

Loretta Gillion - ERF 1889, Pass Road Pringle Bay : Consent Use Application

TP- A Theart
C. Huld Stoep

From: Dave Muirhead <chairman@pringlebayratepayers.co.za>
To: <loretta@overstrand.gov.za>
Date: 27/03/2015 10:53 AM
Subject: ERF 1889, Pass Road Pringle Bay : Consent Use Application
CC: Lisel Krige <lisel@solidstuff.co.za>
Attachments: ERF 368 Liquor Licence Objection.pdf



For Attention:
Director: Infrastructure and Planning

H van der Stoep (Senior Town Planner)

We thank you for the notification of an Application for Consent for use of ERF 1889 Pringle Bay (consolidation of ERF 368 and ERF 1887) as a bottle store.

We attach a copy of an objection lodged with the Western Cape Liquor Authority for use of these premises as an off sales outlet.

Please note that this matter was discussed extensively at the AGM of the Pringle Bay Ratepayers Association held in December 2014.

A vote was taken at the meeting which expressed strong opposition to the licencing of these premises as an off sales outlet (refer Section 2 of the attached objection).

The grounds for objection are covered in Section 3 and identify the reasons for ERF 1889 being unsuitable for this purpose.

Please acknowledge receipt of our submission on this matter.

Kind regards

Dave Muirhead
 Chairman@pringlebayratepayers.co.za

FILE NO:	EZ 1889 PRB
SCAN NO:	53
COLLABORATOR NO:	770596

TP

27/03/2015

07:53:09 AM

30 MAR 2015 2

PRINGLE BAY RATEPAYERS' ASSOCIATION
PRINGLEBAAI BELASTINGBETALERSVERENIGING

SARS Reg. # 9101/138/16/3

Kindly address all correspondence to PO Box 409, Pringle Bay 7196

Geliewe alle korrespondensie te rig aan Posbus 409, Pringlebaai 7196

www.pringlebayratepayers.co.za

I, the undersigned, DAVID MUIRHEAD (Identity no. 4802195103085) in my representative capacity as Chairman of the PRINGLE BAY RATEPAYERS' ASSOCIATION (the ASSOCIATION), hereby lodge an objection on behalf of the ASSOCIATION to the grant of the undermentioned application for an off-consumption liquor licence.

1. THE APPLICATION

1.1. The Application objected to is that published in the Government Gazette on 6 February 2015 by PRINGLE BAY MINI MART for an Off Sales Liquor Licence in respect of the premises at ERF 368 Units 3 and 4, Pass Road, Pringle Bay

1.2. THE OBJECTOR

1.3. The objector is the PRINGLE BAY RATEPAYERS' ASSOCIATION, a separate legal entity having a constitution, in terms of which it has right, *inter alia*, to sue and to be sued.

1.4. The affairs of the Association are administered by an elected committee presided over by me as its elected Chairman.

1.5. The members of the Association are owners of property within the Township of PRINGLE BAY. There are currently 306 members of the Association.

2. THE OBJECTION

2.1. At the Annual General Meeting of the Association held in the Community Hall on 22 December 2014, which was attended by more than 120 members of the community the proposed application was discussed and a vote was taken. An overwhelming majority of those present were opposed to the application. Only six persons present supported the application and two abstained from voting.

2.2. I submit that in considering the individual grounds of objection set out below the following should be taken into consideration:

2.2.1. Pringle Bay is a registered conservancy on the edge of the Kogelberg Biosphere Reserve. In terms of municipal spatial planning for the next 50 years the urban density Pringle Bay will not increase by more than 10% (from current 4.6 units per hectare to 5.1 units). It is intended that Pringle Bay preserve the character and natural environment appropriate to its position in an

ecological corridor between the mountain reserves and the seashore. The area is not a growth point for further development.

2.2.2. Public policing and law enforcement in the area is very inadequate and is primarily dependant on the private resources of the community. (The SAPS in Kleinmond are understaffed and frequently only have the use of a single vehicle to patrol the whole area from Rooi-Els to Bot River; a distance of 50km). Village security resources are not able to deal with public disturbance or abuse of alcohol.

