



## **MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY, 7 JUNE 2023 AT 15:30**

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### **PRESENT**

#### Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)

Director: Protection Services, Mr P A C Humphreys

#### External members:

Ms C Havenga

Mr C Rabie

#### Other officials:

Senior Manager: Development Management

Town and Regional Planner and GIS, Mr H Olivier

Manager: Secretariat and Records, Ms N Brand (secretariat)

### **1. OPENING**

The chairperson opened the meeting and welcomed members.

### **2. APOLOGY**

**RESOLVED** that cognisance be taken of the apologies received from the Director: Corporate Services.

### **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 12 APRIL 2023**

##### **RESOLUTION**

That the minutes of a Municipal Planning Tribunal Meeting held on 12 April 2023 are approved and signed by the chairperson.

### **5. MATTERS ARISING FROM MINUTES**

None.

### **6. MATTERS FOR CONSIDERATION**

#### **6.1 PROPOSED CONSENT USE ON ERF 257, MALMESBURY (15/3/10-8) (WARD 10)**

Mr Olivier, as author, confirmed that the application is made for a consent use to accommodate a house shop on Erf 257, Malmesbury. The house shop will be operated from a portion (25 m<sup>2</sup> in extent) from the existing building on the property.

Mr Olivier explained that the house shop, considering the proximity to the school, will be focussing on a specific target market based on convenience for the learners and parents visiting the school.

Resolution/...

**RESOLUTION**

- A. The application for the consent use on Erf 257, Malmesbury be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

**A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent authorises a house shop, restricted to  $\pm 25\text{m}^2$ , as presented in the application;
- (b) Building plans, clearly indicating the house shop in relation to the house, be submitted to the Senior Manager: Built Environment, for consideration and approval;
- (c) The operation of the house shop not result in congestion/obstruction along Reservoir or Dirkie Uys Streets;
- (d) Application for construction of or attaching an advertising sign to the building be submitted to the Senior Manager: Built Environment, for consideration and approval. Only one sign, not exceeding  $1\text{m}^2$  in area and not exceeding the land unit boundaries with any part of it, be permitted and it indicate only the name of the owner, name of the business and nature of the retail trade;
- (e) No more than three persons, including the occupant of the property, be permitted to be engaged in retail activities on the land unit;
- (f) Only pre-packaged food products be sold;
- (g) No food preparation be allowed in the house shop;
- (h) The following activities not be allowed for sale in the house shop:
  - (i) The sale of wine and alcoholic beverages;
  - (ii) Storage or sale of gas and gas containers;
  - (iii) Vending machines;
  - (iv) Video games; and
  - (v) Snooker or pool tables;
- (i) The operating hours of the house shop be restricted to 07:00 to 18:00 daily;
- (j) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be adhered to, to the satisfaction of the relevant authority;
- (k) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (l) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (m) The letter of authorization from Swartland Municipality be displayed inside the house shop;

**A2 WATER**

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

**A3 SEWERAGE**

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

**A4 STREETS AND STORM WATER**

- (a) Deliveries may only be done by delivery vehicles of with a gross vehicle mass of  $16000\text{kg}$ ;

**B. GENERAL**

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 2 years;
- (b) Before the 2 year period lapses, application be made for the removal of abovementioned condition should it be determined that the house shop is successfully operated with minimal impact on the affected properties directly abutting the property;
- (c) All conditions of approval be met before the house shop comes into operation and the occupancy certificate is issued;
- (d) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (e) Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za), no later than 21 days after registration of the

6.1/B(e)/...

approval letter. A fee of R4 500, 00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (b) The application complies with the land uses proposed for this area of Malmesbury, as determined by the SDF;
- (c) The application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP;
- (d) The proposed house shop complies with the development parameters and requirements of the By-Law;
- (e) The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood;
- (f) The proposed consent use will not negatively impact the character of the neighbourhood.

**(SIGNED) J J SCHOLTZ**  
**CHAIRPERSON**







21 Julie 2023

15/3/3-19/Erf\_3866

15/3/10-9/Erf\_3866

WYK: 2

**ITEM 6.1 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 8 AUGUSTUS 2023**

LAND USE PLANNING REPORT PROPOSED REZONING AND CONSENT USE ON ERF 3866, MOORREESBURG					
Reference number	15/3/3-19/Erf_3866 15/3/10-9/Erf_3866	Application submission date	18 January 2023	Date report finalised	28 July 2023

**PART A: APPLICATION DESCRIPTION**

Application for rezoning of Erf 3866, Moorreesburg in terms of section 25(2)(a) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is propose that Erf 3866 (65m<sup>2</sup> in extent) be rezoned from Business Zone 1 to Industrial Zone 3.

Application for consent use for a funeral parlour on Erf 3866, Moorreesburg in terms of section 25(2)(o) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The consent use is accommodated under the Business Zone 1 zoning.

Application for consent use for a crematorium on Erf 3866, Moorreesburg in terms of section 25(2)(o) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The consent use is accommodated under the Industrial Zone 3 zoning restricted to 65m<sup>2</sup>.

The crematorium will operate as a Aquagreen Crematorium where water (aquamation) instead of fire (combustion) is used in the process.

The applicant is the CK Rumboll & Partners and the owner is Malmesbury Funeral Services Pty Ltd (Mr Mark Meyer).

**PART B: PROPERTY DETAILS**

Property description (in accordance with Title Deed)	Erf 3866, gedeelte van Erf 956, Moorreesburg, in die Munisipaliteit vir die gebied van Moorreesburg, Afdeling Malmesbury					
Physical address	13 Kotze Street		Town	Moorreesburg		
Current zoning	Business Zone 1	Extent (m <sup>2</sup> /ha)	2333 m <sup>2</sup>	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 2021)					
Current land use	Business		Title Deed number & date		T74151/1993	
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	Consent use	✓	Occasional use	
Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations	Permission for the reconstruction of an existing non-conforming use			

**PART D: BACKGROUND**

Erf 3866, Moorreesburg is zoned Business zone 1.

The owner of erf 3866 intends to convert the existing buildings as well as to develop the property into a funeral parlour and the Aquagreen Crematorium where the cremation process is done by aquamation.

The aquamation process uses heated alkaline water under pressure to decompose a body into a skeletal form in under 12 hours. The scientific name for this water-based process is alkaline hydrolysis. In a grave where the soil is generally alkaline this same process can take up to 20 years.

See below a commercial-use human alkaline hydrolysis unit that is used in the aquamation process.



**Here follows some history about aquamation.**

1. Alkaline hydrolysis was patented in the U.S. in 1888.

Contrary to what some people may think, alkaline hydrolysis is hardly a new way to help bodies decompose.

According to one of the founders of human alkaline hydrolysis, Joseph H. Wilson, Amos Herbert Hobson of Middlesex, England, patented alkaline hydrolysis in 1888. The New Republic adds that the process hasn't changed much since its origin.

**This pressurized process heats the body and eats away blood, skin, muscle, and fat within four hours. After about 3 hours, only bleached white bones remain.**

Essentially, alkaline hydrolysis mimics the natural process your body goes through if you're buried; the machine just speeds it up by adding water, heat, and lye.

The process involves placing the body into a high-pressure tank filled with water and potassium hydroxide. This chamber is heated to 150°C. This pressurized process heats the body and eats away blood, skin, muscle, and fat within four hours. After about 3 hours, only bleached white bones remain.

2. Alkaline hydrolysis was originally created and marketed as a way to decompose animal bodies rapidly



Pet Aquamation process at Resting Waters. Image via Bio-Response Solutions

Amos patented what we now know as alkaline hydrolysis to remove "nitrogenous materials" from animal bones to help make "suitable fertilizer and byproducts," Wilson explains. Amos "saw the benefits of alkaline hydrolysis as a process to treat animal carcass materials."

Much later, in the 1990s, science labs used alkaline hydrolysis to dispose of animal bodies used in research, as well as disease-contaminated animal bodies, including pigs and cows.

Then, in the early 2000s, alkaline hydrolysis started being used for companion animal body disposition.

According to Bio-Response Solutions (Joe Wilson's company), pet alkaline hydrolysis is legal in the United States and Canada. Many reputable businesses, such as the wonderful folks over at Resting Waters, specialize in this specific body disposition service for pet owners.

3. The first commercial-use human alkaline hydrolysis unit was manufactured in 2005.



Alkaline Hydrolysis machine via Bio-Response Solutions

Joseph Wilson, founder and CEO of Bio-Response Solutions helped create the first human water cremation unit marked for commercial use with the help of doctors Kaye and Weber.

"Shands Hospital at the University of Florida (Florida State Anatomical Board) purchased the first commercial system for the disposition of human remains donated for medical research," Wilson writes. "Units were sold to SmithKline Beecham in Rennes, France and Collegeville, Pennsylvania as well as a large unit (3,000 pound capacity) sold to University of Florida Vet Diagnostic Lab. All of the original units are still in use today."



4. Ashes from water cremation look different than flame cremation ashes (and there are more of them!)

### Ash Remains: Cremation vs Aquamation

*The difference between 1600-1800°F and 200-300 °F*



**FLAME CREMATION**

White or Gray  
Chippy Fragments

vs  
vs



**ALKALINE HYDROLYSIS**

White or Tan  
Powder  
**20-30% MORE**



Some people worry that water cremation will drain unsafe remnants into sewer systems and create ashes that look strange. Both of these assumptions are false!

Any non-organic material that survives the process, such as a metal hip, is removed, and the bones are processed into ash in a similar way as cremated bones.\* The result is a fine white ash that contains 20% more remains than traditional flame cremation. The bone itself is calcium phosphate, so it is not technically even bone, but you can still treat it just like cremated remains.

**\*\*\*Fun Fact:** the machines used by (water and flame-based) crematories to turn bones into the ashes you bring home is called a cremulator!

But what about the water? After the process is completed, the dissolved solution looks like tea, or a pale beer, and is a sterile mix of 96% water 4% acids, and peptides, with no human DNA. It is perfectly safe. In Oregon, the water is donated to water sod farms.

5. Water cremation is eco-friendly

**“Aquamation has 1/10th of the carbon footprint and uses 1/12th of the energy of flame-based cremation.”**

Alkaline hydrolysis uses approximately 90 percent less energy when compared to flame-based cremation. This process uses less fossil fuels and causes less emissions than cremation too.

Another environmentally friendly aspect of water cremation is that inorganic materials that create harmful emissions when burned, remain. This includes breast implants and tooth fillings, some of which contain mercury, which is particularly harmful to our planet (and our lungs) when burned.

And according to Resting Waters, “Aquamation has 1/10th of the carbon footprint and uses 1/12th of the energy of flame-based cremation.”

6. In November 2019, Avbob introduced aquamation in South Africa, following the mutual assurance society's recent introduction of the alkaline hydrolysis process at its Maitland agency in Cape Town. Aquamation has been

legal in South Africa since then. Following his death in December 2021 the body of Archbishop Desmond Tutu was aquamated.

#### PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

#### PART F: SUMMARY OF APPLICANT'S MOTIVATION

1. The development enhances the principles of LUPA and SPLUMA.
2. The development proposal will complement the character of the area and not adversely affect any natural conservation areas or agricultural practices.
3. The proposal is supported by the Department of Environmental Affairs and Development Planning and does not trigger any listed activities.
4. The proposal is supported by the Department of Water and Sanitation. No water use authorisation is required.
5. There are no physical restrictions on the property that will negatively affect the proposed use.
6. The development will limit urban sprawl in Moorreesburg.
7. The development also supports the Western Cape SDF by promoting compactness within the existing urban area.
8. The proposal is supported by the Swartland SDF.
9. The optimal use of infrastructure and services are supported.

#### PART G: SUMMARY OF PUBLIC PARTICIPATION

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

Y

N

The application was advertised in the local newspapers and Provincial Gazette as well as a total of 28 registered notices which were sent to affected parties. The public participation process started on 3 February 2023 and ended on 3 March 2023. Where e-mail addresses were available, affected parties were notified via e-mail as well. 11 of owners were also notified via email. No registered notices were not collected.

A total of 7 objection was received. The applicant's comments on the objections were received on 22 March 2023.

Please note that a public meeting was held on 23 February 2023 at the New Destiny Community Church by Councillor Clive Papers of Ward 2. During the public meeting the owner of the Aquatorium (Mr Mark Meyer) had an information session with the affected parties which was identified during the public participation process. There was not an attendance record held at the meeting.

Total valid comments

7

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

The Ward Councillor held a public meeting with the affected parties during which the owner of the aquatorium had an information session with the public.

Total letters of support

0

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS			
Name	Received	Summary of comments	Recomm.
Afdeling:Boub eheer	30 Januarie 2023	1. Bouplanne aan die Senior Bestuurder: Ontwikkelingsbestuur vir oorweging en goedkeuring voorgelê word.	✓
Departement: Siviële Ingenieurs-dienste	12 Junie 2023	<p>1. <u>Riool</u></p> <p>Die erf voorsien word van 'n enkele rioolaansluiting.</p> <p>Die afloop van die krematorium moet geskei word van die res van die rioolafloop vanaf die perseel en apart gevoer word tot die rioolaansluiting. Die afvoerstelsel van die krematorium moet voorsien van 'n volumetriese monsternemingsapparaat en vloeimeter waarvan die tiepe en fabrikaat deur die die Direkteur: Siviële Ingenieursdienste goedgekeur is. Die toerusting moet aangebring word op die perseel in 'n geskikte struktuur wat vrye toegang vir Munisipale personeel bied. Die afvoerstelsel met inbegrip van die monsternemingsapparaat, vloeimeter en struktuur moet ontwerp word deur 'n ingenieur toepaslike geregistreer ingevolge die bepalings van Wet 46 van 2000. Die ontwerp moet goedgekeur word deur die Direkteur: Siviële Ingenieursdienste waarna konstruksie en installasie onder toesig van die ingenieur gedoen moet word. Die monsternemingsapparaat en vloeimeter word na uitreiking van die voltooiingsertifikaat deur die Munisipaliteit oorgeneem vir bedryf en onderhoud.</p> <p>'n Afvalwaterbestuursplan saamgestel deur 'n toepaslik gekwalifiseerde proses ingenieur wat vertrou is met die spesifieke suiweringsprosesse van die Moorreesburg Riolsuiweringswerke en goedgekeur is deur die die Direkteur: Siviële Ingenieursdienste moet voorsien word. Die afvalwaterbestuursplan moet goedgekeur word deur die Direkteur: Siviële Ingenieursdienste voordat enige rioolafloop in die Munisipale rioolstelsel gestort word.</p> <p>Dat daar bepaal sal word of enige voorafbehandeling van rioolafloop vanaf die krematorium benodig word met inligting uit die afvalwaterbestuursplan welke voorafbehandeling geïmplementeer moet word voordat enige rioolafloop in die Munisipale rioolstelsel gestort word.</p> <p>Gesuiwerde riool van die Moorreesburg riolsuiweringswerke word reeds hergebruik en indien die spesifieke afloop vanaf die krematorium vir welke rede ookal sou meebring dat daar 'n beperking van watter aard ookal geplaas word op die hergebruik van die gesuiwerde riool, die ontvang van die afloop in die Munisipale rioolstelsel in herooring geneem sal word.</p> <p>Riolslyk van die Moorreesburg riolsuiweringswerke is geklasifiseer as 'n klas B.1.a slyk en word ooreenkomstig aangewend. Indien die spesifieke afloop vanaf die krematorium vir welke rede ookal sou meebring dat die riolslyk swakker geklassifiseer word, die ontvang van die afloop in die Munisipale rioolstelsel in herooring geneem sal word.</p> <p>Dat die stort van rioolafloop vanaf die krematorium onderhewig sal wees aan die heffingstariewe vir nywerheidsafloop.</p> <p>2. <u>Water</u></p> <p>Die bestaande wateraansluiting gebruik gemaak word en dat geen addisionele aansluitings voorsien sal word nie.</p>	✓

		<p>3. <u>Strate &amp; Stormwater</u></p> <p>Die voorgestelde parkeerarea van 'n geskikte permanente oppervlakte voorsien word.</p> <p>4. <u>Parke</u></p> <p>Geen kommentaar.</p> <p>5. <u>Vaste Afval</u></p> <p>Slegs huishoudelike en kantoor afval deur die munisipale vullisverwyderingsdiens ontvang sal word.</p> <p>6. <u>Ander kommentaar</u></p> <p>Indien dit nodig sou wees om enige bestaande diens op te gradeer ten einde die krematorium van dienste te kan voorsien dit vir die koste van die aansoek sal wees.</p>	
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PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>Helena Behardien</p>	<p>1. Noted</p> <p>2. The Department of Water and Sanitation has no objection to the proposal, as long as the developer complies with the points stated in the letter attached as Annexure B. If not, a water use licence will be required.</p> <p>Just like any human sewage waste, the colour and smell changes, the waste water from the proposed crematorium will also change the colour and smell of the water, but will still comply to the regulations set by the department of Water and Sanitation. Since the department has no objection against the proposed development, the proposal can be considered safe.</p> <p>3. Since the property is already Zone Business Zone 1 and is situated in Zone C of the Swartland Spatial Development Framework (SDF), which is</p>	<p>1. Noted</p> <p>2. The objector is correct that the water in the aquamation process will be taken up in the sewerage system to be processed at the waste water treatment works. During the aquamation process the colour of the water changes to a brown liquid which smells like ammonium.</p> <p>The Department: Civil Engineering Services requires that a waste water management plan be compiled for the aquamation process. The water from the aquamation process will be separate from the other sewerage created on the property. A volumetric sampling device with a flow meter will be installed for the water from the aquamation process. The findings of the waste water management plan will determine whether the effluent from the aquamation process needs to be treated before it can go into the sewerage system.</p> <p>The proposed activities of the aquamation does not trigger any listed activities in terms of the NEMA: EIA Regulations and does not require approval from the Department of Environmental Affairs and Development Planning.</p> <p>The Department of Water and Sanitation also confirmed that the proposed activities of the aquamation does not required a water use license.</p> <p>Aquamation of a legal process in South Africa. All information at this stage indicates that the process is safe and does not pose a health risk.</p> <p>3. See the comments at point 2.</p>

		<p>the industrial Node of Moorreesburg where these uses are encouraged, the application can be favourably considered.</p> <p>The Department of Environmental Affairs and Development Planning (DEA&amp;DP) and the Department of Water and Sanitation, both confirmed that the proposed does not trigger any listed activities. The residents of Moorreesburg can therefore have assurance that the development will not cause any health issues.</p>	
Henk & Silna Fourie	<p>4. My objections is to planning law (PG 8226 of 25 March 2020) due to the Dept of Water and Sanitation and Dept of Environmental Affairs and Development Planning stating that the application sets of no triggers for any concern in safety living standards.</p> <p>They do not know where the waste is going. Moorreesburg is too small of a town to have a crematorium and our town already has a problem with sewerage smells.</p>	<p>4. As stated by the objector, no triggers from both DEA&amp;DP and Department of Water and Sanitation were triggered by the proposed development. If both the departments are satisfied that the proposal will not be harmful to the environment or water use and the engineers from Swartland Municipality does not foresee any problems with the development, the proposal can be favourably considered.</p>	<p>4. The effluent from the aquamation process will go into the sewerage system to be processed at the waste water treatment works.</p> <p>It is anticipated that the aquatorium will have a regional function rather than only for the people of Moorreesburg.</p> <p>See the comments at point 2.</p>
Anne and Clifford Wyeth	<p>5. The application for rezoning and consent does not seem as it offers any benefit to the people of Moorreesburg.</p> <p>6. Aquamation is a new concept in this country and although it is considered to be part of the future to cremation methods, not enough study of the impact on the environment is documented in South Africa.</p> <p>7. Size: A comprehensive site research should be included with the planning</p>	<p>5. The proposal will entail capital investment in town as well as create numerous local job opportunities and attract customers from outside of Moorreesburg. This will contribute to local economic growth in the area.</p> <p>6. Even though this is a new concept in South Africa, it has been operational for almost 30 years overseas. If the Department of Environmental Affairs and Development Planning has no objection to the proposal, it is considered to be safe (even though it is a new concept in South Africa).</p> <p>7. Should Swartland Municipality additionally request a comprehensive site research, it can be compiled.</p>	<p>5. The comments from the applicant is supported.</p> <p>6. Aquamation is legal in South Africa. According to the Department of Environmental Affairs and Development Planning and the Department of Water and Sanitation, no approvals in terms of their legislation is required.</p> <p>7. South Africa has the National Health Act, 2003 (Act 61 of 2003), Regulation No 636, Regulations Relating to the Management of Human Remains, dated 22</p>

	<p>application. Countries of first world standing have a 1902 cremation act whereby the recommended size of a site for a crematorium is approximately 2Ha of ground. This act also mentions a park like setting.</p> <p>This takes into account the space needed for a remembrance garden a memorial wall and a place to sit in a tranquil setting to remember a loved one.</p> <p>South Africa does not have such an act and so rely on the Municipal land use planning by-law and the Swartland Municipality to diligently view every part of an application or rezoning of a land. One also needs to take into account the social and emotional issue of where a crematorium is placed and erf 3866 in Kotze Street seems far too small.</p> <p>8. Hydrolysis: Aquamation by Alkaline Research shows that this waste liquid is NOT odourless. The green/brown waste liquid smells like ammonia/urine and sweat.</p> <p>9. The Dept of Water and Sanitation and Dept of Environmental Affairs and Development Planning both confirmed and state that the proposal has no triggers and are sufficient to ensure safe living standards.</p> <p>Our question is how will the liquid be disposed of and where and will there be any back up plans for any blockage or delay in the disposal of the waste liquid and how did the departments in the above paragraph come to the decision</p>	<p>The property's location within the industrial node, as stated in point 3, is an encouraging sign for the proposed development. In the Swartland area, the Swartland SDF and Swartland Municipal Land Use Planning By-Law serve as guiding documents for development. Fortunately, these documents support the development on the property, which is excellent news for the funeral parlour and crematorium proposal. Additionally, the proposed building's boundary wall will further mitigate any emotional issues that may arise from the development. Thus, given these favourable circumstances, the funeral parlour and crematorium can be positively considered.</p> <p>8. Noted. The liquid will be drained into the sewerage system where human waste is already being drained and already has a smell and brown colour. The possible impact the proposal will have on the surrounding area, in terms of smell and colour, are limited to none.</p> <p>9. The liquid will be treated just like any other human waste and be removed through the municipal network. Should any blockage occur it will be dealt with by Swartland Municipality, just like any other human waste.</p>	<p>May 2013 which regulates crematoriums. The operation of the aquatorium needs to be in compliance with these regulations.</p> <p>The location of the aquatorium in the context of Moorreesburg will be evaluated in terms of the Spatial Development Framework of Swartland Municipality and the land use in terms of the Swartland Planning By-law.</p> <p>8. Noted. According to the information available on aquamation, the objector is correct.</p> <p>9. See the comments at point 2.</p>
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	<p>without knowing where the waste liquid was going?</p> <p>10. How can the departments state that no trigger is set off when the report of the pipes has not yet been received? Nowhere in the report is indicated what safety measures will be put into place to ensure that sewerage blockages do not occur.</p> <p>11. This will have health issues on the learners of Laurie Hugo Primary School. How will the smells be dealt with?</p> <p>12. The proposal will not benefit Moorreesburg and the residents of the town do not want their loved ones to end up in the sewerage pipes. This will ensure that the main bodies would come from outside Moorreesburg to this small industrial area.</p>	<p>10. Refer to point 9 above.</p> <p>11. It is not clear how this will affect the health of the learners of Laurie Hugo Primary School, as the aqua tanks will be located inside the building and the waste will be drained into the sewerage network.</p> <p>12. Refer to point 5.</p>	<p>10. The effluent from the aquamation process will be dealt with separately from the sewerage generated on the property. Each will be connected separately onto the sewerage network. A volumetric sampling device with a flow meter will be installed for the water from the aquamation process. These devices will be managed by the Department: Civil Engineering Services which will ensure that no unsafe effluent will be discharged into the sewerage system.</p> <p>11. The statement of the objector is speculative. If there is referred to smells, the operation of the facility has to comply with the National Environmental Management: Air Quality Act at all times. However, it is indicated that no emissions will be generated from the aquamation process.</p> <p>12. It is anticipated that the aquatorium will have a regional function.</p> <p>Job opportunities will be created at the aquatorium.</p> <p>It remains every person's personal or religious decision on what will happen with their bodies once deceased.</p>
Aletta and Clive Rafferty	<p>13. The areas current character (peace, quietness, tranquillity) will be demolished. The following are concerns:</p> <p>13.1 Devaluation of our property value in the crematorium is implemented.</p>	<p>13. Although the property is located adjacent to the residential area, the property is already zoned for business use and is located within the industrial node of Moorreesburg. The character of the area is mainly for industrial use and will therefore not have an impact on the area.</p> <p>13.1 The Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in subsection (f) that: "A competent authority</p>	<p>13. The surrounding character to erf 3866 includes single residential erven, a church, a school, sport fields and general industrial uses. The area has a mixed use character. The impact of the proposed funeral parlour and aquatorium on the character of the area is deemed low.</p> <p>13.1 This statement is speculative. Property values in the surrounding area has increased since the municipal valuations from 2015 to 2019. It is not anticipated that property values will be affected negatively once the facility goes into operation.</p>

	<p>13.2 The street is mostly occupied with senior occupants and small children. Any burning processes can have a significant impact on our health.</p> <p>13.3 Current loadshedding conditions and the problems with generators leads to bad smells and maintenance.</p>	<p>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."</p> <p>13.2 It is the opinion of this office that the objector is uninformed regarding the process of the proposal and what it entails. No burning will take place and all cremation will be inside the building. It will not be visible from the street.</p> <p>13.3 The proposed funeral parlour and crematorium will have backup generators to ensure that the bodies are kept cool and the process for cremation is undisturbed.</p>	<p>13.2 There is no burning process in aquamation.</p> <p>13.3 According to the applicant the facility will make use of backup generators to ensure a constant electricity supply.</p>
Denver Cordon	<p>14. The application is only available at the Malmesbury offices during office hours. The residents on who the application may have an impact cannot access the application.</p> <p>15. Residents can only make informed decision or objections if all the information is available. The proposal</p>	<p>14. If the objector had a need to review the application documents, they could have easily contacted either the municipality or the applicant. Both parties would have been happy to provide the necessary documentation upon request.</p> <p>15. A public meeting was arranged by Councillor D Pypers, where Mr Mark Meyer explained the process to the residents. Should further</p>	<p>14. The application was advertised in the local newspapers and Provincial Gazette as well as a total of 28 registered notices which were send to affected parties. The public participation process started on 3 February 2023 and ended on 3 March 2023. Where e-mail addresses were available, affected parties were notified via e-mail as well. 11 of owners were also notified via email. No registered notices were not collected.</p> <p>A total of 7 objection was received. The applicant's comments on the objections were received on 22 March 2023.</p> <p>Please note that a public meeting was held on 23 February 2023 at the New Destiny Community Church by Councillor Clive Papers of Ward 2. During the public meeting the owner of the Aquatorium (Mr Mark Meyer) had an information session with the affected parties which was identified during the public participation process. There was not an attendance record held at the meeting.</p> <p>15. See the comments at point 14. The public participation process conducted by the municipality is</p>

	<p>may have an impact on water and sewerage. Consultation should be with everyone in the area and not just the residents of Kotze Street.</p> <p>16. The residents have no knowledge of "aquagreen crematorium" and the process should be explained to them as well as the impact it will have on water and sewerage.</p> <p>17. This application may have a huge impact on the value of the surrounding properties and residents need to know about this.</p>	<p>information be required, the residents can request the land use application from Swartland Municipality or just simply do an internet search on the topic. A lot of information is already available on aquagreen cremations.</p> <p>16. Refer to point 15.</p> <p>17. Refer to point 13.1 Since the residential area is already located adjacent to the existing industrial node, the impact on property value should be limited. Furthermore, the funeral parlour and crematorium will be surrounded by a boundary wall, ensuring that limited visual impact on the surrounding properties.</p>	<p>deemed sufficient and in compliance with good administration.</p> <p>16. Aquamation is also a new concept to Swartland Municipality as there are only 2 existing aquamation facilities in South Africa. Aquamation in the Swartland Municipal area will be a first.</p> <p>The Department: Civil Engineering Services considered engineering reports from Watsan Africa (Dr Dirk van Driel), Zutari and A.L. Abbott &amp; Associates Pty Ltd regarding the acceptability of aquamation effluent for further treatment in a municipal waste water treatment plant.</p> <p>A public meeting was held by the owner of the Aquagreen Crematorium as explained at point 14. Residents have the responsibility to empower themselves with knowledge and cannot plea ignorance. There is sufficient information available on the internet to explain the process as well as the land use application was available to the public.</p> <p>17. This statement is speculative. Property values in the surrounding area has increased since the municipal valuations from 2015 to 2019. It is not anticipated that property values will be affected negatively once the facility goes into operation.</p>
<p>G H &amp; F H Adonis</p> <p>And Nazlee Basson</p>	<p>18. We object to the proposal due to the following:</p> <p>18.1 It goes against our faith</p> <p>18.2 To close to our house, school and church.</p>	<p>18.1 Noted.</p> <p>18.2 Refer to point 3. The property is located within the industrial node of Moorreesburg, where these developments are encouraged.</p>	<p>18.1 Noted. Religious views are respected. However, it does not form part of the decision making criteria of land use planning.</p> <p>18.2 The surrounding area to erf 3866 has a mixed use character as explained at point 13. The impact of the facility on the surrounding area is deemed low.</p>

18.3	We are exposed to air pollution as burning will take place.	18.3	No air pollution will take place as no burning will take place.	18.3	No burning will take place. No emissions will be generated by the aquamation process.
18.4	Gasses will be exposed which is damaging to people and animals.	18.4	No gasses will be exposed, as the cremation will take place inside a cylinder.	18.4	No emissions will be generated by the aquamation process.
18.5	This is not a project to create job opportunities, but to enrich to owner.	18.5	The proposal is expected to generate job opportunities and attract capital from neighbouring towns to Moorreesburg, resulting in a boost to the local economy.	18.5	Job opportunities will be created by the facility. It can be argued that the owner of Aquagreen Crematorium will not go through costly administrative process in order to obtain the relevant approvals if his business model did not indicate profit.
18.6	During the heating and burning, it will cause the surrounding area to also increase in heat.	18.6	No burning will take place.	18.6	Heating of water takes place inside the Alkaline Hydrolysis machine inside a building. It is not clear how the process will heat the surrounding area.
18.7	This will have an adverse impact on the clean air.	18.7	No air pollution will take place.	18.7	No emissions will be generated by the aquamation process.
18.8	Our laundry will also stink from the smells.	18.8	As mentioned earlier, the objector may be uninformed to what the process entails. No burning will take place that may cause smells to the surrounding land owners. Furthermore, the cremation will take place within a building, which will further reduce any smells the cremation may cause.	18.8	No emissions will be generated by the aquamation process.
18.9	The water will be polluted. No guarantee is given that it will not pollute the water.	18.9	Refer to point 4	18.9	Effluent from the aquamation process will go into the sewerage system to be treated at the waste water treatment plant. Effluent will be monitored to comply with the requirements from the municipality. No municipal drinking water will be affected by the aquamation process.
18.10	The chemical used in the process is damaging to humans.	18.10	Noted. After thorough investigation, DEA&DP and the Department of Water and Sanitation were satisfied with the proposal.	18.10	Noted. Chemicals used in the aquamation process is only used inside the alkaline hydrolysis machine.
18.11	The proposal will used great amounts of water.	18.11	The Swartland Engineering department stated that "The current water demand that is needed by Aqua Green Crematorium at Erf 3866 Moorreesburg is relatively low".	18.11	The Department: Civil Engineering Services did not provide comments on the proposed water use of the aquamation process. The existing water connection is to be used and no additional connections will be provided.

18.12 The owner hope to keep the Ph water level at 6.5, but what if it goes beyond 9.5?	18.12 If this was a concern, the department of Water and Sanitation would have flagged it in their comments.	18.12 A volumetric sampling device with a flow meter will be installed for the water from the aquamation process. These devices will be managed by the Department: Civil Engineering Services which will ensure that no unsafe effluent will be discharged into the sewerage system.
18.13 Unnecessary pressure are added to the sewerage network.	18.13 The property already has access to municipal services. No additional pressure is proposed.	18.13 The Department: Civil Engineering Services which will ensure that no unsafe effluent will be discharged into the sewerage system.
18.14 A public meeting was only held for the residents of Kotze Street.	18.14 Noted.	18.14 A public meeting was arranged by Ward Councillor Pypers, not Swartland Municipality. It is not known who attended the meeting as there is no attendance register.  The objector had the opportunity during the public participation process to consult with the municipality to obtain the relevant information which was presented in the land use application, but chose not to do so.
18.15 Why is this proposed adjacent to people and not in Malmesbury where there is a lot more space?	18.15 The owner has the right to invest and develop if in accordance with the SDF and Municipal Land Use Planning By-Law.	18.15 It remains the choice of the owner/developer to invest where he/she sees fit.
18.16 We have the right to clean air and the municipality does not protect this right.	18.16 No air pollution will take place.	18.16 No emissions will be generated by the aquamation process.
18.17 The property value will decrease.	18.17 Refer to point 17.	18.17 See the comments at point 17.
18.18 On the long term toxic gasses will be set free which can lead to sickness and death.	18.18 Refer to point 18.4	18.18 See the comments at point 18.16.
18.19 The amount of people that choose to be cremated in low, so there is no need for this use.	18.19 Noted. The statement is subjective and the owner still has the right to apply for this development.	18.19 The statement is speculative and the objector's opinion. Noted.
18.20 The facility will be able to keep 150-160 bodies, what happens if the power goes out?	18.20 Refer to point 13.3	18.20 See the comments at point 13.3.



## PART J: MUNICIPAL PLANNING EVALUATION

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

Application for rezoning of Erf 3866, Moorreesburg in terms of section 25(2)(a) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that Erf 3866 (65m<sup>2</sup> in extent) be rezoned from Business Zone 1 to Industrial Zone 3.

Application for consent use for a funeral parlour on Erf 3866, Moorreesburg in terms of section 25(2)(o) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The consent use is accommodated under the Business Zone 1 zoning.

Application for consent use for a crematorium on Erf 3866, Moorreesburg in terms of section 25(2)(o) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The consent use is accommodated under the Industrial Zone 3 zoning limited to 65m<sup>2</sup>.

The application was advertised in the local newspapers and Provincial Gazette as well as a total of 28 registered notices which were sent to affected parties. The public participation process started on 3 February 2023 and ended on 3 March 2023. Where e-mail addresses were available, affected parties were notified via e-mail as well. 11 of owners were also notified via email. No registered notices were not collected.

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

### 2. Legislation and policy frameworks

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

- a) Spatial Justice: The application is deemed to be in compliance with the spatial planning of Moorreesburg as argued at point 2.3, therefore making it compliant with the principle of spatial justice.
- b) Spatial Sustainability: Moorreesburg does not have a crematorium or aquatorium. The facility is a first for Moorreesburg and for the Swartland Municipal area. There is an existing funeral parlour in Moorreesburg (Doves). The buildings on erf 3866 is derelict and uninhabited. The buildings will be upgraded to accommodate the funeral parlour and aquatorium.

