

**ERF 90  
MERWEVILLE  
WESTRN CAPE**

**Consent Use Application**





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## **PROPOSED CONSENT USE ON ERF 90, MERWEVILLE MUNICIPALITY**

### **1. INTRODUCTION**

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This application relates to the Application for Consent Use of a Business Zone II (BZII) property and submission in terms of the Application for Consent Use. The application has been prepared by **Frederik Jacobus Koen**, the owner of Erf 90 Merweville, in preparation to submit the required land use application for the proposed development.

#### **1.1 TITLE DEEDS**

The history of plot 90, Merweville dated back to 16<sup>th</sup> December 1901 when Lot 90 of the farm Van der Byl's Kraal was granted to Mr. JJ Le Sueur Van der Byl. Plot 90 was transferred for the time being on 18<sup>th</sup> May 1905 to Mr. CF Snyman and other in their capacity as member of the Dutch Reformed Church of Merweville.

The current owner and Title Deed holder is annexed as **Annexure "D"** is Mr. FJ Koen. It should be noted that subject property was purchase T51752/2022 as **Annexure "D"** by the current owner in 2022. The current Merweville municipality evaluation show Erf 90 as residential zoning. However, the **Merweville LUS dated 29 May 2020 indicated Erf 90 as BUSINESS ZONE II (BZII) with Primary use for a SHOP.** However, it is not clear as to why and when PLOT 90 zoning was changed to Business Zone II. The current owner purchased PLOT 90 on 17 October 2022 as per the current Business Zone II.

The property measure 3212m2. A copy of the Title Deed and the SG Diagram are annexed as **Annexure "D & F"**

#### **1.2 BRIEF HISTORY OF PLOT 90**

Over the years the existing dwellings on Plot 90 has served multiple uses. The Primary use lately was for "SHOP" for the retail sales of "**goods or services**" to the public and served as the offices for **Lawyers (Van Velden)** and also as a **branch office for Saambou Bank**. The building was also used in the past for providing birthing services to the public and a residential home.

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### 1.3 APPLICATION

This application is in accordance with the **Merweville LUS dated 29 May 2020 indicated Erf 90 as BUSINESS ZONE II (BZII)** with **Primary use** for a **SHOP**. The **Consent Use** in terms of Section 15 (2) (o) and Chapter IV of the By-Law (Notice No. 21/2019) on Municipal land use planning for Beaufort West Municipality of Erf 90, Merweville, to allow for:

- i) **Building 1 will be a New Dwelling** to enable the current owner to utilize the existing building as per the current Business Zone II with the Primary use for providing retail sales of Services to the public.
- ii) **Building 2 will be a Place of Instruction** (a) means a place of training in Art classes including the ancillary use for (iii)(cc) public art gallery.

## 2. DEVELOPMENT PROPOSAL

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### 2.1 EXISTING DEVELOPMENT

The subject property is currently developed with two buildings, the main building and a Caretaker quarters on Voortrekker Street which utilizes a combined area of approximately only 38% of the 3212m<sup>2</sup> erf.

- It is not clear as to why and when the zoning for PLOT 90 was changed to Business Zone II. The current owner purchased PLOT 90 on 17 October 2022 with the zoning as Business Zone II.
- The current main Building is currently used as residential. However, therefore then this application for Consent use (Application for a new Dwelling House) to enable the owner to re-instate the existing main building **Primary use** for a “**SHOP**” for the retail sales of “**goods or services**” to the public and include “**service trade**”, which is as per the current **BUSINESS ZONE II (BZII)** requirements with **Primary use** for a **SHOP**.
- The current existing Caretakers Quarters will remain the facility for the accommodation of the caretaker employed.



**Figure 1** – Photo of the existing main building (left) and Caretaker Quarters (right) taken in an Eastern direction from Voortrekker Street



**Figure 2** – An extract from Google Maps of the subject property (Source: Google Maps, 2023)



## 2.2 PROPOSED DEVELOPMENT

In line with the **Consent Use** in terms of Section 15 (2) (o) and Chapter IV of the By-Law (Notice No. 21/2019) on Municipal land use planning for Beaufort West Municipality:

- The owner proposed the development of a “Dwelling house”. This new Dwelling house will be in place of the current existing building to be use for the Retail of Good or Services to the public. This will allow for the existing main building to be utilize as per the current Business ZONE II Primary use.
- The owner also proposed the development of a “Place of Instruction” for training and the development of local art including the ancillary use for (iii)(cc) public art gallery.



