

4.5

**ERF 427, 15 CENTRAL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR CONSENT USE: GRAND GAMING WESTERN CAPE (GRANDSLOTS)
ON BEHALF OF ABUREC FENCING CC**

427 KPRB (4830/2024)

H van der Stoep
15 January 2026

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 2 October 2024 from Grand Gaming Western Cape trading as Grandslots on behalf of Aburec Fencing CC on Erf 427, Pringle Bay for a **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a place of entertainment to accommodate five (5) limited payout machines (LPM's).

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 427 is located in Pringle Bay Proper, established in the 1940's. The building plan No 365/02 was approved on 11 September 2002. The approved plan refers to an amended parking layout as per Executive Committee decision, dated 2 April 2002. See Annexure F.

The decision reads that 50% of parking be on site for both Erven 426 and 427 and the Remainder be constructed on the road reserve. The construction of the parking within the road reserve was at the owner's own cost. The owner agreed in a letter dated 7 May 2002 to the terms as per Committee decision 2002. See Annexure G.

4. SUMMARY OF APPLICANT'S MOTIVATION

THE MOTIVATION FOR THE APPLICATION IS AS FOLLOWS:

Characteristics of the property

The property is predominantly a business premises offering various services (business, restaurant, and on-consumption sale of alcoholic beverages). Its character is compatible with the surrounding properties, which ensures that the neighbourhood maintains its business nature by providing a stable and attractive setting for other potential developments in the area.

Surrounding land uses

Most land uses surrounding the property are business premises and are zoned as the subject property. The proposed use is uniform with the general surrounding land uses.

The harmonious mix of local businesses on Central Road enhances the suitability of establishing a place of entertainment in the area.

Municipal services

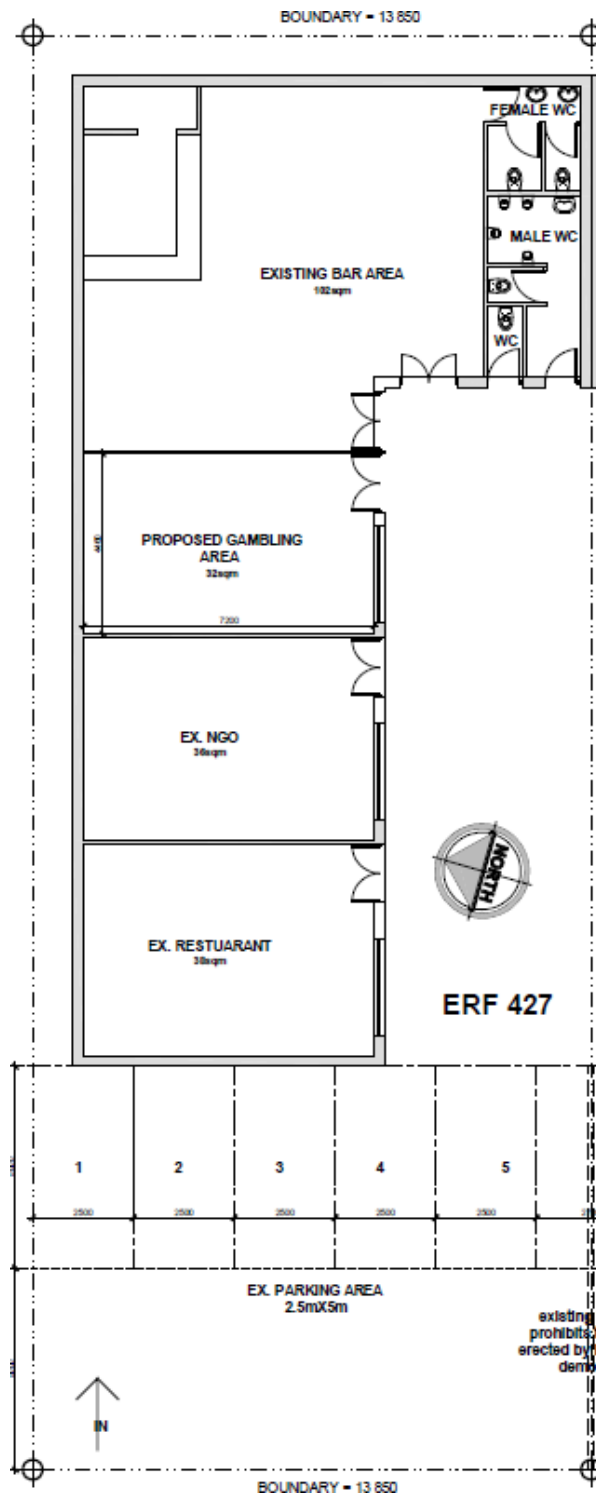
SERVICE	EXISTING INFRASTRUCTURE	PROPOSED APPLICATION IMPACT
Water	Yes	None
Electricity	Yes	None
Sewage	Yes	None
Access and Egress	Yes	None

Title Deed conditions

The attached Title Deed contains no restrictive conditions that would preclude a place of entertainment operating on the property. A Conveyancers Certificate also confirm this.

PROPOSAL

This application proposes that the municipality grants the property permission to operate a place of entertainment on Erf 427 Pringle Bay. The property is currently using its primary use right as a business premises, and this application proposes to use the secondary use right to operate a place of entertainment at the existing restaurant for 5 LPMs with a consent use. The application is of an uncomplicated nature and presents no negative impact on the surrounding properties.



Five (5) existing parking bays are available on-site; customers use extra bays off-street in front of the property. According to the Overstrand Zoning Scheme Regulations (2020), the place of entertainment must provide one parking bay per 4 seats. The proposed use is categorized as a low-impact development as it will be ancillary to the existing restaurant and become entertainment for the existing customers.

The existing provision of parking bays should be sufficient, and no additional parking will be required to support the proposed use. The existing parking bays will continue to mitigate any adverse effects on traffic flow, streetscape aesthetics, or the overall character of the area.

DESIRABILITY

This application is desirable for the proposed location. The property is not abutting residential properties and operates on a street with similar business uses. The proposed 5 LPMs will not impact on the built or natural environment as they will be within an existing business. The total floor space of the venue is 134m². The 5 LPMs will only take up 32m², which will be dedicated to the gaming room. No further development is proposed or required as the area in which the 5 LPMs will be placed does not require any further construction. No additional structures will be added, and no natural vegetation will be removed from the property.

The LPMs will not be visible from the exterior of the property as the area in which the LPMs are installed is enclosed and is monitored by CCTV. The site is an over-18 facility with access monitored at the entrance. All personnel working in the gaming area must be licensed by the Western Cape Gambling and Racing Board and participate in rigorous training for the National Responsibility Gambling program.

APPLICABLE POLICY AND REGULATIONS

Overstrand Municipality Spatial Development Framework, 2020

The subject property and its surroundings are designated on a business node concentrated at one central location to take advantage of the economic synergies created and to offer a sense of identity. This alignment highlights how well the plan fits the region's strategic development objectives and current land use trends. The proposed use will not change the structure or current use of the property, and LPMs will be ancillary to the existing primary business.

PLANNING PRINCIPLES

Section 7 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) lists five development principles to guide any planning development and how it must be evaluated.

The principles are listed as follows:

Spatial Justice

This principle refers to the imbalances in spatial development which need to be addressed. The proposal will allow the property owner to use the current structure per the applicable zoning rights and provide employment, leisure, and entertainment options to the existing business premises. This secures employment for the current staff, contributes towards their socioeconomic standing, and may allow them access to housing and land opportunities. The proposal will also provide for the continued utilization of the property for economic purposes.

Spatial sustainability

The property is zoned for business use; thus, the proposed use right for the facility will continue contributing to the financial sustainability of the business and allow for the continued operation thereof for the property.

Efficiency

The proposal promotes optimal use of space on the business premises to cater to its customers within the service capacity limits of the property.

Spatial resilience

Spatial resilience refers to drafting flexible spatial plans and policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer economic and environmental shock. This proposal promotes resilience for the use of the property.

Good administration

The proposal is consultative as the municipality's town planning department will advertise the proposal to the public to allow for comments that are also considered. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes stipulated by the Overstrand Municipality's Amended By-law on Municipal Land Use Planning.

MOTIVATION SUMMARY

- The proposed consent use application will not have a negative impact on the property.
- The use will be in uniform with the surrounding land uses.
- There is parking provision made available on-site.
- The application is submitted for use rights per the applicable policy and legislation.
- No new structures or additions to the existing building envelope are being proposed.
- There will be no impact on engineering services.
- No additional floor space is applied for.
- The building is adequately serviced.
- The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the proposed land use application.
- There are no adverse impacts envisaged through the approval of the applications.
- Allowing the proposal for the subject property diversifies the land uses on the subject property and allows the owners to generate additional income that would be re- invested in the area.
- The facility's continued operation will allow the owner to continue maintaining the property and its current security measures, thus improving its safety and security.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	3 April 2025	9 May 2025
Email notices & site notice	Yes	3 April 2025	9 May 2025

Internal departments	Yes	3 April 2025	9 May 2025
Ward Councillor	Yes	3 April 2025	9 May 2025
Total comments	17		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Fire Department	16/04/2025	No objection subject to compliance with the provisions of SANS 10400-A, 10400-T:2024 and the By-Law relating to fire safety.
Building Control	03/04/2025	No objection.
Engineering Services	14/04/2025	See Annexure I.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION AND THE MUNICIPAL TOWN PLANNER'S RESPONSE THEREON

The application was duly advertised in the local newspaper. Notices were e-mailed to surrounding residents in the area and the Pringle Bay Ratepayers Association. A notice board was also placed on-site by the consultant.

Seventeen (17) letters of objection were received during the public participation process. See list below. The applicant was provided with an opportunity to respond to the objections. See Annexures D and E respectively.

LIST OF OBJECTORS			
1	<i>J du Preez</i>	11	<i>K Lewis</i>
2	<i>Tessa du Preez</i>	12	<i>Dr Martella du Preez</i>
3	<i>E Strydom & C Louw</i>	13	<i>J Foxcroft</i>
4	<i>Dr AASM Nas</i>	14	<i>J Griss</i>
5	<i>M Kotze</i>	15	<i>D Peers</i>
6	<i>M & SB Schalit</i>	16	<i>L Shepherd</i>
7	<i>D Myburgh</i>	17	<i>Pringle Bay Ratepayers Association</i>
8	<i>H Milson</i>		
9	<i>M Meiring Chairperson KidsCan</i>		
10	<i>Drakenzicht Investments (Pty) Ltd (JP & SJ Burger)</i>		

The objections, the applicant's reply and the Municipal Town Planners response thereon can be summarized as follows:

 **OBJECTOR – PRINGLE BAY RATEPAYERS ASSOCIATION**

Kindly note that the points of objection will be dealt with in the same numerical order as submitted by the objector.

PART A:5.1: Application – parking

Paragraph 3 of the Motivation Report states: “The existing provision of parking bays should be sufficient, and no additional parking will be required to support the proposed use. The existing parking bays will continue to mitigate any adverse effects on traffic flow, streetscape aesthetics, or the overall character of the area.”

Schedule 2 of the Overstrand Municipality Land Use Scheme 2020 bylaw: Chapter 17: Parking, Loading and Infrastructure states the following:

- *Place of assembly/entertainment/funeral parlour: One bay per four seats*
- *Shops/restaurants: Four bays per 100m² GLA*

Referring to the Motivation Report, page 5 of 8, the Restaurant/shops area amounts to 36 + 38m² = 74m², thus requiring 3 parking bays.

The proposed five (5) Slot Machines will apparently require 2 parking bays, leaving zero (nil) parking bays for allocation to the remainder of the facility, namely the pub.

We submit that currently the pub area's seating makes provision for at least 77 seats, which would equate to a requirement of approximately 19 parking bays (indications are, including outside seating, that the number of seats could be as high as 114 seats which would be a requirement of 29 parking bays only for the pub).

We submit that the applicant is presenting a misleading statement. According to our calculations above, the parking provision is wholly inadequate. The applicant's statement that with 5 parking bays: “... parking bays should be sufficient, and no additional parking will be required ...”, is in our opinion a misrepresentation of the extent of parking required. We submit that it is enough reason for the OM to question whether the applicant has sufficiently brought the relevant parking considerations under the attention of the OM.

The applicant fails to address the requirements for additional personnel as is envisaged in paragraph 4 of the Motivation Report. This would increase the need for parking in addition to the above.

TOWN PLANNER'S RESPONSE

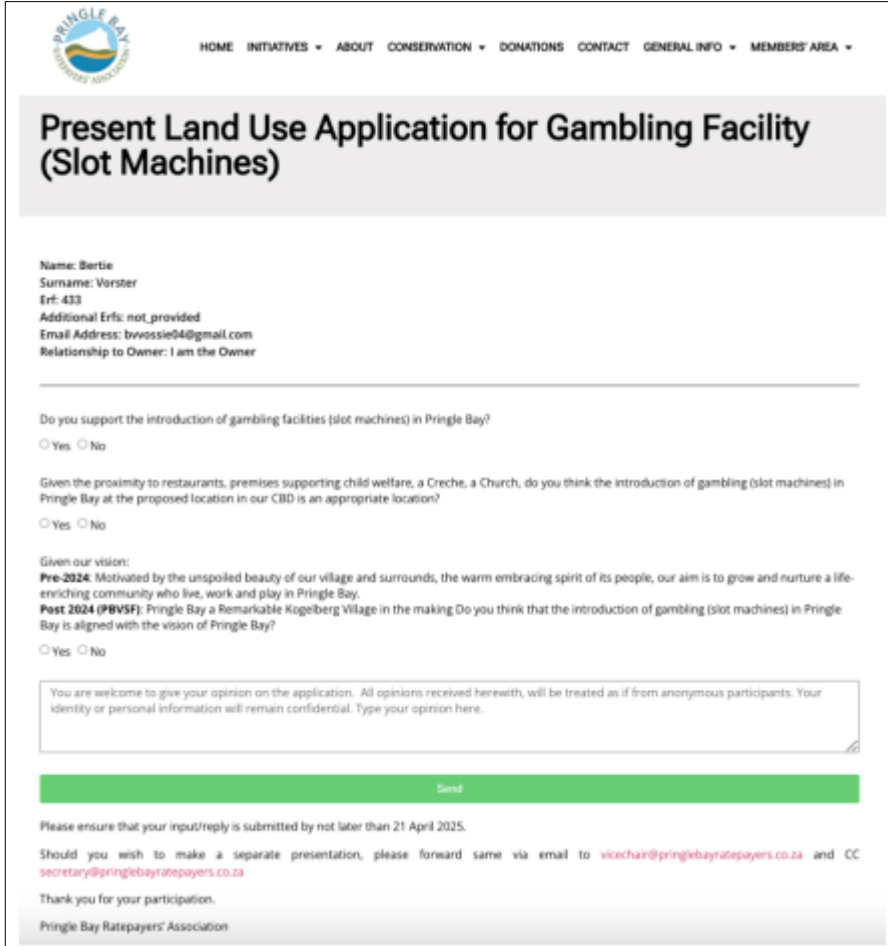
The Ratepayers is incorrect in making use of the parking ratio of seats, the Land Use Scheme clearly indicates that shops and restaurant are dealt with the ratio of GLA. The building plan dated 2002 was approved in terms of the Scheme 8 Regulations and was required to provide 11 parking bays.

The approval of 2002 by the Executive Committee refers to five (5) onsite parking bays and six (6) offsite parking bays, paid and developed by the owner in 2002.

The application is located within the existing building, and the parking ratio was calculated at a ratio of 4/100m² GLA.

 **OBJECTOR – PRINGLE BAY RATEPAYERS ASSOCIATION**

PART B.6 - Community Survey



PRINGLE BAY
RATEPAYERS ASSOCIATION

HOME INITIATIVES ▾ ABOUT CONSERVATION ▾ DONATIONS CONTACT GENERAL INFO ▾ MEMBERS' AREA ▾

Present Land Use Application for Gambling Facility (Slot Machines)

Name: Bertie
Surname: Vorster
Erf: 433
Additional Erfs: not_provided
Email Address: bvossie94@gmail.com
Relationship to Owner: I am the Owner

Do you support the introduction of gambling facilities (slot machines) in Pringle Bay?
 Yes No

Given the proximity to restaurants, premises supporting child welfare, a Creche, a Church, do you think the introduction of gambling (slot machines) in Pringle Bay at the proposed location in our CBD is an appropriate location?
 Yes No

Give our vision:
Pre-2024: Motivated by the unspoiled beauty of our village and surrounds, the warm embracing spirit of its people, our aim is to grow and nurture a life-enriching community who live, work and play in Pringle Bay.
Post 2024 (PBVSF): Pringle Bay a Remarkable Kogelberg Village in the making Do you think that the introduction of gambling (slot machines) in Pringle Bay is aligned with the vision of Pringle Bay?
 Yes No

You are welcome to give your opinion on the application. All opinions received herewith, will be treated as if from anonymous participants. Your identity or personal information will remain confidential. Type your opinion here.

Send

Please ensure that your input/reply is submitted by not later than 21 April 2025.
Should you wish to make a separate presentation, please forward same via email to vicechair@pringlebayratepayers.co.za and CC secretary@pringlebayratepayers.co.za
Thank you for your participation.
Pringle Bay Ratepayers' Association

The outcome of the survey is as follows:

- 699 registered members of the PBRA received the online survey.
- Out of the 699 members in (a) above, 431 showed interest in the survey (opened the survey but didn't complete same – thus 62% interested) while 414 of the 431 completed and submitted the survey (96%).
- The results of the 414 responses, duly completed and verified, are as follows:

Question 1:

Do you support the introduction of gambling facilities (slot machines) in Pringle Bay?

YES: 10
NO: 404

THUS 97.6% of the respondents are against gambling facilities in Pringle Bay.

Question 2:

Given the proximity to restaurants, premises supporting child welfare, a Creche, a Church, do you think the introduction of gambling (slot machines) in Pringle Bay at the proposed location in our CBD is an appropriate location?

YES: 11
NO: 403

THUS 97.3% of the respondents are against the proposed location in the CBD of Pringle Bay.

Question 3:

Given our vision:

- *Pre-2024: Motivated by the unspoiled beauty of our village and surrounds, the warm embracing spirit of its people, our aim is to grow and nurture a life enriching community who live, work and play in Pringle Bay.*
- *Post 2024 (PBVSF): "Pringle Bay, a Remarkable Kogelberg Village in the making"*

Do you think that the introduction of gambling (slot machines) in Pringle Bay is aligned with the vision of Pringle Bay?

YES: 11
NO: 404

THUS 97.6% of the respondents believe that the introduction of gambling facilities is NOT aligned with the Pringle Bay Strategic Vision.

Below are a selected few of the responses that we believe summarise the majority of the responses (paraphrased from the original):

- *"I object absolutely to the application for the above
To my knowledge this is absurd to expose the tranquil town atmosphere
Why must we expose our people to this and think this is the best way to attract more feet to our business hub. To my opinion this will only bring all sorts of elements to our town, which we don't need...So...my vote is strongly against such ventures...!!!"*
- *"Dear Sir. I strongly reject this application. Gambling is seldom a form of entertainment, but rather an expression of financial desperation. It attracts participants who are not needed in Pringle bay, and it attracts staff members who are not wanted by me in Pringle bay. I refer to the Security ' contract issues in Cape Town."*
- *"A big thank you for making residents aware of this inappropriate application and canvassing for the community's opinion. Please can you continue to keep everyone updated as to how/where to Object, especially before the deadline."*
- *"... I am DEAD AGAINST slot machines in general and to be placed in our little peaceful place of paradise ABSOLUTELY NOT ..."*
- *"Dear Fellow Pringlers, Trust this mail finds you well.
Gambling venues are notorious for attracting vices and alike, which is most definitely against the philosophy and vision of a peaceful safe haven, which Pringle Bay is renowned for. I vehemently OBJECT!"*

We submit our conclusion from the survey, that 97% of the respondents are totally against the introduction of gambling activities in Pringle Bay, and also specifically against permitting limited pay-out machines in the CBD of Pringle Bay. It is a loud and clear indication of the contemporary community attitude against the subject application.

TOWN PLANNER'S RESPONSE

The Pringle Bay Rate Payers Association in all its correspondence with the Municipality states that it represents 1800 properties of which 1200 are developed. In the present case it simply stated that 699 registered members of the PBRA received the online survey. One can assume that of the 1800 even only 699 are registered members of the PBRA thus approximately 38% of the town is represented by the Ratepayers Association.

The online survey was sent to 699 registered members of which 431 opened the survey (showed interest), with 414 actual responses, to which the Association allocates a 96% result. This is misleading because this calculation ignores the fact that on the Association's own version 699 members received the survey and that only 414 members responded which then necessarily means that the percentage of those who responded was $414/699 \times 100 = 59\%$ and not 96%.

In dissecting the responses to the survey and to the 3 x questions posed the percentages of those who responded by saying "no" are:

- 1: $404/699 = 57.8\%$ and not $404/414 = 97,58\%$.
- 2: $403/699 = 57,65\%$ and not $403/414 = 97,34\%$.
3. $404/699 = 57,8\%$ and not $404/414 = 97,58\%$.

From the above it seems clear that the Association manipulated its own statistics in a disingenuous manner to bolster its argument that just about every property owner in Pringle Bay opposes the application.

If one takes it further and substitutes 699 with 1200, the outcome is even less in favour of a "no" response:

- 1: $404/1200 = 34\%$.
2. $403/1200 = 33\%$.
3. $404/1200 = 34\%$.

However, of the 58% that has responded, some of the respondents made actual written submissions that will be responded to under the individual objection.

 **OBJECTOR – PRINGLE BAY RATEPAYERS ASSOCIATION**

PART C. 7.3 & 7.4 and D - Legal precedent and Legal conviction

PBRA submits that the consent use of operating a place of entertainment with gambling machines as per the above-stated definition of consent use per the OM scheme regulations is not desirable if compared with COCT because of the corresponding:

- *Socio-economic impact; Questions 2 and 3 of the survey in paragraph 6.3(c) were directed towards gauging the attitude of the Pringle Bay community on the socio-economic impact on Pringle Bay.*

The PBRA submits the results of the survey that the legal conviction or contemporary community attitude of the Pringle Bay community is against permitting a use of place of entertainment with gambling machines.

The PBRA furthermore submits the community attitude (legal conviction) of the Overstrand region in support of our request not to permit a use of place of entertainment with gambling machines. Even though the survey in the Overstrand region was conducted in 2005, we believe that the attitude of the Overstrand rural towns, because of their predominantly village atmospheres, will not have changed in the intervening years.

- *Compatibility with surrounding uses; The CBD of Pringle Bay has been designed as a small business node, suitable for the intimate village atmosphere of a rural coastal town. It is situated in the immediate proximity of the surrounding private residences. We submit that the notion of introducing gambling machines in such surroundings is simply not compatible with the surrounding uses, of not only the rest of the business node itself, but also not of the immediately surrounding residences.*

- *Impact on safety, health and wellbeing of the surrounding community; In: SELECTED RESEARCH FINDINGS, we set out opinions gathered from all over the civilised world that the introduction of gambling machines generally has a detrimental effect on safety, health and wellbeing of communities. We furthermore submit extracts from the leading legal precedents on the obligation on the OM of considering the contemporary community attitude (legal conviction) of the Pringle Bay community in its assessment of the desirability or “wrongfulness” of the proposed use. Legal conviction is applied widely to determine “wrongfulness”.*

In the Wingaardt case the legal conviction of the Jeffreys Bay community is applied to a case of nuisance caused by neighbours in the exercise of their property rights and in the Judd case the legal conviction of the community is applied to whether the municipality should be held liable for injury sustained due to a sidewalk that had not been maintained.

In the present case we submit that the legal conviction of the Pringle Bay community should be applied to determine the desirability of the application.

TOWN PLANNER’S RESPONSE

First and foremost, the erf is located in the Overstrand Municipality and the COCT and has no relevance.

Questions 2 and 3 relating to the Socia economic impact were directed towards gauging the attitude of the Pringle Bay community with regards to the application for 5 LPM. The Association's conclusion that the community of Pringle Bay is against permitting place of entertainment with gambling machines is based on the incorrect statistical analysis as indicated in Town Planners reply on the Community Survey. The reference to the community of Pringle Bay is thus incorrect, since only 58% of the registered members responded on the community survey. If one substitute the 699 registered members with 1200 developed erven as per the Association own admission in all the objection letters who they claim to represent, a dismal representation reflects that only 34% of the community is against the application.

The outcome of a survey done in 2005 is noted, but it was done more than 20 years ago, and the demographic and development of the area has changed substantially.

The research findings are noted, but it speaks to gambling in general and not to five Limited Pay-Out Machines.

The Association makes the statement that "...**the legal conviction...**of the Pringlebay community..." is against the applied-for use. Unfortunately, and keeping in mind that the Association uses the words "Legal precedent" and refers to 2 (two) High Court cases on the subject, the Association's interpretation what "legal conviction of the community" means in a legal context and where and how it finds application, is not correct.

In the first place it applies to the law of delict (deliktereg) which in turn deals with civil wrongs or harms caused by one person to another, and governs the liability and compensation for damages arising from wrongful acts where the "injured party" must prove, on a balance of probabilities, the following elements:

1. conduct (handeling) of the party that caused the harm- the Defendant (Verweerder).
2. wrongfulness (onregmatigheid) which refers to the act or omission that is recognised as such by the legal convictions of the community.
3. fault (skuld) in the form of intent (opset) or negligence (nalatigheid) of the party that caused the harm.
4. causation (kousaliteit) i.e., establishing a causal link between the wrongful conduct and the damages suffered by the injured party – the Plaintiff (Eiser). (daar moet n kousale verband wees tussen die handeling en die ingetrede gevolg).
5. damages (skade) i.e., the harm or loss suffered by the Plaintiff as a result of the wrongful conduct of the Defendant.

In the matter:

Alix Carmichele

And

The Minister of Safety and Security and Another

Case CCT 48/00

It was stated, with reference to *Minister van Polisie v Ewels* 1975 (3) SA 590 (A), liability in delict depends upon proof by a Plaintiff that the Defendant's wrongful conduct caused the harm the complainant complained of, and that these words do not refer to prevailing moral views or popular opinion (my underling) but to the deepest convictions of the community as to the way it should be regulated, as identified and interpreted by its Courts.

In South Africa the most important embodiment of the legal convictions of the community has been the Constitution of SA. The determinant of wrongfulness of an act or an omission, "...die regsoortuiging van die gemeenskap" is the legal convictions of the community. The "legal convictions of a community" do not refer to prevailing moral views or popular opinion. The correct judicial enquiry into the "legal convictions of the community" requires an analysis of whether, how and to what extent the Constitution requires that the conduct at issue in a particular case be regarded as wrongful.

The principle, i.e., "legal convictions of the community" was authoritatively argued and confirmed in the cases cited by the Association and many other cases, the problem being that the Association did/does not realise or know that its understanding of the principle was/is misguided and legally incorrect, in other words the "survey" and its outcome, being the "popular opinion" of the Pringle Bay community, means nothing and finds no application vis-à-vis the "legal convictions of the community" as the Applicant has not committed a delict.

The Association's arguments with regard to "Legal Precedent" in Parts C and D and the relevance of the Association's reference to the Wingardt and Judd cases and the Association's conclusion:

"In the present case we submit that the legal conviction of the Pringle Bay community should be applied to determine the desirability of the application" should be rejected on the grounds that the legal meaning and import have been misconstrued.

OBJECTOR – PRINGLE BAY RATEPAYERS ASSOCIATION

PART D - Legal conviction

We reference:

"SOCIO-ECONOMIC IMPACT ASSESSMENT of the Potential Rolling Out of LIMITED PAYOUT MACHINES in the PROVINCE OF THE WESTERN CAPE"

A Study commissioned by the WESTERN CAPE RACING & GAMBLING BOARD and Compiled by FADTRU, Finance, Development Training & Research Unit, Department of Economics, UNIVERSITY OF THE WESTERN CAPE. December 2005.

The study report is attached hereto as "LPM Overarching Report December 2005 Revised colour charts 13 April 2006.pdf"

The finding related to the Overberg District, which is of relevance to the subject application, is the following:

"Respondents' Acceptance of the Installation of a LPM in Neighbourhood under Regulated and Controlled Conditions:

Overstrand: 67% No 17% Yes”

TOWN PLANNER’S RESPONSE

The study of 2005 is noted; however, the area of study has transformed in the last 20 years in terms of population demographics, technology and activities. The relevance of the findings is outdated.

OBJECTOR – PRINGLE BAY RATEPAYERS ASSOCIATION

PART E.9 - Research Reports

We wish to list the following research reports, which we consider relevant and which we believe the OM Planning Tribunal should take into consideration when evaluation the subject application:

a) Early impacts of limited stakes casino gambling on rural community life (Patrick T Long):

“Owing to the potential windfall profits of casino gambling, rural communities throughout the United States are considering gambling tourism as a means to revitalize failing economies. The communities of Deadwood, South Dakota, and Black Hawk, Central City and Cripple Creek, Colorado, have implemented one form of casino gambling, limited stakes, with varying degrees of success. It is clear from the early experience of these communities that gambling can spawn terrific windfalls — and generate tremendous costs. Thus, public officials, casino owners and managers, community leaders and residents must all understand the issues communities face in making the transition to a gambling economy and plan accordingly. An unbridled move to a gambling economy causes tremendous change and the need for dramatic adjustment in the lives of community residents. Early indications are that planning is essential at the community, state and gambling industry level. Determining appropriate scale, assessing current and future competition, and identifying who should benefit must be an integral part of this planning effort.”

b) The impact of gambling on rural communities worldwide: A narrative literature review. (By Tolchard, Barry: Journal of Rural Mental Health, Vol 39(2), Apr 2015, 90-107)

“Gambling has become a popular activity in both urban and rural settings. Although the prevalence and participation of gambling is well known, little has been reported regarding the impacts of gambling on rural communities. Therefore, a narrative literature review approach was adopted to examine what is known regarding gambling in rural communities. This article describes the prevalence and types of gambling that are popular in rural communities around the world. It identifies the benefits and highlights the potential harm caused by a person’s gambling and the impact this has on families and the wider rural community. There are both benefits and risks associated with increased availability of gambling opportunities. Specific vulnerable groups within rural populations are identified within this context and how different countries respond to rural gambling is explored. A number of strategies based on a public health approach are recommended to ensure that gambling remains as harmless an activity as possible in rural communities. (PsycINFO Database Record (c) 2016 APA, all rights reserved)”

c) *Supplying Slot Machines to the Poor (by: Melisa Bubonya, David P. Byrne: First published: 23 October 2019*

“As gambling becomes increasingly accessible worldwide, governments face an important policy question: how should they exploit the industry's growth to raise tax revenue while protecting individuals from the detrimental effects of gambling? Using data on slot machines from the largest per capita gambling market in the world, Australia, we estimate a structural oligopoly model to (i) quantify firms' incentives to make gambling accessible among socioeconomically disadvantaged groups and (ii) evaluate the effect of government policy (tax levies, supply caps, and venue smoking bans) on the distribution of slot machine supply, tax revenue, and problem gambling prevalence.”

d) *From problem gambling to crime? Findings from the Finnish National Police Information System (By: Kalle Lind, Juha Kääriäinen,¹ & SannaMari Kuoppamäki¹ (1Police University College of Finland, Tampere, Finland)*

“In previous studies, problem gambling was found to have many adverse consequences, including crime. However, links between crime and problem gambling have been studied relatively little; To fill this gap, we collected problem gambling-related police reports from the Finnish National Police Information System. Fifty-five problem gambling-related crime incidents reported to the police 2011 in Finland were subjected to qualitative analysis. The role of problem gambling, as self-identified by the gamblers themselves, was examined as highlighted in different crime reports: what common features did the gamblers share, and what were the possible causal mechanisms between problem gambling and crime? The data consisted of text documents produced by the police, specifically crime reports and preliminary investigation documents. Collected documents were coded using Weft ODA and SPSS, Grounded theory approach was applied. The majority of the cases were non-violent property crimes, committed at home or at the workplace. We determined that problem gambling, through financial difficulties, does indeed lead to crime.”

e) *Gambling Regulatory: Slot ban in small towns: A legal measure? (June 2024, By Ana-Maria Baciu and Andrei Cosma)*

“The above title summarizes the recent legislative change affecting the land-based gambling industry through the adoption of Law 107/2024. This law, among other amendments, also introduces a new authorization condition for slot machines, namely that the proposed premise must be located in a locality “with a population greater than 15,000 inhabitants”.

TOWN PLANNER'S RESPONSE

The research literature is duly noted. The main focus of these studies relates to North America, Scandinavia and Australia

(a) *The first study*, dated in 1996 has relevance to North America. An abstract of the paper was referenced; however, the study specifically focusses on the transition to a gambling economy.

The present application does not relate to a transition of the local economy.

(b) *The second study* dated 2015 has the following remarks in the abstract of the paper: There are both benefits and risks associated with increased availability of

gambling opportunities. Specific vulnerable groups within rural populations are identified within this context and how different countries respond to rural gambling is explored. A number of strategies based on a public health approach are recommended to ensure that gambling remains as harmless an activity as possible in rural communities.

The study refers to vulnerable groups within rural populations within this context – again the objector has taken the abstract of the document with no discussion on the context and how it relates to Pringle Bay.

(c) *The third study* dated 2019 has relevance to Australia, Victoria specifically. *The paper focusses on the availability of slot machines in poor areas.*

The study reference poor areas. It is not known how Pringle Bay is seen as a poor area since the objector did not elaborate on the methodology and or findings and the relation to Pringle Bay.

(d) *The fourth study*, dated 2015 – Finland

The study took criminal cases to determine problem gambling behaviour in relation to crime. This study has determined the following. Avoidance of problem-gambling related criminal behaviour is dependent on prevention of the financial chaos that gambling can produce. The financially desperate gambler was a motivated offender. Adequate and easy access to problem gambling support groups could therefore aid the reduction of problem gambling-related criminality. The findings were that problem gambling does indeed leads to the crime.

The study used existing criminal cases within the Scandinavian context, and it is uncertain how it relates to criminal cases and findings in South Africa or Western Cape.

(e) *The fifth study*, dated 2014 – Romania

The study reflects on law passed in Romania to limit slot machines to areas with a population more than 15 000 people. This regulation does not include other gambling operations such as betting or lotto agencies. The article was based on the validity of such a regulation, and the conclusion were as follows: The gambling industry has seen so many sudden legislative changes that it became naive to claim predictability and transparency. But, when the political will is to modify a law in a non-transparent and “fast forward” manner, the law becomes inherently more flawed and fuller of vices that can be exploited through legal approaches.

The paper is a discussion of the legality or implication of the regulation, not the research done by Romania Government, thus methodology used and findings to arrive at the number of 15 000 people cut off for the provision of slot machines is not clear.

In conclusion, the research papers are noted, and due cognisance is taken of the implication of gambling findings in other parts of the world.

 **OBJECTOR – JD DU PREEZ, T DU PREEZ & M DU PREEZ**

Reasons for objecting against the application

It is in this regard pointed out that it is an undisputed fact that gambling, as in the instance of the use of recreational drugs and alcohol, may be habit forming and may therefore act as catalyst for other behaviour that may be considered undesirable to other persons. The validity of this statement is supported by the responsible gambling health warnings and compulsory gambling health messaging imposed on all advertising of gambling in any medium and in all provinces. Licensees are required to have health warnings displayed at their premises and to provide information to players about problem gambling and the resources available to them in this regard. Certain rules are in place in land-based casinos, which, for example, preclude ATM's being visible from casino floors.

As is referred to above, objection is not raised against the act of gambling per se, but to the possible impact any undesirable behaviour referred to above may have on the vicinity of the place of gambling, in this instance, "the property", as well as the people within that vicinity at that point in time.

To appreciate whether it is in fact relevant to be concerned about the use of the word vicinity, it is pointed out that 100% of the Pringle Bay business hub is located within a 120m radius of "the property" This is clearly depicted on the attached illustration marked Annexure A : Circle indicating 120m Radius from "The Property".

The Pringle Bay business hub is comprised of various restaurants, shops, take-away facilities, general stores, cafe's and an Off-sales liquor store and is actively frequented by members of the community as well as visitors to the village. This area becomes a hive of activity particularly during weekends and holidays and the availability of parking becomes a cause for concern. The issue relating to parking is specifically dealt with hereunder.

Further to the concern expressed against the possible impact the act of gambling and more specific the behavioural changes it may give rise to, may have on the people in the vicinity of "the property", as well as on the area itself, attention is directed to the fact that both a Church as well as a Creche is located in near proximity to "the property".

The Church is located on Erf 397, a distance of 59.17m from "the property"
The Creche is located on Erf 425, a distance of 15.6m from "the property"

The proximity of the Church and the Creche to "the property" is clearly depicted on Annexures "D" and "E" respectively.

Regard must be had with the impact the gambling activity may have on these two institutions.

Parking

The applicant has stated that whilst the Overstrand Zoning Scheme Regulations require, in respect of a place of entertainment, the provision of one parking bay per 4 seats, 5 parking bays are currently available on-site and customers use extra bays off-street in front of the property. The applicant further categorize the proposed use as a

low-impact development as it will be ancillary to the existing restaurant and become entertainment for the existing customers.

The applicant therefore assumes that the existing provision of 5 parking bays should be sufficient with no requirement for additional parking.

In view of the above response of the applicant, the following concern vis a vis maintaining the status quo of the parking provision is highlighted:

Current facilities and parking provision

5 Parking bays available for the customers of:

- *Restaurant (38m²)*
- *NGO (36m²)*
- *Bar (102m²)*

Proposed facilities and parking provision

5 Parking bays available for the customers of:

- *Restaurant (38m²)*
- *NGO (36m²)*
- *Bar (102m²)*
- *Place of entertainment: 5 Limited Payout Machines*

*In order to appreciate the concern that maintaining the status quo in respect of parking whilst increasing the provision of facilities in the form of 5 limited payout machines, attention is directed to the attached illustration marked **Annexure “F” Parking Availability Erf 427**.*

The image clearly illustrates that a maximum of 5 parking bays are accommodated on “the property”. Although the applicant in this regard states that customers “use extra bays off-street in front of the property” this is actually not possible and therefore not accurate.

*Kindly refer to **Annexure “F” Parking Availability Erf 427** as well as **Annexure “G” Off-Street Parking Availability Erf 427**.*

Both annexures clearly indicate that the on-site parking availability is effectively restricted to 5 bays and that there are actually no “off-street” or “on-street” demarcated or physically available parking bays.

It is accepted that customers currently do park “off-street” due to the currently unavailability of adequate on-site parking provision, and it is clear that such parking must be regarded as illegal and dangerous, or at the very least risky as far as potential damages are concerned. This further endorses the concern expressed in respect of the provision of inadequate parking facilities.

TOWN PLANNER’S RESPONSE

Reasons for objecting against the application:

In terms of Part A of Schedule 4 of the SA Constitution the Functional Areas of Concurrent Legislative Competence are those of the National and Provincial

governments and not Local Government, so it is probably safe to say that the Applicant will ensure to comply with the provisions of the relevant acts and regulations and also applicable municipal by-laws regarding “gambling” in as much as the off-sales liquor store owner in Pringle Bay probably complies with the relevant acts and by-laws.

The sanctions for non-compliance may be severe as is evident from the provisions of section 83: Penalties, of the National Gambling Act No 7 of 2004.

As to the possible impact the gambling will or may have on the church and the creche is difficult to determine where the activity has not commenced which means that any opinion will be speculative and therefore of no consequence. Be that as it may, the liquor store which is also in the vicinity hasn’t had any negative effects as far as we know.

Parking

The parking arrangement of Erf 427 is problematic. It should be noted that a building plan dated 2002 does not correspond with the changes made as indicated on the plan submitted with the application. The Executive Committee in 2002 indicated that 11 parking bays are required with 5 parking bays onsite and 6 parking bays off and that the latter needs to pay for and constructed by the owner of the property in 2002. The approval was not executed.

The parking as determined in 2002 of 11 parking bays, which does not include the additional outdoor seating and braai facility presently visible on site.

OBJECTOR – E STRYDOM & C LOUW

- *The objection is on moral grounds – the social ills associated with gambling, which would not be beneficial for the community.*
- *At present, the parking is used for tenants and employees with not sufficient parking for customers.*

TOWN PLANNER’S RESPONSE

- The objection based on moral grounds carries no legal weight because what is moral/amoral to one person is not necessarily moral/amoral to another. Not every person who gambles is necessarily amoral.

The reference to “...the social ills associated with gambling...” is furthermore a (legally) bald statement, in other words is unsubstantiated by facts. If social ills are of such a concern, the Bottle Store should be of primary concern to the community of Pringle Bay. The misuse of alcohol is more detrimental to a community and family fabric than gambling addiction.

- Noted, the parking requirements will be addressed in the evaluation of the application.

OBJECTOR – DR AASM NAS

- *The slot machines will attract a gambling crowd to a small village - not in line with locality within a biosphere.*

- *A creche in close proximity – not conducive for children in close proximity of gambling.*
- *Gambling needs money – once addicted it creates a need that can lead to petty crime.*
- *It will lower standards – it is located adjacent to an upmarket restaurant, and the gambling machines can attract the wrong crowd which definitely will have an influence on the shared building.*

TOWN PLANNER'S RESPONSE

- The objector indicates that the slot machines will attract a gambling crowd to the town. The statement is unsubstantiated since no proof of this was submitted with the objection. It should be noted that slot machines in such a small town do not necessarily attract a gambling crowd due to distances in this case between towns. Pringle Bay is a popular destination especially during the holidays and many visitors visit the town to enjoy the scenery and the business hub with its eateries. The objector does not however consider these visitors a "crowd" and thus by implication, unfairly concludes that a "gambling crowd" is unruly, rowdy and unsavoury. In the same breath he does not mention the bottle store in close proximity and its possible effect in or on the biosphere.
- The objector does mention the possible effect of gambling on the children of the nearby creche; however, the machines will be located inside the building with an age restriction and managed in terms of the relevant legislation where children are not allowed. The impact of a gambling establishment will have very little to no effect on the children.
- The statements of petty crime and lower standards in Pringle Bay is unsubstantiated since no empirical data has been submitted to validate the statements.
- The LPM will lower the standards and can attract the wrong crowd which will definitely have an impact on the shared building is unsubstantiated, no proof in this regard has been submitted.

OBJECTOR – M KOTZE

"Geen bewyse dat dobbelaars geld maak nie, maar wel die een wat dit daar stel."

TOWN PLANNER'S RESPONSE

Noted, however in a free market economy, business is all about profit. The statement reflects on all business owners in Pringle Bay.

OBJECTOR – SB & M SCHALIT

***Disrupting our Community Character:** Pringle Bay is known for and characterized by its tranquil atmosphere and natural beauty, attracting visitors and residents who value the peace and quiet. The establishment of a gaming outlet and/or the introduction of slot machines would significantly alter the character of our village, adding incongruent elements to the serene environment.*

Concern for the Environment: *Our village is part of a UNESCO biosphere reserve, which emphasizes the importance of preserving natural habitats and promoting sustainable development. The proposed gaming outlet does not align with these principles and could lead to increased foot traffic and potential environmental degradation.*

Social Impact: *Research results in South Africa and around the world overwhelmingly, and rather disturbingly, indicate that gambling establishments inevitably lead to various social issues, including addiction and financial distress. The presence of slot machines attracts undesirable behaviour which will negatively affect the well-being of our community members.*

Economic Impact: *While the application disingenuously suggests that the gaming outlet will generate additional income, this is a short-term, cynical, commercially exploitative argument that is totally insensitive to its surroundings and future consequences. It is essential to consider the long-term economic implications – the potential for increased crime and social problems could deter tourists and harm local businesses that rely on the village's reputation as a peaceful retreat.*

Incompatibility with Surrounding Land Uses: *Although the property is zoned for business use, the specific nature of a gaming outlet is not compatible with the existing businesses and residential areas. The introduction of gambling activities would seriously disrupt the harmony and cohesiveness of the local business environment.*

TOWN PLANNER'S RESPONSE

Disrupting our Community Character

It is unclear how the slot machines located within an existing building will alter the character of Pringle Bay. A few gamblers will not be able to alter the established character and ambiance of the whole town.

The distances between the towns will not attract a gambling crowd as indicated by the previous objector due to the fact that the surrounding towns have LPM's and the so-called gambling crowd will most probably be the visitors and/or the residents of Pringle Bay. The possibility of disrupting the community character may stem from the community itself.

Concern for the Environment

The erf is situated in the CBD of Pringle Bay the application is located within an existing building, zoned for business purposes. The principle of preserving natural habitats and promoting sustainable development is thus adhered to. It is unclear how increase in possible foot traffic and an existing building can be to the detriment of the environment.

Social Impact

The objection makes reference to Research results, however none for attached or referenced.

Economic Impact

The application clearly stipulated the business which is applied for and by implication is based on economic profit. The statement that the business will be commercially exploitative and will automatically be applicable to all businesses within Pringle Bay, which is based on profit and is thus commercially exploitative, is a bald and unsubstantiated conclusion.

Incompatibility with Surrounding Land Uses

The objector is correct that the business is located on an erf zoned for business purposes. The incompatibility with the surrounding land uses is not clear, since the CBD of Pringle Bay has been created to accommodate business activities and the only place where such an activity can be accommodated.

 **OBJECTOR – D MYBURGH**

- *Pringle Bay is a village within the biosphere and not a suitable location for a gambling establishment.*
- *Close proximity of the nursery school.*
- *Noise factor will have an impact on people living in the village - geological amphitheatre.*
- *Hours of operation, traffic increase and behaviour of patrons.*

TOWN PLANNER'S RESPONSE

- Objection is noted and the first two bullet points have been addressed above.
- With regard to noise pollution, this aspect is dealt with in terms of the Western Cape Noise Control Regulations, i.e.

“noise nuisance” means any sound which impairs or may impair the convenience or peace of a reasonable person.” This is determined in terms of our Common law as analysed and explained by our High Courts, i.e. case law, and is not as simple as it sounds (no pun intended...)

and

“disturbing noise” means a noise, excluding the unamplified human voice, which-

- a. exceeds the rating level by 7 dBA.
- b. exceeds the residual noise level where the residual noise level is higher than the rating level.
- c. exceeds the residual noise level by 3 dBA where the residual noise level is lower than the rating level, or
- d. in the case of a low-frequency noise, exceeds the level specified in Annex B of SANS 10103.”

and

“noise sensitive activity” means any activity that could be negatively impacted by noise, including residential, healthcare, educational or religious activities.”

The statement that the “Noise factor will have an impact on people living in the village...” is a statement that is absolutely without substance and merit. The activity has not commenced and therefore the noise factor cannot be determined at present.

The statement is without merit and cannot be considered.

 **OBJECTOR – H MILLSON**

There is childcare business adjacent to the property, and if the machines are operating during the day, it will impact on the quality of care we are able to offer.

As it is the Head Office Pub creates a disturbance during operating hours, and the slot machines will and the influence of gambling on our youth can only be disastrous.

TOWN PLANNER’S RESPONSE

The objections are noted, but since the activity is not operational, a noise assessment is not possible. With regard to the Head Office Pub disturbance, the Municipality has no evidence or complaints in this regard.

 **OBJECTOR – K MEIRING (KIDSCAN)**

The After-School Care and Learning Centre have a charity shop in Pringle Bay in the walkway between the HQ Pub and Dutch Restaurant and is managed by lady volunteers of senior age. Many of our customers bring their children when they visit the shop. The shop is cash based and fairly large amount of cash on hand. The concern is that should the gambling facility be allowed, the counters can become potentially targets for some gambling clientele and can create an unsafe environment for volunteers and customers.

TOWN PLANNER’S RESPONSE

It is unclear why the gambling clientele are deemed possible criminals? It is unfounded and irresponsible to target the specific group and the objection is rejected.

 **OBJECTOR – DRAKENZICHT INVESTMENTS (PTY)**

Negative Social and Economic Impact

Research has consistently shown that gambling establishments can have serious social and economic consequences, particularly in small towns where strong community ties exist. Please refer to the last page for a list of studies and sources on the social and economic impacts of gambling in South Africa.

Potential negative consequences include:

- *Increased financial hardship among vulnerable individuals, leading to excessive debt, economic instability, and family distress. Studies show that small-scale gambling venues often attract local residents rather than tourists, increasing the risk of financial harm within the community*

- *Higher crime rates, including fraud, theft, and illegal gambling-related activities, as financial desperation among problem gamblers can lead to criminal behaviour. Additionally, gambling establishments have been linked to increased petty crime and organized illegal betting operations.*
- *A shift in tourism dynamics, as the presence of a gambling facility may deter families and eco-conscious visitors - who currently form the backbone of Pringle Bay's tourism - while attracting clientele that does not align with the town's identity.*
- *Depreciation of property values, as gambling establishments often contribute to urban decline rather than economic upliftment. Homebuyers and investors tend to avoid areas with gambling facilities, fearing an increase in crime, noise, and social issues.*
- *Increased alcohol abuse and psychological distress, as problem gambling is often linked to higher rates of substance abuse, anxiety, depression, and even suicide. The introduction of gambling in small communities has been shown to exacerbate these mental health challenges.*
- *A rise in unregulated gambling activities, as small-scale legal gambling venues can inadvertently contribute to the growth of informal and illegal betting operations, making regulation and enforcement more difficult.*
- *Community fragmentation, as problem gambling leads to social isolation, family breakdowns, and workplace instability. Small towns thrive on strong community bonds, and the introduction of gambling threatens this cohesion.*
- *Strain on local law enforcement and social services, as gambling-related social issues, such as financial disputes, domestic problems, and addiction-related crime, place additional burdens on already limited municipal resources.*
- *Long-term economic instability, as studies have shown that while gambling establishments generate revenue for their owners, they often do so at the expense of community, leading to economic stagnation rather than growth.*

Given these significant risks, it is clear that introducing a gambling facility in Pringle Bay would have far-reaching negative consequences, outweighing any potential financial benefits claimed by the applicant.

The argument that the business would generate additional income that could be reinvested in the area is misleading. While the business owner may profit, the overall effect on the town's economy could be harmful, particularly if families and eco-tourists - who support local businesses - begin to avoid the area.

Traffic, Noise, and Infrastructure Strain

Pringle Bay has limited infrastructure, with narrow roads, minimal parking, and a general lack of large commercial facilities. Even though the Application is "only" for five electronic or mechanical gambling machines – it could still have the following effect:

- *Increase traffic congestion on Central Road, particularly with visitors coming from outside town.*
- *Result in late-night noise disturbances, as gambling establishments often operate beyond regular business hours.*

Detailed Rebuttal to Applicant's Motivation Summary

The applicant has provided several points in support of the proposed gambling venue. We systematically refute each claim below:

Applicant's Claim	Counter-Argument
<i>The proposed consent use application will not have a negative impact on the property.</i>	<i>A gambling venue fundamentally alters the character of a property, attracting a different clientele and potentially lowering surrounding property values. The stigma associated with gambling establishments can deter future buyers and investors who prefer Pringle Bay's peaceful, family-friendly atmosphere.</i>
<i>The use will be in uniform with the surrounding land uses.</i>	<i>Pringle Bay does not have any gambling establishments, making this proposal completely out of character. Surrounding businesses focus on eco-tourism, dining, and artisanal trades - none of which align with a gaming facility.</i>
<i>There is parking provision made available on-site.</i>	<i>Even if parking is provided on-site, increased traffic from out-of-town visitors could lead to congestion on Central Road. Pringle Bay has limited infrastructure, and additional vehicle movement could disrupt the flow of the town, particularly during peak holiday seasons.</i>
<i>The application is submitted for use rights per the applicable policy and legislation.</i>	<i>Just because an application follows procedural requirements does not mean it is appropriate for the location. Zoning and policy frameworks should consider community needs and town character, both of which this proposal disregards.</i>
<i>No new structures or additions to the existing building envelope are being proposed.</i>	<i>While no physical changes may be planned, the nature of the business is a significant shift. The type of activity within a building impacts the surrounding environment just as much as structural changes do.</i>
<i>There will be no impact on engineering services.</i>	<i>This claim ignores potential indirect effects such as increased water and electricity consumption, especially if the facility operates late into the night. Additionally, an increase in visitors may put pressure on local waste management.</i>
<i>No additional floor space is applied for.</i>	<i>Again, the issue is not physical expansion but the function of the space. A gambling venue attracts a different demographic and introduces risks that impact the town's social fabric and economy.</i>
<i>The building is adequately serviced.</i>	<i>Having the necessary services does not justify an inappropriate land use. Adequate servicing is expected of any property, but it does not override community concerns.</i>
<i>The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the proposed land use application.</i>	<i>The issue is not only about the physical look of the area but also the atmosphere and social impact. A gambling venue attracts clientele and behaviours that do not align with the town's relaxed, family-friendly setting.</i>
<i>There are no adverse impacts envisaged through the approval of the applications.</i>	<i>This is purely speculative. Gambling establishments in small towns have historically led to increased crime, financial distress among residents, and a shift in the community's social dynamics. Once such a venue is introduced, the damage is often irreversible.</i>

<i>Allowing the proposal for the subject property diversifies the land uses on the subject property and allows the owners to generate additional income that would be re-invested in the area.</i>	<i>Economic benefits should never come at the cost of community well-being. Diversification should align with the town's values - eco-tourism and sustainable small businesses, not gambling. If the owner needs additional income, there are many other community-friendly business models that could be pursued instead.</i>
<i>The facility's continued operation will allow the owner to continue maintaining the property and its current security measures, thus improving its safety and security.</i>	<i>There is no evidence that a gambling venue improves security. In fact, gambling establishments are known to attract crime (theft, fraud, and even violent incidents). Security concerns should not be used as leverage to justify inappropriate land use.</i>

Conclusion

Pringle Bay is a special place known for its natural beauty, tranquillity, and small-town charm. It draws people not only for its stunning landscapes but also for its commitment to preserving the environment. This community values its connection to nature, and the proposed development of a gaming establishment would disrupt this delicate balance.

Pringle Bay lies within the Kogelberg Biosphere Reserve, an internationally recognized conservation area that is home to several endangered and endemic species, such as the critically endangered Micro Frog, the rare Marsh Rose, and the Kogelberg Freshwater Crab. These species depend on the pristine environment for survival, and the introduction of a commercial venture like a gaming facility poses a serious threat to their habitats. Increased human activity and tourism, especially from visitors who may not be mindful of the local environment, could lead to the degradation of these ecosystems. Given the area's invaluable biodiversity, allowing this application would jeopardize both the preservation of these species and the long-term sustainability of Pringle Bay as a protected biosphere.

In order to protect the unique character, safety, economic sustainability and environment of Pringle Bay, we strongly urge the relevant authorities to reject this application.

A LIST OF SUPPORTING REFERENCES AND SOURCES**RELEVANT STUDIES ON THE SOCIAL AND ECONOMIC IMPACTS OF GAMBLING IN SOUTH AFRICA**

These studies provide insights into the potential social and economic impacts of introducing gambling facilities into small communities like Pringle Bay, highlighting risks such as increased problem gambling, associated mental health issues, and economic sustainability concerns.

- | | | |
|---------|---|--|
| 2023 | : | "Evaluating the Sustainability of South Africa's Gambling Industry" |
| Source | : | Doctoral thesis, Durban University of Technology. |
| Access | : | Accessible via DUT Open Scholar .
(https://openscholar.dut.ac.za/jspui/handle/10321/5332) |
| Summary | : | This thesis investigated the challenges facing South Africa's gambling industry, including declining revenues and the rise of unregulated gambling. It highlighted the need for government intervention and stricter regulation to ensure the industry's sustainability. |
| | | |
| 2016 | : | "Problem Gambling Among Urban and Rural Gamblers in Limpopo Province, South Africa: Associations with Hazardous and Harmful Alcohol Use and Psychological Distress" |
| Source | : | Journal of Gambling Studies. |
| Access | : | Available at PubMed .
(https://pubmed.ncbi.nlm.nih.gov/25631703/) |
| Summary | : | This study surveyed 900 gamblers in Limpopo Province and found that 28.3% were at high risk for problem gambling. High-risk gambling was significantly associated with hazardous alcohol use and psychological distress, with limited awareness of support services, especially in less urbanized areas. |
| | | |
| 2010 | : | "First Evidence of Comorbidity of Problem Gambling and Other Psychiatric Problems in a Representative Urban Sample of South Africa" |
| Source | : | Journal of Gambling Studies. |
| Access | : | Available at PubMed .
(https://pubmed.ncbi.nlm.nih.gov/24927870/) |
| Summary | : | This study found that problem gambling in urban South Africa is comorbid with depression, anxiety, and substance abuse, suggesting that gambling issues are intertwined with other mental health challenges. |

TOWN PLANNER'S RESPONSE**Negative Social and Economic Impact**

The objector uses the word "can", and not "do" which seems to mean that it is not a given that gambling establishments per se necessarily and in general lead to the negative consequences raised.

The potential consequences mentioned in the objection are noted. It is a generalisation of possible risks associated with gambling establishments; however, no such proof has been submitted to its relevance to Pringle Bay

The argument that the overall effect on the town's economy could be harmful to families and eco-tourists is vague, since it may be the visitors that actually will support the gambling establishment, a fact that has not been taken into consideration by the objector.

Traffic, Noise, and Infrastructure Strain

With regard to traffic congestion in Central Road, is evident during the holiday season and the status quo will remain in place. There is no evidence to support additional congestion relating to the proposed gambling establishment consisting of 5 LPM's. The additional strain on infrastructure has not raised concerns from the Engineering

Department since the proposed application is located in an existing building with services. No additional capacity has been requested.

Detailed Rebuttal to Applicant's Motivation Summary

Point 1: It is unclear how 5 slot machines will fundamentally alter the character of the property, attracting different clientele. The scenario is that the clientele will be local, residing in the town and or visiting the town as a tourist. The "different clientele" has not been identified by the objector.

Point 2: The surrounding land uses focus on eco-tourism, dining and artisanal trades as per the objector's description, however this is not correct. The bottle store, pharmacy, creche etc do not fall within the description. The surrounding uses has been established to cater for the needs of the community which includes entertainment facilities.

Point 3: The parking will be dealt with in the Evaluation of the application.

Point 4: The application was submitted in the correct format. The zoning and policy frameworks do provide various activities to cater for the community needs and take due consideration of the town character. The objector statement that the application disregards the aforementioned is emotional and no evidence was submitted that a gambling establishment is contrary to the needs of the community.

Point 5: The building consists primarily of a restaurant, office space, shop and the proposed LPM. The latter which is subservient to the primary use of the building and the significant shift is not validated.

Point 6: The application was circulated to the Engineering Department and the comments received were positive.

Point 7: This was dealt with under point 5.

Point 8: The objection was dealt with under Point 6.

Point 9: The objection was dealt with under Point 5.

Point 10: The objection is also speculative. No evidence was submitted how the factors relate to Pringle Bay.

Point 11: It remains the prerogative of any business owner to diversify its economic base. The town's values of eco-tourism and small sustainable businesses clearly is not the same values held by various parties in Pringle Bay who object and appeal tourism accommodation and small sustainable businesses.

Point 12: Noted.

Conclusion

The discussion of the research papers relates to gambling and its consequences in South Africa.

The first paper discusses the sustainability of gambling in South Africa, which includes all types of gambling, not limited to slot machines and do recommend government intervention to ensure the sustainability of the industry.

The second paper discuss the percentage of high risk for problem gambling and the associated alcohol misuse etc. The paper focusses on Limpopo Province and includes all types of available gambling methods and venues, excluding online gambling. The paper shows a correlation of gambling habits and associated misuse of alcohol and psychological distress, but in terms of context e.g. Pringle Bay town, many of the attributes will not be same and the outcome may be different.

The third paper relates to an urban setting, which is not really applicable in terms of context namely a rural setting.

The referenced papers do investigate the effect of gambling in the South African context, in a more rural context. The impact of gambling in rural areas and then need for government intervention. The objector clearly feels that in the case of Pringle Bay, the refusal of the application falls under the possible government intervention tools available.

 **OBJECTOR – R BUCHNER**

Objection as concern property owner.

TOWN PLANNER'S RESPONSE

Noted.

 **OBJECTOR – K LEWIS**

- *Pringle Bay is a small village in the Biosphere and slot machines have no place in such an environment.*
- *Any allowance of gambling opens the floodgates for even more gambling.*
- *The CBD is already noisy with bar music, noisy people and should additional gambling activity not be invited.*
- *Gambling is not a healthy activity.*
- *The proposal deviates from the Rate Payers vision of making Pringle Bay a remarkable village.*

TOWN PLANNER'S RESPONSE

- The objection is noted as a general statement.
- The statement is incorrect. All potential land uses, consent uses, require a formal town planning application which does not mean that an application's approval is or will be a given.
- The noisiness of the CBD is part and parcel of any CBD and its activities. It is ironic that the presence of the bottle stoor in Pringle Bay is accepted as part of the CBD allowable land use activities. It is common knowledge that alcohol consumption contributes to many social ills in South Africa and is an unhealthy activity if abused.

The Ratepayers vision “*Motivated by the unspoiled beauty of our village and surrounds, the warm embracing spirit of its people, our aim is to grow and nurture a life-enriching community who live, work and play in Pringle Bay*” To fulfil our Vision, we believe our primary Goals are:

- *To preserve our community’s distinctive cultural & natural heritage and unique lifestyle.*
- *To promote a sustainable local economy that supports the unique lifestyle of the village.*
- *To influence orderly and sustainable growth and development supporting the uniqueness of the village.*
- *To establish and maintain a mutually beneficial partnership with the municipality and politicians to positively influence the provision of reliable and efficient services, to the benefit of the community.*
- *To secure Pringle Bay Village by developing and implementing a holistic safety and security solution using best practices.*

The objector does not elaborate further on the vision and is thus unclear how it deviates completely from the vision.

 **OBJECTOR – J FOXCROFT**

The proposed gambling institution in the centre of the village is not aligned with the nature and character of this small coastal village.

TOWN PLANNER’S RESPONSE

It is agreed that it does not align with the character of the town.

 **OBJECTOR – J GRISS PRINGLE BAY RATEPAYERS ASSOCIATION**

We are a quiet village, and this type of activity will disrupt our area and invite unwanted attention.

TOWN PLANNER’S RESPONSE

Objection is noted.

 **OBJECTOR – D PEERS**

Disruption of community atmosphere – *Our suburb is known for its peaceful environment, where families, children, and elderly residents feel comfortable and secure. The presence of gambling machines could disrupt the calm nature of the area, leading to increased noise and foot traffic, all of which could erode the peacefulness we have worked hard to maintain.*

Risk of increased social issues : *Gambling can lead to a variety of social problems, including crime, theft, vandalism and other forms of anti-social behaviour. A concentration of individuals seeking to gamble late into the night could lead to public disturbances, affecting the safety and security of our residents.*

Impact on property values – *The presence of gambling establishments can lower property values and make the area less attractive to prospective homeowners.*

Potential for gambling addiction – *Gambling machines have the potential to create addiction, which can severely affect individuals and their families. The introduction of these machines can increase the likelihood of individual becoming ensnared in harmful gambling habits, which can have devastating effects on mental health and community welfare.*

Incompatibility with residential zoning – *The primary purpose of a residential neighbourhood is to provide a safe, peaceful and family-friendly environment. Introducing gambling machines runs counter to the intent of maintaining a residential area free from commercial activity.*

TOWN PLANNER'S RESPONSE

Disruption of community atmosphere

It is not clear how the presence of 5 LPM in an existing building can disrupt the peaceful environment, taking into consideration that the proposed application area will be surrounded by two established restaurants.

Risk of increased social issues

The risks have been extensively dealt with under previous objections.

Impact on property values

The impact on the property values is noted, but no substantial evidence was submitted in this regard.

Potential for gambling addiction

The potential of gambling addiction is not limited to slot machines, but to online gambling as well with the same detrimental effects associated with gambling. Although the addiction can influence some gamblers it cannot be implied that it affects all gamblers.

Incompatibility with residential zoning

The application is not compatible on a single residential erf; however the application property is located in the CBD of Pringle Bay, which caters for commercial and possible entertainment facilities.

OBJECTOR – L SHEPHERD

A bar with gaming will attract patrons from other areas with no interest in the environment. It will encourage alcohol consumption.

TOWN PLANNER'S RESPONSE

Objection is noted.

APPLICANT'S RESPONSE TO OBJECTIONS RECEIVED

In terms of the objection received, the summary of the relevant information to the application is as follows:

- Undesirability – the use of recreational drugs and alcohol will form a catalyst for other unwanted habits in the area.
- The proposed location of the gambling activity is not located within the business hub which is about 120m from the site.
- Behavioural changes in people in the area may rise due to gambling.
- The proposed use is located close to a creche and a church.
- The parking on the property is insufficient to accommodate the proposed use.
- There will be an impact on security, which is associated with gambling wins and losses of money.
- The application is inappropriate for the location and pushes to exploit the village.
- There will be a negative socio-economic impact on the well-being of the community, the potential increase in crime, and other social issues that will deter the area.
- The proposed use is incompatible with the existing surrounding uses.
- There is a potential for noise and nuisance impact in the area.
- The traffic impact will negatively affect the area.
- The proposed use will attract the wrong type of people to the area.
- The value of properties will depreciate due to the proposal

In terms of the objections received from the residents in respect of the application for the subject property, our response to the objections received is as follows:

- We acknowledge the concerns raised by the residents affected by the proposal on the property in question.
- The place of entertainment is only intended to function as a land use that is complementary and subservient to the existing restaurant, which already sells alcoholic beverages.
- The property owner of the subject case is also operating a business and wishes to legalize the proposed additional use of the property in accordance with its permitted zoning rights.
- The approval of the proposed consent use will not devalue properties. The objectors have not provided a statement on how properties will be devalued, and no valuation has been submitted to support the assumption.
- The premises does not have any notices from Law Enforcement served to the premises due to nuisance or complaints regarding disturbances from the restaurant or the centre.
- The facility is meant to provide entertainment to the existing clientele; there is no evidence that 5 LPMs to an existing business could have a direct impact on parking or attract crime and illegal activities in the area.
- This establishment has a “rights of admission reserved”; therefore, it is not clear what attracting the wrong type of people means in this respect.
- The subject property and surrounding properties are zoned with similar, if not the same, rights, thus each property owner reserves the right to apply to the municipality for a consent use. It is up to the department to assess and evaluate the impact this
- proposal may pose in the area. It is our belief that five machines have no impact on the area as zoning permits the right with this application.

