finished **ground floor** level of the house which is 1,892m above the natural ground level (lowest point of the erf touching the footprint of the house), but that exact floor level is still lower than the level of Duinebessie Street. I kindly ask you to please withdraw your objection on the above mentioned **Departure 1** as your house's **ground floor** level is above that of the proposed new house and the departure will have no effect on your sea view.

Departure 2:

Departure from 10,5m total height of the building to 10,867m.

This departure is only in relation to the one point of the gable wall (which extends 367mm above the 10.5m height restriction) and not the complete ridgeline of the roof. In other words the whole house is underneath the 10.5m height restriction except for that one small gable wall point which makes up less than 0.2% of the structure. We as appointed Professional Architects strived to represent the character of Yzerfontein through the design of a 40 degree pitched roof with gable ends which reflects the vernacular of the old West Coast fisherman's houses. Due to the fact that 99% of the roof structure is below the height restriction, I kindly ask you to please withdraw your objection on the above mentioned **Departure 2** as the small piece of gable wall and the departure will not increase the amount of your sea view being blocked by the proposed building (unfortunately the new development will happen on the erf between you and the ocean and there is no way that the erf can be developed without partially blocking your sea view).

Kind Regards

Stehan Olivier (Prof. Arch)

SACAP Reg. Nr. 44028907

Stehan Olivier

From: Stehan Olivier <stehan@diecaap.co.za>
Sent: 15 February 2022 10:44 AM
To: 'Dirk Van Den Eynde'; 'lita.eynde@gmail.com'
Subject: RE: Architects Comments - Erf 1631, Yzerfontein
Attachments: image008.png; image011.jpg; image012.jpg; image013.jpg; image001.jpg; image002.png; image003.jpg

Dear Mr. and Mrs. Van Den Eynde

Thank you for your response on the mentioned departures, this is highly appreciated.

You are not wrong when saying that it is our responsibility to design within the parameters as set out in the by-laws and regulations on the local authority. This design has been going on for nearly 6 months of resolving issues and redesign (believe me, this is not an easy site) and we designed with every regulation in mind, even some regulations that the Municipality didn't even know existed and we made them aware of. It is not as simple as dropping the ground floor level by 367mm as we designed the swimming pool system to be situated out of sight under the stoep area (dropping the ground floor height would result in an inaccessible swimming pool pump room and will force us to put it above ground where it can be a noise disturbance to the neighbours). The easiest solution for us is to drop the roof angle, which is not ideal, because it will change the character and appearance of the house and we will leave behind a house that is out of proportion which will remain there for the next 50+ years. The 367mm won't make a difference to anyone's sea view, but allowing us to keep the design will result in a beautiful house that reflects the character of the west coast vernacular.

In response to your concern of 'free-for-all' I would like to assure you that each application for departure is handled separately and each of them will go through the process of public participation and a tribunal discussion. What is allowed for one design won't necessarily count for another due to each site that has its own challenges and limitations in terms of design.

We respect your comments and decisions and would like to thank you for your consideration. It is always easier to make decisions when you have all the information regarding a specific case.

Kind regards.



STEHAN OLIVIER
PROFESSIONAL ARCHITECT

AMH Architects
Paarl

stehan@diecaap.co.za

+27 72 620 5883

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From: Dirk Van Den Eynde [mailto:dirk.vandeneynede1@wits.ac.za]
Sent: 14 February 2022 11:54 AM
To: Stehan Olivier; lita.eynde@gmail.com
Subject: RE: Architects Comments - Erf 1631, Yzerfontein

Dear Stephan,

Following our telephonic conversations and the below email, I would like to confirm the following:

- **Departure 1: 1m maximum height from the natural ground level to finished floor level of the ground floor to 1,892m:**

We have no objection to this departure as long as this does not affect the outcome of Departure 2.

- **Departure 2: Departure from 10,5m total height of the building to 10,867m:**

I believe that the municipal regulations and by-laws have been instituted for specific, well thought through reasons and are not just some arbitrary decisions made by some paper pushers. Remember that the 10,5m height restriction is an absolute maximum with the idea being that architect and designers need to design dwellings with a height preferably less than this maximum. Looking at the plans, there seems to be no reason why this dwelling cannot be designed within the restrictions, noting that there are no obstructions in front of the house when looking towards the sea (i.e. dropping of the ground floor level by 367mm for instance would do the trick). As an architect, I think, it is your professional duty to design with all stipulated regulations in mind and only exceed these regulations when there really is no other way – I don't see this as being the case here.

We also feel strongly that approving this departure would set a precedent to other designers/builders and would result in a free-for-all to design/build as high as they want.

We therefore are of the opinion that our objections to Departure 2 are valid and will remain in place.

Regards,

Dirk Vanden Eynde

Planning and Development Manager | Campus Planning and Development

E : dirk.vandeneinde@wits.ac.za

T : +27 11 717 9068

C : +27 79 486 3110

W : www.wits.ac.za



Campus Planning and Development Offices, Room 101A
3 Jubilee Road, Parktown, Johannesburg, South Africa, 2050



From: Stehan Olivier <stehan@diecaap.co.za>

Sent: Tuesday, 08 February 2022 09:23

To: lita.eynde@gmail.com; Dirk Van Den Eynde <dirk.vandeneinde1@wits.ac.za>

Subject: Architects Comments - Erf 1631, Yzerfontein

Dear Mr. and Mrs. Van Den Eynde

Please find attached our response letter to your objections on the proposed building work on Erf 1631, Yzerfontein, as received via Swartland Municipality.

We hope that you find our comments insightful and professional and we hope to hear from you soon. Please feel free to contact me at any time if you need more clarity on the proposed project or to leave your phone numbers so that we can give you a call.

Please let us know before the 15th of February 2022 if you decide to withdraw either or both of the objections mentioned.

Kind regards.



STEHAN OLIVIER
PROFESSIONAL ARCHITECT

AMH Architects
Paarl

stehan@diecaap.co.za

+27 72 620 5883

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ITEM 6.4 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 9 MARCH 2022

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON ERF 1821, YZERFONTEIN					
Reference number	15/3/10-14/Erf 1821	Submission date	29 November 2021	Date finalised	25 February 2022

PART A: APPLICATION DESCRIPTION						
Application for a consent use on Erf 1821, Yzerfontein, is made in terms of Section 25(2) (o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2021), in order to accommodate a second dwelling on the property.						
The applicant is C.K. Rumboll and Partners and the property owners are Mr A du Rand and Me MJJ Wessels.						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	ERF 1821 YZERFONTEIN					
Physical address	3 Kalkoond Crescent		Town	Yzerfontein		
Current zoning	Residential Zone 1	Extent (m ² /ha)	990m ²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)					
Current land use	Vacant property			Title Deed number & date	T32613/2017	
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	<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			
PART D: BACKGROUND							
<p>The application for consent use for a second dwelling on Erf 1821, Yzerfontein in terms of section 25(2) (o) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) has been received.</p> <p>Erf 1821, Yzerfontein is currently zoned Residential Zone 1. A second dwelling is permitted as a consent use under the Residential Zone 1 zoning.</p>							
PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)							
Has pre-application consultation been undertaken?	Y	N	If yes, provide a brief summary of the outcomes below.				
PART F: SUMMARY OF APPLICANT'S MOTIVATION							
<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 state that the application for consent use on erf 1821 should be supported for the following reasons:</p> <ol style="list-style-type: none"> 1. Additional housing opportunities are provided through the proposed development 2. The proposed development combats urban sprawl 3. The proposed development supports the notion of infill development 4. The proposed development is aligned with the proposals of the Swartland Spatial Development Framework 5. The proposed development supports the principles of SPLUMA and LUPA 6. The existing services will be used to its full potential. 7. The proposed additional residential opportunity will contribute significantly to the provision of accommodation in the area 							
PART G: SUMMARY OF PUBLIC PARTICIPATION							
Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?						Y	N
A total of 5 registered notices were issued to affected parties and the same notices were also sent via e-mail, where possible. Please refer to Annexure D for public participation map.							
Total valid comments	1		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 received.	
Total letters of support	0						

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Building Control	9 December 2021	Building plans to be submitted to for consideration of approval	Comments only	
Protection Services	6 December 2021	No comments	No comment	
Department: Civil Engineering Services	11 March 2021	1. <u>Water</u> The property be provided with a single water connection;	Comments only	
		2. <u>Sewerage</u> The property be provided with a conservancy tank with a minimum capacity of 8000 litres that is accessible for the service vehicle from the street.		
		3. Streets and Storm water In order		
		3. <u>Other</u> That the fixed cost capital contributions be made as follows:		

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
Mrs. D R Steward as owner of neighbouring properties erven 1819 and 1820, Yzerfontein	I object on grounds of planning restrictions, previously adhered to and the devaluation of existing properties	<p>The applicant state that the proposal complies with the Swartland Spatial Development Framework which encourages densification in Yzerfontein and quotes the following are extracts from the Swartland SDF:</p> <p>(1) Increase density for next 20 years (which ends in 2028) from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein.</p> <p>(2) Densify in accordance with zone proposals through: Subdivision (sectional title), Infill development, Renewal, restructuring and Sectional title subdivision of existing houses on single residential erven.</p> <p>The applicant motivates that the proposal also complies with all the development parameters of Residential Zone 1 properties. The proposed additional unit on Erf 1821, Yzerfontein, will therefore not have an adverse impact on the area.</p> <p>In terms of the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (l), which divulges principles of spatial justice, specifies in subsection (f) that: "A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome".</p>	<p>The proposal complies with all the applicable parameters of the relevant zoning category. There are also no conditions registered in the title deed that negatively affect the proposal.</p> <p>The statement made by the objector that the proposal may result in the devaluation of existing properties is unsubstantiated.</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 29 November 2021. The public participation process commenced on the 13th of December 2021 and ended on the 24 January 2022. An objection was received and referred to the applicant for comment on the 27th of January 2022. The municipality received the comments on the objection from the applicant on the 31st of January 2022.

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

2. Legislation and policy frameworks

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

- a) Spatial Justice: The proposed second dwelling supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society;
- b) Spatial Sustainability: The proposed development promotes the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) Efficiency: The development proposal promotes the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed double dwelling creates more affordable housing typologies in Yzerfontein.

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

2.2. Provincial Spatial Development Framework (PSDF, 2014)

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 PSDF, 2014 also supports densification.

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

2.3 West Coast District SDF (WCDSDF, 2014)

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

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

2.4 Municipal Spatial Development Framework(SDF), 2019

The subject property is situated within a residential node, delineated as Area B, as per the spatial proposals for Yzerfontein contained in the SDF. 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. Medium density residential uses are supported in this area.

The proposal is therefore deemed consistent with the land use proposals of the MSDF, 2019.



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

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

3. Desirability of the proposed utilisation

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

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

The proposal is spatially resilient, as it proposes housing options that are more affordable.

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

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

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

From the proposal it is clear that access to the property is obtained directly from Kalkoond Street. The impact of the proposal on traffic in the area will be minimal.

The development proposal is considered desirable.

4. Impact on municipal engineering services

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

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A.

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

N/A

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

N/A

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

N/A

PART L: RECOMMENDATION WITH CONDITIONS

The application for consent use on Erf 1821, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions:

1. TOWN PLANNING AND BUILDING CONTROL

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

2. WATER

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

3. SEWERAGE

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

4. DEVELOPMENT CHARGES

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

5. GENERAL

- (a) The approval is, in terms of section 76(2) (w) of the By-Law, valid for a period of 5 years. All conditions of approval be complied with before occupancy certificate be issued and failing to do so may result in administrative action.
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.

PART M: REASONS FOR RECOMMENDATION

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



PART N: ANNEXURES

Annexure A	Locality Plan
Annexure B	Site Development Plan
Annexure C	Proposed building plan
Annexure D	Public Participation plan
Annexure E	Objections from Me DR Steward
Annexure G	Comments on the objections received
Annexure F	Photos

PART O: APPLICANT DETAILS

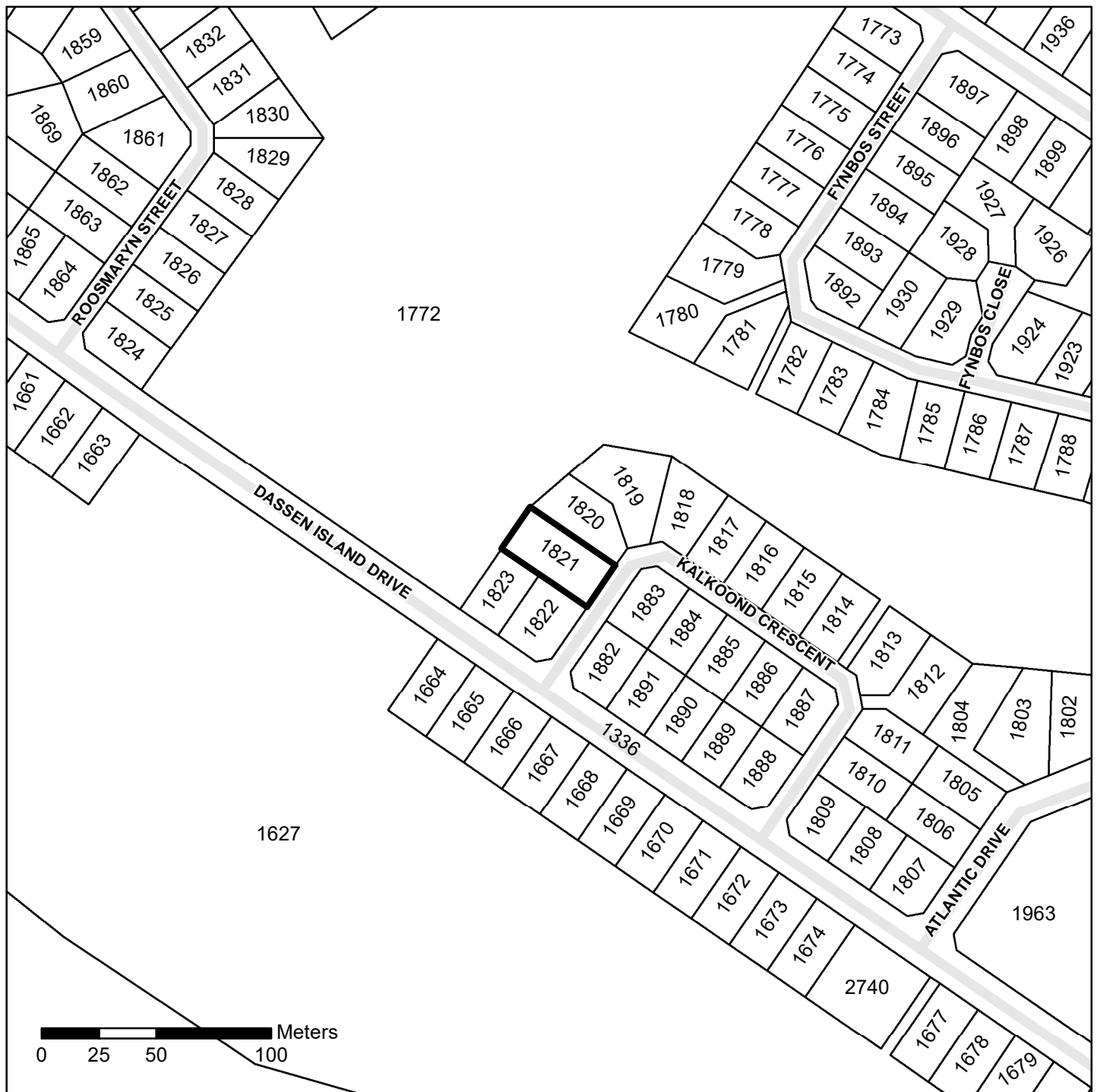
First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Mr A du Rand and Me MJJ Wessels	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

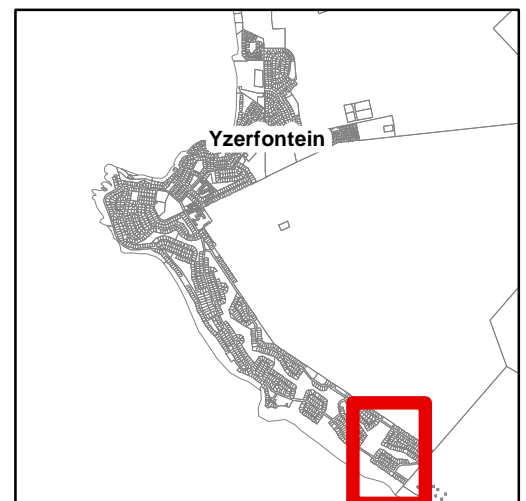
Author details: Herman Olivier Town Planner SACPLAN: A/204/2010			Date: 24 February 2022	
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: 25 February 2022	

