

BESWAAR 4

(VERMEULEN)

28

89 Paul Kruger Street
Robertson
6705

30 November 2020

Tel: 0236261452

The Manager
Town Planning
3 Piet Retief Street
Montagu
6720

For urgent attention : Jack van Zyl

Dear Sir

RE: PROPOSED REZONING AND CONSENT USE OF ERF 644, 87 PAUL KRUGER STREET ROBERTSON, FROM SINGLE RESIDENTIAL ZONE 1 TO BUSINESS ZONE II (SHOP) AND CONSENT USES FOR RESTAURANT AND DWELLING HOUSE

I, Mrs Maritha Hendriena Vermeulen, ID nr 4402020037085, residing at 89 Paul Kruger Street Robertson, erf 643, hereby admits receipt of above mentioned proposal, dated 10 November 2020, and wants to respond as follows:

I was astonished and upset that outsiders, people not residing in Robertson, could even think of rezoning erf 644 for purposes such as selling Cape Malayan meals and products, even claiming adding cultural value to Robertson and assisting with job creation!!

Erven 643, 644 and 650 formed part of the original farm that belonged to a certain Mr Conradie. The house on erf 643 was built in 1860, 160 years ago and was bought by my late father, Sarel Meintjes, in 1967. Information was obtained from the Registrar of deeds in Cape Town. This house has thus been in our family for 53 years already. The house on erf 644 which the Potgieters endeavour to turn into a shop and restaurant, selling Cape Malayan food and products, must therefore also be older than 100 years, although according to the application, falls outside the proposed heritage area, which I seriously doubt. Although the structure will remain unchanged, the so called "mixed-land use development" will definitely not retain the current character and life of the area.

A few so called "mixed land" uses in the single residential surrounding have been mentioned in the application such as Breede River Hospice. Doctors' consulting rooms and various guest houses. The applicants are under the impression that 'mixed land' uses will be desirable along the very busy Paul Kruger Street, especially on corners.

"Mixed land users" such as Doctors' rooms and Breede River Hospice, do not infringe on our privacy and the tranquility of our neighbourhood. As a matter of fact they deliver essential services and are assets to Robertson. Guest houses provide the necessary accommodation to tourists visiting Robertson especially during wine festivals such as "Wacky Wine" and also the prestigious and well known "Cape Epic Cycle Tour". Their contribution towards Robertson's economy is priceless!!

I however have to mention that parking at Hayburg House along Paul Kruger Street sometimes causes problems when the guest house is fully booked. Parked cars can be seen along Paul Kruger Street and even on the pavements.

According to the "Site Development Plan", two parking bays, bordering on Erf 645 will be provided for the so called "dwelling house" existing of only 41m²! How on earth can these parked vehicles reverse safely into the very busy Paul Kruger Street, especially during peak hour and fruit season?! Many vehicles, especially taxis, are well known for speeding and reckless driving down Paul Kruger Street, not obeying stop signs. When we receive guests, they usually park in the more quiet Loop Street although my house faces Paul Kruger Street, to avoid the possibility of a collision.

As mentioned in the proposal, the Langeberg Municipality's integrated Zoning Scheme makes provision for Business Zone II under certain conditions such as the retail sale of goods and services such as flats above ground and the sale of motor vehicles etc. It is however clearly stated that this consent does not include a hotel, service station, RESTAURANT, adult services etc.

The applicants (Empire Trust) however conveniently ignored the above mentioned fact that this does not include a restaurant!! On page 1 of the application for rezoning and consent uses it is clearly stated that no alcohol will be served, yet on page 3 mention is made that licensed provision of alcoholic beverages for consumption may be sold at the restaurant!!

It beats my comprehension that the applicants want this old property in our close-knit residential area to be rezoned to Business Zone II for their own gain. Since the foundation of Robertson this neighbourhood has been Single Residential Zone 1.

That was the main reason why people bought houses in this area and not in Voortrekker Road or Church Street! Why pay a "pretty penny", much more than a million rand for a house in a residential neighbourhood with the desire to sell Cape Malayan food and products if there are ample premises in Robertson's business centre?

Tourists driving through Robertson will then have the opportunity to buy Cape Malayan food and products without going out of their way, driving down Robertson's longest and busiest street to the corner of Paul Kruger and Loop streets to enjoy this so called "unique experience"!

Why do "outsiders" want to disturb our tranquility just for their own gain and try their very best to convince residents to approve of their rezoning application? If we want Cape Malayan food we use Cass Abrahams' recipe books and prepare dishes in the privacy of our homes. That will not happen frequently however. Most of the products they intend to sell, can also be bought in town.