- The proposed site is an over-18 facility; no one under that age may make use of the facility.

TOWN PLANNER'S RESPONSE

The response from the applicant is noted and has been dealt with extensively under the objections and reply.

The aspects that are not addressed by the applicant are the following, which has a direct bearing on the application:

- The present building does not have an updated approved building plan indicating the change in land use activities that may impact the parking requirements.
- The parking is not compliant as per building plan approval, dated 2002.

This will be dealt with under point 12.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

See Paragraph 7 above.

All Municipal Branches and other institutions support the application.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

Dealt with under Point 3.

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

Not Applicable

Spatial Sustainability

The impact on spatial sustainability will be minimal, since it is located within an existing building.

Efficiency

Municipal services are available and the optimal use of building space, thus more efficient use of the existing structure also relates to parking requirements and an approved building plan in terms of the National Building Regulations. The latter which cannot be determined whether it is compliant with the National Building Regulations, since the latest approved building plan is dated 2002.

Spatial Resilience

The resilience relates to be able to stand environmental shocks, which cannot be determined since the present building does not have an updated building plan that it can determine if the SANS regulations are complied with.

Good Administration

The Consultant followed due procedure as prescribed by the Municipality.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The application is in line with the SDF 2020. The latter indicates in its management approach that business uses should be concentrated at one central location to take advantage of the economic synergies created and to offer a sense of identity.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on Municipal Engineering Services

Existing services are provided by the Municipality.

10.7 Outcomes of investigations/applications i.t.o other legislation

N/A

10.8 Existing and proposed zoning comparisons and considerations

The existing zoning is Business Zone 3: Local Business.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

BACKGROUND:

The application for a consent use on Erf 427 is only applicable to five (5) limited payout machines in the existing building. The application indicated that sufficient parking is available to accommodate the proposed consent use. This aspect is not correct.

An application was lodged for parking within the road reserve in the CBD of Pringle Bay to accommodate the parking for both Erven 426 and 427. In the discussion and evaluation of the application the following transpired. *Erf 426 was sold in October of 2001 and during the building plan process the building was not approved due to the insufficient parking. It was determined that parking on the erf is determined at 30m² per bay and 11 bays per erf is required. This would have entailed that 5 parking bays are provided on site per erf and that each erf has to provide 6 parking bays on the road reserve.*

The land value was determined as follows:

30 x 6 R116.23 = R20 921,14.

The owners must construct the bays on the road reserve to the satisfaction of Council. The application was approved by the Executive Committee, dated 2 April 2002.

The applicant did consent to the recommendation in a letter dated 7 May 2002. (See Annexure F). It is clear that the recommendation was never complied with or executed, since the six (6) off-site parking bays for Erf 427 was never constructed.

EVALUATION:

Site Inspection

During a site inspection the following was found:

Erf 427 has an approved building plan of 2002. Various use change and building work took place without updating the building plan. A braai in the courtyard as well as outside seating arrangements that are in the area of the approved 5 parking bays on site, is not on the building plan of 2002. The 6 parking bays on the road reserve were never constructed. The owner remains responsible for the construction of the 6 bays as per the Municipality's requirements and in accordance with the CBD Master Parking Plan.

Social Implication

With regard to the social ills of gambling, the following needs to be put in perspective. The application for Place of Entertainment is limited to the five Limited Payout Machines and no other entertainment facility as allowed per the definition in the Overstrand Land Use Scheme.

The proposed use will be located in the existing building in a sperate room with its own entrance. It was found in the Overstrand Municipal area, that the separation between patrons of a restaurant and the gambling facility is essential to ensure there is no conflict of interest.

LPM cannot be evaluated in the same manner as online gambling/ casino or other forms of gambling. The LPM's have a capped bet and a capped pay out, with a limiting number of machines that can be installed in a venue. Thus, it is more recreational because the financial benefits are limited. This correlates with the findings of the study on **The Social Impact of Gambling in South Africa Qualitative perspective 2013 Study commissioned by the National Gambling Board** (<https://www.ngb.org.za/wp-content/uploads/2020/06/Social-impact-of-gambling-qualitative-perspective-2013.pdf>)

In a study done by the Western Cape Gambling Board: **Western Cape Gambling and Racing Board ("WCGRB") Gambling Activity Impact Study February 13, 2017. The study assesses the social and economic effects of regulated gambling activities in the Province of the Western Cape while also exploring the potential for growth and expansion of the industry. Final Report.** The findings were as follows:

Viability of Type B LPMs in the Western Cape:

The expansion of the Type B LPM's in the Western Cape has both positive and negative repercussion. On the positive side it is evident that there is demand and that by expanding the industry each new site will contribute R4.69 million as well as 19 jobs to the local economy. This is in line with the finding that 10.25% of individual gamblers were regarded as problem gamblers while 39.34% were regarded as moderate risk gamblers.

At a household level it was these moderate risk and problem gamblers that make up 6.81% of households surveyed (3.43% with respect to households that had individuals who are problem gamblers, while 3.38% of households had at least one gambler who could be regarded as a moderate risk gambler). Further it was also found that that the bulk of the gamblers were derived from the lower income groups.

Given these findings it is suggested that a middle road is taken; if it is chosen to expand the sector it is suggested that a conversion of current Type A licenses to Type B licenses take place. In this way no extra sites are added but current sites are allowed to increase their business offerings. It must be noted that this would need to be done alongside the rollout of personalized player cards across all forms of gambling in the Western Cape with a target of regulating the gamblers spend depending on their disposable income. Lastly all gambling sites need to have a problem gambler referral system in place in order to both identify and assist problem gamblers.

The research also found that gambling is not one of the primary ills in society but drug abuse, alcoholism, unemployment, crime are the main culprits, with gambling rated no 7 of 10 Social and Community Issues. Although gambling does have negative impacts, there is the notion that people can do with their money whatever they like. (*Western Cape Gambling and Racing Board ("WCGRB") Gambling Activity Impact Study February 13, 2017. The study assesses the social and economic effects of regulated gambling activities in the Province of the Western Cape while also exploring the potential for growth and expansion of the industry. Final Report, page 26*).

The mentioned research papers are very relevant, since in 2017, LPM's is seen to have expansion potential, however it is clear that the expansion potential identified in

the 2017 report has deteriorated as per the National Gambling Board Annual Report 2024/2025.

The attraction of LPM is busy to deteriorate due to the availability of online gambling. This is evident in the **NGB, National Gambling Board South Africa: First, Second and Third Quarter Performance 2023/2024**, available online: (<https://www.thedtic.gov.za/wp-content/uploads/20240221-NGB-Presentation-to-the-Parliament-on-1st2nd3rd-Quarter-Financial-and-Non-Financial-Performance-23-24.pdf>) The document indicated that LPM has a negative growth of -1,2% in the First and Second Quarter of 23/24. This negative growth continues as indicated in the annual report: **NGB, National Gambling Board South Africa: National Gambling Board Annual Report 2024/2025**, available online; (<https://www.thedtic.gov.za/wp-content/uploads/Re-Revised-NGB-AR.pdf>), indicating a further decline of 0,04%. See Annexure H.

The local economic benefit is not clear in terms of the motivation of the application. The benefit relates to the owner and the service provider, since no additional work opportunities are created. It is also unclear how it will benefit the community or stimulate the local economic. Thus, the question is if the aforementioned is the case, whether such a facility is needed or desirable for the community of Pringle Bay and/or can contribute to the local economy.

Parking requirements

A consent use in terms of the Overstrand Land Use Scheme depicts additional land uses that can be considered by the Municipality depending on context and contribution to the community and local economy. This correlates to the development parameters of the specific zoning. The property is zoned Business Zone 3: Local Business and one of the consent uses, are a of Place of Entertainment.

In terms of the building plan of Erf 427, dated 2002, the parking requirements could not be met on site, and it was determined that 11 parking bays are required for the proposed development. The owner requested parking on the road reserve of 6 parking bays, which was approved. Although the owner of the property in 2002 did indicate that the Council's approval will be implemented, it was never executed. (Annexure G). The parking lay-out in 2002 did indicate access on Erf 427 and egress on Erf 426. In terms of the CBD parking master plan erf 426 and erf 427 has an access and egress per erf and not a shared as per 2002 decision. Erf 427 will have to provide the parking as per the CBD parking master plan.

Thus, the parking required for the existing building is not compliant with the approval of 2002 and although the proposed consent use is located in the existing building, the restaurant has extended its footprint. At present the restaurant has outdoor seating located in the parking lot. The extended seating can rather be accommodated in the room earmarked for the LPM's to ensure the compliance with the parking arrangement as per the 2002 approval The parking requirements will have to be re-evaluated once all uses and structures are indicated on an updated building plan, submitted to the Municipality for evaluation and subsequent approval.

Character of Pringle Bay CBD

In terms of context, the CBD of Pringle Bay relates to needs of the community and tourism that contributes to the local economy. The motivation of the application does not speak to the context.

The character of the town is still rural in nature. The town's demographic has changed over the years to a younger, more permanent community and focus on tourism. This is evident in the need for educational and recreational facilities for younger people, under the age of 18 years old and the tourism related accommodation and facilities with emphasis on nature, tourism and artistic ventures.

The proposed consent use application does not seem to fit in the existing character of the town or to benefit the local economy and community. The economic benefit seems to relate more to the landowner. The reason for the aforementioned conclusion is that the facility will be subservient to the restaurant -therefore the same personnel will also be responsible for the LPM's area. The contribution to employment opportunities does seem minimal with limited economic benefits to the town.

Another major factor is the negative growth of LPM's in the 23/24 Quarter Performance of the National Gambling Board presentation to Parliament. The presentation clearly indicated the decline of LPM due to online gambling. The aforementioned was further emphasised in an article published in City Press on 22 October 2025 it is stated that according to the SA Responsible Gambling Foundation, the sharp escalation in betting, driven primarily by the ease of online gambling, is fuelling addiction, financial ruin and mental health distress among vulnerable groups, and that online betting contributes to more than half of all gambling profits, accounting for R 52 billion, or 70% of total gambling revenue.

The need and desirability of such a facility in Pringle Bay, a rural town has not been proven since none of the residents or any Association has requested such a facility.

The application is not recommended for approval.

13. RECOMMENDATION

1. that the objections **be noted**.
2. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 427, Pringle Bay for a consent use for a place of entertainment to accommodate five (5) limited payout machines, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that updated building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
4. that the landowner executes the approval of 2002 and construct the six (6) parking bays in the road reserve as per the CBD Parking Master Plan, and
5. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The activity does not fit into the rural nature-based character of the area. The CBD business activities are related to the needs of the community and tourism.
- ❖ The availability of online gambling and decline of LPM does not warrant the facility in the town. The community is more affluent in nature and has access to technology, gamblers will be more likely to lean towards online betting.
- ❖ The property has an approved building plan of 2002, which is not in line with present uses and or structural changes.
- ❖ There is not sufficient parking for the existing structure, due to non-compliance of the 2002 approval. Six (6) parking bays still have to be provided within the road reserve.
- ❖ The updated plan may have an impact on the parking requirements that needs to be addressed.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objection letters received
Annexure E:	Applicant's response to the objections received
Annexure F:	Council Decisions dated 2002
Annexure G:	Applicant's undertaking to build parking, dated 2002
Annexure H:	National Gambling Board Reports
Annexure I:	Services Report
Annexure J:	Master Plan for CBD parking

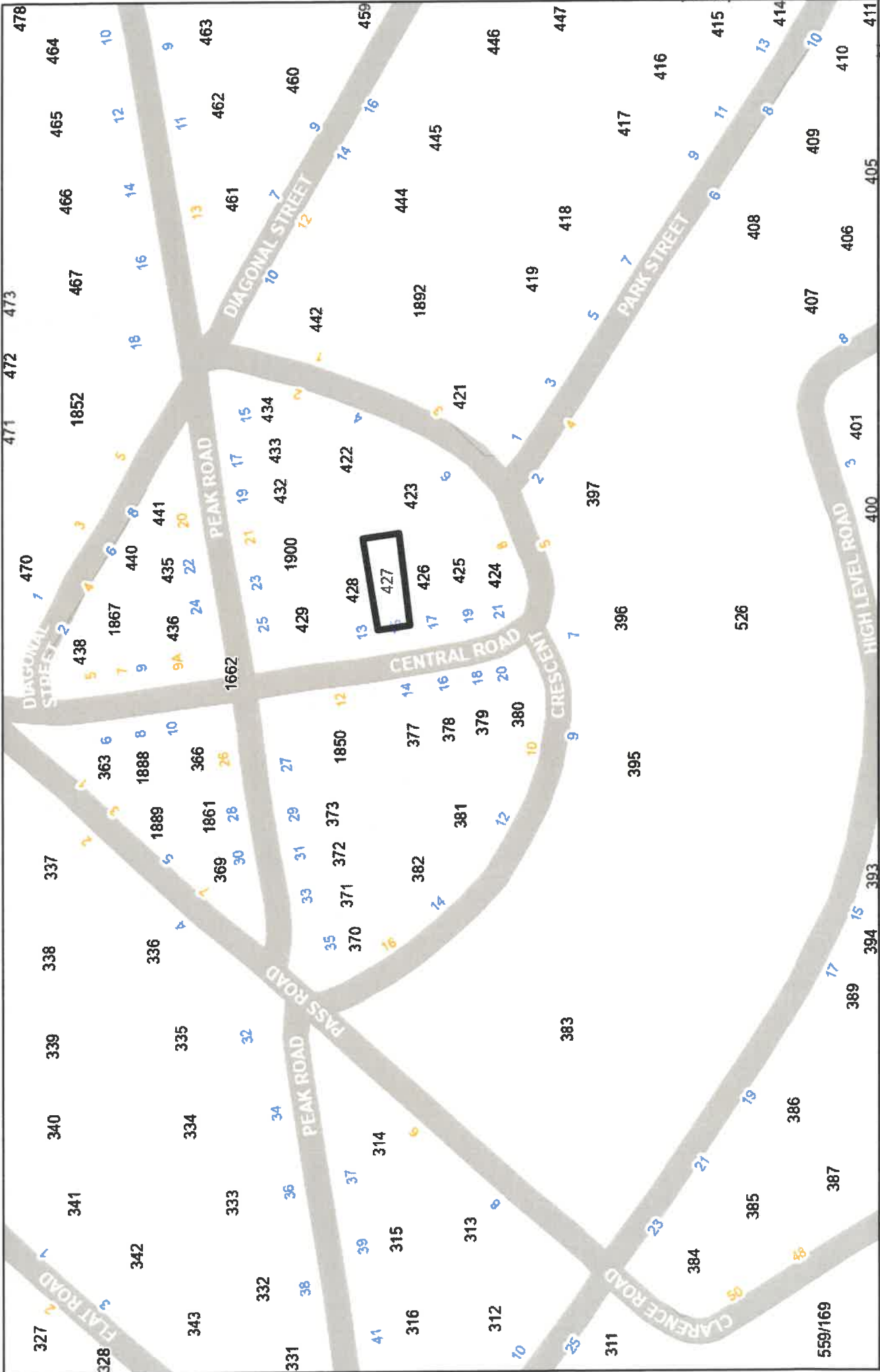
SIGNATURE**REGISTERED PLANNER**

Name: **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature: _____

Date: _____



OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
24 FEB 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY



good friends • great times
 21 Feb 2025
 Date: ~~23 September 2024~~
 Email: bmkuzangwe@grandslots.co.za
 Contact: 021 421 7771 – 072 362 1008



APPLICATION FOR CONSENT USE BY GRAND GAMING WESTERN CAPE (PTY) LTD TRADING AS GRANDSLOTS ON BEHALF OF ABUREC FENCING CC (PTY) LTD – REGISTRATION NUMBER 1997/026070/23

1. PURPOSE OF THE APPLICATION

This application is made on behalf of the owner of Erf 427 Pringle Bay, Aburec Fencing CC (Pty) Ltd, and serves to motivate in terms of Section 16(2)(o) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for consent to permit a place of entertainment to operate five electronic or mechanical playing devices on Erf 427 Pringle Bay, 15 Central Road.

Attached hereto is the Resolution letter authorizing Grandslots to submit this application to the local authority on their behalf (refer to **Annexures B & C**).

For ease of reference, Erf 427 Pringle Bay on this application will be referred to as "the property."

FILE NO. <i>ERF 427-KPRB</i>
SCAN NO.
COLLABORATOR NO.
<i>2613346</i>

21 FEB 2025

2. PROPERTY INFORMATION

2.1. Locality

The property is on Central Road, as shown in **Figure 1** below.

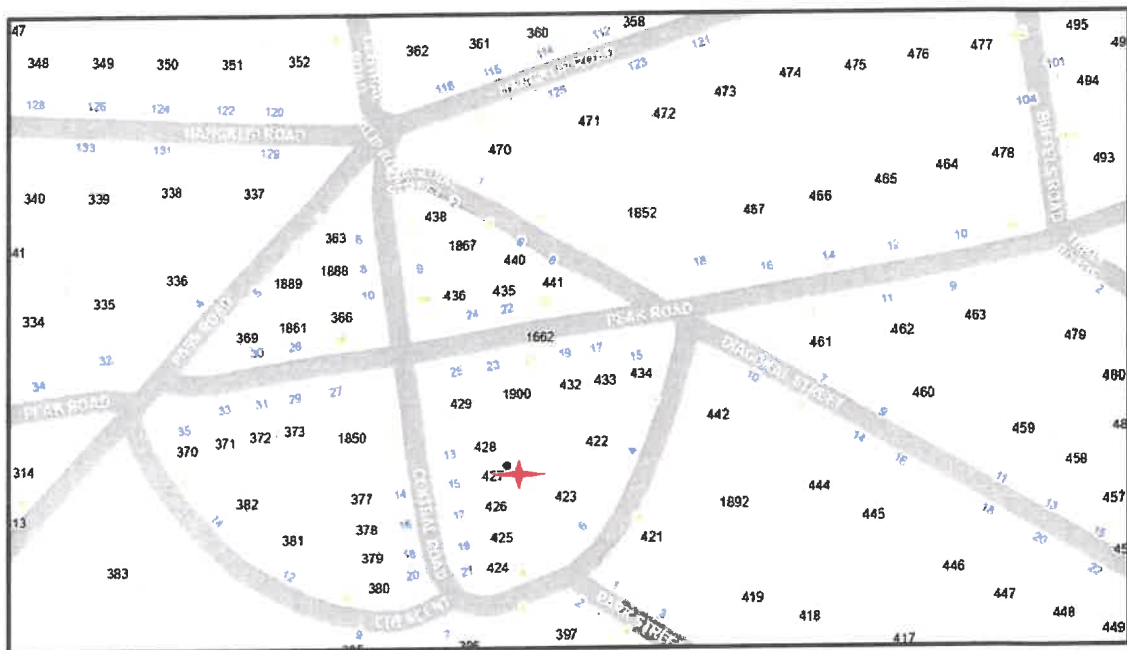
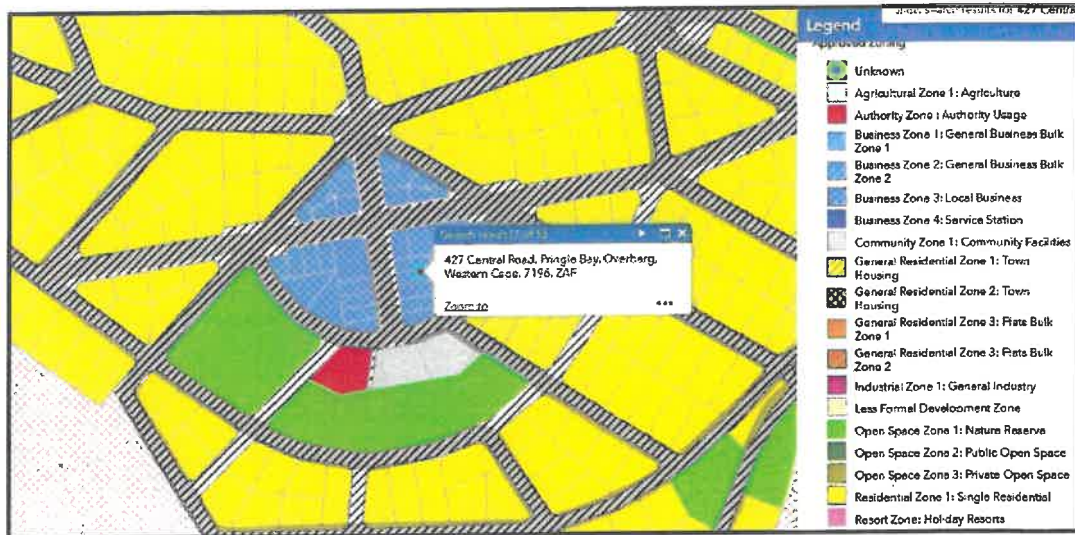


Figure 1: The image above shows the property's location (indicated in red) in relation to the surrounding streets.

Registered owner	Aburec Fencing CC (Pty) Ltd– Registration 1997/026070/23
Applicant	Grand Gaming Western Cape (Pty) Ltd t/a Grandslots.
Erf Number	427
Extent	494 m ²
Title Deed Number	T39464/2020
Restrictive Title Deed conditions	None.
Applicable zoning scheme	Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.
Current Zoning	Business Zone III.
Current Use	Business premises with restaurants.
Application submitted for	Consent Use for a place of entertainment on the property. This is to permit five electronic or mechanical playing devices or limited payout machines (LPMs) as per the attached site layout plans (refer to Annexure E).
Previous land use approvals	None.

2.3. Zoning

The following sets out parameters associated with Business Zone III: Local Business as indicated on the zoning certificate (see **Annexure F**).



Primary uses: shops, dwelling unit (above ground floor) in accordance with 6.3.2, flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering.

Consent uses: bottle store, business premises, clinic, conference facility, dwelling unit (on ground floor) in accordance with 6.3.2, flats (on ground floor), town housing in accordance with 6.3.2, tourist accommodation, hotel, institution, place of assembly, **place of entertainment**, place of instruction, place of worship, recreational facilities, residential building, sale of alcoholic beverages, service station, service trade and transmission apparatus (subject to the provisions of Chapter 16.10).

The properties surrounding the property are also zoned as Business Zone III, indicating a cohesive and uniform local business environment. This application is made to secure Consent Use rights to operate a place of entertainment on the property, per the attached site plans.

2.4. Characteristics of the property

The property is predominantly a business premises offering various services (business, restaurant, and on-consumption sale of alcoholic beverages). Its character is compatible with



the surrounding properties, which ensures that the neighbourhood maintains its business nature by providing a stable and attractive setting for other potential developments in the area.

2.5. Surrounding land uses

Most land uses surrounding the property are business premises and are zoned as the subject property. The proposed use is uniform with the general surrounding land uses. The harmonious mix of local businesses on Central Road enhances the suitability of establishing a place of entertainment in the area.

2.6. Municipal services

SERVICE	EXISTING INFRASTRUCTURE	PROPOSED APPLICATION IMPACT
Water	Yes	None
Electricity	Yes	None
Sewage	Yes	None
Access and Egress	Yes	None

2.7. Title Deed conditions

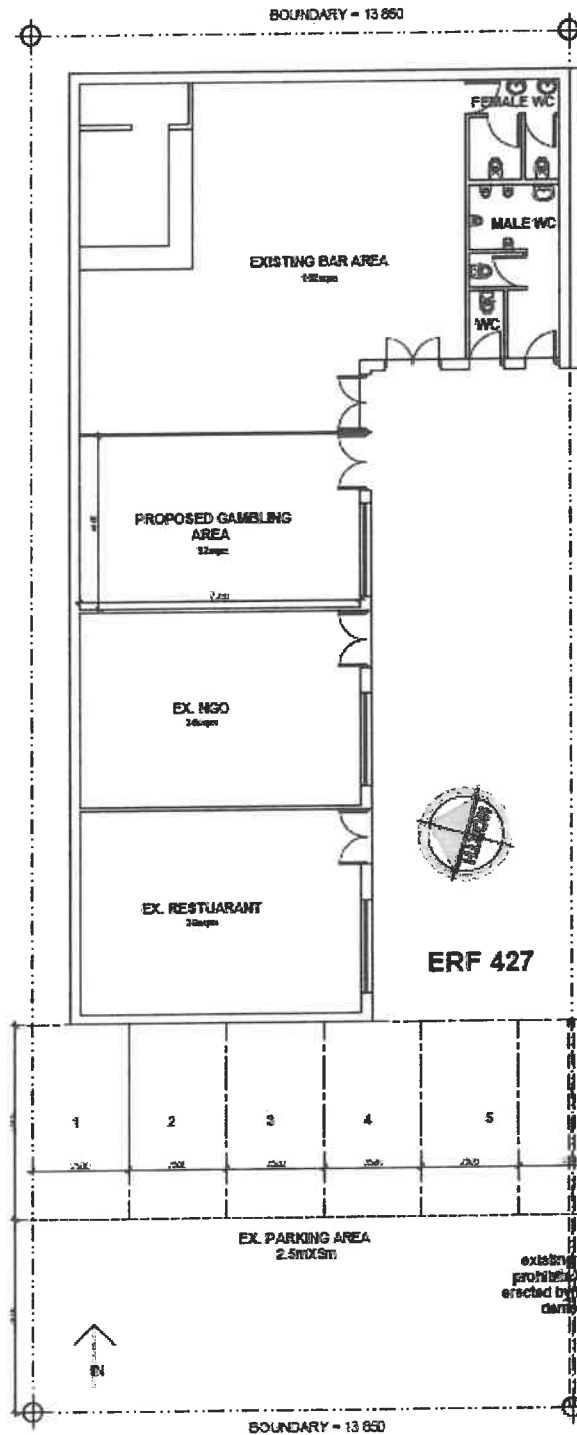
The attached Title Deed contains no restrictive conditions that would preclude a place of entertainment operating on the property. A Conveyancers Certificate is also attached to confirm this (refer to **Annexure D**).

3. PROPOSAL

This application proposes that the municipality grants the property permission to operate a place of entertainment on Erf 427 Pringle Bay. The property is currently using its primary use right as a business premises, and this application proposes to use the secondary use right to operate a place of entertainment at the existing restaurant for 5 LPMs with a consent use. The



application is of an uncomplicated nature and presents no negative impact on the surrounding properties.





Five existing parking bays are available on-site; customers use extra bays off-street in front of the property. According to the Overstrand Zoning Scheme Regulations (2020), the place of entertainment must provide one parking bay per 4 seats. The proposed use is categorized as a low-impact development as it will be ancillary to the existing restaurant and become entertainment for the existing customers.

The existing provision of parking bays should be sufficient, and no additional parking will be required to support the proposed use. The existing parking bays will continue to mitigate any adverse effects on traffic flow, streetscape aesthetics, or the overall character of the area.

4. DESIRABILITY

This application is desirable for the proposed location. The property is not abutting residential properties and operates on a street with similar business uses. The proposed 5 LPMs will not impact the built or natural environment as they will be within an existing business. The total floor space of the venue is 134m². The 5 LPMs will only take up 32m², which will be dedicated to the gaming room. No further development is proposed or required as the area in which the 5 LPMs will be placed does not require any further construction. No additional structures will be added, and no natural vegetation will be removed from the property.

The LPMs will not be visible from the exterior of the property as the area in which the LPMs are installed is enclosed and is monitored by CCTV. The site is an over-18 facility with access monitored at the entrance. All personnel working in the gaming area must be licensed by the Western Cape Gambling and Racing Board and participate in rigorous training for the National Responsibility Gambling program.

5. APPLICABLE POLICY AND REGULATIONS

5.1. Overstrand Municipality Spatial Development Framework, 2020

The subject property and its surroundings are designated on a business node concentrated at one central location to take advantage of the economic synergies created and to offer a sense of identity. This alignment highlights how well the plan fits the region's strategic development objectives and current land use trends.



The proposed use will not change the structure or current use of the property, and LPMs will be ancillary to the existing primary business.

6. PLANNING PRINCIPLES

Section 7 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) lists five development principles to guide any planning development and how it must be evaluated.

The principles are listed as follows:

- **Spatial Justice**

This principle refers to the imbalances in spatial development which need to be addressed. The proposal will allow the property owner to use the current structure per the applicable zoning rights and provide employment, leisure, and entertainment options to the existing business premises. This secures employment for the current staff, contributes towards their socioeconomic standing, and may allow them access to housing and land opportunities. The proposal will also provide for the continued utilization of the property for economic purposes.

- **Spatial sustainability**

The property is zoned for business use; thus, the proposed use right for the facility will continue contributing to the financial sustainability of the business and allow for the continued operation thereof for the property.

- **Efficiency**

The proposal promotes optimal use of space on the business premises to cater to its customers within the service capacity limits of the property.

- **Spatial resilience**

Spatial resilience refers to drafting flexible spatial plans and policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer economic and environmental shock. This proposal promotes resilience for the use of the property.



- Good administration

The proposal is consultative as the municipality's town planning department will advertise the proposal to the public to allow for comments that are also considered. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes stipulated by the Overstrand Municipality's Amended By-law on Municipal Land Use Planning.

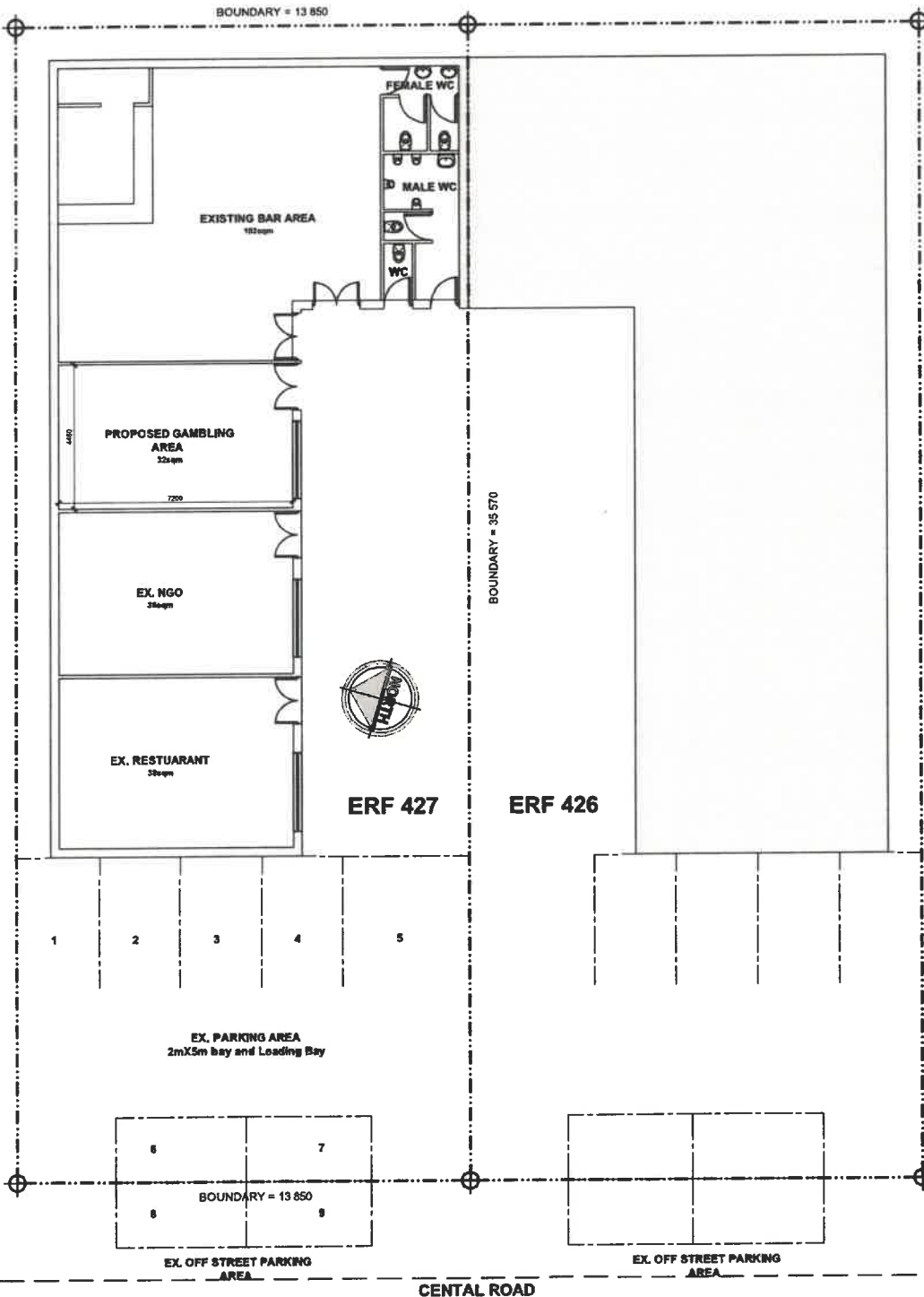
7. MOTIVATION SUMMARY

- The proposed consent use application will not have a negative impact on the property.
- The use will be in uniform with the surrounding land uses.
- There is parking provision made available on-site.
- The application is submitted for use rights per the applicable policy and legislation.
- No new structures or additions to the existing building envelope are being proposed.
- There will be no impact on engineering services.
- No additional floor space is applied for.
- The building is adequately serviced.
- The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the proposed land use application.
- There are no adverse impacts envisaged through the approval of the applications.
- Allowing the proposal for the subject property diversifies the land uses on the subject property and allows the owners to generate additional income that would be re-invested in the area.
- The facility's continued operation will allow the owner to continue maintaining the property and its current security measures, thus improving its safety and security.

We trust the application will meet the Council's favorable recommendation. For further information regarding this application, please contact us.

NOTES

- The design of this drawing is copyright and remains the property of the Architect.
- Quality of all materials and workmanship to comply with the relevant S.A.B.S and B.S.S. specifications.
- The contractor is responsible for the correct setting out of works all external and internal walls with particular reference to boundaries, building lines, etc where relevant.
- Contractor to verify all levels, heights and dimensions on site and to check the same against the drawings before putting any work in hand.
- Contractor to ensure that all details shown on this drawing are in compliance with local authority by-law and regulations.
- Contractor to locate and identify existing services on site and protect these from damage throughout the duration of work.
- Contractor to be tied in all dpc's to all external walls at each floor level, beam levels and to all windows, doors or other openings in external walls. Cavity walls to have stepped dpc.
- All relevant details, levels and dimensions to be checked on site prior to commencement of work. Any Discrepancies to be brought to the attention of the Architect.
- The Architect accepts no responsibility for errors resulting from misinterpretation of the drawings.
- All dimensions are given in millimetres
- This drawing is not to be scaled
- Use figured dimensions at all times
- All architects drawings to be read in conjunction with the engineers drawings and with the services drawings.



HQ PUB

Proj. Discip: Consent for HQ Pub
 Erf No: 427
 Location: Cental Drive ; Pringle Bay
 Client: HQ Pub

CONSENT FOR HQ PUB

As indicated Scale	01 JULY 2024 Date
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LP Drawn	LP Checked
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006 Project Number	SKP.001 Sheet Number	 Revision
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SITE PLAN
 SCALE 1:200



Annexure D 1/175

J D du Preez

25 Peak Road (Erf 429)

PRINGLE BAY

082 2276226

Email: dupreezjacques@gmail.com

TP - A Theart
(H vid stoep)

Loretta Gillion

Directorate: Planning & Development Town and Spatial Planning

Overstrand Municipality

Per Email: loretta@overstrand.gov.za

**OBJECTION AGAINST APPLICATION FOR CONSENT USE: ERF 427, 15 CENTRAL ROAD PRINGLE BAY:
GRAND GAMING WESTERN CAPE ON BEHALF OF ABUREC FENCING CC**

Your notification to potentially affected property owner dated 3 April 2025 under file reference 472 KPRB, application 4830/2024, refers.

Please note that I hereby object against the application for consent use as outlined in the application. My interest in the application as well as my reasons for submitting the objection is fully outlined hereunder.

1. Interest in the application

I am the owner of Erf 429, 25 Peak Road Pringle Bay and is regarded as a potentially affected property owner. Erf 429 is situated approximately 15.68 metres from Erf 427, Erf 427 being referred to in the application as "the property"

2. Reasons for objecting to the application

The application

The application is for Consent Use in terms of Section 16(2) of the By-Law for a place of entertainment to accommodate five (5) limited pay-out machines.

In commenting on the application, it is, as a point of departure, accepted that the applicant has already fully complied with and has been granted all required licences and authorities in terms of the relevant provisions of the Western Cape Gambling Act of 1996, as well as the Regulations passed in terms of the Act in respect of the operation of 5 limited pay-out machines on the premises (Erf 427), as is now reflected in the application in terms of Section 16(2) of the By-Law for a place of entertainment to accommodate five (5) limited pay-out machines.

FILE NO. Erf 427-KPRB
SCAN NO.
COLLABORATOR NO. 2660551

12 MAY 2025

Rec 8/5/25 see email.

It is further noted that in terms of the ***Guidelines for lodging objections to applications advertised in the media***, as issued by the Western Cape Gambling and Racing Board, gambling is a legalised activity, meaning that both Provincial and National legislation provides for the licensing of persons and entities wishing to participate in legalised gambling. The guidelines further states that moral objections from individuals and religious institutions can therefore not be upheld by the Board.

This application is however for Consent Use in terms of Section 16(2) of the By-Law and these comments concern the affects the use of the property as a place of entertainment may have on the surrounding properties as well as that of its inhabitants.

Reasons for objecting against the application

It is in this regard pointed out that it is an undisputed fact that gambling, as in the instance of the use of recreational drugs and alcohol, may be habit forming and may therefore act as catalyst for other behaviour that may be considered undesirable to other persons. The validity of this statement is supported by the responsible gambling health warnings and compulsory gambling health messaging imposed on all advertising of gambling in any medium and in all provinces. Licensees are required to have health warnings displayed at their premises and to provide information to players about problem gambling and the resources available to them in this regard. Certain rules are in place in land-based casinos, which, for example, preclude ATM's being visible from casino floors.

As is referred to above, objection is not raised against the act of gambling *per se*, but to the possible impact any undesirable behaviour referred to above may have on the vicinity of the place of gambling, in this instance, "the property", as well as the people within that vicinity at that point in time.

To appreciate whether it is in fact relevant to be concerned about the use of the word vicinity, it is pointed out that 100% of the Pringle Bay business hub is located within a 120m radius of "the property" This is clearly depicted on the attached illustration marked **Annexure A : Circle indicating 120m Radius from "The Property"**

The Pringle Bay business hub is comprised of various restaurants, shops, take-away facilities, general stores, cafe's and an Off-sales liquor store and is actively frequented by members of the community as well as visitors to the village. This area becomes a hive of activity particularly during weekends and holidays and the availability of parking becomes a cause for concern. The issue relating to parking is specifically dealt with hereunder.

Further to the concern expressed against the possible impact the act of gambling and more specific the behavioural changes it may give rise to, may have on the people in the vicinity of "the property", as well as on the area itself, attention is directed to the fact that both a Church as well as a Creche is located in near proximity to "the property"

The Church is located on Erf 397, a distance of 59.17m from "the property"

The Creche is located on Erf 425, a distance of 15.6m from "the property"

The proximity of the Church and the Creche to "the property" is clearly depicted on Annexures "D" and "E"

respectively.

Regard must be had with the impact the gambling activity may have on these two institutions.

Parking

The applicant has stated that whilst the Overstrand Zoning Scheme Regulations require, in respect of a place of entertainment, the provision of one parking bay per 4 seats, 5 parking bays are currently available on-site and customers use extra bays off-street in front of the property. The applicant further categorize the proposed use as a low-impact development as it will be ancillary to the existing restaurant and become entertainment for the existing customers. The applicant therefore assumes that the existing provision of 5 parking bays should be sufficient with no requirement for additional parking.

In view of the above response of the applicant, the following concern vis a vis maintaining the status quo of the parking provision is highlighted:

Current facilities and parking provision

5 Parking bays available for the customers of:

- Restaurant (38m²)
- NGO (36m²)
- Bar (102m²)

Proposed facilities and parking provision

5 Parking bays available for the customers of:

- Restaurant (38m²)
- NGO (36m²)
- Bar (102m²)
- Place of entertainment: 5 Limited Payout Machines

In order to appreciate the concern that maintaining the status quo in respect of parking whilst increasing the provision of facilities in the form of 5 limited payout machines, attention is directed to the attached illustration marked **Annexure "F" Parking Availability Erf 427**

The image clearly illustrates that a maximum of 5 parking bays are accommodated on "the property". Although the applicant in this regard states that customers "use extra bays off-street in front of the property" this is actually not possible and therefore not accurate.

Kindly refer to **Annexure "F" Parking Availability Erf 427** as well as **Annexure "G" Off-Street Parking Availability Erf 427**

Both annexures clearly indicate that the on-site parking availability is effectively restricted to 5 bays and that there are actually no "off-street" or "on-street" demarcated or physically available parking bays.

It is accepted that customers currently do park "off-street" due to the currently unavailability of adequate on-site parking provision, and it is clear that such parking must be regarded as illegal and dangerous, or at the very least risky as far as potential damages are concerned. This further endorses the concern expressed in respect of the provision of inadequate parking facilities.

3. Conclusion

Thank you for allowing me the opportunity to consider and comment on the application.

My reasons for objecting to the application are set out fully in the preceding paragraphs and it is trusted that it will be considered objectively.

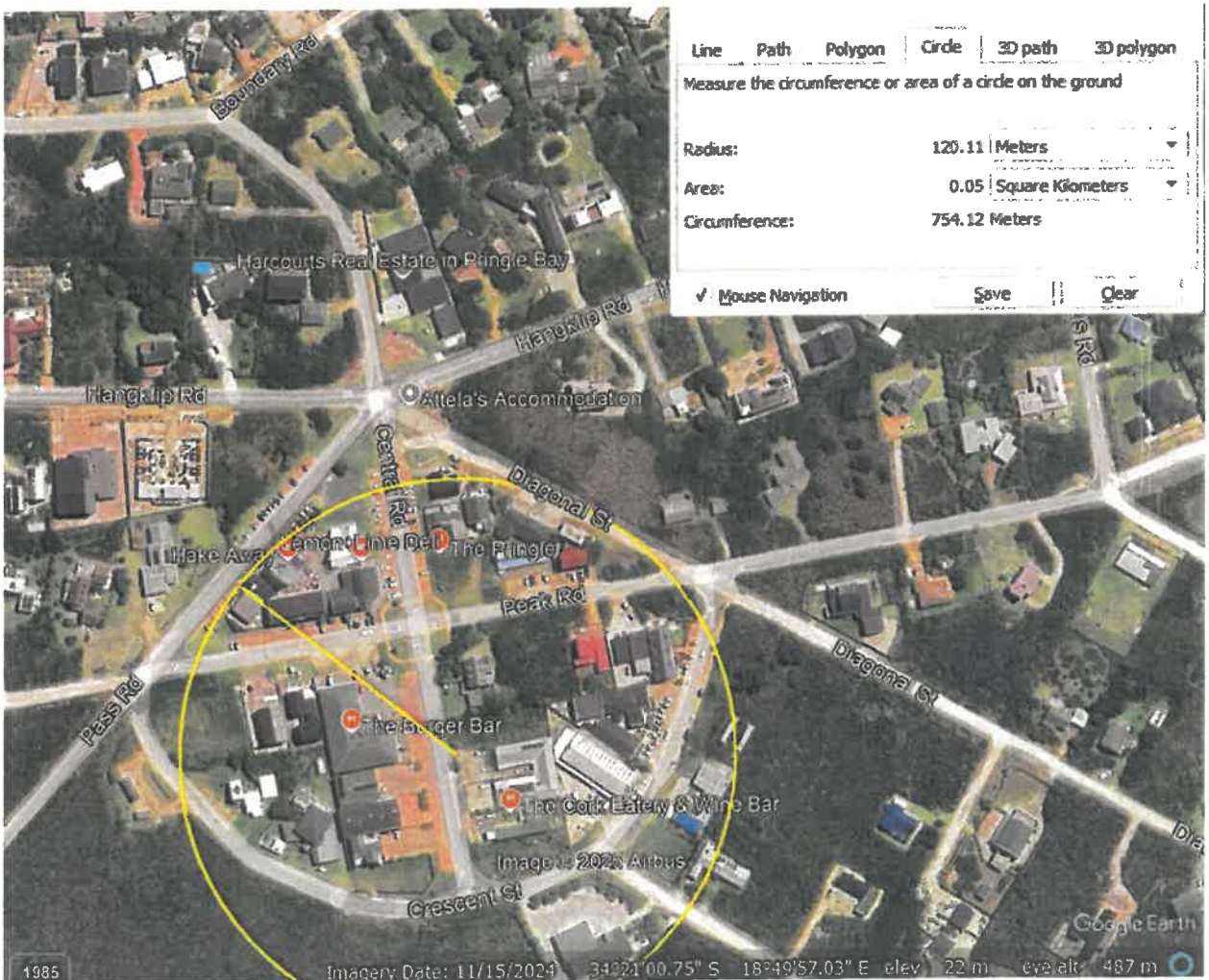
Yours faithfully

J D du Preez

Annexure A

Circle indicating 120m Radius from "The Property"

(Google Earth Imagery date 15 November 2024)



Annexure B

Distance from "The Property" to Erf 429

(Boundary to boundary : 15.68m)

(Google Earth Imagery date 15 November 2024)

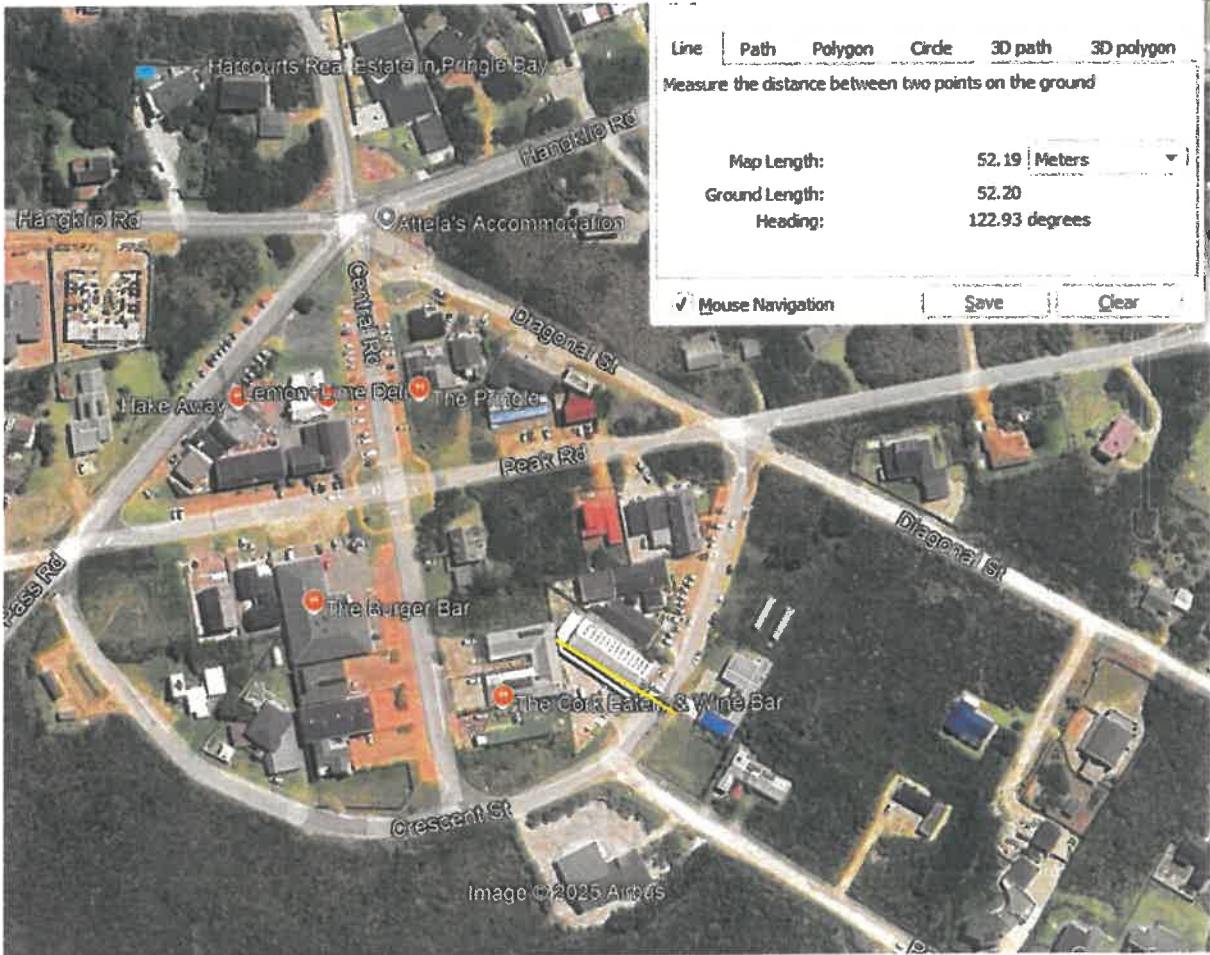


Annexure C

Distance from "The Property" to Erf 421

(Boundary to boundary : 52.19m)

(Google Earth Imagery date 15 November 2024)

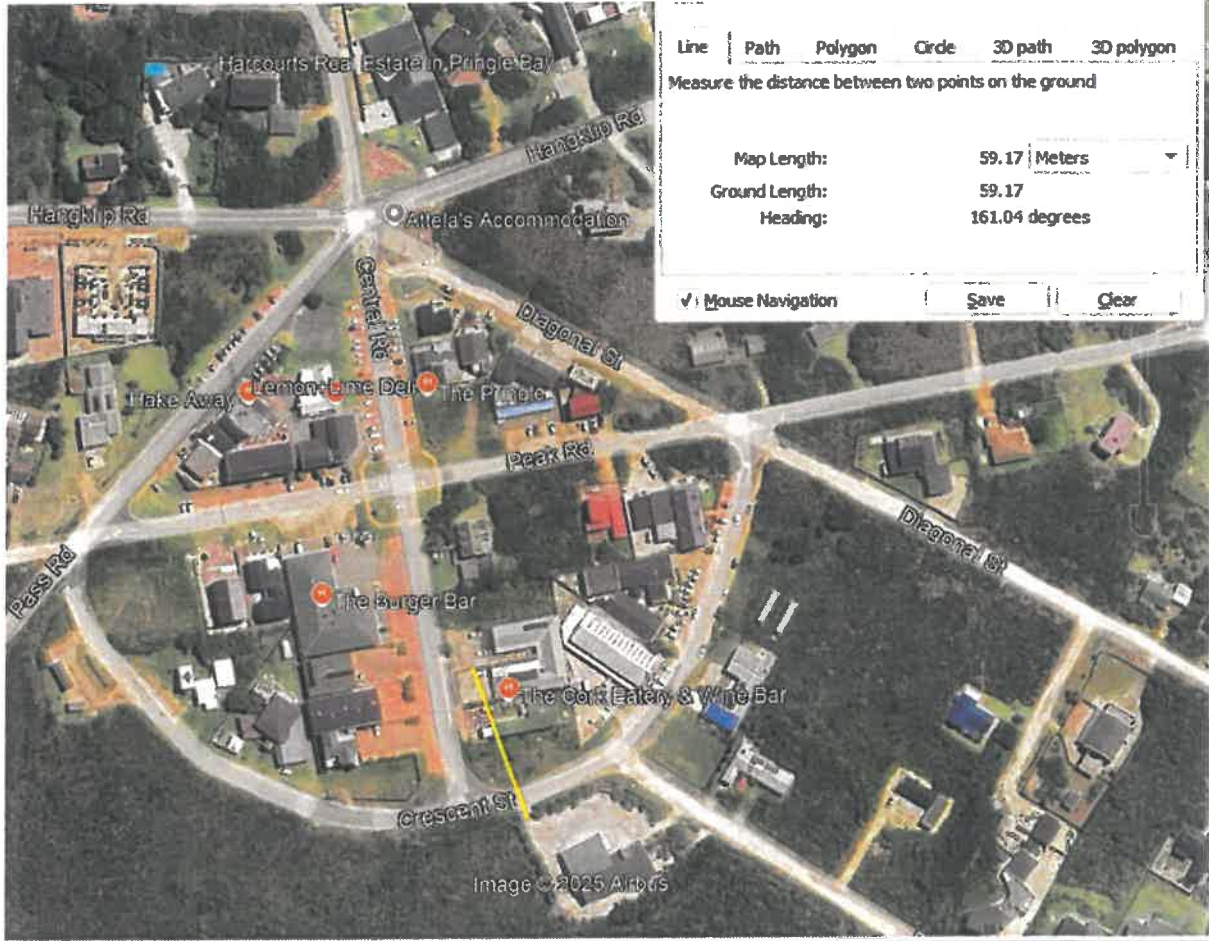


Annexure D

Distance from "The Property" to Erf 397 (The Church)

(Boundary to boundary : 59.17m)

(Google Earth Imagery date 15 November 2024)

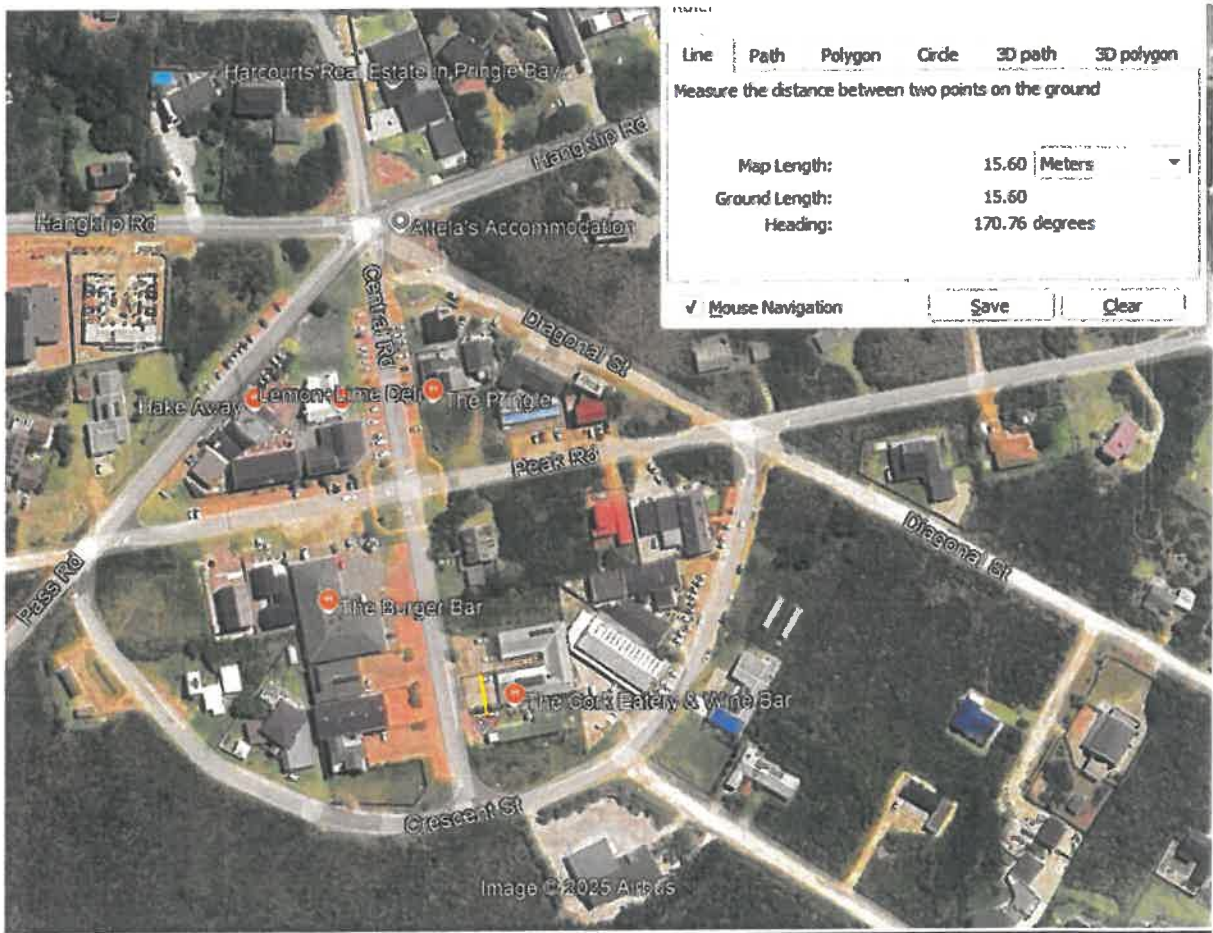


Annexure E (Creche)

Distance from "The Property" to Erf 425

(Boundary to boundary : 15.6m)

(Google Earth Imagery date 15 November 2024)

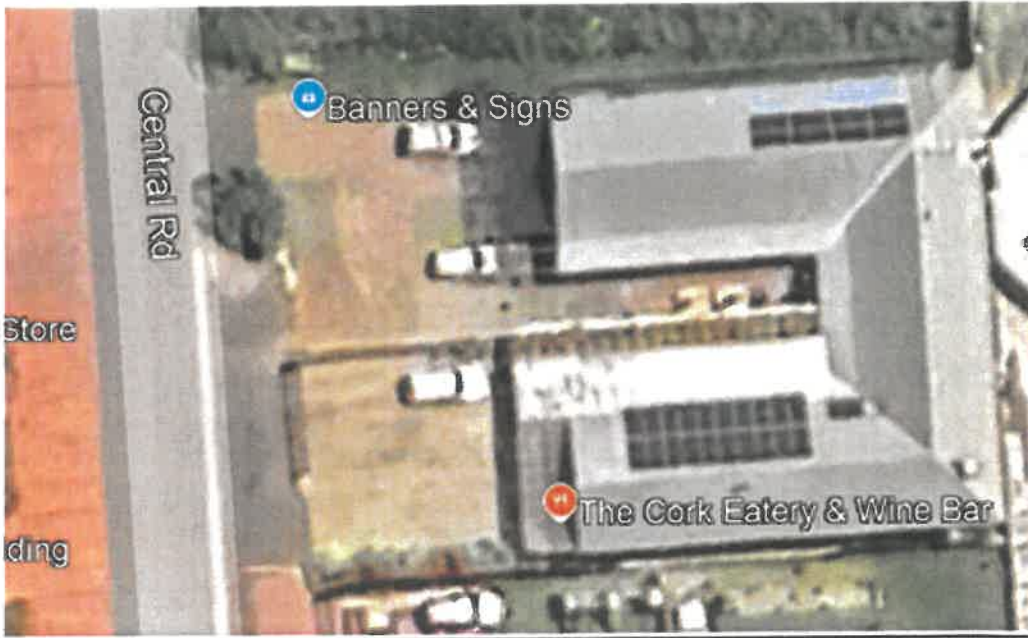


Annexure F

Parking availability Erf 427

(Parking available as per Application : (5x) 2.5m x 5m)

(Google Earth Imagery date 15 November 2024)



Annexure G

Off-Street Parking availability Erf 427

(Photograph taken 7 May 2025 at 14:22)



Loretta Gillion

From: Jacques Du Preez <dupreezjacques@gmail.com>
Sent: Thursday, 08 May 2025 20:54
To: Loretta Gillion
Subject: Objection against TP Application for Consent Use Erf 427 Pringle Bay
Attachments: Objection against TP application Slot machine - Copy.docx

Attached please find the objection including annexures for your further attention.

Regards
Jacques



12/175

Tessa du Preez
1 Park Street (Erf 421)
PRINGLE BAY
082 9275050

Email: tessadup@gmail.com

TP - A Theart
(Hild stoep)

Loretta Gillion

Directorate: Planning & Development Town and Spatial Planning

Overstrand Municipality

Per Email: loretta@overstrand.gov.za

OBJECTION AGAINST APPLICATION FOR CONSENT USE: ERF 427, 15 CENTRAL ROAD PRINGLE BAY: GRAND GAMING WESTERN CAPE ON BEHALF OF ABUREC FENCING CC

Your notification to potentially affected property owner dated 3 April 2025 under file reference 472 KPRB, application 4830/2024, refers.

Please note that I hereby object against the application for consent use as outlined in the application. My interest in the application as well as my reasons for submitting the objection is fully outlined hereunder.

1. Interest in the application

I am the owner of Erf 421, 1 Park Street Pringle Bay and is regarded as a potentially affected property owner. Erf 421 is situated approximately 52 metres from Erf 427, Erf 427 being referred to in the application as "the property"

2. Reasons for objecting to the application

The application

The application is for Consent Use in terms of Section 16(2) of the By-Law for a place of entertainment to accommodate five (5) limited payout machines.

In commenting on the application, it is, as a point of departure, accepted that the applicant has already fully complied with and has been granted all required licences and authorities in terms of the relevant provisions of the Western Cape Gambling Act of 1996, as well as the Regulations passed in terms of the Act in respect of the operation of 5 limited pay out machines on the premises (Erf 427), as is now reflected in the application in terms of Section 16(2) of the By-Law for a place of entertainment to accommodate five (5) limited payout machines.

FILE NO. Erf 427-KPRB
SCAN NO.
2660549
COLLABORATOR NO.

12 MAY 2025

Rec 8/5/25. See email.

It is further noted that in terms of the ***Guidelines for lodging objections to applications advertised in the media***, as issued by the Western Cape Gambling and Racing Board, gambling is a legalised activity, meaning that both Provincial and National legislation provides for the licensing of persons and entities wishing to participate in legalised gambling. The guidelines further states that moral objections from individuals and religious institutions can therefore not be upheld by the Board.

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To appreciate whether it is in fact relevant to be concerned about the use of the word vicinity, it is pointed out that 100% of the Pringle Bay business hub is located within a 120m radius of "the property" This is clearly depicted on the attached illustration marked **Annexure A : Circle indicating 120m Radius from "The Property"**

The Pringle Bay business hub is comprised of various restaurants, shops, take-away facilities, general stores, cafe's and an Off-sales liquor store and is actively frequented by members of the community as well as visitors to the village. This area becomes a hive of activity particularly during weekends and holidays and the availability of parking becomes a cause for concern. The issue relating to parking is specifically dealt with hereunder.

Further to the concern expressed against the possible impact the act of gambling and more specific the behavioural changes it may give rise to, may have on the people in the vicinity of "the property", as well as on the area itself, attention is directed to the fact that both a Church as well as a Creche is located in near proximity to "the property"

The Church is located on Erf 397, a distance of 59.17m from "the property"

The Creche is located on Erf 425, a distance of 15.6m from "the property"

The proximity of the Church and the Creche to "the property" is clearly depicted on **Annexures "D" and "E"** respectively.

Regard must be had with the impact the gambling activity may have on these two institutions.

Parking

The applicant has stated that whilst the Overstrand Zoning Scheme Regulations require, in respect of a place of entertainment, the provision of one parking bay per 4 seats, 5 parking bays are currently available on-site and customers use extra bays off-street in front of the property. The applicant further categorize the proposed use as a low-impact development as it will be ancillary to the existing restaurant and become entertainment for the existing customers. The applicant therefore assumes that the existing provision of 5 parking bays should be sufficient with no requirement for additional parking.

In view of the above response of the applicant, the following concern vis a vis maintaining the status quo of the parking provision is highlighted:

Current facilities and parking provision

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- Restaurant (38m²)
- NGO (36m²)
- Bar (102m²)

Proposed facilities and parking provision

5 Parking bays available for the customers of:

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- NGO (36m²)
- Bar (102m²)
- Place of entertainment: 5 Limited Payout Machines

In order to appreciate the concern that maintaining the status quo in respect of parking whilst increasing the provision of facilities in the form of 5 limited payout machines, attention is directed to the attached illustration marked **Annexure "F" Parking Availability Erf 427**

The image clearly illustrates that a maximum of 5 parking bays are accommodated on "the property". Although the applicant in this regard states that customers "use extra bays off-street in front of the property" this is actually not possible and therefore not accurate.

Kindly refer to **Annexure "F" Parking Availability Erf 427** as well as **Annexure "G" Off-Street Parking Availability Erf 427**

Both annexures clearly indicate that the on-site parking availability is effectively restricted to 5 bays and that there are actually no "off-street" or "on-street" demarcated or physically available parking bays.

It is accepted that customers currently do park "off-street" due to the currently unavailability of adequate on-site parking provision, and it is clear that such parking must be regarded as illegal and dangerous, or at the very least risky as far as potential damages

are concerned. This further endorses the concern expressed in respect of the provision of inadequate parking facilities.