Existing infrastructure are sufficient to accommodate the facility, subject to a waste water management plan be compiled for the aquamation process. The water from the aquamation process will be separate from the other sewerage created on the property. A volumetric sampling device with a flow meter will be installed for the water from the aquamation process. The findings of the waste water management plan will determine whether the effluent from the aquamation process needs to be treated before it can go into the sewerage system.

The application is deemed to be in compliance with the principle of spatial sustainability.

- c) Efficiency: As explained under Spatial Sustainability, the use of the existing buildings, which is in a derelict state, will be optimised. The impact of the facility on the surrounding area is deemed low. The application is deemed to be in compliance with the principle of efficiency.
- d) Good Administration: The application was communicated to the affected landowners through registered mail and was advertised in the local newspapers and Provincial Gazette. The application was also circulated to the relevant municipal departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timely manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) Spatial Resilience: The buildings on erf 3866 was used as an abattoir, which was converted in 1994 into a woodwork business. Further additions to the woodwork business was approved on building plans in 1999. The change of use of the buildings over the years shows the resilience of the industrial area to accommodate different uses.

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

### 2.3 Spatial Development Framework(SDF)

The land use application was submitted and evaluated by the applicant in terms of the SDF 2017 to 2022. The new SDF 2023-2028 came into effect on 1 July 2023.

The application will be evaluated in terms of both SDF's.

#### SDF 2017-2022

The Spatial Development Framework as applicable to Moorreesburg indicates that erf 3866 is situated in Zone C. Zone C is the industrial node with the opportunity for expansion. The zone includes two commercial/transport growth nodes at the intersection of access roads with the N7. Industries and service trades are promoted as land uses.

Even though erf 3866 is situated in Zone C, only a street (Kotze Street) separates it with Zone D. Zone D consists of mixed uses including residential, industrial and business functions. Zone D accommodates the full spectrum of land uses excluding institutional uses and professional services.

Kotze Street is also an activity street along which mixed uses of residential, business and in this context industrial uses can be accommodated.

#### SDF 2023-2038

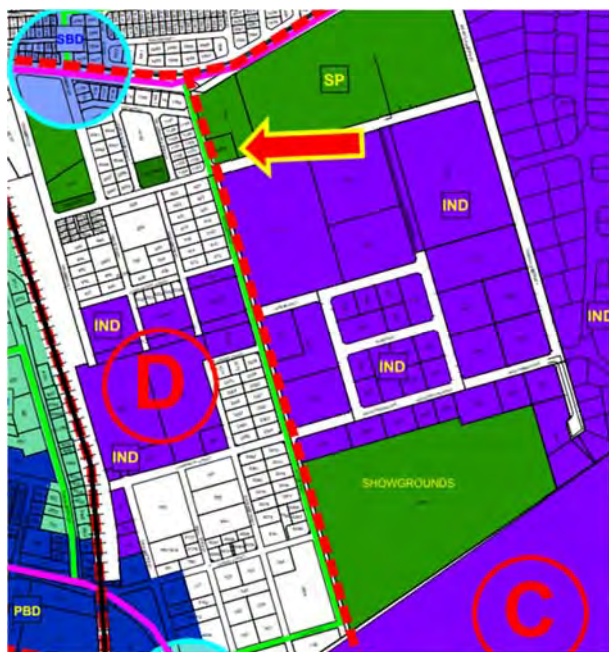
The Spatial Development Framework as applicable to Moorreesburg indicates that erf 3866 is situated in Zone C. Zone C is the industrial node with the opportunity for expansion. This zone includes two commercial/transport growth nodes at the intersection of access roads with the N7. Limited commercial opportunities to be supported. Industries and service trades are promoted as land uses.

Even though erf 3866 is situated in Zone C, only a street (Kotze Street) separates it with Zone D. Zone D consists of mixed uses including residential, industrial and business functions. Zone D accommodates the full spectrum of land uses made provision for in the SDF.

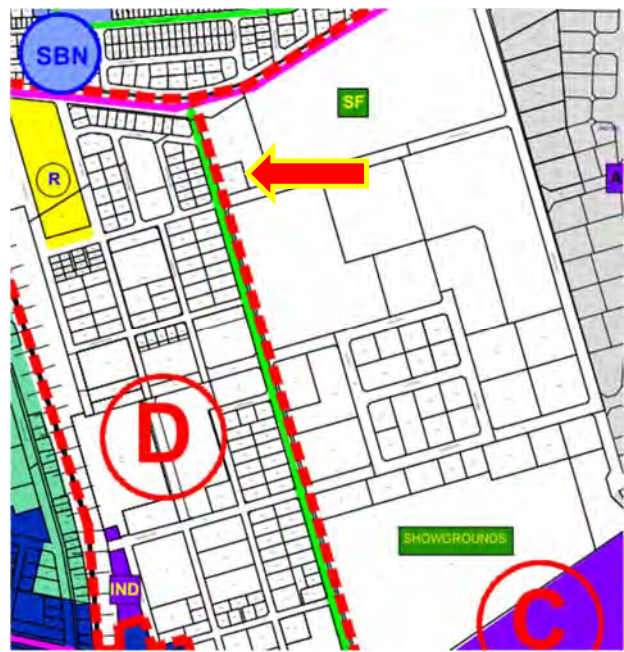
Kotze Street is also an activity street along which mixed uses of residential, business and in this context industrial uses can be accommodated.

See the extract from the SDF's below.

2017-2022



2023-2028



It is clear from the above mentioned that the existing business zoning of erf 3866, the proposed funeral parlour and aquatorium land uses are accommodated in zoned C. This is further supported by the zoning scheme in the sense that these area land uses that can only be accommodated in the Industrial zoning categories.

It has to be noted that Zone C & D are separated by Kotze Street (activity street). On the western side of Kotze Street there are located predominantly single residential properties. On the eastern side of Kotze Street there are located predominantly general industrial uses (Swartland Bou-dienste). These residential and industrial uses can be deemed to be in conflict opposite each other but have functioned like this for many years. The proposed funeral parlour and aquatorium are uses accommodated under the Industrial zonings will be no different.

This makes the application compliant with both of the SDF's.

#### 2.4 Schedule 2 of the By-Law: Zoning Scheme Provisions

The development proposal complies with all the development parameters determined by the By-Law.

On-site parking needs to be provide at 1 parking bay per 4 seats and 1 loading bay for 0-2500m<sup>2</sup> floor area. The aquatorium requires 1 parking bay per 100m<sup>2</sup> GLA. A total of 11 parking bays and 1 loading bay are required. A total of 32 parking bays and 1 loading bay are provided.

#### 2.5 Desirability of the proposed utilisation

Erf 3866, Moorreesburg is zoned Business zone 1 and is developed with buildings in a derelict state. The existing buildings will be altered to accommodate the proposed funeral parlour and aquatorium. The property has not physical restrictions which may have a negative impact on this application.

The character of the surrounding area includes single residential, church, school, sport fields and general industrial uses. The proposed funeral parlour and aquatorium are uses that are accommodated in an industrial area which make the proposed uses complimentary to the existing land uses in the area. The impact of the funeral parlour and aquatorium on the surrounding area is deemed to be low.

The funeral parlour will consist of the following uses/rooms:

- Coffin and general storage room
- Rest room (for friends and family members)
- 1 x bathroom
- Viewing room
- Coffin display room
- 2 x preparation rooms
- Room for prepared bodies
- Loading / Off-loading area
- Compressor/ Generator room
- Cold storage room
- Booking office
- Tools and storage room
- Open stoep / assembly area
- Chapel containing 40 seats – 3 bathrooms and 1 kitchen
- CEO office
- Manager office
- Consultant room
- Reception and storage area
- Flat

The aquatorium wil be accommodated in a room which is 65m<sup>2</sup> in extent.

See the site plan with a floorplan of the funeral parlour and aquatorium below.



The objections received were focussed solely on the aquatorium.

The funeral parlour is accommodated under the Business zone 1 zoning of erf 3866 as a consent use. In the Planning By-law a funeral parlour is accommodated as consent uses only under 2 zonings, namely the Business zone 1 and Industrial zone 2 zonings. A crematorium is only accommodated under the Industrial zone 3 zoning as a consent use.

As discussed under point 2.3 and 2.4 the respective uses are in compliance with the spatial planning of Moorreesburg and the development proposal complies with all zoning parameters.

Aquamation is a legal process in South Africa since November 2019. The National Health Act, 2003 (Act 61 of 2003), Regulation No 636, Regulations Relating to the Management of Human Remains, dated 22 May 2013 regulates crematoriums.

Aquamation takes place through alkaline hydrolysis which mimics the natural process your body goes through if you're buried; the machine just speeds it up by adding water, heat, and lye.

The process involves placing the body into a high-pressure tank filled with water and potassium hydroxide. This chamber is heated to 150°C. This pressurized process heats the body and eats away blood, skin, muscle, and fat within four hours. After about 3 hours, only bleached white bones remain.

During the aquamation process the colour of the water changes to a brown liquid which smells like ammonium. No emissions will be generated by the aquamation process as it is a closed process.

The Department: Civil Engineering Services requires that a waste water management plan be compiled for the aquamation process. The water from the aquamation process will be separate from the other sewerage created on the property. A volumetric sampling device with a flow meter will be installed for the water from the aquamation process. The findings of the waste water management plan will determine whether the effluent from the aquamation process needs to be treated before it can go into the sewerage system to be process at the waste water treatment works.

The proposed activities of the aquamation does not trigger any listed activities in terms of the NEMA: EIA Regulations and does not require approval from the Department of Environmental Affairs and Development Planning.

The Department of Water and Sanitation also confirmed that the proposed activities of the aquamation does not required a water use license.

All information at this stage indicates that the process is safe and does not pose a health risk.

It is anticipated that the aquatorium will have a regional function rather than only for the people of Moorreesburg.

Job opportunities will be created at the proposed funeral parlour and aquatorium.

It remains every person's personal or religious choice to decide what will happen with their bodies once deceased.

Property values in the surrounding area has increased since the municipal valuations from 2015 to 2019. It is not anticipated that property values will be affected negatively once the facility goes into operation.

Exiting services infrastructure are deemed sufficient to accommodate the facility, subject to the requirements of the Department Civil Engineering Services.

The Department: Civil Engineering Services considered engineering reports from Watsan Africa (Dr Dirk van Driel), Zutari and A.L. Abbott & Associates Pty Ltd regarding the acceptability of aquamation effluent for further treatment in a municipal waste water treatment plant.

There are no restrictions in the title deed of erf 3866 which are restrictive to this application.

The development proposal is considered desirable.

### **3. Impact on municipal engineering services**

Sufficient services capacity exists to accommodate the proposed facility.

A waste water management plan needs to be compiled and approved by the Department Civil Engineering Services which will ensure that water from the aquamation process is safe to be taken up in the sewerage system. This will ensure that the reuse of purified sewerage water will not be affected.

### **4. Comments of organs of state**

Letters were received from the Department of Environmental Affairs and Development Planning, the West Coast District Municipality as well as the Department of Water and Sanitation which indicates that no approvals in terms of their respective legislations are required for the aquatorium.

### **5. Response by applicant**

See Annexure H.



<b>PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS</b>
<u>The financial or other value of the rights</u>
N/A
<u>The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal</u>
N/A
<u>The social benefit of the restrictive condition remaining in place, and/or being removed/amended</u>
N/A
<u>Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights</u>
N/A

<b>PART L: RECOMMENDATION WITH CONDITIONS</b>
<p>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).</p> <p>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).</p> <p><u>A &amp; B are subject to the following conditions:</u></p> <p><b>1. TOWN PLANNING AND BUILDING CONTROL</b></p> <p>a) A portion of erf 3866 (65m<sup>2</sup> in extent) be rezoned from Business zone 1 to Industrial zone 3 and accommodates an aquatorium as presented in the application;</p> <p>b) The Business zone 1 zoning also makes provision for a flat and accommodates a funeral parlour as a consent use as presented in the application;</p> <p>c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;</p> <p>d) At least 32 on-site parking bays and 1 loading bay 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;</p> <p><b>2. WATER</b></p> <p>a) The existing water connection be used and that no additional connections be provided;</p> <p><b>3. SEWERAGE</b></p> <p>a) The existing sewerage connection be used and that no additional connection be provided;</p> <p>b) The runoff from the crematorium be separated from the rest of the sewage runoff from the premises and carried separately to the sewer connection. The discharge system of the crematorium 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.</p> <p>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.</p> <p>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 crematorium is required with information from the waste water management plan which pre-treatment must be implemented.</p>

- e) Purified sewage from the Moorreesburg Waste Water Treatment Works is already reused and if the specific run-off from the crematorium 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 crematorium 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 crematorium will be subject to the levy rates for industrial effluent.

#### **4. REFUSE REMOVAL**

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

#### **5. GENERAL**

- a) If it would be necessary to upgrade any existing services in order to be able to provide the crematorium with services, this will be for the cost of the owner/developer;
- b) There be complied with the conditions of the West Coast District Municipality, letter dated 25 November 2022;
- c) 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;
- d) The approval is, in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be implemented before the proposed uses come into operation. Failure to comply with all conditions of approval will result in this approval expiring;
- e) In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 8226 of 25 March 2020), affected parties have a right to appeal the abovementioned decision within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.


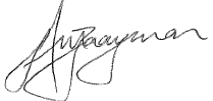
Should affected parties decide to appeal, you can write to the following address:

The Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299

Please note that an appeal fee of R5 000-00 is payable should you wish to appeal the decision. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.

### **PART M: REASONS FOR RECOMMENDATION**

1. The application is in compliance with the planning principles of LUPA and SPLUMA.
2. The application is in compliance with the spatial planning of Moorreesburg.
3. The development proposal complies with all applicable zoning parameters of the Swartland Planning By-law.
4. The impact of the proposed funeral parlour and aquatorium on surrounding area is deemed low.
5. Erf 3866 does not have any physical restrictions which may have a negative impact on this application.
6. The development proposal supports the optimal utilisation of the property.
7. Existing services are deemed sufficient to accommodate the funeral parlour and aquatorium.
8. 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.
9. The facility will create jobs.
10. The facility will perform a regional function.
11. The impact of the facility on property values of surrounding properties are deemed low to none.
12. It remains every person's personal or religious choice regarding what will happen with their bodies once deceased.
13. There are no restrictions in the title deed of erf 3866 which restricts the proposed development.
14. The public participation process conducted is deemed compliant with the requirement of the Swartland Planning By-law.
15. 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;

<b>PART N: ANNEXURES</b>				
Annexure A	Locality Plan			
Annexure B	Building plans			
Annexure C	Plan indicating the area to be rezoned			
Annexure D	Public Participation Map			
Annexure E	Objection from Helena Behardien			
Annexure F	Objection from Henk & Salina Fourie			
Annexure G	Objection from Anne & Clifford Wyeth			
Annexure H	Objection from Aletta & Clive Rafferty			
Annexure I	Objection from Denver Cordon			
Annexure J	Objection from GH & FG Adonis			
Annexure K	Objection from Nazlee Basson			
Annexure L	Comments from the applicant on the objections			
Annexure M	Letter from the Department of Environmental Affairs and Development Planning			
Annexure N	Letter from the Department of Water and Sanitation			
Annexure O	Letters from the West Coast District Municipality			
<b>PART O: APPLICANT DETAILS</b>				
First name(s)	CK Rumboll & Partners (NJ de Kock)			
Registered owner(s)	Malmesbury Funeral Services Pty Ltd ( Mark Meyer)	Is the applicant authorised to submit this application:	<b>Y</b>	N
<b>PART P: SIGNATURES</b>				
<b>Author details:</b> AJ Burger Senior Town & Regional Planner SACPLAN: B/8429/2020			Date: 26 July 2023	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001		Recommended	<input checked="" type="checkbox"/>	Not recommended
			Date: 2 August 2023	





**Proposed rezoning and consent use**

**Erf 3866, Moorreesburg**

**Locality plan**

**Scale: N/A**







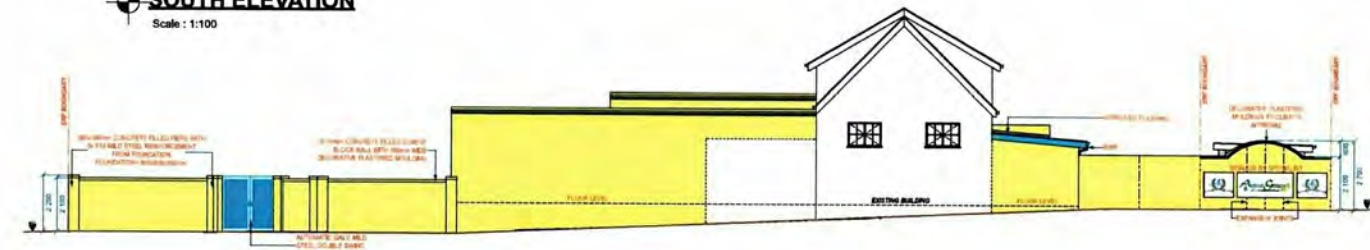
**SOUTH ELEVATION**

Scale : 1:100



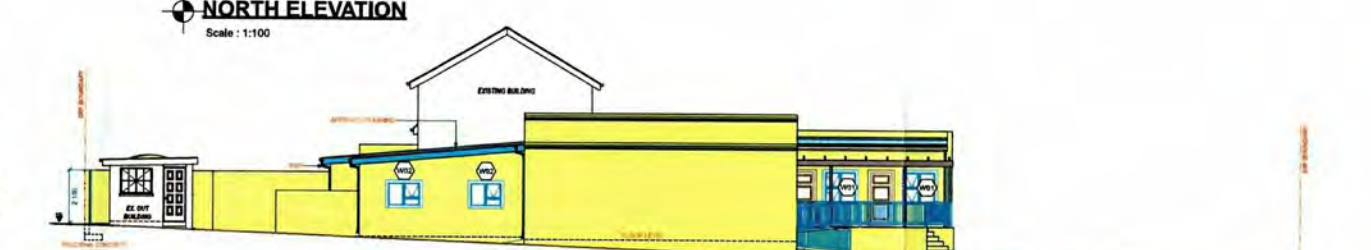
**NORTH ELEVATION**

Scale : 1:100



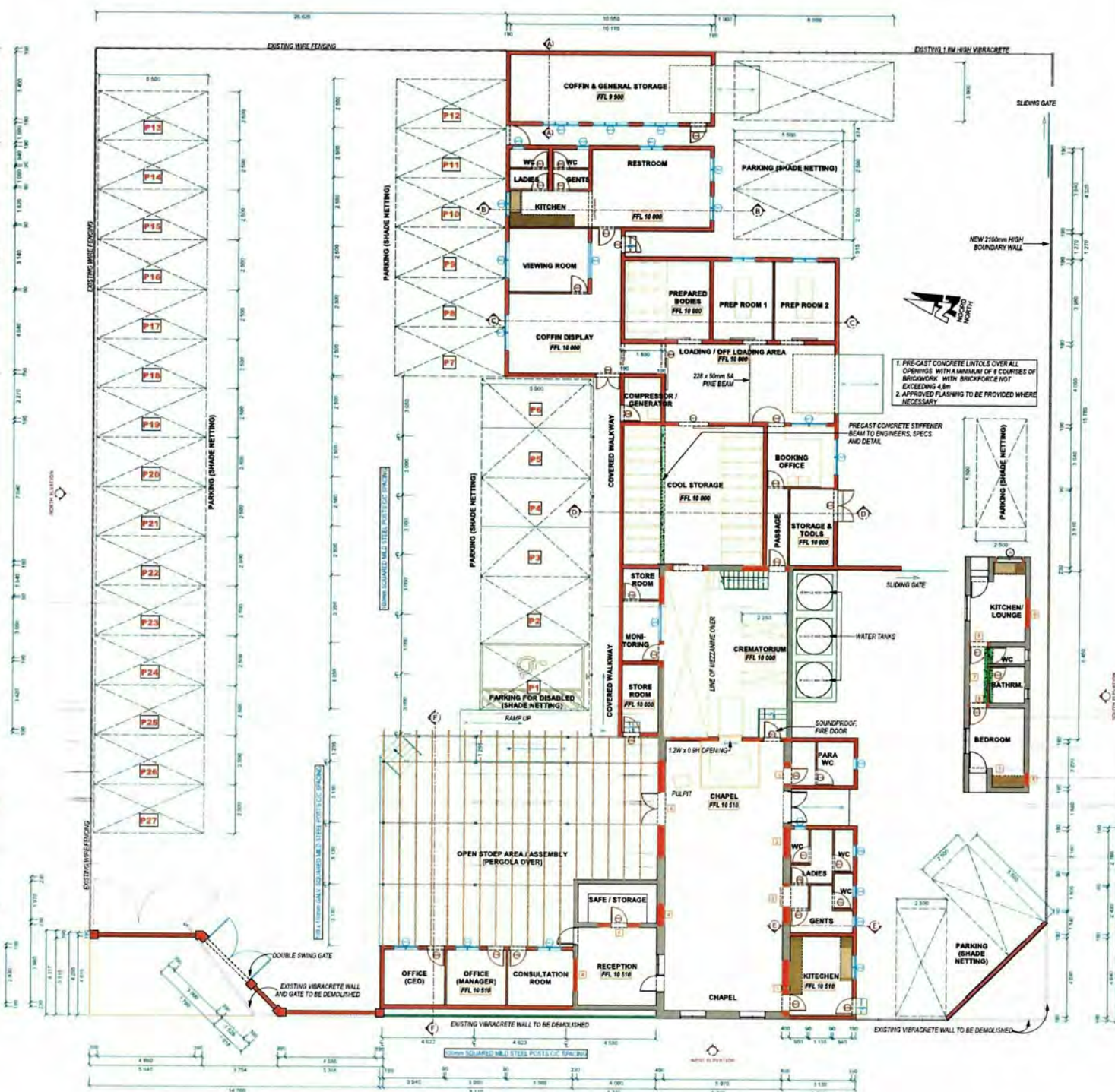
**WEST ELEVATION**

Scale : 1:100



**EAST ELEVATION**

Scale : 1:100



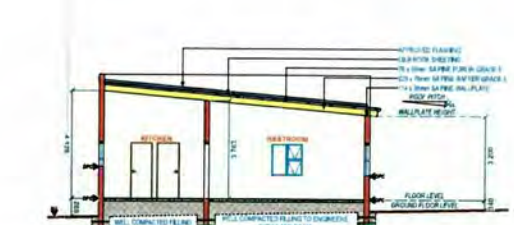
**GROUND FLOOR PLAN**

Scale : 1:100



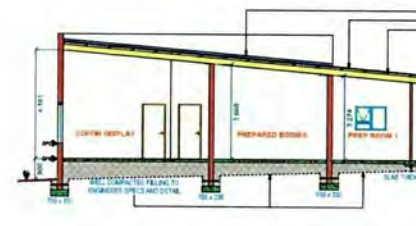
**SECTION A-A**

Scale : 1:100



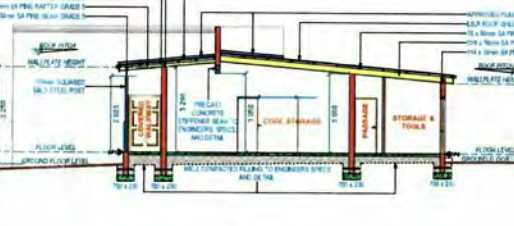
**SECTION B-B**

Scale : 1:100



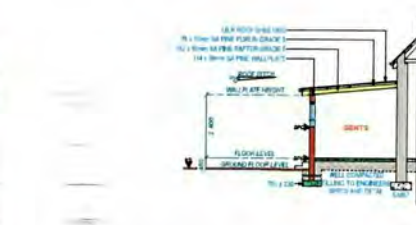
**SECTION C-C**

Scale : 1:100



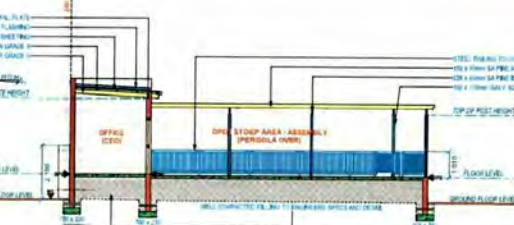
**SECTION D-D**

Scale : 1:100



**SECTION E-E**

Scale : 1:100



**SECTION F-F**

Scale : 1:100

3D EXTERIOR ELEVATION	WINDOW SCHEDULE
NUMBER	001 002 003 004 005 006 007
DATE	2020 2020 2020 2020 2020 2020 2020
REMARK	REMARK
CODE	PT1212 PT1213 PT1214 PT1215 PT1216 PT1217 PT1218

DOOR SCHEDULE	
NUMBER	DATE
001	11/20/2010 10:10
002	11/23/2010 10:10
003	11/23/2010 10:10
004	11/23/2010 10:10
005	11/23/2010 10:10
006	11/23/2010 10:10
007	11/23/2010 10:10
008	11/23/2010 10:10
009	11/23/2010 10:10
010	11/23/2010 10:10

NOTE SCHEDULE	
1	REMOVE EXISTING WINDOW ABOVE AND BRICK UP OPENING. BREAK-OUT CEMENTING BUILD IN NEW DOOR WITH LINTOL TO BE AND REPAIR ALL TRADES
2	REMOVE EXISTING WINDOW ABOVE AND BRICK UP OPENING. REPAIR ALL TRADES
3	REMOVE EXISTING WINDOW ABOVE AND BRICK UP OPENING. BREAK-OUT NEW OPENING WITH LINTOLS OVER. REPAIR ALL TRADES
4	REMOVE EXISTING WINDOW. BRICK UP OPENING AND REPAIR ALL TRADES
5	REMOVE EXISTING WINDOW. BRICK UP OPENING AND REPAIR ALL TRADES
6	REMOVE EXISTING WINDOW. BRICK UP OPENING AND REPAIR ALL TRADES. WINDOW TO BE RE-CLASSED IN NEW POSITION E.C.C.
7	REMOVE WALL TO BE DEMOLISHED AND REPAIR ALL TRADES

**Annexure B**

**Proposed Additions and Alterations on ERF 3866 at KOTZE STREET MOORESBURG, 7310**

**Client: AQUAGREEN CREMATORY KOTZE STREET MOORESBURG**

**Scale: AS SHOWN**

**Date: 2020/10/10**

**Drawn by: E. WILSON**

**Checked by: J. WILSON**

**Scale: 1:100**

**Page: 10 of 10**



The site plan for ERF 3866 shows a property with several buildings and parking areas. The plan is bounded by the 48.22m ERF Boundary to the north, the 43.20m ERF Boundary to the south, the 48.95m ERF Boundary to the west, and the 43.95m ERF Boundary to the east. The plan includes a North arrow pointing towards the top right. The buildings are labeled with their roof sheeting status: 'NEW ROOF SHEETING' (light blue) and 'EXISTING ROOF SHEETING' (light pink). The plan also shows a 'PERGOLA' area, a 'PULPIT' area, and a 'PARKING' area. The plan is adjacent to ERF 956 to the north and ERF 956 to the west. The plan is also adjacent to KOTZE STREET to the south and ELEVATOR STREET to the east. The plan includes a scale bar indicating 7.0m.

**PROPOSED ADDITION (B)**  
39,88 m<sup>2</sup>

**PROPOSED ADDITION (A)**  
305,27 m<sup>2</sup>

**EXISTING BUILDING**  
183,73 m<sup>2</sup>

**PROPOSED ADDITION (C)**  
47,07 m<sup>2</sup>

**PROPOSED ADDITION (D)**  
31,17 m<sup>2</sup>

**EXISTING BUILDING OUT BUILDING**  
38,78 m<sup>2</sup>

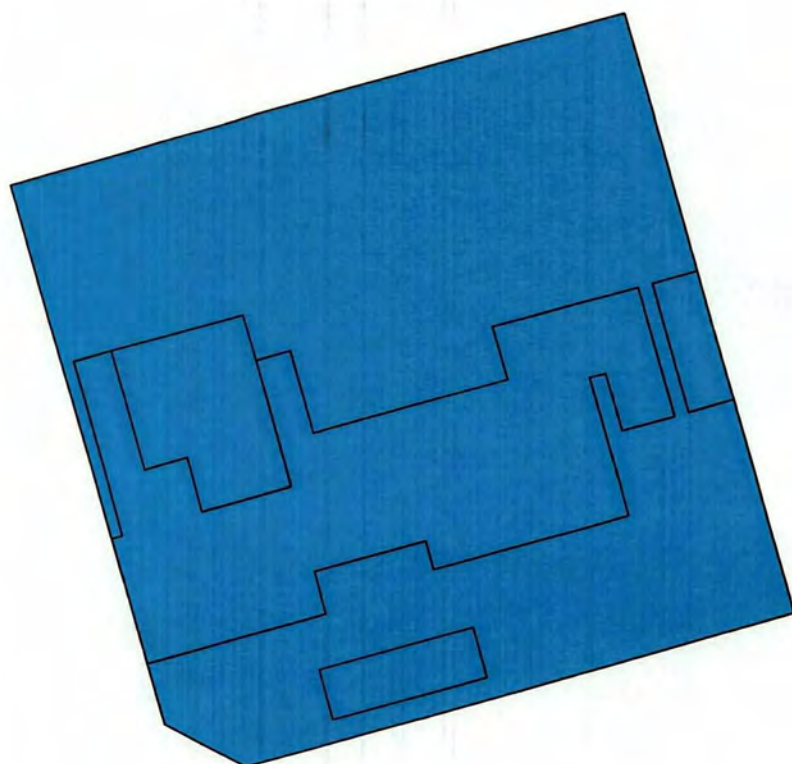
**AREA OF ERF**  
2 345,56 m<sup>2</sup>


**NOORD  
NORTH**

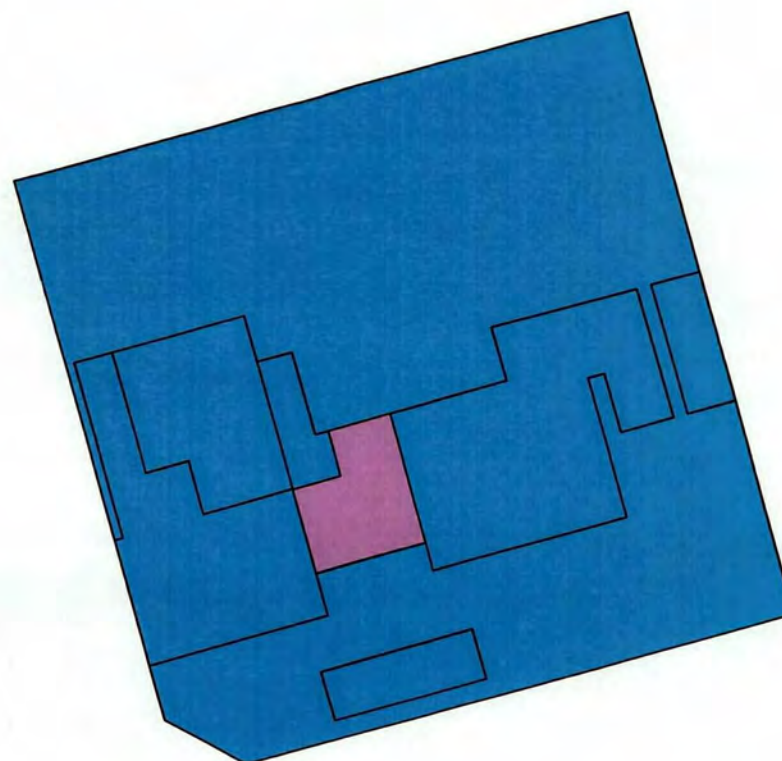
**COVERAGE LAYOUT**



**-31-**





 Business Zone 1



 Business Zone 1  
 Industrial Zone 3

Annexure C

## Liggingsplan



Verwys na kennisgewing 57/2022/2023

23 Februarie 2023

Voorgestelde hersonering en gebruik op ERF 3866 Moorreesburg.

Verwysing no. 15/0/3-9/ERF386615/3/10-9/ERF 3866, Kotzestraat 13, Moorreesburg.

Die Munisipale bestuurder

Ek wil u hiermee inlig dat ek geen probleem het met die opstel van 'n begrafnisonderneming by Kotzestraat 13, Moorreesburg nie.

My probleem lê egter by die stigting van 'n krematorium wat, akwamasie wil beoefen.

Moorreesburg is 'n klein gemeenskap en die leerders van , Laerskool Laurie Hugo, maak egter van die straat gebruik, op hulle weg skool toe en terug huis toe.

U het telefonies bevestig dat die oorskot in die rioolpyp beland. Die akwamasie veroorsaak kleuring en reuk van die water, en dis my bekommernis.

Ek glo dat dit 'n gesondheids risiko vir ons gemeenskap kan inhou en is sterk gekant teen die oprig van die krematorium.

Vriendelike groete.

Helena Behardien  
Kotzestraat 37  
MOORREESBURG  
7310

[swdekor@telkomsa.net](mailto:swdekor@telkomsa.net) (083 230 3233)

**Alwyn Burger**

**From:** Ulynn Julies <JuliesU@swartland.org.za>  
**Sent:** Monday, 13 February 2023 08:59  
**To:** File File  
**Subject:** FW:

A20  
15/3/3-9/Erf\_3866;  
15/3/10-9/Erf\_3866

**Ulynn Julies**

Senior Administrative Officer | Records & Archives

**T:** 022 487 9400 **Ext:** 2231



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**From:** HP Fourie <hpfourie@agrizone.co.za>  
**Sent:** Monday, 13 February 2023 08:32  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:**

Hi Herman Olivier

Insake die bou van n krematorium in Moorreesburg staan ek en my eggenoot dit heeltemal teen, want ons sit genoeg met stank reuke asgevolg van die sewerage gate wat so stink en nou nog dit ook.

Groete  
Henk en Silna Fourie

I Object to the building of an Aquagreen Crematorium at 13 Kotze Street Moorreesburg re Notice 57/2022/2023 PROPOSED REZONING AND CONSENT USE ON ERF 3866 MOORREESBURG.

My objection is to planning by law (PG 8226 of 25 March 2020) due to Dept. Water and Sanitation and Dept. of Enviroment Affairs and planning stating that the application sets off no triggers for any concern in safety living standards. They do not know where the waste is going.

Moorreesburg is too small an area to have a Crematorium and our town already has a problem with sewerage smells.



