

MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY, 9 OCTOBER 2024 AT 14:00

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson) Director: Corporate Services, Ms M S Terblanche Director: Protection Services, Mr P A C Humphreys

External members:

Ms C Havenga Mr C Rabie

Other officials:

Senior Manager: Development Management, Mr A M Zaayman

Town and Regional Planner, Ms A de Jager

Manager: Secretariat and Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

The apologies received from the Senior: Town and Regional Planner, Mr A J Burger and Town and Regional Planner and GIS Administrator, Mr H Olivier are noted.

3. DECLARATION OF INTEREST

RESOLVED that cognisance be taken that no declarations of interest were received.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 11 SEPTEMBER 2024

RESOLUTION

(proposed by Mr C Rabie, seconded by Ms C Havenga)

That the minutes of a Municipal Planning Tribunal Meeting held on 11 September 2024 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL: REZONING AND DEPARTURE ON ERF 674, MALMESBURY (15/3/3-8, 15/3/4-8) (WARD 10)

Ms A de Jager, as author, gave background to the amendment of the conditions of approval to allow for more children to be accommodated at the crèche operating from Erf 647, Malmesbury.

6.1/...

The opportunity to amend the conditions arises from the conditions of the compliance certificate issued by the West Coast District Municipality, allowing for a maximum of 59 children.

Ms de Jager mentioned that the applicant was instructed to complete a traffic study and to provide a traffic impact study. It is confirmed that the anticipated traffic issues, caused by the development, were investigated and addressed by an appropriately qualified professional.

Ms de Jager confirmed that the proposal is consistent with the requirements of the By-law as well as the Children's Act with regard to, amongst other matters, the permissible m² per child for the classrooms and outside play areas.

RESOLUTION

A. The application for the amendment of certain approval conditions, with respect to the Place of Education on Erf 674, Malmesbury, be approved 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 that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The following conditions contained in approval letter 15/3/3/-8/Erf 674, dated 20 October 2021, that read as follows:
- "...**A.A1**(b) The crèche be restricted to 24 registered children at any time as presented in the application..."

be amended to

- "...**A.A1**(b) The crèche be restricted to 59 registered children at any time as presented in the application..."
- "...**A.**(a) Departure of 1 on-site parking bay by providing only 9 on-site parking bays instead of 10 on-site parking bays..."

be amended to

- "...**A.**(a) Departure from providing the required 16 on-site parking bays by providing only 9 on-site parking bays, creating a shortfall of 7 parking bays..."
- "...**A.**(b) A financial contribution of R7 500 (12.5 m² & R600/m²) be made for the non-provision of 1 parking bay..."

be amended to

- "...**A.**(b) A financial contribution of R87 500 [(12.5 m^2 X 7 parking bays) X R1 000 per m^2] be made for the non-provision of 7 parking bays..."
- (b) The remaining conditions contained in approval letter 15/3/3/-8/Erf 674, dated 20 October 2021, and amendment letter 15/3/3/-8/Erf 674, dated 2 December 2021 remain applicable:
- (c) Building plans indicating the configuration and operation within the Place of Education (crèche) be submitted to the Senior Manager: Development Management, for consideration and approval;

B. **GENERAL**

(a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land uses;

6.1/B...

- (b) Should it be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable;
- (d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

C. The application be supported for the following reasons:

- (a) The increased number of children at the crèche is consistent with the number of children permitted at such a facility;
- (b) The application complies with the planning principles of LUPA and SPLUMA;
- (c) The application is compliant with the spatial planning of Malmesbury, as directed by the SDF;
- (d) The noise generated by the crèche is considered acceptable and the mitigating measures taken by the owner/developer are considered reasonable;
- (e) The development proposal supports the optimal utilisation of the property;
- (f) The character of the area remains unchanged;
- (g) No structural changes are proposed to the buildings;
- (h) Sufficient services capacity exists to accommodate the increase in children to the centre;
- (i) The shortfall in on-site parking is sufficiently addressed;
- (j) Health and safety concerns are addressed through the conditions of approval.

(SIGNED) J J SCHOLTZ CHAIRPERSON



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste

Departement: Ontwikkelingsbestuur

7 November 2024

15/3/3-11/Erf_2111 15/3/6-11/Erf_2111

WYK: 12

ITEM 6.1 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 20 NOVEMBER 2024

LAND USE PLANNING REPORT

APPLICATION FOR REZONING, SUBDIVISION AND PHASING OF ERF 2111, RIEBEEK KASTEEL

| Reference | 15/3/3-11/Erf_2111 | Application | 29 June 2022 | Date report | 8 November 2024 |
|-----------|--------------------|-----------------|---------------|-------------|-----------------|
| number | 15/3/6-11/Erf_2111 | submission date | 29 Julie 2022 | finalised | o November 2024 |

PART A: APPLICATION DESCRIPTION

Application is made for the rezoning of Erf 2111, Riebeek Kasteel, in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). It is proposed that Erf 211, Riebeek Kasteel (7,6763ha in extent) be rezoned from Agricultural Zone 1 to Sub divisional Area to make provision for the following land uses:

- 1 x Transport Zone 2 erf: public road;
- 2 x Transport Zone 2 erven: private roads;
- 5 x Open Space Zone 2 erf: private open spaces;
- 2 x Business Zone 1 erven: general business;
- 72 x General Residential Zone 1 erven: group housing; and
- 11 x Residential Zone 1 erven: single dwellings.

Application is also made for the subdivision of Erf 2111, Riebeek Kasteel, in terms of section 25(2)(d) of the By-Law. It is proposed that Erf 2111 (7,6763ha in extent) be subdivided as follows:

- 1 x Transport Zone 2 erf: 1 332m² in extent;
- 2 x Transport Zone 2 erven: total extent of 1,3869ha;
- 5 x Open Space Zone 2 erven: total extent of 1,4750ha;
- 2 x Business Zone 1 erven: total extent of 1,4899ha;
- 72 x General Residential Zone 1 erven: total extent of 2,4952ha (±250m² ±580m² per erf); and
- 11 x Residential Zone 1 erven: total extent of 6 971m² (±550m² ±820m² per erf).

Application also included the phasing of the proposed development on Erf 2111, Riebeek Kasteel, in terms of section 25(2)(k) of the By-Law. It is proposed that the development be completed in three phases:

- Phase 1: Shopping centre (3 500m² in extent) with a portion public road and private open space;
- Phase 2: Offices (2 000m² in extent) and 72 group housing erven;
- Phase 3: 11 single residential erven, private road, and private open space.

After the public participation process as well as due to input from the environmental process the applicant has lodged an amended site development plan. The amendment entails the exclusion of the 11 Residential Zone 1 opportunities (Phase 3) of the development which were situated outside the approved urban edge (MSDF, 2023).

The Municipal Planning Tribunal considered the application a year ago during the meeting that was held on the 15th of November 2023. It was decided that the item be referred back to the applicant in order to address a number of issues with regards to the proposed site development plan. Please refer to the letter dated 23 November 2023 attached as Annexure Y.

On the 18th of September 2024 Swartland Municipality received a letter from the applicant together with the revised site development plan wherein the concerns raised by the MPT have been addressed.

The amended SDP is considered in alignment with the Environmental Authorisation and is fully compliant with the definition of Group Housing as well as the development parameters with regards to the provision of communal open space, being met. The amended site development plan also makes provision for the berms as separate properties zoned Open Space Zone 2 and that will be transferred to the Owners Association ensuring ongoing management and maintenance. The applicant also states that the concern regarding the transfer of services as well as the contribution to the upgrading of Kloof Street, will be addressed in the services agreement.

The applicant is CK Rumboll and Partners and the property owner of Erf 2111, Riebeek Kasteel is Lonestar Group Pty Ltd.

| PART B: PROPERTY DETAILS | | | | | | | | | | |
|--|-------|---|--------------------|-----------|-----------|---|---------------|-----------------|---|--|
| Property description (in accordance with Title Deed) | | Erf 2111 Riebeek Kasteel in the Swartland Municipality, Division Malmesbury, Province of the Western Cape | | | | | | | | |
| Physical address | | Kloof Street (Please refer to the location plan attached as Annexure A) | | | | Town | Riebeek Kas | Riebeek Kasteel | | |
| Current zoning | Agric | Agricultural Zone 1 Extent (m²/ha | | t (m²/ha) | 7,6763ha | Are there existing buildings on the property? | | Υ | N | |
| Applicable zoning scheme | Swar | Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020) | | | | | | | | |
| Current land use | Vaca | nt | | | | Title Deed r | number & date | T48010/2021 | | |
| Any restrictive title conditions applicable | Υ | N | If yes, number(| | condition | 1 | | , | | |
| Any third-party conditions applicable? | Υ | N | If yes, sp | pecify | | | | | | |
| Any unauthorised land use/building work | Υ | N | If yes, ex | xplain | | | | | | |

Rezoning Permanent departure Temporary departure Subdivision Removal, suspension, or amendment of restrictive conditions

| Permissions in terms of the zoning scheme | Amendment, deletion, or imposition of conditions in respect of existing approval | Amendment or cancellation of an approved subdivision plan | Permission in terms of a condition of approval | |
|---|--|---|--|----------|
| Determination of zoning | Closure of public place | Consent use | Occasional use | |
| Disestablish a homeowner's association | Rectify failure by homeowner's association to meet its obligations | Permission for the reconstruction of an existing building that constitutes a non-conforming use | Phasing | \ |

PART D: BACKGROUND

It is clear from the motivation report that the application consists of the rezoning of Erf 2111, Riebeek Kasteel from Agricultural Zone 1 to Subdivisional area to establish a Mixed-Use Development that includes business and residential uses.

Two Business zone 1 properties are proposed along Kloof Street; a ±10553m² erf in the south-eastern corner to be developed as a shopping centre (±3500m² GLA (Gross Leasable Area)) as well as a ±4351m² erf in the south-western corner to be developed as a business premises and used for offices (±2000m² GLA). The proposed shopping centre will have a green buffer along the southern and eastern portion which serves as an open space and storm water management area. The applicant states that a pedestrian walkway will be provided at the south-eastern corner of Erf 2111 to allow pedestrian access across the green buffer and existing water course. The largest part of Erf 2111, Riebeek Kasteel is proposed to be used as an access-controlled residential development. The residential component consists of 72 properties zoned General Residential Zone 1: Group Housing. Each group housing erf will have at least 50m² of open space and some dwellings will have linked (connected) garages while others will be freestanding. The entire residential area is proposed as a harmonious architectural entity.

Figure 1: 3D rendering of proposed group houses.





The business sites, as well as the residential area, will be accessed via a single entrance from Kloof Street. A stop-controlled intersection will provide access to the business areas (towards the left and right) while the access to the residential area will be controlled with the help of a boom and guardhouse. The road leading up to the residential area includes a two-lane entrance and single lane exit with a drop-off and pickup bay ensuring the accessibility of the development. This portion of the road will be zoned Transport Zone 2: Public Street while all roads within the residential area will be private roads (also zoned transport zone 2). A centralised service yard will be provided within the residential area to deposit refuse.

With regards to the phasing of the development:

The applicant provides clarity on the phasing of the development by stating the following;

The development will be a phased development comprising of the following phases:

- Phase 1: Shopping centre (±3500m² GLA) with associated public road and private open space.
- Phase 2: Offices (±2000m² GLA) with 72 group housing erven, service yard, private open space, and private roads.

As mentioned above, after the public participation process it was proposed by the applicant that they will not continue with the Residential zone 1 component and therefore Phase 3 of the development is therefore omitted from the proposal. The amended Site Development plan attached as Annexure B2, proposed that the area north of the river be rezoned to Open Space zone 2: Private Open Space.

During the drafting of the first report Division Planning had some concerns regarding the amended layout.

- 1. The portion situated outside the approved urban edge cannot form part of the Group Housing scheme although proposed as Open Space Zone 2. It was requested that the said portion should remain Agricultural Zone 1.
- 2. As mitigation for the damming effect of the railway line it is recommended as well as being one of the reasons for the Environmental Authorisation that a berm be installed / built along the western part of the site and along the southern bank of the Krom River, thereby ensuring that the development remains above the 1:100-year flood line. Concern was raised regarding the protection of the berm and that it needs to be transferred to the owner's association.
- 3. In accordance with the development management scheme, at least 3600m² communal open space need to be provided for the development to comply with the applicable provisions. From the amended site development plan, it was not clear if the group housing scheme complies with the provision as a major part of the open space provided was firstly excluded (being outside the urban edge) as well as a substantial portion being part of the proposed shopping centre. With the definition of group housing stating that the development should be arranged around or inside a communal open space, the applicant was requested to clarify or alternatively amend the proposed site development plan. On the 30th of October 2023 Swartland Municipality received an addendum wherein the applicant motivates compliance with the said provision. Please refer to Annexure X.

As mentioned above the Department of Environmental Affairs and Development Planning has in terms of the NEMA (National Environmental Management Act): EIA (Environmental Impact Assessment) Regulations issued the Environmental Authorisation. Please refer to Annexure U attached to this report.

Figures 2 & 3: Copies of previous Site Development Plans





PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

N If yes, provide a summary of the outcomes below.

PART F: SUMMARY OF APPLICANTS MOTIVATION

The applicant motivates that new developments in Riebeek Kasteel tend to be on the western side of the town which does nothing to promote the integration of Esterhof and Riebeek Kasteel. The proposed development will promote the integration of the two areas and has the potential to act as a catalyst to achieve further integration. The location of the property within the urban area provides an ideal opportunity for infill development that would be sustainable and cost-effective, and the development of the property will ensure land and existing service infrastructure are utilised efficiently.

The applicant states further that the application complies with the goals of the Local and Provincial Planning Policies and can therefore be recommended for approval.

Supporting motivating factors in summary include:

- The development as envisaged complies with the Western Cape Provincial Spatial Development Framework
 policy initiatives on densification and the optimal utilization of infrastructure and services within the urban context.
 The proposed development promotes smart growth by ensuring the efficient use of land and infrastructure by
 containing urban sprawl and prioritising infill development.
- The implementation of the proposed development will promote integration of central Riebeek Kasteel and Esterhof.
- The development supports and complies with the Swartland Spatial Development Frameworks.
- The development also supports and comply with the criteria for the assessment of an application as per the Land use Planning Act, 2014 (Act 3 of 2014) and the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013).
- The development is accessible and there will be no major negative effects on the surrounding built environment, natural environment, or economic environment.
- There is a need for residential opportunities which maintains the atmosphere of the countryside yet provides the necessary peace of mind and security to prospective investors.
- All studies and specialist investigations undertaken recommend it for development.
- The residential component will be access-controlled meaning that no unauthorised persons will enter the Village increasing safety and security.

The applicant motivates further that there are no restrictive conditions in the title deed that prohibits the development proposal.

The property is not encumbered with a bond and accordingly, no consent is required from a bondholder.

Servitudes are evident on the property however none of these servitudes will be affected by the development proposal because no buildings or construction is proposed within the servitude areas.

The property is flat but slopes towards the south-eastern corner

In terms of development access, the applicant motivates that a traffic engineer was appointed whom did a Traffic Impact Assessment. Please refer to Annexure I attached to this report. The Traffic Impact Assessment shows that the proposed development can be accommodated by the adjacent transport network, provided the recommendations presented in the report are implemented. From a traffic engineering perspective, the approval of the application for the development is supported.

In terms of services the applicant confirms that from the services reports and studies done all indicate that the proposed development can be accommodated, and consequently sufficient capacity exist in the existing networks for the proposed development to connect to. Mitigation measures are proposed to ensure effective storm water management.

With regards to the heritage impact, the applicant motivates that the subject site does not fall within the historic core area of a regionally noteworthy historic settlement which has a significant townscape in terms of its hierarchy of spaces, scale, roof-scapes, and responses to the broad topography. Erf 2111 has no associations of historical or social significance and no landscapes and natural features of cultural significance. No Geological sites of scientific and/or cultural significance have been found on neither the property nor any burial sites on or in the immediate vicinity. The site is therefore considered to be NCW (not conservation worthy) and has low visibility beyond the immediate context which is equally NCW and of low visual sensitivity.

Initially the applicant motivated that the development proposal deviates from the MSDF (Municipal Spatial Development Framework) relating to the designation of the urban edge. This however is not applicable anymore given the amended site development plan.

The MSDF supports different housing models and typologies that support densification and secure land tenure to accommodate a variety of densities. The relevant development area is located within development Zone G. Zone G is earmarked for integrated development between Esterhof and central Riebeek Kasteel. The applicant motivates that the proposed residential development with commercial opportunities along activity axis and at intersection of Kloof & Lelie Streets is proposed. The applicant therefore argues that the development proposal complies with the directives of the MSDF as far as the proposed land uses are concerned. Business uses are proposed along the southern boundary of the property which abuts an activity street while residential uses are proposed on the remainder of the property. The proposed business uses will reinforce the status of Kloof Street as an activity street while also supporting the establishment of the Kloof-Lelie Street intersection as a secondary business node. The proposal is in support of the MSDF objectives.

In the addendum attached as Annexure X the applicant motivates that the proposal impressively surpasses the requirements related to communal open space and outdoor living areas. The applicant elaborate that each dwelling unit has access to a private outdoor living area, and the site's allocation of outdoor living spaces exceeds the prescribed 50m² per unit. Similarly, the communal open space provided within the proposal exceeds the mandatory minimum, primarily situated along the northern and eastern boundaries to a total of approximately 14 530m².

As mentioned above the application was referred back to the applicant in order to deal with a number of concerns with regards to the proposed Site Development Plan. An amended SDP dated September 2024 is now being considered. Please refer to the document and plan attached as Annexure Y. The applicant motivates that the amended SDP is in alignment with the Environmental Authorisation and is fully compliant with the definition of Group Housing as well as the development parameters with regards to the provision of communal open space, being met. The amended site development plan also makes provision for the berms as separate properties zoned Open Space Zone 2 and that will be transferred to the Owners Association ensuring ongoing management and maintenance. The applicant also states that the concern regarding the transfer of services as well as the contribution to the upgrading of Kloof Street, will be addressed in the services agreement.

A crucial perspective on the open space provision is that it constitutes a substantial portion of the total developable area within the urban edge, accounting for approximately 40.8% 23.25%. This, according to the applicant, not only fulfils the legal obligations but will also enhance the overall quality of life for residents within the development.

Furthermore, Viridian Consulting's contribution in terms of a landscaping plan reinforces the commitment to a well-integrated and connected open space network. It offers amenities like safe pedestrian circulation, jogging tracks, and the incorporation of greenery, contributing to the creation of a vibrant and sustainable community.



Landscaping plan

For these reasons the applicant argues, the proposed group housing development is deemed to be in accordance with the applicable provisions.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Name

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-Law on Municipal Land Use Planning

Υ

Recommendation

Ν

With reference to Section 56(2) of the By-Law, the application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. A total of 20 notices were sent via registered mail to the owners of properties which are affected by the application. A total of 14 notices were not collected. Although many letters were returned, it can be confirmed that the notice was also sent via email to most of the interested and affected parties.

| Total valid | 2 | | | | То | otal comments | and | ^ | |
|------------------|---|----|--------|-----------|--------|-----------------|-----|---|-------------------------------------|
| comments | 3 | | | | ре | titions refused | | 0 | |
| Valid | V | NI | If yes | , number | of | N/A | | | |
| petition(s) | ĭ | N | signat | ures | | IN/A | | | |
| Community | | | | | | | | | The application was referred to the |
| organisation(s) | Υ | N | N/A | Ward cour | ncillo | or response | Υ | N | Ward Councillor and no comments |
| response | | | | | | | | | have been received. |
| Total letters of | 4 | | | | | | | | |
| support | 1 | | | | | | | | |

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Date received Summary of comments

| ivame | Date received | Summary of comments | Recomme | ilidation |
|--|---------------|---|----------|-----------|
| Departement: Siviele Ingenieursdie nste | 19 Julie 2022 | 1. Interne netwerk Die ontwikkeling moet voorsien word van 'n interne riool verspreidingsnetwerk met afsonderlike aansluitings vir elke onderverdeelde gedeelte. Die interne riool verspreidingsnetwerk word deur die Munisipaliteit oorgeneem, moet deur 'n deurgangsreg beskerm word en sodanig aangebring word dat vrye toegang deurlopend vir die Munisipaliteit beskikbaar is. Hiervoor moet die ontwikkelaar 'n ingenieur toepaslik geregistreer ingevolge die bepalings van Wet 46 van 2000 aanstel om die riool netwerk te ontwerp. Die ontwerp moet aan die Direkteur: Siviele Ingenieursdienste voorgelê word vir goedkeuring waarna die konstruksiewerk onder die toesig van die ingenieur uitgevoer moet word. 1.2. Aansluiting met die eksterne riool verspreidingsnetwerk Die interne netwerk moet ooreenkomstig die verslag van GLS Raadgewende Ingenieurs van 02 Maart 2022 aansluit by die hoof rioolstelsel in Kloofstraat. Hiervoor moet die ontwikkelaar 'n ingenieur toepaslik geregistreer ingevolge die bepalings van Wet 46 van 2000 aanstel om die aansluiting by die bestaande netwerk te ontwerp. Die ontwerp moet aan die Direkteur: Siviele Ingenieursdienste voorgelê word vir goedkeuring waarna die konstruksiewerk onder die toesig van die ingenieur uitgevoer moet word. 1.3. Vaste Kapitale bydraes Dat vaste kapitale bydraes ten opsigte van riool as volg gemaak word: Rioolsuiwering: R 943 575.00 Riool verspreiding: R 703 290.55 | Positive | Negative |

2. Water

2.1. Interne netwerk

Die ontwikkeling moet van 'n interne waterverspreidingsnetwerk met afsonderlike aansluitings vir elke erf voorsien word. Die interne waterverspreidingsnetwerk word deur die Munisipaliteit oorgeneem, moet deur 'n deurgangsreg beskerm word en sodanig aangebring word dat vrye toegang deurlopend vir die Munisipaliteit beskikbaar is.

Hiervoor moet die ontwikkelaar 'n ingenieur toepaslik geregistreer ingevolge die bepalings van Wet 46 van 2000 aanstel om die water netwerk te ontwerp. Die ontwerp moet aan die Direkteur: Siviele Ingenieursdienste voorgelê word vir goedkeuring waarna die konstruksiewerk onder die toesig van die ingenieur uitgevoer moet word.

2.2. Aansluiting met die eksterne waterverspreidingsnetwerk

Die interne netwerk moet ooreenkomstig die verslag van GLS Raadgewende Ingenieurs van 02 Maart 2022 aansluit by die hoof waterstelsel in Kloofstraat. Hiervoor moet die ontwikkelaar 'n ingenieur toepaslik geregistreer ingevolge die bepalings van Wet 46 van 2000 aanstel om die aansluiting by die bestaande netwerk te ontwerp. Die ontwerp moet aan die Direkteur: Siviele Ingenieursdienste voorgelê word vir goedkeuring waarna die konstruksiewerk onder die toesig van die ingenieur uitgevoer moet word.

2.3. Vaste Kapitale bydraes

Dat vaste kapitale bydraes ten opsigte van water as volg gemaak word.

Watervoorsiening: R 649 087.60 Waterverspreiding: R 1 018 517.05

3. Strate

3.1. Interne Strate

Dat die interne strate en geriewe vir openbare vervoer ooreenkomstig die aanbevelings vervat in die verkeersimpakstudie van Sturgeon Raadgewende Ingenieurs, verslag STUR0348 van April 2022, aangebring word

Dat die interne strate en parkeerareas met inbegrip van staanplekke en geriewe vir openbare vervoer moet gebou word tot 'n permanente oppervlak standaard. Die ontwikkelaar moet 'n ingenieur toepaslik geregistreer ingevolge die bepalings van Wet 46 van 2000 aanstel om die interne strate en parkeerareas te ontwerp. Die ontwerp moet aan die Direkteur: Siviele Ingenieursdienste voorgelê word vir goedkeuring waarna die konstruksiewerk onder die toesig van die ingenieur uitgevoer moet word.

Dat die interne strate en parkeerareas nie deur die Munisipaliteit oorgeneem word nie.

3.2. Eksterne Strate

Die ontwikkeling verkry toegang vanuit Afdelingspad 1154 waarvan die Departement van Openbare Werke en Vervoer die beherende owerheid is. Die aansoek moet derhalwe aan die Departement gestuur word vir kommentaar.

| | | 3.3. Vaste Kapitale Bydraes | | |
|--|--------------|---|----------|--|
| | | Dat 'n vaste kapitale bydrae ten opsigte van strate ten bedrae van R 2 081 395.25 gemaak word. | | |
| | | 4. Stormwater | | |
| | | Die ontwikkeling moet voorsien word van 'n interne stormwater netwerk wat voorsiening maak daarvoor dat die afloop nadat die ontwikkeling voltooi is dieselfde is as voor die ontwikkeling. | | |
| | | Die ontwikkelaar moet 'n ingenieur toepaslik geregistreer ingevolge die bepalings van Wet 46 van 2000 aanstel om die stormwater stelsel te ontwerp. Die ontwerp moet aan die Direkteur: Siviele Ingenieursdienste voorgelê word vir goedkeuring waarna die konstruksiewerk onder die toesig van die ingenieur uitgevoer moet word. | | |
| | | 5. Vaste afval | | |
| | | Dat elke komponent (besigheid, kantore en residensieel) voorsien word van 'n toegewysde stoor ruimte met 'n geskikte dreinerings punt en lopende water vir die tydelike stoor van vaste afval. Die toegewysde stoor ruimte moet vrylik toeganklik wees vir die diens vragmotor. Slegs normale vaste afval wat afkomstig is van besighede, kantore en wonings sal verwyder word. | | |
| | | Die toegewysde stoor ruimtes word nie deur die Munisipaliteit oorgeneem nie. | | |
| | | Die ontwikkelaar moet 'n Ingenieur toepaslik geregistreer ingevolge die bepalings van Wet 46 van 2000 aanstel om die toegewysde stoor ruimtes te ontwerp. Die ontwerp moet aan die Direkteur: Siviele Ingenieursdienste voorgelê word vir goedkeuring waarna die konstruksiewerk onder die toesig van die ingenieur uitgevoer moet word. | | |
| | | 6. Algemeen | | |
| | | Indien dit nodig sou wees om enige eksterne dienste op te gradeer ten einde die ontwikkeling van diensaansluitings te kan voorsien dit vir die koste van die aansoeker sal wees. | | |
| Telkom Please refer to Annexure O. | 13 July 2022 | Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed. Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office. Approval is granted, subject to the following conditions. 1. As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply. 2. Telecommunication services position is shown as accurately as possible but should be regarded as approximate only. Should alterations or relocation of | Positive | |
| | | existing infrastructure be required, such work will be done at the request and cost of the applicant. | | |

| | | Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence. It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements. Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately. All Open Serve rights remain reserved. | | |
|--|----------------------|---|----------|--|
| Department of Water Affairs and Sanitation. Please refer to Annexure P attached. | 21 July 2022 | During the revaluation of the application, the Department has noted proposed subdivision and rezoning of ERF 2111 and does not object to the proposal; provided all the provisions of the National Water Act (Act 36 of 1998 as amended) will be always adhered to. Please note the following: 1. No abstraction of surface or groundwater may be done, or storage of water be created without prior authorisation from this Department, unless it is Schedule 1 or Existing Lawful use as described in the National Water Act 1998 (Act No. 36 of 1998). 2. No surface, ground or storm water may be polluted because of activities on the site. If pollution does occur, this Department must be informed immediately. 3. The person who owns, controls, occupies, or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources. 4. The comments issued shall not be construed as exempting the developer from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law. 5. All the requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be always adhered to. 6. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received. | Positive | |
| Department of Transport and Public Works | 23 September 2022 | This Branch is not in agreement with the two access proposals on that development and has suggested a singular access opposite Pieter Cruythoff Street. Traffic Impacts Assessment for Erf 2111 has evaluated the access spacing from Pieter Cruythoff Street and has not taken into account what was proposed for Erf 1323. Should the accesses proposed for Erf 1323 be implemented the required access spacing may not be achieved. Therefore, as a future municipal street section this Branch to support the development requires Swartland Municipality Roads Department to confirm that they are satisfied with the access spacing arrangement of the two erven and its developments. Accordingly, this Branch objects to the proposal in terms of the Land Use Planning Act 3 of 2014. This Branch will consider withdrawing its objection upon receipt of the comments of the Swartland Municipality Roads Department. J Pieters of Swartland Municipality's email to CK Rumboll dated 3 October 2022 | | |

| 1 | | | |
|----------------------------------|----------------------|---|--|
| | 17 November 2022 | 1.4. Sturgeon Consulting's TIA referenced TUR0348 dated May 2022. The future road authority of Divisional Road 1154 has no issue with the proposal in their communication referenced in Paragraph 1.3. Accordingly, this branch withdraws its objection and offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014 on condition that the recommendations proposed by Sturgeon Consulting in their report reference in Par 1.4 are implemented. | |
| Department of Agriculture | 23 September 2022 | The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed application. | |
| Ward Committee for Ward 12 | 1 September 2022 | Onderstaande is 'n uittreksel uit die notule van Wyk 12 en moet dit asseblief in ag geneem word wanneer hierdie grondgebruik aansoeke oorweeg word. BESLUIT (a) Dat die wykskomitee die ontwikkelings op Erwe 2111 en Erwe 1237, Riebeek Kasteel ondersteun, onderhewig daaraan dat goedkeurings voorwaardes ingesluit word (vir terugvoering aan die wykskomitee) ten opsigte van: 7.5.2(a)/ (i) bydrae tot die opgradering van infrastruktuur/skep van addisionele infrastruktuur, toegangsroetes om die ontwikkelings te akkommodeer, ens. (ii) bydrae tot die opgradering van die provinsiale pad wat reeds in 'n haglike toestand is, is die enigste toegangsroete na Riebeek Kasteel en New Rest Valley en voorgestelde nuwe behuisingsontwikkeling; (iii) tweede toegangsroete vir Riebeek Kasteel en New Rest Valley as aansluiting by R46 dringend ondersoek word; (iv) plaaslike inwoners voorrang geniet met die skep van werksgeleenthede uit die ontwikkeling; (b) Dat, met verwysing na die beoogde ontwikkeling op Springbok-Hill, dit onder die aandag gebring word dat die gemeenskap van Riebeek Kasteel dringend 'n hospitaal benodig; (c) Dat, met in ag neming van die grond wat nog beskikbaar is binne die stedelike randgebied, die Munisipaliteit versoek word om met eienaars in gesprek te tree om grond te bekom vir GAP- en FLISP-behuising; (d) Dat, op versoek van mnr Amerika, Riebeek Kasteel in totaal bemark, bv. tydens die Olyffees en by die Toerisme kantoor. | |

| PART I: COMM | ENTS RECEIVED DURING PUBLIC PARTICIPATION | SUMMARY OF APPLICANT'S REPLY TO COMMENTS | MUNICIPAL ASSESSMENT OF COMMENTS |
|---|---|--|---|
| Joshua Geldenhuys Resident near proposed development | Mr Geldenhuys states that he fully supports the proposed development and related plans. He and his wife believe that this development will have a positive effect on the nearby community by providing more people, more economic activity, more jobs, and improved infrastructure & services. | N/A | Noted |
| Lourens Relihan 6 Pieter- Cruythoff Street Please refer to Annexure K | The objector states that he just wants to make sure that if such developments are approved and proposed to take place that the following will be in place to accommodate the extra homes, businesses, and people without impacting on the current infrastructure, traffic, and rural lifestyle. 1. Are there enough police, fire, and emergency services in the valley to deal with it? 2. The roads in and out of Riebeek Valley will be able to handle it. 3. Kloof & Pieter Cruythoff Avenue is in a bad condition. 4. There are almost no lights and are a significant risk for people and animals (people have been killed on the road - we have seen it happen). 5. the road is full of potholes. 6. early morning and late evening the cars rush on the road and a circle or "speed bumps" will have to be inserted. 7. the trucks from the farms and businesses drive the road in pieces 8. there is no sidewalk at the bottom for people to walk or safe lane for cyclists - significant risk for the community to walk there. 9. the storm water pipes are non-existent, and the water and mud fill the whole road in the winter when it rains. 10. some of the upper farms' water also runs out onto the road and causes a very slippery surface for vehicles. 11. the dirt road at Pieter-Cruythoff street is in an even worse condition and all the water and mud runs into the road and washes away everything. 12. there is no water control in the road. 13. the trucks and tractors from the basement break up the road and this causes a mud bath in winter (significant risk for the house owners). | The applicant takes note. The development will be accessed from Kloof Street which is a Provincial Road. The Western Cape's Department of Transport and Public Works is therefore the authority that must decide on the suitability of the proposed access from Kloof Street. The applicant determined the position of the access with the help of a complete traffic impact study. The study will help the road and local authority to make an informed decision regarding the proposal. The proposed access is located directly opposite the existing access to Riebeek Wine Cellar to make the access as safe as possible. The traffic impact study further determines that the east-west sight distances are sufficient. Traffic circles and stops form part of the proposal to ensure that access is safe and that low speeds are maintained within the development. Pedestrians are important to the development therefore, the proposal makes provision for pedestrians along the northern border of Kloof Street. Paved footpaths, compacted soil and a pedestrian bridge form the network for pedestrians. Attention is also specifically given to street lighting as presented in the architect's ethos document. The proposal's lighting emphasizes safety and is focused on walkways but prevents an excess lighting to imitate Riebeek Kasteel's | In terms of the Neighbourhood Planning and Design, 2019 (The Red Book) the population thresholds and access distances for typical facilities offering security and emergency services e.g. Police Stations are 10 000 − 60 000 depending on context and crime rates. The ideal maximum access distance is ≤ 8km (urban) 24km (rural, but dependent on context and crime rates). It is agreed that it is essential to involve relevant government departments from the outset when a development project is planned to ensure they are aware of the possible impact of the development on service delivery and to assist them with planning their services. The application was sent to all relevant departments for comment and the comments / concerns / conditions are all considered with the application. The subject application with the proposal to accommodate 72 group houses may only accommodate ±250 people and therefore on its own does not warrant additional police, fire, or emergency services. When development does take place on an ad-hoc basis, as proposed it is important for the relevant departments to give their input during the public participation of the IDP and MSDF processes in order needs to be addressed. The traffic impact assessment, relevant road authority as well as the Department Civil Engineering Services did not require the upgrading of Kloof Street other than the |

| | 14. in summer it is a dust storm and causes that the houses, windows, roofs, furniture are full of dust and must be cleaned every day. 15. the dust also causes the air cons to have to be serviced and cleaned 4 times a year, otherwise they break. 16. the substance is also a health risk for people who live in the street and can cause lung diseases, asthma, and heart attacks over the long term. 17. The entrance/exit between Kloof and Pieter-Cruythoff is also a risk, you cannot see if cars are coming - especially if there is fog in the mornings and the tractors and trucks rush around the corners which is a big danger 18. I am also not sure if the bridge in the road can still handle all the heavy traffic, it is already cracked. 19. the telephone lines in the street have been stolen for a long time and the wires are just hanging loose all over the area, this creates a risk and is also an embarrassment to the town 20. there is also almost no lighting in the dirt road The bad condition of Pieter-Cruythoff and Kloof street has been reported many times and so far, there are no plans or timelines for when the roads will be fixed and tarred. We are taxpayers and there are many more new homes in the area. It is now a priority that this is addressed. | character and urban design principles and avoid light pollution. The applicant takes note of the objector's concern regarding dust. The applicant state that the reference to dust refers to the use of Pieter-Cruythoff Avenue which is not an important access route for the proposed development. Regarding the concerns relating to the capacity of services in Riebeek Kasteel to accommodate the proposed development incl. roads, police, fire and emergency services, the applicant states that the local authority's decision-making process is guided by an integrated application process that requires all government departments and municipal departments to provide input on the application. The necessary departments will therefore be notified of the application. The applicant does however note that a report from GLS Consultants were included with the supporting documents, confirming the availability of bulk convices. The report | installation of a stop-controlled intersection at the access on Kloof Street. It should be noted that the developer is responsible for all internal roads as well as that significant contributions will be made in terms of the developer's contribution to bulk services / infrastructure should the application be approved. The proposed development will not have any impact on Pieter Cruythoff Street. The developer cannot be held responsible for the condition of a road not affected by the proposed application nor can they be held responsible for the condition of Telkom infrastructure. These concerns should be taken up by the relevant Departments. As motivated by the applicant, from the engineering reports provided, sufficient capacity exists in the existing bulk services to accommodate the proposal. |
|------------------------------|--|---|--|
| | See also photos of the condition of Pieter-Cruythoff street and hanging telephone wires. | the availability of bulk services. The report confirmed that there is sufficient service | |
| Henk Bruwer Familie Trust | The Henk Bruwer Familie Trust state that, in principle, they are always excited about any development in Riebeek-Kasteel and that they look forward to welcoming new neighbours. According to the sketches and plans received, they must object to the following ambiguity: The new proposed northern residential boundary against De Hoop farm's existing vineyards and farmyard leaves no buffer zone between residential and commercial agriculture. Their existing vineyards are right next to this development. It is stated that they are extremely concerned about the potential residential buildings near the vineyards and main farmyard and | The applicant did comment on the objections however, the objector has withdrawn the objection. The comments are therefore deemed not relevant in the evaluation of the application. | Due to the concerns raised it was thought relevant to include the objection in the report although the objector has withdrawn the objection. It should be noted that phase 3, which was the main concern for the objector has been omitted as well as additional measures implemented to deal with storm water. |

states that their farm is a commercial fruit and livestock farm in the Riebeek Valley that provides more than a hundred job opportunities. They supply fresh produce to customers across 4 continents and are immensely proud of their image as a responsible farmer and strive to maintain good relations with all neighbours.

The following points are given in support of the above objection:

- Commercial fruit farms use plant protection products (specifically chemical products) to protect their products against diseases and pests and the application of these products with tractors and spray pumps on adjacent orchards may have unwanted effects for neighbouring persons who, e.g. suffer from chronic diseases, struggle with allergies OR are just sensitive in nature.
- 2. These crop protection products can accidentally drift (also called 'spray drift') to neighbouring properties and cause irritation or aggravate allergies.
- 3. Some of these crop protection products are also applied at night which can be disturbing to residential occupiers.
- 4. De Hoop uses helicopters and drones to spray orchards and according to legislation, drones and helicopters may not move closer than 50 meters from residential buildings. This equipment may also appear disturbing and threatening to third parties.
- 5. DeHoop uses high pressure water pipelines to irrigate our orchards, and should these pipelines break in extreme circumstances, unwanted water could end up on a residential property and cause damage.
- 6. Also, the residential development is quite close to an emergency generator. This generator, according to the objectors are on 24 hours standby to assist with the cooling and packaging of their products. They are concerned that the untimely start-up of this generator may be disruptive to third parties.
- 7. DeHoop's farming and harvesting operations in general may cause loud noise at untimely moments which may be disturbing to third parties.
- 8. DeHoop's farm and harvesting operations at certain times cause extreme dust that can dirty houses, gardens, and walls, as well as harm asthma and allergy sufferers.

| | 9. DeHoop's farm dam spillway flows into the Krom River, and this development is located on either side of the Krom River. In times of extreme rain, this farm dam (as well as all other farm dams higher up the Krom River) overflows extremely quickly and the Krom River overflows its banks (See photo below), especially if the river course is not kept clean. | | |
|--|--|--|--|
| | The objectors state that they are genuinely concerned that uninformed, negative publicity on social media, by new entrants, about DeHoop's agricultural activities - even if it is without merit - could harm their image with their international customers, potentially causing great financial loss. They feel that a healthy buffer between agriculture and residential can prevent unnecessary conflict between neighbours. | | |
| | They furthermore request that the developer put reasonable measures in place to address the above risks, as well as act proactively to inform prospective buyers about these risks and make buyers aware of historical, commercial agricultural activities in the area before transfer of the individual plots take place. | | |
| | They also request that the risks mentioned be further investigated to protect the rights of all parties involved to find a workable solution to these challenges. | | |
| | They believe their objection is reasonable and would like to participate in constructive discussions regarding this northern residential boundary for a successful development of Erf 2111. | | |
| Clive Rosser concerned resident in Riebeek Kasteel | Mr Rosser states that he is not opposed to development as it is good for the economy of the area and although his objection is specifically against the Klein Kasteel development that was recently approved by the MPT, he refers to the "massive" development opposite to the Riebeek Winery which is now being considered. | The applicant states that the objector does not specifically object to the proposed development. The development proposal has been compiled with the help of a professional team to ensure that the development is in balance with the surrounding rural elements and that the | The proposal will promote the integration of Esterhof with the main town of Riebeek Kasteel. It will also create economic opportunity for the community of Riebeek Kasteel as a whole. It is situated within the approved urban edge, is not located on high potential agricultural land, or is not deemed |
| | The objector state that should all the developments mentioned (Allesverloren Retirement Village, the subject development opposite the Riebeek Winery as well, the development between Church Street and Fontein Street as well as the Klein Kasteel development), be approved considerable strain will be placed on the infrastructure of the town / village including roads, sewerage, and water supply. Secondly, the objector feels that they will take away from the very character of Riebeek Kasteel, having a | character of Riebeek Kasteel is preserved. | to be conservation worthy. The proposal will not be detrimental to the character of the town and will contribute to tourism and the economy of the town / village. |

| | detrimental impact on tourism and the economy of the town / village. | | |
|--|--|---|---|
| Comment from the Ward Committee of Ward 12 Regarding the developments on erven 2111 & 1237, Riebeek Kasteel | The ward committee supports the application subject to; Contributions to the upgrading of infrastructure / creation of additional infrastructure, access routes to accommodate the developments, etc. contribution to the upgrading of the provincial road which is already in a terrible condition, is the only access route to Riebeek Kasteel and New Rest Valley and proposed new housing developments; second access route for Riebeek Kasteel and New Rest Valley if connection to R46 is urgently investigated; residents are given priority in creating jobs from the development; | These comments were not sent to the applicant | Input from all relevant departments have been obtained. As mentioned above, the developer needs to make significant contributions to bulk services as determined by the municipality's development charges policy. These contributions together with the contributions of other developments all should be used by the relevant departments to upgrade infrastructure where it is deemed necessary. The creation of additional access route to Riebeek Kasteel is proposed as part of the MSDF, 2023. Due to the small scale of the proposal, the traffic impact assessment did not make any recommendation in that regard specifically to the proposal. The request that residents be given priority in creating jobs from the development is noted. |

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 29th of June 2022. The public participation process commenced on the 5th of July 2022 and ended on the 8th of August 2022. Objections were received and referred to the applicant for comment on 11th of August 2022 and this municipality received the comments on the objection from the applicant on the 6th of September 2022.

Due to the nature of the application the environmental considerations including heritage impacts, botanical impacts, freshwater impacts, faunal impacts as well as possible visual impacts were deemed critical in the consideration of the application. Therefore, for the Municipality to make an informed decision Division Planning requested that we be provided with the Environmental Authorisation and its conditions to inform the Authorised official / Municipal Planning Tribunal in their decision making. As mentioned above the Environmental Authorisation was issued on the 19th of July 2023.

The concerns raised during the evaluation of the application in November 2023 have now been addressed and therefore Division: Planning is now in the position to present the application again to the Swartland Municipal Planning Tribunal for decision making.

2. Legislation and policy frameworks

2.1 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

Spatial justice is defined as the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. The principle of spatial justice seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities.

Integration is promoted by providing mixed density residential opportunities with supporting commercial uses along Kloof Street which is an identified activity street bringing opportunities closer to the community of Esterhof and New Rest Valley.

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.

The application therefore complies with the principle of spatial justice.

Spatial Sustainability

The above-mentioned principle refers to land development being spatially compact, resource-frugal, and compatible with cultural and scenic landscapes. It should also not involve the conversion of high potential agricultural land or compromise ecosystems.

The proposed development is within the urban edge of Riebeek Kasteel and according to the Swartland MSDF, 2023 the area is earmarked for mixed use and residential development. It can therefore be argued that the proposed development promotes spatial compactness and sustainable resource use within the urban edge. The proposed development is consistent with the development proposals of the MSDF and will not have an adverse impact on high potential agricultural land or compromise ecosystems. The existing infrastructure will be optimally used, and the site will be developed to its full potential. The development will connect to the Municipal services and will not have a financial burden on the Municipality. Swartland Municipality will not take over any of the internal services.

An Environmental Authorisation in terms of the NEMA: EIA Regulations from the Department of Environmental Affairs and Development Planning has been issued by the Department, ensuring that the proposed development accommodates all environmental aspects which influence the site.

The economy of the Western Cape is underpinned by tourism derived from its scenic and heritage qualities. The proposed development will complement the existing heritage, tourism, and landscape character of Riebeek Kasteel and surrounding area. The application therefore complies with the principle of spatial sustainability.

Spatial Efficiency

Efficiency, in terms of the PSDF (Provincial Spatial Development Framework), relates to the form of settlements and use of resources. It also relates to the compaction as opposed to sprawl; mixed-use, as opposed to monofunctional land uses; residential areas close to work opportunities as opposed to dormitory settlement, and the prioritisation of public transport over private car use.

The development will optimise the use of existing services and spaces. Integration of economic and residential uses ensures that the development contributes to the socio-economic environment of the Riebeek Valley. The development aims to integrate the central Riebeek Kasteel area and Esterhof. The development will also promote densification of the town within the urban edge. Sufficient services capacity exists to accommodate the proposed development.

Spatial resilience

The principle of Spatial resilience refers to the capacity to withstand shocks and disturbances such as climate change or economic crises and to use such events to catalyse renewal, novelty, and innovation. The proposed mixed-use development provides not only different housing typologies but also two business properties. The proposal of medium density residential and supporting business opportunities, creates a development that satisfies multiple needs of the residents as well as integrating spatially within the existing town. The development is also proposed in phases to ensure its viability.

Good Administration

The application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. The comments from the relevant municipal departments and Department of Transport and Public Works were also obtained. Consideration was given to all correspondence received and the application was dealt with in a timeously manner. It is therefore argued that the principles of good administration were complied with by the Municipality.

2.2 Provincial Spatial Development Framework (PSDF)

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 unmistakable 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.
- 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 as the proposal will achieve higher densities, will result in the optimum use of land / space within the urban edge, will complement the character of the area as well as not adversely affect the sense of place. Lastly, it could be argued that not only will the development result in the creation of numerous job opportunities but also, the development of the business properties along Kloof Street will result in improved accessibility.

The proposed development is therefore deemed consistent with the spatial development principles of the PSDF, 2014.

2.3 West Coast District SDF, 2020

In the WCDSDF, 2020 it is stated that the functional classification for Riebeek Kasteel is residential / tourism and according to the growth potential study Riebeek Kasteel is a small town that has a high 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. However, the WCDM (West Coast District Municipality) SDF promotes the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required in terms of SPLUMA and recommended in the PSDF, 2014), to improve quality of life and access to amenities and opportunities to all residents in the WCDM.

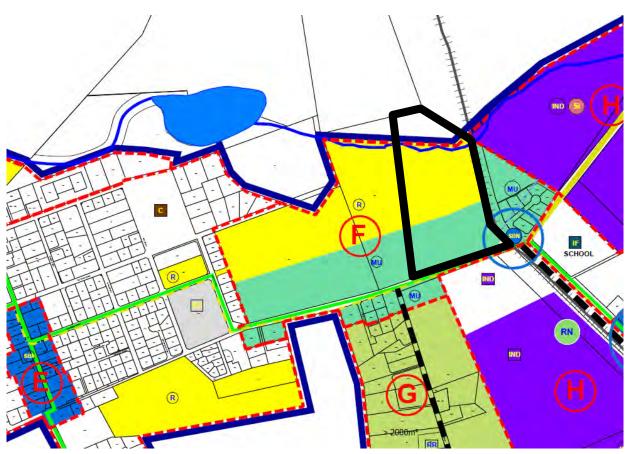
The proposal is deemed consistent with the WCDSDF.

2.4 Integrated Development Plan (IDP) and Municipal Spatial Development Framework (SDF)

According to the Swartland IDP 2023 the Municipality's vision is forward thinking 2040, a place where people can live their dreams. The proposed development will contribute to the Strategic goal 2 of economic transformation through the potential growth in the economy achieved through this large investment in Riebeek Kasteel as well as the numerous job opportunities created by the proposed development in the short and long term. The proposed development also supports strategic goal 4 of the IDP through the development medium density housing opportunities and the design of the development considering and mitigating any impact on the environment.

According to the spatial development proposals of the Swartland MSDF, 2023 the subject property is in Land Use Proposal Zone F. Zone F is earmarked for residential infill development supported by mixed uses. This zone is earmarked for integrated development between Esterhof and central Riebeek Kasteel and mixed density residential development with commercial opportunities along activity axis and at intersection of Kloof & Lelie Streets are supported.

Furthermore, the provision of adequate land for different housing typologies as well as the development of the vacant land between Esterhof and Central Riebeek Kasteel is specifically provided for in the SDF.



It is however clear that a portion of the development departs from the spatial proposals as it is located outside the urban edge. The amended development proposal (omitting phase 3 of the development) does address this inconsistency.

The proposal is therefore deemed consistent with the MSDF, 2023.

2.5 Schedule 2 of the By-Law (Zoning Scheme Provisions)

The proposed development complies with the provisions of the applicable development management scheme.

3. The desirability of the proposed development

Erf 2111, Riebeek Kasteel is zoned Agricultural Zone 1 and is currently vacant. It is 7,6763ha in extent and is situated within the urban edge of the town.

The development proposal is expected to have a positive impact on the economic development of Riebeek Kasteel. The construction phase will create temporary job opportunities, while the eventually established development will increase the tax base of the town. The proposed character of the development is not envisioned to negatively impact on the character of Riebeek Kasteel. The business component of the development is proposed to create employment opportunities and to stimulate tourism to the town.

The scale of the capital investment into the development is foreseen to be large, both in the short and over the long term. The capital investment is not foreseen to negatively impact on the area, but rather to contribute positively to the economy of Riebeek Kasteel.

The title deed of Erf 2111 does not contain any restrictions that prohibits the development proposal.

Erf 2111 is vacant and has no heritage grading. However, to ensure that the character of the development remains consistent with that of the existing town, an architectural design manual will be compiled to direct the aesthetic impact of the development as well as to ensure that the developer give effect to the design and landscape master plan proposed with the application.

The main access to the proposed development will be obtained from Kloof Street which is a proclaimed divisional road (DR 1154). The access was determined by a Traffic Impact Assessment from Sturgeon Consulting. The proposed access was approved by the Department of Transport and Public Works. The developer will be responsible for the provision of the internal road network within the development. Parking will be provided in accordance with the zoning of each erf and the relevant development parameters for each zoning.

Engineering services capacity exist to support the proposed development; however, the developer will be responsible for the provision and development of the internal services networks.

The proposed development is consistent with the prevailing legislation and town planning policies, such as LUPA and SPLUMA. Furthermore, the development will be completed in phases over time, thereby moderating the impact that the development would have had, had it all taken place at the same time. The phasing also minimises the financial risk to the developer, as the development can better respond to market circumstances.

An Owner's Association with a constitution and architectural design guideline will be established for the development.

As new roads are created, section 108 of the Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) the municipality must approve the naming of streets and must allocate a street number to each of the erven or land units located in such a street. Should the application be approved, the developer will be requested to provide street names for the development that is consistent with the street naming policy of Swartland Municipality. Street names and numbers are proposed with the amended site development plan dated September 2024 which are deemed consistent with the street naming policy of Swartland Municipality.

4. <u>Impact on municipal engineering services</u>

The Director Civil Engineering Services did not object to the proposal. From the civil services reports the impact of the proposed development on the Swartland Bulk water system infrastructure is considered small and it contributes insignificantly to the growth in water demand for the system. It is however recommended that the existing supply pipeline from the so-called D-line in Riebeek Kasteel to the Riebeek Kasteel reservoir requires upgrading to accommodate any additional developments in Riebeek Kasteel. No other upgrading to the WCDM system is required as a direct result of the proposed development.

It is confirmed in the services report of GLS dated 2 March 2023, that based on the current water demand, the Swartland bulk water system including the Swartland Water Treatment plan has sufficient services capacity to accommodate the proposed development. It is also confirmed in a separate report that the existing water reticulation system of Riebeek Kasteel also has sufficient capacity to accommodate the proposed development.

In terms of sewerage services, it is confirmed that the existing bulk and reticulation systems have sufficient capacity to accommodate the proposed development.

The impact on municipal engineering services will therefore be minimal. Where external serviced need to be upgraded to supply the proposed development with service connections, it will be for the cost of the developer.

Should the application be approved it will be required of the owner / developer to appoint a legal firm from the Council approved panel of legal representatives or as approved by the Municipality to, in accordance with Section 76(3) and Section 92(4) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March

2020), to conclude a service agreement between the Municipality and the owner / developer setting out the responsibilities for the provision of engineering services including the conditions relating to the installation of services as well as the payment of development charges prior to the construction of any Engineering services or infrastructure.

5. Response by applicant

Refer to Annexures N and Y.

6. Comments from other organs of state/departments

In their letter dated 13 July 2022 Open Serve approves the proposed work. The approval was unfortunately only valid for 6 months. Should the application be approved the developer be informed that Telkom / Open serve need to be contacted before the commencement of any construction work.

In their letter dated 21 July 2022 the Department of Water Affairs and Sanitation does not object to the proposal provided that all provisions of the National Water Act, Act 36 of 1998 be adhered to.

The Department of Transport and Public Works at first objected to the proposal and specifically the proposed access. A suggested singular access opposite Pieter Cruythoff Street was proposed however it is stated that, as a future municipal street section the Department, to support the development requires Swartland Municipality Roads Department to confirm that they are satisfied with the access spacing arrangement of the two erven and its developments. In their second letter, dated 17 November 2022 there were communication between the Swartland Civil Services Department and that the Department withdraws their objection subject to the recommendations proposed in the Traffic Impact Assessment being implemented.

The Department of Agriculture had no objection to the proposed application.

A notice was sent to ESKOM for comment, however no comments were received. It is however noted from the services report for bulk electrical reticulation that ESKOM confirmed verbally and by email that sufficient capacity is available for the proposed development.

7. Public interest

The proposed development does not detract from or damage the rights of existing landowners, it poses a negligible risk, and all legislative requirements have been met.

The character of the development will be directed by architectural design guidelines and the density will be determined by the site development plan, all of which will be aimed at compatibility with the existing and surrounding land.

Both the short-term gains (through the construction phase) and the long-term gains (increased tax base, employment opportunities and tourism stimulation) will be to the benefit of the developer, as well as the larger community.

In conclusion, it will be in the interest of the public for the development to continue as proposed.

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

A. The application for the rezoning of erf 2111, Riebeek Kasteel from Agricultural Zone 1 to Sub divisional Area be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) to make provision for the following land uses:

Business zone 1, Open Space Zone 2, Transport Zone 2, General Residential Zone 1 as well as Agricultural zone 1.

- B. The application for the subdivision of Erf 2111 (7.6763ha in extent), Riebeek Kasteel, be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to create a total of 81 portions, as follows:
 - 72 General Residential Zone 1 erven (Total extent of ± 23461m²)
 - 4 Open Space zone 2 erven Private Open Space (Total extent of ±17841m²)
 - 2 Business zone 1 erven respectively ± 10553m² (Shopping centre) and ±4351m² (Offices) in extent,
 - 2 Transport zone 2 erven respectively ± 1278m² (Public Road) and ±9879m² (Private Road) in extent,
 - 1 Agricultural zone 1 erf (Total extent of ±9396m²)
- C. The application for the phasing of the development proposal on Erf 2111, Riebeek Kasteel be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:
- Phase 1: Shopping centre (3 500m² in extent GLA) with a portion public road and private open space;
- Phase 2: Offices (2 000m² in extent GLA) and 72 group housing erven;

The decisions A, B and C above are subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) An owners' association be established with a constitution in terms of section 39 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- (b) The constitution of an owners' association be approved by the municipality before the transfer of the first land unit making provision for—
 - (i). the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;
 - (ii). control over and maintenance of buildings, services or amenities arising from the subdivision;
 - (iii). the regulation of at least one annual meeting with its members;
 - (iv). control over the design guidelines of the buildings and erven arising from the subdivision;
 - (v). the ownership by the owners' association of all common property arising from the subdivision, including—private open spaces, private roads; and land required for services provided by the owners' association;
 - (vi). enforcement of conditions of approval or management plans;
 - (vii). procedures to obtain the consent of the members of the owners' association to transfer an erf if the owners' association ceases to function; and
 - (viii). the implementation and enforcement by the owners' association of the provisions of the constitution.
 - (ix). the roles and responsibilities of the owners of the business zoned properties towards the maintenance and management of the open space situated directly next to it;
- (c) The constitution of the owners' association may have other objectives as set by the association but may not contain provisions that conflict with any law;
- (d) The constitution of the owners' association takes effect on the registration of the first land unit;
- (e) Portion 81 forms part of the development and therefore be included as part of the owner's association;
- (f) A detailed Site Development Plan, be submitted to the Senior Manager: Development Management for consideration and approval;
- (g) A Landscape Plan be submitted to the Senior Manager: Development Management for consideration and approval, including:

- (i). Detailed landscaping proposals for communal open spaces and green strips within the development, specifying planting, materials, street furniture, play structures and any other such detail applicable to landscaping;
- (ii). Detailed landscaping proposals for the sidewalks outside of the development, for the entire perimeter of the boundary wall;
- (h) The green strips along the internal roads remain unobstructed, unfenced and maintained by the Owners' Association into perpetuity, and that the condition be included in the Owners' Association Constitution;
- (i) The landscaping of the shared internal open spaces be completed before the transfer of the tenth residential property;
- (j) The Transport Zone 2 erven and the Open Space Zone 2 portions be transferred to the Owners Association, before transfer of the first residential property is approved;
- (k) The legal certificate which authorises the transfer of the subdivided portions in terms of section 38 of the By-Law, will not be issued unless all the relevant conditions have been complied with;
- (I) A wooden pedestrian bridge be constructed across the water course along Kloof Street that spans the entire delineated extent of the realigned water course. The supporting poles be placed outside the delineated extent and the design cater for a 1:100-year flood event;
- (m) A fence be erected around the boundaries of the site. The fence not be located within the active channel, below the fence crossing, to allow for water to flow and faunal movement;
- (n) A berm be constructed on the western side of the site and adjacent to the 1:100-year flood line along the southern bank of the Krom River. The berm be transferred to the owner's association to protect and maintain it;
- (o) Tributary 2 (water course along Kloof Street), be realigned by confining the trench / realigned tributary section and the remnant tributary section into a single grass block lined channel. This newly realigned tributary also hosts a stilting pond as recommended in the Environmental Authorisation. The relevant owner's association be responsible for the maintenance of the said realigned tributary;
- (p) Two storm water retention ponds be constructed that discharge into the newly realigned Tributary 2;
- (q) All building infrastructure be located outside the 10m conservation buffer surrounding Tributary 1;
- (r) The following street names is hereby approved:
 - Jakkalskos Street
 - Sneeuvygie Street
 - Skaapertjie Street
 - Gansogie Street
 - Kaneeltjie Street
 - Kalossie Street

2. WATER

- (a) With regards to the internal network, the development be provided with an internal water distribution network to provide the subdivided portions with services connections. The internal water distribution network be transferred to the Municipality and be protected by a servitude ensuring free access is continuously available for the Municipality. For this an engineer registered in terms of the requirements of Act 46 of 2000 be appointed by the developer to design the water distribution network. The design be presented to the Director: Civil Engineering Services for approval after which installation be done under the supervision of the Engineer;
- (b) Regarding the connection to the external water distribution network, the internal network be connected to the main water system in Kloof Street in accordance with the report of GLS Consulting Engineers of 2 March 2022. For this, an engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the connection to the existing network. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;

3. SEWERAGE

(a) With regards to the internal sewer network. The development be provided with an internal sewer distribution network with individual connections for each subdivided portion. The internal sewer distribution network be transferred to the Municipality and be protected by a servitude ensuring free access is continuously available for the Municipality.

- For this an engineer registered in terms of the requirements of Act 46 of 2000 be appointed by the developer to design the sewer distribution network. The design be presented to the Director: Civil Engineering Services for approval after which installation be done under the supervision of the Engineer;
- (b) Regarding the connection to the external sewer distribution network, the internal network be connected to the main water system in Kloof Street in accordance with the report of GLS Consulting Engineers of 2 March 2022. For this, an engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the connection to the existing network. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;

4. STREETS AND STORMWATER

- (a) The internal streets and facilities for public transport be installed in accordance with the recommendations contained in the Transport Impact Assessment of Sturgeon Consulting Engineers, report STUR0348 of May 2022;
- (b) The internal streets and parking areas including parking areas and facilities for public transport be built to a permanent surface standard. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the internal streets and parking areas. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;
- (c) The internal roads, storm water network and parking areas are not taken over by the Municipality;
- (d) With regards to external streets, the access and junction with Kloof Street be installed in accordance with the recommendations contained in the Transport Impact Assessment of Sturgeon Consulting Engineers, report STUR0348 of May 2022;
- (e) The development is provided with an internal storm water network which ensures that the runoff after the development is completed is the same as before the development. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the storm water network. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;

5. SOLID WASTE

- (a) That each component (business, offices and residential) be provided with an allocated storage space with a suitable drainage point and running water for the temporary storage of solid waste. The allocated storage space must be freely accessible to the service truck. Only normal solid waste originating from businesses, offices and residences will be removed;
- (b) The allocated storage spaces not be taken over by the Municipality;
- (c) An engineer duly registered in terms of the provisions of Act 46 of 2000 is appointed by the developer to design the allocated storage spaces. The design must be submitted to the Director: Civil Engineering Services for approval after which the construction work must be carried out under the supervision of the engineer;

6. ELECTRICITY

(a) The recommendations as set out in the services report for bulk electrical reticulation by De Villiers & Moore dated May 2022, be implemented;

8. CAPITAL CONTRIBUTIONS

a) Fixed development charges needs to be paid according to the service/agreement;

9. GENERAL

(a) All conditions of approval of the Environmental Authorisation from the Department of Environmental Affairs and Development Planning dated 19 July 2023 with reference 16/3/3/1/F5/20/2002/23 & WCP/EIA/0001216/2023;

- (b) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with;
- (c) It be required of the owner / developer to appoint a legal firm from the Council approved panel of legal representatives or as approved by the Municipality to, in accordance with Section 76(3) and Section 92(4) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to conclude a service agreement between the Municipality and the owner/developer setting out the responsibilities for the provision of engineering services including the conditions relating to the installation of services as well as the payment of development charges as set out below prior to the construction of any Engineering services or infrastructure. The services agreement be submitted to the Director Civil Engineering Service for consideration and approval;
- (d) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (e) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (f) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval must be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent and the approval period will not be applicable anymore.
- (g) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

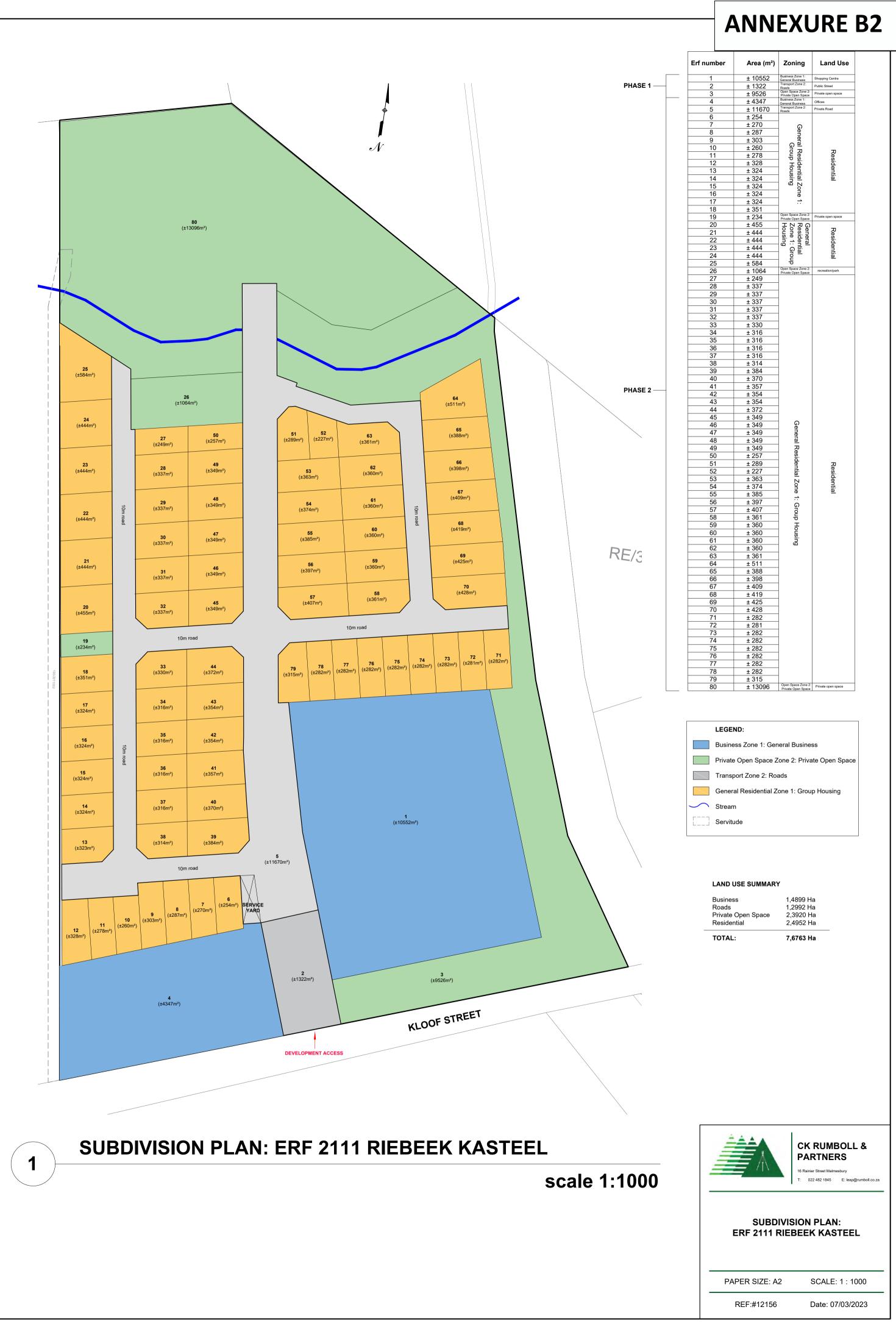
PART M: REASONS FOR RECOMMENDATION

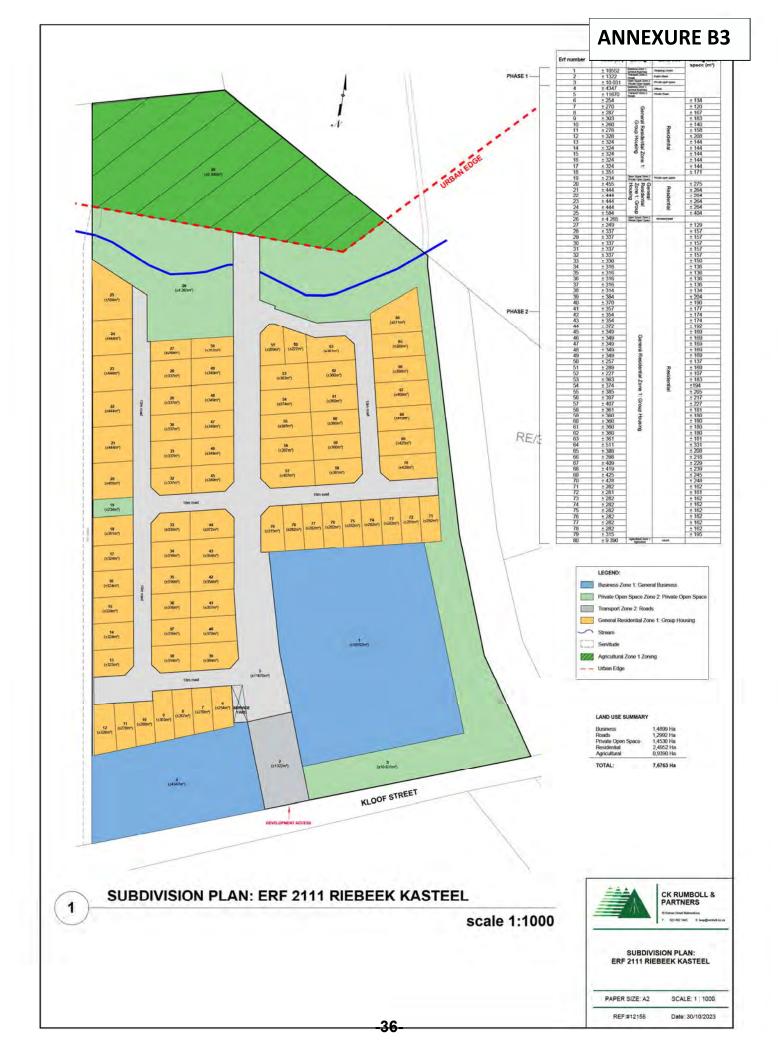
- 1. Erf 2111 is situated inside the urban edge of Riebeek Kasteel as well as located in an area earmarked for mixed density residential and commercial land uses which will integrate with the other developments in the area, making this application in compliance with the provisions of the MSDF, 2023.
- 2. The existing surrounding land uses and proposed development will be mutually complementary in character.
- The development proposal is foreseen to create employment opportunities in the short, as well as the long term.
- 4. The development will make a larger variety of housing typologies available to a broader section of the public, creating greater equity.
- 5. Several business opportunities form part of the development, thereby impacting positively on the social fabric of the town
- 6. The phasing of the project minimises the financial risk, while moderating the physical and visual impact on the surrounding area.
- 7. The application complies with the principles of LUPA (Land Use Planning Act) and SPLUMA (Spatial Planning and Land Use Management Act).
- 8. Public interest is deemed to be addressed in a positive manner and the development is foreseen to contribute, rather than detract from the existing development of Riebeek Kasteel.
- 9. Sufficient services capacity exists to accommodate the proposed development.
- 10. An Environmental Authorisation has been issued by the Department of Environmental Affairs and Development Planning.
- 11. The amended site development plan allows for a better public interface along Kloof Street and integrates better with the historical landscape character of Riebeek Kasteel. A 10m conservation buffer will be established between the watercourse and the proposed development. The watercourse in the southeastern corner will aid in storm water management.
- 12. The remainder zoned Agricultural zone 1 as well as the large open space along the river allows for a variable buffer of 60m to 120m between the adjacent agricultural activities and the residential component. In addition, a deviation from the Swartland Spatial Development Framework in no longer required.

| PART N: ANNEXURES | | | | | | | |
|--|---------|-------------------------|-------------|------------------------|---|-----|---|
| Annexure A Annexure B1 Annexure B2 Annexure B3 Annexure C1 Annexure C2 Annexure D3 Annexure D4 Annexure D5 Annexure D6 Annexure D6 Annexure D7 Annexure D7 Annexure D8 Annexure D8 Annexure D8 Annexure C1 Annexure C2 Annexure C3 Annexure C5 Annexure C5 Annexure F3 Annexure F3 Annexure F3 Annexure G3 Annexure G4 Annexure G5 Annexure G7 Annexure G8 Annexure G8 Annexure G9 Annexure G9 Annexure G1 Annexure H Annexure H Annexure H Annexure J Annexure J Annexure J Annexure J Annexure M Annexure N Annexure N Annexure O Annexure O Annexure Q1 Annexure Q2 Annexure Q2 Annexure Q3 Annexure Q4 Annexure S Annexure W Annexure W Annexure W Annexure W Annexure V Annexure W Annexure V Annexure V Annexure W Annexure W Annexure V Annexure W Annexure X Annexure X Annexure X Annexure X Annexure X Addendum to application with Amended Site Development Plan dated 18 September 2024. | | | | | | | |
| Name CK Rumboll & Partners | | | | | | | |
| Registered owner(s) | | Lonestar Group Pty Ltd. | | | Is the applicant authorised to submit this application: | | N |
| PART P: SIGN | IATURES | | | | | | |
| Author details: Herman Olivier Town Planner SACPLAN: A/204/2010 | | | JAC | Date: 8 November 2024 | |)24 | |
| Recommendation: Alwyn Zaayman | | | Recommended | 1 | Not recommended | | |
| Senior Manager Development Management SACPLAN: A/8001/2001 | | | Intray | Date: 11 November 2024 | | | |

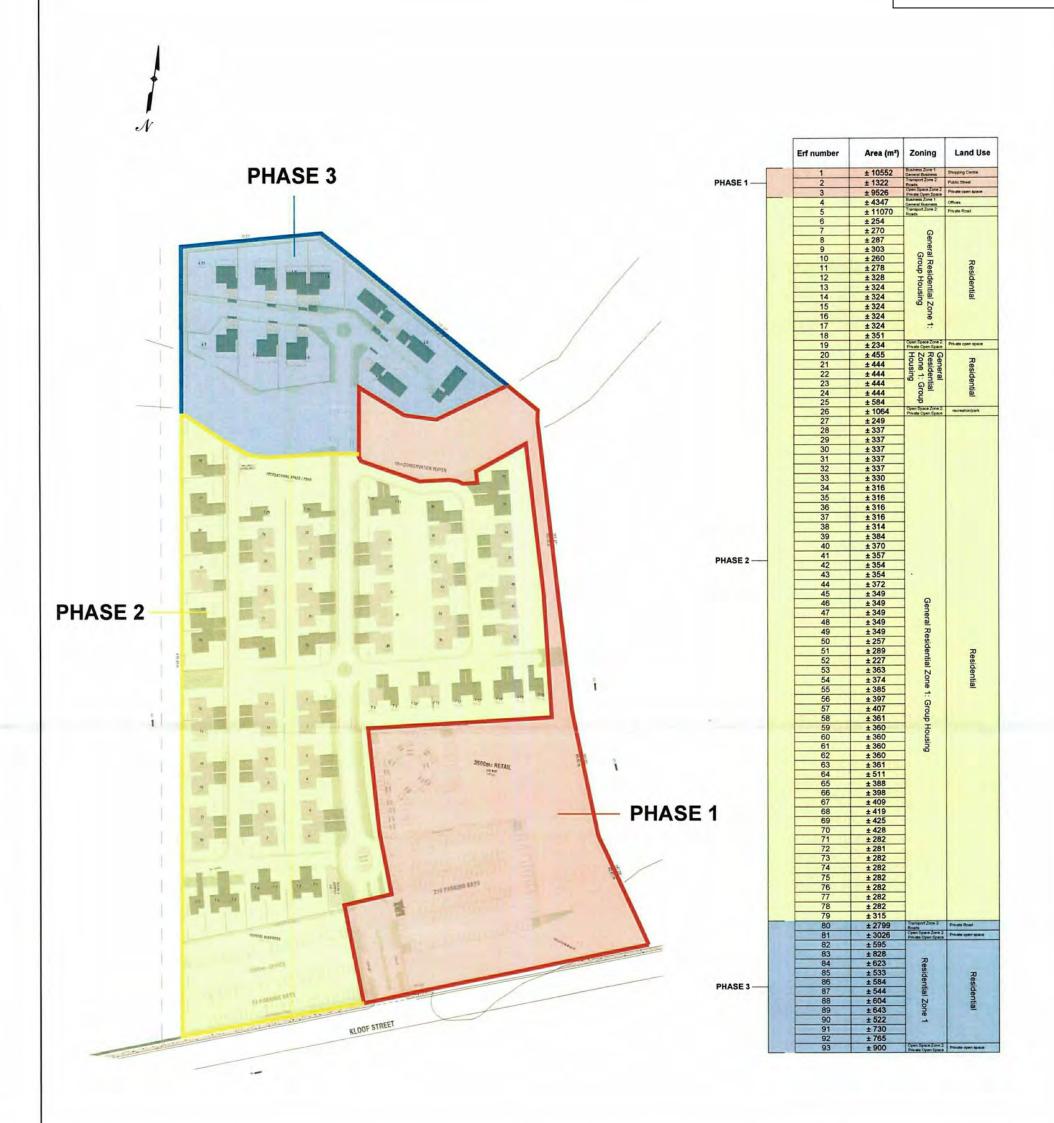
ANNEXURE A LOCATION PLAN PROPOSED REZONING AND SUBDIVISION OF ERF 2111, RIEBEEK KASTEEL 643/0 643/7 KLOOF STREET Legend Registered Cadastre 661/6 50 100 Meters











LEGEND:

PHASE 2

PHASE 3

NOTES:

This diagram illustrates the phasing of the development proposal on Erf 2111 Riebeek Kasteel.

Phase 1 comprises of a shopping centre, private road and private open space. Phase 2 comprises of 72 residential erven, private road and associated private open space. Phase 3 comprises of 11residential erven, private road and associated private open space.



CK RUMBOLL & PARTNERS

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PHASING PLAN: ERF 2111 RIEBEEK KASTEEL

PAPER SIZE: A3

SCALE: 1: 2000

REF:#12156

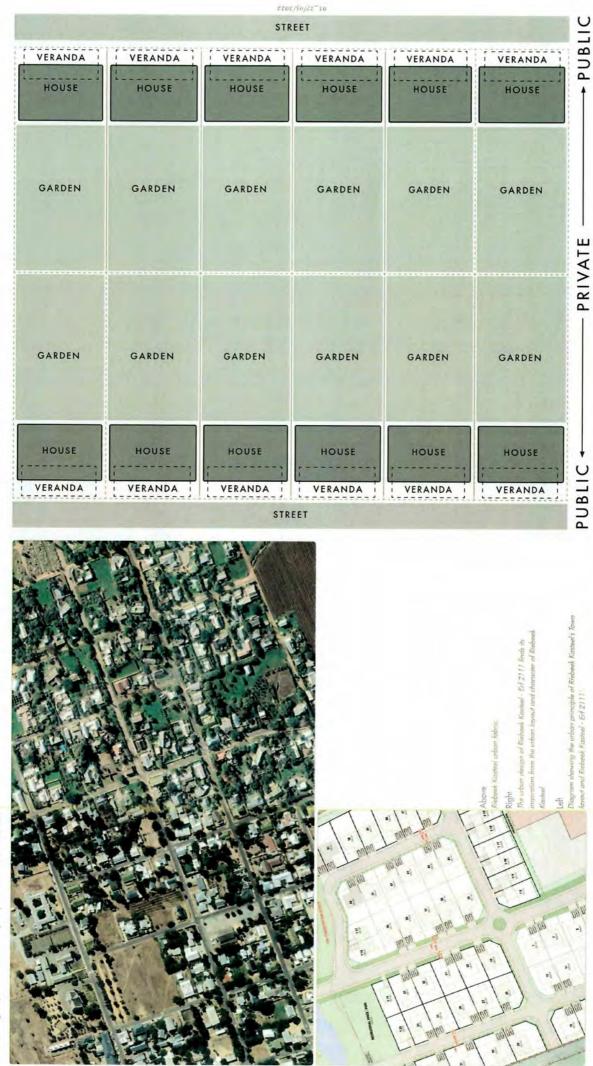
Date: 03/02/2021



RIEBEEK KASTEEL · ERF 2111

architectural design ethos







EXISTING CONTEXT

Riebeek Kasteel's town consists of narrow streets with houses and buildings situated hard up against the street edges. There is a clear distinction between public and private spaces. The verandas/stoep (public) are fronting the streets allowing the private space, gardens and urban agriculture to be at the back of the house.









Left Landscape of Riebeek Kasteel

Examples of houses in Riebeek Kasteel with street frontages.



RESPONCE

Residential component of Riebeek Kasteel - Erf 2111 to be a mix between single and double storey. Erven to have werf walls ons erf boundaries with no high perimiter fencing of public and street frontages.

Houses are to sit as close as possible to street frontage allowing a minimum parking space available in front of garage. Parking spaces to have pergola above mimicking the veranda-to-street-edge character of Riebeek Kasteel.

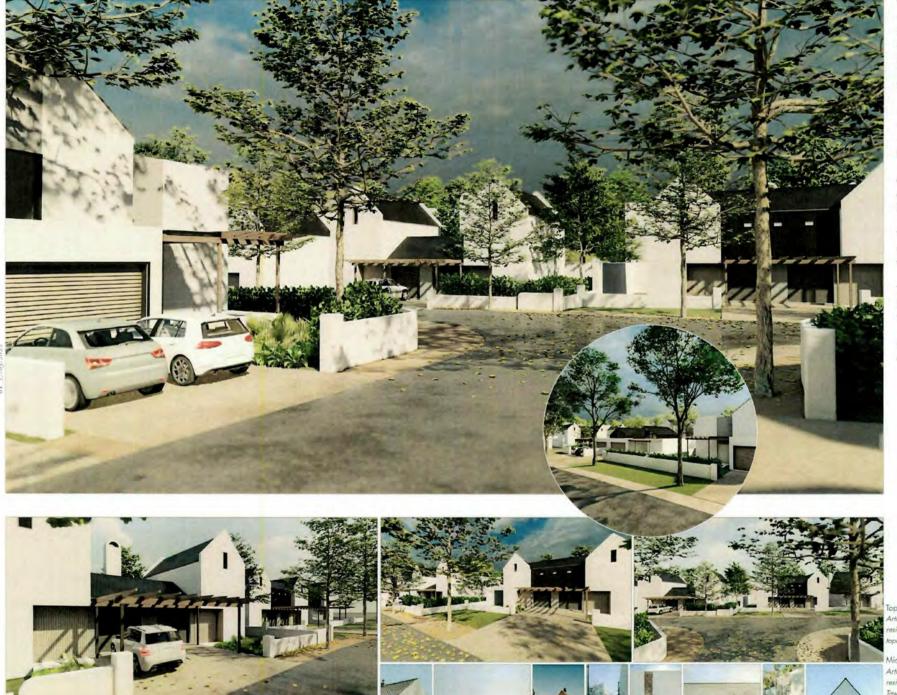
Houses to incorparate a pergola covered stoep/veranda on the street front of the house.

The use of loft windows are encouraged.

Ample tree planting are also encouraged to soften the village like streets and alternating roof scape.

Above Bottom

Artistic impression of Riebeek Kasteel - Erf 2111
residential. Townhouse inspired by the residential
characteristic of Riebeek Kasteel.



The residential component of Riebeek Kasteel
- Erf 2111 should consist of muliple unit
design to avoid uniformity but maintaining
an identity through the use of well designed
public spaces, materiality and detail design.
Therefore to avoid uniformity there should be
refer to the artist impressions:

- variations in roof heights
- variations in builidng options
- variations in clustered townhoses (higher building topology.)

Gables and roof ridges randomized to emulate surrounding context of Riebeek Kasteel.

Townhoses should have pergolas over the parking areas to emulate buildings with a veranda/stoep street frontage.

The use of textured finishes are encouraged (brick details with different plaster and paint textures)

Pitched roofs are suggested with a combination of flat roofs.

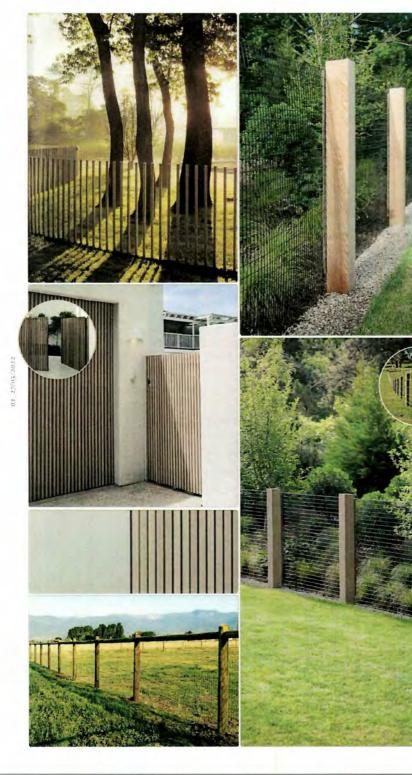
Artistic impression of Riebeek Kasteel - Erf 2111 residential. Street scape showing variation in building topologies and street frontages.

Middel Three

Artistic impression of Riebeek Kasteel - Erf 2111 residential. Street scape showing variation in Townhouse topologies.

Sottom Right

Precedent images for residential building topologies





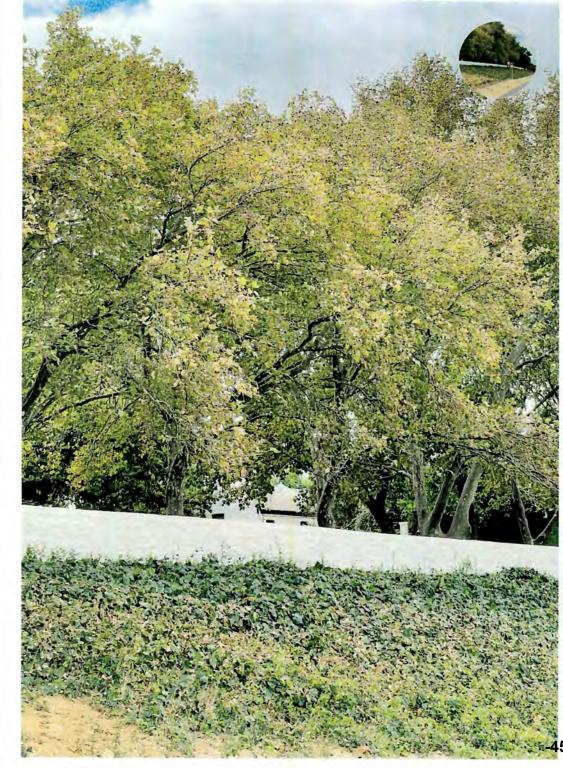
FENCING

Site boundray fencing shall be a contemporary interpretation of a typical gumpost and wire rural/farm fence.

With wood being the prominent and natural material allowing it to blend in with the surrounding landscape (grass fields, vineyards and blue mountain backdrops).

Above Top
Artistic impression of Riebeek Kasteel - Erf 2111 fence proposal.

Precedent images of contemporary interpretation of a typical gumpost and wire n.41.4 pm fence.



BOUNDARIES

Werf walls to be incorporated on all erf boundries where applicable.





Above Top

Artistic impression of Riebeek Kasteel - Erf 2117 general buisiness precinct as seen from the developments entrane. Refer to the werf wall and edge condition.

Above Bottom

Artistic impression of Riebeek Kasteel - Erf 2111 residential. Refer to the werf walls and edge condition

le

45 Werl wall and edge condition as seen in Riebeek Kasteel

01 27/05/2

BOUNDARIES TREATMENTS

Werf walls to serve as main public interface with its inviting characteristics. Should security fencing be required the site boundray fencing shall be a contemporary interpretation of a typical gumpost and wire rural/form fence. Option one is thus the prefered option for site boundary treatment for Peter Cruythoff Avenue;



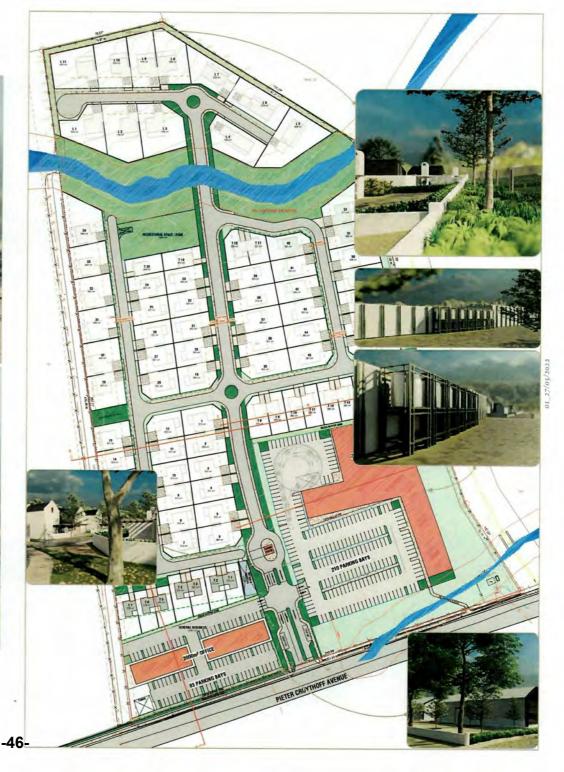


Above Top

Artistic impression of Riebeek Kasteel - Erf 2111 general business precinct as seen from the developments entrane. Render shows werf wall only without security fencing.

