

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)

APPLICATION: REZONING OF PORTIONS OF ERVEN 8210 (CONSOLIDATION OF ERVEN 400 AND 5850) AND 402, ROBERTSON (RESUBMISSION : AMENDED PROPOSAL)

Reference number	15/4/9/1	Application submission date	20-8-2021	Date report finalised	5-5-2025				
PART A: AUTHOR DETAILS									
First name(s) & Surname	Jack van Zyl								
Job title	Senior Town Planner								
SACPLAN registration number	A/1170/2000								
PART B: PROPERTY DETAILS									
Property description (in accordance with Title Deed)	Erven 8210 (consolidated erven 400 and 5850) and 402								
Physical address	Hopley Lane		Town	Robertson					
Current zoning	Single residential zone I	Extent (m2 /ha)	3310m ² & 1637m ²	Are there existing buildings on the property?	<table border="1"> <tr> <td>Y</td> <td>Y</td> </tr> <tr> <td>8210</td> <td>402</td> </tr> </table>	Y	Y	8210	402
Y	Y								
8210	402								
Applicable zoning scheme	LIZS, 2018								
Current land use	Erf 8210: Dwelling and bus service.		Erf 402: Vacant, used for bus service. Boundary walls.		<table border="1"> <tr> <td>Title Deed number & date</td> <td>T74/1994 & T47074/2023</td> </tr> <tr> <td></td> <td>T20344/2019</td> </tr> </table>	Title Deed number & date	T74/1994 & T47074/2023		T20344/2019
Title Deed number & date	T74/1994 & T47074/2023								
	T20344/2019								
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	Bus service is being operated on both properties, without authorisation.

PART C: APPLICATION DESCRIPTION

Application in terms of Section 15(2) of the Langeberg Municipal Land Use Planning By-law, 2015 for the rezoning of portions of erven 8210 and 402, Robertson from Single residential zone I to Transport zone I, in order to operate a passenger bus service.

Note 1: The Tribunal previously rejected the application, upon which the applicant appealed the decision. During the appeal process the applicant amended the proposal in reaction to objectors' comments on the appeal. The Appeal Authority upheld the Tribunal's decision with regards to the original proposal, but referred the amended proposal back to the Tribunal for a decision.

Note 2: At the time of the application and Tribunal and Appeal Authority decisions, the erf numbers of the involved properties were Erf 400 and 402. The applicant also referred to Erf 400 and adjacent Erf 5850 as Unregistered Erf 8210. Erven 400 and 5850 have since been consolidated into Erf 8210 (CCT 47074/2023). As the consolidation does not affect the subject areas that are proposed for rezoning, further decisions can and should refer to Erf 8210 in stead of Erf 400.

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

The appeal report that served before the Appeal Authority contains the full background and all documentation of the original application as presented to the Tribunal and Appeal Authority. The appeal report is attached in Annexure 1.

In this report, where reference is made to specific documents in the appeal report (and the tribunal planning report contained therein), the page numbers of the appeal report (in the top right corner of each page) is used.

Original application

The original application was for the rezoning of the whole of erf 402 and a portion of erf 8210 (1191m² in extent) from Single residential zone I to Transport zone I to legalise the passenger bus service that was being operated on the two properties

The applicant indicated that the bus service had been operated from their personal residential premises, erf 8210) for ±30 years. After having bought erf 402 from the Langeberg Municipality in 2019, the bus service was expanded to that erf as well. Application for rezoning was made after the municipality started with law enforcement against the unauthorised land use.

At the time of the application, buses entered erf 8210 at the existing residential access in Hopley Lane and erf 402 via a new entrance to erf 402 in Hopley Lane. The proposal was to close the existing residential access for buses and use only the new access, with a link between the two erven across the undeveloped 17m wide Le Roux Street reserve between the two erven.

The site plan and motivation for the original proposal is attached to the original planning report, which is included in the appeal report attached in Annexure 1; see Pages 34 and 36 to 40)

Previous decisions:

The Tribunal had rejected the original application for rezoning of a portion of erf 400 and the whole of erf 402, Robertson.

The original Tribunal decision was as follow:

That the application for rezoning of Erf 402 and a portion of Erf 400, Robertson from Single residential zone I to Transport zone I be rejected in terms of Section 60 of the Langeberg Municipality: Land Use Planning By-law, 2015, for the following reasons:

1. The land use is not compatible with the land uses in and character of the surrounding environment.
2. The operation of a transport business (bus service) from one or both of erven 400 and 402 can be a nuisance to surrounding residents in terms of noise and emission of exhaust fumes, as well as having a negative visual impact, which may negatively affect the surrounding residents' enjoyment of their properties and their quality of life.
3. The premises is located unfavourably in respect of access to the public road system, in that it can only be reached via residential streets (Le Roux Street and Hopley Lane), which do not function as distributor – or collector roads in the town.
4. The applicant failed to provide adequate analyses or proof that the proposal will be workable within the existing road system and on the involved site or that it will be safe with regards to vehicular and pedestrian traffic.
5. The establishment of a bus depot in a residential area can detract from the sense of place and amenity of the town for residents within the involved area and is therefore regarded as contradictory to principles held forth in both the Provincial (PSDF) and Langeberg Spatial Development Framework (LSDF).

The applicant appealed the decision, but later also submitted an amended proposal for the Appeal Authority's consideration. This amended proposal was submitted late in the appeal process, after the objectors had viewed and commented on the appeal. The

Appeal Authority decided to confirm the Tribunal's decision, but did not take a decision on the amended proposal. The amended proposal was referred back to the Tribunal for consideration, after the affected landowners first had opportunity to view and comment on the amended proposal.

The Appeal Authority's decision was as follow:

After consideration and discussion of all documents submitted to it, as well as a physical inspection of the affected erven, the Appeal Authority resolved:

1. That the decision of the Tribunal not to approve the rezoning application be confirmed.
2. That the appeal authority does not have the jurisdiction to consider the revised application, which is referred back to the administration for investigation and submission to the Tribunal for decision.

The main reasons for confirming the decision of the Tribunal are:

- that the land use applied for is not compatible with the character of the surrounding environment;
- that the workability of the access and egress of the buses to and from the erf/erven seems problematic; and
- that a proper independent study of the existing vehicular movement was not available.

Amended proposal

The amended proposal is depicted on the plan marked ROB8210&402-LBM-TP2, attached in Annexure 1, Page 143.

According to the applicant, it is aimed at mitigating against all possible impacts and to harmonise the development with the character of the surrounding area. The main changes from the original proposal are:

- Only 555m² of erf 402 (in stead of the whole erf), situated next to the undeveloped reserve of Le Roux Street and away from Hopley Lane and Jeneke Street, is now proposed for rezoning and parking of buses, with the remainder (on Jeneke Street and Hopley Lane) staying Single residential zone I and serving as a buffer. This area will be walled in and can accommodate 5 buses only.
- The area for rezoning on erf 8210 is changed to leave a buffer of 5m to 8m from adjacent erf 401 and move the access point from Le Roux Street further away from erf 401. The area is enlarged slightly from 1191m² to 1200m². This area will be walled in and will accommodate 6 buses and a wash bay.
- Both accesses from Hopley Lane will be closed. The entrance to the two rezoned bus parking areas on erf 8210 and erf 402 will now only from be from the undeveloped Le Roux Street reserve and not from Hopley Lane.

Applicant's motivation

The applicant's motivation for the amended proposal is contained in their response to the objectors' comments on the appeal: The applicant's response contained a response by the owner as well as a motivation by a professional planner on their behalf.

Response to issues raised by objectors (full response attached in Annexure 1, pp113 - 133)

- i. Applicant also resides on erf 8210 therefore the objectors' submission that he will not be affected by the rezoning is incorrect.
- ii. legally bought all properties involved (including land across from erf 402 where the buses turn).
- iii. No repairs are done on erven 8210 or 402. All repair work is done by Le Roux Mechanical Services (declaration from them attached).
- iv. Buses are washed only twice a week, for which the water tank is sufficient.

- v. Blame for noise pollution -, health -, safety - and water issues cannot be put on the applicant alone, because there are various other sources for these issues in the community.
- vi. Applicant kept record of movement of buses for 3 month period, that proves the bus service does not have a high impact. The highest number of buses per day was 5, which occurred only once, while most days there were 3 buses leaving in the morning and returning in the evening (schedule attached).
- vii. The only reason for rezoning application is to park buses. If the business expands a new application will have to be lodged.
- viii. Applicant always tries to resolve issues that neighbours may have with the buses. The reason he bought erf 402, was to keep the buses out of their way.
- ix. Applicant built the boundary wall to provide security. He did follow proper procedure in informing the local authority thereof (building plan application attached).
- x. Erven 400 and 402 have been used to park buses since 1974, when Mr Jeneke leased it from the municipality for that purpose.
- xi. There has been no drop in property values in the area between 2013 and 2022, as shown in an attached property report.
- xii. Applicant will be in a position to fully comply with all by-laws and regulations, should the rezoning be granted.

The town planner's (Umsiza's) response provided the following additional motivation for the rezoning, based on the amended proposal (full motivation and response to comments on appeal is attached in Annexure 1, pp134 - 143):

- i. **Need for the business:** Workers are dependent on this bus service.
- ii. **Character of environment:** Although the site is seen as part of the residential area, it is located on the edge of town next to the river, with the sports fields across the river. The varied use of the sports fields, as well as the fact that the area serves as a thoroughthrough for pedestrians from Môreson neighbourhood and trucks (from farms and municipality), lends a high activity character to the area.
- iii. **Desirability of site:** The portion of erf 400 to be rezoned is located at the back of the plot, away from the roads and other houses and is not visible from the surrounding residential area. It makes optimal use of low-lying area where no permanent development may be allowed. The area will be accessed from the Le Roux Street reserve only. The portion of erf 402 is restricted to 555m², outside the flood line, away from both Hopley Lane and Jeneke Street and out of sight from Hopley Lane. The area will be walled in and accessed from the Le Roux Street reserve only. There will be two walls between it and Jeneke Street. The rest of erf 402 can be developed for residential purposes as a buffer to existing houses. A new entrance to be created from currently undeveloped Le Roux Street reserve and the existing access in Hopley Lane closed.
- iv. **No alternative:** Owner already bought erf 402 for this purpose and will not be able to afford alternative land. There is very little land available in the Langeberg Municipal area for this purpose (extensive and/or industrial).
- v. **Noise impact:** Maximum of 11 buses allowed in total, operating from 5am to 8.30pm (on average 6.30am to 6pm), with noise impact only at departure and on arrival, i.e. twice a day for a short period. Buses are washed during working hours only. There will be buffer areas and walls around both sites. No repair work done on site. It is important for owner to minimize noise, because he resides on erf 400.
- vi. **Visual impact:** Both areas out of sight and walled in. Entrances will be in Le Roux Street only.
- vii. **Traffic impact:** Both existing entrances from Hopley Lane will be closed for buses and walled up, with only the access to the dwelling on erf 400 remaining available for motor cars. Both sites will get new entrances in the unused portion of Le Roux Street, where buses will have access/egress and turning space, resulting in buses moving down Le Roux Street only and not in Hopley Lane at all.

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 Councillor

Other

PART F: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION (if applicable)**Comments on original application:**

7 objections and petition with 46 signatures were received. A summary of the objections and applicant's response, as presented to the Tribunal in the original planning report, is attached in Annexure 1, pp 2 – 4. The original objection letters appear on pp 41 – 59 and the applicant's response on pp 60 – 71 of Annexure 1.

Comments on appeal:

Comments were received from 6 of the original objectors, reiterating their original objections. These comments were made mainly in reaction to the issues raised by the applicant when they commented on the original objections (in the letter attached to the appeal). To a large extent these comments corresponded to the Tribunal's reasons for rejecting the application and did not raise any new issues that had not been considered by the Tribunal.

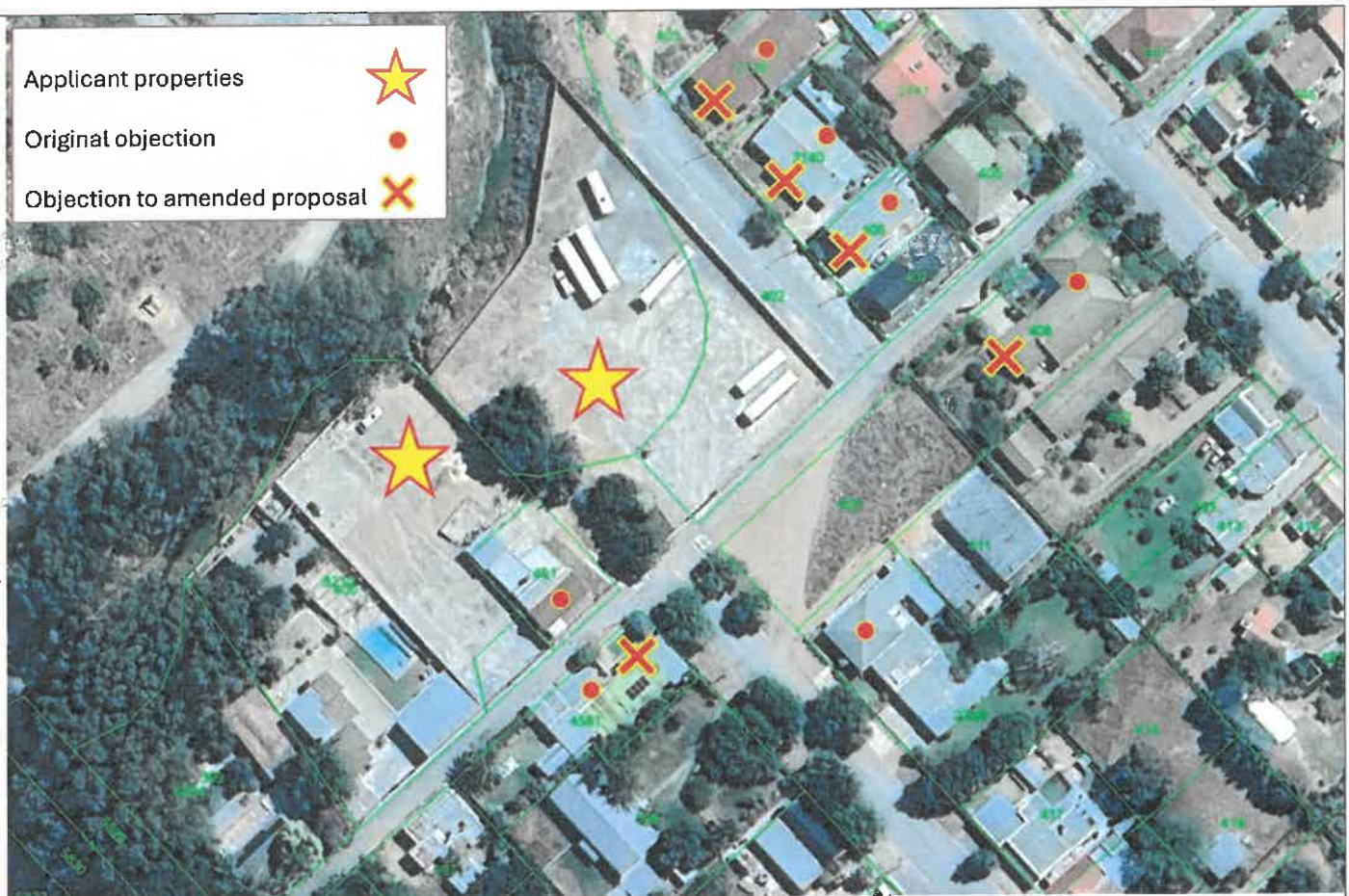
The appellant's response to the objectors' comments on the appeal generally reiterated the applicant's original motivation and responded to specific issues raised or statements made by the objectors, in some cases providing additional information to refute it. Examples of the latter are: a record of movement of buses, a property report, declaration that all repair work is done off the premises and statement that buses are washed twice a week with tank water.

A summary of the comments on the appeal and the appellant's response, is attached in Annexure 1, pp 5 – 10, with the original letters on pp 90 – 111 (objectors' comments) and pp 112 – 143 (appellant's response).

Comments on amended proposal:

The same owners that had been notified originally were again notified of the Appeal Authority's decision and given opportunity to see and comment on the amended proposal. Five objections against the amended proposal were received, from the following: namely

- DB & A Kriel, 9 Hopley Lane (Erf 4581);
- M & J Jumat on behalf of CE van der Heyde, 4 Jeneke St (Erf 2140);
- M Rossouw, 6 Jeneke St. (Erf 2139);
- I & L Saayman, 87 Van Zyl St (Erf 408) and
- UEC Cupido, 2 Jeneke St (Erf 406)



The objections are attached in Annexure 2 and summarised below:

DB & A Kriel, 9 Hopley Lane (Erf 4581):

Amended proposal will not solve or improve the conditions as confirmed in previous objections and comments, which still apply. Irrespective of where the buses are parked on erven 8210 or 402, it will still have a negative impact on quality of life. Impacts on the character of the neighbourhood, property values, health, air quality and infrastructure (road surface) will remain the same.

M & J Jumat on behalf of CE van der Heyde, 4 Jeneke St (Erf 2140):

Low water bridge in river at the end of Le Roux Street is dilapidated but does still exist and can be upgraded. The closure of the undeveloped Le Roux Street reserve is opposed.

The applicant's argument that workers are dependent on the bus service is regarded as baseless. The problem is that the proposed site for parking of buses is not suitable in a residential area and could well be accommodated in any other location.

The illegal wall on Jeneke Street boundary of erf 402 is still a problem.

There is not enough information of what the proposed buffer area should be.

The applicant's contention that it is in their own interest to minimise noise is ludicrous. Majority of buses are parked on Ef 402, which is further away from their home. Operation of buses outside official working hours causes disturbance.

Buses also cause air pollution / gas emissions, to the detriment of the surrounding residents, some of which are older people.

It is not certain that the bus parking area on erf 402 for 5 buses will be contained, nor that the adjacent single residential area on the remainder of the erf will actually be developed.

The principle of the bus parking area not fitting in the residential area is not addressed with the amendment, as the problem is just being moved from one street/area to another.

M Rossouw, 6 Jeneke St. (Erf 2139):

All previous objections still apply.

Boundary wall on Jeneke Street is illegal and not in terms of policy. It causes safety problems and public nuisances. The rezoning of a smaller area of Erf 402 will not solve this problem.

Rezoning will destroy the neighbourhood's residential character

The applicant was aware that the business was not legal and had ample time to relocate.

I & L Saayman, 87 Van Zyl St (Erf 408)

Original objection was based on impact on the character of the neighbourhood and associated impacts such as noise, dust and environmental pollution. These objections are still relevant and not fully addressed by the amended proposal.

Flood lines incorrect (1:50 and 1:100 year floodlines have been swapped). Erection of boundary walls and possibly concrete slabs under the floodline could affect the flow of the river and also flooding of adjacent properties and bridges in this river.

Danger of oil, lubricants and fuels being released into the river if appropriate measures and infrastructure are not provided to prevent it.

Amendment will not prevent the use of heavy vehicles in the area on residential roads, which are used by pedestrians, unsupervised children and other vehicular traffic. This will jeopardise the safety and tranquillity of the neighbourhood.

UEC Cupido, 2 Jeneke St (Erf 406)

Despite the applicant's contention to the contrary, buses are being serviced / repaired on the premises regularly, with related noise disturbance.

Daily use of heavy vehicles in Le Roux Street is already starting to degrade the roadway, with potholes developing at the Le Roux Street / Keerom Street as an example.

The sight from Jeneke Street into Hopley Lane is still impeded.

Buses are still moving along Hopley Lane

The applicant's response to the last objections was submitted by means of letters from Simone Olivier Attorneys and Umsiza Planning (attached in Annexure 3):

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

Name	Summary of comments
Civil Engineering Services.	Die Siviële Ingenieursdienstedepartement het in beginsel geen beswaar teen die aansoek nie, op voorwaarde dat: 1. 'n Uitlegplan wat die toegange en beweging van die busse aandui voorsien moet word vir goedkeuring. Die plan moet ook die draaisirkels van die busse aandui. 2. Indien 'n water en 'n rioolaansluiting benodig word, moet skriftelik aansoek gedoen word by die Siviële Ingenieursdienstedepartement. Alle koste hieraan verbonde is vir die aansoeker.
Building Control	No comment received
Traffic Services	No comment received
Electrical Engineering Services	No comment received
Disaster Management	No comment received
Ward Councillor	No comment received
Cape Winelands District Municipality: Environmental Health	No objection

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

The planning evaluation of the original proposal is included in the attached appeal report (Annexure 1, pp 26 to 30).

The evaluation of the amended proposal that was presented to the Appeal Authority as part of the appeal evaluation is repeated below (also see Part N of the appeal report , Annexure 1, pp 13 to 17) for consideration by the Tribunal:

Chapter 2 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA):

In terms of Section 42 of SPLUMA, read in conjunction with Chapter 2 of SPLUMA, land use planning the land use proposal must be consistent with the principles of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration. Public interest, constitutional transformation imperatives, facts and circumstances of the application, rights and obligations of those affected, impact on engineering services/social infrastructure/open space requirements, inter alia, must be taken into account.

The abovementioned development principles in Chapter 2 of SPLUMA are given in Annexure E of the original report (see pp 145 & 146 Annexure 1). These principles are also prescribed in Chapter VI of LUPA, which are and discussed below.

Chapter VI of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA):

Section 49 of LUPA determines the following:

49. When a municipality considers and decides on a land use application, the municipality must have regard to at least—

(a) the applicable spatial development frameworks

Comment:

The proposals of the Western Cape Provincial Spatial Development Framework, 2014 (PSDF) and the Langeberg Spatial Development Framework, 2015 (LSDF) have been addressed in the original planning evaluation and have been taken into consideration by the Tribunal. Neither of the SDF's make specific proposals for the area in question.

The PSDF lists the protection and enhancement of sense of place and settlement patterns as a settlement policy objective and states the following in this regard:

A strong sense of place and quality environments within settlements at all scales is increasingly recognized as an essential dimension of sustainable settlement. This relates to the economic potential associated with tourism, attracting skills into the service and knowledge economy, as well as the wellbeing and dignity of communities of all income groups.

The LSDF includes the following general proposal for urban development in Robertson:

Robertson is well placed in terms of the National Development Plan's (NDP) key economic drivers of agriculture, agri-industry and tourism and can expect considerable growth in the future, especially if the town is well managed spatially and aesthetically, and with respect to services, including "crime and grime". Due regard must be paid to the attractiveness of its townscapes for residents and visitors alike.

Conclusion: The establishment of a bus depot in a residential neighbourhood is generally expected to detract from the sense of place of this part of the town and also from the attractiveness of the townscape to the surrounding residents. However, if the extent of the operation can be limited and mitigation measures employed to lessen its visual and noise impact to such an extent that it does not affect the neighbourhood's character and sense of place significantly, the proposal can be regarded as incompatible with the principles of both the PSDF and LSDF.

(b) the applicable structure plans

Comment: There are no structure plans in force in the Langeberg municipal area.

(c) the principles referred to in Chapter VI.

Comment: See extract from LUPA in Annexure F (pp148-151 of Annexure 1). The proposal is not specifically in conflict with these principles.

(d) the desirability of the proposed land use

Comment: Desirability has been evaluated in the original report, see Section H in Annexure A (pp 26-30 of Annexure 1). The proposal was considered to be undesirable. The desirability of the revised proposal as presented by Umsiza Planning is further evaluated below.

(e) guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use

Comment: Evaluation at (d) above has been done according to these guidelines, i.e. Provincial Support document on Relevant Considerations, September 2015

All abovementioned aspects have been taken into consideration with the original evaluation and therefore the decision was consistent with SPLUMA and LUPA.

Impact on municipal engineering services

This aspect has already been addressed in the original report. The technical departments have indicated that the development can be accommodated in the existing networks.

Existing and proposed zoning comparisons and considerations

The current zoning of both properties is Single Residential Zone I, which allows for a primary use of Dwelling House. Per definition this includes the following uses in addition to a dwelling:

- (a) a storeroom and garaging;
- (b) a second dwelling or additional dwelling, with a floor area which does not exceed 60 m²; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m²;
- (c) a braai room;
- (d) renewable energy structures for household purposes;
- (e) home occupation (limited to area of 60m² or 25% of total floor area, whichever is the least);
- (f) letting to lodgers for long terms rental;
- (g) a bed and breakfast establishment (maximum 2 rooms/4 guests); and
- (h) home child care (maximum 6 children)

The proposed zoning of Transport Zone I allows for a primary use right of Transport Use, which per definition includes a "bus depot". The prescribed development parameters for a Transport Use is the same as for a Business Premises and are significantly less restrictive than the development parameters prescribed for a Dwelling Houses, particularly with regards to building lines, maximum allowable coverage and maximum height of buildings, as can be seen in the comparison below.

However, should the rezoning be approved, additional, more restrictive development parameters can be imposed per a condition of approval to mitigate against the impact of the proposed land use if deemed appropriate.

	FOR DWELLING HOUSE	FOR TRANSPORT USE
Street building line	Erf size >300m ² = 4m Garage or carport may be erected within the building line if it is impractical to comply with the street building line due to steep slopes between the road and the property, as determined by Mun.	0m, but Mun. may require 8m setback from centre of street
Side building line	Erf size >300m ² = 1.5m Garage, carport and outbuildings may be erected within the building line, provided that: - Max 3.5m high - Abutting land owners' comments	0m, but Mun. may impose building lines in interest of public health and safety or to enforce any other law or right.

	obtained - No doors or windows within building line	
Rear building line	Erf size >300m ² = 2m Garage, carport and outbuildings may be erected within the building line, provided that: - Max 3.5m high - Abutting land owners' comments obtained - No doors or windows within building line	0m, but Mun. may impose building lines in interest of public health and safety or to enforce any other law or right.
Height	6m to wall plate and 8.5m to roof ridge	15m
Coverage	Erf size >300m ² = 60%	100%
Floor factor	None prescribed	3
Parking	<u>For dwelling houses:</u> Erf size >350m ² = 2 bays	None prescribed for transport use or bus depot specifically. For business premises = 1 bay per 25m ² GLA.
Other rules		Loading zones to be provided Refuse room to be provided Mun. may require screening

The desirability of the proposal

The desirability of the proposal was analysed in the original report in accordance with the the Western Cape Department of Environmental Affairs and Development Planning guidelines. The proposal was regarded as undesirable. However, the amended proposal and additional motivation submitted by the appellant do address some of the key considerations in this regard as discussed below:

Relevant consideration	Evaluation of amended proposal
Economic impact	No difference from original proposal.
Scale of the capital investment;	No difference from original proposal
Compatibility with surrounding uses;	As pointed out in the original assessment report, the land uses and zonings in the immediate environs to the south east of the applicant sites are predominantly residential and the proposed use as a bus depot is not compatible with this

	residential character. This is somewhat lessened by the fact that the sites are located on the outer edge of the neighbourhood, with the Drooge Rivier directly to the north west and the cemetery and sportsgrounds across the river from it. The amended proposal to restrict the size of the areas where the buses will park, limiting the size to accommodate a maximum of 11 buses and locate them to the back of the two sites (towards the river and away from the residential properties), as well as other mitigation measures such as screening the areas with high walls and trees, will make it more compatible with the surrounding land uses. The access and egress points will also be in the currently undeveloped portion of road reserve at the north-western end of Le Roux Street, away from the residential properties.
Impact on the external engineering services;	No difference from original proposal
Impact on safety, health and wellbeing and on quality of life of the surrounding community; (including views, sunlight, privacy, visual impact, character);	The main concern with regards to safety is the movement of buses through residential streets, which can cause a traffic hazard and danger to pedestrians. Whereas the original proposal had buses entering and leaving the premises from Hopley Lane very close to the intersection, the revised proposal will result in buses leaving and entering the premises from the Le Roux Street reserve only and then moving in a straight line down Le Roux Street. No traffic will be generated in Hopley Lane. This is expected to improve the traffic safety situation significantly, as there will be no bus turning movements in the street and sight distance will also be adequate. The movement of buses up and down Le Roux Street will still impact on the wellbeing of the residents that feel they are affected by it, but given the restriction on the number of buses that can be accommodated on the premises, the number of buses so moving up and down Le Roux Street will be limited to an extent that the impact is expected to be acceptably low. The revised proposal included the creation of a residential buffer around the bus depot, as well as erecting a solid wall and a row of trees to screen the parked buses from the neighbouring properties, both visually and with regards to noise. If adequately screened, the buses parked on the site will not have a negative visual impact and therefore will not unduly change the character of the area.
Impact on heritage;	No difference from original proposal
Impact on the biophysical environment;	No difference from original proposal
Traffic impacts, parking, access and other transport related considerations such as public transport	The traffic impact will be significantly reduced by the amended proposal, provided that the intersection of Le Roux Street and Hopley Lane is adequately signed with road markings and traffic signs and the roadway in the Le Roux Street reserve is properly surfaced to prevent dust and gravel being carried onto the existing tarred surface.
Whether the imposition of conditions can mitigate an adverse impact of the proposed land use;	The imposition of conditions to enclose and screen the rezoned areas where the buses may park, as well as to regulate the access and egress conditions for buses

	into Le Roux Street, is expected to mitigate adequately against adverse impacts of the proposed use.
Cumulative impacts;	In view of the restriction on the size of the rezoned area, the proposed rezoning is not expected to have a significant cumulative impact. Most of the objectors were particularly concerned about the potential for expansion of the business once rezoning of the whole property (as in the original proposal) was given. If the revised proposal is approved, the business will not be able to expand beyond the use of 11 buses as proposed. The location, site conditions and circumstances of this application site is unique to such a degree that it is not expected to create a precedent for similar applications in the area, which would have contributed to a cumulative impact.
Opportunity costs;	The revised proposal will have less of an opportunity cost than the original proposal, seeing that a smaller area of residential land will be used, still leaving the opportunity to develop and use the majority of the land for residential purposes. It is also true that there is currently very little industrial land available in Robertson as alternative location for this business.

It is noted that there are concerns that, even if a footprint rezoning is approved, the applicant will not keep to the designated areas, but allow the business to expand beyond it. It is therefore important to ensure that the designated areas are fully walled in and screened and that the unauthorised street boundary walls on Jeneke Street and Hopley Lane be rectified to adhere to the municipality's boundary wall policy applicable to single residential erven.

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

NVT

PART J: RECOMMENDATION

That the rezoning of two portions of erven 8210 and 402, Robertson from Single Residential Zone I to Transport Zone I be approved in terms of Section 60 of the Langeberg Municipality: Land Use Planning By-law, 2015, subject to the following conditions in terms of Section 66 of the by-law.:

1. The rezoning applies to the areas indicated as ABCDEFG and HJKL on the site plan marked ROB8210&402-LBM-TP.
2. The use of the rezoned areas is limited to the parking and washing of a maximum of 11 buses only. No servicing, repairs or refueling of vehicles may be done on the site.
3. Before the allocated rights will apply and may be executed, the following must be completed to the satisfaction and written approval of the Manager: Town Planning:
 - 3.1 Solid walls of at least 2.4m high erected around both portions as indicated on the site plan. Building plans must first be submitted and approved for this.
 - 3.2 All walls across the Le Roux Street road reserve between erven 401 and 402 must be removed.
 - 3.3 The unauthorized boundary walls on the Jeneke Street and Hopley Lane boundaries must be removed and/or rectified to conform to Council's boundary wall policy as applicable to single residential sites. Building plan approval is required.

- 3.4 A row of trees of at least 2m in height planted and provided with irrigation along the boundaries marked JKL and CDEF on the site plan.
- 3.5 The undeveloped portion of Le Roux Street where the buses will drive, must be surfaced (tarred or paved) from the access points to the existing surface of Le Roux Street. The design details of this surfacing and related storm water provision must be approved by the Manager Civil Engineering Services before construction.
- 3.6 A Stop-sign must be erected where the undeveloped Le Roux Street intersects with Hopley Lane, so that buses leaving the premises must stop at the intersection before crossing Hopley Lane. This must be done in consultation and to the satisfaction of the Manager Traffic Services.

The reasons for the decision are:

1. The sites are located on the outer edge of the neighbourhood, with the Drooge Rivier directly to the north west and the cemetery and sportsgrounds across the river from it. The proposal to restrict the size of the areas where the buses will park, limiting the size to accommodate a maximum of 11 buses and locating them to the back of the two sites (towards the river and away from the residential properties), as well as providing a new access away from residential properties and screening the areas with high walls and trees, will make it compatible with the surrounding land uses.
2. Given the new proposed access, no traffic will be generated in Hopley Lane and there will be no bus turning movements in the public street, which is expected to have an acceptable impact on traffic and pedestrian safety.
3. The number of buses moving up and down Le Roux Street will be limited to an extent that the impact is expected to be acceptably low.
4. Given the creation of a residential buffer around the bus depot, as well as erection of a solid wall and a row of trees to screen the parked buses from the neighbouring properties, both visually and with regards to noise, the character of the area will not be unduly changed.
5. The traffic impact will be significantly reduced by the amended proposal, provided that the intersection of Le Roux Street and Hopley Lane is adequately signed with road markings and traffic signs and the roadway in the Le Roux Street reserve is properly surfaced to prevent dust and gravel being carried onto the existing tarred surface.
6. The location, site conditions and circumstances of this application site is unique to such a degree that it is not expected to create a precedent for similar applications in the area. Also, given the restriction on the size of the rezoned area, the business will not be able to expand beyond the use of 11 buses as proposed. The rezoning is therefore not expected to have a significant cumulative impact.

PART K: ANNEXURES

Annexure 1 – Appeal report

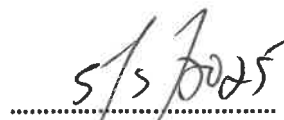
Annexure 2 – Comments on amended proposal

Annexure 2: - Applicant's response to comments on amended proposal

PART L: AUTHOR SIGNATURE:



J LE R VAN ZYL
SENIOR TOWN PLANNER
PROFESSIONAL PLANNER – NO. A/1170/2000


.....
DATUM

ANNEXURE 1

Appeal report

Do. 24/11/2022 - Kommisogere, Robertson



"People at the centre of Development"

APPEAL REPORT

APPLICATION: REZONING OF ERF 402 AND A PORTION ERF 400 (UNREGISTERED 8210), ROBERTSON

Appeal reference number	15/4/9/1 appeal	Appeal report date:	4 November 2022		
Application reference number	15/4/9/1	Application submission date	20 August 2021	Application decision date	4 May 2022
Was the original application processed correctly (if no, elaborate below):					Y N
PART A: AUTHOR DETAILS					
First name(s)	Jack				
Surname	Van Zyl				
Job title	Assistant Manager Town Planning				
SACPLAN registration number	A/1170/2000				
Directorate/ Department	Engineering Services / Town Planning				
Contact details	023 614 8000				
PART B: APPLICANT DETAILS					
First name(s) & Surname	Arnold Theron (on behalf of owners)				
Company name	Muhl Theron Landmeters				
SACPLAN registration number	.				
Registered owner(s)	MP and P Wentzel				
Is the applicant the appellant	YES	Is the appeal valid			YES
PART C: APPELLANT(S) DETAILS (IF NOT THE APPLICANT)					
Simone Olivier Attorneys Incorporated on behalf of the owners), with additional motivation and amended proposal by Umsiza Planning.					

PART D: APPLICATION PROPERTY DETAILS									
Property description (in accordance with Title Deed)	Erven 402 and 400, Robertson								
Physical address	Hopley Lane			Town/City	Robertson				
Current zoning	Single Residential zone I	Erf size	3310m ² & 1637m ²		Are there existing buildings on the property			Y	N
Applicable zoning scheme	Langeberg Integrated Zoning Scheme, 2018								
Current land use	Dwelling on erf 400 and erf 402 vacant, both used for transport business				Title Deed number & date	T74/1994 & T20344/2019			
Any unauthorised land use/building work	Y	N	If Yes, explain	The applicant is already operating the bus service from the two properties. This application is intended to rectify the unauthorized use.					
PART E: SUMMARY OF PUBLIC PARTICIPATION									
Total valid comments	7				Total invalid comments and petitions	0			
Valid petition(s)	Y	N	If yes, number of signatures	46					
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	N/A		
Total letters of support									
Was public participation undertaken in accordance with section 45- 49 of the Langeberg Land Use Planning Bylaw?								Y	N
If the Provincial Minister commented on the application, was he/she afforded the opportunity to comment on the appeal ?								Y	N
If the proposal triggered an application for land development in terms of section 10 of the Western Cape Land Use Planning Regulations, 2015, was the Provincial Minister afforded the opportunity to comment on the appeal?								Y	N
PART F: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION									
The original application was conditionally supported by the following internal departments and institutions: • Civil Engineering Services • Environmental Health: Cape Winelands District Municipality Comments were requested but none received from the following: • Electrical Engineering Services • Disaster Management • Traffic Services • Building Control • Ward councilor Objections were mainly based on the following: • Negative impact on surrounding residential area. • Noise emanating from the transport business in the early hours of the morning and late at night is a nuisance to residents in the area.									

- Impact of continuous exposure to exhaust fumes on health of surrounding residents.
- The section of Hopley Lane where the new entrance/egress is located, is also narrow and will still cause traffic congestion. The entrance/egress point is close to the Stop-sign and the intersection, which is unsafe and dangerous.
- Buses in the area create a hazard for pedestrians, a large portion of which are children.
- The erection of the illegal vibrecrete wall impedes vision at the intersection, creating a traffic risk for residents.
- Erf 402 is more suited to provide much needed housing opportunities.
- Negative visual impact of parked buses.
- Business can attract criminal activities to the area.
- Damage to property caused by buses.
- Danger of water pollution in the nearby Willem Nels Rivier from fuel, oil, lubricants that are being kept on the premises.
- Increasing damage to roads caused by heavy vehicles.
- Negative impact on property values, because property values are linked to and dependant on the residential character of the neighbourhood, which will be compromised by the presence of semi-industrial land uses.
- Use of erf 402 will create the opportunity to expand the bus service, leading to an even bigger impact than currently.

The applicant's reaction to the objections are summarized below:

Neighbourhood character

There are businesses in all of the adjacent streets (list provided). The bus service has been in operation for 28 years already, from before the current objectors resided in the area.

Safety

Denies that there were traffic accidents caused by buses in Hopley Lane or Le Roux Street. Some of the objectors park in Hopley Lane illegally, which causes an unsafe situation.

Crime

Crime in the area can be ascribed to Hopley Lane being used as a thoroughfare for criminals and because it is close to the river, which offers them ample place to hide. The premises is safeguarded with a security system and armed response unit, which will rather prevent crime in the area.

Hours of operation

In 90% of the cases buses leave the property once per day in the morning and return once in the evening, by 20h00 at the latest. A maximum of 9 buses per day leave the premises over weekends and in general on average 4 per day. Hours of operation are from 06h00 to 20h00 during summer (One bus from 05h00) and from 07h00 to 15h00 during winter (one bus to 18h00).

Health risk

Buses are tested for roadworthiness every 6 months and no excessive smoke is being released. Air pollution is caused by all vehicles on the roads and cannot be ascribed to buses only. Repair work to buses is contracted out and no large repair works is done on the premises.

Road infrastructure

Other heavy vehicles also use the same roads and therefore no reasonable deduction can be made that damage to roads are caused by the buses alone.

Traffic congestion

Denies that there has been traffic congestion in Hopley Lane. Parking in Le Roux Street will not affect bus movement at all.

Water pressure

The bus service does not create a water pressure problem for others, because they use collected tank water to wash buses with.

Erection of wall

The vision from Hopley Lane and Le Roux Street is unrestricted and is not impeded by the wall. Buses can move along the 9m wide Le Roux Street with ease.

Noise

Supressors on the buses are being checked with regular roadworthy tests. The buses do not use air brake systems. Buses generate sound the same as any other moving vehicle. There are other, much more disturbing noises in the vicinity, which should bother the objectors more than the buses.

The applicant also did a traffic count, which was submitted in support of the reaction to the objections.

PART G: SUMMARY OF MUNICIPAL EVALUATION ON ORIGINAL APPLICATION

The original planning evaluation report as considered by the Langeberg Municipal Planning Tribunal is attached in Annexure A. The evaluation discussed the following aspects regarding the desirability of the proposal and found it to be undesirable:

Compatibility with spatial plans

The Western Cape Provincial Spatial Development Framework (PSDF) and Langeberg Spatial Development Framework (LSDF) recognize the importance of retaining the sense of place of towns and neighbourhoods. The LSDF specifically links the economic growth potential of Robertson to good spatial and aesthetical management of the town, including "crime and grime", and points out that "due regard must be paid to the attractiveness of its townscapes for residents and visitors alike".

The establishment of a bus depot in a residential area can detract from the sense of place and amenity of the town for residents within the involved area and is therefore regarded as contradictory to principles held forth in both the Provincial (PSDF) and Langeberg Spatial Development Framework (LSDF).

Economic impact

The bus service is of economic advantage to the town in terms of employment, spin-off services and transport of workers, but may also have a negative impact on residential property values in the immediate surrounding neighbourhood.