After reading and summarizing the application for rezoning and consent use for a "dwelling house" and restaurant, it is clear that the applicants have gone all the way, tried their very best sparing no money in their endeavours to convince residents in our neighbourhood to approve of their desire to prepare and sell Cape Malayan meals. Even job creation, the new "buzz word", by displaying the work of local artists, has been implemented to promote their application.

Surely, it has slipped their minds that all the fumes, especially curry fumes, will seriously damage these art works! Provision has been made for the exhibit of paintings of established as well as upcoming local artists. Robertson is proud of the Robertson Art Gallery in Voortrekker Road. The "Soekertjie", our local advertiser, usually launches competitions where children can display their handwork such as wire cars etc. and win prizes. There is also a morning market at the corner of Reitz and Constitution streets on certain Saturdays where people can sell and display anything from home-made products to handmade articles.

Conclusion

I, Mrs MH Vermeulen, cannot give my consent to the proposed rezoning of Erf 644 from Single Residential Zone 1 to Business zone II (shop) and consent uses for restaurant and "dwelling house".

Through all these years, my late husband and I have been loyal, law abiding and proud tax payers of Robertson, residing in a Single Residential Zone 1.

Apart from the above matters under discussion, I also want to add the following to further motivate my outright rejection of the Potgieter's absurd application for rezoning and consent uses.

1. As I've mentioned previously, Paul Kruger Street carries heavy traffic and can cause serious problems when clients try to park in front of 87 Paul Kruger Street. It is not clear whether the two parking bays, bordering on Erf 645, have only been reserved for lodgers in the so called "dwelling house" or are also available for clients coming to collect take aways, buying products or enjoying meals.
These two parking bays will infringe on Mrs Fourie's privacy because they boarder on her Erf nr 645 and are situated directly underneath her bedroom window.
2. Mention has also been made of additional vehicular access from Loop Street and the availability of 3 – 4 parking bays in the back yard or garage area. These parking bays will totally be insufficient with the result that clients will also park in Loop Street obstructing our drive ways, parking under shady trees and denying residents this privilege. Parking on pavements can also become a problem. This can cause tension and street rage in our normally quiet neighborhood and deny our guests the right to park in Loop Street instead of the busy Paul Kruger Street. The Hospice has its own parking area.
3. In recent years we have experienced problems with rowdy children especially during school holidays and weekends in Loop Street on their way to the only public swimming pool in Dirkie Uys Street. Many of these children and adults enjoy themselves in the Loop Street park, previously used as a play park for children. Liquor and drugs might play a role while immoral deeds in front of residents are frequently committed.
The selling of Malayan food and products will definitely add to our frustration as many pedestrians will enter the premises and vehicles will increase. The vigilant dogs will keep on barking for strangers for hours on end, resembling the culture of Hillbrow and Danville, thus degrading our neighbourhood.
4. Malayan food dishes are well known for strong smelling spices. We as residents will be constantly exposed to these fumes which may cause allergies, nasal and throat infections - definitely contributing factors for the contraction of the dreaded Covid 19!
5. Another disturbing factor might be the playing of loud music or music that will infringe on our neighbourhood's cultural preference.
6. It is well known that Robertson has a shortage of affordable housing. We were looking forward welcoming good, respectable neighbours after the renovation of this old house (dwelling). The asking price according to our opinion, was too high for the average salariat and we wished that the house might be put out to lease. The lessee can then hire out the bachelor's flat which the Potgieters have earmarked as a store. This newly renovated flatlet has its own neat shower, wash basin and toilet. This flatlet has always accommodated lodgers, a welcome income for the lessee of the house.

This house is perfect for a family. We do not need a combined/mixed shop/restaurant and "dwelling house" where the applicants can "optimize their business activities". The so called small "dwelling house" of 41m² is a very strange concept - A small dwelling house of 41m² within the original house (dwelling) of 167². What a crazy thought! The applicants have a very lively imagination when reasoning that a lodger in the so called small "dwelling house" will add "value" to the property and will provide "security" in the evenings when the shop and restaurant are closed!

The statement that this small "dwelling house" has its own kitchen is false! The lodger will have to make use of the combined shop/kitchen of 18m² intended for the preparing of meals and the display of products!

7. Another alarming fact regarding the proposed shop/restaurant on erf 644 is the cash payment for meals and products. The premises will be an open target for robbery during this difficult financial period in our country's history and even shops in Robertson have been burgled and staff attacked and held at gun point recently, some even during business hours! The art works they intend to display, can also be at risk. This proposed shop/restaurant has no safeguard against such events which will jeopardize not only the managing staff and clients, but also the surrounding houses and residents. We are not prepared to put up with this imminent danger.
8. Even at this early stage of applying for rezoning it is evident that the applicants already have the expansion of their business undertaking in mind when referring to "additional tables that may be used if required in future".
We, the residents of this neighbourhood, definitely do not figure in their pipe dreams!
9. The year 2020 will always be remembered for long lockdown periods in an effort to combat Covid 19. The many victims of the severe and devastating pandemic, the many unfortunate victims who sadly lost their lives, many hungry people who had to go without food, the loss of so many jobs and the devastating effect on our economy, have left an indelible mark on our memories.