Above Top

Artistic impression of Rieboek Kosteel - Erf 2111 general business precinct as seen from the developments entraine Render shows worf wall with security lencing.



NORTHERN EDGE OF THE SITE

Riebeek Kasteel Erf 2111's Northern part of the site should respond to the historical value and views in a respective manner. Houses on this northers edge should be placed as south as possible (close to the internal road) within their erven to allow for a green buffer zone between them and the adjacent farm. Services of the individual houses should be situated on the east/west side allowing the houses to live out to the views that this part of the site has to offer. It can also allow for a 'softer' northern edge of the site. Refer to artistic impression and diagram on the right.





Top
Artistic impression of Riebeek Kasteel - Erf 2111 North

Bottom

Artistic impression of Riebeek Kosteel - Ert 2111 North - 3,5 green buffer zone between adjacent form and residental houses on the site

VIEWS

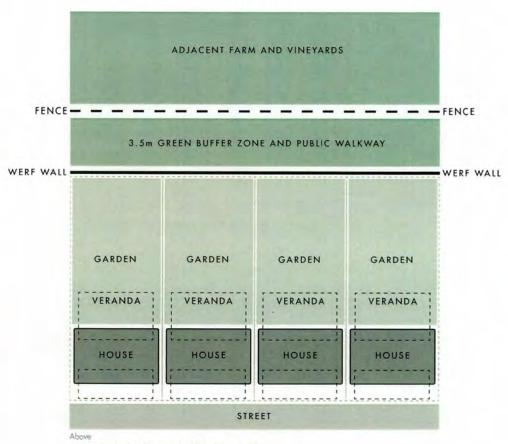


Diagram showing the urban principle of Riebeek Kasteel - Erf

2111's Norther urban principle

STREET LIGHTING

Street lighting to be low with avoided light pollution and mimicking the surrounding context of Riebeek Kasteel with few street lights in Town.

Street lighting therefore to be at human scale with illuminating mainly the road and walkway surfaces and guiding the direction of the paths forward.

Left Precedent images of typical lighting proposal for Riebeek Kasteel - Erf 2111

As contextual responce to the cape-vernacular and surrounding context (Riebeek Valley Wine Co)











Precedent images for general business building

Artistic Impression of Riebeek Kasteel - Erf 2111 general buisiness precinct as seen from the developments entrance. Refer to the werf wall and

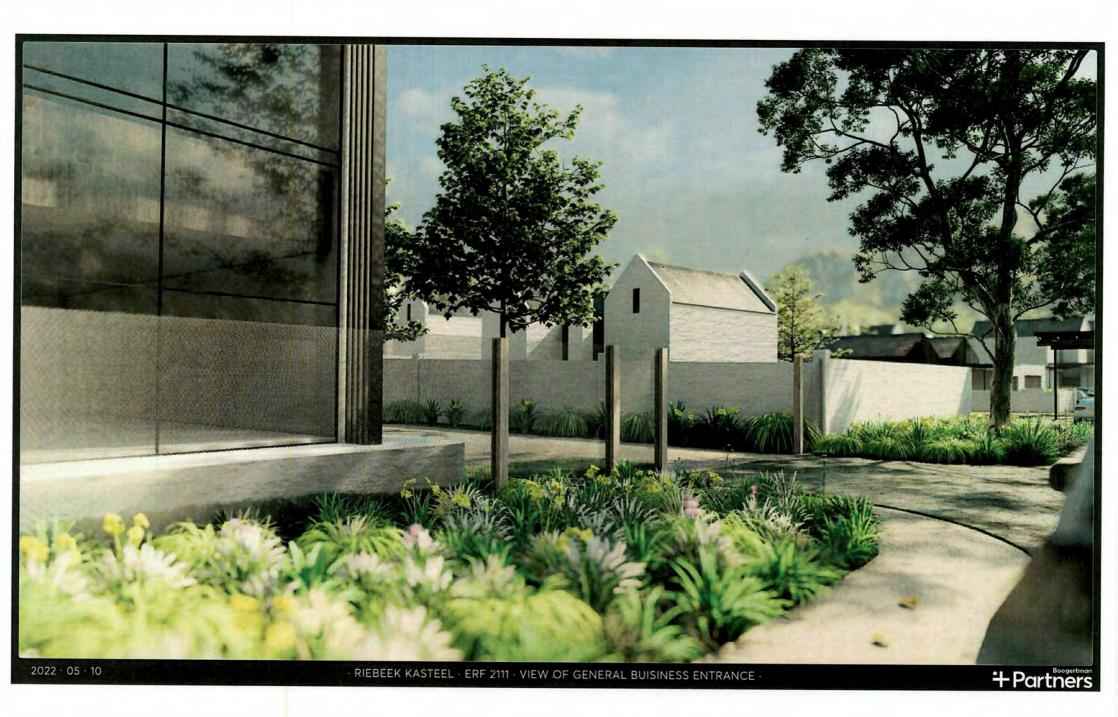
edge condition

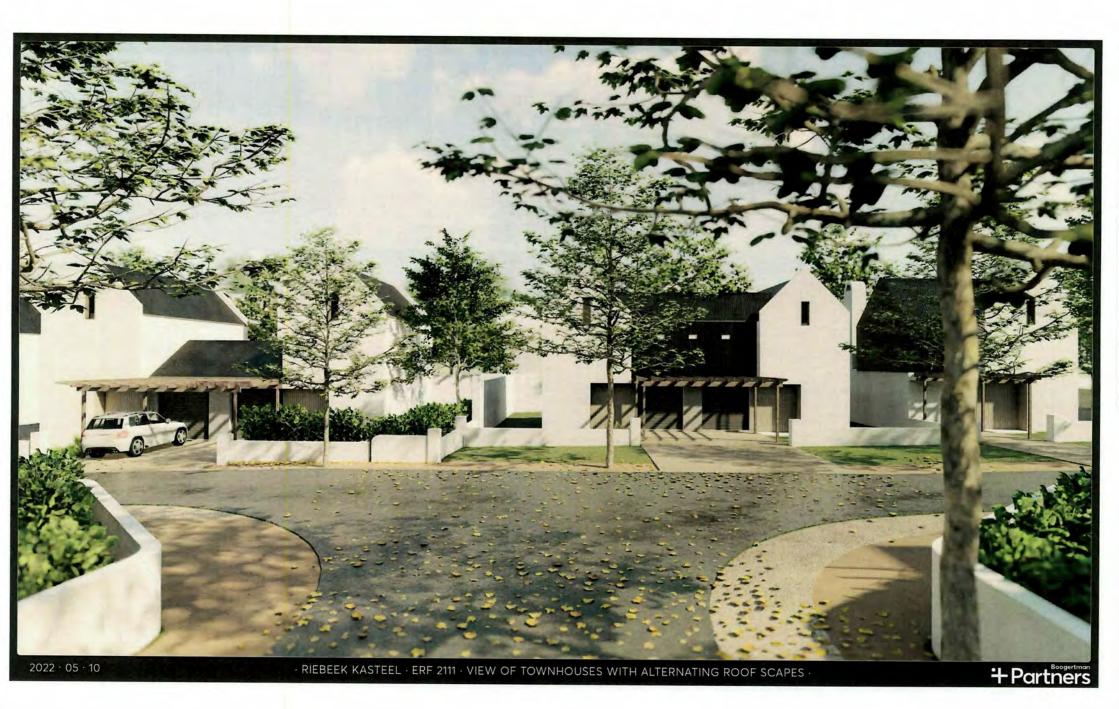


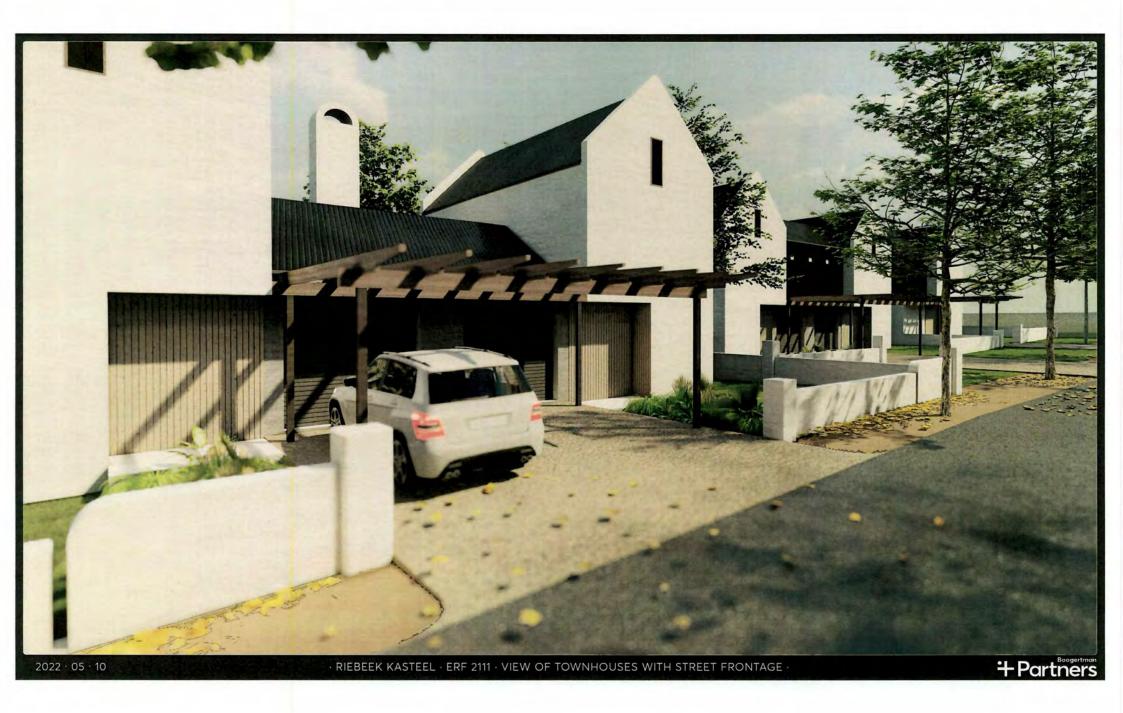


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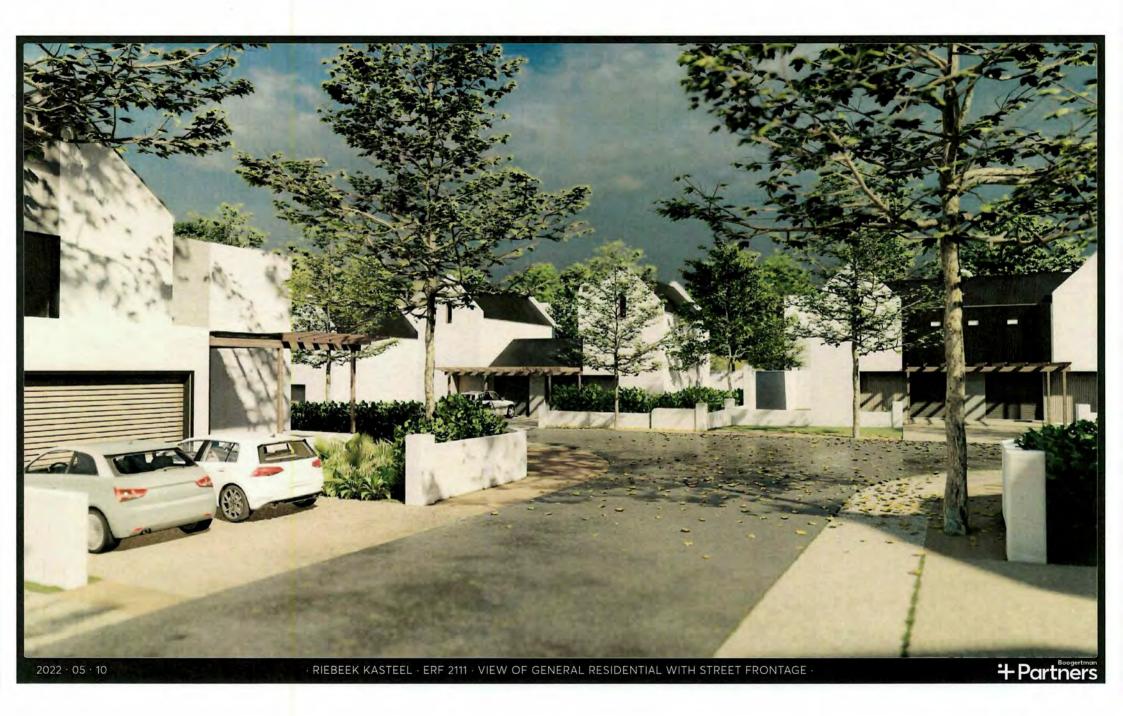


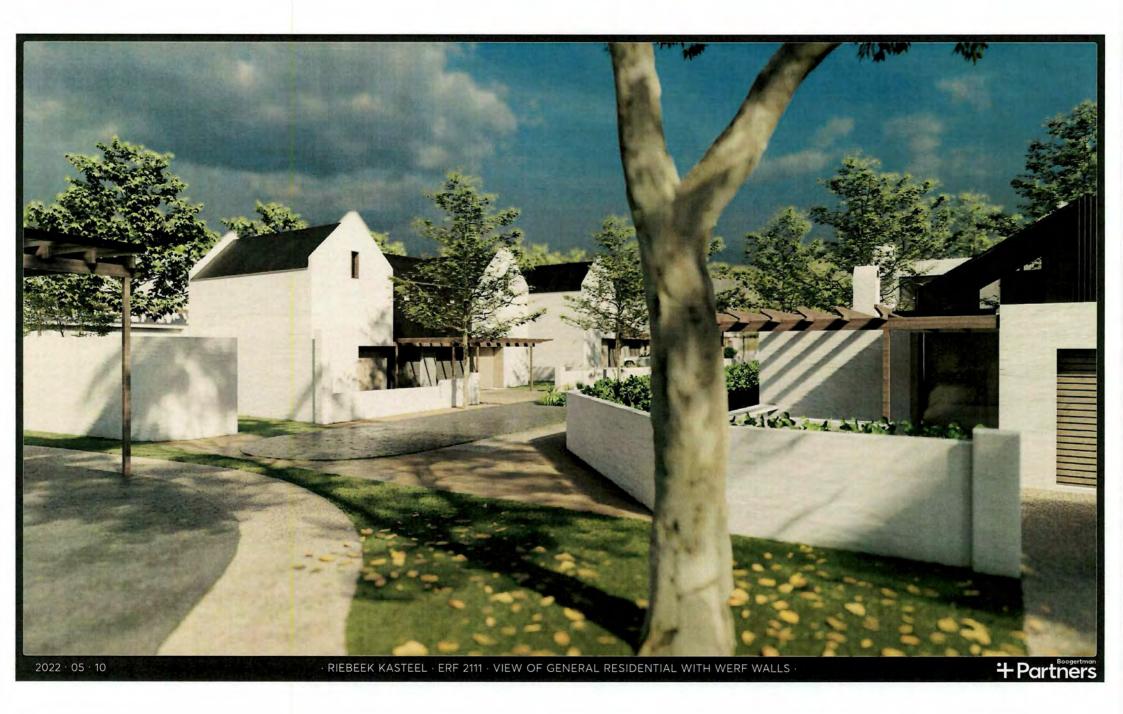






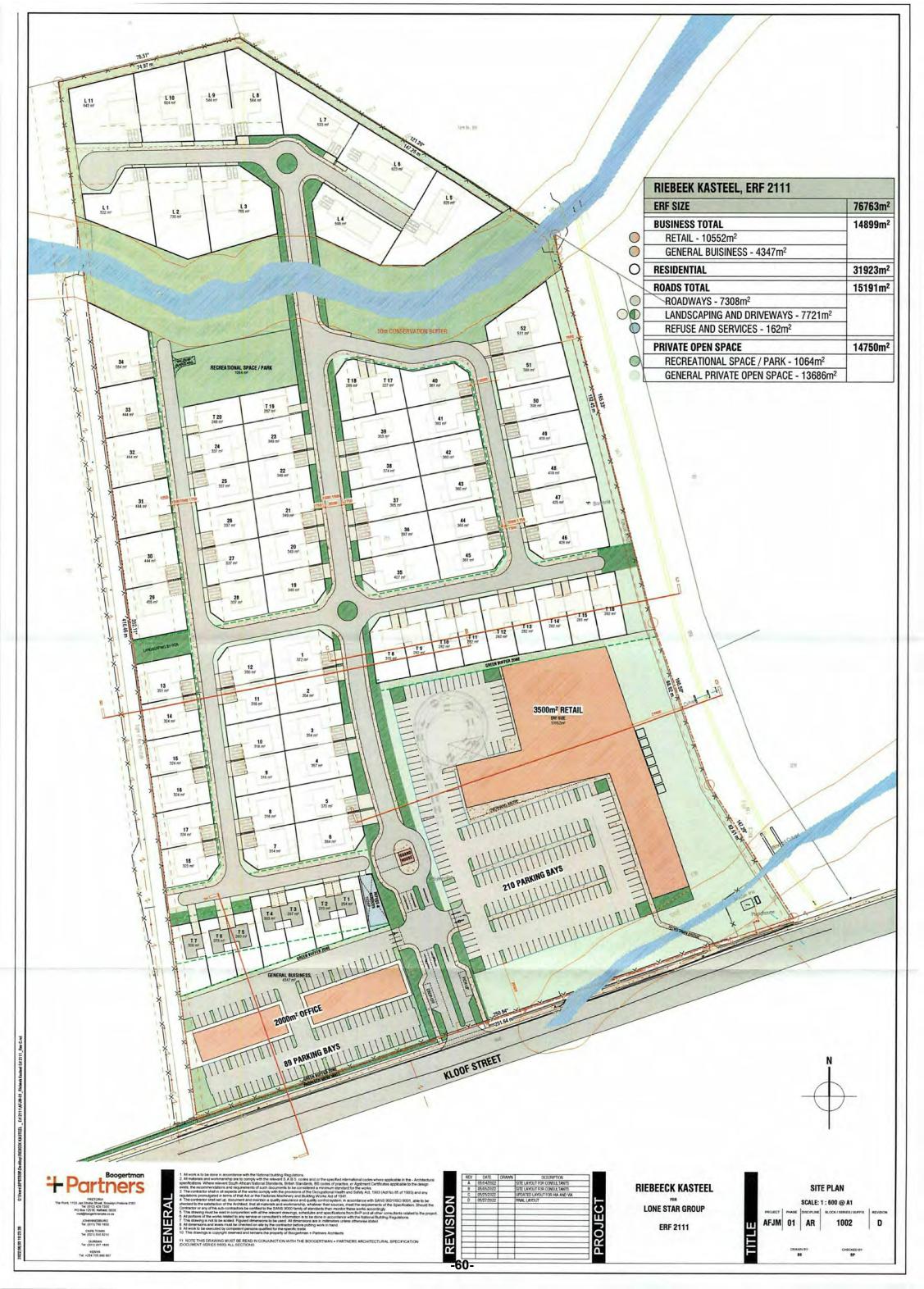


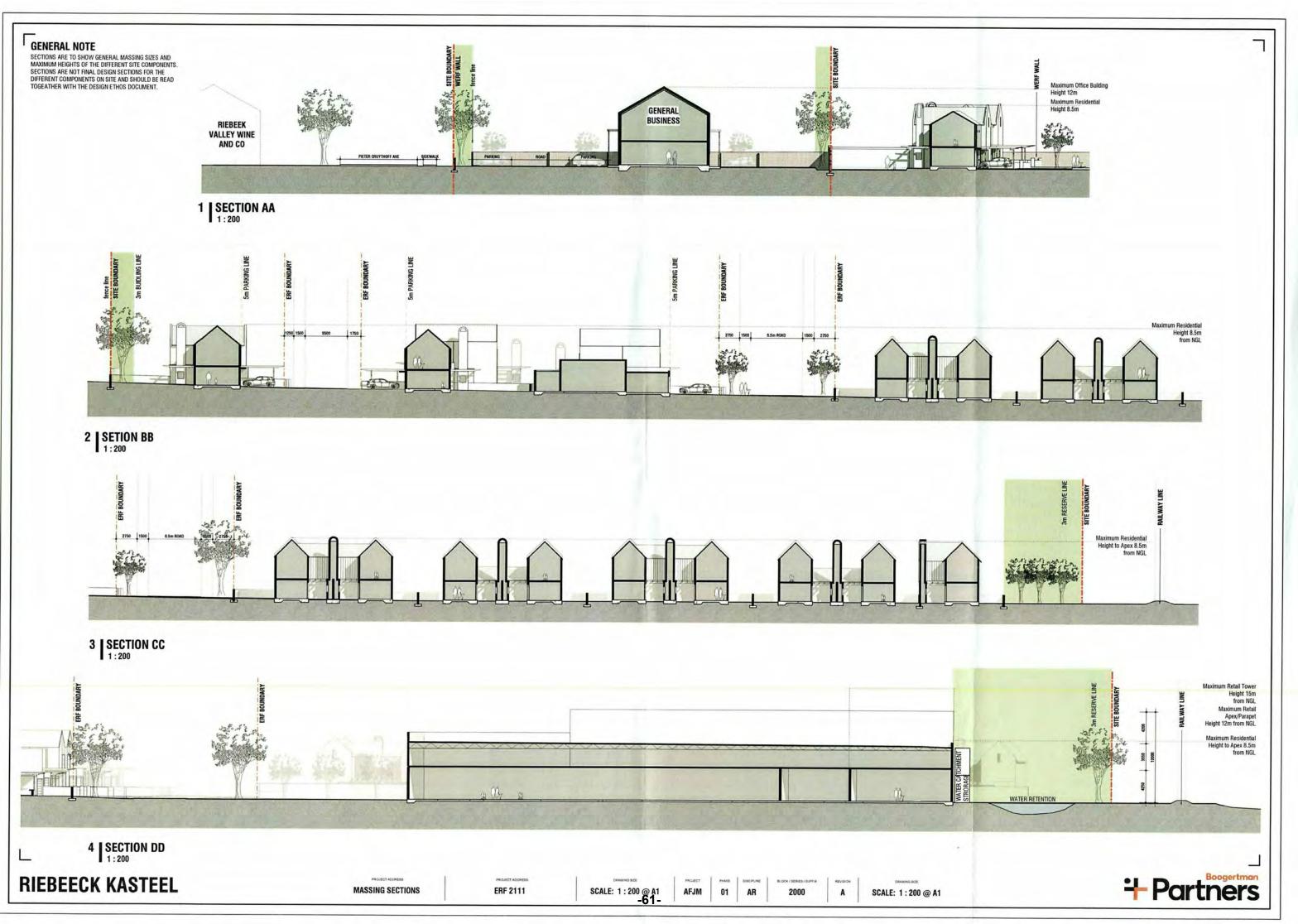














30 May 2022

To Whom It May Concern

Erf 2111 Riebeek Kasteel Landscape Master Plan Motivation

This motivation report must be read in conjunction with the following drawings and documents:

Landscape Master Plan: 22566_LFP_001_A Sections: 22566_S_001_A (Sections 1-6)

1.1 Landscape Analysis: Landscape Design informants, constraints and opportunities

The following section outlines the most important site informants, constraints and opportunities arising from the Landscape Analysis. These were prioritized for consideration in the Landscape Master Plan (LMP):

a) Site Informants

Site informants include characteristics of the site and terrain such as slope, drainage and climatic

- Prevailing wind and site-specific wind conditions are a significant aspect influencing livability.
 The site experiences moderate to strong southerly and south westerly winds in summer and strong north westerly gusting winds in winter.
- Two non-perennial streams / drainage lines run through the property and development set back lines for eco-buffers have been identified and incorporated into the layout.
- There is a non-perennial stream/drainage line running along the southern edge of the site boundary. Due to the topography of the site, runoff is not extremely high and drainage potential is affected by the soil and geology type.
- The natural soil profile at the site comprises of a dry nature and consists of Sandstone and Shale soils, Oakleaf and Dundee alluvial soil from the sediment of die Berg River and Glenrosa and/or Mispah soil forms from underlying shale along the Kasteelberg Mountain. Lime is rare or absent in upland soils but generally present in low-lying soils.
- Drought conditions and local policy require the use of non-potable water for landscape irrigation purposes.
- Existing vegetation on site is sparse and heavily impacted by agricultural activities. There are
 no remnant stands of natural vegetation mapped or observed on site. However, some riverine
 shrub vegetation species are situated along the watercourse bisecting the site. Open land is
 grown densely with grass, weeds and other pioneer species.
- The natural vegetation type is Swartland Shale Renosterveld. This is an evergreen shrubland which mainly comprises species in the daisy family with a wealth of grasses, annuals, herbaceous perennials, and an extraordinary array of geophytes.

; 021 8581582 Email: rene@viridian.co.za www.viridian.co.za 72 Tredonne Estate, Old Sir Lowry's Road, Sir Lowry's Pass Village Viridian Consulting (Pty) Ltd 2006/026753/07 Director: Rene Brett: BL Arch MCPUD (SACLAP20122)

 No significant form of trees are found on site besides the trees planted along streetscapes and private properties around the site.

b) Visual Heritage and landuse context

Although located in an agricultural area, the visual and cultural character holds a strong sense
of place with a rich and active streetscape and a strong language of tree planting patterns,
landscaped gardens and verges making it hospitable for the public realm.

c) Development Constraints

- The environmental assessment recommends a 10m conservation buffer zone, measured from the edge of the water body/water course for fencing or other structures.
- From a heritage perspective, acknowledging sense of place in this agricultural landscape, panoramic views and vistas should be preserved over the rural landscape.
- Site boundaries should be treated with sensitivity to the rural characteristics of the town.

1.2 Structuring Landscape Elements

- Response to Development Constraints: Visual and aesthetic recommendations as per specialist reports and local policy, preservation of vistas and panoramic views, 10m water course conservation buffer zone etc.;
- The street layout creates visual connections not only internally to the development but connects the development to the greater landscape and specifically the landmark of the mountain which is the dominant element providing identity to this landscape.
- Tree planting and vegetation structure & pattern: The existing tree planting and vegetation pattern in the village of Riebeek Kasteel reflect a pattern of private properties with dwellings positioned in a variety of ways in relation to the property boundaries and street edges. In some cases dwellings are very close to the street boundary and in others the structures are set further back, however a distinct vegetated edge along the street is a consistent feature. Small trees and hedges line the property boundaries and provide a very consistent green vertical edge to the streets.
- Although there is no distinct pattern of formal tree avenues in Riebeek Kasteel, a series of formal deciduous tree avenues are proposed to form the main pedestrian structuring element for this development. The interface with Kloof Street is a low werf wall and a Plane Tree Avenue planted just inside the werf wall on the development erf. A double Plane tree avenue is proposed for the main access road into the development. A Plane tree Avenue also lines the pedestrian walkway forming the edge of the river open space. The flat topography of the site lends itself to a strong tree planting structure as a primary placemaking element. The tree avenues make provision for primary and secondary windbreaks, boundary screening and view-framing, climate- regulation, shading, legibility and landscape character as well as ecological services;
- Provision of open space and recreational space: well defined street verges and parking areas integrate with the open space provision, ensuring most efficient use of the streetscape; A

neighborhood recreational space with intimate relationship to the residential housing as well as good exposure and visibility from the adjacent streets to maximize safety, efficiency and ease of management in the long-term; The park can be seen as an extension of the stream buffer open space and together the spaces provide a strong visual connection to the mountain from within the development.

- Pedestrian movement and safety: provision for easy circulation along streets, safe crossings
 and traffic-calming measures included in road and walkway surfacing; there is a proposal for a
 jogging-track that encircles a substantial part of development, linking the road-side pedestrian
 movement routes through a network of informal pathways through the "corridors" and along
 the stream buffer areas proposed in the layout;
- Stormwater integration and sustainable water management practices acts as an important
 aspect of the landscape proposal. Storm water attenuation ponds are integrated into the into
 open space set aside to accommodate the stream buffers. Vegetation in these spaces
 respond to the natural vegetation type typically found on the site and is intended to be
 managed largely as a "natural" area with no irrigation other than to help establish the planting
 and long term to keep irrigating the tree groups and avenues.
- Irrigation water source must be a non-potable long term sustainable supply. Rain water
 harvesting is one of the main strategies and large building roof surfaces from the proposed
 retail development will be utilized for rain water harvesting with common rain water storage
 tanks located in the open space between the railway and the retail site. Bore hole water will
 add to the rainwater storage and will provide a year round supply.

1.3 Landscape Design Vision

A residential and commercial development with a visual aesthetic and landscape character of a Swartland dorp within an agricultural context. The vision is for a development that is generous in its provision of open space yet retains an intimate character in the pedestrian friendly streetscapes and one that echo's the sense of place of the greater Riebeek Kasteel. It also integrates the service infrastructure of the overall development with the landscape functionally and spatially and displays sensitivity to its context alongside the Riebeek Kasteel "Bo-dorp" and "Onder-dorp".

We trust that the above and attached drawings illustrate the landscape design intent and how this integrates with the development layout and the design indicators derived from the site analysis and comments from the specialists regarding heritage and visual impacts.

Please do not hesitate to contact the writer with any queries or request for further information or comment on the proposals.

Yours faithfully

René Maria Brett Pr LArch SACLAP 20122

Director: Viridian Consulting (Pty) Ltd



PLANT LIST

Boulevard Trees: planted along boulevard and fence lines @ 7.5m c/c Platanus × acerifolia

Street Trees: Ekebergia capensis Harpephullum caffrum Olea africana Fruit trees

Open Space, Park and Stream Edges: Celtis africana Ekebergia capensis Harpephullum caffrum Olea africana

Sidewalk Planting:
Drosanthemum floribundum
Drosanthemum hispidum
Lampranthus aureus
Ruschia rigens
Othonna capensis
Cotyledon orbiculata
Senecio mandraliscae/ficoides

Plants for rehabilitation and revegetation (outside the 10m setback / river buffer zone):

Proposed trees: Olea europaea subsp. africana Ficus natalensis (feature tree) Erythrina caffra (feature tree)

Lawn: Cynodon dactylon

Plants for rehabilitation and revegetation (inside the 10m setback / river buffer zone):

Proposed trees:

Olea europaea subsp. africana

Proposed shrubs:

Cliffortia odorata
Pennisetum macrourum
Isolepis prolifer
Cyperus textilis
Juncus effuses
Bolboschoenus maritimus
Carex clavata
Zantedeschia aethiopica

NOTES Irrigation:

Water supply will be non-potable ground water-source from borehole as well as rain water harvesting from suitable residential and commercial buildings.

All components of the irrigation system will comply with SABS standards where applicable and will be installed to SABI (Suid Afrikaanse Besproeiings Instituut) specifications.

The irrigation system is to be designed and supplied by a qualified service provider affiliated with SABI.

Before installation it is the responsibility of the contractor to measure the pressure and flow of the available water points and ensure it is sufficient for the proposed irrigation design.

Trees:

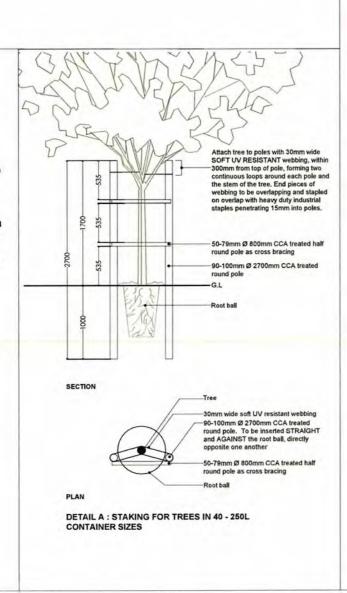
All trees will be irrigated until fully established. Irrigation water source will be non-potable ground water-source from borehole as well as rain water harvesting from suitable residential and commercial buildings.

Maintenance:

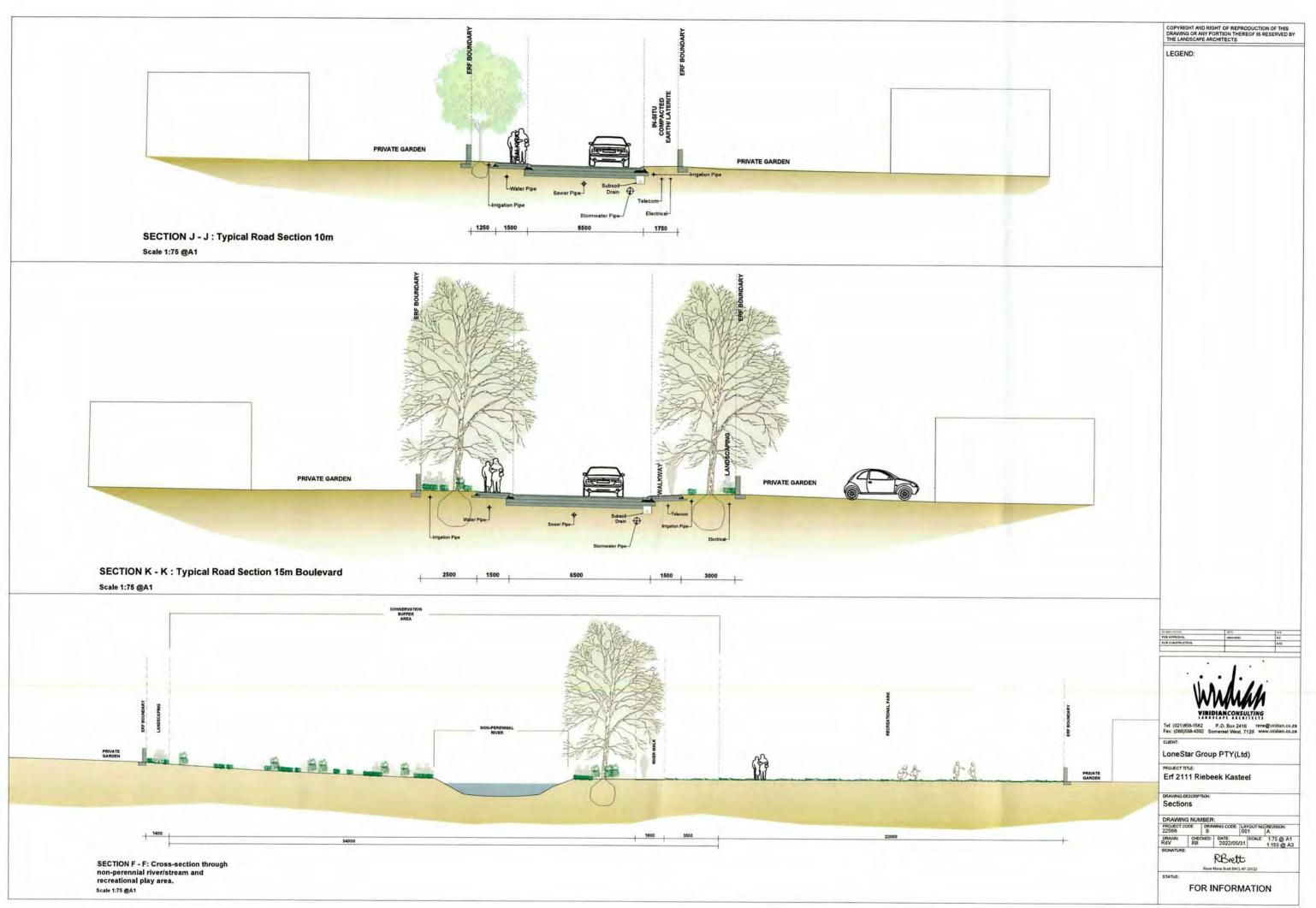
Maintenance and irrigation of all residential property landscaped areas to remain the responsibility of the property owner. In common areas, maintenance and irrigation of all landscaped areas to remain the responsibility of the Property Owners Association.

Existing trees:

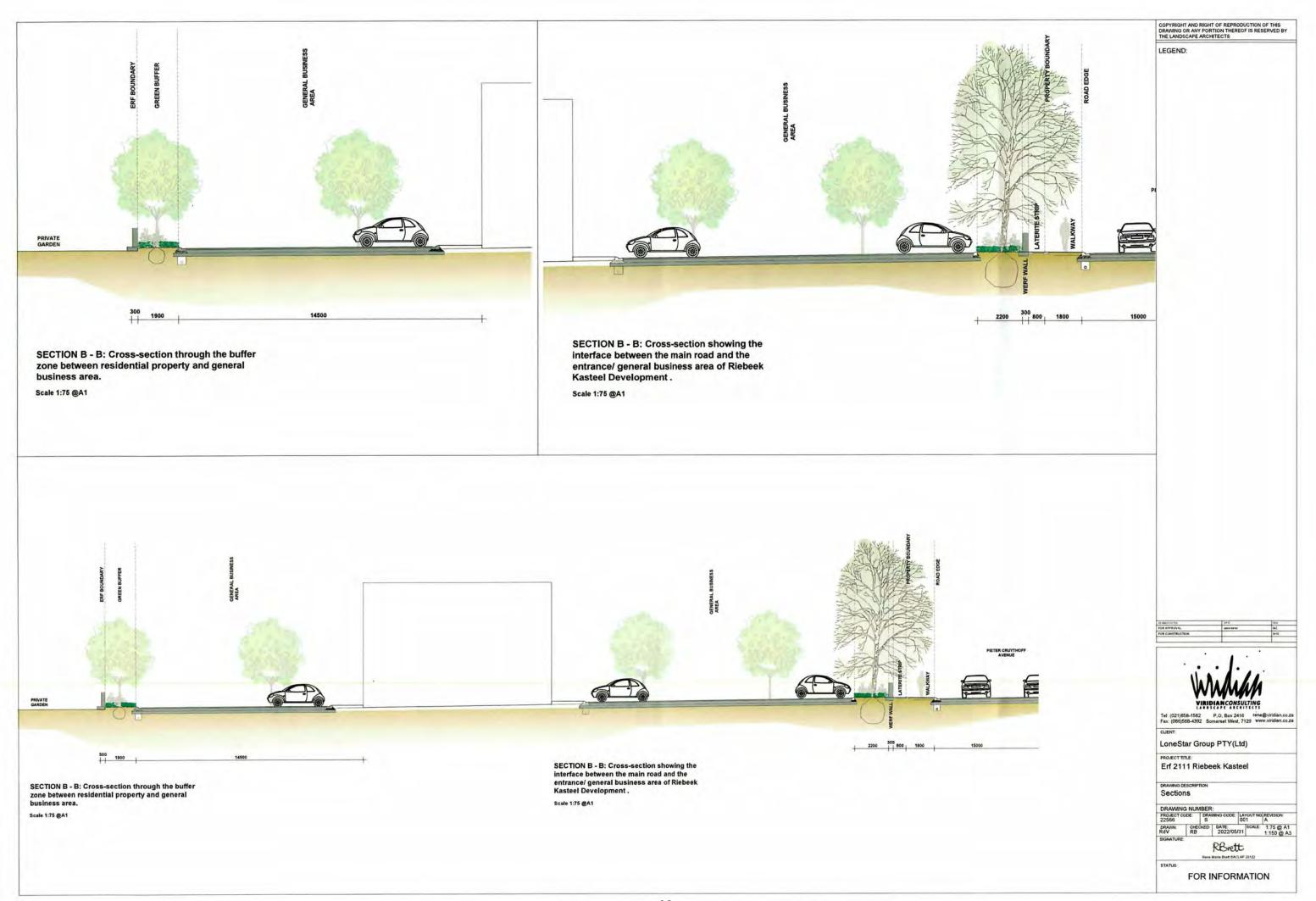
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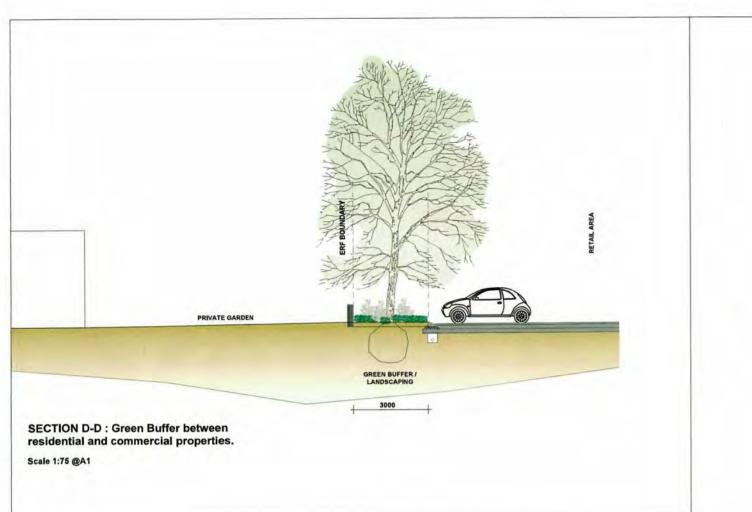


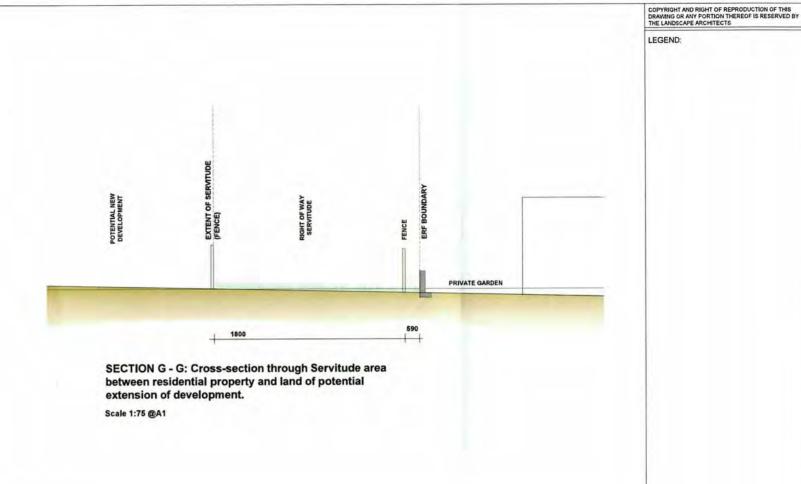


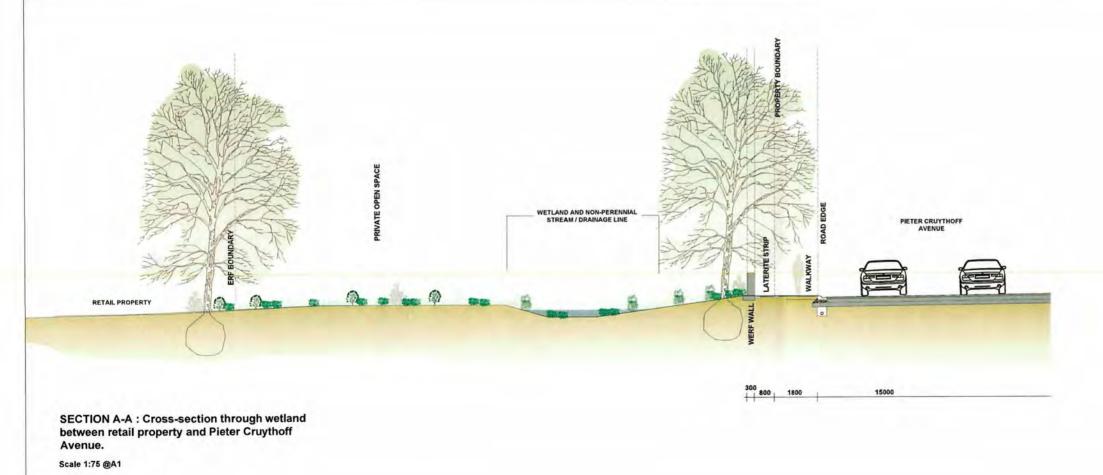


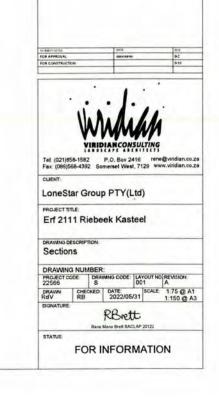




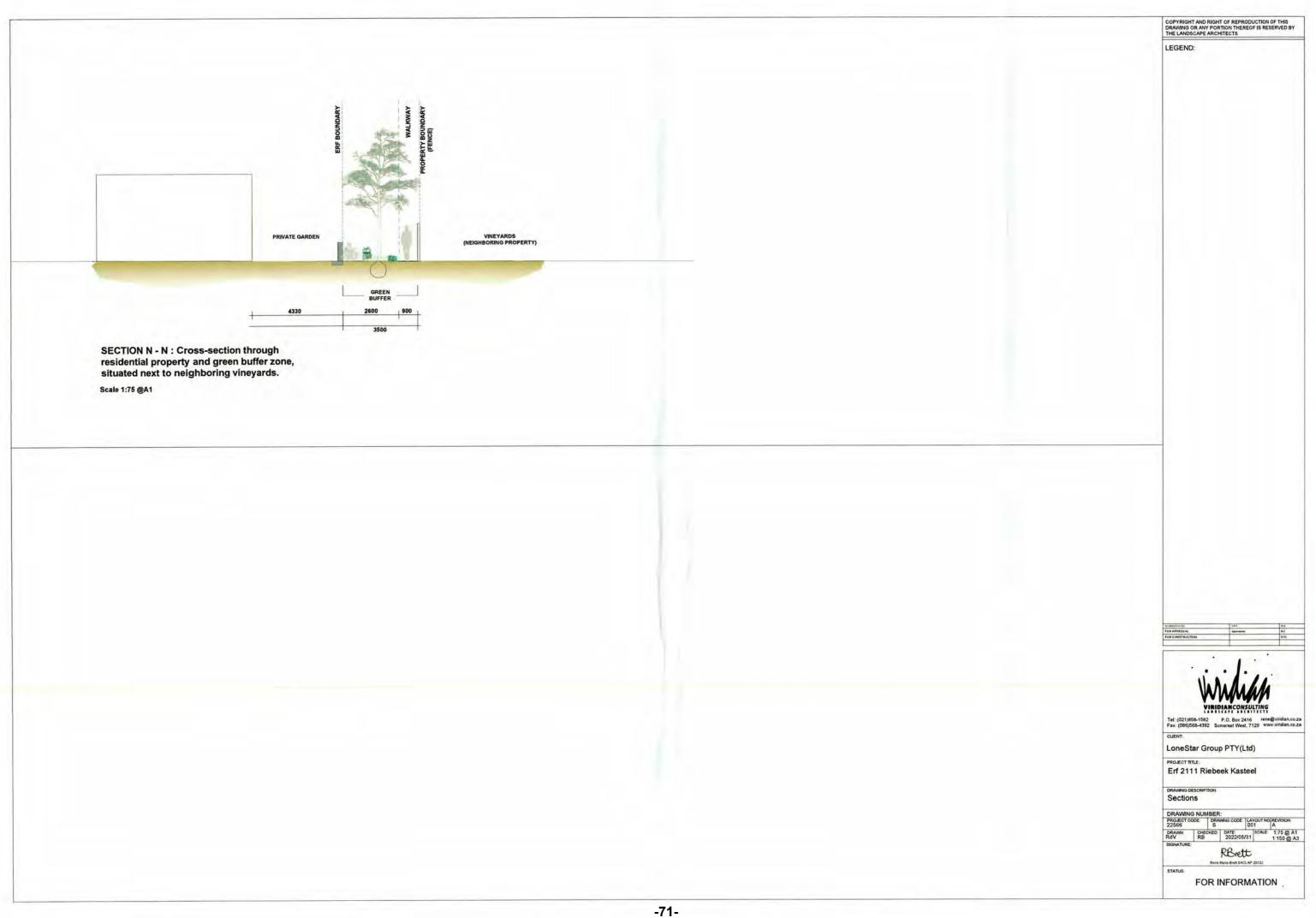














2 March 2022

Director: Civil Engineering Services Swartland Municipality Private Bag X52 MALMESBURY 7299

Attention: Mr Johan Venter

Dear Sir,

PROPOSED MIXED-USE DEVELOPMENT ON ERF 2111, RIEBEEK KASTEEL: IMPACT AND CAPACITY ANALYSIS ON THE WCDM BULK WATER SUPPLY SYSTEM

The request for GLS Consulting (Pty) Ltd to investigate and comment on the impact and capacity of the WCDM bulk water system to supply bulk water to the proposed mixed-use development on Erf 2111, Riebeek Kasteel, within the Swartland Municipality (SM) refers.

This document should inter alia be read in conjunction with the Swartland Bulk Water Master Plan (performed for SM, dated December 2021).

1. EXTENT OF DEVELOPMENT

The total annual average daily demand (AADD) required for the development was calculated as follows:

| 73 Residential units @ 0,6 kL/d/unit | = | 43,8 kL/d |
|---|---|------------|
| 1,7 ha Business/commercial area @15 kL/d/ha | = | 25,5 kL/d |
| 6 500 m ² GLA Business/commercial precincts @ 0,4 kL/d/100m ² | = | 26,0 kL/d |
| 40 Flats @ 0,45 kL/d | = | 18,0 kL/d |
| Total | = | 113.3 kL/d |

The proposed development in Riebeek Kasteel is supplied with water from the Riebeek Kasteel reservoirs. The Riebeek Kasteel reservoirs are supplied with water from the WCDM's bulk water system through meter no. D4. The location of the WCDM meter no. D4 is shown on Figure 1 attached.

The present AADD recorded at the WCDM meter supplying water to Riebeek Kasteel (meter no. D4) was 679,3 kL/d for the 12 months from March 2020 to February 2021. We confirm that the increase in water demand due to the proposed development will be in accordance with that allowed for in the water master plan.

2. WATER SYSTEM

2.1 Distribution system

The development is supplied from the SM's Riebeek Kasteel reservoirs in Riebeek Kasteel. The Riebeek Kasteel reservoirs are supplied with water through meter no. D4 on the WCDM bulk supply system.

GLS Consulting (Pty) Ltd

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The impact of the proposed development on the existing infrastructure of SM downstream of meter no. D4 is discussed in a separate report, addressed to SM, dated 2 March 2022.

2.2 Reservoir capacity

Meter no. D4 is connected to a 100 mm Ø WCDM pipeline supplied from the so called "D-line" between the Kasteelberg reservoirs (in Ongegund) and Riebeek Kasteel.

The impact of the proposed development on the supply capacity of the Kasteelberg reservoirs is relatively insignificant (water demand of proposed development is less than 1% of the reservoir storage capacity) in relation to the storage volume of 18,1 ML for the reservoirs.

2.3 Bulk supply

The SM reservoirs in Riebeek West are supplied with bulk water from the Swartland Water Treatment Plant (WTP) next to the Voëlvlei dam.

From the Swartland WTP water is pumped to the Kasteelberg reservoirs through a 525 mm Ø rising main, and from the Kasteelberg reservoirs water gravitates through the so called D-line to the Riebeek West reservoirs in Riebeek West, The Riebeek Prison reservoir between Riebeek West and Riebeek Kasteel and the Riebeek Kasteel reservoirs in Riebeek Kasteel.

The 525 mm rising main to the Kasteelberg reservoirs from the Swartland WTP is not significantly impacted by the development. The flow to the development is less than 1% of the flow in the rising main for the demand of 9,9 kL/d for the development.

It should however be noted that this pipeline supplies more than 96% of the total water demand of the Swartland bulk water system and the risk associated with failure on the line or the pump station is significant. It was therefore proposed in the water master plan for WCDM that the pipeline between the Swartland WTP and the Kasteelberg reservoirs should be reinforced with a parallel 600 mm Ø rising main (project S1 in the master plan) in order to improve the redundancy of the overall system. A large section of this pipeline has already been constructed.

The D-line between the Kasteelberg reservoirs and the Riebeek Kasteel reservoirs consists of a 200 mm Ø pipe between the Kasteelberg reservoirs and Riebeek West and a 150 mm Ø pipe between Riebeek West and Riebeek Kasteel. In Riebeek Kasteel another 100 mm Ø pipe supplies water from the 150 mm Ø D-line to the Riebeek Kasteel reservoirs, as shown on Figure 1.

The existing 200 mm Ø and 150 mm Ø D-line between the Kasteelberg reservoirs and Riebeek Kasteel has sufficient capacity to accommodate the proposed development. The 100 mm Ø supply pipe from the D-line supplying water to the Riebeek Kasteel reservoirs is however at capacity and requires upgrading (project S4 in the master plan) in order to accommodate any additional developments in Riebeek Kasteel.

2.4 Implementation of the master plan

2.4.1 Short term requirements (0 - 5 years)

The following master plan item is required in order to augment capacity and conveyance within the existing Riebeek Kasteel bulk supply system in order to accommodate the proposed development, as indicated on Figure 1 attached:

Bulk supply upgrade (Required)

S2.4 : 390 m x 200 mm Ø bulk pipe to install
 R 780 000 *

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2021/22 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

Take note that the routes of the proposed pipeline are schematically shown on Figure 1 attached, but have to be finalised subsequent to a detailed pipeline route investigation.

2.4.2 Medium term requirements (5 - 10 years)

500

00E/8M

Monthly demand

Medium govith (a) 3.1mi

During January 2022 GLS performed a detailed analysis for SM to prioritize bulk water infrastructure upgrades required in Malmesbury, Darling, Riebeek Kasteel, Riebeek West, at the Swartland WTP and between the Swartland WTP and Kasteelberg reservoirs. For the analysis a growth rate of 2.5% was applied on the maximum historical water demand (base demand) from July 2020 (base date) onwards. The assumption was made that the suppressed demand that is experienced since the end of the drought, will return to normal over a 10 year period.

Based on these assumptions, it is estimated that:

- The 200 mm Ø section of the D-line between the Kasteelberg reservoirs and Riebeek West will reached capacity at 2028 (6 years).
- the 150 mm Ø section of the D-line between the Kasteelberg reservoirs and Riebeek Kasteel will reached capacity at 2026 (4 years), and
- the 525 mm Ø section of the C-line between the Swartland WTP and the Kasteelberg reservoirs will reached capacity at 2032 (10 years).

The detail analysis for each line is shown in Figures W3 to W5 below:

200 mm Ø section of the D-line between the Kasteelberg reservoirs and Riebeek West

(200 mm Ø D-line to Riebeek West)

4 500
4 000
3 500

(p) 2 500

Pure 2 000

Figure W3: Projected water demand (200 mm Ø D-line to Riebeek West)

Master plan item S2.1 (new 315 mm Ø pipe) is proposed in the Swartland Bulk Water Master Plan when the existing 200 mm Ø pipe reaches capacity, as shown on Figure 1 attached.

- Peak demand

(modefled)

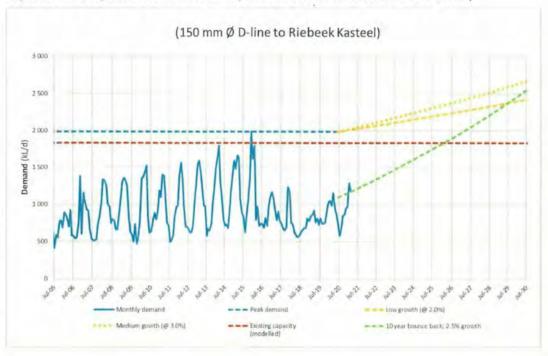
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Low growth (# 2.0%)

- 10 year bounce back, 2.5% growth

150 mm Ø section of the D-line between Riebeek West and Riebeek Kasteel

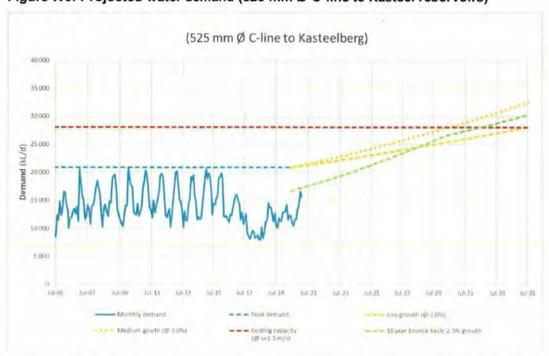
Figure W4: Projected water demand (150 mm Ø D-line to Riebeek Kasteel)



Master plan item S2.2 (new 250 mm Ø pipe) is proposed in the Swartland Bulk Water Master Plan when the existing 150 mm Ø pipe reaches capacity, as shown on Figure 1 attached.

525 mm Ø section of the C-line between Swartland WTP and Kasteel reservoirs

Figure W5: Projected water demand (525 mm Ø C-line to Kasteel reservoirs)



Master plan item S1.1 (parallel 600 mm Ø pipe) is proposed in the Swartland Bulk Water Master Plan when the existing 525 mm Ø pipe reaches capacity, as shown on Figure 1 attached.

2.5 Water treatment capacity

The Swartland WTP supplies water to the Swartland system and has a current treatment capacity of 29,10 ML/d.

The recorded AADD treated at the Swartland WTP during the 2020/21 financial year was ± 15,71 ML/d.

Monthly flow measurements of bulk water treated at the Swartland WTP from July 2003 to June 2021 indicates that the peak monthly demand for the Swartland WTP is 1,26 times the AADD and experienced in the month of February.

With a calculated ratio of peak week demand to peak month demand of 1.158, the current peak week demand for the Swartland WTP can be calculated as follows:

Peak week factor (PWF) = Peak month factor (PMF) x 1,158

 $= 1,26 \times 1,158$

= 1,46

Peak weekly flow = AADD x PWF

 $= 15,71 \text{ ML/d} \times 1,46$

= 22,94 ML/d

The Swartland WTP therefore has sufficient spare capacity available to accommodate an additional water demand with an AADD of 4,22 ML/d (peak weekly demand of 6,16 ML/d). The peak week demand should however be verified by the WCDM.

The detailed analysis on the capacity of the Swartland WTP (performed for SM in January 2022) showed that the WTP could reached capacity in 2030 (8 years), as shown in Figure W6 below:

Figure W6: Projected water demand (Swartland WTP)



2.6 Permitted water allocation

The WCDM is the bulk Water Service Provider (WSP) for the Bergrivier, Swartland and Saldanha Bay Local Municipalities who are the Water Service Authorities (WSA) for their areas of jurisdiction. They are all part of the Western Cape Water Supply System (WCWSS). The WCDM holds the water use license on behalf of the Local Municipalities. The current allocation from the WCWSS to the Swartland system is 8 200 ML/a (7 900 ML/a allocated to SLM and 300 ML/a allocated to the Drakenstein LM respectively).

The recorded raw water abstraction during the 2020/21 financial year from the Voëlvlei dam for the Swartland system was ± 5 866 143 kL, which is less than the current allocation. The current water allocation from the Voëlvlei dam to WCDM is therefore sufficient to accommodate the proposed development.

It should however be noted that the region is coming out of a severe drought and water demand is lower than normal.

3. CONCLUSION

The impact of the proposed development on the Swartland bulk water system infrastructure is considered to be relatively small and it contributes insignificantly to the growth in water demand for the system as a whole (the abstraction is less than 1% of the total peak day flow in the future model)

The existing 525 mm Ø WCDM's so called "C-line" running from the Swartland WTP to the Kasteelberg reservoirs and the 200/150 mm Ø so called "D-line" between the Kasteelberg reservoirs and Riebeek Kasteel Have sufficient capacity to accommodate the proposed development. Upgrading of these pipes are however proposed in the bulk water master plan for the medium term (5 to 10 years' time).

The existing 100 mm Ø supply pipeline from the 150 mm D-line in Riebeek Kasteel to the Riebeek Kasteel reservoirs is however at capacity and requires upgrading in order to accommodate any additional developments in Riebeek Kasteel. No other upgrading to the WCDM system is required as a direct result of the development.

Based on the current water demand of the Swartland bulk water system the Swartland WTP has sufficient capacity to accommodate the proposed development in the existing system.

For the 2020/21 financial year the water demand of 5 866 ML for the Swartland system was less than the permitted water demand of 8 200 ML/year.

We trust that you find this of value.

Yours sincerely

GLS CONSULTING (PTY) LTD REG. NO.: 2007/003039/07

Per: PC DU PLESSIS

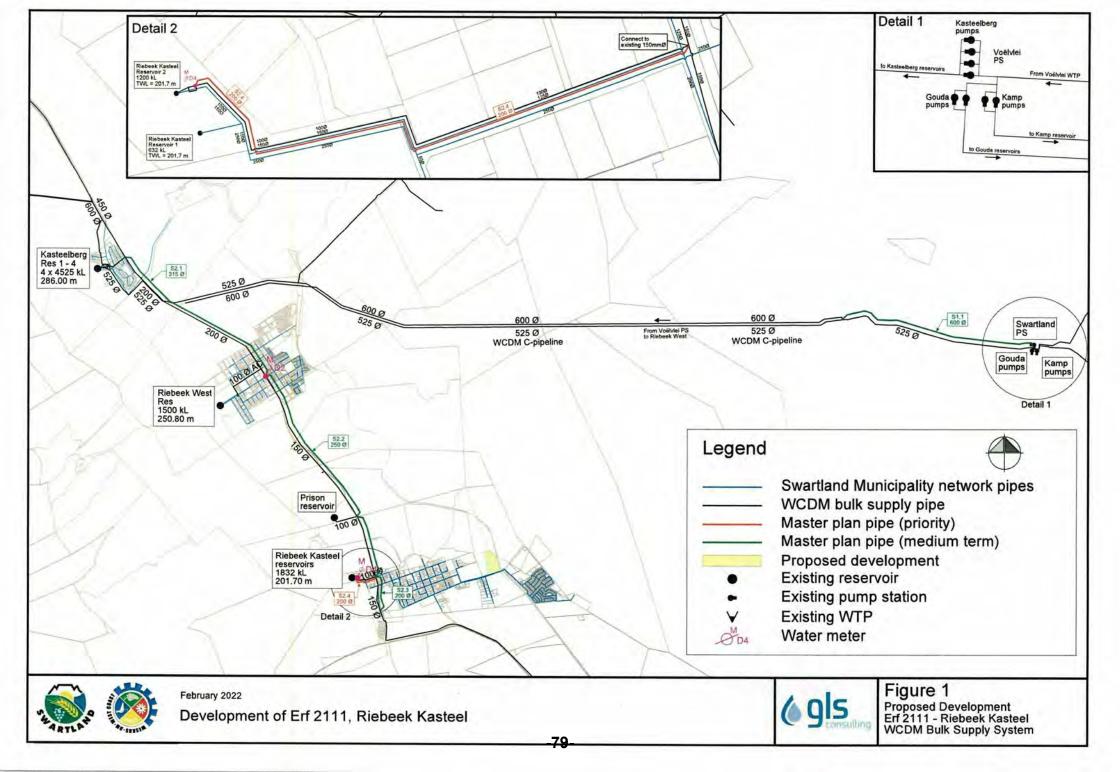
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cc. The Director Technical Services
West Coast District Municipality (WCDM)
P. O. Box 242
Moorreesburg
7310

Attention: Mr Michiel Visser

CK Rumboll & Partners P. O. Box 122 MALMESBURY 7300

Attention: Mr Nical Grobbelaar





2 March 2022

The Manager : Civil Engineering Services Swartland Municipality Private Bag X52 MALMESBURY 7299

Attention: Mr Johan Venter

Dear Sir.

PROPOSED MIXED-USE DEVELOPMENT ON ERF 2111, RIEBEEK KASTEEL : CAPACITY ANALYSIS OF THE BULK WATER AND SEWER SERVICES

The request by Mr Nical Grobbelaar of CK Rumboll & Partners for GLS Consulting to investigate and comment on the bulk water supply and sewer discharge of the proposed development (mixed-use development on Erf 2111, Riebeek Kasteel), refers.

This document should inter alia be read in conjunction with the Water Master Plan (performed for the Swartland Municipality) dated June 2020 and the Sewer Master Plan dated June 2020.

We can confirm that the proposed development was conceptually taken into consideration as a portion of future development area RK_12 for the June 2020 master plans of the water and sewer networks.

1. WATER DISTRIBUTION SYSTEM

1.1 Distribution zone

The master plan indicated that the proposed development should be accommodated in the existing Riebeek Kasteel PRV no. 2 zone. The proposed connection to the existing water system is to the 200 mm Ø water pipe in Kloof Street, as shown on Figure 2 attached.

The development is situated inside the water priority area.

1.2 Water demand

The original water analysis for the master plan was performed with a total annual average daily demand (AADD) of 115,1 kL/d for the development area (portion of future development area RK_12).

For this re-analysis, the AADD and fire flow requirements for the proposed development were calculated and classified as follows:

73 Residential units @ 0,6 kL/d/unit
 1,7 ha Business/commercial area @15 kL/d/ha
 6 500 m² GLA Business/commercial precincts @ 0,4 kL/d/100m²
 43,8 kL/d
 25,5 kL/d
 26,0 kL/d
 40 Flats @ 0,45 kL/d

Total = 113,3 kL/d

= 25 L/s @ 10 m

Fire flow criteria (Moderate risk)

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1.3. Present situation

1.3.1 Reticulation system

The Riebeek Kasteel reservoir zone is supplied with water from the Riebeek Kasteel reservoirs with a Top Water Level (TWL) of 201,7 metres above mean sea level (m a.s.l.). The existing water reticulation system of Riebeek Kasteel has sufficient capacity in order to accommodate the proposed development with sufficient domestic and fire flow supply.

1.3.2 Bulk supply

The Riebeek Kasteel water system is supplied with bulk water from the West Coast District Municipality's (WCDM)) bulk system. Bulk water is conveyed from the Swartland Water Treatment Plant (WTP) to the Kasteelberg reservoirs, from where water is then further distributed through a dedicated 200 mm Ø pipe (to Riebeek West) and 150 mm Ø pipe (from Riebeek West to Riebeek Kasteel).

The analysis of the capacity of the WCDM bulk water system in order to accommodate the proposed development is discussed in a separate report, addressed to WCDM, dated 2 March 2022.

1.3.2 Reservoir capacity

The criteria for total reservoir volume used in the Swartland Water Master Plan is 48 hours of the AADD (of the reservoir supply zone).

According to the water master plan the Riebeek Kasteel reservoir water supply area has a water demand of approximately 550 kL/d (based on the 2020 Water Master Plan water figures). The capacity of the existing Riebeek Kasteel reservoirs is 1 862 kL, which results in a reservoir storage capacity of 81 hours of the AADD.

The latest water demand readings obtained from WCDM (readings up to February 2021) however indicated that the water demand has increased to 679 kL/d, which results in a current reservoir storage capacity of 66 hours of the AADD supplied.

There is therefore sufficient capacity in the existing Riebeek Kasteel reservoirs to accommodate the proposed development based on the current water demand for the town.

It should however be kept in mind that the region is coming out of a severe drought (the Western Cape Province experienced below normal rainfall for 3 consecutive winters from 2015 to 2017) and that water demand is suppressed. During the 2015/16 financial year (demand prior to the implementation of water restrictions) the rolling 12 month AADD for Riebeek Kasteel peaked at 941 kL/d.

The existing reservoirs are designed to supply an AADD of 930 kL/d and additional reservoir storage capacity will therefore be required to accommodate the proposed development if the water demand for Riebeek Kasteel return to the levels experienced prior to the drought.

Figure W1 below shows the historical water demand for Riebeek Kasteel from 1996 to 2021:

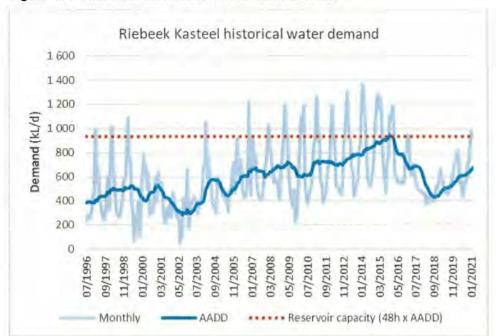


Figure W1: Riebeek Kasteel historical water demand

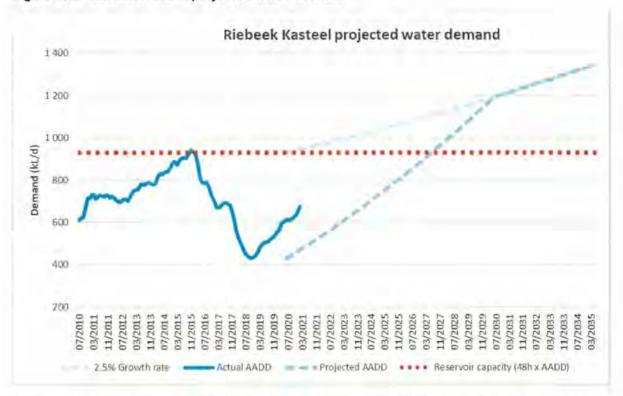
1.4 Water master plan

The existing Riebeek Kasteel reservoirs have capacity to accommodate an AADD of 930 kL/d and it is therefore proposed that additional reservoir storage capacity is implemented by Swartland Municipality when the demand for the town nears 900 kL/d.

During January 2022 GLS performed a detailed analysis for Swartland Municipality to prioritise bulk water infrastructure upgrades required in Malmesbury, Darling, Riebeek Kasteel and Riebeek West. For the analysis a growth rate of 2.5% was applied on the maximum historical water demand (base demand) from July 2020 (base date) onwards. The assumption was made that the suppressed demand that is experienced since the end of the drought, will return to normal over a 10 year period.

Based on these assumptions, it is estimated that the water demand for Riebeek Kasteel will exceed 930 kL/d within the next 5 to 6 years, as shown on Figure W2 below:

Figure W2: Riebeek Kasteel projected water demand



In the water demand projection figure it can however be seen that the current AADD is above the projected demand, and the requirement for additional reservoir storage capacity could therefore potentially be required earlier. This should however be monitored by Swartland Municipality.

The following master plan items will be required to augment reservoir storage capacity for Riebeek Kasteel when the AADD exceeds 930 kL/d:

Bulk supply upgrade

| | SRkW.B1: | 120 m x 250 mm Ø new bulk supply pipe | | = R | 471 000 * |
|---|----------|--|-------|-----|-----------------------------|
| | SRkW.B2: | 150 mm Ø flow control valve | | = R | 316 000 * |
| • | SRkW.B3: | 4,5 ML new reservoir for Riebeek Kasteel (new reservoir site at southern side of town) | | = R | 12 726 000 * |
| • | SRkW2.1: | 400 m x 355 mm Ø new supply pipe | TOTAL | | 1 988 000 * 15 501 000 * |

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2021/22 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

The routes of the proposed pipelines and position of the proposed reservoir are schematically shown on Figure SLW6.5f in the June 2020 water master plan, but have to be finalised subsequent to detail pipeline route and reservoir location investigations.

1.5 Minimum items required

There is sufficient capacity in the existing Riebeek Kasteel water system to accommodate the proposed development on Erf 2111.

Additional reservoir storage capacity will however be required when the AADD for Riebeek Kasteel exceeds 900 kL/d (current demand is 679 kL/d). It is therefore proposed that the demand of the town is monitored by Swartland Municipality and provision is made in the municipal budget in future (when required) to augment reservoir storage capacity for Riebeek Kasteel.

2. SEWER NETWORK

2.1 Drainage area

The master plan indicated that the proposed development should be accommodated in the existing Riebeek Kasteel Main pumping station (PS) sewer drainage area. The proposed connection to the existing sewer system is to the existing 200 mm Ø outfall sewer in Kloof Street, as shown on Figure 4 attached.

The development is inside the sewer priority area.

2.2 Sewer flow

The original sewer analysis for the master plan was performed with a total peak daily dry weather flow (PDDWF) for the proposed development area (portion of future development area RK_12 in the June 2020 sewer master plan) of 80,6 kL/d.

For this re-analysis of the sewer master plan, the PDDWF for the proposed development was calculated as 79,3 kL/d.

2.3 Present situation

2.3.1 Reticulation network

The existing sewer reticulation system has sufficient capacity in order to accommodate the proposed development within the existing Riebeek Kasteel sewer system.

2.3.2 Bulk system

The existing Riebeek Kasteel Main PS, accompanying rising main and the bulk sewer system downstream thereof has recently been upgraded by the Swartland Municipality and have sufficient capacity to accommodate the proposed development within the existing sewer system.

3. CONCLUSION

The developer of the Erf 2111 in Riebeek Kasteel may be liable for the payment of a Development Contribution (as calculated by the Swartland Municipality) for bulk water and sewer infrastructure as per Council Policy.

The water master plan indicated that the proposed development should be accommodated in the existing Riebeek Kasteel PRV no. 2 zone. The proposed connection to the existing water system is to the 200 mm Ø water pipe in Kloof Street.

The existing water reticulation system of Riebeek Kasteel has sufficient capacity in order to accommodate the proposed development with sufficient domestic and fire flow supply.

Additional reservoir storage capacity will however be required when the AADD for Riebeek Kasteel exceeds 900 kL/d (current demand is 679 kL/d). It is therefore proposed that the demand of the town is monitored by Swartland Municipality and provision is made in the municipal budget in future (when required) to augment reservoir storage capacity for Riebeek Kasteel.

The sewer master plan indicated that the proposed development should be accommodated in the existing Riebeek Kasteel Main PS sewer drainage area. The proposed connection to the existing sewer system is to the existing 200 mm Ø outfall sewer in Kloof Street.

The existing bulk and reticulation sewer systems have sufficient capacity in order to accommodate the proposed development in Riebeek Kasteel.

We trust you find this of value.

Yours sincerely,

GLS CONSULTING (PTY) LTD REG. NO.: 2007/003039/07

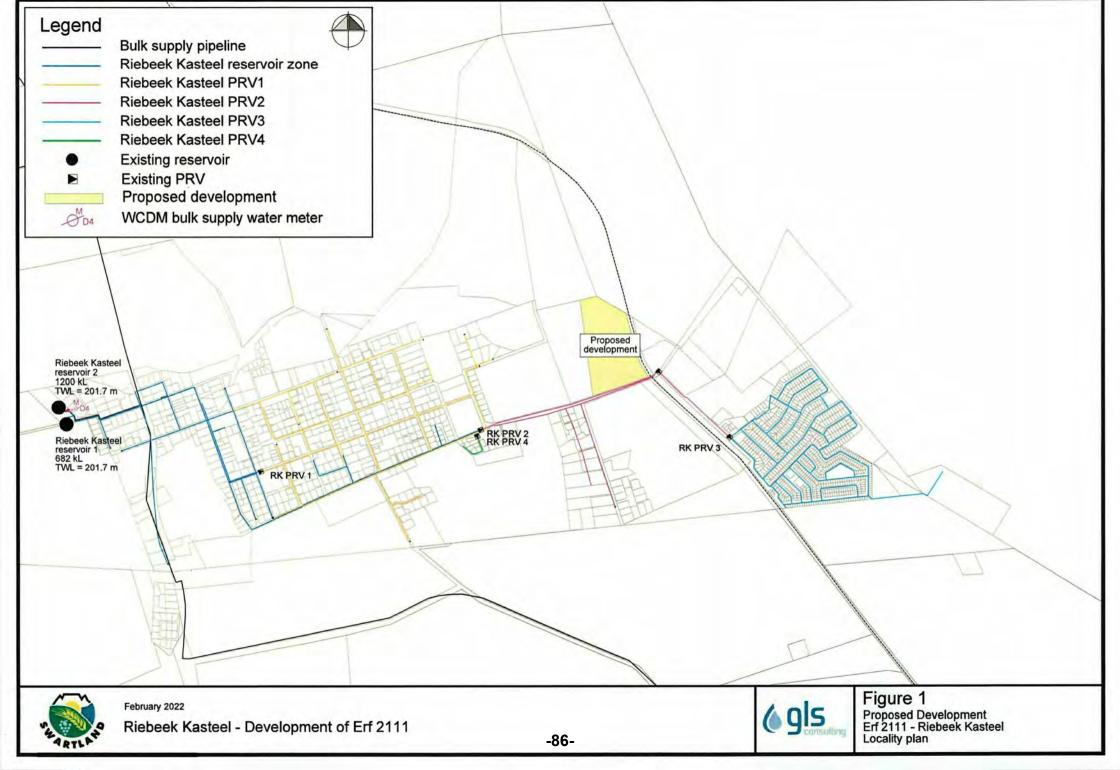
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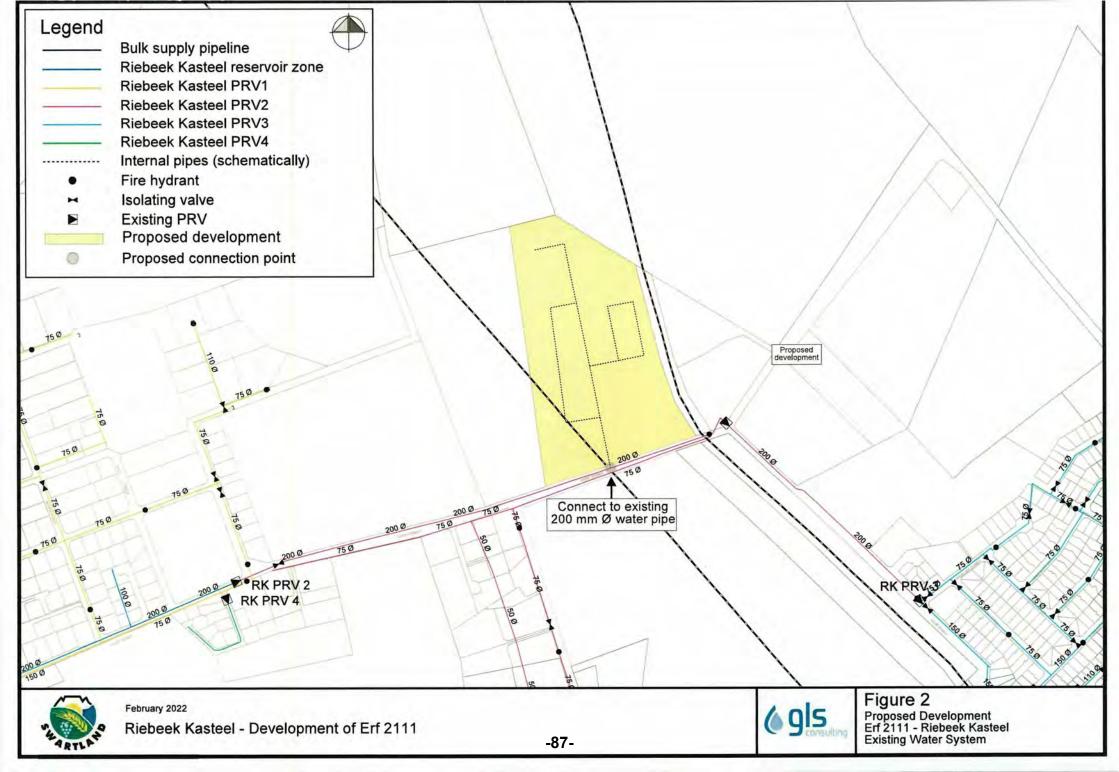
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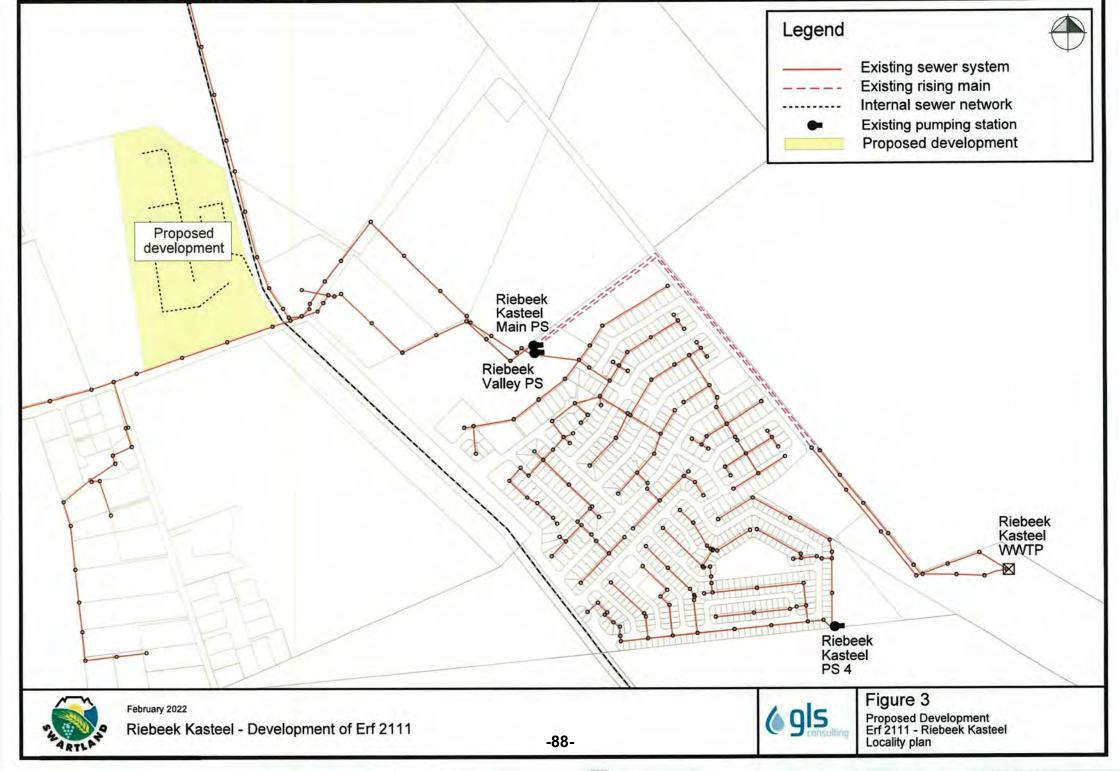
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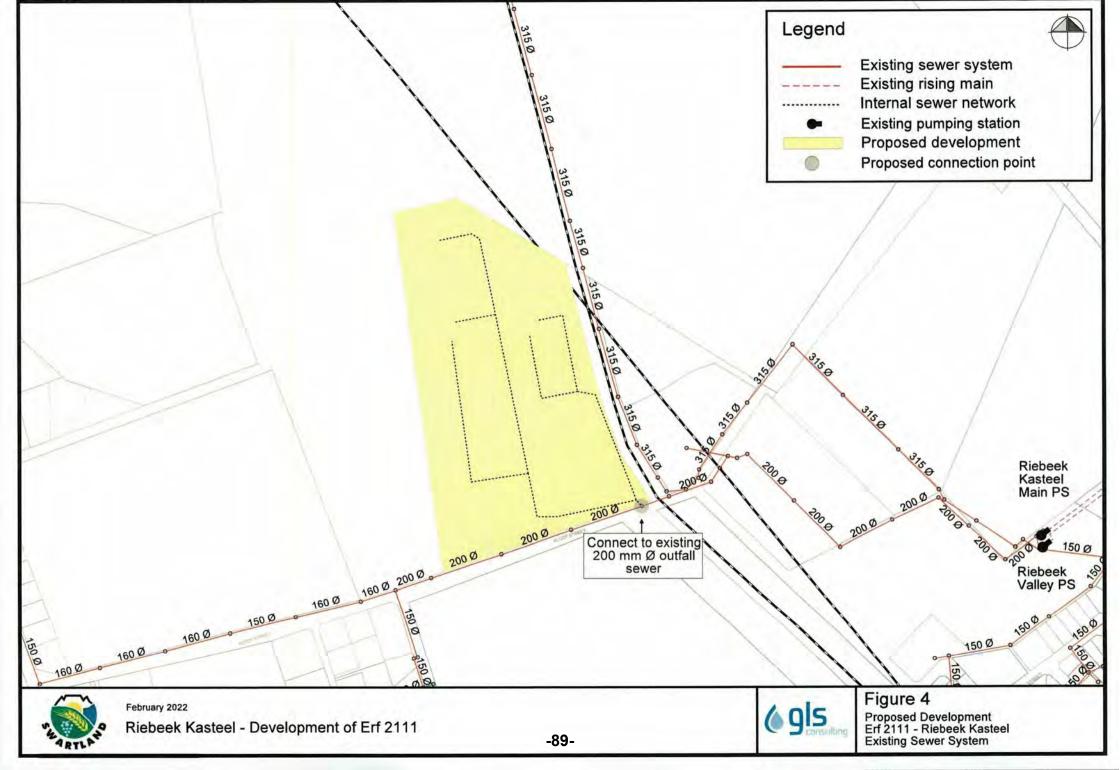
CK Rumboll & Partners P. O. Box 122 MALMESBURY 7300

Attention: Mr Nical Grobbelaar

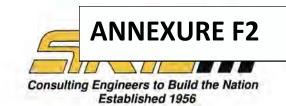








SKCMasakhizwe Engineers (Pty) Ltd



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PO Box 63 Malmesbury 7299 Tel: +27 (22) 487-3017

MALMESBURY

E-mail: skcmsouth@skcm.co.za Web: www.skcm.co.za Offices at Pretoria, Nelspruit, Aliwal North, Paarl, and Mozambique

B-BBEE LEVEL TWO CONTRIBUTOR

Tel: + 27 (21) 871-1422

Our ref:

W2117/3.5-02a

20/05/2022

Attention: Mr. N Grobbelaar

CK Rumboll & Partners 16 Rainier street MALMESBURY 7300

Nical,

Your ref:

SUBDIVISION OF ERF 2111, RIEBEEK KASTEEL: CIVIL SERVICES

The development is situated on Kloof street, opposite the Riebeek West Cellar. The railway line forms the eastern boundary, farmland forms the northern and western boundaries and Kloof street forms the southern boundary.

The development comprises the following:

- a) General Residential Zone 1 Group Housing: 72 erven
- b) General residential Zone 1: 11 erven
- c) Business Zone 1: 2 erven (15 154 m²)

1. DESCRIPTION OF SERVICES

1.1 Roads

1.1.1 Entrance Road

Sturgeon Consulting was commissioned to do a traffic impact assessment. The report, Traffic Impact Assessment for the Proposed Residential and Business Development on Erf 2111, Riebeek Kasteel, dated April 2022, recommends that:

- The site access on Kloof Street (DR1154) should ultimately have two lanes in and one lane out before Phase 2 is completed.
- b) A left turning lane in Kloof Street at the development access before Phase 2 is completed.
- c) All detail designs to be approved by the Road Authority before construction commences.

1.1.2 Internal Roads

The width of the internal roads will vary from 5,5m to 6,0m wide. All roads will be paved with kerbs and storm water catch pits on the lower side of the road. A 1,5m gravel pavement will be constructed on one side of the road only. The development will be a gated development. The roads will be maintained by the body corporate.





1.2 Storm water

A storm water network will be installed in the road reserves. The minimum size stormwater pipe will have a diameter of 375mm. The storm water will discharge into retention ponds. The retention ponds will be designed to limit the post development runoff to the predevelopment volumes. The storm water will flow from the ponds into the storm water channel crossing the property.

The existing channel will be rerouted to accommodate the shopping centre site

1.3 Water network

1.3.1 WCDM Bulk Supply

A capacity analysis was undertaken by GLS Consulting. The report, *Proposed Mixed-Use Development on Er 2111, Riebeek Kasteel: Impact and Capacity Analysis on the WCDM Bulk Water Supply System*, dated March 2022, concludes that:

a) The existing 100mm Ø supply line to be upgraded to a 160mm Ø pipe between the socalled D-line and the Riebeek Kasteel reservoirs.

1.3.2 Municipal Bulk Supply

A capacity analysis was undertaken by GLS Consulting. The report, *Proposed Mixed-Use Development on Erf 2111*, *Riebeek Kasteel: Capacity Analysis of the Bulk Water Services*, dated March 2022, concludes that there is sufficient capacity in the existing Riebeek Kasteel water system to accommodate the proposed development.

1.3.3 Internal Network

The internal water network will connect to the municipal water main in Kloof Street. The internal network will consist of HDPE water pipes, as per the minimum requirement of Swartland Municipality. A bulk water meter will be installed at the entrance road. A metered connection point will be provided on each erf. The body corporate will be responsible for the billing of the residents, as well as maintaining the network.

Fire hydrants will be installed at 90m intervals.

1.4 Sewer Network

The capacity analysis by GLS Consulting concludes that the existing sewer reticulation, main pump station as well as the waste water treatment works, has sufficient capacity to accommodate this development.

