

**LAND USE PLANNING ASSESSMENT REPORT**  
(In terms of Sections 56, 65 & 66 of the Langeberg Land Use Planning Bylaw PN 264/2015, 30 July 2015)

**AANSOEK: VERGUNNINGSGEBRUIK: ERF 275, HANISTRAAT 60, NKQUBELA, ROBERTSON**

**PART A: AUTHOR DETAILS**

First name(s) & Surname	<b>Jack van Zyl</b>		
Job title	<b>Assistant Manager: Town Planning</b>		
SACPLAN registration number	<b>A/1170/2000</b>		

**PART B: PROPERTY DETAILS**

Property description (in accordance with Title Deed)	<b>Erf 275</b>			
Physical address	<b>60 Hani Street</b>	Town	<b>Nkqubela, ROBERTSON</b>	
Current zoning	<b>Business zone III</b>	Extent	<b>467m<sup>2</sup></b>	Are there existing buildings on the property? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	<b>LIZS. 2018</b>			
Current land use	<b>Dwelling and tavern</b>		Title Deed number & date	<b>T58486/2014</b>
Any restrictive title conditions applicable	Y <input checked="" type="checkbox"/> N	If Yes, list condition number(s)		
Any third party conditions applicable?	Y <input checked="" type="checkbox"/> N	If Yes, specify		
Any unauthorised land use/building work	Y <input checked="" type="checkbox"/> N	If Yes, explain		

**PART C: APPLICATION DESCRIPTION**

Application in terms of Section 15 of the Langeberg Municipality: Land Use Planning By-law, 2015 for consent use: Liquor store on erf 275, Nkqubela, zoned Business zone III.

**PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION**

The applicant property is currently unoccupied. The development on the erf consists of a floor slab for a dwelling house and a half-built outbuilding. The building plans for these two buildings have been approved,

On 14 September 2021, the Langeberg Municipality approved the rezoning of Erf 275 Nkqubela from Single Residential zone I to Business zone III, with consent uses for a Restaurant and Dwelling house. This allowed the owner to use the approved outbuilding of some 63m<sup>2</sup> floor area (57m<sup>2</sup> GLA) for a restaurant/tavern, while retaining the planned dwelling as their residence.

The applicant now wants to use a small part of the planned restaurant/tavern area to operate a liquor store. The proposed liquor store will comprise of a ±13m<sup>2</sup> sales area and a 5m<sup>2</sup> storage room. The remainder of the building will still be used as restaurant, comprising of a seating area for a maximum of 14 guests, kitchen and toilets (see building layout plan in Annexure 1)

There will be 5 parking bays available on site for the dwelling and business, with direct access off Hani Street (see site plan in Annexure 1)

The applicant motivates the proposal on the following grounds (see applicant's motivation report attached in Annexure 2):

- Consistent with development principles as set out in Section 42 of SPLUMA and Section 59 of LUPA.
- Liquor store is compatible with approved tavern.
- Property will be utilized more efficiently.
- Will result in optimal use of existing resources and infrastructure without negative impacts.
- Contributes to economic development and creation of employment opportunities.
- In public interest and supports the existing land uses in the area.
- Consistent with applicable spatial development frameworks (Western Cape PSDF and Langeberg SDF).
- Property is already zoned for a neighbourhood business and is located far away from existing businesses (need).
- Will not affect the sense of place or character of the area; Building design will still resemble a dwelling.
- Minimal traffic impact
- Capital investment in the area.

#### PART E: SUMMARY OF PUBLIC PARTICIPATION

Public participation required in terms of Sections 45- 49 of the By-law?				Y	N
Where participation is required, state method of advertising	Press	Notices	Ward Councilor	Other	

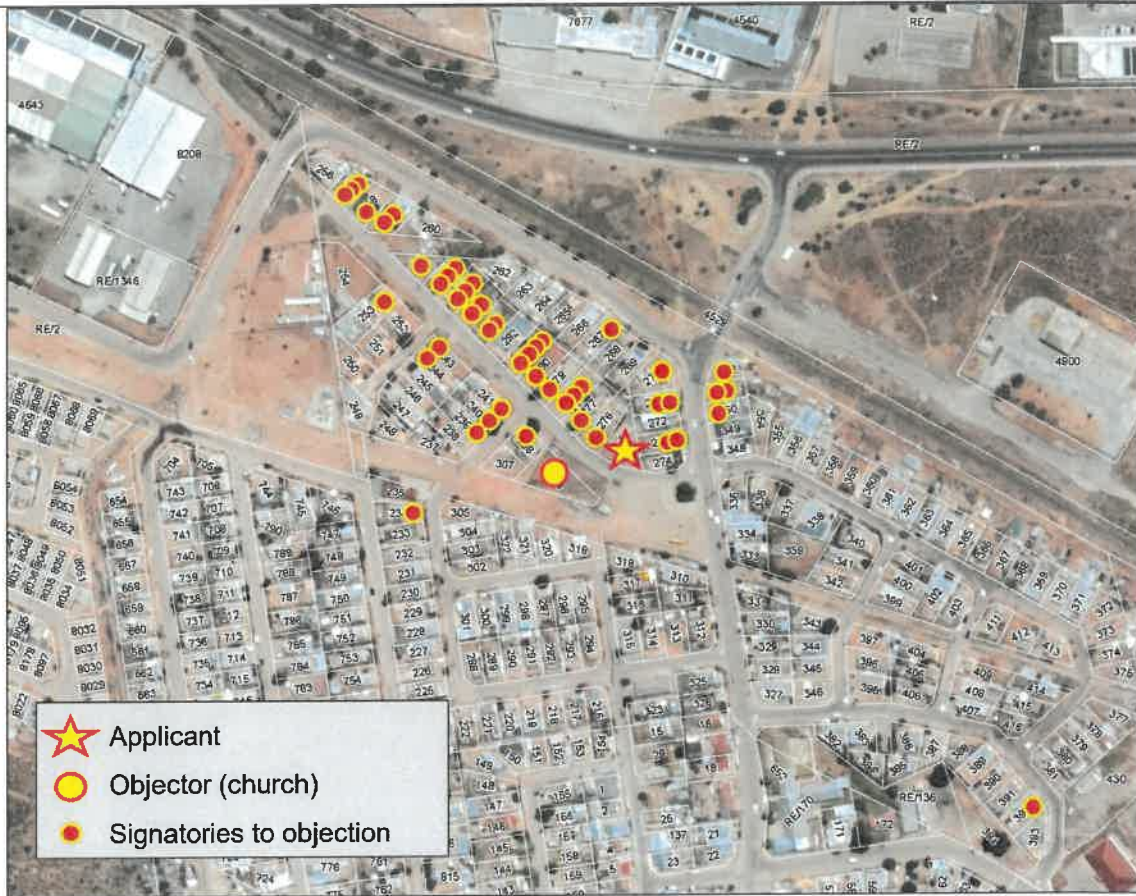
#### PART F: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION (if applicable)