3. GROUNDS OF OBJECTION

3.1. The objection is based on the following grounds:

3.1.1. ERF 368 is not suitable for use as an off-sales premise.

This property is sited in the main village entrance road alongside a planned Fish and Chip shop. It is adjacent to the parking area that is used as an informal taxi rank by local taxis commuting to Kleinmond. The parking area provides primary access to the Mini Mart, Coffee Shop, two restaurants and two pavement tea and coffee establishments. It is situated directly across the road from a residential home, No 4 Pass Road.

Unfortunately the taxi drivers and passengers habitually drink, litter and urinate along the roadside of Pass road. Such behaviours can be observed on most afternoons. Up to four taxis arrive at 3.30 p.m. to wait their turn to fill with passengers before returning to Kleinmond. The last taxi departs at around 5.00 p.m. The situation is aggravated on Friday afternoons when building workers are paid.

I attach a written complaint received by the Association from the owners of the affected residential property. They have been advised to lodge a separate objection to this licence application.

3.1.2. Granting an off sales licence on these premises is likely to aggravate the existing situation and in peak times would turn the space into an area that is offensive to visiting families and residents.

The existing off- sales outlet is sited 180 metres from this area. It has adequate off street parking for peak periods such as Friday afternoons when bakkies and other construction vehicles stop after work to buy liquor before departing Pringle Bay. If these vehicles were to

be attracted to the ERF 368 area it would aggravate existing congestion and become a significant problem in the tourist season.

3.1.3. No Requirement for an additional Off Sales Outlet

Granting an additional off-sales outlet would be irresponsible and not in keeping with the eco-village character of Pringle Bay. Agreement to the transfer of the existing off-sales outlet from premises at the Hangklip hotel to the village centre was previously supported for the convenience of residents and visitors. This is a sufficient outlet for village requirements and should not be used as a precedent for additional licenses. Additional grocery licences and the many off-sales outlets available in Kleinmond provide market competition.

The community is concerned at the growing number of liquor outlets. There is already seen to be an oversupply of liquor leading to abuse by businesses struggling to survive and adding to the difficulty in public order policing (Currently 8 restaurants, 2 bar, 1 off-sales, 1 grocery). The village is only busy in the peak tourist season when police resources are particularly stretched.

DATED and SIGNED at Pringle Bay on 27th day of FEBRUARY 2015



D. MUIRHEAD

Chairman of the PRINGLE BAY RATEPAYERS' ASSOCIATION.

Lilian Olivier <lilian@itb.ih.co.za>
05 January 2015 9:52:28 AM SAST
"chairman@pringlebayratepayers.co.za" <chairman@pringlebayratepayers.co.za>
FW: RE : OPENING OF BOTTLESTORE NEXT TO FYNBOS ENTERPRISES

Dear David

We herewith wish to advise that it came to our attention that there has been discussions regarding opening of a bottle store next to Fynbos Enterprises .

Please note that the Building is right opposite our home – 4 Pass Road Pringlebay at this stage we have no objections for Mini Mart to sell liquor however not a bottle store right opposite our home as we are struggling to keep our property clean from litter and bottles at this stage from visitors and people waiting for the taxis . Most days the people waiting for the taxis sits on our lawn and drink and litter and urinate this is totally unacceptable and we are fed up of cleaning this mess .

Kindly provide us with some clarification of what is agreed upon as when the shop was right opposite our home we had several trucks, motorist and boats turn in our drive way causing extreme big holes which had to be filled constantly . We have to advise since shop has moved to the other side we had less of these problems , please we hope this stays this way as if a bottle store opens opposite our home my goodness I do not want to even think how it is going to effect us again .

Your kind reply is awaited .

Many thanx

Kind Regards

Riaan & Lilian Olivier
082 746 2036

Lilian Olivier
General Manager, Transport Insurance Brokers (Cape Town)
IMPERIAL LOGISTICS INSURANCE BROKERS

IMPERIAL

M 27 82 779 2932 T 27 21 448 9580 F 021 448 9594
www.imperiallogistics.co.za



IMPERIAL Logistics Insurance Brokers is an authorised Financial Services Provider

To read our email legal notice, browse to [disclaimer](#)