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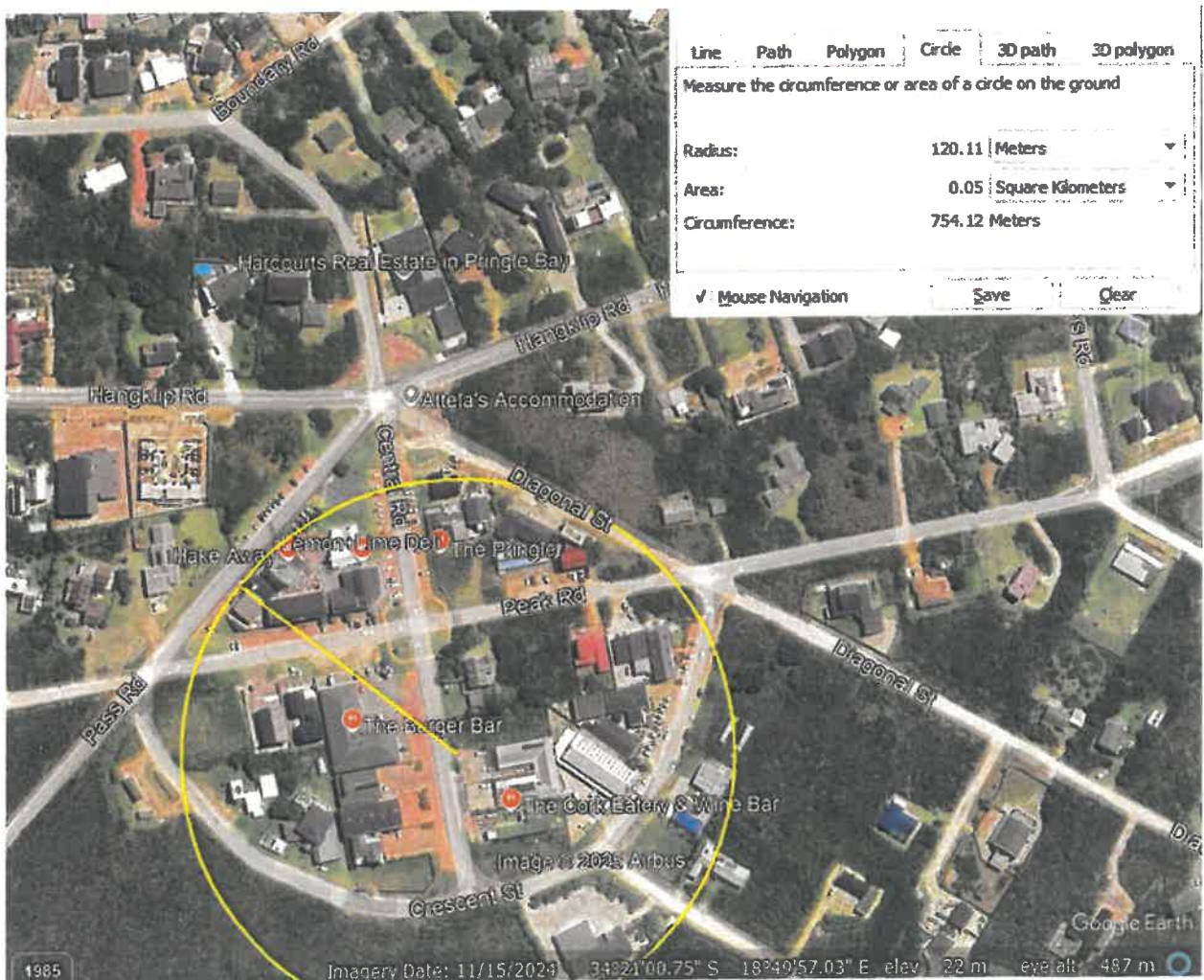
Yours faithfully

T du Preez

Annexure A

Circle indicating 120m Radius from "The Property"

(Google Earth Imagery date 15 November 2024)



Annexure B

Distance from "The Property" to Erf 429

(Boundary to boundary : 15.68m)

(Google Earth Imagery date 15 November 2024)

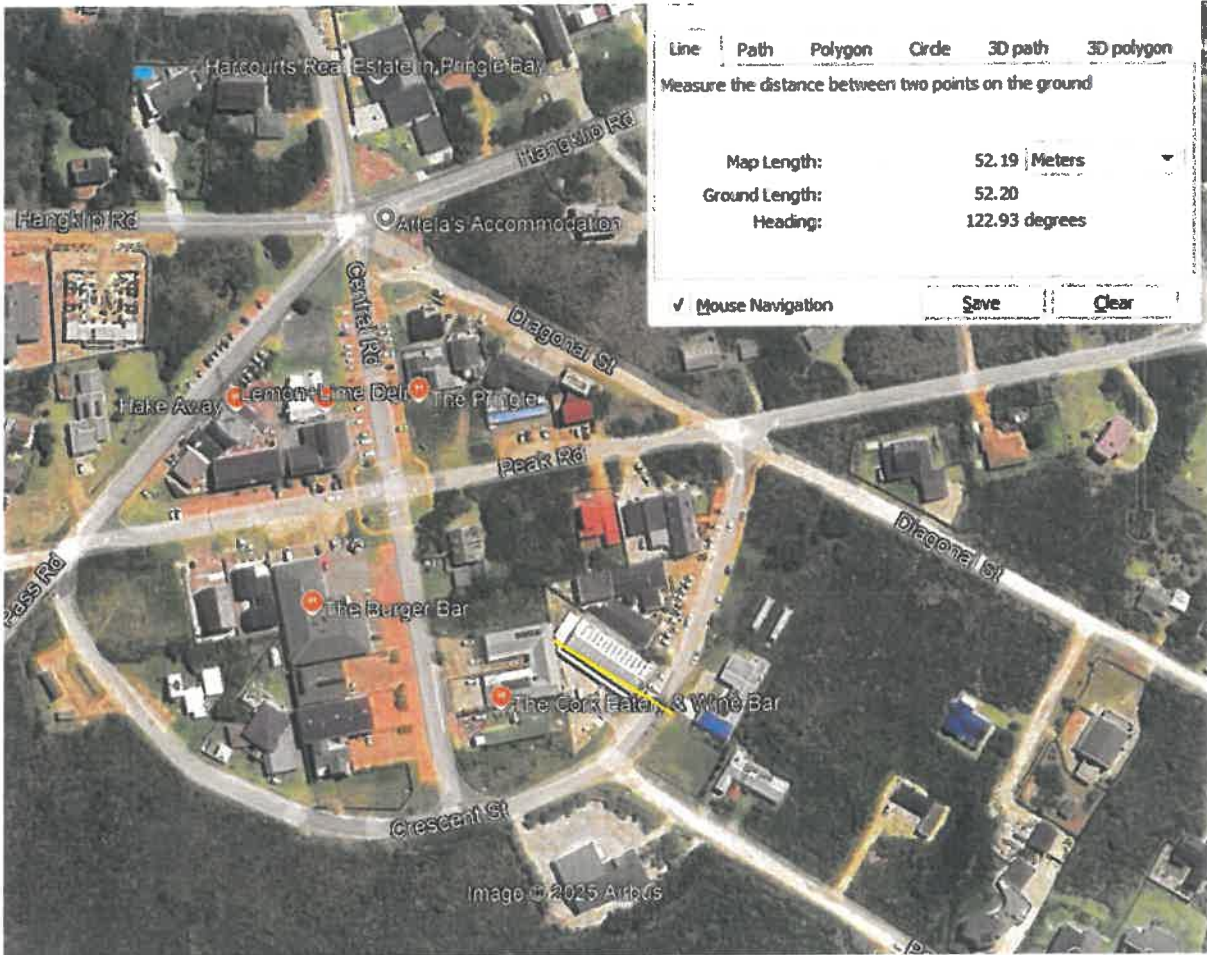


Annexure C

Distance from “The Property” to Erf 421

(Boundary to boundary : 52.19m)

(Google Earth Imagery date 15 November 2024)

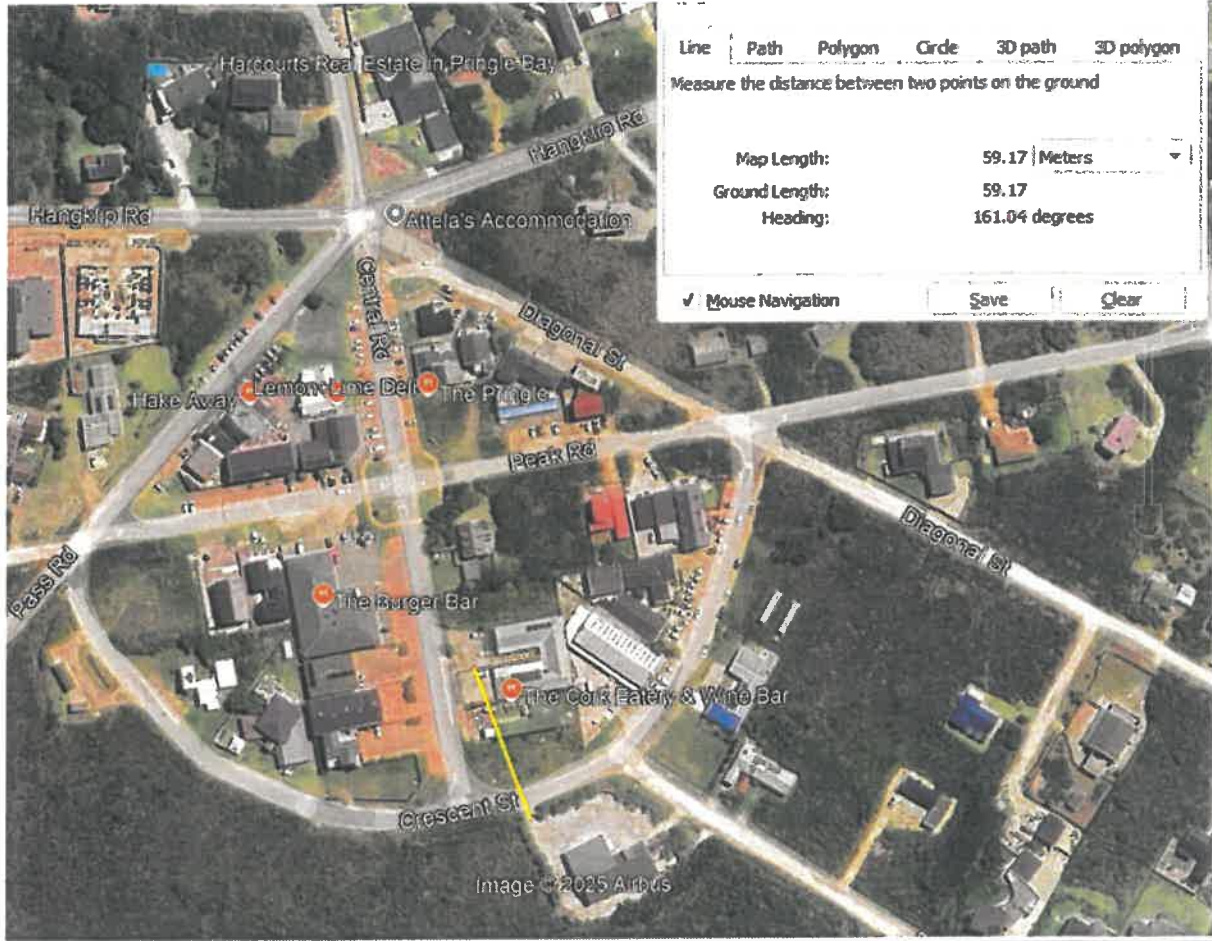


Annexure D

Distance from "The Property" to Erf 397 (The Church)

(Boundary to boundary : 59.17m)

(Google Earth Imagery date 15 November 2024)

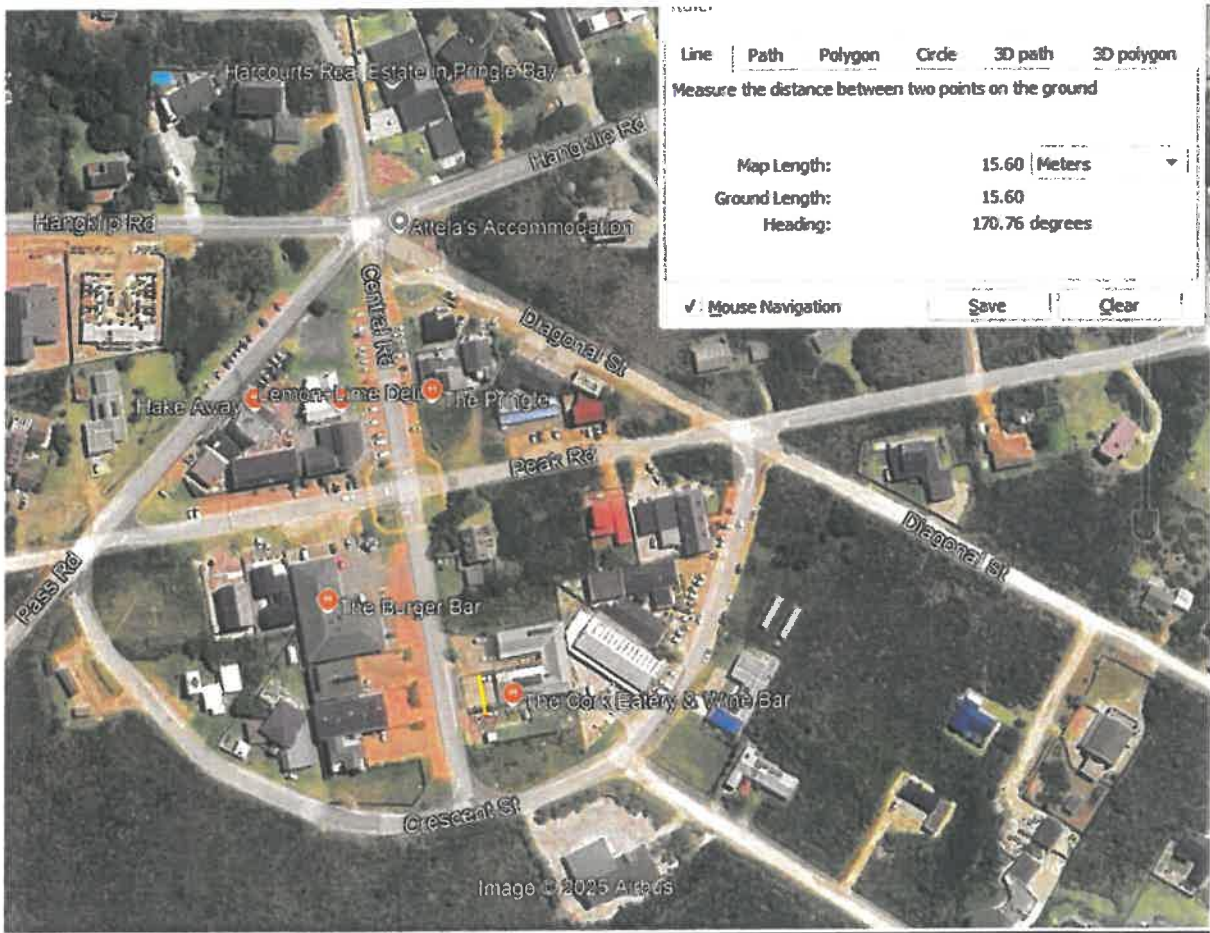


Annexure E (Creche)

Distance from "The Property" to Erf 425

(Boundary to boundary : 15.6m)

(Google Earth Imagery date 15 November 2024)



Annexure F

Parking availability Erf 427

(Parking available as per Application : (5x) 2.5m x 5m)

(Google Earth Imagery date 15 November 2024)



Annexure G

Off-Street Parking availability Erf 427

(Photograph taken 7 May 2025 at 14:22)



Loretta Gillion

From: Tessa Du Preez <tessadup@gmail.com>
Sent: Thursday, 08 May 2025 22:03
To: Loretta Gillion
Subject: Objection against application for erf427
Attachments: Tes Objection against TP application Slot machine (1).docx

Good day

Please find enclosed letter of objection against the application for plot 427.

Kind regards

Tessa du Preez

12 MAY 2025

Loretta Gillion

23/175

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Elmarie & Carina <hangklipbstore@gmail.com>
Sent: Friday, 09 May 2025 12:38
To: Loretta Gillion
Subject: Objection to the application for consent use , Erf 427, Central Road Pringle Bay

To whom it may concern

Re Application for consent use by Grand Gaming Western Cape (PTY) LTD Trading as Grandslots on behalf of Aburec Fencing CC (PTY) LTD. Reg nu 1997/026070/23

We object to the application of a gambling license on a moral ground. We do not believe that a gambling room would benefit the small community of Pringle Bay.

Although our business across from the establishment might benefit from this, we still object very strongly. Gambling slot machines and the social ills that come with it, is not the community that we have invested in, nor choose to live in.

Secondly the parking area is currently all used by the tenants and employees from the pub. No parking for current customers, adding the gambling area will increase the parking problem.

Lastly, the potential security impact associated with winning and losing of money.

Thanks
Elmarie Strydom & Carina Louw
14 Central Road
Pringle Bay. .

FILE NO. Erf 427-KPRB
<input type="text"/>
SCAN NO.
<input type="text"/>
COLLABORATOR NO.
2660533

12 MAY 2025

Loretta Gillion

From: Loes Nas <loesnas@gmail.com>
Sent: Wednesday, 30 April 2025 10:29
To: Loretta Gillion
Cc: secretary@pringlebayratepayers.co.za
Subject: objection to gambling facility in CBD Pringlebay

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
30 APR 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Senior Town Planner, Mrs. H. van der Stoep,

As a rate-payer and owner of two erfes in Pringlebay (erfs 614 and 622), and therefore interested party, I herewith strongly and insistenty object to the application for consent use for erf 427, Central Road, Pringlebay for the installation of slot machines in terms of Section 16(2)(o) of the By-Law for a place of entertainment to accommodate five (5) limited payout machines.

My reasons for objection are as follows:

1. The slot machines will attract a gambling crowd to a small village that is proud of its quietness and love for biodiversity and nature, something nobody wants
2. Gambling is addictive and might not be conducive for raising children in village surroundings. One wants to teach appreciation of one's natural surroundings and not gambling. Also, erf 425 operates as a children's creche/preschool, and one would not want young children to come into contact with gamblers, something nobody wants.
3. Gambling costs money. Once addicted and more money is needed for gambling, this might lead to an increase in petty crime in our peaceful village, something nobody wants.
4. Standards of the CBD should not be lowered; next door on erf 426 there is a top-class upmarket restaurant and gambling machines will definitely attract the wrong crowd to the shared building and lower the standard of this part of the CBD, something nobody wants .

My contact details are as follows:

Dr AASM Nas
 PO Box 12594
 Mill Street 8010
 Kaapstad
 mobile: 0027822023302
 whatsapp: 0031648559699

I hope you take my objections into serious consideration.

Kind regards,
 Dr A Nas

FILE NO. Erf 427
KPB
SCAN NO.
COLLABORATOR NO.
2652497

Loretta Gillion

From: martie@hermanus.co.za
Sent: Tuesday, 22 April 2025 16:54
To: Loretta Gillion
Subject: erf ~~429~~ 15 Central weg Pringlebaai Gamin Aburec Fencing CC
 427

Wie dit mag aangaan

As die eienaar van erwe 436 , 24 Peakweg en 895, 6 Sidney straat, Pringlebaai, wil ek graag my teenkanting uitspreek vir die aansoek vir slot masjiene op erf 427 15 Sentraal weg Pringlebaai.

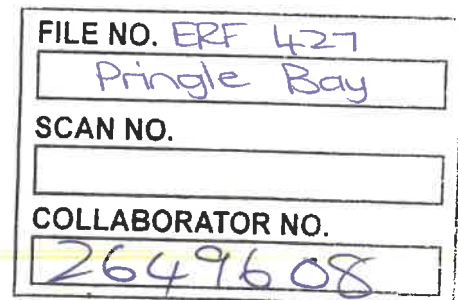
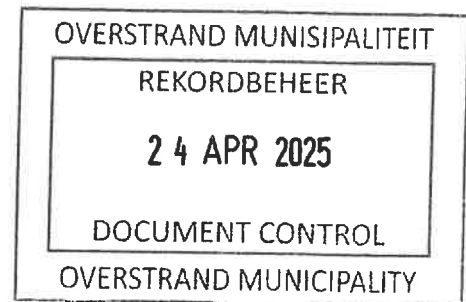
Enige bewyse dat dobblaars geld maak, nee, maar wel die een wat dit daar stel. Geen bewyse van 'n "arm" dobbelhuis., of eienaar

*Regards/Groete
Martie*

Martie Kotze'
 Martie Kotze Properties
 Sole Proprietor
 NQ5 Principal
 Registered with PPA
 6 Sidney Rd
 Pringle Bay
 Cell: 083 265 9121
 Email: martie@hermanus.co.za
 www: martieinpringlebay.co.za



Warrants of a Valid FFC



TP 24 APR 2025

Loretta Gillion

From: Sue Schalit <sue@schalit.co.za>
Sent: Tuesday, 15 April 2025 15:03
To: Loretta Gillion
Subject: Fwd: Objection to Application for Consent Use for Gaming Outlet on Erf 427, 15 Central Road, Pringle Bay

OVERSTRAND MUNISIPALITEIT
 REKORDBEHEER
 15 APR 2025
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

FILE NO. ERF 427 ✓
 Pringle Bay
 SCAN NO.
 COLLABORATOR NO.
 2645851

To: Overstrand Municipality Department: Town and Spatial Planning

Subject: Objection to Application for Consent Use for Gaming Outlet on Erf 427, Pringle Bay

Dear Mrs. H. van der Stoep,

I absolutely object to the application for consent use submitted by Grand Gaming Western Cape (Pty) Ltd on behalf of Aburec Fencing CC (Pty) Ltd for the operation of a place of entertainment with five limited payout machines (LPMs) on Erf 427, 15 Central Road, Pringle Bay.

I have lived in Pringle Bay and am an owner and PBRA member since the late 90's and a permanent resident since 2017, this is a ridiculously irrelevant application and forms part of a greater worrying trend of more and more inappropriate and patently unsuitable applications pushing to exploit and undermine our unique, pristine village - why are they even considered in the first place? Especially when, as in this case, they are so obviously ill-suited and misdirected.

What concerns me, my family, our neighbours, business owners and most of the community, especially as I also part own a plot nearby in 470 Diagonal Street, is the potential negative impact this gaming outlet would have on our quiet seaside village - it is after all situated within a pristine natural environment and a UNESCO biosphere reserve.

Simply, the introduction of slot machines and gambling activities is totally inappropriate for our community.

for the record, here are my reasons below:

- 1. Disrupting our Community Character:** Pringle Bay is known for and characterized by its tranquil atmosphere and natural beauty, attracting visitors and residents who value the peace and quiet. The establishment of a gaming outlet and/or the introduction of slot machines would significantly alter the character of our village, adding incongruent elements to the serene environment.

15 APR 2025

2. **Concern for the Environment:** Our village is part of a UNESCO biosphere reserve, which emphasizes the importance of preserving natural habitats and promoting sustainable development. The proposed gaming outlet does not align with these principles and could lead to increased foot traffic and potential environmental degradation.
3. **Social Impact:** Research results in South Africa and around the world overwhelmingly, and rather disturbingly, indicate that gambling establishments inevitably lead to various social issues, including addiction and financial distress. The presence of slot machines attracts undesirable behavior which will negatively affect the well-being of our community members.
4. **Economic Impact:** While the application disingeniously suggests that the gaming outlet will generate additional income, this is a short term, cynical, commercially exploitative argument that is totally insensitive to its surroundings and future consequences. It is essential to consider the *long-term* economic implications – the potential for increased crime and social problems could deter tourists and harm local businesses that rely on the village's reputation as a peaceful retreat.
5. **Incompatibility with Surrounding Land Uses:** Although the property is zoned for business use, the specific nature of a gaming outlet is not compatible with the existing businesses and residential areas. The introduction of gambling activities would seriously disrupt the harmony and cohesiveness of the local business environment.

In conclusion, I urge the Overstrand Municipality to please reject this application outright for consent use. A gaming outlet absolutely unsuitable for Pringle Bay. In fact, it poses significant security risks to our community's character, environment, and social fabric.

Thank you for considering my objection. Please confirm receipt of this Objection and keep me updated on any relevant information pertaining to this matter, the outcome and any appeal process.

Yours Sincerely,

Susan B Schalit

Co-owner: 1/470 Diagonal Street, Pringle Bay.

Owner /Resident: 13/94 Bell Road North, ERF 94 ,Pringle Bay.

PBRA member

15 APR 2025

352

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

FILE NO. ERF 427

Pringle Bay

SCAN NO.

COLLABORATOR NO.

2645847

Loretta Gillion

From: Mike Schalit <mike@ideas4good.com>
Sent: Tuesday, 15 April 2025 13:36
To: Loretta Gillion
Cc: Sue Schalit
Subject: Objection to Application for Consent Use for Gaming Outlet on Erf 427, 15 Central Road, Pringle Bay

To: Overstrand Municipality Department: Town and Spatial Planning

Subject: Objection to Application for Consent Use for Gaming Outlet on Erf 427, Pringle Bay

Dear Mrs. H. van der Stoep,

I strongly object to the application for consent use submitted by Grand Gaming Western Cape (Pty) Ltd on behalf of Aburec Fencing CC (Pty) Ltd for the operation of a place of entertainment with five limited payout machines (LPMs) on Erf 427, 15 Central Road, Pringle Bay.

Having been a long standing Pringle Bay owner and PBRA member since the late 90's and a permanent resident since 2019, it is troubling to note that this ridiculously irrelevant application is part of a greater worrying trend of more and more inappropriate and patently unsuitable applications pushing to exploit and undermine our unique, pristine village - why are they even considered in the first place? Especially when, as in this case, they are so obviously ill-suited and misdirected.

What deeply concerns me, my family, our neighbours, business owners and most of the community, especially as I own a plot nearby in Daigonal Street, is the potential negative impact this gaming outlet would have on our quiet seaside village – it is after all situated within a pristine natural environment and a UNESCO biosphere reserve.

Accordingly, it should be obvious to any clearly thinking, rational person why the introduction of slot machines and gambling activities is inappropriate for our community. However, for the record, I have spelled out several reasons below:

- 1. Disrupting our Community Character:** Pringle Bay is known for and characterized by its tranquil atmosphere and natural beauty, attracting visitors and residents who value the peace and quiet. The establishment of a gaming outlet and/or the introduction of slot machines would significantly alter the character of our village, adding incongruent elements to the serene environment.
- 2. Concern for the Environment:** Our village is part of a UNESCO biosphere reserve, which emphasizes the importance of preserving natural habitats and promoting sustainable development. The proposed gaming outlet does not align with these principles and could lead to increased foot traffic and potential environmental degradation.
- 3. Social Impact:** Research results in South Africa and around the world overwhelmingly, and rather disturbingly, indicate that gambling establishments inevitably lead to various social issues, including addiction and financial distress. The presence of slot machines attracts undesirable behavior which will negatively affect the well-being of our community members.
- 4. Economic Impact:** While the application disingeniously suggests that the gaming outlet will generate additional income, this is a short term, cynical, commercially exploitative argument that is totally insensitive to its surroundings and future consequences. It is essential to

15 APR 2025

- consider the *long-term* economic implications – the potential for increased crime and social problems could deter tourists and harm local businesses that rely on the village's reputation as a peaceful retreat.
- 5. **Incompatibility with Surrounding Land Uses:** Although the property is zoned for business use, the specific nature of a gaming outlet is not compatible with the existing businesses and residential areas. The introduction of gambling activities would seriously disrupt the harmony and cohesiveness of the local business environment.

In conclusion, I strongly urge the Overstrand Municipality to please reject this application outright for consent use. The proposed gaming outlet is clearly unsuitable for Pringle Bay. In fact, it poses significant risks to our community's character, environment, and social fabric.

Thank you for considering my objection. Please confirm receipt of this Objection and keep me updated on any relevant information pertaining to this matter, the outcome and any appeal process.

Yours Sincerely,

M Schalit

Co-owner: 1 Diagonal Street, Pringle Bay.

Resident: 13 Bell Road North, ERF 94 ,Pringle Bay.

PBRA member

30/175

Loretta Gillion

From: Dawn Myburgh <dawnm@netactive.co.za>
Sent: Wednesday, 09 April 2025 11:02
To: Loretta Gillion
Subject: ERF 427, 15 CENTRAL ROAD, PRINGLE BAY: APPLICATION FOR CONSENT USE: GRAND GAMING WESTERN CAPE ON BEHALF OF ABUREC FENCING CC

Importance: High

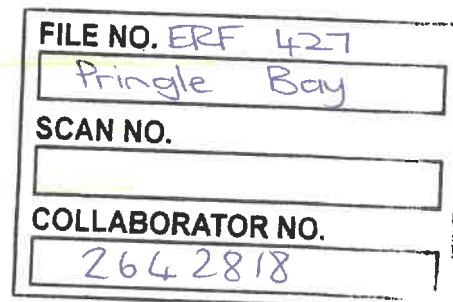
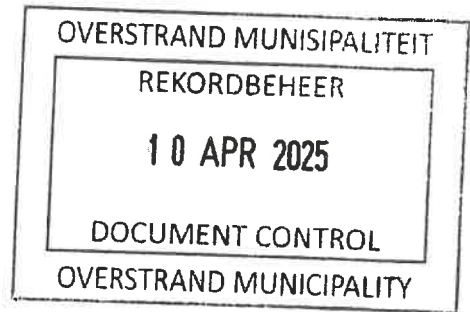
Dear Ms Gillion,

I wish to OBJECT strenuously to the above proposed development on the following grounds:

1. Pringle Bay, being a village in a biosphere, is NOT a suitable location for any form of gambling establishment
2. Erf 427 is situated right next to a nursery school, making the proposal totally incompatible with its surroundings
3. Pringle Bay is a geographic amphitheatre, the noise factor will have a negative impact on people living not just in the vicinity but throughout the village
4. Hours of operation of gambling premises, with the accompanying increase in traffic and well-documented behaviour of patrons will also impact on us all.

Regards,
Dawn Myburgh

Dawn Myburgh
 408 Park Road
 Pringle Bay
 7196
 083 765 0726



TP
 10 APR 2025

Loretta Gillion

From: MadagasCat Info <info@madagascats.co.za>
Sent: Thursday, 10 April 2025 13:05
To: Loretta Gillion
Subject: [CAUTION: SUSPECT SENDER] Erf 427, 15 Central Road, Pringle Bay: Public Participation

Good afternoon

APPLICATION FOR CONSENT USE BY GRAND GAMING WESTERN CAPE (PTY) LTD
 TRADING AS GRANDSLOTS ON BEHALF OF ABUREC FENCING CC (PTY) LTD –
 REGISTRATION NUMBER 1997/026070/23

I would like to lodge an objection to this proposition as follows:

I am the owner of 425 Central Road, Pringle Bay

There is a child care business operating from that premises and, if these machines are operating during the day, will impact on the quality of care we are able to offer.

Pringle Bay is no place for gambling - as it is the Head Office Pub creates a disturbance during its operating hours - slot machines will attract the wrong type of people to the area and the influence of gambling on our youth can only be disastrous.
 Even if it is for 18 years and older.

Let's make it happen!
 Harriet Millson



N B All quotes are based on our discounted cash rates. If you will be paying by credit card please let us know and we will quote accordingly.

FILE NO. ERF 427
Pringle Bay
SCAN NO.
COLLABORATOR NO.
2642955

OVERSTRAND MUNISIPALITEIT
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11 APR 2025
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OVERSTRAND MUNICIPALITY

11 APR 2025

Loretta Gillion

From: Ken Meiring <km7647@gmail.com>
Sent: Thursday, 10 April 2025 10:20
To: Loretta Gillion
Subject: Objection: ERF 427, 15 CENTRAL ROAD, PRINGLE BAY: GRAND GAMING WESTERN CAPE (ABUREC FENCING CC)
Attachments: Gambling Facility - Letter of Concern.pdf

Good Morning

Please see the attached letter of objection from the management committee of KidsCan! After School Care and Learning Centre.

Our charity shop in Pringle Bay is right next to the venue where the proposed gambling facility will be, if it is approved.

Our reasons for the objection are included in the attached letter.

Please acknowledge receipt?

Thank you.

Regards

Ken Meiring

Chairperson

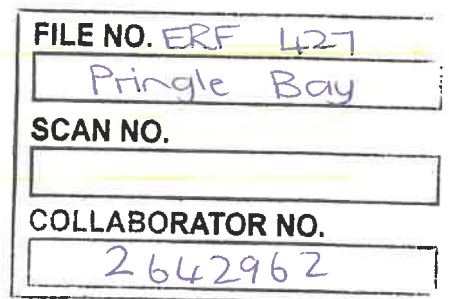
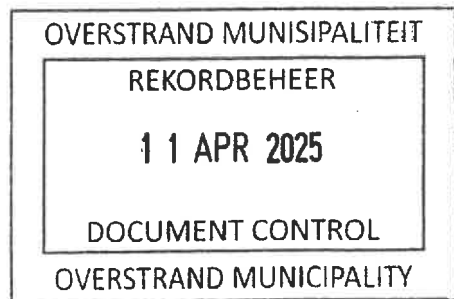
079 495 0888

NPO NR:227-988

PBO NR: 930077667

<https://www.kidscan.co.za/>

www.facebook.com/kidscan.aftercare



TP 11 APR 2025



+27(0)76 080 4039

manager@kidscanl.co.za

www.kidscan.co.za

119 10th Avenue, Kleinmond (C/O 10th Ave & 11th Str), 7195

NPO 227-988

PBO 930077667

09th May 2025

Present Land Use Application for Gambling Facility (Slot Machines)

Attention: Theresa Els – Ward 10 Councillor, Overstrand Municipality

As you may be aware, KidsCan! After School Care and Learning Centre have a charity shop in Pringle Bay. It is located on Erf 427, 13 Central Road in the walkway leading from the street to the HQ Pub, between the Dutch restaurant and HQ Pub.

This shop is managed and run by lady volunteers of senior age from the Pringle Bay Community, who are all retired people living in Pringle Bay. Our customers are also Pringle Bay residents as well as ~~and include~~ visitors from Cape Town and surrounds. Many of our customers bring their children with them when they visit the shop.

The shop sales are predominantly cash based, which means that occasionally there are fairly large amounts of cash on hand in the shop, particularly during the seasonal busy times.

Our concern is that should this gambling facility be allowed to function, it will attract people of potentially unsavoury character. Our volunteer ladies and visitors may then become potential targets for some the gambling clientele, in which case their safety cannot be guaranteed.

Therefore, on behalf of KidsCan! ASCLC, we must strongly request that this application for a gambling facility not be considered, as it will present a situation in which our volunteers and customers may be exposed to potential threat.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ken Meiring'.

Ken Meiring
Chairperson

FILE NO.	ERF 427
	Pringle Bay
SCAN NO.	
COLLABORATOR NO.	2641138

34/175



DRAKENZICHT INVESTMENTS (PTY) LTD

Reg. No. 2006/008494/07

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
08 APR 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Drakenzicht Investments (Pty) Ltd
 Farm Drakenzicht
 Zevenrivieren Rd
 Banhoek
 Stellenbosch
 7600

4 April 2025

To Whom It May Concern,

OBJECTION AGAINST: APPLICATION FOR CONSENT USE BY GRAND GAMING WESTERN CAPE (PTY) LTD TRADING AS GRANDSLOTS ON BEHALF OF ABUREC FENCING CC (PTY) LTD – REGISTRATION NUMBER 1997/026070/23 : Erf 427 Pringle Bay

As concerned property owners (14 Crescent, Pringle Bay, Stand 382), we, J.P. Burger and S.J. Burger categorically object in the strongest possible terms to the application for consent use submitted by Grand Gaming Western Cape (Pty) Ltd, trading as Grand Slots, on behalf of Aburec Fencing. This application seeks to operate five electronic or mechanical gambling machines at 15 Central Road, Pringle Bay, on behalf of the owner of Erf 427 Pringle Bay. The reasons for our vehement opposition to this application is as follows:

1. **Pringle Bay's Unique Character and History including its Environment**

Pringle Bay is a small, peaceful coastal town known for its natural beauty, eco-tourism, and strong sense of community. It is part of the Kogelberg Biosphere Reserve, an internationally recognized conservation area. The town has always maintained a relaxed and family-friendly atmosphere, attracting visitors who appreciate its unspoiled environment, artisanal businesses, and sustainable tourism offerings.

The introduction of a gambling establishment fundamentally clashes with this character. Such venues are typically found in urban areas or entertainment hubs - not in quiet, nature-focused towns like Pringle Bay. Allowing a gambling facility would erode the unique charm of our town and set a dangerous precedent for future developments that do not align with our community values.

Directors: JP Burger / SJ Burger

TP

- 8 APR 2025

2. **Negative Social and Economic Impact**

Research has consistently shown that gambling establishments can have serious social and economic consequences, particularly in small towns where strong community ties exist. Please refer to the last page for a list of studies and sources on the social and economic impacts of gambling in South Africa.

Potential negative consequences include:

- Increased financial hardship among vulnerable individuals, leading to excessive debt, economic instability, and family distress. Studies show that small-scale gambling venues often attract local residents rather than tourists, increasing the risk of financial harm within the community
- Higher crime rates, including fraud, theft, and illegal gambling-related activities, as financial desperation among problem gamblers can lead to criminal behavior. Additionally, gambling establishments have been linked to increased petty crime and organized illegal betting operations.
- A shift in tourism dynamics, as the presence of a gambling facility may deter families and eco-conscious visitors - who currently form the backbone of Pringle Bay's tourism - while attracting clientele that does not align with the town's identity.
- Depreciation of property values, as gambling establishments often contribute to urban decline rather than economic upliftment. Homebuyers and investors tend to avoid areas with gambling facilities, fearing an increase in crime, noise, and social issues.
- Increased alcohol abuse and psychological distress, as problem gambling is often linked to higher rates of substance abuse, anxiety, depression, and even suicide. The introduction of gambling in small communities has been shown to exacerbate these mental health challenges.
- A rise in unregulated gambling activities, as small-scale legal gambling venues can inadvertently contribute to the growth of informal and illegal betting operations, making regulation and enforcement more difficult.
- Community fragmentation, as problem gambling leads to social isolation, family breakdowns, and workplace instability. Small towns thrive on strong community bonds, and the introduction of gambling threatens this cohesion.
- Strain on local law enforcement and social services, as gambling-related social issues, such as financial disputes, domestic problems, and addiction-related crime, place additional burdens on already limited municipal resources.
- Long-term economic instability, as studies have shown that while gambling establishments generate revenue for their owners, they often do so at the expense of

local businesses. Money lost to gambling is not reinvested into the broader community, leading to economic stagnation rather than growth.

Given these significant risks, it is clear that introducing a gambling facility in Pringle Bay would have far-reaching negative consequences, outweighing any potential financial benefits claimed by the applicant.

The argument that the business would generate additional income that could be reinvested in the area is misleading. While the business owner may profit, the overall effect on the town's economy could be harmful, particularly if families and eco-tourists - who support local businesses - begin to avoid the area.

3. Traffic, Noise, and Infrastructure Strain

Pringle Bay has limited infrastructure, with narrow roads, minimal parking, and a general lack of large commercial facilities. Even though the Application is "only" for five electronic or mechanical gambling machines – it could still have the following effect:

- Increase traffic congestion on Central Road, particularly with visitors coming from outside town.
- Result in late-night noise disturbances, as gambling establishments often operate beyond regular business hours.

4. Detailed Rebuttal to Applicant's Motivation Summary

The applicant has provided several points in support of the proposed gambling venue. We systematically refute each claim below:

Applicant's Claim	Counter-Argument
The proposed consent use application will not have a negative impact on the property.	A gambling venue fundamentally alters the character of a property, attracting a different clientele and potentially lowering surrounding property values. The stigma associated with gambling establishments can deter future buyers and investors who prefer Pringle Bay's peaceful, family-friendly atmosphere.
The use will be in uniform with the surrounding land uses.	Pringle Bay does not have any gambling establishments, making this proposal completely out of character. Surrounding businesses focus on eco-tourism, dining, and artisanal trades - none of which align with a gaming facility.
There is parking provision made available on-site.	Even if parking is provided on-site, increased traffic from out-of-town visitors could lead to congestion on Central Road. Pringle Bay has limited infrastructure, and additional vehicle movement could disrupt the flow of the town, particularly during peak holiday seasons.
The application is submitted for use rights per the applicable policy and legislation.	Just because an application follows procedural requirements does not mean it is appropriate for the location. Zoning and policy frameworks should consider community needs and town character, both of which this proposal disregards.
No new structures or additions to the existing building envelope are being proposed.	While no physical changes may be planned, the nature of the business is a significant shift. The type of activity within a building impacts the surrounding environment just as much as

Applicant's Claim	Counter-Argument
	structural changes do.
There will be no impact on engineering services.	This claim ignores potential indirect effects such as increased water and electricity consumption, especially if the facility operates late into the night. Additionally, an increase in visitors may put pressure on local waste management.
No additional floor space is applied for.	Again, the issue is not physical expansion but the function of the space. A gambling venue attracts a different demographic and introduces risks that impact the town's social fabric and economy.
The building is adequately serviced.	Having the necessary services does not justify an inappropriate land use. Adequate servicing is expected of any property, but it does not override community concerns.
The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the proposed land use application.	The issue is not only about the physical look of the area but also the atmosphere and social impact. A gambling venue attracts clientele and behaviors that do not align with the town's relaxed, family-friendly setting.
There are no adverse impacts envisaged through the approval of the applications.	This is purely speculative. Gambling establishments in small towns have historically led to increased crime, financial distress among residents, and a shift in the community's social dynamics. Once such a venue is introduced, the damage is often irreversible.
Allowing the proposal for the subject property diversifies the land uses on the subject property and allows the owners to generate additional income that would be re-invested in the area.	Economic benefits should never come at the cost of community well-being. Diversification should align with the town's values - eco-tourism and sustainable small businesses, not gambling. If the owner needs additional income, there are many other community-friendly business models that could be pursued instead.
The facility's continued operation will allow the owner to continue maintaining the property and its current security measures, thus improving its safety and security.	There is no evidence that a gambling venue improves security. In fact, gambling establishments are known to attract crime (theft, fraud, and even violent incidents). Security concerns should not be used as leverage to justify inappropriate land use.

5. Conclusion

Pringle Bay is a special place known for its natural beauty, tranquillity, and small-town charm. It draws people not only for its stunning landscapes but also for its commitment to preserving the environment. This community values its connection to nature, and the proposed development of a gaming establishment would disrupt this delicate balance. Pringle Bay lies within the Kogelberg Biosphere Reserve, an internationally recognized conservation area that is home to several endangered and endemic species, such as the critically endangered Micro Frog, the rare Marsh Rose, and the Kogelberg Freshwater Crab. These species depend on the pristine environment for survival, and the introduction of a commercial venture like a gaming facility poses a serious threat to their habitats. Increased human activity and tourism, especially from visitors who may not be mindful of the local environment, could lead to the degradation of these ecosystems. Given the area's invaluable biodiversity, allowing this application would

jeopardize both the preservation of these species and the long-term sustainability of Pringle Bay as a protected biosphere.

In order to protect the unique character, safety, economic sustainability and environment of Pringle Bay, we strongly urge the relevant authorities to reject this application.



J.P. BURGER

S.J. BURGER

A LIST OF SUPPORTING REFERENCES AND SOURCES
RELEVANT STUDIES ON THE SOCIAL AND ECONOMIC IMPACTS OF GAMBLING IN
SOUTH AFRICA

These studies provide insights into the potential social and economic impacts of introducing gambling facilities into small communities like Pringle Bay, highlighting risks such as increased problem gambling, associated mental health issues, and economic sustainability concerns.

- 2023 : "Evaluating the Sustainability of South Africa's Gambling Industry"
 Source : Doctoral thesis, Durban University of Technology.
 Access : Accessible via [DUT Open Scholar](https://openscholar.dut.ac.za/jspui/handle/10321/5332).
 (https://openscholar.dut.ac.za/jspui/handle/10321/5332)
 Summary : This thesis investigated the challenges facing South Africa's gambling industry, including declining revenues and the rise of unregulated gambling. It highlighted the need for government intervention and stricter regulation to ensure the industry's sustainability.
- 2016 : "Problem Gambling Among Urban and Rural Gamblers in Limpopo Province, South Africa: Associations with Hazardous and Harmful Alcohol Use and Psychological Distress"
 Source : Journal of Gambling Studies.
 Access : Available at [PubMed](https://pubmed.ncbi.nlm.nih.gov/25631703/).
 (https://pubmed.ncbi.nlm.nih.gov/25631703/)
 Summary : This study surveyed 900 gamblers in Limpopo Province and found that 28.3% were at high risk for problem gambling. High-risk gambling was significantly associated with hazardous alcohol use and psychological distress, with limited awareness of support services, especially in less urbanized areas.
- 2010 : "First Evidence of Comorbidity of Problem Gambling and Other Psychiatric Problems in a Representative Urban Sample of South Africa"
 Source : Journal of Gambling Studies.
 Access : Available at [PubMed](https://pubmed.ncbi.nlm.nih.gov/24927870/).
 (https://pubmed.ncbi.nlm.nih.gov/24927870/)
 Summary : This study found that problem gambling in urban South Africa is comorbid with depression, anxiety, and substance abuse, suggesting that gambling issues are intertwined with other mental health challenges.

Loretta Gillion

From: Rica Buhner <rieks@ideatank.co.za>
Sent: Tuesday, 08 April 2025 16:05
To: Loretta Gillion
Subject: RE: OBJECTION TO THE APPLICATION FOR CONSENT USE SUBMITTED BY GRAND GAMING WESTERN CAPE (PTY) LTD, TRADING AS GRAND SLOTS, ON BEHALF OF ABUREC FENCING – (ERF 427, 15 CENTRAL ROAD, PRINGLE BAY)
Attachments: Drakenzicht - Objection re Pringle Bay-Final.pdf

To Whom it May Concern:

As concerned property owners of 14 Crescent, Pringle Bay, Stand 382, we, J.P. Burger and S.J. Burger, hereby submit our six-page categorical objection to the application for consent use submitted by Grand Gaming Western Cape (Pty) Ltd, trading as Grand Slots, on behalf of Aburec Fencing.

Kind regards

Rica Buhner
on behalf of / namens:
Johan & Winnie Burger
Tel no./Tel nr.: 010-4438759
Cell no./Sel nr.: 0824673367
E-mail/E-pos: rieks@ideatank.co.za

Loretta Gillion

From: Kim Lewis <kimlewis8@yahoo.co.uk>
Sent: Wednesday, 09 April 2025 10:03
To: Loretta Gillion
Subject: Re: Present Land Use Application for Gambling Facility (Slot Machines) - ERF 427 PRINGLE BAY

Hi Loretta,
I forgot to give my erf numbers: 1892 and 419
Thanks, and have a good day.

Kim Lewis
MSc Medical Microbiology
HCPC UK BS39324
Senior Laboratory Consultant

PO Box 95/ 3 Park Street
Pringle Bay
W. Cape
7196
South Africa

email: kimlewis8@yahoo.co.uk
SA cell: +27 (0)73 2499201

On Wednesday 9 April 2025 at 09:25:51 GMT+2, Loretta Gillion <loretta@overstrand.gov.za> wrote:

Dear Ms Lewis

Receipt is hereby acknowledged of your email.

Regards

Loretta Gillion

Administrative Officer: Town & Spatial Planning

Directorate: Planning & Development, Overstrand Municipality, Hermanus

A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

T: 028 313 8900 | E: loretta@overstrand.gov.za

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Loretta Gillion

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09 APR 2025

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Martella du preez <martella.dupreez9@gmail.com>
Sent: Tuesday, 08 April 2025 23:18
To: Loretta Gillion
Subject: Application for consent use by Grand Gaming Western Cape

FILE NO. ERF 427
Pringle Bay
SCAN NO.
COLLABORATOR NO.
2641488

FROM: Dr Martella du Preez

16 Daine road, Pringle Bay

Cell: 0724586462

8 April 2025

My interest in this application: I am a ratepayer who very carefully chose Pringle Bay as my home. One of the main reasons was the fact that I will be living in harmony with nature, where biodiversity is valued, conserved and wisely used and where the inhabitants have values underpinned by serving and protecting the Kogelberg biosphere and the Pringle Bay area that lies in a critical southern coastal transition zone of the Kogelberg Biosphere. As a family we have found safety in a rural atmosphere and some quiet.

Reasons for comments:

All the reasons for bringing my family to live in Pringle Bay are violated by this Application of Grand Gaming Western Cape (pty) ltd trading as Grandslots on behalf of Aburec fencing cc (pty) ltd – registration number 1997/026070/23. The Western Cape Biodiversity Spatial Plan (WCBSP) (2017) acknowledged that the regional habitats, including the Kogelberg Biosphere are under significant threat and **balancing the need to protect biodiversity versus infrastructure and economic development** is paramount.

I reject the **Application for consent use by Grand Gaming Western Cape (pty) ltd trading as Grandslots on behalf of Aburec fencing cc (pty) ltd –registration number 1997/026070/23**

This application proposes that the municipality grants the property permission to operate a place of entertainment on Erf 427 Pringle Bay. The property is currently using its primary use right as a business premises, and this application proposes **to use the secondary use right to operate a place of entertainment at the existing restaurant for 5 LPMs with a consent use.**

The list of reasons given for this development is set out from the perspective of the developer and he/she lists all the non- impact issues that are actionable while ignoring the bigger environment and the type of community Pringle Bay represents. Implicit issues are not thought of or mentioned.

I provide a list of questions that should be answered. I have detailed explanations pertaining to the questions further down in the document

- 1) What spatial imbalances if any exist to warrant this proposal? The municipality should provide this information to the Pringle Bay community before taking any decisions based on this proposal.
- 2) Is the current business failing and therefore want to add 5 LMS s on the premises or is it a case of greed?
- 3) What are the proposed operating hours for this business? If it is the same as other gambling businesses, it could be devastating for peace and quiet in the business area and noise caused by late-night traffic.

Stating that there are no adverse effects for the Pringle Bay community is not true. I have listed several.

- 1) Traffic on Hang Klip will increase, especially late-night traffic and noise.
- 2) The community will have to deal with more people from other areas.
- 3) The current safety of the community may be jeopardized.
- 4) All tacit or intangible aspects are chosen to be ignored. These will be severe and will affect families.
- 5) Most people that will be attracted will not have the means to do so. This is sad.
- 6) Who are the target communities? Who are they? Where will they come from? How will they get here? By Taxi?

The application for a casino type entertainment venue is openly in violation of the character of Pringle Bay. It makes me ashamed to think that my visitors may become aware of it.

The proposal has been carefully worded, highlighting only the positive aspects of this development, deliberately giving it a flavour meant to convince innocent readers. It concentrates on the existing practical knowledge concerning the existing built premises that, according to GrandSlots, is an absolute perfect fit for the proposed application, enough parking bays, enough water and electricity, creation of job opportunities, the best use of land in terms of Section 16(2)(o) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.

In Section 6, Planning Principles:

- 1) **Spatial Justice imbalances** in the spatial development are mentioned but no reason information to corroborate any existing imbalances. The municipality has an obligation to investigate and provide information on what imbalances exist, if any and communicate this to the Pringle Bay public.

The proposers provide 2 weak arguments in terms of **securing and creating employment** which will contribute towards socioeconomic enhancement and maybe access to housing and land opportunities. These are broad dangerous statements that have no basis, and it cannot be proven.

It states that the provision for the continued utilization of the property for economic purposes will be secured. It raises the question: Is the current business failing or is this motivated by greed?

- 2) In Section 7, Motivation summary: **Adverse effects**. The proposers state that there are no adverse impacts envisaged through the approval of the application.

This is just a statement underpinned by the fact that the existing built premises, according to GrandSlots, is supposedly perfect fit for the planned development.

Adverse effects for the Pringle Bay community are the fact that the traffic on Hang Klip road will increase and so will the noise levels, which already are at unbearable levels.

What are the operating hours of the proposed business? How will this affect the character of Pringle Bay and the business area?

Pringle Bay community may have to deal with more late-night late traffic, more unwanted people, current our personal feelings of being safe will be jeopardized

The adverse effects the proposers choose to ignore are of tacit, intangible of nature.

Tacit and intangible aspects that result from this kind of entertainment include social and psychological impacts associated with gambling. They are hugely important because they have long term effects that influence the lives of individuals, the community and the character of a community. Gambling has severe impacts on families and especially children that live with the brunt of it.

Who will be attracted to this business? Those that will be attracted to this kind of entertainment will probably be those with very weak monetary standing. This should at all costs not be allowed in Pringle Bay.

There is no mention of their target community/clientele. Who are they, where will they come from? Will they be carted in by taxis? The Pringle Bay community surely cannot support this kind of business to the extent that it becomes successful??

Loretta Gillion

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OVERSTRAND MUNICIPALITY
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 04 APR 2025
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 OVERSTRAND MUNICIPALITY

From: James Foxcroft <JamesF@stbb.co.za>
Sent: Friday, 04 April 2025 11:09
To: Loretta Gillion
Subject: Erf 427, 15 Central Road, Pringle Bay: Public Participation



Dear Loretta

Objection to Grand Gaming Application

I am the registered owner of Erf 897, Jally Road, Pringle Bay.

I object to this Application for Consent.

The proposed gambling institution in the centre of the village is not aligned with the nature and character of this small, coastal village.

Kind regards
James Foxcroft
 Senior Associate



T: +27 (0) 21 406 9295
 F: +27 (0) 21 419 7669
 E: JamesF@stbb.co.za
 F2M: +27 (0) 86 516 0129

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 Reg. No: 1992/003316/21

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FILE NO. Erf 427-KPRB

SCAN NO.

COLLABORATOR NO.
2639025

TP - 4 APR 2025

Loretta Gillion

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REKORDBEHEER
04 APR 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Julia Griss <julia@vetta.co.za>
Sent: Thursday, 03 April 2025 15:19
To: Loretta Gillion
Subject: Application for Consent Use: Erf 427, 15 Central Road *Pringle Bay*

Good day.

As a property owner in Pringle Bay I wish to lodge a strong objection to this application.

Contact Details:

Name: Julia Griss
 Address: erf 134 Albatross Road, Pringle Bay
 Tel: 082 904 8224
 Email: julia@vetta.co.za

We are a quiet village and this type of activity will disrupt our area and invite unwanted attention. This is a biosphere and should be treated with respect.

Please no.....

Julia Griss

- 082 904 8224
- julia@selfology.capetown
- <https://www.selfology.capetown>
- 134 Albatross Road, Pringle Bay, 7196



Massage Reflexology
 Family Constellator Mindfulness Coach

FILE NO. <i>Erf 427-KPRB</i>
SCAN NO.
COLLABORATOR NO.
<i>2639008</i>

TP - 3 APR 2025

47/175

Loretta Gillion

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
04 APR 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Desiree Peers <des@fundingzone.co.za>
Sent: Friday, 04 April 2025 14:42
To: Loretta Gillion
Cc: Steven Peers
Subject: OBJECTION LODGED - ERF 427, 15 CENTRAL ROAD, PRINGLE BAY

THIS EMAIL SERVES TO CONFIRM THAT I OBJECT TO THE ABOVE APPLICATION.

I BELIEVE THAT THIS ACTIVITY WILL HAVE A NEGATIVE IMPACT ON OUR COMMUNITY.

- 1. DISRUPTION OF COMMUNITY ATMOSPHERE** – OUR SUBURB IS KNOWN FOR ITS PEACEFUL ENVIRONMENT, WHERE FAMILIES, CHILDREN, AND ELDERLY RESIDENTS FEEL COMFORTABLE AND SECURE. THE PRESENCE OF GAMBLING MACHINES COULD DISRUPT THE CALM NATURE OF THE AREA, LEADING TO INCREASED NOISE AND FOOT TRAFFIC, ALL OF WHICH COULD ERODE THE PEACEFULNESS WE HAVE WORKED HARD TO MAINTAIN.
- 2. RISK OF INCREASED SOCIAL ISSUES** : GAMBLING CAN LEAD TO A VARIETY OF SOCIAL PROBLEMS, INCLUDING CRIME, THEFT, VADALISM AND OTHER FORMS OF ANTI-SOCIAL BEHAVIOUR. A CONCENTRATION OF INDIVIDUALS SEEKING TO GAMBLE LATE INTO THE NIGHT COULD LEAD TO PUBLIC DISTURBANCES, AFFECTING THE SAFETY AND SECURITY OF OUR RESIDENTS.
- 3. IMPACT ON PROPERTY VALUES** – THE PRESENCE OF GAMBLING ESTABLISHMENTS CAN LOWER PROPERTY VALUES AND MAKE THE AREA LESS ATTRACTIVE TO PROSPECTIVE HOMEOWNERS.
- 4. POTENTIAL FOR GAMBLING ADDICTION** – GAMBLING MACHINES HAVE THE POTENTIAL TO CREATE ADDICTION, WHICH CAN SEVERELY AFFECT INDIVIDUALS AND THEIR FAMILIES. THE INTRODUCTION OF THESE MACHINES CAN INCREASE THE LIKELIHOOD OF INDIVIDUAL BECOMING ENSNARED IN HARMFUL GAMBLING HABITS, WHICH CAN HAVE DEVASTATING EFFECTS ON MENTAL HEALTH AND COMMUNITY WELFARE.
- 5. INCOMPATABILITY WITH RESIDENTIAL ZONING** – THE PRIMARY PURPOSE OF A RESIDENTIAL NEIGHBOURHOOD IS TO PROVIDE A SAFE, PEACEFUL AND FAMILY-FRIENDLY ENVIRONMENT. INTRODUCING GAMBLING MACHINES RUNS COUNTER TO THE INTENT OF MAINTAINING A RESIDENTIAL AREA FREE FROM COMMERCIAL ACTIVITY.

IN CONCLUSION, THE OVERALL CONSEQUENCES FOR THE WELL-BEING OF OUR NEIGHBORHOOD ARE CONCERNING. I URGE THE PLANNING COMMITTEE TO TURN THIS APPLICATION DOWN AND PRIORITISE THE WELL-BEING OF THE RESIDENTS OF PRINGLE BAY.

YOURS SINCERELY

DESIREE PEERS
0829004616
113 ALBATROSS ROAD
PRINGLE BAY

FILE NO. ERF 427
Pringle Bay
SCAN NO.
COLLABORATOR NO.
2639698

TP 04 APR 2025

Loretta Gillion

From: Lucinda Shepherd <sheppie58@gmail.com>
Sent: Friday, 04 April 2025 15:47
To: Loretta Gillion
Subject: Erf 427 Central Road Pringle Bay

Dear Sir / Madam

I, Lucinda Shepherd (ID 5802090068085) owner and permanent resident of Erf 486, 16 Threes Way object to the proposed plan to instal 5 gaming units at the above venue in Pringle Bay.

I moved to this area in retirement as it is in a biosphere and a small village which is peaceful and surrounded by nature. The residents share a love of the natural environment.

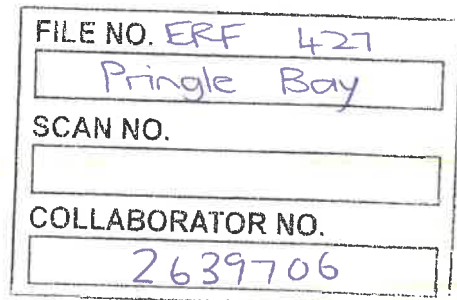
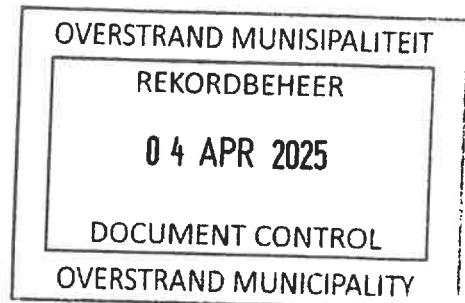
A bar with a gaming will attract patrons from other areas with no interest in the environment. It will encourage alcohol consumption.

I strongly object to this proposal

Regards

Lucinda Shepherd

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TP 04 APR 2025

Loretta Gillion

From: Loretta Gillion
Sent: Friday, 04 April 2025 12:14
To: johanmadri basson
Subject: RE: Erf 427, 15 Central Road, Pringle Bay: Public Participation - You are regarded as a potentially affected property owner
Attachments: ADVERTISEMENT_Erf 427, 15 Central Road, Pringle Bay (Consent Use).pdf

Dear Madri

Attached please find the documentation as requested.

Regards

Loretta Gillion

Administrative Officer: Town & Spatial Planning
Directorate: Planning & Development, Overstrand Municipality, Hermanus
A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
T: 028 313 8900 | E: loretta@overstrand.gov.za

From: johanmadri basson <bassonjm@yahoo.com>
Sent: Thursday, 03 April 2025 11:28
To: Loretta Gillion <loretta@overstrand.gov.za>
Subject: Erf 427, 15 Central Road, Pringle Bay: Public Participation - You are regarded as a potentially affected property owner

Good day.

Can you please send me documentation for **objection against GRAND GAMING WESTERN CAPE at ERF4247, Pringlbay.**

Kind Regards
Madri

Loretta Gillion

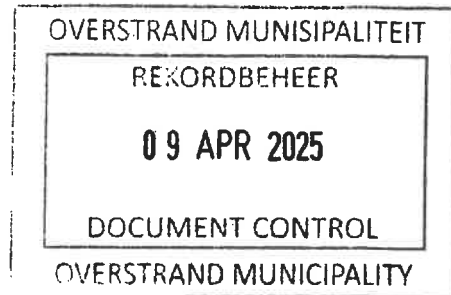
From: Kim Lewis <kimlewis8@yahoo.co.uk>
Sent: Wednesday, 09 April 2025 09:08
To: Loretta Gillion
Subject: Present Land Use Application for Gambling Facility (Slot Machines)

Dear Loretta,
 I am writing to object to the proposal to allow gambling machines for the following reasons:
 - Pringle Bay is a small village with a philosophy of living within a Biosphere. Slot machines have no place in such an environment
 - Any allowance of gambling opens the floodgates for even more gambling which I object to
 - I live close to the CBD which is already noisy with bar music, noisy people and we should not invite an additional gambling activity
 - Gambling is not a healthy activity and can lead to addiction and mental health issues
 - This proposal deviates completely from the Rate Payers vision in making Pringle Bay a remarkable village
 Thank you,

Kim Lewis
 MSc Medical Microbiology
 HCPC UK BS39324
 Senior Laboratory Consultant

PO Box 95/ 3 Park Street
 Pringle Bay
 W. Cape
 7196
 South Africa

email: kimlewis8@yahoo.co.uk
 SA cell: +27 (0)73 2499201



FILE NO. ERF 427
Pringle Bay
SCAN NO.
COLLABORATOR NO.
2641477



PRINGLE BAY RATEPAYERS' ASSOCIATION
PRINGLEBAAI BELASTINGBETALERSVERENIGING

SARS Reg. 9101/138/16/3
NPO Reg. 214-205
www.pringlebayratepayers.co.za
P O Box 409, Pringle Bay, 7196 / Posbus 409, Pringlebaai, 7196
Chairman / Voorsitter: chairman@pringlebayratepayers.co.za / Tel: 084 222 1242

The Municipal Manager
OVERSTRAND MUNICIPALITY
PO BOX 20
HERMANUS 7200

PER EMAIL: loretta@overstrand.gov.za

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
08 MAY 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

8 MAY 2025

TP-A Theart
(Huld Stoep)

SUBJECT: ERF 427, 15 CENTRAL ROAD, PRINGLE BAY: APPLICATION FOR ADDITIONAL CONSENT USE: GRAND GAMING WESTERN CAPE ON BEHALF OF ABUREC FENCING CC. OBJECTION

I, the undersigned, AW Vorster (Identity no. 6110045027084) in my capacity as representative of the PRINGLE BAY RATEPAYERS' ASSOCIATION (hereafter referred to as PBRA, being a separate legal entity having a constitution, in terms of which it has a right, inter alia, to sue and to be sued), on behalf of our members, who have granted a mandate to the PBRA to, amongst others, comment on and provide input on land use applications referred to the PBRA, hereby submit on behalf of the PBRA our comments and objections to the application.

1. ORGANISATION

The Pringle Bay Ratepayers' Association (PBRA) was started in 1967 by the first property owners of Pringle Bay to represent the interests of ratepayers and residents. Today it is a registered Non-Profit, Public Benefit Organisation.

Our primary function is to liaise with the Overstrand Municipality, with whom we enjoy a close relationship and to support local environmental conservation. We represent the community on the local Ward Committee and other consultative bodies. We maintain close contact with local authorities and service providers, particularly on matters affecting ratepayers and residents.

The PBRA represents the ratepayers within the declared Urban Edge. This currently constitutes approximately 1,800 properties (erven) of which approximately 1,200 are developed (thus having a habitable structure erected on it either for residential or business purposes).

FILE NO. Erf 427-KPRB
SCAN NO.
COLLABORATOR NO.
2658784

TP - 8 MAY 2025



2. OUR REFERENCES

- 2.1. Email received From: Loriaan Isaacs (loriaanisaacs@overstrand.gov.za), Subject: Erf 427, 15 Central Road, Pringle Bay: Public Participation - You are regarded as a potentially affected property owner Dated: 03 April 2025 at 10:19:53 SAST
- 2.2. Our follow-up email requesting the full application with all referenced annexures as subsequently received From: Loretta Gillion loretta@overstrand.gov.za Subject: RE: Erf 427, 15 Central Road, Pringle Bay: Public Participation - You are regarded as a potentially affected property owner Date: 07 April 2025 at 09:09:31 SAST

3. OUR REQUEST PLEASE

We request that the OM please take into consideration our **comments and objections** outlined in PARTS A to E of the Executive Summary below and henceforth please:

- 3.1. **NOT approve the proposed Application for an additional consent use of a Place of Entertainment to operate five electronic or mechanical playing devices (limited pay-out machine or LPMs) on Erf 427 Pringle Bay CBD, in addition to the existing conducted business use of Sale of Alcoholic Beverages as a pub.**

4. WE PRESENT THE FOLLOWING EXECUTIVE SUMMARY IN SUPPORT OF OUR REQUESTS ABOVE:

PART A: THE APPLICATION:

We submit that the application is in some instances misleading, especially considering the provision of parking. We submit that the applicant has not fully disclosed the required parking requirements.

(Refer to Paragraph 5 below)

PART B: THE PRINGLE BAY VILLAGE CONTEMPORARY COMMUNITY ATTITUDE (LEGAL CONVICTION)

We submit a survey result, the methodology of which is set out in PART B, that 97% of the Pringle Bay respondents are totally against the introduction of gambling activities in Pringle Bay, and specifically against permitting limited pay-out machines in the CBD of Pringle Bay. It is a loud and clear indication of the contemporary community attitude (LEGAL CONVICTION) against the subject application.

(Refer to Paragraph 6 below)

PART C: CONTEMPORARY COMMUNITY ATTITUDE: LEGAL CASES IN PRECEDENCE:

We submit that, in balancing the potential prejudice which may be caused to the community of Pringle Bay against the benefits to the applicant, the



legal precedents, as detailed in PART C, would require the Municipality to have regard of the interests of the Overstrand society in general (PART D) and of the community of Pringle Bay in particular (PART B). In this process the Municipality must determine, against the legal conviction or contemporary attitude of the Pringle Bay community, whether the proposed additional use by the applicant in the particular context is perceived by the Pringle Bay society to be **undesirable**.