Two objections were received, one from the immediate neighbour to the west (M Stoffels, owner of erf 276) and another from the Methodist Church of Africa, the owner and occupant of Erf 309 across the street from the applicant property. The church's letter of objection was accompanied by a signed list of church members and nearby residents (49 signatures from 30 properties) in support of the objection (attached in Annexure 3, location of properties indicated on the figure below).

M Stoffels objects against both a tavern and liquor store because it is opposite a church and close to another church further down the road. The church's objection is against the opening of a tavern and "anything that involves liquor" near the church. It does not give specific reasons for the objection, other than the opinion that, in terms of the law, no tavern is allowed near a church building.

The applicant's response to the objection can be summarized as follows (see applicant's letter attached in Annexure 4):

- The right to operate a tavern has been granted already,
- The operation of a liquor store will not be in conflict or disrupt the operation of the church. The liquor store will not generate more noise than another type of business that may already be operated on the property.
- Immediate neighbours do not have a problem with the proposal.
- Liquor store will be operated within all legal requirements.
- The church's objection is based on the church warden's personal issue with the applicant and has nothing to do with the actual proposal. (The applicant claims that some of the people listed as signatories in the petition indicated to him that they did not know about the objection letter and did not sign it).



**PART G: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS (if applicable)**

Electrical Engineering Services  
No comment received

Civil Engineering Services  
No comment received

Kaapse Wynland Distriksmunisipaliteit

This department has no objection to the above-mentioned application subject to:

- The applicant needs to apply for a Certificate of Acceptability in terms of Regulation 3(2) of R 638 of June 2018.
- This office reserves the right to call for additional requirements if deemed necessary at any later stage.

Traffic Services

No comments received

Ward Councilor Ward 2 – Cnr L Gxowa

No comment received

**PART H: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**

**Economic impact**

The new business, however small, will contribute to capital investment, economic activity and creation of jobs in the township.

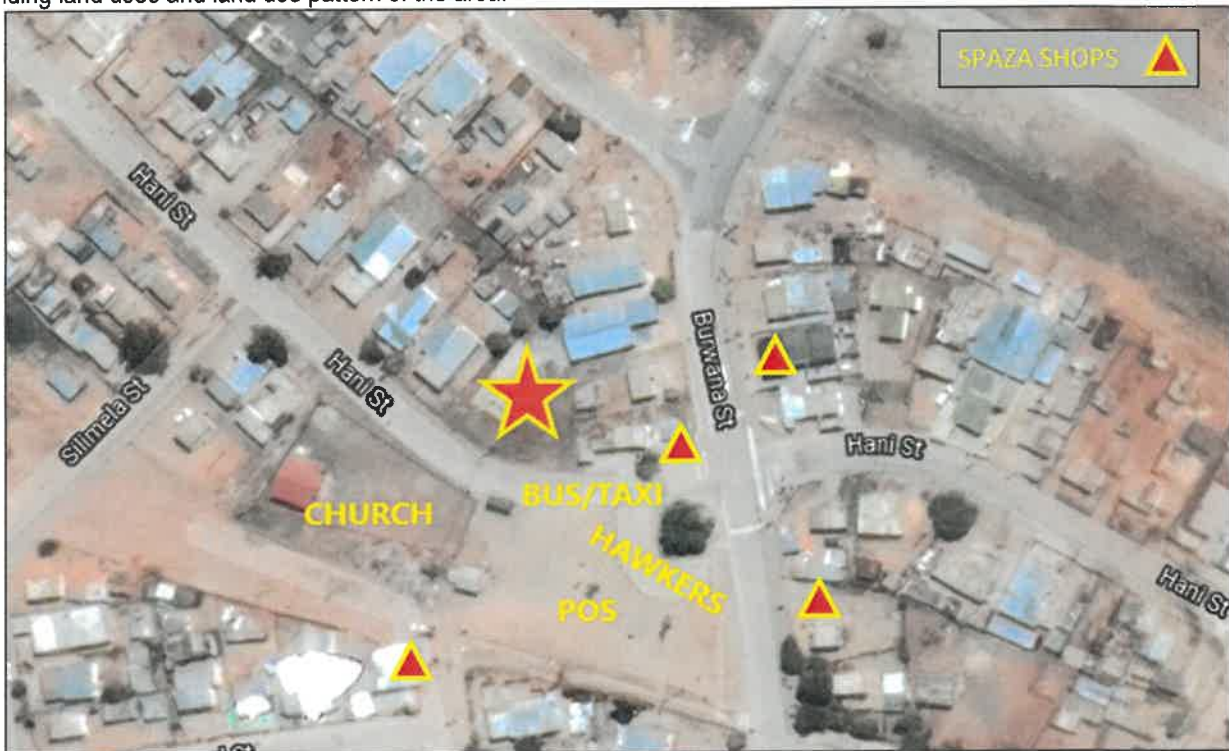


### **Social impact**

Negative social impacts such as a contribution to alcohol abuse and related social problems, are of a general nature and not specifically linked to this particular proposal and its location. Given the location and small scale of the enterprise, the restaurant/tavern is not expected to have an unacceptable social impact.