Virus-free [www.avast.com](http://www.avast.com)



**Wyeth Photography**

**From:** Wyeth Photography <wyethphotography@pcnetmail.co.za>  
**Sent:** Sunday, February 12, 2023 9:04 PM  
**To:** 'swartland.mun@swartland.org.za'  
**Subject:** Aquagreen Crematorium proposal - Objection  
**Attachments:** Aquagreen Crematorium proposal - Objection.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

MUNISIPALITEIT SWARTLAND				
LEER No. 15/3/3-9/Erf-3866				
Verreken	Inligting	Verlaas	Afkeuring	Kom/Taar
SSSB(AJ)				
Ander Opdrag: 15/3/10-9/Erf-3866				(get)BK
SPERDATUM:				

The Municipal Manager

Attached please find our Objection to:

Re Notice 57/2022/2023

Proposed rezoning and consent use on erf 3866 Moorreesburg

Reference number 15/3/3-9/Erf 3866 / 15/3/10-9/Erf 3866

Situated at 13 Kotze Street Moorreesburg



Regards

Anne and Clifford Wyeth

5B Walter Street

Moorreesburg

022 4333601

[wyethphotography@pcnetmail.co.za](mailto:wyethphotography@pcnetmail.co.za)

Concerning Notice 57/2022/2023

12<sup>th</sup> February 2023

Proposed rezoning and consent use on ERF 3866 Moorreesburg

Reference number 15/0/3-9/Erf\_3866 / 15/3/10-9/Erf\_3866

Situated at 13 Kotze Street Moorreesburg

The Municipal Manager

The application for the Erf 3866 to be used as a Funeral Parlor under Business Zone 1 zoning is NOT in dispute in this e-mail.

**However, the application for consent use for a crematorium on a portion of Erf 3866, by re zoning a portion of the erf to Industrial Zone 3 zoning is not seen as an application that offers any benefit, to the people of Moorreesburg.**

Aquamation, is a new concept in this country and although it is considered to be part of the future to cremation methods, not enough study of the impact such a crematorium will have on the environment is known or documented in South Africa.

#### **The size of erf 3866**

A comprehensive site research should be included with the planning application.

Countries of first world standing have a 1902 cremation act whereby the recommended size of a site for a crematorium is approximately a minimum of 2 hectares of ground.

One hectare is equal to 10000sq meters.

This act also mentions a park like setting.

This takes into account the space needed for a remembrance garden a memorial wall and a place to sit in a tranquil setting to remember a loved one.



South Africa does not have such an act and so we rely on our Municipal Land Use Planning by law(PG8226 of 25 March 2020) and our Swartland Municipality to diligently view every part of an application for re zoning the use of land.

One also needs to take into account the social and emotional issue of where a crematorium is placed and erf 3866 in Kotze Street seems far too small.

### **Hydrolysis: Aquamation by Alkaline**

The process is that a body is placed in a stainless steel container, water is pumped in and an alkaline solution is added and it is heated to about 150C. It takes between 3 and 20 hours depending on the size of the body for the process to complete.

The end result is a large amount of green/brown liquid and bone.

The bone is normally ground down to a powder and the green/brown waste water is disposed of.

### **Research shows that this waste liquid is NOT odourless**

The green/brown waste liquid smells like ammonia/urine and sweat.

### **Viewing the plans at the Municipal offices in Malmesbury**

On the 8<sup>th</sup> February we perused the plans and the application for re zoning and afterwards had a meeting with Alwyn Burger where we discussed our concerns with him.

On viewing page 19 of the application of the plans, the Dept. of Environment Affairs development planning and Dept of water and sanitation both confirm and state that the proposal has no triggers and are sufficient to ensure safe living standards.

Our question was how was this waste liquid being disposed of and where and was there any back up plans for any blockage or delay in the disposal of this waste liquid and how did the departments in the above paragraph come to the decision without knowing where the waste liquid was going?

**How can they state this sets off no triggers, when the report of the pipes had still not been received.**

**We were advised by Alwyn Burger that this report was still awaited.**

**Nowhere on the planning application could it be seen where this waste liquid would be disposed of or what safety measures would be taken into account in respect of sewerage blockage or any disposal pipe blockage.**

This is a main issue and should be taken into account with the problems we already have in Moorreesburg with what is known as the bucket system.

Laurie Hugo Primary School is one street away and this brings in a health issue for young learners. How will they manage with the smell from the waste of the Aquamation.

Moorreesburg is a small town with one set of traffic lights, it has a very small industrial area, that is inter mixed with residential properties and although we welcome new business growth, we need to take care that the good health of our population is a major factor and our air quality is good enough to sustain a healthy environment for all.

#### **Information to residents of Kotze Street**

We were advised by Alwyn Burger that residents marked on the map in Kotze Street would receive a registered letter about the proposed re zoning.

However, we advised Alwyn Burger that the Post Office in Moorreesburg is closed and this may affect the registered letters reaching the residents.

Alwyn Burger advised that he would check on this matter.

#### **Understanding Aquamation**

Until we know where the waste from Aquamation is going and what back up facility is going to be in place for any pipe blockage.



The application to re zone a portion of the erf 3866 to zone 3 industrial is not seen to be of any benefit to Moorreesburg .

Although our bodies are made up of 65 percent water and Aquamation leaves a large amount of green brown waste water and bone. We think it highly unlikely that the residents of Moorreesburg would want the majority of their loved one to end up in the sewerage pipes.

So the main bodies for Aquamation would come from outside Moorreesburg and as we are a small town why have an Aquamation Crematorium placed in a small industrial area here.

We the undersigned Object to the re zoning to zone 3 due to insufficient erf size and the lack of health and sanitation comprehensive report that shows where the waste green/brown liquid is going and shows safety measures are in place for any drain or sewerage blockage on said application.

We strongly object to erf 3866 or part of it re zoned to a zone 3 and we object to (PG8226 of 25 March 2020) for the building of an Aquagreen crematorium on site at 13 Kotze Street Moorreesburg.

Anne and Clifford Wyeth

5 B Walter Street Moorreesburg

022 4333601

[wyethphotography@pcnetmail.co.za](mailto:wyethphotography@pcnetmail.co.za)



**Alwyn Burger**

**From:** Ulynn Julies <JuliesU@swartland.org.za>  
**Sent:** Thursday, 23 February 2023 11:53  
**To:** File File  
**Subject:** FW: Erf 3866, Moorreesburg: Object to the opening of a funeral parlor and crematorium

A20  
 15/3/3-9/Erf\_3866;  
 15/3/10-9/Erf\_3866

**Ulynn Julies**

Senior Administrative Officer | Records &amp; Archives

**T:** 022 487 9400 **Ext:** 2231

**From:** Alta Rafferty <altarafferty@gmail.com>  
**Sent:** Wednesday, 22 February 2023 21:20  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** Erf 3866, Moorreesburg: Object to the opening of a funeral parlor and crematorium

Dear Sir/Madam

NOTICE 57/2022/2023

**PROPOSED REZONING AND CONSENT USE ON ERF 3866, MOORREESBURG**

We would like to object to the application for consent to use Erf 3866 as Funeral Parlour and Crematorium.

Having lived in Moorreesburg, contributing and investing to the education, spiritual and social development of this community, it is with great sadness and disappointment that we need to address this disturbing topic in our “Golden Years”.

We are currently facing very challenging health issues, of which my husband Clive is currently in a Rehabilitation Centre after the amputation of his leg due to diabetic status. Cancer, Frail Lung Issues, and Diabetes are just some of the health issues that we as a couple are currently facing.

We are strongly against the development of this institution as the whole community This area's current character (peace, quietness, tranquillity) will be demolished.

Below just some of our concerns:

- The devaluation of our property value if the Crematorium is implemented
- This street is mostly occupied with senior occupants and small children. Any burning processes can have a significant impact on our health
- Current loadshedding conditions and the problems with generators that leads to bad smells and maintenance.

Name : Aletta Rafferty , Clive Rafferty

Address: 64 Kotzestreet, Moorreesburg

Preferred method of contact: 0766431237 or email: [altarafferty@gmail.com](mailto:altarafferty@gmail.com)

Regards

Aletta Rafferty and Clive Rafferty  
0766431237

**From:** Ulynn Julies <JuliesU@swartland.org.za>  
**Sent:** Tuesday, 28 February 2023 16:59  
**To:** File File  
**Subject:** FW: KENNISGEWING 57/2022/2023 - Beswaar teen VOORGESTELDE HERSONERING EN VERGUNNINGSGEBRUIK OP ERF 3866, MOORREESBURG

A20  
15/3/3-9/Erf\_3866;  
15/3/10-9/Erf\_3866

**Ulynn Julies**

Senior Administrative Officer | Records & Archives

**T:** 022 487 9400 **Ext:** 2231



**From:** Denver Cordon <denver.cordon@gmail.com>  
**Sent:** Tuesday, 28 February 2023 12:38  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>; Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** KENNISGEWING 57/2022/2023 - Beswaar teen VOORGESTELDE HERSONERING EN VERGUNNINGSGEBRUIK OP ERF 3866, MOORREESBURG

27 Februarie 2023

Die Munisipale Bestuurder  
KENNISGEWING 57/2022/2023  
Beswaar teen VOORGESTELDE HERSONERING EN VERGUNNINGSGEBRUIK OP ERF 3866, MOORREESBURG

Hiermee redes vir beswaar:

1. Hierdie aansoek is slegs beskikbaar vir inspeksie op Malmesbury kantoor gedurende kantoor ure. Die inwoners op wie hierdie aansoek 'n moontlike impak mag he is woonagtig op Moorreesburg. Inwoners het dus geen toeganing tot die aansoek nie.
2. Inwoners kan slegs oordeelkundige besluite neem indien alle inligting aan hulle bekend gemaak word. Hierdie aansoek het moontlik 'n impak op ons omgewing, water en riool. Indien dit die geval is moet die inwoners ingelig wees. Konsultasie met inwoners moet dus geskied met almal in die omgewing en nie net inwoners van Kotze straat nie. Hier is skole, kerke en ander inwoners ook woonagtig.
3. Inwoners het geen kennis van "Aquagreen Crematorium" nie en moet hierdie proses aan inwoners verduidelik word, tesame met die impak op ons omgewing, water en riool.
4. Hierdie aansoek mag dalk 'n enorme negatiewe finansiële impak he op bestaande eiendom se waardasie en inwoners in die omgewing moet kennis dra van so 'n finansiële impak.

Denver Cordon  
9 Laurie Hugo Straat  
Moorreesburg



082 890 3528

[denver.cordon@gmail.com](mailto:denver.cordon@gmail.com)

2023-02-22

Mne en Mev FG Adonis

Doringstraat 48

Moorreesburg

7310

Aan die Munisipale Bestuurder

**In sake: Beswaar teen die oprigting van gebou vir Waterverassing van afgestorwe persone in Moorreesburg op die hoek van Kotze- en Eleavator Straat.**

Ons is belastingbetalers en inwoners van Moorreesburg en woon naby daardie adres en is bekommerd oor die impak van so 'n besigheid op ons en ander se lewens.

Ons redes vir beswaar is:

- (1) Ons is heftig daarteen gekant.
- (2) Dit druis in teen ons geloof.
- (3) Dit is hopeloos te na aan ons erwe, skool en kerk.
- (4) Ons wat naby bly word blootgestel aan lugbesoedeling, want verbranding gaan plaasvind.
- (5) Gasse gaan dus vrygestel word wat ongesond vir mens en dier is.
- (6) Dus nie 'n geval van 'n werkskeppingsprojek na ons mening nie, maar eerder om slegs die eienaar/s persoonlik te verryk.
- (7) Dit lyk hy wil so 'n besigheid bedryf ten koste van ons ander se gesondheid.
- (8) Gedurige verhitting van water en verbranding sal mos die temperatuur in die omgewing ook laat styg.
- (9) Die verbranding veroorsaak mos vuil gasse en ons as mense wat hier bly is mos geregtig op skoon lug. Hierdie vuil lug en reuke kan gesondheidsprobleme veroorsaak. En soos ons dink velprobleme en slegte invloed op jou longe, ens.
- (10) Geld omgewingswette oor skoon lug dan nie vir ons ook nie.
- (11) Erwe en huise is al voor die nywerheidsgebied hier.
- (12) Mens se wasgoed sal mos ook stink van die reuke.
- (13) Besoedeling van die water kan plaasvind. Ons verstaan die plan is om dit in die rioolstelsel te laat loop en daar is geen waarborg dat daar geen besoedeling sal wees nie.
- (14) Ons praat nie van minder besoedeling as vlamme verassing nie, ons praat van geen besoedeling.
- (15) Dink jou in daar kom 'n fout met waterbesoedeling. En mens en dier is die slagoffers.
- (16) Daar bestaan geen regulering vir resomasie nie, dws enige foute kan voorkom en dan toegesmeer word.

- (17) Die chemiese middels wat in die proses gebruik word, is mos 'n bedreiging vir ons as mens.
- (18) Die baie water wat gebruik word , is mos ook 'n probleem en wie trek die voordeel uit daardie geld wat vir water betaal word. Terwyl ons hoor van spaarsaam wees met water en landgenote geen water het nie. En water moet drink uit putte waarin dooie gediertes ook teenwoordig is.
- (19) Dit is 'n aanhoudende verbranding wat ons inwoners mos hier naby negatief benadeel.
- (20) Ons het geen waarborg dat die pH laer as 9.5 sal wees nie,want in die Courant noem hy dat hy hoop om dit 6.5 te hou. Hoop. Dit is nie 'n waarborg. Wat as hoër as 9.5 ?
- (21) Onnodige druk word nou op die riool-stelsel geplaas .
- (22) Die vloeistof betrokke by die proses kan skade veroorsaak as dit in die standaard afvalwater sisteme beland.
- (23) Dan moet ons ook hoor 'n vergadering word vir mense net in daardie straat beplan. So asof dit net iets is wat daardie straat se mense raak, want as reuke en gasse en vuil water in die riool beland , raak dit seker net daardie straat se mense. En gasse in die lug bly seker net in daardie straat. Iets soos wind bestaan nie.
- (24) En wat is die effek van daardie projek op babas en babas wat gebore moet word ? Wie weet ? As daar later weer iets ontstaan as gevolg van die aktiwiteit wie of wat sal geblameer word? My vraag is hoekom wil die Munisipaliteit so iets toe laat hier langs mense. Is in Malmesbury nie beter plekke vir so iets nie. Weg van mense.
- (25) Ons voel die Munisipaliteit beskerm nie ons mense se regte nie. Ons het mos seker 'n reg op skoon lug en moet dit mos beskerm , ook teen potensieële gevare , dan nie? Hoekom 'n risiko neem met so iets.
- (26) Ons moet mekaar respekteer.
- (27) Ons huise se waardasie gaan mos daal met so iets hier by ons.
- (28) Ons is glad nie behoorlik ingelig van so iets nie want ons moet in die Courant lees daarvan.
- (29) Hier is skole en die Kerk naby.
- (30) Op die lang termyn sal giftige gasse wat vrygestel word, mos kan ly tot siektes en mense se dood.
- (31) Giftige gasse vrygestel lei tot wolkvorming en dit daal neer op die mense , diere en plante. Niemand kan ons kom vertel hierdie projek is 100% veilig nie. Jammer.
- (32) Die eienaar van hierdie besigheid ervaar nie een van hierdie vrese of moontlike vrese en ongerief nie want hy slaap heerlijk en rustig in sy huis waar hy ook al bly maar beslis nie langs die plek wat syne is nie.
- (33) So in alle ordentlikheid laat vaar die projek asseblief.
- (34) Of julle dit wil laat vaar ,hang nie van wetenskaplike navorsing af nie , dit hang eenvoudig net af van wat dink julle van ons om te wil toelaat dat so 'n plek hier langs ons opgerig word.

Ek vertrou ons beswaar word ernstig opgeneem Ons is 'n getroue belasting- en dienstebetalers in die gebied.

Dankie

GH en FG Adonis

Me Nazlee Basson

Doornstraat 29

Moorreesburg

7310

Datum: 26 Februarie 2023

Die Munisipale Bestuurder

In sake: Beswaar teen die oprigting van 'n Akwamasiefasiliteit in  
Moorreesburg op die hoek van Kotze en Elevatorstraat.

Ek is huiseienaar van bogenoemde adres en belastingbetaler, en maak hiermee heftig beswaar teen die voorneme om 'n Akwamasifasiliteit op te rig op bogenoemde perseel. My redes vir beswaar is as volg:

1. Hierdie proses druis in teen my geloof.
2. Die beplande perseel is te na aan ons erwe, skool, kleuterskool en kerk.
3. Die persentasie van mense wat verassing kies is klein, so dus sien ek nie die nodigheid dat daar so 'n fasiliteit hier opgerig word nie.
4. Om so 'n fasiliteit in ons woonbuurt te hê gaan die waardasie van ons eiendomme laat daal.
5. Wetgewing is nie in plek om so 'n fasiliteit te reguleer nie.
6. Die fasiliteit sal 150 tot 160 liggame kan hou, wat gebeur met die voortdurende krag krisis en die fasiliteit kan nie al die liggame verkoel hou tydens beurtkrag nie?
7. Lugbesoedeling en waterbesoeling kan hier tot gevolg wees wat mens en dier raak.

8. Die eienaar hoop om na afloop van 'n proses van akwamasie, die water wat terug in die rioolstelsel moet vloei se pH- graad tussen 6 en 7 te hou. Wat gebeur in die geval dat dit hoër as die 9,5 styg? Watter risiko hou dit dan vir mens en dier in?

9. Hierdie fasiliteit sal nog meer druk plaas op 'n reeds gekompromiseerde rioolstelsel.

10. Huiseienaars wat naby aan die perseel woon was nie almal geken met die voorneme van so 'n beplande fasiliteit nie. Slegs eienaars wat direk in die straat van beplande fasiliteit woon het uitnodiging van die wyksraadlid gekry om 'n vergadering by te woon.

11. Ek sien ook nie hierdie as 'n werkseppingsgeleentheid nie, want aan maksimum hoeveel persone kan werk verskaf word? Hierdie is slegs ten voordeel vir die eienaar en sy gewin.

Hiermee voel ek dat die eienaar wat hierdie fasiliteit wil oprig, na ander persele in Malmesbury moet kyk om dit op te rig. Wat dink hierdie eienaar van ons mense om so iets in ons woonbuurt te wil oprig? In Moorreesburg is daar reeds niks vooruitgang waar ons maar net moet aanvaar en toekyk hoe Malmesbury uitbrei en vooruitgaan. Ons wil ook vooruitgaan en uitbrei maar hierdie is nie die tipe besighede wat ons in ons woonbuurte wil hê nie.

Hiermee vra ek dat die munisipaliteit nie hierdie projek sal goedkeur nie, in belang van my as getroue burger, dienste en belastingbetaler van Moorreesburg.

Die uwe

Me Nazlee Basson

nazleebasson@gmail.com

# CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 22 March 2023

U VERW / YOUR REF: 15/3/3-9/Erf\_3866

**PER HAND**

**Attention:** Mr A Zaayman

The Municipal Manager  
Swartland Municipality  
Private Bag X52  
**MALMESBURY**  
7300

Sir

**COMMENTS ON OBJECTIONS**

**PROPOSED REZONING AND CONSENT USE ON ERF 3866, MOORREESBURG**

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

This office has been instructed by Mr Mark Meyer as representative of Malmesbury Funeral Services PTY LTD, the registered owners of Erf 3866 to handle all town planning actions regarding the application for rezoning and consent use on erf 3866, Moorreesburg.

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

- Helena Behardien
- Henk & Silna Fourie
- Anne and Clifford Wyeth
- Aletta & Clive Rafferty
- Denver Cordon
- G H & F H Adonis and
- Nazlee Basson

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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](mailto:admin@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299  
MALMESBURY (T) 022 482 1845

Objector	Objection	Comment from CK Rumboll & Partners
Helena Behardien	1. I do not have a problem with the funeral parlour, but with the crematorium.	1. Noted
	2. The cremation water will be fed back into the drain. The cremation changes the colour and smell of the water and it is a concern for us.	<p>2. The department of Water and Sanitation has no objection to the proposal, as long as the developer complies with the points stated in the letter attached as Annexure B. If not, a water use licence will be required.</p> <p>Just like any human sewage waste, the colour and smell changes, the waste water from the proposed crematorium will also change the colour and smell of the water, but will still comply to the regulations set by the department of Water and Sanitation. Since the department has no objection against the proposed development, the proposal can be considered safe.</p>
	3. I believe that this may cause a health issue and I am very much against the erection of the crematorium.	<p>3. Since the property is already Zone Business Zone 1 and is situated in Zone C of the Swartland Spatial Development Framework (SDF), which is the industrial Node of Moorreesburg where these uses are encouraged, the application can be favourably considered.</p> <p>The Department of Environmental Affairs and Development Planning (DEA&amp;DP) and the Department of Water and Sanitation, both confirmed that the proposed does not trigger any listed activities. The residents of Moorreesburg can therefore have assurance that the development will not cause any health issues.</p>
Henk & Silna Fourie	4. My objections is to planning law (PG 8226 of 25 March 2020) due to the Dept of Water and Sanitation and Dept of Environmental Affairs and Development Planning stating that the application sets of no triggers for any concern in safety living standards.	4. As stated by the objector, no triggers from both DEA&DP and Department of Water and Sanitation were triggered by the proposed development. If both the departments are satisfied that the proposal will not be harmful to the environment or water use and the engineers from Swartland Municipality does not foresee any problems with the development, the proposal can be favourably

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	They do not know where the waste is going. Moorreesburg is too small of a town to have a crematorium and our town already has a problem with sewerage smells.	considered.
Anne and Clifford Wyeth	5. The application for re and consent does not seem as it offers any benefit to the people of moorreesburg.	5. The proposal will entail capital investment in town as well as create numerous local job opportunities and attract customers from outside of Moorreesburg. This will contribute to local economic growth in the area.
	6. Aquamation is a new concept in this country and although it is considered to be part of the future to cremation methods, not enough study of the impact on the environment is documented in South Africa.	6. Even though this is a new concept in South Africa, it has been operational for almost 30 years overseas. If the Department of Environmental Affairs and Development Planning has no objection to the proposal, it is considered to be safe (even though it is a new concept in South Africa).
	<p><b>7. Size:</b></p> <p>A comprehensive site research should be included with the planning application. Countries of first world standing have a 1902 cremation act whereby the recommended size of a site for a crematorium is approximately 2Ha of ground. This act also mentions a park like setting.</p> <p>This takes into account the space needed for a remembrance garden a memorial wall and a place to sit in a tranquil setting to remember a loved one.</p> <p>South Africa does not have such an act and so relay on the Municipal land use planning bylaw and the Swartland Municipality to diligently view every part of an application or rezoning of a land.</p>	<p>7. Should Swartland Municipality additionally request a comprehensive site research, it can be compiled</p> <p>The property's location within the industrial node, as stated in point 3, is an encouraging sign for the proposed development. In the Swartland area, the Swartland SDF and Swartland Municipal Land Use Planning By-Law serve as guiding documents for development. Fortunately, these documents support the development on the property, which is excellent news for the funeral parlour and crematorium proposal. Additionally, the proposed building's boundary wall will further mitigate any emotional issues that may arise from the development. Thus, given these favourable circumstances, the funeral parlour and crematorium can be positively considered.</p>

**VENNOTE / PARTNERS:**

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

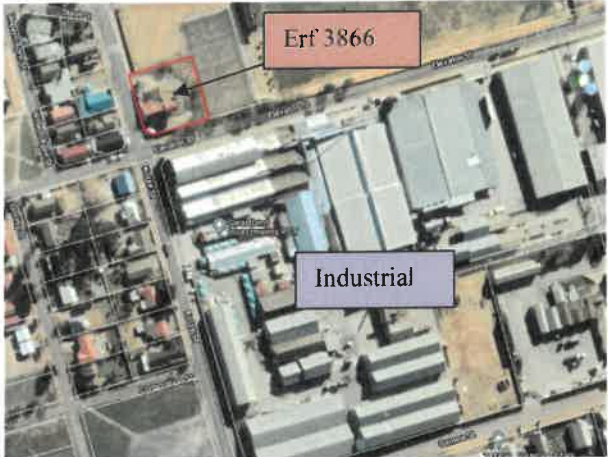
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	<p>One also needs to take into account the social and emotional issue of where a crematorium is placed and erf 3866 in Kotze Street seems far too small.</p>	
	<p><b>8. Hydrolysis: Aquamation by Alkaline</b> Research shows that this waste liquid is NOT odourless. The green/brown waste liquid smells like ammonia/urine and sweat.</p>	<p>8. Noted. The liquid will be drained into the sewerage system where human waste is already being drained and already has a smell and brown colour. The possible impact the proposal will have on the surrounding area, in terms of smell and colour, are limited to none.</p>
	<p>9. The Dept of Water and Sanitation and Dept of Environmental Affairs and Development Planning both confirmed and state that the proposal has no triggers and are sufficient to ensure safe living standards.</p> <p>Our question is how will the liquid be disposed of and where and will there be any back up plans for any blockage or delay in the disposal of the waste liquid and how did the departments in the above paragraph come to the decision without knowing where the waste liquid was going?</p>	<p>9. The liquid will be treated just like any other human waste and be removed through the municipal network. Should any blockage occur it will be dealt with by Swartland Municipality, just like any other human waste.</p>
	<p>10. How can the departments state that no trigger is set off when the report of the pipes has not yet been received? Nowhere in the report is indicated what safety measures will be put into place to ensure that sewerage blockages do not occur.</p>	<p>10. Refer to point 9 above.</p>
	<p>11. This will have health issues on the learners of Laurie Hugo Primary School. How will the smells be dealt with?</p>	<p>11. It is not clear how this will affect the health of the learners of Laurie Hugo Primary School, as the aqua tanks will be located inside the building and the waste will be drained into the sewerage network.</p>

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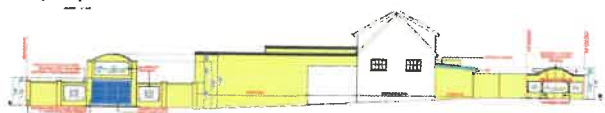
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	<p><b>Understanding Aquamation</b></p> <p>12. The proposal will not benefit Moorreesburg and the resident of the town does not want their loved ones to end up in the sewerage pipes. This will ensure that the main bodies would come from outside Moorreesburg to this small industrial area.</p>	<p>12. Refer to point 5.</p>
Aletta and Clive Rafferty	<p>13. The areas current character (peace, quietness, tranquillity) will be demolished.</p>	<p>13. Although the property is located adjacent to the residential area, the property is already zoned for business use and is located within the industrial node of Moorreesburg. The character of the area is mainly for industrial use and will therefore not have an impact on the area.</p> 
	<p>The following are concerns:</p> <p>13.1. Devaluation of our property value in the crematorium is implemented.</p> <p>13.2. The street is mostly occupied with senior occupants and small children. Any burning processes can have a significant impact on our health.</p> <p>13.3. Current loadshedding conditions and the problems with generators leads to bad smells and maintenance.</p>	<p>13.1 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>13.2 It is the opinion of this office that the objector is uninformed regarding the process of the proposal</p>

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		<p>and what it entails. No burning will take place and all cremation will be inside the building. It will not be visible from the street.</p> <p>13.3 The proposed funeral parlour and crematorium will have backup generators to ensure that the bodies are kept cool and the process for cremation is undisturbed.</p>
Denver Cordon	14. The application is only available at the Malmesbury offices during office hours. The residents on who the application may have an impact cannot access the application.	14. If the objector had a need to review the application documents, they could have easily contacted either the municipality or the applicant. Both parties would have been happy to provide the necessary documentation upon request.
	15. Residents can only make informed decision or objections if all the information is available. The proposal may have an impact on water and sewerage. Consultation should be with everyone in the area and not just the residents of Kotze Street.	15. A public meeting was arranged by Councillor D Pypers, where Mr Mark Meyer explained the process to the residents. Should further information be required, the residents can request the land use application from Swartland Municipality or just simply do an internet search on the topic. A lot of information is already available on aqugreen cremations. See <b>annexure D</b> for comment from Councillor D Pypers.
	16. The residents have no knowledge of "aqugreen crematorium" and the process should be explained to them as well as the impact it will have on water and sewerage.	16. Refer to point 15.
	17. This application may have a huge impact on the value of the surrounding properties and residents need to know about this.	<p>17. Refer to point 13.1</p> <p>Since the residential area is already located adjacent to the existing industrial node, the impact on property value should be limited. Furthermore, the funeral parlour and crematorium will be surrounded by a boundary wall, ensuring that limited visual impact on the surrounding properties.</p> 

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MALMESBURY (T) 022 482 1845



<p>G H &amp; F H Adonis</p> <p>And</p> <p>Nazlee Basson</p>	<p>18. We object to the proposal due to the following:</p> <ol style="list-style-type: none"> <li>1. It goes against our faith</li> <li>2. To close to our house, school and church.</li> <li>3. We are exposed to air pollution as burning will take place.</li> <li>4. Gasses will be exposed which is damaging to people and animals.</li> <li>5. This is not a project to create job opportunities, but to enrich to owner.</li> <li>6. During the heating and burning, it will cause the surrounding area to also increase in heat.</li> <li>7. This will have an adverse impact on the clean air.</li> <li>8. Our laundry will also stink from the smells.</li> <li>9. The water will be polluted. No guarantee is given that it will not pollute the water.</li> <li>10. The chemical used in the process is damaging to humans.</li> <li>11. The proposal will used great amounts of water.</li> <li>12. The owner hope to keep the Ph water level at 6.5, but what if it goes beyond 9.5?</li> <li>13. Unnecessary pressure are added to the sewerage network.</li> <li>14. A public meeting was only held for the residents of Kotze Street.</li> <li>15. Why is this proposed adjacent to people and not in Malmesbury where there is a lot more space?</li> <li>16. We have the right to clean air and the municipality does not protect this right.</li> <li>17. The property value will decrease.</li> </ol>	<ol style="list-style-type: none"> <li>18. 1 Noted.</li> <li>18.2 Refer to point 3. The property is located within the industrial node of Moorreesburg, where these developments are encouraged.</li> <li>18.3 No air pollution will take place as no burning will take place.</li> <li>18.4 No gasses will be exposed, as the cremation will take place inside a cylinder.</li> <li>18.5 The proposal is expected to generate job opportunities and attract capital from neighbouring towns to Moorreesburg, resulting in a boost to the local economy.</li> <li>18.6 No burning will take place.</li> <li>18.7 No air pollution will take place</li> <li>18.8 As mentioned earlier, the objector may be uninformed to what the process entails. No burning will take place that may cause smells to the surrounding land owners. Furthermore, the cremation will take place within a building, which will further reduce any smells the cremation may cause.</li> <li>18.9 Refer to point 4</li> <li>18.10 Noted. After thorough investigation, DEA&amp;DP and the Department of Water and Sanitation were satisfied with the proposal.</li> <li>18.11 The Swartland Engineering department stated that "<i>The current water demand that is needed by Aqua Green Crematorium at Erf 3866 Moorreesburg is relatively low</i>".</li> <li>18.12 If this was a concern, the department of Water and Sanitation would have flagged it in their comments.</li> <li>18.13 The property already has access to municipal services. No additional pressure is proposed.</li> <li>18.14 Noted.</li> <li>18.15 The owner has the right to invest and develop if in accordance with the SDF and Municipal Land Use Planning By-Law.</li> <li>18.16 No air pollution will take place.</li> </ol>
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	<p>18. On the long term toxic gasses will be set free which can lead to sickness and death.</p> <p>19. The amount of people that choose to be cremated in low, so there is no need for this use.</p> <p>20. The facility will be able to keep 150-160 bodies, what happens if the power goes out?</p>	<p>18.17 Refer to point 17.</p> <p>18.18 Refer to point 18.4</p> <p>18.19 Noted. The statement is subjective and the owner still has the right to apply for this development.</p> <p>18.20 Refer to point 13.3</p>
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Given the above factors, it is clear that the proposed development will bring about substantial economic benefits to the town of Moorreesburg while minimizing any adverse impact on the environment or water usage. Additionally, the property's location within Moorreesburg's industrial zone makes the proposal a favourable option.

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

Kind regards



NJ de Kock  
For CK Rumboll and Partners

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VENNOTE / PARTNERS:

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

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## **Annexure A**

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



Munisipaliteit  
Municipality  
Umasipala

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

File ref: 15/3/3-9/Erf\_3866  
15/3/10-9/Erf\_3866

Enquiries:  
Ms D N Stallenberg

7 March 2023

C K Rumboll & Partners  
P O Box 211  
MALMESBURY  
7299

Dear Sir/Madam

**PROPOSED REZONING AND CONSENT USE ON ERF 3866, MOORREESBURG**

Your application with reference MOOR12956/NJdD dated 18 January 2023 refers.

Kindly find attached the objections received by Helena Behardien, Henk & Silna Fourie, Anne and Clifford Wyeth, Aletta & Clive Rafferty, Denver Cordon, G H & F G Adonis and Nazlee Basson 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**



Verwys na kennisgewing 57/2022/2023

23 Februarie 2023

Voorgestelde hersonering en gebruik op ERF 3866 Moorreesburg.

Verwysing no. 15/0/3-9/ERF386615/3/10-9/ERF 3866, Kotzestraat 13, Moorreesburg.

Die Munisipale bestuurder

Ek wil u hiermee inlig dat ek geen probleem het met die opstel van 'n begrafnisonderneming by Kotzestraat 13, Moorreesburg nie.

My probleem lê egter by die stigting van 'n krematorium wat, akwamasie wil beoefen.

Moorreesburg is 'n klein gemeenskap en die leerders van , Laerskool Laurie Hugo, maak egter van die straat gebruik, op hulle weg skool toe en terug huistoe.

U het telefonies bevestig dat die oorskot in die rioolpyp beland. Die akwamasie veroorsaak kleuring en reuk van die water, en dis my bekommernis.

Ek glo dat dit 'n gesondheids risiko vir ons gemeenskap kan inhou en is sterk gekant teen die oprig van die krematorium.

Vriendelike groete.

Helena Behardien  
Kotzestraat 37  
MOORREESBURG  
7310

[swdekor@telkomsa.net](mailto:swdekor@telkomsa.net) (083 230 3233)

**From:** HP Fourie <hpfourie@agrizone.co.za>  
**Sent:** Monday, 13 February 2023 08:32  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:**

Hi Herman Olivier

Insake die bou van n krematorium in Moorreesburg staan ek en my eggenoot dit heeltemal teen, want ons sit genoeg met stank reuke asgevolg van die sewerage gate wat so stink en nou nog dit ook.

Groete

Henk en Silna Fourie

I Object to the building of an Aquagreen Crematorium at 13 Kotze Street Moorreesburg re Notice 57/2022/2023 PROPOSED REZONING AND CONSENT USE ON ERF 3866 MOORREESBURG.

My objection is to planning by law (PG 8226 of 25 March 2020) due to Dept. Water and Sanitation and Dept. of Enviroment Affairs and planning stating that the application sets off no triggers for any concern in safety living standards.

They do not know where the waste is going.

Moorreesburg is too small an area to have a Crematorium and our town already has a problem with sewerage smells.

## Wyeth Photography

**From:** Wyeth Photography <wyethphotography@pcnetmail.co.za>  
**Sent:** Sunday, February 12, 2023 9:04 PM  
**To:** 'swartland.mun@swartland.org.za'  
**Subject:** Aquagreen Crematorium proposal - Objection  
**Attachments:** Aquagreen Crematorium proposal - Objection.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The Municipal Manager

Attached please find our Objection to:

MUNICIPALITEIT SWARTLAND				
Rek. No.	Int. No.	Verst.	Rek. d. d.	Rek. d. d.
15/3/3-9/Erf-3866				
555B(AJ)				
15/3/10-9/Erf-3866				(Rek. d. d.)

