



Verslag ♦ Ingxelo ♦ Report

Office of the Municipal Manager
18 October 2023

15/3/10-14
15/3/4-14
(Erf 505)

ITEM 4.1 OF AN APPEAL COMMITTEE MEETING TO BE HELD ON 9 NOVEMBER 2023

SUBJECT:	APPEAL ON THE PROPOSED CONSENT USE AND DEPARTURE ON ERF 505, YZERFONTEIN
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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:
- Fair manner
The administrative action must be performed and taken in a fair manner (procedurally).
 - Reasonable
The administrative action must be reasonable.
 - Administrator/decision-making institution
The institution must be mandated by statute (the administrator) to take the decision.
 - 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 as outlined in Annexure A, the resolution of the Municipal Planning dated 8 August 2023 be confirmed;
- (b) That the appeal be dismissed for the reasons as stated in Annexure A.

(sgd) J J Scholtz

MUNICIPAL MANAGER



Verslag ♦ Ingxelo ♦ Report

Office of the Director : Development Services
Division : Development Management

11 October 2023

15/3/10-14/Erf_505

15/3/4-14/Erf_505

SUBJECT: EVALUATION OF THE APPEAL ON THE PROPOSED CONSENT USE AND DEPARTURE ON ERF 505, YZERFONTEIN

1. BACKGROUND

Swartland Municipality received an application for consent use for a double dwelling house as well as a place of education on Erf 505, Yzerfontein, in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020). A double dwelling forms one architectural unit which contains 2 dwelling units, and the place of education (88m² in extent) is proposed to be operated in the form of a learning centre for children.

Application is also made for a departure from development parameters on Erf 505, Yzerfontein, in terms of section 25(2) (b) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020). The departure entails accommodating the proposed place of education in line with the proposed dwelling 3,2m from the rear line as well as only 1,5m from the side boundary, in lieu of the 10m building line parameter applicable to the building proposed to be used as a place of education.

The application has been considered by the Municipal Planning Tribunal on 8 August 2023 and is –

" UNANIMOUSLY RESOLVED

- A. The application for consent use on Erf 505, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved, subject to the conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house as well as a place of education, as presented in the application;
- (b) The place of education consisting of a learning centre, be restricted to a maximum of 88 m²;
- (c) No more than 12 children / students be accommodated at the place of education;
- (d) The hours of the place of education be restricted from 07:30 to 17:30 on Mondays to Saturdays;
- (e) The double dwelling adheres to the applicable development parameters;
- (f) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

A2 WATER

- (a) A single water connection be provided, and no additional connections be provided;

A3 SEWERAGE

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

A4 STREETS & STORMWATER

- (a) The proposed parking area, including the junction with Gey van Pittius Street, be provided with a permanent dust free surface. The materials used be pre-approved by the Director: Civil Engineering services on building plan stage;

A5 DEVELOPMENT CHARGES

- (a) The development charge applicable to the second dwelling, towards the supply of regional bulk water amounts to R10 862, 90 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge applicable to the second dwelling, towards bulk water reticulation amounts to R986, 70 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge applicable to the second dwelling, towards sewerage amounts to R4 946,15 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge applicable to the second dwelling, towards wastewater treatment amounts to R12 002, 55 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge applicable to the second dwelling, towards streets amounts to R6 793, 05 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge applicable to the second dwelling, towards electricity amounts to R11 044, 14 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The development charge applicable to the place of education, towards the supply of regional bulk water amounts to R3 601, 80 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (h) The development charge applicable to the place of education, towards bulk water reticulation amounts to R593, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (i) The development charge applicable to the place of education, towards sewerage amounts to R2 594, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (j) The development charge applicable to the place of education, towards wastewater treatment amounts to R6 306, 60 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (k) The development charge applicable to the place of education, towards streets amounts to R3 960, 60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (l) The Council resolution of May 2023 makes provision for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

B. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years from the date of decision by the Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal. All conditions of approval be complied with before occupancy certificate be issued and failing to do so may result in administrative action;
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, The appellant will be responsible for the payment of an appeal fee of R5 000,00, no later than 21 days after registration of the approval letter and ensuring that the appeal complies with the requirements of section 90 of the By-Law to be

considered 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 supporter for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed land use;
- (c) The SDF, 2023 supports densification as well as the accommodation of professional services and secondary educational facilities in residential areas. The subject property is located next to the identified CBD of Yzerfontein;
- (d) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (e) The proposed application will not have a negative impact on the character of the area;
- (f) The proposed development 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;
- (g) A place of education is accommodated as a consent use under Residential Zone 1 of the By-Law;
- (h) The development proposal supports the optimal utilisation of the property;
- (i) The place of education may support the tourism industry in Yzerfontein, as well as the local economy.
- (j) The need for this service in Yzerfontein is recognised;
- (k) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Gey van Pittius Street."

2. **SUPPORTING DOCUMENTATION**

Inclosed are the following documentation:

<u>Annexure 1:</u>	Item 6.3 that served on the Municipal Planning Tribunal of 8 August 2023p 11-84
<u>Annexure 2 :</u>	Letter to applicant, C K Rumboll & Partners dated 15 August 2023 to inform them on the decision of the Municipal Planning Tribunal.....p 85-88
<u>Annexure 3:</u>	Letter to objectors dated 15 August 2023 to inform them on the decision of the Municipal Planning Tribunalp 89-92
<u>Annexure 4:</u>	Appeal received from various owners dated 7 September 2023p 93-98
<u>Annexure 5:</u>	Letter to applicant dated 13 September 2023 to notify them of the appeal and the opportunity to comment on the appeal in terms of Swartland Municipality: Municipal Land Use Planning By-Law, (PN 8226 of 25 March 2020)p 99-106
<u>Annexure 6:</u>	Comment on appeal from owner, Platinum Property Enterprise (Pty)Ltd dated 29 September 2023.....p 107-109

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 15 August 2023 /registered mail dated 17 August 2023	7 September 2023

Section 90(8)	If any person other than the applicant lodges an appeal, he or she must submit proof of payment of appeal fees as determined by the municipality to the municipal manager and the municipal manager must give written notice of the appeal to the applicant within 14 days of receipt thereof	Development Management: Notice of appeal to applicant dated 13 September 2023	Yes, appeal and proof of payment of appeal fees received on Thursday, 7 September 2023
Section 90(9)	An applicant who received notice of an appeal in terms of subsection (8) may submit comment on the appeal to the municipal manager within 21 days of the date of notification.	Platinum Property Enterprise (Pty)Ltd. dated 29 September 2023	Yes, on Friday, 29 September 2023
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 Wednesday 11 October 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	On/before 25 October 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 24 December 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	On/before 14 January 2024

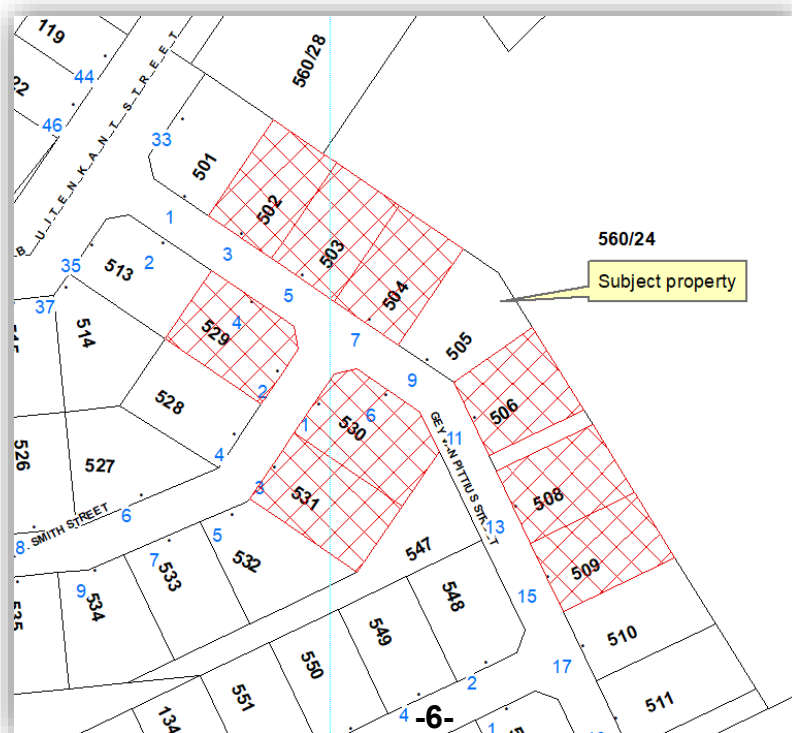
4. EVALUATION OF APPEAL BY AUTHORISED OFFICIAL

4.1 Background

The appeal is lodged by 15 affected parties which includes the following people:

- Dr Duncan Muller – 13 Gey van Pittius Street
- Mr Michael Schoeman – 13 Gey van Pittius Street
- Mr & Mrs Andre & Tammy du Plooy – 11 Gey van Pittius Street
- Mr & Mrs Hendri & Adele Radyn – 7 Gey van Pittius Street
- Mr & Mrs Johan & Alma Smit – 5 Gey van Pittius Street
- Mr & Mrs Anton & Biance Philips – 3 Gey van Pittius Street
- Mr & Mrs Charl & Lara Cilliers – 3 LJ Smit Street
- Mr Greg Priem – 15 Gey van Pittius Street
- Mr Pieter Myburg – 2 LJ Smit Street
- Mrs A Jooste – 1 LJ Smit Street

See below the locality of the appellants properties marked in red.



On 5 September 2023 Swartland Municipality had an information session with the affected parties in Yzerfontein during which the rationale for the approval of the MPT was explained and discussed. Regardless of this inter-action appeals was lodged.

Appeal is lodged against reasons (e), (g), (h), (i), (j) and (k) of the decision of the Municipal Planning Tribunal (MPT). The appellants believe that the MPT error in concluding to the grounds of merit on which the application was approved.

The appeal is focussed solely on the consent use for a place of education.

4.2 **Comments on the appeal**

a) Reason for the decision C(e) - *"...The proposed application will not have a negative impact on the character of the area..."*

- i. The municipal valuation roll indicates that property values in Yzerfontein more than doubled since 2015 to 2024. It is highly unlikely that property values will be affected negatively as well as that the saleability of the surrounding properties will be reduced.
- ii. The number of students at the place of education is restricted to a maximum of 12 learners. If all 12 students are dropped off and picked up on one day, it implies that a total of 24 trips will be generated to the property on a day. These trips will furthermore be restricted to early morning and afternoon, as the school only operates from 07h30 to 17h30. These times are also in line with that of a home occupation which is a consent use which is also accommodated under the Residential zone 1 zoning. The impact of traffic generated to and from the property remains to be deemed low.
- iii. The place of education is not intended to function as a normal school or creche, but as a specialized learning centre. As can be seen on the site development plan provision has not been made for an outdoor play area. Any noise that will be generated can be associated with a normal household.
- iv. Other land uses, like places of education, can be accommodated inside a residential area due to its low disturbance potential. Erf 505 is situated directly adjacent to the identified CBD of Yzerfontein. This locality of erf 505 is even more favourable to accommodate mix uses and the proposed place of education.
- v. On the site development plan provision has been made for 4 on-site parking bays for the place of education which is deemed sufficient according to the applicable zoning parameters. However, a total of 8 parking bays are available on-site for a drop off and pick up area which is deemed more than sufficient.

b) Reason for the decision C(g) - *"...A place of education is accommodated as a consent use under Residential Zone 1 of the By-Law..."*

- i. The owners of the learning centre are already operating their learning centre on erf 1364, 58 F Duckitt Street, Yzerfontein. Land use rights for this facility has been obtained. It is the intention of the owners of the learning centre to relocate to erf 505 once all approvals has been obtained and building work is finished. Erf 1364 is currently only rented.

The bona fides of the owner/developer must be accepted regarding the proposed uses on erf 505.

The Residential zone 1 only makes provision for a maximum of 2 dwelling units on erf 505. This land use rights has already taken up by the consent use approval for a double dwelling. No third dwelling unit will be permitted in future under the existing zoning.

c) Reason for the decision C(h) - *"...The development proposal supports the optimal utilisation of the property..."*

- i. The site development plan clearly indicates access for staff and students to the place of education along the eastern boundary of the property. A passage way of 1,5m is provided. This is deemed sufficient access to the facility. The functionality of the internal space of the place of education has been planned and designed according to the needs of the owner. The statement of the appellants regarding access to the reception room are speculative and deemed an opinion only. The same goes for the layout of the property regarding the positioning of the double dwelling and the place of education.

The impact on erf 506 from people using the above mentioned passage way is deemed to be low and can be mitigated by means of the erection of a boundary wall.

The compliance of the place of education with building, fire and safety regulations will be dealt with at building plan stage.

The reason for the decision remains to be supported.

- d) Reason for the decision C(i) - *"...The place of education may support the tourism industry in Yzerfontein, as well as the local economy..."*

- i. The comments from the owner of the place of education is supported – international curricula are followed at the place of education which gives any tourist (local or international) the opportunity to visit the learning centre and job opportunities will be created.

- e) Reason for the decision C(j) - *"...The need for this service in Yzerfontein is recognised..."*

- i. The need for the service like educational facilities has been recognised by the owner and the municipality. During the recent years it has become evident that many more families with young children are residing in Yzerfontein. This created the need for Early Childhood development (ECD) facilities. This is supported by the enquiries from residents of Yzerfontein to the municipality regarding the availability land for the development of ECD facilities in Yzerfontein.

Futhermore, many scholars residing in Yzerfontein needs to commute to surrounding towns in order to go to primary or secondary school.

Existing properties in Yzerfontein which are zoned for educational purposes are owned by the Department of Public Works. The department has indicated that these sites will not be developed in the near future. (Currently new schools are going to be build in Malmesbury and Darling which can accommodate 1120 students each. Building plans for these schools has been approved by the municipality. The commencement of construction is imminent.

It remains the prerogative of the owner to develop the place of education at a place which is in compliance with the spatial planning of Yzerfontein, as it the case.

- f) Reason for the decision C(k) - *"...Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Gey van Pittius Street..."*

- i. See the comments at point 4.2(ii) and 4.2(v).

Sufficient on-site parking is provided to allow the pick up and drop off of children on erf 505. There is no need to for children to leave the property or to cross the street.

The speed hump in Gey van Pittius Street in front of erf 505 is an existing traffic calming measure which is to the benefit of the proposed place of education. Similar traffic calming measures have been implemented succesfully at places of education in Malmesbury. It will be no different in Gey van Pittius Street.

The spill over of traffic from the CBD by means to using Gey van Pittius Street as an alternative route or for parking is an existing problem and needs to be addressed by the relevant business owners inside the CBD.

4.3 **Conclusion**

The impact of the proposed place of education on the surrouding area remains to be deemed low.

An existing learning centre will relocate to erf 505. The bona fides of the owner regarding the use of the property is respected.

The planning and design of the building work on erf 505 are according to the owners needs.

This type of learning centre is a first for Yzerfontein and provides a much needed service in Yzerfontein for early childhood development and education.

5. RECOMMENDATION: AUTHORISED OFFICIAL

5.1 The appeals be dismissed for the following reasons:

- a) Land uses like places of education can be accommodated inside a residential area due to its low disturbance potential. In this case an existing facility will relocate to erf 505.
- b) Erf 505 is situated directly adjacent to the identified CBD of Yzerfontein. This makes the locality of erf 505 even more favorable to accommodate mix uses.
- c) The impact of the proposed place of education on the surrounding area remains to be deemed low, taking into consideration the number of students, specialized learning, business hours, availability of on-site parking and mitigating the impact on erf 506 by the erection of a boundary wall.
- d) Existing traffic calming measures (speed hump) in Gey van Pittius Street is to the benefit of the proposed place of education.

5.2 The decision of the Municipal Planning Tribunal be implemented.

Verslag ♦ Inggxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Afdeling: Ontwikkelingsbestuur

28 Julie 2023

15/3/4-14/Erf_505
15/3/10-14/Erf_505

WYK: 5

ITEM 6.3 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOUD SAL WORD OP DINSDAG 8 AUGUSTUS 2023

LAND USE PLANNING REPORT					
PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 505, YZERFONTEIN					
Reference number	15/3/4-14/Erf_505 15/3/10-14/Erf_505	Application submission date	23 March 2023	Date report finalised	28 July 2023

PART A: APPLICATION DESCRIPTION						
<p>Swartland Municipality received an application for consent use for a double dwelling house as well as a place of education on Erf 505, Yzerfontein, in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020). A double dwelling forms one architectural unit which contains 2 dwelling units, and the place of education (88m² in extent) is proposed to be operated in the form of a learning centre for children.</p> <p>Application is also made for a departure from development parameters on Erf 505, Yzerfontein, in terms of section 25(2)(b) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020). The departure entails accommodating the proposed place of education in line with the proposed dwelling 3,2m from the rear line as well as only 1,5m from the side boundary, in lieu of the 10m building line parameter applicable to the building proposed to be used as a place of education.</p> <p>The applicant is CK Rumboll and Partners and the owner of the property is Platinum Property Enterprise Pty Ltd.</p>						
PART B: PROPERTY DETAILS						
Property description (In accordance with Title Deed)	Erf 505, Yzerfontein, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape					
Physical address	9 Gey van Pittius Street. Please refer to the location plan attached as Annexure A		Town	Yzerfontein		
Current zoning	Residential zone 1	Extent (m ² /ha)	863m 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	Vacant		Title Deed number & date	T10144/2023		
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		Permanent departure	✓	Temporary departure		Subdivision	
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 plan	
Determination of zoning		Closure of public place		Consent use	✓	Occasional use	
Disestablish an owner's association		Rectify failure by an owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use			

PART D: BACKGROUND

Erf 505 is zoned Residential Zone 1 in terms of the Swartland Municipal Land Use Planning By-law (PG 8226 of 25 March 2020). The property being vacant is underutilised. It is proposed to be used for residential purposes for the use of a double dwelling as well as a small-scale place of education in the form of a learning centre, within a portion of the proposed dwelling.

A place of education is defined within the applicable development management scheme as, "...a crèche, pre-primary school, school, college, technical institute, university, research institution, convent, public library, public art gallery, museum or other centre of education, and includes an associated hostel, but excludes a building or land unit which is predominantly used as a certified correctional institution or industrial school or as an institution".



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a summary of the outcomes below.
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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)

The applicant motivates that the double dwelling fully complies with the building/development parameters as stipulated within the Title Deed and the Swartland Municipal By-law on Municipal Land Use Planning (PG 8226). The proposed double dwelling 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 owner of the subject property will be granted an income opportunity by providing an opportunity to lease one of the two units.

The Swartland Municipal Land Use Planning By-law (PG 8226) also makes provision for a place of education under the Residential Zone 1 zoning and the owner seeks to make optimum use of their land whilst capitalising on limited employment on the Residential Zone 1 property. Modern-day life makes it difficult to earn a decent living and one must make use of every opportunity one gets to attain your desired lifestyle. The place of education will provide an employment opportunity for the owner of Erf 505, which will generate an income for her and her family. The property will still be primarily utilised for residential purposes, being a double dwelling.

The applicant continues to motivate that the proposed place of education will serve as a learning centre for specialized education, aimed at providing educational assistance to children in the immediate vicinity and surrounding areas. Located just outside the identified Central Business District (CBD) and within an established residential neighbourhood, Erf 505's location presents an ideal location for a multi-purpose land use, with a vision to create a safe haven for children to pursue their education and studies.

Furthermore, the applicant elaborate that the proprietor of the establishment will function as the sole operator and teacher. The facility will be designed to accommodate a maximum of 12 children/students per day, between the hours of 07h00 and 18h00, although the number of students will fluctuate from day to day. The place of education will primarily operate on weekdays, Monday through Friday although it may occasionally operate on weekends, especially during examination periods. The students' age ranges will span from four-year-olds to university-level students.

Despite the presence of a kitchenette in the educational facility, no meals will be prepared for the students/children. The kitchenette is intended solely for the preparation of hot beverages such as coffee and tea, or the storage of cold beverages in a refrigerator. A single shower is provided in the bathroom, as students may sometimes attend the learning centre after engaging in physical activities and may require the use of a shower before commencing their studies.

The educational facility will adhere to the regulations stipulated by the National Health and Safety regulations. The proposed development will not result in any adverse impact on heritage resources, nor will it have any detrimental effects on the natural environment or surrounding properties. The development will serve as a much-needed land use, providing a valuable educational service to the community in a residential area of Yzerfontein, near the identified CBD.

In terms of the departure the applicant motivates that the proposed buildings, of which a part will be utilised for the purpose of a place of education, is proposed to encroach the 10m building line restrictions. However, the building will still be built completely within the scheme and Title Deed building lines prescribed for a Residential Zone 1 property.

The applicant argues that one of the reasons for imposing a 10m building line restriction for places of education is to ensure that adequate open space is maintained around the facility, which can be used for various purposes such as outdoor activities and parking. Helping to ensure the safety and well-being of students by providing a safe and secure environment, while also preventing overcrowding and promoting the efficient use of land. Additionally, the applicant motivates that the building line restriction aids in maintaining the aesthetic appeal of the surrounding area by preventing the overdevelopment of the land and preserving its natural beauty. The open space around an educational facility can further act as a buffer zone to reduce noise levels, particularly if the facility is in a noisy area such as a busy street or commercial district. It can also provide a visual break between the educational facility and neighbouring buildings, reducing the impact of the facility on the surrounding area and helping to preserve the character of the neighbourhood.

The proposed place of education will be a learning centre intended to accommodate students and children for short periods of time to assist them with their learning/studies. As such, providing open space for a play area is not considered necessary in this specific circumstance. The building design, according to the applicant proposed for Erf 505 includes an outdoor area that will serve the place of education as well as the two residential dwellings and that sufficient space is available on the site to provide adequate parking bays for the proposed land uses, promoting optimal use of land.

To ensure the aesthetic appeal of the surrounding area is preserved, the place of education will be accommodated on a portion of the ground floor of a residential building that adheres to the Title Deed and scheme building line regulations, as well as the coverage restrictions. As the place of education will be located at the rear end of the property and not visible from the street, the facility will not detract from the residential feel of the area where Erf 505 is located. The design of the place of education within a residential building furthermore integrate with the surrounding residential area.

Regarding noise levels, the applicant motivates that, the proposed place of education will be situated at the rear end of the property, away from the abutting street and CBD, which are typically noisy elements in a town. The relaxation of the

rear and side building lines will not have any effect on lessening a buffer zone between noisy areas and a place of education.

The proposed development represents an ideal means of promoting educational growth within the town, by offering an additional opportunity for students and children to receive assistance with their studies and homework. The proposed change to the current land use rights is not anticipated to have any detrimental impact on surrounding properties or contribute to land decay, as the area is earmarked for both residential and educational purposes within the Swartland SDF (2019).

The proposed land for development is highly suitable for residential and educational purposes and has the potential to make a positive contribution to the economy of Yzerfontein.

Access to Erf 505 will be gained from Gey Van Pittius Street on the property's western boundary.

Sufficient space for at least 8 parking bays to be provided on Erf 505 and is deemed sufficient in accordance with the parking provision requirements set out in Section 13 of the Swartland Municipal Land Use Planning By-law (PG 8226).

The applicant concludes that:

1. The proposed consent uses, and departure are considered desirable based on the following;
2. The proposed development enhances the principles of LUPA (Land Use Planning Act) and SPLUMA (Spatial Planning and Land Use Management Act).
3. The proposal complies with the Swartland Spatial Development Framework (2019) as the main forward planning document for Yzerfontein and the Swartland Municipal Area as a whole.
4. The application will be subject to the regulations for a double dwelling and place of education as set out in the Swartland Municipal Land Use Planning By-Law (PG 8226).
5. The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises.
6. There are no physical restrictions on the property that will negatively affect the proposed use.
7. The owner of the subject property is granted an income opportunity.
8. The development supports the Western Cape SDF by promoting compactness within the existing urban areas.
9. The proposal combats urban sprawl.
10. The proposal will create a job opportunity (and economic growth for area).
11. The proposal will create additional housing opportunities.
12. By allowing for a dual land use, the property will be utilised optimally and efficiently.
13. The proposed development will make use of existing infrastructure services and will not have any significant impact on external engineering services, nor will it negatively impact on environmental / heritage assets.
14. The social function the proposal offer has a positive impact on the community and its character.

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
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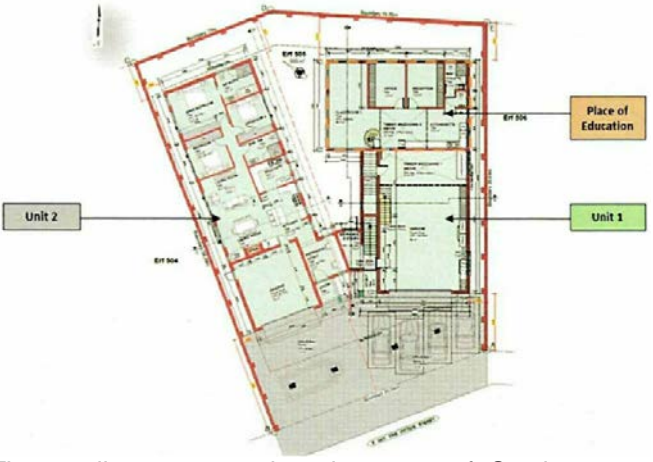
With reference to Section 55(1) (h) of the By-law, the application will not materially affect the public interest or the interest of the broader community of Yzerfontein, therefore the application was not published in the newspapers or the Provincial Gazette. With reference to Section 56(2) of the By-Law, 13 notices were sent via registered mail as well as email in the cases where the Municipality has an email address on record, to the owners of property that was deemed to be affected by the proposal.