Compatibility with surrounding land uses and character of environment

The land use is not compatible with the land uses in and character of the surrounding environment, which is dominated by single residential properties.

Impact on external engineering services

The concentration of heavy vehicles on the site and along its access roads is likely to have an adverse impact on the road surface.

Impact on safety, health and wellbeing of the surrounding community and on the quality of life of residents in the immediate environs.

The operation of a transport business (bus service) from one or both of erven 400 and 402 will have a negative visual impact and will inevitably lead to generation of noise and emission of exhaust fumes, all of which can be a nuisance to surrounding residents and may negatively affect their enjoyment of their properties and their quality of life.

Impact on heritage

No significant impact on heritage expected.

Traffic impact. Parking access and other transport related considerations

The premises is located unfavourably in respect of access to the public road system, in that it can only be reached via residential streets (Le Roux Street and Hopley Lane), which do not function as distributor – or collector roads in the town. Also, the access- and egress point to and from Erf 402 is very close to the intersection. Given these restrictions, the applicant did not provide adequate analyses or proof that the proposal will be workable within the existing road system and on the involved sites or that it will be safe with regards to vehicular and pedestrian traffic.

PART H: DECISION ON APPLICATION

On 4 May 2022 the Langeberg Municipal Planning Tribunal decided the following:

That the application for rezoning of Erf 402 and a portion of Erf 400, Robertson from Single residential zone I to Transport zone I be rejected in terms of Section 60 of the Langeberg Municipality: Land Use Planning By-law, 2015, for the following reasons:

1. The land use is not compatible with the land uses in and character of the surrounding environment.
2. The operation of a transport business (bus service) from one or both of erven 400 and 402 can be a nuisance to surrounding residents in terms of noise and emission of exhaust fumes, as well as having a negative visual impact, which may negatively affect the surrounding residents' enjoyment of their properties and their quality of life.
3. The premises is located unfavourably in respect of access to the public road system, in that it can only be reached via residential streets (Le Roux Street and Hopley Lane), which do not function as distributor – or collector roads in the town.
4. The applicant failed to provide adequate analyses or proof that the proposal will be workable within the existing road system and on the involved site or that it will be safe with regards to vehicular and pedestrian traffic.
5. The establishment of a bus depot in a residential area can detract from the sense of place and amenity of the town for residents within the involved area and is therefore regarded as contradictory to principles held forth in both the Provincial (PSDF) and Langeberg Spatial Development Framework (LSDF).

PART I: TYPE OF APPEAL

Name(s)	Type of appeal		
Simone Olivier Attorneys Inc. on behalf of MP & P Wentzel	Appealing the decision	Y	N
	Appealing the failure of the decision maker to make a decision within the period permitted	Y	N
	Appealing a condition(s) of approval	Y	N
	Appealing the process followed	Y	N
	Appealing the conclusion of the decision maker regarding the merits of the land development application	Y	N

PART J: APPEAL(S) MOTIVATION

The applicant's letter of appeal is attached in Annexure B. The appellant is of the opinion that the Tribunal did not properly consider the basis / merit of the application as set out in the applicant's (undated) letter in reaction to the original objections. The appellant did not provide specific motivation for the appeal, other than to attach and refer to the said letter (also summarized in Part F above).

The appellant also maintains that the decision letter dated 12 May 2022 was only brought to the owner's attention on 25 May 2022, therefore the date of notification should have been accepted as 25 May 2022 and accordingly the owner/applicant did not have 21 days to appeal as provided for in Section 79(2) of the Langeberg Municipality: Land Use Planning By-law, 2015.

In reaction to the comments on the appeal, the appellant provided further motivation, discussed in Part K below.

PART K: COMMENT ON APPEAL

The appellant notified the original objectors of the appeal, including the organizer of the petition. Comments were received from 6 of the original objectors, namely

- DB & A Kriel, 9 Hopley Lane (Erf 4581);

- M & J Jumat on behalf of CE van der Heyde, 4 Jeneke St (Erf 2140);
- M Rossouw, 6 Jeneke St. (Erf 2139);
- I & L Saayman, 87 Van Zyl St (Erf 408) and
- M Smith, 62B Le Roux St. (Erf 2349)
- UEC Cupido, 2 Jeneke St (Erf 406)

The comments from each objector are summarised below:

DB & A Kriel

- i. Other businesses mentioned by the applicant have no impact on the residents that are affected by the bus service.
- ii. With regards to the claim that the bus service has been operating for 28 years, it is noted that there were no buses causing problems in the area of Hopley Lane when the objector settled there in 2004.
- iii. Hopley Lane and Le Roux Street are too narrow for buses and therefore unsafe, especially when there are cars parked in the street reserve.
- iv. Other heavy vehicles (than the buses) using Hopley Lane and Le Roux Street are irregular and occasional only, while the buses move there every day. The times of departure and arrival of buses as given, may vary and movement of buses may increase if the business grows.
- v. Noise from buses – idling and warming up, as well as repairs - especially early mornings and over weekends is far more acute and constant than other environmental noise the appellant refers to. It is expected that the impact will increase if the business grows.
- vi. The bus service should be operated in an industrial area.

M & J Jumat

- i. The same comments and objections as stated in their original letters of objection apply.
- ii. Other businesses mentioned by appellant are different from the bus depot and do not have an impact on Jeneke Street residences.
- iii. Buses also caused problems in the past in areas where they have previously been stationed.
- iv. Although the business may create employment, it should still not be located in a residential area.
- v. Boundary wall around Erf 402 has negative visual impact on residents in Jeneke Street and also obstructs drivers' view at the Jeneke Street – Hopley Lane intersection.
- vi. The fact that the business requires armed response security, indicates that it attracts criminal activity to the area.
- vii. Health risks related to air pollution is an important consideration. Refer to international and South African commitment to air quality (e.g. COP26, Glasgow, 2021) and World Health Organisation having declared diesel particulate matter (DPM) - such as emitted by buses – as a carcinogen.
- viii. Although there is no repair- or mechanical work being done on the premises yet, it could happen after rezoning.
- ix. Noise from other activities such as sporting events, church services and speeding cars are isolated cases and occurs mostly over weekends, while the buses create noise every day.
- x. Roadworthiness of vehicles has nothing to do with air pollution and air quality.

M Rossouw

- i. Boundary wall around Erf 402 has negative visual impact on residents in Jeneke Street and also obstructs drivers' view at the Jeneke Street – Hopley Lane intersection
- ii. Rezoning will enable erection of buildings and activities that are related to a transport business, such as a workshop and panebeating.
- iii. Other businesses mentioned by the applicant are different from the transport business and do not have an impact on residents in the area.
- iv. The boundary wall also makes it easier for criminals to target houses in Jeneke Street.
- v. Do not agree that buses only leave once in the morning and return once in the afternoon/evening. The bus service is based on the need in the community and will be operated accordingly.
- vi. The statement that buses do not hold a health risk is unfounded and not accepted. There will still be exhaust fumes.
- vii. It is a fact that heavy vehicles cause more damage to roads than light vehicles.
- viii. Comparing the bus service with other noise such as that emanating from the nearby sports grounds is far fetched.

- ix. Standing by the content of their original letter of objection
- x. The proposed activity is not suitable in a residential area and should be located in an industrial area.

I & L Saayman

- i. Standing by the content of their original letter of objection
- ii. Responding to comments in letter attached to appeal
- iii. Other non-residential uses in the vicinity is consistent with the character of the area or where they are not, it should still not be used to justify the establishment of more non-residential uses in the area, particularly because of its expected cumulative impact.
- iv. Hopley Lane is too narrow for buses and therefore unsafe, especially for pedestrians.
- v. Information on operating hours as supplied by the appellant confirms that activities will have impact on residents, particularly during early mornings.
- vi. The fact that buses adhere to Health and Safety Regulations is irrelevant. Buses will still have a health impact.
- vii. Heavier vehicles do cause more wear and tear on roads.
- viii. Roadworthiness of buses is irrelevant to the fact that buses will inevitably have a noise impact, especially when movement is concentrated during the early morning hours. Impact of vehicles starting and warming up in the morning is more acute than that of a passing vehicle.
- ix. The proposed activity should be located in an industrial area.

M Smith

- i. Other businesses mentioned by the applicant have no impact on the residents that are affected by the bus service.
- ii. Previously (from 9 years ago) the bus service was not fully operated from the applicant's premises, with some buses being parked at family members' properties (Van Zyl St and Albert St), where it also caused unhappiness among surrounding owners. All buses have now (more recently) been moved to the applicant's premises, with the immediate residents having to suffer the consequences.
- iii. Movement of buses in the area increase the risk of accidents.
- iv. Noise and pollution from heavy vehicles is a problem and will increase when the business expands.
- v. The bus service should be moved to a more suitable location.

UEC Cupido

- i. Wall on corner blocks view of motorists trying to move out of Jeneke Street into Hopley Lane.
- ii. Road surface of Hopley Lane between Le Roux Street and Loop Street is in poor condition because of heavy buses that use it daily.
- iii. Buses are parked close to bedroom window, which is unsightly and also emit exhaust fumes that can be smelled inside the house, especially while the engines are being warmed up in the morning (taking up to 20 minutes).
- iv. It is not entirely true that buses are being repaired elsewhere, because there were numerous instances in the past where mechanics were observed working on the buses on the premises.
- v. Other noise generators referred to by the appellant do not occur every day.
- vi. It is not true that Mr Wentzel has been operating the business for 28 years, because he was employed with the Langeberg Municipality until a few years ago.
- vii. Buses are being parked on erf 402 since last year (2021) only. Prior to that they were parked on erf 400 and elsewhere at private homes.
- viii. Boundary wall in front of the Jeneke Street properties is being used as urinal and also increases the opportunity for housebreaking.
- ix. Busdepot close to houses will affect property values negatively.
- x. Photos of view of buses from his home attached, including one where a white bakkie is parked, that allegedly belongs to a mechanic who is busy working on the buses.

Appellant's reaction to comments

The appellant responded to the above comments in two letters, one from the attorneys who has lodged the appeal (Simone Olivier Attorneys) and another from a consultant town planner (Umsiza Planning).

The attorney's response is aimed at addressing the issues raised by the objectors, as well as at the administrative process and planning evaluation report that served before the Tribunal. It claims that the administrative process was not fair to the applicant and that the Tribunal did not consider all information in coming to their decision. The specific points addressed in the letter is summarized below:

Response to issues raised by objectors

- i. Appellant also resides on erf 400, therefore the objectors' submission that he will not be affected by the rezoning is incorrect.
- ii. Appellant legally bought all properties involved (including land across from erf 402 where the buses turn).
- iii. No repairs are done on erven 400 or 402. All repair work is done by Le Roux Mechanical Services (declaration from them attached).
- iv. Buses are washed only twice a week, for which the water tank is sufficient.
- v. Blame for noise pollution -, health -, safety - and water issues cannot be put on the appellant alone, because there are various other sources for these issues in the community.
- vi. Appellant kept record of movement of buses for 3 month period, that proves the bus service does not have a high impact. The highest number of buses per day was 5, which occurred only once, while most days there were 3 buses leaving in the morning and returning in the evening (schedule attached).
- vii. The only reason for rezoning application is to park buses. If the business expands a new application will have to be lodged.
- viii. Appellant always tries to resolve issues that neighbours may have with the buses. The reason he bought erf 402, was to keep the buses out of their way.
- ix. Appellant built the boundary wall to provide security. He did follow proper procedure in informing the local authority thereof (building plan application attached).
- x. Erven 400 and 402 have been used to park buses since 1974, when Mr Jeneke leased it from the municipality for that purpose.
- xi. There has been no drop in property values in the area between 2013 and 2022, as shown in an attached property report.
- xii. Appellant will be in a position to fully comply with all by-laws and regulations, should the rezoning be granted.

Comments on the administrative process and planning report

- i. The Land Use Planning Assessment Report was never brought to the appellant's attention. The applicants attorneys found it on the internet. In terms of section 55(1) the applicant has a right to reply to all copies of all comments and other information submitted to the municipality. This includes the assessment report.
- ii. The decision letter of 12 May 2022 was not brought to the applicant's attention in terms of Section 35 of the by-law. Applicant's consultant found the letter in his pigeon hole at the municipality and only informed the applicant on 25 May 2022, by which time 13 days of the appeal period have passed. The appellant none the less managed to lodge an appeal in time, but it lacked any comments and response to the assessment report.
- iii. It is clear from the assessment report that more information was required from the applicant, which would have assisted the decision maker to consider all the facts. In terms of Section 42(1), the municipality must notify the applicant of any additional information or documents it requires.
- iv. The applicant did not receive any guidance in the compilation of the application by means of a pre-application consultation in terms of section 37(1).
- v. The applicant did not have the opportunity to submit supplementary documents, as the municipality did not make any request in terms of section 55. The Tribunal therefore made a decision in stead of requesting additional information that may have provided more clarity on the application.
- vi. Tribunal did not comply with section 59(5) in that they did not give the owner reasonable notice of the inspection. This would have given another opportunity to obtain more information.

- vii. Considering the above, the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
- viii. Taking into account the previous legislation (LUPO, section 14 in particular), the local authority did not give due consideration to the past utilization of the property (since 1974) in order to reconcile it with the zoning scheme.
- ix. The precise number of buses on the premises and those travelling in and out of the premises daily, was not fully discussed in the assessment report.
- x. Initial application report will be supplemented by towns planner's (Umsiza) report.
- xi. Proposal can be reconciled with its surroundings and operations have a low impact on its immediate environment. Appellant must be given the opportunity to provide further proof and evidence by means of oral hearing, considering that the Tribunal took a decision without sourcing the necessary information

(See page 143 of this bundle)

The town planner's (Umsiza's) response provides additional motivation for the rezoning and also proposes certain amendments to the original proposal. The letter included an amended site development plan, aimed at mitigating against all possible impacts and to harmonise the development with the character of the surrounding area. The main changes are:

- Only 555m² of erf 402 (in stead of whole erf) next to Le Roux Street and away from Hopley Lane is now proposed for rezoning and parking of buses, with the remainder (on Jeneke Street and Hopley Lane) staying Single residential zone I and serving as buffer.
- Entrance to bus parking areas on erf 400 and erf 402 now only from Le Roux Street reserve and not from Hopley Lane.
- Number - and parking layout of buses is shown on the plan, with 6 buses parking on a 1200m²-portion of erf 400 and 5 buses on the 555m² portion of erf 402.

The following motivation is provided

- i. **Need for the business:** Workers are dependent on this bus service.
- ii. **Character of environment:** Although the site is seen as part of the residential area, it is located on the edge of town next to the river, with the sports fields across the river. The varied use of the sports fields, as well as the fact that the area serves as a thoroughthrough for pedestrians from Môreson neighbourhood and trucks (from farms and municipality), lends a high activity character to the area.
- iii. **Desirability of site:** The portion of erf 400 to be rezoned is located at the back of the plot, away from the roads and other houses and is not visible from the surrounding residential area. It makes optimal use of low-lying area where no permanent development may be allowed. The area will be accessed from the Le Roux Street reserve only. The portion of erf 402 is restricted to 555m², outside the flood line, away from both Hopley Lane and Jeneke Street and out of sight from Hopley Lane. The area will be walled in and accessed from the Le Roux Street reserve only. There will be two walls between it and Jeneke Street. The rest of erf 402 can be developed for residential purposes as a buffer to existing houses. A new entrance to be created from currently undeveloped Le Roux Street reserve and the existing access in Hopley Lane closed.
- iv. **No alternative:** Owner already bought erf 402 for this purpose and will not be able to afford alternative land. There is very little land available in the Langeberg Municipal area for this purpose (extensive and/or industrial).
- v. **Noise impact:** Maximum of 11 buses allowed in total, operating from 5am to 8.30pm (on average 6.30am to 6pm), with noise impact only at departure and on arrival, i.e. twice a day for a short period. Buses are washed during working hours only. There will be buffer areas and walls around both sites. No repair work done on site. It is important for owner to minimize noise, because he resides on erf 400.
- vi. **Visual impact:** Both areas out of sight and walled in. Entrances will be in Le Roux Street only.
- vii. **Traffic impact:** Both existing entrances from Hopley Lane will be closed for buses and walled up, with only the access to the dwelling on erf 400 remaining available for motor cars. Both sites will get new entrances in

the unused portion of Le Roux Street, where buses will have access/egress and turning space, resulting in buses moving down Le Roux Street only and not in Hopley Lane at all.

PART L: PROVINCIAL MINISTER'S COMMENT ON THE APPEAL (IF REQUIRED)

N/A

PART M: THE MUNICIPAL ASSESSMENT OF COMMENTS

The comments on the appeal from the original objectors reiterate their original objections. These comments were made mainly in reaction to the issues raised by the applicant when he commented on the original objections (in the letter attached to the appeal). To a large extent these comments correspond to the Tribunal's reasons for rejecting the application and do not raise any new issues that had not been considered by the Tribunal.

The appellant's response to the objectors' comments on the appeal generally reiterates the applicant's original motivation and responds to specific issues raised or statements made by the objectors, in some cases providing additional information to refute it. Examples of the latter are: the record of movement of buses, the property report, declaration that all repair work is done off the premises and statement that buses are washed twice a week with tank water. Each is assessed below:

Record of movement of buses:

The records bus activity can be summarized as follows:

	Total	Weekdays	Weekends
Number of buses over 3 month period	196	178	18
Average number of buses per day	2.1	2.6	0.7
Least buses per day	0	0	0
Most buses per day	5	5	3
Earliest departure	05h00	05h00	05h00
Latest departure	13h00	12h30	13h00
Earliest arrival	11h00	12h00	11h00
Latest arrival	20h30	20h30	20h00

This information - corresponds substantially to the information in the original application, where the indication was that normal traffic is 4 buses per day during weekdays. The main difference is that the records show lower activity over weekends – 0 to 3 buses per day - instead of the up to 9 buses over weekends stated in the application.

The records also show that buses depart as early as 05h00 and arrive as late as 20h30, but also that there are departures and arrivals throughout the day (latest departure 13h00 and earliest arrival 11h00. The appellant's deduction that the records show that the buses do not have a high impact, is their opinion and cannot be accepted as fact based on the information given.

Property report

The property report attached by the appellant does not contain sufficient information to compare the increase in property value of properties in the immediate environs of the applicant properties to the general increase for the town as a whole. If anything, the sale

prices of similar properties in Hopley Street shows a markedly lower increase (43% R/m² increase between Dec 2014 and Dec 2020) compared to the trend for Robertson (68% increase in average price from 2016 to 2021).

Confirmation that all repair work is done off the premises

The statement by Le Roux Meganisasiedienste to confirm that they have been repairing the applicant's buses for the past 28 years does not confirm or guarantee that no repair works have been or will be done on the applicant's premises.

Statement that buses are washed twice a week with tank water:

The Tribunal did not consider the issue of water use and - disposal to be a reason for rejecting the application.

With regards to the appellant's comments on the administrative process and planning report that served before the Tribunal (in letter from Simone Olivier Attorneys), the various statements and allegations as summarized in Part K above, are evaluated and commented on below:

Appellants comments	Municipal assessment
i. The Land Use Planning Assessment Report was never brought to the appellant's attention. The applicants attorneys found it on the internet. In terms of section 55(1) the applicant has a right to reply to all copies of all comments and other information submitted to the municipality. This includes the assessment report.	The information referred to in Section 55(1) of the Land Use Planning By-Law, 2105 clearly does not include the Planning Assessment Report, because Section 55 refers to "comments and other information submitted to the municipality" and determines that it must be given to the applicant within 14 days after the closing date for public comment. As the planning report is generated by the municipality, it cannot be regarded as "information submitted to the municipality" Also, the appellant's interpretation implies that the planning report would have had to be completed within 14 days after all comments were in, and without the benefit of having received the applicant's response to objections, which is clearly not the intention of the by-law. Furthermore, it is noted that the sections in the by-law generally follow a chronological sequence of the application and decision making process, e.g. pre-application meeting (s.37), receipt of application (s.41), provision of additional information (s.42), public notice (s.44-48), submission of petitions and comments (s.49 & 50), right of applicant to reply (s.55), written assessment (s.56), decision making (s.57-60). In terms of this sequence, the right of the applicant to reply clearly precedes the planning assessment report.
ii. The decision letter of 12 May 2022 was not brought to the applicant's attention in terms of Section 35 of the by-law. Applicant's consultant found the letter in his pigeon hole at the municipality and only informed the applicant on 25 May 2022, by which time 13 days of the appeal period have passed. The appellant none the less managed to lodge an appeal in time, but it lacked any comments and response to the assessment report.	Section 61 of the said by-law determines that an applicant must be notified of a decision within 21 days and Section 35 determines that notification must be in writing and may be issued - where the contact details are known - by: a) delivering it by hand, b) registered mail or c) by data message. The land surveyor who acted on behalf of the applicant has a standing arrangement with the municipality's Town Planning Office that correspondence for him is left at the office in a dedicated drawer for regular pick-up. The letter with the Tribunal decision was put in his drawer on 12 May 2022 and therefore regarded as having been delivered by hand on that date.
iii. It is clear from the assessment report that more information was required from the applicant, which would have assisted the decision maker to consider all the facts. In terms of Section 42(1), the municipality must notify the applicant of any additional information or documents it requires.	The appellant is correct that in terms of Section 42(1) the municipality notify the applicant of additional information or documents that it requires. The appellant does not specify which information the municipality required from the applicant in order to make an informed decision. The only information they could possibly refer to, is an analysis of the traffic impact as mentioned in Part H of the assessment report, under the heading Verkeersimpak, parkering en ander vervoerverwante oorwegings . This information was not regarded as

	a prerequisite for taking a decision. The applicant was aware from the objections that traffic and pedestrian safety was a concern, but chose not to address it by means of a professional traffic analysis.
iv. The applicant did not receive any guidance in the compilation of the application by means of a pre-application consultation in terms of section 37(1).	Section 37(1) only determines that a municipality <u>may</u> require a pre-application consultation, but does not compel the municipality to do so. Such a consultation was not required in this case, as the land surveyor who represented the applicant is familiar with the application procedures and -requirements. He did discuss the application with me informally.
v. The applicant did not have the opportunity to submit supplementary documents, as the municipality did not make any request in terms of section 55. The Tribunal therefore made a decision in stead of requesting additional information that may have provided more clarity on the application.	As explained in paragraph i) above, the assessment report cannot be regarded as information that has to be given to the applicant for comment. The municipality did in fact refer all the comments (objections) and comment from technical departments to the applicant for comment in terms of Section 55 (see attached). The applicant also executed their right to reply by commenting on the objections per undated letter.
vi. Tribunal did not comply with section 59(5) in that they did not give the owner reasonable notice of the inspection. This would have given another opportunity to obtain more information.	Section 59(5) applies <i>inter alia</i> to cases where the Tribunal members have to enter the applicant property in order to assess the application. In this case, the Tribunal did not need to enter the applicant's land or buildings in order to consider the application.
vii. Considering the above, the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).	As explained in points i. to vi. above, the administrative action complied with legal prescriptions.
viii. Taking into account the previous legislation (LUPO, section 14 in particular), the local authority did not give due consideration to the past utilization of the property (since 1974) in order to reconcile it with the zoning scheme.	Ever since the promulgation of the previous zoning scheme in 1968 (the Robertson zoning scheme, which became a zoning scheme in terms of Section 7 of the former Land Use Planning Ordinance, 1985 [LUPO] in 1986) the applicant erven were zoned for single residential purposes only. Section 14 of LUPO dealt with land that was zoned for a specific purpose, but not used accordingly. This is not the case with erf 400, which indeed was –and still is – used for residential purposes in accordance with the zoning.
ix. The precise number of buses on the premises and those travelling in and out of the premises daily, was not fully discussed in the assessment report.	The number and movement of buses as given by the applicant was discussed in Part D: Background and Applicant's motivation in the planning assessment report. The applicant's own explanation in this regard was also given in Part F of the report under the heading: Bedryfstye. It was also discussed in Part H of the report.
x. Initial application report will be supplemented by towns planner's (Umsiza) report.	Taken into account in evaluation in Part N below.
xi. Proposal can be reconciled with its surroundings and operations have a low impact on its immediate environment. Appellant must be given the opportunity to provide further proof and evidence by means of oral hearing, considering that the Tribunal took a decision without sourcing the necessary information	The appellant was afforded ample opportunity to provide proof/evidence to support the application and appeal.

The additional motivation submitted by Umsiza, based on the revised proposal, is taken into account in the evaluation in Part N below.

PART N: MUNICIPAL PLANNING EVALUATION ON APPEAL (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA and Chapter VI of LUPA? (elaborated further below)

Y

N

Chapter 2 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA):

In terms of Section 42 of SPLUMA, read in conjunction with Chapter 2 of SPLUMA, land use planning the land use proposal must be consistent with the principles of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration. Public interest, constitutional transformation imperatives, facts and circumstances of the application, rights and obligations of those affected, impact on engineering services/social infrastructure/open space requirements, inter alia, must be taken into account.

The abovementioned development principles in Chapter 2 of SPLUMA are given in Annexure D. These principles are also prescribed in Chapter VI of LUPA, which are and discussed below.

Chapter VI of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA):

Section 49 of LUPA determines the following:

49. When a municipality considers and decides on a land use application, the municipality must have regard to at least—

(a) the applicable spatial development frameworks

Comment:

The proposals of the Western Cape Provincial Spatial Development Framework, 2014 (PSDF) and the Langeberg Spatial Development Framework, 2015 (LSDF) have been addressed in the original planning evaluation and have been taken into consideration by the Tribunal. Neither of the SDF's make specific proposals for the area in question.

The PSDF lists the protection and enhancement of sense of place and settlement patterns as a settlement policy objective and states the following in this regard:

A strong sense of place and quality environments within settlements at all scales is increasingly recognized as an essential dimension of sustainable settlement. This relates to the economic potential associated with tourism, attracting skills into the service and knowledge economy, as well as the wellbeing and dignity of communities of all income groups.

The LSDF includes the following general proposal for urban development in Robertson:

Robertson is well placed In terms of the National Development Plan's (NDP) key economic drivers of agriculture, agri-industry and tourism and can expect considerable growth in the future, especially if the town is well managed spatially and aesthetically, and with respect to services, including "crime and grime". Due regard must be paid to the attractiveness of its townscapes for residents and visitors alike.

Conclusion: The establishment of a bus depot in a residential neighbourhood is generally expected to detract from the sense of place of this part of the town and also from the attractiveness of the townscape to the surrounding residents. However, if the extent of the operation can be limited and mitigation measures employed to lessen its visual and noise impact to such an extent that it does not affect the neighbourhood's character and sense of place significantly, the proposal can be regarded as compatible with the principles of both the PSDF and LSDF.

(b) the applicable structure plans

Comment: There are no structure plans in force in the Langeberg municipal area.

(c) the principles referred to in Chapter VI.

Comment: See extract from LUPA in Annexure E. The proposal is not specifically in conflict with these principles. Following of these are particularly applicable to this proposal

(d) the desirability of the proposed land use

Comment: Desirability has been evaluated in the original report, see Section H in Annexure H. The proposal was considered to be undesirable. The desirability of the revised proposal as presented by Umsiza Planning is further evaluated below.

(e) guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use

Comment: Evaluation at (d) above has been done according to these guidelines, i.e. Provincial Support document on Relevant Considerations, September 2015

All abovementioned aspects have been taken into consideration with the original evaluation and therefore the decision was consistent with SPLUMA and LUPA.

Impact on municipal engineering services

This aspect has already been addressed in the original report. The technical departments have indicated that the development can be accommodated in the existing networks.

Existing and proposed zoning comparisons and considerations

The current zoning of both properties is Single Residential Zone I, which allows for a primary use of Dwelling House. Per definition this includes the following uses in addition to a dwelling:

- (a) a storeroom and garaging;
- (b) a second dwelling or additional dwelling, with a floor area which does not exceed 60 m²; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m²;
- (c) a braai room;
- (d) renewable energy structures for household purposes;
- (e) home occupation (limited to area of 60m² or 25% of total floor area, whichever is the least);
- (f) letting to lodgers for long terms rental;
- (g) a bed and breakfast establishment (maximum 2 rooms/4 guests); and
- (h) home child care (maximum 6 children)

The proposed zoning of Transport Zone I allows for a primary use right of Transport Use, which per definition includes a "bus depot". The prescribed development parameters for a Transport Use is the same as for a Business Premises and are significantly less restrictive than the development parameters prescribed for a Dwelling Houses, particularly with regards to building lines, maximum allowable coverage and maximum height of buildings, as can be seen in the comparison below.

However, should the rezoning be approved, additional, more restrictive development parameters can be imposed per a condition of approval to mitigate against the impact of the proposed land use if deemed appropriate.

	FOR DWELLING HOUSE	FOR TRANSPORT USE
Street building line	Erf size $>300\text{m}^2 = 4\text{m}$ Garage or carport may be erected within the building line if it is impractical to comply with the street building line due to steep slopes between the road and the property, as determined by Mun.	0m, but Mun. may require 8m setback from centre of street
Side building line	Erf size $>300\text{m}^2 = 1.5\text{m}$ Garage, carport and outbuildings may be erected within the building line, provided that: - Max 3.5m high - Abutting land owners' comments obtained - No doors or windows within building line	0m, but Mun. may impose building lines in interest of public health and safety or to enforce any other law or right.
Rear building line	Erf size $>300\text{m}^2 = 2\text{m}$ Garage, carport and outbuildings may be erected within the building line, provided that: - Max 3.5m high - Abutting land owners' comments obtained - No doors or windows within building line	0m, but Mun. may impose building lines in interest of public health and safety or to enforce any other law or right.
Height	6m to wall plate and 8.5m to roof ridge	15m
Coverage	Erf size $>300\text{m}^2 = 60\%$	100%
Floor factor	None prescribed	3
Parking	<u>For dwelling houses:</u> Erf size $>350\text{m}^2 = 2$ bays	None prescribed for transport use or bus depot specifically. For business premises = 1 bay per 25m^2 GLA.
Other rules		Loading zones to be provided Refuse room to be provided Mun. may require screening

The desirability of the proposal

The desirability of the proposal was analysed in the original report in accordance with the the Western Cape Department of Environmental Affairs and Development Planning guidelines. The proposal was regarded as undesirable. However, the amended proposal and additional motivation submitted by the appellant do address some of the key considerations in this regard as discussed below:

Relevant consideration	Evaluation of amended proposal
Economic impact	No difference from original proposal.
Scale of the capital investment;	No difference from original proposal
Compatibility with surrounding uses;	As pointed out in the original assessment report, the land uses and zonings in the immediate environs to the south east of the applicant sites are predominantly residential and the proposed use as a bus depot is not compatible with this residential character. This is somewhat lessened by the fact that the sites are located on the outer edge of the neighbourhood, with the Drooge Rivier directly to the north west and the cemetery and sportsgrounds across the river from it. The amended proposal to restrict the size of the areas where the buses will park, limiting the size to accommodate a maximum of 11 buses and locate them to the back of the two sites (towards the river and away from the residential properties), as well as other mitigation measures such as screening the areas with high walls and trees, will make it more compatible with the surrounding land uses. The access and egress points will also be in the currently undeveloped portion of road reserve at the north-western end of Le Roux Street, away from the residential properties.
Impact on the external engineering services;	No difference from original proposal
Impact on safety, health and wellbeing and on quality of life of the surrounding community; (including views, sunlight, privacy, visual impact, character);	The main concern with regards to safety is the movement of buses through residential streets, which can cause a traffic hazard and danger to pedestrians. Whereas the original proposal had buses entering and leaving the premises from Hopley Lane very close to the intersection, the revised proposal will result in buses leaving and entering the premises from the Le Roux Street reserve only and then moving in a straight line down Le Roux Street. No traffic will be generated in Hopley Lane. This is expected to improve the traffic safety situation significantly, as there will be no bus turning movements in the street and sight distance will also be adequate. The movement of buses up and down Le Roux Street will still impact on the wellbeing of the residents that feel they are affected by it, but given the restriction on the number of buses that can be accommodated on the premises, the number of buses so moving up and down Le Roux Street will be limited to an extent that the impact is expected to be acceptably low. The revised proposal included the creation of a residential buffer around the bus depot, as well as erecting a solid wall and a row of trees to screen the parked buses from the neighbouring properties, both visually and with regards to noise. If adequately screened, the buses parked on the site will not have a negative visual impact and therefore will not unduly change the character of the area.
Impact on heritage;	No difference from original proposal
Impact on the biophysical environment;	No difference from original proposal
Traffic impacts, parking, access and other	The traffic impact will be significantly reduced by the amended proposal, provided that the intersection of Le Roux Street and Hopley Lane is adequately signed with road markings and traffic signs and the

transport related considerations such as public transport	roadway in the Le Roux Street reserve is properly surfaced to prevent dust and gravel being carried onto the existing tarred surface.
Whether the imposition of conditions can mitigate an adverse impact of the proposed land use;	The imposition of conditions to enclose and screen the rezoned areas where the buses may park, as well as to regulate the access and egress conditions for buses into Le Roux Street, is expected to mitigate adequately against adverse impacts of the proposed use.
Cumulative impacts;	In view of the restriction on the size of the rezoned area, the proposed rezoning is not expected to have a significant cumulative impact. Most of the objectors were particularly concerned about the potential for expansion of the business once rezoning of the whole property (as in the original proposal) was given. If the revised proposal is approved, the business will not be able to expand beyond the use of 11 buses as proposed. The location, site conditions and circumstances of this application site is unique to such a degree that it is not expected to create a precedent for similar applications in the area, which would have contributed to a cumulative impact.
Opportunity costs;	The revised proposal will have less of an opportunity cost than the original proposal, seeing that a smaller area of residential land will be used, still leaving the opportunity to develop and use the majority of the land for residential purposes. It is also true that there is currently very little industrial land available in Robertson as alternative location for this business.

PART O: ADDITIONAL PLANNING EVALUATION RESTRICTIVE CONDITIONS

The application did not involve the removal of restrictive conditions of title.

PART P: SUMMARY OF EVALUATION

The proposal, evaluation and decision comply with legal prescriptions and policies and the original proposal is still regarded as undesirable. However the revised proposal adequately lessens or mitigates against the various impacts to such an extent that it can be regarded as desirable.

PART Q: RECOMMENDATION

That the decision of the Langeberg Municipal Planning Tribunal on 4 May 2022 be confirmed, but that the alternative proposal as presented by the appellant, for the rezoning of two portions on erven 400 and 402, Robertson from Single Residential Zone I to Transport Zone I be approved, subject to the following conditions:

1. The rezoning applies to the areas indicated as ABCDEFG and HJKL on the site plan marked ROB400&402-LBM-TP.
2. The use of the rezoned areas is limited to the parking and washing of buses only. No servicing, repairs or refueling of vehicles may be done on the site.
3. Before the allocated rights may be executed, the following must be completed, to the satisfaction of the Manager: Town Planning:
 - 3.1 Solid walls of at least 2.4m high erected around both portions as indicated on the site plan
 - 3.2 All walls across the Le Roux Street road reserve between erven 401 and 402 removed
 - 3.3 A row of trees of at least 2m in height planted and provided with irrigation along the boundaries marked JKL and CDEF on the site plan

- 3.4 The undeveloped portion of Le Roux Street where the buses will drive, must be surfaced (tarred or paved) from the access points to the existing surface of Le Roux Street.
- 3.5 A Stop-sign must be erected where the undeveloped Le Roux Street intersects with Hopley Lane, so that buses leaving the premises must stop at the intersection before crossing Hopley Lane.

PART R: REASONS FOR RECOMMENDATION

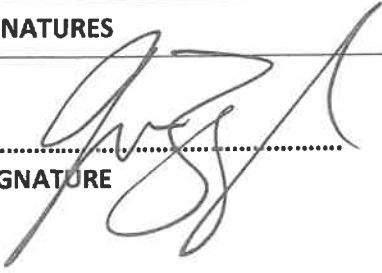
1. The relevant considerations have been properly taken into account with the original evaluation and Tribunal's decision and the original proposal was regarded as undesirable.
2. The amended proposal submitted by the appellant in reaction to comments from objectors, was regarded as desirable on the following grounds:
 - 2.1 The sites are located on the outer edge of the neighbourhood, with the Drooge Rivier directly to the north west and the cemetery and sportsgrounds across the river from it. The proposal to restrict the size of the areas where the buses will park, limiting the size to accommodate a maximum of 11 buses and locating them to the back of the two sites (towards the river and away from the residential properties), as well as providing a new access away from residential properties and screening the areas with high walls and trees, will make it compatible with the surrounding land uses.
 - 2.2 Given the new proposed access, no traffic will be generated in Hopley Lane and there will be no bus turning movements in the public street, which is expected to have an acceptable impact on traffic and pedestrian safety.
 - 2.3 The number of buses moving up and down Le Roux Street will be limited to an extent that the impact is expected to be acceptably low.
 - 2.4 Given the creation of a residential buffer around the bus depot, as well as erection of a solid wall and a row of trees to screen the parked buses from the neighbouring properties, both visually and with regards to noise, the character of the area will not be unduly changed.
 - 2.5 The traffic impact will be significantly reduced by the amended proposal, provided that the intersection of Le Roux Street and Hopley Lane is adequately signed with road markings and traffic signs and the roadway in the Le Roux Street reserve is properly surfaced to prevent dust and gravel being carried onto the existing tarred surface.
 - 2.6 The location, site conditions and circumstances of this application site is unique to such a degree that it is not expected to create a precedent for similar applications in the area. Also, given the restriction on the size of the rezoned area, the business will not be able to expand beyond the use of 11 buses as proposed. The rezoning is therefore not expected to have a significant cumulative impact.

PART S: ANNEXURES

Annexure A	Original planning evaluation report (including annexures with plans, applicant's motivation, objections, applicants response to objections and MPT decision)
Annexure B	Appeal
Annexure C	Objectors' comments on appeal
Annexure D	Appellant's response to objectors' comments
Annexure E	SPLUMA Chapter 2 – development principles
Annexure F	LUPA Chapter VI – principles

PART T: SIGNATURES

AUTHOR SIGNATURE



DATE

15.11.2022

APPROVED

APPROVED CONDITIONALLY

APPROVED IN PART

REFUSED

APPEAL AUTHORITY:

Date:

Annexure A

Original planning report

(including annexures: plans, applicant's motivation, objections, applicants response to objections and MPT decision)



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: HERSONERING VAN ERF 402 EN GEDEELTE VAN ERF 400 (ONGEREGISTREERDE ERF 8210), ROBERTSON

Reference number	15/4/9/1	Application submission date	20-8-2021	Date report finalised	26-4-2022
PART A: AUTHOR DETAILS					
First name(s) & Surname	Jack van Zyl				
Job title	Assistent Bestuurder: Stadsbeplanning				
SACPLAN registration number	A/1170/2000				
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erwe 400 (deel van ongeregistreerde konsolidasie, erf 8210) en 402				
Physical address	Hopleyalaan		Town	Robertson	
Current zoning	Enkel residensiële sone I	Extent (m2 /ha)	3310m ² en 1637m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Robertson Soneringskema				
Current land use	Woonhuis op erf 400. Busdiens word op erf 400 bedryf. Erf 402 vakant		Title Deed number & date	T74/1994 T20344/2019	
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	Busdiens word op erf 400 bedryf, waarvoor nou aansoek gedoen word.
PART C: APPLICATION DESCRIPTION				
Aansoek ingevolge Artikel 15(2) van die Munisipaliteit Langeberg: Verordening op Grondgebruikbeplanning, 2015 vir 'n hersonering vanaf Enkel residensiële sone I na Vervoersone I om 'n passasiersbusdiens te bedryf.				

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

Volgens die aansoeker bedryf hy reeds byna 30 jaar 'n busdiens vanaf sy woonperseel, erf 400, Robertson. Die Langeberg Munisipaliteit het in 2021 begin met wetstoepassing teen die ongemagtigde gebruik, wat gelei het tot die huidige aansoek. Die aansoeker het Erf 402 in 2019 van die munisipaliteit gekoop, volgens hom met die doel om dit ook vir die busdiens te gebruik. Beide erwe is egter tans gesoneer as Enkel residensiële sone I.

Die voorstel is om 'n 1191m² gedeelte van erf 400, wat reeds ommuur is, vir oornagparkering van busse te gebruik. Tans word die ingang na erf 400 in Hopleyalaan vir toegang na en van hierdie area gebruik. Die voorstel is om 'n nuwe ingang vanaf Hopleyalaan aan die oorkant van Le Rouxstraat na erf 402 te gebruik (die ingang is reeds gemaak) en die bestaande ingang na erf 400 vir busse te sluit. Busse sal dan tussen erwe 400 en 402 beweeg oor 'n ontwikkelde 17 meter breë gedeelte van Le Rouxstraat wat tussen die twee erwe lê. Die plan met die voorgestelde areas vir hersonering, wat ook die toegang toon, word in Bylae 1 aangeheg.



Volgens die aansoeker sal 'n maksimum van 9 busse per dag die perseel verlaat oor naweke en gemiddeld 4 per dag in die algemeen. Die bedryfsure is in die somer vanaf 06h00 tot 20h00 (een bus vanaf 05h00) en in die winter 07h00 tot 15h00 (een bus tot 18h00).