The internal network will comprise of 160mm dia uPVC pipes with manholes. The 110mm dia house connections will be installed 1.0m inside the boundary of the residential erven. The sewer network will gravitate the town's network in Kloof street.

1.5 Solid Waste Disposal

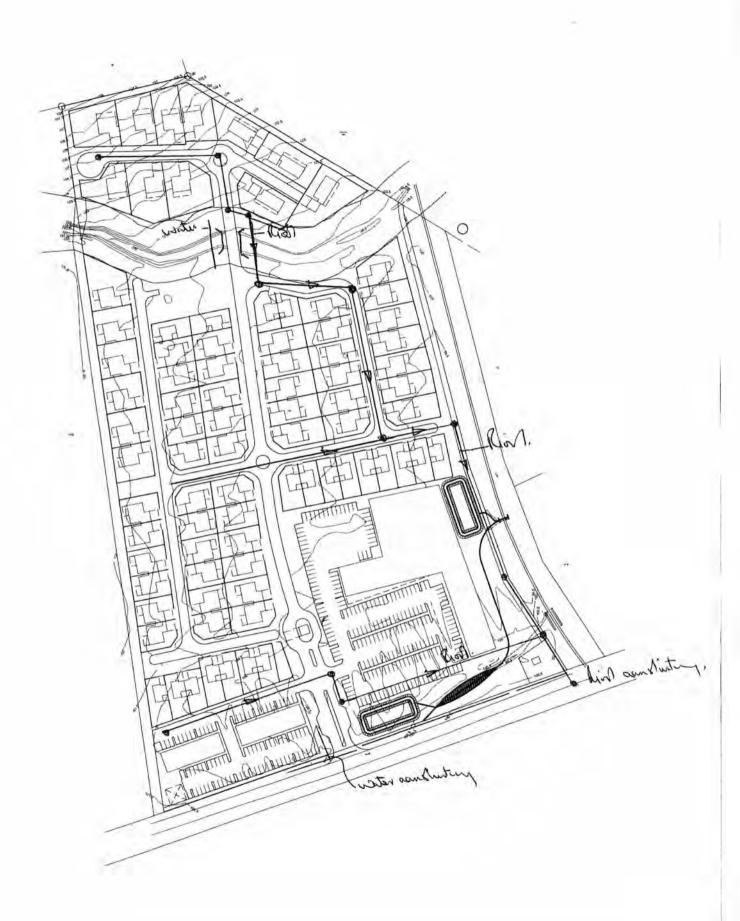
The internal waste collection will be arranged by the body corperate. A refuse room will be constructed at the entrance of the development for waste removal by the municipality.

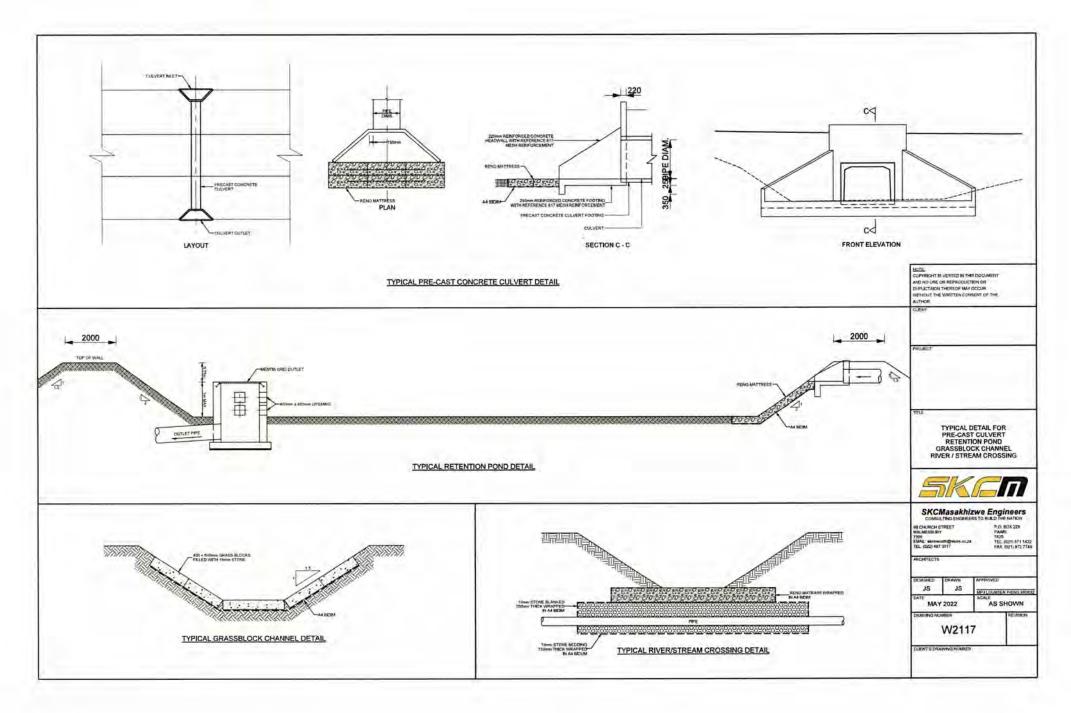
We trust that you will find the above in order.

Yours faithfully

MPJ/WOVBSER PrEng

.../yg





SKCMasakhizwe Engineers (Pty) Ltd South Division



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E-mail: skcmsouth@skcm.co.za Web; www.skcm.co.za Offices at Pretoria, Nelspruit, Aliwal North, Paarl, and Mozambique

B-BBEE LEVEL TWO CONTRIBUTOR

Your ref:

Our ref:

W2117/3.5-02b

09/11/2022

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CK Rumboll & Partners 16 Rainier street MALMESBURY 7300

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The existing channel will be rerouted to accommodate the shopping centre site.

1:100 Year Flood line:

A flood line study of the non-perennial stream crossing the property, was undertaken by CWT Consulting. In order to mitigate the 1:100 year floodline, a 1,0m high berm is proposed along the southern boundary of the stream as well as along the western boundary of the property. The earth berm will be landscaped. A drawing indicating the berm position is attached.

1.3 Water network

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The internal waste collection will be arranged by the body corperate. A refuse room will be constructed at the entrance of the development for waste removal by the municipality.

We trust that you will find the above in order.

Yours faithfully

MPJ/UOUBSER PrEng

.../yg



RIEBEECK KASTEEL ERF



SERVICES REPORT FOR BULK ELECTRICAL RETICULATION

MAY 2022 REVISION 1

Submitted By: Wessel Badenhorst

De Villiers & Moore Consulting Engineers (Pty) Ltd

(021) 976 3087 Project No: R5129



RIEBEECK KASTEEL ERF 2111: REPORT FOR THE BULK ELECTRICITY CONNECTION

1. INTRODUCTION

- 1.1 This report covers the bulk electricity for erf 2111 in Riebeeck Kasteel. The property is undeveloped and has limited existing services to the farm.
- 1.2 An ADMD of 4kVA (Empirical) was used for each of the proposed 83 single residential erven. The shopping centre and general business site was calculated at 80W/m² building area. The total development load will be 849kVA for the development (636kVA after 75% diversity applied).

2. SITE LOCATION AND AMENDED SUBDIVISION

2.1 The site is situated in Riebeeck Kasteel. Access to the site is off Kloof Street.

3. EXISTING INFRASTRUCTURE

3.1 There is no existing infrastructure in the development. Electricity is fed to the existing farm-house.

4. PROPOSED BULK ELECTRICITY

- 4.1 Eskom is the Supply Authority for the area, although the town falls within the Swartland Municipality area.
- 4.2 Eskom confirmed verbally and by email that sufficient capacity is available for the development.
 See copy of email below:

From: Sune Coetzee < CoetzeSU@eskom.co.za>

Sent: Tuesday, 06 July 2021 12:51

To: Quinten van der Merwe < quinten@devmoore.co.za >; Riyaad Abrahams < AbrahaMR@eskom.co.za >

Subject: RE: Erf 2111 Riebeek Kasteel

Ouinten

There is enough capacity on Dagbreek F3 to supply your 600kVA load. For the design details please contact Riyaad

Rivaad

Can you please advice about the bulk point query

Kind Regards

Sune Coetzee Network Development Planner

Asset Creation
Distribution Division (Western Cape Operating Unit)
2nd Floor, Admin Building, Brackenfell
Cape town, Western Cape (RSA)

Tel : +27 21 980 3569 Pax : 8933 3569 Fax to e-mail : 086 661 4510

Email : CoetzeSU@eskom.co.za



- 4.3 Eskom lines are along Kloof street and a tap-off point will be taken in Kloof street to feed the development.
- 4.4 The overhead line directly in front of the development may be relocated to underground cable. This will be negotiated with Eskom during the detail design stages.
- 4.5 All residential properties will be fed via a low-voltage network that will be designed and implemented in accordance with Eskom requirements. If approved by Eskom, the residential development will be fed from an Eskom Bulk Metering point.
- 4.6 The shopping centre and business erf will be supplied directly by Eskom.

5. STREET LIGHTING

All streetlighting will be in accordance with municipal guidelines and SANS-standards.

6. CABLE DUCTS

- 6.1 All road-crossings of cable will be in cable ducts.
- 6.2 The Civil Contractor under supervision of the Consulting Civil Engineers will install all ducts in road-crossings.
- 6.3 All manholes and sleeves required for a complete fibre/communications network, will be installed along the roads.

Yours faithfully

WESSEL BADENHORST

PROFESSIONAL TECHNOLOGIST

00000

Traffic Impact Assessment

for the

PROPOSED RESIDENTIAL AND BUSINESS DEVELOPMENT ON ERF 2111, RIEBEECK KASTEEL, WESTERN CAPE

Project No: STUR0348

May 2022

Final Report

PREPARED BY: PREPARED FOR:

STURGEON CONSULTING (PTY) LTD LONE STAR GROUP (PTY) LTD

7 Waterberg Crescent

Clara Anna Fontein

Durbanville

7550

CONTACT PERSON: CONTACT PERSON:

Sarah Larratt Mr Walter Bader

Tel no: +27 (83) 418 4241 Tel no: +27 (65) 971 1788

DOCUMENT CONTROL SHEET

| DATE | REPORT STATUS | AUTHORED BY: | APPROVED BY: |
|------------------|-------------------|-------------------------------------|--------------------------------|
| | Draft for comment | NAME Sarah Larratt, Pr. Tech Eng | NAME Annebet Krige, Pr. Eng |
| 18 February 2022 | | SIGNATURE | SIGNATURE |
| | Final | NAME Sarah Larratt, Pr. Tech Eng | NAME Annebet Krige, Pr. Eng |
| 21 April 2022 | | SIGNATURE | SIGNATURE |
| | Final Revision | NAME Sarah Larratt, Pr. Tech Eng | NAME Annebet Krige, Pr. Eng |
| 20 May 2022 | | SIGNATURE | SIGNATURE |

TITLE:

PROPOSED RESIDENTIAL AND BUSINESS DEVELOPMENT ON ERF 2111, RIEBEECK KASTEEL: TRAFFIC IMPACT ASSESSMENT

CARRIED OUT BY: COMMISSIONED BY:

Sturgeon Consulting CK Rumboll & Partners

7 Waterberg Crescent 16 Rainer Street
Clara Anna Fontein Malmesbury

Durbanville 7300

7550

Mrs Annebet Krige Mr N. Grobbelaar

Tel: +27 84 610 0233 Tel: +21 22 482 1845

Email: annebet@sturgeonsa.co.za
Email: planning3@rumboll.co.za

SYNOPSIS:

This report assesses the key transportation issues pertaining to the development of residential and business components on Erf 2111 in Riebeeck Kasteel, Western Cape.

SUMMARY SHEET

Report Type Traffic Impact Assessment

Title Proposed Residential and Business Development, Erf 2111

Location Riebeeck Kasteel, Western Cape

Client Lone Star Group (Pty) Ltd

Reference Number STUR0348

Project Team Sarah Larratt

Lize Neethling

Annebet Krige

Contact Details 083 418 4241 | sarah@sturgeonsa.co.za

079 399 6333 | <u>lize@sturgeonsa.co.za</u>

084 610 0233 | annebet@sturgeonsa.co.za

Date May 2022

Report Status Final Revision

This transport impact assessment has been prepared by a suitable qualified and registered professional traffic engineer. Details of any of the calculations on which the results of this report are based will be made available on request.

TABLE OF CONTENTS

| 1. | PURPOSE OF REPORT1 |
|-----|--|
| 2. | LOCALITY1 |
| 3. | SCOPE OF WORK2 |
| 4. | PROPOSED DEVELOPMENT |
| 5. | PROPOSED DEVELOPMENT PHASING2 |
| 6. | LAND USE/ZONING2 |
| 7. | PROPOSED ACCESS |
| 8. | EXISTING ROADWAYS3 |
| 9. | FUTURE ROAD NETWORK4 |
| 10. | ANALYSES HOURS4 |
| 11. | SCENARIOS ANALYSED4 |
| 12. | STUDY INTERSECTIONS4 |
| 13. | EXISTING OPERATIONS5 |
| 14. | BACKGROUND TRAFFIC6 |
| 15. | TRIP GENERATION RATES6 |
| 16. | DEVELOPMENT TRIPS7 |
| 17. | TRIP DISTRIBUTION8 |
| 18. | APPROVED DEVELOPMENTS8 |
| 19. | SITE ACCESS9 |
| 20. | SIGHT DISTANCES |
| 21. | IMPACT OF DEVELOPMENT TRAFFIC (2027 PLUS PHASE 1) 11 |
| 22. | IMPACT OF DEVELOPMENT (2032 PLUS PHASE 2) |

| 23. | QUEUE ANALYSIS12 | | | | |
|-------|---|--|--|--|--|
| 24. | PARKING REQUIREMENTS | | | | |
| 25. | NON-MOTORISED TRANSPORT (NMT) | | | | |
| 26. | PUBLIC TRANSPORT | | | | |
| 27. | CONCLUSIONS | | | | |
| 28. | RECOMMENDATIONS | | | | |
| REFI | ERENCES | | | | |
| APP | ENDIX A: FIGURES | | | | |
| APP | ENDIX B: TABLES | | | | |
| | | | | | |
| List | of Figures | | | | |
| Figui | re 1: Locality Plan | | | | |
| Figui | re 2: Site Development Plan | | | | |
| Figui | re 3: Present AM Traffic Demand (2022) | | | | |
| Figui | re 4: Present PM Traffic Demand (2022) | | | | |
| Figui | re 5: Present Saturday Traffic Demand (2022) | | | | |
| Figui | re 6: Expected 2027 Traffic Demand (AM) | | | | |
| Figui | re 7: Expected 2027 Traffic Demand (PM) | | | | |
| Figui | re 8: Expected 2027 Traffic Demand (Saturday) | | | | |
| Figui | re 9: Development Traffic Phase 1 (AM) | | | | |
| Figui | re 10: Development Traffic Phase 1 (PM) | | | | |
| Figui | re 11: Development Traffic Phase 1 (Saturday) | | | | |
| Figui | re 12: Expected 2027 Traffic Demand plus Development Phase 1 (AM) | | | | |
| Figui | re 13: Expected 2027 Traffic Demand plus Development Phase 1 (PM) | | | | |
| Figui | Figure 14: Expected 2027 Traffic Demand plus Development Phase 1 (Saturday) | | | | |
| Figui | re 15: Development Traffic Phase 2 (AM) | | | | |
| Figui | re 16: Development Traffic Phase 2 (PM) | | | | |

Figure 17: Development Traffic Phase 2 (Saturday)

Figure 18: Expected 2032 Traffic Demand plus Development Phase 2 (AM)

Figure 19: Expected 2032 Traffic Demand plus Development Phase 2 (PM)

Figure 20: Expected 2032 Traffic Demand plus Development Phase 2 (Saturday)

List of Tables

Table 1: SIDRA Results

Table 2: Estimated Peak Hour Trips

Table 3: Expected Queueing and Required Stacking at Proposed Access at Security Gate

Acronyms

TIA - Traffic Impact Assessment

PGWC - Provincial Government Western Cape

WGC - Western Cape Government

RNIS - Road Network Information System

SDP - Site Development Plan

NMT - Non-Motorised Transport

LOS - Level of Service

PHF - Peak Hour Factor

AM - Morning

PM - Afternoon

SAT - Saturday

d - Average delay in seconds

v/c - Volume/capacity ratio

vph - vehicles per hour

Traffic Impact Assessment (TIA)

Proposed Residential and Business Development on Erf 2111 of, Riebeeck Kasteel, Western Cape

1. Purpose of Report

Sturgeon Consulting (Pty) Ltd was appointed by CK Rumboll & Partners to determine the expected transport related impacts of the proposed rezoning and subdivision for the proposed residential and business development on Erf 2111 in Riebeeck Kasteel.

2. Locality

Reference: Figure 1

Riebeeck Kasteel, Western Cape.

Description: The subject property is located to the east of Riebeeck Kasteel, north of the R46 (Trunk Road 2401) and east of Church Road (R311 / Main Road 227). Kloof Street (Divisional Road 1154) borders Erf 2111 on the south.



| 3. Scope of Work | The scope of work included in this TIA covers the following engineering aspects: • Site observations; • Existing and proposed development; • Access arrangements; • Existing and future road network planning; • Existing traffic flows in the vicinity of the development; • Trip generation of the proposed development; • Traffic flow analysis; • Recommended road upgrades if necessary; • Non-motorised transport (NMT); • Public transport; and • Parking requirements. |
|---|---|
| 4. Proposed Development Reference: Figure 2 | The site is currently vacant. The proposed development will comprise the following: • General Residential (Group Housing): 72 units • Single Residential: 11 units • Business (Shopping Centre): ±3 500m² GLA • Business (Office): ±2 000m² GLA * General Residential (Group Housing) includes 52 single dwelling units and 20 townhouse units |
| 5. Proposed Development Phasing | The proposed phasing of the development is depicted in Figure 2 . It is envisaged that the development will be constructed over three phases. It is not yet known when each phase will start however for the purpose of this report it has been assumed that the shopping centre, office/business facility and 50% of the single residential (32 units) will be completed within the first 5-years (2027) and the remaining in the next 5-years (2032). In line with the Traffic Impact Study Guidelines (DoT) for larger phased development, 5-year and 10-year horizons are assessed under this TIA and seen as a more conservative, worse-case scenario approach. The scenarios analysed will be discussed in Section 11 . |
| 6. Land Use/Zoning | Existing Zoning: Agricultural Zone 1 Proposed Zoning: Business Zone 1: General Business |

- o Primary Uses: Business premises, shopping centre, flats, offices, office park, restaurant, service trade, medical consulting rooms, trading facility, bottle store
- General Residential Zone 1: Group Housing
 - o Primary Uses: Group housing, dwelling

7. Proposed Access

The main access point to the development is off Kloof Street (DR1154) approximately 185m west of Lelie Street and 170m east of Pieter Cruythoff Street, opposite the Riebeek Cellars (RE/298).

8. Existing Roadways

Kloof Street (DR1154): is classified as a Class 4 collector road (width ±6.80m). It is a two-lane undivided road (one lane per direction) with no shoulders. The speed limit in the vicinity of the site is 60km/h. A paved sidewalk is present along the northern side of the road.

An at-grade railway crossing is located approximately 40m west of Lelie Street. Kloof Street links to the town in the west and to Lelie Street in the east.

DR1154 is a proclamined provincial road which the Western Cape Government (WCG) is the controlling road authority.



Lelie Street: is a classified Class 4 collector road (width ±6.6m). It is a two-lane undivided road (one lane per direction) with no shoulders. There is no posted speed limit along Lelie Street in the vicinity of the site. A paved sidewalk is present along the eastern side of the road.

Lelie Street links to DR1154 to the north and to the Esterhof area to the south.

| 9. Future Road Network | At the time of this report, no major road network changes are foreseen in the vicinity of the proposed development. | |
|---------------------------|--|--|
| 10.Analyses Hours | Peak period traffic counts were undertaken on Friday, 28 January 2022, between 06:00 and 09:00 and 15:30 and 18:30 to determine the AM and PM peak hours, and also on Saturday, 29 January 2022 between 10:00 and 14:00 to determine the Saturday peak hour. The peak hours were determined as follows: • AM peak hour: 06:30 to 07:30 • PM peak hour: 17:30 to 18:30 • Saturday peak hour: 11:15 to 12:15 | |
| 11.Scenarios Analysed | The following scenarios were analysed: 2022 Present Traffic Demand 2027 Background Traffic Demand (2022 traffic volumes escalated with a growth rate, as discussed in Section 14) Phase 1 2027 Expected Traffic Demand (Background traffic volumes) plus retail, business/office facility and 50% single residential (32 units) development trips on the road network Phase 2 2032 Expected Traffic Demand (Background 2027 volumes escalated with growth rates) plus full development trips on the road network Intersection analyses were done using SIDRA Intersection 9.0 software. | |
| 12.Study Intersections | Based on our experience with similar traffic studies, the anticipated traffic impact on the surrounding road network and its location within the wider road network, the following intersection was included in the scope of the study: 1. Kloof Street (DR1154) / Lelie Street (Stop-controlled) | |



13.Existing Operations

References: Figure 3, 4 & 5, Table 1 The present traffic demand on the surrounding road network can generally be described as low-medium. Refer to **Figure 3**, **Figure 4** and **Figure 5** for a summary of the existing counted traffic volumes at the study intersection.

The following comments are made in relation to the traffic volumes (total two-way) on the surrounding road network:

- Kloof Street (DR1154) carries relatively low volumes of traffic (two-way) with approximately 84 vph during the AM peak hour,
 112 vph during the PM peak hour and 72 vph during the Saturday peak hour in the vicinity of the proposed development.
- The two-way flows on DR1154 are well below the maximum two-way capacity of this type of road of ±1 850 vph two-way.
- Lelie Street carries very low volumes of traffic (two-way) with approximately 60 vph during the AM, PM and Saturday peak hours.

The SIDRA results indicate that the study intersection is currently operating at good levels of service (LOS A) with minimal delays. No upgrades are necessary in this scenario.

See **Table 1** for the existing capacity analysis. Full details of the SIDRA

| | analysis can be provided if required. | | | |
|---|--|---|----------------|--|
| 14.Background Traffic | | The TMH 17: South African Trip Data Manual recommends the following growth rate factors for different development areas: | | |
| References: Figure 6, 7 | | Development Area | Growth Rate | |
| & 8, Table 1 | | Low growth areas | 0 - 3% | |
| | | Average growth areas | 3 - 4% | |
| | | Above average growth areas 4 - 6% | | |
| | | Fast growing areas 6 - 8% | | |
| | | Exceptionally high growth areas >8% | | |
| | | | | |
| | rate of 3.0% per annum was used. This traffic growth rate relates to traffic growth experienced in low to average growth rate areas and is deemed appropriate for this area. This growth rate also corresponds with the historic growth rate of 2.35% indicated on the Road Network Information System (RNIS) website along Kloof Street (DR1154). The estimated 2027 AM, PM and Saturday peak hour background traffic volumes are indicated in Figure 6 , Figure 7 and Figure 8 . From the background analysis it is clear that the study intersection is expected to continue to operate at good levels of service (LOS A) with minimal delays during the background (2027) conditions for all three peak hours. Refer to Table 1 for a summary of the SIDRA results. Full details of the SIDRA analysis can be provided if required. | | | h rate areas and is also corresponds the Road Network et (DR1154). hour background |
| | | | | ervice (LOS A) with |
| | | | | |
| 15.Trip Generation Rates Reference: Table 2 | develo provic <i>Draft</i> | The additional vehicle trips that will be generated by the proposed development were calculated using the trip generation rates as provided in the <i>TMH17 South African Trip Data Manual (Committee Draft 2.2, August 2020)</i> published by the Committee of Transport Officials (COTO). | | |
| | The p | percentage reduction facto | rs for mixed u | se developments |

provided in the TMH17 manual were applied.

The recommended peak hour trip generation rates for the proposed

development are shown below:

| Land Use | Linita | Extent | Peak | TGR | Sp | ilt |
|------------------------|--|------------------------|------|------|-----|-----|
| Land Ose | Offics | Extent | Hour | IGK | ln | Out |
| | Units Extent Dwelling Unit Dwelling 20 GLA m² 3 500 GLA m² 2 000 | AM | 1.00 | 25% | 75% | |
| Single Dwelling Units | 9 | 63 | PM | 1.00 | 70% | 30% |
| | Offic | 63 20 3 500 2 000 | SAT | 0.50 | 50% | 50% |
| Townhouses | Durallina | | AM | 0.85 | 25% | 75% |
| (simplexes & duplexes) | 9 20 | PM | 0.85 | 70% | 30% | |
| (simplexes & duplexes) | | SAT | 0.35 | 50% | 50% | |
| | CIA 2 2 500 | | AM | 0.60 | 65% | 35% |
| Shopping Centre | GLA m ² | 3 500 | PM | 3.40 | 50% | 50% |
| | | | SAT | 4.50 | 50% | 50% |
| | | | AM | 2.10 | 85% | 15% |
| Offices | GLA m ² | . m ² 2 000 | PM | 2.10 | 20% | 80% |
| | | | SAT | 0.45 | 55% | 45% |

^{*} Please note, to account for the worst-case scenario the PM peak hour trip generation rates were used for all the land uses, except the Shopping Centre, where the Friday PM peak hour trip generation rates provided in the TMH manual were used.

The estimated additional peak hour trips are summarised in **Table 2**.

16.Development Trips

Reference: Figure 9, 10 & 11 and Figures 15, 16 & 17, Table 2 As mentioned in **Section 15**, an adjustment factor has been applied for Mixed-Use developments (*TMH17 - Table 3.2: Trip Generation Adjustment Factors*). These reductions have been applied to the trip generation calculations and is reflected below and **Table 2**.

The total expected peak hour trips likely to be generated by the development during the AM, PM and Saturday peak hours by both Phases is (Refer to **Table 2**):

Phase 1: 2027 (Shopping Centre + Office + 50% Single Residential (32 units))

- 138 total AM trips (85 inbound 53 outbound)
- 491 total PM trips (241 inbound 250 outbound)
- 589 total Saturday Trips (295 inbound 294 outbound)

Refer to **Figures 9**, **10** and **11** for the development trips associated with Phase 1 of the proposed development.

Phase 2: 2032 (100% of development)

- 183 total AM trips (96 inbound 87 outbound)
- 535 total PM trips (272 inbound 263 outbound)
- 611 total Saturday Trips (306 inbound 305 outbound)

Refer to **Figures 15**, **16** and **17** for the development trips associated with Phase 2 of the proposed development.

17.Trip Distribution

Reference: Figure 12, 13 & 14 and Figures 18, 19 & 20 The generated traffic associated with the proposed development has been distributed on the surrounding road network taking the following into account:

- Present traffic conditions;
- The nature of the development; and
- Trip attractions within the area.

Based on the above, the following distribution was used to assign the development traffic to the surrounding network for all peak hours:

- 60% along Kloof Street (DR1154) to/from the west
- 30% along Lelie Street to/from the south
- 10% along Kloof Street (DR1154) to/from the east

The resulting development trips for each phase were added to the expected 2027 and 2032 background traffic volumes. the resulting total traffic volumes are shown in **Figure 12**, **Figure 13** and **Figure 14** for Phase 1 (2027) and **Figure 18**, **Figure 19** and **Figure 20** for Phase 2 (2032).



18.Approved

Developments

There are no known developments in the area that will have a significanct impact on the existing and future traffic operations at the current time.

19.Site Access

Number of Accesses: One

The proposed development will gain access off Kloof Street (DR1154), approximately 185m west of Lelie Street and 170m east of Pieter Cruythoff Street (opposite the existing Riebeek Cellars (RE/298).

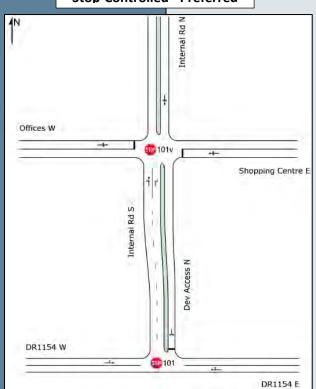
The proposed site access at the proposed development will have a three-lane cross section i.e two lanes in towards the internal intersection and one lane out.

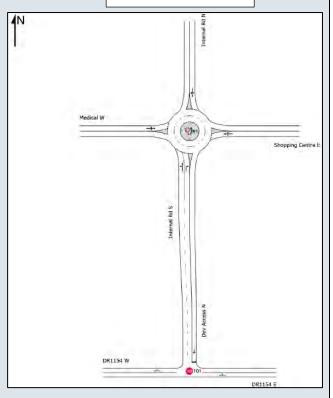
It is proposed that the internal intersection that will serve the general business erven is to be stop- controlled on the side approaches. An alternative option in the future could be a roundabout (±30m ICD) at this internal intersection with two circulating lanes. The preferred option is the stop-control operation.

The access intersection on the development access side will be stop controlled. The capacity analysis of this access is discussed in **Section 21** and **Section 22**.

Stop-Controlled - Preferred

Roundabout





Access Control: It is proposed that the residential portion of the development will be accessed controlled by means of a coded-card reader and security-manned boom to the north of the internal intersection as you enter the estate. The required stacking space is

commented on in Section 23.

<u>Refuse:</u> It is proposed that refuse collection take place within the development. This can be done either by the Municipality's solid waste department or by a service delivery contractor.

According to the Access Management Guidelines, 2020 published by the Western Cape Government's Transport and Public Works Department, a minimum spacing of 180m is required between unsignalised full intersections in a Suburban Roadside Development Environment (RDE) along Class 4 roads and 145m in an Intermediate Roadside Development Environment (RDE). It has been assumed that the Roadside Development Environment (RDE) is "Intermediate". The proposed access will be located approximately 185m west of the Lelie Street intersection. Therefore, the spacing was deemed acceptable.

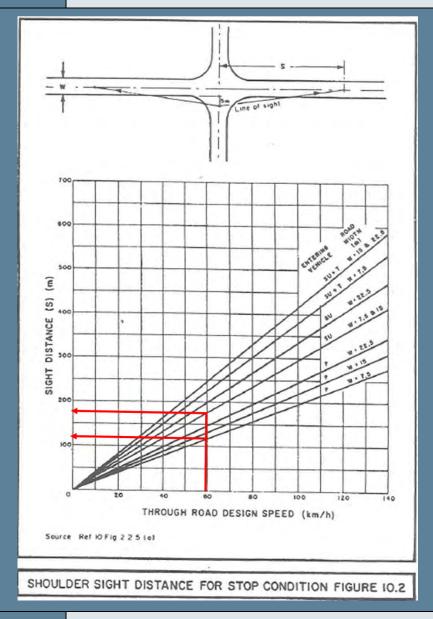


20. Sight Distances

The Provincial Government of Western Cape evaluates access requests according to the *Geometric Design of Urban Collector Roads* (UTG5, Department of Transport, Pretoria, 1988) on routes similar to Kloof Street (DR1154). The specific graph, which is used, is *Fig 10.2 - Shoulder Sight Distance for Stop Condition*. The speed limit on this section of Kloof Street in the vicinity of the site is assumed to be 60km/h.

The required shoulder sight distances (SSD) for a passenger vehicle (P) and a single unit (SU) vehicle entering a road with a design speed of 60km/h, a road width of 7.5m, is approximately 120m and 180m respectively as shown on *Fig 10.2* below. The access is located on a

straight stretch of road with no horizontal or vertical curves within the boundaries of the required sight distance. It has been determined that there is sufficient sight distance in both directions, west and east, for a 60km/h design speed.



21.Impact of
Development
Traffic (2027 plus
Phase 1)

Reference: Figures 12, 13 & 14 and Table 1 To assess the traffic impact of Phase 1 of the proposed development on the road network, the intersection was analysed according to the scenario mentioned in **Section 11** and added to the background 2027 conditions (using a 3% average growth rate per annum).

The study intersection is expected to operate at good levels of service (LOS A) with minimal delays during all three of the peak hours. Hence, no improvements are necessary.

The capacity analysis for the proposed access intersection on Kloof Street (DR1154) is expected to operate at with good levels of service (LOS A) and minimal delays during all three peak hours.

In terms of the Western Cape Government - Access Management Guidelines 202, additional right- or left turning lanes are not warranted along Kloof Street (DR1154) at this stage.

Refer to **Table 1** for a summary of the SIDRA results. Full details of the SIDRA analysis can be provided if required.

22.Impact of Development (2032 plus Phase 2)

Reference: Figures 18, 19 & 20 and Table 1 To assess the impact of the full development (Phase 2) on the road network, the intersection was analysed with the development traffic added to the background 2032 traffic (using the 3% average growth rate per annum).

The expected 2032 traffic operations at the intersection were analysed using SIDRA 9. Based on the capacity analyses of the 2032 total traffic operations, the study intersection is still expected to continue to operate at good levels of service (LOS A) with minimal delays during the AM, PM and Saturday peak hours.

The capacity analysis for the proposed access intersection on Kloof Street (DR1154) is expected to operate at good levels of service (LOS A) with minimal delays along all approaches during all three of the peak hours.

In terms of the Western Cape Government - Access Management Guidelines 202, additional right- or left turning lanes are still not warranted along Kloof Street (DR1154). However, given the size of the development and the additional traffic from the west, it is proposed that a separate left turning lane be constructed.

Refer to **Table 1** for a summary of the SIDRA results. Full details of the SIDRA analysis can be provided if required.

23. Queue Analysis

Reference: Table 3

A queue analysis was conducted for the proposed residential access using the highest expected inbound traffic demand to determine the maximum theoretical delay.

The access control location is proposed adjacent to the security guardhouse on entering the residential estate portion.

It is proposed that coded-card reader be used, which will be manned by security personnel. An average service rate of 150 vehicles per hour has been used for analyses to allow booms/sliding gates. The peak inbound volume on entering the residential component of the estate

| | is 51 | vph | during | the PM | peak | hour. |
|--|--------------|-----|--------|--------|------|-------|
|--|--------------|-----|--------|--------|------|-------|

The 95th percentile queue length has been used to determine the theoretical stacking required at the gate.

Based on the analysis results shown in **Table 4**, the 95th percentile queue requires a minimum throat length of 12m (2 vehicles at 6m per vehicle) to be provided between the boom and the internal intersection north exit approach with one lane in.

One of the entry lanes or the exit lane should be at least 4m to allow of unimpeded access for emergency and service vehicles.

24. Parking Requirements

The parking provision for the proposed development should satisfy the requirements as suggested in the in the Swartland Municipality: Municipal Land Use Planning By-Law (25 March 2020).

The standard parking ratios are as follows:

Dwelling house = 2 bays per unit

Group unit = 1.75 bays per unit plus 0.25 bays per unit for visitors

Shopping Centre = 6 bays per 100m2 GLA

Offices = 1 bay per 25m 2 GLA

| Land Use | Parking Ratio | Parking Required |
|--------------------------|---|------------------|
| Dwelling 2 bays per unit | | 26 bays |
| Group Unit ¹ | 1.75 bays per unit plus 0.25 bay per unit for visitors | 140 bays |
| Shopping Centre | 6 bays per 100m² GLA | 210 bays |
| Offices | 1 bay per 25m² GLA | 80 bays |
| Total | 456 bays | |

Note 1: Includes Townhouse units

Parking will be provided in accordance with the required parking ratios. Taking this into account, 166 bays and 290 bays are required for the residential portion of the development and the business erven, respectively.

The parking layout will be addressed at the detailed precinct development planning and detailed design stage.

25.Non-Motorised Transport (NMT)

There is an existing formal paved sidewalk on the northern side of Kloof Street (DR1154).

It is anticipated that the shopping centre and offices will potentially generate some additional pedestrian or bicycle trips, however the existing NMT facilities are sufficient, and no improvements are

required.

26. Public Transport

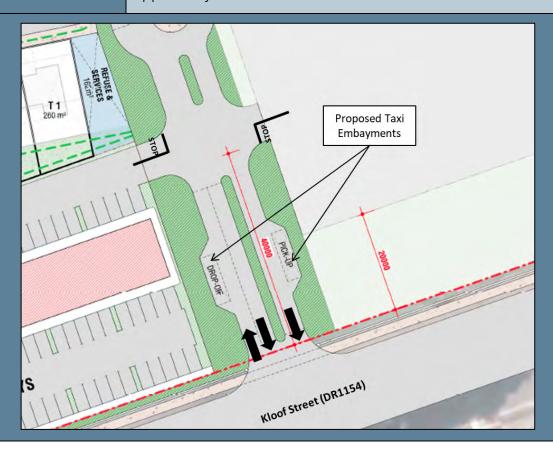
The main public transport routes run along Kloof Street (DR1154) and Lelie Street with minibus taxis and buses.

Taxi trips accounted for approximately 5% of the total traffic during the AM and PM peak hours and approximately 0.5% during the Saturday peak hour

Buses accounted for approximately 3% of the total traffic demand during the AM peak hour and 0% during the PM and Saturday peak hours.

It is anticipated that the proposed development will potentially generate some additional taxi trips for the transport of domestic workers/garden workers and employees for the variety of land uses specified in **Section 6** from the surrounding areas.

There are currently no public transport facilities in the vicinity of the proposed development. It is recommended that a taxi embayment be constructed along the internal access road on the western side (dropoff) and the eastern side (pick-up) on the approach to the internal intersection as schematically indicated below. This will provide an opportunity for taxis to load and off load.



27. Conclusions

This report describes the investigation of transport implications of the proposed Residential and Business development on Erf 2111 in Riebeeck Kasteel. It summarises the existing transportation conditions within the site vicinity, provides an assessment of the transportation impacts of the proposed development on the surrounding road network, and recommendations about improvements to mitigate negative impacts, if relevant.

The main findings and conclusions are:

- This TIA is in support of the application for the proposed development on Erf 2111 in Riebeeck Kasteel.
- It is estimated that the development will be completed during **Phase 1** (shopping centre, offices and 50% of single residential (32 units) in the first 5-years (2027) and the remainder will be completed at the end of **Phase 2** (2032).
- The proposed development will consist of Single Residential (63 units), Townhouses (20 units), Shopping Centre (±3 500m² GLA) and Offices (±2 000m² GLA).
- Access to the development will be from Kloof Street (DR1154), approximately 185m west of the Kloof Street/Lelie Street intersection.
- The full development has the potential to generate **183 new trips** (96 in 87 out) during the AM peak hour, **535 new trips** (272 in 263 out) during the PM peak hour and **611 new trips** (306 in 305 out) during the Saturday peak hour.
- The current intersection is operating at good levels of service during all peak hours with minimal delays.
- A growth rate of 3% per annum was used to grow the 2022 traffic volumes to estimate the 2027 and 2032 background traffic volumes.
- No geometric improvements are required to accommodate the growth in background traffic (2027 and 2032).
- After distribution of the development trips in Phase 1 (2027) and Phase 2 (2032), the impact of the external road will be acceptable, and the intersections will operate as good levels of service during all peak hours.
- The site access will have two lanes in and one lane out with an additional left turning lane along Kloof Street.
- The access will be stop-controlled on the development side.
- A minimum stacking space for two vehicles (12m) is suggested on the access to the residential component of the estate, just north of the internal intersection of the business erven.

- The preferred option for the internal intersection at the business erven is a stop-controlled operation on the side approaches.
- An alternative option in the future (if necessary) for the internal intersection is a roundabout (±30m ICD) with two circulating lanes.
- The parking provision for the proposed development should satisfy the requirements of the Swartland Municipality: Municipal Land Use Planning By-Law (25 March 2020).
- Refuse collection will happen within the development by the Municipality Solid Wates Department or a service delivery contractor.
- Taxi embayments are proposed along the internal access road to the proposed development upstream of the internal intersection on both sides.

28.Recommendations

From the report, it is recommended that:

- The site access on Kloof Street should ultimately have two lanes in and one lane out before Phase 2 (2032) is completed.
- The left turning lane at the development access be constructed before Phase 2 (2032) is completed.
- All detailed design of the above-mentioned road infrastructure be approved by the Road Authority before construction commences.

This report has shown that the proposed development can be accommodated by the adjacent transport network, provided the recommendations presented in the report are implemented. From a traffic engineering perspective, the approval of the application for the development is supported.

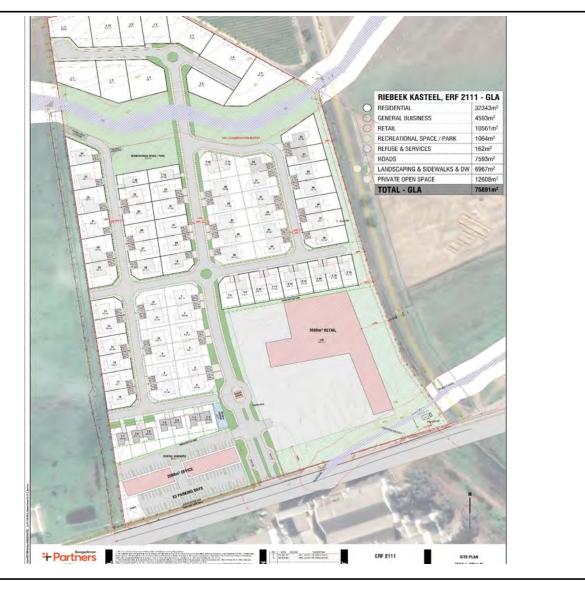
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- 3. Department of Transport, South African Trip Generation Rates, Report No. RR92/228, Pretoria, 1995.
- 4. Committee of Transport Officials (COTO), South African Trip Data Manual, TMH 17, Committee Draft 2.2, August 2020.
- 5. Committee of Transport Officials (COTO), South African Traffic Impact and Site Traffic Assessment Manual Standards and Requirements Manual, Volume 2 TMH 16, Committee Draft 2.0, October 2020.
- 6. Committee of Transport Officials (COTO), South African Traffic Impact and Site Traffic Assessment Manual, Volume 1 TMH 16, Committee Draft 2.0, May 2018.
- 7. Swartland Municipality: Municipal Land Use Planning By-Law, 2020.

APPENDIX A: FIGURES

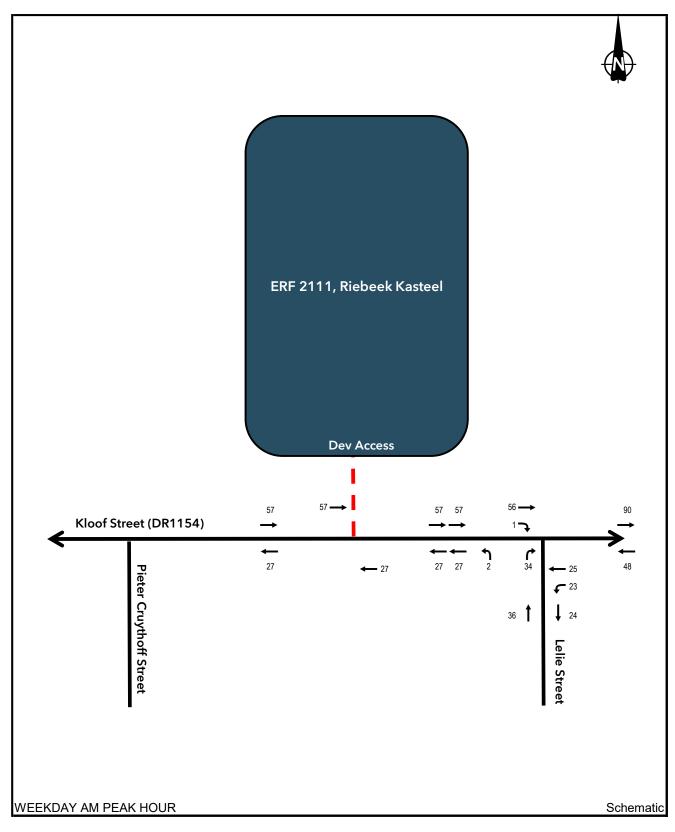


| Traffic Engineering & Transport Planning | Project: ERF 2111 RIEBEECK KASTEEL TIA | Job No: STUR0348 |
|--|---|---------------------|
| CONSULTING | LOCALITY PLAN | Figure: 1 |

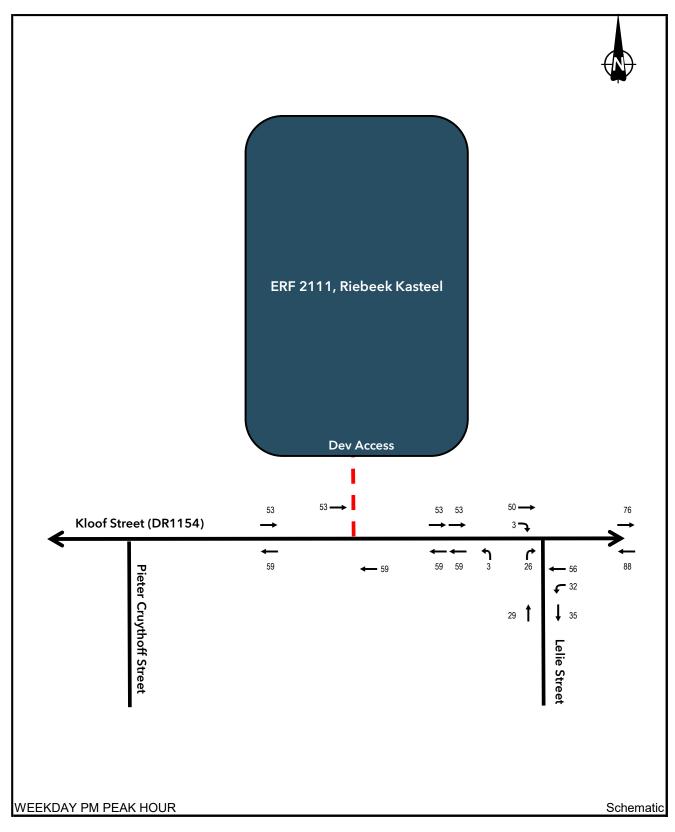




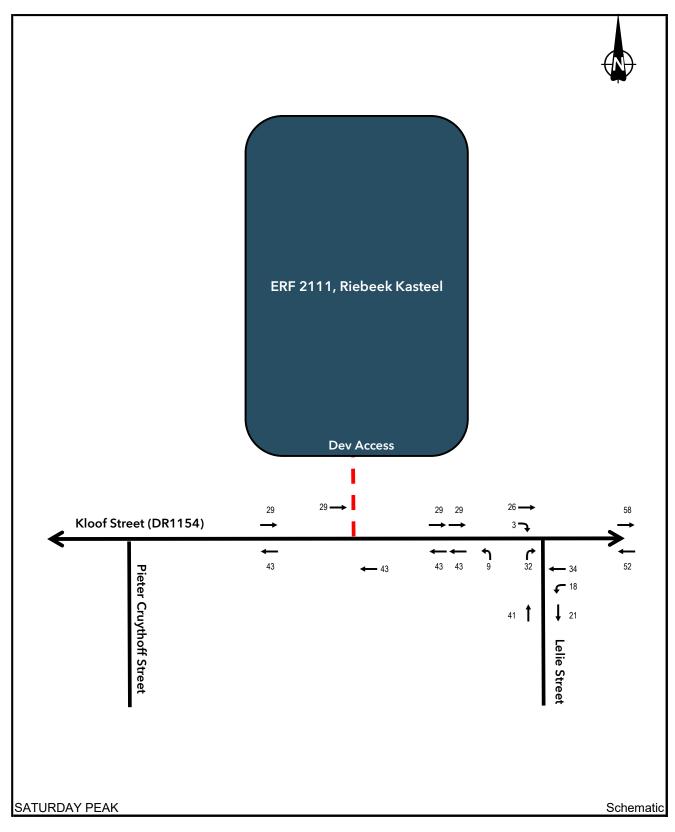
| Project: | Job No: |
|-------------------------------|-----------|
| ERF 2111 RIEBEECK KASTEEL TIA | STUR0348 |
| SITE DEVELOPMENT PLAN (N.T.S) | Figure: 2 |



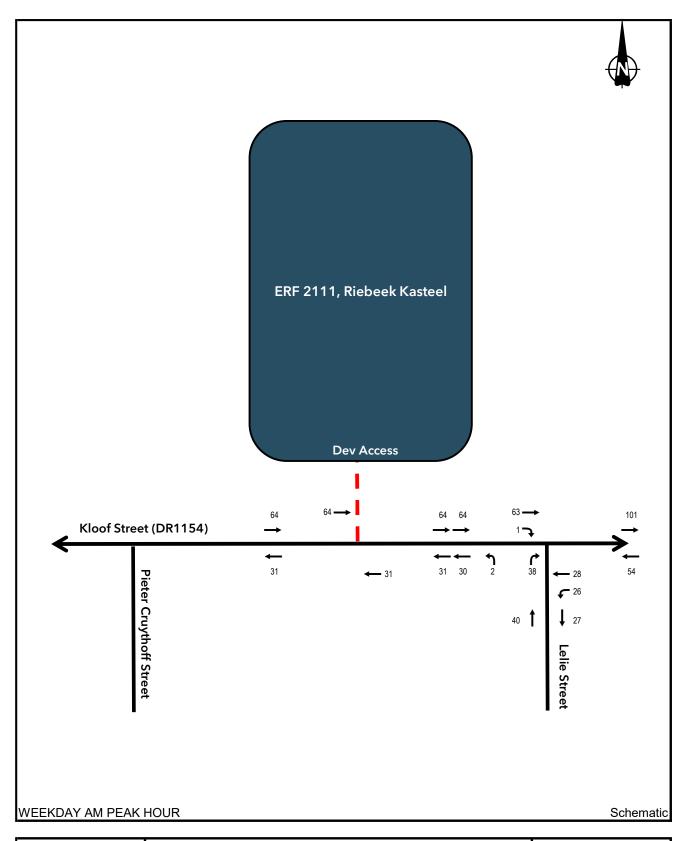
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|--|-------------------------------|-------------------------|
| STURGEON | Present Traffic Demand (2022) | Fig: 3 |



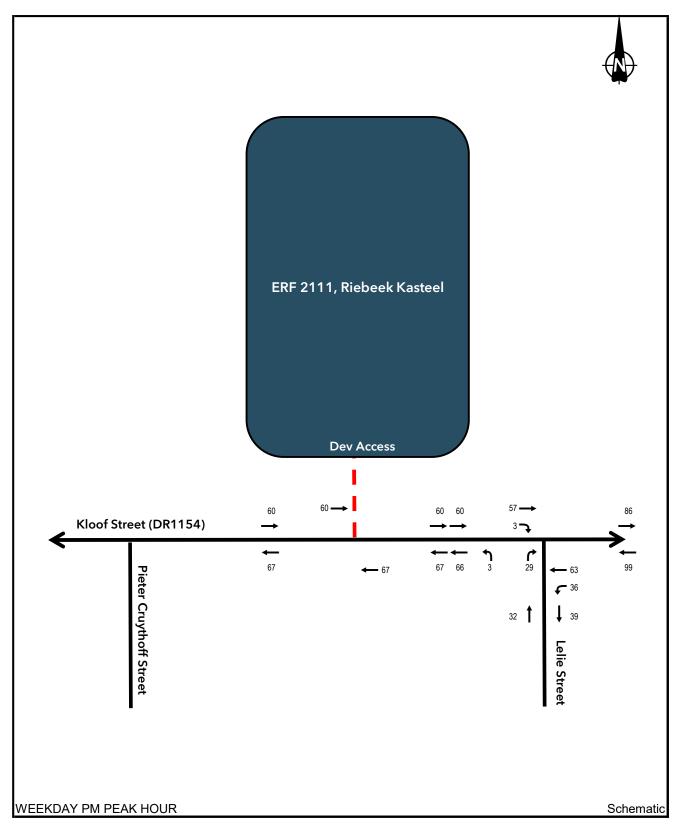
| ~ " | Traffic Engineering & Transport Planning | Erf 2111 Riebeek Kasteel TIA | Job Ref No: STUR0348 |
|------------|--|-------------------------------|-------------------------|
| 3 | CONSULTING | Present Traffic Demand (2022) | Fig: 4 |



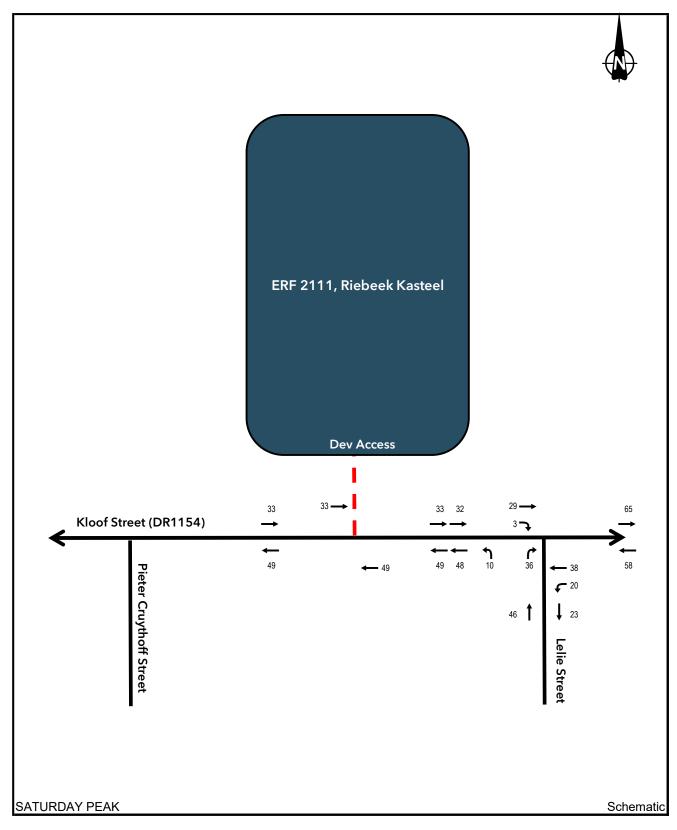
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| STURGEON | Present Traffic Demand (2022) | Fig: 5 |



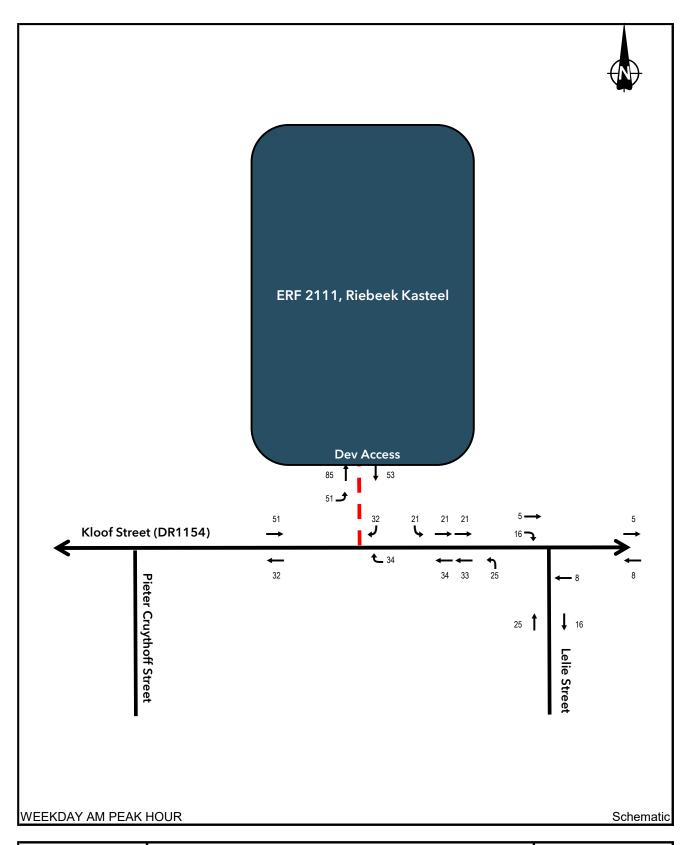
| Traffic Engineering & Transport Planning STURGEON | Erf 2111 Riebeek Kasteel TIA | Job Ref No: STUR0348 |
|---|------------------------------|-------------------------|
| CONSULTING | Expected 2027 Traffic Demand | Fig: 6 |



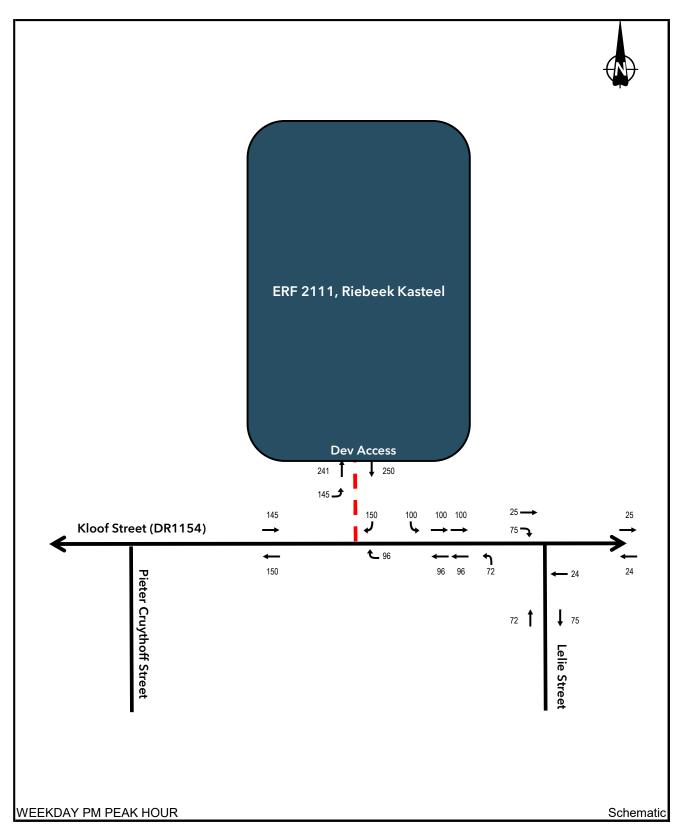
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|------------|------------------------------|-------------------------|
| CONSULTING | Expected 2027 Traffic Demand | Fig: 7 |



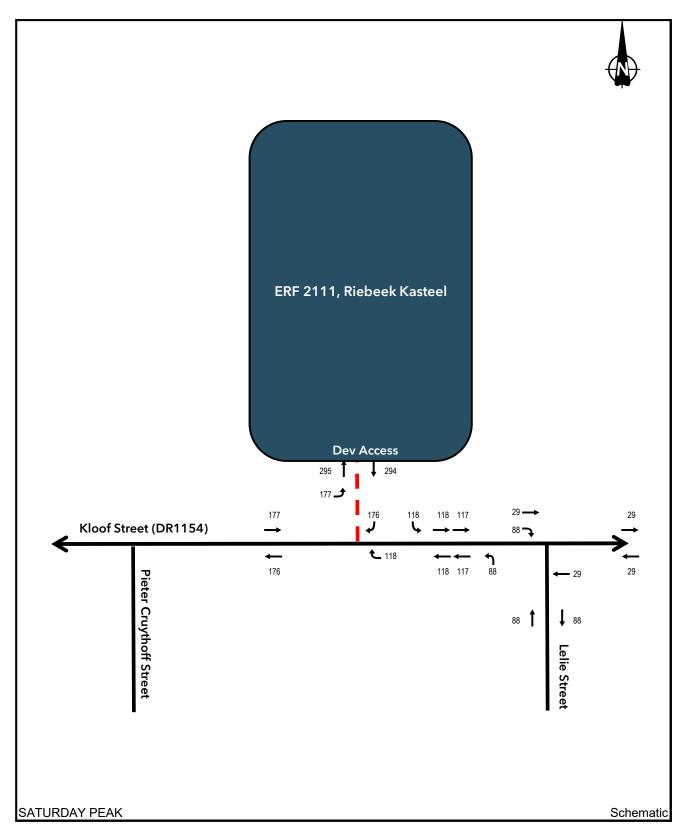
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| STURGEON | Expected 2027 Traffic Demand | Fig: 8 |



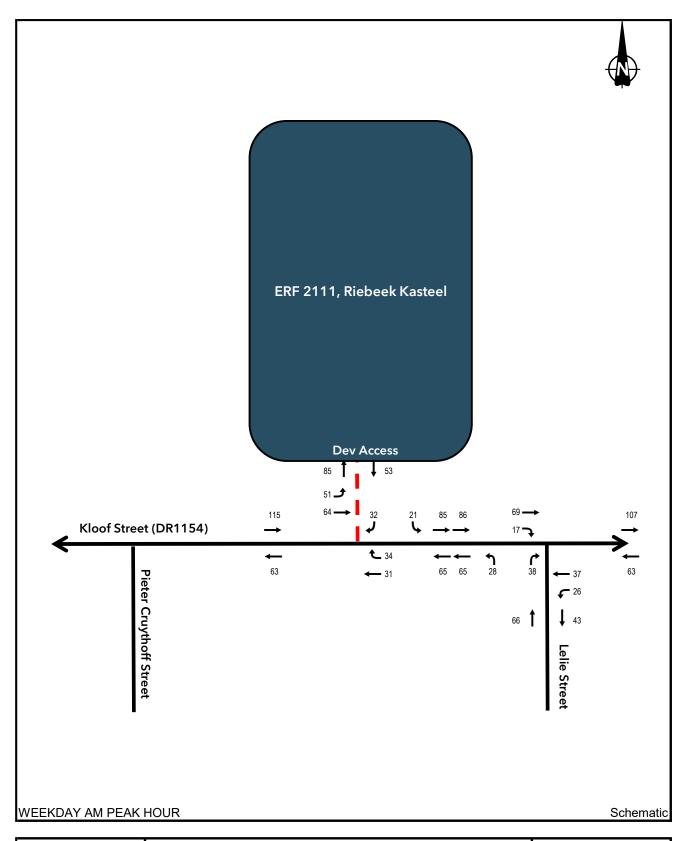
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| STURGEON | Development Traffic: Phase 1 | Fig: 9 |



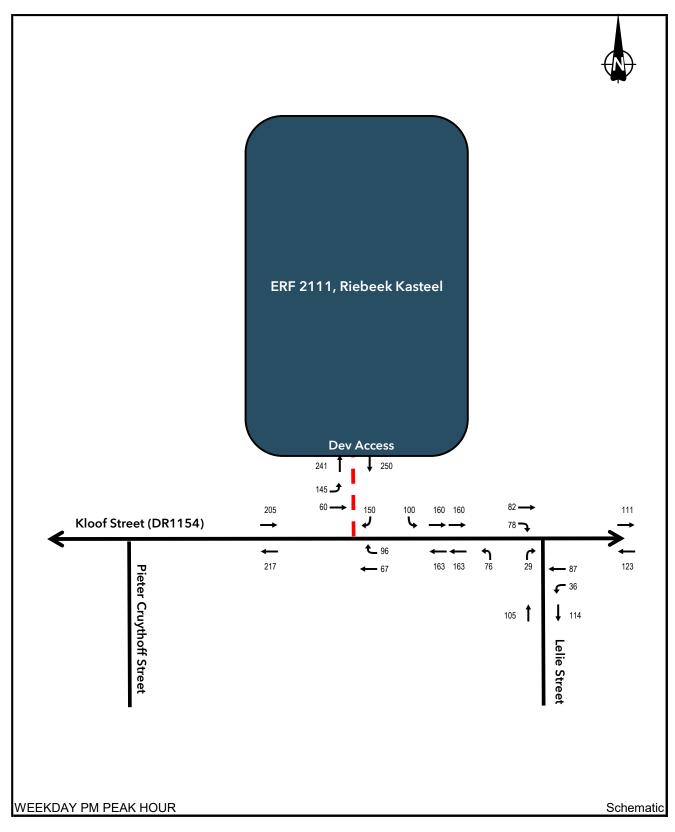
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| CONSULTING | Development Traffic: Phase 1 | Fig: 10 |



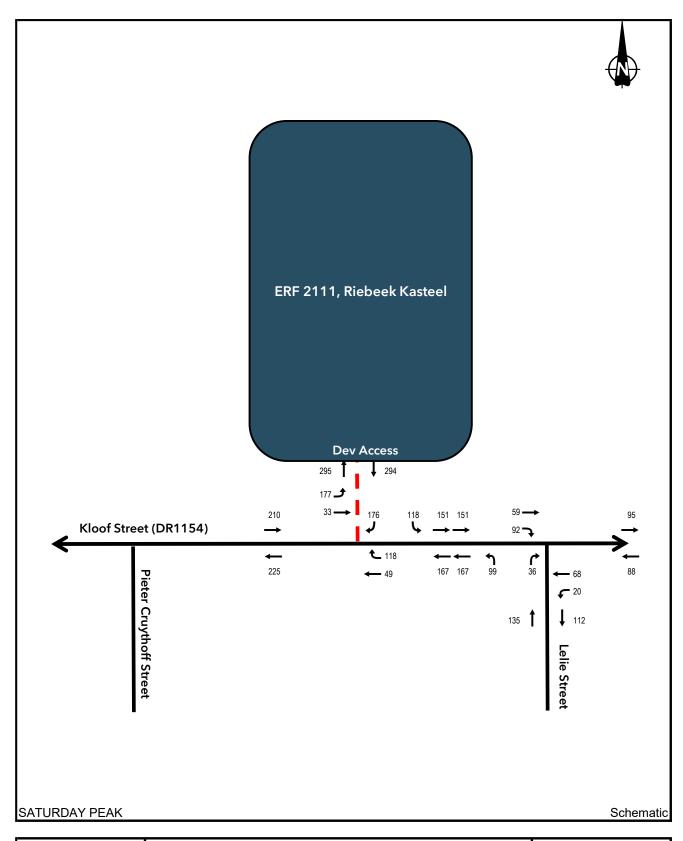
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| STURGEON | Development Traffic: Phase 1 | Fig: 11 |



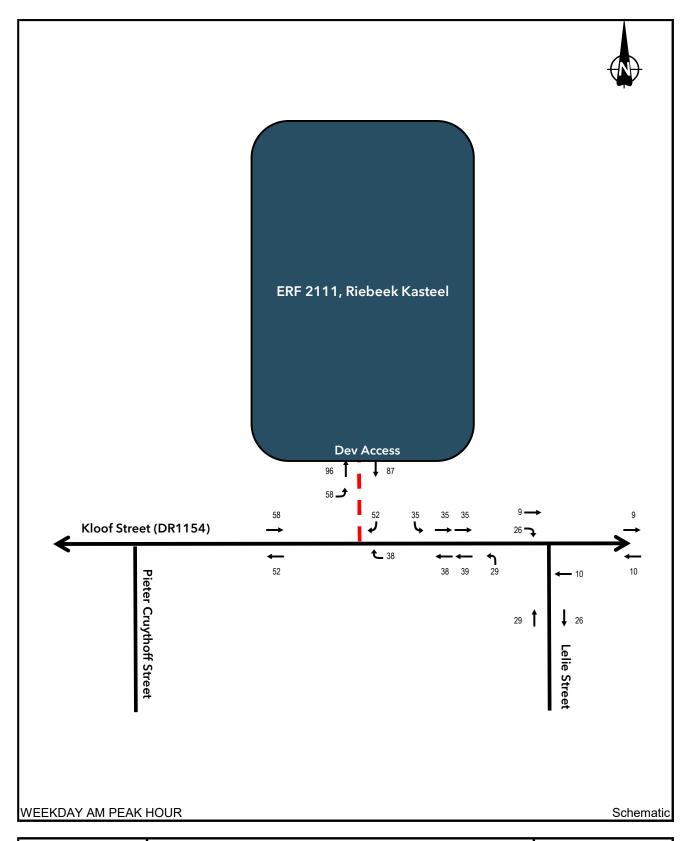
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|--|---|-------------------------|
| STURGEON | Expected 2027 Traffic Demand plus Development Phase 1 | Fig: 12 |



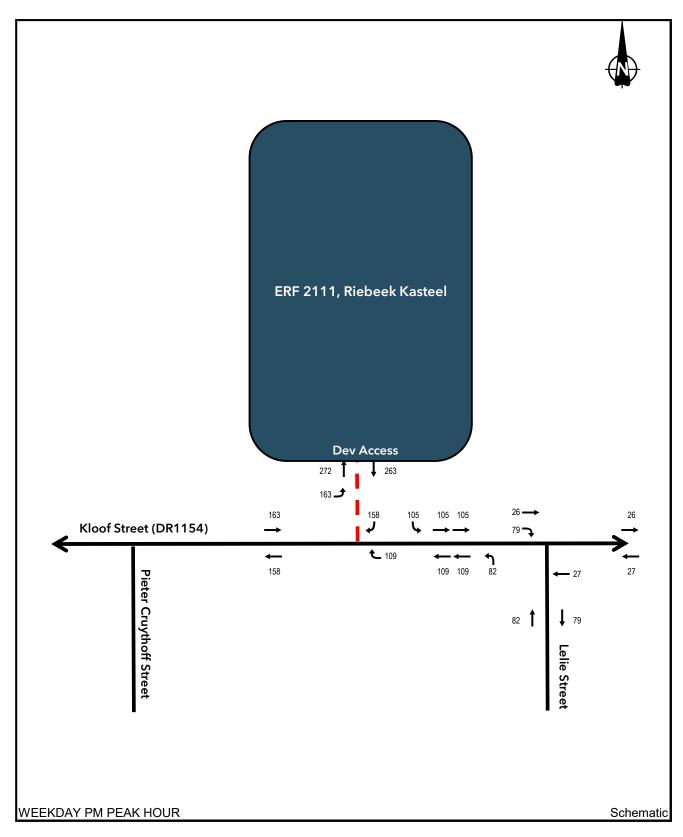
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|---------------------|--|-------------------------|
| | Expected 2027 Traffic Demand plus Development Phase 1 | Fig: 13 |



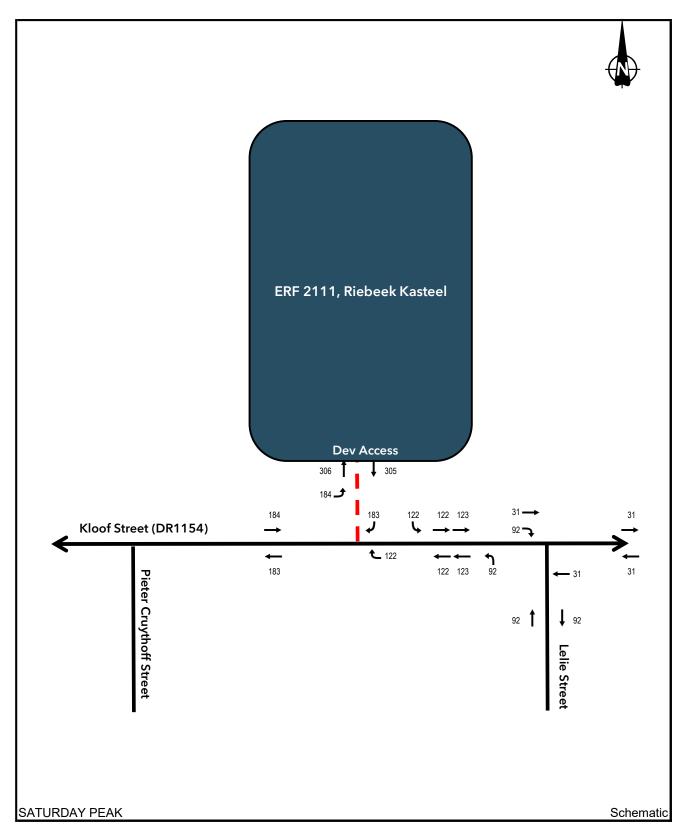
| Traffic Engineering & Transport Planning | Erf 2111 Riebeek Kasteel TIA | Job Ref No: STUR0348 |
|--|---|-------------------------|
| STURGEON | Expected 2027 Traffic Demand plus Development Phase 1 | 14 |



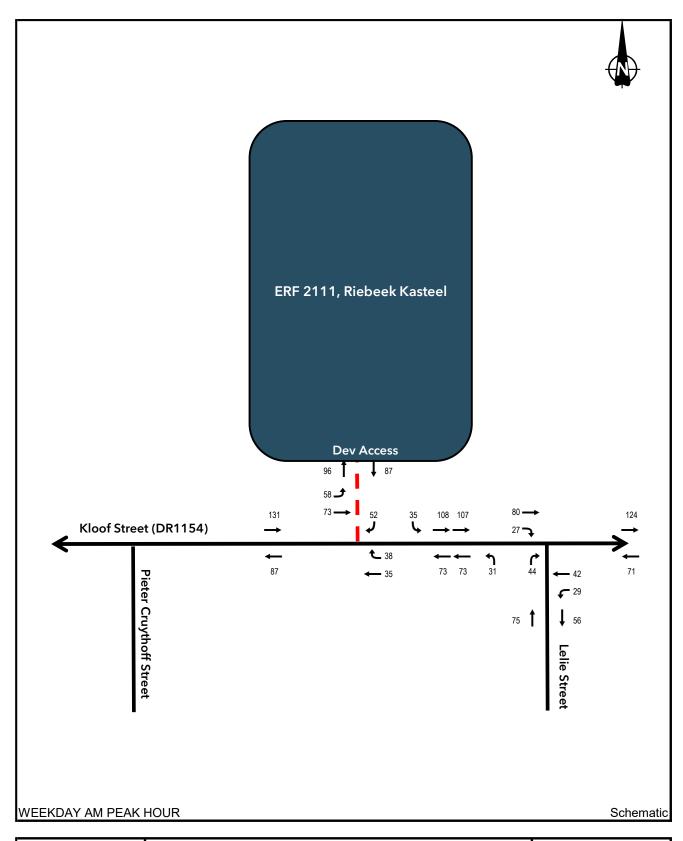
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| STURGEON | Development Traffic: Phase 2 | 15 15 |



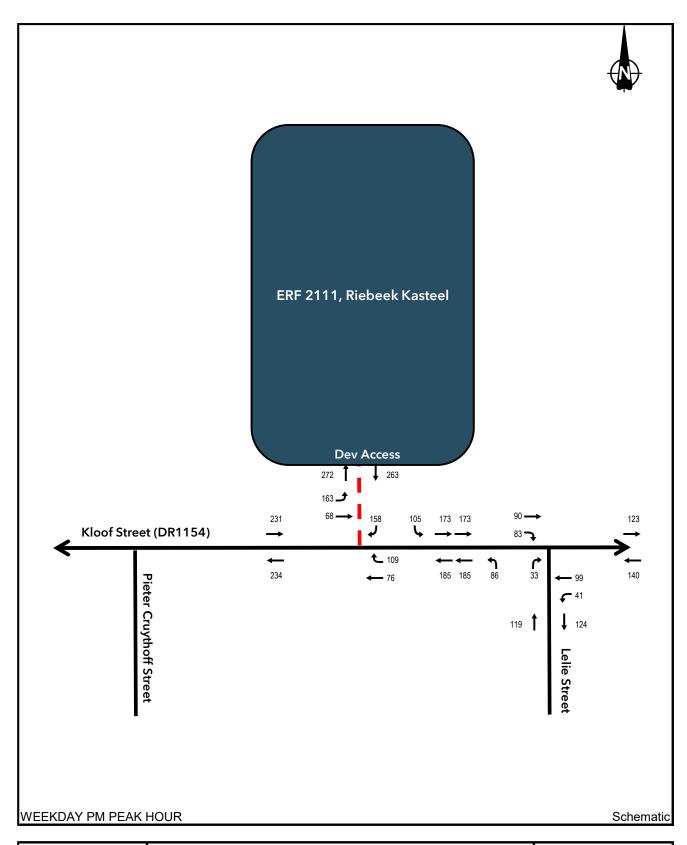
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|--|------------------------------|-------------------------|
| STURGEON | Development Traffic: Phase 2 | 16 |



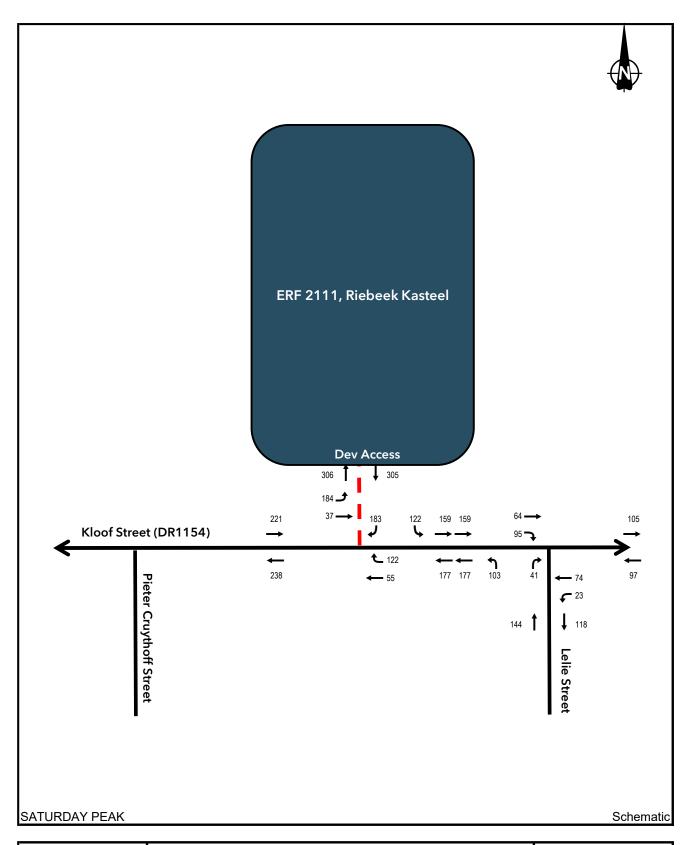
| Traffic Engineering & Transport Planning | Erf 2111 Riebeek Kasteel TIA | Job Ref No: STUR0348 |
|--|------------------------------|-------------------------|
| STURGEON | Development Traffic: Phase 2 | Fig: 17 |



| Traffic Engineering & Transport Planning | Erf 2111 Riebeek Kasteel TIA | Job Ref No: STUR0348 |
|--|---|-------------------------|
| STURGEON | Expected 2032 Traffic Demand plus Development Phase 2 | Fig: 18 |



| Traffic Engineering & Transport Planning | Erf 2111 Riebeek Kasteel TIA | Job Ref No: STUR0348 |
|--|---|-------------------------|
| STURGEON | Expected 2032 Traffic Demand plus Development Phase 2 | 19 19 |



| Traffic Engineering & Transport Planning | Erf 2111 Riebeek Kasteel TIA | Job Ref No: STUR0348 |
|--|---|-------------------------|
| STURGEON | Expected 2032 Traffic Demand plus Development Phase 2 | Fig: 20 |

APPENDIX B: TABLES

Table 1: Peak Hour Traffic Conditions at Intersections

| | | | | ı | ntersectio | n | C | Critical Ap | proach | |
|--|----------------------------------|-------------------------|--------------|---------------------|------------|-------|----------|---------------------|--------|-------|
| Intersection | Scenario | Intersection Control | Peak Hour | Avg Delay (s) | LOS | v/c | Approach | Avg Delay (s) | LOS | v/c |
| _ | Existing (2022) | Stop-controlled | | 3.0 | N/A | 0.039 | South | 8.0 | А | 0.039 |
| rsection | Background (2027) | Stop-controlled | | 3.0 | N/A | 0.044 | South | 8.1 | А | 0.044 |
| Kloof Street / Lelie Street Intersection | Expected (2027) + Phase 1 | Stop-controlled | AM | 3.6 | N/A | 0.063 | South | 8.3 | А | 0.063 |
| Lelie St | Total Future (2032) + Phase 2 | Stop-controlled | | 3.7 | N/A | 0.076 | South | 8.4 | А | 0.076 |
| reet / | Existing (2022) | Stop-controlled | | 2.7 | N/A | 0.053 | South | 8.7 | А | 0.031 |
| Kloof St | Background (2027) | Stop-controlled | РМ | 2.7 | N/A | 0.059 | South | 8.8 | А | 0.035 |
| | Expected (2027) | Stop-controlled | | 4.3 | N/A | 0.103 | South | 9.2 | А | 0.103 |

| | | | | ı | ntersectio | n | (| Critical Ap | proach | |
|---|----------------------------------|-------------------------|--------------|---------------------|------------|-------|----------|---------------------|--------|-------|
| Intersection | Scenario | Intersection Control | Peak Hour | Avg Delay (s) | LOS | v/c | Approach | Avg Delay (s) | LOS | v/c |
| | + Phase 1 | | | | | | | | | |
| | Total Future (2032) + Phase 2 | Stop-controlled | | 4.4 | N/A | 0.120 | South | 9.3 | А | 0.120 |
| | Existing (2022) | Stop-controlled | | 3.6 | N/A | 0.040 | South | 7.9 | А | 0.040 |
| | Background (2027) | Stop-controlled | | 3.6 | N/A | 0.046 | South | 7.9 | А | 0.046 |
| | Expected (2027) + Phase 1 | Stop-controlled | SAT | 4.8 | N/A | 0.127 | South | 8.5 | А | 0.127 |
| | Total Future (2032) + Phase 2 | Stop-controlled | | 4.8 | N/A | 0.138 | South | 8.5 | А | 0.138 |
| Kloof Street/Devel opment Access | Expected (2027) + Phase 1 | Stop-controlled | AM | 3.2 | N/A | 0.059 | North | 5.9 | А | 0.020 |
| Kld Street, opm | Total Future (2032) + Phase 2 | Stop-controlled | Alvi | 3.6 | N/A | 0.069 | North | 6.0 | А | 0.042 |

| | | | | ı | ntersectio | n | C | Critical Ap | proach | |
|--------------|----------------------------------|-------------------------|--------------|---------------------|------------|-------|----------|---------------------|--------|-------|
| Intersection | Scenario | Intersection Control | Peak Hour | Avg Delay (s) | LOS | v/c | Approach | Avg Delay (s) | LOS | v/c |
| | Expected (2027) + Phase 1 | Stop-controlled | PM | 4.8 | N/A | 0.115 | North | 6.1 | А | 0.105 |
| | Total Future (2032) + Phase 2 | Stop-controlled | F IVI | 4.9 | N/A | 0.132 | North | 6.2 | А | 0.120 |
| | Expected (2027) + Phase 1 | Stop-controlled | SAT | 5.3 | N/A | 0.135 | North | 6.1 | А | 0.135 |
| | Total Future (2032) + Phase 2 | Stop-controlled | JAI | 5.3 | N/A | 0.140 | North | 6.1 | А | 0.140 |

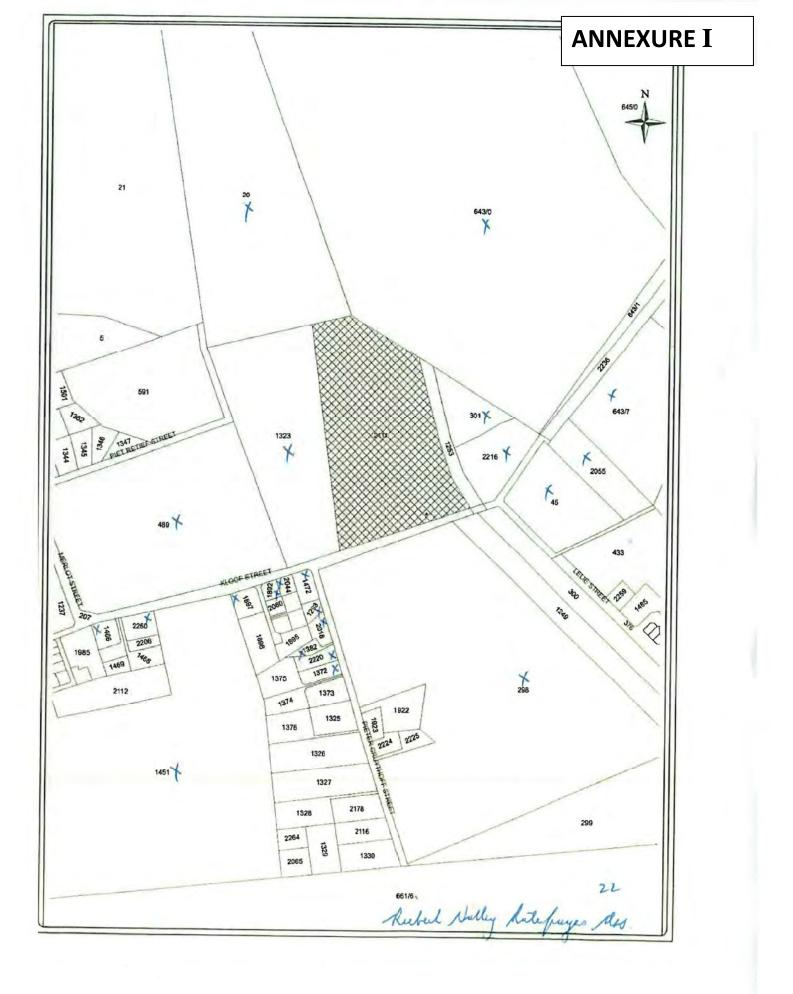
LOS - Level of Service, Delay in seconds per vehicle, V/C - Volume to Capacity Ratio

Table 2: Estimated Peak Hour Trips

| Peak Hour | Total Primary Trips | Total Trips | | | | |
|-----------|---------------------|-------------|-----|--|--|--|
| reak noui | Total Filliary Hips | IN | OUT | | | |
| PHASE 1 | | | | | | |
| AM | 138 | 85 | 53 | | | |
| PM | 491 | 241 | 250 | | | |
| SAT | 589 | 295 | 294 | | | |
| PHASE 2 | | | | | | |
| AM | 183 | 96 | 87 | | | |
| PM | 535 | 272 | 263 | | | |
| SAT | 611 | 306 | 305 | | | |

Table 3: Expected Queueing and Required Stacking at Proposed Access at Security Gate

| Description | Analyses Results |
|--|------------------|
| Average arrival rate inbound (vph) | 51 |
| Average service rate (sec/veh) | 24 |
| Average service rate (services/hr) | 150 |
| Traffic intensity | 0.34 |
| Number of channels (gates) | 1 |
| 95th Percentile queue length (<n th="" vehicles)<=""><th>2 (12m)</th></n> | 2 (12m) |
| Average number of vehicles in the system | 0.5 |
| Average delay (sec) | 36.4 |



ANNEXURE .J

From: Joshua Geldenhuys < joshuageldenhuys 1@gmail.com> Sent: Wednesday, 13 July 2022 13:19 To: Registrasie Email < Registrasie Email@swartland.org.za> Subject: Re: Proposed Rezoning of ERF 2111 in Riebeek Kasteel Hello, I herewith submit my comments below in response to the letter: "PROPOSED REZONING, SUBDIVISION AND PHASING ON ERF 2111, RIEBEEK KASTEEL (NOTICE 11/2022/2023)". I fully support the proposed development and related plans. My wife and I believe that this development will have a positive effect on the nearby community by providing more people, more economic activity, more jobs and improved infrastructure & services. My details, as requested in the letter, are as follows: Name: Joshua Geldenhuys Address: 82 Kloof Street, Riebeek Kasteel Email address (preferred contact method): joshuageldenhuys1@gmail.com Phone number: 072 460 1970 Interest in application: Resident in close proximity to proposed development Reasons for comments: Noting our support of the proposed development per comments above. Please respond to confirm receipt of this email and the commentary enclosed. Kind regards,

Joshua Geldenhuys

072 460 1970

ANNEXURE K

From: Lourens Relihan < lourens.relihan@gmail.com>

Sent: Thursday, 21 July 2022 08:59

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

Cc: Marcelle Relihan <marcelle.relihan@gmail.com>

Subject: Fwd: Voorgestelde hersonering, onderverdeling en fasering op Erf 2111, Riebeek Kasteel

Goeie dag,

Ek wil net seker maak dat as sulke ontwikkelings goedgekeur word en gaan plaasvind dat die volgende in plek sal wees om die ekstra wonings, besighede en mense te kan akkomodeer sonder om 'n impak op die huidige infrastruktuur, verkeer en plattelandse leefstyl.