Re Notice 57/2022/2023

Proposed rezoning and consent use on erf 3866 Moorreesburg

Reference number 15/3/3-9/Erf 3866 / 15/3/10-9/Erf 3866

Situated at 13 Kotze Street Moorreesburg



Regards

Anne and Clifford Wyeth

5B Walter Street

Moorreesburg

022 4333601

[wyethphotography@pcnetmail.co.za](mailto:wyethphotography@pcnetmail.co.za)

Concerning Notice 57/2022/2023

12<sup>th</sup> February 2023

Proposed rezoning and consent use on ERF 3866 Moorreesburg

Reference number 15/0/3-9/Erf\_3866 / 15/3/10-9/Erf\_3866

Situated at 13 Kotze Street Moorreesburg

The Municipal Manager

The application for the Erf 3866 to be used as a Funeral Parlor under Business Zone 1 zoning is NOT in dispute in this e-mail.

**However, the application for consent use for a crematorium on a portion of Erf 3866, by re zoning a portion of the erf to Industrial Zone 3 zoning is not seen as an application that offers any benefit, to the people of Moorreesburg.**

Aquamation, is a new concept in this country and although it is considered to be part of the future to cremation methods, not enough study of the impact such a crematorium will have on the environment is known or documented in South Africa.

#### **The size of erf 3866**

A comprehensive site research should be included with the planning application.

Countries of first world standing have a 1902 cremation act whereby the recommended size of a site for a crematorium is approximately a minimum of 2 hectares of ground.

One hectare is equal to 10000sq meters.

This act also mentions a park like setting.

This takes into account the space needed for a remembrance garden a memorial wall and a place to sit in a tranquil setting to remember a loved one.

South Africa does not have such an act and so we rely on our Municipal Land Use Planning by law(PG8226 of 25 March 2020) and our Swartland Municipality to diligently view every part of an application for re zoning the use of land.

One also needs to take into account the social and emotional issue of where a crematorium is placed and erf 3866 in Kotze Street seems far too small.

#### **Hydrolysis: Aquamation by Alkaline**

The process is that a body is placed in a stainless steel container, water is pumped in and an alkaline solution is added and it is heated to about 150C. It takes between 3 and 20 hours depending on the size of the body for the process to complete.

The end result is a large amount of green/brown liquid and bone.

The bone is normally ground down to a powder and the green/brown waste water is disposed of.

#### **Research shows that this waste liquid is NOT odourless**

The green/brown waste liquid smells like ammonia/urine and sweat.

#### **Viewing the plans at the Municipal offices in Malmesbury**

On the 8<sup>th</sup> February we perused the plans and the application for re zoning and afterwards had a meeting with Alwyn Burger where we discussed our concerns with him.

On viewing page 19 of the application of the plans, the Dept. of Environment Affairs development planning and Dept of water and sanitation both confirm and state that the proposal has no triggers and are sufficient to ensure safe living standards.

Our question was how was this waste liquid being disposed of and where and was there any back up plans for any blockage or delay in the disposal of this waste liquid and how did the departments in the above paragraph come to the decision without knowing where the waste liquid was going?

**How can they state this sets off no triggers, when the report of the pipes had still not been received.**

**We were advised by Alwyn Burger that this report was still awaited.**

**Nowhere on the planning application could it be seen where this waste liquid would be disposed of or what safety measures would be taken into account in respect of sewerage blockage or any disposal pipe blockage.**

**This is a main issue and should be taken into account with the problems we already have in Moorreesburg with what is known as the bucket system.**

**Laurie Hugo Primary School is one street away and this brings in a health issue for young learners. How will they manage with the smell from the waste of the Aquamation.**

**Moorreesburg is a small town with one set of traffic lights, it has a very small industrial area, that is inter mixed with residential properties and although we welcome new business growth, we need to take care that the good health of our population is a major factor and our air quality is good enough to sustain a healthy environment for all.**

#### **Information to residents of Kotze Street**

**We were advised by Alwyn Burger that residents marked on the map in Kotze Street would receive a registered letter about the proposed re zoning.**

**However, we advised Alwyn Burger that the Post Office in Moorreesburg is closed and this may affect the registered letters reaching the residents.**

**Alwyn Burger advised that he would check on this matter.**

#### **Understanding Aquamation**

**Until we know where the waste from Aquamation is going and what back up facility is going to be in place for any pipe blockage.**

The application to re zone a portion of the erf 3866 to zone 3 industrial is not seen to be of any benefit to Moorreesburg .

Although our bodies are made up of 65 percent water and Aquamation leaves a large amount of green brown waste water and bone. We think it highly unlikely that the residents of Moorreesburg would want the majority of their loved one to end up in the sewerage pipes.

So the main bodies for Aquamation would come from outside Moorreesburg and as we are a small town why have an Aquamation Crematorium placed in a small industrial area here.

We the undersigned Object to the re zoning to zone 3 due to insufficient erf size and the lack of health and sanitation comprehensive report that shows where the waste green/brown liquid is going and shows safety measures are in place for any drain or sewerage blockage on said application.

We strongly object to erf 3866 or part of it re zoned to a zone 3 and we object to (PG8226 of 25 March 2020) for the building of an Aquagreen crematorium on site at 13 Kotze Street Moorreesburg.

Anne and Clifford Wyeth

5 B Walter Street Moorreesburg

022 4333601

[wyethphotography@pcnetmail.co.za](mailto:wyethphotography@pcnetmail.co.za)

Two handwritten signatures in black ink. The top signature is 'Anne Wyeth' and the bottom signature is 'Clifford Wyeth'. Both are written in a cursive, flowing style.



**From:** Alta Rafferty <altarafferty@gmail.com>  
**Sent:** Wednesday, 22 February 2023 21:20  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** Erf 3866, Moorreesburg: Object to the opening of a funeral parlor and crematorium

Dear Sir/Madam

NOTICE 57/2022/2023

PROPOSED REZONING AND CONSENT USE ON ERF 3866, MOORREESBURG

We would like to object to the application for consent to use Erf 3866 as Funeral Parlour and Crematorium.

Having lived in Moorreesburg, contributing and investing to the education, spiritual and social development of this community, it is with great sadness and disappointment that we need to address this disturbing topic in our "Golden Years".

We are currently facing very challenging health issues, of which my husband Clive is currently in a Rehabilitation Centre after the amputation of his leg due to diabetic status. Cancer, Frail Lung Issues, and Diabetes are just some of the health issues that we as a couple are currently facing.

We are strongly against the development of this institution as the whole community This area's current character (peace, quietness, tranquillity) will be demolished.

Below just some of our concerns:

- The devaluation of our property value if the Crematorium is implemented
- This street is mostly occupied with senior occupants and small children. Any burning processes can have a significant impact on our health
- Current loadshedding conditions and the problems with generators that leads to bad smells and maintenance.

Name : Aletta Rafferty , Clive Rafferty

Address: 64 Kotzestreet, Moorreesburg

Preferred method of contact: 0766431237 or email: [altarafferty@gmail.com](mailto:altarafferty@gmail.com)

Regards

Aletta Rafferty and Clive Rafferty

0766431237

**From:** Denver Cordon <denver.cordon@gmail.com>  
**Sent:** Tuesday, 28 February 2023 12:38  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>; Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** KENNISGEWING 57/2022/2023 - Beswaar teen VOORGESTELDE HERSONERING EN VERGUNNINGSGEBRUIK OP ERF 3866, MOORREESBURG

27 Februarie 2023

Die Munisipale Bestuurder  
KENNISGEWING 57/2022/2023  
Beswaar teen VOORGESTELDE HERSONERING EN VERGUNNINGSGEBRUIK OP ERF 3866,  
MOORREESBURG

Hiermee redes vir beswaar:

1. Hierdie aansoek is slegs beskikbaar vir inspeksie op Malmesbury kantoor gedurende kantoor ure. Die inwoners op wie hierdie aansoek 'n moontlike impak mag he is woonagtig op Moorreesburg. Inwoners het dus geen toegang tot die aansoek nie.
2. Inwoners kan slegs oordeelkundige besluite neem indien alle inligting aan hulle bekend gemaak word. Hierdie aansoek het moontlik 'n impak op ons omgewing, water en riool. Indien dit die geval is moet die inwoners ingelig wees. Konsultasie met inwoners moet dus geskied met almal in die omgewing en nie net inwoners van Kotze straat nie. Hier is skole, kerke en ander inwoners ook woonagtig.
3. Inwoners het geen kennis van "Aquagreen Crematorium" nie en moet hierdie proses aan inwoners verduidelik word, tesame met die impak op ons omgewing, water en riool.
4. Hierdie aansoek mag dalk 'n enorme negatiewe finansiële impak he op bestaande eiendomme se waardasie en inwoners in die omgewing moet kennis dra van so 'n finansiële impak.

Denver Cordon  
9 Laurie Hugo Straat  
Moorreesburg  
082 890 3528  
denver.cordon@gmail.com

2023-02-22

Mne en Mev FG Adonis

Doringstraat 48

Moorreesburg

7310

Aan die Munisipale Bestuurder

**In sake: Beswaar teen die oprigting van gebou vir Waterverassing van afgestorwe persone in Moorreesburg op die hoek van Kotze- en Eleavator Straat.**

Ons is belastingbetalers en inwoners van Moorreesburg en woon naby daardie adres en is bekommerd oor die impak van so 'n besigheid op ons en ander se lewens.

Ons redes vir beswaar is:

- (1) Ons is heftig daarteen gekant.
- (2) Dit druis in teen ons geloof.
- (3) Dit is hopeloos te na aan ons erwe, skool en kerk.
- (4) Ons wat naby bly word blootgestel aan lugbesoedeling, want verbranding gaan plaasvind.
- (5) Gasse gaan dus vrygestel word wat ongesond vir mens en dier is.
- (6) Dus nie 'n geval van 'n werkskeppingsprojek na ons mening nie, maar eerder om slegs die eienaar/s persoonlik te verryk.
- (7) Dit lyk hy wil so 'n besigheid bedryf ten koste van ons ander se gesondheid.
- (8) Gedurige verhitting van water en verbranding sal mos die temperatuur in die omgewing ook laat styg.
- (9) Die verbranding veroorsaak mos vuil gasse en ons as mense wat hier bly is mos geregtig op skoon lug. Hierdie vuil lug en reuke kan gesondheidsprobleme veroorsaak. En soos ons dink velprobleme en slegte invloed op jou longe, ens.
- (10) Geld omgewingswette oor skoon lug dan nie vir ons ook nie.
- (11) Erwe en huise is al voor die nywerheidsgebied hier.
- (12) Mens se wasgoed sal mos ook stink van die reuke.
- (13) Besoedeling van die water kan plaasvind. Ons verstaan die plan is om dit in die rioolstelsel te laat loop en daar is geen waarborg dat daar geen besoedeling sal wees nie.
- (14) Ons praat nie van minder besoedeling as vlamme verassing nie, ons praat van geen besoedeling.
- (15) Dink jou in daar kom 'n fout met waterbesoedeling. En mens en dier is die slagoffers.
- (16) Daar bestaan geen regulering vir resomasie nie, dws enige foute kan voorkom en dan toegesmeer word.

- (17) Die chemiese middels wat in die proses gebruik word, is mos 'n bedreiging vir ons as mens.
- (18) Die baie water wat gebruik word, is mos ook 'n probleem en wie trek die voordeel uit daardie geld wat vir water betaal word. Terwyl ons hoor van spaarsaam wees met water en landgenote geen water het nie. En water moet drink uit putte waarin dooie gediertes ook teenwoordig is.
- (19) Dit is 'n aanhoudende verbranding wat ons inwoners mos hier naby negatief benadeel.
- (20) Ons het geen waarborg dat die pH laer as 9.5 sal wees nie, want in die Courant noem hy dat hy hoop om dit 6.5 te hou. Hoop. Dit is nie 'n waarborg. Wat as hoër as 9.5?
- (21) Onnodige druk word nou op die riool-stelsel geplaas.
- (22) Die vloeistof betrokke by die proses kan skade veroorsaak as dit in die standaard afvalwater sisteme beland.
- (23) Dan moet ons ook hoor 'n vergadering word vir mense net in daardie straat beplan. So asof dit net iets is wat daardie straat se mense raak, want as reuke en gasse en vuil water in die riool beland, raak dit seker net daardie straat se mense. En gasse in die lug bly seker net in daardie straat. Iets soos wind bestaan nie.
- (24) En wat is die effek van daardie projek op babas en babas wat gebore moet word? Wie weet? As daar later weer iets ontstaan as gevolg van die aktiwiteit wie of wat sal geblameer word? My vraag is hoekom wil die Munisipaliteit so iets toe laat hier langs mense. Is in Malmesbury nie beter plekke vir so iets nie. Weg van mense.
- (25) Ons voel die Munisipaliteit beskerm nie ons mense se regte nie. Ons het mos seker 'n reg op skoon lug en moet dit mos beskerm, ook teen potensieële gevare, dan nie? Hoekom 'n risiko neem met so iets.
- (26) Ons moet mekaar respekteer.
- (27) Ons huise se waardasie gaan mos daal met so iets hier by ons.
- (28) Ons is glad nie behoorlik ingelig van so iets nie want ons moet in die Courant lees daarvan.
- (29) Hier is skole en die Kerk naby.
- (30) Op die lang termyn sal giftige gasse wat vrygestel word, mos kan ly tot siektes en mense se dood.
- (31) Giftige gasse vrygestel lei tot wolkvorming en dit daal neer op die mense, diere en plante. Niemand kan ons kom vertel hierdie projek is 100% veilig nie. Jammer.
- (32) Die eienaar van hierdie besigheid ervaar nie een van hierdie vrese of moontlike vrese en ongerief nie want hy slaap heerlik en rustig in sy huis waar hy ook al bly maar beslis nie langs die plek wat syne is nie.
- (33) So in alle ordentlikheid laat vaar die projek asseblief.
- (34) Of julle dit wil laat vaar, hang nie van wetenskaplike navorsing af nie, dit hang eenvoudig net af van wat dink julle van ons om te wil toelaat dat so 'n plek hier langs ons opgerig word.

Ek vertrou ons beswaar word ernstig opgeneem Ons is 'n getroue belasting- en dienstebetalers in die gebied.

Dankie

GH en FG Adonis



Me Nazlee Basson

Doornstraat 29

Moorreesburg

7310

Datum: 26 Februarie 2023

Die Munisipale Bestuurder

In sake: Beswaar teen die oprigting van 'n Akwamasiefasiliteit in  
Moorreesburg op die hoek van Kotze en Elevatorstraat.

Ek is huiseienaar van bogenoemde adres en belastingbetaler, en maak hiermee heftig beswaar teen die voorneme om 'n Akwamasifasiliteit op te rig op bogenoemde perseel. My redes vir beswaar is as volg:

1. Hierdie proses druis in teen my geloof.
2. Die beplande perseel is te na aan ons erwe, skool, kleuterskool en kerk.
3. Die persentasie van mense wat verassing kies is klein, so dus sien ek nie die nodigheid dat daar so 'n fasiliteit hier opgerig word nie.
4. Om so 'n fasiliteit in ons woonbuurt te hê gaan die waardasie van ons eiendomme laat daal.
5. Wetgewing is nie in plek om so 'n fasiliteit te reguleer nie.
6. Die fasiliteit sal 150 tot 160 liggame kan hou, wat gebeur met die voortdurende krag krisis en die fasiliteit kan nie al die liggame verkoel hou tydens beurtkrag nie?
7. Lugbesoedeling en waterbesoeling kan hier tot gevolg wees wat mens en dier raak.

8. Die eienaar hoop om na afloop van 'n proses van akwamasie, die water wat terug in die rioolstelsel moet vloei se pH- graad tussen 6 en 7 te hou. Wat gebeur in die geval dat dit hoër as die 9,5 styg? Watter risiko hou dit dan vir mens en dier in?

9. Hierdie fasiliteit sal nog meer druk plaas op 'n reeds gekompromiseerde rioolstelsel.

10. Huiseienaars wat naby aan die perseel woon was nie almal geken met die voorneme van so 'n beplande fasiliteit nie. Slegs eienaars wat direk in die straat van beplande fasiliteit woon het uitnodiging van die wyksraadlid gekry om 'n vergadering by te woon.

11. Ek sien ook nie hierdie as 'n werkseppingsgeleentheid nie, want aan maksimum hoeveel persone kan werk verskaf word? Hierdie is slegs ten voordeel vir die eienaar en sy gewin.

Hiermee voel ek dat die eienaar wat hierdie fasiliteit wil oprig, na ander persele in Malmesbury moet kyk om dit op te rig. Wat dink hierdie eienaar van ons mense om so iets in ons woonbuurt te wil oprig? In Moorreesburg is daar reeds niks vooruitgang waar ons maar net moet aanvaar en toekyk hoe Malmesbury uitbrei en vooruitgaan. Ons wil ook vooruitgaan en uitbrei maar hierdie is nie die tipe besighede wat ons in ons woonbuurte wil hê nie.

Hiermee vra ek dat die munisipaliteit nie hierdie projek sal goedkeur nie, in belang van my as getroue burger, dienste en belastingbetaler van Moorreesburg.

Die uwe

Me Nazlee Basson

nazleebasson@gmail.com

## **Annexure B**

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## **water & sanitation**

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

### **WESTERN CAPE**

Private Bag X16, Sanlamhof, 7532, 52 Voortrekker Road, Bellville, 7530

☎ 021 941 6185  
☎ 086 556 9985  
✉ dreyerw@dws.gov.za

AS  
☐ Mr. Warren Dreyer  
16/27/G200/A/11

Attention: Mark Meyer

The Director  
AquaGreen Crematorium  
36 Magnolia Avenue  
Malmesbury  
7300

Dear Sir

### **WATER USE QUERY: AQUAGREEN CREMATORIUM**

Your correspondence dated 30 May 2019 has reference.

The Department has reviewed the information provided and can confirm that the proposed development does not require a water use authorisation as it does not trigger any water uses as contemplated in Section 21 of the National Water Act, 1998 (Act No. 36 of 1998). The Department has no objection to the proposed development provided the following are adhered to at all times:

1. Should the wastewater from the disposition process be used to irrigate any part of the facility, this would constitute a water use, which will require authorisation before the use is undertaken. Please see attached Government Notice 665 In Government Gazette 36820, dated 6 September 2013, which is used to regulate this type of water use.
2. No abstraction of surface or groundwater may be done without prior authorisation from this Department, unless it is a Schedule 1 Use or an Existing Lawful Use as described in the National Water Act, 1998 (Act No. 36 of 1998).
3. No surface, ground or storm water may be polluted as a result of any activities on the site. In the event that pollution does occur, this Department must be informed immediately.
4. Solid waste must be properly managed and disposed of at an authorised solid waste facility and must comply with relevant legislation.
5. All applicable sections of the National Water Act, 1998 (Act No. 36 of 1998) must be adhered to at all times.

Should you have any questions please do not hesitate to contact this office.

Your co-operation aimed at the protection of water resources will be greatly appreciated.

Yours faithfully

*A. Schreuder*  
REGIONAL HEAD: WESTERN CAPE  
Signed by: A Schreuder  
Designation: Chief Engineer  
Date: 24 June 2019

## Annexure C

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**REFERENCE:** 16/3/3/6/1/F5/17/2131/22

**DATE:** 18 November 2022

The Proponent  
36 Magnolia Avenue  
Wesbank  
MALMESBURY  
7300

**Attention: Mr. Mark Philip Meyer**

E-mail: [aquagreencrematorium@gmail.com](mailto:aquagreencrematorium@gmail.com)

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT AND DETERMINATION ON THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) WITH REGARDS TO THE PROPOSED ESTABLISHMENT OF THE AQUAGREEN CREMATORIUM ON ERF NO. 3866, MOORREESBURG.**

1. The Applicability Checklist dated and received by this Department via electronic mail correspondence on 31 October 2022, refers.
2. A previous applicability checklist was submitted to the Department on 18 August 2020 and the Directorate issued a determination letter on 10 September 2020 (Ref No: 16/3/3/6/1/F5/17/2123/20) confirming that the proposed crematorium does not trigger any listed activities in terms of the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended). However, minor amendments have been made to proposal and the development footprint will be slightly larger and therefore a revised applicability checklist was submitted.
3. This Department has reviewed your correspondence and noted the following:
  - 3.1 The proposed development entails the construction of a crematorium on Erf No. 3866, Moorreesburg, comprising of the following:
    - Section A will include a designated area where corpses will be prepared for burial;
    - Section B will include the crematorium area;
    - Section C will include a designated area where corpses will be stored;
    - Section D will include a chapel;
    - Section E will include a display area where coffins may be viewed;
    - Section F will include an administration block;
    - Section G will include an accommodation facility for the on-site manager;
    - Section H will include rest rooms and a kitchen for guests; and
    - Parking facilities.
  - 3.2 Erf No. 3866, Moorreesburg is zoned Business I.
  - 3.3 Potassium Hydroxide will be used to decompose the corpses.
  - 3.4 The waste by-product will be drained into the Swartland Municipal sewerage system.
  - 3.5 The total development footprint will be approximately 646.35m<sup>2</sup>.
  - 3.6 The erf is located within the urban edge and urban area of Moorreesburg.

- 3.7 There are no watercourses on or adjacent to the erf (closest watercourse is located within 650m of the site) and little to no indigenous vegetation is present as the erf is completely transformed.
- 3.8 The West Coast District Municipality confirmed in a letter dated 31 October 2022 that the proposed establishment of an Aquagreen crematorium does not require a permit or licence in terms of national or provincial legislation governing the release of emissions, effluent, or pollution.
4. Please be advised that, based on the information provided, the proposed establishment of a crematorium on Erf No. 3866, Moorreesburg does not appear to constitute any listed activities as defined in terms of the EIA Regulations, 2014 (as amended). Written authorisation is therefore not required from the competent authority prior to the undertaking of the said activity. This determination is based on the following:
- 4.1 The site is located within the urban area and the proposed project will be more than 32m from a watercourse, hence Activity 12 of Listing Notice 1 and Activity 14 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) will not be triggered:

**Activity 12 of Listing Notice 1:**

"The development of -

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
- (ii) infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -

excluding-

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area;
- (ee) where such development occurs within existing roads, road reserves or railway line reserves; or
- (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared".

**Activity 14 of Listing Notice 3:**

"The development of-

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or
- (ii) infrastructure or structures with a physical footprint of 10 square metres or more;

where such development occurs -

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding the development infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

- i. Western Cape
- i. Outside urban areas:
  - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
  - (bb) National Protected Area Expansion Strategy Focus areas;
  - (cc) World Heritage Sites;
  - (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
  - (ee) Sites or areas listed in terms of an international convention;
  - (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
  - (gg) Core areas in biosphere reserves; or
  - (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined".

- 4.2 The proposed facility will not store or handle more than 80m<sup>3</sup> of Potassium Hydroxide at a time, therefore Activity 14 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) will not be triggered:

**Activity 14:**

"The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres".

- 4.3 No infilling or depositing of any material of more than 10m<sup>3</sup> into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10m<sup>3</sup> from a watercourse will take place, therefore Activity 19 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) will not be triggered:

**Activity 19:**

"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;

but excluding where such infilling, depositing, dredging, excavation, removal or moving-

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;

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

4.4 The site is largely devoid of natural vegetation and no vegetation will be cleared, hence Activity 27 of Listing Notice 1 and Activity 12 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) will not be triggered:

**Activity 27 of Listing Notice 1:**

"The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan".

**Activity 12 of Listing Notice 3:**

"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. |

i. Western Cape

- 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;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".

4.5 A permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution is not required. Therefore, Activity 6 of Listing Notice 2 of the EIA Regulations, 2014 (as amended), will not be triggered:

**Activity 6:**

"The development of facilities or infrastructure for any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent, excluding—

- (i) activities which are identified and included in Listing Notice 1 of 2014;

- (ii) activities which are included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies;
- (iii) the development of facilities or infrastructure for the treatment of effluent, polluted water, wastewater or sewage where such facilities have a daily throughput capacity of 2 000 cubic metres or less; or
- (iv) where the development is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will not exceed 50 cubic metres per day".

5. Furthermore, to the abovementioned, and due to the nature of your proposed development, it is recommended that the following Directorates of this Department be consulted:

Directorate: Waste Management  
 Director: Mr. Saliem Haider  
 Email: [Saliem.Haider@westerncape.gov.za](mailto:Saliem.Haider@westerncape.gov.za)

Directorate: Pollution and Chemicals Management  
 Acting Director: Ms. Amina Sulaiman  
 Email: [Amina.Sulaiman@westerncape.gov.za](mailto:Amina.Sulaiman@westerncape.gov.za)

6. However, should any other revision of the proposed development constitute a listed activity(ies) as defined terms of Listing Notice 1, 2 & 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
7. It is prohibited in terms of the NEMA to commence with a listed activity without a relevant Environmental Authorisation from the Competent Authority. Non-compliance in terms of the prohibition will be referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. The penalty for a person convicted of an offence in terms of the above is a fine not exceeding R10 000 000 or imprisonment for not more than 10 years, or both such fine and such imprisonment.
8. Please be reminded of your general duty of care and the remediation of environmental damage in terms of Section 28(1) of the NEMA, wherein it is stated that –

*"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment". The obligation to take reasonable measures is imposed on, inter alia, "an owner of land, a person in control of land or a person who has a right to use the land or premises on which or in which (a) any activity or process is or was performed or undertaken or (b) any other situation exists which causes, has caused or is likely to cause significant degradation of the environment....".*



The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully

**Taryn**  
**Dreyer**

Digitally signed  
by Taryn Dreyer  
Date: 2022.11.18  
10:10:52 +02'00'

pp **MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

CC: (1) Mr. Alwyn Burger (Swartland Municipality)  
(2) Ms. C. Ganten-Bein (West Coast District Municipality)

E-mail: [AlwynBurger@swartland.org.za](mailto:AlwynBurger@swartland.org.za)  
E-mail: [cgbein@wcdm.co.za](mailto:cgbein@wcdm.co.za)

## Annexure D

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**Fwd: Moorreesburg Krematorium**

1 message

**Mark Meyer** <malmesburyfuneralservices@gmail.com>

To: planning2@rumboll.co.za

Cc: alwynburger@swartland.org.za

1 March 2023 at 11:00

----- Forwarded message -----

From: **Desmond Christopher Pypers** <rdl.pypersd@outlook.com>

Date: Wed, Mar 1, 2023 at 10:24 AM

Subject: Moorreesburg Krematorium

To: malmesburyfuneralservices@gmail.com &lt;malmesburyfuneralservices@gmail.com&gt;

Aan wie dit mag aangaan.

Ek is Raadslid Desmond Pypers ,ek was oorval met vrae uit die gemeenskap rakende die voorgestelde Krematorium in Kotze straat Moorreesburg.

Ek het kontak gemaak met Mnr Mark Meyer wat die Krematorium wil oprig in Moorreesburg e naan hom n vesoek gerig om tog ons mense te kom inlig rondom die Krematorium.

Ons het ooreengekom en ek het met die belanghebbendes wat aangedui was op die kaart van Munisipaliteit kontak gemaak deur van huis tot huis te gaan,n meeting was geskeduleer tussen Mnr Meyer en die belanghebbendes in daai onmiddelijke area soda thy n voorlegging kon doen oor die Krematorium.die voorlegging was gedoen op 23 Februarie 2023 te 34 Disa straat Moorreesburg (New Destiny Community Church).

Daar was nie n persensie lys nie ,mense het vrae gevra,mense is ontevrede oor die Krematoriumwat op hui voorstoep is,daar is mense wat tengunste van dit is wat nie die voorlegging bygewoon het nie.

Die gevoel is tog dat daar met die bree gemeenskap gesels word oor die Krematorium so gou as moontlik.

Vreindlike groete

**Councillor D Pypers**

Ward 2 Councillor

T: 022 487 9400 | F: 022 487 9440 | M: 084 772 6538

**SWARTLAND MUNICIPALITY**



TO REGISTER :

Visit [vaccine.enroll.health.gov.za/#/](https://vaccine.enroll.health.gov.za/#/)

WhatsApp the word "REGISTER" to 0600 123 456

Dial 0860 142 142

Dial \*134\*832# from a cell phone





Mark Meyer - CEO



**Western Cape  
Government**

Department of Environmental Affairs and Development Planning

**Rondine Isaacs**

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

**REFERENCE:** 16/3/3/6/1/F5/17/2131/22

**DATE:** 18 November 2022

The Proponent  
36 Magnolia Avenue  
Wesbank  
MALMESBURY  
7300

**Attention: Mr. Mark Philip Meyer**

E-mail: [aquagreencrematorium@gmail.com](mailto:aquagreencrematorium@gmail.com)

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT AND DETERMINATION ON THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) WITH REGARDS TO THE PROPOSED ESTABLISHMENT OF THE AQUAGREEN CREMATORIUM ON ERF NO. 3866, MOORREESBURG.**

1. The Applicability Checklist dated and received by this Department via electronic mail correspondence on 31 October 2022, refers.
2. A previous applicability checklist was submitted to the Department on 18 August 2020 and the Directorate issued a determination letter on 10 September 2020 (Ref No: 16/3/3/6/1/F5/17/2123/20) confirming that the proposed crematorium does not trigger any listed activities in terms of the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended). However, minor amendments have been made to proposal and the development footprint will be slightly larger and therefore a revised applicability checklist was submitted.
3. This Department has reviewed your correspondence and noted the following:
  - 3.1 The proposed development entails the construction of a crematorium on Erf No. 3866, Moorreesburg, comprising of the following:
    - Section A will include a designated area where corpses will be prepared for burial;
    - Section B will include the crematorium area;
    - Section C will include a designated area where corpses will be stored;
    - Section D will include a chapel;
    - Section E will include a display area where coffins may be viewed;
    - Section F will include an administration block;
    - Section G will include an accommodation facility for the on-site manager;
    - Section H will include rest rooms and a kitchen for guests; and
    - Parking facilities.
  - 3.2 Erf No. 3866, Moorreesburg is zoned Business I.
  - 3.3 Potassium Hydroxide will be used to decompose the corpses.
  - 3.4 The waste by-product will be drained into the Swartland Municipal sewerage system.
  - 3.5 The total development footprint will be approximately 646.35m<sup>2</sup>.
  - 3.6 The erf is located within the urban edge and urban area of Moorreesburg.

- 3.7 There are no watercourses on or adjacent to the erf (closest watercourse is located within 650m of the site) and little to no indigenous vegetation is present as the erf is completely transformed.
- 3.8 The West Coast District Municipality confirmed in a letter dated 31 October 2022 that the proposed establishment of an Aquagreen crematorium does not require a permit or licence in terms of national or provincial legislation governing the release of emissions, effluent, or pollution.
4. Please be advised that, based on the information provided, the proposed establishment of a crematorium on Erf No. 3866, Moorreesburg does not appear to constitute any listed activities as defined in terms of the EIA Regulations, 2014 (as amended). Written authorisation is therefore not required from the competent authority prior to the undertaking of the said activity. This determination is based on the following:

- 4.1 The site is located within the urban area and the proposed project will be more than 32m from a watercourse, hence Activity 12 of Listing Notice 1 and Activity 14 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) will not be triggered:

**Activity 12 of Listing Notice 1:**

"The development of -

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
- (ii) infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -

excluding-

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area;
- (ee) where such development occurs within existing roads, road reserves or railway line reserves; or
- (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared".

**Activity 14 of Listing Notice 3:**

"The development of-

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or
- (ii) infrastructure or structures with a physical footprint of 10 square metres or more;



where such development occurs -

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding the development infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

- i. Western Cape
- i. Outside urban areas:
  - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
  - (bb) National Protected Area Expansion Strategy Focus areas;
  - (cc) World Heritage Sites;
  - (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
  - (ee) Sites or areas listed in terms of an international convention;
  - (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
  - (gg) Core areas in biosphere reserves; or
  - (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined".

- 4.2 The proposed facility will not store or handle more than 80m<sup>3</sup> of Potassium Hydroxide at a time, therefore Activity 14 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) will not be triggered:

**Activity 14:**

"The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres".

- 4.3 No infilling or depositing of any material of more than 10m<sup>3</sup> into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10m<sup>3</sup> from a watercourse will take place, therefore Activity 19 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) will not be triggered:

**Activity 19:**

"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;

but excluding where such infilling, depositing, dredging, excavation, removal or moving-

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;



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

4.4 The site is largely devoid of natural vegetation and no vegetation will be cleared, hence Activity 27 of Listing Notice 1 and Activity 12 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) will not be triggered:

**Activity 27 of Listing Notice 1:**

"The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan".

**Activity 12 of Listing Notice 3:**

"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. |

i. **Western Cape**

- 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;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".

4.5 A permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution is not required. Therefore, Activity 6 of Listing Notice 2 of the EIA Regulations, 2014 (as amended), will not be triggered:

**Activity 6:**

"The development of facilities or infrastructure for any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent, excluding—

- (i) activities which are identified and included in Listing Notice 1 of 2014;

- (ii) activities which are included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies;
  - (iii) the development of facilities or infrastructure for the treatment of effluent, polluted water, wastewater or sewage where such facilities have a daily throughput capacity of 2 000 cubic metres or less; or
  - (iv) where the development is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will not exceed 50 cubic metres per day".
5. Furthermore, to the abovementioned, and due to the nature of your proposed development, it is recommended that the following Directorates of this Department be consulted:
- Directorate: Waste Management  
 Director: Mr. Saliem Haider  
 Email: [Saliem.Haider@westerncape.gov.za](mailto:Saliem.Haider@westerncape.gov.za)
- Directorate: Pollution and Chemicals Management  
 Acting Director: Ms. Amina Sulaiman  
 Email: [Amina.Sulaiman@westerncape.gov.za](mailto:Amina.Sulaiman@westerncape.gov.za)
6. However, should any other revision of the proposed development constitute a listed activity(ies) as defined terms of Listing Notice 1, 2 & 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
7. It is prohibited in terms of the NEMA to commence with a listed activity without a relevant Environmental Authorisation from the Competent Authority. Non-compliance in terms of the prohibition will be referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. The penalty for a person convicted of an offence in terms of the above is a fine not exceeding R10 000 000 or imprisonment for not more than 10 years, or both such fine and such imprisonment.
8. Please be reminded of your general duty of care and the remediation of environmental damage in terms of Section 28(1) of the NEMA, wherein it is stated that –

*"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment". The obligation to take reasonable measures is imposed on, inter alia, "an owner of land, a person in control of land or a person who has a right to use the land or premises on which or in which (a) any activity or process is or was performed or undertaken or (b) any other situation exists which causes, has caused or is likely to cause significant degradation of the environment...."*

The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully

**Taryn  
Dreyer** Digitally signed  
by Taryn Dreyer  
Date: 2022.11.18  
10:10:52 +02'00'

*pp* **MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

CC: (1) Mr. Alwyn Burger (Swartland Municipality)  
(2) Ms. C. Ganten-Bein (West Coast District Municipality)

E-mail: [AlwynBurger@swartland.org.za](mailto:AlwynBurger@swartland.org.za)  
E-mail: [cabein@wcdm.co.za](mailto:cabein@wcdm.co.za)



## water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

### WESTERN CAPE

Private Bag X16, Sanlamhof, 7532, 52 Voortrekker Road, Bellville, 7530

☎ 021 941 6185  
☎ 086 556 9985  
✉ dreyerw@dws.gov.za

✉ Mr. Warren Dreyer  
18/2/7/G200/A/11

Attention: Mark Meyer

The Director  
AquaGreen Crematorium  
38 Magnolia Avenue  
Malmesbury  
7300

Dear Sir

### WATER USE QUERY: AQUAGREEN CREMATORIUM

Your correspondence dated 30 May 2019 has reference.