Die aansoeker motiveer die voorstel aan die hand van die volgende (motiveringsverslag aangeheg in Bylae 2):

- Word reeds etlike jare lank bedryf
- Parkeerarea is buite sig en veilig, met hoë mure

- Probleem met toegang na erf 400 in smal straatjie word opgelos deur ingang te verskuif na erf 402. Dit bied beter sig en verminder opeenhoping van verkeer en geraas in Hopleyalaan tussen erf 400 en erf 4581 oorkant die straat. Gedeelte van Hopleyalaan noord van Le Rouxstraat waar toegang voorgestel word, het min verkeer en daar word nie verkeersprobleme by die cruising verwag nie.
- Impak op verkeer beperk tot rondom naweke.

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 Councillor	Other

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

Daar is 7 besware en 'n petisielys met 46 handtekeninge van die omliggende eienaars/inwoners ontvang (aangeheg in Bylae 3).

Die besware is hoofsaaklik op die volgende gronde gebaseer:

- Negatiewe impak op omliggende residensiële gebied, Residensiële karakter en
- Inwoners word verontrief deur geraas van die vervoerbesigheid vroegoggende en laat in die aand
- Impak van gedurige blootstelling aan uitlaatgasse op gesondheid van omliggende inwoners.
- Gedeelte van Hopleystraat waarheen ingang skuif, is ook smal en verkeersopeenhoping sal steeds voorkom. Die ingang is naby die Stopteken en op die kruising en sal gevaarlik wees.
- Busse in die area skep gevaar vir voetgangers, waarvan baie kinders is.
- Aanbring van onwettige vibrecretemuur belemmer uitsig by die kruising en skep verkeersrisiko vir inwoners.
- Erf 402 is meer geskik vir voorsiening van nodige behuising
- Negatiewe visuele impak van geparkeerde busse op inwoners.
- Besigheid kan misdaad na gebied lok.
- Skade aan eiendom aangerig deur busse.
- Gevaar van waterbesoedeling in die nabygeleë Willem Nelsrivier deur brandstof, olie en smeermiddels wat op die perseel gehou word
- Toenemende beskadiging van paaie deur swaar voertuie
- Negatiewe impak op eiendomswaardes, omdat huise se waardes gekoppel word aan en afhanklik is van die residensiële karakter van die buurt. Teenwoordigheid van semi-industriële gebruike gaan dit benadeel.
- Gebruik van erf 402 gaan geleentheid skep om busdiens verder uit te brei, met gevolglike toename van die impak.

Die aansoeker se reaksie op die besware word aangeheg as Bylae 4. Dit behels die volgende:

Area se karakter as woongebied

Al die aangrensende strate het besighede in (lys verskaf). Busdiens word reeds 28 jaar bedryf, voordat inwoners wat nou kla, daar gewoon het.

Veiligheid

Ontken dat daar ongelukke met busse in Hopleyalaan of Le Rouxstraat. Van die beswaarmakers parkeer onwettig in Hopleyalaan, wat dan 'n gevaar skep.

Misdaad

Misdaad kom in die area voor omdat Hopleyalaan as deurgangsroete gebruik word vir kriminele en omdat dit langs die rivier is, waar baie skuilplek is. Perseel word beskerm met sekuriteitstelsel en gewapende reaksie-eenheid. Dit verhoed eerder misdaad in die area.

Bedryfstye

Busse verlaat die perseel 90% van die tyd een maal in die oggend en keer een maal in die aand terug, op die laaste 20h00. Maksimum van 9 busse per dag die perseel verlaat oor naweke en gemiddeld 4 per dag in die algemeen. Die bedryfsure is in die somer vanaf 06h00 tot 20h00 (een bus vanaf 05h00) en in die winter 07h00 tot 15h00 (een bus tot 18h00).

Gesondheidsrisiko

Busse word elke 6 maande getoets vir padwaardigheid en daar word geen oormatige rook uitgelaat nie. Lugbesoedeling word deur alle voertuie veroorsaak en kan nie aan die busse alleen toegeskryf word nie.

Herstelwerk word uitkontraakteer en geen groot herstelwerk word op die perseel gedoen nie.

Padinfrastruktuur

Ander swaar voertuie gebruik ook dieselfde paaie end us kan geen redelike afleiding gemaak word 'n bus vir die beskadiging van die padoppervlak verantwoordelik is terwyl die pad meer deur ander tipe voertuie gebruik word nie.

Opeenhoping van verkeer

Dit word ontken dat daar opeenhoping van verkeer in Hopleyalaan was. Parkering in Le Rouxstraat sal nie die beweging van busse beïnvloed nie.

Waterdruk

Busdiens skep nie waterdruk probleem vir ander, want daar word van "tenkwater"gebruik gemaak om busse te was.

Oprigting van muur

Die uitsig vanaf Hopleyalaan en Le Rouxstraat is onbeperk en word nie deur die muur belemmer nie. Busse kan met gemak in die 9m breë Le Rouxstraat beweeg

Geraas

Knaldempers van busse word ook nagegaan tydens gereelde padwaardigheidstoetse. Busse maak nie gebruik van "air brake systems"nie. Busse maak geluide soos enige ander motorvoertuig wat beweeg. Daar is ander, veel meer steurende geraas in die omgewing, wat skynbaar nie die beswaarbakers pla nie.

Die aansoeker het ook sy eie verkeerstelling gedoen en voorgelê ter ondersteuning van sy reaksie op die besware (aangeheg, 3ylae 5)

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

Name	Summary of comments
Siviele Ingenieursdienste.	Die Siviele Ingenieursdienstedepartement het in beginsel geen beswaar teen die aansoek nie, op voorwaarde dat: 1. 'n Uitlegplan wat die toegange en beweging van die busse aandui voorsien moet word vir goedkeuring. Die plan moet ook die draaisirkels van die busse aandui. 2. Indien 'n water en 'n rioolaansluiting benodig word, moet skriftelik aansoek gedoen word by die Siviele Ingenieursdienstedepartement. Alle koste hieraan verbonde is vir die aansoeker.

Boubeheerbeampte	Geen ontvang
Verkeersdienste	Geen ontvang
Elektriese Ingenieursdienste	Geen ontvang
Rambestuur	Geen ontvang.
Wyksraadslid	Geen ontvang
Omgewingsgesondheid – Kaapse Wynland Distriksmunisipaliteit	Geen beswaar.

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

WENSLIKHEID

Versoenbaarheid met ruimtelike planne

Die Wes- Kaapse Provinsiale Ruimtelike Ontwikkelingsraamwerk (PSDF), 2014 se fokus is oorhoofs en spreek nie detail grondgebruik binne dorpe aan nie. Die PSDF staan wel stedelike verdigting, gemengde gebruik ontwikkeling en integrasie van komplementêre grondgebruik voor, en identifiseer ook die erodering van ondermeer "sense of place" van nedersettings deur onvanpaste ontwikkeling as 'n sleutel-uitdaging. Een voorgestelde beleiduitgangspunt is dat verseker moet word dat ontwikkeling pas by plaaslike gebou- en landskaptipologieë, skaal, massa, vorm en argitektoniese idioom.

Die Langeberg Ruimtelike Ontwikkelingsraamwerk, (LSDF), 2015 maak ook nie detail voorstelle vir grondgebruik binne dorpe nie. Die betrokke eiendom word as bestaande stedelike ontwikkeling voorgehou. Die LSDF se algemene voortsel vir stedelike ontwikkeling is Robertson is as volg:

General: Robertson is well placed in terms of the National Development Plan's (NDP) key economic drivers of agriculture, agri-industry and tourism and can expect considerable growth in the future, especially if the town is well managed spatially and aesthetically, and with respect to services, including "crime and grime". Due regard must be paid to the attractiveness of its townscapes for residents and visitors alike.

Die vestiging van 'n busdepot in 'n residensiële area kan afbreuk doen aan die sin van plek en aantreklikheid van die dorp vir inwoners van die betrokke gebied en kan dus in 'n mate beskou word as onversoenbaar met die beginsels vir ontwikkeling wat in beide die PSDF en LSDF voorgehou word.

Ekonomiese impak

Die onderneming hou 'n beduidende ekonomiese voordeel vir die dorp in, hoofsaaklik as gevolg van die volgende:

- Volgens die aansoeker verskaf die busdiens werk aan 25 persone, ingesluit busbestuurders, administratiewe personeel en skoonmakers.
- Plaaslike verskaffers en dienste word gebruik vir herstelwerk en brandstofvoorsiening.

- Dit verskaf 'n diens aan werkers wat nie oor eie vervoer beskik nie om by ondernemings binne Robertson en ook in ander dorpe te kan werk.

Die teenwoordigheid van 'n busdepot in die woonbuurt sal waarskynlik 'n negatiewe impak op die waarde van residensiële eiendomme in die onmiddellike omgewing daarvan hê.

Versoenbaarheid met omliggende gebruike en karakter van die omgewing

Die aansoeker se bewering dat daar baie ander besighede naby sy perseel is, is nie heeltemal korrek nie. Daar is nie ander besighede binne 50m vanaf sy woning nie en die meeste besighede wat in Keeromstraat is, is almal verder as 200m weg. (sien diagram hieronder). Die moontlikheid bestaan ook dat sommige van die besighede wat hy noem (hy verskaf ongelukkig nie presiese liggings of adresse nie) ook ongereguleerde besighede kan wees.

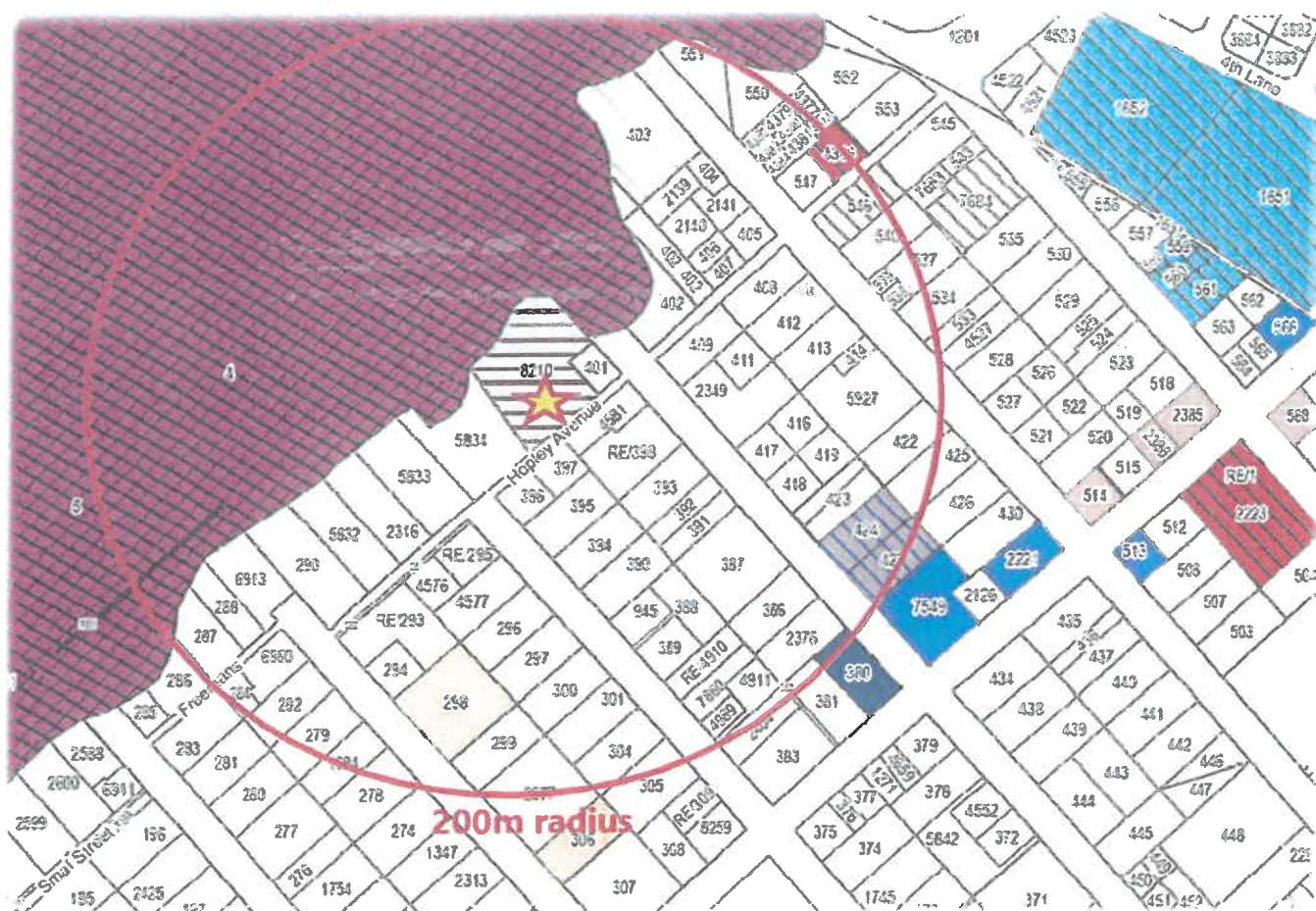


Die grondgebruike en sonerings in die onmiddellike omgewing van die aansoekperseel, aan die suidoostekant, is oorwegend residensiël van aard, meesal enkelresidensiël. Daar is wel besighede gekonsentreer in Keeromstraat, vanaf die Le Rouxstraat interseksie, noordooswaarts, 200m en verder vanaf die aansoekperseel (sien onderstaande 2018 grondgebruikkaart en soneringskaart). Die gebruik as busdepot is nie versoenbaar met die oorwegend residensiële karakter van die omliggende gebied nie.

Die perseel is wel op die rand van die stedelike gebied, met die Droogerivier direk noordwes daarvan en 'n begraafplaas en sportgronde oorkant die rivier. Indien verkeer uit die residensiële strate gehou kon word en die busdepot slegs agter op die relatief groot perseel beryf kon word, met toegang byvoorbeeld net vanaf die punt van Van Zylstraat, sou dit meer versoenbaar met die

omliggende grondgebruike en karakter van die omgewing wees. Aangesien die rivier die perseel afsny van die begraafplaas, sportvelde en toegang tot Van Zylstraat, is dit egter funksioneel deel van die residensiële gebied ten suidooste daarvan.

GRONDGEBRUIKKAART



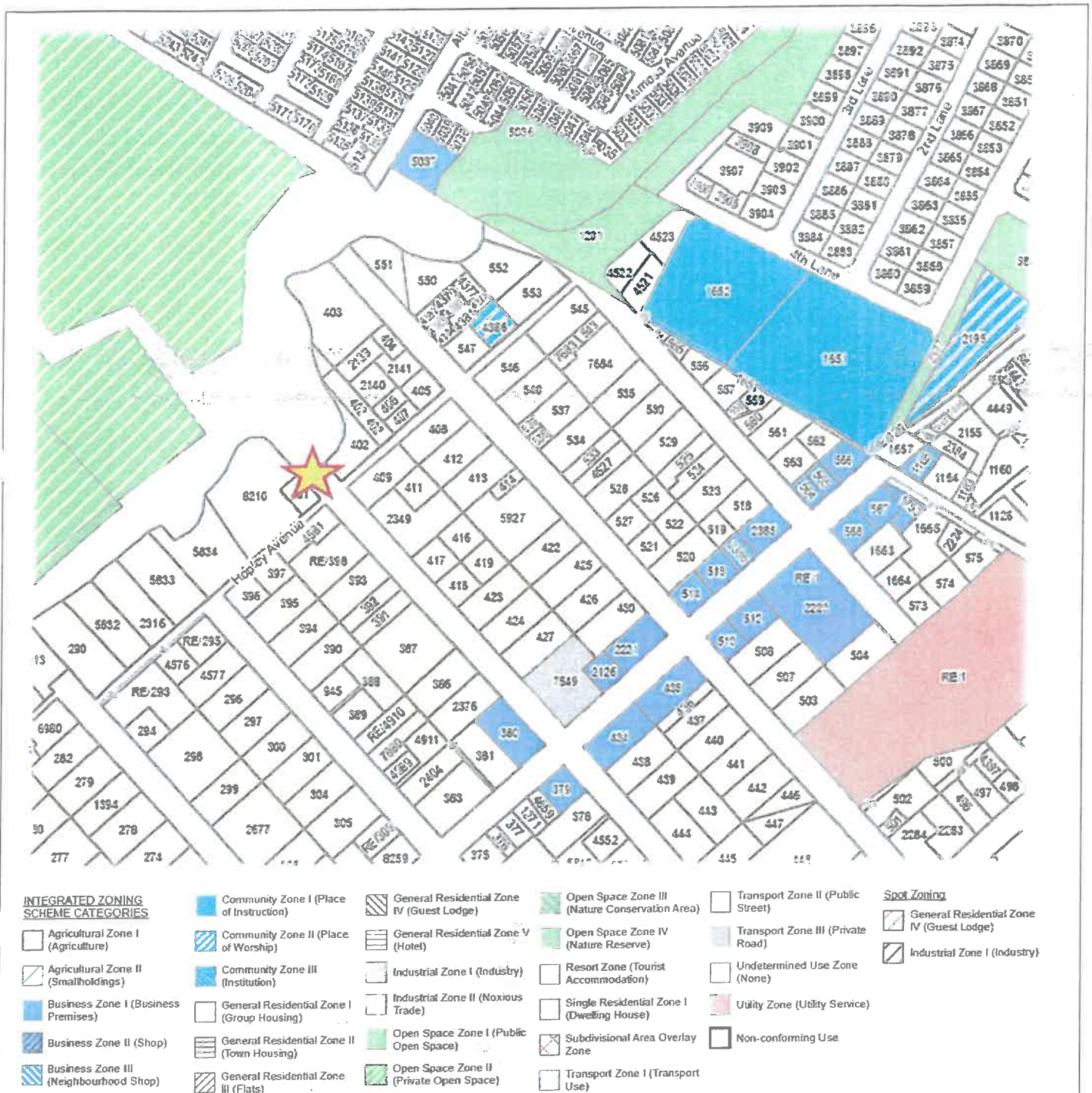
Robertson

- Storage Units
- Vacant/Open Space
- Packaging, Storage, Workshop, Offices
- Experimental Farm
- Group Housing
- Informal Dwelling
- Shop
- SAPS Offices
- Library
- Clinic
- Cemetery, Netball Courts, Vacant/Open Space
- Warehouse
- Parking

- Tourist Accommodation
- Utility
- Delapidated Structure
- Restaurant & Services
- Street
- Vacant
- Cemetery
- Retirement Home
- Dam
- Services
- Offices
- Storage
- Healthcare Services
- Packaging
- Community Centre
- Restaurant & Shop
- Education
- Wine Cellar
- Bus Parking
- Municipal / Government Uses
- Shop & Manufacturers
- Flats
- Shopping Mall
- Sport Facilities
- Place of Worship
- Petrol Station
- Restaurant
- Pub

- Dumping Site
- Restaurant, Shop & Services
- Liquor Store
- Under Construction
- Residential (Urban Agriculture Component)
- Residential & Other
- Show Grounds
- Post Office
- Retirement Village
- Agriculture
- Workshop
- Manufacturers
- Shop & Services
- Unoccupied Old Buildings
- Processors
- Offices & Services
- Cemetery, Road, Vacant
- Kids Park / Open Space
- Road
- Abandoned Building
- Public Facilities
- Day Care Centre
- Distributors
- Residential (Under Construction)
- Single Residential
- Residential (2 Units)
- Residential (Multiple Units)

SONERINGSKAART



Impak op eksterne ingenieursdienste

Die konsentrasie van swaar voertuie op die perseel en beweging in Hopley laan en Le Rouxstraat sal 'n impak op die toestand van die padoppervlak hê. Synde hoofsaaklik residensiële strate, is die paaie nie ontwerp vir dié doel nie. Die aansoeker se standpunt dat daar in elk geval swaar voertuie in die strate beweeg en dat die verwerking van die strate nie aan die busse toegeskryf kan word nie, asook dat die Munisipaliteit dit moet onderhou, is nie aanvaarbaar nie. Dit gaan hier oor die konsentrasie van swaar voertuie op een roete en een perseel, wat aansienlik verskil van die normale dag-tot-dag gebruik van die paaie deur voertuie in die algemeen.

Die verwagte impak op die strate in die omgewing van die aansoekperseel kan vermy word indien die busdiens op 'n ander perseel bedryf word en daarom kan die aansoeker nie die onus vir die onderhoud van die pad op die munisipaliteit plaas nie.

Impak op veiligheid, gesondheid en welstand van die omliggende gemeenskap en op die lewenskwaliteit van die inwoners in die onmiddellike omgewing

Die opwarming en beweging van busse vroeg oggende en soms laat in die aand sal beslis geraassteurnis vir inwoners van nabygeleë woonhuise veroorsaak, tot gevolglike nadeel van die omliggende gemeenskap en veral die nabygeleë inwoners. Die aansoeker se verweer dat die busse gereeld getoets word en per implikasie dus binne aanvaarbare geraasvlakke is, asook die argument dat daar ander, meer steurende geraas in die omgewing is, is irrelevant. Soos die aansoeker self erken, maak busse tog wel bepaalde geluide as dit bestuur word en kan dit dan ook meer steurend wees indien dit gekonsentreer word op een perseel en roete, veral vroegoggende en saans.

Dieselfde geld die onvermydelike vrystelling van uitlaatgasse op die perseel en langs die betrokke roete, wat op sigself en in geïsoleerde gevalle beskou kan word as deel van die normale daaglikse omgang in 'n stedelike gebied, maar wat steurend kan wees as dit voortdurend 'n gereeld op dieselfde plek gekonsentreer word, soos in die geval van die aansoekperseel.

Impak op erfenis

Die aansoekperseel is buite die bewaringsarea wat in die Langeberg SDF Bewaringstudie vir Robertson voorgestel word en beskik self nie oor bewaringswaardige geboue of elemente nie. Daar is dus geen impak op erfenis nie.

Verkeersimpak, parkering, toegang en ander vervoerverwante oorwegings

Die aansoeker spreek nie die detail van die verkeersimpak in die aansoek aan nie. Daar word net gemeld dat die normale verkeer (weeksdag) 4 busse per dag is, wat naweke tot 9 busse vermeerder. In sy reaksie op die besware meld die aansoeker ook dat die busse 90% (van die tyd) die perseel een keer in die oggend verlaat en een keer in die aand terugkeer. Dit blyk ook dat daar soms uitsonderings op die bogenoemde is, afhangende van die aanvraag. Daar is geen definitiewe syfers verskaf nie en ook geen ontleding gedoen van die potensiaal van die perseel ten opsigte van die hoeveelheid busse wat akkomodeer kan word en die maksimum ritopwekking wat verwag kan word nie.

Die ingang uit Hopleyalaan na Erf 402 is baie naby aan die hoek van Hopleyalaan en Le Rouxstraat. Die soneringskema bepaal dat 'n ingang minstens 10m vanaf 'n straatkruising moet wees (15m vir nywerheidserwe) en die voorstel voldoen glad nie daaraan nie. Tans is die sig vanaf die uitgang op in Le Rouxstraat redelik goed omdat die residensiële erf aan die oorkant (erf 409) nog onbebou is. Indien dit egter bebou word, sal dit waarskynlik die sig verder belemmer en die ingang/uitgang meer onveilig maak.

Die aansoeker het geen analise of enige aanduiding van die draaibewegings van busse in en uit die perseel of op die perseel self verskaf om te bewys dat dit werkbaar en veilig is nie.

Die aansoeker dui aan dat die ingang uit Hopleyalaan na erf 400 gesluit gaan word en dat die parkeerarea op erf 400 via erf 402 oor die onontwikkelde Le Rouxstraat reserwe bereik gaan word. Daar is egter 'n aansienlike hoogteverskil tussen erf 400 en die straatreserwe, wat oorkom moet word voordat dié toegang gebruik kan word. Die aansoeker verskaf geen aanduiding van hoe en wanneer dit uitgevoer gaan word nie,

By gebrek aan behoorlike ontleding en bewyse dat die voorstel werkbaar is binne die bestaande padstelsel en veilig is ten opsigte van verkeer en voetgangers, kan dit nie aanvaar word as sodanig nie.

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

NVT

PART J: RECOMMENDATION

Dat die aansoek vir hersonering van Erf 402 en 'n gedeelte van Erf 400, Robertson vanaf Enkel residensiële sone I na Vervoersone I ingevolge Artikel 60 van die Munisipaliteit Langeberg: Verordening op Grondgebruikbeplanning, 2015 afgekeur word, om die volgende redes:

1. Die grondgebruik is nie versoenbaar met die gebruike in en karakter van die omliggende omgewing nie,
2. Die bedryf van die vervoeronderneming (busdiens) vanaf een of beide erwe 400 en 402 kan steurend wees vir omliggende inwoners ten opsigte van geraas en vrystelling van uitlaatgasse, asook visuele impak en kan sodoende die omliggende inwoners se genieting van hulle eiendomme en kwaliteit van lewe nadelig beïnvloed.
3. Die perseel is ongunstig geleë ten opsigte van die openbare padstelsel, sodat dit slegs via residensiële strate (Le Rouxstraat en Hopleylaan) bereik kan word, wat nie funksioneer as verspreidings- of versamelroetes in die dorp nie.
4. Die aansoeker het nie voldoende ontledings of bewyse voorgelê dat die voorstel werkbaar is binne die bestaande padstelsel en op die betrokke perseel nie of dat dit veilig is ten opsigte van verkeer en voetgangers nie,
5. Die vestiging van 'n busdepot in 'n residensiële area kan afbreuk doen aan die sin van plek en aantreklikheid van die dorp vir inwoners van die betrokke gebied en word dus beskou as teenstrydig met die beginsels vir ontwikkeling wat in beide die Provinsiale Ruimtelike Ontwikkelingsraamwerk (PSDF) en Langeberg Ruimtelike Ontwikkelingsraamwerk (LSDF) voorgehou word.

RIBUNNABESLUIT SOOS AANBEVEEL. 4/5/2022



PART K: ANNEXURES

Bylae 1 - Plan

Bylae 2 - Motivering

Bylae 3 - Besware

Bylae 4 – Aansoeker se reaksie op besware

Bylae 5 – Aansoeker se verkeerstelling

PART L: AUTHOR SIGNATURE:



J L R VAN ZYL
ASSISTENT-BESTUURDER : STADSBEPLANNING
GEREGISTREERDE PROFESSIONELE BEPLANNER – NO. A/1170/2000

..29.4.2022..
DATUM

BYLAE 1

Plan

BYLAE 2

Motivering

MOTIVERINGSVERLAG
VOORGESTELDE HERSONERING VAN ERF 8210 en Erf 402
ROBERTSON

1) AANSOEK

Die aansoek behels eerstens die hersonering van Erf 402 en 'n gedeelte van Erf 8210 vanaf Enkel Residensieel I sonering na Vervoersone I sonering itv Art. 15(2) van die Langeberg Grondgebruiksbeplanning Verordening 2015.

2) REGISTRASIE STATUS VAN DIE ERWE

Erf 402 is onlangs aangekoop deur die eienaars Mnr en Mev Wentzel en is geregistreer volgens titelakte T 20344/2019. 1637 m²

Erf 8210 is 'n ongeregistreerde konsolidasie kaart wat bestaan uit grootliks Erf 400 en Erf 5850 Robertson wat gehou word volgens titelakte T74/1994.

3) AGTERGROND EN WENSLIKHEID

Die eienaars Mnr en Mev Wentzel bedryf 'n vervoerbesigheid op Erf 8210 reeds vir etlike jare. 'n Aantal busse word dus parkeer op 'n gedeelte van Erf 8210 as deel van die besigheid. (Sien area in stippels grootte 1191m²) Hierdie parkeerarea is buite sig en veilig met hoë mure.

Een van die naasliggende bure het intussen 'n klagte by die Munisipaliteit ingedien oor die busse wat vanuit Erf 8210 vertrek en in Hopleyalaan ingaan regoor Erf 4581. Hierdie beweging van die busse in die klein straatjie tussen huise veroorsaak probleme met geraas en verkeer. Verder is die bedryf van die vervoerbesigheid op 'n residensiele erf ook nie aanvaarbaar nie.

Mnr Wentzel het ook Erf 402 aangekoop met die doel om die erf te gebruik vir die besigheid en parkeer van die busse en bogenoemde problem op te los. As gevolg van veiligheid gaan die busse steeds parkeer word op die 1191m² area van Erf 8210 en daarom word die hersonering slegs vir daardie gebied versoek.

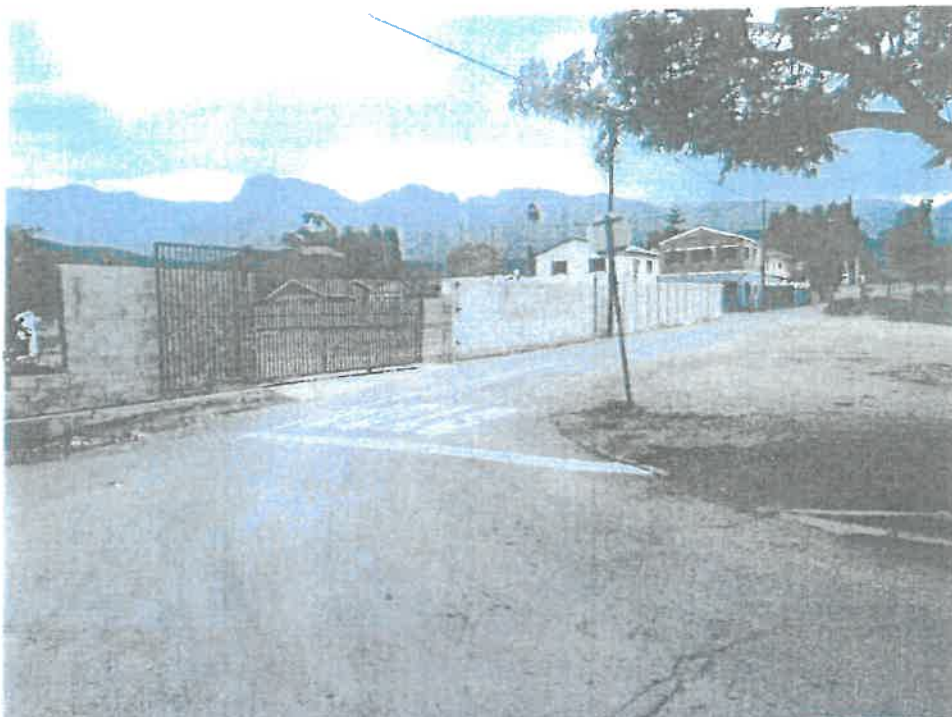
Mnr Wentzel het dus besluit om voortaan die ingang by Erf 8210 te sluit vir busse en vanaf die parkeerarea op Erf 8210 noordoos uit te gaan oor Le Rouxstraat na Erf 402 en dan Hopleyalaan binne te gaan by die ingang soos aangedui op die sketsplan. Dus word die probleem van geraas en opeenhoping van verkeer tussen Erf 8210 en Erf 4581 opgelos.

Die impak op die verkeer in die area word hoofsaaklik voor en na naweke gevoel. Die normale verkeer is 4 busse wat vermeerder naweke tot maksimum 9 busse wat die eiendom besoek.

Die nuwe ingang na Hopleyalaan Noord van Le Rouxstraat is reeds opgerig en werkend. Alhoewel die busse steeds in die nou straat Hopleyalaan ingaan is die sig en omstandighede hier baie meer geskik. Hopleyalaan is baie stil Noord van Le Rouxstraat en met goeie sig word geen verkeersprobleme by die kruising ondervind nie.



Bestaande ingang na Hopleyalaan tussen huise.



Toekomstige ingang na Hopleyalaan by Erf 402



Veilige parkeerarea op Erf 8210 (hersoneringsgebied)



Parkeerarea nie sigbaar vanaf straat



Erf 402 vanuit Le Rouxstraat met ingang



Erf 402

BYLAE 3

Besware

BESWAAR 1

1 42

Enquiries: Mr & Ms M & J.D. Jumaat

PO Box 12729

Cell: 082 555 8909

Hatfield

E-mail: jd-vdh@hotmail.com

Pretoria

0028

Town Planner

Administrative and Executive Office

Langeberg Municipality

Piet Retief Street

Montagu

6720

15/4/9/12
M. K. Brand
M. M. Johnson

OBJECTIONS AGAINST PROPOSAL TO REZONE ERVEN 8210 EN 402, HOPLEY LAAN, ROBERTSON

Letter ref/15/4/9/5 dated 28 September 2021 regarding the proposed rezoning of erven 8210 and 402, Hopley Avenue, Robertson are herewith submitted to Section 45 of the Langeberg Land Use Planning By-Law (PN264/2015).

As instructed and on behalf of Ms C.E. Van Der Heyde, and in terms of Sect 47 (f), Sect 50.(3) (a) to (d) and 50 (4) (a) to (d), the signatories below object to the rezoning of erf 402 in particular.

Objections to the application

Kindly note that an unsigned motivation report is submitted and circulated for support or objections; hence the authenticity of the letter is questionable.

It appeared that the application requesting support to rezoning erven 8210 and 402 from Single residential 1 zone to Transport zone to Art. 15(2) of the Langeberg Land Use Planning By-Law, the objections are mainly aimed towards rezoning of erf 402.

Note that erf 402 in particular is already being used as such and it is assumed that the business is in operation without Municipal authority/approval, neither was it in consultation

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nor with approval/consent from the immediate residents/community. As such it is unacceptable and disrespectful towards the immediate and surrounding owners.

Rezoning of erf 402 in particular is strongly objected to, due to the immediate and future impact it has or will have on the residents of Jeneke Street in particular but also on the surrounding residential area.

Regular exposure to environmental noise or sound/noise pollution as a result of early mornings and late evenings will be an inconvenience for the residents in the immediate vicinity due to constant transport activities. Although noise can only be heard, residents will be exposed to sound/noise pollution constantly which will disturb their sleeping patterns and causing unnecessary stress. Note that the majority of all the residents in Jeneke Street are already at a late age. In addition to this, exposure to constant and daily air pollution due to the fuel emissions of the buses will further impact on health, this being considered in time of climate change.

Irrespective of seeking authority for rezoning of erf 402, it does not resolve the existing problem of noise pollution as pointed out in the motivation letter. While the applicant assumed that the problem will be resolved by changing the location for entering and exit between erven 8210 and 4581, to Le Roux Street and Hopley Avenue, the width of Hopley Avenue is not going to change. Traffic congestion will still occur from time to time. In fact, the problem will just be transferred to yet another part in the same residential area.

According to the unsigned motivation, erf 402 was bought for the specific objective to operate a transport business as a means to solve the problem. If Mr Wentzel were authorised to operate the transport business from erf 402, he should provide evidence of approval. And as a result of this, amongst other, a vibicrete wall had been erected which not only block visibility into the street, it also pose a risk to traffic for the residents.

However, during 2019 Ms C.E. Van Der Heyde was assisted by her daughter Ms J.D. Jumat (nee Van De Heyde) and son-in-law Mr M. Jumat who acted on her behalf. They visited the Langeberg Municipality to enquire about the operations on erf 402 and were sent from post to pillar, had a meeting with the Town planner at Robertson Municipality etc and also visited the office in Montague. None was able to assist; neither took responsibility to give clarity. This matter was followed with an e-mail dated 9 July 2019 to Mr Kobus Brandt, Manager at Section Town Planning at the Robertson Municipality. Since then, and three years later (2021), there was no explanation or communication whatsoever from any of the municipal officials. See the attached letter. Should the residents of Jeneke Street have been consulted



prior to Mr Wentzel buying erf 402, he would have been informed already that the residents will not have agreed to operate a transport business in a residential area.

Recommendation

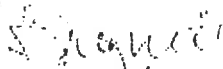
According to the Land surveyor sketch, ref ROB 400 (Mr Arnold Theron), Le Roux Street is still an open public road, implying it must be accessible to all but appears to be used currently for other purposes. As a last option Le Roux Street should be reopened and reconstructed again to be accessible in order to assist Mr Wentzel and the inhabitants of his close -by neighbours to address this challenge.

Buses do have heavy duty diesel engines and the exhaust fumes cause not only environmental problems in a residential area but also on health. In view to help to resolve this challenge, it is recommended that Mr Wentzel should consider moving his transport business to the industrial area or the municipal should assist if they wish to do so to find a more suitable area.

In view of a shortage of houses, erf 402 could maybe more beneficial to provide houses for the community.

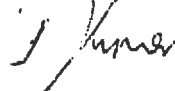
On behalf of Ms C.E. Van Der Heyde, and in terms of Sect 47 (f), the signatories below object to the rezoning of erf 402 in particular.

JD Jumat:



25 October 2021

M. Jumat:



25 October 2021

On behalf of Ms C.E. Van Der Heyde (Residential owner erf 2140).

25 October 2021



45
RESTRICTED

15/4/9/2
M. K. Brand
M. M. Johnson

VD HEYDE CE 360830 0068 084 (FY 2019/20)
No 2 Jeneke Street, Robertson, 6705
Telephone: +27 23 626 3863
Cell No: +27 76 285 1053, +27 82 430 8181
Enquiries: Mrs C.E. Van de Heyde/ Mr M. Jumat
Email: jumatmike@hotmail.com

05 July 2019

Mr Kobus Brandt

The Manager
Section Town Planning
Langeberg Municipality
Montagu

Sir

COMPLAIN/CONCERN ABOUT VIOLATION OF MUNICIPALITY ORDINANCE: HOPLEY AND JENEKE STREET, ROBERTSON 6705, PLOT/STAND NO 402

1. Recent consultations on the 1st of July 2019 with Robertson Municipality and Langeberg Municipality in Ashton refers. Earlier correspondence by residents of Jeneke Street dated 29 January 2019 referred to some issues which also challenge the very same residents.
2. It is understood that Stand No 402 has been advertised in the Robertson Gazette, and that a successful tender has been received and accepted by Robertson Municipality. I was also made to believe that *Stand No 402 was selling as a property for residential development*. The wall which has been constructed is most probably within the limits of building regulations but it however, still affects the sight of residents of Jeneke Street. Secondly it also does limits ones sight on traffic in Hopley Lane, when exiting from Jeneke Street into Hopley Lane. This does posing a traffic danger in as far that one must almost drive halfway into Hopley Lane, to see if there is any passing traffic. Not once did the new owner consulted or engaged with the residents of Jeneke Street his plans with the development of this property.
3. Having said the latter, confirmation is requested whether the plot is been proclaimed, and procured as a residential or industrial property. In this light I would further like to raise a concern which has been discussed amongst residents in this neighbourhood that the owner allegedly in the past parks at time his busses on this property. If this is true, the owner than violated municipal ordinance. Furthermore it is proposed, because of the visibility challenge getting into Hopley Lane, that Robertson Traffic Dept favourably considering *changing Hopley Lane into a One-Way Street*.

Signed by M Jumat
(MR M. JUMAT – SON IN LAW)
RESIDENT OF JENEKE STREET 4: MRS

25

RESTRICTED

BESWAAR 3

46

Die Bestuurder

Stadsbeplanning

Privaatsak x 2

Ashton

6715

22 OCT 2021

Geagte Heer

Insake : Voorgestelde Hersoening van Erf 82108/402 Hopley laan Robertson

Parkeerarea vir busse op Erf 402

Na aanleiding van u skrywe gerg aan ons d.m.v 'n geregistreerde posstuk, teken ek beswaar aan t.o.v die voorgename parkeer area van busse.

Eerstens : die busse word reeds geparkeer, so te sê reg onder my kamer venster. Ek is 'n chroniese asma lyer en die uitlaatgasse het 'n nóg nadeliger uitwerking op my gesondheid. My slaapkamervenster kan ek nie oophou nie a.g.v die uitlaatgasse. Wanneer ek op my voorstoep sit moet ek vaskyk in busse. Dis nie 'n plesier nie.

Tweedens : die steuring wat die busse veroorsaak deurdadig aangeskakel word en te laat luer solank dit kan is regtig onaantvaarbaar.

Derdens : Een van die busse wat hier geparkeer word se eienaar is woonagtig in Albertstraat. Waarom word dit hier geparkeer ?

Dis 'n residensiële area nie 'n industriële area nie.

Ons almal hier het die reg om in 'n ordentlike gebied te bly aangesien ons almal belasting betalers is.

Graag wil ek weet on mnr, Wentzel nie ook soos ander besighedsmanne grond van die munisipaliteit kan huur vir die parkering van sy busse nie i.p.v om die gebied te ontsier met 'n industriële gebied in 'n residensiële gebied. Ander besigheds persone se besighede is weg van hul wonings en huur munisipale ruimtes hoekom kan hy nie ook so maak nie ?

Die probleem van geraas en lugbesoedeling deur uitlaatgasse verskuif dan na ons hier in Jenekestraat.

Met die oprigting van die betonmuur het hy ons ook nie geken nie. Daar is geen sigbaarheid op die hoek nie wat dit vir ons moeilik maak om vanuit Jenekestraat na Hopley laan te ry. Jy moet ook letterlik in Hopley laan ry om seker te maak of daar verkeer in aantog is.