Yet, despite these negative effects of Covid 19 on our lives, the Potgieters conveniently have forgotten about social distancing and the rapid spreading of Covid 19. The insufficient surface of 87 Paul Kruger Street, makes social distancing impossible. How are they going to cope when provision has been made for only 12 clients at small tables while a crowd of curious, impatient clients are queuing outside in either Paul Kruger or Loop streets? Chaos will prevail, disrupting the lives of innocent residents and people passing by. This venue will surely be a breeding space for Covid 19! A second wave of Covid 19 is presently active in the Western and Eastern Cape and the number of deaths are rising by the day.

The house and stoep are not suitable for entertaining a crowd of people, especially not during the prevailing pandemic and also during winter season.

We have just received urgent sms's from the Langeberg Municipality to avoid crowding, implement social distancing, wearing masks and staying at home. Is this so-called "unique Malayan experience" worthwhile when compared to the agony caused by Covid 19? Surely not!!

10. I seriously want to appeal to the Town Planning Department at the Langeberg Municipality to wisely advise potential businessmen and businesswomen not to apply for the rezoning of properties and erven in a Single Residential Zone 1 to Business Zone II, but rather to take their business to the designated Business Zone II areas.
I have heard of residents complaining about the many negative effects of ill - considered rezoning of properties from Single Residential Zone 1 to Business Zone II on their neighbourhood. Once a property has been rezoned it cannot be reversed to the dismay of the negatively affected residents. Why do law abiding tax payers in a Single Residential Zone 1 area have to sacrifice their style of living, tranquility and peace of mind just to satisfy greedy businessmen and businesswomen and their heartfelt desire to render their so-called "unique Cape Malayan food experience"?!

11. This proposed business venture will surely have an enormous negative impact on the value of my property as well as on adjacent houses. Prospective buyers of houses in our area will immediately be put off by the existence of a business and rather invest in a better, quiet neighbourhood.

Sir, I reject this proposal of rezoning and consent use of 87 Paul Kruger Street Robertson, from Single Residential Zone 1 to Business Zone II with contempt and no intervention, what so ever, will make me change my mind. 87 Paul Kruger Street has to stay Single Residential Zone 1 as was declared many years ago!

In future, similar proposals regarding rezoning properties or erven in our neighbourhood will also likewise outrightly be rejected!!

I thank you for the opportunity to state my case and sincerely hope that the basic rights of the majority of residents in this neighbourhood, who share my opinion, will be respected.

Yours faithfully

(Mrs) M H Vermeulen



Kari Fourie (N Fourie Trustees)
85 Paul Kruger Street (Erf 645)/
81 Paul Kruger Street (Erf 646)
Robertson, 6705
Tel: 079 690 8045
01/12/2020

Attention: The Manager: Town Planning

3 Piet Retief Street

Montagu, 6720

Dear Sir

RE: Objection/submission of Proposed rezoning and consent uses of Erf 644, 87 Paul Kruger Street, Robertson

Applicant: Umsiza Planning

Owners: Empire Trust

Planning Application: Rezoning of Erf 644, Robertson, from Single Residential zone I to Business zone II (shop) and consent uses for restaurant and dwelling house.

Existing zoning: Residential zone I

I wish to make you aware of a number of strong objections that we as trustees and owners of both 85 Paul Kruger Street and 81 Paul Kruger Street have with regard to the proposed development of the rezoning of Erf 644 from Single Residential Zone I to Business Zone II (shop) with additional consent uses for restaurant and dwelling house as in application above. As an immediate neighbour to the site of the proposed rezoning, we are of the view that the proposed development will have a serious impact on our standard of living. Our specific objections are as follows:

1. Loss of privacy and overlooking

As the layout of property indicate with the establishment of a restaurant there would be no adequate privacy for us in the adjacent property. With our home's bedroom's, bathroom, back door and green area situated right next to the foreseen parking site the proposed rezoning would ensure that we have no privacy at all. The proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.

The proposed site of development and parking is at such that the primary amenity area of our garden would be severely overlooked from next door, resulting in a serious invasion of our privacy. The design of the proposed development does not afford adequate privacy for the occupants of the building or of adjacent residential properties, particularly with regard to their

right to the quiet enjoyment of garden amenities. We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with the property. The use of the property as a restaurant introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of neighbour's residential amenity.