LOCATION PLAN ERF 1821, YZERFONTEIN

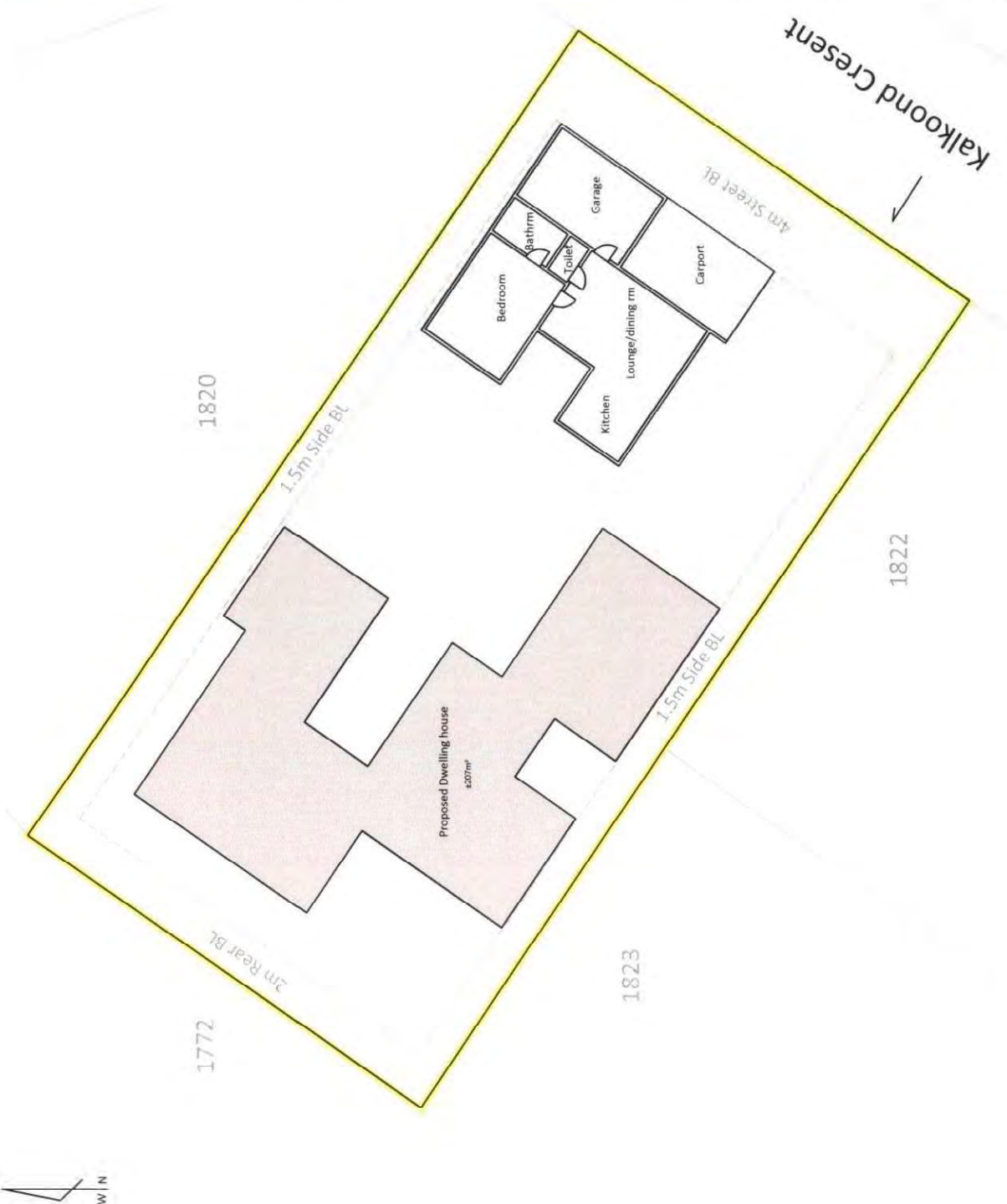
ANNEXURE A

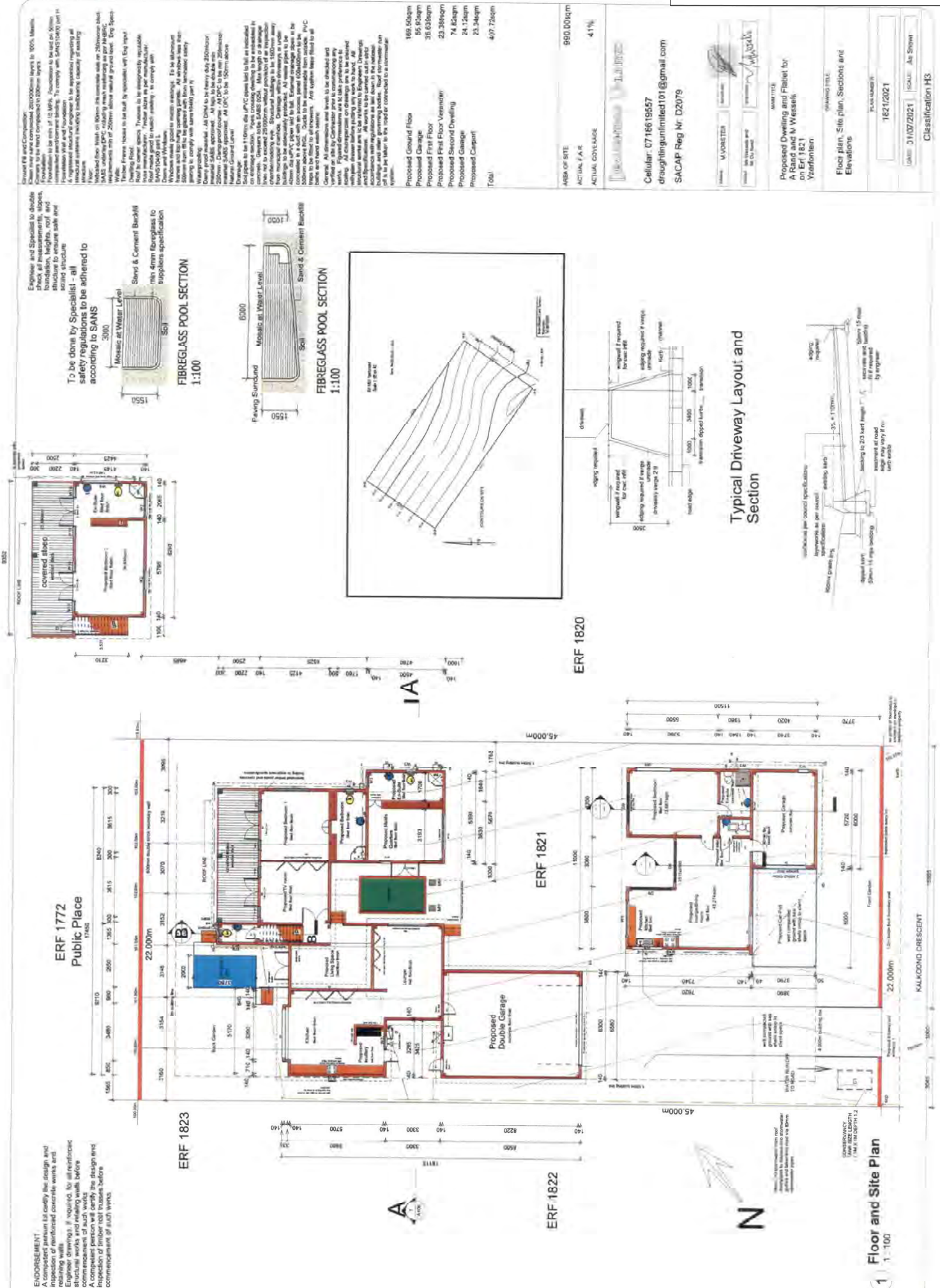


0 25 50 100 Meters

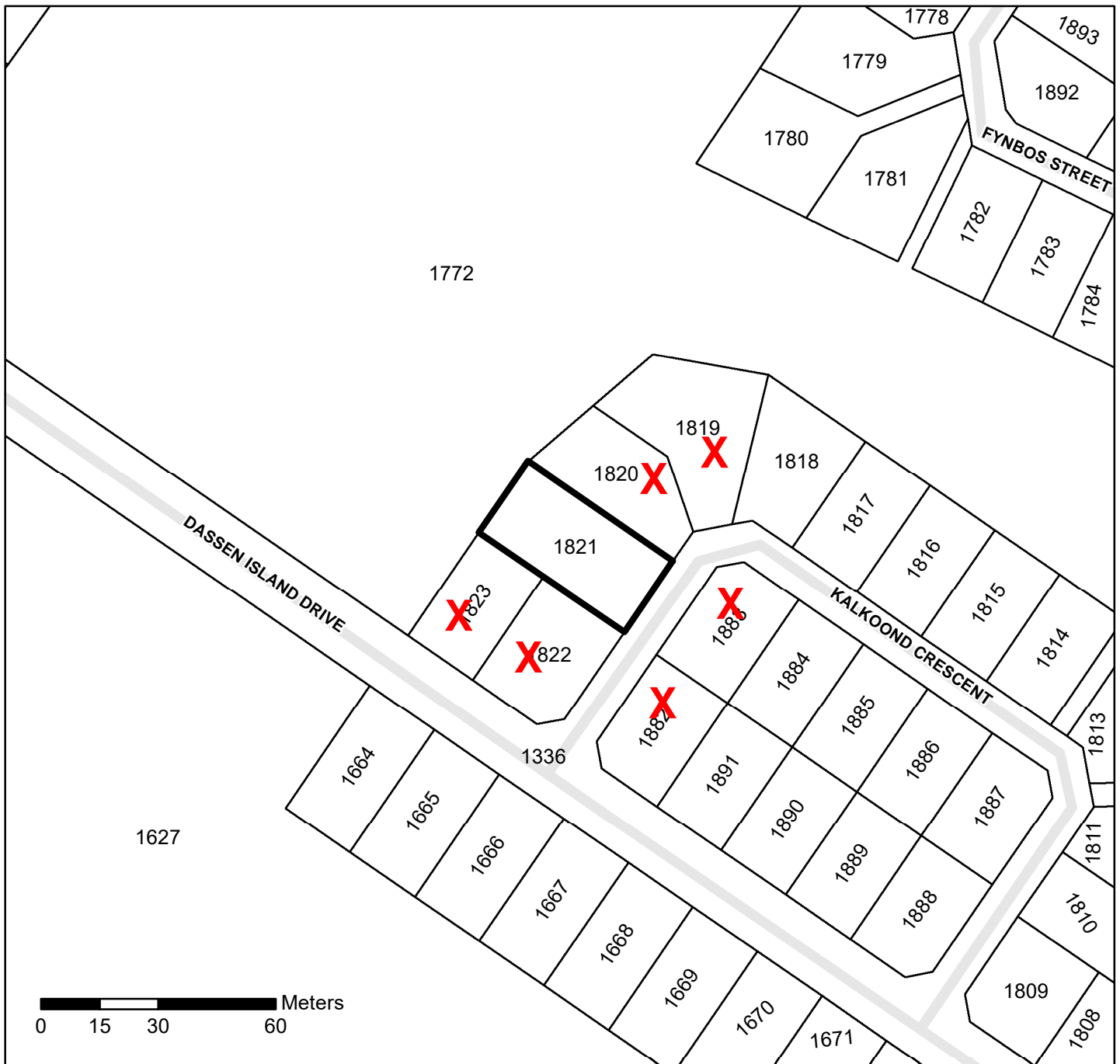


ERF 1821 YZERFONTEIN	
FIGURE/ figuur	ABCD
AREA/ area (m²)	990m²
ZONING/ sonering	Residential Zone 1
Development	
PROPOSED DWELLING HOUSE	
Floor area (m²)	±207m²
PROPOSED SECOND DWELLING	
Floor area (m²)	±75m²
LEGEND	
PROPERTY BOUNDARY	
BUILDING LINE	
ENTRANCE AND EXIT	
PROPOSED SECOND DWELLING	
PROPOSED DWELLING HOUSE	
SITE DEVELOPMENT PLAN	
ERF 1821, YZERFONTEIN	
NOTE: ALL DISTANCES AND AREAS ARE SUBJECT TO SURVEYING	
COMPILED: CK ELMROD AND PARTNERS TOWN PLANNING PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY TEL: 022 482 1845 FAX: 022 482 1565 EMAIL: info@ckelmrod.co.za	
DATE: November 2021	
MUNICIPALITY SWARTLAND	
REF: YZER/1221/NOK	
DRAWN: [Signature]	

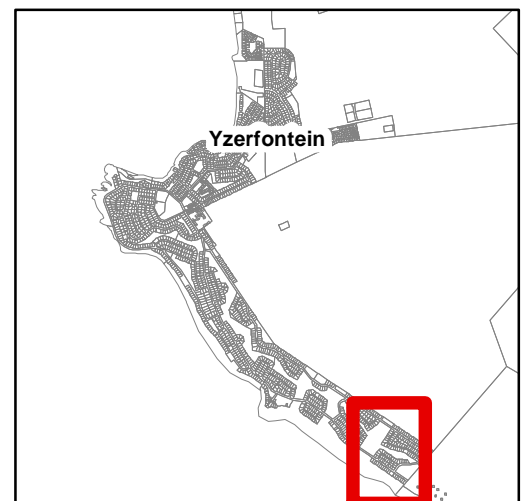




PUBLIC PARTICIPATION PLAN PROPOSED CONSENT USE ON ERF 1821, YZERFONTEIN



0 15 30 60 Meters



15/3/10-14/Erf_1821

Ulynn Julies Administrator | Records & Archives

T: 022 487 9400 | F: 022 487 9440 | M: 073 145 4418

-----Original Message----- From: Delmarie Stellenberg Sent: Monday, 03 January 2022 09:25 To: Registrasie Email Subject: FW: Application for second dwelling on Erf 1821 Yzerfontein Delmary Stellenberg Administrative Officer | Planning T: 022 487 9400 | F: 022 487 9440 | M:

-----Original Message-----

From: Diana Steward Sent: 03 January 2022 09:22 AM

To: Delmarie Stellenberg

Subject: Application for second dwelling on Erf 1821 Yzerfontein

To whom it may concern at the Department of Development Services.

I, Diana Steward, owner of erf 1820 and erf 1819 Do NOT give my approval for the said development of two houses on erf 1821. I object on the grounds of planning restrictions, previously adhered to, and the devaluation of existing properties.

Regards Mrs D.R. Steward

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CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 31 January 2022

OUR REF: YZER/12240/NJdK
YOUR REF: 15/3/10-14/Erf_1821

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED CONSENT USE ON ERF 1821, YZERFONTEIN

Your letter dated 27 January 2022 refers (see annexure A attached). Please find attached our comments to objections as requested.

This office has been instructed by Mr Armand du Rand and Ms Maria Jacoba Johanna Wessels, the owners of Erf 1821, Yzerfontein to handle all town planning actions regarding the application for consent use on erf 1821, Yzerfontein.

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

- Diana Steward (Erven 1819 and 1820)

MUNISIPALITEIT SWARTLAND				
LEER No: 15/3/10-14/Erf_1821				
Verwys: Na	Inligting	Verslae	Afhand. al	Com/Text
SSSB (A3)				
Ander Opdrag:				
SPERDATUM:				

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.
ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845



Figure 1: Layout of Erf 1821 and surrounding objects.

Objector	Objection	Comment from CK Rumboll & Partners
Diana Steward	I object on grounds of planning restrictions, previously adhered to and the devaluation of existing properties	<p>The proposal complies with the Swartland Spatial Development Framework which encourages densification in Yzerfontein. The following are extracts from the Swartland SDF:</p> <ul style="list-style-type: none"> • Increase density for next 20 years (which ends in 2028) from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein. • Densify in accordance with zone proposals through: Subdivision (sectional title), Infill development, Renewal, restructuring and Sectional title subdivision of existing houses on single residential erven. <p>Considering this, the proposal also complies with all the development parameters of Residential Zone 1 properties. The proposed additional unit on Erf 1821, Yzerfontein, will therefore not have an adverse impact on the area.</p>

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845

		In terms of the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: <i>"A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome."</i>
--	--	--

Considering the above, it is evident that the proposed development will not have a significant impact on the surrounding properties or built environment, but rather contribute to residential accommodation in the area.

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

Kind regards



NJ de Kock
VIR CK RUMBOLL EN VENNOTE

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845

Annexure A

OBJECTIONS



CLEAN AUDITS SINCE 2010/11



Munisipaliteit
Municipality
Umasipala

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

File ref: 15/3/10-14/Erf_1821

Enquiries:
Ms D N Stellenberg

27 January 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

PROPOSED CONSENT USE ON ERF 1821, YZERFONTEIN

Your application with reference YZR/12273/NJdk dated 25 November 2021 refers.

Kindly find attached the objection received by Diana Steward during the commenting period.

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

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

Rig asseblief alle korrespondensie aan:

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299

Darling Tel: 022 492 2237

Tel: 022 487 9400

Faks/Fax: 022 487 9440

Epos/Email: swartlandmun@swartland.org.za

Moorreesburg Tel: 022 433 2246

Kindly address all correspondence to:

The Municipal Manager
Private Bag X52
Malmesbury 7299

Yzerfontein Tel: 022 451 2366

From: Diana Steward <di.steward@telkomsa.net>
Sent: 03 January 2022 09:22 AM
To: Delmarie Stellenberg <StellenbergD@swartland.org.za>
Subject: Application for second dwelling on Erf 1821 Yzerfontein

To whom it may concern at the Department of Development Services.

I, Diana Steward, owner of erf 1820 and erf 1819 Do NOT give my approval for the said development of two houses on erf 1821.

I object on the grounds of planning restrictions, previously adhered to, and the devaluation of existing properties.

Regards
Mrs D.R. Steward

25 February 2022

15/3/10-8/Erf_11180
15/3/4-8/Erf_11180

WYK: 8

ITEM 6.5 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 9 MARCH 2022

LAND USE PLANNING REPORT PROPOSED CONSENT USE AND DEPARTURE ON ERF 11180, MALMESBURY					
Reference number	15/3/10-8/Erf_11180 15/3/4-8/Erf_11180	Submission date	11 October 2021	Date finalised	28 February 2022

PART A: APPLICATION DESCRIPTION

Application for a consent use on Erf 11180, Malmesbury, is made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to establish a double dwelling on the property.

Application for a departure of development parameters on erf 11180, Malmesbury, is made in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020). The departure entails the departure of the required 4 on-site parking bays to 0 on-site parking bays.

The applicant is C.K. Rumboll and Partners and the property owner is DJ Nieuwenhuys.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	ERF 11180 MALMESBURY, IN THE SWARTLAND MUNICIPALITY, DIVISION MALMESBURY, PROVINCE OF THE WESTERN CAPE				
Physical address	5 Riebeeck Street		Town	Malmesbury	
Current zoning	Residential Zone 1	Extent (m ² /ha)	396m ²	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Double dwelling house		Title Deed number & date	T23395/2016	
Any restrictive title conditions applicable	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, list condition number(s)		
Any third party conditions applicable?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, specify		
Any unauthorised land use/building work	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, explain		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

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

Determination of zoning		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 11180, Malmesbury is zoned Residential zone 1 and is developed with a double dwelling house.

The existing dwelling on erf 11180 was converted into a double dwelling house in 2019/2020 without land use approval and building plan approval in terms of the National Building Regulations.

A compliance notice for the illegal land use was issued to the owner of erf 11180 on 24 March 2020. A second letter, dated 26 July 2021, was issued to the owner stating the following:

"...As clearly stated in the notice dated 20 March 2020, an amount of R235,00 per day for the financial year 2019/2020, adjusted to R255,00 and R275,00 respectively for the financial years of 2020/2021 and 2021/2022, is still levied up until approval is granted for the relevant use or the municipality is informed, and it is confirmed, that the illegal use has been stopped. The said amount, is calculated to an amount of R 114 665,00 to the date of this letter and will accumulate until compliance with the said notice..."

The owner of erf 11180 responded to this letter on 2 August 2021 with reasons why he is not complying with the compliance notices and stated... *"...Ek wil graag n werkbare oplossing vind tussen myself en Swartland Munisiplaiteit ,waar ek fouteer het en nie die nodige reëls van Swartland Munisipaliteit nagekom het nie(onbewis),ek sien my as n gebore Swartlander wat nog gereëldt in Swartland area wil ontwikkel , belë,en werksgeleendthede wil skep..."*

Thereafter the land use application was submitted 11 October 2021.

Municipal tariffs for the continued illegal land use will be levied on this application.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

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

1. The applicant states the following as motivation for the development proposal:

- The proposal is regarded as being consistent with the Swartland Spatial Development Framework, Amendment 2018/2019.
- The proposed Consent Use is consistent with the sustainable land use planning principles of LUPA and SPLUMA.
- There are no physical restrictions that will hinder the proposal.
- The applicable title deed contains no restrictive conditions which can prohibit the development proposal.
- The proposal is accommodated as a Consent Use under the current zoning of the property.
- The property is optimally utilised.
- There is no record of approved building plans for the existing building. This proposal will therefore ensure that the records of the property are up to date.
- Given the locality of the subject property within a Provisional Heritage Area according to the Swartland Urban Heritage Survey (2009) the proposal will not have any negative impact on heritage assets.
- The existing building does not result in any negative visual impacts.
- Additional housing opportunities will be provided with this proposal.
- It is not foreseen that the proposal will have a significant impact on external municipal engineering services.
- The proposal is compatible with surrounding land uses.