Hoekom moet ons dan ons bure in aanmerking neem toe ons sekere dinge gedoen wou hê vir hul goedkeuring ?

Volgens ons is dit onaantvaarbaar. Ons wil in rus, vrede en harmonie hier kan bly.

Die uwe:

M & U.E.C. Cupido


073 1164167


0731549031

Tel: 023-6262177

Mnr E E Jansen
Hopleyalaan 8
Robertson
6705
Erf no 401

20 Oktober 2021

Vir aandag: Munisipale Bestuurder / Stadsbeplanner

**Verwys na die Hersonering van Erf 8210 en Erf 402: Residensiele sone na Besigheids sone
MK Nr 49/2021**

Ek, Mnr EE Jansen, Eienaar van bogenoemde adres, teken beswaar aan teenoor die aansoek soos geplaas in die Gazette, gedateer 28 September 2021.

Ek is bewus dat hierdie besigheid alreeds vir jare bedryf word (op n residensiele erf waarop daar nie besigheids tariewe gehef was nie). Met verdraagsaamheid het ek maar saam met dit gelewe om die vrede te bewaar tussen bure. Maar totop huidige oomblik het die besigheid te ver gegaan en die omstandighede raak net erger vir ons woonbuurt.

Ongelukkig beleef ek alreeds die steurnis van bus enjins onder my kamervenster asook vanwaar die busse op die nuwe perseel staan. Olie reuke, diesel gasse en stofwolke het alreeds vir my meer mediese onkoste gegee, waarop ek dit nie verder kan bekostig dat hierdie besigheid dit moet vererger nie.

My bekommernis is dat ons meer inbrake sal he, agv dat sekere parte baie waardevol is, en die skelms kan aanlok. Dit bring ons inwoners, in die buurt, in gevaar en dra by tot verder misdaad.

Soos die busse nou beweeg, het een van die busse alreeds skade aan my woning gebring (Stoep dakplate gelig). n Bus (wat reeds op die nuwe perseel staan) het eendag net aan die loop gegaan na die rigting van my huis en motor. Op vrees moes ek alles probeer om die bus te laat stop. Ek kan nie nog elke oomblik bystaan, om enige voorkoming van n ongeluk, beskikbaar wees nie.

Die ingang na die nuwe perseel gaan ook nie werk nie. Die ingang is presies op n stop. Hopleyalaan, vanaf Albertstraat opwaarts na Le Roux straat, is baie nou en ongelukkig is die sig tot by die stopteken nie goed vir enige voertuig wat opwaarts beweeg nie. Die risiko vir n motorongeluk is baie groot.

Ons nabye inwoners het ook klein kinders, wat daaglik die Le Rouxstraat pad gebruik na die winkels, en is ook n gedrang vir veiligheid of ongeluk.

BESWAAR 5

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Attention: Mr J V Brand
The Manager: Town Planning
Langeberg Municipality
Email: kbrand@langeberg.gov.za
Cc: rferreira@langeberg.gov.za

22 October 2021

Dear Sir

RE: PROPOSED REZONING OF ERVEN 8210 & 402, HOPLEY AVENUE, ROBERTSON

Your letter Reference 15/4/9/5 of 28 September 2021 serves as reference. We the undersigned, as the registered owners of 87 Van Zyl Street in the vicinity of Erven 8210 and 402 Hopley Avenue, formally object to the above rezoning application. Our objection is based on the following:

1. IMPACT ON RESIDENTIAL NEIGHBOURHOOD

- They surrounding residential area is one of the oldest established residential neighbourhoods in Robertson, and as such should the application be approved the activities it permits will negatively impact the area's ambience and residential character.
- Rezoning of the site would allow future owners of the property to develop and use the site up to the maximum allowed by as set out in the **SCHEDULE 1 USE ZONES TABLE of the Langeberg Municipality: Integrated Zoning Scheme By-law.**

2. NOISE POLLUTION

- Heavy vehicles produce high noise levels, even when traveling at low speed.
- Busses departing and returning in the early hours of the morning and returning late at night can be bothersome and give rise to psychological and psychosomatic symptoms in the form of headaches, fatigue and irritability.

3. WATER POLLUTION

- The erven proposed for rezoning is adjacent to or near a prominent water course that a few kilometres downstream discharges directly into the Breede River. The likely storage of diesel fuels, oils and lubricants at these locations could, in the absence of pollution mitigation stormwater infrastructure, result in spillage into the adjacent watercourse, and by implication the regionally significant and important Breede River.

4. HEALTH RISK

- The carbon monoxide in vehicle exhaust has many harmful effects on humans.
- Acute effects of diesel exhaust exposure include irritation of the nose and eyes, lung function changes, respiratory changes, headache, fatigue and nausea. Chronic exposures are associated with cough, sputum production and lung function decrements. In addition to symptoms, exposure studies in healthy humans have documented a number of profound inflammatory changes in the airways, notably, before changes in pulmonary function can be detected. It is likely that such effects may be even more detrimental in asthmatics and other subjects with compromised pulmonary function.
- The World Health Organisation in 2012 concluded "Exhaust fumes from diesel engines do cause cancer" (<https://www.bbc.com/news/health-18415532>)

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15/4/9/5

Adrian Williams

From: Kobus Brand
Sent: Friday, 22 October 2021 3:12 PM
To: Langeberg Municipality
Subject: FW: re; PROPOSED REZONING OF ERVEN 8210 & 402, HOPLEY AVENUE, ROBERTSON
Attachments: Wentzel_pdf was removed from this message; objection letter 22 October 2021_pdf was removed from this message

Kobus Brand

Manager: Town Planning
Langeberg Municipality
Private Bag X2
Ashton
6715
+27236148000 (Office)
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kbrand@langeberg.gov.za



"People at the centre of Development"

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From: Lynne Saayman <LSaayman@wcpp.gov.za>
Sent: 22 October 2021 15:08
To: Kobus Brand <KBrand@langeberg.gov.za>
Cc: Ronel Ferreira <RFerreira@langeberg.gov.za>; Irene Saayman <Saaymal@eskom.co.za>
Subject: re; PROPOSED REZONING OF ERVEN 8210 & 402, HOPLEY AVENUE, ROBERTSON

Dear Sir

With reference to the correspondence with Reference 15/4/9/5 dated 28 September 2021 regarding the above-mentioned subject, please find attached letter for your attention.

Kindly acknowledged receipt of this email and attachments.

Kind regards

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BESWAAR 6

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Jeneke str 6

Robertson

6705

21 Oktober 2021

Die Stadsbeplanner

Mnr. Jack Van Zyl

Administratiewe en uitvoerende kantoor

Langeberg Munisipaliteit

Piet Retief str 3

Montagu

6720

I/S Voorgestelde hersonering van erwe 8210 en 402, Hopleyalaan, Robertson soos adverteer in Gazette van 28 September 2021

Hiermee maak ek, Melanie Rossouw, beswaar teen die hersonering van bogenoemde erwe.

Agtergrond

Met die koop van erf 402 op tender in 2019, het Mnr en Mev Wentzel in hoë 'vibracrete' muur voor in Hopleyalaan en in Jeneke straat onderskeidelik opgerig. Die muur is opgerig sonder dat die inwoners van Jenekestr in ag geneem is. Dit het veroorsaak dat die inwoners geen uitsig het vanaf hul wonings het nie. Die oprig van die muur het ook veroorsaak dat sig na die huise ook belemmer is en gevolglik het kriminele elemente toegeslaan op die huise. Inbrake en diefstal het toegeneem en die veiligheid van die inwoners is in gedrang gebring.

'n Epos is aan die Munisipaliteit gestuur en alhoewel amptenare hier kom besoek het, is niks aan die situasie en die hoë muur gedoen nie. Dit sluit die ingang van Jeneke Straat uit Hopleyalaan in waar geen sig van aankomende verkeer is nie. Vervoer uit Jeneke straat moet in Hopleyalaan gaan om aankomende verkeer te sien en heelwat nuwe ontkominge is ervaar, insluitend met die busse van Mnr. Wentzel. Die situasie is 'n ongeluk wat wag om te gebeur.

Situasie huidige

In die motiveringsverslag, ontvang per geregistreerde pos, word vermeld dat Mnr Wentzel al etlike jare 'n vervoerbesigheid bedryf op erf 8210. Voorts noem die brief dat die bedryf van die vervoerbesigheid op 'n residensiële erf nie aanvaarbaar is nie. Hoe kon die Munisipaliteit dit toelaat vir etlike jare as dit nie toelaatbaar is nie?

Mnr Wentzel het die erf gekoop vir die doel om die busse daar te parkeer, sonder die toestemming of insae van die nabygeleë inwoners. Hiermee vra ek wat die Beleid van Langeberg Munisipaliteit is aangaande industriële bedrywighede in residensiële gebiede.

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In die motiveringsbrief bevestig u dat die busse veroorsaak geraas en probleme met verkeer. Inaggenome die problem by die ingang van Jeneke str, Is dit nie net die problem verskuif van een erf na n ander nie en ook dat die busse en vervoer vermeerder, sodoende ons probleme vermeerder?

Op die kaart wat ingesluit is in die motiveringsverslag meld dit dat Mnr Wentzel van voornemens is om ingang gemerk tussen B en C op die kaart te gebruik. Volgens my kennis loop Le Roux Str regdeur soos gesien op die kaart en op die fotos in die verslag kan ook gesien word dat die pad met n muur toegebou is. Op die kaart word ook gelet dat die erwe 8210 en 402 strek tot in die rivier. Volgens my kennis is gebiede aangrensend riviere geeneen se eiendom nie. Op die kaart, regoor erf 2139 Is opvulgrond en wanneer is dit ingesluit in erf 402?

Besware

- Vervoer word bedryf enige tyd en sodoende word rusverstoring in nagtelike ure verwag, veral met die komende vrugteseisoen na Langeberg vrugte verpakkers en met bykomende voertuie naweke.
- Meer geraas in die andersins stil straat word verwag
- Die uitlaatgasse van die busse kan gesondheidsrisiko verhoog.
- Kriminele elemente het toegeneem a.g.v. die hoë vibracrete muur en kan nog toeneem
- Bogenoemde probleem van tekort van sig help nie veel nie.
- Die hoë vibracrete muur se klagtes is steeds nie aangeluister nie, en daar is reeds 'n hersonering van die erwe
- Die verbrokkeling van die paaie deur die swaar vervoer en dis paaie wat motors in die residentiële gebied ook gebruik.

Ek hoop u oorweeg my besware goedgunstig en keur die hersonering af.

Vriedelike groete

Melanie Rossouw

Selfoon nommer: 072 403 9707

BESWAAR 7

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Mnr DB & A Kriel
9 Hopleyalaan
Robertson
6705
Rekening no: 1-11-4581-001-2

19 Oktober 2021

Verwys: Gazette 28 September 2021 / Geregistreerde Munisipale Brief 28 September 2021
MK Nr 49/2021
Voorgestelde Hersonering van Erwe 8210 & 402, Hopleyalaan Robertson
Eienaars : P & MP Wentzel

Beswaar teenoor Voorgestelde Hersonering van Erwe 8210 & 402, Hopleyalaan Robertson, Residensiële Sone na Vervoersone

Geagte Bestuurder: Stadsbeplanning

Hiermee teken ons, Mnr DB Kriel en Mev A Kriel, Eienaars van bogenoemde eiendom, beswaar aan teenoor die aansoek vir bogenoemde hersonering.

Hierdie area is n woongebied al vir jare en ons as inwoners sal nie toelaat dat bogenoemde bedryf voortgaan nie.

Veiligheid speel n groot rol. Ons het verskeie ouderdoms groepe (Kinders, afgetreedes, Voetgangers) wat die woongebied bewoon, vrees vir enige ongelukke agv groot swaar busse wat in die strate gaan moet beweeg. Die Busse ry alreeds asof die pad aan hulle behoort, geen perke dat ander voertuie of voetgangers ingedrang is nie. Vrees van inbrake wat kan groter raak agv van die aantrekkings krag om goedere te steel van die besigheid en ons inwoners kan daar onder lei en selfs ook baie verliese he.

Gesondheids risiko gaan almal effekteer. Gasse van uitlaat pype, olie reuke (enige afvalstowwe), allerhande werksverrigtinge soos "Spraypainting" en geraas van werke, beïnvloed die leefwyse van ons woonbuurt. Ongelukkig word hierdie busse al kilometers ver gehoor, die opwarm en gedreun van enjins wat tot in ons woonkamers gehoor kan word, wat n baie slegte en onaangename inpak in ons huishouding het. Al gaan die plan van staanplek Of in-en uitgang geskuif word na erf 402 – het dit nog steeds impak op ons woning/ huishouding soos bogenoem.

Infrastruktuur van die pad, wat nie geskik is vir groot swaar voertuie nie. Ons beleef alreeds gate in die pad, en dit kan lei tot skade (ondergronds) aan ons wonings en nog verdere infrastruktuur probleme skep vir die munisipaliteit. Die Breedte van die pad is nie geskik nie, asook dat die in- en uitgang (Soos aangedui in brief) wat op 'n stopteken (Hoek van straat) moet geskied, kan padongelukke vererger. Ongelukkig gaan daar nog steeds n opeenhoping van Verkeer wees. Voertuie wat die parkeer area moet gebruik in Le Rouxstraat (waar die busse gaan moet indraai) gaan onveilig voel oor hulle voertuie omrede groot swaar voertuie moet daar verby beweeg. Verwys na die parkeer kaart soos per brief van

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Mnr Wentzel. Tans staan die busse voor teen die hek, regoorkant ons ingang (Verwys na Foto). Busse moet skoon gehou word, waarop die waterdruk ook n problem vir ons ander inwoners is.

Die Besigheid gaan nie n goeie beeld en karakter wees vir ons woonbuurt nie. Op die huidige oomblik is dit alreeds nie en ons voel al klaar woedend oor dit. Ons eiendoms herverkoop waarde gaan negatief beïnvloed word en sal moeilik verkoop kan word agv van n Vervoer Besigheid in ons area agv van bogenoemde redes.

Verwys na die Mnr Wentzel se bewoording in die brief " ..bedryf n vervoerbesigheid op Erf 8210 reeds vir etlike jare.."

Ons is bewus daarvan dat hierdie besigheid al vir jare bedryf word, maar ons was ook onseker of dit wel volgens die regulasies reg bedryf word. Ons het dus navrae begin doen, waarop ons nou bewus is dat Mnr Wentzel feitlik onwettig die besigheid bedryf het op n residensiele perseel en ons dalk al baie jare vroeër moes opgetree het. Daarop versoek ons dat alle regstappe teenoor: die besigheids bedryf onwettig en nie volgens die regulasies van Munisipaliteit reëls opgetree het nie, beboet moet word. Ons het alreeds baie ondergelei, met alle aspekte soos bo in ons redes, ervaar. Ons leefwyse was alreeds negatief beïnvloed deur hierdie bedryf: gesondheid risk met die gasse en stowwe, geraas, steurnis, inbraak op privaatheid, parkeer beperking en veiligheid. Ons as inwoners moet residensiele belasting betaal, en besigheids bedrywighede moet Besigheids belasting en tariewe betaal? Ons verwag asb terugvoering op hierdie versoek dat daar opgetree sal word. Alle uitstaande jare se besigheids belasting /tariewe moet betaal word.

Ons woon in n woonbuurt waarop ons geregtig is vir ons veiligheid en gesonde omgewing. Die area was en sal nog altyd n residensiele area/woonbuurt wees.

Hoop en vertrou u ondersteun ons beswaar en hoop dat dit spoedig afgehandel kan word om enige voorkomstige probleme, onsmaklikheid of ongelukke te vermy. Ons versoek ook dat alle bedrywighede van die besigheid onmiddellik gestaak moet word om vanaf die residensiele area gebedryf word tot daar finale uitslae gelewer word. Omrede dit alreeds teen die wette/reëls/regulasies bedryf word. Hierdie Vervoer besigheid moet vanaf n industriële gebied bedryf word.

Ons hoop en vertrou dat u ons belange respekteer, en die aansoek kan afkeur vir ons Residensiele inwoners.

U kan ons kontak by die volgende:

Aubrea Kriel 082 416 2477 – Epos address beakriel@gmail.com

Duane Kriel, 082 559 0995 - duane.k@mweb.co.za

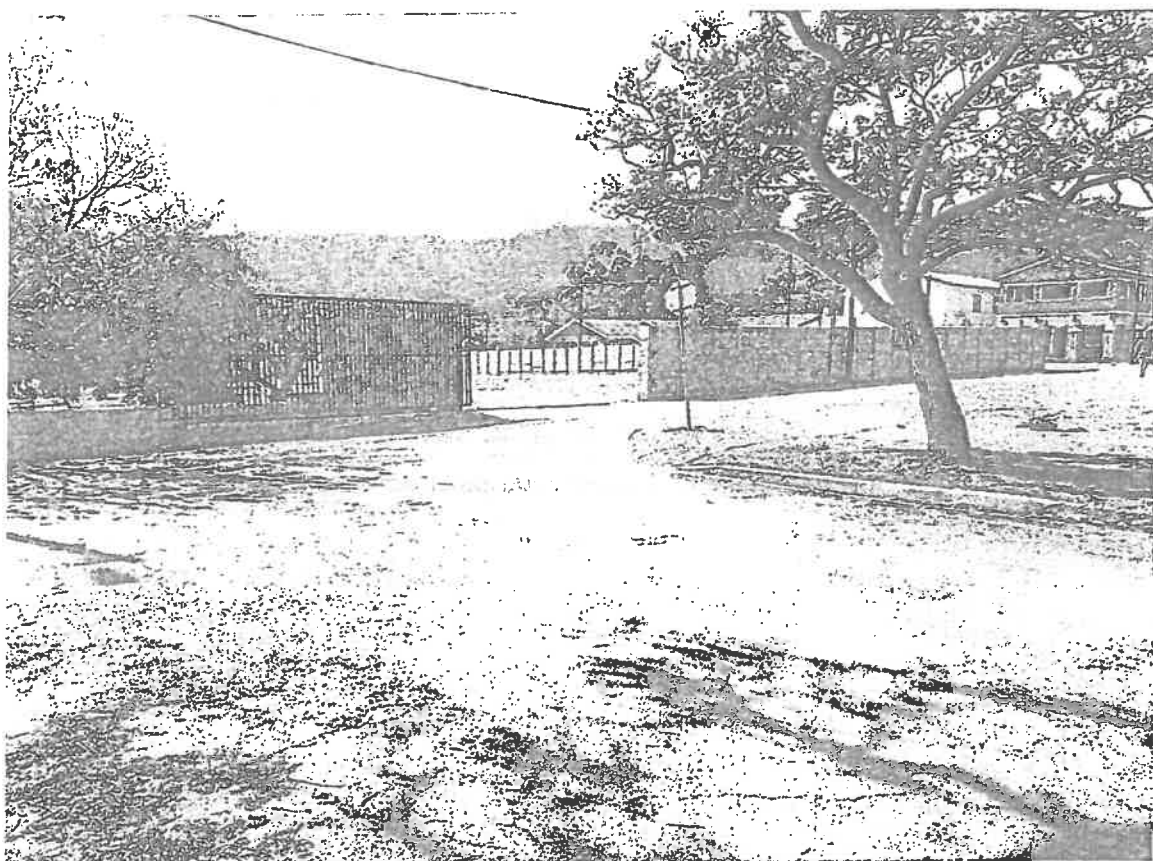


Groete

Mnr DB & A Kriel







PETISIË 275 - RESULTAAT.

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Petisielys

Met die ondertekening van die petisielys, maak ons **beswaar** teen die voorgestelde hersonering van erwe 8210 en 402 in Vervoersones

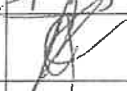
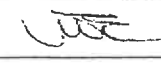
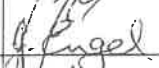
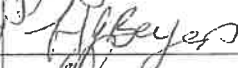
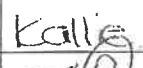
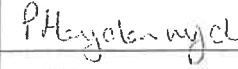
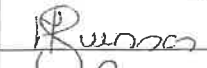
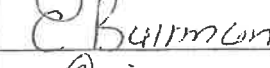
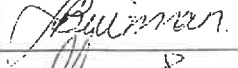
	NAAM	ADRES	HANDTEKENING	Kontak nommer	
*	Melanie Rossouw	Jenekestr. 6	M Rossouw	072 403 9707	+ BRIEF
2	ENIS JENEKE	Jeneke Str. 6	Enis Jeneke	023 626 3411	
3	C. VAN DE HEIJE	JENEKESTR. 6	C van Heesde	023 626 3863	+ BRIEF
4	U.E. GOLIATH	12 HOPLEY LAAN		023 626 2177	
5	J. M. GOLIATH	12 Hopley laan		023 626 2177	
6	H.E.C. Cupido	Jenekestr. 2	H.E.C. Cupido	013 154 9031	} + BRIEF
7	M. Cupido	Jenekestr. 2		072 112 4167	
8	A. Kriel	Hopley laan 9.	A Kriel	082 416 2477	
9	D.P. KRIEL	Hopley laan 9		083 551 0995	
10	A. Lewies	Hopley 7	A Lewies	076 142 7500	
11	M. Dames	Hopley 7		076 142 7500	
12	J. Kloaste	Hopley 7	JK	073 006 9654	
13	L. De Vlaam	Hopley 7	L. De Vlaam	064 159 3334	
14	M. De Vlaam	Hopley 7	M. De Vlaam	064 159 3334	
15	K. Dames	Hopley	K. Dames	064 159 3334	
16	B. Jansen	Hopley 8	B. Jansen	071 745 2176	+ BRIEF
17	E. Jansen	Hopley 8		065 560 6956	
18	J. Tonker	Le Roux 62	J. Tonker	083 944 4619	
19	E. Tonker	Le Roux 62	E. Tonker	061 963 1073	
20	C. Stals	Le Roux 61	C. Stals	071 970 8939	

* ORGANISATOR: M. Rossouw, Jenekestr. 6.

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Petisielys

Met die ondertekening van die petisielys, maak ons **beswaar** teen die voorgestelde hersonering van erwe 8210 en 402 in Vervoersones

	NAAM	ADRES	HANDTEKENING	Kontak nommer
21	Alida	Swanapoel		0724577592
22	Christiaan	Matthys		078 311 4761
23	Ellewallyn	MATTHYS		0760070820
24	ROSCHIE	EKSTEEN		075578388
25	Francis	Erdeem		06410236261832
26	George	du Plessis		0637309742
27	Marius	Le Rouxstraat		0765877454
28	Jennifer	De Rouxstr		0723853514
29	Joan Beyers	Hylle Rouxstr		0634335142
30	U. B. B. B.			0927483055
31	Emmerensia	Le Rouxstr 45		0544777394
32	Kallie	Le Rouxstr 45		0544777394
33	N. Leeuwen	Le Rouxstr		0724878672
34	K. Heydenryx	58 Le Roux st		0727807729
35	P. Heydenryx	58 Le Roux st		0767170419
36	A. Buirman	63 Le Roux		0829518792
37	C. Buirman	63 Le Roux		0829518792
38	J. Mostert	63 Le Roux		0646650677
39	E. Daames	52 Le Roux		0833478183
40	E. Daames	52 Le Roux		0846183501

BYLAE 4

Aansoeker se reaksie op besware

AANSOEKER SE REAKSIE OP BESWARE

Mnr P Wentzel
Hopley laan 6
Robertson
6705

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Arnold Theron
Pr. Land Surveyor / Landmeter
9 Voortrekker St. Robertson
023 6143335/0828742094

Geagte Meneer,

IN SAKE: BESWARE TEEN HERSONERING VAN ERF 402 & 8210 HOPLEYLAAN 6 & 10

Ek verwys na die bovermelde aangeleentheid.

Ek bevestig dat ek 'n hersoneringsaansoek geloods het en dat besware aangeteken was, nadat ek my kennisgewings gelewer het.

Dit is my opmerking dat inwoners, hoofsaaklik 7 families, besware geopper het met dieselfde bekommernisse en is dit my intensie om in hierdie skrywe hul besware in *seriatim*, te adresseer.

ANTWOORD OP BESWARE VANAF:

Mnr & Mev Kriel;
Mnr & Mev Cupido;
Mnr & Mev Jumat;
Melanie Roussouw
Mnr EE Jansen
Irene & Lynne Saayman
Me M Smith

1. Die area is 'n woongebied en inwoners sal nie toelaat dat my busbedryf voortgaan nie:

Robertson het oor die jare, soos baie ander klein dorpie, ontwikkel en is steeds besig om te ontwikkel. Op hierdie stadium beskik al die strate aangrensend tot Hopley en Le Rouxstraat



oor besighede, naamlik Van Zylstraat, Le Rouxstraat, Albertsraat en Keeromstraat in 'n radius van 200 meter. Verder as die 200m is ook heelwat besighede en word die Munisipaliteit uitgenooi om die besighede in die omgewing te kom besoek ter bewyse hiervan.

Die volgende besighede is besighede wat spesifiek $\pm$ 50 meter vanaf my woning bedryf word:

- Môreson kafee ingang,
- Van Zylstraat sportgronde – agter my,
- Jim van Tonder kafee (daar stop sommer heelwat vragmotors),
- Langeberg bestuurskool
- 2 haarsalonne,
- Farmer's market (wat ook vragmotors vrugte aflaai tot op interlink vragmotors),
- Sweisplek in Le Rouxstraat voor/na Farmer's market waar vragmotors staal aflaai.

Die volgende besighede is besighede wat $\pm$ 200 meter aangrensend van Van Zyl en Keeromstraat bedryf word:

- 2 x begrafnis ondernemers;
- Bietjie van als winkel – verskeidenheid items vanaf kamp toerusting, elektriese toebehore, motor parte, huishouding toebehore, ens;
- Klere winkel/ rekenaars;
- Jamona Superette; en
- Don Bros kafee wat verskeie items verkoop.

Besighede wat handeldryf in Albertstraat $\pm$ 50 tot 150m vanaf Hopleyalaan:

- Dagsorg sentrum;
- Meubels herstel plek; en
- Sleepwa verhuurings plek.

Daar word nog verskeie ander besighede binne die 200 meter radius bedryf. My besigheid word al die afgelope + 28 jaar in hierdie area bedryf, lank voor die Kriel en ander gesinne hier kom woon het. My besigheid is welbekend en was voormelde gesinne bewus daarvan voor hulle eiendom gekoop het. Soos hierbo uiteengesit is Robertson 'n ontwikkelende dorp en word die area reeds gebruik om verskeie besighede vanaf woongebiede te bedryf. My besigheid is nie 'n uitgesondering op die reël nie.

Mnr Israel Jeneke, het voor my ook 'n busdiens besit en het die besigheid ook vanaf Erf 402 bedryf. Die afleiding kan dus gemaak word dat die eiendom wel geskik is vir die hersonering waarvoor ek aansoek gedoen het.

2. Kwessies rondom veiligheid

Ek is nie bewus van enige swaar voertuie wat ongelukke gemaak het in Hopleylaan of Le Rouxstraat nie. Dit is my mening dat hierdie stelling baie vergesog en onredelik is, aangesien enige voertuig 'n ongeluk kan veroorsaak. Ons plaas op rekord dat Mev. Kriel 'n baie ongeduldige bestuurder is en dat sy baie onlangs op die h/v Le Roux en Keeromstraat in 'n ongeluk betrokke was.

Verder, parkeer Me Kriel en haar besoekers in Hopleylaan, wat hulle nie mag doen nie, aangesien dit teen die Padverkeers Wet is, naamlik Regulasie 304(f), Wet 93/1996 Nasionale Padverkeers Wet. Hul beperk dus swaar voertuie en ander motoriste se verkeers vloei in Hopleylaan. Indien daar so groot vrees vir ongelukke bestaan het, sou hul nie so onverskuldig opgetree het nie.

3. Vrees vir inbrake

Kriminele elemente is buite my beheer as inwoner en besigheidseienaar. Kriminele elemente is al vir jare deel van ons gemeenskap, veral dwelm misbruik. Hopleylaan word as 'n deurgangs roete gebruik vir kriminele elemente. Ek en Jansen, afsonderlik, het dit al gerapporteer by die SAPD. Skelms gebruik die beboste "Wilmnellsrivier" as skuilplek. 'n Moord was al gepleeg en vrouens wat in die rivier gesleep word gebeur op 'n gereelde basis. Persone gebruik Hopleylaan en le Rouxstraat ver na Curfew tyd tans (24h00-04h00).

My perseel word met 'n sekuriteit stelsel en gewapende reaksie eenheid beskerm wat volgens my mening 'n groot pluspunt vir die inwoners is, aangesien daar gereeld sekuriteit is wat die perseel kan monitor en patroleer en so ook ander kriminele elemente in die omgewing afweek. Sou hierdie erf onbenut gelaat word, sal baie meer kriminele aktiwiteite geskied en staar die eiendom moontlike vandalisme in die gesig, wat juis skade sal doen aan die aantreklikheid en voorkoms van die area.

4. Bedryfstye

Daar is verskeie swaar voertuie wat gebruik maak van Hopley laan en Le Rouxstraat. My busse verlaat die perseel 90 % een keer in die oggend en keer slegs een keer terug in die aand op die laaste 20h00. My besige tyd beloop vanaf Oktober tot middel Desember, daarna is die gebruik van busse $\pm 60\%$ - wintermaande skaal dit verder af tot $\pm 30-40\%$ in gebruik. Somertyd strek vanaf $\pm 06h00$ tot 20h00 en wintertyd vanaf $\pm 07h00$ tot 15h00 en soms een bus tot 18h00. Die gebruik van 1 bus is soms op aanvraag vanaf 05h00 gedurende seisoen tyd Oktober tot middel Desember, maar dan laai plaas vragmotors en ander bus maatskappye reeds mense by Moreson ingang op.

5. Gesondheidsrisiko

Ek ontken ten sterkste dat my busse 'n gesondheidsrisiko is, aangesien my busse elke 6 maande deur 'n Padwaardigheidstoets gaan, ingevolge Regulasie 142(1) (f) Wet 93/1996. Hierdie toets word in 'n gebou gedoen waar slegs die voor en agterkant van die gebou oop is en behels die toets 'n minimum van 20 minute. Sweerlik sal die toetsbeampte vir padwaardigheid oormatige rook afkeur. My busse voldoen aan alle Regulasies wat die Wet toelaat. Besoedeling is 'n universiële aangeleentheid en kan dit nie toegeskryf word aan my busse wat dieselfde gasse uitlaat as enige ander voertuig wat deur die inwoners besit word nie.

Ek plaas op rekord dat daar 'n stortingsterrein reg agter Melanie Rossouw se woning is, wat 'n baie meer gevaarliker gesondheidsrisiko's inhou asook verdere vullis storting in die Willemnells rivier van selfs dooie diere.

Soos reeds genoem, voldoen al my busse aan Regulasie 142(1) (f) Wet 93/1996. Tensy daar 'n meganiese probleem met die bus is, sal die busse geen uitlaatgasse afgee, wat nie deur al die ander voertuie op 'n normale dag afgegee word nie.

Alle herstelwerk word uitgekонтakteur aan ander besighede in Robertson nl.: Le Roux Meganiese hersteldienste, Auto Eddie Pake, bande Hi Q en panelbeating. Ons dra dus by tot werkskepping in die gemeenskap en behou besigheid in Robertson. Groot herstelwerk van busse word nie op die perseel gedoen nie.

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6. Infrastruktuur van die pad

Ek herhaal, vir jare gebruik swaar voertuie Le Rouxstraat en Hopleyalaan. Infrastruktuur instandhouding is 'n Munisipale funksie en die toestand van die pad kan nie toegeskryf word aan een padverbruiker nie. Daar is geen wetlike verbod op die gebruik van paaie deur swaar voertuie nie en geen redelike afleiding kan gemaak word dat 'n bus die oorsaak van padwerke is, as die pad meer deur ander tipe voertuie gebruik word nie.

7. Opeenhoping van verkeer

In my + 28 jaar van woon in Hopleyalaan, was daar nog nooit 'n opeenhoping van verkeer nie. Ek is van mening dat die betrokke persone 'n wanbegrip of van opeenhoping van verkeer het. Ek is nie van 'n parkeerarea bewus tans in Le Rouxstraat wat Kriel na verwys nie. Al parkeer iemand ook in Le Rouxstraat, sal dit geen uitwerking het op busse wat na perseel 402 beweeg nie.

Ons kan Paul Krugerstraat in Robertson as voorbeeld gebruik. Hierdie is een van die besigste strate in Robertson waar voertuie daagliks links en regs parkeer en ligte voertuie tot swaar voertuie glad nie twee-twee verby mekaar kan beweeg op sekere plekke nie. Hierdie is nie die geval in Le Rouxstraat nie.

Soos voorheen vermeld, my busdiens word al vir + 28 jaar in hierdie area bedryf en tot op hede was 'n opeenhoping van verkeer nog nooit 'n bekommernis nie. Dit is vreemd dat die hersonering van my erf skielik 'n verkeersopeenhoping kan veroorsaak.

8. Waterdruk

Ek ontken ten sterkste dat my besigheid 'n waterdruk probleem skep vir ander inwoners. Ek kan bevestig dat ons tenkwater gebruik om busse mee te was, wat geen impak op waterdruk het nie. Die foto aangeheg deur Kriel, was geneem terwyl busse gewas & gesaniteer word. As dit klaar gedoen is, word dit verder ingetrek en skep dit nie 'n obstruksie nie.

9. Oprigting van muur

Die uitsig is onbeperk vanaf Hopleyalaan en Le Rouxstraat en kan enige voertuig vrylik beweeg. Busse kan ook met gemak na Erf 402 beweeg. Die breedte van Le Rouxstraat is 'n 9 meter pad. Die Munisipaliteit was uitgenooi om die eiendom te besoek, welke besoek gemaak was,

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soos bevestig deur Melanie Rossouw. Aangesien Melanie Rossouw nie haar gewenste uitkoms bereik het nie, het dit deel geword van haar beswaar vir 'n tweede beslissing.

Ek is daarop geregtig om my eiendom te omhein, netjies te hou en veiligheid en sekuriteit maatreëls in plek te stel vir my eiendom.

Irene en Lynn Simon se vooraansig van hulle woning is in Van Zylstraat, aangrensend tot Hopleyalaan. Laasvermelde bly in een van die besigste strate waar verkeer, hetsy lig en swaar volop is, alle ure van die dag en nag. Verder bly laasvermelde nie een tans in Robertson nie. Irene woon in Kuilsrivier en Lynn in Bellville.

10. Geraas

Ek verwys weereens na die padwaardigheids toetse waaraan my busse moet voldoen. Tydens hierdie toetse word uitlaat gasse en knaldempers akuraat nagegaan. Nie een van my busse maak gebruik van n "air brake system" wanneer gerem word nie. Indien wel, is die nuwe moderne stelsels sag op swaarvoetue. Soos enige ander voertuig, maak 'n bus 'n geluid as dit bestuur word.

Geraas is baie meer as sport byeenkomste aan is te van Zylstraat en tydens middernagtelike musiek en "dicery" te Van Zylstraat Sportsgronde. Vragmotors en ander bus Operateurs wat werkers optel in Môreson en selfs opelug kerkdienste wat aanhoudend geraas meebring in abnormale ure en vir lang periodes saans.

Dit is baie vreemd dat hierdie tipe geraas niemand pla nie, terwyl busse slegs in 'n spesifieke tydgleuf beweeg van ± 10 minute soggens en 3 minute saans. Geen rywerk vanaf ons kant word gedoen in middernagtelike ure nie. Covid het ons besigheid erg benadeel en sukkel ons klaar om kop bo water te hou.

Ter afsluiting

Dit is verstommend dat nadat 'n aansoek vir hersonering geloods is, inwoners punte wil lig wat in die afgelope + 28 jaar nog nie 'n probleem veroorsaak het nie. Ek maak die stelling dat die betrokke persone hierdie besware met kwaadwillige intensies geloods het. Die besware wat geopper is het in die verlede geen uitwerking gehad op die omgewing nie en dit is my regverdige aanname dat dit geen uitwerking in die toekoms sal hê nie. Ek maak die stelling

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dat die besware geloods is met die uitsluitlike bedoeling om die hersoneringsproses te frustreer en uit te rek.

Ek maak hierdie afleiding gebaseer daarop dat die betrokke persone daarop aandrang dat strafmaatrêels teen my en my besigheid ingestel word. Dit spreek vanself dat hul gesondheid en veiligheid nie die beweegrede vir hierdie besware is nie, maar dat hulle 'n gevestigde besigheid wil verwoes, wat glad nie in die beste belang van die gemeenskap is nie. Ons verskaf werk aan 25 persone, insluitend skoonmakers, administratiewe personeel en bestuurders wat op hulle beurt weer vir hulle families sorg. Ons besigheid is 'n kragtige ondersteuner van plaaslike besighede, hetsy deur die aankope van parte, herstelwerk, ens. Voormelde kan met gemak bewys word.

Ons het kliente wat slegs van ons busdienste gebruik maak en om ons uit die gemeenskap te verwyder sal slegs 'n nadelige uitwerking hê op die minderbevoorregte persone wat nie hul eie voertuie kan bekostig nie.

Die besware wat ontvang is dwaal heeltemal af van die doel waarvoor dit geloods word, aangesien die betrokke persone meer bekommerd is oor Munisipale grond, die Munisipaliteit se werk en aangrensende riviere wat geen verbinding met die rede vir die Hersonering hou nie. Weereens, 'n bevestiging dat besware kwaadwilling geloods is om my en my besigheid te na te kom.

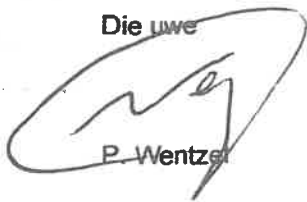
Laastens, beskou ek dit as noemenswaardig dat Melanie Rossouw (née Jeneke) se Pa voorheen die grootste bus operateur in Robertson was en dat hulle busse op Erf 402 geparkeer het en selfs meganiese herstelwerk daar gedoen. Tydens hierdie tydperk het die Cupido's, Juma's, Jansen's en Saayman's geen wesenlike klagtes gehad nie, alhoewel daar nie eers so baie besighede soos tans in die omliggende strate was nie. Eers na Melanie se pa en broer se dood, "Boy" Jeneke, het hulle die besigheid verkoop. Vir etlike jare was die voormelde persone Israel Jeneke goedgesind met sy busse en het die Jeneke's dieselfde hoeveelheid busse gehad as wat ek nou oplewer. Jansen het sy woning gekoop vanaf die Jeneke's aangrensend tot erf 402.

Ek versoek die besluitnemingskomitee vriendelik om na die feite stel te kyk en nie na emosionele en ongegronde aantuigings wat geen skade in die afgelope + 28 jaar aangerig het nie. Ek versoek die Tribunaal dan spesifiek om ag te slaan op die saak van **Koukoudis and Another v Abrina 1772 (Pty) Ltd and Another 2016**, waarin die Hoogste Hof van Appèl beslis het dat 'n beswaar teen die Hersonering van 'n eiendom, al is dit 'n Statutêre reg, 'n

misbruik van die reg op beswaar (in terme van deliktuele beginsels) daar kan stel, indien beide die Subjektiewe en die Objektiewe toetse nagekom word. Die subjektiewe toets behels die vraag of die bedoeling van die beswaarmaker die enigste of oorheersende bedoeling is om skade te berokken. Die Objektiewe vereiste sluit die vraag in of die beswaar geen noemenswaardige of regmatige belang gedien het van die persoon(e) wat teen die hersonering beswaar maak nie.

Robertson ontwikkel by die dag, veral met besighede in woonbuurte. Ons versoek u om die aansoek om Hersonering toe te staan, aangesien ons kan bydra tot die groei van plaaslike kleinbesighede en werkskepping met inagneming van alle wetlike regulasies.

Ons vertrou dat ons skrywe guns by u sal vind.

Die uwe

P. Wentzel

BYLAE 5

Aansoeker se verkeerstelling

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TELLINGKAART VIR HOPLEYLAAN EN LEROUXSTRAAT ROBERTSON.

DATUM	LIGTE VOERTUIG	SWARVOERTUIG	TOT	TOTAAL
2/12/2021 Hopleylaan				35
Le Roux straat				63

Kommentaar: Twee lories het in Le Roux straat oery. 103

TELLINGKAART VIR HOPLEYLAAN EN LEROUXSTRAAT ROBERTSON.