**Loretta Gillion - FW: FW: RE : OPENING OF BOTTLESTORE
NEXT TO FYNBOS ENTERPRISES**

Erf 1889, Pringle Bay

From: Lilian Olivier <lilian@itib.ih.co.za>
To: "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>
Date: 07/04/2015 12:10 PM
Subject: FW: FW: RE : OPENING OF BOTTLESTORE NEXT TO
 FYNBOS ENTERPRISES
CC: "Olivier, Riaan" <Riaan.Olivier@dcs.gov.za>

*TP - A Theart
C Huld Stoop*



Afternoon

We herewith wish to lodge our dissatisfaction of bottle store opening – see email below

Many thanx

Regards

On 5 January 2015 at 09:52, Lilian Olivier <lilian@itib.ih.co.za> wrote:

Dear David

We herewith wish to advise that it came to our attention that their has been discussions regarding opening of a bottle store next to Fynbos Enterprises .

Please note that the Building is right opposite our home – 4 Pass Road Pringlebay at this stage we have no objections for Mini Mart to sell liquor however not a bottle store right opposite our home as we are struggling to keep our property clean from litter and bottles at this stage from visitors and people waiting for the taxis and even the people who come and fish over weekend who park their boats and run into the shop as there is not parking for the boat owners by the shop. Most days the people waiting for the taxis sits on our lawn and drink and litter and urinate this is totally unacceptable and we are fed up of cleaning this mess .

Kindly provide us with some clarification of what is agreed upon as when the shop was right opposite our home we had several trucks, motorist and boats turn in our drive way causing extreme big holes which had to be filled constantly .We have to advise since shop has moved to the other side we had less of these problems , please we hope this stays this way as if a bottle store opens opposite our home my goodness I do not want to even think how it is going to effect us again .We find it extremely strange when the news came public of wanting to open a bottle store and after the rate payers meeting all of a sudden it was advertised a surf shop is opening soon – what has happened to this ?

Your kind reply is awaited .

Many thanx

Kind Regards

Riaan & Lilian Olivier

082 746 2036

FILE NO:	EL 1889-PRB
SCAN NO:	17
COLLABORATOR NO:	773836

7 Mei 2015

Overstrand Munisipaliteit
Posbus 20
HERMANUS



TP - A Theart
(CH vld Stoep)

FILE NO: 7200
EL 1889 PB
SCAN NO:
COLLABORATOR NO:
782319

ATLAS

Town Planning

Koos Olivier : 083 446 0762

- Rezoning & Subdivisions
- Land Use Departures

P.O.Box 380
KUILSRIVIER
7579

- Consent Uses
- Site Development Plans

Tel : 021 801 7446
Fax : 086 668 5601
E-mail: koos@atlasplanning.co.za

Aandag: Me H van der Stoep

AANSOEK VIR VERGUNNINGSGEBRUIK – Erf 1889 (voorheen Restant Erf 368 en Erf 1887), PRINGLE BAAI

U departement se skrywe gedateer 30 April 2015 in bovermelde verband, verwys.

Besware is ontvang vanaf die Pringle Baai Belastingbetalersvereniging asook Riaan & Lilian Olivier.

Die besware kan as volg saamgevat word:

- Die perseel is nie geskik vir 'n drankwinkel nie en die bestaande probleem met rommelstrooiing en algemene gedrag van persone wat in die direkte omgewing bymekaar drom (in afwagting van taxi's), sal vererger word.
- Besoekers aan die sentrum sal misbruik maak van inwoners se inritte
- Daar is reeds 'n bestaande drankwinkel in die sakekern met beskikbare parkering en derhalwe nie 'n behoefte vir 'n verdere drankwinkel nie.

Repliek of bostaande besware:

- Geskiktheid van die perseel / rommelstrooiing

Soos in die oorspronklike motivering gemeld beskik Pringle Baai oor 'n goed gedefiniëerde sakekern. Die aansoek sal nie aanleiding gee tot 'n uitbreiding van hierdie sakekern nie, sal nie die skaal van aktiwiteite op die perseel buite aanvaarde norme bring nie en sal dus nie aanleiding gee tot 'n groter rit-opwekking as 'n winkel

TP

08 MAY 2015

in dieselfde vloeroppervlak nie. Dit feit bly staan dat die betrokke eiendom geskik is vir 'n winkel en die sonering bevestig dit. Die aansoek het bloot betrekking op 'n winkel wat drank verkoop, nie vir gebruik op die perseel nie en ingevolge wetgewing ook nie in die openbaar nie. Daar bestaan ons insiens min twyfel dat die perseel geskik is vir 'n drankwinkel op die skaal wat dit voorgestel word.