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 6 registered notices were issued to affected parties, of which 3 of the same notices were also sent via e-mail. 2 posted notices were returned uncollected of which the owners were also not notified via email.					
Total valid comments	2		Total comments and petitions refused	0	
Valid petition(s)	Y	N	If yes, number of signatures		
Community organisation(s) response	Y	N	Ward councillor response	Y	N The application was forwarded to the ward councilor, 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	8 November 2021	1. <u>Water</u> Dat erf gebruik van die bestaande wateraansluiting en dat geen addisionele aansluitings voorsien sal word nie.	X	
		2. <u>Riolering</u> Dat erf gebruik maak van die bestaande rioolaansluiting en dat geen addisionele aansluitings voorsien sal word nie.		
		3. <u>Ander kommentaar</u> Dat vaste kapitale bydraes as volg gemaak word:		

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION
SUMMARY OF APPLICANT'S REPLY TO COMMENTS
MUNICIPAL ASSESSMENT OF COMMENTS

1. P Basson, owner of erf 526	<p>1. Die 2de wooneenheid bring vir my net moeilikheid. Hier woon tans so baie mense, ek kan hulle nie tel nie, en die straat staan permanent vol voertuie. Toe dit net een woonhuis was met 'n enkel gesin was daar nooit klagtes nie, maar die 2de wooneenheid bring vir Riebeek Straat se inwoners net ergenis. Ek kan nie eens self voor my agterdeur stop met my voertuig as ek wil nie. Dit het definitief 'n negatiewe impak op my asook die ander inwoners van die straat. Daarom kan</p>	<p>1. Die voorstel word ondersteun deur die Swartland Ruimtelike Ontwikkelingsraamwerk, Wysiging 2018/2019 (ROR). Alhoewel die ROR nie spesifiek voorsiening maak vir dubbelwooneenhede nie moet daar kennis geneem word dat die betrokke eiendom geleë is in Grondgebruiksone E. Hierdie sone maak voorsiening vir lae-digtheid residensiële ontwikkeling. Die huidige sonering van Erf 11180 Malmesbury is Residensiële Sone 1 wat as lae digtheid geklassifiseer word en 'n dubbelwoonhuis word toegelaat as 'n vergunningsgebruik onder hierdie sonering.</p>	<p>1. Erf 11180, Malmesbury is soneer Residensiële sone 1. Hierdie sonering maak voorsiening vir 'n dubbelwoonhuis as 'n vergunningsgebruik. Deur 'n tweede wooneenheid, hetsy by wyse van 'n tweede wooneenheid of dubbelwoonhuis, op 'n perseel te akkommodeer, bevorder verdigting wat aangemoedig word op munisipale en provinsiale ruimtelike beplanning vlakke. Gevolglik is 'n dubbelwoonhuis 'n aanvaarbare gebruik in 'n enkelresidensiële area vanuit 'n ruimtelike beplanning en beplanning wetgewing oogpunt.</p>
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	<p>ek nie die aansoek vir 2de wooneenheid of die afwyking van parkering vereistes ondersteun nie.</p>	<p>Soos hierbo genoem is die huidige sonering van Erf 11180 Malmesbury Residensiële Sone 1, in terme van Bylae 2 van die Swartland Munisipaliteit Verordening op Grondgebruikbeplanning (PG 8226 van 25 Maart 2020). Dubbelwoonhuise word toegelaat as 'n addisionele gebruiksreg met spesiale toestemming vanaf Swartland Munisipaliteit.</p> <p>Vanuit die bogenoemde stellings is dit duidelik dat die huidige ruimtelike beplanning en munisipale grondgebruikbeplanning wetgewing, die eienaar die geleentheid bied om aansoek te doen vir 'n addisionele wooneenheid, hetsy vir eie gebruik of om 'n inkomste daaruit te genereer.</p> <p>Ter inligting word ook bevestig dat daar 5 persone in eenheid 1 gehuisves word en 3 persone in eenheid 2. Daar moet ook kennis geneem word dat daar geen beperking geplaas word op die aantal inwoners van 'n wooneenheid nie.</p> <p>Hierdie area word gekenmerk as een van vele historiese areas in Malmesbury. Dit is duidelik dat die meeste erwe op 'n soortgelyke wyse ontwikkel is, as daar gekyk word na 1) dekking, plasing van geboue tot op die straatgrens, geen/minimale voorsiening van op-perseel parkering. Gegewe die historiese karakter van hierdie area en die wye straatreserwe, maak die meeste inwoners langs Riebeeck Straat gebruik van die aanstraat parkering wat beskikbaar is.</p> <p>Die wenslikheid van hierdie voorstel word gemotiveer aan die hand van die volgende:</p> <ul style="list-style-type: none"> ▪ Die voorstel is komplementêrend tot die bestaande omliggende omgewing. ▪ Daar is nie 'n beduidende impak op eksterne munisipale ingenieursdienste nie. ▪ Die voorstel dra by tot verdigting binne die stedelike rand van Malmesbury. ▪ Die potensiele positiewe ekonomiese impak van die voorstel op die woonbuurt. ▪ Geen negatiewe impak op die kwaliteit van lewe (uitsigte, sonlig, privaatheid, karakter van area) op omliggende grondeienaars nie. 	<p>Die aantal mense of aantal families wat 'n woonhuis mag bewoon is nie 'n besluitneming kriteria vir 'n vergunningsgebruik vir 'n tweede wooneenheid of dubbelwoonhuis nie.</p> <p>Erf 11180 beskik slegs oor aanstraat parkering aangesien daar histories nog nooit op-perseel parkering beskikbaar was nie. Ander eiendomme in Riebeeckstraat beskik ook histories slegs oor aanstraat parkering. Die Residensiële sone 1 soneringsparameters bepaal dat 2 op-perseel parkeerplekke per wooneenheid voorsien word, wat in hierdie geval tot die afwyking lei, maar onafwendbaar is.</p> <p>Kennis word geneem van die inwoners van erf 11180 se aantal voertuie wat in Riebeeckstraat parkeer word. Riebeeckstraat beskik oor geen sperstrepe vir parkering nie. Gevolglik sal inwoners van Riebeeckstraat mekaar se toegange na hul persele moet respekteer rakende aanstraat parkering.</p>
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		<p>Die enigste beperking is die nie-voorsiening van op-perseel parking.</p> <p>Vanuit bogenoemde is hierdie kantoor van mening dat die voordele van hierdie voorstel oortref die beperking.</p>	
2. JL Steyn, owner of erf 2580	<p>2. <u>Agtergrond</u> Eerstens verskaf Meneer Steyn (beswaarmaker) 'n agtergrond van korrespondensie tussen die beswaarmaker se vrou en Swartland Munisipaliteit met betrekking tot ongemagtigde bouwerke op die betrokke eiendom.</p> <p><u>Skrywe van 24 Maart 2020:</u> Die beswaarmaker noem dat daar weer 'n skrywe aan Swartland Munisipaliteit gerig was en lig die volgende punte uit:</p> <p>"1. Die stoep van erf 11180 is toegebou, tot op die grens, geen bure toestemming is gevra vir boulynoerskrydings nie.</p> <p>2. Die huis is ouer as 60 jaar en in 'n straat met vele huise wat erfeniswaardig is. Estetika het geensins 'n rol gespeel by die bouwerk nie. Die venster wat by die stoep wat toegebou is, is somer 'n ou skuifdeur wat Mnr Nieuwenhuys seker iewers herwin het, dit word nie akkuraat op die bouplanne soos deur Alterplan voorberei vir hierdie aansoek weerspieël nie. In my mening doen dit afbreek aan die gebou en straat. My eiendom is gebou in 1866 en ons het baie geld, tyd en energie spandeer om die eiendom op te knap. Al ons veranderinge was by die munisipaliteit sowel as Erfenis Wes-</p>	<p>2. Die volgorde van goedkeurings ten einde 'n addisionele wooneenheid (dubbel woonhuis of tweede wooneenheid $\geq 60m^2$) op 'n Residensiele Sone 1 eiendom te akkommodeer is as volg:</p> <p>1) Grondgebruiksgoedkeuring in terme van die Swartland Munisipaliteit Verordening op Grondgebruikbeplanning (PK 8226 van 25 Maart 2020).</p> <p>2) Bouplan goedkeuring in terme van die Nasionale Boueregulasies.</p> <p>Dit word bevestig dat beide die grondgebruiksaansoek en bouplan aansoek vir 'n dubbel woonhuis op Erf 11180 Malmesbury ingedien is by Swartland Munisipaliteit.</p> <p>Die beswaarmaker se bekommernisse met betrekking tot die skrywes aan Swartland Munisipaliteit word gedurende die bogenoemde prosesse hanteer. Let ook daarop dat die gebou oor geen erfenisgradering beskik in terme van die "Swartland Heritage Survey July (2009)".</p> <p>Ter inligting word ook bevestig dat daar 5 persone in eenheid 1 gehuisves word en 3 persone in eenheid 2. Daar moet ook kennis geneem word dat daar geen beperking geplaas word op die aantal inwoners van 'n wooneenheid nie.</p> <p>Hierdie area word gekenmerk as een van vele historiese areas in Malmesbury. Dit is duidelik dat die meeste erwe op 'n soortgelyke wyse ontwikkel is, as daar gekyk word na 1) dekking, plasing van geboue tot op die straatgrens,</p>	<p>2. Kennis word geneem van die agtergrond rakende die ongemagtigde grondgebruik en bouwerke. Munisipale tariewe sal hef word vir die voortgesette ongemagtigde grondgebruik.</p> <p>Swartland Munisipaliteit beskik nie oor 'n goedgekeurde bouplanrekord van die bestaande geboue op erf 11180 – nie van die woonhuis of omskeppings na 'n dubbelwoonhuis nie.</p> <p>Erf 11180 beskik oor 'n 3C erfenis gradering volgens die Swartland Erfenis Register (geboue is ouer as 60 jaar). Die goedkeuring van Erfenis Weskaap sal verskry moet word alvorens Swartland Munisipaliteit in 'n posisie sal wees om bouplanne te kan goedkeur.</p> <p>Sien die kommentaar rakende die parking probleme in Riebeeckstraat by punt 1.</p>

	<p>Kaap goedgekeur, en hier kom iemand soos Mnr. Nieuwenhuys en doen net wat hy wil, met geen respek of oorweging vir enige eiendomme om hom nie.</p> <p>3. Die feit dat die huis nou in 2 wooneenhede opverdeel is sonder enige aansoek.”</p> <p><u>Kommentaar op afwyking van vereiste 4 op-perseel parkeerplekke:</u></p> <p>Laastens lewer die beswaarmaker ook sy kommentaar op die afwyking van die vereiste op-perseel parkering soos voor aansoek gedoen is. Sy kommentaar is as volg:</p> <p>Die eiendom word tans aan 2 “gesinne” verhuur, ek het begrip dat die munisipaliteit nie ‘n beperking kan sit op die aantal lede in ‘n gesin nie, maar die parkering in die straat is ‘n groot probleem.</p> <p>Ek vind dit onaanvaarbaar dat een erf 8 voertuie in die straat tot gevolg het. En hierdie is nie ‘n uitsondering of spesiale aand nie, dit lyk altyd so. Toe dit een woning was met een gesin was daar net twee voertuie in die straat. Toe was daar alreeds geen op-perseel parkerings verskaf nie, maar die aantal mense was nie ‘n probleem nie. Noudat Mnr Nieuwenhuis die eiendom in 2 wonings verdeel het, en hy nie omgee hoeveel persone per woning bly nie, staan die straat vol.</p>	<p>geen/minimale voorsiening van op-perseel parkering. Gegewe die historiese karakter van hierdie area en die wye straatreserwe, maak die meeste inwoners langs Riebeeck Straat gebruik van die aanstraat parkering wat beskikbaar is.</p> <p>Die wenslikheid van hierdie voorstel word gemotiveer aan die hand van die volgende:</p> <ul style="list-style-type: none"> • Die voorstel is komplementêrend tot die bestaande omliggende omgewing. • Daar is nie ‘n beduidende impak op eksterne munisipale ingenieursdienste nie. • Die voorstel dra by tot verdigting binne die stedelike rand van Malmesbury. • Die potensiële positiewe ekonomiese impak van die voorstel op die woonbuurt. • Geen negatiewe impak op die kwaliteit van lewe (uitsigte, sonlig, privaatheid, karakter van area) op omliggende grondeienaars nie. <p>Die enigste beperking is die nie-voorsiening van op-perseel parkering.</p> <p>Vanuit bogenoemde is hierdie kantoor van mening dat die voordele van hierdie voorstel oortref die beperking.</p>	
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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 11180, Malmesbury, is made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to establish a double dwelling on the property.

Application for a departure of development parameters on erf 11180, Malmesbury, is made in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020). The departure entails the departure of the required 4 on-site parking bays to 0 on-site parking bays.

A total of 6 registered notices were issued to affected parties, of which 3 of the same notices were also sent via e-mail. 2 posted notices were returned uncollected of which the owners were also not notified via email. The commenting period for the application started on 22 October 2021 and concluded on 22 November 2021 and 2 objection was received

The objections received were referred to the applicant for comment on 24 November 2021. The applicant requested an extension on the commenting period on the objections (letter dated 14 December 2021), which was granted until 24 January 2022 (letter dated 15 December 2021). The response to objections were provided to the Municipality on 24 January 2022.

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

2. Legislation and policy frameworks

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

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

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

2.2. Provincial Spatial Development Framework (PSDF, 2014)

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

A second dwelling/double dwelling promotes the principle of densification, optimising the use of resources and limiting urban sprawl.

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

2.3 West Coast District SDF (WCDSDF, 2014)

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

2.4 Spatial Development Framework(SDF)

Erf 11180 is situated in zone E, inside the earmarked CBD of Malmesbury. Zone E is a residential area with mixed density and various supporting social- and institutional uses as well as business uses near the CBD. Double dwellings are specifically consistent with the character of the zone, as such a development will not alter the residential zoning of the property. The application is therefore consistent with the spatial planning of Malmesbury.

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

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

Swartland Municipality does not consist of a building plan record of the property – not for the dwelling house nor for the alterations into a double dwelling. It is therefore not possible to determine whether the alterations included additions to the existing buildings. It is therefore deemed that no departure of development parameters, other than the required on-site parking, needs to be applied for and considered.

Historically erf 11180 consisted of no on-site parking. The Residential zone 1 zoning parameters determines that 2 on-site parking bays need to be provided per dwelling unit, in other words, a total of 4 on-site parking bays for the double dwelling house. The historical situation will continue to exist, which makes the departure inevitable.

3. Desirability of the proposed utilisation

Erf 11180, Malmesbury is zoned Residential zone 1 and is developed with a double dwelling house. There are no physical restrictions on the property that will have a negative impact on the application.

Surrounding land uses includes single residential dwellings. The proposed double dwelling will not have a negative impact on the character of the surrounding area.

The proposed land use is considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area.

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

Planning policy promotes densification which is achieved by this application.

The number of people or number of families which may reside in a dwelling house is not a decision making criteria for a consent use for second dwelling or double dwelling.

The double dwelling house will have a positive economic impact as it will generate income for both the land owner and the municipality (through rates and taxes).

The historical situation regarding the provision of no on-site parking on erf 11180 will continue to exist, which makes the departure inevitable. Several properties in Riebeeck Street does not consist if on-site parking. Residents of Riebeeck Street will need to respect each other's entrances to their properties.

Sufficient services capacity exists to accommodate the proposed double dwelling.

There are no restrictive title deed restrictions which does not permit the proposed double dwelling.

Erf 11180 consist of a 3C heritage grading according to the Swartland Heritage Register. The approval of Heritage Western Cape will be obtained prior to the final consideration of building plan approval by Swartland Municipality.

The application is considered to be desirable.

Municipal tariffs for the continued illegal land use on erf 11180 was calculated at R114 665,00 on 26 July 2021. The tariff will be levied until the submission dated of the land use application which is on 11 October 2021. A tariff of R270,00 per day will be levied for another 54 working days which amounts to a tariff of R14 580,00. The total municipal tariff for the continued illegal land is calculated at $R114\ 665,00 + R14\ 580,00 = R129\ 245,00$. This tariff needs to be paid at building plan stage.

4. Impact on municipal engineering services

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

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A.

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

N/A

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

N/A

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

N/A

PART L: RECOMMENDATION WITH CONDITIONS

A The application for consent use on Erf 11180, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent use authorises a double dwelling, as presented in the application;
- b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- c) Approval be obtained from Heritage Western Cape at building plan stage;
- d) A municipal tariff of R129 245,00 for the continued illegal land use be levied at building plan stage;

2. WATER

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

3. SEWERAGE

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

4. DEVELOPMENT CHARGES

- a) The development charge towards the supply of regional bulk water amounts to R6 534,30 (R10 890,5 x 0.6) and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- b) The development charge towards bulk water reticulation amounts to R7 340,83 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
- c) The development charge towards sewerage amounts to R3 631,57 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
- d) The development charge towards streets and stormwater amounts to R5 410,05 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/247-144-9210);
- e) The development charge towards electricity amounts to R4 358,90 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter. (mSCOA 9/253-164-9210);
- f) 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).

B The application for a departure of development parameters on erf 11180, Malmesbury, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), as follows:

- 1. Departure of the required 4 on-site parking bays to 0.

C GENERAL

- a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years. All conditions of approval be complied with within a period of 2 months, by 16 May 2022, after which the 5 year period will no longer be applicable;
- b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;

- c) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.

PART M: REASONS FOR RECOMMENDATION

1. The application is in compliance with the planning principles of LUPA and SPLUMA.
2. The application is consistent with local, regional and provincial spatial planning policy regarding densification.
3. The development proposal complies with all applicable zoning parameters of the Residential zone 1 zoning, except for on-site parking.
4. The proposed double dwelling will complement and not have a negative impact on the character of the surrounding residential area.
5. The development proposal supports the optimal utilisation of the property.
6. The proposed land use is considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with that of the existing area.
7. The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population.
8. Sufficient services capacity exists to accommodate the proposed double dwelling.
9. The number of people or number of families which may reside in a dwelling house is not a decision making criteria for a consent use for second dwelling or double dwelling.
10. The historical situation regarding the provision of no on-site parking on erf 11180 will continue to exist.
11. Municipal tariffs make provision for a tariff to be levied for a continued unauthorised land use. The reluctance of the owner to rectify the illegal land use and unauthorised building work cannot be condoned.



PART N: ANNEXURES

Annexure A: Locality plan
 Annexure B: Building plan
 Annexure C: Public participation plan
 Annexure D: Objection from P Basson
 Annexure E: Objection from JL Steyn
 Annexure F: Comments from the applicant on the objections
 Annexure G: Compliance notice dated 24 March 2020
 Annexure H: Compliance notice dated 26 July 2021
 Annexure I: Letter from the owner regarding the compliance notices

PART O: APPLICANT DETAILS

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

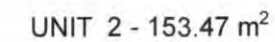
PART P: SIGNATURES

Author details: AJ Burger Senior Town & Regional Planner SACPLAN: B/8429/2020		Date: 28 February 2022
Recommendation: Alwyn Zaayman Senior Manager: Built Environment SACPLAN: B/8001/2001	Recommended <input checked="" type="checkbox"/> Not recommended <input type="checkbox"/>	
		Date: 2 March 2022





Erf: 1951

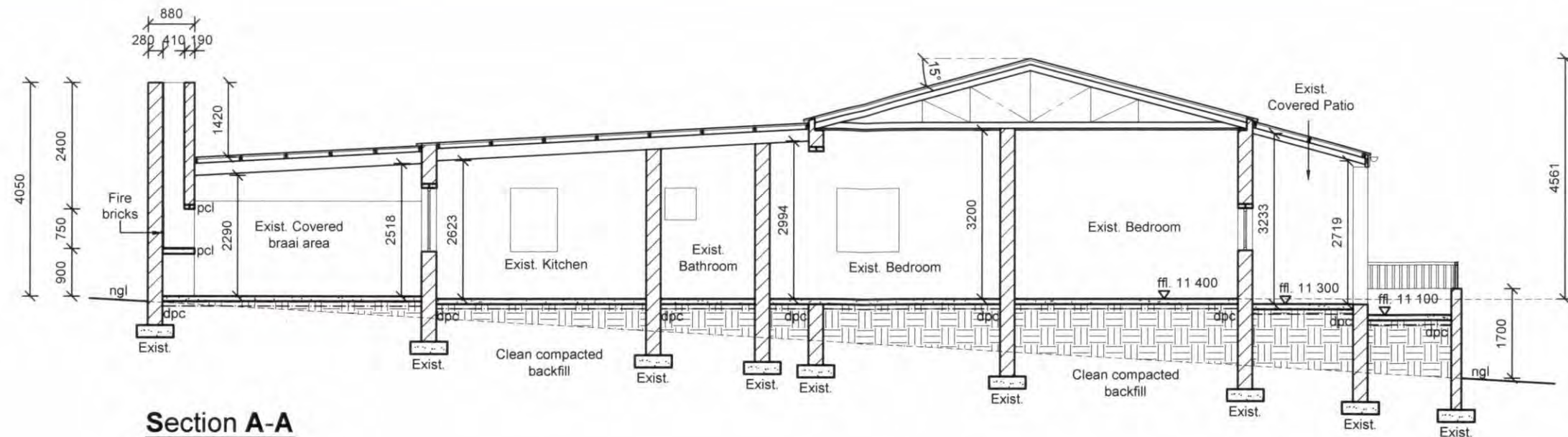


1:100

DDI

Annexure B

ALTERPL



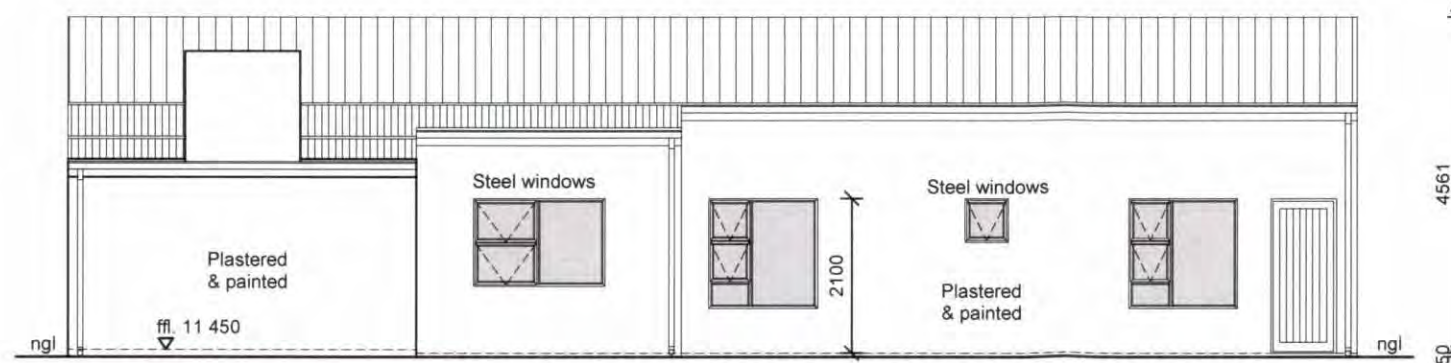
Section A-A

Scale 1:100



South West Elevation

Scale 1:100



North East Elevation

Scale 1:100

GENERAL NOTE:

All levels, dimensions and property beacons as shown on these drawings are to be verified on site by the contractor prior to commencement of any work.
Use written dimensions in preference to scaling.
Any discrepancies found on this drawing are to be reported to the architect.
All work to be done in accordance with local authority by-laws, DMS, NBR and SANS 10400 XA / 2014 Specifications.