### **Compatibility with surrounding uses**

The applicant property is located within a residential block, but opposite a public square / open space (to its south), that is used for a bus- and taxi pick-up point and hawker's area. Also opposite erf 275 and directly next to the square is a church site. There are a number of house shops / spaza shops in the vicinity. Given surrounding land uses and also being close to the main distributor road in Nkqubela (Burwana Street), the area already has a character of higher activity than a normal residential street. The proprietor will also reside in the planned house on the property, which – in terms of floor area – will be the dominant use of the property. The addition of the small liquor store inside the already approved restaurant/tavern is still considered to be compatible with the surrounding land uses and land use pattern of the area.



### **Impact on the external engineering services**

The addition of the liquor store in place of a part of the approved restaurant/tavern will not have any negative impact on municipal services such as water, electricity and sewerage.

### **Impact on safety, health and wellbeing of the surrounding community and quality of life (including views, sunlight, privacy, visual impact, character)**

Given the location and small scale of the enterprise, it is not expected that it will cause an undue negative impact on the residential amenity of the area and on the surrounding inhabitants' privacy and quality of life.

### **Traffic impacts, parking, access and other transport related considerations**

The property is well located in terms of vehicular accessibility, including delivery and service trucks. The condition of Hani Street is good and together with the POS across the street, will be able to accommodate overflow parking and movement of delivery vehicles adequately.

There is provision for 5 on-site parking bays for the owner and customers to the tavern and liquor store, which is in line with the

zoning scheme requirements of 2 bays for the dwelling plus 3 bays for the business (GLA of 57m<sup>2</sup> @ 1 bay per 25m<sup>2</sup> GLA).

### **Cumulative impacts**

The cumulative impact of the proposed liquor store is deemed to be acceptable. Given the property's zoning and favourable locational factors, the approval of the small liquor store will not create an unacceptable precedent for establishing similar facilities in undesirable locations and causing a detrimental cumulative effect.

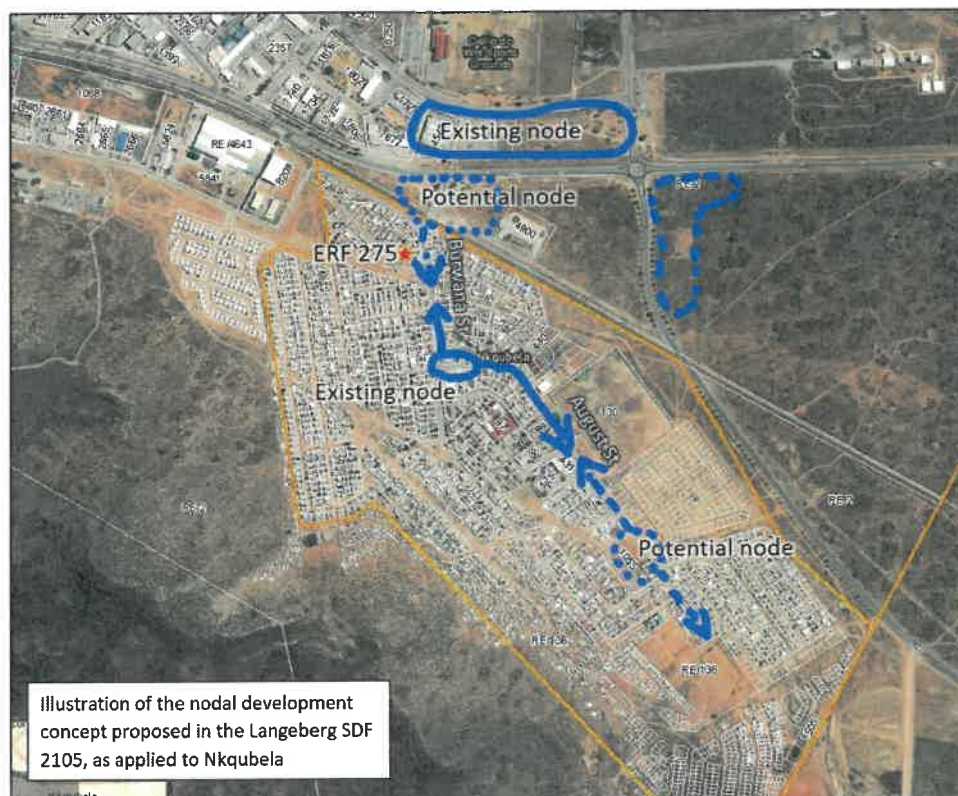
### **Alignment with the SDF**

The Langeberg Spatial Development Framework (LSDF), 2015 does not make specific spatial land use proposals for towns, but only refers to general principles of urban development. The LSDF proposes general settlement guidelines, that include: "Intensification Corridors and Linkages" and "Nodes".

Specific proposals for Robertson relate to the creation / strengthening of 3 main nodes, which should be linked with activity corridors, namely:

- Voortrekker road as the western gateway; (Node 1: continue the upgrading and encourage buildings to have a contemporary high quality appearance)
- Cactus garden and the traffic circle and its surrounds as the eastern gateway (Node 2: This should be a major urban restructuring project) and
- A new node at the Paul Kruger/Johan de Jong/Paddy streets intersection; (Node 3: this should be a new node. This node is seen as having more potential than the Wesley/Paddy street T intersection because it is on the direct routes of Paul Kruger and Johan de Jong.
- Upgrade Johan de Jong avenue as one of the major mixed use activity routes of the town; and,
- Upgrade Church street as a direct link from Cactus Garden to the historic retail core;

The LSDF further proposes that nodal development should aim at concentrating business development inside nodes and, if there is a need for expansion, that it be allowed along activity corridors between nodes. Currently there is only one business node in Nkqubela, i.e. around the intersection of Burwana – and August Streets, with potential for another two: one at the entrance to the township and another further to the southeast along August Street. Business growth should take place at and between these nodes along Burwana - and August Streets, according to the LSDF.



The applicant property is located just off Burwana Street, within the potential activity corridor between nodes. The proposal is therefore seen as compatible with the SDF development principles and –proposals.

**Opportunity costs**

The granting of the consent use will not result in the loss of business or residential opportunities. The approved residential and business functions will remain applicable.