Die stelling insake rommelstrooiing en algemene gedrag van mense het geen substansie nie en is nie gekoppel aan 'n bepaalde gebruik nie. Dit gebeur oral waar mense saamdrom en is iets wat beter bestuur moet word sodat diegene wat hulle daaraan skuldig maak, dienooreenkomstig mee gehandel word. Daar is verskeie vullisdromme wat aangebring is vir hierdie doel. Dit kan sonder twyfel gesê word dat rommel ook elders gestrooi word en dat dit beslis nie net produkte is wat in 'n drankwinkel te koop aangebied word nie.

Misbruik van privaat inritte

Dieselfde beginsel as bostaande geld ook hiervoor, nl. dat dieselfde verhuurbare ruimte wat vir 'n winkel geskik is, ter sprake is. Die betrokke eiendom wat uitgelig is, se ingang is op die aansluiting met Peak Straat en nie oorkant die gevestigde sakeperseel nie. Dit is algemene praktyk dat iemand nie privaat eiendom mag betree sonder toestemming nie en hoof hierdie argument nie verder bespreek te word nie.

Bestaande drankwinkel met parkering en geen behoefte vir verdere drankwinkel

Een van die kern beginsels van die Ordonnansie op Grondgebruikbeplanning (Nr 15 van 1985) is die feit dat beplanningsaansoeke op die beginsel van wenslikheid en nie behoefte nie, ge-evalueer word. Hiermee saam word handelsmededinging ook pertinent uitgelig as 'n ongeldige rede vir die weiering van 'n aansoek. Daar is verskeie nie-residensiële gebruike waarvan daar meer as een van voorkom in Pringle Baai. Grondgebruikbestuur het nie ten doel om normale markkragte te beheer of te bestuur nie. Die sukses van 'n sakeonderneming het met veel meer te make as 'n bepaalde ligging. Dit is in hierdie betrokke geval nie werklik van belang nie aangesien die sakekern relatief kompak en besighede dus naby mekaar geleë is. Hierdie aansoek het dus nie betrekking op die behoefte vir 'n verdere winkel nie, maar of die eiendom geskik is om 'n drankwinkel te kan akkommodeer. Die aansoek sal nie aanleiding gee tot 'n verandering in gebruik nie, bloot die tipe produk wat te koop aangebied word.

Samevatting:

Die aansoek is behoorlik geadverteer, ook in die pers en slegs 2 beswaarskrywes is ontvang. Die beswaarmakers raak nie relevante beplanningsargumente aan nie. Artikel 36 van die Ordonnansie op Grondgebruikbeplanning (nr 15 van 1985) bepaal dat 'n aansoek slegs by gebrek aan wenslikheid van die beoogde aanwending van die eiendom ter sprake, geweier mag word. Kennis word wel geneem van die inhoud van die besware en die kliënte is meer as bereid om billike voorwaardes te aanvaar om probleme in die omgewing te help aanspreek. Dit moet egter gemeld word dat dit wat uitgelig is, bestaande probleme is. Die kliënte is begerig om 'n goeie sakeonderneming te vestig wat bloot aan klante 'n alternatief in die omgewing kan bied. Leeglêrs en vandaliste is nie hulle teikenmark nie en het hulle reeds aangedui dat sogenaamde "papsakke" nie in die winkel te koop aangebied sal word nie. Die mening bestaan dat daar nie voldoende rede is om die aansoek te weier nie en word dit daarom vertrou dat die aansoek die nodige ondersteuning sal geniet.

Die Uwe



Koos Olivier
ATLAS STADSBEPLANNING

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 1889, PRINGLE BAY**

Stormwater (SW) : In order
Electricity : Escom
Water : In order
Sewer : In order
Roads and traffic : In order

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 developer's cost;
2. that stormwater be allowed to discharge through Erf 1889, Pringle Bay, unobstructed;
3. That no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

30/8/2015

DATE