



MINUTES OF A MEETING OF THE APPEAL AUTHORITY HELD IN THE MALMESBURY, BANQUETING HALL ON MONDAY, 16 JANUARY 2023 AT 14:00

PRESENT:

The Executive Mayor, ald J H Cleophas (chairperson)
The Executive Deputy Mayor, cllr J M de Beer
Cllr D G Bess
Cllr N Smit
Ald T Van Essen
Cllr A K Warnick

Advisor:

Senior Manager: Built Environment, Mr A M Zaayman

Secretariat:

Manager: Secretariat Services and Records, Ms N Brand

1. OPENING

The chairperson opened the meeting and declared the Appeal Authority in session in terms of paragraph 91 of the Swartland Municipality: By-law relating to Municipal Land Use Planning (PG 8226 dated 25 March 2020).

2. APOLOGIES

No apologies was received.

3. MINUTES

3.1 MINUTES OF A MEETING OF THE APPEAL AUTHORITY HELD ON 15 AUGUST 2022

RESOLUTION

(proposed by cllr N Smit, seconded by cllr D G Bess)

That the minutes of a meeting of the Appeal Authority held on 15 August 2022 be approved and signed by the Executive Mayor.

4. MATTERS FOR CONSIDERATION

4.1 APPEAL RECEIVED ON THE PROPOSED DEPARTURES ON ERF 1774, YZERFONTEIN (15/3/4-14)

An appeal was received on the decision by the Municipal Planning Tribunal (MPT) – Item 6.1 dated 10 August 2022 – to refuse the application for the departure of the development parameters on Erf 1774, Yzerfontein in order to depart from the 2 m rear building line to 0 m for the erection of a sunroom.

The evaluation of the appeal was presented to the Appeal Authority in the report of the Municipal Manager dated 25 November 2022 and the report of the authorised official dated 15 November 2022 respectively.

The chairperson stated that the Appeal Authority must adhere to the following requirements in resolving the appeal:

- (1) All actions must, in terms of administrative law and natural justice, be more than fair;

- (2) All the relevant facts must be legally considered and evaluated independently of the matters considered by the MPT in order to conclude on the matter.

The chairperson further stated that all parties to the appeal were invited to make submissions to the Appeal Authority in adherence to natural justice to apply the *audi alteram partem* rule.

The chairperson requested the appellant, represented by CK Rumboll and Partners, to table their appeal dated 8 September 2022 (the presentation by CK Rumboll and Partners is attached for completeness). The following matters were highlighted by Mr Theron with regard to the refusal decision pertaining to the existing sunroof at the rear of the property:

- (1) The owner has gone to great lengths to legalise the existing illegal structure;
The sunroof is, in terms of land use requirements, consistent with the definition of a dwelling unit permitted under Residential Zone 1 zonings;
- (2) The sunroof may, in terms of land development parameters, be considered based on merit as the By-law makes provision for departures to be applied for in order to rectify development encroachments and little impact is anticipated on neighbouring properties due to the residential nature of the structure and coverage encroachment as low as 4.4%;
- (3) The focal point of the reason for refusal is the precedent which was set by the MPT to approve the departure of coverage of 52.6%, although it is unprecedented for the Pearl Bay area. Therefore, an additional 1.8% over the approved coverage is regarded as a relatively low number and do not warrant the refusal;
- (4) The illegal sunroom has no effect of the view of the adjoining properties;
- (5) It is recommended that the reason, namely approval of the departure will influence decision making of future departures of development parameters negatively, be reconsidered as each application should be considered by its very own unique merits.

Mr Theron concluded that precedents will eventually be set and such was already done by the partial approval of the MPT to depart from the coverage requirement. Furthermore, one of the principles of SPLUMA advocates for decision making processes to be cost effective and therefore it is not regarded as fair to expect from the owner to demolish a portion of the sunroom.

The most directly affected neighbour is the abutting open space being a non-habitable space and therefore the impact is extremely low.

[Note: The objectors are not in attendance, but submitted their comments on the appeal in writing as included in the agenda.]

The chairperson requested the Senior Manager: Built Environment to table the evaluation of the authorised official and to reply on the presentation by the appellant.

The Senior Manager: Built Environment confirmed that the MPT thoroughly considered all aspects in the application during the meeting held on 10 August 2022 and a total of five departures were considered. The following aspects were highlighted in order to focus on the relevant matters:

- (1) It is not a given that if the adjacent owners do not object to the application the latter will be approved by the relevant authority;
- (2) It must be noted that Swartland Municipality is also an adjacent owner and was not approached during the application process to obtain approval as adjacent owner for the departures on the rear building line;
- (3) The MPT attempted to protect the right of the Municipality on the rear building line in considering the application;
- (4) The following matters regarding the departure must be noted:
 - (i) it is not within the powers of the owner to depart from the 2 m rear building line without following the necessary process;
 - (ii) with the illegal building work – sunroom – the permissible coverage of 50% is departed from to 54.4%;
- (5) The approval of the departure may negatively impact on future applications;

- (6) The fact that the building work was already been erected illegally was not the first reason for refusal. The owner willingly and knowingly took the risk upon himself to do the building work and now later is asking for the approval of the departure;
- (7) Although, in this case there is no justification for claiming of views, the comments and opinions of adjacent owners are respected;

The reasons for refusal were considered by the MPT and the departure of 2,6% from coverage was to a lesser extent a departure that will impact future decision making.

The following matters are further discussed by the Appeal Authority:

- (1) The right of the adjacent owner to the rear building line – in this case, Swartland Municipality – must be protected;
- (2) The installing of windows on a departed rear building line is not allowed;
- (3) There is a discrepancy between the representation of the windows on the building plan as fixed windows and the sliding windows that are indicated on the photo's – the reasons why this particular photo was not handed out to the Appeal Authority together with the bundle are questioned;
- (4) The wastewater pipe that runs out onto the property of the adjacent owner, as indicated on the photo's, be noted with concern;
- (5) Although SPLUMA provides for deviations, applications must be considered on merit;
- (6) The culture that prevails that illegal building work be done without approval to only ask for permission at a later stage must be countered.

The members of the Appeal Authority, in arriving at a decision, considered, assessed and evaluated all relevant considerations, including (but not limited to) all submissions made (orally and in writing)

UNANIMOUSLY RESOLVED

(proposed by Ald T van Essen, seconded by cllr D G Bess)

- (a) That the appeal received from CK Rumboll and Partners (on behalf of the applicant) be rejected by the Appeal Authority for the following reasons:
 - (i) The nature of the illegal building work compromising of (1) departure of 2 m rear building line to 0 m and (2) installing windows on the erf boundary cannot be condoned;
 - (ii) The owner/developer was fully aware of the predetermined risk when erecting illegal building work;
 - (iii) The municipality was fair in the process to give the owner/developer the opportunity to legalise the building work;
 - (iv) Illegal building work which departs from development parameters cannot automatically be approved;
 - (v) The departure from coverage in the Pearl Bay area remains to be unprecedented;
 - (vi) The MPT did consider the impact of the coverage to be acceptable given the character of the area and the open space adjoining to the property. This departure does not result in any other departures of development parameters;
 - (vii) In this case, views are deemed a right and not a privilege, regardless of how spectacular or not the views are;
 - (viii) The possible impact on property values has not been proved by the appellant or Municipality.
- (b) That the decision, conditions of the partial approval and reasons for the partial approval and partial refusal of the application on Erf 1774, Yzerfontein by the Municipal Planning Tribunal, Item 6.1 dated 10 August 2022, be confirmed;
- (c) That the illegal building work (sunroom) be demolished by 31 March 2023 in order to adhered to the 2 m rear building line.

(GET) RDH J H CLEOPHAS
VOORSITTER



Verslag ♦ Ingxelo ♦ Report

Office of the Municipal Manager
7 March 2023

15/3/3-8 (Erf 1220)
15/3/6-8 (Erf 1220)

ITEM 4.1 OF AN APPEAL COMMITTEE MEETING TO BE HELD ON 17 APRIL 2023

SUBJECT:	APPEAL RECEIVED ON THE PROPOSED REZONING AND SUBDIVISION OF ERF 1220, MALMESBURY
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1. BACKGROUND

Full background is contained in the evaluation of the appeal by the authorised official (**Annexure A**).

This report **is aimed at affording the appeal authority an opportunity to dispose of the appeal** in terms of paragraphs 91(13) and 90(14) of the Swarthland Municipality: Municipal Land Use Planning By-Law (PG 8226 dated 25 March 2020).

2. COMMENTS: MUNICIPAL MANAGER

2.1 In terms of section 33 of the Constitution, everyone has the right to administrative action that is lawful, reasonable and procedurally fair, and to be given written reasons. The Constitution also provides for the enactment of national legislation, hence the Promotion of Administrative Justice Act (PAJA) 3 of 2000.

2.2 Administrative law entails the following general legal principles governing the organisation of administrative institutions, with specific reference to the FAIRNESS and REASONABLENESS of administrative processes. Naturally, the scope of administrative law includes the administrative actions of a municipality in performing a public function or taking a decision.

2.3 Administrative action is defined as:

“... any decision taken, or any failure to take a decision, by an administrator which adversely affects the rights of any person and which has a direct external legal effect ...”

2.3.1 As far as the “*direct external legal effect*” is concerned, the decision is binding, having been taken in terms of statute.

2.3.2 It also includes a decision that needs to be taken to, inter alia:

- impose conditions;
- set a requirement; and
- grant permission.

2.4 Before any “decision-making institution” can take a decision that affects the rights of individuals/the public –

(s)he needs to have the statutory mandate to take such a decision, and the “decision-making institution” – in this instance, the MUNICIPAL PLANNING TRIBUNAL – must derive his/her powers/functions from the enabling provisions of statute, common law rules, customary law, and agreements or policies applicable to the relevant sphere of government.

2.5 PAJA:

- sets a benchmark for minimum standards applicable to administrative actions;

- gives effect to the constitutional principle of just and fair administrative decision-making; and
- provides a minimum set of procedures for:
 - taking decisions; and
 - supplying reasons for decisions.

2.6 The principles of legality are as follows:

- o Fair manner
The administrative action must be performed and taken in a fair manner (procedurally).
- o Reasonable
The administrative action must be reasonable.
- o Administrator/decision-making institution
The institution must be mandated by statute (the administrator) to take the decision.
- o Authorised
The administrator must be lawfully authorised to perform a specific action or take the decision.

2.7 Legal effect

2.7.1 Administrative decisions are presumed to have been taken lawfully, until a particular decision is declared unlawful by a court of law.

2.7.2 This is to establish legal certainty.

2.8 **SUMMARY**

Judged against the principles of legality stated in paragraph 2 above, the following can be confirmed:

2.8.1 The administrative action (process to take the decision) was subjected to a public participation process, the applicant's comments and motivations were weighed against the legal framework, the applicant was informed of their right to appeal, and therefore, it can be confidently stated that the action was FAIR and PROCEDURALLY CORRECT.

2.8.2 Moreover, it is clear that the administrative action was REASONABLE and that the decision was taken in terms of the scheme regulations and the by-law, which acknowledge the rights of the individuals residing in the residential area.

2.8.3 The Municipal Planning Tribunal was duly authorised to take the decision in terms of the applicable legislation, and the Executive Mayoral Committee is the institution/authority who serves as the Appeal Authority and considers appeals.

3. **RECOMMENDATION: MUNICIPAL MANAGER**

- (a) That, considering the evaluation of the appeal by the authorised official as outlined in Annexure A, resolution 6.5 of the Municipal Planning Tribunal dated 16 November 2022 be confirmed;
- (b) That the appeal be dismissed for the reasons as stated by the authorised official in Annexure A.

(sgd) J J Scholtz

MUNICIPAL MANAGER



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
2 Maart 2023

15/3/3-8/Erf_1220

15/3/6-8/Erf_1220

SUBJECT: EVALUATION OF THE APPEAL RECEIVED ON THE PROPOSED REZONING AND SUBDIVISION OF ERF 1220, MALMESBURY

1. BACKGROUND

An application for the rezoning of Erf 1220, Malmesbury, in terms of section 25(2)(a) of Swarthland Municipality: By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020) has been received. It is proposed that Erf 1220 be rezoned from Residential Zone 1 to Subdivisional Area in order to provide for the following land uses namely.

Authority Zone (12953,05m² in extent) and Transport Zone 2 (49,82m² in extent).

An application for the subdivision of Erf 1220, Malmesbury, in terms of section 25(2)(d) of Swarthland Municipality: By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020), has been received. It is proposed that Erf 1220 (13002m² in extent), be subdivided into a remainder (10667m² in extent), portion 1 (2286m² in extent), portion 2 (12,41m² in extent), portion 3 (12,5m² in extent), portion 4 (12,41m² in extent) and portion 5 (12,5m² in extent).

The application intends to acquire the necessary authorization for rezoning and subdivision of Erf 1220, Malmesbury in order to permit the existing SAPS Stock Theft Unit in the building on the southern portion of the site as well as the new Department of Correctional Services (DCS) Community Corrections Office in the buildings on the northern portion of the site.

Erf 1220, Malmesbury, is zoned Residential Zone 1, which does not permit the current and proposed offices. The current office use is therefore classified as an unauthorised land use, and a rezoning application is therefore required in terms of the By-Law in order to legalize the existing offices as well as authorise the proposed Community Corrections Office.

2. SUPPORTING DOCUMENTATION

Inclosed are the following documentation:

Annexure 1: Item 6.5 served before the Municipal Planning Tribunal on 16 November 2022.....bl 20-198

Annexure 2: Letter to applicant, N M & Associates Planners & Designers dated 28 November 2022 to inform them on the decision of the Municipal Planning Tribunal and their right to an appealbl 199-202

Annexure 3: Letter to objectors dated 28 November 2022 to inform them on the decision of the Municipal Planning Tribunal and their right to an appealbl 203-210

Annexure 4: Appeal received from N M & Associates dated 15 December 2022 ...bl 211-244

Annexure 5: Letter to objectors dated 15 December 2022 to inform them on the appeal received in terms of the Swarthland Municipality: By-Law regarding Municipal

Annexure 6: Letters from objectors regarding comments on the appeal received..bl 253-278

3. **TIME FRAME FOR FINALISING THE APPEAL IN ACCORDANCE WITH THE SWARTLAND MUNICIPALITY: BY-LAW REGARDING MUNICIPAL LAND USE PLANNING (PG 8226 VAN 25 MAART 2020)**

Section 89(1): The executive mayor is the appeal authority in respect of decisions of the Tribunal or an authorised employee contemplated in sections 78(a) or (b) and a failure to decide on an application as contemplated in section 68.			
		RESPONSIBLE PERSON(S) / ACTION	ADHERENCE TO DEADLINE (YES/NO)
Section 89(2)	A person whose rights are affected by a decision contemplated in subsection (1) may appeal in writing to the appeal authority within 21 days of notification of the decision.	Development Management: Notice dated 28 November 2022/registered mail dated 30 November 2022	N/a
Section 90(3)	An applicant who lodges an appeal must, within the period referred in subsection 89(2), submit proof of payment of appeal fees as may be determined by the municipality to the municipal manager.	Applicant	Yes, appeal and proof of payment of appeal fees received on Thursday, 15 December 2022
Section 90(4)	An applicant who lodges an appeal must simultaneously serve notice of the appeal to any person who commented on the application concerned and any other person as the municipality may determine	Applicant	Yes, on Thursday, 15 December 2022
Section 90(6)	The notice contemplated in subsection (5) must invite persons to comment on the appeal within 21 days of the date of notification.	Applicant	Yes, on Wednesday, 18 January 2023 (extended period due to December-holiday)
Section 90(7)	The appellant must submit proof of service of the notice as contemplated in subsection (5) to the municipal manager within 14 days of receipt thereof.	Appellant	Yes, on Thursday, 15 December 2022
Section 90(12)	An authorised employee must draft a report assessing an appeal and must submit it to the municipal manager within 30 days of the closing date for comments requested in terms of subsection (6).	Development Management	Yes, on Monday, 27 February 2023
Section 90(13)	The municipal manager must within 14 days of receiving the report contemplated in subsection (12) submit the appeal to the appeal authority.	Municipal Manager	Yes, on Monday, 13 March 2023
Section 91(8)	Subject to subsection (12), the appeal authority must decide on an appeal within 60 days of receipt of the assessment report as contemplated in section 90(13).	Executive Mayoral Committee	On/before Friday, 12 May 2023
Section 91(11)	The appeal authority must within 21 days from the date of its decision notify the parties to an appeal in writing of the outcome.	Executive Mayoral Committee	To be confirmed.

4. **EVALUATION OF APPEAL BY AUTHORISED OFFICIAL**

4.1 **Background**

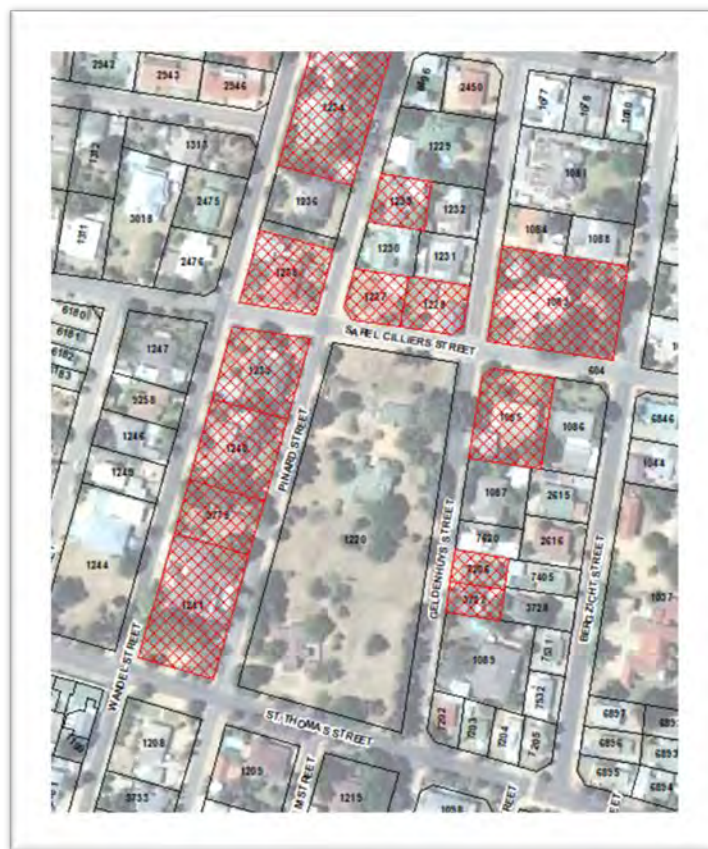
The appeal is lodged by the applicant (N & M Associates Planners and Designers) on behalf of the owner National Government of the Republic of South Africa.

Appeal is lodged against whole of the decision of the Tribunal to refuse the application.

Appeal is also lodged against all the grounds/reasons relating to the merits which the Tribunal erred in concluding their decision which includes reasons for the decision C(a) to C(q).

The appellant referred the appeal to the objectors during the public participation process for comments. A total of 14 responses were received:

- Maatjie Jordaan, 34 Sarel Cilliers Street
- Johan Conradie, Roelof and Vrede Johann Conradie, 12C Geldenhuys Street
- AA Louw, 33 Sarel Cilliers Street
- Jaline Wheeler, 28 Pinard Street
- Johan and Lene Conradie, 12D Geldenhuys Street
- Leani van der Merwe, 25 Geldenhuys Street
- James and Petro Prichard, 25 Pinard Street
- Charles le Roux, Louise Naude and GP Bezuidenhout, 21 Pinard Street
- Corne Bosman, 11 Berzight Street
- AM Bosman, 11 Berzight Street
- PC Punt, 27 Sarel Cilliers Street
- Karl and Maria Knops, 29 Pinard Street
- Willie Taylor, 19 Pinard Street
- DF Wege, 15 Pinard Street



Locality of the responses marked in red. The response were in favour of the decision of the MPT.

4.2 **Comments on the appeal**

It is recommended that the Appeal Authority thoroughly scrutinise the contents of the report that was presented to the Municipal Planning Tribunal as it is clear that the issues raised by the appellant have been considered by the Tribunal in their conclusion to refuse the application.

It is also important to note that the application was submitted on the 2nd of March 2022 and after the public participation process was concluded the applicant's comments on the objections were received on the 20th of May 2022. In support of the principle of good administration the Municipality is bound to timeframes as required in terms of the applicable By-law. Additional information was requested from the applicant and the applicant's reply that the information can only be provided by July 2023 was deemed unacceptable.

As stated in the report as well as the e-mail of Herman Olivier to the applicant dated 14 September 2022, there was an informal discussion on the 10th of August 2022 with the MPT members regarding the specific application, where it was confirmed that the members are of opinion that the comments / conditions from

Heritage Western Cape is a key consideration due to the extent, the historical- as well as conservation significance of the property.

Given all the considerations taken in to account with the evaluation of the application, as well as the timeframe provided by the applicant to which the required information where to be supplied, it was determined that the comments / conditions from Heritage Western Cape will not change the outcome of the recommendation. It was therefore decided that waiting for the information will only delay the effective processing of the application and that the Department could rather effectively use their time and resources to seek an alternative solution or location for the proposed Community Corrections Office, in a location that could be considered favourable. It was therefore recommended that the applicant work together with the Municipality in identifying property that is ideally located, that is suitably zoned / consistent with the MSDF, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves.

In terms of Section 90(12) of the applicable By-Law and set procedure for appeals the authorised employee needs to assess the appeal and submit a report to the Municipal manager. The appeal can be assessed as follows:

a) Reason C(a)

The applicant appeals reason C(a) as in their opinion the proposals may not subscribe to each and every principle in terms of SPLUMA and LUPA however, referring to an extract of the motivation report, most of these principles are adhered to.

“The SAPS Stock Theft Unit office and the DCS Community Corrections Office both provide public services, not only in Malmesbury, but in the broader West Coast District. Therefore, access to public services is being facilitated by these offices, aligning with the principle of spatial justice. The site is well located and accessible as both St Thomas Street and Sarel Cilliers lead east towards the centre of Malmesbury on Voortrekker Road, which links to the N7 north to Moorreesburg, and the R315 west to Darling. Both the current SAP Stock Theft Unit office and the proposed DCS Community Corrections Office will be contained in former houses in an urban area, and located close to the centre of Malmesbury, close to other public services clustered around Voortrekker Street. This application seeks to regularise the existing SAPS Stock Theft Unit office use on Erf 1220 as opposed to relocating the offices elsewhere with potential cost and operational implications, while co-locating another public service (the DCS Community Corrections Office) on the same site, for the same reasons. Therefore, both spatial sustainability and efficiency are promoted.

Spatial resilience is promoted via the access to public services that is being facilitated by this office, as public services support communities most likely to suffer the impacts of economic and environmental shocks. All relevant stakeholders, as determined by the provisions of the relevant by-laws, will be afforded the opportunity to provide inputs on this rezoning and subdivision application, in terms of the principle of good administration.”

Comment on the appeal:

Given the functional classification of Malmesbury as a regional centre, as well as the significant presence of the Department of Correctional services within Malmesbury, it is agreed that the DCS offices should remain within Malmesbury.

The need for the DCS office in Malmesbury is therefore acknowledged, the proposed location of it on the other hand, within a residential area is not supported. Not only is it prejudicial to the interests of the residents in the area but it is also, not conveniently located next to transport routes, within the CBD, or clustered with other public administration facilities in order for it to be in the interest of the community, staff or the parolees that need to visit the offices.

The proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings, is not desirable, does not support the spatial planning goals of the MSDF, 2019 as well as does not contribute to densification. The MSDF, 2019 rather promotes the effective use of property and services as well as supports densification.

Furthermore the operational hours of the DCS office as well as the proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature “sense of place” within the neighbourhood and will therefore detract from the character of the area. As stated in a letter dated 19 May 2022 by the Chief Town and Regional Planner, L V Masuku, for the Department of

Correctional Services, the operation hours of a community correction office is from 07h00 till 23h00 from Monday to Friday, weekends the offices are opened at 07H00 for reporting and thereafter officials are dispatched for home visits. This will, without any doubt be detrimental to the character of the area especially as the access of both the proposed offices are proposed from low-order residential streets.

b) Reason C(b)

The applicant states that they do not agree that the proposal does not address spatial and development imbalances through the improved access to and use of land. The motivation report explains that "The SAPS Stock Theft Unit office and the DCS Community Corrections Office both provide public services, not only in Malmesbury, but in the broader West Coast District. Therefore, access to public services is being facilitated by these offices, aligning with the principle of spatial justice." At the same time the proposed rezoning of the land to Subdivisional Area with Authority Zone 1 does not only directly address the issue of spatial and land use imbalances but also addresses fragmentation of land uses. The applicant explains that from a spatial perspective, public facilities are integrated with residential land uses and not functionally fragmented as in the old Apartheid spatial planning therefore responding to the principle of spatial justice and integration.

The applicant notes that "Social Reintegration (Community Corrections Offices) is of the integration of probationers and parolees into the community as part of the Departments rehabilitation programmes. It is a priority of government to deliver services closer to communities, while ensuring that office facilities that are in a safe and humane condition, hence the need for alternative and suitable office accommodation".

The proposed development and land uses on Erf 1220 were intentionally limited in the town planning application to the proposed DCS offices and SAPS Unit in order to minimise the potential impact of the proposed uses and to provide a degree of comfort that no unforeseen development will occur. Any further development on the site would require further land use applications in order to obtain additional development rights for Erf 1220. The proposed development and land uses were limited to the existing structures. The Authority Zone 1 does not have any land use provisions which limit the intended uses, instead the Council shall determine the land use provisions that are applicable to this zone. The proposed Authority Zone 1 will enable further authority usage to take place on Erf 1220 while at the same time providing Swartland Municipality with a degree of control on any further uses subject to additional land use applications supported by the necessary service reports and studies. It does not prohibit the future densification of authority uses on the site. The Authority Zone 1 zoning of the site will permit not only existing authority uses but also existing authority uses located elsewhere but may relocate to Erf 1220, enabling the densification of the site.

We note that a substantial portion of the site is related to the Old Residence (including the associated structures, its access and parking) is of heritage value which limits densification and redevelopment of the property as a whole.

Comment on the appeal:

The need for the DCS office in Malmesbury is acknowledged.

The development proposal will not achieve higher densities, will not result in the optimum use of land / space within the urban edge, will detract from the character of the area as well as negatively impact the sense of place within the residential neighbourhood it is located and will not improve accessibility.

It is argued that public administration facilities should rather be conveniently located next to transport routes, within the CBD or alternatively clustered with other facilities in order to be in the interest of the residents in the area as well as to the staff and parolees that visit the proposed offices.

Furthermore, there are much more advantages in clustering public administration / functional facilities for example;

- Cutting down on the amount of land required*
- Promotion of the full use of buildings and land*
- Lower building cost*
- Lower running cost*
- Minimum maintenance cost*

- Convenience, as all services are located in one centre. People can accomplish a number of tasks within a single journey which equates to savings in time, money and effort and has the net effect of improving quality of life.
- Provision of greater security
- Sharing of resources

The statement made by the appellant that the proposed development and land uses were intentionally limited in the town planning application in order to minimise the potential impact as well as to provide a degree of comfort that no unforeseen development will occur, is noted. The statement that the proposal will result in the accommodation of other authority uses, currently situated elsewhere, and relocating them to Erf 1220, was specifically one of the concerns raised by the objectors as well as discussed and evaluated by the Tribunal. Since the application contains no detail on the future developments and especially given the extent of the property, the impact cannot be determined or evaluated.

It is acknowledged that any future development should be sensitive to the historical, architectural as well as contextual significance of the old residency situated on the property.

It is for the above reasons the proposal is deemed to be in conflict with the principle of spatial justice.

c) Reason C(c)

See response to 'b' above

Comment on the appeal:

Zone C is defined as a mixed land use character consisting of low and medium density residential uses and also supporting functions like crèches, schools, hostels and a hospital. Densification and mixed uses are allowed for in the transition areas next to the commercial and industrial areas and along the activity streets. Authority use is clearly supported in the land use proposals for zone C. However, the proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings, is not seen desirable. It is not in-line with the spatial planning goals as well as does not contribute to densification. The rezoning effectively sterilises the property for any other development and will remain like that for years to come.

Furthermore, not one of the proposed offices have their access taken from the activity street, St Thomas Street. Both offices are accessed off Pinard Street which is a low order residential street.

The MSDF, 2019 rather promotes the effective use of property and services as well as supports densification.

In terms of Section 42 (1)(b) of SPLUMA, in considering and deciding an application the Municipal Planning Tribunal must make a decision which is consistent with norms and standards, national and provincial government policies as well as the municipal spatial development framework. Given the above the Swartland Municipal Planning Tribunal could not have approved the application as it would have been in contradiction with the abovementioned legislation.

d) Reason C(d)

The appellant notes that a substantial portion of the site is of heritage value which limits densification and redevelopment of the property as a whole. Therefore they cannot accept that the proposals are undesirable and in conflict with the sense of place within the surrounding neighbourhood. The applicant argues that the proposed maintenance and upgrade of the heritage related buildings would add value to the sense of place and character of the area.

Comment on the appeal:

The upgrading and maintenance of the existing heritage buildings will complement the surrounding residential area as it is currently in a bad state.

The "sense of place" within the surrounding neighbourhood, in this case, will be affected in two ways. The one being the improvement of the aesthetics of the buildings and the other the land use of the property.

As already argued the proposed land uses are deemed in contradiction with the MSDF which does not promote the principle of spatial justice. In other words, the proposed land uses will impact negatively on the character of the surrounding single residential area.

The proposed land use remains to be deemed undesirable from a land use perspective. The reason for the decision of the MPT remains to be supported.

e) Reason C(e)

The appellant states that although the municipality argues that it could facilitate the co/relocation of public facilities on other public land within the municipal area, the municipality did not take the initiative to discuss the co/relocation with the landowner and user departments despite requests from these government departments to have open engagements to find mitigation measures and to address community concerns that have been raised as part of the Public Consultation Process. This flies in the face of inter-governmental cooperation and relations.

The application was submitted for the regularisation of land uses among other reasons in order to comply with the Swartland Municipal Land Use Planning By-law.

Comment on the appeal:

Prior to the decision of the MPT in November 2022, the Division: Land use and Planning from Swartland Municipality corresponded with the applicant via email regarding the possible refusal of the land use application. This correspondence was sent on 14 September 2022. See the email marked "X". Please see below an extract of the email.

"...Therefore, in order to seek an alternative solution or location for the proposed Community Corrections Office, in a location that could be considered favourable, it is advised that the current proposal / application be withdrawn and that the department and the Municipality work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDF, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves...."

Mr Lindokuhle Masuku (professional planner) from the Department: Correctional Services – Professional Services Directorate – replied with letter dated 29 September 2022. See the letter marked "Y". On behalf of the Department he stated that the department is open for engagements to find mitigation measures to address the community concerns that have been raised as part of the public participation process. An appeal was also made to the municipality to partner with the Department to address the key areas of concern. A further appeal was made to the municipality to await the outcome of the Heritage Impact Assessment at Heritage Western Cape before the land use application be presented to the MPT for decision making.

The comments/objections received was considered by the MPT as well as the response from the applicant on it.

The proposed application needed to be finalised as proposed and with all the relevant considerations taken into account as well as for the reasons provided, the Municipal Planning Tribunal could not have made a different decision.

As mentioned in the correspondence with the applicant / owner it is recommended that the department seek an alternative solution or location for the proposed Community Corrections Office, in a location that could be considered favourable. It is therefore advised that the department and the Municipality work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDF, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves.

f) Reason C(f)

The applicant states that if the applicant and the Municipality are of the view that relevant outstanding information is critical to deciding the outcome of an application there is no reason why the timeframes should not be extended by mutual agreement. In this instance the municipality proceeded to refuse the application without due consideration for the merit and content of the HIA. In terms of the email communication between the applicant and Mr Alwyn Burger of Swartland Municipality dated 06 June 2022 (see Annexure 2), the municipality confirmed that the proposed conditions referred to in the email will be made part of the decision if approved.

Appeal against Procedural Inaccuracies

- i. From a procedural perspective we were not provided with an opportunity to formally respond to and potentially mitigate the town planning issues raised by the Swartland Municipality despite requests that this be done.
- ii. Subsequent to the response from DCS (by means of an email and formal letter from Lindokuhle Masuku dated 29 September 2022) we were not advised by the Swartland Municipality that they were proceeding with the application and that it would be considered by the MPT in November 2022 for a decision despite the heritage study and HWC decision/conditions not being available yet, thereby denying us the opportunity to motivate the application at the MPT.
- iii. We were not provided with the opportunity to negotiate around reconsidering the application from the point of view of what might work from a land use planning perspective and potentially use the opportunity to mitigate objections from the public.

Subsequent to the email from Herman Olivier (refer to Annexure 3 dated 14 September 2022) wherein he advised that an informal discussion had been held with the MPT with the suggestion that the Municipality setup a meeting with DCS to discuss alternatives consistent with the MSDP and that the comments / conditions from HWC are a key consideration. He further advised that from a town planning point of view the application could not be supported. DCS replied via an email and letter dated 29 September 2022 (refer to Annexure 4) wherein DCS noted that they were open and available to discuss mitigation measures with the Municipality and requested that the Municipality awaits the submission and outcome of the HIA before referring the land use application to the MPT for a final decision. Despite this request the municipality proceeded to present the application to the MPT on the 16th November 2022 without advising the applicant, thereby denying the applicant and DCS the opportunity to discuss mitigation measures and to make an oral presentation to the MPT.

Comment on the appeal

Please refer to the comments made at point 4.2(e).

Section 62(1)(c) of the Swartland Planning By-law states the following:

“...Amendments before approval

62(1) An applicant may amend his or her application at any time before the approval of the application –

(c) at the request of the municipality...”

This was done by the municipality in the form of Mr Herman Olivier’s email to Shahiem Dalvie from N & H Associates dated 14 September 2022.

It was the decision of the Senior Manager: Development Management in consultation with the Division: Land Use and Planning and discussions with the MPT in October 2022 to present the application to the MPT for decision making in November 2022. The reason for this decision is that the application was deemed undesirable from a land use perspective. The mitigation of objections or the completion of the Heritage Impact Assessment would not have made a difference to the recommendation to the MPT.

g) Reason C(g)

The applicant states that the proposals may not subscribe to each and every goal in terms of the PSDP however certain of these goals are adhered to in the application motivation report. The following extract from the motivation report pays testimony to such adherence:

“The PSDP’s goals include to “improve proximity and access to public services and social facilities” and “increasing safety”. The SAPS Stock Theft Unit office and the DCS Community Corrections Office both provide public services, not only in Malmesbury, but in the broader West Coast District. Therefore, access to public services and increasing safety will be facilitated by these offices, aligning with the PSDP’s goals.”

The appellant notes that a substantial portion of the site is of heritage value which limits densification and redevelopment of the property as a whole. Against this fact we cannot accept that the proposals are undesirable and in conflict with the sense of place within the surrounding

neighbourhood. In fact the proposed maintenance and upgrade of the heritage related buildings would add value to the sense of place and character of the area.

Comment on the appeal

The services rendered by the SAPS Stock Theft Unit office and the DCS Community Corrections Office in Malmesbury and the region is acknowledged. The locality of erf 1220 in the context of Malmesbury is deemed to be in conflict the goals of the PSDF.

The reason for the decision of the MPT remains to be supported.

h) Reason C(h)

The applicant notes that the proposal is in contradiction with the West Coast SDF 2020 is unsubstantiated.

Comment on the appeal

The appellant does not provide any valid reasons for this statement. In the report it is clearly stated that the WCDSDF, 2020 rightfully looks at spatial development on a district level. However the WCDM SDF promotes the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required in terms of SPLUMA and recommended in the PSDF, 2014), to improve quality of life and access to amenities and opportunities to all residents in the WCDM.

Given the functional classification of Malmesbury, as well as the significant presence of the Department of Correctional services within Malmesbury, the DCS offices should remain within Malmesbury. With reference to the evaluation of the planning principles mentioned above as well as the reference to it within the WCDSDF, 2020 as well as the principle of densification, it could be argued that the proposal is not consistent with the spatial planning policies of the WCDSDF, 2020.

i) Reason C(i)

Residential densification is generally supported by public facilities, public space, within reasonable access and proximity. Furthermore densification is also about integration of mixed land uses not just mono-functional residential land uses. The proposal facilitates densification from this planning perspective.

The Authority Zone 1 does not have any land use provisions which limit the intended uses, instead the Council shall determine the land use provisions that are applicable to this zone. The proposed Authority Zone 1 will enable further authority usage to take place on Erf 1220 while at the same time providing Swartland Municipality with a degree of control on any further uses subject to additional land use applications supported by the necessary service reports and studies. It does not prohibit the future densification of authority uses on the site. The Authority Zone 1 zoning of the site will permit existing authority uses located elsewhere to relocate to Erf 1220 enabling the densification of the site.

Comment on the appeal

The proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings is not seen as desirable.

See the comments at points 4.2(a) and 4.2(b).

j) Reason C(j)

Noted. The Traffic Impact Statement found that the existing SAPS and proposed DCS use will not negatively impact the road network from a traffic and transport point of view.

Comment on the objection

The traffic impact statement was included in the report presented to the MPT and therefore they were fully aware of the potential impact from a traffic impact point of view. The specific reasons

relates to the consistency with the MSDF, 2019 as it is stated that mixed uses are supported next to identified activity streets. It is indeed the case that mixed uses are supported along activity streets, but then the access to the proposed use should be directly from the activity street for it to be consistent with the objective of the MSDF.

Taking into consideration the proposed operational hours of the DCS office as stated by the Department, the traffic to and from the offices after normal office hours would without any doubt have a negative impact on the character of the area especially as the access is taken from a low order residential street.

k) Reason C(k)

The appellant strongly objects to the fact that the Municipal Planning Tribunal is of the view that the proposal is inconsistent and contradicts the spatial planning policies mentioned in the Municipality's letter. The appellant states that they have demonstrated consistency with these policies in the application report. The purpose of a municipal spatial development framework (as indicated in Chapter 4 Section 12 of SPLUMA) is to "provide clear and accessible information to the public and private sector and provide direction for investment purposes;" (RSA, 2015). In this circumstance the proposed development was prepared in terms of the MSDF as Authority use is clearly indicated as a recommended land use within the MSDF Zone C for Malmesbury.

Comment on the objection

Please see the comments at points 4.2(a) and 4.2(b).

The reason for the decision of the MPT is deemed valid.

l) Reason C(l)

Site specific circumstances were not illustrated as the proposed Authority land use is a recommended land use within the MSDF Zone C for Malmesbury. Furthermore should site specific circumstances have been required, it is incumbent on the municipality to advise the applicant accordingly in pre-application enquiries.

Comment on the objection

Noted.

m) Reason C(m)

The appellant notes that a substantial portion of the site is of heritage value which limits densification and redevelopment of the property as a whole. Against this fact the appellant states that they cannot accept that the proposals are undesirable and in conflict with the sense of place within the surrounding neighbourhood. In fact the proposed maintenance and upgrade of the heritage related buildings would add value to the sense of place and character of the area. There are no new structures or changes to the existing structures proposed in terms of this application therefore the visual character of the site will remain.

The applicant is of opinion that the municipality had neither any regard nor any patience to understand the degree of historical and architectural significance of the old residency by waiting for the outcome of the HIA process and its recommendations.

Comment on the objection

Please see the comments at 4.2(d).

The MPT did have regard to the historical and architectural significance of the old residency in concluding that the application should be refused. As stated in the report, "should the status quo remain there is a risk that the current state of the property will continue to deteriorate ultimately resulting in the complete loss of the heritage asset as well as the negative impact on neighbouring properties due to the lack of proper maintenance of the subject property." However, with all considerations taken into account it was agreed that as the proposal is in contradiction with spatial planning policy as well as that it is deemed undesirable and that it would not be in the public interest, the outcome of the HIA process and its recommendations will not change the outcome of the recommendation. Waiting for the input from HIA would therefore have unnecessarily delayed the effective processing of the application

n) Reason C(n)

It is important to note that the land uses and buildings have historically been on the subject property since approximately 1900 (for the Old Residency) and 1975 (for the SAPS Stock Theft unit). The application was for the regularisation of the SAPS land use.

The appellant states that although the municipality argues that it could facilitate the co/relocation of public facilities potentially at existing clustered facilities, the municipality did not take the initiative to discuss the co/relocation with the landowner and user departments despite requests from these government departments to have open engagements to find mitigation measures.

The appellant notes that the DPWI owns the subject land and is doing its best to rationalise public resources.

Comment on the objection

Please see the comments at point 4.2(e).

The Department at no point indicated their willingness to go into discussions with the municipality to seek an alternative solution or the relocation of the facility to a more ideally located property. The offer from the municipality still stands. The Department only requested the municipality to assist in mitigating the objections.

o) Reason C(o)

The appellant states that they do not agree that the proposal is not in the interest of the community from an access and proximity point of view. We can only assume that this point as a basis of refusal is subjective, poorly motivated in points (i) to (v) and seemingly prejudiced against parolees and staff of the DCS.

The appellant refers to their previous responses and state that the proposed development will ensure that the building and its heritage value is maintained.

The appellant also refers to the letter from DCS dated 29 September 2022 (refer to page 7 of Annexure 4) wherein it is noted that a cost benefit analysis was undertaken that revealed that the Department would save R378 810.00 per annum on private lease accommodation.

Comment on the objection

Erf 1220 may be located close to the centre of Malmesbury and close to other public services clustered around Voortrekker Street, but in a radius of 110m it is completely surrounded by single residential erven. Erf 1220 is also situated outside the identified CBD.

14 of the 30 objectors during the public participation process responded to the appeal process. All of these residents, except 2 properties, are located across the streets from erf 1220. These objectors supports the decision of the MPT. No letters of support were received in favour of the appeal. The only party which is in support of the application is the applicant.

The need for a SAPS Stock Theft Unit and DCS Community Correctional Office in Malmesbury is acknowledged as well as the savings that would be made if an existing property of National Government can be used for these purposes. The original use of erf 1220 was residential of nature which complimented the surrounding residential area. Erf 1220 is not located on existing transport routes, within the CBD or clustered with other public administration facilities in order to be in the interest of the residents in the area as well as to the staff and parolees that visit the proposed offices. Just because erf 1220 is owned by National Government and they are in need to provide a certain services in Malmesbury and the West Coast District, it does not automatically make this property suitable to be used for any other use than residential.

As recommended by the Division: Land Use and Planning as well as agreed by the Swartland MPT, National Government and the Municipality should work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDP, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves. The application as is, is not in the public's interest.

Taking all the relevant considerations into account, it is clear that the decision is not subjective and the recommendation that the proposed facility should be better located, is clearly not prejudiced against parolees and staff of the DCS.

p) Reason C(p)

The proposed development and land uses on Erf 1220 were intentionally limited in the town planning application to the proposed DCS offices and SAPS Unit in order to minimise the potential impact of the proposed uses and to provide a degree of comfort that no unforeseen development will occur. Any further development on the site would require further land use applications in order to obtain additional development rights for Erf 1220.

The appellant is of opinion that, at no point in the application process did the municipality exercise its right to request further detail on the future development of Erf 1220.

Comment on the objection

The land use application clearly states the rezoning of erf 1220 in its entirety to Authority zone. Footprint rezoning were not proposed to limit unforeseen development taking place future on vacant parts of the property which will then consist of an Authority zone zoning. Once the zoning is granted the erection of new structures and establishment of other authority uses can be arranged by building plans which requires no public participation.

Even though the MPT could have restricted the applied for zoning to the footprints of the buildings, the application was found to be undesirable and in conflict with the MSDF. The future development of the erf for authority uses were then eliminated.

q) Reason C(q)

The appellant states that the municipality had neither any regard nor any patience to understand the degree of historical and architectural significance of the old residency by waiting for the outcome of the HIA process and its recommendations. Moreover at no point in the application process did the municipality exercise its right to request further detail on the proposed preservation of the heritage resource.

Comment on the objection

As mentioned above, the MPT did have regard to the historical and architectural significance of the old residency in concluding that the application should be refused. With all considerations taken into account it was agreed that as the proposal is in contradiction with Provincial, District as well as Municipal spatial planning policy, it is deemed undesirable as well as that it would not be in the public interest. Therefore the outcome of the HIA process and its recommendations will not change the outcome of the recommendation relating to the proposed application for rezoning in order to utilise the property and buildings as offices.

The department could still use the recommendations from the heritage consultant in order to assist in the proper maintenance and repair of this significant heritage resource.

4.3 **Conclusion**

The historic use of erf 1220 was for residential purposes, hence the Residential zone 1 zoning.

It cannot be argued that for the reason that erf 1220 is owned by National Government and they are in need to provide certain services in Malmesbury and the West Coast District, it does automatically make the erf suitable to be used for authority uses as presented in the application.

Even though authority use is clearly supported in the land use proposals for zone C, the proposed offices are out of character with the immediate single residential area. The authority use remains to be in conflict with the spatial planning of the area, principles of LUPA and SPLUMA and general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area.

The outcome of the HIA would not have influenced the decision taken by the MPT as the proposed land use is deemed undesirable.

Regularising the existing SAPS Stock Theft Unit office use on Erf 1220 as opposed to relocating the offices elsewhere with potential cost and operational implications, while co-locating another public service (the DCS Community Corrections Office) on the same site, for the same reasons, are acknowledged.

The MPT did not err in taking the decision to refuse the application.

As recommended by the Department : Development Management as well as agreed by the Swartland MPT, National Government and the Municipality work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDF, which will not have a negative impact on the character of the area, as well as be in the interest of the community it serves.

5. RECOMMENDATION: AUTHORISED OFFICIAL

5.1 The appeal authority dismisses the appeal in entirety.

5.2 The appeal be dismissed for the following reasons:

- 5.2.1 The historic use of erf 1220 was for residential purposes, hence the Residential zone 1 zoning.
- 5.2.2 National Government's intention to use their properties optimally for other uses as originally intended, cannot be deemed suited for any existing illegal use or future use as seen fit by government. Land need to be suitably zoned, the land uses consistent with the MSDF and other relevant planning policy/legislation and norms and standards, which will not have a negative impact on the character of the area, as well as not be in the interest of the community it serves.
- 5.2.3 The principle that *"public facilities need to be integrated with residential areas by means of bringing the service to the people"* is not promoted. The proposed uses remains to be in conflict with the spatial planning of the area and general nature "sense of place" within the residential area as it is not located on existing transport routes, within the CBD or clustered with other public administration facilities. The proposed uses remains to be in conflict with the PSDF, West Coast SDF and MSDF.
- 5.2.4 It is clear from the public's interest (objections received during the public participation process as well as the responses on the appeal) that surrounding property owners do not support the proposed uses.
- 5.2.5 The principles of spatial sustainability, efficiency and resilience in this case are out-weighed by the principle of spatial justice as the character of the area restricts the land uses which can be accommodated.
- 5.2.6 There is no degree of control by the municipality on future uses of the property once the Authority zone zoning is granted, other than the consideration of building plans.
- 5.2.7 Any engagements between the municipality and the appellant to find mitigation measures to address the community concerns that have been raised as part of the public participation process would not have influenced the decision of the MPT.
- 5.2.8 The outcome of the HIA would not have influenced the decision of MPT.
- 5.2.9 Restricting the footprints of the proposed Authority zone zoning to that of the buildings would not have influenced the decision of the MPT.
- 5.2.10 The Department at no point indicated their willingness to go into discussions with the municipality to seek an alternative solution or the relocation of the facility to a more ideally located property.

Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Afdeling: Bou-Omgewing

8 November 2022

15/3/3-8/Erf_1220

15/3/6-8/Erf_1220

WYK: 8

ITEM 6.5 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 16 NOVEMBER 2022

LAND USE PLANNING REPORT

APPLICATION FOR REZONING AND SUBDIVISION OF ERF 1220, MALMESBURY

Reference number	15/3/3-8/Erf_1220 15/3/6-8/Erf_1220	Application submission date	2 March 2022	Date report finalised	8 November 2022
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PART A: APPLICATION DESCRIPTION

An application for the rezoning of Erf 1220, Malmesbury, in terms of section 25(2)(a) of Swartland Municipality: By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020) has been received. It is proposed that Erf 1220 be rezoned from Residential Zone 1 to Subdivisional Area in order to provide for the following land uses namely. Authority Zone (12953,05m² in extent) and Transport Zone 2 (49,82m² in extent).

An application for the subdivision of Erf 1220, Malmesbury, in terms of section 25(2)(d) of Swartland Municipality: By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020), has been received. It is proposed that Erf 1220 (13002m² in extent), be subdivided into a remainder (10667m² in extent), portion 1 (2286m² in extent), portion 2 (12,41m² in extent), portion 3 (12,5m² in extent), portion 4 (12,41m² in extent) and portion 5 (12,5m² in extent).

The application intends to acquire the necessary authorization for rezoning and subdivision of Erf 1220, Malmesbury in order to permit the existing SAPS Stock Theft Unit in the building on the southern portion of the site as well as the new Department of Correctional Services (DCS) Community Corrections Office in the buildings on the northern portion of the site.

Erf 1220, Malmesbury, is zoned Residential Zone 1, which does not permit the current and proposed offices. The current office use is therefore classified as an unauthorised land use, and a rezoning application is therefore required in terms of the By-Law in order to legalize the existing offices as well as authorise the proposed Community Corrections Office.

The applicant is NM & Associates Planners and Designers and the owner of the property is National Government of the Republic of South Africa.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 1220, Malmesbury, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape				
Physical address	12 & 14 Pinard Street. Please refer to the location plan attached as Annexure A	Town	Malmesbury		
Current zoning	Residential zone 1 with a consent use for a second dwelling	Extent (m ² /ha)	13002m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)				

Current land use	Main dwelling as well as offices for the SAPD stock theft unit			Title Deed number & date	T5865/1918
Any restrictive title conditions applicable	Y	N	If yes, list condition number(s)		
Any third party conditions applicable?	Y	N	If yes, specify		
Any unauthorised land use/building work	Y	N	If yes, explain		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input checked="" type="checkbox"/>	Permanent departure		Temporary departure		Subdivision	<input checked="" type="checkbox"/>
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions	
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval	
Determination of zoning		Closure of public place		Consent use		Occasional use	
Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use			

PART D: BACKGROUND

The subject property is located at 12-14 Pinard Street in the Malmesbury and is owned by the National Government. Presently the property contains two groupings of buildings. The southernmost building on the site is the location of the South African Police Services (SAPS) West Coast Stock Theft Unit. This unit is responsible for the investigation of stock theft cases in the West Coast District, and 12 staff members are employed on site. The currently vacant dwelling house and outbuildings on the northern part of the site is intended to be used as a Community Corrections Office by the National Department of Correctional Services. It is proposed that approximately 20 people be accommodated in the said offices to provide services to parolees in Malmesbury as well as travelling to other towns in their catchment area.

Currently, the Community Corrections Office leases a premises close to Voortrekker Road next to the Department of Home Affairs. This lease according to the applicant expires in 2022 and given that the vacant building on Erf 1220 is owned by National Government, and is 5 blocks away from the current premises, the decision was taken to relocate the office to Erf 1220.

The National Department of Public Works and Infrastructure (DPWI), as the custodian of the property, intends to subdivide the site into two main portions, namely a northern portion and a southern portion, in order to facilitate management by the respective user departments. Additional subdivisions are required to create four 5m splay portions at the corners of the site.

As mentioned above this application seeks to legalize the zoning of Erf 1220, Malmesbury, as the site is currently zoned Residential Zone 1, which does not permit the current and proposed office land uses. The current office use is therefore classified as an unauthorised land use, and a rezoning application is therefore required in terms of the By-Law in order to rezone Erf 1220, Malmesbury from Residential zone 1 to Subdivisional Area to make provision for the following indicative zonings and land uses upon subdivision:

Authority zone (for the SAPS and DCS office land uses) (Remainder Erf 1220 and Portion 1)
Transport Zone 2 for Portions 2-5 (to accommodate the road splays).

Application for subdivision is also required to be submitted in terms of Section 25(2)(d) of the Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a brief summary of the outcomes below.
The applicant did consult with the Municipality regarding the current zoning as well as what is required in order to accommodate the proposed use on the property. No minutes were kept of the pre-application consultation.			

PART F: SUMMARY OF APPLICANTS MOTIVATION

(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)

NM & Associates were appointed by the National Department of Public Works and Infrastructure (DPWI). The application intends to acquire the necessary authorization for rezoning and subdivision of Erf 1220, Malmesbury in order to permit the existing SAPS Stock Theft Unit in the building on the southern portion of the site as well as the new Department of Correctional Services (DCS) Community Corrections Office in the buildings on the northern portion of the site.

The applicant notes that during consultation with the Municipality it was required that the approval be obtained from Heritage Western Cape. In a letter dated 1 June 2021, Heritage Western Cape stated that although there is no reason to believe that the proposed rezoning and subdivision of erf 1220, 12-14 Pinard Street, Malmesbury will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. HWC also lists the requirements that should be addressed by the HIA in order for it to consider the said application. Please refer to Annexure D attached to this report. The main reason for the HIA is due to the fact that the proposal entails a rezoning of a site exceeding 10 000m².

The applicant states that the northernmost Victorian-style villa and outbuildings were constructed on the property between 1894 and 1918. The villa was occupied by the local Magistrate, and in more recent years, the court manager and other agents of the court. A contemporary house was constructed in the period 1974-1977 on the southern third of the property, intended to become the Police Station Commander's residence. However, the house was not occupied for this purpose and therefore reallocated to the SAPS, whose Stock Theft Unit now occupies the premises as offices. This portion of the site is fenced off from the remainder of the site. The applicant continues to state that in their opinion the present house has no remarkable heritage features.

In terms of the legal and policy context the applicant motivates that:

The subject property is currently zoned Residential zone 1 in terms of the Swartland Municipal Land Use Planning By-Law, 2020 (Herewith further referred as the By-Law). In terms of the Development Management Scheme (Schedule 2 of the By-Law), the most relevant description for the SAPS Stock Theft Unit office and the DCS Community Corrections Office, is 'Authority Usage'.

Authority usage is defined as follows: "...means a use which is practiced by or on behalf of a public authority and the characteristics of which are such that it cannot be classified or defined under the other uses of this Development Management Scheme, and includes a use practiced by;

- (a) the State, such as military training centres and installations, police stations, correctional institutions or jails;
- (b) the Provincial Government, such as road stations or road camps;
- (c) the Municipality, such as fire services, wastewater treatment works, waste control sites, reservoirs, composting installations or water purification works or a municipal office with related uses such as accommodation for staff who are required to be on standby for emergencies, or
- (d) a public utility, such as a telecommunication facility;

The current Residential zone 1 zoning of the site does not permit Authority Usage as a primary, additional or consent use.

Section 30(2) of the By-Law states that:

No application for subdivision involving a change of zoning may be considered by the municipality unless the land concerned is zoned as a sub-divisional area.

Therefore, it is necessary to rezone Erf 1220 from Residential Zone 1 to Sub-divisional Area to make provision for the indicative zonings and land uses as mentioned above.

In terms of the Spatial Planning and Land Use Management Act, No. 16 of 2013 (SPLUMA) the applicant motivates that the SAPS Stock Theft Unit office and the DCS Community Corrections Office both provide public services, not only in Malmesbury, but in the broader West Coast District. Therefore, access to public services is being facilitated by these offices, aligning with the principle of spatial justice.

The site is well located and accessible as both St Thomas Street and Sarel Cilliers lead east towards the centre of Malmesbury on Voortrekker Road, which links to the N7 north to Moorreesburg, and the R315 west to Darling. Both the current SAPS Stock Theft Unit office and the proposed DCS Community Corrections Office will be contained in former houses in an urban area, located close to the centre of Malmesbury as well as close to other public services clustered around Voortrekker Road. The applicant continues to motivate that the application seeks to regularise the existing SAPS Stock Theft Unit office use on Erf 1220 as opposed to relocating the offices elsewhere with potential cost and operational implications, while co-locating another public service (the DCS Community Corrections Office) on the same site, for the same reasons. Therefore, both spatial sustainability and efficiency are promoted.

Spatial resilience is also promoted according to the applicant, via the access to public services that is being facilitated by this office, as public services support communities most likely to suffer the impacts of economic and environmental shocks. All relevant stakeholders, as determined by the provisions of the relevant by-laws, will be afforded the opportunity to provide inputs on this rezoning and subdivision application, in terms of the principle of good administration.

In terms of the principles of the Western Cape Land Use Planning Act, No. 3 of 2014 (LUPA) the applicant motivates that, for the same reasons as provided above, the proposal supports the principles as contained in the said Act.

National Heritage Resources Act (No. 25 of 1999) (NHRA)

The proposals for the site involve the rezoning of a site exceeding 10 000m², and therefore require a Notification of Intent to Develop (ND) to be submitted to HWC in terms of Section 38(1). The applicant motivates that Swartland Municipality undertook a heritage inventory in 2008, in which Erf 1220 was assigned a proposed grade 3A grading, however this survey has not yet been endorsed by HWC. Erf 1220 is located outside the provisional Heritage Area of Malmesbury town centre, although it falls within a provisional Special Area (as allowed for in the LUPBL). Erf 1220 therefore does not presently have any formal protection in terms of the NHRA.