Please note this drawing is intended as a local authority submission drawing only, and as such does not reflect or constitute a comprehensive specification for the works.
As such the architect's responsibility and liability will terminate on local authority approval of this drawing.

Coverage Calculations

Site area:	396.00m ²
Existing Unit 1:	87.82m ²
Existing Unit 2:	145.54m ²
Existing covered braai area:	24.90m ²
Total existing floor area:	258.26m ²
Total coverage:	258.26m ² = 65.22%

REVISIONS

Date:	Revision No:	Issued to:

Checked by:
K. Sampson

Owner:

Copyright of this plan is in terms of the copyright act, 1978 (act no. 98 of 1978 as amended up to copyright amendment act 2002)

Checked by: Kevin Sampson
Cell: 083 590 7676
SACAP Reg. No: D0736

Drawn by: Déan Smit
alterplansa@gmail.com
Phone: 063 658 0575

Project: Existing house. "As Built."

Client: Daniel Nieuwenhuys
Address: 5 Riebeeck Street
Malmesbury
Erf: 11180

Drg. No:
AP2020 - 887

Scale:
1:100 @ A3

Date:
01.12.2020

Page:
2 of 2

Rev:

ALTERPLAN

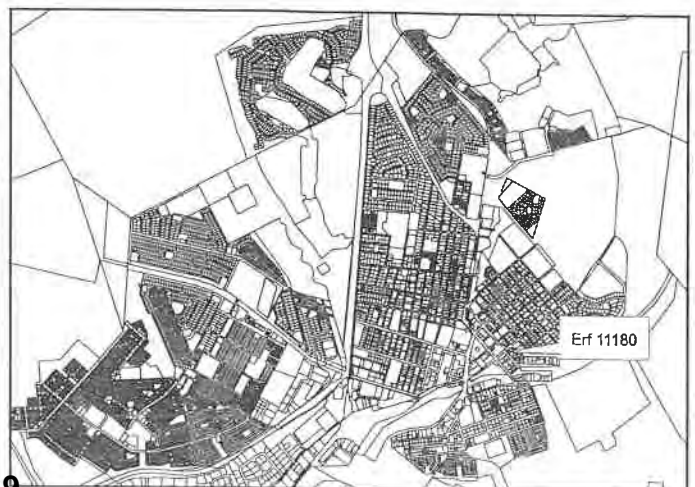


Voorgestelde vergunningsgebruik en afwyking

Erf 11180, Malmesbury

Publieke deelname

Skaal: NVT



PAULA BASSON
Riebeek Straat 6
Malmesbury
7300

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7299

swartlandmun@swartland.org.za

Geagte Meneer

KOMMENTAAR OP VOORGESTELDE VERGUNNINGSGEBRUIK EN AFWYKING OP ERF 11180, MALMESBURY

Hiermee die kommentaar van:

Paula Basson, by Riebeek Straat 6, paulaviljoenbasson@gmail.com / 060 348 4820

Hiermee wil ek graag my beswaar aanteken ivm bogenoemde aansoek.

Die 2de wooneenheid bring vir my net moeilikheid. Hier woon tans so baie mense, ek kan hulle nie tel nie, en die straat staan permanent vol voertuie. Toe dit net een woonhuis was met 'n enkel gesin was daar nooit klagtes nie, maar die 2de wooneenheid bring vir Riebeek Straat se inwoners net ergenis. Ek kan nie eens self voor my agterdeur stop met my voertuig as ek wil nie. Dit het definitief 'n negatiewe impak op my asook die ander inwoners van die straat.

Daarom kan ek nie die aansoek vir 2de wooneenheid of die afwyking van parkering vereistes ondersteun nie.

Die uwe

Paula Basson
060 348 4820

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7299

swartlandmun@swartland.org.za

Geagte Meneer

KOMMENTAAR OP VOORGESTELDE VERGUNNINGSGEBRUIK EN AFWYKING OP ERF 11180, MALMESBURY

Hiermee die kommentaar van:

Johannes Lodewikus Steyn
Adres: Riebeek Straat 8, Malmesbury, 7300
Kontakbesonderhede: hannes@hsortho.co.za / 0722352819

Ek, Hannes Steyn, is die eienaar van Riebeek Straat 8, die eiendom oorkant die straat van erf 11180. Die rede vir my kommentaar is om my beswaar aan te teken en ook die agtergrond en korrespondensie tussen my vrou, Elouise Steyn (argitek) en Swartland munisipaliteit rakende die bogenoemde erf en die onwettige bou-aktiwiteite wat daar plaasgevind het uiteen te sit.

Ek het my eiendom gekoop in 2011 en het baie vinnig die bure in die omliggende eiendomme leer ken, op daardie stadium het die Pieriga-gesin by Riebeek Straat 5 gewoon. Dit was Dirk en Sophie Pieriga en hul twee kinders, dus kan ek met sekerheid sê dat op daardie stadium was die huis een enkelwoning.

Nadat hierdie gesin uitgetrek het, het my vrou op 5 Julie 2019 onwettige bouwerk aan Mnr. Keulder (bouinspekteur) per e-pos aangemeld. Mnr. Keulder het adres gevra en dit na Mnr. Groeneveld verwys vir 'n inspeksie. Op 7 Julie 2019 het Elouise opgevolg met Mnr Groeneveld en het 15 Julie 2019 'n e-pos van hom ontvang wat bevestig dat hy Vrydag 12 Julie 2019 'n stakingsbevel uitgereik het en dat bouwerk gestaak is. Sy skrywe het gemeld dat die bou-afdeling en stadsbeplanning spoedig 'n aansoek verwag vir bouplanne en die 2de wooneenheid.

24 Maart 2020 het Elouise weer 'n skrywe aan die munisipaliteit gerig as 'n amptelike klag ivm Riebeek Straat 5. Hierdie skrywe het die volgende punte uitgelig:

1. Die stoep van erf 11180 is toegebou, tot op die grens, geen bure toestemming is gevra vir boulynoorskrydings nie.
2. Die huis is ouer as 60 jaar en in 'n straat met vele huise wat erfeniswaardig is. Estetika het geensins 'n rol gespeel by die bouwerk nie. Die venster wat by die stoep wat toegebou is, is sommer 'n ou skuifdeur wat Mnr Niewenhuis seker iewers herwin het, dit word nie akkuraat op die bouplanne soos deur Alterplan voorberei vir hierdie aansoek weerspieël nie. Sien onderstaander foto. In my mening doen dit afbreek aan die gebou en straat. My eiendom is gebou in 1866 en ons het baie geld, tyd en energie spandeer om die eiendom op te knap. Al ons veranderinge was by die munisipaliteit sowel as Erfenis Wes-Kaap goedgekeur, en hier kom iemand soos Mnr. Niewenhuis en doen net wat hy wil, met geen respek of oorweging vir enige eiendomme om hom nie.

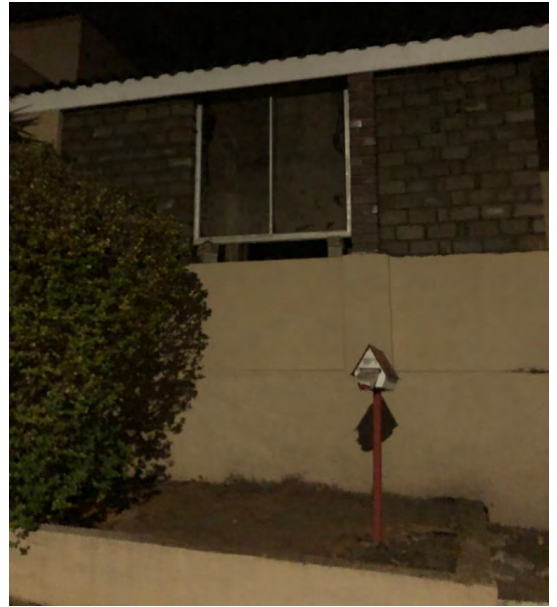


FOTO 1 & 2: Onwettige bouwerk – erf 11180. Geneem 5 Julie 2019

3. Die feit dat die huis nou in 2 wooneenhede opverdeel is sonder enige aansoek.

Op hierdie skrywe het ons GEEN terugvoer gekry nie.

Verder meer, lig ek ook my kommentaar rakende die aansoek vir afwyking van die vereiste van 4 op-perseel parkeerplekke.

Die eiendom word tans aan 2 “gesinne” verhuur, ek het begrip dat die munispialiteit nie ‘n beperking kan sit op die aantal lede in ‘n gesin nie, maar die parkering in die straat is ‘n groot probleem. Sien onderstaande foto wat in die nag vanaf ons sekuriteit kamera geneem is. Slegs die City Golf in die voorgrond is nie ‘n voertuig wat aan die inwoners/gaste van Riebeek Straat 5 behoort nie.



FOTO 3: Agt voertuie in Riebeek Straat voor erf 11180. Geneem op 21 Oktober 2021.

Ek vind dit onaanvaarbaar dat een erf 8 voertuie in die straat tot gevolg het. En hierdie is nie 'n uitsondering of spesiale aand nie, dit lyk altyd so. Toe dit een woning was met een gesin was daar net twee voertuie in die straat. Toe was daar alreeds geen op-perseel parkerings verskaf nie, maar die aantal mense was nie 'n probleem nie. Noudat Mnr Niewenhuis die eindom in 2 wonings verdeel het, en hy nie omgee hoeveel persone per woning bly nie, staan die straat vol. Hierdie is dieselfde straat waar ons jare tevore kon 'n straat braai hou op erfenisdag en die hele straat se mense asook ander van die dorp nooi en op so wyse geld insamel om die driehoek-huise op die hoek van Amandelrug en Dorpstraat te kon "red", pleister opknap en verf. Dit was die kultuur en karakter van die straat. Dit is baie hartseer om die verval van die straat so te aanskou. Dus kan ek nie die afwyking op parkering ondersteun nie.

Ek heg as addendum die vorige korrespondensie vir u hierby aan.

Die uwe

A handwritten signature in black ink, appearing to be 'Hannes Steyn', written above a horizontal line.

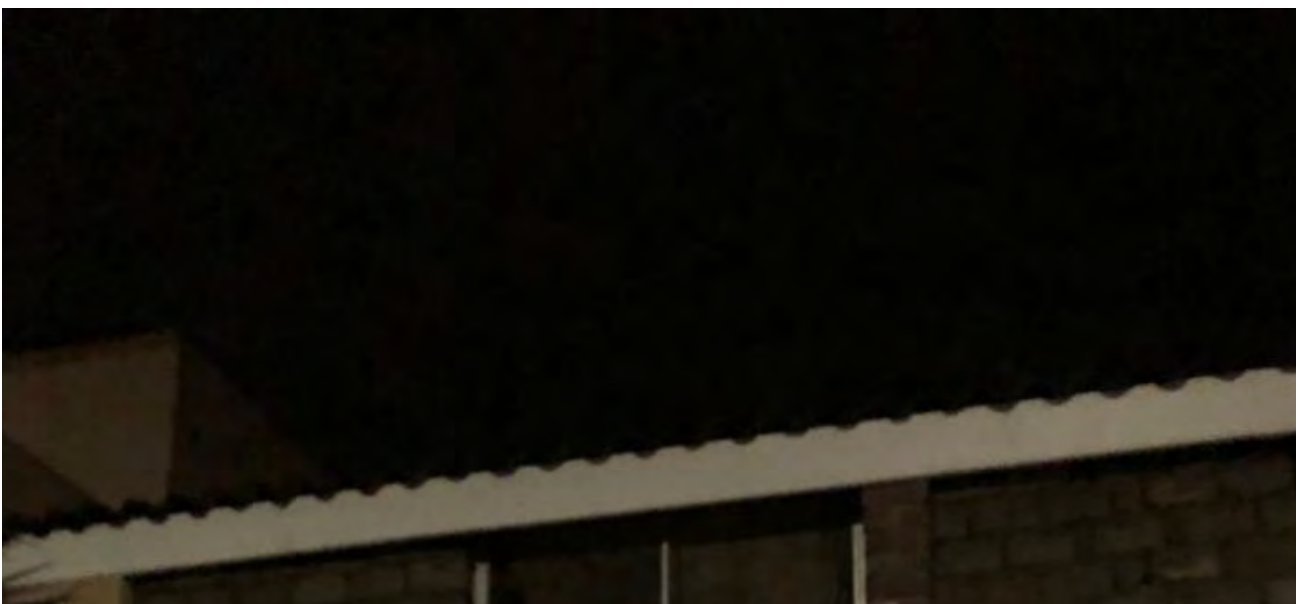
Hannes Steyn
0722352819

From: Elouise Steyn elouisesteyn@gmail.com 
Subject: Riebeeck Straat
Date: 05 July 2019 at 04:43
To: keulderb@swartland.org.za
Cc: steyn_hannes@yahoo.co.uk

ES

Goeie dag Bertus

Graag wil ek onwettige bouwerk rapporteer. Ek het 'n sterk vermoede daar is geen planne ingedien nie aangesien daar gebou word tot op die erf grens en so 'n aansoek 'n boulyn oorskryding sou insluit en bure se toestemming moes verkry word.





Ek is 'n argitek en ek en my man het al baie tyd, geld en energie ingesit om ons huis op te knap en te restoureer. Ons is altyd opgewonde as ons bure ook opknappings aan hulle eiendom doen, maar met hierdie huis is dit nie die geval nie. Die eienaar ('n bouer- Mnr Niewenhuis) verhuur die huis en hoe meer mense daar kan bly hoe groter sy inkomste. Tot onlangs het hy die huis aan kontrakteurs verhuur en as jy ondersoek instel sal jy moontlik ontdek dat dit in eenhede opverdeel is waarvoor ek seker is hy ook geen toestemming van die munisipaliteit het nie.

Laastens wil ek noem dat Riebeeck Straat een van die oudste strate in die dorp is en al die huise het stoepe wat op die straat uitleef. Die stoep wat so toegebou word met so 'n groot aluminium skuifvenster, doen afbreek aan die karakter van die straat. Al my planne vir verbeteringe moes erfenis Wes-Kaap toe gaan vir goedkeuring.

Ek vertrou dat u ondersoek sal instel en sal u terugvoer waardeer.

Groete
Elouise Steyn
PROFESSIONAL ARCHITECT
0844999317

Sent from my iPhone

From: Brandon Groeneveld groeneveldb@swartland.org.za
Subject: RE: Riebeeck Straat
Date: 10 July 2019 at 08:55
To: Elouise Steyn elouisesteyn@gmail.com

BG

Hi

Ek is tans besig met n stop order. Sal dit vanmiddag uitreik.

Groete.

-----Original Message-----

From: Elouise Steyn [mailto:elouisesteyn@gmail.com]
Sent: Wednesday, 10 July 2019 07:30
To: Bertus Keulder
Cc: Brandon Groeneveld
Subject: Re: Riebeeck Straat

Goeie more Brandon

Graag verneem ek of die eienaar van 5 Riebeeck Straat u goedkeuring het om voort te bou want hy is die week steeds elke oggend 7uur hier en gaan net voort?

Vriendelike groete
Elouise Steyn
PROFESSIONAL ARCHITECT
0844999317

Sent from my iPhone

On 05 Jul 2019, at 14:42, Bertus Keulder <keulderB@swartland.org.za> wrote:

Elouise

Kan jy net die adres gee dan

kan Brandon 'n inspeksie doen en bouwerk staak.

Kindest regards / Vriendelike groete

Bertus Keulder

Swartland Municipality |Swartland Munisipaliteit Building Inspector
/Bouinspekteur
022-4879400 (office) 022-4879440 (fax)
keulderb@swartland.org.za
www.swartland.org.za

-----Original Message-----

From: Elouise Steyn [mailto:elouisesteyn@gmail.com]
Sent: Friday, 05 July 2019 04:44
To: Bertus Keulder
Cc: steyn_hannes@yahoo.co.uk
Subject: Riebeeck Straat

Goeie dag Bertus

Graag wil ek onwettige bouwerk rapporteer. Ek het 'n sterk vermoede daar is geen planne ingedien nie aangesien daar gebou word tot op die erf grens en so 'n aansoek 'n boulyn oorskryding sou insluit en bure se toestemming moes verkry word.

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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.

<image1.jpeg>

<image2.jpeg>

Ek is 'n argitek en ek en my man het al baie tyd, geld en energie ingesit om ons huis op te knap en te restoreer. Ons is altyd opgewonde as ons bure ook opknappings aan hulle eiendom doen, maar met hierdie huis is dit nie die geval nie. Die eienaar ('n bouer- Mnr Niewenhuis) verhuur die huis en hoe meer mense daar kan bly hoe groter sy inkomste. Tot onlangs het hy die huis aan kontrakteurs verhuur en as jy ondersoek instel sal jy moontlik ontdek dat dit in eenhede opverdeel is waarvoor ek seker is hy ook geen toestemming van die munisipaliteit het nie.

Laastens wil ek noem dat Riebeeck Straat een van die oudste strate in die dorp is en al die huise het stoepe wat op die straat uitleef. Die stoep wat so toegebou word met so 'n groot aluminium skuifvenster, doen afbreek aan die karakter van die straat. Al my planne vir verbetering moes erfenis Wes-Kaap toe gaan vir goedkeuring.

