



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY,
8 AUGUST 2023 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
Senior Town and Regional Planner, Mr A J Burger
Town and Regional Planner and GIS, Mr H Olivier
Town and Regional Planner, Ms A de Jager
Manager: Secretariat and Records, Ms N Brand (secretariat)

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

No apologies was received.

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 7 JUNE 2023

RESOLUTION

That the minutes of a Municipal Planning Tribunal Meeting held on 7 June 2023 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED REZONING AND CONSENT USE ON ERF 3866, MOORREESBURG (15/3/3-9, 15/3/10-9) (WARD 2)

Mr A J Burger, the author, gave the background on the proposed rezoning and consent use on Erf 3866, Moorreesburg in order to develop the property into a funeral parlour and the Aquagreen Crematorium.

Mr Burger explained that the cremation process will be done by aquamation. The scientific name for this water-based process is alkaline hydrolysis. AVBOB introduced aquamation in South Africa in November 2019.

The proposed application adheres to the spatial planning principles, is compliant with the Spatial Development Frameworks and the impact of the proposed funeral parlour and aquatorium on the surrounding area is deemed low.

RESOLUTION

- A. The application for the rezoning of Erf 3866, Moorreesburg be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for consent uses for a funeral parlour and aquatorium on Erf 3866, Moorreesburg be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. Approvals A and B are subject to the following conditions:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) A portion of erf 3866 (65m² in extent) be rezoned from Business zone 1 to Industrial zone 3 and accommodates an aquatorium as presented in the application;
- (b) A flat as primary use under Business Zone 1 and a funeral parlour as a consent use be accommodated as presented in the application;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) At least 32 on-site parking bays and 1 loading bay be provided as presented in the application. The parking bays and 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 and loading bay be clearly marked;

C2 WATER

- (a) The existing water connection be used and that no additional connections be provided;

C3 SEWERAGE

- (a) The existing sewerage connection be used and that no additional connection be provided;
- (b) The runoff from the aquatorium be separated from the rest of the sewage runoff from the premises and carried separately to the sewer connection. The discharge system of the aquatorium be provided with a volumetric sampling device and flow meter, the type and make of which has been approved by the Director: Civil Engineering Services. The equipment be installed on the premises in a suitable structure that provides free access for Municipal staff. The discharge system including the sampling apparatus, flow meter and structure be designed by an engineer appropriately registered in terms of the provisions of Act 46 of 2000. The design be approved by the Director: Civil Engineering Services after which construction and installation under the supervision of the engineer. The sampling device and flow meter are taken over by the Municipality for operation and maintenance after the completion certificate is issued;
- (c) A waste water management plan compiled by an appropriately qualified process engineer who is familiar with the specific purification processes of the Moorreesburg Waste Water Treatment Works and approved by the Director: Civil Engineering Services be provided. The waste water management plan be approved by the Director: Civil Engineering Services before any sewage runoff is discharged into the Municipal sewer system;
- (d) Before any sewage run-off is discharged into the Municipal sewer system it be determined whether any pre-treatment of sewage run-off from the aquatorium is required with information from the waste water management plan which pre-treatment must be implemented;

- (e) Purified sewage from the Moorreesburg Waste Water Treatment Works is already reused and if the specific run-off from the aquatorium for whatever reason would lead to a restriction of any kind being placed on the reuse of the purified sewage, the receiving of the run-off in the Municipal sewage system will be reconsidered;
- (f) Sewage sludge from the Moorreesburg Waste Water Treatment Works is classified as a class B.1.a sludge and is used accordingly. If, for whatever reason, the specific runoff from the aquatorium results in the sewer system being classified as poorer, the receipt of the runoff in the Municipal sewerage system will be reconsidered;
- (g) The dumping of sewage effluent from the aquatorium be subject to the levy rates for industrial effluent;

C4 REFUSE REMOVAL

- (a) Only household and office waste be received by the municipal waste disposal service;

C5 GENERAL

- (a) Any upgrades of the existing services in order to provide the aquatorium with services be for the cost of the owner/developer;
- (b) Any applicable development charges be determine at building plan stage;
- (c) The conditions of the West Coast District Municipality, letter dated 25 November 2022, be complied with;
- (d) The approval will not exempt the owner/developer from adherence to all other legal procedures, applications and/or approvals related to the intended land use, including, but not limited to all health and safety protocols;
- (e) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years from the date of decision by the Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal. All conditions of approval be implemented before the proposed uses come into operation. Failure to comply with all conditions of approval will result in this approval expiring;
- (f) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. An appeal is to comply with section 90 of the By-Law and be accompanied by an appeal fee of R5000-00 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.

D. The application be supported for the following reasons:

- (a) The application is in compliance with the planning principles of LUPA and SPLUMA;
- (b) The application is in compliance with the spatial planning of Moorreesburg;
- (c) The development proposal complies with all applicable zoning parameters of the Swartland Planning By-law;
- (d) The impact of the proposed funeral parlour and aquatorium on surrounding area is deemed low;
- (e) Erf 3866 does not have any physical restrictions which may have a negative impact on this application;
- (f) The development proposal supports the optimal utilisation of the property;
- (g) Existing services are deemed sufficient to accommodate the funeral parlour and aquatorium;
- (h) Sufficient measures will be put in place prior to any sewage from the aquatorium are taking up in the sewage system. This ensures that the effluent from the aquatorium does not impact negatively on the Water Water Treatment Works of Moorreesburg;
- (i) The facility will create jobs;
- (j) The facility will perform a regional function;
- (k) The impact of the facility on property values of surrounding properties are deemed low to none;
- (l) It remains every person's personal or religious choice regarding what will happen with their bodies once deceased;
- (m) There are no restrictions in the title deed of erf 3866 which restricts the proposed development;

6.1/D...

- (n) The public participation process conducted is deemed compliant with the requirement of the Swartland Planning By-law;
- (o) The land use approval will not exempt the owner/developer from adherence to all other legal procedures, applications and/or approvals related to the intended land use, including, but not limited to all health and safety protocols.

6.2 APPLICATION OF CONSENT USE ON PORTION 56 OF THE FARM GROENE RIVIER, NO 821, DIVISION MALMESBURY (15/3/10-15) (WARD 4)

The author, Ms A de Jager, confirmed that the footprint of the proposed consent uses (9 730 m² in total) for the establishment of a renewable energy plant, charging station and a farm shop is minimal to the extent of the entire farm (267,0672 ha).

The location of the renewable energy plant with photo-voltaic panels and farm shop are ideal in terms of the Spatial Development Framework which specifically created development nodes at the new intersections on the N7 national road.

Ms de Jager confirmed that the Department of Agriculture supports the application and that the applicable portion of the farm is not seen as sustainable agricultural land.

RESOLUTION

- A. The application for consent uses on Portion 56 of the farm Groene Rivier, no. 821, Division Malmesbury, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises the establishment of a renewable energy plant comprised of photo-voltaic panels on a footprint of 7 900m², as presented in the application;
- (b) The consent use also authorises the establishment of a farm shop of 100m² in extent, as presented in the application;
- (c) The total footprint of the development, including the photo-voltaic panels, the farm shop, the charging stations, parking bays and circulation space around the facility, not exceeds 9 730m², as presented on Site Development Plan 63/P/100, dated 24 November 2022;
- (d) A detailed landscape plan, clearly illustrating the following:
 - (i) Mitigating measures, including landscaping and structural elements, to be employed in order to minimise light disturbances from the development towards affected properties;
 - (ii) Mitigating measures, including landscaping and structural elements, to be employed in order to minimise the visual impact of the development on the N7, the R304 and surrounding properties;be submitted to the Senior Manager: Development Management, for consideration and approval;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) The required number of parking bays be provided, in compliance with Section 13 of the By-Law, at building plan stage;
- (g) Each parking bay be clearly marked;
- (h) Application be made to the Senior Manager: Development Management for the right to display advertising and tourism signs;
- (i) A Certificate of Compliance be obtained from the West Coast District Municipality for the farm shop;
- (j) A trade licence be obtained from Swartland Municipality for the operation of the farm shop;
- (k) The owner/developer submits a decommissioning plan, including a cost estimate calculated by a similar, independent photo-voltaic plant developer, as well as a signed letter of intent from the owner/developer to honour the cost and management at such time as decommissioning of the plant becomes necessary;
- (l)/...

- (l) The owner/developer submits a proposal for social contribution in terms of section 76(5) of the By-Law to the Senior Manager: Development Management for consideration and approval;

A2 WATER

- (a) Drinking water be made available at the farm shop, adhering to the standard determined by the West Coast District Municipality;
- (b) The exiting water volume allocated to the property not be increased;
- (c) The owner/developer be responsible to obtain additional water for the cleaning of the photo-voltaic panels from an external supplier, as presented in the application;

A3 SEWERAGE

- (a) No municipal sewerage connection be provided and that the effluent be treated on-site by means of a conservancy tank, as presented in the application;

A4 REFUSE REMOVAL

- (a) The owner/developer is responsible for refuse removal as presented in the application;
- (b) Prepaid vouchers be submitted, should any of the landfills in the municipal area be utilised. The vouchers are obtainable from any municipal office in the municipal area;

A5 ROADS

- (a) Access to the plant and facilities be restricted to the location agreed upon with the Western Cape Department: Infrastructure – Road Planning, illustrated on Site Development Plan 63/P/100 and confirmed by the Department in the letter of 12 April 2023, reference number TPW/CFS/RP/LUD/ACC-31/08;
- (b) Cognisance be taken of the correspondence from SANRAL, dated 6 April 2023 , reference number W11/4/3-7/1X-7;

B. GENERAL

- (a) Cognisance be taken of the correspondence from Openserve, dated 30 January 2023, reference number WWIP_WKKBK0289_23;
- (b) The land use approval will not cause exemption from complying with any other legal procedures, applications and/or approvals related to the intended land use;
- (c) The approval be, in terms of section 76(2)(w) of the By-Law, valid for 5 years from the date of decision by the Planning Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal;. All conditions of approval be implemented before the new land uses come into operation, without which, the approval will lapse and occupation will not be granted. Should all the conditions of approval be met before the 5 year approval period lapses, the approval period will not be applicable anymore;
- (d) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za. The appellant will be responsible for the payment of an appeal fee of R5 000,00, no later than 21 days after registration of the approval letter and ensuring that the appeal complies with the requirements of section 90 of the By-Law to be considered valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

C. The application be supported for the following reasons:

- (a) The proposed application is consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.;
- (b) There are no physical restrictions on the property that will have a negative impact on this application. In fact, the physical characteristics render the property uniquely suited to accommodate the proposed resort and facilities;
- (c) The proposed consent uses are consistent with the character and zoning of the property and surrounding area;
- (d)/...

6.2/C...

- (d) The proposed activity will have a positive economic impact as it will generate income for the land owner, municipality (through rates and taxes) and tourism as a whole, through the spending of visitors to the area;
- (e) The proposal will generate a number of employment opportunities;
- (f) The development proposal does not trigger an EIA and will have no detrimental impact on the environment;
- (g) The proposal supports the generation of 'clean' energy and is aimed at contributing to the reduction of carbon emissions;
- (h) The cultural and natural heritage of the area is not negatively impacted upon and the visual impact of the development proposal will be mitigated;
- (i) The proposed development is not perceived to have a detrimental impact on the health and safety, nor the rights of surrounding land owners;
- (j) The agricultural practises of neighbouring farms are not foreseen to impact negatively on the proposed development and vice versa;
- (k) The development proposal is considered desirable within its context, i.e. spatially, culturally, environmentally and economically;
- (l) The necessary conditions were laid down to mitigate the visual impact of the development on the rural area.

6.3 PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 505, YZERFONTEIN (15/3/4-1, 15/3/10-1) (WARD 5)

Mr Olivier mentioned that applications for the establishment of double dwelling houses in Yzerfontein is a regular occurrence.

The application received is for a double dwelling is for residential purposes as well as for the establishment of a small-scale place of education in the form of a learning centre.

RESOLUTION

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

A1 TOWN PLANNING AND BUILDING CONTROL

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

A2 WATER

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

A3 SEWERAGE

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

A4 STREETS & STORMWATER

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

- A5 Development charges/...

A5 DEVELOPMENT CHARGES

- (a) The development charge applicable to the second dwelling, towards the supply of regional bulk water amounts to R 10 862, 90 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge applicable to the second dwelling, towards bulk water reticulation amounts to R 986, 70 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge applicable to the second dwelling, towards sewerage amounts to R4 946, 15 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge applicable to the second dwelling, towards wastewater treatment amounts to R12 002, 55 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge applicable to the second dwelling, towards streets amounts to R 6 793, 05 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge applicable to the second dwelling, towards electricity amounts to R11 044, 14 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The development charge applicable to the place of education, towards the supply of regional bulk water amounts to R 3 601, 80 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (h) The development charge applicable to the place of education, towards bulk water reticulation amounts to R 593, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (i) The development charge applicable to the place of education, towards sewerage amounts to R2 594, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (j) The development charge applicable to the place of education, towards wastewater treatment amounts to R6 306, 60 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (k) The development charge applicable to the place of education, towards streets amounts to R 3 960, 60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (l) The Council resolution of May 2023 makes provision for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter.

B. GENERAL

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

6.3/B...

- (c) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za. The appellant will be responsible for the payment of an appeal fee of R5 000,00, no later than 21 days after registration of the approval letter and ensuring that the appeal complies with the requirements of section 90 of the By-Law to be considered valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

C. The application be supporter for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application.
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed land use.
- (c) The SDF, 2023 supports densification as well as the accommodation of professional services and secondary educational facilities in residential areas. The subject property is located next to the identified CBD of Yzerfontein.
- (d) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
- (e) The proposed application will not have a negative impact on the character of the area.
- (f) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets.
- (g) A place of education is accommodated as a consent use under Residential Zone 1 of the By-Law.
- (h) The development proposal supports the optimal utilisation of the property.
- (i) The place of education may support the tourism industry in Yzerfontein, as well as the local economy.
- (j) The need for this service in Yzerfontein is recognised.
- (k) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Gey van Pittius Street.

6.4 PROPOSED CONSOLIDATION AND DEPARTURE ON ERF 2241 AND ERF 2385, YZERFONTEIN (15/3/12-14) (WARD 5)

Ms A de Jager gave the background to the establishment of the Mile 16 Private Beach Estate and the amendment of the zoning category in 2020 with the revision of the Swartland Municipality: Municipal Land Use Planning By-law to either Resort Zone or Residential Zone 3, depending on the individual composition of each development.

The erven could not be classified as Residential Zone 1 as the average erf size inside the development falls between 200 m² and 495 m², therefore much smaller than the minimum erf size of 500 m². The architectural character of the Mile 16 Private Beach Estate is already established and sensitive to the West Coast Environment and controlled by co-ordinated design requirements.

The consolidation of Erf 2241 and Erf 2385 to create a property of 825 m² in extent, is therefore inconsistent with the prevailing erf sizes in the estate as well as inconsistent with the character of the development.

RESOLUTION

A. The application for consolidation and departure on Erf 2241 and Erf 2385, Yzerfontein be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

B. GENERAL

- (a) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after

6.4/B(a)...

registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

C. The application be refused for the following reasons:

- (a) The Mile 16 residential development was originally packaged and approved as a medium density resort, in order to make smaller, holiday-orientated housing available that do not necessarily adhere to the minimum erf size of 500m², as applicable to Residential Zone 1 properties. The adoption of SPLUMA, LUPA and the By-Law, with subsequent variations and amendments caused the notion of leisure residential developments to become obsolete and the zoning category was replaced by Residential Zone 3: Estate Housing;
- (b) The main objective of a Residential Zone 3 development, in terms of the By-Law, is to create a residential estate that is governed by a homeowners' association, with access control and co-ordinated design requirements;
- (c) The development layout, objective and design guidelines for Mile 16 Beach Estate have been formulated and approved by the Owners' Association, as well as Swartland Municipality, in terms of the Mile 16 Constitution, to ensure a cohesive character within the development;
- (d) Erf 2241 (471m² in extent) and Erf 2385 (354m² in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m² and the largest erf is 663m² in extent). The consolidation of the two erven will create a property of 825m² in extent. The consolidated erf size will not be consistent with the average erf size of the development and is considered excessive within the context;
- (e) The design manual clearly states its intention to be the creation of an identifiable overall character, portraying an appropriate response to the sensitive West Coast Environment. A larger erf will inevitably facilitate the development of a much larger dwelling, which is considered incompatible with the architectural character of the surrounding uses and overall character;
- (f) The proposal will disrupt the cohesion, intended within the zoning category, of the development by countering the initial intent of creating smaller properties;
- (g) The development does not support the existing character of the area, nor does it support the envisaged character of the area portrayed in the applicable spatial planning and policy documents;
- (h) The proposal is considered contradictory to the densification policies supported on national, provincial and local levels, and which were cited as motivation for the initial approval of the development;
- (i) The development was never intended to be similar in size and density as that of a Residential Zone 1 area. The proposed consolidation will create erven that are suited to a low density, single residential neighbourhood, much more compatible with a different zoning category;
- (j) The consolidation of Erf 2241 and Erf 2385, Yzerfontein, does not meet the principles of desirability and is considered undesirable in its context and therefore refused;
- (k) The existing building lines are a way of providing sight lines which are disregarded by the proposed development and must be taken into consideration with consolidation proposals.

6.5 APPLICATION FOR REZONING OF ERF 155, ABBOTSDALE (15/3/3-1) (WARD 7)

Mr Olivier tabled the application and confirmed that the shop is already in operation and it is the intention of the property owners to obtain the necessary land use rights which necessitates the rezoning of the subject property.

The land use proposal plan for Abbotsdale clearly indicates Kerk Street as an activity corridor and therefore the existing shop is consistent with the SDF and adheres to the parameters of the zoning scheme.

Resolution/...

RESOLUTION

- A. The application for the rezoning of Erf 155, Abbotsdale from Residential Zone 1 to Business Zone 2, be approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The use of the property be restricted to a shop and flat as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (c) Application be made to the Senior Manager: Development Management for the right to display the name board/sign of the facility on the site;
- (d) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (e) A minimum of eight (8), clearly demarcated on-site parking bays be provided as presented in the application and that the parking bays and parking area be finished with a permanent, dust free surface, whether it be tar, concrete, paving or any other material, as pre-approved by the Director: Civil Engineering Services;

A2 WATER

- (a) The existing water connection be used and that no additional connections will be provided;

A3 SEWERAGE

- (a) The existing sewer connection be used and that no additional connections will be provided;

A4 STREETS & STORMWATER

- (a) Deliveries to the property may only be made by delivery vehicles not exceeding 16 000kg gross vehicle mass.

A5 REFUSE REMOVAL

- (a) A built refuse area be constructed and provided with clean running water as well as a catchment point for dirty water that is connected to the sewer network. The refuse should be easily accessible to refuse removal workers but should not be accessible to animals / birds and unauthorised individuals;

A6 DEVELOPMENT CHARGES

- (a) The development charge towards the regional bulk supply of water amounts to R18 684,19 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The fixed development charge towards bulk water reticulation amounts to R10 495,27 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The fixed development charge towards sewerage amounts to R 5 710,49 and is payable by the owner/developer at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The fixed development charge towards wastewater treatment, to the amount of R6 191,14 is payable by the owner/developer, at building plan stage. The amount is payable to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The fixed development charge towards streets amounts to R75 361,80 and is payable by the owner/developer at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The above development charges were calculated for the development proposal for a shop with an extent of 172m² GLA;

- (g) The Council resolution of May 2023 provides for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

B. GENERAL

- (a) Should it be necessary to upgrade any existing services in order to accommodate the access or service connections of the proposed development, the cost thereof will be for the developer's account;
- (b) The approval does not exempt the owner/developer or his/her agents from adherence to any other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (c) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years from the date of decision by the Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal. All conditions of approval be implemented within a period of 60 days from date of this letter and before occupancy certificate for new usage be issued, without which, the approval will lapse. Should all the conditions of approval be met, the land use will be permanent and the approval period will not be applicable anymore.
- (d) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application.
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed land use.
- (c) The SDF, 2023 supports the accommodation of business uses as well as secondary business uses along activity streets / corridors or at the existing node. Kerk Street is an identified activity corridor.
- (d) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
- (e) The proposed application will not have a negative impact on the character of the area.
- (f) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets.
- (g) The proposal will not have a significant impact on traffic in Kerk Street.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**

28 August 2023

15/3/3-8/ Erf 327

15/3/6-8/ Erf 327

WYK: 10

ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 20 SEPTEMBER 2023

**LAND USE PLANNING REPORT
APPLICATION FOR THE REZONING AND SUBDIVISION OF ERF 327, MALMESBURY**

Reference number	15/3/3-8/ Erf 327 15/3/6-8/ Erf 327	Application submission date	3 February 2023	Date report finalised	30 August 2023
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PART A: APPLICATION DESCRIPTION

Application for the rezoning of Erf 327, Malmesbury, is made in terms of Section 25(2)(a) of the Swartland Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), from Split Zoning (Transport Zone 1 and Authority Zone) to Subdivisional Area, to allow for Split Zoning and Community Zone 1, in order to accommodate a Place of Education (secondary school) on Portion A.

Application for the subdivision of Erf 327, Malmesbury, is made in terms of Section 25(2)(d) of the Swartland Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), in order to create two portions, namely Portion A of 4ha in extent, to accommodate a Place of Education, and the Remainder of 766.1666ha in extent.

The applicant is CK Rumboll and Partners and the owner of the property is Swartland Municipality.

PART B: PROPERTY DETAILS

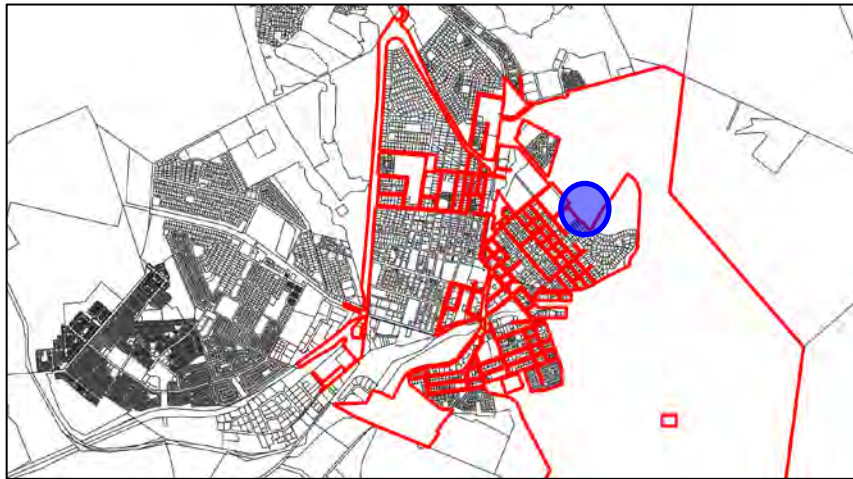
Property description (in accordance with Title Deed)	Malmesbury Freeholds, Vol.4 No. 6, dated 23/4/1918						
Physical address	Barocca Street			Town	Malmesbury		
Current zoning	Transport Zone 1 and Authority Zone		Extent (m²/ha)	770.1666ha	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipal Land Use Planning By-Law						
Current land use	Small Eucalyptus tree plantation and limited community use (Voortrekkers)			Title Deed number & date	MMF4-6/1918		
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)				
Any third party conditions applicable?	Y	N	If Yes, specify				
Any unauthorised land use/building work	Y	N	If Yes, explain				

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

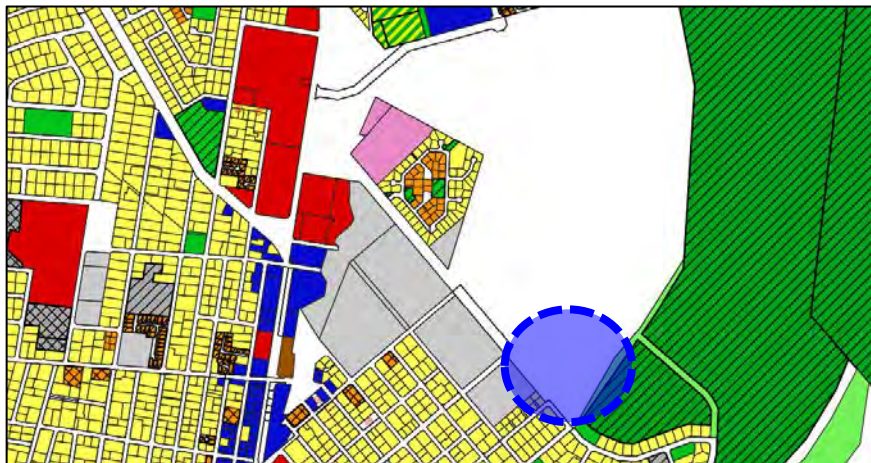
Rezoning	<input checked="" type="checkbox"/> Permanent departure	<input type="checkbox"/> Temporary departure	Subdivision and/or servitude registration	<input checked="" type="checkbox"/>
Extension of the validity period of an approval	<input type="checkbox"/> Approval of an overlay zone	<input type="checkbox"/> Consolidation	Removal, suspension or amendment of restrictive conditions	<input type="checkbox"/>

PART D: BACKGROUND

Erf 327, Malmesbury consists of several land portions, as the erf number was allocated to the Malmesbury freehold or commonage. As such the land became fragmented over time and accommodates various land uses. The diagram below illustrates the portions of the Remainder of Erf 327 in relation to the larger town.



The portion of Erf 327 that is proposed for development is located on the north-eastern periphery of Malmesbury, in the area colloquially known as the 'Bloekombos'. The surrounding land uses include education (High School Swartland sport facilities on the opposite side of Barocca Street), residential and agricultural land. The public swimming pool, police station, traffic offices and the CBD are within walking distance of the site.



The aim of the application is ultimately to establish a private school on the new Portion A. In order to accomplish the goal, a portion of Erf 327 must be subdivided from the larger erf and rezoned to Community Zone 1. The Remainder will retain the existing split zoning. Section 30(2) of the By-Law states that no application for subdivision involving a change of zoning may be considered by the municipality unless the land concerned is zoned as a subdivisional area.



Application is subsequently made for the rezoning of Erf 327 to Subdivisional Area, the subdivision into two portions of 4ha (Portion A) in extent and 766.1666ha (Remainder) in extent. The zonings allocated to each portion are Community Zone 1 on Portion A, to accommodate the proposed Place of Education (Mother Tongue Education School). The Remainder will revert back to the split zoning of Transport 1 and Authority Zone).

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

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

No pre-application consultation was deemed necessary.

PART F: SUMMARY OF APPLICANTS MOTIVATION

1. DEVELOPMENT PROPOSAL

The Remainder of Erf 327, Malmesbury, is located on the eastern outskirts of Malmesbury, but within the urban edge. The proposed developable area is located in the north-eastern side of town, adjacent to the Swartland High School. Access to the property is obtained from Barocca Street on the southern boundary of the property.

Considering the fact that the development will be located adjacent to the Swartland High School, the proposal will enhance the institutional character of the area.

The proposed school will include:

- i. Administrative building;
- ii. 4 x Learning class blocks (each block containing 3 classrooms);
- iii. Two technical class blocks (each block contains 2 classrooms);
- iv. Coffee shop/Snack shop;
- v. Multipurpose sports court;
- vi. 4 x Netball courts
- vii. Auditorium.

The developed area will total $\pm 3\,250\text{m}^2$, as seen below:





The proposed subdivided portion will be of sufficient area to accommodate all the development parameters required by the By-Law, e.g. the 10m building lines, 26 parking bays and two bus parking bays, coverage of maximum 60% (8% is proposed), etc.

2. PLANNING POLICY

a) The National Development Plan

The National Development Plan 2030 was developed and adopted by the National Planning Commission and adopted in 2012. The NDP prioritises increasing employment and improving the quality of education while advocating an integrated approach to addressing these challenges.

b) West Coast District Municipality SDF (2014)

Facilitate and create an enabling environment for employment, economic growth and tourism development, while promoting the access to public amenities, such as education and health facilities.

c) Provincial Spatial Development Framework

One of the Global goals for sustainable development is the provision of quality education.

d) Western Cape Provincial Spatial Development Framework (2014)

The proposed development provides the opportunity for the private sector to contribute to the provision of quality education facilities within the fast growing town of Malmesbury.

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

- i. **Spatial Justice:** The proposed development is justified through its alignment with the municipal need for additional institutional facilities. The development is aligned with the proposals of the SDF to provide institutional facilities in the proposed location. The proposal of a private secondary school will alleviate the pressure on the existing public school, making space available for a wider variety of learners.
- ii. **Spatial Sustainability:** Sustainable developments are ecologically justifiable, socially equitable and economically viable. The proposed development will protect identified prime, unique and high potential agricultural land, as well as natural habitats and areas of high biodiversity importance as far as possible. An environmental process was undertaken to ensure that the development is ecologically sustainable.

The facility will provide in the need for educational opportunities and as such contribute to the social equity of Malmesbury.

- iii. **Efficiency:** The proposed development will promote the provision of educational opportunities on available land. The proposed development will optimise the use of existing infrastructure and resources while promoting urban functions that remain inside the urban area and compact town development.
- 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 will strengthen the town's ability to withstand economic and environmental shocks, through creating variety and enhancing social integration.

f) Municipal Spatial Development Framework (SDF, 2023)

The following development proposals for area F are contained in the SDF:

- i. Provide education facilities, with a focus on creches and secondary/tertiary facilities: The proposed development is for a secondary school;
- ii. Encourage social uses including schools, hospitals, kindergartens and guest houses, supportive of residential uses, in eastern neighbourhood precinct: The proposed school will comply;
- iii. Encourage sharing of sport facilities amongst schools and with the community: The proposed school will partner in sharing the existing sport facilities of Swartland High School, the proposed development will contribute to the increase of social interaction of the community.

g) Section 2 of the By-Law (2020): Zoning Scheme Regulations

All development parameters will be complied with at building plan stage when the final design will be submitted for approval. The proposal will also include the required parking spaces.

h) Engineering Services

The necessary reports will be completed and submitted in accordance with the requirements and comments by the Municipality.