The Department has reviewed the information provided and can confirm that the proposed development does not require a water use authorisation as it does not trigger any water uses as contemplated in Section 21 of the National Water Act, 1998 (Act No. 36 of 1998). The Department has no objection to the proposed development provided the following are adhered to at all times:

1. Should the wastewater from the disposition process be used to irrigate any part of the facility, this would constitute a water use, which will require authorisation before the use is undertaken. Please see attached Government Notice 665 in Government Gazette 36820, dated 6 September 2013, which is used to regulate this type of water use.
2. No abstraction of surface or groundwater may be done without prior authorisation from this Department, unless it is a Schedule 1 Use or an Existing Lawful Use as described in the National Water Act, 1998 (Act No. 36 of 1998).
3. No surface, ground or storm water may be polluted as a result of any activities on the site. In the event that pollution does occur, this Department must be informed immediately.
4. Solid waste must be properly managed and disposed of at an authorised solid waste facility and must comply with relevant legislation.
5. All applicable sections of the National Water Act, 1998 (Act No. 36 of 1998) must be adhered to at all times.

Should you have any questions please do not hesitate to contact this office.

Your co-operation aimed at the protection of water resources will be greatly appreciated.

Yours faithfully

*A. Schreuder*  
REGIONAL HEAD: WESTERN CAPE  
Signed by: A Schreuder  
Designation: Chief Engineer  
Date: 24 June 2019



**WESKUS DISTRIKSMUNISIPALITEIT  
WEST COAST DISTRICT MUNICIPALITY**

Rig alle korrespondensie aan:  
Address all correspondence to:

**MUNISIPALE BESTUURDER/  
MUNICIPAL MANAGER**

Navrae / Enquiries: Miss C Ganten-Bein  
Verw Nr / Ref No: 12/3/1/11



Posbus / P O Box 242  
MOORREESBURG, 7310

Telefoon/Phone (022) 433 8400  
Faks/Fax Nr. 086 6926 113

E-Mail Adres/Address:  
westcoastdm@wcdm.co.za

31 October 2022

AquaGreen Crematorium  
36 Magnolia Avenue  
MALMESBURY  
7300

Via e-mail: [aquagreencrematorium@gmail.com](mailto:aquagreencrematorium@gmail.com)

Dear Mr Mark Meyer

**RESPONSE TO POSSIBLE LISTED ACTIVITY: PROPOSED AQUAGREEN  
CREMATORIUM TO BE ESTABLISHED IN MOORREESBURG.**

Your electronic mail dated 26 October 2022 relating to the establishment of an AquaGreen Crematorium in Moorreesburg has reference.

Your email mentions that the location has changed from Kalbaskraal to Moorreesburg, however the process, as previously explained in your letter dated 15 May 2019, to be utilised at the AquaGreen Crematorium, remains unchanged.


The response from this office is as follows:

Based on the information provided, and in terms of the National Environmental Management: Air Quality Act (NEMA: AQA), the proposed activity is not considered to be a listed activity for the following reasons:

1. No emissions will be generated from the process.
2. No incineration of human corpse will take place.
3. Monitoring of emissions as per Subcategory 8.2 of NEMA: AQA is not practical nor required.

A checklist must still be submitted to the competent authority in order to determine if an environmental authorisation is applicable and if other licences such as for waste or water use is required. A copy of the decision issued by the Provincial Department: Environmental Impact Assessment must be submitted to this office.

Yours faithfully,

  
**C. GANTEN-BEIN  
MANAGER: AIR QUALITY**

Rig alle korrespondensie aan:  
Address all correspondence to:

**WESKUS DISTRIKSMUNISIPALITEIT  
WEST COAST DISTRICT MUNICIPALITY**

Posbus / P O Box 242  
MOORREESBURG 7310

**MUNISIPALE BESTUURDER /  
MUNICIPAL MANAGER**

Telefoon / Phone: (022) 433-8400  
Faks / Fax: 086 692 6113

Navrae / Enquiries: **I.de Klerk**  
Verw. Nr. / Ref. No.:

E-pos Adres / E-mail Address:  
[westcoastdm@wcdm.co.za](mailto:westcoastdm@wcdm.co.za)



25 November 2022

Aquagreen Crematorium  
36 Magnolia Avenue  
Wesbank  
Malmesbury  
7300

**COMMENT FROM MUNICIPAL HEALTH SERVICES REGARDING THE PROPOSED AQUAGREEN  
CREMATORIUM TO BE ESTABLISHED ON ERF 3866, MOORREESBURG.**

Regarding email received on 22 November 2022 about the above mentioned premises the following. From a municipal health services perspective the premises must comply with Regulation 363, Regulation relating to the Management of Human Remains and the following for your attention:

- An application for a Certificate of Competence for the handling and storage of human remains must be handed in to this department for consideration.
- With reference to Section 4 (1) (a) the applicant must not less than 21 days before submitting the application to local government, give notice to the public in the local newspaper regarding the establishment of the particular premises.
- The copy of the notice to the public and all relevant detailed building plans must be submitted to this council. For any other information regarding the notice you can contact the undersigned.
- The premises must comply with section 10 and 11 of the regulation regarding the requirements relating to funeral undertaker's and mortuary premises.

Kind regards

**D. Joubert**

**Municipal Manager**



20 July 2023

15/3/10-15/ Farm 821/56

WYK: 4

**ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 8 AUGUST 2023**

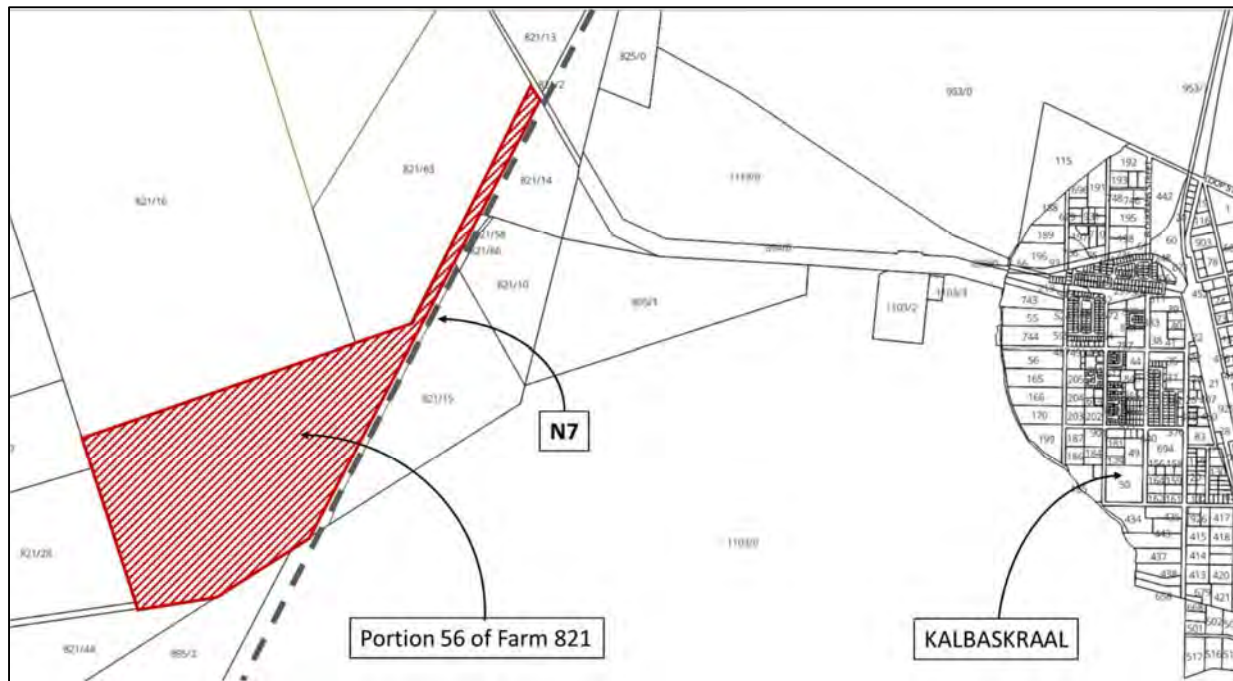
LAND USE PLANNING REPORT APPLICATION FOR CONSENT USE ON PORTION 56 OF THE FARM GROENE RIVIER, NO. 821, DIVISION MALMESBURY					
Reference number	15/3/10-15/ Farm 821/56	Application submission date	30 November 2022	Date report finalised	27 July 2023

PART A: APPLICATION DESCRIPTION						
Application for a consent use on Portion 56 of the farm Groene Rivier, no. 821, Division Malmesbury, is made in terms of Section 25(2)(o) of the Swartland Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020) in order to accommodate a photovoltaic plant (7 900m <sup>2</sup> in extent) for the recharging of electrical vehicles, and a farm shop of 100m <sup>2</sup> .						
The applicant is CK Rumboll and Partners and the owner of the property is the JRW Livestock CC.						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	PORTION 56 (PORTION OF PORTION 16) OF THE FARM GROENE RIVIER NO 821, IN THE SWARTLAND MUNICIPALITY, MALMESBURY DIVISION, WESTERN CAPE PROVINCE					
Physical address	Farm land located on the N7 highway, ±2,5km west of Kalbaskraal.		Town	Malmesbury District		
Current zoning	Agricultural Zone 1	Extent (m <sup>2</sup> /ha)	267,0672 ha	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipal Land Use Planning By-Law					
Current land use	Agriculture		Title Deed number & date	T14766/2003		
Any restrictive title conditions applicable	Y	N	If Yes, 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 and/or servitude registration	
Extension of the validity period of an approval	Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions	
Permissions in terms of the zoning scheme	Amendment, deletion or imposition of conditions for existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval	

Determination of zoning	Closure of public place	Consent use	✓ Occasional use	
Disestablish a home owner's association	Rectify failure by home owner's association to meet its obligations	Permission for the reconstruction of an existing building that constitutes a non-conforming use		

#### PART D: BACKGROUND

Portion 56 of the farm Groene Rivier, no. 821, is agricultural land (267,0672ha in extent) located along the N7 national road, approximately 2,5km west of Kalbaskraal.



The recent upgrades to the N7 resulted in the construction of an improved new intersection between the national road and the Klein Dassenberg Road, rendering the application property particularly well-located in terms of access to and from the N7, thereby unlocking various development opportunities.



Data from the Draft National Greenhouse Gas Inventory for South Africa (Government Gazette no. 47133, dated 29 July 2022) suggests that the transport sector contributes about 9% of the country's emissions, and it emphasises the importance of alternatively powered vehicles. The National Development Plan (RSA, 2012) further anticipates a significant rise in the use of electric vehicles in South Africa over the next 20 years, emphasising the importance of alternative electricity generation.

The current statistics indicate that there are fewer than 1 000 electric vehicles (EV's) in SA, but the growth is expected to total approximately 200 000 such vehicles in 2027. To allow for the successful transition from fossil fuel dependent cars to electric vehicles, will require supporting infrastructure to be made available as soon as possible.

The challenge of EV's is that refuelling/charging are needed much more frequently and take longer than with fossil fuels. 150KW enables a range of 250km after 20min charging or 500km after 40min. Purpose-built charge points along key national roads such as the N1, N2 and N7 will enable fast and efficient inter-provincial travel.

In addition to the frequency of required charging, the method of electricity generation is equally important. The majority of existing charging points in urban area make use of grid electricity which is supplied either directly or indirectly by ESKOM. EV's powered by electricity generated from coal has the same carbon footprint as petrol vehicles, thus negating the entire purpose of EV's.

Taking into account the impact of fossil fuel combustion, as well as the current pressures on the existing national electricity grid, the development proposes the generation of 'clean', eco-friendly energy, while addressing the national rollout of fast-charge points along national routes. The proposal will incorporate a renewable energy structure adjacent to the charging point to ensure that the electricity is clean and that no additional strain is placed on the national grid.

The long-term strategy of the development proposal is to facilitate and advance the transition to eco-friendly cars by providing the necessary infrastructure that will allow for market adoption.

The proposal is limited to the south-western corner of the land unit and the includes a renewable energy structure (solar panels of 7 900m<sup>2</sup> in extent) as well as a farm store and charging station (100m<sup>2</sup> in extent). The proposed land uses are both consent uses under the Agricultural Zone 1 zoning category in the By-Law.







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		
<p>Portion 56 of Farm 821 is located approximately 2,6km west of Kalbaskraal, directly off the new interchange on the N7 national highway. The subject property is zoned Agricultural Zone 1, but there are no buildings on the farm, nor any sign of agricultural activities.</p> <p>The agricultural development of the farm and surrounding properties have been limited due to its location in a terrestrial critical biodiversity area. The process to obtain environmental authorisation is currently underway and it is anticipated that the proposed development will not pose any significant environmental threats. All impacts are proposed to be addressed through either mitigation, rehabilitation and/or management. The benefits and related opportunities offered by the facility as an alternative renewable energy initiative are:</p> <ul style="list-style-type: none"> <li>a) Solar photovoltaic (SP) installations are the most reliable of all renewable energy, as it is a direct conversion process;</li> <li>b) SP is the most environmentally friendly of all the technologies as emissions are limited;</li> <li>c) SP uses no water whilst generating power;</li> <li>d) There is no runoff or pollution impact;</li> <li>e) SP is not labour intensive and does not require high-level skills;</li> <li>f) Installation, maintenance and management are thus more cost effective;</li> </ul> <p>The development site is highly accessible, the proposal will limit the reliance on fossil fuels and the facility will create a number of employment opportunities.</p> <p>The facility is expected to have a lifespan of ±25 years, after which it will be decommissioned and the site rehabilitated. Panels are recycled in the event of decommissioning as they contain valuable components that may be used in new panels.</p> <p><b>1. <u>Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA</u></b></p> <ul style="list-style-type: none"> <li>a) <b>Spatial Justice:</b> The proposed development is consistent with the provincial goals to generate renewable energy in order to pursue sustainable energy initiatives. The application will not result in the exclusion of any groups, and the facility will generate job opportunities in the construction phase and beyond.</li> <li>b) <b>Spatial Sustainability:</b> The facility proposes the use of the most efficient method of sustainable energy generation. The proposal supports the transition to a low-carbon future, making clean resources available to the greater public. The development will be self-sustaining, use electricity generated on site. The use of water and production of effluent will be minimal, contributing to the long-term sustainability of the project.</li> <li>c) <b>Efficiency:</b> The use of natural, free resources will alleviate the pressure on non-renewable resources. The proposal will result in the efficient use of land by capitalising on the opportunities created by the local climate and the location in close proximity to a transport artery.</li> <li>d) <b>Principles of good Administration:</b> 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.</li> <li>e) <b>Spatial resilience:</b> Decommission of the development and demolition can easily be achieved and the land use may revert back to agricultural use.</li> </ul> <p><b>2. <u>West Coast District Spatial Development Framework (PSDF, 2014)</u></b></p> <p>Objective 1: Grow and diversify the agricultural sector by means of diversification. Promote and determine alternative energy development zones.</p> <p>The development proposal addresses renewable energy on a micro level and will have a far smaller footprint than other similar developments along the West Coast. However, the value of the proposal lies in its potential to have a positive cumulative impact on a national level.</p>		

The proposal also supports agri-tourism that may lead to new opportunities and funding.

### **3. Municipal Spatial Development Framework (SDF, 2022)**

The Swartland objectives are the following:

i. Grow economic prosperity

Create a variety of services, facilities and job opportunities. Support the movement to seek alternative energy generation methods.

ii. Protect ecological and agricultural integrity

Recognise and plan for the potential threat of climate change. Allow for alternative energy generation (wind/sun/water)

iii. The following is proposed by the SDF in terms of utilities:

- Generation and use of alternative/renewable energy;
- Support infrastructure development on farms;
- Encourage alternative electricity on farms;
- Maintain adequate electricity reticulation.

### **4. Section 2 of the By-Law (2020): Zoning Scheme Regulations**

The development is considered to be a renewable energy structure, thus application is made in accordance with the zoning scheme in order to permit the structure on a portion (7 900m<sup>2</sup> in extent) of the property. Application is also made for consent to establish a farm shop (100m<sup>2</sup> in extent) for the convenience of customers.

All development parameters will be complied with at building plan stage when the final design will be submitted for approval. The proposal also includes a parking area adjacent to the farm shop to facilitate the required parking spaces.

### **5. Engineering Services**

#### **a) Roads and Stormwater**

The property is located directly west of the N7 national road. The N7 connects with the R304, also known as the Klein Dassenberg Road, with a new upgraded intersection. From the intersection, the R304 passes directly south of the site, from where access is obtained at the existing entrance point.



A parking area will be constructed near the proposed farm shop. The area will serve as the recharging zone for the electric vehicle and will consist of four parking bays covered by a steel canopy. Each bay will be fitted with a charge point for the charging of the EV's.

#### **b) Water**

Borehole water will only be used for drinking purposes at the farm shop while water to be used for washing the solar panels will be transported to the facility by means of water-trucks. The development will thus have a minor impact on the water resources available for farming purposes and will be equivalent to that of a residential dwelling. The panels will be washed twice a year. A Flowrate of not less than 800L/hour and not more than 1100L/hour is required for cleaning the panels. The average consumption is calculated at 6L/panel for PV Solar Panel.



<b>c) Sewerage</b>  Effluent will be stored on site by means of a conservancy tank that will be evacuated when needed and transported to the nearest waste water treatment work. The owner/developer assumes responsibility for the management of the sewerage system and the payment of the relevant fees, whether the service is rendered by the Municipality or a private endeavour.									
<b>d) Electricity</b>  The proposed development will form part of a national network of green powered fast chargers of approximately 250kW each on all the major N and R routes across South Africa. Each charging station, including the farm shop and other facilities, will be powered by electricity generated on-site and operate independent from ESKOM. Current legislation registration restricts the use of electricity generated to the site and no surplus will be made available to the national network at present. A connection may however be made at a later stage, should legislation be amended.									
<b>6. Decommissioning</b>  The renewable energy facility is expected to have a lifespan of $\pm 25$ years. The facility will be decommissioned and the site rehabilitated, once the facility has reached the end of its economic life. Solar panels are considered hazardous waste and disposal of the panels will adhere to the relevant disposal legislation.									
<b>PART G: SUMMARY OF PUBLIC PARTICIPATION</b>									
Was public participation undertaken in accordance with section 45- 49 of the Swartland Municipal: By-law on Municipal Land Use Planning								Y	N
A total of 8 written notices were sent via registered mail, on 19 December 2022, to the owners of affected properties, as well as to the relevant local, provincial and national departments, in term of Section 56(1) of the By-Law. E-mails were also sent where addresses were available. Seeing that the commenting period occurred over the December holidays, the closing date was extended until 27 January 2023, in order to afford ample time to affected parties who wished to provide input.									
Five (5) objections were received and the applicant was afforded 30 days, from 2 February 2023 to 6 March 2023, to respond to comments and objections received by affected parties (refer to Annexure J).									
Total valid comments	5			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 Jooste. No comment was forthcoming.			
Total letters of support	None								
<b>PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS</b>									
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
Department: Civil Engineering Services 1 Dec 2022	Die aansoek maak geen melding van water en riooldienste nie en anders as dat daar van die bestaande toegang gebruik gemaak word, word geen inligting ten opsigte van toegang en verkeer voorsien nie.  Dit is derhalwe nie moontlik om kommentaar ten opsigte van siviele ingenieursdienste te lewer nie.								Negative
Department of Infrastructure: Directorate:	a) The revised Site Development Plan prepared by Bessenger Architects 63/P/100 received via e-mail on 2 March 2023;								Positive

Road Planning 12 April 2023	b) The application affects Divisional Road 1134 for which this Branch is the Road Authority; c) The proposal is for consent use to permit a renewable Energy Structure and a farm Shop; d) The revised SDP referenced in paragraph a) rectified this Branch's concerns regarding access; e) Accordingly this Branch withdraws its objections and offers no objections to the proposal in terms of the LUPA, as laid out in the revised SDP.	
West Coast District Municipality	No comments received.	
Department: Agriculture: Land Use Management 16 Feb 2023	The Western Cape Department of Agriculture has no objection against the proposed application.	<b>Positive</b>
ESKOM	No comments received.	
Openserve 31 Jan 2023	Openserve approves the proposal in principle. The approval is valid for 6 months, after which reapplication must be made if the work has not be completed.	
SANRAL 6 April 2023	<ol style="list-style-type: none"> <li>1. The proposed development as indicated on drawing no 63/P/100 is hereby approved;</li> <li>2. A 30 meter building line measured from the common boundary of the National Road and the property will be applicable;</li> <li>3. A permanent 2m wall/fence must be erected on the boundary of the land development area and the national road reserve. Detailed plans of the proposed fence must be submitted to the SANRAL for approval prior to the erection thereof. The maintenance of the fence will be the responsibility of the property owner/successor in title;</li> <li>4. Where amendments to the subdivision plan are required, the written approval of the SANRAL shall be obtained;</li> <li>5. No structure or other thing (including anything which is attached to the land on which it stands even though it does not form part of that land) shall be erected, laid or established within the land development area within a distance of 10 meters from the boundary of the national road without the written approval of the SANRAL;</li> <li>6. No direct access to the national road will be allowed. Access will be obtained via Klein Dassenberg Road;</li> <li>7. The SANRAL will not be liable for any damage or diminishment in value of the land development area arising out of any impact on the proposed development as result of existing or future storm water drainage from the national road;</li> <li>8. Such facilities as are necessary for the control and disposal of storm water from the land development area shall be constructed to the satisfaction of the SANRAL. Prior to the establishment of the proposed development a storm water accommodation plan must be submitted to SANRAL for approval;</li> <li>9. No free standing advertising signs will be allowed in terms of Regulations on Advertising on or visible from the National Road as published in Government Gazette no 6968 dated 22 December 2000;</li> <li>10. The SANRAL shall not be held liable to any party should it be found at any time in the future that noise, air pollution and light pollution emanating from the national road presents a problem to the development adjacent to the national road. The developer/successor in title/local authority shall be responsible for taking such steps as may be necessary to reduce the impact of such noise, air and/ or light pollution;</li> <li>11. The aforementioned provisions shall be recorded in the title deeds of each of the properties;</li> <li>12. The written confirmation of the SANRAL, that the conditions referred to herein have been fulfilled to its satisfaction, shall be required prior to occupation of the site. The applicant/developer shall provide SANRAL with a certificate from a professional consulting engineer certifying that the design and construction of all</li> </ol>	

	<p>services and other improvements referred to in these conditions have been undertaken to the required standards;</p> <p>13. The approval granted herein by the SANRAL does not exempt the developer from the provisions of any other legislation;</p> <p>14. This approval shall bind any successor-in-title to the land on which the structures have been established. This approval shall bind any successor-in-title to the land on which the structures have been established. This approval does not exempt the applicant from the provisions of any other Act;</p> <p>15. In terms of Section 50(1) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No.7 of 1998), no person may, unless authorised by SANRAL or otherwise in terms of Section 50(2), - display and advertisement on a national road, or permit it to be displayed; display, outside an urban area, any advertisement visible from a national road, or permit any advertisement which is so visible, to be displayed; display any advertisement visible from a national road in an urban area, on any land adjoining the national road or on land separated from the national road by a street, or permit it to be displayed;</p> <p>16. SANRAL shall not be involved in any expenditure in connection with and shall not be responsible or liable for:</p> <ul style="list-style-type: none"> <li>- the erection of any structures;</li> <li>- any financial expenditure or loss in the event of SANRAL ordering the removal or shifting or relocation of anything related to this approval;</li> <li>- any financial responsibility or liability for any claim from the applicant which may occur from the lapsing of the approval.</li> </ul>	
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PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p><b>Viljoen Jordaan and Nell (Annexure E)</b></p> <p><b>Carol Werth (Annexure F)</b></p> <p><b>Vicki Taylor (Annexure G)</b></p> <p><b>Tracey Cosgrove (Annexure H)</b></p> <p><b>Anna Boulton (Annexure I)</b></p>	<p>1. The subject property has a split cadastral. While the northern portion of the farm does have intensive agricultural activities, the southern portion, where the development proposal is located, displays no signs of intensification such as pasture intensification, paddocks for rotational grazing or concentrated animal feeding operations (feedlots). The objection raised by Vicki Taylor also alludes to the property being used for extensive farming purposes.</p> <p>2. Enviro-Africa has been appointed as the environmental consultants on the project. They are engaging the Department of Environmental Affairs and Development Planning (DEADP) to obtain the necessary approval. It is up to the discretion of the Department to determine the scope of the required processes and approvals. In the event that an EIA is required, a public participation process will be undertaken. The necessary approvals will be obtained as required by the Department.</p> <p>Swartland Municipality determines who the interested and affected parties are for this application and who should receive notices, notwithstanding that Section 45 of the Spatial Planning and Land Use Management Act (SPLUMA) makes provision for interested parties to intervene in an existing application but has the burden of establishing their status as an interested party. Given the scope of the development Swartland Municipality sent notices to the adjacent property owners.</p> <p>The application includes three components: (1) a renewable energy facility that will generate electricity by means of a photovoltaic plant (2) a parking area that will be fitted with charging points for electric cars, and (3) a farm shop.</p> <p>3. The farm shop is not accommodated as a primary right hence the land use application applies for a consent use for this facility as determined by Swartland Municipalities' Land Use By-Law.</p>	<p>1. The applicant is supported. The portion of the property proposed for development has been previously disturbed by the building of the N7, and was effectively sterilised from farming. Invasive plants, such as Port Jackson dominate the portion proposed for development. The portion that the objector refers to has no bearing on the application.</p> <p>2. The DEADP comments are attached as Annexure M and clearly state that a full EIA is not indicated, as there are no triggering activities on the property, as defined by NEMA.</p> <p>DEADP confirmation was received on 14 July 2023 and stated that, not only does the development proposal not trigger any listed activities, but the botanical study completed by Bergwind Botanical Surveys &amp; Tours CC on 19 April 2023 confirms that the site no longer supports plant communities of critical biodiversity.</p> <p>The properties identified to be impacted by the development encompass hundreds of hectares. Informing property owners beyond the identified scope was determined unnecessary, as the impact on outlying properties were deemed to be negligible. Nonetheless, the application was available to any member of the public for scrutiny during the notice period.</p> <p>3. The farm shop is not considered a primary right, hence the application. The application affords Council the opportunity to establish whether or not the proposal is consistent with not only the</p>

	<p>already established at Trinity farm. Will this farm shop be selling alcohol at its sit down area?</p> <p>4. The application only makes mention of a photovoltaic plant in the abridged version of the application, however the full application states that wind turbines will provide backup on sunless days. The application does not address the impacts relating to wind turbines, especially those relating to environmental impacts and the impact on civil aviation. A full EIA needs to be conducted to address the environmental impacts.</p> <p>5. Who will be the registered owner of the recharging station and the renewable energy structure?</p> <p>6. Who will be the registered owner of the farm shop?</p> <p>7. Who will be responsible for decommissioning liability?</p>	<p>Consent uses are regarded as secondary rights and therefore demonstrate a certain level of compatibility with the primary uses allowed under the specified zoning, which is why said uses are permitted with consent.</p> <p>The farm shop will not sell alcohol in the sit-down area. Wines of the region will be sold for off-site consumption as a means of promoting local wines. The wines will not be sold in the sit-down area but in the gift and products area. The correct liquor licence will be applied for at the appropriate time.</p> <p>4. Wind turbines were included in the initial development proposal to ensure the renewable energy structure is resilient in the face of bad weather, but after careful consideration it was decided that wind turbines would be categorically excluded from the development proposal. The objector can thus rest assured that the proposal does not include wind turbines and consequently all the associated impacts are negated.</p> <p>5. The developer has a short term lease agreement with the property owner with future plans for a long-term agreement, subject to municipal approval and approval in accordance with the Subdivision of Agricultural Land Act (Act 70 of 1970). The developer will thus be in charge of the development until such time as the agreement between the property owner and developer expires. It should further be noted that ownership provides no grounds for objection and is irrelevant in considering the aptness of the development proposal.</p> <p>6. See response to point (5).</p> <p>7. Section 10.1.5(c)(xii) of Swartland Municipality's By-Law on Land Use Planning dictates that the property</p>	<p>zoning category, but also the character of the area, the appropriate impact of such a development on the surrounding landscape and the desirability thereof in its context.</p> <p>A farm shop is a retail establishment and the possibility exists that the proprietors may at some stage wish to sell alcohol, at which time the relevant legal procedures must be followed and licences obtained for the sale of liquor.</p> <p>4. Noted.</p> <p>5. Ownership of the facility is not considered prudent during the evaluation of the proposal.</p> <p>6. See response to point (5).</p> <p>7. The conditions of approval will require a financial provision plan to be considered and approved before clearance will be provided.</p>
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		<p>owner is responsible for decommissioning of the facility.</p> <p>Section 10.1.5(c)(ii) requires that the owner must make financial provision, in the event of failure of the facility, for decommission and rehabilitation of the site. Proof and approval of such financial provision plan is usually required as a condition of approval without which the local authority will not provide clearance to proceed with the construction of the renewable energy structure.</p>	
8. It is likely that trucks would overnight at this recharging station (i.e. truck stop). A truck stop is not desirable in this area. Why is a truck stop proposed at this site and will diesel be stored at this site?	8. The application does not include a proposal for a truck stop or “petroport” as described in the Swartland By-Law on Land Use Planning. The proposal cannot be considered a truck stop as it does not provide fuel (diesel), rest services, or facilities for long-distance trucks.	8. The proposal is not for a truck stop and the objection is invalid.	
9. The proposed access will be a danger for road users. Full disclosure of the traffic statement is required. What mitigation measures are expected to be implemented to ensure safety for other road users?	9. The Western Cape Department of Transport and Public Works is the controlling authority that needs to approve the access. This Department accounts for minimum standards and road safety requirements and will not approve the access if the proposal is not in accordance with their norms and standards. SANRAL is also an interested and affected party and has been approached to comment on the proposed access. Municipal approval will thus be subject to approval of the access from the controlling authority and a letter of no objection from SANRAL. The applicant is actively working to obtain the necessary approvals and comments.	9. The access road and access point to the development were assessed and approved by the relevant road authorities. In addition, all road users remain subject to the same traffic laws meant to ensure safety.	
10. The objector does not see how the proposed farm shop will contribute to tourism or have an impact considering that there are various convenience stores and restaurants located at the existing and proposed filling stations along the N7. The filling stations can be expanded to cater for Electric Vehicles (EV's). How many EV's are currently in use on the N7?	10. The proposed farm shop will support tourism in the area by offering locally produced goods and serving as a stop for visitors exploring the region, the farm shop could attract tourists and contribute to the local economy. The operating hours of the farm shop will be determined by Swartland Municipality. By offering the service of charging EV's a new unconventional demographic will be motivated to visit the area. Furthermore, the location of existing fuel stations may not be suitable for the proposed development and it's not appropriate to limit the options for development	<p>The access point to the development is clearly visible and should not be considered more of a safety threat than any other farm entrance.</p> <p>10. The farm shop is considered an amenity for users of the charging station and a logical, complimentary use to expect at such a facility.</p> <p>The relevant market research was completed by the owner/developer and the viability assessed. The facility will allow for EV's to cover a larger area from the coast inland, thus enhancing the mobility of tourists making use of EV's for transport. The number of EV's are expected to increase over time, but cannot be guaranteed.</p>	

		<p>based on the existence of other businesses. The development should be assessed on its own merits and not be limited by the presence of other businesses in the area.</p> <p>The developer estimates that there are currently less than 1000 EV's on South African Roads. The expected traffic generated by the charging services is therefore considered marginal compared to filling stations.</p>	<p>The success of the charging station is a calculated risk taken by the developer.</p> <p>The location of the facility is considered desirable in terms of its position along the N7 and the accessibility via the new, upgraded intersection with the R304.</p>
11.What is the purpose of the ±7900m² for the renewable energy structure and how many vehicles will be accommodated at any time both for charging and utilizing the conveniences?	11. The ±7900m² is the footprint of the photovoltaic plant. Four parking bays will be provided with a charging point for EV's. Each charging bay is expected to be occupied between 30mins – 1 hour as a result of how long it takes to charge an EV. The farm shop, therefore, is complimentary to the charging bays and vice versa as clients can visit the shop while they wait. There is no limit on the number of visitors that can make use of the conveniences. Sufficient land is available to provide conventional parking bays without charging units.	11.The applicant is supported.	
12.How many people will be employed per year at this site, in what capacity and how will transport be arranged? Will any accommodation be provided?	12. The current Local Economic Impact is based on 12 charging sets per site and states that 22 people will be employed, which implies that at least 7 to 8 people will need to be provided for the charging stations, not to mention the personnel required to work in the convenience shop and facilities.	12. It is clear that the facility will contribute to job creation.	
13. Water usage for the farm shop is proposed to be supplied from the existing farm water supply. This supply, emanating from a borehole, is situated some distance away. This may put pressure on the existing water supply. There is a restriction on accessing the natural spring on this property. How much water will be consumed by the farm shop and solar panels respectively? Will the water be treated? How will water usage be treated and monitored in respect of compliance with the restrictions on the title deed?	<p>13. The restrictive conditions relating to the spring is imposed upon the servient property (Remainder of Portion 16 of Farm 821) and not upon the subject property. The restrictive title conditions prohibit the servient property from pumping water from time to time and from diverting the flow of spring water. – property owner to confirm</p> <p>Borehole water will only be used for drinking purposes at the farm shop while water to be used for washing the solar panels will be transported to the facility by means of water-trucks. The development will thus have a minor impact on the water resources available for farming</p>	13. The applicant will be restricted by the conditions of approval to adhere to the water use methods prescribed in the application.	