The applicant does state that the heritage resources present on the site comprise the early 20th century Victorian villa and outbuilding and the remnants of the large open grounds and mature trees associated to the villa, known as the "Old Residency" or the Magistrate's residence. Together, these structures and features comprise a place, buildings, structures and equipment of cultural significance, which also represents and contributes to the historical townscape of Malmesbury. The site has very high local cultural significance, and therefore an overall heritage grading of 3A is appropriate for the site. However, the 1970s residence to the southern portion of the site is not conservation-worthy. A boundary for this not conservation-worthy area must be established, and excluded from the HIA area.

Western Cape Provincial Spatial Development Framework (PSDF) (2014, as amended)

In terms of the PSDF the applicant motivates that the PSDF's goals include to "improve proximity and access to public services and social facilities" and "increasing safety". The SAPS Stock Theft Unit office and the DCS Community Corrections Office both provide public services, not only in Malmesbury but also out in the broader West Coast District. Therefore, access to public services and increasing safety will be facilitated by these offices, aligning with the PSDF's goals.

Swartland Municipality Integrated Development Plan (IDP) (2017-2022) (3rd amendment — 28 May 2020)

In terms of the Swartland IDP, the SAPS Stock Theft Unit office and the DCS Community Corrections Office facilitate access to public services, and improvements to the quality thereof, and therefore align with Strategic Goal 1: Improved quality of life for citizens, contained in the IDP.

Swartland Municipality Spatial Development Framework (MSDF) (2018/19 amendment)

The applicant motivates that the MSDF, 2019 locates the site in Ward 8 and that St Thomas Street, which borders the site to the south, is identified as an Activity Street, while Voortrekker Road (R45, also known as Trunk Road 25/1), which is six blocks east of the site, is identified as an Activity Corridor.

The applicant continues to state that Objective 2 for Ward 8 notes that higher order development and mixed uses should be concentrated and supported on activity corridors and streets, and therefore the Stock Theft Unit office and the Community Corrections Office aligns with these intentions of the SDF.

The SDF, according to the applicant, locates the site in Land Use Zone C and the applicant notes that this zone is described in the SDF as follows:

Zone C has a mixed land use character consisting of low and medium density residential uses and also supporting functions like crèches, schools, hostels and a hospital. Densification and mixed uses are allowed for in the transition areas next to the commercial and industrial areas and along the activity streets. (SM, 2019: 218)

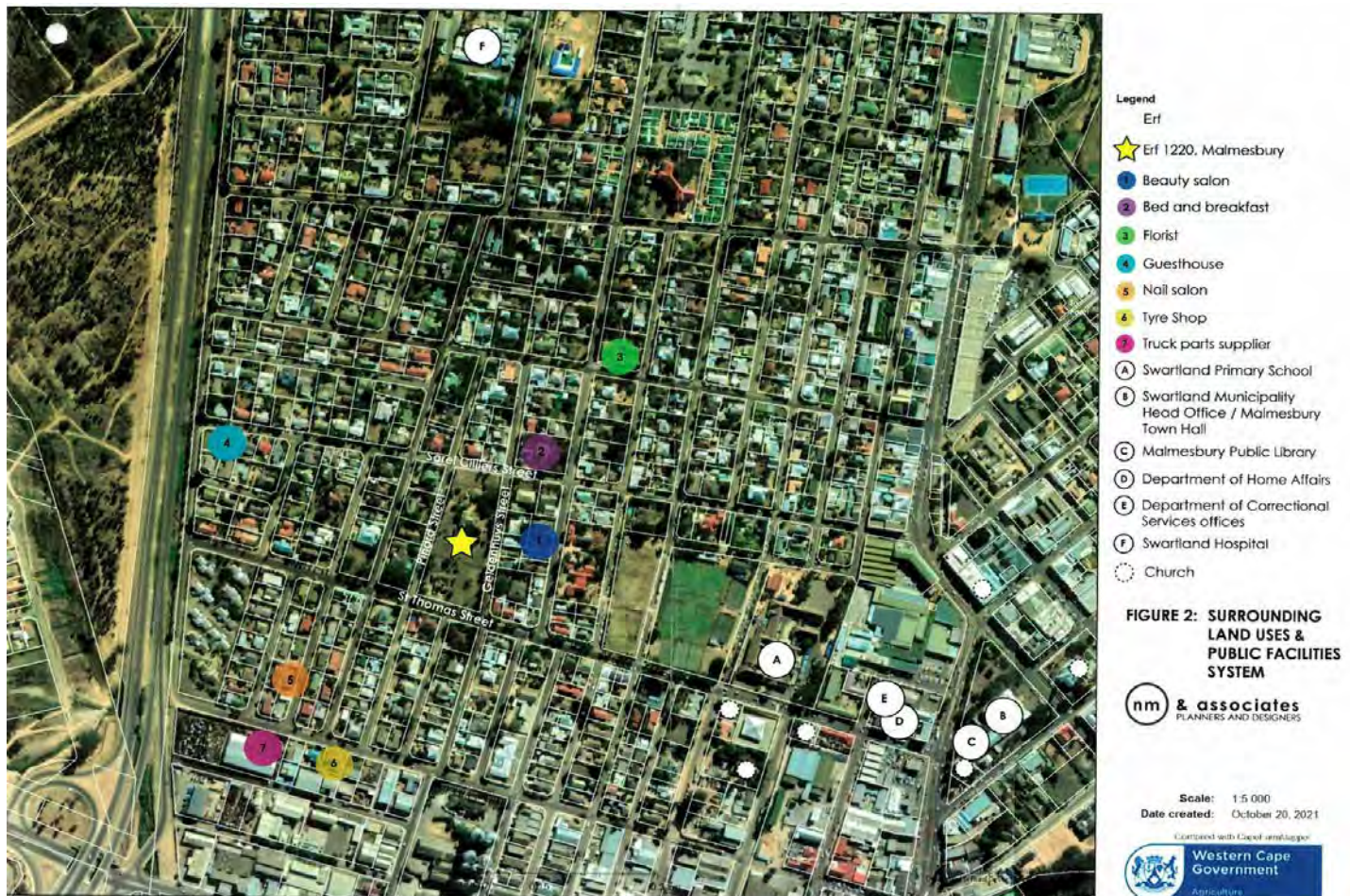
Authority Use is noted as one of the recommended land uses for this zone, and therefore the SAPS Stock Theft Unit office and the DCS Community Corrections Office land uses align with these recommendations.

Natural Systems

The applicant motivates that there are no natural factors impacting development on the site.

Land Use systems

In terms of the land uses surrounding the site the applicant motivates that it appears to be predominantly residential, with accommodation and home businesses closer to the site, with light industrial uses further away along St John Street approximately 220m south of the site.



The nearest school is Swartland Primary School, which is located approximately 320m east of the site at the corner of St Thomas and Dr Euvrard Streets. A public facilities precinct is located approximately 600m south east of the site along Voortrekker Road, including the Swartland Municipality Head Office / Malmesbury Town Hall, Malmesbury Public Library, Department of Home Affairs, Department of Correctional Services offices, as well as multiple churches. Swartland Hospital is located approximately 450m north of the site.

The applicant motivates that the residential appearance of the buildings on Erf 1220, and the current and proposed office land use on the site, align with the surrounding land uses and residential character of the area.

Access and Movement systems

In terms of access and movement networks that applicant motivates that the site is bounded by Pinard Street to the west, St Thomas Street to the south, Geldenhuys Street to the east and Sarel Cilliers Street to the north. Both St Thomas Street and Sarel Cilliers lead east towards the centre of Malmesbury along Voortrekker Road, which links to the N7 running north to Moorreesburg and south to Cape Town, the R315 running west to Darling, and the R45 running east to Paarl and Wellington. In terms of non-motorised transport (NMT) infrastructure, no sidewalks are provided along any of the

streets bounding the site. It is unclear whether taxis or busses operate along St Thomas or Sarel Cilliers Streets in the vicinity of the site. The site is therefore well located and accessible within the Malmesbury area.

Socio Economic Impact

The applicant motivates that the proposal is deemed desirable insofar as socio economic factors are concerned. Due to the spending power of their staff in Malmesbury as well as that the offices more broadly facilitates access to public services not only for Malmesbury but also the broader district.

Impact on municipal engineering services

The applicant motivates that the proposed development will have minimal impacts on the existing municipal engineering services. With only some minor upgrading necessary in terms of the stormwater system, the applicant is of opinion that the proposed development is desirable insofar as impact on the municipal engineering services are concerned. The applicant included a Civil Engineering Services Report as supporting document to the motivation report. Please refer to annexure E attached to this report.

In terms of electrical engineering services the relevant Municipal Department confirmed that sufficient capacity exists to accommodate the proposed development. Please refer to annexure F of this report.

Impact on traffic, parking and access

The applicant motivates that there will be a minimal increase in traffic to and from the site. The provision of 27 off-street parking bays is deemed sufficient. The applicant confirms that the site will continue to be accessed off Pinard and Geldenhuys Streets via the existing driveways and access gates and therefore as far as it relate to traffic impact, parking, access and other transport related considerations the proposal is deemed desirable.

The applicant includes a traffic impact statement as supporting document to the motivation report. Please refer to Annexure G attached to this report. Fulcrum Development Consultants (Pty) Ltd in their statement dated 6 December 2021, concludes that the site enjoys two access points of which both are located on Pinard Street. Although the southern access is deemed sub-standard it would, according to them not pose a problem.

According to the Fulcrum statement, the roads in the immediate vicinity experience relatively low volumes of traffic during the commuter peak hours with minimal delays experienced on the Pinard and Geldenhuys Street respective intersections. With reference to the on-site parking proposed as well as the trip generation calculated in the report, it is concluded that the development does not negatively impact the road network and is therefore supported from a traffic and transport point of view.

Desirability

In terms of desirability, the applicant confirms that the land uses surrounding the subject property appear to be predominantly residential with the presence of home businesses close to the property. The applicant is of opinion that the residential appearance of the buildings on erf 1220 as well as the current and proposed offices align with the surrounding land uses as well as residential character of the area. The applicant motivates that, insofar as compatibility with surrounding uses are concerned, the proposal is desirable.

The applicant motivates that in addition to the above the active use of the majority of the site as a Community Corrections Office is desirable as it will result in positive impacts on safety, health as well as the wellbeing of the surrounding community.

The applicant concludes that given the assessment of the applications in terms of the criteria for decision making, including the establishment of desirability of the proposed land uses, it is recommended that the above applications be approved by the Swartland Municipality, with any conditions that the Municipality may deem necessary.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning	Y	N
The application was published in local newspapers and the Provincial Gazette on 14 th of March 2022, in terms of Section 55 of the By-law. The commenting period, for or against the application, closed on 19 th of April 2022.		
In addition to the abovementioned publication, a total of 19 written notices were sent via registered mail to the owners of affected properties, in terms of Section 56(1) & (2) of the By-Law (refer to Annexure C).		

Total valid comments	30			Total comments and petitions refused			0		
Valid petition(s)	Y	N	If yes, number of signatures		N/A				
Community organisation(s) response	Y	N	N/A	Ward councillor response			Y	N	The application was referred to the Ward Councillor and no comments have been received.
Total letters of support	None								
PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS									
Name	Date received		Summary of comments					Recommendation	
Department: Civil Engineering Services	14-03-2022		<p>Water Each subdivided property be provided with its own separate water connection. This condition is applicable on subdivision stage.</p> <p>Sewerage Each subdivided property be provided with its own separate sewerage connection. This condition is applicable on subdivision stage.</p> <p>Streets and storm water The proposed parking surfaces with due consideration of the access to the parking area, be provided with a permanent surface.</p> <p>Parks No comment</p> <p>General Any existing services connecting the remainder and/or new portions, be disconnected and relocated, in order for each erf to have a separate connection and pipe work; Should it be determined necessary to expand or relocate any of the engineering services in order to provide any of the portions with connections, said expansion and/or relocation will be for the cost of the owner/developer; The property is being rezoned to authority zone and therefore, in terms of the Brownfields policy, there are no development charges applicable.</p>					Positive	Negative
Protection Services	05-04-2022		No new entrances and exits be erected. Please ensure no obstruction of traffic occurs					Positive	Negative
Electrical Engineering Services	08-03-2022		Both properties of subdivision already have electrical connections					Positive	Negative
Development Services: Building Control	22-03-2022		Submit building plans to Building Control for consideration and approval.					Positive	Negative

	PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
1	Dr DF Wege As owner of neighbouring affected property, Erf 1241	<p>Dr Wege objects to rezoning and subdivision for the following reasons;</p> <ol style="list-style-type: none"> 1. The subject property is located in a historic residential area and that he/she is certain that it should remain residential. 2. The rezoning and subdivision will detract from the current tranquil and quiet neighbourhood. 3. Town planners have in the past made provision for business, authority and transport zones. 	<ol style="list-style-type: none"> 1. The existing SAPS Stock Theft Unit and the proposed DCS Corrections Office are categorised as Authority land uses. The proposed rezoning application is from Residential Zone 1 to initially Subdivision Area to make provision for Authority Zone (for the SAPS and DCS uses) and Transport Zone 2 for the proposed public road splays at the corners of the site. This will regularise the existing SAPS Stock Theft Unit already operating on the site and permit the proposed DCS Community Corrections Office. <p>The proposed subdivision of the site into the 2 main portions will permit the separate management of the site by DPWI (for the northern DCS portion and by SAPS for the southern portion). The 4 smaller subdivisions at the corners of the site will facilitate increased visibility and safety at those intersections.</p> <ol style="list-style-type: none"> 2. There are no new structures or changes to the existing structures proposed in terms of this application therefore the visual character of the site will remain. The SAPS Stock Theft Unit is an existing use and will remain unchanged. It is only the use of the existing Old Residency structure that will change not the structure itself although there will be some maintenance done to restore the building from a visual and functional perspective. 3. The existing SAPS Stock Theft Unit and the proposed DCS Corrections Office are categorised as Authority land uses. <p>The SDF does not make any specific proposed land uses for the site but it does identify the site as falling within Land Use Zone C which "has a</p>	<ol style="list-style-type: none"> 1. It is agreed that the rezoning of such a large portion of land within a residential area to accommodate administrative offices will have a negative impact on the character of the area. It is understood that the Stock Theft unit has been in operation for years but that does not mean that it is authorised. It could however be considered by the Tribunal to only approve the portion proposed for the stock theft unit, however that will require not only an amended site development plan but also a new Public Participation Process. 2. It is agreed that the use of the property for public administration purposes will definitely have a negative impact on the sense of place the residential neighbourhood. 3. The applicant correctly refer to the Spatial Development Framework as it is the forward planning document for the Swartland and therefore directs development decision making.

			<p>mixed land use character consisting of low and medium density residential uses and also supporting functions like crèches, schools, hostels and a hospital. Densification and mixed uses are allowed for in the transition areas next to the commercial and industrial areas and along the activity streets. St Thomas Street which borders the southern boundary of the site is designated an Activity Street which means that mixed uses (including high density residential and business uses) are considered appropriate proposals for the site.</p> <p>Authority Use is one of the recommended land uses for this Zone C (as per the Land Use Zone Proposals for Malmesbury table on page 218 of the Swartland SDF), and therefore the SAPS Stock Theft Unit office and the DCS Community Corrections Office land uses align with these recommendations.</p>	<p>With reference to the land use proposal zones as contained in the MSDP, 2019 it clearly indicates that authority use is supported in the area. It could however be argued that the proposal is not in-line with the spatial planning goals as well as that it does not contribute to densification. The rezoning effectively sterilises the property for any other development and will remain like that for years to come. This is deemed to be in contradiction with the MSDP, 2019 which promotes the effective use of property and services as well as supports densification.</p> <p>It is acknowledged that the property abuts an identified activity street, however not one of the proposed offices have their access taken from the activity street. Both offices are accessed off Pinard Street which is a low order residential street.</p>
2	<p>Mr Norman Sieni & Ms Noeline Myburgh</p> <p>33 Truter Street, Malmesbury</p>	<p>Mr Norman Sieni & Ms Noeline Myburgh objects to the rezoning for the purposes of a Parole Office.</p> <p>4. In their opinion, the increase in pedestrian and vehicular traffic associated with a 24 hour parole office will lead to security problems in the Bergzicht neighbourhood, which is a peaceful and safe residential area with a primary school, various child care facilities and even a disabled/special needs care facility.</p>	<p>4. The Traffic Impact Statement found that the existing SAPS and proposed DCS use will not negatively impact the road network from a traffic and transport point of view.</p> <p>The DCS offices does not operate on a 24 hour basis, they operate from 07h00 till 16h00 during which time parolees or probationers are allowed to visit the offices on an appointment basis only. There are flexi-hour shifts from 14h00 to 22h00 which the staff use for home visitations. There are an average of 10 visits to the office per month. During weekends offices are opened at 07h00 for reporting and thereafter officials are dispatched for home visits. The main office visits are conducted in community service points which are in different areas (where parolees are residing). Violators will be taken directly to prison and not to the DCS offices. Please also refer to</p>	<p>4. The information provided by the TIA as well as the confirmation regarding the operational hours are noted. The office still functioning well after normal business hours within a residential area, are concerning.</p>

		<p>5. They feel that the neighbourhood is, at the moment, still safe enough that children can ride their bicycles in the street and even walk to school. They fear for the safety of the children as well as other road users, due to the increase in criminals walking in the street as well as the increase in traffic, should the Municipality approve the Parole Office in the middle of the residential area.</p> <p>6. The parole office and threat to the present safety of the area will decrease property values in the area.</p> <p>7. If a Parole Office is needed in Malmesbury, there are surely more appropriate areas for it. For example, open, non-residential areas between the police station and the traffic department or even the vacant land close to the correctional services in Dalsig.</p>	<p>the attached DCS response for more detail regarding the office's operation.</p> <p>5. The building will be under 24-hour armed response from security services stakeholders. This will have the advantage of more visibility of security vehicles in the area. In the history of the DCS's current office since 2004 to date there has been no threatening or negative security related incidents to the surrounding community or shops, the school and school children. The renovation plan will include fencing, lighting, and any other measures required for security purposes. The proposed DCS office will ensure that there is adequate street lighting and visibility during the evenings. There are an average of only 10 visits by parolees or probationers to the office per month and these are by appointment only. The occupation of the building will bring more people to the area and contribute to the security and visibility for area. Please also refer to the attached DCS's response regarding the security concerns.</p> <p>6. The historic Old Residency has been vacant since 2014 and it has been vandalised and fallen into a state of disrepair with the threat of potential illegal occupation which would pose a threat to the security of the area. The current state of disrepair has a negative effect on the aesthetic of the neighbourhood and by DCS occupying the Old Residency building it will repair and maintain the building and site which will enhance and rejuvenate the local surroundings and not detract from the value of the local property market.</p> <p>Please also refer to the attached DCS response for more detail on the impact on property values.</p> <p>7. The site is owned by the National Government of the Republic of South Africa and is relatively close (only 5 blocks away/550m) to the existing DCS offices. The proposal is therefore still quite centrally located and accessible. There is an existing building (the Old Residency) and surrounding site that can be used for DCS offices</p>	<p>5. The statement made by the applicant that increased presence will result in increased security as well as the functioning of a DCS office, is acknowledged. It could therefore be argued that the proposed use will not have a negative impact on the safety of the area.</p> <p>6. It is agreed that the actual use of the property will have a positive impact on the area. However it could also be argued that it is due to the lack of maintenance by the department that resulted in the property not being occupied as well as being in a state of disrepair. The property would have added a lot more value to the area should it have been properly maintained and well-kept and used in accordance with the current zoning.</p> <p>7. The use of underutilised land as well as buildings are supported, however the proposal made by the objector is also seen as valid. The use of the property, for whatever purpose should still be desirable.</p>
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3	<p>Mrs Leani van der Merwe</p> <p>25 Geldenhuys Street, Malmesbury</p>	<p>Mrs Leani van der Merwe objects to the rezoning of Erf 1220.</p> <p>9. The objector is of opinion that the proposal is not just an administrative change from Residential property to Utility Zone, as explained to her by the municipality. Throughout all its years the property has been used a residence.</p> <p>Just because it is owned by the state does not mean an "administrative change" to the Authority zone can be made. It is a residential area and must stay that way.</p> <p>10. As a registered estate agent, the objector is certain that the proposal will negatively influence the property values of the surrounding properties. Many buyers are put off by offices near a property for sale and will then prefer to</p>	<p>9. The applicant refers to their response under points 1, 3, 7 and 8 above.</p> <p>10. The applicant refers to their response under points 6 above.</p> <p>The applicant notes that no specific comment is made regarding the proposed subdivision.</p>	<p>9. The objector can be assured that each application is considered on its own merit with a number of consideration taken into account before a decision is made by the Authorised official or alternatively the Municipal Planning tribunal. A land use application is an administrative process and this specific one is definitely not straight forward.</p> <p>As mentioned in point 7 above the use of under-utilised land is supported however the use should still be seen as desirable.</p> <p>10. Please refer to the comment under point number above.</p>

		look elsewhere than close to a facility as proposed. It is likely that owners will have to lower the selling prices of their properties.		
4	Mnr Ettienne van der Merwe 25 Geldenhuys Street, Malmesbury	Mr Ettienne van der Merwe objects to the rezoning of Erf 1220 for the following reason. 11. As resident in the area Mr van der Merwe is concern about the impact of increased traffic and influx of people in the area that will influence the safety of the area.	11. The applicant refers to their response under points 1, 4 and 5 above. The applicant notes that no specific comment regarding the proposed subdivision.	11. As mentioned above the influx of traffic would be minimal as well as due to the small scale of actual footprint of the proposed offices there will not be a significant increase in the number pf people.
5	Ms Jaline Wheeler 28 Pinard Street, Malmesbury	Mrs Wheeler objects to the rezoning of Erf 1220 for the following reasons. 12. Mrs Wheeler states that should criminals accessing the office, move around in the street, the street will become unsafe for children playing outside and riding their bikes. The objector feels that the children are already deprived of their freedom to move around safely in town, now their neighbourhood will also become unsafe. 13. The objector is also of opinion that should the application be approved it will cause a decrease in property values. 14. The objector suggests that the area between the Police and Traffic Departments is a more appropriate site to accommodate the proposed use.	12. The applicant refers to their response under points 1 and 5 above. 13. The applicant refers to their response under point 6 above. 14. The applicant refers to their response under point 7 above. The applicant notes that no specific comment regarding the proposed subdivision.	12. As mentioned above the proposed use will not have a negative impact on the safety of the area. 13. Please refer to the comment above under point no.6. 14. As mentioned above, the use of underutilised land as well as buildings are supported, however the proposal made by the objector is also seen as valid. The use of the property, for whatever purpose should still be desirable.
6	Miss CP Raath & Miss V Wium 25 St Thomas Street, Malmesbury	Comments and Objects to the rezoning of Erf 1220 and proposes conditions of approval. 15. Decrease in property value Property values will reduce if there is any industrial activity in the area.	15. The applicant refers to their response under point 6 above and notes that there are no Industrial uses proposed with this development.	15. The concern regarding property values have already been dealt with above. It is also acknowledged that the application does not include any

		<p>Presence of unsavoury characters.</p> <p>16. Authority zone</p> <p>If the proposed subdivision is for the use of administrative office only it could be accepted, but with conditions.</p> <p>This decision must be transparent, well thought out, prudent and be approached with integrity</p> <p>No parolees/ prisoners may work, be housed or be rehabilitated on the premises.</p> <p>Just one entry and exit route may be used. The existing entrance must be retained and access controlled.</p> <p>17. Transport zone</p> <p>No transport interchange may be created. No fuel depot may be erected. No workshops may be operated on the premises. There may only be movement during normal working hours. The objector asks that the area should be kept residential.</p> <p>18. Traffic</p> <p>Traffic is already constrained and overwhelming in the area due to the traffic lights installed at Bokomo Road. Music is played too loudly, hooters are abused, the noise from vehicles and trucks are not to standard.</p> <p>The objector notes that traffic signs are ignored.</p>	<p>The applicant refers to the comments under point no. 5 above.</p> <p>16. Noted</p> <p>The applicant did not comment on this point</p> <p>The applicant refers to the comments made under number 6 above.</p> <p>The applicant states that the proposal is noted and comments that only 1 access point for each portion is proposed, the existing access points for the SAPS unit and for the proposed DCS offices will be used.</p> <p>17. The applicant states that the comment shows a misunderstanding of the proposed Transport Zone 2: Roads. The proposed purpose and use of the Transport Zone 2 is for public street purposes only i.e. the corner splays</p> <p>18. The applicant refers to their response under point 4 and states with regard to the noise and traffic violations that the complaint should be made with the respective department.</p>	<p>industrial use. The transport zoning was only to formalise the corner spays.</p> <p>16. The support for the administrative offices is noted.</p> <p>The objector can be assured that the decision making process along with all the considerations taken into account is deemed transparent and well thought out.</p> <p>Cognisance is also taken of the conditions proposed by the objector should the application be approved.</p> <p>17. Clearly the transport zoning has been misunderstood by the objector.</p> <p>It is agreed that the impact would have been less should the operation of the office have been restricted to normal office hour. There is a definite negative impact if the activities on the subject property continue until 23h00 at night.</p> <p>18. As stated above the proposal will not have a significant impact on traffic. This is also supported by the TIA that was done. The issue regarding traffic violation does not relate to the proposed application.</p>
7	<p>Mr Albertus Laas</p> <p>No street address provided</p>	<p>Mr Albertus Laas objects to the rezoning of Erf 1220 as indicated.</p> <p>19. The objector states that the historic building must be kept as it is.</p>	<p>19. The Old Residency building is a historic building and will require an HIA and HWC approval before any development can proceed. The intention is to retain the building and attend to any</p>	<p>19. The proposal did not include any alteration to the existing buildings, except for its use.</p>

		<p>20. Rezoning away from residential use is unacceptable. How can it even be considered building parole offices, SAPS offices, any areas that deal with sanitation, waste, road construction.</p> <p>21. The objector states that this is a residential area and surely there are areas outside town available for the proposed uses.</p>	<p>maintenance and services that are required. This will be subject to the outcome and conditions of the HIA. No external changes are proposed except for attending to the maintenance and repairs to the building. The only changes that are proposed internally are the reinstatement of services that have been vandalised and to bring them up to standard and to put up dry wall partitioning in the larger rooms to create the required offices. If the building is not used for any purpose it may continue to be vandalised and its condition could worsen.</p> <p>20. The applicant refers to the comments under points 1, 2, 6 and 19 above.</p> <p>21. The applicant refers to the response made under point no 7 above.</p> <p>The applicant also notes that no specific comment is made regarding the proposed subdivision.</p>	<p>20. As mentioned above, the use of underutilised land as well as buildings are supported, however the proposal made by the objector is also seen as valid. The use of the property, for whatever purpose should still be desirable.</p> <p>21. It is agreed that there are areas in town where the proposed use is deemed desirable within the urban edge of the town.</p>
8	<p>Mr Jacobus Basson</p> <p>2 Hospital Street, Malmesbury</p>	<p>22. Comments that the community in the neighbourhood is not in favour of the potential development and rezoning of erf and finds it unacceptable.</p> <p>Request that the community's interest be placed first. If such a development takes place, it would have enormous implications on the neighbourhood.</p>	<p>22. The applicant refers to the comment made under point no 1, 2 and 3 above. It is noted that it is a general comment / objection to the proposal and that no specific reasons or clarification of the perceived implication are provided.</p> <p>The applicant also notes that there is no specific comment regarding the proposed subdivision.</p>	<p>22. Please refer to the comments above regarding not only the consistency with the spatial planning of the area but also the potential negative impact on the character of the residential neighbourhood.</p>
9	<p>Mr CP Punt</p> <p>27 Sarel Cilliers Street, Malmesbury</p>	<p>Objects against the rezoning of the property to uses not relating to residential.</p> <p>23. The letter notes that Bergzicht is an established, quiet and proper neighbourhood. It is surely one</p>	<p>23. The applicant refers to the response made under point no. 1, 2, 3 and 9 above and notes that the</p>	<p>23. Please refer to the comments above regarding not only the consistency with</p>

		<p>of the town's oldest neighbourhoods where educated, mostly senior, society resides. The neighbourhood cannot be allowed to become a "Joe Soap" ("Jan Alleman") neighbourhood.</p> <p>24. The reasons provided are: Correctional Services have facilities in Malmesbury, including the Old Jail ("Ou Tronk") and the New Jail ("Nuwe Tronk").</p> <p>Both prisons and their associated residences are in a neglected state, and it cannot be allowed that something similar gains a foothold in the neat and proud neighbourhood.</p> <p>25. The objector makes the following proposal: Correctional Services has two prisons in Malmesbury. Can the Municipality enter into a land swap for land near one of the existing prisons? This will negate the need for a satellite station in a Malmesbury residential neighbourhood.</p> <p>26. The objector questions whether property rates and taxes have been paid on time, and by whom?</p>	<p>objection is based on retaining the existing residential and demographic character of the neighbourhood.</p> <p>24. It is in the interest of DCS to maintain the building in an acceptable condition as it will be used by their officials.</p> <p>The existing historic buildings have been vacant since circa 2014 and require repurposing to safeguard their sustainable future. By re-using the existing buildings, there will be investment in their repair and upkeep.</p> <p>25. The applicant refer to the comment above under point no 7 that deals with the option of alternative sites / uses.</p> <p>26. The applicant motivates that the issue of current rates payments is not relevant to the proposed rezoning however the DPWI will be responsible for the DCS portion (Remainder Erf 1220 while SAPS will be responsible for the SAPS Stock Theft Unit Portion (Portion 1).</p>	<p>the spatial planning of the area but also the potential negative impact on the character of the residential neighbourhood.</p> <p>24. The department does not have a very good track record for maintenance and upkeep by the looks of various state owned buildings that is in disrepair. It is agreed that investing money into the building repurposing it as well as actually using it will safeguard the building, however it could also be argued that a much more sustainable alternative would be to sell the property and to construct a purpose made building in a much more desirable location.</p> <p>25. Please refer to the comments above regarding not only the consistency with the spatial planning of the area but also the potential negative impact on the character of the residential neighbourhood.</p> <p>26. The comment does not relate to the application.</p>
10	<p>Ms Lynell Schultz</p> <p>67 Arcadia Street, Malmesbury</p>	<p>Ms Lynell Schultz objects to the proposed rezoning and subdivision for the following reasons:</p> <p>27. Erf 1220 is in close proximity of the objectors' property, and in close proximity of the Swartland Primary School and Grade R classes.</p> <p>28. The proposed uses, rumoured to be Military Training facilities, police offices and correctional institutions, will change the quiet, peaceful neighbourhood into a hive of activity and</p>	<p>27. The applicant refers to the comments made under points 1 and 2 above and notes that the present location of the DCS office (at the corner of Tuin and St Thomas Street) is closer (290m) to the school than the proposed location (500m).</p> <p>28. The applicant refers to point no. 5 above relating to the security concerns.</p>	<p>27. The position of the existing office within the CBD and in close proximity to existing schools and crèches is noted.</p> <p>28. The proposed use will not have a negative impact on the safety and security in the area.</p>

		<p>change the neighbourhood from a safe to a dangerous neighbourhood.</p> <p>29. The objector is of opinion that, with the Correctional Services and Parole office established in the area, it will no longer be safe for children to walk from the school to their homes or aftercare facilities. This is due to the increase in people with criminal records (people who have had run-ins with the law) that will be moving around in the neighbourhood and amongst children.</p> <p>The objector states that the community works hard to keep their neighbourhood safe and in her opinion, people on parole, applying for parole or out on parole do not belong in a residential neighbourhood or on the school's doorstep.</p> <p>30. The objector also refers to rumours of water treatment, refuse management and emphasize that it is a residential area, not a place for the activities as mentioned.</p> <p>31. Lastly the objector states that the house on Erf 1220 is historical and it should therefore be conserved. None of the proposals contributes to the conservation of the historical building.</p>	<p>29. The objector notes the security concern regarding persons associated with crime associated with the parole office and refers to the comments made under point no. 5 above.</p> <p>30. The applicant refers to response 1, 2 and 3 above and state that Water Treatment, Refuse management and Military Training facilities are not being proposed in terms of this application. The application is for the existing SAPS Stock Theft Unit already operating on the site and to permit the proposed DCS Community Corrections Office.</p> <p>31. The applicant refers to the comment made under bullet 9 and 10 above relating to the protection and maintenance of the historical building on the property.</p>	<p>29. Please refer to the comment above relating to safety.</p> <p>30. The objector is responding to misinformation.</p> <p>31. Please refer to point no 6 above</p>
11	A A Louw as owner of neighbouring property Erf 1239, 33 Sarel Cilliers	<p>Mr Louw objects to the proposed rezoning and subdivision for the following reasons:</p> <p>32. Firstly Mr Louw states that Erf 1220 is a beautiful well-located erf in the heart of a residential neighbourhood in Malmesbury. A grand historical manor house is located on the erf. No type of business must be allowed on this valuable property in the middle of a residential area, not now nor in the long-term planning of the Council.</p>	<p>32. The applicant refers to the comments made under point's number 1, 2 and 3 above.</p>	<p>32. The use of underutilised land as well as buildings are supported, however the proposal made by the objector is also seen as valid. The use of the property, for whatever purpose should still be desirable.</p> <p>There was a proposal for the municipality to do a land swap with the department, the proposal was</p>

		<p>Mr Louw is of opinion that any form of business on this erf will not contribute to the preservation of the character of the residential area and asks whether Council has considered a land swap in order to maintain the character of the residential area?</p> <p>33. Secondly the objector states that the location of Erf 1220 presently allows mixed-use, including Authority Zone. If Council values the interests of residents of Malmesbury, it must decide to prohibit future mixed-uses in residential areas. Office uses are not consistent with residential areas.</p> <p>34. The objector notes that the applicant refers in their motivation report that "Erf 1220 therefore does not presently have any formal protection in terms of the NHRA". However he feels that Council can take the decision to change the present grading of the erf to obtain 100% support from the Heritage Authorities. To the objector's knowledge, the owner of Erf 1220 has not made any efforts to co-operate with Council or Heritage Western Cape to maintain or conserve the historical manor for the residents of Malmesbury.</p>	<p>33. The applicant refer to the comment made under point 3 above.</p> <p>34. The applicant refers to the comment made under point 9 above.</p>	<p>unfortunately turned down by the Department.</p> <p>33. Please refer to the comments made under point no. 3 above.</p> <p>The objector should note that times change and therefore the municipality has a Spatial Development Framework to guide development. The Spatial Development Framework is also a dynamic document that needs to be revised in accordance with planning principles and sustainability as well as the need for certain land uses. The property was acquired by the State in 1918 for a specific purpose, today the state has no need for large residential properties.</p> <p>As mentioned above, it is agreed that the need for large residential properties does not exist anymore, however, the use of the property, for whatever purpose should still be desirable.</p> <p>34. As Swartland Municipality does not have its own heritage department, the comments / conditions from Heritage Western Cape is critical in order for the municipality to approve a building plan. The building is protected in terms of the Heritage Resources Act and the approval from Heritage Western Cape will be required for any alterations or additions to the existing buildings.</p>
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12	James and Petro Prichard 25 Pinard Street, Malmesbury	<p>Mr and Mrs Prichard state that their property overlooks the subject property and Magisterial house. According to them the neighbourhood is peaceful with little traffic, noise or public nuisances and they would like to keep it that way.</p> <p>Reasons for their objection includes the following:</p> <p>35. Three of the erf's four surrounding roads are narrow and not designed for parking and two lanes.</p> <p>It is a peaceful neighbourhood where children still walk to school. There are childcare facilities and schools in the facilities, including Swartland Primary School and Jo Dolphin that will be affected by increased traffic in the area.</p> <p>36. If the parole office is manned 24 hours a day, it will disrupt the sleep of residents. There will be constant influx of people to the site, which was not occurring previously.</p> <p>37. Lastly the objectors are concerned and questions whether the Municipality can provide guarantees that their property value will not decrease as a result of the rezoning.</p>	<p>35. Refer to response 4</p> <p>36. Refer to response 6</p> <p>37. Refer to response 7</p>	<p>35. Please refer to the comments above regarding the consistency with the MSDF as well as the potential impact on the character and sense of place of the area.</p> <p>36. Please refer to point 17 above.</p> <p>37. Please refer to the comments made under point 6 above. No guarantees can be given.</p>
13	Maatjie Jordaan 34 Sarel Cilliers Street, Malmesbury	<p>Mrs Jordaan objects to the rezoning and subdivision of Erf 1220 for the following reasons:</p> <p>38. It is a residential area and it must stay that way.</p> <p>39. The objector comments that she and her deceased husband have lived across from the property since 1971 and have witnessed the deterioration of the once beautiful and well-maintained buildings and vegetable gardens.</p> <p>The objector is of opinion that the notice did not provide sufficient information and it was only determined upon further enquiry that it will be parole offices for 20 people. The objector</p>	<p>38. Refer to response 5</p> <p>39. Refer to response 4</p>	<p>38. Please refer to the comments above regarding not only the consistency with the spatial planning of the area but also the potential negative impact on the character of the residential neighbourhood.</p> <p>39. The notice to and advertisement was clear that the property is proposed for authority usage. The notice also clearly state that the application is available for inspection and any enquiries can be made to the town planning division.</p>

		<p>emphasise that it is a tranquil and safe neighbourhood.</p> <p>40. In terms of security the objector states that;</p> <ol style="list-style-type: none"> She is a widow living alone with security provisions within her means. In her opinion the security of the neighbourhood is threatened. The increase in traffic to the area and noncompliance to traffic rules e.g. ignoring of stop streets and normal speeds. Increased access to the area if a parole office will open, and be open 24 hours a day like the present office in town. <p>41. In terms of the maintenance of buildings and property, the objector states that if the buildings and property have not been maintained up till now, what guarantee can be provided that it will improve going forward. The author sees the daily neglect of the place, for example the trampled down fence, dry sawn-down trees and heaps of rubbish that have not been removed since October 2021. Furthermore the objector notes that it is the neglect and dereliction of historical buildings that is a potential fire risk.</p>	<p>40. Refer to response 6</p> <p>41. Refer to response 9 and 19</p>	<p>40. Please refer to the comments above regarding safety and security as well as the operating hours of the proposed facility.</p> <p>41. Please refer to the comment made under point 24. The concern regarding the fire risk is noted.</p>
14	Mrs D Swart (Nolan) 7A Pinard Street, Malmesbury	<p>Mrs Swart objects to the rezoning of Erf 1220 to Authority Use and Transport Use to allow a Parole Office for the following reason:</p> <p>42. The 24-hour operational hours will allow criminals to move around freely in the neighbourhood, which threatens the safety of residents.</p>	<p>42. The applicant refers to the response under 5 and 6 above.</p>	<p>42. Please refer to the comments regarding safety and security.</p>
15	Mr Chris Bruyns 24 Buitekant Street, Malmesbury	<p>Objects to the proposed rezoning and subdivision of Erf 1220 but unfortunately no reason for objection was provided.</p> <p>43. Mr Bruyns does however question whether an Orphanage could be considered as an option?</p>	<p>43. The applicant refers to the response under points 1 and 8 above.</p>	<p>43. As mentioned above, the use of underutilised land as well as buildings are supported, however the proposal made by the objector is also seen as valid. The use of the property, for whatever purpose should still be desirable.</p>

16	Mr JJ Hill and J. Hill 12A Geldenhuys Street, Malmesbury	44. Mr and Mrs Hill objects to the proposed rezoning and subdivision of Erf 1220 due to the location of the property in a residential area.	44. The applicant refers to the response under point 3 above.	44. Please refer to the above comments regarding the character of the area.
17	Mrs G Barkhuizen 5 Wandel Street, Malmesbury	45. Mrs G Barkhuizen objects to the proposed rezoning and subdivision of Erf 1220 due to the location of the property in a residential area.	45. The applicant refers to the response under point 3 above.	45. Please refer to the above comments regarding the character of the area.
18	Johannes van der Merwe 26 Pinard Street, Malmesbury	<p>Mr van der Merwe objects to the rezoning of Erf 1220 located in the residential areas of Pinard-, Sarel Cilliers- Geldenhuys and St Thomas Street.</p> <p>The objector provides the following reasons for his objection:</p> <p>46. The objector states that the area is a residential area surrounded by a Primary School, crèche as well as dwellings where many retired and senior citizens reside and children move around.</p> <p>47. The objector is of opinion that the rezoning will result in a significant increase in traffic, thoroughfare of people criminal elements.</p> <p>48. The application creates a serious concern regarding danger and criminal activities which will negatively influence the residents' privacy and security.</p> <p>49. Big concern also exists that such a rezoning will cause a tremendous negative impact on the property values of thus long-established residential area.</p>	<p>46. Refer to response 1.</p> <p>47. Refer to response 4.</p> <p>48. Refer to response 5.</p> <p>49. Refer to response 6.</p> <p>Note: No specific comment is made regarding the proposed subdivision</p>	<p>46. Refer to response 1.</p> <p>47. Please refer to the comments regarding safety and security.</p> <p>48. Please refer to the comments regarding safety and security.</p> <p>49. Refer to response 6.</p>
19	Petro van der Merwe 26 Pinard Street, Malmesbury	<p>Mrs van der Merwe objects to the rezoning of Erf 1220 for the same reasons as Mr van der Merwe, including the following;</p> <p>50. The area is a residential area, surrounded by a Primary School, kindergarten and residences</p>	50. Refer to response 1.	50. Refer to response 1.

		<p>where many retired and senior citizens reside and children move around.</p> <p>51. The rezoning will result in a significant increase in traffic, thoroughfare of people and criminal elements.</p> <p>52. This creates a serious concern regarding danger and criminal activities which will negatively influence the residents' privacy and security.</p> <p>53. Big concern also exists for the objector that such a rezoning will cause a tremendous negative impact on the property values of this long-established residential area.</p>	<p>51. Refer to response 4.</p> <p>52. Refer to response 5.</p> <p>53. Refer to response 6. Note: No specific comment is made regarding the proposed subdivision</p>	<p>51. Refer to response 4.</p> <p>52. Refer to response 5.</p> <p>53. Refer to response 6.</p>
20	Mrs S Muller 32 St Thomas Street, Malmesbury	<p>54. As resident in the area, Mrs S Muller objects to the rezoning of Erf 1220 within a residential neighbourhood for the following reasons:</p> <p>55. According to the objector the thoroughfare of "all kinds of people" is already a problem. As a single elderly lady who lives alone she will not feel safe in her own house should the application be approved.</p> <p>56. The objector also states that it will cause a tremendous security and safety problem if there will be a passing-through of criminal elements 24/7 to the Parole Office.</p>	<p>54. Refer to response 1.</p> <p>55. Refer to response 5.</p> <p>56. Refer to response 4.</p> <p>The applicant notes that the comment specifically refers to the DCS Office Use and that no specific comment is made regarding the existing Stock Theft Unit or proposed subdivision.</p>	<p>54. Refer to response 1.</p> <p>55. Refer to response 5.</p> <p>56. Refer to response 4.</p>
21	Nina Mattisson 3A Bergzicht Street, Malmesbury	<p>Objects to the rezoning of Erf 1220 from Residential zone 1 to Transport Zone 2 to permit a 24-hour parole office.</p> <p>57. Reasons provided include that the rezoning will likely cause an increase in traffic congestion and security risks 24 hours a day.</p> <p>58. There has been an increase in localised crime and this would make it increase.</p>	<p>57. Refer to response 4.</p> <p>58. Refer to response 5.</p> <p>The applicant notes that the comment specifically refers to the DCS Office Use and that no specific comment is made regarding the existing Stock Theft Unit or proposed subdivision.</p>	<p>57. Refer to response 4.</p> <p>58. Refer to response 5.</p>

22	Zane Mattisson 3A Bergzicht Street, Malmesbury	<p>Mrs Mattisson objects to the rezoning of Erf 1220 from Residential 1 to Transport Zone 2 to permit a 24-hour parole office for the following reasons;</p> <p>59. According to Me Mattisson the rezoning will likely cause an increase in traffic congestion and security risks 24 hours a day.</p> <p>60. There has been an increase in localised crime and this would make it increase.</p>	<p>59. Refer to response 4.</p> <p>60. Refer to response 5.</p> <p>The applicant notes that the comment specifically refers to the DCS Office Use and that no specific comment is made regarding the existing Stock Theft Unit or proposed subdivision.</p>	<p>59. Refer to response 4.</p> <p>60. Refer to response 5.</p>
23	Willie Taylor 18 Wandel Street, Malmesbury	<p>Mr Willie Taylor objects to the proposed rezoning and subdivision of Erf 1220.</p> <p>61. Mr Taylor state that Wandel Street is already busy as it carries most of the traffic from Bokomo Way towards the hospital and therefore argues that the increase in traffic in Pinard Street will definitely have a negative influence.</p> <p>62. Mr Taylor is also concerned that the increase in people can also have safety implications.</p> <p>63. According to Mr Taylor the nature of the proposed offices will result in normal working hours not being maintained.</p> <p>64. Lastly Mr Taylor is of opinion that the marketability of the surrounding properties will be influenced.</p>	<p>61. Refer to response 1.</p> <p>62. Refer to response 4. An increase in people on site should not be a safety concern in itself, as an occupied building generally offers less of a risk than a vacant building. The presence of the office occupants will improve passive surveillance within the neighbourhood and make the site safer than it is in its present circumstances.</p> <p>63. Refer to response 4 to clarify the operations and working hours of the DCS offices.</p> <p>64. Refer to response 6.</p> <p>Note: No specific comment is made regarding the proposed subdivision.</p>	<p>61. Refer to response 1.</p> <p>62. Refer to response 4.</p> <p>63. Refer to response 4.</p> <p>64. Refer to response 6.</p>
24	Rhyan Coetzee	Mr Coetzee objects to the proposed rezoning and subdivision of Erf 1220.		

	29 Geldenhuys Street, Malmesbury	<p>65. Mr Coetzee is of opinion that the residential zoning of the neighbourhood is there to protect the integrity of the residential area, which will be affected by the proposal.</p> <p>66. Mr Coetzee is concerned about the safety of the his children and wife, who walks to the Swartland Primary School each morning and afternoon due to parolees moving in and out of the neighbourhood in order to report to the office of the Department of Correctional Services.</p> <p>67. The objector raises concern that his investment to buy a house in a good neighbourhood will be affected. The value of his home will stagnate should the application be approved. The value of his home will be negatively influenced further by the increased traffic to the DCS and Stock theft Unit.</p> <p>68. Mr Coetzee notes that his family moved from the Northern Suburbs [of Cape Town] to Malmesbury to move away from too much crime and noise, not to end up in a neighbourhood with the same problems.</p>	<p>65. Applicant refers to response 1 & 2 above.</p> <p>66. Refer to response 5.</p> <p>67. Refer to response 4 and 6.</p> <p>68. Refer to response 2.</p>	<p>65. Refer to response 1.</p> <p>66. Refer to response 5.</p> <p>67. Refer to response 4 & 6.</p> <p>68. Refer to response 2.</p>
25	Elsje Rossouw No address provided	69. Mrs Rossouw comments that, seeing that the property belong to the state, it should rather be used to accommodate housing that should be leased to low income people that cannot afford the high deposits or high rent of private developments.	69. Refer to response 8	69. As mentioned above, the use of underutilised land as well as buildings are supported, however the proposal made by the objector is also seen as valid. The use of the property, for whatever purpose should still be desirable.
26	A.M. Bosman 11 Bergzicht Street, Malmesbury	<p>Mr. Bosman states that the proposal does not bode any good for the tranquil residential neighbourhood that is more than 100 years old.</p> <p>70. According to the objector the property is currently being used illegally as offices with no one residing on the property. All other businesses in the area, according to the objector, are consent uses that has a condition that the property should be occupied.</p>	70. Refer to response 1	70. As discussed above, there are two dwellings on the property, one of which is occupied by the SAPS stock theft unit and the other is unoccupied. It is the purpose of this application for the department of correctional services to

		<p>71. The application mentions that the site, as an Authority Zone, may be used as a military base or prison and there are 4 watchtowers that they want to erect on the 4 corners or a parole office.</p> <p>72. The existing office is already available/open 24/7 and questions the character of people that will report to the office on a daily basis.</p> <p>There are children in the streets, in the primary school, a childcare facility, frail elderly citizens cared for in their homes, as well as a centre for disabled persons. Five days ago there was an escape at the new prison, causing disruption in the neighbourhood.</p> <p>73. The rezoning does not just affect the few adjoining residences but the whole area/neighbourhood.</p> <p>74. The author proposes that the property is leased out or sold and to remain residential.</p>	<p>71. Refer to response 1. The applicant also notes that there is no intention to erect a prison or military base on the site, or to erect watchtowers on the corners. The rezoning will enable a sustainable and appropriate repurposing of the existing historical buildings in the north of the site for offices for the DCS.</p> <p>The comment misinterprets the purpose of the corner splays: as noted in the Traffic Impact Statement, splays are applied to each corner of the site for safety purposes; these splayed corners will be subdivided and rezoned to Transport Zone 2, to form part of the future road reserves.</p> <p>72. Refer to response 5.</p> <p>73. Refer to response 8.</p> <p>74. Refer to response 1</p>	<p>utilise the building as offices as well as to authorise the existing illegal land use. It is however agreed that the business use found in the area are all secondary uses with the are primarily being residential in nature.</p> <p>71. Should the application be approved, the use may be restricted in terms of a condition of approval, therefore restricting it to what was presented in the application. It is however agreed that with such a large property being rezoned, it can potentially accommodate any use listed under the authority zone.</p> <p>The objector clearly misinterprets the transport zone 2 zoning.</p> <p>72. Please refer to the comments above regarding safety and security.</p> <p>73. Noted</p> <p>74. Please refer to the above comments regarding the consistency with the MSDF as well as the use of under-utilised land within the urban edge.</p>
27	Corne Elize Bosman 11 Bergzicht Street, Malmesbury	<p>Mrs Bosman objects to the rezoning from residential to Authority Zone for the following reasons;</p> <p>75. Mrs Bosman notes that she operates a Bed & Breakfast facility, with consent from the</p>	<p>75. Refer to response 5.</p>	<p>75. Noted. Please refer to the comments above regarding safety and security.</p>

		<p>Swartland Municipality. Some of the rooms overlook the subject erf.</p> <p>As a member of Malmesbury Tourism, who have been trying for many years to create a positive image of the town. The tourism sector has been hard hit over the past years due to water restrictions, the COVID pandemic and ESKOM load shedding. New management models are in place for Malmesbury tourism to survive and revive. For this the cooperation of the public and Municipality is required.</p> <p>The objector state that the perception and image of Malmesbury has not been improved by the two escapes from the prison over the last two years and guests visiting her facility will definitely not feel at ease and safe if they see a Parole office with security guards from the bedroom window.</p> <p>76. By turning the rezoning down, the municipality has the opportunity to support Malmesbury Tourism</p> <p>77. For the objector the question arises: "What will make Malmesbury stand out and what do we want to be known for?"</p> <p>One of the aspects that, according to the objector, answers the question above is our beautiful old buildings and peaceful rural atmosphere. Malmesbury even has a historical building route for tourists. Unfortunately, the applicant (National Government) does not have a good reputation when it comes to the conservation of their property.</p> <p>The author lists, as an example, the Post Office building, Magistrate Office's roof, the derelict house at the Hospital and the building on the actual site (erf 1220).</p> <p>There is no guarantee that the rezoning or erf 1220 will contribute to the historical tourism value of Malmesbury.</p>	<p>76. Refer to response 2.</p> <p>77. Refer to response 10 and 11.</p> <p>The existing historic buildings have been vacant since circa 2014 and require repurposing to safeguard their sustainable future. By re-using the existing buildings, there will be investment in their repair and upkeep, which will contribute to the broader historical tourism value of Malmesbury.</p>	<p>76. Please refer to the above comments regarding desirability.</p> <p>77. Please refer to the above comments regarding the use of underutilised land and buildings. It is acknowledged that there is no guarantee that the property will be maintained as such that it will contribute positively to the area.</p>
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28	HM Schreuder 44 St John Street, Malmesbury	<p>Mrs Schreuder objects to the proposed rezoning of erf 1220 for the purposes of a parole office that is open 24 hours a day.</p> <p>80. The objector notes that it is a neighbourhood where many elder people reside and live out their remaining days.</p> <p>81. The objector is concerned that the proposal may lead to possible security problems and an increase in criminal elements.</p> <p>82. As a widow in her seventies, the objector notes that she has been living there for forty years, without experiencing a break-in or the like. The objector state that they do not want to spend their remaining days in fear.</p> <p>83. The objector also raises concern that she will encounter problems in selling her home to pay for her stay in the old age home.</p>	<p>80. Refer to response 1</p> <p>81. Refer to response 6</p> <p>82. Refer to response 5.</p> <p>83. Refer to response 6.</p>	<p>80. Noted</p> <p>81. Please refer to the comments above regarding safety and security.</p> <p>82. Please refer to the comment above.</p> <p>83. Please refer to the comment under point 6 above.</p>
29	Charles le roux & Elouise Naude on behalf of the owner Gerbrandt Pierre Bezuidenhout as the owner of neighbouring affected	<p>Mr Le Roux and Naude wish to object to the proposed rezoning and subdivision of Erf 1220 for the following reasons:</p> <p>84. Public participation procedures:</p> <p>The objector states that according to the information received they are of opinion that the public participation procedures are not in accordance with the current regulations. They therefore question the principle of good</p>	<p>84. Refer to response 1</p> <p>The applicant states that the public participation process was dealt with by the Swartland Municipality not by the applicant.</p>	<p>84. It was not deemed necessary for notices to be displayed on the specific site. Individual notices was served on the owners of properties affected by the application as well as a notice was published in the local newspapers and</p>

	<p>property, erf 1240 Malmesbury</p>	<p>administration and request that the applicant provide proof that the site notices were placed in conspicuous places and also being visible for the entire public participation period as specified when applying for a rezoning and subdivisions to the Swartland Municipality.</p> <p>The objector also wishes to raise the question whether the public participation procedures are representative / relevant as the process was conducted over school holidays and public holidays.</p> <p>85. Unauthorised land uses should not be used/ be considered as a reasonable motivation as to why other similar uses should also be supported on the site:</p> <p>(a) From the application submitted/ memorandum submitted it is clear that the surrounding area and land uses are residential of nature. By arguing that an UNAUTHORISED land use is already located on the property, does not constitute that the area is not "Residential".</p>	<p>Section 45(3) of the Swartland Municipality: Municipal Land Use Planning By-Law—2020 notes that: "The municipality may determine specific methods of service and notification in respect of applications and appeals including—</p> <p>(a) conformation specifications relating to matters such as size, scale, colour, hard copy, number of copies, electronic format and file format;</p> <p>(b) the manner of submission to and communication with the municipality;</p> <p>(c) the method by which a person may be notified;</p> <p>(d) other information requirements; and</p> <p>(e) other procedural requirements.</p> <p>In terms of the above the Swartland Municipality prescribes the public participation procedure, and undertakes the process of identifying and providing notice to relevant stakeholders.</p> <p>The Swartland Municipality determined the timing of the commenting period, which in this case ran from 18 March 2022 to 19 April 2022.</p> <p>85. The site has been used for national government purposes since it was acquired in 1918. Whereas the manor house has been used as a residence in the past, it has been vacant since approximately 2014.</p> <p>(a) The contemporary house constructed in the period 1974-1977 on the southern third of the property was intended to become the Police Station Commander's residence. However, the house is never occupied for this purpose and therefore reallocated to the SAPS, whose Stock Theft Unit now occupies the premises as offices.</p> <p>Therefore, firstly, the site has always been associated to government uses, and secondly, the site has not been performing as a residential site for a number of years. The application intends to regularise the existing unauthorised use of the Stock Theft Unit office and to enable a sustainable and appropriate repurposing of the existing historical building.</p>	<p>provincial gazette as required in terms of the applicable by-law.</p> <p>The applicable By-Law prescribes the 30 day period for public participation specifically to provide sufficient time for those affected to submit their objections / support for the application.</p> <p>85. The site has not been used for government purposes since 1918. Ownership does not determine zoning and therefore the property has always been residential.</p> <p>It is agreed that the unauthorised use cannot be used as motivation to approve the application.</p>
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		<p>(b) By approving the rezoning to “Authority Zone” and “Transport Zone 2” the residential character of the area will be impacted/ in jeopardy.</p> <p>(c) The objector is of the opinion that these land uses should rather be allowed/ approved in the CBD area of Malmesbury instead of in a residential area.</p> <p>(d) By approving the application under the guise that the existing “residential” buildings will be used for the offices, what guarantees can be given that these buildings will not be demolished and rebuilt as typical office buildings.</p> <p>86. Impact on the surrounding area:</p> <p>Increase in traffic – As mentioned in the report, there will be permanent staff operating in the buildings. Even though the number of staff listed in the motivational memorandum is low, it cannot be guaranteed that the number of staff will be limited.</p> <p>87. Increase in noise – Any change in land uses that is not solely residential will have an increase in cars, noise and will have a negative impact on a residential area.</p>	<p>Refer to response 2 where it is noted that the current Swartland SDF indicates that Authority Use is one of the proposed land uses for the site</p> <p>(b) Refer to response 2 and 3.</p> <p>(c) Refer to response 3.</p> <p>(d) Refer to response 10.</p> <p>86. Refer to response 4. The application notes the extent and nature of the existing and proposed uses. This could become conditions of approval limiting the use. The use of the Old Residency is further due to it being a heritage building which therefore requires further approvals from HWC in order to make any changes to the building.</p> <p>87. The SAPS Stock Theft Unit is an existing use on the site. The proposed DCS Corrections Office will introduce an additional 20 staff onto the site but only during normal business hours. Refer to response 4.</p>	<p>Please refer to the comments made under points 1-3 above. However the transport zone 2 zoning was only to formalise the corner splays which on the other hand is seen as desirable.</p> <p>Please refer to the above comments regarding the consistency with the MSDF as well as the use of under-utilised land within the urban edge.</p> <p>Should the application be approved the Municipality may restrict the use of the property and buildings by imposing conditions of approval. Secondly, the main building is protected in terms of the Heritage Resources Act.</p> <p>86. Please refer to the comments above regarding conditions that the Municipality may impose as part of an approval. It is agreed that rezoning such a large portion of land only to accommodate / use approximately 5% of the property is not sustainable and therefore the future use of the property can be questioned.</p> <p>87. During normal office hours the possible noise will be insignificant and will not cause any nuisance to the surrounding area however the proposal clearly indicate that activities on the site may continue up to 23h00. This may result in the noise generated by cars and doors slamming from staff going in and out of the property, becoming a nuisance.</p>
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	<p>88. Accessibility</p> <p>The motivational memorandum refers to the high accessibility of the site. The objector is of the opinion that this statement is not entirely correct as the site should have been more accessibly closer or within the CBD where regular public transportation modes exist.</p> <p>89. Even though the town planning regulations only require one (1) parking bay per 25m² gross leasable area, the report referred to a total number of 32 individuals who will operate on site. The current parking provided only accommodate 28 parking bays. This is a great concern as the current layout does not even accommodate one car per employee and it is without any additional appointments of staff.</p> <p>Furthermore, "overflow" parking is also of concern as there was no mention if any visitors and no visitor parking bays are indicated on the premises/ application submitted.</p> <p>90. Specialist Studies and Reports</p> <p>The objector acknowledges the fact that specialists were involved and consulted on proposed usages; however, it is not representative of what the impact of these uses would have on the infrastructure and surrounding area. Specialist studies/ reports should be compiled, considering the total usage ("worst-case scenario") that would be allowed/ approved on the site and not only the current situation/ scope.</p> <p>91. Need & desirability</p> <p>The objector does not argue that there is no need and desirability of the land uses applied for in the application; however, the objector is of the opinion that these uses should rather be located in the CBD area where it is more accessible and visible to the public. In addition, similar government uses are already</p>	<p>88. Noted. The site is approximately 550m from the current DCS offices which well within comfortable walking distance. The current offices are not owned by the state and are leased at the expense to the state. The present offices does not meet the DCS needs.</p> <p>89. The applicant motivates that the provided parking meets the parking requirements of the Swartland Municipal Planning By-law 2020, and there is more than sufficient space on site to accommodate more parking if required.</p> <p>90. Engineering services studies were based on the proposed development including the existing SAPS Stock Theft Unit and the proposed DCS Corrections Office not on what the maximum capacity of the site could be. Any increase to the development would need updated services reports to confirm service availability. The reports did however confirm that there is more than sufficient capacity available.</p> <p>91. Noted. The applicant refers to the responses made under points number 2, 3, 5 and 7.</p>	<p>88. There are different functional categories of public facilities. It is agreed that public administration facilities like offices is much better suited along major routes or within the CBD.</p> <p>89. Parking is not seen as an issue as there is more than enough space on the property to accommodate more parking should it be required.</p> <p>90. The studies done is deemed sufficient in order for the Department Civil Engineering Services as well as Electrical Engineering services to give feedback, regarding capacity. Both department did not have any negative comments regarding the availability of services nor capacity constraints to accommodate the proposal.</p> <p>91. Please refer to the comments above regarding desirability as well as consistency with the MSDF.</p>
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		<p>established in the northern part of Malmesbury CBD, and the site would benefit if it were located in the same area.</p> <p>92. General Perception and Property Values</p> <p>The proposed rezoning will impact the property values of the area as it will no longer be seen/ classified as a residential neighbourhood.</p> <p>93. It is therefore proposed that the SAPS Stock Theft Unit rather be considered in a “non-residential” area/ zoning, where the impact of the land uses will not affect the residents in the area so severely.</p> <p>More suitable locations of government-owned land should be considered for the above-mentioned uses that are located on non-residential areas/ zones.</p> <p>94. The objector wishes to be advised timeously of the site inspections and/or hearings in the relation to the matter. The objector also wishes to add further statements and concerns when additional information comes to light. The author reserves the right to expand their objections on the date of the planning tribunal or hearing.</p>	<p>92. Refer to response 3 and 6.</p> <p>93. Noted. The applicant refers to the responses made under points number 3, 7 and 8</p> <p>94. Noted</p>	<p>92. The impact on property values have already been dealt with.</p> <p>93. Please refer to the comments above regarding desirability as well as consistency with the MSDF.</p> <p>94. Noted, however the public participation process has already closed.</p>
30	Nita Braxton 17 Bergzicht Street, Malmesbury	<p>As resident in the area Ms Braxton objects to the proposed application for the following reasons:</p> <p>95. The objector is concerned that under normal circumstances their safety is a challenge and that the rezoning will not only deface the neighbourhood it will also cause safety to become an even greater challenge. There are many widows and spinsters in the neighbourhood who will be exposed to dangers.</p>	<p>95. The applicant firstly refers to the response under point number 1 and 2 above then it is added that the comment did not clarify if the perceived safety risk relates to the existing Stock Theft Unit or the proposed DCS office. For a response regarding security concerns relating to the DCS office, please refer to responses 4, 5 and 6.</p>	<p>95. Please refer to the comments above regarding safety and security. The expected impact on the character of the area as well as the general sense of place, have already been dealt with. Please refer to the comments above.</p>

The applicant attach a letter from the Chief Town and Regional Planner, L V Masuku, for the Department of Correctional Services dated 19 May 2022. The author of this report believes that this letter is critical information as it clarifies allot of the confusion / rumours found throughout the Public Participation Process.