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	Y	N
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The application was advertised in the local papers and the Provincial Government Gazette, in terms of section 55(1) of the By-Law, on 18 February 2022.

A total of 56 written notices were sent via registered mail, in term of Section 56(2) of the By-Law on 15 February 2023, to the owners of affected properties, as well as to the relevant local, provincial and national departments. E-mails were also sent where addresses were available.

Three (3) objections were received and the applicant was afforded 30 days, from 23 March 2022 to 23 April 2022 to respond to the comments and objections received by affected parties. Said response was received on 20 April 2022 (refer to Annexure G).

Total valid comments	3			Total comments and petitions refused		0	
Valid petition(s)	Y	N	If yes, number of signatures	N/A			
Community organisation(s) response	Y	N	Ward councillor response	Y	N	The development proposal was communicated to Councillor van Essen. No comment was forthcoming.	
Total letters of support	None						

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

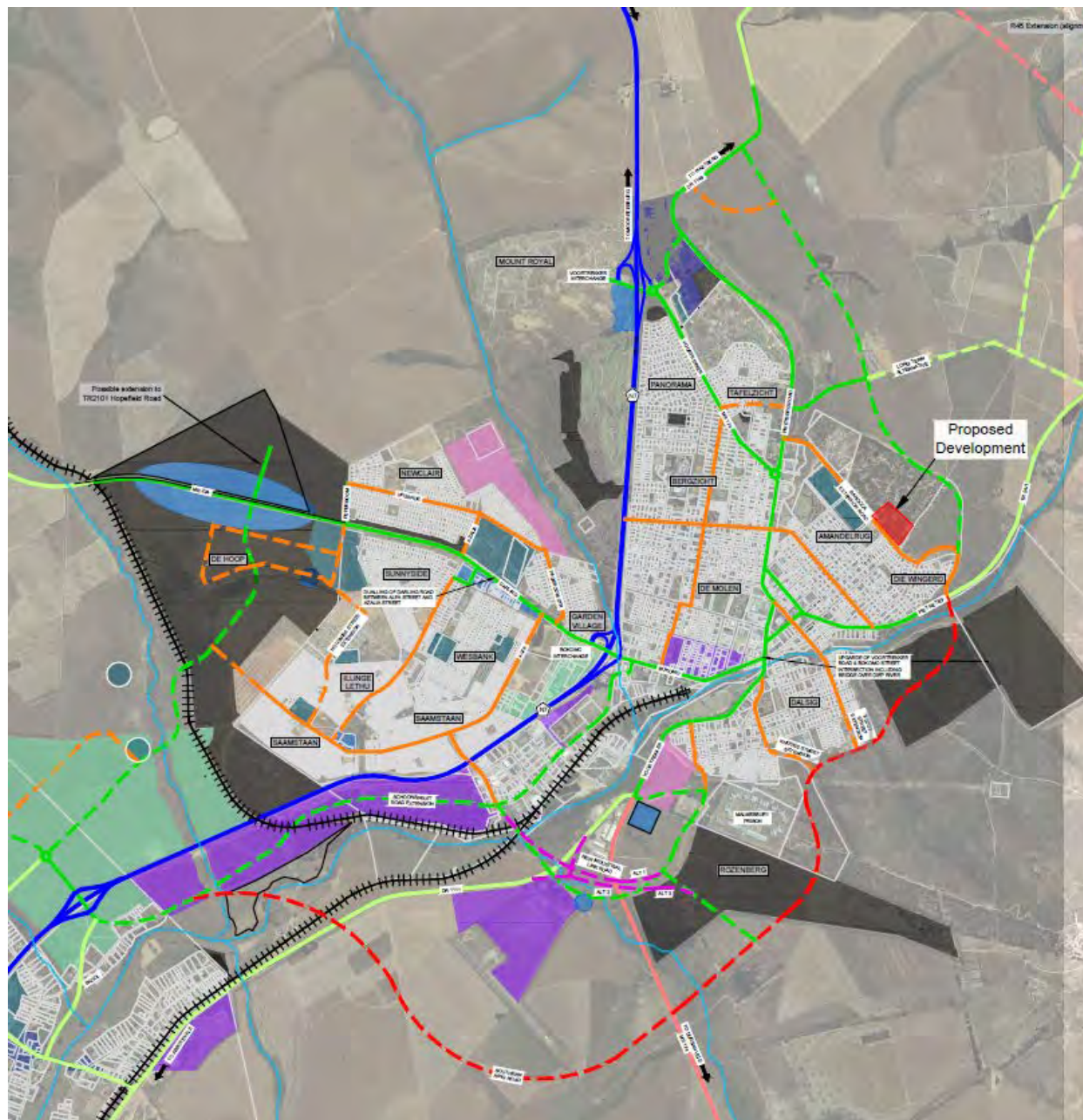
Department	Summary of comments	Comment
Department: Development Services 6 Dec 2022	Building plans be submitted to the Department: Development Services for consideration of approval.	Positive
Dept: Civil Engineering Services 11 Feb 2022	Die ingenieursverslae, wat 'n verkeersstudie moet insluit is nie aangeheg nie. Ek sal kommentaar lewer met ontvangs van die verslae	Negative

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>R. & R. Petersen Erf 9410 (Annexure D)</p> <p>Dr. A. Jacobs Erf 4470 (Annexure E)</p> <p>P.H. & C.M. Burger Erf 4486 (Annexure F)</p>	<p>1. Barocca Street will not be able to accommodate the amount of traffic. It will also affect the valuation of the area.</p>	<p>1. According to the Swartland Roads Masterplan, Barlinka Street will be extended to eventually connect to Piketberg Road. The suggestion is also made that Loedolf Street be extended to connect to Barlinka Street which will join up with Piketberg Road. This will improve the distribution of traffic to and from the proposed school site and will reduce the impact on Barocca Street.</p> <p>Considering the TIS conducted on a portion of Farm 688 and the Swartland Roads Master Plan Report, it is evident that the proposal will not have a major impact on traffic in the surrounding area. Since the existing development of phase 1 of Farm 688 and the proposed place of education may generate a maximum of 443 trips during peak times, which is only $\pm 58\%$ of the expected traffic impact (767 trips). It is not anticipated that any road or infrastructure upgrades are necessary at this time as the proposal will not have a major impact on the flow of traffic in the area.</p> <p>Also, in terms of 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: <i>"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."</i></p>	<p>1. Even though Barocca Street is currently a 'quiet' street that operates far below its capacity, it has always been a public road, available to be used for access to any future development along the road.</p> <p>The development of a school will undoubtedly impact on the volume of traffic on the street, especially during peak times. It does not, however, mean that the road will not be able to accommodate the traffic flow. The TIS is clear that no upgrades are needed at this time and the Roads Master Plan makes provision for new connections and routes once the developments along the road has reached saturation point.</p> <p>The statement that the valuation of the properties will be negatively impacted is mere conjecture and cannot be supported.</p>
	<p>2. There is already an existing high school in the area.</p>	<p>2. The proposed development will be a private high school, which will reduce the pressure on the public high schools and enable previous disadvantaged</p>	<p>2. Any owner/developer reserves the right to develop a property in a legal manner, according to market demand. The development property</p>

		<p>learners the opportunity to be able to attend the public school.</p>	<p>is located optimally in terms of the existing high school in this instance, as a clustering of similar services will occur and the sharing of facilities will mean that infrastructure is optimally utilised by more than one entity. The new school will not need to develop its own rugby field, hockey fields, soccer fields, etc. but will provide other sport facilities that complement the existing facilities at Swartland High School. The intention is for both schools to have mutual access to each other's facilities, thereby containing development to a much smaller footprint, utilising only the necessary portions of land.</p>
<p>3. The reason we moved to this area as we thought the Bloekoms form part of the fynbos conservation.</p>	<p>3. Noted, The proposal is located in an area earmarked for conservation, but only a small portion (± 4ha) of the ± 26ha Bloekoms is proposed for development. An Environmental process is also underway to ensure safe and sustainable development of the area.</p>	<p>3. The school is proposed on a 4ha portion of the area locally known as the Bloekombos. The site was previously developed as a golf course that fell into disuse. Areas further afield from the site, towards the 'Driehoekpad' and the 'Klipkoppie' are of higher biodiversity value and conservation status.</p>	<p>A BAR and EMPr were nonetheless completed to ensure that any environmental impacts on the development site are minimised and the reports were submitted to DEADP. The outcome of the various studies included in the BAR revealed that the site does not contain any species of conservation concern and is of low environmental sensitivity. The Environmental Authorisation was subsequently issued on 15 July 2022.</p>
<p>4. The Bloekoms are close to our heart and would like to conserve the hiking trails as much as possible.</p>	<p>4. Refer to point 3.</p>		<p>The site is situated inside the Urban Edge and earmarked for institutional uses since previous SDF cycles.</p> <p>4. The development will take place on a 4ha portion of a 26ha area, leaving the remainder of the property undisturbed.</p>



Position of objectors in relation to the proposed school



LEGEND:

- CLASS 1 RURAL
- CLASS 2 RURAL
- CLASS 2 URBAN
- CLASS 3 RURAL
- CLASS 3 URBAN
- CLASS 4 URBAN
- - - PROPOSED CLASS 2 ROAD RURAL
- - - PROPOSED CLASS 2 ROAD URBAN
- - - PROPOSED CLASS 3 ROAD RURAL
- - - PROPOSED CLASS 3 ROAD URBAN
- - - PROPOSED CLASS 4 ROAD URBAN
- - - POSSIBLE ALTERNATIVES - FINAL ROAD ALIGNMENT STILL TO BE INVESTIGATED
- EXISTING RAILWAY LINES
- URBAN EDGE
- RESIDENTIAL
- COMMERCIAL
- INSTITUTIONAL FACILITY
- RESTRUCTURING ZONES
- INDUSTRIAL
- MIXED USES
- ~ RIVERS/DRAINAGE LINES

PART J: MUNICIPAL PLANNING EVALUATION

1. TYPE OF APPLICATION AND PROCEDURES FOLLOWED IN PROCESSING THE APPLICATION

The application was advertised in the local papers and the Provincial Government Gazette, in terms of section 55(1) of the By-Law, on 18 February 2022.

A total of 56 written notices were sent via registered mail, in term of Section 56(2) of the By-Law on 15 February 2023, to the owners of affected properties, as well as to the relevant local, provincial and national departments. E-mails were also sent where addresses were available.

Three (3) objections were received and the applicant was afforded 30 days, from 23 March 2022 to 23 April 2022 to respond to the comments and objections received by affected parties. Said response was received on 20 April 2022 (refer to Annexure G).

Following the closure of the public commenting period, additional information regarding the on-site engineering services was requested from the applicant. It was also determined that the outcome of the environmental Basic Assessment Report should be obtained prior to any land use decision. Engineering reports, a Traffic Impact Assessment and an Environmental Authorisation were subsequently obtained and will be incorporated in the evaluation of the application to follow.

The applicant is CK Rumboll and Partners and the owner of the property is the Swartland Municipality.

2. PLANNING POLICY

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 aforementioned legislation.

- a) Spatial Justice: The proposed development will create employment opportunities and enhance accessibility to educational facilities. No previously disadvantaged groups are excluded or negatively impacted by the development and the facilities will be accessible to a variety of income groups. Moreover, it is foreseen that the proposed private school may alleviate pressure on the existing public school admissions waiting list and release enrolment opportunities to a larger portion of learners;
- b) Spatial Sustainability: The proposed development will create new infrastructure and employment opportunities. Furthermore, the following will be promoted:
 - i) The social environment through contributing to higher education;
 - ii) The economic environment: The municipality may collect rates and taxes from otherwise vacant, unutilised land. Over time, the education function may contribute to better education opportunities for learners, which in turn may alleviate joblessness and enhance spending capabilities of individuals;
 - iii) The impacts on the natural environment have been carefully studied and managed to ensure that natural assets are appropriately protected, while development is still promoted;
- c) Efficiency: The proposed place of education is intended to function in conjunction with the existing public school, through sharing its sport facilities. The agreement is aimed at optimal utilisation of the existing infrastructure, while limiting urban sprawl and creating unnecessary facilities.
- d) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The layout and design of the proposed MOS school is such that, should the facility prove redundant in future, the buildings may be used for various uses such as offices, commercial uses or even residential conversions.

It is subsequently clear that the development proposal adheres to the spatial planning principles of SPLUMA and LUPA and is thus consistent with the abovementioned legislative measures.

2.2 Provincial Spatial Development Framework (PSDF, 2014)

The PSDF sets out the policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. The framework is inter alia informed by key national and provincial agendas and policies, aimed at building sustainability and resilience.

The PSDF clearly states, as one of its themes: "*Educating the Cape: Everyone has access to a good education and the cities, towns and rural villages are places of innovation and learning.*" The provision of educational facilities and the clustering of new and existing facilities together are wholly consistent with the aims of the PSDF.

2.3 **West Coast District SDF (WCDSDF, 2014)**

The development proposal promotes the socio-economic objective of the WCDSDF through creating access to public amenities such as education facilities. The proposed new school will be within walking distance from residential areas, as well as the CBD.

Not only will a wider range of education opportunities become available, but the pressure on existing facilities will be alleviated.

2.4 **Spatial Development Framework (SDF)**

The application property is situated within Area F, as delineated by the SDF. The area is characterised by integrated residential and social uses, with specific reference to a school node. The development property is indicated specifically for institutional uses, complementary to the existing facilities.

The development may thus be considered compliant with the spatial proposals, as described by the SDF.

2.5 **Zoning Scheme Provisions**

The proposal presented in the application adheres to all the development parameters of Community Zone 1, including the required number of parking bays in relation to learners and class rooms.

Detailed design considerations may be managed at building plan stage.

3. **IMPACT ON MUNICIPAL ENGINEERING SERVICES**

Initial comments from the municipal engineers were inconclusive and a number of reports were requested in order to provide comprehensive comments with regards to engineering services provision to the development.

Consulting engineers were subsequently employed by the developers and the requested capacity analyses were prepared.

The following comments were received from the Swartland Department: Civil Engineering Services:

a. Water:

The allocation for bulk water from the WCWSS for Swartland Municipality is 9.47 million m³/annum. The current abstraction is in the order of 5.2 million m³/annum. The estimated water demand for the proposed development is 0.0098 million m³/annum. The availability of bulk water is therefore confirmed.

b. Sewerage

Effluent from the proposed development will be treated at the Malmesbury WWTW. The WWTW has a hydrological capacity of 10 Ml/day and an organic treatment capacity of 10 000 kg COD/day. The current loading on the plant is 53%. The anticipated flow from the proposed development is 0.022 Ml/day and the anticipated organic load is 18.8 kg COD/day. There is therefore sufficient treatment capacity.

c. Solid Waste

Normal refuse of the proposed development will be handled at the Highlands Landfill. The estimated remaining life of the Highlands Landfill is 30 years. There is therefore sufficient capacity.

It is thus clear that sufficient capacity exists to provide the development with engineering services.

d. Roads

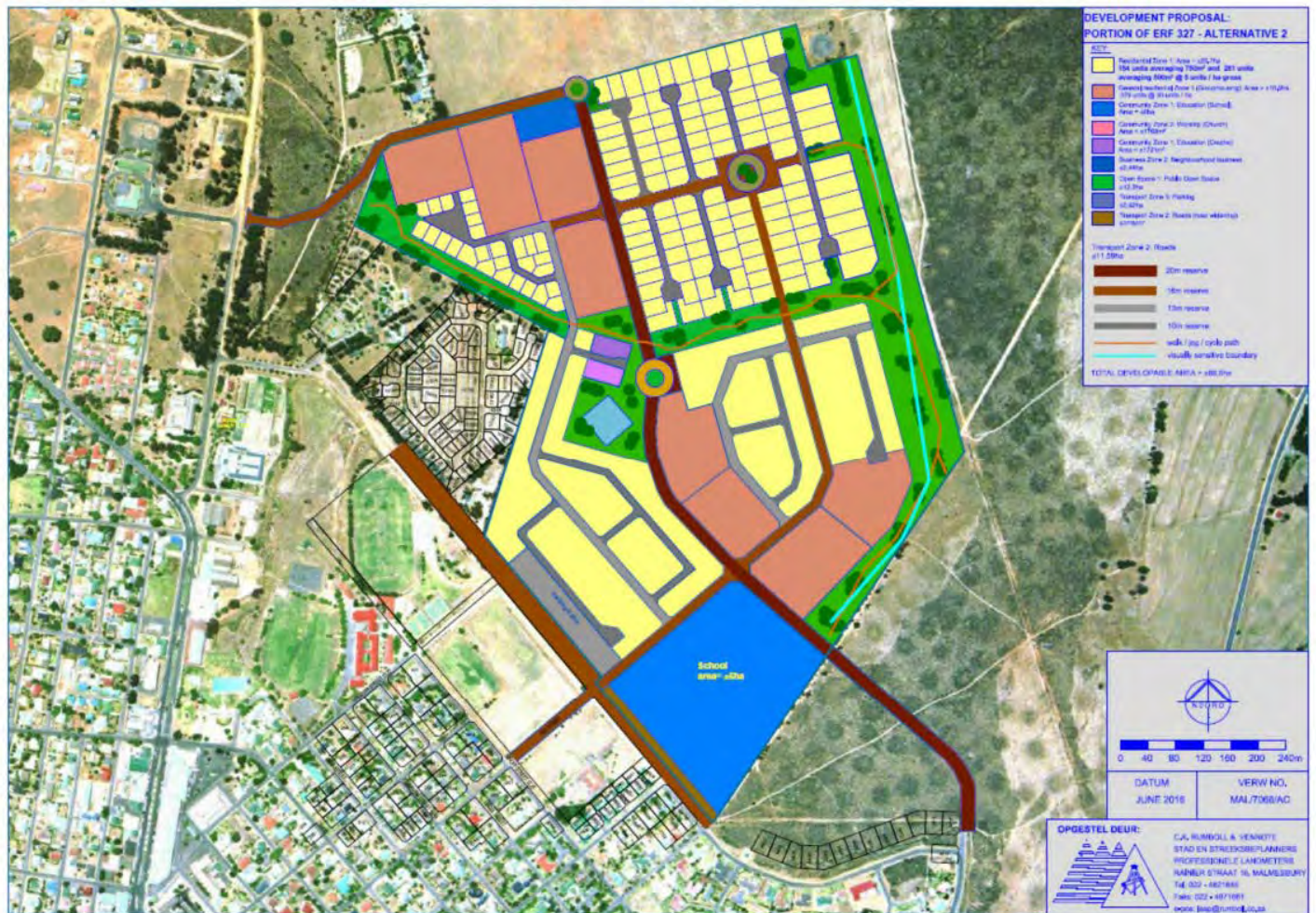
The impact of the development on traffic volumes is deemed to be noticeable. However, a TIS was completed by consulting engineers (see Annexure I) and once the report and the Swartland Traffic Master Plan are taken into account, it becomes clear that, in terms of the larger area surrounding the application property, provision is already made for the future development of the area and any road upgrades or new routes that may need to be developed. The following upgrades are indicated by the TIS:



A high level calculation with regard to the possible development charges to the developer was subsequently made and totaled as follows:

Road Section	MOS % Contribution	Total Construction Estimate (excl. VAT)	Proposed Contribution Amount (excl. VAT)
Barocca Link	43%	R2.1m	R896k
Voortrekker / Piketberg roundabout	5%	R17.2m	R796k
TOTAL		R19.3m	R1.692m

The image below is an excerpt from the Swartland roads Master Plan, an example of what the road layout may look like in future, once the larger area of Erf 327 is developed, indicating the preparedness of the Municipality to manage traffic impacts.



4. DESIRABILITY

The provision of an additional high school to Malmesbury, in the proposed location, is aligned with the vision, strategies and objectives of national, provincial and local spatial policy and legislation, which support and promote the development of education facilities and greater access to education for a larger cross section of children.

The proposed private school will be located on a portion of Erf 327 (municipal commonage), while the remainder of the Bloekombos will be unchanged. The specific portion of the erf has already been identified for institutional use in previous SDF editions, as well as in the current version.

As Erf 327 is a large, fragmented erf, and the developer intends to use only a small portion (4ha). The proposed rezoning to subdivisional area, subdividing the 4ha portion and rezoning the new portion to Community Zone 1, while the Remainder continues to be zoned Split Zone, is the correct planning vehicle to achieve the desired outcome, in terms of the By-Law.

The proposed private school is consistent with the character of the area, as it is located directly opposite the sport fields of High School Swartland. The clustering of similar land uses are further beneficial as certain services may be shared. The MOS school will develop sport facilities such as netball courts and a multi-purpose sport field that will also be made available for use by HSS. In return, the MOS school will be granted use of the existing sport fields at HSS, rendering the agreement mutually beneficial – MOS will not need extensive areas of land to develop a large rugby field and HSS will benefit from upgraded netball/tennis facilities without the associated expenditure. Other resources such as roads, electricity and engineering services will be optimally utilised through the clustering of similar land uses.

It should be noted that a new Tariff Framework was compiled and adopted by Council in May 2023, to be implemented during the financial year of 2023 – 2024. However, informed calculations of development contributions will only be possible once the detailed designs and final number of learners have been established.

Electricity to the site will be sourced from the existing sub-station located near the south-eastern corner of the proposed Portion A.

The proposed rezoning and subdivision are foreseen to impact positively on the economy of the area and beyond, as existing resources will be optimally utilised, income may be generated by the owner and income to the municipality will be stimulated through the broadening of the tax base. Furthermore, access to education opportunities are foreseen to

empower learners to achieve higher qualifications and subsequently to be employed citizens who can contribute to the larger economy.

There are no physical restrictions on the property that will have a negative impact on the application. In fact, the physical characteristics of Portion A, namely the relatively flat topography and the proximity to other educational facilities and the Malmesbury CBD, make the development an extremely desirable proposal.

The health and safety of the surrounding community will not be negatively impacted upon by the development, as any other legislation, by-laws, policies and requirements will still be applicable to all aspects of the development.

The impact of the development on heritage resources is considered negligible, as well as the visual impact.

The development proposal is consistent with the land use proposals of the SDF and principles of access to education opportunities, sustainability and development objectives of local, Provincial and National policies.

All costs relating to this application are for the account of the applicant.

Taking the abovementioned into account, it is clear that the application may be considered as desirable within its context.

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 327, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), from Split Zoning (Transport Zone 1 and Authority Zone) to Subdivisional Area, be approved;
- B.** The application for the subdivision of Erf 327, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), be approved;

Recommendations A. and B. above are subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Erf 327 (770,1666ha in extent) be rezoned from Split Zoning (Transport Zone 1 and Authority Zone) to Subdivisional Area in order to accommodate the following zoning categories, as presented in the application on Plan MAL/12111/NJdK A101, dated 15/09/2021:
- i. 1 x Split Zoning erf (766,1666ham² in extent); and
 - ii. 1 x Community Zone 1 erf (4,0ha in extent);
- b) Erf 327 be subdivided as follows and as presented in the application on Plan MAL/12111/NJdK A101, dated 15/09/2021:
- i. Portion A of 4,0ha in extent;
 - ii. The Remainder of 766,1666 in extent;
- c) The Community Zone 1 zoning of Portion A authorises the development of a Place of Education (private secondary school), as presented in the application;
- d) The required on-site parking bays be provided consistent with the requirements of Community Zone 1 and as presented in the application;
- e) A detailed Site Development Plan, be submitted to the Senior Manager: Development Management, for consideration and approval;

- f) A detailed Landscape Plan be submitted to the Senior Manager: Development Management, for consideration and approval;
- g) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- h) Application be made to the Senior Manager: Development Management for consideration and approval of the right to affix, construct and/or display the name of the Place of Education on an on-site advertising sign;
- i) The General Plan be submitted to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
 - i. the municipality's decision to approve the subdivision;
 - ii. the conditions of approval imposed in terms of section 76; and
 - iii. the approved subdivision plan;
 and copies of said diagrams be made available to the Municipality;

2. WATER

- a) The owner/developer submits copies of the detailed building plans to the Director: Civil Engineering Services for the calculation of development contributions towards bulk water provision and bulk water reticulation, at the pre-submission check stage of the building plan approval process;

3. SEWERAGE

- a) The owner/developer submits copies of the detailed building plans to the Director: Civil Engineering Services for the calculation of development contributions towards sewerage and waste water treatment, at the pre-submission check stage of the building plan approval process;

4. ROADS

- a) The owner/developer submits copies of the detailed site development plan to the Director: Civil Engineering Services for the calculation of development contributions towards roads and stormwater, at the pre-submission check stage of the building plan approval process;

5. GENERAL

- a) Cognisance be taken of the Environmental Authorisation from the Department of Environmental Affairs and Development Planning, with reference number 16/3/3/1/F5/16/2062/21, dated 15 July 2022;
- b) The land use approval will not cause exemption from complying with any other legal procedures, applications and/or approvals related to the intended land use;
- c) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- d) 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 and appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal. All conditions of approval be implemented before the new land uses come into operation/or the occupancy certificate be issued and failing to comply will cause the approval to lapse;
- e) 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 the decision. An appeal is to comply with section 90 of the By-Law and 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 RECOMMENDATION

1. The proposed development is consistent with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
2. There are no physical restrictions on the property that will have a negative impact on this application. In fact, the physical characteristics render the property uniquely suited to accommodate the proposed Place of Education and facilities.
3. The proposed Place of Education is consistent with the character and zoning of the properties in the surrounding area.
4. The proposed activity will have a positive economic impact as it will generate income for the land owner, municipality (through rates and taxes) and tourism as a whole, through the spending of visitors to the area.
5. The proposal will generate a number of employment opportunities.
6. The Place of Education will increase access to education opportunities and alleviate some of the pressure from High School Swartland, to ever-enrol ;learners to the school.
7. The Bloekombos is not of environmental significance, as the plant life is not of conservation value, but also because only a small portion of the land is proposed for development.
8. An Environmental Authorisation was issued to support the development.

9. The development of the larger Erf 372 over time is inevitable and the prospect has been illustrated in the SDF for a number of iterations already.
10. The development proposal does not trigger an EIA and will have no detrimental impact on the environment.
11. The development proposal is considered desirable within its context, i.e. spatially, culturally, environmentally and economically.