2. Inadequate parking and access

The means of access should be both safe and convenient, and should not adversely affect the amenities of any existing residential property. According to the parking guidelines, a three-bedroom house in general residential development is required to have parking space for a minimum of two cars, provided that there is access to a further unassigned space nearby. We believe that the proposed development does not provide sufficient parking space to meet these requirements if this should change to a business zone II. Insufficient parking space will adversely affect the amenity of surrounding properties through roadside parking on this busy road and junction. Otherwise than sited in the proposal, there are no vehicle parking access from Paul Kruger Street, only a single small gate at front of home to the front door. The planning and rezoning would implicate that a new parking bay are to be build adjacent to my property which could result in possible structural deformities to adjacent buildings (that is my home). In addition to this, there is already intense on-street parking pressure on Paul Kruger Street, and we believe the proposed additional parking provision will damage both highway safety and residential amenity. Extra load on road will create conflicts between pedestrians, cyclists and vehicular movements thereby creating a safety hazard. The driveway at Loop Street currently already accommodates two car spaces. Although the submitted plans detail two off road parking sites, the changes to the driveway layout detailed in the proposal would still lead to an increase for on – street parking as the available parking space will not be ample enough to accommodate all restaurant guest. This will ensue that patrons park on available parking and overflow make use of street space and curb for parking. This would lead to safety hazards especially with Paul Kruger Street being a main and busy street in Robertson with a very high traffic burden and will increase existing much-used on-road parking space. Parking is already an issue on the road as none of the other properties have off road parking, so the loss of a current on-road parking space will mean the loss of a valuable residential amenity. We also have serious concerns that the plot size and orientation will not easily accommodate cars in the layout proposed. The area concerned is a corner plot, and when a car is parked outside Paul Kruger Street or Loop Street, access to the proposed spaces are very limited. On – street and curb parking would escalate the risk of accidents. This would cause poor road safety as full view access would be obstructed and can lead to accidents. Paul Kruger Street and Loop Street already contains a significant parking demand with the amount of guest houses and other businesses like HOSPICE, doctor consulting room and Isabeau Skin Care. The increased demand that the proposed new development would add to this, combined with the restricted access issues outlined above, will present a serious threat to highway safety. The proposal could lead to vehicles overhanging the adopted highway verge/road to the detriment of other road users.

3. Need to avoid town cramming

The appropriateness of residential redevelopment will depend on the social, environmental and economic characteristics of the site and the local area. We believe that the proposed development is a direct contravention of these policies. The proposed dwelling would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low density road. The applicant states that the proposed dwelling have little garden, but the nature and orientation of the plot means that there would be almost no garden at all. The proposal allows very little space for landscaping and we believe that it would lead to gross over-development of the site. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space. The proposed extension, by reason of its size and siting, would have an adverse impact on the scale and character of the dwelling.

4. Location of refuse removal sites

As indicated in proposal Services are currently provided by the Municipality and will remain similar with no additional demand. The demand of a restaurant will increase the amount of municipal waste and food waste that can lead to increase in pest and flies if not collected more often than household waste. The storage area for waste are also not indicated which are to be out of sight of restaurant guest. If be next to the named store room it would directly affect me as their immediate neighbour with the smell and hygiene risk. There would be a risk that pest and rodents are carried over to my property which could affect health and environment.

5. Crime

Because this is a residential area with already high volume of crime precautions were taken to protect my residential homes as best possible. To be situated next to a business (restaurant) would increase the risk of crime in the area as well of the safety of our children. Because of the loss of privacy to myself and my children right's to personal safety will be breached.

6. Electricity supply

As stated in the application the building falls outside of the proposed heritage area of Robertson and structurally would remain unchanged. The electricity supply to the main dwelling are structural and visual in bad condition with illegal connections visible outside of building. The age of the house with the current electrical situation would not be able to accommodate the high supply needed with a restaurant or working kitchen. This would increase the risk of surrounding properties to experience electricity problems due to the high load from the restaurant/ kitchen of the proposes business. Faulty electricity supply and demand can lead to high risk for fire and is a great safety concern.

7. Outbuildings

It should reflect that the proposal stipulates the usage of store area next to my property (Erf 645). This area (storeroom) was used as a full functioning flat by the previous owner that was sublet on a continuous timeframe by various customers. This really affected our privacy because of the overlooking from the property into our backyard and made daily functioning uncomfortable. Should this application be approved I would request that this space is not for rental purpose or live in purpose but only used for storeroom as indicated on the application.



Front view Erf 644 adjacent to my home Erf 645 – notice only one concrete slab space between homes. (Dark green concrete slab). Oak tree will have to be removed for planned parking bay for dwelling.





Green area and backdoor to my home. Direct next to proposed store room and parking bays.



Overlooking on store room with are a full functional rental flat that was sublet by previous owner.