Total valid comments	8			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	4 April 2023	Water	Positive	Negative

Engineering Services		<p>The property be provided with a single water connection and that no additional connections will be provided;</p> <p>Sewerage The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;</p> <p>Streets and storm water The proposed parking area, including the sidewalk giving access to the parking area, be provided with a permanent dust free surface.</p> <p>Parks No comment</p> <p>Development charges A fixed cost capital contribution be made calculated as follows:</p> <table><tr><td>Bulk Water Distribution</td><td>R 5 402,70</td></tr><tr><td>Bulk Water Supply</td><td>R 6 534,30</td></tr><tr><td>Sewer</td><td>R 6 080,05</td></tr><tr><td>WWTW</td><td>R 8 970,00</td></tr><tr><td>Roads</td><td>R11 500,00</td></tr><tr><td>Storm Water</td><td>R 4 560,90</td></tr></table>	Bulk Water Distribution	R 5 402,70	Bulk Water Supply	R 6 534,30	Sewer	R 6 080,05	WWTW	R 8 970,00	Roads	R11 500,00	Storm Water	R 4 560,90		
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WWTW	R 8 970,00															
Roads	R11 500,00															
Storm Water	R 4 560,90															
Protection Services	3 April 2023	No comments	Positive	Negative												
Electrical Engineering Services	24 March 2023	No comments	Positive	Negative												
Development Services: Building Control	30 March 2023	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 Please refer to Annexure H	MUNICIPAL ASSESSMENT OF COMMENTS
<p>Dr Duncan Miller as owner of Erf 508, 13 Gey van Pittius Street Please refer to Annexure F</p>	<p>The applicant has summarised the objections into different themes as most of the concerns raised by the objectors are similar. The themes are as follows:</p> <p>1. Objection against the relaxation of the building line.</p> <p>The applicant states that the proposed building on Erf 505 aims to serve as a double dwelling house. Additionally, a designated area within the building is intended to function as a place of education. The educational facility will be restricted to the rear end of Unit 1, as depicted in Figure 1 below. The applicant also refers to the preliminary building plans. Please refer to Annexure C of this report.</p>  <p>The applicant states that, in terms of Section 1.1.8 of the Swartland Municipal By-law on Land Use Planning (PG 8226) (hereafter referred to as "the By-Law") it is clear that, except for boundary walls and fences, no building erected or used as a place of education, may be located closer than 10m from any boundary of the land unit.</p> <p>This 10m building line restriction is only applicable to the portion of the building to be utilised for educational purposes, and not the dwelling as well.</p> <p>Therefore, the applicant motivates that the relaxation applied for is only where the place of education will be established on erf</p>	<p>1. The building line is only applicable to the building proposed for the place of education.</p> <p>It could be argued that due to the scale and nature of the proposed place of education as well as that it is integrated within the proposed double dwelling house, the 10m restriction is not warranted. The impact of the proposed learning centre will be minimal on neighbouring properties. The proposal still complies with the title building lines as well as the building lines applicable to the double dwelling house.</p>

	<p>children attending the school, there will be increased vehicular traffic on a formerly quiet road that has become far busier recently.</p> <p>(d) Gey van Pittius Street is the feeder for L.J. Smit Street and F. Duckitt Street. It is already a busy road, which necessitated the building of a traffic-calming hump. Dr Miller is of opinion that a place of education is inappropriate on such a busy residential street which will become even more so with the proposed expansion of the town towards the south. Delivering and fetching children from Erf 505 will present a life-threatening hazard for excited children running into the road.</p> <p>(e) The educational facility is identical to a third dwelling unit of 88m². Dr Miller asks the question of what place of education requires a combined reception and office area the same size as the planned classroom, with the reception room at the back of the property. Dr Miller is concerned that there is nothing that makes this unit specifically a place of education and even if</p>	<p>505, which is considered consistent with the Development Management Scheme.</p> <p>The requested 10m building line restriction applies solely to the portion of the building designated for educational purposes, rather than the entire dwelling. Thus, the relaxation sought is specific to the establishment of the place of education on erf 505, aligning with the provisions outlined in the By-law (PG 8226).</p> <p>The applicant emphasize that the proposed place of education is not intended to function as a traditional school or crèche. Instead, it will serve as a specialized learning centre, providing educational assistance to children in the immediate vicinity and surrounding areas.</p> <p>The applicant states further that the landowners of erf 505 are well within their rights to apply for a departure from the building line restrictions on a Residential Zone 1 property to accommodate a place of education within a portion of the dwelling. Each land use application should be evaluated based on its unique circumstances and context.</p> <p>In terms of the application for the departure of the 1m building line the applicant motivates further that</p> <p>While the 10m building line restriction serves as a general guideline for places of education in Residential Zone 1 properties, it is crucial to consider the specific characteristics of Erf 505 and its surrounding area. It is anticipated that the proposed building line departures will not have significant adverse impacts on neighbouring properties, traffic flow, or other community concerns. Thus, the departures can be viewed favourably.</p> <p>Granting the requested departures would enable efficient utilization of the property. By reducing the building line from 10m to 1.5m from the erf boundary, the available space can be maximized to accommodate both the double dwelling and the place of education. This approach optimizes the use of the land while still adhering to the existing zoning regulations in place.</p> <p>2. Objection against the application to accommodate a place of education.</p>	<p>2. Secondary education facilities as well as places of education are supported in</p>
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	<p>it were initially used as such there would be nothing to prevent it later being used as a third dwelling which would not be legal.</p>	<p>The applicant motivates that in terms of the Land Use Planning By-law (PG 8226), a place of education is permitted as a consent use on a Residential Zone 1 property. The land use application for Erf 505 in Yzerfontein, dated March 2023, encompassed the following components:</p>	<p>residential areas. The proposed facilities proximity to the CBD of Yzerfontein contributes to accessibility as well as the desirability of the proposal.</p>
<p>Johan Smit as owner of Erf 503, 5 Gey van Pittius Street Please refer to Annexure G</p>	<ol style="list-style-type: none"> 3. The proposal will have a negative impact on the character of the area. 4. There is a property zoned for a school situated in an area which is more appropriate where the neighbours will not be directly affected. 5. Mr Smith strongly object to the proposed building line departure. Having a building that is zoned for a “place of education” – at 1.5m from a residential neighbour – with the potential noise and disturbance associated, goes against the very reason they moved to this quiet neighbourhood. Mr Smit states that the reason a “place of education” zoning has the increased building line, is to protect neighbours against the potential inconvenience and they would like this safeguard adhered to, should the re-zoning be granted against their preference. 6. Lastly Mr Smit is concerned about the safety of the children should the application be approved. The property is in the bend of the road and not ideal for traffic as it is a busy road that will, due to future extension of the road for a new layout on low-cost housing, not be suitable for a school. 	<p>Application is made in terms of:</p> <p>Section 25 (2) (o) of the By-law (PG 8226) for the Consent Use on Erf 505, Yzerfontein, to accommodate a double dwelling and a place of education (learning centre) on the property; and Section 25 (2) (b) of the By-law (PG 8226) for the Departure on Erf 505, Yzerfontein, from the eastern 10m rear building line to 3.251m; and on the southern 10m side building line to 1.5m to accommodate the place of education in a portion of the proposed dwelling.</p> <p>Referring to Point 1, the application motivates that, the proposed place of education will serve as a specialized learning centre focused on providing educational assistance to children in the immediate vicinity and surrounding areas. The learning centre will be operated and managed solely by the proprietor, who will also serve as the primary teacher. The facility has been designed to accommodate a maximum of 12 children/students per day, operating between the hours of 07:00 and 18:00.</p> <p>However, the actual number of students may vary from day to day. The primary operating days will be weekdays, from Monday to Friday, although occasional weekend operations may be necessary, especially during examination periods. The age range of students will span from four-year-olds to university-level students.</p> <p>3. Concerns regarding the public participation process:</p> <p>The applicant states that according to the By-law (PG 8226), each land use application submitted under Section 25 of the By-law is subject to a public participation process.</p> <p>The applicants/landowners have the choice to independently facilitate the public participation process. This involves obtaining a list from the Local Municipality that identifies specific neighbouring properties that need to be informed about the proposed development. The applicants must then obtain consent from each identified neighbour, which is subsequently submitted</p>	<p>3. The application will not materially affect the public interest or the interest of the broader community of Yzerfontein, therefore the application was not published in the newspapers or the Provincial Gazette. With reference to Section 56(2) of the By-Law, a total of 13 notices were sent via registered mail as well as email (in the cases where the Municipality has an email address on record), to the owners of property that was deemed to be affected by the proposal.</p>


<p>A. Adel e & Hendri Radyn as owners of Erf 504</p>	<p>Mr and Mrs Radyn objects to the proposed application for the following reasons:</p> <ol style="list-style-type: none"> 7. The objectors state that they bought their property with the intension of moving out of a densely populated area into a more country – lower density area and therefore does not support the proposed application to accommodate a double dwelling house as well as a place of education (opening the door for a school later), next to them. 8. There is a property zoned for a school situated in an area which is more appropriate where the neighbours will not be directly affected. 9. The objectors strongly object to the proposed building line departure. Having a building that is zoned for a “place of education” – at 1.5m from a residential neighbour – with the potential noise and disturbance associated, goes against the very reason they moved to this quiet neighbourhood. Mrs and Mr Radyn states that the reason a “place of education” zoning has the increased building line, is to protect neighbours against the potential inconvenience and they would like this safeguard adhered to, should the re-zoning be granted against their preference. 	<p>along with the land use application. Alternatively, Swartland Municipality can oversee the public participation process in accordance with Section 54-57 of the By-law (PG 8226). In this case, the public participation process was appropriately followed by the Swartland Municipality. The identified neighbouring properties were invited to provide comments and feedback on the land use application as part of the process.</p> <p>4. Appropriate locality of the school</p> <p>The applicant motivates that the Swartland Municipal Spatial Development Framework (MSDF) (2019) determines the strategic policy guidelines for future development in the Swartland region and in this case, in Yzerfontein. Zone A, located at the most western point along the coast, has a residential character with larger-sized properties as well as a small business node including mixed uses such as high-density residential uses and a vacant school site.</p> <p>According to the MSDF, places of instruction, such as, but not limited to, crèches, schools, colleges, universities, research institutions, libraries, museums, and hostels, are identified as 'Institutional Uses' and educational uses, such as crèches, aftercare facilities and day-care centres are identified as 'Secondary Educational Uses'.</p> <p>The MSDF identifies the area in which Erf 505 is located as Zone C, which is the older residential area of Yzerfontein. This zone also includes the primary business node that allows for mixed uses including residential, commercial and social uses. The property is further located adjacent to the identified Primary Business District, which comprises of established business uses. The development proposal to accommodate a place of education (learning centre) is identified as a secondary educational use, and not an institutional facility, due to the scale and operation of the proposed use. Secondary educational uses are allowed in Zone C of Yzerfontein, as illustrated in the Land Use Proposals plan</p>	<p>The notice sent to the affected property owners clearly stated that application is made for a consent use to accommodate a double dwelling house as well as a place of education on the property.</p> <p>The content of the notice is determined by the applicable legislation, and it clearly states that enquiries can be made to the town planning division should more information be required.</p> <p>4. The location of the proposed learning centre is deemed appropriate as fully discussed in the Planning Evaluation Section of this Report.</p> <p>As mentioned above, secondary education facilities as well as places of education are supported in residential areas. The proposed facilities proximity to the CBD of Yzerfontein contributes to accessibility as well as the desirability of the proposal.</p>
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<p>Mr Andre & Mrs Tammy Du Plooy as owners of Erf 506, 11 Gey van Pittius Street.</p>	<p>10. Mr and Mrs Du Plooy are also of opinion that the application is worded in such a way that it is difficult for a layperson to understand. The objectors did contact the municipality where it was explained that the 10 m building line restrictions has arisen due to the plan to build a 'place of education', the objectors are of opinion that the building line restriction on the submitted plan seems to be ambiguous. In the objector's opinion the, building line should be 10 m from the eastern boundary, full length along the boundary of the proposed building, plan submitted not just a 10 x 10 m square from the southern and eastern boundaries.</p> <p>11. As stated in the objection of Dr Miller mentioned above, Mr and Mrs Du Plooy also state that they do not support the application for the departure because supporting the departure appears to condone the building of the proposed place of education and provides the following reasons for their objection:</p> <p>(a) The application for departure does not request approval for the place of education on a residential erf. The objectors are also of opinion that no detail is given about the activity or the number of students.</p>	<p>The MSDF places importance on promoting small-scale businesses that cater to the local community's needs by providing goods and services. The proposed place of education aligns with this objective by offering educational assistance and support to the local community. This not only supports the goals of the MSDF but also addresses the specific needs of the community.</p> <p>Considering the above factors, the proposed place of education is consistent with the development vision for the area and fulfils the land use proposals desired by the MSDF for Zone C of Yzerfontein. The combination of residential and secondary educational uses represents the type of development envisioned by the MSDF for this area. This mixed land use will support and serve the local community without exerting negative impacts on the environment or surrounding area.</p> <p>5. Objection against the possible increase in Traffic Generated in Gey van Pittius Street.</p> <p>The applicant refers to Points 1 and 3 above and state that the application to accommodate a place of education on Erf 505, is consistent with the Swartland Municipal By-law on Land Use Planning (PG 8226) as well as the MSDF (2019).</p> <p>Due to the small scale of the proposed place of education (learning centre), accommodating a maximum of 12 children/students per day, between the hours of 07:00 and 18:00, although the number of students will fluctuate from day to day, it is not foreseen that the proposed land use will generate an adverse increase of traffic.</p> <p>The road reserve width of Gey van Pittius Street is 13m wide, which is substantially wider than the norm used nowadays in the design of towns. 12m reserves are used in residential areas to accommodate bus routes. The road width of Gey van Pittius Street has been designed to accommodate high volumes of traffic.</p> <p>The applicant motivates that the proposed place of education (learning centre) will be the least intrusive from a traffic perspective of all allowable uses for this property. The parents/guardians of the students/learners of the proposed place</p>	<p>5. Due to the scale of the proposal, restricted to 88m² as well as accommodating a maximum of 12 learners / students per day, the impact of the proposed facility on the road network is deemed insignificant.</p> <p>To the facilities advantage, traffic calming measures (speed bump) has already been installed in Gey van Pittius Street.</p>
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	<p>(b) Input from potentially affected neighbours for the establishment of a 'place of education' would be required, as has been requested recently by the same applicants for a temporary school at 58 F. Duckitt Street.</p> <p>(c) They object to the establishment of any school on Gey van Pittius Street due to the possible increased noise from children attending the school as well as that there will be increased vehicular traffic on a formerly quiet road that, recently, has become far busier.</p> <p>(d) The objectors also refer to Gey van Pittius Street as a feeder for L.J. Smit and F. Duckitt Streets, therefore already a busy road, which necessitated the building of a traffic-calming hump. The objectors are of opinion that a place of education is inappropriate on such a busy residential street which will become even more so with the proposed expansion of the town towards the south. Delivering and fetching children from Erf 505 will present a life-threatening hazard for excited children running into the road.</p>	<p>of education will be aware that they are not allowed to stop in the street or in front of any of the other properties.</p> <p>According to the application the By-law (PG 8226) requires 1 parking bay per classroom/office plus 1 parking bay per 6 students in the place of education. For 1 classroom, 1 office and 12 students, at least 4 parking bays are required. 4 parking bays will be provided on-site and dedicated to the place of education. These parking bays are sufficient in the context of accommodating a learning centre. Further, a double garage for each of the two dwelling units will be provided as well. As sufficient parking bays are provided on Erf 505 to accommodate all the proposed uses on Erf 505, there is no reason to believe that parents/guardians will wait in Gey van Pittius Street to pick up or drop off their children.</p> <p>The existing speed bump on Gey van Pittius Street has been put in place to serve as a mitigation measure to calm traffic in the street.</p> <p>It can be argued that one of the reasons for imposing a 10m building line restriction for places of education is to ensure that adequate open space is maintained around the facility, which can be used for various purposes such as outdoor activities and parking. This helps to ensure the safety and wellbeing of students by providing a safe and secure environment, while also preventing overcrowding and promoting the efficient use of land.</p> <p>Additionally, the restriction helps to maintain the aesthetic appeal of the surrounding area by preventing the overdevelopment of the land and preserving its natural beauty. The open space around an educational facility can further act as a buffer zone to reduce noise levels, particularly if the facility is in a noisy area such as a busy street or commercial district. It can also provide a visual break between the educational facility and neighbouring buildings, reducing the impact of the facility on the surrounding area and helping to preserve the character of the neighbourhood.</p> <p>Sufficient space is available on the site to provide adequate parking bays for the proposed land uses, promoting optimal use of land.</p> <p>As the place of education will be located at the rear end of the property and not visible from the street, the facility will not detract from the residential feel of the area where Erf 505 is located. The</p>	
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	<p>(e) The educational facility is identical to a third dwelling unit of 88 m². The objectors ask the question of what place of education requires a combined reception and office area which is almost the same size as the planned classroom, with the reception room at the back of the property. Mr and Mrs Du Plooy are also concerned that there is nothing that makes this unit specifically a place of education and even if it were initially used as such there would be nothing to prevent it later being used as a third dwelling which would not be legal.</p> <p>(f) The objectors' state that Swartland Municipality has allocated land in Yzerfontein in The Integrated Plan, whether the construction of a building take place soon or later, owned by the department of education, School Street also aptly named, away from residents to avoid inconvenience/nuisance or harm to anyone or anything.</p>	<p>design of the place of education within a residential building is intended to integrate with the surrounding residential area.</p> <p>6. Objection to the increase in noise levels from the proposed facility that may pose a disturbance of the peace and tranquillity of the area.</p> <p>The application motivates that the proposed educational facility will be positioned at the back of the property, far away from the adjacent street and central business district (CBD), which are known to be sources of noise in a town. The adjustments made to the rear and side building lines will not compromise the creation of a buffer zone between the noisy areas and the educational facility. Additionally, since the purpose of the proposed facility is to provide short-term assistance to children, learners, and students with their studies, there will be minimal to no noise generated from the facility.</p> <p>7. Objection to the potential future use of the property as three dwelling units as the proposed place of education does not represent a normal school layout.</p> <p>The applicant refers to their comments made under point no. 2 above. This application only includes gaining the necessary land use rights to accommodate a double dwelling and a place of education on Erf 505. If approval for this land use application is granted, the owners will not be allowed to use the property other than a double dwelling and a place of education restricted to a portion of the proposed Unit 1 of the residential building.</p> <p>Further, in terms of the By-law (PG 8226), it is unlawful to have more than two dwelling units on any Residential Zone 1 property in the Swartland Municipal Area.</p> <p>The kitchenette proposed as part of the place of education, is intended solely for the preparation of hot beverages such as coffee and tea, or the storage of cold beverages in a refrigerator. A single shower is provided in the bathroom, as students may sometimes attend the learning centre after engaging in physical activities and may require the use of a shower before commencing their studies.</p>	<p>6. Due to the scale and nature of the facility it will not have a negative impact on the sense of place as well as be a disturbance to the neighbouring property owners. It is clear from the proposal, that this is not a normal school / crèche. Please refer to the information sheet attached as Annexure O.</p> <p>7. The municipality can only consider what is presented to it now. Should the development proposal change in the future, a new application would need to be submitted for consideration and such application will be subject to its own public participation process.</p>
Mr Charl & Mrs Lara Cilliers as owners of Erf 531, 3	Mr and Mrs Cilliers objects to the proposed development of erf 505 for the following reasons: 12. Safety of the children/learners coming		

L.J. Smit Street	<p>and going on this busy residential area as people reverse and drive.</p> <p>13. Parking bays for 4 cars on an already narrow street is insufficient for people coming and going. This would be extremely dangerous as this road is already busy daily as neighbours from Gey Van Pittius Street, F. Duckitt Street and L.J. Smit Street are constantly using this road to travel and move about daily at all hours of the day and evening.</p> <p>14. Please take note that we already have a speed bump on Gey Van Pittius in front of neighbours Mr Andre Du Plooy Erf 506.</p> <p>15. They will build on the building line which has restrictions and we all must abide by such restrictions....</p> <p>16. The proposed school is in a marked residential area. To their understanding, School Street is aptly named as there is a piece of land marked for a school as per Swartland Municipality's allocation. It is a safer area which is no threat to or cause any harm to anyone who takes and fetches their children. Busy sport days and parking, etc.</p>	<p>8. Objection against the application to accommodate a double dwelling house.</p> <p>The applicant motivates that, in terms of the By-law (PG 8226), a double dwelling is allowed as a consent use on a Residential Zone 1 property. Each landowner of a Residential Zone 1 property is allowed to apply for the consent use to accommodate a second or double dwelling on their property. A second dwelling unit, of which the floor area does not exceed 60m², is allowed as an additional use right on a Residential Zone 1 property. The proposed development to accommodate a double dwelling on a Residential Zone 1 property with an extent of 863m², is still regarded as low-density residential development.</p> <p>The MSDF promotes the densification of residential erven within the Urban Edge of Yzerfontein by means of infill development, keeping in mind existing zonings, the character of surrounding environments and the unique sense of place and historical context of specific areas. The proposed development will protect the character of the surrounding residential area and protect the sense of place by providing a double dwelling containing a place of education in a portion of the dwelling.</p> <p>The proposed development is further supported by Objectives 1 and 4 of the MSDF specifically in Yzerfontein in terms of the following:</p> <p>a. Densify in accordance with zone proposals through subdivision (sectional title); infill development, and renewal and restructuring; Sectional title subdivision of existing houses on single residential erven. — The application supports densification through means of creating a property consisting of two dwelling units which will be subdivided by means of sectional title. The proposal also supports infill development by accommodating an educational facility in one of the two dwelling units to be provided on Erf 505.</p> <p>The proposed double dwelling and place of education will not have a detrimental effect on the surrounding area and is consistent with the land use proposals for Yzerfontein as set out in the MSDF (2019). The MSDF also supports the Western Cape Spatial Development Framework's principle of densification within existing urban areas by utilising an existing property within the urban edge and leaving the surrounding natural environment untouched.</p>	<p>8. The proposed double dwelling will not have a negative impact on the character of the area. It will contribute to densification as well as create alternative housing typologies in Yzerfontein providing residential accommodation that is affordable to a wider range of the community. The proposed second dwelling will also result in the optimal use of land situated within the urban edge. The proposal with a total floor area of ± 690m² is deemed a significant investment in the area and will definitely contribute to the value of the surrounding properties.</p>
Antoinette and Christo Jooste as owners of neighbouring property Erf	<p>17. Mr and Mrs Jooste object to the proposed application as they are of opinion that the parking spaces are insufficient for the traffic to and from the planned school in Gey van Pittius Street.</p>		

530, 1 L.J. Smit Street.	<p>They state that their gate is around the corner from the intended school parking lot and mirrors will have to be erected and another "speed hump" will have to be built. Visibility is already limited and can cause accidents.</p> <p>18. They also object to the school regarding the danger of children on the already busy street and the noise that the additional traffic and school children will cause in their peaceful quiet neighbourhood.</p>		
Pieter & Julia Myburgh as owners of Erf 529, Yzerfontein	<p>19. There is a property zoned for a school situated in a more appropriate area.</p> <p>20. Should the application be approved against their wishes, they also object to the relaxation of the building line restriction. They are of opinion that the zoning has increased building lines for a reason and believe it is to protect neighbours against any potential inconvenience.</p>		
Bianca & AW Phillips as owners of Erf 502, 3 Gey van Pittius Street	<p>Mr and Mrs Phillips object to the proposed plans to develop erf 505 for the following reasons:</p> <p>21. The reason they purchased their property was due to it being situated in a quiet area with minimal traffic. The proposed place of education will increase the traffic on this quite road.</p> <p>22. The objectors are also concerned about the noise levels of the proposed place of education, as they know a</p>		

	<p>school is a warm and happy environment.</p> <p>23. In the objector's opinion, there are zones allocated for schools in Yzerfontein and the proposed place of education should be situated in the correct zone</p>		
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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 23rd of March 2023. The public participation process commenced on the 4th of April 2023 and ended on the 8th of May 2023. Objections were received and referred to the applicant for comment on 10th of May 2023 and this municipality received the comments on the objection from the applicant on the 9th of June 2023.

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 proposed development is deemed consistent with the Swartland MSDF, 2023 as well as the goals of the district and provincial spatial policies as will be further discussed below. The consideration of the application also realises the owner of the property's right to apply in terms of the relevant legislation.

Spatial Sustainability: The proposed development will result in a more spatially compact and resource-efficient settlement and will optimise the use of existing infrastructure. Seeing that the existing services will be used and that no upgrades to existing services / infrastructure is required to accommodate the development. The proposal will also not have a negative impact on critical biodiversity areas or high potential agricultural land and will in the long term contribute to the economy of Yzerfontein through the improvement of the property as well as through job creation.

Efficiency: The development proposal will promote the optimal utilisation of services and enhance the tax base of the Municipality. The subject property is located immediately next to the demarcated CBD for Yzerfontein therefore the proposed use is deemed an appropriate transition between the CBD and the residential area as well as that it might also strengthen the current mixed-use character of the area. Therefore, this application complies with the principle of efficiency.

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 several considerations as required by the relevant By-law and Municipal Spatial Development Framework;

Spatial Resilience:

The property is currently vacant and underutilised. Although not located next to an identified activity street, Gey van Pittius is proposed to link up with future development to the south. As it is currently a collector road, accommodating traffic via LJ Smith as well as F. Duckitt Streets, it could be argued that Gey van Pittius Street may be identified as an activity street in the near future. The subject property is located next to the identified CBD. With the above in mind the use of the property for a double dwelling as well as a place of education is justified in the long term and is therefore deemed spatial resilient. Should the place of education not be sustainable in the long term the building can easily be integrated into the one dwelling house or alternatively it could be converted into a guesthouse*. *Subject to the necessary land use application.

The development proposal clearly adheres to the spatial planning principles and is consistent 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, despite 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 (Central Business District), 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 (Spatial Development Framework) 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 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, 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 consistent with the PSDF.

West Coast District SDF (WCDSDF, 2020)

In the WCDSDF, 2020 it is stated that the functional classification for Yzerfontein is tourism and according to the growth potential study Yzerfontein has a medium growth potential.

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. It is however noted that poor access to social facilities often relate to spatial patterns, lack of spatial integration, limited mix-use development, disconnect between

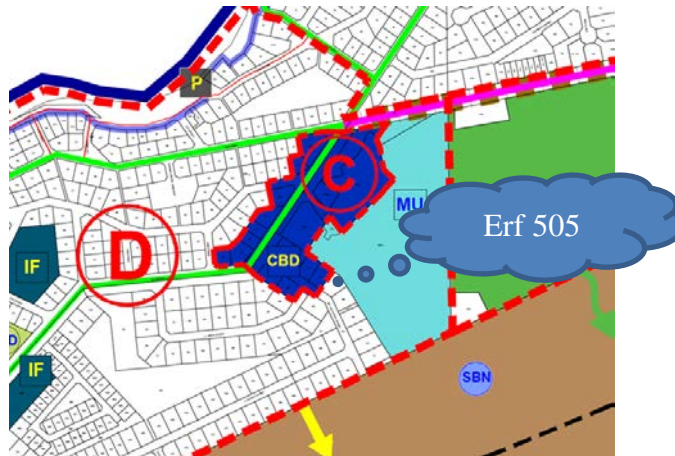
economic and social opportunities, car-dependent developments far from public transport and a 'business as usual' approach with the emphasis on greenfield development and low-density sprawl.