(Refer to Paragraph 7 below)

PART D: OVERSTRAND CONTEMPORARY COMMUNITY ATTITUDE (LEGAL CONVICTION)

We submit that the legal conviction of the broader Overstrand region is likewise against the introduction of gambling machines in their respective neighbourhoods, even in controlled circumstances. We submit in PART D the conclusion of the study commissioned by the WESTERN CAPE RACING & GAMBLING BOARD in respect of the Overstrand region as follows:

“Respondents’ Acceptance of the Installation of a LPM in Neighbourhood under Regulated and Controlled Conditions:

Overstrand: 67% No 17% Yes”

(Refer to Paragraph 8 below)

PART E: SELECTED RESEARCH FINDINGS

We submit, taking cognisance of the referenced selected research findings, that the introduction of gambling facilities in Pringle Bay will most likely have adverse socio-economic impacts on Pringle Bay, ranging from a potential increase in criminal activities to the potential “*need for dramatic adjustment in the lives of community residents*”, particularly the devastating effect gambling could have on families’ wellbeing and ultimately the social fabric of the village and its culture.

(Refer to Paragraph 9 below)

5. PART A: THE APPLICATION

5.1. Paragraph 3 of the Motivation Report states:

“The existing provision of parking bays should be sufficient, and no additional parking will be required to support the proposed use. The existing parking bays will continue to mitigate any adverse effects on traffic flow, streetscape aesthetics, or the overall character of the area.”

Schedule 2 of the Overstrand Municipality Land Use Scheme 2020 bylaw: Chapter 17: Parking, Loading and Infrastructure states the following:

- Place of assembly/entertainment/funeral parlour: One bay per four seats
- Shops/restaurants: Four bays per 100m² GLA

Referring to the Motivation Report, page 5 of 8, the Restaurant/shops area amounts to 36 + 38 sqm = 74 sqm, thus requiring 3 parking bays.

The proposed five Slot Machines will apparently require 2 parking bays, leaving zero (nil) parking bays for allocation to the remainder of the facility, namely the pub.

We submit that currently the pub area's seating makes provision for at least 77 seats, which would equate to a requirement of approximately 19 parking bays (indications are, including outside seating, that the number of seats could be as high as 114 seats which would be a requirement of 29 parking bays only for the pub).

We submit that the applicant is presenting a misleading statement. According to our calculations above, the parking provision is wholly inadequate. The applicant's statement that with 5 parking bays: "... *parking bays should be sufficient, and no additional parking will be required ...*", is in our opinion a misrepresentation of the extent of parking required. We submit that it is enough reason for the OM to question whether the applicant has sufficiently brought the relevant parking considerations under the attention of the OM.

- 5.2. The applicant fails to address the requirements for additional personnel as is envisaged in paragraph 4 of the Motivation Report. This would increase the need for parking in addition to the above.
- 5.3. We address the aspect of DESIRABILITY in our PART C below.

6. **PART B: THE PRINGLE BAY VILLAGE CONTEMPORARY COMMUNITY ATTITUDE**

- 6.1. The PBRA conducted a survey among its members with a view to gauging the **contemporary community attitude** on the introduction of a gambling facility in Pringle Bay, and more specifically in the CBD area of the village.
- 6.2. The questionnaire is reproduced below:



Dear Pringle Bayers

We are sending out this questionnaire to gauge what the contemporary community attitude is regarding facilities (slot machines)

The PBRA has been set up to ensure that members of Pringle Bay who are interested in the development of Pringle Bay can have their views on the introduction of slot machines in Pringle Bay taken into account. The PBRA is a non-profit organisation and its primary purpose is to represent the interests of Pringle Bay ratepayers.

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The PBRA has been set up to ensure that members of Pringle Bay who are interested in the development of Pringle Bay can have their views on the introduction of slot machines in Pringle Bay taken into account. The PBRA is a non-profit organisation and its primary purpose is to represent the interests of Pringle Bay ratepayers.

When the PBRA is set up, it will be necessary to have a meeting with the members of the community who are interested in the development of Pringle Bay. The PBRA will be responsible for the development of Pringle Bay and will be responsible for the development of Pringle Bay.

Please ensure that your input/reply is submitted by not later than 21 April 2025.

Should you wish to make a separate presentation, please forward same via email to vc@char@pringlebayratepayers.co.za and CC secretary@pringlebayratepayers.co.za

Thank you for your participation.

Pringle Bay Ratepayers' Association

Pringle Bay Ratepayers' Association

Pringle Bay Ratepayers' Association

- 1. consent to permit a place of amusement to be established in Pringle Bay
- 2. the application process to use the boundaries of the place of amusement in Pringle Bay

Notwithstanding the above, the PBRA is a non-profit organisation and its primary purpose is to represent the interests of Pringle Bay ratepayers.

The PBRA is a non-profit organisation and its primary purpose is to represent the interests of Pringle Bay ratepayers.

Please ensure that your input/reply is submitted by not later than 21 April 2025.

Should you wish to make a separate presentation, please forward same via email to vc@char@pringlebayratepayers.co.za and CC secretary@pringlebayratepayers.co.za

Thank you for your participation.

Pringle Bay Ratepayers' Association



HOME INITIATIVES ABOUT CONSERVATION DONATIONS CONTACT GENERAL INFO MEMBERS' AREA

Present Land Use Application for Gambling Facility (Slot Machines)

Name: Bertie
 Surname: Vorster
 Erf: 433
 Additional Erfs: not_provided
 Email Address: bvossie04@gmail.com
 Relationship to Owner: I am the Owner

Do you support the introduction of gambling facilities (slot machines) in Pringle Bay?

Yes No

Given the proximity to restaurants, premises supporting child welfare, a Creche, a Church, do you think the introduction of gambling (slot machines) in Pringle Bay at the proposed location in our CBD is an appropriate location?

Yes No

Given our vision:
Pre-2024: Motivated by the unspoiled beauty of our village and surrounds, the warm embracing spirit of its people, our aim is to grow and nurture a life-enriching community who live, work and play in Pringle Bay.
Post 2024 (PBVSF): Pringle Bay a Remarkable Kogelberg Village in the making Do you think that the introduction of gambling (slot machines) in Pringle Bay is aligned with the vision of Pringle Bay?

Yes No

You are welcome to give your opinion on the application. All opinions received herewith will be treated as if from anonymous participants. Your identity or personal information will remain confidential. Type your opinion here

Please ensure that your input/reply is submitted by not later than 21 April 2025.

Should you wish to make a separate presentation, please forward same via email to vc@char@pringlebayratepayers.co.za and CC secretary@pringlebayratepayers.co.za

Thank you for your participation.

Pringle Bay Ratepayers' Association

anonymous participants. Your identity or personal information will remain confidential.

26.3% of the respondents also submitted comments (refer to 6.4 below).

6.4. Below are a selected few of the responses that we believe summarise the majority of the responses (paraphrased from the original):

- *"I object absolutely to the application for the above
To my knowledge this is absurd to expose the tranquil town atmosphere

Why must we expose our people to this and think this is the best way to attract more feet to our business hub

To my opinion this will only bring all sorts of elements to our town, which we don't need...
So...my vote is strongly against such ventures...!!!"*
- *"Dear Sir.. I strongly reject this application. Gambling is seldom a form of entertainment, but rather an expression of financial desperation.

It attracts participants who are not needed in Pringle bay, and it attracts staff members who are not wanted by me in Pringle bay. I refer to the Security ' contract issues in Cape Town."*
- *"A big thank you for making residents aware of this inappropriate application and canvassing for the community's opinion. Please can you continue to keep everyone updated as to how/where to Object, especially before the deadline."*
- *"... I am DEAD AGAINST slot machines in general and to be placed in our little peaceful place of paradise ABSOLUTELY NOT ..."*
- *"Dear Fellow Pringlers,
Trust this mail finds you well.
Gambling venues are notorious for attracting vices and alike, which is most definitely against the philosophy and vision of a peaceful safe haven, which Pringle Bay is renowned for. I vehemently OBJECT!"*

Etc etc etc

6.5. **We submit our conclusion from the survey, that 97% of the respondents are totally against the introduction of gambling activities in Pringle Bay, and also specifically against permitting limited pay-out machines in the CBD of Pringle Bay. It is a loud and clear indication of the contemporary community attitude against the subject application.**

7. PART C: CONTEMPORARY COMMUNITY ATTITUDE: LEGAL CASES IN PRECEDENCE

7.1. OVERRIDING REQUIREMENT OF DESIRABILITY

7.1.1. The OVERSTRAND MUNICIPALITY AMENDMENT BY-LAW ON MUNICIPAL LAND USE PLANNING, 2020 sets out "desirability" as one of the general criteria for the consideration of applications, as follows:

66. General criteria for consideration of applications

(1) When the Authorised Official or Municipal Planning Tribunal considers an application it must have regard to the following:

(a)

(b).....

*(c) the **desirability (our emphasis)** of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding proposed land uses; Etc."*

7.1.2. The OM by-law does not further enlarge on the criteria for consideration of desirability, but we submit that guidance can be sought from similar legislation of its neighbouring municipality, City of Cape Town as per the following paragraph.

7.1.3. SECTIONS 99(2) AND (3) OF THE MUNICIPAL PLANNING BY-LAW OF THE CITY OF CAPE TOWN PROVIDES GUIDANCE AS FOLLOWS:

"(2), when deciding whether or not to approve the application, the decision maker must consider all relevant considerations including, where relevant, the following –

(a)

(b)

(c)

(d) **the desirability (our emphasis)** of the proposed use or development of land as contemplated in subsection (3);

(e)etc"

(3) The following considerations are relevant to the assessment, under subsection (2)(d), of the **desirability (our emphasis)** of the proposed use or development of land: –

(a) **socio-economic impact;(our emphasis)**

(b) deleted

(c) deleted

(d) **compatibility with surrounding uses;(our emphasis)**

(e) Impact on the external engineering services;

(f) **impact on safety, health and wellbeing of the surrounding community;(our emphasis)**

(g) impact on heritage;

(h) impact on the biophysical environment;

(i) traffic impacts, parking, access and other transport related considerations; and

(j) whether the imposition of conditions can could mitigate an adverse impact of the proposed use or development of land."

7.2. The OVERSTRAND MUNICIPALITY LAND USE SCHEME, 2020 reads:

"place of entertainment" means a place used for commercial entertainment which may attract large numbers of people, operates outside normal business hours or generates noise from music or revelry on a regular basis and includes a cinema, a

theatre, an amusement park, a dance hall or a night club and gambling and live music;"

7.3. PBRA submits that the consent use of operating a place of entertainment with gambling machines as per the above-stated definition of consent use per the OM scheme regulations is not desirable if compared with COCT because of the corresponding:

- **Socio-economic impact;** Questions 2 and 3 of the survey in paragraph 6.3(c) were directed towards gauging the attitude of the Pringle Bay community on the socio-economic impact on Pringle Bay.

In our Part A the PBRA submits the results of the survey that the legal conviction or contemporary community attitude of the Pringle Bay community is against permitting a use of place of entertainment with gambling machines.

The PBRA in our Part D furthermore submits the community attitude (legal conviction) of the Overstrand region in support of our request not to permit a use of place of entertainment with gambling machines. Even though the survey in the Overstrand region was conducted in 2005, we believe that the attitude of the Overstrand rural towns, because of their predominantly village atmospheres, will not have changed in the intervening years.

- **Compatibility with surrounding uses;** The CBD of Pringle Bay has been designed as a small business node, suitable for the intimate village atmosphere of a rural coastal town. It is situated in the immediate proximity of the surrounding private residences. We submit that the notion of introducing gambling machines in such surroundings is simply not compatible with the surrounding uses, of not only the rest of the business node itself, but also not of the immediately surrounding residences.
- **Impact on safety, health and wellbeing of the surrounding community;** In PART E: SELECTED RESEARCH FINDINGS, we set out opinions gathered from all over the civilised world that the introduction of gambling machines generally have a detrimental effect on safety, health and wellbeing of communities. These opinions are also expressed in the examples of the Pringle Bay responses in paragraph 6.4 above.

7.4. We furthermore submit extracts from the leading legal precedents on the obligation on the OM of considering the contemporary community attitude (legal conviction) of the Pringle Bay community in its assessment of the desirability or "wrongfulness" of the proposed use. Legal conviction is applied widely to determine "wrongfulness".

In the **Wingaardt case** the legal conviction of the Jeffreys Bay community is applied to a case of nuisance caused by neighbours in the exercise of their property rights and in the **Judd case** the legal conviction of the community is applied to whether the

municipality should be held liable for injury sustained due to a sidewalk that had not been maintained.

In the present case we submit that the legal conviction of the Pringle Bay community should be applied to determine the desirability of the application.

7.4.1. WINGAARDT-CASE

Wingaardt and Others v Grobler and Another (CA 57/2009) [2010] ZAECGHC 65; 2010 (6) SA 148 (ECG) (20 April 2010)

[44] *The case law dealing with limitations on property rights by neighbouring owners, and with nuisance and disturbance in particular, offer many and wide-ranging guidelines in determining an unlawful infringement of a property right. The guidelines refer to concepts such as reasonableness, fairness, the boni mores and legal convictions of society, the need to employ an objective test and to decide each case on its own merits, and so forth.*

These concepts, familiar as they are to the legal mind, remain vague, uncertain, and very often result in conflicting judgments and are difficult to apply (more about this later). This difficulty, in my respectful view, can be overcome by simply applying basic legal principles.

[45] *The so-called "nuisance law" remains part of the law of delict*

[47] *It is, I believe, an accepted principle of jurisprudence and of sociology that a necessary prerequisite for the peaceful, harmonious and orderly coexistence of any community is an organized, structured society governed by a code of conduct on the part of its members. In the absence of an organized and structured society, chaos and anarchy will prevail. Such code of conduct necessary for a structured community is informed by the values and norms of society, and by its moral, ethical and legal convictions. The code of conduct most essential for the establishment of a society in which individual human and legal rights can be enjoyed and protected, are translated into legal principles and laws – as opposed to arbitrary adherence to mere moral and ethical obligations. Any transgression of these legal principles, in criminal law and in the law of delict, is regarded as "wrongful" and may either constitute a criminal offence or a civil delict;*

Provided, however, that the other elements of the crime or delict are present.

[48] *It follows from the above that the concept of wrongfulness, both in criminal law and in the law of delict, has its roots in the boni mores and legal convictions of the society which it serves. The boni mores test as criterion for wrongfulness has repeatedly been emphasized by the Supreme Court of Appeal and our High Courts; to name but a few*

- [49] *In Clarke v Hurst NO. and Others 1992 (4) SA 630 (D) Thirion J remarked as follows at 652H-653A:*
- "If it is accepted, as I think it should, that law is but a translation of society's fundamental values into policies and prescripts for regulating its members' conduct, then the Court, when it determines the limits of such a basic legal concept as wrongfulness, has to have regard to the prevailing values of society. I can see no reason why the concept of wrongfulness in criminal law should have a content different from what it has in delict."*
- [50] *A number of consequences flow implicitly from the aforesaid: First, the test for wrongfulness is determined with reference to society's perception of justice, equity, good faith and reasonableness. See Compass Motors Industries (Pty) Ltd v Callguard (Pty) Ltd 1990 (2) SA 520 (W) at 528-529. In this regard public reaction is not necessarily indicative of society's legal convictions and perception of reasonableness: courts will not be blindly ruled by such reaction*
- [51] *Second, society's boni mores are not static, but evolve over time to accommodate "changing values and new needs." See: (Amod v Multilateral Motor Vehicle Accidents Fund 1999 (4) SA 1319 (SCA) at 1330 A. In a heterogeneous society such as ours, the boni mores of society may also change from community to community. (See Taitz 1993 Vol 110 SALJ 440 who questions the use of a single 'boni mores' criterion in a heterogeneous society).*
- [52] *Third, it is trite that the values and norms reflected in the Constitution must now also permeate the common law and influence the content of "wrongfulness" (Carmichele v Minister of Safety and Security 2001 (4) SA 938 (CC) at para 56). It follows that if public policy expressed in our common law conflicts with the values underlying the Constitution, then the latter must prevail (Carmichele (supra) at para 56).*
- [53] *Fourth, the test is an objective test. See Gien v Gien 1979 (2) SA 1113 (T) at 1122; Dorland v Smits 2002 (5) SA 374 (C) at 384; Knobel 2003 THRHR at 500. This means that the whims and personal preferences of the Judge or Presiding Officer hearing the case are irrelevant and play no role in the adjudication process.*
- [54] *This requirement implies an objective weighing-up of the benefits that the exercise of her right to possession of the property has for the Respondent, against the prejudice suffered by the Appellant as the result of the former's conduct. The reasonableness thus depends on the degree of disproportion between the benefit and the prejudice.*
- [55] *Fifth, in determining objective reasonableness as an antithesis for wrongfulness, the test is not that of a highly sensitive person who truthfully*



complains that he finds the noise to be intolerable, but the reaction of “ ... the reasonable man ... who according to ordinary standards of comfort and convenience, and without any peculiar sensitivity to the peculiar noise, would find it, if not quite intolerable, a serious impediment to the ordinary and reasonable enjoyment of his property” (De Charmoy (supra) at 192E-F).

- [58] *Finally, where the disturbance consists of noise, the factors which have been regarded as material in determining whether the disturbance is of a degree which renders it actionable, include the type of noise, the degree of its persistence, the locality involved and the times when the noise is heard (De Charmoy (supra) at 192; Laskey & another v Showzone CC and others (supra)). By implication, therefore, each case can only be decided with reference to the peculiar facts of that case.*
- [59] *For instance, a noise caused by a neighbouring property opposite or adjacent to the hospital or home for the aged and frail, may be held to be wrongful; whereas the same noise caused by a neighbouring property owner in an industrial area may not be held to be wrongful. Also, noise caused by rowdy students in a men’s university residence may not be held wrongful; whereas the same noise caused by the same students at the same time in a quiet residential area, may well be held to be wrongful.*
- [61] *In the application of the guidelines, the focus remains on the search for wrongfulness. In particular, and on the facts of this case, the issue remains the determination of the moment when the Respondent’s use of her property rights becomes an abuse of rights and therefore unlawful. That moment is determined in accordance with the value and norms of society in general, and of the community of Jeffreys Bay in particular. The Respondent’s alleged abuse of her property rights must, moreover be of such extent that it deserves the intervention of the law in order to ensure a peaceful, stable and orderly society where the human and legal rights of all are acknowledged, protected and advanced.*
- [62] *What emerges from the above is that the legal concept of wrongfulness is a value judgment pronounced by the Court based on considerations of morality, the boni mores and legal convictions of society, reasonableness and fairness, and policy. It defines conduct necessary for an orderly, peaceful and harmonious community, and it transforms conduct not consistent with society’s norms and values to an actionable delict or a criminal offence, as the case may be, which attracts the sanction of the Court. In this sense wrongfulness is not conduct which some may regard as merely unethical, immoral or unreasonable, and which does not attract legal sanction*
- [64] *What also emerges from the above discussion on wrongfulness is that the concept contains many elements and is based on diverse considerations. One of those considerations is reasonableness.*



- [65] *The importance of reasonableness as an element of unlawfulness has been re-affirmed by the Supreme Court of Appeal in a number of cases. For instance, in SM Goldstein (supra) Harms JA (as he then was) said in relation to wrongfulness (at 1024F):*
- “The test involves a value judgment by applying in the light of all the circumstances the general criterion of reasonableness. The criterion is based upon considerations of morality and policy and the court’s perception of the legal convictions of the community. That harm is foreseeable is a relevant consideration.”*
- [66] *In Olitzki Property Holdings v State Tender Board and another 2001 (3) SA 1247 (SCA) Cameron JA (as he then was) said at 1257A:*
- “This process involves the court applying a general criterion of reasonableness, based on considerations of morality and policy, and taking into account its assessment of the legal convictions of the community and now also taking into account the norms, values and principles contained in the Constitution.”*
- [83] *I do not read any of the judgments from the Supreme Court of Appeal or its predecessor, the Appellate Division, to mean that reasonableness has replaced wrongfulness as an element of a delict, or that the only way of establishing wrongfulness is to use the criterion of reasonableness.*
- [84] *For the reasons mentioned earlier, the ultimate question is whether the Respondent’s conduct can be labelled as wrongful within the legal meaning of that word. I therefore intend to deal with this appeal on such premise.*
- [94] *In balancing the prejudice caused to the Appellant against the benefits to the Respondent, the Court must have regard to the interests of the society in general and of the community in Jeffreys Bay in particular. In this process it must determine whether the conduct of the Respondent in the particular context is perceived by society to be lawful and reasonable; or wrongful. It must have regard to the duration of the disturbance caused, the locality where it is caused and the manner in which it is caused. It must be an objective weighing-up of all the relevant factors without being influenced by personal tastes, preferences or prejudices.*
- [96] *The boni mores and legal convictions of that particular society, in my judgment, do not call for a sanction of the Respondent’s actions. Whilst the inconvenience and discomfort caused to the Appellant is recognized, it is not of such nature and extent which justifies the Respondent’s conduct as being labelled wrongful or unlawful. Subject to the limitation mentioned in the next paragraph, I believe the law requires the Appellant, on the particular facts and circumstances of this case, to tolerate the higher noise levels for a limited time during the festive season in Jeffreys Bay. The enjoyment derived*

from the activities by the Respondent, other locals, and visitors; the happiness it brings to children; the spreading of the message of goodwill and cheer to deserved charity organizations, in my respectful view, outweigh any prejudice and inconvenience caused to the Appellant.

- [97] *The limitation is this: On her own initiative, the Respondent has limited the activities to the period 14 December to the end of first week in January of every year between 19h00 and 23h00. I regard such limitation as reasonable in the circumstances, and it will, to some limited extent, alleviate the Appellant's inconvenience and discomfort. I believe such limitation should remain in place.*

7.4.2. JUDD CASE

Judd v Nelson Mandela Bay Municipality (CA149/2010) [2011] ZACPEHC 4 (17 February 2011)

- [14] *The countless judgments and legal writings on the subject in South African law offer wide ranging aids and criteria for the determination of the bonis mores of society, such as the concept of reasonableness, foreseeability, duty of care, harm, public policy and so forth. The list is endless and leaves the reader bewildered and confused. There is, however, one golden thread which runs through all pronouncements in cases of commissio, and that is that conduct which is contra bonis mores and therefore unlawful, is vested in the legal convictions of society.*
- [15] *The philosophical and jurisprudential ratio for this criterion of wrongfulness is that from times immemorial society recognized that it is unable to function in an orderly and harmonious manner unless its members adhere to a certain code of conduct which prevents harm to each other. Whilst a breach of such code of conduct is in certain circumstances regarded as merely unethical or immoral, there are other circumstances where a particular breach is regarded as unlawful or wrongful, and which warrants legal interference and protection. Unlawful conduct falls in the latter category, and it is rooted in the legal convictions of the community.*
- [16] *I believe, with respect, that the weight of authority in cases of commissio support the doctrine of the legal convictions of society as the main criterion for wrongfulness, and had done so for many years.*
- [17] *I recently had the occasion to reflect on the concept of wrongfulness in the context of the use of property rights in neighbour law (commissio), and I have nothing further to add. See Wingaardt and others v Grobler and another 2010 (6) SA 148 (ECG).*

8. PART D: OVERSTRAND CONTEMPORARY COMMUNITY ATTITUDE (LEGAL CONVICTION)

8.1. We reference:

“SOCIO-ECONOMIC IMPACT ASSESSMENT of the Potential Rolling Out of LIMITED PAYOUT MACHINES in the PROVINCE OF THE WESTERN CAPE”

A Study commissioned by the WESTERN CAPE RACING & GAMBLING BOARD and Compiled by FADTRU, Finance, Development Training & Research Unit, Department of Economics, UNIVERSITY OF THE WESTERN CAPE. December 2005.

The study report is attached hereto as “LPM Overarching Report December 2005 Revised colour charts 13 April 2006.pdf”

8.2. The finding related to the Overberg District, which is of relevance to the subject application, is the following:

“Respondents’ Acceptance of the Installation of a LPM in Neighbourhood under Regulated and Controlled Conditions:

Overstrand: 67% No 17% Yes”.

9. PART E: SELECTED RESEARCH FINDINGS

In support of our submissions, we submit selected research findings which highlight that allowing gambling machines in Pringle Bay will likely have an adverse socio-economic impact on Pringle Bay and on the safety, health, and wellbeing of the community.

9.1. We wish to list the following research reports, which we consider relevant and which we believe the OM Planning Tribunal should take into consideration when evaluation the subject application:

a) **Early impacts of limited stakes casino gambling on rural community life (Patrick T Long):**

*“Owing to the potential windfall profits of casino gambling, rural communities throughout the United States are considering gambling tourism as a means to revitalize failing economies. The communities of Deadwood, South Dakota, and Black Hawk, Central City and Cripple Creek, Colorado, have implemented one form of casino gambling, limited stakes, with varying degrees of success. It is clear from the early experience of these communities that gambling can spawn terrific windfalls — and generate tremendous costs. Thus, public officials, casino owners and managers, community leaders and residents must all understand the issues communities face in making the transition to a gambling economy and plan accordingly. **An unbridled move to a gambling economy causes tremendous change and the need for dramatic adjustment in the lives of community residents. Early indications are that planning is essential at the community, state and gambling industry level. Determining appropriate scale, assessing current and future competition, and identifying who should benefit must be an integral part of this planning effort.**”*

- b) *The impact of gambling on rural communities worldwide: A narrative literature review.* (By Tolchard, Barry : Journal of Rural Mental Health, Vol 39(2), Apr 2015, 90-107)

"Gambling has become a popular activity in both urban and rural settings. Although the prevalence and participation of gambling is well known, little has been reported regarding the impacts of gambling on rural communities. Therefore, a narrative literature review approach was adopted to examine what is known regarding gambling in rural communities. This article describes the prevalence and types of gambling that are popular in rural communities around the world. It identifies the benefits and highlights the potential harm caused by a person's gambling and the impact this has on families and the wider rural community. There are both benefits and risks associated with increased availability of gambling opportunities. Specific vulnerable groups within rural populations are identified within this context and how different countries respond to rural gambling is explored. A number of strategies based on a public health approach are recommended to ensure that gambling remains as harmless an activity as possible in rural communities. (PsycINFO Database Record (c) 2016 APA, all rights reserved)"

- c) *Supplying Slot Machines to the Poor* (by: Melisa Bubonya, David P. Byrne: First published: 23 October 2019)

"As gambling becomes increasingly accessible worldwide, governments face an important policy question: how should they exploit the industry's growth to raise tax revenue while protecting individuals from the detrimental effects of gambling? Using data on slot machines from the largest per capita gambling market in the world, Australia, we estimate a structural oligopoly model to (i) quantify firms' incentives to make gambling accessible among socioeconomically disadvantaged groups and (ii) evaluate the effect of government policy (tax levies, supply caps, and venue smoking bans) on the distribution of slot machine supply, tax revenue, and problem gambling prevalence."

- d) *From problem gambling to crime? Findings from the Finnish National Police Information System* (By: Kalle Lind, Juha Kääriäinen,¹ & Sanna-Mari Kuoppamäki¹ (¹Police University College of Finland, Tampere, Finland)

"In previous studies, problem gambling was found to have many adverse consequences, including crime. However, links between crime and problem gambling have been studied relatively little. To fill this gap, we collected problem gambling-related police reports from the Finnish National Police Information System. Fifty-five problem gambling-related crime incidents reported to the police 2011 in Finland were subjected to qualitative analysis. The role of problem gambling, as self-identified by the gamblers themselves, was examined as highlighted in different crime reports: what common features did the gamblers share, and what were the possible causal mechanisms between problem gambling and crime? The data consisted of text documents produced by the police, specifically crime reports and preliminary investigation documents. Collected documents were coded using Weft ODA and SPSS. Grounded theory approach was applied. The majority of the cases were non-violent property crimes, committed at home or at the workplace. We determined that problem gambling, through financial difficulties, does indeed lead to crime."

- e) *Gambling Regulatory: Slot ban in small towns: A legal measure?* (June 2024, By Ana-Maria Baciuc and Andrei Cosma)

"The above title summarizes the recent legislative change affecting the land-based gambling industry through the adoption of Law 107/2024. This law, among other amendments, also

introduces a new authorization condition for slot machines, namely that the proposed premise must be located in a locality "with a population greater than 15,000 inhabitants".

9.2. Taking cognisance of the above-mentioned, it should be clear that the introduction of gambling facilities in Pringle Bay will most likely have adverse socio-economic impacts on Pringle Bay, ranging from a potential increase in criminal activities to the potential "need for dramatic adjustment in the lives of community residents", particularly the devastating effect gambling could have on families' wellbeing and ultimately the social fabric of the village and its culture.

10. CONCLUSION AND OUR REQUEST

10.1. The Pringle Bay Community is clearly and overwhelmingly against the introductions of gambling facilities in the village, specifically the introduction of the limited pay-out machine or LPMs. 97% of the respondents to the PBRA survey clearly expressed a strong opposition to the approval of the subject application.

10.2. We henceforth request the OM please not to approve the application for consent use to permit a place of entertainment to operate five electronic or mechanical playing devices (limited pay-out machines or LPMs) on Erf 427 Pringle Bay CBD.

We sincerely request that you will please be so kind as to acknowledge receipt of our comments and objections and to take the necessary steps to NOT APPROVE the application against the background of our comments and objections outlined in the executive summary in paragraph 4 above.

Kind regards



AW Vorster
 Obo: Pringle Bay Ratepayers' Association

ATTACHMENTS:

1. SOCIO-ECONOMIC IMPACT ASSESSMENT of the Potential Rolling Out of LIMITED PAYOUT MACHINES in the PROVINCE OF THE WESTERN CAPE
2. Wingaardt and Others v Grobler and Another (CA 57/2009) [2010] ZAECGHC 65; 2010 (6) SA 148 (ECG) (20 April 2010)
3. Judd v Nelson Mandela Bay Municipality Legal Conviction Community: CASE NO. CA149/2010

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE, PORT ELIZABETH)**

**REPORTABLE-
CASE NO. CA149/2010**

In the matter between:

ROSE LILLIAN JUDD

Appellant

And

NELSON MANDELA BAY MUNICIPALITY Respondent

JUDGMENT

ALKEMA J

[1] On Sunday morning 6 July 2008 the plaintiff, a 78 year old lady, set off from the Sanctuary, a retirement village in Bingley Street, Central Port Elizabeth, on her way to the Trinity Baptist Church in Dickens Street. She left on foot, and walked alone. She crossed Bingley Street and turned the corner at the Old Austria restaurant into Westbourne Road where she mounted the pavement. A few steps further her foot caught a raised pavement block. She stumbled and fell, thereby sustaining severe injuries, including a cracked sternum.

[2] Soon other church-goers came to her assistance and she was lifted into a

wheelchair. She was taken directly to the Greenacres Hospital, Port Elizabeth. On her discharge on 9 July she was admitted to Echo Foundation Frail Care Center and discharged on 1 August 2008 when she returned to the Sanctuary.

[3] In consequence of the above, the plaintiff instituted a claim out of the Port Elizabeth High Court against the Nelson Mandela Bay Municipality (the defendant) claiming damages. The claim was defended. On 23 March 2010 the High Court (per Chetty J) non-suited the plaintiff and dismissed her claim with costs. The plaintiff appealed against this judgment. This is the judgment on appeal.

[4] At the commencement of the trial and by consent between the parties, the Court split the issues and ordered that the merits of the dispute be determined first. In regard to the merits the only issues before the court were the questions of wrongfulness; and if established, the issue of *culpa* (fault). In respect of the latter, any (possible) contributory negligence on the part of the plaintiff was not pleaded and was not canvassed in either the evidence or in the judgment of the court *a quo*. Therefore, and provided negligence was established on the part of the defendant, the plaintiff would have been entitled to all her damages.

[5] The broad issue in this court is whether the Court *a quo* was correct in dismissing the plaintiff's claim. The narrow issues relate to the requirements of wrongfulness and *culpa*. I shall in the course of this judgment refer to the plaintiff as the appellant, and to the defendant as the respondent.

[6] The law relating to the delictual liability of municipalities based on a failure to take preventative action (*omissio*) had undergone a profound metamorphosis by the turn of the 20th century.

[7] It is not in the scope of this judgment to indulge in a long theoretical analysis of the numerous judgments on this subject, but it is nevertheless helpful (and perhaps unavoidable) to briefly refer to the historical development of this branch of the law and to the general principles applicable to the issues under consideration in this appeal.

[8] It is commonly recognized that an actionable wrong or delict has five elements or requirements, namely; (a) the commission or omission of an act (*actus reus*), (b) which is unlawful or wrongful (wrongfulness), (c) committed negligently or with a particular intent (*culpa* or fault) (d) which results in or causes the harm (causation) and (e) the suffering of injury, loss or damage (harm). These are separate and distinct components of the same delict, each having its own requirements and test. The case under consideration falls under delict, and the five elements referred to above must be established by the appellant to succeed in her claim. This appeal is concerned with the requirements of wrongfulness and *culpa* only. I shall deal firstly with the requirement of wrongfulness.

[9] Because our law does not recognize negligence “*in the air*”, it is now trite that the issue of wrongfulness must be determined anterior to the question of fault. The element of fault is only capable of being legally recognized if the act or omission can be termed as legally wrongful. In the

absence of wrongfulness, the issue of fault does not even arise. These are two separate and distinct elements of the same delict, each requiring its own test and approach, and not to be confused or conflated. See *Administrateur, Transvaal v van der Merwe* 1994 (4) SA 347 (A) at 364.

[10] More recently, in *Minister of Safety and Security v Van Duivenboden* 2002 (6) SA 431 (SCA) Nugent JA formulated the principle at 441E-442B(para 12) as follows:

*“Negligence, as it is understood in our law, is not inherently unlawful – it is unlawful and thus actionable, only if it occurs in circumstances that the law recognises as making it unlawful. Where the negligence manifests itself in a positive act that causes physical harm it is presumed to be unlawful, but that is not so in the case of a negligent omission. A negligent omission is unlawful only if it occurs in circumstances that the law regards as sufficient to give rise to a legal duty to avoid negligently causing harm. It is important to keep that concept quite separate from the concept of fault. Where the law recognises the existence of a legal duty it does not follow that an omission will necessarily attract liability - it will attract liability only if the omission was also culpable as determined by the application of the separate test that has consistently been applied by this court in **Kruger v Coetzee**, namely whether a reasonable person in the position of the defendant would not only have foreseen the harm but would also have acted to avert it.”*

[11] What then is the criterion for determining wrongfulness? To answer this question, it is necessary to very briefly go back in history.

[12] In Roman and Roman-Dutch law a distinction between *commissio* and

omissio was drawn to determine wrongfulness. Roman law did not recognize *omissio* as wrongful (LAWSA Vol. 8 Part 1 (2nd Ed) para 65) Roman-Dutch Law only regarded *omissio* as wrongful when there was a negative duty to avoid causing injury to others, and not a positive duty to shield others from injury. See McKerron, *The Law of Delict* (7th Ed.) p.14 and the authorities there cited. In early South African law, more particularly in cases of municipal liability, Roman-Dutch Law continued to regard *omissio* to be unlawful only where a negative legal duty existed to prevent harm to others. See *Halliwell v Johannesburg Municipal Council* 1912 AD 659 at 673, which embedded the doctrine of “... *introduction of a new source of danger ...*” as a tool to establish a negative duty to prevent harm.

[13] In both cases of *commissio* and *omissio* the conduct (or duty to avoid injury) was labeled as wrongful if it offended the *bonis mores* of society. (LAWSA (*supra*) para 60)

[14] The countless judgments and legal writings on the subject in South African law offer wide ranging aids and criteria for the determination of the *bonis mores* of society, such as the concept of reasonableness, foreseeability, duty of care, harm, public policy and so forth. The list is endless and leaves the reader bewildered and confused. There is, however, one golden thread which runs through all pronouncements in cases of *commissio*, and that is that conduct which is *contra bonis mores* and therefore unlawful, is vested in the legal convictions of society.

[15] The philosophical and jurisprudential ratio for this criterion of wrongfulness is that from times immemorial society recognized that it is

unable to function in an orderly and harmonious manner unless its members adhere to a certain code of conduct which prevents harm to each other. Whilst a breach of such code of conduct is in certain circumstances regarded as merely unethical or immoral, there are other circumstances where a particular breach is regarded as unlawful or wrongful, and which warrants legal interference and protection. Unlawful conduct falls in the latter category, and it is rooted in the legal convictions of the community.

[16] I believe, with respect, that the weight of authority in cases of *commissio* support the doctrine of the legal convictions of society as the main criterion for wrongfulness, and had done so for many years. See, for instance, cases such as *Marais v Richard en 'n ander* 1981 (1) SA 1157 (A) at 1168; *Schultz v Butt* 1986 (3) SA 667 (A) at 679; *Administrateur, Transvaal v Van der Mewe* 1994 (4) SA 347(A) at 358; *SM Goldstein & Co (Pty) Ltd v Cathkin Park Hotel (Pty) Ltd and Another* 2000 (4) SA 1019 (SCA) at 1024.

[17] I recently had the occasion to reflect on the concept of wrongfulness in the context of the use of property rights in neighbour law (*commissio*), and I have nothing further to add. See *Wingaardt and others v Grobler and another* 2010 (6) SA 148 (ECG).

[18] The requirement of wrongfulness in cases of *omissio* followed a slightly different route. As I indicated, early South African Law under the influence of Roman and Roman-Dutch Law only regarded *omissio* as wrongful when there was a negative duty to avoid causing injury. In municipal liability cases, the introduction of a new source of danger was regarded as giving rise

to such a duty.

[19] The turning point came in *Minister van Polisie v Ewels* 1975 (3) 590(A) when the (then) Appellate Division recognized that wrongfulness is also found in circumstances where the legal convictions of the community require a legal duty to shield others from injury, and not only when there was a negative duty to avoid causing injury (at 596H-597G). After *Ewels* (*supra*) it became generally accepted that in all cases of delict an omission may constitute wrongful conduct in circumstances where the legal convictions of the community impose a legal duty to prevent harm. See *Minister of Law and Order v Kadir* 1995 (1) SA 303 at 317C-318A; *van Eeden v Minister of Safety and Security* 2003 (1) SA 389 (SCA).

[20] The result of these decisions, at least on my understanding, was that the criterion for wrongfulness in cases of *omissio* generally was brought in line with those of *commissio* and was uniformly applied in all delictual matters. Except in cases of municipal liability.

[21] Municipal liability cases continued to be premised on the contention that local authorities were empowered, but not obliged, to build and maintain roads and pavements. In the absence of any statutory or common law obligation to maintain roads and pavements, there was thus no legal duty on municipalities to do so. See *Halliwell* (*supra*), *Moulong v Port Elizabeth Municipality* 1958 (2) SA 518 (AD). This line of thinking resulted in what became known as the “*municipal immunity*” doctrine. Municipal liability only arose in particular circumstances such as the introduction of “*a new source of danger.*”

[22] The judgment in *Ewels (supra)* to the effect that wrongfulness in cases of *omissio* may henceforth also be found in circumstances where the legal convictions of the community impose a legal duty to act, soon found application also in municipal liability cases. What set the chain in motion was *inter alia* a judgment of Thring J in the Cape Provincial Division which went on appeal to the Full Bench of that division and is reported as *Butters v Cape Town Municipality* 1993 (3) SA 521 (C) at 528 I. Thring J held, with reference to, *inter alia Ewels (supra)* that the doctrine of municipal immunity no longer forms part of our law and that “... *the same principles of the common law of delict apply to municipalities in this regard as apply to individuals.*” On appeal, the Full Bench was unanimous in their agreement with Thring J in this regard.

[23] The correctness of the judgment in *Butters (supra)* came, again, before the Full Bench of the Cape Provincial Division in *Cape Town Municipality v Bakkerud* 1997 (4) SA 356 (C). Writing for the Full Bench, Brand J (as he then was) agreed with the correctness of the judgment in *Butters (supra)*. Having analyzed the case law on the subject including judgments from the Supreme Court of Appeal post *Moulong (supra)* such as *Regal v African Superslate (Pty)* 1963 (1) SA 102 (A) which culminated in *Ewels (supra)*, he came to the conclusion that the doctrine of municipal immunity no longer applies and that municipal liability cases should be decided in accordance with the common law principles of delictual liability which includes an anterior finding of wrongfulness based on the legal convictions of the community.

[24] The Full Bench judgment in *Bakkerud* went on appeal to the Supreme Court of Appeal which resulted in the judgment of Marais JA in *Cape Town Municipality v Bakkerud 2000 (3) SA 1049 (SCA)*. The judgment in *Bakkerud* by the Supreme Court of Appeal left no doubt that not only is the concept of wrongfulness an essential, but completely separate, element of liability, but also that wrongfulness is rooted in the legal convictions of the community. The learned Judge said the following at p1056E-H (para 14)

“Was there a unifying link in the omissions considered in the cases which would provide a coherent and intelligible principle by which to decide whether more than moral or ethical disapproval was called for and whether a legal duty to act should be imposed? It was not always easy to discern one. In the end, this Court felt driven to conclude that all that can be said is that moral and ethical obligations metamorphose into legal duties when ‘the legal convictions of the community demand that the omission ought to be regarded as unlawful’. When it should be adjudged that such a demand exists cannot be the subject of any general rule; it will depend on the facts of the particular case. It is implicit in the proposition that account must be taken of contemporary community attitudes towards particular societal obligations and duties. History has shown that such attitudes are in a constant state of flux.”

[25] The validity of the above statement was affirmed by the Supreme Court of Appeal two years later in *Duivenboden (supra)*.

[26] The cumulative effect of the authorities referred to in the above overview seems to me to be the following: Firstly, the legal convictions of

the community are now firmly established as the criterion for wrongfulness in all cases of delict. Secondly, for purposes of delictual liability there is no longer any need to distinguish between *omissio* and *commissio*, in that both forms of the *actus reus* may give rise to liability in delict, and in both forms the test for wrongfulness is the legal convictions of the community. Thirdly, in municipal liability cases, the failure on the part of the municipality to repair and maintain roads and pavements will be held to be unlawful only if the legal convictions of the community demand that it takes preventative action on the facts of the particular case.

[27] The above approach, I believe, is in line with the conventional judicial thinking on the broad issue of wrongfulness. It also accords, at least in content, with the issue of wrongfulness in criminal law. Its parameters are already defined in numerous judgments on the subject and it is a concept applied by our courts on a daily basis. As such, I believe, it could not have been, and was not the intention of the Supreme Court of appeal to give content to the meaning of wrongfulness in cases of an *omissio* which is different to that in cases of a *commissio*. In both instances the concept of wrongfulness is rooted in the legal convictions of society. In the former case the question is whether the failure to act offends the legal convictions of the community; and in the latter case the question is whether the particular act offends the legal convictions of the community. More about this later.

[28] It is unnecessary to yet again engage in a discussion on the meaning of delictual wrongfulness, but I nevertheless believe it is prudent to make the following brief observations.

[29] First, the test is objective and not dependent on the court's personal views of what the community's legal convictions **ought** to be. The question to be determined is what the community's **actual prevailing** legal convictions are. See *Bakkerud (supra)* at 1057B-C (my emphasis).

[30] Second, the legal convictions to be determined are those of the community in which the principle is to be applied. In municipal liability cases, the norms and values and legal convictions of the various communities will differ dramatically from place to place and also from time to time. See *Duivenboden (supra)* at 444B-E; *Bakkerud (supra)* at 1060B-D

[31] Thirdly, the legal convictions are required to be worthy of legal protection (either in delict or in criminal law). Conduct (or failure to perform) which is regarded as merely unethical or immoral and not worthy of legal protection, is therefore not labeled as wrongful. *Duivenboden (supra)* at 442B-E (para.13); *Wingaardt (supra)* para 50.

[32] Finally, the legal convictions of any community must by necessary implication also be informed by the values and norms of our society as embodied in the 1996 Constitution. *Duivenboden* and *Wingaardt (supra)*.

[33] With respect, I believe the judgments in *Bakkerud* and *Duivenboden (supra)* should be read and interpreted against the above background. In particular, at the risk of repetition, I do not believe it was intended by either of the above judgments that the long established principles pertaining to delictual wrongfulness should have a different content in cases of an *omissio*.

[34] If I am correct in the above assumption, then there is one issue in *Duivenboden* which I respectfully suggest should be clarified at some stage in the future. It is this:

[35] The learned Judge of appeal suggests at 442 B in *Duivenboden (supra)* that the question to be asked when enquiring into wrongfulness is whether, “... *as a matter of legal policy ...*” the omission ought to be actionable. That the issue is a matter of legal policy is confirmed by the learned Judge of Appeal at p 444 para 16 where he states:

“The very generality in which the legal principles have been expressed in the various decisions to which I have referred is an emphatic reminder that, both in this country and abroad, the question to be determined is one of legal policy, which must perforce be answered against the background of the norms and values of the particular society in which the principle is sought to be applied.”

[36] The question which arises is whether the determination of delictual wrongfulness is a matter of legal policy or a matter of substantive law. The distinction is not merely academic or pedantic.

[37] Did the Supreme Court of Appeal intend that wrongfulness in cases of *commissio* should be treated any differently to cases of *omissio*? I do not think so.

[38] The point came before the Full Bench of the Cape Provincial Division in the first reported judgment of *Bakkerud (supra)* referred to above.

[39] It was conceded by the appellant (the municipality) in that case that in view of the judgment in *Ewels (supra)*, the wrongfulness of an omission by a municipality to repair a street or pavement is to be determined with reference to the legal convictions of the community. However, it was contended that the decisions of the Appellate Division upholding the doctrine of municipal immunity and establishing the only exceptions in the doctrine of *introducing a new source of danger* such as *Moulong (supra)*, were based on legal policy in that the doctrines reflected the legal convictions of the community and, consequently, the Full Bench was bound by those decisions of the Appellate Division as to what the legal convictions of the community dictate.

[40] In a strong and convincing judgment of the Cape Provincial Division in *Bakkerud (supra)* at p.369F *et seq* Brand J (as he then was) dispelled the above contention and held that the establishment of the doctrines of *municipal immunity* and *introduction of a new source of danger* were matters of substantive legal principle and not of legal policy, notwithstanding that these doctrines were essentially concerned with the issue of wrongfulness. (It must be borne in mind that these doctrines were then used as the test for wrongfulness, which test has now been replaced by the legal convictions of the community).

[41] The above findings of Brand J (as he then was) were not upset on appeal to the Supreme Court of Appeal in *Bakkerud (supra)*, and nor were they questioned in *Duivenboden (supra)* or in any other judgment from the Supreme Court of Appeal. The matter remains an enquiry into delictual

wrongfulness (whether *commissio* or *omission*) and, if established, and only if; a second and further enquiry into *culpa*.

[42] In many fields of the law of delict, our courts have developed the common law to the extent that it recognizes that the particular nature of a particular act may be regarded as unlawful. For instance, assault and murder are usually regarded as unlawful acts under delict and criminal law, and so is the publication of words which are *per se* defamatory. However, the legal convictions of the community also recognize certain defined grounds of justification for acts which may otherwise be wrongful, such as self-defence or the defence of others in cases of assault or murder, and the truth and public interest in cases of defamation, all of which may nullify the wrongfulness of the act. I can see no reason in logic or in principle why the law of municipal liability may not develop in the same manner.

[43] The essential constitutional function of all local authorities in South Africa is to serve its communities. Such service is not only restricted to the provision of basic and essential services such as water, sanitation, safety and electricity, but also includes the maintenance of roads and pavements. However, the failure to render certain services, including failure to repair and maintain the infrastructure, may be justified in certain defined grounds such as the financial constraints of the particular municipality, its lack of resources, capacity and access to skills and qualified staff, and so forth. Each case must be assessed having regard to its own particular facts and circumstances, but I nevertheless see no reason why the courts may not in time to come formulate general guidelines and grounds of justification for a departure from such guidelines in assessing wrongfulness in municipal

liability cases, as it does in other cases of delict. This, I believe, will be in line with the development of the law of delict in general. And this can only happen if wrongfulness is treated as a legal principle. I therefore believe with great respect, that the reference of Nugent JA to “*legal policy*” must be interpreted and understood against this background.

[44] I now turn to apply the above principles to the facts of this case in order to determine whether or not wrongfulness was established. The narrow question, as I said, is whether the legal convictions of the community served by the respondent municipality require the latter to properly maintain its pavements to prevent an occurrence experienced by the appellant. If so, the failure to do so constitute wrongful conduct on the part of the municipality.

[45] The incident occurred in the municipal area of Port Elizabeth known as Central or Richmond Hill, which falls under ward 5. It is a high density middle class residential area covered by residential flats, a number of churches, retirement villages (including the Sanctuary where the appellant resides), restaurants, the Russel Road Technicon and the Oval Sport Ground. It carries heavy vehicular and pedestrian traffic and boasts a number of schools, shops and a shopping area. It is an older and an established area of Port Elizabeth with many streets lined by old and big trees. All streets are tarred and all pavements are paved. It is described in the evidence as a “*high density risk area.*”

[46] The evidence show that at the time of the incident the total budget of the respondent municipality was R8 billion, of which R2.5 billion was earmarked for “*operating costs*” which include, as I understand the

evidence, costs of repair and maintenance to roads and pavements. In regard to pavements alone, there were 1,400 kilometers of sidewalks in the municipal area with 32 kilometers of sidewalks under construction at the time. The total budget for new sidewalks during the year in question was R35 million. There is no suggestion whatever that the respondent municipality lacked either the financial means, manpower, capacity or skills to repair and maintain the sidewalks under its jurisdiction.

[47] The evidence shows that the respondent municipality has for many years successfully maintained its infrastructure including its roads and pavements. Its witnesses readily acknowledged that part of its responsibilities related to the upkeep and maintenance of pavements. It is not suggested that the ratepayers expect anything else from the municipality.

[48] The respondent admitted in its plea that “... *it has a responsibility for maintenance and upkeep of the specific sidewalks/pavement and it owed a duty of care to the community and the Plaintiff as well.*” In all these circumstances I am satisfied that the appellant has established the element of unlawfulness. The concession was correctly made and I have no doubt that having regard to the nature and identity of both the respondent municipality and the community it serves, and to the particular circumstances described above, that the legal convictions of the community imposes a legal duty on the municipality to keep its pavements, including the one which caused the appellant to stumble and fall, in a proper state of repair. I therefore believe that the appellant has established the requirement of wrongfulness.

[49] The question may well be asked why this judgment has taken so much

time and effort to come to this conclusion in the light of the above concession on the pleadings. The answer is that both parties in the presentation of evidence and in argument both before the court *a quo* and before this court, failed to recognize the distinction between the elements of unlawfulness on the one hand; and *culpa* on the other, and conflated the two concepts to the extent that it became difficult to recognize when they were dealing with the one or the other. I was accordingly of the view that the concession was made and accepted without fully appreciating the difference and the true meaning and content of wrongfulness. It therefore became necessary, in my respectful view, to deal extensively with these two issues.

[50] I now proceed to the second stage of the enquiry, namely whether or not the appellant has established the element of fault. She relies on the form of *culpa* and not on direct intent.

[51] The leading and classical case often referred to as the test for *culpa* is *Kruger v Coetzee* 1966 (2) SA 428(A). In this case Holmes JA described the test as follows at p.430E-G:

“For the purposes of liability culpa arise if-

a) a diligens paterfamilias in the position of the defendant-

i) would foresee the reasonable possibility of his conduct injuring another in his person or property and causing him patrimonial loss; and

ii) would take reasonable steps to guard against such occurrence; and

(b) the defendant failed to take such steps. This has been constantly stated by this court for some 50 years. Requirement (a)

(ii) is sometimes overlooked. Whether a diligens paterfamilias in the position of the person concerned would take any guarding steps at all and, if so, what steps would be reasonable, must always depend upon the particular circumstance of each case.”

[52] More than 50 years elapsed since the above *dictum*, and it remains good law to this day.

[53] The relevant facts to which the above test must be applied can be summarized as follows:

[54] The incident occurred on 6 July 2008. It was caused by a raised pavement block. It was well known by municipal officials that tree roots from large trees such as those adjacent to the pavement in question, may cause raised concrete blocks. It is common cause that the trees in question caused the uneven and raised concrete slabs. The evidence disclose that the concrete slab which caused the appellant to fall, was raised by approximately 50mm, and that the uneven state of raised pavement blocks in the particular area had existed for approximately 1 year prior to the incident. The area has since been leveled and the roots removed.

[55] The respondent municipality had at all relevant times a particular procedure in place in dealing with repairs and maintenance of its pavements. It is called a “*complaints system*” and operates in the following manner:

[56] Whenever a complaint or report (either telephonically or written) is received from a member of the public, a City Councilor, official or

employee, it is recorded on a "*Complaint Form*" and sent to the Department of Infrastructure and Engineering. It is there dealt with by the Roads and Stormwater Division of the Department. It then goes through a lengthy procedure which is unnecessary to repeat, and which includes an inspection and assessment of the damage, a decision on the method of repair and the issue of a job card to a foreman with instructions to repair, supervision of the works and inspection of repairs. In addition to members of the public, municipal official and employees such as the superintendents from the Roads and Stormwater Depots doing their rounds, designated cleaners, rubbish collectors and rangers are all required to report defects, damage and potential dangers to the Infrastructure and Engineering Department.

[57] The aforesaid complaints system dealing with maintenance and repairs has been in place for over 40 years, during which period it operated effectively and satisfactorily. Obviously, because no municipality is required to maintain a "*billiard top smoothness*" to its roads and pavements, the respondent has a policy that it will only repair raised pavements if the blocks or some individual concrete slabs are raised by more than 25mm. In this case, as I said, the block causing the appellant to stumble was raised by 50mm.

[58] The success of the respondent's complaints system was, of course, not only dependent on the system itself, but also on a diligent and competent exercise and implementation of the prescribed procedures by its employees. The evidence that it operated successfully over many years, show not only that the system is effective, but also that it has always been diligently and successfully implemented.

[59] The evidence shows, however, that since 2007 this was no longer the case. For approximately one year before the incident the pavement blocks in the particular area became uplifted by roots without being repaired. There is evidence that during the preceding year other pedestrians also stumbled and fell without any complaints being received by the Roads and Stormwater Division.

[60] The evidence further discloses that a City Councilor, Mr Davis, witnessed the incident on 6 July 2008. He telephoned Mr Tony Arthur of the Roads Department and reported the incident. Notwithstanding, no complaint form was completed and the operating procedures of the system were not followed. On 17 July 2008 Mr Davis followed his telephone complaint up with a letter recording the incident and requesting remedial action. A complaint form was still not completed.

[61] The inter-office memorandae and e-mails following Mr Davis' letter of 17 July show a confusion by municipal officials of the nature and place of repairs. Effectively, nothing was done. Eventually, on 25 August 2008, a complaint form was completed and the procedures were set in motion. The repairs were effected and completed only on 19 September 2008.

[62] The fact that the need for remedial work was evident for approximately one year before the incident, coupled with the manner in which the complaint was treated immediately after the incident on 6 July 2008, in my view, show conclusively that an otherwise effective complaints system and its remedial procedures were implemented in a negligent and incompetent

manner.

[63] It is conceivable that many occasions may arise where, notwithstanding an adequate complaints and repairs system, complaints are either not received or repairs not carried out, either timeously or at all. Examples such as an unforeseen thunderstorm causing damage, or acts of vandalism come to mind. Depending on the facts, those circumstances may not give rise to the requirements of either unlawfulness or *culpa*, or either. However, in cases of this nature, the municipality will place facts before the court which may either justify the wrongfulness or demonstrate the absence of reasonable foreseeability or any other element of *culpa*. In this case, however, no facts or explanation of any nature whatsoever were placed before the court to explain why the otherwise adequate and successful system did not work.

[64] It is true that there is no causal relationship between the incident in question and the failure to act on the complaint by Mr Davis, in that the complaint was lodged after the incident occurred. However, as remarked earlier, the fact that the defects and need for repairs had existed for a considerable period prior to the incident, coupled with the negligent and incompetent manner in which the complaint was handled and the absence of any explanation why the system failed in circumstances where it operated successfully for many years, all lead to the inescapable conclusion that the system was not implemented with the necessary care and skill and that the municipality was negligent in this regard.

[65] Applying the test for negligence in *Kruger (supra)*, it is clear that the

incident was reasonably foreseeable if the procedures were not followed, and that the municipality could reasonably have taken steps to prevent the occurrence by ensuring that its system and procedures are properly enforced. It failed to take these steps for at least one year prior to the incident, and the manner in which the subsequent complaint was treated shows that even after the incident the correct procedures were either not followed at all, or not followed properly. I am satisfied that the appellant, on the facts of this case, proved the requirements of *culpa*.

[66] The trial court dismissed the appellant's claim on the basis that the respondent municipality's system operates efficiently and that the appellant had not proved it employed a deficient system. It seems that the appellant's counsel in the court *a quo* sought to attribute the negligence to the use of a system which was "*woefully deficient*," and that the judgment is based on the efficiency or otherwise of the system and not on how the system was implemented.

[67] In his analysis of the evidence dealing with the manner in which the complaint was treated, the learned trial Judge, correctly in my view, concluded that the municipal officials were remiss in the implementation of the system and unduly delayed repairs. He found, however, that "... *an isolated instance of dilatoriness on the part of Msila cannot be the yardstick by which to judge the defendant's operating system ...*" Although this is a correct statement, the fallacy of the argument is that the negligence does not lie in the use of a perceived deficient operating system (which it is not), but in the negligent manner in which an otherwise efficient system was operated. It is not the operating system which is judged, but its

implementation. Even an isolated instance of negligent operation of the system constitutes negligence and is sufficient to prove *culpa*. I am therefore of the respectful view that the court *a quo* misdirected itself in focusing on the effectiveness of the system rather than on the manner of its implementation.

[68] I therefore propose that an order in the following terms issue:

1. The appeal succeeds and the order of the court *a quo* is set aside and is replaced with an order in the following terms:

“1.1 The ruling of this court is that the defendant is liable to pay the plaintiff such damages caused by the incident on 6 July 2008 as the parties may agree or the plaintiff may prove.

1.2 The defendant is ordered to pay the costs of the trial, including the costs reserved on 23 February 2010.”

2. The respondent is ordered to pay the costs of this appeal.

I agree :

DAWOOD J

I agree :

BOQWANA AJ

It is so ordered :

ALKEMA J

Heard on : 06 December 2010

Delivered on : 17 February 2011

Counsel for Appellant : Adv. Nepgen

Instructed by : De Villiers & Partners

Counsel for Respondent : Adv. Menti

Instructed by : Ketse Nonkwelo Incorporated

**REPORTABLE
IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE HIGH COURT: GRAHAMSTOWN)
CASE NO. CA 57/2009**

In the matter between

MONA WINGAARDT & 2 OTHERS

Appellants

and

E. GROBLER & ANOTHER

Respondents

JUDGMENT

ALKEMA J

[1] The issue in this appeal concerns the question whether or not the switching on of Christmas lighting in and outside her house in Jeffreys Bay by the Respondents constitutes a nuisance or disturbance of the Appellants' right to free and undisturbed use and possession of their property. The Appellants sought a final interdict in the Humansdorp Magistrate's Court for an order prohibiting the Respondents from switching on any Christmas lights at their home during the festive season, which order was refused by the Court *a quo*. The Appellants come on appeal to this Court against such refusal.

[2] The Appellants chose to proceed by way of application and not by way of action. Neither party applied for leave to refer the factual disputes to oral evidence, and both were content with the Court making factual findings on the papers.

[3] It is now trite that in an application for a final interdict on papers without resorting to oral evidence, the facts as stated by the respondent together with the admitted facts in the applicant's affidavit constitute the facts upon which the application is to be adjudicated; subject to the two qualifications that, firstly, a mere denial by the respondent of a fact alleged by the applicant may in certain circumstances not raise a real, genuine or bona fide dispute of fact; and secondly, where the denials or allegations of the respondent are "*... so far-fetched or clearly untenable, that the Court is justified in rejecting them merely on the papers*" (*Plascon-Evans Paints v Van Riebeeck Paints* 1984 (3) SA 623 (A) at 634E-635C).

[4] It is necessary to refer briefly to the parties. The application papers refer to three applicants (now appellants) and two respondents, who are also the respondents on appeal. The Respondents are husband and wife. They live at 3 Nell van der Poll Street, Jeffreys Bay. That is the address from which the alleged nuisance emanated. The First Respondent is the signatory to the main opposing affidavit. Her husband gave notice of intention to oppose, but he did not make an opposing affidavit because he was away at sea as a commercial fisherman when the application was launched. The First Respondent is the *de facto* respondent. A reference in this judgment to the Respondent in the singular should be understood to refer to her unless the

context shows otherwise.

[5] The First Appellant/Applicant resides with her husband (who is not a party) at 5 AD Keet Road, Jeffreys Bay which is diagonally across the road from the Respondents' home. The Second and Third Applicants are husband and wife. They live next door to the Respondents. The protagonists in this litigation are the First Appellant and the First Respondent. For reasons which are given below, I shall refer in this judgment to the First Appellant as the Appellant.

[6] Before dealing with the facts, there are two features of a procedural nature which call for comment.

[7] First; the founding affidavits of both the Second and Third "Applicants" (now "Appellants") are not attested.

[8] An affidavit is a written statement sworn to before a commissioner of oaths. An oath is administered in terms of the Regulations made in terms of section 10 of the Justices of the Peace and Commissioners of Oaths Act No 16 of 1963. In terms of Rule 6 (1) of the Rules of this Court, a notice of motion must be supported "*by an affidavit as to the facts upon which the applicant relies for relief*". As such, an affidavit constitutes the factual evidence before a Court upon which the matter is to be adjudicated. See: *Minister of Land Affairs and Agriculture v D & F Wevell Trust* 2008 (2) SA 184 (SCA) at 200D. The same principle applies in the Magistrate's Court. (Jones & Buckle, *The Civil Practice of the Magistrates' Courts in South Africa* (Vol 2) (9th Ed.) 55-12A). It follows that if there is no affidavit

before a Court in application proceedings in support of the relief claimed, there is no evidence upon which the relief can be granted.

[9] It is trite that in certain circumstances a Court has the discretion to condone strict compliance with the regulations prescribing the administration of oaths, but where no oath was administered, there is no evidence before the Court and the unattested statement is *pro non scripto* and incapable of condonation. The Second and Third “Appellants” are accordingly not before this Court, and they were also not before the Court *a quo*.

[10] Second; and by consent between the parties, the Court *a quo* on 26 March 2008 made an order admitting further supplementary (“*aanvullende*”) affidavits from the First and Second “Appellants” (as applicants). This resulted in a further set of answering and replying affidavits from the Respondents and “Appellants” respectively.

[11] The application for the filing of a further set of affidavits was motivated by the “Appellants” on the strength of the happening of certain events after 12 December 2007 which were said to be of material interest (“*wesenlike belang*”) to the hearing of the application. It is of some import to note that the further set of affidavits filed by the First and Second “Appellants” were not intended to supplement or substitute the original founding affidavits – the parties expressly agreed not to term the further affidavits as “founding affidavits” but rather as “supplementary affidavits”. In consequence, the Second “Appellant” remained without a founding affidavit capable of being supplemented and the consent order of 26 March 2008 had no effect on and

did not cure his lack of a founding affidavit in the proceedings, and nor did it introduce him as a party to the proceedings.

[12] In regard to the First (remaining) Appellant, her first replying affidavit is dated 11 December 2007 and was filed and served before the events occurred which are described in the Appellant's supplementary affidavits. As such *litis contestatio* had already occurred when the further affidavits were filed, which merely served to open fresh factual issues.

[13] In application proceedings, the three sets of affidavits (founding, answering and replying) have a dual purpose: first, they constitute the evidence before the Court and play the same role as oral evidence in action proceedings; and second, they define the issues (both factual and legal) which result in *litis contestatio* between the parties in the same way as pleadings in an action. I believe it is essentially for this reason, as a general rule (there are exceptions), that an applicant is required to stand or fall by his or her founding affidavit and is not generally allowed to supplement his or her founding affidavit by adducing new facts in a replying affidavit. This much is trite; see *Erasmus, Superior Court Practice* at B1-45 and the cases cited in footnote 9.

[14] To hold otherwise will result in allowing parties to continually present new or fresh evidence to court as and when it pleases them and when it becomes available, resulting in unwieldy and never-ending trials and applications and a blurring of factual and legal issues. It is certainly not in the interest of justice to allow such a practice, even by agreement between the parties. I will shortly again return to this issue.

[15] Like most rules and principles in law, there are often exceptions to the general rule. Attempted definition of the ambit of the Court's discretion to allow further affidavits is neither easy nor desirable, as was said by Holmes J in *Milne NO v Fabric House (Pty) Ltd* 1957 (3) SA 63 (N) at 65A:

"...It is neither necessary nor desirable to say more than that the Court has a discretion, to be exercised judicially upon a consideration of the facts of each case, and that basically it is a question of fairness to both sides.

This approach was confirmed by Ogilvie Thompson JA in *James Brown & Hamer (Pty) Ltd v Simmons NO* 1964 (4) SA 656 (A) at 660 D-G.

[16] Generally, a fourth set of affidavits will not be allowed unless there are "essential" or "special" circumstances which will justify a further set. See: Herbstein & Van Winsen *The Civil Practice of the High Courts of South Africa* (5th ed.) Vol. (1) p.439; *South Peninsula Municipality v Evans* 2001 (1) SA 271 (C) at 283 A-H; *Afric Oil (Pty) Ltd v Ramadaan Investments CC* 2004 (1) SA 35 (N) at 38J-39A.

[17] I do not believe that "essential" or "special" circumstances exists which justified the filing of a fourth set of affidavits. The bulk of the evidence contained in the further affidavits by both parties is irrelevant to the legal issues under consideration. They refer mainly to petitions from the public expressing popular support for a particular point of view. Lengthy newspaper clippings and articles are attached expressing views and opinions of private individuals, and containing reports on the feud between the parties. The affidavits abound with personal attacks on opposing parties

and witnesses, and contain endless repetition.

[18] Although public policy and the interest of society are relevant considerations (more about this later), public opinion and popular support are not tantamount to public policy; and public interest is conceptually very different from public opinion. Legal principles and laws are not established by popularity contests – the death penalty is an example. The factual allegations in the newspaper reports on the merits are disputed, and do not constitute admissible evidence in a Court of law.