The letter firstly confirms that the purpose of the application is indeed to accommodate the parole offices

The letter secondly confirms that the operation hours of a community correction office is from 07h00 till 23h00 from Monday to Friday however probationers and parolees will only visit the offices by appointment during normal business hours.

The letter also confirms that as part of the rehabilitation programmes there will be offenders that will be performing cleaning duties in the offices as well as the grounds around the offices.

One of the main reasons for the said application is that the current condition of the existing privately leased building is not beneficial to the Department of Correctional Services and also does not meet the requirements of the community Corrections needs and in some aspects may contravene the Occupational Health and Safety Act of 1993. Furthermore, it is confirmed that the current office space is limited and therefore does not meet the space needs of the DCS.

Mr Masuku continues that private lease office accommodation are a huge burden on the fiscus and government is gradually exploring the utilisation of existing state assets such as Erf 1220, Malmesbury.

Mr Masuku is also of opinion that the establishment of a community Corrections office on the said property will add much needed security and visibility for the area thus contributing to security in a positive manner.

Mr Masuku also confirms that the visitation of parolees during the normal business hours will not pose any security danger to the immediate community.

To explain the administration function Mr Masuku points out the following:

- (1) All people sentenced to non-custodial sentences from courts and correctional centres will be admitted at the office which will be managing central database and then further dealings and engagements will be dealt with in satellite offices \ community service points.
- (2) Operational hours of the office will only be from 08H00 – 16H00
- (3) The visits to this office per month is averaged at 10 as all visits are on appointment or admission.
- (4) The main office visits are conducted in community service points which are in different areas. (where parolees are residing)
- (5) Violators will be taken directly to prison
- (6) The Community Corrections office and its environment will enjoy high priority security as measures of promoting safety will be applied.
- (7) Operational hours of the office will only be from 08H00 – 16H00 where personnel and visitors will be accessing the building.
- (8) Flexi-hour shifts only for staff will be from 14H00 – 22H00 as no parolees or probationers are allowed at the office after hours. This shift in particular is for home visitations.
- (9) The existing office in town works from 08H00 till 16H00 in line with labour legislations. Weekends offices are opened at 07H00 for reporting and thereafter officials are dispatched for home visits.
- (10) Vehicles which are to be parked at the office are employee's private vehicles, state vehicles, private vehicles on appointment (if any).
- (11) It is our responsibility to ensure all the people of South Africa feel safe in all our activities.
- (12) There building will be under 24 hour armed response from security services stakeholders an advantage of more visibility of security vehicles in the area.
- (13) In the history of our current office since 2004 to date there has been no threatening or negative security related incidents to the surrounding community or shops, the school and school children.
- (14) The renovation plan will include fencing, lighting, and any other measures required for security purposes.

PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

The application in terms of the By-law was submitted on 2nd of March 2022. The public participation process commenced on the 14th of March 2022 and ended on the 19th of April 2022. Objections were received and referred to the applicant for comment on 22nd of April 2022 and the municipality received the comments on the objection from the applicant on 20th of May 2022.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

2. Legislation and policy frameworks

Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

The application is evaluated according to the principles of spatial planning, as contained in the abovementioned legislation.

Spatial Justice: The proposal does not affect or address spatial and development imbalances through the improved access to and use of land. On the other hand it could be argued that the proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings is not seen desirable. It is not in-line with the spatial planning goals as well as does not contribute to densification. As the rezoning effectively sterilises the property for any other development and will remain like that for years to come. This is deemed to be in contradiction with the MSDF, 2019 which promotes the effective use of property and services as well as supports densification. As motivated by the applicant the land use proposals of the MSDF does accommodate Authority use within the area, however, as mentioned above, the proposal is deemed inconsistent with the goals of the district and provincial spatial policies as will be further discussed below. For this reason the proposal does not contribute to spatial justice.

Spatial Sustainability: The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area. Furthermore, it could be argued that the proposed development will not result in a more spatially compact and resource-efficient settlement and will therefore not optimise the use of existing infrastructure. Although the proposal does include the use of under-utilised property owned by the state the proposal is not seen as spatially sustainable.

Efficiency: The development proposal will not promote the optimal utilisation of services on the property. The applicant does motivate that the application seeks to regularise the existing stock theft unit as well as the potential cost saving should the office need to move to another location. Further the applicant also motivates that in terms of efficiency the co-location of public services on the same property contribute to the principle of efficiency. Firstly, the illegal land use cannot be used as motivation for the municipality to approve the proposed application secondly due to the extent of the site, the amount of money needed to renovate the old dwelling in order to make it compliant with fire and safety regulations and to specifically accommodate the use of it as offices, is not seen as effective. Furthermore, it is agreed that there is a number of advantages in co-locating public administration facilities and clearly there are more suitable locations available to the department to co-locate its facilities.

The municipality is also bound by timeframes with the processing of land use applications, and although it is agreed that the comments / conditions from Heritage Western Cape is critical information required to assist the decision making, the time frame provided by the Department that the information will only be provided in July 2023 is unacceptable. The Municipality need to finalise the application, ensuing compliance with the applicable by-law as well as to ensure efficiency.

Therefore this application does not comply with the principle of efficiency.

Spatial Resilience: Spatial resilience relates to flexibility in spatial plans, policies and land use management to ensure sustainable livelihoods most likely to suffer impacts of economic & environmental shocks. This is considered irrelevant to the proposal.

Good Administration: The application and public participation are administrated by Swartland Municipality and public and departmental comments were obtained. The decision making is guided by a number of considerations as required by the relevant By-law and MSDF;

The development proposal clearly does not adhere to the spatial planning principles and can therefore be considered inconsistent with the abovementioned legislative measures.

Provincial Spatial Development Framework (PSDF, 2014)

According to the PSDF(2014), the average densities of cities and towns in the Western Cape is low by international standards, in spite of policies to support mixed-use and integration. There is clear evidence that urban sprawl and low densities contribute to unproductive and inefficient settlements as well as increase the costs of municipal and Provincial service delivery.

The PSDF suggest that by prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

It is further mentioned in the PSDF that the lack of integration, compaction and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the environment, and the economy. Therefore the PSDF provides principles to guide municipalities towards more efficient and sustainable spatial growth patterns.

One of the policies proposed by the PSDF is the promotion of compact, mixed-use and integrated settlements. This according to the PSDF can be achieved by doing the following:

1. Target existing economic nodes (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc) as levers for the regeneration and revitalisation of settlements.
2. Promote functional integration and mixed-use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.
3. Locate and package integrated land development packages, infrastructure and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.
4. Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining and tourism remain important economic underpinnings of rural settlements.
5. Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
6. Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient and sustainable forms of urban development.
7. Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
8. Municipal SDFs to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities and appropriate development typologies.

The PSDF further states that scenic landscapes, historic settlements and the **sense of place** which underpins their quality are being eroded by inappropriate developments that detracts from the unique identity of towns. These are caused by inappropriate development, a lack of adequate information and proactive management systems.

The Provincial settlement policy objectives according to the PSDF are to:

1. **Protect and enhance the sense of place and settlement patterns**
2. **Improve accessibility at all scales**
3. **Promote an appropriate land use mix and density in settlements**
4. Ensure effective and equitable social services and facilities
5. Support inclusive and sustainable housing

And in order to secure a more sustainable future for the Province the PSDF propose that settlement planning and infrastructure investment achieves:

1. Higher densities
2. A shift from a suburban to an urban development model
3. More compact settlement footprints to minimise environmental impacts, reduce the costs and time impacts of travel and enhance provincial and municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities and services.
4. Address apartheid spatial legacies by targeting investment in areas of high population concentration and socio-economic exclusion.

The development proposal is therefore deemed inconsistent with the PSDF as the proposal will not achieve higher densities, will not result in the optimum use of land / space within the urban edge, will detract from the character of the area as well as negatively impact the sense of place within the residential neighbourhood it is located and will not improve accessibility.

West Coast District SDF (WCDSDF, 2020)

In the WCDSDF, 2020 it is stated that the functional classification for Malmesbury is regional centre and according to the growth potential study only Malmesbury and Vredenburg has been classified as towns with a very high growth potential index.

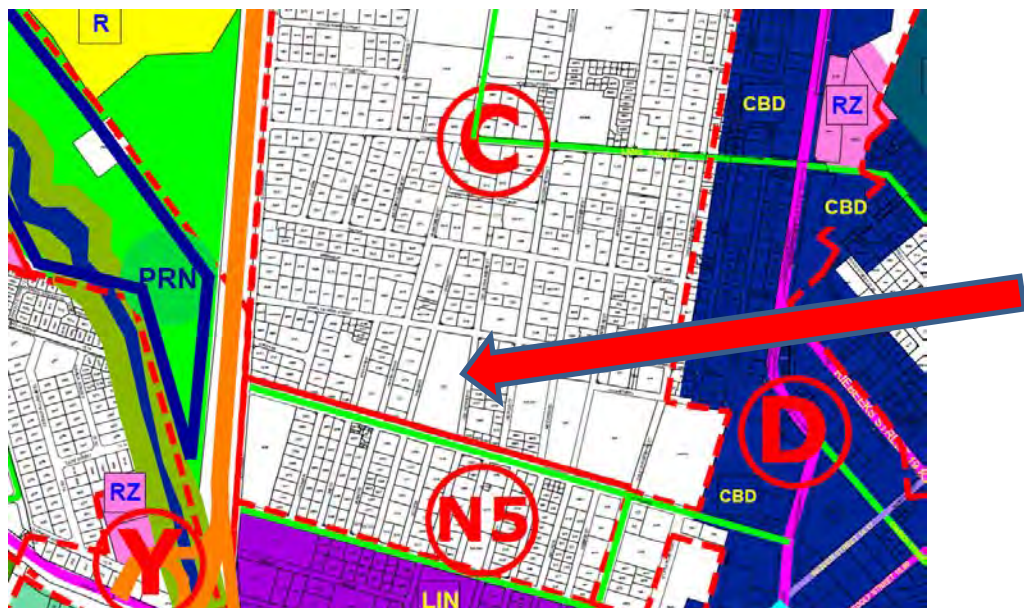
In terms of the built environment policy of the WCDSDF, local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification and basic service provision. Priority should also be given to settlement development in towns with the highest economic growth potential and socio-economic need.

The WCDSDF rightfully looks at spatial development on a district level. However the WCDM SDF promotes the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required in terms of SPLUMA and recommended in the PSDF, 2014), to improve quality of life and access to amenities and opportunities to all residents in the WCDM.

Given the functional classification of Malmesbury, as well as the significant presence of the Department of Correctional services within Malmesbury, the DCS offices should remain within Malmesbury. With reference to the evaluation of the planning principles mentioned above as well as the reference to it within the WCDSDF, 2020 as well as the principle of densification, it could be argued that the proposal is not consistent with the spatial planning policies of the WCDSDF, 2020.

Municipal Spatial Development Framework (SDF), 2019

Erf 1220, Malmesbury is located in land use proposal zone C as indicated in the land use proposal map for Malmesbury. Please refer to the extract below:



Zone C is defined as a mixed land use character consisting of low and medium density residential uses and also supporting functions like crèches, schools, hostels and a hospital. Densification and mixed uses are allowed for in the transition areas next to the commercial and industrial areas and along the activity streets. Authority use is clearly supported in the land use proposals for zone C. However, the proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings is not seen desirable. It is not in-line with the spatial planning goals as well as does not contribute to densification. The rezoning effectively sterilises the property for any other development and will remain like that for years to come.

Not one of the proposed offices have their access taken from the activity street, St Thomas Street. Both offices are accessed off Pinard Street which is a low order residential street.

This is deemed to be in contradiction with the MSDF, 2019 which rather promotes the effective use of property and services as well as supports densification.

2.4 Zoning Scheme Provisions

All provision of the proposed zoning is complied with;

3. Desirability of the proposed utilisation

There are no physical restrictions on the property that will have a negative impact on this application.

The proposed application is deemed inconsistent with and in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels as discussed above.

The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature “sense of place” within the neighbourhood and will therefore detract from the character of the area.

The proposed development however is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental / heritage assets. The actual use and renovation of the old residency may assist in protecting the historic building.

Not one of the proposed offices have their access taken from the activity street, St Thomas Street. Both offices are accessed of Pinard Street which is a low order residential street.

Furthermore, there are much more advantages in clustering public administration / functional facilities for example

- Cutting down on the amount of land required
- Promotion of the full use of buildings and land
- Lower building cost
- Lower running cost
- Minimum maintenance cost
- Convenience, as all services are located in one centre. People can accomplish a number of tasks within a single journey which equates to savings in time, money and effort and has the net effect of improving quality of life.
- Provision of greater security
- Sharing of resources

4. Impact on municipal engineering services

The proposed development will not have a significant impact on municipal engineering services. Should any services need upgrading in order to accommodate the proposed development it will be for the developers account.

5. Response by applicant

See Part F in terms of the motivation as well as part I in terms of the comments on the objections received.

6. Comments from other organs of state/departments

Heritage Western Cape requested a Heritage Impact Assessment. As the outcome of this assessment will only be made available middle next year as well as that, in the authors' opinion, it will not change the outcome of the recommendation, it is not considered relevant and will only delay the effective processing of the application.

Should the application be approved it does not exonerate the department to comply with any other legislation.

7. Public interest

Public interest must be taken into account with reference to Section 42 of SPLUMA as well as Section 65 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG8226 of 25 March 2020) and can be summarised as follows:

The degree to which the development principles as well as the norms and standards of relevant legislation and policy will be promoted or prejudiced

From the above information, the proposed application is not promoted in terms of the development principles and norms and standards of the planning legislation and policy. The proposal is inconsistent with the spatial planning proposals, is situated in a residential area and the rezoning of such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature “sense of place” within the neighbourhood and will therefore detract from the character of the area.

The degree of risk or potential risk

The concerns regarding safety and security have been addressed in the comments on the objections. Should the status quo remain there is a risk that the current state of the property will continue to deteriorate ultimately resulting in the complete loss of the heritage asset as well as the negative impact on neighbouring properties due to the lack of proper maintenance of the subject property. Should the application be approved the rezoning will effectively sterilise the property for any other development and will remain like that for the foreseeable future.

Impact on existing and surrounding land uses

The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature “sense of place” within the neighbourhood and will therefore detract from the character of the area.

Whether the proposed development is prejudicial to the interests of the community

The need for the DCS office in Malmesbury is recognised, the proposed location of it within a residential area on the other hand is not supported. Not only is it prejudicial to the interests of the residents in the area but also, it is not conveniently located next to transport routes, within the CBD, or clustered with other public administration facilities to be in the interest of the staff or the parolees that need to visit the offices.

It is recommended that the department seek an alternative solution or location for the proposed Community Corrections Office, in a location that could be considered favourable. It is advised that the department and the Municipality work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDF, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves.

The long term benefit of the proposed development, which at times may be in conflict with short terms gains

There is no long term benefit to the proposed development as it is not deemed sustainable. In the short term the Department will have a state owned building in which to accommodate the DCS office, however, the proposed repurposing of the historic building on the site in order to use it as offices as well as the potential negative impact on the area far outweighs the potential cost saving that the department claims to achieve.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights

N/A

PART L: RECOMMENDATION WITH CONDITIONS

The application for the rezoning and subdivision of Erf 1220, Malmesbury, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

General

1. It is recommended that the department seek an alternative solution or location for the proposed Community Corrections Office, in a location that could be considered favourable. It is advised that the department and the Municipality work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDF, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves.
2. Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500, 00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

1. The development proposal does not adhere to the spatial planning principles and can therefore be considered inconsistent with the spatial planning principles as contained in SPLUMA and LUPA.
2. The development proposal is deemed inconsistent with the PSDF as the proposal will not achieve higher densities, will not result in the optimum use of land / space within the urban edge, will detract from the character of the area as well as negatively impact the sense of place within the residential neighbourhood it is located and will not improve accessibility.
3. Not one of the proposed offices have their access taken from the activity street, St Thomas Street. Both offices are accessed off Pinard Street which is a low order residential street.
4. The proposal is deemed to be in contradiction with the MSDF, 2019 which rather promotes the effective use of property and services as well as supports densification.
5. The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area.
6. There are much more advantages in clustering public administration / functional facilities
7. The proposal is deemed not in the interest of the community affected by the application nor is it in the interest of the staff or the parolees that need to visit the property, as it will not improve accessibility.



PART N: ANNEXURES

Annexure A	Location plan
Annexure B	Architects site plan
Annexure C	Public Participation Plan
Annexure D	HWC response to NID
Annexure E	Civil services report
Annexure F	Electrical services report
Annexure G	Traffic impact statement
Annexure H1	Objection Dr DF Wege
Annexure H2	Objection Norman Sieni & Noeline Myburg
Annexure H3	Objection Liani van der Merwe
Annexure H4	Objection Ettienne van der Merwe
Annexure H5	Objection J Wheeler
Annexure H6	Objection Raath & Wium
Annexure H7	Objection Albertus Laas
Annexure H8	Objection Jacobus Basson
Annexure H9	Objection PC Punt
Annexure H10	Objection L Schultz
Annexure H11	Objection AA Louw
Annexure H12	Objection James en Petro Prichard
Annexure H13	Objection Maaitjie Jordaan
Annexure H14	Objection D Swart
Annexure H15	Objection Chris Bruyns
Annexure H16	Objection J & J Hill
Annexure H17	Objection AG Barkhuizen
Annexure H18	Objection J van der Merwe
Annexure H19	Objection P van der Merwe
Annexure H20	Objection S Muller
Annexure H21	Objection N Mattisson
Annexure H22	Objection Z Mattisson
Annexure H23	Objection Willie Taylor
Annexure H24	Objection Rhyen Coetzee
Annexure H25	Objection E Rossow
Annexure H26	Objection AM Bosman
Annexure H27	Objection CE Bosman
Annexure H28	Objection HM Schreuder
Annexure H29	Objection Ideal Consulting
Annexure H30	Objection Nita Braxton
Annexure I	Applicants comment on the objections
Annexure J	Division Town Planning request to withdraw application
Annexure K	Department Correction Services response to the request to withdraw the application
Annexure L	Photos

PART O: APPLICANT DETAILS

Name	NM & Associates Planners and Designers			
Registered owner(s)	National Government of the Republic of South Africa	Is the applicant authorised to submit this application?	Y	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		Date: 8 th of November 2022	
Recommendation: Alwyn Zaayman Senior Manager Built Environment SACPLAN : A/8001/2001	Recommended		Not recommended <input checked="" type="checkbox"/>
		Date: 10 th of November 2022	

PART Q: RESOLUTION

A. The application for the rezoning and subdivision of Erf 1220, Malmesbury, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

B. General

(a) It is recommended that the department seek an alternative solution or location for the proposed Community Corrections Office, in a location that could be considered favourable. It is advised that the department and the Municipality work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDF, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves.

(b) Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500, 00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

C. The application be refused for the following reasons:

(a) The development proposal does not adhere to the spatial planning principles and can therefore be considered inconsistent with the spatial planning principles as contained in SPLUMA and LUPA;

(b) Spatial Justice: The proposal does not affect or address spatial and development imbalances through the improved access to and use of land. It is argued that the proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings, is not seen desirable. It is not in-line with the spatial planning goals as well as does not contribute to densification. As the rezoning effectively sterilises the property for any other development and will remain like that for years to come. This is deemed to be in contradiction with the MSDF, 2019 which promotes the effective use of property and services as well as supports densification;

(c) It is recognized that the MSDF does accommodate Authority use within the area, however, as mentioned above, the proposal is deemed inconsistent with the goals of the local, district and provincial spatial policies as it will not promote the effective use of property and services as well as support densification. For these reasons the proposal does not contribute to spatial justice;

(d) Spatial Sustainability: The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area. Furthermore, it could be argued that the proposed development will not result in a more spatially compact and resource-efficient settlement and will therefore not optimise the use of existing infrastructure. Although the proposal does include the use of under-utilised property the proposal is not seen as spatially sustainable;

(e) Efficiency: The development proposal will not promote the optimal utilisation of services in the area. The applicant does motivate that the application seeks to regularise the existing stock theft unit as well as the potential cost saving should the office need to move to another location. Further, the applicant also motivates that in terms of efficiency the co-location of public services on the same property contribute to the principle of efficiency. However, the illegal land use cannot be used as motivation for the municipality to approve the proposed

application, secondly due to the extent of the site, the amount of money needed to renovate the old dwelling in order to make it compliant with fire and safety regulations in order to specifically accommodate the use of it as offices, is not seen as effective. It is agreed that there is a number of advantages in co-locating public administration facilities and therefore more suitable locations are available to the department to co-locate its facilities, like the existing prison complexes as well as the existing police station in Malmesbury;

- (f) The municipality is also bound by timeframes with the processing of land use applications, and although it is agreed that the comments / conditions from Heritage Western Cape is critical information required to assist the decision making, the time frame provided by the Department that the information will only be provided in July 2023 is unacceptable. The Municipality need to finalise the application, ensuing compliance with the applicable By-Law as well as to ensure efficiency. Therefore this application does not comply with the principle of efficiency;
- (g) The development proposal is deemed inconsistent with the PSDF as the proposal will not achieve higher densities, will not result in the optimum use of land / space within the urban edge, will detract from the character of the area, it will negatively impact the sense of place within the residential neighbourhood it is located as well as will not improve accessibility;
- (h) The proposal is deemed to be in contradiction with the West Coast District SDF, 2020 as it will not result in the enhancement of the quality of life nor will it improve the access to amenities and opportunities of the residents affected by the application;
- (i) The proposal is deemed to be in contradiction with the MSDF, 2019 which rather promotes the effective use of property and services as well as supports densification;
- (j) Not one of the proposed offices have their access taken from the activity street, St Thomas Street. Both offices are accessed of Pinard Street which is a low order residential street;
- (k) In terms of section 42(1) of SPLUMA it is clear that the Municipal Planning Tribunal must make a decision which is consistent with the norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the Municipal Spatial

s)/...

Development Framework. Due to the proposal being inconsistent with and in contradiction with the spatial planning policies as mentioned above, the application can therefore not be approved;

- (l) No site-specific circumstances were illustrated by the applicant to justify any departure from the MSDF, 2019;
- (m) The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area. The property, also accommodating the old residency, is of historical, architectural as well as contextual significance;
- (n) There are much more advantages in clustering public administration / functional facilities at existing locations;
- (o) The proposal is deemed not in the interest of the community affected by the application nor is it in the interest of the staff or the parolees that need to visit the property, as it will not improve accessibility;
 - (i) The proposal is inconsistent with the spatial planning proposals, is situated in a residential area and the rezoning of such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area;
 - (ii) Should the status quo remain there is a risk that the current state of the property will continue to deteriorate ultimately resulting in the complete loss of the heritage asset as well as the negative impact on neighbouring properties due to the lack of proper maintenance of the subject property. Should the application be approved the rezoning will effectively sterilise the property for any other development and will remain like that for the foreseeable future;
 - (iii) The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area;
 - (iv) The need for the DCS office in Malmesbury is recognised, the proposed location of it within a residential area on the other hand is not supported. Not only is it prejudicial to the interests of the residents in the area but also, it is not conveniently located next to transport routes, within the CBD, or clustered with other public administration facilities to be in the interest of the staff or the parolees that need to visit the offices;
 - (v) There is no long term benefit to the proposed development as it is not deemed sustainable. In the short term the Department will have a state owned building in which to accommodate the DCS office, however, the proposed repurposing of the historic building on the site in order to use it as offices as well as the

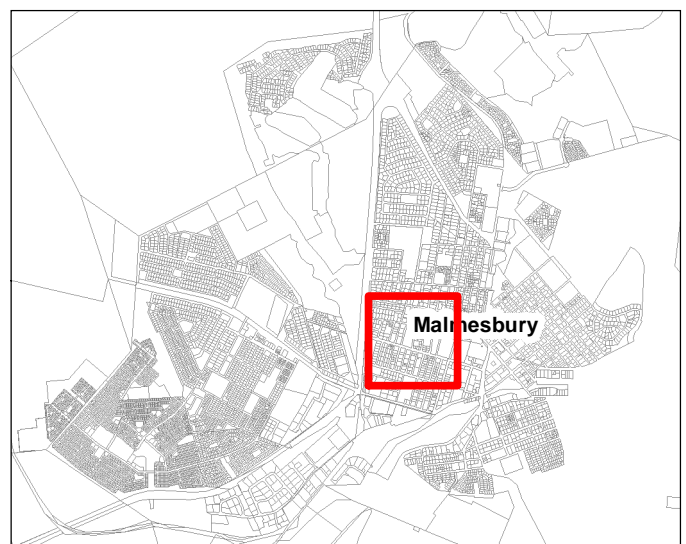
potential negative impact on the area far outweighs the potential cost saving that the department claims to achieve;

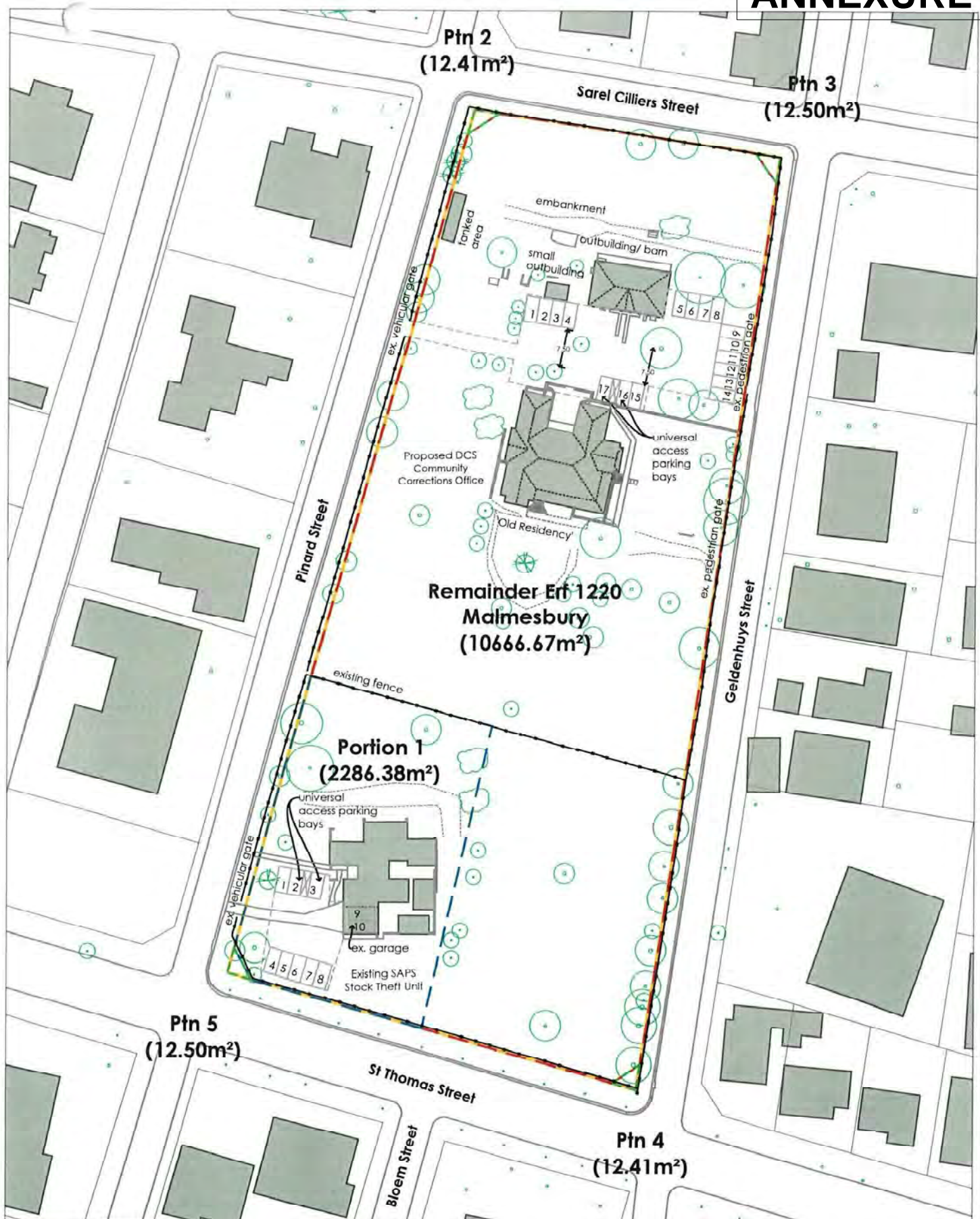
- (p) The application contains no detail on the future developments on the rezoned erf, the impacts thereof on the residential neighbourhood can therefore not be determined;
- (q) The property, accommodating the old residency, is of historical, architectural as well as contextual significance and is therefore deemed an important heritage resource. Other than the proposed renovation of the buildings, the application does not contain detail on the proposed preservation of this significant heritage resource.

COPIES:

1. ABB - for attention
2. Town/Regional Planner & GIS - for cognisance

LOCATION OF ERF 1220, MALMESBURY





Key

- ERF 1220 MALMESBURY
- REMAINDER ERF 1220 (DPW)
- PORTION 1 (SAPS)
- PORTIONS 2-5 (PUBLIC ROAD SPLAYS)

Scale 1: 1 000 @ A4



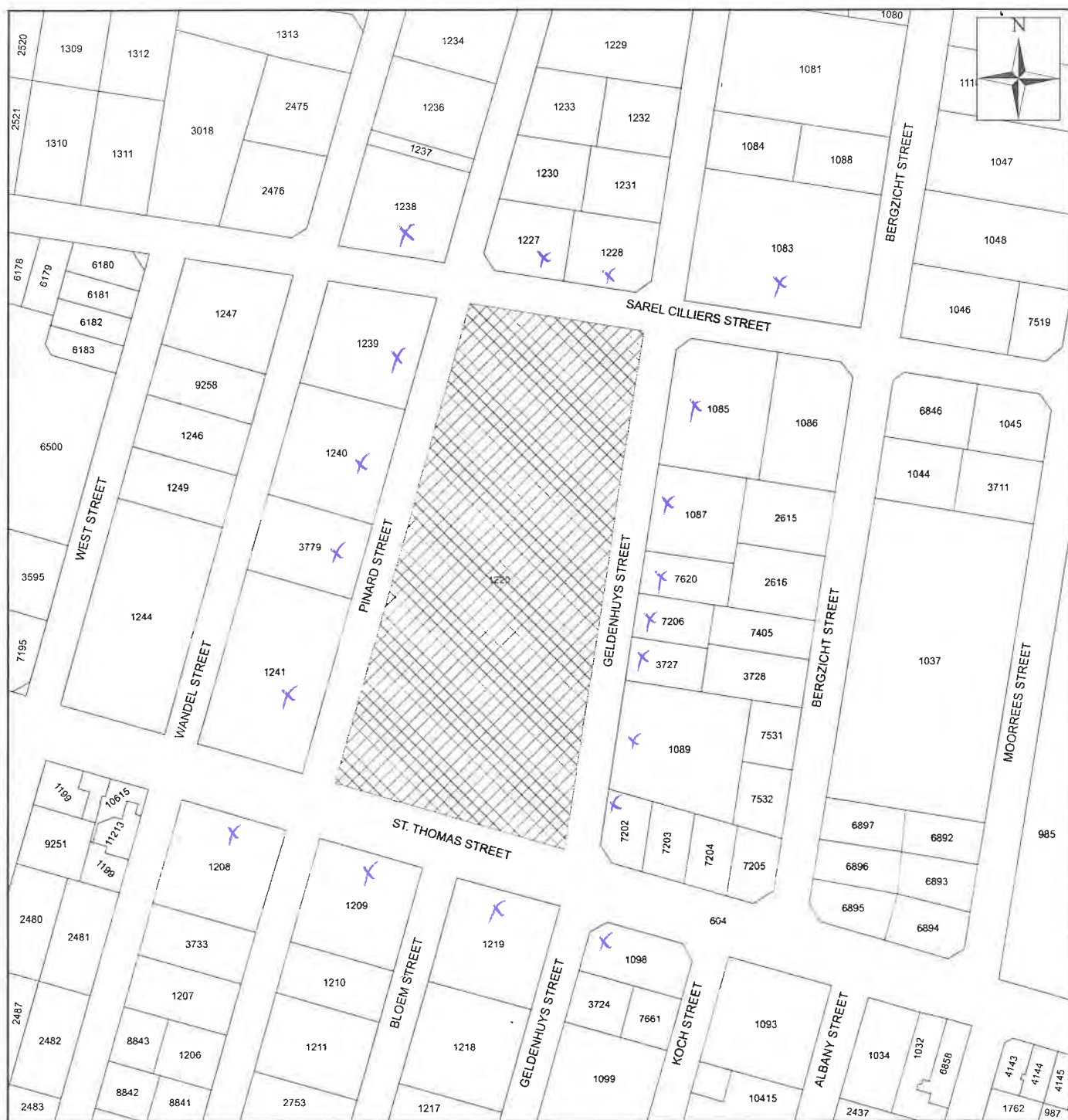
ERF 1220 MALMESBURY

DECEMBER 2021

FIGURE 5: PROPOSED SITE LAYOUT FOR ERF 1220 MALMESBURY

NOTE:

PARKING BAY: 2.5 M X 5.0 M

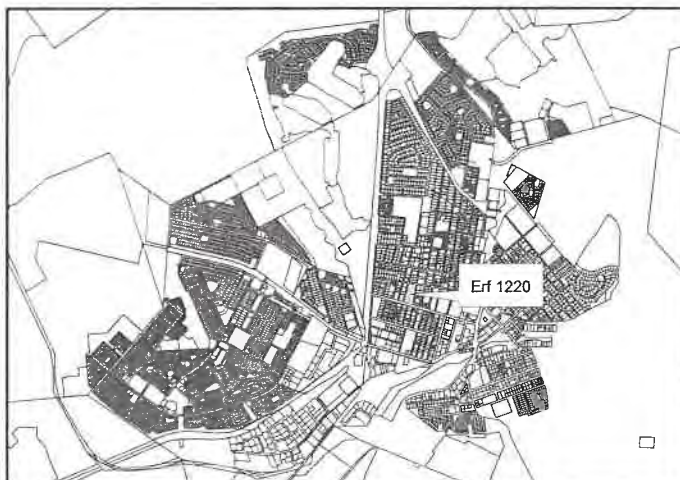


Voorgestelde hersonering en onderverdeling

Erf 1220, Malmesbury

Publieke deelname

Skaal: NVT



PAGE 1 OF 2

Our Ref: HM/ WEST COAST / SWARTLAND / MALMESBURY / ERF 12201
Case No.: 20210517SB0517E
Enquiries: Stephanie Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

Sandra van der Merwe
sandra@visionplan.co.za



RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED REZONING AND SUBDIVISION ERF 12201, 12-14 PINARD STREET, MALMESBURY, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20210517SB0517E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received. This matter was discussed at the Heritage Officers Meeting held on 24 May 2021.

You are hereby notified that, since there is reason to believe that the proposed Rezoning and Subdivision Erf 12201, 12-14 Pinard street, Malmesbury will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. Section 38(3) of the NHRA provides

(3) *The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a): **Provided that the following must be included:***

- (a) *The identification and mapping of all heritage resources in the area affected;*
- (b) *an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;*
- (c) *an assessment of the impact of the development on such heritage resources;*
- (d) *an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;*
- (e) *the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;*
- (f) *if heritage resources will be adversely affected by the proposed development, The consideration of alternatives; and*
- (g) *plans for mitigation of any adverse effects during and after the completion of the proposed development.*

(Our emphasis)

This HIA must in addition have specific reference to the following:

- The Committee requires a HIA consisting of a VIA with specific reference to the changes on cultural landscape and built environment.

www.westerncape.gov.za/cas

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Idilesi yendawo: kumgangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, ekapa, 8000 • **Idilesi yeposi:** Inombolo yebhokisi

PAGE 2 OF 2

Our Ref: HM/ WEST COAST / SWARTLAND / MALMESBURY / ERF 1220
Case No.: 20210517SB0517E
Enquiries: Stephanie Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959



The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case-by-case basis.

If applicable, applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

Kindly take note of the HWC meeting dates and associated agenda closure date in order to ensure that comments are provided within as Reasonable time and that these times are factored into the project timeframes.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

.....
Colette Scheermeyer
Acting Chief Executive Officer



www.westerncape.gov.za/cas

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Idilesi yendawo: kumgangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, ekapa, 8000 • **Idilesi yeposi:** Inombolo yebhokisi



**public works
& infrastructure**

Department:
Public Works and Infrastructure
REPUBLIC OF SOUTH AFRICA

PUBLIC WORKS & INFRASTRUCTURE

DEPARTMENT OF PUBLIC WORKS & INFRASTRUCTURE

WESTERN CAPE: MALMESBURY MANAGEMENT AREA:
PROPOSED SUB-DIVISION OF ERF 1220 MALMESBURY

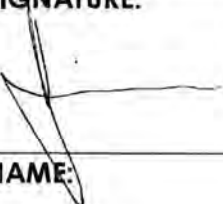

CIVIL ENGINEERING SERVICES REPORT (Rev1)

COMPILED BY:



1st Floor, Block A
Regent Square
Doncaster Road
Kenilworth
7708
Tel: (021) 425-1610

DOCUMENT CONTROL SHEET

DATE	REPORT STATUS	AUTHORED BY:	APPROVED BY:
Feb 2022	Final (Rev1)	NAME: John Prince (Pr Tech Eng)	NAME: Garth Blassoples (Pr Eng)
		SIGNATURE: 	SIGNATURE: 
		NAME:	NAME:
		SIGNATURE:	SIGNATURE:
TITLE: WESTERN CAPE: MALMESBURY MANAGEMENT AREA: PROPOSED SUB-DIVISION OF ERF 1220 MALMESBURY: CIVIL ENGINEERING SERVICES REPORT			
CARRIED OUT BY: KFD WILKINSON CONSULTING ENGINEERS 1 st Floor, Block A, Regent Square Doncaster Road Kenilworth 7708 Tel: 021 - 425 1610 Fax: 021 - 425 1646 Email: johnp@kfdw.co.za		COMMISSIONED BY:	

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1 INTRODUCTION

1.1 PROJECT BRIEF

KFD Wilkinson (Pty)Ltd has been appointed by NM and Associates Planners to investigate the availability of existing bulk civil engineering services at Erf 1220, Malmesbury and assess the capacity thereof in order to assist the Department of Public Works to decide on the suitability of the proposed rezoning and development of the site.

1.2 SITE DESCRIPTION

The site is located at Erf 1220 in Malmesbury, Western Cape, approximately 80 km north of Cape Town CBD. The cadastral area of Erf 1220 is 1,003 hectares, as shown on the Land Surveyors survey drawing No. MC 12A/A.

There are two existing dwelling on the site. The dwelling which is located is located on the northern portion of the erf is unoccupied and the dwelling on the southern part of the site is occupied by SAPS.

1.3 SCOPE OF WORK

The scope of work includes investigations pertaining to the waste water system, stormwater drainage and potable water supply in order to provide the Architect with a Civil Engineering Services Site Audit report for Phase 1 and a Final Site Clearance report for Phase 3 of the project to accompany the Rezoning, Subdivision and Heritage Approval application.

This report covers the investigation into the civil engineering services required for the proposed subdivision application and development of Erf 1220.

2 FIELD SURVEYS AND INVESTIGATIONS

A Topographical survey of the site has been undertaken by Arvind N Bhawan Professional Land Surveyors and presented on the layout plan enclosed in Appendix A of this report.

A site inspection has been carried out by KFD Wilkinson on 1 June 2021 to investigate the availability of existing services on the property and immediate vicinity.

Photographic records of the condition of existing services and infrastructure are shown in Appendix B of this report.

KFD Wilkinson also met with Mr. Johan Venter of Swartland Municipality, Civil Engineering Department, to discuss the proposed development on Erf 1220 and to obtain the Municipality's required standards for civil engineering services.

3 EXISTING CIVIL ENGINEERING SERVICES

3.1 EXISTING FOUL SEWER

The dwelling on the upper portion of the erf is drained via a 100mm diameter sewer, which discharges into the 150mm municipal sewer main along Pinard Street. The property on the lower part of the site drains via a 100mm diameter pipe into the 150mm municipal sewer main along St. Thomas Street. The material and condition of the underground sewer pipes are unknown. Considering the age of the property, the pipe material is most likely vitreous clay.

3.2 EXISTING STORMWATER

There is no formal stormwater drainage systems and surface runoff from the site appears to be generally overland in a southeast direction towards St. Thomas and Geldenhuys Street. Rainwater downpipes from the roof of the existing dwellings drain into open channels and discharge overland onto the municipal road reserve. The nearest municipal underground stormwater system is a 300mm diameter pipe system along St. Thomas Street and flows in an eastern direction.

3.3 EXISTING WATER SUPPLY

Potable water connections to the property were not visible at the time of the survey and site inspection but municipal records show that both dwellings have 25mm diameter metered connections. The municipality has no records of the pipe material but, based on the age of the existing dwellings and for the purpose of this report, it is assumed to be copper pipes. The nearest fire hydrant is located on the south west corner of the site, on corner of Pinard and St Thomas Streets (ref Figure 3).

3.4 EXISTING ACCESS AND SITE DESCRIPTION

Independent vehicular access to each dwelling is currently provided on the western side of the site off Pinard Street via two carriageway crossings.

Parking on site is informal and consist of natural gravel hardstanding in close proximity to the buildings.

The site slopes in a south easterly direction from the northern boundary, along Sarel Cilliers Street, towards the southern boundary on St. Thomas Street.

4 STORMWATER MANAGEMENT

4.1 STORMWATER SYSTEM

The site is rectangular in shape with an aspect ratio of 1:2, sloping generally in a south easterly direction. The site terrain is fairly steep with a 10m fall from Sarel Cilliers Street towards St Thomas Street. It is largely covered with vegetation, except for hardstanding areas with natural gravel along the driveways and concrete pavement at building entrances or courtyards.

The roofed area covers approximately 6% of the site. The local drainage system of both buildings consists of downpipes discharging into perimeter half-round precast concrete channels which discharge overland onto the site.

A minor stormwater outfall of 100 diameter PVC pipe drains from the upper dwelling onto Geldenhuys Street. The pipe discharges through the existing kerb onto the road channel and into the municipal system at the corner of Geldenhuys and St. Thomas streets.

Apart from this minor underground connection, all stormwater runoff discharges overland, entering the road reserve along Geldenhuys St and Thomas Streets.

4.2 PROPOSED UPGRADES

It is proposed that stormwater be allowed to continue to discharge overland but that a new connection to the external stormwater system be provided at the southeast corner of the existing boundary between the two sites

A catchpit is to be provided on the property and a new pipe is to be installed in the road reserve along Geldenhuys Street, connecting into the existing manhole on St. Thomas Street. See Figure 1 below.

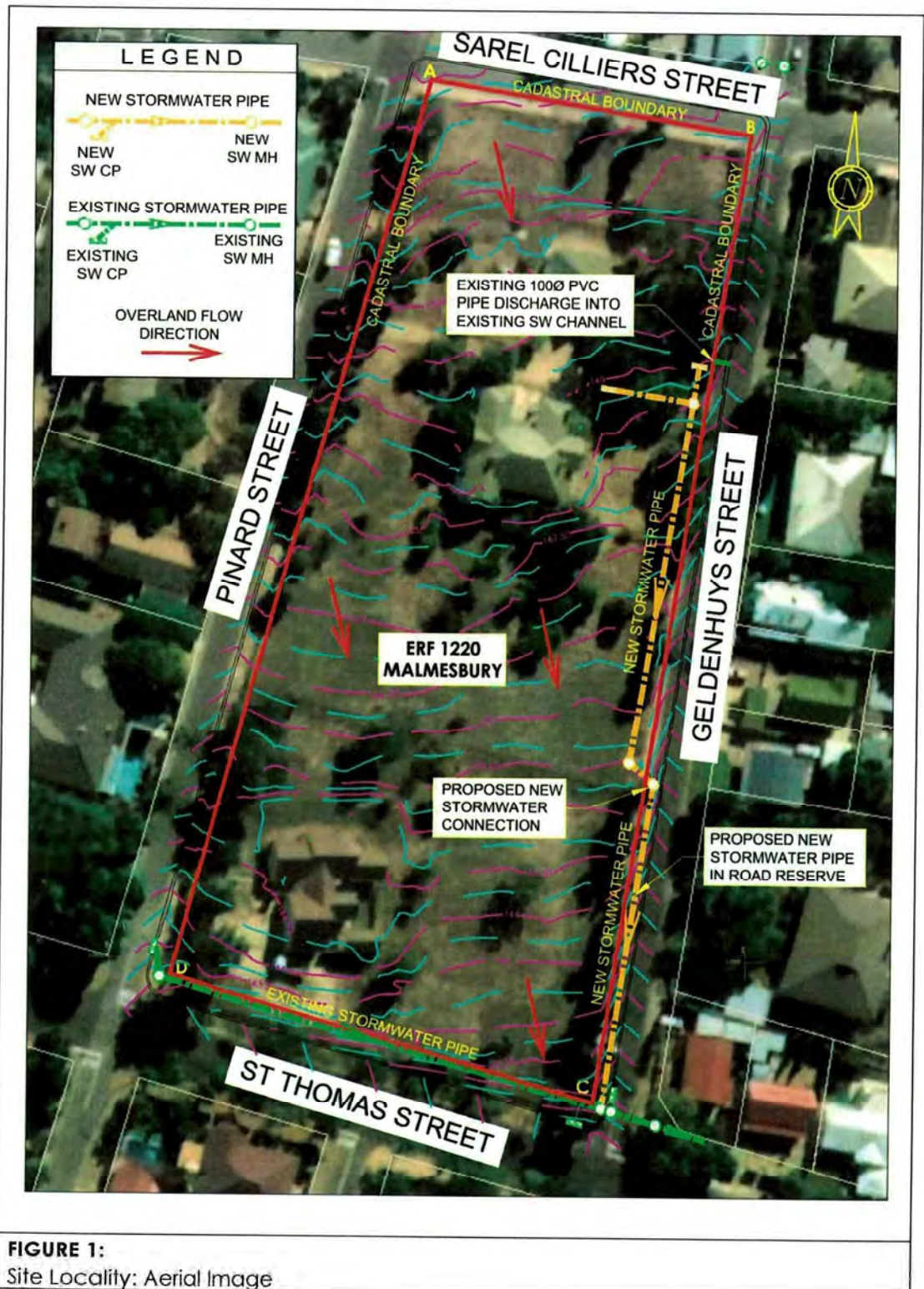


FIGURE 1:
Site Locality: Aerial Image

A layout plan of the existing underground stormwater pipes upstream and downstream of the site is superimposed on the Topographical Survey Layout and is enclosed in Appendix A.

4.3 OPERATIONAL STANDARDS

Stormwater management of the site is to comply with the following standards and guidelines:

- Department of Public Works and Infrastructure, Guidelines for Consultants, Design Guide Section F.9 – Stormwater
- Guidelines for Human Settlement Planning and Design, Chapter 6
- The Swartland Municipality Storm Water Management By-Laws (Province of the Western Cape: Provincial Gazette Extraordinary 7285, 11 July 2014).
- Design Rainfall and Flood Estimation in South Africa, by JC Smithers and RE Schulze.
- The City of Cape Town: Standards and Guidelines for Roads and Stormwater.

The proposed new minor stormwater system will be designed to accommodate runoff generated during the 1:5year storm event.

Overland flow in excess of the 1:5year storm event will continue to be discharged overland.

The Department of Public Works and Infrastructure Design Guidelines for stormwater management requirements a minimum pipe size of 450mm diameter, type class 100D and must have a self-cleansing velocity where possible.

4.4 HYDRAULIC ANALYSIS

Point Rainfall Data

Design rainfall was based on the Water Research Commission Report titled "Design Rainfall and Flood Estimation in South Africa" by JC Smithers and RE Schulze". The computer programme "Design Rainfall Estimation in South Africa" was used to generate rainfall data.

To account for increased rainfall intensity due to climate change, the rainfall figures derived above have been increased by 15% as predicted. (Schulze et. Al 2010)

Generated data for the site, and on which the hydraulic analysis is based, is shown below.

The Rational Method was used to estimate the stormwater discharge from the site.

One Day Design Rainfall used in the analysis is as follows:

Return Period	Rainfall Depth (mm)
1:5	60
1:50	89

The hydraulic analysis using the Rational Formula is summarised as follows:

Rainfall Event Return Period	Peak Discharge Rate (l/s)
1:5	11
1:50	36

The City of Cape Town requires that where the impervious area of an erf exceeds 600m², the erf must be serviced with an underground connection of a minimum 375mm diameter pipe.

The capacity of a 375mm diameter pipe at the available slope of 1: 20 is approximately **400 l/s** which is more than adequate to accommodate the 1:50year peak discharge.

The limiting factor, however, is the capacity of the municipal stormwater system.

Runoff in excess of the pipe's capacity will be discharged overland via the road system.