Not only is densification supported by the WCDSDF, the proposed mixed use which includes a place of education within a residential area is also supported. The fact that the property is located so close to the identified CBD makes the application even more consistent with the development proposals as it ensures better access to economic as well as social opportunities.

It is thus clear that the proposed development is not in conflict with the principles as set out in the WCDSDF, 2020.

Municipal Spatial Development Framework (SDF), 2023

Erf 505, Yzerfontein is in land use proposal zone D as indicated in the land use proposal map for Yzerfontein. Please refer to the extract below. It is also clearly located next to the demarcated CBD for Yzerfontein.



According to the MSDF, 2023; ..."Yzerfontein's location advantage and accessibility contributes to the town's attractiveness and growth over the past years". This resulted in increasingly younger people moving to Yzerfontein as well as making Yzerfontein their permanent residence. The consequent need for social facilities like schools, crèches as well as health facilities are inevitable. Locating them near activity streets as well as development nodes are seen as appropriate.

The MSDF, 2023 further also support the accommodation of home occupation / professional services as well as community orientated services in residential areas.

From the land use proposal table, secondary educational uses as well as places of education are supported in Land Use Proposal Zone D.

YZERFONTEIN LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	Secondary Educational Uses	Place of Education	Professional Uses	Business Uses	Secondary Business Uses	Place of Worship	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
A	Zone A, located at the most western point along the coast, has a residential character with larger sized properties as well as a small business node including mixed uses such as high density residential uses and a vacant school site. This zone also includes the harbour.	X	X	X 3	X	X 5	X	X 1,2	X 1,2	X	X	X	X	X	Harbour X 6
B	Zone B, Pearl Bay area, consists mainly of low density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high density housing opportunities.	X	X	X 4	X	X	X 2	X 2	X 2	X	X	X	X	X	X 6
C	Zone C represents the Central Business District.	X	X	X	X	X	X	X	X	X	X	X	X	X	X
D	Zone D represents the older residential area, which allows for residential infill, social- and mixed uses.	X	X	X 2,3	X	X	X	X 1,2	X 1,2	X	X	X	X	X	X 6
E	Zone E is the residential area around the main beach with							X	X						

The application is clearly consistent with the development proposals of the MSDF, 2023.

2.4 Zoning Scheme Provisions

Despite the application for the departure of the 10m building line restrictions applicable to the place of education, the development proposal complies with all other provisions required in terms of the development management scheme.

It could be argued that due to the scale and nature of the proposed place of education as well as that it is integrated within the proposed double dwelling house, the 10m restriction is not warranted. The impact of the proposed learning centre will be minimal on neighbouring properties. The proposal still complies with the title building lines as well as the building lines applicable to the double dwelling house.

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 consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels as discussed above.

The proposed application will not have a negative impact on the character of the area.

The proposed development 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 proposal is spatially resilient, as it proposes housing options that are more affordable as well as accommodate a mixed-use compatible with the residential area as well as near the identified CBD of Yzerfontein.

The character of the surrounding area is that of a low-density residential neighbourhood. The nature of a second dwelling is to provide additional residential opportunities. The proposed land use is thus considered as a desirable activity within a residential neighbourhood, as it accommodates residential activities compatible with that of the existing area.

The proposed second dwelling as well as place of education will have a positive socio as well as economic impact, as it generates income for both the landowner, municipality (through rates and taxes) and the community of Yzerfontein as a whole, through the spending of the new residents / visitors to the area as well as that it establishes a place of education closer to the residents of Yzerfontein, whom no have to travel significant distances (Cape Town and possibly Langebaan) for similar facilities / services.

The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental assets.

From the proposal it is clear that access to the property is obtained directly from Gey van Pittius Street. The impact of the proposal on traffic in the area will be minimal. The property is situated on a bend in the road; however, it is situated on the side of the road where sight distance is not restricted.

The development proposal is considered desirable.

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 developer's 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

The comments from external departments were not deemed necessary with the current proposal. Should the application be approved it does not exonerate the developer to comply with any other legislation.

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 consent use on Erf 505, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved, subject to the conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house as well as a place of education, as presented in the application;
- (b) The place of education consisting of a learning centre, be restricted to a maximum of 88m²;
- (c) No more than 12 children / students be accommodated at the place of education at any given time;
- (d) The double dwelling adheres to the applicable development parameters;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

2. WATER

- (a) A single water connection be provided, and no additional connections be provided;

3. SEWERAGE

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

4. STREETS & STORMWATER

- (a) The proposed parking area, including the junction with Gey van Pittius Street, be provided with a permanent dust free surface. The materials used be pre-approved by the Director Civil Engineering services on building plan stage;

5. DEVELOPMENT CHARGES

- (a) The development charge applicable to the second dwelling, towards the supply of regional bulk water amounts to R 10 862, 90 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge applicable to the second dwelling, towards bulk water reticulation amounts to R 986, 70 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge applicable to the second dwelling, towards sewerage amounts to R4 946, 15 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge applicable to the second dwelling, towards wastewater treatment amounts to R12 002, 55 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge applicable to the second dwelling, towards streets amounts to R 6 793, 05 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge applicable to the second dwelling, towards electricity amounts to R11 044, 14 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The development charge applicable to the place of education, towards the supply of regional bulk water amounts to R 3 601, 80 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);

- (h) The development charge applicable to the place of education, towards bulk water reticulation amounts to R 593, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (i) The development charge applicable to the place of education, towards sewerage amounts to R2 594, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (j) The development charge applicable to the place of education, towards wastewater treatment amounts to R6 306, 60 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (k) The development charge applicable to the place of education, towards streets amounts to R 3 960, 60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (l) The Council resolution of May 2023 makes provision for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter.

6. GENERAL

- (a) The approval is, in terms of section 76(2) (w) of the By-Law, valid for a period of 5 years. All conditions of approval be complied with before occupancy certificate be issued and failing to do so may result in administrative action.
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) The applicant/objectors be informed of the right to appeal against this decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;

PART M: REASONS FOR RECOMMENDATION

- 1) There are no physical restrictions on the property that will have a negative impact on the proposed application.
- 2) There are no restrictions registered against the title deed of the property that prohibits the proposed land use.
- 3) The SDF, 2023 supports densification as well as the accommodation of professional services and secondary educational facilities in residential areas. The subject property is located next to the identified CBD of Yzerfontein.
- 4) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
- 5) The proposed application will not have a negative impact on the character of the area.
- 6) The proposed development 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.
- 7) A place of education is accommodated as a consent use under Residential Zone 1 of the By-Law.
- 8) The development proposal supports the optimal utilisation of the property.
- 9) The place of education may support the tourism industry in Yzerfontein, as well as the local economy.
- 10) The need for this service in Yzerfontein is recognised.
- 11) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Gey van Pittius Street.



PART N: ANNEXURES

Annexure A	Locality Map
Annexure B	Site development plan
Annexure C	Proposed building plans
Annexure D	Copy of the Title deed
Annexure E	Public Participation Plan
Annexure F	Objections by Dr D Miller
Annexure G	Objections by Mr JJ Smith
Annexure H	Objections by A & H Radyn
Annexure I	Objections by A & T du Plooy
Annexure J	Objections by C & L Cilliers
Annexure K	Objections by Me A Jooste
Annexure L	Objections by P & J Myburgh
Annexure M	Objections by B & AW Phillips
Annexure N	Applicants comment on the objections
Annexure O	Profile Information Sheet

PART O: APPLICANT DETAILS

Name	CK Rumboll and Partners			
Registered owner(s)	Hendrik Hermias Vollgraaff and Lizelle Green on behalf of Platinum Property Enterprise Pty Ltd	Is the applicant authorised to submit this application?	Y	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner & GIS Administrator SACPLAN: A/204/2010		Date: 28 July 2023		
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 31 st July 2023		

PART Q: RESOLUTION

- A. The application for consent use on Erf 505, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved, subject to the conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house as well as a place of education, as presented in the application;
- (b) The place of education consisting of a learning centre, be restricted to a maximum of 88 m²;
- (c) No more than 12 children / students be accommodated at the place of education;
- (d) The hours of the place of education be restricted from 07:30 to 17:30 on Mondays to Saturdays;
- (e) The double dwelling adheres to the applicable development parameters;
- (f) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

A2 WATER

- (a) A single water connection be provided, and no additional connections be provided;

A3 SEWERAGE

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

A4 STREETS & STORMWATER

- (a) The proposed parking area, including the junction with Gey van Pittius Street, be provided with a permanent dust free surface. The materials used be pre-approved by the Director: Civil Engineering services on building plan stage;

A5 DEVELOPMENT CHARGES

- (a) The development charge applicable to the second dwelling, towards the supply of regional bulk water amounts to R10 862, 90 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge applicable to the second dwelling, towards bulk water reticulation amounts to R986, 70 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge applicable to the second dwelling, towards sewerage amounts to R4 946,15 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge applicable to the second dwelling, towards wastewater treatment amounts to R12 002, 55 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge applicable to the second dwelling, towards streets amounts to R6 793, 05 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);

- (f) The development charge applicable to the second dwelling, towards electricity amounts to R11 044, 14 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The development charge applicable to the place of education, towards the supply of regional bulk water amounts to R3 601, 80 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (h) The development charge applicable to the place of education, towards bulk water reticulation amounts to R593, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (i) The development charge applicable to the place of education, towards sewerage amounts to R2 594, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (j) The development charge applicable to the place of education, towards wastewater treatment amounts to R6 306, 60 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (k) The development charge applicable to the place of education, towards streets amounts to R3 960, 60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (l) The Council resolution of May 2023 makes provision for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

B. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years from the date of decision by the Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal. All conditions of approval be complied with before occupancy certificate be issued and failing to do so may result in administrative action;
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, The appellant will be responsible for the payment of an appeal fee of R5 000,00, no later than 21 days after registration of the approval letter and ensuring that the appeal complies with the requirements of section 90 of the By-Law to be considered 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 supporter for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed land use;
- (c) The SDF, 2023 supports densification as well as the accommodation of professional services and secondary educational facilities in residential areas. The subject property is located next to the identified CBD of Yzerfontein;
- (d) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (e) The proposed application will not have a negative impact on the character of the area;
- (f) The proposed development 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;
- (g) A place of education is accommodated as a consent use under Residential Zone 1 of the By-Law;
- (h) The development proposal supports the optimal utilisation of the property;
- (i) The place of education may support the tourism industry in Yzerfontein, as well as the local economy.
- (j) The need for this service in Yzerfontein is recognised;
- (k) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Gey van Pittius Street.

COPIES:

1. ABB – for attention
2. Town, Regional Planner and GIS – for cognisance

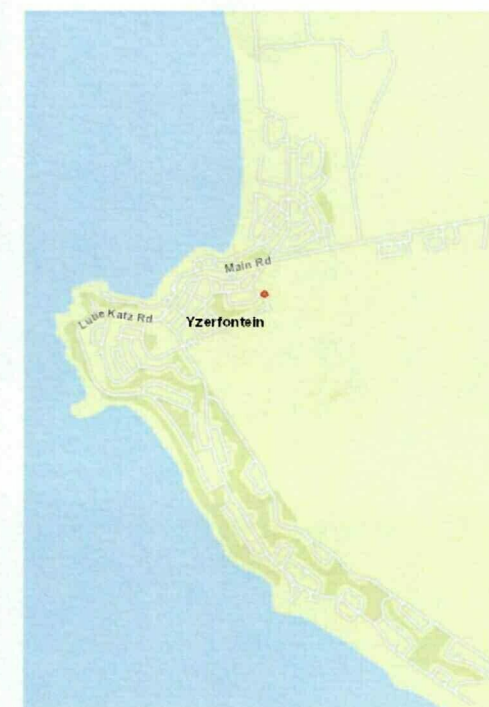
ANNEXURE A

Localities Yzerfontein

Legend

 Farm Portions

 Erf



Map Center: Lon: 18°9'43"E
Lat: 33°20'48.7"S

Scale: 1:2 257

Date created: March 8, 2023

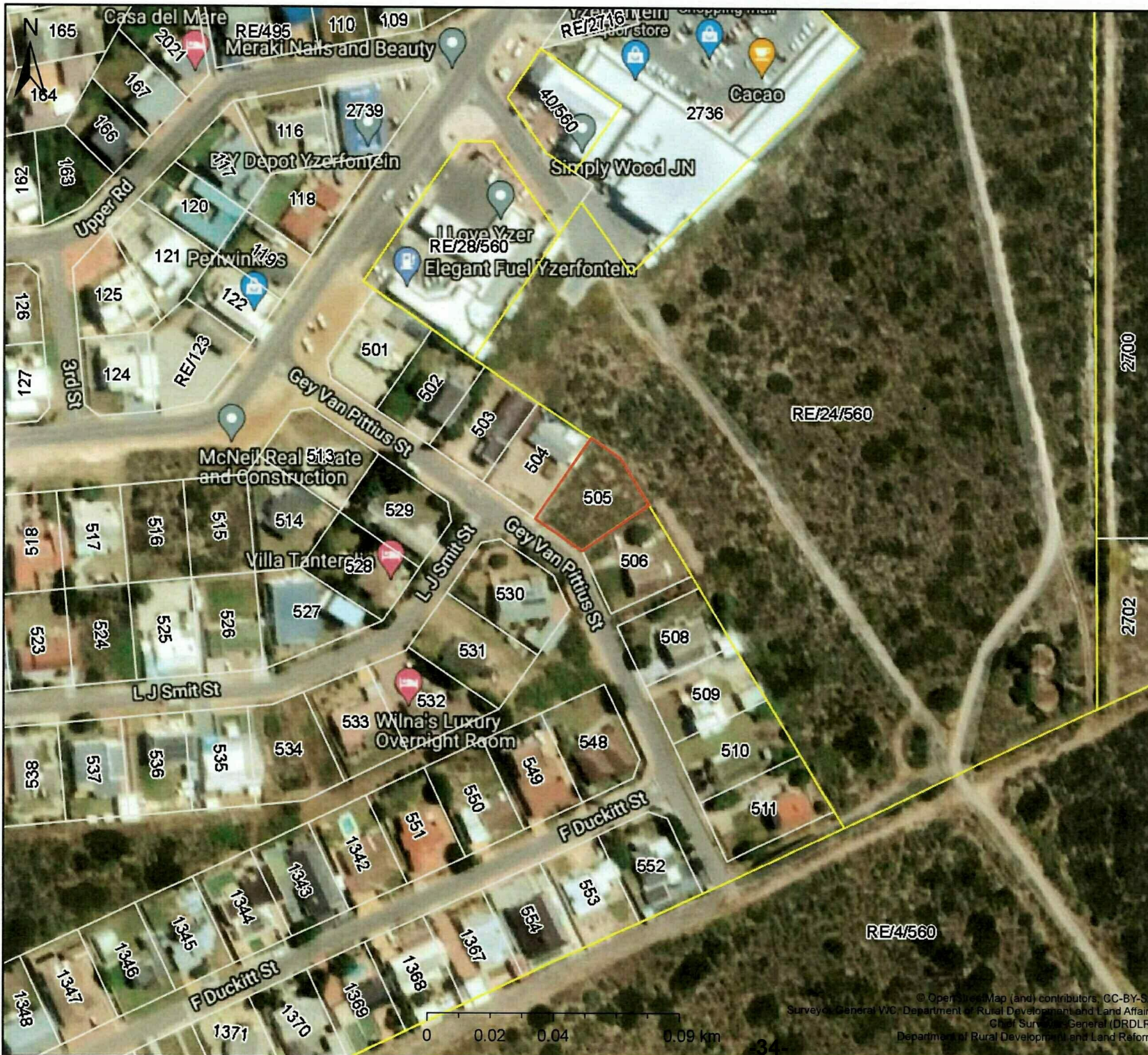


**Western Cape
Government**

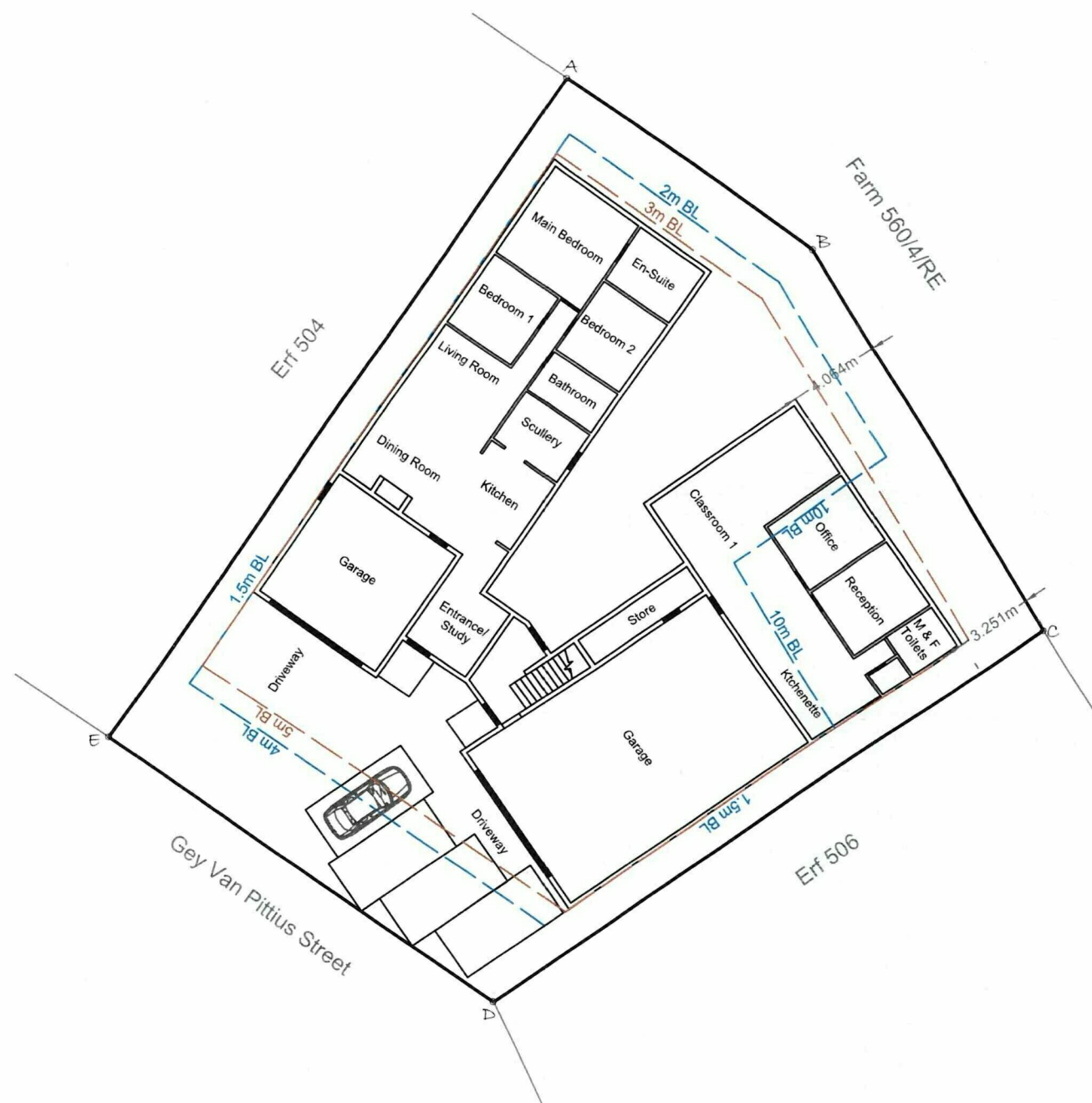
FOR YOU

Agriculture

© OpenStreetMap (and) contributors, CC-BY-SA
Surveyors General WC, Department of Rural Development and Land Affairs
Chief Surveyor General (DRDLR)
Department of Rural Development and Land Reform



SITE DEVELOPMENT PLAN: ERF 505, YZERFONTEIN (Ground Floor)



LEGEND:

- Subject property
Existing cadastral boundaries
Scheme Building Lines
Title Deed Building Lines

ZONING I.T.O. THE ZONING SCHEME:

Residential Zone 1

NOTES:

Figure ABCDE represents Erf 505, Yzerfontein, with an extent of 863m².

Drawing by: **Mandri Crafford**

ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING

C.K. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS

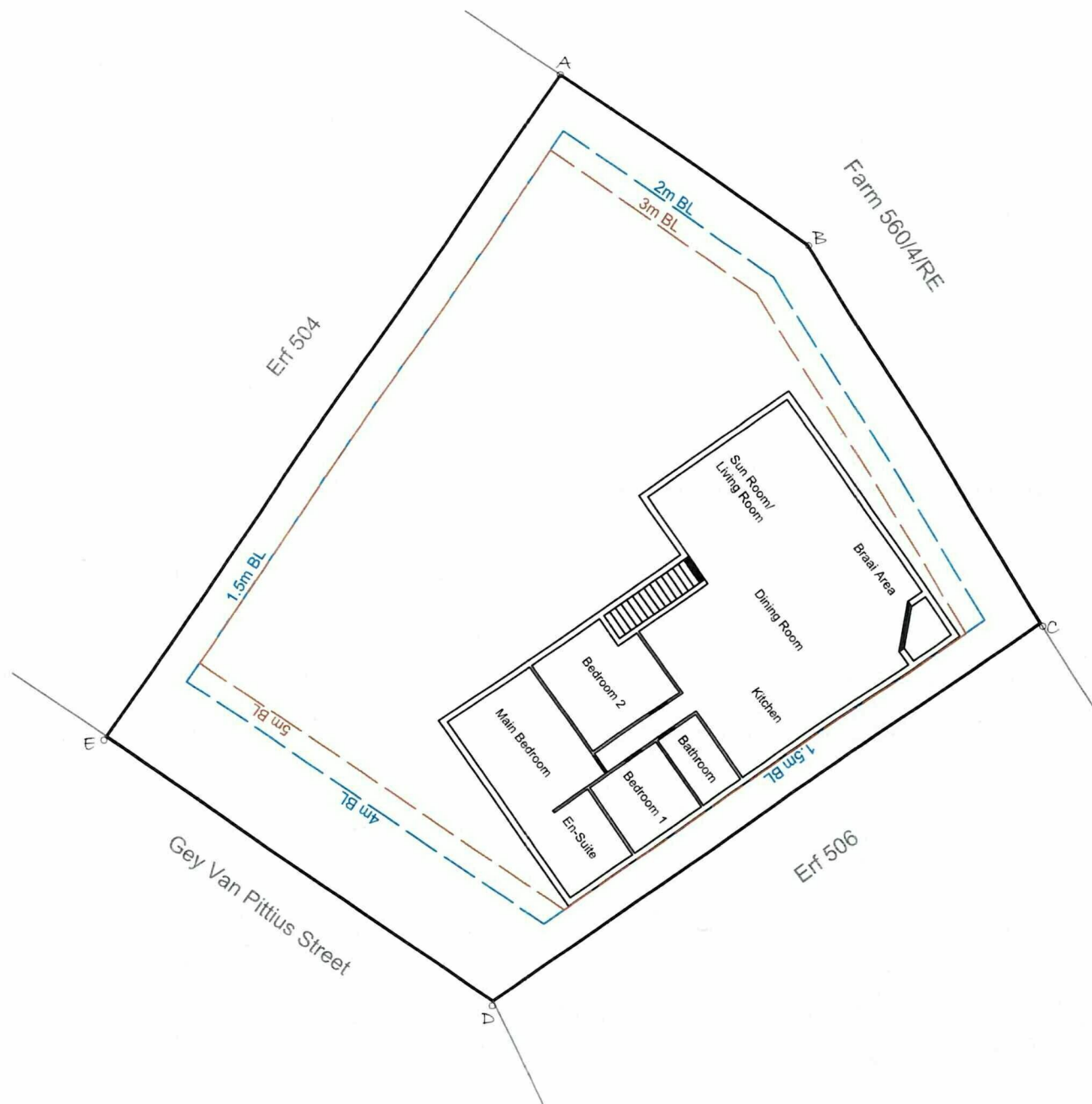
Tel: 022 - 4821845
Fax: 022 - 4871661
Email: planning1@rumboll.co.za

DATE:
MARCH 2023

AUTHORITY:
SWARTLAND MUNICIPALITY

REF:
YZE/12988/MC

SITE DEVELOPMENT PLAN: ERF 505, YZERFONTEIN (First Floor)



LEGEND:

- Subject property
- Existing cadastral boundaries
- Scheme Building Lines
- Title Deed Building Lines



ZONING I.T.O. THE ZONING SCHEME:

Residential Zone 1

NOTES:

Figure ABCDE represents Erf 505, Yzerfontein, with an extent of 863m².