DATUM	LIGTE VOERTUIG	SWARVOERTUIG	TOT	TOTAAL
3/12/2021 Hopleylaan				49
Le Roux straat				110

Naam : Keriehnje Handtekening: Kontak nr 073 677 5991
Kommentaar: In Hopleylaan het daar twee lories en een busse en een lorie (in Hopleylaan was daar twee busse, twee lories en een lorie) 159

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Annexure B**Appeal**



SIMONE OLIVIER
ATTORNEYS INCORPORATED

Suite 100A, First Floor, 101 York Centre, 101 York Street, George, 6529
T: 074 781 1334 E: info@solaw.co.za

LANGEBERG LOCAL MUNICIPALITY
MUNICIPAL MANAGER

BY EMAIL: mm@langeberg.gov.za

OUR REF: MAT0077/P Wentzel
YOUR REF:

3 June 2022

Dear Madam/Sirs,

RE: REJECTION OF APPLICATION FOR REZONING OF ERF 400 & 402, HOPLEY AVENUE, ROBERTSON

1. We refer to the above matter and all previous correspondence in this regard.
2. As previously stated, our client launched an application for the rezoning of the abovementioned properties on 20 August 2021, which application was subsequently rejected by the Langeberg Municipal Planning Tribunal on 4 May 2022.
3. A letter dated 12 May 2022, confirming the decision by the Langeberg Municipal Planning Tribunal was addressed and sent to Mr Theron at Muhi Theron Land Surveyors, which letter was only brought to our client's attention on 25 May 2022. The reason why our client was not informed of this decision promptly by neither Mr Theron, nor your offices, is unknown to us at this stage.
4. Based on the fact that our client only received notice of the decision on 25 May 2022, we requested an extension of the prescribed period for entering an appeal on behalf of our client. Albeit our substantiated explanations, the request for extension was denied. Be that

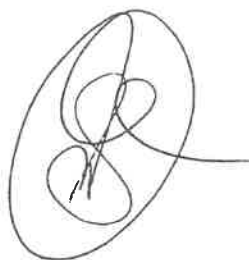
Reg. no.: 2020/656310/21

Director: Simone Olivier LLB (UNISA)

as it may, an appeal was filed by our client on 2 June 2022, in accordance with the directive from your offices.

5. We, however, wish to place on record, for purposes of possible future litigation, that our client did not receive 21 days as he is entitled to in terms of Section 79(2) of the Land Use Planning Bylaw, 2015, providing that a person whose rights are affected by a decision contemplated in Section 79(1) may appeal in writing to the Appeal Authority within 21 days of **notification** of the decision.
6. Kindly further find hereto attached a copy of the served appeal documents for your ease of reference.
7. We trust that you find the above in order.

Yours Faithfully



SIMONE OLIVIER ATTORNEYS INC.

Per: SM Olivier

E-mail: info@solaw.co.za

Tel: 074 781 1334

APPELVORM

(Artikel 79 van die Langeberg Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015)

LET ASSEBLIEF: Voltooi asseblief hierdie vorm in DRUKSKRIF en merk die toepaslike blokkies. Heg hierdie vorm aan u appèlbrief wat moet voldoen aan Artikel 80 van die Langeberg Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015.

DEEL A: APPEL

Appelleer u teen die besluit gemaak deur die gemagtigde werknemer of Tribunaal?	(y)	Indien Ja, dui in Deel E aan of die appèl ingedien word teen die besluit as 'n geheel of 'n deel van die besluit. Indien laasgenoemde geld, verskat 'n beskrywing van die deel.
Appelleer u in verband met die versuiming van die gemagtigde werknemer of Tribunaal om 'n besluit te neem binne die tydperk beoog in artikel 57(1) of (2)?	N	Indien Ja, verskat teite wat versuiming in Deel E bewys.
Appelleer u teen die voorwaarde(s) van goedkeuring opgete deur die gemagtigde werknemer of Tribunaal?	N	Indien Ja, lys tersaaklike voorwaarde(s) en verskat 'n beskrywing in Deel E.
Is u appèl gebaseer op en hoofsaaklik gemoed met die proses wat gevolg is voor die besluit van die gemagtigde werknemer of Tribunaal?	N	Indien Ja, spesifiseer in Deel E.
Is u appèl gebaseer op en hoofsaaklik gemoed met die metode van die grondontwikkeling of grondgebruik-aansoek waarop u van oortuiging is dat die gemagtigde werknemer of Tribunaal gefouteer het in sy/haar besluit?	(y)	Indien Ja, spesifiseer in Deel E.

Datum van besluit

4/5/2022

Datum waarop kennisgewing van besluit ontvang word

23/5/2022

Wie het die oorspronklike besluit geneem?

Gemagtigde werknemer

X Tribunaal

DEEL B: BESONDERHEDE VAN APPELLANT

Voornaam(e)

PETER

Van

WENTZEL

Naam van maatskappy of regsgeleerde persoon (Indien van toepassing)

SIMONE OLIVIER PROKUREURS INGELYF

Posadres

Hopley laan 6, Robertson, 6705

		Pos-kode		6705
E-pos		info@solaw.co.za Peterwertzel@telkomsa.n		
Tel	Faks	Sel	074 781 1334 070 988 1794	
DEEL C: APPELLANT SE BESKRYWING VAN EIENDOM (Eiendom wat geaffekteer word deur voorgestelde ontwikkeling)				
Nummer(s) van Erf/Gedeelte(s) of Plaas(e), stuk grond.	Erwe 400 (deel van ageregseerde konsolidasie, erf 8210) en 402			
Fisiese Adres	Hopley laan 6			
GPS-koördinate			Dorp/Stad	Robertson
DEEL D: BESKRYWING VAN EIENDOM VAN VOORGESTELDE GRONDONTWIKKELING				
Erf- of Plaasnummer(s)				
Fisiese Adres				
GPS-koördinate			Dorp/Stad	
DEEL E: MOTIVERING EN REDES VIR APPEL				
Sien aangeheg				
* Appél motivering, inligting en redes mag aangeheg word.				
DEEL F: APPELFOOI (AANSOEKER) (moet deur amptenaar voltooi en gebruik word)				
			Appél	
			TOTAAL APPELFOOI*	R3317-00
* Appélfooi wat aan die Munisipaliteit betaal word, is nie-terugbetaalbaar en bewys van betaling van die aansoekfooi moet die aansoek vergeesel.				
BANKBESONDERHEDE				
Noom:	Langeberg Munisipaliteit			
Bank:	Absa			
Taknummer:	33-45-13			
Rekeningnummer:	105 000 000 8 (Tjek)			
	A10..... (e.g. "A10 [Erf 2345, Robertson]" of/or "A10 [Farm 123/4, Montagu]")			

Betaling verwysing:

DEEL G: AANHANGSELS EN ONDERSTEUNENDE INLIGTING EN DOKUMENTASIE

Voltooi die volgende kontroelys en heg of die inligting en dokumentasie wat tersaaklik is vir die appél aan.

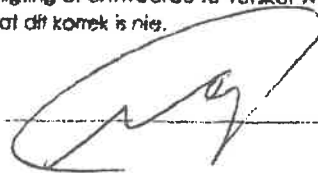
☒ J	☐ N	Bewys van betaling van appélfoote (aansoeker)	☒ J	☐ N	Bewys van kennisgewing van appél (aansoeker)
☒ J	☐ N	Afskaff van besluit en bewys van kennisgewing	☒ J	☐ N	Afskaff van voorwaardes van goedkeuring
☒ J	☐ N	Motivering en redes vir appél	☒ J	☐ N	Ander (spesifiseer)

AFDELING H: VERKLARING

Hiermee bevestig ek die volgende:

1. Dat die inligting vervat in hierdie appélvorm en meegaande dokumentasie volledig en korrek is.
2. Ek is bewus daarvan dat dit ingevolge Artikel 85(1)(a) van genoemde Verordening 'n oortreding is om besonderhede, inligting of antwoorde te verskaf wat ek weet verkeerd, vals of misleidend is of nie van die oortulging is dat dit korrek is nie.

Handtekening van appellant:



Datum:

21/6/2022

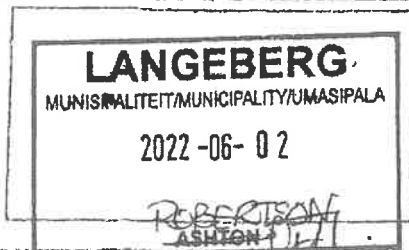
Volle naam:

SLEGS VIR KANTOORGEBRUIK

Datum ontvang:

02-06-2022

Ontvang deur:





LANGEBERG
MUNISIPALITEIT MUNICIPALITY MASIPALA

ADMINISTRATIEWE EN UITVOERENDE KANTOOR
ADMINISTRATIVE AND EXECUTIVE OFFICE
IOFISI YOLAWULO NEYESIGQIBA

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E admin@langeberg.gov.za www.langeberg.gov.za

Ons verw nr / Our Ref No
Isalathiso Sethu 15/4/13/7

K Brand Navrae / Enquiries
Imbuza

12 Mei 2022

Muhl Theron Landmeters
Posbus 438
MONTAGU
6720

Meneer/Me

VOORGESTELDE HERSONERING VAN ERWE 400 & 402, HOPLEYLAAN, ROBERTSON

U aansoek insake bogenoemde het betrekking.

Op 4 Mei 2022, het die Langeberg Munisipaliteit Beplanningstribunaal die volgende besluit.

Dat die aansoek vir hersonering van Erf 402 en 'n gedeelte van Erf 400, Robertson vanaf Enkel residensiële sone I na Vervoersone I ingevolge Artikel 60 van die Munisipaliteit Langeberg: Verordening op Grondgebruikbeplanning, 2015 afgekeur word, om die volgende redes:

1. Die grondgebruik is nie versoenbaar met die gebruike in en karakter van die omliggende omgewing nie.
2. Die bedryf van die vervoeronderneming (busdiens) vanaf een of beide erwe 400 en 402 kan steurend wees vir omliggende inwoners ten opsigte van geraas en vrystelling van uitlaatgasse, asook visuele impak en kan sodoende die omliggende inwoners se genieting van hulle eiendomme en kwaliteit van lewe nadelig beïnvloed.
3. Die perseel is ongunstig geleë ten opsigte van die openbare padstelsel, sodat dit slegs via residensiële strate (Le Rouxstraat en Hopleyalaan) bereik kan word, wat nie funksioneer as verspreidings- of versamelroetes in die dorp nie.
4. Die aansoeker het nie voldoende ontledings of bewyse voorgelê dat die voorstel werkbaar is binne die bestaande padstelsel en op die betrokke perseel nie of dat dit veilig is ten opsigte van verkeer en voetgangers nie.
5. Die vestiging van 'n busdepot in 'n residensiële area kan afbreuk doen aan die sin van plek en aantreklikheid van die dorp vir inwoners van die betrokke gebied en word dus beskou as teenstrydig met die beginsels vir ontwikkeling wat in beide die Provinsiale Ruimtelike Ontwikkelingsraamwerk (PSDF) en Langeberg Ruimtelike Ontwikkelingsraamwerk (LSDF) voorgehou word.

'n Persoon wie se regte geraak word deur 'n besluit van die Beplanningstribunaal het egter ingevolge Artikel 79 van die Langeberg Munisipale Verordening op Grondgebruikbeplanning, 2015, 'n reg tot appél teen die besluit. 'n Appél moet binne 21 dae na registrasiedatum van hierdie brief skriftelik op die aangehegte vorm aan die Appélowerheid (die Uitvoerende Burgemeester) gerig word en by die Munisipale Bestuurder ingedien word. Die beswaarmakers sal op soortgelyke wyse van die besluit en reg tot appél ingelig word.



Rig alle korrespondensie aan die Munisipale Bestuurder
Address all correspondence to the Municipal Manager
Thumelayonke imbalelwano kumphati Kamasipala

19

Let asseblief op dat die appél moet voldoen aan Artikel 80 van die gemelde verordening (afskrif aangeheg), ondermeer dat die Appellant gelyktydig kennis moet gee van die appél aan almal wat kommentaar op die aansoek gelever het.

Indien daar enige verdere navrae is, is u welkom om met mnr Jack van Zyl (023 – 614 8000) in verbinding te tree.

Die uwe



ASA DE KLERK
MUNISIPALE BESTUURDER



SIMONE OLIVIER
ATTORNEYS INCORPORATED

Suite 100A, First Floor, 101 York Centre, 101 York Street, George, 6529
T: 074 781 1334 E: Info@solaw.co.za

**LANGEBERG MUNISIPALITEIT
BY HAND**

OUR REF/ONS VERW: MAT0077/P Wentzel
YOUR REF/U VERW:

2 Junie 2022

Geagte Mnr/Me,

**I/S: KENNISGEWING VAN APP&L TEEN AFKEURING VAN HERSONERINGSAAANSOEK VAN
ERF 400 & 402, HOPELAAN, ROBERTSON**

1. Ons verwys na die bostaande aangeleentheid en bevestig dat ons namens ons kliënt, Mnr Peter Wentzel, hierin optree.
2. Dit is ons kliënt se respekvolle submitisie dat die Langeberg Munisipaliteit Beplanningstribunaal nie behoorlik oorweging en die gronde/ meriete soos vervat in ons kliënt se skrywe, hierby aangeheg vir maklike verwysing, geskenk het nie en word die redes vir die afkeur van die aansoek volledig mee gehandel in hierdie skrywe.
3. Die bystand wat ons kliënt verland is dat die besluit van die Langeberg Beplanningstribunaal heroorweeg word en die aansoek vir hersonering van Erf 402 en 'n gedeelte van Erf 400 goedgekeur word.
4. Ons vertrou u vind bostaande in orde.

Die uwe,

SIMONE OLIVIER ATTORNEYS INC.

Per: SM Olivier

E-mail: info@solaw.co.za

Tel: 074 781 1334

Reg. no.: 2020/656310/21

Director: Simone Olivier LLB (UNISA)

82 AANSOEKER SE REAKSIE OP BESWARE

Mnr P Wentzel
Hopley laan 6
Robertson
6705

Arnold Theron
Pr. Land Surveyor / Landmeter
9 Voortrekker St. Robertson
023 6143335/0828742094

Geagte Meneer,

IN SAKE: BESWARE TEEN HERSONERING VAN ERF 402 & 8210 HOPLEYLAAN 6 & 10

Ek verwys na die bovermelde aangeleentheid.

Ek bevestig dat ek 'n hersoneringsaansoek gefoods het en dat besware aangeteken was, nadat ek my kennigewings gelever het.

Dit is my opmerking dat inwoners, hoofsaaklik 7 families, besware geopper het met dieselfde bekommernisse en is dit my intensie om in hierdie skrywe hul besware in *seriatim*, te adresseer.

ANTWOORD OP BESWARE VANAF:

Mnr & Mev Kriel;
Mnr & Mev Cupido;
Mnr & Mev Jumat;
Melanie Roussouw
Mnr EE Jansen
Irene & Lynne Saayman
Me M Smith

1. Die area is 'n woongebied en inwoners sal nie toelaat dat my busbedryf voortgaan nie:

Robertson het oor die jare, soos baie ander klein dorpie, ontwikkel en is steeds besig om te ontwikkel. Op hierdie stadium beskik al die strate aangrensend tot Hopley en Le Rouxstraat

oor besighede, naamlik Van Zylstraat, Le Rouxstraat, Albertstraat en Keeromstraat in 'n radius van 200 meter. Verder as die 200m is ook heelwat besighede en word die Munisipaliteit uitgenooi om die besighede in die omgewing te kom besoek ter bewyse hiervan.

Die volgende besighede is besighede wat spesifiek ± 50 meter vanaf my woning bedryf word:

- Moreson kafee ingang,
- Van Zylstraat sportgronde – agter my,
- Jim van Tonder kafee (daar stop sommer heelwat vragmotors),
- Langeberg bestuurskool
- 2 haarsalonne,
- Farmer's market (wat ook vragmotors vrugte aflaai tot op interlink vragmotors),
- Swaisplek in Le Rouxstraat voor/na Farmer's market waar vragmotors staal aflaai.

Die volgende besighede is besighede wat ± 200 meter aangrensend van Van Zyl en Keeromstraat bedryf word:

- 2 x begrafnis ondernemers;
- Bietjie van als winkel – verskeidenheid items vanaf kamp toerusting, elektriese toebehore, motor parte, huishouding toebehore, ens;
- Klere winkel/ rekenaars;
- Jamona Superette; en
- Don Bros kafee wat verskeie items verkoop.

Besighede wat handeldryf in Albertstraat ± 50 tot 150m vanaf Hopleyalaan:

- Dagsorg sentrum;
- Meubels herstel plek; en
- Sleepwa verhuurings plek.

Daar word nog verskeie ander besighede binne die 200 meter radius bedryf. My besigheid word al die afgelope + 28 jaar in hierdie area bedryf, lank voor die Kriel en ander gesinne hier kom woon het. My besigheid is welbekend en was voormelde gesinne bewus daarvan voor hulle eiendom gekoop het. Soos hierbo uiteengesit is Robertson 'n ontwikkelende dorp en word die area reeds gebruik om verskeie besighede vanaf woongebiede te bedryf. My besigheid is nie 'n uitgesondering op die reël nie.

Mnr Israel Jeneke, het voor my ook 'n busdens besit en het die besigheid ook vanaf Erf 402 bedryf. Die afleiding kan dus gemaak word dat die eiendom wel geskik is vir die hersonering waarvoor ek aansoek gedoen het.

2. Kwessies rondom veiligheid

Ek is nie bewus van enige swaar voertuie wat ongetukke gemaak het in Hopleyalaan of Le Rouxstraat nie. Dit is my mening dat hierdie stelling baie vergesog en onredelik is, aangesien enige voertuig 'n ongeluk kan veroorsaak. Ons plaas op rekord dat Mev. Kriel 'n baie ongeduidige bestuurder is en dat sy baie onlangs op die h/v Le Roux en Keeromstraat in 'n ongeluk betrokke was.

Verder, parkeer Me Kriel en haar besoekers in Hopleyalaan, wat hulle nie mag doen nie, aangesien dit teen die Padverkeers Wet is, naamlik Regulasie 304(f), Wet 93/1996 Nasionale Padverkeers Wet. Hul beperk dus swaar voertuie en ander motoriste se verkeers vloei in Hopleyalaan. Indien daar so groot vrees vir ongetukke bestaan het, sou hul nie so onverskuldig opgetree het nie.

3. Vrees vir inbrake

Kriminele elemente is buite my beheer as inwoner en besigheidseienaar. Kriminele elemente is al vir jare deel van ons gemeenskap, veral dwelm misbruik. Hopleyalaan word as 'n deurgangs roete gebruik vir kriminele elemente. Ek en Jansen, afsonderlik, het dit al gerapporteer by die SAPD. Skelms gebruik die beboste "Wilmelsrivier" as skuiplek. 'n Moord was al gepleeg en vrouens wat in die rivier gesleep word gebeur op 'n gereelde basis. Persone gebruik Hopleyalaan en Le Rouxstraat ver na Curfew tyd tans (24h00-04h00).

My perseel word met 'n sekuriteit stelsel en gewapende reaksie eenheid beskerm wat volgens my mening 'n groot pluspunt vir die inwoners is, aangesien daar gereeld sekuriteit is wat die perseel kan monitor en patroleer en so ook ander kriminele elemente in die omgewing afweek. Sou hierdie erf onbenut gelaat word, sal baie meer kriminele aktiwiteite geskied en staar die eiendom moontlike vandalisme in die gesig, wat juis skade sal doen aan die aantreklikheid en voorkoms van die area.

4. Bedryfstye

Daar is verskeie swaar voertuie wat gebruik maak van Hopley laan en Le Rouxstraat. My busse verlaat die perseel 90 % een keer in die oggend en keer slegs een keer terug in die aand op die laaste 20h00. My besige tyd beloop vanaf Oktober tot middel Desember, daarna is die gebruik van busse $\pm 60\%$ - wintermaande skaal dit verder af tot $\pm 30-40\%$ in gebruik. Somertyd strek vanaf $\pm 06h00$ tot $20h00$ en wintertyd vanaf $\pm 07h00$ tot $15h00$ en soms een bus tot $18h00$. Die gebruik van 1 bus is soms op aanvraag vanaf $05h00$ gedurende seisoen tyd Oktober tot middel Desember, maar dan laai plaas vragmotors en ander bus maatskappye reeds mense by Moreson ingang op.

5. Gesondheidsrisiko

Ek ontken ten sterkste dat my busse 'n gesondheidsrisiko is, aangesien my busse elke 6 maande deur 'n Padwaardigheidstoets gaan, ingevolge Regulasie 142(1) (f) Wet 93/1996. Hierdie toets word in 'n gebou gedoen waar slegs die voor en agterkant van die gebou oop is en behels die toets 'n minimum van 20 minute. Sweerlik sal die toetsbeampte vir padwaardigheid oormatige rook afkeur. My busse voldoen aan alle Regulasies wat die Wet toelaat. Besoedeling is 'n universele aangeleentheid en kan dit nie toegeskryf word aan my busse wat dieselfde gasse uitlaat as enige ander voertuig wat deur die inwoners besit word nie.

Ek plaas op rekord dat daar 'n stortingsterrein reg agter Melanie Rossouw se woning is, wat 'n baie meer gevaarlike gesondheidsrisiko's inhou asook verdere vullis storting in die Willemsrivier van selfs dooie diere.

Soos reeds genoem, voldoen al my busse aan Regulasie 142(1) (f) Wet 93/1996. Tensy daar 'n meganiese probleem met die bus is, sal die busse geen uitlaatgasse afgee, wat nie deur al die ander voertuie op 'n normale dag afgegee word nie.

Alle herstelwerk word uitkontrakteur aan ander besighede in Robertson nl.: Le Roux Meganiese hersteldienste, Auto Eddie Pake, bande Hi Q en panelbeating. Ons dra dus by tot werkskepping in die gemeenskap en behou besigheid in Robertson. Groot herstelwerk van busse word nie op die perseel gedoen nie.



6. Infrastruktuur van die pad

Ek herhaal, vir jare gebruik swaar voertuie Le Rouxstraat en Hopleyalaan. Infrastruktuur instandhouding is 'n Munisipale funksie en die toestand van die pad kan nie toegeskryf word aan een padverbruiker nie. Daar is geen wetlike verbod op die gebruik van paasie deur swaar voertuie nie en geen redelike afleiding kan gemaak word dat 'n bus die oorsaak van padwerke is, as die pad meer deur ander tipe voertuie gebruik word nie.

7. Opeenhoping van verkeer

In my + 28 jaar van woon in Hopleyalaan, was daar nog nooit 'n opeenhoping van verkeer nie. Ek is van mening dat die betrokke persone 'n wanbegrip of van opeenhoping van verkeer het. Ek is nie van 'n parkeerarea bewus tans in Le Rouxstraat wat Kriel na verwys nie. Al parkeer iemand ook in Le Rouxstraat, sal dit geen uitwerking het op busse wat na perseel 402 beweeg nie.

Ons kan Paul Krugerstraat in Robertson as voorbeeld gebruik. Hierdie is een van die besigte strate in Robertson waar voertuie daaglikas links en regs parkeer en ligte voertuie tot swaar voertuie glad nie twee-twee verby mekaar kan beweeg op sekere plekke nie. Hierdie is nie die geval in Le Rouxstraat nie.

Soos voorheen vermeld, my busdiens word al vir + 28 jaar in hierdie area bedryf en tot op hede was 'n opeenhoping van verkeer nog nooit 'n bekommernis nie. Dit is vreemd dat die hersonering van my erf skielik 'n verkeersopeenhoping kan veroorsaak.

8. Waterdruk

Ek ontken ten sterkste dat my besigheid 'n waterdruk probleem skep vir ander inwoners. Ek kan bevestig dat ons tenkwater gebruik om busse mee te was, wat geen impak op waterdruk het nie. Die foto aangeheg deur Kriel, was geneem terwyl busse gewas & gesaniteer word. As dit klaar gedoen is, word dit verder ingetrek en skep dit nie 'n obstruksie nie.

9. Oprigting van muur

Die uitsig is onbeperk vanaf Hopleyalaan en Le Rouxstraat en kan enige voertuig vrylik beweeg. Busse kan ook met gemak na Erf 402 beweeg. Die breedte van Le Rouxstraat is 'n 9 meter pad. Die Munisipaliteit was uitgenooi om die eiendom te besoek, welke besoek gemaak was,

soos bevestig deur Melanie Rossouw. Aangesien Melanie Rossouw nie haar gewenste uitkoms bereik het nie, het dit deel geword van haar beswaar vir 'n tweede beslissing.

Ek is daarop geregtig om my eiendom te omhels, netjies te hou en veiligheid en sekuriteit maatreëls in plek te stel vir my eiendom.

Irene en Lynn Simon se vooraansig van hulle woning is in Van Zylstraat, aangrensend tot Hopleyalaan. Laasvermelde bly in een van die besigste strate waar verkeer, hetsy lig en swaar volop is, alle ure van die dag en nag. Verder bly laasvermelde nie een tans in Robertson nie. Irene woon in Kullarivier en Lynn in Bellville.

10. Geraas

Ek verwys weereens na die padwaardigheids toetse waaraan my busse moet voldoen. Tydens hierdie toetse word uitlaat gasse en knaldempers akuraat nagegaan. Nie een van my busse maak gebruik van 'n "air brake system" wanneer gerem word nie. Indien wel, is die nuwe moderne stelstelsel sag op swaarvoetjies. Soos enige ander voertuig, maak 'n bus 'n geluid as dit bestuur word.

Geraas is baie meer as sport byeenkomste aan is te van Zylstraat en tydens middernagtelike musiek en "dicery" te Van Zylstraat Sportsgronde. Vragmotors en ander bus Operateurs wat werkers optel in Môreson en selfs opelug kerkdienste wat aanhoudend geraas meebring in abnormale ure en vir lang periodes saans.

Dit is baie vreemd dat hierdie tipe geraas niemand pla nie, terwyl busse slegs in 'n spesifieke tydgleuf beweeg van ± 10 minute soggens en 3 minute saans. Geen rywerk vanaf ons kant word gedoen in middernagtelike ure nie. Covid het ons besigheid erg benadeel en sukkel ons klaar om kop bo water te hou.

Ter afsluiting

Dit is verstommend dat nadat 'n aansoek vir hersonering geloods is, inwoners punte wil lig wat in die afgelope + 28 jaar nog nie 'n probleem veroorsaak het nie. Ek maak die stelling dat die betrokke persone hierdie besware met kwaadwillige intensies geloods het. Die besware wat geopper is het in die verlede geen uitwerking gehad op die omgewing nie en dit is my regverdige aanname dat dit geen uitwerking in die toekoms sal hê nie. Ek maak die stelling

dat die besware geloods is met die uitsluitlike bedoeling om die hersoneringsproses te frustreer en uit te rek.

Ek maak hierdie afleiding gebaseer daarop dat die betrokke persone daarop aandring dat strafmaatreëls teen my en my besigheid ingestel word. Dit spreek vanseif dat hul gesondheid en veiligheid nie die bewegegrede vir hierdie besware is nie, maar dat hulle 'n gevestigde besigheid wil verwoes, wat glad nie in die beste belang van die gemeenskap is nie. Ons verskaf werk aan 25 persone, insluitend skoonmakers, administratiewe personeel en bestuurders wat op hulle beurt weer vir hulle families sorg. Ons besigheid is 'n kragtige ondersteuner van plaaslike besighede, hetsy deur die aankope van parte, herstelwerk, ens. Voormelde kan met gemak bewys word.

Ons het kliënte wat slegs van ons busdienste gebruik maak en om ons uit die gemeenskap te verwyder sal slegs 'n nadelige uitwerking hê op die minderbevoorregte persone wat nie hul eie voertuie kan bekostig nie.

Die besware wat ontvang is dwaal heeltemal af van die doel waarvoor dit geloods word, aangesien die betrokke persone meer bekommerd is oor Munisipale grond, die Munisipaliteit se werk en aangrensende riviere wat geen verbinding met die rede vir die Hersonering hou nie. Weereens, 'n bevestiging dat besware kwaadwilling geloods is om my en my besigheid te na te kom.

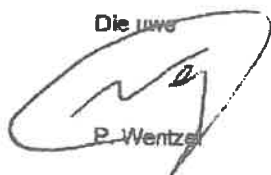
Laastens, beskou ek dit as noemenswaardig dat Melanie Rossouw (née Jeneke) se Pa voorheen die grootste bus operateur in Robertson was en dat hulle busse op Erf 402 geparkeer het en selfs meganiese herstelwerk daar gedoen. Tydens hierdie tydperk het die Cupido's, Juma's, Jansen's en Saayman's geen wesenlike klagtes gehad nie, alhoewel daar nie eers so baie besighede soos tans in die omliggende strate was nie. Eers na Melanie se pa en broer se dood, "Boy" Jeneke, het hulle die besigheid verkoop. Vir etlike jare was die voormelde persone Israel Jeneke goedgesind met sy busse en het die Jeneke's dieselfde hoeveelheid busse gehad as wat ek nou oplewer. Jansen het sy woning gekoop vanaf die Jeneke's aangrensend tot erf 402.

Ek versoek die besluitnemingskomitee vriendelik om na die feite stel te kyk en nie na emosionele en ongegronde aantuigings wat geen skade in die afgelope + 28 jaar aangerig het nie. Ek versoek die Tribunaal dan spesifiek om ag te slaan op die saak van Koukoudla and Another v Abrina 1772 (Pty) Ltd and Another 2016, waarin die Hoogste Hof van Appèl beslis het dat 'n beswaar teen die Hersonering van 'n eiendom, al is dit 'n Statutêre reg, 'n

misbruik van die reg op beswaar (in terme van deliktuele beginsels) daar kan stel, indien beide die Subjektiewe en die Objektiewe toetse nagekom word. Die subjektiewe toets behels die vraag of die bedoeling van die beswaarmaker die enigste of oorheersende bedoeling is om skade te berokken. Die Objektiewe vereiste sluit die vraag in of die beswaar geen noemenswaardige of regmatige belang gedien het van die persoon(e) wat teen die hersonering beswaar maak nie.

Robertson ontwikkel by die dag, veral met besighede in woonbuurte. Ons versoek u om die aansoek om Hersonering toe te staan, aangesien ons kan bydra tot die groei van plaaslike kleinbesighede en werkskepping met inagneming van alle wettlike regulasies.

Ons vertrou dat ons skrywe guns by u sal vind.

Die LWW

P. Wentzel

Annexure C**Objectors' comments on appeal**

SMITH

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Le Roux Straat 62 B
Robertson
6705

2022-06-22

Geagte Bestuurder : Stadsbeplanning

**INSAKE DIE APPEL VAN EIENAARS: P & MP WENTZEL - RESIDENSIELE
SONE NA VERVOERSONE**

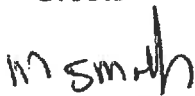
Ek, Mev M Smith volstaan met my besware soos wat alreeds genoem is aan die Munisipale Bestuurder.

- Die woonarea wat tersprake is hier is ons inwoners wat naby die Busbedryf woon en het niks met die ander besigehede te doen wat in die ander strate of woongebede is nie, dit raak nie ons omliggende wonings en huishoudings nie.
- Ek woon al nege jaar in Le Roux straat waar ek gesien het dat Mnr Wentzel nie so baie busse gehad het op sy perseel nie. So ver ek weet was daar wel busse geparkeer by Mnr Wentzel se broer, Mnr J Wentzel, in van Zyl Straat en by sy vader, Mr Wentzel, in Albert straat. Waarop daar ook alreeds ongelukigheid ontstaan het vanuit daardie omliggende inwoners (ook oor dieselfde redes wat ons ervaar) en nou word alle busse na Mnr P Wentzel se perseel geskuif en ons inwoners moet nou daar onder lei.
- Mnr Wentzel dwaal van punte af en raak persoonlik.
- Veiligheid risiko: Vir ons as inwoners is daar klaar te veel risiko - enige soort ongelukke kan gebeur, dit is n besige area vanwaar voetgangers (vanuit rigting Moreson woonbuurt en ons self) gereeld gebruik; lok nog meer skelms aan wat vir ons nog meer ingevaar stel.
- Die swaar voertuie se geraas en besoedeling gaan net meerder raak indien die besigheid gaan groei. Asook ander geraas wat gepaard gaan saam met die bedryf gaan dit nog erger maak.

Bekommernisse is dat die perseel nie naby die Eienaar se woonhuis is nie, maar die res van die ander inwoners moet onderlei met alles wat bogenoem word. Ongelukkig moet die besigheid sy bedryf skuif na n ander geskikte plek.

Vertrou dat die Hersonerings weer afgekeur sal word soos dit alreeds deur die eerste Tribunaal afgekeur was.

Groete



M SMITH
0730565963

Mnr DB & A Kriel
9 Hopleyiaan
Robertson
6705
Rekening no: 1-11-4581-001-2

21 Junie 2022

Verwys: Die epos gedateer op 2 Junie 2022 vanaf Mnr Wentzel se Prokureur (Appelleer)
(Voorgestelde Hersonerings van Erwe 8210 & 402, Hopleyiaan Robertson.
Eienaars : P & MP Wentzel)

I/S: Kennisgewing van Appel teen afkeuring van Hersonerings aansoek van Erf 400 & 402, Hopleyiaan, Robertson 6705

Geagte Die Bestuurder: Stadsbeplanning

Op 4 Mei 2022 het die Langeberg Munisipaliteit Beplanningstribunaal die besluit geneem dat daar wel grondelike redes is dat die Hersonerings nie goedgekeur kan word nie. Verwys na al die omliggende inwoners se besware, volstaan ons teen die versoek dat die Busvervoer Bedryf nie hier kan operateur soos in die besware wat alreeds ingedien is.

Hoofsaaklik het al ons inwoners dieselfde bekommernisse rondom die Hersonerings, want dit raak ons almal op dieselfde manier en kan vererger indien die Besigheid sal groei.

Punt nommer 1:

Ons wil nie Mnr Wentzel se besigheid of inkomste wegneem nie. Die versoek is dat Mnr Wentzel die inwoners moet respekteer en die Busbedryf (besigheid) kan nog steeds voortbestaan in die industriële gebied wat geallokeer is vir besigheids bedryf en nie in n bestaande woon area nie. Verwys na die bestaande besighede wat alreeds vir jare bestaan in ons area, soos in Mnr Wentzel se brief. Dit het geen inpak op ons woonarea waarin hy sy Busdiens wil bedryf nie. Hierdie besighede bestaan alreeds. Mnr Wentzel bevestig dat hy wel +- 28 jaar sy busbedryf in die area bedryf? Ons het ons kom vestig in Hopleyiaan in die jaar 2004. Geen busse was verteenwoordig in ons area nie OF het enige ontwrigting veroorsaak nie. Indien hier wel alreeds bus bedryghede aan die gang was, sou ons nooit hier kom woon het nie. Verwys ook na die stelling dat mnr Wentzel vir +- 28 jaar sy busdienste bedryf? Indien dit wel op die residensiele perseel was, het Mnr Wentzel alreeds die Regulasie van die Munisipaliteit oortree.

Punt nommer 2:

Mnr Wentzel verwys dat daar nog geen ongelukke gemaak was deur swaar voertuie nie. Dit is reg dat enige voertuig n ongeluk kan veroorsaak, maar die risiko is nog steeds daar dat ongelukke kan gebeur. Nie net noodwendig padongelukke nie, maar ons Wonings is ook in gedrang. Verwys na die stelling wat

Mnr Wentzel persoonlike aantugings maak van Aubrea se "ongeduldige bestuurder". Ons sien hierdie as n persoonlike aantuging en versoek dat Mnr Wentzel dit nie verder moet uitbuit nie. Dit het geensins betrokkeheid met die Busvervoer Hersonerings nie.

Verwys na die parkering en verkeers vloei in Hopley laan. Daar was n pad gedeelte wat toegestaan was vir Hopley laan se inwoners as parkering. Verwys na die inname op Figuur 1. Mnr Wentzel het daardie gedeelte geeien. Daarop is daar geen parkering area vir die inwoners van Hopley laan nie en moet ons vlugtig voor ons oprit parkeer. Dit is min nie maal waar Aubrea of haar besoekers in die pad parkeer (voor ons oprit) maar tog kan nog n klein motorvoertuig verby gaan. Indien daar enige groot swaar vragmotors die pad moet gebruik (wat selde is behalwe vir 1 dag vir die vullis voertuig) sal ons nie somer daar parkeer nie. Die groot swaar voertuie wat Mnr Wentzel dalk na verwys, is die Busse. Sodra my voertuig voor my oprit staan, kan die Busse nie verby gaan nie. Ons groot swart vullis Bin wat ons by ons klein hekkie laat staan het vir die optel van vullis, was al twee kere geskuif deur Mnr Wentzel se Bus Bestuurders om die busse te laat verby kom. Dit bring ons wel tot die versoek, aangesien die pad so nou is, dat Hopley laan n een rigting pad sal moet raak.

Punt nommer 3

Ons kan saam stem dat inbrake onbeheerbaar is, maar enige besigheid het n groter aantrekbaarheid vir skelms en inbrake waarop dit meer vir ons inwoners onveilig maak en gevaarstel. Ons het ons eie gewapende Sekuriteit, en ongelukkig gaan die Busvervoer dienste nie tot voordeel vir ons wees as sekuriteit nie.

Punt nommer 4

Dit punt dat hier nog verskeie swaar voertuie in Hopley laan en Le Roux straat beweeg (Behalwe vir die Munisipale voertuie) is daar enkele swaar voertuie in Le Roux straat wat NIE elke dag, oggend, deurloop van dag en na middag beweeg soos die Busse nie. Tye van rite, soos uiteen gesit in Mnr Wentzel se stelling, sal nie deurlopend dieselfde wees nie. Soos sy besigheid mag groei, sal die perke van tye ook verander wat verdere steurnisse kan vererger.

Punt nommer 5 en 10

Ongelukkig beweeg die busse elke dag (meer as gewone voertuie die pad gebruik) en meer ongesonde gasse word uitgelaat. Dit is nie net een bus wat kinders moet aflaai en weer weg ry nie. Die opwarm van enjins, die gedreun en alle geraas soos herstelwerke van busse word in ag geneem, vroeg oggend ure, asook oor naweke word daar gewerkskaf. Dit het n inbraak op ons lewenswyse.

Let wel dat hierdie slegs nog soos tot nou ervaar word, maar weereens, indien daar toegewing gegee word op die hersonering, kan dinge nog net vererger en ons inwoners belemmer.

Ons neem geen inkomste weg van enige ander besighede wat ook n inkomste kan genereer of die van die werknemers nie. Mnr Wentzel het die opsie om die perseel van die busbedryf na die industriële gebied te skuif. Die gedruis en geraas van busse is wel elke dag, maar verwys na die stelling van die Sport byeenkomste se geraas, dit is baie uitsonders en nie elke dag nie. Omliggende musiek of voertuie (met toeters en brullende enjins) se geraas is minimaal. Die Busse se geraas is ondraaglik en skep geestelike steurnisse in die huishoudings wat deur lopend gehoor sal word en ook sal toeneem indien

die besigheid sal groei. Verwys weer na die stelling van Mnr Wentzel waarop genoem is van die "Stortings Terrein". Dit is Munisipale gronde waarop Mev Jeneke geen beheer het nie.

Punt Nommer 6, 7 & 9

Verwys na die stelling van die instandhouding van die pad. Verwys na punt no. 3 (Gedateer 12 Mei 2022; Verwysno 15/4/13/7) waarin die Munisipaliteit Beplanningstribunaal alreeds bevestiging lewer. Verwys na parkering in Le Roux straat. Aangesien daar wel nie genoeg parkering area in Hopley laan is nie, parkeer my besoekers beide kante van Le Roux straat. Die breedte van die pad, indien daar voertuie parkeer, is minimaal vir n bus om verby te gaan na die ingang na die perseel 402. Ons versoek n ondersoek van die Stadsbeplanner om hierdie area te kom ondersoek. Die skoon area (Landjie) oorkant Erf 402 word ook gebruik deur die busse om hulle draaie te kan maak om in te probeer kom by die ingang. Wat weereens beteken, die pad breedte is nie geskik nie.

Weereens, ons verwys na die wonings area in Hopley laan en Le rouxstraat, en nie na ander areas in die dorp nie.

Die stelling wat gemaak word deur Mnr Wentzel van beide Mev Jumat en Saaiman nie woonagtig in die area is nie, stel dit bloot dat Mnr Wentzel nie kennis neem dat hierdie persone die eiendomme besit, en sal wel met toekomstige besluitnemings, weer terug keer na hulle eiendomme. En sal graag in n rustige woongebied wil woon waar daar geen steurnisse van Busse bedryfswighede of vrese vir busse wat verby hulle wonings moet ry nie.

Punt nommer 8

Die vraag wat hier gaan ontstaan, hoelank gaan TENK water hou vir die meerderheid Busse wat elke dag gewas moet word?

28 jaar busbedryf. Soos genoem dat hier nog geen busse beweeg het toe ons in 2004 ingetrek het nie. Ons wil glad nie Mnr Wentzel se bedryf verwoes of te na kom soos hy noem nie. Dit kan wel voortbestaan en groei, maar op n perseel waar daar geen hindernisse vir ons woongebied is nie. Die doel waarop ons ons besware maak, is nie op grond van Mnr Wentzel se stelling dat ons bekommerd is oor die grond en riviere nie. Dit gaan oor ons woongebied, veiligheid, gesondheid en n normale residensiele woon area.

Ons verwys na hierdie aansoek vir Hersonering wat nou van toepassing is - en kan nie verwys na enige ou gebeurtenisse in die omgewing nie. Die vraag is, indien Mnr Wentzel al 28 jaar hierdie besigheid bedryf, hoekom het hy nie alreeds die regte prosedure gevolg en aansoek gedoen vir besigheids perseel nie. Weereens moet die Munisipale regulasies hierdie in ag neem waarop alle inwoners en besighede munisipale belasting gelde moet betaal, en dus openbaar Mnr Wentzel dat hy vir 28 jaar, onwettig en teen die Munisipale regulasie handel gedryf het op n residensiele perseel.