	<p>14. Swartland Municipality needs to recognise the difference between a renewable energy structure and a recharging station that uses renewable energy and assess the business proposal for what it is and not under the guise of a renewable energy structure.</p>	<p>purposes and will be equivalent to that of a residential dwelling. The panels will be washed twice a year. A Flowrate of not less than 800L/hour and not more than 1100L/hour is required for cleaning the panels. The average consumption is calculated at 6L/panel for PV Solar Panel. ZCC to confirm and expand.</p> <p>14. All details of the development proposal are disclosed in the land use application. As already mentioned, the application includes three components: (1) a renewable energy facility that will generate electricity by means of a photovoltaic plant (2) a parking area that will be fitted with charging points for electric cars, and (3) a farm shop. The application addresses the renewable energy structure and farm shop as consent uses as these are the correct designations that define these specific uses.</p> <p>The emergence of electric vehicles and the relatively slow pace of their adoption have left many zoning schemes and By-laws without specific provisions for charging areas dedicated to these vehicles. This lack of clear guidelines led to a debate on how to reconcile charging areas with regulations. After consulting DEADP in this matter, the applicant argues that a charging area for electric vehicles does not constitute a rezoning or consent use. This position is highlighting by the following points:</p> <ul style="list-style-type: none"> <li>• First, the charging of electric vehicles is fundamentally different from refuelling traditional cars at a filling station, as electricity is not a fuel (consider the Oxford dictionary definition as well as a Wikipedia explanation provided below). As such, the traditional definition of a service station, which is specifically concerned with the supply of fuels to vehicles, does not apply to charging areas for electric vehicles. Therefore, the solution is not to consider the charging area as a “service station”.</li> <li>• Second, many normal parking spaces in office and shopping complexes already offer electrical charging</li> </ul>	<p>14. The applicant is supported. The location of the development site is considered optimal for a transport related business opportunity. The fact that the proposed land uses are energy efficient and will not add to the pressure on fossil fuels, is an added bonus and illustrates forward thinking on the part of the developers.</p>
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		<p>without requiring any specific alteration in zoning or additional permission in terms of planning legislation. This raises the question of whether it is necessary to provide for land use applications for the charging of electric vehicles, and whether municipalities would eventually be flooded by such applications. And if municipalities deem it a requirement to apply specifically for this use, would it be desirable to do so and what would be achieved by it?</p> <ul style="list-style-type: none"> <li>• Third, the proposal for a charging area for electric vehicles is not comparable to the highly regulated environment of the fossil fuel industry. It may be impractical to regulate or provide a zoning scheme that specifically provides for the charging of electric vehicles.</li> <li>• Finally, it is worth noting that there are currently no specific provisions for the charging of electric vehicles in any of South Africa's zoning schemes. Therefore, it may be necessary to revisit and update the zoning regulations to accommodate this new technology and support the transition towards sustainable transportation.</li> </ul> <p>In relation to the MSDf, the proposal supports the objectives of the MSDf in multiple ways as described in the land use application by inter alia; generating alternative energy on farms, diversifying land uses on agricultural properties thereby making farms more resilient against environmental and economic shocks and by supporting agri-tourism. By generating electricity on the land unit, the development eliminates the need to source electricity from ESKOM and thereby does not place additional strain on an already strained public enterprise. Furthermore, the application does not have to support the objectives SALGA's Smart City Framework although it cannot be denied that the proposal will contribute to transforming the transport sector by providing the necessary supporting infrastructure to allow for transformation of the industry towards sustainable transport solutions.</p>	
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	<p>15.The application does not support the SPLUMA and LUPA principle relating to spatial justice as the proposal only benefits the property owner while inconveniencing others and jeopardizing sustainable agriculture.</p> <p>16.The application does not support the SPLUMA and LUPA principle relating to spatial sustainability because it will strain the existing water resources that could be used for farming. Furthermore, this development will not provide clean sources of energy to customers.</p> <p>17. Only the property owner will benefit from the proposal.</p>	<p>15.The proposal supports the principle of sustainable development, which is one of the key principles of SPLUMA. By using renewable energy, the charging station reduces greenhouse gas emissions and supports a transition towards a low-carbon economy, which is essential for sustainable development.</p> <p>The presence of a farm shop at the charging station provides an opportunity for local economic development, which is also a key principle of SPLUMA. By supporting local farmers and providing a platform for them to sell their products, the charging station contributes to the development of the local economy and supports the principle of spatial justice by providing economic opportunities to local communities.</p> <p>The provision of electric vehicle charging infrastructure is essential for promoting sustainable mobility, which is another key principle of SPLUMA. By making it easier and more convenient for people to use electric vehicles, the charging station contributes to the reduction of greenhouse gas emissions and supports a more sustainable transport system.</p> <p>In conclusion, the combination of a solar photovoltaic farm, a charging station for electric vehicles, and a farm shop supports the principles of sustainable development, local economic development, and sustainable mobility, which are all essential components of spatial justice as determined by SPLUMA.</p> <p>16.Refer to section a (15) as to why the proposal supports the principles of SPLUMA and LUPA including the principle relating to spatial sustainability.</p> <p>Refer to section a (13) for a description of the water usage.</p> <p>17. While the property owner will benefit, the development will also have positive economic and environmental impacts on the wider community. Not</p>	<p>15.No groups are excluded from the development, nor is land ownership of individuals jeopardized in any way. The objection is unfounded.</p> <p>16. The applicant quite effectively illustrated the spatial sustainability of the development in response 15.</p> <p>17. The development will create job opportunities, the pressure on the use of fossil fuels will be alleviated, tourists using EV's will be enabled to</p>
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		<p>only will the facility create employment opportunities for patrons, but contractors will also be hired to construct and maintain the facility, and suppliers and contractors will be sourced for materials. In addition, the farm shop will promote locally produced products, thereby supporting the local economy and contributing to the development of the community. These direct and downstream economic opportunities will have a positive impact on the overall economic wellbeing of the area. Furthermore, the development will have important environmental benefits, aligning with the national agenda of reducing carbon footprint. By using renewable energy to power the charging station, the development will contribute to reducing greenhouse gas emissions and support a transition towards a low-carbon economy.</p>	<p>travel further inland, stimulating tourism and the economy of inter alia the Swartland.</p>
<p>18.The facility does not increase electricity capacity nor does it meet the demand for diverse energy sources. The neighbouring properties will not be able to tap into the grid.</p>	<p>18. The proposed facility may not directly increase electricity capacity, but it is important to consider the wider benefits that the facility can bring. The facility is powered by a solar photovoltaic farm, which contributes to reducing greenhouse gas emissions and supports a transition towards a low-carbon economy. This is an important step in addressing climate change and meeting South Africa's commitments to reducing carbon emissions. Furthermore, while the facility may not increase electricity capacity, it will provide an important service for the increasing number of electric vehicles on the road. This will make it easier for people to adopt electric vehicles, which in turn will contribute to reducing greenhouse gas emissions from the transportation sector. The proposed facility is one step towards promoting sustainable development and reducing greenhouse gas emissions, and should be viewed in the wider context of transitioning towards a low-carbon economy.</p>	<p>18. The development will in fact increase electricity capacity and meet the demand for diverse energy sources albeit indirectly at present. Legislation will more than likely be amended over time, enabling the electricity generated on site to be exported to the network or surrounding properties.</p>	
<p>19.The development does not support MSDF, LUPA, SPLUMA or the WCPsDF. The facility is similar to a petrol station of which there are sufficient in the surrounding area.</p>	<p>19. The land use application for the proposed development provides detailed explanations for how it supports the objectives and principles of the MSDF, LUPA, SPLUMA, and WCPsDF. The rebuttals to</p>	<p>19. The statement by the objector is unfounded and cannot be supported. The application and evaluation clearly illustrate the adherence of the proposal to the policy framework.</p>	



		<p>point 14 and 15 of this response also provide additional support for these explanations. Importantly, there is no evidence that suggests the proposed development is counter to the objectives and principles of these frameworks and acts. On the contrary, the proposed development aligns with and supports the goals and principles of the MSDF, LUPA, SPLUMA, and WCPSPDF. Specifically, the WCPSPDF promotes land uses that contribute to the transition to a low-carbon, sustainable energy future and mitigate the effects of climate change. The proposed development meets these objectives by using renewable energy to power the charging station, promoting sustainable transport options, and supporting local farmers.</p>	
20. The proposal will contribute to increased noise and health pollution due to an increase in traffic and the impact of the wind turbines need to be fully assessed as it will change the rural landscape and destroy natural vegetation.	<p>20. There is no evidence to suggest that the proposed farm shop will cause a significant influx of traffic in the area. Traffic can be expected to be similar to that of existing farm stalls in the area.</p> <p>Please refer to sections a (2) and a (4) of this response for a reply relating to environmental requirements and the exclusion of wind turbines.</p>	<p>20. The proposed land uses are considered transport related and in reaction to the current traffic patterns along the two routes in question, rather than intended to create significant additional traffic along the routes.</p> <p>Should traffic in EV's drastically increase, the location of the facility is considered optimal to minimise the impact on the surrounding properties.</p>	
21. The entire community needs to be granted the opportunity to study the proposal and to comment if they wish. Wider community participation is required. Wind energy comes with a host of environmental and health concerns and business for existing farm shops along Klein Dassenberg Road will be eroded.	<p>21. Noted, see responses (2) and (4). There is no evidence to suggest that the proposal will erode business for existing farm shops.</p>	<p>21. Refer to comments 2 and 4.</p>	
22. Who will ensure security in the area is not compromised? Solar panels are a hot commodity. The farm shop will hold cash and consumables on the premises, as well as susceptible patrons. How will this affect the surrounding area?	<p>22. The proposal will implement security cameras, alarms, and secure cash handling procedures to mitigate the risk of theft or burglary. The Local Economic Impact graphic dedicates a portion of the employment statistics to security support, hence the facility will have security. Additionally, the presence of the farm shop and charging station may actually</p>	<p>22. The safety and security of any development are the concerns of the owner/developer and cannot be considered as a definite risk to a surrounding area. The owner/developer intends to secure the property to a certain standard and stating that the facility will have a negative impact on the safety of the area is conjecture.</p>	

	<p>23. Traffic will increase which is undesirable for the community. The potential for loitering and taxi rank, and informal trading needs to be addressed and avoided. The proposal does not discuss the full extent of likely traffic. The proposal needs to discuss the operational hours and explain how the farm shop will contribute to tourism.</p> <p>24. Lighting will negatively affect the rural landscape.</p> <p>25. A shopping mall would be a more appropriate location for the proposed development. There is no need to destroy agricultural land to accommodate this proposal. Please advise why this location was chosen.</p>	<p>increase security in the area by providing more foot traffic and activity.</p> <p>23. The objection that a proposed farm shop will lead to increased traffic, loitering, and informal trading is unsubstantiated. The land use application does not include any plans for a taxi rank or informal trading, which both require specific permission. Additionally, the objector expresses support for existing farm shops along Klein Dassenberg Road and the traffic they generate, yet opposes the proposed farm shop that is virtually identical except for the addition of four parking bays for electric vehicle charging. There is no evidence to suggest that the proposed farm shop will cause a significant influx of traffic in the area. Therefore, the objection based on traffic concerns is not relevant to the specific proposal, and should not be used to reject the land use application.</p> <p>24. According to the provisions of the By-Law, lighting must be appropriately screened from abutting land units. The proposal will comply.</p> <p>25. The suggestion that a shopping mall would be a more appropriate location for the proposed development overlooks the fact that the proposal is intended to serve electric vehicle owners who are commuting to other places further away. Unlike a shopping mall, which is designed to attract shoppers from a wide catchment area, the proposed farm shop and charging station is a niche service that is specifically tailored to the needs of electric vehicle owners. The site was selected based on its strategic location near the intersection of a national and provincial road, which is a key transportation route for commuters travelling to and from the surrounding area. By providing electric vehicle charging infrastructure at this location, the proposed development will help to address a critical gap in the region's transportation network, and support the transition to a low-carbon, sustainable transportation system. Moreover, the suggestion that the proposed development would destroy agricultural land is unfounded. The</p>	<p>23. Comments have been addressed.</p> <p>24. Architectural and landscaping measures may be employed in order to mitigate light pollution.</p> <p>25. The reasons for the location of the development have been discussed. In addition, South African developers operate within a free market system where individuals are at liberty to enter into ventures they envision to be profitable, providing that said ventures are within the confines of the law. The proposal is consistent with these requirements.</p>
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	<p>development is designed to be compatible with existing agricultural activities, and will not have a significant impact on the surrounding land uses. In fact, by promoting the use of renewable energy and locally-produced products, the proposed development will help to support the long-term sustainability of the local agricultural sector.</p>	
<p>26.The application fails to fully disclose the impact of the proposal to the community at large and the objector requests that the community be granted additional time to assess the information and reply if they deem it necessary.</p>	<p>26.Swartland Municipality followed the necessary public participation process as required by their by-laws. The municipality selected the interested and affected parties, and provided them with the relevant information and opportunity to comment. Furthermore, the site development plan in conjunction with the land use application provides sufficient detail as to the scope and purpose of the proposed development. This information is adequate for interested and affected parties to understand how the development may impact their rights and properties.</p>	<p>26. The necessary public participation process was followed by the Municipality in terms of the By-Law. Additional measures were taken to ensure that correspondence reached the affected properties via e-mail.</p> <p>The application was available for scrutiny by the public at large, at the Municipal Head Office for the duration of the notice period.</p>
<p>27.Who is expected to share in the revenue agreements (R10bn) and how is this expected to transpire?</p>	<p>27. The request to see detailed financial information such as revenue agreements, profit sharing, rates, and taxes related to the proposed development is irrelevant to surrounding property owners in determining the impact of the proposed development on their rights or properties. The focus should be on the proposed land use and its potential impact on the surrounding area. The municipality's land use application process is designed to assess the potential impact of a proposed development on the surrounding community and ensure that it complies with relevant regulations and bylaws. Therefore, the request for detailed financial information is not relevant and unnecessary for the determination of the impact of the proposed development on the rights or properties of surrounding property owners.</p>	<p>27.The applicant is wholly supported.</p>
<p>28.Will solid waste be disposed by the owner of the facility or the owner of the property?</p>	<p>28.The disposal of solid waste will be the responsibility of the property owner.</p>	<p>28. Solid waste be transported and off-loaded at any of the Municipal Transfer Stations, at the cost of pre-paid coupons, available at any municipal office.</p>

	29.The detail of the site development plan is insufficient to comment on the proposed development.	29. Noted. The site development plan in conjunction with the land use application provides sufficient detail as to the scope and purpose of the proposed development. This information is adequate for interested and affected parties to understand how the development may impact their rights and properties.	29. The applicant is supported. Additional information will be required at building plan stage to ensure that all legislation and standards are met.
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## PART J: MUNICIPAL PLANNING EVALUATION

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

Application for a consent use on Portion 56 of the farm Groene Rivier, no. 821, Division Malmesbury, is made in terms of Section 25(2)(o) of the Swartland Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020) in order to accommodate a photovoltaic plant (7 900m<sup>2</sup> in extent) for the recharging of electrical vehicles, and a farm shop of 100m<sup>2</sup>.

A total of 8 written notices were sent via registered mail, on 19 December 2022, to the owners of affected properties, as well as to the relevant local, provincial and national departments, in term of Section 56(1) of the By-Law. E-mails were also sent where addresses were available. Seeing that the commenting period occurred over the December holidays, the closing date was extended until 27 January 2023, in order to afford ample time to affected parties who wished to provide input.

Five (5) objections were received and the applicant was afforded 30 days, from 2 February 2023 to 6 March 2023, to respond to comments and objections received by affected parties.

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 checklist assessment should be obtained prior to any land use decision, as the property is indicated to be critical biodiversity area. Comments from the Department of Environmental Affairs and Development Planning was received on 14 July 2023.

The applicant is CK Rumboll and Partners and the owner of the property is the JRW Livestock CC.

### 2. Legislation and policy frameworks

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

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

- a) Spatial Justice: The proposed development will create employment opportunities and enhance accessibility to alternative energy. No previously disadvantaged groups are excluded or negatively impacted by the development and the facilities will be accessible to a variety of income groups;
- b) Spatial Sustainability: The proposed development will create new infrastructure and employment opportunities. Furthermore, the development promotes diverse use of agricultural land. The proposed photo-voltaic plant development will promote:
  - i) The social environment through contributing to a cleaner healthier, more liveable environment for future generations;
  - ii) The economic environment through the creation of employment opportunities in a rural area;
  - iii) The natural environment through creating 'green' energy and alleviating the pressure on the use of fossil fuels, thereby limiting harmful emissions. The availability of charging stations is foreseen to also stimulate the ownership of more EV's, as the infrastructure will make it possible for more individuals to use EV's than previously.
- c) Efficiency: The proposed development is intended to contribute to alternative energy provision and alleviating the pressure on fossil fuels and the negative effects on the environment. While the proposal entails the development of new infrastructure, the negative impact is foreseen to be ultimately negligible in the context of the accumulative positive effects of these sort of developments
- d) Good Administration: The application and public participation will be administered by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed diversification of uses on the property will enhance its ability to withstand natural and economic shocks over time. The photo-voltaic plan and farm store supports diversification of uses on agricultural land, which may generate additional income opportunities in times of low agricultural production. The portion of land in close proximity to the N7 and the new interchange has, for all intents and purposes, been sterilised of agricultural production and the proposed use will utilise the portion optimally. Should the plant be unsuccessful or reach redundancy, the materials – steel, sun panels, etc. – are highly recyclable and relatively uncomplicated to remove.

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 environmental sustainability and resilience.

The Western Cape Infrastructure Framework and the Provincial Land Transport Framework outline the economic opportunities presented by a paradigm shift in infrastructure provision. The long term strategy is to transition to a low carbon economy. The strategy is rolled out in the various provincial sectors, including the transport sector, and reached through the creation of goals and frameworks designed to achieve each goal.

The frameworks centre around six strategic objectives:

- i. Become the lowest carbon Province;
- ii. Increase usage of low-carbon mobility;
- iii. Diversified, climate-resilient agricultural sector and expanded value chain;
- iv. Emerging market leader in resilient, liveable and smart built environment;
- v. High growth of green industries and services;
- vi. Secure ecosystem infrastructure

It is already clear that the proposed development is consistent with the abovementioned objectives and achieving the identified goals. Furthermore, the proposal will promote the development of a renewable energy plant in the Province, albeit on a small scale, as well as contribute to shifting transport patterns through the reduction of reliance on liquid fuels.

The DEA&DP: Rural Guidelines (2019), aimed specifically at the appropriate development of rural and agricultural areas is an extension of the abovementioned frameworks and are also taken into account during this evaluation.

### **a) Conservation of Agricultural Land:**

The consent uses are proposed on a portion of the property only and not for the entire farm, thus protecting agriculture as the primary land use. The entire development, including the photo-voltaic panels and proposed buildings, as well as battery storage, comprise a total of 8 000m<sup>2</sup> which is 0.3% of the total property area. The loss of arable agricultural land is thus deemed minimal.

The development is furthermore proposed on a portion of the farm that is not farmed, due to its proximity to the N7 highway and the R304 provincial road intersection. The site is overgrown with Port Jackson trees and no critical biodiversity remains on the site.

The development also supports the principle of diversification of agricultural land, enhancing the economic viability of the farm. The proposed plant, farm shop and charging station will thus not detract from the functionality and integrity of farming practices, but rather support it. The farm shop is particularly aimed at serving as a platform for local farmers to sell produce and farming products.

### **b) Infrastructure installation in rural areas:**

Due to the need for extensive space, accessibility via the N7 and the distance interval from Cape Town, the plant is proposed in the current location.

The installation is located on previously disturbed terrain, on land of low biodiversity and agricultural value and will not interfere with, or impact negatively on, existing or planned production areas or agricultural infrastructure.

The facility and associated infrastructure, including buildings, power lines, cables and roads will be maintained and once it has reached the end of its productive life or has been abandoned, it will be removed and the area be rehabilitated where possible, as presented in the application.

The installation, charging bays and shop will only be lit for safety and operational purposes and the lighting will be appropriately screened from abutting land units, through landscaping and structural elements. The landscaping and screens may also serve as effective buffers in terms of the visual impact of the facility from the N7 and the surrounding rural landscape.

The development footprint adheres to the development parameters of Agricultural Zone 1, implying that all structures are at least 30m removed from any road, neighbouring land unit or structures. In the case of the N7, the development is located outside the 90m setback line next to the national road.



No employees will be permanently housed on the property and no residential components will be added to the existing farm, nor new development portion.

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

One of the strategies contained in the WCDSDF is to promote environmental sustainability within the District. The development proposal promotes the use of alternative, renewable energy infrastructure. The provision of said infrastructure is in turn expected to stimulate the market for EV's, in the end contributing to lower emissions and limiting the current carbon footprint.

The development proposal is also envisioned to enhance connectivity between tourist facilities, through enabling longer travelling times for tourists. The longer tourists are able to stay in the area, the more opportunity is created for spending and as such to contribute to the economy. It is thus clear that the proposed development will not be in conflict with the principles as set out in the WCDSDF 2014.

### **2.4 Spatial Development Framework (SDF)**

The application property is situated within a rural area, namely Ward 4 of the Swartland Municipality. The SDF focuses strongly on the objective of economic development of the ward, and the document proposes a number of strategies, specifically economic opportunities presented at intersections and along the dual N7, in order to reach these goals.

The application is evaluated in terms of how it responds to the overarching goals for Swartland to determine if the application is aligned with, and supports, the objectives of the SDF. Seeing that the relevant property is not situated within an established urban node, the SDF does not address this specific site. However, the SDF does identify broad based objectives to be achieved on a regional scale which can be used to assess the application. The five main objectives, which are to be implemented on a regional scale, are identified in the SDF as:

- i) Objective 1: Grow economic prosperity and facilitate economic sector growth;
- ii) Objective 2: Proximate convenient and equal access [Economic Environment];
- iii) Objective 3: Sustain material, physical and social wellbeing [Social Environment];
- iv) Objective 5: Protect ecological and agricultural integrity [Biophysical or Natural Environment];

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

### **2.5 Zoning Scheme Provisions**

The proposed land uses are listed as consent uses within the Agricultural Zone 1 zoning category. The land use on the remainder is thus compatible with the development parameters of the By-Law for Agricultural Zone 1.

The consent use for a farm shop is considered consistent with the services normally associated with a farm, as well as filling stations and therefore the use is supported.

The density, height and other development parameters proposed by the developer are considered acceptable in terms of the objectives of Agricultural Zone 1 and will be further managed at building plan stage.

## **3. Desirability of the proposed utilisation**

The proposed consent uses 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, the development will generate employment opportunities for local residents and stimulate tourist spending in a rural area. The proposal is thus considered a positive asset to the surrounding area.

The primary land use of the property will remain agriculture, while the proposed development will be aimed at providing a service more towards the users on the N7, away from the agricultural activities. However, the farm shop may be utilised as an offset point for local farmers and their products and produce.

Engineering services such as water, sewerage and solid waste will be privately managed by the owner/developer through the use of external water suppliers, conservancy tanks that may be cleaned when necessary and transporting solid waste to the nearest municipal transport stations.

Electricity to the farm shop and charging stations will be generated on the property itself, by means of the solar panels. Eskom did not provide any comments or objections against the application. The application was circulated to the West Coast District Municipality as well, but no comments were forthcoming.

The impact of the development on traffic volumes is deemed to be noticeable. However, the application was presented to the Provincial Department of Transport and SANRAL as owners of the main access road, and their support was provided for the application. Furthermore, it is argued that the traffic generated by the development will largely be limited to the distance between the proposed development and the N7 and therefore the impact on traffic patterns of the larger area is expected to be negligible. Access to the development itself will be obtained via the existing entrance.

There are no physical restrictions on the property that will have a negative impact on the application. In fact, the physical characteristics of the farm, namely the vast open space, the relatively flat topography and the proximity to and accessibility from the N7, make the development an extremely desirable proposal.

The health and safety of the surrounding community will not be negatively impacted upon by the development, but rather enhanced through the provision of 'clean' energy and supporting the reduction of the carbon footprint.

The impact of the development on heritage resources is considered negligible. Furthermore, the visual impact will be mitigated by landscaping.

The development proposal is consistent with the land use proposals of the SDF and principles of access to economic 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.

#### **4. Impact on municipal engineering services**

The need for municipal services to the development is limited minimal use will be made of municipal engineering services on an ad-hoc basis.

### **PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

The financial or other value of the rights

N/A

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

N/A

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

N/A

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

N/A

### **PART L: RECOMMENDATION WITH CONDITIONS**

The application for consent uses on Portion 56 of the farm Groene Rivier, no. 821, Division Malmesbury, be 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:

#### **1. 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 900m<sup>2</sup>, as presented in the application;
- b) The consent use also authorises the establishment of a farm shop of 100m<sup>2</sup> 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, equals 9 730m<sup>2</sup>, 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;

<p>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;</p> <p>e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;</p> <p>f) The required number of parking bays be provided, in compliance with Section 13 of the By-Law, at building plan stage;</p> <p>g) Each parking bay be clearly marked;</p> <p>h) Application be made to the Senior Manager: Development Management for the right to display advertising and tourism signs;</p> <p>i) A Certificate of Compliance be obtained from the West Coast District Municipality for the farm shop;</p> <p>j) A trade licence be obtained from Swartland Municipality for the operation of the farm shop;</p> <p>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;</p> <p>l) The owner/developer submits a proposal for social contribution to the Senior Manager: Development Management for consideration and approval;</p> <p><b>1. WATER</b></p> <p>a) Drinking water be made available at the farm shop, adhering to the standard determined by the West Coast District Municipality;</p> <p>b) The exiting water volume allocated to the property not be increased;</p> <p>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;</p> <p><b>2. SEWERAGE</b></p> <p>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;</p> <p><b>3. REFUSE REMOVAL</b></p> <p>a) The owner/developer is responsible for refuse removal as presented in the application;</p> <p>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;</p> <p><b>4. ROADS</b></p> <p>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;</p> <p>b) Cognisance be taken of the correspondence from SANRAL, dated 6 April 2023 , reference number W11/4/3-7/1X-7;</p> <p><b>5. GENERAL</b></p> <p>a) Cognisance be taken of the correspondence from Openserve, dated 30 January 2023, reference number WWIP_WKBK0289_23;</p> <p>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;</p> <p>c) The approval be, in terms of section 76(2)(w) of the By-Law, valid for 5 years. 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;</p> <p>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 R4 500,00, 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.</p>	<p><b>PART M: REASONS FOR RECOMMENDATION</b></p> <p>1. The proposed application is consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.</p> <p>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 resort and facilities.</p>
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3. The proposed consent uses are consistent with the character and zoning of the property and 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 development proposal does not trigger an EIA and will have no detrimental impact on the environment.
7. The proposal supports the generation of 'clean' energy and is aimed at contributing to the reduction of carbon emissions.
8. The cultural and natural heritage of the area is not negatively impacted upon and the visual impact of the development proposal will be mitigated.
9. The proposed development is not perceived to have a detrimental impact on the health and safety, nor the rights of surrounding land owners.
10. The agricultural practises of neighbouring farms are not foreseen to impact negatively on the proposed development and vice versa.
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 Development Plan
Annexure C	Public Participation Map
Annexure D	Zero CC Cover Letter
Annexure E	Objections by Viljoen & Kie
Annexure F	Objections by C. Werth
Annexure G	Objections by V. Taylor
Annexure H	Objections by T. Cosgrove
Annexure I	Objections by A Boulton
Annexure J	Response to comments
Annexure K	Comments by SANRAL
Annexure L	Comments by Department: Roads
Annexure M	Comments by DEADP

#### PART O: APPLICANT DETAILS

Name	C.K. Rumboll and Partners			
Registered owner(s)	JRW Livestock CC	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: 27 July 2023		
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN : B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 27 July 2023		



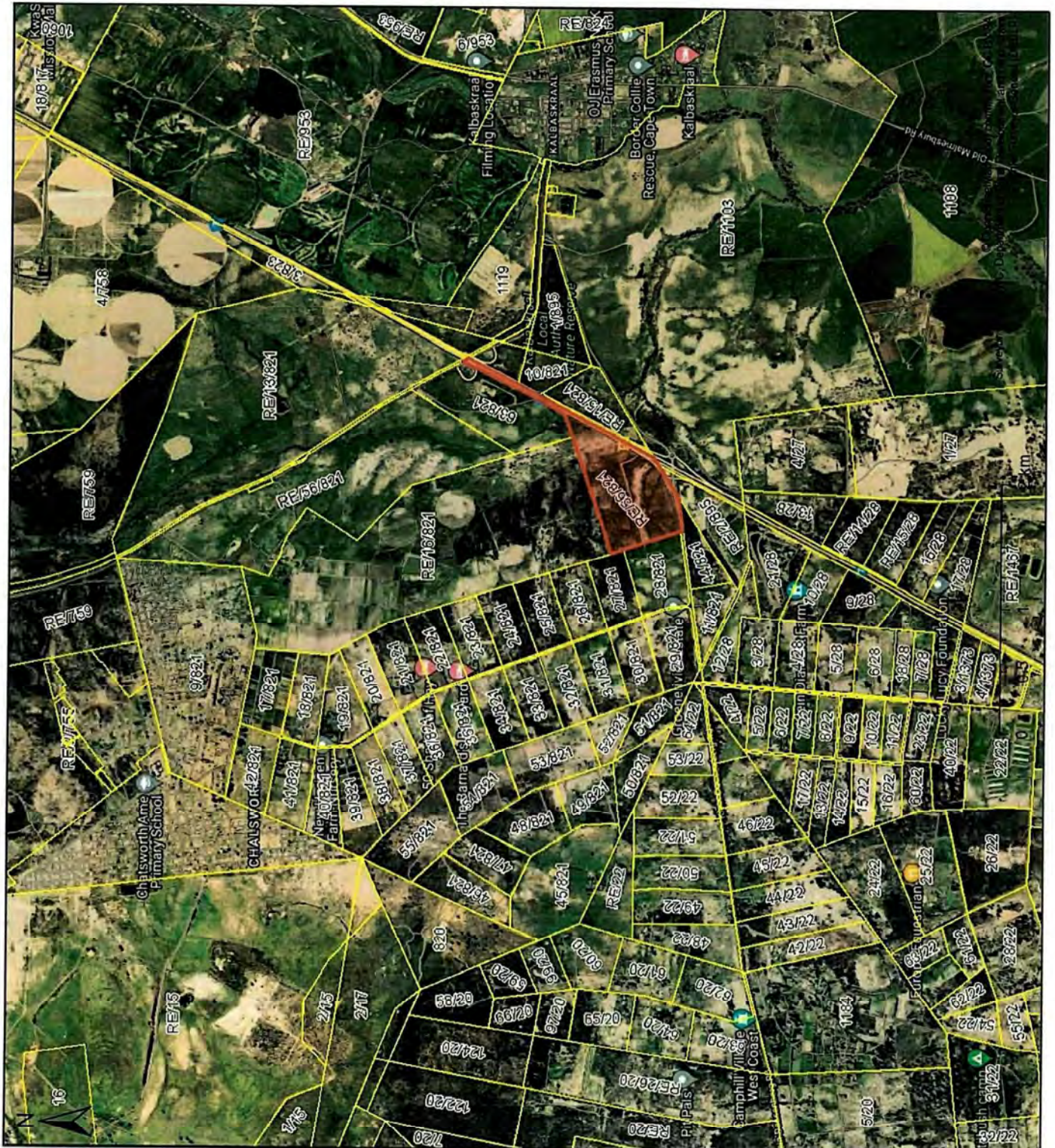
Locality: Farm RE/  
56/821 Malmesbury

Farm Portions

Lat: 33°34'1



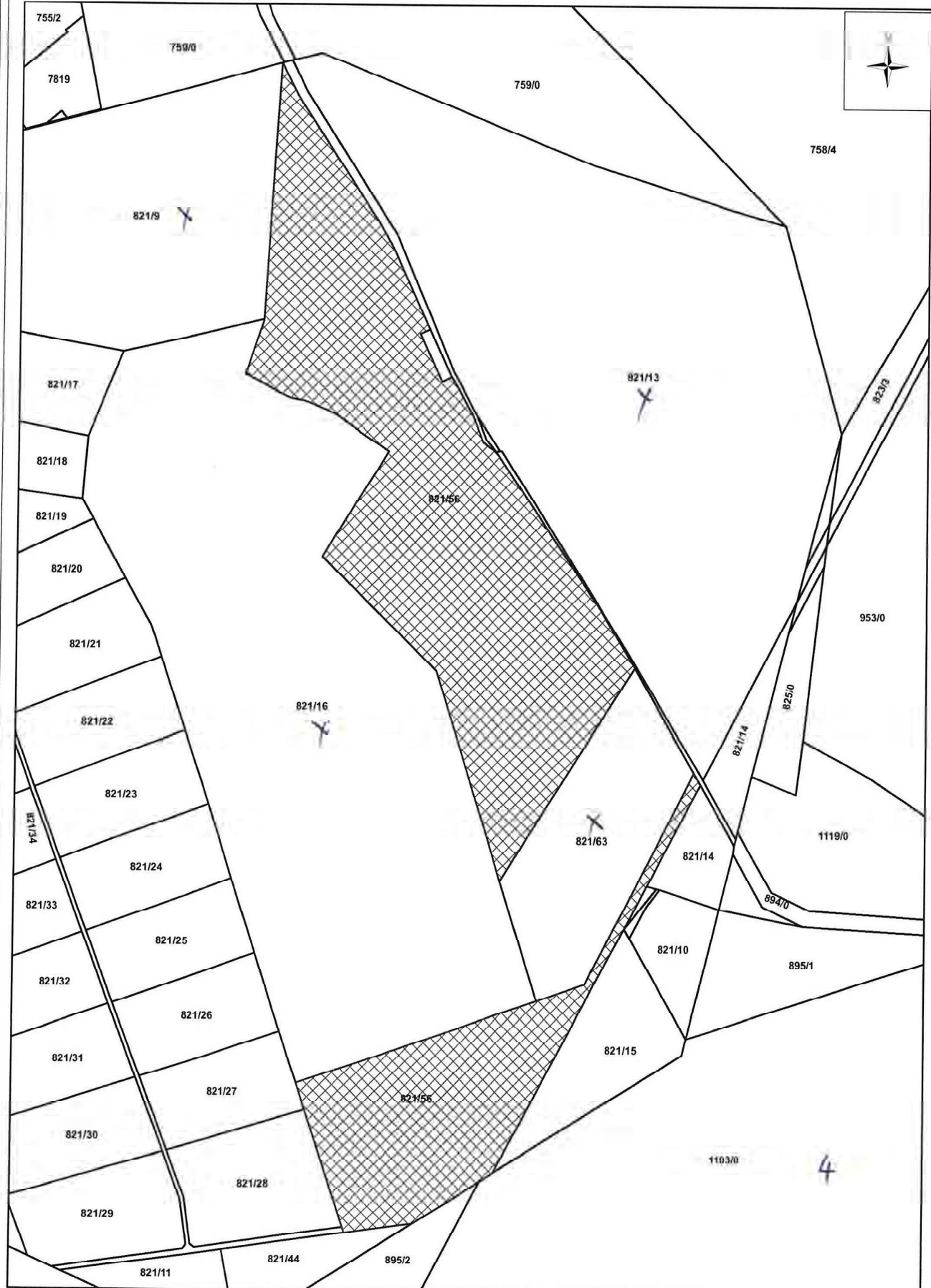
Western Cape  
Government  
FOR YOU













## **ZERO CARBON CHARGE**

MARCH 2023



[www.zerocarboncharge.co.za](http://www.zerocarboncharge.co.za)

The information contained in these documents is confidential, privileged and only for the information of the intended recipient and may not be used, published or redistributed without the prior written consent of Zero Carbon Charge (Pty) Ltd.



## Zero Carbon Charge

Building a network of ultra-fast chargers powered exclusively by green energy generated on-site or in the proximity.