8. Business trading

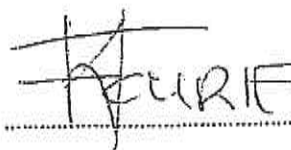
If the application is granted by the council, it will leave the business rights to be transferred to the next owner to continue with any other business on the premises with no further regards to neighbouring homes or residential needs. This will include the possible sale of alcohol at a later stage or with next owner. This would lead to increase in noise and service. Direct neighbours will be directly affected which could lead to conflict of interest between neighbours. The safety and security of property would be affected and value of residential property would deteriorate. The sale and use of alcohol should never be permitted in a residential area as it will increase the risk for behavioural conflict and crime and would impair the right to safety of residents.

Business trading hours should not affect surrounding neighbours and there should be a predicted and controlled hours of trading that are set by council and accommodate surrounding neighbours as well. Access to the restaurant for staff must be managed and may lead to an inconvenience. The proposal of restaurant did not indicate access for staff and delivery vehicles that can lead to a disturbance to us as neighbours and cause a highway hazard.

We believe the proposal to contravene this guidance as it is to the detriment of the quality, character and amenity value of the area, as outlined in the points above. As experienced with the guest housing across the street (Hayburg House) there are increase in disturbance to neighbours with parking and noise. We made the choice of buying this home to be in a residential area for the safety of our children and peace of the neighbourhood. By rezoning of Erf 644 this right to peace and safety are voided. It should be taken in consideration that we as immediate neighbours had our basic rights to residential safety violated.

We strongly object to the rezone proposal and restaurant in the residential area. Especially as we would be adjacent and in immediate contact with the development. I do believe that as payed up tax and rate payer for two properties next to Erf 644, the proposal of rezoning to Business Zone II and consent uses for restaurant would be denied by council as it would affect the tranquillity and peace of the residential area. Our right to privacy would be severely impaired. It should also be showed that we object to the restaurant as it would lead to overloading of street space and parking on road and curb and would create possible traffic hazards on Paul Kruger Street witch lead to accidents.

We would be grateful if the council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the planning department at our home to illustrate our objections at first hand. Sincerely,



Kari Fourie

PETISIE 1

40

PETISIE EN BESWARE TEEN HERSONERING EN VERGUNNING – GEBRUIK ERF 644 PAUL KRUGER STR 87, ROBERTSON

DATUM:

16/11/2020

ADMINISTRATIEWE EN UITVOERENDE KANTOOR

PRIVATE BAG X2, ASHTON 6715

28 MAIN ROAD, ASHTON 6715

admin@langeberg.gov.za

Navrae: J van Zyl

T: 023 615 8000

LANGEBERG MUNICIPALITEIT

*

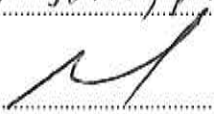
NAAM EN VAN.....

Stam mejet

ADRES.....

711 Loop Street, Robertson, 6823

HANDTEKENING.....



*

NAAM EN VAN.....

Jaco Boshuizen

ADRES.....

Loopstr. 26, ROBERTSON

HANDTEKENING.....



*

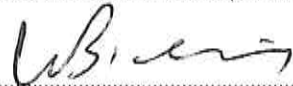
NAAM EN VAN.....

Walter Brewis

ADRES.....

Loopstraat 24 Robertson

HANDTEKENING.....



NAAM EN VAN.....

Michael Schepers

ADRES.....

Loopstraat 20 ROBERTSON

HANDTEKENING.....



* = APARTE BRIEF VAN BEJWAAR
OOK INGEDIEN.



NAAM EN VAN..... *Lofny - Eaton Gilliam*

ADRES..... *Loop 8TR 5 ROBERTSON*

HANDTEKENING..... *[Signature]*

NAAM EN VAN.....

ADRES.....

HANDTEKENING.....

NAAM EN VAN.....

ADRES.....

HANDTEKENING.....

NAAM EN VAN.....

ADRES.....

HANDTEKENING.....

[Signature]

PETISIE 2

Petisie TEEN voorgestelde hersanering van Paul Krugerstr
7, Erf 644 Robertson vanaf Enkel Residensiële, Sone I na
take Sone II (winkel/restaurant/"woonhuis" (18m²) binne
bestaande woonhuis) soos geïdentifiseer in Broedertuis
Gazette gedateer 10 November 2020