Dan is daar ook die volgende bekommernisse:

- 1. Is daar genoeg polisie, brandweer nood dienste in die vallei om dit te hanteer
- 2. sal die paaie in en uit Riebeek Valley dit kan hanteer
- 3. Kloof & Pieter Cruythoff laan is in 'n baie slegte toestand
- 4. Daar is omtrent geen ligte en is 'n groot risiko vir mense en diere (daar is al mense doodgery in die pad ons het dit gesien gebeur)
- 5. die pad is vol potholes
- 6. vroeg oggend en laat aand jaag die karre op die pad en daar sal 'n sirkel of "speed bumps" ingewsit moet word
- 7. die trokke van die plase en besighede ry die pad stukkend
- 8. daar is aan die onderkant geen sypaadjie vir mense om te stap of veilige baan vir fiets ryers groot risiko vir die gemeenskap om daar te loop
- 9. die storm water pype is non-existing en die water en modder loop die hele pad vol in die winter as dit reen
- 10. van die boonste plase se water loop ook uit op die pad en veroorsaak 'n baie gladde oppervlak vir voertuie
- 11. die grond pad by Pieter-Cruythoff straat is in nog 'n erger toestand en al die water en modder loop in die pad en verspoel alles
- 12. daar is geen water beheer in die pad
- 13. die trokke en trekkers van die kelder ry die pad stukkend en dit veroorsaak 'n modder bad in winter (groot risiko vir die huiseienaars)
- 14. in die somer is dit 'n stof storm en veroorsaak dat die huise , vensters, dakke, meubels vol stof is en elke dag skoon gemaak moet word
- 15. die stof veroorsaak ook dat die aircons 4 keer 'n jaar gediens en skoon gemaak moet word, anders breek dit.
- 16. die stof is ook 'n gesondheids risiko vir mense wat in die straat bly en kan oor die langtermyn long siektes, asma en hartaanvalle veroorsaak.
- 17. Die ingang/uitgand tussen Kloof en Pieter-Cruythoff is ook 'n risiko, jy kan nie sien of daar karre aankom veral as daar mis in die oggende is en die trekkers en trokke jaag om die draaie wat 'n groot gevaar is
- 18. ek is ook nie seker of die brug in die pad nog al die swaar verkeer kan hanteer, dit het al krake in.
- 19. die telefoonlyne in die straat is al lankal gesteel en die drade hang net los oor die hele area, dit skep 'n risiko en is ook 'n verleentheid vir die dorp
- 20. daar is ook omtrent geen beligting in die grond pad

Daar is al menigte kere oor die slegte toestand van Pieter-Cruythoff en Kloof straat gerapporteer en tot dusver is daar nog geen planne of tyds lyne wanneer die paaie reggemaak word en geteer word.

Ons is belasting betalers en daar is baie meer nuwe wonings in die gebied. Dit is nou 'n prioriteit dat dit aangespreek word.

Sien ook fotos van die toestand van Pieter-Cruythoff straat en telefoon drade wat hang.

Lourens Relihan 6 Pieter-Cruythoff straat Riebeek Kasteel 0836272130

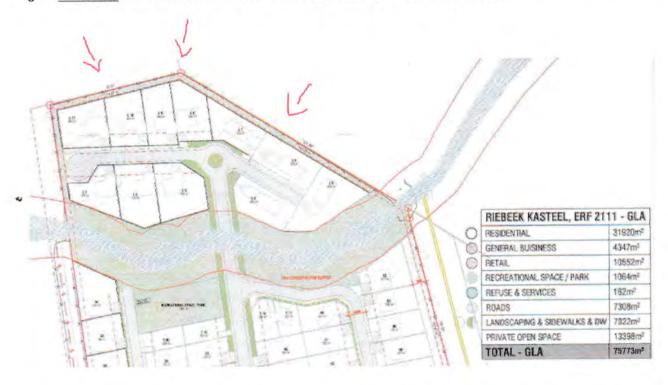
7/7/2022

Aandag: Die Munisipale Bestuurder, asook GNEC omgewingskonsultante, Lonestar Group (Walter Bader)

Beswaar: Erf 2111, Riebeek-Kasteel

Hiermee neem ons kennis van voorgestelde hersonering, onderverdeling en fasering op ERF 2111, Riebeek-Kasteel. Met verwysing na die munisipale kennisgewing asook die omgewingsimpakstudie ontvang, is ons kommentaar as volg.

In beginsel is ons altyd opgewonde oor enige ontwikkeling in Riebeek-Kasteel en ons sien uit daarna om nuwe bure te verwelkom. Volgens die sketse en planne ontvang, het moet ons beswaar maak oor die volgende onduidelikheid: Die nuwe voorgestelde noordelike residensiële grens teenaan De Hoop plaas se bestaande wingerde en plaaswerf laat geen buffersone tussen residiensieel en kommersiële landbou nie. Sien skets hieronder.



Ons bestaande wingerde staan teenaan hierdie ontwikkeling, gemerk in skets met **rooi** pyle. Ons is uiters besorg oor die potensiele residensiële geboue naby ons wingerde en hoofplaas werf.

DeHoop is 'n kommersiële vrugte en vee plaas in die Riebeek Vallei wat meer as 'n honderd werksgeleentheide verskaf. Ons verskaf vars produkte aan kliënte oor 4 kontinente en is baie trots op ons beeld as verantwoordelike landbouer en streef daarna om goeie verhoudinge met alle bure te handhaaf. Die volgende punte ondersteun bogenoemde beswaar:

- Kommersiële vrugte plase gebruik gewasbeskermingsprodukte (spesfiek chemiese produkte) om hul produkte teen siektes en plae te beskerm en die toediening van hierdie produkte met trekkers en spuitpompe op aangrensende boorde kan moontlik ongewenste effekte vir naburige persone wat wat bv. aan chroniese siektes ly, sukkel met allergië OF net sensitief van aard is.
- 2. Hierdie gewasbeskermingsprodukte kan per ongeluk oorwaai (ook genoem "spuitdrif") na naburige eiendomme en irritasie veroorsaak of allergieë vererger.
- 3. Sommige van hierdie gewasbeskermingsprodukte word ook in die nag toegedien wat steurend kan wees vir residensiële intrekkers.

- 4. DeHoop maak gebruik van helikopters en hommeltuie (drones) om boorde te bespuit en volgens wetgewing mag hommeltuie en helikopters nie nader as 50 meter van residensiële geboue beweeg nie. Hierdie toerusting kan ook steurend en dreigend vir derde partye mag voorkom.
- DeHoop gebruik hoë druk water pypleidings om ons boorde te besproei en sou hierdie pypleidings in uiterse omstandighede breek, kan daar ongewenste water op 'n residensiële eiendom beland en skade veroorsaak.
- 6. Ook is die residensiële ontwikkeling redelik na aan ons noodkragopwekker. Hierdie kragopwekker is op 24 uur bystand om met die verkoeling en verpakking van ons produkte by te staan. Ons is besorg dat die ontydige aanskakel van hierdie kragopwekker steurend kan wees vir derde partye.
- 7. DeHoop se plaas- en oesbedrywighede in die algemeen kan harde geraas op ontydige oomblikke veroorsaak wat moontlik steurend kan wees vir derde partye.
- 8. DeHoop se plaas- en oesbedrywighede veroorsaak by sekere tye uiterste **stof** wat huise, tuine en mure kan vuil maak, asook asma- en allergie lyers kan benadeel.
- 9. DeHoop se plaasdam se oorloop vloei uit in die Kromrivier en hierdie ontwikkeling is weerskante van die Kromrivier geleë. In tye van uiterse reën loop hierdie plaasdam (asook alle ander plaasdamme hoër op in die Kromrivier) geweldig vinnig oor en die Kromrivier oorspoel sy walle (sien foto hieronder), veral as die rivierloop nie skoon gehou word nie.



Ons is baie bekommerd dat oningeligte, negatiewe publisiteit op sosiale media, deur nuwe intrekkers, oor DeHoop se landbou aktiwiteite - al is dit sonder meriete - ons beeld by ons internasionale kliënte kan benadeel, wat potensieel groot finansiële verlies kan veroorsaak. Ons voel dat 'n gesonde buffer tussen landbou en residensieel onnodige konflik tussen bure kan verhoed.

Verder versoek ons dat die ontwikkelaar redelike maatreëls in plek stel om bogenoemde risiko's aan te spreek, asook pro-aktief op tree om voornemende kopers oor hierdie risiko's in te lig en kopers bewus maak van historiese, kommersiële landbou aktiwiteite in die omgewing voordat oordrag van die individuele erwe plaasvind.

Ook versoek ons dat die risiko's genoem verder ondersoek word om alle partye betrokke se regte te beskerm in 'n poging om 'n werkbare oplossing vir hierdie uitdagings te vind.

Ons glo ons beswaar is nie onredelik nie en ons sal graag aan konstruktiewe gesprekke wil deelneem rakende hierdie noordelike residensiële grens vir 'n suksesvolle ontwikkeling van Erf 2111.

Met dank,

Henk en Van Niekerk Bruwer nms Henk Bruwer Familie Trust admin@vnboerdery.co.za

26 July 2022

Swartland Municipality

To Whom It May Concern

swartlandmun@swartland.org.za registrasieemail@swartland.org.za olivierh@swartland.org.za

Dear Sir / Madam

OBJECTION TO KLEIN KASTEEL RESIDENTIAL DEVELOPMENT IN RIEBEEK KASTEEL

I have become aware of a residential development being planned between Kloof and Van Riebeek Streets in Riebeek Kasteel by the name of Klien Kasteel.

I would hereby like to register my formal objection to this development for the following reasons:

My wife and I relocated from Durban KZN to Riebeek Kasteel in December 2021. The decision to make this move, after being in Durban for approx 29 years, was made after a lot of research into Swartland area and the Riebeek Valley itself. We compared this town/village to many others in the Eastern Cape, Northern Cape and Western Cape areas and because of the size of the town, the character of the town, The attraction it has to foreigners, travellers, holiday makers, investors & artists, the financial stability of the Town Council, the apparent limited potential there seemed to be for extensive further development because of the fact that the town/village is bordered by productive farms, the quiet and safe roads we made the decision to invest into the town and area by making this our new home.

I am not apposed to development per se as this would be good for the economy of the area etc however, I am also aware of the planned developments of the Allesverloren Retirement Village, The massive development opposite to the Riebeek Winery (including offices & shopping centre) and the development next to the Barn.

I am concerned that should all these developments take place and more specifically the Klein Kasteel Development they will firstly place considerable strain on the infrastructure of the town/village, i.e the roads, the sewerage and water supply and secondly they will take away from the very character of what Riebeek Kasteel is which in turn will negatively affect tourism to the town/village which in turn will have a negative impact on the economy of the town/village and finally will affect the very reason we decided to move here.

Your consideration of my objection would be appreciated.

Yours faithfully

Clive Rosser Wilde Olyf St Riebeek Kasteel

Cell No: 066 359 0955

ANNEXURE N



16 Rainier Street, Malmesbury, Western Cape, 7299

C 022 482 1845

izak@rumboll.co.za

www.rumboll.co.za

Verw: RK/12156/NG 06 September 2022

Vir Aandag: Mnr. A Zaayman

Die Munisipale Bestuurder Swartland Munisipaliteit Privaatsak X52

MALMESBURY

7299

KOMMENTAAR OP BESWARE: HERSONERING & ONDERVERDELING TE ERF 2111 RIEBEEK KASTEEL

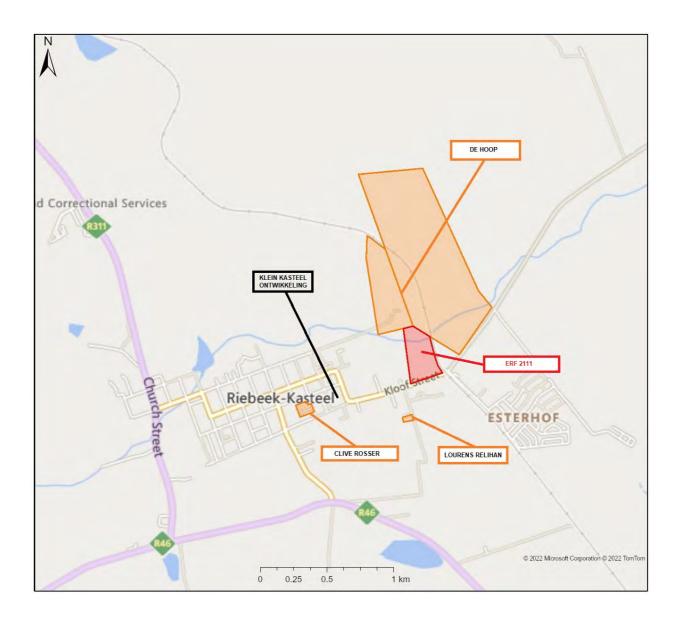
Geagte Meneer

Hiermee skriftelike antwoord op kommentare ingevolge Artikel 65(2) van Swartland Munisipalteit se Verordering op Grondgebruikbeplanning. Die antwoord hou verband met die aansoek om hersonering en onderverdeling van Erf 2111 Riebeek Kasteel ten einde 'n gemengde ontwikkeling toe te staan op die eiendom. Die rupliek word in Afrikaans geirg siende dat meeste van die besware in Afrikaans is. Gedurende die publieke deelnameproses het Swartland Munisipaliteit drie besware ontvang van die volgende partye:

- a) Lourens Relihan (Erf 1373 Riebeek Kasteel)
- b) Henk & Van Niekerk Bruwer (Restand van Erf 20 Riebeek Kasteel De Hoop)
- c) Clive Rosser (Wilde Olyfstraat)

Professional Land Surveyors | Engineering and Mine Surveyors | Urban and Regional Planners | Sectional Title Consultants

Dit is belangrik om uit te wys dat Mnr Relihan nêrens in sy skrywe aandui dat hy gekant is teen die ontwikkelingsvoorstel nie, maar liewer besorg is oor die stand van dienste in die omgewing. Mnr. Rosser teken beswaar aan teen die "Klein Kasteel" ontwikkeling wat geleë is tussen Kloof- & Van Riebeeckstraat. Mnr. Rosser verwys egter in sy skrywe na die ontwikkeling op Erf 2111, maar sê nêrens dat hy gekant is teen die ontwikkeling nie. Nietemin word beide partye se kommentare aangespreek.



Inset 1: Ligging van persone met besware teenoor die ligging van Erf 2111 Riebeek Kasteel

a) LOURENS RELIHAN (ERF 1373)

1. Pieter-Cruythoff en Kloofstraat is vol slaggate en in 'n baie slegte toestand. Swaarvoertuie soos trokke en trekkers dra by tot die paaie se swak toestand. Daar is 'n gebrek aan stormwater infratruktuur wat die paaie onveilig maak, veral in die winter as dit reen. Die ingang van Pieter-Cruythoff op Kloofstraat is onveilig as gevolg van swak sigafstande en die hoë spoed van aankomende verkeer. Die area het ook 'n probleem met motors wat jaag. Spoedwalle en sirkels moet aangebring word om die problem te bekamp. Kloofstraat het nie 'n sypaadjie nie en het 'n gebrek aan straatbeligting wat dit onveilig maak vir fietsryers en voetgangers. Telefoondrade hang los en skep 'n risiko asook 'n verleentheid vir die dorp.

Die aansoeker neem kennis. Die ontwikkeling sal toegang kry vanaf Kloofstraat wat 'n Provinsiale pad is. Die Wes-Kaap se Departement van Vervoer en Openbare Werke is dus die autoriteit wat moet besluit oor die geskiktheid van die voorgestelde toegang van Kloofstraat. Die aansoeker het die posisie van die toegang met behulp van 'n volledige verkeersimpakstudie bepaal. Die studie sal die pad- asook plaaslike owerheid help om 'n ingeligte besluit te neem rakende die voorstel. Die voorgestelde toegang is geleë reg oorkant die bestaande toegang na Riebeek Wynkelder om die toegang so veielig as moontlik te maak. Die verkeersimpakstudie bepaal verder dat die oos-wes sigafstande voldoende is. Verkeersirkels en stoppe vorm deel van die voorstel om te verseker dat toegang veilig is en dat lae spoede gehandhaaf word binne die ontwikkeling.

Voetgangers is belangrik vir die ontwikkeling daarom tref die voorstel voorsorg vir voetgangers langs die noordelike grens van Kloofstraat. Geplaveide voetpaaie, gekompakteerde grond en 'n voetganger brug vorm die netwerk vir voetgangers. Aandag word ook spesifiek gegee aan straatbeligting soos voorgehou in die argitek se ethos document. Die voorstel se beligting beklemtoon veiligteheid en is gefokus rondom loopvlakke, maar verhoed 'n oormate van ligte in 'n poging om Riebeek Kasteel se karakter en stedelike ontwerpsbeginsels na te boots en ligbesoedeling te vermy.

2. Die swaarvoertuie wat die paaie gebruik maak stof wat ongerief veroorsaak, huise vuilmaak, eiendom beskadig en gesondheidsrisikos inhou naamlik harten longsiektes.

Die aansoeker neem kennis. Die verwysing na stof dui waarskynlik op die gebruik van Pieter-Cruythofflaan wat nie 'n belangrike toegangsroete vir die ontwikkeling sal wees nie.

3. Bekommerd oor die kapasiteit van Riebeek Kasteel se paaie, polisie, brandweer en nood dienste om die ontwikkeling te akkommodeer.

Die aansoeker neem kennis. Die plaaslike owerheid se besluitnemingsproses word gelei deur 'n geintegreerde aansoekproses wat vereis dat alle staatsdepartmente en munisipale afdelings insette lewer op die aansoek. Die nodige departemente sal dus in kennis gestel word van die aansoek.

Die aansoek sluit 'n verslag van GLS Konsultante in waarin die beskikbaarheid van grootmaat dienste bevestig word. Die verslag het bevestig dat daar voldoende dienstekapasiteit is.

b) HENK & VAN NIEKERK BRUWER (DE HOOP BOERDERY)

1. In beginsel altyd opgewonde oor nuwe ontwikkeling in Riebeek Kasteel.

Die aansoeker neem kennis.

2. Die noordelike gedeelte van die ontwikkelingsvoorstel laat geen buffer tussen De Hoop se bestaande kommersiële landbouaktiwiteite en die ontwikkeling nie.

Die voorstel maak voorsiening vir 'n buffer. Die volgende word aangehaal uit die ontwerp etos dokument soos saamgestel deur Boogertman & Partners Argitekte: "In die noordelike deel van Erf 2111 Riebeek Kasteel moet die ontwikkeling reageer op die historiese waarde en aansigte in 'n onderskeie wyse. Wonings op die noordelike rand moet so ver as moontlik suid geposisioneer word om voorsiening te maak vir 'n groen buffersone tussen die ontwikkeling en die aangrensende plaas (De Hoop)". Dus word 'n 3.5m wye groen buffersone gehandhaaf langs die noordelike grens van die ontwikkeling.

Landbouaktiwiteite is krities tot Riebeek Kasteel se identiteit. Hier integreer nedersetting en landbou om 'n unieke atmosfeer skep. Die voorstel ondersteun die status quo deur residensiële geleenthede te skep wat in die nabyheid van die landbou landskap is. Die integrasie van residensiële gebruike en landbou is geensins vreemd of iets nuuts in die konteks van Riebeek Kasteel nie soos opgemerk word langs Kerkstraat, Kloofstraat en Van Riebeeckstraat waar wonings direk aangrensend tot landbouaktiwiteite is. In meeste gevalle is daar geen buffersone tussen die twee aktiwiteite nie en gevolglik dui dit daarop dat die kombinasie van gebruike alreeds toegepas word in die dorp sonder buffer areas.



Inset 2: Areas (in rooi) waar residensiële gebruike direk aangresend tot landbou is.

3. De Hoop gebruik trekkers en spuitpompe om gewasbeskermingsprodukte toe te dien aan die boorde. Naburige persone kan perongeluk blootgestel word aan hierdie produkte deur middel van spuitdrif en mag ongewenste effekte soos irritasie of allergië veroorsaak. Die beskermingsprodukte word soms in die nag toegedien wat steurend kan wees vir residensiële intrekkers.

Alle produkte wat toegepas word moet kragtens die Wet op Kunsmis, Plaasvoere en Landbou Middels (Wet 36 van 1947) geregistreer wees. Wet 36 bepaal ook dat die produketiket instruksies wat voorkom op die landbouchemikalieë streng nagekom word wanneer die middel toegepas word. In die algemeen sluit etiket instruksies onderandere in dat alle inwoners aangrensend tot die gebied wat gespuit word in kennis gestel word en die nodige waarskuwings uitgereik word, en dat middels nie in

winderige of reënerige toestande toegepas word nie. De Hoop boerdery het dus 'n verantwoordelikheid om enige aangrensende inwoners in kennis te stel indien hulle produkte gebruik wat kennisgewings en/of waarskuwings noodsaak.

Verder, moet toepassing van die produkte ooreenstem met die voorskrifte van die Wet op Beroepsgesondheid en Veiligheid (Wet 85 van 1993). Strenger internasionale wette soos die "Prior Informed Consent (PIC)" is ook ter sprake wanneer produkte uitgevoer word - wat hier die geval is. Nietemin sal partye bewus gemaak word van landbouaktiwiteite in die omgewing.

4. Helikopters en hommeltuie word in sommige gevalle gebruik om die beskermingsprodukte toe te dien wat steurend mag wees. Die lugvaarttuie mag nie nader as 50m van residensiële geboue beweeg nie.

Die aansoeker neem kennis. 'n Klein area sal geaffekteer word as gevolg van die vereiste om 'n 50m afstand te handhaaf tussen die ontwikkeling en areas wat met helikopters of hommeltuie gespuit word.



Inset 3: Areas (in rooi) waar spuit met helikopters en hommeltuie beperk sal wees.

5. De Hoop gebruik hoë druk water pypleidings wat kan lei daartoe dat residensiële eiendom beskadig word indien die pypleidings breek onder uiterse omstandighede.

Die aansoeker neem kennis. Die ontwikkelingsvoorstel sluit 'n stormwaterstelsel in om afloopwater te bestuur. Die noordekant van Erf 2111 is die hoogste gedeelte van die eiendom en gevolglik dreineer water in die rigting van de Kromrivier.

6. De Hoop maak gebruik van 'n noodkragopwekker wat 24 uur op bystand is. Ontydige aanskakel van die kragopwekker mag steurend wees vir naburige persone.

Die aansoeker neem kennis.

7. Die plaasbedrywighede kan harde geraas op ontydige oomblikke veroorsaak so wel as stof wat ongerief kan veroorsaak.

Die aansoeker neem kennis.

8. De Hoop se plaasdam se oorloop vloei uit die Kromrivier en hierdie ontwikkeling is weerskante van die Kromrivier geleë. In tye van swaar reen loop die plaasdam oor en oorspoel die Kromrivier sy walle, veral as die rivierloop nie skoongehou word nie.

Die aansoeker neem kennis. Die ontwikkelingsvoorstel handhaaf 'n 10m buffer aan albei kante van die Kromrivier. Die grond sal soos benodig voorberei word om te verseker dat die ontwikkeling nie oorstroom nie. Voldoende voorbereiding sal ook getref word met verwysing na die verspreiding en opvang van stormwater soos voorgehou in die diensteverslag vanaf SKCM. Verder, sal 'n Rivier-onderhoudplan opgetrek word en die nodige goedkeuring vanaf Departement Omgewingsake verkry word om die rivierloop skoon te hou.

9. De Hoop is bekkommerd oor negatiewe publisiteit wat kan ontstaan as gevolg van wrywing tussen die nuwe intrekkers en die landbouaktiwiteite. 'n Gesonde Buffer tussen die ontwikkelingsvoorstel en De Hoop sal help om moontlike konflik te verhoed. Verder moet die ontwikkelaar maatreëls in plek stel om die bogenoemde risiko's aan te spreek en nuwe kopers moet bewus gemaak word

van die bestaande landbouaktiwiteite.

Die aansoeker neem kennis. Soos voorheen genoem by punt b(2) is daar verskeie areas van die dorp wat direk aangrensend tot landbouaktiwiteite is en bevat die ontwikkelingsvoorstel alreeds 'n buffer. Partye sal bewus gemaak word van landbouaktiwiteite in die omgewing.

c) CLIVE ROSSER (WILDE OLYFSTRAAT)

1. Teken beswaar aan teen die Klein Kasteel Residensiële ontwikkeling in Riebeek Kasteel. Het spesifiek na Riebeek Kasteel toe getrek oor die grootte en karakter van die dorp. Is in die algemeen nie gekant teen die ontwikkeling nie, maar is bewus van ander ontwikkeling in die area (Allesverloren en Erf 2111 Riebeek Kasteel). As al hierdie projekte slaag sal dit druk plaas op die dorp se dienste en die karakter van Riebeek Kasteel negatief beïnvloed. Die impak op Riebeek Kasteel se karakter sal negatief bydrae tot toerisme en die dorp se ekonomie.

Om weer te bevestig, noem Mnr. Rosser geensins dat hy gekant is of beswaar aanteken teen die ontwikkeling te Erf 2111 Riebeek Kasteel nie. Die ontwikkelingsvoorstel is saamgestel met die hulp van 'n professionele span om te verseker dat die ontwikkeling in balans is met die omliggende landelike elemente en dat die karakter van Riebeek Kasteel bewaar word. Die spesialisstudies sluit in:

- Volledige omgewingsimpakstudie
- Volledige verkeersimpakstudie
- Diensteverslag
- Erfenisstudie
- Varswaterstudie
- Visuele impakstudie
- Landskap Argitek verslag en ontwerp
- Argitekvoorstelle en ontwerpsriglyne

Met verwysing na dienste, soos alreeds genoem, was GLS Konsultante genader om die beskikbaarheid van grootmaat dienste te bevestig. Beide GLS asook die Distrik Munisipaliteit, wat verantwoordelik is vir watervoorsiening, het bevestig daar is voldoende dienstekapasiteit vir die ontwikkeling.

Vir hierdie redes versoek CK Rumboll & Vennote dat Swartland Munisipaliteit die aansoek goedgunstig oorweeg.

Vriendelike groete

Nical Grobbelaar

Pr. Pln. A/2777/2019

KOMMENTAAR EN BESWARE ONTVANG





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

File ref: 15/3/3-11/Erf_2111 15/3/6-11/Erf_2111

Enquiries: Ms D N Stallenberg

11 August 2022

C K Rumboll & Partners P O Box 211 MALMESBURY 7299

Dear Sir/Madam

PROPOSED REZONING AND SUBDIVISION ON ERF 2111, RIEBEEK KASTEEL

Your application with reference RK/12156/NG dated 24 June 2022 refers.

Kindly find attached the objection received by Louren Relihan, Henk Bruwer Familie Trust and Clive Rosser during the commenting period.

Your comment on the objections is requested within 30 days from the date of this letter in order for Swartland Municipality to make a decision.

Yours sincerely

MUNICIPAL MANAGER

per Department Development Services

/ds

Darling Tel: 022 492 2237

From: Lourens Relihan < lourens.relihan@gmail.com>

Sent: Thursday, 21 July 2022 08:59

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

Cc: Marcelle Relihan <marcelle.relihan@gmail.com>

Subject: Fwd: Voorgestelde hersonering, onderverdeling en fasering op Erf 2111, Riebeek Kasteel

Goeie dag,

Ek wil net seker maak dat as sulke ontwikkelings goedgekeur word en gaan plaasvind dat die volgende in plek sal wees om die ekstra wonings, besighede en mense te kan akkomodeer sonder om 'n impak op die huidige infrastruktuur, verkeer en plattelandse leefstyl.

Dan is daar ook die volgende bekommernisse:

- Is daar genoeg polisie, brandweer nood dienste in die vallei om dit te hanteer
- sal die paaie in en uit Riebeek Valley dit kan hanteer
- Kloof & Pieter Cruythoff laan is in 'n baie slegte toestand
- Daar is omtrent geen ligte en is 'n groot risiko vir mense en diere (daar is al mense doodgery in die pad ons het dit gesien gebeur)
- die pad is vol potholes
- vroeg oggend en laat aand jaag die karre op die pad en daar sal 'n sirkel of "speed bumps" ingewsit moet word
- die trokke van die plase en besighede ry die pad stukkend
- daar is aan die onderkant geen sypaadjie vir mense om te stap of veilige baan vir fiets ryers groot risiko vir die gemeenskap om daar te loop
- die storm water pype is non-existing en die water en modder loop die hele pad vol in die winter as dit reen
- van die boonste plase se water loop ook uit op die pad en veroorsaak 'n baie gladde oppervlak vir voertuie
- die grond pad by Pieter-Cruythoff straat is in nog 'n erger toestand en al die water en modder loop in die pad en verspoel alles
- daar is geen water beheer in die pad
- die trokke en trekkers van die kelder ry die pad stukkend en dit veroorsaak 'n modder bad in winter (groot risiko vir die huiseienaars)
- in die somer is dit 'n stof storm en veroorsaak dat die huise , vensters, dakke, meubels vol stof is en elke dag skoon gemaak moet word
- die stof veroorsaak ook dat die aircons 4 keer 'n jaar gediens en skoon gemaak moet word, anders breek dit.
- die stof is ook 'n gesondheids risiko vir mense wat in die straat bly en kan oor die langtermyn long siektes, asma en hartaanvalle veroorsaak.
- Die ingang/uitgand tussen Kloof en Pieter-Cruythoff is ook 'n risiko, jy kan nie sien of daar karre aankom veral as daar mis in die oggende is en die trekkers en trokke jaag om die draaie wat 'n groot gevaar is
- ek is ook nie seker of die brug in die pad nog al die swaar verkeer kan hanteer, dit het al krake in.
- die telefoonlyne in die straat is al lankal gesteel en die drade hang net los oor die hele area, dit skep 'n risiko en is ook 'n verleentheid vir die dorp
- · daar is ook omtrent geen beligting in die grond pad

Daar is al menigte kere oor die slegte toestand van Pieter-Cruythoff en Kloof straat gerapporteer en tot dusver is daar nog geen planne of tyds lyne wanneer die paaie reggemaak word en geteer word.

Ons is belasting betalers en daar is baie meer nuwe wonings in die gebied. Dit is nou 'n prioriteit dat dit aangespreek word.

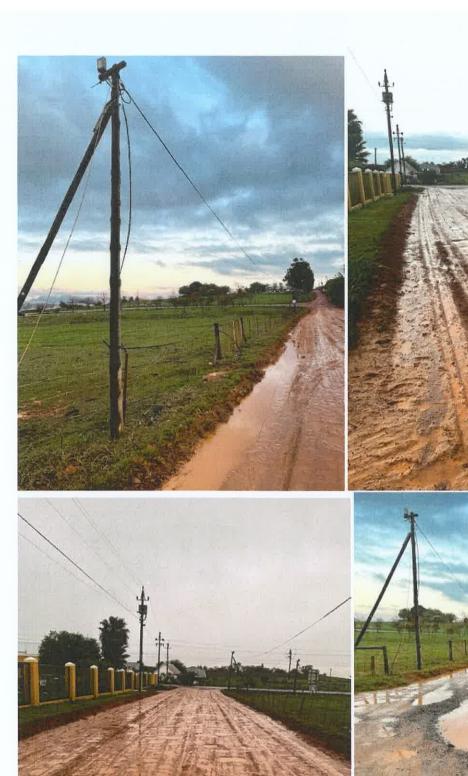
Sien ook fotos van die toestand van Pieter-Cruythoff straat en telefoon drade wat hang.

Lourens Relihan

6 Pieter-Cruythoff straat

Riebeek Kasteel

0836272130











Henk Bruwer Familie Trust

De Hoop plaas,

Riebeek-Kasteel

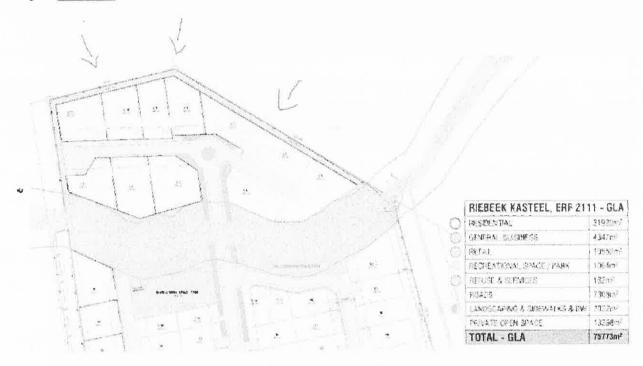
7/7/2022

Aandag: Die Munisipale Bestuurder, asook GNEC omgewingskonsultante, Lonestar Group (Walter Bader)

Beswaar: Erf 2111, Riebeek-Kasteel

Hiermee neem ons kennis van voorgestelde hersonering, onderverdeling en fasering op ERF 2111, Riebeek-Kasteel. Met verwysing na die munisipale kennisgewing asook die omgewingsimpakstudie ontvang, is ons kommentaar as volg.

In beginsel is ons altyd opgewonde oor enige ontwikkeling in Riebeek-Kasteel en ons sien uit daarna om nuwe bure te verwelkom. Volgens die sketse en planne ontvang, het moet ons beswaar maak oor die volgende onduidelikheid: Die nuwe voorgestelde noordelike residensiële grens teenaan De Hoop plaas se bestaande wingerde en plaaswerf laat geen buffersone tussen residiensieel en kommersiële landbou nie. Sien skets hieronder.



Ons bestaande wingerde staan teenaan hierdie ontwikkeling, gemerk in skets met rooi pyle. Ons is uiters besorg oor die potensiele residensiële geboue naby ons wingerde en hoofplaas werf.

DeHoop is 'n kommersiële vrugte en vee plaas in die Riebeek Vallei wat meer as 'n honderd werksgeleentheide verskaf. Ons verskaf vars produkte aan kliënte oor 4 kontinente en is baie trots op ons beeld as verantwoordelike landbouer en streef daarna om goeie verhoudinge met alle bure te handhaaf. Die volgende punte ondersteun bogenoemde beswaar:

- 1. Kommersiële vrugte plase gebruik gewasbeskermingsprodukte (spesfiek chemiese produkte) om hul produkte teen siektes en plae te beskerm en die toediening van hierdie produkte met trekkers en spuitpompe op aangrensende boorde kan moontlik ongewenste effekte vir naburige persone wat wat bv. aan chroniese siektes ly, sukkel met allergië OF net sensitief van aard is.
- 2. Hierdie gewasbeskermingsprodukte kan per ongeluk oorwaai (ook genoem "spuitdrif") na naburige eiendomme en irritasie veroorsaak of allergieë vererger.
- 3. Sommige van hierdie gewasbeskermingsprodukte word ook in die nag toegedien wat steurend kan wees vir residensiële intrekkers.

- 4. DeHoop maak gebruik van helikopters en hommeltuie (*drones*) om boorde te bespuit en volgens wetgewing mag hommeltuie en helikopters nie nader as 50 meter van residensiële geboue beweeg nie. Hierdie toerusting kan ook steurend en dreigend vir derde partve mag voorkom.
- 5. DeHoop gebruik **hoë druk water pypleidings** om ons boorde te besproei en sou hierdie pypleidings in uiterse omstandighede breek, kan daar ongewenste water op 'n residensiële eiendom beland en skade veroorsaak.
- 6. Ook is die residensiële ontwikkeling redelik na aan ons noodkragopwekker. Hierdie kragopwekker is op 24 uur bystand om met die verkoeling en verpakking van ons produkte by te staan. Ons is besorg dat die ontydige aanskakel van hierdie kragopwekker steurend kan wees vir derde partye.
- 7. DeHoop se plaas- en oesbedrywighede in die algemeen kan harde geraas op ontydige oomblikke veroorsaak wat moontlik steurend kan wees vir derde partye.
- 8. DeHoop se plaas- en oesbedrywighede veroorsaak by sekere tye uiterste **stof** wat huise, tuine en mure kan vuil maak, asook asma- en allergie lyers kan benadeel.
- 9. DeHoop se plaasdam se oorloop vloei uit in die Kromrivier en hierdie ontwikkeling is weerskante van die Kromrivier geleë. In tye van uiterse reën loop hierdie plaasdam (asook alle ander plaasdamme hoër op in die Kromrivier) geweldig vinnig oor en die Kromrivier oorspoel sy walle (sien foto hieronder), veral as die rivierloop nie skoon gehou word nie.



Ons is baie bekommerd dat oningeligte, negatiewe publisiteit op sosiale media, deur nuwe intrekkers, oor DeHoop se landbou aktiwiteite - al is dit sonder meriete - ons beeld by ons internasionale kliënte kan benadeel, wat potensieel groot finansiële verlies kan veroorsaak. Ons voel dat 'n gesonde buffer tussen landbou en residensieel onnodige konflik tussen bure kan verhoed.

Verder versoek ons dat die ontwikkelaar redelike maatreëls in plek stel om bogenoemde risiko's aan te spreek, asook pro-aktief op tree om voornemende kopers oor hierdie risiko's in te lig en kopers bewus maak van historiese, kommersiële landbou aktiwiteite in die omgewing voordat oordrag van die individuele erwe plaasvind.

Ook versoek ons dat die risiko's genoem verder ondersoek word om alle partye betrokke se regte te beskerm in 'n poging om 'n werkbare oplossing vir hierdie uitdagings te vind.

Ons glo ons beswaar is nie onredelik nie en ons sal graag aan konstruktiewe gesprekke wil deelneem rakende hierdie noordelike residensiële grens vir 'n suksesvolle ontwikkeling van Erf 2111.

Met dank,

Henk en Van Niekerk Bruwer nms Henk Bruwer Familie Trust admin@vnboerdery.co.za

Swartland Municipality

To Whom It May Concern

swartlandmun@swartland.org.za registrasieemail@swartland.org.za olivierh@swartland.org.za

Dear Sir / Madam

OBJECTION TO KLEIN KASTEEL RESIDENTIAL DEVELOPMENT IN RIEBEEK KASTEEL

I have become aware of a residential development being planned between Kloof and Van Riebeek Streets in Riebeek Kasteel by the name of Klien Kasteel.

I would hereby like to register my formal objection to this development for the following reasons:

My wife and I relocated from Durban KZN to Riebeek Kasteel in December 2021. The decision to make this move, after being in Durban for approx 29 years, was made after a lot of research into Swartland area and the Riebeek Valley itself. We compared this town/village to many others in the Eastern Cape, Northern Cape and Western Cape areas and because of the size of the town, the character of the town, The attraction it has to foreigners, travellers, holiday makers, investors & artists, the financial stability of the Town Council, the apparent limited potential there seemed to be for extensive further development because of the fact that the town/village is bordered by productive farms, the quiet and safe roads we made the decision to invest into the town and area by making this our new home.

I am not apposed to development per se as this would be good for the economy of the area etc however, I am also aware of the planned developments of the Allesverloren Retirement Village, The massive development opposite to the Riebeek Winery (including offices & shopping centre) and the development next to the Barn.

I am concerned that should all these developments take place and more specifically the Klein Kasteel Development they will firstly place considerable strain on the infrastructure of the town/village, i.e the roads, the sewerage and water supply and secondly they will take away from the very character of what Riebeek Kasteel is which in turn will negatively affect tourism to the town/village which in turn will have a negative impact on the economy of the town/village and finally will affect the very reason we decided to move here.

Your consideration of my objection would be appreciated.

Yours faithfully

Clive Rosser Wilde Olyf St Riebeek Kasteel

Cell No: 066 359 0955

ANNEXURE O



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive Pinelands 7404 Mrs. Erica Burg

Email: EricaB@openserve.co.za

Our Ref.: WWIP_WRIK2552_22 Your Ref.: 15/3/3-11/Erf_2111

13 July 2022

For Attention: D. Stallenberg

Email: StellenbergD@swartland.org.za

SWARTLAND Municipality Private Bag X52, Malmesbury, 7299

SERVICES AFFECTED

Dear Sir / Madam

<u>APPLICATION FOR OPENSERVE WAYLEAVE:</u> - PROPOSED REZONING, SUBDIVISION & PHASING OF ERF 2111, KLOOF STREET, RIEBEEK KASTEEL

With reference to your Electronic Application received and dated July 2022.

As important <u>OPTIC FIBRE</u> cables are affected, please contact our representative <u>MARIUS MAKIER</u> at telephone number (021) 981 6503 / 081 348 2317 or <u>Email: MariusM1@openserve.co.za</u> at least 48 hours prior of commencement on construction work.

I hereby inform you that OpenServe approves the proposed work indicated on your drawing in principle. This approval is valid for <u>6 months only</u>, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157, Private Bag X881, Pretoria, Gauteng, 0001

Internal Use -176-

Approval is granted, subject to the following conditions.

As per sketch attached, OpenServe infrastructure <u>will be affected</u>, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only. Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should OpenServe infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All OpenServe rights remain reserved.

Yours faithfully,

Being (pp)

Selwyn Bowers – (Operations Manager) Wayleave Management: Western Region



WESTERN CAPE PROVINCE

Private Bag X 16, Sanlamhof, 7532 / 52 Voortrekker Road, Bellville 7530 Tel #: (021) 941 6000 Fax #: (021) 941 6077

Enqueris : T. Manavhela **Tel #** : (021) 941 6056

Email : manavhelat@dws.gov.za

Reference : 16/2/7/G10F/A/8

Attention: Nical Grobbelaar

CK Rumboll & Partners PO Box 211 MALMESBURY 7299

Dear Nical Grobbelaar

APPLICATION: THE SUBDIVISION OF ERF 2111, RIEBEK KASTEEL MALMESBURY DIVISION WESTERN CAPE PROVINCE

Your application for consent use dated 24 June 2022 has reference.

The Department acknowledges receipt of your application document dated 24 June 2022, Application Doc: Ref – RK 12156/NG.

The Department has the following comments:

During the revaluation of your application, the Department has noted proposed subdivision and rezoning of ERF 2111 and does not object to the proposal; provided all the provisions of the National Water Act (36 of 1998 as amended) will be always adhered to.

Please note the following:

- 1. No abstraction of surface or groundwater may be done, or storage of water be created without prior authorisation from this Department, unless it is Schedule 1 or Existing Lawful use as described in the National Water Act 1998 (Act No. 36 of 1998).
- 2. No surface, ground or storm water may be polluted because of activities on the site. If pollution does occur, this Department must be informed immediately.
- 3. The person who owns, controls, occupies or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources.
- 4. The comments issued shall not be construed as exempting the developer from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.



- 5. All the requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be always adhered to.
- 6. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received.

For more information please do not hesitate to contact Mr T Manavhela at (manavhelat@dws.gov.za or Tel 021 941 6056).

Yours Sincerely

PROVINCIAL HEAD: WESTERN CAPE
Signed by: Ms Ndobeni Nelisa

Designation: Control Environmental Officer

Date: 21 July 2022

Cc: planning1@rumboll.co.za

ANNEXURE Q1



Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref:

TPW/CFS/RP/LUD/REZ/SUB-26/318 (Job 29698)

The Municipal Manager Swartland Municipality Private Bag X52 MALMESBURY 7299

Attention: Mr DN Stallenberg

Dear Sir

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ERF 2111, RIEBEEK KASTEEL: PROPOSED REZONING, SUBDIVISION AND PHASING ON ERF 2111, RIEBEEK KASTEEL

- 1. Your letter to this Branch referenced 15/3/3-11/Erf_2111 dated 5 July 2022 refers
- The application affects Divisional Road 1154 for which this Branch is the road authority. However, upon subdivision the section of the Divisional Road 1154 up to Lelie Street will no longer be a Divisional Road in terms of Section 66(3) of the Roads Ordinance 19 of 1976 and will be a municipal street under the jurisdiction of Swartland Municipality.
- The proposal is for the following:
- 3.1. Rezoning of the subject property from Agricultural Zone 1 to Subdivisional Area,
- 3.2. The subdivision of the subject property into the following:
 - 1 Transport Zone 2
 - 2 Transport Zone 2
 - 5 Open Space Zone 2
 - 2 Business Zone 1
 - 72 General Residential Zone 1, and
 - 11 Residential Zone 1
- 3.3. The phasing of the development in 3 phases, namely; Phase 1 shopping centre, Phase 2 offices and group housing and Phase 3 single residential erven.
- 4. The neighbouring Erf 1323 has also applied for a (rezoning and subdivision):





- 4.1. This Branch is not in agreement with the two access proposals on that development and has suggested a singular access opposite Pieter Cruythoff Street.
- 4.2. Traffic Impacts Assessment for Erf 2111 has evaluated the access spacing from Pieter Cruythoff Street and has not taken into account what was proposed for Erf 1323. Should the accesses proposed for Erf 1323 be implemented the required access spacing may not be achieved.
- 5. Therefore as a future municipal street section this Branch in order to support the development requires Swartland Municipality Roads Department to confirm that they are satisfied with the access spacing arrangement of the two erven and its developments.
- Accordingly this Branch objects to the proposal in terms of the Land Use Planning Act 3 of 2014. This Branch will consider withdrawing its objection upon receipt of the comments of the Swartland Municipality Roads Department.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 30 AUGUST 2022

ANNEXURE Q2



Chief Directorate: Road Planning Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref:

TPW/CFS/RP/LUD/REZ/SUB-26/318 (Job 29698)

The Municipal Manager Swartland Municipality Private Bag X52 MALMESBURY

Attention: Mr DN Stallenberg

Dear Sir

7299

ERF 2111, RIEBEEK KASTEEL: PROPOSED REZONING, SUBDIVISION AND PHASING ON ERF 2111, RIEBEEK KASTEEL

- 1. The following refer:
- 1.1. Your letter to this Branch referenced 15/3/3-11/Erf_2111 dated 5 July 2022,
- 1.2. This Branch's letter to you referenced TPW/CFS/RP/LUD/REZ/SUB-26/318 (Job 29698) dated 30 August 2022,
- 1.3. J Pieters of Swartland Municipality's email to CK Rumboll dated 3 October 2022,
- 1.4. Sturgeon Consulting's TIA referenced STUR0348 dated May 2022.
- 2. The application affects Divisional Road 1154 for which this Branch is the Road Authority. However, upon subdivision the section of the Divisional Road 1154 up to Lelie Street will no longer be a Divisional Road in terms of Section 66(3) of the Roads Ordinance 19 of 1976 and will be a Municipal Street under the jurisdiction of Swartland Municipality.
- 3. The proposal is for the following:
- 3.1. Rezoning of the subject property from Agricultural Zone 1 to Subdivisional Area,
- 3.2. The subdivision of the subject property into the following:
 - 1 Transport Zone 2
 - 2 Transport Zone 2
 - 5 Open Space Zone 2
 - 2 Business Zone 1

- 72 General Residential Zone 1, and
- 11 Residential Zone 1
- 3.3. The phasing of the development in 3 phases, namely; Phase 1 shopping centre, Phase 2 offices and group housing and Phase 3 single residential erven.
- 4. The future road authority of Divisional Road 1154 has no issue with the proposal in their communication referenced in paragraph 1.3.
- 5. Accordingly this Branch withdraws its objection and offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014 on condition that the recommendations proposed by Sturgeon Consulting in their report referenced in paragraph 1.4 are implemented.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 17 NOVEMBER 2022

ENDORSEMENTS

1. Swartland Municipality

Attention: Mr DN Stallenberg (e-mail: swartland.gov.za)

2. CK Rumboll & Partners

Attention: Mr N Grobbelaar (e-mail: planning3@rumboll.co.za)

3. District Roads Engineer

Paarl

- 4. Mr E Smith (e-mail)
- 5. Mr D Fortuin (e-mail)
- 6. Mr S Carstens (e-mail)

ANNEXURE R

From: Nicolette Brand

Sent: Thursday, 01 September 2022 14:58

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

Cc: Delmarie Stallenberg < Stellenberg D@swartland.org.za>

Subject: Grondgebruikaansoeke wat voor Wykskomitee van Wyk 12 gedien het

Kollegas

Onderstaande is 'n uittreksel uit die notule van Wyk 12 en moet dit asb. in ag geneem word wanneer hierdie grondgebruikaansoeke oorweeg word.

Dankie

Nicolette

- 7.5.1 Voorgestelde hersonering, onderverdeling en fasering op Erf 2111, Riebeek Kasteel
- 7.5.2 Voorgestelde hersonering en onderverdeling van Erf 1237, Riebeek Kasteel

Me F Davids spreek haar kommer uit dat die gemeenskap van Riebeek Kasteel reeds bekommerd is oor 'n gebrek aan infrastruktuur en dat hierdie voorgestelde ontwikkelings meer druk daarop gaan plaas.

Die provinsiale pad is 'n haglike toestand en die enigste toegangsroete en hierdie ontwikkelings gaan meer druk op die pad plaas.

Die wyskomitee ondersteun dat ontwikkeling vir GAP-behuising en FLISP-behuising eerder geskep moet word, aangesien daar mense op waglys is wat vir hierdie tipe behuising kwalifiseer.

Die wykskomitee spreek verder hul kommer uit dat daar nie werksgeleenthede in Riebeek Kasteel is nie en Riebeek Kasteel dus nie oor infrastruktuur en werksgeleenthede beskik om nuwe inwoners te akkommodeer nie.

BESLUIT

Dat die wykskomitee die ontwikkelings op Erwe 2111 en Erwe 1237, Riebeek Kasteel ondersteun, onderhewig daaraan dat goedkeuringsvoorwaardes ingesluit word (vir terugvoering aan die wykskomitee) ten opsigte van:

7.5.2(a)/...

- bydrae tot die opgradering van infrastruktuur/skep van addisionele infrastruktuur, toegangsroetes om die ontwikkelings te akkommodeer, ens.
- bydrae tot die opgradering van die provinsiale pad wat reeds in 'n haglike toestand is, is die enigste toegangsroete na Riebeek Kasteel en New Rest Valley en voorgestelde nuwe behuisingsontwikkelings;

- (ii) tweede toegangsroete vir Riebeek Kasteel en New Rest Valley as aansluiting by R46 dringend ondersoek word;
- (iii) plaaslike inwoners voorrang geniet met die skep van werksgeleenthede uit die ontwikkeling;
- (b) Dat, met verwysing na die beoogde ontwikkeling op Springbok-Hill, dit onder die aandag gebring word dat die gemeenskap van Riebeek Kasteel dringend 'n hospitaal benodig;
- (c) Dat, met in ag neming van die grond wat nog beskikbaar is binne die stedelike randgebied, die Munisipaliteit versoek word om met eienaars in gesprek te tree om grond te bekom vir GAP- en FLISP-behuising;
- (d) Dat, op versoek van mnr Amerika, Riebeek Kasteel in totaal bemark, bv. tydens die Olyffees en by die Toerismekantoor.

Nicolette Brand

Bestuurder: Sekretariaat en Rekordsdienste | Manager: Secretariat and Records Services

T: 022 487 9400 M: 082 8962 991 E: brandn@swartland.org.za

ANNEXURE S

COLVAN DEL WAIT



Email: Cor.VanderWalt@westerncape.gov.za

tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/2/5/678
YOUR REFERENCE : 15/3/3-11/Erf_2111
ENQUIRIES : Cor van der Walt

Swartland Municipality
Private Bag X52
MALMESBURY
7299

Att: Ms D Stallenberg

PROPOSED REZONING, SUBDIVISION AND PHASING: DIVISION MALMESBURY ERF NO 2111

Your application of 05 July 2022 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed application.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

• The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. CJ van der/Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2022-09-23

Copy:

CK Rumboll & Partners

PO Box 211

MALMESBURY

7299

Directorate Land Use and Sustainable Resource Management
National Department of Agriculture
Private Bag X 120
PRETORIA

0001

ANNEXURE T

Riebeek-Kasteel

12/3/2023

Terugvoering: Beswaar Erf 2111, Riebeek-Kasteel

Met verwysing na my gesprek met Eunell Visagie en die gewysigde kaart ontvang.

Ons neem kennis van die onttrekking van die fase 3 ontwikkeling en die ander regstellende aksies voorgestel ook ten opsigte van vloedwater. Ons ondersteun die idee van 'n "Prior Informed Consent" dokument wat toekomstige inwoners moet onderteken.

Ons onttrek hiermee ons besware teen die ontwikkeling van Erf 2111 en wens almal betrokke alle voorspoed met hierdie projek.

Met dank,

Van Niekerk Bruwer

nms Henk Bruwer Familie Trust & VN BOERDERY

admin@vnboerdery.co.za

VN BOERDERY

DE HOOP

Posbus 10, Riebeek-Kasteel 7307 Btw nr 4430255622

tel 083 556 3112

admin@vnboerdery co za



ANNEXURE U



Directorate: Development Management, Region 1 Rondine.lsaacs@westerncape.gov.za | Tel: 021 483 4098

REFERENCE: 16/3/3/1/F5/20/2002/23 **NEAS REFERENCE**: WCP/EIA/0001216/2023

DATE OF ISSUE: 19 July 2023

The Board of Directors Lonestar Group (Pty) Ltd. 5 Vineyard Court Batis Road **DURBANVILLE** 7550

Attention: Mr. Walter Bader/Mr. Alan Parry

E-mail: <u>walter@lonestargroup.co.za</u>
E-mail: alan@lonestargroup.co.za

Dear Sir(s)

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 2111, RIEBEEK KASTEEL.

- 1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
- 2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
- 3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Euonell Visagie (Guillaume Nel Environmental Consultants)

(2) Mr. Alwyn Burger (Swartland Municipality)

E-mail: alwynburger@swartland.org.za

E-mail: eg@gnec.co.za

Directorate: Development Management, Region 1 Rondine.Isaacs@westerncape.gov.za | Tel: 021 483 4098

REFERENCE: 16/3/3/1/F5/20/2002/23 **NEAS REFERENCE:** WCP/EIA/0001216/2023

DATE OF ISSUE: 19 July 2023

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 2111, RIEBEEK KASTEEL.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report ("BAR") dated 18 January 2023.

In terms of the NEMA and the EIA Regulations, 2014 (as amended), the competent authority hereby adopts the Maintenance Management Plan ("MMP") dated 18 January 2023 for the proposed maintenance or management works to be undertaken in the watercourses.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Lonestar Group (Pty) Ltd. c/o Mr. Walter Bader/Mr. Alan Parry 5 Vineyard Court Batis Road **DURBANVILLE** 7550

E-mail: walter@lonestargroup.co.za / alan@lonestargroup.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

B. LIST OF ACTIVITIES AUTHORISED

Activity/Project Description Listed Activity Listing Notice 1 of the EIA Regulations, 2014 (as amended): **Activity 12:** "The development of-The proposed site is located outside dams or weirs, where the dam or weir, including urban area infrastructure and water surface area, exceeds infrastructure/structures of more than 100m² will be constructed 100 square metres; or (ii) infrastructure or structures with a physical within and within 32m from the edge footprint of 100 square metres or more; of a watercourse. where such development occurs-(a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding-(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour: (bb) where such development activities are related to the development of a port or harbour, which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared". **Activity 19:** "The infilling or depositing of any material of more The development proposal entails than 10 cubic metres into, or the dredging, the removing or moving, dredging, excavation, infilling or depositing of excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic material of more than 10m3 from the metres from a watercourse; watercourse. but excluding where such infilling, depositing, dredging, excavation, removal or moving -(a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management

plan;

- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".

Activity 28:

"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

or 01 April 1998 and is located outside an urban area.

The proposed site was zoned for

agricultural use on or after

- (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or
- (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".

The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following related to the listed activities:

The proposed development entails the establishment of a mixed-use development and associated infrastructure on Erf No. 2111, Riebeek Kasteel. The proposed development will comprise of the following:

- Approximately 72 General Residential group housing erven of varying sizes;
- Erven for General Business and Retail;
- A park/recreational space;
- An erf for refuse removal and services;
- Roads, landscaping and sidewalks;
- Private Open Spaces; and
- A landscaped Private Open Space in the northern portion adjacent to Tributary 1.

Two business areas, one office area and a retail area will be established along Pieter Cruythoff Avenue/Kloof street.

The business area in the southeastern corner will be developed as a shopping centre with approximately 160 parking bays. The business area in the southwestern corner of the site will be developed as an office complex with approximately 83 parking bays.

The shopping centre will be located near the intersection of Pieter Cruythoff and Lelie Street and will have a Gross Leasable Area of approximately $3500m^2$. A 10m buffer will be established along the southeastern corner to accommodate the drainage system and a pedestrian bridge will traverse the Tributary. The green buffers along the southern and eastern portions will serve as open spaces and storm water detention areas. A pedestrian walkway will be established along the southeastern corner of the site to allow for pedestrian access across the green buffer area.

The offices will be located in the southwestern corner of the site and will consist of two separate buildings of 1000m² each. The offices will be surrounded with a parking area. The offices will facilitate commercial activities which cannot be accommodated at the shopping centre and will be complimentary to the shopping centre.

The larger portion of the site will comprise of a gated residential development that will be access controlled with a fence around the perimeter of the site. The northern most portion will serve as a landscaped private open space. This northern most portion will be situated adjacent to Tributary 1 and will act as a buffer area between the agricultural area to the north and the residential component south of Tributary 1.

Both business sites as well as the residential component will be accessed via a single entrance from Pieter Cruythoff Avenue/Kloof Street. A stop-controlled intersection will provide access to the business areas. Access to the residential component will be controlled via a boom and a guard house. The road to the residential component will include a two-lane entrance and single exit with a drop off and pickup bay. A centralised service yard will be provided within the residential component for refuse disposal.

The proposed development footprint will be approximately 75 773m².

The proposed development will be undertaken in two phases, as follows:

Phase 1:

A shopping centre and business centre with associated private and public roads and private open space.

Phase 2:

Offices and businesses with approximately 72 General Residential group housing erven, a service yard, private open space and private roads.

Works will also be undertaken in the watercourses and will include the following:

- The internal access road will traverse Tributary 1 via a box culvert through flow structure with reno matrasses.
- Service infrastructure crossings will be installed by means of open trenching as follows:
 - A water pipeline crossing immediately west of the access road culvert across
 Tributary 1;
 - A sewer pipeline crossing immediately east of the access road culvert across
 Tributary 1; and
 - o A sewer pipeline crossing through Tributary 2.
- A wooden pedestrian bridge will be constructed across Tributary 2 and will span the
 entire delineated extent of the realigned Tributary 2. The supporting poles will be
 outside the delineated extent. The design will cater for a 1:100-year flood event.
- A fence will be erected around the boundaries of the site. The fence posts will not be located within the active channel but will be located on the embankments. An additional wire grid may be installed in the active channel, below the fence crossing, to allow for water flow and faunal movement.

- A berm will be constructed adjacent to the 1:100-year flood line on the western part of the site along the southern bank of the Krom River. The berm will mitigate the damming effect of the railway line to ensure that the site remains above the 1:100-year flood line.
- Tributary 2 will be realigned by confining the trench/realigned tributary section and the remnant tributary section into a single grass block lined channel. This newly realigned tributary will also host a stilling pond.
- Two storm water retention ponds will discharge into the newly realigned Tributary 2.
- All building infrastructure will be located outside the 10m conservation buffer surrounding Tributary 1. However, building infrastructure will be in close proximity to the newly realigned Tributary 2.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on Erf No. 2111, Riebeek Kasteel.

A railway line forms the eastern boundary and Pieter Cruythoff Avenue/Kloof Street form the southern boundary. The western boundary is shared with Erf RE/1323 and the northern boundary is shared with Erf RE/20.

Erf No. 2111 is located west of the suburb of Esterhof and east of the Riebeek Kasteel town centre. Towards the south, opposite Pieter Cruythoff Avenue/Kloof Street, is the Riebeek Valley Wine Company. To the north, east and west is agricultural land. A small electrical substation is located in the southeastern corner of the erf.

The SG 21-digit code is: C04600190000211100000

Co-ordinates:

Latitude: 33° 22′ 52.40″ S Longitude: 18° 54′ 47.92″ E

Location of river crossings:

Tributary 1:

Road, sewer, water pipeline crossing and culvert installation:

Latitude: 33° 22' 48.33" S Longitude: 18° 54' 46.72" E

Tributary 2:

Pedestrian bridge crossing: Latitude: 33° 22' 56.70" S Longitude: 18° 54' 51.66" E

Sewer pipeline crossing: Latitude: 33° 22' 56.00" S Longitude: 18° 54' 52.82" E

Storm water detention pond 1:

Latitude: 33° 22′ 54.03″ S Longitude: 18° 54′ 52.08″ E

Storm water detention pond 2:

Latitude: 33° 22′ 57.17″ S Longitude: 18° 54′ 50.28″ E

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Guillaume Nel Environmental Consultants ("GNEC"). c/o Ms. Euonell Visagie P.O. Box 2632 **PAARL** 7620

Tel.: (021) 870 1874 Fax: (021) 870 1873 E-mail: eg@gnec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

- 1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 18 January 2023 on the site as described in Section C above.
- 2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, subcontractor, employee or any person rendering a service to the holder.
- 3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
- (b) A period of ten (10) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities must be concluded.

- 4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").
- 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

- 6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision
 - 6.1 notify all registered interested and affected parties ("I&APs") of -
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

- 7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

- 9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 14.

Management of activity

- 10. The draft EMPr dated 31 March 2023 and MMP dated 18 January 2022 (as compiled by GNEC) and submitted as part of the application for Environmental Authorisation are hereby approved and must be implemented.
- 11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
- 12. The EMPr, including the MMP, must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation, MMP and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must-

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct two weekly site inspections during the construction phase.

Environmental audit reports

- 15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report four (4) months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
- 16. The environmental audit reports must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on-
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
- 16.3 evaluate the effectiveness of the EMPr;
- 16.4 identify shortcomings in the EMPr;
- 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 16.7 include a photographic record of the site applicable to the audit; and
- 16.8 be informed by the ECO reports.
- 17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

- 18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
- 19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.

20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

- 21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
- 22. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
 - 22.1 Dual-flush toilet systems.
 - 22.2 All taps must be fitted with water saving devices (i.e., tap aerators, flow restrictors and low flow shower heads).
 - 22.3 Water-wise landscaping must be established.
- 23. The development must incorporate energy/electricity saving measures, which include inter alia, the following:
 - 23.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
 - 23.2 Street lighting must be kept to a minimum and down lighting must be used to minimise light impacts. Streetlights must be switched off during the day.
 - 23.3 All geysers must be covered with geyser "blankets".
 - 23.4 The installation of solar water heaters and solar panels must be considered for all buildings.

General matters

- 1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
- 2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
- 3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected,

removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

- 4. The manner and frequency for updating the EMPr is as follows:
 Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
- 5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

- An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
- 2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e., the competent authority that issued the decision.
- 3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
- 4. The appeal and the responding statement must be submitted to the address listed below:

By post: Attention: Mr. Marius Venter

Western Cape Ministry of Local Government, Environmental

Affairs and Development Planning

Private Bag X9186 CAPE TOWN

8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Marius Venter (Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL http://www.westerncape.gov.za/eadp.

G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 19 JULY 2023

CC: (1) Ms. Euonell Visagie (Guillaume Nel Environmental Consultants)

(2) Mr. Alwyn Burger (Swartland Municipality)

E-mail: eg@gnec.co.za

E-mail: <u>alwynburger@swartland.org.za</u>

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/F5/20/2002/23 NEAS EIA REFERENCE NUMBER: WCP/EIA/0001216/2023

ANNEXURE 1: LOCALITY PLAN





ANNEXURE 2: SITE PLAN





Berm design:



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the competent authority, inter alia, considered the following:

- a) The information contained in the application form received by the competent authority via electronic mail correspondence on 20 January 2023; the BAR dated 18 January 2023, as received by the competent authority via electronic mail correspondence on 06 April 2023; and the EMPr submitted together with the BAR.
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated 18 January 2023.
- d) The meeting held on 03 March 2023:
 - Attended by: Ms. Taryn Dreyer and Ms. Rondine Isaacs of the Department of Environmental Affairs and Development Planning ("DEA&DP"); Mr. Bernardus Bosman and Ms. Euonell Visagie of DJEC; and Messrs. Allan Parry and Walter Bader of Lonestar Group (Pty) Ltd.
- e) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process comprised of the following:

- Notices were placed on site on 15 July 2022;
- An advertisement was placed in the "Swartland Gazette" newspaper on 12 July 2022;
- The Executive Summary was hand delivered to adjacent landowners on 15 July 2022;
- The Executive Summary was placed on the EAPs website on 15 July 2022;
- E-mails were sent on 15 July 2022 to the ward councillor, local municipality and relevant organs of state/State Departments;
- An electronic copy of the pre-application BAR was placed on the EAPs website on 15 July 2022;
- A copy of the pre-application BAR was placed at the Riebeek Kasteel Public Library on 15 July 2022;
- The pre-application BAR was made available from 15 July 2022 until 18 August 2022;
- Emails containing an Executive Summary were sent on 20 January 2023 to announce the availability of the draft BAR;
- The draft BAR was placed on GNEC's website on 20 January 2023; and
- The draft BAR was made available from 20 January 2023 until 22 February 2023.

Authorities consulted

The authorities consulted included the following:

- DEA&DP Directorate: Pollution & Chemicals Management;
- DEA&DP Directorate: Waste Management;
- National Department of Agriculture, Forestry and Fisheries;

- Western Cape Department of Transport and Public Works;
- Western Cape Department of Agriculture;
- Heritage Western Cape;
- Swartland Municipality;
- West Coast District Municipality;
- Department of Water and Sanitation;
- Eskom;
- Transnet; and
- CapeNature.

Concerns were raised relating to *inter alia*, potential health impacts of the adjacent farmer's crop spraying activities. These concerns were adequately addressed, as the 11 single residential units (Phase 3 on the most northern portion) were removed from the development proposal and replaced with a landscaped private open space.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

The following layout alternatives were considered:

Layout Alternative 1:

Layout Alternative 1 was originally the preferred alternative. This alternative is similar to the preferred alternative, but includes 11 single residential units (as part of Phase 3) adjacent to De Hoop Farm to the north and adjacent to Tributary 1. Due to concerns raised regarding the potential health impacts of the adjacent farmer's crop spraying activities, Layout Alternative 1 was discarded.

Layout Alternative 2:

Layout Alternative 2 contains more residential units and less open spaces that can be landscaped, as well as flats opposite the business centre. This alternative was discarded as it will have a greater visual impact. Furthermore, Layout Alternative 2 does not take into account the public interface along Kloof Street, nor the 10m buffer between the watercourses and the proposed development as required by the freshwater specialist.

Preferred alternative – herewith authorised:

The preferred alternative entails the establishment of a mixed-use development and associated infrastructure on Erf No. 2111, Riebeek Kasteel. The proposed development will comprise of the following:

- Approximately 72 General Residential group housing erven of varying sizes;
- Erven for General Business and Retail;
- A park/recreational space;
- An erf for refuse removal and services;
- Roads, landscaping and sidewalks;
- Private Open Spaces; and
- A landscaped Private Open Space in the northern portion adjacent to Tributary 1.

Two business areas, one office area and a retail area will be established along Pieter Cruythoff Avenue/Kloof street.

The business area in the southeastern corner will be developed as a shopping centre with approximately 160 parking bays. The business area in the southwestern corner of the site will be developed as an office complex with approximately 83 parking bays.

The shopping centre will be located near the intersection of Pieter Cruythoff and Lelie Street and will have a Gross Leasable Area of 3500m². A 10m buffer will be established along the southeastern corner to accommodate the drainage system and a pedestrian bridge will traverse the Tributary. The green buffers along the southern and eastern portions will serve as open spaces and storm water detention areas. A pedestrian walkway will be established along the southeastern corner of the site to allow for pedestrian access across the green buffer area.

The offices will be located in the southwestern corner of the site and will consist of two separate buildings of 1000m² each. The offices will be surrounded with a parking area. The offices will facilitate commercial activities which cannot be accommodated at the shopping centre and will be complimentary to the shopping centre.

The larger portion of the site will comprise of a gated residential development that will be access controlled with a fence around the perimeter of the site. The northern most portion will serve as a landscaped private open space. This northern most portion will be situated adjacent to Tributary 1 and will act as a buffer area between the agricultural area to the north and the residential component south of Tributary 1.

Both business sites as well as the residential component will be accessed via a single entrance from Pieter Cruythoff Avenue/Kloof Street. A stop-controlled intersection will provide access to the business areas. Access to the residential component will be controlled via a boom and a guard house. The road to the residential component will include a two-lane entrance and single exit with a drop off and pickup bay. A centralised service yard will be provided within the residential component for refuse disposal.

The proposed development footprint will be approximately 75 773m².

The proposed development will be undertaken in two phases, as follows:

Phase 1:

A shopping centre and business centre with associated private and public roads and private open space.

Phase 2:

Offices and businesses with approximately 72 General Residential group housing erven, a service yard, private open space and private roads.

Works will also be undertaken in the watercourses and will include the following:

- The internal access road will traverse Tributary 1 via a box culvert through flow structure with reno matrasses.
- Service infrastructure crossings will be installed by means of open trenching as follows:
 - A water pipeline crossing immediately west of the access road culvert across Tributary
 1;
 - A sewer pipeline crossing immediately east of the access road culvert across Tributary
 1; and
 - o A sewer pipeline crossing through Tributary 2.

- A wooden pedestrian bridge will be constructed across Tributary 2 and will span the entire delineated extent of the realigned Tributary 2. The supporting poles will be outside the delineated extent. The design will cater for a 1:100-year flood event.
- A fence will be erected around the boundaries of the site. The fence posts will not be located within the active channel but will be located on the embankments. An additional wire grid may be installed in the active channel, below the fence crossing, to allow for water flow and faunal movement.
- A berm will be constructed adjacent to the 1:100-year flood line on the western part of the site along the southern bank of the Krom River. The berm will mitigate the damming effect of the railway line to ensure that the site remains above the 1:100-year flood line.
- Tributary 2 will be realigned by confining the trench/realigned tributary section and the remnant tributary section into a single grass block lined channel. This newly realigned tributary will also host a stilling pond.
- Two storm water retention ponds will discharge into the newly realigned Tributary 2.
- All building infrastructure will be located outside the 10m conservation buffer surrounding Tributary 1. However, building infrastructure will be in close proximity to the newly realigned Tributary 2.

This is the preferred alternative for the following reasons:

The preferred layout allows for a better public interface (edge treatments) along Kloof Street and integrates better with the historical landscape character of Riebeek Kasteel. A 10m conservation buffer will be established between the watercourses and the proposed development. The watercourse in the southeastern corner will aid in storm water management.

The berm that along the western part of the site and along the southern bank of the Krom River will mitigate the damming effect of the railway line, thereby ensuring that the site remains above the 1:100-year flood line.

The large open space along the northern boundary allows for a variable buffer of 60m to 120m between the adjacent agricultural activities and the residential component. In addition, a deviation from the Swartland Municipality's Spatial Development Framework is also not required.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed mixed-use development will not be established. This alternative was not deemed as preferred, as the proposed development will augment the economic activities, provide for much needed housing and the benefits to the holder and creation of jobs would not be realised. The "nogo" alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The Western Cape Provincial Spatial Development Framework ("PSDF") (2014) stipulates five spatial principles to achieve sustainable development. These principles are spatial justice, spatial efficiency, accessibility, sustainability and resilience and quality and

liveability. The PSDF (2014) opposes urban sprawl and development outside the urban edge, while promoting densification of underutilised land.

The proposed development is in line with the PSDF (2014), based on the following:

- The PSDF acknowledges the need for housing and alleviating the housing backlog;
 and
- The PSDF highlights job creation as a priority and the proposed development will
 provide economic opportunities through the provision of temporary employment
 during construction and permanent employment through the provision of business,
 retail and industry.

Due to the location of the site within the general framework, the proposed development is regarded as spatially efficient, as all required infrastructure and services are available. The proposed development is regarded as a compact mixed-use development within the urban framework, with good accessibility. The proposed change in land use will promote short and long-term economic opportunities in the area without negatively impacting on the existing character of the area.

According to the Swartland Municipality Spatial Development Framework (2019), the site is located mainly within Development Zone G. Zone G represents an area demarcated for integrated development. Furthermore, the development of mixed-uses along activity streets (Kloof Street/Pieter Cruythoff Avenue) and link roads between Riebeek Kasteel central and Esterhof is supported. The site is located inside the urban edge and is demarcated for both residential purposes as well as mixed use purposes. The proposed development therefore conforms with the future spatial planning for the area.

Since the proposed development is located within the urban edge and earmarked for urban development, the proposed development does not require an application in terms of Section 53 of the Land Use Planning Act, 2014 (Act No. 3 of 2014).

3.2 <u>Botanical impacts</u>

There are no Critical Biodiversity Areas located on the site. The site has been used for agricultural purposes and has been transformed from its natural state. The vegetation on the site consists mostly of grasses and there is no indigenous Swartland Shale Renosterveld vegetation present on the site.

The embankments of the western portion of Tributary 1 contains some tree species whilst the downstream embankments are covered by graminoids. The active channel contains a variety of sedges and arum lilies. Tributary 2 only contains *Typha capensis*, with arum lilies at the inlet of the culvert where the railway line traverses the Tributary along the eastern boundary of the site.

No significant impacts on biophysical elements are anticipated as a result of the proposed development, as the site is completely transformed.

3.3 Freshwater impacts

A Freshwater Impact Assessment Report dated July 2022 and an updated Freshwater Impact Assessment Report dated March 2023, were compiled by Freshwater Ecologist Network Consulting (Pty) Ltd., to assess the potential freshwater impacts associated with the proposed development. The freshwater assessment was updated after the flood line assessment was undertaken, to assess the potential impacts of the berm construction.

Two tributaries of the Vis River flow across the site, as follows:

- Tributary 1 (Krom River) is located in the northern portion of the site, surrounded by agricultural fields; and
- Tributary 2 is located in the southeastern portion of the site. This Tributary has been historically realigned, and a trench was excavated to convey the flow in a more northerly direction towards another culvert underneath the railway line. A remnant portion of the Tributary is still evident, but has been closed off at the most southern culvert underneath the railway line.

Tributary 1:

The embankments of the western portion of Tributary 1 hosts some tree species with the downstream embankments being covered by graminoids. The active channel hosts a variety of sedges and arum lilies (Zantedeschia aethiopica).

Due to conversion to cultivated fields and the construction of upstream instream dams (De Hoop Dam and Kerk se Dam), significant alteration to the hydrological regime and instream characteristics of Tributary 1 is evident. This has resulted in the overall degradation of the system and has reduced the ecological sensitivity thereof.

Tributary 1 provides habitat for predominantly avifaunal species within a transformed landscape, due to the presence of a variety of vegetation species in the tributary. Tributary 1 is located in an area classified as an Ecological Support Area ("ESA") of watercourse ecological importance. Due to the overall ecological state of the tributary, it is not considered to be sensitive to changes in the landscape.

Tributary 2:

Tributary 2 was straightened and has limited vegetation, most notably *Typha capensis*, with arum lilies identified at the inlet of the culvert where the railway line traverses the tributary along the eastern boundary of the site.

Historical realignment, catchment changes and the construction of upstream instream dams have led to significant alteration of the hydrological regime and instream characteristics of the Tributary. Although it is still considered to be hydrologically functional, the riparian and instream characteristics have been significantly altered.

Tributary 2 is of moderate ecological importance on a landscape scale, due to the protection level of the wetland vegetation type it is associated with. The Tributary also provides suitable habitat for a variety of faunal species. Tributary 2 is located in an area classified as an ESA of watercourse ecological importance. Due to the overall ecological state of the Tributary, it is not considered to be sensitive to changes in the landscape.

Tributary 2 will be realigned and a conservation buffer around the realigned Tributary will be maintained. The activities associated with the construction of a culvert crossing over Tributary 1 and the realignment of Tributary 2 pose a moderate risk significance to the integrity of the Tributaries, with the implementation of mitigation measures.

The operation of infrastructure within the Tributaries and the proposed mixed-use development outside the delineated extent of the Tributaries pose a low risk significance to the ecological integrity of the Tributaries. This is due to the majority of the proposed mixed-use development being located outside the conservation buffers, the rehabilitation of the Tributaries and the open space areas on the site which will assist

in maintaining natural vegetation within and adjacent to the Tributaries to ensure the Tributaries function as biodiversity corridors within the site.

A MMP has been compiled for future maintenance activities to be undertaken within the watercourses. The freshwater specialist's recommended mitigation measures have been included in the EMPr for implementation.

3.4 Traffic impacts:

A Traffic Impact Assessment ("TIA") Report dated May 2022, was compiled by Sturgeon Consulting Pty Ltd to assess the potential traffic impacts associated with the proposed development.

The main access to the site will be off Kloof Street approximately 185m west of Lelie Street and 170m east of Pieter Cruythoff Street, opposite the Riebeek Valley Wine Company. The site access will have a three-lane cross section i.e., two lanes in towards the internal intersection and one lane out. The internal intersection will serve the general business erven and will be stop-controlled on the side approaches. The access intersection on the development access side will be stop-controlled.

The present traffic demand on the surrounding road network can generally be described as low-medium. Kloof Street carries relatively low traffic volumes (two-way) with approximately 84 vehicles per hour during the morning peak hour, 112 vehicles per hour during the afternoon peak hour and 72 vehicles per hour during the Saturday peak hour in the vicinity of the site. The two-way flows on Kloof Street are well below the maximum two-way capacity of this type of road of approximately1850 vehicles per hour, two-way. Lelie Street carries very low volumes of traffic (two-way) with approximately 60 vehicles per hour during the morning, afternoon and Saturday peak hours.

The intersection is currently operating at good Levels of Service A ("LOS A") with minimal delays and no upgrades are necessary. The intersection will continue to operate at good LOS A with minimal delays during the background (2027) conditions for all three peak hours. The capacity analysis for the proposed access intersection on Kloof Street will operate at good LOS A with minimal delays during all three peak hours.

Based on the capacity analyses of the 2032 total traffic operations, the intersection will continue to operate at good LOS A with minimal delays during the morning, afternoon and Saturday peak hours. The capacity analysis for the proposed access intersection on Kloof Street will operate at good LOS A with minimal delays along all approaches during all three of the peak hours. Given the size of the proposed development and the additional traffic from the west, a separate left turning lane must be constructed.

There is an existing formal paved sidewalk on the northern side of Kloof Street. The shopping centre and offices will potentially generate some additional pedestrian or bicycle trips, however, the existing non-motorised transport facilities are sufficient, and no improvements are required.

The main public transport routes run along Kloof Street and Lelie Street with minibus taxis and buses. Taxi trips account for approximately 5% of the total traffic during the morning and afternoon peak hours and approximately 0.5% during the Saturday peak hour. Buses account for approximately 3% of the total traffic demand during the morning peak hour and 0% during the afternoon and Saturday peak hours. The proposed

development will potentially generate some additional taxi trips for the transport of domestic workers/garden workers and employees from the surrounding areas.

There are currently no public transport facilities in the vicinity of the site. A taxi embayment must be constructed along the internal access road on the western side (drop-off) and the eastern side (pick-up) on the approach to the internal intersection. This will provide an opportunity for taxis to load and offload.

The traffic specialist recommended that site access on Kloof Street should have two lanes. The left turning lane at the development access should be constructed before the commencement of the residential component (Phase 2). The specialist's recommended mitigation measures have been included in the EMPr for implementation.

3.5 Visual impacts

A Visual Impact Assessment Report dated July 2022 and an updated Visual Impact Assessment Report dated March 2023, were compiled by FILIA Visual (Pty) Ltd., to assess the potential visual impacts associated with the proposed development.

The overall landscape character of the receiving environment is that of a rural agricultural valley where the small rural historic town of Riebeek Kasteel is nestled in the foothills of the Kasteelberg.

Five Landscape Character Areas ("LCAs") have been identified. LCA1 is a gently rolling landscape of grazing and wheat lands and contains mostly large tracts of agricultural land uses and isolated homesteads, interspersed with transport infrastructure and other infrastructural elements, as well as stands and avenues of mature trees.

LCA 2 shares many characteristics with LCA1, but is situated on the east-facing slopes and foothills of Kasteelberg on more undulating topography, and at higher elevation. Land uses in LCA2 are distinctly agricultural, but with a different and finer grained mix of crops and higher concentration of homesteads, traditionally located at the foot of the mountains.

LCA3 is topographically similar to LCA2, but has a distinctive mix of land uses and includes the historic towns of Riebeek Kasteel and Riebeek West. LCA3 contains a patchwork of agricultural activities, including vineyards and orchards, with higher concentrations of dams and other modifications to the rural agricultural environment.

LCA4 contains the Kasteelberg, its foothills and Bothmanskloof Pass (which are designated a natural, rural and agricultural cultural landscape of significance). These are predominantly natural areas that are valued for their scenic and recreational amenity and carry landmark status in the district.

LCA5 comprises of the rolling agricultural landscape to the west of Kasteelberg and the Bothmanskloof Pass. Visual impact upon this LCA will be zero.

The sense of place of the receiving environment follows that of the landscape character areas, meaning that it is not uniform throughout the receiving environment. The site and receiving environment have a strong and unique sense of place.

The visual resource or perceived value of the landscape is considered to be very high, with notable scenic resources, including the following:

- The rural agricultural landscape to the north and east (a Grade IIIB Heritage Resource according to the Swartland Rural Heritage Survey (2014));
- The historic aspects of the sense of place of Riebeek Kasteel as a rural village/small town, in terms of settlement patterns, landscape patterns, architectural density, materiality, typology, character and boundary conditions, especially street interfaces;
- The vista of long views over the agricultural landscape that opens up to the east from elevated views on the pass, and from (static) points of higher elevation on the slopes of the mountain; and
- The gateway qualities of the site, as well as its position in relation to the Kloof Street activity route and pedestrian corridor envisioned in the Spatial Development Framework.

LCA1 has a high visual absorption capacity overall and LCA2 has a high visual absorption capacity overall because the receiving environment will absorb all or most of the proposed development successfully. LCA3 will experience limited views with low visual intrusion, as topography and terrain variability will play a role in absorbing visible elements. Existing vegetation cover and/or structures such as buildings will screen or conceal the majority of the proposed development from LCA2. However, the nature of the proposed development will reduce the visual absorption capacity.

Although the proposed development is generally similar in nature to the existing landscape character and built form, it is somewhat unprecedented within the Landscape Character Area. LCA2 can therefore be described as having moderate to high visual absorption capacity overall. LCA4 has moderate visual absorption capacity overall, since the proposed development will be generally similar in nature to the existing landscape character and built form as viewed from Kasteelberg and the Pass, and since topography and terrain variability will play a role in absorbing visible elements.

The features of the receiving environment (topography, local vegetation and elements of the built environment) will play a significant role in reducing the overall potential visibility of the proposed development.

The site is not a visually prominent site. The topography around the site limits visibility to the site from surrounding areas. The undulations of the receiving environment will visually absorb the proposed development to a great extent, and from the majority of potential viewers within the receiving environment. The extension of Kloof Street is an active route for visual receptors from the agricultural area into the town, and connects to the R46/R44 which leads to Gouda and Hermon. The proposed development will be in the foreground when approaching the railway line. However, the wine cellar buildings and surrounding agricultural buildings will form a backdrop for the proposed development when viewed from the east looking west.

The long line of existing beefwood trees on a neighbouring property will also screen the proposed development from the northeast. For views from the Lelie Street and Kloof Street intersection, taller buildings will match that of the existing industrial building heights of the cellar.

Visibility from the historic town centre will be negligible, and all views will be significantly or entirely screened by topography. There will be no views onto the site from the surrounding scenic and other major roads (R311 and R46). There will also be no views from surrounding heritage landmarks and heritage resources. The only exception is the

werf at the termination of Main Street (De Hoop), which overlooks the surrounding landscape from a slightly elevated position on the low hill to the north of the site. It will have views over the site from the north at close quarters.

Residents in the smallholding area will see the proposed development from higher elevation, but exposure will be moderate, and most views will be screened by local vegetation and buildings. For viewers travelling northwest on Lelie Street, the proposed development will be centrally located in the field of vision, but will be partially screened by existing buildings. Views from the R46 Pass will be limited and at a distance of more than 4km.

The zone of potential visual influence of the proposed development will be approximately 2km. Views of the proposed development's most visible features (building roof areas, structures taller than 1 floor, exterior lighting etc.) from further than 800m away will lose significance in the visual field, and at 2km away or further, will become insignificant in the landscape. The area around the site that will potentially be affected will be limited.

The proposed development will result in moderate visibility overall, as it will be visible from less than half the zone of potential visual influence, and as views are partially obstructed. A number of local viewers will be affected (residents of Esterhof, users of the group of community facilities in close proximity to the site, commuters along Pieter Cruythoff Street, employees of and visitors to the Riebeek Valley Wine Co., residents of the peripheral smallholding areas etc.).

The proposed berm will not impact on the visual characteristics of the area. The berm will be landscaped with indigenous vegetation and will be 1m high, thereby blending into the environment.

The Visual Impact Assessment concluded that the proposed development would have an overall low visual impact significance in terms of impacts related to protection-worthy landscapes and scenic resources; and a low-medium impact in terms of impacts in relation to the effects on sensitive receptors and public interfaces. The specialist's recommended mitigation measures have been included in the EMPr for implementation.

3.6 Heritage impacts

A Heritage Impact Assessment Report dated July 2022 and an Addendum dated 07 March 2023, were compiled by Cincy Postlethwayt to assess the potential heritage impacts associated with the proposed development.

Church Street, as it passes through Riebeek Kasteel, is designated a Secondary Scenic Route in terms of the PSDF (2014). The Kasteelberg and foothills are designated a natural, rural and agricultural cultural landscape of significance.

In terms of the Swartland Rural Heritage Survey, Riebeek Kasteel is regarded as a Historic Townscape and surrounded by many farms of heritage significance. The site is not identified as being of any significance and is not included in the Swartland Heritage Survey as part of the Riebeek Kasteel historic town.

According to the Heritage Impact Assessment Report, the site is situated some distance from the historic town and does not display any of the townscape patterns of heritage significance. The site is not located on a scenic route and has neither contextual nor

intrinsic heritage significance. There are no places, buildings, structures and equipment of cultural significance on the site, nor are there places to which oral traditions are attached. The site does not fall within the historic core area of a regionally noteworthy historic townscape. The site has no associations of historical or social significance and no sites of geological or scientific and/or cultural significance have been identified. Since the site has been disturbed by historical agricultural use, the archaeological potential is low.

In the Addendum Report dated 7 March 2023, the heritage specialist indicated that the removal of the 11 single residential units from the development proposal is in keeping with the heritage indicators included in the Heritage Impact Assessment Report dated July 2022. The heritage specialist further indicated that the removal of the 11 single residential units and its substitution with a landscaped open space is a substantial improvement and any remaining edge condition concerns will be effectively managed with the implementation of mitigation measures.

Heritage Western Cape indicated in a letter dated 06 October 2022 that they have no objection against the proposed development. The heritage specialist's recommended mitigation measures have been included in the EMPr for implementation.

3.7 Storm water impacts

A Flood Line Assessment Report dated 11 November 2022, was compiled by CWT Consulting, to calculate the 1:100-year flood line on the site.

The assessment concluded that a significant portion of the site will be flooded by shallow, slow flowing storm water to the three culverts in the railway line. The railway line will cause a damming effect. However, flooding will be mitigated by constructing a berm along the western boundary of the site to the right bank of the stream in the northern part of the site. The berm will then continue on the right (southern) bank of the stream to the railway line along the eastern boundary of the site. Along the western boundary the berm will be constructed 500mm inside the fence line. The outside slope will be constructed at an angle of 1:2. The inside slope will be a 230mm wall which will double up as a garden wall. Along the northern boundary the berm will be constructed on the downstream side of the drainage channel. The 1m high berm will have a 2m wide flat ridge and the banks will slope down at an angle of 1:2.

The berm will not result in an increase in siltation during flood events as the berm will be landscaped with stabilising indigenous vegetation. Alien invasive species will be monitored and managed, and limited soil loss will occur when inundated. A MMP has been compiled to ensure that the watercourse and associated development structures within the river are functioning with near natural sediment transfer.

A storm water network will be installed in the road reserves. The storm water will discharge into retention ponds which will be designed to limit the post development runoff to the predevelopment volumes. The storm water will flow from the ponds into the storm water channel crossing the site. The existing channel will be rerouted to accommodate the shopping centre.

The storm water will be collected throughout the northern portion of the site and conveyed towards two retention ponds in the southeastern corner, where an existing drainage channel will be rerouted within a 20m buffer area along the southeastern corner of the site. The channel will be open, and the retention ponds will ensure that post development runoff remains the same as pre-development runoff.

3.8 <u>Dust impacts</u>

Potential dust impacts are anticipated during the construction phase. However, no significant potential dust impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential heritage and visual impacts;
- Potential f traffic impacts; and
- Potential impacts on the watercourses.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases of the development;
- Optimal use of available vacant land;
- Additional residential opportunities in the Riebeek Kasteel area; and
- Contribution to the local economy.