Ek vertrou dat u ondersoek sal instel en sal u terugvoer waardeer.

Groete
Elouise Steyn
PROFESSIONAL ARCHITECT
0844999317

Sent from my iPhone

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From: Brandon Groeneveld groeneveldb@swartland.org.za
Subject: Stakingbevel - Erf 11180, 5 Riebeeck Straat, Malmesbury
Date: 15 July 2019 at 12:57
To: Elouise Steyn elouisesteyn@gmail.com
Cc: Alwyn Zaayman AlwynZaayman@swartland.org.za

BG

Goeiemiddag Elouise

Ek het vrydag 12 July 2019 n stakingsbevel uitgereik op erf 11180, 5 Riebeeck straat, Malmesbury.

Ek en Alwyn Zaayman het vanoggend n terrein inspeksie gedoen. Alle bouwerk is gestaak en eienaar is besig om terrein skoon te maak en mure te verf.

Bou-afdeling en Stadsbeplanning verwag spoedig aansoek van bouplanne en 2de wooneenheid.

Groete

Brandon Groeneveld

Building Inspector / Division : Building Control

T: 022 4879400 F: 022-4879400

E: groeneveldb@swartland.org.za

MUNISIPALITEIT SWARTLAND MUNICIPALITY



Level 5 water restrictions from 1 November 2017
Please use less than 60 liters per person per day

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From: Elouise Steyn elouisesteyn@gmail.com
Subject: Re: Stakingbevel - Erf 11180, 5 Riebeeck Straat, Malmesbury
Date: 15 July 2019 at 15:57
To: Brandon Groeneveld groeneveldb@swartland.org.za
Cc: Alwyn Zaayman AlwynZaayman@swartland.org.za

ES

Baie dankie vir julle terugvoer. Gaan die aansoek die regte kanaal volg en erfenis toe gaan, siende dat die huis ver oor 60 jaar oud is?

Ek is van die mening dat die vensters en deure wat so 'n mengsel van materiale is, esteties onooglik is en glad nie bydrae tot die karakter van die straat nie.

Vriendelike groete

Elouise Steyn
PROFESSIONAL ARCHITECT
0844999317

Sent from my iPhone

On 15 Jul 2019, at 12:57, Brandon Groeneveld <groeneveldb@swartland.org.za> wrote:

Goeiemiddag Elouise

Ek het vrydag 12 July 2019 n stakingsbevel uitgereik op erf 11180, 5 Riebeeck straat, Malmesbury.

Ek en Alwyn Zaayman het vanoggend n terrein inspeksie gedoen. Alle bouwerk is gestaak en eienaar is besig om terrein skoon te maak en mure te verf.

Bou-afdeling en Stadsbeplanning verwag spoedig aansoek van bouplanne en 2de wooneenheid.

Groete

Brandon Groeneveld

Building Inspector / Division : Building Control

T: 022 4879400 F: 022-4879400

E: groeneveldb@swartland.org.za

MUNISIPALITEIT SWARTLAND MUNICIPALITY

<image001.jpg>

Level 5 water restrictions from 1 November 2017

Please use less than 60 liters per person per day

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From: Elouise Steyn elouisesteyn@gmail.com
Subject: Re: Stakingbevel - Erf 11180, 5 Riebeeck Straat, Malmesbury
Date: 24 March 2020 at 14:46

ES

To: Brandon Groeneveld groeneveldb@swartland.org.za

Cc: Alwyn Zaayman AlwynZaayman@swartland.org.za, Alwyn Burger AlwynBurger@swartland.org.za, joggies@swartland.org.za, vanessent@swartland.org.za

Goeie dag Menere

Na gesprekke met Mnr. Brandon Groeneveld en Mnr. Alwyn Burger verlede week, hiermee my amptelike klag ivm Riebeeck Straat 5, Malmesbury.

Julie 2019 het my man Hannes Steyn vir Alwyn Burger gaan sien oor klagte dat ons buurman, Mnr. Niel Niewenhuis van Riebeeck Straat 5, besig was om te bou en ons was van mening dat hierdie bouwerk besig was om plaas te vind sonder die toestemming van die munisipaliteit vir die volgende redes:

1. Hy het die stoep toegebou - dit is oor die straat boulyn en sal dus bure toestemming moes verlang...

2. Die huis is verseker ouer as 60 jaar, dus sou die planne ook erfenis se goedkeuring moes wegdra - as u kyk na die foto wat ek aanheg, sal u kan sien dat estetika geensins 'n rol gespeel het by die bouwerk nie. Die eienaar is self 'n bouer en dit is duidelik dat hy die vensters en deure herwin het wat hy iewers op 'n ander gebou uitgehaal het. Die voorste vensters van die huis voor sy aanbouing was staal en 'n hout deur. Hy het nou 'n groot aluminium skuifvenster ingesit op die straat met 'n cottage pane hout deur by die "2de wooneenheid". Niks pas bymekaar nie. Hierdie is vir my 'n baie teer punt aangesien ek as eienaar baie moeite en geld aan my woning (Riebeeck Straat 8) spandeer het. Ons het die staal vensters uitgebreek en vervang met hout vensters - sliding sash en mock sash, sodat dit lyk soos die huis oorspronklik gelyk het. My planne was na erfenis Wes-Kaap toe vir goedkeuring. Selfs toe ek net 2 viekante meter by my kombuis wou aanbou, wat aan die agterkant van die huis is en glad nie van die straat af sigaar is nie - was die planne by die munisipaliteit ingedien asook na erfenis Wes-Kaap toe. Ander eienaars in die straat het ook al moeite gedoen om hulle huise op te knap, en nou kom een huis in die straat en doen so afbreek aan die hele erfenis-waardigheid van ons straat.

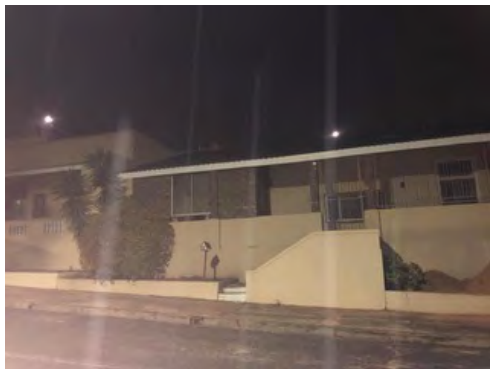
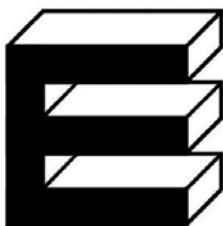
3. Hierdie huis is definitief opverdeel in ten minste 2 wooneenhede. Ek is onseker wat hy alles binne verander het, maar selfs nadat Brandon Groeneveld 'n stop bevel uitgereik het, het hulle nog lintols binne toe gedra en is ek seker het hulle binne nog goed verander. Ons het die vorige huurders - Dirk en Sophie Perega goed geken en weet hierdie huis was definitief net een wooneenheid. Vir 'n aansoek om tweede wooneenheid sou bure toestemming verkry moes word - geen van dit is gedoen nie.

Wat verder meer vir my baie ontstellend is, is dat sedert Julie 2019 nadat Brandon die stop bevel uitgereik het Swartland Munisipaliteit daarin gevaal het om enige stappe teen mnr Niewenhuis te neem om hierdie saak op te los. Intussen het hy huurders in die eenhede ingesit - dit blyk om uitlanders te wees en ons is ernstig bekommerd dat daar onwettige dinge plaasvind. Daar staan ongeveer 8 voertuie in die straat - almal van inwoners van die eenhede en ek is onseker hoeveel mense werklik daar binne bly. Indien u wil kan ek klagte briewe van al die eienaars in die straat kry, want hierdie is vir almal 'n GROOT ergernis. So in die afgelope 8 maande vandat 'n stop bevel uitgereik is, het die onvermoeë van die munisipaliteit om hierdie saak aan te spreek, net bygedra tot die frustrasies van die inwoners van Riebeeck Straat.

Ek vertrou dat u hierdie saak in ernstige lig sal stel - en sal optree teen oortreders soos Mnr Niewenhuis wat dink hulle kan net doen soos hulle wil.

Groete

Elouise Steyn
PROFESSIONAL ARCHITECT
084 499 9317



On 15 Jul 2019, at 12:57, Brandon Groeneveld <groeneveldb@swartland.org.za> wrote:

Goeiemiddag Elouise

Ek het vrydag 12 July 2019 n stakingsbevel uitgereik op erf 11180, 5 Riebeeck straat, Malmesbury.

Ek en Alwyn Zaayman het vanoggend n terrein inspeksie gedoen. Alle bouwerk is gestaak en eienaar is besig om terrein skoon te maak en mure te verf.

Bou-afdeling en Stadsbeplanning verwag spoedig aansoek van bouplanne en 2de wooneenheid.

Groete

Brandon Groeneveld
Building Inspector / Division : Building Control

T: 022 4879400 **F:** 022-4879400
E: groeneveldb@swartland.org.za

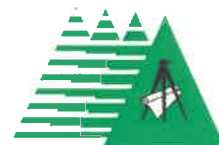


Level 5 water restrictions from 1 November 2017
Please use less than 60 liters per person per day

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CK RUMBOLL & VENNOTE / PARTNERS



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

DATE: 24 January 2022

ONS VERW / OUR REF: MAL/12133/MH

PER ELECTRONIC MAIL

ATTENTION: Mr. A Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir,

APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE: ERF 11180, MALMESBURY

With reference to your letter dated 15 December 2021:

The following table provides a summary of the comments/objections that were received along with the response from CK Rumboll and Partners on behalf of our client, Mr DJ Nieuwenhuys as owner of Erf 11180, Malmesbury. Comments/Objections were received from the following persons:

1. P Basson
2. H Steyn

VENNOTE / PARTNERS:

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

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MALMESBURY (T) 022 482 1845 (F) 022 487 1661 **VREDENBURG** (T) 022 719 1014

Objector	Summary of Objection/Comments	Comments on objections
1. P Basson	<p>Die 2de wooneenheid bring vir my net moeilikheid. Hier woon tans so baie mense, ek kan hulle nie tel nie, en die straat staan permanent vol voertuie. Toe dit net een woonhuis was met 'n enkel gesin was daar nooit klagtes nie, maar die 2de wooneenheid bring vir Riebeek Straat se inwoners net ergenis. Ek kan nie eens self voor my agterdeur stop met my voertuig as ek wil nie. Dit het definitief 'n negatiewe impak op my asook die ander inwoners van die straat.</p> <p>Daarom kan ek nie die aansoek vir 2de wooneenheid of die afwyking van parkering vereistes ondersteun nie.</p>	<p>Die voorstel word ondersteun deur die Swartland Ruimtelike Ontwikkelingsraamwerk, Wysiging 2018/2019 (ROR). Alhoewel die ROR nie spesifiek voorsiening maak vir dubbelwooneenhede nie moet daar kennis geneem word dat die betrokke eiendom geleë is in Grondgebruiksone E. Hierdie sone maak voorsiening vir lae-digtheid residensiële ontwikkeling. Die huidige sonering van Erf 11180 Malmesbury is Residensiële Sone 1 wat as lae digtheid geklassifiseer word en 'n dubbelwoonhuis word toegelaat as 'n vergunningsgebruik onder hierdie sonering.</p> <p>Soos hierbo genoem is die huidige sonering van Erf 11180 Malmesbury Residensiële Sone 1, in terme van Bylae 2 van die Swartland Munisipaliteit Verordening op Grondgebruikbeplanning (PG 8226 van 25 Maart 2020). Dubbelwoonhuise word toegelaat as 'n addisionele gebruiksreg met spesiale toestemming vanaf Swartland Munisipaliteit.</p> <p>Vanuit die bogenoemde stellings is dit duidelik dat die huidige ruimtelike beplanning en munisipale grondgebruikbeplanning wetgewing, die eienaar die geleentheid bied om aansoek te doen vir 'n addisionele wooneenheid, hetsy vir eie gebruik of om 'n inkomste daaruit te genereer.</p> <p>Ter inligting word ook bevestig dat daar 5 persone in eenheid 1 gehuisves word en 3 persone in eenheid 2. Daar moet ook kennis geneem word dat daar geen beperking geplaas word op die aantal inwoners van 'n wooneenheid nie.</p>

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

		<p>Hierdie area word gekenmerk as een van vele historiese areas in Malmesbury. Dit is duidelik dat die meeste erwe op 'n soortgelyke wyse ontwikkel is, as daar gekyk word na 1) dekking, plasing van geboue tot op die straatgrens, geen/minimale voorsiening van op-perseel parking. Gegewe die historiese karakter van hierdie area en die wye straatreserwe, maak die meeste inwoners langs Riebeeck Straat gebruik van die aanstraat parking wat beskikbaar is.</p> <p>Die wenslikheid van hierdie voorstel word gemotiveer aan die hand van die volgende:</p> <ul style="list-style-type: none"> • Die voorstel is komplementêrend tot die bestaande omliggende omgewing. • Daar is nie 'n beduidende impak op eksterne munisipale ingenieursdienste nie. • Die voorstel dra by tot verdigting binne die stedelike rand van Malmesbury. • Die potensiële positiewe ekonomiese impak van die voorstel op die woonbuurt. • Geen negatiewe impak op die kwaliteit van lewe (uitsigte, sonlig, privaatheid, karakter van area) op omliggende grondeienaars nie. <p>Die enigste beperking is die nie-voorsiening van op-perseel parking.</p> <p>Vanuit bogenoemde is hierdie kantoor van mening dat die voordele van hierdie voorstel oortref die beperking.</p>
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VENNOTE / PARTNERS:

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

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<p>2. H Steyn</p>	<p>Agtergrond Eerstens verskaf Meneer Steyn (beswaarmaker) 'n agtergrond van korrespondensie tussen die beswaarmaker se vrou en Swartland Munisipaliteit met betrekking tot ongemagtigde bouwerke op die betrokke eiendom.</p> <p>Skrywe van 24 Maart 2020: Die beswaarmaker noem dat daar weer 'n skrywe aan Swartland Munisipaliteit gerig was en lig die volgende punte uit:</p> <p>"1. Die stoep van erf 11180 is toegebou, tot op die grens, geen bure toestemming is gevra vir boulynoorskrydings nie.</p> <p>2. Die huis is ouer as 60 jaar en in 'n straat met vele huise wat erfeniswaardig is. Estetika het geensins 'n rol gespeel by die bouwerk nie. Die venster wat by die stoep wat toegebou is, is sommer 'n ou skuifdeur wat Mnr Niewenhuis seker iewers herwin het, dit word nie akkuraat op die bouplanne soos deur Alterplan voorberei vir hierdie aansoek weerspieël nie. Sien onderstaander foto. In my mening doen dit afbreek aan die gebou en straat. My eiendom is gebou in 1866 en ons het baie geld, tyd en energie spandeer om die eiendom op te knap. Al ons veranderinge was by die munisipaliteit sowel as Erfenis Wes-Kaap goedgekeur, en hier kom iemand soos Mnr. Niewenhuis en doen net wat hy wil, met geen respek of oorweging vir enige eiendomme om hom nie.</p> <p>3. Die feit dat die huis nou in 2 wooneenhede opverdeel is sonder enige aansoek."</p>	<p>Die volgorde van goedkeurings ten einde 'n addisionele wooneenheid (dubbel woonhuis of tweede wooneenheid $\geq 60m^2$) op 'n Residensiele Sone 1 eiendom te akkommodeer is as volg:</p> <ol style="list-style-type: none"> 1) Grondgebruiksgoedkeuring in terme van die Swartland Munisipaliteit Verordening op Grondgebruikbeplanning (PK 8226 van 25 Maart 2020). 2) Bouplan goedkeuring in terme van die Nasionale Boueregulasies. <p>Dit word bevestig dat beide die grondgebruiksaansoek en bouplan aansoek vir 'n dubbel woonhuis op Erf 11180 Malmesbury ingedien is by Swartland Munisipaliteit.</p> <p>Die beswaarmaker se bekommernisse met betrekking tot die skrywes aan Swartland Munisipaliteit word gedurende die bogenoemde prosesse hanteer. Let ook daarop dat die gebou oor geen erfenisgradering beskik in terme van die "Swartland Heritage Survey July (2009)".</p> <p>Ter inligting word ook bevestig dat daar 5 persone in eenheid 1 gehuisves word en 3 persone in eenheid 2. Daar moet ook kennis geneem word dat daar geen beperking geplaas word op die aantal inwoners van 'n wooneenheid nie.</p> <p>Hierdie area word gekenmerk as een van vele historiese areas in Malmesbury. Dit is duidelik dat die meeste erwe op 'n soortgelyke wyse ontwikkel is, as daar gekyk word na 1) dekking, plasing van geboue tot op die straatgrens, geen/minimale voorsiening van op-perseel parking. Gegewe die historiese karakter van hierdie area en die wye straatreserwe, maak die meeste inwoners langs Riebeeck Straat gebruik van die aanstraat parking wat beskikbaar is.</p>
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VENNOTE / PARTNERS:

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

	<p>Kommentaar op afwyking van vereiste 4 op-perseel parkeerplekke:</p> <p>Laastens lewer die beswaarmaker ook sy kommentaar op die afwyking van die vereiste op-perseel parking soos voor aansoek gedoen is. Sy kommentaar is as volg:</p> <p>Die eiendom word tans aan 2 "gesinne" verhuur, ek het begrip dat die munispialiteit nie 'n beperking kan sit op die aantal lede in 'n gesin nie, maar die parking in die straat is 'n groot probleem.</p> <p>Ek vind dit onaanvaarbaar dat een erf 8 voertuie in die straat tot gevolg het. En hierdie is nie 'n uitsondering of spesiale aand nie, dit lyk altyd so. Toe dit een woning was met een gesin was daar net twee voertuie in die straat. Toe was daar alreeds geen op-perseel parkerings verskaf nie, maar die aantal mense was nie 'n probleem nie. Noudat Mnr Niewenhuis die eindom in 2 wonings verdeel het, en hy nie omgee hoeveel persone per woning bly nie, staan die straat vol.</p>	<p>Die wenslikheid van hierdie voorstel word gemotiveer aan die hand van die volgende:</p> <ul style="list-style-type: none"> • Die voorstel is komplementerend tot die bestaande omliggende omgewing. • Daar is nie 'n beduidende impak op eksterne munisipale ingenieursdienste nie. • Die voorstel dra by tot verdigting binne die stedelike rand van Malmesbury. • Die potensiële positiewe ekonomiese impak van die voorstel op die woonbuurt. • Geen negatiewe impak op die kwaliteit van lewe (uitsigte, sonlig, privaatheid, karakter van area) op omliggende grondeienaars nie. <p>Die enigste beperking is die nie-voorsiening van op-perseel parking.</p> <p>Vanuit bogenoemde is hierdie kantoor van mening dat die voordele van hierdie voorstel oortref die beperking.</p>
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We trust you will take the above into consideration when assessing the application.



Mornay Herling

for CK Rumboll and Partners

VENNOTE / PARTNERS:

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

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Lêer verw/
File ref: 15/3/1

Navrae/Enquiries:
Mnr A J Burger

24 Maart 2020

Per geregistreerde pos

DJ Nieuwenhuys
Posbus 408
MALMESBURY
7299

Meneer/ Dame
Sir/Madam

ONGEMAGTIGDE GRONDGEBRUIK : ERF 11180, MALMESBURY

Dit het onder hierdie munisipaliteit se aandag gekom dat die geboue op erf 11180, Riebeekstraat 5, Malmesbury omskep is in twee wooneenhede.

U word herinner dat erf 11180, Malmesbury soneer is Residensiële sone 1, ingevolge die Swartland Munisipaliteit : Verordening op Munisipale Grondgebruikbeplanning (PK 7741 van 3 Maart 2017) wat nie meer as 1 woonhuis op die perseel magtig nie.