**PART I: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS (REFER TO ROR GUIDELINE)**

N/A

**PART J: RECOMMENDATION**

That the application for a consent use: Liquor store on Erf 275, Nkqubela be approved in terms of Section 60 of the Langeberg Municipality: Land Use Planning By-law, 2015, for the following reasons and subject to the conditions below:

Reasons for approval:

- a) The new business will contribute to capital investment, economic activity and creation of jobs in the township.
- b) Given the location and small scale of the enterprise, it is not expected to have an unacceptable social impact.
- c) Given the property's business zoning, its location in a mixed use and higher activity area and that it will be used predominantly for residential purposes, the proposed small liquor store is considered to be compatible with the surrounding land uses and is not expected to cause an undue negative impact on the residential amenity of the area or on the surrounding residents' privacy and quality of life.
- d) The consent use will not have any additional impact on municipal services such as water, electricity and sewerage.
- e) The property is well located in terms of vehicular accessibility, including delivery and service trucks.
- f) Sufficient on-site parking can be provided, that meets the zoning scheme requirements.
- g) Given its favourable locational factors, the approval of this proposed restaurant / tavern will not create an unacceptable precedent for establishing similar facilities in undesirable locations and causing a detrimental cumulative effect.
- h) The applicant property is located just off the main collector road in Nkqubela (Burwana Street), within the potential activity corridor between existing and potential business nodes. The proposal is therefore deemed to be compatible with the SDF development principles and –proposals.
- i) The rezoning and business use of the property will not result in the loss of a residential or business opportunities, but will augment the existing approved residential - and business functions.

Conditions of approval

- 1. The position, layout and extent of the liquor store, restaurant/tavern and dwelling house on the property must be substantially in accordance with the proposals in the application and shown on the plans marked ROBnkq275-LBM-TP and ROBnkq275-LBM-LO2, including the provision of at least 3 on-site parking bays for the business uses and 2 on-site parking spaces for the dwelling house. The floor area of the liquor store is restricted to the area shown on the plan and may not be extended.
- 2. The parking bays must be ready and available for parking before the new rights may be exercised and the new building may


be occupied or used. The 3 parking bays for the business uses must be demarcated on the ground and must be available for public parking at all times during the operational hours of the restaurant/tavern and liquor store.

3. The applicant must submit building plans and obtain approval from the Municipality's Building Control Section for the alterations and change of occupation classification related to the liquor store, before the consent use approval may be executed.
4. Despite this approval, the applicant and the premises remain subject to applicable legislation regarding the sale and consumption of alcohol on the premises and must obtain the required licence for this from the Western Cape Liquor Authority.
5. The business hours of the property will be restricted to the hours as determined according to the *Langeberg Municipality: Control of undertakings that sell liquor to the public By-law, 2017* and related liquor licence for consumption of liquor on the premises to be issued by the Western Cape Liquor Authority.
6. Before the consent use may be executed, the applicant must obtain a business licence from the Langeberg Municipality as well as a Certificate of Acceptability for Food Premises from Cape Winelands District Municipality: Environmental Health Department.

#### PART K: ANNEXURES

- Annexure 1: Location-, site- and building layout plans  
Annexure 2: Motivation report  
Annexure 3: Objections  
Annexure 4: Applicant's response to objection

#### PART L: AUTHOR SIGNATURE:

  
.....  
J LE R VAN ZYL  
ASSISTANT MANAGER, TOWN PLANNING  
REGISTERED PROFESSIONAL PLANNER – NO. A/1170/2000

8.6.2023  
.....  
DATE

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Location-, site- and building layout plans