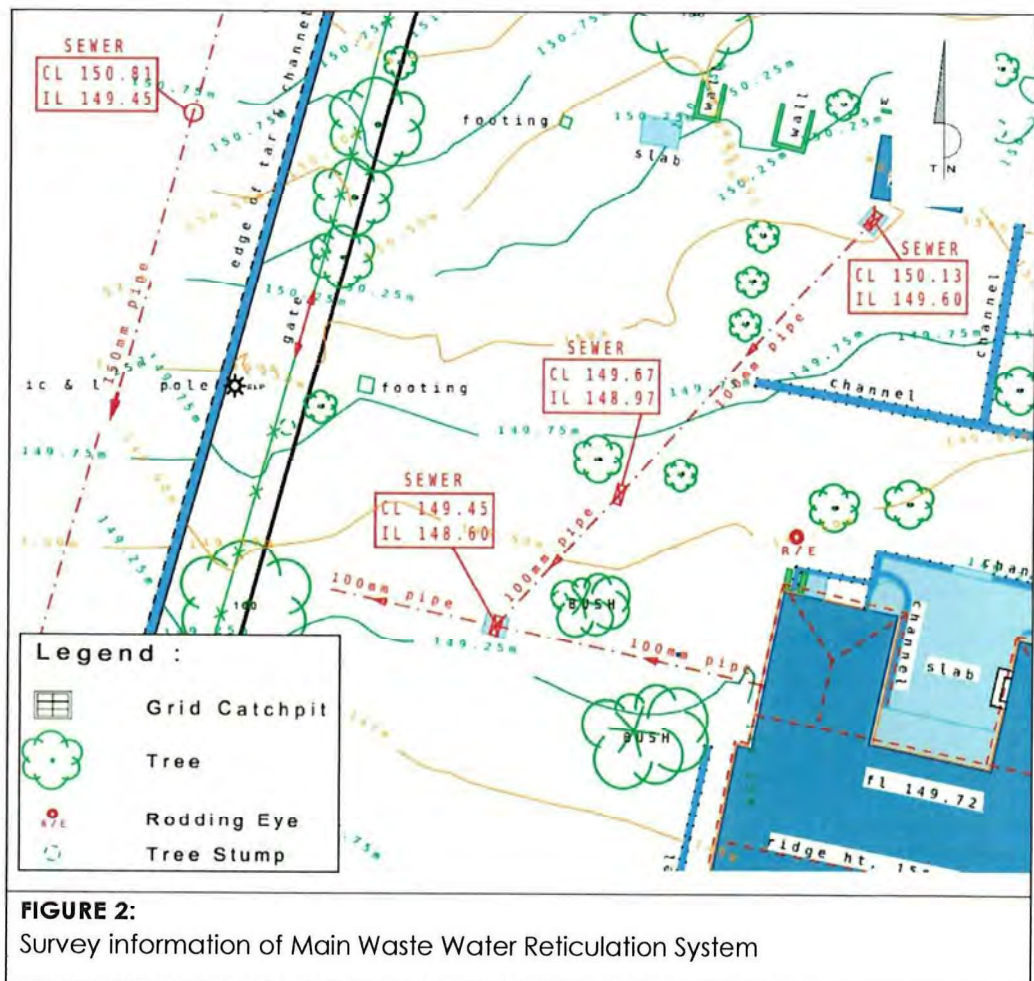
The proposed stormwater layout is shown on drawing S449/2049_CIV02 enclosed in Appendix A.

5 WASTEWATER MANAGEMENT

5.1 SEWER SYSTEM

This section is confined to the underground external waste water reticulation system and excludes gullies and plumbing above ground.

The existing buildings are serviced by a 100mm diameter vitreous clay pipe underground waste water reticulation system shown on the extract from the survey layout in Figure 2 below.



5.2 OPERATIONAL STANDARD

Waste water disposal from the site is to comply with the following standards and guidelines:

- Swartland Municipality: Civil Engineering Services.
- Guidelines for Human Settlement Planning and Design (Ref 2).
- City of Cape Town: Water and Sanitation Department: Service Guideline Standards (Ref 3).
- SANS 10252-2: 1993: South African National Standard: Water Supply and Drainage for Buildings, Part 2: Drainage Installations for Buildings.

The sewer reticulation hydraulic modelling will be evaluated against the following criteria:

- Peak Flow

Peak flow rate = average daily flow rate x peak factor

Peak factor for internal reticulation = 10

- Design Flow Rate

An allowance of 15% of peak flow has been made for infiltration of ground water and rain into the sewer system.

Design flow rate = peak flow rate x 1.15

The proposed design upgrades will meet the following criteria:

- The main sewer line will be a 110mm diameter pipe.
- 110mm and 160mm diameter sewer pipes will be Class 34 uPVC heavy duty, in accordance with the requirements of SANS 791.
- The sewer will be laid on Class B bedding in accordance with SANS 1200 LB.
- The sewer system will be designed to obtain optimum gradients ensuring a self-cleansing system.

5.3 PROPOSED UPGRADES

It is planned to upgrade the existing building into offices that will accommodate 20 persons.

A new foul sewer manhole is proposed on the existing 150mm municipal sewer main along Pinard Street. The manhole is to be constructed with engineering bricks ensuring that ground water infiltration is minimised and in compliance with SANS 1200.

5.4 MUNICIPAL BULK SUPPLY

Based on discussions with Swartland Municipality, there is expected to be sufficient capacity at the waste water treatment works to accommodate the additional flow, but this will be confirmed in writing by the Municipality on the submission of the planning application.

6 POTABLE AND FIRE WATER SUPPLY

6.1 MUNICIPAL SUPPLY

There are existing municipal watermains along Sarel Cilliers and St Thomas Streets.

The existing municipal water reticulation system layout, existing static pressure and existing residual pressure in the vicinity of the site are shown on Figures SLW 2.1a, SLW6.1a and SLW6.2a which are enclosed in Appendix B

The nearest underground fire hydrants are located on the corner of Sarel Cilliers/Wandel Street and Pinard/St Thomas Street.



Based on municipal records, two independent 25mm potable water metered connections to the properties are located along the western boundary on Pinard Street.

There is no dedicated fire water supply to the site.

6.2 OPERATIONAL STANDARDS

Water supply to the site is to comply with the following standards and guidelines:

- Swartland Municipality: Civil Engineering Services.
- Guidelines for Human Settlement Planning and Design (Ref 2).

- City of Cape Town: Water and Sanitation Department: Service Guideline Standards (Ref 3).
- SANS 10252-1: 2012: South African National Standard: Water Supply and Drainage for Buildings (Ref 4).

Peak Hour Demand

- Peak hour factor (PHF): 4.6
- Peak hour demand : PHF x AADD

As noted above, street hydrants are provided at Sarel Cilliers and St Thomas Streets which are within 80m of this site.

6.3 WATER DEMAND

The daily water demand for the proposed facility is given in Department of Public Works and Infrastructure, Guidelines for Consultants, Design Guide Section F.6 – Water Supply

- Offices: and Administration 70 l/person/day
- The average annual daily demand in kℓ/d is as follows:

Day	= 70 kℓ/d
Night	= 0 kℓ/d
TOTAL	= 70 kℓ/d

The anticipated water consumption and peak flows used in the analysis are based on 20 persons and usage patterns for office administration in accordance with the design brief.

The municipal water supply and reticulation network sizing are to be such that adequate flow and pressure are able to be achieved for both domestic usage and for fire water supply.

The assessment criteria used is as follows:

- Residual Pressure:
 - Maximum pressure under no flow = 100m
 - Minimum pressure under instantaneous peak demand = 10m

Based on the criteria listed above, the existing 25mm diameter supply and reticulation system is adequate for domestic usage.

The municipal Fire Engineer will advise on further water requirements for the site on assessment of the planning application.

6.4 MUNICIPAL BULK SUPPLY

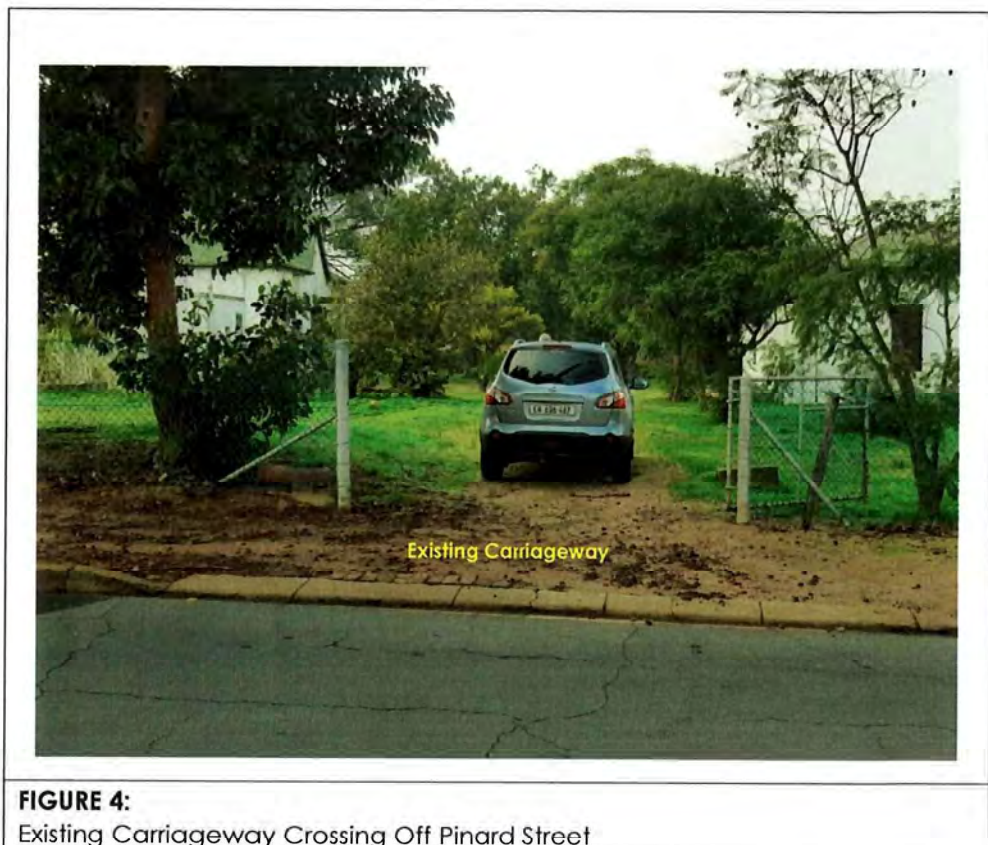
Swartland Municipality has advised that the bulk supply system should have sufficient water resources, treatment, bulk storage and conveyance capacity to supply the proposed development, but this

will be confirmed in writing by the Municipality on the submission of the planning application.

7 SITE ACCESS AND PARKING

7.1 EXISTING CONDITION

The existing carriageway crossing off Pinard Street onto the site consist of dropped kerbs and channels, as shown on Figure 4.



The existing 3.0m wide driveway is unpaved and has no formalised surface or below ground drainage system.

7.2 ACCESS AND PARKING DESIGN

The extent of the proposed new paving of existing access and parking area are shown on Dwg No S449/2049-CIV01.

The proposed paved areas will be designed to have a minimum 2% slope, draining towards the nearest stormwater grid inlet or garden area.

The structural design analysis period for the proposed pavement structure is 10 years. A brick paved surface and granular base pavement structure, based on the existing conditions and UTG 2 guidelines, Figure 24, Category UC for parking areas and access is recommended.

The pavement structure for the Parking Area and Carriageway Crossing will consist of:

Pavement Structure	<ul style="list-style-type: none"> Segmental blocks/paver (to Architect's specification) on 20 bedding sand
	<ul style="list-style-type: none"> 125 G5 Natural gravel Subbase compacted to 95% MOD AASHTO density (CBR \leq45, PI \geq10)
Pavement Foundation	<ul style="list-style-type: none"> 300 In Situ Subgrade compacted to 93% MOD AASHTO density (Minimum CBR 15)

Reconstruction of the existing parking area and access road will match the existing levels where possible to reduce the cost of earthworks and avoid the need for imported fill.

Appropriate routine maintenance of the stormwater drainage system will be required to prevent pavement distress and to achieve the 10year structural design period.

Although not included in the scope of work for this appointment it is recommended that a soils investigation to assess the condition of the substrates of the existing parking area and access road be carried out.

TRAFFIC IMPACT STUDY

The traffic impact of the proposed development on the local residential roads and existing network will be assessed by a specialist Traffic Consultant.

It is assumed at this stage that the existing site access location will remain in the current location with no further improvements required to the roadway infrastructure.

8 SOLID WASTE OR RECYCLING

8.1 EXISTING WASTE OR REFUSE COLLECTION

The existing dwelling on the northern portion of the erf is unoccupied and there is no evidence of refuse storage facilities on site.

The property on the southern part of the site is occupied by SAPS and it appears that waste is stored in a containerised wheelie bin.

In terms of Swartland Municipality's Waste Management By-Law, refuse collection services are provided once a week and it appears that the collection point is along Pinard Street, adjacent to the access.

8.2 OPERATIONAL STANDARDS

The following standards and guidelines will be considered to ensure acceptable operational standards for solid waste management:

- Swartland Municipality: Civil Engineering Services.
- Solid Waste Management: "New Developments: Minimum Requirements for Vehicle Access or Waste Collection".
- Swartland Local Municipality, Notice 109/2011/2012: Waste Management By-Law
- Department of Human Settlements: The Neighbourhood Planning and Design Guide – Section M, Solid Waste Management

In accordance with the Solid Waste Management Standards and Guidelines, where an erf is subdivided into multiple individual portions, the development of each portion will be considered a separate unit and will require its own refuse storage facility and collection.

The removal of solid waste by the Municipality or Contracted Waste Collection Service Providers is only affected from the kerbside of the public road adjacent to the site entrance.

The size of the waste/recycling storage area on the site depends on the rate of refuse generated and the frequency of the collection service. The waste storage area should be large enough to accommodate two weeks refuse storage on site, in the event of disruption to the municipal waste collection service.

A minimum of 50 litres containerised storage capacity per person, working or living in the premises, is to be provided at a "once a week" collection frequency.

8.3 PROPOSED UPGRADES

It is assumed that the standard 240L container wheelie bins will be utilised for waste storage on each site. A dedicated hardstanding floor area of at least 1,2m² per bin must be provided on each site.

Estimated Waste Generation:

- The estimates for domestic waste generation vary from 0.41 kg/ capita/ day to 1.29 kg/ capita/ day.
- The estimated volume of generated waste for the proposed new office facility:

$$= 0.85 \text{ kg/ capita/ day}^* \times 20 \text{ No. Persons} \times 5 \text{ Working days}$$

$$= 85 \text{ kg/week}$$
- Volume $= 85 \text{ kg/week} / 200 \text{ kg/m}^3 \times 1000$
 $= 425 \text{ Litres}$
- A minimum of 2 No x 240L container wheelie bins should be provided for waste storage at the proposed new office facility.

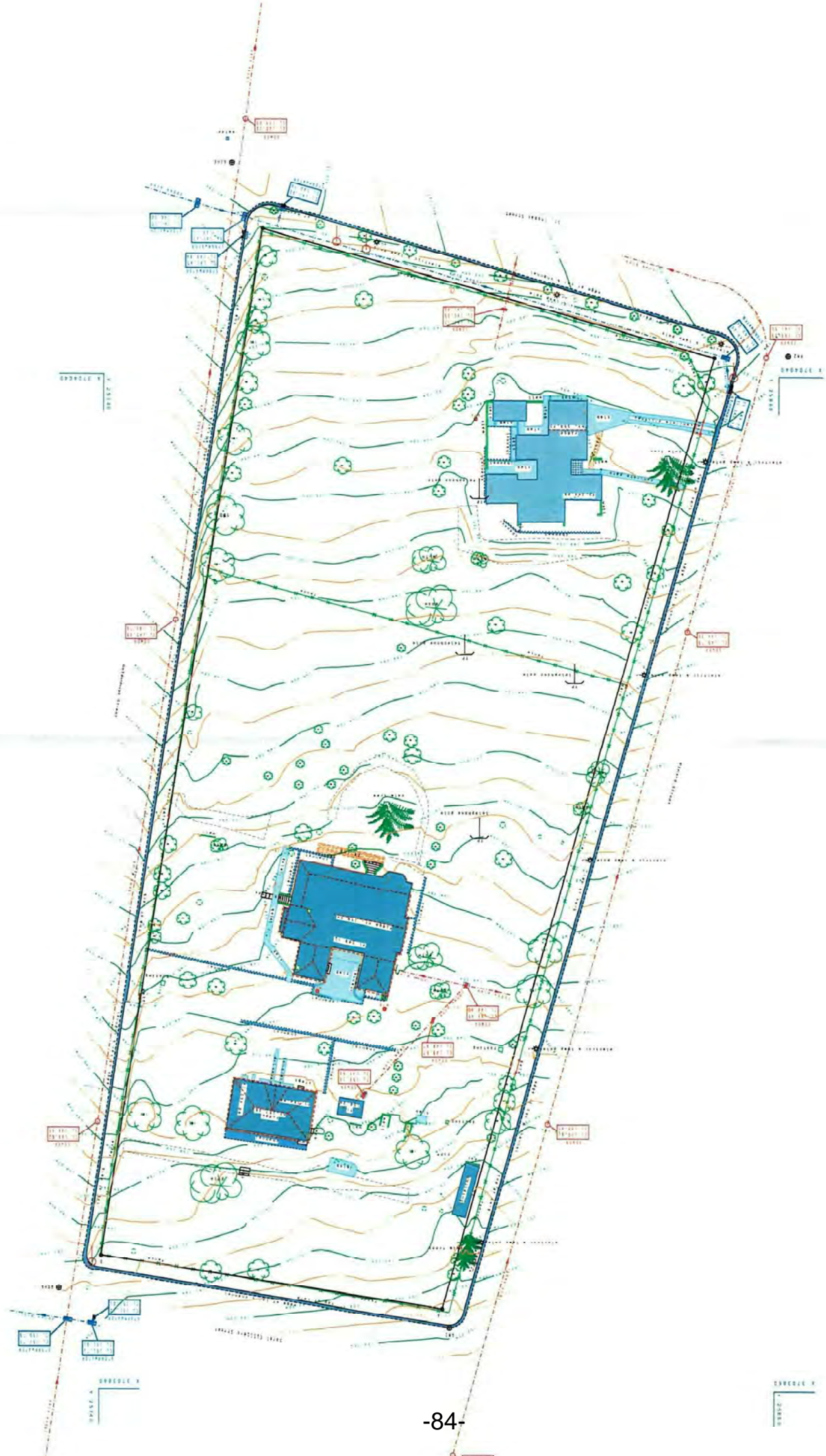
*Note: average waste generation rate assumed.

The Waste Management By-Law requires that all reasonable measures be implemented to reduce or avoid waste generation, re-use and recycling of waste to minimise the impact on the environment and to reduce strain on the existing landfill site.

Appendix A

Topographical Survey of Erf 1220 Malmesbury and Conceptual Layout of Civil Engineering Services

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MALMESBURY DCS OFFICES – ERF 1220 ELECTRICAL & TELECOMMUNICATION SERVICES REPORT

INTRODUCTION

Erf 1220 has two existing houses on the site and both of these houses have independent electrical supplies connected to the municipality's overhead electrical reticulation. Please refer to the attached site locality plan indicating all the existing electrical services.

MUNICIPAL ELECTRICAL INFRASTRUCTURE

The site has a 3,8kVA Single Phase supply and a 55kVA Three Phase supply. The site has a maximum capacity of 80 amp three phase supply (55kVA) for the DCS house and a 60 amp single phase supply (13.8kVA) for the SAPS house.

The electrical consumption of these houses are measured via conventional electrical meters which are located in a meterbox located on the premises.

The existing electrical network is fully compliant with the standards and regulations of SANS 10142, OHS Act and the Swartland Municipality.

The existing 80Amp TP supply capacity is sufficient for a small office block of approximately 50 persons. If a larger multi storey office block is planned in the future then a minisub can be installed for this site. The nearest 11kV supply point is in Pinard street.

The municipal electrical engineer confirmed that there is sufficient spare capacity on their existing electrical infrastructure for this area if the DPWI however wants to upgrade to a multi storey office block in the future. They will however only confirm the electrical capacity after they receive an application for the upgrade of the electrical supply which will state the electrical load required.

The owner can install a standby emergency generator as long as there are safety interlocking mechanisms to avoid any feed back into the municipal electrical network.

Also attached is the Swartland Municipality's written response to our queries.

Main House – DCS Offices

The electrical supply to the main house is 60 amp Three phase and was fed from an overhead electrical reticulation system to a meter box on the external wall at the house. The maximum electrical capacity for this house can be a 80amp three phase supply which is sufficient for the DCS offices. The existing supply was fed from an overhead electrical reticulation system to a meter box on the external wall at the house.

The entire internal and external electrical installation has been stripped and will need to be re-instated from the overhead electrical supply point.

SAPS House

The electrical supply to the SAPS house is fed from an overhead electrical reticulation system in St Thomas street to a meter box on the external wall at the house.

The existing electrical installation is still in a working condition. The existing electrical supply is a 60amp single phase supply.

EXISTING TELECOMMUNICAITON SERVICES

The existing telkom line is an overhead line and is still visible on the site.

The internal telephone cables of the main house have been removed/stolen.

This erf has a fibre optic communication cable installed that is dedicated for the SAPS communication systems.

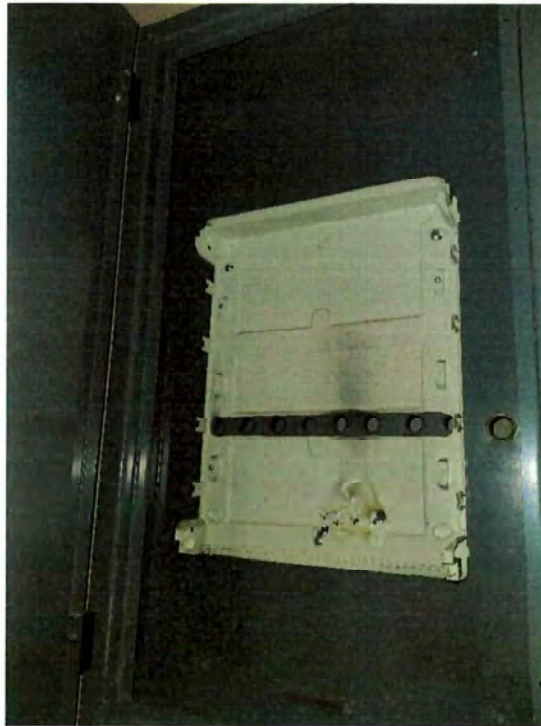
Application can be made to an ISP to provide a fbre connection to the DCS office.



.....
M.T. Ogier
Director



OVERHEAD ELECTRICAL SUPPLY



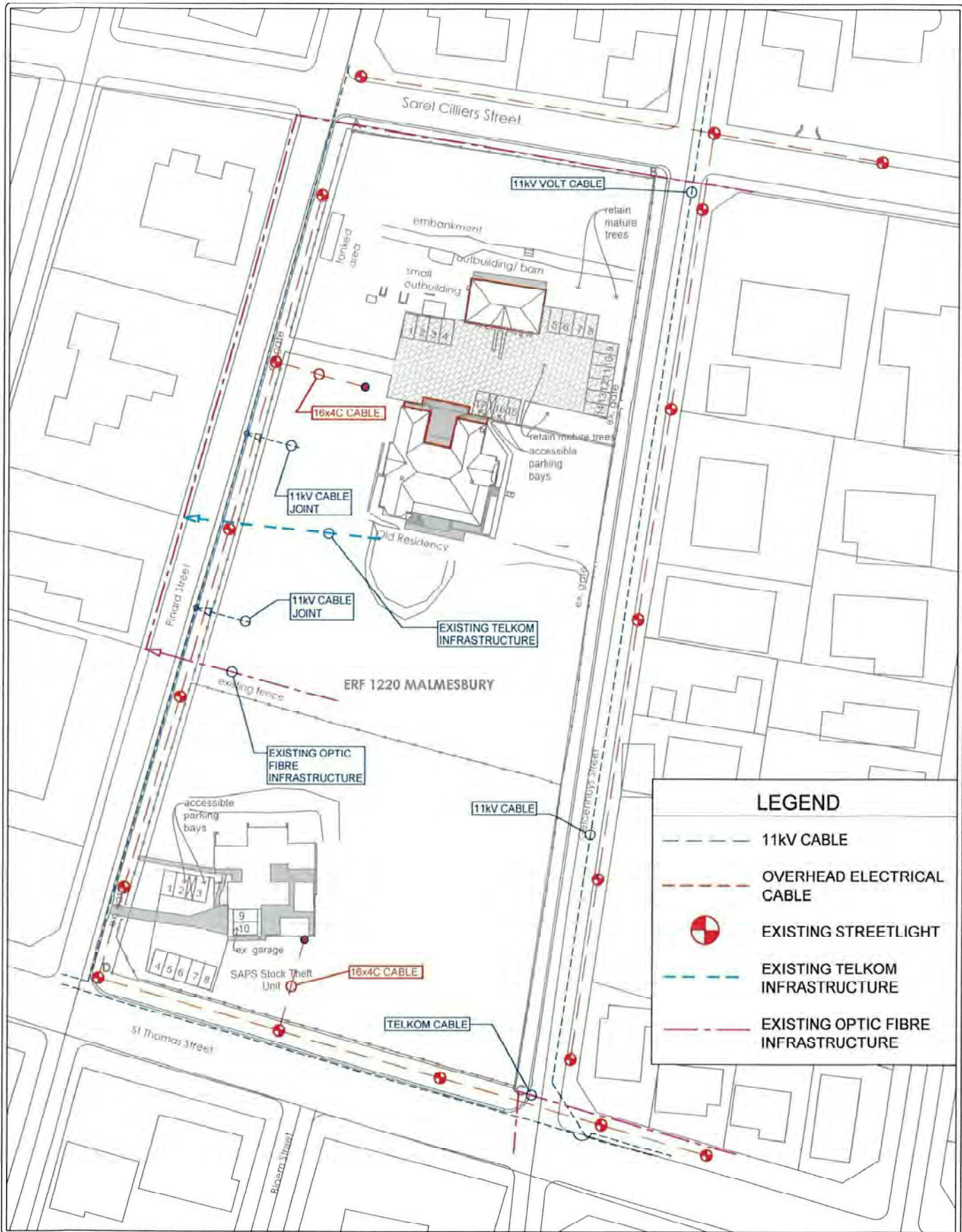
DISTRIBUTION BOARD REMOVED



OVERHEAD TELKOM SUPPLY



EMPTY METERBOX



GJA CONSULTING ENGINEERS



398 ALBERT ROAD
SALT RIVER
Woodstock
8060

tel: +2721 685 5136
email: admin@gjact.co.za

DRAWING TITLE

ERF 1220 MALMESBURY
EXISTING ELECTRICAL &
TELKOM SERVICES

SCALE 1:1000	DESIGNED T.O
FIRST ISSUE JULY 2021	DRAWN Y.F
CHECKED JULY 2021	CHECKED BY
PROJECT NO E2013	DRAWING NO S001
	REV



CLEAN AUDITS SINCE 2010/11



*Ons gee gestalte aan 'n beter toekoms!
We shape a better future!
Sibumba ikamva elingcono!*

16/2/3/1/1

Senior Manager: Technical Services (Electrical)
MJ Swanepoel
Electrical Engineering Services

26 November 2021

Mr M.T. Ogier

MALMESBURY ERF 1220 – ELECTRICAL NETWORK QUERIES

With reference to your queries, we hereby communicate our response below:

1. The existing site have a 13.8 kVA single-phase supply and a 55-kVA three phase supply.
2. A new miniature substation can be supplied from the 11kV cable in Pinard Street.
3. Upon receipt of an electrical application will we assess the existing electrical network and based on this will we will inform you if the electrical capacity is available or need to be upgraded and the associated cost.
4. The existing electrical network is fully compliant with the standards and regulations of SANS 10142, OHS Act and Swartland Municipal bylaws.
5. The owner can install a standby emergency generator as long as there are safety interlocking mechanisms installed to avoid any back feed into the municipal electrical network.

Yours faithfully

MUNICIPAL MANAGER

Per Department: Electrical Engineering Services
MJS/ma

NM & associates planners and designers

Malmesbury DPW

Traffic Impact Statement | Rezoning Application

Swartland Local Municipality

Rev 2 | 6 December 2021



NM & associates planners and designers

Malmesbury DPW

Traffic Impact Statement | Rezoning Application

Swartland Local Municipality

Rev 2 | 6 December 2021

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 20058

Fulcrum Development Consultants (Pty) Ltd
167 Florida Road
Morningside
Durban 4001

Document Verification

Job title		Malmesbury DPW		Job number	
				20058	
Document title		Traffic Impact Statement Rezoning Application		File reference	
Document ref		Swartland Local Municipality			
Revision	Date	Filename	MAL-FULC-A-XX-RP-YT-1001.docx		
Rev 1	09 Nov 2021	Description	Rev 1		
			Prepared by	Checked by	Approved by
		Name	N Adam-Ebrahim	M Kajee	M Kajee
		Signature			
Rev 2	06 Dec 2021	Filename	MAL-FULC-A-XX-RP-YT-1002.docx		
		Description	Rev 2 – Client amendments		
			Prepared by	Checked by	Approved by
		Name	N Adam-Ebrahim	M Kajee	M Kajee
		Signature			
		Filename			
		Description			
			Prepared by	Checked by	Approved by
		Name			
		Signature			
		Filename			
		Description			
			Prepared by	Checked by	Approved by
		Name			
		Signature			

Issue Document Verification with Document



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Tables

Table 1: Trip Generation Table

Figures

Figure 1: Locality Plan

Figure 2: Access Arrangement

Figure 3: Road Class

Appendices

Appendix A

Architect's Site Plan

Appendix B

Email Correspondence (none)

Appendix C

Zoning Information (refer to town planning report)

1 Letter Signed by ECSA Registered Professional

167 Florida Road
Morningside
Durban 4001

t +27 31 328 8720

mohamed@fulcrum.co.za

9 November 2021

Dear Sir/Madam

Traffic Impact Assessment (TIA) for Remainder Erf 1220, Malmesbury

The undersigned has been appointed as the registered professional for this Traffic Assessment and has applied due diligence to the content of this report and endeavoured to ensure that the report is free of technical errors and takes full responsibility for its contents.

Fulcrum Development Consultants (Pty) Ltd also undertakes to attend any forum where the TIA is in dispute to report on matters that relate to the TIA. We understand and agree that the municipality shall not be liable to compensate us in this regard.

Yours sincerely,



Mohamed Kajee
Senior Transport and Traffic Engineer

167 Florida Road Morningside Durban 4001
t +27 31 328 8720 Pr. Eng.: 20170283

2 Development Details

2.1 Background

Fulcrum Development Consultants (Pty) Ltd has been appointed by NM & associates planners and designers to undertake a Traffic Impact Statement (TIS) in support of the proposed subdivision and rezoning of the site.

2.2 Site Location

The development is situated at Erf 1220 Malmesbury, within the Western Cape Province. The aforementioned site will henceforth be referred to as “the site”. The site is located 70km North east of the Cape Town CBD, within the Swartland Local Municipality.

The full extents of the site is approximately 13 002.86 m² and has several street frontages, as the site is bounded by Sarel Cilliers Street to the north, Geldenhuys Street to the east, Pinard Street to the west and St Thomas Street to the South.



Figure 1: Locality Plan

2.3 Development Details

The site is currently zoned as *Residential Zone 1*, the site is to be subdivided and rezoned, to be utilized for the intended purposes.

The northern building is currently vacant, however it is anticipated to be utilized as the Correctional Services offices and will have a total of 20

employees with a total GLA of 430 m², while the southern building is currently in use as the SAPS and has a total of 12 employees with a total GLA of 210 m².

At this stage of the development the Site Plan are yet to be finalised, however a draft version of a conceptual site plan can be found in **Appendix A**.

2.4 Existing and Proposed Rights

The site is currently zoned *Single Residential zone 1* and the northern portion of the site is vacant, while the Southern portion is currently utilized as an office. The intention is to subdivide the site at each of the corner points to corner for safety purposes which in turn will form part of the future road reserve, these portions will be rezoned to *Transport Zone 2*.

In addition to this, a 2 286.38m² portion is to be subdivided (referred to as portion 1 in Appendix A), this portion is to be rezoned to the *Authority zone* and will be utilized as the SAPS Stock Theft Unit. The remainder of Erf 1220 is approximately 10 666.67m² and will also be zoned to the *Authority zone*, to be utilized as DCS Offices.

3 Status Quo

3.1 Access Arrangements

The site enjoys two access points, both of which are located on Pinard Street. The northern access serves the larger building and is located some 45m from the Sarel Cilliers Street stop line. The southern access is located some 15m from the St Thomas Street stop line. The southern access is sub-standard, however for the size of development it is serving, this would not be an issue.

The access points are illustrated in the figure below:



Figure 2: Access Arrangement

It is to be noted that the existing Southern access is situated significantly close to the existing intersection. However, this access only serves the southern portion of the site, which accounts for approximately 8 passenger car units. Therefore, the current southern access is significant and will not cause a major delay at the existing southern access point.

3.2 Existing Road Network

Information regarding the class of road for roads of significance within the study area is illustrated in **Figures 3** below.



Figure 3: Road Class

The following details are significant regarding the roads surround the development:

- Sarel Cilliers Street – this is a Class 4 road aligned in the east-west direction providing linkage to the CBD and the R45. It is a 7m wide road with a single lane in each direction.
- St Thomas Street – this is a Class 4 road aligned in the east-west direction that also provide access to the CBD and the R45. It is a 10m wide road with a single lane in each direction.
- Pinard Street – this is a Class 5 road aligned in the north-south direction. It is a 6m wide road with a single lane in each direction.
- Geldenhuis Street – this is a Class 5 road aligned in the north-south direction. It is a 6m wide road with a single lane in each direction.

3.3 Traffic Operations

Relatively low volumes of traffic are experienced during the commuter peak hours on the roads in the immediate vicinity of the development. In addition to this, minimal delays are experienced on Pinard Street and Geldenhuis Street at the respective stops at the priority intersections.

4 Traffic Demand Estimation

The current development proposal consists of approximately **640 m²** office space on the site, of which 430 m² will be utilized as correctional services offices and the remainder of 210 m² will be utilized as SAPS offices.

4.1 Trip Generation

The *COTO Trip Data Manual (Reference 3)* was referenced to estimate the number of trips likely to be generated by the proposed development, together with the assessment scenarios and time periods.

A summary of the trip generation calculation for the proposed development is provided in **Table 1**.

Table 1: Trip Generation Table

Development	Size/Number of Units	Unit	AM Peak	PM Peak	Totals		In / Out Split			
					AM Peak	PM Peak	AM peak		PM Peak	
							In	Out	In	Out
Offices	640	100 m ² GIA	2,1	2,1	13	13	11	2	3	11
TOTAL TRIPS GENERATED					13	13	11	2	3	11

The existing development is currently generating **13** trips during both the AM and PM peak hours we indicated in the Table above.

5 Site Layout & Parking Requirements

5.1 Site Layout

As the site is currently utilized for the intended purposes, this application serves primarily as a formalization of the existing land uses. Therefore, the site layout is acceptable.

The Site Plan can be found in **Appendix A**.

5.2 Parking

As indicated in *Swartland Local Municipality's Land Use Planning By Laws 2020*, there are no land use provisions that specify parking, floor area, coverage etc for the *Authority zone 1*. Therefore, the *General Business Zone 1* controls (which include offices as a primary use) were used as a benchmark. As indicated in this zone, parking is to be provided as 1 parking bay per 25 m² of the total floor space. Therefore, for a 640m² office a total of 25.6 parking bays are required.

As indicated, there are a total of 32 employees that occupy the site, 12 employees at the SAPS Offices on the southern portion of the site and an anticipated 20 employees at the Correctional Services on the northern portion of the site. Taking into account visitors and parolee, the above requirements of 25.6 parking bays will suffice.

6 Conclusion & Recommendations

Fulcrum Development Consultants (Pty) Ltd has been appointed by NM & associates planners and designers to undertake a Traffic Impact Statement (TIS) in support of the proposed subdivision and rezoning of the site.

The site is situated at Erf 1220 Malmesbury, within the Western Cape Province. The site is located 70km North east of the Cape Town CBD, within the Swartland Local Municipality. The full extents of the site is approximately 13 002.86 m²

The site is currently zoned as Residential Zone 1, the site is to be subdivided and rezoned, to be utilized for the intended purposes. The northern building is currently vacant, however it is anticipated to be utilized as the Correctional Services offices and will have a total of 20 employees, while the southern building is currently in use as the SAPS and has a total of 12 employees.

The site enjoys two access points, both of which are located on Pinard Street. The northern access serves the larger building and is located some 45m from the Sarel Cilliers Street stop line. The southern access is located some 15m from the St Thomas Street stop line. The southern access is sub-standard, however for the size of development it is serving, this would not be an issue.

Relatively low volumes of traffic are experienced during the commuter peak hours on the roads in the immediate vicinity of the development. In addition to this, minimal delays are experienced on Pinard Street and Geldenhuys Street at the respective stops at the priority intersections.

The current development proposal consists of a total of approximately 640 m² office space on the site, of which 430 m² will be utilized as correctional services offices and the remainder of 210 m² will be utilized as SAPS offices. The existing development is currently generating 13 trips during both the AM and PM peak hours.

As the site is currently utilized for the intended purposes, this application serves primarily as a formalization of the existing land uses. Therefore, the site layout is acceptable. With regards to parking for an office of 640m² land use a total of 25.6 parking bays are required.

As indicated, there are a total of 32 employees that occupy the site, 12 employees at the SAPS Offices on the southern portion of the site and an anticipated 20 employees at the Correctional Services on the northern portion of the site. Taking into account visitors and parolee, and the anticipated trips according to the trip generation rates, being 13 Passenger Car Units in both peak hours the above requirements of 25.6 parking bays will be more than sufficient.

In conclusion, the existing development does not negatively impact the road network and is supported from a traffic and transport point of view.

7 References

1. COTO, TMH 16, Volume 1. South African Traffic Impact Assessments and Site Traffic Assessments. Version 1.0, August 2012.
2. COTO, TRH 26, South African Road Classification and Access Management Manual. Version 1.0, August 2012.
3. COTO, TMH 17. South African Trip Data Manual. Version 1.01, September 2013.

Dr DF Wege
 St Thomas Straat 42
 Malmesbury
 7300
 5 April 2022

Munisipale Bestuurder
 Swartland Munisipaliteit
 Privaat Sak X52
 Malmesbury

MUNISIPALITEIT SWARTLAND				
ERF N ^o	Plaas Naam	Rechts	Versteek	Afhandeling
15/3/3-8	Erf-1220			
SSSB				
a Del				
Ander Opsig		15/3/6-8/Erf-1220		
SPERDADUM		/besluy		

Aangaande voorgestelde hersonering en onderverdeling van ERF 1220, Malmesbury:

As eienaar van ERF 1241 wil ek ernstig beswaar maak teen die voorgestelde hersonering en onderverdeling van ERF 1220.

Die eiendom is geleë in 'n historiese woongebied. Dit is my oortuiging dat die area as 'n woongebied moet bly. Die hersonering en onverdeling sal afbreek doen aan die huidige rustige, remoervrye woonbuurt.

Die stadsbeplanner het destyds reeds voorsiening gemaak vir sake, overheids en vervoersones.

Die uwe,

Dr DF Wege




N Sieni & N Myburgh
Truterstraat 33
Malmesbury
7300

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury

Insake: Efr 1220 Aansoek vir Hersonering.

Ons is 'n gesin woonagtig te Truterstraat 33, Malmesbury.

Dit het onder ons aandag gekom dat die Korrektiewe Dienste aansoek gedoen het by die Munisipaliteit om Efr 1220 te hersoneer vir 'n beplande Paroolkantoor wat 24 uur gaan oop wees.

As inwoner van die gebied teken ek en my verloofde met hierdie skrewe erge beswaar aan teen die hersonering van Erf 1220 vir die doel van die beplande Paroolkantoor.

Hierdie is 'n rustige residensiele area met 'n laerskool, verskeie kinderopasdienste en selfs 'n fasiliteit wat sorg vir erg gestremde kinders. Ons voel 'n 24-uur Paroolkantoor in die middel van hierdie veilige area gaan mee bring tot 'n sekuriteitsprobleem as gevolg van die natuurlik toeloop van mense en voertuie wat gepaart gaan met die gebruik van 'n Paroolkantoor.

Op huidige stadium is Bergzicht area nogsteeds veilig genoeg dat jou kinders in die straat kan fiets ry of skool toe stap. Hier is baie mense wat met hulle honde stap, draf en fietsry wat direk en indirek geraak gaan word deur 'n toename in kriminele persone wat op straat rondloop, asook die toename in verkeer, wat sal gebeur indien die Munisipaliteit toestemming gee om 'n Paroolkantoor in die middel van 'n residensiele area te bou.

Die Munisipaliteit sal ook nie kan voorsien die afname in waarde van die eiendomme in hierdie area, sou die Paroolkantoor gebou word en die veiligheid van die omgewing bedreig word nie.

Indien daar 'n Paroolkantoor benodig word in Malmesbury is daar sekerlik meer geskikte areas vir die oprigting van een. Daar is byvoorbeeld oop, nie-residensiele areas tussen die polisiekantoor en die verkeersdepartement wat ontwikkel kan word. Of die groot oop onbewerkte gebiede naby die Korrektiewe Dienste in Dalsig.

Indien die "onooglikheid" van Erf 1220 'n probleem is, kan die erf beslis beter benut word as om 'n woelige, onveilige Paroolkantoor te bou. Wat van 'n gemeetskapsentrum of 'n te-huis vir bejaardes? Selfs 'n parkie waar ons kinders kan speel en die buitelug geniet.

Ons vertrou die Munisipaliteit sal ons en ons mede inwoners van Bergzicht se besware hoog op prys stel met hulle besluitneming rakende die hersonering van Erf 1220 vir die bou van 'n Paroolkantoor.

Ons sal u terugvoering per e-pos waardeer: noelinemyburgh@gmail.com

Baie dankie vir u tyd.

Norman Sieni & Noeline Myburgh
067 193 9687 / 082 413 7944

Mev. L van der Merwe
25 Geldenhuysstraat
Malmesbury
7300
Tel: 083 3738 707
E-pos: leanih@gmail.com

07 April 2022

VIR WIE DIT MAG AANGAAN.

BESWAAR TEEN HERSONERING VAN ERF 1220 MALMESBURY.

Ek is woonagtig oorkant erf 1220 Malmesbury en maak beswaar teen die hersonering van Erf 1220 Malmesbury.

Eerstens is dit nie net 'n administratiewe verandering soos per telefonies aan my verduidelik is deur die munisipaliteit nie. Die eiendom is in al sy jare gebruik as 'n residentiele eiendom waar die inwoners dit gebruik het as 'n woning. Omdat die staat dit besit beteken nie dat dit nou as 'n "administratiewe verandering" gemaak kan word na Owerheidsone toe nie. Dit is 'n residentiele area en so moet dit bly.

Ek is ook 'n geregistreerde eiendoms agent en kan met sekerheid sê dat dit 'n invloed op die omliggende eiendomme sal hê. Baie kopers word afgesit wanneer daar kantore naby die eiendom is en sal eerder dan na ander eiendomme kyk as wat hul naby so 'n instansie moet bly. Dit beteken dat die eienaars heelwaarskynlik hul verkoopsprys sal moet verlaag wanneer hulle hul eiendom sal wil verkoop.

Ek hoop dat die vertoë ernstig sal geag word.

Baie dankie



Leani van der Merwe

Voorkeurwyse van kommunikasie: per e-pos: leanih@gmail.com

Mnr E van der Merwe

25 Geldenhuysstraat

Malmesbury

7300

Tel: 072 133 4207

E-pos: e10nevdm@gmail.com

07 April 2022

VIR WIE DIT MAG AANGAAN.

BESWAAR TEEN HERSONERING VAN ERF 1220 MALMESBURY.

Ek is woonagtig oorkant erf 1220 Malmesbury en maak beswaar teen die hersonering van Erf 1220 Malmesbury.

Ek as inwoner van die area is bekommerd oor die impak wat die toename in verkeer en toeloop van mense gaan hê in ons woon omgewing wat weer die veiligheid van ons area kan beïnvloed.

Ek hoop dat my beswaar ernstig sal oorweeg word.

Baie dankie

Ettienne van der Merwe

Voorkeurwyse van kommunikasie: per e-pos: e10nevdm@gmail.com

From: Jaline Coetzee <jalinecoetzee@gmail.com>
Sent: Friday, 08 April 2022 21:21
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Rezoning

Jaline Wheeler, Pinard 28 Malmesbury

Ek is ten volle gekant teen die hersonering . Ek het kinders wat fietsry en buite speel in hierdie straat . Dit sal onveilig raak vir hul indien misdadigers in hierdie straat sal beweeg. Kinders word klaar ontnem van hul vryheid om veilig rond te beweeg in die dorp nou word hul eie woonbuurt ook onveilig. Dit sal ook die waarde van ons huise verlaag.

Ek voel daar is meer geskikte grond daarvoor soos die deel tussen polisie en verkeersafdeling.

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11 April 2022

Voorwaardes en redes ten opsigte van hersonering ERF 1220

1. Waardevermindering van eiendom

- Die waarde van ons eiendom sal verminder indien daar enige industriële aktiwiteite in ons area sou wees
- Die feit dat ons langs die industriële gebied bly, impliseer nie dat ons binne in die industriële gebied wil bly nie
- Teenwoordigheid van ongunstige karakters

2. Owerheidsone

- Indien die voorgestelde onderverdeling slegs vir die gebruik van administratiewe kantore is kan dit dalk aanvaar word, maar met voorwaardes
- Hierdie besluit moet deursigtig, weldeurdrag, omsigtig en met integriteit benader word
- Geen parool/gevangenis mag op perseel werk , gehuisves word of gerehabiliteer word nie
- Net een ingangs- en uitgangstroete mag gebruik word, die bestaande een moet behou word met toegangsbeheer wat toegepas word

3. Vervoersone

- Geen vervoerpark moet geskep word nie
- Geen brandstof depot mag opgerig word nie
- Geen werkswinkel mag op perseel bedryf word nie
- Daar mag slegs enige beweging wees gedurende normale werksure
- Hou ons area residentieel asseblief

4. Verkeer

- Die verkeer is reeds belemmerend en oorweldigend in ons area as gevolg van verkeersligte wat aangebring is in Bokomoweg
- musiek word hard gespeel, toeters word misbruik, dreuning van voertuie en vragmotors is nie volgens standaard nie
- verkeerstekens word geignoreer

Erf 1219 , St Thomasstraat 25 , Malmesbury

Mej CP Raath (ID: 5012090082082)

Mej V Wium (ID: 6301220037085)

From: Triangle Financial Hub PTY Ltd <albertus.laas99@gmail.com>

Sent: Tuesday, 12 April 2022 08:47

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Subject: Regarding Rezoning of ERF 1220

Good day.

I am totally against the notion to rezone ERF1220 as indicated.

1. The building on the property is a historic building and must be preserved as is.
2. The rezoning from residential to allow for any development other than residential is unacceptable.
3. How can you even consider building, parole offices, SAPS offices, any areas that deal with sanitation, waste, road construction.....
4. This is a residential area, surely you have other areas outside of town available for this, or are the elected officials only here to destroy the town for their own personal satisfaction.

So I say again. I am totally against the notion to rezone ERF1220 as indicated.

Regards

Albertus Laas

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From: Jacobus Basson <jfpbas1@gmail.com>

Sent: Tuesday, 12 April 2022 07:53

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Cc: gertjie121@gmail.com; Harold Cleophas <Mayor@swartland.org.za>

Subject: Kapsie te erf nommer 1220

Goeie dag ek is Jacobus Basson te woon agtig Hospitaal str 2 .

Na aanleiding van bewus making van moontlike ontwikkeling en hersonering van erf 1220 geleë tussen Pinard,Sarel Cilliers,Geldenhuis en St Thomas str is ons as gemeenskap in die buurt totaal en al teen dit gekant en vind dit onaanvaarbaar.

Ons hoop van harte dat u ons as gemeenskap se belange 1 ste sal stel .Indien so n ontwikkeling moet plaas vind gaan dit n enorme implikasies tot ons goont buurte hê,en ons glo u weet waarvan ons praat en oor bekommerd is .

By voorbaat dank

J Basson

0826400029

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MUNISIPALITEIT SWARTLAND				PG	
LEP No	15/3/3-8	Erf	1220		
Vanaf	Inligting	Verhuur	Atk. aansel	Kom/laar	
SSSB					
cc DE					
Ander Opdrag:					
15/3/6-8/Erf-1220					
SPERDATUM:				(get)BK:	

Die Munisipale Bestuurder
Departement Onwikkelingsdienste
MALMESBURY
7300

Mnr P.C. Punt
Sarel Cilliersstraat 27
MALMESBURY
7300
11 April 2022
Cell: 083 233 11 77

Geagte Menere/Me

VERWYS: U skrywe van 14 Maart 2022, hier ontvang 28 Maart 2022.
Voorgestelde hersonering en onderverdeling van Erf 1220, Malmesbury

Erf 1220 is tans nog gesoneer as residensiële area met ander woorde vir 'n woongebied-area. Nou is daar 'n aansoek ingedien dat Erf 1220 gehersoneer word na 'n Onderverdelingsgebied met Grondgebruik: Owerheidsake en Vervoersone.

Die vraag is wat beteken dit vir my as leek op die gebied? Ek en my eggenote is al vir bykans 37 jaar eienaars van ons woning Erf 1085 wat grens aan Erf 1220.

Ons bly in 'n goedgevestigde, stil en ordentlike woonbuurt (Bergzicht) en is derhalwe heftig gekant dat Erf 1220 hersoneer sal word na iets anders behalwe as residensiël. Ons woonbuurt is seker een van ons dorp se oudste woonbuurte waar goed opgevoede, veral senior burgers bly en kan ons nie toelaat dat dit 'n "Jan Alleman" woonbuurt word nie.

Gerugte oor die moontlike hersonering van Erf 1220 dui dit daarop dat Korrektiewe Dienste, die "nuwe eienaar" dit ten doel het om 'n "Sentrum vir Paroollies" se adminsake daarop wil bedryf.

Ons kan (weereens) nie so iets toelaat in 'n goed gevestigde woonbuurt nie, die redes is legio, waarvan die volgende is:

1. Korrektiewe Dienste beskik op Malmesbury, onder andere oor die volgende:
 - (1) die Ou Tronk
 - (2) die Nuwe Tronk
2. Beide twee tronke en hul verbandhoudende woonhuise is in erg verwaarloosde toestand en kan ons nie toelaat dat so iets 'n houvas kry in ons netjiese en trotse woonbuurt nie, ons kan net daaroor sidder.



Ek het die volgende voorstel:

Die Korrektiewe Dienste het twee tronke in Malmesbury. Kan ons Munisipaliteit dan nie 'n ruiltransaksie met hul aangaan vir 'n stuk grond wat naby een van die bestaande twee tronke geleë is nie? Dit sal meebring dat hulle nie nog 'n satelliet stasie in 'n Malmesbury woonbuurt hoef te skep nie.

My vraag is:

Is die eiendomsbelasting en Munisipale koste van Erf 1220 op datum betaal, en deur wie?

Ek dank u vir die tyd afgestaan. U spoedige terugvoering sal waardeer word.

Malmesbury groete

Die uwe

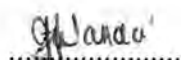

P.C. PUNT

ONTVANGS ERKEN:

.....
J.H. CLEOPHAS

.....
DATUM

.....
JM DE BEER


.....
J. SCHOLTZ

.....
DATUM
ONTVANG
2022-04-12
RECEIVED
.....
DATUM

BESWAAR TEEN DIE HERSONERING EN ONDERVERDELING VAN ERF 1220 MALMESBURY

13/04/2022

MY KONTAKBESONDERHEDE:

LYNELLE SCHULTZ

67 ARCADIA STRAAT, MALMESBURY, 7300

lynelvan@gmail.com

0797948844

Aan Munisipale Bestuur - Swartland Munisipaliteit,

Ek het 'n huis gekoop in Malmesbury: 67 Arcadia Straat. My huis is 260 meter vanaf ERF1220 Malmesbury, die erf wat tans oorweeg word vir hersonering en onderverdeling. Ek maak erenstig beswaar teen hierdie voorgestelde hersonering en onderverdeling. Die redes vir my beswaar is as volg:

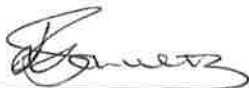
Bogenoemde erf is 260m vanaf my huis, 400m vanaf Laerskool Swartland en nog nader aan Swartland Graad R klasse. Voorstelle soos Militêre opleidings fasiliteite, polisie kantoor en korrektiewe inrigtings doen die rondte. Dit verander 'n stil, rustige, veilige woonbuurt in 'n miernes van bedrywigheid. Dit verander 'n veilige residentiële woonbuurt in 'n onveilige residentiële woonbuurt. Dit beteken dat dit nou nie meer veilig is vir kinders om van die skool na hul huis of nasorg sentrums enkele meters van die skool te stap nie. Korrektiewe dienste en parool kantoor beteken dat mense met 'n kriminele rekord in die buurt rondbeweeg. Dit beteken dat mense wat reeds voorheen met die gereg gebots het, toegelaat word om tussen huise en kinders rond te beweeg. Ek haal 'n baie waar gesegde aan: "The best predictor of future behaviour is past behaviour".

Hierdie gemeenskap werk baie hard daaraan om ons buurt veilig te hou. Mense op parool, wat aansoek doen op parool en wat uit is op parool, hoort nie in 'n residentiële area of op die voorstoep van ons skool nie. Dit skep die geleentheid vir 'n tragedie. Ons kinders speel nog buite in die plattelandse dorp van Malmesbury. Mag ons as gemeenskap en met die hulp van Swartland Munisipaliteit ons omgewing plattelands en veilig hou asseblief.

Watersuiweringsplantasie en Vullisbeheer word ook genoem. Hierdie is 'n residentiële gebied. Ons woon hier. Ons werk nie hier met water en vullis nie. Daar is 'n plek en 'n tyd vir alles en 'n woonbuurt is nie die plek vir hierdie bedrywigheid nie.

Die huis op ERF 1220 is histories. Dit moet bewaar word. Nie een van hierdie voorstelle dra by tot die bewaring van 'n historiese gebou nie.

Vriendelike Groete



Lynelle Schultz

MUNISIPALITEIT SWARTLAND					pr	
LEEFNOO		15/3/3-8/Erf		1220		
Adres (v)	Insigting	Verlag	Afkand-l	Rom/Taar		
SSSB						
Del						
Ander Opdrag				15/3/6-8/Erf- 1220		
SPEK DATUM				(get) BK		

Sarel Cilliersstraat 33
Malmesbury,
7300

12 April 2022

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7299

PER HAND

Geagte mnr Scholtz

**VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220, MALMESBURY
KENNISGEWING(73/2021/2022)**

U brief van 14 Maart 2022 in die bogemelde verband verwys.

Ek, die ondergetekende, Andries Abraham Louw, eienaar van erf 1239, aangrensend tot erf 1220, teken hiermee ten sterkste beswaar aan teen die voorgestelde aansoek om hersonering en onderverdeling van erf 1220 soos vervat in Kennisgewing (73/2021/2022).

Redes vir beswaar:

1. Erf 1220 is 'n pragtige goedgeleë erf in die "hart" van 'n woongebied in Malmesbury.
'n Statige geskiedkundige woonhuis is op die erf gevestig.
Geen vorm van besigheid van watter aard ookal moet op hierdie waardevolle erf in die middel van 'n residensiële gebied toegelaat word nie. Nie nou of in die langtermynbeplanning van die Raad nie.
Enige vorm van besigheid op hierdie erf sal beslis nie bydra tot die behoud van die karakter van die woongebied nie.
Het die Raad al erfruiling oorweeg ten einde die karakter van die woongebied te behou?
2. Die ligging van erf 1220 laat tans gemengde gebruike (o.a. owerheidsgebruik) toe.
Indien die Raad die inwoners van Malmesbury se belange werklik voorop stel, moet die Raad summier 'n besluit neem om toekomstige gemengde gebruike in woongebiede te verbied.
Kantoorryimte is nie versoenbaar met woonomgewings nie.
3. In die aansoeker se aansoek om hersonering van die gemelde erf 1220 word o.a. gemeld: "Erf 1220 therefore does not presently have any formal protection in terms of the NHRA".
Weer eens kan die Raad 'n besluit neem om die huidige gradering van die erf te wysig ten einde die Erfenisstigting se 100%-ondersteuning te verkry.
Na my kennis het die eienaar van erf 1220 tot datum geen poging tot samewerking met die Raad en Erfenis Wes-Kaap aangewend om die geskiedkundige woning vir die




inwoners van Malmesbury instand te hou en te bewaar nie.

Kortom : Die Raad moet asseblief die aansoek afwys en die nodige besluit neem om die huidige sonering Residensiële sone 1 te behou.

Ek vertrou dat my beswaar deur die Raad gehandhaaf sal word.

By voorbaat dankie.

Die uwe



A A Louw

Kontakbesonderhede Tel.082-4822402

Voorkeurwyse vir kommunikasie : E-pos fingro@telkomsa.net

Afskrifte aan : Raadslid J H Cleophas

Raadslid J M de Beer

Senior Bestuurder : Bou-omgewing : A Zaayman

Pinardstraat 25
Malmesbury
7300

Die Munisipale Bestuurder
Privaatsak x52
Malmesbury
7300

Beswaar teen hersonering van erf 1220 te Malmesbury.

Ons woon al 46 jaar in Pinardstraat 25, Malmesbury en ons kyk op die perseel en Landdros-huis vanaf ons voorstoep.

Ons vind dit 'n baie rustige woonbuurt met min verkeer, min geraas en geen publieke steurnisse nie. Snags is ons woonbuurt doodstil en sal ons dit so wil behou.

Redes vir beswaar:

3 van die 4 strate wat erf 1220 omring, is smal strate en is nie ontwerp vir parkering en 2 rybane nie.

Dit is 'n rustige woongebied waar kinders nog skool toe stap en in hierdie omgewing is baie bewaarskole asook Swartland Laerskool en Jo Dolphin wat baie naby is wat sal geraak word deur verhoogde verkeer in die gebied.

Indien dit 'n paroolkantoor word en 24 uur beman gaan word, sal ons nagrus versteur word. Selfs in die dag gaan daar gedurige toestroming na die perseel wees...wat nie voorheen daar was nie.