**Figure 3** – Photo of the under-utilized section of the property with proposed Consent use development from a North-Western direction from Church Street

The South-Eastern side of the property is currently under-utilized and allocated for the development of a **Dwelling House** for residential use by the owner, a **Place of Instruction** for the **development of local Art and as an Art gallery** and a kiosk as part of a tea garden. This will allow for the optimal utilization of the property. A Site plan is attached as **Annexure “E”**. There is no evidence that the proposed development will have a negative impact on the other properties in the close vicinity of Erf 90. There are other examples in Merweville where similar size plots have been developed.

### 2.3 ACCESSIBILITY

The property is bordered by three streets namely, **Voortrekker Street** on the North-Western side, **Hof Street** on the North-Eastern side and **Church Street** on the South Eastern side. The property currently gains access from Voortrekker Street and Hof Street.

As indicated below, the proposed development will gain access from the existing access provided from Hof Street. Currently only two residential properties gain access from Hof Street



**Figure 4** – Photo of the existing access/entrance from Hof Street

## 2.4 ENGINEERING SERVICES

The proposed development **will not required any additional engineering services or municipal infrastructure.**

- 1) Electricity – the property is Off-Grid ( 2 x 15kVA Solar) and self-sufficient.
- 2) Water – the property has an existing functional windmill providing portable water. The property has also a borehole providing the current portable water through a water softener and Reverse Osmosis (RO) system.
- 3) The property has been equipped with an Calcamite Bio-Mite BM10 wastewater treatment plant with the capacity to treat wastewater up to 10 people or (200L/day) to a specified quality, typical to re-use for irrigation and other non-portable applications.

The overall objective of the **Bio-Mite Waste Water Treatment Plant** is to provide a Waste Water Treatment System that is capable of coping with a wide range of probable Waste Water conditions while complying with the overall performance requirements which is to **meet or exceed the General Standard of the Department of Water Affairs and Forestry (DWAF)**. The Bio-mite Process cleans domestic waste water in three basic steps:

- Anaerobic Digestion,
- Aerobic Digestion and
- Disinfection.

## 2.5 PRE APPLICATION CONSULTATION

A pre-application meeting was conducted on 22/09/2023 (Attached as **ANNEXURE “C”**). The following comments were made.

- 1) Die aansoeker het die motivering aangepas met meer inligting rondom die voorstel.
- 2) Volgens die Beaufort Wes Sonering Skema is die primêre reg op 'n Besigheid II gesoneerde perseel - 'winkel'. Dit is nie duidelik wanner hierdie eiendom hersoneer is vanaf Residensieël Ina Besigheid II en wat daardie aansoek behels het nie. Meer inligting hieroor sal goed wees tydens die oorweging van die aansoek. Dit was nie deel van die 'her-indiening' van die voor-aansoek konsultasie nie.

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- 3) Dit is duidelik uit die motivering dat die bestaande (oorspronklike) woning as 'winkel' aangewend gaan word wat die primêre reg is op Besigheid II eiendomme.
  - 4) Die motivering is aangepas en die volgende word verstaan van die aansoek:
    - 4.1 Die hoof woning gaan as 'winkel' aangewend word.
    - 4.2 Die 'caretaker quarters' gaan steeds as residensiele woning aangewend word.
    - 4.3 'n Nuwe primêrewoning gaan opgerig word.
    - 4.4 'n plek van Onderrig vir die aanbied van kunsklasse en 'n kuns-gallery.
  - 5) Uit die motiveringsverslag word daar glad nie van 'gaste akkommodasie' melding gemaak nie. Terwyl die bouplanne (voorgestel) twee nuwe geboue aandui waarvan die een as 'proposed dwelling1' aangedui word en die ander een as 'guest accommodation'. Daar word nêrens 'n gebou aangedui vir 'plek van onderrig' nie. Hierdie moet reggemaak word - of in die motiveringsverslag óf op die bouplanne dat dit ooreenstem.
  - 6) Wanner die aansoek ingedien word moet die aansoeker ook 'n Aktebesorgersertifikaat insluit.