PART N: ANNEXURES

Annexure A	Locality Map
Annexure B	Site Plan
Annexure C	Public Participation Map
Annexure D	Objections by Dr. A. Jacobs
Annexure E	Objections by R. & R. Petersen
Annexure F	Objections by P.H. & C.M. Burger
Annexure G	Response to comments
Annexure H	Environmental Authorisation
Annexure I	Traffic Impact Statement
Annexure J	Services Report

PART O: APPLICANT DETAILS

Name	C.K. Rumboll and Partners			
Registered owner(s)	Swartland Municipality	Is the applicant authorised to submit this application:	Yes	N

PART P: SIGNATURES

Author details: Annelie de Jager Town Planner SACPLAN: A/2203/2015		Date: 6 September 2023		
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN : B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 6 September 2023		

ANNEXURE A

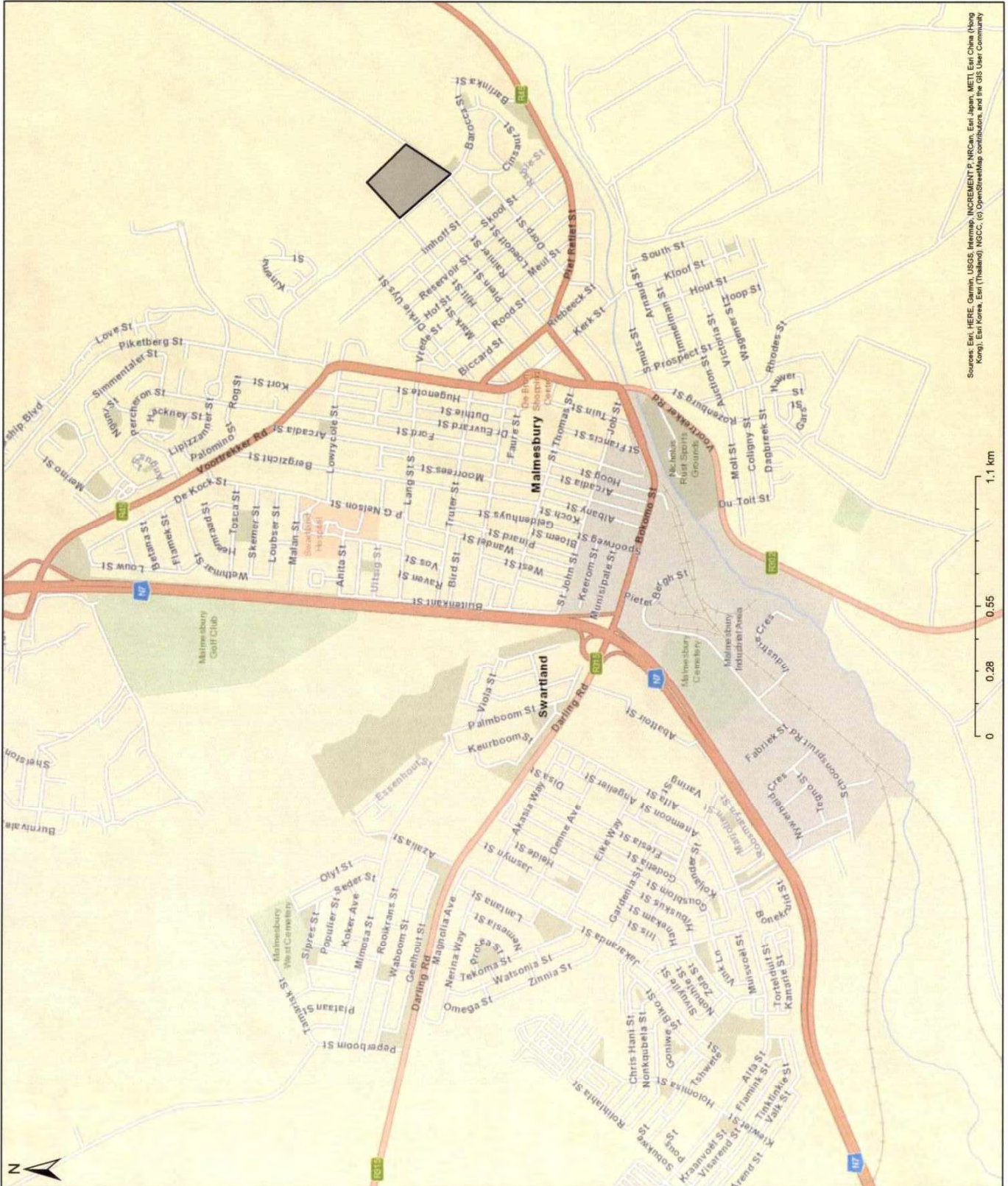
Locality of proposed
school, Erf 327,
Malmesbury

Legend

Scale: 1:18 056
Date created: September

Compiled with CapeFarm

Western Cape
Government

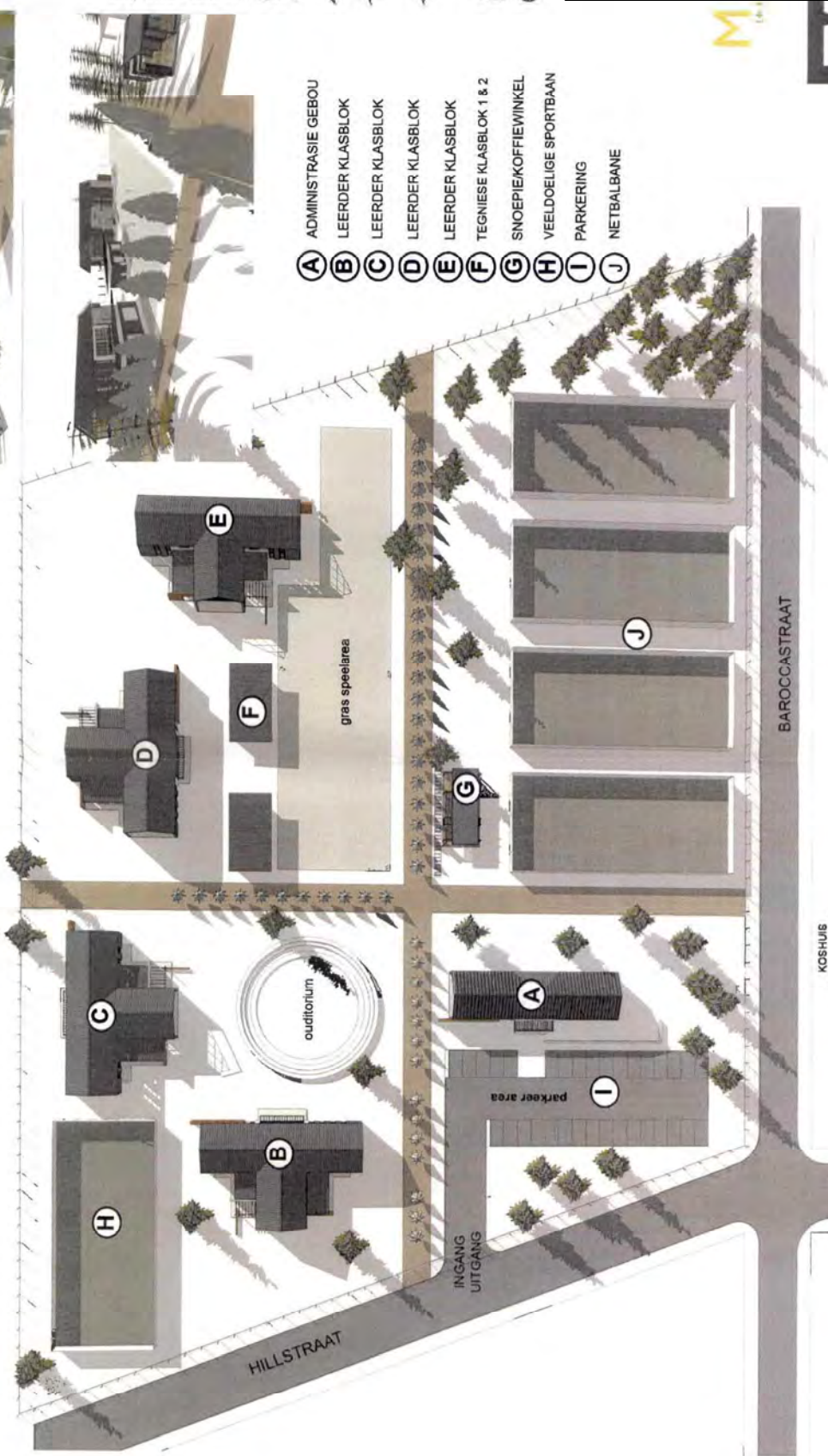


Source: Erf, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

ANNEXURE B



3D AANSIGTE



- (A) ADMINISTRASIE GEBOU
- (B) LEERDER KLASBLOK
- (C) LEERDER KLASBLOK
- (D) LEERDER KLASBLOK
- (E) LEERDER KLASBLOK
- (F) TEGNIESE KLASBLOK 1 & 2
- (G) SNOEPIEKOFFIEWINKEL
- (H) VEELDOELIGE SPORTBAAN
- (I) PARKERING
- (J) NETBALBANE

Erf area 2.3 Ha

TIPIESE TERREINUITLEG

KOSHUIS
PARKEERAREA

BAROCCA STRAAT

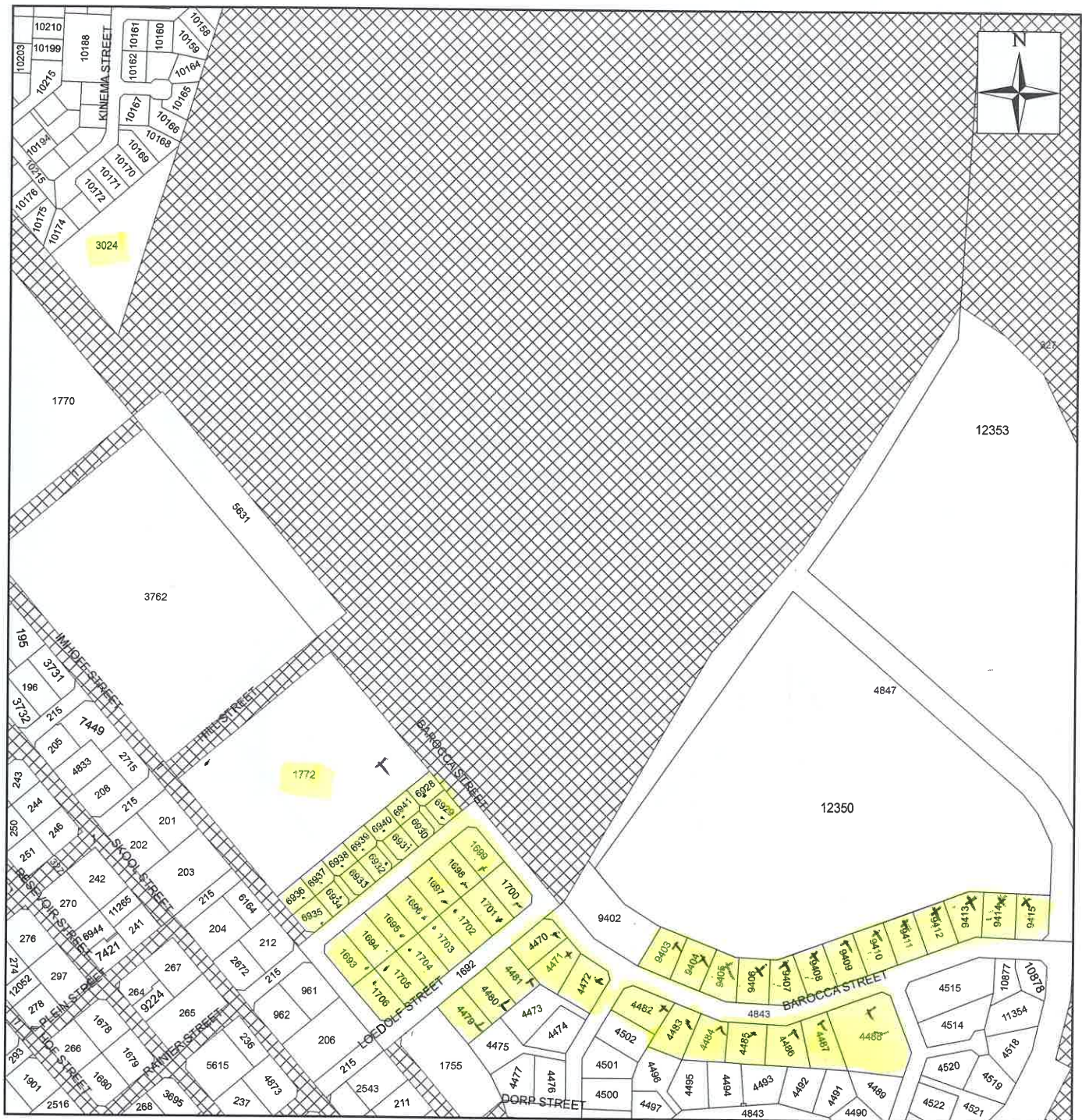
HILL STRAAT

INGANG
UITGANG

parkeer area

auditorium

gras speelarea



Voorgestelde hersonering en onderverdeling

Erf 327, Malmesbury

Publieke deelname

Skaal: NVT



From: Anita Strauss <dramjacobs@gmail.com>
Sent: Friday, 18 March 2022 12:10
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Voorgestelde hersonering Erf 327

Die Munisipale bestuurder
Malmesbury

Geagte Mnr Scholtz,

T o v bogenoemde 'n paar vrae:

1. Die belangrikste is waarskynlik die toegangsroetes na die skool en die bestuur van die vermeerdering van verkeer in ons buurt. Ek het met heelwat van my bure gepraat en dit is die grootste kwelvraag. (Bv gaan Barlinka verleng word? Mag Barlinka verleng word? ens)

2. Is daar reeds 'n tydlyn?

3. Ons glo daar is waarskynlik 'n rede/redes waarom dit so naby aan 'n bestaande Afrikaanse hoërskool gebou word.

4. Vir ons wat hier naby die bos bly, lê die bos nogal na aan die hart, al is dit meesal bloekoms. Om met die driehoekpad en in die bos te stap, is terapeuties, en ons is ook nie eintlik bang vir die bosslapers nie. (Mense wat onwettig kom hout maak is vir my 'n groter irritasie.) Ons weet ook hoe baie van ons mede-dorpenaars hier kom stop om dieselfde te doen. U het seker gehoor hoe suksesvol die skoonmaak van die bos verlede jaar was: gereël deur inwoners. Maar nou ja, hier gebeur ook baie verkeerde dinge en beter kontrole is seker nodig.

Dankie vir die geleentheid om kommentaar te lewer.
U kan met my kommunikeer by my epos adres.

Anita Strauss (eienaar)
Baroccastr 1/erf 4470

--

Dr Anita Jacobs
Tel: +27 (0)22 4871644 / +27 (0)82 37 27379
E : dramjacobs@gmail.com

ANNEXURE E

From: Ruben Petersen <PetersRA@eskom.co.za>
Sent: Friday, 18 March 2022 16:48
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: KENNISGEWING 65/2021/2022

Geagte Heer /dame

Hiermee wil ons Ruben en Roslin Petersen woonagtig te Baroccastraat 22 die voorgestelde hersonering en onderverdeling van erf 327 teenstaan met die volgende redes:

- Verkeer gaan heeltemal te veel word vir die straat.(Waardasie van gebied beïnvloed)
- Reeds 'n hoërskool in die woongebied.
- Gedink bos is deel van fynbosbewaring van driehoekpad en rede hoekom ons hier kom bly het.

Baie dankie

Ruben en Roslin Petersen
0837914819
0829484007

Baroccastraat 15
MALMESBURY
7300

15 Maart 2022

Die Munisipale Bestuurder
Privaatsak X52
MALMESBURY
7299

Geagte Mnr

**VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 327, MALMESBURY
KENNISGEWING 65/2021/2022**

Ons as eienaars van Baroccastraat 15, Malmesbury, wil graag die volgende kommentaar lewer:

Ons het nie probleme met die hersonering en onderverdeling van die betrokke erf, of die skep van die nuwe skoolperseel nie. Ons het wel 'n ernstige probleem met die verkeerstoename in Baroccastraat wat deur 'n nuwe skool veroorsaak gaan word. Die verkeerstoename sal ook nie net weksdae wees nie, maar ook naweke as daar sport geleenthede plaasvind. Ons ondervind alreeds dat ons straat toenemend as 'n deurry pad gebruik word en soveel te meer sal dit gebeur met 'n nuwe skool op hierdie roete. Verkeerstoenames gaan beslis 'n negatiewe uitwerking op ons eiendoms waarde hê.

Ons ondervind die deurry padgebruikers respekteer natuurlik nie die feit dat dit 'n straat in 'n woongebied is waar mense, kinders en fietse veronderstel is om veilig te wees nie. Hier is alreeds drie spoedwalle in die straat aangebring wat wel 'n invloed het op sekere bestuurders en sekere voertuie se spoed. Die twee 3-stoppe wat aangebring is het baie min invloed op die spoed, aangesien dit doodeenvoudig deur die oorgrote meerderheid padgebruikers geïgnoreer word.

Ons wil voorstel dat daar ernstig gekyk word na die verlenging van Barlinkastraat wat as deurry pad by Piketbergstraat kan aansluit.

U terugvoer na ons e-pos adres burgerspc@gmail.com sal waardeer word.

Die uwe

PH en CJM Burger

CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 7 April 2022

OUR REF: MAL/12111/NJdK
YOUR REF: 15/3/6-8/Erf_327

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

MUNISIPALITEIT SWARTLAND				
TECH No	Verwys Na	Inligting	Verslag	Afkandel
15/3/6-8/Erf-327	SSSB			
	del			
Ander Opmerking				
15/3/6-8/Erf-327				(get)BK

Sir

COMMENTS ON OBJECTIONS

PROPOSED SUBDIVISION AND REZONING ON ERF 327, MALMESBURY

Your letter dated 23 March 2022 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by Swartland Municipality, as owners of Erf 327, to handle all town planning actions regarding the application for subdivision and rezoning on their behalf.

During the public participation period, comments were received from the following objectors:

- Ruben and Roslin Petersen (Erf 9410)
- Dr Anita Jacobus (Erf 4470)
- P H and C J M Burger (Erf 4486)



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: Erf 327 and surrounding objectors.

Objector	Objection	Comment from CK Rumboll & Partners
Ruben and Roslin Petersen	1. Barocca street will not be able to accommodate the amount of traffic. It will also affect the valuation of the area.	<p>1. Refer to figure 1 below, according to the Swartland Roads Masterplan, Barlinka Street will be extended to eventually connect to Piketberg Road. The suggestion is also made that Loedolf Street be extended to connect to Barlinka Street which will join up with Piketberg Road. This will improve the distribution of traffic to and from the proposed school site and will reduce the impact on Barocca Street.</p> <p>Considering the TIS conducted on a portion of Farm 688 and the Swartland Roads Master Plan Report, it is evident that the proposal will not have a major impact on traffic in the surrounding area. Since the existing development of phase 1 of Farm 688 and the proposed place of education may generate a maximum of 443 trips during peak</p>

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

		<p>times, which is only $\pm 58\%$ of the expected traffic impact (767 trips). It is not anticipated that any road or infrastructure upgrades are necessary at this time as the proposal will not have a major impact on the flow of traffic in the area.</p> <p>Also, in terms of 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: <i>"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."</i></p>
	2. There is already an existing high school in the area.	2. The proposed development will be a private high school, which will reduce the pressure on the public high schools and enable previous disadvantaged learners the opportunity to be able to attend the public school.
	3. The reason we moved to this area as we thought the Bloekoms form part of the fynbos conservation.	3. Noted, The proposal is located in an area earmarked for conservation, but only a small portion ($\pm 4\text{ha}$) of the $\pm 26\text{ha}$ Bloekoms is proposed for development. An Environmental process is also underway to ensure safe and sustainable development of the area.
Anita Jacobs	4. The greatest concern is the amount of traffic to and from the school. May or will Barlinka Street be extended.	4. Refer to point 1.
	5. The Bloekoms are close to our heart and would like to conserve the hiking trails as much as possible.	5. Refer to point 3.

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

<p>PH and CJM Burger</p>	<p>6. We do not have a problem with the proposed subdivision and rezoning, our only concern is the increase in traffic in the area. With the proposed school, the roads will not only be busy during weekdays, but also on weekends due to sport.</p> <p>Barocca Street already has three speed bumps, but barley has an influence on the way people drive.</p> <p>We strongly suggest that the municipality look to extend Barlinka Street to connect to Piketberg Street as a thoroughfare road.</p>	<p>6. Refer to point 1</p>
------------------------------	--	----------------------------



Figure 1: Extract from Swartland Roads Master Plan Report

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

Considering the above, the proposal complies with the proposals and guidelines of the Swartland Spatial Development Framework which guide sustainable development within the Swartland region. The TIS conducted on a portion of Farm 688 and the Swartland Roads Master Plan provides sufficient evidence that the current and future road network has sufficient capacity to accommodate the proposed development. 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

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

Annexure A

objections



CLEAN AUDITS SINCE 2010/11



Munisipaliteit
Municipality
Umasipala

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

File ref: 15/3/6-8/Erf_327
15/3/3-8/Erf_327

Enquiries:
Ms D N Stellenberg

23 March 2022

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

PROPOSED SUBDIVISION AND REZONING ON ERF 327, MALMESBURY

Your application with reference MAL/12111/NJdK dated 3 February 2022 refers.

Kindly find attached the objection received by Ruben and Roslin Petersen, Dr Anita Jacobs and P H and C J M Burger 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

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

From: Ruben Petersen <PetersRA@eskom.co.za>
Sent: Friday, 18 March 2022 16:48
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: KENNISGEWING 65/2021/2022

Geagte Heer /dame

Hiermee wil ons Ruben en Roslin Petersen woonagtig te Baroccastraat 22 die voorgestelde hersonering en onderverdeling van erf 327 teenstaan met die volgende redes:

- Verkeer gaan heeltemal te veel word vir die straat.(Waardasie van gebied beïnvloed)
- Reeds 'n hoërskool in die woongebied.
- Gedink bos is deel van fynbosbewaring van driehoekpad en rede hoekom ons hier kom bly het.

Baie dankie

Ruben en Roslin Petersen

0837914819

0829484007

From: Anita Strauss <dramjacobs@gmail.com>
Sent: Friday, 18 March 2022 12:10
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Voorgestelde hersonering Erf 327

Die Munisipale bestuurder

Malmesbury

Geagte Mnr Scholtz,

T o v bogenoemde 'n paar vrae:

1. Die belangrikste is waarskynlik die toegangsroetes na die skool en die bestuur van die vermeerdering van verkeer in ons buurt. Ek het met heelwat van my bure gepraat en dit is die grootste kwelvraag. (Bv gaan Barlinka verleng word? Mag Barlinka verleng word? ens)
2. Is daar reeds 'n tydlyn?
3. Ons glo daar is waarskynlik 'n rede/redes waarom dit so naby aan 'n bestaande Afrikaanse hoërskool gebou word.
4. Vir ons wat hier naby die bos bly, lê die bos nogal na aan die hart, al is dit meesal bloekoms. Om met die driehoekpad en in die bos te stap, is terapeuties, en ons is ook nie eintlik bang vir die bosslapers nie. (Mense wat onwettig kom hout maak is vir my 'n groter irritasie.) Ons weet ook hoe baie van ons mede-dorpenaars hier kom stop om dieselfde te doen. U het seker gehoor hoe suksesvol die skoonmaak van die bos verlede jaar was: gereël deur inwoners. Maar nou ja, hier gebeur ook baie verkeerde dinge en beter kontrole is seker nodig.

Dankie vir die geleentheid om kommentaar te lewer.

U kan met my kommunikeer by my epos adres.

Anita Strauss (eienaar)

Baroccastr 1/erf 4470

Dr Anita Jacobs
Tel: +27 (0)22 4871644 / +27 (0)82 37 27379
E : dramjacobs@gmail.com

Baroccastraat 15
MALMESBURY
7300

15 Maart 2022

Die Munisipale Bestuurder
Privaatsak X52
MALMESBURY
7299

Geagte Mnr

**VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 327, MALMESBURY
KENNISGEWING 65/2021/2022**

Ons as eienaars van Baroccastraat 15, Malmesbury, wil graag die volgende kommentaar lewer:

Ons het nie probleme met die hersonering en onderverdeling van die betrokke erf, of die skep van die nuwe skoolperseel nie. Ons het wel 'n ernstige probleem met die verkeerstoename in Baroccastraat wat deur 'n nuwe skool veroorsaak gaan word. Die verkeerstoename sal ook nie net weksdae wees nie, maar ook naweke as daar sport geleenthede plaasvind. Ons ondervind alreeds dat ons straat toenemend as 'n deurry pad gebruik word en soveel te meer sal dit gebeur met 'n nuwe skool op hierdie roete. Verkeerstoenames gaan beslis 'n negatiewe uitwerking op ons eiendomswaarde hê.

Ons ondervind die deurry padgebruikers respekteer natuurlik nie die feit dat dit 'n straat in 'n woongebied is waar mense, kinders en fietse veronderstel is om veilig te wees nie. Hier is alreeds drie spoedwalle in die straat aangebring wat wel 'n invloed het op sekere bestuurders en sekere voertuie se spoed. Die twee 3-stoppe wat aangebring is het baie min invloed op die spoed, aangesien dit doodeenvoudig deur die oorgrote meerderheid padgebruikers geïgnoreer word.

Ons wil voorstel dat daar ernstig gekyk word na die verlenging van Barlinkastraat wat as deurry pad by Piketbergstraat kan aansluit.

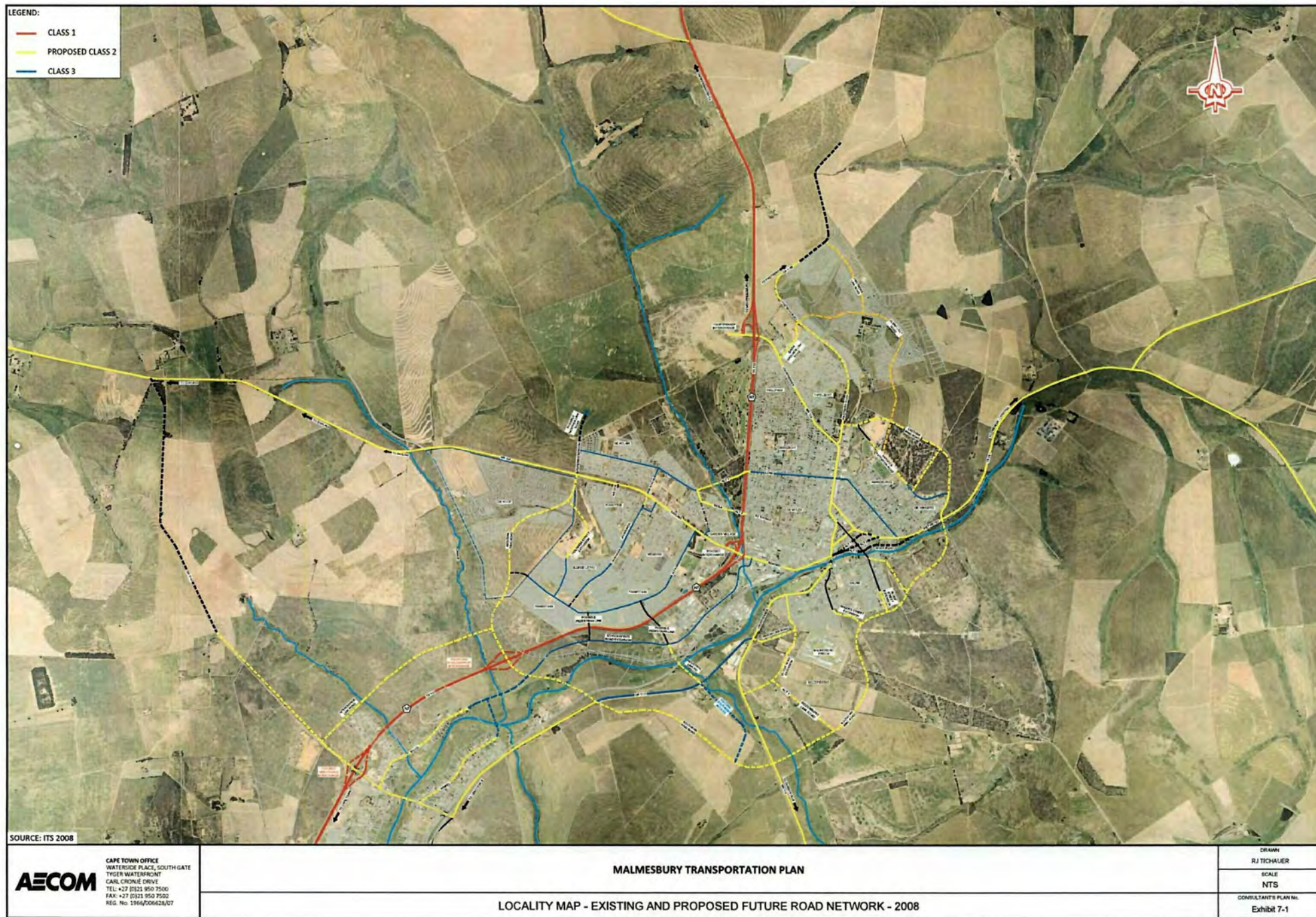
U terugvoer na ons e-pos adres burgerspc@gmail.com sal waardeer word.

Die uwe

PH en CJM Burger

Annexure B

Swartland Roads Master Plan Extract



ANNEXURE H



Department of Environmental Affairs and Development Planning
Rondine Isaacs
Directorate: Development Management, Region 1
Rondine.Isaacs@westerncape.gov.za | Tel: 021 483 4098

REFERENCE: 16/3/3/1/F5/16/2062/21
NEAS REFERENCE: WCP/EIA/0001021/2021
DATE OF ISSUE: 15 July 2022

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

Attention: Mr. Joggie Scholtz

E-mail: swartlandmun@swartland.org.za

Dear Sir

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 DEVELOPMENT OF A SECONDARY SCHOOL AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF THE REMAINDER OF ERF NO. 327, MALMESBURY.

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) Mr. Nicolaas Hanekom (Enviro-EAP (Pty) Ltd.)
(2) Mr. Alwyn Burger (Swartland Municipality)
(3) Mr. André Oosthuizen (DEA&DP: DDF)

E-mail: nicolaas@enviro-eap.co.za
E-mail: AlwynBurger@swartland.org.za
E-mail: Andre.Oosthuizen@westerncape.gov.za

REFERENCE: 16/3/3/1/F5/16/2062/21
NEAS REFERENCE: WCP/EIA/0001021/2021
DATE OF ISSUE: 15 July 2022

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 DEVELOPMENT OF A SECONDARY SCHOOL AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF THE REMAINDER OF ERF NO. 327, MALMESBURY.

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 March 2022.

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

Swartland Municipality
c/o Mr. Joggie Scholtz
Private Bag X52
MALMESBURY
7299

Tel.: (022) 487 9400
Fax: (022) 487 9440
E-mail: swartlandmun@swartland.org.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 27: <i>"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> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan".</i></p>	<p>More than 1ha of indigenous vegetation will be cleared.</p>
<p>Activity 28: <i>"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> <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;</i> <i>or</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i> <i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".</i></p>	<p>The proposed site was zoned for agricultural use on or after 01 April 1998 and is located outside an urban area.</p>

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 12: <i>"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></p> <p>i. Western Cape i. <i>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;</i> ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p>	<p>More than 300m² of critically endangered vegetation will be cleared.</p>

<p>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;</p> <p>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</p> <p>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".</p>	
--	--

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 development of a secondary school and associated infrastructure on a portion of the Remainder of Erf No. 327, Malmesbury. A portion of Erf No. 327 will be subdivided into a Portion A (4ha) and a Remainder (766.1666ha). Portion A will be rezoned to Community Zone 1 to accommodate the proposed secondary school and the Remainder will remain unchanged.

The proposed development will consist of several buildings, including *inter alia*:

- An administrative building;
- Four educational building blocks;
- Two technical building blocks;
- A tuck and coffee shop;
- Auditorium;
- A multipurpose sports field and four netball courts;
- Parking; and
- The proposed buildings will be approximately 3250m² in size.

The areas where infrastructure will not be established will be landscaped and all services will link and connect to the existing municipal services adjacent to the site. Indigenous vegetation will be cleared and access will be obtained from Hill, Loedolf and Barroca Streets.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on the Remainder of Erf No. 327, Malmesbury.

The SG 21-digit code is: C046000800000032700000

Co-ordinates:

Latitude: 33° 27' 27.80" S

Longitude: 18° 44' 19.09" 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")

Enviro-EAP (Pty) Ltd.
c/o Mr. Nicolaas Hanekom
P.O. Box 205
AGULHAS
7299

Fax: (086) 435 4691
E-mail: nicolaas@enviro-eap.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 March 2022 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, sub-contractor, 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 March 2022 (as compiled by Enviro-EAP (Pty) Ltd.) and submitted as part of the application for Environmental Authorisation is 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 must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation 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; and
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

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 EMP is as follows:
Amendments to the EMP, 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).