Wat se waarborg gaan die Munisipaliteit aan ons gee dat ons eiendom se waarde nie gaan daal met die hersonering van erf 1220 nie?

Ons verkies ePos kommunikasie in die toekoms: prichardjm@telkomsa.net



James en Petro Prichard
0825130066
12 April 2022

16/04/2022
Maatjie Jordaan
Sarel Cillierstraat 34
Malmesbury, 7300
Sel: 0825987458
Email: maatjiejordaan@gmail.com

Die Munisipale Bestuurder

RE: Hersonering en onderverdeling van Erf 1220 - Kennisgewing 73/2021/2022

Hiermee gee ek nie toestemming vir hersonering en onderverdeling van Erf 1220 nie. Dit is geleë in 'n residensiële gebied en moet so bly asb.

Redes:

- Ek woon sedert Junie 1971 regoor bogenoemde erf, dit wil sê 51 jaar en 10 maande. My man Paul Jordaan en ek is gehoorsame burgers van die dorp en belasting betalers en moes in die laaste klomp jare toekyk dat die eens pragtige en versorgde geboue en groente tuine verval het na die rommelstatus wat dit tans is.
- Volgens skrywe ontvang van brief gedateer 11 Maart 2022 is geen voldoende inligting verskaf waarvoor die geboue gebruik gaan word nie, slegs dat dit Owerheidsone en Vervoersone gaan wees met geen spesifikasies nie. By verdere navrae word eers bevestig dat dit kantore sal wees vir 20 persone, dat dit gebruik gaan word vir Parool kantore. 'Dit in 'n rustige en veilige woongebied!!'

Sekuriteit

- Ek is 'n weduwee en bly alleen regoor genoemde erf en my sekuriteit is tans die beste wat ek kan doen volgens my finansiële vermoë.
- Die oprig van Parool kantore sal die veiligheid van die area/buurt bedreig.
- Meer verkeer in die area waar verkeersreëls soos stop tekens en spoed beperkings gereeld oortree word.
- Meer toeganklikheid na area as daar wel Parool kantoor geopen word was 24 uur per dag oop is soos tans met huidige kantoor in die dorp.

Instandhouding van geboue en erf as geboue en erf tot nou nie instand gehou was nie, watter waarborg het ek en ander sat dit gaan verbeter? Ek kyk elke dag uit op verwaarloosing van die plek bv. platgetrapte draad heinings, droë afgesaagde bome en hope vullis wat nog nie verwyder is sedert Oktober 2021 nie. Hierdie verwaarloosing en verval van Historiese geboue is 'n potensiële brandgevaar!

Ek teken sterk beswaar aan teen die hersonering van erf na aanleiding van bogenoemde redes en vertrou u sal dit in ag neem wanneer besluit geneem word.



M. Jordaan

13 April 2020

ANNEXURE H14

AAN:

Die Munisipale Bestuurder
Privaatsak x52
Malmesbury
7299

i.s. Hersenering erf 1220

Geagte Bestuurder.

Hiermee wil ek graag 'n versoek rig dat erf 1220 nie aan regerings vereiste toestaan om dit na 'n Owerheid en vervoersone te verander, om 'n paroolkantoor te vestig.

Rede is as volg:

Dit kan as gevolg van die ure (24) ure kriminele in ons buurt toelaat om onrylik te beweeg, siende dat dit ons veiligheid kan bedreig.

Sal dit hoogs opprys stel vir heroorweging.

By voorbaat dank.

Mev D Swart (Nolan) eienaar

Pinardstr 7A

Malmesbury

Tel: 0823549047

From: Chris@tomis.co.za <chris@tomis.co.za>
Sent: Wednesday, 13 April 2022 17:56
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Erf 1220 Hersonerling en onderverdeling

Hiermee teken ek Chris Bruyns inwoner te 24 Buitekant Straat Malmesbury beswaar aan teen die Hersonerling en onderverdeling van erf 1220.

NB :

Hoekom geen opsie vir n Kinderhuis nie?

Die uwe

Chris Bruyns

Mnr. J. J. Hill : 072 285 4444

Mev. J. Hill : 066 215 8671

Geldenhuisstraat 12A

MALMESBURY

7299

11/04/2022

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X 52

MALMESBURY

7299


Geagte Meneer

INSAKE: VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220, MALMESBURY

(KENNISGEWING 73/2021/2022)

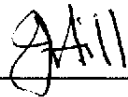
Hiermee teken ons as eienaars beswaar aan teen die voorgestelde hersonering en onderverdeling van erf 1220 gesien in die lig dat 'n residensiële area is.

Met dank,



Mnr. J.J. Hill

&



Mev. J. Hill

Mev. Barkhuizen
083 3780305

Wanderstrat 5

MALMESBURY

7299

11/04/2022

Die Munitsipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52

MALMESBURY

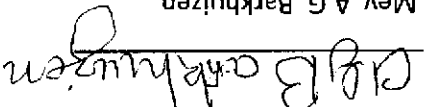
7299

Geagte Meneer

**INSAKE: VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220, MALMESBURY
(KENNISGEWING 73/2021/2022)**

Hiermee teken ons as eienaars beswaar aan teen die voorgestelde hersonering en onderverdeling van erf 1220 gesien in die lig dat 'n residensiële area is.

Met dank.


Mev. A.G. Barkhuizen

Johannes van der Merwe
Pinardstraat 26
Malmesbury
7300
18 April 2022

Vir aandag: Die Munisipale Bestuurder, Swartland Munisipaliteit

I/s: HERSONERING ERF 1220 MALMESBURY

Geagte Meneer,

Met hierdie skrywe wens ek ten sterkste teenkating te bied ten opsigte van die hersonering van Erf 1220, geleë in die residensiële areas van Pinard-, Sarel Cilliers-, Geldenhuys- en St Thomasstrate, Malmesbury.

Soos genoem is hierdie area 'n residensiële gebied, omring deur 'n Laerskool, kleuterskool, asook woon huise waar daar baie afgetredenes en senior inwoners woonagtig is, en skoolgaande kinders rond beweeg.

Met die hersonering dui dit daarop dat daar 'n noemenswaardige toename in verkeer, deurloop van mense en kriminele elemente gaan wees.

Hierdie skep 'n ernstige kommer van gevaar en kriminele aktiwiteite wat ons as inwoners van hierdie gebied se privaatheid en sekuriteit kan beïnvloed en benadeel.

Groot kommer bestaan ook dat so 'n hersonering van erwe 'n geweldige negatiewe invloed sal hê op hierdie lank gevestigde residensiële area se eiendomswaardes.

Ek vertou dat u hierdie skrywe in 'n ernstige lig sal sien en word u goedgunstige oorweging om die hersonering nie te laat voortgaan nie, hoog op prys gestel.

Daarmee ten einde doel die inwoners van Malmesbury se veiligheid en gemoedsrus voorop te stel.

Byvoorbaat baie dankie vir u oorweging.

Mnr Johannes van der Merwe
Inwoner te Pinardstraat 26, Malmesbury

Kommunikasie kan aan my gerig word per:

E-pos jjvdm69@gmail.com

Selfoon 0799630513

Petro van der Merwe
Pinardstraat 26
Malmesbury
7300
18 April 2022

Vir aandag: Die Munisipale Bestuurder, Swartland Munisipaliteit

I/s: HERSONERING ERF 1220 MALMESBURY

Geagte Meneer,

Met hierdie skrywe wens ek ten sterkste teenkating te bied ten opsigte van die hersonering van Erf 1220, geleë in die residensiële areas van Pinard-, Sarel Cilliers-, Geldenhuys- en St Thomasstrate, Malmesbury.

Soos genoem is hierdie area 'n residensiële gebied, omring deur die 'n Laerskool, kleuterskool, asook woon eenhede waar daar afgetredenes en Senior inwoners woonagtig is, en skoolgaande kinders rond beweeg.

Met die hersonering dui dit daarop dat daar 'n noemenswaardige toename in verkeer, deurloop van mense en kriminele elemente gaan wees.

Hierdie skep 'n ernstige kommer van gevaar en kriminele aktiwiteite wat ons as inwoners van hierdie gebied se privaatheid en sekuriteit kan beïnvloed en benadeel.

Groot kommer bestaan ook dat so 'n hersonering van erwe 'n geweldige negatiewe invloed sal hê op hierdie lank gevestigde residensiële area se eiendomswaardes.

Ek vertou dat u hierdie skrywe in 'n ernstige lig sal sien en word u goedgunstige oorweging om die hersonering nie te laat voortgaan nie, hoog op prys gestel.

Daarmee ten einde doel die inwoners van Malmesbury se veiligheid en gemoedsrus voorop te stel.

Byvoorbaat baie dankie vir u oorweging.

Mev Petro van der Merwe
Inwoner te Pinardstraat 26, Malmesbury

Kommunikasie kan aan my gerig word per:
E-pos petrovdm23@gmail.com
Selfoon 0839943284

From: Dorette Steyn <dorettesteyn@yahoo.co.uk>
Sent: Saturday, 16 April 2022 14:44
To: Registrasie Email <RegistrasieEmail@swartland.org.za>; Sylvia Muller <sylviamuller1950@gmail.com>
Subject: Beswaar teen hersonering van Erf 1220, De Molen , Malmesbury

Die Munisipale Bestuurder,
Privaatsak X52
Malmesbury

16 April 2022

Geagte Munisipale Bestuurder

As Inwoner in St. Thomas str, Malmesbury, maak ek hiermee skriftelik beswaar teen die hersonering van bostaande erf gelee tussen Pinard, Sarel Cilliers, Geldenhuys en St Thomasstraat.

Dit is letterlik 20meter van my voordeur, met vreemde mense wat reeds konstant aan my voordeur klockie lui. Die deurloop van allerhande mense is reeds 'n probleem vir my as 'n enkel bejaarde dame wat alleen bly, as die hersonering goedgekeur word en voortgaan, gaan ek glad nie meer veilig voel in my eie huis nie. Dit gaan 'n geweldige sekuriteits en veiligheids probleem veroorsaak as daar 'n deur loop van krimenele elemente 24/7 by die Parool kantoor gaan wees.

Ek maak STRENG BESWAAR teen hierdie hersonering in 'n Residentiele woongebied.

Groete

Mev. S Muller
32 St. Thomas str.
Verdere kommunikasie ivm hierdie aangeleentheid sal graag per epos ontvang word.
sylviamuller1950@gmail.com

From: Nina Mattisn <mattissonnina119@gmail.com>
Sent: Thursday, 14 April 2022 19:48
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Re: Zoning change to setup a parole office

Good evening

TO THE MUNICIPAL MANAGER:

Regarding the application to rezone an area in Malmesbury from residential zone 1 to transport zone 2 so that a 24hour parole office, I oppose the rezoning as it will likely cause an increase in localised traffic congestion and security risks 24hours a day. There has been an increase in localised crime and this would make it increase.

Regards

Nina Mattisson
3a Bergzicht Street

From: Zane David Mattisson <zanemattisson@gmail.com>
Sent: Thursday, 14 April 2022 19:42
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: RE: Zoning change to setup a parole office

Good day.

TO THE MUNICIPAL MANAGER:

It has come to my attention that there is an application in place to rezone an area in Malmesbury from residential zone 1 to transport zone 2 so that a 24hour parole office.

As a nearby resident, I oppose the rezoning as it will likely cause an increase in localised traffic congestion and security risks 24hours a day. There has been an increase in localised crime and this would make it increase.

Regards.

Zane Mattisson

3a Bergzicht Street

063 647 8900

-----Original Message----- From: Willie Taylor

Sent: Tuesday, 19 April 2022 10:11

To: Registrasie Email Subject: Hersonerling en onderverdeling van erf 1220 19 April 2022

VIR AANDAG : DIE MUNISIPALE BESTUURDER VOORGESTELDE HERSONERING EN ONDERVERDELING, ERF 1220

Hiermee my beswaar wat betref bogenoemde aangeleentheid. Ek woon vir die afgelope 26 jaar in Wandelstraat 18 en my eggenote vir langer as 50 jaar in dieselfde buurt. My beswaar is gegrond op die volgende: - Ons erf (103779000), word begrens deur Wandelstraat asook Pinardstraat. Wandelstraat is reeds baie besig as gevog van die feit dat dit meeste van die verkeer vanaf Bokomoweg na die hospitaal dra. Die toename in verkeer in Pinardstraat gaan beslis 'n negatiewe invloed hê. - Die toeloop van mense kan ook veiligheidssimplikasies inhou. - Die aard van die beoogde kantore sal ook meebring dat normale werksure nie gehandhaaf gaan word nie. - My laaste beswaar is dat die bemarkbaarheid van die omliggende eiendomme gaan beïnvloed. As lojale en trotse inwoner van Malmesbury sal u herooring van die moontlike hersonerling en onderverdeling vir die doeleindes soos uiteengesit, opreg waardeer word.

Hoogagtend die Uwe,

Willie Taylor

Voorkeur kontakbesonderhede : williet@ddcswartland.co.za

Rhyan Christiaan Coetzee

Datum: 14 April 2022

(id: 7709075083088)

Kontak nommer: 082 329 4408

Epos: rhyan.coetzee@kaapagri.co.za

29 Geldenhuys Straat

Malmesbury

7299

Hiermee rig ek Rhyan Christiaan Coetzee, eienaar en inwoner van 29 Geldenhuys Malmesbury(Erf: 1232), my beswaar teen die hersonering en onderverdeling van erf 1220 Malmesbury kennisgewing 73/2021/2022 vanaf residensiële sone 1 na onderverdelingsgebied naamlik owerheidsone en vervoersone 2.

Die sonering van n woongebied as residensiëel is daar om die integriteit van die woongebied te beskerm wat in die geval definitief geaffekteer gaan word.

Die veiligheid van my twee kinder en vrou wat elke oggend en middag na Laerskool Swartland loop sal geaffekteer word deur parolies wat in en uit die woongebied gaan beweeg om aan te meld by die Departement van Korrektiewe Dienste kantoor.

Die belegging wat ek gemaak het om in n goeie woongebied n huis te koop om eendag weer in staat te wees om dit te verkoop sal ook geaffekteer word. Die waarde van my woning sal stagneer agv die hersonering en onderverdeling.

Verder sal die waarde van my eiendom ook negatief beïnvloed word deur die ekstra verkeer in die woongebied met n Departement van Korrektiewe Dienste en Vee diefstal eenheid minder as 100 meter vanaf my huis.

Ek het my hele gesin verhuis vanaf Noordelike voorstede na Malmesbury om weg te kom uit n area waar daar te veel misdaat en geraas is, nie om weer in n woongebied op te eindig met die selfde probleme nie.

Vriendelike Groete

Rhyan Coetzee

18 April 2022.

Graagte Swartland Munisipaliteit,

I.v.m. Hesenering van Erf
Eiendom van Staat.

Aangesien die grond ^{aan hul behoort} kan hul dit

GROOT ASSEBLIEF gebruik om
behuising te bou om te verhuur aan

laag bevoordigde mense wat nie hierdie
hoe deposities kan bekostig nie, en ook
hoe huur van privaat eiendomsontwikkelaars ⁱⁿ.

~~///~~ WEEREENS GROOT ASSEBLIEF.

Die uwe
Eelje Rossouw
E. Rossouw

MUNISIPALITEIT SWARTLAND				REG	
LECR No: 15/3/3-8/Erf-1220					
Versys N:	Inligting	Verslag	Afhandel	Kom/Taar	
SSSB					
Del					
Ander Opdrag 15/3/6-8/Erf-1220					
SPERDATUM:				(get)BK	



Bergzichtstraat 11

Umlalanesbui 7299

18 April 2022

ANNEXURE H26

Die Municipale Bestuurder,

Pietermaritzburg 52

Umlalanesbui 7299.

MUNICIPALITEIT SWARTLAND				
LECP No	15/3	3-8	Erf	1220
Verwys Nu	Inligting	Verslag	Afkandig	Sam/Tot
SSSB				
del				
Ander Opdrag	15/3	6-8	Erf	1220
Regopdrag				

Geagte Bestuurder d's Hersooring Erf 1220.

Hierdie herooring na 'n owerheidszone voorsit niks goed vir hierdie rustige residensiële woonbuurt van meer as 100 jaar eie.

Die perseel word op die openbare reeds ou wettig as kantore gebruik, terwyl daar eie handel woon eie. Alle ander sake in die owerhoofding is slegs vergunnings met die voorsit waarek dat die eendou bewoon word.

Die aansoek maak melding dat die perseel as owerheidszone gebruik kan word as 'n multi-bate basis, of 'n gevangenis (en daar is in die beplanning 'n wagterings wat hulle op die 'n hulle wêl opsig) of 'n perseel-kantoor. Die huidige kantoor is reeds 24/7 beskikbaar/oor. Watte: elkeen gaan dan daglike hier aanmelde?

hier 'n kindertjies in die strate, in leersteel, in rookroep - in kinderoppassingsentrums verswakke bygaar wat in huise ver.



verpleegwoord, asook in fasilititeit in gestremdes.
Vijf daer gelede was daar in ontsnapping
by die nuwe gevangenis. Die lule dorp was
in rep en roer, sidrens het geloi en
polisie saertuin open af in die stat. Die
hersonering het min slegs betrekking op
die paar huise aangrensend aan,
waar op die lule area woongebied.

Oew woon nou meer as 25 jaar
in hierdie rustige woongebied en vertrou
die munisipaliteit sal dit so hou, hierdie
betrokke persan kan verhuur of verkoop
word en steeds residensieel bly.

Die newe

A. M. Boeman.

082 855 0224

MUNISIPALITEIT SWARTLAND				
LEER No: 15/3/3-8 Erf- 1220		No:		
Versys No	Inligting	Verslag	Afkandl	Kom/Taar
SSSB				
Del				
Inders Opdrag: 15/3/6-8 Erf- 1220				(get)BK
SPERDATUM:				

11 Bergzicht straat
Malmesbury
7300
14 April 2022

Vir wie dit van belang is:
i/s: Hersenering van erf 1220

Ek is in inwoner en besigheidseienaar in Malmesbury, Bergzicht area, erf no: 1083.

Vanuit my woonhuis bestuur ek in Bed en-ontbyt fasiliteit, Manasse Manor, met vergunning van Swartland Munisipaliteit.

Twee van die vier gastekamers kyk uit op die boegenoemde erf.

Ek is gekant teen die hersenering vanaf residensieel na owerheidsone.

Hiermee dan my redes:

- Ek is lid van Malmesbury Toerisme en ons probeer al vir baie jare in positiewe beeld van ons dorp step.

Toerisme ekonomic was hard getref deur die waterbeparkings in 2018/2019, daarna die Covid19 pandemie se inperkings asook die deurlopende Eskom beurtkrag.

Nuwe bestuursmodelle is in plek om Malmesbury Toerisme te laat oorleef en herleef. Hiervoor het ons die samewerking van die publiek en Munisipaliteit nodig.

Die persepsie en beeld van Malmesbury word



nie juis bevorder deur twee ontspappinge in twee jaar van gewangenis nie.

Gaste sal ook definitief nie gerus en veilig voel as hulle 'n Paroolkantoor met sekuriteitswagte uit hulle kamervenster gewaar nie.

Deur dus die hersonering af te keer het Swartland Munisipaliteit 'n geleentheid om Malmesbury Toerisme ook te ondersteun.

- Die vraag ontstaan: "Wat wil Malmesbury laat uitstaan en waarvoor wil ons bekend wees?"

Een van die aspekte wat bogenoemde vraag beantwoord is ons pragtige ou geboue en rustige plattelandse atmosfeer. Ons het selfs 'n historiese geboue-roete vir toeriste.

Ongelukkig het die aansoeker (Nasionale Regering) nie 'n goeie reputasie as dit kom by die bewaring van hulle eiendom nie. Hier neem ek as voorbeeld ons Postkantorgebou, Magistraat kantoor se dak, die vervalte huis by die Hospitaal en da gebou op die juiste terrein (erf 1220). Daar is dus geen waarborg dat die hersonering van erf 1220 gaan bydra tot die historiese toerisme-waarde van Malmesbury nie.

- Volgens die Swartland Ontwikkelings Raamwerk is hierdie area geormerk vir opkleding, residensieel en ligte ekonomiese aktiviteit.

'n Paroolkantoor pas nie hierby in nie. Daar is ander persele en are¹³⁷ waar dit meer sal

inpas en ook beter toegang tot toegangs-
roetes in en uit die dorp sal gee.

Ten slotte wil ek neem dat ek nog altyd met
brot aan gaste al die Swartland Munisipaliteit
se prestasies en goeie bestuur kon neem.
Ek kon ook met groot vrede en sekerheid
aانبeweel dat hulle en hulle eiendom veilig is
hier; ek hoop om dit steeds te doen in
die toekoms.

Met dank en groete.
Mev Corné Elize Bosman
(082 768 3745)
manassemanore@gmail.com

MUNISIPALITEIT SWARTLAND				REG
LECR No: 15/3/3-8/Erf-1220				FOI 1220
Verw. No:	Inligting	Verslag	Afkandel	Kom/Taar
GSSB				
Del				
Ander Opdrag:				
15/3/6-8/Erf-1220				
SPERDATUM:				(get)BK



St. Johnsstr. 44
Malmesbury
6 April 2022

Geagte Meneer,

Hiermee wil ek net graag my misroë te kenne gee omdat u besluit het om moontlik erf nr 1220 te personeer na in paroolkantoor wat 24 uur van die dag gaan oop bly.

Dis in 'n woonbuurt waar baie ouer mense bly, asook huise waar byaardes hul laaste dae gaan slyt.

Wit mag lei na moontlike sekuriteits probleme asook in toeloop van kriminele elemente.

Ek is self 'n weduwee van in die 70 wat al 40 jaar by die adres bly, en het nog geen inbraak of iets in diervoeg gehad nie. Ons wil nie ons laaste dae in angs lewe nie. Dus maak ek ten sterkte beswaar oor die personeering en dat erf 1200 in Residentieël erf moet bly.

Ek sal ook probleme met die verkoop van my huis hê waarvoor ek met die geld vir my verblyf in die ouerhuis moet betaal.

Ek hoop dat u my teenkanteig sal aanvaar.

Wie uwe,

Mev. H. M. Schroeder.

erf no. 1-01-01214-00-1 1012314000
tel no. 0824512055

The Municipal Manager: Department Development Services
Built Environment
Private Bag X52
Malmesbury
Email: Swartlandmun@swartland.org.za

14 April 2022

Ref: 15/3/3-8/Erf_1220 & 15/3/6-8/Erf_1220

To whom it may concern

**OBJECTION: REZONING AND SUBDIVISION TO PROVIDE LAND USES SUCH AS AN
AUTHORITY ZONE AND A TRANSPORT ZONE 2 ON ERF 1220 MALMESBURY IN TERMS OF
SECTION 25(2)(a) AND SECTION 25(2)(d) OF THE SWARTLAND MUNICIPALITY: MUNICIPAL
LAND USE PLANNING BY-LAW, 2020**

Herewith we would like to OBJECT to the said applications as the owner of Erf 1240 Malmesbury. Objections are listed and described as follows:

1. Public Participation Procedures:
 - a. According to information received, it was noted that the public participation procedures were not in accordance with the current regulations, therefore the principle of good administration is under question. It is therefore requested that the applicant provide proof that the site notices were placed in conspicuous places and also visible for the entire public participation period as specified when applying for a rezoning & subdivision to the Swartland Municipality.
 - b. The objector also wishes to raise the question of whether the public participation procedures are representative/ relevant as the process was conducted over school holidays and public holidays.
2. Unauthorised land uses should not be used/ be considered as a reasonable motivation as to why other similar uses should also be supported on the site:
 - a. From the application submitted/ memorandum submitted it is clear that the surrounding area and land uses are residential of nature. By arguing that an UNAUTHORISED land use is already located on the property, does not constitute that the area is not "Residential".
 - b. By approving the rezoning to "Authority Zone" and "Transport Zone 2" the residential character of the area will be impacted/ in jeopardy.
 - c. The objector is of opinion that these land uses should rather be allowed/ approved in the CDB area of Malmesbury instead of in a residential area.
 - d. By approving the application under the guise that the existing "residential" buildings will be used for the offices, what guarantees can be given

that these buildings will not be demolished and rebuilt as typical office buildings.

3. Impact on the surrounding area

- a. Increase in traffic- As mentioned in the report, there will be permanent staff operating in the buildings. Even though the number of staff listed in the motivational memorandum is low, it cannot be guaranteed that the number of staff will be limited.
- b. Increase in noise- Any change in land uses that is not solely residential will have an increase in cars, noise and will have a negative impact on a residential area.

4. Accessibility

- a. The motivational memorandum refers to the high accessibility of the site. The objector is of opinion that this statement is not entirely correct as the sites would have been more accessible closer or within the CBD where regular public transportation modes exist. The fact that the site is located 6 blocks from the demarcated CBD area and within a residential area makes the site more difficult to access by the general public.
- b. Even though the town planning regulations only require one (1) parking bay per 25m² gross leasable area, the report referred to a total number of 32 individuals who will operate on site. The parking currently provided only accommodates 28 parking bays. This is a great concern as the current layout does not even accommodate for one car per employee and it is without any additional appointments of staff.
- c. Furthermore, “overflow” parking is also of concern as there was no mention of any visitors and no visitor parking bays are indicated on the premises/ application submitted.

5. Specialist Studies and Reports

- a. The objector acknowledges the fact that specialists were involved and consulted on the proposed usages; however, it is not representative of what the impact of these uses would have on the infrastructure and surrounding area. Specialist studies/ reports should be compiled, considering the total usage (“worst-case scenario”) that would be allowed/ approved on site and not only the current situation/ scope.

6. Need & Desirability

- a. The objector does not argue that there is no need and desirability of the land uses applied for in the application; however, the objector is of opinion that these uses should rather be located in the CBD area where it is more accessible and visible to the public. In addition, similar government uses are already established in the northern part of Malmesbury CBD, and the site would benefit if it were located in the same area.

7. General Perception and Property Values

- a. The proposed rezonings will impact the property values of the area as it will no longer be seen/ classified as a residential neighbourhood.

It is therefore proposed that the SAPS Stock theft unit rather be considered in a “non-residential” area/ zoning, where the impact of the land uses will not affect the residents in the area so severely. More suitable locations of government owned land should be considered for the above mentioned uses that are located on non- residential areas/ zones.

Please advise me timeously of the site inspections and/or hearings in relation to the matter. The objector also wishes to add further statements and concerns when additional information comes to light. Kindly note that we do reserve the right to expand our objection on the date of the planning tribunal or hearing.

Kindly acknowledge receipt of this objection and questions.

Yours sincerely,

Charles le Roux and Elouise Naude

Name & Surname

14/04/2022

Date

+27 82 851 7776/ +27 71 240 0384

Contact Number

charles@idealconsulting.co.za/ info@idealconsulting.co.za

Email Address

Gerbrandt Pierre Bezuidenhout (Erf 1240 Malmesbury)

Owner of the Property (Property Description)

*Kindly note that it is preferred that all official communication gets emailed to
charles@idealconsulting.co.za*

From: Nita Braxton <nitabrax55@gmail.com>
Sent: Tuesday, 19 April 2022 15:03
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: BESWAAR TEEN DIE HERSONERING VAN ERFNO 1220

Goeiedag

Ek, Nita Braxton, is 'n inwoner in die Bergsig area. Ek is vir die afgelope 26jaar 'n inwoner in die vreedsame buurt.

Ek maak beswaar teen die hersonering van erf 1220 vanaf 'n Residentiële sone 1 na 'n Owerheid- en Vervoersone 2.

Ons veiligheid is onder normale omstandighede 'n uitdaging en hersonering sal die buurt ontsier en veiligheid sal 'n nog groter uitdaging word. Daar is vele weduwees en oujonghooiens in die buurt wat blootgestel gaan word aan gevare. Enige terugvoering in die verband kan gerig word aan my epos adres.

Diep bekommerde inwoner.

Nita Braxton

Bergzichtstraat 17

Malmesbury

Selno: 0793714960

Date: 20 May 2022

Swartland Municipality
Town Planning, Building Control and Valuations
Church Street
MALMESBURY
7299

FOR ATTENTION: Alwyn Burger

Dear Alwyn

APPLICATION FOR REZONING AND SUBDIVISION OF ERF 1120, MALMESBURY – RESPONSE TO COMMENTS AND OBJECTIONS

With reference to your letter dated 22 April 2022 we are hereby providing a response to those comments and objections that were made.

Due to the large number of public comments and objections received we've categorised the comments and objections in a summary table (refer to Table 1 below) and provided responses to them. However, we have also captured all the comments and objections individually as well in a separate table (refer to Table 2 below). Where the individual comments and objections were considered to be adequately responded to in the summary table we have referred those responses to the relevant section of the summary table; however if those specific comments or objections were not considered to be dealt with in the summary table we have provided a specific response.

Attached please find the following response and supporting documentation:

1. Table 1: Summary of Comments/ Objections and Responses
2. Table 2: Detailed Responses to individual Comments / Objections
3. Annexure 1: Supporting Letter from Department Correctional Services in response to the comments and objections received with a supporting Annexure from the West Coast Management Area and Malmesbury Community Corrections office.

Please contact us if you have any queries with regards to this response to the comments and objections received.

Kind Regards



Shahiem Dalvie

CC:

Blandina Musvoto

DPWI

APPLICATION FOR REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY – RESPONSE TO COMMENTS AND OBJECTIONS**1 SUMMARY OF COMMENTS/ OBJECTIONS AND RESPONSES**

The applicant notes that 32 comments/objections were received in total. The table below provides a summary of the comments/objections and the applicant's response thereto.

Table 1: Summary of Comments/ Objections and Responses

Ref	Objections Type	Response
1	General objection to the rezoning and subdivision.	<p>The existing SAPS Stock Theft Unit and the proposed DCS Corrections Office are categorised as Authority land uses. The proposed rezoning application is from Residential Zone 1 to initially Subdivision Area to make provision for Authority Zone (for the SAPS and DCS uses) and Transport Zone 2 for the proposed public road splays at the corners of the site. This will regularise the existing SAPS Stock Theft Unit already operating on the site and permit the proposed DCS Community Corrections Office.</p> <p>The proposed subdivision of the site into the 2 main portions will permit the separate management of the site by DPWI (for the northern DCS portion and by SAPS for the southern portion). The 4 smaller subdivisions at the corners of the site will facilitate increased visibility and safety at those intersections.</p>
2	The rezoning to permit the proposed land uses will negatively change the quiet historical residential character of the area	There are no new structures or changes to the existing structures proposed in terms of this application therefore the visual character of the site will remain. The SAPS Stock Theft Unit is an existing use and will remain unchanged. It is only the use of the existing Old Residency structure that will change no the structure itself although there will be some maintenance done to restore the building to from a visual and functional perspective.
3	Compatibility of the proposed land uses with the SDF	<p>The existing SAPS Stock Theft Unit and the proposed DCS Corrections Office are categorised as Authority land uses.</p> <p>The SDF does not make any specific proposed land uses for the site but it does identify the site as falling within Land Use Zone C which <i>"has a mixed land use character consisting of low and medium density residential uses and also supporting functions like crèches, schools, hostels and a hospital. Densification and mixed uses are allowed for in the transition areas next to the commercial and industrial areas and along the activity streets.</i> St Thomas Street which borders the southern boundary of the site is designated an Activity Street which means that mixed uses (including high density residential and business uses) are considered appropriate proposals for the site.</p>

		Authority Use is one of the recommended land uses for this Zone C (as per the Land Use Zone Proposals for Malmesbury table on page 218 of the Swartland SDF), and therefore the SAPS Stock Theft Unit office and the DCS Community Corrections Office land uses align with these recommendations.
4	Safety concerns due to an increase in vehicular traffic specifically with regards to children	The Traffic Impact Statement found that the existing SAPS and proposed DCS use will not negatively impact the road network from a traffic and transport point of view.
5	Security concern regarding persons associated with crime associated with the parole office	<p>The building will be under 24 hour armed response from security services stakeholders. This will have the advantage of more visibility of security vehicles in the area. In the history of the DCS's current office since 2004 to date there has been no threatening or negative security related incidents to the surrounding community or shops, the school and school children. The renovation plan will include fencing, lighting, and any other measures required for security purposes. The proposed DCS office will ensure that there is adequate street lighting and visibility during the evenings. There are an average of only 10 visits by parolees or probationers to the office per month and these are by appointment only. The occupation of the building will bring more people to the area and contribute to the security and visibility for area.</p> <p>Please also refer to the attached DCS's response regarding the security concerns.</p>
6	Operational concerns of DCS Corrections Office	<p>The DCS offices does not operate on a 24 hour basis, they operate from 07h00 till 16h00 during which time parolees or probationers are allowed to visit the offices on an appointment basis only. There are flexi-hour shifts from 14h00 to 22h00 which the staff use for home visitations. There are an average of 10 visits to the office per month. During weekends offices are opened at 07h00 for reporting and thereafter officials are dispatched for home visits. The main office visits are conducted in community service points which are in different areas (where parolees are residing). Violators will be taken directly to prison and not to the DCS offices.</p> <p>Please also refer to the attached DCS response for more detail regarding the office's operation.</p>
7	The proposal will cause a decrease in the property values in the area	<p>The historic Old Residency has been vacant since 2014 and it has been vandalised and fallen into a state of disrepair with the threat of potential illegal occupation which would pose a threat to the security of the area. The current state of disrepair has a negative effect on the aesthetic of the neighbourhood and by DCS occupying the Old Residency building it will repair and maintain the building and site which will enhance and rejuvenate the local surroundings and not detract from the value of the local property market.</p> <p>Please also refer to the attached DCS response for more detail on the impact on property values.</p>
8	Alternative sites proposed for DCS offices	The site is owned by the National Government of the Republic of South Africa and is relatively close (only 5 blocks away/550m) to the existing DCS offices. The proposed is therefore still quite centrally located and accessible. There is an existing building (the Old Residency) and surrounding site that can be used for DCS offices requiring relatively minimal costs to restore to its proposed use.
9	The site can be utilised for better uses to benefit the community	The site is owned by the National Government of the Republic of South Africa and was acquired in 1918 for the purpose of providing accommodation for the Resident Magistrate. The residency has since been occupied by agents of the court over the years until it was

		vacated and in 2014 the allocation of the site was changed from the Department of Justice to the Department of Correctional Services. The site has also been used by SAPS since the 1970's. The site has been used for national government purposes since it was acquired. The proposed authority use is in accordance with one of the recommended land uses for this Zone C (as per the Land Use Zone Proposals for Malmesbury table on page 218 of the Swartland SDF) and is therefore an appropriate use.
10	The existing historic building must be kept as is	The Old Residency building is a historic building and will require an HIA and HWC approval before any development can proceed. The intention is to retain the building and attend to any maintenance and services that are required. This will be subject to the outcome and conditions of the HIA. No external changes are proposed except for attending to the maintenance and repairs to the building. The only changes that are proposed internally are the reinstatement of services that have been vandalised and to bring them up to standard and to put up dry wall partitioning in the larger rooms to create the required offices. If the building is not used for any purpose it may continue to be vandalised and its condition could worsen.
11	Maintenance and upkeep of the building and property	It is in the interest of DCS to maintain the building in an acceptable condition as it will be used by their officials. The existing historic buildings have been vacant since circa 2014 and require repurposing to safeguard their sustainable future. By re-using the existing buildings, there will be investment in their repair and upkeep.

PROPOSED REZONING AND SUBDIVISION ON ERF 1220, MALMESBURY**2. DETAILED RESPONSES TO INDIVIDUAL COMMENTS / OBJECTIONS**

The applicant notes that 32 comments/objections were received in total. The table below reflects the individual comments and objections received and the applicant's response thereto. Please note that where a reference is made to a response in the Summary of Comments/Objections table the reference number is denoted in the this table's response column.

Table 2: Detailed Responses to individual Comments / Objections

Ref	Objector's name and address	Comment type If objection, list reasons provided	Summary of Objections	Response
1	Dr DF Wege 42 St Thomas Street, Malmesbury	Objects to rezoning and subdivision The site is located in a historical residential area, and must stay that way. The rezoning and subdivision will detract from the present calm, quiet neighbourhood. In the past town planner had already made provisions for business, authority and transport zones.	<ul style="list-style-type: none"> General objection to the rezoning and subdivision. The rezoning to permit the proposed land uses will negatively change the quiet historical residential character of the area The town planning provisions allow for business, authority and transport zones elsewhere. 	<ul style="list-style-type: none"> Refer to response 1 Refer to response 2 Refer to response 3
2	Mr Norman Sieni & Ms Noeline Myburgh 33 Truter Street, Malmesbury	<p>Objects to the rezoning for the purposes of a Parole Office.</p> <p>The increase in criminal persons and vehicular traffic associated with a 24 hour parole office will lead to security problems in the Bergzicht neighbourhood, which is a peaceful, safe neighbourhood with many children (attending the Primary School, child care facilities and disabled/ special needs care facility).</p> <p>The parole office and threat to the present safety of the environment will decrease property values in the area.</p> <p>If a Parole Office is needed in Malmesbury, there are surely more appropriate areas for it. For example, open, non-residential areas between the police station and the</p>	<ul style="list-style-type: none"> Objects to the rezoning and use of the property as a Parole office Safety concerns due to an increase in vehicular traffic specifically with regards to children Security concern regarding persons associated with crime associated with the parole office Concerns about the 24 hour operating hours for the DCS office The DCS proposal will cause a decrease in the property values in the area Alternative sites proposed for DCS offices 	<ul style="list-style-type: none"> Refer to response 1 Refer to response 4 Refer to response 5 Refer to response 6 Refer to response 7 Refer to response 8

		<p>traffic department, or the large open undeveloped areas near the Dalsig Correctional Services.</p> <p>If the unsightliness of Erf 1220 is a problem the erf can be utilised better than a busy, unsafe parole office? Suggests a community centre, old age home or playpark for children.</p>	<ul style="list-style-type: none"> The site can be utilised for better uses to benefit the community. <p>No specific comment regarding the existing Stock Theft Unit or subdivision.</p>	<ul style="list-style-type: none"> Refer to response 9
3	<p>Mrs Leani van der Merwe</p> <p>25 Geldenhuys Street, Malmesbury</p>	<p>Objects to the rezoning of Erf 1220.</p> <p>The proposal is not an administrative change from Residential property to Utility Zone, as explained to her by the municipality. Throughout all its years the property has been used a residence. Just because it is owned by the state does not mean an “administrative change” to the Authority zone can be made. It is a residential area and must stay that way.</p> <p>As a registered estate agent, the author is certain that the proposal will influence [the property values of] the surrounding properties. Many buyers are put off by offices near a property for sale, preferring to look elsewhere. It is likely that owners will have to lower the selling prices of their properties.</p>	<p>An objection to the rezoning of the property.</p> <ul style="list-style-type: none"> The property has always been used as a residence. The introduction of offices will detrimentally affect the property value of the surrounding residential area. <p>No specific comment regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> Refer to response 1 Refer to response 9 Refer to responses 7 and 3
4	<p>Mnr Ettienne van der Merwe</p> <p>25 Geldenhuys Street, Malmesbury</p>	<p>Objects to the rezoning of Erf 1220.</p> <p>Raises concern on the impact of increased traffic and access by people in the area, influencing the safety of the area.</p>	<ul style="list-style-type: none"> General objection to the rezoning Safety concerns due to an increase in vehicular traffic Security concern regarding persons associated with crime associated with the parole office <p>No specific comment regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> Refer to response 1 Refer to response 4 Refer to response 5
5	<p>Ms Jaline Coetzee</p> <p>28 Pinard Street, Malmesbury</p>	<p>Objects to the rezoning of Erf 1220.</p> <p>“criminals” [accessing the office] will make the streets unsafe for children playing outside and riding their bikes in street. The children are already deprived of their</p>	<p>An objection to the rezoning of the property.</p> <ul style="list-style-type: none"> Security concern regarding persons associated with crime associated with the parole office specifically with regards to children 	<ul style="list-style-type: none"> Refer to response 1 Refer to response 5

		<p>freedom to move around safely in the town, now their neighbourhood will also become unsafe.</p> <p>It [the rezoning] will cause a decrease in property values.</p> <p>Comments that there is a more appropriate site for the proposal, for example the area between the Police and Traffic Departments.</p>	<ul style="list-style-type: none"> The DCS proposal will cause a decrease in the property values in the area Alternative sites proposed for DCS offices <p>No specific comment regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> Refer to response 7 Refer to response 8
6	<p>Miss CP Raath & Miss V Wium</p> <p>25 St Thomas Street, Malmesbury</p>	<p>Comments and Objects to the rezoning of Erf 1220, and proposes conditions of approval.</p> <p><u>Decrease in property value</u> Property values will reduce if there is any industrial activity in the area. Presence of unsavoury characters.</p> <p><u>Authority zone</u> If the proposed subdivision is for the use of administrative office only it could be accepted, but with conditions. No parolees/ prisoners may work, be housed or be rehabilitated on the premises. Just one entry and exit route may be used. The existing entrance must be retained and access controlled.</p> <p><u>Transport zone</u> No transport interchange must be created. No fuel depot may be erected. No workshops may be operated on the premises. There may only be movement during normal working hours. Keep the area residential, please.</p> <p><u>Traffic</u></p>	<p>A general objection to the rezoning and subdivision of the property.</p> <ul style="list-style-type: none"> The rezoning proposal will cause a decrease in the property values in the area if there are any industrial activities Security concern regarding persons associated with crime associated with the parole office Office use in the Authority zone must be managed through imposing certain proposed conditions of approval: <ul style="list-style-type: none"> No parolees/ prisoners may work, be housed or be rehabilitated on the premises. Only 1 access, the existing access to the site, must be permitted with access control Concern about Transport Zone usage 	<ul style="list-style-type: none"> Refer to response 7. There are no industrial uses proposed for this development. Refer to response 5 Noted Refer to response 6 Noted. Only 1 access point for each portion is proposed, the existing access points for the SAPS unit and for the proposed DCS offices will be used. The comment shows a misunderstanding of the proposed Transport Zone 2: Roads. The proposed purpose and use of the Transport Zone 2 is for public street purposes only i.e. the corner splays

		<p>Traffic is already constrained and overwhelming in the area due to the traffic lights installed at Bloekom Avenue. Music is played too loudly, hooters are abused, the noise from vehicles and trucks are not to standard Traffic signs are ignored.</p>	<ul style="list-style-type: none"> • Safety concerns due to an increase in vehicular traffic specifically with regards to children • Objection due to disturbance cause by music played too loudly, noisy hooters, noise from vehicles and cars not up to standard <p>No specific comment regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 4 • Noted. If SAPS or DCS are at fault a complaint can be made with the respective departments
7	<p>Mr Albertus Laas</p> <p>No street address provided</p>	<p>Objects to the rezoning of Erf 1220 as indicated.</p> <p>The historic building must be kept as it is. Rezoning away from residential use is unacceptable. How can you even consider building parole offices, SAPS offices, any areas that deal with sanitation, waste, toad construction The proposed uses must be located outside town, not within the residential area.</p>	<p>An objection to the rezoning of the property.</p> <ul style="list-style-type: none"> • The historic building must be kept as it is. • The zoning must remain residential. • How can you even consider building parole offices, SAPS offices, any areas that deal with sanitation, waste, toad construction • The proposed uses must be located elsewhere outside town. <p>No specific comment regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 1 • Refer to response 10 • Refer to response 1 and 6 • Refer to response 2 and 10 • Refer to response 8
8	<p>Mr Jacobus Basson</p> <p>2 Hospital Street, Malmesbury</p>	<p>Comments that the community in the neighbourhood is not in favour of the potential development and rezoning of erf, and finds it unacceptable.</p> <p>Request that the community's interest is placed first. If such a development takes place, it would have enormous implications on the neighbourhood.</p>	<p>A general comment and objection to the proposal, however no specific reasons or clarification of the perceived implications of the proposal are provided.</p> <p>No specific comment regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 1, 2 and 3
9	<p>Mr CP Punt</p> <p>27 Sarel Cilliers Street, Malmesbury</p>	<p>Objects against the rezoning of the property to uses not relating to residential.</p> <p>The letter notes that Bergzicht is an established, quiet and proper neighbourhood. It is surely one of the town's oldest neighbourhoods where educated, mostly senior,</p>	<ul style="list-style-type: none"> • An objection to the rezoning of the property for non-residential uses. • The objection is based on retaining the existing residential and demographic character of the neighbourhood. 	<ul style="list-style-type: none"> • Refer to response 1 • Refer to response 2, 3 and 10

		<p>society resides. The neighbourhood cannot be allowed to become a “Joe Soap” (“Jan Alleman”) neighbourhood.</p> <p>The reasons provided are:</p> <ol style="list-style-type: none"> 1. Correctional Services have facilities in Malmesbury, including the Old Jail (“Ou Tronk”) and the New Jail (“Nuwe Tronk”). 2. Both prisons and their associated residences are in a neglected state, and it cannot be allowed that something similar gains a foothold in the neat and proud neighbourhood. <p>The letter makes the following proposal: Correctional Services has two prisons in Malmesbury. Can the Municipality enter into a land swap for land near one of the existing prisons? This will negate the need for a satellite station in a Malmesbury residential neighbourhood.</p> <p>The author questions whether property rates and taxes have been paid on time, and by whom?</p>	<ul style="list-style-type: none"> • The letter objects to DCS using the property, referring to a perceived existing track record of DCS not maintaining their properties. • The letter proposes that the proposed facilities are located near the existing DCS prisons in Malmesbury, to be enabled through a land swap with the Municipality. • The author questions whether property rates and taxes have been paid on time, and by whom? <p>No specific comment regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 11 • Refer to response 8 • Noted. This issue of current rates payments is not relevant to the proposed rezoning however the DPWI will be responsible for the DCS portion (Remainder Erf 1220 while SAPS will be responsible for the SAPS Stock Theft Unit Portion (Portion 1)).
10	<p>Ms Lynell Schultz</p> <p>67 Arcadia Street, Malmesbury</p>	<p>Objects to the proposed rezoning and subdivision.</p> <p>Reasons provided: Erf 1220 is in close proximity of the authors’ property, and in close proximity of the Swartland Primary School and Grade R classes.</p>	<ul style="list-style-type: none"> • Objects to the proposed rezoning and subdivision • Proximity of the proposed DCS office to schools 	<ul style="list-style-type: none"> • Refer to response 1 and 2 • Noted. it should be noted that the present location of the DCS office (at the corner of Tuin and St Thomas Street) is closer (290m) to the school than the proposed location (500m)

		<p>The proposed uses, rumoured to be Military Training facilities, police offices and correctional institutions, will change the quiet, peaceful neighbourhood into a hive of activity and change the neighbourhood from a safe to a dangerous neighbourhood. It will no longer be safe for children to walk from the school to their homes or aftercare facilities. The [presence of] Correction Services and a parole office means that people with criminal records will be moving around in the neighbourhood. It means that people who have had run-ins with the law previously will be moving around in the neighbourhood and amongst children. The community works hard to keep their neighbourhood safe. Persons on parole, applying for parole or out on parole do not belong in a residential neighbourhood or on the school's doorstep. The rural ("plattelandse") nature of Malmesbury means that children can still play outside in the town. The author appeals to the community and Municipality to keep the area rural and safe.</p> <p>Water Treatment, Refuse management Military Training facilities, police offices and correctional institutions are mentioned. It is a residential area, not a place for these activities.</p> <p>The house on Erf 1220 is historical. It must be conserved. None of the proposals contributes to the conservation of the historical building.</p>	<ul style="list-style-type: none"> • Security concern regarding persons associated with crime associated with the parole office • Objection to the proposed and perceived uses of the property • The historical house on Erf 1220 must be conserved. The proposals does not contribute to the conservation of the historic building. 	<ul style="list-style-type: none"> • Refer to response 5 • Refer to response 1, 2 and 3. Water Treatment, Refuse management and Military Training facilities are not being proposed in terms of this application. The application is for the existing SAPS Stock Theft Unit already operating on the site and to permit the proposed DCS Community Corrections Office. • Refer to response 10 and 11
11	A A Louw 33 Sarel Cilliers	<p>Objects to the proposed rezoning and subdivision.</p> <p>Reasons provided:</p>		

	Street, Malmesbury	<p>1. Erf 1220 is a beautiful well-located erf in the heart of a residential neighbourhood in Malmesbury. A stately historical manor house is located on the erf. No type of business must be allowed on this valuable property in the middle of a residential area, not now nor in the long-term planning of the Council. Any form of business on this erf will not contribute to the retention of the character of the residential area. Has Council considered a land swap in order to maintain the character of the residential area?</p> <p>2. The location of Erf 1220 presently allows mixed-use, including Authority Zone. If Council values the interests of Malmesbury's residents, it must decide to prohibit future mixed-uses in residential areas. Office uses are not reconcilable with residential areas.</p> <p>3. The application notes that: "Erf 1220 therefore does not presently have any formal protection in terms of the NHRA". Council can take the decision to change the present grading of the erf to obtain 100% support from the Heritage Authorities. To the author's knowledge, the owner of Erf 1220 has not made any efforts to co-operate with HWC to maintain or conserve the historical manor for the residents of Malmesbury.</p> <p>In summary: Council must turn down the application, and take the necessary decisions to maintain the present Residential 1 zoning.</p>	<ul style="list-style-type: none"> • Objects to the use of the property as a Parole office • Objects to the use of the property for mixed use purposes • Objects to the use of the property for given its heritage value 	<ul style="list-style-type: none"> • Refer to response 1, 2 and 3 • Refer to response 3 • Refer to response 10
12	James and Petro Prichard	<p>Objects to the rezoning of Erf 1220.</p> <p>The property overlooks the site and Magisterial house. The neighbourhood is peaceful with little traffic, noise or public nuisances.</p>		

	25 Pinard Street, Malmesbury	<p>Reasons provided:</p> <p>Three of the erf's four surrounding roads are narrow and not designed for parking and two lanes.</p> <p>It is a peaceful neighbourhood where children still walk to school. There are childcare facilities and schools in the facilities, including Swartland Primary School and Jo Dolphin that will be affected by increased traffic in the area.</p> <p>If the parole office is manned 24 hours a day, it will disrupt the sleep of residents.</p> <p>There will be constant streaming [of people] to the site, which was not occurring previously.</p> <p>The author asks: what guarantees can the Municipality provide that their property value will not decrease as a result of the rezoning of Erf 1220?</p>	<ul style="list-style-type: none"> • Safety concerns due to an increase in vehicular traffic specifically with regards to children • Concerns about the 24 hour operating hours and operations for the DCS office • The DCS proposal will potentially cause a decrease in the property values in the area <p>No specific comment regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 4 • Refer to response 6 • Refer to response 7
13	Maatjie Jordaan 34 Sarel Cilliers Street, Malmesbury	<p>Objects to the rezoning and subdivision of Erf 1220.</p> <p>The author comments that she and her deceased husband have lived across from the property since 1971 and have witnessed the deterioration of the once beautiful and well-maintained buildings and vegetable gardens.</p> <p>The author comments that the letter received only states that the buildings will be used for Authority Zone and Transport Zone, with no [further] specifications. Upon making further queries, it was clarified that the use will be parole office for 20 persons.</p> <p>w.r.t. security:</p> <ul style="list-style-type: none"> – The author notes that she is a widow living alone, with security provisions within her means. She notes that she is scared. – The security of the neighbourhood is threatened. 	<ul style="list-style-type: none"> • General objection to the rezoning and subdivision. • Security concern regarding persons associated with crime associated with the parole office 	<ul style="list-style-type: none"> • Refer to response 5

		<ul style="list-style-type: none"> – Increase in traffic to the area and non-compliance to traffic rules e.g. ignoring of stop streets and normal speeds. – Increased access to the area if a parole office will open, and be open 24 hours a day like the present office in town. <p>Maintenance of buildings and property:</p> <ul style="list-style-type: none"> – If the buildings and property have not been maintained up till now, what guarantee can be provided that it will improve going forward? The author sees the daily neglect of the place, for example the trampled down fence, dry sawn-down trees and heaps of rubbish that have not been removed since October 2021. it is neglect and dereliction of historical buildings and a potential fire risk. 	<ul style="list-style-type: none"> • Safety concerns due to an increase in vehicular traffic • Concerns about the 24 hour operating hours and operations for the DCS office • Concerns about the maintenance of the building and property 	<ul style="list-style-type: none"> • Refer to response 4 • Refer to response 6 • Refer to response 10 and 11
14	<p>Mrs D Swart (Nolan)</p> <p>7A Pinard Street, Malmesbury</p>	<p>Objects to the rezoning of Erf 1220 to Authority Use and Transport Use to allow a Parole Office</p> <p>Reasons provided:</p> <p>The 24-hour usage will allow criminals to move around freely in the neighbourhood, which can threaten residents' safety.</p>	<ul style="list-style-type: none"> • Objects to the rezoning and use of the property as a Parole office • Security concern regarding persons associated with crime associated with the parole office • Concerns about the 24 hour operating hours and operations for the DCS office <p>No specific comment regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 5 • Refer to response 6
15	<p>Mr Chris Bruyns</p> <p>24 Buitekant Street, Malmesbury</p>	<p>Objects to the proposed rezoning and subdivision of Erf 1220.</p> <p>No reason for objection is provided.</p> <p>The author queries if an Orphanage can be considered?</p>	<ul style="list-style-type: none"> • General objection to the rezoning and subdivision. • Alternative use as an orphanage proposed 	<ul style="list-style-type: none"> • Refer to response 1 • Refer to response 9
16	<p>Mr JJ Hill and J. Hill</p> <p>12A Geldenhuys</p>	<p>Objects to the proposed rezoning and subdivision of Erf 1220.</p> <p>Reasons provided: in the light of [its location] being a residential area.</p>	<ul style="list-style-type: none"> • General objection to the rezoning and subdivision. • An objection to the rezoning of the property for non-residential uses. 	<ul style="list-style-type: none"> • Refer to response 1 • Refer to response 3

	Street, Malmesbury			
17	Mrs G Barkhuizen 5 Wandel Street, Malmesbury	<p>Objects to the proposed rezoning and subdivision of Erf 1220.</p> <p>Reasons provided: in the light of [its location] being a residential area.</p>	<ul style="list-style-type: none"> • General objection to the rezoning and subdivision. • An objection to the rezoning of the property for non-residential uses. 	<ul style="list-style-type: none"> • Refer to response 1 • Refer to response 3
18	Johannes van der Merwe 26 Pinard Street, Malmesbury	<p>Objects to the rezoning of Erf 1220.</p> <p>Reasons provided: The area is a residential area, surrounded by a Primary School, kindergarten and residences where many retired and senior citizens reside and children move around.</p> <p>The rezoning will result in a significant increase in traffic, thoroughfare of people and criminal elements.</p> <p>This creates a serious concern regarding danger and criminal activities which will negatively influence the residents' privacy and security.</p> <p>Big concern also exists that such a rezoning will cause a tremendous negative impact on the property values of thus long-established residential area.</p>	<ul style="list-style-type: none"> • General objection to the rezoning of the property. • Safety concerns due to an increase in vehicular traffic specifically with regards to children and elderly. • Security concern regarding persons associated with crime associated with the parole office. • The proposal will cause a decrease in the property values in the area. <p>Note: No specific comment is made regarding the proposed subdivision</p>	<ul style="list-style-type: none"> • Refer to response 1. • Refer to response 4. • Refer to response 5. • Refer to response 7.
19	Petro van der Merwe 26 Pinard Street, Malmesbury	<p>Objects to the rezoning of Erf 1220.</p> <p>Reasons provided: The area is a residential area, surrounded by a Primary School, kindergarten and residences where many retired and senior citizens reside and children move around.</p> <p>The rezoning will result in a significant increase in traffic, thoroughfare of people and criminal elements.</p> <p>This creates a serious concern regarding danger and criminal activities which will negatively influence the residents' privacy and security.</p>	<ul style="list-style-type: none"> • General objection to the rezoning of the property. • Safety concerns due to an increase in vehicular traffic specifically with regards to children and elderly. • Security concern regarding persons associated with crime associated with the parole office. • The proposal will cause a decrease in the property values in the area. <p>Note: No specific comment is made regarding the proposed subdivision</p>	<ul style="list-style-type: none"> • Refer to response 1. • Refer to response 4. • Refer to response 5. • Refer to response 7.