Drawing by:

Mandri Crafford

ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING



C.K. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS

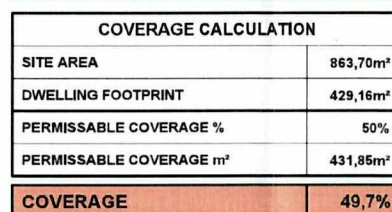
Tel: 022 - 4821845
Fax: 022 - 4871661
Email: planning1@rumboll.co.za

DATE:
MARCH 2023

AUTHORITY:
SWARTLAND MUNICIPALITY

REF:

YZE/12988/MC



NOTES:

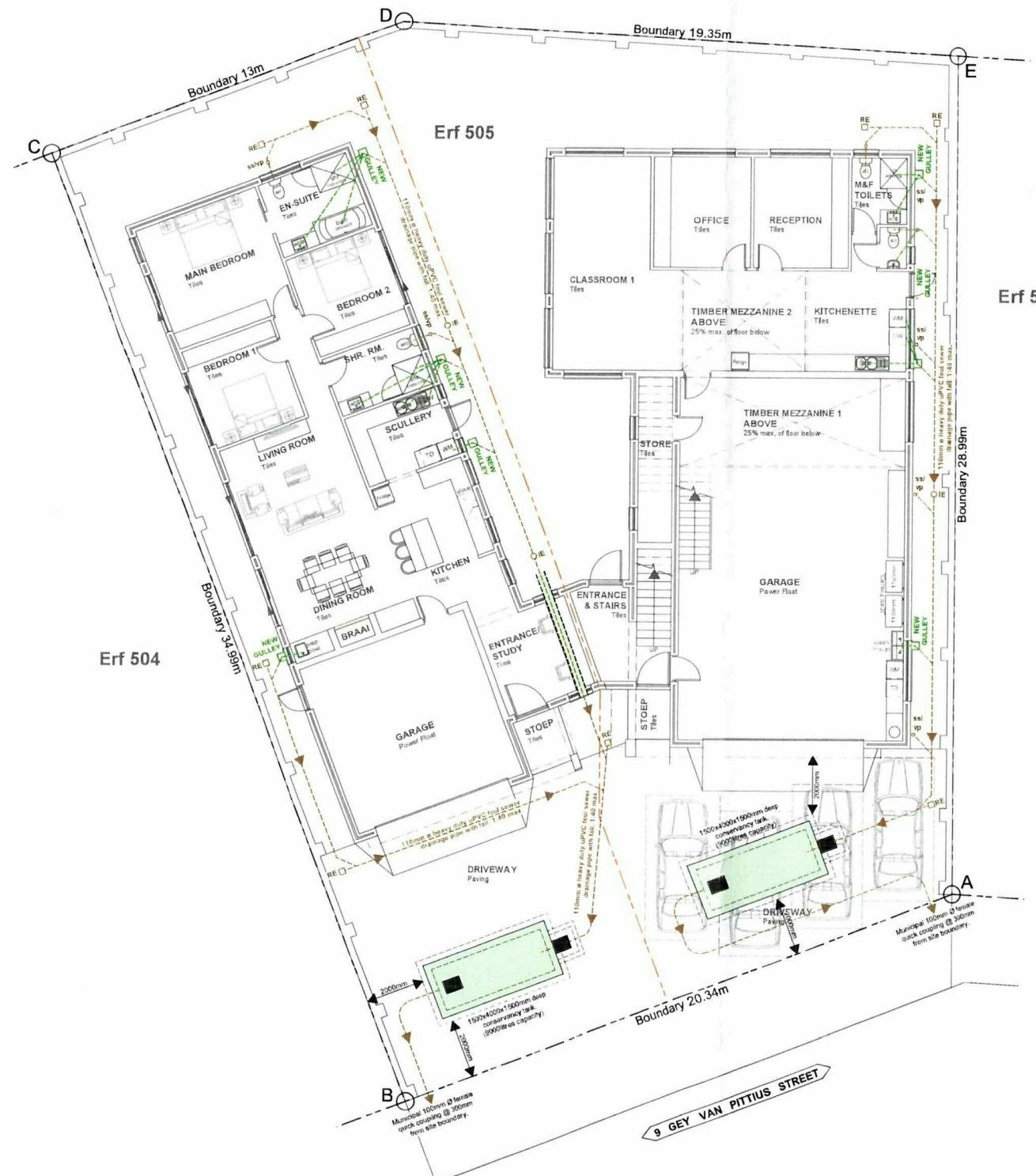
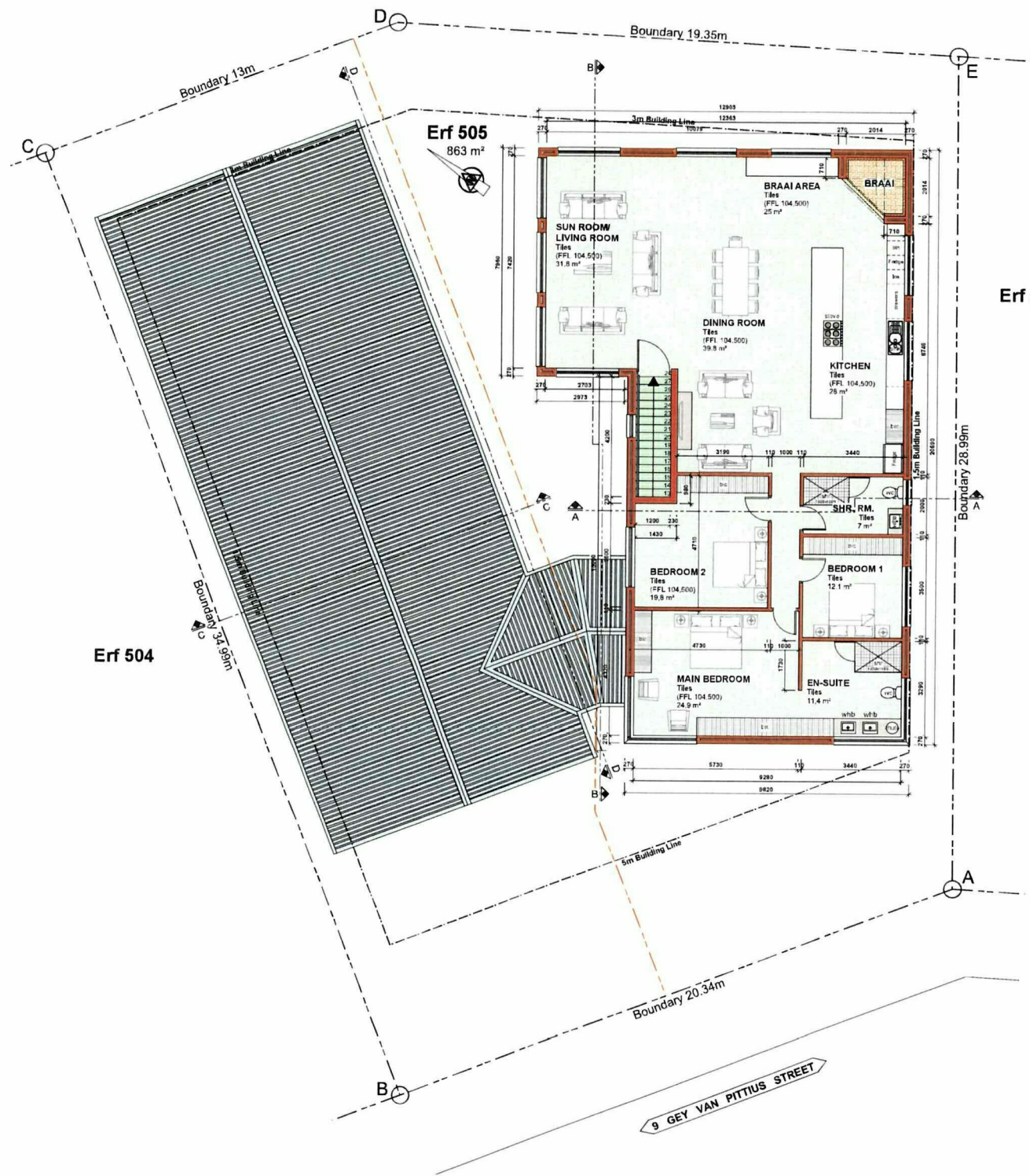
REVISION NUMBER	REVISION DESCRIPTION	REVISION DATE
1		06/06/2011

SKETCH PLAN DRAWINGS

PROJECT
Proposed new Dwelling on Erf 505,
9 Gey Van Pittius street, Yzerfontein
for Lizelle & Henk

DRAWING TITLE
Site / Roof Plan
Ground Floor Plan

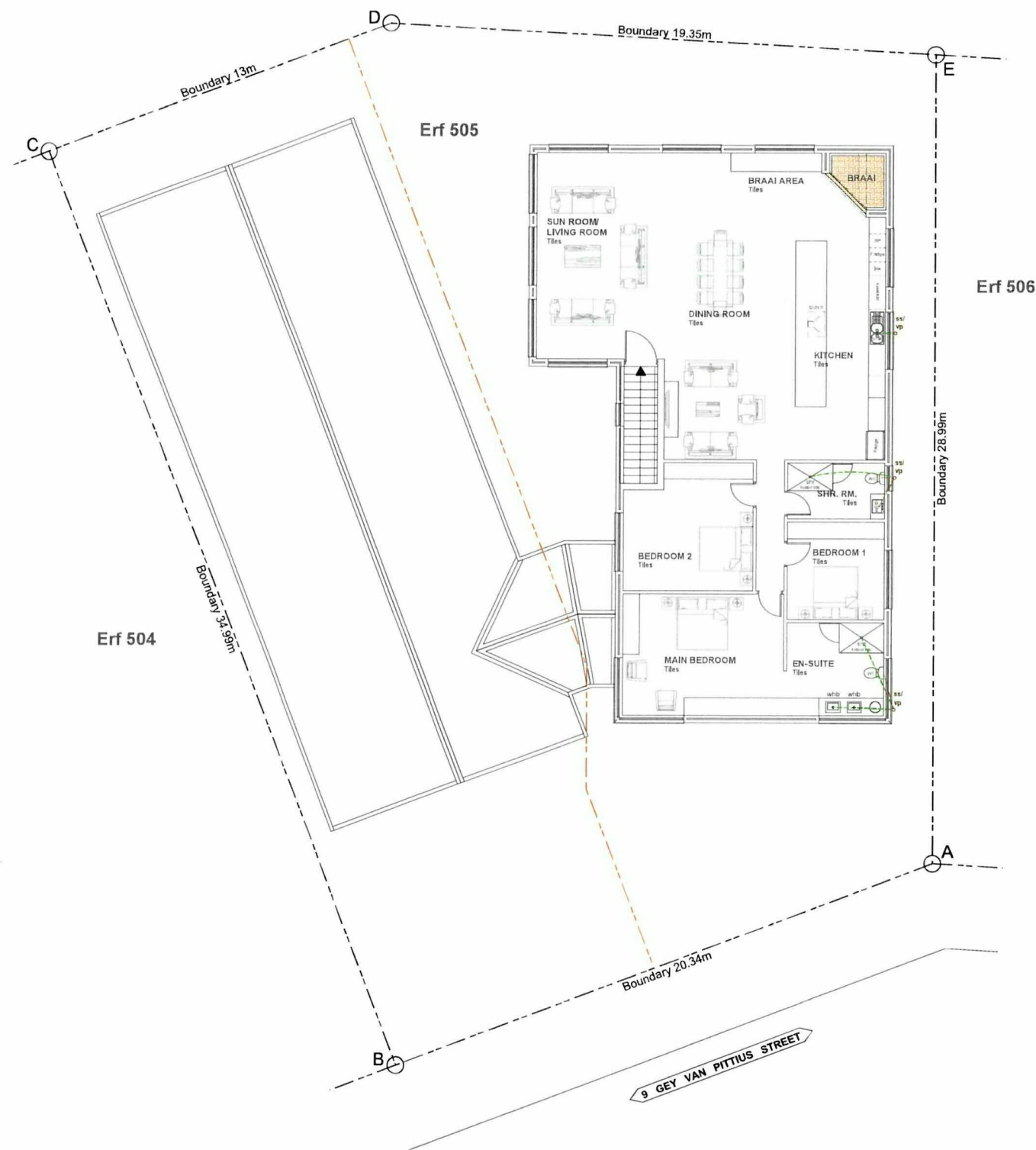
PROJECT No.	DWG No.	REVISION No.	DATE OF PRINT
1091	SK_04.1		05.03.2023
SCALE	PROJECT DATE	DRAWN BY	CHECKED BY
1:100	Mrch 2023	IT	



NOTES:

NO.	REVISION	DATE
1	1	08/03/2023

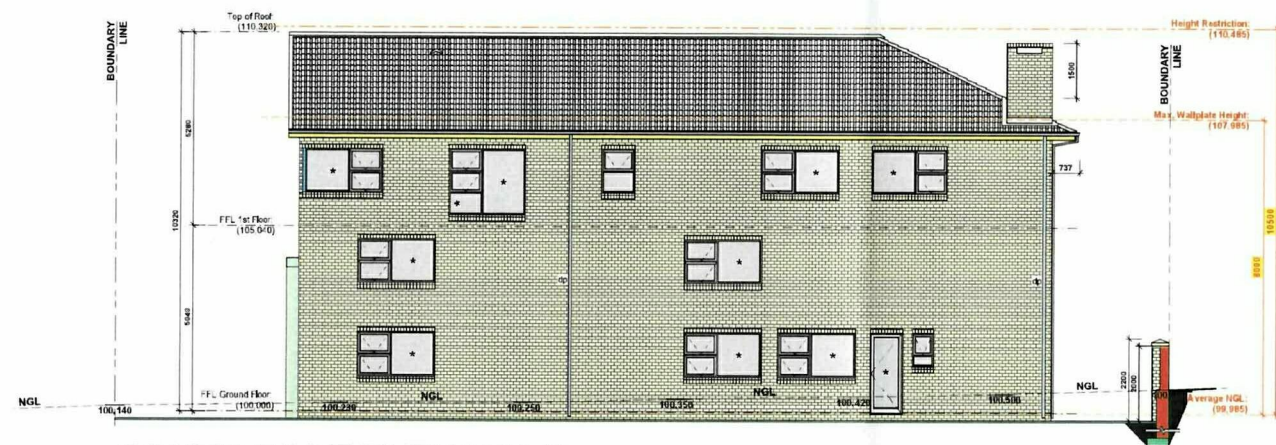
SKETCH PLAN DRAWINGS			
PROJECT	DRAWING TITLE	DATE OF PRINT	SCALE
Proposed new Dwelling on Erf 505, 9 Gey Van Pittius street, Yzerfontein for Lizelle & Henk	First Floor Plan Ground Floor Drainage Plan	05.03.2023	1:100
PROJECT NO. 1091	DRAWN BY JT	CHECKED BY JT	DATE OF PRINT 05.03.2023



FIRST FLOOR DRAINAGE PLAN
scale 1:100



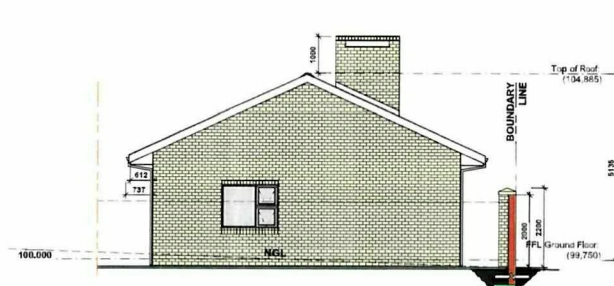
SOUTH WEST ELEVATION
scale 1:100



SOUTH EAST ELEVATION
scale 1:100



NORTH EAST ELEVATION (DOUBLE STOREY)
scale 1:100



NORTH EAST ELEVATION (SINGLE STOREY)
scale 1:100



NORTH WEST ELEVATION (SINGLE STOREY)
scale 1:100

NOTES:

1. All dimensions are in millimeters unless otherwise stated.

2. The proposed dwelling is to be constructed in accordance with the Building Regulations and the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

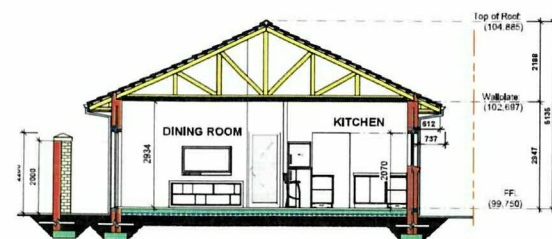
3. The proposed dwelling is to be constructed in accordance with the Building Regulations and the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

4. The proposed dwelling is to be constructed in accordance with the Building Regulations and the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

5. The proposed dwelling is to be constructed in accordance with the Building Regulations and the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

NO.	REVISION	DATE	BY	CHECKED BY
1	ISSUED FOR PERMIT	05.03.2023	SK	SK

SKETCH PLAN DRAWINGS				
PROJECT	DATE	BY	CHECKED BY	SCALE
Proposed new Dwelling on Erf 505, 9 Gey Van Pittius Street, Zverfontein for Lizelle & Henk	05.03.2023	SK	SK	1:100
DRAWING TITLE				
First Floor Drainage Plan Elevations				
PROJECT NO.	DATE	BY	CHECKED BY	SCALE
1091	05.03.2023	SK	SK	1:100
PROJECT DATE	DRAWN BY	CHECKED BY	SCALE	DATE
March 2023	SK	SK	1:100	05.03.2023

[illegible]

REVISION NUMBER	REVISION DESCRIPTION	REVISION DATE
1	As Issued	09/09/2022

29

Fee endorsement		
	Amount	Office fee
Purchase price/value	R. 960 000.00	R. 1220.00
Mortgage capital Amount	R.	R.
Reason for exemption	Cat.	Exempt i.t.o section Act

Prepared by me,

CONVEYANCER
Stephanus Cornelius Nell
(83097)

May & Associates
☒ 74, Mamre 7347
☎ (021) 576 0015



T 010144/23

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

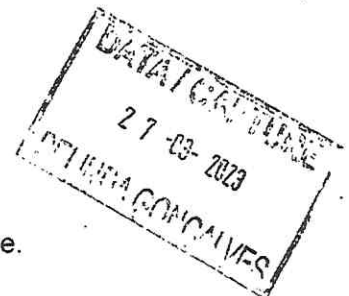
RONELLE WILKINSON(97489)

THAT ~~JANINE FOUICHE (60114)~~

appeared before me, Registrar of Deeds at CAPE TOWN, he the said appearer being duly authorised thereto by virtue of a Power of Attorney granted to him by

CATHERINE ALMA MC SHANE
Identity Number 290605 0055 08 2
Unmarried

Dated at YZERFONTEIN on 23 January 2023
which Power witnessed in accordance with law was this day exhibited to me.



AND the said Appearer declared that the said Transferor had on 11 April 2022, truly and legally sold to the undermentioned transferees and that he, in his capacity of aforesaid, did by these presents to and on behalf of

PLATINUM PROPERTY ENTERPRISE PROPRIETARY LIMITED
Registration number 2021/538237/07

Its, administrators or assigns, in full and free property

ERF 505 YZERFONTEIN
Situating in the SWARTLAND MUNICIPALITY
Division MALMESBURY
Western Cape Province

IN EXTENT: 863 (Eight Hundred and Sixty Three) Square Meters

FIRST TRANSFERRED by Deed of Transfer No T23935/1984 with General Plan No. 10142 relating thereto and held by Deed of Transfer No T4841/2020.

A. SUBJECT to the conditions referred to in Certificate of Consolidated Title No. T17824/1980.

B. ENTITLED to the benefit of the condition referred to in the endorsement dated 31 March 1954 on Deed of Transfer No. T19514 dated 10 October 1947, which reads as follows:-

"By Deed of Transfer Number 4692/1954 portion 12 conveyed by para 2 thereof is made subject to a condition re erection of fences and cost and upkeep thereof in favour of the remainder of the property held by para.2 hereof; as will more fully appear on reference to the said Deed of Transfer."

C. FURTHER SUBJECT to the following conditions, contained in Deed of Transfer No T23935/1984 and imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance No 33 of 1934 with the approval of the Yzerfontein Township, Extension No 2, namely:-

1. "Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by regulasies afgekondig by Kennisgewing van die Provinsiale Kennisgewing Nr. 623 van 14 Augustus 1970.
2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalinge daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepalinge van hierdie voorwaardes moet nie opgevat word as sou dit die bepalinge van Artikel 17 van Ordonnansie Nommer 19 van 1976, soos gewysig vervang nie.
3. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.
4. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat hoofgasleidings, elektrisiteits-, telefoon- of televisiekabels of -drade en hoof- en/of ander waterpype en rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie dorp, oor hierdie erf gevoer

word indien dit deur die plaaslike of 'n ander statutêre owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.

5. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeë van en binne 'n tydperk wat die plaaslike owerheid bepaal.
6.
 - (a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg met die Dorpekommissie en die plaaslike owerheid, goedkeur, met dien verstande dat, indien die erf in die gebied van 'n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.
 - (b) Geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid:
 - (i) 'n buite gebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy en agterruimtes opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van 'n hoekerf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens.
 - (ii) 'n buitegebou ingevolge subparagraaf (i) slegs nader aan 'n sygrens of agtergrens van 'n perseel as die afstand hierbo voorgeskryf opgerig mag word indien geen venters of deure of enige muur wat op sodanige grens front, aangebring word nie.
 - (c) By die konsolidasie van hierdie erf of enige gedeelte daarvan met enige aangrensende erf wat onderworpe is aan dieselfe voorwaardes op die gekonsolideerde eiendom van toepassing asof dit een erf is.
 - (d) Ingeval hierdie erf onderverdeel word, is elke onderverdeelde gedeelte, uitgesonderd 'n gedeelte afgesny vir pad- of dergelike doeleindes, onderworpe aan die voorwaardes hierin uiteengesit asof dit die oorspronklike erf is.

WHEREFORE the Appearer, renouncing all right and title the said CATHERINE ALMA MC SHANE, unmarried

theretofore had to the said premises, did in consequence also acknowledge the said Transferor to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said, PLATINUM PROPERTY ENTERPRISE PROPRIETARY LIMITED its administrators or assigns, now are and henceforth shall be entitled thereto conformably to local custom, the State however, reserving its rights and finally acknowledging the said Transferee to have satisfactorily paid or secured the whole of the purchase money amounting to the sum of R860 000.00 (Eight Hundred and Sixty Thousand Rand), transfer duty having been calculated on the fair value being R960 000.00 (Nine Hundred and Sixty Thousand Rand).

IN WITNESS whereof, I, the said Registrar, together with the Appearer q.q. have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

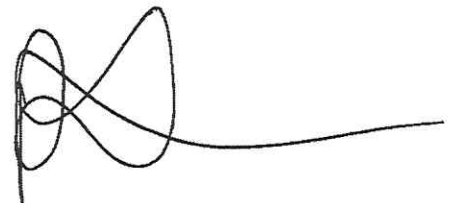
THUS DONE and executed, at the office of the REGISTRAR of DEEDS, in Cape Town, on the

17 MAR 2023

In my presence


REGISTRAR OF DEEDS

q.q.



Locality plan



14

Dr Duncan Miller
13 Gey van Pittius Street
Yzerfontein 7351
South Africa
Landline: 022 451 2482
Mobile: 084 757 9830
Email: embo@telkomsa.net

8 May 2023

The Municipal Manager
Private Bag X52
Malmesbury 7299
Email: swartlandmun@swartland.org.za

The application for departures for development on Erf 505, Yzerfontein refers.

1. I am the owner of Erf 508, Gey van Pittius Street, Yzerfontein. My interest in the application for departures on Erf 505, dated 4 April 2023, is that I am resident two doors away, at 13 Gey van Pittius Street.
2. The plans attached to the application show a double dwelling unit on Erf 505, as well as a proposed 'place of education'.
3. The application is worded in such a way that it is difficult for a lay person to understand the issue, but evidently the 10 m building line restrictions arise from the plan to build a 'place of education'. This is in terms of Paragraph 1.1.8 of the Province of the Western Cape Provincial Government Gazette Extraordinary 8226 of 25 March 2020, which states on page 87 that no building erected or used for a 'place of education' may be located closer than 10 m from any boundary of the land unit.
4. The building line restriction on the submitted plan seems to be wrong. The building line should be 10 m from the eastern boundary for the full length of the proposed building, not just a 10 × 10 m square from the southern and eastern boundaries.
5. **I do not support the application** for building line departures for Erf 505, Yzerfontein, because approving the departures requested appears to condone the building of the proposed 'place of education'.

My reasons for this are these:

6. The application for departures doesn't request any approval for a 'place of education' on a residential erf, and there is no detail about the activity or number of students. Presumably, input from potentially affected neighbours for the establishment of a 'place of education' would be required, as has been requested recently by the same applicants for a temporary school at 58 Duckitt Street.
7. I object to the establishment of any school on Gey van Pittius Street. Apart from the possible increased noise from children attending the school, there will be increased vehicular traffic on a formerly quiet road that has become far more busy recently.

8. Gey van Pittius Street is the feeder for L.J. Smit Street and F. Duckitt Street. It is already a busy road, which necessitated the building of a traffic-calming hump, and it will become even more so with the proposed expansion of the town towards the south. Delivering and fetching children from Erf 505 will present a life-threatening hazard for excited children running into the road. A place of education is inappropriate on such a busy residential street.
9. From the plan accompanying the application for departures, the educational facility appears to be identical to a third dwelling unit of 88 m² on Erf 505. What place of education requires a combined reception and office area almost the same size as the planned class room, with the reception room at the back of the property? There is nothing that makes this unit specifically a place of education. Even if it were initially used as such there would be nothing to prevent its later being used as a self-contained flat – with two bedrooms, a bathroom and separate toilet, and an open-plan kitchen/living room – which is what it looks like on the plan. A third dwelling unit on Erf 505 would not be legal.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D. Miller', with a stylized, cursive script.

Dr Duncan Miller

From: Johan Smit <johansmit0905@gmail.com>
Sent: Sunday, 07 May 2023 20:05
To: PlanInter1@swartland.org.za
Cc: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Letter of objection erf 505

To whom it may concern,

As owner of Erf. 503– Yzerfontein I would like to put on record that we are objecting to the proposed plan to develop Erf 505 as per your reference 15/3/4-14ERF_505 and 15/3/10-14/Erf_505.

We bought our property with intention of moving out of a densely populated area into a more country – lower density area. We are not and happy with the idea of the property being granted permission to have a double dwelling on a single residential zoning – and then to still have the potential for a place of education zoning (opening the door for a school later) when there is an area zoned for a school in a more appropriate area – that will not directly affect neighbours .

We strongly object to the building line relaxation – having a building that is zoned for a “place of education” – at 1.5M from a residential neighbour – with the potential noise and disturbance associated, goes against the very reason we moved to this quiet neighbourhood. The reason the “place of education” zoning has the increased building line, is to protect neighbours against the potential inconvenience – we would like this safeguard adhered to – if the re-zoning is granted against our preference. It is surely a Safety risk as it is located in the bend of the Road and not ideal for traffic as it is a very busy road and will due to future planning to extend the road for a new layout on low cost housing not suitable for a school of education. Thanks and appreciate and hope you find it in order

Best regards

Mr. JJ Smit

5 Gey Van Pitius Str, Yzerfontein

(Erf 503)

082 099 3080

From: Adele Radyn <adeleradyn@gmail.com>

Sent: Sunday, 07 May 2023 20:41

To: Chanice Dyason <PlanIntern1@swartland.org.za>; hen3radyn@gmail.com; Registrasie Email <RegistrasieEmail@swartland.org.za>

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

Subject: RE: Voorgestelde vergunningsgebruik en afwyking van ontwikkkelingsparameters op Erf 505, Yzerfontein

Good day

Trust you are well 😊

To whom this may concern

As owner of Erf. 504 – Yzerfontien I would like to put on record that we are objecting to the proposed plan to develop Erf 505 as per your reference 15/3/4-14ERF_505 and 15/3/10-14/Erf_505.

We bought our property with intention of moving out of a densely populated area into a more country – lower density area. We are not happy with the idea of the property next to us being granted permission to have a double dwelling on a single residential zoning – and then to still have the potential for a place of education zoning (opening the door for a school later) when there is an area zoned for a school in a more appropriate area – that will not directly affect neighbours.