1. 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: 15 JULY 2022

CC: (1) Mr. Nicolaas Hanekom (Enviro-EAP (Pty) Ltd.)
(2) Mr. Alwyn Burger (Swartland Municipality)
(3) Mr. André Oosthuizen (DEA&DP: DDF)

E-mail: nicolaas@enviro-eap.co.za
E-mail: AlwynBurger@swartland.org.za
E-mail: Andre.Oosthuizen@westerncape.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/F5/16/2062/21

NEAS EIA REFERENCE NUMBER: WCP/EIA/0001021/2021

ANNEXURE 2: SITE PLAN



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 13 December 2021; the BAR dated March 2022, as received by the competent authority via electronic mail correspondence on 29 March 2022; the EMPr submitted together with the BAR; and the additional information received by the competent authority on 17 May 2022 and 15 June 2022, respectively.
- 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 March 2022.
- d) 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:

- An advertisement was placed in the "Swartland Gazette" newspaper on 11 January 2022;
- E-mails were sent on 11 January 2022 to State Departments/organs of state to announce the availability of the draft BAR;
- A notice was placed on site on 20 January 2022;
- E-mails were sent on 11 January 2022, 25 January 2022 and 10 February 2022, respectively, to adjacent landowners;
- An electronic copy of the draft BAR was placed on the website of Enviro-EAP (Pty) Ltd., on 11 January 2022; and
- The draft BAR was made available from 11 January 2022 until 11 February 2022.

Authorities consulted

The authorities consulted included the following:

- Swartland Municipality;
- West Coast District Municipality;
- Department of Water and Sanitation;
- Western Cape Department of Agriculture;
- Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Waste Management;
- DEA&DP Directorate: Pollution & Chemicals Management;
- CapeNature; and
- Heritage Western Cape.

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 proposed school will link to the existing school infrastructure and services, therefore, site or property alternatives are not feasible. The design and layout of the school was determined by the Western Cape Department of Education to address the need for secondary schools and to ensure that infrastructure is available.

Preferred alternative – herewith authorised:

The preferred alternative entails the development of a secondary school and associated infrastructure on a portion of the Remainder of Erf No. 327, Malmesbury. A portion of Erf No. 327 will be subdivided into a Portion A (4ha) and a Remainder (766.1666ha). Portion A will be rezoned to Community Zone 1 to accommodate the proposed secondary school and the Remainder will remain unchanged.

The proposed development will consist of several buildings, including *inter alia*:

- An administrative building;
- Four educational building blocks;
- Two technical building blocks;
- A tuck and coffee shop;
- Auditorium;
- A multipurpose sports field and four netball courts;
- Parking; and
- The proposed buildings will be approximately 3250m² in size.

The areas where infrastructure will not be established will be landscaped and all services will link and connect to the existing municipal services adjacent to the site. Indigenous vegetation will be cleared and access will be obtained from Hill, Loedolf and Barroca Streets.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the site will not be developed. The proposed secondary school will thus not be constructed. This alternative was not deemed as preferred, as much needed school infrastructure will not be developed. The proposed development will provide for much needed educational facilities and the benefits to the holder and creation of jobs would not be realised. **The "no-go" alternative is therefore not warranted.**

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The site is earmarked for institutional uses according to the Swartland Municipality Spatial Development Framework (2019). The site is located within the urban edge. There is a need for expanded school infrastructure and the site is located next to an existing school with infrastructure, hostels, and services.

3.2 Biophysical impacts

A Terrestrial Biodiversity Impact Assessment Report; Terrestrial Plant Species Impact Assessment Report and Terrestrial Animal Species Impact Assessment Report dated December 2021, respectively, were compiled by Enviro-EAP (Pty) Ltd., to assess the biodiversity impacts of the proposed development.

A **terrestrial Critical Biodiversity Area ("CBA")** is located on the site. The site contains critically endangered Swartland Shale Renosterveld contained in pockets within *Eucalyptus* stands which occupy most of the site.

Approximately 4ha of the site is covered by *Eucalyptus* trees and a golf course historically occurred on the site. The site has a low sensitivity due to the historical disturbances and poor ecological state of some of the renosterveld patches on the site. No species of conservation concern were recorded on the site. *Elytropappus rhinocerotis* and *Eriocephalus africanus* are the species that were recorded on the site.

No species of conservation concern were recorded or observed at the time of the survey or is likely to occur due to habitat loss and the current ecological status of the site and surrounding area.

The studies concluded that the proposed development will have relatively little terrestrial biodiversity and ecological impact and will have a low negative impact post mitigation.

3.3 Dust, noise, and storm water impacts

Potential dust, noise and storm water impacts are anticipated during the construction phase. However, no significant potential dust, noise and storm water impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMP.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential impacts on vegetation; and
- Potential storm water impacts.

Positive impacts:

- The establishment of educational opportunities on a well located and strategic land parcel;
- Optimal use of available land in accordance with objectives of spatial planning policies applicable to the area; and
- Employment opportunities will be created during the construction phase of the development.

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 EMP, 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."*

-----END-----

Transport Impact Assessment

Moedertaal Independent School on Remainder Erf 327

Malmesbury, Western Cape

Report Status – Revision 1

Date - August 2022



5th Floor

Imperial Terraces

Carl Cronje Drive

Tyger Waterfront

Bellville, 7530

(021) 914 6211 (T)

e-mail: westerncape@itsglobal.co.za

SUMMARY SHEET

Report Type	Transport Impact Assessment
Title	Moedertaal Independent School on Remainder Erf 327
Location	Malmesbury, Western Cape
Client	Swartland Municipality
Reference Number	ITS 4482
Project Team	Hugo Engelbrecht Junaïd Gamiel dien
Contact Details	Tel: 021 914 6211
Date	August 2022
Report Status	Draft
File Name	G:\4482 TIA Malmesbury Moedertaal School\12 Reports\Issued\4482_TIA Malmesbury Moedertaal School_ Revision 1_JG_2022-08-24.docx

It is herewith certified that this Traffic Impact Assessment has been prepared according to requirements of the South African Traffic Impact and Site Traffic Assessment Manual

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REPORT - SUMMARY TABLE

This transport impact assessment is reported only in a summary table instead of a lengthy report to assist review and interpretation of the results. This summary table includes all the relevant information that is normally contained in a report. It should be sufficient for review and interpretation of the expected transport impacts as well as the comprehension of the required measures to mitigate the transport impact. If any more detail is required, please contact the authors.

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Transport Impact Assessment

Moedertaal Independent School on Remainder Erf 327, Malmesbury, Western Cape

1 Purpose of Study	This study summarises an investigation of the transport-related impacts, expected as part of the proposed Moedertaal Independent Private Secondary School in Malmesbury. This report investigates potential constraints within the surrounding road network and recommend appropriate mitigation measures, where and if applicable.
2 Locality	The school development is planned on Remainder Erf 327 in the eastern outskirts of Malmesbury. The site is located north of Barocca Street between Hill Street and Loedolf Street, and it is easily accessible due to its proximity to the existing residential areas. See Figure 1 for the Locality Plan.
3 Land Use	<p>The site is currently vacant, and it is mostly covered by trees. Approximately 4 hectares of the property will be used by the school development. The school will accommodate 450 students, and include the following land uses:</p> <ul style="list-style-type: none"> • Administration building • Four learning class blocks (each block contains 3 classrooms) • Two technical class blocks (each block contains 2 classrooms) • Tuckshop • Multi-purpose sports field • Parking area • Four netball courts • Auditorium <p>See Figure 2 for the Site Development Plan (SDP).</p>
4 Existing Roadways	<p>The major existing roadways in the site vicinity include:</p> <p><u>Barocca Street</u>: A Class 4 road with a single lane per direction and sidewalks. To the north-west of the school, a section of this road is only a gravel road.</p> <p><u>Piet Retief Street (R45)</u>: A Class 3 road with a single per direction, with shoulders and a sidewalk.</p> <p><u>Voortrekker Road (R45)</u>: A Class 3 road with a double per direction with shoulders and sidewalks.</p> <p>See Figure 1 for the location of these roads relative to the development.</p>
5 Study Intersections (Existing Control)	Table 1 summarises the intersections included in the analyses.

	<p><i>Table 1: Study Intersections</i></p> <table><tr><th>No.</th><th>Name</th><th>Existing Control</th></tr><tr><td>1</td><td>Barocca Street / Piketberg Street</td><td>Priority-controlled</td></tr><tr><td>2</td><td>Voortrekker Road (R45) / Piketberg Street</td><td>Priority-controlled</td></tr><tr><td>3</td><td>Voortrekker Road (R45) / Lang Street</td><td>Signalised Intersection</td></tr><tr><td>4</td><td>Vrede Street / Dirkie Uys Street</td><td>Priority-controlled</td></tr><tr><td>5</td><td>Barocca Street / Hill Street</td><td>Priority-controlled</td></tr><tr><td>6</td><td>Barocca Street / Loedolf Street</td><td>Priority-controlled</td></tr><tr><td>7</td><td>Piet Retief Street (R45) / Barlinka Street</td><td>Priority-controlled</td></tr></table> <p>See Figure 3 for the existing lane configuration and intersection controls at these study intersections.</p>	No.	Name	Existing Control	1	Barocca Street / Piketberg Street	Priority-controlled	2	Voortrekker Road (R45) / Piketberg Street	Priority-controlled	3	Voortrekker Road (R45) / Lang Street	Signalised Intersection	4	Vrede Street / Dirkie Uys Street	Priority-controlled	5	Barocca Street / Hill Street	Priority-controlled	6	Barocca Street / Loedolf Street	Priority-controlled	7	Piet Retief Street (R45) / Barlinka Street	Priority-controlled
No.	Name	Existing Control																							
1	Barocca Street / Piketberg Street	Priority-controlled																							
2	Voortrekker Road (R45) / Piketberg Street	Priority-controlled																							
3	Voortrekker Road (R45) / Lang Street	Signalised Intersection																							
4	Vrede Street / Dirkie Uys Street	Priority-controlled																							
5	Barocca Street / Hill Street	Priority-controlled																							
6	Barocca Street / Loedolf Street	Priority-controlled																							
7	Piet Retief Street (R45) / Barlinka Street	Priority-controlled																							
6 Analyses Hours	<p>The school development will typically generate traffic during the weekday mornings, middays, and afternoons. Hence, the following peak hours were included in the analyses:</p> <ul style="list-style-type: none">Weekday AM peak hour: 07:00 - 08:00Weekday Midday peak hour: 13:30 - 14:30Weekday PM peak hour: 16:00 - 17:00																								
7 Scenarios Analysed	<p>The following scenarios were analysed:</p> <ol style="list-style-type: none">2022 Existing Traffic conditions (based on Existing Traffic volumes)2027 Background Traffic conditions (based on 2022 Existing Traffic volumes, adjusted with a 3% growth rate per annum over a five-year period, plus the expected background development trips as discussed in Section 9 of this report)2027 Total Traffic conditions (based on 2027 Background Traffic volumes, plus the expected school development trips)																								
8 2022 Existing Traffic Conditions (Scenario 1)	<p>Traffic surveys were done on Thursday, 2 June 2022, to determine the existing peak hour traffic volumes at the study intersections. All the intersection operations were performed in accordance with the procedures stated in the 2010 Highway Capacity Manual (HCM). The study intersections were analysed to determine the level of service (LOS), delay per vehicle (in seconds), and volume per capacity (V/C) ratio for each intersection during the peak periods. Traffix software was used for the intersection analyses.</p> <p>Refer to Figures 4A - 4C for the weekday AM, Midday and PM peak hour Existing Traffic conditions. Based on the Existing Traffic capacity analysis results, all the study intersections are operating acceptably with no capacity constraints. Hence, no upgrades are required from a capacity analyses point of view.</p>																								
9 Approved Developments/ Latent Rights	<p>A mixed-use development is planned in the northern parts of Malmesbury, with access at the N7 / Voortrekker Road terminal. The proposed De Zwartland Werf</p>																								

	<p>development will consist of a shopping centre, office space, residential apartments, a motor showroom, and a private hospital.</p> <p>Currently only the shopping centre is being constructed and it will gain access from Piketberg Street as well as Voortrekker Road. Hence, the shopping centre’s trips were added to the Background and Total Traffic capacity analysis for the school development. Table 2 shows the expected De Zwartland shopping centre trips.</p> <p><i>Table 2: Expected De Zwartland Werf Shopping Centre Trips</i></p> <table><tr><th rowspan="2">Land Use</th><th colspan="3">Weekday AM Peak Hour</th><th colspan="3">Weekday Midday Peak Hour</th><th colspan="3">Weekday PM Peak Hour</th></tr><tr><th>In</th><th>Out</th><th>Total</th><th>In</th><th>Out</th><th>Total</th><th>In</th><th>Out</th><th>Total</th></tr><tr><td>Shopping Centre</td><td>170</td><td>285</td><td>455</td><td>340</td><td>315</td><td>655</td><td>395</td><td>460</td><td>855</td></tr></table>	Land Use	Weekday AM Peak Hour			Weekday Midday Peak Hour			Weekday PM Peak Hour			In	Out	Total	In	Out	Total	In	Out	Total	Shopping Centre	170	285	455	340	315	655	395	460	855		
Land Use	Weekday AM Peak Hour			Weekday Midday Peak Hour			Weekday PM Peak Hour																									
	In	Out	Total	In	Out	Total	In	Out	Total																							
Shopping Centre	170	285	455	340	315	655	395	460	855																							
10 2027 Background Traffic Conditions (Scenario 2)	<p>The 2027 Background Traffic volumes were calculated by applying a 3% growth rate per annum to the Existing Traffic volumes and adding the De Zwartland shopping centre trips to the road network. The growth rate of 3% was determined based on historical traffic volumes. Refer to Figures 5A - 5C for the weekday AM, Midday and PM peak hour Background Traffic conditions.</p> <p>Based on the Background Traffic capacity analysis results, most study intersections will continue to operate acceptably, except the Voortrekker Road / Piketberg Street intersection.</p> <p>The Voortrekker Road / Piketberg Street intersection is expected to experience capacity constraints during the weekday Midday peak hour, due to the westbound left turn movement. It is expected to operate at an unacceptable LOS F and a delay of greater than 50 seconds. It is recommended to upgrade this intersection to a double circulation lane roundabout. See Figure 5D for a conceptual layout of the proposed roundabout upgrade. With the roundabout upgrade in place, the intersection is expected to operate at acceptable LOS B. See Figure 5E for the Background Traffic intersection operations, after the proposed roundabout upgrade.</p>																															
11 Trip Generation Rates and Development Trips	<p>The vehicle trip generation rates and adjustment factors used to determine the expected development trips are in accordance with the South African Trip Data Manual (COTO TMH17, 2013). As mentioned in Section 3 of this report, the school will accommodate 450 students.</p> <p>Table 3 shows the trip generation rates for the school development.</p> <p><i>Table 3: Development Trip Generation Rates</i></p> <table><tr><th rowspan="2">Land Use</th><th rowspan="2">Extent Student</th><th colspan="3">Weekday AM Peak Hour</th><th colspan="3">Weekday Midday Peak Hour</th><th colspan="3">Weekday PM Peak Hour</th></tr><tr><th>Rate</th><th>In</th><th>Out</th><th>Rate</th><th>In</th><th>Out</th><th>Rate</th><th>In</th><th>Out</th></tr><tr><td>School</td><td>450</td><td>0,8</td><td>50%</td><td>50%</td><td>0,35</td><td>50%</td><td>50%</td><td>0,3</td><td>50%</td><td>50%</td></tr></table>	Land Use	Extent Student	Weekday AM Peak Hour			Weekday Midday Peak Hour			Weekday PM Peak Hour			Rate	In	Out	Rate	In	Out	Rate	In	Out	School	450	0,8	50%	50%	0,35	50%	50%	0,3	50%	50%
Land Use	Extent Student			Weekday AM Peak Hour			Weekday Midday Peak Hour			Weekday PM Peak Hour																						
		Rate	In	Out	Rate	In	Out	Rate	In	Out																						
School	450	0,8	50%	50%	0,35	50%	50%	0,3	50%	50%																						

	<p>From the above trip generation rates, this school development is expected to generate the peak hour trips as summarised in Table 4 below.</p> <p><i>Table 4: Expected Development Trips</i></p> <table><tr><th rowspan="2">Land Use</th><th colspan="3">Weekday AM Peak Hour</th><th colspan="3">Weekday Midday Peak Hour</th><th colspan="3">Weekday PM Peak Hour</th></tr><tr><th>In</th><th>Out</th><th>Total</th><th>In</th><th>Out</th><th>Total</th><th>In</th><th>Out</th><th>Total</th></tr><tr><td>Private school</td><td>180</td><td>180</td><td>360</td><td>79</td><td>79</td><td>158</td><td>68</td><td>68</td><td>136</td></tr></table> <p>Refer to Figures 6A - 6C for the AM, Midday and PM expected peak hour development trips.</p>	Land Use	Weekday AM Peak Hour			Weekday Midday Peak Hour			Weekday PM Peak Hour			In	Out	Total	In	Out	Total	In	Out	Total	Private school	180	180	360	79	79	158	68	68	136
Land Use	Weekday AM Peak Hour			Weekday Midday Peak Hour			Weekday PM Peak Hour																							
	In	Out	Total	In	Out	Total	In	Out	Total																					
Private school	180	180	360	79	79	158	68	68	136																					
12 Trip Distribution	<p>The expected development trip distribution are as follows:</p> <ul style="list-style-type: none">• 35% of trips to/from the existing residential areas in the south-west• 25% of trips to/from the existing residential areas in the west• 5% of trips to/from the north along Barocca Street• 5% of trips to/from the north along Piketberg Street• 10% of trips to/from the north along Voortrekker Road• 15% of trips to/from the existing residential areas to the south• 5% of trips to/from the east, along Piet Retief Street <p>See Figures 6A – 6C for a graphic illustration of the expected development trip distribution.</p>																													
13 2027 Total Traffic Conditions (Scenario 3)	<p>The 2027 Total Traffic volumes were calculated by adding the expected school development trips to the Background Traffic volumes. The analysis assumes that the proposed double circulation roundabout discussed in the Background Traffic conditions will be in place for this scenario. See Figures 7A - 7C for the weekday AM, Midday and PM peak hour Total Traffic conditions.</p> <p>Based on the Total Traffic capacity analysis results, all the study intersections are expected to operate acceptably from a capacity analysis point of view. However, it is recommended that the existing gravel road section of Barocca Street be upgraded to municipal standards and cross section including paved sidewalks. Hence, it is recommended that these upgrades be in place as part of the proposed school development.</p>																													
14 Future Roadways	<p>According to the Malmesbury Roads Master Plan, a proposal has been put forward to extend Barlinka Street sometime within the next 15+ years. There is currently no date set out for the implementation of this road extension. However, when this extension is in place, this road could provide an alternative route to the school development. There are no other future roads that might impact the development. Refer to Figure 8 for the Malmesbury Roads Master Plan.</p>																													

15 Site Access	<p>The site currently gains informal access from the Loedolf Street extension that is a gravel road. However, for the school development, Hill Street will be extended to provide the main access to the school.</p> <p>To improve traffic circulation around the school during peak hours, it is recommended that a roundabout be constructed at the end of the Hill Street extension. Refer to Figure 9 for a conceptual layout of this proposed access road and roundabout upgrade.</p>													
16 Parking	<p>Off-street parking should be provided in accordance with the Swartland Municipality Planning By-Law (Swartland Municipality, 2020). Table 5 summarises the parking requirements for the school development.</p> <p><i>Table 5: Off-Street Parking Requirements</i></p> <table><tr><th>Land Use</th><th>Recommended Parking Rate</th><th>Bays Required</th></tr><tr><td rowspan="3">School</td><td>1 bay / classroom (based on 16 classrooms)</td><td>16 bays</td></tr><tr><td>1 bay / office (based on 10 offices)</td><td>10 bays</td></tr><tr><td>1 bus bay / 200 students (based on 450 students)</td><td>3 bus bays</td></tr><tr><td colspan="2">Total</td><td>29 bays</td></tr></table> <p>Based on the summary in Table 5 , a minimum of 26 parking bays and 3 bus parking bays should be provided on-site.</p> <p>According to the SDP (refer to Figure 2), a total of 33 parking bays and zero bus parking bays is proposed on site. Since the development will have a total of 16 classrooms (12 classrooms in the learning block and 4 classrooms in the technical block) and 10 offices, the proposed 33 on-site parking bays should be sufficient. However, no bus parking bays are provided on site.</p> <p>Based on various previous studies completed for similar schools, it is recommended that on-street parking be provided at a parking rate of 1 bay per 10 students. Therefore, 45 parking bays should be provided on-street. It is also recommended that three bus parking bays should also be provided on-street (along Barocca Street) to enable sufficient parking and circulation for buses.</p> <p>Hence, a minimum of 45 on-street parking bays is recommended for the school along the Hill Street extension as well as along Barocca Street. See Figure 9 for a conceptual layout of the proposed on-street parking.</p>	Land Use	Recommended Parking Rate	Bays Required	School	1 bay / classroom (based on 16 classrooms)	16 bays	1 bay / office (based on 10 offices)	10 bays	1 bus bay / 200 students (based on 450 students)	3 bus bays	Total		29 bays
Land Use	Recommended Parking Rate	Bays Required												
School	1 bay / classroom (based on 16 classrooms)	16 bays												
	1 bay / office (based on 10 offices)	10 bays												
	1 bus bay / 200 students (based on 450 students)	3 bus bays												
Total		29 bays												

<p>17 Public Transport</p>	<p>Existing Facilities: There is currently no public transport facilities available in the site vicinity. Based on the traffic surveys done at the study intersections, taxis and buses sometimes operates in the site vicinity. However, the volumes of taxis and buses were relatively low during peak hours.</p> <p>Proposed Facilities: Since the development will be a private secondary school, it is unlikely that students or teachers would make use of public transport. Any public transport that might travel in the site vicinity could use the proposed on-street bus parking bays along Barocca Street. Hence, no additional public transport facilities are proposed as part of the school development.</p>
<p>18 Pedestrians and Cyclists</p>	<p>Existing Facilities: Pedestrian and cyclist facilities are limited in the site vicinity. The only pedestrian facility includes a pedestrian crossing across Hill Street, furthermore, pedestrians and cyclists must use sidewalks. However, most of the sidewalks are gravel walkways.</p> <p>Proposed Facilities: Additional pedestrian and cyclist facilities should be provided in the site vicinity to accommodate for the increase of students in the area. The following upgrades are recommended:</p> <ul style="list-style-type: none"> Construct a minimum 1.8 m wide pedestrian sidewalk and cycle lane along all development site frontages along Barocca Street and Hill Street extension. Construct pedestrian walkways to all site accesses.
<p>19 Development Contributions</p>	<p>It is expected that the school will have to pay development contributions (DC) to obtain development clearance certificates. It is recommended that these funds be used to contribute towards the upgrade of the existing Barocca Street gravel road section, as well as the proposed roundabout upgrade at the Voortrekker Road / Piketberg Street intersection.</p>
<p>20 Conclusion & Recommendations</p>	<p>This study summarises an investigation of the transport-related impacts, expected as part of the proposed Moedertaal Independent Private Secondary School, in Malmesbury. The following can be concluded, based on this investigation.</p> <p>Land Use / Extent – A 450 student private secondary school.</p> <p>2022 Existing Traffic – All study intersections are operating acceptably, hence no upgrades are required.</p> <p>2027 Background Traffic – Most study intersections will continue to operate acceptably, except the Voortrekker Road / Piketberg Street intersection. The following upgrade is recommended:</p> <ul style="list-style-type: none"> Construct a double circulation lane roundabout at the Voortrekker Road / Piketberg Street intersection.

	<p>Expected Development Trips – 360 / 158 / 136 trips for the weekday AM / Midday / PM peak hours.</p> <p>2027 Total Traffic Conditions – All study intersections are expected to operate acceptably from a capacity analysis point of view, provided that the proposed double circulation roundabout at the Voortrekker Road / Piketberg Street intersection is in place and that the gravel road section of Barocca Street is upgraded to municipal standards. Hence, it is recommended that these upgrades be in place as part of the proposed school development.</p> <p>Site Access – Hill Street will be extended to provide the main access to the school development. To improve traffic circulation around the school during peak hours, it is recommended that a roundabout be constructed at the end of the Hill Street extension. The size of this proposed roundabout should be agreed with the municipality as part of the detail design process.</p> <p>Parking – The proposed 33 on-site parking bays should be sufficient. However, it is recommended that 45 on-street parking bays and three on-street bus parking bays be provided along the Hill Street extension and Barocca Street.</p> <p>Public Transport Facilities – No additional public transport facilities are proposed.</p> <p>Pedestrians and Cyclists Facilities – The following facilities are recommended:</p> <ul style="list-style-type: none">• Construct a min. 1.8 m wide pedestrian sidewalk / cycle lane along all site frontages along Barocca Street and Hill Street extension.• Construct pedestrian walkways to all site accesses. <p>Development Contributions – It is recommended that DC funds be used to contribute towards the upgrade of the existing Barocca Street gravel road section, as well as the proposed roundabout upgrade at the Voortrekker Road / Piketberg Street intersection.</p> <p>Based on the findings in this investigation, it can be concluded that the school development would have minimal impact on the existing road network, provided that the upgrades recommended in this report are implemented. Hence, it is recommended that the development be considered for approval, from a transport point of view.</p>
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REFERENCES

1. Highway Capacity Manual (HCM), Quality and Level-of-Service Concepts, Transportation Research Board, 9 March 2015
2. South African Road Classification and Access Management Manual, TRH26, Version 1.0, August 2012
3. South African Trip Data Manual, TMH17, Version 1.1, COTO, September 2013
4. Swartland Municipality Land Use Planning By-Law, Swartland Municipality, 25 March 2020

Annexure A

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Figure 5A: 2027 Background Traffic Conditions - AM Peak Hour

Figure 5B: 2027 Background Traffic Conditions - Midday Peak Hour

Figure 5C: 2027 Background Traffic Conditions - PM Peak Hour

Figure 5D: Proposed Roundabout Upgrade at Voortrekker Road / Piketberg Street Intersection

Figure 5E: 2027 Background Traffic Conditions with Proposed Roundabout Upgrade at Voortrekker Road / Piketberg Street Intersection

Figure 6A: 2027 Expected Development Trips - AM Peak Hour

Figure 6B: 2027 Expected Development Trips - Midday Peak Hour

Figure 6C: 2027 Expected Development Trips - PM Peak Hour

Figure 7A: 2027 Total Traffic Conditions - AM Peak Hour

Figure 7B: 2027 Total Traffic Conditions - Midday Peak Hour

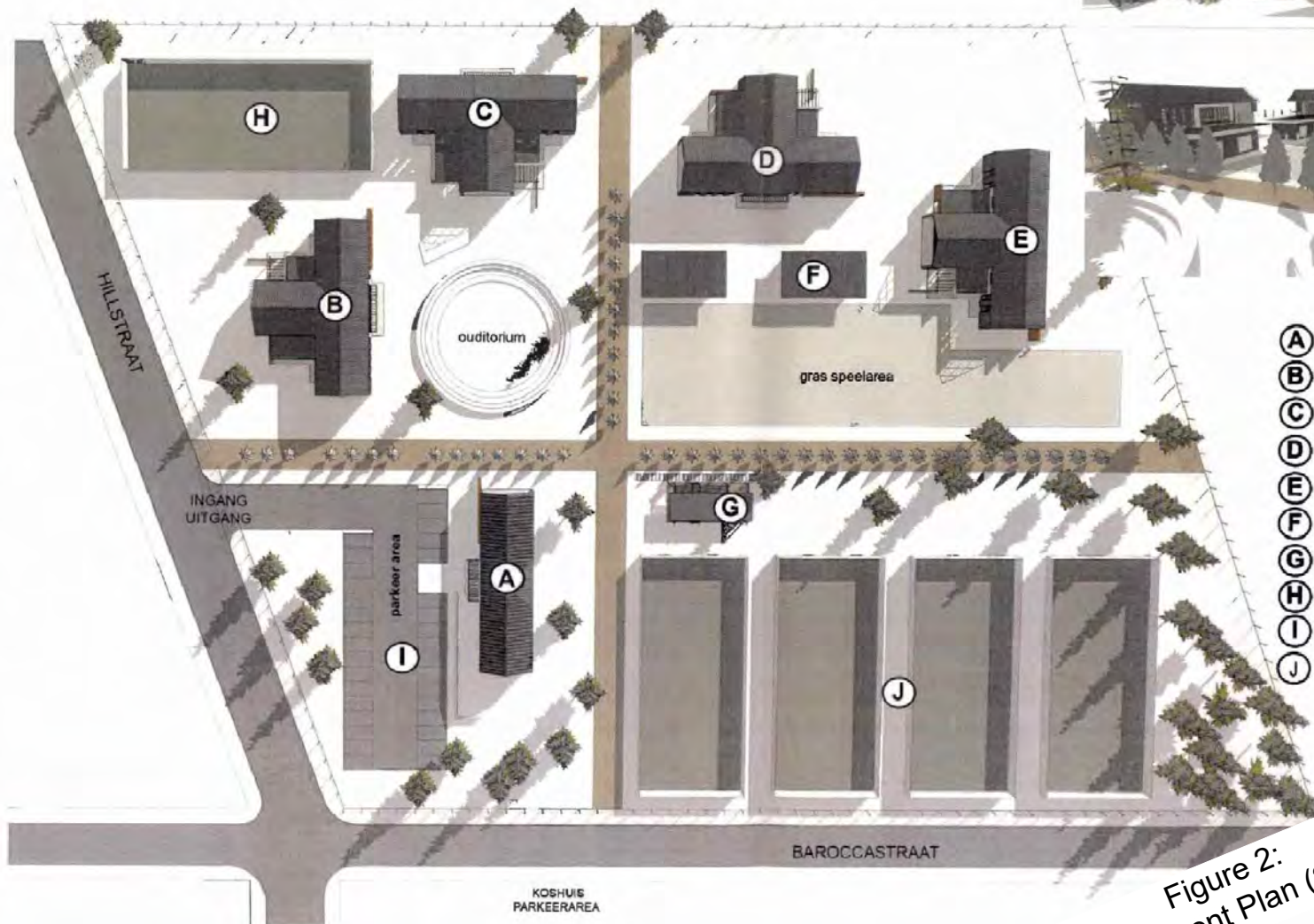
Figure 7C: 2027 Total Traffic Conditions - PM Peak Hour

Figure 8: Malmesbury Roads Master Plan

Figure 9: Proposed Roundabout Upgrade and On-Street Parking along Extended Hill Street and Barocca Street