naam en Van	Staatadres / Erfnr	Telefoon- Sal-	Handtekening
J.H. Vermeulen	Paul Kruger Street, Erf 643	023 626 1452	WV
J.C. Runkin	9 Loop Street	0848855665	
C. Bothma	7 Loop Street	074215862	
A. Joubert	Loopstraat 6	083352788	A. Joubert
E. Smit	Loopstraat 3	082493200	E. Smit
WEST	Loopstraat 2	0794949670	
Smit	Polackstr 15	0826667884	
M. Human	Polackstr 21	0829509985	M. Human
E. Roux	Polackstr 35	0828989749	
J. Jeneke	Pier Kieff str. 41	0605033776	J. Jeneke
F. Fune	Paul Krugerstr 85	0796108045	F. Fune
S. Fourie	Paul Krugerstr 81	0765305571	
Douw	PAUL KRUGERSTR 58	0829771127	
ERASMUS	Paul Krugerstr 79	0827610653	
Leibenberg	Polackstr 13, Robertson	0833249135	M. Leibenberg
J. JENEKE	19 POLACK STR. R/SUN	0835440658	J. Jeneke
M. Marais	Paul Kruger str 64	0815351854	
Benadi-Booyens	28 Loopstraat, Robertson	0834836511	Benadi-Booyens
I. J. KOK	LOOPSTRAAT 30, ROBERTSON	0834224925	I. J. Kok
S. ARNARD	LOOPSTRAAT 14, ROBERTSON, R/SUN	0795075337	
S. ARNARD	PAUL KRUGER STRAAT (90) R/SUN	0795075337	
S. ARNARD	PAUL KRUGER STRAAT 91, R/SUN	0795075337	

18 December 2020

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Jack van Zyl

ERF 644 ROBERTSON: APPLICATION FOR REZONING & CONSENT USES

The objections on the above-mentioned application refer.

Objections were received from the following persons:

- Mrs M H Vermeulen
- Kari Fourie
- Petition
- JD Burger
- Mr JJ Bothma

A summary of the objections are as follows:

Mrs M H Vermeulen (Erf 643 Robertson):

- How can outsiders even think of rezoning to sell Cape Malayan food??;
- The house must be older than 100 years – the development will not retain this character;
- Existing mixed land uses do not infringe on tranquillity of neighbourhood, but deliver essential services, e.g. guest accommodation, doctors etc;
- Parkings at house will not be able to reverse safely in Paul Kruger Street;
- Business Zone II does not include "restaurant";
- This is a single residential area, and there is ample premises in the CBD for business use;
- Paul Kruger is longest and busiest street;
- ^{who} How wants to eat Cape Malayan food?
- Curry fumes will damage art works;
- Enough places to display artworks in Robertson; and
- Enormous negative impact on value of adjacent property.

Kari Fourie (Erf 645):

- Loss of privacy and overlooking from parking area;
- Located in a predominantly residential area;
- Restaurant introduces noise, disturbance and nuisance;
- Inadequate parking and access that will affect the amenity of the adjacent properties through roadside parking on this busy road and junction;

- No parking from Paul Kruger Street;
- This will increase the already intense on-street parking pressure on Paul Kruger Street and be a safety hazard;
- Parking from Loop Street will not be adequate for the restaurant;
- Restricted access issues due to corner erf;
- Paul Kruger Street and Loop Street already contains a significant parking demand with the amount of guest houses and other businesses;
- The proposed dwelling would significantly alter the fabric of the area by cramming in what is a low density road;
- Little garden will become no garden; it will lead to the loss of valuable green space;
- "The proposed extension, by reason of its size and siting, would have an adverse impact on the scale and character of the dwelling";
- Storage area for waste not indicated;
- Location next to restaurant will increase risk of crime;
- Electricity supply not up to standard;
- Storeroom was previously used as full functioning flat by previous owner and affected our privacy;
- Right will transferred to next owner to continue with any other business, including sale of alcohol; and
- Business trading hours should be set to protect neighbours.

Petition:

No reason for objecting has been included in the petition, and therefore it cannot be taken into consideration. Such petitions are usually one man's doing that goes around trying to convince people of his own negative thoughts without having the correct facts to show. The other objectors who submitted reasons are also listed in this petition.

Councillor JD Burger:

- Paul Kruger Street is a very busy street;
- Loop Street is a quiet street that will get traffic from this development;
- There will be a large parking problem; there is already a large parking problem in Robertson;
- Be careful with business in residential area;
- What about smells, smoke, noise and effluent? and
- Business hours? Sundays open? Loading times?

Mr. JJ Bothma:

- GLA is calculated at 203m², therefore 8 parking bays required for business and 2 for dwelling. Tandem bays are regarded as one;
- No place for delivering vehicles, truck drivers will park in Paul Kruger or Loop Streets;
- Does not define what the shop will entail – therefore it cannot be supported;
- What will operating hours be?
- Properties in immediate area will lose value;

- Business rights in general remain on that property and alcohol can be sold by next owner, late hours etc;
- Waste removal is only once a week that will cause unbearable smells coming from the waste disposal area;
- As the kitchen in the house is not indicated on the plan, it has to be assumed that the kitchen of the restaurant will be shared with the house...; We are convinced that the residential component was added just to obtain approval for business rights..";
- Surrounding business are open from 9:00 to 16:00 and do not serve alcohol, and do not have groups of people leaving the restaurant at 23h00. All of them have enough off-street parking; and
- More than adequate business premises in CBD.