We strongly object to the building line relaxation – having a building that is zoned for a “place of education” – at 1.5M from a residential neighbour – with the potential noise and disturbance associated, goes against the very reason we moved to this quiet neighbourhood. The reason the “place of education” zoning has the increased building line, is to protect neighbours against the potential inconvenience – we would like this safeguard adhered to – if the re-zoning is granted against our preference.

*** please confirm receipt of this email

Have a great week

Kind regards

Adele & Hendri Radyn

e-mail: adeleradyn@gmail.com

Cell: 073 528 8802



Mr & Mrs Andre & Tammy du Plooy
11 Gey van Pittius Street
Yzerfontein 7351
Western Cape
Mobile: 082 520 7416(A)
076 513 0274(T)
Email: andre.duploy69@gmail.com
tammygrobler@gmail.com

The Municipal Manager
Private Bag X52
Malmesbury 7299
Email: swartlandmun@swartland.org.za

The application for departures for development on Erf 505 in Yzerfontein refers:

1. We are the owners of Erf 506, Gey van Pittius Street, Yzerfontein. My interest in the application for departures on Erf 505, dated 4 April 2023, is that we are the direct neighbour to Erf 505 where the proposed school is to be built on the eastern and southern boundary, our home being at 11 Gey van Pittius Street.
2. The plans attached to the application show a double dwelling unit on Erf 505 on a single residential zoning, as well as a proposed 'place of education'.
3. The application is worded in such a way that it is difficult for a layman to understand the issue but became clearly after a discussion with Alwyn Burger from the Swartland office, evidently the 10 m building line restrictions has arisen due to the plan to build a 'place of education'. This is in terms of Paragraph 1.1.8 of the Province of the Western Cape Provincial Government Gazette Extraordinary 8226 of 25 March 2020, which states on page 87 that no building erected or used for a 'place of education' may be located closer than 10 m from "any boundary" of the land unit.
4. The building line restriction on the submitted plan seems to be ambiguous. The building line should be 10 m from the eastern boundary, full length along the boundary of the proposed building, plan submitted not just a 10 × 10 m square from the southern and eastern boundaries.
5. **We do not support the application** for building line departures for Erf 505, Yzerfontein, because approving the departures requested appears to condone the building of the proposed 'place of education'.

Our reasoning being as follows:

6. The application for departures doesn't request any approval for a 'place of education' on a residential erf, and there is no detail about the activity or number of students, Presumably, input from potentially affected neighbours for the establishment of a 'place of education' would be required, as has been requested recently by the same applicants for a temporary school at 58 F. Duckitt street.
7. We object to the establishment of any school on Gey van Pittius Street. Apart from the possible increased noise from children attending the school, there will be

increased vehicular traffic on a formerly quiet road that has become far more busier recently.

8. Gey van Pittius Street is the feeder for L.J. Smit Street and F. Duckitt Street. It is already a busy road, which necessitated the building of a traffic-calming hump already, it will become even more so with the proposed expansion of the town towards the south. Delivering and fetching children from Erf 505 will present a life-threatening hazard for excited children running into the road. A place of education is inappropriate on such a busy residential street.
9. From the plan accompanying the application for departures, the educational facility appears to be identical to a third dwelling unit of 88 m² on Erf 505. What place of education requires a combined reception and office area almost the same size as the planned classroom, with the reception room at the back of the property? There is nothing that makes this unit specifically a place of education. Even if it were initially used as such there would be nothing to prevent its later being used as a self-contained apartment of 88 square metres – with two bedrooms, a bathroom and separate toilet, and an open-plan kitchen/living room – which is what it looks like on the plan. A third dwelling unit on Erf 505 would not be legal.
10. Swartland Municipality has allocated land in Yzerfontein in The Integrated Plan, whether the construction of a building take place in the near future or later, apparently owned by the department of education, school street also aptly named, away from residents to avoid inconvenience/nuisance or harm to anyone or anything.

Yours sincerely,

Mr & Mrs Andre & Tammy du Plooy

From: Lara Cilliers <charlandlara@gmail.com>

Sent: Monday, 08 May 2023 17:00

To: Chanice Dyason <PlanIntern1@swartland.org.za>

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

Subject: Re: Voorgestelde vergunningsgebruik en afwyking van ontwikkkelingsparameters op Erf 505, Yzerfontein

08 May 2023

The Municipal Manager
Private Bag X52
Malmesbury
7299
Email: swartlandmun@swartland.org.za

Dear Miss /Mrs Chanice Dyason,

Regarding your email on 4th April 2023, on the application for the development of Erf 505 in Gey Van Pittius Street.

We do not approve such an application for various reasons; namely.

Reasons ;

1. Safety of the children/learners coming and going on this busy residential area as people reverse and drive.
2. Parking bays for 4 cars on an already narrow street is insufficient for people coming and going. This would be a very dangerous as this road is already very busy on a daily basis as neighbors from Gey Van Pittius Street, F. Duckitt Street and L.J. Smit Street are constantly using this road to travel and move about daily at all hours of the day and evening.
Please take note that we already have a speed bump on Gey Van Pittius in from of neighbors Mr Andre Du Plooy Erf 506.
1. They will build on the building line which has restrictions and we all must abide by such restrictions.... now they want to enlarge their building area which we do not approve of.

Have a lovely day.
Regards

Mr and Mrs Charl and Lara Cilliers
Erf 531
3 L.J. Smit Street
Yzerfontein
7351
Cell Lara 0835670198
Charl 0733274420
Email charlandlara@gmail.com

2. The plans is for a school which is in a marked residential area. As i understand School Street is aptly named as there is a piece of land marked for a possible school as per Swartland Municipality's allocation. It is a safer area which is no threat to or cause any harm to anyone who takes and fetches their children. Busy sport days and parking, etc.

3. We are situated at 3 L.J. Smit Street, which is right next to Erf 530 on the corner which is no.1 L.J. Smit Street.

Van: Antoinette Jooste
1 LJ Smitstraat (erf 530)
Posbus 255
Yzerfontein 7351

Aan: Swartland Munisipaliteit
Private Bag X52
Malmesbury

Re: Voorgestelde vergunningsgebruike en afwykings van ontwikkelingsparameters op erf 505.

Hiermee teken ons beswaar aan teen bogenoemde om die volgende redes:

1. Die parkeerplekke is onvoldoende vir die verkeer na en van die beplande skool in Gey van Pittiusstraat. Ons motorhek is om die draai van die beoogde skool parkeering en daar sal moet speels opgerig en nog 'n "speed hump" gebou word. Die sig is alreeds beperk en kan ongelukke veroorsaak.
2. Ons het ook besware teen die skool oor die gevaar van kinders op die alreeds besige straat en die geraas van die addisionele verkeer en skoolkinders gaan veroorsaak in ons rustige stil woonbuurt.

Antoinette Jooste en Christo Jooste
Email: ajooste49@gmail.com
Sel: 082 200 5094

From: Pieter Myburgh <pieteram@gmail.com>
Sent: Monday, 08 May 2023 09:38
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Objection to rezoning of Erf 505

To the Municipal Manager,

As owners of Erf 529, Yzerfontein, we would like to object to the proposed plan to develop Erf 505 as per your reference 15/3/4-14ERF_505 and 15/3/10-14/Erf_505.

We are not happy with the idea of a property close to us being granted permission to have a double dwelling on a single residential zoning, or granted permission for education zoning, especially when there is an area zoned for a school in a more appropriate area.

In case rezoning is granted against our wishes, we also object to the building line relaxation. "Place of education" zoning has an increased building line for a reason, to protect neighbours against the potential inconvenience.

Regards,
Pieter & Julia Myburgh

From: Bianca Phillips <bkotze1@gmail.com>

Sent: Monday, 08 May 2023 16:07

To: Registrasie Email <RegistrasieEmail@swartland.org.za>; Registrasie Email <RegistrasieEmail@swartland.org.za>; tony anton phillips <awtphillips@gmail.com>

Subject: Objectjion- Reference 15/3/4-14ERF_505 and 15/3/10-14/Erf_50

To whom it may concern

We, Aw Phillips and B Phillips, herewith strongly object to the proposed plans to develop Erf 505 – (Reference 15/3/4-14ERF_505 and 15/3/10-14/Erf_505). We reside on property 502 (3 Gey van Pittius).

We rented a house, in Yzerfontein for 4 years. This house was situated on a very busy street (Dassen Island Road). There was constant heavy traffic and to a degree that we struggled to reverse out of our garage due to heavy traffic. For this reason, we looked at quiet areas in Yzerfontein and bought our very first house in June 2022 (3 Gey van Pittius). One of the main reasons that we bought this house on Gey van Pittius Street is due to the minimal traffic on this road and the quiet area.

The 'place of education' will increase the traffic on this quiet road. The noise level of the 'place of education' is also of concern as we know a school is a warm and happy environment. Yzerfontein has allocated zones for schools and the 'place of education' should be situated in the correct zone.

You can contact as via email

bkotze1@gmail.com or awtphillips@gmail.com

Kind regards

Bianca and AW Phillips

CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATE: 9 June 2023

OUR REF: YZE/12988/MC
YOUR REF: 15/3/4-14/Erf_505
15/3/10-14/Erf_505

BY HAND

Attention: Mr A. Zaayman
The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

MUNISIPALITEIT SWARTLAND IPEG				
LEER No: 15/3/4-14/Erf-505				
Vervys Na	Inligting	Verslag	Afhandeling	Kom/Taar
SSSB				
De				
Ander Opdrag: 15/3/10-14/Erf-505				(get)BK
SPERDATUM:				

Mr,

Comments on Objections

PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 505, YZERFONTEIN

1. Introduction

Your letter dated 10 May 2022 refers.

CK Rumboll and Partners have been appointed by Hendrik Hermias Vollgraaff and Lizelle Green, directors of the Platinum Property Enterprise Pty Ltd, owners of Erf 505, Yzerfontein, to attend to all town planning actions regarding the proposed consent uses and departure from development parameters, namely building line restrictions, on Erf 505. The applications are made to accommodate a double dwelling and a place of education in a portion of one of the proposed dwelling units on the property.

During the public participation period, objections were received from the following surrounding neighbours:

- Dr Duncan Miller (Erf 508, 13 Gey van Pittius Street)
- Johan Smit (Erf 503, 5 Gey van Pittius Street)
- Adele Radyn (Erf 504)
- Mr Andre & Mrs Tammy Du Plooy (Erf 506, 11 Gey van Pittius Street)
- Mr Charl & Mrs Lara Cilliers (Erf 531, 3 L.J. Smit Street)



VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.
ADDRESS/ ADRES: planning1@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661

- F. Antoinette Jooste (Erf 530, 1 L.J. Smit Street)
- G. Pieter & Julia Myburgh (Erf 529)
- H. Bianca Phillips (Erf 502, 3 Gey van Pittius Street)

The following figure illustrates the locality of the objectors' properties in relation to the application property (Erf 505).

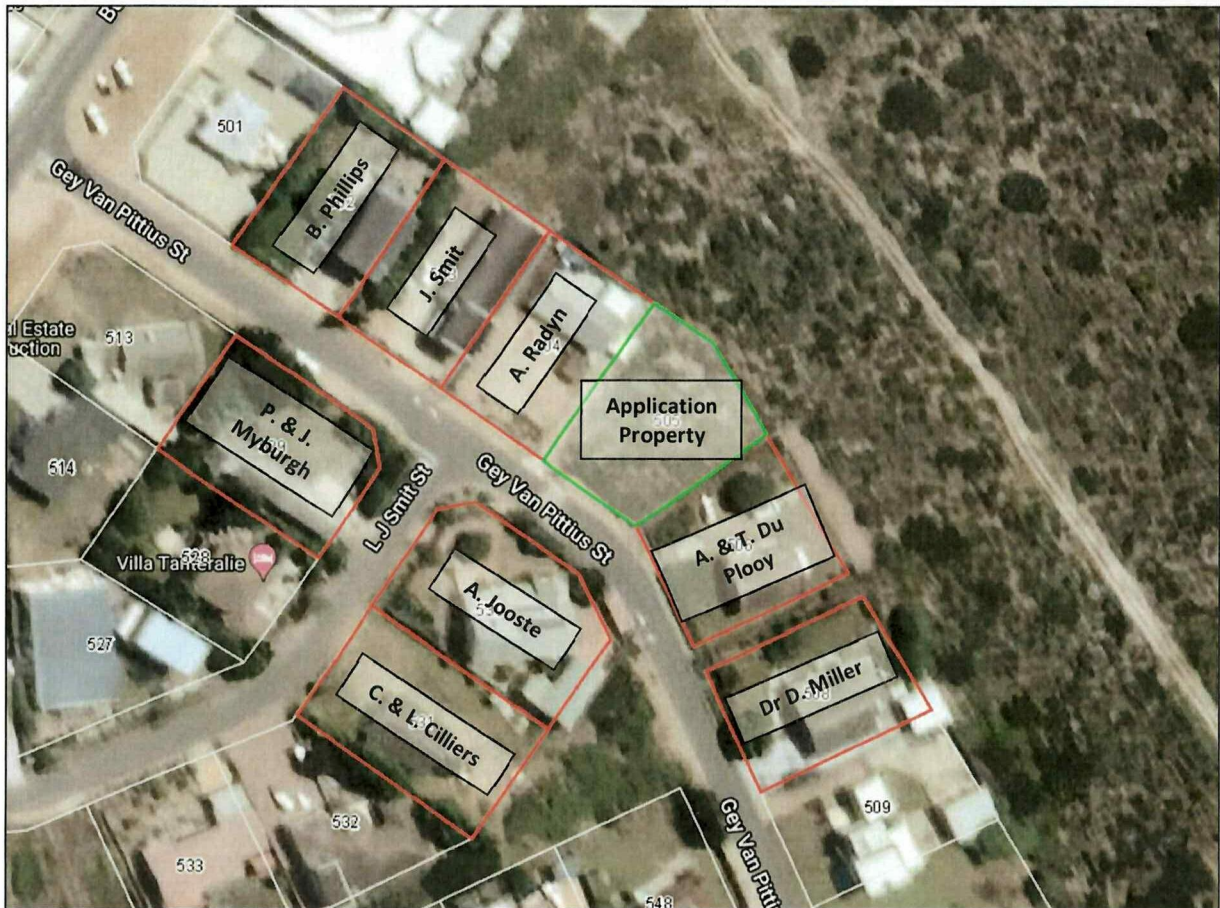
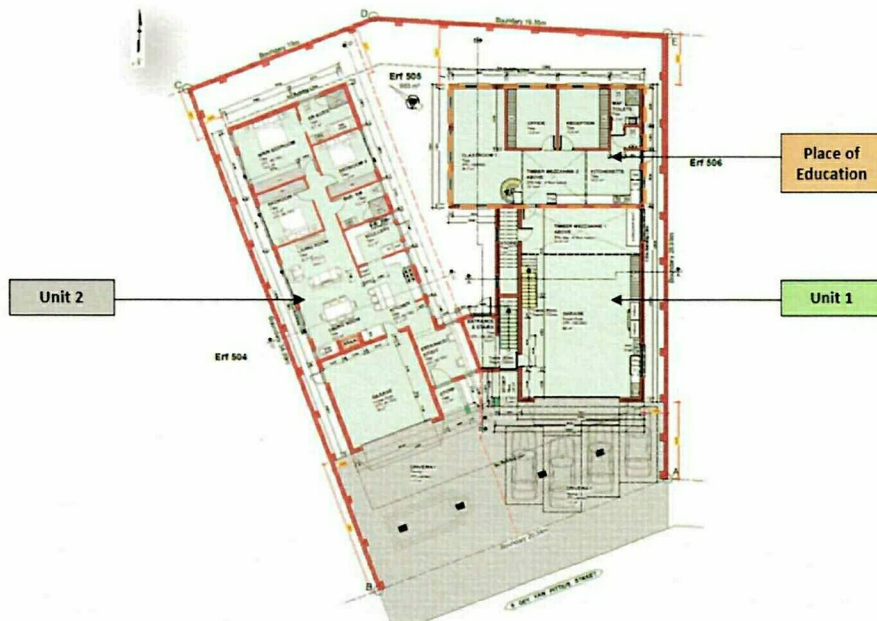


Figure 1: Locality Map

2. Comments on objections

Please see our office's response to the objections received below in tabular form.

Table 1: Comments on Objections

Objectors	Objections	Comments from CK Rumboll & Partners
A, D, E, G	<p>1. <u>Building line relaxation</u></p> <p>The application is worded in such a way that it is difficult for a layperson to understand the issue, but evidently, the 10m building line restrictions arise from the plan to build a “place of education”. This is in terms of paragraph 1.1.8 of the Province of the Western Cape Provincial Government Gazette Extraordinary 8226 of 25 March 2020, which states on page 87 that no building erected or used for a “place of education” may be located closer than 10m from any boundary of the land unit. The building line restriction on the submitted plan seems to be wrong. The building line should be 10m from the eastern boundary for the full length of the proposed building, not just a 10x10m square from the southern and eastern boundaries.</p> <p>We all must abide by the prescribed restrictions, such as building lines. The owners of Erf 505 want to relax their building area which we do not approve.</p> <p>Approving the departures requested appears to condone the building of the proposed “place of education”.</p>	<p>1. A proposed building on Erf 505 in Yzerfontein aims to serve as a double dwelling. Additionally, a designated area within the building is intended to function as a place of education. The educational facility will be restricted to the rear end of Unit 1, as depicted in Figure 1 below. The Preliminary Building Plan is also attached as Annexure A.</p>  <p>Figure 1: Floor Plan of Ground Floor</p> <p>Section 1.1.8 of the Swartland Municipal By-law on Land Use Planning (PG 8226) (hereafter referred to as “the By-Law”) states the following: Places of</p>

VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: planning1@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661

		<p>education - <i>"Except for boundary walls and fences, no building erected or used for these purposes, may be located closer than 10m from any boundary of the land unit."</i></p> <p>This 10m building line restriction is only applicable to the portion of the building to be utilised for educational purposes, and not the dwelling as well. Therefore, the relaxation applied for is only where the place of education will be established on erf 505, which is considered consistent with the <i>By-law (PG 8226)</i>. Refer to Annexure B for the Site Development Plan.</p> <p>The requested 10m building line restriction applies solely to the portion of the building designated for educational purposes, rather than the entire dwelling. Thus, the relaxation sought is specific to the establishment of the place of education on erf 505, aligning with the provisions outlined in the <i>By-law (PG 8226)</i>.</p> <p>It is important to clarify that the proposed place of education is not intended to function as a traditional school or crèche. Instead, it will serve as a specialized learning centre, providing educational assistance to children in the immediate vicinity and surrounding areas.</p> <p>The <i>By-law (PG 8226)</i> grants landowners the right to apply for departures from development parameters associated with each zoning or land use. Therefore, the landowners of erf 505 are well within their rights to apply for a departure from the building line restrictions on a Residential Zone 1 property to accommodate a place of education within a portion of the dwelling. Each land use application should be evaluated based on its unique circumstances and context.</p>
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		<p>While the 10m building line restriction serves as a general guideline for places of education in Residential Zone 1 properties, it is crucial to consider the specific characteristics of Erf 505 and its surrounding area. It is anticipated that the proposed building line departures will not have significant adverse impacts on neighbouring properties, traffic flow, or other community concerns. Thus, the departures can be viewed favourably.</p> <p>Granting the requested departures would enable efficient utilization of the property. By reducing the building line from 10m to 1.5m from the erf boundary, the available space can be maximized to accommodate both the double dwelling and the place of education. This approach optimizes the use of the land while still adhering to the existing zoning regulations in place.</p>
A, D, G	<p>2. <u>Application for a Place of Education</u></p> <p>The application for departures doesn't request any approval for a "place of education" on a residential erf, and there is no detail about the activity or number of students. Presumably, input from potentially affected neighbours for the establishment of a "place of education" would be required, as has been requested recently by the same applicants for a temporary school at 58 Duckitt Street.</p>	<p>2. According to the <i>By-law (PG 8226)</i>, a place of education is permitted as a consent use on a Residential Zone 1 property. The land use application for Erf 505 in Yzerfontein, dated March 2023, encompassed the following components:</p> <p><u>Application in terms of:</u></p> <ul style="list-style-type: none"> ➤ Section 25 (2) (o) of the <i>By-law (PG 8226)</i> for the <u>Consent Use</u> on Erf 505, Yzerfontein, to accommodate a <u>double dwelling</u> and a <u>place of education (learning centre)</u> on the property; and ➤ Section 25 (2) (b) of the <i>By-law (PG 8226)</i> for the <u>Departure</u> on Erf 505, Yzerfontein, from <ul style="list-style-type: none"> ○ the eastern <u>10m rear building line</u> to 3.251m; and ○ the southern <u>10m side building line</u> to 1.5m to accommodate the place of education in a portion of the proposed dwelling. <p>Referring to Point 1, the proposed place of education will serve as a</p>

		<p>specialized learning centre focused on providing educational assistance to children in the immediate vicinity and surrounding areas. The learning centre will be operated and managed solely by the proprietor, who will also serve as the primary teacher. The facility has been designed to accommodate a maximum of 12 children/students per day, operating between the hours of 07:00 and 18:00. However, the actual number of students may vary from day to day. The primary operating days will be weekdays, from Monday to Friday, although occasional weekend operations may be necessary, especially during examination periods. The age range of students will span from four-year-olds to university-level students.</p> <p>According to the <i>By-law (PG 8226)</i>, each land use application submitted under Section 25 of the aforementioned <i>By-law</i> is subject to a public participation process. The applicants/landowners have the choice to independently facilitate the public participation process. This involves obtaining a list from the Local Municipality that identifies specific neighbouring properties that need to be informed about the proposed development. The applicants must then obtain consent from each identified neighbour, which is subsequently submitted along with the land use application. Alternatively, Swartland Municipality can oversee the public participation process in accordance with Section 54-57 of the <i>By-law (PG 8226)</i>. In this particular case, the public participation process was appropriately followed by the Swartland Municipality. The identified neighbouring properties were invited to provide comments and feedback on the land use application as part of the process.</p>
D, E, G	<p>3. <u>Appropriate locality of the school</u></p> <p>Swartland Municipality has allocated land in Yzerfontein in The Integrated Plan, whether the construction of a building takes place in the near</p>	<p>3. <i>Swartland Municipal Spatial Development Framework (MSDF) (2019)</i> determines the strategic policy guidelines for future development in the Swartland region and in this case, in Yzerfontein. Zone A, located at the most western point along the coast, has a residential character with larger-</p>

	<p>future or later, apparently owned by the Department of Education, School Street also aptly named, away from residents to avoid inconvenience/nuisance or harm to anyone or anything.</p> <p>There is an area zoned for a school in a more appropriate area. The proposed school should be situated in the correct zone.</p>	<p>sized properties as well as a small business node including mixed uses such as high-density residential uses and a vacant school site.</p> <p>According to the <i>MSDF</i>, places of instruction, such as, but not limited to, crèches, schools, colleges, universities, research institutions, libraries, museums, and hostels, are identified as 'Institutional Uses' and educational uses, such as crèches, aftercare facilities and daycare centres are identified as 'Secondary Educational Uses'.</p> <p>The <i>MSDF</i> identifies the area in which Erf 505 is located as Zone C, which is the older residential area of Yzerfontein. This zone also includes the primary business node that allows for mixed uses including residential, commercial and social uses. The property is further located adjacent to the identified Primary Business District, which comprises of established business uses. The development proposal to accommodate a place of education (learning centre) is identified as a secondary educational use, and not an institutional facility, mainly due to the scale and operation of the proposed use. Secondary educational uses are allowed in Zone C of Yzerfontein, as illustrated in the Land Use Proposals attached as Annexure C.</p> <p>The <i>MSDF</i> places importance on promoting small-scale businesses that cater to the local community's needs by providing goods and services. The proposed place of education aligns with this objective by offering educational assistance and support to the local community. This not only supports the goals of the <i>MSDF</i> but also addresses the specific needs of the community.</p> <p>Considering the above factors, the proposed place of education is consistent with the development vision for the area and fulfils the land use proposals desired by the <i>MSDF</i> for Zone C of Yzerfontein. The combination of</p>
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		residential and secondary educational uses represents the type of development envisioned by the <i>MSDF</i> for this particular area. This mixed land use will support and serve the local community without exerting negative impacts on the environment or surrounding area.
A, B, C, D, E, F, H	<p>4. <u>Noise and Traffic Generation</u></p> <p>I object to the establishment of any school on Gey van Pittius Street. Apart from the possible increased noise from children attending the school, there will be increased vehicular traffic on a formerly quiet road that has become far busier recently.</p> <p>Gey van Pittius Street is the feeder for L.J. Smit and F. Duckitt Streets. It is already a busy road, which necessitated the building of a speed bump (situated in front of Erf 506), and it will become even more so with the proposed expansion of the town towards the south. Delivering and fetching children from Erf 505 will present a life-threatening hazard for excited children running into the road. A place of education is inappropriate on such a busy residential street.</p> <p>We strongly object to the building line relaxation — having a building that is zoned for a “place of education” at 1.5m from a residential neighbour with the potential noise and disturbance associated, goes against the very reason we moved to this quiet neighbourhood. The reason the “place of education” zoning has the increased building line, is to protect neighbours against the potential</p>	<p>4. Refer to Points 1 and 3. The application to accommodate a place of education on Erf 505 is consistent with the <i>Swartland Municipal By-law on Land Use Planning (PG 8226)</i> as well as the <i>MSDF (2019)</i>.</p> <p>Due to the small scale of the proposed place of education (learning centre), accommodating a maximum of 12 children/students per day, between the hours of 07:00 and 18:00, although the number of students will fluctuate from day to day, it is not foreseen that the proposed land use will generate an adverse increase of traffic.</p> <p>The road reserve width of Gey van Pittius Street is 13m wide, which is substantially wider than the norm used nowadays in the design of towns. 12m reserves are used in residential areas to accommodate bus routes. The road width of Gey van Pittius Street has been designed to accommodate high volumes of traffic. Comparing Gey van Pittius Street with streets in other cities where similar activities take place, traffic congestion fades in comparison to what is the situation in all of our metropolitan areas. The establishment of the proposed place of education (learning centre) will be the least intrusive from a traffic perspective of all allowable uses for this property. The parents/guardians of the students/learners of the proposed place of education will be aware that they are not allowed to stop in the street or in front of any of the other properties.</p> <p>The <i>By-law (PG 8226)</i> requires 1 parking bay per classroom/office plus 1 parking bay per 6 students in the place of education. For 1 classroom, 1</p>