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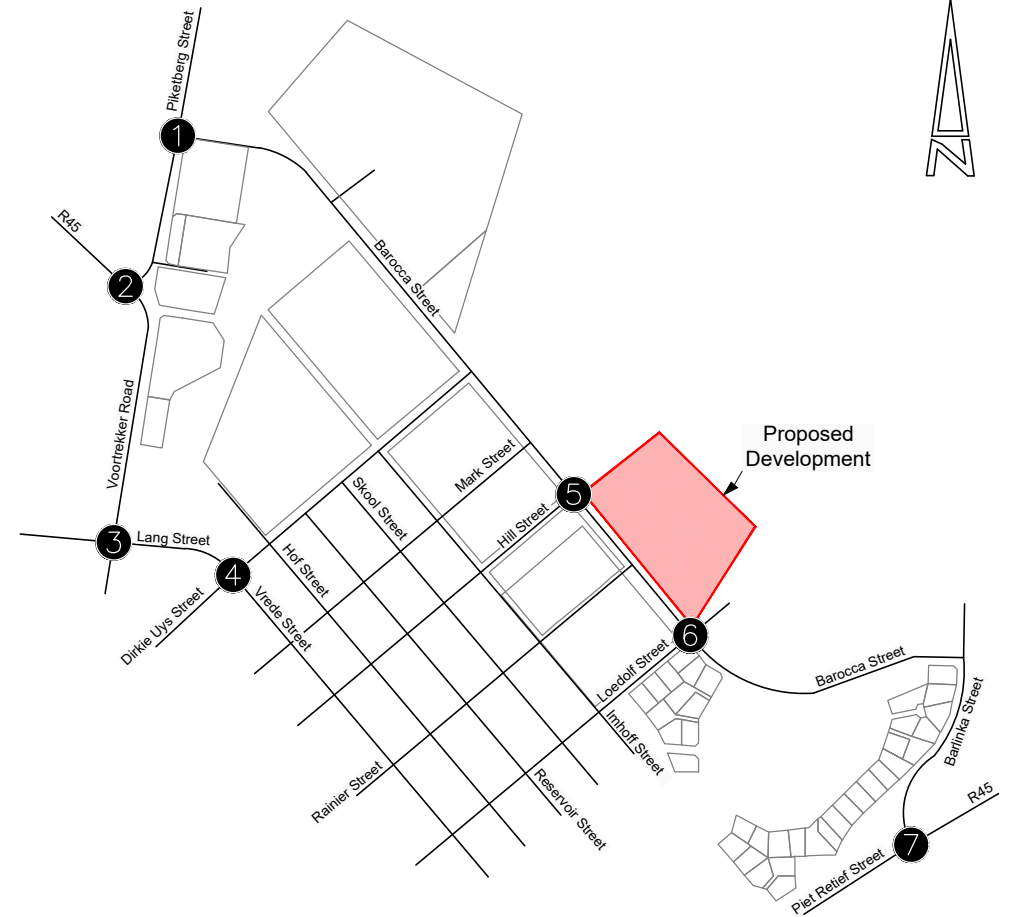
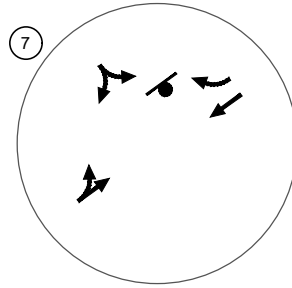
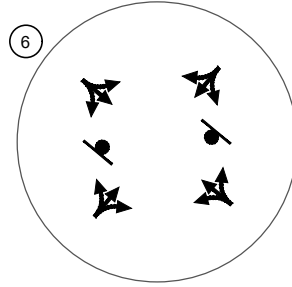
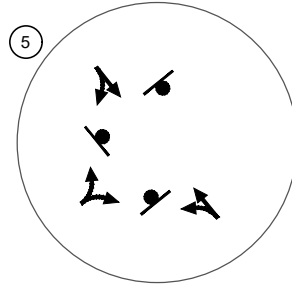
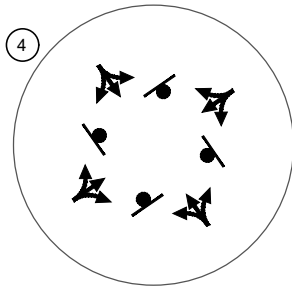
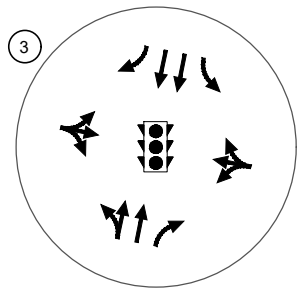
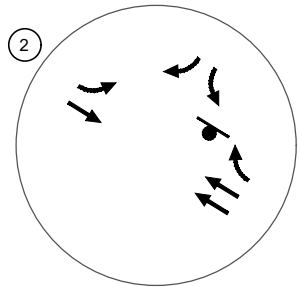
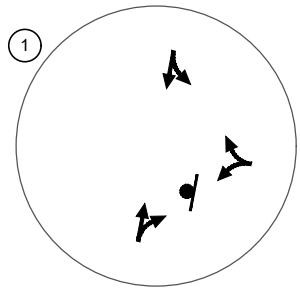
- (A) ADMINISTRASIE GEBOU
- (B) LEERDER KLASBLOK
- (C) LEERDER KLASBLOK
- (D) LEERDER KLASBLOK
- (E) LEERDER KLASBLOK
- (F) TEGNIESE KLASBLOK 1 & 2
- (G) SNOEPIE/KOFFIEWINKEL
- (H) VEELDOELIGE SPORTBAAN
- (I) PARKERING
- (J) NETBALBANE

Figure 2:
Site Development Plan (2022-02-03)

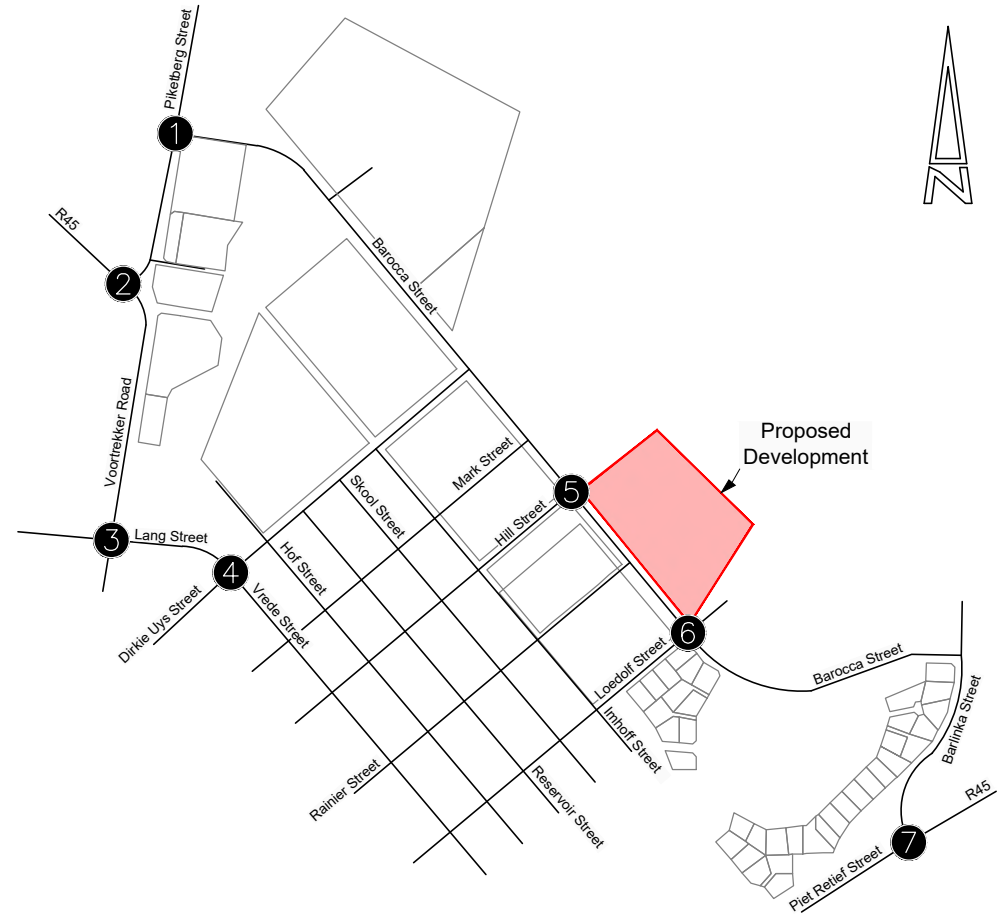
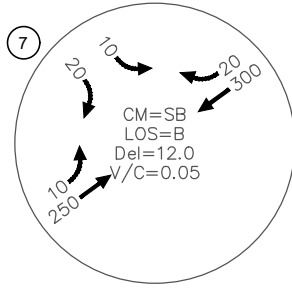
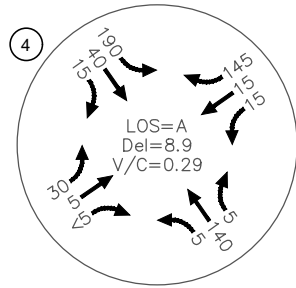
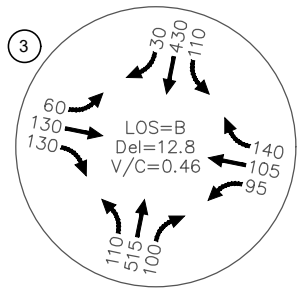
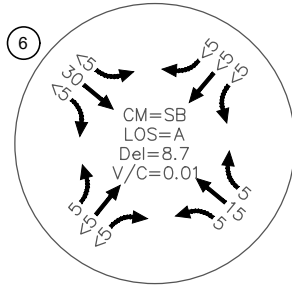
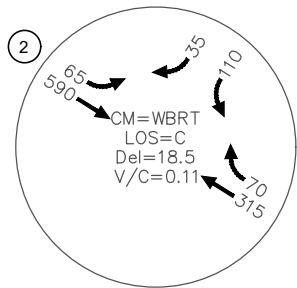
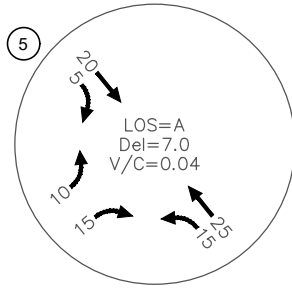
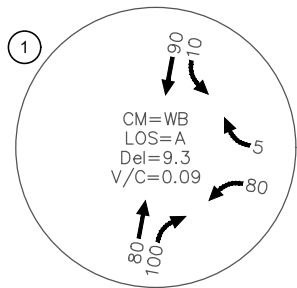
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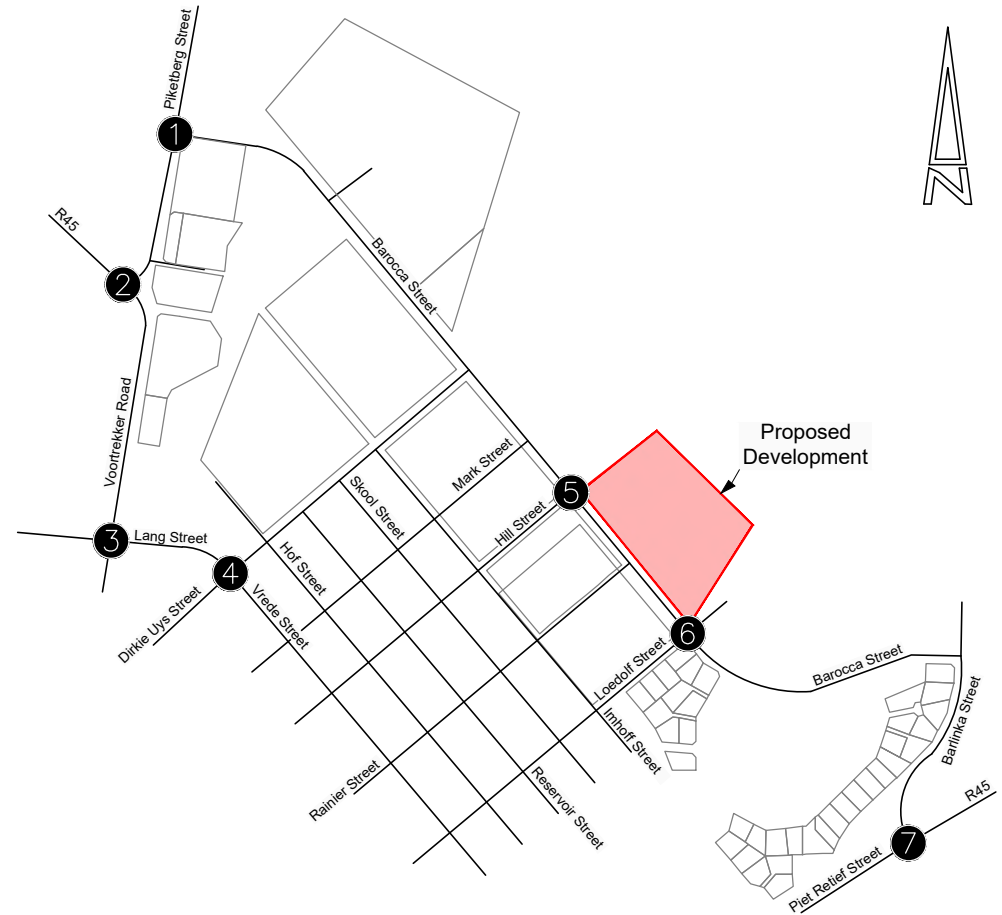
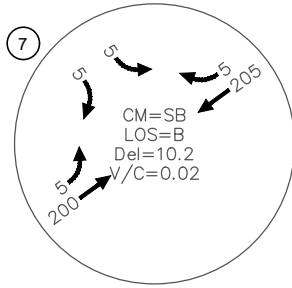
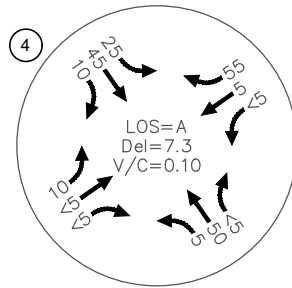
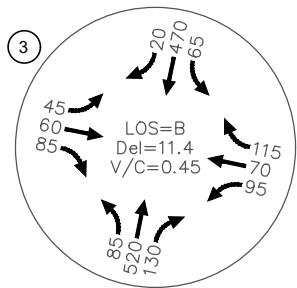
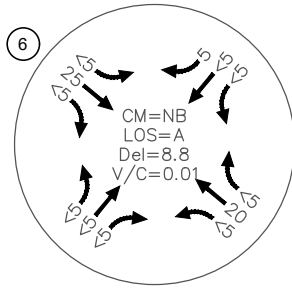
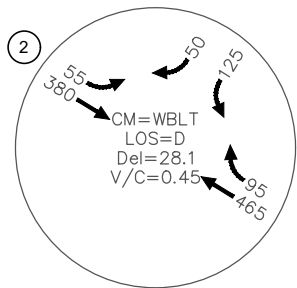
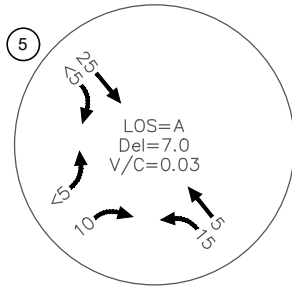
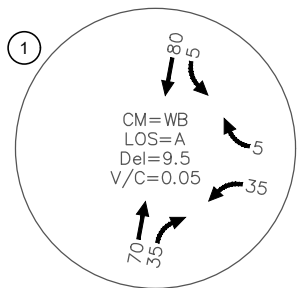
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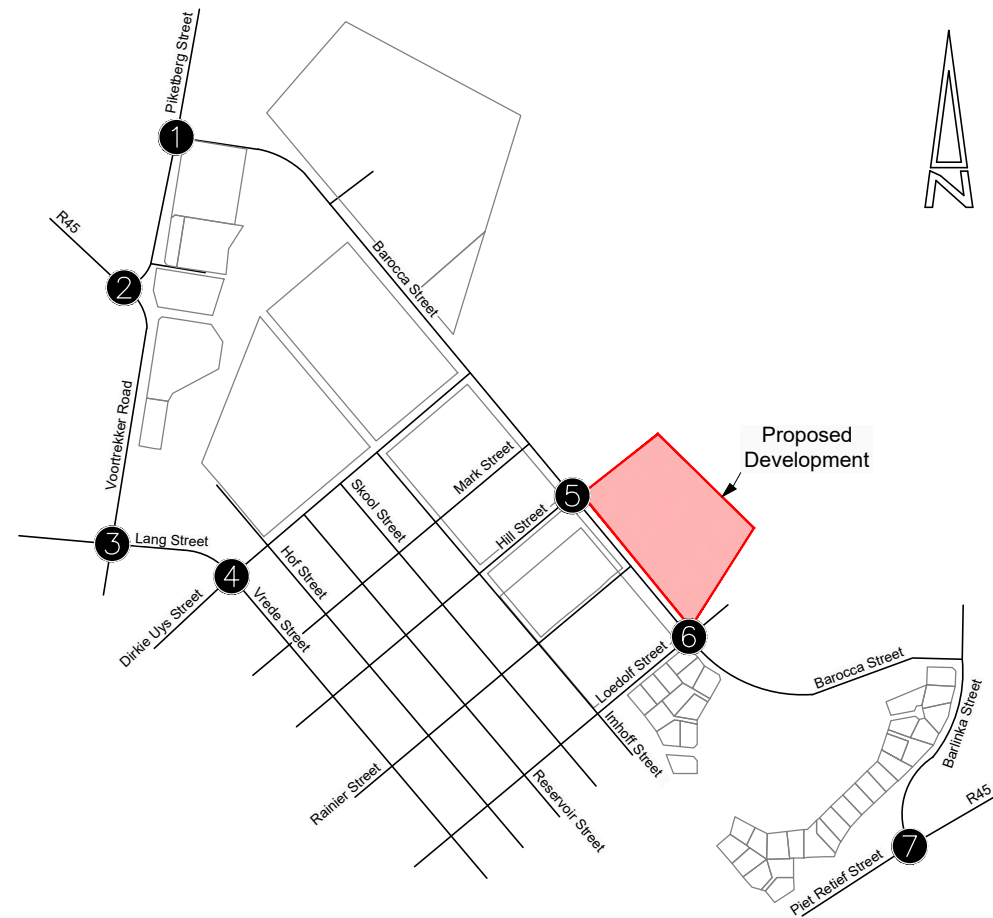
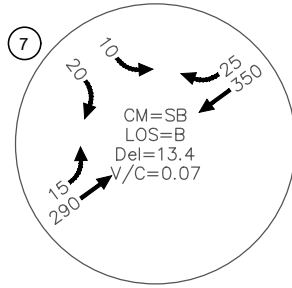
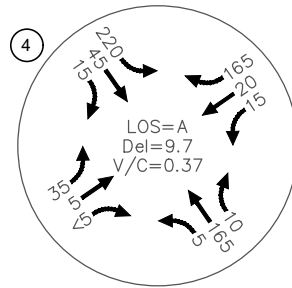
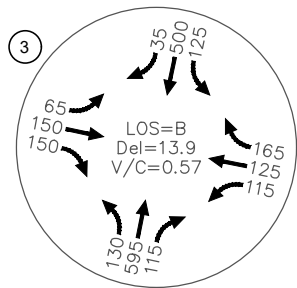
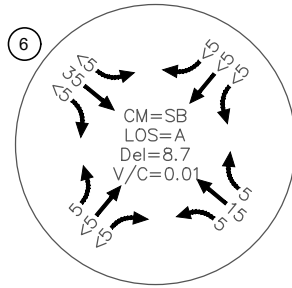
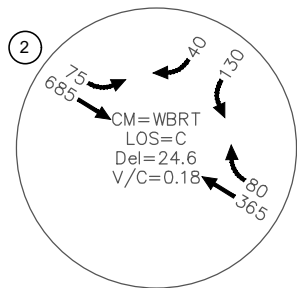
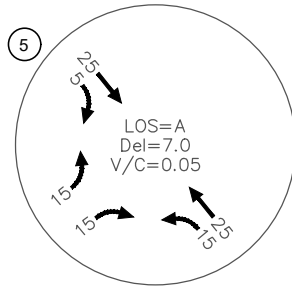
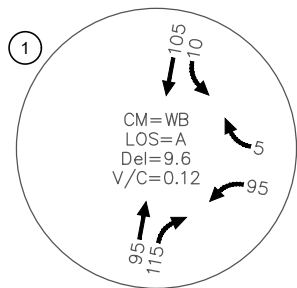
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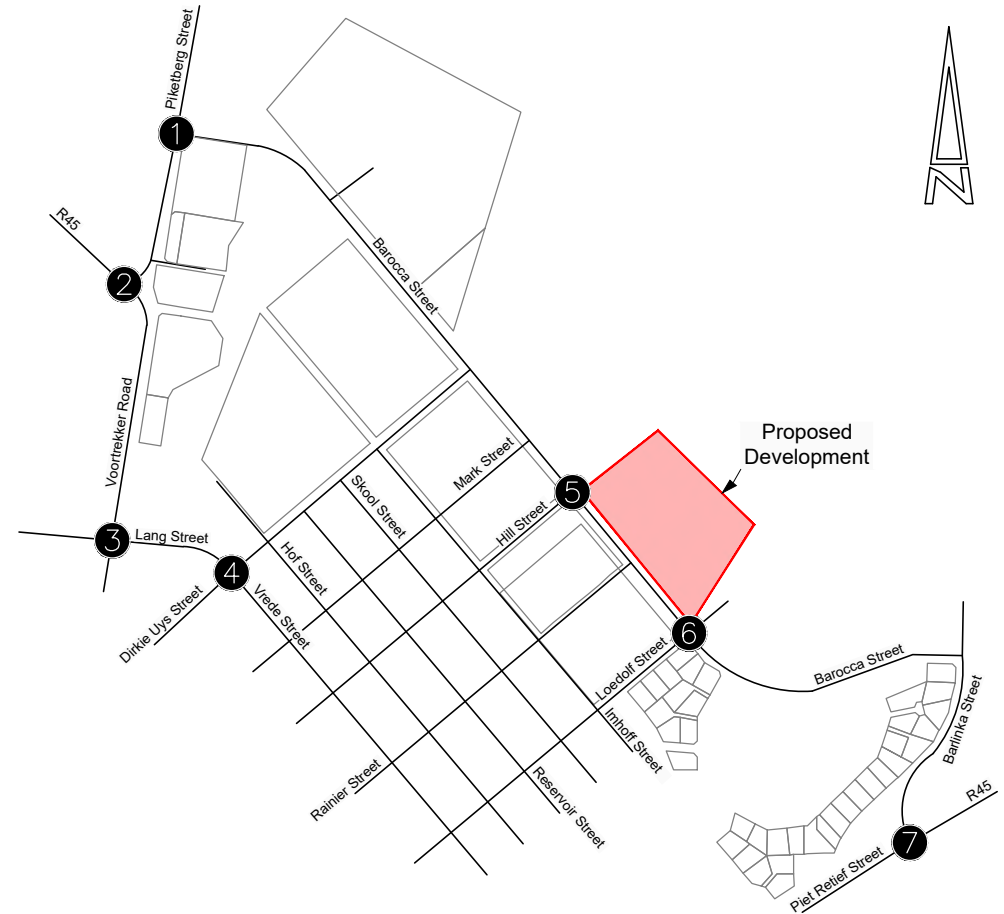
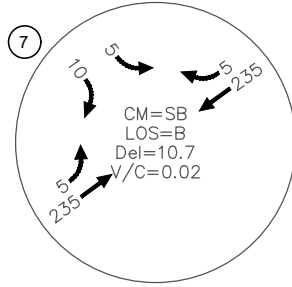
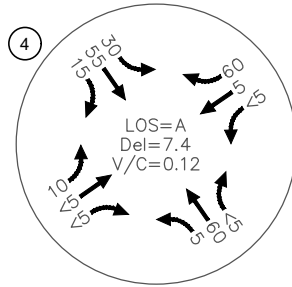
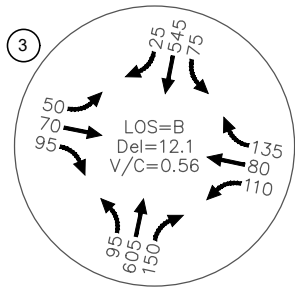
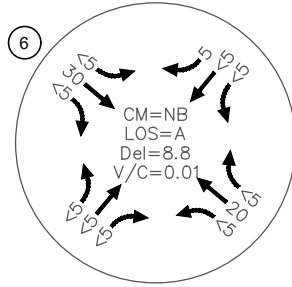
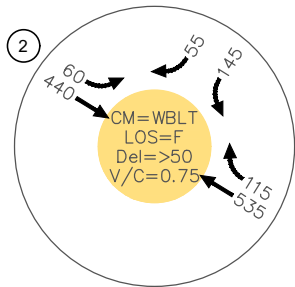
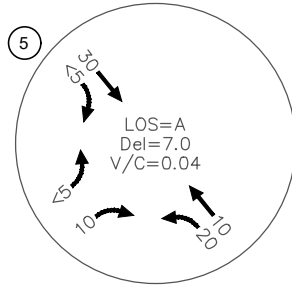
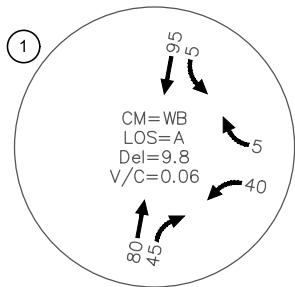
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V/C =	CRITICAL VOLUME-TO-CAPACITY RATIO



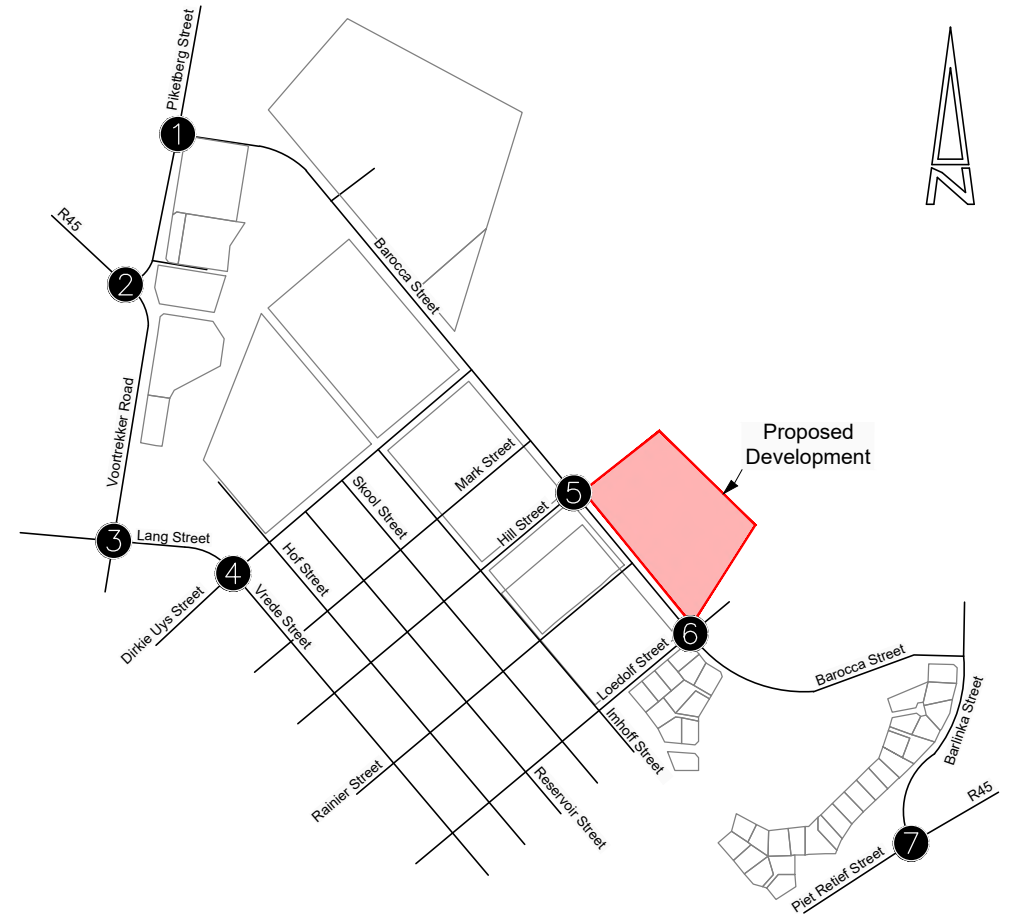
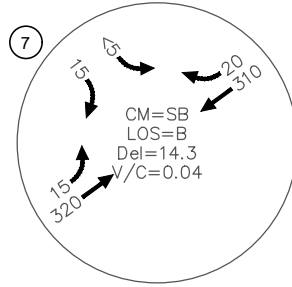
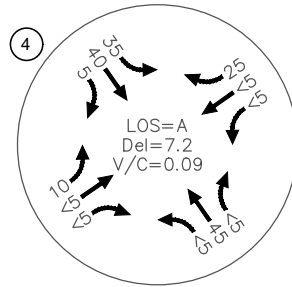
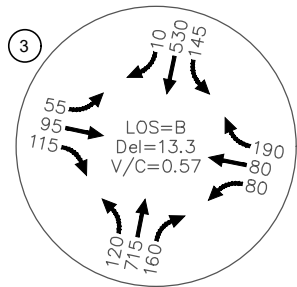
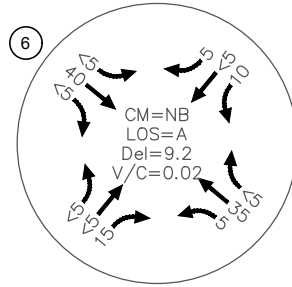
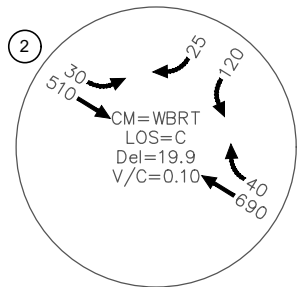
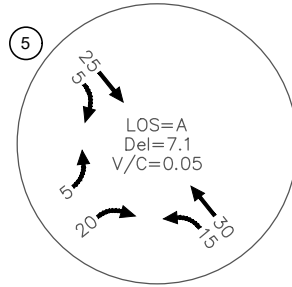
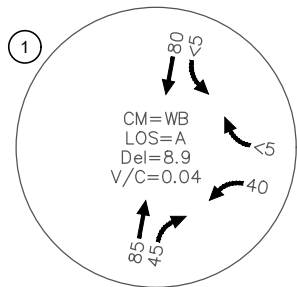
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Del =	INTERSECTION AVERAGE DELAY SIGNALISED / CRITICAL MOVEMENT DELAY UNSIGNALISED
V/C =	CRITICAL VOLUME-TO-CAPACITY RATIO