[19] In *Minister of Environmental Affairs and Tourism v Bato Star Fishing (Pty) Ltd* 2003 (6) SA 407 (SCA) at 439G-H Schutz JA remarked:

“There is one other matter that I am compelled to mention — replying affidavits. In the great majority of cases the replying affidavit should be by far the shortest. But in practice it is very often by far the longest — and the most valueless. It was so in these reviews. The respondents, who were the applicants below, filed replying affidavits of inordinate length. Being forced to wade through their almost endless repetition when the pleading of the case is all but over brings about irritation, not persuasion. It is time that the Courts declare war on unnecessarily prolix replying affidavits and upon those who inflate them.

[20] In *Van Zyl v Government of South Africa* 2008 (3) SA 294 (SCA) at 307 G-H, Harms ADP (as he then was), after quoting Schutz JA, said:

“A reply in this form is an abuse of the court process and instead of wasting judicial time in analyzing it sentence by sentence and paragraph by paragraph such affidavits should not only give rise to adverse costs orders but should be struck out as a whole mero motu.”

[21] The affidavits under consideration are not only wholly divorced from a reply to the first set of answering affidavits, but they also contain irrelevant and inadmissible material not contributing anything to the legal issues.

[22] In the circumstances, I believe this Court has the duty to *mero motu* strike out all affidavits and annexures filed and served in this application after the filing and service of the First Appellant’s first set of replying affidavits dated 11 December 2007.

[23] It follows from all of the aforesaid that this appeal is to be adjudicated only on the First Appellants’ set of founding and replying affidavits together with the Respondents’ first set of answering affidavits.

[24] Applying the *Plascon Evans* rule (*supra*) to the aforesaid affidavits, the following facts emerge from the papers.

[25] Jeffreys Bay is a popular holiday and sea-side resort in the Eastern Cape. It is well known for its surfing conditions and moderate climate, and attracts sun-seekers and holiday makers from throughout the country and also from abroad. Although it has many permanent inhabitants, it also has a large number of holiday homes near the beaches which are only occupied

during the festive seasons and school holidays. Many of the permanent inhabitants are elderly pensioners.

[26] An unavoidable consequence of the above is the increase to capacity of the population and vehicular traffic during the months of December and January of each year, with the resultant increase of noise levels during that time of the year. These consequences are reasonably expected and tolerated by the permanent inhabitants of Jeffreys Bay.

[27] The Respondent resides with her husband at No. 3 Nell van der Poll Street in the suburb of Wavecrest, Jeffreys Bay. They are tenants of the property and have been residing there since December 2001. It appears from one of the photos attached to Respondent's answering affidavit that Nell van der Poll Street is relatively close to the sea and beaches.

[28] Since November 2004 the Respondent and her husband have been decorating the exterior of their double storey home with Christmas lights and various other Christmas decorations. The string of lights follow the contours and apex of the upper roof and gables, and then run along the facias of the lower roof, to eventually extend into the garden, decorating trees and a number of smaller hand-made decorations such as images of stars, trees and also that of a Christmas Father. In addition, a "live" Christmas Father was also present. The decorations and lightings create an atmosphere of festive cheer and Christmas spirit and, not surprisingly, attract locals and visitors alike to view the spectacle. Parents take their little children to see and experience the festive spirit and the children become enthralled by the live "Father Christmas" sitting and walking in the front garden. Of course, the

noise levels caused by vehicles stopping and starting and by people talking and laughing, increase.

[29] It appears that from 2004 a custom developed whereby parents would surreptitiously leave Christmas presents for their children with the “*Father Christmas*,” and then take the children on Christmas eve or Christmas day to the house to collect their presents from him. In addition, sightseers are invited to make monetary donations which are used by the Respondent to support two charity organizations, namely the St Francis Hospice (Kouga) and the Hankey Children’s home. This much is common cause. These factors nevertheless contribute to the increase of activity and noise levels.

[30] The Appellant (Applicant in the court *a quo*) is an elderly retired housewife and pensioner who lives with her husband, also a pensioner, in their home which is situated diagonally opposite that of the Respondent; or put differently, directly opposite the immediate neighbour of the Respondent. The Appellant’s house fronts on AD Keet Street (which intersects Nell van der Poll Street) and is situated on the corner of Nell van der Poll Street (where the Respondents live) and AD Keet Street. Nell van der Poll Street runs roughly from east to west and AD Keet Street from north to south.

[31] It appears that the living area of the Appellant’s home fronts on AD Keet Street, but the main bedroom fronts on and looks out to Nell van der Poll Street, where the Respondents live. A photo taken from the Respondents’ home in Nell van der Poll Street of the Appellant’s home show that a massive tree obscures most of the rear side of the Appellant’s

home where the bedroom is situated.

[32] AD Keet Street is a busy thoroughfare and vehicular traffic in both AD Keet and Nell van der Poll Streets increase dramatically during the festive period of December and January of each year. Such increase is compounded by the activities at the Respondent's residence.

[33] In the past, the Respondent switched the lights on from 1 December until the end of the first week of January. Since litigation started, in an apparent attempt to settle the dispute, she undertook to and did switch the lights on only on 14 December until the end of the first week in January. The lights are switched on at 19h00 and are switched off no later than 23h00 each evening. This remains the prevailing situation.

[34] All of the aforesaid are either common cause between the parties or not seriously disputed by the Respondent. The gravamen of the dispute, as I said at the outset, concerns the extent of the added noise and disturbance levels to the Appellant caused by the Respondent's activities. The Appellant alleges that the consequences of the Respondent's actions are "*catastrophic*" to the "*peace and quiet*" expected from any occupier of a home in a residential area. She describes the noise levels as an "*absolute nightmare*". She states that vehicle engines are regularly switched on and off and that vehicles pull off and stop with great noise; that Christmas Fathers noisily move about on the street between the vehicles to collect donations; that the festivities have developed in a "*street-party*" in front of their home; that people litter the street; and that as a result she and her husband are unable to sleep and are deprived of their peaceful use and

enjoyment of their own property.

[35] The Respondent denies the aforesaid allegations. Although she admits to an increase in the noise levels, she says the Appellant's description thereof is exaggerated and is no more than what can reasonably be expected. She denies that "*Christmas Fathers*" move into the street and states that since 2005 only one "*Christmas Father*" is present who does not move from the front porch of her house. She admits that some vehicles stop and move off again after children have visited "*Christmas Father*" to collect their presents, and that people make donations to charity in the process. She vehemently denies the suggestions of a "*street-party*" and littering in the street, and concludes that the increased noise levels are well within reasonable limits and therefore that the Appellant and her husband are not unreasonably deprived of their use and enjoyment of their home comforts.

[36] In addition, the Respondent is supported in her allegations and conclusions by two neighbours, one of whom lives together with his wife directly opposite the Respondent. These witnesses both state that they are not at all inconvenienced. They say their bedroom and lounge windows look directly upon the Respondent's premises, and when they draw the curtains they are unable to see the lights and can watch television and sleep without interference from the activities outside. They admit to a slight increase of vehicular traffic and noise in front of their home, but state that it has no effect on their "*peace and quiet*" and does not negatively affect their use and enjoyment of their own home. They support the Respondent in her case.

[37] In conclusion, the Respondent has also put up affidavits from representatives of the two charity organizations which benefit from the donations. Needless to say, they also support the Respondent's case.

[38] As I remarked earlier in this judgment, the Appellant has elected not to refer the factual disputes to oral evidence and she is content to dispose of the case on affidavit. Much of the evidence on affidavit constitutes subjective views and opinions and there is very little, if any, empirical evidence from which the decibel value of the noise and disturbance levels can be judged. As stated, in these circumstances and in the absence of the two exceptional circumstances, the *Plascon* rule must be applied and the case must be decided on the Respondent's version, together with facts put up by the Appellant which the Respondent is not able to dispute.

[39] Ignoring, as I believe I should, the subjective views and opinions of the Respondent and her witnesses, there is no doubt that the noise levels caused by vehicular traffic and its occupants increase substantially in Jeffreys Bay during December and January of each year. Those levels are further raised by the activities caused by the Respondent and described above. The issue is whether such increased noise levels constitute an infringement of Appellant's property rights.

[40] Despite the absence of any credible objective evidence concerning the extent of the disturbance created by the increased noise, the Court must do its best to establish such extent, and measure it against the extent to which the law allows a property owner or occupier such as the Respondent to use and enjoy his or her own property.

[41] It is common cause that the onus is on the Appellant to establish that the Respondent has exceeded the bounds of reasonable use and enjoyment of her property and, as such, caused a nuisance and disturbance to owners of neighbouring properties, including the Appellant. I believe the proper approach to this case is therefore to first establish the bounds or limits required by law for the use and enjoyment of one's own property; and then to determine whether or not the Appellant has shown on a balance of probability that the Respondent has exceeded those limits.

[42] In *De Charmoy v Day Star Hatchery (Pty) Ltd* 1967 (4) SA 188 (D) at 191E-G Miller J (as he was then was) referred to the leading case of *Regal v African Superslate (Pty) Ltd* 1963 (1) SA 102 (AD) and formulated the principle thus:

“The principle in our law is this: although an owner may normally do as he pleases on his own land, his neighbour has a right to the enjoyment of his own land. If one of the neighbouring owners uses his land in such a way that material interference with the other's rights of enjoyment results, the latter is entitled to relief.”

[43] The difficult question is to determine when such “*material interference*” arises. In the absence thereof, there is no infringement of the appellant's right and the Respondent's conduct cannot be held to be wrongful.

[44] The case law dealing with limitations on property rights by neighbouring owners, and with nuisance and disturbance in particular, offer

many and wide ranging guidelines in determining an unlawful infringement of a property right. The guidelines refer to concepts such as reasonableness, fairness, the *boni mores* and legal convictions of society, the need to employ an objective test and to decide each case on its own merits, and so forth. These concepts, familiar as they are to the legal mind, remain vague, uncertain, and very often result in conflicting judgments and are difficult to apply (more about this later). This difficulty, in my respectful view, can be overcome by simply applying basic legal principles.

[45] The so-called "*nuisance law*" remains part of the law of delict and must be treated as such. It is trite that the five elements of a delict are (1) conduct; (2) which is wrongful and unlawful; (3) committed either negligently, or intentionally (fault); (4) which caused the harm or loss complained of (causation); and (5) resulted in actionable harm, loss or damage. In *casu*, the enquiry is into the second element of the delict; namely the issue of wrongfulness — the presence of the other elements being common cause.

[46] I do not think it is prudent for purposes of this judgment to indulge in a long discussion on the meaning of delictual wrongfulness, but it is nevertheless necessary to make the following observations.

[47] It is, I believe, an accepted principle of jurisprudence and of sociology that a necessary prerequisite for the peaceful, harmonious and orderly co-existence of any community is an organized, structured society governed by a code of conduct on the part of its members. In the absence of an organized and structured society, chaos and anarchy will prevail. Such code of

conduct necessary for a structured community is informed by the values and norms of society, and by its moral, ethical and legal convictions. The code of conduct most essential for the establishment of a society in which individual human and legal rights can be enjoyed and protected, are translated into legal principles and laws – as opposed to arbitrary adherence to mere moral and ethical obligations. Any transgression of these legal principles, in criminal law and in the law of delict, is regarded as “*wrongful*” and may either constitute a criminal offence or a civil delict; provided, however, that the other elements of the crime or delict are present.

[48] It follows from the above that the concept of wrongfulness, both in criminal law and in the law of delict, has its roots in the *boni mores* and legal convictions of the society which it serves. The *boni mores* test as criterion for wrongfulness has repeatedly been emphasized by the Supreme Court of Appeal and our High Courts; to name but a few: *Universiteit van Pretoria v Tommie Meyer Films (Edms) Bpk* 1977 (4) SA 376 (T) at 387; *Marais v Richard en 'n Ander* 1981 (1) SA 1157 (A) at 1168; *Schultz v Butt* 1986 (3) SA 667 (A) at 679; *Administrateur, Transvaal v Van der Merwe* 1994 (4) SA 347 (A) at 358 and 364; *Cape Town Municipality v Bakkerud* 2000 (3) SA 1049 (SCA); *SM Goldstein and Co. (Pty) Ltd v Cathkin Park Hotel (Pty) Ltd* 2000 (4) SA 1019 (SCA) at 1024.

[49] In *Clarke v Hurst NO. and Others* 1992 (4) SA 630 (D) Thirion J remarked as follows at 652H-653A:

If it is accepted, as I think it should, that law is but a translation of society's fundamental values into policies and prescripts for regulating its members' conduct, then the Court, when it determines

the limits of such a basic legal concept as wrongfulness, has to have regard to the prevailing values of society. I can see no reason why the concept of wrongfulness in criminal law should have a content different from what it has in delict.”

[50] A number of consequences flow implicitly from the aforesaid: First, the test for wrongfulness is determined with reference to society's perception of justice, equity, good faith and reasonableness. See *Compass Motors Industries (Pty) Ltd v Callguard (Pty) Ltd* 1990 (2) SA 520 (W) at 528-529. In this regard public reaction is not necessarily indicative of society's legal convictions and perception of reasonableness: courts will not be blindly ruled by such reaction. See *Van Eeden v Minister of Safety and Security* 2003 (1) SA 389 (SCA) at 396 D. Also Courts “... .. are not concerned with what the community regards as socially, morally, ethically or religiously right or wrong, but whether or not the community regards a particular act or form of conduct as delictually wrongful” (*Van Eeden supra* at para (10)).

[51] Second, society's *boni mores* are not static, but evolve over time to accommodate “*changing values and new needs.*” See: (*Amod v Multilateral Motor Vehicle Accidents Fund* 1999 (4) SA 1319 (SCA) at 1330 A. In a heterogeneous society such as ours, the *boni mores* of society may also change from community to community. (See *Taitz* 1993 Vol 110 SALJ 440 who questions the use of a single '*boni mores*' criterion in a heterogeneous society).

[52] Third, it is trite that the values and norms reflected in the Constitution

must now also permeate the common law and influence the content of “wrongfulness” (*Carmichele v Minister of Safety and Security* 2001 (4) SA 938 (CC) at para 56). It follows that if public policy expressed in our common law conflicts with the values underlying the Constitution, then the latter must prevail (*Carmichele (supra)* at para 56).

[53] Fourth, the test is an objective test. See *Gien v Gien* 1979 (2) SA 1113 (T) at 1122; *Dorland v Smits* 2002 (5) SA 374 (C) at 384; *Knobel* 2003 THRHR at 500. This means that the whims and personal preferences of the Judge or Presiding Officer hearing the case are irrelevant and play no role in the adjudication process.

[54] This requirement implies an objective weighing-up of the benefits that the exercise of her right to possession of the property has for the Respondent, against the prejudice suffered by the Appellant as the result of the former’s conduct. The reasonableness thus depends on the degree of disproportion between the benefit and the prejudice. See *Gien (supra)* at 1121; *Rand Waterraad v Bothma en ’n Ander* 1997 (3) SA 120 (O) at 136; *Dorland (supra)* at 384; *Knobel (supra)*; *Vogel v Crewe and Another* [2004] 1 All SA 587 (T) para 4; *Tiffin v Woods NO and others* [2007] 3 All SA 454 (C) at 458-459.

[55] Fifth, in determining objective reasonableness as an antithesis for wrongfulness, the test is not that of a highly sensitive person who truthfully complains that he finds the noise to be intolerable, but the reaction of

“ ... the reasonable man ... who according to ordinary standards of comfort and convenience, and without any peculiar sensitivity to the

peculiar noise, would find it, if not quite intolerable, a serious impediment to the ordinary and reasonable enjoyment of his property” (De Charmoy (supra) at 192E-F).

[56] In the above regard De Vos J in *Vogel (supra)* referred with approval to the well-known dictum of Buchanan J in *Holland v Scott* (1882) 307 (EDC) at 332:

“ . . . the plaintiff must show that the inconvenience complained of is in fact more than fanciful, more than one of mere delicacy or fastidiousness; that it was inconvenience materially interfering with the ordinary comfort, physically, of human existence, not merely according to elegant or dainty modes and habits of living, but according to plain and sober and simple notions.”

[57] See also *Laskey & another v Showzone CC and others* [2007] 4 All SA 1162 (C).

[58] Finally, where the disturbance consists of noise, the factors which have been regarded as material in determining whether the disturbance is of a degree which renders it actionable, include the type of noise, the degree of its persistence, the locality involved and the times when the noise is heard (*De Charmoy (supra)* at 192; *Laskey & another v Showzone CC and others (supra)*). By implication, therefore, each case can only be decided with reference to the peculiar facts of that case.

[59] For instance, a noise caused by a neighbouring property opposite or

adjacent to the hospital or home for the aged and frail, may be held to be wrongful; whereas the same noise caused by a neighbouring property owner in an industrial area may not be held to be wrongful. Also, noise caused by rowdy students in a men's university residence may not be held wrongful; whereas the same noise caused by the same students at the same time in a quiet residential area, may well be held to be wrongful.

[60] There are many other judgments laying down criteria for establishing wrongfulness. However, since interference with property rights and the nuisance caused thereby have many and diverse causes and origins, I have confined myself in formulating the above guidelines only to disturbance caused by noise. Even so, the above guidelines by no means constitute a *numerus clausus*; there may be many more but I have limited myself to only those I consider to be of particular importance and assistance to the facts of this case.

[61] In the application of the guidelines, the focus remains on the search for wrongfulness. In particular, and on the facts of this case, the issue remains the determination of the moment when the Respondent's use of her property rights becomes an abuse of rights and therefore unlawful. That moment is determined in accordance with the value and norms of society in general, and of the community of Jeffreys Bay in particular. The Respondent's alleged abuse of her property rights must, moreover be of such extent that it deserves the intervention of the law in order to ensure a peaceful, stable and orderly society where the human and legal rights of all are acknowledged, protected and advanced.

[62] What emerges from the above is that the legal concept of wrongfulness is a value judgment pronounced by the Court based on considerations of morality, the *boni mores* and legal convictions of society, reasonableness and fairness, and policy. It defines conduct necessary for an orderly, peaceful and harmonious community, and it transforms conduct not consistent with society's norms and values to an actionable delict or a criminal offence, as the case may be, which attracts the sanction of the Court. In this sense wrongfulness is not conduct which some may regard as merely unethical, immoral or unreasonable, and which does not attract legal sanction.

[63] Although conduct which is wrongful in criminal law need not be wrongful in delict (*Bophuthatswana Transport Holdings (Edms) Bpk v Matthysen Busvervoer (Edms) Bpk* 1996 (2) SA 166 (A) at 174); and although conduct which may be wrongful towards one may not be wrongful towards another (*SM Goldstein & Co. (Pty) Ltd v Cathkin Park Hotel (Pty) Ltd* 2000 (4) SA 1019 (SCA) at 1024 F), unlawfulness nevertheless remains a term which is both conceptually and contextually well understood by our Courts and is applied more often than not without any difficulty.

[64] What also emerges from the above discussion on wrongfulness is that the concept contains many elements and is based on diverse considerations. One of those considerations is reasonableness.

[65] The importance of reasonableness as an element of unlawfulness has been re-affirmed by the Supreme Court of Appeal in a number of cases. For instance, in *SM Goldstein (supra)* Harms JA (as he then was) said in relation

to wrongfulness (at 1024F):

“The test involves a value judgment by applying in the light of all the circumstances the general criterion of reasonableness. The criterion is based upon considerations of morality and policy and the court’s perception of the legal convictions of the community. That harm is foreseeable is a relevant consideration.”

[66] In *Olitzki Property Holdings v State Tender Board and another* 2001 (3) SA 1247 (SCA) Cameron JA (as he then was) said at 1257A:

“This process involves the court applying a general criterion of reasonableness, based on considerations of morality and policy, and taking into account its assessment of the legal convictions of the community and now also taking into account the norms, values and principles contained in the Constitution.”

[67] And at 1257E:

*“The conduct is wrongful, not because of the breach of the statutory duty **per se**, but because it is reasonable in the circumstances to compensate the plaintiff for the infringement of his legal right. The determination of reasonableness here in turn depends on whether affording the plaintiff a remedy is congruent with the court’s appreciation of the sense of justice of the community. This appreciation must unavoidably include the application of broad considerations of public policy determined also in the light of the Constitution and the impact upon them that the grant or refusal of the remedy the plaintiff seeks will entail.”*

[68] In *Van Eeden v Minister of Safety and Security* 2003 (1) SA 389 (SCA) at 395I-396B Vivier ADP said in relation to wrongfulness:

*“The test is one of reasonableness. A defendant is under a legal duty to act positively to prevent harm to the plaintiff if it is reasonable to expect of the defendant to have taken positive measures to prevent the harm. The court determines whether it is reasonable to have expected of the defendant to have done so by making a value judgment based, *inter alia*, upon its perception of the legal convictions of the community and on considerations of policy. The question whether a legal duty exists in a particular case is thus a conclusion of law depending on a consideration of all the circumstances of the case and on the interplay of the many factors which have to be considered.”*

[69] It is quite clear from the above *dicta*, I believe, that the concept of reasonableness, when used as the test for wrongfulness, is nothing less and nothing more than a reasonable appraisal of all the many elements and considerations which make up wrongfulness. It is not, in the context of the *dicta*, a separate ingredient taken in isolation and then elevated into wrongfulness without reference to the other elements. In proper context, reasonableness has not replaced unlawfulness as an element of delict; it is merely a tool describing the thought process in weighing up the factors making up the concept of wrongfulness. It is clear from the above judgments that the ultimate enquiry remains whether or not unlawfulness has been established.

[70] Unfortunately, it seems that in cases of nuisance under neighbour law, many judgments, and some of our legal writers, have lost the focus on

unlawfulness and have taken reasonableness as the test for wrongfulness out of context and describe the test for the abuse of property ownership rights, or for the infringement of property rights, as reasonableness without any reference to wrongfulness. In order to determine reasonableness, it is said, the Court must have regard to a host of criteria such as fairness, objectivity, *boni mores*, proportionality, and the like. See, for instance *Waterhouse Properties CC and others v Hyperception Properties 572 CC and others* (2008) JOL 21071 (O) (not reported elsewhere); *JF van Eck & 12 others v Clyde Brickfields (Pty) Ltd & others* (2006) JOL 17208 (T) (not reported elsewhere); *Laskey and another v Showzone CC and other (supra)*; *Tiffin (supra)*.

[71] Some of the above judgments seem to suggest that reasonableness is the main, if not the only, criterion for establishing delictual liability under neighbour law. JC Van der Walt and JR Midgley in *Principles of Delict* (3rd ed) 2005 at 69 para 60 goes as far as stating that “*Wrongfulness is determined according to the general criterion of reasonableness, sometimes referred to as the criterion of objective reasonableness.*”

[72] With reference to concepts such as *boni mores*, the prevailing concepts in a particular community at a given time, or the legal convictions of the community, the learned authors state:

“Each of these is merely a different expression of the general criterion of reasonableness.”

[73] I find the above approach, with respect, not only vague and uncertain, but also not to accord with general principles or with the *dicta* from the

Supreme Court of Appeal. The test of reasonableness must, in my respectful view, be applied with caution, always realizing that “reasonableness” and “unlawfulness” are jurisprudentially two very different concepts. As I will shortly demonstrate, reasonable conduct cannot be unlawful, but neither is unreasonable conduct necessarily unlawful.

[74] Reasonableness is the antithesis of wrongfulness. Wrongfulness can never be reasonable. The suggestion that wrongfulness is merely a different expression for the criterion of reasonableness is, with respect, both logically and grammatically unsound. The converse of wrongful conduct is lawful conduct, and lawful conduct is not necessarily reasonable. The classical example is the by-stander who observes the drowning of a child. The omission by a passing motorist who observes a child falling into a swimming pool and who fails to stop and render assistance or to rescue the child may be held to be unreasonable, but not necessarily wrongful.

[75] The same principle applies in cases of nuisance and disturbance under neighbour law. Take the following example:

[76] Farmer A occupies farmland next to a river where the risk of flooding is one in every ten years. To prevent flooding of his farm, he constructs a dam which contains the flood water. Farmer B occupies lower lying farmland immediately adjacent to farm A. If farmer A had not constructed his dam, the lands of farmer B would also have been flooded during the floods without attracting delictual liability to farmer A, and in this sense farmer B obtains an advantage from the construction of the dam by farmer A.

[77] During a particular heavy storm the flood levels rise and threaten to break the dam wall. The only remedy available to farmer A to save both his dam and lands is to open the sluices of his dam. This will, however, result in the flooding of the lands of farmer B causing great damage to the latter (which would have happened in any event if farmer A had not constructed the dam). But this can be prevented by farmer A. At little expense and trouble to himself, he can cause the water flowing from the open sluices to be re-directed in a canal to lower down in the river, by-passing the lands of farmer B. He fails to do so. He opens the sluices causing his neighbour's land to be flooded, which, as I said, would have happened in any event if he had not built the dam.

[78] Leaving aside for purposes of the argument issues such as interference with the natural flow of water, the question is whether farmer's A omission to take reasonable steps (at some expense and inconvenience to himself) to prevent the flooding of his neighbour's land by re-directing the water gives rise to an actionable delict. I venture to suggest that in such hypothetical situation the conduct of farmer A may very well be labeled as unreasonable and morally and ethically reprehensible, but not, legally speaking, necessarily unlawful. In this sense reasonableness is not the criterion for wrongfulness.

[79] The other problem with the general proposition that reasonableness is a different expression for the criterion of wrongfulness is that the concept of reasonableness bears a particular meaning and has been given a particular content in our jurisprudence. It is usually employed to establish negligence in either delict or in criminal law. Conduct which falls short of that expected

from the “reasonable man” in the shoes of the accused or respondent is normally labeled as negligent conduct.

[80] The concepts of wrongfulness and reasonableness (to establish negligence) are entirely separate and the existence of the one does not result in the other (*Minister of Safety and Security v Van Duivenboden* 2002 (6) SA 431 (SCA)). Unlike the determination of unlawfulness which is concerned with the values and norms of society, the enquiry of reasonableness focuses on the objective conduct of a person in the position of either the accused or the respondent/defendant and measures such conduct against the conduct displayed by the accused/respondent/defendant, without considering the interests of the complainant/plaintiff/applicant or the interests of society. This differentiation is recognized by J.C. Van der Walt and J.R. Midgley in the *Principles of Delict (supra)* para 59 p.67.

[81] Wrongfulness is not only a much wider concept than unreasonableness, but it also seems a convoluted and difficult way to reach the goal of establishing wrongfulness by first establishing reasonableness. To first establish reasonableness, and then to label conduct not complying with the test of reasonableness as wrongful or unlawful, may also result in erroneous findings of wrongfulness – as the examples of the omission to rescue a drowning child and to prevent flooded lands show.

[82] Finally, to determine delictual liability in neighbour law without reference to the all-embracing concept of wrongfulness but with reference only to loose concepts based on equity such as fairness, reasonableness, morality, *boni mores* of society and the like, will in my view result in a

blurring of mere unethical or unreasonable conduct not deserving of legal protection, with unlawful conduct necessary for an orderly society and deserving of protection from the law. Also, to define wrongfulness with reference to the norms of reasonableness and other values of equity, will transform the otherwise clear, uncomplicated and easily determined concept of wrongfulness into a complicated, unclear and vague concept not inductive to uniformity in judgments.

[83] I do not read any of the judgments from the Supreme Court of Appeal or its predecessor, the Appellate Division, to mean that reasonableness has replaced wrongfulness as an element of a delict, or that the only way of establishing wrongfulness is to use the criterion of reasonableness.

[84] For the reasons mentioned earlier, the ultimate question is whether the Respondent's conduct can be labeled as wrongful within the legal meaning of that word. I therefore intend to deal with this appeal on such premise.

[85] It follows from the above that the starting point, in my view, is that the reasonable use and enjoyment of a lawful owner or occupier of his or her property is lawful. It is only when a neighbour complains that such use adversely and materially interferes with the use of his/her neighbouring property, that the enquiry into wrongfulness arises. This approach results in a consideration of the nature, extent and manner of the alleged interference. If such nature, extent and manner of interference is considered to be unlawful in the usual and ordinary legal meaning of the concept of unlawfulness, then provided all the other elements of the delict are present, the interference becomes actionable.

[86] The next step is to apply the the legal principles to the facts.

[87] It is convenient to first deal with a point raised by Mr *Nepgen* on behalf of the Respondent, and that is this.

[88] He submitted that it is not the conduct of the Respondent which causes the alleged harm or prejudice to the Appellant, but conduct on the part of the motorists and sightseers. By analogy with a residential home situated directly across a popular rugby or football stadium such as Newlands or Green Point (now known as Cape Town Stadium) in Cape Town, he submitted that such property owner has no delictual claim against the Rugby or Football association caused by rowdy crowds over week-ends, because such noise is not caused by the association, but by the spectators.

[89] The fallacy of the argument, of course, is that the issue is not one of causation, but rather one of wrongfulness. On the legal test of causation, the noise created by the spectators, which was foreseeable by the Rugby or Football association, is a *condictio sine qua non* of the particular association's use and exercise of its property rights. Likewise, the noise complained of by Appellant is a *condictio sine qua non* of the switching on of the Christmas lights by the Respondent. I am satisfied that causation has been established on the facts of this case. The noise complained of is a direct result of the switching on of the lights.

[90] The submission that the property owner next to a rugby or football stadium has no delictual claim based on nuisance (noise) against the sport

body is not founded in causation, but rather in having purchased a property next to the stadium knowing full well what the consequences will be. On Mr *Nepgen's* example, the operation of the principle *volenti non fit injuria* will probably result in a finding that the creation of noise on the facts of that particular example, as against a neighbouring property owner, is not unlawful.

[91] In this case the enquiry, in my respectful view, remains whether or not unlawfulness has been established on the part of the Respondent.

[92] For the reasons mentioned earlier, and applying the *Plascon* test, I must accept the Respondent's version of the disputed facts on this issue. In addition, the evidence of the Appellant stands alone and uncorroborated. Her own neighbour, who lives directly across the road from the Respondent, refutes her allegations and supports the Respondent's contention that the noise has very little impact on the lifestyle and home comforts of the neighbours. I nevertheless accept, for the purposes of this judgment, that the noise created does cause inconvenience and discomfort to her and her husband. They are elderly pensioners who no longer take kindly to rowdy and noisy holidaymakers and sightseers next to their home – particularly during evenings when they treasure a homely and quiet atmosphere and environment.

[93] The disturbance and nuisance caused to the Appellant must be balanced against any benefit or advantage experienced by the Respondent from her conduct. Clearly there is no financial or patrimonial benefit – on the contrary, her expenses are probably not insignificant. The benefit is solely

the gratification and enjoyment she experiences from creating a festive atmosphere and spirit during the Christmas period. She shares such enjoyment with many locals and visitors alike, and she brings happiness to many children. She also probably draws enjoyment from spreading goodwill and cheer among the community and causing two worthy charity organizations to benefit in the process.

[94] In balancing the prejudice caused to the Appellant against the benefits to the Respondent, the Court must have regard to the interests of the society in general and of the community in Jeffreys Bay in particular. In this process it must determine whether the conduct of the Respondent in the particular context is perceived by society to be lawful and reasonable; or wrongful. It must have regard to the duration of the disturbance caused, the locality where it is caused and the manner in which it is caused. It must be an objective weighing-up of all the relevant factors without being influenced by personal tastes, preferences or prejudices.

[95] Having carefully considered all the relevant factors, I am driven to the conclusion that the inconvenience and disturbance caused to the Appellant is not of such a nature that it deserves the label of wrongfulness which attracts legal sanction.

[96] The *boni mores* and legal convictions of that particular society, in my judgment, do not call for a sanction of the Respondent's actions. Whilst the inconvenience and discomfort caused to the Appellant is recognized, it is not of such nature and extent which justifies the Respondent's conduct as being labeled wrongful or unlawful. Subject to the limitation mentioned in the

next paragraph, I believe the law requires the Appellant, on the particular facts and circumstances of this case, to tolerate the higher noise levels for a limited time during the festive season in Jeffreys Bay. The enjoyment derived from the activities by the Respondent, other locals, and visitors; the happiness it brings to children; the spreading of the message of goodwill and cheer to deserved charity organizations, in my respectful view, outweigh any prejudice and inconvenience caused to the Appellant.

[97] The limitation is this: On her own initiative, the Respondent has limited the activities to the period 14 December to the end of first week in January of every year between 19h00 and 23h00. I regard such limitation as reasonable in the circumstances, and it will, to some limited extent, alleviate the Appellant's inconvenience and discomfort. I believe such limitation should remain in place.

[98] Finally, in regard to the question of costs, I believe both parties are equally to blame for the prolixity of valueless affidavits, documents and annexures. In my view, no costs should be awarded to either party in relation to those papers.

[99] It follows that, in my respectful view, the appeal should fail.

[100] In the circumstances I make the following order:

1. Subject to paragraphs 2, 3 and 4 hereunder, the appeal fails with costs and the order of the Court *a quo* is confirmed.

2. The switching on of the Christmas lighting in and on Respondents' property is limited to the period and times 14 December to the end of the first week in January of each year, from 19h00 23h00; and the Respondents are hereby prohibited and interdicted from switching on such Christmas lighting at any other time of the year.

3. The costs order made in paragraph 1 above will:
 - 3.1 be confined only to the First Appellant and the Respondents;
 - 3.2 exclude all and any costs after the date of filing and delivery of the First Appellant's first set of replying affidavits dated 11 December 2007;
 - 3.3 include the costs of the hearing before the court *a quo* and of this appeal.

4. The costs order made by the court *a quo* is set aside and is replaced with the costs order in paragraph 3 above.

ALKEMA J

I agree.

JONES J

Heard on 11 December 2009

Delivered on 20 April 2010

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**OVERARCHING REPORT
COVERING THE FIVE
REGIONS**



**SOCIO-ECONOMIC IMPACT
ASSESSMENT
of the Potential Rolling Out of
LIMITED PAYOUT MACHINES
in the
PROVINCE OF THE WESTERN CAPE**

Study commissioned by the

**WESTERN CAPE RACING & GAMBLING
BOARD**

Compiled by

FADTRU

***Finance, Development Training & Research Unit
Department of Economics***

UNIVERSITY OF THE WESTERN CAPE

December 2005

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FOREWORD AND ACKNOWLEDGEMENTS

A research project of this magnitude represents a daunting challenge. It is impossible to meet this challenge without the sustained commitment of those who were involved from the outset of this ambitious empirical study.

The nature of the research *problematique* asked for a multi disciplinary approach. This is often not easy, as seasoned researchers that had gone down this route will readily testify too. Academic disciplines often work from different paradigms and philosophies of science when approaching a research question. This can have all sorts of ramifications. It can inter alia lead to rigorous discourse and division in a research team regarding the appropriate methodological approach to employ and research procedures and tools to apply in order to generate the most valid and reliable research data. Fortunately the team of academics from the disparate academic departments and institutes from the University of the Western Cape that was constituted to execute this daunting project succeeded in establishing an excellent working relation throughout the project. This good working relationship and subsequent high level of *esprit de corps* amongst the researchers has been too a large extent instrumental in the successful execution and completion of this research project.

The following departments and individuals need to be thanked for their hard work and commitment:

- Mademoiselle Nancy Stiegler and Professor Danelle Kotze from the Department of Statistics for drawing the sample for the Metropolitan study and assisting with the design of the questionnaire for the quantitative study. Nancy Stiegler also helped with the training of enumerators, as well as with the processing and statistical analysis of the data generated in the five regions. She acted as principle fieldwork - coordinator of the survey phase of the Metropolitan study.
- Dr Peter Jones and Ms Marcia Sheraton of the Department of Economics assisting with the designing of the questionnaire, training of fieldworkers and their support with the coordination of the project and fieldwork in the Metropolitan area.
- Mr Wynand Louw from the Institute for Social Development, School of Government who helped with the questionnaire design of the quantitative study,

designed, executed and wrote up the qualitative study, coordinated the regional studies, trained regional research - coordinators and fieldworkers and assisted writing the six narrative reports.

- The four regional research coordinators, fieldworkers or enumerators of the Overberg -, Southern Cape -, West Coast - and Breede River Valley studies for their commitment and excellent work delivered.
- The more than three thousand households scattered over the Western Cape Province that were prepared to give freely of their time to complete the questionnaires.
- Ms Felicia De Jager and Mr Warren Manuel administrative staff attached to FADTRU that assisted with the logistical and financial management of the entire project.

Lastly and most importantly the Research Team wants to thank firstly the Chairperson (Professor Linde de Vries) and members of the Western Cape Gambling and Racing Board, for the trust placed in the University of the Western Cape and the participating academic units to undertake this ground-braking research, and secondly, the Chief Executive Officer (Mr Roussouw Lubbe) and staff of the WCGRB for their sustained interest and encouragement during the sometimes very challenging and trying phases of this research process.

Professor Ismail Adams

Director: FADTRU and Project Leader

5 December 2005

EXECUTIVE SUMMARY

This overarching research report represents the salient findings of the five regional studies into the Socio Economic Impact of Limited Payout Machines that are being introduced into the urban and rural communities of the Province of the Western Cape. Independent research reports for each of the following regions were done and submitted

to Western Cape Racing and Gambling Board, namely Region 1: Cape Metropole; Region 2: Southern Cape; Region 3: Breede River Valley; Region 4: Overberg; and Region 5: West Coast.

This report highlights and brings to attention the diverse perceptions of more than three thousand households across the Province of the Western Cape of the impact of gambling on the broader socio-economic environment with specific reference to the rolling out of Limited Payout Machines (LPMs).

GENERAL GAMBLING

Chapter 2 provides the findings of salient features of the attitudes and behaviour of respondents towards gambling, covering aspects of the characteristics of households in terms of demographics, gender, marital status, educational status, and work status, and whether respondents gambled or did not gamble over the last six months period defined as 1 March 2004 to 31 August 2004. The Chapter also provides the diverse views from the various regions concerning issues like respondents' main motivation to gamble, the gambling industry's role in - and contribution to economic development, perceptions on the utilisation of gambling winnings, and the impact of gambling on the welfare of the household of the respondent.

The main findings of the community survey regarding attitudes and gambling behaviour of the five regions in the Province of the Western Cape can be summarised as follows:

- Just more than 54% of all age groups of respondents living in the Breede River Valley area indicated that they gambled during the sample period, followed by the Southern Cape (45.25%), Overberg (33.66%), Cape Metro (28.45%), and lastly the West Coast (27.09%).
- Gambling activity in general is more dominant for all genders (male and female) in the Breede River Valley followed by the Southern Cape as compared to the West Coast and Cape Metro. If this trend is divided into gender type, then males tend to gamble more than females in all regions except the West Coast, where more females (31.62%) compared to males (23.13%) gamble over the sampling period.

- The highest percentage of gamblers was registered amongst the *married* and *single* categories for the Breede River and Southern Cape regions amounting to about 58%, with about 28% in the Cape Metro.
- The higher the level of education the higher the incidence of gambling in the Breede River and Southern Cape compared to the other three regions.
- Gambling behaviour is more prevalent amongst employed (full-time and non-full time) respondents for those living in the Breede River (65.6%) and the Southern Cape (58.2%) with the lowest in the Cape Metropole (31.8%) for this type of employment.
- Those that did not gamble advanced the following reasons (in order of importance) for their non-participation: lack of money, not being interested, and against religious beliefs. The highest percentage of respondents that did not gamble was in the Cape Metro (25.73%) followed by the Overberg (24.26%) and the lowest in the West Coast (7.17%). Religion and personal belief are strongest factors in the Overberg (31.48%; 11.85%) and the Cape Metro (20.41%; 10.01%) respectively.
- Those respondents who found gambling the most acceptable and favourable was registered in the Breede River (56%) and Overberg (53%) with the lowest in the West Coasts (12%).
- The most important reason advanced for partaking in gambling was the prospect of making money, manifesting itself the strongest in the Breede River (54.17%), Southern Cape (37.53%), Cape Metro (35.45%), Overberg (32.67%) and the West Coast (10.76%).
- The cluster of variables (community development, leisure activity, job creation, infrastructural development, taxation and tourism) contributing a positive impact to the impact gambling on socio-economic development were in order of significance registered in the Breede River, Overberg, Southern Cape, Cape Metro and West Coast.
- Regarding those variables (crime, poverty, domestic violence and child neglect) contributing a negative perceived impact on the gambling industry, respondents in the Cape Metro was the most critical followed by the Southern Cape, Overberg, Breede River, and lastly the West Coast.

- The overwhelming majority of respondents across the five regions did not budget in order to sustain their gambling behaviour.
- Finally, respondents from all sample areas in the five regions are of opinion that gambling had no impact on the well being of their households, either positive or negative, registering between 70% and 83%.

LIMITED PAYOUT MACHINES (LPMs)

Chapter 3 presents in a combined and comparative format the results of the five research areas surveyed in the overarching research project regarding respondents' attitudes and perspectives regarding the rolling out of the Limited Payout Machines as well as their anticipated use of these machines. In the following paragraphs the results of the most important questions relating to LPMs were presented in graphic form with associated discussion and analyses.

The following aspects can be highlighted:

- Strong inter-regional differences are evident in the level of acceptance of LPMs under different circumstances and in different locations. Results and trends emanating from the different studies show that the Breede River and Overberg regions were often more prepared to allow and accommodate LPMs in different venues than the Cape Metropolitan area.
- The average percentage of all the regions combined of those in favour of installing LPMs in respondents' own neighbourhood was 42% compared to the 46% that was against this idea. This result points to an equally divided opinion about this issue. The low percentage that were indecisive about this issue shows that the majority of people have well articulated stand points about this issue.
- From the results it appears that respondents constructed LPMs (at the time the survey was conducted) also as objects or facilities of entertainment, apart from them being gambling machines. It is evident from the strong acceptance to install these gaming machines in venues or centres of entertainment. This is an interesting finding and future research needs to ascertain whether this speculation was accurate or not.

- An unexpected trend that emerged strongly from the regional studies, with some exception of the Breede River Valley, was the unambiguous rejection of some very popular and well entrenched and established adult recreational facilities, i.e. shebeens, bars, clubs and hotels as possible and appropriate venues for installation of Limited Payout Machines. One would have assumed that some of these venues would have been the preferred location for LPMs amongst a significant percentage of respondents, given their accessibility and popularity in the communities of the Western Cape Province.
- The low percentage of respondents in all regions surveyed that indicated that they would use a LPM daily points to a culture of responsible gambling as well as an aversion to an abuse of these machines. Less than ten percent would play a machine daily. This is an encouraging trend and one that dovetails comfortably with a substantial number of other positive and encouraging trends and results generated in this research. These trends also strongly points to an ethos or commitment to controlled and accountable gambling in general amongst the vast majority of respondents included in the disparate surveyed communities and geographical regions included in this study.
- From the results it appears that respondents do not have an instinctive general negative assessment of LPMs machines: it must be borne in mind that most have not experienced a LPM yet. Significant percentages agreed with statements that LPMs were not useless and that LPMs were entertaining, fun and lead to more money. However, there was also meaningful support for the perception that playing a LPM represents a waste of money and could lead to addiction. From the results it is clear that strong inter regional variations in the different evaluations exist.
- Relatively few respondents across the regions expressed the view that LPMs would lead to material deprivation, i.e. poverty, although higher percentage agreed that these machines could harm the household. On the positive side higher percentages of respondents in all the regions thought LPMs could lead to more money in the household than lead to more fun for a household.
- The results clearly show that respondents do not plan to spend exorbitant amounts of money on playing LPMs. The amount to be spend appears not to be determined by the geographical and socio - economic context of the

respondent. The highest percentage who indicated to spend a relatively bigger amount per month is to be found in the Overberg region that has a substantially lower Human Development Index (HDI) than both the Cape Metropolitan area and the Southern Cape region.

CHAPTER 1

1 BACKGROUND AND RESEARCH METHODOLOGY

1.1 INTRODUCTION

This overarching research report represents the salient findings of the five regional studies into the Socio Economic Impact of Limited Payout Machines that are being introduced into the urban and rural communities of the Province of the Western Cape. Independent research reports for each of the following regions were done and submitted to Western Cape Racing and Gambling Board, namely Region 1: Cape Metropole; Region 2: Southern Cape; Region 3: Breede River Valley; Region 4: Overberg; and Region 5: West Coast. This report highlights and brings to attention the diverse perceptions of more than three thousand households across the Province of the Western Cape of the impact of gambling on the broader socio-economic environment with specific reference to the rolling out of Limited Payout Machines (LPMs).

The first report surveyed the Cape Metropolitan area, and it contained an exhaustive discussion of the research rationale, the central research problem and research goals. It also elaborated in detail on the research design and methodology followed in the research study in the empirical execution of the study in the different regions in the Western Cape Province. It is therefore not necessary to deal with these aspects again in detail here. For a detailed discussion on the research goals and research design and research methodology the above mentioned report could be consulted.

1.2 RESEARCH DESIGN AND METHODOLOGY

The empirical research covering the five regions were done over periods ranging from 13 weeks to 3 weeks, and included both coastal and inland towns. The research period covered the period 1 March 2004 through 31 August 2004, and the number of households surveyed in the five regions was as follows:

Table 1: Number of Households Surveyed

Number of Households Surveyed					
<i>Cape Metro</i>	<i>Southern Cape</i>	<i>Breede River</i>	<i>Overberg</i>	<i>West Coast</i>	<i>Total</i>
1963	493	120	202	251	3029
64.81%	16.28%	3.96%	6.67%	8.29%	100.00%

The research co-ordinators appointed to do the fieldwork were all from the respective regions and were adequately trained by the UWC research team. The UWC research team and research co-ordinators trained the enumerators at the different locations to do the fieldwork. In effect, the same team of research enumerators or fieldworkers for a particular region moved from town to town to conduct the interviews. Scientifically and methodologically this is far more beneficial to the overall scientific integrity of the survey, than a strategy to develop different research teams in the different locations. It helps to establish and maintain consistency and standardization in the interpretation and application of the research procedures and – tools, that greatly enhances the reliability and validity of the generated data and overall research process. The research team produced excellent work of a very high scientific quality under sometimes extremely challenging social and environmental circumstances and conditions.

1.3 STRUCTURE OF REPORT

Chapter 2 provides the findings of salient features of the attitudes and behaviour of respondents towards gambling, covering aspects of the characteristics of households in terms of demographics, gender, marital status, educational status, and work status, and whether respondents gambled or did not gamble the last six months defined as 1 March

2004 to 31 August 2004. The Chapter also provides the diverse views from the various regions concerning issues of the main motivation to gamble, its role in and contribution to economic development, the perceptions on the utilisation of gambling winnings, and the impact of gambling on the welfare of the household of the respondent.

Chapter 3 deals with the perceptions and surrounding community towards the installation of LPMs and its anticipated utilisation. It covers issues concerning respondents' acceptance or not of installing LPMs in well regulated and controlled environments as well as the frequency of play and the diverse impact LPMs may have on households.

CHAPTER TWO

2 ATTITUDES AND BEHAVIOUR TOWARDS GAMBLING

This chapter contains the results pertaining to the questions that dealt with respondents' attitudes towards gambling, their actual gambling behaviour as well as analysis of a number of gambling - related questions.

2.1 DATA PRESENTATION

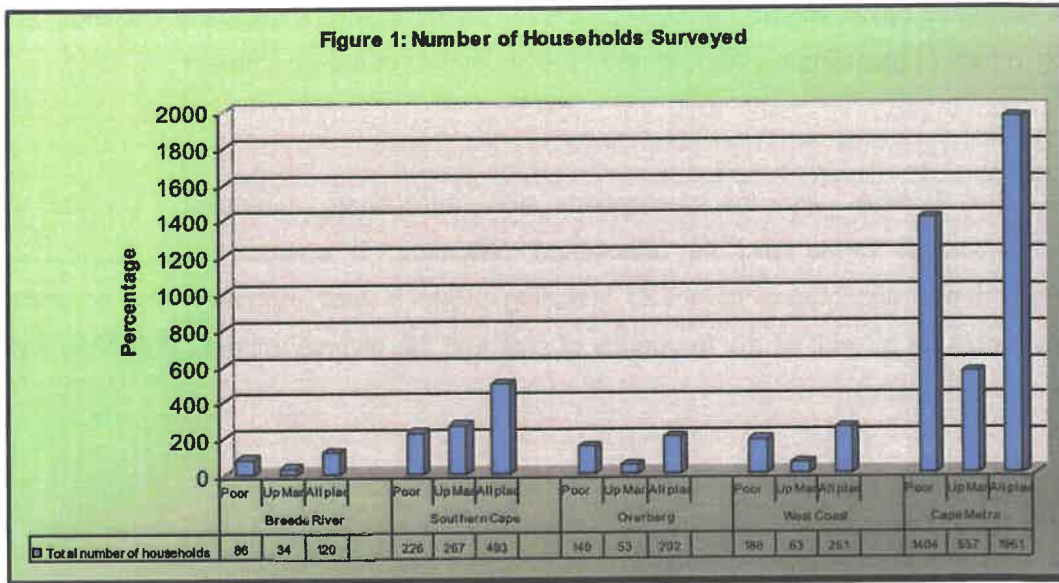


Figure 1: Number of Households Surveyed

A representative sample was drawn for each of the five regions. A related number of questionnaires had been successfully completed amongst respondents from across the various towns included in the sampling frame. Although in the previous report, data is presented in two cohorts, i.e. a so-called up market sub-sample and a perceived poor sub-sample. It was not possible to follow this format in the summative and overarching report. It simply would have involved too many variables to accommodate and present in coherent and manageable figures and statistical configurations. Results are thus presented as a combination of the results two sub samples of the different areas.

Figure 1 above present the number of households surveyed per region in the Province of the Western Cape.

2.2 GAMBLING BEHAVIOUR

All the figures below represent data of the combined two cohorts that is both the perceived poor and perceived upmarket areas.

The first set of analyses dealt with the gambling behaviour of all respondents (both poor and upmarket) during the period six months prior to conducting the survey. Figure 2 indicates a fairly strong diverse perception of the behaviour of respondents towards gambling by all age groups.

2.2.1 GAMBLING AND AGE

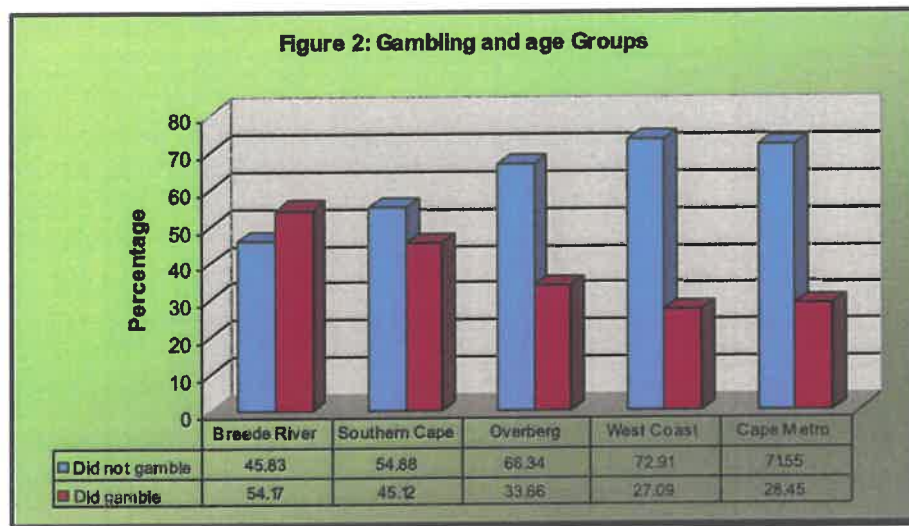


Figure 2: Gambling and Age

It is interesting to note that more than fifty percent of the respondents of all ages living in the Breede River Valley area indicated that they gambled during the sample period, followed by the Southern Cape (45.25%), Overberg (33.66%), Cape Metro (28.455), and lastly the West Coast (27.09%). Figure 2 clearly illustrates that gambling as a social behavioural activity and pattern is well entrenched in the Breede River Valley and is not so pronounced in the West Coast and Cape Metro where 71.91% and 71.55% respectively did not gamble over the sample period. This trend is reinforced in Figure 3 where a comparison is made in terms of gambling and gender.

However, if the responses are analysed according to the two sample area (up-market and poor) within the five regions the following trends emerge:

In the Breede River Valley more respondents from the upmarket areas indicated that they have gambled compared to the poorer areas. This finding is contrary to that found in the Overberg, where substantially more people living in the poorer areas had the propensity to gamble.

This same trend is evident in the Southern Cape, where a higher percentage living in the poorer areas tend to engage in gambling activities than their counterparts residing in the upmarket areas.

2.2.2 GAMBLING AND GENDER

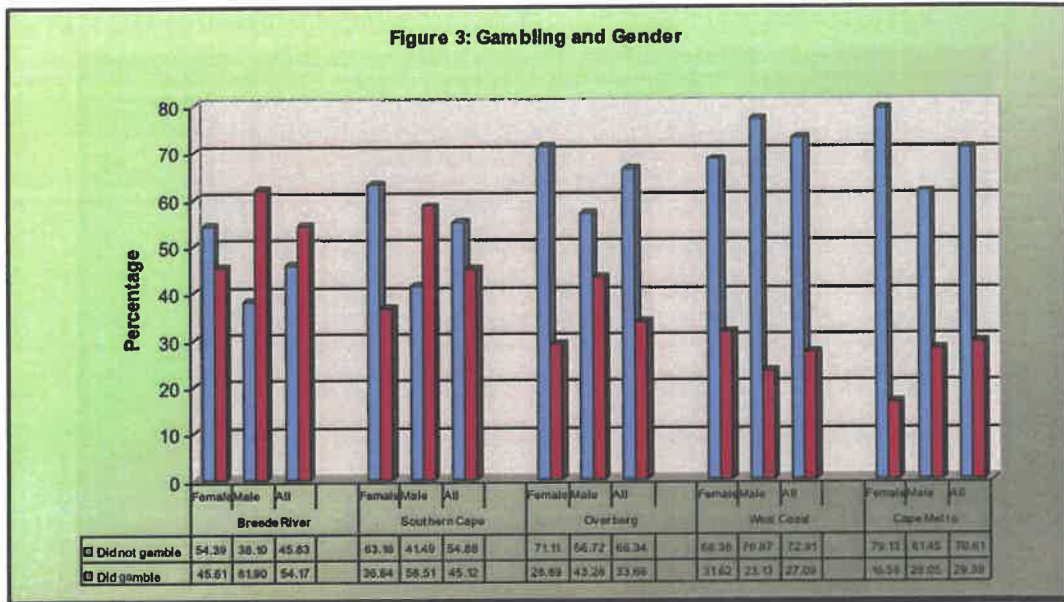


Figure 3: Gambling and Gender

As indicated earlier, Figure 3 clearly illustrates that gambling activity in general is more dominant for all genders (male and female) in the Breede River Valley followed by the Southern Cape region as compared to the West Coast and Cape Metro. If this trend is divided into gender type, then males tend to gamble more than females in all regions except the West Coast, where more females (31.62%) compared to males (23.13%) gamble over the sampling period.

Figure 3 also indicates a diverse trend in the percentage of females not gambling across the five regions, with the highest percentage attributed to the Cape Metro ((79.1%) followed by the Overberg(71.11%), West Coast (68.38%), Southern Cape (63.16%), and Breede River (54.39%).

2.2.3 GAMBLING AND MARITAL STATUS

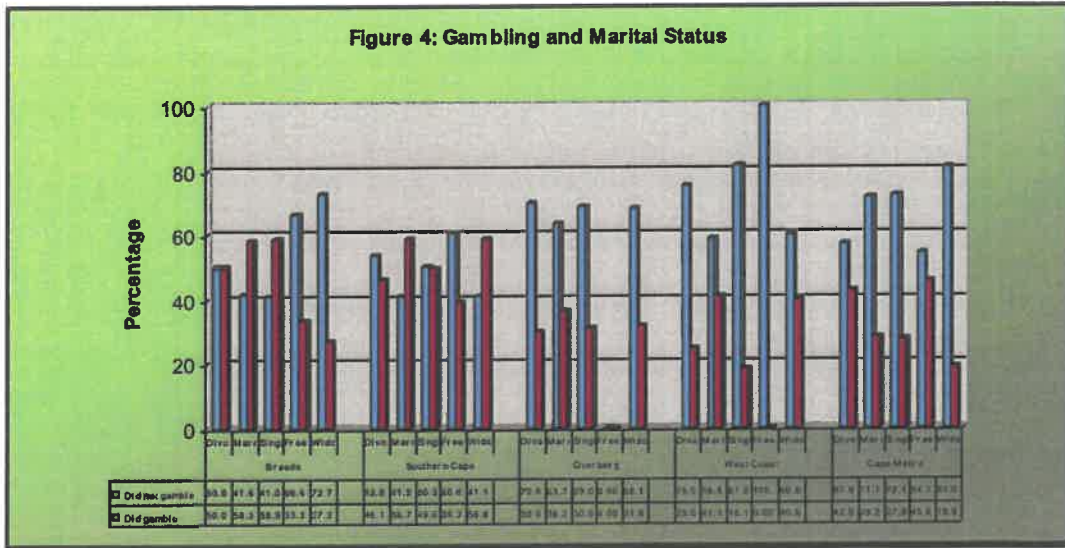


Figure 4: Gambling and Marital Status

Figure 4 correlates the marital status of respondents of the five regions with their gambling behaviour. The highest percentage of gamblers was registered amongst the married and single categories for the Breede River and Southern Cape regions amounting to about 58%. Interestingly, the Cape Metro registered more than a fifty percent lower percentage of respondents of gamblers in the same categories (about 28%). In between these three regions is that portion of married and single gamblers prevalent in the Overberg region averaging about 33%. The lowest percentage of single category gamblers was registered in the West Coast region (18.18%). Put differently, the highest percentage of non-gamblers for the single category registered across all regions occurred in the West Coast (81.82%), followed by the divorce category (75%) for this region. This confirms the data in Figure 2 above, where the West Coast region attributes the lowest percentage of gamblers in the Province of the Western Cape.

2.2.4 GAMBLING AND EDUCATIONAL STATUS

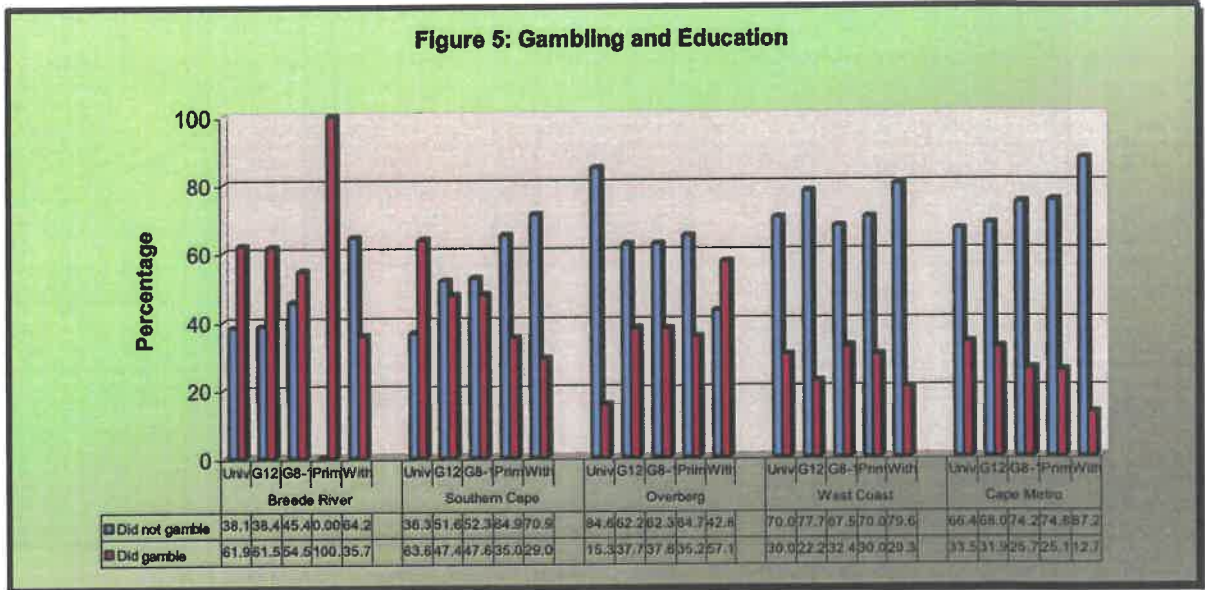


Figure 5: Gambling and Education Level

Figure 5 illustrates that there tends to exist a strong relationship between the level of formal education obtained by respondents and gambling activity covered by the sampling period for the Breede River and Southern Cape, and to a lesser extent in the Overberg, West Coast and the Cape Metropole region. That is the higher the level of education the higher the incidence of gambling in the Breede River and Southern Cape compared to the other three regions.

2.2.5 GAMBLING AND WORK STATUS

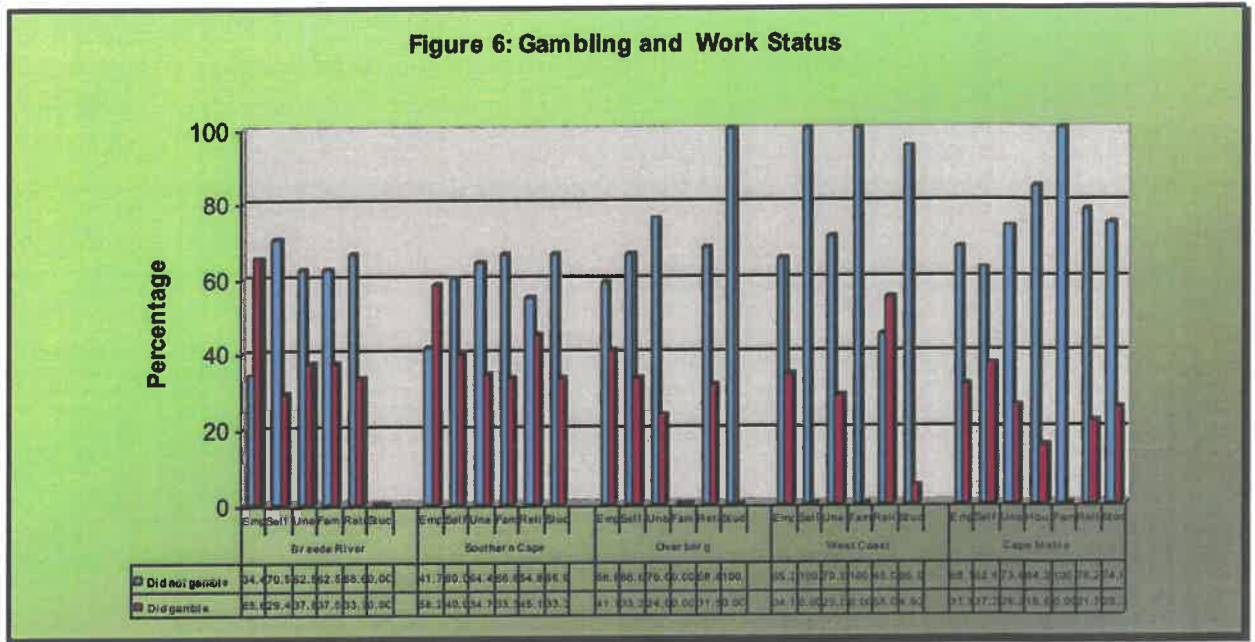


Figure 6: Gambling and Work Status

Again, Figure 6 depicts a diverse relationship between gambling activity and work status across the five regions. It shows that gambling behaviour is more prevalent amongst employed (full-time and non-full time) respondents for those living in the Breede River (65.6%) and the Southern Cape (58.2%), with the lowest in the Cape Metropole (31.8%) for this type of employment. In contrast, the highest percentage of gamblers in the retired respondents' group is accounted for in the West Coast (55.0%) followed by 45.1% in the Southern Cape. On the other extreme, and very interesting and significant is the fact that the lowest percentage of respondents in the retirement category who did gamble is found in the Cape Metropole (21.7%).

2.3 ATTITUDES AND BEHAVIOUR TOWARDS GAMBLING

As indicated in the individual regional reports, the study asked a number of pertinent questions relating to the gambling behaviour of respondents, as well as their attitudes towards gambling and the role and impact of gambling in the community. To this extent Figures 7 through 23 illustrate a diverse set of outcomes in this context.

2.3.1 PARTICIPATION IN DIFFERENT GAMBLING ACTIVITIES

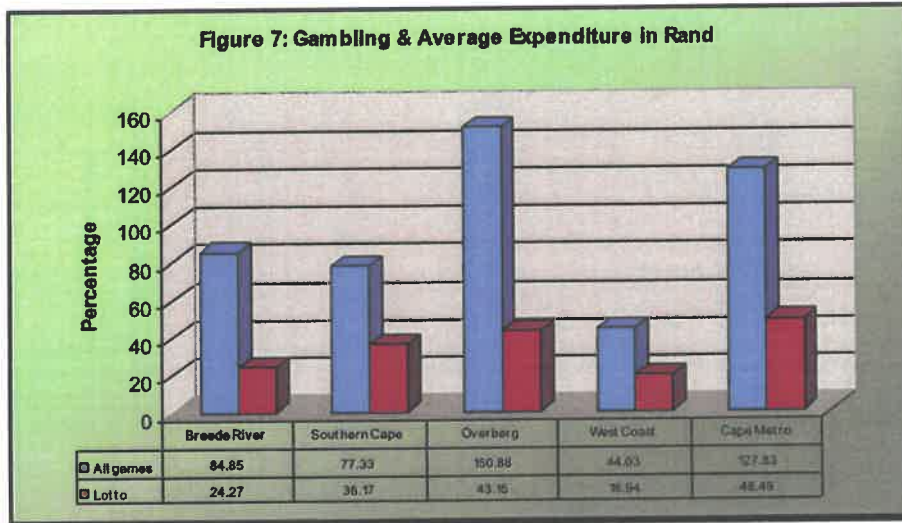


Figure 7: Gambling and Average Expenditure in Rand per Month

First, respondents from the sample areas had to indicate the amount of money they actually spend on gambling or gaming activities over the six months period prior to the survey. Figure 7 shows that on the one hand respondents in the Overberg spend on average the highest amount of money per month on "all games" (R151), followed by the Cape Metro (R128), Breede River (R85), Southern Cape (R77) and the lowest in the West Coast (R44). On the other hand, the highest average amount spend per month on the National Lottery by respondents occurred in the Cape Metro (R48), followed by the Overberg (R43) and the smallest amount was spend in the West Coast (18). This finding is not unexpected. Wages and salaries in urban areas are on average consistently higher than that of the rural areas. This clearly leads to a higher level of disposable income amongst urban consumers.