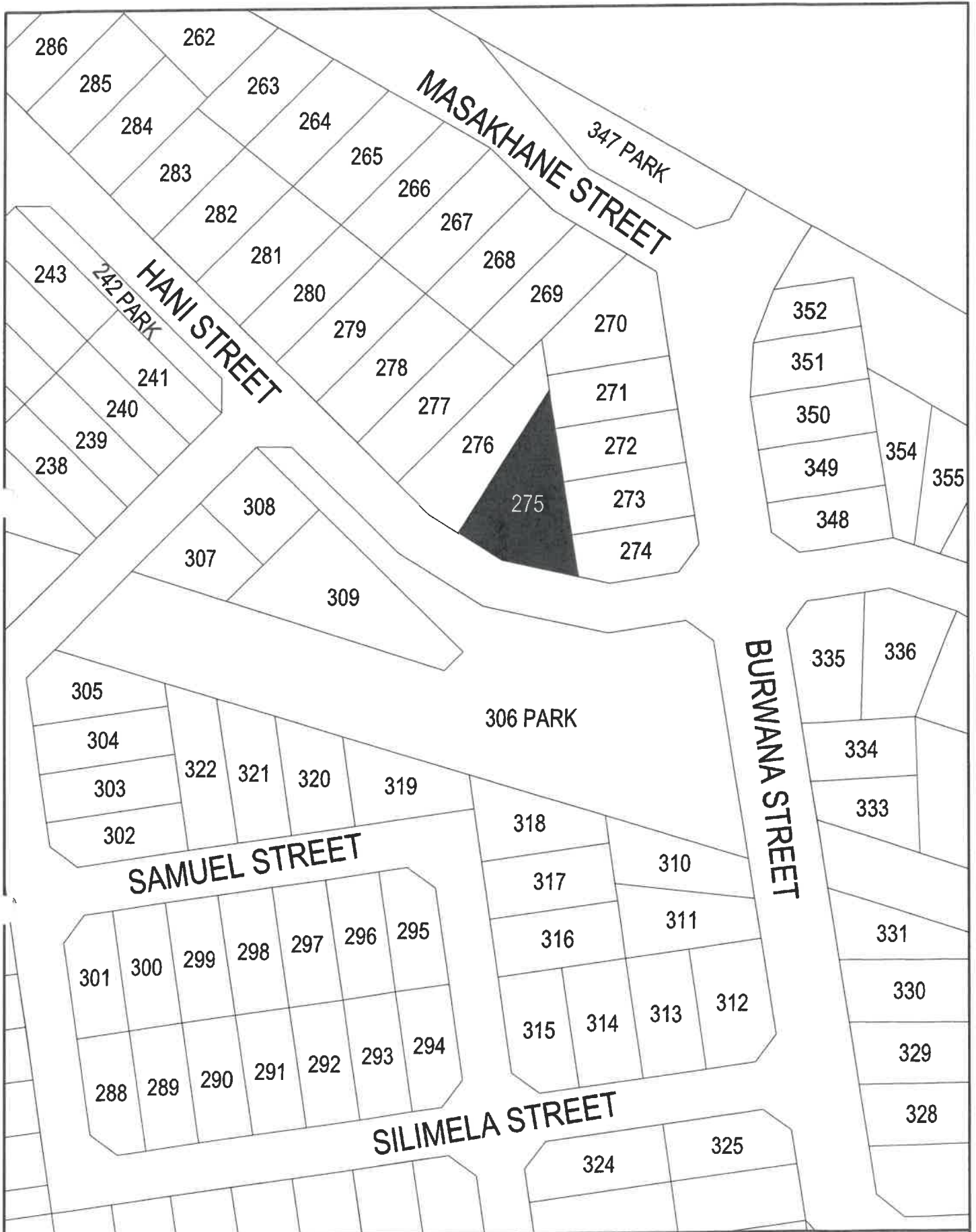



**BolandPlan**      **Town and Regional Planning**

**LOCALITY PLAN**  
  
1:50 000

**APPLICATION FOR CONSENT USE:-**  
**ERF 275, HANISTREET, NKQUEBELA, ROBERTSON, CONSENT USE ON BUSINESS ZONE III FOR A LIQUOR SHOP**  
  
#ROB/1232





TEKENINGNOMMER		ERF 275, NKQUEBELA, ROBERTSON CONSENT ON BUSINESS ZONE III FOR LIQUOR SHOP		
#ROB1232				
GETEKEN	MARTIN			
DATUM	APR2021			
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# LAYOUT PLAN: ROBNG, 275-LBM-L02

## 5. PROPOSED CONSENT USE:- LIQUOR STORE CONSENT ON BUSINESS ZONE III

Land owner would like to use a portion of the structure with approved 44 m<sup>2</sup> restaurant/tavern consent area as a liquor store.

The area for liquor store is proposed on 13 m<sup>2</sup> with storeroom of 5 m<sup>2</sup> = total footprint of under 20 m<sup>2</sup>. The total structure footprint with stoep = 62,4 m<sup>2</sup>.



Liquor shop means:- An establishment where the dominant use is the retail sale of alcoholic beverages, for consumption off the property.



## Motivation report

# MOTIVATION REPORT:-

**APPLICATION FOR CONSENT USE:- ERF NO. 275, 60 HANI STREET, NKQUBELA, ROBERTSON CONSENT USE ON BUSINESS ZONE III (NEIGHBOURHOOD SHOP) FOR A LIQUOR STORE**

#ROB/1232

## 1. INTRODUCTION

BolandPlan Town and Regional Planning was appointed during September 2022 by Sakhifo Ngcongolo, legal land owner of Erf No. 275, 60 Hani street, Nkqubela, Robertson to apply for an application for consent use on Business zone III (neighbourhood shop) for a liquor store.

## 2. PURPOSE

The purpose of this report is to apply and motivate the desirability of an application for consent use on Business zone III (neighbourhood shop).

- ❖ **Consent use:-** Erf No. 275, 60 Hani street, Nkqubela, Robertson, consent use on Business zone III (neighbourhood shop) for a liquor store.

For municipal processing purposes the proposed application is described as:-

**APPLICATION FOR CONSENT USE:- ERF NO. 275, 60 HANI STREET, NKQUBELA, ROBERTSON CONSENT USE ON BUSINESS ZONE III (NEIGHBOURHOOD SHOP) FOR A LIQUOR STORE**

## 3. THE PROPERTY

### 3.1. Property description:-

Applicant property is formally described in the title deed as follows:- Erf 275, 60 Hani street, Nkqubela, Robertson in Langeberg Municipality, Division Robertson, Province of the Western Cape.

Applicant Title deed T 58486/2014 attached as Annexure C.

### 3.2. Location:-

The property is located at 60 Hani street, Nkqubela, Robertson.

Applicant property is in the magisterial district of Robertson and falls within the administrative jurisdiction of Langeberg Municipality.



**GOOGLE POSITION:- ERF 275, 60 HANI STREET, NKQUBELA, ROBERTSON**

Coordinates of the facility:-

- ❖ 33°48'59.02" S
- ❖ 19°53'33.72" E

**3.3. Total extent:-**

- ❖ Erf 275, Nkqubela:- 467 m<sup>2</sup>

**3.4. Ownership:-**

The property is owned by Saksiwo Ngcongolo, ID number 771205 5373 081.

Refer to Annexure C.

**4. EXISTING AND SURROUNDING LAND USE**

Existing land use:-

Applicant property is zoned as:- Business zone III in terms of the new Integrated Zoning Scheme By-Law applicable to Nkqubela.

In terms of this zone, the primary use is *Neighbourhood shop* which is defined as:-

*a property used for the retail sale, principally, of convenience goods to the public and providing service almost exclusively to the inhabitants of a specific neighbourhood and its surrounding area.*

**5. PROPOSED CONSENT USE:- LIQUOR STORE CONSENT ON BUSINESS ZONE III**

Land owner would like to use a portion of the structure with approved 44 m<sup>2</sup> restaurant/tavern consent area as a liquor store.

The area for liquor store is proposed on 13 m<sup>2</sup> with storeroom of 5 m<sup>2</sup> = total footprint of under 20 m<sup>2</sup>. The total structure footprint with stoep = 62,4 m<sup>2</sup>.



Liquor shop means:- An establishment where the dominant use is the retail sale of alcoholic beverages, for consumption off the property.



## 6. TITLE DEED

Title Deed No. T 58486/2014 has no limitations that could have a negative impact on the proposed consent use.

Title Deed attached as Annexure C.

## 7. ZONING SCHEME REGULATIONS

The subject property falls within the boundaries of Langeberg Municipality as local government and is this application for the proposed consent use in terms of the new Langeberg Municipality:- Integrated Zoning Scheme By-Law. The application for consent use on Business zone III for a liquor store meet the requirements as prescribed by the applicable Langeberg Municipality:- Integrated Zoning Scheme By-Law.