		Big concern also exists that such a rezoning will cause a tremendous negative impact on the property values of thus long-established residential area.		
20	Mrs S Muller 32 St Thomas Street, Malmesbury	<p>Objects to the rezoning of Erf 1220.</p> <p>The thoroughfare of “all kinds of people” is already a problem to the author, a single elderly lady who lives alone. If the rezoning proceeds, the author will not feel safe in her house.</p> <p>It will cause a tremendous security and safety problem if there will be a passing-through of criminal elements 24/7 to the Parole Office.</p> <p>Objects to the rezoning within a residential neighbourhood.</p>	<ul style="list-style-type: none"> • General objection to the rezoning of the property. • Security concern regarding persons associated with crime associated with the parole office • Concerns about the operation and working hours for the DCS office <p>Note: The comment specifically refers to the DCS Office Use. No specific comment is made regarding the existing Stock Theft Unit or proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 1. • Refer to response 5. • Refer to response 6.
21	Nina Mattisson 3A Bergzicht Street, Malmesbury	<p>Objects to the rezoning of Erf 1220 from residential 1 to Transport Zone 2 to permit a 24-hour parole office.</p> <p>Reasons provided: the rezoning will likely cause an increase in traffic congestion and security risks 24 hours a day. There has been an increase in localised crime and this would make it increase.</p>	<ul style="list-style-type: none"> • Objects to the rezoning from Residential 1 to Transport Zone 2 to permit a parole office. • Safety concerns due to an increase in vehicular traffic. • Security risks regarding the operation of the DCS office. <p>Note: The comment specifically refers to the DCS Office Use. No specific comment is made regarding the existing Stock Theft Unit or proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 1 • Refer to response 4. • Refer to response 5.
22	Zane Mattisson 3A Bergzicht Street, Malmesbury	<p>Objects to the rezoning of Erf 1220 from residential 1 to Transport Zone 2 to permit a 24-hour parole office.</p> <p>Reasons provided: the rezoning will likely cause an increase in traffic congestion and security risks 24 hours a day. There has been an increase in localised crime and this would make it increase.</p>	<ul style="list-style-type: none"> • Objects to the rezoning from Residential 1 to Transport Zone 2 to permit a parole office. • Safety concerns due to an increase in vehicular traffic. • Security risks regarding the operation of the DCS office. <p>Note: The comment specifically refers to the DCS Office Use. No specific comment is made regarding the existing Stock Theft Unit or proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 1 • Refer to response 4. • Refer to response 5.

23	Willie Taylor 18 Wandel Street, Malmesbury	<p>Objects to the proposed rezoning and subdivision of Erf 1220.</p> <p>Wandels Street is already busy as it carries most of the traffic from Bokomo Way towards the hospital. The increase in traffic in Pinard Street will definitely have a negative influence.</p> <p>The increase in people can also have safety implications.</p> <p>The nature of the proposed offices will means that normal working hours will not be maintained.</p> <p>The marketability of the surrounding properties will be influenced.</p>	<ul style="list-style-type: none"> • General objection to the rezoning and subdivision of the property. • Safety concerns due to an increase in vehicular traffic • General safety concerns due to an increase in people on site. • Concern regarding the operations of the offices. • Concern that the proposal will affect the marketability and/or cause a decrease in the property values in the area <p>Note: No specific comment is made regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 1. • Refer to response 4. • An increase in people on site should not be a safety concern in itself, as an occupied building generally offers less of a risk than a vacant building. The presence of the office occupants will improve passive surveillance within the neighbourhood and make the site safer than it is in its present circumstances. • Refer to response 6 to clarify the operations and working hours of the DCS offices. • Refer to response 7.
24	Rhyan Coetzee 29 Geldenhuys Street, Malmesbury	<p>Objects to the proposed rezoning and subdivision of Erf 1220.</p> <p>The residential zoning of the neighbourhood is there to protect the integrity of the residential area, which will be affected [by the proposal].</p> <p>The safety of the author's children and wife, who walks to the Swartland Primary School each morning and</p>	<ul style="list-style-type: none"> • General objection to the rezoning and subdivision of the property. • The rezoning to permit the proposed land uses will negatively impact on the integrity of the residential character of the area. • Security concern regarding persons associated with crime associated with the parole office. 	<ul style="list-style-type: none"> • Refer to response 1. • Refer to response 2. • Refer to response 5.

		<p>afternoon, will be affected by parolees moving in and out of the neighbourhood.</p> <p>The author raises concern that his investment to buy a house in a good neighbourhood will be affected. The value of his home will stagnate due to the rezoning and subdivision. The value of his home will be negatively influenced further by the increased traffic to the DCS and Stock theft Unit.</p> <p>The author notes that his family moved from the Northern Suburbs [of Cape Town] to Malmesbury to move away from too much crime and noise, not to end up in a neighbourhood with the same problems.</p>	<ul style="list-style-type: none"> Concern that the proposal (and an increase in traffic to the offices) will cause a decrease in the property values in the area. The rezoning to permit the proposed land uses will negatively change the quiet historical residential character of the area. <p>Note: No specific comment is made regarding the proposed subdivision.</p>	<ul style="list-style-type: none"> Refer to response 4 and 7. Refer to response 2.
25	Elsje Rossouw No address provided	The comment is framed as a request for the property to be used to construct housing to lease to people with low incomes who cannot afford high deposits and the high rent of private developments.	<ul style="list-style-type: none"> Comment with proposals to better utilise the site to benefit the community. 	<ul style="list-style-type: none"> Refer to response 9
26	A.M. Bosman 11 Bergzicht Street, Malmesbury	<p>The author notes that the property is presently being used as offices irregularly, with no one residing on the property. All other businesses in the area are consent uses on the condition that the site is inhabited.</p> <p>The application mentions that the site as an Authority Zone may be used as a military base or prison (and there are 4 watchtowers that they want to erect on the 4 corners) or a parole office.</p>	<ul style="list-style-type: none"> General objection to the rezoning of the property. The land use is queried, as all other businesses in the area are consent uses on the condition that the site is inhabited. Concern is raised that Authority Zone will permit a parole office, military base or prison on the site, and that four watch towers will be erected on the four corners of the site. 	<ul style="list-style-type: none"> Refer to response 1 Refer to response 1 Refer to response 1. There is no intention to erect a prison or military base on the site, or to erect watchtowers on the corners. The rezoning will enable a sustainable and appropriate repurposing of the existing historical buildings in the north of the site for offices for the DCS. The comment misinterprets the purpose of the corner splays: as noted in the Traffic Impact Statement, splays are applied to

		<p>The existing office is already available/open 24/7. What “elements” will be reporting here on a daily basis?</p> <p>There are little children in the streets, in the primary school, a child care facility, frail elderly citizens cared for in their homes, as well as a centre for disabled persons. Five days ago there was an escape at the new prison, causing disruption in the neighbourhood. The rezoning does not just affect the few adjoining residences but the whole area/neighbourhood.</p> <p>The author proposes that the property is leased out or sold and to remain residential.</p>	<ul style="list-style-type: none"> Security concern regarding persons associated with crime associated with the parole office. The site can be utilised for better uses to benefit the community. <p>Note: The comment specifically refers to the DCS Office Use. No specific comment is made regarding the existing Stock Theft Unit or proposed subdivision.</p>	<p>each corner of the site for safety purposes; these splayed corners will be subdivided and rezoned to Transport Zone 2, to form part of the future road reserves.</p> <ul style="list-style-type: none"> Refer to response 5. Refer to response 9.
27	<p>Corne Elize Bosman 11 Bergzicht Street, Malmesbury</p>	<p>Objects to the rezoning from residential to Authority Zone.</p> <p>The author notes that she operates a Bed & Breakfast facility, with consent from the Swartland Municipality. Some of the rooms overlook the subject erf.</p> <p>Reasons provided: The author is a member of Malmesbury Tourism, who have been trying for many years to create a positive image of the town. The tourism sector has been hard hit over the past years due to water restrictions, the COVID pandemic and ESKOM load shedding. New management models are in place for Malmesbury tourism to survive</p>	<ul style="list-style-type: none"> Objects to the rezoning from residential to Authority Zone. 	<ul style="list-style-type: none"> Refer to response 1

	<p>and revive. For this the cooperation of the public and Municipality is required.</p> <p>The perception and image of Malmesbury has not been improved by the two escapes from the prison over the last two years.</p> <p>Guests will definitely not feel at ease and safe if they see a Parole office with security guards from the bedroom window.</p> <p>By turning the rezoning down, the municipality has the opportunity to support Malmesbury Tourism too.</p> <p>The question arises: "What will make Malmesbury stand out and what do we want to be known for?"</p> <p>One of the aspects that answers the question above is our beautiful old buildings and peaceful rural atmosphere. We even have a historical building route for tourists. Unfortunately, the applicant (National Government) does not have a good reputation when it comes to the conservation of their property. The author names as an example the Post Office building, Magistrate Office's roof, the derelict house at the Hospital and the building on the actual site (erf 1220).</p> <p>There is no guarantee that the rezoning or erf 1220 will contribute to the historical tourism value of Malmesbury.</p> <p>According to the Swartland Development Framework this area is earmarked for education/training, residential and light economic activity. A Parole Office does not fit this.</p> <p>There are other premises and areas where it will be more fitting and more accessible to access routes to and from the town.</p>	<ul style="list-style-type: none"> • Security concern regarding persons associated with crime associated with the parole office. • The rezoning to permit the proposed land uses will negatively change the quiet historical residential character of the area. • There is no guarantee that the rezoning or erf 1220 will contribute to the historical tourism value of Malmesbury. • Compatibility of the proposed land uses with the SDF. A parole office does not fit the proposed uses identified for the area in the SDF. • There are alternative sites that are more fitting and more accessible for the proposed use. <p>Note: The comment specifically refers to the DCS Office Use. No specific comment is made regarding the existing Stock Theft Unit or proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 5. • Refer to response 2. • Refer to response 10 and 11. The existing historic buildings have been vacant since circa 2014 and require repurposing to safeguard their sustainable future. By re-using the existing buildings, there will be investment in their repair and upkeep, which will contribute to the broader historical tourism value of Malmesbury. • Refer to response 3. • Refer to response 8.
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28	HM Schreuder 44 St John Street, Malmesbury	<p>Objects to the rezoning of erf 1220 for the purposes of a parole office that is open 24 hours a day. It is also in a neighbourhood where many elder people reside and live out their remaining days. It may lead to possible security problems and an increase in criminal elements.</p> <p>The author notes that she herself is a widow in her seventies who have been living here for forty years, without experiencing a break-in or the like. They do not want to spend their remaining days in fear.</p> <p>The author also raises concern that she will encounter problems in selling her home to pay for her stay in the old age home.</p>	<ul style="list-style-type: none"> • Objects to the rezoning for the purposes of a parole office. • Concerns about the 24 hour operating hours for the DCS office. • Security concern regarding persons associated with crime associated with the parole office. • Concerns that the DCS proposal will cause a decrease in the property values in the area. <p>Note: The comment specifically refers to the DCS Office Use. No specific comment is made regarding the existing Stock Theft Unit or proposed subdivision.</p>	<ul style="list-style-type: none"> • Refer to response 1 • Refer to response 6 • Refer to response 5. • Refer to response 7.
29	Charles le Roux & Elouise Naude No street address provided.	<p>Objects to the proposed rezoning and subdivision of Erf 1220 to provide land uses such as Authority Zone and Transport Zone.</p> <p>Reasons provided:</p> <ol style="list-style-type: none"> 1. Public participation procedures: <ol style="list-style-type: none"> a. According to the information received the public participation procedures were not in accordance with the current regulations, therefore the principle of good administration is under question. It is therefore requested that the applicant provide proof that the site notices were placed in conspicuous places and also visible for the entire public participation period as specified when applying for a rezoning and subdivisions to the Swartland Municipality. b. The objector also wishes to raise the question whether the public participation procedures are representative / relevant as the process was conducted over school holidays and public holidays. 	<p>General objection to the rezoning and subdivision.</p> <p>The objector questions the validity of the public participation process followed, particularly requesting:</p> <ol style="list-style-type: none"> a. Proof of site notices 	<ul style="list-style-type: none"> • Refer to response 1 • The public participation process was dealt with by the Swartland Municipality not by the applicant. Section 45(3) of the Swartland Municipality: Municipal Land Use Planning By-Law—2020 notes that: “The municipality may determine specific methods of service and notification in respect of applications and appeals including— (a) conformation specifications relating to matters such as size, scale, colour, hard copy, number of copies, electronic format and file format; (b) the manner of submission to and communication with the municipality; (c) the method by which a person may be notified;

		<p>2. Unauthorised land uses should not be used/ be considered as a reasonable motivation as to why other similar uses should also be supported on the site:</p> <ol style="list-style-type: none"> From the application submitted/ memorandum submitted it is clear that the surrounding area and land uses are residential of nature. By arguing that an UNAUTHORISED land use is already located on the property, does not constitute that the area is not "Residential". By approving the rezoning to "Authority Zone" and "Transport Zone 2" the residential character of the area will be impacted/ in jeopardy. The objector is of the opinion that these land uses should rather be allowed/ approved in the CBD area of Malmesbury instead of in a residential area. By approving the application under the guise that the existing "residential" 	<p>b. The timing of commenting period relative to public holidays and school holidays.</p> <p>Existing unauthorised non-residential land uses should not be used to motivate why similar non-residential uses should be supported on the site.</p>	<p>(d) other information requirements; and (e) other procedural requirements.</p> <ul style="list-style-type: none"> In terms of the above the Swartland Municipality prescribes the public participation procedure, and undertakes the process of identifying and providing notice to relevant stakeholders. <p>b. The Swartland Municipality determined the timing of the commenting period, which in this case ran from 18 March 2022 to 19 April 2022.</p> <p>a. The site has been used for national government purposes since it was acquired in 1918. Whereas the manor house has been used as a residence in the past, it has been vacant since approximately 2014. The contemporary house constructed in the period 1974-1977 on the southern third of the property was intended to become the Police Station Commander's residence. However, the house is never occupied for this purpose and therefore reallocated to the SAPS, whose Stock Theft Unit now occupies the premises as offices. Therefore, firstly, the site has always been associated to government uses, and secondly, the site has not been performing as a residential site for a number of years. The</p>
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		<p>buildings will be used for the offices, what guarantees can be given that these buildings will not be demolished and rebuilt as typical office buildings.</p> <p>3. Impact on the surrounding area:</p> <p>a. Increase in traffic – As mentioned in the report, there will be permanent staff operating in the buildings. Even though the number of staff listed in the motivational memorandum is low, it cannot be guaranteed that the number of staff will be limited.</p> <p>b. Increase in noise – Any change in land uses that is not solely residential will have an increase in cars, noise and will have a negative impact on a residential area.</p> <p>4. Accessibility</p> <p>a. The motivational memorandum refers to the high accessibility of the site. The objector is of the opinion that this</p>		<p>application intends to regularise the existing unauthorised use of the Stock Theft Unit office and to enable a sustainable and appropriate repurposing of the existing historical building.</p> <p>Refer to response 2 where it is noted that the current Swartland SDF indicates that Authority Use is one of the proposed land uses for the site</p> <p>b. Refer to response 2 and 3.</p> <p>c. Refer to response 3.</p> <p>d. Refer to response 10.</p> <p>3</p> <p>a. Refer to response 4. The application notes the extent and nature of the existing and proposed uses. This could become conditions of approval limiting the use. The use of the Old Residency is further due to it being a heritage building which therefore requires further approvals from HWC in order to make any changes to the building.</p> <p>b. The SAPS Stock Theft Unit is an existing use on the site. The proposed DCS Corrections Office will introduce an additional 20 staff onto the site but only during normal business hours. Refer to response 6.</p> <p>4</p> <p>a. Noted. The site is approximately 550m from the current DCS offices which well within comfortable walking distance. The</p>
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		<p>statement is not entirely correct as the sits should have been more accessibly closer or within the CBD where regular public transportation modes exist.</p> <p>b. Even though the town planning regulations only require one (1) parking bay per 25m² gross leasable area, the report referred to a total number of 32 individuals who will operate on site. The current parking provided only accommodate 28 parking bays. This is a great concern as the current layout does not even accommodate one car per employee and it is without any additional appointments of staff.</p> <p>c. Furthermore, “overflow” parking is also of concern as there was no mention if any visitors and no visitor parking bays are indicated on the premises/ application submitted.</p> <p>5. Specialist Studies and Reports</p> <p>a. The objector acknowledges the fact that specialists were involved and consulted on proposed usages; however, it is not representative of what the impact of these uses would have on the infrastructure and surrounding area. Specialist studies/ reports should be compiled, considering the total usage (“worst-case scenario”) that would be allowed/ approved on the site and not only the current situation/ scope.</p> <p>6. Need & desirability</p> <p>a. The objector does not argue that there is no need and desirability of the land uses applied for in the application; however, the objector is of the opinion that these uses should rather be located in the CBD area</p>		<p>current offices are not owned by the state and are leased at the expense to the state. The present offices does not meet the DCS needs.</p> <p>b. & c. the provided parking meets the parking requirements of the Swartland Municipal Planning By-law 2020, and there is more than sufficient space on site to accommodate more parking if required.</p> <p>5</p> <p>a. Engineering services studies were based on the proposed development including the existing SAPS Stock Theft Unit and the proposed DCS Corrections Office not on what the maximum capacity of the site could be. Any increase to the development would need updated services reports to confirm service availability. The reports did however confirm that there is more than sufficient capacity available.</p> <p>b. Noted. Refer to response 2, 3, 6 and 8.</p>
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		<p>where it is more accessible and visible to the public. In addition, similar government uses are already established in the northern part of Malmesbury CBD, and the site would benefit if it were located in the same area.</p> <p>7. General Perception and Property Values</p> <p>a. The proposed rezonings will impact the property values of the area as it will no longer be seen/ classified as a residential neighbourhood.</p> <p>It is therefore proposed that the SAPS Stock Theft Unit rather be considered in a “non-residential” area/ zoning, where the impact of the land uses will not affect the residents in the area so severely. More suitable locations of government-owned land should be considered for the above-mentioned uses that are located on non-residential areas/ zones.</p> <p>The objector wishes to be advised timeously of the site inspections and/or hearings in the relation to the matter. The objector also wishes to add further statements and concerns when additional information comes to light. The author reserves the right to expand their objections on the date of the planning tribunal or hearing.</p>		<p>7.</p> <p>a. Refer to response 3 and 7</p> <p>Noted. Please refer to responses 3, 8 and 9.</p> <p>Noted</p>
30	Nita Braxton 17 Bergzicht Street, Malmesbury	<p>Objects to the rezoning from residential to Authority Zone and Transport Zone 2.</p> <p>The author notes that their safety is a challenge under normal circumstances and that the rezoning will deface the neighbourhood and cause safety to become an even greater challenge. There are many widows and spinsters in the neighbourhood who will be exposed to dangers.</p>	<p>General objection to the rezoning and subdivision.</p> <ul style="list-style-type: none"> The rezoning to permit the proposed land uses will negatively change the quiet historical residential character of the area Security concerns associated with the uses permitted by the rezoning. 	<ul style="list-style-type: none"> Refer to response 1 Refer to response 2 The comment did not clarify if the perceived safety risk relates to the existing Stock Theft Unit or the proposed DCS office. For a response regarding security concerns relating

				to the DCS office, please refer to responses 4, 5 and 6.
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Annexure 1
Letter from Department Correctional Services



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

Private Bag X136, PRETORIA, 0001, C/O WF Nkomo & Sophie de Bruyn Streets, PRETORIA
Tel (012) 307-2212, Cell 066 485 3508

Ref No : 7/2/1/1/1-Malmesbury
Enquiries : L.V Masuku
Telephone : (012) 307-2212

Dear Ms. B Musvoto

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: DCS RESPONSE TO OBJECTIONS: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

Social Reintegration (Community Corrections offices) is for the integration of probationers and parolees into the community as part of the Department's rehabilitation programmes. It is a priority for Government to deliver services closer to communities, whilst ensuring that office facilities that are in a safe and humane condition, hence the need for alternative and suitable office accommodation. While offenders are on parole they are under the supervision of correctional officers based in the various communities across the country, the view of the Department is that the community should in fact assume a bigger role and responsibility in ensuring that corrections does take place.

Therefore, the community corrections system fulfils a very important role in the social reintegration of probationers and parolees. Below is the summary of day to day administrative operations and functions of a Community Correction office:

- ❖ The office will be open from 07h00 till 23h00 from Monday till Friday;
- ❖ There will be rehabilitation programmes rendered by professional Social Workers;
- ❖ The probationers and parolees will only visit the offices by appointment only during normal business hours;
- ❖ Correctional officials will be responsible for the administration of probationers and parolees;
- ❖ State vehicles as well as vehicles of the officials will be parked during the said hours;

Lefapha la Ditirelo tsa Bosiamisi · Lefapha la Ditshebeletso tsa Tshokoloho · uMnyango weSevisi yokuQondisa iZimilo Muhasho wa Tshumelo
dza Vhululamisi · Departement van Korrektiewe Dienste · Kgoro ya Ditirelo tsa Tshokollo Ndawulo ya Vululamisi bya Vabohliwa · LiTiko le
Tekucondziswa kweSimilo · ISebe leeNkonzo zoLuleko UmNyango WezobuLungiswa bokuziPhatha

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- ❖ Some of the Correctional officials from time to time will be in the field visiting probationers and parolees to confirm their physical residential addresses and visitation to their places of employment/ work; and
- ❖ As part of the rehabilitation programmes there will be offenders that will be performing cleaning duties in the offices and around the offices.

The current condition of the existing privately leased building is not beneficial to Department of Correctional Services (DCS) and does not meet the requirements of the Community Corrections needs and in some aspects may contravene the Occupational Health and Safety Act of 1993. The current Community Corrections office situated closer to Voortrekker Street is limited in terms of available office space and it does not meet the space needs of DCS. Notwithstanding the above, private lease office accommodation are a huge burden on the fiscus and government is gradually exploring the utilization of existing state assets such as Erf 1220 Malmesbury to save costs and eradicate private lease office accommodation. It is the Department's core function to provide facilities that are safe and humane for the benefit of the officials, stakeholders and general public.

The historic manor building situated on Erf 1220 Malmesbury has been vacant for a number of years and as a consequence it is in a state of decay and disrepair, should it continue to remain vacant and unoccupied for the foreseeable future there will be a potential threat of illegal occupation thus posing a security threats to the immediate community. The current state of despair will also have a negative effect to the aesthetics of neighbourhood and this proposed development will enhance and rejuvenate the local surroundings thus adding much needed value to local property market. Furthermore, the establishment of a Community Corrections office on the said property will add much needed security and visibility for the area, thus contributing to security in the positive manner. The proposed new office will ensure there is adequate street lighting and visibility during the evenings. The visitation of parolees during the normal business hours will not pose any security danger to the immediate community, as all parolees and probationers are classified into various supervision categories for effective management and monitoring.

In addition, the existing manor building is old than 60 years old thus protected by the National Heritage Resource Act 25 of 1999, as a consequence the Department of Correctional Services and National Department of Public Works and Infrastructure will preserve architectural heritage and undertake continuous maintenance for the benefit of the public thus enhancing the aesthetics of surrounding community. The proposed Subdivisional Plan, proposes that Remainder of Erf 1220 Malmesbury will measure 10666.76m² in extent, this will enable sufficient parking space for both employees and stakeholders visiting the site; this site will also be able to meet all parking requirements, including safe entrance/egress points to the satisfaction of the Swartland Local Municipality.

Very often there are stigmas attached to these types of projects and community corrections offices, therefore the social integration of probationers and parolees is deemed as an important function to destigmatise community corrections whilst ensuring more accessibility of community corrections to the various communities and residential neighbourhoods. The Swartland Local Municipality is therefore implored to consider this proposed Community Corrections Office in the context of providing an essential service to the community of Malmesbury and surroundings, whilst meeting the administrative functions for the Department. The land use application in its entirety meets the need and desirability in accordance to the Swartland Integrated Zoning Scheme Regulations thus contributing to positively to the social, economic and security needs of Malmesbury and surrounding catchment areas.



L.V MASUKU

CHIEF TOWN AND REGIONAL PLANNER

DATE: 19 MAY 2022

cc: NM and Associates-Planners and Designers: Mr. Shahiem Dalvie

Concerns	Response from DCS
<p>Clarification of the operations of the DCS office in the historic manor house. What is the exact purpose of the offices and what activities will take place there?</p>	<p>The purpose of the DCS office in the historic manor house would be to utilize it as a Community Corrections Office. This will be a Central Administration Office where community based sentences will be administered.</p> <ul style="list-style-type: none"> • Its main aim is to promote an integrated and efficient justice system to the South African Community • It will promote confidence in non-custodial measures with the judiciary and communities <p>To explain the administration function :</p> <ul style="list-style-type: none"> • All people sentenced to non-custodial sentences from courts and correctional centres will be admitted at the office which will be managing central database and then further dealings and engagements will be dealt with in satellite offices \ community service points. • Operational hours of the office will only be from 08H00 – 16H00 • The visits to this office per month is averaged at 10 as all visits are on appointment or admission. • The main office visits are conducted in community service points which are in different areas. (where parolees are residing) • Violators will be taken directly to prison • The Community Corrections office and its environment will enjoy high priority security as measures of promoting safety will be applied.

<p>Clarification of the times and patterns of staff and visitors accessing the DCS offices. Particularly, the operational hours of the offices. A great number of objections relates to the comparison of the new offices to the existing “Parole Office” in town, which is open 24 hours, 7 days a week. Also, which vehicles will be allowed to access and park on the site?</p>	<ul style="list-style-type: none"> ○ Operational hours of the office will only be from 08H00 – 16H00 where personnel and visitors will be accessing the building. ○ Flexi-hour shifts only for staff will be from 14H00 – 22H00 as no parolees or probationers are allowed at the office after hours. This shift in particular is for home visitations. ○ The existing office in town works from 08H00 till 16H00 in line with labour legislations. Weekends offices are opened at 07H00 for reporting and thereafter officials are dispatched for home visits. ○ Vehicles which are to be parked at the office are employee’s private vehicles, state vehicles, private vehicles on appointment (if any).
<p>In general, can DCS appease the safety concerns of the surrounding community, by confirming that community safety will not be affected? If there is a safety risk, are there any mitigations measures from DCS’s side to ameliorate concerns, for example committing to increased street lighting and safety patrolling of the area, or similar?</p>	<ul style="list-style-type: none"> ○ It is our responsibility to ensure all the people of South Africa feel safe in all our activities. ○ There building will be under 24 hour armed response from security services stakeholders an advantage of more visibility of security vehicles in the area. ○ In the history of our current office since 2004 to date there has been no threatful or negative security related incidents to the surrounding community or shops, the school and school children. ○ The renovation plan will include fencing, lighting, and any other measures required for security purposes.

Herman Olivier

From: Herman Olivier
Sent: Wednesday, 14 September 2022 08:43
To: shahiem@visionplan.co.za
Cc: Alwyn Zaayman; Alwyn Burger; sandra@visionplan.co.za; Registrasie Email
Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Mr Dalvie

Your e-mail dated 26 August 2022 refers.

As discussed telephonically this is indeed a special case.

During the compilation of the report as well as the evaluation of the application together with the significant number of objections received against the proposal, it was determined that, from a Town Planning point of view, the application cannot be recommended for approval as proposed.

As discussed, the report is yet to be presented to the Swartland Municipal Planning Tribunal, however we did have an informal discussion. The outcome of which was not positive and it was suggested that the Municipality set up a meeting with the Department in order to assist in the identification of alternatives that is consistent with the Municipal SDF, is deemed desirable as well as being in the interest of the community of Malmesbury. Secondly, the Tribunal members were also of opinion that the comments / conditions from Heritage Western Cape is a key consideration given the extent of the property, the historical- as well as conservation significance of the property.

It is noted that the Department has the need to relocate their offices and that the dwelling on erf 1220 is currently not being used for its purpose.

The proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings is not seen desirable. It is not in-line with the spatial planning goals as well as does not contribute to densification. As the rezoning effectively sterilises the property for any other development and will remain like that for years to come. This is deemed to be in contradiction with the MSDF, 2019 which promotes the effective use of property and services as well as supports densification.

The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area.

Not one of the proposed offices have their access taken from the activity street, St Thomas Street. Both offices are accessed off Pinard Street which is a low order residential street.

Furthermore, there are much more advantages in clustering public administration / functional facilities for example

- Cutting down on the amount of land required
- Promotion of the full use of buildings and land
- Lower building cost
- Lower running cost
- Minimum maintenance cost
- Convenience, as all services are located in one centre. People can accomplish a number of tasks within a single journey which equates to savings in time, money and effort and has the net effect of improving quality of life.
- Provision of greater security
- Sharing of resources

Therefore, in order to seek an alternative solution or location for the proposed Community Corrections Office, in a location that could be considered favourable, it is advised that the current proposal / application be withdrawn and that the department and the Municipality work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDP, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves.

Kind regards

Herman Olivier (Pr.Pln. A/204/2010)

Stadsbeplanner en GIS Administrateur | Town Planner & GIS Administrator

T: 022 487 9400 M: 082 696 3755 E: olivierh@swartland.org.za



CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11

ONS GEE GESTALTE AAN 'N BETER TOEKOMS!
WE SHAPE A BETTER FUTURE!
SAKHA IKUSASA ELINGCONO!

From: Alwyn Burger <alwynburger@swartland.org.za>

Sent: Monday, 12 September 2022 08:16

To: Herman Olivier <OlivierH@swartland.org.za>

Subject: FW: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Môre Herman

Sien asb die eposse hieronder.

Antwoord asb vir Shahiem voor die einde van vandag.

Groete

Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za



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SAKHA IKUSASA ELINGCONO!

From: Shahiem Dalvie <shahiem@visionplan.co.za>
Sent: Friday, September 09, 2022 3:06 PM
To: Alwyn Burger <alwynburger@swartland.org.za>
Cc: 'Sandra van der Merwe' <sandra@visionplan.co.za>
Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Hi Alwyn

Can you please provide feedback on the status of the Rezoning and Subdivision application for Erf 1220 Malmesbury.

Kind Regards

Shahiem Dalvie | Director and Technical Planner

nm & associates planners and designers

T: +27 (0)21 671 1138/1281 | F: +27 (0)21 671 0930 | www.nmassociates.co.za

Postal Address: PO Box 44386, Claremont, Cape Town, 7735

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From: Shahiem Dalvie [<mailto:shahiem@visionplan.co.za>]
Sent: 26 August 2022 12:51 PM
To: 'Alwyn Burger' <alwynburger@swartland.org.za>
Cc: 'Sandra van der Merwe' <sandra@visionplan.co.za>
Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Hi Alwyn

With reference to the email below and a subsequent telephone discussion I had with Herman Olivier wherein he advised that the municipality was considering possibly refusing the application on the basis of desirability and compatibility. Could you please advise as to the status of the application?

Kind Regards

Shahiem Dalvie | Director and Technical Planner

nm & associates planners and designers

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From: Shahiem Dalvie [<mailto:shahiem@visionplan.co.za>]
Sent: 11 August 2022 12:49 PM
To: 'Alwyn Burger' <alwynburger@swartland.org.za>
Cc: 'Sandra van der Merwe' <sandra@visionplan.co.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Hi Alwyn

Following on from your email below and a subsequent telephone discussion with someone in the planning department where they advised that the July MPT was cancelled and the application will be considered at the MPT meeting on 10 August 2022, can you please advise if the application was considered yesterday and if so what the outcome was?

Kind Regards

Shahiem Dalvie | Director and Technical Planner
nm & associates planners and designers

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From: Alwyn Burger [<mailto:alwynburger@swartland.org.za>]

Sent: 06 June 2022 11:21 AM

To: Shahiem Dalvie <shahiem@visionplan.co.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>; 'Sandra van der Merwe' <sandra@visionplan.co.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Shahiem

The MPT meeting will take place on 13 July 2022.

Regards

Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za



From: Shahiem Dalvie <shahiem@visionplan.co.za>
Sent: Monday, June 06, 2022 10:48 AM
To: Alwyn Burger <alwynburger@swartland.org.za>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>; 'Sandra van der Merwe' <sandra@visionplan.co.za>
Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Good Morning Alwyn

Thank you for advising on the way forward.

Can you please advise when the July MPT meeting will be held?

Kind Regards

Shahiem Dalvie | Director and Technical Planner
nm & associates planners and designers

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From: Alwyn Burger [<mailto:alwynburger@swartland.org.za>]
Sent: 06 June 2022 09:42 AM
To: Shahiem Dalvie <shahiem@visionplan.co.za>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>; 'Sandra van der Merwe' <sandra@visionplan.co.za>
Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Morning Shahiem

Due to the timeframe to finalize the HIA, Swartland Municipality will finalize the planning report to the Municipality Planning Tribunal for decision making in July 2022.

If approved, the relevant conditions of approval will be made part of the decision.

Regards

Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za



From: Shahiem Dalvie <shahiem@visionplan.co.za>

Sent: Monday, May 30, 2022 3:34 PM

To: Alwyn Burger <alwynburger@swartland.org.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>; 'Sandra van der Merwe' <sandra@visionplan.co.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Dear Alwyn

Our DPWI Client has confirmed that the proposed timeframe for the completion of the **HIA is July 2023**.

With regards to your email below and the decision to wait for a decision from HWC, we query this decision and offer an **alternative solution** based on our experience on a previous application.

We had a Consent Use application in Stellenbosch Municipality that was approved prior to a decision from HWC being available. In this case the municipality imposed the following conditions of approval:

2.2.1 The approval applies only to the proposal as indicated above, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposal land use;

2.2.11 A permit from the Heritage Western Cape must be obtained and attached on building plan application;

2.2.12 Building plans must be submitted to the Municipality for approval;

These conditions would serve to limit the approval to the development being described and applied for in the motivation report. It reiterates that all other legal requirements must be followed and necessary approvals obtained. It requires that a building plan must be submitted to the Municipality for approval and that a HWC permit must be obtained and placed on the building plan application.

These conditions would therefore provide the assurance that the HWC heritage decision and conditions are taken into account at the time of the building plan submission.

Your feedback in this regards would be appreciated.

Kind Regards

Shahiem Dalvie | Director and Technical Planner

nm & associates planners and designers

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From: Alwyn Burger [<mailto:alwynburger@swartland.org.za>]

Sent: 26 May 2022 04:45 PM

To: Shahiem Dalvie <shahiem@visionplan.co.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Good afternoon Shahiem

We are in the process of compiling a report to our Municipal Planning Tribunal for decision making.

I confirmed to you that the HWC HIA needs to be concluded before a decision can be made on the application.

According to the NID certain information was requested by HWC. Can you please give an indication as to how for the process are in the HIA for HWC to issue an decision.

We are of the opinion that the outcome of the decision of HWC will have an impact on the land use decision. Therefore the report cannot be finalized until HWC has issued a decision.

Regards

Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 **F:** 022-4879440 **M:** 0764809870

E: alwynburger@swartland.org.za



From: Alwyn Burger

Sent: Monday, May 23, 2022 8:29 AM

To: Shahiem Dalvie <shahiem@visionplan.co.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Morning Shahiem

We shall get in contact with you if there are any queries.

We shall prepare a report for decision making by the MPT in June 2022.

Regards

Alwyn Burger

Tch. PIn B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za



From: Shahiem Dalvie <shahiem@visionplan.co.za>

Sent: Friday, May 20, 2022 7:52 PM

To: Alwyn Burger <alwynburger@swartland.org.za>; Chanice Dyason <PlanIntern1@swartland.org.za>

Cc: 'Sandra van der Merwe' <sandra@visionplan.co.za>; Blandina.Musvoto@dpw.gov.za

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Dear Alwyn and Chanice

Attached please find NM & Associates' response to the comments and objections received.

Please contact us if you have any queries in this regard.

Kind Regards

Shahiem Dalvie | Director and Technical Planner

nm & associates planners and designers

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From: Chanice Dyason [<mailto:PlanIntern1@swartland.org.za>]

Sent: 22 April 2022 10:49 AM

To: 'shahiem@visionplan.co.za' <shahiem@visionplan.co.za>

Subject: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury

Goeiemôre Meneer/Mevrou

Aangeheg vind besware vir u aandag.

Groete

Chanice Dyason

Intern: Division Planning, Department Development Services

T: 022 487 9400 | F: 022 487 9440 |



From: scan@swartland.org.za <scan@swartland.org.za>

Sent: Friday, April 22, 2022 11:18 AM

To: Chanice Dyason <PlanIntern1@swartland.org.za>

Subject:

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correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

ANNEXURE K

Private Bag X136, PRETORIA, 0001, C/O WF Nkomo & Sophie de Bruyn Streets, PRETORIA
Tel (012) 307-2212, Cell 066 485 3508

Ref No : 7/2/1/1/1-MALMESBURY
Enquiries : L.V MASUKU
Telephone : (012) 307-2212

Dear Colleague, Mr. Herman Olivier

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

It is with great disappointment that we receive an email outlining the Swartland Local Municipality's intentions to refuse DCS's Land Use Application on Erf 1220 Malmesbury. In fact this decision is contrary to the assurances that the Municipality had made to our Professional Team that the land use controls can be able mitigate the concerns raised during the Public Consultation Process.

The email submission from the Swartland Local Municipality has submitted the following summary of points as it's justification for a refusal:

- Outstanding comments or conditions from the Heritage Western Cape on the development proposal;
- Proposal to restrict the usage to the existing buildings is not seen as desirable and not in line with densification and spatial planning goals;
- The proposed rezoning sterilizes the property for any other developments;
- Administrative office are in conflict the general sense of place within the neighbourhood and will detract from the character of the area;
- Not one of the proposed offices has access taken from the activity street, St Thomas. Access points are taken from Pinnard Street which is low order residential street;
- Advantages in clustering public administration and functional facilities. Examples listed are as follows:
 1. Cutting down on the amount of land required;
 2. Promotion of the full use of buildings and land;
 3. Lower building cost;
 4. Lower running cost;
 5. Minimum maintenance cost;

6. Convenience, as all services are located in one centre. People can accomplish a number of tasks within a single journey which equates to savings in time, money and effort and has the net effect of improving quality of life;
7. Provision of greater security;
8. Sharing of resources.

From the onset of the submission of the Land Use Application, the Department of Correctional Services (DCS) was transparent to highlight that the use of Erf 1220 Malmesbury was prompted by the need to save State financial resources on private lease office accommodation at Malmesbury. DCS is currently leasing a private office accommodation office at Malmesbury for its Community Corrections needs for the entire West Coast District. The continued reliance and utilization of private lease office accommodation is not financially sustainable for the Department and this has become a huge financial burden on the fiscus leading to enormous budgetary constraints. The submission by the Swartland Local Municipality suggest that DCS must explore alternative solutions that may promote the use of private lease office accommodation and burden the South African tax payers with more resources for private lease office accommodation. This goes against the spirit of the efficient use of public resources and saving of public financial and fiscal resources.

The Department of Correctional Services wishes to address some of technical town planning points that the Municipality has selected to ignore or dismiss.

- a) In terms of the Swartland Spatial Development Framework (2017-2022) Erf 1220 Malmesbury is located in Ward 8 which defines the objective of Public Institutions as to *"sustain material, physical and social well-being"*. The Swartland Spatial Development Framework vision seeks to promote and enhance the provision of Public Institutions in this area, the intention to refuse the application is contrary to the vision and principles embedded in the Swartland Spatial Development Framework. In essence the municipality is discouraging the provision of public institutions and amenities in close proximity of the communities and being situated on State Owned Land.¹ The promotion of alternative solutions that will require the State to lease private property is not supported. Furthermore, the proposed Community Corrections office is deemed as an ***"Authority Use-it is a use which is practiced by or on behalf of a public authority.....and includes a use practiced the State including correctional institutions"***.² It is common course in town planning practice that Public Institutions are not only limited to existing schools, clinics and other existing amenities in particular area, but overtime the need arises for

¹ Swartland Spatial Development Framework: 2017-2022: Public Institutions-Page 248.

² Swartland Municipal Land Use Planning By-law 2020-Legal Definition of Authority Use.

additional Public Institutions to be introduced in a neighbourhood to cater for the broader needs of the community and the public that may have arisen. The intention to refuse a Public Institution is contrary to the principles of Spatial Justice, Efficiency and Good Administration as provided by the Spatial Planning and Land Use Management Act No.16 of 2013.³

- b) By its own submission and confirmation the Swartland Municipality confirms that the Erf 1220 Malmesbury is located within the Urban Edge of the Swartland Spatial Development Framework. The Study Area, Ward 8 is classified and defined in Land Use Zone C and is characterised as having *"a mixed land use character consisting of low and medium density residential uses and also supported functions like crèches, schools, hostels and a hospital. Densification and mixed uses are allowed for in the transition areas next to the commercial and industrial areas and along the activity street"*.⁴ Authority uses such offices for Community Corrections are supported and permitted in terms of the Land Use Zone C and mixed land uses that are supported in the area. In addition, there are a number of non-residential uses that have been supported by the municipality in this area, these uses range from beauty salons, florists shop, guesthouses, BnB's, schools, hospital and other ancillary uses. These non-residential uses confirm that indeed a mixed use character is deeply entrenched in the area; as such it has been highlighted and declared by the Swartland Spatial Development Framework. In legal terms this is considered to be a land use precedent for the area. This is further reinforced by the fact that, Erf 1220 Malmesbury is located along an Activity Street, that being St Thomas Street. The site has a direct access to the Activity Street, St Thomas Street and therefore access/exit can easily be provided on St Thomas Street to satisfy the municipality and the general public. This option is available for the municipality to consider and enforce.
- c) The submissions that have been put forward by the Municipality to justify the refusal are considered to be flawed and fall short of Section 3 (b), (d) and (e) of the Spatial Planning and Land Use Management Act No.16 of 2013 including the same town planning principles of clustering public administration, sterilization of land, lacking desirability etc. The municipality has failed to consider the following set of facts:
- i. Erf 1220 Malmesbury will promote the sustainable and efficient use of land, including public financial resources. The land measures 1.3 hectares in extent, this land resource will be efficiently shared and used by two State Organs i.e. the SAPS Stock Theft Unit and DCS Community Corrections Unit. The remainder and balance of the land will still be available for future public

³ Section 7: Development principles of the Spatial Planning and Land Use Management Act No.16 of 2013

⁴ Swartland Spatial Development Framework: 2017-2022: Land Use Proposals-Mixed Use-Page 250.

- authority uses and other State Organs and including the Municipality should there be a need establish public administration offices in the area. This will promote the clustering of public or municipal administration and sharing of land resources. Therefore the notion that the land with will be sterile and lacking desirability is technically flawed and without any town planning merit.
- ii. Erf 1220 Malmesbury will promote full use of buildings and land. All the existing buildings will be utilised and this has been confirmed in the Land Use Application. The remainder of unused land will be available for the future public administration uses in the area. The Municipality is implored to consider a futuristic view that will benefit current and future generations and the general public. The Proposed Subdivisional Diagram can be amended to create 1 or 2 additional erven that can be earmarked for the future authority zone sites for future public administration offices in the area. The amendment of the Proposed Subdivisional can be considered to the satisfaction of the Swartland Local Municipality. The site is larger enough to be shared by DCS and other State Organs; DCS open to engagements in respect of this proposal. This will ensure efficient use of land for the benefit of the public and satisfy the legal parameters of Section 3 (b), (d) and (e) of the Spatial Planning and Land Use Management Act No.16 of 2013.
 - iii. The establishment of DCS on Erf 1220 Malmesbury will promote greater security for the area. The security benefits and enhancement of security were explained in great detail in DCS's submission to the Responses of Objections.
 - iv. The Need and Desirability of this development proposal has been well motivated in Land Use Application. This is based on sound town planning principles, the correct interpretation of statutory policies and the applicable spatial planning legal framework.
- d) It was well documented that the Land Use Application attracted a number of objections during the Public Participation and Consultation Process. A number of these objections centred on concerns of security and safety, increased traffic, impact of the surrounding neighbourhood and the general lack of understanding of what a Community Corrections Office entails. DCS and NM Planners in their submissions to Responses of Objections addressed these objections in great detail. It is recognised that there are stigmas attached to Community Corrections Offices, it will be a travesty of justice for Swartland Local Municipality to come to conclusion that this type of use out is out of character to this surrounding area. By their very nature, Community Corrections Offices function efficiently when located in mixed uses areas and in residential areas. This is where the "Need" of Community Corrections is premised; probationers and parolees are living in residential communities therefore this public administration office will best function if located in close proximity to

communities and other functional areas. In various municipalities across the Republic of South Africa, Community Corrections Offices are located in residential areas and residential neighbourhoods; communities have embraced the critical need and function that Community Corrections play in the rehabilitation of probationers and parolees. The social integration of probationers and parolees takes place in residential communities not in isolated private office accommodation but in publicly owned office spaces. It is common course that the **NIMBY Syndrome** is often a factor when there is strong opposition new a public amenity in an area. NIMBY, an acronym that stands for *"Not In My Back Yard, is used to characterise the opposition of residents to proposed development plan in their area. NIMBY describes the phenomenon in which communities will adamantly resist a development plan near their area regardless of the positive or negative externalities are generated"*⁵.

Section 42 (1) of the Spatial Planning and Land Use Management Act No.16 of 2013 stipulates that there are a number principles and factors that the Municipal Planning Tribunal must consider before deciding an application; the decision must be consistent with the municipal spatial development framework plan, the public interest, the facts and circumstances relevant to the application, the respective rights and obligation of all those affected amongst others. The following set of facts must be considered by the Municipal Planning Tribunal:

- In the Land Use Application and in this submission DCS had demonstrated and quoted the Swartland Municipal Spatial Development Plan (Land Use Zone C Proposals for Malmesbury) supports the rezoning of Erf 1220 Malmesbury for office use;
- A delicate balancing of public interest must be made by the Municipal Planning Tribunal. The Need and Desirability of the development proposal has clearly been demonstrated and articulated in this submission, including the need to save State resources on private lease accommodation. Notwithstanding the objections received, none of the objectors have demonstrated that the Community Corrections office is not in the public interest. While the community of Malmesbury is exercising its constitutional rights to the Land Use Application, public interests have to be carefully considered by all spheres of government. An opinion is held that, there are no adverse impacts and negative effects that will be generated by the proposed development. There is various mitigation measures that the Swartland Local Municipality and the Department of Correctional Services can impose to mitigate all the concerns raised in the Public Consultation Stage, these measures ought to be considered and explored.

⁵ NIMBY Syndrome definition: Online Encyclopaedia Britannica and Online Corporate Finance Institute.

- The respective rights and obligations of all those affected must be considered by the Municipal Planning Tribunal. These include the public interest of the local community members, parolees and probationers, DCS officials who are currently confined to a private lease building that does not meet Occupational Health and Safety requirements and the interests of the Department of Correctional Services to its constitutional obligations in terms of its mandate and legal requirements of the Correctional Services Act No 11 of 1998 to provide Community Corrections facilities.
- e) Prior to the submission of Land Use Application with Swartland Local Municipality various meetings and consultations were held with Municipal Town Planning Officials. The decision to submit the Land Use Application was premised on positive and fruitful engagements that the Department of Public Works and Infrastructure, the Department of Correctional Services and the Project Professional Team held with Swartland Local Municipality Officials. The Swartland Local Municipality Officials even highlighted that despite a number of objections received; the Swartland Local Municipality can mitigate and address all the concerns raised by means of Conditions of Approval. A Total refusal is simply goes against the spirit of intergovernmental relations, support for public institutional uses and saving of State financial resources.
- f) Section 38 of National Heritage Resources Act No. 25 of 1999 stipulates that any person who intends to undertake a development that triggers any of the categories listed in this section must at the earliest stages of initiating the development, notify the responsible Heritage Resources Authority. Notification to Develop (NID) was submitted to Heritage Western Cape on 17th May 2021. In response to the Notification to Develop, Heritage Western Cape advised that a detailed Heritage Impact Assessment (HIA) has to be submitted to Heritage Western Cape. The Department of Public Works and Infrastructure and Department of Correctional Services will duly adhere to the requirement to submit a detailed Heritage Impact Assessment. **The two organs of State are committed to preserve and maintain the Victorian-style villa/ manor and outbuildings situated on the Erf 1220 Malmesbury.** Presently, the existing Victorian-style manor and outbuildings are in a state of decay and disrepair, should the existing building continue to remain vacant and unoccupied for the foreseeable future there will be a potential risk of illegal occupation thus posing greater security threats to the local community.

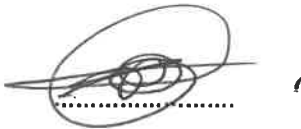
In light of the above submission, it is considered that the proposed solution to find an alternative office building to lease within the Central Business District of Malmesbury will continue to burden the South African Tax Payers with more resources for private leases and it is the Departments submission that there no financial resources for a private lease

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

accommodation. A Cost Benefit Analysis undertaken by DCS has revealed that the Department will save R378 810.00 per annum on private lease office accommodation at Malmesbury; these savings for Government will ensure efficient use of State financial resources and enhance good tools of public expenditure. Therefore, the proposal to consider alternative private accommodation will impose a huge cost to the fiscus and it is our collective responsibility as various spheres of Government and Organs of State to save State Financial Resources. Notwithstanding the above, it is a constitutional and legal requirement of the Correctional Services Act No. 11 of 1998 to provide office accommodation for Community Corrections and render social integration needs to probationers and parolees in residential communities.

The Department of Correctional Services is open engagements to find mitigation measures and to address community concerns that have been raised as part of the Public Consultation Process. An appeal is made for the Swartland Local Municipality to partner with the Department of Correctional Services to address the key areas of concern and we further appeal that the Municipality awaits the submission and outcome of the Heritage Impact Assessment (HIA) to Heritage Western Cape before the referral of the Land Use Application to the Municipal Planning Tribunal for a final decision. DCS would like to place all the facts before the Municipal Planning Tribunal. A humble request is made for this submission to be also considered as a supplementary submission to the Municipal Planning Tribunal when all outstanding processes have been concluded.

Yours sincerely,



L.V MASUKU

CHIEF TOWN AND REGIONAL PLANNER

ON BEHALF OF THE NATIONAL DEPARTMENT CORRECTIONAL SERVICES

DATE: 29/09/2022

cc: Department of Correctional Services: Director Prof Services: Mrs Dekha Katenga.

Department of Public Works and Infrastructure: Chief Town & Regional Planner: Ms Blandina Musvoto.

NM and Associates-Planners and Designers: Mr. Shahiem Dalvie.















CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11



Annexure 2

*Ons gee gestalte aan 'n beter toekoms!
We shape a better future!
Sakha ikusasa elingcono!*

Lêer verw/ 15/3/3-8/Erf_1220
File ref: 15/3/6-8/Erf_1220

Navrae/Enquiries:
Ms D N Stellenberg

28 November 2022

NM & Associates Planners and Designers
PO Box 44386
CLAREMONT
7735.

By Registered Mail

Sir/Madam

PROPOSED REZONING AND SUBDIVISION OF ERF 1220, MALMESBURY

Your application dated 28 February 2022 on behalf of National Government of the Republic of South Africa, has reference:

- A. The Municipal Planning Tribunal has resolved at a meeting held on 16 November 2022 to refuse the application for the rezoning and subdivision of Erf 1220, Malmesbury, in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. General
 - (a) It is recommended that the department seek an alternative solution or location for the proposed Community Corrections Office, in a location that could be considered favourable. It is advised that the department and the Municipality work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDF, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves.
 - (b) Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500, 00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;
- C. The application be refused for the following reasons:
 - (a) The development proposal does not adhere to the spatial planning principles and can therefore be considered inconsistent with the spatial planning principles as contained in SPLUMA and LUPA;
 - (b) Spatial Justice: The proposal does not affect or address spatial and development imbalances through the improved access to and use of land. It is argued that the proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings, is not seen desirable. It is not in-line with the spatial planning goals as well as does not contribute to densification. As the rezoning effectively sterilises the property for any other development and will remain like that for years to come. This is deemed to be in contradiction with the MSDF, 2019 which promotes the effective use of property and services as well as supports densification;
 - (c) It is recognized that the MSDF does accommodate Authority use within the area, however, as mentioned above, the proposal is deemed inconsistent with the goals of the local, district and

Rig asseblief alle korrespondensie aan:
Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299

Darling Tel: 022 492 2237

Tel: 022 487 9400
Faks/Fax: 022 487 9440
Epos/Email: swartlandmun@swartland.org.za

Moorreesburg Tel: 022 433 2246

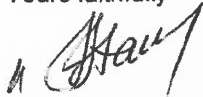
Kindly address all correspondence to:
The Municipal Manager
Private Bag X52
Malmesbury 7299

Yzerfontein Tel: 022 451 2366

- provincial spatial policies as it will not promote the effective use of property and services as well as support densification. For these reasons the proposal does not contribute to spatial justice;
- (d) **Spatial Sustainability:** The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area. Furthermore, it could be argued that the proposed development will not result in a more spatially compact and resource-efficient settlement and will therefore not optimise the use of existing infrastructure. Although the proposal does include the use of under-utilised property the proposal is not seen as spatially sustainable;
 - (e) **Efficiency:** The development proposal will not promote the optimal utilisation of services in the area. The applicant does motivate that the application seeks to regularise the existing stock theft unit as well as the potential cost saving should the office need to move to another location. Further, the applicant also motivates that in terms of efficiency the co-location of public services on the same property contribute to the principle of efficiency. However, the illegal land use cannot be used as motivation for the municipality to approve the proposed application, secondly due to the extent of the site, the amount of money needed to renovate the old dwelling in order to make it compliant with fire and safety regulations in order to specifically accommodate the use of it as offices, is not seen as effective. It is agreed that there is a number of advantages in co-locating public administration facilities and therefore more suitable locations are available to the department to co-locate its facilities, like the existing prison complexes as well as the existing police station in Malmesbury;
 - (f) The municipality is also bound by timeframes with the processing of land use applications, and although it is agreed that the comments / conditions from Heritage Western Cape is critical information required to assist the decision making, the time frame provided by the Department that the information will only be provided in July 2023 is unacceptable. The Municipality need to finalise the application, ensuing compliance with the applicable By-Law as well as to ensure efficiency. Therefore this application does not comply with the principle of efficiency;
 - (g) The development proposal is deemed inconsistent with the PSDF as the proposal will not achieve higher densities, will not result in the optimum use of land / space within the urban edge, will detract from the character of the area, it will negatively impact the sense of place within the residential neighbourhood it is located as well as will not improve accessibility;
 - (h) The proposal is deemed to be in contradiction with the West Coast District SDF, 2020 as it will not result in the enhancement of the quality of life nor will it improve the access to amenities and opportunities of the residents affected by the application;
 - (i) The proposal is deemed to be in contradiction with the MSDF, 2019 which rather promotes the effective use of property and services as well as supports densification;
 - (j) Not one of the proposed offices have their access taken from the activity street, St Thomas Street. Both offices are accessed of Pinard Street which is a low order residential street;
 - (k) In terms of section 42(1) of SPLUMA it is clear that the Municipal Planning Tribunal must make a decision which is consistent with the norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the Municipal Spatial Development Framework. Due to the proposal being inconsistent with and in contradiction with the spatial planning policies as mentioned above, the application can therefore not be approved;
 - (l) No site-specific circumstances were illustrated by the applicant to justify any departure from the MSDF, 2019;
 - (m) The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area. The property, also accommodating the old residency, is of historical, architectural as well as contextual significance;
 - (n) There are much more advantages in clustering public administration / functional facilities at existing locations;
 - (o) The proposal is deemed not in the interest of the community affected by the application nor is it in the interest of the staff or the parolees that need to visit the property, as it will not improve accessibility;
 - (i) The proposal is inconsistent with the spatial planning proposals, is situated in a residential area and the rezoning of such a large property within a residential neighbourhood to accommodate

- administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area;
- (ii) Should the status quo remain there is a risk that the current state of the property will continue to deteriorate ultimately resulting in the complete loss of the heritage asset as well as the negative impact on neighbouring properties due to the lack of proper maintenance of the subject property. Should the application be approved the rezoning will effectively sterilise the property for any other development and will remain like that for the foreseeable future;
 - (iii) The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area;
 - (iv) The need for the DCS office in Malmesbury is recognised, the proposed location of it within a residential area on the other hand is not supported. Not only is it prejudicial to the interests of the residents in the area but also, it is not conveniently located next to transport routes, within the CBD, or clustered with other public administration facilities to be in the interest of the staff or the parolees that need to visit the offices;
 - (v) There is no long term benefit to the proposed development as it is not deemed sustainable. In the short term the Department will have a state owned building in which to accommodate the DCS office, however, the proposed repurposing of the historic building on the site in order to use it as offices as well as the potential negative impact on the area far outweighs the potential cost saving that the department claims to achieve;
 - (p) The application contains no detail on the future developments on the rezoned erf, the impacts thereof on the residential neighbourhood can therefore not be determined;
 - (q) The property, accommodating the old residency, is of historical, architectural as well as contextual significance and is therefore deemed an important heritage resource. Other than the proposed renovation of the buildings, the application does not contain detail on the proposed preservation of this significant heritage resource.