Ons volstaan by ons besware en teenstanding teenoor die Hersonering.

U kan ons kontak by die volgende:

Aubrea Kriel 082 416 2477 – Epos address beakriel@gmail.com

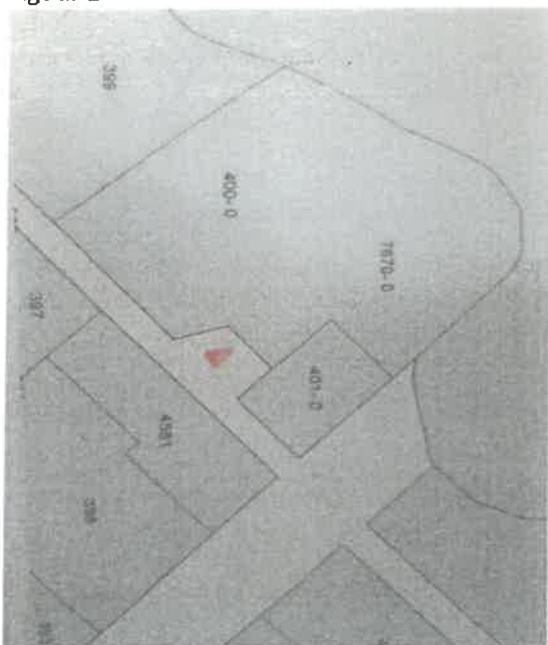
Duane Kriel 082 559 0995 - duane.k@mweb.co.za



Groete

Mnr DB & A Kriel

Figuur 1



7b
Jumay

RESPONSE TO APPEAL AGAINST THE OUTCOME BY LANGEBERG MUNICIPAL PLANNING TRIBUNAL

1. Refer to MAT0077/P Wentzel dated 2 June 2022.

2. We noted the appeal by Mr Wentzel against the outcome by Langeberg Municipal Planning Tribunal on 4 May 2022 with regards the proposed rezoning of erven 400 and 402, Hopley Avenue, Robertson.

COMMENTS AND OBJECTIONS

3. Acting on behalf of Mrs CE Van Der Heyde, and in terms of Sect 47 (f), Sect 50,(3) (a) to (d) and 50 (4) (a) to (d), the signatories below object to the rezoning of erven 400 and 402, Hopley Avenue, Robertson. Reference is made to e-mail of 05 July 2019 to the manager Mr Kobus Brand of the Section Town Planning at the Langeberg Municipality in Montagu. No feedback was received. Note that the disputed land is already being used as such and it is assumed that the business is in operation without Municipal authority/approval, neither was it in consultation nor with approval/consent from the immediate residents/community. As such it is unacceptable and disrespectful towards the immediate and surrounding owners. Rezoning of erf 402 in particular is strongly objected to, due to the immediate and future impact it has or will have on the residents of Jeneke Street in particular but also on the surrounding residential area. Refer to the previous comments and objections dated 2 October 2021 and 25 October 2021, therefore the status quo regarding this issue remains. In addition to the following few comments must be considered.

4. The content and decision by Muhl Theron Landmeters dated 12 May 2022 to disapprove the proposed rezoning is acknowledged and strongly supported. The fact that Mr Wentzel is aggrieved because seven families raised the same issues should be an indication that ALL of these families have the same concerns, and this is not unusual.

5. The businesses in the adjacent streets of about 200 metre radius is an old congested and collective business area and not in near sight of Jeneke Street, thus it is stated that there is nowhere any businesses near the residential area Jeneke Street or Hopley Lane, neither Van Zyl street. The significance of Jeneke Street which is directly affected is because this is where his proposed bus depot/business is currently located precisely adjacent to the desired rezoning erven. Langeberg Municipality should note that the residents objected previously against this rezoning of two erven in particular. Refer to previous comments and objections 2 and 25 October 202. The business area as mentioned by Mr Wentzel in close vicinity of Jeneke street is out of sight, hence it does not pose a direct problem to the residents, secondly, it is located in a business area which were rezoned for such activities.

6. There are indications that the buses were previously parked in and around Van Zyl Street and Albert Street but had to move as a result of dissatisfaction for various reasons from the residents in both streets. This matter recurred once again in a different residential area, and it is suggested that Langeberg Municipality solve this issue once and for all instead of mitigating the existing problem to yet another area.

7. One should be mindful NOT to generalize. Irrespective of this business which apparently was established 28 years ago and assumptions and allegations that some residents bought property only after that time should be carefully considered. Worth mentioning is that some residents of Jeneke Street bought their properties about 50 years ago, during the early 70s (erf 2140 in 1972).

8. Town development and planning remain a municipal responsibility, therefore it is questionable if Mr Wentzel really contribute to development. His contribution to job-creation is not disputed, however, it should be within the framework, rules and regulations of municipal by-laws.

9. Even though COVID-19 had a tremendous international impact on the economy in general, Mr Wentzel is not singled-out. He is providing jobs to about 25 people, but it does not prevent him to recover (like many other) and still doing his business from other premises. The municipality should ensure that this business is NOT located in a residential area and especially NOT in an area where Jeneke Street is affected.

10. The opinion that the residents want to unnecessary delay the rezoning process is unfounded. The residents have no desire to remove him or his business out of the community (Robertson), we simply request him to relocate his business from the residential to the industrial area. Relocation to another approved rezoned area will still enable Mr Wentzel to provide job-creation and transport service to the community, and simultaneously enable him to recover from the negative financial impact of COVID-19. He does not need to operate from Jeneke Street/Hopley Lane to succeed. In fact, he only needs a driver to at designated places to collect the commuters. The other jobs (admin. cleaners. etc) should not be impaired due to a different location.

11. Harmful statements (incidents referring to Ms Kriel and Ms Jeneke) are totally uncalled for and not worthy to consider. Ms Melanie Rossouw cannot be held accountable for the illegal dumping site behind her residence. This is a municipal responsibility and beyond her control. It is suggested that the Langeberg Municipal Tribunal disregard this matter and rather focus on the real issue. Mr Wentzel's motivation is lacking substance.

12. The residents of Jeneke Street previously had a full view of the area directly in front of their properties with full sight into Le Roux Street, however, the high boundary wall limits and obstruct sight. The impaired sight prevents driving with ease out of Jeneke Street into Hopley Lane. Secondly, the high boundary wall is immensely displeasing and an enabler for criminal activities.

13. Armed security for a bus business/depot is a grave concern for Jeneke Street/Hopley Lane in a small town like Robertson. This actually imply that this business is a dire risk for the immediate community. The argument that it is safer for the Jeneke Street residents as there are frequent monitoring by armed security is highly questionable and contested. The residents had never encountered such criminal activities where there was a need for armed security. In this view, Langeberg Municipality should not consider the rezoning and appeal. Further, competence of armed skills, training and licensing are questioned.

14. Health concerns should not be overlooked. We should also draw your attention to the COP 26 in Glasgow, Scotland last year and it should be noted that the government of the Republic of South Africa is much more committed to Air Quality than ever before. The DPM (Diesel Particulate Matter) emitted from those buses had been declared a carcinogen by the World Health Organisation. The inhalation of it

exacerbates any health condition like TB, etc of which someone in the community may already suffer from. In support of emissions and health issues, note that one of the residents already suffering from asthma and this further strengthen the argument for proper air quality control. Like other municipalities, it is assumed that Langeberg Municipality, have an Air Quality Officer and if it is not the case in the Langeberg, the Provincial Air Quality Officer who (presumably) sits in Cape Town should give clarity on this matter and could be approached about the National Environmental Management Act (NEMA). Reference is made to various types of pollution. Your attention is drawn to the Air Quality Act of 2017 which is the latest revision. Environmental Law became a specialist subject and it is assumed that the person in charge of M&E is qualified to certify emissions. Mr Wentzel is using normal businesses like close-proximity shops to support the rezoning application, however, those shops/businesses are NOT compromising Air Quality so close to a residential area.

15. As a reminder, roadworthy buses are not disputed. Roadworthiness according to his reference and Air Quality control and monitoring which addressed pollution are two different concepts. Further, roadworthiness is not related to NEMA and therefore the argument about the roadworthiness is therefore not regarded as a mitigating factor. There should be no confusion between air quality and roadworthiness (repair works, tyres services, panel beating and regular services) and although there is no repair/mechanical works being done on the disputed premises yet, it could happen once the erf is rezoned as a transport business. Noise pollution as mentioned in his appeal which referred to church services, sport activities, car racings (dicing) are isolated cases and are taking place most probably only over weekends, while buses transport people day in and out.

16. Refer also to Section 3.2.3 which outlines the duties of Municipalities as the 3rd tier of Government. Even though the problem does not lie with the Municipality as they have (rightfully) rejected the original rezoning application, anyone has the right to appeal the decision by the Municipality. However, the fact that Mr Wentzel applied and paid, is no guarantee that approval should be granted.

Michael and Jenny Jumat on behalf of Mrs CE Van Der Heyde.

Dated 19 June 2022

AAN WIE DIT MAG AANGAAN

BESWAAR TEEN DIE APPELERING VAN DIE AFKEURING VAN HERSONERINGAANSOEK VAN ERWE 400 EN 402.

Hiermee ondersteun ek, Melanie Rossouw, die afkeuring van die Langeberg Munisipaliteit Beplanningstribunaal se besluit om die hersonering af te keur.

Sover aan my bekend is, is daar 'n pad tussen erwe 400 en 402 op die kaart van indeling van erwe by die Munisipaliteit. Mnr P. Wentzel neem net aan dat hy n openbare pad kan insluit by die hersonering van die erwe. Die kaart wat ingesluit is by die aansoek vir die hersonering is egter nie heeltemal korrek nie.

Soos vermeld in besware teen hersonering gedateer 21 Oktober 2021, het Mnr Wentzel erf 402 in sy reg aangekoop, maar sonder inagneming van die inwoners van Jeneke str. dit omhein en die visuele impak op die inwoners van Jeneke str glad nie inag geneem nie. Beswaar teen die oprig asook die belemmering van sig op uitgang van Jeneke str in Hopley laan is al in 2019 geopper. Daar is geen sig van aankomende voertuie nie en dat daar nog nie n ongeluk gebeur het nie, is 'n wonderwerk. Voorts wil ek die redes vir die weiering van die hersonering deur die Munisipliteit ondersteun in paragraaf 2 waar vermeld word, genieting van eiendomme en kwaliteit van lewe benadeel word. Met die oprigting van die muur word die inwoners van Jeneke str totaal en al teikens van kriminele element wat toeslaan omdat daar geen sig is nie.

Die omskrywing van 'n vervoersone word ook nie omskryf nie en dus aanvaar ek dat op voorgestelde erwe vervoerverwante ontwikkeling ook sal plaasvind, nl. Die oprig van 'n werkswinkel, paneelklopper dienste, 'spray painting' ens. Al hierdie ontwikkeling sal 'n groot impak hê op geraas- en lugbesoedeling.

1. Mnr Wentzel noem in sy appel verskeie besighede in die omgewing, maar nie een het n direkte invloed op die inwoners soos sy voorgestelde besigheid nie.

Mnr Wentzel noem dat hy al 28 jaar die vervoer bedryf. Inwoners van Jeneke Str woon al vir baie meer jare daar. Ek het geen beswaar as Mnr Wentzel wil ontwikkel soos dit sy reg is, maar nie dit doen in 'n residentiële area nie. Die noem van Mnr Israel Jeneke se busdiens is heeltemal onvanpas aangesien dit reeds 18 jaar gelede daar bedryf was en dit was slegs vir parkering op 'n erf wat by die munisipaliteit gehuur is. Soos Mnr Wentzel noem is Robertson 'n ontwikkelende dorp en tye en omstandighede het baie verander in 18 jaar. Daar is geen vergelyk wat Mnr Wentzel beoog met die hersonering in 'n vervoersone nie. Mnr Wentzel was so arrogant om die erf by die Munisipaliteit te koop sonder om die aangrensende inwoners te raadpleeg en nou wil hy die gegriefde party wees. Nêrens het Mnr Wentzel gedink aan inwoners se veiligheid, uitsig of kwaliteit van lewe nie.

2. Soos reeds vermeld is inwoners van Jeneke str in gevaar deurdat daar geen uitsig is van aankomende vervoer na Hopley laan nie omdat die muur so hoog en tot op die hoek aangebring is. Dit is dat presies die pad wat die busse/ swaar voertuie gebruik om by die erf te kom.

3. Ek gee toe dat kriminele elemente buite Mnr Wentzel se beheer is, maar met die oprig van die muur het Mnr Wentzel dit makliker gemaak vir kriminele om toe te slaan op die inwoners van Jeneke str. Verskeie inbrake is al verduur deur die inwoners van Jeneke str.

Mnr Wentzel se reg om 'n sekuriteitstelsel is goed vir hom, maar het geen impak op die inwoners in Jeneke str nie. Die aanname dat gereelde patroliering plaasvind is onwaar aangesien ek nog geen sekuriteitsfirma in die pad opgemerk het nie. In die jare voor die oprigting van die muur was daar geen vandalisme of inbrake in Jeneke str nie. Die muur intendeel skend die aantreklikheid van die area.

4. Mnr Wentzel kan nie die aanname maak dat sy vervoer slegs een keer in die oggend en een keer terug die aand besig is nie aangesien soos hy dit stel die gemeenskap bedien. Hy kan nie bepaal hoe die gemeenskap sy dienste wil gebruik nie.

5. Mnr Wentzel kan nie die stelling maak dat die busse nie 'n gesondheidsrisiko is nie, veral met die uitlaatgasse nie. Ek is nie bewus van 'n impak studie wat mnr Wentzel gemaak het nie.

Die vermelding van 'n stortingsterrein reg agter my eiendom is nuus vir my. Die munisipaliteit kan self bevestig of dit 'n stortingsterrein is al dan nie.

6. Dit is n feit dat swaarder voertuie meer paaie verniel as gewone ligte voertuie. Die toestand van die pad Hopleyalaan tussen Van Zylstr en Le Roux str kan ook deur die Munisipaliteit ondersoek word in vergelyking met die besige pad Keerom str.

7. Besoek aan Jeneke str met die oprigting van die muur, het ek geen verslag van die Munisipaliteit ontvang nie. Die oprig van die muur is 'n veiligheidsrisiko en gevaar by die uitgang en ingang van Jeneke str en Hopleyalaan. Dit is reeds in die besware ingesluit van 21 Oktober 2021. Mnr Wentzel moes, soos dit vereis word by die Munisipaliteit, toestemming by die inwoners verkry om die muur op te rig. Daar is geen uitsig van die inwoners van Jeneke str nie. Ek het geen beswaar as Mnr Wentzel sy eiendom wil beveilig nie, maar hy doen dit ten koste van die inwoners van Jeneke str se veiligheid en kwaliteit van sig.

8. Mnr Wentzel het heeltemal die kluts kwyt en wil net bladsye vol maak met nikseggende besware en persoonlike uitlating teen die persone wie beswaar maak. Om die vergelyking te tref tussen sy besigheid en 'geraas' op die Van Zylstraat sportgronde is verregaande. Ek is in simpatie met Mnr Wentzel en talle besighede wie gely het onder die pandemie en nêrens wil ek in sy pad staan van vooruitgang nie, maar NIE IN 'N RESIDENTIËLE GEBIED NIE EN BESLIS NIE TEN KOSTE VAN ANDER NIE.

9. In Mnr Wentzel se afsluiting van sy appel, raak mnr Wentzel persoonlik deurdat hy noem die inwoners doen dit opsetlik om hersonering uit te rek. Ek wil glad nie die proses uitrek nie, maar wel nie toelaat nie. Mnr Wentzel kan sy besigheid bedryf soos hy goeddunk en ek wil mnr Wentzel toejuig vir werkskepping van 25 werkers. Hy kan dit egter ook doen op 'n meer geskikte plek en nie in 'n residentiële gebied nie. Die stelling wat Mnr Wentzel maak dat ek en ander beswaardes sy besigheid wil verwoes is heeltemal onwaar. Soos reeds vermeld wil Mnr Wentzel se besigheid nie gekniehalter word nie. Die aankoop van die erf, die oprig van die onwettige muur en voorgestelde hersonering is totaal en al Mnr Wentzel se eie toedoen omdat hy arrogant en selfsugtig genoeg was om dit te doen sonder om met die inwoners rondom te konsulteer en nou beweer hy is die slagoffer.

Met al Mnr Wentzel se bladsye lange besware is die einde dat die versoersone nie in 'n residentiële gebied, ten koste van omliggende inwoners, toelaatbaar is nie. Die besware van 21 Oktober 2021 is steeds van krag teen die appel van Mnr Wentzel.

Ek wens Mnr Wentzel sterkte toe met die ontwikkeling van sy besigheid, maar net op 'n ander meer geskikter plek in die besigheids area soos verkeie ander vervoerbesighede moes doen in die Langeberg Munisipaliteit area.

Ek maak dus beswaar teen Mnr Wentzel se appel teen die Hersonerling van die genoemde erwe .

Melanie Rossouw

SAAYMAN

BY EMAIL:
20 June 2022

Dear Sir/Madam

**RE: KENNISGEWING VAN APPÉL TEEN AFKEURING VAN HERSONERINGSAAANSOEK VAN ERF
400 & 402, HOPELAAN, ROBERTSON**

We thank you for the opportunity to provide further correspondence on this matter. The contents of the applicants response letter, which is not dated, but which was attached to your letter (Ref: MAT0077/P Wentzel) of 02 June 2022, is noted.

Having reviewed the content of the letter we believe that there exists no material grounds in the arguments presented for a reversal of your decision to reject the rezoning application in question. As such our objections, as outlined in our letter of 22 October 2022, to the proposed rezoning remains. In justification we present the following in response to the arguments presented in the response letter.

1. Rejection of the rezoning application will result in closure of the Wentzel business

The activities listed should, and presumably have, been assessed and judged to be consistent with the nature and character of the neighbourhood, or have developed in tandem with the area. If any of these activities could be shown to be inappropriate to the character of the neighbourhood, it should not be taken to justify the establishment of more activities of that nature, in particular due to the cumulative impact that may arise.

2. Safety

The applicant acknowledges the narrow nature of Hopley Lane, as demonstrated by reference to the fact that vehicular traffic can be obstructed by one vehicle parked in front of a premises. There are no sidewalks for pedestrians to use, which places pedestrians at particular risk. This is especially true in this instance, as the dimensions of a bus, i.e. being so wide that it fills most of the street, and the elevated position of the driver, i.e. where s/he has limited perspective of his/her immediate surroundings. This should be a particular concern to the Langeberg Municipality, as Hopley Lane represents a thoroughfare to school pupils.

3. Brake-ins

Mr Wentzel's concerns about crime is noted, and his contribution to fighting it is acknowledged. However, in our opinion the security personnel to be stationed at his property are unlikely to have a material effect on levels of crime. Such personnel will have a particular mandate, i.e. to protect the assets within the enclosure. Therefore this is unlikely to result in benefit to residents in its immediate surrounds.

4. Operating hours

Through the information provided the applicant acknowledges the impact that activities will have on residents, in particular during early mornings.

5. Health Impact

The fact that the busses in question adhere to the applicable Health and Safety Regulations are irrelevant, as they will through their daily actions have an impact on their immediate environment. In the case of the testing official this may be considered an occupational hazard. It is however not something to which residents should be subjected to.

6. Road Infrastructure

It should be acknowledged that heavier vehicles causes more wear-and-tear on roads. Due to its narrow nature, we wish to reiterate that heavy vehicles should not be allowed to use Hopley Lane.

7. Traffic Congestion

The applicant's comments are noted.

8. Water Pressure

We are unaware of this issue, and have never been affected in the manner described.

9. Wall Construction

We have no objection to the enclosure of the property in question. However, we do expect that such structure comply to the application regulations and by-laws.

10. Noise

The roadworthy nature of the busses to be used is irrelevant to the matter at hand. It is expected, and required by law, that the such vehicles should be roadworthy. However, it cannot be argued therefore that such vehicles will not have a noise impact. Such impact is inevitable, and will be particularly impactful during the early morning hours during which activity, as acknowledged by the applicant under point No. 4, is to be concentrated. It also needs to be acknowledged that the noise impact when a heavy vehicle is started in the morning and allowed to idle in order to warm, is very different and more acute than when it passes along a throughfare.

11. Conclusion

We have no animosity towards the applicant. Our concern relates only to the wellbeing of the neighbourhood and the potential impact of the proposed activity on ourselves. We also wish to reiterate that that the review procedures under which we lodged our objections are enshrined in Law and are protected by the Constitution.

Please note that we stand by the content of our letter of **22 October 2021**. It is our supposition that the activity proposed would be better placed in an industrial area, where provision has been made by the municipality for large vehicles through the provision of adequate road, storm water, lighting and electrical infrastructure. It may even serve the business concerned to be located in the immediate vicinity of other businesses that provides it with services.

Yours sincerely,



Irene Saayman

irene.saayman@gmail.com

Lynne
Saayman

Digitally signed by
Lynne Saayman
Date: 2022.06.20
14:34:36 +02'00'

Lynne Saayman

Lynnesaayman@yahoo.com

105

Attention: Mr J V Brand
The Manager: Town Planning
Langeberg Municipality
Email: kbrand@langeberg.gov.za
Cc: rferreira@langeberg.gov.za

22 October 2021

Dear Sir

RE: PROPOSED REZONING OF ERVEN 8210 & 402, HOPLEY AVENUE, ROBERTSON

Your letter Reference 15/4/9/5 of 28 September 2021 serves as reference. We the undersigned, as the registered owners of 87 Van Zyl Street in the vicinity of Erven 8210 and 402 Hopley Avenue, formally object to the above rezoning application. Our objection is based on the following:

1. IMPACT ON RESIDENTIAL NEIGHBOURHOOD

- They surrounding residential area is one of the oldest established residential neighbourhoods in Robertson, and as such should the application be approved the activities it permits will negatively impact the area's ambience and residential character.
- Rezoning of the site would allow future owners of the property to develop and use the site up to the maximum allowed by as set out in the **SCHEDULE 1 USE ZONES TABLE of the Langeberg Municipality: Integrated Zoning Scheme By-law.**

2. NOISE POLLUTION

- Heavy vehicles produce high noise levels, even when traveling at low speed.
- Busses departing and returning in the early hours of the morning and returning late at night can be bothersome and give rise to psychological and psychosomatic symptoms in the form of headaches, fatigue and irritability.

3. WATER POLLUTION

- The erven proposed for rezoning is adjacent to or near a prominent water course that a few kilometres downstream discharges directly into the Breede River. The likely storage of diesel fuels, oils and lubricants at these locations could, in the absence of pollution mitigation stormwater infrastructure, result in spillage into the adjacent watercourse, and by implication the regionally significant and important Breede River.

4. HEALTH RISK

- The carbon monoxide in vehicle exhaust has many harmful effects on humans.
- Acute effects of diesel exhaust exposure include irritation of the nose and eyes, lung function changes, respiratory changes, headache, fatigue and nausea. Chronic exposures are associated with cough, sputum production and lung function decrements. In addition to symptoms, exposure studies in healthy humans have documented a number of profound inflammatory changes in the airways, notably, before changes in pulmonary function can be detected. It is likely that such effects may be even more detrimental in asthmatics and other subjects with compromised pulmonary function.
- The World Health Organisation in 2012 concluded "Exhaust fumes from diesel engines do cause cancer" (<https://www.bbc.com/news/health-18415532>)

5. IMPACT OF HEAVY VEHICLES OF ROAD INFRASTRUCTURE

- Heavy vehicles (busses) damage roads more than the average commuter vehicle.
- Increased damage to local roads will directly impact adjacent residents and will lead to increased road maintenance costs which could lead to increased taxation.

6. NEGATIVE EFFECT ON PROPERTY VALUES

- The value of the surrounding properties is linked to, and dependent, on the residential character of the neighbourhood. The presence of a semi-industrial activity on neighbouring erven is likely to directly impact the value all the surrounding properties.
- Lower property values will not only impact property owners in the long term but will also likely impact municipal rates income in the immediate to near-term.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL AND ATTACHMENTS.

Yours sincerely,
Irené and Lynne Saayman

CUPIDO

Jeneko Straat 2

Robertson

6705

2022/06/14

Die Munisipale Bestuurder

Administratiewe en Uitvoerende Kantoor

Privaatsak x2

Insake Appel P. Wentzel

Waarde Heer

Na aanleiding t.o.v skrywe ontvang vanaf mnr P. Wentzel ter verwerping vir die voortsetting van sy busdiens vanuit Hopleyalaan wil ons net onder U aandag bring dat genoemde besighede waarna hy verwys geen impak het op ons onmiddellike omgewing nie, omdat dit geen nadelige invloed op ons omgewing het nie. Sedert die oprigting van sy betonmuur omheining om sy erwe het ons inwoners van Jenekestraat 'n werklike probleem tot toegang na Hopleyalaan wat ons toegang na en van die res van die dorp is.

1) Eerstens: Om tot in Hopleyalaan te kom moet ons tot in die middel van Hopleyalaan ry om te kyk vir aankomende verkeer.

2) Alhoewel die plaaslike Munisipaliteit verantwoordelikheid is vir die instandhouding van die paale kan hulle nie voorbly met die herstel en instandhouding van Hopleyalaan tussen Le Roux en Loopstraat nie a.g.v van sy swaar busse wat daaglik die pad gebruik. Tans is die oppervlak van Hopleyalaan in 'n treurige toestand.

3) Die busse word binne die omheining reg onder ons kamervenster geparkeer wat 'n ontsierende uitsig verleen en ook ons blootstel aan die uitlaatgasse as die voertuie opgewarm word. Die busse staan met hul agterkant geparkeer in die rigting van Jenekestraat. Tydens opwarming wat soms 20 minute duur kan jy die gasse ruik tot binne in my slaapkamer.

4) Ook is dit nie heeltemal waar dat die busse onder alle omstandighede elders gaan vir herstelwerk nie, want by verskeie geleenthede het ons opgelet dat werklui kundiges ook op die perseel kom herstelwerk doen.

5) Die verwysing na sport en openbare kerkdienste is gebeurte wat nie daaglik plaasvind nie.

6) Die verwysing dat ons wat onlangs hier kom woon het, het ook nie gronde nie. Die erf waarop ons huis gebou is was voorheen Hopleyalaan 12 B en behoort al meer as 'n eeu aan die Cupido familie en tans woon ons 42 jaar hier. Huise wat later gebou is in Jenekestraat gebou is ook al ouer as 42 jaar plus.

Dit is nie waar dat mnr. Wentzel plus minus 28 jaar sy busbedryf vanaf die area bedryf nie, want tot 'n paar jaar gelede was hy 'n voltydse werknemer van die plaaslike munisipaliteit verbonde aan die verkeersafdeling.

7) Sedert die oprigting van die betonmuur omheining moet ons ook die onaangename tonele aanskou van verbygangers wat die muur as openbare toiletgeriewe gebruik.

8) Ons almal hier rond het sekuriteitsstelsels. Die erf waarvan hy melding maak is 'n oop stuk grond en nie bebou waar kriminele aktiwiteite kan plaasvind nie. Hier is niks op die erf wat blootgestel kan word aan vandalsme nie. Sy hoë muur doen afbreek aan die aantreklikheid en voorkoms van die area. Inbrake vind plaas a.g.v die hoë muur. Ons het ook al deurgeloop.

9) Ons is nie bewus van vrouens wat volgens hom op gereelde basis in die rivier gesleep word nie, anders sou ons daarvan kennis gedra het aangesien ons kinders in die polsiediens is en beslis kennis daarvan sal dra. Verder is die Curfewtyd waarna hy verwys al reeds 'n tyd gelede opgeskort.

10) Die busse parkeer hy eers van verlede jaar af. Die vorige jare was dit van sy perseel af waar hy woonagtig is en die ander busse wat hier geparkeer word vanaf hulle eienaars se persele af.

11) Volgens Mnr. Wentzel was dit vir 28 jaar nie 'n probleem nie. Reg genoeg, want die hoë muur en parkering van sy busse in 'n residensiële area was nie hier gestasioneer nie, dus hoekom dit nie 'n probleem was nie. Ons het geen kwade gevoelens teenoor sy besigheid nie. Ons beswaar gaan oor die parkering van die busse, die lang luier daarvan en die ontsnapping van uitlaatgasse wat 'n impak op my gesondheid het.

12) 'n Busdepot langs ons wonings sal ons eiendom se waarde laat daal, niemand sal eendag wil koop as dit te koop aangebied moet word nie. Sal hy daarvan hou om langs 'n busdepot te woon?

Vind ingesluit foto's van die geparkeerde busse vanuit ons kamervenster geneem. Asook waar 'n persoon met 'n wlt bakkie herstelwerk aan 'n bus doen.

By voorbaat dank

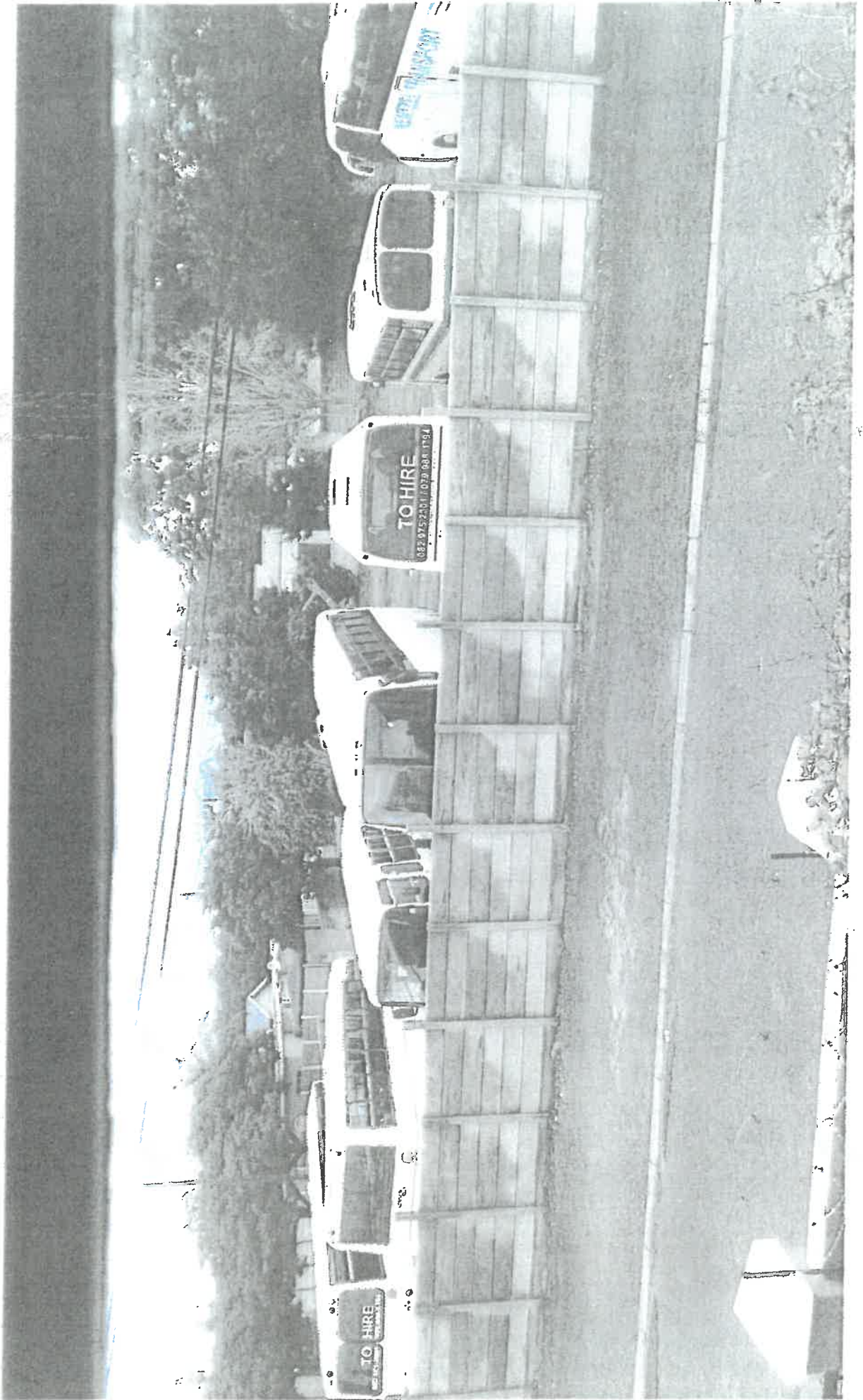
Die Uwe

UEC.Cupido

UEC Cupido







Annexure D**Appellant's response to objectors' comments**



SIMONE OLIVIER
ATTORNEYS INCORPORATED

Suite 100A, First Floor, 101 York Centre, 101 York Street, George, 6529

T: 074 781 1334 E: info@solaw.co.za

**THE APPEAL AUTHORITY
LANGEBERG LOCAL MUNICIPALITY**

BY EMAIL: mm@langeberg.gov.za;
jvzyl@langeberg.gov.za;
mstaal@langeberg.gov.za;
kbrand@langeberg.gov.za

OUR REF: MAT0077/P Wentzel

YOUR REF:

10 July 2022

Dear Madam,

**RE: APPEAL AGAINST DECISION OF APPLICATION FOR REZONING OF ERVEN 400 & 402,
HOPLEY AVENUE, ROBERTSON**

1. We refer to the above matter and your letter dated 1 July 2022.
2. We noted the comments received from the objectors, many of which were dealt with in our notice of appeal dated 2 June 2022. We therefore do not intend on dealing exhaustively with all the submissions made by objectors and our failure to do so should not be construed as an admission of the correctness of any such submission.

Answer to comments from the objectors to appeal of decision:

3. The Appellant also resides on Erf 400, Robertson, therefore the submission that was made that he will not be directly affected by the rezoning is not true or correct.

4. The property referred to in "Figuur 1" of Mr Kriel's letter was legally bought and is legally owned by the Appellant, as well as the land across from Erf 402, on which the busses turn. The Appellant has never made himself guilty of appropriating any property illegally.
5. No busses have been repaired on either of erven 400 or 402. All the repair work of the busses have always been attended to by Le Roux Mechanical Services. Please find attached a letter from Le Roux Mechanical Services, confirming the same. As the case has been, so shall the case remain in that the Appellant will make use of the repair work services of Le Roux Mechanical Services.
6. The Appellant confirms that busses are not washed every day, but only twice a week and therefore the tank's catch water, is sufficient for purposes of washing the busses.
7. The objectors portray the Appellant to be the culprit of all disruptions in the neighbourhood. It is the Appellant's submission that issues such as noise, pollution, safety, health and water can be ascribed to various sources that are present in any community. Placing the blame solely on the Appellant because it is convenient for the objectors' case is unfair and amounts to coercion by the objectors.
8. The Appellant has, for the past 3 months, kept a tally on how many busses left the premises on a day and it can be confirmed that no more than 5 busses have left the premises on the same day. It further only happened once in 3 months that 5 busses leave the premises on the same day. On most of the days there were 3 busses that left the premises once and returned once. This tally is proof that the bus service does not have a high impact on the environment. Please see attached the tally results for the schedule of times that busses leaves the premises.
9. The Appellant has the interests of the community at heart and have noted their concerns, which he always considers. It is for this very reason that the Appellant bought and is applying to rezone erven 400 & 402. The rezoning applied for is very specific. The Appellant is asking to park his busses on his erven. In the event of the Appellant's business growing or expanding, he would need to apply for a different zoning scheme, which will require the same application and notification will be given to the neighbours.

10. The Appellant submits that he always tries to meet the neighbours half-way by listening to how he can resolve issues, that at the same time may secure a livelihood. The Appellant bought a property from the local municipality, for purpose of parking his busses and further to ensure that they are out of the neighbours' way.
11. The Appellant built a wall for the security of his property. The Appellant followed the proper procedure by informing the local authority hereof. It is the Appellant's Constitutional right to own and secure his property, which includes fencing his property. A copy of the application to the local authorities is attached hereto as proof.
12. It is our submission that erven 400 and 402 have always been used to conduct business on, since 1974, when Mr Jenneke leased the property from the Local Authorities, to park his busses. The Appellant points out that the decision of the Local Authorities to reject an application for the rezoning of erven 400 & 402 for purposes of parking his busses, but decides to lease the very same property to Mr Jenneke, for the very same purpose – to park busses, is not reconcilable. The property has always been suitable for the parking of busses and we submit that it is still suitable, due to its low impact on the environment.
13. In terms of the Property Report which reflects the property sales trends from 2013 to 2022, it is very clear that there has been no drop in property values and that the area has remained a very popular area for sale considerations. Therefore, the comments of the objectors, as well as that of Mr Jack van Zyl in his assessment report, regarding valuations of the properties and the attractiveness of the environment to potential investors being negatively affected is proved to not be an accurate reflection of the facts. Please find attached the Property Report of Property24, reflecting the same.
14. The Appellant submits that he does not want to break any laws or regulations and will be in a position to fully comply with all by-laws and regulations, should the appeal for rezoning be granted.

Response to the report of Mr Jack van Zyl

15. It is placed on record that the Land Use Planning Assessment Report in terms of Section 56, 65 and 66 of the Langeberg Land Use Planning By-law 2015, which was compiled and

authored by Mr Jack van Zyl, was never brought to the Appellant or Mr Arnold Theron's attention.

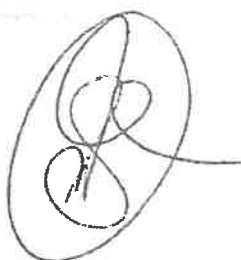
16. After consultation with Mr Arnold Theron, it was established that the letter dated 12 May 2022, was not brought to the Applicant's attention in terms of Section 35, as requested by the by-law. It is submitted that the document dated 12 May 2022, is an important document that requires proof of its receipt, especially since the by-law makes provision for a certain period within which an appeal may be lodged by the Applicant. Instead, Mr Arnold Theron found a copy of the letter dated 12 May 2022 in his pigeon hole where after he immediately informed the Appellant. By that time it was the 25th of May 2022 and 13 crucial days, in which the Appellant could lodge an appeal against the decision, had already past.
17. The Appellant, none the less, managed to lodge an appeal, however, the appeal lacked any comments and responses to the assessment report, mentioned paragraph 15 *supra*.
18. The assessment report was brought to the Appellant's attention by his attorneys, who found a copy of the report on the internet. It is clear from the assessment report that the author thereof required more details and information from the Applicant, which would have assisted him in considering all the facts before making a decision. In terms of Section 42(1), the Municipality must, within 30 days of receipt of an application that complies with section 38, notify the Applicant in writing of any information or documents it requires in addition to the requirements contemplated in section 38.
19. The Applicant further received no guidance in the compilation of the application by means of pre-application consultation in terms of section 37(1).
20. Further hereto, and in terms of section 55(1), an Applicant has a Right to reply to all copies of all comments and other information submitted to the Municipality. It is submitted that the assessment report of Mr Jack van Zyl is also information that ought to have been brought under the attention of the Applicant for his consideration and comment.
21. The Applicant was not afforded an opportunity to submit any supplementary documents to the Municipality, as the Municipality did not make any requests in terms of section 55. The Land Use and Planning Tribunal therefore elected to make a decision for the rezoning

application, instead of requesting additional information that may have provided more clarity on the Applicant's application.

22. It is further submitted that the Tribunal did not comply with section 59(5) in that they did not give the owner or occupier of the land or building reasonable notice of the inspection taking place. We submit that this was another opportunity for the author of the assessment report to obtain more information regarding uncertainties, which now forms part of his assessment report as insufficient detail.
23. After consideration of the above, it is evident that, in addition to the grounds as set out for the appeal, the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
24. From all the testimonies by objectors, many business activities have been conducted on the premises of erven 400 and 402 since approximately 1974. In terms of the legislation that was in force at the time, the Land Use Planning Ordinance No 15 of 1985, and more specifically section 14 thereof, together with developed legislation over the years, it is evident that the local authorities did not give due consideration to the utilisation of the property over the years in order for it to reconcile it with the zoning scheme thereof.
25. In the Assessment Report of Mr Jack van Zyl, it was found that the precise number of busses on the premises and those traveling in and out of the premises on a daily basis, was not fully discussed. Please refer to the tally results mentioned in paragraph 8 *supra*.
26. We confirm that further information, which according to the assessment report of Mr Jack van Zyl was not included or fully detailed by the Appellant's initial application for rezoning, will be supplemented by the report of Umsizi Planning, for complete consideration.
27. It is submitted that the application of the Appellant can be reconciled with its surroundings and that the operations have a low impact on its immediate environment. It is respectfully submitted that a grave injustice will be done unto the Appellant, should he not be allowed consultation or to provide further supplementary proof and evidence by means of an oral hearing, considering that a decision was taken by the Tribunal, without sourcing the necessary information to make a well analysed decision.