Hierdie bedryf is gevolglik teenstrydig met die Verordening en word u ingevolge Artikel 96 van Swartland Munisipaliteit : Verordening op Munisipale Grondgebruikbeplanning (PK 7741 van 3 Maart 2017) versoek om die ongemagtigde aktiwiteite teen 28 April 2020 te staak.

Indien u versuim om uitvoering aan die bogenoemde versoek te gee, is u skuldig aan 'n misdryf ingevolge artikel 96 van Swartland Munisipaliteit : Verordening op Munisipale Grondgebruikbeplanning (PK 7741 van 3 Maart 2017) en is u by skuldigvinding strafbaar met 'n boete of gevangenisstraf of met beide sodanige boete sowel as gevangenisstraf.

Volgens die Munisipale tariewe vir die finansiële jaar van 2019/2020 sal 'n bedrag van R235-00 per dag gehef word vanaf die datum van die verstryking van hierdie kennisgewingtydperk indien die ongemagtigde grondgebruik voortgaan.

Die boete sal vermeerder per dag tot en met die dag wat u wel goedkeuring ontvang vir die grondgebruiksverandering of tot en met die dag wat

ILLEGAL LAND USE : ERF 11180, MALMESBURY

It came under the attention of this municipality that the buildings on erf 11180, 5 Riebeek Street, Malmesbury has been changed into two dwelling units.

You are reminded that erf 11180, Malmesbury is zoned Residential zone 1, in terms of the Swartland Municipality : Municipal Land Use Planning By-law (PG 7741 of 3 March 2017) which do not authorises more than 1 dwelling on the property.

This operations are in contradiction with the By-law and you are therefore requested in terms of Section 96 of Swartland Municipality : Municipal Land Use Planning By-law (PG 7741 of 3 March 2017) to stop the illegal activities by 28 April 2020.

If you fail to comply with the abovementioned request, you will be guilty of an offence in terms of section 96 of Swartland Municipality : Municipal Land Use Planning By-law (PG 7741 of 3 March 2017) and on conviction be liable to a fine or to imprisonment or to both such fine and imprisonment.

According to the Municipal tariffs for the financial year 2019/2020 an amount of R235-00 per day will be levied from the date of the lapsing of this notice period if the illegal land use has not been stopped.

The fine will accumulate per day until the day you obtain approval for the change in land use or until that day you notify this Municipality in writing that the illegal land use

u hierdie Munisipaliteit skriftelik in kennis stel dat u die ongemagtigde bedryf gestaak het.

Neem kennis dat u skriftelik beswaar teen hierdie kennisgewing by Swartland Munisipaliteit voor 28 April 2020 kan aanteken.

has been stopped.

Please note that you may lodge a written objection against this notice to Swartland Municipality before 28 April 2020.

Die uwe

MUNISIPALE BESTUURDER
per Departement Ontwikkelingsdienste

AJB/ds

Afskrif: Departement: Beskermingsdienste (Neville Matthys)

Lêer verw/
File ref: 15/3/1

Navrae/Enquiries:
Mnr H L Olivier

26 Julie 2021

Per geregisteerde pos

DJ Nieuwenhuys
Posbus 408
MALMESBURY
7299

Meneer/ Dame
Sir/Madam

ONGEMAGTIGDE GRONDGEBRUIK : ERF 11180, MALMESBURY

Die bogenoemde sowel as die voldoeningskennisgewing gedateer 24 Maart 2020 het betrekking.

Hiermee word bevestig dat u nie voor die gegewe datum beswaar ingedien het teen die kennisgewing nie, u het ook nie die Munisipaliteit in kennis gestel dat die ongemagtigde gebruik gestaak is nie.

Volgens die 'munisipaliteit se rekords het u wel 'n poging aangewend om bouplanne in te dien op 15 April 2021. Die twee wooneenhede word duidelik deur u konsultant as bestaande aangedui wat daarop wys dat die ongemagtigde gebruik steeds voortgaan.

Hiermee word u in kennis gestel dat Swartland Munisipaliteit die saak nou gaan oorhandig aan die Raad se prokureurs om verdere stappe te neem teen die ongemagtigde gebruik van die eiendom, die feit dat u toelaat dat die eiendom ongemagtig gebruik word sowel as die nie voldoening aan die kennisgewing in terme van Artikel 96 van die Swartland Munisipaliteit: Munisipale Verordening Insake Grondgebruikbeplanning (PG 8226 van 25 Maart 2020).

Soos duidelik gestel in die kennisgewing gedateer 20 Maart 2020 word 'n bedrag van R235,00 per dag vir die finansiële jaar 2019/2020, aangepas na R 255,00 sowel as R 275,00 respektiewelik vir die 2020/2021 en 2021/2022 finansiële jaar, steeds gehef word tot dat daar goedkeuring vir die betrokke grondgebruik verleen is of die Munisipaliteit in kennis gestel word en

ILLEGAL LAND USE : ERF 11180, MALMESBURY

The above mentioned as well as the compliance notice issued on the 24th of March 2020 has refers:

It is hereby confirmed that you have not objected against the compliance notice before the given date nor have you informed the Municipality that the unauthorised use has been stopped.

Accroding to the municipality's records you did attempt to submit building plans on the 15th of April 2021. The two dwellings are clearly indicated by your consultant as existing which is proof that the illegal use is has not stopped.

You are herby informed that Swartland Municipality will now hand this case over to the Council's Attourneys for further action against the unauthorised use of the property, the fact that you allow the property to be used in contridiction with the By-Law as well as the non-compliance with the notice issued in terms of Section 96 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

As clearly stated in the notice dated 20 March 2020, an amount of R235,00 per day for the financial year 2019/2020, adjusted to R255,00 and R275,00 respectively for the financial years of 2020/2021 and 2021/2022, is still levied up until approval is granted for the relevant use or the municipality is informed,

dit bevestig is, dat die ongemagtigde gebruik gestaak is. Welke bedrag, tot op die datum van hierdie skrywe beloop, R 114 665,00 en sal vermeerder per dag tot en met daar uitvoering gegee word aan die toepaslike kennisgewing.

and it is confirmed, that the illegal use has been stopped. The said amount, is caculated to an amount of R 114 665,00 to the date of this letter and will accumulate until compliance with the said notice.

Die uwe

MUNISIPALE BESTUURDER

per Departement Ontwikkelingsdienste

HLO/ds

Afskrif: Departement: Beskermingsdienste (Neville Matthys)

Boubeheer (Brandon Groeneveld)

Vir aandag : DJ Nieuwenhuys, admin@hjn.co.za

Insake: Leër nommer 15/3/1
 Distrik: Swartland Munisipaliteit
 Erf 1180
 Riebeeckst 5
 Malmesbury
 7299

Hiermee ontvang ek 24 Maart 2020 kennisgewing vanaf Swartland Munisipaliteit "Onregmatige grondgebruik" Erf 11180, Malmesbury wat 2009 onderverdeel is van erf 447 Malmesbury.

Ek het op datum 25 Maart 2020 opdrag aan Mnr. J Swarts van JC Architectural Design Studio gegee om nodige te doen en aan Swartland Munisipaliteit voor te lê.

Mnt J Swartz het 26 Maart 2020 om 16.00 epos aan Mnr'e A Burger en W Mokwena gestuur om uitstel te vra, omrede daar geen planne beskikbaar was by Swartland Munisipaliteit om proses te bespoedig nie, en moes hy alles per hand opmeet.

Hy is wel uitstel toegestaan tot en met 16 April 2020, en epos is gestuur deur mnr. A Burger. Omrede ek opdrag gegee het aan Mnr. J Swartz het ek nie nodigheid gesien om weekliks optevolg nie, die proses tussen tekenaar en Swartland Munisipaliteit neem tot en met 3 maande. Na 3mnde wat ek navrae doen by mnr. J Swartz het ek geen terugvoering ontvang nie.

My besluit was om na n volgende profesionele tekenaars te gaan. Dit is op daardie stadium wat ek vir Mnr. H Maree van Alterplan aanstel om die nodige opvolg werk te doen en aftehandel. HY het Augustus 2020 begin werk aan opdrag.

So het hy ook nie dadelik toegang tot perseel bekom nie, omrede die pademie en versigtig gewees het om onnodige in aanrakeen te kom met onbekende persone.

Na hy alles moes van vooraf behartig het hy nuwe bouplanne aansoek ingedien by Swartland munisipaliteit 03 Desember 2020. Hy moes aanspassing doen op planne, soos deur Swartland Munisipaliteit voorgelê, en so weer planne 15 April 2021 ingedien. Hy moes ook na terugvoering van Swartland Munisipaliteit n landmeter aanstel, omrede daar geen bestaande bewyse, planne, en onderverdeling is op erf 11180, Malmesbury is nie. Hy het landmeter diagramme ontvang op 29 Junie 2021.

Ek het weer n aanname van Swartland Munisipaliteit ontvang op 26 Julie 2021, waar in ek teen die dag van skrywe n bedrag van **R 114,665.00** verskuldig is aan Swartland Munisipaliteit wat daagliks verhoog word met **R275.00** totdat planne nawense is en goedgekeur is.

Ek D.J. Nieuwenhuys regmatige eienaar van erf 11180, Malmesbury vra die raad om my senario en die pademie in agte neem en verligting te gee insake Leër verw. 15/3/1 omrede ek dadelik aandag gegee het aan skrywe en geen beheer oor verdragging gehad het nie.

Ek wil graag n werkbare oplossing vind tussen myself en Swartland Munisiplaiteit, waar ek fouteer het en nie die nodige reëls van Swartland Munisipaliteit nagekom het nie (onbewis), ek sien my as n gebore Swartlander wat nog gereëldt in Swartland area wil ontwikkel, belê, en werksgeleendthede wil skep

Ek Hoop my skruie sal dringende aandag geniet.

Vriendelike Groete

D.J Nieuwenhuys



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Afdeling: Bou-Omgewing

25 Februarie 2022

15/4/2-8

WYK: 10

ITEM 6.6 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 9 MAART 2022

LAND USE PLANNING REPORT					
APPLICATION FOR A DEPARTURE ON ERF 742, MALMESBURY					
Reference number	15/4/2-8	Application submission date	24 February 2022	Date report finalised	1 March 2022

PART A: APPLICATION DESCRIPTION					
<p>An application for the departure of development parameters on erf 742, Malmesbury in terms of section 25(2) (b) of Swartland Municipality: By-law on Municipal Land Use Planning (PG 8226 van 25 March 2020), has been received. The application entails a departure from the 2m rear building line (eastern boundary) to 0.55m to accommodate an existing wooden structure.</p> <p>Please note that the departure application was submitted as part of a building plan application.</p> <p>The owner of erf 742, Malmesbury is Mr and Mrs AJJ & AK Lourens.</p>					
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erf 742, Malmesbury in the Swartland Municipality, Division Malmesbury, Province Western Cape				
Physical address	12 Duthie Street		Town	Malmesbury	
Current zoning	Residential zone 1	Extent (m ² /ha)	530m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 7741 of 3 March 2017)				
Current land use	Dwelling house and unauthorised wooden structure		Title Deed number & date	T57210/2021	
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	The wooden temporary structure has already been constructed	

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

PART D: BACKGROUND

Mr and Mrs Lourens recently purchased the subject property and would like to obtain authorisation for all structures currently on the property. The property is improved with a dwelling house as well as a wooden temporary structure that was used as a tool shed and workshop/hobby room by the previous owners.

Mr and Mrs Lourens intend to use the structure as a tool shed, a sewing room as well as a home-schooling room for their daughter.

The property is currently zoned Residential Zone 1 and the applicable building lines are 4m street, 1,5m side and 2m rear. The structure, as per proposed building plan, is situated only 550mm from the rear property boundary. Therefore application is made for a departure.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

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

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

The applicant motivates that the building has been erected 16years ago and has never had any negative impact on the neighbouring properties.

The property does not have a garage and there is always a need for general storage space.

The owner proposes to paint the portion of the building encroaching the building line with 30-minute fire resistant paint.

The position of the existing structure also provides a screening element for privacy for the owner seeing that the property next door is a business.

The applicant also motivates that the building does not impact negatively on the privacy or view of any of the neighbouring properties.

Sufficient space is provided for fire fighting purposes from Duthie Street.

The owner of erf 743 does not give permission for this building which has been standing there for 16years since she is concerned that it is a fire hazard. The applicant explains that they have informed her about the fire resistant paint, though she stil does not give permission.

The building on erf 743 is built over the building line and is very close to the property boundary. There is also a window in one of the walls facing the boundary. There is also a verandha that is built on the property boundary.

The applicant refers to photos attached to their motivation letter. Please refer to annexure D.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning	Y	N
---	----------	----------

With reference to Section 55(1) (f) of the By-law, the application will not materially affect the public interest or the interest of the broader community of Malmesbury, therefore the application was not published in the newspapers or the Provincial Gazette. It was required of the owner to, in terms of Section 58(2)(f) of the By-Law, conduct his own public participation process by obtaining the consent from neighbouring and affected property owners.

Total valid comments	1	Total comments and petitions refused	0
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Valid petition(s)	Y	N	If yes, number of signatures	0
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Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	The application was not referred to the Ward Councillor.
------------------------------------	----------	----------	-----	--------------------------	----------	----------	--

Total letters of support	None
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PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation
Building control	25 February 2022	<p>A declaration (Form 2 ,signed Duty 16 and 17 by the owner and the competent person- Engineering) for the appointment of a competent person for the certification of design and inspection of the structural design of all reinforced structural works, timber structure and the timber roof) is required before approval of your building plans.</p> <p>Provide an Agreement Certificate for the Nutec structure.</p> <p>Provide an SABS certificate for the building material to be used before approval of building plan.</p> <p>Provide fenestration calculations if workshop fenestration area is larger than 15% of the total floor area.</p> <p>West- and East Elevation wrongly specified. Please specify correct</p> <p>New building to be constructed more than 1m from the boundary for safety fire purposes to comply with the requirements of Part T of the Sans 10400.</p> <p>Finish Floor Level to be a minimum of 150mm above NGL.</p> <p>Indicate the levels of the NGL and the Finish floor.</p> <p>Water tank to be on a 100mm to 150mm thick plinth.</p> <p>A site inspection to be held before approval of the building plan.</p>	Not recommended

		<p>A sepearte application for the existing covered stoep to be submitted before approval of the building plan.</p> <p>Specify the disposal of Stormwater / Rainwater to the nearest or lowest street to comply with the requirements of Part R of the Sans 10400.</p> <p>Endorsement: Proof of preservative treatment of timber need to be submitted to the Local Authority before issuing of Certificate of Occupancy</p> <p>Endorsement: All timber to be treated against termites, woodborer attack and fungal decay to comply to the requirements of the Sans 10005.</p> <p>Endorsement: A Form 4 from the Appointed Engineer for the erection and certification of the timber structure to be submitted to the Local Authority before issuing of Certificate of Occupancy</p>	
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PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
MJ and J Slabber as owners of erven 743 & 744 Malmesbury	<ol style="list-style-type: none"> 1. The structure was erected illegally a long time ago. The objector states that they complained about it at the time, but nothing was done about it. 2. The objector is concerned that the structure poses a fire hazard. 3. They also state that they do not know what it will be used for in the future that can possibly cause a nuisance. 4. The objector states that they are aware that the applicant's agent is now trying to find a solution - possibly to paint the structure with fire-resistant paint. But is of opinion that no one knows how long it will be effective. 5. The objector suggests that the rear wall of the structure be moved to the building line and that it be replaced with a brick wall. 	<ol style="list-style-type: none"> 1. The applicant states that the previous owners do not live there anymore and the new owners would like to obtain authorisation for all the structures currently on the property without disconcerting anybody. 2. The applicant proposed that the portion of the structure that is situated within the building line area will be painted with a 30-minute fire resistant paint. 3. The new owners propose to use the structure as a tool shed, sewing room as well as a room in which they can do home schooling for their daughter. The applicant also confirms that the structure will not be used as a workshop and will therefore not cause any noise or be a nuisance. 4. The applicant motivates that Fire stopping Bright Systems – Bright BS- 60WB is SABS approved paint that complies with the SANS 10177 -2:2005 regulations 5. The applicant states that, preferably they do not want to demolish the portion that is over the building line as it will be expensive. 	<ol style="list-style-type: none"> 1. The affected property owner is clearly concerned about the structure being positioned over the building line. 2. The mitigation measure proposed by the applicant is noted. 3. The portion of the structure that encroaches the building line, was and will continue to be used as a tool shed. 4. By only painting the structure with fire resistant paint surely does not make the whole structure compliant with SABS. 5. The applicant was aware that the structure is unauthorised when they purchased the property and therefore was aware of the risk of financial loss, should the departure not be approved.

PART J: MUNICIPAL PLANNING EVALUATION

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

As part of Swartland Municipality's effort to speed-up the building plan submission and approval process, most of the applications for permanent departure are submitted and processed in combination with the building plan approval process. Therefore it is required that the applicant, on submission of the building plan, to provide the municipality with a motivation letter as well as the consent of the affected property owners, when submitting the building plan. With the submission of the subject application the applicant was unable to obtain the consent from the affected property owner and requested that a formal notice be sent to the affected neighbour.

On the 3rd of December 2021 Swartland Municipality received the pre-scrutiny application which was marked "Not in order" as the public participation has not been completed. The notice was sent to the neighbouring property owner on the 7th of December and the municipality received the objection on the 23rd of December 2021. The applicant's comment on the objection was received on the 7th of February 2022 and therefore Division Town Planning are now in a position to present the application to the Swartland Municipal Planning Tribunal for decision making.

2. Legislation and policy frameworks

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

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

- Spatial Justice: Considered not relevant to this specific application.
- Spatial Sustainability: Considered not relevant to this specific application.
- Efficiency: Considered not relevant to this specific application.
- Good Administration: The affected properties were identified by the Municipality and the owner, in terms of section 58(2)(f) of the By Law obtained the consent from some of the affected neighbouring property owners. Consideration is given to all correspondence received and the application is dealt with in a timeously manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- Spatial Resilience: Considered not relevant to this specific application.

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

Considered not relevant to this specific application.

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

The existing unauthorised building work departs from the 2m rear building line to 0,55m.

All other zoning parameters are complied with.

3. The desirability of the proposed utilisation

Erf 742, Malmesbury is zoned Residential zone 1 and is developed with a dwelling house.

There are no garage and the new owners has a need for an outbuilding which they can use as a hobby room and tool shed.

The proposed building work needs to comply with all the requirements of the National Building Regulations prior to approval by Swartland Municipality.

Erf 742 is located within the earmarked CBD for Malmesbury. There are no design guidelines overlay zones applicable to the area. Although the area consist of mixed uses, in terms of the development management scheme the objective of the Residential Zone 1 zoning is to provide low to medium density residential development on relatively large erven and to protect the quality and character of such areas. Building lines are control measures that not only accommodate services but also preserve the nature and character of the area.

It is noted that the proposed structure, although present on the property for a very long time, is unauthorised, inconsistent with the Municipalities policy with regards to temporary structures. It could therefore be argued that the structure is inconsistent and detrimental to the character of the area. The applicant being considered at the moment only includes the departure. It could further be argued that by removing the portion that is departing from the building line, will surely mitigate the possible negative impact on eighbouring properties.

It should be noted that the temporary structure is 81.25m² in extent. It can therefore be argued that the applicants need can easiliy be accommodated without the need to depart from the regulations.

The fact that the structure has been erected without the necessary approval is not a reason to approve it. The application being considered is for the departure only and the Building control office should deal with the illegal structure in terms of the Nasional Building Regulations.

Erf 742 has no conditions registered against its title deed that negatively impacts on the proposed application.

Erf 742 has no heritage grading.