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V/C = CRITICAL VOLUME-TO-CAPACITY RATIO



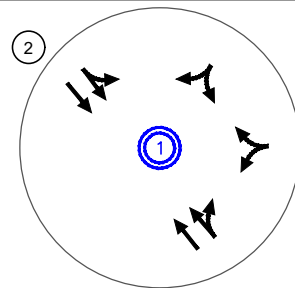
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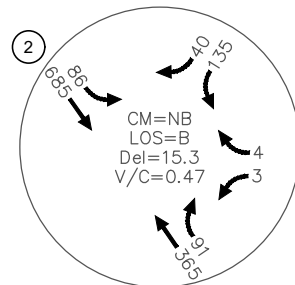
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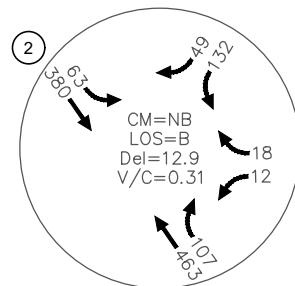
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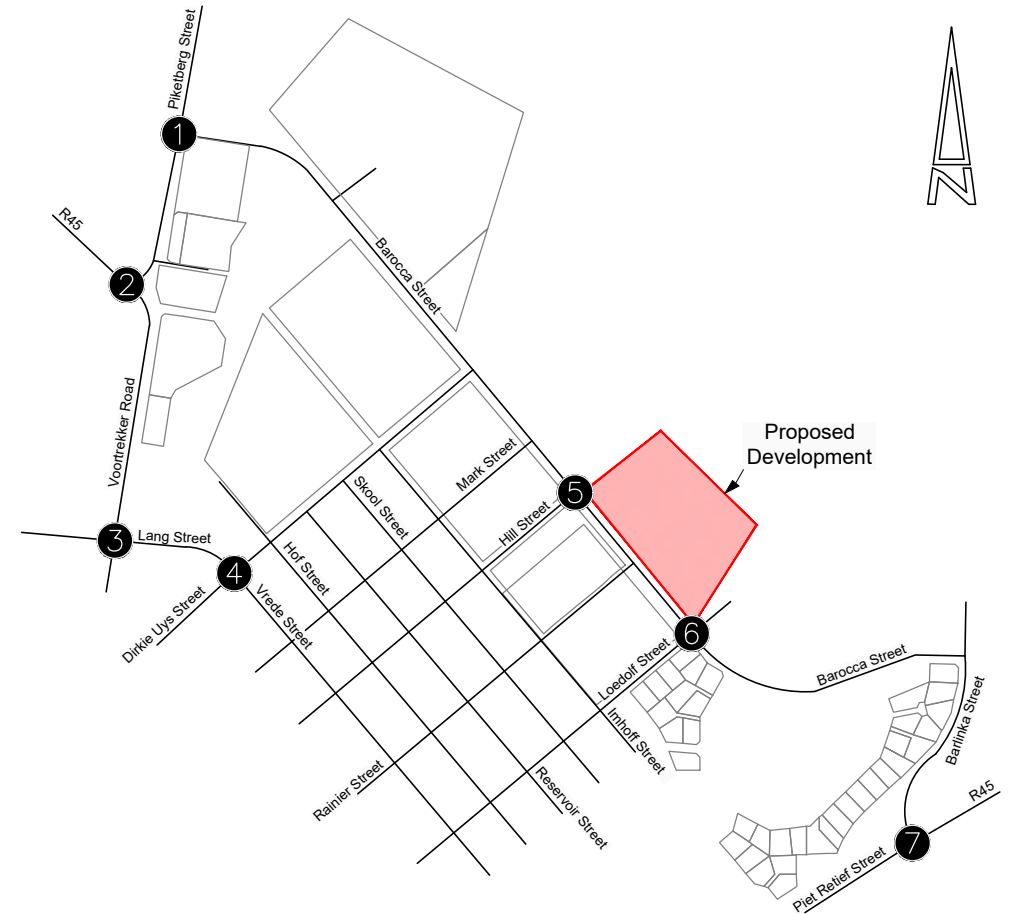
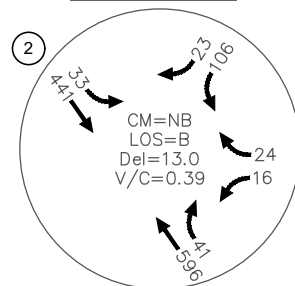
AM PEAK HOUR



MIDDAY PEAK HOUR

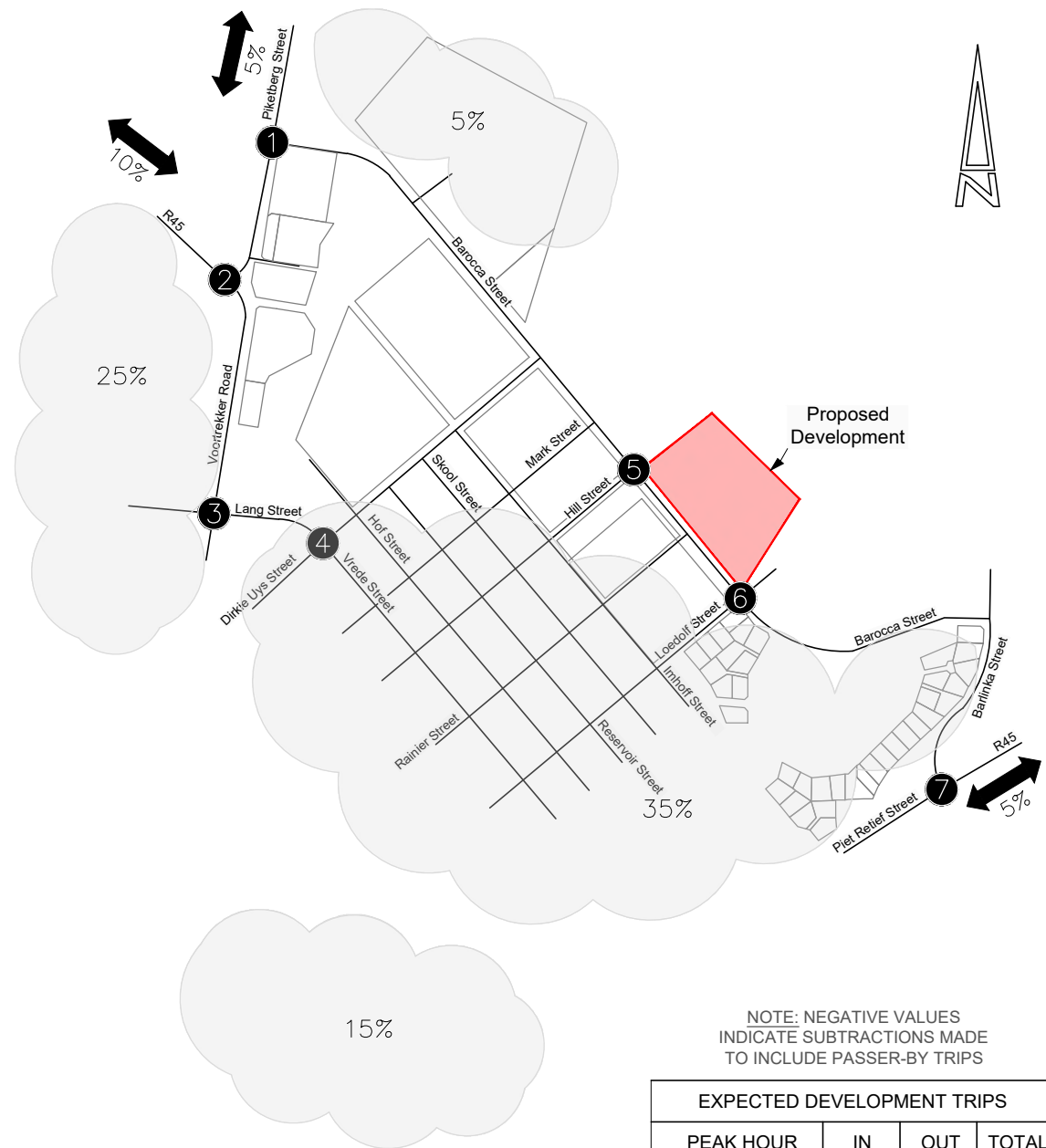
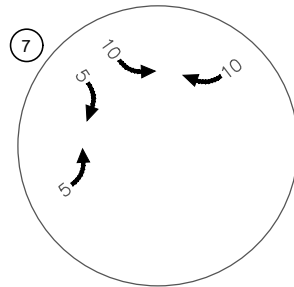
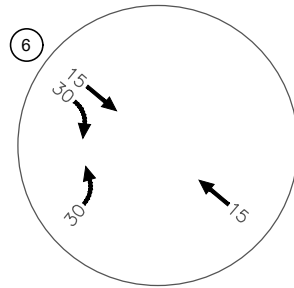
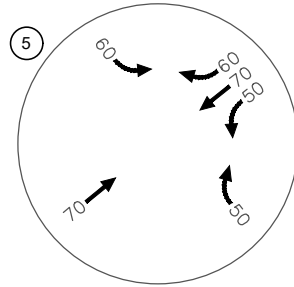
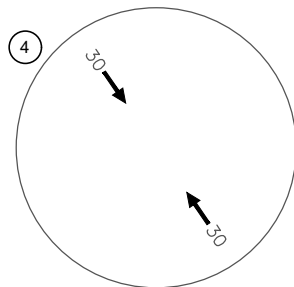
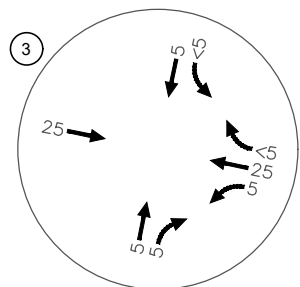
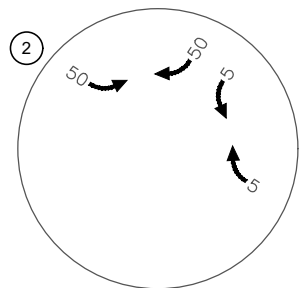
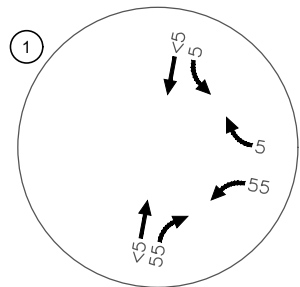


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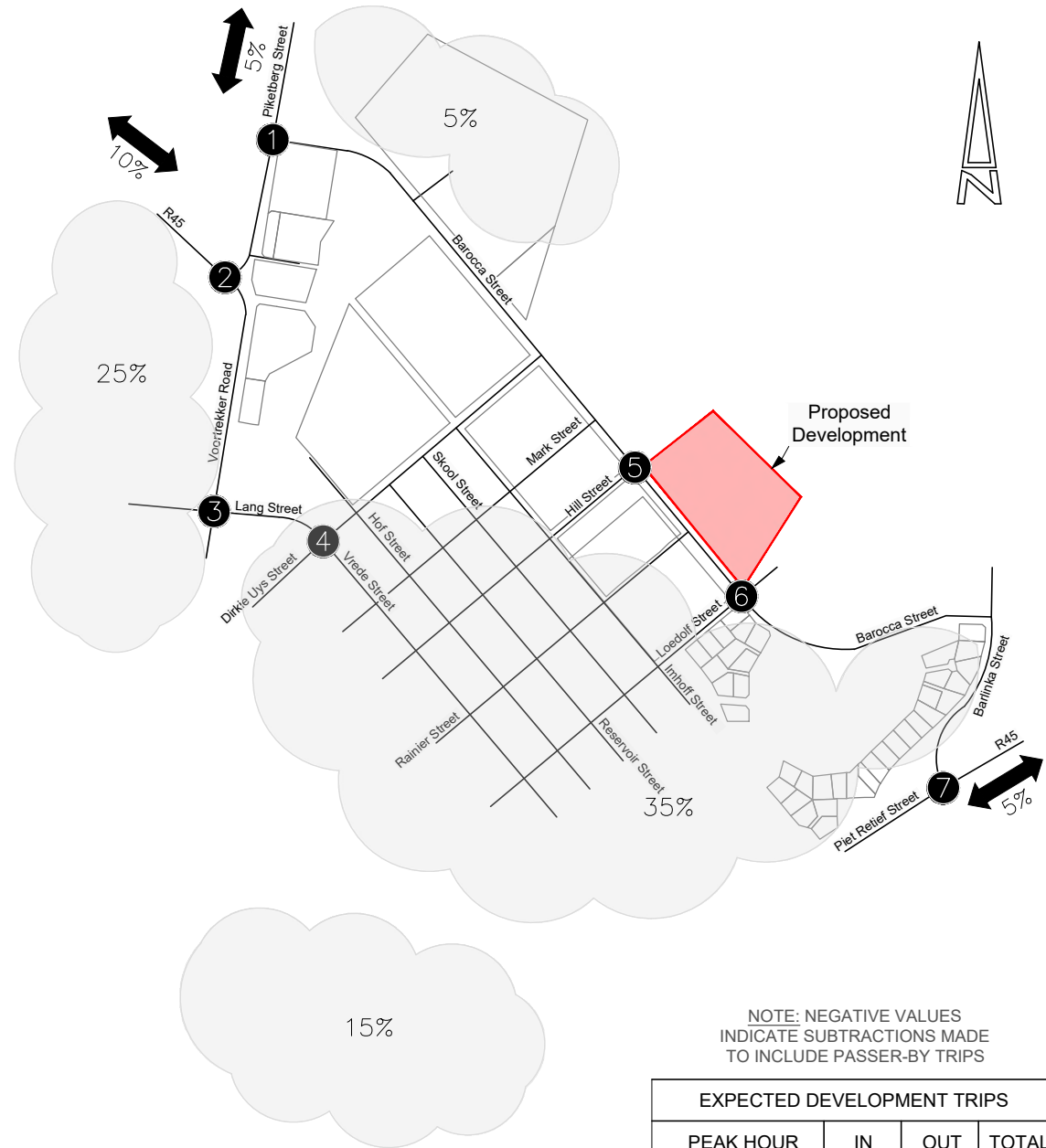
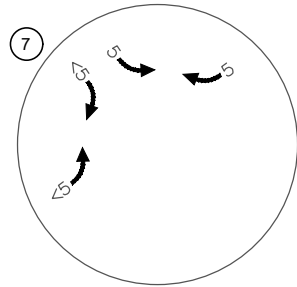
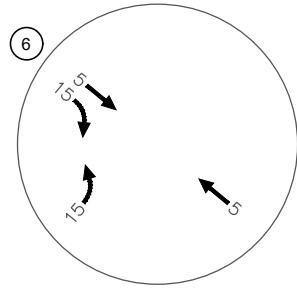
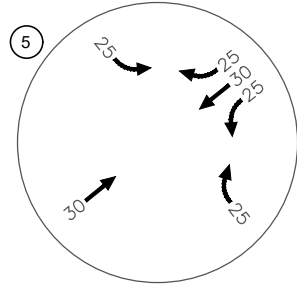
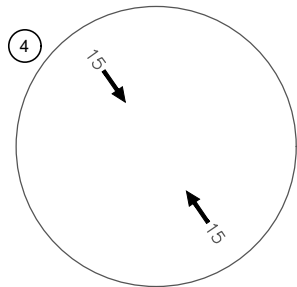
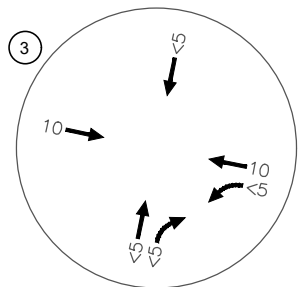
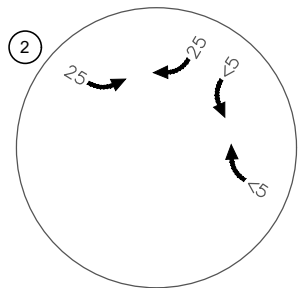
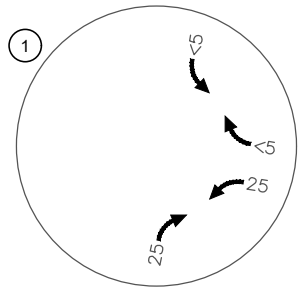
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- Del = INTERSECTION AVERAGE DELAY SIGNALISED / CRITICAL MOVEMENT DELAY UNSIGNALISED
- V/C = CRITICAL VOLUME-TO-CAPACITY RATIO
- ① ROUNDABOUT



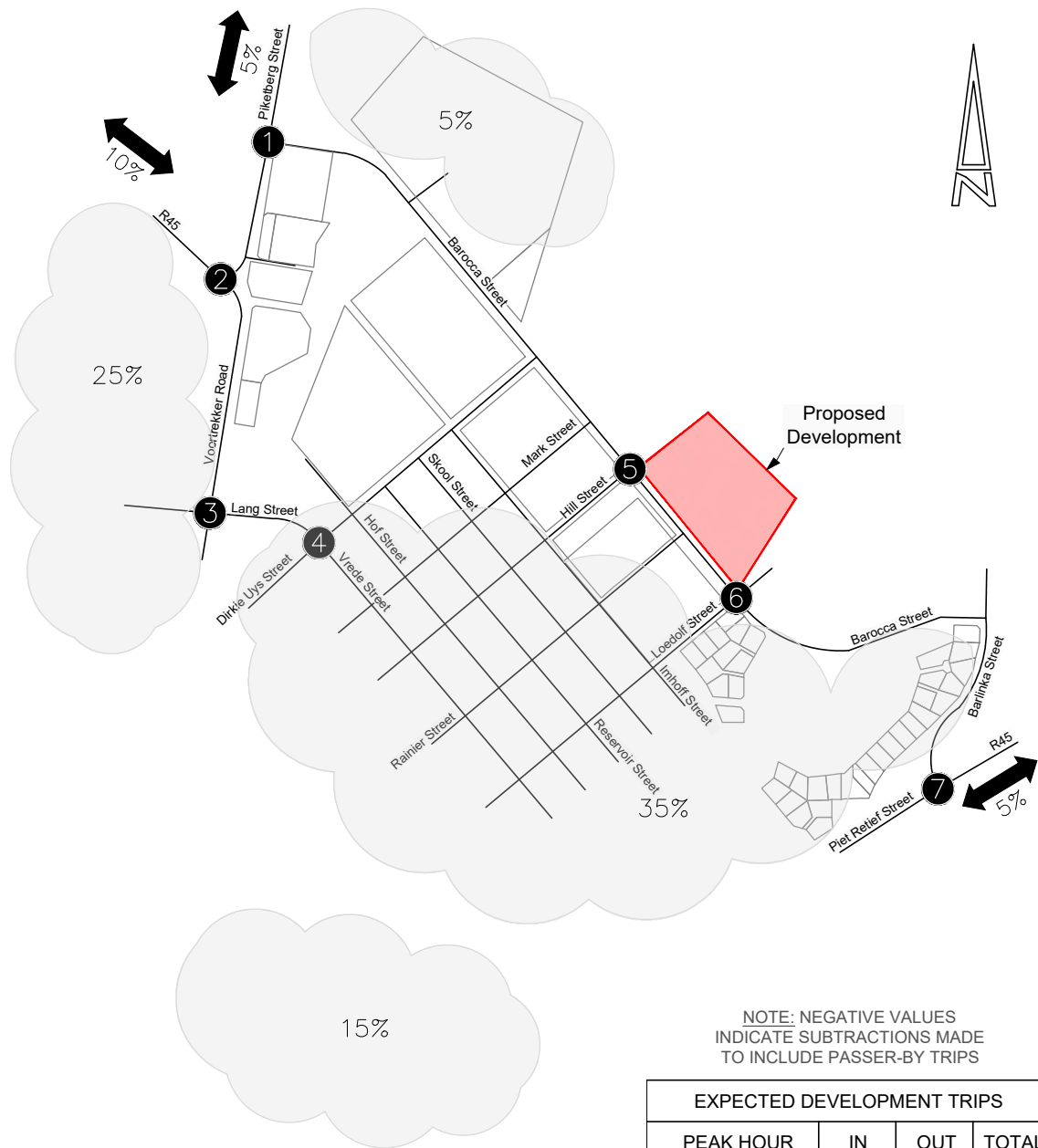
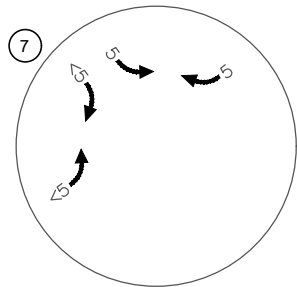
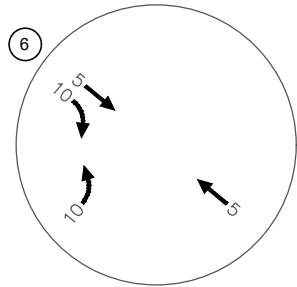
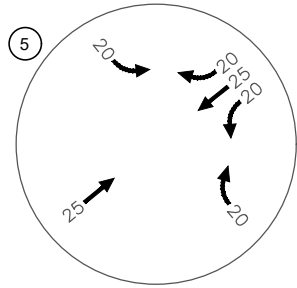
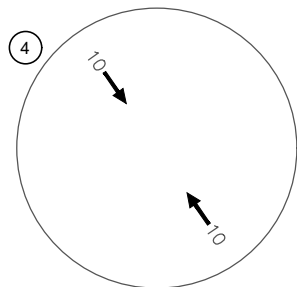
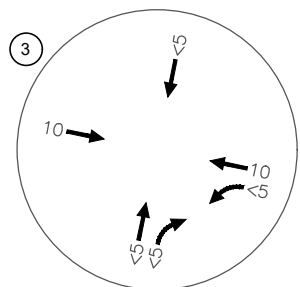
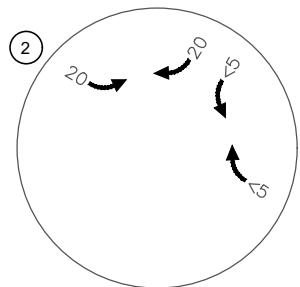
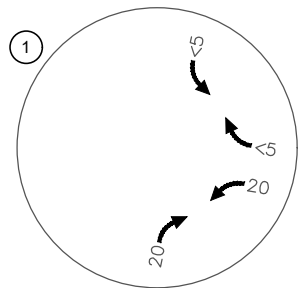
NOTE: NEGATIVE VALUES INDICATE SUBTRACTIONS MADE TO INCLUDE PASSER-BY TRIPS

EXPECTED DEVELOPMENT TRIPS			
PEAK HOUR	IN	OUT	TOTAL
AM TRIPS	180	180	360



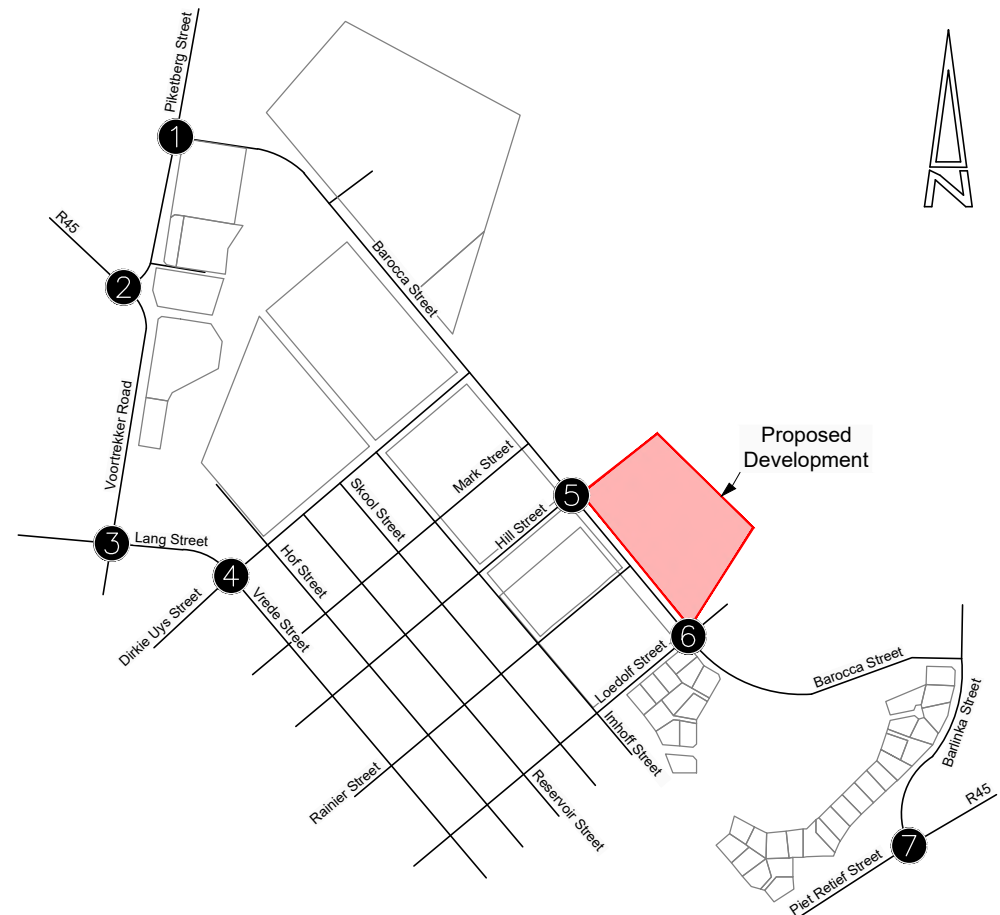
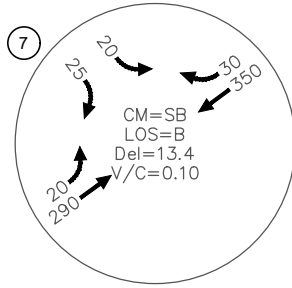
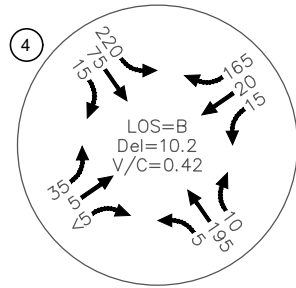
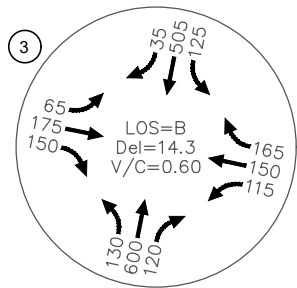
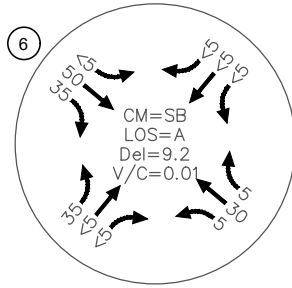
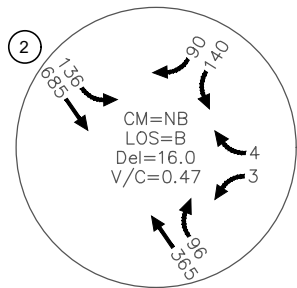
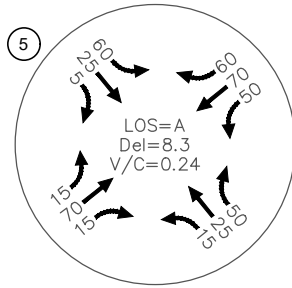
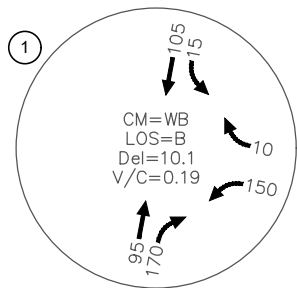
NOTE: NEGATIVE VALUES
INDICATE SUBTRACTIONS MADE
TO INCLUDE PASSER-BY TRIPS