28. It is on this basis that the Appellant request the Appeal Authority to allow an oral hearing of this appeal, should there be any further uncertainties or discrepancies to be determined. It is respectfully submitted that based on all of the aforesaid and the Appellant's willingness to meet the Local Authority and his neighbours half way, it will have detrimental effects on the Appellant, should the Appeal Authority refuse this humble request.

Yours Faithfully

A handwritten signature in black ink, consisting of a large, stylized 'S' and 'O' intertwined, with a horizontal line extending to the right.

SIMONE OLIVIER ATTORNEYS INC.

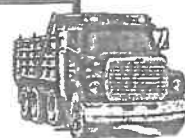
Per: SM Olivier

E-mail: info@solaw.co.za

Tel: 074 781 1334



LE ROUX MEGANISASIEDIENSTE BK h/a LE ROUX HERSTELDIENS



BTW NR. 4120245131/ Company reg. no. 2008/039915/23

POSBUS 707
ROBERTSON
6705

Kantoor & Faks: 023-6266030

Werkswinkel: 023-6261416

Sel 082-5645694

Vir wie dit mag aangaan

Ons by Le Roux Meganisasie Dienste Bk diens en herstel al vir die afgelope 28 jaar
Wentzel busdiens se busse.

Direkteur: HJ Le Roux

LE ROUX MEGANISASIEDIENSTE BK

h/a LE ROUX HERSTELDIENS

BTW NR 4120245131

Posbus 707, ROBERTSON, 6705

Tel/Faks: 023 626 6030

Sel: 082 564 5694

Skedule van die busse se tye vanaf erf 400 en 402 vir 3 maande

April 2022

Datum	Aantal busse	Tyd uit	Tyd terug
01 Vrydag	1	08h00	18h00
	1	06h00	16h00
02 Saterdag	1	09h00	11h00
04 Maandag	1	10h00	18h00
	1	06h00	18h00
05	2	06h00	17h30
	1	07h00	14h30
	1	06h30	15h00
	1	06h00	18h00
06	2	06h00	17h30
	1	07h00	12h45
	1	06h30	15h00
	1	06h00	18h00
07	1	06h30	15h00
	1	06h00	18h00
08 Vrydag	1	08h00	17h00
	1	06h30	15h00
	1	06h00	16h00
11 Maandag	1	06h30	15h00
	1	06h00	18h00
12	1	06h30	15h00
	1	06h00	18h00
	1	19h00	20h30
13	1	06h30	15h00
	1	06h00	18h00
	1	19h30	20h30
14	1	06h30	15h00
	1	06h00	16h00
16 langnaweek (Sat)	1	05h00	20h00
17 Sondag	1	05h00	20h00
19 Dinsdag	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
20	1	06h30	15h00
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24 Sondag	2	06h00	19h00
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27	1	06h45	18h00
28	1	06h30	15h00
	1	06h00	18h00
29 Vrydag	1	06h30	15h00
	1	06h00	16h00

Mei 2022

Datum	Aantal Busse	Tyd uit	Tyd terug
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3	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
4	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
5	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
6 Vrydag	1	06h30	15h00
	1	06h00	16h00
7 Saterdag	1	11h00	20h00
8 Sondag	1	09h00	11h30
9 Maandag	1	06h30	15h00
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30 Maandag	1	06h30	15h00
	1	06h00	18h00
	1	05h00	19h30
31	1	06h30	15h00
	1	06h00	18h00
	1	07h00	18h00
	1	05h00	19h00

Junie 2022

Datum	Aantal Busse	Tyd uit	Tyd terug
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	1	05h00	12h00
	1	07h00	18h00
	1	06h00	18h00
2	1	06h30	15h00
	1	06h00	18h00
	1	07h00	18h00

3 Vrydag	1	06h30	15h00
	1	06h00	16h00
	1	07h00	18h00
6 Maandag	1	06h30	14h00
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24 Vrydag	2	07h00	18h00
	1	06h00	15h30
27 Maandag	2	07h00	18h00
	1	06h00	17h30
28	2	07h00	18h00
	1	06h00	17h30

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29	2	07h00	18h00
30	2	07h00	18h00
	1	06h00	17h30

125

LANGEBERG MUNISIPALITEIT / MUNICIPALITY
BOUBEHEERAFDELING / BUILDING CONTROL
AANSOEKFOOIE / APPLICATION FEES

ERF NR. / PLOT NO.	EIENAAR / OWNER	ADRES / ADDRESS	PLAAS/FARM-DORP/TOWN			
402	M.P. Wentzel	Hopleyalaan 10	Robertson			
1	PLANFOOIE	BESKRYWING	Eenh.	Opp.	Allok.	Bedrag in Rand
	PLAN FEES	DESCRIPTION	Unit	Area	Alloc.	Amount in Rand
	NUWE WERK / NEW WORK		m ²		i01	0.00
	VERANDERING / ALTERATIONS		m ²		i01	0.00
	KLEINWERKE / SMALL WORKS		≤ 30m ²		i01	0.00
	GRENSMUUR / BOUNDARY WALL	Geboude Grensmuur en Voorafvervaardigde	m		i01	362.00
	SWEMBAD / SWIMMING POOL				i01	0.00
	ANDER / OTHER :					
	GEWYSIGDE BOUPLAN / AMENDED BUILDING PLAN				i01	0.00
	BOETE KLOUSULE / PENALTY CLAUSE		X 3		i01	0.00
	ADVERTENSIE TEKENS / ADVERTISEMENT SIGNS				i01	0.00
	GASINSTALLASIE / GAS INSTALLATION				i01	0.00
	SLOPING VAN GEBOU / DEMOLITION OF BUILDING				i01	0.00
SUBTOTAAL / SUB TOTAL (BTW ing. / VAT incl.) in Rand					i01	362.00

2	OORSKRYDINGFOOI / ENCROACHMENT FEE in Rand		i02	0.00
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3	BOUERS DEPOSITO / BUILDER'S DEPOSIT in Rand	0 m ² - < 50 m ²	DEP	1 429.00
	(No charge - Rural areas)	≥ 50m ² - ≤ 200m ²	DEP	0.00
	(Geen heffing - Landelike gebied)	> 200 m ²	DEP	0.00
SUBTOTAAL / SUB TOTAL in Rand				DEP 1 429.00

4	PLANAFDRUKKE / PLAN COPIES (MONO)	A4 X	x R14,00	
	(MONO)	A3 X	x R22,00	
SUBTOTAAL / SUB TOTAL (BTW ing. / VAT incl.) in Rand				0.00

TOTAAL / TOTAL (1-4) in Rand	1 791.00
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ELEKTRONIESE BETALING / ELECTRONIC PAYMENT :							
REK HOUER	LANGEBERG MUNISIPALITEIT	REK. NR. :	105 000 000 8	BANK :	ABSA	TAKKODF	632005
ACC. HOLDER	LANGEBERG MUNICIPALITY	ACC. NO. :		BANK :	MONTAGU	B / CODE :	

GEBRUIK HIERDIE VERWYSING OP U BETALING USE THIS REFERENCE ON YOUR PAYMENT							
R	O	B	4	0	2	BP	

OPMERKINGS / COMMENTS :

B.INSPEKTEUR / B.INSPECTOR : *J. van Eeden*

DATUM / DATE : 01 / 02 / 2019

TERUGBETALING VAN BOUERS DEPOSITO / REIMBURSEMENT OF BUILDER'S DEPOSIT :							
REK. HOUER :	P. Wentzel	REK. NR. :	9326020802	BANK :	ABSA	TAKKODF	
ACC. HOLDER :		ACC. NO. :		BANK :		B / CODE :	

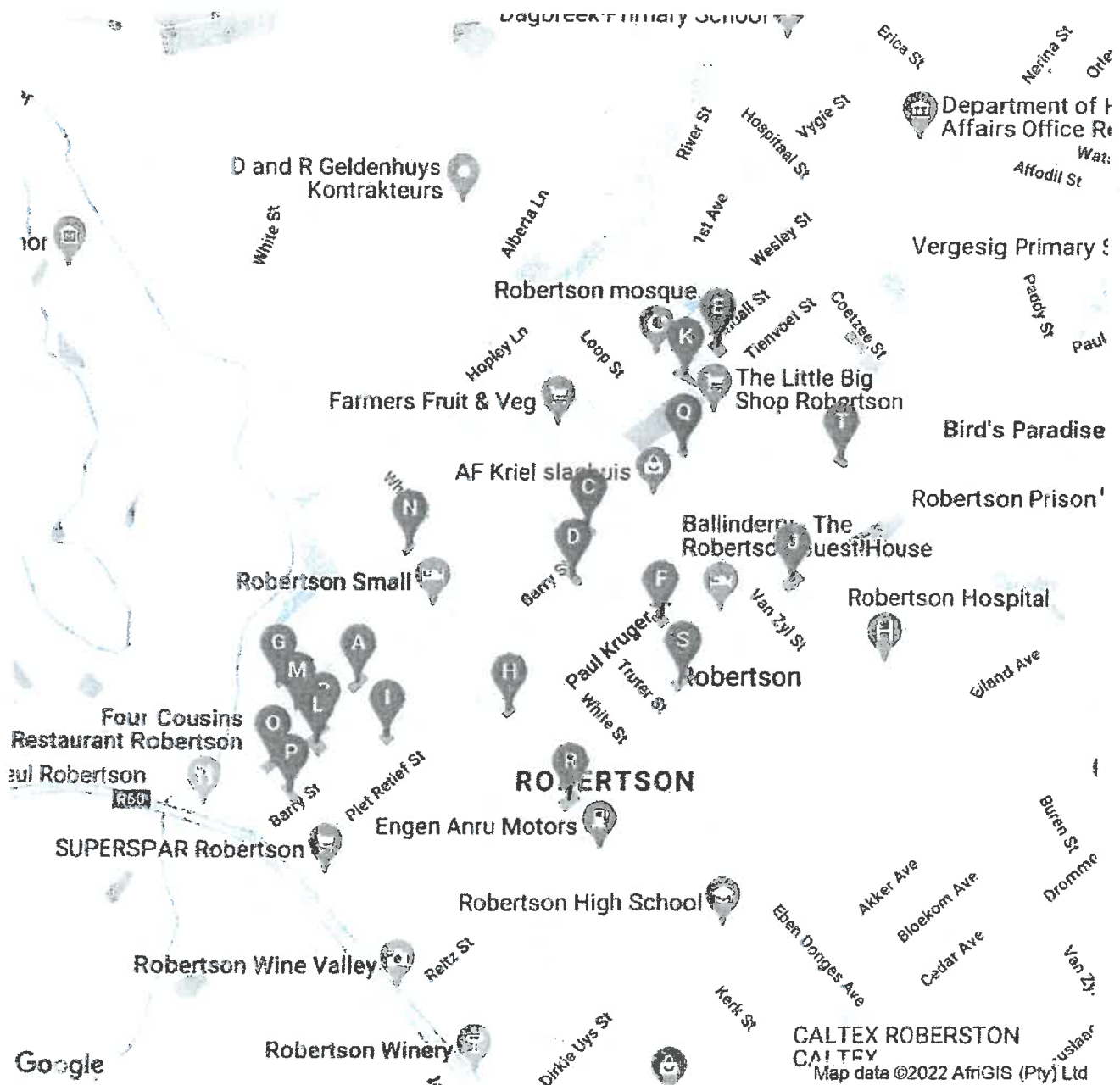
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Latest Transfers in Hopley Avenue, Robertson



#	Transfer Date	Sale Date	Street Address	Official Description	Sale Price	Size	Price p/m ²	Distance
A	25 Jan 2022	-	13 Hopley Avenue Robertson, Robertson	Erf, Cape Town Robertson, 408, 0	ESTATE	1 071m ²	-	133m
B	14 Dec 2020	6 Jul 2020	4 Hopley Avenue Robertson, Robertson	Erf, Cape Town Robertson, 399, 0	R 1 375 000	1 346m ²	R 1 022	45m
C	24 May 2019	5 Dec 2018	402 Hopley Avenue Robertson, Robertson	Erf, Cape Town Robertson, 402, 0	R 318 800	1 859,644m ²	R 171	85m
D	8 Mar 2019	11 Nov 2018	9 Hopley Avenue Robertson, Robertson	Erf, Cape Town Robertson, 398, 0	R 500 000	1 438m ²	R 348	69m
E	26 Feb 2018	19 Nov 2017	14 Hopley Avenue Robertson, Robertson	Erf, Cape Town Robertson, 405, 0	R 950 000	471m ²	R 2 017	138m
F	1 Sep 2017	14 Jun 2017	2 Hopley Avenue Robertson, Robertson	Erf, Cape Town Robertson, 2316, 0	R 675 000	2 511,411m ²	R 269	105m
G	31 Jul 2015	11 May 2015	12 Hopley Avenue Robertson, Robertson	Erf, Cape Town Robertson, 407, 0	R 280 000	279m ²	R 1 004	116m
H	6 Mar 2015	1 Dec 2014	1 Hopley Avenue Robertson, Robertson	Erf, Cape Town Robertson, 293, 0	R 1 070 000	1 503m ²	R 712	157m
I	12 Dec 2013	11 Nov 2013	7 Hopley Avenue Robertson, Robertson	Erf, Cape Town Robertson, 397, 0	R 160 000	535m ²	R 299	55m
J	26 Jun 2013	19 Feb 2013	2139 Hopley Avenue Robertson, Robertson	Erf, Cape Town Robertson, 2139, 0	R 400 000	496m ²	R 806	120m

Latest Transfers within 1km



#	Transfer Date	Sale Date	Street Address	Official Description	Sale Price	Size	Price p/m ²	Distance
A	13 Jun 2022	8 Dec 2021	83 Hoop Street Robertson, Robertson	Erf, Cape Town Robertson, 1078, 0	R 1 550 000	803m ²	R 1 930	783m
B	1 Jun 2022	12 Aug 2021	63 Adderley Street Robertson, Robertson	Erf, Cape Town Robertson, 4571, 0	R 654 000	506m ²	R 1 292	916m
C	30 May 2022	23 Mar 2022	80 Barry Street Robertson, Robertson	Erf, Cape Town Robertson, 363, 0	R 1 300 000	535m ²	R 2 430	488m
D	27 May 2022	22 Nov 2021	31 Barry Street Robertson, Robertson	Erf, Cape Town Robertson, 318, 0	R 1 340 000	714m ²	R 1 877	568m
E	25 May 2022	28 Jan 2022	11 Tindall Street Panorama Robertson, Robertson	Erf, Cape Town Robertson, 1131, 0	R 1 280 000	907m ²	R 1 411	601m
F	24 May 2022	15 Feb 2022	69 Paul Kruger Street Robertson, Robertson	Erf, Cape Town Robertson, 1326, 0	R 1 820 000	718m ²	R 2 535	765m
G	20 May 2022	28 Jan 2022	4349 Adderley Street Robertson, Robertson	Erf, Cape Town Robertson, 4349, 0	R 1 020 000	207m ²	R 4 928	858m
H	19 May 2022	30 Mar 2022	2 Robertson Street Robertson, Robertson	Erf, Cape Town Robertson, 4904, 0	R 3 335 000	342m ²	R 9 751	825m
I	9 May 2022	7 Feb 2022	19 Barry Street Robertson, Robertson	Erf, Cape Town Robertson, 108, 0	R 1 855 000	553m ²	R 3 354	892m
J	6 May 2022	-	15 Loop Street Robertson, Robertson	Erf, Cape Town Robertson, 1322, 0	ESTATE	1 145m ²	-	934m
K	5 May 2022	9 Aug 2021	66 Polack Street Panorama Robertson, Robertson	Erf, Cape Town Robertson, 1126, 0	R 200 000	774m ²	R 258	526m
L	29 Apr 2022	13 Jan 2022	64 Victoria Street Robertson, Robertson	Erf, Cape Town Robertson, 68, 0	R 2 650 000	1 359m ²	R 1 950	952m
M	26 Apr 2022	24 Jan 2022	Robertson, Robertson	Erf, Cape Town Robertson, 8192, 0	R 1 670 000	253m ²	R 6 601	897m
N	25 Apr 2022	3 Feb 2022	64 Van Reenen Street Robertson, Robertson	Erf, Cape Town Robertson, 4510, 0	R 1 995 000	387m ²	R 5 155	448m
O	22 Apr 2022	10 Feb 2022	60 Konstitusie Street Robertson, Robertson	Erf, Cape Town Robertson, 4438, 0	R 1 200 000	1 073m ²	R 1 118	1 031m
P	22 Apr 2022	27 Jan 2022	2 Barry Street Robertson, Robertson	Erf, Cape Town Robertson, 43, 0	R 1 200 000	761m ²	R 1 577	1 080m
Q	19 Apr 2022	18 Jan 2022	106 Barry Street Robertson, Robertson	Erf, Cape Town Robertson, 498, 0	R 2 219 283	612m ²	R 3 626	561m
R	11 Apr 2022	28 Jan 2022	34 Kerk Street Robertson, Robertson	Erf, Cape Town Robertson, 844, 0	R 4 700 000	1 157m ²	R 4 062	1 063m
S	11 Apr 2022	14 Jan 2022	3 Albert Street Robertson, Robertson	Erf, Cape Town Robertson, 695, 0	R 2 300 000	1 190m ²	R 1 933	911m

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T 7 Apr 2022	4 Feb 2022	104 Paulkruger Street Silverstrand Golf AND River Estate Panorama Robertson, Robertson	Erf, Cape Town Robertson, 7456, 0	R 475 000	500m ²	R 950	918m
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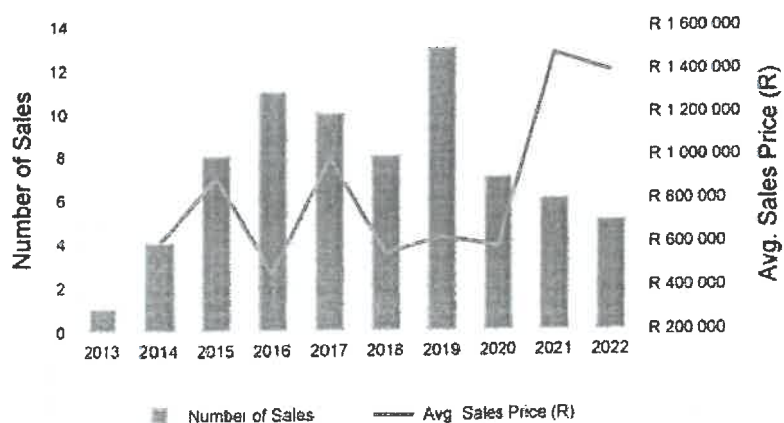
Annual Suburb Trends for Robertson, Robertson

Sold Erven



Year	Number of Sales	Avg. Sales Price (R)
2013	279	R 720 000
2014	264	R 597 500
2015	385	R 857 500
2016	412	R 747 500
2017	457	R 828 000
2018	289	R 950 000
2019	241	R 850 000
2020	210	R 1 100 000
2021	164	R 1 400 000
2022	82	R 1 320 000

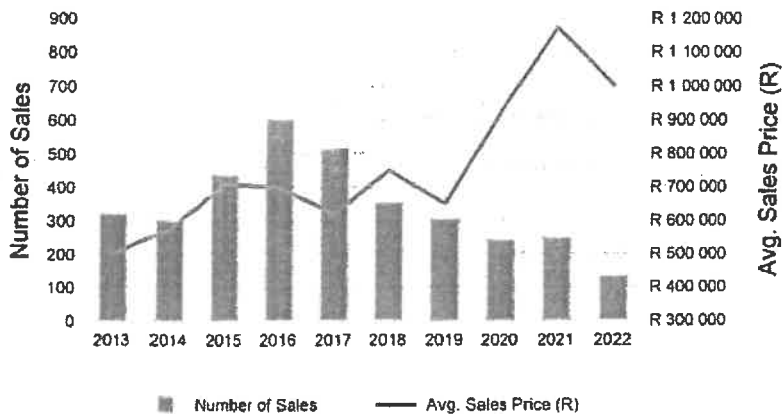
Sold Sectional Scheme Units



Year	Number of Sales	Avg. Sales Price (R)
2013	1	-
2014	4	R 601 500
2015	8	R 900 000
2016	11	R 457 500
2017	10	R 990 000
2018	8	R 550 000
2019	13	R 625 000
2020	7	R 580 000
2021	6	R 1 475 000
2022	5	R 1 395 000

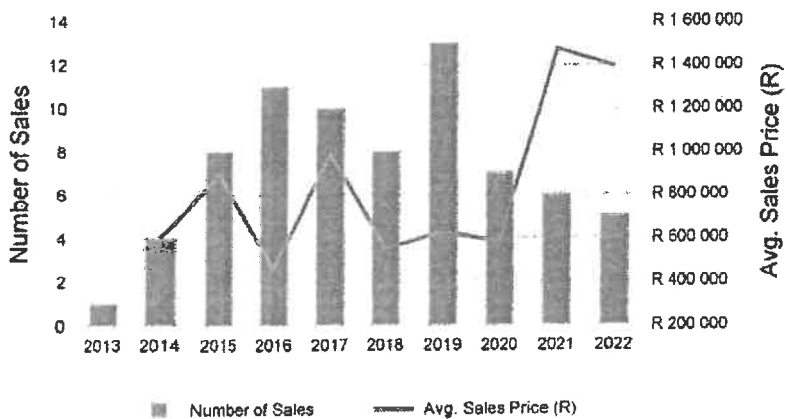
Annual City Trends for Robertson, Western Cape

Sold Erven



Year	Number of Sales	Avg. Sales Price (R)
2013	319	R 500 000
2014	298	R 575 000
2015	435	R 710 000
2016	601	R 700 000
2017	513	R 620 000
2018	354	R 750 000
2019	303	R 650 000
2020	240	R 925 000
2021	246	R 1 175 000
2022	130	R 1 000 000

Sold Sectional Scheme Units

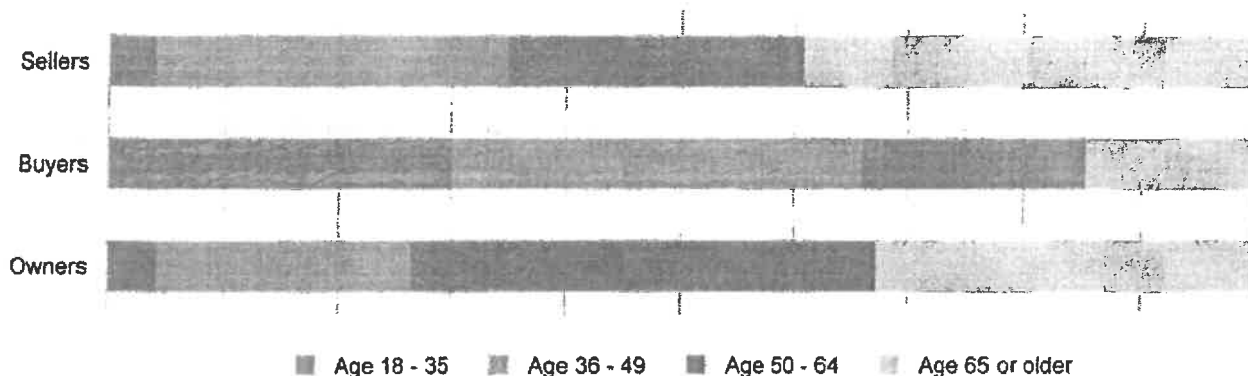


Year	Number of Sales	Avg. Sales Price (R)
2013	1	-
2014	4	R 601 500
2015	8	R 900 000
2016	11	R 457 500
2017	10	R 990 000
2018	8	R 550 000
2019	13	R 625 000
2020	7	R 580 000
2021	6	R 1 475 000
2022	5	R 1 395 000

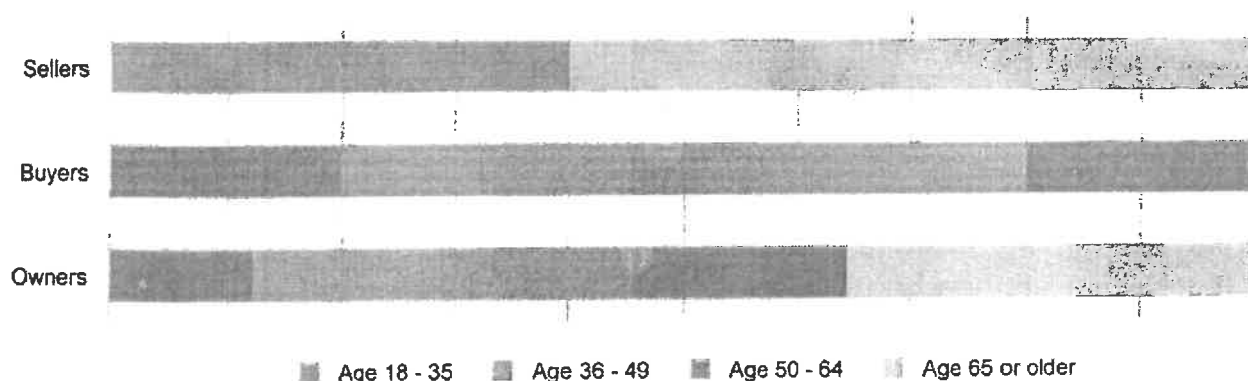
Age Profile for Robertson, Robertson

These graphs shows the property buying and selling trends relative to age in Robertson, Robertson, as registered in the South African Deeds office. Buyers and Sellers are those who have appeared in a registered transfer in their respective roles within the last 6 months, while owners are those who purchased their property more than 6 months ago.

Erf Age Profile



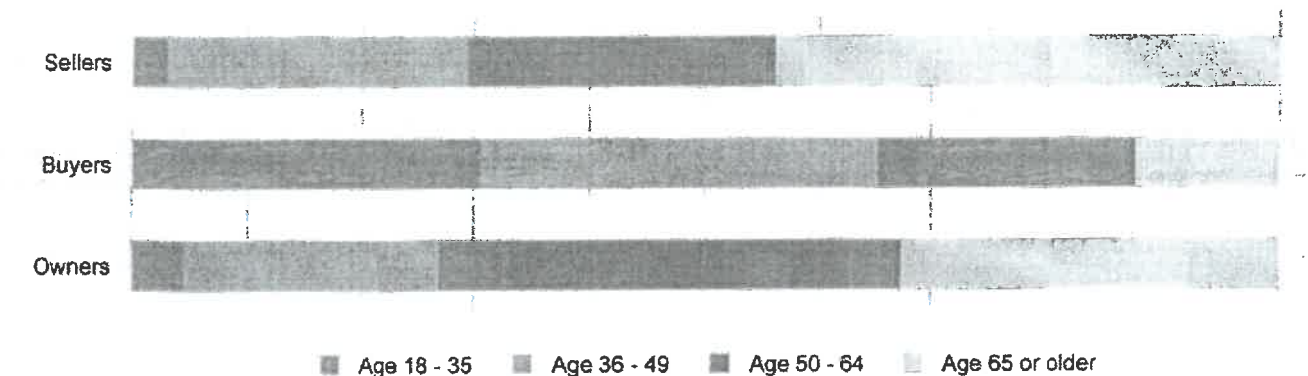
Sectional Scheme Unit Age Profile



Age Profile for Robertson, Western Cape

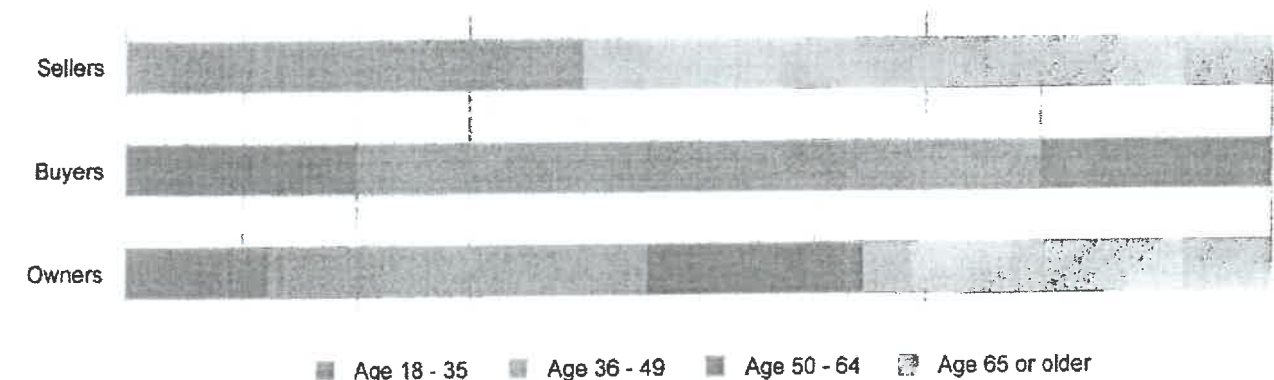
These graphs shows the property buying and selling trends relative to age in Robertson, Western Cape, as registered in the South African Deeds office. Buyers and Sellers are those who have appeared in a registered transfer in their respective roles within the last 6 months, while owners are those who purchased their property more than 6 months ago.

Erf Age Profile



Age Group	Sellers	Buyers	Owners
18 - 35	4	45	320
36 - 49	37	51	1 642
50 - 64	37	33	2 938
65 or older	61	18	2 370

Sectional Scheme Unit Age Profile



Age Group	Sellers	Buyers	Owners
18 - 35	0	1	11
36 - 49	2	3	30
50 - 64	0	1	17
65 or older	3	0	32

10 Julie 2022

Munisipale Bestuurder
Langeberg Munisipaliteit
Privaatsak X 2
ASHTON
6715

Vir aandag: JV Brand / J van Zyl

**HERSONERING: ERWE 400 & 402 ROBERTSON: REPLIEK OP APPEL-KOMMENTARE:
REPLIEK OP BESWARE ONTVANG**

U brief dateer 1 Julie 2022 verwysingsnommer 15/4/13/7 verwys.

Addisionele kommentaar wat ter harte geneem moet word in die eveluering van die aansoek word onder uiteengesit.

Die Terreinontwikkelingsplan is aangepas om al die moontlike impakte te versag en die voorgestelde ontwikkeling te harmoniseer met die omliggende karakter om sodoende die voortbestaan van hierdie onderneming te verseker.

Die grootse wysiging is dat slegs 555m² van Erf 402 teenaan Le Roux Straat vir busparkering gebruik sal word sodat die omliggende residensiële erf as buffer kan dien. Alhoewel dit vir Enkel Residensiële l gesoneer is, is dit 'n nou blok met drie straatfronte wat ideaal geskik is vir moontlike groepsbehuising in die toekoms, onderworpe aan 'n nuwe aansoek en 'n openbare deelname proses.

Agtergrond / Unieke situasie / Noodsaaklikheid

Wentzel Vervoer bedryf al verskeie jare die besigheid en die voortbestaan daarvan is noodsaaklik vir beide die eienaar en die gemeenskap in vandag se ekonomiese klimaat en hoë brandstofpryse waar werksmense al hoe meer afhanklik raak van openbare vervoer.

Soos in enige besigheid, is ekonomie van skaal 'n deurslaggewende faktor in die lewensvatbaarheid en voortbestaan daarvan, en daarom het die eienaar Erf 402 Robertson bykomend by die Munisipaliteit gekoop vir ekstra parkeerarea.

Volgens Erf 402 Robertson se LG Plan en bakensbeskrywing, is die noord-westelike grens die "middel van die rivier" en het die erf oor tyd verdubbel in grootte soos die rivier geskuif het. Dit word aangeneem dat dieselfde ook vir Le Roux Straat geld, alhoewel die brug aan die einde van die straat al jare gelede tydens die groot vloed weggespoel het en nooit weer herbou is nie.

Karakter van omgewing

Alhoewel hierdie eiendomme as deel van 'n residensiële area beskou word, is dit geleë op die kant van die dorp en teen die Drooge Rivier, met die Robertson Sportgronde aan die oorkant van die rivier.

Omdat die Le Roux Straat brug na die sportgronde en Môreson nie meer bestaan nie, kan hierdie gedeelte van Le Roux Straat nie meer gebruik word nie.

Die Sportgronde word gebruik vir 'n verskeidenheid gebruike, soos oefening van "bands" en orkeste; rugby in die aande, sport oor naweke, kompetisies op Sondag en die parkeerblad by die sportgronde is 'n gewilde en gereelde kuierarea.

Die aansoek-erwe is ook geleë in 'n deurloop van mense vanaf Môreson en die bo-dorp op 'n daaglikse basis met menigte voetgangers in Hopleystraat asook baie vragmotors (Munisipaliteit en boere) in Keeromstraat vir toegang na werkseleenthede binne en buite die dorp.

Die gemengde grondgebruike en verskeidenheid van aktiwiteite verleen aan hierdie area 'n besige karakter.

Wenslikheid van aansoekterrein / tekort aan geskikte alternatief

Voorgestelde vervoersone "ABCDEFGH" is wenslik omdat:

- Geleë aan agterkant van Erf 400 teen rivier
- Gedeeltelik binne vloedlyn waar geen permanente ontwikkeling toegelaat word nie. Hierdie area kan dus optimaal benut word.
- Laag geleë en moeilik sigbaar.
- Net sigbaar vanaf oorkant die rivier (begraafplaas en sportgronde).
- Slegs gedeelte van groter erf wat deur die eienaar vir residensiële doeleindes gebruik word.
- Die bestaande ingang vanaf Hopleystraat sal slegs gebruik word vir privaatvoertuie na die woonhuis met 'n nuwe muur tussen die garage op Erf 400 en die noordwestelike grens van Erf 401.
- Nuwe ingang vanaf Le Rouxstraat.
- Bufferarea al langs Erf 401 se grens.

Voorgestelde vervoersone "HJKL" is wenslik omdat:

- Slegs 555m² van Erf 402 Robertson word benut vir busparkering.
- Geleë buite die 1:100 jaar vloedlyn.
- Area teenaan rivier en weg van beide Hopleystraat en Jeneke Straat.
- Area word omhein vir veiligheidsdoeleindes.
- Dubbele mure tussen parkeerarea en Jeneke Straat.
- Residensiële ontwikkeling tussen parkeerarea en Jeneke Straat, asook oorkant Erf 401.
- Teenaan Le Roux Straat wat nie benut word nie. Dit word voorgestel dat hierdie gedeelte van die straat vir vloeibewegings (in en uit) gebruik word.

- Nuwe ingang vanaf Le Roux Straat.
- Bestaande toegangshek in Hopley laan word gesluit en vervang met muur.
- Nie sigbaar vanaf Hopleystraat.

Geen alternatiewe opsies

Die eienaar het reeds Erf 402 Robertson gekoop vir parkeerdoeleindes, en gaan moeilik alternatiewe grond kan bekostig.

Dit is 'n bewese feit dat ekstensiewe en/of industriële grond baie skaars is in die Langeberg munisipale area en verskeie studies is al onderneem om dit aan te spreek.

'n Voorbeeld van die tekort aan geskikte grond is die baie sigbare en onooglike parkering van busse by die ingang van Bonnievale.

Geraasimpak

- Maksimum 11 busse word toegelaat op die twee terreine:
 - Vroegste tyd aangeteken oor afgelope 3 maande: 05:00
 - Laatste tyd aangeteken oor afgelope 3 maande: 20:30
 - Gemiddelde tyd: oggend: 6:30 en middag: 15:00 – 18:00
 (Sien aangehegte skedule vir aantal busse en tyd per dag vir die laaste 3 maande: 2-5 per weeksdag en 1-2 gedurende Saterdag of Sondag.)
- Geraas net met vertrek en terugkoms, twee maal per dag vir kort periode.
- Busse word gewas slegs tydens werksure.
- Buffers word voorgestel rondom albei terreine – sien Terreinontwikkelingsplan.
- Beweging van busse op en af van terreine in gedeelte van Le Roux Straat wat nie deur publiek gebruik word nie.
- Geen herstelwerk word op terrein gedoen nie.
- Geen gekuier word op terrein toegelaat nie.
- Die minimalisering van enige geraas is belangrik vir die eienaar aangesien hy op Erf 400 bly.

Visuele impakte

- Albei vervoersones nie sigbaar van Hopley laan nie.
- Mure rondom vervoersones.
- Vervoersone op Erf 402 ge"buffer" na Jeneke Straat en Hopley laan.
- Ingange/uitgange slegs in Le Roux Straat.
- Buffers op Erf 401 se grense.
- Nuwe muur parallel met Erf 5850 se noordelike grens om vervoersone vanaf Hopley laan af te skerm.

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- Minder rommel op oop areas met oprigting van mure rondom en ontwikkeling van Erf 402. (Rivier is vol rommel.)

Verkeersimpakte

- Afwyking word gevra dat hierdie gedeelte van Le Roux Straat, wat nie meer gebruik word nie, gebruik kan word vir die draaibewegings (in en uit) van die busse op "HJKL". Dit sal veroorsaak dat 'n kleiner gedeelte gesoneer kan word vir die busse met 'n groter residensiële gebruik as buffer tussen die busse en Jeneke Straat en Hopley laan.
- Busbewegings slegs in Le Roux Straat (geen in Hopley laan) waarvandaan dit sal beweeg na Keeromstraat in 'n noordelike of suidelike rigting.
- Ingang na beide erwe vanaf Le Roux Straat. Die bestaande toegang op die hoek van Hopley laan en Le Roux Straat sal vervang word met soliede muur.

Veiligheidsimpakte

Bouplanne vir die mure rondom Erf 402 is in Februarie 2019 ingedien en is soortgelyk aan die mure rondom Erf 407. Hierdie mure is opgerig vir sekuriteitsdoeleindes en sal in toekoms steeds vir hierdie rede gebruik word wanneer die erf gebruik word vir residensiële doeleindes.

Konsolidasie

Die eienaar was onder die indruk dat die konsolidasie van Erf 5850 en Erf 400 reeds geregistreer is. Kanneberg en Louw Ing het egter net Erf 5850 op P& MP Wetzels se naam geregistreer. Hiermee word versoek dat die konsolidasie ook saam met hierdie aansoek geëvalueer kan word, aangesien dit hoogs waarskynlik die bedoeling en/of 'n voorwaarde van die verkoop van Erf 5850 Robertson was.

Die eienaar gebruik tans hierdie gedeelte vir toegang na die bus-parkeerarea en na sy woonhuis. Met die nuwe, voorgestelde muur asook die nuwe bus-ingang in Le Roux Straat, sal Erf 5850 slegs gebruik word vir toegang na die woonhuis en privaat parkering.

Vanweë bg. perspektiewe asook wysigings ter versagting van die impakte, sal u positiewe heroorweging hoog op prys gestel word.