## 8. LOCATION AND ACCESSIBILITY OF THE PROPERTY

The facility is easily accessible with direct access from Hani street with 5 parking bays directly from the street.

## 9. SERVICES

### 9.1. Water:-

Potable water will be obtained by existing direct link into the existing network.

### 9.2. Refuse Disposal:-

Refuse generated by the development will be collected by the existing municipal curbside collection service.

### 9.3. Electricity Supply:-

Electricity is supplied by Langeberg Municipality. Infrastructure is existing.

### 9.4. Sewage Disposal:-

Existing infrastructure via the Langeberg Municipality sewage network.

### 9.5. Stormwater:-

Given the small extent of the restaurant, stormwater will continue to be allowed to drain naturally into the ground to replenish underground reserves.

## 10. NATURAL ENVIRONMENT

The application for consent use optimize the use of an existing serviced erf.

## 11. MOTIVATION:- NEED AND DESIRABILITY

The following sections is an assessment of the application in terms of the decision-making criteria listed in Section 68 of the Langeberg Municipality Planning By-Law, 2015, and serves as the motivation for the approval of this application.

### 11.1:- **CONSISTENCY WITH PLANNING LEGISLATION** 11.1.1:- **SPLUMA (Spatial Planning and Land Use Management Act, 16 of 2013)**

Section 42 of SPLUMA stipulates that, in considering and deciding on an application, a Municipal Planning Tribunal must –

- (a) Be guided by the development principles set out in Chapter 2 (of SPLUMA);
- (b) Make a decision which is consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework; and
- (c) Take into count –
  - i. The public interest;
  - ii. The constitutional transformation imperatives and the related duties of state;
  - iii. The facts and circumstances relevant to the application;
  - iv. The respective rights and obligations of all those affected;
  - v. The state and impact of engineering services, social infrastructure and open space requirements; and
  - vi. Any factors that may be prescribed, including timeframes for making decisions.

The application is considered to be in line with the requirements of Section 42 of SPLUMA, due to the following reasons:-

- ❖ The proposed compact liquore store will compliment the existing restaurant/tavern consent use to improve the use of land.
- ❖ Approval of the application will allow the erf to be utilized more efficiently.
- ❖ It contributes positively to the principle of spatial sustainability.
- ❖ The proposal contributes positively to the principle of efficiency as it optimises the use of existing resources and infrastructure on the property without resulting in negative financial, social, economic or environmental impacts.
- ❖ The proposal supports the principle of spatial resilience as it will ensure flexibility in municipal policies that will ensure economic development and creation of employment opportunities.
- ❖ The proposal takes into account and respects public interest and ensures that rights and obligations of affected parties are not affected and does not impact on engineering services and social infrastructure.

### 11.1.2:- **LUPA (Western Cape Land Use Planning Act, 3 of 2014)**

Section 59 of LUPA contains a list of land use principles which should guide land use planning. The application adheres to these principles:-

Spatial justice:-

The proposal contributes to the principle of spatial justice and redressing of past spatial and other development imbalances as it ensures improved utilization of land.

Spatial sustainability:-

The proposal will contribute positively to the economic viability of the property, while it will also promote and stimulate the effective functioning of land markets.

The proposal also does not negatively affect any natural habitat, heritage and tourism resources or ecological corridor and environmentally protected areas.

Efficiency:-

The proposal optimizes the use of existing resources and infrastructure and could be in support of existing land uses in the surrounding area.

Spatial Resilience:-

The proposal supports spatial resilience as it will ensure flexibility in municipal policies by promoting economic development and creation of employment opportunities.

## **11.2: - CONSISTENCY WITH SPATIAL DEVELOPMENT FRAMEWORKS:-**

### **11.2.1:- Western Cape Provincial Spatial Development Framework (PSDF)**

The Western Cape Spatial Development Framework (PSDF) was approved by the executive authority in 2014 and endorsed by Provincial Cabinet to replace the previous PSDF. The PSDF's policy framework covers Provincial spatial planning's three interrelated themes, namely:-

- 11.2.1.1:- Sustainable use of the Western Cape's spatial assets,
- 11.2.1.2:- Opening-up opportunities in the Provincial space-economy, and
- 11.2.1.3:- Developing integrated and sustainable settlements.

The proposed land use relates to these themes in the following manner:-

#### **11.2.1.1:- Sustainable use of the Western Cape's assets:-**

The PSDF recognizes that the Western Cape as a world class tourism destination, given the attraction and authenticity of its landscapes of scenic, cultural and natural splendor.

The proposed liquor store would compliment the restaurant / tavern approval on the site.

#### **11.2.1.2:- Opening-up opportunities in Space-economy:-**

The proposed neighbourhood liquor store will make a positive contribution in terms of creating economic opportunities in Nkqubela.

#### **11.2.1.3:- Developing Integrated and Sustainable Settlements:-**

The establishment of the liquor store would contribute positively to the local space-economy without impacting negatively on the Business zone III property.