EXPECTED DEVELOPMENT TRIPS			
PEAK HOUR	IN	OUT	TOTAL
MIDDAY TRIPS	79	79	158

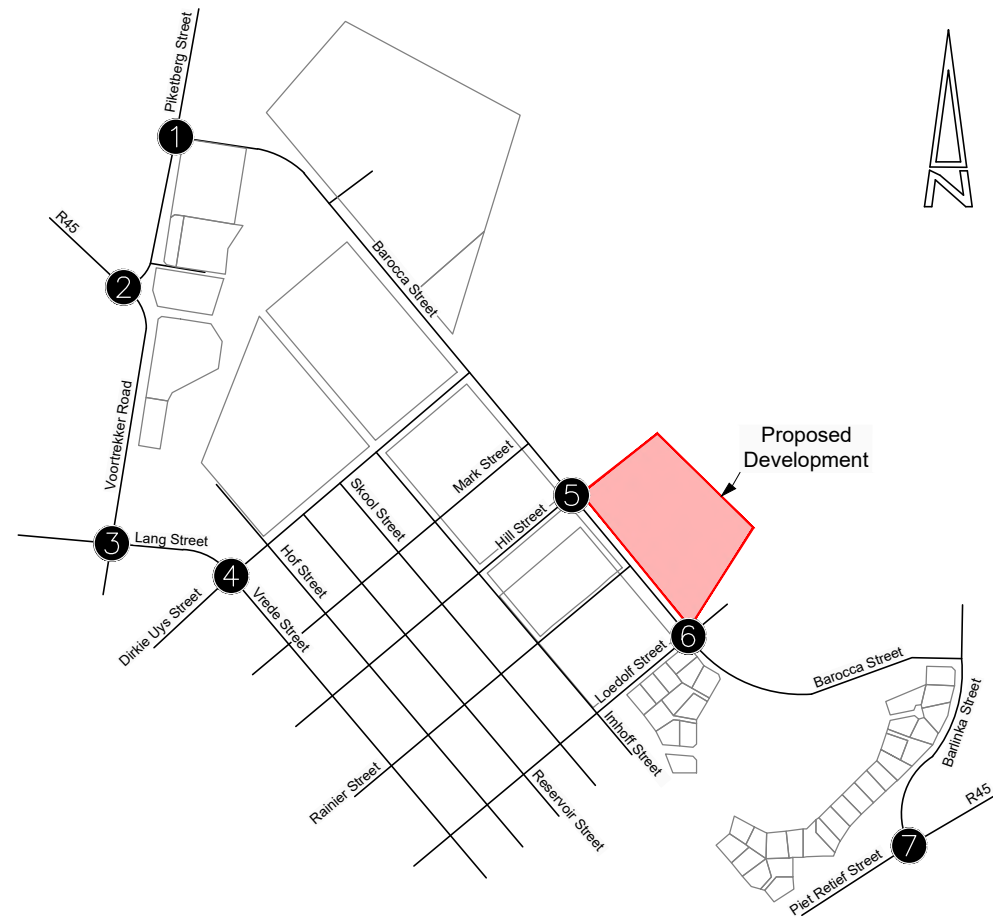
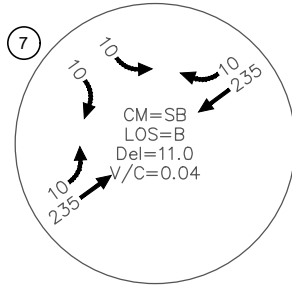
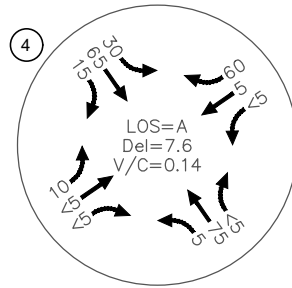
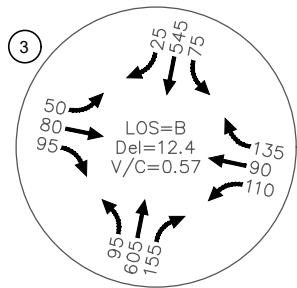
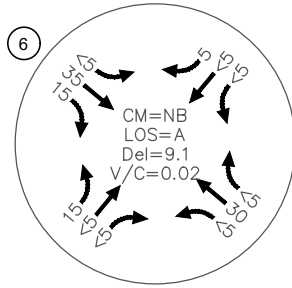
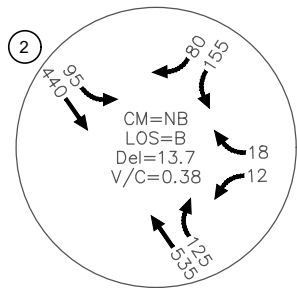
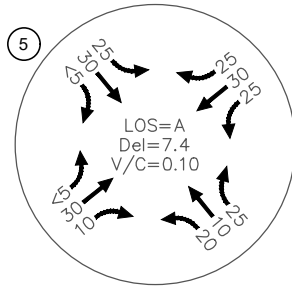
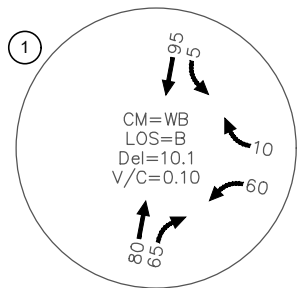


NOTE: NEGATIVE VALUES
INDICATE SUBTRACTIONS MADE
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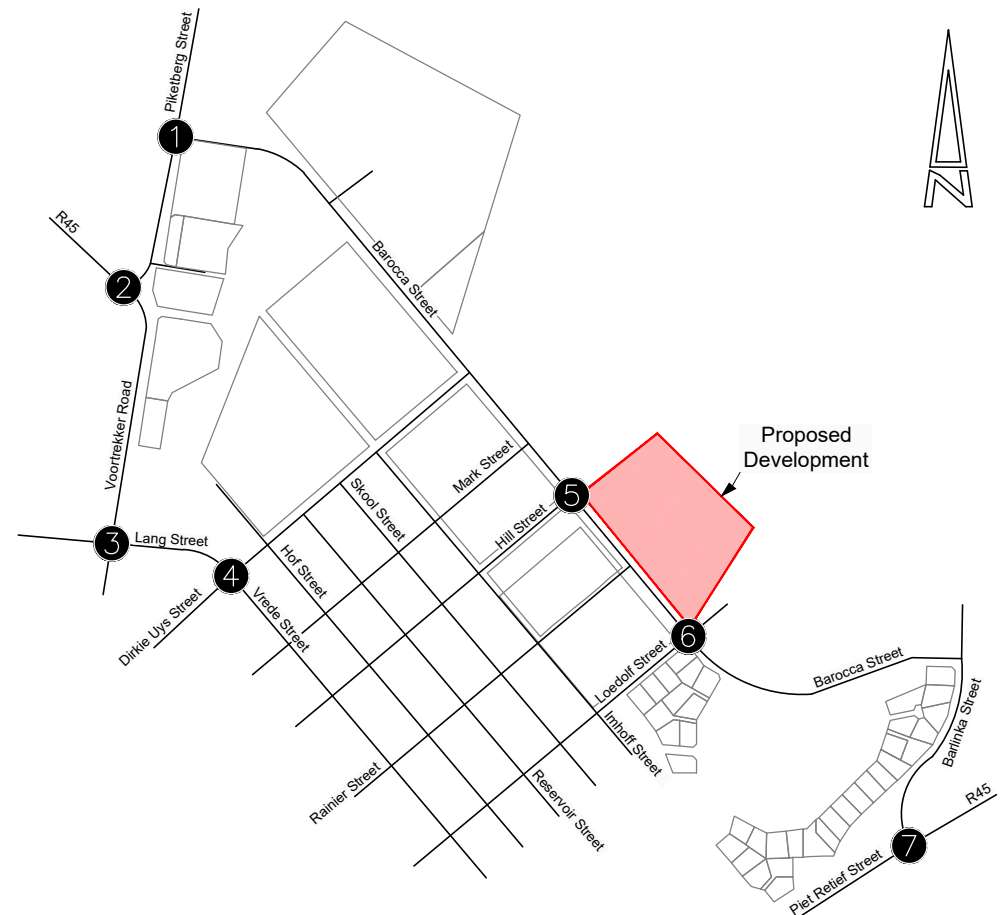
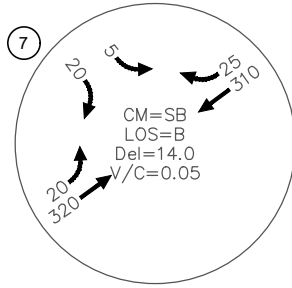
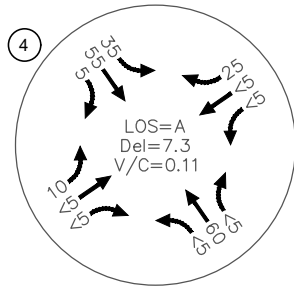
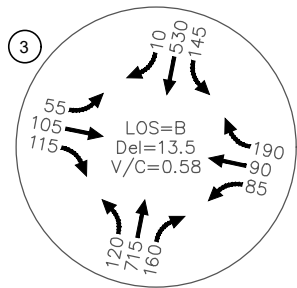
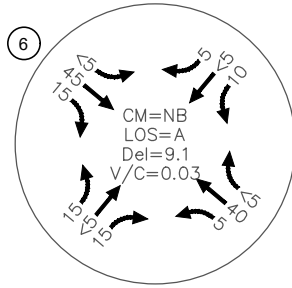
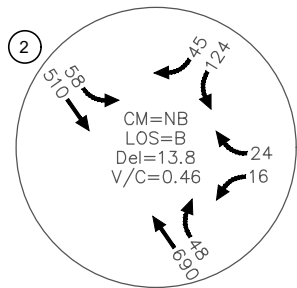
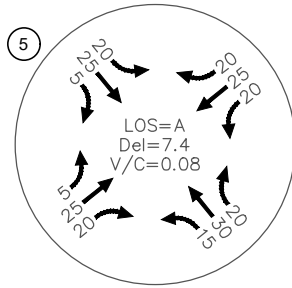
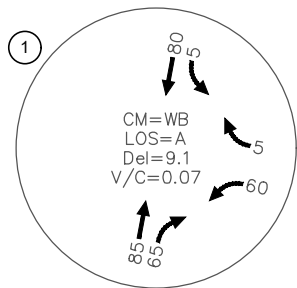
EXPECTED DEVELOPMENT TRIPS			
PEAK HOUR	IN	OUT	TOTAL
PM TRIPS	68	68	136



LEGEND
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LOS = INTERSECTION LEVEL OF SERVICE SIGNALISED / CRITICAL MOVEMENT LEVEL OF SERVICE UNSIGNALISED
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V/C = CRITICAL VOLUME-TO-CAPACITY RATIO



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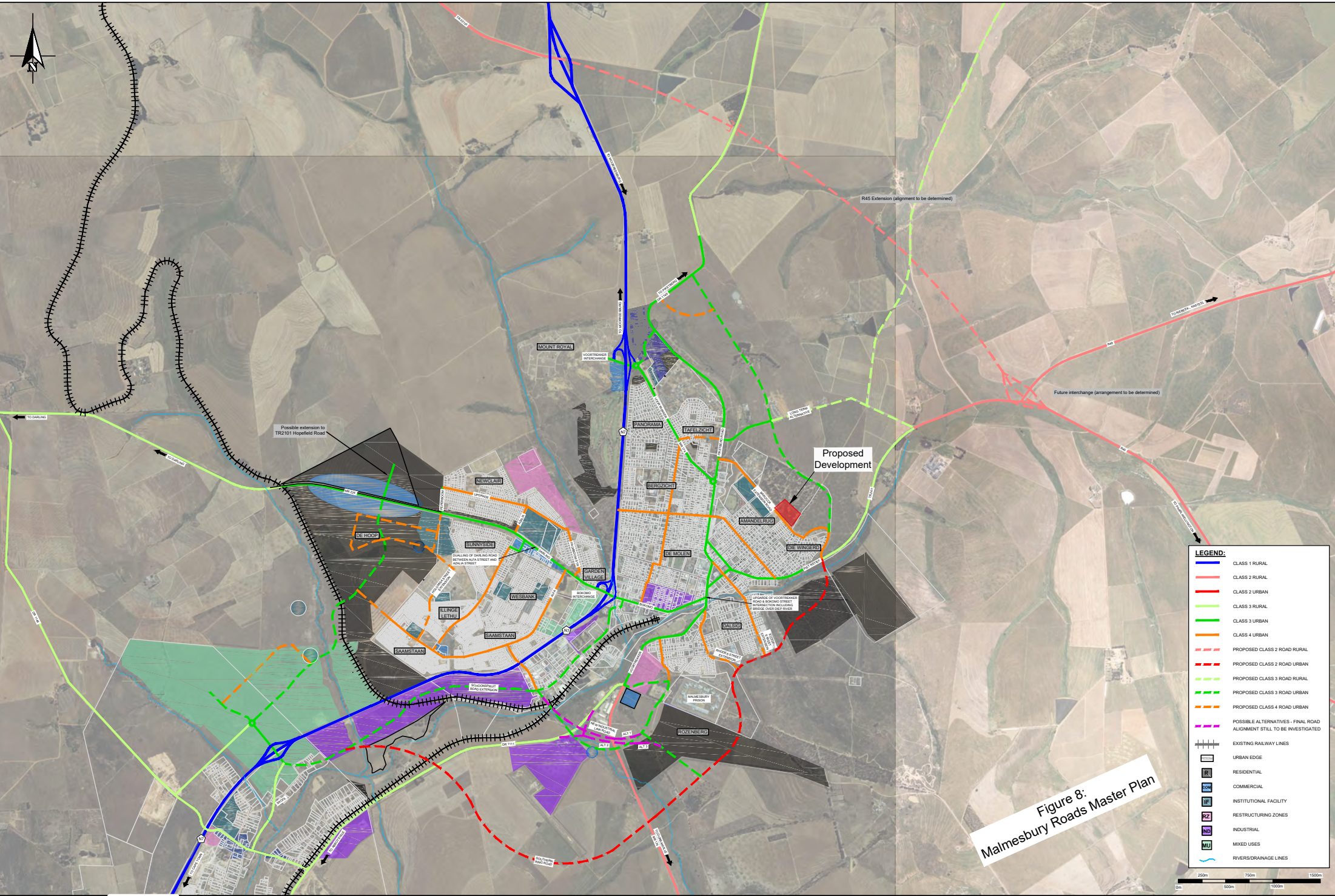
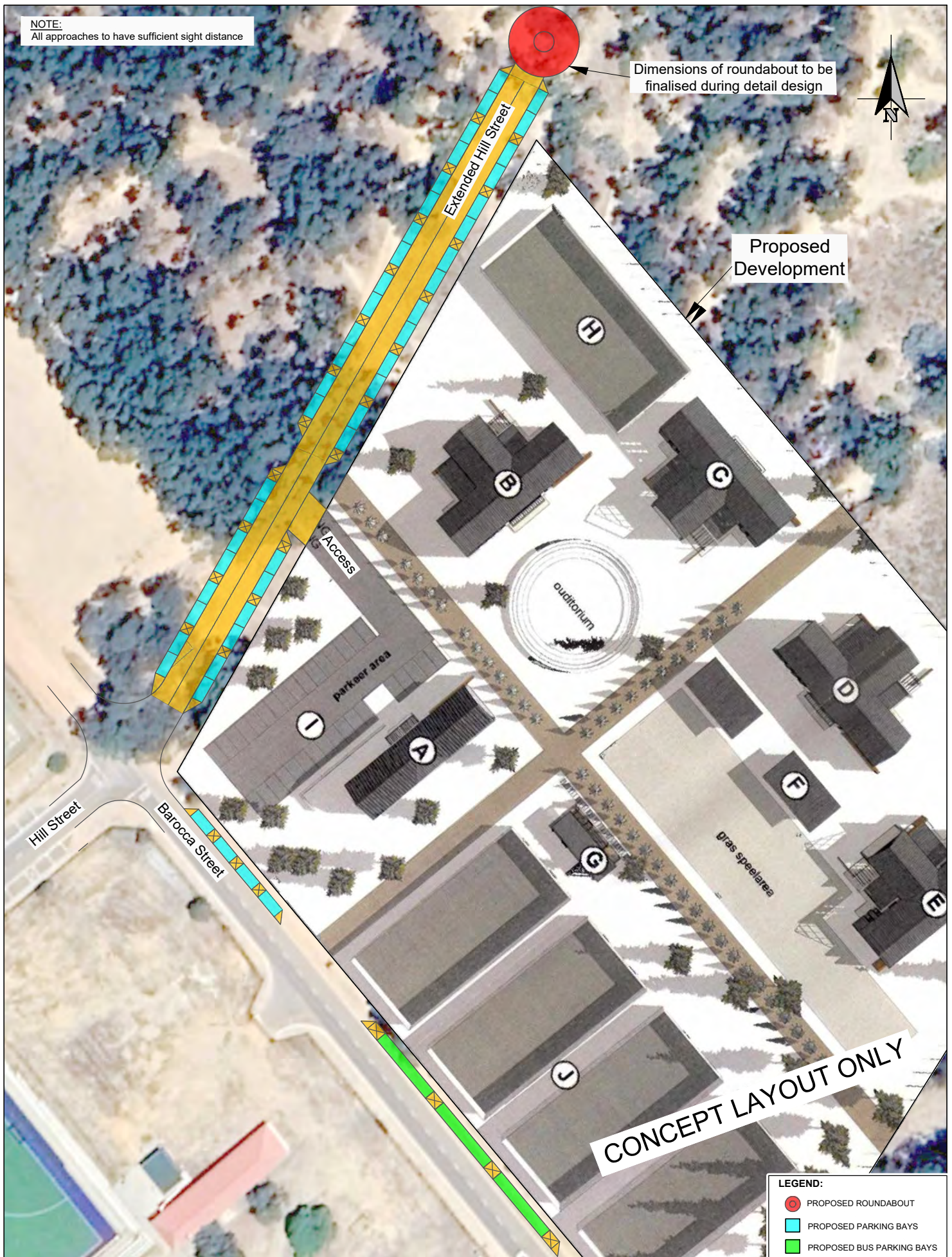


Figure 8:
Malmesbury Roads Master Plan



9 June 2022

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

Attention: Mr Johan Venter

Dear Sir,

PROPOSED DEVELOPMENT ON A PORTION OF ERF 327, MALMESBURY: CAPACITY ANALYSIS OF THE BULK WATER AND SEWER SERVICES

Your request for GLS Consulting (Pty) Ltd to investigate and comment on the bulk water supply & sewer discharge of the proposed development (proposed school on a portion of Erf 327, Malmesbury), 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.

The proposed development was not taken into consideration in the June 2020 master plans for the water and sewer networks

1. WATER DISTRIBUTION SYSTEM

1.1 *Distribution zone*

The master planning indicated that the proposed development area should be accommodated in the existing Old Golf Course reservoir distribution zone. The connection to the existing Malmesbury water system should be to the existing 300 mm Ø main pipe from the Old Golf Course reservoir, adjacent to the western boundary of the proposed development, as shown on Figure 1 attached.

The development is situated inside the water priority area.

1.2 *Water demand*

For this re-analysis of the master plan, the total annual average daily demand (AADD) and fire flow criteria for the proposed development were calculated as follows:

- ± 450 Learners & 30 teachers @ 0,06 kL/d/person = 28,8 kL/d
- Fire flow criteria (Medium risk) = 25 L/s @ 10 m

GLS Consulting (Pty) Ltd

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Stellenpark, Block D North, Cnr of R44 and School Rd, Jamestown, Stellenbosch, 7600, ZA | PO Box 814, Stellenbosch, 7599, ZA

Reg no: 2007/003039/07

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Directors: HA Baartman, AG Hingeston

1.3 *Present situation*

1.3.1 *Reticulation system*

The existing Old Golf Course reservoir zone is supplied by the Old Golf Course reservoir from a Top Water Level (TWL) of 212 metres above mean sea level (m a.s.l.) via an existing 300 mm Ø main supply pipeline. Network pressure within the distribution network is reduced through the Old Golf course PRV to an Energy Grade Line (EGL) of approximately 190,6 m a.s.l.

The higher lying structures of the proposed development will be located at the 175 m contour line and it is therefore recommended that the development is supplied directly from the 300 mm Ø main pipeline between the Old Golf Course reservoir and the PRV (water pressure will be insufficient if it is supplied from the network in Barocca Street downstream of the PRV).

The 300 mm Ø main pipeline from the Old Golf Course reservoir to the network has sufficient capacity to accommodate the proposed development with sufficient pressure and fire flow as per the criteria set out in the water master plan.

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 Old Golf Course reservoir supply area has a water demand of approximately 275 kL/d (based on the 2020 Water Master Plan demand). The capacity of the existing Old Golf Course reservoir is 5 200 kL, which results in a current reservoir storage capacity of 469 hours of the AADD.

There is therefore sufficient capacity in the existing Old Golf Course reservoir to accommodate the proposed development.

1.3.3 *Bulk supply*

The Old Golf Course reservoir is supplied with bulk water from the Swartland bulk water system through meter number H10/0. The Swartland bulk water system is operated by the West Coast District Municipality (WCDM). From meter H10/0 bulk water is supplied to the Old Golf Course reservoir through a 0,9 km x 200 mm diameter bulk pipeline. This pipeline has sufficient capacity to accommodate the proposed development.

The analysis of the capacity of the Swartland bulk water system upstream of meter no. H10/0 in order to accommodate the proposed development is discussed in a separate report, addressed to WCDM, dated 9 June 2022.

2. **SEWER NETWORK**

2.1 *Drainage area*

The master plan indicated that the proposed development should be accommodated within the existing Malmesbury gravity sewer drainage area from where sewage gravitates to the Malmesbury Wastewater Treatment Works (WWTW). The proposed connection to the existing Malmesbury sewer system is to the existing 150 mm Ø outfall sewer on the corner of Loedolf Street and Barocca Street, as shown on Figure 2 attached.

The development is inside the sewer priority area.

2.2 Sewer flow

For this re-analysis of the sewer master plan, the total peak daily dry weather flow (PDDWF) for the proposed development was calculated as 23,0 kL/d.

2.3 Present situation

The existing Malmesbury sewer system has sufficient capacity to accommodate the proposed development.

3. CONCLUSION

The developer of the proposed school on a portion of Erf 327 in Malmesbury 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 existing Malmesbury water reticulation network has sufficient capacity to accommodate the proposed development with sufficient pressure and fire flow as per the criteria set out in the water master plan.

There is sufficient capacity in the existing Malmesbury sewer reticulation system to accommodate the proposed development.

We trust you find the above of value.

Yours sincerely,

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



Per: PC DU PLESSIS

cc. CK Rumboll & Partners
16 Rainier Street
Malmesbury
7299

Attention: NJ de Kock

ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 20 SEPTEMBER 2023

LAND USE PLANNING REPORT PROPOSED REZONING OF ERF 353, MALMESBURY					
Reference number	15/3/3-8/Erf_353 15/3/4-8/Erf_353	Submission date	19 May 2023	Date finalised	6 September 2023

PART A: APPLICATION DESCRIPTION

Application for the rezoning of Erf 353, Malmesbury, from Residential Zone 1 to Community Zone 3, is made in terms of Section 25(2)(a) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to convert the existing dwelling into a healthcare (frail care) facility;

Application for permanent building line departure on Erf 353, Malmesbury, is made in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to accommodate the existing building within the new, more restrictive building lines as follows:

- Relaxation of the north-western street building line from 10m to 7,2m to accommodate a portion of the existing dwelling;
- Relaxation of the north-eastern street building line from 10m to 5m to accommodate the existing double garage;
- Relaxation of the south-eastern side building line from 5m to 1m to accommodate the existing carport.

Application for permanent departure on Erf 353, Malmesbury, is made in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to provide five on-site parking bays in lieu of the ten parking bays required by development parameters of the By-Law

The applicants are C.K. Rumboll and Partners and the property owner is Ostiprop 1222 Pty Ltd.

PART B: PROPERTY DETAILS

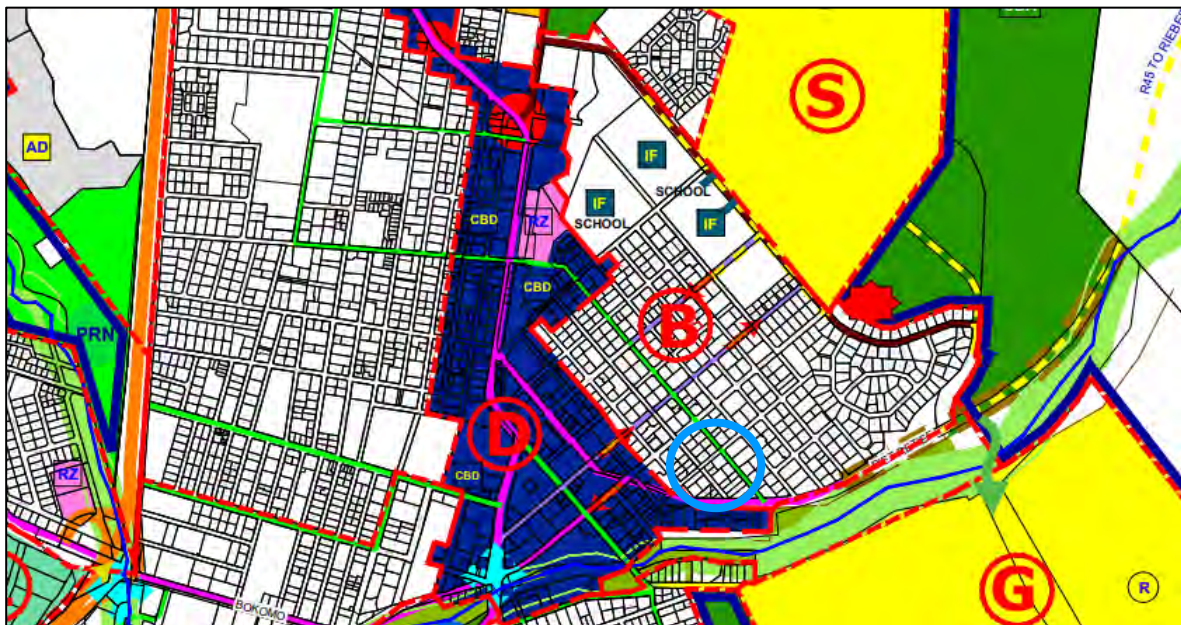
Property description (in accordance with Title Deed)	ERF 353 MALMESBURY, IN DIE MUNISIPALITEIT SWARTLAND, AFDELING MALMESBURY, PROVINSIE WES-KAAP				
Physical address	5 Vrede Street		Town	Malmesbury	
Current zoning	Residential Zone 1	Extent (m ² /ha)	1 110m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Residential dwelling		Title Deed number & date	T62176/2003	
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)		
Any third party conditions applicable?	Y	N	If Yes, specify		
Any unauthorised land use/building work	Y	N	If Yes, explain		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

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

PART D: BACKGROUND

Erf 353, Malmesbury is zoned Residential Zone 1. The erf is located in Amandelrug, a neighbourhood towards the eastern portion of Malmesbury, Area B, as delineated by the Swartland Municipal Spatial Development Framework (2023). Area B is characterised by low density residential development with amenities such as churches, ECD and healthcare facilities (ACVV old age home), schools and sport facilities.



The application property of 1 110m² in extent is currently developed with a four bedroom dwelling house with family rooms, a double garage, carport, kitchen, dining room, storerooms etc. and a footprint 315².



The owner/developer of the frail care facility already attempted to establish the facility on two other erven, but the processes were unsuccessful for a number of reasons. The facility was ultimately relocated to the present erf at the end of 2022 and has been in operation ever since. As the land use rights have not been obtained yet, the current use is illegal and a notice to this effect was issued to Ostiprop on 10 January 2023. The notice stipulated that the care facility was to

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

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

PART F: SUMMARY OF APPLICANT'S MOTIVATION

The applicant states the following as motivation for the development proposal:

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

- a) Spatial Justice: The application supports the goals of the SDF by providing a much-needed health / frail care facility in Malmesbury. The application for rezoning and departure as a result will provide not only health care facilities to the elderly but also accommodation. This institution will not exclude previous disadvantage people.
- b) Spatial Sustainability: The proposed rezoning and departure proposes short, medium and long terms financial sustainability, as the patients will lease beds/rooms within the dwelling house, while receiving medical care. The development will make use of existing infrastructure and services and will not financially burden the municipality. Due to the required densification proposals set by the SDF, the proposal will limit urban sprawl and no adversely affect any prime, unique, or high potential agricultural land.
- c) Efficiency: The proposed development will optimise the use of existing resources, infrastructure and facilities. Due to the property being located within an existing residential area, there will be no major disturbances for the sick and elderly (quiet and peaceful area), making the area ideal for a health / frail care facility.
- d) Spatial Resilience: Seeing as the property is located within an existing residential area, the dwelling unit can easily be transformed back to an ordinary dwelling house. The proposed development will promote mixed-land uses that contribute in creating more sustainable livelihoods.
- e) Good Administration: The proposed application will be taken through the public process by the Swartland Municipality whereas all relevant departments will be approached. The decision making process will be guided by statutory land use planning systems.

It is subsequently clear that the development proposal adheres to all spatial planning principles and is thus considered consistent with the abovementioned legislative measures.

1.2 Spatial Development Framework(SDF)

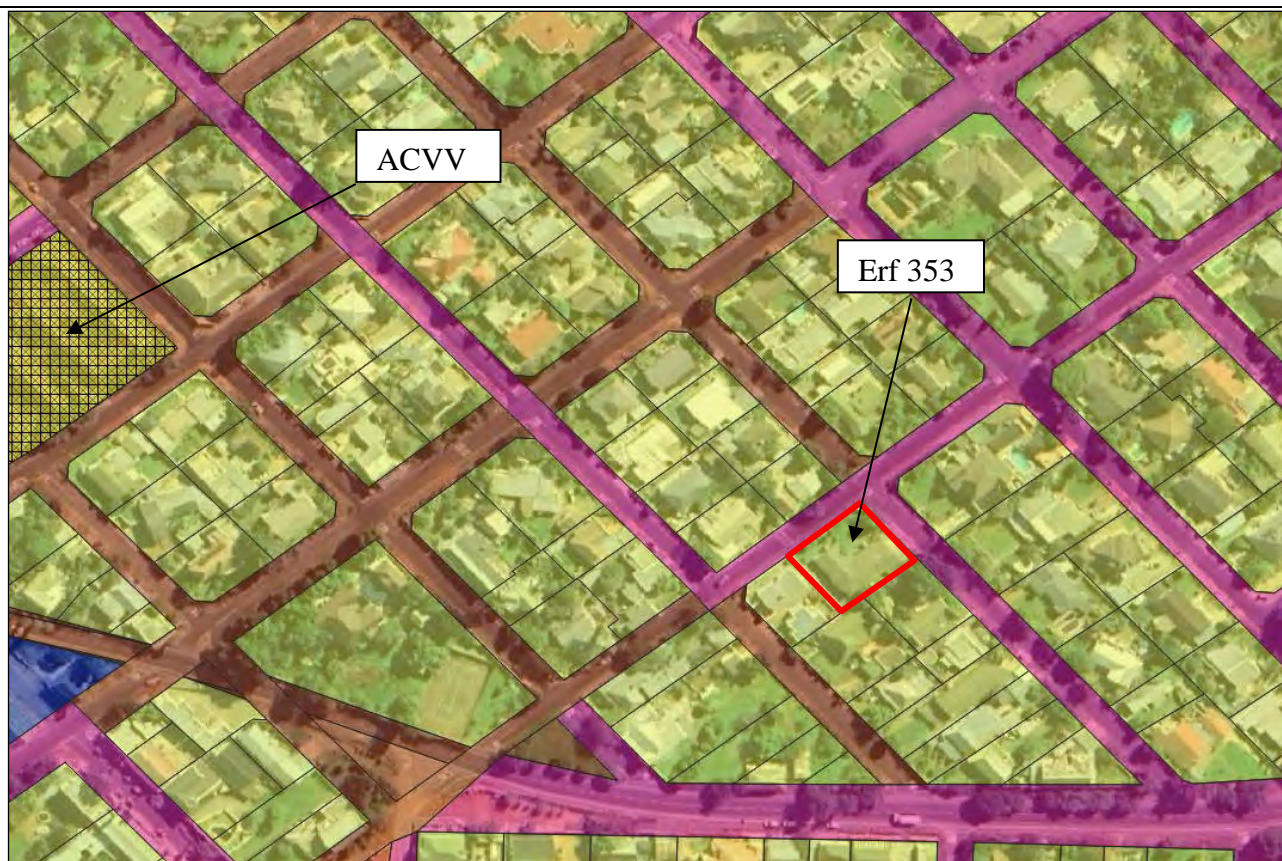
Erf 353 forms part of Area E of the designated SDF for Malmesbury, as delineated by the SDF.