	<p>inconvenience. We would like this safeguard adhered to if the rezoning is granted against our preference is surely a safety risk as it is located at the bend of the road and not ideal for traffic as it is a very busy road and will due to future planning to extend the road for a new layout on low-cost housing not suitable for a school of education.</p> <p>The proposed development will have a negative effect on the safety of the children/learners coming and going in this busy residential area as people reverse and drive.</p> <p>Parking bays for 4 cars on an already narrow street is insufficient for people coming and going. This would be very dangerous as this road is already very busy on a daily basis as neighbours from Gey van Pittius Street, F. Duckitt Street, and L.J. Smit Street are constantly using this road to travel and move about daily at all hours of the day and evening.</p> <p>The parking bays are insufficient for the traffic to and from the proposed school in Gey van Pittius Street. Our motor gate is around the corner of the proposed school and, therefore, mirrors will need to be established, as well as another speed bump. The view is already limited and can cause accidents.</p>	<p>office and 12 students, at least 4 parking bays are required. 4 parking bays will be provided on-site and dedicated to the place of education. These parking bays are considered to be sufficient in the context of accommodating a learning centre. Further, a double garage for each of the two dwelling units will be provided as well. As sufficient parking bays are provided on Erf 505 to accommodate all the proposed uses on Erf 505, there is no reason to believe that parents/guardians will wait in Gey van Pittius Street to pick up or drop off their children.</p> <p>The existing speed bump on Gey van Pittius Street has been put in place to serve as a mitigation measure to calm traffic in the street. Further, each motorist will have to adhere to the general road rules.</p> <p>It can be argued that one of the reasons for imposing a 10m building line restriction for places of education is to ensure that adequate open space is maintained around the facility, which can be used for various purposes such as outdoor activities and parking. This helps to ensure the safety and well-being of students by providing a safe and secure environment, while also preventing overcrowding and promoting the efficient use of land. Additionally, the restriction helps to maintain the aesthetic appeal of the surrounding area by preventing the overdevelopment of the land and preserving its natural beauty. The open space around an educational facility can further act as a buffer zone to reduce noise levels, particularly if the facility is located in a noisy area such as a busy street or commercial district. It can also provide a visual break between the educational facility and neighbouring buildings, reducing the impact of the facility on the surrounding area and helping to preserve the character of the neighbourhood.</p> <p>Application is made for the relaxation of the eastern rear and southern side</p>
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		<p>building lines on Erf 505 applicable to places of education. The proposed residential building, of which a part will be utilised for the purpose of a place of education, is proposed to encroach the 10m building line restrictions. However, the building will still be built completely within the scheme and Title Deed building lines prescribed for a Residential Zone 1 property.</p> <p><u>The departure from the rear and side building lines is motivated as follows:</u></p> <ul style="list-style-type: none"> • The proposed place of education will be a learning centre intended to accommodate students and children for short periods of time to assist them with their learning/studies. As such, providing open space for a play area is not considered necessary on-site. However, the building design on Erf 505 includes an outdoor area that will serve the place of education as well as the two residential dwellings on-site. Sufficient space is available on the site to provide adequate parking bays for the proposed land uses, promoting optimal use of land. • To ensure the aesthetic appeal of the surrounding area is preserved, the place of education will be accommodated on a portion of the ground floor of a residential building that adheres to the Title Deed and scheme building line regulations, as well as the coverage restrictions. As the place of education will be located at the rear end of the property and not visible from the street, the facility will not detract from the residential feel of the area where Erf 505 is located. The design of the place of education within a residential building is intended to integrate with the surrounding residential area. • In terms of noise levels, the proposed educational facility will be positioned at the back of the property, far away from the adjacent street and central business district (CBD), which are known to be
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		<p>sources of noise in a town. The adjustments made to the rear and side building lines will not compromise the creation of a buffer zone between the noisy areas and the educational facility. Additionally, since the purpose of the proposed facility is to provide short-term assistance to children, learners, and students with their studies, there will be minimal to no noise generated from the facility.</p> <p>The relaxation of these building lines will not impose any restrictions or risks to individuals or neighbouring properties, as the proposed location for the educational facility maintains a sufficient distance from all boundaries. In conclusion, it is expected that the proposed educational facility, along with the departures from building lines, will not have any significant negative effects on neighbouring properties, traffic flow, views, or other community concerns.</p>
A, D	<p>5. <u>Three dwelling units</u></p> <p>From the plan accompanying the application for departures, the educational facility appears to be identical to a third dwelling unit of 88m² on Erf 505. What place of education requires a combined reception and office area almost the same size as the planned classroom, with the reception room at the back of the property? There is nothing that makes this unit specifically a place of education. Even if it was initially used as such there would be nothing to prevent its later being used as a self-contained flat — with two bedrooms, a bathroom and separate toilet, and an open-plan kitchen/living room — which is what it looks like on the plan. A third dwelling unit on Erf 505 would not be legal.</p>	<p>5. Refer to Point 2. This application only includes gaining the necessary land use rights to accommodate a double dwelling and a place of education on Erf 505. If approval for this land use application is granted, the owners will not be allowed to use the property other than a double dwelling and a place of education restricted to a portion of the proposed Unit 1 of the residential building.</p> <p>Further, in terms of the <i>By-law (PG 8226)</i>, it is unlawful to have more than two dwelling units on any Residential Zone 1 property in the Swartland Municipal Area.</p> <p>The kitchenette is intended solely for the preparation of hot beverages such as coffee and tea, or the storage of cold beverages in a refrigerator. A single shower is provided in the bathroom, as students may sometimes attend the learning centre after engaging in physical activities and may require the use</p>

		of a shower before commencing their studies.
B, C, G	<p>6. <u>Double Dwelling</u></p> <p>We bought our property with the intention of moving out of a densely populated area into a more country- and lower-density area. We are not happy with the idea of the property being granted permission to have a double dwelling on a single residential zoning — and then still having the potential for a place of education zoning (opening the door for a school later) when there is an area zoned for a school in a more appropriate area that will not directly affect neighbours.</p>	<p>6. In terms of the <i>By-law (PG 8226)</i>, a double dwelling is allowed as a consent use on a Residential Zone 1 property. Each landowner of a Residential Zone 1 property is allowed to apply for the consent use to accommodate a second or double dwelling on their property. A second dwelling unit, of which the floor area does not exceed 60m², is allowed as an additional use right on a Residential Zone 1 property. The proposed development to accommodate a double dwelling on a Residential Zone 1 property with 863m² in extent is still regarded as low-density residential development.</p> <p>The <i>MSDF</i> promotes the densification of residential erven within the Urban Edge of Yzerfontein by means of infill development, keeping in mind existing zonings, the character of surrounding environments and the unique sense of place and historical context of specific areas. The proposed development will protect the character of the surrounding residential area and protect the sense of place by providing a double dwelling containing a place of education in a portion of the dwelling.</p> <p>The proposed development is further supported by Objectives 1 and 4 of the <i>MSDF</i> specifically in Yzerfontein in terms of the following:</p> <ul style="list-style-type: none"> • <i>Densify in accordance with zone proposals through subdivision (sectional title); infill development, and renewal and restructuring; Sectional title subdivision of existing houses on single residential erven.</i> – The application supports densification through means of creating a property consisting of two dwelling units which will be subdivided by means of sectional title. The proposal also supports infill development by accommodating an educational facility in one of the two dwelling units to be provided on Erf 505.

		<p>The proposed double dwelling and place of education will not have a detrimental effect on the surrounding area and is consistent with the land use proposals for Yzerfontein as set out in the <i>MSDF (2019)</i>. The <i>MSDF</i> also supports the <i>Western Cape Spatial Development Framework's</i> principle of densification within existing urban areas by utilising an existing property within the urban edge and leaving the surrounding natural environment untouched.</p>
--	--	---

3. Conclusion

The major concerns of the objectors are based on the potential negative effect the proposed place of education will have on the surrounding residential environment, with reference to tranquillity, traffic, and safety. It is believed that the objectors' concerns are adequately addressed. Minimal objections were raised towards the proposed double dwelling.

The proposed development aims to promote a mixed-use character just outside of the identified CBD of Yzerfontein. It is the objective of the *MSDF* to proximate convenient and equal access to all residents and development by encouraging mixed uses to enhance social and economic integration. By accommodating both residential and educational land uses on a single property, the principle of mixed-use development is supported. This approach offers a job opportunity and housing options, which aligns with the objective of promoting economic growth in the Swartland Municipal area. Moreover, the proposed land use offers an additional stream of income for the property owner, which is particularly important during these economically constrained times.

The *Swartland MSDF (2019)* emphasizes the importance of promoting small-scale businesses that provide goods and services to the local community. The proposed place of education aligns with this objective by offering a service of assistance with learning and studies to the local community. This not only supports the *MSDF's* objectives but also responds to the needs of the local community.

The *Swartland Municipal Land Use Planning By-law (PG 8226)* and *MSDF (2019)* are sufficient to coordinate development within the Swartland Municipal area. The proposed development is fully compliant with the mentioned planning legislation and policy.

We trust you will find the above in order when considering the application.

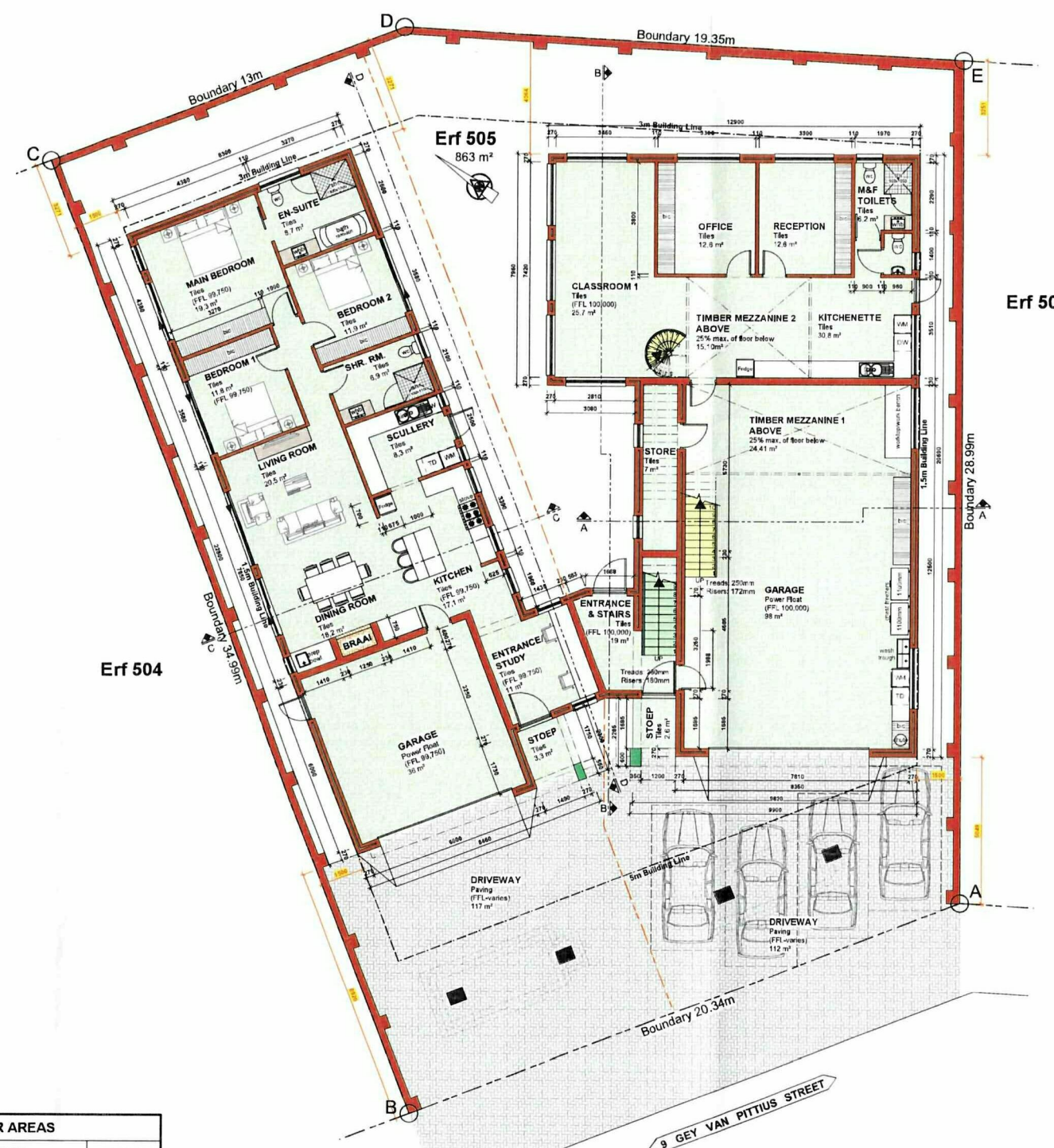
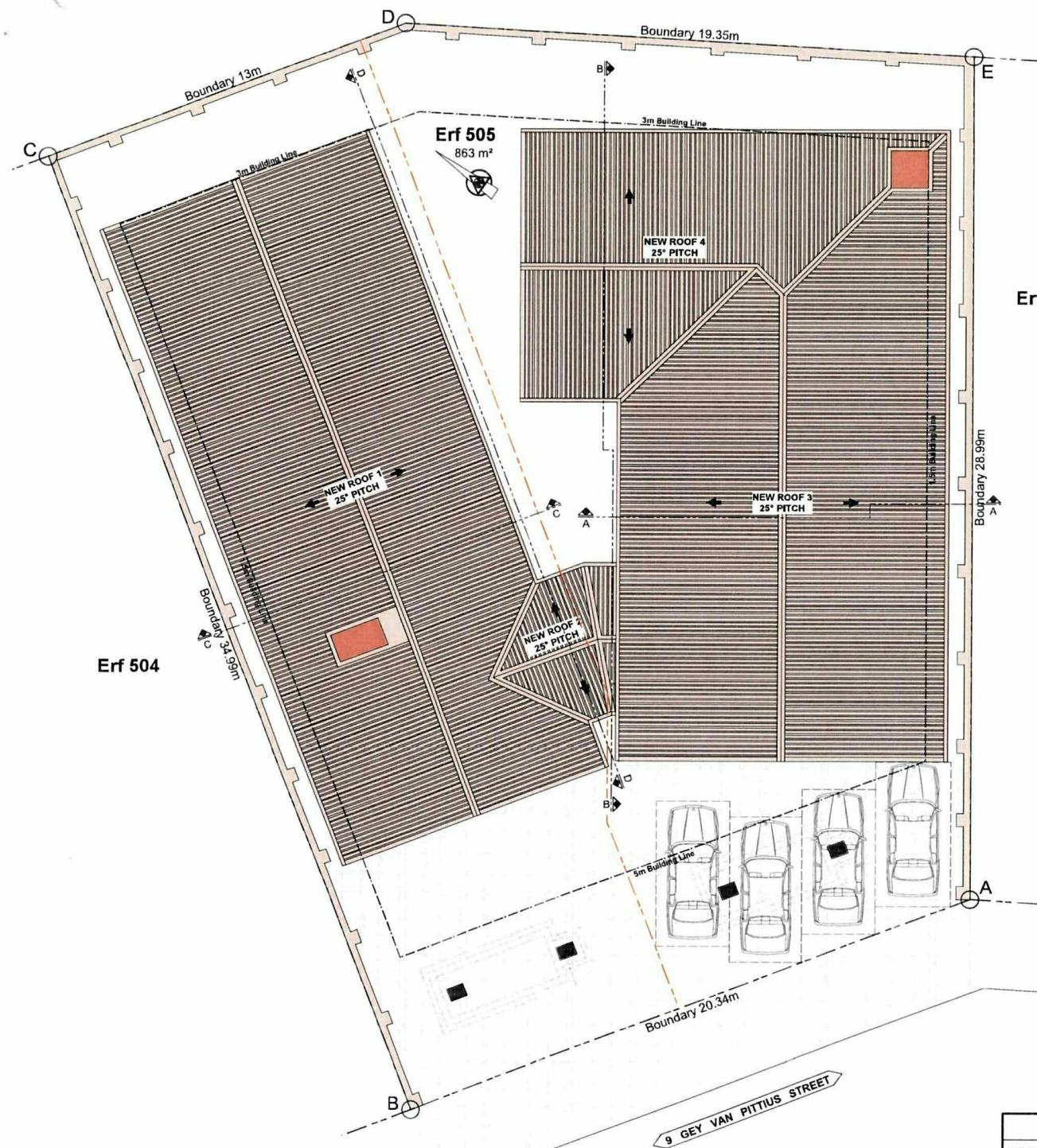
Kind regards,



Mandri Crafford

For CK RUMBOLL & PARTNERS

Annexure A
Preliminary Building Plans



FLOOR AREAS	
UNIT 1: GROUND FLOOR PLAN	233,92m ²
UNIT 1: MEZZANINE FLOOR 1	24,41m ²
UNIT 1: MEZZANINE FLOOR 2	15,10m ²
UNIT 1: FIRST FLOOR PLAN	222,68m ²
UNIT 1 TOTAL FLOOR AREA	495,81m ²
UNIT 1: DRIVEWAY	112,14m ²

FLOOR AREAS	
UNIT 2: GROUND FLOOR PLAN	194,69m ²
UNIT 2 TOTAL FLOOR AREA	194,69m ²
UNIT 2: DRIVEWAY	116,65m ²
TOTAL FLOOR AREA	690,50m ²

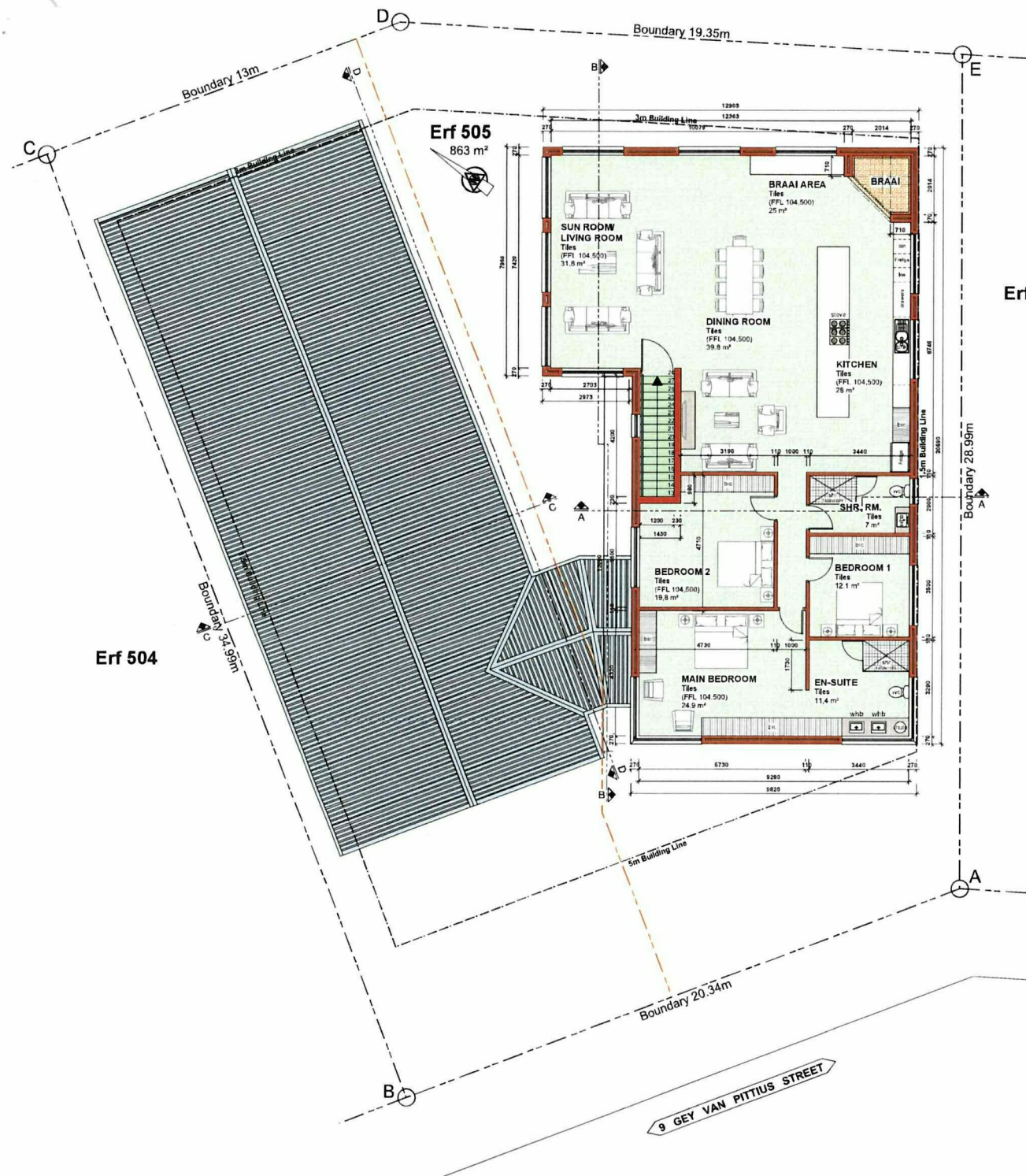
COVERAGE CALCULATION	
SITE AREA	863,76m²
DWELLING FOOTPRINT	429,16m²
PERMISSABLE COVERAGE %	50%
PERMISSABLE COVERAGE m²	431,85m²
COVERAGE	49,7%

[illegible]

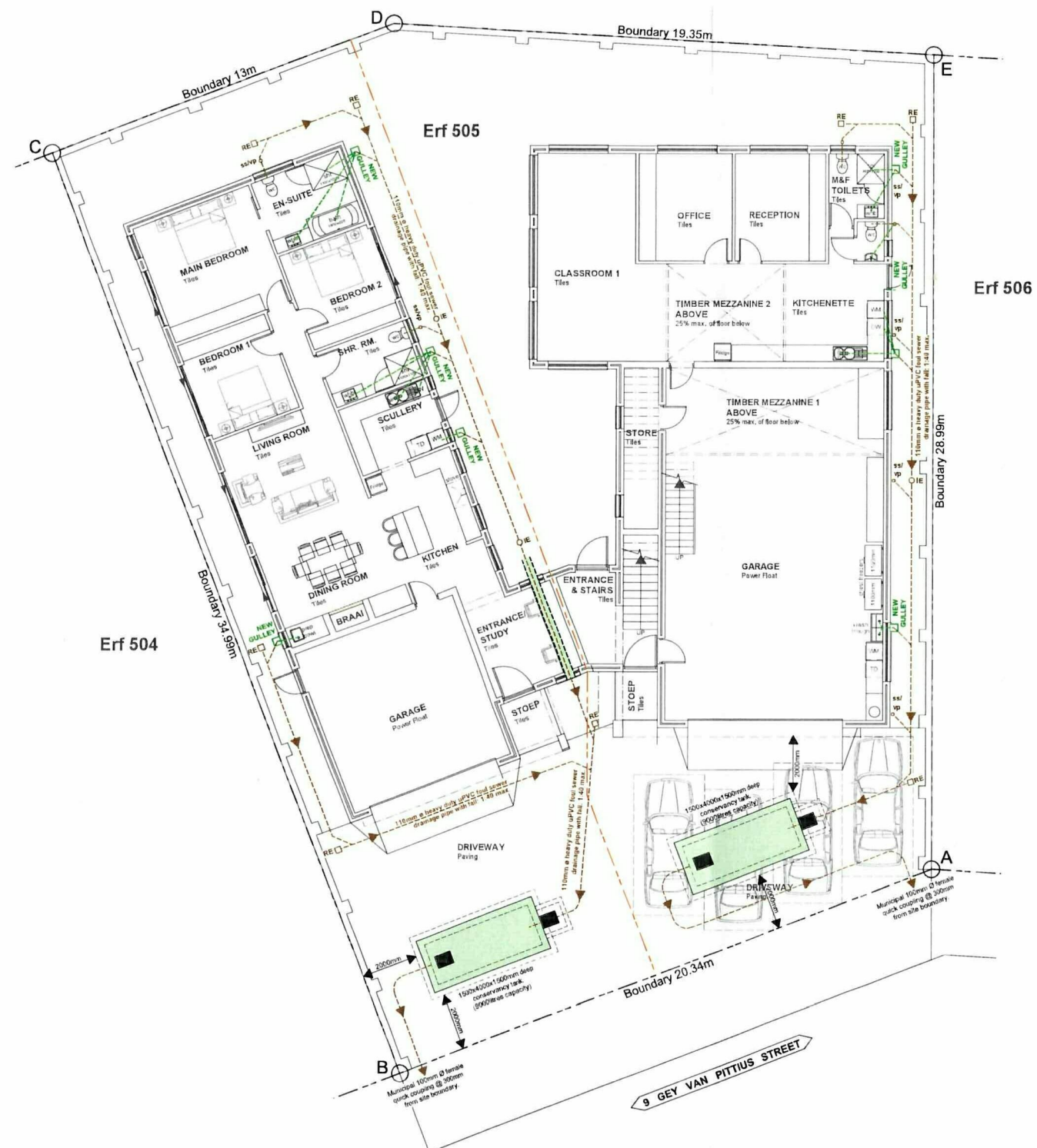
REVISION NUMBER	REVISION DESCRIPTION	REVISION DATE
1	-	00/00/2012

SKETCH PLAN DRAWINGS

NAME PLATE		PAGE 1 OF 1	
		A1	
PROJECT			
Proposed new Dwelling on Erf 505, 9 Gey Van Pittius street, Yzerfontein for Lizelle & Henk			
DRAWING TITLE			
Site / Rch Plan Ground Floor Plan			
PROJECT No:	DWG No:	REVISION No:	DATE OF PRINT
1091	SK_04.1		05.03.2023
Author:	PROJECT DATE	DRAWN BY	CHECKED BY
A.100	March 2023	IT	