2.3.2 MAIN MOTIVE OR REASON FOR NOT PARTICIPATING IN GAMBLING ACTIVITIES

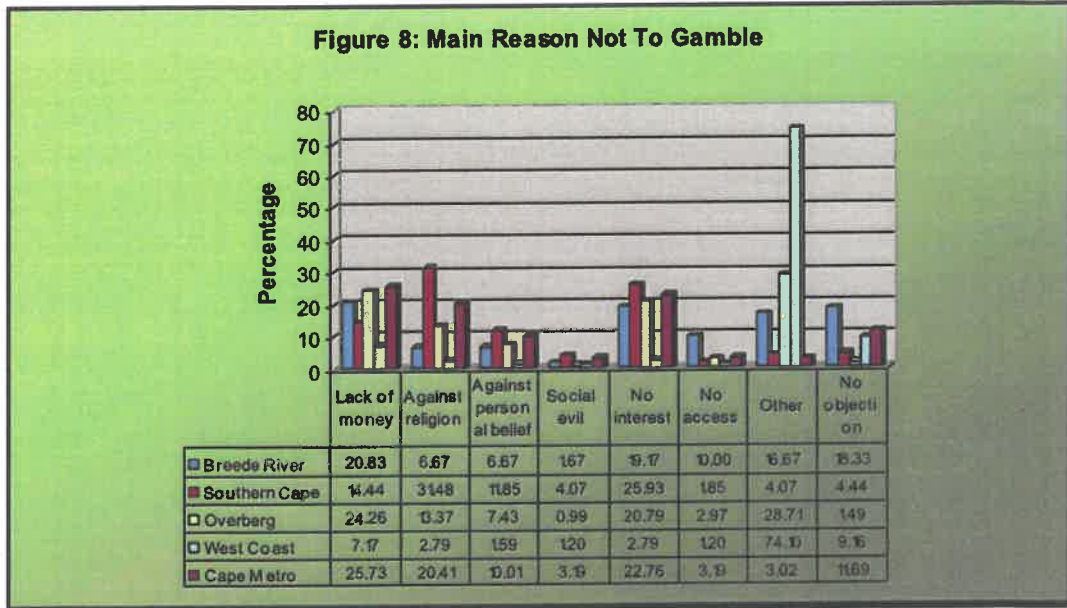


Figure 8: Main Reason Not To Gamble

Secondly, respondents were probed about the reasons why they did not gamble over the six month period prior to the survey. They were asked to choose from a pre-coded list of possible options or reasons, the one that best explains their position towards gambling. Figure 8 depicts the different perceptions or reasons why respondents did not gamble for both poor and upmarket areas across the Western Cape. It shows that the two most important reasons cited as a cluster across the five regions for not gambling is a lack of money and not being interested in gambling, with the highest percentage of respondents prevalent in the Cape Metro (25.73%) followed by the Overberg (24.26%) and the lowest in the West Coast (7.17%). However, it is interesting to observe that religion and personal belief are strongest factors in this context in the Overberg (31.48%; 11.85%) and the Cape Metro (20.41%; 10.01%) respectively.

2.3.3 PERSPECTIVES ON GAMBLING IN GENERAL

Respondents were asked to indicate how they felt about gambling in general. A pre-coded question was developed with three attitudinal positions ranging from strongly in favour to strongly oppose to this activity. A middle position was established, one which

can be described as an accommodating one in the sense that it views gambling behaviour by others acceptable although personally not acceptable and practiced.

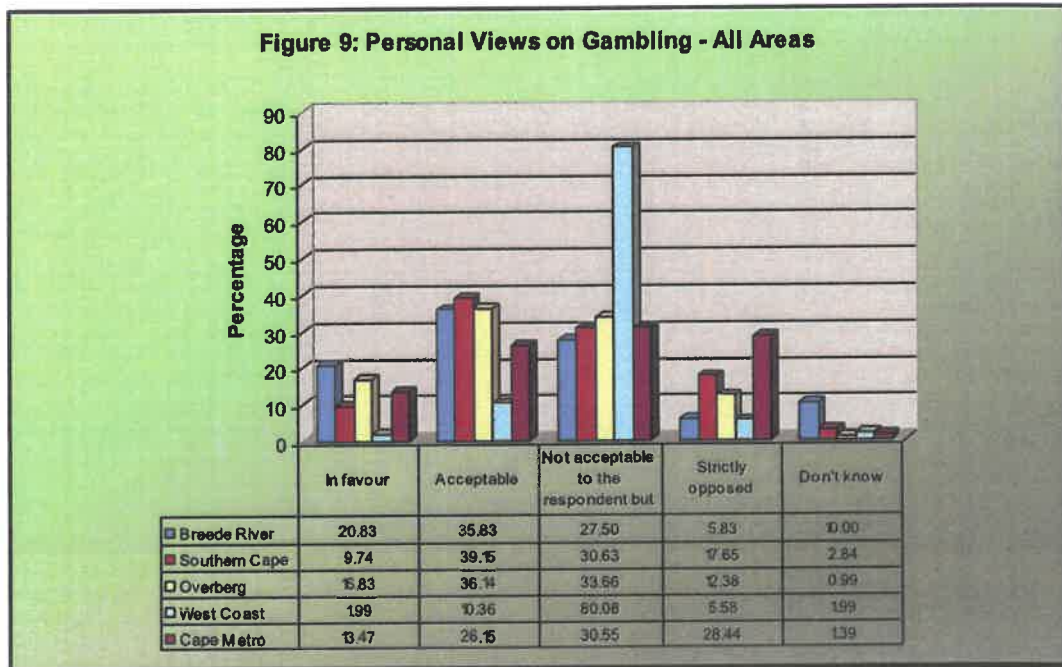


Figure 9: Personal Views on Gambling

Figure 9 suggests that respondents across regions surveyed in the Province of the Western Cape had a strong bias in favour of gambling, where more than 50% of respondents were in favour of and acceptable to gambling in the Breede River (56%) and the Overberg (53%) regions. However, the West Coast region displayed the lowest percentage (12%) of those were in favour (1.99%) and another (10.36%) found it acceptable. However, it is important to note that the centre or middle position that can be described as one containing "mixed messages" drew the highest incidence of respondents in the West Coast (80.08%). Overall, the evidence suggests that respondents in all areas combined (both poor and upmarket) are favourably positioned towards gambling.

2.3.4 MAIN MOTIVATION TO GAMBLE

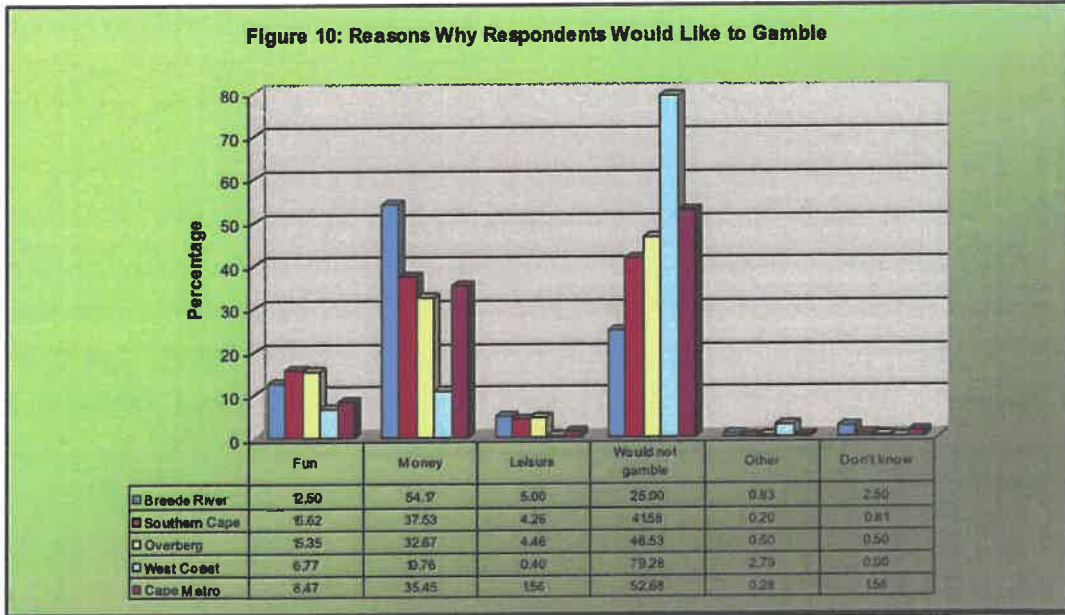


Figure 10: Main Motivation to Gamble

Figure 10 shows that respondents across the five regions surveyed in the Province of the Western Cape perceived the most popular motivation for engaging in gambling activities was the prospect of making money. This aspect manifested itself the strongest in the Breede River (54.17%), followed by the Southern Cape (37.53%), the Cape Metro (35.45%), the Overberg (32.67%) and finally the West Coast (10.76%). The fun element constituted the second most popular reason why respondents gamble followed lastly by the leisure component.

2.5 THE GAMBLING INDUSTRY IN THE COMMUNITY: ITS ROLE IN AND CONTRIBUTION TO DEVELOPMENT

As indicated in the individual regional research reports, the research team deemed it important for the National and Provincial Gambling and Racing Boards to have a valid and reliable picture of how the legal gambling industry is presently perceived by ordinary South Africans from different walks of life.

Limited systematic scientific information exist regarding prevailing sentiments, attitudes and perceptions of South Africans from different social and economic backgrounds with

respect to the organized gambling industry in South Africa. Results generated by the different regional research reports offer the Western Cape Gambling and Racing Board a reliable impression of how the gaming industry is presently perceived and thought about.

Figures 11 to 20 present an overarching view of respondents' perceptions regarding the contribution the gambling industry had made towards community development on different levels and in diverse fields in the Western Cape Province. This section also provides a synthesis of how respondents perceive the impact the gambling industry has on the following broad social and economic issues and indicators: community development, leisure activity, job creation, infra-structural development, taxation, tourism, crime, poverty, domestic violence, and child neglect.

Table 2 provides an overarching view of the perception of respondents regarding the most important variable they felt had an impact, either positively or negatively, on the socio-economic development of their community in general. Although caution has to be taken in doing such a comparison, the results are illuminating. The first five set of variables are construed as all making a positive contribution to the socio-economic development in the community of respondents, whilst the latter four variables (crime, poverty, domestic violence, and child neglect) all have a negative impact on socio-economic development. Interpretation of the Table ascribes any one variable a score in descending order of 1 to 5. For instance, Figure 13 with job creation as variable the respondents of the Breede River region attributed 67.50% (the highest among the five regions and therefore given a number 1 in the Table) for the impact of gambling as a positive contribution to job creation. This is followed by the Overberg (61.88% [2]), Cape Metro (48.91% [3]), Southern Cape (43.81% [4]), and West Coast (9.96% [5]).

Matrix of Impact of Gambling Industry on Socio-Economic Development

Variable	Region - Most significant variable in descending order					
	Fig	Breede River	Southern Cape	Overberg	West Coast	Cape Metro
<i>Positive contribution to development:</i>						
Community development	11	2	3	1	5	4
Leisure activity	12	1	4	2	5	3

Job creation	13	1	4	2	5	3
Infra-structural development	14	1	3	4	5	2
Taxation	15	2	1	4	5	3
Tourism	16	3	2	1	5	4
Total		10	17	14	30	19
Negative contribution to development:						
Crime	17	4	2	3	5	1
Poverty	18	4	2	3	5	1
Domestic violence	19	4	2	3	5	1
Child neglect	20	4	2	3	5	1
Total		16	8	12	20	4

Table 2: Matrix of Gambling Industry on Socio-Economic Development

Table 2 indicates that for those variables (community development, leisure activity, job creation, infra-structural development, taxation and tourism) where the impact of gambling in general contributes positively to socio-economic development of the community concerned in the most significant manner, occurred in the Breede River Valley [10]. This is followed by the perceptions of respondents in the Overberg [14], Southern Cape [17], Cape Metro [19], and lastly the West Coast [30].

With respect to the negative connotation given by respondents to the impact of gambling in general to socio-economic development in the respective five regions in the Province of the Western Cape a completely different picture emerges. The Cape Metro [4] was depicted by its respondents as the most significant region highlighting this phenomenon negatively. This was followed by the Southern cape [8], Overberg [12], Breede River [8], and West Coast [20]. Collectively, the respondents in the West Coast region registered a "Don't know" answer to the extent of more than 75% to all these variables.

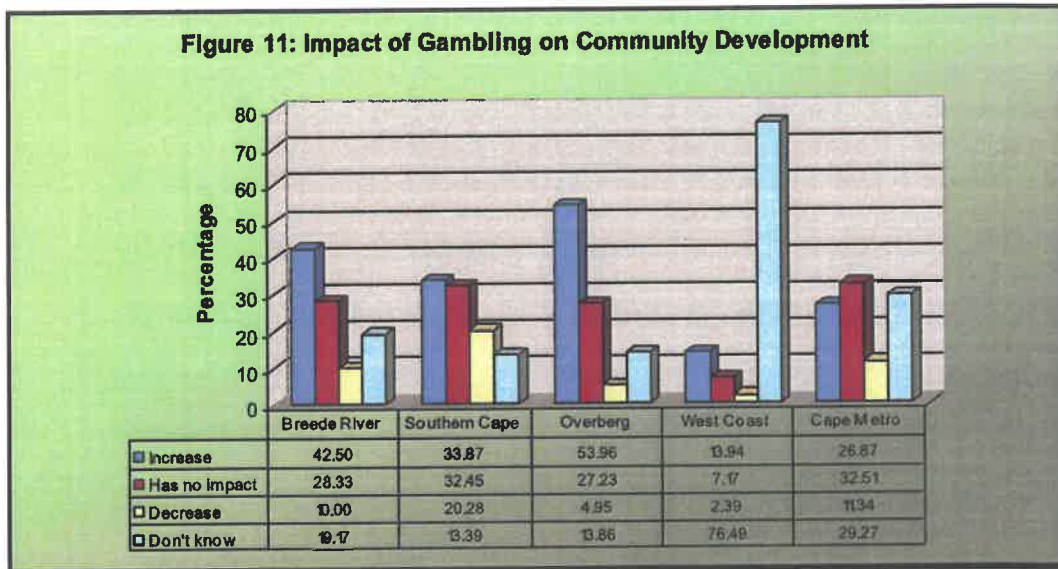


Figure 11: Impact of Gambling on Community Development

Figure 11 shows that the respondents in all regions assessed the impact of gambling on community development in a positive light, with the exception of the West Coast.

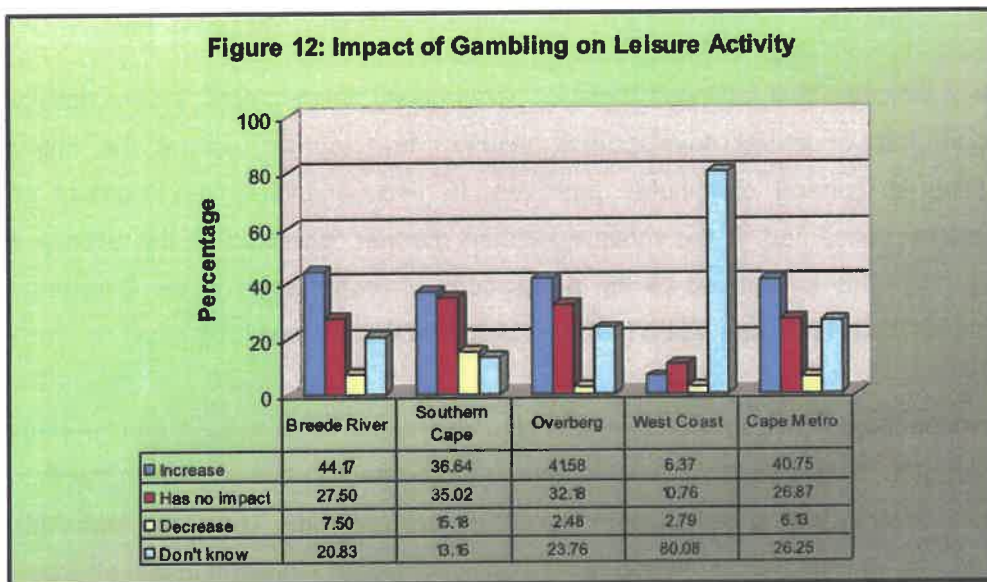


Figure 12: Impact of gambling on Leisure Activity

Similarly, Figure 12 illustrates that respondents in all regions viewed the impact of gambling on leisure activity positively, with the exception of the West Coast where the "Don't know" response was very high indeed (80.08%).

However, Figure 13 depicts that the most favourably rated variable perceived by all respondents in the various regions were the impact of the industry on job creation, except the West Coast. Respondents of the Breede River registered a very positive impact of the gambling industry on job creation to the extent of 67.50%, followed by the Overberg (61.88%) and the Cape Metro (48.91%).

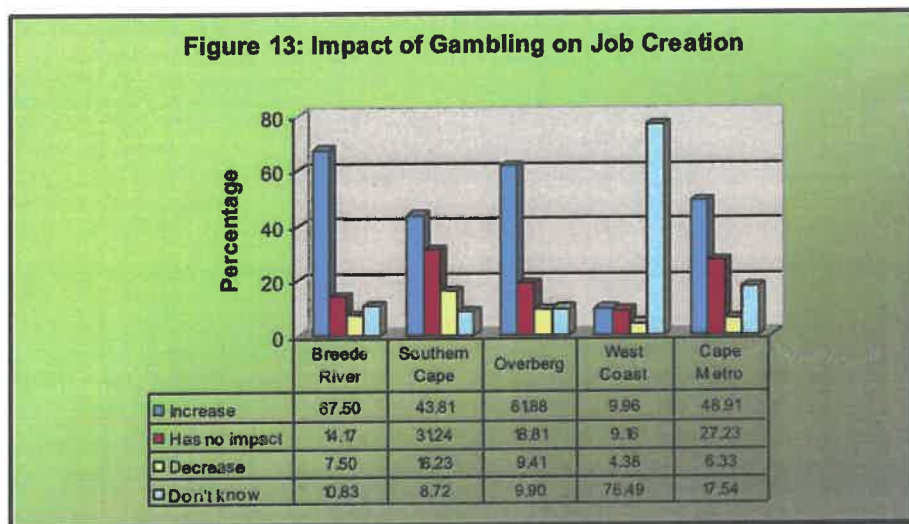


Figure 13: Impact of Gambling On Job Creation

Regarding the impact of the gaming industry on infrastructural development, the perception of all regions was relatively meagre, although positive (see Figure 14).

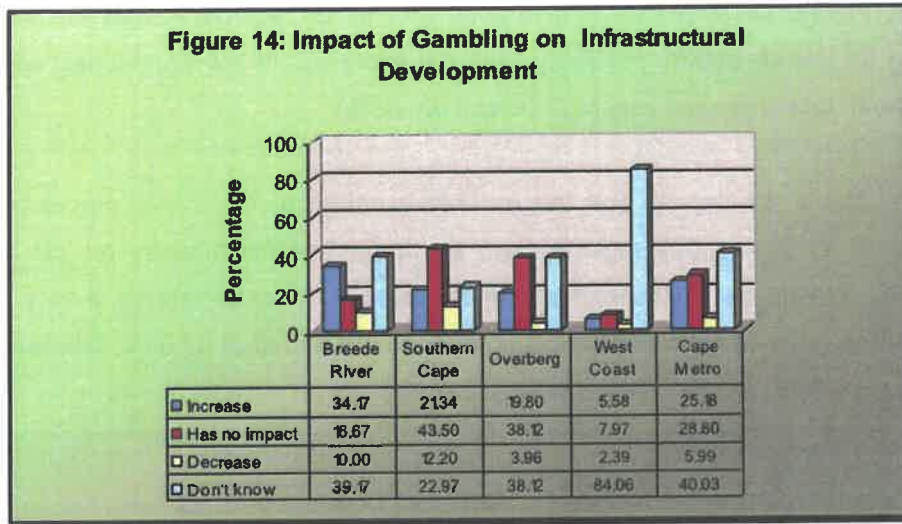


Figure 14: Impact of Gambling on Infrastructural Development

Moreover, Figure 15 also indicates that respondents expressed a favourable attitude to the positive role the gambling industry has on tax revenue generation.

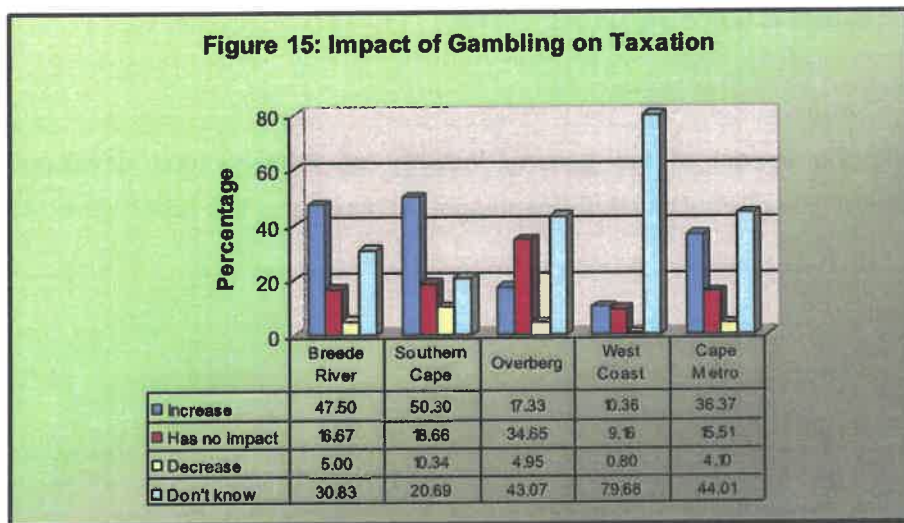


Figure 15: Impact of Gambling on Taxation

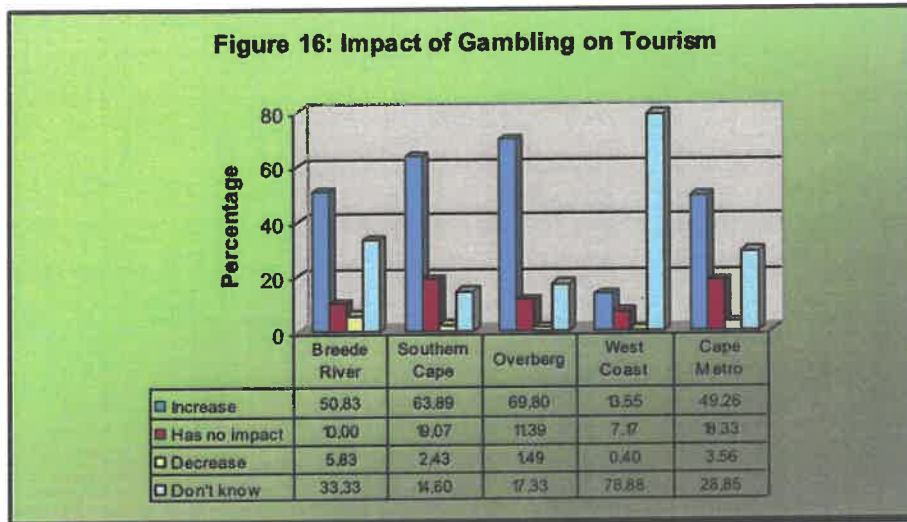


Figure 16: Impact of Gambling on Tourism

In addition, Figure 16 illustrates that an overwhelming majority of respondents in all regions registered a very significant increase on the impact the gambling industry has on tourism.

On the other hand, respondents in all regions were notably more critical and negative about the perceived impact the gambling industry has on a cluster of other sociological and economic indicators. Figures 17 to 20 capture these. Respondents had to indicate to what extent the gambling industry has influenced or impacted on crime, poverty, domestic violence and child neglect. As indicated in Table 2 above, the respondents in the Cape Metro region was the most critical in this regard, followed by the Southern Cape, Overberg, Breede River, and lastly the West Coast.

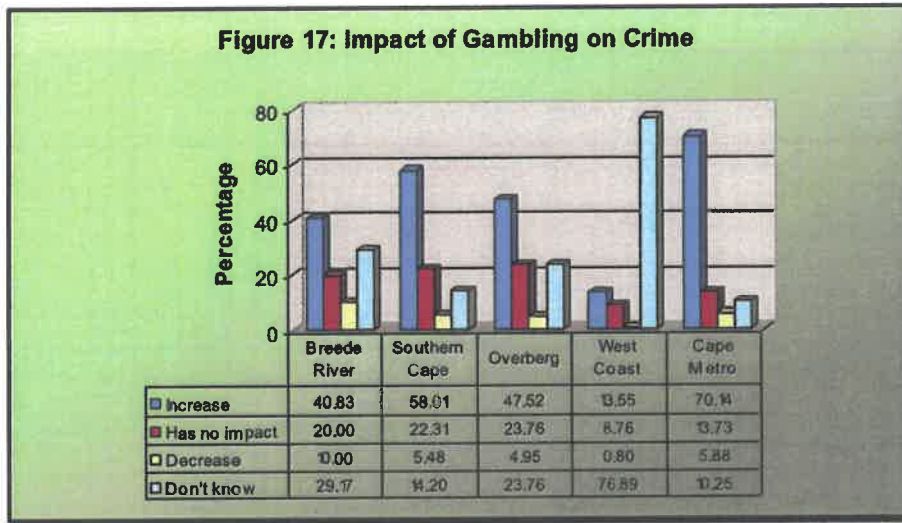


Figure 17: Impact of Gambling on Crime

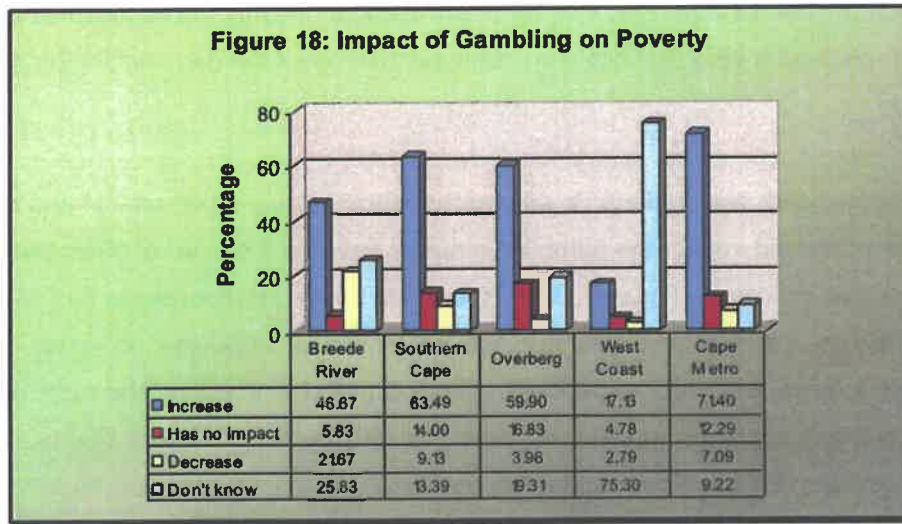


Figure 18: Impact of Gambling on Poverty

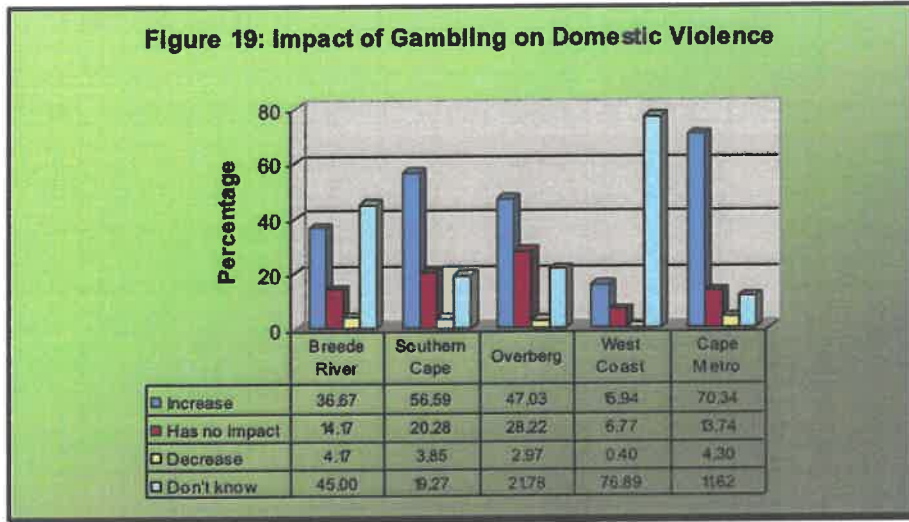


Figure 19: Impact of gambling on Domestic Violence

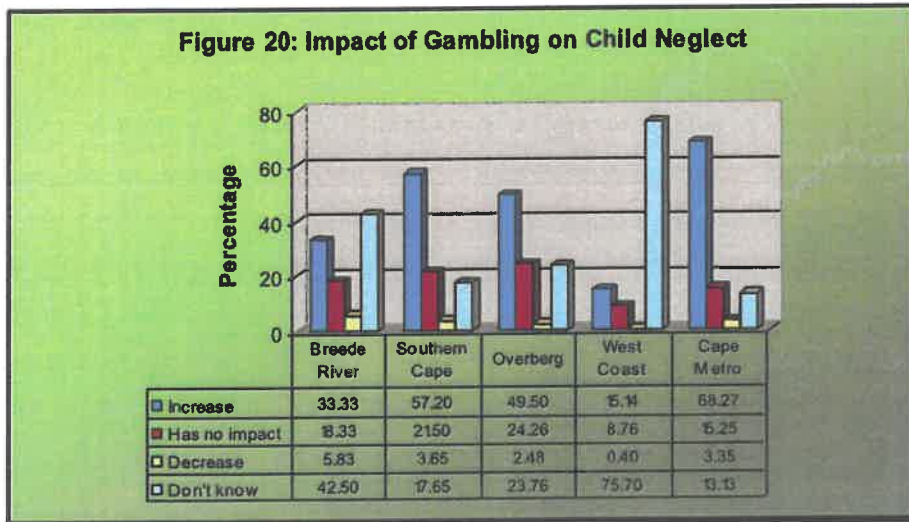


Figure 20: Impact of Gambling on Child Neglect

2.6 SATISFACTION WITH NUMBER OF GAMBLING FACILITIES IN THE WESTERN CAPE

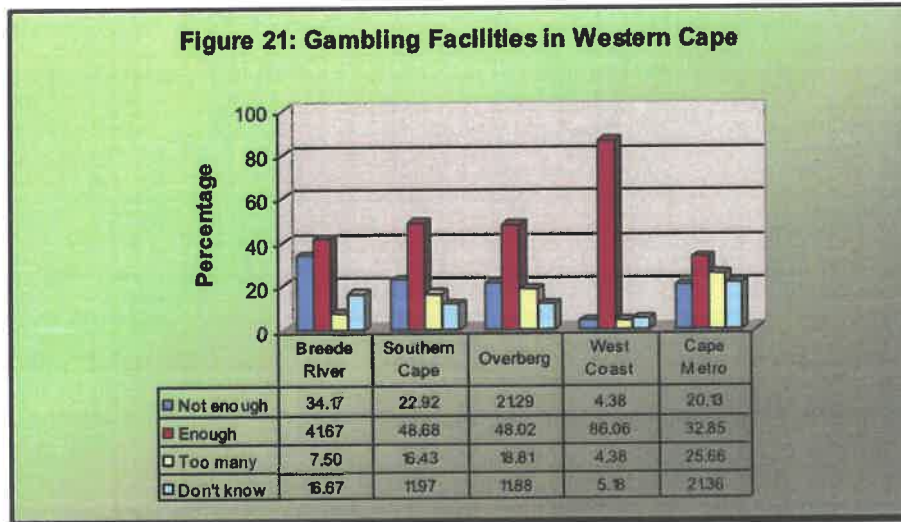


Figure 21: Gambling Facilities in the Western Cape Adequate?

The study wanted to establish whether respondents thought the number of gambling activities at their disposal was adequate or not. Figure 21 illustrates that the responses, if compared across the five regions collectively manifested an overall “enough” answer. That is, respondents in their respective regions indicated overwhelmingly that the gambling activities at their disposal were adequate, with the West Coast region registering a whopping 86.06%. Respondents from the Southern Cape and Overberg indicated roughly a similar percentage (48%), with the Breede River at 41.67%. The Cape Metro registered the lowest percentage in this category (32.85%).

2.7 THE UTILIZATION OF GAMBLING WINNINGS

The outcome of this research study suggests that the vast majority of respondents do not consciously or systematically budget for spent on their gambling activities as is patently clear from the figure below.

2.7.1 BUDGETING FOR GAMBLING

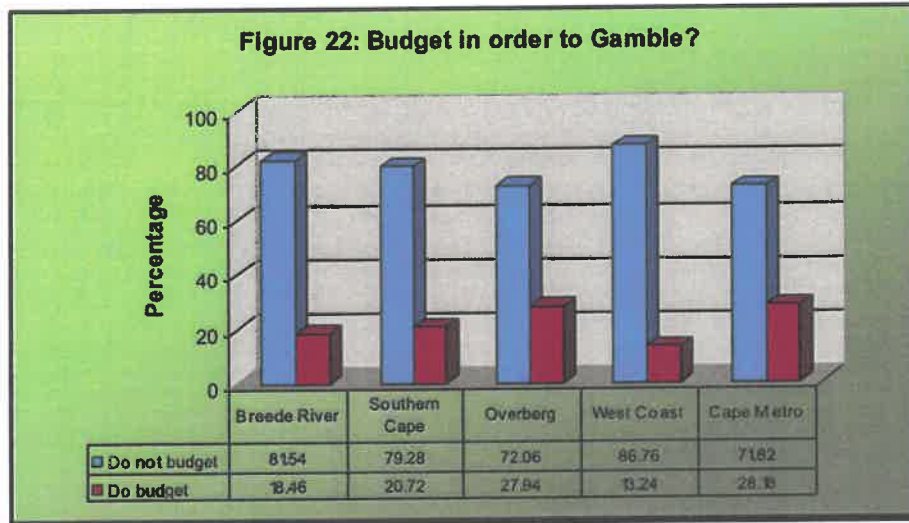


Figure 22: Budget in Order to Gamble?

Figure 22 depicts that the overwhelming majority of respondents across the five regions do not budget in order to sustain their gambling behaviour, with the West Coast registering the highest cohort (86.76%), followed by the Breede River (81.54%), Southern Cape (79.28%), Overberg (72.06%) and finally the Cape Metro with 71.82%.

2.7.2 IMPACT OF GAMBLING ON WELFARE OF HOUSEHOLD OF RESPONDENT

Finally, respondents were asked to indicate what impact, if any, gambling had on the welfare of their families. The trend that emerged from the results of this question is interesting. Figure 23 shows that the overwhelming majority of respondents from all sample areas in the five regions are of opinion that gambling had no impact on the well-being of their households, either positive or negative, registering between 70% and 83%. Slightly more than ten percent in both the Breede River and Cape Metro thought the impact to be positive with a very small percentage (between 0% and 6.95%) that considered the impact to be negative.

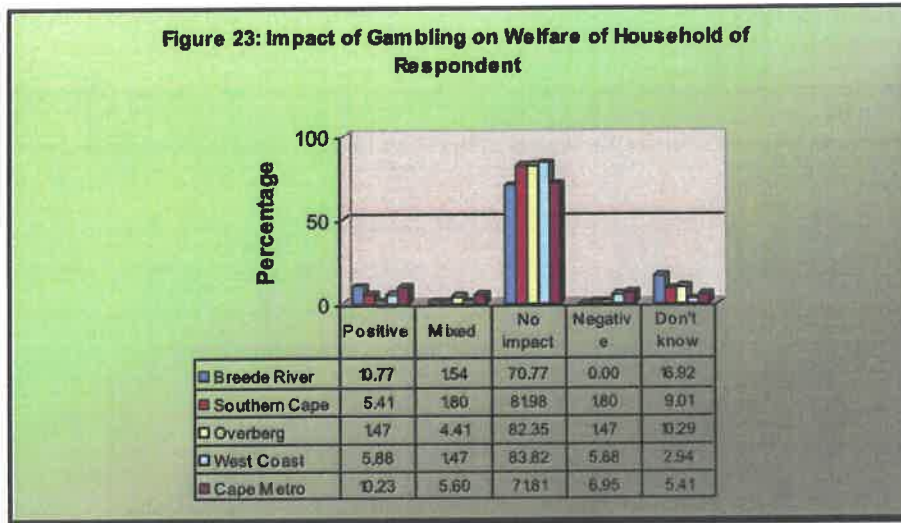


Figure 23: Impact of Gambling on Welfare of Household

CHAPTER THREE

3 PERCEPTIONS OF AND ATTITUDES TOWARDS THE INSTALLATION OF LPMS AND ITS ANTICIPATED UTILIZATION

3.1 INTRODUCTION

This chapter discusses responses emanating from the last section of the questionnaire that dealt specifically with the central research question of this study, i.e. the introduction and rolling out of Limited Payout Gambling Machines (LPMS) in the urban and rural communities of the Western Cape Province.

The questions were designed to measure the relative acceptance of these machines in the so - called poor and affluent areas of the different regions of the Western Cape Province. The questions were specifically designed to measure respondents' willingness to accommodate the installation of LPMs in different contexts and under diverse circumstances. The questions were also designed to ascertain to what extent respondents thought they might engage in playing these gaming machines, how often and how much they would be prepared to spend on playing a LPM.

It is important to understand that at the time the survey was conducted in the different research areas very few, if any, of the limited pay out gambling machines had been rolled out in the different regions. This meant that it was expected of respondents to make evaluative statements about the social feasibility regarding the implementation of LPMs, as well as anticipating the probability and extent of them engaging in playing these machines without them actually have seen or been in a position to have played them. Flowing from this it is thus clear that some answers to some of these questions are either informed by respondents' already existing value system and perceptions towards the gambling industry in general or by anticipating and guessing whether they would play these machines and to what extent. It would be fascinating and illuminating to compare the results obtained in this study to that emanating from a follow up comparable study to be conducted after a time period has elapsed as part of a longitudinal research design.



3.2 RESPONDENTS' ACCEPTANCE OF THE INSTALLATION OF A LPM IN NEIGHBOURHOOD UNDER REGULATED AND CONTROLLED CONDITIONS

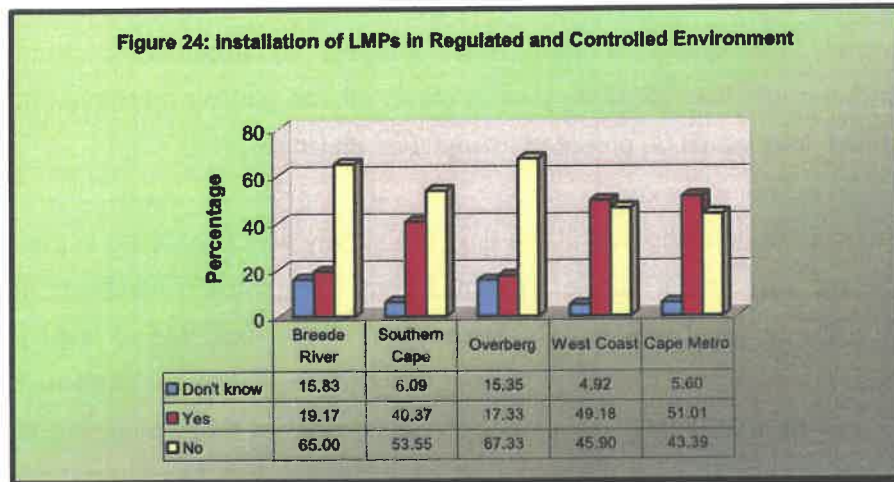


Figure 24: Installation of LPMs in Regulated and Controlled Areas

From the above figure it is clear that significant differences exist between the regions regarding the willingness to accept LPMs in respondents' own neighbourhood under highly regulated and controlled conditions. The strongest acceptance for LPMs was registered in the Cape Metropolitan and West Coast areas where a higher percentage of respondents were in favour than were opposed to the introduction of these machines under the said conditions. However, it must be pointed out that those opposing the introduction of LPMs in their neighbourhood under these controlled conditions were also a significant percentage. Also, in the Southern Cape region reasonable support was expressed for the introduction of LPMs in respondents' own neighbourhoods under the specified circumstances with marginally less than 40% in support, although the majority of respondents rejected the idea.

The strongest opposition against the possible introduction of LPMs under these conditions came from the respondents from the Overberg region (near to 70%), followed closely by respondents from those from the Breede River Valley region. The reason why there was this strong opposition expressed in the Overberg might relate to the presence of the casino in the area. Fieldworkers reported there were some (off the record) unsolicited reference made to the negative influence the casino had on the local community. It was pointed out that it was not the casino's presence per se, but rather the

bad overall management and lackadaisical control over who are allowed on the said presence that is course for concern. It must be pointed out these cases were isolated. However, it may indeed explain this strong opposition to LPMs in the region. Only a systematic scientific study will be able to interrogate whether a possible correlation exists between these variables. It is plausible that negative perceptions about alleged harmful influence of one aspect of the gaming industry, i.e. a casino, can have an influence on the way another aspect of this industry, i.e. LPMs, is perceived. This is referred to as attitudinal contamination. The fact that the two areas that showed a higher level of acceptance for the rolling out of LPMs in their respective neighbourhood, i.e. the Cape Metropolitan and West Coast areas also have casinos is interesting and significant.



3.2.1 LPMs IN DIFFERENT LOCATIONS

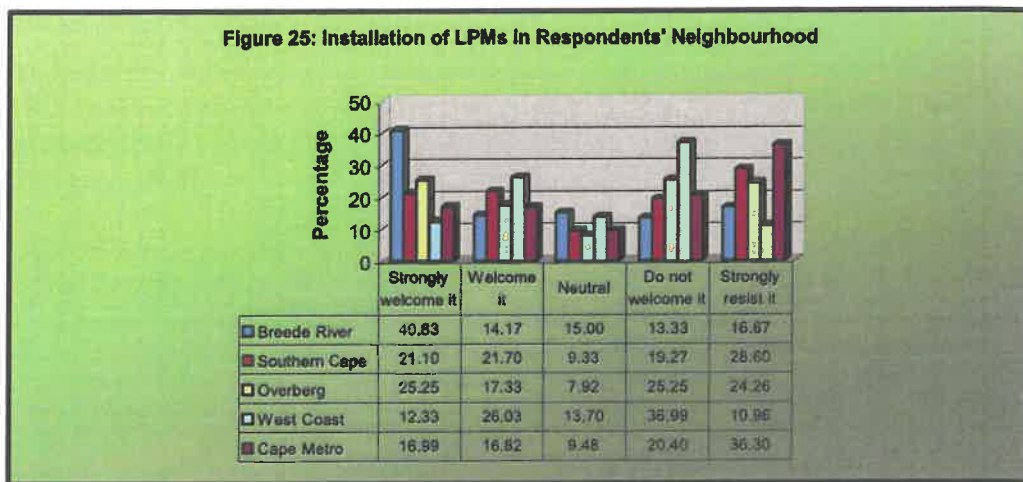


Figure 25: Installation of LPMs in Respondents' Neighbourhood

In a follow - up question respondents were given a range of possible venues where LPMs might be installed. Respondents had to indicate on a social acceptance scale to what extent they would welcome or resist a LPM being rolled out in the different venues included in the questionnaire.

The first location referred again to the neighbourhood of respondents, however, in this instance without the package of regulatory conditions attached to it. The results were fascinating. Figure 25 indicates that the strongest overall resistance came from the Cape Metro area (56% in total) (that was a strong supporter of it being installed under controlled conditions) and the Overberg and Southern Cape regions, with close to 50% of each region resisting the installation in neighbourhood.

The strongest support for this location came from the Breede River Valley with a total of 55%, followed by Overberg and Southern Cape, with both these regions registering slightly more than 40% in support for this idea. These findings suggest that respondents do not reject unconditionally neighbourhoods as a location for LPMs within the urban landscape. There is a marked higher level of willingness to accept it under a specific set of conditions that will regulate access and the use of this gaming facility.

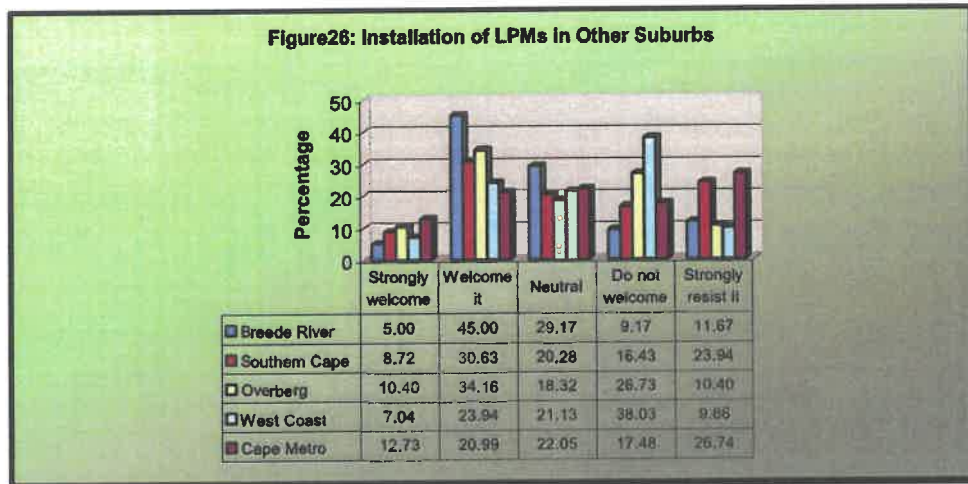


Figure 26: Installation of LPMs in other Suburbs

Consistent with the finding of the previous paragraph, the highest acceptance for the installation of LPMs in other suburbs was amongst respondents from the Breede River Valley (50%) – see Figure 26. This was followed by the Overberg region with 44% in favour of this venue. The strongest resistance against these locations was found amongst respondents from the West Coast and Cape Metropolitan areas (48% and 45% respectively), with also a significant percentage of the Southern Cape region against the installation of LPMs in suburbs. Significantly higher percentages of respondents across

all regions opted for a neutral position regarding the installation of LMPs in other suburbs compared to the previous variable (own Neighbourhood).

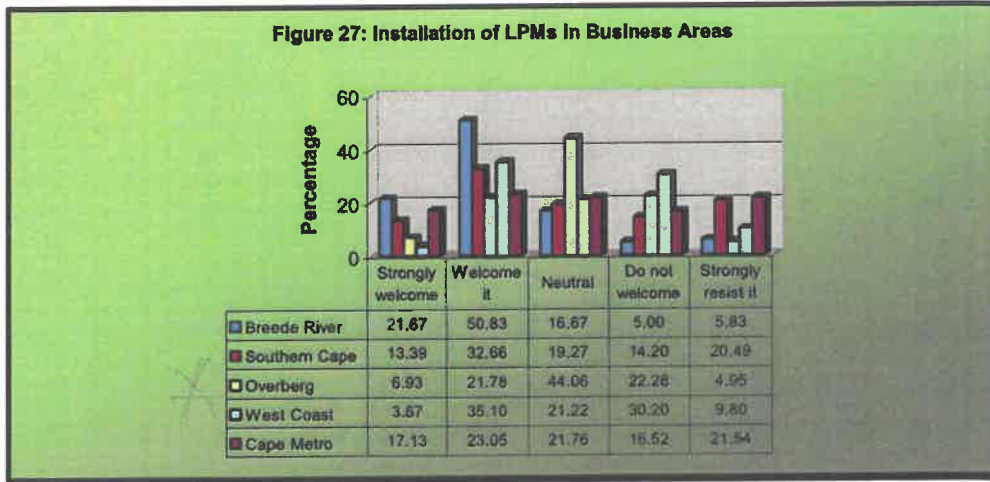


Figure 27: Installation of LPMs in Business Location

Looking at the overall trend emanating from the five regions regarding the willingness to accept LPMs in business areas Figure 27 depicts that once again the Breede River Valley recorded the highest positive response, with a very high 73% in support of these locations, followed by the Southern Cape region with 49%. The Cape Metropole articulated the strongest resistance against business areas (39%) followed by the Southern Cape with 35%. It is noticeable that the strongest opposition to business locations for LPMs emanated from the two areas with the biggest commercial and business sectors and industrial complexes. An extraordinarily high proportion of respondents, compared to the other results, from the Overberg were neutral about this proposed venue.

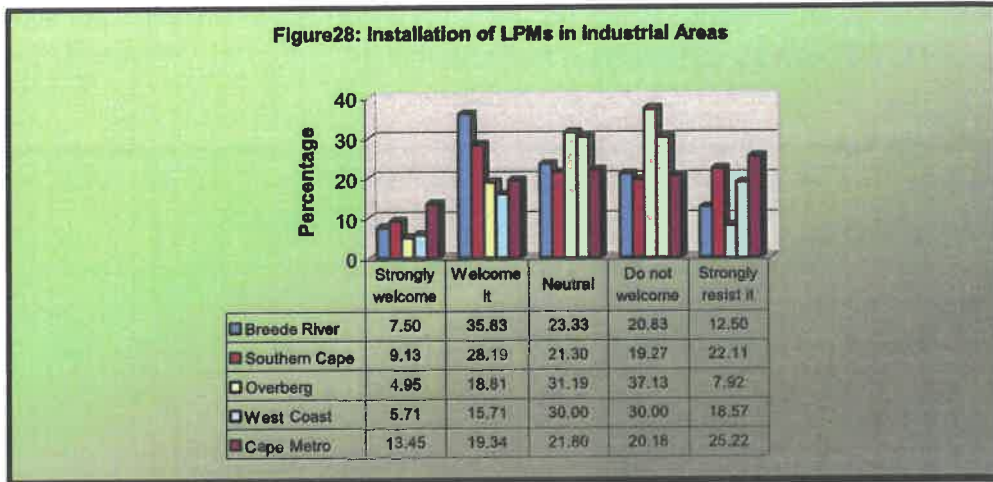


Figure 28: Installation of LMPs in Industrial Area

The overall trend emanating from the Figure 28 suggests that more respondents from all regions surveyed, with the exception of that of the Breede River Valley, were against LPMs being rolled out in industrial areas. The highest resistance came from the West Coast (49%), followed by the Cape Metropolitan area and the Overberg region (in both cases 50%). The strongest support came from residents from the Breede River Valley (42%), followed by those from the Southern Cape (37%). Noteworthy here is the meaningful percentages that expressed neutrality towards the possibility of installing limited pay out machines in industrial areas, especially in the case of the Overberg and West Coast regions.

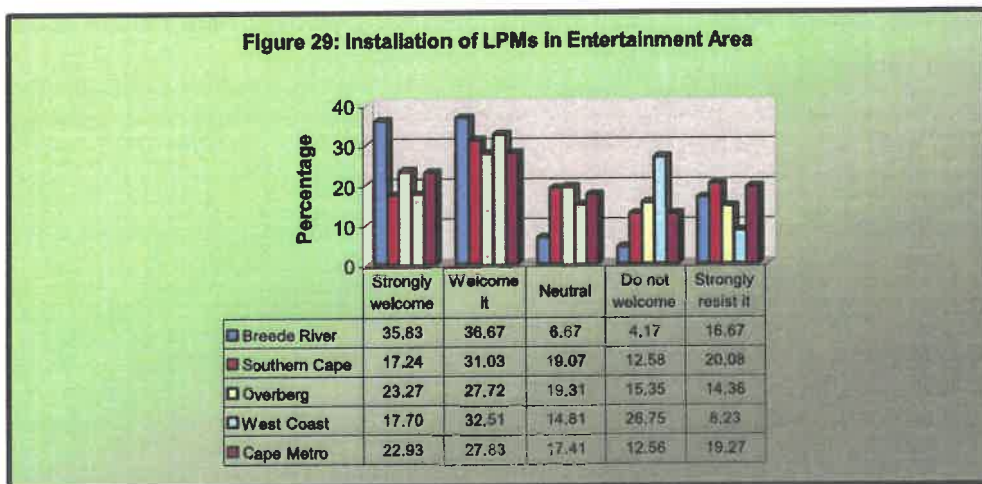


Figure 29: Installation of LPMs in Entertainment Areas

The research results of the five different urban and rural field studies clearly showed that entertainment areas are by far the most popular and accepted location proposed to install and roll out the LPMs in future (see Figure 29). As was mentioned in the regional reports entertainment areas refer inter alia to game centres in entertainment locations and shopping centres and – malls. This overwhelming acceptance of LPMs in these venues would suggests, and one could maybe infer, albeit tentatively at this stage that respondents viewed LPMs essentially or primarily not as fully fledged or proper gambling facilities, but (also) as objects or facilities of distinct creational value. Once LPMs are properly rolled out in the Western Cape Province and people had adequate exposure and contact with it, these perceptions could or might off course change considerably. Further follow up research need, however, to be undertaken to explore this intriguing hypothesis.

3.2.2 INSTALLATION OF LPMs IN DIFFERENT VENUES

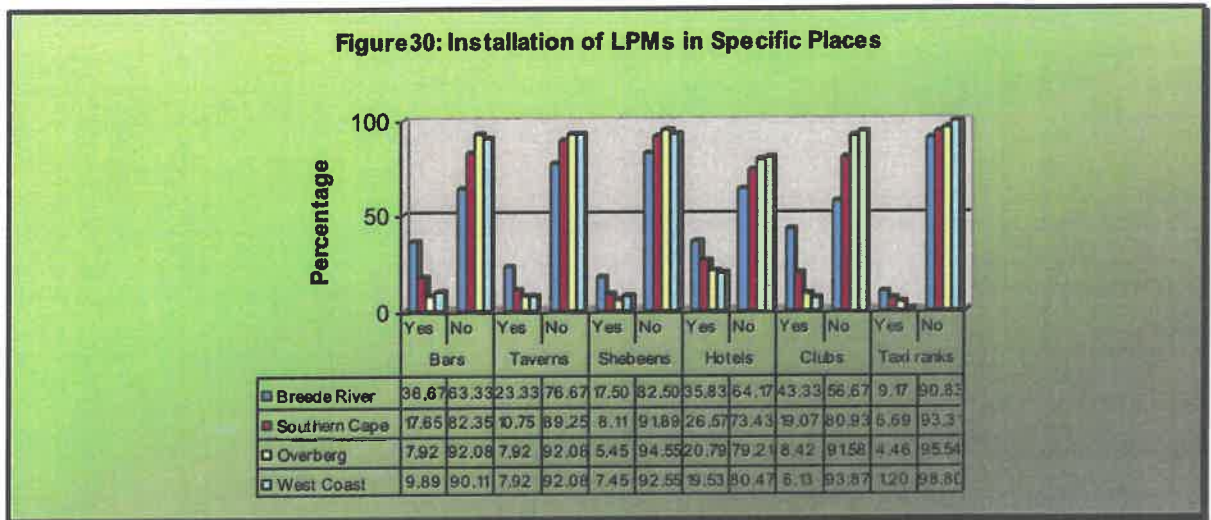


Figure 30: Installation of LPMs in Specific Areas

A follow - up battery of questions set out to gauge respondents' willingness to accept the rolling out of LPMs in a range of very specific venues and locations-some places of

entertainment and conviviality –others again functional transport and communication concentration points and nodes.

The research surprised with some unexpected results, particularly those pertaining to places of entertainment and relaxation. As is evident from Figure 30 there was particularly strong rejection of installing LPMs in shebeens, taverns, bars and clubs across all regions. Respondents from the Breede River Valley however, were more willing to accommodate LPMs in bars and too a lesser extent also in taverns. Hotels were the only entertainment venues that drew a measure of support, apart from the Breede River Valley respondents, also from the Southern Cape region. Entertainment clubs drew support from the Breede River Valley and too a lesser extent from the Southern Cape region.

Response?

The research also mooted the idea of using taxi ranks as possible venues for installing LPMs. The results from the different regional studies unequivocally show that there is general strong rejection of this idea.

3.3 FREQUENCY OF PLAY

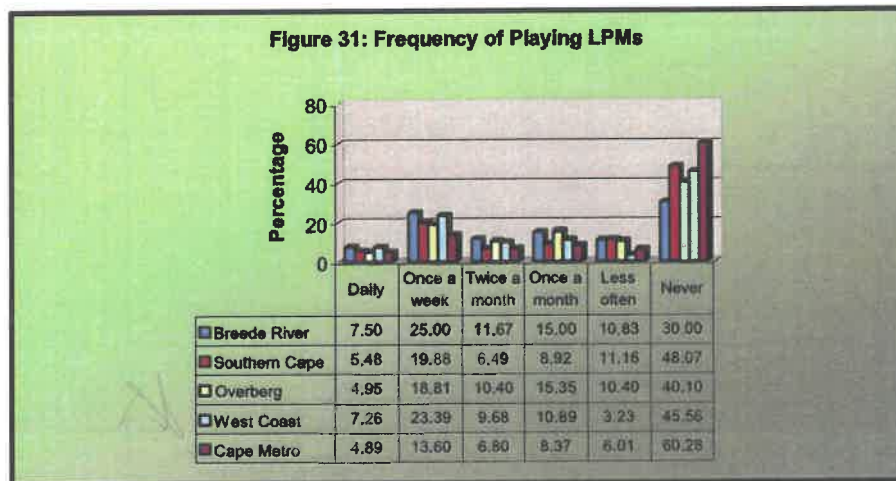


Figure 31: Frequency of Playing LPMs

The research team considered it to be important to establish amongst respondents from the different regions the anticipated frequency of playing LPMs. This is an important issue, more particularly amongst the poor. It can be argued in circles sceptical and / or

opposed to the legalization of gambling in South Africa and thus also against the introduction of LPMs in South African society that a pattern of frequent playing amongst the economically marginalized clusters and cohorts, may divert money away from meeting strategically important commitments like the paying of rent, municipal services or paying for other basic household and domestic demands – ultimately leading too the decrease in the quality of life and (deepening of) poverty.

Before an analysis of the anticipated frequency of playing a LPM is discussed it is fascinating to observe the substantial differences that exist between the five research regions in terms of anticipated engaging (playing) or not in these machines. Figure 31 shows that, whereas less than a third of those from the Breede River sample thought they would never play a limited pay out machine, a substantially higher percentage, i.e. 60% of the Cape Metropolitan region thought the same. The corresponding figure for the other regions varied between 40% and 48%. The high percentage of urban respondents compared to rural who stated they would not partake in playing a LPM is interesting. Different possible reasons to explain this differential can be furnished. However, as this research was not designed to explore these possibilities, any explanation will be purely speculative.

As far as the frequency of playing is concerned, it is clear that playing a LPM once a week will probably be the most popular option or choice once LPMs become available. This is particularly so in the case of the Breede River and West Coast regions, as well as too a lesser extent also valid in the case of the Southern Cape and Overberg region. An interesting trend was the low percentages that indicated they would play everyday, with no region registering a level of ten percent. This finding is re-assuring. It lays to rest too a large extent the fear that LPMs are open for abuse, particularly so by the economically vulnerable often euphemistically described as “those that can afford it least”.

3.4 EVALUATING LPMs

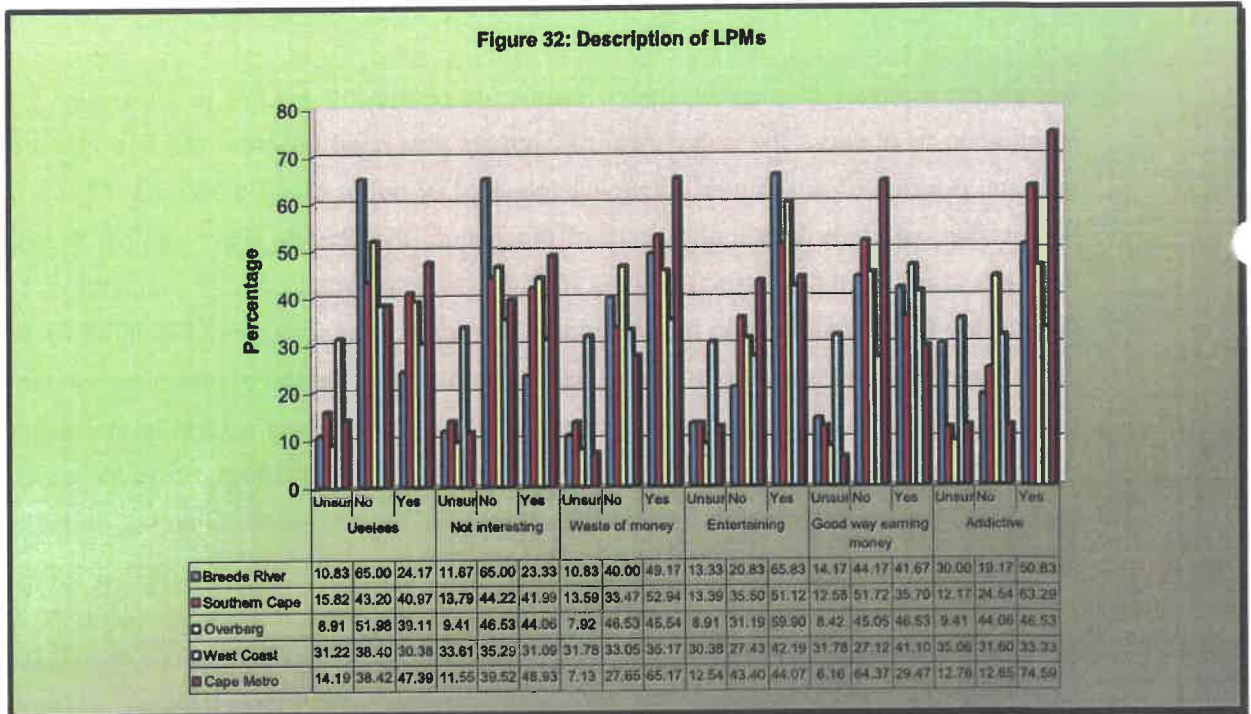


Figure 32: Description of LPMs

Respondents were given a range of evaluative, emotive and contentious statements regarding LPMs. Amongst other, respondents had to speculate about the perceived intrinsic and utilitarian value of LPMs as well as the potential to become addicted to these machines.

In all regions except in the Southern Cape, more respondents gave LPMs a positive than a negative assessment – see Figure 32. Respondents from the Breede River Valley were particularly positive about these machines with only 24% describing it as *useless*. The same trend emerged where higher percentages (in varying degrees) of respondents in all the areas surveyed described limited pay out machines as *interesting* than those that thought LPMs are not interesting. The Breede River Valley region was the most

positive in this regard and the West Coast the least positive as well as the most indecisive unsure in this regard.

The regions differed slightly in their assessment of whether playing LPMs constitute a *waste of money*. In all regions (except in the case of the Overberg) however, a marginally higher percentage of respondents thought that playing LPMs constitute a waste of money, compared to those that thought it not a waste of money. However, in the case of the Southern Cape a significantly higher percentage of respondents thought this to be the case.

Respondents were asked whether they thought LPMs would have an *entertainment value*. With the exception of the West coast region that did not think so, respondents from the other areas were in agreement that LPMs had the potential to entertain the player. This sentiment was especially pronounced in the Overberg and Breede River regions.

In most sample regions relatively meaningful percentages thought that LPMs are a *good way of making money*. In the case of the Overberg and Breede River regions respondents were roughly equally divided over this issue. In the West Coast region a relatively high percentage, i. e. 32% was unsure whether LPMs will earn you money, while 41% thought it to be. However, the Southern Cape respondents were less convinced about LPMs money making possibility, with the majority (52%) not agreeing with this notion.

The last issue in this cluster dealt with a sensitive issue: respondents had to state whether they thought playing a LPMs could become *addictive*. Responses varied considerably. In the Southern Cape more than 60% thought LPMs to be addicted. Slightly more than half of those from the Breede River Valley thought likewise, while nearly a third was unsure. Respondents from the Overberg and West Coast areas were, however, much more divided over this issue, with 47% of the first mentioned area stated LPMs to be addictive and 44% rejecting this idea. Amongst respondents from the West Coast there existed a high degree of doubt about the addictive potential of LPMs, i.e. 35%. Only a third of the respondents thought these gaming facilities could become addictive, while another 32% did not think so.

3.5 DIVERSE IMPACT OF LPMS ON HOUSEHOLDS

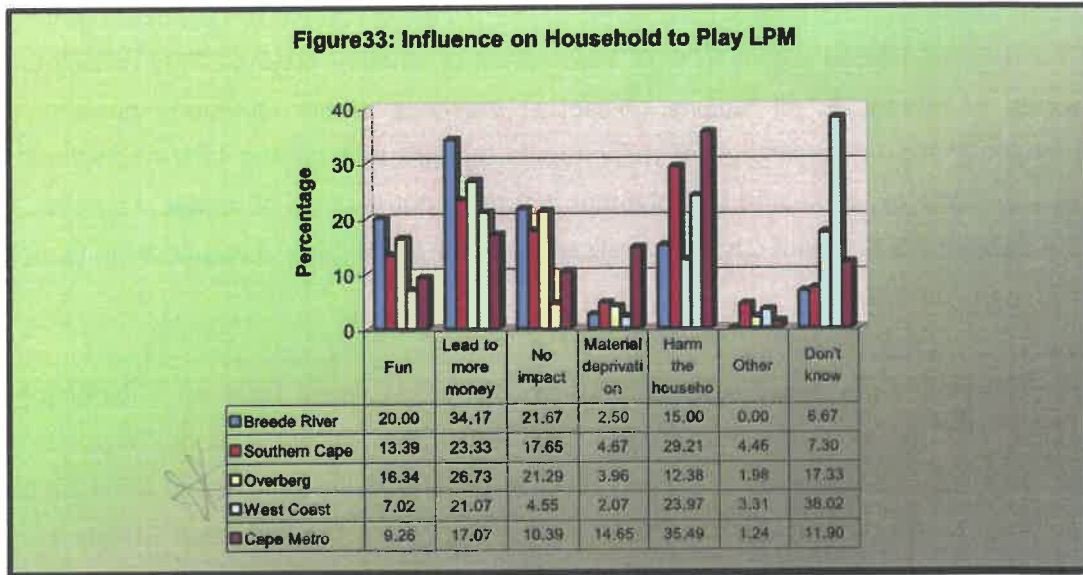


Figure 33: Influence on Household to Play LPMs

The research wanted to establish what influence and impact (if any) - both negative and positive - respondents thought LPMs might or could have on their household. They were offered a set of alternative possible consequences. Respondents were allowed to choose only one.