Die uwe



Anna-Christa Redelinghuys

Pr Bep1 A/1076/1998

Skedule van die busse se tye vanaf erf 400 en 402 vir 3 maande

April 2022

Datum	Aantal busse	Tyd uit	Tyd terug
01 Vrydag	1	08h00	18h00
	1	06h00	16h00
02 Saterdag	1	09h00	11h00
04 Maandag	1	10h00	18h00
	1	06h00	18h00
05	2	06h00	17h30
	1	07h00	14h30
	1	06h30	15h00
	1	06h00	18h00
06	2	06h00	17h30
	1	07h00	12h45
	1	06h30	15h00
	1	06h00	18h00
07	1	06h30	15h00
	1	06h00	18h00
08 Vrydag	1	08h00	17h00
	1	06h30	15h00
	1	06h00	16h00
11 Maandag	1	06h30	15h00
	1	06h00	18h00
12	1	06h30	15h00
	1	06h00	18h00
	1	19h00	20h30
13	1	06h30	15h00
	1	06h00	18h00
	1	19h30	20h30
14	1	06h30	15h00
	1	06h00	16h00
16 langnaweek (Sat)	1	05h00	20h00
17 Sondag	1	05h00	20h00
19 Dinsdag	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
20	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
21	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
22 Vrydag	1	06h30	15h00
	1	06h00	16h00
23 Saterdag	2	07h00	15h00
24 Sondag	2	06h00	19h00
25	1	06h30	15h00

	1	06h00	18h00
	1	07h30	17h30
26	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
27	1	06h45	18h00
28	1	06h30	15h00
	1	06h00	18h00
29 Vrydag	1	06h30	15h00
	1	06h00	16h00

Mei 2022

Datum	Aantal Busse	Tyd uit	Tyd terug
2 Maandag	1	06h45	18h00
3	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
4	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
5	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
6 Vrydag	1	06h30	15h00
	1	06h00	16h00
7 Saterdag	1	11h00	20h00
8 Sondag	1	09h00	11h30
9 Maandag	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
10	1	06h30	15h00
	1	06h00	18h00
	1	06h45	18h00
11	1	06h30	15h00
	1	06h00	18h00
	2	08h00	17h00
12	1	06h30	15h00
	1	06h00	18h00
13 Vrydag	1	06h30	15h00
	1	06h00	16h00
14 Saterdag	1	08h30	15h00
16 Maandag	1	06h30	15h00
	2	06h45	18h00
	1	06h00	18h00
17	1	06h30	15h00
	2	06h45	18h00
	1	06h00	18h00

18	1	06h30	15h00
	2	06h45	18h00
	2	12h30	19h30
19	1	06h30	15h00
	1	06h45	18h00
	1	06h00	18h00
20 Vrydag	1	06h30	15h00
	1	06h45	18h00
	1	06h00	16h00
21 Saterdag	1	13h00	18h00
23 Maandag	1	06h30	15h00
	2	06h45	18h00
	1	06h00	18h00
24	1	06h30	15h00
	2	06h45	18h00
	1	06h00	18h00
25	1	06h30	15h00
	2	06h45	18h00
	1	06h00	18h00
26	2	06h45	18h00
	1	07h00	18h00
	1	06h00	18h00
27 Vrydag	1	06h30	15h00
	1	07h00	19h00
	1	07h00	17h30
	1	06h00	16h00
28 Saterdag	1	08h30	17h00
	1	11h00	20h00
	1	05h00	12h00
29 Sondag	1	06h00	19h30
30 Maandag	1	06h30	15h00
	1	06h00	18h00
	1	05h00	19h30
31	1	06h30	15h00
	1	06h00	18h00
	1	07h00	18h00
	1	05h00	19h00

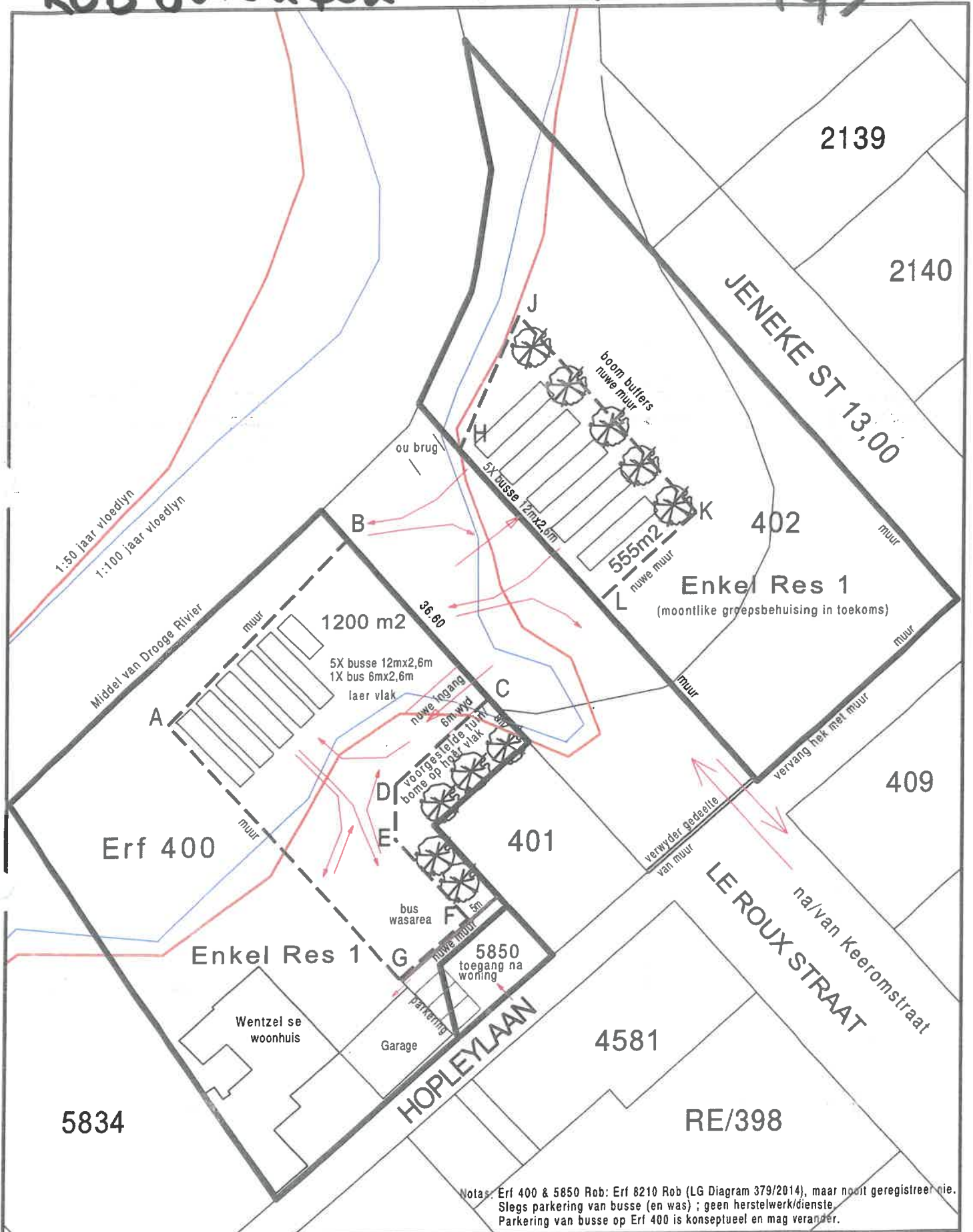
Junie 2022

Datum	Aantal Busse	Tyd uit	Tyd terug
1	1	06h30	15h00
	1	05h00	12h00
	1	07h00	18h00
	1	06h00	18h00
2	1	06h30	15h00
	1	06h00	18h00
	1	07h00	18h00

3 Vrydag	1	06h30	15h00
	1	06h00	16h00
	1	07h00	18h00
6 Maandag	1	06h30	14h00
	1	06h00	18h00
	1	07h00	18h00
7	1	06h30	14h00
	1	07h00	18h00
	1	06h00	18h00
8	1	06h30	14h00
	1	07h00	18h00
	1	06h00	18h00
9	1	05h00	19h00
	1	07h00	18h00
	1	06h30	14h00
	1	07h00	18h00
10 Vrydag	1	05h00	16h30
	1	07h00	17h30
	1	06h30	14h00
	1	06h00	16h00
11 Saterdag	2	11h00	20h30
13 Maandag	1	06h30	14h00
	1	06h00	18h00
	1	07h00	18h00
14	1	06h30	14h00
	1	07h00	14h30
	1	06h00	18h00
15	1	06h30	14h00
	1	08h00	18h00
	1	07h00	18h00
16 Vakansiedag	1	07h30	18h00
18 Vrydag	1	07h00	17h30
	1	06h00	15h00
	1	07h00	18h00
19 Sondag	1	13h00	15h30
20 Maandag	2	07h00	17h30
	1	07h15	18h00
	1	06h00	18h00
21	2	07h00	18h00
	1	06h00	18h00
22	2	07h00	18h00
	1	06h00	18h00
23	1	07h00	15h30
	1	06h00	17h30
24 Vrydag	2	07h00	18h00
	1	06h00	15h30
27 Maandag	2	07h00	18h00
	1	06h00	17h30
28	2	07h00	18h00
	1	06h00	17h30

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29	2	07h00	18h00
30	2	07h00	18h00
	1	06h00	17h30



TERREINONTWIKKELINGSPLAN:

ERF 400 ROBERTSON: "ABCDEFGH" HERSONERING NA VERVOERSONE I
 ERF 402 ROBERTSON: "HJKL" HERSONERING NA VERVOERSONE I &
 AFWYKING OM LE ROUX STRAAT TE GEBUIK VIR IN/UIT BEWEGINGS
 KONSOLIDASIE VAN ERF 400 & 5850 ROBERTSON (SELFDE EIENAAR)



UMSIZA
PLANNING
Town and Regional Planner

DATUM: 9 JULIE 2022

SKAAL 1:650

PLAN: E8210&402Rwysiging

Annexure E**SPLUMA Chapter 2 development principles**

Development principles

7. The following principles apply to spatial planning, land development and land use management:

- (a) The principle of spatial justice, whereby—
 - (i) past spatial and other development imbalances must be redressed through improved access to and use of land;
 - (ii) spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;
 - (iii) spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;
 - (iv) land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;
 - (v) land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and
 - (vi) a Municipal Planning Tribunal 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 is affected by the outcome of the application;
- (b) the principle of spatial sustainability, whereby spatial planning and land use management systems must—
 - (i) promote land development that is within the fiscal, institutional and administrative means of the Republic;
 - (ii) ensure that special consideration is given to the protection of prime and unique agricultural land;
 - (iii) uphold consistency of land use measures in accordance with environmental management instruments;
 - (iv) promote and stimulate the effective and equitable functioning of land markets;
 - (v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;
 - (vi) promote land development in locations that are sustainable and limit urban sprawl; and
 - (vii) result in communities that are viable;

- (c) the principle of efficiency, whereby—
 - (i) land development optimises the use of existing resources and infrastructure;
 - (ii) decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and
 - (iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties;
- (d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; and
- (e) the principle of good administration, whereby—
 - (i) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;
 - (ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;
 - (iii) the requirements of any law relating to land development and land use are met timeously;
 - (iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and
 - (v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public.

Annexure F**LUPA Chapter VI principles**

Western Cape Land Use Planning Act, 2014, No. 3 of 2014:

CHAPTER VI LAND USE PLANNING PRINCIPLES

Application of land use planning principles

58. The land use planning principles set out in this Chapter apply to all organs of state responsible for the implementation of legislation regulating the utilisation and development of land and guide—
- (a) the preparation, adoption and implementation of a spatial development framework or zoning scheme and of any policy or law concerning land use planning;
 - (b) any steps to ensure sustainable development;
 - (c) the consideration by a competent authority in terms of this Act and any other relevant authority of an application that impacts on the utilisation and development of land; and
 - (d) the performance of a function in terms of this Act or other legislation regulating land use planning:

Land use planning principles

- 59.(1) Land use planning is guided by the following principles of spatial justice:
- (a) past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land;
 - (b) spatial development frameworks and policy at all spheres of government should address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements and areas characterised by widespread poverty and deprivation;
 - (c) spatial planning mechanisms, including zoning schemes, should incorporate provisions that enable redress in access to land by disadvantaged communities and persons;
 - (d) land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements;
 - (e) land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas;
 - (f) 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 of the application; and
 - (g) the right of owners to develop land in accordance with current use rights should be recognised.
- (2) Land use planning is guided by the following principles of spatial sustainability:
- (a) land use planning should—
 - (i) promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;
 - (ii) ensure that special consideration is given to the protection of prime, unique and high potential agricultural land;
 - (iii) uphold consistency of land use measures in accordance with environmental management instruments;
 - (iv) promote and stimulate the effective and equitable functioning of land markets;
 - (v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;
 - (vi) promote land development in locations that are sustainable and limit urban sprawl;
 - (vii) result in communities that are viable; and
 - (viii) strive to ensure that the basic needs of all citizens are met in an affordable way;
 - (b) the sustained protection of the environment should be ensured by having regard to the following:
 - (i) natural habitat, ecological corridors and areas with high biodiversity importance;
 - (ii) the provincial heritage and tourism resources;
 - (iii) areas unsuitable for development, including flood plains, steep slopes, wetlands and areas with a high water table and landscapes and natural features of cultural significance; and
 - (iv) the economic potential of the relevant area or region;

- (c) climate change adaptation and climate change mitigation strategies should be developed and considered in land use planning;
 - (d) the provision and conservation of, and the management of the demand for, energy should be considered in land use planning;
 - (e) the safe utilisation of land should be ensured by taking into consideration factors such as sea-level rise, storm surges, flooding, fire hazards and geological formations;
 - (f) the illegal occupation of land should be discouraged with due recognition of informal land development practices; and
 - (g) development should be principle-driven and should prioritise long-term social, economic and environmental benefits over short-term benefits.
- (3) Land use planning is guided by the following principles of efficiency:
- (a) land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities;
 - (b) integrated cities and towns should be developed, whereby—
 - (i) the social, economic, institutional and physical aspects of land development is integrated;
 - (ii) land development in rural and urban areas in support of each other is promoted;
 - (iii) the availability of residential and employment opportunities in close proximity to, or integrated with, each other is promoted;
 - (iv) a diverse combination of land uses is promoted;
 - (v) the phenomenon of urban sprawl in urban areas is discouraged and the development of more compact towns and cities with denser habitation is promoted;
 - (vi) historically distorted spatial patterns of settlement are corrected; and
 - (vii) the quality and functionality of the public spatial environment is promoted; and
 - (c) policy, administrative practice and legislation should promote speedy land development.
- (4) Land use planning is guided by the following principles of good administration:
- (a) all spheres of government should ensure an integrated approach to land use planning;
 - (b) all government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks;
 - (c) the requirements of any law relating to land development and land use must be met timeously;
 - (d) the preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them;
 - (e) legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public;
 - (f) a spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority;
 - (g) decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts;
 - (h) development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties; and
 - (i) decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.
- (5) Land use planning is guided by the principle of spatial resilience, whereby flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks.
- (6) The Provincial Minister may prescribe further land use planning principles.
- (7) The Provincial Minister must, before prescribing principles under subsection (6)—
- (a) publish the draft principles in the media in a manner that allows municipalities and other interested persons an opportunity to submit comments on the draft principles; and

(b) consider the comments submitted in terms of paragraph (a).

TABLE 1: SPATIAL JUSTICE

DEVELOPMENT PRINCIPLE	Key questions and considerations that a decision maker should be asking in relation to the Development Principle
The principle of spatial justice , whereby—	
LUPA 59(1)(a) past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land;	Does the development promote access to ownership of land, particularly for the previously disadvantaged? Does the development opportunity promote an integrated settlement? Does the development opportunity support the goals of the SDF or other provincial and national spatial policies? Is the physical footprint supporting an urban or suburban type of development? Are facilities and services considered in the development, where relevant? To what extent does the development or change in rights advance or degrade the rights of previously and / or currently disadvantaged people? To what extent does the development or change in rights rectify the apartheid spatial planning legacy? To what extent does the development or change in rights promote access of the poor to economic opportunities, facilities and services? How does the land use application or development consider low income and informal areas, if at all? Does this development promote access to services and facilities for low income communities? Are any economic development initiatives being proposed for low income and informal areas?
LUPA 59(1)(e) land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas;	Does the proposal provide for the security of tenure in informal areas? Does the proposal promote the upgrading of informal areas over time?
SPLUMA 7(a)(vi) a Municipal Planning Tribunal / Competent	Have all considerations and facts been taken into account before arriving at the final decision?

TABLE 1: SPATIAL JUSTICE

DEVELOPMENT PRINCIPLE	Key questions and considerations that a decision maker should be asking in relation to the Development Principle
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 is affected by the outcome of the application;	Is a recommendation or decision being made based solely on the grounds that the value of land or property is affected?

ANNEXURE 2

Comments on amended proposal

KRIEL BESWAAR

⑦

(TEEN GEWYSIGDE VOORSTEL)

(ERF 4581)

Mnr DB & A Kriel
9 Hopleylan
Robertson
6705
Rekening no: 1-11-4581-001-2

20 Februarie 2023

VERWYS: Epos ontvang 27 Januarie 2023 – Appel aansoek om Hersonerings van Erf 400 & 402, Hopleylan Robertson.

I/S: Kennisgewing van Appel teen afkeuring van Hersonerings aansoek van Erf 400 & 402, Hopleylan, Robertson 6705

Geagte Bestuurder: Stadsbeplanning

Hiermee dra ons kennis dat Mnr Wentzel gewysigde voorstelle ingedien het, maar dit verander of verbeter nie die omstandighede waarin ons alreeds in ons vorige beswaarmakings, gedateer 19 Oktober 2021 & 21 Junie 2022 alles bevestig het nie.

Ons volstaan om die aansoek tot hersonerings teen te staan. Ons redes soos alreeds genoem in ons vorige beswaarmakings geld nog steeds en ons ondersteun die Langeberg Munisipaliteit Beplanningstribunaal se besluite op 4 Mei 2022 en 24 November 2022.

Geen parkering (wat verder stilletjies gaan verander na groter Vervoer bedrywighede) of Vervoer besigheid sal ons enigsins goedkeur nie.

Ons karakter van omgewing, eiendom waardes, steurnis / geraas van engines, aanloop van bedrywighede, padveiligheid en inbrake, gesondheids risiko, uitlaat van gasse, infrastruktuur van die pad. Of die Busse 500meter of 1km van ons woning af sal beweeg, het dit nog steeds n negatiewe impak op ons lewens gehalte, want ons hoor nog steeds die gebrul van engines, al staan die busse op Erf 402.

Ongelukkig moes Mnr Wentzel eers sy prosedure met die Munisipaliteit reggekry het, voordat hy enige ekstra grond vir hierdie doeleindes aangekoop het. Glo die Munisipaliteit sal grond kan voorsien waar hy dit kan huur by die Munisipaliteit en as inkomste vir die Munisipaliteit genereer.

Die vraag is, die Busse operateur nog steeds asof daar alreeds goedkeuring is vir die bedryf op die persele. Met twee afkeurings deur die Tribunaal, en die Munisipaliteit dra kennis dat die vervoer besigheid nog besigheid bedryf, ongemagtig en onwettig op residensiele grond. Moet die bedryf dan nie gestaak word nie?

Ons volstaan by ons besware en teenstanding teenoor die Hersonerling.

Geteken te Robertson op 20/2/2023



U kan ons kontak by die volgende:

Aubrea Kriel 082 416 2477 – beakriel@gmail.com

Duane Kriel 082 559 0995 – duane.k@mweb.co.za

Groete

Mnr DB & A Kriel

JUMAT BESWAAR

(TEEN GEWYSIGDE VOORSTEL)

(BRF2140)

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Telephone: 082 555 8909
Enquiries: M & JD Jumat
Email: jumatmike@hotmail.com
jd-vdh@hotmail.com

PostNet Suite # 001
Private Bag X025
Lynwoodridge
0040
Pretoria
19 February 2023

RESPONSE TO APPEAL AGAINST THE OUTCOME BY LANGEBERG MUNICIPAL PLANNING TRIBUNAL

1. Reference 15/4/9/1 dated 20 Jan 2023 as received via e-mail on 27 Jan 2023.
2. Acting on behalf of Mrs CE Van Der Heyde, and in terms of Sect 47 (f), Sect 50,(3) (a) to (d) and 50 (4) (a) to (d), the signatories below object to the rezoning of erven 400 and 402, Hopley Avenue, Robertson.
3. Mr Wentzel appealed against the outcome by Langeberg Municipal Planning Tribunal on 4 May 2022, 3 June 2022 and 24 November 2022 with regards to the proposed rezoning of erven 400 and 402, Hopley Avenue, Robertson. The motivation which he submitted against the last appeal is viewed as non-compliant. The fact that Mr Wentzel and his consultant received the letter late makes no difference. A clear explanation was provided for how and why his response was late and is therefore regarded as a poor excuse. Instead, his motivation was accepted after the closing date and regarded as favouritism. Every other opposing resident had to abide with closing dates so far. We trust that standards and practices will guide. It is with great concern that the appeal is going back and forth to the Tribunal despite valid objections which were submitted by the residential owners already on several occasions.
4. The characteristics of the area like the Le Roux Street bridge is a municipal responsibility. The assumption that the Le Roux Street low bridge in the direction of the rugby field/recreational area is non-existent and not in use. It is dilapidated but not yet denounced. It is viewed as a poorly maintained structure that needs structural work. If his appeal is successful, the weight and constant use of the same low-level bridge will cause

further irreparable damage. We oppose closure of that end of Le Roux Street, it is still proclaimed as a public street.

5. There are claims that the parking area outside the sportsgrounds are used as "hang-out" area, this is not unlawful. Whilst it is not encouraged, it could be ascribed to the lack of recreational facilities, noteworthy, it is public space.
6. Umsiza claimed that workers (commuters) are dependent on the bus service. This argument is baseless. Their needs do not have an impact on from where the bus depot/operational site/bus service are operated from. The current site in question is not the collection or drop off point, in essence, it is only a place where the drivers will park or collect the vehicle for operational services. In other words, it is currently used as a holding point which is the focal point of this problem. The parking of buses and operational matters can be successfully conducted from any other area instead of the proposed and current site. We oppose the rezoning of stand 402 and suggest that the buses to move outside of the current residential area, to the industrial zones.
7. We noted that Umsiza mainly or only focuses on development and rezoning issue while there are other matters as well. For example, the vibrocrete wall stretching from Jeneke street to Hopley Lane which by itself is a sore eye. This matter was addressed in writing already on 5 July 2019 when we pointed out the lack of visibility for residents including the potential risk of an accident when one exit from Jeneke Street into Hopley Lane. Needless to mention that the high wall remained, and that specific complaints and objections are still ignored. We further state in no uncertain terms that Umsiza must acknowledge that their proposal to change the character from residential to "industrial" is strongly contested. We reject the proposal by Umsiza to rezone.
8. Much is mentioned about a buffer, what are the official criteria for a buffer zone or wall? We hope for an official municipal by-law in this respect.
9. Your attention is drawn to the statement that Mr Wentzel bought the property (stand 402) for the sole reason to park his buses and will struggle to find alternative parking. He mentioned that there are no alternative options. This remains the owner's responsibility,

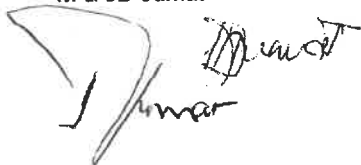
however, he can approach the municipality for assistance. On the other hand, Mr Wentzel cannot hold the residents responsible for his poor planning. The example of where buses park at the entrance of Bonnievale is irrelevant to this current issue. The residents objected loud and clear against the parking of buses in the residential area, they urged not to "industrialize" their neighbourhood. Umsiza under signatory by Ms A Redelinghuys, confirmed that the owner bought the land for a bus service in particular to start his operations. In addition, according to Mr Wentzel's attorney, the owner legally obtained the erf for the simple reason to solve (his personal) the transport problem. It was his direct intention to use the land for his bus service and it was the owner's responsibility to obtain the Land use document from elsewhere prior to starting his operations. The latter being without clear plans in mind with no respect to the opinions and objections of the directly affected residents. According to the advertisement in the Robertson Gazette, stand 402 was sold for the purpose of residential development. These issues were discussed with Mr Kobus Brand during July 2019. Noteworthy, ever since, there was no direct response to inform whether the stand had been proclaimed an industrial site. However, the current state of affairs causes havoc and unhappiness in the greater community. Our question is "why the Langberg Municipality is still entertaining this matter after the committee have decided against it. We expect the municipality to expedite this matter and find a permanent solution for the greater good instead of favourism over one individual.

- 10 Much has been said about noise level impact and air pollution. Mr Wentzel mentioned elsewhere "die minimisering van enige geraas is belangrik vir die eienaar aangesien hy op erf 400 bly" This is ludicrous, he is only concerned about his own business and disregard the noise levels for other residents. Maybe he should rather consider that the majority, if not all, buses are parked on stand 402 where the noise levels have a bigger impact on the residents of Jeneke Street and Hopley Lane than at where he lives. He also confirmed that the buses move out at 05h00 in the morning and return by 20h30 in the evening, clearly the noise levels will be a disturbance because it is outside official working hours. His statements and plea are contradictory. Diesel buses are major contributors to air pollution. Keep in mind that some residents are at a late age, but anyone is at risk of exposure to these gas emissions. Nitrogen oxides from diesel busses are disproportionately high. Busses release CO2 emissions and is 822 g/km. Long-term exposure has a damaging effect on humans and can cause lung and heart diseases. A typical diesel bus emits 229,167 lbs of greenhouse gas annually. The movement schedule

buses showed very exact times on the dot which already question the reliability of the movement hours. Also notice that it moves over an entire weekend. These types of operations are not welcome in our residential area. It is a disturbance for the residents and therefore we oppose the application to rezone stand 402. It is advisable that Mr Wentzel be subjected and evaluated by a professional/expert person for a period of three months for gas emissions and the impact of noise levels.

- 11 According to the attached sketch, stand 402 show parking for some (five) buses and is indicated parallel to a single residential unit. It appears that the residential unit is only a possibility and only one structure. This is misleading and rather doubtful. Could it be disguised for use as parking in the absence of a possible single residential unit or is it a small supervisor office or guard's house. Again, it must be noted that we very strongly object against rezoning of stand 402, or a portion thereof.
- 12 Your attention is drawn to the motivation for rezoning of stands 8210 and 4581 which state that "Dus word die problem van geraas tussen erf 8210 en 4581 opgelos" Kindly refer in aforementioned writing of this letter that noise level will increase because stand 402 will host some buses if rezoning is approved. In other words, and with great critique, the noise problem is just mitigated from one to the other location without any successful solution. Also note that the motivation address traffic impact stating that traffic impact is basically over weekends and number of buses are between 4 to 9. In the meantime, the fleet grew to about 11.
- 13 We oppose the parking of buses in residential areas. We are of the opinion that the matter in question must be resolved permanently but it rather seems that the current problem is just being moved from one to the other area/street. Kindly take note, we uphold all previous objections and comments. In view of the objections raised by the affected community, we appeal to the Tribunal not to approve the rezoning of erf 402 or any part of it, due to the immediate and future impact it has or will have on the residents of Jeneke Street but also on the surrounding residential area.

M & JD Jumat



ROSSOUW BESWAAR

(TEEN GEWYSIGDE VOORSTEL)

⑥

Jeneke Str 6

Robertson

6705

20 Februarie 2023

OLF 407

Die Stadsbeplanner

Mnr Jack Van Zyl

Administratiewe en uitvoerende kantoor

Langeberg Munisipaliteit

Piet Retief str 3

Montagu

6720

I/S Appèl: Aansoek om hersonering van erf 400 en 402, Hopley laan Robertson:
Gewysigde voorstel.

Hiermee wens ek, Melanie Rossouw dat die besluit van die Tribunaal geneem 4 Mei 2022 eerbiedig en uitgevoer word en dat alle besware soos in vorige besware brief uiteengesit is, steeds van krag is.

Besware teen gewysigde hervorming soos uiteengesit:

Agtergrond

Wentzel Vervoer bedryf al verskeie jare die vervoer onwettig aangesien dit n residensiële gebied is. Dit is Mnr Wentzel se reg om enige eiendom in Robertson aan te koop, maar met die aankoop van erf 402 moes hy die omliggende bure in ag geneem het met sy voorgestelde beplanning. Voorts neem Mnr Wentzel aan dat dit is sy eiendom 'soos die rivier geskuif het'. Met die aankoop van die erf het Mnr Wentzel ook n muur opgerig sonder dat die inwoners raadpleeg is en dit het die uitsig van die inwoners heeltemal belemmer. Volgens my kennis moet daar sigbaarheid wees van die inwoners en dat as n sekere hoogte muur opgerig word, toestemming by die bure verkry word.

Karakter van die omgewing

Die erf is deel van n residensiële gebied en die deurloop van die inwoners van Môreson verby ons huise in Jeneke str is te wyte aan die onwettige muur wat Mnr Wentzel opgerig is. Die muur en voorgestelde hersonering breek die karakter heeltemal af van die omgewing. Die muur veroorsaak geen sigbaarheid nie en sodoende moet ons as inwoners aanskou hoe mense teen die muur urineer en ander onweloweglike dinge doen.

Wenslikheid van aansoekterrein / tekort aan geskikte alternatief

Mnr Wentzel beweer hy bedryf al 28 jaar sy besigheid in residensiële gebied en dat daar min/geen ander gebiede is in die industriële gebied nie. As eertydse Munisipale werker, was Mnr Wentzel bewus dat die vervoersone onwettig is en kon lankal sy vervoerbedryf verskuif het. Telke male, veral in die wintermaande het ons aanskou dat die busse van Mnr Wentzel nie uit die rivier kan kom nie vanweë die lae ligging end at dit binne die rivier gebied is. Die busse moet dan noodgedwonge op erf 402 parkeer word wat besoedeling en geraas gaan veroorsaak soos geskryf in vorige beswaar.

Op ingeslote kaart, kan gelet word dat erf 409 'n leë erf is en met die veranderinge soos Mnr Wentzel stel, moontlik bebou sal word in die residensiële gebied wat sy bedryf op erf 402 heeltemal onvanpas maak.

Die vervoersone HJKL los nie die problem van die muur te Jeneke straat nie. Die nuwe ingang vanaf Le Roux straat is die problem verskuif van een hoek na 'n ander. Met die foutiewe en onwettige oprig van die muur te Jeneke straat, gaan dit vervoervloei nog vererger vir inwoners van Jeneke straat.

Geraas- en Visuele impak

Soos reeds beswaar aangeteken en voorheen vermeld.

Verkeerimpak

Kleiner parkeergebied is nie haalbaar as al 11 busse op erf 402 moet parker word nie. Met die parkeer van die 11 busse, word aangeneem dat ander busse behalwe Mnr Wentzel se eiendom op die erf parkeer gaan word aangesien familie lede se busse op die parkeer gebied opgelet is.

Veiligheidsimpak

Met die oprig van die muur te Jeneke straat het die misdaadsyfer drasties vehoog deur verskeie goedere al gesteel is en voorheen was daar geen misdaad aangeteken nie. Die meeste van die inwoners van Jeneke straat is bejaarde mense en vroue wat hulle weerloos laat teen misdaad.

Ten Slotte

Ten spyte die goeie voorneme van Mnr Wentzel, is dit en bly 'n residensiële gebied en Mnr Wentzel se aansoek om hersonering totaal die karakter van die gebied negatief beïnvloed. Ek volstaan ook met die besluite van die tribunaal se besluit om hersonering te weier.

Ek hoop dat u die besware goedgunstig in aanmerking sal neem en dat die besluit van die Tribunaal eerbiedig word.

Baie dankie

Die uwe

Melanie Rossouw

SHAYMAN BESWAAR

(TEEN GEWYSIGDE VOORSTEL)

⑤

ERF 405

Municipal Manager
Langeberg Municipality

Attention: JV Brand
BY EMAIL:

Objection to the rezoning of Erven 400 and 402 Robertson

The content of the letter from Langeberg Municipality, dated 20 January with reference no. 15/4/9/1 appeal, is noted. In particular we note that the applicant has submitted an amended site plan, which (although not stated in the letter, but deduced from its heading) is included on page 143 of the document package provided. We wish to place the following on record:

1. We had objected to the initial rezoning/site use proposal primarily based on its impact on the character of the neighbourhood, and the impacts associated with noise, dust, gaseous pollutants and the potential release of oils and lubricants into an adjacent water course. We consider these objections still relevant and not fully addressed, despite the amendments to the original site plan. previous objection letters date 22 October 2021 and 20 June 2022 attached)
2. We believe the flood lines (1:50 years and 1:100 years) as shown in the diagramme to have been incorrectly labelled; as the more frequent event (1:50 years) should be expected inside (i.e. closer to the river) than the less frequent event (1:100 years).
3. Given the flood lines as shown in the diagramme we wish to place on record our concern related to the erection of permanent structures, in the form of a boundary wall and possibly a concrete slab (although not shown in the diagramme), within the 1:50 year flood line of a river. This is a particular concern given the impact such structures could have, e.g. by increasing flow velocities during a flood, with consequent increased erosion, in particular on the furthest (western) bank, and upon downstream structures (i.e. White Street Bridge), and/or by resulting in the raising of water levels upstream, which could have a particular impact on the Van Zyl Street Bridge, which serves a community (Môreson) on the Western Bank of the river. Given these conditions and applicable regulations on structures within flood lines, we urge the Council to reject any proposal that include permanent structures within the flood lines of a river.
4. In addition, we wish to once more question whether appropriate measures and infrastructure will be provided to prevent the release of oil, lubricants and fuels in to the adjacent water course and its riparian zone. We urge that any authorisation, irrespective whether with respect the original proposal or the amendment, include a stipulation on the proper management of such potential pollutants.
5. In as much as the applicate contends that the erven in question will be for parking of heavy duty vehicles, and in as much as that contention (use as a parking facility) seems to be the primary basis for his application we contend that should the application for rezoning of the erven in question be successful he will then have the utmost liberty to use his heavy duty vehicles in the area and on the roads earmarked for residential use. In this regard the road services the width of the road, pedestrian traffic, especially unsupervised children, the use by other vehicular traffic and the cumulative impact of this use will jeopardise the safety and tranquillity of the surrounding neighbourhood.

6. We as the residents welcome, neighbours and fellow citizen to pursue economic opportunities and job creation. However in this regard the individual interest of the applicant is outweighed by the collective interest of the surrounding neighbours to maintain the tranquillity of one of the oldest residential areas in Robertson.

Yours sincerely,

IC Saayman

I C Saayman

**Lynne
Saayman**

L L Saayman

Digitally signed by
Lynne Saayman
Date: 2023.02.17
15:07:59 +02'00'

CUPIDO BESWAAR

Jenekestraat 2

Robertson

16 Februarie 2023

(TEEN GEWYSIGDE VOORSTEL)

(OLF 406)

Die Munisipale Bestuurder

Langeberg Munisipaliteit

Privaatak x2

Ashton

Vir aandag: J.V.Brand

Beswaar: Hersonering van erwe 400 en 402 in Hopleyalaan

Eerstens wil ons u bedank vir die terugvoering t.o.v. besluit van die Appélraad gedateer 07 Desember 2022 wat ons eers laat in Januarie 2023 ontvang het.

Hierdie skrywe is na aanleiding van korrespondensie gerig aan Mnr.D en Me.A.Kriel wat ons nie ontvang het nie t.o.v 'n gewysigde voorstel van die aansoeker Mnr.P.Wentzel.

In sy aansoek voer hy aan dat geen herstelwerk op die terrein geskied nie, dit is eenvoudig net nie waar nie. Menige kere het ons gesien dat herstelwerk op die terrein geskied want dit word feitlik reg onder ons kamervenster gedoen, soms totdat dit donker word en is ons onderworpe aan enjingeras as dit getoets word.

Die bruggie waarna verwys word het nie weggespoel nie, die grond aan die begraafplaas se kant het weggespoel.

Die Sportgronde bestaan al van voor sy geboorte af.

'n Nuwe tendens is dat sy busbestuurders vanuit Le Rouxstraat oor die sypaadjie langs Mnr.J.van Tonder oor die kaal erf wat ek glo privaatgrond is ry om reguit binne-in die terrein te ry.

Le Rouxstraat is ook besig om die aanslag van die daaglikse gebruik van die swaar busse te voel, by die stopteken aansluiting na Keeromstraat is al groot slaggate.

Geen verbetering van uitsig na Hopleyalaan vanuit Jenekestraat.

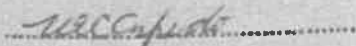
Busse beweeg steeds op en af in Hopleyalaan.

Mnr.Wentzel verwys na 'n onooglike busparkeerarea by Bonnievale se ingang maar ons moet tevrede wees met 'n onooglike buskamp op ons voorstoep wat ons woonarea ontsier omdat dit gerieflik naby sy woning is

Mnr. Wentzel het vooraf geweet dat hierdie 'n residensiële area is maar met voorbedagte rade hierdie erf gekoop. Ons is geensins gekant teen sy besigheid nie, maar nie ten koste van ons omgewing nie, hierdie parkeerarea behoort nie tuis in die omgewing nie en daarom teken ons ten sterkste beswaar aan teen die voortsetting van sy besigheid vault hierdie area.

Die uwe

M&U.E.C. Cupido







ANNEXURE 3

Applicant's response to comments on amended proposal

APPLICANT'S RESPONSE TO OBJECTIONS (AMENDED PROPOSAL)



SIMONE OLIVIER
ATTORNEYS INCORPORATED

Suite 100A, First Floor, 101 York Centre, 101 York Street, George, 6529
T: 074 781 1334 E: info@solaw.co.za

THE APPEAL AUTHORITY
LANGEBERG LOCAL MUNICIPALITY
BY EMAIL: mm@langeberg.gov.za;
jvzyl@langeberg.gov.za;
mstaal@langeberg.gov.za;
kbrand@langeberg.gov.za

OUR REF: MAT0077/P Wentzel
YOUR REF:

29 July 2024

Dear Madam,

**RE: AMENDED PROPOSAL FOR REZONING OF ERVEN 400 & 402, HOPLEY AVENUE,
ROBERTSON**

1. We refer to the above matter and your email dated 16 July 2024, with objections in respect of the amended proposal submitted by our client.
2. It is our client's humble submissions that the new comments received from the objectors, bears no new valid grounds for objections, other than the same objections / comments which were dealt with by our client on 2 June 2022. We therefore refer back to the previous submissions made by our client in this regard.

Objection to admissibility of photographs submitted by Mr Cupido:

3. Our client noted photographs that were submitted into the record of his premises taken by one of his neighbours, to wit, Mr Cupido.

Reg. no.: 2020/656310/21
Director: Simone Olivier LLB (UNISA)

4. Our client herewith objects to this photograph being submitted to the record, as the photographer did not obtain the necessary permission to photograph our client's private property. It is further not clear as to when and by who exactly this photograph was taken and therefore same cannot be properly authenticated.
5. Our client, however, wishes to point out that this is the type of harassment he is subjected to by his neighbours, who continues to operate in a coercive manner towards him.

Allegation of favouritism

6. It comes with little surprise that some of the objectors consider our client's rights to a fair procedure as favouritism and supports our client's views of his neighbours harassing him and indulging in coercive behaviour towards him.
7. It is our client's submission that he is merely exercising his rights to appeal an administrative decision, which our client considers were dealt with in the most cooperative and considerate manner.
8. Our client submitted an amended proposal containing a route that would have a lesser effect and impact on the alleged environmental concerns that was raised by the objectors, which concerns, by the way, was never proven by the objectors, but merely alleged. Be that as it may, our client addressed each objection supported by the necessary proof to the contrary.

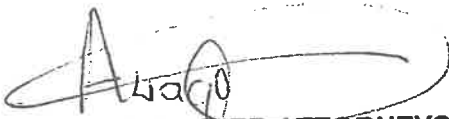
Attractiveness of the environment

9. Our client has already dealt with the issues of the attractiveness of the environment as it relates to possible investors and the amended proposal a by Umsizi Planning, as well as that of the appeal report by Mr Jack van Zyl, proves that these are issues that can be eliminated by means of eco-friendly solutions such as planting of trees, which is positive and good for any environment.
10. It should further also be noted that attractiveness and physical appeal remains a subjective concept and cannot be addressed universally to suit a certain narrative.

Conclusion

11. Our client submits that he has no intentions of breaking any laws or regulations and confirms that he had already made progress regarding compliance with by-laws and regulations, which is a sign of his continuous proactivity and consistent cooperation with the local authorities.
12. Our client further undertakes that he will continue to diligently comply with any additional or further restrictive development parameters that the local authority may impose as conditions which in their opinion may mitigate any impact on the proposed land use
13. In light of the above, all previous submissions made and all proposals and reports accumulative, our client wishes and prays for a favourable outcome to his application.

Yours Faithfully



SIMONE OLIVIER ATTORNEYS INC.

Per: Abongile Waqu

E-mail: info@solaw.co.za

Tel: 074 781 1334

22 Julie 2024

Munisipale Bestuurder
Langeberg Munisipaliteit
Privaatsak X 2
ASHTON
6715

Vir aandag: Jack van Zyl / Myrna Staal

HERSONERING: ERWE 400 & 402 ROBERTSON: REPLIEK OP BESWARE

U epos met besware ontvang vanaf 5 persone dateer 16 Julie 2024 verwys.

Die inhoud van die besware is soortgelyk as voorheen. Hierdie aspekte is reeds aangespreek in die vorige repliek gelewer.

Dit lyk nie of die nuwe voorstel wat wel die impakte versag, in ag geneem is nie.

Die eienaar het intussen verskeie aksies geloods en heelwat geld spandeer om die aanbevelings na die Appelowerheid na te kom soos die opstel van bouplanne en aanstelling van AJ Louw vir die bou van 'n nuwe ingang ens.

Die karkater van die omliggende omgewing word weereens bevestig:

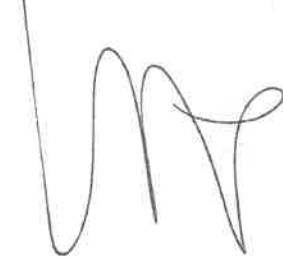
- Sportvelde met talle sportbyeenkomste en gekuier;
- Oop parkeer area word gebruik vir musiek (musiekbokse), kuier en beweging van voertuie in hoë resolusies;
- Ope kerkdienste in Moreson;
- Hoë mure kom algemeen voor (staal word afgesteel);
- Vullis stortingsarea aan die agterkant van die aansoekterrein – reeds vanaf 2019;
- Ander besighede in area soos Jerome Jansen Handyman Services (sweiswerk uit die garage) en Harry Sweiswerke/Kompressiedienste en Motorfiets Hersteldienste in Le Rouxstraat oorkant die aansoekterrein; en
- Vragmotors, taxi's en midibusse gebruik gereeld Hopley laan en Le Rouxstraat na Moreson. Interlink trokke laai vrugte op en af by Farmers Market se perseel in Le Rouxstraat met 'n vorkhyser wat Le Rouxstraat blok.

Die nuwe tendens waarna Cupido verwys: Busse stop net om hek oop te maak. Hek is toe vir veiligheidsredes.

Die aansoeker het reeds by twee geleenthede getender vir munisipale grond wat te koop was, maar was onsuksesvol. Geen alternatiewe geskikte grond is in Robertson beskikbaar nie.

Vir u oorweging,

Die uwe

A handwritten signature in black ink, consisting of a series of loops and curves, representing the name Anna-Christa Redelinghuys.

Anna-Christa Redelinghuys
Pr BepI A/1076/1998