Each site includes three components:

- 1) a solar photovoltaic system
- 2) a charging station for electric cars
- 3) a shop/restaurant with restroom facilities and parking area



ZERO CARBON CHARGE FARM STALL & CHARGING STATION DESIGN

### Our stations are designed to minimise its impact on the environment.

- 1) By generating the power in the proximity of the point of sale we do away with the visual impact of powerlines and facilitate the migration to a green transport without putting any pressure on the national grid.
- 2) Develop a botanical garden with plants rescued from the development footprint. This obviates the need for irrigation and acts as an environmental awareness tool and is done by an independent professional team.
- 3) Water harvesting from the solar panels and farmstall roof will provide all potable water required on site. This water will be filtered on site.
- 4) Grey water will be treated on site and provide irrigation water for the trees in the shaded parking.
- 5) Black water will be put through a none stage septic tank. The final product will be tested fort fitness for irrigation of the hedges.
- 6) Green barriers will be established around the generating area where possible to minimise any visual impact.
- 7) Trees will be established in the parking area to provide a green shaded parking.

- 8) The farm stall will utilise power generated on site as well as water harvested and purified on site. All grey water will go through a fat trap and treated till it is suitable to be used to irrigate the hedges and shade trees.
- 9) Where possible we select sites that do not require any new access to the national roads to minimise the impact on traffic flow. We have a traffic engineer on the team that make sure the access is safe and comply with the relevant regulations.
- 10) Visual impact on all the sites is modelled by our architect to minimise the impact on the neighbouring residents and the public at large.
- 11) The farmstall was designed to minimise its impact and energy requirement.
- 12) The solar panel cleaning will happen early in the morning when wet from dew, eliminating any requirement for additional water

## FARM STALL, CHARGING STATION & SOLAR POWER SYSTEM



### Local Economic Impact

- 1) By entering a long-term lease with the landowner based on a share on the revenue generated on the property the local economy becomes part of the long-term energy value chain.
- 2) The farm stall will provide an outlet for local produce and products and act as a conduit for outside capital into the local economy.
- 3) The development will provide long term permanent employment opportunities on all levels – from cleaning staff and gardeners to cooks and managers. We will also use local contract service providers like security, electrical and plumbing.
- 4) An ongoing investment in the training of the personnel will impact on their development and career opportunities.



- 5) An allocation of 1,5% of the turnover generated on-site from the generation and sale of electricity is allocated to local social investment. In this way the local community shares in the energy value chain over the long term.

## National Impact

- 1) By using purely locally generated electricity we alleviate the pressure on the national grid in keeping with the state of disaster in the electricity generating industry.
- 2) A national ultra-fast charging network will act as a catalyst for the uptake of electric vehicles by the South African public.
- 3) The provision of electric vehicle charging infrastructure is essential for promoting sustainable mobility, which is key principle of Spatial Planning and Land Use Management Act (SPLUMA).
- 4) Every kWh of electricity sold replaces some imported fuel. The local communities around in the platteland thus becomes an entrenched part of the energy future and shares directly in the energy value chain.
- 5) This project is aligned with South Africa's pledge to reduce greenhouse gas emissions and mitigate climate change.
- 6) Facilitation of climate impact mitigation and the green economy.



EXAMPLE SITE LAYOUT AT EXISTING FARM STALL ON THE N2

# ANNEXURE E

**From:** [info@smallholding.co.za](mailto:info@smallholding.co.za) <[info@smallholding.co.za](mailto:info@smallholding.co.za)>

**Sent:** Thursday, 12 January 2023 10:58

**To:** Registrasie Email <[RegistrasieEmail@swartland.org.za](mailto:RegistrasieEmail@swartland.org.za)>

**Subject:** Objections / concerns: proposed EV charging station planned 56/821Groene Rivier, Malmesbury

Good day Swartland Municipality

In terms of the proposed EV charging station planned for Portion 56 of Farm Groene Rivier nr. 821, Division Malmesbury I formally object to this proposal and raise the following concerns and wish to be registered as an I&AP.

## **ZONING AND SURROUNDING LAND USES & MUNICIPAL ZONING SCHEME BY LAW**

1. This property is utilized as an intensive farming cattle-farm on land zoned as agricultural land as is the zoning for all the neighbouring properties. The cattle are rotated between grazing camps as is good farming practice. **I wish to bring to your attention that the document is misleading its recipient/s when it states that intensive farming is not evident on subject property. This property is without a doubt used for intensive cattle-farming purposes.**
2. Agricultural Zone 1 land to be developed as an Electrical Vehicle charging station: Though the consent use categories under Agricultural Zone 1 does make provision for the erection of alternative energy structures, the use of this land and renewable energy structure as an EV station is not a consent use category.  
**This deviation requires a proper EIA and full community participation. In this regard I also wish to bring to your attention that this document was not disseminated to all neighbouring property owners and property owners on the main access road which is Klein-Dassenberg Road. Only the farm immediately abutting the proposed development site have been provided this opportunity to assess this proposal.**  
**Also, if I understand this proposal correctly, there will be several businesses on this portion. Surely this would further affect zoning rights?**
3. A farm shop is a consent use under Agriculture Zone 1, **and should not be accommodated as a primary right.** As such, this additional farm shop will negatively affect the existing operation. **I fail to see the purpose of a 2<sup>nd</sup> farm shop less than a kilometre from an approved farm shop at Trinity Farm and as such object to the approval of this consent-use. Will this farm shop be selling alcohol too at its sit-down area?**

## **DECOMMISSIONING**

4. As for the renewable energy structures, mention is only made of a photovoltaic plant in your abridged version of the application. However, the full application states that "energy will be stored in batteries, and wind turbines will provide back up on sunless days". Wind turbines create noise pollution, as well as pose a danger to bird life through direct collisions with turbines and other structures, and wind power facilities can also degrade and destroy habitat, cause disturbance and displacement, and disrupt important ecological links, habitat loss as well as reduction in survival or reproduction of birdlife.

Our area enjoys a high-volume birdlife, including, among others breeding pairs of blue cranes, owls, eagles, herons, fish eagles, hawks, ibis, wild geese, swifts, pigeons, starlings, guinea fowl



and pelicans. , so it is highly likely that this structure and development will affect the migratory route of some of these birds too. Wind turbines also adversely affect bees & bats, which, by eating destructive insects, provide significant benefits to the country's agricultural sector annually. Cognisance should be taken of the wider impact this will have on the ecology, and not limited to the proposed development site.

**What will happen with the spent turbine propeller blades? Where will they be disposed off?**

**From what biodegradable material are they fabricated? Are they biodegradable?**

**How will the migratory patterns of some of our birds be affected?**

**How will these turbines affected the nearby airport at Morning Star?**

**How many hectares of endangered fynbos will be destroyed?**

**Is Cape Nature involved? Which biodiversity bodies are involved?**

**A full EIA study needs to be conducted, as well as full community participation for wind turbine erection. What area will be part of the EIA and during what time of the year as the fynbos and migratory birds in this area are seasonal.**

**What is the proposed rehabilitation plans of the wind turbines as well as the batteries.**

5. Who will be the registered owner of the recharging facility and the renewable energy structure?
6. Who will be the registered owner of the farm shop?
7. Who will be responsible for decommissioning liability?

#### **DEVELOPMENT PROPOSAL**

8. The N7 is a busy truck route. Considering the lengthy recharging times, it is likely that EV trucks, and possibly ICE trucks, would overnight at this recharging station (i.e truck stop). What are the plans to accommodate this.

**A truck stop is not a desirable facility in our area and there is an existing truck stop at the Engen station not more than 15 kilometres from subject property.**

**Why is a truck stop proposed at this site as trucks are not EVs? Does this mean that diesel storage will be facilitated at this site?**

9. The access will pose a danger as vehicles will be required to turn into the proposed site from Klein Dassenberg Road, a road that is already a high-accident road with a high fatality number and is used as the main connection road between Atlantis and the N7. This road is the only means of access from this area to eg auctions at Klipheuwel and abattoir in Malmesbury – this means large number of vehicles are slow-moving transporting life animals.

**Full disclosure of traffic assessment required, especially the need to cross the busy Klein Dassenberg road after exiting the traffic circle. What mitigation is expected to be installed to ensure safety of other road users in this agricultural area.**

10. With only 4 (four) parking bays for recharging, which will provide access to the farm stall, **please elaborate on the tourism contribution intention of this farm shop. Again, why is this not moved to the existing fuel stations on the N7 in the direction of Cape Town on both sides of the N7? The Engen with the truck stop, Wimpy restaurant and a convenience shop with all necessities and food is the obvious place of this. It is my understanding that the fuel station**

which is currently being built on the N7 intersection at Philadelphia will also entail a convenience shop and fast-food outlet. I fail to see the necessity of taking up more agricultural land when there is existing stations that can be expanded upon to cater for EVs. On this point – how many EVs are currently in use on the N7?

11. As each of the 4 parking bays will measure 12.4m<sup>2</sup>, a total of 50m<sup>2</sup> is designated as recharging sites, which will double up as parking bays for the farm shop, what is the purpose of the +- 7900m<sup>2</sup> renewable energy structure, which is equivalent of 632 parking bay/charging stations. There is also reference to charging sets.

**Please explain the correlation and how many vehicles will be accommodated at any one time for both recharging as well as utilizing the conveniences.**

12. Of the 82 000 permanent jobs envisioned by 2043, how many will be employed per year at this site? In what capacity will they be employed? What transport arrangements will be put in place for them, and what, if any accommodation will be provided?

13. Water usage for the farm shop is proposed to be supplied from the existing farm supply. This supply, emanating from a borehole, is some distance away. Also, this may put pressure on the existing water supply and may affect the surrounding farms (vegetable/animals/fish). There is a restriction on accessing the natural spring on this property.

**This site is not connected to a municipal water line or sewerage line. How will this be dealt with and what is the impact on the water table and water health that we all rely on?**

**How much water consumption is envisaged for this farm shop and EV charging stations. What is the water supply and storage construction plans? Will this water be treated? How will water usage be monitored for compliance with the restrictions on the title deed?**

#### **MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORKS (MSDF)**

14. The MSDF recognises the need to support alternative energy generation methods. However, this was to alleviate pressure on the Eskom grid, to make agriculture more efficient. ( See Western Cape SDP) policy P4....”deliver clean sources of energy to urban areas”. This submission is a business proposal in the form of a recharging station, not dissimilar to a fuel station, with additional “convenience stores”, which will have the effect of decimating agricultural areas. It does not deliver clean energy to urban areas, as the submission purports to support, and neither does it support the “smart environment” categories under the smart city dimensions.

**The Swartland Municipality needs to recognise the difference between a renewable energy structure on agricultural land and a recharging station that uses renewable energy, and assess this business proposal for what it is in its entirety, and not under the guise of alternative energy generation. As such, a full assessment of this business(es) must follow the legislative process, considering the Swartland Municipality’s commitment (in the MSDF) to preserve agricultural land. Provide a diagrammatical representation and map of areas 15,16 & 17 referred to in the submission as earmarked for diversification of the agricultural sector.**

15. Spatial Justice is not supported by generating income for the farmer as a result of this proposed development. It inconveniences more people, and jeopardizes the sustainability of agriculture.
16. Spatial sustainability and efficiency is not supported by this proposed development. The water that will be utilized for the farm shop, and possibly the EV stations too (washing windows/filling

water) will put a strain on the existing water resources available to the farming community in the area. (note there is a contradiction in the submission (water provided by existing water source vs developer) Furthermore, this development will not deliver clean sources of energy to urban customers. The application WILL result in loss of agricultural land.

## **CONCLUSION**

17. As I see it, only the property owner will benefit from this proposed EV charging station seen in light of the existing fuel stations within 20 kilometres of this site stretching to Malmesbury and Cape Town. He will earn a passive income from non-agricultural activities.
18. The facility does not increase electricity capacity nor does it meet the demand for diverse energy sources. It does not contribute to the grid nor does it spread energy sources for general consumption. The neighbouring properties will not be able to tap into the grid.
19. Without specifically elaborating on the carbon footprint of the matters raised above (decommissioning of wind propellers/building the farm shop/stocking and supplies of the farm shop/ trucks), this statement cannot be categorically correct.
20. The development does not support the MSDF/LUPA/SPLUMA nor WCPSDF as stated above. In brief, this infrastructure is similar to a petrol station, with a convenience store of which there are already two in both directions between this proposed site and Cape Town.
21. Reduced pollution levels: Noise and health pollution due to the increase traffic and the wind turbines need to be fully explained and assessed. This development will destroy natural vegetation of agricultural land. It changes the rural landscape from agricultural to business.
22. Acceptability to the community: As mentioned above, the entire community needs to be granted the opportunity to study this proposal and comment if they so wish. Wider community participation is required. Wind energy comes with a host of environmental and health concerns that need to be fully addressed. Business for the existing farm stall on Klein Dassenberg road will be eroded.
23. Who will ensure that security in our area is not compromised? Solar panels are a hot commodity. The farm shop will hold cash and consumables on the premises, as well as susceptible patrons. How will this affect the surrounding area?
24. Traffic will increase (both vehicular (EV and ICE trucks, taxis and cars and maybe buses) as well as foot traffic. This is undesirable to our community. The potential for loitering and taxi rank and informal trading needs to be addressed and avoided. This proposal does not discuss the full extent of likely traffic. Response from Swartland Municipality: [Traffic impact statements / assessments are normally required for developments that is perceived to have a significant impact on the existing road network / infrastructure or that will have a significant peak trip generation. Due to the scale of the proposed development as proposed, it is not deemed necessary. It should be noted that the Municipality did request the comment from the relevant road authority on the proposed application.](#) This proposal needs to clearly articulate the total number of vehicles expected to be serviced by this site at any one point, at specific times of the day/night, for either the EV charging as well as the conveniences. A full impact should be adequately addressed, considering the possible

attraction of the convenience. This farm shop is stated in the document to contribute to tourism, so this needs to be quantified and articulated.

25. Lighting will negatively affect the rural landscape. This is agricultural land which will be degraded by lighting (at the installation, as well as vehicular lighting).
26. Considering the time to full charge for an EV, a more suitable site would be a shopping mall, as research identifies. The city of Cape Town is within the 75km EV station interval of Malmesbury. As such, there should be no need to destroy agricultural land to recharge this amount of EVs. As stated in the initial response from the Swartland Municipality, [Given the small scale of the proposed development](#) this site is not expected to service enough vehicles to warrant a traffic assessment, greater community inclusion, amongst other. ***Please advise what alternative sites have been identified and if/why this proposed site takes preference.***
27. Closing date for comments is 27 January 2023. However, as this document fails to fully disclose the impacts to the community at large, I request that the community is granted additional time to assess the information that I have provided, considering your office deems this not necessary. Response from SM [The Municipality identified all persons whom, in its opinion, may be affected by the approval of the application. Given the small scale of the proposed development only those persons directly abutting the subject property have been notified as required in terms of the relevant By-Law.](#)
28. I am strongly object to this proposal.

Regards  
Rezanne Viljoen

Kind regards

Viljoen Jordaan & Nell Attorneys

Per: R Viljoen  
Legal Assistant  
T: 021 572 1023

Physical and service address: 93 Klein-Dassenberg Road, Klein-Dassenberg, Atlantis 7349 (Not for postal deliveries)  
PO Box 1013 Reygersdal 7352  
Property webpage: [www.smallholding.co.za](http://www.smallholding.co.za)

# ANNEXURE F

**From:** Carol <[carolwerth@gmail.com](mailto:carolwerth@gmail.com)>

**Sent:** Tuesday, 24 January 2023 13:36

**To:** Registrasie Email <[RegistrasieEmail@swartland.org.za](mailto:RegistrasieEmail@swartland.org.za)>

**Subject:** proposed EV charging station planned for Portion 56 of Farm Groene Rivier nr. 821, Division Malmesbury refers

Dear Swartland Municipality

Please note, **I OBJECT** to the proposed EV charging station planned for Portion 56 of Farm Groene Rivier, nr 821, Division Malmesbury..

I reside on Klein Dassenberg Road (Portion 53B Farm 22, Zouterivier). Ms Tracey Cosgrove has highlighted this proposal to me and as such, have read ALL her concerns and I am in agreement with them.

**A FULL COMMUNITY PARTICIPATION** should be sought as this proposal is likely to affect the area with undesirables. Please do not treat this request lightly.

Kind regards

Carol Werth

Portion 53B Farm 22 Zouterivier



# ANNEXURE G

**From:** Vicki Taylor <[vicki@posse.co.za](mailto:vicki@posse.co.za)>

**Sent:** Saturday, 14 January 2023 18:03

**To:** Registrasie Email <[RegistrasieEmail@swartland.org.za](mailto:RegistrasieEmail@swartland.org.za)>

**Subject:** Proposed EV charging station planned for Portion 56 of Farm Groene Rivier nr. 821, Division Malmesbury refers:-

**Importance:** High

Dear Swartland Municipality

I have been advised of the EV charging station planned for Portion 56 of Farm Groene Rivier nr. 821, Division Malmesbury. **I FORMALLY raise the following concerns and state upfront that I am not in agreement with this development and object thereto:-**

## **ZONING AND SURROUNDING LAND USES & MUNICIPAL ZONING SCHEME BY LAW**

The land is currently used to farm cattle, in accordance with the designated land use rights of this property. The cattle are rotated, as is good farming practice, and therefore intensive farming, which is also a consent use, is not evident. Consent use has not been sought for intensive farming on this land, as extensive farming is practiced. The surrounding lands are zoned Agriculture, which renders them available to the land owners for agriculture. For clarity, according to the municipal by law of 2020:- Agriculture means the cultivation of land for crops and other plants, or the keeping and breeding of animals, including sea animals, including oysters and abalone, or , including use on an intensive basis of the natural veld or land, and includes only such activities and buildings (including those for accommodation), as are reasonably connected with the main farming activities, but excludes an agricultural industry. Keeping of animals means the accommodation of animals.

***Therefore, to state that intensive farming is not evident is irrelevant, as is the statement is erroneously employed to allude to land not adequately utilized, when extensive farming takes place on this land.***

1. The first part of this proposal is for the use of this agricultural Zone 1 land to be developed as an Electrical Vehicle charging station. Whilst the consent use categories under Agricultural Zone 1 does include the erection of alternative energy structures, the use of this land and renewable energy structure as an EV station is not a consent use category. ***Consequently, this deviation requires a full Environment Impact Assessment and full community participation. This proposal will be multiple businesses, and this should be correctly assessed in detail, incorporating all statutory aspects and consequences.***

2. A farm shop is a consent use under Agriculture Zone 1, and should not be accommodated as a primary right. There is also a farm stall within a few meters of this proposed farm shop (Trinity Farm), for which consent was sought and approved. As such, this additional farm shop will negatively affect the existing operation.  
**A full community participation should be sought for this consent use approval.**

## **DECOMMISSIONING**

3. As for the renewable energy structures, mention is only made of a photovoltaic plant in your abridged version of the application. However, the full application states that “energy will be stored in batteries, and wind turbines will provide back up on sunless days”. Wind turbines create noise pollution, as well as pose a danger to bird life through direct collisions with

turbines and other structures, and wind power facilities can also degrade and destroy habitat, cause disturbance and displacement, and disrupt important ecological links, habitat loss as well as reduction in survival or reproduction of birdlife. Our area enjoys a prolific birdlife, including, but not limited to, owls, eagles, fish eagles, hawks, ibis, wild geese, swifts, pigeons, starlings, guinea fowl and pelicans, to name a few, so it is highly likely that this structure and development will affect the migratory route of some of these birds too. An estimated 140 000 to 500 000 bird deaths occur per year due to turbine collisions (National Audubon Society, 2020). Wind turbines also adversely affect bees & bats, which, by eating destructive insects, provide significant benefits to the country's agricultural sector annually. Cognisance should be taken of the wider impact this will have on the ecology, and not limited to the proposed development site.

Furthermore, what are the rehabilitation plans for the spent turbine propeller blades? The construction material needs to be fully disclosed for biodegradable assessment. Full disclosure of all proposed structures should be made public to a wider audience, including the environmental and agricultural authorities.

***A full EIA study needs to be conducted, as well as full community participation for wind turbine erection.***

***What is the proposed rehabilitation plans of the wind turbines as well as the batteries.***

***How will you ensure correct and appropriate rehabilitation of the site, proof of regulatory compliance required (guarantees/funding plans etc, which in terms of the Act are required upfront and not after decommissioning as stated in the application)***

4. Who will be the registered owner of the recharging facility and the renewable energy structure?
5. Who will be the registered owner of the farm shop?
6. Who will be responsible for decommissioning liability?
7. The CBA value of the surrounding properties, and the subject property, should involve Cape Nature and also include full community participation. IDPs and SDF, Environmental frameworks and zoning schemes are required to identify a network of CBAs for land use decisions, and development control decisions through land use planning ordinances (LUPO) for safeguarding to meet national biodiversity thresholds (targets) to ensure that these areas are safeguarded in their natural or near natural state as they are critical for conserving biodiversity and maintaining ecosystem functioning.

***The environmental report that is purported to be underway should be made publicly available, considering reference to the CBA nature of surrounding properties.***

### **DEVELOPMENT PROPOSAL**

8. The N7 is a busy truck route. Considering the lengthy recharging times, it is likely that EV trucks, and possibly ICE trucks, would overnight at this recharging station (i.e truck stop). What are the plans to accommodate this.

***A truck stop is not a desirable facility in our area.***

9. The access will pose a danger as vehicles will be required to turn into the proposed site from Klein Dassenberg road, a road that is busy transporting livestock. I have been requesting solid

non-overtaking lines for years as I am in danger when turning into my property with a trailer of livestock. Vehicles exit the roundabout or N7 at high speeds, often overtaking. The statement about accessibility at low speeds is a misnomer, which I can attest to. Speeding towards the N7 also poses a danger to the other road users and residents. KD road is a high accident zone.

***Full disclosure of traffic assessment required, especially the need to cross the busy Klein Dassenberg road after exiting the traffic circle. What mitigation is expected to be installed to ensure safety of other road users in this agricultural area.***

10. With only 4 (four) parking bays for recharging, which will provide access to the farm stall, ***please elaborate on the tourism contribution intention of this farm shop.***
11. What is the carbon footprint of this farm shop (Packaging/refuse/cooking/storage/deliveries/attraction to ICE vehicles using the convenience facilities?) Reference is made in the submission to Section 2(24) of the constitution. This proposal for a farm shop does not adequately articulate and measure the destruction of agricultural land, which the constitution aims to protect, nor its carbon footprint. This submission argues that the EV drivers need to be kept amused/busy/fed in a convenience store, which will be placed every 75km along major routes in urban areas, at the expense of agricultural land, all to promote more infrastructure to support EVs. ***Please measure and articulate how the infrastructure development will reduce the overall carbon foot print, and the net loss of urban land effects.***
12. ***Please provide the explicit description of the proposed farm shop to enable full assessment by the community at large. What is this farm shop likely to stock, store, sell, Is a restaurant intended and if so, specifically what type. Will an liquor license be sought? What are the proposed operating hours.*** (Extract from Municipal by law: ***farm shop***, means a building, located on a farm, including storage facilities, from where goods may be sold to the general public and may include a restaurant; ***restaurant***, means a commercial establishment where meals and liquid refreshments are prepared and served to paying customers for consumption on the site, and includes licensed provision of alcoholic beverages for consumption on the site;)
13. As each of the 4 (four) parking bays will measure 12.4m<sup>2</sup>, a total of 50m<sup>2</sup> is designated as recharging sites, which will double up as parking bays for the farm shop, what is the purpose of the +- 7900m<sup>2</sup> renewable energy structure, which is equivalent of 632 parking bay/charging stations. There is also reference to charging sets. ***Please explain the correlation and how many vehicles will be accommodated at any one time for both recharging as well as utilizing the conveniences.***
14. Is this farm shop going to be accessible to ICE vehicles also. How many parking bays are envisioned to accommodate ICE vehicles at the farm shop?
15. With EV charging stations envisioned every 75km, at an investment of R51bn, with convenience stores (R100bn convenience spend), and retail establishments, targeted at rural areas, the environment will be severely negatively impacted, with large scale destruction of the rural areas and agricultural land if the total area is incorporated in the assessment. All these additional “conveniences” must surely negate most, if not all of the carbon reduction in

the quest for EVs. **Please provide explanation and the carbon footprint figures of these EV stations as a whole including the associated farm shop.**

16. Who is expected to share in the revenue share agreements (R10bn) and how is this expected to transpire?
17. What is the portion of the R2.9bn spend in local (Swartland Municipality) rates and taxes attributable to this proposed development? The fact that the SM has not called for more detailed analysis begs the question that this could be clouding your judgement. **SM must call for additional information to ensure that a full and detailed AND IMPARTIAL assessment, is conducted.**
18. Of the 82 000 permanent jobs envisioned by 2043, how many will be employed per year at this site? In what capacity will they be employed? What transport arrangements will be put in place for them, and what, if any accommodation will be provided?
19. Water usage for the farm shop is proposed to be supplied from the existing farm supply. This supply, emanating from a borehole, is some distance away. Also, this may put pressure on the existing water supply and may affect the surrounding farms (vegetable/animals/fish). There is a restriction on accessing the natural spring on this property.  
***How much water consumption is envisaged for this farm shop and EV charging stations. What is the water supply and storage construction plans? Will this water be treated? How will water usage be monitored for compliance with the restrictions on the title deed?***
20. Solid waste disposal is the responsibility of the owner. Does this refer to the owner of the land/farm or the owner of the facility? If these differ please provide details of owner of the components of the facilities (EV stations, energy supply structures/farm shop)

#### **MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORKS (MSDF)**

21. The MSDF recognises the need to support alternative energy generation methods. However, this was to alleviate pressure on the Eskom grid, to make agriculture more efficient. ( See Western Cape SDP) policy P4...."deliver clean sources of energy to urban areas". This submission is a business proposal in the form of a recharging station, not dissimilar to a fuel station, with additional "convenience stores", which will have the effect of decimating agricultural areas. It does not deliver clean energy to urban areas, as the submission purports to support, and neither does it support the "smart environment" categories under the smart city dimensions.  
***The Swartland Municipality needs to recognise the difference between a renewable energy structure on agricultural land and a recharging station that uses renewable energy, and assess this business proposal for what it is in its entirety, and not under the guise of alternative energy generation. As such, a full assessment of this business(es) must follow the legislative process, considering the Swartland Municipality's commitment (in the MSDF) to preserve agricultural land. Provide a diagrammatical representation and map of areas 15,16 & 17 referred to in the submission as earmarked for diversification of the agricultural sector.***

22. Spatial Justice is not supported by generating income for the farmer as a result of this proposed development. It inconveniences more people, and jeopardizes the sustainability of agriculture.
23. Spatial sustainability and efficiency is not supported by this proposed development. The water that will be utilized for the farm shop, and possibly the EV stations too (washing windows/filling water) will put a strain on the existing water resources available to the farming community in the area. (note there is a contradiction in the submission (water provided by existing water source vs developer) Furthermore, this development will not deliver clean sources of energy to urban customers. The application WILL result in loss of agricultural land

## **CONCLUSION**

24. The facility does not increase electricity capacity, nor does it meet the demand for diverse energy sources. It does not contribute to the grid, nor does it diversify energy sources for general consumption.
25. Without specifically elaborating on the carbon footprint of the matters raised above (decommissioning of wind propellers/building the farm shop/stocking and supplies of the farm shop), this statement cannot be categorically correct.
26. The development does not support the MSDF/LUPA/SPLUMA nor WCPSTF as stated above. In brief, this infrastructure is similar to a petrol station, with a convenience store.
27. Reduced pollution levels: The proposal does not reduce pollution levels as it does not address the noise pollution of the increased traffic, nor the farm shop. In addition, the wind turbines needs to be fully explained and assessed for noise and health pollution. This development will destroy natural vegetation of agricultural land. It changes the rural landscape from agricultural to business.
28. Acceptability to the community: Firstly, only the farm immediately abutting the proposed development site have been provided this opportunity to assess this proposal. Wider community participation is required. Wind energy comes with a host of environmental and health concerns that need to be fully addressed. Business for the existing farm stall on Klein Dassenberg road will be eroded. The only community member this facility is acceptable to is the farmer, who stands to generate passive income without the need for farming on agricultural land.
29. Who will ensure that security in our area is not compromised? Solar panels are a hot commodity. The farm shop will hold cash and consumables on the premises, as well as susceptible patrons. How will this affect the surrounding area?
30. Traffic will increase (both vehicular (EV and ICE trucks, taxis and cars and maybe busses) as well as foot traffic. This is undesirable to our community. The potential for loitering and taxi rank and informal trading needs to be addressed and avoided. This proposal does not discuss the full extent of likely traffic. Response from Swartland Municipality: [Traffic impact statements / assessments are normally required for developments that is perceived to have a](#)



significant impact on the existing road network / infrastructure or that will have a significant peak trip generation. Due to the scale of the proposed development as proposed, it is not deemed necessary. It should be noted that the Municipality did request the comment from the relevant road authority on the proposed application.

This proposal needs to clearly articulate the total number of vehicles expected to be serviced by this site at any one point, at specific times of the day/night, for either the EV charging as well as the conveniences. A full impact should be adequately addressed, considering the possible attraction of the convenience. This farm shop is stated in the document to contribute to tourism, so this needs to be quantified and articulated.

31. Lighting will negatively affect the rural landscape. This is agricultural land which will be degraded by lighting (at the installation, as well as vehicular lighting).
32. Considering the time to full charge for an EV, a more suitable site would be a shopping mall, as research identifies. The city of Cape Town is within the 75km EV station interval of Malmesbury. As such, there should be no need to destroy agricultural land to recharge this amount of EVs. As stated in the initial response from the Swartland Municipality, *Given the small scale of the proposed development* this site is not expected to service enough vehicles to warrant a traffic assessment, greater community inclusion, amongst other. ***Please advise what alternative sites have been identified and if/why this proposed site takes preference.***
33. Closing date for comments is 27 January 2023. However, as this document fails to fully disclose the impacts to the community at large, I request that the community is granted additional time to assess the information that I have provided, considering your office deems this not necessary. Response from SM *The Municipality identified all persons whom, in its opinion, may be affected by the approval of the application. Given the small scale of the proposed development only those persons directly abutting the subject property have been notified as required in terms of the relevant By-Law.*
34. **I am against this proposed development, for the reasons stated above.**

Please do not hesitate to contact us to discuss the above.

Kind regards  
Vicki Taylor  
POSSE Management Services  
Tel: +27 21 556 7887  
Cell: +27 83 460 4121  
Fax to E-mail: 086 509 8351  
[vicki@posse.co.za](mailto:vicki@posse.co.za)  
[www.posse.co.za](http://www.posse.co.za)



# ANNEXURE H

**From:** Tracey Cosgrove <[TRACEY.Cosgrove@petrosa.co.za](mailto:TRACEY.Cosgrove@petrosa.co.za)>

**Sent:** Wednesday, 11 January 2023 17:24

**To:** Registrasie Email <[RegistrasieEmail@swartland.org.za](mailto:RegistrasieEmail@swartland.org.za)>

**Subject:** proposed EV charging station planned for Portion 56 of Farm Groene Rivier nr. 821, Division Malmesbury refers:-

Good day Swartland Municipality

In terms of the proposed EV charging station planned for Portion 56 of Farm Groene Rivier nr. 821, Division Malmesbury I FORMALLY raise the following concerns:-

## **ZONING AND SURROUNDING LAND USES & MUNICIPAL ZONING SCHEME BY LAW**

1. The land is currently used to farm cattle, in accordance with the designated land use rights of this property. The cattle are rotated, as is good farming practice, and therefore intensive farming, which is also a consent use, is not evident. Consent use has not been sought for intensive farming on this land, as extensive farming is practiced. The surrounding lands are zoned Agriculture, which renders them available to the land owners for agriculture. For clarity, according to the municipal by law of 2020:- Agriculture means the cultivation of land for crops and other plants, or the keeping and breeding of animals, including sea animals, including oysters and abalone, or , including use on an intensive basis of the natural veld or land, and includes only such activities and buildings (including those for accommodation), as are reasonably connected with the main farming activities, but excludes an agricultural industry. Keeping of animals means the accommodation of animals.

***Therefore, to state that intensive farming is not evident is irrelevant, as is the statement is erroneously employed to allude to land not adequately utilized, when extensive farming takes place on this land.***

2. The first part of this proposal is for the use of this agricultural Zone 1 land to be developed as an Electrical Vehicle charging station. Whilst the consent use categories under Agricultural Zone 1 does include the erection of alternative energy structures, the use of this land and renewable energy structure as an EV station is not a consent use category.

***Consequently, this deviation requires a full Environment Impact Assessment and full community participation. This proposal will be multiple businesses, and this should be correctly assessed in detail, incorporating all statutory aspects and consequences.***

3. A farm shop is a consent use under Agriculture Zone 1, **and should not be accommodated as a primary right.** There is also a farm stall within a few meters of this proposed farm shop (Trinity Farm), for which consent was sought and approved. As such, this additional farm shop will negatively affect the existing operation.

**A full community participation should be sought for this consent use approval.**

## **DECOMMISSIONING**

4. As for the renewable energy structures, mention is only made of a photovoltaic plant in your abridged version of the application. However, the full application states that “energy will be

stored in batteries, and **wind turbines will provide back up on sunless days**". Wind turbines create noise pollution, as well as pose a danger to bird life through direct collisions with turbines and other structures, and wind power facilities can also degrade and destroy habitat, cause disturbance and displacement, and disrupt important ecological links, habitat loss as well as reduction in survival or reproduction of birdlife. Our area enjoys a prolific birdlife, including, but not limited to, owls, eagles, fish eagles, hawks, ibis, wild geese, swifts, pigeons, starlings, guinea fowl and pelicans, to name a few, so it is highly likely that this structure and development will affect the migratory route of some of these birds too. An estimated 140 000 to 500 000 bird deaths occur per year due to turbine collisions (National Audubon Society, 2020). Wind turbines also adversely affect bees & bats, which, by eating destructive insects, provide significant benefits to the country's agricultural sector annually. Cognisance should be taken of the wider impact this will have on the ecology, and not limited to the proposed development site.

Furthermore, what are the rehabilitation plans for the spent turbine propeller blades? The construction material needs to be fully disclosed for biodegradable assessment. Full disclosure of all proposed structures should be made public to a wider audience, including the environmental and agricultural authorities.

***A full EIA study needs to be conducted, as well as full community participation for wind turbine erection.***

***What is the proposed rehabilitation plans of the wind turbines as well as the batteries.***

***How will you ensure correct and appropriate rehabilitation of the site, proof of regulatory compliance required (guarantees/funding plans etc, which in terms of the Act are required upfront and not after decommissioning as stated in the application)***

5. Who will be the registered owner of the recharging facility and the renewable energy structure?
6. Who will be the registered owner of the farm shop?
7. Who will be responsible for decommissioning liability?
8. The CBA value of the surrounding properties, and the subject property, should involve Cape Nature and also include full community participation. IDPs and SDF, Environmental frameworks and zoning schemes are required to identify a network of CBAs for land use decisions, and development control decisions through land use planning ordinances (LUPO) for safeguarding to meet national biodiversity thresholds (targets) to ensure that these areas are safeguarded in their natural or near natural state as they are critical for conserving biodiversity and maintaining ecosystem functioning.