Yours faithfully



MUNICIPAL MANAGER

via Department Development Services

/ds

15/3/3-8/Erf_1220 / 15/3/6-8/Erf_1220

VOORGESTELDE HERSONERING EN ONDERVERDELING OP ERF 1220, MALMESBURY

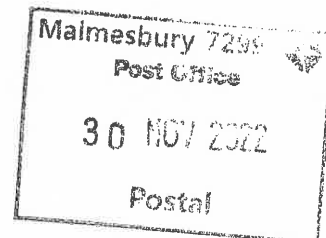
Per Geregistreerde Pos

NM & Associates Planners and Designers

PO Box 44386

CLAREMONT

7735



Annexure 3

Lêer verw/ 15/3/3-8/Erf_1220
File ref: 15/3/6-8/Erf_1220

Navrae/Enquiries:
Ms D N Stallenberg

28 November 2022

C le Roux & E Naude
PO Box 3374
RANDBURG
2125

info@idealconsulting.co.za

By Registered Mail

Sir/Madam

PROPOSED REZONING AND SUBDIVISION ON ERF 1220, MALMESBURY

Your comment/objection with regard to the abovementioned application has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 16 November 2022 to refuse the application for the rezoning and subdivision of Erf 1220, Malmesbury, in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. General
 - (a) It is recommended that the department seek an alternative solution or location for the proposed Community Corrections Office, in a location that could be considered favourable. It is advised that the department and the Municipality work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDF, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves.
 - (b) Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500, 00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;
- C. The application be refused for the following reasons:
 - (a) The development proposal does not adhere to the spatial planning principles and can therefore be considered inconsistent with the spatial planning principles as contained in SPLUMA and LUPA;
 - (b) Spatial Justice: The proposal does not affect or address spatial and development imbalances through the improved access to and use of land. It is argued that the proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings, is not seen desirable. It is not in-line with the spatial planning goals as well as does not contribute to densification. As the rezoning effectively sterilises the property for any other development and will remain like that for years to come. This is deemed to be in contradiction with the MSDF, 2019 which promotes the effective use of property and services as well as supports densification;
 - (c) It is recognized that the MSDF does accommodate Authority use within the area, however, as mentioned above, the proposal is deemed inconsistent with the goals of the local, district and

- provincial spatial policies as it will not promote the effective use of property and services as well as support densification. For these reasons the proposal does not contribute to spatial justice;
- (d) Spatial Sustainability: The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature “sense of place” within the neighbourhood and will therefore detract from the character of the area. Furthermore, it could be argued that the proposed development will not result in a more spatially compact and resource-efficient settlement and will therefore not optimise the use of existing infrastructure. Although the proposal does include the use of under-utilised property the proposal is not seen as spatially sustainable;
 - (e) Efficiency: The development proposal will not promote the optimal utilisation of services in the area. The applicant does motivate that the application seeks to regularise the existing stock theft unit as well as the potential cost saving should the office need to move to another location. Further, the applicant also motivates that in terms of efficiency the co-location of public services on the same property contribute to the principle of efficiency. However, the illegal land use cannot be used as motivation for the municipality to approve the proposed application, secondly due to the extent of the site, the amount of money needed to renovate the old dwelling in order to make it compliant with fire and safety regulations in order to specifically accommodate the use of it as offices, is not seen as effective. It is agreed that there is a number of advantages in co-locating public administration facilities and therefore more suitable locations are available to the department to co-locate its facilities, like the existing prison complexes as well as the existing police station in Malmesbury;
 - (f) The municipality is also bound by timeframes with the processing of land use applications, and although it is agreed that the comments / conditions from Heritage Western Cape is critical information required to assist the decision making, the time frame provided by the Department that the information will only be provided in July 2023 is unacceptable. The Municipality need to finalise the application, ensuing compliance with the applicable By-Law as well as to ensure efficiency. Therefore this application does not comply with the principle of efficiency;
 - (g) The development proposal is deemed inconsistent with the PSDF as the proposal will not achieve higher densities, will not result in the optimum use of land / space within the urban edge, will detract from the character of the area, it will negatively impact the sense of place within the residential neighbourhood it is located as well as will not improve accessibility;
 - (h) The proposal is deemed to be in contradiction with the West Coast District SDF, 2020 as it will not result in the enhancement of the quality of life nor will it improve the access to amenities and opportunities of the residents affected by the application;
 - (i) The proposal is deemed to be in contradiction with the MSDF, 2019 which rather promotes the effective use of property and services as well as supports densification;
 - (j) Not one of the proposed offices have their access taken from the activity street, St Thomas Street. Both offices are accessed off Pinard Street which is a low order residential street;
 - (k) In terms of section 42(1) of SPLUMA it is clear that the Municipal Planning Tribunal must make a decision which is consistent with the norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the Municipal Spatial Development Framework. Due to the proposal being inconsistent with and in contradiction with the spatial planning policies as mentioned above, the application can therefore not be approved;
 - (l) No site-specific circumstances were illustrated by the applicant to justify any departure from the MSDF, 2019;
 - (m) The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature “sense of place” within the neighbourhood and will therefore detract from the character of the area. The property, also accommodating the old residency, is of historical, architectural as well as contextual significance;
 - (n) There are much more advantages in clustering public administration / functional facilities at existing locations;
 - (o) The proposal is deemed not in the interest of the community affected by the application nor is it in the interest of the staff or the parolees that need to visit the property, as it will not improve accessibility;
 - (i) The proposal is inconsistent with the spatial planning proposals, is situated in a residential area and the rezoning of such a large property within a residential neighbourhood to accommodate

- administrative offices is deemed undesirable as it is in conflict with the general nature “sense of place” within the neighbourhood and will therefore detract from the character of the area;
- (ii) Should the status quo remain there is a risk that the current state of the property will continue to deteriorate ultimately resulting in the complete loss of the heritage asset as well as the negative impact on neighbouring properties due to the lack of proper maintenance of the subject property. Should the application be approved the rezoning will effectively sterilise the property for any other development and will remain like that for the foreseeable future;
 - (iii) The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature “sense of place” within the neighbourhood and will therefore detract from the character of the area;
 - (iv) The need for the DCS office in Malmesbury is recognised, the proposed location of it within a residential area on the other hand is not supported. Not only is it prejudicial to the interests of the residents in the area but also, it is not conveniently located next to transport routes, within the CBD, or clustered with other public administration facilities to be in the interest of the staff or the parolees that need to visit the offices;
 - (v) There is no long term benefit to the proposed development as it is not deemed sustainable. In the short term the Department will have a state owned building in which to accommodate the DCS office, however, the proposed repurposing of the historic building on the site in order to use it as offices as well as the potential negative impact on the area far outweighs the potential cost saving that the department claims to achieve;
 - (p) The application contains no detail on the future developments on the rezoned erf, the impacts thereof on the residential neighbourhood can therefore not be determined;
 - (q) The property, accommodating the old residency, is of historical, architectural as well as contextual significance and is therefore deemed an important heritage resource. Other than the proposed renovation of the buildings, the application does not contain detail on the proposed preservation of this significant heritage resource.

Yours faithfully







MUNICIPAL MANAGER

via Department Development Services
/ds

15/3/3-8/Erf_1220 / 15/3/6-8/Erf_1220

VOORGESTELDE HERSONERING EN ONDERVERDELING OP ERF 1220, MALMESBURY






Per Geregistreeerde Pos

First Name	Address Line 1	City	ZIP Code	E-mail Address
D Swart	Pinardstraat 7A	MALMESBURY	7300	
				
C Bruyns	Buitekantstraat 24	MALMESBURY	7300	
				
J & J Hill	Geldenhuystraat 12A	MALMESBURY	7300	
				
A G Barkhuizen	Wandelstraat 5	MALMESBURY	7300	
				
J van der Merwe	Pinardstraat 26	MALMESBURY	7300	jjvdm69@gmail.com
				
P van der Merwe	Pinardstraat 26	MALMESBURY	7300	pedrovdm23@gmail.com
				

15/3/3-8/Erf_1220 / 15/3/6-8/Erf_1220

VOORGESTELDE HERSONERING EN ONDERVERDELING OP ERF 1220, MALMESBURY

Per Geregistreerde Pos

First Name	Address Line 1	City	ZIP Code	E-mail Address
H M Schreuder	ST Johnstraat 44	MALMESBURY	7300	
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Date: 15 December 2022

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

FOR ATTENTION: Mr Joggie Scholtz (Municipal Manager)

Dear Mr Scholtz

APPLICATION FOR REZONING AND SUBDIVISION OF ERF 1120, MALMESBURY – APPEAL ON MUNICIPAL PLANNING TRIBUNAL DECISION

With reference to your Decision letter dated 28 November 2022 we are hereby formally appealing the refusal of the application for the rezoning and subdivision of Erf 1220, Malmesbury, in terms of Section 89(2) of the Swartland Municipality: Municipal Land Use Planning By-Law—2020. **Section 1** below provides responses to the reasons for the refusal.

Attached please find the following Annexures referred to and to be read together with the response to the reasons for refusal of the appeal:

- Annexure 1: Letter from DCS dated 19 May 2022
- Annexure 2: Email correspondence between Alwyn Burger (SM) and Applicant (NMA) dated 06 June 2022
- Annexure 3: Email from Herman Olivier (SM) to Applicant (NMA) dated 14 September 2022
- Annexure 4: Email and Letter from DCS regarding refusal dated 29 September 2022

Please contact us if you have any queries with regards to this Appeal.

Kind Regards

Shahiem Dalvie

CC:
Blandina Musvoto

DPWI

1. APPLICATION FOR REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY – APPEAL APPLICATION

The applicant notes the reasons for the refusal of the rezoning and subdivision application for Erf 1220, Malmesbury, and provides a response thereto in Table 1:

Table 1: Reasons for Refusal and Responses

Ref	Reason for Refusal	Response
a	The development proposal does not adhere to the spatial planning principals and can therefore be considered inconsistent with the spatial planning principles as contained in SPLUMA and LUPA	<p>The proposals may not subscribe to each and every principle in terms of SPLUMA and LUPA however most of these principles are adhered to in the application motivation report. The following extract from page 5 of the Motivation Report pays testimony to such adherence:</p> <p>“The SAPS Stock Theft Unit office and the DCS Community Corrections Office both provide public services, not only in Malmesbury, but in the broader West Coast District. Therefore, access to public services is being facilitated by these offices, aligning with the principle of spatial justice. The site is well located and accessible as both St Thomas Street and Sarel Cilliers lead east towards the centre of Malmesbury on Voortrekker Road, which links to the N7 north to Moorreesburg, and the R315 west to Darling. Both the current SAP Stock Theft Unit office and the proposed DCS Community Corrections Office will be contained in former houses in an urban area, and located close to the centre of Malmesbury, close to other public services clustered around Voortrekker Street. This application seeks to regularise the existing SAPS Stock Theft Unit office use on Erf 1220 as opposed to relocating the offices elsewhere with potential cost and operational implications, while co-locating another public service (the DCS Community Corrections Office) on the same site, for the same reasons. Therefore, both spatial sustainability and efficiency are promoted.</p> <p>Spatial resilience is promoted via the access to public services that is being facilitated by this office, as public services support communities most likely to suffer the impacts of economic and environmental shocks. All relevant stakeholders, as determined by the provisions of the relevant by-laws, will be afforded the opportunity to provide inputs on this rezoning and subdivision application, in terms of the principle of good administration.”</p>
b	Spatial Justice: The proposal does not affect or address spatial and development imbalances through the improved access to and use of land. It is argued that the proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings, is not seen desirable. It is not in-line with the spatial planning goals as well as does not contribute to densification. As the rezoning effectively sterilises the property for any other development and will remain like that for years to come. This is deemed to be in contradiction with the MSDP,	<p>We do not agree that the proposal does not address spatial and development imbalances through the improved access to and use of land. The motivation report explains that “The SAPS Stock Theft Unit office and the DCS Community Corrections Office both provide public services, not only in Malmesbury, but in the broader West Coast District. Therefore, access to public services is being facilitated by these offices, aligning with the principle of spatial justice.” At the same time the proposed rezoning of the land to Subdivisional Area with Authority Zone 1 does not only directly address the issue of spatial and land use imbalances but also addresses fragmentation of land uses. What we mean by this is that from a spatial perspective, public facilities are integrated with residential land uses and not functionally fragmented as in the old Apartheid spatial planning therefore responding to the principle of spatial justice and integration.</p>

	2019 which promotes the effective use of property and services as well as supports densification;	<p>Moreover it is noted that "Social Reintegration (Community Corrections Offices) is of the integration of probationers and parolees into the community as part of the Departments rehabilitation programmes. It is a priority or government to deliver services closer to communities, while ensuring that office facilities that are in a safe and humane condition, hence the need for alternative and suitable office accommodation" (RSA DCS, 2022 - see Annexure 1: Page 1 of DCS letter dated 19 May 2022)</p> <p>The proposed development and land uses on Erf 1220 were intentionally limited in the town planning application to the proposed DCS offices and SAPS Unit in order to minimise the potential impact of the proposed uses and to provide a degree of comfort that no unforeseen development will occur. Any further development on the site would require further land use applications in order to obtain additional development rights for Erf 1220. The proposed development and land uses were limited to the existing structures. The Authority Zone 1 does not have any land use provisions which limit the intended uses, instead the Council shall determine the land use provisions that are applicable to this zone. The proposed Authority Zone 1 will enable further authority usage to take place on Erf 1220 while at the same time providing Swartland Municipality with a degree of control on any further uses subject to additional land use applications supported by the necessary service reports and studies. It does not prohibit the future densification of authority uses on the site. The Authority Zone 1 zoning of the site will permit not only existing authority uses but also existing authority uses located elsewhere but may relocate to Erf 1220, enabling the densification of the site.</p> <p>We note that a substantial portion of the site is related to the Old Residence (including the associated structures, its access and parking) is of heritage value which limits densification and redevelopment of the property as a whole.</p> <p>See response to 'b' above</p>
c	It is recognized that the MSDF does accommodate Authority use within the area, however, as mentioned above, the proposal is deemed inconsistent with the goals of the local, district and provincial spatial policies as it will not promote the effective use of property and services as well as support densification. For these reasons the proposal does not contribute to spatial justice;	
d	Spatial Sustainability: The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict	We note that a substantial portion of the site is of heritage value which limits densification and redevelopment of the property as a whole. Against this fact we cannot accept that the proposals are undesirable and in conflict

	with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area. Furthermore, it could be argued that the proposed development will not result in a more spatially compact and resource-efficient settlement and will therefore not optimise the use of existing infrastructure. Although the proposal does include the use of under-utilised property the proposal is not seen as spatially sustainable.	with the sense of place within the surrounding neighbourhood. In fact the proposed maintenance and upgrade of the heritage related buildings would add value to the sense of place and character of the area.
e	<p>Efficiency: The development proposal will not promote the optimal utilisation of services in the area. The applicant does motivate that the application seeks to regularise the existing stock theft unit as well as the potential cost saving should the office need to move to another location. Further, the applicant also motivates that in terms of efficiency the co-location of public services on the same property contribute to the principle of efficiency. However, the illegal land use cannot be used as motivation for the municipality to approve the proposed application, secondly due to the extent of the site, the amount of money needed to renovate the old dwelling in order to make it compliant with fire and safety regulations in order to specifically accommodate the use of it as offices, is not seen as effective. It is agreed that there is a number of advantages in co-locating public administration facilities and therefore more suitable locations are available to the department to co-locate its facilities, like the existing prison complexes as well as the existing police station in Malmesbury;</p>	<p>Although the municipality argues that it could facilitate the co/relocation of public facilities on other public land within the municipal area, the municipality did not take the initiative to discuss the co/relocation with the landowner and user departments despite requests from these government departments to have open engagements to find mitigation measures and to address community concerns that have been raised as part of the Public Consultation Process. This flies in the face of inter-governmental cooperation and relations.</p> <p>The application was submitted for the regularisation of land uses among other reasons in order to comply with the Swartland Municipal Land Use Planning Bylaw.</p>
f	<p>The municipality is also bound by timeframes with the processing of land use applications, and although it is agreed that the comments / conditions from Heritage Western Cape is critical information required to assist the decision making, the time frame provided by the Department that the information will only be provided in July 2023 is unacceptable. The Municipality need to finalise the application, ensuring compliance with the applicable By-Law as well as to ensure efficiency. Therefore this application does not comply with the principle of efficiency;</p>	<p>If the applicant and the Municipality are of the view that relevant outstanding information is critical to deciding the outcome of an application there is no reason why the timeframes should not be extended by mutual agreement. In this instance the municipality proceeded to refuse the application without due consideration for the merit and content of the HIA. In terms of the email communication between the applicant and Mr Alwyn Burger of Swartland Municipality dated 06 June 2022 (see Annexure 2), the municipality confirmed that the proposed conditions referred to in the email will be made part of the decision if approved.</p> <p>Appeal against Procedural Inaccuracies</p> <p>i. From a procedural perspective we were not provided with an opportunity to formally respond to and potentially mitigate the town planning issues raised by the Swartland Municipality despite requests that this be done.</p>

	<p>ii. Subsequent to the response from DCS (by means of an email and formal letter from Lindokuhle Masuku dated 29 September 2022) we were not advised by the Swartland Municipality that they were proceeding with the application and that it would be considered by the MPT in November 2022 for a decision despite the heritage study and HWC decision/conditions not being available yet, thereby denying us the opportunity to motivate the application at the MPT.</p> <p>iii. We were not provided with the opportunity to negotiate around reconsidering the application from the point of view of what might work from a land use planning perspective and potentially use the opportunity to mitigate objections from the public.</p> <p>Subsequent to the email from Herman Olivier (refer to Annexure 3 dated 14 September 2022) wherein he advised that an informal discussion had been held with the MPT with the suggestion that the Municipality setup a meeting with DCS to discuss alternatives consistent with the MSDF and that the comments / conditions from HWC are a key consideration. He further advised that from a town planning point of view the application could not be supported. DCS replied via an email and letter dated 29 September 2022 (refer to Annexure 4) wherein DCS noted that they were open and available to discuss mitigation measures with the Municipality and requested that the Municipality awaits the submission and outcome of the HIA before referring the land use application to the MPT for a final decision. Despite this request the municipality proceeded to present the application to the MPT on the 16th November 2022 without advising the applicant, thereby denying the applicant and DCS the opportunity to discuss mitigation measures and to make an oral presentation to the MPT.</p>
g	<p>The development proposal is deemed inconsistent with the PSDF as the proposal will not achieve higher densities, will not result in the optimum use of land / space within the urban edge, will detract from the character of the area, it will negatively impact the sense of place within the residential neighbourhood it is located as well as will not improve accessibility;</p> <p>The proposals may not subscribe to each and every goals in terms of the PSDF however certain of these goals are adhered to in the application motivation report. The following extract from the motivation report pays testimony to such adherence:</p> <p>“The PSDF’s goals include to “improve proximity and access to public services and social facilities” and “increasing safety”. The SAPS Stock Theft Unit office and the DCS Community Corrections Office both provide public services, not only in Malmesbury, but in the broader West Coast District. Therefore, access to public services and increasing safety will be facilitated by these offices, aligning with the PSDF’s goals.”</p> <p>We note that a substantial portion of the site is of heritage value which limits densification and redevelopment of the property as a whole. Against this fact we cannot accept that the proposals are undesirable and in conflict with the sense of place within the surrounding neighbourhood. In fact the proposed maintenance and upgrade of the heritage related buildings would add value to the sense of place and character of the area.</p> <p>We note that the proposal is in contradiction with the West Coast SDF 2020 is unsubstantiated.</p>
h	<p>The proposal is deemed to be in contradiction with the West Coast District SDF, 2020 as it will not result in the enhancement of the quality of life nor will it improve the access to amenities and opportunities of the residents affected by the application;</p>

APPLICATION FOR REZONING AND SUBDIVISION ERF 1220 MALMESBURY - APPEAL

i	<p>The proposal is deemed to be in contradiction with the MSDF, 2019 which rather promotes the effective use of property and services as well as supports densification;</p>	<p>Residential densification is generally supported by public facilities, public space, within reasonable access and proximity. Furthermore densification is also about integration of mixed land uses not just mono-functional residential land uses. The proposal facilitates densification from this planning perspective.</p> <p>The Authority Zone 1 does not have any land use provisions which limit the intended uses, instead the Council shall determine the land use provisions that are applicable to this zone. The proposed Authority Zone 1 will enable further authority usage to take place on Erf 1220 while at the same time providing Swartland Municipality with a degree of control on any further uses subject to additional land use applications supported by the necessary service reports and studies. It does not prohibit the future densification of authority uses on the site. The Authority Zone 1 zoning of the site will permit existing authority uses located elsewhere to relocate to Erf 1220 enabling the densification of the site.</p>
j	<p>Not one of the proposed offices have their access taken from the activity street, St Thomas Street. Both offices are accessed of Pinard Street which is a low order residential street;</p>	<p>Noted. The Traffic Impact Statement found that the existing SAPS and proposed DCS use will not negatively impact the road network from a traffic and transport point of view.</p>
k	<p>In terms of section 42(1) of SPLUMA it is clear that the Municipal Planning Tribunal must make a decision which is consistent with the norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the Municipal Spatial Development Framework. Due to the proposal being inconsistent with and in contradiction with the spatial planning policies as mentioned above, the application can therefore not be approved;</p>	<p>We strongly object to the fact that the Municipal Planning Tribunal is of the view that the proposal is inconsistent and contradicts the spatial planning policies mentioned in the Municipality's letter. We have demonstrated consistency with these policies in the application report. The purpose of a municipal spatial development framework (as indicated in Chapter 4 Section 12 of SPLUMA) is to "provide clear and accessible information to the public and private sector and provide direction for investment purposes;" (RSA, 2015). In this circumstance the proposed development was prepared in terms of the MSDF as Authority use is clearly indicated as a recommended land use within the MSDF Zone C for Malmesbury.</p>
l	<p>No site-specific circumstances were illustrated by the applicant to justify any departure from the MSDF, 2019;</p>	<p>Site specific circumstances were not illustrated as the proposed Authority land use is a recommended land use within the MSDF Zone C for Malmesbury. Furthermore should site specific circumstances have been required, it is incumbent on the municipality to advise the applicant accordingly in pre-application enquiries.</p>
m	<p>The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area. The property, also accommodating the old residency, is of historical, architectural as well as contextual significance;</p>	<p>We note that a substantial portion of the site is of heritage value which limits densification and redevelopment of the property as a whole. Against this fact we cannot accept that the proposals are undesirable and in conflict with the sense of place within the surrounding neighbourhood. In fact the proposed maintenance and upgrade of the heritage related buildings would add value to the sense of place and character of the area. There are no new structures or changes to the existing structures proposed in terms of this application therefore the visual character of the site will remain.</p> <p>The municipality had neither any regard nor any patience to understand the degree of historical and architectural significance of the old residency by waiting for the outcome of the HIA process and its recommendations.</p>

APPLICATION FOR REZONING AND SUBDIVISION ERF 1220 MALMESBURY - APPEAL

n	There are much more advantages in clustering public administration / functional facilities at existing locations;	<p>It is important to note that the land uses and buildings have historically been on the subject property since approximately 1900 (for the Old Residency) and 1975 (for the SAPS Stock Theft unit). The application was for the regularisation of the SAPS land use</p> <p>Although the municipality argues that it could facilitate the co/relocation of public facilities potentially at existing clustered facilities, the municipality did not take the initiative to discuss the co/relocation with the landowner and user departments despite requests from these government departments to have open engagements to find mitigation measures.</p> <p>We note that the DPWI owns the subject land and is doing its best to rationalise public resources.</p>
o	<p>The proposal is deemed not in the interest of the community affected by the application nor is it in the interest of the staff or the parolees that need to visit the property, as it will not improve accessibility;</p> <p>(i) The proposal is inconsistent with the spatial planning proposals, is situated in a residential area and the rezoning of such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area;</p> <p>(ii) Should the status quo remain there is a risk that the current state of the property will continue to deteriorate ultimately resulting in the complete loss of the heritage asset as well as the negative impact on neighbouring properties due to the lack of proper maintenance of the subject property. Should the application be approved the rezoning will effectively sterilise the property for any other development and will remain like that for the foreseeable future;</p> <p>(iii) The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area;</p>	<p>We do not agree that the proposal is not in the interest of the community from an access and proximity point of view. We can only assume that this point as a basis of refusal is subjective, poorly motivated in points (i) to (v) and seemingly prejudiced against parolees and staff of the DCS.</p> <p>Refer to responses to 'd', 'g', 'i', 'k' and 'm'.</p> <p>The proposed development will ensure that the building and its heritage value is maintained. Refer to response to 'b'.</p> <p>Refer to responses to 'd', 'g', 'i', 'k' and 'm'.</p>

APPLICATION FOR REZONING AND SUBDIVISION ERF 1220 MALMESBURY - APPEAL

	<p>(iv) The need for the DCS office in Malmesbury is recognised, the proposed location of it within a residential area on the other hand is not supported. Not only is it prejudicial to the interests of the residents in the area but also, it is not conveniently located next to transport routes, within the CBD, or clustered with other public administration facilities to be in the interest of the staff or the parolees that need to visit the offices;</p> <p>(v) There is no long term benefit to the proposed development as it is not deemed sustainable. In the short term the Department will have a state owned building in which to accommodate the DCS office, however, the proposed repurposing of the historic building on the site in order to use it as offices as well as the potential negative impact on the area far outweighs the potential cost saving that the department claims to achieve;</p>	<p>Refer to response to 'a', 'b' and 'n'.</p> <p>Refer to responses to 'a' and 'd' as well as the letter from DCS dated 29 September 2022 (refer to page 7 of Annexure 4) wherein it is noted that a cost benefit analysis was undertaken that revealed that the Department would save R378 810.00 per annum on private lease accommodation</p>
p	<p>The application contains no detail on the future developments on the rezoned erf, the impacts thereof on the residential neighbourhood can therefore not be determined;</p>	<p>The proposed development and land uses on Erf 1220 were intentionally limited in the town planning application to the proposed DCS offices and SAPS Unit in order to minimise the potential impact of the proposed uses and to provide a degree of comfort that no unforeseen development will occur. Any further development on the site would require further land use applications in order to obtain additional development rights for Erf 1220.</p> <p>Furthermore, at no point in the application process did the municipality exercise its right to request further detail on the future development of Erf 1220.</p>
q	<p>The property, accommodating the old residency, is of historical, architectural as well as contextual significance and is therefore deemed an important heritage resource. Other than the proposed renovation of the buildings, the application does not contain detail on the proposed preservation of this significant heritage resource.</p>	<p>The municipality had neither any regard nor any patience to understand the degree of historical and architectural significance of the old residency by waiting for the outcome of the HIA process and its recommendations. Moreover at no point in the application process did the municipality exercise its right to request further detail on the proposed preservation of the heritage resource.</p>



correctional services

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Dear Ms. B Musvoto

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: DCS RESPONSE TO OBJECTIONS: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

Social Reintegration (Community Corrections offices) is for the integration of probationers and parolees into the community as part of the Department's rehabilitation programmes. It is a priority for Government to deliver services closer to communities, whilst ensuring that office facilities that are in a safe and humane condition, hence the need for alternative and suitable office accommodation. While offenders are on parole they are under the supervision of correctional officers based in the various communities across the country, the view of the Department is that the community should in fact assume a bigger role and responsibility in ensuring that corrections does take place.

Therefore, the community corrections system fulfils a very important role in the social reintegration of probationers and parolees. Below is the summary of day to day administrative operations and functions of a Community Correction office:

- ❖ The office will be open from 07h00 till 23h00 from Monday till Friday;
- ❖ There will be rehabilitation programmes rendered by professional Social Workers;
- ❖ The probationers and parolees will only visit the offices by appointment only during normal business hours;
- ❖ Correctional officials will be responsible for the administration of probationers and parolees;
- ❖ State vehicles as well as vehicles of the officials will be parked during the said hours;

Lefapha la Ditirelo tsa Bosiamisi · Lefapha la Ditshebeletso tsa Tshokoloho · uMnyango weSevisi yokuQondisa iZimilo Muhasho wa Tshumelo dza Vhululamisi · Departement van Korrektiewe Dienste · Kgoro ya Ditirelo tsa Tshokoloho Ndzawulo ya Vhululamisi bya Vabohliwa · LiTiko le Tekucondziswa kweSimilo · ISebe leeNkonzo zoLuleko UmNyango WezobuLungiswa bokuziPhatha

- ❖ Some of the Correctional officials from time to time will be in the field visiting probationers and parolees to confirm their physical residential addresses and visitation to their places of employment/ work; and
- ❖ As part of the rehabilitation programmes there will be offenders that will be performing cleaning duties in the offices and around the offices.

The current condition of the existing privately leased building is not beneficial to Department of Correctional Services (DCS) and does not meet the requirements of the Community Corrections needs and in some aspects may contravene the Occupational Health and Safety Act of 1993. The current Community Corrections office situated closer to Voortrekker Street is limited in terms of available office space and it does not meet the space needs of DCS. Notwithstanding the above, private lease office accommodation are a huge burden on the fiscus and government is gradually exploring the utilization of existing state assets such as Erf 1220 Malmesbury to save costs and eradicate private lease office accommodation. It is the Department's core function to provide facilities that are safe and humane for the benefit of the officials, stakeholders and general public.

The historic manor building situated on Erf 1220 Malmesbury has been vacant for a number of years and as a consequence it is in a state of decay and disrepair, should it continue to remain vacant and unoccupied for the foreseeable future there will be a potential threat of illegal occupation thus posing a security threats to the immediate community. The current state of despair will also have a negative effect to the aesthetics of neighbourhood and this proposed development will enhance and rejuvenate the local surroundings thus adding much needed value to local property market. Furthermore, the establishment of a Community Corrections office on the said property will add much needed security and visibility for the area, thus contributing to security in the positive manner. The proposed new office will ensure there is adequate street lighting and visibility during the evenings. The visitation of parolees during the normal business hours will not pose any security danger to the immediate community, as all parolees and probationers are classified into various supervision categories for effective management and monitoring.

In addition, the existing manor building is old than 60 years old thus protected by the National Heritage Resource Act 25 of 1999, as a consequence the Department of Correctional Services and National Department of Public Works and Infrastructure will preserve architectural heritage and undertake continuous maintenance for the benefit of the public thus enhancing the aesthetics of surrounding community. The proposed Subdivisional Plan, proposes that Remainder of Erf 1220 Malmesbury will measure 10666.76m² in extent, this will enable sufficient parking space for both employees and stakeholders visiting the site; this site will also be able to meet all parking requirements, including safe entrance/egress points to the satisfaction of the Swartland Local Municipality.

Very often there are stigmas attached to these types of projects and community corrections offices, therefore the social integration of probationers and parolees is deemed as an important function to destigmatise community corrections whilst ensuring more accessibility of community corrections to the various communities and residential neighbourhoods. The Swartland Local Municipality is therefore implored to consider this proposed Community Corrections Office in the context of providing an essential service to the community of Malmesbury and surroundings, whilst meeting the administrative functions for the Department. The land use application in its entirety meets the need and desirability in accordance to the Swartland Integrated Zoning Scheme Regulations thus contributing to positively to the social, economic and security needs of Malmesbury and surrounding catchment areas.



L.V MASUKU

CHIEF TOWN AND REGIONAL PLANNER

DATE: 19 MAY 2022

cc: NM and Associates-Planners and Designers: Mr. Shahiem Dalvie

Shahiem Dalvie

From: Alwyn Burger <alwynburger@swartland.org.za>
Sent: 06 June 2022 09:42 AM
To: Shahiem Dalvie
Cc: Alwyn Zaayman; Herman Olivier; 'Sandra van der Merwe'
Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Morning Shahiem

Due to the timeframe to finalize the HIA, Swartland Municipality will finalize the planning report to the Municipality Planning Tribunal for decision making in July 2022.

If approved, the relevant conditions of approval will be made part of the decision.

Regards

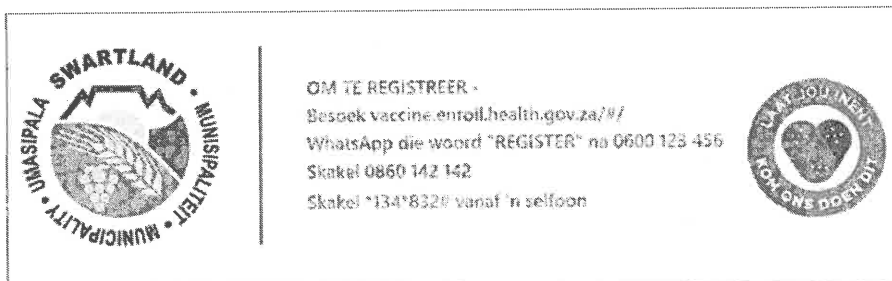
Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 **F:** 022-4879440 **M:** 0764809870

E: alwynburger@swartland.org.za



From: Shahiem Dalvie <shahiem@visionplan.co.za>
Sent: Monday, May 30, 2022 3:34 PM
To: Alwyn Burger <alwynburger@swartland.org.za>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>; 'Sandra van der Merwe' <sandra@visionplan.co.za>
Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Dear Alwyn

Our DPWI Client has confirmed that the proposed timeframe for the completion of the HIA is July 2023.

With regards to your email below and the decision to wait for a decision from HWC, we query this decision and offer an **alternative solution** based on our experience on a previous application.

We had a Consent Use application in Stellenbosch Municipality that was approved prior to a decision from HWC being available. In this case the municipality imposed the following conditions of approval:

2.2.1 The approval applies only to the proposal as indicated above, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposal land use;

2.2.11 A permit from the Heritage Western Cape must be obtained and attached on building plan application;

2.2.12 Building plans must be submitted to the Municipality for approval;

These conditions would serve to limit the approval to the development being described and applied for in the motivation report. It reiterates that all other legal requirements must be followed and necessary approvals obtained. It requires that a building plan must be submitted to the Municipality for approval and that a HWC permit must be obtained and placed on the building plan application.

These conditions would therefore provide the assurance that the HWC heritage decision and conditions are taken into account at the time of the building plan submission.

Your feedback in this regards would be appreciated.

Kind Regards

Shahiem Dalvie | Director and Technical Planner

nm & associates planners and designers

T: +27 (0)21 671 1138/1281 | F: +27 (0)21 671 0930 | www.nmassociates.co.za

Postal Address: PO Box 44386, Claremont, Cape Town, 7735

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From: Alwyn Burger [<mailto:alwynburger@swartland.org.za>]

Sent: 26 May 2022 04:45 PM

To: Shahiem Dalvie <shahiem@visionplan.co.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Good afternoon Shahiem

We are in the process of compiling a report to our Municipal Planning Tribunal for decision making.

I confirmed to you that the HWC HIA needs to be concluded before a decision can be made on the application.

According to the NID certain information was requested by HWC. Can you please give an indication as to how for the process are in the HIA for HWC to issue an decision.

We are of the opinion that the outcome of the decision of HWC will have an impact on the land use decision. Therefore the report cannot be finalized until HWC has issued a decision.

Regards

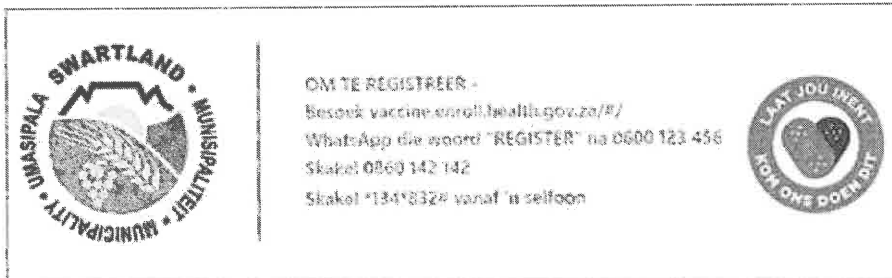
Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za



From: Alwyn Burger

Sent: Monday, May 23, 2022 8:29 AM

To: Shahiem Dalvie <shahiem@visionplan.co.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Morning Shahiem

We shall get in contact with you if there are any queries.

We shall prepare a report for decision making by the MPT in June 2022.

Regards

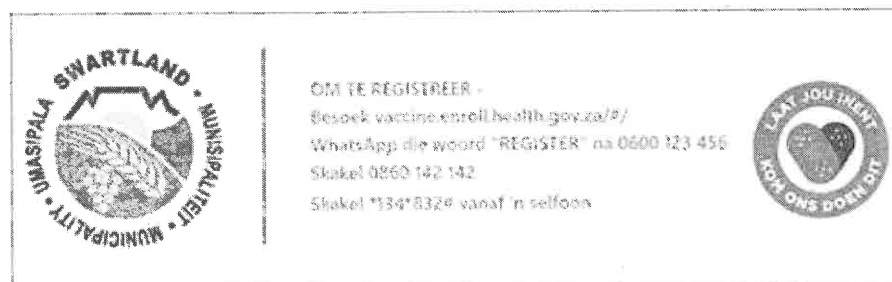
Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za



From: Shahiem Dalvie <shahiem@visionplan.co.za>

Sent: Friday, May 20, 2022 7:52 PM

To: Alwyn Burger <alwynburger@swartland.org.za>; Chanice Dyason <PlanIntern1@swartland.org.za>

Cc: 'Sandra van der Merwe' <sandra@visionplan.co.za>; Blandina.Musvoto@dpw.gov.za

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Dear Alwyn and Chanice

Attached please find NM & Associates' response to the comments and objections received.

Please contact us if you have any queries in this regard.

Kind Regards

Shahiem Dalvie | Director and Technical Planner

nm & associates planners and designers

T: +27 (0)21 671 1138/1281 | F: +27 (0)21 671 0930 | www.nmassociates.co.za

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From: Chanice Dyason [<mailto:PlanIntern1@swartland.org.za>]

Sent: 22 April 2022 10:49 AM

To: 'shahiem@visionplan.co.za' <shahiem@visionplan.co.za>

Subject: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury

Goeiemôre Meneer/Mevrou



Aangeheg vind besware vir u aandag.

Groete

Chanice Dyason

Intern: Division Planning, Department Development Services

T: 022 487 9400 | **F:** 022 487 9440 |

	<p>TO REGISTER -</p> <p>Visit vaccine.enroll.health.gov.za/#/</p> <p>WhatsApp the word "REGISTER" to 0600 123 456</p> <p>Dial 0860 142 142</p> <p>Dial *134*832* from a cell phone</p>	
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From: scan@swartland.org.za <scan@swartland.org.za>

Sent: Friday, April 22, 2022 11:18 AM

To: Chanice Dyason <PlanIntern1@swartland.org.za>

Subject:

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Shahiem Dalvie

From: Herman Olivier <OlivierH@swartland.org.za>
Sent: 14 September 2022 08:43 AM
To: shahiem@visionplan.co.za
Cc: Alwyn Zaayman; Alwyn Burger; sandra@visionplan.co.za; Registrasie Email
Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Flag Status: Flagged

Mr Dalvie

Your e-mail dated 26 August 2022 refers.

As discussed telephonically this is indeed a special case.

During the compilation of the report as well as the evaluation of the application together with the significant number of objections received against the proposal, it was determined that, from a Town Planning point of view, the application cannot be recommended for approval as proposed.

As discussed, the report is yet to be presented to the Swartland Municipal Planning Tribunal, however we did have an informal discussion. The outcome of which was not positive and it was suggested that the Municipality set up a meeting with the Department in order to assist in the identification of alternatives that is consistent with the Municipal SDF, is deemed desirable as well as being in the interest of the community of Malmesbury. Secondly, the Tribunal members were also of opinion that the comments / conditions from Heritage Western Cape is a key consideration given the extent of the property, the historical- as well as conservation significance of the property.

It is noted that the Department has the need to relocate their offices and that the dwelling on erf 1220 is currently not being used for its purpose.

The proposal to rezone a property with the extent of 1,3ha within the urban edge in order to accommodate administrative offices, only occupying 5% of the property and with the proposal restricting the use to the existing buildings is not seen desirable. It is not in-line with the spatial planning goals as well as does not contribute to densification. As the rezoning effectively sterilises the property for any other development and will remain like that for years to come. This is deemed to be in contradiction with the MSDF, 2019 which promotes the effective use of property and services as well as supports densification.

The proposal to rezone such a large property within a residential neighbourhood to accommodate administrative offices is deemed undesirable as it is in conflict with the general nature "sense of place" within the neighbourhood and will therefore detract from the character of the area.

Not one of the proposed offices have their access taken from the activity street, St Thomas Street. Both offices are accessed of Pinard Street which is a low order residential street.

Furthermore, there are much more advantages in clustering public administration / functional facilities for example

- Cutting down on the amount of land required
- Promotion of the full use of buildings and land
- Lower building cost
- Lower running cost
- Minimum maintenance cost

- Convenience, as all services are located in one centre. People can accomplish a number of tasks within a single journey which equates to savings in time, money and effort and has the net effect of improving quality of life.
- Provision of greater security
- Sharing of resources

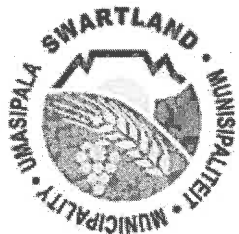
Therefore, in order to seek an alternative solution or location for the proposed Community Corrections Office, in a location that could be considered favourable, it is advised that the current proposal / application be withdrawn and that the department and the Municipality work together in identifying property that is ideally located, that is suitably zoned / consistent with the MSDP, will not have a negative impact on the character of the area, as well as would be in the interest of the community it serves.

Kind regards

Herman Olivier (Pr.Pln. A/204/2010)

Stadsbeplanner en GIS Administrateur | Town Planner & GIS Administrator

T: 022 487 9400 M: 082 696 3755 E: olivierh@swartland.org.za



CLEAN AUDITS SINCE 2010/11
SKOON OUDITS SEDERT 2010/11

ONS GEE GESTALTE AAN 'N BETER TOEKOMS!
WE SHAPE A BETTER FUTURE!
SAKHA IKUSASA ELINGCONO!

From: Alwyn Burger <alwynburger@swartland.org.za>

Sent: Monday, 12 September 2022 08:16

To: Herman Olivier <OlivierH@swartland.org.za>

Subject: FW: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Môre Herman

Sien asb die eposse hieronder.

Antwoord asb vir Shahiem voor die einde van vandag.

Groete

Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za



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SAKHA IKUSASA ELINGCONO!

From: Shahiem Dalvie <shahiem@visionplan.co.za>
Sent: Friday, September 09, 2022 3:06 PM
To: Alwyn Burger <alwynburger@swartland.org.za>
Cc: 'Sandra van der Merwe' <sandra@visionplan.co.za>
Subject: RE: Voorgestelde heronering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Hi Alwyn

Can you please provide feedback on the status of the Rezoning and Subdivision application for Erf 1220 Malmesbury.

Kind Regards

Shahiem Dalvie | Director and Technical Planner
nm & associates planners and designers
T: +27 (0)21 671 1138/1281 | F: +27 (0)21 671 0930 | www.nmassociates.co.za
Postal Address: PO Box 44386, Claremont, Cape Town, 7735
Physical Address: Studio, 4 Grove Walk, Claremont, Cape Town, 7708

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From: Shahiem Dalvie [<mailto:shahiem@visionplan.co.za>]
Sent: 26 August 2022 12:51 PM
To: 'Alwyn Burger' <alwynburger@swartland.org.za>
Cc: 'Sandra van der Merwe' <sandra@visionplan.co.za>
Subject: RE: Voorgestelde heronering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Hi Alwyn

With reference to the email below and a subsequent telephone discussion I had with Herman Olivier wherein he advised that the municipality was considering possibly refusing the application on the basis of desirability and compatibility. Could you please advise as to the status of the application?

Kind Regards

Shahiem Dalvie | Director and Technical Planner
nm & associates planners and designers
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From: Shahiem Dalvie [<mailto:shahiem@visionplan.co.za>]
Sent: 11 August 2022 12:49 PM
To: 'Alwyn Burger' <alwynburger@swartland.org.za>
Cc: 'Sandra van der Merwe' <sandra@visionplan.co.za>
Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Hi Alwyn

Following on from your email below and a subsequent telephone discussion with someone in the planning department where they advised that the July MPT was cancelled and the application will be considered at the MPT meeting on 10 August 2022, can you please advise if the application was considered yesterday and if so what the outcome was?

Kind Regards

Shahiem Dalvie | Director and Technical Planner
nm & associates planners and designers
T: +27 (0)21 671 1138/1281 | F: +27 (0)21 671 0930 | www.nmassociates.co.za
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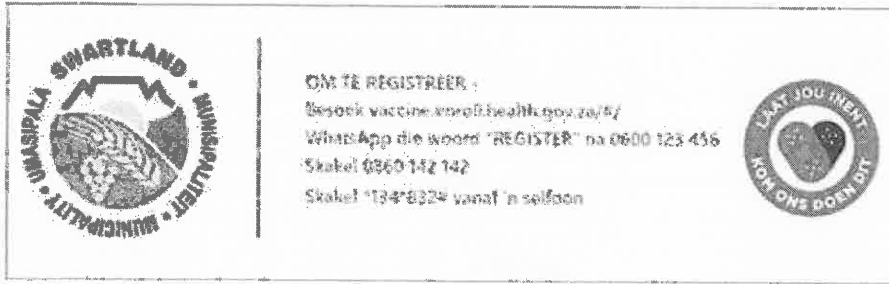
From: Alwyn Burger [<mailto:alwynburger@swartland.org.za>]
Sent: 06 June 2022 11:21 AM
To: Shahiem Dalvie <shahiem@visionplan.co.za>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>; 'Sandra van der Merwe' <sandra@visionplan.co.za>
Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Shahiem

The MPT meeting will take place on 13 July 2022.

Regards

Alwyn Burger
Tch. PIn B/8429/2020
Senior Town Planner | Division: Planning
T: 022 487 9400 F: 022-4879440 M: 0764809870
E: alwynburger@swartland.org.za



From: Shahiem Dalvie <shahiem@visionplan.co.za>

Sent: Monday, June 06, 2022 10:48 AM

To: Alwyn Burger <alwynburger@swartland.org.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>; 'Sandra van der Merwe' <sandra@visionplan.co.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Good Morning Alwyn

Thank you for advising on the way forward.

Can you please advise when the July MPT meeting will be held?

Kind Regards

Shahiem Dalvie | Director and Technical Planner

nm & associates planners and designers

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From: Alwyn Burger [<mailto:alwynburger@swartland.org.za>]

Sent: 06 June 2022 09:42 AM

To: Shahiem Dalvie <shahiem@visionplan.co.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>; 'Sandra van der Merwe' <sandra@visionplan.co.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Morning Shahiem

Due to the timeframe to finalize the HIA, Swartland Municipality will finalize the planning report to the Municipality Planning Tribunal for decision making in July 2022.

If approved, the relevant conditions of approval will be made part of the decision.

Regards

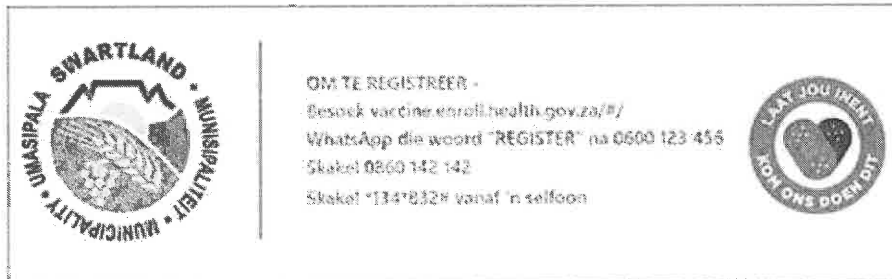
Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za



From: Shahiem Dalvie <shahiem@visionplan.co.za>

Sent: Monday, May 30, 2022 3:34 PM

To: Alwyn Burger <alwynburger@swartland.org.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>; 'Sandra van der Merwe' <sandra@visionplan.co.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Dear Alwyn

Our DPWI Client has confirmed that the proposed timeframe for the completion of the **HIA is July 2023**.

With regards to your email below and the decision to wait for a decision from HWC, we query this decision and offer an **alternative solution** based on our experience on a previous application.

We had a Consent Use application in Stellenbosch Municipality that was approved prior to a decision from HWC being available. In this case the municipality imposed the following conditions of approval:

2.2.1 The approval applies only to the proposal as indicated above, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposal land use;

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2.2.12 Building plans must be submitted to the Municipality for approval;

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These conditions would therefore provide the assurance that the HWC heritage decision and conditions are taken into account at the time of the building plan submission.

Your feedback in this regards would be appreciated.

Kind Regards

Shahiem Dalvie | Director and Technical Planner

nm & associates planners and designers

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From: Alwyn Burger [mailto:alwynburger@swartland.org.za]

Sent: 26 May 2022 04:45 PM

To: Shahiem Dalvie <shahiem@visionplan.co.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Herman Olivier <OlivierH@swartland.org.za>

Subject: RE: Voorgestelde heronering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Good afternoon Shahiem

We are in the process of compiling a report to our Municipal Planning Tribunal for decision making.

I confirmed to you that the HWC HIA needs to be concluded before a decision can be made on the application.

According to the NID certain information was requested by HWC. Can you please give an indication as to how for the process are in the HIA for HWC to issue an decision.

We are of the opinion that the outcome of the decision of HWC will have an impact on the land use decision. Therefore the report cannot be finalized until HWC has issued a decision.

Regards

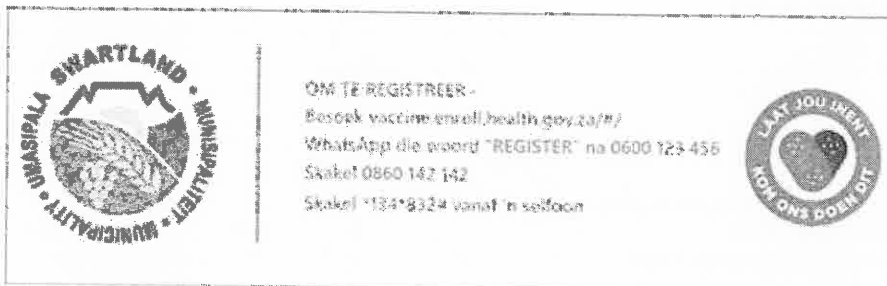
Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 F: 022-4879440 M: 0764809870

E: alwynburger@swartland.org.za



From: Alwyn Burger

Sent: Monday, May 23, 2022 8:29 AM

To: Shahiem Dalvie <shahiem@visionplan.co.za>

Cc: Alwyn Zaayman <zaaymana@swartland.org.za>

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Morning Shahiem

We shall get in contact with you if there are any queries.

We shall prepare a report for decision making by the MPT in June 2022.

Regards

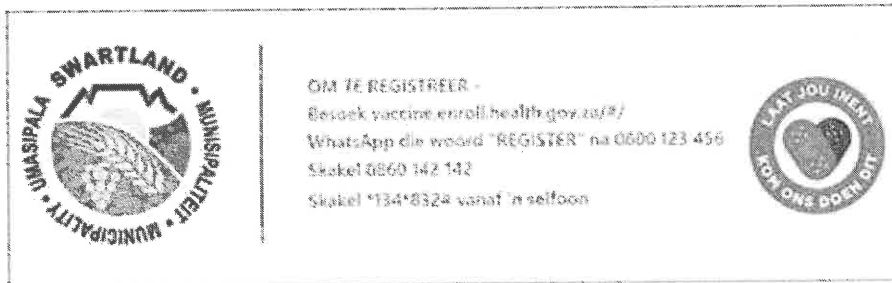
Alwyn Burger

Tch. Pln B/8429/2020

Senior Town Planner | Division: Planning

T: 022 487 9400 **F:** 022-4879440 **M:** 0764809870

E: alwynburger@swartland.org.za



From: Shahiem Dalvie <shahiem@visionplan.co.za>

Sent: Friday, May 20, 2022 7:52 PM

To: Alwyn Burger <alwynburger@swartland.org.za>; Chanice Dyason <PlanIntern1@swartland.org.za>

Cc: 'Sandra van der Merwe' <sandra@visionplan.co.za>; Blandina.Musvoto@dpw.gov.za

Subject: RE: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Dear Alwyn and Chanice

Attached please find NM & Associates' response to the comments and objections received.

Please contact us if you have any queries in this regard.

Kind Regards

Shahiem Dalvie | Director and Technical Planner

nm & associates planners and designers

T: +27 (0)21 671 1138/1281 | F: +27 (0)21 671 0930 | www.nmassociates.co.za

Postal Address: PO Box 44386, Claremont, Cape Town, 7735

Physical Address: Studio, 4 Grove Walk, Claremont, Cape Town, 7708

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From: Chanice Dyason [<mailto:PlanIntern1@swartland.org.za>]
Sent: 22 April 2022 10:49 AM
To: 'shahiem@visionplan.co.za' <shahiem@visionplan.co.za>
Subject: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury

Goeiemôre Meneer/Mevrou


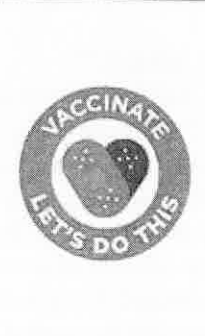
Aangeheg vind besware vir u aandag.

Groete

Chanice Dyason

Intern: Division Planning, Department Development Services

T: 022 487 9400 | F: 022 487 9440 |

	<p>TO REGISTER - Visit vaccine.enroll.health.gov.za/#/ WhatsApp the word "REGISTER" to 0600 123 456 Dial 0860 142 142 Dial *134*832# from a cell phone</p>	
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From: scan@swartland.org.za <scan@swartland.org.za>
Sent: Friday, April 22, 2022 11:18 AM
To: Chanice Dyason <PlanIntern1@swartland.org.za>
Subject:

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Shahiem Dalvie

From: Lindokuhle Masuku <Lindokuhle.Masuku@dcs.gov.za>
Sent: 29 September 2022 01:42 PM
To: OlivierH@swartland.org.za
Cc: alwynburger@swartland.org.za; Shahiem Dalvie; Blandina.Musvoto@dpw.gov.za; 'Sandra van der Merwe'; Katenga, Dekha; zaaymana@swartland.org.za
Subject: FW: EXTERNALFW: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections
Attachments: DCS Response to Swartland Municipality Refusal of LUA_29 September 2022.pdf
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Olivier,

I trust this email finds you well.

Please find herewith the attached letter with submissions that the National Department of Correctional Services would like to bring to the attention of the Swartland Local Municipality. Please be advised that the outcome of the Heritage Impact Assessment will be shared with the Municipality once it has been concluded by Heritage Western Cape.

In the interim, DCS, NDPWI and NMA are available and looking forward to fruitful engagements to address the concerns that have been conveyed by your office in the email below.

Kind regards,

Lindokuhle Masuku Pr. Plan

Professional Services Directorate

Department of Correctional Services

Cell ☎: 0664853508

Fax ☎: 0862735160

Room: 1331, East Block, Poynton Building

Address: 124 WF Nkomo Street

Email ✉: Lindokuhle.Masuku@dcs.gov.za

Website: www.dcs.gov.za

From: Shahiem Dalvie [mailto:shahiem@visionplan.co.za]

Sent: Friday, 16 September 2022 17:46

To: Blandina Musvoto

Cc: 'Sandra van der Merwe'; Nisa Mammon

Subject: EXTERNALFW: Voorgestelde hersonering en onderverdeling op Erf 1220, Malmesbury - Response to Comments and Objections

Dear Blandina

Please see the email below that we received from Herman Olivier, the town planner at Swartland Municipality dealing with this application.



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

Private Bag X136, PRETORIA, 0001, C/O WF Nkomo & Sophie de Bruyn Streets, PRETORIA
Tel (012) 307-2212, Cell 066 485 3508

Ref No : 7/2/1/1/1-MALMESBURY
Enquiries : L.V MASUKU
Telephone : (012) 307-2212

Dear Colleague, Mr. Herman Olivier

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

It is with great disappointment that we receive an email outlining the Swartland Local Municipality's intentions to refuse DCS's Land Use Application on Erf 1220 Malmesbury. In fact this decision is contrary to the assurances that the Municipality had made to our Professional Team that the land use controls can be able mitigate the concerns raised during the Public Consultation Process.

The email submission from the Swartland Local Municipality has submitted the following summary of points as it's justification for a refusal:

- Outstanding comments or conditions from the Heritage Western Cape on the development proposal;
- Proposal to restrict the usage to the existing buildings is not seen as desirable and not in line with densification and spatial planning goals;
- The proposed rezoning sterilizes the property for any other developments;
- Administrative office are in conflict the general sense of place within the neighbourhood and will detract from the character of the area;
- Not one of the proposed offices has access taken from the activity street, St Thomas. Access points are taken from Pinnard Street which is low order residential street;
- Advantages in clustering public administration and functional facilities. Examples listed are as follows:
 1. Cutting down on the amount of land required;
 2. Promotion of the full use of buildings and land;
 3. Lower building cost;
 4. Lower running cost;
 5. Minimum maintenance cost;

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

6. Convenience, as all services are located in one centre. People can accomplish a number of tasks within a single journey which equates to savings in time, money and effort and has the net effect of improving quality of life;
7. Provision of greater security;
8. Sharing of resources.

From the onset of the submission of the Land Use Application, the Department of Correctional Services (DCS) was transparent to highlight that the use of Erf 1220 Malmesbury was prompted by the need to save State financial resources on private lease office accommodation at Malmesbury. DCS is currently leasing a private office accommodation office at Malmesbury for its Community Corrections needs for the entire West Coast District. The continued reliance and utilization of private lease office accommodation is not financially sustainable for the Department and this has become a huge financial burden on the fiscus leading to enormous budgetary constraints. The submission by the Swartland Local Municipality suggest that DCS must explore alternative solutions that may promote the use of private lease office accommodation and burden the South African tax payers with more resources for private lease office accommodation. This goes against the spirit of the efficient use of public resources and saving of public financial and fiscal resources.