4. **Impact on municipal engineering services**

Existing services to erf 742 will not be affected.

5. **Response by applicant**

See Part F in terms of the motivation as well as part I in terms of the comments on the objections received.

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

No comments were requested.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights.

N/A

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

N/A

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

N/A

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

N/A

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for a departure from development parameters on erf 742, Malmesbury in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) be refused.

1. TOWN PLANNING AND BUILDING CONTROL

(a) The portion of the structure encroaching the building lines be demolished before 9 May 2022 and that the plans currently being considered be amended accordingly;

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

PART M: REASONS FOR RECOMMENDATION

Reasons for the decision

1. Building lines are control measures that not only accommodate services but also preserve the nature and character of the area. The sheer extent of the structure is such that the applicants need can be accommodated without encroaching the building line.
2. It is clear from Division: Building Control that the structure needs to undergo significant alterations for it to comply with the National Building regulations.


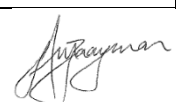
PART N: ANNEXURES

Annexure A Locality plan
 Annexure B Building plan
 Annexure C Public Participation Plan
 Annexure D Motivation from the applicant
 Annexure E Objection from the owner of erf 743 & 744
 Annexure F Comments from the applicant on the objections

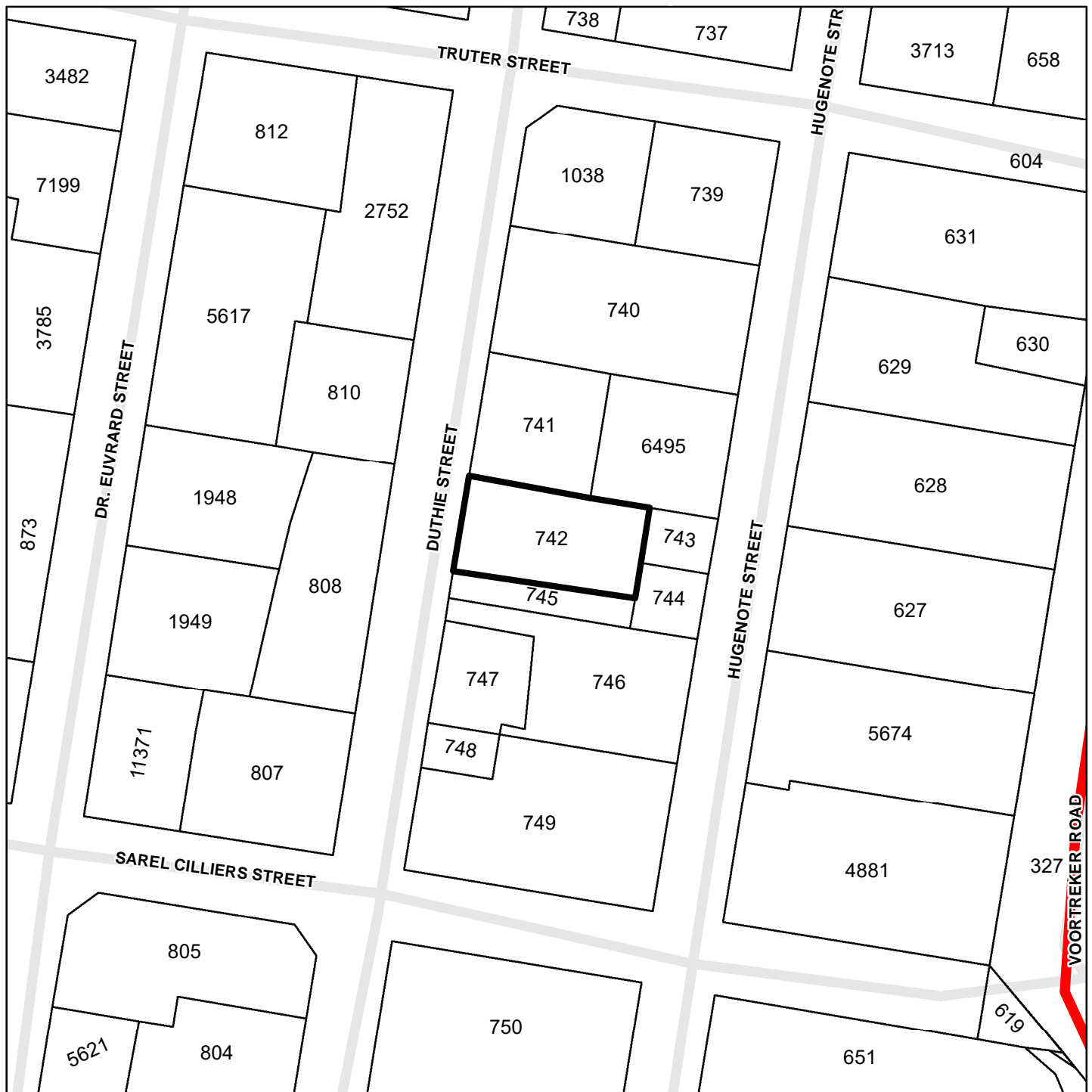
PART O: APPLICANT DETAILS

Name	Anton de Klerk			
Registered owner(s)	Mr and Mrs AJJ & AK Lourens.	Is the applicant authorised to submit this application?	Yes	N

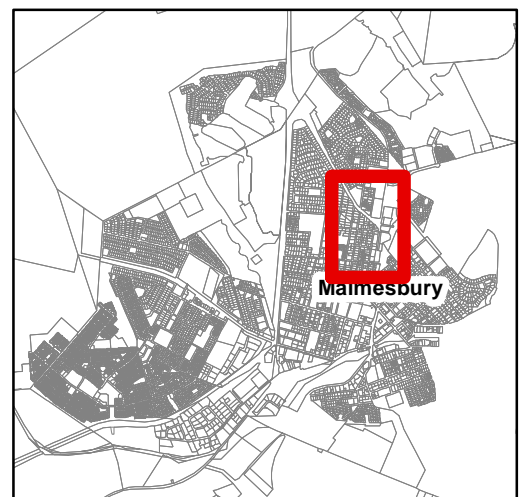
PART P: SIGNATURES

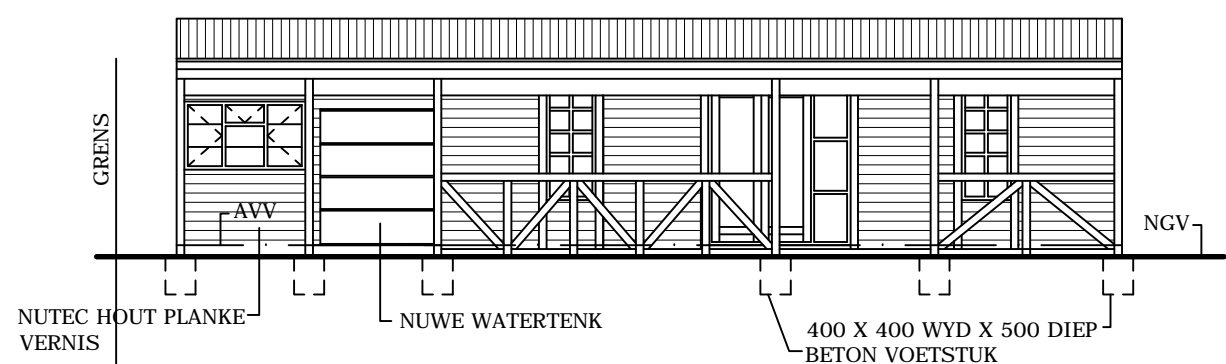
Author details: Herman Olivier Town Planner SACPLAN A/204/2010			Date: 1 st of March 2022	
Recommendation: Alwyn Zaayman Senior Manager Built Environment SACPLAN: A/8001/2001	Recommended		Not recommended	✓
			Date: 2 nd of March 2022	

LOCATION PLAN OF ERF 742, MALMESBURY

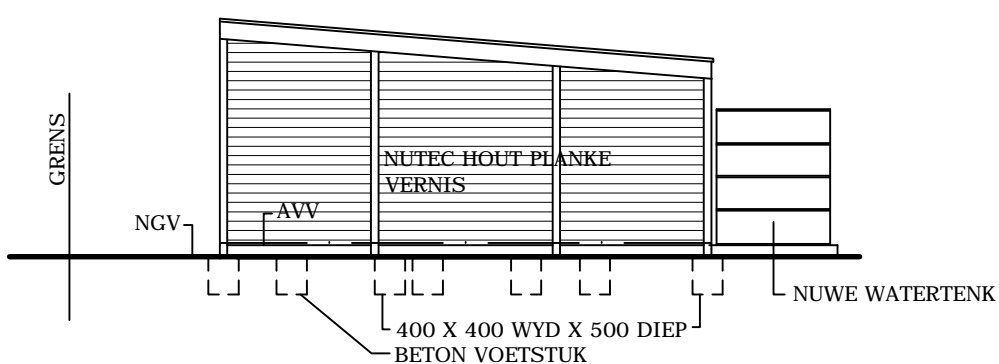


0 12,5 25 50 Meters

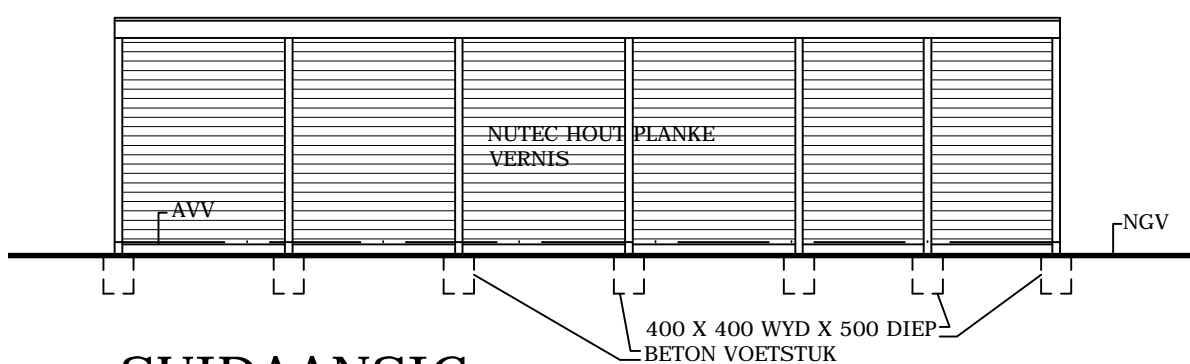




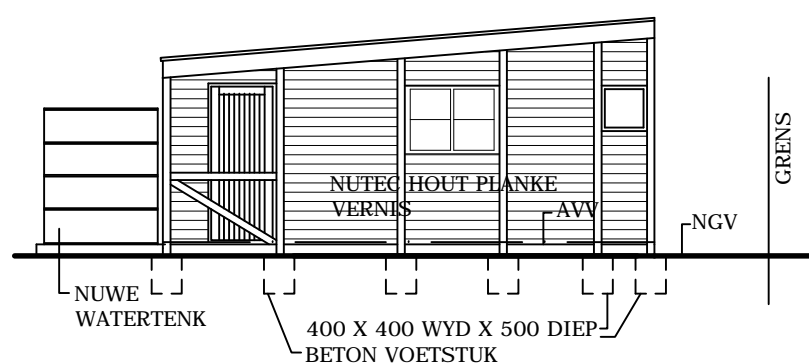
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SKAAL 1:100



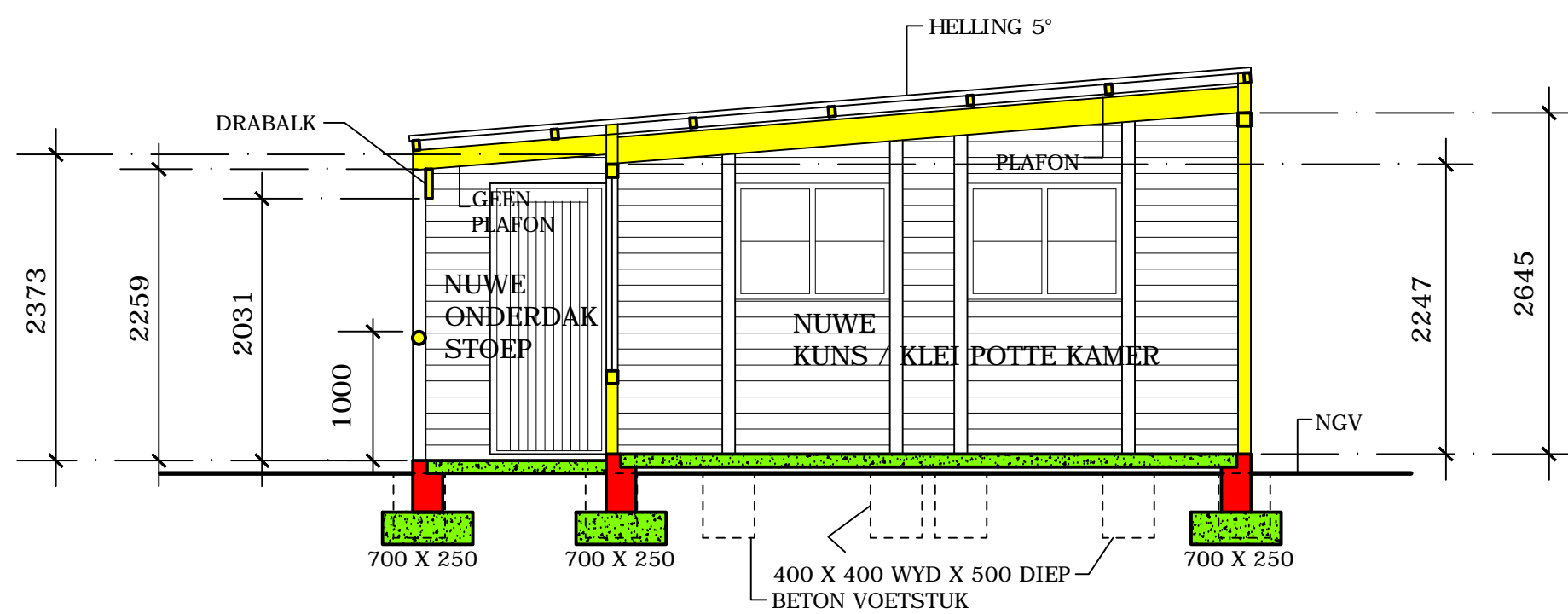
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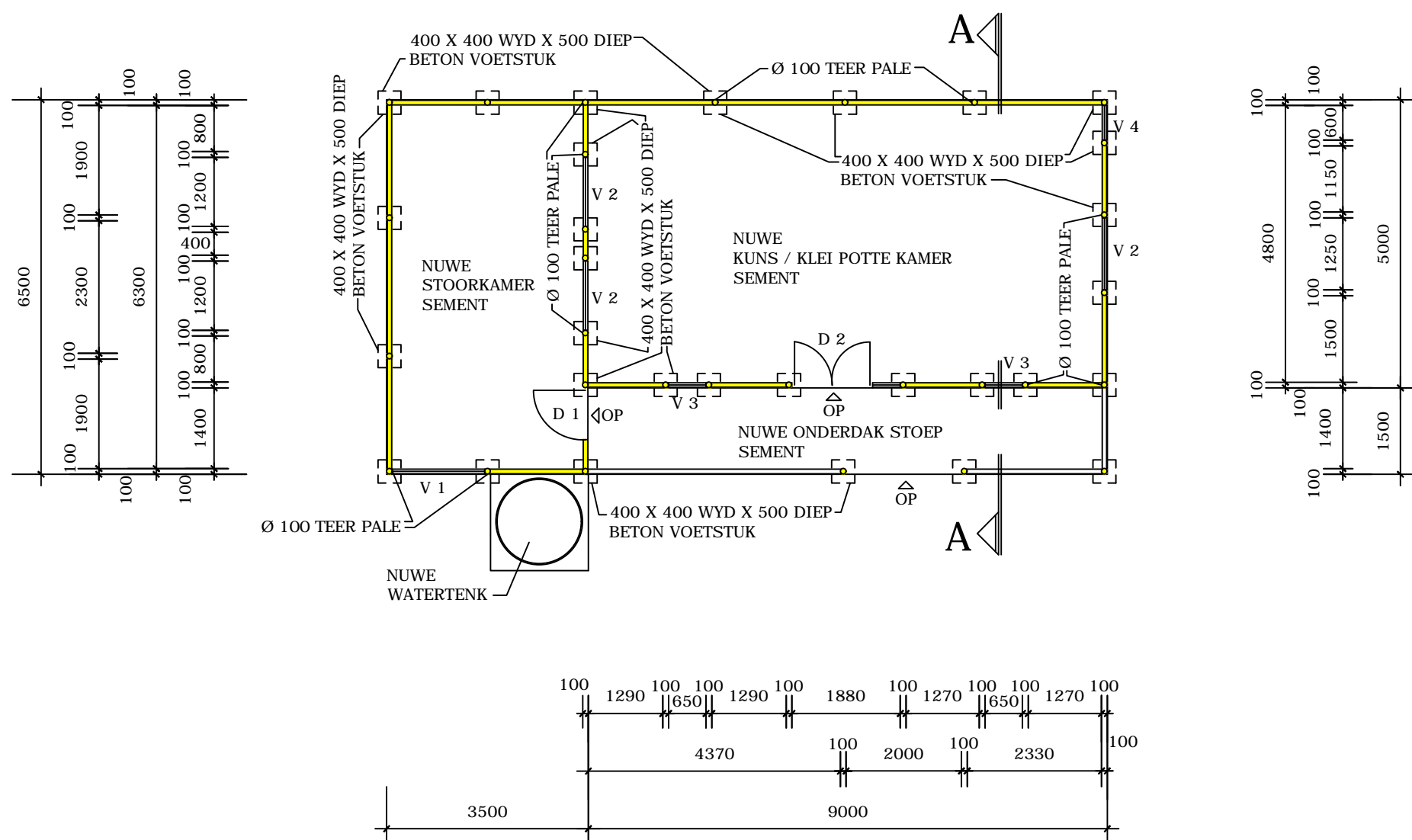
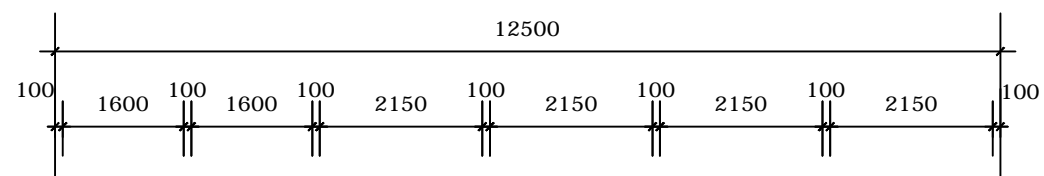
SUIDAANSIG
SKAAL 1:100



OOSAANSIG
SKAAL 1:100



SNIT A - A
SKAAL 1:50



GRONDPLAN
SKAAL 1:100

DAKKONSTRUKSIE
 Gegalvaniseerde staal S-rib plate op 76 x 50 SA Den daklatte @ 1000 s/s op 228 x 50 / 228 x 76 SA Den drabakle @ 1000 s/s oor 120 x 120 SA Den drabak le en teen 228 x 50 SA Den drabak teen @ 100 teerpaal. Helling 5°. Geen oorhang nie. Dakballe aan drabakle vasgeheg dmv gegalvaniseerde staal kaphangers en coach screws. (Alle hoel graad 5)
 Detail, drabakle en vashegting onderhewig aan ingenieur se detail.

Onderdak stoep
Gegalvaniseerde staal S-rib plate op 76 x 50 SA Den daklatte @ 1000 s/s op 152 x 50 SA Den drabakke @ 1000 s/s oor 120 x 120 SA Den drabalk en oor 228 x 50 SA Den drabalk teen 0 100 teerpaal. Helling 5°. Geen oorhang nie. Dakbalke aan drabakke vasgeheg dmv gegalvaniseerde staal kaphangers en coach skrewe. (Alle hout graad 5) Detail, drabakke en vashegting onderhewig aan ingenieur se detail.