National Environmental Management Act Principles

The National Environmental Management Act Principles (set out in section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), inter alia, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."





ANNEXURE V

T 021 870 1874

F 021 870 1873

W www.gnec.co.za

Contact Person: Euonell Visagie /

Nardus Bosman

eg@gnec.co.za / nardus@gnec.co.za

20 July 2022

GNEC Code: 20750

DEA&DP REF: 16/3/3/1/F5/20/2002/23

Dear Interested and Affected Party,

NOTIFICATION OF ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 2111, RIEBEEK KASTEEL.

Guillaume Nel Environmental Consultants (GNEC) has been appointed by Lonestar Group (Pty) Ltd, hereafter referred to as the applicant, to facilitate the Environmental Impact Assessment (EIA) process required in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) for the proposed residential, business and commercial development on Erf 2111, Riebeek Kasteel, Western Cape. The applicant proposed to establish a mixed-use development which consists mainly of business, commercial and residential land uses on Erf 2111, Riebeek Kasteel. The footprint of the development is approximately 75 773 m² with internal roads and recreational open spaces.

Project Description

Environmental Authorisation has been granted for the proposed mixed-use development on Erf 2111, Riebeek Kasteel:

The proposed development entails the establishment of a mixed-use development and associated infrastructure on Erf No. 2111, Riebeek Kasteel. The proposed development will comprise of the following:

- Approximately 72 General Residential group housing erven of varying sizes;
- Erven for General Business and Retail;
- A park/recreational space;
- An erf for refuse removal and services;
- Roads, landscaping and sidewalks;
- Private Open Spaces; and
- A landscaped Private Open Space in the northern portion adjacent to Tributary 1.

Two business areas, one office area and a retail area will be established along Pieter Cruythoff Avenue/Kloof street.



P.O. Box 2632, Paarl, 7620

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Contact Person: Euonell Visagie /

Nardus Bosman

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The business area in the southeastern corner will be developed as a shopping centre with approximately 160 parking bays. The business area in the southwestern corner of the site will be developed as an office complex with approximately 83 parking bays.

The shopping centre will be located near the intersection of Pieter Cruythoff and Lelie Street and will have a Gross Leasable Area of approximately 3500m². A 10m buffer will be established along the southeastern corner to accommodate the drainage system and a pedestrian bridge will traverse the Tributary. The green buffers along the southern and eastern portions will serve as open spaces and storm water detention areas. A pedestrian walkway will be established along the southeastern corner of the site to allow for pedestrian access across the green buffer area.

The offices will be located in the southwestern corner of the site and will consist of two separate buildings of 1000m2 each. The offices will be surrounded with a parking area. The offices will facilitate commercial activities which cannot be accommodated at the shopping centre and will be complimentary to the shopping centre.

The larger portion of the site will comprise of a gated residential development that will be access controlled with a fence around the perimeter of the site. The northern most portion will serve as a landscaped private open space. This northern most portion will be situated adjacent to Tributary 1 and will act as a buffer area between the agricultural area to the north and the residential component south of Tributary 1.

Both business sites as well as the residential component will be accessed via a single entrance from Pieter Cruythoff Avenue/Kloof Street. A stop-controlled intersection will provide access to the business areas. Access to the residential component will be controlled via a boom and a guard house. The road to the residential component will include a two-lane entrance and single exit with a drop off and pickup bay. A centralised service yard will be provided within the residential component for refuse disposal.

The proposed development footprint will be approximately 75 773m².

The proposed development will be undertaken in two phases, as follows:

Phase 1:

A shopping centre and business centre with associated private and public roads and private open space.

Phase 2:

Offices and businesses with approximately 72 General Residential group housing erven, a service yard, private open space and private roads.

Works will also be undertaken in the watercourses and will include the following:



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- The internal access road will traverse Tributary 1 via a box culvert through flow structure with reno matrasses.
- Service infrastructure crossings will be installed by means of open trenching as follows:
 - o A water pipeline crossing immediately west of the access road culvert across Tributary 1;
 - A sewer pipeline crossing immediately east of the access road culvert across Tributary 1;
 and
 - o A sewer pipeline crossing through Tributary 2.
- A wooden pedestrian bridge will be constructed across Tributary 2 and will span the entire
 delineated extent of the realigned Tributary 2. The supporting poles will be outside the delineated
 extent. The design will cater for a 1:100-year flood event.
- A fence will be erected around the boundaries of the site. The fence posts will not be located
 within the active channel but will be located on the embankments. An additional wire grid may
 be installed in the active channel, below the fence crossing, to allow for water flow and faunal
 movement.
- A berm will be constructed adjacent to the 1:100-year flood line on the western part of the site along the southern bank of the Krom River. The berm will mitigate the damming effect of the railway line to ensure that the site remains above the 1:100-year flood line.
- Tributary 2 will be realigned by confining the trench/realigned tributary section and the remnant tributary section into a single grass block lined channel. This newly realigned tributary will also host a stilling pond.
- Two storm water retention ponds will discharge into the newly realigned Tributary 2.
- All building infrastructure will be located outside the 10m conservation buffer surrounding Tributary 1. However, building infrastructure will be in close proximity to the newly realigned Tributary 2.

Reasons for the decision:

Please refer to the attached Environmental Authorisation document on page 18 to 29 for an indication of the reason for this decision.

Purpose of this letter:

This letter serves to inform you that the Department of Environmental Affairs and Development Planning (DEA&DP) has issued the Lonestar Group (Pty) Ltd with an Environmental Authorisation (EA) in order for the holder of the EA to continue with the construction of the proposed mixed-use development, with the date of the decision being the 19th of July 2023 (and received by GNEC on the same day).



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Contact Person: Euonell Visagie /

Nardus Bosman

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Please note that the holder of the Environmental Authorisation is:

- Lonestar Group (Pty) Ltd
- Contact Person : Mr. Walter Bader/Mr. Alan Parry
- 5 Vineyard Court, Batis Road, Durbanville, 7550
- Tel: (082) 497 8246
- Email: walter@lonestargroup.co.za / alan@lonestargroup.co.za

Additionally, please also see the contact details of the decision-maker below:

- Department of Environmental Affairs and Development Planning (DEA&DP)
- Directorate: Development Management (Region 1)
- Enquiries: Rondine Isaacs
- Private Bag X9086, Cape Town, 8000
- Tel: 021 483 4098
- Email: Rondine.Isaacs@westerncape.gov.za

Should you as an Interested and Affected Party (I&AP) not agree with the DEA&DP's decision herewith attached, and would like to lodge an appeal, the appeal procedure in accordance with Regulation 4 of the National Appeal Regulations 2014, detailed in Section G of the EA, needs to be followed.

Should you wish to appeal, an appeal must be lodged with the Appeal Administrator within 20 calendar days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant (i.e. this letter). The prescribed appeal form as well as assistance regarding the appeal process is obtainable from the office of the Appeal Authority at Tel: (021) 483 3721, e-mail: <a href="mailto:decision-needed-

The appeal form must be submitted by means of one of the following methods:

By Post: Western Cape Ministry of Local Government, Environmental Affairs

and Development Planning

Private Bag X9186

Cape Town

8000





P.O. Box 2632, Paarl, 7620

T 021 870 1874

F 021 870 1873

W www.gnec.co.za

Contact Person: Euonell Visagie /

Nardus Bosman

eg@gnec.co.za / nardus@gnec.co.za

By facsimile: (021) 483 4174; or

By Hand: Attention: Mr. Marius Venter

(Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

• By e-mail: <u>DEADP.Appeals@westerncape.gov.za</u>

Herewith please find attached a copy of the Environmental Authorisation which was issued to The Lonestar Group (Pty) Ltd. Additional information regarding the appeal procedure is available in the attached Environmental Authorisation. Please note that a copy of the Interested and Affected Party Database is also appended to this letter for your perusal. Additional information regarding the reasons for the decision is available in the attached Environmental Authorisation.

Meanwhile, should you have any queries, please feel free to contact us, at:

Tel: (021) 870 1874 **Fax:** (021) 870 1873

E-mail: eg@gnec.co.za/ nardus@gnec.co.za

Yours sincerely,

Euonell Visagie / Nardus Bosman

For GNEC





END





Our Ref: HM/ WEST COAST/ SWARTLAND/ RIEBEEK KASTEEL/ ERF 2111

Case No: 21100104NK1105 Enquiries: Natalie Kendrick

E-mail: Natalie.kendrick@westerncape.gov.za

Tel: 021 483 5959

Cindy Postlethwayt cindy@cpheritage.co.za



RESPONSE TO HERITAGE IMPACT ASSESSMENT: FINAL COMMENT
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: PROPOSED MIXED USE DEVELOPMENT ON ERF 2111, RIEBEEK KASTEEL, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

This matter was discussed at the Heritage Officers Meeting held on the 3 October 2022.

FINAL COMMENT

The Committee endorses the HIA as meeting the requirements of the \$38(3) and the following recommendation on page 49 of "Pre-app HIA Erf 2111 Riebeek Kasteel September 2022" (Cindy Postlethwayt):

1The proposed development of Erf 2111 Riebeek Kasteel provided it is executed generally in accordance with (and in all heritage related aspects) the Development Framework, Design Ethos Statement, Landscape Master Plan and design motivation included in Annexure E to this report. Subject to the mitigations listed on pages 44 to 47 of this report

NOTE:

- If any archaeological material or evidence of burials is discovered during earth-moving activities all works must be stopped and Heritage Western Cape must be notified immediately.
- This approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

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

Colette Scheermeyer

Deputy Director



www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1665, Cape Town, 8000 • Tel: +27 (0)21 483 5959 • E-mail: ceoheritage@westerncape.gov.za

Straatadres: Protea Assuransie-gebou, Groentemarkplein, Kaapstad, 8000 • Posadres: Posbus 1665, Kaapstad, 8000 • Tel: +27 (0)21 483 5959 • E-pos: ceoheritage@westerncape.gov.za

ANNEXURE X

CK RUMBOLL & VENNOTE / PARTNERS

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

30 October 2023 per hand

ATTENTION: Mr. A Zaayman Municipal Manager Swartland Municipality Private Bag X52 MALMESBURY 7299

ADDENDUM:

REZONING & SUBDIVISION OF ERF 2111 RIEBEEK KASTEEL

Dear sir,

The purpose of this addendum is to prove that the proposed residential component, consisting of a group housing scheme, is consistent with the definition provided for such development in the Swartland Municipal Land Use Planning By-Law (PG8226) and satisfies all the requirements to be considered as such. The By-Law defines group housing as follows:

"group housing, and 'group housing scheme', means a group of separate and/or linked dwelling units planned, designed and built as a harmonious architectural entity and arranged around or inside a communal open space in a varied and ordered way and where every dwelling unit has a ground floor, and of which the dwelling units may be cadastral subdivided."

In light of this definition, there are 4 considerations that need to be satisfied in order for the residential component of the proposal to be considered as group housing:

- i. Dwelling units may be separate or linked;
- ii. The development must be designed as a harmonious architectural entity;
- iii. Dwelling units should be arranged around or inside a communal open space;
- iv. Every dwelling unit must have a ground floor;

The architects involved on the project, Boogertman & Partners, provided sufficient information to establish whether the proposal satisfies the requirements as listed above. The site development plan (SDP) provided by Boogertman establishes that some dwelling units will be linked while others will be freestanding and that open spaces are provided along the northern, eastern and southern boundaries of the subject property. The design ethos document provided by Boogertman reinforces consistency in terms of the aesthetic character and further establishes that all dwellings will have a ground storey.

Although the applicant considers this information sufficient to demonstrate that the proposal satisfies the requirements to be regarded as a group housing development, Swartland Municipality specifically requested that the requirement pertaining to communal open space be discussed in more detail. Consequently, the remaining extent of this document will focus on open space with the assumption that the other technical aspects relating to group housing have been adequately addressed in the motivational report that accompanies the land use application.

Land Use Provisions relating to open spaces for Group Housing

Chapter 2 of the By-Law prescribes the development parameters for Group Housing developments with Section 2.1.1 (d) specifically addressing open space requirements.

(i) Each dwelling unit shall have access to an outdoor living area, which may include private, public or communal open space but excludes roads, service yards and parking areas;

- (ii) A minimum outdoor living area of 50m² per dwelling unit shall be provided on the erf containing the dwelling unit, and a minimum of 50m² per dwelling unit shall be provided as public or communal open space within the group housing site;
- (iii) Where there is no distinction between public or communal open space, and an outdoor living area is provided on each erf, the open space requirements shall be replaced by a combined open space requirement of at least 100m² per dwelling unit within the group housing site;
- (iv) If, in the opinion of the municipality, sufficient outdoor living area has been provided on each erf, where public or communal open space has been provided appropriately in the environment (partly or completely), the minimum requirements for public or communal open space per dwelling unit may be decreased.

<u>Development proposal's open space configuration</u>

Each dwelling unit will have access to a private outdoor living area. This fact is substantiated by the site development plan from Boogertman & Partners as well as their Design Ethos document which included a conceptual diagram of how open the dwelling units and private outdoor spaces needs to be arranged

The proposal includes 72 Group Housing properties ranging from 227m² - 511m². To satisfy the municipality's requirement for outdoor living areas and communal open spaces, a total of 3600m² needs to be provided for both areas respectively.

To prove that the proposal has sufficient outdoor living areas for each individual erf, we can consider that the there are two housing typologies used in the site development plan; dwelling units with 120m² coverage which are used for the smaller erven (marked as Erf number 6-12, 27, 50-52 and 71-79 on CK Rumboll's subdivision plan), and dwelling units with 180m² coverage used for the other erven. This equates to 12 973m² allocated for outdoor living areas which is almost four times the area required while also maintaining the minimum 50m² outdoor living area per dwelling. In terms of communal open space, the proposal provides 14 530m² of communal open

space¹, primarily provided along the northern and eastern boundary of the site, which is more than 4 times the required amount.

As a means of further contextualizing the amount of open space provided, whether it be in the form of outdoor living areas or communal open space, equates to approximately 40,8% (2,7503 Ha) of the total developable area within the urban edge (6,7373).

The urban design of Riebeek Kasteel - Erf 2111 finds its

inspiration from the urban layout and character of Riebeek Kasteel VERANDA VERANDA GARDEN GARDEN HOUSE HOUSE VERANDA GARDEN VERANDA GARDEN HOUSE HOUSE VERANDA VERANDA GARDEN GARDEN HOUSE HOUSE STREET STREET VERANDA VERANDA GARDEN GARDEN HOUSE HOUSE VERANDA VERANDA GARDEN GARDEN HOUSE HOUSE VERANDA VERANDA GARDEN GARDEN HOUSE HOUSE PUBLIC - PRIVATE PUBLIC

Figure 1: Design principle as it relates to outdoor living areas

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¹ **10 031m²** provided on Erf 3; **234m²** provided on Erf 19 and **4 265m²** provided on Erf 26

Furthermore, Viridian Consulting, the landscape architects on the project, have provided a landscaping plan which details how the street spaces will be integrated as part of the connected open space network by creating informal movement patterns and planting trees and "kweek", especially along the primary internal road:

"Pedestrian movement and safety: provision for easy circulation along streets, safe crossings and traffic-calming measures included in road and walkway surfacing; there is a proposal for a jogging-track that encircles a substantial part of development, linking the road-side pedestrian movement routes through a network of informal pathways through the "corridors" and along the stream buffer areas proposed in the layout."

Conclusion

The proposal impressively surpasses the requirements related to communal open space and outdoor living areas. Each dwelling unit has access to a private outdoor living area, and the site's allocation of outdoor living spaces exceeds the prescribed 50m² per unit. Similarly, the communal open space provided within the proposal exceeds the mandatory minimum, primarily situated along the northern and eastern boundaries.

A crucial perspective on the open space provision is that it constitutes a substantial portion of the total developable area within the urban edge, accounting for approximately 40.8%. This not only fulfills the legal obligations but will also enhance the overall quality of life for residents within the development.

Furthermore, Viridian Consulting's contribution in terms of a landscaping plan reinforces the commitment to a well-integrated and connected open space network. It offers amenities like safe pedestrian circulation, jogging tracks, and the incorporation of greenery, contributing to the creation of a vibrant and sustainable community.

For these reasons, the proposed group housing development is deemed to be in accordance with the requirements for group housing developments and can be considered as such based due to the amount of and manner in which open spaces are provided.

Kind regards

Nical Grobbelaar

CK RUMBOLL AND PARTNERS

ANNEXURE A: REVISED SUBDIVISION PLAN



ANNEXURE B: LANDSCAPE MASTER PLAN



CK RUMBOLL &

ANNEXURE Y

VENNOTE / PARTNERS

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

18 September 2024

per e-mail and hand

ATTENTION: Mr. A Zaayman

Municipal Manager

Swartland Municipality

Private Bag X52

MALMESBURY

7299

ADDENDUM: REZONING& SUBDIVISION OF ERF 2111 RIEBEEK KASTEEL

Dear sir,

With reference to your letter dated **23 November 2023** (Reference No. 15/3/3-11/Erf_2111), attached hereto as **Annexure A**, please find our response below. This document serves as an addendum to the initial application submitted by this office and is intended to supersede the previous Site Development Plan (SDP) and all related references. Kindly review our response to these matters raised in the aforementioned correspondence.

(a) The site development plan be amended in order to include all information as required in terms of the Development Management Scheme.

Please refer to **Annexure B** attached hereto for the amended site development plan (SDP). Note that the proposed rezoning and subdivision of erf will comprise out of the following:

| Units | Subdivisional Area – Zoning | Land Use | Total Area | % of Area |
|-------|-----------------------------|---------------|--------------|-----------|
| 72 | General Residential Zone 1 | Group Housing | ±2.3461 ha | 30.56 |
| 4 | Open Space Zone 2: Private | Open Space | ± 1.7841 ha | 23.25 |
| 1 | Agricultural Zone 1 | Agriculture | ± 0. 9396 ha | 12.25 |
| 2 | Business Zone 1 | Business | ± 1.4904 ha | 19.41 |
| 2 | Transport Zone 2 | Private Road | ± 1.1157 ha | 14.53 |
| | TOTAL | | ±7.6763 ha | 100 |

It is important to emphasise that the amendment of the Site Development Plan (SDP)

must take into account the environmental authorisation granted for the proposed development. Any changes that result in an increase or decrease in the number of properties would necessitate an amendment to the Record of Decision (ROD). As demonstrated in the table above, the amended SDP remains consistent with the conditions outlined in the ROD.

The initial application submitted to Swartland Municipality comprised the following:

- Rezoning of The Property from Agricultural Zone 1 to Subdivisional Zone;
- · Subdivision of The Property; and
- Phasing of a Subdivision Plan.

This addendum retains the above components but proposes the following modifications:

1. Rezoning

Rezoning of The Property in terms of Section 25(2)(a) of the Swartland Municipal Land Use Planning By-Law (PG8226, 25 March 2020), to establish the following:

- 2x Transport Zone 2 erven;
- 4 x Private Open Space Zone 2 erven;
- 1 x Agricultural Zone 1 erf;
- 2 x Business Zone 1 erven;
- 72 x General Residential Zone 1: Group Housing Erven.

2. Subdivision

Subdivision of The Property in terms of Section 25(2)(d) of the Swartland Municipal Land Use Planning By-Law (PG8226, 25 March 2020), to create the following erven within the Subdivisional Area:

- 2 x Transport Zone 2 erven;
- 4 x Private Open Space Zone 2 erven;
- 1 x Agricultural Zone 1 erf;
- 2 x Business Zone 1 erven
- 72 x General Residential Zone 1: Group Housing erven.

3. Phasing

Phasing of the Subdivision Plan in accordance with Section 25(2))(k) of the Swartland Municipal Land Use Planning By-Law (PG8226, 25 March 2020), to ensure the orderly development of the proposed development.

This addendum is submitted to Swartland Municipality in response to the letter received, dated 23 November 2023, to replace the previous SDP's and provides further motivation for the Rezoning of The Property from Agricultural Zone 1 to Subdivisional Area, facilitating a mixed-use development comprising both business and residential components.

The proposed business areas are strategically located along Kloof Street, measuring approximately 10553m² and 4351m², respectively. The larger Business Zone 1 erf, situated in the south-eastern corner of The Property, is earmarked for the development

of a shopping area. The smaller Business Zone 1 erf, located in the southwestern corner, is designated for office premises. A green buffer zone along the southern and eastern boundaries adjacent to the larger Business Zone 1 erf will serve as an open space and facilitate stormwater runoff collection.

The majority of The Property will be developed into a gated, access-controlled residential community. This development will consist of 72 group housing erven zoned General Residential Zone 1, with one additional erf north of the river, retaining its Agricultural Zone 1 designation. Group housing erven offer higher density with less restrictive development parameters than standard Residential Zone 1 erven. Each group housing erf will provide a minimum of 50m² of open space, and some dwellings will feature linked garages, while others will be freestanding.

The definition of Group Housing is as follows:

"a group of separate and/or linked dwelling units planned, designed and built as a harmonious architectural entity and **arranged around or inside a communal open space** in a caried and ordered way and where every dwelling unit has a ground floor, and of which the dwelling units may be cadastral subdivided."

In alignment with this definition, sufficient communal open space is provided within the gated development. the applicable development standards for group housing require a minimum of 50m^2 of communal open space per erf. For the 72 group housing erven, a total of approximately 3600m^2 of communal open space is required. Excluding the open space allocated to Phase 1 (Shopping Centre), the proposed development provides approximately 12975m^2 of communal open space inside and around the group housing development, therefore providing functional communal open space for the residential component of the proposed development.

In conclusion, the amended SDP is considered still in alignment with the ROD and is fully compliant with the definition of Group Housing, and the development parameters have been adequately met.

(b) The construction of the proposed berm, as required in terms of the Environmental Authorisation, adjacent to the 1:100 year flood line as well as along the western boundary of the subject property be included in the site development plan, the proposed berm, as proposed in the environmental authorisation will be landscaped with indigenous vegetation and be 1m high, the position of the proposed berm on the western boundary need to be surveyed and transferred to the Owners Association in order to ensure its protection as well as maintenance.

Noted. Please refer to **Annexure B: Amended Site Development Plan**, where the locations of the proposed berms have been incorporated. It is important to highlight that both berms are situated on properties designated as Private Open Space Zone 2. Consequently, upon finalisation of the development, ownership of these properties, along with the berms, will be transferred to the Owners Association, ensuring their ongoing management and maintenance.

(c) The amended site development plan provide for functional communal open space as well as the reconsideration of the position / extent of the business erf as the maintenance of the abutting open space and pedestrian bridge will most probably be the responsibility of the owner of the shopping centre and not the owners association of the group housing development.

Noted. Please refer to Point (a) above, where this matter has already been addressed. It is important to note that any reconsideration of the position or extent of the business erf would necessitate a further amendment to the Record of Decision (ROD). In accordance with the ROD, two stormwater retention ponds have also been proposed to manage potential runoff. As outlined under Point (a), the open space situated adjacent to the larger business erf, serving as a green buffer, will complement the business erf, and as such, responsibility for the maintenance and management of this area will rest with the business entity.

(d) It be noted that should the application be approved it will be required of the owner / developer to appoint a legal firm from the Council approved panel of legal representatives or as approved by the Municipality to, in accordance with Section 76(3) and Section 92(4) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to conclude a service agreement between the Municipality and the owner / developer setting out the responsibilities for provision of engineering services including the conditions relating to the installation of services as well as the payment of development charges as set out below prior to the construction of any engineering services or infrastructure. The services agreement be submitted to the Director Civil Engineering Service for consideration and approval.

Noted. Once the application has been approved by Swartland Municipality, the owners / developers will appoint a legal firm to conclude a service agreement between the Municipality and themselves. This agreement will entail setting out the responsibilities for provision of engineering services including conditions relating to the installation of services as well as the payment of development charges prior to the construction of any engineering services. This agreement will also include agreeing upon an amount which the owners / developers is responsible for *contributing* to the proposed upgrading of Kloof Street.

(e) The engineering department to reconsider the transfer of services as the proposed application is for a gated development.

Noted. This will also be entailed in the Service Agreement as discussed under point (d) above.

(f) The issue regarding the upgrading and maintenance of Kloof Street, e.g. the possibility to include the upgrading of Kloof Street in an engineering services agreement or consideration by Province to determine a condition of approval

for a contribution by the owner / developer to the upgrading of Kloof Street.

Please refer to Point (d) above with reference to the contributing to the upgrading of Kloof Street.

In light of the above, this addendum also further serves to motivate that the proposed residential component is consistent with the definition provided for such development in the Swartland Municipal Land Use Planning By-Law and satisfies all the requirements to be considered as such.

Due to previous SDP's not aligning with the definition of Group Housing, the remainder of this document will focus on demonstrating the consistency of the proposed development with that definition.

Land Use Provisions relating to open spaces for Group Housing

Chapter 2 of the By-Law prescribes the development parameters for Group Housing developments with Section 2.1.1 (d) specifically addressing open space requirements.

- (i) Each dwelling unit shall have access to an outdoor living area, which may include private, public or communal open space but excludes roads, service yards and parking areas;
- (ii) A minimum outdoor living area of 50m² per dwelling unit shall be provided on the erf containing the dwelling unit, and a minimum of 50m² per dwelling unit shall be provided as public or communal open space within the group housing site;
- (iii) Where there is no distinction between public or communal open space, and an outdoor living area is provided on each erf, the open space requirements shall be replaced by a combined open space requirement of at least 100m² per dwelling unit within the group housing site;
- (iv) If, in the opinion of the municipality, sufficient outdoor living area has been provided on each erf, where public or communal open space has been provided appropriately in the environment (partly or completely), the minimum requirements for public or communal open space per dwelling unit may be decreased.

Development proposal's open space configuration

Each dwelling unit will have access to a private outdoor living area equal to or greater than 50m². Furthermore, the proposal, as previously mentioned, consists of 72 Group Housing properties, ranging in size from 285m² - 408m². To meet the Municipality's requirements for outdoor living areas and communal open spaces, a total of 3600m² must be provided for these spaces collectively. As previously noted, an area of approximately 12975m² is provided within and around the 72 Group Housing properties.

Additionally, the residential component includes six streets, for which street names have been identified in compliance with the Swartland Municipal Street Name Policy (2019).

The street names identified reads as follows:

- Jakkelskos;
- Sneeuvygies;
- Skaapertjie;
- Gansogie;
- Kaneeltjie;
- Kalossie

All the above street names are based on flowers found in the West Coast area, therefore the names is considered in compliance with the Swartland Municipal Street Name Policy.

Conclusion

The proposal impressively surpasses the requirements related to communal open space and outdoor living areas. Each dwelling unit has access to a private outdoor living area, and the site's allocation of outdoor living spaces exceeds the prescribed 50m² per unit. Similarly, the communal open space provided within the proposal exceeds the mandatory minimum, primarily situated in the center of the development and along the northern, western and eastern boundaries.

A crucial perspective on the open space provision is that it constitutes a substantial portion of the total developable area within the urban edge, accounting for approximately 23.25%. This not only fulfills the legal obligations but will also enhance the overall quality of life for residents within the development.

Furthermore, the open space provision provides for a commitment to a well-integrated and connected open space network where walkways could be incorporated on. It could offer amenities like safe pedestrian circulation, jogging tracks, and the incorporation of greenery, contributing to the creation of a vibrant and sustainable community.

For these reasons, the proposed group housing development is deemed to be in accordance with the requirements for group housing developments and can be considered as such based due to the amount of and way open spaces are provided.

Kind regards

Roeben Pienaar

CK RUMBOLL AND PARTNERS

ANNEXURE A: MUNICIPAL LETTER





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

Swartland vooruitdenkend 2040 waar mense hul drome kan uitleef!

Lêer verw/ 15/3/3-11/Erf 2111

File ref:

15/3/6-11/Erf 2111

Navrae/Enquiries: Ms D N Stallenberg

23 November 2023

C K Rumboll & Partners P O Box 211 **MALMESBURY** 7299

By Registered Mail

Sir/Madam

PROPOSED REZONING AND SUBDIVISION ON ERF 2111, RIEBEEK KASTEEL

Your application reference RK/12156/NG dated 24 June 2022, on behalf of Lone Star Group (Pty)Ltd. has reference.

At a Municipal Planning Tribunal meeting held on 15 November 2023 it has been decided that the item be referred back by the Municipal Planning Tribunal in order to address the following:

- The site development plan be amended in order to include all information as required in terms of the (a) Development Management Scheme.
- The construction of the proposed berm, as required in terms of the Environmental Authorisation, (b) adjacent to the 1:100 year flood line as well as along the western boundary of the subject property be included in the site development plan. The proposed berm, as proposed in the environmental authorization will be landscaped with indigenous vegetation and be 1m high. The position of the proposed berm on the western boundary need to be surveyed and transferred to the Owners Association in order to ensure its protection as well as maintenance.
- The amended site development plan provide for functional communal open space as well as the (c) reconsideration of the position / extent of the business erf as the maintenance of the abutting open space and pedestrian bridge will most probably be the responsibility of the owner of the shopping centre and not the owners association of the group housing development.
- It be noted that should the application be approved it will be required of the owner / developer to appoint a legal firm from the Council approved panel of legal representatives or as approved by the Municipality to, in accordance with Section 76(3) and Section 92(4) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to conclude a service agreement between the Municipality and the owner / developer setting out the responsibilities for the provision of engineering services including the conditions relating to the installation of services as well as the payment of development charges as set out below prior to the construction of any Engineering services or infrastructure. The services agreement be submitted to the Director Civil Engineering Service for consideration and approval.
- The engineering department to reconsider the transfer of services as the proposed application is for (e) a gated development;
- The issue regarding the upgrading and maintenance of Kloof Street, e.g. the possibility to include the (f) upgrading of Kloof Street in an engineering services agreement or consideration by Province to determine a condition of approval for a contribution by the owner/developer to the upgrading of Kloof Street.

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

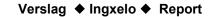
Yours faithfully

MUNICIPAL MANAGER
via Department Development Services

/ds

ANNEXURE B: REVISED SUBDIVISION AND REZONING PLAN







Directorate: Development Services Department: Development Management

6 November 2024

15/3/10-15/ Farm 1247

Ward: 12

ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 20 NOVEMBER 2024

| LAND USE PLANNING REPORT APPLICATION FOR CONSENT USE ON FARM NO. 1247, DIVISION MALMESBURY | | | | | | | | |
|--|-----------------------|-----------------------------|-------------|-----------------------|-----------------|--|--|--|
| Reference number | 15/3/10-15/ Farm 1247 | Application submission date | 4 July 2024 | Date report finalised | 8 November 2024 | | | |

PART A: APPLICATION DESCRIPTION

Application for a consent use on Farm no. 1247, Division Malmesbury, is made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020) in order to accommodate a renewable energy development on a portion of the farm (9 765m² in extent).

The applicant is CK Rumboll and Partners and the owner of the property is the LJ Lesch Trust.

| PART B: PROPERTY DE | ΞTΑ | ILS | | | | | | | | | | |
|--|----------|--|--|--------|------------|----|-------------|--------------------------|---|-------------|---|---|
| Property description (in accordance with Title Deed) | | DIE PLAAS Nommer 1247, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Wes-Kaap | | | | | | | | | | |
| Physical address | | Farm land located on the R46 provincial road, ±7km west of Riebeek Kasteel. | | | | To | Town | | Riebeek Kasteel (Division Malmesbury) | | | |
| Current zoning | wi to | th c urist op a | tural Zone 1 onsent for a facility, farm nd 5 additional g units | Exter | nt (m²/ha) | 28 | 288,3720 ha | | Are there existing buildings on the property? | | Y | N |
| Applicable zoning scheme | | Swartland Municipal Land Use Planning By-Law | | | | | | | | | | |
| Current land use | Αç | Agriculture, tourist facility, farm shop. | | | | | | Title Deed number & date | | T57137/2015 | | |
| Any restrictive title conditions applicable | Υ | N | If Yes, list con numbers | dition | | | | | | | | |
| Any third party conditions applicable? | Υ | N | N If Yes, specify | | | | | | | | | |
| Any unauthorised land use/building work | Υ | N | If Yes, explain | | | | | | | | | |

| Rezoning | Permanent departure | Temporary departure | Subdivision and/or servitude registration |
|---|-----------------------------|---------------------|--|
| 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 for existing approval | Amendment or cancellation of an approved subdivision plan | | Permission in terms of a condition of approval | |
|---|---|---|-------------|--|--|
| Determination of zoning | Closure of public place | Consent use | > | Occasional use | |
| Disestablish a home owner's association | Rectify failure by home owner's association to meet its obligations | Permission for the reconstruction of an existing building that constitutes a non-conforming use | | | |

PART D: BACKGROUND

The application property is located along the R46 Provincial Road ±13km northeast of Malmesbury, ±7km west of Riebeek Kasteel. The property obtains access from Divisional Road D1153, a gravel road that traverses the farm on the western portion. Divisional Road D1153 intersects the R46, which in turn links with Riebeek Kasteel towards the east, over the Kasteelberg.



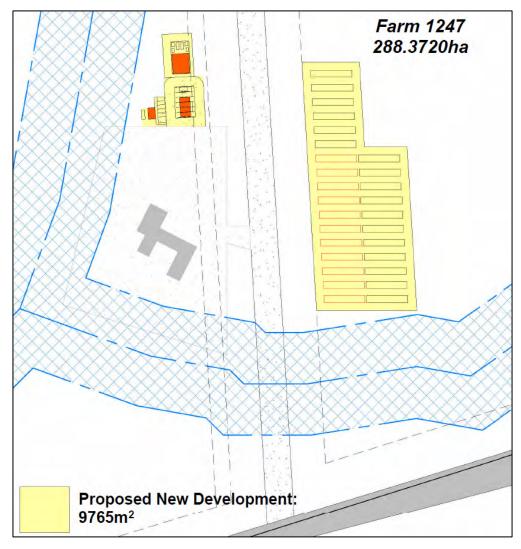
The application property is zoned Agricultural Zone 1, with a Tourist Facility (850m²) and a Farm Shop (130m²) as consent uses, while the activities on the remainder of the farm primarily relate to agricultural uses, such as crop-farming. The tourist facility, where products from the application property and surrounding farms are sold, is located in close proximity to the Riebeeks River, on the portion of the farm west of the divisional road.



The application involves a consent use for a renewable energy development in order to establish a solar panel plant with a footprint of ±8 785m² in extent and a charging station of ±980m² in extent for the recharging of electrical vehicles.

The solar panel field and the charging station are proposed on opposite sides of the divisional road to ensure that the electricity is clean and that no additional strain is placed on the national grid.

The long-term strategy of the development proposal is to facilitate and advance the transition to eco-friendly cars by providing the necessary infrastructure that will allow for market adoption.







PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

N

If yes, provide a brief summary of the outcomes below.

No pre-application consultation was deemed necessary by the applicant.

PART F: SUMMARY OF APPLICANTS MOTIVATION

A. MOTIVATION

1. DEVELOPMENT

The proposed development involves the creation of a renewable energy facility in two phases, on Farm no 1247. The initial phase comprises 480 solar panels and associated battery storage containers. The renewable energy will be used solely on-site and no generated electricity will be sold off.

Within the first phase, the charging station for EVs will also be erected. The station will consist of six (6) parking bays equipped with charging units, functioning in a self-help manner, without requiring staff attendance. The area covered by the charging equipment and the six (6) parking bays measures ±980m². Four (4) of the parking bays will be covered with a canopy (78m²), while two (2) parking bays will be uncovered.

The charging area will be located to the north of the existing tourist facility. The parking area at the charging stations will consist of five (5) 2.5m x 5m bays and a 3.5m x 5m disabled parking bay, providing an additional six (6) parking spaces for the tourist facility.

Considering that EVs typically charge between 30 minutes and 1 hour, the charging station will be complementary towards the tourist facility on the site. The close proximity between the tourist facility and the charging station is anticipated to be mutually beneficial. The charging station can serve as additional parking space, allowing visitors to spend time at the farm shop while their EVs charge. Thus, the strategic proximity facilitates a clustered development.

The second phase of development encompasses an expansion of the renewable energy facility on the same property and within the proposed fenced area, featuring 312 solar panels. Notably, the execution of the second phase is subject to consumer demand. In the broader context, similar facilities are proposed across SA along major transport routes. Realistically, not all sites are expected to experience high consumer demand. Therefore, the decision to proceed with the second phase will hinge on demonstrated necessity determined by consumer demand.

The phased construction approach enables adaptation to site-specific requirements, ensuring responsible and scalable development tailored to the unique demands of each location.

2. VISUAL IMPACT

Solar panels were selected over wind turbines due to their less intrusive visual impact. Wind turbines, with heights typically exceeding 150m, are visually imposing compared to solar panels, which have an average height ranging from 3 to 5m. The specific placement of the proposed renewable energy structures has been meticulously considered. When observed from the R46, the solar PV panels will be positioned on an area that is lower in elevation than the R46, effectively minimizing their visual impact. Additionally, when traveling east to west on the R46 towards Malmesbury, the renewable energy structures will be naturally concealed with the topography of the area. The proposed land uses are strategically located near the existing tourist facility in order to blend in with the existing development.

3. GLINT AND GLARE

The proposed solar PV panels are designed to be fixed at a 25° angle and incorporate specific coatings to minimise glint and glare from the surfaces. The coatings are designed to reduce the amount of sunlight that reflects off the solar panels, thereby reducing glint and glare. By optimizing the refractive index of the coating material, the reflection of sunlight can be significantly decreased, enhancing the overall aesthetic appeal of the solar installation.

Specific types of solar panels are designed to be a high-power, reliable modules with advanced technology to mitigate issues like glint and glare, making it suitable for various solar energy applications. These types of solar panels allow for more precise control of its reflective properties, addressing concerns related to visual disturbance.

By optimizing the coating material and targeting specific wavelengths, solar installations can effectively integrate with their surroundings while maintaining energy-generating functionality.

4. SOCIO-ECONOMIC IMPACT

The advent of Electrical Vehicles (EV's) and the extent of charging infrastructure and associated energy generation required, will have a transformational impact on rural economies and employment. With charging stations proposed at ±75km apart on all the national and major highways in SA by definition and design – it is a business targeted at rural areas. The developer envisions the construction of 500 to 1000 renewable energy facilities, including the component of charging stations and associated convenience offerings, throughout the country. The maintenance of complex charging and generation systems will stimulate a local technically trained workforce, as it is critical that those skills are physically close to keep the charging stations up and running 24/7.

5. DESIRABILITY

- a. **Reduced greenhouse gas emissions:** EVs produce no direct emissions, and when they are charged with electricity from a renewable source, such as a small solar farm, their use results in significantly reduced greenhouse gas emissions;
- b. **Environmental benefits:** A charging station powered by renewable energy helps to reduce reliance on non-renewable energy sources and reduce the overall carbon footprint of the transportation sector;
- c. Reduced carbon footprint: Using surplus electricity from a small solar farm for an agricultural property reduces the carbon footprint of the property. This is especially important for environmentally conscious consumers and for businesses that want to demonstrate their commitment to sustainability;
- d. **Reduced electricity costs:** By using surplus electricity generated by the small solar farm, the agricultural property will significantly reduce their electricity costs and may even eliminate them altogether;
- e. **Increased energy independence:** By generating electricity from a renewable source such as a small solar farm, the agricultural property can increase its' energy independence and reduce its reliance on the grid;
- f. **Improved energy reliability:** By generating electricity, the agricultural property will ensure a reliable source of energy, even in the event of power outages or other disruptions to the grid;
- g. **Business opportunities**: The increasing demand for electric vehicles and the need for EV charging infrastructure presents opportunities for businesses to enter the EV charging market and generate revenue. With a charging station powered by renewable energy, the business can appeal to environmentally conscious customers who are looking for a sustainable and clean energy source for their EVs;
- h. **Enhanced community relations:** Using surplus electricity generated by a small solar farm to provide electricity to an agricultural property will enhance community relations by demonstrating a commitment to sustainable energy practices and supporting the local agricultural community.

6. LEGISLATIVE FRAMEWORK

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

- i. **Spatial Justice:** The proposed development is consistent with the provincial goals and to generate renewable energy in order to pursue sustainable energy initiatives. The application will not result in the exclusion of any groups. The proposed facility will create job opportunities both during the construction phase and while operational, while concurrently subsidizing the landowners of the properties' income stream.
- ii. **Spatial Sustainability:** The proposed solar photovoltaic facility aims to use the most efficient method (which is cost-effective and utilises the least space) to generate sustainable energy. The proposal supports a transition to a low-carbon, sustainable energy future, which delivers clean sources of energy to urban consumers, and mitigates the effects of climate change without threatening any ecological resources. The application will not result in extensive loss of agricultural land with high potential, due to the small extent that will be used to accommodate the proposed facility. The development will be self-sustaining, making use of electricity generated by the facility. Water and waste-related infrastructure will be provided and maintained by the developer. These services will not be similar to those provided for residential occupancy as the facility will be remotely operated with inspections and occupancy only recurring from time to time. The facility will promote long-term financial sustainability for the property.
- iii. **Efficiency:** Natural resources will be used and less pressure will be on non-renewable resources. The proposal will result in the efficient use of land by capitalising on the opportunity created by the unique climate, without threatening the prosperity of the larger agricultural landscape.
- iv. **Principles of good Administration:** The application will be managed by the Swartland Municipality and all public participation processes will be complied with accordingly. All relevant departments were notified and comment and/or approvals requested.
- v. **Spatial resilience**: The proposed development can be easily decommissioned and demolished allowing for the reinstatement of farming activities.

b. Municipal Spatial Development Framework (SDF, 2023)

Due to the rural nature of the property, no explicit development guidance is provided, necessitating an evaluation of the proposal based on the overarching principles and goals of the MSDF. The proposed development area does not encroach upon cultivated land, and existing agricultural activities on the property will continue.

The MSDF aligns with the Provincial Spatial Development Framework (PSDF), advocating for sustainable use of cultural and scenic assets, climate change mitigation through large-scale renewable energy generation, integrated and sustainable settlements, improved regional accessibility, and diversification of the rural economy. Compliance with SPLUMA and LUPA requirements is emphasized.

Consistent with the hierarchy of plans and the consistency principle, the proposal supports higher-order spatial plans like the PSDF, indicating alignment with the MSDF. Emphasis is placed on promoting renewable energy, universal access to clean energy, and transitioning transport patterns away from liquid fuels.

The proposal aligns with Spatial Development Goal 7 of the UN's 2030 Agenda for Sustainable Development, focusing on sustainable energy for developmental challenges, increased energy security, and climate change mitigation. By proposing a smaller-scale renewable energy structure, the development aims to minimize its footprint and visual impact.

Additionally, the proposed charging stations and renewable energy structure, could be seen as a complementary use for the established tourism facility on the property. While cars are being charged at the charging stations, the people travelling can visit the tourist facility, which can generate additional income for the tourist facility. These complementary uses also aim to generate employment opportunities for the local community, contributing to economic growth in the Riebeek Kasteel area. The proposed development serves to diversify income for farm owners, creating an alternative revenue stream to support farming activities.

In conclusion, the development proposal, with its emphasis on sustainable practices, aligns with the MSDF's goals and supports broader initiatives at the provincial and national levels. The proposal not only addresses renewable energy and agri-tourism locally but also contributes positively to national objectives.

c. Section 2 of the By-Law (2020): Zoning Scheme Regulations

The following table indicates the compliance of the proposed renewable energy structures with the applicable development parameters set out in the By-Law under Agricultural Zone I:

Proposed Development

The proposed solar PV panels will be between 3 and 5m in height and the structures to cover the charging station and battery storage containers will not exceed 8.5m in height.

The Site Development Plan is attached.

An applicability checklist in terms of the NEMA EIA Regulations is submitted to determine the environmental impact. The Outcome Letter will be submitted to the Municipality upon receipt thereof.

The proposed renewable energy structures will be located at least 32m away from the wetland on the northeastern corner of the application property.

The design of the solar PV panels will be in such manner to have minimal impact on visual disturbances, specifically its reflective surfaces. Special adherence will be given to the gradient the proposed fixed panels will be constructed to in relation to the glint and glare the panels may cause.

The Site Development Plan includes a structure for the storage of equipment. The structure will be constructed to the satisfaction of the Municipality and according to the prescribed development parameters, thereby, not negatively impacting its surroundings.

No signs are proposed on the solar PV panels.

The solar PV facility will be maintained by the owner as needed.

If amendments to the renewable energy structure are proposed, the necessary application will be made to the Municipality for approval before construction.

The renewable energy facility is expected to have a lifespan of ±25 years. The facility will only be decommissioned, and the site rehabilitated, once it has reached the end of its economic life. Decommissioning would most likely be due to the enhancement of technology/infrastructure in the future of renewable energy as the developer also has the possibility to extend the lifespan of the facility. Solar panels are classified as hazardous waste and are banned from landfill disposal in SA since August 2021. The only sustainable solution in the event of decommissioning is to recycle the panels. This is why countries close to recycling and manufacturing of panels will offer to pay for old panels, as they contain valuable components. Cape Town has been cited as a centre for recycling of solar panels and after decommissioning the owner of the facility will engage with the appropriate parties to responsibly dispose of the solar panels. The solar PV panels are stand-alone structures designed to be affixed to a concrete slab. The battery storage area will consist of containers, and both the charging stations and the canopy constructed over it will be temporary structures mounted on a concrete slab. Consequently, these structures can be effortlessly dismantled when needed.

d. <u>Electricity Regulation Act (ACT 4 of 2006) & Integrated Resources Plan (IRP, 2019)</u>

The Integrated Resource Plan for Electricity (IRP) provides SA's long-term plan for electricity generation to ensure the security of electricity supply, minimise the cost of that supply, limit water usage and reduce greenhouse gas (GHG) emissions while allowing for policy adjustment in support of broader socio-economic developmental imperatives. The IRP, 2019, calls for 37 696 MW of new and committed capacity to be added between 2019 and 2030 from a diverse mix of energy sources and technologies, as aging coal plants are decommissioned and the country transitions to a larger share of renewable energy.

By 2030, the electricity generation mix is set to comprise 33 364 MW (42.6%) coal, 17 742 MW (22.7%) wind, 8 288 MW (10.6%) solar photovoltaic (PV), 6 830 MW (8.7%) gas or diesel, 5 000 MW (6.4%) energy storage, 4 600 MW (5.9%) hydro, 1 860 MW (2.4%) nuclear and 600 MW (0.8%) concentrating solar power (CSP). Furthermore, a short-term gap at least 2 000 MW is to be filled between 2019 and 2022, thereby raising new capacity requirements, while distributed or embedded generation for own use is positioned to add 4 000 MW between 2023 and 2030.

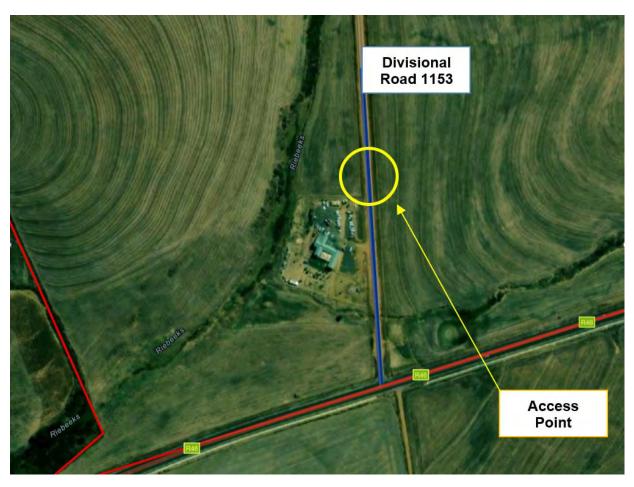
In May 2020, NERSA concurred with a determination for the procurement of various technology solutions to close the 2 000 MW gap (between 2019 and 2022), while another determination is undergoing public consultation and awaiting concurrence by NERSA.

Accordingly, it is clear that there is a shortage of alternative energy-producing facilities. While the proposal will not contribute to the generation of electricity that will be fed into the grid, it will facilitate the adaption of EVs without placing further strain on the already over-burdened electric network. Without such facilities, it is difficult to envisage a large-scale market adaption to EVs due to inconsistent electricity provision and limited availability.

7. ENGINEERING SERVICES

a. Roads and Stormwater

The application property gains entry via Divisional Road 1153, an existing gravel road situated on the western portion of the property, and this road is linked to the R46. The R46 features shoulders designed to enable secure turnoffs in both directions for traffic originating from either side of the R46. Comments on the application were requested from the responsible road authorities and the proposal is supported.



b. Water

Borehole water will only be used for drinking purposes at the farm shop while water to be used for washing the solar panels will be transported to the facility by means of water-trucks. The development will thus have a minor impact on the water resources available for farming purposes and will be equivalent to that of a residential dwelling. The panels will be washed twice a year, A flowrate of not less than 800L/hour and not more than 1100L/hour is required for cleaning the panels. The average consumption is calculated at 6L/panel for PV Solar Panel, which will be by means of external water sources, transported to the site.

c. Sewerage

Effluent will be stored on site by means of a conservancy tank that will be evacuated when needed and transported to the nearest waste water treatment work. The owner/developer assumes responsibility for the management of the sewerage system and the payment of the relevant fees, whether the service is rendered by the Municipality or a private endeavour.

d. Electricity

The proposed development will form part of a national network of green powered fast chargers of approximately 250kW each on all the major N and R routes across South Africa. Each charging station, including the farm shop and other facilities, will be powered by electricity generated on-site and operate independent from ESKOM. Current legislation registration restricts the use of electricity generated to the site and no surplus will be made available to the national network at present. A connection may however be made at a later stage, should legislation be amended.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 45-49 of the Swartland Municipal: By-law on Municipal Land Use Planning

Υ

Ν

A total of 8 written notices were sent via registered mail, on 29 July 2024, to the owners of affected properties, as well as to the relevant local, provincial and national departments, in term of Section 56(1) of the By-Law. E-mails were also sent where addresses were available.

The commenting period concluded on 2 September 2024 for private individuals and on 2 October 2024 for external departments.

The comments made by the Department of Agriculture: Land Use Management was received late, on 10 October 2023, but the comments were considered very relevant to the application. Furthermore, it was decided that the nature of the application and the comments received, justified for the application to be referred to the Tribunal, to ensure that the proposal is evaluated as objectively as possible.

Response to the negative comments were requested from the applicant and received by the Municipality on 24 October 2024 (refer to Annexure E).

| Total valid | 4 | | To | otal | con | nmen | ts and | 0 |
|------------------------------------|----|----|------------------------------|-------------------|-----|------|--------|---|
| comments | • | | pe | petitions refused | | | | 0 |
| Valid petition(s) | Υ | N | If yes, number of signatures | N/A | | | | |
| Community organisation(s) response | Υ | N | Ward councillor response | | Υ | N | | elopment proposal was communicated to r Smit. No comment was forthcoming. |
| Total letters of support | No | ne | | | | | | |

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

| Department | Summary of comments | Comment |
|--|---|----------|
| Department: Development Services 18 June 2024 | Building plans be submitted to the Senior Manager: Development Management for consideration and approval. | Positive |
| Department: Civil Engineering Services 16 Aug 2024 | Water Swartland Munisipaliteit geen drinkwater voorsien nie; Riolering Riooldienste selgs vir huidhoudelike riool met 'n suigtenkvragmotor voorsien kan word. | Positive |
| Department of Infrastructure: Directorate: Road Planning 2 Oct 2024 | a) This Branch offers no objections to the proposal in terms of the Land Use Planning Act, 2014 (Act 3 of 2014), subject to the existing access at ±0.18km off Divisional Road 1153 being used. | Positive |
| West Coast District Municipality | No comments received. | - |
| Department: Agriculture: Land Use Management 10 Oct 2024 | The Western Cape Department of Agriculture objected to the application and the details of the objection are discussed in Part I of the report. | Negative |
| ESKOM | No comments received. | |

a) Should any heritage remains be exposed during excavations or any other actions on the site, this must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape;

- b) Heritage remains include, inter alia, meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material;
- A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority;
- d) An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste that cannot be recycled, re-use shall be disposed of at a licensed waste disposal facility;
- e) Surface or ground water must not be polluted due to any actions on the site;
- f) The applicable requirements with respect to relevant legislation pertaining to water must be met;
- g) An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation;
- h) The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation;
- i) Health standards of structures associated with communication networks must be reviewed periodically based on ongoing scientific research.
- j) The holder will be required to decommission (including site rehabilitation) or upgrade any communication structure that does not meet the most recently published health standards on the World Health Organisation, the International Committee on Non-Ionising Radiation Protection, which have been adopted by the National Department of Health and the Independent Communication Authority of South Africa.
- k) Should the relevant health authority determine that the current limits of electromagnetic radiation pose a significant health risk, then decommissioning of the activity, as well as the rehabilitation of the site/property shall be required to the satisfaction of the competent authority.

DEA&DP 1 Oct 2024 (Annexure F)

| PART I: COMM PARTICIPATIO | IENTS RECEIVED DURING PUBLIC ON | SUMMARY OF APPLICANT'S REPLY TO COMMENTS | MUNICIPAL ASSESSMENT OF COMMENTS |
|--|--|---|--|
| | 1. The major concern from an agricultural perspective with any development is the possible loss of high potential agricultural land. Such land in South Africa is a threatened, scarce and non-renewable resource that is essential to the well-being of society. Not only is there too little high potential arable land, but what is available is also under threat from several competing land uses, | 1. In response to the objection raised regarding the loss of high-potential agricultural land, it is important to emphasise that the proposed development covers only a very small portion – 0.34%- of the entire property. The minimal footprint of the electric vehicle (EV) charging station ensures that the vast majority of the land remains available for agricultural use. | The emphasis of the objection, by Dept. Agriculture, is not only against the size of the development, but on the accumulative effect of various small developments. Once the losses within a district, province and nationally are added up, the magnitude of the problem become clear. |
| Western Cape Department of Agriculture (Annexure D) | leading to a cumulative loss of arable land across the country. | Furthermore, the broader benefits of the proposed development should also be considered. South Africa's transition to renewable energy and the establishment of an EV charging station infrastructure are critical to national sustainability goals. These developments not only support cleaner energy initiatives but also helps reduce reliance on fossil fuels, fostering long-term environmental benefits for both agricultural and non-agricultural sectors. While it is crucial to protect high-potential agricultural land, the limited impact of this development on the land and the significant contributions it makes to the community and country's sustainable future demonstrate that it can coexist with agricultural uses without undermining the integrity of the land. Therefore, the proposal does not pose a significant threat to agricultural resources and should be seen as a balanced approach to land use that prioritizes both economic and environmental sustainability. | The application property already contains a farmstall and coffee shop with petting zoo. The uses were approved as tourist facilities which are considered acceptable and appropriate in the pastoral landscape. The sun panels and the charging station, with kiosk, however, in addition to the existing buildings, constitute a much larger footprint than the proposed 9 000m². The addition will alter the character from a small rural tourist stop to a ±2ha, mixed use development node along the R46. Such a node is not supported by the SDF. |
| | 2. It is for this reason that the Western Cape Department of Agriculture (WCDoA) in principle does not support any renewable energy related footprint in high potential or cultivated agricultural land. From an agricultural perspective it would, therefore, be desirable for all renewable energy development to be located off high potential agricultural land. In this case of solar energy this is probably feasible since the solar resource is generally, mutually exclusive from high potential agricultural land (i.e. those parts of the country with the highest solar irradiance are generally too arid for crop production. | 2. See response 1. Additionally, while the department emphasizes that renewable energy projects, including solar installations, should ideally be located away from high-potential agricultural land, it is equally important to recognize the unique benefits of this specific proposal. The development of the EV charging station plays a critical role in supporting the transition to renewable energy and the establishment of crucial infrastructure needed for South Africa's future energy landscape. This proposal offers significant long-term environmental and societal advantages, particularly in reducing carbon emissions and promoting sustainability—benefits that extend to the agricultural sector itself by mitigating the broader impacts of | Sunlight is not a scarce, nor a site-specific resource, but arable land is. While the Dept of Agriculture seems to support the generation of clean energy, it does not do so at all costs. It would defy the point to generate energy at the cost of high potential arable land. Farm 1247 is located 7km west of Riebeek Kasteel, an established urban area. The creation of a development node so close to the town, in the location proposed, cannot be justified, nor is it supported by the SDF. |

3. In respect of the current property, the land on which the solar photovoltaic (PV) installations will be sited is cultivated with grain (oats) with the proposal effectively sterilising approximately 1ha of agricultural land.

climate change.

Given the small scale of this development and its potential to contribute positively to national renewable energy goals while leaving most of the land available for agriculture, it strikes a careful balance between promoting renewable energy and protecting agricultural resources. The project's limited impact on high-potential land should allow it to coexist with agricultural activities without compromising the integrity of the farmland.

3. See response 1 and 2.

The benefits of this solar installation, however, far outweigh the minimal loss of agricultural land. The project not only helps in reducing CO2 emissions, which is critical to combatting climate change and its direct impacts on agriculture, but it also contributes to easing the existing strain on South Africa's national power grid, managed by Eskom. By generating renewable energy, this development helps reduce the country's reliance on fossil fuels, which are a primary source of greenhouse gas emissions, and provides much-needed relief to the already constrained energy network.

The transition to renewable energy is vital for the sustainable future of South Africa, enabling the country to move away from fossil fuel dependency while also addressing energy insecurity. The small sacrifice of a portion of agricultural land could be considered justifiable by the broader benefits to the country's energy security, environmental health, and the global need to reduce carbon emissions. This is a necessary step for the well-being of the country, its people, and the environment, ultimately serving the greater good.

- 3. The environmental benefits of PV installations are clear, but the proposed location of the development is considered inappropriate.
 - i. High potential arable land will be lost;
 - ii. Food security will be threatened;
 - iii. The generation of solar power is not site specific and alternative, more appropriate locations may be utilised.

The SDF identifies transport/economic nodes in certain locations along the N7 highway. The nodes are located at major interchanges, where large portions of land surrounding the intersections have already been sterilised by the geometry of the intersections. The proposed uses within these nodes promote economic activities that are transport-related, such as petroports and truck stops. The nodes also do not compete with any natural assets.

The R46 is identified by the SDF as an agritourism corridor and differs vastly in character from that of the N7. The corridor depends on the landscape and agricultural activities as defining characteristics and tourism attractions. No transport/economic nodes are proposed along the R46, as no high-order intersections exist and the character of such economic nodes would be contrary to the character of the corridor.

The distance between Riebeek Kasteel and other towns are short enough to restrict development to the towns/urban areas, as far as possible and to preserve agricultural, scenic and tourism assets.

4. Further to the suitability of the proposed development on the property in relation to food security, due regard should be had to the Western Cape Department of Agriculture's position in respect of rural development, as set out in the Western Cape Land Use Planning Guidelines for Rural Areas, March 2019, to which this Department is co-author.

The following extracts from the guidelines have specific bearing on the application at hand:

i. Good quality and carefully sited development should be encouraged and located as far as possible in existing settlements (page 35).

ii. All development in rural areas should be in keeping and in scale with its location, and sensitive to the character of the rural landscape and local distinctiveness (page 35).

4. See comments 1,2 and 3.

Please see our response below:

- i. There is a shortage of developable land which would be able to accommodate the proposed development in and around the surrounding towns, which poses a significant challenge in finding suitable locations. Given the limited availability of developable land, it's imperative to explore alternative options. Furthermore, the efficiency of a solar array is closely tied to its location, the placement thereof in a town could compromise its efficiency and it will have a greater impact on the residents of the town.
- ii. In response to the objection that all development in rural areas should be in keeping with the location and sensitive to the character of the rural landscape, it is important to emphasize that the proposed development does align with these principles.

The placement of the development between Swartland and Riebeek Kasteel along the R46 Regional Route offers a strategic location that preserves the rural landscape while contributing to the vitality of the area. The clustering of this development near existing farmsteads and activities respects the local distinctiveness of the rural setting. Rather than sprawling in isolation, it forms a cohesive node of development that integrates well into the existing landscape.

Additionally, due to the small portion of agricultural land that will be used means that the environmental and agricultural impact of this project will be minimal, while offering significant benefits in terms of renewable energy, local economic opportunities, and services for visitors. This clustering approach not only

4. Noted. See responses 1,2, and 3.

- i. The generation of photo-voltaic energy is not site specific/site-bound. While it may be a challenge to obtain land in or around towns, it is not impossible. Just because the land is available, does not mean it is appropriate.
- ii. The development proposal includes a field of solar panels, slightly smaller than a rugby field, clearly visible from the road (the road is higher than the farm), at the foot of the Kasteelberg (the town was named for the mountain), in a pristine rural setting.

The construction and aesthetic of PV panels are industrial, utilising glass and steel and cannot be perceived to be sensitive to a rural setting.

The formation of a development node at the specific point along the R46 is not supported by the spatial planning.

| | adheres to sustainable development principles but also supports the broader rural economy by contributing to the formation of a rural node that enhances the area's functionality without compromising its scenic or agricultural value. | |
|--|---|---|
| iii. The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities (page 35). | Thus, the development is both respectful of the rural landscape and provides a well-considered addition to the existing built environment. iii. By strategically integrating ancillary amenities like a tourist facility, a solar array and accompanied charging station, the landowner can diversify revenue streams and bolster the financial sustainability of the existing agricultural operation. This new income can directly be reinvested into supporting and enhancing existing agricultural land uses, such as improving infrastructure, implementing sustainable farming practices, or expanding agricultural production. | iii. Refer to 4.ii. |
| | Furthermore, when done thoughtfully and in harmony with the rural landscape, the clustering of ancillary activities can contribute to the vitality of rural areas while preserving the agricultural and possible cultural heritage of the area. By ensuring that these activities complement rather than overshadow primary agricultural activities, the landowner can maintain the rural character of the landscape while capitalising on new financial opportunities. | A number of examples exist of the cultivation of land under PV panel structures. The applicant does not, however, offer any such solutions in the proposal. |
| iv. Rural activities must have a focus on sustainability and be in harmony with the | While it is important to avoid detracting from the rural character of the landscape and primary agricultural activities, the strategic integration of ancillary amenities like tourist facilities accompanied by charging stations can provide additional financial benefits to the landowner as previously stated. This new financial gain can directly contribute to supporting and enhancing existing agricultural land uses on the property, reinforcing the symbiotic relationship between rural development and agricultural sustainability. | |
| surrounding agricultural landscape. | iv. Firstly, the development is proposed adjacent to an existing tourist facility that already helps with the promotion of tourism within the area, where several surrounding existing activities are introduced and exposed by means of pamphlets. The charging station promotes sustainable | iv. While the existing tourist facilities are considered to be compatible with the surrounding agricultural land uses, and in harmony with the landscape, the PV panel installation is not. |

transportation providing а convenient and environmentally friendly option for electric vehicle owners. The tourist facilities utilises and focuses on the This reduces reliance on fossil fuels and lower carbon surrounding agricultural landscape as an asset, while the PV panels encroaches on high potential emissions, aligning with broader sustainability goals. arable land and impacts negatively on the visual effect of the environment. Additionally, the tourist facility enhances the overall visitor experience to the charging station, attracting environmentally conscious consumers who value sustainable practices. This not only supports the economic viability of the farm, tourist facility and charging station, but also fosters a culture of sustainability within the local community. The proposed charging station embodies the principle of sustainability and harmony with the agricultural landscape by promoting renewable energy use, reducing carbon emissions, and enhancing visitor experience. By leveraging the off-grid infrastructure and embracing innovative solutions, the landowner demonstrates a proactive approach to sustainable rural development that benefits both the environment and the v. Agricultural resources should be protected for local economy. increased agricultural production. v. It is well known that the agricultural sector is significantly v. See comments 1,2,3, and 4. negatively impacted by loadshedding. For instance, the poultry industry incurs millions in cost for backup power to maintain air conditioning, while the fruit industry suffers heavy losses due to inadequate electricity for irrigation and storage purposes. Similarly, the wine industry faces substantial losses in managing their cellars due to loadshedding. This pattern of disruption extends throughout the entire agricultural sector. Any initiative that supports the national grid, whether directly or indirectly, should be wholeheartedly supported. The temporary use of agricultural land for electricity generation purposes is strongly endorsed by the agricultural sector, as it helps mitigate the adverse effects of loadshedding and promotes overall stability in agricultural production. The proposed development, particularly the integration of a tourist facility accompanied by a charging station alongside

existing agricultural activities, will have a greater impact in the

long run by protecting agricultural resources for increased agricultural production.

Firstly, by diversifying the income streams of the property through the proposed development, the landowner can generate additional revenue without compromising the agricultural land's integrity. This additional financial support can be reinvested into agricultural infrastructure, equipment, and sustainable farming practices, ultimately leading to increased agricultural productivity.

Moreover, the presence of the charging station can attract more visitors to the area, including tourists and local residents, who may also enjoy the tourist facility and other agricultural offerings. This possible slight increased foot traffic can provide opportunities for agritourism activities in the surrounding areas, further boosting the agricultural sector's visibility and economic viability.

Furthermore, the charging station's integration into the existing agricultural landscape demonstrates a harmonious relationship between rural development and agricultural preservation. By showcasing innovative solutions that complement rather than compete with agricultural activities, the proposed development reinforces the importance of protecting agricultural resources for long-term sustainability

vi. Consider the unique circumstances surrounding the proposed development of an off the grid charging station adjacent to an existing tourist facility, by the CHARGE team.

vi. See comments 1,2,3, and 4.

vi. Other intrusive land uses (e.g. industries and schools) should be located in urban areas as far as possible and should only be considered when the locational factors warrant such a land use in the rural area in the obligation is on the applicant to illustrate why the land use cannot be accommodated in the urban area (page 41).

Firstly, the shortage of developable land in and around the surrounding towns poses a significant challenge in finding suitable locations for infrastructure projects. Given the limited availability of land, it's imperative to explore alternative options, even if they deviate from conventional guidelines.

Moreover, the efficiency of a solar array is closely tied to its location, with agricultural landscapes often offering more

favourable conditions for solar energy generation compared to urban areas. Placing the solar array in a town could not only compromise its efficiency but also have greater negative impacts on residents due to factors such as visual intrusion, height restrictions being implemented around the development and other land use conflicts.

While guidelines provide valuable guidance, they should not be applied rigidly in every circumstance, especially when innovative solutions are at stake.

Furthermore, the absence of competitors in the market underscores the pioneering nature of the CHARGE team's efforts. Their willingness to lead the way in sustainable energy development should be commended rather than penalized for deviating from guidelines.

While adherence to guidelines is important, it's equally essential to recognize the unique constraints and opportunities inherent in each development proposal. The CHARGE team's proposal should be evaluated on its own merits, taking into account the challenges of land availability, energy efficiency, and the pioneering nature of their initiative. By striking a balance between guidelines and practical considerations, authorities can support innovative solutions that advance sustainable development goals.

In addition to the challenges of land availability and energy efficiency, it's crucial to highlight the economic benefits that the proposed development on agricultural land can bring to the landowner and the local community. Agricultural land, especially in rural areas like where the proposed development is proposed, often faces economic pressures and challenges. By diversifying land use through the installation of a solar array, the landowner stands to gain a sustainable source of income that complements traditional agricultural practices. This not only enhances the financial viability of the land but also contributes to the long-term resilience of the agricultural sector. Furthermore, the revenue generated from leasing the land for the solar array

It has already been proven that the proposed development can be accommodated on a number of other sites, as the use is not site-specific, scarce or rare.

Also, while the Rural Guidelines are named "guidelines", the document was compiled by experts in each discipline, and the concepts were extracted/summarised from national and provincial law relating to the development of agricultural land. Consequently, in acting contrary to the "guidance" of the document, a development may in fact be unlawful.

The Rural Guidelines are thus considered to be very significant upon evaluating land use proposals.

The PV installation is not dependent on a scarce resource that will be provided to a previously underserved community – the property can be located anywhere.

The parties who may benefit are the owner and developer. Riebeek Kasteel is located 7km from the site and driving that extra way to charge a car is far from an inconvenience. Consequently, the wider community does not really benefit in either monetary terms or convenience, while agricultural land is lost and unique vistas obstructed.

vii. Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated. The long-term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken (page 41).

can provide much-needed support for the local economy, fostering job creation and investment in infrastructure and services. Thus, while alternative sites may exist, the proposed development on agricultural land offers a practical and economically viable solution that benefits both the landowner and the wider community.

vii. A tourist facility / farm stall, accompanied by an electric vehicle charging station powered by a solar array, align perfectly with the principle of sustainable rural development and compliance with municipal mandates. See the following as motivation:

Appropriate Rural Activity:

- The farm stall / tourist facility are inherently rural activities, offering locally sourced products and authentic experiences that draw visitors to the area. This kind of development enhances the rural character by promoting local culture and agriculture.
- The EV charging station complements this by providing necessary infrastructure for modern travellers, encouraging eco-friendly tourism that aligns with rural settings.

Positive Socio-Economic Returns:

- The tourist facility generates direct economic benefits through the sale of local produce and goods, supporting local farmers and artisans. This boosts the local economy and provides a market for regional products.
- The tourist facility attracts visitors, increasing local spending on accommodation, food, and other services, thus driving further economic activity.
- The EV charging station supports the growing number of electric vehicle owners, promoting longer stays and more spending in the local area.

vii. The applicant emphasises the importance of the tourist facility, but in each instance, the charging station is a secondary use, proving that the proposal is not essential in the current position, nor uniquely place-bound.

The activities of the tourist facility may continue with or without the charging station and solar array.

Environmental Protection:

- The solar array powering the EV charging station exemplifies a commitment to renewable energy, reducing reliance on fossil fuels and minimizing environmental impact.
- The integration of renewable energy supports national and local sustainability goals, aligning with broader efforts to combat climate change.
- By situating the development within a rural setting, the project minimizes disruption to natural landscapes and biodiversity.

Municipal Resource Management:

- The project is designed to be self-sufficient, with the solar array providing necessary energy, thus not placing additional strain on the municipal electricity grid.
- By attracting visitors, the development can increase municipal revenue through tourism-related activities without requiring significant new infrastructure investments.

Long-Term Impact Considerations:

- The development is low-impact and sustainable, designed to blend with the rural landscape, preserving the scenic, heritage, and cultural values of the area.
- The tourist facility enhances the area's cultural landscape, offering educational opportunities about local agriculture and heritage.
- The EV charging station ensures the area remains accessible to modern travellers, supporting long-term tourism sustainability.

Support for Agricultural Activities:

 The farm stall provides an additional revenue stream for local farmers, encouraging continued agricultural production and sustainability. The solar array is not foreseen to blend into the landscape, but it is expected to have a severe impact on the landscape.

One of the most important arguments for the establishment of a tourist facility, was the beauty of its location within the pristine rural landscape and its views of the fields and mountain. The construction of a solar array is foreseen to impact negatively on the assets that promoted the tourist facility in the first place.

The tourist facility and shop already contain the activities.

The project does not take away productive agricultural land but rather integrates with existing uses, enhancing overall farm viability. Risk and Financial Considerations:

- o The development mitigates financial risks by diversifying income sources for the landowner and the local economy.
- o It supports local employment opportunities, reducing economic vulnerability and enhancing community resilience.

Visual and Heritage Integration:

- o The project includes careful planning to ensure visual harmony with the rural landscape, including design elements that reflect local architectural styles.
- o Efforts will be made to preserve and enhance the heritage value of the area, with the farm stall and tourist facility acting as custodians of local traditions.

In summary, the proposed tourist facility, and EV charging station powered by a solar array represent a well-considered, sustainable development that aligns with rural context appropriateness, generates positive socio-economic returns, protects the environment, and supports municipal and agricultural sustainability.

viii. Place-bound businesses (businesses ancillary to agriculture or serving rural needs) include farm stalls and farm shops, restaurants and venue facilities (e.g. conferences and weddings) (page 56).

viii. The proposed development aligns with the concept of viii. The tourist facility and shop already contain place-bound businesses, which are ancillary to agriculture or serve rural needs. By integrating the proposed development adjacent to the existing farm stall / tourist facility, and the R46, the development enhances the overall appeal and functionality of the rural area.

The proposed development provides an essential service that meets the needs of both the locals and the visitors, supporting sustainable transportation practices and addressing the growing demand for electric vehicle infrastructure in rural areas. this amenity enhances the accessibility and Refer to the author's renderings, illustrating the impact of the solar array on the landscape.

the activities.

| | attractiveness of the area, contributing to the success of other place-bound businesses situated in the close vicinity. | | |
|--|--|------|--|
| | By attracting more visitors to the area, the proposed development stimulates the economic activity and supports the viability of local businesses such as farm stalls, shops and restaurants. The increased foot traffic creates opportunities for these businesses to thrive and expand their offerings, further enriching the rural experience for residents and visitors alike. | | |
| ix. Non-place-bound businesses (businesses) ancillary to agriculture or serving rushould be located within urban areas only be considered in the rural as exceptional cases and locational factors such a land use. The obligation is on the toillustrate why the land use accommodated in the urban areas include a petrol station, hardware stop, transport contractors, wellness of care facilities and animal feed factory | proposed development could be considered as a place-bound business. bound business. swarrant applicant annot be Examples ore, truck ntres, frail | | The applicant fails to prove why the development cannot be located in the urban area and the proposal is considered non-compliant with the Rural Guidelines. |
| x. With respect to Infrastructure When inside urban areas are impractical, agricultural areas peripheral to settle the preferred alternative (page 62). | extensive proposed bulk infrastructure installations are planned to | ۸. | Refer to previous comments. |
| xi. Where possible, installations should on previously disturbed terrain, or la biodiversity or agricultural value and interfere with, or impact negatively on planned production areas, as well as infrastructure. | where located and of low with white the proposed development is proposed on agricultural land, it is important to note that, it is only proposed on a small portion of the Agricultural land, 0.34%. | | Refer to 1,2,3 and 4. |
| | Stations. | xii. | Refer to 1,2,3 and 4. |

- xii. Within the Agricultural SPC, only essential installations should be accommodated. In such instances, installations should be on land with a low agricultural value and should not interfere with or impact negatively, on existing or planned production areas or agricultural infrastructure.
 - agricultural value and the small portion affected by the proposed development.
- The proposal is not considered to be aligned with the aforesaid guidelines and is not supported.
- 5. It is important to note that the proposed EV Charging Station and accompanying Solar Array are considered ancillary to the existing tourist facility, complementing and enhancing its services. Additionally, it is crucial not to view the proposed development as merely a rural business but rather as an essential service that addresses the needs of both locals and visitors. This development promotes sustainable transportation practices by supporting the growing demand for electric vehicle infrastructure in rural areas, helping to reduce reliance on fossil fuels and contributing to lower CO2 emissions.

xii. Noted. Please refer to the point above with regards to

Moreover, by utilizing solar energy, the project directly aids in the transition to renewable energy, which not only reduces the carbon footprint but also alleviates the existing constraints on the Eskom power grid. This shift to clean energy aligns with broader climate goals, helping mitigate climate change by reducing emissions associated with traditional energy sources. The combined benefits of environmental sustainability, renewable energy use, and a vital service for electric vehicle users underscore the importance of the project for both the local economy and the broader environmental landscape.

The objector is supported.



Rendering not to scale



PART J: MUNICIPAL PLANNING EVALUATION

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

Application for a consent use on Farm no. 1247, Division Malmesbury, is made in terms of Section 25(2)(o) of the Swartland Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020) in order to accommodate a renewable energy development on a portion of the farm (9 765m² in extent).

A total of 8 written notices were sent via registered mail, on 29 July 2024, to the owners of affected properties, as well as to the relevant local, provincial and national departments, in term of Section 56(1) of the By-Law. E-mails were also sent where addresses were available.

The commenting period concluded on 2 September 2024 for private individuals and on 2 October 2024 for external departments.

The comments made by the Department of Agriculture: Land Use Management was received late, on 10 October 2023, but the comments were considered very relevant to the application. Furthermore, it was decided that the nature of the application and the comments received, justified for the application to be referred to the Tribunal, to ensure that the proposal is evaluated by the widest range of disciplines and as objectively as possible.

Response to the negative comments were requested from the applicant and received by the Municipality on 24 October 2024.

The applicant is CK Rumboll and Partners and the owner of the property is the LJ Lesch Trust.

2. Legislation and policy frameworks

2.1 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 above-mentioned legislation.

a) <u>Spatial Justice:</u> The proposed development will create employment opportunities and enhance accessibility to alternative energy. No previously disadvantaged groups are excluded or negatively impacted by the development and the facilities will be accessible to a variety of income groups.

The SDF identifies the R46 as the east-west tourism corridor of the Swartland and proposals for the corridor include the protection of agricultural land. The permission for a tourist facility on Farm 1247 was an appropriate development along said corridor. The creation of a mixed use development node with severe visual impact in high potential agricultural landscape with pristine vistas, while being only 7km from a town, is not consistent with the SDF.

b) <u>Spatial Sustainability:</u> The issue of sustainability may be argued from both supporting and opposing angles. While the proposed development is foreseen to create new infrastructure and one or two employment opportunities, it may also negatively impact on employment, as some agricultural land will be lost and with it, labour.

The development promotes diverse use of agricultural land. The proposed photo-voltaic plant development will promote:

- i) The social environment through contributing to a cleaner healthier, more liveable environment for future generations;
- ii) The economic environment through the creation of employment opportunities in a rural area;
- iii) The natural environment through creating 'green' energy and alleviating the pressure on the use of fossil fuels, thereby limiting harmful emissions. The availability of charging stations is foreseen to also stimulate the ownership of more EV's, as the infrastructure will make it possible for more individuals to use EV's than previously.

On the other hand, the development proposal encroaches on high potential agricultural land, threatening long term food security, especially through the accumulative effect created by the existing facilities.

- c) <u>Efficiency</u>: The proposed development is intended to contribute to alternative energy provision and alleviating the pressure on fossil fuels and the negative effects on te environment.
- d) <u>Good Administration:</u> The application and public participation will be administrated by Swartland Municipality and public and departmental comments obtained;

e) <u>Spatial Resilience:</u> The proposed diversification of uses on the property will enhance its ability to withstand natural and economic shocks over time. However, the development effectively sterilises a portion of land larger than 1ha, the rehabilitation of which, for agricultural uses, will not be without challenges, such as environmental, physical and financial obstacles.

While the goal and purpose of a PV plant includes the conservation of the environment and long-term energy efficiency, the specific location, scale and impact of the development at hand is not considered to be supportive of the LUPA and SPLUMA principles.

Additionally, the proposal is regarded as contradictory to the spatial planning for the rural landscape surrounding the Riebeeks.

2.2 Western Cape Land Use Planning Guidelines: Rural Areas (2019)

The DEA&DP: Rural Guidelines (2019) are aimed specifically at the appropriate and responsible development of rural and agricultural areas.

a) Conservation of Agricultural Land:

The consent use is proposed on a relatively small portion of the farm, however, the accumulative effect of the existing tourist facility with the solar panels and charging stations, is estimated at closer to 2 hectares. The visual impact of the development within its unique surroundings, would already illustrate clearly that it is neither minor nor negligible.

The proposal is not only inconsistent with the rural character of the area, but also promotes the creation of a development node on agricultural land, which is fundamentally opposed to the spatial planning and Rural Guidelines pertaining to the specific location.

b) Infrastructure installation in rural areas:

The proposed site is located 7km from the closest town, namely Riebeek Kasteel. The development does not promote infrastructure provision to a previously underserved or extremely remote area. The provision of electricity within the specific context is not considered essential and thus not a sufficient reason for the location of the development on the specific land unit.

2.3 Spatial Development Framework (SDF)

The application property is situated within a rural area, namely Ward 12 of the Swartland Municipality. The SDF focuses strongly on the objective of promoting the tourist industry and agriculture in the ward.

The existing tourist facility already promotes tourism in the area, supporting the agricultural activities by selling local products etc. The proposed charging station is not place bound and can be accommodated elsewhere. The visual impact is expected to be negative on the rural landscape and the SDF does not support a development node at the location of the application property.

The development may thus be considered non-compliant with the spatial proposals, as described by the SDF.

2.4 Zoning Scheme Provisions

The proposed land use is consistent with the development parameters of the By-Law.

2.5 NEMA (1998)

Application was submitted to the Department of Environmental Affairs and Development Planning to determine the environmental scope of the development proposal and approval was received on

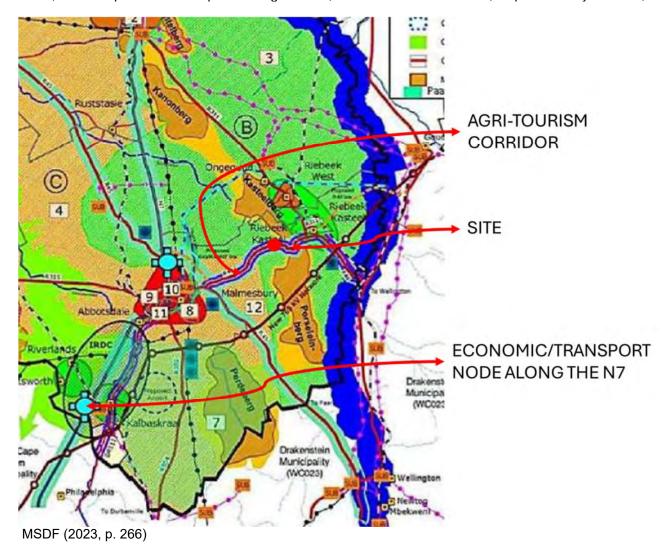
3. Desirability of the proposed utilisation

The development is contradictory to SDF Objective 4: Protect and grow place identity and cultural integrity. The Riebeek Valley and surrounds are well known for the agricultural and rural character. The existing tourist facility (restaurant, shop and petting zoo) on the application property is an accepted land use within a rural landscape. The facility promotes the scenic rural surroundings, as well as its views to the Kasteelberg, as unique and grounding principles to justify its existence. The family friendly activities, such as the petting zoo and the market/shop selling local produce, further endorses the agricultural character of the area. The architecture of the tourist facility is scale appropriate and, while still contemporary,

representative of the materials and historical building styles of the Valley. In comparison, the proposed photo-voltaic plant and charging station, with amenities, can claim none of the aforementioned characteristics.

The applicant states that the SDF does not provide clear guidelines regarding the development of agricultural land or the rural parts of the Swartland. However, the author contends that the SDF identifies the character, the predominant economic driver, tourism generators and natural assets of each unique rural area in the Swartland. Each of the categories was investigated to determine the impact of the development proposal within its context. In addition to the SDF, the Western Cape Land Use Planning Guidelines: Rural Areas (2019), incorporate additional legislation and policies to provide clear direction regarding the development of agricultural/rural land, and the proposal was thus evaluated:

- 1. The addition of the charging station to the tourist facility will create a mixed use development node. Such a node in not supported by the SDF:
- 2. The SDF clearly states that the Swartland region identity is defined by its landscapes, natural environment and agriculture. All three the characteristics will be negatively impacted on by the proposed development;
- 3. The R46 is identified by the SDF as an agri-tourism corridor and differs vastly in character from that of the N7. The corridor depends on the landscape and agricultural activities as defining characteristics and tourism attractions. No transport/economic nodes are proposed along the R46, as no high-order intersections exist and the character of such economic nodes would be contrary to the character of the agri-tourism corridor;
- 4. The distance between Riebeek Kasteel and other towns is short enough to restrict development to the towns/urban areas, as far as possible and to preserve agricultural, scenic and tourism assets, as promoted by the SDF;



- The proposed solar array and charging station represent the loss of high potential agricultural land. Not all agricultural land is protected, but in this instance the land potential is high and should be preserved for agricultural use;
- 6. The aim of the protection of agricultural land is to limit piecemeal loss of high potential agricultural land, in order to minimize the accumulative effect of land loss;
- 7. The loss of agricultural land threatens food security;
- 8. The proposed charging station and panels can be located almost anywhere if there is a road and sunshine. The development is not place-bound, due to scarce resources or the unique characteristics of the site;

- The proposal will not be providing a service to a previously underserved or remote community the application property is located only 7km west of Riebeek West;
- 10. The bucolic landscape is the one of the most important driving factors for the existing tourist facility and the promotion of tourism is supported by the SDF. The charging station and solar array are foreseen to impact negatively on the landscape, in turn impacting negatively on the tourist facility and per implication on tourism to the area. The negative impact is contrary to the SDF;
- 11. The location of the charging station and solar plant is not logistically optimal, within 7km from Riebeek Kasteel there is no reason why the development cannot be more effectively accommodated in close proximity to existing services and urban development and thus not considered necessary, nor orderly planning;
- 12. The impact of the solar array on the landscape is considered severe and negative, as the materials being used are industrial in nature and the panels will be below the road level, rendering the view from above even more visible;
- 13. The financial gain generated by the development is expected to benefit only a few parties and not necessarily the wider community;

Taking the abovementioned into account, it is clear that the application may not be considered as desirable within its context.

4. Impact on municipal engineering services

The need for municipal services to the development is limited minimal use will be made of municipal engineering services on an ad-hoc basis.