All of the above were addressed in this motivation report.

### 3. CONTEXTUAL INFORMATION

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#### 3.1 LOCALITY

The subject property is situated in Merweville, South East of Voortrekker Street, South-West of Hof Street and North-West of Church Street. Figure 5 below indicates the subject property, in relation to the surrounding neighbourhood. Figure 7 (page 13) provided a closer look at the subject property and surrounding area and other businesses as indicated on the below Locality map **Figure 5**.





**Figure 5** – The location of the subject property in Merweville (Source: Google Maps, 2023)

### 3.2 EXISTING LAND USES AND CHARACTER OF THE AREA

The subject property is situated in a Business / Residential area. The property is a rather large erf (3212m<sup>2</sup>), with a main building and Caretaker quarters. However, the building has in past years been utilise as a **private residence**, the **Office for a Law Practitioner**, as a **local branch office for Saambou Bank** and for providing birthing services to the public. The existing building and the Caretakers quarters are situated on Voortrekker Street in the Nort-Western corner of the property.

The remaining portion of the property where previously used for a fairly large orchard and lucerne for animal feed. The subject property is situated in a Business/Residential area. The proposed consent use will not disturb the character of the area, but will enhance the development of the town and area. **Figure 6** below indicates the subject property.





**Figure 6** – An extract of satellite imagery (Source: Google Maps, 2023) of the subject property (indicated in RED) together with the proposed development and Consent use.

### **3.3 IMPACT ON THE SURROUNDING NEIGHBOURS**

It is not anticipated that the proposed application will have an impact on the surrounding area and neighbours given that plot 90 is **BUSINESS ZONE II (BZII)**:

- i) Erf 79 is a fuel station with workshop
- ii) Erf 88 is a garage with workshop
- iii) Erf 89 is a vacant land, currently utilise for gardening
- iv) Erf 91 is a residential dwelling house will be accommodated in these classrooms, the school hours will only be in the morning.
- v) Erf 172 is a residential dwelling house and neighbouring the existing dwelling house and Caretakers cottage.
- vi) Erf 295 is a vacant plot.

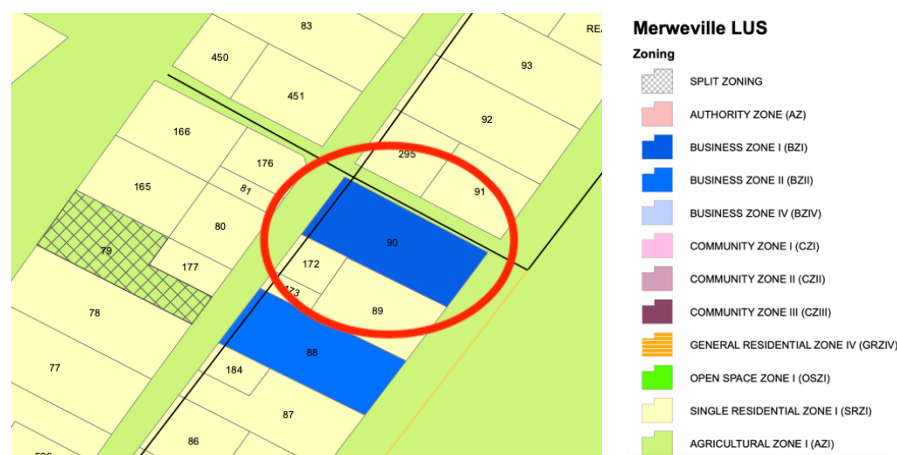


**Figure 7** – An extract of satellite imagery (Source: Google Maps, 2023) of the subject property (indicated in RED) together with the immediate surrounding land uses.

### 3.4 ZONING

The zoning of the subject property according to the Merweville LUS is **Business Zone II**, this is indicated in the **Figure 8** below.