FIRST FLOOR PLAN
scale 1:100



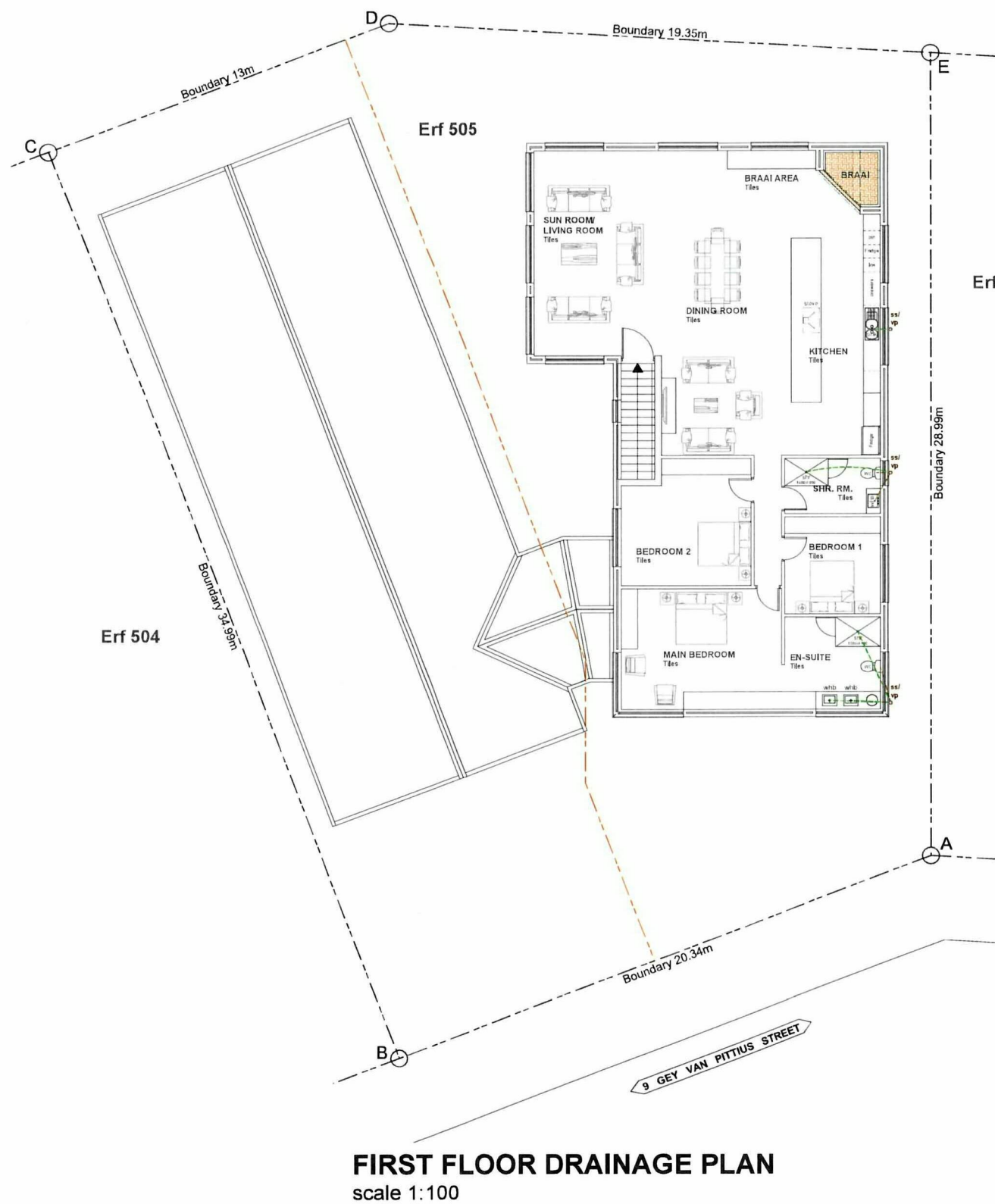
GROUND FLOOR DRAINAGE PLAN
scale 1:100

NOTES:

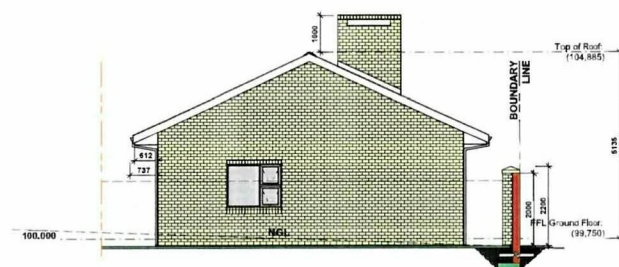
1. The plan is a sketch plan and is not to be used for construction purposes. It is intended for use as a guide only and is not to be used for any other purpose.
2. The plan is a sketch plan and is not to be used for construction purposes. It is intended for use as a guide only and is not to be used for any other purpose.
3. The plan is a sketch plan and is not to be used for construction purposes. It is intended for use as a guide only and is not to be used for any other purpose.
4. The plan is a sketch plan and is not to be used for construction purposes. It is intended for use as a guide only and is not to be used for any other purpose.
5. The plan is a sketch plan and is not to be used for construction purposes. It is intended for use as a guide only and is not to be used for any other purpose.
6. The plan is a sketch plan and is not to be used for construction purposes. It is intended for use as a guide only and is not to be used for any other purpose.
7. The plan is a sketch plan and is not to be used for construction purposes. It is intended for use as a guide only and is not to be used for any other purpose.
8. The plan is a sketch plan and is not to be used for construction purposes. It is intended for use as a guide only and is not to be used for any other purpose.
9. The plan is a sketch plan and is not to be used for construction purposes. It is intended for use as a guide only and is not to be used for any other purpose.
10. The plan is a sketch plan and is not to be used for construction purposes. It is intended for use as a guide only and is not to be used for any other purpose.

NO.	REVISION	DATE
1		

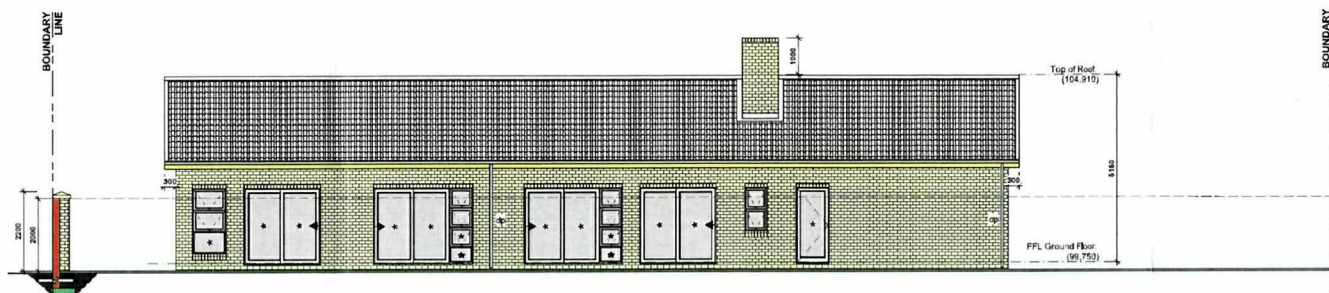
SKETCH PLAN DRAWINGS			
NO.	REVISION	DATE	BY
1			
PROJECT: Proposed new Dwelling on Erf 505, 9 Gey Van Pittius street, Yzerfontein for Lizelle & Henk			
DRAWING TITLE: First Floor Plan, Ground Floor Drainage Plan			
PROJECT NO: 1091	DWG NO: SK_04.2	REVISION NO: 015.03.2023	DATE OF PRINT: 015.03.2023
SCALE: 1:100	PROJECT DATE: March 2023	DRAWN BY: JT	CHECKED BY: JT



NORTH EAST ELEVATION (SINGLE STOREY)
scale 1:100



NORTH WEST ELEVATION (SINGLE STOREY)
scale 1:100

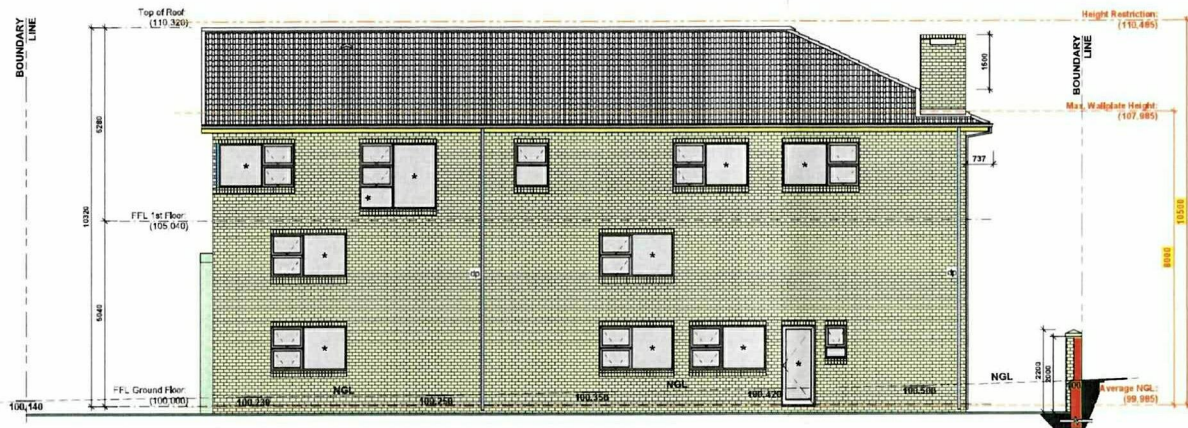


Erf 506

SOUTH WEST ELEVATION
scale 1:100



SOUTH EAST ELEVATION
scale 1:100



NORTH EAST ELEVATION (DOUBLE STOREY)
scale 1:100



Example 6: 2017 (Revised) Building Regulations (SANS 1040-B:2017) - This drawing is a sketch plan drawing. It is not a final drawing and should not be used for construction purposes. It is intended to provide a visual representation of the proposed design. The drawing is subject to change without notice. The drawing is not a final drawing and should not be used for construction purposes. It is intended to provide a visual representation of the proposed design. The drawing is subject to change without notice.

NOTES:

NO.	REVISION	DATE
1	REVISION	06/06/2022

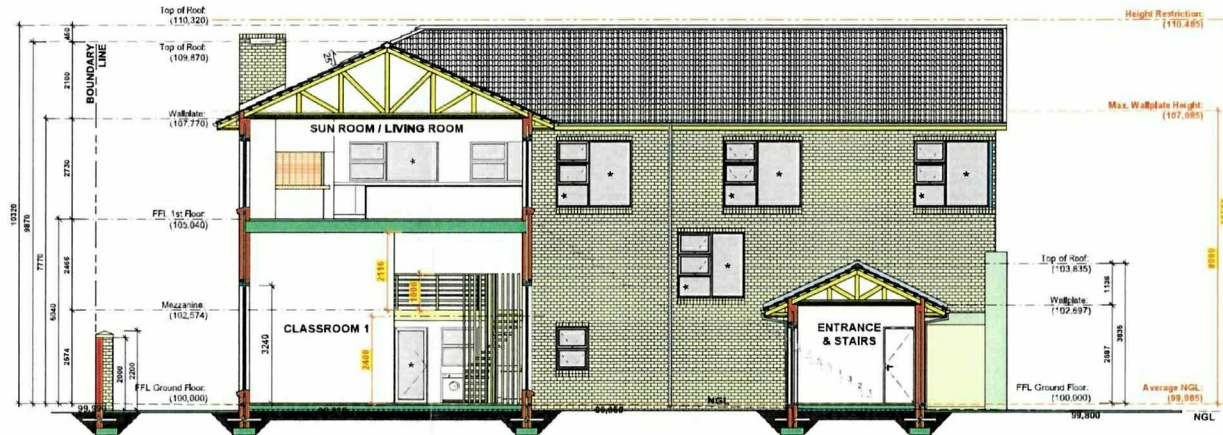
SKETCH PLAN DRAWINGS			
PROJECT	DRAWING	REVISION	DATE OF PRINT
Proposed new Dwelling on Erf 505, 9 Gey Van Pittius street, Yzerfontein for Lizelle & Henk	SK_04.3	1	05.03.2023
DRAWING TITLE			
First Floor Drainage Plan Elevations			
SCALE	PROJECT DATE	DRAWN BY	CHECKED BY
1:100	March 2023	FT	



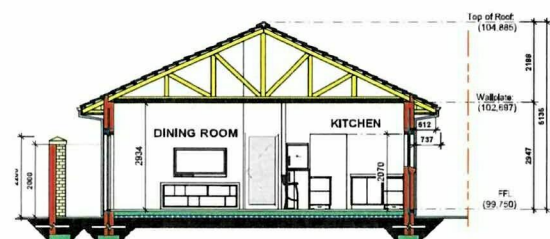
NORTH WEST ELEVATION (DOUBLE STOREY)
scale 1:100



SECTION A-A
scale 1:100



SECTION B-B
scale 1:100



SECTION C-C
scale 1:100



SECTION D-D
scale 1:100

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NOTES:

REVISION	REVISION
NO.	DATE
1	20/03/2023

SKETCH PLAN DRAWINGS			
PROJECT	DATE	REVISION	DATE OF REVISION
Proposed new Dwelling on Erf 505, 9 Gey Van Pittius street, Yzerfontein for Lizelle & Henk	20/03/2023	1	20/03/2023
DRAWING TITLE	SCALE	DRAWN BY	CHECKED BY
Elevation Sections	1:100	JT	JT

Annexure B
Site Development Plan

N

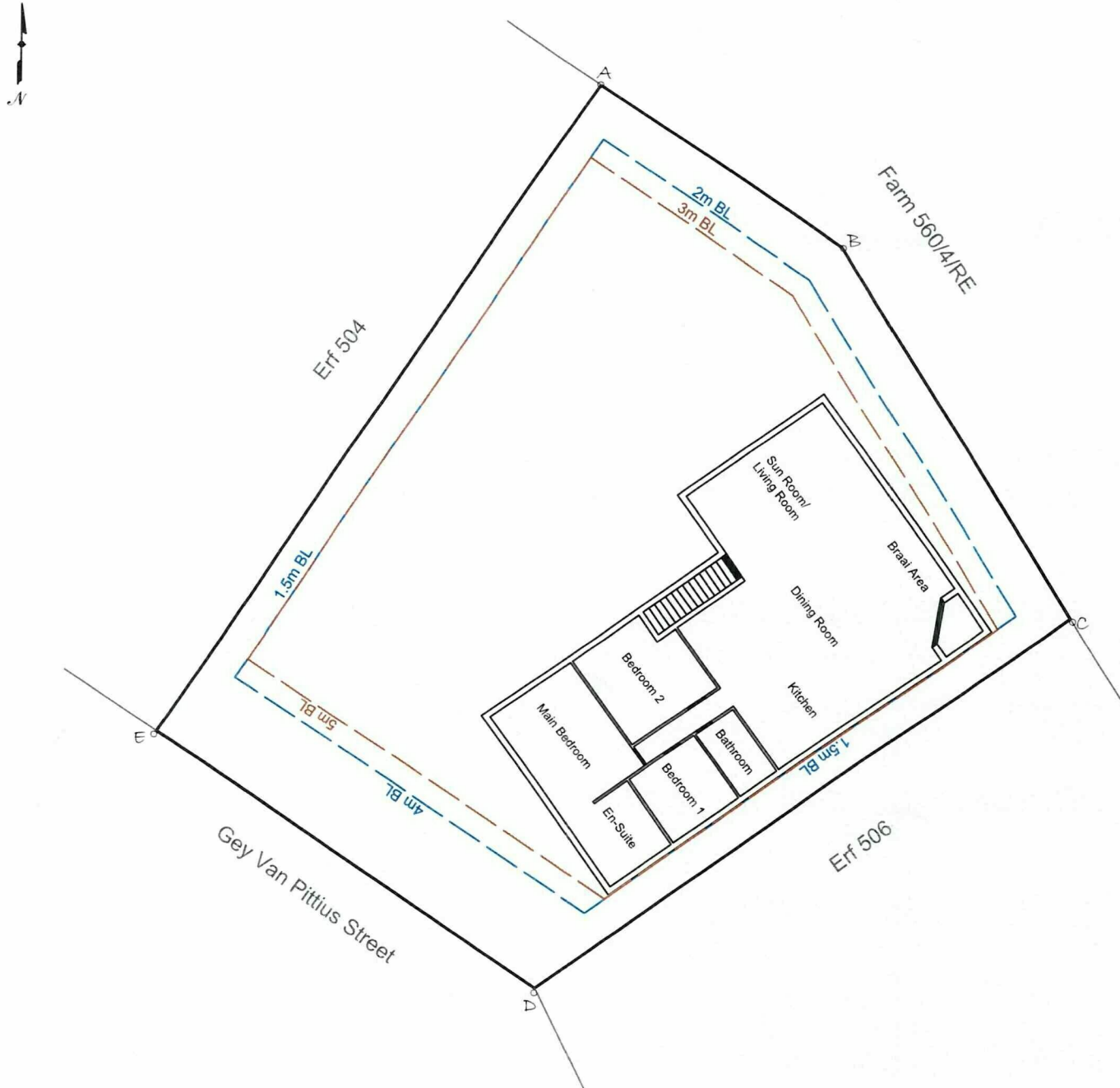


Title Deed Building Lines

Figure ABCDE represents Erf 505, Yzerfontein, with an extent of 863m².

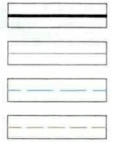
YZE/12988/MC

SITE DEVELOPMENT PLAN: ERF 505, YZERFONTEIN (First Floor)



LEGEND:

- Subject property
- Existing cadastral boundaries
- Scheme Building Lines
- Title Deed Building Lines



ZONING I.T.O. THE ZONING SCHEME:

Residential Zone 1

NOTES:

Figure ABCDE represents Erf 505, Yzerfontein, with an extent of 863m².

Drawing by:

Mandri Crafford

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C.J. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS



Tel: 022 - 4821845
Fax: 022 - 4871661
Email: planning1@rumboll.co.za

DATE:
MARCH 2023

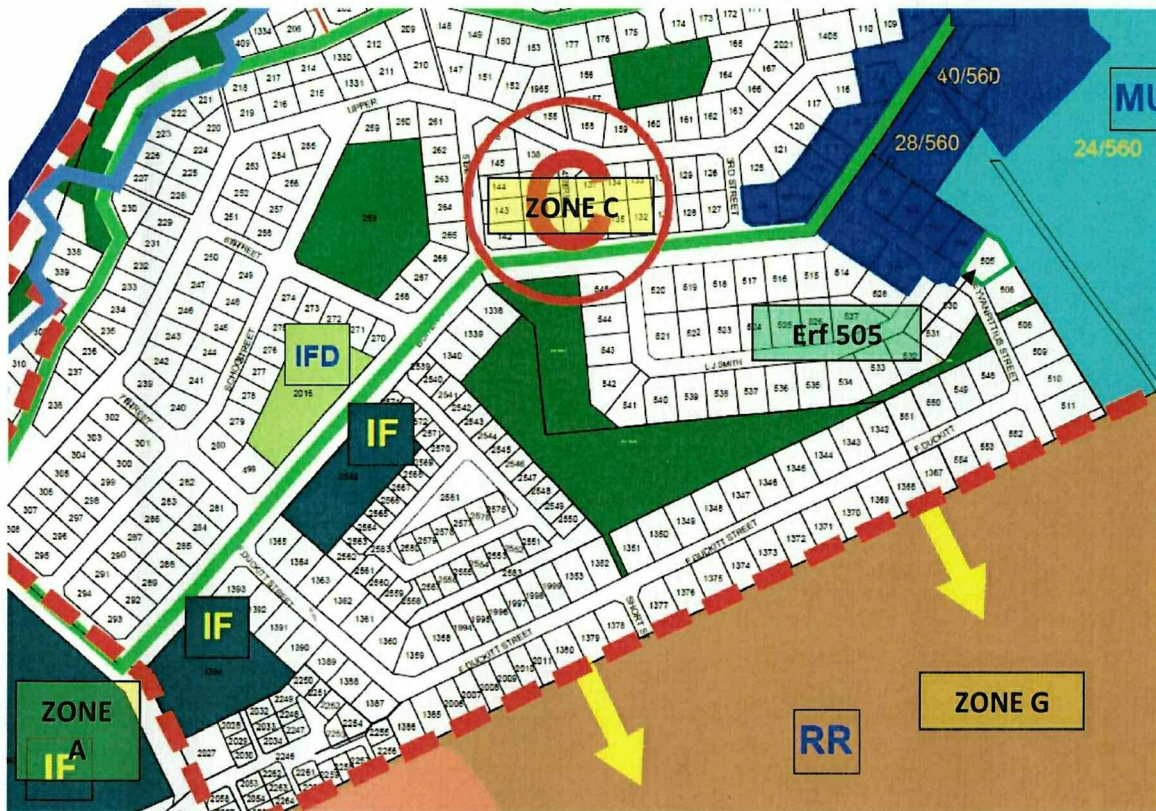
AUTHORITY:
SWARTLAND MUNICIPALITY

REF:

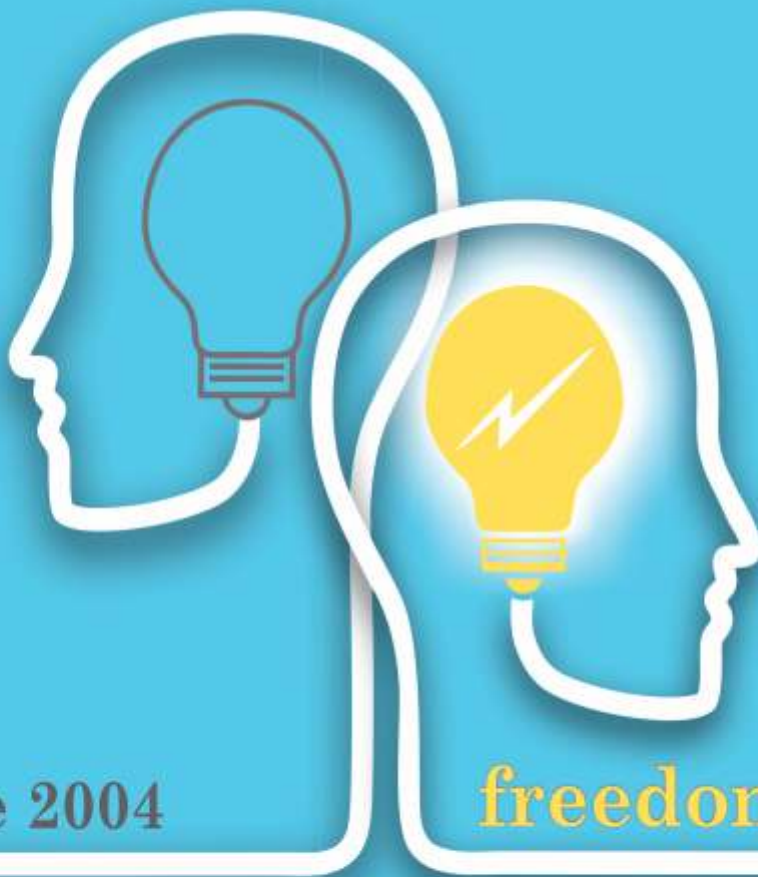
YZE/12988/MC

Annexure C
Land Use Proposals

Yzerfontein Land Use Proposals



YZERFONTEIN LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	Secondary Educational Uses	Institutional Uses	Professional Services	Business Uses	Secondary Business Uses	Churches	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
(1) Along activity streets (2) At existing node															
C	Zone C is the older residential area, which also includes the primary business node which allows for mixed uses including residential, commercial and social uses.	X	X	X ₃	X	X	X ₂	X _{1, 2}	X	X	X	X	X	X ₆	



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- Medication (down scaling/elimination)
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(Director)

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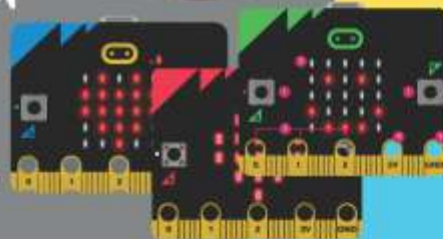
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Lêer verw/ 15/3/10-14/Erf_505
15/3/4-14/Erf_505

Navrae/Enquiries:
Ms D N Stellenberg

15 August 2023

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 505, YZERFONTEIN

Your application with reference YZE/12988/MC received on 23 March 2023 on behalf of L Green has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 8 August 2023 to approve the application for the consent use on Erf 505, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house as well as a place of education, as presented in the application;
- (b) The place of education consisting of a learning centre, be restricted to a maximum of 88 m²;
- (c) No more than 12 children / students be accommodated at the place of education;
- (d) The hours of the place of education be restricted from 07:30 to 17:30 on Mondays to Saturdays;
- (e) The double dwelling adheres to the applicable development parameters;
- (f) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

A2 WATER

- (a) A single water connection be provided, and no additional connections be provided;

A3 SEWERAGE

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

A4 STREETS & STORMWATER

- (a) The proposed parking area, including the junction with Gey van Pittius Street, be provided with a permanent dust free surface. The materials used be pre-approved by the Director: Civil Engineering services on building plan stage;

A5 DEVELOPMENT CHARGES

- (a) The development charge applicable to the second dwelling, towards the supply of regional bulk water amounts to R10 862, 90 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge applicable to the second dwelling, towards bulk water reticulation amounts to R986, 70 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge applicable to the second dwelling, towards sewerage amounts to R4 946,15 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge applicable to the second dwelling, towards wastewater treatment amounts to R12 002, 55 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge applicable to the second dwelling, towards streets amounts to R6 793, 05 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge applicable to the second dwelling, towards electricity amounts to R11 044, 14 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The development charge applicable to the place of education, towards the supply of regional bulk water amounts to R3 601, 80 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (h) The development charge applicable to the place of education, towards bulk water reticulation amounts to R593, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (i) The development charge applicable to the place of education, towards sewerage amounts to R2 594, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (j) The development charge applicable to the place of education, towards wastewater treatment amounts to R6 306, 60 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (k) The development charge applicable to the place of education, towards streets amounts to R3 960, 60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (l) The Council resolution of May 2023 makes provision for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

B. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years from the date of decision by the Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal. All conditions of approval be complied with before occupancy certificate be issued and failing to do so may result in administrative action;
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;

- (c) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, The appellant will be responsible for the payment of an appeal fee of R5 000,00, no later than 21 days after registration of the approval letter and ensuring that the appeal complies with the requirements of section 90 of the By-Law to be considered 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 supporter for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed land use;
- (c) The SDF, 2023 supports densification as well as the accommodation of professional services and secondary educational facilities in residential areas. The subject property is located next to the identified CBD of Yzerfontein;
- (d) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (e) The proposed application will not have a negative impact on the character of the area;
- (f) The proposed development 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;
- (g) A place of education is accommodated as a consent use under Residential Zone 1 of the By-Law;
- (h) The development proposal supports the optimal utilisation of the property;
- (i) The place of education may support the tourism industry in Yzerfontein, as well as the local economy.
- (j) The need for this service in Yzerfontein is recognised;
- (k) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Gey van Pittius Street.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
/ds

Copies : Building Control Officer
Director: Infrastructure and Civil Engineering Services
Director: Financial Services
Lizelle Jonck, joncklizelle@gmail.com hornebo@mweb.co.za

ANNEXURE 3

Lêer verw/ 15/3/10-14/Erf_505
15/3/4-14/Erf_505

Navrae/Enquiries:
Ms D N Stallenberg

15 August 2023

«First_Name»
«Address_Line_1»
«City»
«ZIP_Code»

«Email_Address»

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 505, YZERFONTEIN

Your comment/objection with regard to the abovementioned application has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 8 August 2023 to approve the application for the consent use on Erf 505, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house as well as a place of education, as presented in the application;
- (b) The place of education consisting of a learning centre, be restricted to a maximum of 88 m²;
- (c) No more than 12 children / students be accommodated at the place of education;
- (d) The hours of the place of education be restricted from 07:30 to 17:30 on Mondays to Saturdays;
- (e) The double dwelling adheres to the applicable development parameters;
- (f) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

A2 WATER

- (a) A single water connection be provided, and no additional connections be provided;

A3 SEWERAGE

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

A4 STREETS & STORMWATER

- (a) The proposed parking area, including the junction with Gey van Pittius Street, be provided with a permanent dust free surface. The materials used be pre-approved by the Director: Civil Engineering services on building plan stage;

A5 DEVELOPMENT CHARGES

- (a) The development charge applicable to the second dwelling, towards the supply of regional bulk water amounts to R10 862, 90 and is for the account of the owner/developer at building plan

- stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge applicable to the second dwelling, towards bulk water reticulation amounts to R986, 70 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
 - (c) The development charge applicable to the second dwelling, towards sewerage amounts to R4 946,15 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
 - (d) The development charge applicable to the second dwelling, towards wastewater treatment amounts to R12 002, 55 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
 - (e) The development charge applicable to the second dwelling, towards streets amounts to R6 793, 05 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
 - (f) The development charge applicable to the second dwelling, towards electricity amounts to R11 044, 14 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/253-164-9210);
 - (g) The development charge applicable to the place of education, towards the supply of regional bulk water amounts to R3 601, 80 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
 - (h) The development charge applicable to the place of education, towards bulk water reticulation amounts to R593, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
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 - (j) The development charge applicable to the place of education, towards wastewater treatment amounts to R6 306, 60 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
 - (k) The development charge applicable to the place of education, towards streets amounts to R3 960, 60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
 - (l) The Council resolution of May 2023 makes provision for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

B. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years from the date of decision by the Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal. All conditions of approval be complied with before occupancy certificate be issued and failing to do so may result in administrative action;
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, The appellant will be responsible for the payment of an appeal fee of R5 000,00, no later than 21 days after registration of the approval letter and ensuring that the appeal complies with the requirements of section 90 of the By-Law to be

considered 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 supporter for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed land use;
- (c) The SDF, 2023 supports densification as well as the accommodation of professional services and secondary educational facilities in residential areas. The subject property is located next to the identified CBD of Yzerfontein;
- (d) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (e) The proposed application will not have a negative impact on the character of the area;
- (f) The proposed development 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;
- (g) A place of education is accommodated as a consent use under Residential Zone 1 of the By-Law;
- (h) The development proposal supports the optimal utilisation of the property;
- (i) The place of education may support the tourism industry in Yzerfontein, as well as the local economy.
- (j) The need for this service in Yzerfontein is recognised;
- (k) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Gey van Pittius Street.