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 uses on Portion 56 of the farm Groene Rivier, no. 821, Division Malmesbury, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), due to the following reasons:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The addition of the charging station to the tourist facility will create a mixed use development node. Such a node is not supported by the SDF;
- b) The SDF clearly states that the Swartland region identity is defined by its landscapes, natural environment and agriculture (the foothills of the Kasteelberg, in its current state, is specifically identified by the SDF as scenic and heritage assets that should be protected). All three the characteristics will be negatively impacted on by the proposed development:
- c) The R46 is identified by the SDF as an agri-tourism corridor and differs vastly in character from that of the N7. The corridor depends on the landscape and agricultural activities as defining characteristics and tourism attractions. No transport/economic nodes are proposed along the R46, as no high-order intersections exist and the character of such economic nodes would be contrary to the character of the agri-tourism corridor;
- d) The distance between Riebeek Kasteel and other towns is short enough to restrict development to the towns/urban areas, as far as possible and to preserve agricultural, scenic and tourism assets, as promoted by the SDF;
- e) The proposed solar array and charging station represent the loss of high potential agricultural land. Not all agricultural land is protected, but in this instance the land potential is high and should be preserved for agricultural use;
- f) The development is not place-bound, due to scarce resources or the unique characteristics of the site;

- g) The proposal will not be providing a service to a previously underserved or remote community;
- h) The bucolic landscape is the one of the most important driving factors for the existing tourist facility and the promotion of tourism is supported by the SDF. The charging station and solar array are foreseen to impact negatively on the landscape, in turn impacting negatively on the tourist facility and per implication on tourism to the area. The negative impact is contrary to the SDF;
- i) The location of the charging station and solar plant is not logistically optimal, within 7km from Riebeek Kasteel there is no reason why the development cannot be more effectively accommodated in close proximity to existing services and urban development and thus not considered necessary, nor orderly planning;
- j) The impact of the solar array on the landscape is considered severe and negative, as the materials being used are industrial in nature and the panels will be below the road level, rendering the view from above even more visible;
- k) The financial gain generated by the development is expected to benefit only a few parties and not necessarily the wider community;

2. GENERAL

a) The applicant/objector be informed of the right to appeal against the decision of the Municipality, in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR REFUSAL

- 1. The addition of the charging station to the tourist facility will create a mixed use development node. Such a node is not supported by the SDF;
- The SDF clearly states that the Swartland region identity is defined by its landscapes, natural environment and agriculture (the foothills of the Kasteelberg, in its current state, is specifically identified by the SDF as scenic and heritage assets that should be protected). All three the characteristics will be negatively impacted on by the proposed development;
- 3. The R46 is identified by the SDF as an agri-tourism corridor and differs vastly in character from that of the N7. The corridor depends on the landscape and agricultural activities as defining characteristics and tourism attractions. No transport/economic nodes are proposed along the R46, as no high-order intersections exist and the character of such economic nodes would be contrary to the character of the agri-tourism corridor;
- 4. The distance between Riebeek Kasteel and other towns is short enough to restrict development to the towns/urban areas, as far as possible and to preserve agricultural, scenic and tourism assets, as promoted by the SDF;
- 5. The proposed solar array and charging station represent the loss of high potential agricultural land. Not all agricultural land is protected, but in this instance the land potential is high and should be preserved for agricultural use;
- 6. The development is not place-bound, due to scarce resources or the unique characteristics of the site;
- 7. The proposal will not be providing a service to a previously underserved or remote community;
- 8. The bucolic landscape is the one of the most important driving factors for the existing tourist facility and the promotion of tourism is supported by the SDF. The charging station and solar array are foreseen to impact negatively on the landscape, in turn impacting negatively on the tourist facility and per implication on tourism to the area. The negative impact is contrary to the SDF:
- 9. The location of the charging station and solar plant is not logistically optimal, within 7km from Riebeek Kasteel there is no reason why the development cannot be more effectively accommodated in close proximity to existing services and urban development and thus not considered necessary, nor orderly planning;
- 10. The impact of the solar array on the landscape is considered severe and negative, as the materials being used are industrial in nature and the panels will be below the road level, rendering the view from above even more visible;
- 11. The financial gain generated by the development is expected to benefit only a few parties and not necessarily the wider community;

PART N: ANNEXURES

ANNEXURE A Locality Map

ANNEXURE B Site Development Plan ANNEXURE C Public Participation Map

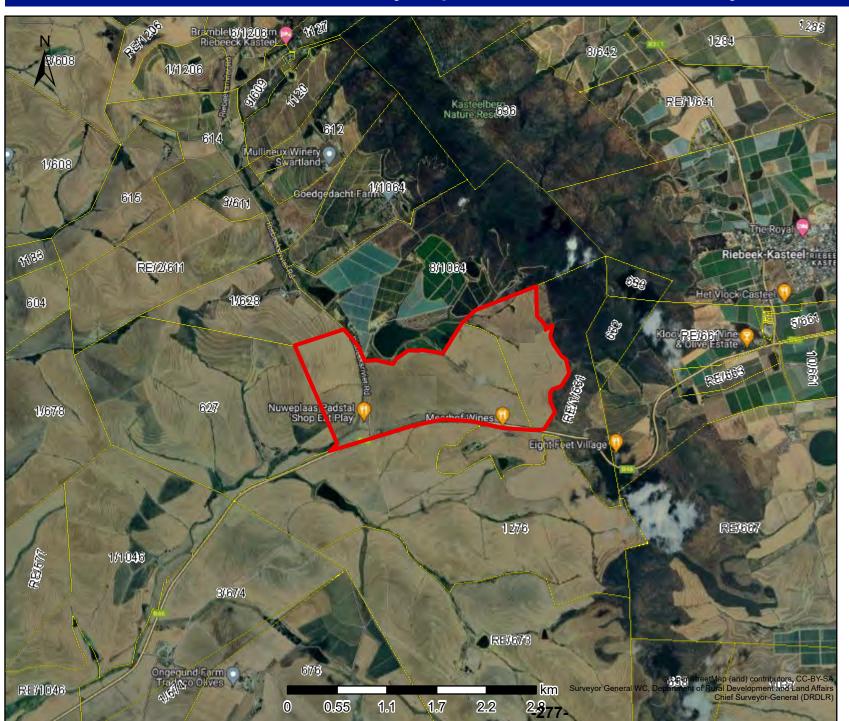
ANNEXURE D Objections by Department of Agriculture

ANNEXURE E Response to comments

ANNEXURE F Environmental Scoping Outcome

| PART O: APPLICANT DETAILS | | | | | | | |
|---|---------------------------------|-----------------|-------------------------------|--------|----------|--|--|
| Name | C.K. Rumboll and Partners | | | | | | |
| Registered owner(s) | Is the applicate to submit this | | nt authorised application: | Yes | N | | |
| PART P: SIGNATURES | | | | | | | |
| Author details: | | | | | | | |
| Annelie de Jager | | | | | | | |
| Town Planner | does. | | Date: 8 Nove | mber 2 | 024 | | |
| SACPLAN: A/2203/ | 1498 | | 2 | | | | |
| Recommendation: | Recommended | | Not recomme | nded | | | |
| Alwyn Zaayman | . (SSS/IIIIIOIIGGG | | | | ~ | | |
| Senior Manager: De SACPLAN : B/8001/ | <u> </u> | a <u>l</u> actu | Date: 13 Nov | d 1 | 2024 | | |

Locality Map: Farm no 1247, Malmesbury RD



Legend

── Farm Portions

Subject Property

Map Center: Lon: 18°51

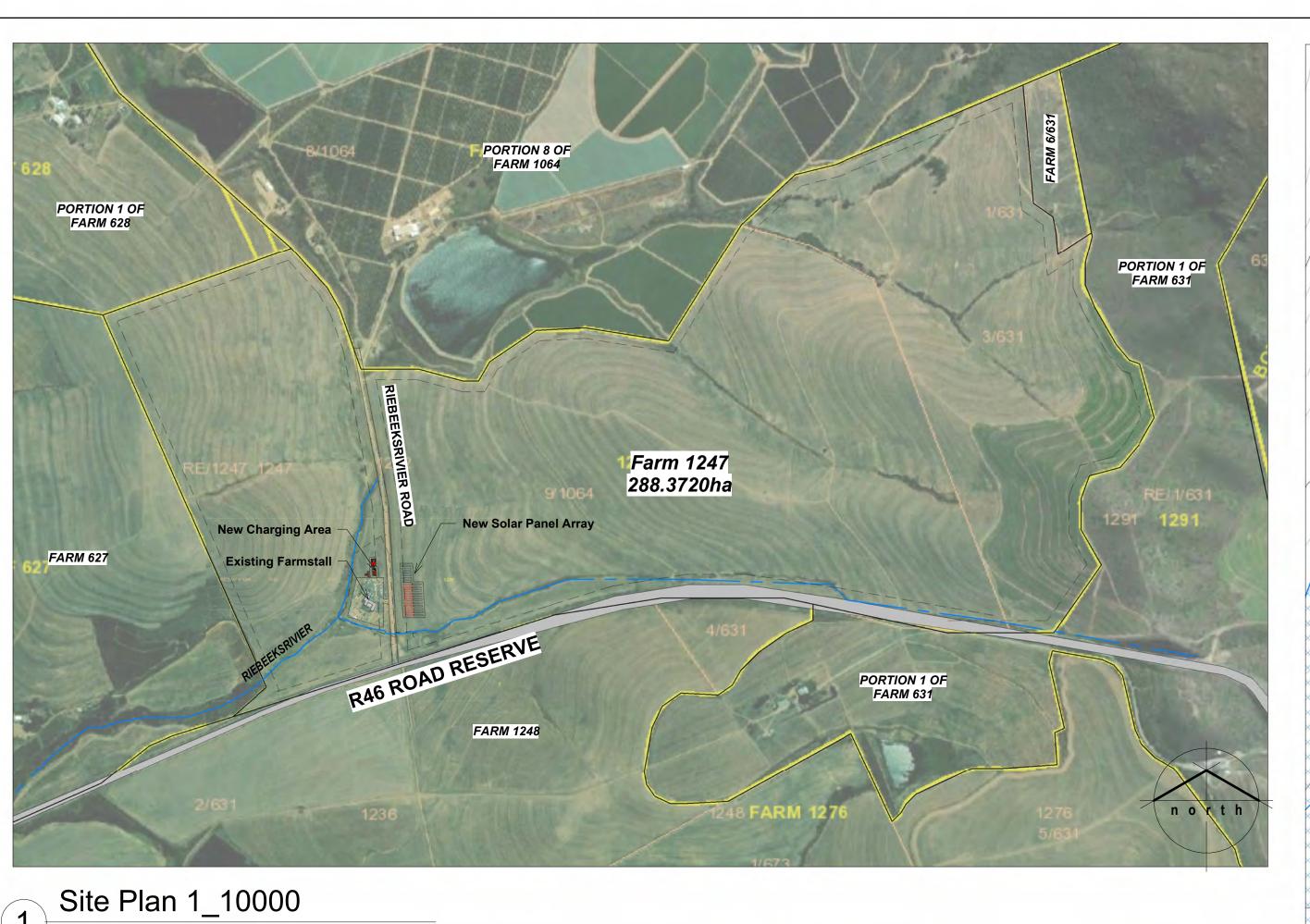
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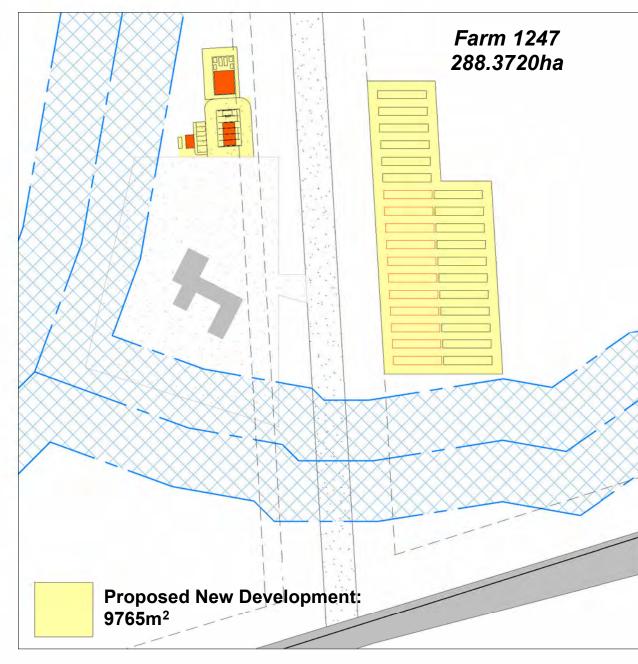
Scale: 1:50,000

Date created: 2024/21/02



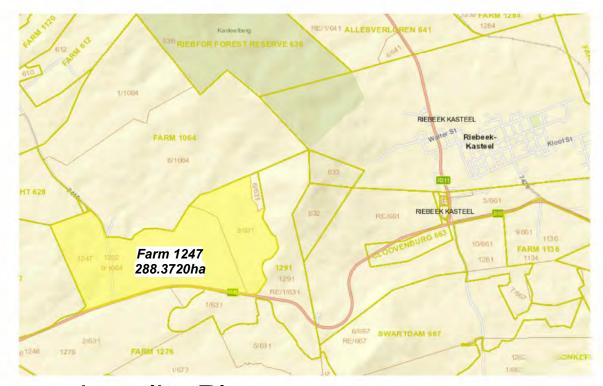
ANNEXURE A





Development Footprint

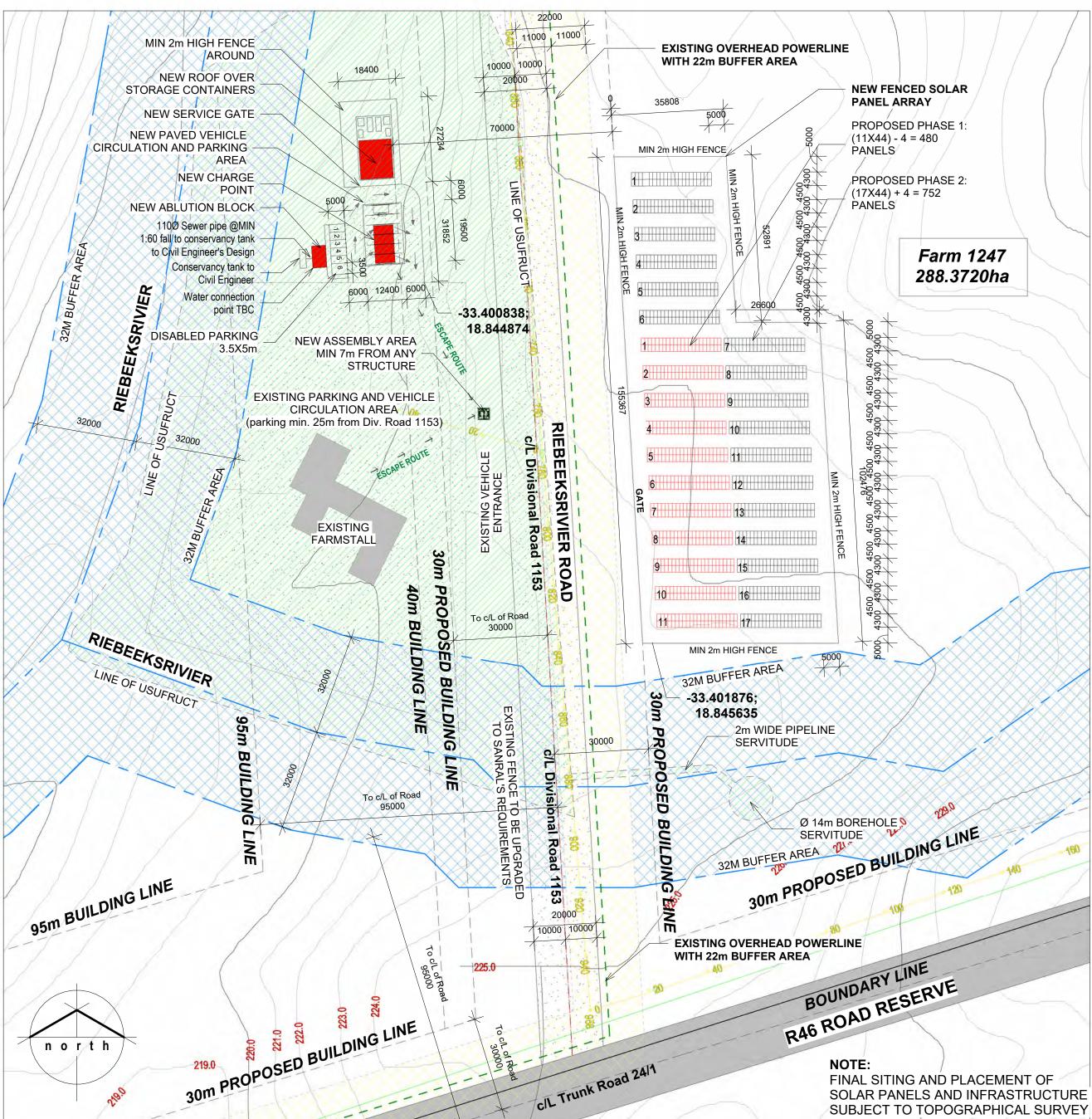
1:2000



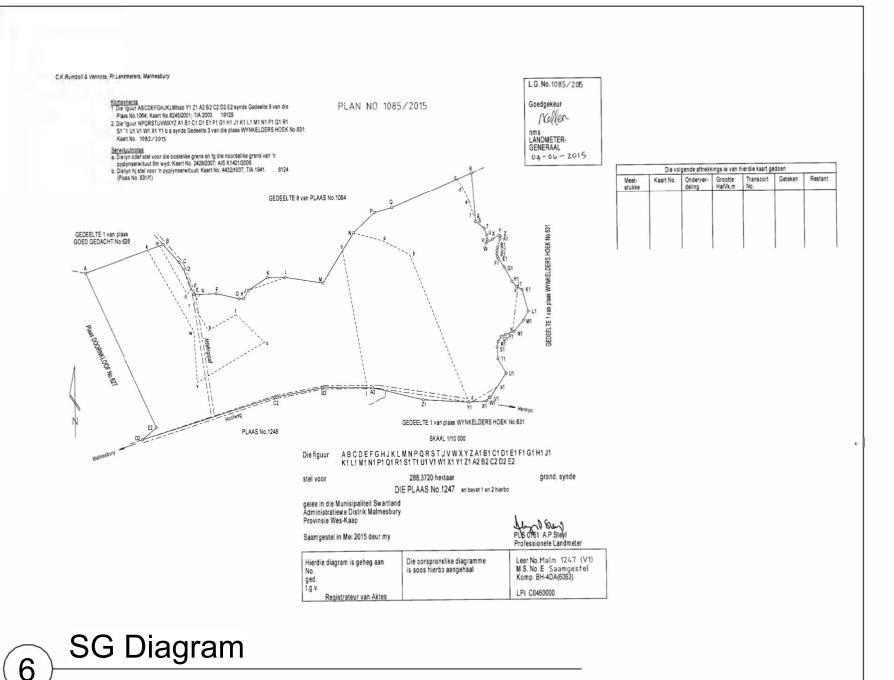
Locality Plan

1:15000

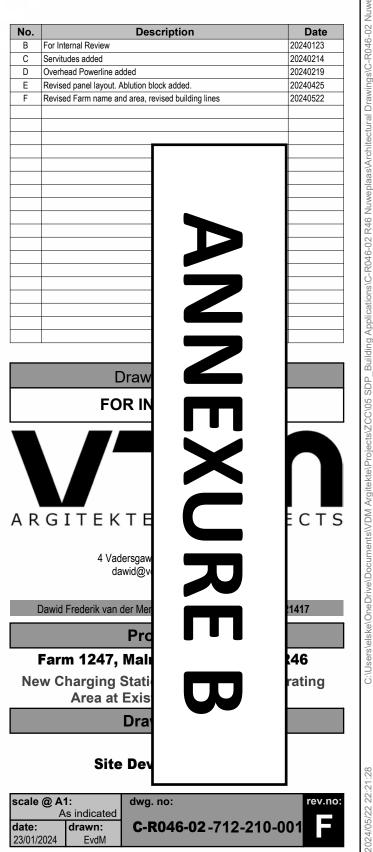




Site Plan 1_1000 1:1000

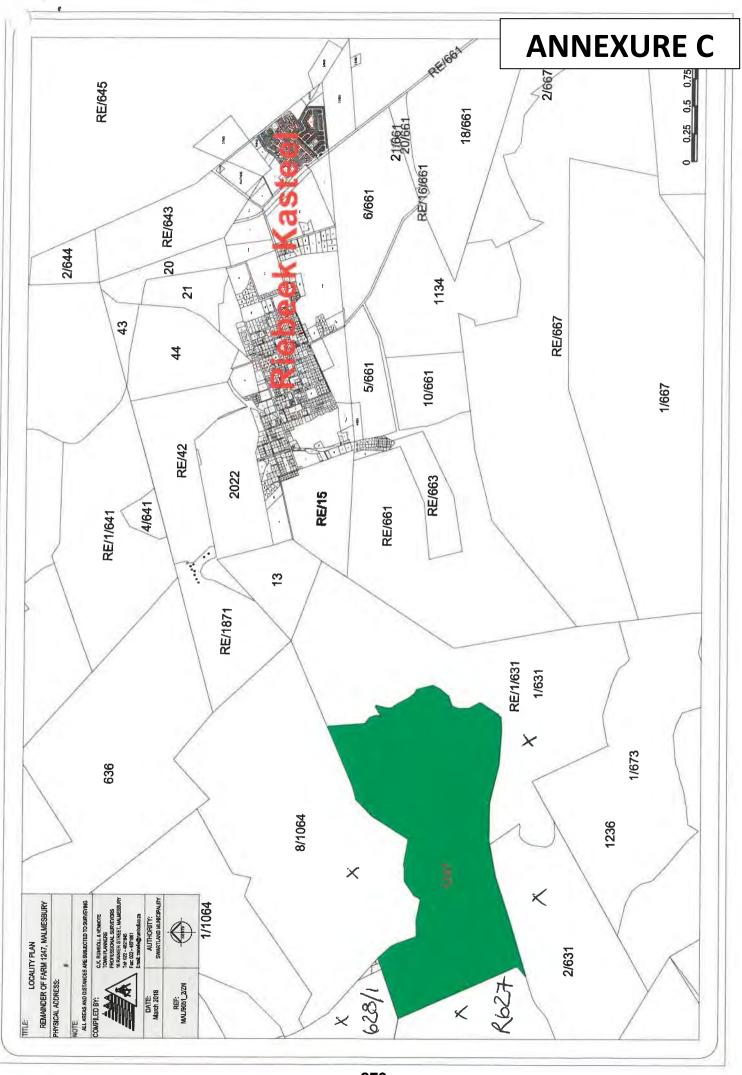


| SCHEDULE OF RIGHTS | | | | | |
|-----------------------------------|--|---|--|--|--|
| Farm Nr: | Farm 1247 Malmesbury Division, R46 | | | | |
| Zoning: | Agricultural Zone 1 | | | | |
| Building Lines: | Road: 95m Sides & Back: 30m | | | | |
| Erf Area: | 288.3720ha | | | | |
| Proposed Development Footprint | Solar Array Area, incl. Container Roof (Battery Storage) | 8785m² 130.50m² | | | |
| | 2. Canopy Area, incl. Charging Station Canopy New Ablution Block | 980m² 78.00m² 31.10m² | | | |
| | 3. Connecting Entrance Road | 0m² | | | |
| | Total Development Footprint | 9765m² =0.9765ha =0.34% | | | |
| Coverage: | Existing Development | 680m² = 0.02 % | | | |
| | Proposed Future Development | 239.6m ² = 0.008 % | | | |
| | Total | 919.6m ² = 0.028 % | | | |
| Height | 1 Storey | <u> </u> | | | |



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ANNEXURE D



LandUse Management

Email: Cor.VanderWalt@westerncape.gov.za

tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE

: 20/9/2/2/5/588

YOUR REFERENCE

: 15/3/10-15/Farm 1247

ENQUIRIES

: Cor van der Walt

Swartland Municipality
Private Bag X52
MALMESBURY
7299

Att: MS. D Stallenberg

PROPOSED CONSENT USE (TOURIST FACILITY AND RENEWABLE ENERGY STRUCTURE): DIVISION MALMESBURY FARM NO 1247

Your request for comment proposed development of a Renewable Energy Structure (charging station and solar array) and tourist facility on the subject property, dated 29 July 2024, has reference.

The major concern from an agricultural perspective with any development is the possible loss of high potential agricultural land. Such land in South Africa is a threatened, scarce and non-renewable resource that is essential to the well-being of society. Not only is there too little high potential arable land, but what is available is also under threat from several competing land uses, leading to a cumulative loss of arable land across the country.

It is for this reason that the Western Cape Department of Agriculture (WCDoA) in principle does not support any renewable energy related footprint in high potential or cultivated agricultural land. From an agricultural perspective it would, therefore, be desirable for all renewable energy development to be sited off high potential agricultural land. In the case of solar energy this is probably feasible since the solar resource is generally mutually exclusive from high potential agricultural land (i.e. those parts of the country with the highest solar irradiance are generally too arid for crop production.



In respect of the current property, the land on which the solar photovoltaic (PV) installations will be sited is cultivated with grain (oats) with the proposal effectively sterilising approximately 1ha of agricultural land.

Further to the suitability of the proposed development on the property in relation to food security, due regard should be had to the Western Cape Department of Agriculture's position in respect of rural development, as set out in the Western Cape Land Use Planning Guidelines for Rural Areas, March 2019, to which this Department was a co-author.

The following extracts from the Guidelines have specific bearing on the application at hand:

- Good quality and carefully sited development should be encouraged and located as far as
 possible in existing settlements (page 35).
- All development in rural areas should be in keeping and in scale with its location, and sensitive to the character of the rural landscape and local distinctiveness (page 35).
- The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities (page 35).
- Rural activities must have a focus on sustainability and be in harmony with the surrounding agricultural landscape.
- Agricultural resources should be protected for increased agricultural production.
- Other intrusive land uses should be located in urban areas as far as possible and should only be
 considered when the locational factors warrant such a land use in the rural area in exceptional
 cases. The obligation is on the applicant to illustrate why the land use cannot be accommodated
 in the urban area (page 41).
- Only activities that are appropriate in a rural context, generate positive socio-economic returns,
 and do not compromise the environment or ability of the municipality to deliver on its mandate
 should be accommodated. The long-term impact on the municipality (resources and financial),
 agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and
 cultural landscape should be considered when decisions are taken (page 41).
- Place-bound businesses (businesses ancillary to agriculture or serving rural needs) include farm stalls and farm shops, restaurants and venue facilities (e.g. conferences and weddings) (page 56).
- Non place-bound businesses (businesses not ancillary to agriculture or serving rural needs), should be located within urban areas and should only be considered in the rural area when exceptional cases and locational factors warrant such a land use. The obligation is on the applicant to illustrate why the land use cannot be accommodated in the urban area. Examples include a petrol station, hardware store, truck stop, transport contractors, wellness centres, frail care facilities and animal feed factory (page 57).
- With respect to Infrastructure Where locations inside urban areas are impractical, extensive agricultural areas peripheral to settlements are the preferred alternative (page 62).



- Where possible, installations should be located on previously disturbed terrain, or land of low biodiversity or agricultural value and should not interfere with, or impact negatively on existing or planned production areas, as well as agricultural infrastructure.
- <u>Within the Agricultural SPC, only essential installations should be accommodated</u>. In such instances, installations should be on land with a low agricultural value and should not interfere with, or impact negatively, on existing or planned production areas or agricultural infrastructure.

The proposal is not considered to be aligned with the aforesaid Guidelines and is not supported.

Please be advised, that this office is a commenting authority and further discussions on your application must be taken up with the decision makers. Further consultation will only be considered when requested by the decision maker.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. 🗸 van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-10-10

Copy:

CK Rumboll & Partners

PO Box 211

MALMESBURY

7299



CK RUMBOLL & VENNOTE / PARTNERS

DATE: 24 October 2024

ANNEXURE E

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

ONS VERW / OUR REF: RK/13436/HDT

PER E-MAIL

ATTENTION: Mr. A. Zaayman

Municipal Manager

Swartland Municipality

Private Bag X52

MALMESBURY

7299

PROPOSED CONSENT USE ON FARM 1247, DIVISION MALMESBURY REGISTRATION DIVISION

With reference to the comments/objections received during the public participation period in your Email dated 23 October 2024:

The following table sets out the comments/objections that were received from the parties below along with the response from CK Rumboll and Partners on behalf of our client.

Objections/comments were received from the following party:

Western Cape Department of Agriculture;

| | Objector | Objection/Comments | Response on Comments & Objections |
|----|---------------|---|---|
| 1. | Western Cape | The following is the summary of the comments / Objections as received | The following is this office's response on the comments & |
| | Department of | from the Western Cape Department of Agriculture, attached hereto as | Objections as received from the Western Cape Department of |
| | Agriculture | Annexure A. | Agriculture during the Public Participation Period. |
| | | 1. The major concern from an agricultural perspective with any development is the possible loss of high potential agricultural land. Such land in South Africa is a threatened, scarce and non-renewable resource that is essential to the well-being of society. Not only is there too little high potential arable land, but what is available is also under threat from several competing land uses, leading to a cumulative loss of arable land across the country. | In response to the objection raised regarding the potential loss of high-potential agricultural land, it is important to emphasise that the proposed development covers only a very small portion – 0.34%-of the entire property. The minimal footprint of the electric vehicle (EV) charging station ensures that the vast majority of the land remains available for agricultural use. Furthermore, the broader benefits of the proposed development should also be considered. South Africa's transition to renewable energy and the establishment of an EV charging station infrastructure are critical to national sustainability goals. These developments not only support cleaner energy initiatives but also helps reduce reliance on fossil fuels, fostering long-term environmental benefits for both agricultural and non-agricultural sectors. While it is crucial to protect high-potential agricultural land, the limited impact of this development on the land and the significant contributions it makes to the community and country's sustainable future demonstrate that it can coexist with agricultural uses without undermining the integrity of the land. Therefore, the proposal does not pose a significant threat to agricultural resources and should be seen as a balanced approach to land use that prioritizes both economic and environmental |
| | | | sustainability. |
| | | 2. It is for this reason that the Western Cape Department of Agriculture (WCDoA) in principle does not support any renewable energy related footprint in high potential or cultivated agricultural land. From an agricultural perspective it would, therefore, be desirable for all renewable energy development to be sited off high potential agricultural land. In this case of solar energy this is probably feasible since the solar resource is generally mutually exclusive from high potential agricultural land (i.e. those parts of the country with the highest solar irradiance are generally too arid for crop production. | 2. In response to the Western Cape Department of Agriculture's objection regarding the principal stance against renewable energy developments on high-potential agricultural land, it is important to reiterate that the proposed development occupies a mere 0.34% of the total property. This minimal footprint ensures that most of the high-potential agricultural land on the property remains available for cultivation and farming purposes. Additionally, while the department emphasizes that renewable energy |

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

projects, including solar installations, should ideally be located away from high-potential agricultural land, it is equally important to recognize the unique benefits of this specific proposal. The development of the EV charging station plays a critical role in supporting the transition to renewable energy and the establishment of crucial infrastructure needed for South Africa's future energy landscape. This proposal offers significant long-term environmental and societal advantages, particularly in reducing carbon emissions and promoting sustainability—benefits that extend to the agricultural sector itself by mitigating the broader impacts of climate change. Given the small scale of this development and its potential to contribute positively to national renewable energy goals while leaving most of the land available for agriculture, it strikes a careful balance between promoting renewable energy and protecting agricultural resources. The project's limited impact on high-potential land should allow it to coexist with agricultural activities without compromising the integrity of the farmland. 3. In respect of the current property, the land on which the solar

 In respect of the current property, the land on which the solar photovoltaic (PV) installations will be sited is cultivated with grain (oats) with the proposal effectively sterilising approximately 1ha of agricultural land.

3. It it is essential to highlight both the limited scale of the impact and the substantial long-term benefits of transitioning to renewable energy. The proposed PV installation occupies only a small fraction (approximately 8654.5m²) of the overall agricultural property, leaving most of the land available for continued farming activities.

The benefits of this solar installation, however, far outweigh the minimal loss of agricultural land. The project not only helps in reducing CO2 emissions, which is critical to combatting climate change and its direct impacts on agriculture, but it also contributes to easing the existing strain on South Africa's national power grid, managed by Eskom. By generating renewable energy, this development helps reduce the country's reliance on fossil fuels, which are a primary source of greenhouse gas emissions, and provides much-needed relief to the already constrained energy network.

The transition to renewable energy is vital for the sustainable future of South Africa, enabling the country to move away from fossil fuel dependency while also addressing energy insecurity. The small

sacrifice of a portion of agricultural land could be considered justifiable by the broader benefits to the country's energy security, environmental health, and the global need to reduce carbon emissions. This is a necessary step for the well-being of the country, its people, and the environment, ultimately serving the greater good. 4. The benefits of transitioning to renewable energy far outweigh the 4. Further to the suitability of the proposed development on the minimal impact on agricultural land, and this balance must be property in relation to food security, due regards should be had to carefully considered. the Western Cape Department of Agriculture's position in respect of rural development, as set out in the Western Cape Land Use The proposed solar installation covers approximately 8654.5 square Planning Guidelines for Rural Areas, March 2019, to which this meters—around 0.34% of the total property—representing a very Department is co-author. small portion of the land currently cultivated with grain. In terms of probable yield, the agricultural impact is minimal, as this portion of the property would likely yield a relatively small quantity of grain (oats), perhaps around 1 to 2 tons per hectare, depending on local conditions. While food security is an important consideration, this minimal grain yield loss must be balanced against the significant longterm benefits of the project. By supporting the transition to renewable energy, the project will help reduce South Africa's reliance on fossil fuels, lower CO2 emissions, and alleviate the strain on the national energy grid. This is crucial, as the energy constraints already being experienced are detrimental to both the agricultural sector and the broader economy. The shift to sustainable energy sources is vital for mitigating climate change, which poses a greater long-term risk to food security and agricultural productivity than the loss of such a small portion of land. In this context, the sacrifice of a small amount of agricultural land is justifiable and outweighed by the environmental, social, and economic benefits that the development will bring, aligning with national goals for sustainable development and energy security. 5. The following extracts from the guidelines have specific bearing on 5. Please see our response below: the application at hand: **VENNOTE / PARTNERS:**

 Good quality and carefully sited development should be encouraged and located as far as possible in existing settlements (page 35).

- All development in rural areas should be in keeping and in scale with its location, and sensitive to the character of the rural landscape and local distinctiveness (page 35).
- There is a shortage of developable land which would be able to accommodate the proposed development in and around the surrounding towns, which poses a significant challenge in finding suitable locations. Given the limited availability of developable land, it's imperative to explore alternative options. Furthermore, the efficiency of a solar array is closely tied to its location, the placement thereof in a town could compromise its efficiency and it will have a greater impact on the residents of the town.
- In response to the objection that all development in rural areas should be in keeping with the location and sensitive to the character of the rural landscape, it is important to emphasize that the proposed development does align with these principles.

The placement of the development between Swartland and Riebeek Kasteel along the R46 Regional Route offers a strategic location that preserves the rural landscape while contributing to the vitality of the area. The clustering of this development near existing farmsteads and activities respects the local distinctiveness of the rural setting. Rather than sprawling in isolation, it forms a cohesive node of development that integrates well into the existing landscape.

Additionally, due to the small portion of agricultural land that will be used means that the environmental and agricultural impact of this project will be minimal, while offering significant benefits in terms of renewable energy, local economic opportunities, and services for visitors. This clustering approach not only adheres to sustainable development principles but also supports the broader rural economy by contributing to the formation of a rural node that enhances the area's functionality without compromising its scenic or agricultural value.

Thus, the development is both respectful of the rural landscape and provides a well-considered addition to the existing built environment.

• The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities (page 35).

 By strategically integrating ancillary amenities like a tourist facility, a solar array and accompanied charging station, the landowner can diversify revenue streams and bolster the financial sustainability of the existing agricultural operation. This new income can directly be reinvested into supporting and enhancing existing agricultural land uses, such as improving infrastructure, implementing sustainable farming practices, or expanding agricultural production.

Furthermore, when done thoughtfully and in harmony with the rural landscape, the clustering of ancillary activities can contribute to the vitality of rural areas while preserving the agricultural and possible cultural heritage of the area. By ensuring that these activities complement rather than overshadow primary agricultural activities, the landowner can maintain the rural character of the landscape while capitalising on new financial opportunities.

While it is important to avoid detracting from the rural character of the landscape and primary agricultural activities, the strategic integration of ancillary amenities like tourist facilities accompanied by charging stations can provide additional financial benefits to the landowner as previously stated. This new financial gain can directly contribute to supporting and enhancing existing agricultural land uses on the property, reinforcing the symbiotic relationship between rural development and agricultural sustainability.

 Rural activities must have a focus on sustainability and be in harmony with the surrounding agricultural landscape. Firstly, the development is proposed adjacent to an existing tourist facility that already helps with the promotion of tourism within the area, where several surrounding existing activities is introduced and exposed by means of pamphlets. The charging station promotes sustainable transportation by providing a convenient and environmentally friendly option for electric vehicle owners. This reduces reliance on fossil fuels and lower carbon emissions, aligning with broader sustainability goals.

Additionally, the tourist facility enhances the overall visitor experience

consumers who value sustainable practices. This not only supports the economic viability of the farm, tourist facility and charging station, but also fosters a culture of sustainability within the local community. The proposed charging station embodies the principle of sustainability and harmony with the agricultural landscape by promoting renewable energy use, reducing carbon emissions, and enhancing visitor experience. By leveraging the off-grid infrastructure and embracing innovative solutions, the landowner demonstrates a proactive approach to sustainable rural development that benefits both the environment and the local economy. Agricultural resources should be protected for increased It is well known that the agricultural sector is significantly agricultural production. negatively impacted by loadshedding. For instance, the poultry industry incurs millions in cost for backup power to maintain air conditioning, while the fruit industry suffers heavy losses due to inadequate electricity for irrigation and storage purposes. Similarly, the wine industry faces substantial losses in managing their cellars due to loadshedding. This pattern of disruption extends throughout the entire agricultural sector. Any initiative that supports the national grid, whether directly or indirectly, should be wholeheartedly supported. The temporary use of agricultural land for electricity generation purposes is strongly endorsed by the agricultural sector, as it helps mitigate the adverse effects of loadshedding and promotes overall stability in agricultural production. The proposed development, particularly the integration of a tourist facility accompanied by a charging station alongside existing agricultural activities, will have a greater impact in the long run by protecting agricultural resources for increased agricultural production. Firstly, by diversifying the income streams of the property through the proposed development, the landowner can generate additional **VENNOTE / PARTNERS:** IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

to the charging station, attracting environmentally conscious

Other intrusive land uses (e.g. industries and schools) should be located in urban areas as far as possible and should only be considered when the locational factors warrant such a land use in the rural area in the obligation is on the applicant to illustrate why the land use cannot be accommodated in the urban area (page 41).

revenue without compromising the agricultural land's integrity. This additional financial support can be reinvested into agricultural infrastructure, equipment, and sustainable farming practices, ultimately leading to increased agricultural productivity.

Moreover, the presence of the charging station can attract more visitors to the area, including tourists and local residents, who may also enjoy the tourist facility and other agricultural offerings. This possible slight increased foot traffic can provide opportunities for agritourism activities in the surrounding areas, further boosting the agricultural sector's visibility and economic viability.

Furthermore, the charging station's integration into the existing agricultural landscape demonstrates a harmonious relationship between rural development and agricultural preservation. By showcasing innovative solutions that complement rather than compete with agricultural activities, the proposed development reinforces the importance of protecting agricultural resources for long-term sustainability

 It is essential to consider the unique circumstances surrounding the proposed development of an off the gird Charging station adjacent to an existing tourist facility, by the CHARGE team.

Firstly, the shortage of developable land in and around the surrounding towns poses a significant challenge in finding suitable locations for infrastructure projects. Given the limited availability of land, it's imperative to explore alternative options, even if they deviate from conventional guidelines.

Moreover, the efficiency of a solar array is closely tied to its location, with agricultural landscapes often offering more favourable conditions for solar energy generation compared to urban areas. Placing the solar array in a town could not only compromise its efficiency but also have greater negative impacts on residents due

to factors such as visual intrusion, height restrictions being implemented around the development and other land use conflicts. The CHARGE team's status as early adopters of the initiative should not be overlooked. Their commitment to promoting sustainable energy solutions warrants careful consideration of the challenges they face in accessing better-located sites for their facilities. While guidelines provide valuable guidance, they should not be applied rigidly in every circumstance, especially when innovative solutions are at stake. Furthermore, the absence of competitors in the market underscores the pioneering nature of the CHARGE team's efforts. Their willingness to lead the way in sustainable energy development should be commended rather than penalized for deviating from guidelines. While adherence to guidelines is important, it's equally essential to recognize the unique constraints and opportunities inherent in each development proposal. The CHARGE team's proposal should be evaluated on its own merits, taking into account the challenges of land availability, energy efficiency, and the pioneering nature of their initiative. By striking a balance between guidelines and practical considerations, authorities can support innovative solutions that advance sustainable development goals. In addition to the challenges of land availability and energy efficiency, it's crucial to highlight the economic benefits that the

proposed development on agricultural land can bring to the landowner and the local community. Agricultural land, especially in rural areas like where the proposed development is proposed, often faces economic pressures and challenges. By diversifying land use through the installation of a solar array, the landowner stands to gain a sustainable source of income that complements traditional agricultural practices. This not only enhances the financial viability of the land but also contributes to the long-term resilience of the agricultural sector. Furthermore, the revenue generated from

Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated. The long-term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken (page 41).

leasing the land for the solar array can provide much-needed support for the local economy, fostering job creation and investment in infrastructure and services. Thus, while alternative sites may exist, the proposed development on agricultural land offers a practical and economically viable solution that benefits both the landowner and the wider community.

In addition to the above, the model CHARGE has implemented to govern the agreement between themselves and the landowners, makes provision that 5% of the turnover are paid to the landowner along with utilisation of excess energy generated through the proposal, this allows for an additional financial opportunity to the landowner which could be utilised for the implementation and upgrading of farm equipment allowing for more sustainable agricultural activities which could in return to greater employment opportunities.

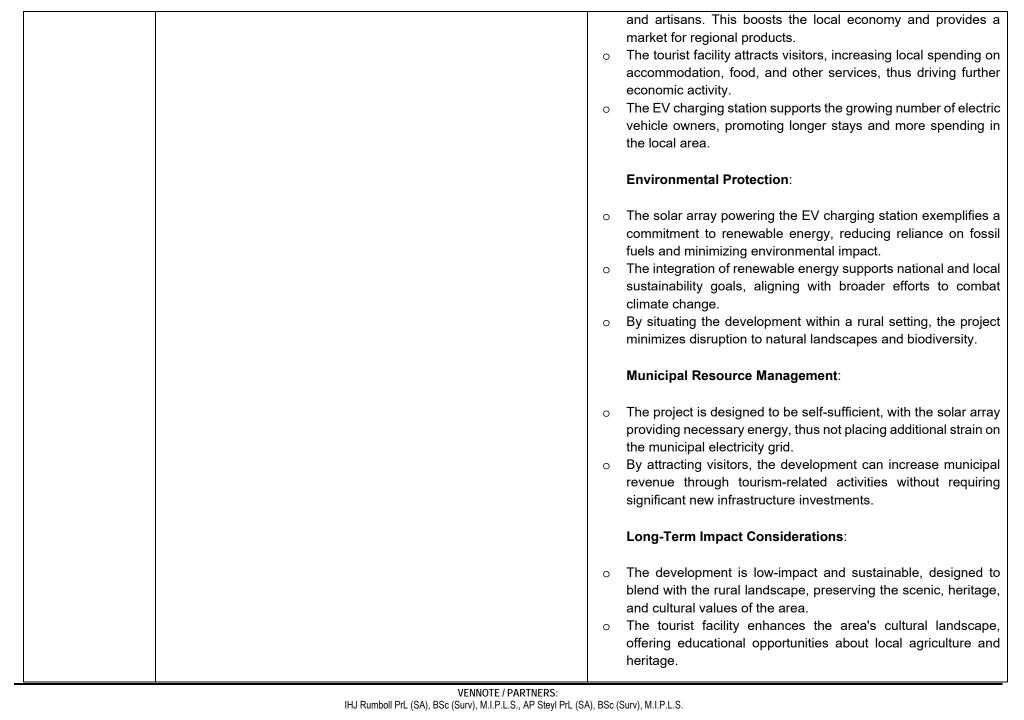
 A tourist facility / farm stall, accompanied by an electric vehicle charging station powered by a solar array, align perfectly with the principle of sustainable rural development and compliance with municipal mandates. See the following as motivation:

Appropriate Rural Activity:

- The farm stall / tourist facility are inherently rural activities, offering locally sourced products and authentic experiences that draw visitors to the area. This kind of development enhances the rural character by promoting local culture and agriculture.
- The EV charging station complements this by providing necessary infrastructure for modern travellers, encouraging ecofriendly tourism that aligns with rural settings.

Positive Socio-Economic Returns:

 The tourist facility generates direct economic benefits through the sale of local produce and goods, supporting local farmers



| | 0 | The EV charging station ensures the area remains accessible to modern travellers, supporting long-term tourism sustainability. |
|--|---|---|
| | | modern travellers, supporting long-term tourism sustainability. |
| | | Support for Agricultural Activities: |
| | 0 | The farm stall provides an additional revenue stream for local |
| | | farmers, encouraging continued agricultural production and sustainability. |
| | 0 | The project does not take away productive agricultural land but |
| | | rather integrates with existing uses, enhancing overall farm viability. |
| | | Risk and Financial Considerations: |
| | 0 | The development mitigates financial risks by diversifying income sources for the landowner and the local economy. |
| | 0 | It supports local employment opportunities, reducing economic |
| | | vulnerability and enhancing community resilience. |
| | | Visual and Heritage Integration: |
| | 0 | The project includes careful planning to ensure visual harmony with the rural landscape, including design elements that reflect |
| | | local architectural styles. |
| | 0 | Efforts will be made to preserve and enhance the heritage value |
| | | of the area, with the farm stall and tourist facility acting as custodians of local traditions. |
| | | In summary, the proposed tourist facility, and EV charging |
| | | station powered by a solar array represent a well-considered, sustainable development that aligns with rural context |
| | | appropriateness, generates positive socio-economic returns, |
| | | protects the environment, and supports municipal and agricultural sustainability. |
| | | |
| | | |
| | | |

 Place-bound businesses (businesses ancillary to agriculture or serving rural needs) include farm stalls and farm shops, restaurants and venue facilities (e.g. conferences and weddings) (page 56). The proposed development aligns with the concept of placebound businesses, which are ancillary to agriculture or serve rural needs. By integrating the proposed development adjacent to the existing farm stall / tourist facility, and the R46, the development enhances the overall appeal and functionality of the rural area.

The proposed development provides an essential service that meets the needs of both the locals and the visitors, supporting sustainable transportation practices and addressing the growing demand for electric vehicle infrastructure in rural areas. this amenity enhances the accessibility and attractiveness of the area, contributing to the success of other place-bound businesses situated in the close vicinity.

By attracting more visitors to the area, the proposed development stimulates the economic activity and supports the viability of local businesses such as farm stalls, shops and restaurants. The increased foot traffic creates opportunities for these businesses to thrive and expand their offerings, further enriching the rural experience for residents and visitors alike.

- Non-place-bound businesses (businesses not ancillary to agriculture or serving rural needs), should be located within urban areas and should only be considered in the rural area when exceptional cases and locational factors warrant such a land use. The obligation is on the applicant to illustrate why the land use cannot be accommodated in the urban area. Examples include a petrol station, hardware store, truck stop, transport contractors, wellness centres, frail care facilities and animal feed factory (page 57)
- Please refer to the point above, motivating why the proposed development could be considered as a place-bound business.

- With respect to Infrastructure Where locations inside urban areas are impractical, extensive agricultural areas peripheral to settlements are the preferred alternative (page 62).
- The Western Cape Rural Guidelines states that where proposed bulk infrastructure installations are planned to serve the broader community, due to the extensive space required, it could be supported outside urban areas. (page 62).

 Where possible, installations should be located on previously disturbed terrain, or land of low biodiversity or agricultural value and should not interfere with, or impact negatively on existing or planned production areas, as well as agricultural infrastructure.

- Within the Agricultural SPC, only essential installations should be accommodated. In such instances, installations should be on land with a low agricultural value and should not interfere with or impact negatively, on existing or planned production areas or agricultural infrastructure.
- The proposal is not considered to be aligned with the aforesaid guidelines and is not supported.

- While the proposed development is proposed on agricultural land, it is important to note that, it is only proposed on a small portion of the Agricultural land, 0.34%. The development adheres to the principle of minimising interference with existing agricultural activities and infrastructure. By selecting suitable sites and implementing mitigation measures, the installation can be integrated sensitively into the landscape while still meeting the demand for sustainable transportation infrastructure. It is also important to note that due to substantial costs for transporting of electricity energy, it is most efficient to situate the generating facility adjacent to the charging stations.
- Noted. Please refer to the point above with regards to agricultural value and the small portion affected by the proposed development.
- 6. It is important to note that the proposed EV Charging Station and accompanying Solar Array are considered ancillary to the existing tourist facility, complementing and enhancing its services. Additionally, it is crucial not to view the proposed development as merely a rural business but rather as an essential service that addresses the needs of both locals and visitors. This development promotes sustainable transportation practices by supporting the growing demand for electric vehicle infrastructure in rural areas, helping to reduce reliance on fossil fuels and contributing to lower CO2 emissions.

Moreover, by utilizing solar energy, the project directly aids in the transition to renewable energy, which not only reduces the carbon footprint but also alleviates the existing constraints on the Eskom power grid. This shift to clean energy aligns with broader climate goals, helping mitigate climate change by reducing emissions associated with traditional energy sources. The combined benefits of environmental sustainability, renewable energy use, and a vital

service for electric vehicle users underscore the importance of the project for both the local economy and the broader environmental landscape.

7. Please be advised, that this office is a commenting authority and further discussions on your application must be taken up with the decision makers.

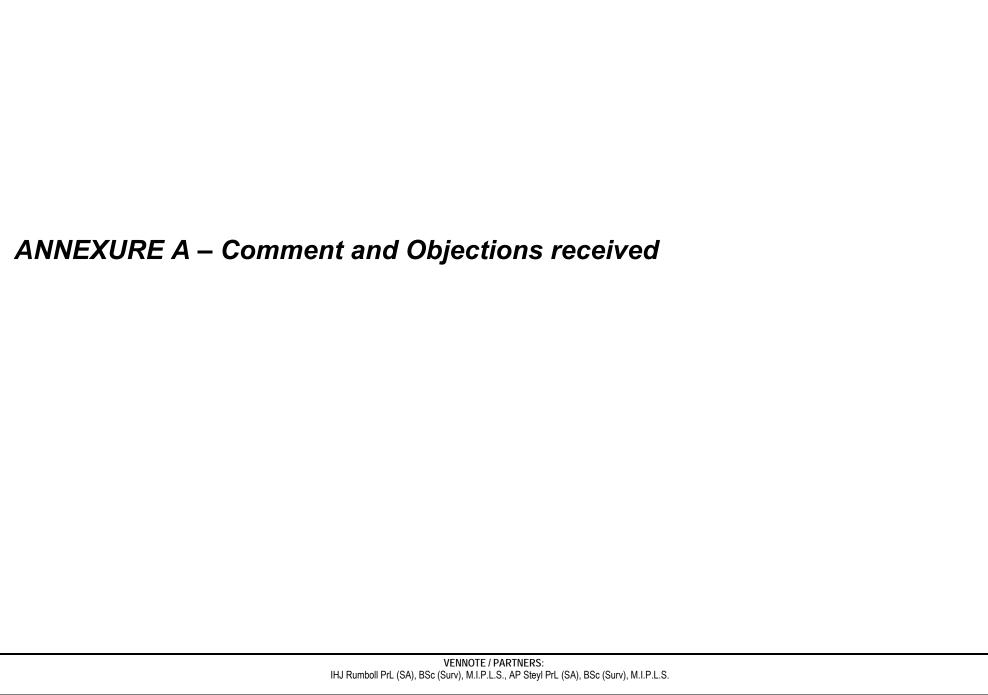
7. Noted.

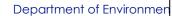
Please see this office's response on all the concerns, and comments and objections provided by Western Cape Department of Agriculture.

We trust you will take the above into account when considering the application.

Roeben Pienaar

On behalf of CK Rumboll and Partners





ANNEXURE F

Natasna Bleaing

Directorate: Development Management, Region 1 Natasha.Bieding@westerncape.gov.za | Tel: 021 483 5833



REFERENCE: 16/3/3/6/1/F5/16/2173/24

DATE: 16 SEPTEMBER 2024

The Board of Directors
Zero Carbon Charge (PTY) Ltd
9A Wandel Street
Gardens
CAPE TOWN
8001

For Attention: Mr. Joubert Roux

Tel.: (027) 213 2431

E-mail: joubert@zerocc.co.za

Dear Sir

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED ESTABLISHMENT OF A RENEWABLE ENERGY GENERATION PLANT, ELECTRIC VEHICLE RECHARGE INFRASTRUCTURE, ENERGY STORAGE BATTERY UNITS AND ASSOCIATED INFRASTRUCTURE ON THE FARM NO. 1247, MALMESBURY

- The Applicability Checklist (dated 22 August 2024) and the supporting information, received by this Directorate via electronic mail correspondence on 23 August 2024, this Directorate request for additional information via electronic mail correspondence on 10 September 2024, and the additional information from Ms. Zandria Jordaan of EnviroAfrica CC, received by this Directorate via electronic mail correspondence on 10 September 2024, refer.
- 2. This serves to confirm the applicability of the EIA Regulations, 2014 (as amended), with respect to the proposed establishment of a Photovoltaic ("PV") energy generation plant, charging infrastructure for electric vehicles, energy storage batteries and associated structurers on the Farm No. 1247, Malmesbury with a total development footprint of approximately 9 765m².
- 3. Based on the abovementioned information received and the available GIS/mapping tools, the following is noted:
 - 3.1. The proposed site is currently zoned as Agriculture I and comprises of cultivated land.
 - 3.2. The proposed works will take place within an area mapped as containing Swartland Shale Renosterveld, categorised as a Critically Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEM:BA"), List of Threatened Ecosystems in Need of Protection, November 2022. However, the landcover of the farm, as per the information in the abovementioned Applicability Checklist, is confirmed to comprise of disturbed cultivated land.
 - 3.3. The Riebeeksiver/watercourse as well as several non-perennial streams are located within the vicinity of the proposed site. However, as confirmed in the abovementioned Applicability Checklist, the proposed development will take place outside 32m of the edge of these watercourses.
 - 3.4. No wetlands are located on- or within close proximity to the proposed site.

- 4. In light of the above, this Directorate is of the opinion that the proposed establishment of the PV energy generation plant, charging infrastructure for electric vehicles, energy storage batteries and associated structurers on the Farm No. 1247, Malmesbury **does not trigger** the following Listed Activities in terms of the EIA Regulations, 2014 (as amended):
 - 4.1. The renewable energy generation plant will have an output of less than 10 and will also cover an area of less than 1 hectare. Listed Activity 1 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) is therefore not triggered, being:

"The development of facilities or infrastructure for the generation of electricity from a renewable resource where—

- (i) the electricity output is more than 10 megawatts but less than 20 megawatts; or
- (ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare;

excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs—

- (a) within an urban area; or
- (b) on existing infrastructure."
- 4.2. The electricity transmission cable will have a capacity and output of less than 33 kilovolts. Listed Activity 11 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) is therefore not triggered, being:

"The development of facilities or infrastructure for the transmission and distribution of electricity—

- (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or
- (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;

excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is—

- (a) temporarily required to allow for maintenance of existing infrastructure;
- (b) 2 kilometres or shorter in length;
- (c) within an existing transmission line servitude; and
- (d) will be removed within 18 months of the commencement of development."
- 4.3. The proposed development will take place outside 32 m of the edge of the local watercourses. Listed Activity 12 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) is therefore not triggered, being:

"The development of—

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
- (ii) infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —

excluding-

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area;

- (ee) where such development occurs within existing roads, road reserves or railway line reserves; or
- (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared."
- 4.4. The associated battery storage units will be delivered to the site fully assembled and will thereafter be installed to form part of the renewable energy generation plant. This means that no separate containers to store the dangerous goods/substances associated with the batteries will be required. Listed Activity 14 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) is therefore not triggered, being:

"The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres."

4.5. No wetlands are located on or within close proximity of the proposed site that will be affected by the proposed development. Listed Activity 19 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) is therefore not triggered, being:

"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies."
- 4.6. No indigenous vegetation over an area of 1 hectares or more will be cleared. **Listed Activity 27 of Listing Notice 1 of the EIA Regulations, 2014 (as amended)** is therefore not triggered, being:

"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan."
- 4.7. The renewable energy generation plant and associated infrastructure will cover an area of less than 1 ha. Listed Activity 28 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) is therefore not triggered, being:

"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or
- (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes."

4.8. The proposed site comprises of cultivated land, as opposed to comprising of indigenous vegetation. Listed Activity 4 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) is therefore not triggered, being:

"The development of a road wider than 4 metres with a reserve less than 13,5 metres.

- i. Western Cape
 - i. Areas zoned for use as public open space or equivalent zoning;
 - ii. Areas outside urban areas:
 - (aa) Areas containing indigenous vegetation;
 - (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or
 - iii. Inside urban areas:
 - (aa) Areas zoned for conservation use; or
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."
- 4.9. As mentioned in paragraph 4.4. above, the associated battery storage units will be delivered to the site fully assembled and will thereafter be installed to form part of the renewable energy generation plant. This means that no separate containers to store the dangerous goods/substances associated with the batteries will be required. Listed Activity 10 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) is therefore not triggered, being:

"The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.

- i. Western Cape
 - i. Areas zoned for use as public open space or equivalent zoning;
 - ii. All areas outside urban areas; or
 - iii. Inside urban areas:
 - (aa) Areas seawards of the development setback line or within 200 metres from the high-water mark of the sea if no such development setback line is determined;
 - (bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; or
 - (cc) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined."
- 4.10. The proposed site comprises cultivated land as opposed to comprising indigenous vegetation. This means that no Critically Endangered vegetation (Swartland Shale Renosterveld) will be cleared over an area of 300 square metres or more. Listed Activity 12 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) is therefore not triggered, being:

"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

- i. Western Cape
 - Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
 - ii. Within critical biodiversity areas identified in bioregional plans;

- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."
- 4.11. The proposed development will take place outside 32 m of the edge the local watercourses. Listed Activity 14 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) is therefore not triggered, being:

"The development of—

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or
- (ii) infrastructure or structures with a physical footprint of 10 square metres or more;

where such development occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

- i. Western Cape
 - i. Outside urban areas:
 - (aa) A protected area identified in terms of NEMPAA, excluding conservancies:
 - (bb) National Protected Area Expansion Strategy Focus areas;
 - (cc) World Heritage Sites;
 - (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
 - (ee) Sites or areas listed in terms of an international convention;
 - (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
 - (gg) Core areas in biosphere reserves; or
 - (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined."
- 5. Environmental Authorisation for the abovementioned Listed Activities is therefore not required from the Competent Authority (in this instance, this Directorate) for the proposed establishment of the PV energy generation plant, charging infrastructure for electric vehicles, energy storage batteries and associated structurers on the Farm No. 1247, Malmesbury.
- 6. However, should the development proposal be amended in a manner that makes one or more of the above Listed Activities or any other Listed Activity in terms of the EIA Regulations, 2014 (as amended) applicable, an application form for Environmental Authorisation must be submitted to the Competent Authority and the relevant Environmental Authorisation obtained prior to the proposed establishment of the PV energy generation plant, charging infrastructure for electric vehicles, energy storage batteries and associated structurers on the Farm No. 1247, Malmesbury being commenced with.

- 7. Please note that even when an Environmental Authorisation is not required for a development proposal, the 'Duty of Care' and remediation of environmental damage in terms of Section 28 of the NEMA should be taken into account. It is stated in the 'Duty of Care' that
 - "every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring or, in so far, as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
- 8. It is prohibited in terms of the NEMA to commence with a Listed Activity without a relevant Environmental Authorisation from the Competent Authority. Non-compliance in terms of the prohibition will be referred to the Department's Directorate: Environmental Law Enforcement for possible prosecution. The penalty for a person convicted of an offence in terms of the above is a fine not exceeding R10 000 000 or imprisonment for not more than 10 years, or both such fine and such imprisonment.
- You are reminded to comply with any other statutory requirements that may be applicable to the proposed establishment of the PV energy generation plant, charging infrastructure for electric vehicles, energy storage batteries and associated structurers on the Farm No. 1247, Malmesbury.
- 10. Kindly quote the abovementioned reference number in any future correspondence concerning the abovementioned proposed development.
- 11. This Directorate reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

pp Mr. Zaahir toefy

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copied to:

(1) Ms. Zandria Jordaan (EnviroAfrica CC)

(2) Mr. Clinton Geyser (EnviroAfrica CC)

(3) Mr. Alwyn Zaayman (Swartland Local Municipality)

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Verslag ♦ Ingxelo ♦ Report



Kantoor van die Direkteur: Ontwikkelingsdienste

Departement: Ontwikkelingsbestuur

6 November 2024

15/3/3-14/Erf_744,745 15/3/5-14/Erf_744,745 15/3/12-14/Erf_744,745

WYK: 5

744

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Erf

Title Deed number & date

ITEM 6.3 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 20 NOVEMBER 2024

| LAND USE PLANNING REPORT PROPOSED REZONING, CONSOLIDATION AND REMOVAL OF RESTRICTIVE CONDITIONS ON ERVEN 744 & 745, YZERFONTEIN | | | | | | | |
|---|--|-----------------------------|----------------------|-----------------------|--------------------|--|--|
| Reference number | 15/3/3-4/Erf_744,745 15/3/5-4/Erf_744,745 15/3/12-14/Erf_744,745 | Application submission date | 16 August 2024 | Date report finalised | 6 November 2024 | | |

PART A: APPLICATION DESCRIPTION

PART B: PROPERTY DETAILS

scheme

Current land use

An application for the removal of restrictive title conditions on erf 744, Yzerfontein in terms of section 25(2)(f) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that conditions 6(a), 6(b), 6(b)(i), 6(b)(ii) and 7 of title deed T26836/2024 be removed in order to utilise the property for business purposes, do away with building lines as well as to allow access to Park Road.

Application for the rezoning of erf 744, Yzerfontein, in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020) is also included in the proposal. It is proposed to rezone erf 744, Yzerfontein from Residential Zone 1 to Business Zone 2 in order to accommodate a neighbourhood business centre on the consolidated property consisting of a total of 7 shops, a medical consulting room as well as 2 studio apartments (flats).

Application is also made for the consolidation of erven 744 and 745, Yzerfontein, in terms of section 25(2)(e) of Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020).

The applicant is CK Rumboll & Partners and owner of erf 744 is Frank Comer and the owner of erf 745 is Coastal Cove Pty Ltd.

Erf 745, Yzerfontein in the Swartland Municipality, Division Malmesbury, Province of the Western Cape Property description (in accordance with Title Certain piece of land situate in the Local Area of Yzerfontein, Division Malmesbury, being Deed) Erf 744, Yzerfontein Erf 744 - 3 Park Road Physical address Town Yzerfontein Erf 745 - 1 Park Road Erf 744 -Are there existing Erf 744 - Residential zone 1 Extent 697m² Current zoning buildings on the Ν Erf 745 – Business zone 2 Erf 745 -(m²/ha) property? 1005m² Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March Applicable zoning

Erf 744 - dwelling house

Erf 745 - business & flats

| | | | | | | | | Erf 745 – | - |
|---|--|------------|-------------------------------|------------|-------|---|--|---|-------------------------------------|
| Any restrictive title conditions applicable | Y | Z | If Yes, list condit number(s) | ion | | Erf 744 – 6. (a) "This erf shall to purpose of erecting the other buildings for some Administrator may, for reference to the Town local authority, approver is included within Planning Scheme, the permit such other build by the scheme subject restrictions stipulated 6. (b) "No building or some thereof except bound shall except with Administrator, be erect the street line which for erf, nor within 3 m of the street line which for erf, nor within 3 m of the lateral boundary comerf, provided that with local authority — 6. (b) (i) "an outbuilding housing of motor vehicd 3 m in height, measured from the responsible of the outbuild thereof, may be erected rear spaces, and any company to a same height may be expace and side space measured from the responsible of 12 m shall point furthest from the erf;" 6. (b) (ii) "an outbuild subparagraph (i) may be a lateral or rear bour above prescribed space and side space measured from the responsible of 12 m shall point furthest from the erf;" 7. "No direct vehicular the abutting road on shall be permitted." | ere such on the control of the contr | on one dwelling or a purpose as the time to time after ips Board and the provided that if the earea of a Town ocal authority may go as are permitted the conditions and the scheme." Iture or any portion walls and fences, consent of the nearer than 5 m to a boundary of this rear or 1,5 m of the not any adjoining the consent of the and not exceeding the from the ground to the wall-plate within such side and the routbuilding of the erected within the rear a distance of 12 m and a conner erf the measured from the street abutting the go in terms of the erected nearer ry of a site than the street abutting such the sess from this erf to the sess from the sess from this erf to the sess from this erf to the sess from | rereen/dd n,eosede eddedri,eee fren |
| Any third party conditions applicable? | Υ | N | If Yes, specify | | | | | | |
| Any unauthorised land use/building work | Υ | N | If Yes, explain | | | | | | |
| PART C: LIST OF APPLI | PART C: LIST OF APPLICATIONS (TICK APPLICABLE) | | | | | | | | |
| Rezoning | ✓ | Permaner | nt departure | | Tempo | rary departure | | Subdivision | |
| Extension of the validity period of an approval | | Approval o | of an overlay | an overlay | | consolidation | | Removal, suspension or amendment of restrictive conditions | / |

| Permissions in terms of the zoning scheme | Amendment, deletion or imposition of conditions in respect of existing approval | Amendment or cancellation of an approved subdivision plan | Permission in terms of a condition of approval |
|---|---|---|--|
| Determination of zoning | Closure of public place | Consent use | Occasional use |
| Disestablish a home owner's association | Rectify failure by home owner's association to meet its obligations | Permission for the reconstruction of an existing non-conforming use | |

PART D: BACKGROUND

Erf 744 is zoned Residential zone 1 and is developed with a dwelling house. The existing dwelling house will be demolished in order to make provision for the development proposal.

Erf 744 – view from Park Road:

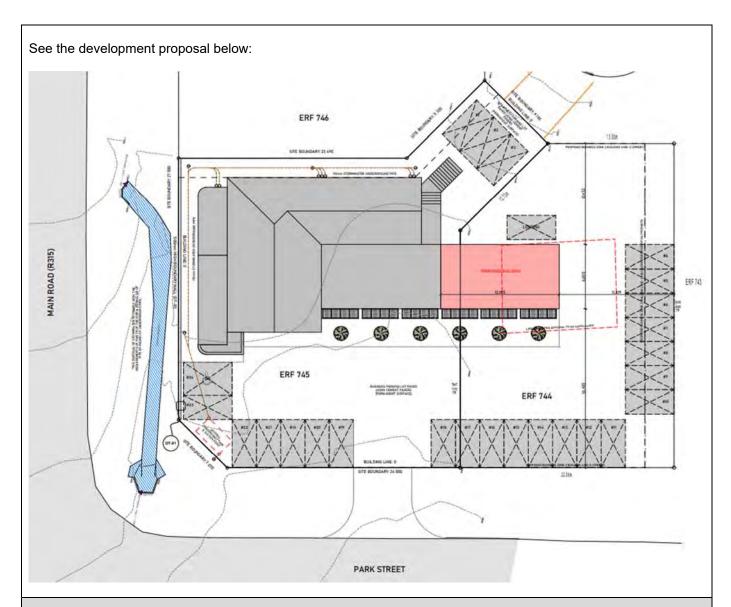


Erf 745 is zoned Business zone 2, restricted to a business enterprise (hardware store) and flats.

Erf 745 - view from Park Road



Once the two erven are consolidated and rezoned the existing buildings will be altered and additions made in order to accommodate the development proposal of 7 shops, two flats and a pharmacy or optometrist (medical consulting rooms).



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?



PART F: SUMMARY OF APPLICANT'S MOTIVATION

The proposed rezoning, removal of restrictive title conditions and consolidation are considered desirable on the basis of the following:

- 1. The proposed development use enhances the principles of LUPA and SPLUMA.
- 2. The proposal complies with the Swartland Spatial Development Framework (2023) as the main forward planning document for Yzerfontein and the Swartland Municipal Area as a whole.
- 3. The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises.
- 4. There are no physical restrictions on the property that will negatively affect the proposed use.
- 5. The proposed development will limit urban sprawl in Yzerfontein.
- 6. New job opportunities will be created.
- 7. New commercial opportunities will arise, which will benefit both the business owners, by allowing new commercial opportunities as well as the local municipality in terms of property tax.
- 8. The optimal utilisation of existing services, as it reduces past expenditure on infrastructure.
- 9. This development uses an existing erven within the Urban Edge to its optimal potential.
- 10. The proposed development is located adjacent to an activity street and corridor, making the development highly accessible.

11. It is clear that in terms of the above, the application for the proposed mixed-use development on erven 744 and 745, Yzerfontein, can be adequately supported. It is therefore requested that the application be considered favourably.

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

A total of 20 registered notices which were send to affected parties by means of registered mail as well as by email. The application was also advertised in the local newspapers and Provincial Gazette.

The public participation process started on 22 August 2024 and ended on 23 September 2024.

The objections were sent to the applicant for comments on 30 September 2024. The comments from the applicant on the objection was received on 7 October 2024.

| Total valid comments | 3 | | | Total comments and petitions refused | | | | 0 | |
|------------------------------------|---|---|--------------------|--------------------------------------|-----|---|---|---------------|--|
| Valid petition(s) | Υ | N | If yes, signatu | number of res | N/A | | | | |
| Community organisation(s) response | Y | N | Ward co | ouncillor se | | Υ | N | No objection. | |
| Total letters of support | 0 | | | | | | | | |

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

1. Department Electrical Engineering Services

a) Both erven 744 and 745 have individual electrical connections and electrical meters. These electrical connections must be consolidated to one electrical connection and one metering point. Contact Daniel Mostert for electrical quotation:

2. Department Civil Engineering Services

- a) The consolidated property be provided with a single water connection;
- b) The consolidated property be provided with a conservancy tank with a minimum capacity of 8000litres which is accessible for the services truck for a municipal street;
- c) The parking areas be provided with a permanent dust free surface.

| PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION | SUMMARY OF APPLICANT'S REPLY TO COMMENTS | MUNICIPAL ASSESSMENT OF COMMENTS | | |
|---|---|---|--|--|
| | 1. The only reality or certainty we have in this business of Land Use Planning and Physical Planning of properties is that what we have today in front of us will change. The following is an extract from the Swartland SDF: "Support smaller supporting business uses along activity streets." According to the 2023-2027 Spatial Development Framework, Erven 744 and 745 are located adjacent to an activity street (Park Road) and activity corridor (R315) that encourages higher order development, like what is being proposed. Since Erven 745 and 831 already has business rights, it is clear that this area and especially Park Street is envisioned for future business uses. See figure 1 below for existing zoning map. Figure 1: existing zoning Since the property will accommodate shops, medical consulting rooms and flats, access to the uses can be split. The shops and medical consulting rooms will receive access from Park Street and the two flats will receive access from lbis Crescent. Traffic via lbis Crescent will therefore be very limited as it will only give access to two flats or three parking bays. | 1. Park Road is an activity street which and a higher order neighbourhood distributor road which provides access to the northern area of Yzerfontein which includes the secondary business node on the corner of Volstruis Avenue, Park Road and Grysbok Avenue. Erf 745 is zoned Business zone 2 and has been used as a shop and flats for many years. The impact of the additional shops and flats on the consolidated erf is deemed minimal giving the existing character of Park Road and the historic use of erf 745. No throughfare of traffic from Park Road to Ibis Close is proposed. The business component of the proposed development will obtain access via the existing entrance/exit from Park Road and the two flats will obtain access from Ibis Close. Access to the property is deemed sufficient. | | |

| 2. | Parking will be a major problem. Where will all the motors and delivery vehicles park? The traffic to Ibis Close will increase drastically due to this proposal. | 2. The parking for the proposed development is calculated as follow: Flats / studio apartment: 1.25 bays per unit 0.25 bays per unit for visitors = 1.5 bays per unit x 2 units = 3 parking bays Shops: 1 bay per 25m2 GLA = ±386m² (7 shops) ÷ 25m² = 15.44 =16 parking bays Medical room/s: 4 bays per consulting room x unit = 4 parking bays Loading Bay: 1 required and 1 provided Total of 23 parking bays required and a total of 24 will be provided More than the required parking bays will be provided on site. The parking bays are therefore sufficient to accommodate the development. | 2. | Traffic to Ibis Close will be restricted to that of the two flats. The impact on Ibis Close remains similar to the existing use of the property. The parking calculations as provided by the applicant is correct and deemed in compliance with the applicable zoning parameters. It must also be noted that not throughfare from Park Road to Ibis Close is proposed as part of the parking layout on the consolidated erf. |
|----|--|--|----|--|
| 3. | The area will no longer be save for the elderly, children and residents to walk with their pets. | 3. This statement is subjective and not objective. No reasons or facts are provided that will state this objection. | 3. | Park Road and other streets connecting with Park Road in the vicinity of erven 744 & 745 consist of side walks with sufficient space for pedestrians to move safely. The statement is unfound. |
| 4. | Safety will also be a problem. How will the shop owners ensure that vagrants and miscreants don't wander around? | 4. Safety of the area is not the concern of the shop owners or the land owner/s. The safety of the area is the responsibility of the South African Police Service. The application may not be negatively influenced by the speculation that safety in the area will decrease. | 4. | The statement is speculative and therefore noted. |
| 5. | There is an existing shopping centre with | 5. The following is an extract from the Swartland | 5. | The criteria for decision making on land use planning |

Yzerfontein.

SDF: Increase density by 2027 from the current

6.8 units per hectare to 7.8 units per hectare in

does not include the market principle of "supply and demand". The statement is therefore noted.

doctor consulting rooms in town, therefore there is no need for another one in town.

| | | | | | 1 | |
|--|----|--|----|--|----|---|
| | | | | With the increase of density in residential areas, the need for additional shops and medical facilities will also need to increase to cater the additional demand in Yzerfontein. The proposal can therefore be favorably considered. | | |
| | 6. | The previous owner of the hardware store gave a false impression of what was to be proposed. It was supposed to be temporary but later turned into a permanent business. | 6. | Noted. Since the property was approved to be rezoned to Business Zone 2, this was not a temporary use but permanent. | 6. | The land use rights approved for the previous owner of erf 745 was permanent. It appears that the objector was miss informed. |
| | 7. | There is not sufficient parking to accommodate the proposed development. Where will the excess vehicles park? Vehicles of shop staff must be taken into consideration as well as customers and delivery trucks. | 7. | Refer to point 2 above. | 7. | See the comments at point 2. |
| Terence Warwick (Tenant of erf 742) | 8. | With the properties (erf 745 and erf 744) having access to Ibis Close, this will cause increase in traffic to what is now a quiet residential close. Vehicles exiting the parking area including delivery trucks, will increase the noise and traffic and will endanger small children, pets that are now relatively safe in a quiet close. Ibis Close will also be used as an extra parking area when the parking on erf 744 and 745 is full. The Close cannot accommodate parking and this will force vehicles to be parked on the grass verges under trees, and also blocking drive ways etccausing inconvenience to residence and extra noise which will be a disturbance not only to residents but the dogs as well. | 8. | As mentioned in point 1 and 2 above, only the two proposed flats, which will have a very limited traffic impact, will gain access from Ibis Crescent. The proposed shops and medical consulting rooms will gain access from Park Street. Sufficient parking bays and loading bays will be provided for the proposed uses according to the requirements of the Swartland Municipal Land Use Planning By-Law (2020). | 8. | See the comments at points 2 and 3. |
| | 9. | Even if there is no vehicle access from the parking lot and a pedestrian gate is provided, lbis Close would still be used as a convenient parking place for | 9. | Refer to point 8 above. | 9. | The statement is speculative and noted. |

customers/staff to access the commercial area on foot. As the centre becomes more popular customer's vehicles will also be parked in Park Street possibly obstructing the drive way of erf 743 or under the trees by erf 742. This again will be a disturbance to these residents and dogs...and erfs 739, 738, 737 and 736.

- 10. We have not been informed as to the trading hours for the proposed shops. If a small convenience store opens till late at night, this again will cause more traffic in Park Street and a high noise disturbance at night. A restriction will have to be put on the trading hours of the proposed shops.
- trading hours of the Swarltand By-Law. This will ensure that the surrounding neighbours are taken into consideration.
- 10. The proposed development will comply with the 10. The business hours for the new businesses have not been identified by the applicant. It is proposed that business hours be restricted from 06h00 to 21h00 each day.
- regulation is in place that will stop these apartments from becoming business or shops in the future? Is there a restriction to the amount of people residing in these apartments. I see that there is only three parking bays allocated these residents.
- submitted to change the use of the flats to business. The amount of parking bays on the property will also limit the business use instead of the proposed flats.

There are no restrictions limiting the amount of residents living in a flat.

11. As for the two studio apartments, what 11. A new land use application will need to be 11. If successful, the land use approval will be restricted to the uses presented in the application. If changes are proposed as mentioned by the objector, a new land use application process will be required. The change in use will also trigger the submission of a building plan application.

> The number of people residing in the flats will be restricted to a single family. The specific number of people are not restricted.

> The number of parking bays provided for the flats complies with the requirements of the applicable zoning parameters.

12. Has the extra water usage been taken into consideration and the location of septic tanks is not shown on the plans.

No indication is given whether the parking area would be a walled and gated area. If left unwalled this could well be used as a future taxi rank, which again poses additional traffic and noise for residents

to provide comment whether sufficient services are available.

The parking area will be fenced to ensure that only one delegated entry and exit point is used from Park Street.

12. The Swartland Engineering Department will have 12. The Department: Civil Engineering Services indicated that a single water connection be provided for the consolidated property as well as that no development charges for the provision of bulk services for the proposed development needs to be paid.

> The department also indicated that a single conservancy tank be provided for the proposed development. The placement of the tank will be required at building plan stage. A conservancy tank with capacity of 8000litres is sufficient.

| | | | Only one entrance and exit is proposed to the consolidated property from Park Road. The use of the parking area as a taxi rank is speculative and noted. |
|---------|--|--|--|
| | 13. I am against the proposal due to the following reasons: 13.1 There is an existing shopping centre near the caravan park, which have been there for years. 13.2 There is also a large shopping centre that houses the Spar and other shops approximately 200m from the proposal. 13.3 There are also existing medical consulting rooms in Yzerfontein. 13.4 There is also a shopping centre at Villa Fontana. | 13. Noted. Refer to point 1 and 5. | These concerns have already been addressed in the comments above. |
| Lochner | 14. To accommodate all these uses on the property will cause the surrounding neighbours accesses to be blocked. | 14. It is uncertain how this development will block any of the surrounding neighbours access points. | 14. Sufficient on-site parking is proposed for the development. It is therefore unclear how access to surrounding properties will be blocked. |
| | 15. There will not be sufficient parking to accommodate all the uses and the small business spaces will attract the wrong shop owners. | 15. Refer to point 2 above. | 15. Sufficient on-site parking has been provided in compliance with the relevant zoning parameters. The type of shops accommodated in the development is managed by the owner/developer. |
| | 16. The additional shops will decrease the peace and quiet of the area. The shopping centre will attract early morning and late night deliveries. | 16. Noted. | 16. This statement is speculative and noted. |
| | 17. The shops will also attract vagrants and miscreants, which will increase crime in the area. | 17. Refer to point 4. | 17. This statement is speculative and noted. |
| | 18. It is also dirty and noisy around shopping centres and will increase traffic in the area. | 18. Noted. The land owners will arrange will cleaning services to keep the site nice and tidy. | 18. Erf 745 is zoned Business zone 2 and has been used as a shop and flats for many years. The impact of the additional shops and flats on erf 742 is deemed minimal giving the existing character of Park Road and the historic use of erf 745. |

| value of my property. | The Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: "A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome." | since 2019 to 2023 are as follows: Erf 744: R1 707 500,00 in 2019 R2 110 000,00 in 2023 Erf 745: R1 350 000,00 in 2019 R2 630 000, 00 in 2023 (On 20 June 2023 the property was sold for R5 000 000,00.) Property values have increase since the previous |
|---|---|--|
| 20. The owner of the property cannot 20. | Since the proposed development will greate | general valuation. The statement is unfound. No information was provided to proof otherwise. |
| guarantee that the proposed shopping centre will contribute positively to | Since the proposed development will create numerous new job opportunities and have capital investment in Yzerfontein, it is safe to say that it will have a positive contribution to the town. | zo. The statement by the applicant is supported. |

PART J: MUNICIPAL PLANNING EVALUATION

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

Application for the removal of restrictive title conditions on erf 744, Yzerfontein in terms of section 25(2)(f) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that conditions 6(a), 6(b), 6(b)(i), 6(b)(ii) and 7 of title deed T26836/2024 be removed in order to utilise the property for business purposes, do away with building lines as well as to allow access to Park Road.

Application for the rezoning of erf 744, Yzerfontein, in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020) is also included in the proposal. It is proposed to rezone erf 744, Yzerfontein from Residential Zone 1 to Business Zone 2 in order to accommodate a neighbourhood business centre on the consolidated property consisting of a total of 7 shops, a medical consulting room as well as 2 studio apartments (flats).

Application is also made for the consolidation of erven 744 and 745, Yzerfontein, in terms of section 25(2)(e) of Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020).

A total of 20 registered notices which were send to affected parties by means of registered mail as well as by email. The application was also advertised in the local newspapers and Provincial Gazette.

The public participation process started on 22 August 2024 and ended on 23 September 2024. A total of 3 objections were received.

The objections were sent to the applicant for comments on 30 September 2024. The comments from the applicant on the objection was received on 7 October 2024.

The Division: Land Use & Town Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

2. <u>Legislation and policy frameworks</u>

- 2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA
- a) <u>Spatial Justice:</u> The development proposal is deemed to be in compliance with the spatial planning of Yzerfontein. (This statement will be further discussed at point 2.2 of this report.) The application is therefore complying with the principle of spatial justice.
- b) <u>Spatial Sustainability:</u> The proposed development will create a more resource-efficient town by providing an additional shopping and residential opportunities. Existing services are deemed sufficient in order to provide the proposed development with services which also results in the optimal use of these services. The proposed development does not trigger any development contributions. The additional shops will create job opportunities. The application is therefore complying with principle of spatial sustainability.
- c) <u>Efficiency:</u> The proposed development will contribute to the economic opportunities in Yzerfontein. An existing neighbourhood business will be expanded resulting the strengthening of Park Road as an activity street. The application is therefore complying with the principle of spatial sustainability.
- d) Good Administration: The application was communicated to the affected landowners through registered mail and it was advertised in local newspapers and the Provincial Gazette. The application was also circulated to the relevant municipal departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timeous manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) <u>Spatial Resilience:</u> Park Road as activity street accommodates mixed uses but primarily single residential uses. This application is an example of the activity street being strengthened by the expansion of the business activities on erf 745 to erf 744.

2.2 Spatial Development Framework(SDF)

According to the SDF erven 744 & 745 are situated in zone E. Zone E is the residential area around the main beach with supporting community, sport and tourist facilities and a secondary business node. Residential expansion is promoted.

Erven 744 & 745 are also situated on Park Road which is an activity street along which mixed uses (business and residential) can be accommodated. The business and residential uses of the consolidated erf are therefore in compliance with the spatial planning of Yzerfontein.

2.3 Schedule 2 of the By-Law: Zoning Scheme Provisions

On-site parking and a loading bay needs to be provided as follows:

Flats / studio apartment:

1.25 bays per unit 0.25 bays per unit for visitors = 1.5 bays per unit x 2 units = 3 parking bays

Shops:

1 bay per 25m² GLA = ±386m² (7 shops) ÷ 25m² = 15.44 parking bays =16 parking bays

Medical room/s:

4 bays per consulting room x unit = 4 parking bays

Loading Bay: 1 required and 1 provided

Total of 23 parking bays required and a total of 24 are provided.

The development proposal complies with all zoning parameters applicable on the consolidated erf.

2.4 Desirability of the proposed utilisation

Erf 745 is zoned Business zone 2 and erf 744 is zoned Residential zone 1.

The existing buildings on erf 745 will be altered into the development proposal of 7 shops and 2 flats. The dwelling on erf 744 will be demolished in order to accommodate the medical consulting rooms and on-site parking. The consolidated property has no other physical restrictions which may impact negatively on the application.

Park Road as an activity street accommodates business, community services and residential uses. The expansion of the existing business use on erf 745 compliments the existing mixed use character of the street.

The impact of the additional shops and flats on the consolidated erf is deemed minimal giving the existing character of Park Road and the historic use of erf 745.

Access to the consolidated erf will be obtained from Park Road (restricted to the business uses) and Ibis Close (restricted to the residential uses). No throughfare of traffic from Park Road to Ibis Close and vice versa on the consolidated erf, are permitted.

Sufficient on-site parking bays and a loading bay are provided.

Existing engineering services are sufficient to provide the consolidated erf with services.

The impact of the proposed development is deemed low from a services point of view as no development charges needs to be paid for the provision of bulk services/infrastructure.

The impact of the proposed development on surrounding residential erven is deemed low ensuring the safety and security of residents.

Property values have increased over the past 4 years according to the municipal valuation records and will not be affected negatively by the proposed development.

The criteria for decision making on land use planning does not include the market principle of "supply and demand".

Business hours for the shops are proposed to be in line with other business in Yzerfontein and shall be restricted from 06h00 to 21h00 each day. It is up to the discretion of the owner/developer to reduce business hours inside the timeslot proposed.

The number of people residing in the flats will be restricted to a single family. The specific number of people are not restricted.

The title deed restrictions applicable to erf 744 will be removed to make the development on the consolidated property possible.

Erf 745 does not have any restrictive title deed restrictions.

The development proposal is in compliance with the spatial planning of Yzerfontein.

3. Impact on municipal engineering services

A single water connection be provided for the consolidated property.

A conservancy tank with capacity of 8000litres be provided for the consolidated property.

No development charges for the provision of bulk services for the proposed development needs to be paid.

4. Comments of organs of state

N/A

5. Response by applicant

See Annexure H.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

The conditions were imposed by the Administrator for the benefit of the town and had no financial or other value for the beneficiary. The values of the conditions relate to land use restrictions that preserve and protect the character of the built environment. The Swartland Zoning Scheme and Swartland Spatial Development Framework consist over similar land use provisions that have the same effect in preserving and protecting the character of areas, thus keeping the restrictive condition have no value to the township anymore.

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

There are no personal benefits to the holder of rights seeing as the rights are in favour of the town as explained in the previous point.

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

The inclusion of the said restrictive conditions in the title deed of Erf 744,Yzerfontein, results in restrictions being placed on development possibilities for the property of which the restrictions is not always in line with the new planning philosophies such as densification, effectiveness and resilience. The removal / amendment of said restrictive conditions will enable the property to be developed to its full potential as determined and guided by spatial policies such as the Swartland SDF.

There is no social benefit if the restrictive condition remains in place in its existing form as it will not allow the property owner to exercise his land use rights to utilise the property as a business premises.

This will result in more compact, diverse and resilient development on the property and enable the property to be developed to its full potential.

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

Not all rights in favour of the Administrator is proposed for removal / amendment, only the right relating to the proposed development parameters, seeing as the need and desirability of development opportunities for Erf 744, Yzerfontein, has changed over time.

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for the removal of restrictive conditions 6(a), 6(b), 6(b)(i), 6(b)(ii) and 7 against Erf 744, Yzerfontein, as contained in Title Deed T26836/2024, is hereby approved in terms of section 70 of the By-Law.

The following process be followed for decisions A:

- (a) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the amendment and removal of the restrictive conditions;
- (b) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
 - (i) Copy of the approval by Swartland Municipality;
 - (ii) Original title deed, and
 - (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
- (c) A certified copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans.
- **B.** The application for the rezoning of erf 744, Yzerfontein, is hereby approved in terms of section 70 of the By-Law.
- **C.** The application for the consolidation of erf 744 and 745, Yzerfontein, is hereby approved in terms of section 70 of the By-Law.

B & C are subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 744 be rezoned from Residential zone 1 to Business zone 2, as presented in the application;
- (b) The dwelling on erf 744 be demolished;
- (c) Erf 744 be consolidated with erf 745;
- (d) Building plans be submitted to the Senior Manager: Development Management for the demolition as well as for alterations and new building work for consideration and approval;
- (e) Access to the consolidated erf be restricted from Park Road (restricted to the business uses) and Ibis Close (restricted to the residential uses);
- (f) At least 24 on-site parking bays and 1 loading bay be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by the Director Civil Engineering Services and that the parking bays are clearly marked:
- (g) No throughfare of traffic from Park Road to Ibis Close and vice versa on the consolidated erf, be permitted. Physical restrictions be placed on-site to ensure this conditions be complied with:
- (h) The medical consulting room be restricted to be used for human medical or medically related consultation, examination or treatment, but does not include live-in facilities;
- (i) Business hours for the businesses be restricted from 06h00 to 21h00 each day;
- (j) Application be made to the Senior Manager: Development Management for the erection of advertising signs;
- (k) A landscaping plan be submitted to the Department Civil Engineering Services for approval. The landscaping plan be approved prior to the submissions of building plans;

2. WATER

(a) The erf be provided with only one water connection;

3. SEWERAGE

(a) The erf be provided with a conservancy tank with a minimum capacity of 8000 litres which is accessible for the municipal sewerage truck from the street;

4. REFUSE REMOVAL

(a) Medical waste not be removed by Swartland Municipality;

5. ELECTRICAL

(a) Both erven 744 and 745 have individual electrical connections and electrical meters. These electrical connections be consolidated to one electrical connection and one metering point.

D. GENERAL

- a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal;
- c) All conditions of approval be implemented before the new land uses come into operation and failing to do so the approval will lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent, and the approval period will no longer be applicable;
- d) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

- 1. The consolidated property can easily accommodate the development proposal after the demolition of the dwelling on erf 744.
- 2. The impact of the additional shops and flats on the consolidated erf is deemed minimal giving the existing character of Park Road and the historic use of erf 745.
- 3. The business and residential uses of the consolidated erf are in compliance with the spatial planning of Yzerfontein.
- 4. The proposed development complies with the principles of LUPA and SPLUMA.
- 5. The development proposal complies with all the applicable zoning parameters.
- 6. The removal of the title deed restrictions on erf 744 will enable the development rights for the consolidated property.
- 7. Engineering services are deemed sufficient to accommodate the proposed development.
- 8. The impact of the proposed development on bulk engineering services are deemed low. No development charges need to be paid.
- 9. Property values will not be affected negatively by the proposed development.
- 10. Access to the consolidated property is deemed sufficient.