Business Zone II allow as for Consent use for a Dwelling House and Place of Instruction. The proposed new development consisting of the Dwelling house and Place of Instruction that will be developed in the South-Eastern section of the property as indicated on the above **Figure 7**



**Figure 8** – An extract of the Merweville LUS

### 3.5 PRE-APPLICATION

- The Attendance register for the Pre-application meeting is attached - **Annexure “A”**.
- The Pre-application Consultation Form is attached - **Annexure “B”**.
- The Pre-application Consultation Minutes of meeting is attached - **Annexure “C”**.
- The copy of the Deed is attached – **Annexure “D”**
- The copy of the proposed site layout is attached – **Annexure “E”**
- The copy of the SG Diagram is attached – **Annexure “F”**
- The copy of the Land Survey Diagram (LSD) is attached – **Annexure “G”**
- The copy of the Merweville LUS is attached – **Annexure “H”**
- The copy of T2 - Land Use Planning application form – **Annexure “I”**

## 4 RELEVANT SPATIAL PLANNING POLICIES

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### 4.1. EXISTING POLICY FRAMEWORKS

This section briefly addresses the relevant spatial policy frameworks that guide development proposals in general and its applicability to this proposed development. These include:

#### 4.1.1. BEAUFORT WEST SPATIAL DEVELOPMENT FRAMEWORK (2013)

The GSDF does not specifically refer to the subject property. The GSDF does however support mixed-use developments together with sustainable and efficient use of land. The proposed development is therefore not in conflict with the GSDF.

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## 5. STATUTORY FRAMEWORKS

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Following the most recent legislative and procedural changes that have become applicable to the management of land use planning in South Africa, and consequently the Western Cape Provincial Spatial Development Framework (2020), Western Cape Land Use Planning Act (2014) it is considered necessary to summarise the implications of the current statutory framework within the context of this Consent Use application.

### 5.1 LAND USE PLANNING ACT (LUPA)

The development objectives entrenched in SPLUMA have been assimilated into the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) and sets out a basis for the adjudication of land use planning applications in the province. It specifically reference under CLAUSE 59 Land use Planning principles under item (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”*

Therefore given the above guidelines and principles and the economic and social reality in Merweville, the proposal is considered to be consistent with the GSDF.

#### 5.1.1 NEED

The need for a development primarily refers to the timing of the development and whether the development is needed at this time together with forward planning and the land use policy is an important consideration of the need.

As explained above, the existing building is currently used as a dwelling house and therefore plot 90 is under-utilised being a **Business Zone II premises** with **Primary use as a “SHOP”**. As per Schedule 2 of the Land Use Description and Development Parameters *“SHOP” means property used for the **retail sale of goods and services** to the public, and;*

*(a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, ancillary sale of alcoholic beverages, flats above ground floor, **service trade**, clinic and the sale of motor vehicles.”*

Further to the above and as per Schedule 2 of the Land Use Description and Development Parameters with reference to *“service trade” Land use description: “service trade” means an enterprise (a) primarily involved in the rendering of a service for the local community.*

South Africa and especially in Merweville and surrounding areas experiencing a major shortage in technical skills. For example, during the last few years a number of critical projects have been executed in Merweville. However, due to the local shortage of critical technical skills, these projects have been awarded to outside contractors. This is very sad given the economic and social challenges Merweville and surrounding areas are facing daily. These outside contractors have made very little use of local employment with the result that more than 90% of the projects values were spend outside Merweville with very little to no benefit to the local communities.

It is therefore that the existing building will be utilise for primary use for “Retail sale of services” and “Service Trade” to fill the void in Merweville and surrounding areas in terms of **on the job Technical upskill of local entrepreneurs and local labour.**

#### 5.1.2 DESIRABILITY

The desirability of a proposed development relies on the acceptability of the proposed Consent use of the proposed development. This proposed development is considered in line with the planning policy applicable to the area.

The proposed Consent use application will allow for the optimal utilisation of Plot 90 and facilities on the property. Furthermore, Merweville is currently in a great need for the upskill of local manpower and entrepreneurs, the approval of this application will address this need.


The approval of the consent use will not harm the character of the area. The existing building already suitable being used in the past for providing various retail services as highlighted earlier in the application. Therefore the exterior of the building will remain unchanged with only the vacant portion of Plot 90 which will be developed.



## 6 CONCLUSION

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We believe that the abovementioned proposed development principles, considerations and guidelines for this Consent use application of Plot 90, Merweville satisfies the applicable legislation. As a result, it is trusted that this consent use application can be finalised successfully.

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**DIRK KOEN Pr. Tech Eng**

**26 September 2023**