Combined reply on the above are as follows:

- How can any resident of Robertson deny any other person to apply for business rights in a proper legal manner? This application can be an example to many other residents of Robertson that do only what they want and where they want without complying with the law or have any concern for their neighbours. Sorry to say, but South Africans do not need people with the attitude of Mrs Vermeulen, we will go nowhere.
- The applicants are residents (living, spending money and pay tax) from Robertson and reside approx. 4km from town on the Keurkloof road.
- The character of the house will remain unchanged. This is a proposed small scale development where the owner will prepare and sell food on small scale. The purpose is to serve the surrounding neighbourhood. This can be compared with home occupation that becomes more and more popular in Robertson. Due to the small scale, it meets most of the parameters of home occupation, but unfortunately the dwelling house will not be the dominant use.

The application proposes only six tables in the restaurant. This will not introduce noise, disturbance and nuisance as it is small and located inside the house and facing towards Paul Kruger Street.

It is targeted on serving the surrounding neighbourhoods and cannot be compared with a large and busy business in the CBD.

No suitable spot was found within the CBD area for the past two years. The applicant wants a small scale operation that includes a dwelling house to be able to reside or to let. This will ensure 24 hour presence of people that will act as a criminal deterrent and improve security, especially in the quiet Loop Street.

Mr Bothma's assumption that the house will share the kitchen of the shop/restaurant is totally false. The house will have its own kitchen and own entrance.

- As the house will retain its current character with a small business with low impact, no adjacent properties will lose any value. The proper management and operation of this opportunity will rather enhance the value of this specific area.
- The busy Paul Kruger Street is a reason for the proposed business to be there. Business developments next to busy streets and street corners are regarded as desirable from a land use point of view.

- The proposed business will not impact negatively on the neighbours as the house will remain as is, with no additional structures. No extension has been proposed. This is why it will remain a small scale neighbourhood shop/restaurant aiming to serve to surrounding neighbourhood.
- Two parking bays will be established next to the dwelling house. Provision can be made to reverse on site (2,4m wide).
- The proposed store will now be used as store and the existing backyard will be replaced by two parking bays, both with less impact on Erf 645 than before when it was used as a flat. These parking bays will be used by the tenant, not the patrons.
- The garage is located between Erf 645 and the proposed parking area for the business, and will therefore not intrude on the privacy of Erf 645.
- Application is made for Business Zone II with *consent* for restaurant and dwelling house.
- The food will be prepared in the kitchen and the art will be displayed in the shop, together with Cape Malayan ingredients, products and other local hand made products.
- The food to be prepared will be muslim/halaal with no alcohol.
- It was stated in the report that the home-made products and meals as well as other products will be sold in the shop such as samoosas, pies, half-moons, koeksisters, donuts, spices, jams, cakes, beverages, etc. It is NOT a spaza shop.
- Only breakfast and lunch will be served, therefore no late evenings or late hours. The shop will be open normal business hours, i.e. 08:00 to 17:30. This is the time when most of the people in the neighbourhood are at work.
- This will be a small scale operation, similar to many other residential kitchens in town with the normal food smells and limited indoor noise.
- Operating hours will include Saturday mornings, but not Sundays.
- The already small garden will be retained and improved, the application will have no impact/change or loss of any green space.
- The electricity was upgraded to the appropriate standards together with the house when sold.
- If evaluated positively, the specific Site Development Plan (SDP) will be approved as proposed that will limit the size and uses as showed on the plan and restrict the sale of alcohol on the premises. This SDP and specific conditions will be applicable on Erf 644 Robertson to the next owner also. If the owner of Erf 644 wants to change anything in the SDP or conditions of the approval, a follow-up application needs to be done for amendment that will have to go through the same process again.
- The GLA for the proposed application is as follows:
 - Included:*
 - restaurant on stoep 10m²
 - shop 17m²
 - shop 19m²
 - restaurant 19m²
 - shop/kitchen 18m²
 - TOTAL: 83m²
 - Excluded from GLA:*
 - stoep 11m² (internal walkway)

- corridor 6m² (internal walkways)
- bathroom 7m² (public toilet)
- afdak 17m² (internal walkway)
- garage 53m² (excluding, interior parking)
- house 41m²
- braai 1,7m² (with dwelling house)
- store 18m² (outbuilding with dwelling house)

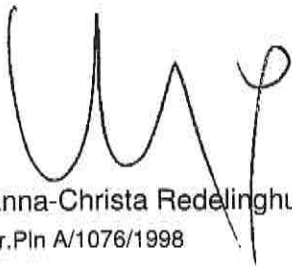
[The store may also be used for the storing of business products and/or office, and if so, a fourth parking bay has been provided to make provision for this.]