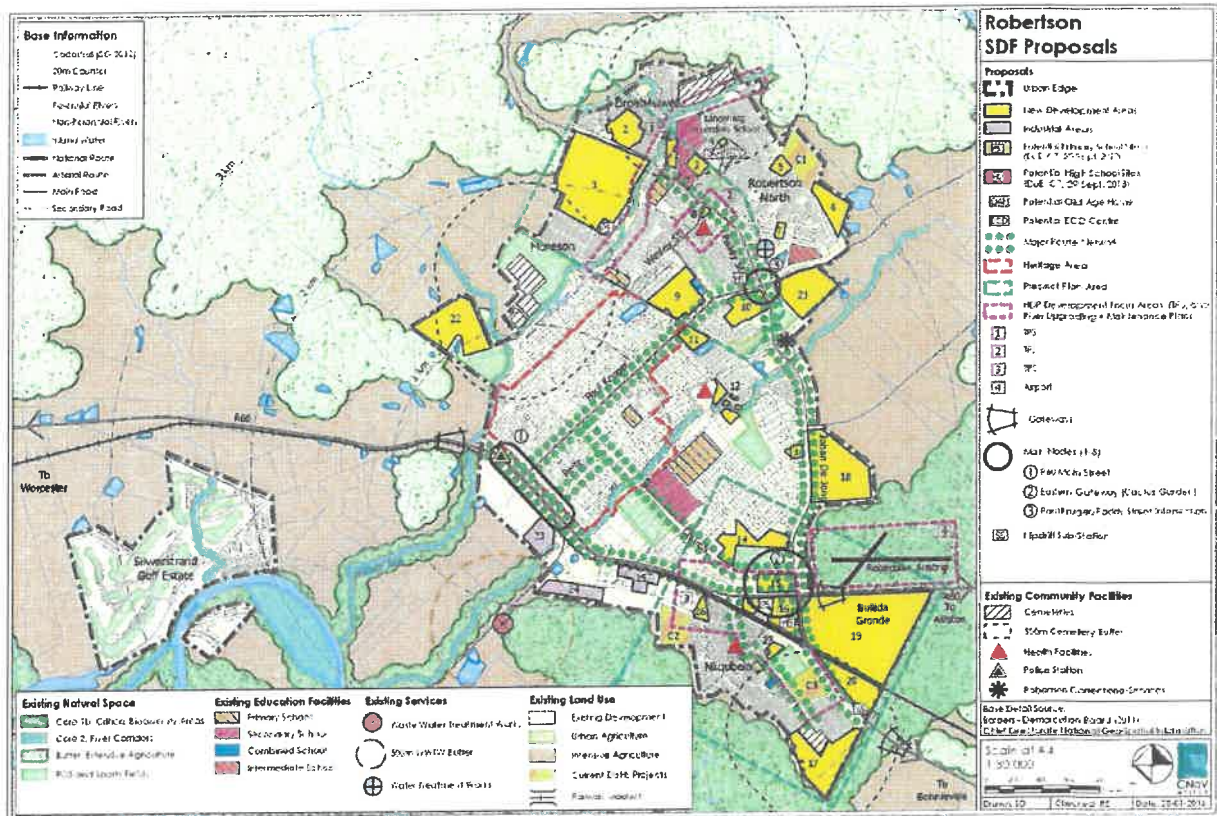
The proposal is therefor considered to be in line with the policies of the PSDF.

### **11.2.2:- Langeberg Municipality's Spatial Development Framework:-**

The application complies with the Spatial Development Framework of Langeberg Municipality.

The area is earmarked for residential purposes.

The property is isolated within a residential area, removed from the existing and potential nodes and activity corridors. Erf 275 is zoned as a neighbourhood business premises.



## LANGEBERG MUNICIPALITY SDF

### 11.3. DESIRABILITY OF THE PROPOSED LAND USE

#### ❖ Complimentary to surrounding land uses

Not the norm but acceptable due to the culture.

#### ❖ The “sense of place” will be conserved

Nkqubela’s character and atmosphere will not be altered by the development. Instead, the town’s “sense of place” will benefit from the development, which by its nature would benefit any neighbourhood of this kind.

#### ❖ Minimal impacts on traffic flow

The impact of the proposed development on existing traffic patterns in Nkqubela will be minimal. In that regard, a relatively small-scale commercial development is being proposed. Most customers don’t have transport and make use of taxi’s or walk.

#### ❖ Local economy support and development

The owner will endeavor to employ persons from the local community; all employment will involve vigorous training within the industry. All procurement will be kept within the Langeberg Municipal region.



❖ **No negative impact on aesthetics**

Structure to be sensitively designed to look like a residential outbuilding.

❖ **Change in the nature of the area**

The nature of the immediate area will change.

❖ **Socio-economic impact**

The facility will enable the development of the local economy to the benefit of the entire local community.

❖ **The Proposal will lead to Job Creation**

The facility will result in a number of additional employment opportunities to be created and will thus have a positive impact on the local economy and the community.

## 12. OPPORTUNITIES

- ❖ The liquor store has an economical spinoff.
- ❖ Additional opportunity for job creation.

## 13. CLOSURE

BolandPlan Town and Regional Planning is of the professional opinion that the proposed application for consent use on Erf 275, Nkqubela will conform to the existing and future settlement pattern of Nkqubela.

We are further of the opinion that the application does not deviate to<sup>o</sup> far from applicable policy, will not have any detrimental impacts on existing land use rights in the surrounding area, will not endanger the safety and wellbeing of the surrounding community in any way, and will not lead to any disturbances to either the built or natural environment.

The purpose of this report is to motivate for the desirability of the application for consent use on Erf 275, Nkqubela, in order to allow the land owner to operate a liquor store on subject property with a strong residential component.

Taking into account the above presentation made in this report, the view is herewith expressed that the small neighbourhood restaurant will compliment and strengthen the existing township character of Nkqubela in the following ways:-

- ❖ The proposed development is aligned with the forward planning proposals contained in applicable Municipal and Provincial policy documents.
- ❖ The proposed development will not be negatively affected by any natural factors.
- ❖ The proposed development will not negatively affect any natural elements.
- ❖ The proposal espouses sound modern urban planning principles.
- ❖ The proposed development will have no negative impacts on existing traffic patterns or on services.
- ❖ No negative impacts on the aesthetics, character, quality or functioning of the area will result from the proposed development.
- ❖ The substantial capital investment associated with the liquor store will have a positive, stimulating impact on the economy of Nquebela.

Taking into account these factors, the opinion is hereby expressed that the consent use will benefit the existing area.

For these reasons we have no hesitation in recommending the application for consent use on Erf 275, Nkqubela for favorable consideration by your Council.

We trust that you find the above in order, and await your response in this regard.

Yours sincerely,

**MARTIN Oosthuizen**

BolandPlan Town and Regional Planning  
082 5655 835

## Objections

# OBJECTION 1

62 Hani street

Nkqubela location

Robertson

6705

20<sup>th</sup>-10-2022

Sir/madam

I M Stoffels residing at the above-mentioned address, oppose or disagree with the functioning of a Liquor Store or Tavern. Last time when Mr. Ngcongolo came to our house he told us about B/B and Restaurant so I'm surprise now to hear about Liquor store, we have a church right opposite that site( **Methodist Church In Africa** ) and it's functional every Sunday also in the same street at the bottom there's also a church ( **African Mission Church** ), we also have a Park behind the church. I disagree with the idea of opening a liquor store or a tavern. Sorry # No Liquor Store. Thank you

M.Stoffels



# OBJECTION 2

## METHODIST CHURCH IN AFRICA WESTERN CAPE DISTRICT



WOMEN PRAYER UNION  
ROBERTSON SOCIETY

Date: 13.10.2022

### PETITION FOR NOT ALLOWING TAVERN NEAR CHURCH:

Sir/madam

we as members of the above-mentioned church and the residents of Hani Street we don't approve the opening of a **tavern** a liquor bar or anything that involve liquor near the church, as the law also state that no tavern is allowed where there's a church building. What hurts more these people are ordained church ministers wearing a white collar, they should know more. That is the reason for forwarding a signed petition.