The region that was the most positive about the anticipated impact was the Breede River Valley, followed by the Overberg and the Southern Cape. Respondents identified an increase in money as the most important positive aspect flowing from playing LPMs, followed by creating fun for the household.

Slightly more than twenty percent of the Breede River and Overberg regions thought LPMs would exert no impact on the household at all.

The Cape Metropolitan area was the region that rated the highest the potential of LPMs to harm, in some way, the smooth social functioning of the household. A total of 51% thought the impact to be negative, of which 15% specified it would lead to poverty (material deprivation), while another 36% of the Metropolitan region described the impact in general terms as harmful.

3.5.1 EXPENDITURE

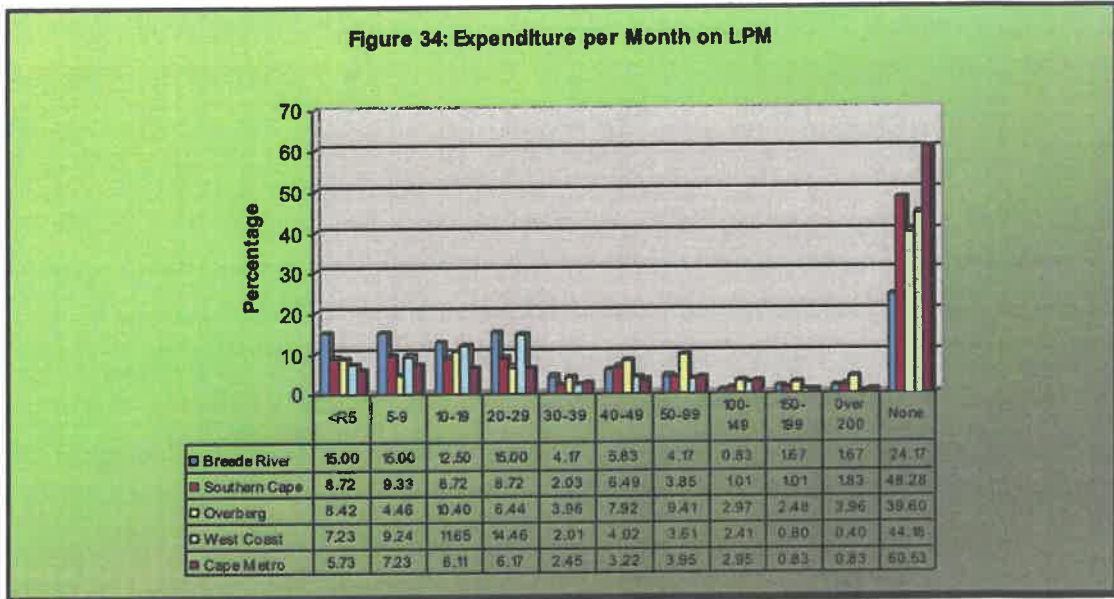


Figure 34: Expenditure per month on LPM in Rand

An analysis of the expected monthly expenditure on LPMs across the five regions researched suggests that spending on these machines would be modest. The results suggest that of those who indicated that they are going to play LPMs the biggest single cohort of respondents will spend less than R20.00 per month, i.e. less than R5.00 per week on playing a LPM. In the Breede river valley 43% will spend less than R20.00 per month, while in the Southern Cape the percentage will be 36%.

Another 25% of the Breede River Valley sample would spend between R20.00 – R49.00, while another 18% of both the Southern Cape and Overberg samples will spend the same amount per month. Seventeen percent of the Overberg sample said they would spend more than R50.00 per month on a LPM. This is however, significantly more than the other regions: for example, only 9% of the Breede River and Metropolitan samples said they would spend a similar amount.

A fascinating and slightly perplexing trend that emanated from this study relates firstly to the low expected engagement in LPMs (39%) as indicated by respondents from the Metropolitan area and secondly the very modest (compared to some of the other areas)

monthly expenditure on LPMs amongst those that will play. The research team expected a relatively higher percentage of the Metropolitan sample (to want) to play compared to the rural samples. This is simply because urban people are classically more au fait with the gambling industry and specific gambling facilities; they are usually more progressive and willing to experiment with new recreational opportunities. In addition, city people are typically more affluent and more mobile - aspects that facilitate the playing of these machines. The low monthly amount that the majority of the Cape Metropolitan sample would spend on LPMs as well as the small percentage that indicated that they would spend in excess of R50.00 per month is also a surprising finding. On average, urban salaries and wages are consistent higher than salaries in the rural areas. Poverty in the urban and metropolitan area is less pervasive than that in the rural areas. Within this context of relatively more affluence and a subsequent higher level of dispensable and discretionary income it was envisaged that respondents from this better resourced environment would foresee to spend substantially more than respondents from the rural based towns. This trend seems to suggest, albeit very tentatively, that firstly, whether people decide to gamble with LPMs, and secondly, how much they intend to spend over a fixed period, does not necessarily correlate with socio-economic conditions and variables.

3.5.2 PAYING FOR PLAYING

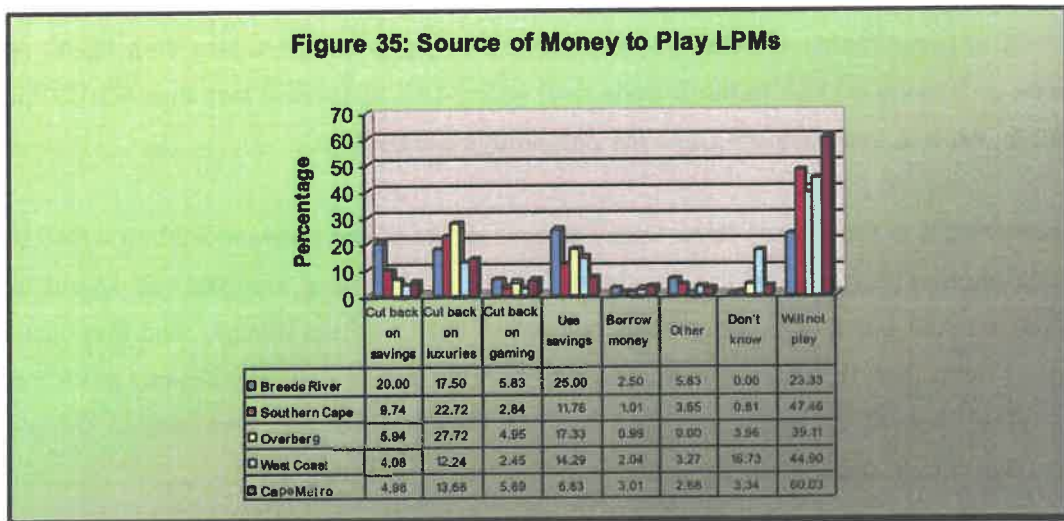


Figure 35: Source of Money to Play LPMs

Although the monthly amount of money that respondents envisaged to spend on playing appears to be modest, it might be necessary to budget for this expense, in especially impoverished and economic marginalized households. Respondents were asked to indicate what, if any, measures they will take to obtain the money.

If the responses of the two sub samples are combined, Figure 35 shows that three strategies of paying for playing LPMs across the five regions are noteworthy: firstly by using savings, secondly cutting back in spending on luxuries (2nd column) and lastly cutting back on other gaming activities (1st. column). Although these three clusters or categories tend to be the dominant strategies for sourcing money in order to play LPMs, there are differences in magnitude in these behavioural perceptions. For instance, respondents in the Breede River indicated the highest cohort (25%) of using savings as a means of paying for LPMs utilisation, compared to the Overberg where 27.72% will cut back on luxuries to play LPMs (the highest in this particular category).

The relatively high percentage of the Breede River Valley respondents that indicate that they would or might use their saving as source to finance their gambling expenses is a possible source of concern. Although the purpose of savings is amongst other, to pay for entertainment, it can become problematic if savings are being depleted to such an extent by the demand for gambling that it no longer can act or serve as a safety net, i.e. to pay for unforeseen household expenses, especially in the case of relatively impoverished households. The research did not explore the proportion of saving that would be used, however.

The low percentages that indicated they would cut back on the necessities -3rd column - (housing, food, health and education) and that borrow from friends and family again, is very encouraging.

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Loretta Gillion

From: Bertie Vorster <bvossie04@gmail.com>
Sent: Thursday, 08 May 2025 08:32
To: Loretta Gillion
Cc: chairman@pringlebayratepayers.co.za; Vice Chair; Heather Morkel
Subject: Request for comment: Erf 427, 15 Central Road, Pringle Bay (Consent Use): PBRA Comments and Objections
Attachments: PBRA Erf 427 PBRA Comments and Objections - FINAL - 8 May 2025.pdf; Judd v Nelson Mandela Bay Municipality Legal Conviction Community.pdf; Wingaardt and Others v Grobler nBoni mores and legal convictions neighbourhood law.pdf; LPM Overarching Report December 2005 Revised colour charts 13 April 2006.pdf

Dear Ms Gillion

Please refer to the Municipal Notice number 71/2025 which was received via trailing email.

As per the request on behalf of our members, we hereby submit our comments and objections related to the subject matter.

The attached document titled "**PBRA Erf 427 PBRA Comments and Objections - FINAL - 8 May 2025.pdf**" addresses our interest in the application as well as our comments and objections.

Through this submission we consider ourselves as registered parties wishing to receive all future relevant communication in this regard. Communications can be via email to chairman@pringlebayratepayers.co.za and CC secretary@pringlebayratepayers.co.za and bvossie04@gmail.com

We sincerely request that you acknowledge by return email that you have received this email as well as the mentioned attachments.

Yours Sincerely

AW Vorster
obo PBRA

On 03 Apr 2025, at 10:19, Loriaan Isaacs <loriaanisaacs@overstrand.gov.za> wrote:

Dear Sir / Madam

Attached please find a copy of the application for your attention. Kindly provide the Ratepayer Association's comments directly to Loretta Gillion (loretta@overstrand.gov.za) on or before **9 May 2025**.

Also note that the notice will be available at the Hermanus Town & Spatial Planning Department, and on the municipal webpage at the following link:
<https://www.overstrand.gov.za/en/documents/town-planning/land-use-planning-applications>



Enquiries: Bongani Mkhuzangwe

Reference: 4830/2024

Telephone: 021 421 7771

Date: 02 June 2025

TP - A Theart
(Huid Stoop)

E-MAILED

To the Overstrand Municipality: Town Planning Department

RE: RESPONSE TO THE OBJECTIONS RECEIVED FROM THE SURROUNDING RESIDENTS, CRECHE, AND RESIDENTS ASSOCIATION REGARDING ERF 427 PRINGLE BAY, 15 CENTRAL ROAD.

In terms of the objection received, the summary of the relevant information to the application is as follows:

- Undesirability – the use of recreational drugs and alcohol will form a catalyst for other unwanted habits in the area.
- The proposed location of the gambling activity is not located within the business hub, which is about 120m from the site.
- Behavioral changes in people in the area may rise due to gambling.
- The proposed use is located close to a creche and a church.
- The parking on the property is insufficient to accommodate the proposed use.
- There will be an impact on security, which is associated with gambling wins and losses of money.
- The application is inappropriate for the location and pushes to exploit the village.
- There will be a negative socio-economic impact on the well-being of the community, the potential increase in crime, and other social issues that will deter the area.
- The proposed use is incompatible with the existing surrounding uses.
- There is a potential for noise and nuisance impact in the area.
- The traffic impact will negatively affect the area.
- The proposed use will attract the wrong type of people to the area.
- The value of properties will depreciate due to the proposal.

FILE NO. <u>ERF 427</u>
<u>KPRB</u>
SCAN NO.
COLLABORATOR NO.
<u>2676634</u>

TP

6 JUN 2025



In terms of the objections received from the residents in respect of the application for the subject property, our response to the objections received is as follows:

- We acknowledge the concerns raised by the residents affected by the proposal on the property in question.
- The place of entertainment is only intended to function as a land use that is complementary and subservient to the existing restaurant, which already sells alcoholic beverages.
- The property owner of the subject case is also operating a business and wishes to legalize the proposed additional use of the property in accordance with its permitted zoning rights.
- The approval of the proposed consent use will not devalue properties. The objectors have not provided a statement on how properties will be devalued, and no valuation has been submitted to support the assumption.
- The premises does not have any notices from Law Enforcement served to the premises due to nuisance or complaints regarding disturbances from the restaurant or the centre.
- The facility is meant to provide entertainment to the existing clientele; there is no evidence that 5 LPMs to an existing business could have a direct impact on parking or attract crime and illegal activities in the area.
- This establishment has a “rights of admission reserved”; therefore, it is not clear what attracting the wrong type of people means in this respect.
- The subject property and surrounding properties are zoned with similar, if not the same, rights, thus each property owner reserves the right to apply to the municipality for a consent use. It is up to the department to assess and evaluate the impact this proposal may pose in the area. It is our belief that five machines have no impact on the area as zoning permits the right with this application.
- The proposed site is an over-18 facility; no one under that age may make use of the facility.

GRAND GAMING WESTERN CAPE (RF) (PTY) LTD

1st Floor, Eagle Park, C/O Bosmansdam & Omuramba Road, Milnerton, Cape Town. 7447
 Tel: 021 421 7771 Fax: 021 419 2282 www.grandslots.co.za Reg No: 2003/016213/07
 Directors: G Ahmed*; G Bortz*; A Leeming*; F Mthembu; KN Titus* (* non-executive)



- Gambling machines are a business opportunity for property owners interested in operating them on their properties.
- There is a positive economic and social impact of having LPMs, job creation, and financial security for those in need in the area.
- It should also be noted that the municipal planning tribunal will review this application and make the appropriate considerations in accordance with the planning by-law for the owner and the surrounding property owners. The Western Cape Gambling and Racing Board (WCGRB) and the Subcouncil Committee (for the entertainment business license certificate) will be reviewing this application and will make recommendations according to the needs that will benefit all parties involved (the general public and the property owners). They also reserve the right to impose conditions in place if need be.

Loretta Gillion

From: Bonga Mkuzangwe <bmkuzangwe@grandslots.co.za>
Sent: Monday, 02 June 2025 15:28
To: Loretta Gillion
Cc: Loriaan Isaacs
Subject: RE: Applicant to reply to objections - Erf 427 Pringle Bay (4830/2024)
Attachments: Response to objections received.pdf



Good day Loretta

Please find the attachment for your information.

Kind regards

BONGA MKUZANGWE (Cand. Pln C/8032/2015) | Business Licence Officer

1st Floor, Eagle Park

C/O Bosmansdam & Omuramba Road, Milnerton, Cape Town, 7447

Tel: +27 21 421 7771 | 072 362 1008

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From: Loretta Gillion <loretta@overstrand.gov.za>
Sent: Monday, 19 May 2025 16:08
To: Bonga Mkuzangwe <bmkuzangwe@grandslots.co.za>
Subject: Applicant to reply to objections - Erf 427 Pringle Bay (4830/2024)

Grand Gaming Western Cape
Mr B Mkuzangwe

Dear Sir

APPLICANT TO REPLY TO OBJECTIONS

ERF 427, 15 CENTRAL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: GRAND GAMING WESTERN CAPE ON BEHALF OF ABUREC FENCING CC

Your application submitted on 2 October 2024 refers.

Attached please find copies of 17 objections received forthcoming the public participation process:

- 👇 J du Preez
- 👇 Tessa du Preez
- 👇 E Strydom & C Louw
- 👇 Dr AASM Nas
- 👇 M Kotze
- 👇 M & SB Schalit
- 👇 D Myburgh
- 👇 H Milson
- 👇 M Meiring Chairperson KidsCan
- 👇 Drakenzicht Investments (Pty) Ltd (JP & SJ Burger)
- 👇 K Lewis

35.

AANSOEK OM PARKERING BINNE PADRESERWE SAKEKERN, PRINGLEBAAI

Verslag van Hangklip-Kleinmond Administrasie : Admin
P Bezuidenhout Tel 028 271 8107

1. Doel van verslag

Om die aansoeke om parkering binne die padreserwe by die sakekern te Pringlebaai aan die Komitee vir oorweging voor te lê

2. Agtergrond / Bespreking

Die aangeleentheid het op 22 Februarie 2002 voor die Komitee gediën (Bylae A). Die Komitee het besluit om dit na die amptenary terug te verwys om 'n kostevergelyking te doen tussen die waarde van die parkering op die eiendom en die werk wat gedoen gaan word om parkering in die padreserwe te voorsien. Indien daar 'n voordeel vir die aansoeker is moet 'n gelykmatige bydrae aan die Raad betaal word.

Erwe 426 en 427, Pringlebaai, is albei 494m² groot en die munisipale waarde van elk is R62840. Erf 426 is gedurende Oktober 2001 vir R52000 verkoop. Die gemiddeld tussen bogenoemde waardes is R57420. Die grondwaarde per m² bereken teen die gemiddelde waarde is dus R116,23.

Parkering op perseel word bereken teen 30m² per parkeerruimte. Daar word 6 parkeerruimtes op Raadsgrond ten opsigte van elk van bogenoemde erwe benodig. Die grondwaarde van parkering wat per erf benodig word, word soos volg bereken.
 $30 \times 6 \times R116,23 = R20921,14$

Die koste om 'n parkeerterrein te plavei of te teer word op R120 per m² geraam.

Dus sal die koste om 6 parkeerruimtes te teer of te plavei R21600 (180m² x R120) beloop.

Erf 368, Pringlebaai, is 379m² groot en die munisipale waarde is R42530. Die grondwaarde per m² is dus R112,22.

Daar word 10 parkeerruimtes op Raadsgrond ten opsigte van bogenoemde erf benodig. Die grondwaarde van parkering wat benodig word, word soos volg bereken: $30 \times 10 \times R112,22 = R33666$. Die koste om 10 parkeerruimtes te plavei of te teer sal R36000 (300 x R120) beloop.

Bylaes aangeheg

- Bylae A : Voorlegging aan Komitee op 22 Februarie 2002.
Bylae B : Liggingsplan
Bylae C : Brief van Tertius Rabe Eiendomsdienste, gedateer 7 Februarie 2002.
Bylae D : Brief van Pringlebaai Belastingbetalersvereniging, gedateer 4 Februarie 2002.
Bylae E : Parkeerruitleg van erwe 426 en 427, Pringlebaai.
Bylae F : Brief van die Beplanningsvennootskap, gedateer 4 Augustus 2002.

3. AANBEVEEL

- 3.1 Dat in die geval van erf 368 wat geen parkering op die perseel kan verskaf nie die eienaar versoek word om 10 parkeerruimtes, op eie koste, binne die padreserwe tot genoeë van die Raad te bou.
- 3.2 Dat 'n 50/50 beginsel ten opsigte van parkering in die sakekern van Pringlebaai aanvaar word. Met ander woorde die aansoeker moet 50% van die benodigde parkering op perseel verskaf en die res word binne die padreserwe deur die aansoeker op eie koste gebou word tot genoeë van die Raad.
- 3.3 Dat die aansoek van die eienaar van erwe 426 en 427, Pringlebaai, ooreenkomstig paragraaf 3.2 hierbo hanteer word.

HIERDIE AANGELEENTHEID HET OP 15 MAART 2002 VOOR DIE PORTEFEULJE KOMITEE : STADSBEPLANNING, TOERISME EN EKONOMIESE ONTWIKKELING GEDIEN EN DIT WORD AANBEVEEL

Dat die eienaar van erf 368, wat geen parkering op die perseel kan voorsien nie, versoek word om 10 parkeerruimtes, op eie koste, binne die padreserwe tot genoeë van die Raad te bou.

Verslag van Hangklip-Kleinmond Administrasie : Admin P Bezuidenhout Tel 028 271 8107)

AANSOEK OM PARKERING BINNE PADRESERWE : SAKEKERN, PRINGLEBAAI

1. Doel van verslag

Om die aansoeke om parkering binne die padreserwe by die sakekern te Pringlebaai aan die Komitee vir oorweging voor te lê.

2. Agtergrond/Bespreking

Die Artikel 8 Skemaregulasies is op Pringlebaai van toepassing en besigheidserwe in die sakekern is as Sakesone I gesoneer. Die parkeervereistes binne hierdie sone is dat minstens een parkeerplek vir elke 25m² vloerruimte voorsien moet word.

Die volgende twee alternatiewe word ook in genoemde regulasies gestel.

(i) Die eienaar kan met die Raad se toestemming, as die Raad van mening is dat dit uit 'n beplanningsoogpunt onwenslik of ondoenlik is om die vereiste parkeerruimte op die terrein te verskaf, grond met die voorgeskrewe oppervlakte vir die betrokke parkeergeriewe elders aanskaf op 'n plek wat die Raad goedkeur, met dien verstande dat hy 'n notariële akte teen sodanige grond laat registreer ten effekte dat die Raad en die publiek vrye toegang daartoe het vir parkeerdoeleindes, en die eienaar verplig is om hierdie grond gelyk te maak, van 'n oppervlak te voorsien en in stand te hou tot genoë van die Raad die registrasiekoste van die serwituut word deur die eienaar bestry.

(ii) Die eienaar kan met die Raad se toestemming 'n kontantbedrag aan die Raad betaal wat gelyk is aan die bestaande markwaarde per m² van grond waarop die gebou opgerig is, vermenigvuldig met die oppervlakte in m² van die grond wat ingevolge die regulasie verskaf moet word, en in so 'n geval is die Raad self verantwoordelik daarvoor om die nodige grond vir sodanige parkeerdoeleindes aan te skaf wanneer en waar dit vir hom geleë is.

Van die 40 besigheidserwe is daar tans 14 wat ontwikkel is. Parkeervereistes wat in die verlede gehandhaaf is, wissel van alle parkering op die erf tot alle parkering binne die padreserwe asook gedeeltelik op die erf en gedeeltelik binne die padreserwe.

Ten einde konsekwent te wees, word parkering vereis soos per bogenoemde

423

regulasies wanneer bouplanne ingedien word. Die eienaars van erwe 368, 426 en 427, Pringlebaai, het bouplanne ingedien maar dit is terugverwys omdat daar nie voldoende parkering op perseel voorsien is nie.

Samesprekings tussen die eienaars en die amptenary het plaasgevind en hulle is aangeraai om hul versoeke op skrif te stel.

'n Brief, gedateer 7 Februarie 2002, ontvang van Tertius Rabe Eiendomsdienste wat namens die eienaar van erf 368 optree, word as Bylae B aangeheg. Die Pringlebaai Belastingbetalersvereniging het 'n brief van ondersteuning ingedien wat as Bylae C aangeheg word. 'n Voorgestelde parkeeruitleg ten opsigte van erwe 426 en 427 is van die eienaar Mnr A Willemse ontvang (Bylae D).

Die Beplanningsvennootskap was betrokke by die opstel van die Pringlebaai Struktuurplan wat in 1993 goedgekeur is en het in 1995 kommentaar op die parkering by die sakekern gelewer (Bylae E).

Kommentaar : Hoof Ingenieursdienste

ERF 368 PRINGLEBAAI - PARKEERVEREISTES

Die winkels wat huidig op erf 368 opgerig is, vereis volgens die skemaregulasies sewe parkeerplekke (een parkeerplek/25 m²). Hierdie parkering is op die aangrensende erf 364 geskep en het destyds aan dieselfde eienaar behoort. Die nuwe eienaar van erf 368 was nie hiervan bewus toe hy die erf gekoop het nie. Erf 368 het dus teoreties geen parkering nie. Die eienaar van erf 368 is van voornemens om verdere uitbreidings op sy perseel aan te bring. Hierdie uitbreidings sal tot gevolg het dat 10 parkeerplekke in totaal vir erf 368 benodig word (300m²).

Die padreserwe van Passweg is breed genoeg om skuins of diagonale parkering aan die westekant van die straat te akkommodeer. Daar is egter onder andere 'n stormwatersloot wat verskuif en/of gepyp sal moet word alvorens parkering daar gebou kan word. Die versoek om parkering (tien parkeerplekke) vir erf 368 op die Raad se eiendom (Passweg) te voorsien word ondersteun op voorwaarde dat dit op die aansoeker se koste en volgens die Raad se vereistes gebou word.

ERF 426 PRINGLEBAAI - PARKEERVEREISTES

Die aansoeker is van voornemens om winkels op genoemde perseel op te rig. Volgens die skemaregulasies moet elf parkeerplekke voorsien word. Daar is slegs voldoende ruimte op die perseel om vyf parkeerplekke te voorsien. Die padreserwe van Centralweg is 25m breed en skuins of diagonale parkerings kan aan beide kante van Centralweg geakkommodeer word.

Die versoek om parkering (ses parkeerplekke) vir erf 426 op die Raad se eiendom (Centralweg) te voorsien word ondersteun op voorwaarde dat dit op die aansoeker se koste en volgens die Raad se vereistes gebou word.

Bylaes aangeheg

Bylae A : Liggingsplan

Bylae B : Brief van Tertius Rabe Eiendomsdienste, gedateer 7 Februarie 2002.

Bylae C : Brief van Pringlebaai Belastingbetalersvereniging, gedateer 4 Februarie 2002.

Bylae D : Parkeeruitleg van erwe 426 en 427, Pringlebaai.

Bylae E : Brief van die Bepanningsvennootskap, gedateer 4 Augustus 2002.

4. AANBEVEEL

- 4.1 Dat in die geval van erf 368 wat geen parkering op die perseel kan verskaf nie die eienaar versoek word om 10 parkeerruimtes, op eie koste, binne die padreserwe tot genoeg van die Raad te bou.
- 4.2 Dat 'n 50/50 beginsel ten opsigte van parkering in die sakekern van Pringlebaai aanvaar word. Met ander woorde die aansoeker moet 50% van die benodigde parkering op perseel verskaf en die res word binne die padreserwe deur die aansoeker op eie koste gebou word tot genoeg van die Raad.
- 4.3 Dat die aansoek van die eienaar van erwe 426 en 427, Pringlebaai, ooreenkomstig paragraaf 4.2 hierbo hanteer word.

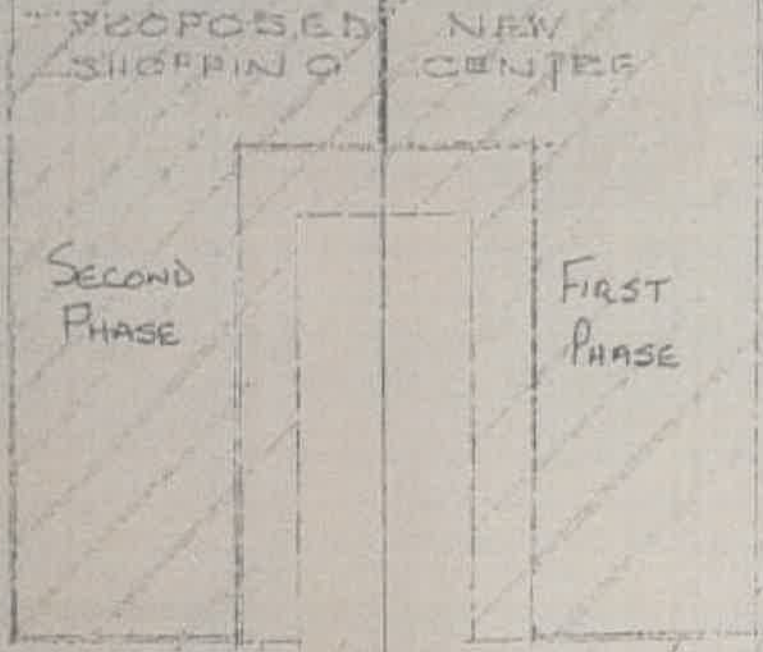


122/124

PRINGLEBAAI

122/129





423

425

1 2 3 4 5 6 7 8

427

426



20

5

0.0

5.5

120

CENTRAL ROAD

POSSIBLE FUTURE PARKING

PAYMENT

377

310

Our ref. 4016

4 August 1995

The Town Clerk
Hangklip Municipality
P.O. Box 25
BETTYS BAY
7141

ATTENTION : MR. F. BEZUIDENHOUT

Dear Sir

PRINGLE BAY BUSINESS CENTRE

We refer to your letter of reference 15/3/1 and dated 3.8.1995 in connection with parking facilities at the business centre.

We support the suggestion that parking in the business centre is provided in the street reserve subject to certain conditions. We base our opinion on the following factors:

1. Business development should be encouraged to locate in the business centre of Pringle Bay in order to produce a convenient focus for the community and because there are economic benefits to shop owners if they can congregates together. At the same time the business centre must be kept in a compact form and should not be allowed to spread out into the adjoining residential areas. This means that the existing erven which are zoned for business purposes should be used efficiently.
2. Most of the business erven are small in area and there is not enough space on site for adequate parking and the necessary buildings. To require on-site parking will result in inefficient development.
3. It is desirable from an urban design perspective for shops to be located close to each other, to have continuity of walkways and canopies, and to incorporate similar architectural principles along the street elevation. If relatively large parking areas are required on site, this will break up the urban form of the business centre, make it less attractive and more difficult to walk from one shop to another. Pedestrians will constantly have to cross parking area driveways and to step up and down onto the walkways. If parking is required on every business site, the shops will become scattered and it will not be possible to link the centre together.
4. The road reserves in the Pringle Bay business centre are very wide and have more than enough space to accommodate the road carriageway, a sidewalk and on-street parking.

- 5. We do not believe that the nearby parking community is adequate for parking because people are not likely to park there and these sites have a better purpose.
- 6. For the abovementioned reasons, we recommend that Council agrees to permit the parking for business premises within the road reserve. However we recommend that the following requirements are imposed on the developer.

- a) The developer shall submit a plan of the parking proposals to Council, including specifications of road surface, kerbing, parking bay demarcation and tree planting. Such plan shall be approved prior to construction, and the developer shall install the parking in accordance with the approved plan and to Council's satisfaction.
- b) As an alternative to a) Council may require a cash payment from the developer in terms of section 3.8.3 a) of the zoning regulations, and Council may install the parking.
- c) Council must ensure that adequate space is left for tree planting within the road reserve to provide shade to break up the hard, wide surface of the road and to improve the aesthetic appearance of the business centre. We suggest a tree is planted between every 5 bays and that kerbing and tree supports are installed to protect the trees. A continuous row of parking bays along the street will have a most unfortunate aesthetic effect. Tree planting and the associated kerb details are normally included in a parking lot and should therefore be included in the developer's obligation.
- d) It is important to leave space for a pedestrian sidewalk within the road reserve and parking bays should not be hard up to the property boundary. At some stage in the future Council may wish to install sidewalks, and the public should be guaranteed an opportunity to walk alongside the street without having to dodge traffic or parked cars. A sidewalk space of 2 metres is appropriate. If this is implemented the road cross section would be as follows:

Sidewalk	2.0m	
Parking bay	5.5m	
Carriageway lane	5.0m	Total carriageway 10.0m
Carriageway lane	5.0m	
Parking bay	5.5m	
Sidewalk	<u>2.0m</u>	
Total reserve width	25.0m	

We believe that a 10m road carriageway is more than adequate for Pringle Bay and that this could even be reduced further.

- e) The parking surface and method of demarking parking bays should be considered. From an aesthetic and functional perspective we recommend the following specifications:
 - Brick paved parking surface (not concrete pavers). If this is not acceptable then a gravel surface will suffice but the parking area must be properly defined by kerbing.

- Non-mountable kerb with either a brick paved or laterite sidewalk.
- Parking bays designated by a different coloured brick or similar natural looking material.
- Tree planting areas every 5 bays with timber tree supports.

The aim should be to make the parking areas natural, attractive and serviceable. It is preferable to have a different surface between the parking area and road carriageway and to have adequate kerbing to distinguish between the driving surface and the parking surface..

We trust that these comments are helpful.

Yours faithfully



G.C. UNDERWOOD
THE PLANNING PARTNERSHIP

GCU/lt

**MNR AG.WILLEMSE
POSBUS 78
BETTYSBAAI
7141.
TEL;028 2738338**

DATUM;07 MEI 2002

**AANDAG VIR;P. BEZUIDENHOUT
VERWYSING;15/3/R
OVERSTRAND MUNISIPALITEIT.**

Hiemee bevestig ek ontvangs van u skrywe gedateer 3 Mei 2002.

Soos versoek op u skrywe bevestig ek dat alle parkeer area op Erf.426 & 427 plus die op die padreserwe op my koste tot bevreesdiging van die raad gebou sal word en voltooi sal word tesame met die voltooiing van die gebou.

Die uwe.
AG Willemse



OVERSTRAND

MUNISIPALITEIT U-MASIPALA MUNICIPALITY

Hangklip-Kleinmond Administrasie/Administration

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7195

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7195

Navrae:
Imibuzo: P Bezuidenhout
Enquiries:

Verwysing/Reference:
15/3/R

Datum:
Isuku: 3 Mei 2002
Date:

Mnr A G Willemse
Posbus 78
BETTYSBAAI
7141

Faksnr 273 8338

Geagte Meneer

AANSOEK OM PARKERING BINNE PADRESERWE : ERWE 426 & 427,
PRINGLEBAAI

U aansoek in verband met bogenoemde het betrekking.

Die aansoek het op 23 April 2002 voor die Uitvoerende Komitee van die Raad gediën en daar is besluit dat u 50% van die vereiste parkeerruimtes op perseel moet verskaf en die res op eie koste, binne die padreserwe tot genoeg van die Raad moet bou.

Alle parkeerruimtes moet asseblief op die betrokke bouplan aangedui word. U skriftelike bevestiging, dat die vereiste parkeerruimtes op eie koste binne die padreserwe tot bevrediging van die Raad gebou sal word en saam met die geboue voltooi sal wees, moet saam met die bouplanne ingediën word.

Die uwe


WAARNEMENDE AREABESTUURDER

aa Hoof : Ingenieursdienste (Hangklip-Kleinmond)

516
13 85

13.85

35.57

35.57

KANSELEER

427

426

1 2 3 4 5

Spasie gestik
slegs vir 5 parkeer
areas

6 7 8 9

10 11

0.21
5.5

ALLE PARKEER-AREAS MOET VOLGENS MUNISIPALE VEREISTES
GETEER OF GEPLAVEI EN UITGEMERK WORD.

CENTRAL ROAD.



NGB

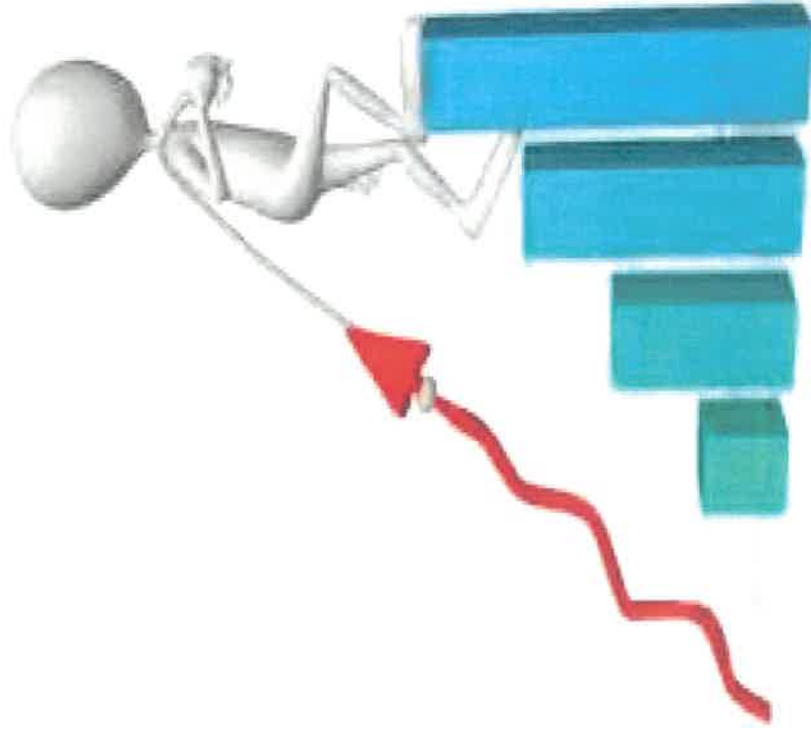
National Gambling Board
South Africa
a member of the eGaming group

First, Second and Third Quarter Performance

2023/2024

CONTENT

1. Key highlights for the 2023/2024 financial year
2. Policy and Strategy Context
3. Mandate of the National Gambling Board
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5. NGB Contribution to *the dtic's* outputs
6. Case Study examples Q1 to Q3
7. NGB Overall Performance Q1 to Q3
8. Financial Analysis
9. Conclusion



KEY HIGHLIGHTS FOR THE 2023/2024 FINANCIAL

- NGB achieved its **8th consecutive clean audit** with no audit findings
- **R130.5 million** was spent on **locally procured goods and services** by the NGB as at 31 December 2023.
- **R119.5 million** good and services were procured from **black-owned entities** as at 31 December 2023 against a year-to-date target of R75 million.
- Gross Gambling Revenue (GGR) for FY2023/24 Q1 and Q2 (cumulative) amounted to **R28.2 billion**, representing an increase of 26.8% in comparison to the first two quarters of the previous financial year.
- Taxes/levies amounted to **R2.3 billion** during Q1 and Q2 FY2023/24, having increased by 20.6% from the previous year.
- The **betting industry** generated the largest share of GGR at **58.6%**, followed by casinos at 30.5%. The betting industry generates almost half of gambling industry taxes/levies at R1.1 million.
- Economic transformation in the casino, bingo and LPM sectors of the gambling industry was monitored from Q1 to Q3. The entrenchment of oligopolistic structure in the industry continues. Although operators contribute to skills development, enterprise development, and socio-economic development, complying with tourism codes of the B-BBEE Act, there is a need for an amendment to the Gambling Policy to ensure adequate transformation in the industry due to the absence of specific codes for the gambling industry.
- From Q1 to Q3, **55** community outreach interventions have been undertaken on the risks and socio-economic impact of gambling, with **15** community outreach interventions targeted at rural areas.
- As at 31 December 2023, a total of twenty-two (22) unlawful winnings cases were investigated. The completed twenty-two (22) cases are based on gambling undertaken illegally online with international gambling operators that are not licensed in South Africa

Policy and Strategy Context

- **NATIONAL GAMBLING POLICY:** South Africa has a National Gambling Policy in place to regulate and oversee the gambling industry in the country. Key points of the National Gambling Policy in South Africa include:
 - *Regulatory Authority:* The National Gambling Policy establishes the National Gambling Board (NGB) as the regulatory authority responsible for overseeing and regulating the gambling industry in the country.
 - *Legal Framework:* The policy outlines the legal framework for various forms of gambling, including casinos, sports betting, bingo and LPMs specifying the conditions under which licenses are granted and the responsibilities of license holders.
 - *Social Responsibility:* The policy emphasizes the importance of promoting responsible gambling practices and addressing the potential negative social impacts of gambling.
 - *Transformation Objectives:* The policy aims to address historical imbalances and promote economic empowerment in the gambling industry. It includes provisions for the participation of historically disadvantaged individuals and communities in the sector.

MANDATE

The NGB is a Schedule 3A Public Entity in terms of the PFMA, 1999. The NGB is established in terms of the NGA, 2004. In terms of Sections 33 and 65 of the NGA the NGB is mandated to:

- Evaluate the issuance of national licences and the compliance monitoring of licences by the PLAs
- Conduct oversight evaluation of the performance of PLAs to ensure compliance to both the national and provincial legislation, and adherence to national norms and standards
- Assist PLAs to ensure that the unlicensed gambling activities are detected
- Monitor market share and market conduct
- Establish and maintain national registers
- Research the socio-economic impact of gambling
- Conduct public awareness and education programmes
- Advise the Minister, **the dtic** and any other stakeholder on gambling related matters
- Interact with other jurisdictions that have a common agenda to NGB

Mandate further translated into Governments priorities

Government MTSF Priorities	the dtic outputs	NGB Outputs (Q1-Q3)
Industrialisation	<ul style="list-style-type: none"> Output 2: Driving R40 billion in additional local output committed or achieved 	<ul style="list-style-type: none"> R150 million committed to procure local goods and services
Transformation	<ul style="list-style-type: none"> Output 16: 10 High-Impact Outcomes on addressing Market Concentration at Sector or Firm level Output 10: R800 million in Equity Equivalent Investment Programme Agreements 	<ul style="list-style-type: none"> Monitored economic transformation opportunities for HDIs in the mainstream gambling industry produced R75 million spend on procurement of goods and services on black-owned entities
Capable State	<ul style="list-style-type: none"> Output 32: 1000 Case studies of firms, workers, entrepreneurs, professionals or communities impacted by <i>the dtic</i> measures; including 12 local films/ documentaries telling the SA story. Output 33: 52 Community Outreach Programmes by the dtic Group 	<ul style="list-style-type: none"> Eight (8) case studies of firms, workers, entrepreneurs, professionals, individuals or communities impacted by the NGB measures Twenty-five (25) community outreach interventions undertaken focusing on the risks of and socio-economic impact of gambling



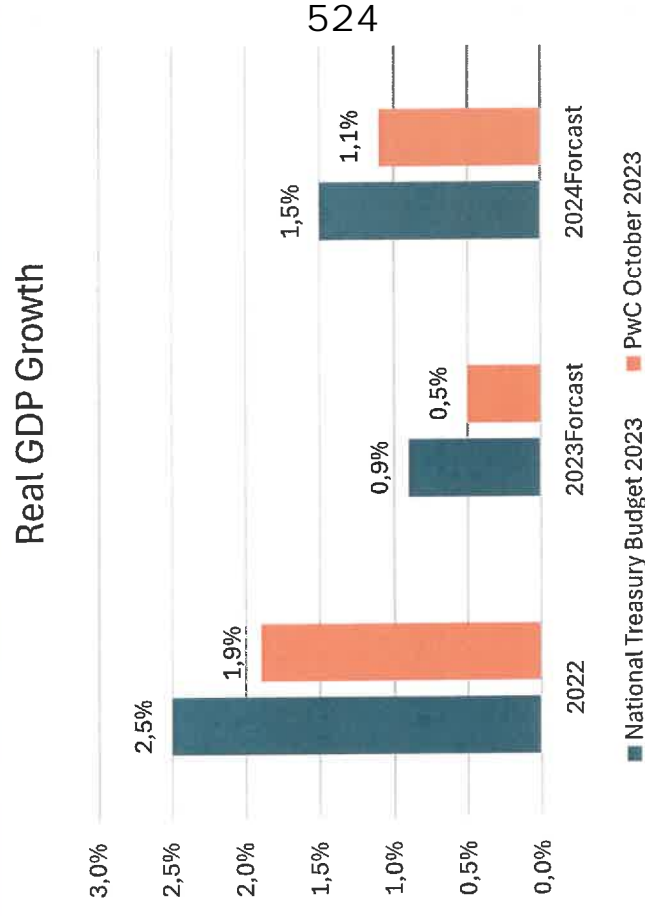
NSGB

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Operating context

South African Economic Outlook

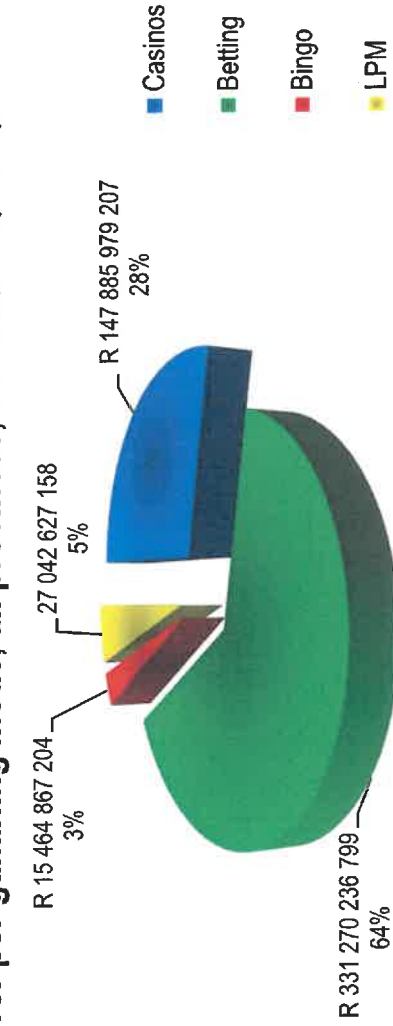
- The South African macroeconomy has deteriorated over the FY2023-24 with pressures on household spending, business investment, export revenues and cost of imports resulting in weaker-than-expected tax income. Consumer price inflation has been slow to decline (headline inflation 7.1% year-on year in March 2023 and remained outside the SARB target range of 3%-6% until May due to rand weakness, elevated global food prices, increasing fuel prices and adverse effect of loadshedding on supply chains) whilst interest rates have increased by more than expected.
- Budget 2023 expected the economy to grow by 0.9% this year and 1.5% in 2024. However, forecast has been revised to lower growth rates of 0.5% and 1.1% respectively. GDP growth is underperforming due to pressure on household spending, business investment and exports.
- Poverty remains high, with an estimated 30% of people living in extreme poverty in 2022. Inequality is also high, with a Gini coefficient of 0.63.



GAMBLING INDUSTRY PERFORMANCE

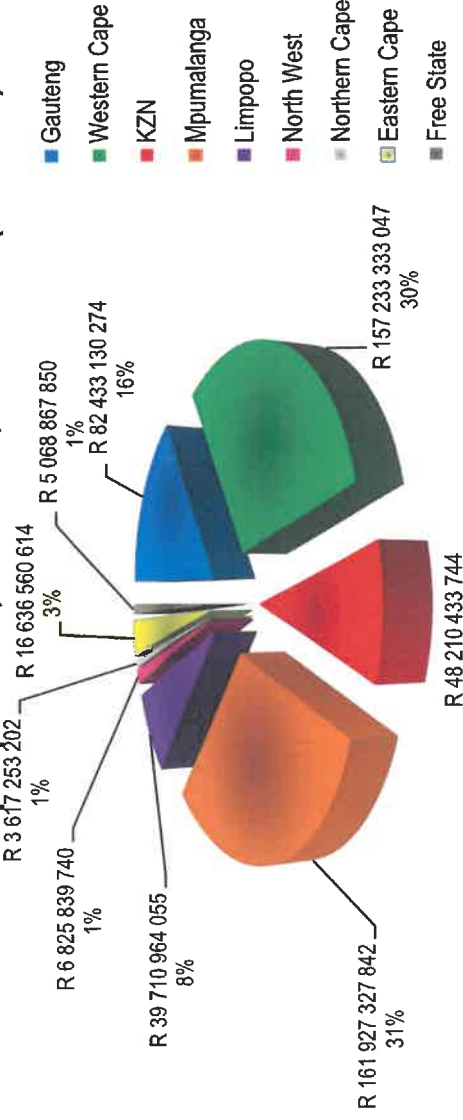
Monitored market share and market conduct in the gambling industry

Turnover per gambling mode, all provinces, FY2023/24 Q1 & Q2



Total turnover: R 521 663 710 369

Turnover per province, all modes, FY2023/24 (Q1 & Q2)



- A total amount of R521.7 billion was wagered in the gambling industry in FY2023/24 Q1 and Q2.

- Total turnover was 41.4% higher than the value wagered during the first two quarters of the previous year.

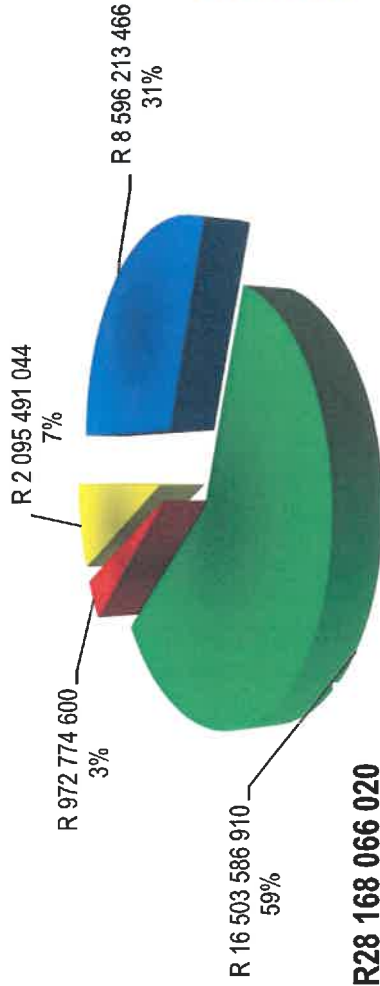
- Betting wagering accounted for almost two-thirds of turnover at 63.5% and generated the highest amount of turnover in comparison with other gambling modes.

- Mpumalanga and the Western Cape generated the highest proportions of turnover of around 30% each.

GAMBLING INDUSTRY PERFORMANCE

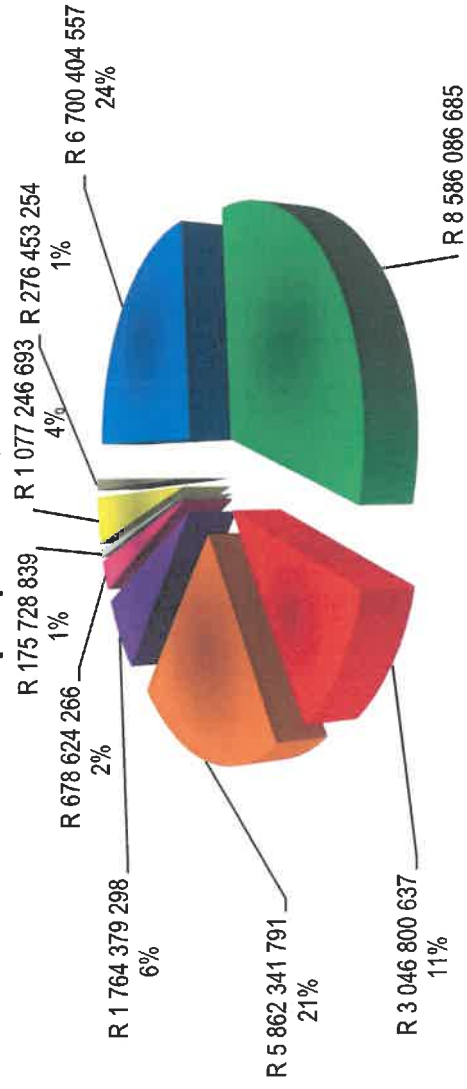
Monitored market share and market conduct in the gambling industry: Unaudited

GGR per gambling mode, all provinces, FY2023/24 Q1 & Q2



Total GGR: R28 168 066 020

GGR per province, all modes, FY2023/24 Q1 & Q2



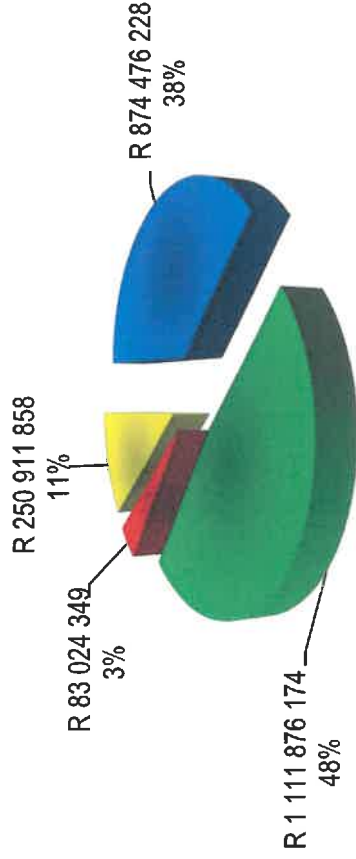
- GGR amounted to R28.2 billion during FY2023/24 Q1 and Q2. Betting accounted for the highest GGR generated, being 59% as compared to other gambling modes followed by casinos at 30.5%.

- Provincially, the Western Cape and Gauteng account for the largest share of GGR. While Gauteng is still the second largest generator of GGR, its share has dropped significantly since FY2022/23 where it held 30.2%. At the same time, Mpumalanga's share has increased from 13.8% to 20.8%.

GAMBLING INDUSTRY PERFORMANCE

Monitored market share and market conduct in the gambling industry

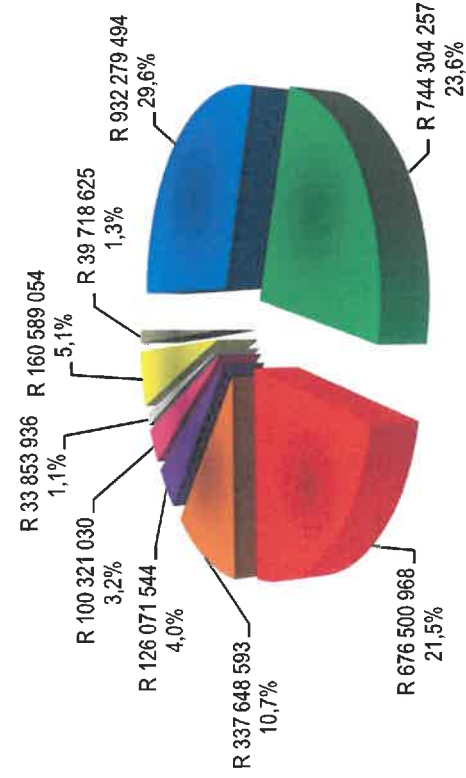
Taxes/levies per gambling mode, all provinces, FY2023/24 Q1 & Q2



- Casinos
- Betting
- Bingo
- LPM

Total taxes/levies: R2 320 288 608

Taxes/levies per province, all modes, FY2021/22



- Gauteng
- Western Cape
- KZN
- Mpumalanga
- Limpopo
- North West
- Northern Cape
- Eastern Cape
- Free State

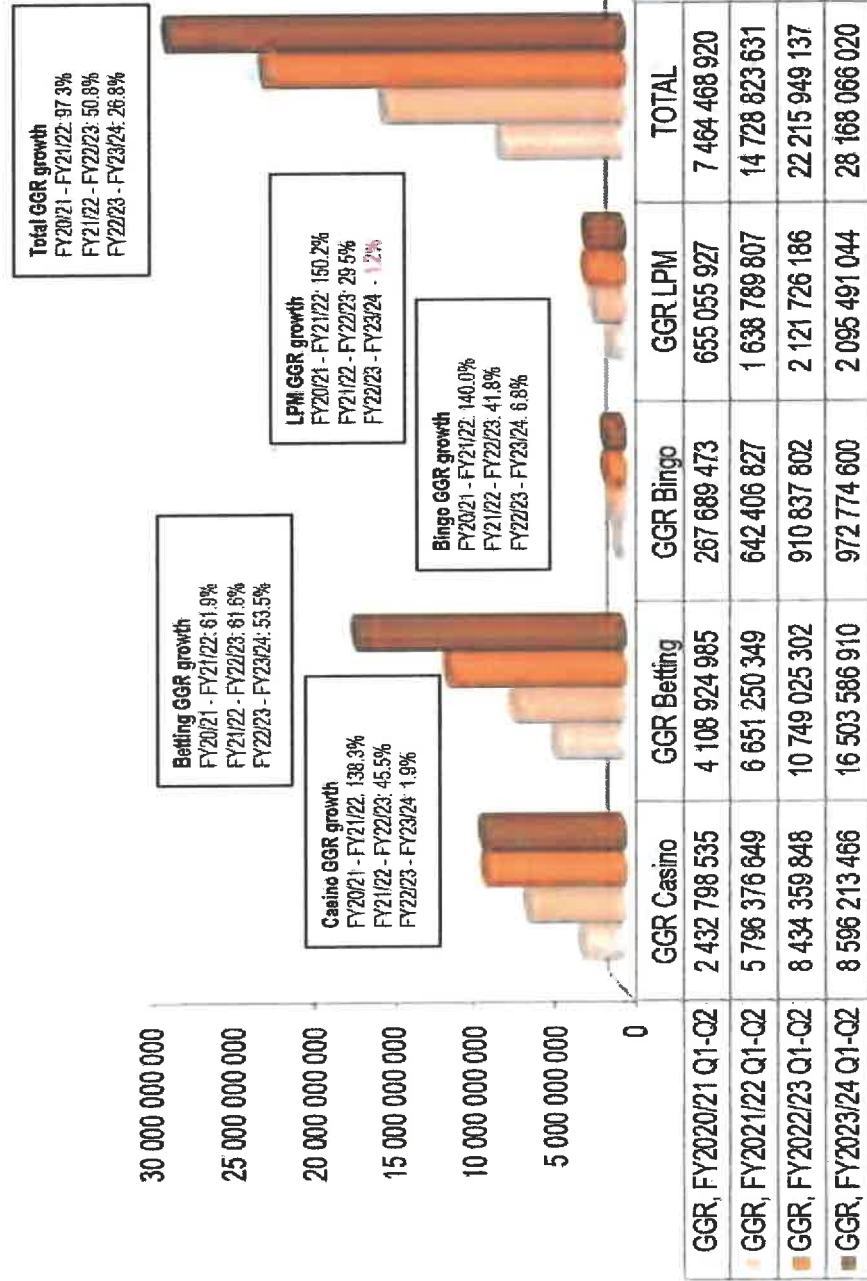
- Taxes/levies amounted to R2.3 billion during Q1 and Q2 FY2023/24, having increased by 20.6% from the previous year.
- The betting industry generates almost half (48%) of industry taxes/levies, followed by casinos at 37%.

- Provincially, most taxes/levies are generated in Gauteng (25%) and the Western Cape (28%).

GAMBLING INDUSTRY PERFORMANCE

Monitored market share and market conduct in the gambling industry

Growth in GGR (all modes): FY2020/21- FY2023/24 (Q1 &Q2)



- The gambling industry grew by 26.8% over the first two quarters of FY2023/24 relative to the previous year's Q1 and Q2 revenues.

- Betting exhibited exceptionally high growth of 53.5%. Casinos experienced low (1.9%) and LPMs negative (-1.2%) growth. Bingo grew modestly at 6.8%.



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NGB's progress towards the dtic OUTPUTS

NATIONAL GAMBLING BOARD'S CONTRIBUTION TO the dtic OUTPUTS

Outcome 1: Industrialisation

dtic Output 2:

Driving R40 billion in additional local output committed or achieved

Target (Q1 to Q3): R150 million committed to procure local goods and services

Q1- Q3 Achievement:

As at 31 December 2023, the NGB has procured locally produced goods and services to the value of R130.5million. This is against a year-to-date target of R150 million.

dtic Output 16:

10 High-Impact Outcomes on addressing Market Concentration at Sector or Firm level

Target (Q1 to Q3): Three (3) reports on S53 economic transformation in the mainstream gambling industry

Q1-Q3 Achievement:

Three (3) reports on S53 economic transformation in the mainstream gambling industry produced

- The current transformation levels for the route operator sector were monitored in the Q3 of FY2023/24. Four route operators analysed are, namely, Sun Slots (Pty Ltd) a subsidiary of Sun International, Vukani Gaming Corporation (Pty) Ltd (V-Slots) a subsidiary of Tsogo Sun, Crazy Slots (Pty) Ltd a subsidiary of Goldrush Group and Pioneer Slots owned by the African Pioneer Group

- All operators contribute towards, skills development, enterprise development and socio-economic development

dtic Output 10:

R800 million in Equity Equivalent Investment Programme Agreements

Target (Q1 to Q3): R75 million spend on procurement of goods and services on black-owned entities

Q1-Q3 Achievement:

Achieved

- The NGB procured goods and services amounting to R119.5 million from black-owned entities against a year-to-date target of R75 million.

Outcome 2: Transformation

Output 32:

Output 32: 1000 Case studies of firms, workers, entrepreneurs, professionals or communities impacted by the dtic measures; including 12 local films/ documentaries telling the SA story.

Target (Q1 to Q3): Eight (8) case studies of firms, workers, entrepreneurs, professionals, individuals or communities impacted by the NGB measures

Achievement:

Eight (8) case studies were completed from Q1 to Q3 of FY2023/2024, as follows:

- Gambling, despite its allure and potential for excitement, can have significant negative consequences for individuals, families, and society as a whole. These include addiction and financial problems, problem gambling and emotional and mental health issues, negative impact on productivity, increased crime and illegal activities, relational and family conflict.

- Illegal gambling has particularly mushroomed over the years with the involvement of persons under the age of 18 in gambling activities being a concern.

- There is therefore a need for understanding and addressing the potential risks and harm associated with illegal gambling in order to minimize the negative impacts on individuals and society.

- The case studies document the success stories of South African impacted by measures undertaken by the NGB to raise awareness of potential risks and harm associated with gambling and illegal activities.

Output 33:

52 Community Outreach Programmes by the dtic Group

Target (Q1 to Q3): Twenty-five (25) community outreach interventions conducted

Achievement: Fifty-five (55) community outreach interventions conducted

- The 55 community outreach interventions were conducted through face-to-face interactions, a radio campaign and through the NGB website.

- Fifteen (15) were community outreach interventions conducted in the rural areas of Eastern Cape, Limpopo, Mpumalanga, Kwa-Zulu Natal and Northern Cape in the following districts:

Face-to-Face:

- Moses Kotana Municipality, North-West;
- Bushbuck Ridge Municipality, Mpumalanga,
- Chris Hani Municipality, Eastern Cape,
- Ga-Segonyana Municipality, Northern Cape,
- Mogalakwena Municipality, Limpopo.

Rural Radio community stations in

- Zululand Municipality, Kwa Zulu Natal,
- Gert-Sibande district, Mpumalanga,
- Vhembe, Capricorn, and Mopani districts, Limpopo,
- Thabo-Mofutsanyana district, Free State,
- OR Tambo and Amathole districts, Eastern Cape,
- John Taolo Gaetsewe and Sol Plaatje districts, Northern Cape.

**Outcome 3:
 Capable State**



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Case Study examples Q1 to Q3

Success Story Q1 : Transoranje School for the Deaf

Background on the company

The NGB conducted community outreach interventions to educate disabled minors and youth between the ages of 14 and 21 from the Transoranje School for the Deaf.

Support provided

The outreach intervention included a visual presentation and sign language interpretation on gambling laws; illegal gambling in general with a specific focus on illegal underage gambling and how to report illegal gambling in communities. The main issue to be addressed was illegal and underage gambling. The intended outcome was better informed and educated minors and youth on illegal and underage gambling, who are empowered to seek help for themselves or on behalf of family/friends/community members.

Impact of the support provided

Learners at the Transoranje School for the Deaf benefitted through access to information that could allow them to be responsible and law-abiding citizens, avoid the repercussions of participating in illegal gambling, and to become empowered to access services for free gambling addiction counselling and treatment.

Comments by owner/Employee(s)

The Head of Department expressed that the learners grasped the information effectively and began asking questions on whether the types of games they played were considered as illegal gambling. This initiative has provided them with a clear vision of what is happening in their environment in terms of illegal gambling on the streets.



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Success Story Q2 : National Responsible Gambling Programme (NRGP)

Background on the company

Inpatient treatment of problem gamblers in the South African Responsible Gambling Foundation (SARGF) National Responsible Gambling Programme (NRGP).

Support provided

The National Responsible Gambling Programme (NRGP) is a combination of nationwide public education around responsible gambling and a comprehensive treatment and counselling programme for problem gamblers who voluntarily enlist the help of treatment professionals at SARGF. The intended result is to treat and rehabilitate problem gamblers to become productive and responsible citizens.

Thembi K is a female client (41 years old), whose primary diagnosis was Problem Gambling and comorbid of suicidal ideation, was admitted at Elim Clinic in Kempton Park. The client was admitted on the 7th of June 2022 and discharged on the 27th of June 2022; she stayed there for a period of 21 days. She further attended 2 aftercare (outpatient) sessions with the Foundation's Treatment Professional.

Impact of the support provided

In addition to addressing social and behavioural problems arising from problem gambling behaviour, treatment and counselling of addicted gamblers reduces the negative financial impact that excessive and compulsive gambling has on the lives of individual gamblers and their extended dependants.



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Background on the company

Mama's place , a tavern in Kimberly, is a site operator licensed to provide Limited Payout Machines gambling.

Support provided

The National Broad-based Public Education Programme by the NGB aims to address the needs of vulnerable groups within society (women, the youth, social grant recipients) in all provinces, covering rural, urban and peri-urban settings. It is aimed at creating a nationwide footprint of informed and knowledgeable gambling punters who are equipped to identify and address any disordered gambling behaviour by seeking professional and free treatment and counselling from the SARGF – a Public-Private-Partnership between regulators and gambling operators.

The intervention had an impact on the individuals and the wider community as evidenced by the case studies provided from outreaches in the Northern Cape Province :

“I know I have that problem of gambling too much. Only time when I don't gamble is when I don't have money, but when I do get it I come to gamble. Even sometimes I make loans to come and gamble. I lost all my money and my job. So I will call your counsellors, I need help. At least its free because I don't have money to pay.” Anonymous, Female, Kimberley, Northern Cape.

Impact of the support provided

In addition to addressing social and behavioural problems arising from problem gambling behaviour, treatment and counselling of addicted gamblers reduces the negative financial impact that excessive and compulsive gambling has on the lives of individual gamblers and their extended dependants.