The Department of Correctional Services wishes to address some of technical town planning points that the Municipality has selected to ignore or dismiss.

- a) In terms of the Swartland Spatial Development Framework (2017-2022) Erf 1220 Malmesbury is located in Ward 8 which defines the objective of Public Institutions as to *"sustain material, physical and social well-being"*. The Swartland Spatial Development Framework vision seeks to promote and enhance the provision of Public Institutions in this area, the intention to refuse the application is contrary to the vision and principles embedded in the Swartland Spatial Development Framework. In essence the municipality is discouraging the provision of public institutions and amenities in close proximity of the communities and being situated on State Owned Land.¹ The promotion of alternative solutions that will require the State to lease private property is not supported. Furthermore, the proposed Community Corrections office is deemed as an *"Authority Use-it is a use which is practiced by or on behalf of a public authority.....and includes a use practiced the State including correctional institutions"*.² It is common course in town planning practice that Public Institutions are not only limited to existing schools, clinics and other existing amenities in particular area, but overtime the need arises for

¹ Swartland Spatial Development Framework: 2017-2022: Public Institutions-Page 248.

² Swartland Municipal Land Use Planning By-law 2020-Legal Definition of Authority Use.

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

additional Public Institutions to be introduced in a neighbourhood to cater for the broader needs of the community and the public that may have arisen. The intension to refuse a Public Institution is contrary to the principles of Spatial Justice, Efficiency and Good Administration as provided by the Spatial Planning and Land Use Management Act No.16 of 2013.³

- b) By its own submission and confirmation the Swartland Municipality confirms that the Erf 1220 Malmesbury is located within the Urban Edge of the Swartland Spatial Development Framework. The Study Area, Ward 8 is classified and defined in Land Use Zone C and is characterised as having *"a mixed land use character consisting of low and medium density residential uses and also supported functions like crèches, schools, hostels and a hospital. Densification and mixed uses are allowed for in the transition areas next to the commercial and industrial areas and along the activity street"*.⁴ Authority uses such offices for Community Corrections are supported and permitted in terms of the Land Use Zone C and mixed land uses that are supported in the area. In addition, there are a number of non-residential uses that have been supported by the municipality in this area, these uses range from beauty salons, florists shop, guesthouses, BnB's, schools, hospital and other ancillary uses. These non-residential uses confirm that indeed a mixed use character is deeply entrenched in the area; as such it has been highlighted and declared by the Swartland Spatial Development Framework. In legal terms this is considered to be a land use precedent for the area. This is further reinforced by the fact that, Erf 1220 Malmesbury is located along an Activity Street, that being St Thomas Street. The site has a direct access to the Activity Street, St Thomas Street and therefore access/exit can easily be provided on St Thomas Street to satisfy the municipality and the general public. This option is available for the municipality to consider and enforce.
- c) The submissions that have been put forward by the Municipality to justify the refusal are considered to be flawed and fall short of Section 3 (b), (d) and (e) of the Spatial Planning and Land Use Management Act No.16 of 2013 including the same town planning principles of clustering public administration, sterilization of land, lacking desirability etc. The municipality has failed to consider the following set of facts:
- i. Erf 1220 Malmesbury will promote the sustainable and efficient use of land, including public financial resources. The land measures 1.3 hectares in extent, this land resource will be efficiently shared and used by two State Organs i.e. the SAPS Stock Theft Unit and DCS Community Corrections Unit. The remainder and balance of the land will still be available for future public

³ Section 7: Development principles of the Spatial Planning and Land Use Management Act No.16 of 2013

⁴ Swartland Spatial Development Framework: 2017-2022: Land Use Proposals-Mixed Use-Page 250.

Lefapha la Ditirelo tsa Bosiamisi · Lefapha la Ditshebeletso tsa Tshokoloho · uMnyango weSevisi yokuQondisa iZimilo Muhasho wa Tshumelo dza Vhululamisi · Departement van Korrektiewe Dienste · Kgoro ya Ditirelo tsa Tshokololo Ndawulo ya Vululamisi bya Vabohiwa · LiTiko le Tekucondziswa kweSimilo · ISebe leeNkonzo zoLuleko UmNyango WezobuLungiswa bokuziPhatha

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

- authority uses and other State Organs and including the Municipality should there be a need establish public administration offices in the area. This will promote the clustering of public or municipal administration and sharing of land resources. Therefore the notion that the land with will be sterile and lacking desirability is technically flawed and without any town planning merit.
- ii. Erf 1220 Malmesbury will promote full use of buildings and land. All the existing buildings will be utilised and this has been confirmed in the Land Use Application. The remainder of unused land will be available for the future public administration uses in the area. The Municipality is implored to consider a futuristic view that will benefit current and future generations and the general public. The Proposed Subdivisional Diagram can be amended to create 1 or 2 additional erven that can be earmarked for the future authority zone sites for future public administration offices in the area. The amendment of the Proposed Subdivisional can be considered to the satisfaction of the Swartland Local Municipality. The site is larger enough to be shared by DCS and other State Organs; DCS open to engagements in respect of this proposal. This will ensure efficient use of land for the benefit of the public and satisfy the legal parameters of Section 3 (b), (d) and (e) of the Spatial Planning and Land Use Management Act No.16 of 2013.
 - iii. The establishment of DCS on Erf 1220 Malmesbury will promote greater security for the area. The security benefits and enhancement of security were explained in great detail in DCS's submission to the Responses of Objections.
 - iv. The Need and Desirability of this development proposal has been well motivated in Land Use Application. This is based on sound town planning principles, the correct interpretation of statutory policies and the applicable spatial planning legal framework.
- d) It was well documented that the Land Use Application attracted a number of objections during the Public Participation and Consultation Process. A number of these objections centred on concerns of security and safety, increased traffic, impact of the surrounding neighbourhood and the general lack of understanding of what a Community Corrections Office entails. DCS and NM Planners in their submissions to Responses of Objections addressed these objections in great detail. It is recognised that there are stigmas attached to Community Corrections Offices, it will be a travesty of justice for Swartland Local Municipality to come to conclusion that this type of use out is out of character to this surrounding area. By their very nature, Community Corrections Offices function efficiently when located in mixed uses areas and in residential areas. This is where the "Need" of Community Corrections is premised; probationers and parolees are living in residential communities therefore this public administration office will best function if located in close proximity to

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

communities and other functional areas. In various municipalities across the Republic of South Africa, Community Corrections Offices are located in residential areas and residential neighbourhoods; communities have embraced the critical need and function that Community Corrections play in the rehabilitation of probationers and parolees. The social integration of probationers and parolees takes place in residential communities not in isolated private office accommodation but in publicly owned office spaces. It is common course that the **NIMBY Syndrome** is often a factor when there is strong opposition new a public amenity in an area. NIMBY, an acronym that stands for *"Not In My Back Yard, is used to characterise the opposition of residents to proposed development plan in their area. NIMBY describes the phenomenon in which communities will adamantly resist a development plan near their area regardless of the positive or negative externalities are generated"*⁵.

Section 42 (1) of the Spatial Planning and Land Use Management Act No.16 of 2013 stipulates that there are a number principles and factors that the Municipal Planning Tribunal must consider before deciding an application; the decision must be consistent with the municipal spatial development framework plan, the public interest, the facts and circumstances relevant to the application, the respective rights and obligation of all those affected amongst others. The following set of facts must be considered by the Municipal Planning Tribunal:

- In the Land Use Application and in this submission DCS had demonstrated and quoted the Swartland Municipal Spatial Development Plan (Land Use Zone C Proposals for Malmesbury) supports the rezoning of Erf 1220 Malmesbury for office use;
- A delicate balancing of public interest must be made by the Municipal Planning Tribunal. The Need and Desirability of the development proposal has clearly been demonstrated and articulated in this submission, including the need to save State resources on private lease accommodation. Notwithstanding the objections received, none of the objectors have demonstrated that the Community Corrections office is not in the public interest. While the community of Malmesbury is exercising its constitutional rights to the Land Use Application, public interests have to be carefully considered by all spheres of government. An opinion is held that, there are no adverse impacts and negative effects that will be generated by the proposed development. There is various mitigation measures that the Swartland Local Municipality and the Department of Correctional Services can impose to mitigate all the concerns raised in the Public Consultation Stage, these measures ought to be considered and explored.

⁵ NIMBY Syndrome definition: Online Encyclopaedia Britannica and Online Corporate Finance Institute.

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

- The respective rights and obligations of all those affected must be considered by the Municipal Planning Tribunal. These include the public interest of the local community members, parolees and probationers, DCS officials who are currently confined to a private lease building that does not meet Occupational Health and Safety requirements and the interests of the Department of Correctional Services to its constitutional obligations in terms of its mandate and legal requirements of the Correctional Services Act No 11 of 1998 to provide Community Corrections facilities.
- e) Prior to the submission of Land Use Application with Swartland Local Municipality various meetings and consultations were held with Municipal Town Planning Officials. The decision to submit the Land Use Application was premised on positive and fruitful engagements that the Department of Public Works and Infrastructure, the Department of Correctional Services and the Project Professional Team held with Swartland Local Municipality Officials. The Swartland Local Municipality Officials even highlighted that despite a number of objections received; the Swartland Local Municipality can mitigate and address all the concerns raised by means of Conditions of Approval. A Total refusal is simply goes against the spirit of intergovernmental relations, support for public institutional uses and saving of State financial resources.
- f) Section 38 of National Heritage Resources Act No. 25 of 1999 stipulates that any person who intends to undertake a development that triggers any of the categories listed in this section must at the earliest stages of initiating the development, notify the responsible Heritage Resources Authority. Notification to Develop (NID) was submitted to Heritage Western Cape on 17th May 2021. In response to the Notification to Develop, Heritage Western Cape advised that a detailed Heritage Impact Assessment (HIA) has to be submitted to Heritage Western Cape. The Department of Public Works and Infrastructure and Department of Correctional Services will duly adhere to the requirement to submit a detailed Heritage Impact Assessment. **The two organs of State are committed to preserve and maintain the Victorian-style villa/ manor and outbuildings situated on the Erf 1220 Malmesbury.** Presently, the existing Victorian-style manor and outbuildings are in a state of decay and disrepair, should the existing building continue to remain vacant and unoccupied for the foreseeable future there will be a potential risk of illegal occupation thus posing greater security threats to the local community.

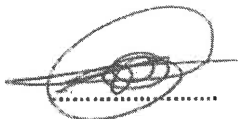
In light of the above submission, it is considered that the proposed solution to find an alternative office building to lease within the Central Business District of Malmesbury will continue to burden the South African Tax Payers with more resources for private leases and it is the Departments submission that there no financial resources for a private lease

REZONING AND SUBDIVISION OF ERF 1220 MALMESBURY: FILE REFERENCE: 15/3/3-8Erf_1220 and 15/3/6-8Erf_1220

accommodation. A Cost Benefit Analysis undertaken by DCS has revealed that the Department will save R378 810.00 per annum on private lease office accommodation at Malmesbury; these savings for Government will ensure efficient use of State financial resources and enhance good tools of public expenditure. Therefore, the proposal to consider alternative private accommodation will impose a huge cost to the fiscus and it is our collective responsibility as various spheres of Government and Organs of State to save State Financial Resources. Notwithstanding the above, it is a constitutional and legal requirement of the Correctional Services Act No. 11 of 1998 to provide office accommodation for Community Corrections and render social integration needs to probationers and parolees in residential communities.

The Department of Correctional Services is open engagements to find mitigation measures and to address community concerns that have been raised as part of the Public Consultation Process. An appeal is made for the Swartland Local Municipality to partner with the Department of Correctional Services to address the key areas of concern and we further appeal that the Municipality awaits the submission and outcome of the Heritage Impact Assessment (HIA) to Heritage Western Cape before the referral of the Land Use Application to the Municipal Planning Tribunal for a final decision. DCS would like to place all the facts before the Municipal Planning Tribunal. A humble request is made for this submission to be also considered as a supplementary submission to the Municipal Planning Tribunal when all outstanding processes have been concluded.

Yours sincerely,



L.V MASUKU

CHIEF TOWN AND REGIONAL PLANNER

ON BEHALF OF THE NATIONAL DEPARTMENT CORRECTIONAL SERVICES

DATE: 29/09/2022

cc: Department of Correctional Services: Director Prof Services: Mrs Dekha Katenga.

Department of Public Works and Infrastructure: Chief Town & Regional Planner: Ms Blandina Musvoto.

NM and Associates-Planners and Designers: Mr. Shahiem Dalvie.

Date: 15 December 2022

File Ref: 15/3/6-8/Erf_1220

Per Registered Post

A A Louw
Sarel Cillierstraat 33
Malmesbury 7300

fingro@telkomsa.net

VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220, MALMESBURY

PROPOSED REZONING AND SUBDIVISION OF ERF 1220, MALMESBURY

Kennis geskied hiermee dat hierdie kantoor ingevolge Artikel 89 (2) van die Swartland Munisipaliteit Grondgebruikbeplanning Verordening (PK 8226 of 25 Maart 2020) appel aangeteken het teen die besluit geneem deur die Munisipale Beplanningstribunaal op 16 November 2022. Die doel van hierdie skrywe is om u in kennis te stel dat u die geleentheid gegun word om kommentaar te lewer op die appel tot 18 Januarie 2023.

Die datum van kennisgewing ten opsigte van hierdie kennisgewing beteken die datum van registrasie van hierdie kennisgewing. Enige kommentaar moet gerig word aan die Die Munisipale Bestuurder, Swartland Munisipaliteit, Privaatsak X52, MALMESBURY, 7299.

Ons vertrou u vind die bogenoemde in orde.

Vriendelike groete

Shahiem Dalvie
Vir NM & Associates planners and designers

Notice is hereby given that this office has lodged an appeal in terms of Section 89 (2) of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020) against the decision as determined by the Municipal Planning Tribunal on 16 November 2022. The purpose of this letter is to inform you that an opportunity is provided to comment on the appeal until 18 January 2023.

The date of notification in respect of this notice served is the date of the registration of this notice. Any comments must be directed to The Municipal Manager, Swartland Municipality, Private Bag X52, MALMESBURY, 7299.

We trust you find the above to be in order.

Kind regards

Shahiem Dalvie
For NM & Associates planners and designers

Date: 15 December 2022

File Ref: 15/3/6-8/Erf_1220

Per Registered Post

A G Barkhuizen
Wandelstraat 5
Malmesbury 7300

VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220, MALMESBURY

PROPOSED REZONING AND SUBDIVISION OF ERF 1220, MALMESBURY

Kennis geskied hiermee dat hierdie kantoor ingevolge Artikel 89 (2) van die Swartland Munisipaliteit Grondgebruikbeplanning Verordening (PK 8226 of 25 Maart 2020) appel aangeteken het teen die besluit geneem deur die Munisipale Beplanningstribunaal op 16 November 2022. Die doel van hierdie skrywe is om u in kennis te stel dat u die geleentheid gegun word om kommentaar te lewer op die appel tot 18 Januarie 2023.

Die datum van kennisgewing ten opsigte van hierdie kennisgewing beteken die datum van registrasie van hierdie kennisgewing. Enige kommentaar moet gerig word aan die Die Munisipale Bestuurder, Swartland Munisipaliteit, Privaatsak X52, MALMESBURY, 7299.

Ons vertrou u vind die bogenoemde in orde.

Vriendelike groete

Shahiem Dalvie
Vir NM & Associates planners and designers

Notice is hereby given that this office has lodged an appeal in terms of Section 89 (2) of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020) against the decision as determined by the Municipal Planning Tribunal on 16 November 2022. The purpose of this letter is to inform you that an opportunity is provided to comment on the appeal until 18 January 2023.

The date of notification in respect of this notice served is the date of the registration of this notice. Any comments must be directed to The Municipal Manager, Swartland Municipality, Private Bag X52, MALMESBURY, 7299.

We trust you find the above to be in order.

Kind regards

Shahiem Dalvie
For NM & Associates planners and designers

REGISTERED LETTERS POSTED AT POST OFFICE**15 DECEMBER 2022**

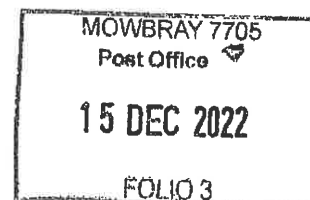
First Name	Address Line 1	City	ZIP Code	E-mail Address
H M Schreuder	ST Johnstraat 44	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 802 www.sapo.co.za RC484080240ZA CUSTOMER COPY 301028R
Nita Braxton	Bergzichtstraat 17	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 802 www.sapo.co.za RC484080238ZA CUSTOMER COPY 301028R
E J Rossouw	Louwry Colestraat 4	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 802 www.sapo.co.za RC484080267ZA CUSTOMER COPY 301028R
N Mattison	3A Bergzicht Street	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 802 www.sapo.co.za RC484080253ZA CUSTOMER COPY 301028R
C le Roux & E Naude	PO Box 3374	RANDBURG	2125	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 802 www.sapo.co.za RC484080275ZA CUSTOMER COPY 301028R



REGISTERED LETTERS POSTED AT POST OFFICE

15 DECEMBER 2022

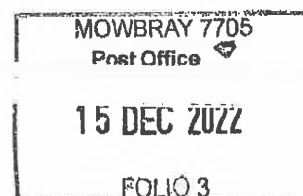
First Name	Address Line 1	City	ZIP Code	E-mail Address
S Muller	St Thomasstraat 32	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0860 111 502 www.sapo.co.za RC484080179ZA CUSTOMER COPY 301028R
W Taylor	Wandelstraat 18	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0860 111 502 www.sapo.co.za RC484080205ZA CUSTOMER COPY 301028R
R Coetzee	Geldenhuisstraat 29	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0860 111 502 www.sapo.co.za RC484080196ZA CUSTOMER COPY 301028R
E Rossouw	LOWRY COLE STRAAT 4	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0860 111 502 www.sapo.co.za RC484080284ZA CUSTOMER COPY 301028R
A M Bosman	Bergzichtstraat 11	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0860 111 502 www.sapo.co.za RC484080219ZA CUSTOMER COPY 301028R
C Bosman	Bergzichtstraat 11	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0860 111 502 www.sapo.co.za RC484080222ZA CUSTOMER COPY 301028R



REGISTERED LETTERS POSTED AT POST OFFICE

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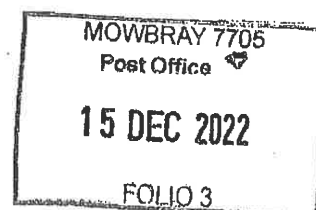
First Name	Address Line 1	City	ZIP Code	E-mail Address
D Swart	Pinardstraat 7A	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 502 www.sapo.co.za RC484080117ZA CUSTOMER COPY 301028R
C Bruyns	Buitekantstraat 24	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 502 www.sapo.co.za RC484080148ZA CUSTOMER COPY 301028R
J & J Hill	Geldenhuystraat 12A	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 502 www.sapo.co.za RC484080134ZA CUSTOMER COPY 301028R
A G Barkhuizen	Wandelstraat 5	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 502 www.sapo.co.za RC484080165ZA CUSTOMER COPY 301028R
J van der Merwe	Pinardstraat 26	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 502 www.sapo.co.za RC484080151ZA CUSTOMER COPY 301028R
P van der Merwe	Pinardstraat 26	MALMESBURY	7300	REGISTERED LETTER <small>(with a domestic insurance option)</small> ShareCall 0800 111 502 www.sapo.co.za RC484080182ZA CUSTOMER COPY 301028R



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First Name	Address Line 1	City	ZIP Code	E-mail Address
J Basson	Hospitaalstraat 2	MALMESBURY	7300	REGISTERED LETTER <i>(with a domestic insurance option)</i> ShareCall 0860 111 502 www.sapo.co.za RC484080050ZA CUSTOMER COPY 301028R
P C Punt	Sarel Cillierstraat 27	MALMESBURY	7300	REGISTERED LETTER <i>(with a domestic insurance option)</i> ShareCall 0860 111 502 www.sapo.co.za RC484080085ZA CUSTOMER COPY 301028R
L Schultz	Arcadiastraat 67	MALMESBURY	7300	REGISTERED LETTER <i>(with a domestic insurance option)</i> ShareCall 0860 111 502 www.sapo.co.za RC484080077ZA CUSTOMER COPY 301028R
A A Louw	Sarel Cillierstraat 33	MALMESBURY	7300	REGISTERED LETTER <i>(with a domestic insurance option)</i> ShareCall 0860 111 502 www.sapo.co.za RC484080103ZA CUSTOMER COPY 301028R
J & P Prichard	Pinardstraat 25	MALMESBURY	7300	REGISTERED LETTER <i>(with a domestic insurance option)</i> ShareCall 0860 111 502 www.sapo.co.za RC484080094ZA CUSTOMER COPY 301028R
M Jordaan	Sarel Cillierstraat 34	MALMESBURY	7300	REGISTERED LETTER <i>(with a domestic insurance option)</i> ShareCall 0860 111 502 www.sapo.co.za RC484080125ZA CUSTOMER COPY 301028R



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First Name	Address Line 1	City	ZIP Code	BARCODE
D F Wege	St Thomas straat 42	MALMESBURY	7300	REGISTERED LETTER (with a domestic insurance option) ShareCall 0800 111 802 www.sapo.co.za RC484080001ZA CUSTOMER COPY 301028R
N Sieni & N Myburgh	Truterstraat 33	MALMESBURY	7300	REGISTERED LETTER (with a domestic insurance option) ShareCall 0800 111 802 www.sapo.co.za RC484079992ZA CUSTOMER COPY 301028R
L van der Merwe	Geldenhuisstraat 25	MALMESBURY	7300	REGISTERED LETTER (with a domestic insurance option) ShareCall 0800 111 802 www.sapo.co.za RC484080029ZA CUSTOMER COPY 301028R
E van der Merwe	Geldenhuisstraat 25	MALMESBURY	7300	REGISTERED LETTER (with a domestic insurance option) ShareCall 0800 111 802 www.sapo.co.za RC484080015ZA CUSTOMER COPY 301028R
J Coetzee	Pinardstraat 28	MALMESBURY	7300	REGISTERED LETTER (with a domestic insurance option) ShareCall 0800 111 802 www.sapo.co.za RC484080032ZA CUSTOMER COPY 301028R
CP Raath & V Wium	St Thomasstraat 25	MALMESBURY	7300	REGISTERED LETTER (with a domestic insurance option) ShareCall 0800 111 802 www.sapo.co.za RC484080063ZA CUSTOMER COPY 301028R



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[] [] [] [] [] Postcode Postkode		Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.		Affix Track and Trace customer copy Plak Volg-en-Spoor-kliëntafskrif	
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MUNISIPALITEIT SWARTLAND				
15/3/3-8/Erf-1220				
SSSB	Bestuur	Finansie	Rechtsaanklag	Form/Taal
Onder Omskeerp				
Onder Omskeerp				(get)BY



Annexure 6

- MEMORANDUM -

Direktoraat van die Direkteur: Ontwikkelingsdienste
 Departement : Ontwikkelingsbestuur
 Afdeling: Grondgebruik en Stadsbeplanning

26 Januarie 2023

15/3/3-8/Erf_1220

AAN: Snr Stads- en Streekbeplanner

APPÊL: VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220, MALMESBURY

Aangeheg vind die volgende dokumentasie in voormelde verband, naamlik:

- (1) Appêl ontvang vanaf N & M Associates
- (2) Kommentaar vanaf beswaarmakers

Hiermee word versoek dat die evalueringsverslag by die ondergetekende ingehandig word voor/op Maandag 27 Februarie 2023.

DIREKTEUR: ONTWIKKELINGSDIENSTE



18 Jan. 2023

Wie dit mag aangaan.

Ek ankesteun die Swartland
munisipaliteit se beplanings
tribunaal se besluit ~~as~~ die
afkeuring van voorgestelde
herosenering en ankeverdeling
van erf 1220.

Boue skulpe

Moortjie Jordaan

Sarel Cilliersstraat 34,

Malmesbury.

Erf No 101227000.

BRIEF AAN DIE BSTUURDER

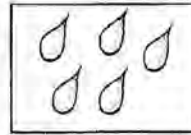
JH CONRADIE, ROELOF EN VREDE JOHANN CONRADIE
CONRADIE BESPROEING
GELDENHUYSSTRAAT12C
MALMESBURY

7300

VAT NR 4130196779

TEL NR 083-2693210

DATUM:18/01/2023



DIE MUNISIPALE BESTUURDER

SWARTLAND MUNISIPALITEIT

PRIVAATSAK XS2

MALMESBURY

7299

SUPPLIER NR:MKK2P JOHANNES HENDRIK CONRADIE

REG MAAA0178408

REF NR.2246562

swartlandmun@swartland.org.za

INSAKE: VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220, MALMESBURY

ONS AS BUURT VOEL DAT ONS OOK GENOOI WORD OM BY 'N VERGADERING TE WEES OM ONS MENING TE GEE EN NOG VRAE TE VRA INDIEN DIT MOONTLIK IS. ONS VOEL DAT AL ONS BURE TEENWOORDIG IS EN ALMAL IN KENNIS GESTEL WORD OM NIE NET BRIEWE TE STUUR NIE. ONS BUURT IS 'N REDENSIELE BUURT EN IS OOK 'N VEILIGE BUURT, MAAR GAAN DIT SO WEES AS DIE KANTORE HIERHEEN GESKUIF WORD EN GAAN HIER WAGTE WEES WAT GAAN PATROLLEER.

BAIE DANKIE

JOHAN CONRADIE, ROELOF EN VREDE JOHANN CONRADIE

J Conradie

-----Original Message-----

From: online616425@telkomsa.net <online616425@telkomsa.net>

Sent: Wednesday, 18 January 2023 09:26

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Subject: VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220,MALMESBURY

VIR SPESIALE AANDAG ME D N STALLENBERG

Goeie môre

Ek is tans nog met vakansie en reageer dus op wat ek van die omliggende eienaars verneem het. Ons as omliggende eienaars is blykbaar om kommentaar gevra in reaksie op die Departement Korrektiewe Dienste se appèl. Ek het nog nie die brief ontvang waarin die versoek aan ons gerig is nie.

Ek wil graag op rekord plaas dat ek die besluit(e) van die Raad, soos vervat in hulle skrywe van 28 November 2022, 100% ondersteun. Beter kan ek dit nie stel nie.

Die redes aangevoer in paragrawe (a) tot (q) in die gemelde brief getuig van 'n wel deurdagte besluit.

Ek vertrou dat die Raad ons saak verder sal ondersteun.

Ek beskik nie oor die Burgemeester en ons wykraadslid me A de Beer se eposadresse nie en sal dit waardeer indien u asseblief hierdie epos aan hulle sal stuur.

Dankie.

Vriendelike groete

A A Louw
Erf nommer 101239000
Sarel Cilliersstraat 33
Malmesbury.

Tel.082-4822402

From: Jaline Coetzee <jalinecoetzee@gmail.com>

Sent: 18 January 2023 10:43 AM

To: Shahiem Dalvie <shahiem@visionplan.co.za>

Cc: Delmarie Stellenberg <StellenbergD@swartland.org.za>; Schalk Wheeler <schalk.wheeler@grupocobra.com>

Subject: Re: Erf 1220 Malmesbury - Notice of Appeal

Goeie dag

Ek as eienaar van Pinard str 28 Malmesbury teken beswaar aan teen die voorgestelde hersonering van ERF 1220 vir die die doel van onderverdeling as kantore vir Korrektiewe dienste.

Dit is onaanvaarbaar dat kantore wat gebruik gaan word vir misdadigers om by aan te meld in n residensiële area opgerig gaan word. Nie net is dit n residensiële area nie maar daar is ook n Laerskool 5 strate daarvandaan . Kinders wat middag van die Laerskool af na hul wonings loop staan dan n baie groot kans om hul vas te loop in hierdie misdadigers. Die veiligheids risiko daarvan is net te groot en ek kan nie regtig verstaan hoekom dit eers oorweeg word nie. Ons veiligheid kan nie gewoorborg word in jul skrywe nie en as ons teruggaan op die geskiedenis van ontsnappings uit plaaslike korrektiewe dienste die afgelope 3 jaar is die n duidelike indikasie van wat op ons gaan wag. Dit sal nie net ons kinders se veiligheid belemmer nie maar ook die veiligheid van ons wonings en eiendom word daardeur geraak. Die feit dat hul deur wonings beweeg gee die geleentheid vir hul om waar te neem waar hul weer kan inbreek of kwaad doen by wonings. Daar is reeds heinings aangebring teen die N7 om die beweging van nie-inwoners in die area te verminder en te beheer. Dit gaan die beweging van hierdie nie-inwoners verhoog. Tans op ons whatsapp veiligheids groepe word reeds geraporteer as daar beweging is in die strate deur mense wat nie in hierdie area woon nie om misdaad te bekamp en ook die nodigheid van polisiering te verminder deur die optrede van ons as inwoners om self die nie-inwoners te verhinder uit hierdie area. Dit gaan die identifisering en beheer van hierdie nie-inwoners in die area onmoontlik maak wat dan gaan lei tot die toename van misdaad. Dit gaan direk n impak hê op ons as inwoners met ekstra koste vir die opskerp van veiligheids maatreels en toerusting. Ons het tans n rustige buurt en verkies om dit so te hou. Die kantoor ure aangedui in die skrywe is Maandae to Vrydae 7 - 11 saans. Dit is onaanvaarbaar in n residensiële area veral tydens beurtkrag waar niks sigbaar is buite nie en ons weer op ons onkoste beligting moet verseker tydens beurtkrag want dit impakteur nie net die straat waarin die kantoor gaan wees nie maar ook die omliggende strate waarin die persone sal beweeg. Dit sal ook n verhoging in voertuie en verkeer in die area lei wat die veiligheids risiko van die kinders wat Laerskool toe beweeg verhoog.

Geen gebou wat deur korrektiewe dienste beset word is tans in n goeie en netjiese toestand nie, die huise van die bewaarders rondom die nuwe tronk is in n haglike toestand. Die rommel in en om daai area alleen is n oog seer want heel duidelik het hul geen respek vir enige iemand om hul nie en word rommel net in die straat neer gegooi wat beteken dit gaan na ons eiendom waai en ons sal dit moet skoon maak. Selfs die geboue waar korrektiewe dienste en staat instansies inbeweeg word nie onderhou nie so na die voorgestelde verandering voltooi sou word sal dit nooit weer in stand gehou word nie en ontaard in n oog seer. Tans is daardie nie n oog seer nie en word die gras rondom dit gesny wanneer dit te lank raak. Die gebou is ook geseel en daar is nie toegang vir enige persoon om binne in te kom nie. Ek ry elke dag daar verby en het nog nooit ongewenste mense daar gesien nie en die huis het ons nog nooit gepla nie. Omskep dit eerder in iets wat n aanwinst sal wees in die residensiële area en wat die inwoners sal verwelkom. Daar is ook baie pensionarisse wat direk aangrensend aan die eiendom woon wat die hoogste misdaad risiko gaan ervaar.

Ek glo dit sal n direkte negatiewe impak op die waarde van ons eiendom wat ons slegs 2 jaar gelede gekoop het. Indien ons daardie tyd dit geweet het sou ons nooit daardie eiendom aangekoop het nie. Daar is reeds studies gedoen om die impak van die oprigting van enige korrektiewe instansie in n residensiële area vas te stel en die uitkoms van hierdie studie het nie een positiewe uitkoms vir die eienaars van die residentiele eiendom gehad nie en daarvan is jul as ontwikkelaars bewus maar steeds wil jul voortgaan.

Ek glo daar is ander persele wat oorweeg kan word vir die oprigting van die voorgestelde kantore bv. langs die polisie stasie is n oop stuk grond wat idiaal sou wees en reeds by n korrektiewe dienste instansie is. Langs daardie korrektiewe dienste is ook n woonhuis wat ek glo eerder omskep kan word in kantore.

Ek is teen die ontwikkeling en sal dit teenstaan op enige moontlike manier.

Erken asb ontvangs van hierdie skrywe.

Jaline Wheeler

BRIEF AAN DIE BSTUURDER

JH CONRADIE
CONRADIE BESPROEIJING
GELDENHUISSTRAAT12D
MALMESBURY
7300

VAT NR 4130196779
TEL NR 083-2693210
DATUM:18/01/2023



DIE MUNISIPALE BESTUURDER
SWARTLAND MUNISIPALITEIT
PRIVAATSAK X52
MALMESBURY
7299

SUPPLIER NR:MKK2P JOHANNES HENDRIK CONRADIE
REG MAAA0178408
REF NR.2246562
swartlandmun@swartland.org.za

INSAKE: VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220, MALMESBURY

ONS , AS BUURT IN HIERDIE GEBIED MAAK 'N BESWAAR, OMDAT HIER 'N TOELOOP VAN MENSE SAL WEES EN DAAR GAAN OOK BAIE BEWEGING VAN MOTORS WEES. ONS VEILIGHEID IN BUURT SAL DIT GEWAARBORG WEES? DIE INSTANDHOUDING VAN DIE PERSEEL EN NETHEID VAN DIE PERSEEL MOET AS VOORWAARDE INGESKRYF WORD, WANT ONS HET AL REEDS KLAGTES GEHAD OOR DIE NETHEID VAN PERSEEL. DIE WERKSURE SAL DIT NET OP NORMALE KANTOOR URE BEHEL OF OOR NAWEKE OOK. DIT IS SO N PRAGTIGE GEBOU EN LYK NOU BAIE VERWAARLOOS.

ONS HET GLAD NIE 'N GEREISTREERDE BRIEF IN JANUARIE 2023 ONTVANG NIE EN VOEL DAT ALMAL 'N BRIEF MOES KRY.

BAIE DANKIE

JOHAN EN LENE CONRADIE

From: Leani van der Merwe <leanih@gmail.com>
Sent: 18 January 2023 12:24 PM
To: Shahiem Dalvie <shahiem@visionplan.co.za>
Cc: Delmarie Stellenberg <StellenbergD@swartland.org.za>
Subject: Re: Erf 1220 Malmesbury - Notice of Appeal

Goeie middag.

Eerstens wil ek sê dat die kennisgewing oor 'n Desember vakansie baie onregverdig is. Van die bure het eers onlangs van vakansie af terug gekom en van hulle is nog met vakansie.

Ek staan by my vorige kommentaar en ondersteun die munisipaliteit se besluit om dit af te keur.

Sekuriteit is 'n groot probleem!! Alhoewel hul sê dat hul onder toesig gaan wees, kan hul nie ons veiligheid waarborg nie. Ons het 2 gevalle gehad nie lank terug waar daar ook toesig moes wees, maar ontsnapping het gebeur, so ons veiligheid is nie gewaarborg nie. Dit bring kriminele na ons residensiele area toe, wat die risiko van ons veiligheid vergroot, maak nie saak of hul onder toesig is of nie.

Baie van ons kinders is nog in die Laerskool en loop in die middag huis toe. Eerstens is daar 'n moontlikheid dat hulle met die kinders in kontak kan kom en tweedens gaan die invlaks van mense die verkeer vermeerder in die area, waar kinders skool toe en terug moet stap, wat dit minder veilig maak vir ons kinders.

Privaatheid gaan ook 'n probleem wees waar hul huise & inwoners kan dop hou, want die erf het net 'n heining om. Met die historiese gebou sal hul nooit 'n muur mag om sit nie en net palisades waar deur mens kan sien.

Die kantore gaan oop wees van 07h00 - 23h00 in die aande. Die area is BAIE stil en rustig in die aande en oor naweke. Met kantore in die buurt gaan dit 'n invloed hierop hê en die hele area se gevoel verander en die rustigheid en stilte weg neem.

Die probleem van "Illegal occupation" is al vir lank nie 'n probleem nie. Die gebou is toe gemaak en het ons 'n goeie buurtwag wat die area skoon hou.

Opgradering van die gebou gaan wel die aangesig verbeter van die huis maar kantore gaan definitief die residensiele area se gevoel verander in 'n negatiewe manier. En vir hoe lank gaan hul die onderhoud op datum hou? Daar is ook tans mooi voëllewe wat verhinder gaan word.

Ek is 'n geregistreerde eiendomsagent en stem GLAD NIE saam met die kommentaar dat dit die waarde van die eiendomsmark gaan verbeter nie.

Eerstens sou ek nooit die eiendom gekoop het as ek geweet het wat moontlik kon kom nie. In die brief staan van die stigma wat met so 'n projek gepaard gaan en dus juis daardie stigma waarna kopers eerste gaan kyk. Nie net vir die direkte eiendomme om Erf 1220 nie maar die hele area se mark gaan verswak. Maak nie saak watse punte tenvore gebring word nie, daar is baie min kopers wat in 'n eiendom gaan belê wat naby so projek geleë is. Kopers wil in 'n residensiele area bly waar dit rustig en veilig is, nie naby kantore of winkels nie, nie eers te sê van so projek nie. As daar minder belangstelling in die eiendom is, word die verkoopsprys al hoe laer en gaan dit die hele omgewing se gemiddelde verkope afbring. So hierdie projek gaan verseker nie die eiendomsmark verbeter nie, maar verswak.

Hul noem ook van ekstra straatbeligting. Dit wat tans daar is, is voldoende, as hul ekstra beligting op die perseel aanbring, gaan dit nie noodwendig die area beïnvloed nie, so dit kan nie gesien word as 'n positiewe punt nie.

Die onderste kantoor se gebou is baie kleiner en staan net 'n paar voertuie daar, so die beweging is nie so baie soos wat by die projek beplan word nie. Hul praat in die brief van die 10666.76vkm grootte erf wat oorgenoeg spasie is vir al die parkering en voertuie wat hul daar wil parkeer, met ander woorde meer voertuie meer verkeer.

Ek hoop dat die munisipaliteit die projek nogsteeds gaan afkeur.

Bekommerde inwoner.
Leani van der Merwe

From: James Prichard <prichardjm@telkomsa.net>

Sent: 18 January 2023 12:23 PM

To: shahiem@visionplan.co.za

Cc: Delmarie Stellenberg <StellenbergD@swartland.org.za>

Subject: Voorgestelde hersonering en onderverdeling van Erf 1220, Malmesbury

Geagte mnr Shahiem Dalvie,

Ons ondersteun die Malmesbury Munisipale Beplanningstribunaal 100% met die afkeur van die Hersonering en Onderverdeling van Erf 1220 in Malmesbury.

Groete

James en Petro Prichard

Pinardstraat 25

Malmesbury

Erf 1236

The Municipal Manager: Department Development Services
Built Environment
Swartland Municipality
Private Bag X52
Malmesbury
7299
Email: Swartlandmun@swartland.org.za

18 January 2023

Ref: 15/3/3-8/Erf_1220 & 15/3/6-8/Erf_1220

Dear Mr., Scholtz

OBJECTION/ APPEAL COMMENT: REZONING AND SUBDIVISION TO PROVIDE LAND USES SUCH AS AN AUTHORITY ZONE AND A TRANSPORT ZONE 2 ON ERF 1220 MALMESBURY IN TERMS OF THE SWARTLAND MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW, 2020

Herewith we confirm that we have received the letter of appeal from NM & associates, planners and designers and wish to state that we still object to the rezoning & subdivision application/s as submitted by the applicant.

Ideal Consulting is of opinion that all arguments raised in the initial objection, submitted to the municipality on the 14th of April 2022 is still relevant and that there are numerous other options/ locations where the proposed land use would be more suitable and sustainable.

We therefore requested that the initial objection submitted to the municipality remains on file and that we be notified timeously of any site inspections and/or hearings in relation to the matter. The objector also wishes to add further statements and concerns when additional information comes to light. Kindly note that we do reserve the right to expand our objection on the date of the planning tribunal or hearing.

Yours sincerely,

Charles le Roux and Elouise Naude

18/01/2023

Name & Surname

Date

+27 82 851 7776/ +27 71 240 0384

Contact Number

charles@idealconsulting.co.za/ info@idealconsulting.co.za

Email Address

Gerbrandt Pierre Bezuidenhout (Erf 1240 Malmesbury)

Owner of the Property (Property Description)

Kindly note that it is preferred that all official communication gets emailed to charles@idealconsulting.co.za

Date: 15 December 2022

File Ref: 15/3/6-8/Erf_1220

Per Registered Post

C le Roux & E Naude
P O Box 3374
Randburg
2125

info@idealconsulting.co.za

VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220, MALMESBURY

PROPOSED REZONING AND SUBDIVISION OF ERF 1220, MALMESBURY

Kennis geskied hiermee dat hierdie kantoor ingevolge Artikel 89 (2) van die Swartland Munisipaliteit Grondgebruikbeplanning Verordening (PK 8226 of 25 Maart 2020) appel aangeteken het teen die besluit geneem deur die Munisipale Beplanningstribunaal op 16 November 2022. Die doel van hierdie skrywe is om u in kennis te stel dat u die geleentheid gegun word om kommentaar te lewer op die appel tot 18 Januarie 2023.

Die datum van kennisgewing ten opsigte van hierdie kennisgewing beteken die datum van registrasie van hierdie kennisgewing. Enige kommentaar moet gerig word aan die Die Munisipale Bestuurder, Swartland Munisipaliteit, Privaatsak X52, MALMESBURY, 7299.

Ons vertrou u vind die bogenoemde in orde.

Vriendelike groete

Shahiem Dalvie
Vir NM & Associates planners and designers

Notice is hereby given that this office has lodged an appeal in terms of Section 89 (2) of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020) against the decision as determined by the Municipal Planning Tribunal on 16 November 2022. The purpose of this letter is to inform you that an opportunity is provided to comment on the appeal until 18 January 2023.

The date of notification in respect of this notice served is the date of the registration of this notice. Any comments must be directed to The Municipal Manager, Swartland Municipality, Private Bag X52, MALMESBURY, 7299.

We trust you find the above to be in order.

Kind regards

Shahiem Dalvie
For NM & Associates planners and designers

The Municipal Manager: Department Development Services
Built Environment
Private Bag X52
Malmesbury
Email: Swartlandmun@swartland.org.za

14 April 2022

Ref: 15/3/3-8/Erf_1220 & 15/3/6-8/Erf_1220

To whom it may concern

**OBJECTION: REZONING AND SUBDIVISION TO PROVIDE LAND USES SUCH AS AN
AUTHORITY ZONE AND A TRANSPORT ZONE 2 ON ERF 1220 MALMESBURY IN TERMS OF
SECTION 25(2)(a) AND SECTION 25(2)(d) OF THE SWARTLAND MUNICIPALITY: MUNICIPAL
LAND USE PLANNING BY-LAW, 2020**

Herewith we would like to OBJECT to the said applications as the owner of Erf 1240 Malmesbury. Objections are listed and described as follows:

1. Public Participation Procedures:
 - a. According to information received, it was noted that the public participation procedures were not in accordance with the current regulations, therefore the principle of good administration is under question. It is therefore requested that the applicant provide proof that the site notices were placed in conspicuous places and also visible for the entire public participation period as specified when applying for a rezoning & subdivision to the Swartland Municipality.
 - b. The objector also wishes to raise the question of whether the public participation procedures are representative/ relevant as the process was conducted over school holidays and public holidays.
2. Unauthorised land uses should not be used/ be considered as a reasonable motivation as to why other similar uses should also be supported on the site:
 - a. From the application submitted/ memorandum submitted it is clear that the surrounding area and land uses are residential of nature. By arguing that an UNAUTHORISED land use is already located on the property, does not constitute that the area is not "Residential".
 - b. By approving the rezoning to "Authority Zone" and "Transport Zone 2" the residential character of the area will be impacted/ in jeopardy.
 - c. The objector is of opinion that these land uses should rather be allowed/ approved in the CDB area of Malmesbury instead of in a residential area.
 - d. By approving the application under the guise that the existing "residential" buildings will be used for the offices, what guarantees can be given

that these buildings will not be demolished and rebuilt as typical office buildings.

3. Impact on the surrounding area

- a. Increase in traffic- As mentioned in the report, there will be permanent staff operating in the buildings. Even though the number of staff listed in the motivational memorandum is low, it cannot be guaranteed that the number of staff will be limited.
- b. Increase in noise- Any change in land uses that is not solely residential will have an increase in cars, noise and will have a negative impact on a residential area.

4. Accessibility

- a. The motivational memorandum refers to the high accessibility of the site. The objector is of opinion that this statement is not entirely correct as the sites would have been more accessible closer or within the CBD where regular public transportation modes exist. The fact that the site is located 6 blocks from the demarcated CBD area and within a residential area makes the site more difficult to access by the general public.
- b. Even though the town planning regulations only require one (1) parking bay per 25m² gross leasable area, the report referred to a total number of 32 individuals who will operate on site. The parking currently provided only accommodates 28 parking bays. This is a great concern as the current layout does not even accommodate for one car per employee and it is without any additional appointments of staff.
- c. Furthermore, "overflow" parking is also of concern as there was no mention of any visitors and no visitor parking bays are indicated on the premises/ application submitted.

5. Specialist Studies and Reports

- a. The objector acknowledges the fact that specialists were involved and consulted on the proposed usages; however, it is not representative of what the impact of these uses would have on the infrastructure and surrounding area. Specialist studies/ reports should be compiled, considering the total usage ("worst-case scenario") that would be allowed/ approved on site and not only the current situation/ scope.

6. Need & Desirability

- a. The objector does not argue that there is no need and desirability of the land uses applied for in the application; however, the objector is of opinion that these uses should rather be located in the CBD area where it is more accessible and visible to the public. In addition, similar government uses are already established in the northern part of Malmesbury CBD, and the site would benefit if it were located in the same area.

7. General Perception and Property Values

- a. The proposed rezonings will impact the property values of the area as it will no longer be seen/ classified as a residential neighbourhood.

It is therefore proposed that the SAPS Stock theft unit rather be considered in a "non-residential" area/ zoning, where the impact of the land uses will not affect the residents in the area so severely. More suitable locations of government owned land should be considered for the above mentioned uses that are located on non- residential areas/ zones.

Please advise me timeously of the site inspections and/or hearings in relation to the matter. The objector also wishes to add further statements and concerns when additional information comes to light. Kindly note that we do reserve the right to expand our objection on the date of the planning tribunal or hearing.

Kindly acknowledge receipt of this objection and questions.

Yours sincerely,

Charles le Roux and Elouise Naude

Name & Surname

14/04/2022

Date

+27 82 851 7776/ +27 71 240 0384

Contact Number

charles@idealconsulting.co.za/ info@idealconsulting.co.za

Email Address

Gerbrandt Pierre Bezuidenhout (Erf 1240 Malmesbury)

Owner of the Property (Property Description)

*Kindly note that it is preferred that all official communication gets emailed to
charles@idealconsulting.co.za*

①

MUNISIPALITEIT SWARTLAND				
15/3/3-8/Erf- 1220				
SSSB				
a Oel				
15/3/6-8/Erf- 1220				

18 Januarie 2023

11 Bergzicht straat
Malmesbury

7300

VIR WIE DIT VAN BELANG IS:

i/s Hersonering van erf 1220



Eerstens wil ek my misnoë uitspreek dat die aansoeker nie die gemeenskap of plaaslike owerhede se opinie respekteer nie

Soos reeds genoem in in vorige skrywe is daar steeds die volgende aspekte wat maak dat erf 1220 nie hersoneer moet word nie:

- daar is meer geskikte, meer toeganklike persele beskikbaar. Van hierdie persele hoef dalk nie eers gehoor te word nie, want dit val reeds onder dieselfde ministerie.
- spandier eerder tyd en geld om mense met parool behoorlik te rehabiliteer en wáárlík, prakties in die gemeen-

skap terug te bring deur bv. werkskepping, aanleer van vaardighede en gemeenskapsdiens. Waar die kantoor geleë is het nie te doen met integrasie in die gemeenskap nie. Solank die kantoor op normale bewegingsroetes is, sal dit maklik wees om aan te meld.

- As die erf eers gehersoneer is, gaan dit vir altyd (of tot naewe aansoek kom) so bly. Hierdie perseel moet eintlik gesoneer word na "residentieel", want dit is nie 'n grens/oorgangs-area nie.

- Vanaf 'n historiese oogpunt is hierdie erf ook baie belangrik en moet daar met groot sorg omgegaan word.

- ⊕ Malmesbury Toerisme het op 1 Junie '22 'n skrywe uitgestuur waarin daar verwyd word na 'n studie wat gedoen was oor belangrike historiese areas in die Swartland. Chris Murphy en Henk

②

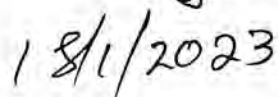
Bruwer het die inligting versamel.

Op bl. 8 word erf 1220 aangedui en volgens kleurkode en bygaande sleutel word dit as "3A - most important, few alterations permitted" beskryf.

Hierdie is net kortliks weer in samevatting van die hoof besware teen die herosenering van erf 1220.

Ongelukkig was ons met vakansie tydens die uitstuur van die kennisgewing 5. My tyd om meer te skryf en navorsing te doen was blykbaar beperk.

Vriendelike groete
Corné Berman.



1/5 Elf 1220 Ulleusberg

- 272-

2.

ouster oor wat alles op die perseel
kan gebeur as hulle sou voortgaan.
... dat die perseel!

My aanbeveling is dat die persón
1220 onder Municipale beheer
geplaas word, en so hersonneer word,
voor asof die aansoekers

geplaat word, en so hersonne.

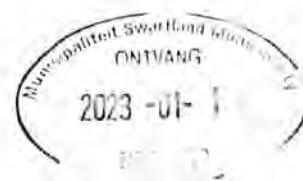
⑥ Dit kom voort op die aansoekers
vir die kommunisipaliteit se besluit
wil verbodig was die eewoerd
se geveer in ag neem nie.

Die kommunisipaliteit om te

Ons versook die Meuni's'patient om te
by by hulle bly.

Die von
A. M. Bosman,
Bergzieherschacht 11
Walden's Berg.

15 | 3 | 3-8 | Erf-1220



083 233 1177

Mnr PC Punt
Sarel Cillierstraat 27
Malmesbury
7300

18 Januarie 2023

Die Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X 52
Malmesbury
7299

15/3/3-8/Erf-1220	
SSSB	
a Del	
15/3/6-8 Erf-1220	

PER HAND

Geagte Meneer

VERWYS U SKRYWE GEDATEER 28 NOVEMBER 2022
VERWYS SHAHIEN DALVIE SE SKRYWE VAN 15 DESEMBER 2022

ONDERWERP : VOORGESTELDE HERSONERING VAN ERF 1220

In 'n skrywe/korrespondensie van 15 Desember 2022 aan u, teken NM & Associates appel aan teen u besluit om nie toe te laat tot die hersonering van Erf 1220 vir Korrektiewe Dienste doeleindes nie.

Omrede ek nog steeds hou by my skrywe van 11 April 2022 (se inhoud) is ek nog 100 % daarteen gekant ten spyte van die 33 bladsye voorlegging van NM & Associates van 15 Desember 2022 dat die Munisipale bestuur nie moet toelaat tot die hersonering van Erf 1220 vir Korrektiewe Dienste doeleindes.

Van die redes teen ons teenkanting is legio en is van ons redes reeds genoem in ons skrywe van 11 April 2022. Graag wil ek dan net die volgende aan u noem en uitstippel:

1. U positiewe skrywe van 28 November 2022 het ons hier per geregistreerde pos ontvang op 19 Desember 2022. Die appel skrywe van NM & Associates het ons hier per geregistreerde pos ontvang op 11 Januarie 2023.


Ek wil daarteen kapsie maak omrede dit ons belangstellendes amper nie genoeg tyd laat nie omrede dit vakansietyd was en die antwoord skrywes vandag 18 Januarie 2023 ingedien moet word.

2. In die voorblad skrywe van NM & Associates van 15 Desember verwys hulle na Erf 1120, moet dit dan nie wees Erf 1220 nie. Kan ons nie kapsie maak nie?
3. Op my telefoniese navarae van 17 Januarie 2023 (gister) aan mnr Alwyn Burger, sou hy my nog gister terug skakel (deur hom onderneem), ek wag nog steeds op sy oproep.



Sterkte word u toegewens met hierdie groot taak en uitdaging.

Vriendelike groete



PC PUNT

From: Willie Taylor <wectaylor55@gmail.com>
Sent: Wednesday, January 18, 2023 1:12 PM
To: Alwyn Burger <alwynburger@swartland.org.za>
Cc: Alwyn Burger <alwynburger@swartland.org.za>
Subject: Kommentaar , erf 1220

VIR AANDAG : DIE MUNISPALE BESTUURDER

Geagte Mnr Scholtz,

VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 1220, MALMESBURY

Hiermee neem ek kennis van NM & Associates se skrywe van 15 Desember 2022 waarin daar appèl aangeteken word teen die besluit geneem deur die Munisipale Beplanning- tribunaal.

Ek wil u eerstens bedank vir die feit dat u ons as inwoners se belange op die hart dra.

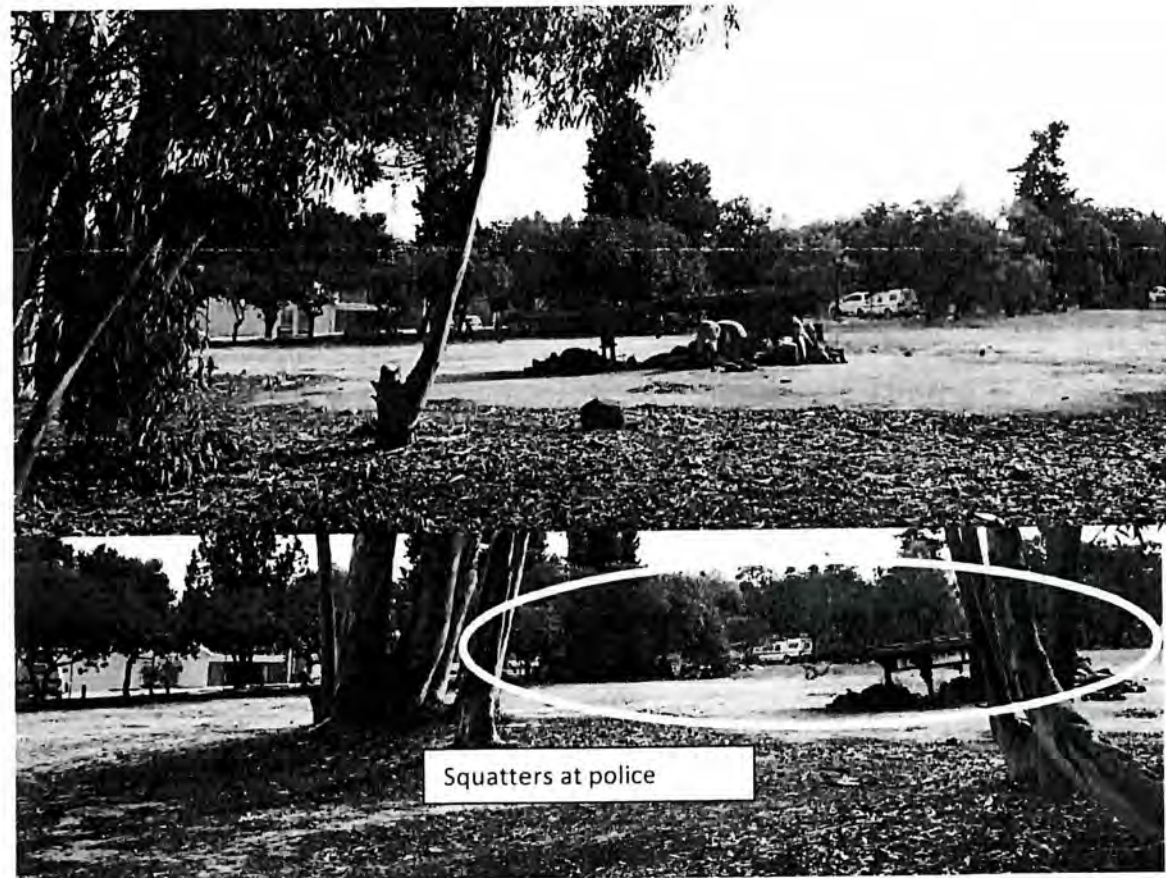
Aangesien ek nie 'n kenner is op hierdie gebied nie, gaan en kan ek nie reageer op die juistheid van die redes vir die appèl nie. Wil net noem dat dit waarvoor die Korrektiewe Dienste die kantore wil aanwend, volgens ons as inwoners nie pas in 'n woonbuurt nie. Dit is beslis nie in belang en tot voordeel van die omliggende inwoners nie.

Wat betref die res van hul reaksie op die besluit van die Malmesburybeplannings- tribunaal, vertrou ek dat die tribunaal oor die nodige kundigheid beskik om die appèl teen te gaan en ook dat hulle steeds ons as inwoners wat vir baie jare reeds eiendom besit in die area, se belange sal beskerm. Ek sal dit hoog op prys stel indien hierdie appèl ten sterkste teengestaan word en bedank u by voorbaat hiervoor.

Die Uwe,
Willie Taylor



Magistrates Office



Squatters at police