- The proposal meets the parking requirements of the scheme with 3 parking bays required. A fourth one is provided and is not regarded as a tandem parking bay as the person will be able to move in and out independently.
A loading bay is not a requirement of the scheme for such a small business, and products will be off-load in a normal vehicle (no large trucks) due to the small scale and will most probably be done between 7:00 and 08:00.
As much of the business will only be the collecting of food, additional space (at least for 2 cars) is available in front of the garages for a quick pick up.
The restaurant will be small (6 tables) and is only an add-on to provide a sit-down facility if people want to eat at the premises.
- Most of the traffic will be from Paul Kruger Street and just around the corner with minimal impact on Loop Street.
Many conflicting comments were made about parking in Paul Kruger Street and Loop Street – the already significant parking demand with the amount of guest houses and other businesses versus all other business uses that have their own parking on site. This proposal is very small and adequate parking is provided on site according to the Scheme, therefore these comments are not applicable.
- As the applicants live on a farm, all food scraps will go to the farm for earthworms and chickens. They are serious recyclers and all recycles will get packed separately and taken to the municipal dumping site.

Many of the objections were made from assumptions and not knowing the process. It is a pity that people can so easily be influenced without trying to ascertain the real facts.

For your consideration.

Yours sincerely,



Anna-Christa Redelinghuys
Pr. Pln A/1076/1998

E'ENNAAR SE REAKSIE OP BESWARE

48

Besware 1: 89 Paul Kruger, Mrs Vermuelen.

We are been classed as outsiders, twice. Does that mean because my wife is Muslim, we are ex-Captainian or 4km is too far out of town to be classed as Robanians?

But we thank her for the history lesson. She should share this piece of history with the relevant groups so as all not forget Robertsons history when she passes.

Re essential services: How will we not be an asset to Robertson? Tourists need accommodation, yes but they also need food more. Are we not trying to attract these tourists into our town to stay a bit longer and thereby spend more around town?

Rezoning did not have a box for coffee shop therefore restaurant had to be ticked. We understand the confusion amongst the complainants.

For 2 years there has been no 'ample' business premises in the areas mentioned. We have been looking.

She is more than willing to sit at home and cook from her cook book, others want to get out and taste traditional food made by traditional people. Why oppress us in trying to make a living?

We have not tried to convince any residence, her son has just approached friends and customers of ours that know us and our product and he has been met with hostility by them.

Curry fumes? What does that look like?

We think the neighbourhood will have a positive impact for future sales and security of the area.

Besware 2: 81 & 85 Paul Kruger, Kari Fourie.

No impact on standard of living as we are a coffee shop (8am – 17:30) not a restaurant. All this happens while everyone is at work.

Human Rights act Protocol 1, Article 1: does 'peaceful enjoyment' also include the smell of dagga coming over to my side? Surely this act includes us too.

The parking area by their bedroom window is for the tenant, not patrons. It will be a normal driveway. And the wall is too high. Should I leave the washing lines there? To me that is more invasive. The green area/garden is further back behind the garage out of our sight.

Our garden is already minimal and will be improved. I practice Permaculture and will not be destroying, but creating a green hub.

Noise, disturbance, nuisance? Speculation, do they know us?

We are also hectic recyclers, food scraps go to the farm for earthworms and chickens and recycles get packed separately which I personally take to the dump. We are glad they think we will be busy. The storeroom is for frozen foods, dry sores and my office so no rats or hygiene issues.

With most people at work during the day, our presence should act as a criminal deterrent for the surrounds, especially the quiet Loop Street.

Electrical issues are updated and to standard.

Will attach photos from my side of the fence if necessary.

PS: We are also paid up Tax and rates payers of 2 properties in Robertson.

Beswaar 3, petisie by Mrs Vermuelens son, Charl

We believe this petition is invalid as Mrs Vermuelens son, Charl has smeared of his own agenda on the signatories on the petition.

24 Loop Street, Wouter Brewis.

His issue of garbage is addressed above (Besware 2)

Beswaar 4, 50 Pollack Street, G Burger.

Parking in the whole town is a problem as he states.

'Çharl', the partition guy has not given Mr Burger all the facts regarding coffee shop/restaurant, opening times and days open. I did, in October, have a discussion with Charl over the fence and I thought he understood our plans.

Beswaar 5. 26 Loop Street, Mr J Bothma.

We are NOT a spaza shop like at the other end of Loop Street by the hospital. Cut of time is 17:30.

Where is his 'proven fact' that neighbouring properties lose their value upon rezoning?

Muslim/halal = No alcohol.

Garbage addressed above.

Our hours are similar to those of nearby businesses and guesthouses who Mr Bothma claims is 'no impact on the residential properties'.