LATEIE
120 x 120 SA Den hout lateie oor alle openinge volgens ingenieur se detail en spesifikasies.

MURE
Teepale word bedek met 150 x 12 Nutec planke buite volgens kontrakteur en ingenieur se detail en spesifikasies. Imperial sement stene tot op afgewerkte vloervlak hoogte. Gegalvaniseerde staal draadbewapening elke steenlaag.

VLOER
25 dik sement vlaklaag op 75 dik beton blad op 250 mikron vogweermembraan op sandvulling in lae van maksimum 100 dik goed vasgestamp. Voorsien Kode 193 staal maasbewapening in senter van vloer.

BETONMENGSELS
Fondasie - 1 : 5 : 5 - Sement : Sand : Klip. 10 - 12 MPA na 28 dae.
Vloere - 1 : 4 : 4 - Sement : Sand : Klip. 15 - 18 MPA na 28 dae.

VENSTERS Staal vensters met afwerking deur kontrakteur
V1 - NC4F - skoonglas.
V2 - EX7H - skoonglas.
V3 - D51 - skoonglas.
V4 - NG1 - skoonglas.

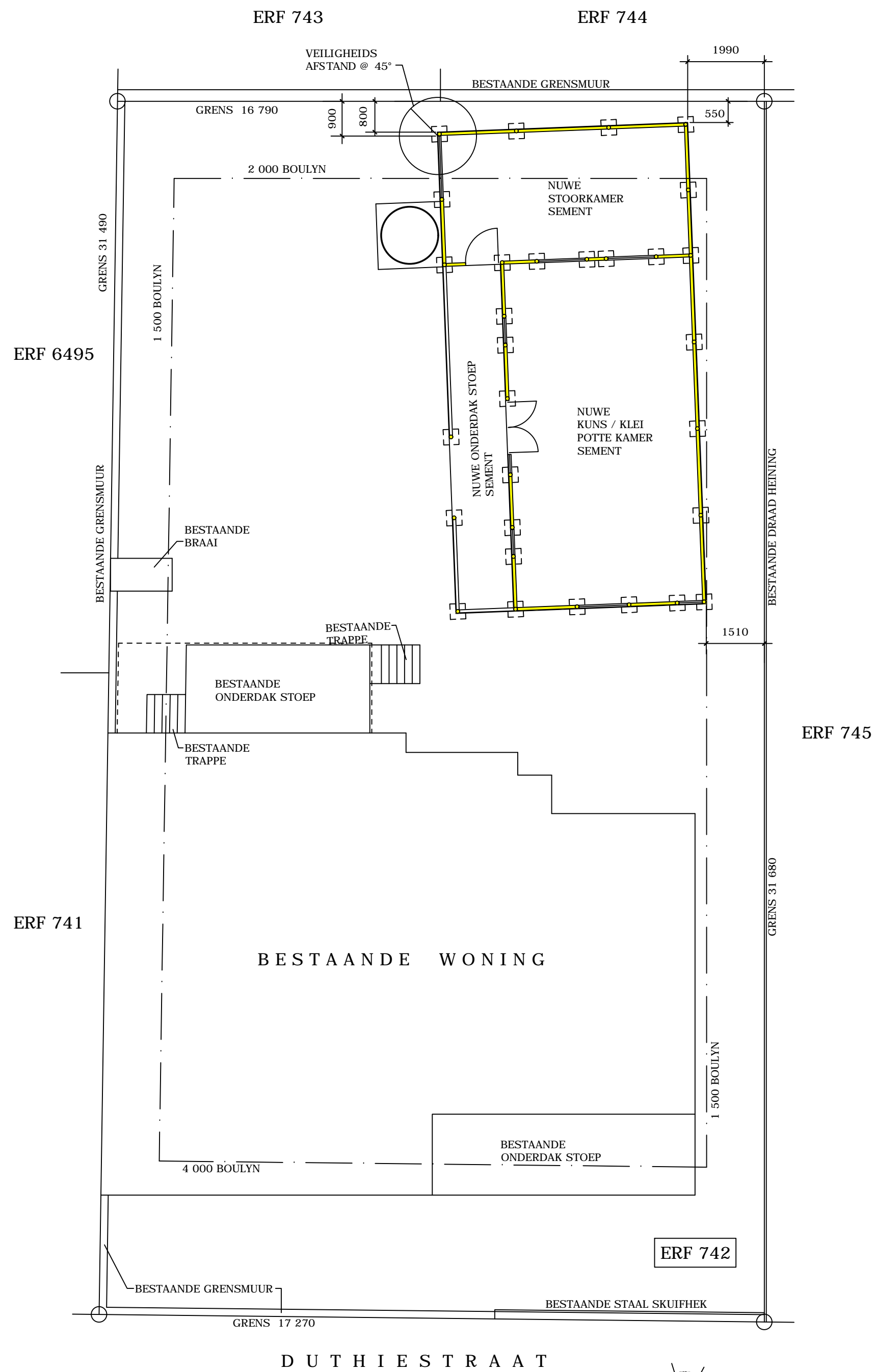
Alle glas laer as 500 bo vloervlak en groter as 1m² moet veiligheidsglas wees.

DEURE Winsters met verf afwerking

D1 - PD 1 /813 deur in 90 x 45/813 kosyn met drumpel.

D2 - 1400 wyd x 2100 hoog dubbel deur gekoppel aan
500 wyd x 2100 hoog staal venster.

Alle glas laer as 500 bo vloervlak en groter as 1m² moet veiligheidsglas wees



TERREINPLAN
SKAAL 1:100

- ## ALGEMEEN
1. Bouwcontractor moet controle op terrein controleren voor kwotasies gegeven worden en voor bouwwerk begin.
 2. Bouwcontractor moet chemische toilet en bouwershut op terrein oprig voor bouwwerk begin.
Contracteurs moet alle ekstrass gedurende bouwperiode op skrif aan eienaar voorle vir ondertekening deur beide partye.
Betaling aan einde van projek.
 3. Terrein moet skoon van alle bourommel agtergelaat word.
Alle bouwwerk moet voldoen aan SANs 10400:2011 Nasionale Bouregulasies en Swartland Munisipaliteit se skema regulasies.
 4. Buite Oppervlak
Stoorkamer & potte kamer - 81.25 m²
 5. Dekking
Erf - 537,80 m²
Bestaande woning - 187,42 m²
Stoorkamer & potte kamer - 81,25 m²
Totaal - 268,67 m²
Dekking - 49,95 %

KOPIEREG WORD VOORBEHOUD.

GESKREWE MATES GENIET VOORKEUR
BO GESKAALDE MATES.

KONTROLEER ALLE MATES EN HOOGTES
OP TERREIN VOOR WERK BEGIN.

Eienaar handtekening



ANTON DE KLERK



**PROFESSENELE SENIOR
ARGITEKSTEGNOLOOG
EN BOUKONSULTANT**

Anton 082 493 5415
Tiaan 082 392 2246

Moorreesstraat 9 Tel: 022 433 3303
245 Faks: 086 657 1009
Moorreesburg
7310

E-Pos : antondk@telkomsa.net

projek
nuwe stoorkamer &
pottkamer riderplan vir
M.J.C van der Merwe
Erf 742
Duthiestraat 12
Malmesbury

tek titel
werkstekening

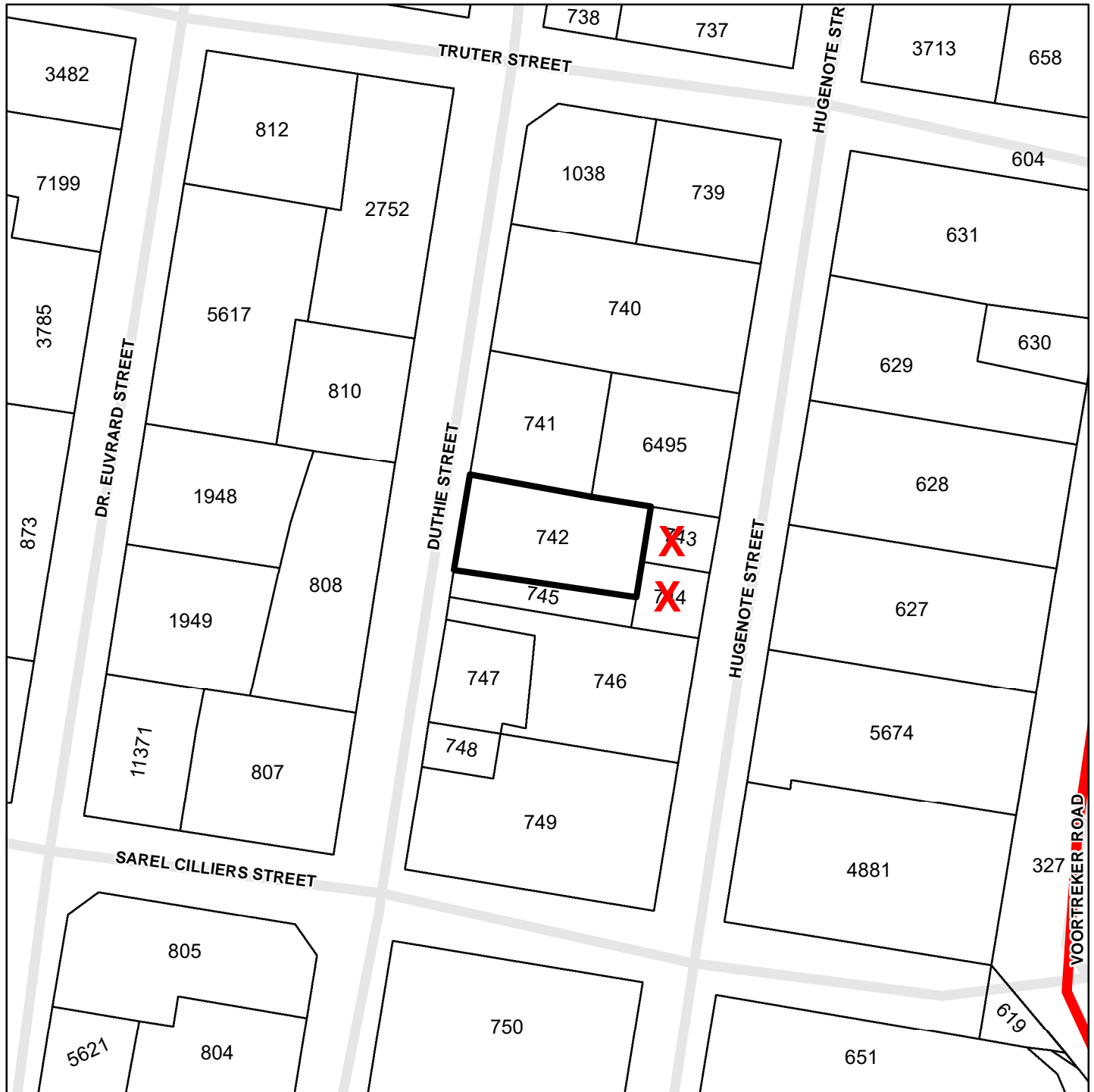
skaal	datum	getek
getoon	05/11/2021	Tiaan de Klerk

nagesien 05/11/2021
Anton de Klerk

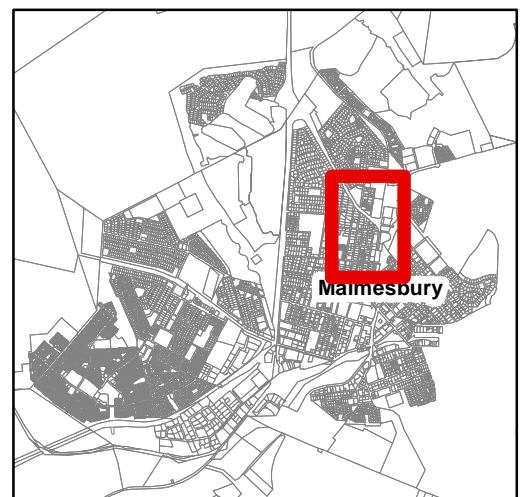


Tek no. 2111 2870

PUBLIC PARTICIPATION PLAN PROPOSED DEPARTURE ON ERF 742, MALMESBURY



0 12,5 25 50 Meters



M.J.C van der Merwe
Duthiestraat 12
Malmesbury
Datum: November 2021

ANNEXURE D

Die Boubeheerbeampte
Swartland Munisipaliteit
Privaatsak X52
MALMESBURY
7299
Meneer

VERSLAPPING/AFWYKING: ERF 742 DORP: Malmesbury

Hiermee wens ek as geregistreerde eienaar van bogenoemde erf, om aansoek te doen vir die verslapping/afwyking van die ☒ syboullyn/e; ☐ straatboullyn; ☐ dekking; ☐ 2de woning soos aangetoon word op plan. Die verslapping wat verlang word asook die rede daarvoor, is:

verslapping van die 2000 agter boullyn na nul vir die bou van nuwe stoorkamer en kuns /klei potte kamer.

Motivering:

Die eienaar het n stoorkamer en kuns /klei potte kamer opgerig. Hierdie gebou staan al vir 16 jaar en het nog nooit enige van die bure nadelig beïnvloed nie. Daar is nie n motorhuis op die erf nie en daar is altyd n behoefte vir algemene stoor ruimte. Die kuns/klei potte kamer was die eienaar se stokeperdjie en sy het haar vrye tyd daar spandeer eerder as binne die bestaande woning waar sy als moes skoonmaak of weg pak wanneer sy klaar gewerk het. Die eienaar gaan die stoorkamer gedeelte wat oor die boullyn gebou is met 30min vuur vaste verf uitverf.

Die plasing van die gebou dien ook as n skerm element vir privaatheid vir die einaar, aangesien die eiendom direk langs n besigheid is .

Die gebou sal nie die privaatheid of uitsig van enige van die bure nadelig beïnvloed nie. voldoende ruimte word steeds voorsien vir brandbestrydings doeleindes vanaf Duthiestraat.

Die eienaar van Erf 743 gee nie toestemming vir hierdie gebou wat al 16 jaar daar staan nie en is bang dit steek haar geboue aan die brand indien daar n brand uitbreek. Ons het aan haar verduidelik oor die vuurvaste verf en sy se steeds nee.

Die gebou op Erf 743 is oor die boullyn en is baie naby aan die grens gebou, daar is ook n venster in die een muur wat na die grens front.

Daar is ook n afdak wat op die grens gebou is... sien fotos aangeheg.



Erf 743 Gebou oor boulyn



Erf 743 Gebou oor boulyn met groot venster in



Dak en pergola op grens gebou van Erf 743

Hiermee bevestig ek, die ondergetekende, dat die plan wat die verslapping/afwyking aantoon aan die aangrensende eienaar(s) getoon, en aan hom/hulle verduidelik is. En ook dat die **NB : handtekeninge wat op bouplanne aangebring is**, wel dié van die geregistreerde eienaar(s) van die aangrensende erf/erwe is.

Eienaar van erf nr: 742

Identiteitsnommer: 5507210160080 Handtekening:

ONDERNEMING VAN AANGRENSENDE EIENAAR

Hiermee gee ek toestemming dat die bogenoemde verslapping/afwyking op erf 742 toegestaan mag word soos op die plan aangetoon word. Ek bevestig dat die plan aan my getoon en onderteken is, en dat ek die geregistreerde eienaar van die aangrensende erf is.

	Voorletters en Van	Handtekening	Datum
ERF 743	S. Slabber
ERF 744	S. Slabber

From: M.J.Slabbe<mjslabberplase@cornergate.com>
Sent: Thursday, 23 December 2021 17:39
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: HoutstruktuurDuthiestraat 12 Malmesbury Erf 742 verwysing 15/4/2-8

Meneer Burger/Olivier

N.a.v. u geregistreerdeskrywe van 7 Desember 21 net die volgende:

Die struktuur is destydsonwettig opgerig. Ek het by die munisipale prokureur gaan kla, maar daar is niks gedoen nie. Op daardie stadium is selfsorggastehuissebedryf by Hugenotestraat 11 en 13. 'n raserigewerkswinkel is in die houtstruktuurbedryf en ek het net 'n paareiers teen my mure gekry.

Intussen is die huis verkoop – blykbaarsonder dat die koperbewus was dat die struktuur onwettig was.

Hulleprobeer nou om dit wettig te laatverklaar, maar ons het die volgende besware:

Die struktuur oorskrei die boulyn.

Dit hou 'n brandgevaar in.

Ons weet nie of dit in die toekoms vir 'n anderdoel gebruik gaan word wat moontlik 'n steuring kan veroorsaak.

Anton De Klerk probeer nou 'n oplossingvind – moontlik om die struktuur met brandwerendeverf te skilder.

Niemand weet hoe lank dit effektief gaan wees nie.

Ons voorstel is dat die agterste muur van die struktuur geskuif word tot by die boulyn en dat dit met 'n baksteen muur vervang word.

Ons hoop dat daar uitsluitseloor die saak kan kom sonder verdere onaangenaamhede.

Dankie by voorbaat

MJ en J Slabber

From: M.J.Slabbe <mjslabberplase@cornergate.com>
Sent: Thursday, 23 December 2021 17:39
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Houtstruktuur Duthiestraat 12 Malmesbury Erf 742 verwysing 15/4/2-8

Meneer Burger/Olivier

N.a.v. u geregistreerde skrywe van 7 Desember 21 net die volgende:

Die struktuur is destyds onwettig opgerig. Ek het by die munisipale prokureur gaan kla, maar daar is niks gedoen nie. Op daardie stadium is selfsorg gastehuse bedryf by Hugenotestraat 11 en 13. 'n raserige werkswinkel is in die houtstruktuur bedryf en ek het net 'n paar eiers teen my mure gekry. Hierdie mense woon nie meer hier nie, die huis is verkoop en in tussen het reeds nuwe eienaars in getrek en hulle wil graag als wettig he sonder om enige iemand te pla.

Intussen is die huis verkoop – blykbaar sonder dat die koper bewus was dat die struktuur onwettig was. Hulle probeer nou om dit wettig te laat verklaar, maar ons het die volgende besware: Die nuwe eienaar was bewus gewees van die onwettige struktuur en hierdie proses het nou so lank geneem dat hulle geforseerd was om te verhuis.

Die struktuur oorskrei die boulyn.
Dit hou 'n brandgevaar in. Die gedeelte van die struktuur wat oor die boulyn is gaan met 30 minute vuur vaste verf uitgeverf word.

Ons weet nie of dit in die toekoms vir 'n ander doel gebruik gaan word wat moontlik 'n steuring kan veroorsaak.

"The portion of the building closest to the building line will be used for storage (Garden equipment, tools etc)
The other larger part of the structure will be used for homeschooling my one daughter and a sewing room."- Anya
Die nuwe eienaar van Erf 742 sal nie die struktuur gebruik as n werkswinkel wat raas en die bure steur nie.

Anton De Klerk probeer nou 'n oplossing vind – moontlik om die struktuur met brandwerende verf te skilder. Niemand weet hoe lank dit effektief gaan wees nie. Fire stopping Bright systems - Bright BS-60WB is SABS goedgekeurde verf wat ooreenkomstig is met SANS 10177 - 2:2005 regulasies

Ons voorstel is dat die agterste muur van die struktuur geskuif word tot by die boulyn en dat dit met 'n baksteen muur vervang word. Verkieslik wil ons nie hierdie gedeelte afbreek en skuif tot op die boulyn nie, omdat dit n duur proses gaan wees.

Ons hoop dat daar uitsluitel oor die saak kan kom sonder verdere onaangenaamhede.
Dankie by voorbaat
MJ en J Slabber