Yours faithfully

MUNICIPAL MANAGER

via Department Development Services

/ds

Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury 7299

swartlandmun@swartland.org.za

07 September 2023

Sir


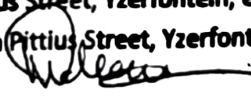






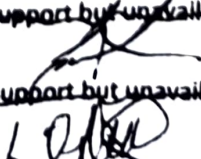
APPEAL AGAINST PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 505, YZERFONTEIN

The following municipal documents have relevance to this appeal.

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Applicants (13):

1. Dr Duncan Miller, 13 Gey van Pittius Street, Yzerfontein, embo@telkomsa.net 
2. Mr Michael Schoeman, 13 Gey van Pittius Street, Yzerfontein, michael.schoeman@telkomsa.net 
3. Mr André du Plooy, 11 Gey van Pittius Street, Yzerfontein, andre.duploy69@gmail.com 
4. Mrs Tammy du Plooy, 11 Gey van Pittius Street, Yzerfontein, tammygrobler@gmail.com
5. Mrs Adele Radyn, 7 Gey van Pittius Street, Yzerfontein, adeleradyn@gmail.com 
6. Mr Hendri Radyn, 7 Gey van Pittius Street, Yzerfontein, hen3radyn@gmail.com 
7. Mr Johan Smit, 5 Gey van Pittius Street, Yzerfontein, johansmit0905@gmail.com
8. Mrs Alma Smit, 5 Gey van Pittius Street, Yzerfontein, johansmit0905@gmail.com (shared email) 
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15. Mrs A Jooste 1 LJSmit street, Yzerfontein
ajooste49@gmail.com

Background:

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As the potential impact was deemed only local, direct neighbours of Erf 505 identified by Swartland Municipality were requested by email to either approve or object, and no newspaper advertisement was deemed necessary.

By the due date Swartland Municipality had received eight objections from the thirteen contacted owners, explaining why all responding parties were opposed to the application for a school/place of education on Erf 505.

On 17 August 2023 all parties that objected were notified by email that the plan had been approved and their objections were not successful.

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The Outcome of Objections (dated 15 August 2023):

This document, sent to all the objectors listed eleven reasons for the original application to be supported. Here we provide our comment on those we disagree with.

(e) The proposed development will not have a negative impact on the character of the area.

The proposed development may well not have a negative impact on the character of the greater area, but it certainly will have a negative impact on surrounding properties. These include but are not limited to:

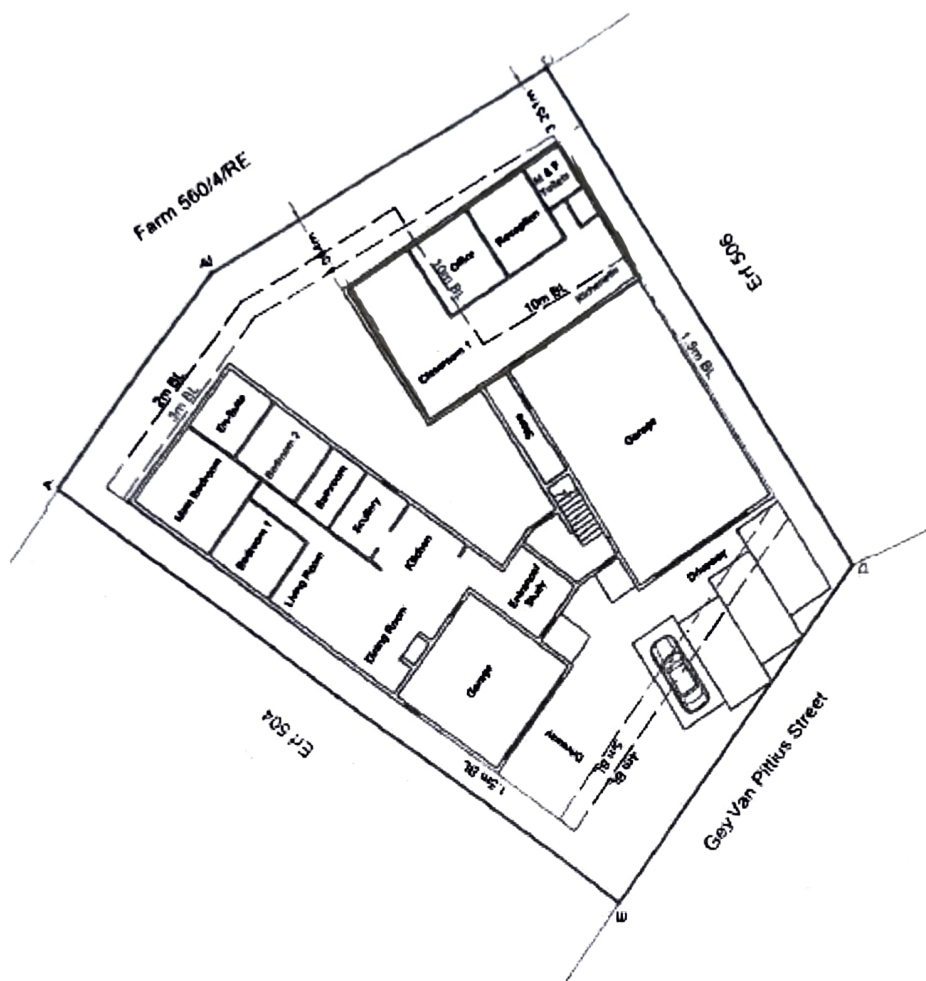
- reduced saleability of surrounding properties
- increased vehicular traffic (to be dealt with in more detail later)

- increased noise (to add to the already unacceptable noise pollution of the nearby shopping centre), especially as the place of education plans to operate Monday through Saturday inclusive
- creeping encroachment of 'CBD-type' commercial activities to the formerly quiet residential area
- spill-over parking of vehicles on the pavement and perhaps even in residents' driveways because of increased local commercial activity.

It is understood that residents' sentiments are not necessarily to be taken into account, but it is not true to state that there would be no negative impact on the character of the area.

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The plan submitted with the original application shows an 88 m² area designated as a place of education, outlined in red in the extract below. This shows toilet facilities, a kitchenette, two separate rooms, and an open 'classroom'. Physically, this is indistinguishable from a third dwelling unit on this residential erf. At the information meeting of 5 September 2023 the question was posed what distinguishes a place of education from a dwelling unit. The answer given was that it depended on the expressed intended use (rather than any physical distinction). It is difficult to see how the presented plan really represents anything but a third dwelling unit on Erf 505, with two large separate rooms marked 'Reception' and 'Office', quite out of scale to the expressed intended use of the space for teaching. Even if it initially is used as a teaching space, there is no physical restriction to prevent its future use as an additional dwelling unit. We view this as a planning ruse, to get around the restriction of only two dwelling units per residential erf.



(h) The development proposal supports the optimal utilisation of the property

Given the approval by the Municipality, the development proposal certainly is not functionally optimal. There is no indication in the provided building plan of how teaching staff, pupils/scholars, and cleaning staff are to access the 'Reception' room at the back of the property. Presumably they will have to walk down the whole length of the property adjacent to the southwestern boundary to a rear access. This will be an additional disturbance to the peace and privacy of the residents of adjacent Erf 506. The concern of a fire, what precautions have been implemented for the safety of the pupils and staff for evacuation, has Swartland Municipality evaluated the safety aspect of the property with regards escape and if so what are these, the place of learning being at the furthest point of the property with only escape to the front towards the street.

In the information meeting of 5 September the issue was raised by an education specialist that the exposure to the noise from the adjacent shopping centre would be detrimental to teaching and learning. Any place of education should be distant from the ambient source of noise, and in this case

should be positioned towards the front of the property in question, not at the back. The proposed design is clearly suboptimal in terms of the intended function.

(i) The place of education may support the tourism industry in Yzerfontein, as well as the local economy.

There is no justification offered for this statement in either the Original Application or the Outcome of Objections documents. What service to tourists could such a place of education possibly provide? This is just empty padding to the approval.

(j) The need for this service in Yzerfontein is recognised

The need for this service has been recognised by whom? And how has this need been recognised? It is understood that it is not up to the Municipality to do due-diligence for prospective businesses, but the statement that there is a recognised need for this service has no evidential support. If it is not in the Municipality's purview, it cannot be used as a justification for approval of the proposed development. There are several other teaching and crèche facilities in Yzerfontein, no survey results have been presented, and if there is a real need for local schooling there is a designated area, at the end of aptly named School Street. There are also vacant shops available in the Paxton Centre in the CBD with ample parking and pedestrian crossing ensuring safety for learners, parents and staff.

(k) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Gey van Pittius Street.

This constitutes the major negative impact of the proposed place of education. Up to twelve students/pupils may be accommodated. How can four designated parking places be deemed sufficient for staff and parents dropping off and collecting children? Any overflow will result in more cars parked in the street, with consequently increased hazard to children getting into or out of cars.

The proposed parking places are situated on a blind bend, between a speed hump and a T-junction with L.J. Smit Street. The speed hump was built at the request of local residents, to slow traffic coming down Gey van Pittius Street before the T-junction. This is acknowledgement by the Municipality that there is an existing hazard. Recently the traffic down Gey van Pittius Street has increased in volume, due to people taking a short-cut along F. Duckitt Street to avoid the increasingly busy Buitekant Street. The increased commercial activity on Buitekant Street has also spilled over into lower Gey van Pittius Street, with cars parking on the pavement. In all, current and predictably increased traffic in Gey van Pittius Street presents not only a nuisance to residents of the formerly quiet area, but will present an ongoing physical hazard to any children entering or alighting from parental vehicles. There is a real danger of serious injury or loss of life. This traffic issue cannot simply be brushed aside with the bland statement that 'the proposal will not have a significant impact on traffic in Gey van Pittius Street' without any formal traffic survey and hazard prediction.

Conclusion:

On the basis of arguments specified above, we wish to appeal against the approval of the proposed development of Erf 505 to incorporate a place of learning.

As a group we will pay the single R 5000 fee for the appeal, but we reserve our rights to legal opinion of the said fee.

If this appeal is not successful we the applicants suggest that these restrictions on the place of learning, never to exceed 12 pupils at any stage, as laid out by the Swartland Municipality, be written into the title deeds of Erf 505, to ensure that these restrictions remain in place even if the property is sold.



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



ANNEXURE 5

*Swartland forward-thinking 2040 -
where people can live their dreams!*

*Swartland vooruitdenkend 2040 -
waar mense hul drome kan uitleef*

File ref: 15/3/10-14/Erf_505
15/3/4-14/Erf_505

Enquiries
D N Stallenberg

13 September 2023

CK Rumboll & Partners
PO Box 211
MALMESBURY
7299

Dear Sir/Madam

APPEAL : PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 505, YZERFONTEIN

Your application with reference YZE/12988/MC received on 23 March 2023 on behalf of L Green as well as letter of approval dated 15 August 2023 has reference.

Please find attached letter dated 7 September 2023 from various owners.

This letter serves as an appeal against the decision by the Municipal Planning Tribunal held on 8 August 2023 to approve the proposed consent use and departure of development parameters on Erf 505, Yzerfontein.

You are hereby invited in accordance with sections 90(8) and (9) of the Swartland Municipality's By-law on Municipal Land Use Planning (PN 8226 dated 25 March 2020) to submit comments on the appeal to the municipality by no later than 4 October 2023.

If no comments are received by the deadline, the municipality will continue with the appeal process.

Yours faithfully

MUNICIPAL MANAGER
via Department Development Services

AJB/ds

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

Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury 7299

swartlandmun@swartland.org.za

07 September 2023

Sir


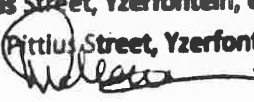

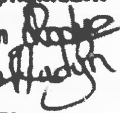
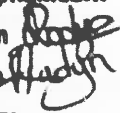
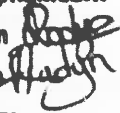
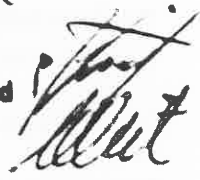
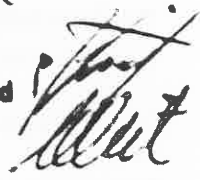


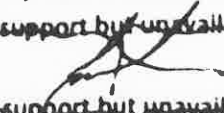
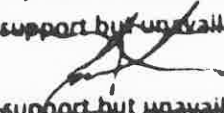
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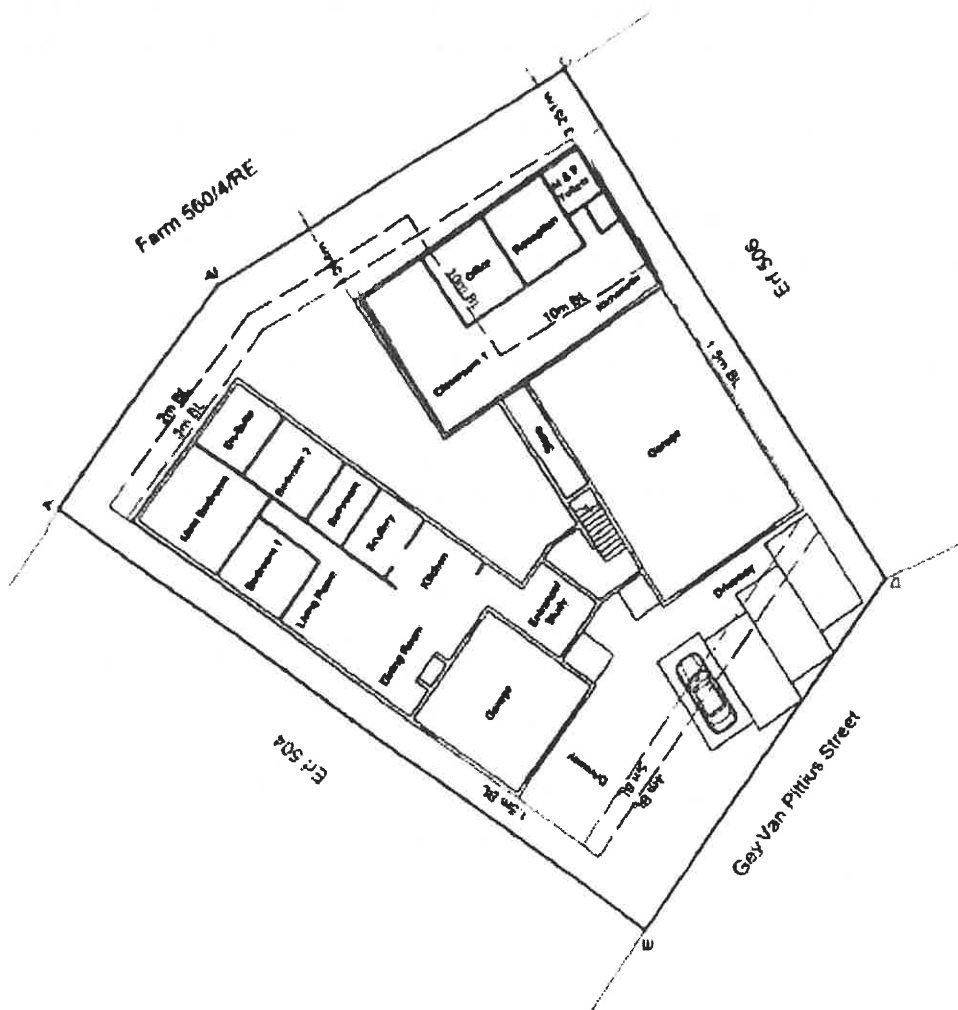
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(i) The place of education may support the tourism industry in Yzerfontein, as well as the local economy.

There is no justification offered for this statement in either the Original Application or the Outcome of Objections documents. What service to tourists could such a place of education possibly provide? This is just empty padding to the approval.

(j) The need for this service in Yzerfontein is recognised

The need for this service has been recognised by whom? And how has this need been recognised? It is understood that it is not up to the Municipality to do due-diligence for prospective businesses, but the statement that there is a recognised need for this service has no evidential support. If it is not in the Municipality's purview, it cannot be used as a justification for approval of the proposed development. There are several other teaching and crèche facilities in Yzerfontein, no survey results have been presented, and if there is a real need for local schooling there is a designated area, at the end of aptly named School Street. There are also vacant shops available in the Paxton Centre in the CBD with ample parking and pedestrian crossing ensuring safety for learners, parents and staff.

(k) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Gey van Pittius Street.

This constitutes the major negative impact of the proposed place of education. Up to twelve students/pupils may be accommodated. How can four designated parking places be deemed sufficient for staff and parents dropping off and collecting children? Any overflow will result in more cars parked in the street, with consequently increased hazard to children getting into or out of cars.

The proposed parking places are situated on a blind bend, between a speed hump and a T-junction with L.J. Smit Street. The speed hump was built at the request of local residents, to slow traffic coming down Gey van Pittius Street before the T-junction. This is acknowledgement by the Municipality that there is an existing hazard. Recently the traffic down Gey van Pittius Street has increased in volume, due to people taking a short-cut along F. Duckitt Street to avoid the increasingly busy Buitekant Street. The increased commercial activity on Buitekant Street has also spilled over into lower Gey van Pittius Street, with cars parking on the pavement. In all, current and predictably increased traffic in Gey van Pittius Street presents not only a nuisance to residents of the formerly quiet area, but will present an ongoing physical hazard to any children entering or alighting from parental vehicles. There is a real danger of serious injury or loss of life. This traffic issue cannot simply be brushed aside with the bland statement that 'the proposal will not have a significant impact on traffic in Gey van Pittius Street' without any formal traffic survey and hazard prediction.

Conclusion:

On the basis of arguments specified above, we wish to appeal against the approval of the proposed development of Erf 505 to incorporate a place of learning.

As a group we will pay the single R 5000 fee for the appeal, but we reserve our rights to legal opinion of the said fee.

If this appeal is not successful we the applicants suggest that these restrictions on the place of learning, never to exceed 12 pupils at any stage, as laid out by the Swartland Municipality, be written into the title deeds of Erf 505, to ensure that these restrictions remain in place even if the property is sold.

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ANNEXURE 6

Platinum Property Enterprise (Pty) Ltd
HH Vollgraaff and L Jonck (Directors)
9 Gey van Pittius Street (Erf 505)
Yzerfontein
7351

29 September 2023

To: Swartland Municipality

File Ref/ 15/3/10-14/Erf_505
15/3/4-14/Erf_505

Platinum Property Enterprise's point-by-point response to the "APPEAL AGAINST PROPOSED CONSENT USE OF DEVELOPMENT PARAMETERS ON ERF 505, YZERFONTEIN"

Just a short description of what the facility/in-door learning hub entails. It is a specialized learning/training facility for a few students/children at any given time in 4-hour sessions and it is an indoor activity. This is not an ordinary school as most people know a school with lots of playing children and time sirens, etc. Children learn in a homely atmosphere and are quiet and indoors.

Herewith I want to respond in writing to the appeal on a point-by-point basis to each of the concerns raised in "The Outcome of Objections (dated 15 August 2023)" of the appeal document:

(e) The proposed development will not have a negative impact on the area

- "Reduced saleability" - This property will improve the market value of the surrounding properties
- "Increased vehicular traffic" - The increase in vehicular traffic will be minute, due to the small amount of children that will attend to the in-house learning hub. Children who do not walk to the in-house learning hub will be dropped off by their parents which will have very little impact on the volume of traffic in the street.
- "Increased noise" - There will be no more noise coming from the in-house learning hub, other than from a normal residence with children.
- "Creeping encroachment" - This is normal for any developing town and will contribute, and to a certain extent, address a big shortcoming in Yzerfontein.
- "Spill-over parking of vehicles" - There will be ample parking in the facility's own driveway. (Paved parking for 7 vehicles in front of the facility's garages and in-house parking for at least 6 vehicles in the garages.) There will be enough space to drop off the children in our own driveway. The requirement is one parking for every six learners.

Therefore, there would be no negative impact on the character of the area.

(g) A place of education is accommodated as a consent use under Residential Zone 1 by the By-Law.

The area for learning activities and education is according to the plan and complies with the requirements as set out. The primary use of the area will be as intended (for the purpose of learning) and therefore no stove in the learning area, but just a kitchenette/coffee station.

(h) The development proposal supports the optimal utilization of the property

The fact that they are referred to in the appeal as; ... how teaching staff, pupils/scholars and cleaning staff are to access...." is an indication that the complainants still have the old-school mindset and do not know that all the learning activities will be managed by one or two persons and the cleaning will be dealt with as and when required.

The concern about additional disturbance to the adjacent Erf 506 will be addressed/limited by the boundary walls.

There are two entrances/escapes, one on either side of the facility, thus it makes it safe to enter or escape should the need arise.

Regarding the concern about the noise from the adjacent shopping center, the noise is not of such an extent that it will have an effect or interfere with learning. There is an international norm for noise, but according to SANS 10103 (2008), it is not enforceable. I quote from SANS 10103:

"This may explain why there is no mention of acoustic requirements in buildings of any kind in the NBR.

There are, however, South African National Standards that refer to acoustics specifically SANS 10103 (2008): The measurements and rating of environmental noise with respect to annoyance and to speech communication. This standard provides methods for assessing environments for acoustic comfort and speech intelligibility, as well as suitable ambient noise level limits for various environments. However, these limits are not enforceable by any means, and in practice, very few designers are aware of them. Nevertheless, the recommended classroom limit is 35 dBA (for an unoccupied room), which agrees with international standards. There are a few limitations to this standard which make it different from those provided for education facilities in other countries."

This will be dealt with, should noise be a problem at all.

(i) The place of education may support the tourism Industry in Yzerfontein, as well as the local economy.

The curriculums that are followed are international curricula (GED and Cambridge), therefore international students slot in perfectly when parents/overseas visitors are here for pleasure, work, a funeral, etc., but do not want their children to fall behind. For Yzerfontein's economics and for the safety of Yzerfontein's children, it is better to learn/teach children in Yzerfontein and boost the local economy, rather than let the money flow to other neighbouring towns.

(j) The need for this service in Yzerfontein is recognized.

If you look at the number of learners that attend schools in neighbouring towns due to a lack of a school or learning facility (up to grade 12) at Yzerfontein, there is a huge demand/quest for such a facility. Quite a lot of learners are traveling by busses and parent clubs which is a higher risk to children being on the roads and traveling through foggy conditions (life-threatening), because of no such educational facility/s in Yzerfontein.

The suggestion for the use of a shop/s in a centrum across the road from the centrum that generates the "so-called noise" is in contradiction to the concern about noise at Erf 505, and defeats the purpose of a homely learning environment.

(k) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic on Gey van Pittius Street.



The 7 outside parallel parkings will be more than enough for drop-off and pick-up of children. Children will not be required to cross any street at all or to open doors into the street.

The parking places make it easy to observe in both directions of the street. It's not a blind bend but rather makes it easier to observe in both directions.

Although it is a street without any volume of traffic, there is a speed hump in the street in front of Erf 505, therefore any speed hazard is eliminated through this. The business hours of the learning facility is currently from 08:00 to 12:00 and therefore impose no unnecessary extra traffic during normal business hour traffic, other than what is currently the case.

Conclusion:

On the basis of our(Platinum Property Enterprise) fundamental and constitutional rights and the careful consideration of all regulations, laws, and by-laws, as well as all comments in the appeal to the approval of the proposed development of Erf 505, Yzerfontein, we wish that this approval will be accepted and final approval can be granted, without any restrictions(other than legal) as laid out in the conclusion of the appeal against the development of Erf 505 Yzerfontein.

	
_____ HH Vollgraaff Director	_____ L Jonck Director