PART N: ANNEXURES

Annexure A Locality Plan
Annexure B Consolidation plan
Annexure C Site development plan

Annexure D Title deeds of erven 744 & 745, Yzerfontein Annexure E Plan indicating the public participation process

Annexure F Objection from Hennie van Zyl
Annexure G Objection from Lochner Bester
Annexure H Objection from Terence Warnick

Annexure I Comments from the applicant on the objections

PART O: APPLICANT DETAILS

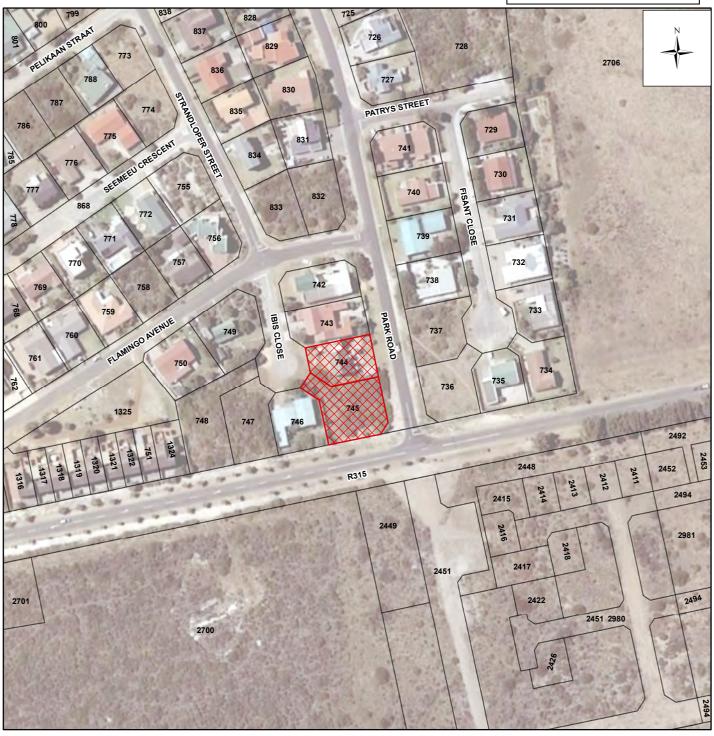
First name(s)

NJ de Kock from CK Rumboll & Partners

| Registered owner(s) | Erf 744 - Frank Comer Erf 745 - Coastal Cove Pty Ltd. | Is the applicant authorised to submit this application: | Υ | | N | |
|---|--|---|------------|---------------|---------|--|
| PART P: SIG | GNATURES | | | | | |
| Author details: AJ Burger Chief Town & Regional Planner SACPLAN: B/8429/2020 | | - | Dat 202 | e: 6 Nov | /ember | |
| Recommendation: Alwyn Zaayman | | Recommended | ✓ | Not recomi | mended | |
| | r Manager: Development Management PLAN: B/8001/2001 | Angayman | Dat 202 | | ovember | |

Locality plan

ANNEXURE A

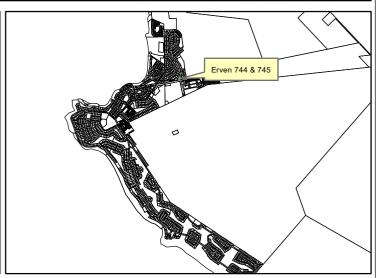


Proposed removal of restrictions, rezoning and consolidation

Erven 744 & 745, Yzerfontein

Locality plan

Scale: N/A



322-

and 745, Yzerfontein

REF: YZER/13883/NJdK

CONSOLIDATION OF ERVEN 744 AND 745, YZERFONTEIN 743 744 Container 745 746 MAIN ROAD (R315) CK RUMBOLL & PARTNERS LEGEND: **ZONING:** Consolidation: Erf 744 - 697m² Current: Erf 744 - 697m² Erf 745 - 1005m² Erf 744 - Residential Zone 1 Erf 745 - 1005m² Erf 745 - Business Zone 2 Consolidation of Erven 744

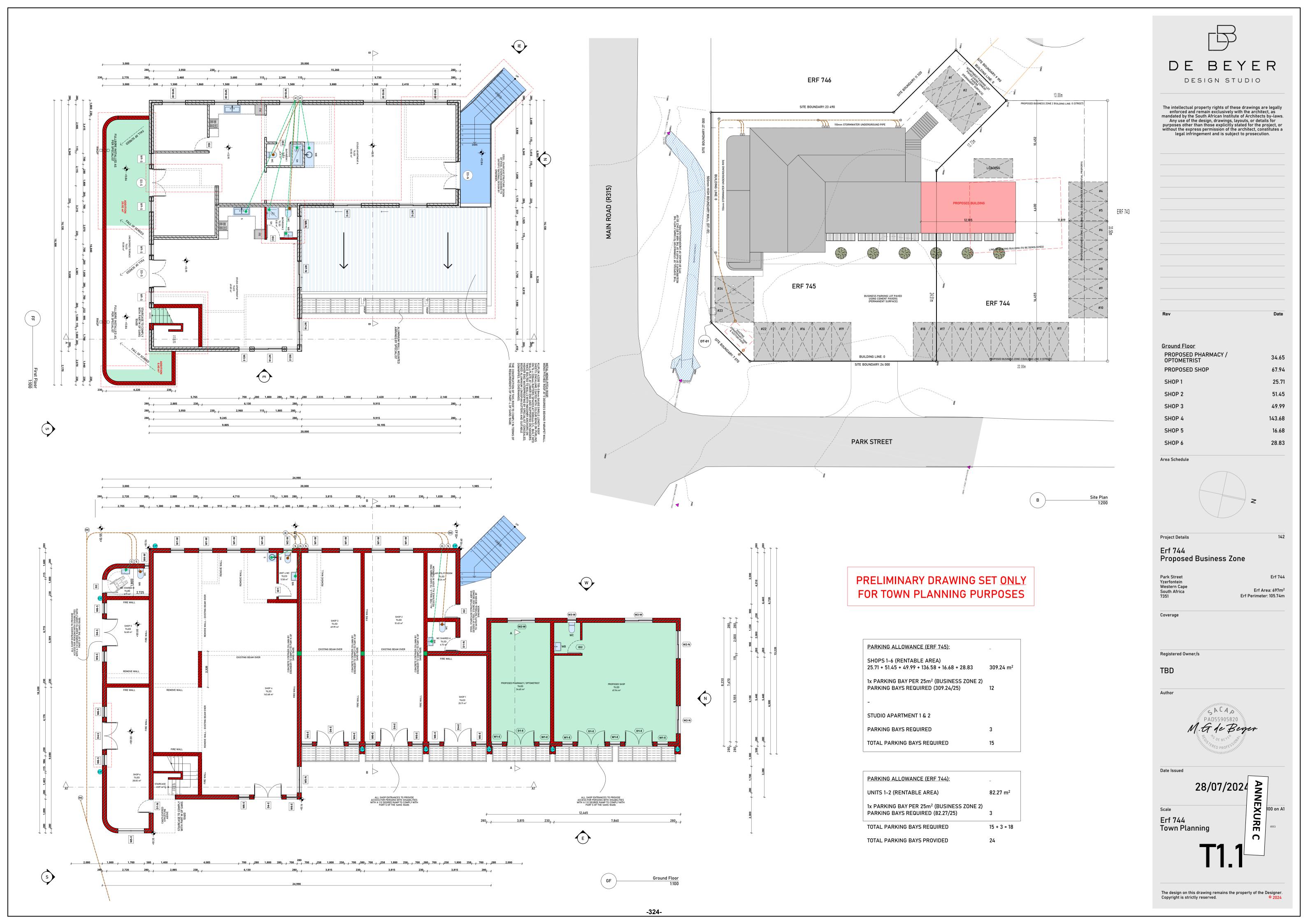
Erf 744 - Business Zone 2

Erf 745 - Business Zone 2

Consolidation

Existing buildings

Total = $1702m^2$





Deeds Registration Office

DeedsWEB

| | | Proper | rty Report | |
|---------------------|-----------------------------|-----------------------|----------------------|----------------|
| Erf Enq | <u>uiry</u> | • | | |
| Gene | ral Information | 7/1 × 1 | Na Na | |
| Date Re | equested | 2024-05-30 | 11 |) _K |
| Deed O | | Cape Town | | |
| Informa | ation Source | Deed Office | | |
| Prope | erty Details | | | |
| Deeds | registry | CAPE TOWN | | |
| Propert | ty type | ERF | | |
| Townsh | nip | YZERFONTEIN | | |
| Erf nun | nber | 744 | | |
| Portion | 7 | 0 | | |
| Provinc | ce | WESTERN CAPE | | |
| Registr district | ration division/Administrat | ive MALMESBURY RD | | |
| Local a | uthority | YZERFONTEIN MUN | | |
| Previou | us description | PTN OF 868-TP10296 | | |
| Diagran | n deed number | T19256/1982 | | |
| Extent | | 6970000 SQM | | |
| LPI Cod | de | C04600150000074400000 | | |
| Deed | s Title Details | 101/1 52 | S 1/8/10 1 | |
| # Do | cument | Registration Date | Purchase Date | Amount (R) |
| | | 19820601 | | - |
| Owne | er Information \ | DA HKOLL | DE TING I | 1 |
| # Do | cument | Full name | Identity Number | Share |
| 1 | | COMER FRANK | 5508305149087 | - |
| Endo | rsements/Encum | brances | 1/109 | |
| | | No data found for | this search criteria | |
| Hieto | ric Documents | 140 | 100 | |

Disclaimer:

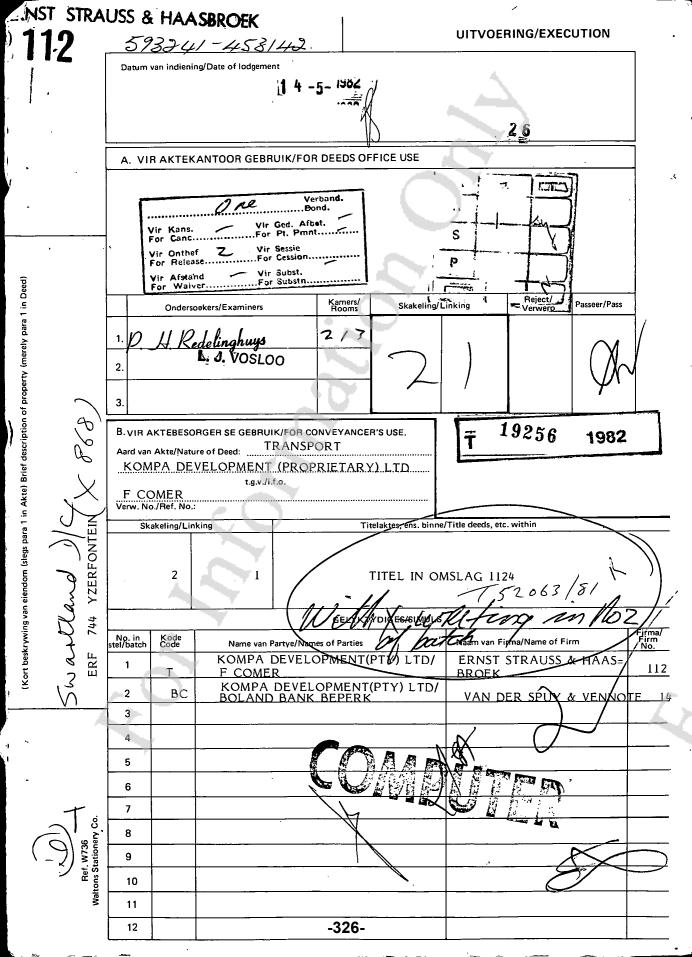
The Office of the Chief Registrar of Deeds hereby confirms that, on the basis of information at the Deeds Office's disposal that the contents of this report accurately reflects property information held in our records. As per Deeds Registration process, this information is valid for seven (7) days.

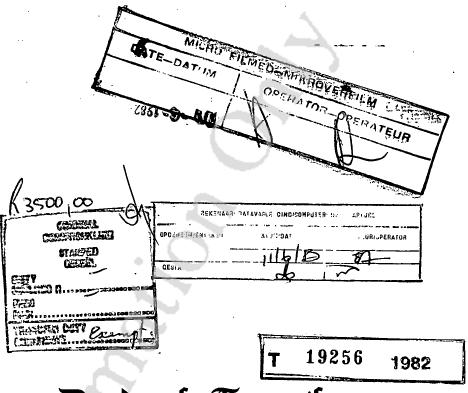
No data found for this search criteria

Photocopies of this report are not valid.

This report is issued subject to costs as specified in the fee schedule. http://deeds.dalrrd.gov.za/fees.php.

Printed: 2024-05-30





Deed of Transfer

BY VIRTUE OF A POWER OF ATTORNEY

ph

Prepared by me,

Conveyancer

KNOW ALL MEN WHOM IT MAY CONCERN

That

by

ANDRE WILLEM THERON-NEL ERNST LUDWIG-STRAUSS

appeared before me, Registrar of Deeds at CAPE TOWN authorised thereto by a Power of Attorney, executed at TULBAGH on the 22nd day of MARCH

, he being duly

19 82

19 62

KOMPA DEVELOPMENT (PROPRIETARY) LIMITED (NR 73/13129)

- WHITE GROUP -

which power, witnessed in accordance with law, was exhibited to me on this day. And the Appearer declared that his said Principal had truly and legally sold on 25th January 1982

and that He in his capacity as attorney

-327-

aforesaid/ . . .



aforesaid did by these presents, cede and transfer, in full and free property to and on behalf of

FRANK COMER

(Born on 30 August 1955)

- WHITE GROUP -

His Heirs, Executors, Administrators or Assigns

<u>CERTAIN</u> piece of land situate in the Local Area of YZERFONTEIN Division of Malmesbury being Erf 744 YZERFONTEIN; held by the said Transferor Company by Certificate of Consolidated Title No 52063 dated 3 December 1981.

MEASURING: 697 (SIX HUNDRED AND NINETY SEVEN)

Square Metres.

AS WILL more fully appear from General Plan T.P. 10296.

- A. <u>SUBJECT</u> to the Conditions referred to in Deed of Trans= fer Nr 1832 dated 7th April 1915 (Paragraph III).
 - B. <u>SUBJECT FURTHER</u> to the following Conditions im= posed by the Administrator at the time of the procla= mation of YZERFONTEIN EXTENSION NR 3; in terms of Ordinance 33/1934.

/1. Any3.

M

- Any words and expressions used in the following con= ditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No 623 dated 14 August 1970.
- 2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any condition of the title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of section 17 of Ordinance No 19 of 1976, as amended.
- No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
- 4. The owner of this erf shall, without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including storm= water of any other erf or erven inside or outside this town= ship to be conveyed across this erf, if deemed necessary by the local or any other statutory authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any rea= sonable time for the purpose of constructing, altering, re= moving or inspecting any works connected with the above.
- 5. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provided a safe and proper slope to

/ its.....4.

its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

- 6. (a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purpose as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.
 - (b) No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 m to the street line which forms a boundary of this erf, nor within 3 m of the rear or 1,5 m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority -
 - (i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3 m in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12 m measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 m shall be measured from the point furthest from the street abutting the erf;
 - (ii) an outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.
 - (c) On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth these conditions shall apply to the consolidated holding as if it was one erf



- (d) In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf
- 7. No direct vehicular access from this erf to the abutting road on its eastern boundary shall be permitted.

/Wherefore.....6.

Orl

TRANSFEROR-COMPANY

the Appearer in his said Capacity, renouncing all the right and title the

heretofore had to the premises, did, in consequence also acknowledge the said TRANSFEROR-COMPANY

to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said

TRANSFEREE

His Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto conformably to local custom; State, however, reserving its rights; and finally acknowledging the said

TRANSFEROR-COMPANY

to be satisfactorily paid the whole of the purchase money amounting to the sum of R3 500,00 (THREE THOUSAND FIVE HUNDRED 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 on the lift day of

Nine Hundred and Eighty Two (1982)

In my presence,

Registrar of Deeds

uitgereikte Kauntin op 20/4
vir R

1. Hereregte Kwitansie Nr. Urst

in the Year of our Lord, One Thousand

2. Belastingsertifikaat uitgereik deur Addelmarkend hunken

Geldig tot 30/6/23
Nagesien 1.

Register of Solo Clerk in Charge.

-332-Ref. W719(E) Waltons Stationery Co., 46 Bree Street, Cape Town 8001 Prepared by me: fonveyancer.

POWER OF ATTORNEY TO MAKE TRANSFER

I, the undersigned, Willem Slabber de Villiers in my capacity as a director of KOMPA DEVELOPMENT (PROPRIETARY)
LIMITED (Nr 73/13129) duly authorised thereto do hereby nominate constitute, and appoint

ERNST LUDWIG STRAUSS and/or ANDRÉ WILLEM THERON NEL

with Power of Substitution, to be the company's lawful Attorney and Agent, in the company's name, place, and stead to appear at the Office of the Registrar of Deeds at Cape Town and then and there as the company's act and deed, to make Transfer to

FRANK COMER
(Born on 30th August 1955)

of the following immovable property:

piece of land situate in the local area of Yzerfontein division of Malmesbury being Erf 744 Yzerfontein;

MEASURING 697 square meters;

HELD UNDER certificate of consolidated title number 52063 dated 3rd

December 1981:

SUBJECT to the conditions therein mentioned or referred to and to the conditions now imposed as set out in annexure "A" hereto

which was sold by the company to him/her on 25th Janaury 1982

for R3 500,00 (Three thousand Fivehundred

And generally for effecting the purposes aforesaid, to do or cause to be done, whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the company might or could do if personally present and acting herein - hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm, all and whatsoever the campany's said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these Presents.

Given under my hand at

this 22 was day of Mean 1982, in the presence of the undersighted witnesses.

AS WITNESSES:

1.

2. / IZÁK ADRIAAN JOHAN DE VILLIERS RÓMMISSAHIS VAN EDE PRAKTISERENDE PROKUREUR R.S.A. VAN DER STELSTRAAT 63, TULBAGH.

I hereby certify that, to the best of my knowledge and heller, after making due enquirles and inspection the appropriate documentation, this document is valid and binding on the company granto.

CONVEYANCER

310646 21 _04 _82 KWITANSIE CASH\RECEIP1 Datum Date (McMaster, C.T/24491/SC24000/9/79/200Pact 117 Address Code Adreskode 19 ERNST STRAUSS AND HAASBROEK Received Kompa Development Ply ÁCCOUNT No. Datum / Date. Uythanded Uyf en Twinty Uitgereik sonder benadeling van regte Issued without prejudice. THE PROVINCE OF THE CAPE OF GOOD HOPE __ PROVINSIE DIE KAAP DIE GOEIE HOOP 30|3|83 Name and Address Naam en Adres No. 3 ACCOUNT SWARTLAND, AFTELINGSRAAD DIVISIONAL COUNCIL TOEWYSING / ALLOCATION 13cr fortein 15*%* CHASTIMA COLUMN OMES 30 - 3 - 1982 SWARTLAND 3500-00 T EDUC ENDOWN ERF 744 YZERFONTEIN TSHP EXT 3 vir Sekretaris/Secretary MOTAAL rungeany CASH TOTAL sent ...cents Rand Nature of Service いとい 읆 Aard van Diens 525-00 1225 CHEAN THE Toewysingskode Vote All. Code 23000

-334-

Amount Bedrag

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| No 328 | Reference Code Verwysingskode | 0 | . 3 |
| | | 00, T00, | |





GROUP AREAS ACT NO 36 OF 1966

AFFIDAVIT

BY TRANSFER OF IMMOVABLE PROPERTY

I, the undersigned,

SAREL HENDRIK DE KOCK

in my capacity as SECRETARY of

KOMPA DEVELOPMENT (PROPRIETARY) LIMITED NR 73/13129

do hereby solemnly declare and say:

1. THAT I am an Officer of KOMPA DEVELOPMENT (PROPRIETARY)
LIMITED (NR 73/13129)

a private Company duly registered under the laws of the Republic and that I am authorised to make this statement.

2. THAT on the 25th day of JANUARY the following property, namely:

19 82

CERTAIN piece of land situate in the local area of Yzerfontein Division of Malmesbury being Erf 744 Yzerfontein

MEASURING: 697 (SIX HUNDRED AND NINETY SEVEN) Square Metres

was sold to

FRANK COMER (Born on 30th August 1955)

3. THAT every person who holds or is deemed to hold a controlling interest in the said Company, is a member of the WHITE GROUP as defined in Act no. 36 of 1966 as amended, or any proclamation thereof.

I certify that the deponent acknowledged that he/she understands the contents of this declaration and the deponent uttered the following words, "I swear that the contents of this declaration is true, so help me God" before met at Come Town on this the

ANDRE WILLEM THERON NEL KOMMISSARIS VAN EDE PRAKTISERENDE PROKUREUR VOORTREKKERWEG 51 GOODWOOD. Affidavit Re Birth & Group

By Transferee of immovable property



XX.

I, the undersigned,

FRANK COMER

hereby affirm / make oath and say:-

- 1. THAT I honestly and firmly believe that the DATE OF MY BIRTH was on the 30th day of August 19 55
- 2. THAT I have always regarded the above date-as-my birthday.
- 3.a. THAT I am a MEMBER of the WHITE GROUP as defined in Act No. 36/66, as amended, or any Proclamation thereunder.
- *3.b. THAT I may, in terms of the said Act, lawfully acquire and hold the following property:

CERTAIN Piece of land situate in the local area of Yzerfontein division Malmesbury being Erf 744 Yzerfontein

MEASURING 697

sqaure meters

- (a) THAT I am not a Black as defined by Section 49 of the Development Trust and Land Act, 1936.
- (4) That I am not insolvent and have never been insolvent.

I certify that the Deponent has acknowledged that he / she knows and understands the contents of this Declaration/ Affidavit which was signed and affirmed sworn to before me at Y Milnerton to this Y 3 × day of X February L 1982 and that the provisions of the Regulations contained in Government Notice R 1258 of the 21st July, 1972, (as amended) have been complied with.

Full Name and Address: (Print)

FRANK CONER NOLENEY PAYNE

**S OTAGO WAY & A POLICE

**EDGENERD KOEBERG RO

**MILNERON

Area for which appointment held:

milherba.

*Delete which is inapplicable

COMMISSIONER OF OATHS
Date Stamp and //or Seal of Office
AAIIKLASKA!ITEDR

CHARGE OFFICE
MILNERTON

THE CHICAN FOLIST

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| . VI | IR AKTEKANTOOR G | SEBRUIK/FOR DEEDS OFFICE USE: | | |
| . VI | IR AKTEKANTOOR G | SEBRUIK/FOR DEEDS OFFICE USE: | Opmerkings Remarks | Paraaf Initials |
| . VI | IR AKTEKANTOOR G | Comp T (1) Dorp goedgekeur (geproklameer) | 11-12-81 | Paraaf Initials |
| nterdil | kte nagesien deur | (1) Dorp goedgekeur (geproklameer) Township approved (proclaimed) (2) Begiftigingserwe | 11-12-81 | |
| iterdil | | (1) Dorp goedgekeur (geproklameer) Township approved (proclaimed) (2) Begiftigingserwe Endowment erven | 11-12-8i | ø. |
| nterdik nterdic | kte nagesien deur cts checked by | (1) Dorp goedgekeur (geproklameer) Township approved (proclaimed) (2) Begiftigingserwe Endowment erven | 11-12-8; be | ø. |
| nterdik nterdic | kte nagesien deur cts checked by | (1) Dorp goedgekeur (geproklameer) Township approved (proclaimed) (2) Begiftigingserwe Endowment erven | 11-12-8; be | ø. |
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-339-



Deeds Registration Office

DeedsWEB

| Property Report | |
|------------------------|--|
| | |

Erf Enquiry

| General Information | 776 | * A * | NE | |
|----------------------------|-------------|-------|----|--|
| Date Requested | 2024-05-30 | | | |
| Deed Office | Cape Town | | | |
| Information Source | Deed Office | | | |

Property Details

Deeds registry CAPE TOWN Property type ERF

Township YZERFONTEIN

Erf number 745 **Portion** 0

Province WESTERN CAPE
Registration division/Administrative MALMESBURY RD

district

Local authority YZERFONTEIN MUN
Previous description PTN OF 868-TP10296
Diagram deed number T46763/1982
Extent 10050000 SQM

LPI Code C04600150000074500000

| De | eds Title Details | HIMM SL | _ SZ // N/N/ // // | |
|----|-------------------|-------------------|--------------------|-------------|
| # | Document | Registration Date | Purchase Date | Amount (R) |
| 1 | T26836/2024 | 20240507 | 20230620 | R5000000.00 |

| Owner Information \ | | on \ \ \ \\\X\\^\\\\\\\\\\\\\\\\\\\\\\\\\ | | (d 1 1) | |
|---------------------|-------------|---|-----------------|----------------|--|
| # | Document | Full name | Identity Number | Share | |
| 1 | T26836/2024 | COASTAL COVE PTY LTD | 202379252107 | / - | |

Endorsements/Encumbrances

No data found for this search criteria

| His | storic Documents | The parties of the pa | 11/20 | |
|-----|------------------|--|------------|-------------------|
| # | Document | Holder Market Ma | Amount (R) | Image Reference |
| 1 | B28877/2002 | - M. M. M. M. | - Andrews | 20140204 09:16:53 |
| 2 | B18816/2018 | - | - | 20240513 12:15:00 |
| 3 | T46763/1982 | KOK PIETER JACO | - | 20191123 15:06:41 |
| 4 | T39429/2002 | SMIT JOHANNES CORNELIUS | R60000.00 | 20140204 09:19:48 |
| 5 | T39429/2002 | SMIT BRIONY | R60000.00 | 20140204 09:19:48 |
| 6 | T64133/2013 | NELL REO ANDRE | R420000.00 | 20240513 12:14:08 |

Disclaimer:

The Office of the Chief Registrar of Deeds hereby confirms that, on the basis of information at the Deeds Office's disposal that the contents of this report accurately reflects property information held in our records. As per Deeds Registration process, this information is valid for seven (7) days.

Printed: 2024-05-30



150 Altorneys 021 421 5885

UITVOERING/EXECUTION

Datum van indiening/Date of lodgement DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM Ref No./Verw. Nr A. VIR AKTEKANTOOR GEBRUIK/FOR DEEDS OFFICE USE 24 APR 2024 TSP Inc 90 PLEIN STREET CAPE TOWN, 8000 102 OS. 08 Reject/ Ondersoekers/Examiners Skakeling/Linking Passeer/Pass Liven der BETO 111) **B.GIJANA** 2. Monitored By: 3. N. HOKO B. VIR AKTEBESORGER SE GEBRUIK/FOR CONVEYANCER'S USE. Aard van Akte/Nature of Deed: 1000026836/2024 Skakeling/Linking Titelaktes, ens. binne/Title deeds, etc. within GELYKTYDIGES/SIMULS Firma Firm No. No. in stel/batch Kode (Nation) Part Name van Partye/Names of Parties ma/Name of Firm 1 209 RANell 2 13 3 HANDED IN FOR EXECUTION 4 5 6 7 Ref. W736 Waltons Stationery Co. 8 9 10 SHAMEEMAH NAIDOO-BRENNER REGISTRASIE VERSOEK DEUR: REGISTRATION REQUESTED BY: 07 MAY 2024 (91986)DATUM:

DATE:

209

CTN01560

(Kort beskrywing van eiendom (slegs para 1 in Akte) Brief description of property (merely para 1 in Deed)

209

TERBLANCHE SLABBER PIETERS INC 8 TRUTER STREET MALMESBURY 7300 Prepared by me

JACOBUS HENDRIK \$LABBER (80297)

| | | 3,100 | | | |
|--|-----------------------|-----------------------------------|--|--|--|
| Deeds Office Registration fees as per Act 47 of 1937 | | | | | |
| | Amount | Office Fee | | | |
| Purchase Price | R 5600 000 | R 7596,00 | | | |
| Reason for exemption | Category Exemption | Exemption i t o. Sec/Reg Act/Proc | | | |

T 000026836/2024

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

SHAMEEMAḤ NAIDOO-BRENNER (91986)

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by JACOBUS HENDRIK SLABBER by virtue of a Special Power of Attorney signed at MALMESBURY on 12 OCTOBER 2023 granted to him/her by

REO ANDRÉ NELL

Identity Number 531216 5017 08 2 Married out of community of property

which said Power of Attorney was signed at MALMESBURY on 19 APRIL

DATA / CAPTURE 0 9 -05- 2024 VUÝEĽWA LAMANI



And the appearer declared that his/her said principal had, on 20 June 2023, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

COASTAL COVE PROPRIETARY LIMITED

Registration Number 2023/792521/07

or its Successors in Title or assigns, in full and free property

ERF 745 YZERFONTEIN

In the Swartland Municipality Division Malmesbury Province of the Western Cape

IN EXTENT 1005 (ONE THOUSAND AND FIVE) Square metres

FIRST TRANSFERRED by Deed of Transfer T46763/1982 with General Plan TP10296 relating thereto and held by Deed of Transfer T64133/2013

- A. SUBJECT to the conditions referred to in Deed of Transfer 1832/1915 (Paragraph III)
- B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer T46763/1982 imposed by the Administrator at the time of the proclamation of YZERFONTEIN EXTENSION No. 3 in terms of Ordinance 33/1934:
 - "Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenisse as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing No 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 bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is, voorkeur geniet. Enige bepaling van hierdie voorwaardes moet nie opgevat word as sou dit die bepalings van artikel 17 van Ordonnansie Nr 19, soos gewysig, vervang 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 die rioolvuil en dreinering, 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 in 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 of te verwyder of te inspekteer.

T)

Lexis® Convey 18.3.4.4

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 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)

(b)

- (c) By die konsolidasie van hierdie erf of enige gedeelte daarvan met enige aangrensende erf wat onderworpe is aan dieselfde voorwaardes as die wat hierin uiteengesit word, is hierdie voorwaards 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 derglike doeleindes, onderworpe aan die voorwaardes hierin uiteengesit asof dit die oorspronklike erf is.
- Geen direkte voertuigtoegang vanaf hierdie erf tot die aangrensende pad aan sy suidelike grens sal toegelaat word nie en hierdie erf sal ook onderworpe wees aan 'n 2m boulyn vanaf genoemde pad.

8.



exis® Convey 18.3.4.4

WHEREFORE the said Appearer, renouncing all rights and title which the said

REO ANDRÉ NELL, Married as aforesaid

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

COASTAL COVE PROPRIETARY LIMITED Registration Number 2023/792521/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R5 000 000,00 (FIVE MILLION RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, 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 at CAPE TOWN on 2024

0.7 MAY 2024

q.q.

In my presence

REGISTRAR OF DEEDS

1

209

TERBLANCHE SLABBER PIETERS INC 8 TRUTER STREET MALMESBURY 7300 1-6 Rr

Prepared by me

JACOBUS HENDRIK SLABBER (80297)

POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned, JACOBUS HENDRIK SLABBER, duly authorised hereto by virtue of a Special Power of Attorney dated at MALMESBURY on 12 October 2023 and granted to me by

REO ANDRÉ NELL

Identity Number 531216 5017 08 2
Married out of community of property

do hereby nominate and appoint JUDY SMIT (94444) AND/OR OCKERT JEAN PIETERS (83351) AND/OR TARIQ FAEEZ FIGLAND (94528) AND/OR SHAMEEMAH NAIDOO-BRENNER (91986) AND/OR KAYLA ANESIA ADAMS (100899)

with power of substitution to be my true and lawful Attorney and Agent in my name, place and stead to appear at the Office of the REGISTRAR OF DEEDS at CAPE TOWN or any other competent official in the Republic of South Africa and then and there to act as my Attorney and Agent and to pass transfer to:

COASTAL COVE PROPRIETARY LIMITED

Registration Number 2023/792521/07

the property described as:

ERF 745 YZERFONTEIN

In the Swartland Municipality Division Malmesbury Province of the Western Cape

IN EXTENT 1005 (ONE THOUSAND AND FIVE) Square metres

HELD BY Deed of Transfer Number T64133/2013

the said property having been sold by me on 20 June 2023, to the said transferee/s for the sum of R5 000 000,00 (Five Million Rand)

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at MALMESBURY

ON 19 APRIL 2024

in the presence of the undersigned witnesses.

AS WITNESSES:

1. Settlett

JACOBUS HENDRIK SLABBER

. Wetter



209

TERBLANCHE SLABBER PIETERS INC 8 TRUTER STREET MALMESBURY 7300



Prepared by me

JACOBUS HENDRIK SLABBER (80297)

SPECIAL POWER OF ATTORNEY

(appointing an agent to sign transfer documents on behalf of a transferor)

I, the undersigned

REO ANDRE NELL

Identity Number: 531216 5017 08 2 Married out of community of property

being the owner of the under-mentioned property, namely -

ERF 745 YZERFONTEIN

IN THE SWARTLAND MUNICIPALITY DIVISION MALMESBURY PROVINCE OF THE WESTERN CAPE

IN EXTENT 1 005 (one thousand and five) Square metres

HELD BY Deed of Transfer T64133/2013

do hereby declare that I did on 20 June 2023 sell or otherwise alienate or dispose of the said property to $-\,$

COASTAL COVE (PTY) LTD

Registration Number: 2023/792521/07

And I do hereby nominate, constitute and appoint -

JACOBUS HENDRIK SLABBER

Identity number: 660825 5192 08 4 Married out of community of property

with power of substitution to be my true and lawful attorney and agent, in my place and stead and on my behalf to sign and execute a special power of attorney appointing any duly admitted and practising conveyancer to appear before the Registrar of Deeds or other competent official anywhere in the Republic of South Africa, on my behalf to execute and pass transfer of the said property to and in favour of the said transferee, and in the case of a sectional title unit and/or any right of exclusive use, such application and/or notarial deed of cession, as the case may be, including any special power of attorney that may be required for the said purposes, together with all declarations and such other documents as may be necessary or expedient for the purposes of registration of transfer and/or cession aforesaid, and generally to do whatsoever shall be necessary or requisite to make the said transfer valid and effectual in every respect, and generally to fulfil the purposes of this authority as fully and effectually to all intents and purposes as I could do if personally present and acting herein, hereby ratifying, allowing and confirming, and promising to ratify, allow and confirm all and whatsoever my said attorney and agent shall lawfully do or cause to be done by virtue of these presents.

Signed at Malmesbury on 12 October 2023 in the presence of the undersigned witnesses.

AS WITNESSES:

L

REO ANDRE NELL

2 POST WOOD





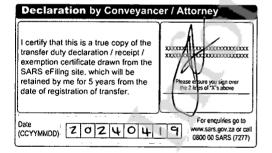
TDREP

Reference Details

Transfer Duty Reference Number: TDE05A82AE

| Details | | |
|--|---|---|
| Details of Seller / Tr | ansferor / Time Share Company | |
| Surname / Registered Namo | NELL | Full Name REO ANDRÉ |
| ID Number | 5312165017082 | Date of Birth (CCYYMMDD) 1953-12-16 |
| Passport Country | ZAF | Passport Number |
| Company / CC / Trust Reg No. | | Marital Status M.O.C OF PROPERTY |
| Marital Notes if applicable | South Africa | Spouse Initials |
| Details of Purchase | r / Transferee | |
| Full Name | COASTAL COVE PROPRIETARY LIMITED | Surname / Registered Name COASTAL COVE PROPRIETARY LIMITED |
| Company / CC / Trust Reg No. | 202379252107 | Marital Notes if applicable |
| Details of the Prope | rty | |
| Date of Transaction/Acquisition | n (CCYYMMDD) 2023-06-20 | |
| Total Fair Value | R 5000000.00 | Total Consideration R 5000000.00 |
| Calculation of Duty | and Penalty / Interest | |
| Transfer Duty Payable on Natural Person | R 5000000.00 | |
| Property Descriptio | n | |
| 1 ERF /45 YZERFONTEIN | In the Swartland Municipality Division Malmesbury Province of the | Western Cape IN EXTENT 1005 (ONE THOUSAND AND FIVE) Square metres |

| Receipt | | | 7 | | |
|--------------------------------|-------------|-----|-------------|------------|---|
| Receipt Details | | | 1 | | |
| Transfer Duty Reference Number | TDE05A82AE | A 7 | Receipt No. | 1201111928 | *************************************** |
| Receipt Amount | R 350496.67 | | | | |



JACOBUS HENDRIK SLABBER Practicing Attorney & Conveyancer

Commissioner of Oaths for RSA 8 Truter Street, Malmesbury

REF. NO: TDE05A82AE

v 2016.01.08

001/001 Page

CERTIFICATE IN TERMS OF SECTION 118 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT No. 32 OF 2000) (AS PRESCRIBED IN TERMS OF SECTION 120 OF ACT No. 32 OF 2000)



In terms of Section 118 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), it is hereby certified that all amounts that became due to SWARTLAND MUNICIPALITY in connection with the under mentioned property situated within that Municipality for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for this certificate, have been fully paid.

440007450026

R 5 000 000.00

20 June 2023

DESCRIPTION OF PROPERTY:

ERF 745 YZERFONTEIN IN THE SWARTLAND MUNICIPALITY DIVISION MALMESBURY PROVINCE OF THE WESTERN CAPE

MUNICIPAL REFERENCE NUMBER:

SELLING PRICE:

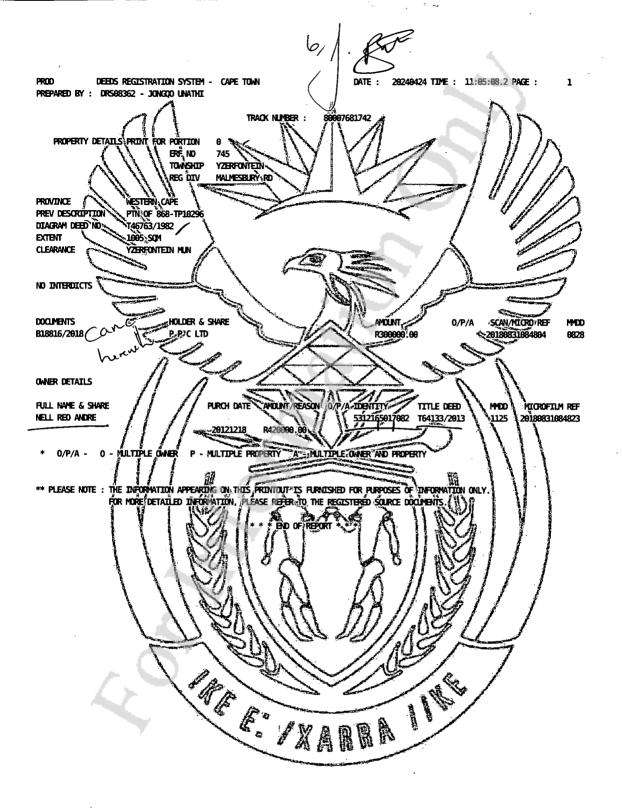
DATE OF SALE:

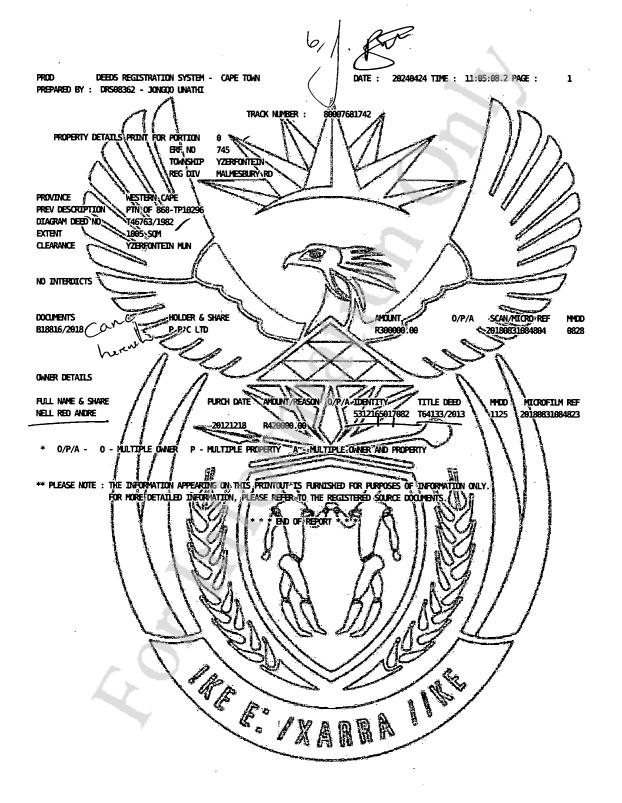
IN EXTENT 1005 (ONE THOUSAND AND FIVE) Square metres

| TYPE OF TRANSACTION: | Private Treaty |
|-----------------------------------|--|
| DATE OF POSSESSION: | Date of registration |
| CONVEYANCER: | TERBLANCHE SLABBER PIETERS INC |
| | Telephone: 022 125 0470 8 TRUTER STREET, MALMESBURY, 7300 |
| | 6 TROTER STREET, MALMESBURT, 7300 |
| TRANSFEROR(S): | REO ANDRÉ NELL |
| ` ' | Identity Number 531216 5017 08 2 |
| - (| Married out of community of property |
| (.) | Address(s): 4 Skilpad Crescent, Yzerfontein |
| | Contact no: 081 435 9388 - handahardwarepty@gmail.com |
| | \forall |
| TRANSFEREE(S): | COACTAL COVE PROPRIETARY, MAITER |
| · · | COASTAL COVE PROPRIETARY LIMITED Registration number: 2023/792521/07 |
| | |
| | Address(s): 1 Duiker Avenue, Yzerfontein |
| 7 | Contact no.: 082 929 0190 - clevebeukman@hotmail.com |
| ADDRESS AFTER POSSESSION: | 1 Duiker Avenue, Yzerfontein, 7351 |
| | |
| سيد (١) | |
| Signature of Applicant: | Date: 19 April 2024 |
| | <i></i> |
| This certificate is valid until18 | fune zozy |
| Given under my hand at Malm | nesbury on 19 April zory |
| Civen under my hand at | 011 |
| MUNICIPAL MANAGER | |
| SWARTLAND MUNICIPALITY | TI AND MUNISIPAL |
| WA | Authorized Official |
| <i>II</i> / | 1 0 ADD 2026 \ \\ |
| ((*(| 19 AFR 2024)* |
| (Sh | |

RTLAND MUNICIF







1 1 com 2 10 0

10296 SHT.1

THIS PLAN COMPRISES 2 SHEETS SHEET No 1

CO-ORDINATE SYSTEM Lo 19° Constant • 70000,00Y • 3600000,00X AREAS BLOCK CORNERS MAIN FIGURE Ert Sq.m Erf Sq.m Y Metres X 7 733,59 +90 802,68 712 7 689,51 +90 783,06 713 7 629,19 +90 653,76 714

| Section | Process | Proc

TΡ

General Plan No 10296 of

Yzerfontein Township Ext No 3

(YZERFONTEIN ALLOTMENT AREA)

Comprising 129 Erven designated Erven 712 -727, 729 - 780, 782 - 841 and 865 Yzerfontein, 2 Public Places designated Fryen 728 and 781 Yzerfontein and the streets situate on Erf 868 Yzerfontein at Yzerfontein in the Administrativ District of Malmesbury, Province of Cape of Good Hope. Vide S.G. Diagram No 1263 / 1981 annexed to C.C.T. 1981 52063

Scale 1:750

Surveyed in February 1973 - December 1980. as Thomas Johnson

DESCRIPTION OF BEACONS.

A. Iron standard. B.-J. N. 16mm. round iron peg 25mm, iron pipe. RMI-RM4, 20mm, round iron peg In concrete, flush. RM5-RM10. 12mm round iron peg 250 mm below ground level. All other beacons are 12mm round iron pegs.

SERVITUDE NOTES

The line ab, gh represents the southern boundary, bodefg and hij the western boundary of an 4 metre wide underground cable servitude vide dgm no. 1447/2011 annexed to K \$32/poxs*

S.G. No 1258 / 1981

f Surveyor General 1981-06-29.

ADMINISTRATOR'S APPROVAL AF 68/1/145 DATED 1980 - 06 - 10

NOTIFIED AS AN APPROVED TOWNSHIP

NOTICE NO PN 770/1981 CATED 11-12-1981 OFFICIAL GAZETTE NO 4190

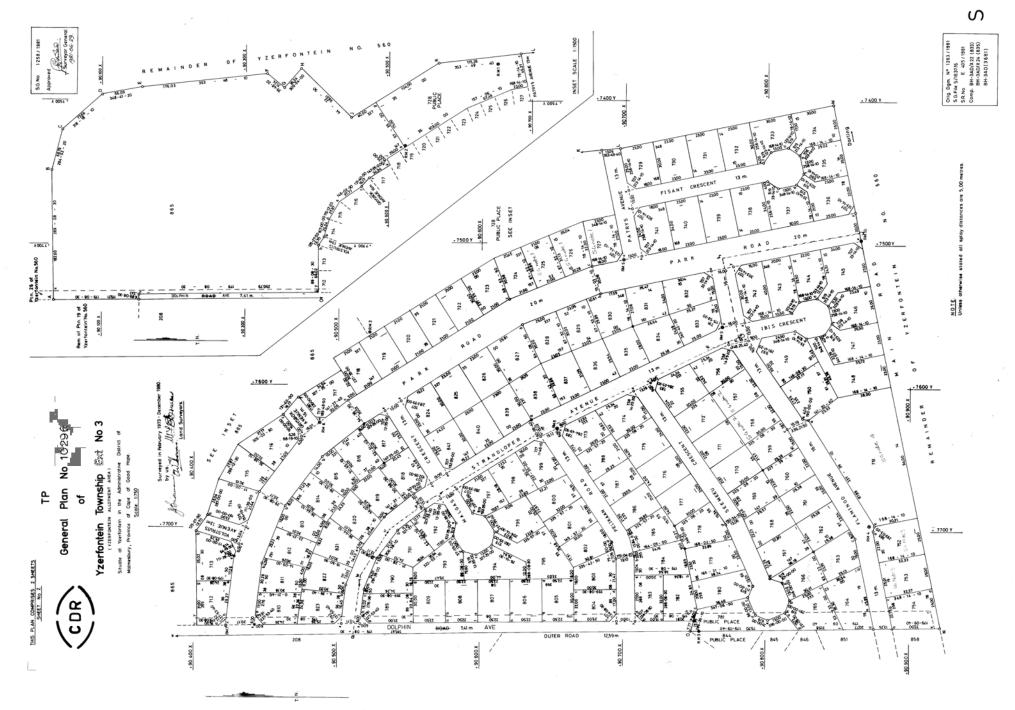
| ENDORSEMENTS | | | | | |
|--------------|-----------|----------|-----------|------|------|
| NO. | AMENDMENT | ADDITION | AUTHORITY | INTO | DATE |
| | | | | | |

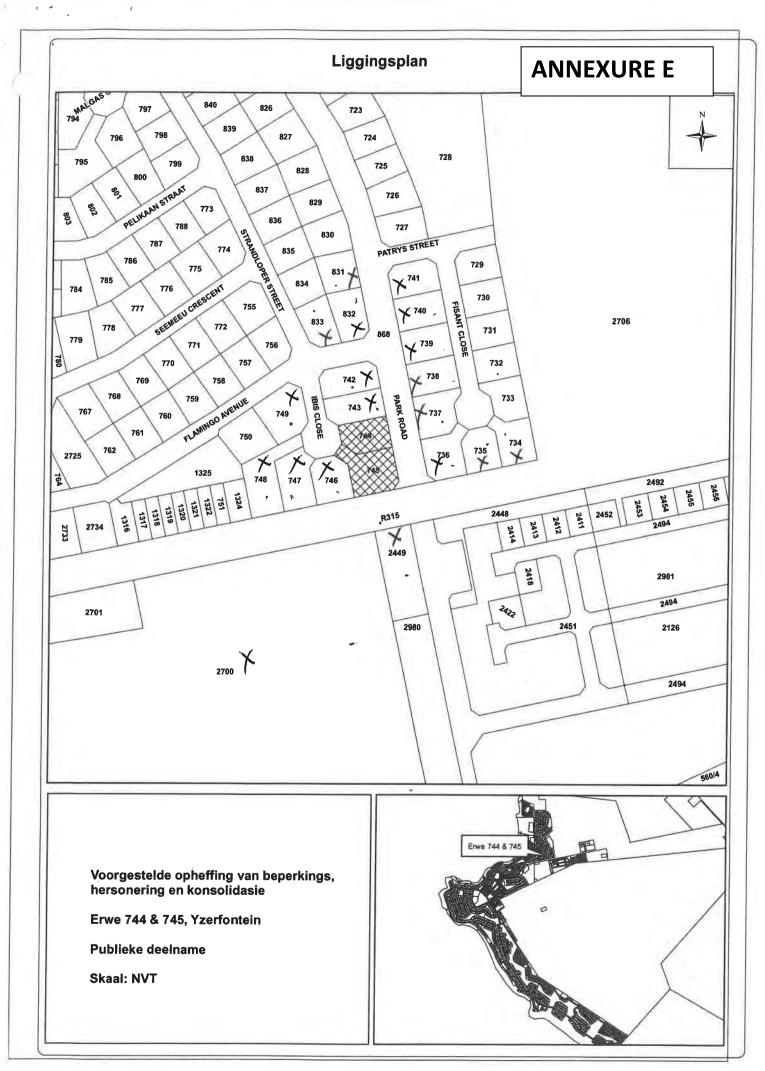
S.G. OFFICE COLUMN

182

1. Erven 725 - 727 consol Erf 1410 (Dgm 2163 / 91) 2. Erven 757 & 758 in consol vide dgm 3356/2004 Erf 2124 3. Erven 752 and 753 consolidated vide 1151/2009 erf 2:27 4. Erf 781 France wide dgm 6101/1986 5. Erven 763 and 766 consolidated vide SG1686/2016erf 2725

Orig. Dam. 1263 / 1981 S.G.File S/1637/6 S.R.No E. 405 / 1981 Comp. BH-3AD/X22 (833) BH-3AD/X 24 (835) BH-3AD (3681)





ANNEXURE F

Sel: 0824520189

Sel: 0824440656

HJL van Zyl

Posbus 82

WOLSELEY

6830

10 September 2024

Die Munisipale Besetuurder

Swartland Munisipaliteit

Malmesbury

7299

AANDAG: MNR. ALWYN BURGER EN HERMAN OLIVIER

Meneer

VOORGESTELDE HERSONERING,KONSOLIDASIE EN OPHEFFING VAN BEPERKENDE TITEL VOORWAARDES OP ERWE 744 EN 745, YZERFONTEIN(KENNISGEWING 17/2024/2025)

Hiermee my beswaar vir die hersonering, konsolidasie en opheffing van erwe.

Ek is die eienaar van erf 742 en gee nie my toestemming vir die konsolidasie van die twee erwe nie en ook nie die hersonering van erf 744 nie.

REDES:

Ek het my erf gekoop en huis gebou om te kan aftree in Yzerfontein. Dit was toe nog `n klein en rustige dorpie waar `n rustige aftrede vir my was. Ek wil nie tussen `n klomp winkels en spitsverkeer en mense wat heeldag die winkels ens. besoek bly nie, wat in die geval gaan gebeur.

Ek is totaal gekant teen die deurry na die singel toe. Dit maak die verkeer in Ibis single ook baie besig. Ek sal dan elke dag Parkstraat, Flamingo laan en Ibis singel se besig verkeer moet verduur, waarvoor ek defnitief nie kans sien nie. Met die koop van my erf was daar geen sprake van `n winkelsentrum wat daar gaan oopmaak nie.

Parkering gaan 'n groot probleem wees, waar gaan al die motors, en afleweringsvoertuie parkeer?. In hierdie geval gaan die singel toe geparkeer word. Byvoorbeeld, 2 voertuie per besigheid plus een voertuig per eienaar, maak dit al klaar 'n totaal van 30 voertuie en dan is die kliënte se voertuie en aflewerings voertuie nog nie eens in berekening gebring nie.

Die omgewing sal defnitief nie meer veilig wees vir ouer persone, kinders en mense wat met hulle troeteldiere gaan stap nie.

Veiligheid gaan ook `n probleem raak, hoe gaan die winkel eienaars verseker dat daar nie rondlopers en kwaaddoeners ronddwaal nie. Daar is `n winkelsentrum met dr.s spreekkamers in die dorp en daarom is daar geen dringendheid dat daar nog `n winkelsentrum oopgemaak moet word in die woongebied nie. Die vorige eienaar wat die hardeware winkel daar gehad het, het ons toe al onder `n vals indruk gebring. Dit sou net `n woonstel gewees het met `n tydelike hardeware winkel solank daar `n ander een gebou word en toe was dit op die ou end `n besigheid wat permanent was.

Ek is jammer, maar ek **kan nie my toestemming gee nie**, ek gaan nie my tyd van aftrede met baie rus en vrede laat ontsier deur 'n winkelsentrum op my voorstoep nie.

Ek kan gekontak word by 082 45 20 189(Hennie) of indien daar nie antwoord is nie my kantoor by 082 444 06556(Marina). Ons het soms netwerk probleme, maar u kan `n mail ook stuur na konstruksie@breede.co.za en schalk.vandermerwe@seeff.com.

Groete

Hennie van Zyl

0824520189

Hersonering van erwe 744 en 745

Tobias Lochner Bester

Epos: lochner@hpf1855.co.za

Cell: 082 904 1245

Hermanuspietersfontein Boerdery

Posbus 886

Stanford 7210

Kommunikasie moet per epos geskied: lochner@hpf1855.co.za

Ek Tobias Lochner Bester eienaar van erf 740 teken beswaar aan teen:

Voorgestelde Hersonering, Konsolidasie en opheffing van beperkte title voorwaardes op erwe 744 en 745 Yzerfontein(Kennisgewing 17/2024/2025)

My redes is as volg:

- 1. Daar is reeds 'n winkelsentrum aan die onderpunt van Park straat net voor die karavaan park. Dit is reeds jare daar.
- 2. Daar is ook 'n groot winkelsentrum wat die Spar, ander winkels asook die garage huisves, ongeveer 200-meter vanaf voorgestelde area, 1 Mainroad Yzerfontein.
- 3. Daar is ook reeds mediese praktyke in Yzerfontein. Dit is 55 Buitekant straat Yzerfontein.
- 4. Daar is ook 'n winkelsentrum by Villa Fontana.

Om al die sewe winkels, mediese praktsyn en woonstelle te bou, saam met pakering vir al die werkers, woonstel huurders en klante gaan net veroorsaak dat dat die publiek inwoners se ingang na hul erwe gaan blok. Ek is nie 'n argitek nie, maar ek kan met sekerheid se dat julle nie voldoende parkering gaan he nie en of die pakering gaan nie aan munisipale vereistes voldoen nie. Die winkels gaan baie klein wees en definitief die verkeerde winkel eienaars trek.

Die ekstra winkels gaan die rustigheid van die area heel temal weg vat. Daar gaan vroeg oggende en laat aande aflewerings voertuie, ensovoorts wees. Die winkels gaan ook ongewenste ellemente trek, wat die risiko vir misdaad gaan verhoog. Dit is ook altyd vuil en raserig om winkel sentrums. Daar gaan ook 'n toename in verkeer, taxi,s en voetgangers op die pad wees.

Ook gaan dit gaan my eiendom se waarde baie negatief beinvloed.

Die eienaars van die winkelsentrum kan geen waarborge gee dat die sentrum 'n positiewe bydrae gaan wees vir die gedeelte van Yzerfontein nie.

Die eienaars en of aandeelhouers van die sentrum sal ook nie naby die sentrum wil bly nie. Hulle wil ook nie so iets by hulle huise hė nie, maar hulle verwag dit van ons wat daar bly.

Byvoorbaat dank

Lochner Bester

ANNEXURE H

From: Terence Warwick <terence@photosbyterence.co.za>

Sent: Tuesday, 17 September 2024 02:06

To: Registrasie Email <RegistrasieEmail@swartland.org.za> **Subject:** RE the rezoning of erf 744 with erf 745 - Park Street

Importance: High

Attention the municipal manager,

I reside at the dwelling on erff742.

After viewing the plans for the proposed commercial site on erf 744 and erf745, I strongly oppose the granting of erf744 commercial rights and to be consolidated with erf 745.

I do not feel that there is sufficient parking for the number of shops and medical centre that is proposed. Where will the excess vehicles park?

Vehicles of shop staff must be taken into consideration as well as customers and delivery trucks. With the properties (erf 745 and erf 744)having access to lbis Close, this will cause increase in traffic to what is now a quiet residential close. Vehicles exiting the parking area including delivery trucks, will increase the noise and traffic and will endanger small children, pets that are now relatively safe in a quiet close.

Ibis Close will also be used as an extra parking area when the parking on erf 744 and 745 is full. The Close cannot accommodate parking and this will force vehicles to be parked on the grass verges under trees, and also blocking drive ways etc... causing inconvenience to residence and extra noise which will be a disturbance not only to residents but the dogs as well.

Even if there is no vehicle access from the parking lot and a pedestrian gate is provided, Ibis Close would still be used as a convenient parking place for customers/staff to access the commercial area on foot.

As the centre becomes more popular customer's vehicles will also be parked in Park Street possibly obstructing the drive way of erf 743 or under the trees by erf 742. This again will be a disturbance to these residents and dogs....and erfs 739, 738, 737 and 736.

We have not been informed as to the trading hours for the proposed shops. If a small convenience store opens till late at night, this again will cause more traffic in Park Street and a high noise disturbance at night. A restriction will have to be put on the trading hours of the proposed shops.

As for the two studio apartments, what regulation is in place that will stop these apartments from becoming business or shops in the future?

Is there a restriction to the amount of people residing in these apartments. I see that there is only three parking bays allocated these residents.

I find that the plans provided with your notice in the PDF file to be unreadable even when enlarged. Has the extra water usage been taken into consideration and the location of septic tanks is not shown on the plans.

No indication is given whether the parking area would be a walled and gated area. If left unwalled this could well be used as a future taxi rank, which again poses additional traffic and noise for residents.

I trust that my concerns will be taken into consideration when I ask that erf 744 not be rezoned for commercial purposes.

I further ask that the decision taken by the municipality in this regard be conveyed to us in writing for our perusal and to inform other interested parties of your decision in this matter

Yours faithfully, T Warwick 082 68 3440

1 Flamingo Avenue, Yzerfontein

ANNEXURE I

CK RUMBOLL & VENNOTE / PARTNERS

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

DATUM / DATE: 7 October 2024 Our Ref: YZER/13883/NJdK

Swartland Ref: 15/3/6-12/Erf-744,745

PER HAND

Attention: Mr A Zaayman

The Municipal Manager Swartland Municipality Private Bag X52 MALMESBURY 7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED REZONING, REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND CONSOLIDATION OF ERVEN 744 AND 745, YZERFONTEIN

Your letter dated 1 October 2024 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by Mr Cleve Beukman, as owner of Erven 744 and 745 to handle all town planning actions to address the objections on these erven.

During the public participation period, comments were received from the following objectors:

- Hennie van Zyl (Erf 742)
- Lochner Bester (Erf 740)
- Terence Warwick (Tenant of Erf 742)

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845



Figure 1: Erven 744 and 745 and surrounding objectors.

| Objector | Objection | Comment from CK Rumboll & Partners |
|----------------|--|--|
| Hennie van Zyl | 1. I bought this property for my retirement | 1. The only reality or certainty we have in this |
| (Erf 742) | and the additional shops and traffic will | business of Land Use Planning and Physical |
| , | hinder my peace. The thoroughfare to | Planning of properties is that what we have |
| | Ibis Single will also enhance the traffic in | today in front of us will change. The following |
| | the area, which I am against. | is an extract from the Swartland SDF: |
| | | "Support smaller supporting business uses |
| | | along activity streets." According to the 2023- |
| | | 2027 Spatial Development Framework, Erven |
| | | 744 and 745 are located adjacent to an |
| | | activity street (Park Road) and activity |
| | | corridor (R315) that encourages higher order |
| | | development, like what is being proposed. |
| | | Since Erven 745 and 831 already has |
| | | business rights, it is clear that this area and |

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especially Park Street is envisioned for future business uses. See figure 1 below for existing zoning map.



Figure 1: existing zoning

Since the property will accommodate shops, medical consulting rooms and flats, access to the uses can be split. The shops and medical consulting rooms will receive access from Park Street and the two flats will receive access from Ibis Crescent. Traffic via Ibis Crescent will therefore be very limited as it will only give access to two flats or three parking bays.

2. Parking will be a major problem. Where will all the motors and delivery vehicles park? The traffic to Ibis Single will increase drastically due to this proposal.

2. The parking for the proposed development is calculated as follow:

Flats / studio apartment:

1.25 bays per unit

0.25 bays per unit for visitors

= 1.5 bays per unit x 2 units

= 3 parking bays

Shops:

1 bay per 25m2 GLA

 $= \pm 386 \text{m}^2 (7 \text{ shops}) \div 25 \text{m}^2$

= 15.44

=16 parking bays

Medical room/s:

4 bays per consulting room x unit

= 4 parking bays

VENNOTE / PARTNERS:

| | | Loading Bay: 1 required and 1 provided Total of 23 parking bays required and a total of 24 will be provided More than the required parking bays will be provided on site. The parking bays are therefore sufficient to accommodate the development. |
|--------------------------------------|---|---|
| | The area will no longer be save for the elderly, children and residents to walk with their pets. | This statement is subjective and not objective. No reasons or facts are provided that will state this objection. |
| | Safety will also be a problem. How will the shop owners ensure that vagrants and miscreants don't wander around? | 4. Safety of the area is not the concern of the shop owners or the land owner/s. The safety of the area is the responsibility of the South African Police Service. The application may not be negatively influenced by the speculation that safety in the area will decrease. |
| | There is an existing shopping centre with Doctor consulting rooms in town, therefore there is no need for another one in town. | 5. The following is an extract from the Swartland SDF: Increase density by 2027 from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein. |
| | | With the increase of density in residential areas, the need for additional shops and medical facilities will also need to increase to cater the additional demand in Yzerfontein. The proposal can therefore be favorably considered. |
| | 6. The previous owner of the hardware store gave a false impression of what was to be proposed. It was supposed to be temporary but later turned into a permanent business. | Noted. Since the property was approved to be rezoned to Business Zone 2, this was not a temporary use but permanent. |
| Terence Warwick (Tenant of Erf | 7. There is not sufficient parking to accommodate the proposed development. Where will the excess | 7. Refer to point 2 above. |

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742) vehicles park? Vehicles of shop staff must be taken into consideration as well as customers and delivery trucks. 8. With the properties (erf 745 and erf 744) 8. As mentioned in point 1 and 2 above, only the having access to Ibis Close, this will two proposed flats, which will have a very cause increase in traffic to what is now a limited traffic impact, will gain access from Ibis quiet residential close. Vehicles exiting Crescent. The proposed shops and medical the parking area including delivery consulting rooms will gain access from Park trucks, will increase the noise and traffic Street. Sufficient parking bays and loading and will endanger small children, pets bays will be provided for the proposed uses that are now relatively safe in a quiet according to the requirements of the Swartland close. Ibis Close will also be used as an Municipal Land Use Planning By-Law (2020). extra parking area when the parking on erf 744 and 745 is full. The Close cannot accommodate parking and this will force vehicles to be parked on the grass verges under trees, and also blocking drive ways etc...causing inconvenience to residence and extra noise which will be a disturbance not only to residents but the dogs as well. 9. Even if there is no vehicle access from 9. Refer to point 8 above. the parking lot and a pedestrian gate is provided, lois Close would still be used as a convenient parking place for customers/staff access the to commercial area on foot. As the centre becomes more popular customer's vehicles will also be parked in Park Street possibly obstructing the drive way of erf 743 or under the trees by erf 742. This again will be a disturbance to these residents and dogs...and erfs 739, 738, 737 and 736.

| | 10. We have not been informed as to the trading hours for the proposed shops. If a small convenience store opens till late at night, this again will cause more traffic in Park Street and a high noise disturbance at night. A restriction will have to be put on the trading hours of the proposed shops. | The proposed development will comply with the trading hours of the Swarltand By-Law. This will ensure that the surrounding neighbours are taken into consideration. |
|----------------|---|---|
| | 11. As for the two studio apartments, what regulation is in place that will stop these apartments from becoming business or shops in the future? Is there a restriction to the amount of people residing in these apartments. I see that there is only three parking bays allocated these residents. | A new land use application will need to be submitted to change the use of the flats to business. The amount of parking bays on the property will also limit the business use instead of the proposed flats. There are no restrictions limiting the amount. |
| | parking bays anocated these residents. | of residents living in a flat. |
| | 12. Has the extra water usage been taken into consideration and the location of septic tanks is not shown on the plans. | 12. The Swartland Engineering Department will have to provide comment whether sufficient services are available. |
| | No indication is given whether the parking area would be a walled and gated area. If left unwalled this could well be used as a future taxi rank, which again poses additional traffic and noise for residents | The parking area will be fenced to ensure that only one delegated entry and exit point is used from Park Street. |
| Lochner Bester | 13. I am against the proposal due to the following reasons: | 13. Noted. Refer to point 1 and 5. |
| (Erf 740) | 13.1 There is an existing shopping centre near the caravan park, which have been there for years.13.2 There is also a large shopping centre that houses the Spar and other shops approximately 200m from the proposal.13.3 There are also existing medical | |

| consulting rooms in Yzerfontein. 13.4 There is also a shopping centre at Villa Fontana. | |
|---|---|
| 14. To accommodate all these uses on the property will cause the surrounding neighbours accesses to be blocked. | 14. It is uncertain how this development will block any of the surrounding neighbours access points. |
| 15. There will not be sufficient parking to accommodate all the uses and the small business spaces will attract the wrong shop owners. | 15. Refer to point 2 above. |
| 16. The additional shops will decrease the peace and quiet of the area. The shopping centre will attract early morning and late night deliveries. | 16. Noted. |
| 17. The shops will also attract vagrants and miscreants, which will increase crime in the area. | 17. Refer to point 4. |
| 18. It is also dirty and noisy around shopping centres and will increase traffic in the area. | 18. Noted. The land owners will arrange will cleaning services to keep the site nice and tidy. |
| 19. The development will also decrease the value of my property. | 19. The Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: "A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome." |

- 20. The owner of the property cannot guarantee that the proposed shopping centre will have a contribute positively to Yzerfontein
- 20. Since the proposed development will create numerous new job opportunities and have capital investment in Yzerfontein, it is safe to say that it will have a positive contribution to the town.

Considering the above, the owners of Erven 744 and 745 will contribute to the guidelines and objectives of the Swartland Spatial Development Framework. It will also contribute to job creation and residential accommodation in Yzerfontein. The application should therefore be encouraged by the municipality.

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

Kind regards

NJ de Kock

For CK RUMBOLL AND PARTNERS

| | | | Annexure A |
|--|--|-----------------------------|-------------------------------------|
| | | | Objections |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | VENNOTE / PARTI | NERS: | |
| IHJ RumbollPrL (SA), BSc ADDRESS/ ADRES: admir | (Surv), M.I.P.L.S., AF n@rumboll.co.za / PO B MALMESBURY (T) 0 | ox 211 / Rainierstr 16, Mal | Surv), M.I.P.L.S. Imesbury, 7299 |







File ref: 15/3/3-12/Erf_744,745

15/3/5-12/Erf_744, 745 15/3/6-12/Erf-744, 745

Enquiries: Ms D N Stallenberg

30 September 2024

C K Rumboll & Partners P O Box 211 MALMESBURY 7299

Dear Sir/Madam

OBJECTIONS: PROPOSED REZONING, REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND CONSOLIDATION OF ERVEN 744 AND 745, YZERFONTEIN

Your application with reference YZER/13883/NJdK dated 29 July 2024 refers.

Kindly find attached the objection received by Hennie van Zyl, Lochner Bester and Terence Warwick during the commenting period.

In terms of Section 65 of the Swartland Municipality: Municipal Land Use Planning By Law (PG 8226 of 25 March 2020) you are hereby requested to submit comments on the objections within 30 days from the date of this letter.

Yours sincerely

MUNICIPAL MANAGER

per Department Development Services

/ds

Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
Swartland forward thinking 2040 - where people can live their dreams!
ISwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

Sel: 0824520189

Sel: 0824440656

HJL van Zyl

Posbus 82

WOLSELEY

6830

10 September 2024

Die Munisipale Besetuurder

Swartland Munisipaliteit

Malmesbury

7299

AANDAG: MNR. ALWYN BURGER EN HERMAN OLIVIER

Meneer

VOORGESTELDE HERSONERING,KONSOLIDASIE EN OPHEFFING VAN BEPERKENDE TITEL VOORWAARDES OP ERWE 744 EN 745, YZERFONTEIN(KENNISGEWING 17/2024/2025)

Hiermee my beswaar vir die hersonering, konsolidasie en opheffing van erwe.

Ek is die eienaar van erf 742 en gee nie my toestemming vir die konsolidasie van die twee erwe nie en ook nie die hersonering van erf 744 nie.

REDES:

Ek het my erf gekoop en huis gebou om te kan aftree in Yzerfontein. Dit was toe nog `n klein en rustige dorpie waar `n rustige aftrede vir my was. Ek wil nie tussen `n klomp winkels en spitsverkeer en mense wat heeldag die winkels ens. besoek bly nie, wat in die geval gaan gebeur.

Ek is totaal gekant teen die deurry na die singel toe. Dit maak die verkeer in Ibis single ook baie besig. Ek sal dan elke dag Parkstraat, Flamingo laan en Ibis singel se besig verkeer moet verduur, waarvoor ek defnitief nie kans sien nie. Met die koop van my erf was daar geen sprake van `n winkelsentrum wat daar gaan oopmaak nie.

Parkering gaan 'n groot probleem wees, waar gaan al die motors, en afleweringsvoertuie parkeer?. In hierdie geval gaan die singel toe geparkeer word. Byvoorbeeld, 2 voertuie per besigheid plus een voertuig per eienaar, maak dit al klaar 'n totaal van 30 voertuie en dan is die kliënte se voertuie en aflewerings voertuie nog nie eens in berekening gebring nie.

Die omgewing sal defnitief nie meer veilig wees vir ouer persone, kinders en mense wat met hulle troeteldiere gaan stap nie.

Veiligheid gaan ook `n probleem raak, hoe gaan die winkel eienaars verseker dat daar nie rondlopers en kwaaddoeners ronddwaal nie.

Daar is 'n winkelsentrum met dr.s spreekkamers in die dorp en daarom is daar geen dringendheid dat daar nog 'n winkelsentrum oopgemaak moet word in die woongebied nie. Die vorige eienaar wat die hardeware winkel daar gehad het, het ons toe al onder 'n vals indruk gebring. Dit sou net 'n woonstel gewees het met 'n tydelike hardeware winkel solank daar 'n ander een gebou word en toe was dit op die ou end 'n besigheid wat permanent was.

Ek is jammer, maar ek kan nie my toestemming gee nie, ek gaan nie my tyd van aftrede met baie rus en vrede laat ontsier deur 'n winkelsentrum op my voorstoep nie.

Ek kan gekontak word by 082 45 20 189(Hennie) of indien daar nie antwoord is nie my kantoor by 082 444 06556(Marina). Ons het soms netwerk probleme, maar u kan `n mail ook stuur na konstruksie@breede.co.za en schalk.vandermerwe@seeff.com.

Groete

Hennie van Zyl

0824520189

Delmary Stallenberg

From:

Hennie van Zyl <konstruksie@breede.co.za>

Sent:

17 September 2024 09:14

To: Cc: Delmary Stallenberg Herman Olivier

Subject:

FW: RE the rezoning of erf 744 with erf 745 - Park Street

Importance:

High

From: Terence Warwick [mailto:terence@photosbyterence.co.za]

Sent: 17 September 2024 02:06 AM **To:** swartlandmun@swartland.org.za

Subject: RE the rezoning of erf 744 with erf 745 - Park Street

Importance: High

Attention the municipal manager,

I reside at the dwelling on erff742.

After viewing the plans for the proposed commercial site on erf 744 and erf745, I strongly oppose the granting of erf744 commercial rights and to be consolidated with erf 745. I do not feel that there is sufficient parking for the number of shops and medical centre that is proposed. Where will the excess vehicles park?

Vehicles of shop staff must be taken into consideration as well as customers and delivery trucks.

With the properties (erf 745 and erf 744)having access to Ibis Close, this will cause increase in traffic to what is now a quiet residential close. Vehicles exiting the parking area including delivery trucks, will increase the noise and traffic and will endanger small children, pets that are now relatively safe in a quiet close.

Ibis Close will also be used as an extra parking area when the parking on erf 744 and 745 is full. The Close cannot accommodate parking and this will force vehicles to be parked on the grass verges under trees, and also blocking drive ways etc... causing inconvenience to residence and extra noise which will be a disturbance not only to residents but the dogs as well.

Even if there is no vehicle access from the parking lot and a pedestrian gate is provided, Ibis Close would still be used as a convenient parking place for customers/staff to access the commercial area on foot.

As the centre becomes more popular customer's vehicles will also be parked in Park Street possibly obstructing the drive way of erf 743 or under the trees by erf 742. This again will be a disturbance to these residents and dogs....and erfs 739, 738, 737 and 736.

We have not been informed as to the trading hours for the proposed shops. If a small convenience store opens till late at night, this again will cause more traffic in Park Street and a high noise disturbance at night. A restriction will have to be put on the trading hours of the proposed shops.

As for the two studio apartments, what regulation is in place that will stop these apartments from becoming business or shops in the future? Is there a restriction to the amount of people residing in these apartments. I see that there is only three parking bays allocated these residents.

I find that the plans provided with your notice in the PDF file to be unreadable even when enlarged. Has the extra water usage been taken into consideration and the location of septic tanks is not shown on the plans.

No indication is given whether the parking area would be a walled and gated area. If left unwalled this could well be used as a future taxi rank, which again poses additional traffic and noise for residents.

I trust that my concerns will be taken into consideration when I ask that erf 744 not be rezoned for commercial purposes.

I further ask that the decision taken by the municipality in this regard be conveyed to us in writing for our perusal and to inform other interested parties of your decision in this matter

Yours faithfully, T Warwick 082 68 3440

1 Flamingo Avenue, Yzerfontein

Hersonering van erwe 744 en 745

Tobias Lochner Bester

Epos: lochner@hpf1855.co.za

Cell: 082 904 1245

Hermanuspietersfontein Boerdery

Posbus 886

Stanford 7210

Kommunikasie moet per epos geskied: lochner@hpf1855.co.za

Ek Tobias Lochner Bester eienaar van erf 740 teken beswaar aan teen:

Voorgestelde Hersonering, Konsolidasie en opheffing van beperkte title voorwaardes op erwe 744 en 745 Yzerfontein(Kennisgewing 17/2024/2025)

My redes is as volg:

- 1. Daar is reeds 'n winkelsentrum aan die onderpunt van Park straat net voor die karavaan park. Dit is reeds jare daar.
- 2. Daar is ook 'n groot winkelsentrum wat die Spar, ander winkels asook die garage huisves, ongeveer 200-meter vanaf voorgestelde area, 1 Mainroad Yzerfontein.
- 3. Daar is ook reeds mediese praktyke in Yzerfontein. Dit is 55 Buitekant straat Yzerfontein.
- 4. Daar is ook 'n winkelsentrum by Villa Fontana.

Om al die sewe winkels, mediese praktsyn en woonstelle te bou, saam met pakering vir al die werkers, woonstel huurders en klante gaan net veroorsaak dat dat die publiek inwoners se ingang na hul erwe gaan blok. Ek is nie 'n argitek nie, maar ek kan met sekerheid se dat julle nie voldoende parkering gaan he nie en of die pakering gaan nie aan munisipale vereistes voldoen nie. Die winkels gaan baie klein wees en definitief die verkeerde winkel eienaars trek.

Die ekstra winkels gaan die rustigheid van die area heel temal weg vat. Daar gaan vroeg oggende en laat aande aflewerings voertuie, ensovoorts wees. Die winkels gaan ook ongewenste ellemente trek, wat die risiko vir misdaad gaan verhoog. Dit is ook altyd vuil en raserig om winkel sentrums. Daar gaan ook 'n toename in verkeer, taxi,s en voetgangers op die pad wees.

Ook gaan dit gaan my eiendom se waarde baie negatief beinvloed.

Die eienaars van die winkelsentrum kan geen waarborge gee dat die sentrum 'n positiewe bydrae gaan wees vir die gedeelte van Yzerfontein nie.

Die eienaars en of aandeelhouers van die sentrum sal ook nie naby die sentrum wil bly nie. Hulle wil ook nie so iets by hulle huise hé nie, maar hulle verwag dit van ons wat daar bly.

Byvoorbaat dank

Lochner Bester

From: Terence Warwick <terence@photosbyterence.co.za>

Sent: Tuesday, 17 September 2024 02:06

To: Registrasie Email <RegistrasieEmail@swartland.org.za> Subject: RE the rezoning of erf 744 with erf 745 - Park Street

Importance: High

Attention the municipal manager,

I reside at the dwelling on erff742.

After viewing the plans for the proposed commercial site on erf 744 and erf745, I strongly oppose the granting of erf744 commercial rights and to be consolidated with erf 745.

I do not feel that there is sufficient parking for the number of shops and medical centre that is proposed. Where will the excess vehicles park?

Vehicles of shop staff must be taken into consideration as well as customers and delivery trucks.

With the properties (erf 745 and erf 744) having access to Ibis Close, this will cause increase in traffic to what is now a quiet residential close. Vehicles exiting the parking area including delivery trucks, will increase the noise and traffic and will endanger small children, pets that are now relatively safe in a quiet close.

Ibis Close will also be used as an extra parking area when the parking on erf 744 and 745 is full. The Close cannot accommodate parking and this will force vehicles to be parked on the grass verges under trees, and also blocking drive ways etc... causing inconvenience to residence and extra noise which will be a disturbance not only to residents but the dogs as well.

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We have not been informed as to the trading hours for the proposed shops. If a small convenience store opens till late at night, this again will cause more traffic in Park Street and a high noise disturbance at night. A restriction will have to be put on the trading hours of the proposed shops.

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I trust that my concerns will be taken into consideration when I ask that erf 744 not be rezoned for commercial purposes.

I further ask that the decision taken by the municipality in this regard be conveyed to us in writing for our perusal and to inform other interested parties of your decision in this matter

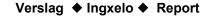
Yours faithfully,

T Warwick

082 68 3440

1 Flamingo Avenue,

Yzerfontein





Kantoor van die Direkteur: Ontwikkelingsdienste

Departement: Ontwikkelingsbestuur

8 November 2024

Removal,

suspension or

amendment of

15/4/2-2

WYK: 6

ITEM 6.4 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 20 NOVEMBER 2024

| LAND USE PLANNING REPORT PROPOSED DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 3485, DARLING (BUILDING PLAN APPLICATION) | | | | | | |
|--|----------|-----------------------------|------------------------|-----------------------|--------------------|--|
| Reference number | 15/3/4-2 | Application submission date | 5 September 2024 | Date report finalised | 8 November 2024 | |

PART A: APPLICATION DESCRIPTION

Extension of the validity

period of an approval

The application for the departure of development parameters on erf 3485, Darling in terms of section 25(2)(b) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The departures entails the departure of the 1,5m side building line (southern boundary) to 0,6m for the erection of a garage and the finished floor level of the garage is raised 1,2m above the natural ground level instead of 1m.

The applicant is New Earth Architecture and owner is AG Hintenaus.

Please note that the departure of development parameters application forms part of a building plan application that was submitted.

PART B: PROPERTY DETAILS Property description Erf 3485 Darling, in the Municipality Swartland, Malmesbury Division, Western Cape (in accordance with Title Province Deed) Physical address 24 Hildebrand Street Town Darling Are there existing Ν Current zoning Residential zone 1 Extent (m²/ha) 627m² buildings on the property? Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March Applicable zoning scheme Title Deed number & T29322/2023 Current land use Dwelling house and outbuildings date Any restrictive title Υ Ν If Yes, list condition number(s) conditions applicable Any third party Υ Ν If Yes, specify conditions applicable? Any unauthorised land Υ Ν If Yes, explain use/building work PART C: LIST OF APPLICATIONS (TICK APPLICABLE) Rezoning Permanent departure Temporary departure Subdivision

Consolidation

Approval of an overlay

zone

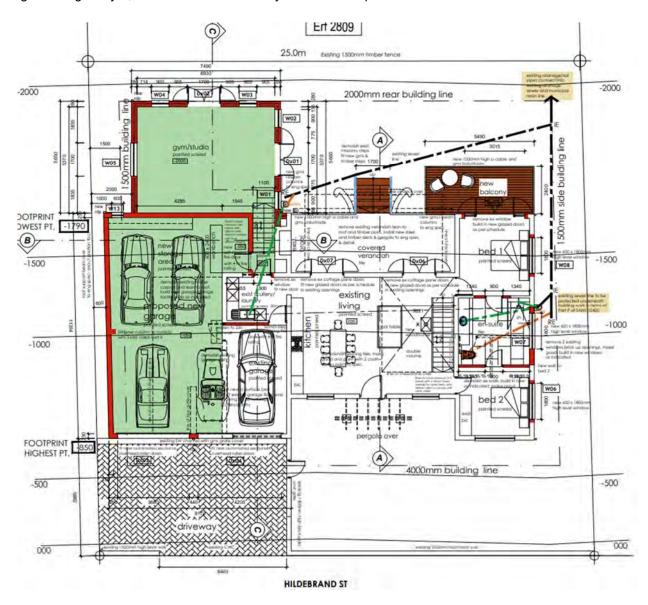
| | | | restrictive conditions |
|---|---|---|--|
| Permissions in terms of the zoning scheme | Amendment, deletion or imposition of conditions in respect of existing approval | Amendment or cancellation of an approved subdivision plan | Permission in terms of a condition of approval |
| Determination of zoning | Closure of public place | Consent use | Occasional use |
| Disestablish a home owner's association | Rectify failure by home owner's association to meet its obligations | Permission for the reconstruction of an existing non-conforming use | |

PART D: BACKGROUND

The owner of erf 3485 is looking to house a collection of some 4-5 valuable collectible vehicles in a clean, secure environment at his home, hence the wish to build a garage to safely store them.

There is insufficient space on the north side of the property/existing house, so the only available space is on the south side, and in order to be able to accommodate the vehicles the garage is proposed on the south lateral boundary (within the 1.5m building line), in order to best make use of the limited available space.

At first the proposed garage was proposed on 0m on the side boundary. The adjoining/affected owner objected to the departure of the side building line. After addressing the objections the development proposal changed to the garage moving away 0,6m from the erf boundary. See the floorplan below.



The amended development proposal was again referred to the adjoining/affected owner in an attempt to get the objection withdrawn. The adjoining/affected owner responded that they their objection stands.

The application is therefore presented to the MPT for decision making.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?



PART F: SUMMARY OF APPLICANT'S MOTIVATION

See the motivation letters attached.

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?



Ν

The applicant requested the written consent from the owner of erf 1327. The owner of erf 1327 responded with an objection – Cornelissen Attorneys acting on behalf of Paul & Nicky Brouwer. The applicant commented on the objection and amended the development proposal. The objector was again requested to comment on the amended development proposal in an attempt to withdraw the objection. The objector did not withdraw his objection regardless of the amended development proposal.

| Total valid comments | 1 | | Total comm | nents a | and | oeti | tions refused | 0 | |
|------------------------------------|---|---|------------------------------|---------|-----|------|---------------|--------|--|
| Valid petition(s) | Υ | N | If yes, number of signatures | N/A | | | | | |
| Community organisation(s) response | Υ | N | Ward councillor response | | Υ | N | Was not reque | ested. | |
| Total letters of support | 0 | | | | | | | | |

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

No comments were requested from internal or external departments.

| PART I: COM | MEI | NTS RECEIVED DURING PUBLIC | SUMMARY OF APPLICANT'S REPLY TO | OBJECTOR'S COMMENTS ON THE REPLY FROM |
|---|-----|--|---|---|
| PARTICIPATI | | | COMMENTS | THE APPLICANT ON THE OBJECTIONS |
| | | eparture/Build line relaxation Should the Swartland Municipal Planning Tribunal ("the tribunal) allow Mr Hintenaus to build the garage on the common lateral boundary line, it will impede on our clients' rights of use and enjoyment of their property. The property is zoned as residential. Had it not been zoned as residential property, but as industrial, our clients would not have had an objection. | | Our clients appreciate the conciliatory gesture of Mr Hintenaus in regard to the positioning of the proposed garage 600mm from the common/lateral erf boundary. Our clients note the willingness of Mr Hintenaus to appoint a Land Surveyor at his cost to establish and confirm the common/lateral boundary of Erf 3485, Darling. |
| Cornelissen Incorporated on behalf of Paul & Nicky | 2. | Bearing in mind the proximity of our clients' main bedroom exterior wall to the location of the building site which is estimated at 5.5 metres, should the proposed building plan be approved, the decision of the tribunal will not only disrupt our client's daily life during the build, but also after the completion of the project. | establishing and confirming erf boundaries and corner pegs at his cost. | |
| Brouwer | | In addition and should the proposed plan be approved, our instructions are to request that due to the nature of the proposed plan (building on lateral boundary line), to request that a land surveyor be mandated at the cost of Mr Hintenaus to conduct a property boundary survey in order to establish and to confirm/update the records of the Municipality on the location of the boundary peg delineating the boundary line of each of our respective properties. | | |
| | 3. | Should Mr Hintenaus be allowed to build on the common lateral boundary line, the tribunal's decision will impact our clients' insured risk with their insurer and place a financial burden on our clients as our | 600mm lateral boundary offset for garage. | |

clients will be required to pay an increased excess amount in the event of an insurance claim flowing from any theft or property damage incidents.

- 4. By implication, the workmen/builder will have to gain access to our clients' property during the build and in order to complete the project. The access required by the workmen/builder will not only be limited to access during the building project itself, but more relevant, any contractor in the future employed by Mr Hintenaus, whether it is to paint and/or maintain the exterior wall, replace the gutter etc. will require access to our clients' property.
- We include written communication received by our client from their insurer, Old Mutual Insure, on enquiries made and quote the relevant paragraphs for ease of reference:

"By willingly allowing unknown workmen to enter/exit the insured's property on a daily basis for an extended period of time, poses a high risk for potential burglary, theft, attempted theft, malicious damage and accidental damage to the Insured's property. Based on the policy Terms and Conditions pertaining to the Theft section, by willingly allowing this to take place, negates the cover provided by the policy:

This cover is subject to the condition that loss or damage caused by theft or attempted theft, will only be covered if there are visible signs of forced entry into or exit from your private home.

Based on this wording and as the insured is willingly allowing unknown workmen to enter/exit their property; thereby placing the property (Buildings, Contents, All 4. No longer relevant – see response to point 1.3 re 600mm lateral boundary offset for garage.