MALMESBURY LAND USE ZONES		Low Density Residential Uses	Medium Density Residential	High Density Residential	Secondary Educational Uses	Institutional Uses	Professional Services	Business Uses	Secondary Business Uses	Churches	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
E	Zone E is a residential area with mixed density and various supporting social-and institutional uses as well as business uses near the CBD.	X	X	X 2	X	X	X 6	X 6	X	X	X	X		X 8	

Extract from Swartland SDF (2023)

The proposal to rezone the property from Residential zone 1 to Community zone 3, to utilise the property as a health / frail care facility complies with the Swartland SDF guidelines as indicated above. With the development, a private health / frail care facility will be authorised, reducing pressure from the existing facilities in Malmesbury.

The location of Erf 353 with regard to the ACVV old age home is ideal for this type of use, as the two uses will be a good complementary uses for one another. An institution is supported by the SDF in the area in which Erf 353 is located and should therefore be positively considered.



1.3 Schedule 2 of the By-Law: Zoning Scheme Provisions

Erf 353 is currently zoned Residential Zone 1. The existing dwelling cannot adhere to the more restrictive building lines of Institutional Zone 3, therefore application is made for departure from said building lines.

Departure from the required 10 parking bays is also proposed and only 5 on-site parking bays will be provided.

1.4 Desirability

The proposed rezoning and departure to utilise the existing dwelling units on Erf 353, Malmesbury, as a health / frail care facility, can be considered favourably on the basis of the following:

- The proposed development supports the Swartland Spatial Development Framework (SDF) that guides sustainable future development in Malmesbury;
- The application supports the planning principles of SPLUMA and LUPA;
- The proposed development is compatible with the land use proposals for the area in which Erf 353 is located;
- The proposed rezoning and departure will provide additional health / frail care facilities in Malmesbury;
- Existing infrastructure is being used which promotes sustainable development;
- No new buildings are proposed;
- The proposal complies with all the development parameters of Community Zone 3, excluding the relaxation of building lines and parking;
- Additional residential accommodation will be provided for the elderly.

PART G: SUMMARY OF PUBLIC PARTICIPATION

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

Y

N

The application was published in local newspapers and the Provincial Gazette on 2 June 2023, in terms of Section 55(1) of the By-Law. The commenting period, for or against the application, closed on 3 July 2023.

In addition to the abovementioned publication, 14 written notices were sent via registered mail to the affected property owners in the area, in terms of Section 56(1) & (2) of the By-Law. Where e-mail addresses were available on the municipal system, supplementary notices were sent via e-mail. Three notices were returned unclaimed. Please refer to Annexure C for the public participation map.

One objection was received against the proposal. The applicant was afforded 30 days, from 7 July 2023 to 8 August 2023 to respond to the objection and comments were received back on 7 August 2023. (Annexure E).

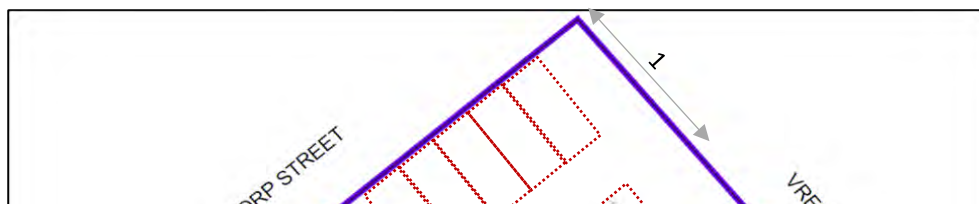
Total valid comments	1	Total comments and petitions refused	0
Valid petition(s)	Y N	If yes, number of signatures	
Community organisation(s) response	Y N	Ward councillor response	Y N Councillor van Essen was informed, but no comments were forthcoming.
Total letters of support	0		

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
			Pos.	Neg.
Dept:Civil Engineering Services	5 June 2023	1. <u>Water</u> Die bestaande aansluiting gebruik word en dat geen addisionele aansluitings voorsien sal word nie. 2. <u>Riolering</u> Die bestaande aansluiting gebruik word en dat geen addisionele aansluitings voorsien sal word nie. 3. <u>Strate en stormwater</u> In orde.	X	
West Coast District Municipality : Environmental health	13 June 2023	Daar word versoek dat: 1. Voldoen word aan die bepalings van Norme & Standaarde van 24 Desember 2015; 2. Aansoek gedoen word vir 'n gesondheidsverslag by Weskus Distriksmunisipaliteit, Department Omgewingsgesondheid; 3. Voorsiening gemaak word vir die wegdoening van mediese afval; 4. Indien voedsel op-perseel voorberei word, dat aansoek gedoen word vir 'n geskikheidsertifikaat by Weskusdistrik Munisipaliteit;	X	
Dept: Electrical Engineering Services	25 May 2023	Geen kommentaar.		
Building Control	29 Nov 2022	a) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;	X	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>D. & M. Burger Erf 2460 Annexure</p>	<ol style="list-style-type: none"> 1. Noted. Each development should be evaluated on its own merits. The entity / individuals operating the care facility are in the process of obtaining all the necessary documents to operate this facility. The past mistakes on other properties cannot negatively affect the outcome of this land use application on Erf 353, Malmesbury. 2. The proposed development will provide a total of 5 parking bays on site. Since none of the residents/ patients have a vehicle or is able to drive, the 5 parking bays are more than sufficient to accommodate visitors parking. The operators of the facility also stated that the patients vary rarely receive any visitors. The additional traffic on Vrede Street will also not affect the owners of Erf 2460, as the property receives access from Hof Street on the other site of the property. 	<ol style="list-style-type: none"> 1. The application is being made legally and all other applicable legislation will remain in force, especially since the proposed facility deals with the elderly and medical/health issues. The applicant has indeed been through the land use process on previous occasions and should at this point be well versed in the various aspects surrounding a frail care facility. As with any other land use application, it is expected from the owner/developer to act within the confines of the law and any unlawful actions will be subject to the relevant legislation and administrative actions. However, the owner/developer cannot be held accountable for actions that are anticipated to take place. A fine will be levied in accordance with the By-Law to mitigate the continued illegal land use previous to the approval and to act as a deterrent from future unauthorised actions. 2. Application is made for the departure from the required number of parking bays. However, it is argued that the rezoning of the property will provide permanent rights to the property and while the current patients may not own cars or be able to drive, it may not be the case in perpetuity. The proposed departure addresses the current status quo on the property, without taking future land use into consideration. Once the facility is utilised to its full potential, the total number of required parking bays may well be necessary, also to prevent on-street parking which will inconvenience affected property owners. Furthermore, Erf 353 is more than large enough, with sufficient access, to accommodate the additional five parking bays. Refer to Diagram A indicating various possible positions of additional parking bays (note that it is not expected for all 8 bays to be developed, the diagram merely illustrates alternatives). It is subsequently recommended that the departure from parking bay provision be only partially approved and that the financial contribution for one parking bay be levied. Should the owner/developer be able to provide the total number of bays at building plan stage, the contribution may be scrapped. Should it be sufficiently proven that more than one parking bay cannot be provided on site, the financial contribution may be multiplied by the applicable number of bays.

	<p>3. What assurance will we, as adjacent neighbours, have that:</p> <p>(a) The property will be maintained as can reasonably be expected from neighbours with similar properties? The premises currently do not appear to be maintained in a manner expected of a care facility, and furthermore, there are items under the canopy of the property that cannot be associated with an elderly care facility.</p> <p>(b) That the facility will have the necessary amenities to comply with legal, social, and municipal requirements? The Life Esidimeni incident is a glaring example of the failure to responsibly care for people, and what assurance is there for us as neighbours that the same negligence of responsibility will not occur at this facility?</p> <p>(c) How many people can and are allowed to be cared for at this facility given the current infrastructure?</p> <p>(d) What responsibility does the Municipality have?</p> <p>4. Recently, there was tractor repair activity on the premises, in the early morning hours. How can such activities be allowed at an elderly care facility?</p>	<p>3. a) The proposed development will have to comply with the National Environmental health norms and standards. An application will have to be submitted to the WCDM's Environmental Health Division for a health certificate in terms of the norms and standards. The proposed development will therefore have to comply with national and provincial health standards to operate this facility.</p> <p>b) Refer to point a.</p> <p>c) Application is made to accommodate a total of 10 patients.</p> <p>d) In order for the land use approval to vest, the necessary health certificates will need to be obtained. If not, the land use approval will lapse and the operators will not be able to operate this facility on the premises.</p> <p>4. Noted. Once the proposed development is approved, these types of operations will not be allowed on the premises.</p>	<p>3. The proposed facility will be subject to a number of legislative measures. The Municipality is responsible for ensuring that the correct land use approvals are obtained by the owner/developer, in order to conduct the facility on the property. Various health and safety legislations will also be applicable and enforced by the various authorities. The applicant is thus correct in their statement.</p> <p>The number of patients will likewise be determined by health care legislation.</p> <p>The maintenance of the property itself may be brought to the attention of the Municipality, should the property be neglected and become a health risk for the wider community.</p> <p>4. The permitted land use will be restricted to operating of a health care facility, as presented in the application. Other activities that do not pertain to the facility will not be allowed on the erf and will be viewed as unauthorised.</p>
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Diagram A: Possible positions of parking bays



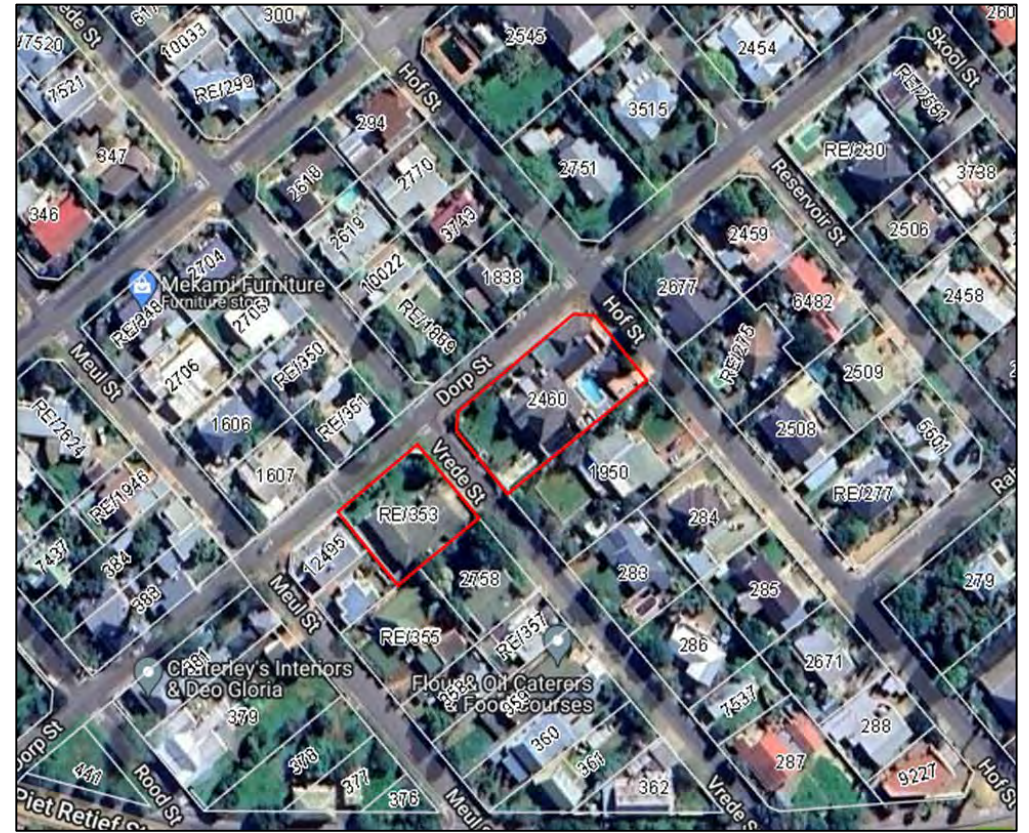


Diagram B: Objectors

PART J: MUNICIPAL PLANNING EVALUATION

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

The application was published in local newspapers and the Provincial Gazette on 2 June 2023, in terms of Section 55(1) of the By-Law. The commenting period, for or against the application, closed on 3 July 2023.

In addition to the abovementioned publication, 14 written notices were sent via registered mail to the affected property owners in the area, in terms of Section 56(1) & (2) of the By-Law. Where e-mail addresses were available on the municipal system, supplementary notices were sent via e-mail. Three notices were returned unclaimed. Please refer to Annexure C for the public participation map.

One objection was received against the proposal. The applicant was afforded 30 days, from 7 July 2023 to 8 August 2023 to respond to the objection and comments were received back on 7 August 2023.

The applicants are C.K. Rumboll and Partners and the property owner is Ostiprop 1222 Pty Ltd..

2. Legislation and policy frameworks

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

f) Spatial Justice: Erf 353 is located in Area B, as identified by the SDF. The area accommodates some commercial uses, but is mainly characterised as a residential area with supporting uses. Allowing the rezoning to Community Zone 3 is consistent with the proposals for Area B, and the low-impact of the proposed institution is acceptable within the residential context. The scale and nature of the proposal renders it consistent with the spatial proposals for Malmesbury and thus spatially just.

g) Spatial Sustainability: The proposed development will promote the intensive utilisation of an existing building and engineering services, without additional impact on the natural environment. The institution is foreseen to create employment opportunities, while providing in the social needs of the community. The rezoning of the property will enhance its flexibility and ability to respond to future spatial trends.

Existing services are deemed sufficient to accommodate the proposed frail care facility.

h) Efficiency: The existing infrastructure and resources on Erf 353 will be used optimally by the proposed frail care facility.

i) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained.

j) Spatial Resilience: The development proposal does not entail major structural changes to the existing dwelling, thus it may revert back to its original use, should it be necessary in future. However, the rezoning to Community Zone 3 will unlock a greater variety of possible land uses that may be applied and the property would thus be much more capable of withstanding natural and economic shocks and is subsequently regarded as spatially resilient.

It is clear that the development proposal adheres to all spatial planning principles and is thus considered consistent with the abovementioned legislative measures.

2.2 Spatial Development Framework(SDF)

Erf 353 is located in Area B. The area is characterised as low density residential, in close proximity to the CBD, as well as an existing home for the aged and other social amenities. The proposed frail care facility is ultimately a specialised residential function considered a low impact use. The rezoning is thus considered an appropriate action to obtain the rights necessary to accommodate the frail care facility.

The proposal is deemed consistent with the spatial proposals of the SDF.

2.3 Schedule 2 of the By-Law: Zoning Scheme Provisions

The proposal departs from the development parameters for Community Zone 3, with reference to the new building lines and the number of required parking bays.

The building line departure is considered necessary, as the building lines for Community Zone 3 is more restrictive than that of Residential Zone 1. However, the coincidental departure has no impact on the development or on the affected property owners.

The departure from the required number of parking bays is not supported, as it appears that the erf is of sufficient size to accommodate ten parking bays. Should the owner/developer be able to prove sufficiently that one or more bays can definitely not be accommodated on the property, a financial contribution may be calculated per parking bay (the market value per m² of the property X area per parking bay) and levied.

A parking bays is defined by the By-Law to be 2,5m wide X 5m long = 12,5m². The market value of the property is calculated at R337 per square meter. Thus, the financial contribution per parking bay is calculated as follows:

12,5m² X R377 = R4 712,50 per parking bay not provided.

3. Impact on municipal engineering services

The impact of the frail care facility on the existing engineering services is expected to be similar to that of a residential dwelling and sufficient engineering services exist to accommodate the proposed development.

4. Desirability of the proposed utilisation

The major concerns of the objector, which is a nearby neighbour of Erf 353, are based on the potential negative effect the proposed frail care facility will have on the surrounding residential environment, with reference to the activities on the property, on-site parking bays and the tidiness of the erf. It is believed that the objector's concerns were adequately addressed.

Although the proposal is to rezone the property to Community Zone 3, to accommodate a frail care facility, the proposed development is still deemed as a low-intensity residential use. The proposed institution will not have a detrimental effect on the surrounding residential erven and are consistent with the land use proposals for Malmesbury as set out in the Swartland MSDF. Furthermore, job opportunities are created by the proposal, as well as providing in a social need, namely the care of the elderly.

Both the By-Law and the SDF are sufficient to coordinate development within the Swartland Municipal area. The proposed development is fully compliant with the mentioned planning legislation and policy.

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

It is unlikely that the tranquillity of the neighbourhood will be disturbed and the development is not expected to have a negative impact on the character of the area. The proposal is considered wholly compatible with the permissible land uses within a residential neighbourhood, as well as being an institutional property.

A maximum of ten additional vehicles may be expected to be present on the property from time to time, although it is not expected to be permanent. It should also be noted that any traffic generated by the development will be during business hours, while residents are mostly also at work/school. Any traffic generated by the development will be subject to the normal traffic laws and it is unlikely that the traffic safety of the neighbourhood will be negatively impacted.

The noise generation by the proposed facility is foreseen to be minimal, especially since the scale of the proposal is so limited.

The public participation process of the application was completed according to the prescribed timeframes of the By-Law.

Sufficient services capacity exists to accommodate the proposal.

The property is not registered as a heritage asset and the development proposal will have no impact on the cultural or natural historical assets of Malmesbury.

The Title Deed contains no restrictive conditions to prohibit the proposed rezoning.

The application is considered to be desirable.

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

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for rezoning on Erf 353, Malmesbury, from Residential Zone 1 to Community Zone 3, 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:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Erf 353 (862m² in extent) accommodates the existing dwelling that is to be converted into a health care facility for the aged, as presented in the application;
- b) A minimum of nine (9), clearly demarcated on-site parking bays be provided and that the parking area and sidewalk be finished with a permanent, dust free surface, whether it be tar, concrete, paving or any other material pre-approved by the Director: Civil Engineering Services;
- c) Should the owner/developer be able to categorically prove, at building plan stage, that the approved number of 9 parking bays cannot be accommodated on the property, a financial contribution will be levied, for the account of the owner/developer per parking bay;
- d) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- e) Application be made to the Senior Manager: Development Management for the right to affix/display/construct the name board/sign of the facility on the site;
- f) Application be made to the Senior Manager: Development Management for a business licence;
- g) Application be made to the West Coast District Municipality for a Compliance certificate;
- h) The Health Norms and Standards of 24 December 2015 be complied with to the satisfaction of the West Coast District Municipality;
- i) Application be made to the West Coast District Municipality for a health certificate;
- j) Provision be made for the disposal of medical waste, to the satisfaction of the West Coast District Municipality;
- k) The owner/developer be liable for the amount of R59 900,00 towards the fine levied per day calculated from 14 February 2023 to 13 September 2023, in terms of section 96(3) of the By-Law. The amount is payable to the Swartland Municipality at building plan stage, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/222-462-9192);

2. WATER

- a) The property be provided with a single water connection and that no additional connections be provided;

3. SEWERAGE

- b) The property be provided with a single sewerage connection and that no additional connections be provided;

B. The application for building line departure on Erf 353, 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:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Relaxation of the north-western street building line from 10m to 7,2m to accommodate a portion of the existing dwelling;
- b) Relaxation of the north-eastern street building line from 10m to 5m to accommodate the existing double garage;
- c) Relaxation of the south-eastern side building line from 5m to 1m to accommodate the existing carport;

C. The application for departure on Erf 353, 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:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The departure authorises the non-provision of one parking bay on Erf 353;
- b) The owner/developer is responsible for the payment of R4 712,50 toward the non-provision of the parking bay at building plan stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/222-303-9212);

4. GENERAL

- a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the facility;

- b) 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 against the appeal. All conditions of approval be implemented by 30 November 2023 and 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.
- c) 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.

PART M: REASONS FOR RECOMMENDATION

1. The application complies with the planning principles of LUPA and SPLUMA.
2. The application is compliant with the spatial planning of Malmesbury, as directed by the SDF.
3. The proposed community facility will complement and not have a negative impact on the residential character of the surrounding area.
4. The development proposal supports the optimal utilisation of the property.
5. Sufficient services capacity exists to accommodate the proposed facility.
6. Sufficient on-site parking bays can be provided for the proposed facility.
7. Health and safety issues will be regulated by rigorous applicable legislation;
8. The proposed use is considered a low impact, low-risk, low noise activity.
9. The traffic impact of the facility on the tranquillity of the neighbourhood is deemed to be negligible.
10. The development is foreseen to create employment opportunities and to subsequently assist in strengthening the local economy.
11. The frail care centre will provide a much needed social amenity

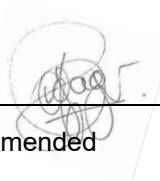
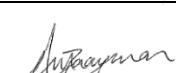
PART N: ANNEXURES

ANNEXURE A	Locality Plan
ANNEXURE B	Site Plan
ANNEXURE C	Public Participation Map
ANNEXURE D	Objections from D. and M. Burger
ANNEXURE E	Response to comments

PART O: APPLICANT DETAILS

First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Ostiprop 1222 Pty Ltd.	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

Author details: A. de Jager Town & Regional Planner SACPLAN: A/2203/2015		Date: 7 September 2023		
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 8 September 2023		



Locality of Erf 353, Malmesbury

Legend

Map Center: Lon: 18°42'41"
Lat: 33°27'37"

Scale: 1:36 112

Date created: May 11, 2023



Western Cape
Government
FOR YOU

Esri South Africa, Esri, HERE, Garmin, NGA, USGS

ANNEXURE A

ANNEXURE C

LIGGINGSKAART: ERF 353, MALMESBURY



Malmesbury



ANNEXURE D

From: De Waal Burger <dewaalb@asla.co.za>

Sent: Monday, July 03, 2023 4:53 PM

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

Cc: Marianne Burger <miaanb@gmail.com>

Subject: RE: Voorgestelde hersonering en afwyking van ontwikkelingsparameters op Erf 353, Malmesbury

Middag,

Die aangehegde aansoek vir hersonering en afwyking op Erf 353, Malmesbury verwys.

Ek, De Waal Burger en Marianne Burger is die wettige eienaars van Erf 2460, 8 Vrede Straat Malmesbury.

Hiermee bevestig ons dat ons gekant is teen die hersonering en afwykings aansoek vir die rede om die eiendom te bedryf as 'n versorgingseenheid vir bejaardes.

Die rede vir die teenkanting is die volgende:

1. Die entiteit / persone wat die versorgingsoord bedryf is bekend daarvoor dat hulle al verskeie persele in Malmesbury ge-okkupeer het vir dieselfde tipe bedryf en dat hulle telkens haastig moes verskuif van perseel. Hierdie laat 'n baie groot vraagteken en ongemak by ons wat direkte bure van so 'n fasiliteit sal wees (indien dit toegestaan word). Daar was in die onlangse verlede ook werkers wat voor hierdie spesifieke eiendom beswaar aangeteken het omdat hulle salaris nie betaal is nie. Dit het ons as direkte bure geaffekteer en in 'n onsmaklike posisie geplaas, wat gekonfronteer moes word deur 'n ongewenste samedromming van mense en 'n geskree en lawaai voor ons eiendom.
2. Die perseel maak nie voorsiening vir besoekersparkering nie en dit kan nie ingesien word dat daar in die toekoms voorsiening gemaak gaan word daarvoor op die perseel nie, wat ons voordeurtoegang vir ons eie besoekers kan benadeel, aangesien besoekers aan hierdie fasiliteit reeds in getalle voor ons huis parkeer.
3. Watter sekerheid sal ons as langsliggende bure hê dat:
 - (a) Die eiendom onderhou sal word soos wat redelik verwag kan word bure met soortgelyke eiendom? Die perseel lyk tans nie soos 'n fasiliteit wat nabehore onderhou word nie en verder meer staan daar onder die afdak van die perseel items rond wat nie vereenselwig kan word met 'n versorgingsfasiliteit vir bejaardes nie.
 - (b) Dat die fasiliteit oor die nodige geriewe sal beskik om te voldoen aan wetlike, maatskaplike en Munisipale vereistes. Die Life Esidimenie voorval is 'n sprekende voorbeeld van die nalatigheid van verantwoordelikheid om mense na behore te versorg en watter versekering is daar wat ons as bure sal hê dat by hierdie fasiliteit nie dieselfde nalatigheid van verantwoordelikheid kan plaasvind nie?
 - (c) Hoeveel mense kan en mag by hierdie fasiliteit versorg word gegewe die huidige infrastruktuur?
 - (d) Watter verantwoordelikheid het die Munisipaliteit om te verseker dat die voorgestelde fasiliteit na behore bestuur en ingerig sal word om die tipe diens te bied wat van 'n bejaarde versorgingsfasiliteit verwag word?

4. Onlangs is daar 'n trekker herstel op die perseel, vir welke rede, in die vroeë oggendure. Hoe kan sulke aktiwiteite toegelaat word by 'n versorgingsfasiliteit vir bejaardes?

Dit word vertrou bogenoemde is in orde.

De Waal en Marianne Burger
Vrede straat 8, Malmesbury

DE WAAL BURGER | REGIONAL LEAD | ND(Civil Eng),NHD(Civil Eng),B Tech(Civil)
CELL +27 83 450 5473 | EMAIL:dewaalb@asla.co.za



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CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 7 August 2023

ONS VERW / OUR REF: MAL/13010/NJdK

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED REZONING AND DEPARTURE ON ERF 353, MALMESBURY

Your letter dated 7 July 2023 refers (see annexure A attached). Please find attached our comments to objections as requested.

This office has been instructed by OSTIPROP 1222 PTY LTD, as owners of Erf 353, Malmesbury, to handle all town planning actions for the proposed development.

During the public participation period, comments were received from the following objectors:

- De Waal Burger & Marianne Burger (Erf 2460)

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: Layout of Erf 353, Malmesbury and surrounding objects.

Objector	Objection	Comment from CK Rumboll & Partners
De Waal & Marianne Burger	1. The entity / individuals operating the care facility are known for having occupied several properties in Malmesbury for the same type of operation and having had to relocate hastily from premises each time. This leaves a big question mark and discomfort for us, who will be direct neighbours to such a facility (if permitted). There have been recent instances where workers objected to this specific property because their salaries were not paid. This has affected us as direct neighbours and	1. Noted. Each development should be evaluated on its own merits. The entity / individuals operating the care facility are in the process of obtaining all the necessary documents to operate this facility. The past mistakes on other properties cannot negatively affect the outcome of this land use application on Erf 353, Malmesbury.

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	placed us in an unpleasant position, having to deal with an unwanted gathering of people and shouting and noise in front of our properties.	
	2. The property does not provide for visitor parking, and it is not foreseeable that provision will be made for it on the premises in the future, which could compromise front door access for our own visitors, as visitors to this facility already park in numbers in front of our house.	2. The proposed development will provide a total of 5 parking bays on site. Since none of the residents / patients have a vehicle or is able to drive, the 5 parking bays are more than sufficient to accommodate visitors parking. The operators of the facility also stated that the patients vary rarely receive any visitors. The additional traffic on Vrede Street will also not affect the owners of Erf 2460, as the property receives access from Hof Street on the other site of the property.
	<p>3. What assurance will we, as adjacent neighbours, have that:</p> <p>(a) The property will be maintained as can reasonably be expected from neighbours with similar properties? The premises currently do not appear to be maintained in a manner expected of a care facility, and furthermore, there are items under the canopy of the property that cannot be associated with an elderly care facility.</p> <p>(b) That the facility will have the necessary amenities to comply with legal, social, and municipal requirements? The Life Esidimeni incident is a glaring example of the failure to responsibly care for people, and what assurance is there for us as neighbours that the same negligence of responsibility will not occur at this facility?</p> <p>(c) How many people can and are allowed to be cared for at this facility given the current infrastructure?</p> <p>(d) What responsibility does the Municipality have to ensure that the</p>	<p>3. a) The proposed development will have to comply with the National Environmental health norms and standards. An application will have to be submitted to the WCDM's Environmental Health Division for a health certificate in terms of the norms and standards. The proposed development will therefore have to comply with national and provincial health standards to operate this facility.</p> <p>b) Refer to point a.</p> <p>c) Application is made to accommodate a total of 10 patients.</p> <p>d) In order for the land use approval to vest, the necessary health certificates will need to be obtained. If not, the land use approval will lapse and the operators will not be able to operate this facility on the premises.</p>

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	proposed facility will be properly managed and set up to provide the type of service expected from an elderly care facility?	
	4. Recently, there was tractor repair activity on the premises, in the early morning hours. How can such activities be allowed at an elderly care facility?	4. Noted. Once the proposed development is approved, these types of operations will not be allowed on the premises.

Considering the above, since the proposed development is supported by the Swartland Spatial Development Framework and the fact that the proposal will have limited, if any, impact on the surrounding land owners, the proposal can be favourably considered.

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

Kind regards



NJ de Kock
For CK Rumboll and Partners

VENNOTE / PARTNERS:

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