Yours in Christ

*M. M. M. M. M.*  
Church Steward



# No to Tavern near our church

*M. M. M. M. M.*






*Ngonye  
M. M. M. M. M.*

*A. M.*

*AM*

INITIAL & SURNAME	ADDRESS	SIGNATURE
1 Dm. Etsefets	62 Hani Street Nqumbela	D. M. Etsefets
2 J. Tshezi	49 Simela Street	J. Tshezi
3 P. Tsilo	51 Simela street	
4 N. Tshezi	41 Simela Street	N. Tshezi
5 B. Pape	53 Simela Street	
6 L. Makode	64 Hani Street	
7 B. Maphumane	66 Hani Street	
8 E. Mbekeu	66 Hani Street	E. Mbekeu
9 m. P. maphumane	66 Hani street	
10 V. Sgoleh	68 " "	
11 J. Moko	72 " "	
12 M. M. M. M.	72 " "	
13 A. M. C. Ewan	72 " "	A. M. C. Ewan
14 E. D. Nolete	72 " "	
15 E. Sontshane	76 Hani Street	E. Sontshane
16 A. Mkhahlayi	76 HANI STREET	
17 J. Moko	78 Hani street	
18 D. Devas	78 Hani street	D. Devas
19 S. August	80 Hani Street	
20 J. August	80 Hani Street	J. August
21 L. August	80 Hani Street	
22 B. Mthangizane	82 Hani Str	

INITIAL & SURNAME	ADDRESS	SIGNATURE
23 Sibombelelo wiceny	HANI STREET 82	S. wiceny
24 M.L. KHISTY	87 Hani Street	M.L. KHISTY
25 A. Challes	84 Hani Str	A. Challes
26 N. Ngonyole	90 Hani Str	N. Ngonyole
27 V. Mtshamo	88 Hani Str	V. Mtshamo
28 N. KWINANA	86 Hani Str	N. KWINANA
29 K. Kwinani	86 Hani Str	K. Kwinani
30 N. Lwani	90 HANI ST	N. Lwani
31 N. SITUKUTEZI	90 HANI ST	N. SITUKUTEZI
32 M. MTINGIZANI	88 HANI	M. MTINGIZANI
33 N. NAKO	51 Silimela St	N. NAKO
34 K. Tshwayi	30 Silimela STR	K. Tshwayi
35 Z. O. I. A. THANI	57 BURWANASTR	Z. O. I. A. THANI
36 I. A. A. A. A.	55 BURWANASTR	I. A. A. A. A.
37 L. L. L. L.	3 Biko Str	L. L. L. L.
38 L. B. B. B.	51 Burwana Str	L. B. B. B.
39 N. T. T. T.	54 Burwana Str	N. T. T. T.
40 C. B. B. B.	51 Burwana Str	C. B. B. B.
41 A. B. B. B.	56 Burwana Str	A. B. B. B.
42 P. B. B. B.	56 Burwana Str	P. B. B. B.
43 S. T. T. T.	58 Burwana Str	S. T. T. T.
44 S. T. T. T.	55 BURWANASTR	S. T. T. T.

INITIAL & SURNAME	ADDRESS	SIGNATURE
1. K. S. SAMPAN	70 Kharvi Street	
2. H. K. M. D. I. MATHAJI	NPO S MASAKHAR	
3. M. H. WENISE	2 Tshazimpuzi	
4. G. WENISE	2 Tshaz. mpuzi street	
5. B. Volmink	4 Tshazimpuzi str	
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Applicant's response to objections

# APPLICANT'S RESPONSE TO OBJECTIONS

APPLICATION FOR CONSENT USE:- ERF NO. 275, 60 HANI STREET, NKQUBELA, ROBERTSON CONSENT USE ON BUSINESS ZONE III (NEIGHBOURHOOD SHOP) FOR A LIQUOR STORE

Your email to BolandPlan dated 1 November 2022 refers.

Attached please find our comment to the letter received from Miss Nolwandle Ngqawuza from the Methodist Church In Africa, Western Cape District, Woman prayer union Robertson society dated 20 October 2022.

Although the content of the letter did not formally object to our application for rezoning for a liquor store, we provide more clarity to the points raised:-

1. I need to indicate upfront that the proposed activity is on an existing Business zone III (restaurant) zoning, we just want to include a liquor store, which is listed as a consent use under the zoning of Business zone III.
2. Our application for consent use on our Business zone III premises for a liquor store will not conflict or interrupt the operations of the church as the proposed liquor store will not be a tavern as indicated in their letter.
3. The mere fact that we chose a liquor store over other businesses that could make noise or disturb the operations of the church was exactly our consideration to avoid unnecessary clash with the church.
4. I discussed our proposal for additional consent with my closest neighbours who had no problem with the proposed liquor store and that the reason why they did not even bother to comment on the public participation processed that was followed by Langeberg Municipality.
5. However, all the comments the church raised have nothing to do with this application for my consent use and are more personal, and cannot be entertained.
6. To prove this as a personal vendetta by writer, most of the people in the petition indicated to me that they don't know nothing about this letter and Miss Ngquawuza misrepresented them, some did not even sign it and believe their signature was forged.
7. I also need to emphasis that as a law-abiding citizen I will abide and respect all the applicable laws that govern the proposed consent use.
8. I therefore confirm that the I will be guided by the Municipality's by-laws and the Western Cape Liquor Regulations for operating the business.

I hope that you find the above in order.

Yours sincerely

.....  
Sakhiwo Ngcongolo.