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**Performance
Q1 to Q3**

Q1 to Q3 PLANNED TARGETS

PROGRAMME	OUTPUT INDICATORS	Q1 TARGET	Q2 TARGET	Q3 TARGET	ACHIEVED
PROGRAMME 1: Gaming Control and Compliance	6	6	6	6	18
PROGRAMME 2: Corporate Services and Research Division	4	4	4	4	12
TOTAL	10	10 (100%)	10 (100%)	10 (100%)	30 (100%)
Ministerial JKPI					
Consolidated report	3	3	3	3	3

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21/63

PROGRAMME 1: GAMING CONTROL AND COMPLIANCE

Output	Output Indicator	2023/24 Annual Target	1st Quarter milestones	2nd Quarter milestones	3rd Quarter milestones	Actual Achievement (Q1-Q3)	Reasons for Variance	Corrective Action
PROGRAMME 1: GAMING CONTROL AND COMPLIANCE								
Maintained functional national registers	Percentage uptime on functional national registers	95% uptime and system analysis on functionality, effectiveness and maintenance of national registers	95% uptime and system analysis on functionality, effectiveness and maintenance of national registers	95% uptime and system analysis on functionality, effectiveness and maintenance of national registers	95% uptime and system analysis on functionality, effectiveness and maintenance of national registers	Overachieved 100% uptime was achieved in all three quarters (Q1 to Q3)	Dedicated resource to the maintenance and management of functional national registers has been allocated	Not applicable
Maintained National Central Electronic Monitoring System (NCEMS)	Percentage uptime of a fully operational National Central Electronic Monitoring System (NCEMS)	95% uptime on a fully operational NCEMS and system analysis of data, detection and monitoring of significant events associated with any LPM made available for play in the Republic	95% uptime on a fully operational NCEMS and system analysis of data, detection and monitoring of significant events associated with any LPM made available for play in the Republic	95% uptime on a fully operational NCEMS and system analysis of data, detection and monitoring of significant events associated with any LPM made available for play in the Republic	95% uptime on a fully operational NCEMS and system analysis of data, detection and monitoring of significant events associated with any LPM made available for play in the Republic	Overachieved 100% uptime was achieved in all three quarters (Q1 to Q3)	Dedicated resource to the maintenance and management of a fully operational NCEMS has been allocated	Not applicable
Advisory Reports on the gambling regulation	Number of reports on gambling regulation in terms of section 65 of the NGA produced	One (1) consolidated S65 Advisory Report on gambling regulation produced	One (1) S65 Advisory Report on gambling regulation produced	One (1) S65 Advisory Report on gambling regulation produced	One (1) S65 Advisory Report on gambling regulation produced	Achieved. Three (3) reports on S65 Advisory Report on gambling regulation produced (Q1 to Q3)	Not applicable	Not applicable
Evaluation of nine (9) PLAs with compliance gambling legislation	Number of reports on nine (9) PLAs with compliance gambling legislation	One (1) consolidated report on PLA compliance evaluation with gambling legislation produced	One (1) report on compliance evaluation of PLAs produced	One (1) report on compliance evaluation of PLAs produced	One (1) report on compliance evaluation of PLAs produced	Achieved. Three (3) reports on compliance evaluation of PLAs produced (Q1 to Q3)	Not applicable	Not applicable
Conducted technical analysis of gambling games, machines and devices	Number of reports on technical analysis and conducted	One (1) consolidated report on technical analysis of gambling games, machines and devices produced	One (1) report on technical analysis of gambling games, machines and devices produced	One (1) report on technical analysis of gambling games, machines and devices produced	One (1) report on technical analysis of gambling games, machines and devices produced	Achieved. Three (3) reports on technical analysis of gambling games, machines and devices produced (Q1 to Q3)	Not applicable	Not applicable
Targeted Investigation completed within 30 days on the circumstances of illegal gambling activities	Turn-around time to complete investigations on the circumstances of the illegal gambling activity	Investigations completed within 30 days from receipt of information	Investigations completed within 30 days from receipt of all information	Investigations completed within 30 days from receipt of all information	Investigations completed within 30 days from receipt of all information	Achieved. All Investigations completed within 30 days of receipt of all information (Q1 to Q3)	Not applicable	Not applicable

PROGRAMME 1: GAMING CONTROL AND COMPLIANCE

Output	Output Indicator	Annual Target	1st Quarter milestones	2nd Quarter milestones	3rd Quarter milestones	Actual Achievement (Q1-Q3)	Reasons for Variance	Corrective Action
PROGRAMME 2: CORPORATE SERVICES AND RESEARCH								
Conducted research on the structural challenges in the LPM sector to facilitate growth	Number of reports conducted on the structural challenges in the LPM sector to facilitate growth	One (1) consolidated report on the structural challenges in the LPM sector to facilitate growth produced.	One (1) report on the structural challenges in the LPM sector to facilitate growth produced	One (1) report on the structural challenges in the LPM sector to facilitate growth produced	One (1) report on the structural challenges in the LPM sector to facilitate growth produced	Achieved Three (3) reports on the structural challenges in the LPM sector to facilitate growth produced	Not applicable	Not applicable
Monitored market share and market conduct in the gambling industry	Number of reports on gambling sector performance produced	Four (4) reports (based on unaudited data) and one (1) annual report on audited gambling sector performance produced.	One (1) report on gambling sector performance (1st quarter, FY2023/24) produced	One (1) report on gambling sector performance (4th quarter, FY2022/23) produced	One (1) report on gambling sector performance (2nd quarter, FY2023/24) produced	Over-Achieved Three (3) reports on gambling sector performance (4th quarter FY2022/23, 1st quarter FY2023/24 and 2nd quarter FY2023/24) produced	Three (3) additional reports were produced due to efficiencies within the division	Not applicable
Conducted economic analysis and research on the impact of gambling	Number of reports on economic analysis and research conducted on the impact of gambling produced	One (1) consolidated economic analysis and research report on the impact of gambling produced	One (1) report on economic analysis and research conducted on the impact of gambling produced	One (1) report on economic analysis and research conducted on the impact of gambling produced	One (1) report on economic analysis and research conducted on the impact of gambling produced	Over-Achieved Three (3) reports on economic analysis of the gambling industry contribution to the economy and research on the impact of gambling produced	Three (3) additional reports were produced due to efficiencies within the division	Not applicable
Broad based public education interventions	Number of broad-based educational interventions about the risks of and socio-economic	Conduct thirty broad-based education interventions about the risks and socio-economic impact of gambling	Conduct five (5) broad-based public education interventions about the risks and socio-economic impact of gambling	Conduct ten (10) broad-based public education interventions about the risks and socio-economic impact of gambling	Conduct ten (10) broad-based public education interventions about the risks and socio-economic impact of gambling	Over-Achieved. Fifty-five (55) broad-based public education interventions conducted	Thirty (30) additional interventions conducted due to efficiencies within the division	Not applicable



PROGRAMME 1: GAMING CONTROL AND COMPLIANCE

<p>Outcome 1: Account for and identify all legal gambling machines, devices and owners, licensed juristic and natural persons and excluded persons</p>	<p>Output: Maintained functional national registers</p> <p>Target (Q1 to Q3): 95% uptime and system analysis on functionality, effectiveness and maintenance of national registers</p> <p>Q1-Q3 Achievement:</p> <ul style="list-style-type: none"> • 100% uptime for the period under review. 	<p>Outcome 2: Facilitated Limited Pay-out Machine sector gross gambling revenue contribution to the economy</p>	<p>Output: Maintained operational National Central Electronic Monitoring System</p> <p>Target (Q1 to Q3): 95% uptime on a fully operational NCEMS and system analysis of data, detection and monitoring of significant events associated with any LPM made available for play in the Republic</p> <p>Q1-Q3 Achievement:</p> <ul style="list-style-type: none"> • 100% uptime for the period under review
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PROGRAMME 1: GAMING CONTROL AND COMPLIANCE

Output:

Advisory Reports on the gambling regulation

Target (Q1 to Q3): Three (3) S65 Advisory Report on gambling regulation produced

Q1-Q3 Achievement:

Three (3) S65 Advisory Reports on gambling regulation produced

• In relation to section 65(1)(b) the following was noted:

- Licensed bookmakers are offering interactive online games such as Roulette which are considered illegal in terms of section 11 of the National Gambling Act.
- It was also discovered that some PLAs grants licences to sites with more than five (5) machines without prior approval of the NGB as prescribed by Regulation 3 (2) of the LPM regulations.

• In terms of transitional provision 7 of the NGA, section 14 (1) to (6) remain inoperable until the Minister declares a date by notice in the Gazette after the board has established the national register of excluded persons as required by section 14(7). The national register contemplated in section 14(7) was established by the NGB, however, the declaration has not been made by the Minister. Section 14 of the NGA must be put into operation to ensure a complete and consistent implementation of regulation 2 as the NGB has noted that PLAs apply inconsistent.

• However, it is worth mentioning that to date, only the self-exclusion forms have been prescribed. Further that for effective regulation, it is important for the Minister to also prescribe the fees referred to in sub-regulation 14 (9) (b) as well as the standards to be employed by licensees in giving effect to subsections (10) and (11) referred to in regulation 14 (9) (c).

Outcome 3:
Ensured uniformity of legislation to regulate gambling in a fair and equitable manner, to attract investment in the gambling industry

PROGRAMME 1: GAMING CONTROL AND COMPLIANCE

<p>Outcome 4: Effectively monitored compliance with gambling legislation</p>	<p>Output:</p> <p>Evaluation of nine (9) PLAs compliance with gambling legislation</p> <p>Target (Q1 to Q3): Three (3) reports on compliance evaluation of PLAs produced</p> <p>Q1-Q3 Achievement:</p> <p>Three (3) reports on compliance evaluation of PLAs produced</p> <ul style="list-style-type: none"> The NGB conducted oversight evaluations over the compliance of Western Cape Gambling and Racing Board, Limpopo Gambling Board, Mpumalanga Economic Regulator, Free State Gambling, Liquor and Tourism Authority, North-West Gambling Board, Gauteng Gambling Board (GGB), Kwazulu-Natal Gambling and Betting Board and the Northern Cape Gambling Board in terms of the NGA, 2004. Of great concern amongst other findings was that PLAs have licensed bookmakers to offer betting on casino slot type games. The bookmakers' online platforms offer online slot games which require punters to interact with the game to proceed. As such, this is regarded as interactive gambling as defined in the NGA. The operators have made available computer screens for punters to participate on the online gaming platforms, which is a contravention of Section 11 of the NGA. Licensed operators are thus potentially engaging in illegal gambling. During the site visit and review of site application files, sites were found to operate more than five LPMs in single premises, which is in contradiction with the NGA. Further, oversight visits revealed payments on LPMs above the prescribed amount of five hundred rand (R500) are made to punters. The non-compliance findings identified through oversight visits to PLAs demonstrate the importance of continuous and collaborative work with 	<p>Output:</p> <p>Conducted technical analysis of gambling games, machines and devices</p> <p>Target (Q1 to Q3): Three (3) reports on technical analysis of gambling games, machines and devices produced</p> <p>Q1-Q3 Achievement:</p> <p>Three (3) reports on technical analysis of gambling games, machines and devices were produced</p> <ul style="list-style-type: none"> Reports covered topics on Artificial Intelligence (AI), Virtual Gambling and Blockchain and Cryptocurrencies. AI is changing sports betting by enabling more accurate predictions and analysis of data. The NGB reviewed blockchain and cryptocurrencies in the gambling industry. With the rise of cryptocurrency, more and more online casinos have started accepting digital currency as a form of payment. This has led to the emergence of a new type of online casino that is tailored specifically to cryptocurrency users. The first and most widely known cryptocurrency is Bitcoin. Transactions using cryptocurrency are anonymous and the lack of a central authority means that there is little risk of government interference. However, due to the anonymous nature of cryptocurrency transactions, they have been frequently used for illegal purposes such as money laundering and the purchase of illegal goods.
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PROGRAMME 1: GAMING CONTROL AND COMPLIANCE

Output:

Targeted Investigation completed within 30 days on the circumstances of illegal gambling activities

Target (Q1 to Q3): Investigations completed within 30 days from receipt of all information

Q1-Q3 Achievement:

All Investigations conducted from Q1 to Q3 were completed within 30 days of receipt of all information

- In the FY2023/24, suspected unlawful winnings matters remitted to the NGB in terms of 16 (4) of the NGA must be investigated within thirty (30) days of allocation for investigation.
- As at 31 December 2023, a total of twenty-two (22) unlawful winnings cases were investigated. These cases were investigated within thirty (30) days from the date when the matters were allocated for investigation.
- The completed twenty-two (22) cases are based on gambling undertaken online with international gambling operators that are not licensed in South Africa. These were, upon conclusion of the investigation, recommended for forfeiture in terms of section 16 (4) (b) of the NGA.

Outcome 5:

Facilitated S16 confiscation of proceeds from illegal gambling activities



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PROGRAMME 2
Performance

A

PROGRAMME 2: CORPORATE SERVICES AND RESEARCH DIVISION

Output:

Conducted research on the structural challenges in the LPM sector to facilitate growth

Target (Q1 to Q3):

Three (3) reports on the structural challenges in the LPM sector to facilitate growth produced

Q1-Q3 Achievement:

Three (3) reports on the structural challenges in the LPM sector to facilitate growth produced

- The rollout of LPMs in the country is governed by national legislation and regulations which determine the number of machines allocated to each province and their gradual rollout in three distinct phases.
- The analysis assessed the degree of market saturation of LPMs by district within the provinces of Limpopo and North-West where further rollouts are expected in the near future.
- In Limpopo, Waterberg is the most saturated market across all market saturation measures. Mopani is the second most saturated market along 3 of the 4 measures. Vhembe and Capricorn were equally the least saturated with 2 of the lowest measures each.
- In the North-West Province, Ngaka Modiri Molema is the most saturated market across most market saturation measures. Dr Ruth Segomotsi Mompoti is the least saturated across all measures.

Outcome 6:

Addressed structural challenges in the LPM sector to facilitate growth

PROGRAMME 2: CORPORATE SERVICES AND RESEARCH DIVISION

<p>Outcome 7:</p> <p>Effectively monitored socio-economic patterns of gambling activity within the Republic</p>	<p>Output:</p> <p>Monitored market share and market conduct in the gambling industry</p> <p>Target (Q1 to Q3): Three (3) reports on gambling sector performance (4th quarter FY2022/23, 1st quarter FY2023/24 and 2nd quarter FY2023/24) produced</p> <p>Q1-Q3 Achievement:</p> <p>Three (3) reports were produced:</p> <ul style="list-style-type: none"> • Reports analysed turnover, gross gambling revenue and taxes in the gambling industry. Market share and market conduct were analysed across the four modes of gambling 	<p>Output:</p> <p>Conducted economic analysis and research on the impact of gambling</p> <p>Target (Q1 to Q3): Three (3) reports on the economic analysis and research conducted on the impact of gambling produced</p> <p>Q1-Q3 Achievement:</p> <p>Three (3) reports were produced:</p> <ul style="list-style-type: none"> • Reports analysed potential effects of a smoking ban on the gambling industry, online gambling and the effect of economic conditions on on luck vs skills based gambling
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PROGRAMME 2: CORPORATE SERVICES AND RESEARCH DIVISION

Output:

Monitored market share and market conduct in the gambling industry

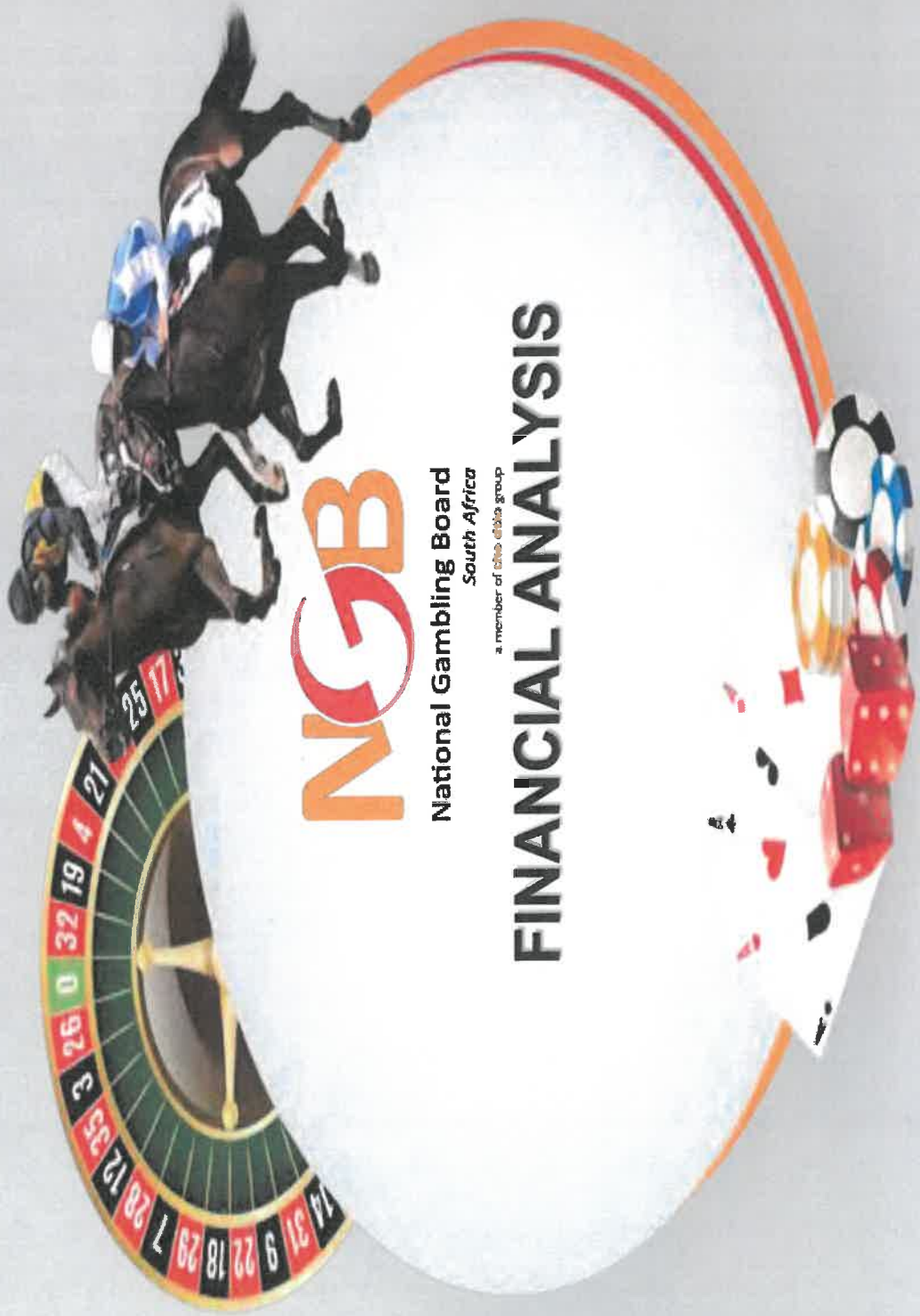
Target (Q1 to Q3): Conduct twenty-five (25) broad-based public education interventions about the risks and socio-economic impact of gambling

Q1-Q3 Achievement:

- Conducted fifty-five (55) broad-based public education interventions about the risks and socio-economic impact of gambling across rural and urban areas.
- A radio campaign on legal versus illegal gambling; compulsive and addictive gambling; and responsible gambling was conducted and reached over 2.5 million listeners in rural and urban areas.
- The face-to-face communication technique brought strong messages around compulsive/addictive gambling and responsible gambling and reached 480 rural citizens.

Outcome 8:

Educated and informed society on the harmful effects of gambling



NGB

National Gambling Board
South Africa
a member of the eGaming group

FINANCIAL ANALYSIS

FINANCIAL ANALYSIS

- Financial Performance of the NGB reflects **revenue generated** amounts to **R206 million** and total **expenditure** incurred was **R195 million**, thus a **surplus** of approximately **R11 million** was realized for the quarter ended 31 December 2023.
- Financial Position reflected a **total assets balance of R125.4 million**, and **total liabilities of R125.4 million**. This balance includes **confiscated winnings** amounting to **R5.4 million** as well as retained earnings from previous financial periods.
- Eligible creditors **payments** were made within **19 days**.

Item Description	Current Month	YTD Actual 31 December 2023	YTD Budget 31 December 2023	Budget variance	Total Budget for the year
Revenue					
Transfers from Government Department	0	33 152 000	33 152 400	-400	33 152 400
Other Income	18 993 279	172 981 588	176 709 905	-3 728 317	253 034 905
Total Revenue	18 993 279	206 133 588	209 862 305	-3 728 717	286 187 305

Expenses

Personnel Costs	6 713 075	32 953 570	32 480 049	-473 521	50 041 863
Travelling & Subsistence	196 347	4 350 063	3 618 536	-731 527	4 653 336
Administrative Expenses	335 929	9 207 009	8 100 300	-1 106 709	11 033 400
Professional and Consulting Fees	17 206 843	144 314 305	145 419 678	1 105 373	209 154 345
Depreciation	206 973	1 754 089	1 633 968	-120 121	2 343 936
Other Operating Expenses	182 630	2 547 805	2 533 200	-14 605	5 200 800
Total Expenses	24 841 797	195 126 841	193 785 731	-1 341 110	282 427 680
(Deficit)/Surplus from Operations	-5 848 518	11 006 747	16 076 574	-5 069 827	3 759 625



NGB

National Gambling Board
South Africa
a member of the **casinobeta** group

CONCLUSION

Legislative reform required

- **National Self Exclusion Register**
- **National study on the socio-economic impact of further rollout of LPMs**
- **Conclusion of the National Gambling Bill and mediation process**
- **Online Gambling**

QUESTIONS



*Gambling legally
and
responsibly*





National Gambling Board
South Africa
a member of **the dtic** group

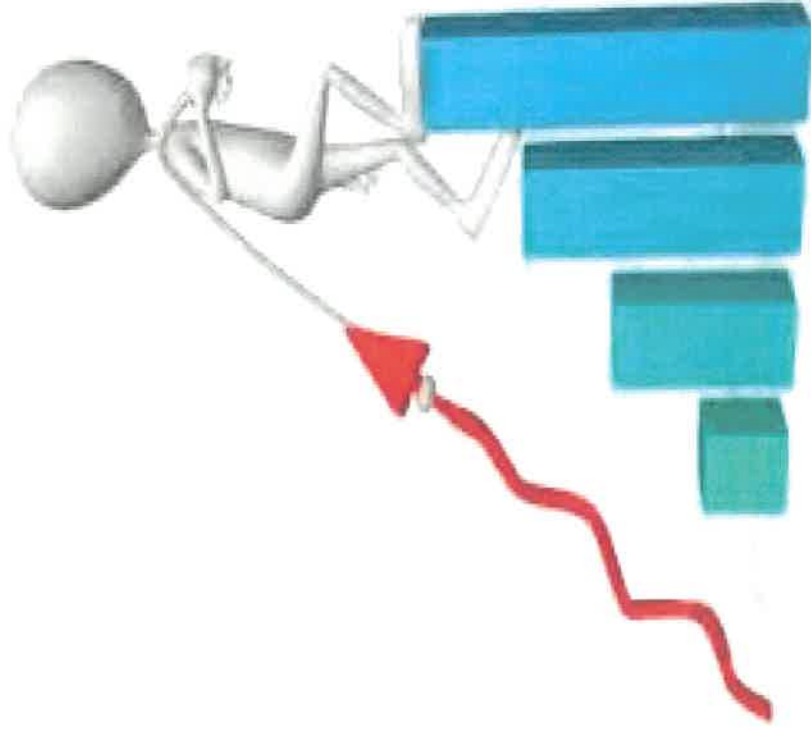


NATIONAL GAMBLING BOARD ANNUAL REPORT 2024/25

Presentation for Portfolio Committee
15 October 2025

CONTENT

1. National Gambling Board
2. Vision, Mission, Values
3. NGB Mandate
4. Governance Structure
5. Gambling Industry Overview
6. Actual performance against the annual performance plan (APP - 2024/2025)
7. Financial performance
8. Audit findings
9. Matters requiring attention



1. NATIONAL GAMBLING BOARD



- ❖ The National Gambling Board (NGB) is established in terms of the National Gambling Act (NGA), (Act 7 of 2004). The NGB is a Schedule 3A Public Entity in terms of the Public Finance Management Act (PFMA), 1999 (Act 1 of 1999) under the Executive Authority (EA) of the Minister of Trade, Industry and Competition.



2. VISION, MISSION and Values



VISION

To position South Africa as the pre-eminent jurisdiction with an exemplary and effectively regulated gambling industry



MISSION

Lead the regulation of the gambling industry in the fulfilment of the National Gambling Act, 2004, through an effectively regulated and supervised gambling industry that upholds domestic, continental and internationally recognized standards of compliance



VALUES

- Professionalism
- Moral integrity
- Transparency
- Commitment and consistency
- Effective implementation of resolutions
- Responsive communication
- Teamwork
- Respect and tolerance



3. NGB MANDATE

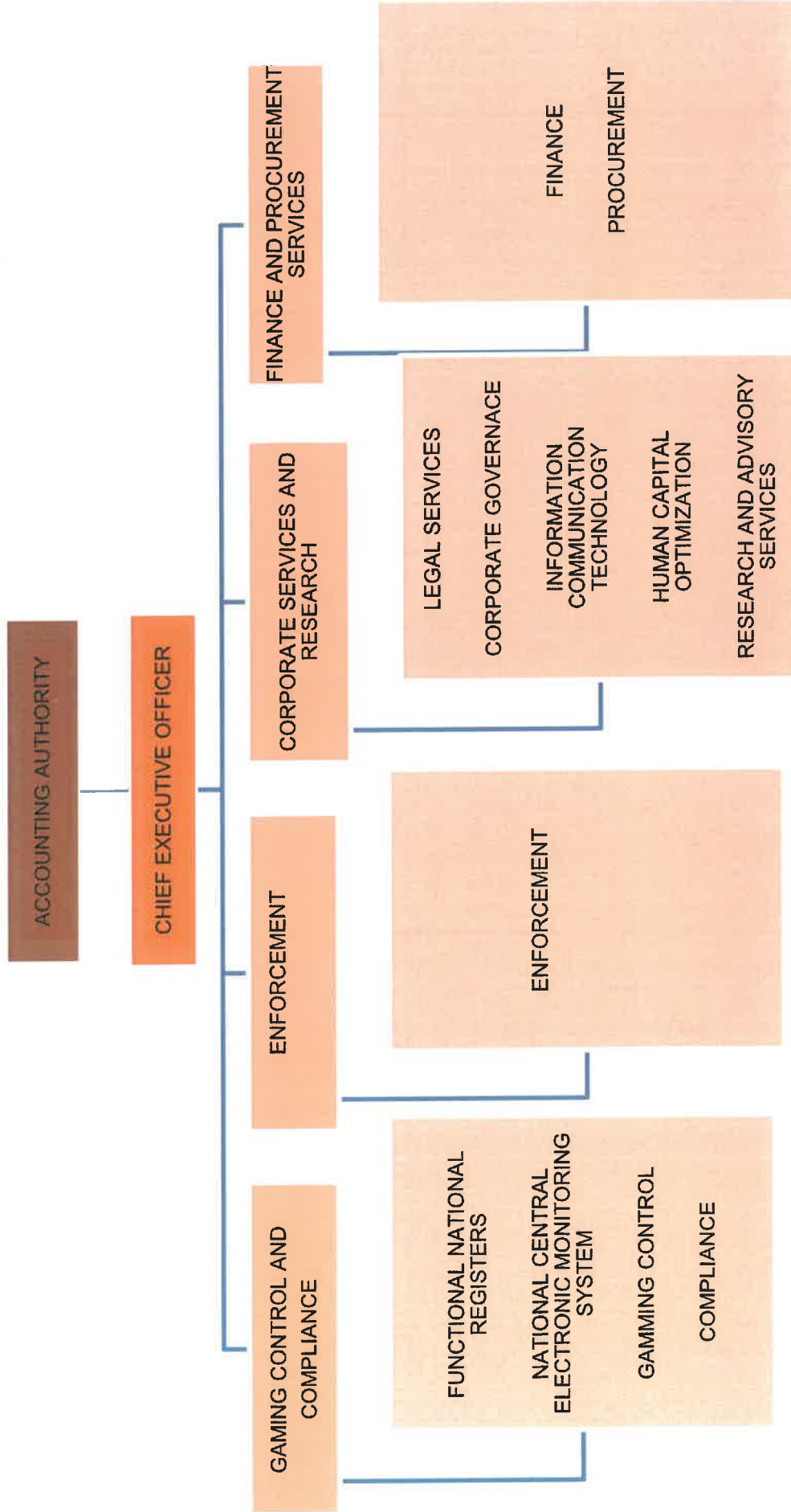
- ❖ **Oversight of gambling in the Republic of South Africa:**
 - Conducting oversight evaluation of the performance of PLAs so as to ensure that the national norms and standards established by the NGA are applied uniformly and consistently throughout the Republic of South Africa
 - Assisting PLAs to ensure that the unlicensed gambling activities are detected
- ❖ **Monitoring of market conduct and market share**
- ❖ **Monitoring socio-economic patterns of gambling activity and Research to identify patterns of the socio-economic impact of gambling and addictive or compulsive gambling**
- ❖ **Establishing and maintaining a national registers**
- ❖ **Advising and providing recommendations to the National Gambling Policy Council (NGPC) on, amongst others, matters of national policy and legislative changes relating to gambling.**
- ❖ **Providing a broad-based public education national programme on the risks and socio-economic consequences of gambling**

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4. GOVERNANCE STRUCTURE

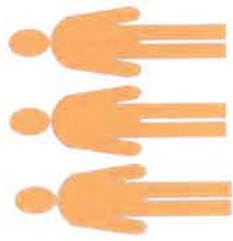
FUNCTIONAL STRUCTURE



5. GAMBLING INDUSTRY OVERVIEW



GAMBLING METRICS



65.7%
Gambling
Prevalence
in FY2023/24



31%
Problem
Gambling
Prevalence
in FY2023/24



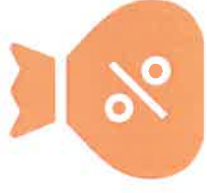
R1.5 Trillion
Gambling
Turnover in
FY2024/25



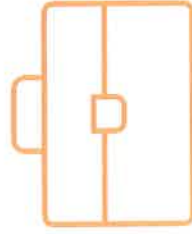
R75 Billion
Gross
Gambling
Revenue (GGR)
(FY2024/25)



60%
Total GGR
from Online
Betting in
FY2024/25



R5.8 Billion
Taxes and
Levies
collected
FY2024/25



33169
Direct Employment in
Gambling Industry
FY2024/25



0.83%
Contribution to
GDP in
FY2023/24



22
Number of illegal
gambling raids in
FY2024/25



3 million
Total people reached
through Education and
Awareness
interventions in
FY2024/25



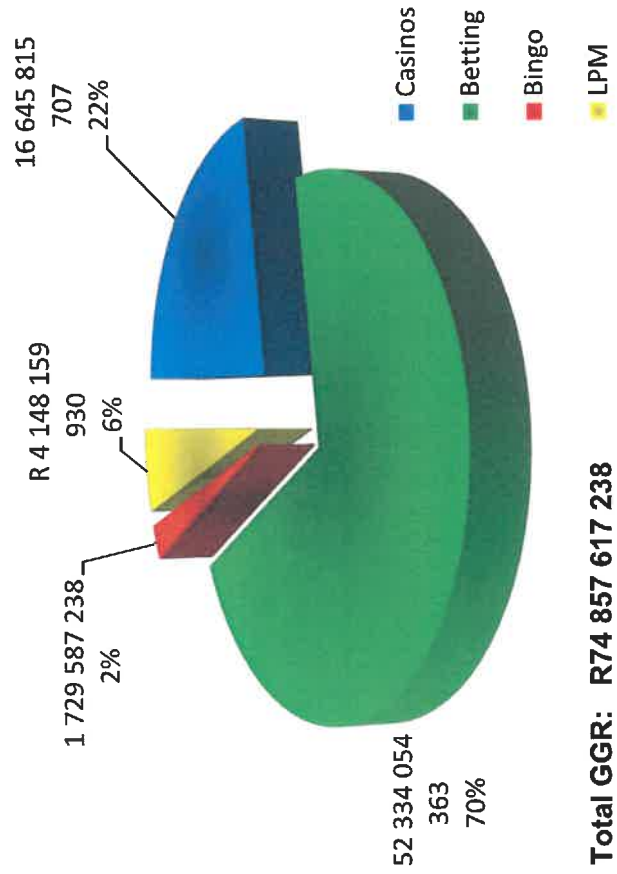
45/63
Total direct, indirect and
induced jobs in Gambling
Industry
FY2023/24

GAMBLING SECTOR PERFORMANCE: SNAPSHOT OF THE INDUSTRY

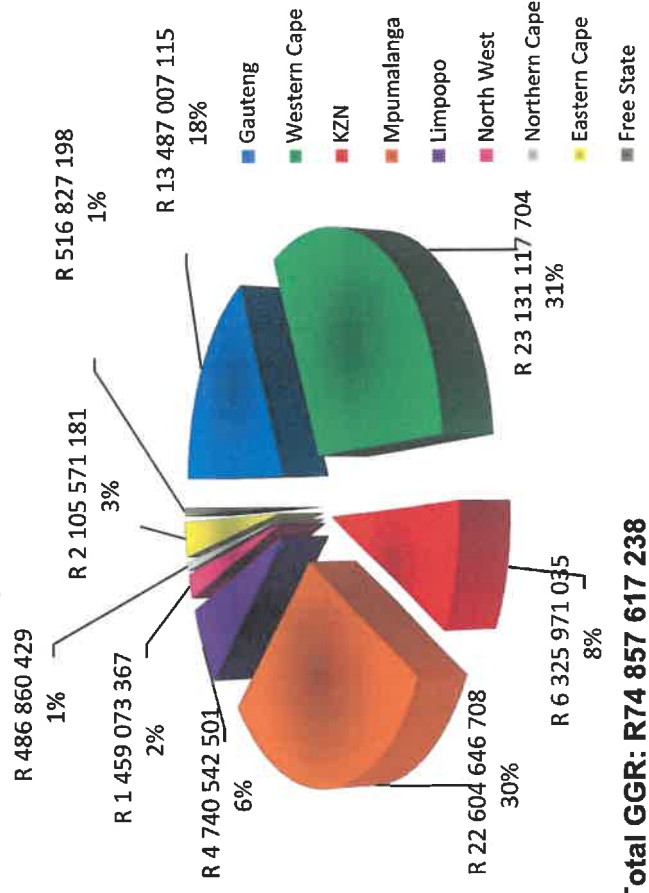
➤ In FY2024/25 Gross Gambling Revenue(GGR) amounted to R75 billion:

- ❖ Betting generated more than half of industry GGR at R52.3 billion (70%) – (13983 direct jobs)
- ❖ Casinos generated R16.6 billion (22%) – (13759 direct jobs)
- ❖ LPM industry is the third largest sector generating R4.1 billion (6%)- (2894 direct jobs)
- ❖ Bingo industry generated R1.7 billion (2%) – (1804 direct jobs)

GGR per gambling mode, all provinces,
FY2024/25

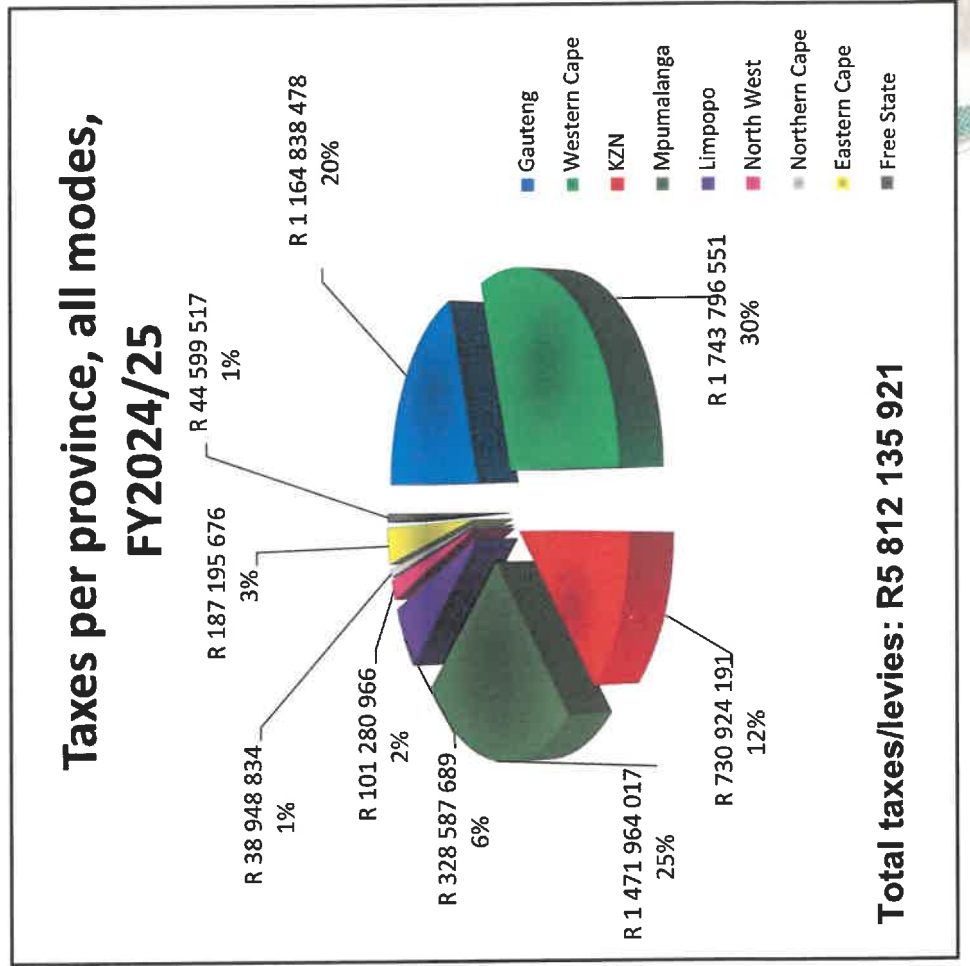
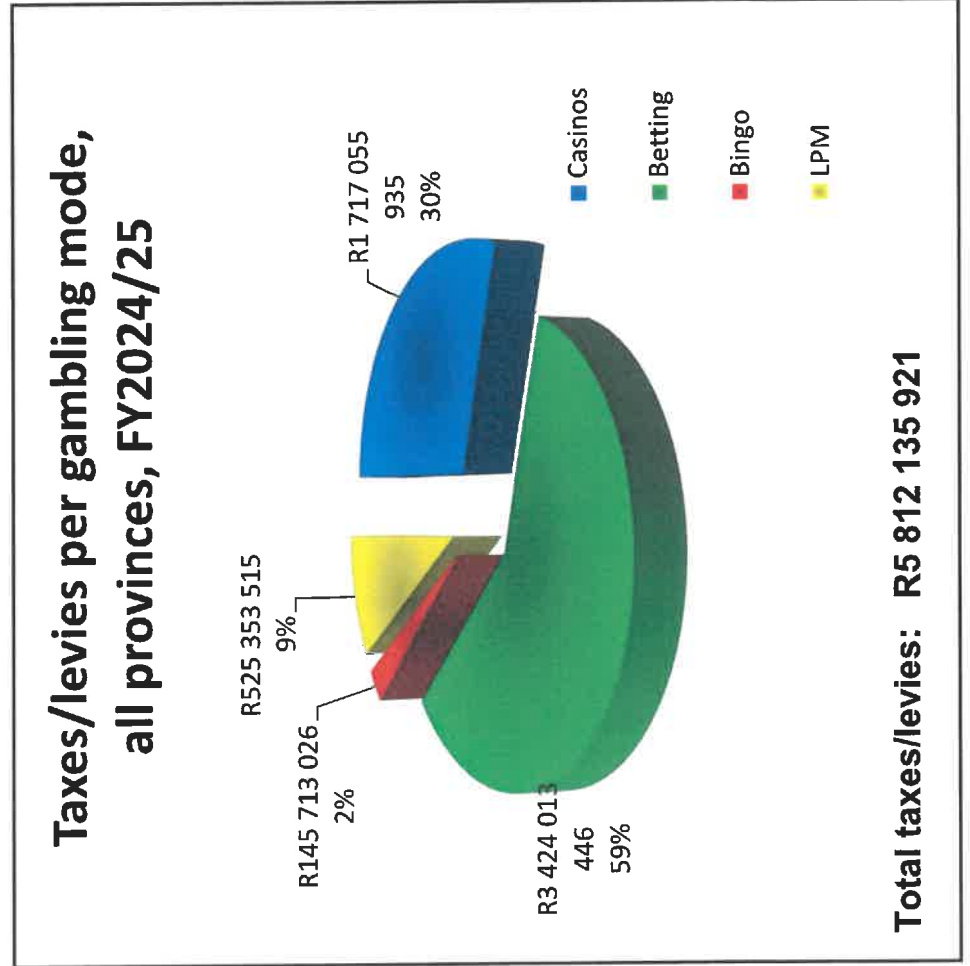


GGR per province, all modes, FY2024/25



GAMBLING SECTOR PERFORMANCE: SNAPSHOT OF THE INDUSTRY

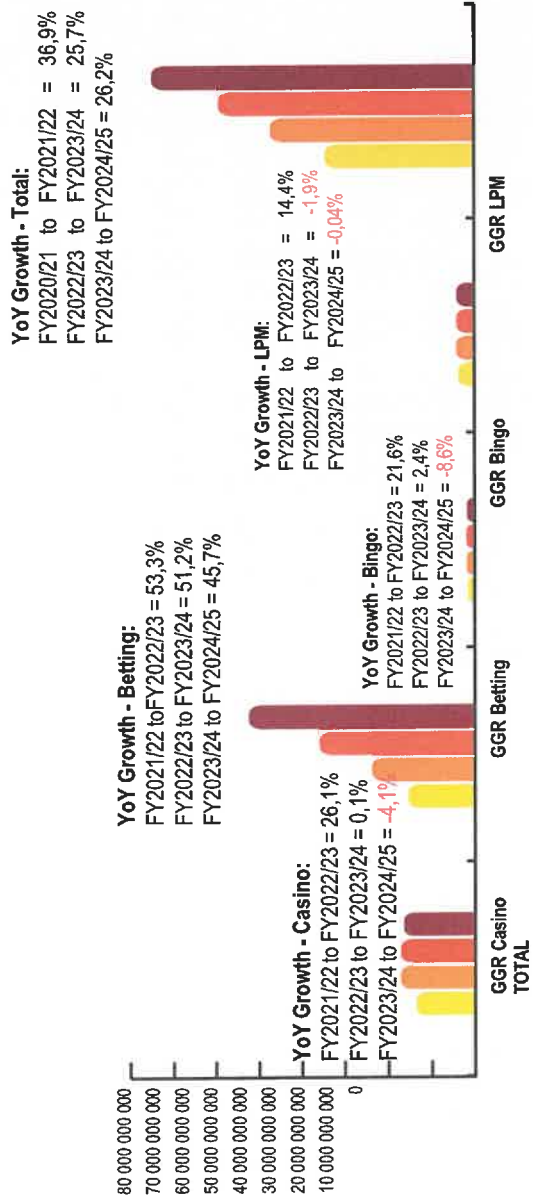
- Taxes/levies generated by the gambling industry amounted to R5.8 billion during FY2024/25.



GAMBLING SECTOR PERFORMANCE: SNAPSHOT OF THE INDUSTRY



Growth Rate GGR FY2021/22 – FY2024/25



Casino GGR fell by 4.1% over the past financial year, coinciding with a decline in operational slots and tables.

There were 21813 operational slots in FY2023/24. By the end of FY2024/25, operational slots had declined by 2.0% or 443 slots.

Operational tables also declined by 2.2% from 910 to 890 tables. This decline may reflect a fall in consumer demand, with casino operators opting to reduce operational machines and tables.

Online slots (gambling) have shown significant growth, suggesting that substitution may also be taking place with punters gambling online in place of physical slot machines.

The betting sector continues to show exceptionally high growth of 44.7%. This is however slowing, compared to FY2022/23 growth of 53.3%. Over the past year, operational retail bookmaker outlets declined from 594 to 553 outlets (7% decline), which may explain the slowdown in growth. This is in line with other land-based models of gambling declining.

Betting growth overall remains high due to its availability online.

The exceptional growth of online gambling may also explain the decline in land-based electronic gaming (casino, LPM and bingo), with customers opting engage in gambling online



GAMBLING SECTOR PERFORMANCE: SNAPSHOT OF THE INDUSTRY

**Trend in share of total GGR, comparison all modes
(FY2010/11 – FY2024/25)**



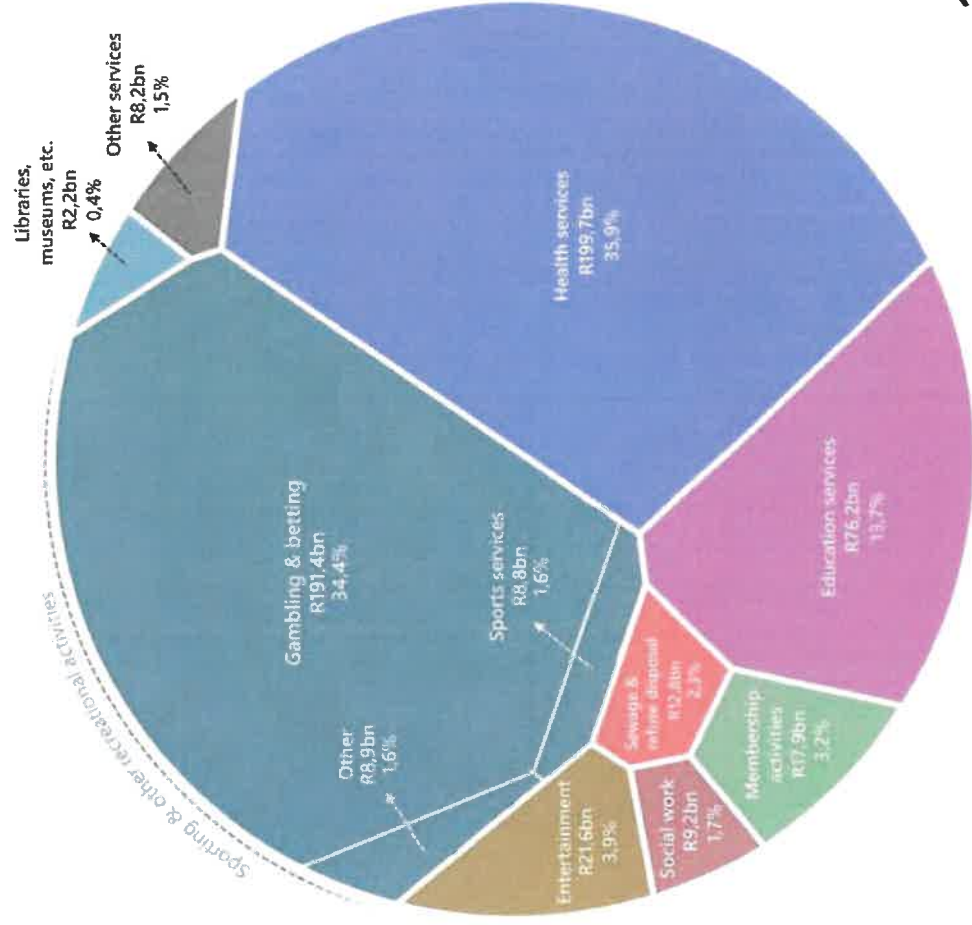
GGR from all modes of gambling totalled R74.9 billion (all quarters). Betting accounted for the largest share of GGR at 69.9%. Casinos made up 22.2%, while LPMs and bingo took up 5.5% and 2.3% of the gambling market respectively.

Over time, LPMs and bingo have maintained small market shares that have remained relatively stable – although both declined in FY2024/25. A striking swap occurred between betting and casinos in FY2020/21, when betting became the dominant gambling mode in South Africa and these two sectors have traded places, with the picture becoming the inverse of a decade ago.



SURVEY

- As a form of recreation, gambling has grown in popularity in recent years.
- According to recent **Stats SA personal services industry survey 2023**, published in 2025- gambling accounts for a third of revenue generated in the personal services industry – close to Health services (see figure).
- Explosive growth linked to technology, which disrupted destination approach to gambling. This was exacerbated by Covid-19 pandemic.



6. ACTUAL PERFORMANCE AGAINST THE ANNUAL PERFORMANCE PLAN (APP – 2024/25)

The NGB achieved 13 out of 14 annual targets translating to 93% achievement of targets.

#	Outcome	Output	Output Indicator	Planned Target 2024/25	Actual Achievement 2024/25
1	Transformation	Monitored economic transformation opportunities for HDIs in the mainstream gambling industry	Number of S53 economic transformation reports in the mainstream gambling industry produced	One (1) consolidated report on S53 economic transformation in the mainstream gambling industry produced	Achieved One (1) consolidated report on S53 economic transformation in the mainstream gambling industry produced
2	Capable State	Monitored technical compliance of gambling games, machines, and devices in the gambling industry	Number of technical reports produced on compliance	One (1) consolidated report on technical compliance of gambling games, machines and devices produced	Achieved One (1) consolidated report on technical compliance of gambling games, machines and devices produced
3		Facilitated revenue generation in the LPM industry	Rand value generation facilitated in the LPM industry	Facilitated R2.5 billion revenue generation in the LPM industry	Over-achieved Four billion two hundred and twenty-five million four hundred and seventy-three thousand five hundred and thirty-three (R4,225,473,533.00) revenue facilitated in the LPM industry
4		Conducted nine (9) PLA compliance evaluations	Percentage of evaluations of PLAs compliance with gambling legislation conducted	100 % evaluations of PLAs compliance with gambling legislation conducted	Achieved 100 % evaluations of PLAs compliance with gambling legislation conducted
5		Advisory notes on uniformity in relation to gambling legislation	Number of advisory notes on uniformity in relation to gambling legislation	Four (4) advisory notes on uniformity in relation to gambling legislation	Achieved Four (4) advisory notes on uniformity in relation to gambling legislation produced

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ACTUAL PERFORMANCE AGAINST THE ANNUAL PERFORMANCE PLAN (APP - 2024/2025)

#	Outcome	Output	Output Indicator	Planned Target 2024/25	Actual Achievement 2024/25
6	Capable State	Targeted investigations completed on the circumstances of illegal gambling activity to contribute to the reduction of illegal gambling	Percentage of investigations completed on the circumstances of illegal gambling activity to contribute to the reduction of illegal gambling	100% of the total number of cases targeted for investigations to contribute to the reduction of illegal gambling	<p>Not- achieved</p> <p>5.5% of the total number of cases targeted for investigations were undertaken.</p> <p>There were incomplete NGB 2 Forms without contact details. Most of the funds received were without prescribed documentation in order to identify the punter or confiscator of the funds in order to investigate in terms of S16 of the NGA.</p>
7		Interventions implemented to protect the gambling industry	Number of interventions to protect the gambling industry through raids initiated and cases registered with the SAPS	Four (4) enforcement interventions to protect the gambling industry through raids initiated and cases registered with the SAPS	<p>Over- achieved</p> <p>Twenty-two (22) interventions through raids implemented</p> <p>Q1 = 2 Q2 = 2 Q3 = 6 Q4 = 12</p>
8		Number enforcement interventions to protect the gambling industry through notices and/or legal action undertaken	Number enforcement interventions to protect the gambling industry through notices and/or legal action undertaken	Four (4) enforcement interventions to protect the gambling industry through notices and/or legal action undertaken	<p>Over- achieved</p> <p>Ten (10) notices were issued</p> <p>Q1 = 3 Q2 = 1 Q3 = 1 Q4 = 5</p>

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ACTUAL PERFORMANCE AGAINST THE ANNUAL PERFORMANCE PLAN (APP – 2024/2025)

#	Outcome	Output	Output Indicator	Planned Target 2024/25	Actual Achievement 2024/25
9	Capable State	Published and disseminated research and industry trends to the gambling industry and regulators for informed decision making	Number of reports on gambling sector performance produced	Four (4) reports (based on unaudited data) and one (1) annual report on audited gambling sector performance produced	Over-achieved Nine (9) reports were produced: Four (4) reports (based on unaudited data) and one (1) annual report on audited gambling sector performance were produced
10		Research on the impact of the gambling industry for informed regulation	Number of reports on research on the impact of the gambling industry for informed regulation produced	One (1) consolidated report on research on the impact of the gambling industry for informed regulation produced	Over-achieved Three (3) reports were produced: One (1) consolidated report on research on the impact of the gambling industry for informed regulation produced
11		Broad-based community outreach interventions	Number of broad-based community outreach interventions conducted to inform and educate the public on risks and socio-economic impact of gambling	Forty (40) broad-based community outreach interventions conducted to inform and educate the public on risks and socio-economic impact of gambling	Over-achieved One (1) consolidated report on economic analysis and research conducted on the impact of gambling One (1) consolidated report on benchmarking the South African gambling industry against other jurisdictions
12		Ten (10) Case studies of firms, workers, entrepreneurs, professionals, individuals or communities impacted by the NGB measures in the gambling industry	Number of case studies of firms, workers, entrepreneurs, professionals, individuals or communities impacted by the NGB measures in the gambling industry	Ten (10) case studies of firms, workers, entrepreneurs, professionals, individuals or communities impacted by the NGB measures in the gambling industry	Over-achieved Conducted sixty-four (64) broad-based community outreach interventions to inform and educate the public on risks and socio-economic impact of gambling Achieved Produced ten (10) case studies showcasing the impact of the NGB's broad-based public education interventions on communities

ACTUAL PERFORMANCE AGAINST THE ANNUAL PERFORMANCE PLAN (APP – 2024/2025)

#	Outcome	Output	Output Indicator	Planned Target 2024/25	Actual Achievement 2024/25
13	Industrialisation	R160 million in additional local output committed or achieved	Rand value committed to procure local goods and services	R160 million in additional local output committed or achieved	Over-Achieved R187.8 million in additional local output achieved
14	Transformation	R100 million spend on procurement of goods and services from black-owned entities	Rand value spend on procurement of goods and services from black-owned entities	R100 million spend on procurement of goods and services from black-owned entities	Over- Achieved R199.5 million spent on procurement of goods and services from black-owned entities

570

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OUTREACHES

TOTAL OUTREACHES= 64
 TOTAL PEOPLE REACHED (3 million)

FACE TO FACE: RURAL	FACE-TO-FACE: URBAN	MEDIA: RURAL	MEDIA: URBAN	MEDIA: NATIONAL	WEBSITE
Bergville, uThukela District, KwaZulu-Natal	Pietermaritzburg uMgungundlovu District, KwaZulu-Natal	NFM 98.1	Cape Talk Radio	Times Live Business Times	Media Release & Website article: NGB warns against gambling to make ends meet in 'Januworry'
Dukuza, uThukela District, KwaZulu-Natal	Northdale, uMgungundlovu District, KwaZulu-Natal	Northern Cape	Power FM	Focus Gaming News	Media Release & Website article
Vrede, Thabo Mofutsanyane District, Free State	Ladysmith, uThukela District, KwaZulu-Natal	Kutani FM	Khaya FM	CNBC Africa	November Responsible Gambling Month
Kgotsoong, Lejweleputswa District, Free State	Ezakheni, uThukela District, KwaZulu-Natal	Mpumalanga			Media Release & Website article: NGB announces ninth consecutive clean audit
Bothaville, Lejweleputswa District, Free State	East London, Buffalo City Metropolitan, Eastern Cape				
Lady Frere, Chris Hani District, Eastern Cape	Queenstown, Chris Hani District, Eastern Cape				
Lady Frere, Chris Hani District, Eastern Cape	Queenstown, Chris Hani District, Eastern Cape				
Lady Frere, Chris Hani District, Eastern Cape	Queenstown, Chris Hani District, Eastern Cape				
Groblerdsdal, Sekhukhune District, Limpopo	Scottsville, uMgungundlovu District, KwaZulu Natal				
Groblerdsdal, Sekhukhune District, Limpopo	Westville, eThekweni Metropolitan, Kwa-Zulu Natal				
Groblerdsdal, Sekhukhune District, Limpopo	eThekweni Metropolitan, KwaZulu-Natal				
Seshego, Capricorn District, Limpopo	Ballito, eThekweni Metropolitan, KwaZulu-Natal				
Legolaneng, Sekhukhune District, Limpopo	Pretoria, City of Tshwane Metropolitan, Gauteng				
Kathu, John Taolo Gaetsewe District Municipality, Northern Cape	Mossel Bay, Garden Route District Western Cape				
Kuruman, John Taolo Gaetsewe District Municipality, Northern Cape	Mossel Bay, Garden Route District, Western Cape				
Kagung, John Taolo Gaetsewe District Municipality, Northern Cape	George, Garden Route District, Western Cape				
Tlhalakatlou, John Taolo Gaetsewe District Municipality, Northern Cape	Knysna, Garden Route District, Western Cape				
Eloff, Victor Khanye Local Municipality, Mpumalanga	George, Garden Route District, Western Cape				
Siyabuswa, Dr J S Moroka Local Municipality, Mpumalanga	Parktown, City of Johannesburg, Gauteng (presentation conducted in Bela-Bela)				
Vezebuhle/Kwamhlanga, Thembisile Hani Local Municipality, Mpumalanga	Mamelodi, City of Tshwane				
		TOTAL MEDIA RURAL: 2	TOTAL MEDIA URBAN: 7	TOTAL MEDIA NATIONAL: 12	TOTAL WEBSITE: 3

2024/25 Illegal Gambling Cases registered with SAPS

NO OF CASES REGISTERED WITH SAPS 2024/25FY						
PERIOD	NO OF CASES	POLICING AREA	SAPS CAS	ADMISSION OF GUILTY FINE PAID	STATUS	
Q1	2	WIERDABRIDGE SAPS - GP	453/06/2024	NO	TBC	
			___/06/2024	NO	TBC	
Q2	6	HOEDSPRUIT SAPS - LP	76/07/2024	R1 000	CASE CLOSED	
			77/07/2024	R1 000	CASE CLOSED	
			78/07/2024	R1 000	CASE CLOSED	
			79/07/2024	R1 000	CASE CLOSED	
			80/07/2024	R1 000	CASE CLOSED	
			82/07/2024	NO	TBC	
	8	KWAGGARFONTEIN SAPS	42/09/2024	R1 500	CASE CLOSED	
			43/09/2024	R1 500	CASE CLOSED	
			44/09/2024	R1 500	CASE CLOSED	
	5	EMZINONI SAPS	39/09/2024	R1 500	CASE CLOSED	
			42/09/2024	R1 500	CASE CLOSED	
			43/09/2024	R1 500	CASE CLOSED	
			44/09/2024	R1 500	CASE CLOSED	
			50/09/2024	R1 500	CASE CLOSED	
Q3	2	SENWARABANA -LP	100/10/2024	R1 000	CASE CLOSED	
			101/10/2024	R1 000	CASE CLOSED	
	1	MAYVILLE -KZN	150/10/2024	NO	TBC	
	1	DURBAN CENTRAL -KZN	994/10/2024	NO	TBC	
	1	LYDENBURG SAPS - MP	150/11/2024	NO	TBC	
Q4	1	ALEXANDRA ROAD SAPS - KZN	118/03/2025	NO	TBC	
	1	BRIGHTON BEACH SAPS - KZN	223/03/2025	NO	TBC	
	2	MANDENI SAPS - KZN	74/03/2025	NO	TBC	
			75/03/2025	NO	TBC	

19

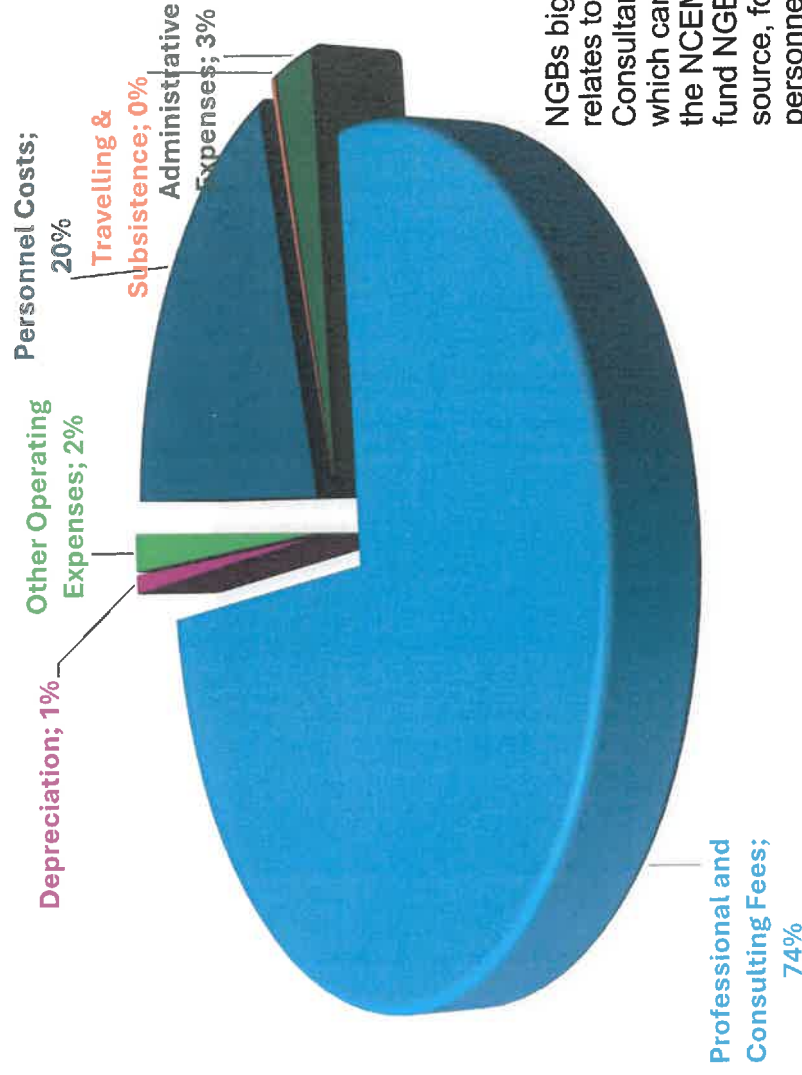
7. FINANCIAL PERFORMANCE

Overall Financial Performance

NGB achieved its 10th consecutive clean audit

- Total Revenue – R280m
- Total Expenditure – R278m
- **Surplus – R1,9m**
- 99% expenditure against revenue spent
- **100% budget allocation** was spent
- **Creditors paid within 15 days**
- Debtors collected within 31 days

Analysis of Actual Expenditure



NGBs biggest expenditure relates to Professional & Consultancy fees at 74% which can be attributed to the NCEMS operator to fund NGB revenue source, followed by personnel costs at 20%



8. AUDIT FINDINGS

The NGB received 1 audit finding for the FY2024/25 that was corrected during the audit and no further action required.



9. MATTERS REQUIRING ATTENTION

➤ **Online Gambling-** Online access through mobile phones and computers has led to an increase in illegal online gambling. This technological shift poses challenges for regulation and enforcement, contributing to issues like compulsive and addictive gambling. There is no firm policy position that has been adopted at a national level on interactive gambling.

❖ INTERACTIVE GAMBLING OFFERED BY LICENSED BOOKMAKERS AS CONTINGENCIES OFFENDING SECTION 11 OF THE NGA

- MER and Western Cape are at the forefront of allowing interactive gambling as contingencies
- Most PLAs considering following the illegal model of MER and WC
- **NGB ACTION:** Undertaken oversight of PLAs and issued non-compliance reports. NGB also engaged with PLAs to discuss the issue of allowing interactive gambling as contingencies.
- ❖ The NGA of 2004 no longer adequate or responsive to the changes in gambling caused by advances in technology. Consideration should be made to regulate interactive gambling.



➤ Increased **illegal gambling** requires increased enforcement – currently the NGB works in collaboration with the provincial licensing authorities, SAPS, FIC, banks and other network providers to assist with the detection and prosecution of illegal gambling in the country which is dominated by illegal online gambling.

❖ **THERE HAS BEEN AN UPSURGE IN ONLINE (ONLINE CASINOS) OFFERED FROM OFF-SHORE OPERATORS**

- Curacao has been the source of most of the illegal online operators
- The regulator from Curacao has not been responsive to requests to stop their licensees from operating illegally in South Africa.

○ **NGB ACTION:** NGB has approached the Department of Communications to block IP addresses, NGB works with law enforcement agencies to combat illegal gambling, NGB has worked with Google to block gambling websites from identified unlicensed operators, NGB has engaged ICASA on blocking illegal gambling sites

- ❖ There is need for the development of a legal framework for online gambling.
- ❖ There is a need for gambling crime to be prioritized as a crime.



➤ There is an increase in **gambling advertising**, without sufficient guidelines, which has normalized gambling in society, fostering harmful gambling habits- Regulations as well as norms and standards governing gambling advertising are required to ensure that punters are protected from the negative social consequences of gambling and increased public education on the risks of gambling

❖ **PROLIFERATION OF GAMBLING ADVERTS ON PRINT MEDIA, SOCIAL MEDIA, RADIO, BILLBOARDS AND EVEN GOVERNMENT BUILDINGS WHERE CITIZENS CONTACT THEIR NORMAL BUSINESS.**

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- **NGB ACTION:** Undertaken compliance oversight of the 9 PLAs, Engaged Sports Regulators e.g. (Cricket SA) on sponsorship by unlicensed operators to flight their adverts, Raised concerns with Advertising Regulatory Board (ARB) and engaged social media providers (Google).

- ❖ Protect the young and vulnerable by banning the use of persons who appear under 25 in gambling adverts and banning 'youth-appealing' imagery or characters
- ❖ Tighten licence conditions to require age-gating, placement checks and record keeping; non-compliance will result in fines (about 5% of adverts spending) or temporary advertising rights suspension
- ❖ Reduce incidental exposure:

- on TV / radio / Video On Demand (VOD) by prohibiting gambling adverts between 06:00–21:00 (or a similar pre-watershed window) and ban adverts during live sports broadcasts and youth programming. This will reduce exposure during family viewing times and sporting events.
- by requiring online platforms and publishers to implement robust audience verification (no targeted ads to under-18s; contextual targeting only) Limit frequency and format: cap the number of video spots per commercial break and ban pop-up auto-play adverts with gambling content
- by restricting major sports sponsorships (shirts/pitch boards) e.g., ban front-of-shirt betting sponsors but allow regulated partnerships with strict visibility limits.

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MATTERS REQUIRING ATTENTION

- The National Gambling Amendment Bill 2018.
- Inoperative provisions of the NGA on self- exclusion- Gazetting regulations on self- exclusion. The National self-exclusion register is not yet in operation pending the gazetting of section 14(1-6) of the NGA. Once gazetted, problem gamblers can be properly registered, excluded and assisted.
- Unlawful winnings and *ex parte* application for forfeiture of proceeds of illegal gambling to the State



QUESTIONS



*Gambling legally
and
responsibly*



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR CONSENT USE: ERF 427, PRINGLE BAY (4830/2024)**

Electricity	:	Eskom Area
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Stormwater	:	Refer to conditions
Roads and traffic	:	Refer to conditions

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
3. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Kleinmond for written approval;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no reservation of on-street parking be allowed;
6. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
7. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if require



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**


DATE