5. No longer relevant – see response to point 1.3 re 600mm lateral boundary offset for garage.

Risks and Motor Vehicles) at risk and as there will be no visible signs of forced entry/exit from their property, theft, including attempted theft, will be excluded for the duration of the construction in respect of the next door neighbour's Garages/flatlet/studio etc. In addition to the above, Malicious Damage will be excluded, as the insured is willingly allowing unknown workmen to enter/exit the property." 6. As a possible alternative for the tribunal | 6. Mr Hintenaus agrees to positioning the proposed to consider in its deliberations of the garage 600mm from the common/lateral erf proposed plan and to accommodate the boundary. real concerns raised herein, we hold instruction that our clients, with the intention promoting of good neighbourliness are amenable to agree to a relaxation of up to 600 mm (full length of exterior wall) from the common lateral boundary line. 7. We also refer your attention to the 7. Noted without comment. photograph and being typical in their description of other properties in Hildebrand Street, which the architect included in their letter in motivation for the departure/build line relaxation. The photograph depicts the front facade of two adjacent garages, our clients' garage and the garage of the adjacent owners of Erf 3905. In keeping with practical considerations, even though the two garages have been built on the common boundary between Erf 1327 and Erf 3905, the two garages are separated by 600mm which allow for the maintenance of the exterior walls of each garage. Presently, our clients' neighbours directly behind them and at the corner of

Hildebrand Street (Erf 4356 and 547) have just erected double garages where

- they conformed to building line restrictions concerning the boundary of 1.5 meter distance in accordance with the municipal by-laws.
- 8. The solution to sufficient space for all Mr Hintenause's vehicles in the event that he agree to build the full length of the proposed garage exterior wall at 600mm from the lateral boundary line, can be found by revisiting the proposed gym/studio area, which is to be incorporated elsewhere. The floor area of the gym/studio area can be raised to a level to house the vehicles.
- 9. Needless to state, the vehicles are 9. currently being housed elsewhere, probably outside Darling. instructions are that Erf 44 and Erf 2809. Darling are also registered in the name of Mr Hintenaus. Our client further instructs that ample space exist on Erf 2809 to house vehicles as the property aforementioned is a vacant plot. The tribunal, under the above recorded circumstances are urged to obtain sufficient information from Mr Hintenaus on the reasons to house 6 (six) vehicles on Erf 3485, as it in our clients' opinion would appear to not be the most practical approach for a car collector.

Height of proposed garage

10. The height of the proposed garage appear to be 6,125 metres. Coupled with the volume of the proposed roof, the proposed building exceeds the height of a single storey building and in actual fact constitutes a double storey building.

- 8. Mr Hintenaus will abide by & leave it to the discretion of Swartland Council to determine that which is in compliance of the Swartland zoning scheme, and thereby enjoy his rights as property owner for residential purposes. Raising the gym floor level to that of the new garage would be in contravention of the max permissible height of FFL 1m above Natural Ground Level, so this is not feasible.
- The vehicles are currently stored elsewhere in less than ideal conditions, hence the wish of Mr Hintenaus to store them securely adjacent to his residence.

10. Mr Hintenaus will abide by & leave it to the discretion of Swartland Council to determine that which is in compliance of the Swartland zoning scheme height restrictions, and thereby enjoy his rights as property owner for residential purposes.

Our clients shall abide by the decision of the tribunal.

Due to the height of the building and the positioning of our clients' dwelling on Erf 1327, natural sunlight to our clients' dwelling will be adversely affected and the decision of the tribunal, should the proposed plan be approved, will effectively impede on our clients' rights to the use and enjoyment of their property. A flat roof would be acceptable to our clients.

Loft living area

elevation, there appear to be provision made for the installation of three sets of windows. Because of the windows, the loft living area could well over time be converted into a habitable space which is a concern of our clients and a possible restriction for the tribunal to consider to be included prior to approval.

Use of garage

12. The specific use of the proposed garage, should the proposed plan be approved, should be restricted to the housing of vehicles only. The stipulation that the garage should not be utilized as a workshop of any nature should be incorporated as a restriction to the approval of any proposed plan to be considered by the tribunal.

Existing timber fence

13. The existing timber fence separating our clients' property from Erf 3485, as far as our client is aware, was erected by the previous owner. Should the tribunal allow Mr Hintenaus to build the garage on the common lateral boundary line, the wooden fence by implication will have to be removed. We look forward to

11. On the proposed plan, North-East 11. Mr Hintenaus will abide by & leave it to the discretion of Swartland Council to determine that which is in compliance of the Swartland zoning scheme, and thereby enjoy his rights as property owner for residential purposes.

> 12. Mr Hintenaus agrees that he will not engage in any work that might create a sound disturbance, nor operate any commercial/business enterprise from the garage space, and will only engage in activities considered normal for a garage ie: the occasional oil change general storage, and other non-noise generating activities etc.

> 13. No longer relevant – see response to point 1.3 re 600mm lateral boundary offset for garage, the timber fence will be left undisturbed and intact.

Our clients shall abide by the decision of the tribunal.

Our clients appreciate the willingness of Mr Hintenaus to agree to the restricted use of the proposed garage space.

Our instructions are that the current location of the timber fence is an issue that should be addressed prior to the commencement of the building project.

Our clients have raised safety, security and privacy issues. The appointment of a Land Surveyor to establish and confirm the common/lateral erf boundary is

receiving Mr Hintenaus' proposals, imperative to ensure that the timber fence is indeed specifically regarding how he intend to located on the common/lateral erf boundary. accommodate our clients in the scenario where the timber fence will be removed. The possible repositioning of the timber fence once the Land Surveyor has established and confirmed the Our clients have reason to raise their concerns on safety, privacy and because common/lateral boundary of Erf 3485, Darling should be they have dogs. attended to prior to commencing the building project as this is of utmost concern to our clients. Our clients will bear the costs in moving the fibre internet line and other services installed and affixed to the timber fence 14. Our clients' fibre internet line as well as 14. No longer relevant – see response to point 1.3 re 600mm lateral boundary offset for garage, the other services has been installed and are timber fence will be left undisturbed and intact. affixed to the timber fence currently separating our clients' property from the adjacent Erf 3485. Should the tribunal allow Mr Hintenaus to build the garage, we look forward to receiving Mr Hintenaus' proposals in respect of moving the fibre internet line and how our client will be accommodated under the circumstances. NHBRC Registration/Car insurance 15. Our clients have been advised by their 15. No longer relevant – see response to point 1.3 re We refer to our paragraphs 1.2.1 and 1.2.2 of our letter of 22 October 2024. As the common/lateral erf boundary insurer that should the tribunal allow Mr. 600mm lateral boundary offset for garage, the Hintenaus to build the garage on the timber fence will be left undisturbed and intact. is still to be established and confirmed, which most likely will result in the repositioning of the timber fence, the risk common lateral boundary line (with or without modification), to request as we to our clients is still of major concern from an insurance hereby do that the following should be point of view. provided to our client prior to the commencement of the project: proof of the builder's NHBRC registration: proof of insurance cover (CAR insurance). **Proposed restriction** Our clients appreciate the willingness of Mr Hintenaus to 16. We hold instruction to propose that the 16. Mr Hintenaus agrees to not place any A/C compressor/s or other mechanical equipment on accommodate our clients' request to not place airtribunal include a restriction on the

the long garage wall running parallel to the

| positioning of any mechanical or non- |
|--|
| mechanical equipment to the exterior |
| wall of the full length of the exterior |
| garage wall. Air conditioning units and |
| any other mechanical devices that create |
| noise as a byproduct during the |
| operation thereof in our client's opinion is |
| a relevant consideration here and should |
| not be positioned on the exterior garage |
| woll |

wall.

In view of the valid concerns as recorded above, our clients request the tribunal for a fair and agreeable balanced decision for both property owners.

common lateral boundary, so there will be no visual impact on the neighbours.

conditioning units or other mechanical equipment on the exterior wall of the proposed garage.

We trust that the tribunal will give due consideration to the issues raised by our clients in its deliberation of the application.

MUNICIPAL ASSESSMENT OF COMMENTS

1. Departure/ Build line Relaxation

According to point 6, the objector consents to the side building line departure to 0,6m as reflected on the building plans. This point is no longer seen as an objection.

The space of 0,6m between the proposed building and the existing boundary fence is deemed insufficient during the construction phase and future maintenance of the wall facing the side boundary. A distance of at least 1m is proposed from the side building line is deemed sufficient. The MPT is advised that if the departure is considered favourable that it is only granted from 1,5m to 1m for the reason mentioned above.

2. Height of proposed garage

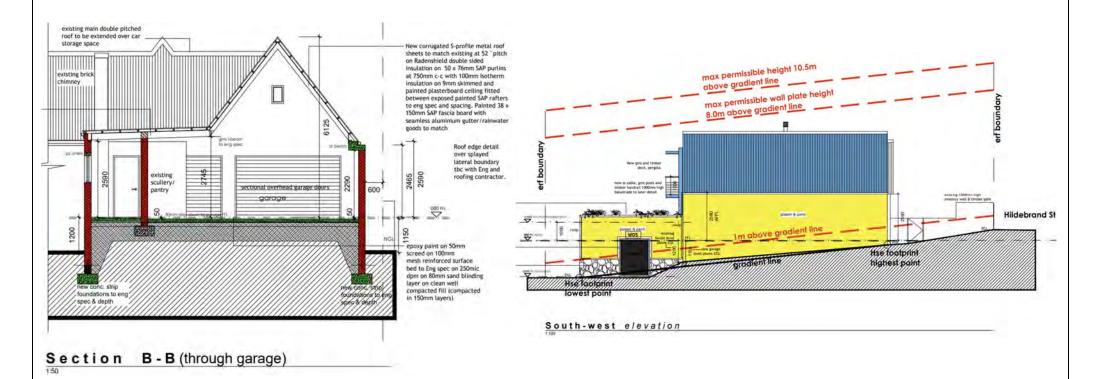
In order to evaluate compliance with the height restrictions it is important to understand the definition of "storey" in terms of the Swartland Planning By-law.

- "... storey, means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the wall plate, provided that:
- (a) a basement does not constitute a storey;
- (b) a roof structure, or dome which forms part of the roofstructure, shall not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation, in which case it is deemed to be a storey; and
- (c) any storey which is higher than 4m but equal to or less than 8m in height, shall, for the purpose of height measurement, be deemed to be 2 storeys, and every additional 4m in height or portion thereof, shall be deemed to be an additional storey;..."

It is clear from Section BB that the garage is deemed double storey given that the distance from the FFL to the underside of the roof exceeds 4m in height. It must however be noted that the wall plate height of the garage wall facing erf 1327 is only 3,79m (1,2m from NGL to FFL and 2,59m from the FLL to the wallplate height) from the NGL. This implies that the portion of the building inside the 1,5m building line area can be seen as single storey and the portion of the building with the building line as being double storey. The portion of the building deemed double storey complies with the building line and is within the land use rights of the applicant. The effect of the proposed building work on erf 1327 will even be less if the building work moves to 1m from the erf boundary.

According to the South-west elevation the FFL of the building is 1,2m above the NGL in stead of 1m. The owner of erf 1327 raised on objection to this departure.

Please see below Section BB and the South-west elevation.



3. Loft living area

The loft space is proposed on a portion of the building which does not include the double volume space of the proposed garage. The concern of the objector is noted. A new building plan application needs to be done if the double volume space of the proposed garage are to be used as loft living space.

4. Usage of garage

According to point 12 this point is no longer seen as an objection.

5. Existing timber fence

The identification of erf boundary pegs is a requirement for the building inspector once the foundation inspection is undertaken. The exact erf boundary will then be determined and the boundary fence can be moved if necessary.

It must be pointed out to the MPT the on erf 1327 there is a wendy house which consist of no building plan approval which is erected to 0m from the side boundary. See the picture below taken from erf 3485 and the blue arrow on aerial photo indicating the position of the wendy house. The Division: Building Control has been informed to address the illegal building work. This structure was never identified by the applicant nor the objector.





6. NHBRC Registration/Car insurance

The MPT is advised to move the proposed garage 1m from the erf boundary in order to create sufficient space on erf 3485 for the construction phase as well as maintenance in future. This objection is therefore not relevant anymore.

7. Proposed restriction

The applicant has indicated that they will adhere to the request. This objection is no longer applicable.

PART J: MUNICIPAL PLANNING EVALUATION

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

The application for the departure of development parameters on erf 3485, Darling in terms of section 25(2)(b) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The departure entails the departure of the 1,5m side building line (southern boundary) to 0,6m in order to erect a garage and the finished floor level of the garage is raised 1,2m above the natural ground level instead of 1m.

The applicant conducted the public participation process. The affected party objected to the departure with letter dated 22 October 2024. The applicant responded on the objection on 29 October 2024. The objector responded to the comments on the objection on 6 November 2024.

The Division: Land Use & Town Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

2. Legislation and policy frameworks

- 2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA
- a) Spatial Justice: Not considered due to the nature of the application.
- b) Spatial Sustainability: Not considered due to the nature of the application.
- c) Efficiency: Not considered due to the nature of the application.
- d) Good Administration: Not considered due to the nature of the application.
- e) Spatial Resilience: Not considered due to the nature of the application.

2.3 Spatial Development Framework(SDF)

Not considered due to the nature of the application.

2.4 Schedule 2 of the By-Law: Zoning Scheme Provisions

The proposed carport on erf 3485 encroaches the 1,5m side building line (southern boundary) to 0,6m and the finished floor level of the garage is raised 1,2m above the natural ground level instead of 1m.

2.5 Desirability of the proposed utilisation

Erf 3485, Darling is zoned Residential zone 1 and is developed with a dwelling and garage.

Erf 3485 has a gentle slope in a western direction from Hildebrand Street to the rear of the property. The slope is not restrictive to the application.

Side building line departures seems to be common in this portion of Hildebrand Street as can be seen on erven 3095 and 1327 where garage buildings are next to each other on the communal erf boundary. The development proposal compliments the existing character of the area.

Available space on the property to accommodate the proposed additions are limited taking into consideration the position of the existing dwelling. The proposed garages are next to the existing garage and will form an extension of the existing garage space which is deemed sensible and practical.

Due to the slope of the property the FFL of the proposed garage is raised 1,2m above the NGL in stead of the required 1m. The adjoining/affected owner had no objection to this departure as the impact on erf 1327 is deemed minimal to none. In order to create one level for the vehicles to park, this departure is supported.

The departure of the side building line to 0,6m is not supported. It is recommended that a distance of at least 1m from the erf boundary is provided for efficient access during the construction phase as well as later on during maintenance. This ensures that erf 1327 never has to be accessed during the construction phase or during maintenance. This addresses the concerns from the objector regarding insurance.

The additions of the proposed garages is deemed double storey given that the distance from the FFL to the underside of the roof exceeds 4m in height. It must however be noted that the wall plate height of the garage wall facing erf 1327 is only 3,79m (1,2m from NGL to FFL and 2,59m from the FLL to the wallplate height) from the NGL. This implies that the portion of the building inside the 1,5m building line area can be seen as single storey and the portion of the building which comply with the building line as being double storey. The portion of the building deemed double storey complies with the building line and is within the land use rights of the applicant. The effect of the proposed building work on erf 1327 will even be less if the building work moves to 1m from the erf boundary.

The size of the proposed garage is justified by the need to the owner of erf 3485 to park some of his vehicles safely and securely on this property.

3. Impact on municipal engineering services

No impacts are anticipated.

4. Comments of organs of state

N/A

5. Response by applicant

See Annexure H.

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 rights

N/A

PART L: RECOMMENDATION WITH CONDITIONS

- **A.** The application for the departure of development parameters on erf 3485 be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:
- 1. Departure of the 1,5m side building line (southern boundary) to 1m.
- 2. Departure of the 1m height restriction of the FFL of the dwelling in relation to the NGL to 1,2m.

B. GENERAL

- a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal;

- c) All conditions of approval be implemented before the new land uses come into operation and failing to do so the approval will lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent, and the approval period will no longer be applicable;
- d) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

- 1. Erf 3485 does not consist of any physical restrictions which impacts negatively on the application.
- 2. The relevant portion of Hildebrand Street already contains side building line departures which. This application compliments the existing character of this portion of the street.
- 3. The proposed garages are proposed next to the existing garage and will form an extension of the garage space which is deemed sensible and practical.
- 4. The impact of the FFL of the proposed building work being raised to 1,2m is deemed low and provides sufficient space on one level for the parking of the motor vehicles.
- 5. Permitting a departure to 1m from the erf boundary creates sufficient space for the construction phase and for maintenance.
- 6. The reason at point 5 also eliminates that access to erf 1327 will be required during the construction phase of future maintenance.
- 7. The impact of the building work on erf 1327 is deemed low, regardless if single or double storey as presented in this application.
- 8. The size of the proposed garage is justified by the need to the owner of erf 3485 to park some of his vehicles safely and securely on this property.

PART N: ANNEXURES

| Annexure A | Locality Plan |
|------------|---|
| Annexure B | Building plan of erf 3485, Darling |
| Annexure C | Motivation from the applicant |
| Annexure D | Objection from the owner of erf 1327 (Paul & Nicky Brouwer) |
| Annexure E | Comment from the applicant on the objection |
| Annexure F | Comment from Paul & Nicky Brouwer on the comments from the applicant. |
| Annexure G | Photo's of some the vehicles to be parked in the proposed garage |

| , annoxaro | o i mata a ar come una vermone te de par | nou in the proposed garage | | | | |
|---|---|---|----------------|------------|--------|--|
| PART O: A | PPLICANT DETAILS | | | | | |
| First name(s) | Michael Orchard from New Earth Architectu | ure | | | | |
| Registered owner(s) | AG Hintenaus | lintenaus Is the applicant authorised to submit this application: | | | | |
| PART P: SI | GNATURES | | | | | |
| Author details: AJ Burger Chief Town & Regional Planner SACPLAN: B/8429/2020 | | 1 - | Date: 8 Novemb | | | |
| Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001 | | Recommended | Recommended | | nended | |
| | | Jukayman | Dat 202 | te: 11 Nov | /ember | |

Locality plan

ANNEXURE A

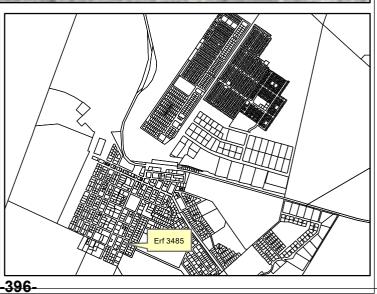


Proposed departure of development parameters

Erf 3485, Darling

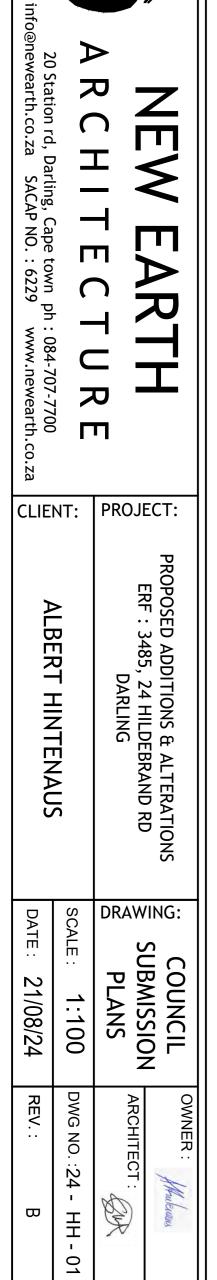
Locality plan

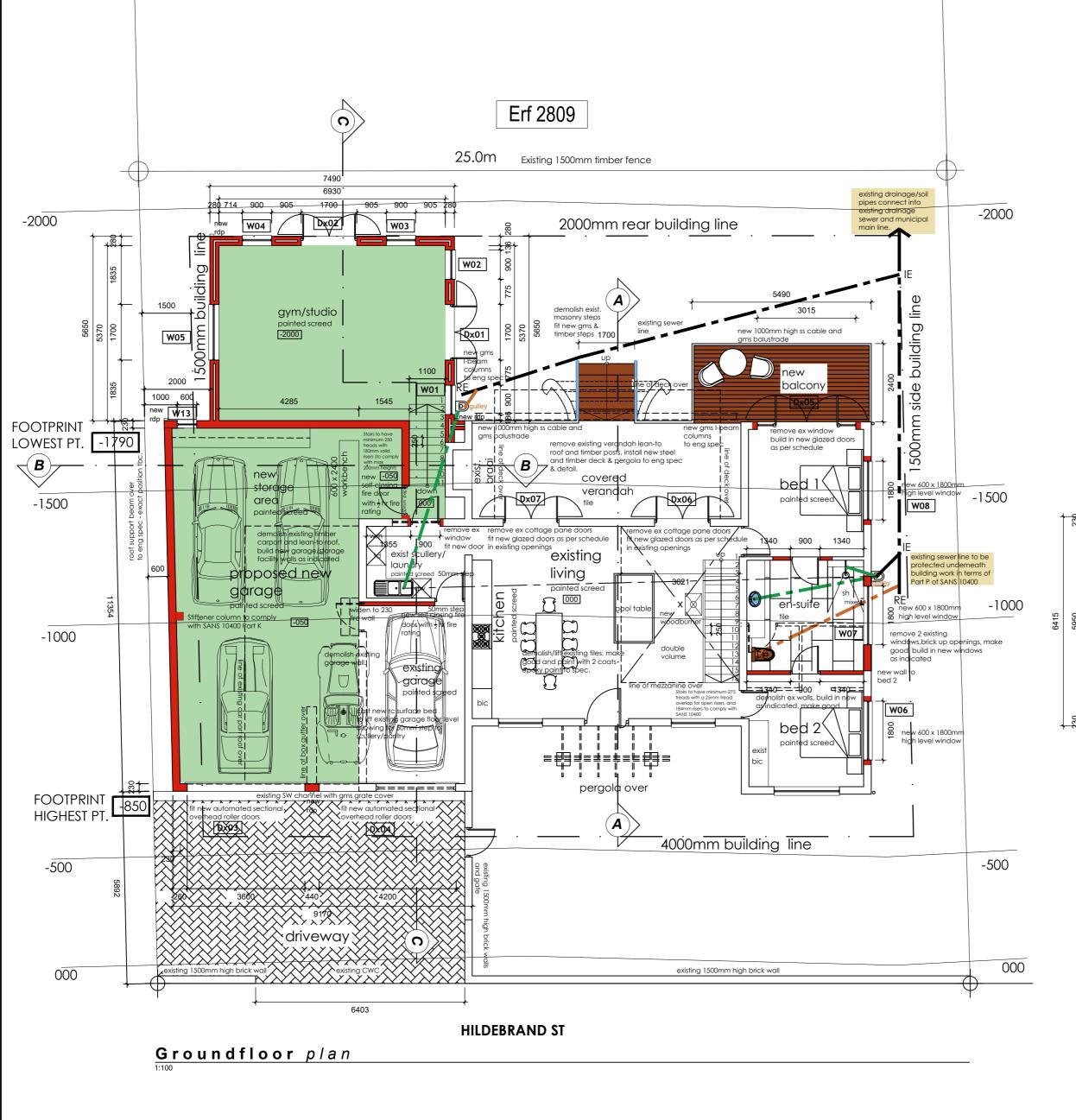
Scale: N/A

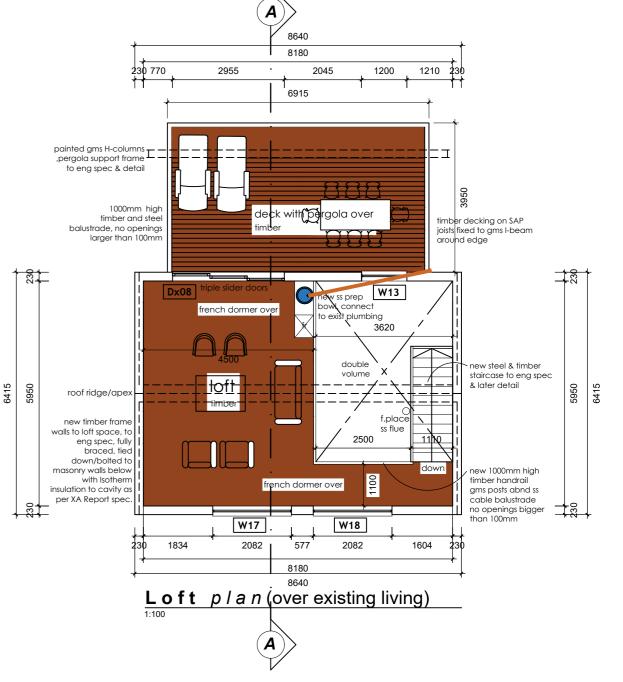












AREAS:

Existing ground floor/storey: 126.5m² New ground floor addition: 117m²

(garage & gym/studio)

New Deck and covered verandah: 45.5m²

New first floor/storey loft addition: 36m²

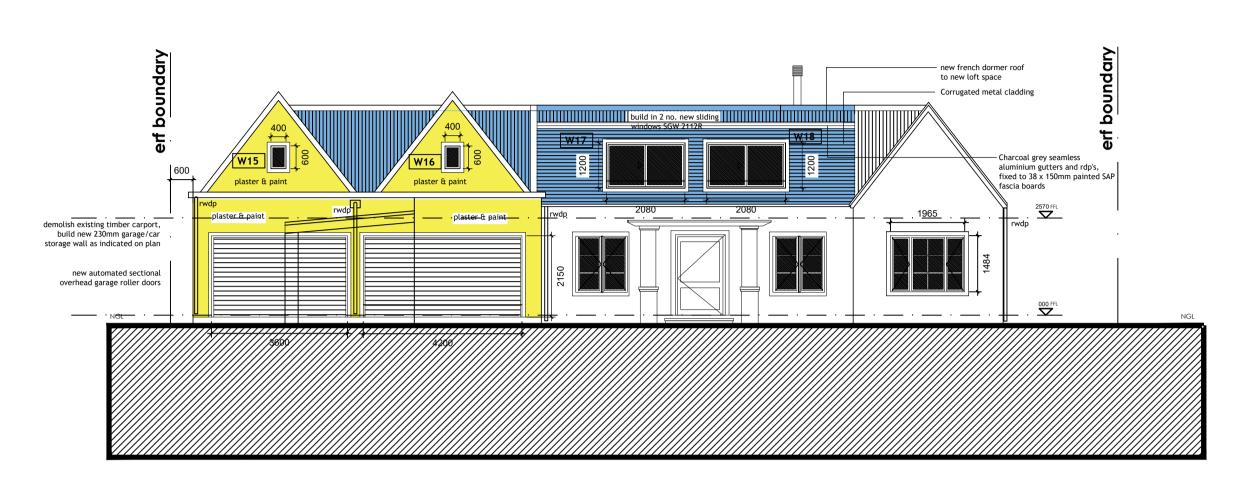
ANNEXURE

New first storey timber deck: 27.3m² (Remove existing verandah 24.45m²)

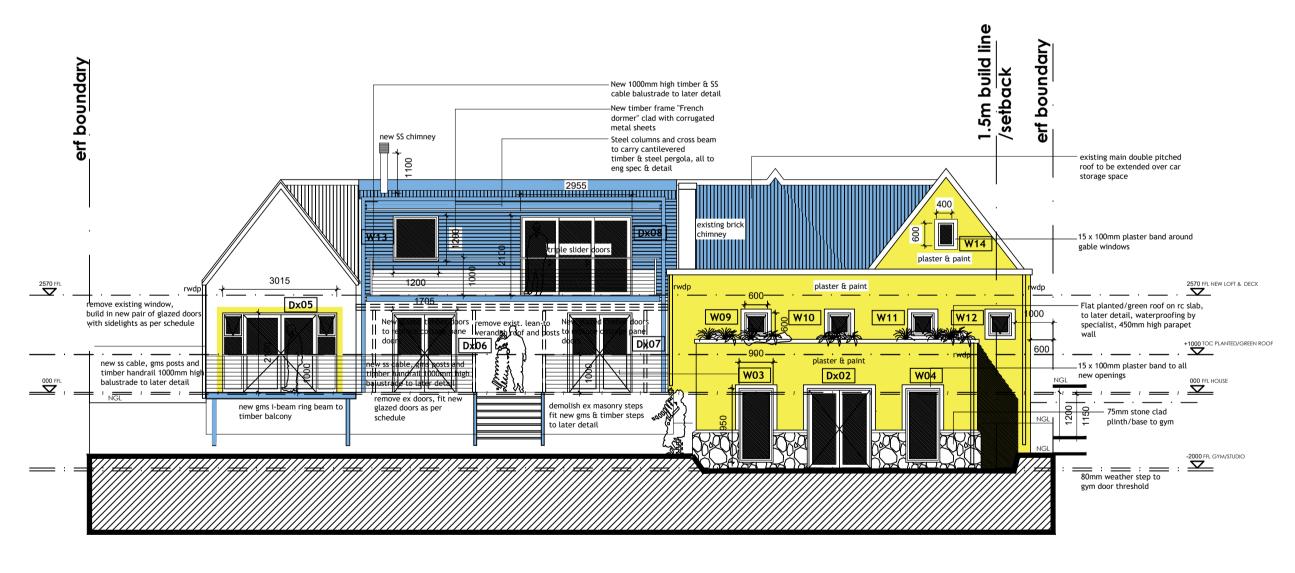
TOTAL COVERAGE: 290m²

Erf area 627m²

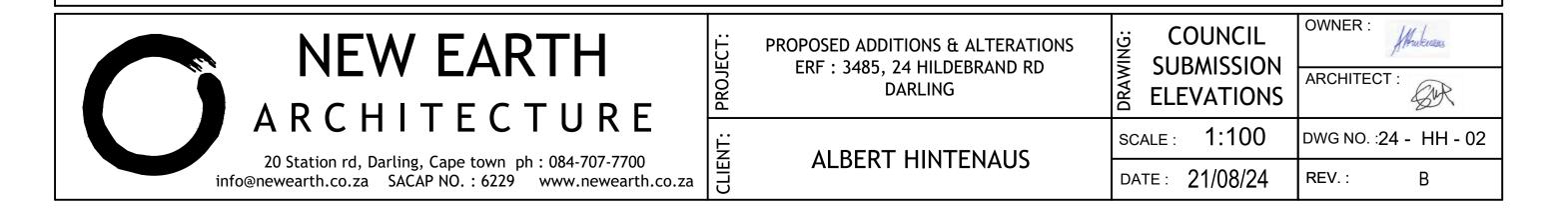
Coverage (Footprint) = 46.2%

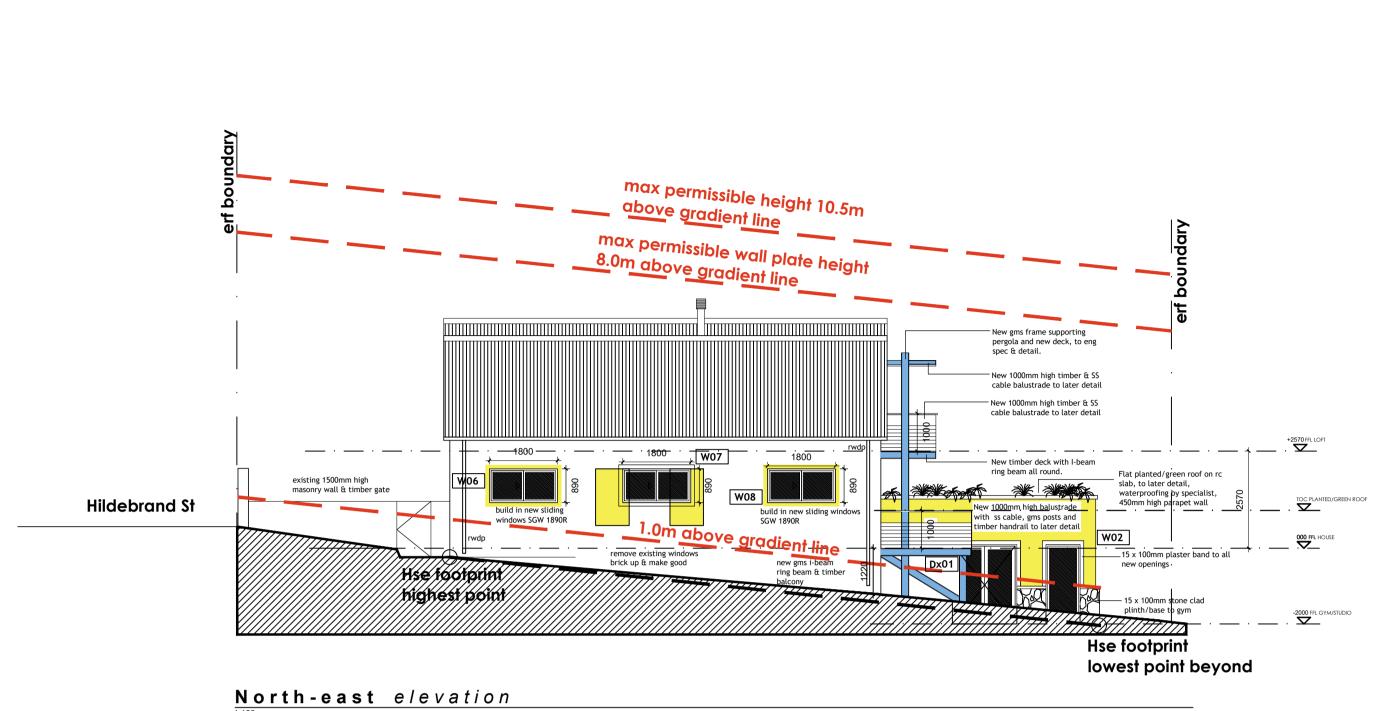


South-east elevation



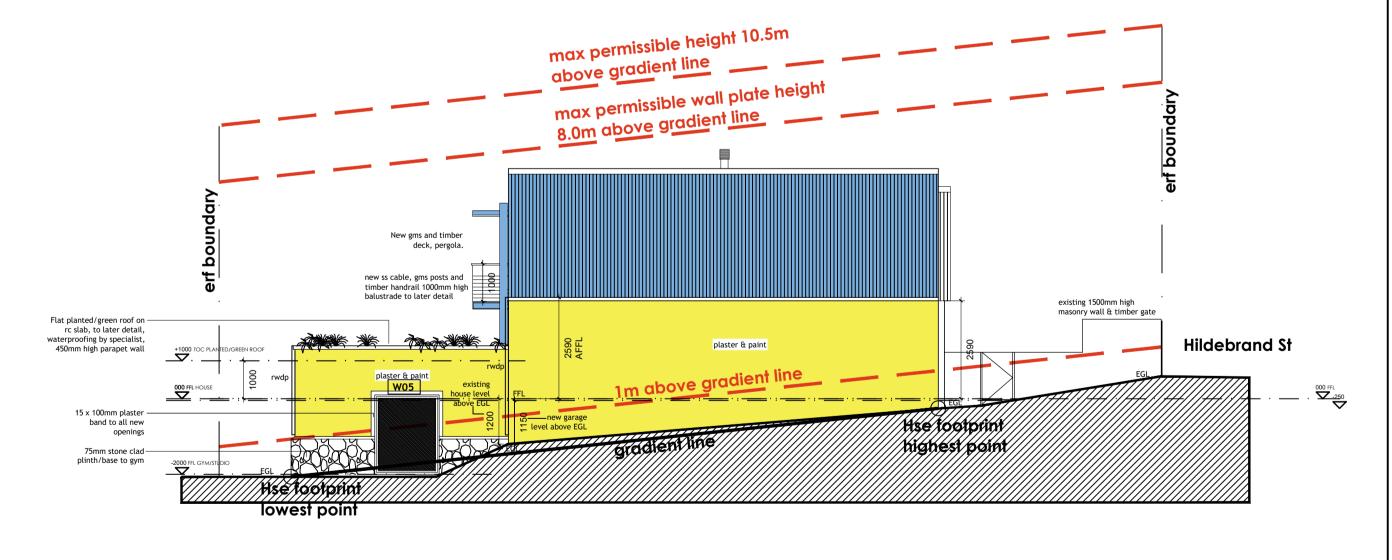
North-west elevation



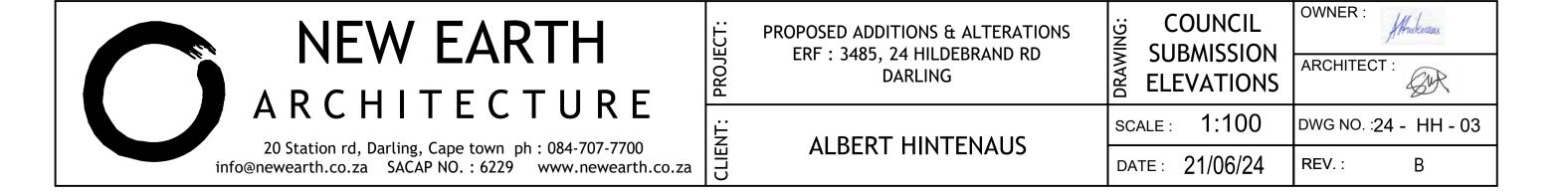


north-east elevation

1:100



South-west elevation

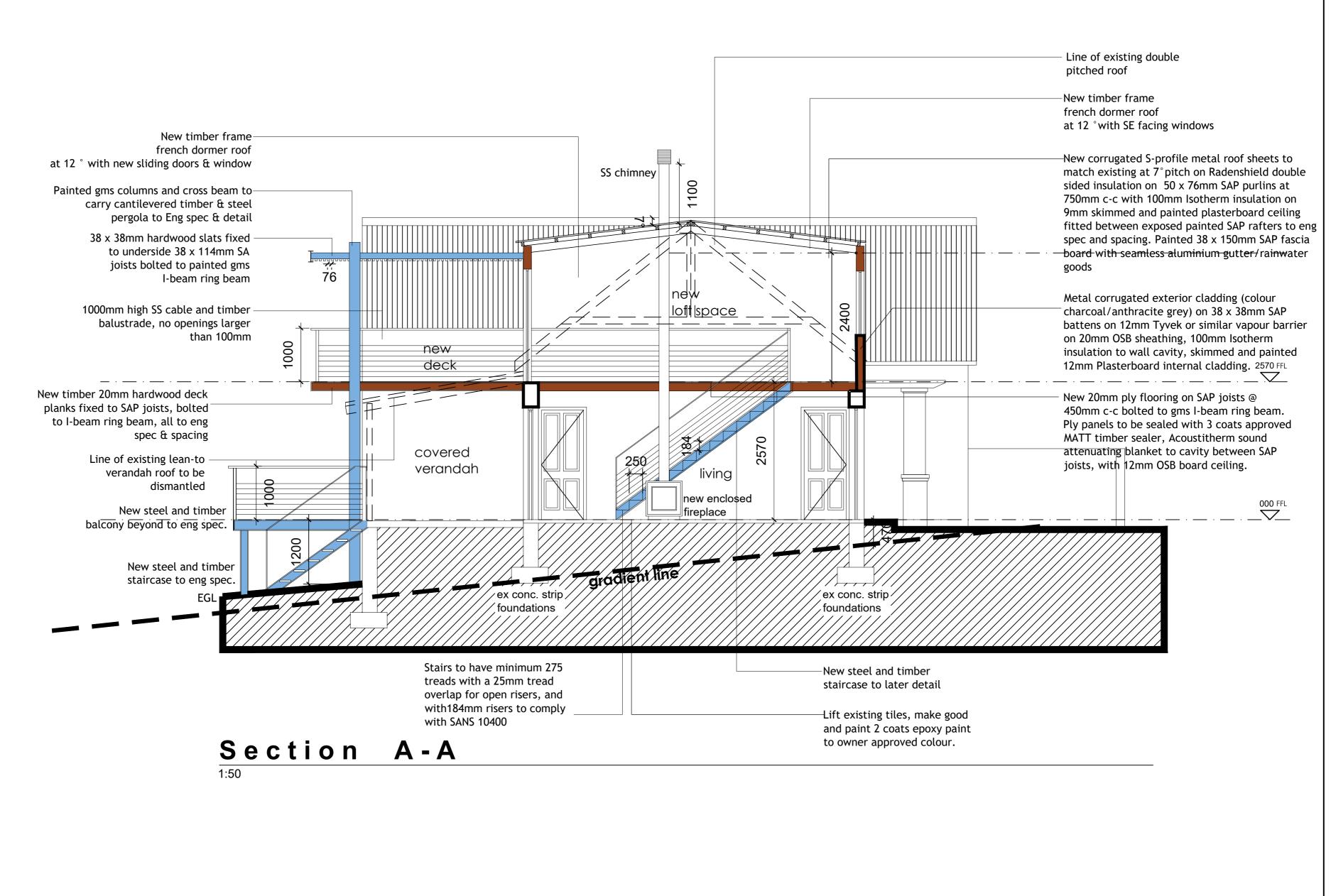




刀 П 工 П Ш **P**

П CLIENT: PROJECT: PROPOSED ADDITIONS & ALTERATIONS ERF: 3485, 24 HILDEBRAND RD DARLING ALBERT HINTENAUS

DRAWING: SCALE: COUNCIL SUBMISSION SECTION A-A 21/06/24 1:50 DWG NO. :24 愛 HH - 04 ₩

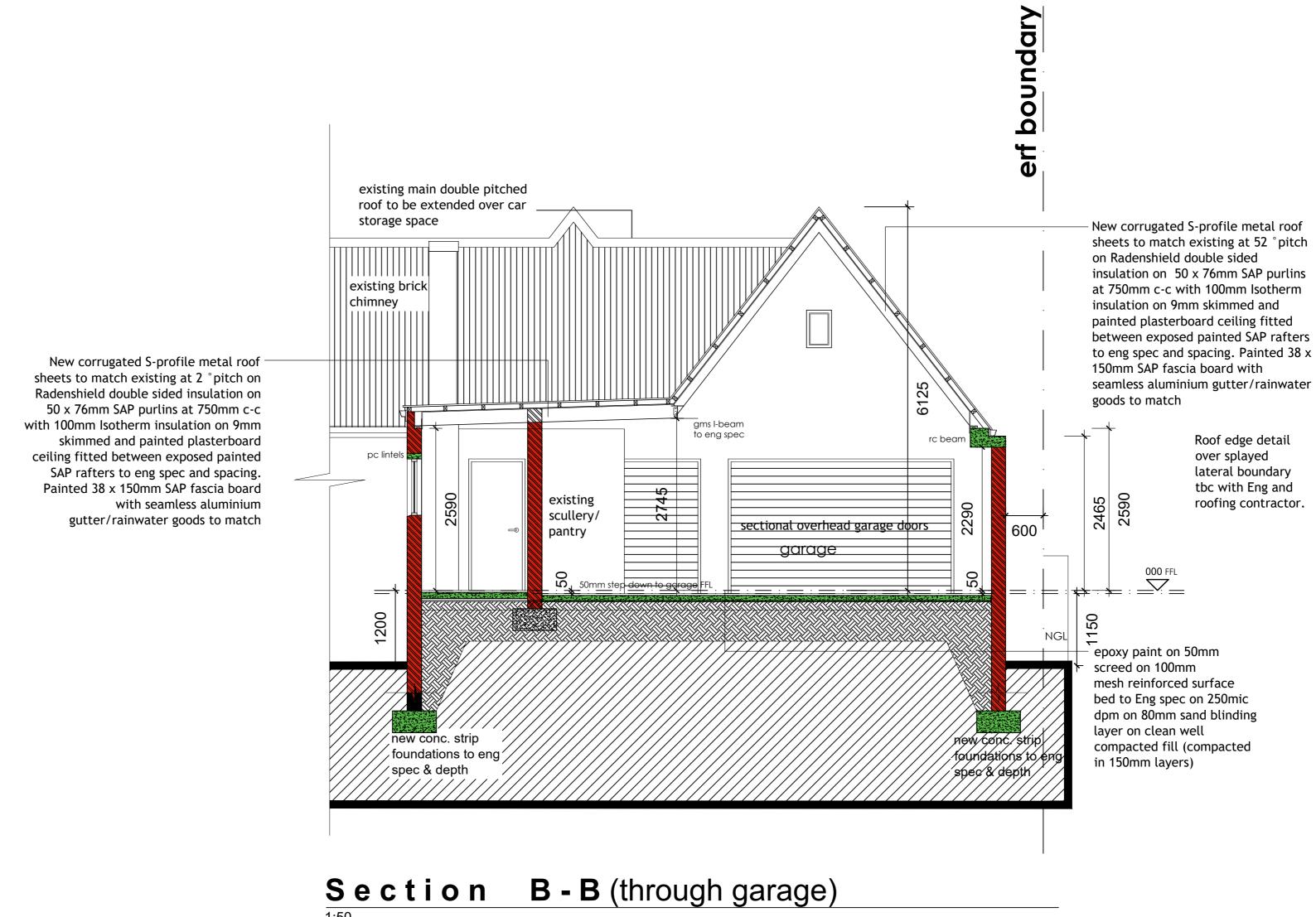




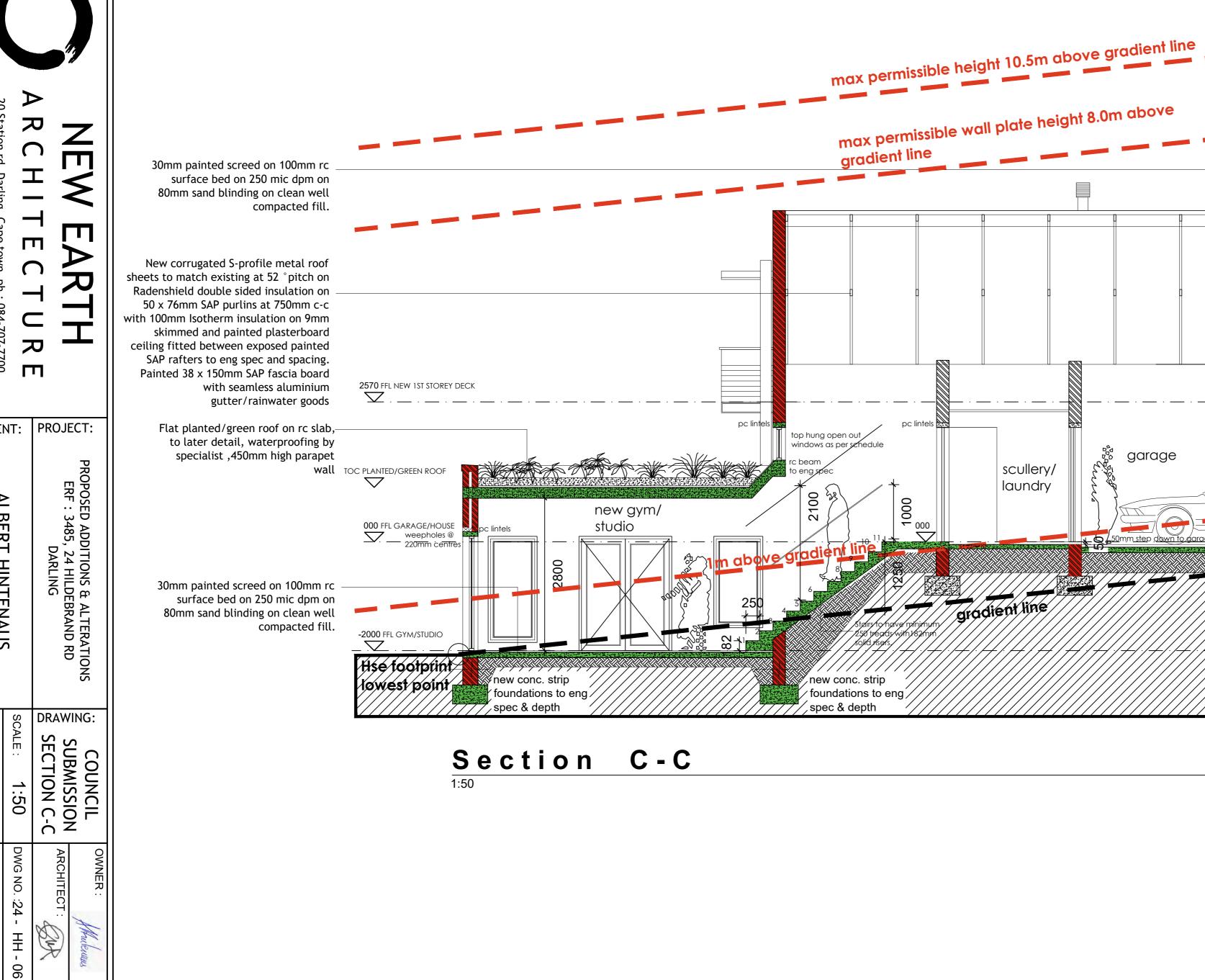
NEW EARTH

| , Cape town ph:084-707-7700 \P NO.:6229 www.newearth.co.za | |
|--|--|
| CLIENT: | |

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| CLIE | NT: | PROJI | ECT: |
| ALBERT HINTENAUS | ALBEDT DINTENALIC | PROPOSED ADDITIONS & ALTERATIONS ERF : 3485, 24 HILDEBRAND RD DARLING | |
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pc lintels

existing conc. strip / foundations

-050 Garage FF

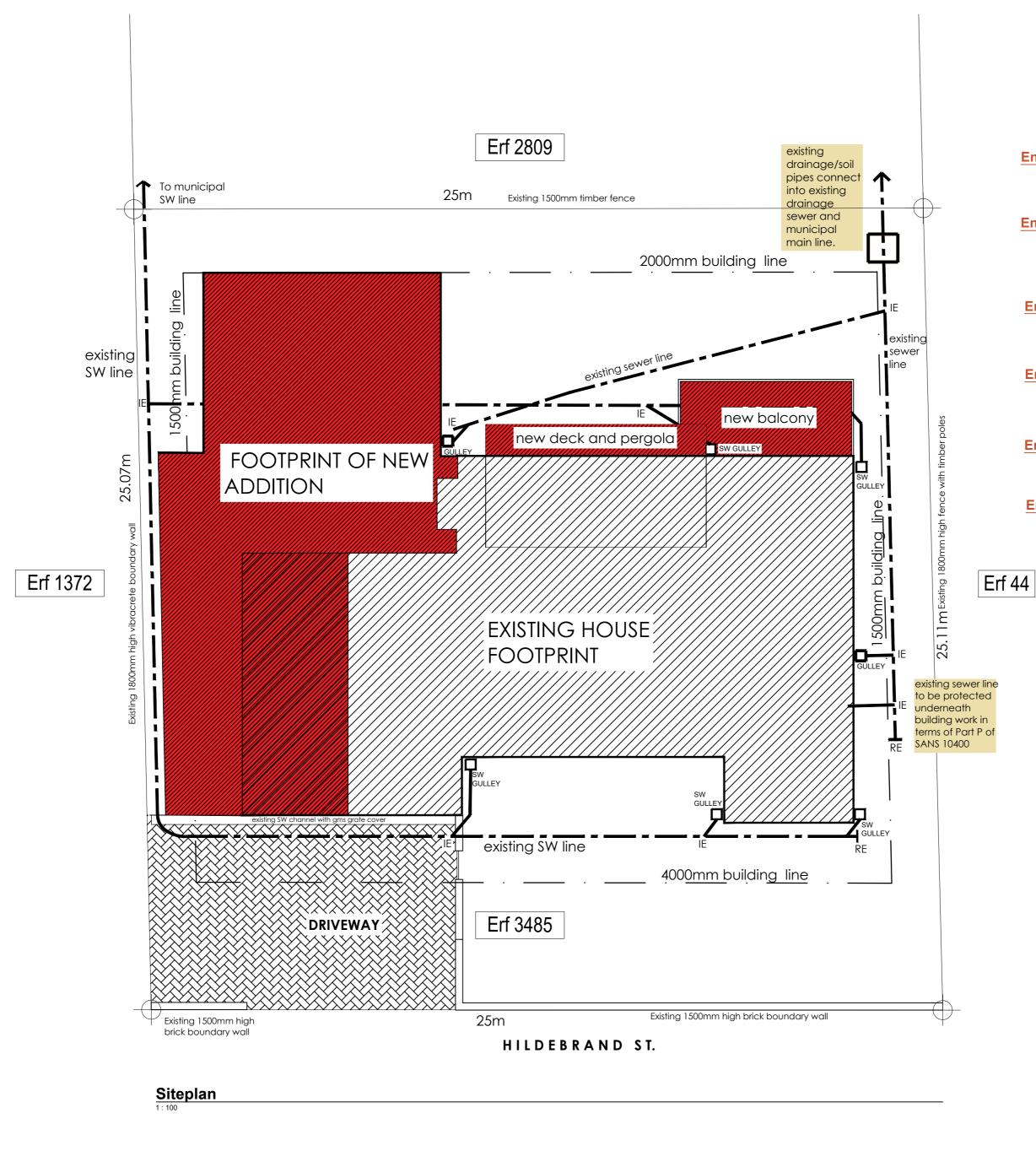
Hse tootprint

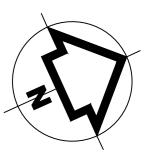
highest point

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20 Station rd, Darling, Cape town ph: 084-707-7700 info@newearth.co.za SACAP NO.: 6229 www.newearth. П CLIENT: PROJECT: PROPOSED ADDITIONS & ALTERATIONS ERF: 3485, 24 HILDEBRAND RD

DARLING ALBERT HINTENAUS SCALE: DRAWING: COUNCIL SUBMISSION SITE PLAN 21/08/24 1:100 DWG NO. :24 -E S HH - 07





Endorsement: Glazing element in shower cubicle must comply with Part N{4.4.2(d)} of SANS 10400.

Endorsement: Specify safety glazing in all panes, larger than 1m² and lower than 500mm, from the finished floor level to comply with the requirements of Part N of SANS

10400.

Endorsement: Proposed balustrades shall not have any opening

above the pitch line that permits the passage of a

100mm diameter ball.

Endorsement: Stormwater disposal shall comply in terms of

Municipal by-laws, NBR and Part R of SANS

10400.

Endorsement: Building inspector to evaluate the boundary pegs

before commencement of building work

Endorsement: No building work may encroach any erf boundaries

NOTE: Engineer's drawings for all reinforced structural works, structural steelworks, staircases. timber roof trusses etc to be submitted before commencement of such works

AREAS:

Existing ground floor/storey: 126.5m² New ground floor addition: 124m²

(garage & gym/studio)

New Deck and covered verandah: 45.5m²

New first floor/storey loft addition: 36m²

New first storey timber deck: 27.3m² (Remove existing verandah 24.45m²)

TOTAL COVERAGE: 296m²

Erf area 627m²

Coverage (Footprint) = 47.2%

20 Station rd, info@newearth.co.za

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Darling, Cape a SACAP NO.

town | : 6229

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www.newearth. П PROJECT: CLIENT: ALB

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PROPOSED ADDITIONS & ERF: 3485, 24 HILDE DARLING

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|----------------|--------------------|---------------------------------------|---------------|
| DATE: 21/08/24 | SCALE: 1:100 | ROOF PLAN | G COUNCIL |
| REV.: B | DWG NO. :24 - HH - | ARCHITECT: | OWNER: Mukaus |

80

SANS 10400 XA COMPLIANCE

To Comply with 4.2.1 b in 10400XA. (Rational design; reference building simulation route)

Climatic Zone 4 Occupancy: H3

Construction:

All walls, roofs and fenestration to comply with SANS XA 10400, or to be subject to a rational design.

Hot water supply to be in accordance with SANS 10400XA 4.1.

50% of hot water requirements to be fulfilled by means other than electrical. New 300l geyser with heat pump to be installed.

all hot water piping to be wrapped in insulation with a min R value of 1. e.g. 25mm polyurethane foam, or 40mm mineral wool.

SERVICES:

Services to comply with SANS 204 4.5

Roofplan

GENERAL CONSTRUCTION NOTES

All dimensions and levels are to be checked on site Figured notations to be taken, drawings should not be scaled. Contractor to work to National Building Regulations 0400

1. FOUNDATIONS & TRENCHES

2. All trenches & foundations to approved standards & to be checked by the building inspector & structural engineer. No foundations to be built over boundary lines.

3. WATERPROOFING

375 micron brick grip membrane to be laid according to manufacturer's spec's in all walls at 150mm above finished floor level and around all openings in external walls.

4. FLOOR SLAB AND FINISH

new painted 30mm screed on 100mm mesh reinforced conc. surface bed on 250 micron DPM ground sheet with 300mm overlap at all joints on 80mm sand bed on well compacted fill below. 20mm Plywood loft floor on 50 x 150 SAP joists @ 450mm c-c with acoustitherm sound dampening blanket & 12mm OSB board ceiling below

WALLS

External cavity walls 280mm wide, Clay bricks of weepholes every 3 bricks.@ floors/doors/window heads. Continuous brickforce at corners & in top 4 courses of

Timber frame construction to comply with SABS 082/88, all timber to be min V4 SAP pine. in accordance with 563 and 1245. STRUCTURAL TIMBER to be Boron salts treated. SA pine V6 where indicated - all timber built into walls to be painted with preservative & wrapped with dpc before building in. All timber to be treated against termites, woodborer attack and fungal decay to comply with the requirements of SANS 10005.

LED light bulbs to be used throughout. standard dimensions to be used with brick ties, walls. Fill cavity with conc. to dpc. 12mm sugar gum (or similar) cladding approx 100mm wide screwed to 38 x 38mm SAP battens @ 450mm c-c as indicated on elevations. Corrugated sheet cladding fixed to 38 x 38mm SAP battens as indicated on elevations. new steel & timbe new balcony below ew double ono pitched ro new freηch dormer roof to new loft space -{ 52° 52° pergold

(0)

Internal brick walls 115mm thick. All walls to be plastered with 10mm smooth plaster internally. External face of walls to be unplastered ROK sealed with 2 coats MATT brick sealer. Brickforce in 3 continuous layers and pre-cast lintols over all internal doors and door openings. Pre-cast lintols over all external door and window openings with a maximum of four courses of brickwork over, to a max. of 3m length. External cavity walls to have galv. wall ties.

6. DOORS + WINDOWS

Vertical and horizontal dpc's to all external doors and windows

Ends of beams and rafters to be wrapped in DPC.

Glazing to doors and windows in excess of 1 sq.m or less than 300mm AFFL to be safety glass in accordance with NBR.

7. BUILDING IN DOOR FRAMES

All internal door frames to be 90mm single rebated timber, painted with semi-gloss enamel to architect's specification.

Timber external door frames stained to match existing doors & windows, sealed with 3 coats approved MATT sealer. Frames to have standard open-in or open-out threshold cills. All frames to be carefully plumbed and squared off. Bracing to be fixed to centre of frame to prevent bowing. Metal lugs to be built into brickcourses and holes filled with mortar.

8. BUILDING IN WINDOW FRAMES

Timber window frames to be carefully plumbed and squared-off. Adequate strength lugs to be built into brick courses as per manufacturer's specifications. stained to match existing doors & windows, sealed with 3 coats approved MATT sealer.

9. WINDOW CILLS

All internal window cills to match exisitng cills, external cills plaster to match existing.

10. ROOF

0.64mm Zincalume roof sheets fixed as per manufac. specs

@ 3°,8° & 35°, on 50 x 76mm SAP purlins @ 750mm c-c, with 135mm Knauff insulation between purlins on trusses to eng spec.

Roof structure to be tied 450mm down with GMS hoop iron @ min

600mm c-c

all to SABS 082/88. Anchor gable ends to end/last

All wall plates to be 108 x 32mm V4 pine. Fix stormclips to every second purlin on long runs

and at all ends. Colour of roof: off-white/ivory/cream.

11. PERGOLAS

150x150mm Hardwood posts and beams.

12. CEILINGS

12mm Birch veneer ply to double pitched roof, Skimmed and painted 9mm plasterboard to all mono-pitch roofs.

13. Rainwater goods: 100mm wide seamless

gutters and 100mm diam. downpipes by Watertite powdercoated finish - to owner approved

14. PLUMBING

Hot and cold water reticulation to be 20mm diam. copper piping - inlet and outlet pipes to hot water geyser. All other sanitary fittings to be served by 12mm diam. copper piping.

Ball stops to be fitted just below connectors to all toilet cisterns.

Internal waste pipes to be 40mm diam. PVC with welded joints to run from the various waste rubber traps to external gullies - bends to be used at all changes of direction. Pipe runs to be secured to walls by means of adequate holder bats. Sewer collector pipes to be 110mm PVC pipes, running approx. 1 000mm clear of the building. Minimum cover sewer pipelines to be 500mm and pipes are to be bedded 180mm all round in sand cradle. Minimum slope to be not less than 1:60.

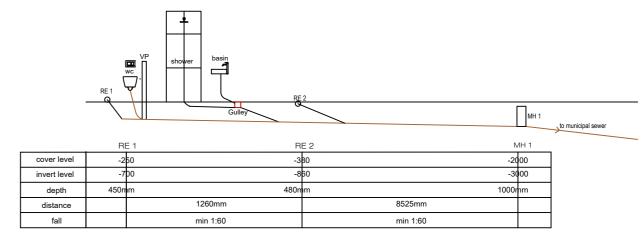
15. EXTERNAL WORKS

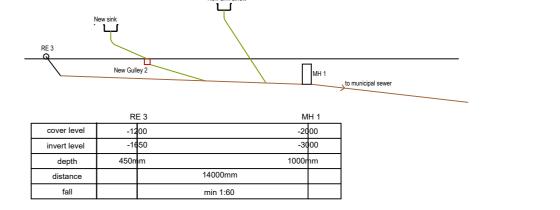
100mm concrete.

Surface water to run to sw channels or sw sumps to municipal sw line.

1.5m high Latte fence to lateral boundaries.

Sewer pipes below building to be encased in





Drainage sections

(A)



WINDOWS

01 Level 1

All windows to have Single Clear Laminated Safety Glazing 6.38mm

| CLIE | CLIENT: | | ECT: | |
|------------------|-----------------------|-------------------|----------------------------------|--|
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| DATE | SCALE: | DRAW | | |
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| DATE: 21/06/24 | | D&Ws | COUNCIL | |
| 3/24 | 1:50 | /s | COUNCIL | |
| REV. : | DWG NO. :24 - HH - 09 | ARCH | OWNER | |
| | NO. :2 | ARCHITECT | | |
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| FFL | 150 1950 | 1700 | 1800 | 000 0051 | 1200 | 400 | 2080 |
|---------------|--------------------|---------------|-----------------------|--------------------|---------------|-------------------|---------------|
| Location | Studio | Studio | bedroom 1, 2, ensuite | garage | loft | high level garage | loft |
| Window number | W01, W02, W03, W04 | W05 | W06, W07, W08 | W09, W10, W11, W12 | W13 | W14, W15, W16 | W17,W18 |
| Quantity | 4 | 1 | 3 | 4 | 1 | 3 | 2 |
| Size | 900x1950mm | 1700x2100mm | 1800x890mm | 600x600mm | 1200x1200mm | 600x400mm | 1200x2080mm |
| Material | Aluminium | Aluminium | Aluminium | Aluminium | Aluminium | Aluminium | Aluminium |
| Туре | fixed | fixed | sliding | top hung casement | fixed | fixed | sliding |
| Finish | Powder coated | Powder coated | Powder coated | Powder coated | Powder coated | Powder coated | Powder coated |

4200 Dx04 3015 2955 3600 Dx03 1705 1700 2150 2100 2100 2100 2100 studio loft bedroom 1 lounge garage Location Dx01, Dx02 Dx05 Dx06, Dx07 Dx08 Dx03 (3600 wide) Dx04 (4200 wide) Window number 2 2 Quantity 1700x2100mm 2955x2100mm 3600x2150mm, 4200x 2150mm 3015x2100mm 1705x2100mm Size Aluminium Aluminium Aluminium Timber Aluminium Material safety glazed double door safety glazed double door safety glazed triple slider door sectional garage door safety glazed double door with sidelights Type Prime and paint Powder coated Powder coated Powder coated Powder coated Finish DOORS 01 Level 1 Glazed doors to have Single Clear Laminated Safety Glazing 6.38mm

ANNEXURE C



20 Station road, Darling 7345, Cape Province. info@newearth.co.za

ATT: ALWYN BURGER/HERMAN OLIVIER/ANNELIE DE JAGER

19.08.2024

TOWNPLANNING DEPT
SWARTLAND MUNICIPALITY

RE: MOTIVATION LETTER FOR DEPARTURE/DEPARTURE APPLICATION/BUILD LINE RELAXATION.

Application Number: 3550657
HOUSE HINTENAUS
ERF 3485

HILDEBRAND ST DARLING

To Whom It May Concern....

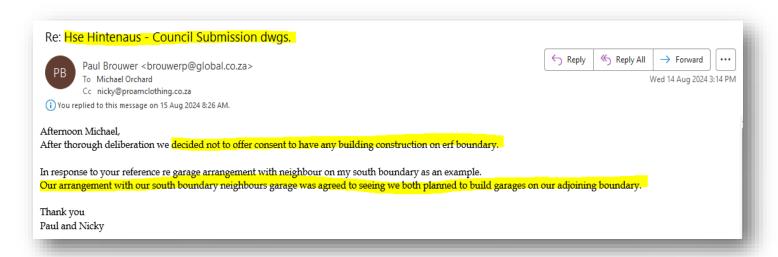
1. My client and owner of the above property, Albert Georg Hintenaus, is looking to house a collection of some 4 - 5 valuable collectible vehicles in a clean, secure environment, hence the wish to build a garage to safely store them.

There is insufficient space on the north side of the property/existing house, so the only available space is on the south side, and in order to be able to accommodate the vehicles we felt it necessary to place the garage on the south lateral boundary (within the 1.5m building line/setback), in order to best make use of the limited available space.

The immediate affected neighbour, Mr Paul Brouwer (Erf 1372), <u>has an existing double garage on his south erf boundary</u>, as has his southern neighbour (who's garage is on his north lateral boundary). Photo below.

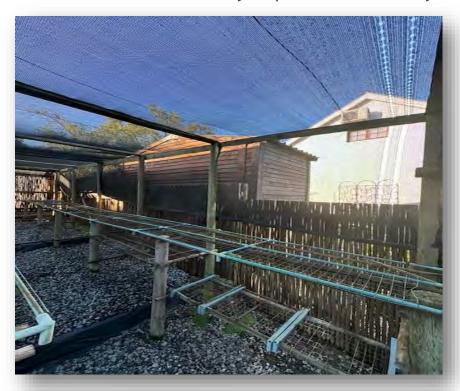


Mr Brouwer has indicated that he is not in favour of allowing the proposed garage to be built on the common boundary between the 2 erven - see attached email from Mr Brouwer.



We would however, like to apply for a departure/build line relaxation nevertheless, in order to erect said garage on the common lateral boundary in the same way the neighbours have already done. For your further reference we attach hereto pictures of:

- a) Garages constructed under departure from building lines on Erf 1372 and adjoining erf.
- b) The current view of boundary between erf 3485 (Hintenaus) and erf 1372 (Brouwer) showing that the area is being used for water tanks, louvre storage and a large timber garden shed, in any event blocking the view across boundary to potential boundary structures on erf 3485.





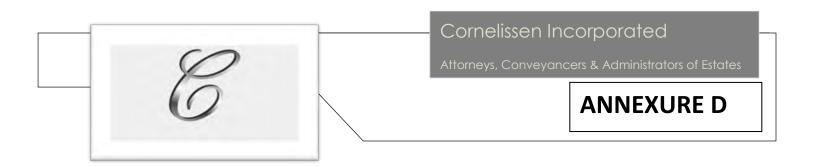
2. Additionally, we'd like to apply for a departure for the garage floor to exceed 1m above the gradient line by approx.200mm, as the driveway gradient is very steep from Hildebrand St, and some of the vehicles have very low ground clearance, and if the garage floor were any lower they may not be able to access the garage without vehicle underside making contact with the concrete slab.

We hope this meets with your sympathetic understanding, and granting of the departure application.

Sincerely yours

Michael Orchard
NEW EARTH
architecture
e: michael@newearth.co.za
m: 084-707-7700
www.newearth.co.za
Cape Town





| OUR REF: JHC/LM/BROUWER | YOUR REF: |
|-------------------------|-----------|
| | |

22 October 2024

Swartland Local Municipality

MALMESBURY

BY E-MAIL: <u>alwynburger@swartland.org.za</u>

Dear Sirs,

RE: PROPOSED ADDITIONS AND ALTERATIONS ERF 3485, 24 HILDEBRAND ROAD, DARLING

We refer to the above matter.

We act for Paul and Nicky Brouwer, owners of Erf 1327.

We hold instruction to raise the following concerns regarding the proposed plan of additions and alterations of Mr Albert Hintenaus, owner of Erf 3485, Darling.

1. <u>DEPARTURE/BUILD LINE RELAXATION</u>

1.1 Should the Swartland Municipal Planning Tribunal ("the tribunal) allow Mr Hintenaus to build the garage on the common lateral boundary line, it will impede on our clients' rights of use and enjoyment of their property. The property is zoned as residential. Had it not

-410-

been zoned as residential property, but as industrial, our clients would not have had an objection.

1.1.1 Bearing in mind the proximity of our clients' main bedroom exterior wall to the location of the building site which is estimated at 5.5 metres, should the proposed building plan be approved, the decision of the tribunal will not only disrupt our client's daily life during the build, but also after the completion of the project.

In addition and should the proposed plan be approved, our instructions are to request that due to the nature of the proposed plan (building on lateral boundary line), to request that a land surveyor be mandated at the cost of Mr Hintenaus to conduct a property boundary survey in order to establish and to confirm/update the records of the Municipality on the location of the boundary peg delineating the boundary line of each of our respective properties.

- 1.2 Should Mr Hintenaus be allowed to build on the common lateral boundary line, the tribunal's decision will impact our clients' insured risk with their insurer and place a financial burden on our clients as our clients will be required to pay an increased excess amount in the event of an insurance claim flowing from any theft or property damage incidents.
- 1.2.1 By implication, the workmen/builder will have to gain access to our clients' property during the build and in order to complete the project. The access required by the workmen/builder will not only be limited to access during the building project itself, but more relevant, any contractor in the future employed by Mr Hintenaus, whether it is to paint and/or maintain the exterior wall, replace the gutter etc. will require access to our clients' property.
- 1.2.2 We include written communication received by our client from their insurer, Old Mutual Insure, on enquiries made and quote the relevant paragraphs for ease of reference:



"By willingly allowing unknown workmen to enter/exit the insured's property on a daily basis for an extended period of time, poses a high risk for potential burglary, theft, attempted theft, malicious damage and accidental damage to the Insured's property. Based on the policy Terms and Conditions pertaining to the Theft section, by willingly allowing this to take place, negates the cover provided by the policy:

This cover is subject to the condition that loss or damage caused by theft or attempted theft, will only be covered if there are visible signs of forced entry into or exit from your private home.

Based on this wording and as the insured is willingly allowing unknown workmen to enter/exit their property; thereby placing the property (Buildings, Contents, All Risks and Motor Vehicles) at risk and as there will be no visible signs of forced entry/exit from their property, theft, including attempted theft, will be excluded for the duration of the construction in respect of the next door neighbour's Garages/flatlet/studio etc.

In addition to the above, Malicious Damage will be excluded, as the insured is willingly allowing unknown workmen to enter/exit the property."

- 1.3 As a possible alternative for the tribunal to consider in its deliberations of the proposed plan and to accommodate the real concerns raised herein, we hold instruction that our clients, with the intention of promoting good neighbourliness are amenable to agree to a relaxation of up to 600 mm (full length of exterior wall) from the common lateral boundary line.
- 1.3.1 We also refer your attention to the photograph and being typical in their description of other properties in Hildebrand Street, which the architect included in their letter in motivation for the departure/build line relaxation. The photograph depicts the front facade of two adjacent garages, our clients' garage and the garage of the adjacent owners of Erf 3905. In keeping with practical considerations, even though the two garages have been built on the common boundary between Erf 1327 and Erf 3905, the two garages are separated by 600mm which allow for the maintenance of the exterior walls of each garage. Presently, our clients' neighbours directly behind them and at the corner of Hildebrand Street (Erf 4356 and 547) have just erected double garages where they conformed to building line restrictions concerning the boundary of 1.5 meter distance in accordance with the municipal by-laws.



- 1.3.2 The solution to sufficient space for all Mr Hintenause's vehicles in the event that he agree to build the full length of the proposed garage exterior wall at 600mm from the lateral boundary line, can be found by revisiting the proposed gym/studio area, which is to be incorporated elsewhere. The floor area of the gym/studio area can be raised to a level to house the vehicles.
- 1.3.3 Needless to state, the vehicles are currently being housed elsewhere, probably outside Darling. Our instructions are that Erf 44 and Erf 2809, Darling are also registered in the name of Mr Hintenaus. Our client further instructs that ample space exist on Erf 2809 to house vehicles as the property aforementioned is a vacant plot. The tribunal, under the above recorded circumstances are urged to obtain sufficient information from Mr Hintenaus on the reasons to **house 6** (six) vehicles on Erf 3485, as it in our clients' opinion would appear to not be the most practical approach for a car collector.

2. HEIGHT OF PROPOSED GARAGE

The height of the proposed garage appear to be 6,125 metres. Coupled with the volume of the proposed roof, the proposed building exceeds the height of a single storey building and in actual fact constitutes a double storey building.

Due to the height of the building and the positioning of our clients' dwelling on Erf 1327, natural sunlight to our clients' dwelling will be adversely affected and the decision of the tribunal, should the proposed plan be approved, will effectively impede on our clients' rights to the use and enjoyment of their property. A flat roof would be acceptable to our clients.

3. LOFT LIVING AREA



On the proposed plan, North-East elevation, there appear to be provision made for the installation of three sets of windows. Because of the windows, the loft living area could well over time be converted into a habitable space which is a concern of our clients and a possible restriction for the tribunal to consider to be included prior to approval.

4. <u>USE OF GARAGE</u>

The specific use of the proposed garage, should the proposed plan be approved, should be restricted to the housing of vehicles only. The stipulation that the garage should not be utilized as a workshop of any nature should be incorporated as a restriction to the approval of any proposed plan to be considered by the tribunal.

5. **EXISTING TIMBER FENCE**

- The existing timber fence separating our clients' property from Erf 3485, as far as our client is aware, was erected by the previous owner. Should the tribunal allow Mr Hintenaus to build the garage on the common lateral boundary line, the wooden fence by implication will have to be removed. We look forward to receiving Mr Hintenaus' proposals, specifically regarding how he intend to accommodate our clients in the scenario where the timber fence will be removed. Our clients have reason to raise their concerns on safety, privacy and because they have dogs.
- 5.2 Our clients' fibre internet line as well as other services has been installed and are affixed to the timber fence currently separating our clients' property from the adjacent Erf 3485. Should the tribunal allow Mr Hintenaus to build the garage, we look forward to receiving Mr Hintenaus' proposals in respect of moving the fibre internet line and how our client will be accommodated under the circumstances.

6. NHBRC REGISTRATION/CAR INSURANCE



6

6.1 Our clients have been advised by their insurer that should the tribunal allow Mr Hintenaus

to build the garage on the common lateral boundary line (with or without modification), to

request as we hereby do that the following should be provided to our client prior to the

commencement of the project:

6.1.1 proof of the builder's NHBRC registration;

6.1.2 proof of insurance cover (CAR insurance).

7. PROPOSED RESTRICTION

We hold instruction to propose that the tribunal include a restriction on the positioning of

any mechanical or non-mechanical equipment to the exterior wall of the full length of the

exterior garage wall. Air conditioning units and any other mechanical devices that create

noise as a byproduct during the operation thereof in our client's opinion is a relevant

consideration here and should not be positioned on the exterior garage wall.

In view of the valid concerns as recorded above, our clients request the tribunal for a fair and

agreeable balanced decision for both property owners.

We await to hear from you.

Yours faithfully

CORNELISSEN INCORPORATED

JH CORNELISSEN

lorraine@cornelissen/inc.co.za iannie@cornelissen-/nc.co.za



ANNEXURE E



20 Station road, Darling 7345, Cape Province. info@newearth.co.za

ATT: ALWYN BURGER/HERMAN OLIVIER/ANNELIE DE JAGER

29.10.2024

TOWNPLANNING DEPT SWARTLAND MUNICIPALITY

RE: MOTIVATION LETTER FOR DEPARTURE/DEPARTURE APPLICATION/BUILD LINE RELAXATION for PROPOSED NEW GARAGE.

Application Number: 3550657
HOUSE HINTENAUS
ERF 3485
HILDEBRAND ST
DARLING

To Whom It May Concern....

Herewith the responses in red, of Albert Hintenaus to Nicky & Paul Brouwer's attorney letter dated 22 October 2024, with regard to the proposed building line relaxation departure on the common boundary of the 2 erven.

1. <u>DEPARTURE/BUILD LINE RELAXATION</u>

1.1 Should the Swartland Municipal Planning Tribunal ("the tribunal) allow Mr Hintenaus to build the garage on the common lateral boundary line, it will impede on our clients' rights of use and enjoyment of their property. The property is zoned as residential. Had it not

been zoned as residential property, but as industrial, our clients would not have had an objection.

Noted without comment.

1.1.1 Bearing in mind the proximity of our clients' main bedroom exterior wall to the location of the building site which is estimated at 5.5 metres, should the proposed building plan be approved, the decision of the tribunal will not only disrupt our client's daily life during the build, but also after the completion of the project.

In addition and should the proposed plan be approved, our instructions are to request that due to the nature of the proposed plan (building on lateral boundary line), to request that a land surveyor be mandated at the cost of Mr Hintenaus to conduct a property boundary survey in order to establish and to confirm/update the records of the Municipality on the location of the boundary peg delineating the boundary line of each of our respective properties.

Mr Hintenaus agrees to a Land Surveyor establishing and confirming erf boundaries and corner pegs at his cost.

1.2 Should Mr Hintenaus be allowed to build on the common lateral boundary line, the tribunal's decision will impact our clients' insured risk with their insurer and place a financial burden on our clients as our clients will be required to pay an increased excess amount in the event of an insurance claim flowing from any theft or property damage incidents.

No longer relevant - see response to point 1.3 re 600mm lateral boundary offset for garage

1.2.1 By implication, the workmen/builder will have to gain access to our clients' property during the build and in order to complete the project. The access required by the workmen/builder will not only be limited to access during the building project itself, but more relevant, any contractor in the future employed by Mr Hintenaus, whether it is to paint and/or maintain the exterior wall, replace the gutter etc. will require access to our clients' property.

No longer relevant - see response to point 1.3 re 600mm lateral boundary offset for garage

1.2.2 We include written communication received by our client from their insurer, Old Mutual Insure, on enquiries made and quote the relevant paragraphs for ease of reference:

"By willingly allowing unknown workmen to enter/exit the insured's property on a daily basis for an extended period of time, poses a high risk for potential burglary, theft, attempted theft, malicious damage and accidental damage to the Insured's property. Based on the policy Terms and Conditions pertaining to the Theft section, by willingly allowing this to take place, negates the cover provided by the policy:

This cover is subject to the condition that loss or damage caused by theft or attempted theft, will only be covered if there are visible signs of forced entry into or exit from your private home.

Based on this wording and as the insured is willingly allowing unknown workmen to enter/exit their property; thereby placing the property (Buildings, Contents, All Risks and Motor Vehicles) at risk and as there will be no visible signs of forced entry/exit from their property, theft, including attempted theft, will be excluded for the duration of the construction in respect of the next door neighbour's Garages/flatlet/studio etc.

In addition to the above, Malicious Damage will be excluded, as the insured is willingly allowing unknown workmen to enter/exit the property."

No longer relevant - see response to point 1.3 re 600mm lateral boundary offset for garage

1.3 As a possible alternative for the tribunal to consider in its deliberations of the proposed plan and to accommodate the real concerns raised herein, we hold instruction that our clients, with the intention of promoting good neighbourliness are amenable to agree to a relaxation of up to 600 mm (full length of exterior wall) from the common lateral boundary line.

Mr Hintenaus agrees to positioning the proposed garage 600mm from the common/lateral erf boundary.

1.3.1 We also refer your attention to the photograph and being typical in their description of other properties in Hildebrand Street, which the architect included in their letter in motivation for the departure/build line relaxation. The photograph depicts the front facade of two adjacent garages, our clients' garage and the garage of the adjacent owners of Erf 3905. In keeping with practical considerations, even though the two garages have been built on the common boundary between Erf 1327 and Erf 3905, the two garages are separated by 600mm which allow for the maintenance of the exterior walls of each garage. Presently, our clients' neighbours directly behind them and at the corner of Hildebrand Street (Erf 4356 and 547) have just erected double garages where they conformed to building line restrictions concerning the boundary of 1.5 meter distance in accordance with the municipal by-laws.

Noted without comment

1.3.2 The solution to sufficient space for all Mr Hintenause's vehicles in the event that he agree to build the full length of the proposed garage exterior wall at 600mm from the lateral boundary line, can be found by revisiting the proposed gym/studio area, which is to be incorporated elsewhere. The floor area of the gym/studio area can be raised to a level to house the vehicles.

Mr Hintenaus will abide by & leave it to the discretion of Swartland Council to determine that which is in compliance of the Swartland zoning scheme, and thereby enjoy his rights as property owner for residential purposes. Raising the gym floor level to that of the new garage would be in contravention of the max permissible height of FFL 1m above Natural Ground Level, so this is not feasible.

1.3.3 Needless to state, the vehicles are currently being housed elsewhere, probably outside Darling. Our instructions are that Erf 44 and Erf 2809, Darling are also registered in the name of Mr Hintenaus. Our client further instructs that ample space exist on Erf 2809 to house vehicles as the property aforementioned is a vacant plot. The tribunal, under the above recorded circumstances are urged to obtain sufficient information from Mr Hintenaus on the reasons to house 6 (six) vehicles on Erf 3485, as it in our clients' opinion would appear to not be the most practical approach for a car collector.

The vehicles are currently stored elsewhere in less than ideal conditions, hence the wish of Mr Hintenaus to store them securely adjacent to his residence

2. HEIGHT OF PROPOSED GARAGE

The height of the proposed garage appear to be 6,125 metres. Coupled with the volume of the proposed roof, the proposed building exceeds the height of a single storey building and in actual fact constitutes a double storey building.

Due to the height of the building and the positioning of our clients' dwelling on Erf 1327, natural sunlight to our clients' dwelling will be adversely affected and the decision of the tribunal, should the proposed plan be approved, will effectively impede on our clients' rights to the use and enjoyment of their property. A flat roof would be acceptable to our clients.

Mr Hintenaus will abide by & leave it to the discretion of Swartland Council to determine that which is in compliance of the Swartland zoning scheme height restrictions, and thereby enjoy his rights as property owner for residential purposes.

LOFT LIVING AREA

On the proposed plan, North-East elevation, there appear to be provision made for the installation of three sets of windows. Because of the windows, the loft living area could well over time be converted into a habitable space which is a concern of our clients and a possible restriction for the tribunal to consider to be included prior to approval.

Mr Hintenaus will abide by & leave it to the discretion of Swartland Council to determine that which is in compliance of the Swartland zoning scheme, and thereby enjoy his rights as property owner for residential purposes

4. USE OF GARAGE

The specific use of the proposed garage, should the proposed plan be approved, should be restricted to the housing of vehicles only. The stipulation that the garage should not be utilized as a workshop of any nature should be incorporated as a restriction to the approval of any proposed plan to be considered by the tribunal.

Mr Hintenaus agrees that he will not engage in any work that might create a sound disturbance, nor operate any commercial/business enterprise from the garage space, and will only engage in activities considered normal for a garage ie: the occasional oil change general storage, and other non-noise generating activities etc

5. EXISTING TIMBER FENCE

- The existing timber fence separating our clients' property from Erf 3485, as far as our client is aware, was erected by the previous owner. Should the tribunal allow Mr Hintenaus to build the garage on the common lateral boundary line, the wooden fence by implication will have to be removed. We look forward to receiving Mr Hintenaus' proposals, specifically regarding how he intend to accommodate our clients in the scenario where the timber fence will be removed. Our clients have reason to raise their concerns on safety, privacy and because they have dogs.
- 5.2 Our clients' fibre internet line as well as other services has been installed and are affixed to the timber fence currently separating our clients' property from the adjacent Erf 3485. Should the tribunal allow Mr Hintenaus to build the garage, we look forward to receiving Mr Hintenaus' proposals in respect of moving the fibre internet line and how our client will be accommodated under the circumstances.

No longer relevant - see response to point 1.3 re 600mm lateral boundary offset for garage, the timber fence will be left undisturbed and intact.

6. NHBRC REGISTRATION/CAR INSURANCE

- 6.1 Our clients have been advised by their insurer that should the tribunal allow Mr Hintenaus to build the garage on the common lateral boundary line (with or without modification), to request as we hereby do that the following should be provided to our client prior to the commencement of the project:
- 6.1.1 proof of the builder's NHBRC registration;
- 6.1.2 proof of insurance cover (CAR insurance).

No longer relevant - see response to point 1.3 re 600mm lateral boundary offset for garage, the timber fence will be left undisturbed and intact.

7. PROPOSED RESTRICTION

We hold instruction to propose that the tribunal include a restriction on the positioning of any mechanical or non-mechanical equipment to the exterior wall of the full length of the exterior garage wall. Air conditioning units and any other mechanical devices that create noise as a byproduct during the operation thereof in our client's opinion is a relevant consideration here and should not be positioned on the exterior garage wall.

Mr Hintenaus agrees to not place any A/C compressor/s or other mechanical equipment on the long garage wall running parallel to the common lateral boundary, so there will be no visual impact on the neighbours.

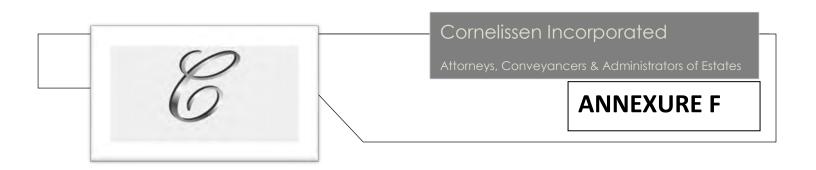
We hope this meets with your sympathetic understanding, and granting of the departure application to place the proposed garage 600mm from the common lateral boundary.

Sincerely yours

Michael Orchard
NEW EARTH
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GREEN BUILDING COUNCIL

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6 November 2024

Swartland Local Municipality

MALMESBURY

BY E-MAIL: <u>alwynburger@swartland.org.za</u>

Dear Sirs,

RE: PROPOSED ADDITIONS AND ALTERATIONS ERF 3485, 24 HILDEBRAND ROAD, DARLING

We refer to our letter of 22 October 2024 in which our clients raised objections to the proposed additions and alterations and the letter in response from New Earth Architecture received by our clients on 29 October 2024. We attach the response received from New Earth Architecture for your ease of reference.

We had the opportunity yesterday in taking instructions from our clients on the response aforementioned of New Earth Architecture. New Earth Architecture only yesterday subsequent to our consultation with our clients, provided us with the revised proposed additions and alterations at Erf 3485, Darling.

For the sake of convenience, we wish to respond in accordance with the headings and numbering of our letter of 22 October 2024.

Website: www.cornelissen-inc.co.za

1. DEPARTURE/BUILD LINE RELAXATION

- 1.1 Our clients appreciate the conciliatory gesture of Mr Hintenaus in regard to the positioning of the proposed garage 600mm from the common/lateral erf boundary.
- 1.2 Our clients note the willingness of Mr Hintenaus to appoint a Land Surveyor at his cost to establish and confirm the common/lateral boundary of Erf 3485, Darling.

2. <u>HEIGHT OF PROPOSED GARAGE</u>

2.1 Our clients shall abide by the decision of the tribunal.

3. LOFT LIVING AREA

3.1 Our clients shall abide by the decision of the tribunal.

4. USE OF GARAGE

4.1 Our clients appreciate the willingness of Mr Hintenaus to agree to the restricted use of the proposed garage space.

5. EXISTING TIMBER FENCE

- 5.1 Our instructions are that the current location of the timber fence is an issue that should be addressed prior to the commencement of the building project.
- Our clients have raised safety, security and privacy issues. The appointment of a Land Surveyor to establish and confirm the common/lateral erf boundary is imperative to ensure that the timber fence is indeed located on the common/lateral erf boundary.



3

5.3 The possible repositioning of the timber fence once the Land Surveyor has established

and confirmed the common/lateral boundary of Erf 3485, Darling should be attended to

prior to commencing the building project as this is of utmost concern to our clients.

5.4 Our clients will bear the costs in moving the fibre internet line and other services installed

and affixed to the timber fence.

6. NHBRC REGISTRATION/CAR INSURANCE

6.1 We refer to our paragraphs 1.2.1 and 1.2.2 of our letter of 22 October 2024. As the

common/lateral erf boundary is still to be established and confirmed, which most likely

will result in the repositioning of the timber fence, the risk to our clients is still of major

concern from an insurance point of view.

7. PROPOSED RESTRICTION

7.1 Our clients appreciate the willingness of Mr Hintenaus to accommodate our clients'

request to not place air-conditioning units or other mechanical equipment on the exterior

wall of the proposed garage.

We trust that the tribunal will give due consideration to the issues raised by our clients in its

deliberation of the application.

Yours faithfully

CORNELISSEN INCORPORATED

OH CORNELISSEN

lorraine@cornelissen-inc.co.za iannie@cornelissen-inc.do.za



ANNEXURE G