***The environmental report that is purported to be underway should be made publicly available, considering reference to the CBA nature of surrounding properties.***

## **DEVELOPMENT PROPOSAL**

9. The N7 is a busy truck route. Considering the lengthy recharging times, it is likely that EV trucks, and possibly ICE trucks, would overnight at this recharging station (i.e truck stop). What are the plans to accommodate this.

***A truck stop is not a desirable facility in our area.***

10. The access will pose a danger as vehicles will be required to turn into the proposed site from Klein Dassenberg road, a road that is busy transporting livestock. I have been requesting solid non-overtaking lines for years as I am in danger when turning into my property with a trailer of livestock. Vehicles exit the roundabout or N7 at high speeds, often overtaking. The statement about accessibility at low speeds is a misnomer, which I can attest to. Speeding towards the N7 also poses a danger to the other road users and residents. KD road is a high accident zone.

***Full disclosure of traffic assessment required, especially the need to cross the busy Klein Dassenberg road after exiting the traffic circle. What mitigation is expected to be installed to ensure safety of other road users in this agricultural area.***

11. With only 4 (four) parking bays for recharging, which will provide access to the farm stall, ***please elaborate on the tourism contribution intention of this farm shop.***

12. What is the carbon footprint of this farm shop (Packaging/refuse/cooking/storage/deliveries/attraction to ICE vehicles using the convenience facilities?) Reference is made in the submission to Section 2(24) of the constitution. This proposal for a farm shop does not adequately articulate and measure the destruction of agricultural land, which the constitution aims to protect, nor its carbon footprint. This submission argues that the EV drivers need to be kept amused/busy/fed in a convenience store, which will be placed every 75km along major routes in urban areas, at the expense of agricultural land, all to promote more infrastructure to support EVs.

***Please measure and articulate how the infrastructure development will reduce the overall carbon foot print, and the net loss of urban land effects.***

13. ***Please provide the explicit description of the proposed farm shop to enable full assessment by the community at large. What is this farm shop likely to stock, store, sell, Is a restaurant intended and if so, specifically what type. Will an liquor license be sought? What are the proposed operating hours.*** (Extract from Municipal by law: ***farm shop***, means a building, located on a farm, including storage facilities, from where goods may be sold to the general public and may include a restaurant; ***restaurant***, means a commercial establishment where meals and liquid refreshments are prepared and served to paying customers for consumption on the site, and includes licensed provision of alcoholic beverages for consumption on the site;)

14. As each of the 4 (four) parking bays will measure 12.4m<sup>2</sup>, a total of 50m<sup>2</sup> is designated as recharging sites, which will double up as parking bays for the farm shop, what is the purpose of the +- 7900m<sup>2</sup> renewable energy structure, which is equivalent of 632 parking bay/charging stations. There is also reference to charging sets. ***Please explain the correlation and how many vehicles will be accommodated at any one time for both recharging as well as utilizing the conveniences.***

15. Is this farm shop going to be accessible to ICE vehicles also. How many parking bays are envisioned to accommodate ICE vehicles at the farm shop?

16. With EV charging stations envisioned every 75km, at an investment of R51bn, with convenience stores (R100bn convenience spend), and retail establishments, targeted at rural areas, the environment will be severely negatively impacted, with large scale destruction of the rural areas and agricultural land if the total area is incorporated in the assessment. All

these additional “conveniences” must surely negate most, if not all of the carbon reduction in the quest for EVs. **Please provide explanation and the carbon footprint figures of these EV stations as a whole including the associated farm shop.**

17. Who is expected to share in the revenue share agreements (R10bn) and how is this expected to transpire?
18. What is the portion of the R2.9bn spend in local (Swartland Municipality) rates and taxes attributable to this proposed development? The fact that the SM has not called for more detailed analysis begs the question that this could be clouding your judgement. **SM must call for additional information to ensure that a full and detailed AND IMPARTIAL assessment, is conducted.**
19. Of the 82 000 permanent jobs envisioned by 2043, how many will be employed per year at this site? In what capacity will they be employed? What transport arrangements will be put in place for them, and what, if any accommodation will be provided?
20. Water usage for the farm shop is proposed to be supplied from the existing farm supply. This supply, emanating from a borehole, is some distance away. Also, this may put pressure on the existing water supply and may affect the surrounding farms (vegetable/animals/fish). There is a restriction on accessing the natural spring on this property.  
***How much water consumption is envisaged for this farm shop and EV charging stations. What is the water supply and storage construction plans? Will this water be treated? How will water usage be monitored for compliance with the restrictions on the title deed?***
21. Solid waste disposal is the responsibility of the owner. Does this refer to the owner of the land/farm or the owner of the facility? If these differ please provide details of owner of the components of the facilities (EV stations, energy supply structures/farm shop)

#### **MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORKS (MSDF)**

22. The MSDF recognises the need to support alternative energy generation methods. However, this was to alleviate pressure on the Eskom grid, to make agriculture more efficient. ( See Western Cape SDP) policy P4....”deliver clean sources of energy to urban areas”. This submission is a business proposal in the form of a recharging station, not dissimilar to a fuel station, with additional “convenience stores”, which will have the effect of decimating agricultural areas. It does not deliver clean energy to urban areas, as the submission purports to support, and neither does it support the “smart environment” categories under the smart city dimensions.  
***The Swartland Municipality needs to recognise the difference between a renewable energy structure on agricultural land and a recharging station that uses renewable energy, and assess this business proposal for what it is in its entirety, and not under the guise of alternative energy generation. As such, a full assessment of this business(es) must follow the legislative process, considering the Swartland Municipality’s commitment (in the MSDF) to preserve agricultural land. Provide a diagrammatical representation and map of areas 15,16 & 17 referred to in the submission as earmarked for diversification of the agricultural sector.***



23. Spatial Justice is not supported by generating income for the farmer as a result of this proposed development. It inconveniences more people, and jeopardizes the sustainability of agriculture.
24. Spatial sustainability and efficiency is not supported by this proposed development. The water that will be utilized for the farm shop, and possibly the EV stations too (washing windows/filling water) will put a strain on the existing water resources available to the farming community in the area. (note there is a contradiction in the submission (water provided by existing water source vs developer) Furthermore, this development will not deliver clean sources of energy to urban customers. The application WILL result in loss of agricultural land

## **CONCLUSION**

25. The facility does not increase electricity capacity, nor does it meet the demand for diverse energy sources. It does not contribute to the grid, nor does it diversify energy sources for general consumption.
26. Without specifically elaborating on the carbon footprint of the matters raised above (decommissioning of wind propellers/building the farm shop/stocking and supplies of the farm shop), this statement cannot be categorically correct.
27. The development does not support the MSDF/LUPA/SPLUMA nor WCPsDF as stated above. In brief, this infrastructure is similar to a petrol station, with a convenience store.
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29. Acceptability to the community: Firstly, only the farm immediately abutting the proposed development site have been provided this opportunity to assess this proposal. Wider community participation is required. Wind energy comes with a host of environmental and health concerns that need to be fully addressed. Business for the existing farm stall on Klein Dassenberg road will be eroded. The only community member this facility is acceptable to is the farmer, who stands to generate passive income without the need for farming on agricultural land.
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significant impact on the existing road network / infrastructure or that will have a significant peak trip generation. Due to the scale of the proposed development as proposed, it is not deemed necessary. It should be noted that the Municipality did request the comment from the relevant road authority on the proposed application.

This proposal needs to clearly articulate the total number of vehicles expected to be serviced by this site at any one point, at specific times of the day/night, for either the EV charging as well as the conveniences. A full impact should be adequately addressed, considering the possible attraction of the convenience. This farm shop is stated in the document to contribute to tourism, so this needs to be quantified and articulated.

32. Lighting will negatively affect the rural landscape. This is agricultural land which will be degraded by lighting (at the installation, as well as vehicular lighting).
33. Considering the time to full charge for an EV, a more suitable site would be a shopping mall, as research identifies. The city of Cape Town is within the 75km EV station interval of Malmesbury. As such, there should be no need to destroy agricultural land to recharge this amount of EVs. As stated in the initial response from the Swartland Municipality, *Given the small scale of the proposed development* this site is not expected to service enough vehicles to warrant a traffic assessment, greater community inclusion, amongst other. ***Please advise what alternative sites have been identified and if/why this proposed site takes preference.***
34. Closing date for comments is 27 January 2023. However, as this document fails to fully disclose the impacts to the community at large, I request that the community is granted additional time to assess the information that I have provided, considering your office deems this not necessary. Response from SM *The Municipality identified all persons whom, in its opinion, may be affected by the approval of the application. Given the small scale of the proposed development only those persons directly abutting the subject property have been notified as required in terms of the relevant By-Law.*
35. **I am vehemently against this proposed development, for, not least, the reasons stated above.**

I look forward to receiving the additional information that, in my opinion, should have been included in the original application, extension of deadline for comments, the EIA report, and amendment to the erroneous statements in the proposal. As this information provided does not adequately address all matters of concern, I reserve the right to raise additional queries and comments upon receipt of the additional information required and called for in order to fully assess this proposal. As such, kindly have the courtesy to either extend the deadline, or ensure that the additional information is provided in good time and in good faith, to allow full analysis prior to 27 Jan 2023 deadline.

Regards  
Tracey Cosgrove

# ANNEXURE I

**From:** Anna Boulton <[annaboulton48@gmail.com](mailto:annaboulton48@gmail.com)>

**Sent:** Friday, 27 January 2023 11:53 AM

**To:** [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

**Cc:** Jacques van der Merwe <[Jacques.VanDerMerwe@capetown.gov.za](mailto:Jacques.VanDerMerwe@capetown.gov.za)>; Tracey Cosgrove <[TRACEY.Cosgrove@petrosa.co.za](mailto:TRACEY.Cosgrove@petrosa.co.za)>; Wayne Gleeson <[wayne@megadent.co.za](mailto:wayne@megadent.co.za)>; pam <[pam@pgkconsulting.co.za](mailto:pam@pgkconsulting.co.za)>; Paul Mulder <[PBMulder51@gmail.com](mailto:PBMulder51@gmail.com)>; Benieta Swan <[benieta@floraldecor.info](mailto:benieta@floraldecor.info)>; [carolwerth@gmail.com](mailto:carolwerth@gmail.com); [splashfarms@gmail.com](mailto:splashfarms@gmail.com); Trevor Hartley <[trevor.techniblend@gmail.com](mailto:trevor.techniblend@gmail.com)>; [bernice.barnard@yahoo.com](mailto:bernice.barnard@yahoo.com); [kevin@starlightlawn.co.za](mailto:kevin@starlightlawn.co.za); Michele Coss <[michele@cossaviation.com](mailto:michele@cossaviation.com)>; Ronel Botes <[ronelbotes98@gmail.com](mailto:ronelbotes98@gmail.com)>; [vicki@posse.co.za](mailto:vicki@posse.co.za); [ferreiramarguerite1@gmail.com](mailto:ferreiramarguerite1@gmail.com); [clive.laing1960@gmail.com](mailto:clive.laing1960@gmail.com); [committee.dra@gmail.com](mailto:committee.dra@gmail.com); [barbara.rass@capetown.gov.za](mailto:barbara.rass@capetown.gov.za)

**Subject:** public comment on proposed EV charging station

Dear Municipality

I concur with all the points made by Mrs Cosgrave in her email to you in respect of the lack of detail of the plans distributed for comment and the municipality's handling of a development project which goes far beyond the definition of 'consent use'.

An Environmental Impact Assessment is a prerequisite, not least because we are a farming community and wind turbines would have a huge impact on our wellbeing and that of our animals as well as birds and wildlife. As admitted in the proposal, the site is situated in a Critical Biodiversity Area. The impact on traffic, noise and light pollution and methods of waste disposal (fast-food outlet?) ought to be investigated in advance. The area is full of litter which sporadically gets removed by the Municipality as it is.

I think it is the duty of the Municipality to forward us a more detailed proposal to enable us, as the surrounding neighbours, who will be affected by light, noise, traffic, waste, etcetera, to comment on the possible impact properly.

To allow this type of development in this area under the guise of 'consent use' will certainly set a precedent for neighbours wishing to start windfarms here, for example. Or maybe the Municipality would be in favour of this, too?

It would seem to me that inclusion of an EV charging station on the existing site of e.g. Swartland Engen would be more logical than starting another stop-over in the middle of our precious farmland.

Regards  
Anna Boulton



**CK RUMBOLL**  
& PARTNERS

## **ANNEXURE J**

Western Cape, 7299

☎ 022 482 1845

✉ [izak@rumboll.co.za](mailto:izak@rumboll.co.za)

🌐 [www.rumboll.co.za](http://www.rumboll.co.za)

Ref: AL/12874/NG

20 February 2023

Attention: Mr. A Zaayman

The Municipal Manager

Swartland Municipality

Private bag X52

**MALMESBURY**

7299

**RESPONSE TO OBJECTIONS:  
RENEWABLE ENERGY STRUCTURE & FARM SHOP ON PORTION 56 OF FARM  
GROENE RIVIER No. 821, MALMESBURY DIVISION**

Dear Sir

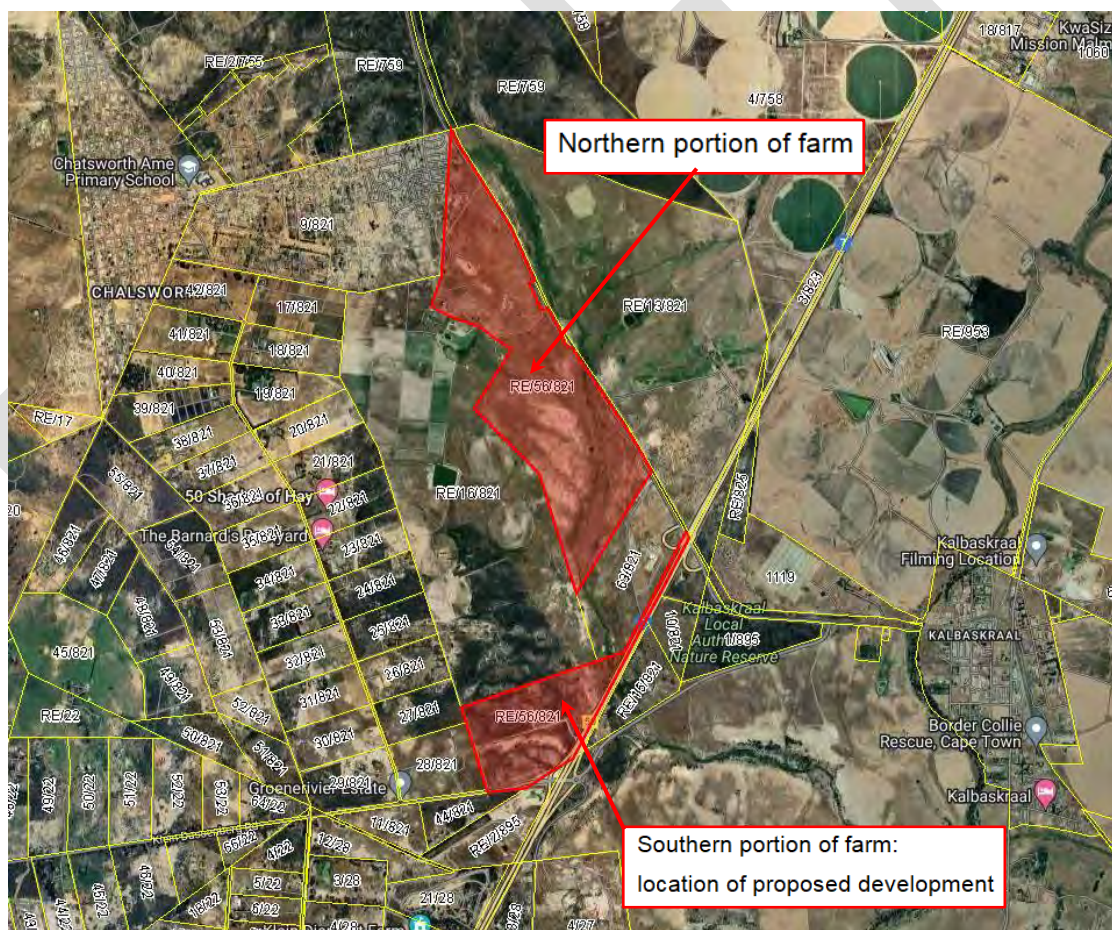
This written response addresses the comments and objections in accordance with Article 65(2) of Swartland Municipality's By-Law on Land Use Planning regarding the application for consent use to develop a renewable energy structure and farm shop on Portion 56 of Farm 821, Malmesbury Division. The objections were raised by several parties during the public participation process, and this response seeks to provide clarity and address the concerns raised. Objections from the following parties:

- a) Viljoen Jordaan & Nell Attorneys
- b) Carol Werth
- c) Tracey Cosgrove
- d) Vicki Taylor
- e) Anna Boulton

**a) VILJOEN JORDAAN & NELL ATTORNEYS**

- 1. The land use application is misleading in stating that the property is not used for intensive farming. The property is used for intensive cattle farming purposes.**

The subject property has a split cadastral. While the northern portion of the farm does have intensive agricultural activities, the southern portion, where the development proposal is located, displays no signs of intensification such as pasture intensification, paddocks for rotational grazing or concentrated animal feeding operations (feedlots). The objection raised by Vicki Taylor also alludes to the property being used for extensive farming purposes.



**Figure 1: Location of Northern and Southern portion of the subject property**



- 2. The application requires a full EIA and community participation. Only immediately abutting property owners received notices. Several businesses will be established on the property that will further affect zoning rights.***

Enviro-Africa has been appointed as the environmental consultants on the project. They are engaging the Department of Environmental Affairs and Development Planning (DEADP) to obtain the necessary approval. It is up to the discretion of the Department to determine the scope of the required processes and approvals. In the event that an EIA is required, a public participation process will be undertaken. The necessary approvals will be obtained as required by the Department.

Swartland Municipality determines who the interested and affected parties are for this application and who should receive notices, notwithstanding that Section 45 of the Spatial Planning and Land Use Management Act (SPLUMA) makes provision for interested parties to intervene in an existing application but has the burden of establishing their status as an interested party. Given the scope of the development Swartland Municipality sent notices to the adjacent property owners.

The application includes three components: (1) a renewable energy facility that will generate electricity by means of a photovoltaic plant (2) a parking area that will be fitted with charging points for electric cars, and (3) a farm shop. No other uses or business are proposed.

- 3. A farm shop should not be accommodated as a primary right under the Agricultural 1 zoning and will therefore negatively affect the existing operation. A farm shop is already established at Trinity farm. Will this farm shop be selling alcohol at its sit down area?***

The farm shop is not accommodated as a primary right hence the land use application applies for a consent use for this facility as determined by Swartland Municipalities' Land Use By-Law. Consent uses are regarded as secondary rights

and therefore demonstrate a certain level of compatibility with the primary uses allowed under the specified zoning, which is why said uses are permitted with consent.

The farm shop will not sell alcohol in the sit-down area. Wines of the region will be sold for off-site consumption as a means of promoting local wines. The wines will not be sold in the sit-down area but in the gift and products area. ZCC to confirm. Liquor license?

- 4. The application only makes mention of a photovoltaic plant in the abridged version of the application, however the full application states that wind turbines will provide backup on sunless days. The application does not address the impacts relating to wind turbines, especially those relating to environmental impacts and the impact on civil aviation. A full EIA needs to be conducted to address the environmental impacts.***

Wind turbines were included in the initial development proposal to ensure the renewable energy structure is resilient in the face of bad weather, but after careful consideration it was decided that wind turbines would be categorically excluded from the development proposal. The objector can thus rest assured that the proposal does not include wind turbines and consequently all the associated impacts are negated.

- 5. Who will be the registered owner of the recharging station and the renewable energy structure?***

The developer has a short term lease agreement with the property owner with future plans for a long-term agreement, subject to municipal approval and approval in accordance with the Subdivision of Agricultural Land Act (Act 70 of 1970). The developer will thus be in charge of the development until such time as the agreement between the property owner and developer expires. It should further be noted that ownership provides no grounds for objection and is irrelevant in considering the aptness of the development proposal.

**6. Who will be the registered owner of the farm shop?**

See response to point a (5).

**7. Who will be responsible for decommissioning liability?**

Section 10.1.5(c)(xii) of Swartland Municipality's By-Law on Land Use Planning dictates that the property owner is responsible for decommissioning of the facility.

Section 10.1.5(c)(ii) requires that the owner must make financial provision, in the event of failure of the facility, for decommission and rehabilitation of the site. Proof and approval of such financial provision plan is usually required as a condition of approval without which the local authority will not provide clearance to proceed with the construction of the renewable energy structure.

**8. It is likely that trucks would overnight at this recharging station (i.e. truck stop). A truck stop is not desirable in this area. Why is a truck stop proposed at this site and will diesel be stored at this site?**

The application does not include a proposal for a truck stop or “petroport” as described in the Swartland By-Law on Land Use Planning (see definition below). The proposal cannot be considered a truck stop as it does not provide fuel (diesel), rest services, or facilities for long-distance trucks.

*petroport*, means a facility with direct access from a highway, through-way or main transport route, which provides rest, service and fuel facilities for long-distance trucks and other long-distance vehicular traffic, and includes facilities for emergency vehicle towing services;

**9. The proposed access will be a danger for road users. Full disclosure of the traffic statement is required. What mitigation measures are expected to be implemented to ensure safety for other road users?**

The Western Cape Department of Transport and Public Works is the controlling authority that needs to approve the access. This Department accounts for minimum standards and road safety requirements and will not approve the access if the proposal is not in accordance with their norms and standards. SANRAL is also an interested and affected party and has been approached to comment on the proposed access. Municipal approval will thus be subject to approval of the access from the controlling authority and a letter of no objection from SANRAL. The applicant is actively working to obtain the necessary approvals and comments.

***10. The objector does not see how the proposed farm shop will contribute to tourism or have an impact considering that there are various convenience stores and restaurants located at the existing and proposed filling stations along the N7. The filling stations can be expanded to cater for Electric Vehicles (EV's). How many EV's are currently in use on the N7?***

The proposed farm shop will support tourism in the area by offering locally produced goods and serving as a stop for visitors exploring the region, the farm shop could attract tourists and contribute to the local economy. The operating hours of the farm shop will be determined by Swartland Municipality. By offering the service of charging EV's a new unconventional demographic will be motivated to visit the area. Furthermore, the location of existing fuel stations may not be suitable for the proposed development and it's not appropriate to limit the options for development based on the existence of other businesses. The development should be assessed on its own merits and not be limited by the presence of other businesses in the area.

The developer estimates that there are currently less than 1000 EV's on South African Roads. The expected traffic generated by the charging services is therefore considered marginal compared to filling stations. Does ZCC have statistics on Western Cape? ZCC to confirm.

**11. What is the purpose of the ±7900m<sup>2</sup> for the renewable energy structure and how many vehicles will be accommodated at any time both for charging and utilizing the conveniences?**

The ±7900m<sup>2</sup> is the footprint of the photovoltaic plant. Four parking bays will be provided with a charging point for EV's. Each charging bay is expected to be occupied between 30mins – 1 hour as a result of how long it takes to charge an EV. The farm shop, therefore, is complimentary to the charging bays and vice versa as clients can visit the shop while they wait. There is no limit on the number of visitors that can make use of the conveniences. Sufficient land is available to provide conventional parking bays without charging units.

**12. How many people will be employed per year at this site, in what capacity and how will transport be arranged? Will any accommodation be provided?**

Can ZCC provide a breakdown of how many people will be employed per site? The current Local Economic Impact is based on 12 charging sets per site and states that 22 people will be employed, how many will be employed in the event of 4 chargers? Employees will be responsible to arrange their own transport – ZCC to confirm. No accommodation will be provided on-site for employees.

**13. Water usage for the farm shop is proposed to be supplied from the existing farm water supply. This supply, emanating from a borehole, is situated some distance away. This may put pressure on the existing water supply. There is a restriction on accessing the natural spring on this property. How much water will be consumed by the farm shop and solar panels respectively? Will the water be treated? How will water usage be treated and monitored in respect of compliance with the restrictions on the title deed?**

The restrictive conditions relating to the spring is imposed upon the servient property (Remainder of Portion 16 of Farm 821) and not upon the subject property. The restrictive title conditions prohibit the servient property from pumping water from time to time and from diverting the flow of spring water. – property owner to confirm



Borehole water will only be used for drinking purposes at the farm shop while water to be used for washing the solar panels will be transported to the facility by means of water-trucks. The development will thus have a minor impact on the water resources available for farming purposes and will be equivalent to that of a residential dwelling. The panels will be washed twice a year. A Flowrate of not less than 800L/hour and not more than 1100L/hour is required for cleaning the panels. The average consumption is calculated at 6L/panel for PV Solar Panel. ZCC to confirm and expand

***14. Swartland Municipality needs to recognise the difference between a renewable energy structure and a recharging station that uses renewable energy and assess the business proposal for what it is and not under the guise of a renewable energy structure.***

***The application is not supported by the MSDF because the proposed renewable energy structure will not put electricity back into the grid or alleviate pressure on ESKOM. Accordingly, it also fails to support the “smart environment” categories as determined by SALGA. The proposal leads to the decimation of agricultural land.***

All details of the development proposal are disclosed in the land use application. As already mentioned, the application includes three components: (1) a renewable energy facility that will generate electricity by means of a photovoltaic plant (2) a parking area that will be fitted with charging points for electric cars, and (3) a farm shop. The application addresses the renewable energy structure and farm shop as consent uses as these are the correct designations that define these specific uses.

The emergence of electric vehicles and the relatively slow pace of their adoption have left many zoning schemes and By-laws without specific provisions for charging areas dedicated to these vehicles. This lack of clear guidelines led to a debate on how to reconcile charging areas with regulations. After consulting DEADP in this matter, the applicant argues that a charging area for electric

vehicles does not constitute a rezoning or consent use. This position is highlighting by the following points:

- First, the charging of electric vehicles is fundamentally different from refueling traditional cars at a filling station, as electricity is not a fuel (consider the Oxford dictionary definition as well as a Wikipedia explanation provided below). As such, the traditional definition of a service station, which is specifically concerned with the supply of fuels to vehicles, does not apply to charging areas for electric vehicles. Therefore, the solution is not to consider the charging area as a “service station”.

A **fuel** is any material that can be made to react with other substances so that it releases energy as [thermal energy](#) or to be used for [work](#). The concept was originally applied solely to those materials capable of releasing [chemical energy](#) but has since also been applied to other sources of heat energy such as [nuclear energy](#) (via [nuclear fission](#) and [nuclear fusion](#)).

The heat energy released by reactions of fuels can be converted into [mechanical energy](#) via a [heat engine](#). Other times the heat itself is valued for warmth, [cooking](#), or industrial processes, as well as the illumination that accompanies [combustion](#). Fuels are also used in the [cells](#) of [organisms](#) in a process known as [cellular respiration](#), where organic [molecules](#) are oxidized to release usable energy. [Hydrocarbons](#) and related organic molecules are by far the most common source of fuel used by humans, but other substances, including radioactive metals, are also utilized.

Fuels are contrasted with other substances or devices [storing potential energy](#), such as those that directly release [electrical energy](#) (such as [batteries](#) and [capacitors](#)) or mechanical energy (such as [flywheels](#), springs, compressed air, or water in a reservoir).

- Second, many normal parking spaces in office and shopping complexes already offer electrical charging without requiring any specific alteration in zoning or additional permission in terms of planning legislation. This raises the question of whether it is necessary to provide for land use applications for the charging of electric vehicles, and whether municipalities would eventually be flooded by such applications. And if municipalities deem it a requirement to apply specifically for this use, would it be desirable to do so and what would be achieved by it?
- Third, the proposal for a charging area for electric vehicles is not comparable to the highly regulated environment of the fossil fuel industry. It may be impractical to regulate or provide a zoning scheme that specifically provides for the charging of electric vehicles.
- Finally, it is worth noting that there are currently no specific provisions for

the charging of electric vehicles in any of South Africa's zoning schemes. Therefore, it may be necessary to revisit and update the zoning regulations to accommodate this new technology and support the transition towards sustainable transportation.

In relation to the MSDF, the proposal supports the objectives of the MSDF in multiple ways as described in the land use application by *inter alia*; generating alternative energy on farms, diversifying land uses on agricultural properties thereby making farms more resilient against environmental and economic shocks and by supporting agri-tourism. By generating electricity on the land unit, the development eliminates the need to source electricity from ESKOM and thereby does not place additional strain on an already strained public enterprise. Furthermore, the application does not have to support the objectives SALGA's Smart City Framework although it cannot be denied that the proposal will contribute to transforming the transport sector by providing the necessary supporting infrastructure to allow for transformation of the industry towards sustainable transport solutions.

The Western Cape Department of Agriculture is the relevant authority that evaluates the impact of the proposed development on agricultural resources. Accordingly, a land use approval will be subject to a letter of no objection for the relevant department.

***15. The application does not support the SPLUMA and LUPA principle relating to spatial justice as the proposal only benefits the property owner while inconveniencing others and jeopardizing sustainable agriculture.***

The proposal supports the principle of sustainable development, which is one of the key principles of SPLUMA. By using renewable energy, the charging station reduces greenhouse gas emissions and supports a transition towards a low-carbon economy, which is essential for sustainable development.

The presence of a farm shop at the charging station provides an opportunity for local economic development, which is also a key principle of SPLUMA. By

supporting local farmers and providing a platform for them to sell their products, the charging station contributes to the development of the local economy and supports the principle of spatial justice by providing economic opportunities to local communities.

The provision of electric vehicle charging infrastructure is essential for promoting sustainable mobility, which is another key principle of SPLUMA. By making it easier and more convenient for people to use electric vehicles, the charging station contributes to the reduction of greenhouse gas emissions and supports a more sustainable transport system.

In conclusion, the combination of a solar photovoltaic farm, a charging station for electric vehicles, and a farm shop supports the principles of sustainable development, local economic development, and sustainable mobility, which are all essential components of spatial justice as determined by SPLUMA.

***16. The application does not support the SPLUMA and LUPA principle relating to spatial sustainability because it will strain the existing water resources that could be used for farming. Furthermore, this development will not provide clean sources of energy to customers.***

Refer to section a (15) as to why the proposal supports the principles of SPLUMA and LUPA including the principle relating to spatial sustainability.

Refer to section a (13) for a description of the water usage.

***17. Only the property owner will benefit from the proposal.***

While the property owner will benefit, the development will also have positive economic and environmental impacts on the wider community. Not only will the facility create employment opportunities for patrons, but contractors will also be hired to construct and maintain the facility, and suppliers and contractors will be sourced for materials. In addition, the farm shop will promote locally produced products, thereby supporting the local economy and contributing to the development of the community. These direct and downstream economic

opportunities will have a positive impact on the overall economic wellbeing of the area. Furthermore, the development will have important environmental benefits, aligning with the national agenda of reducing carbon footprint. By using renewable energy to power the charging station, the development will contribute to reducing greenhouse gas emissions and support a transition towards a low-carbon economy.

***18. The facility does not increase electricity capacity nor does it meet the demand for diverse energy sources. The neighbouring properties will not be able to tap into the grid.***

The proposed facility may not directly increase electricity capacity, but it is important to consider the wider benefits that the facility can bring. The facility is powered by a solar photovoltaic farm, which contributes to reducing greenhouse gas emissions and supports a transition towards a low-carbon economy. This is an important step in addressing climate change and meeting South Africa's commitments to reducing carbon emissions. Furthermore, while the facility may not increase electricity capacity, it will provide an important service for the increasing number of electric vehicles on the road. This will make it easier for people to adopt electric vehicles, which in turn will contribute to reducing greenhouse gas emissions from the transportation sector. The proposed facility is one step towards promoting sustainable development and reducing greenhouse gas emissions, and should be viewed in the wider context of transitioning towards a low-carbon economy.

***19. Without elaborating on the carbon footprint of matters relating to decommissioning, this statement cannot be correct.***

Noted.

***20. The development does not support MSDF, LUPA, SPLUMA or the WCPSDF. The facility is similar to a petrol station of which there are sufficient in the surrounding area.***



The land use application for the proposed development provides detailed explanations for how it supports the objectives and principles of the MSDF, LUPA, SPLUMA, and WCPSTDF. The rebuttals to point 14 and 15 of this response also provide additional support for these explanations. Importantly, there is no evidence that suggests the proposed development is counter to the objectives and principles of these frameworks and acts. On the contrary, the proposed development aligns with and supports the goals and principles of the MSDF, LUPA, SPLUMA, and WCPSTDF. Specifically, the WCPSTDF promotes land uses that contribute to the transition to a low-carbon, sustainable energy future and mitigate the effects of climate change. The proposed development meets these objectives by using renewable energy to power the charging station, promoting sustainable transport options, and supporting local farmers.

***21. The proposal will contribute to increased noise and health pollution due to an increase in traffic and the impact of the wind turbines need to be fully assessed as it will change the rural landscape and destroy natural vegetation.***

There is no evidence to suggest that the proposed farm shop will cause a significant influx of traffic in the area. Traffic can be expected to be similar to that of existing farm stalls in the area.

Please refer to sections a (2) and a (4) of this response for a reply relating to environmental requirements and the exclusion of wind turbines.

***22. The entire community needs to be granted the opportunity to study the proposal and to comment if they wish. Wider community participation is required. Wind energy comes with a host of environmental and health concerns and business for existing farm shops along Klein Dassenberg Road will be eroded.***

Noted, see responses to sections a (2) and a (4). There is no evidence to suggest that the proposal will erode business for existing farm shops.

**23. Who will ensure security in the area is not compromised? Solar panels are a hot commodity. The farm shop will hold cash and consumables on the premises, as well as susceptible patrons. How will this affect the surrounding area?**

The proposal will implement security cameras, alarms, and secure cash handling procedures to mitigate the risk of theft or burglary. The Local Economic Impact graphic dedicates a portion of the employment statistics to security support, hence the facility will have security. Additionally, the presence of the farm shop and charging station may actually increase security in the area by providing more foot traffic and activity.

**24. Traffic will increase which is undesirable for the community. The potential for loitering and taxi rank, and informal trading needs to be addressed and avoided. The proposal does not discuss the full extent of likely traffic. The proposal needs to discuss the operational hours and explain how the farm shop will contribute to tourism.**

The objection that a proposed farm shop will lead to increased traffic, loitering, and informal trading is unsubstantiated. The land use application does not include any plans for a taxi rank or informal trading, which both require specific permission. Additionally, the objector expresses support for existing farm shops along Klein Dassenberg Road and the traffic they generate, yet opposes the proposed farm shop that is virtually identical except for the addition of four parking bays for electric vehicle charging. There is no evidence to suggest that the proposed farm shop will cause a significant influx of traffic in the area. Therefore, the objection based on traffic concerns is not relevant to the specific proposal, and should not be used to reject the land use application.

**25. Lighting will negatively affect the rural landscape.**

According to the provisions of the By-Law, lighting must be appropriately screened from abutting land units. The proposal will comply.

***26. A shopping mall would be a more appropriate location for the proposed development. There is no need to destroy agricultural land to accommodate this proposal. Please advise why this location was chosen.***

The suggestion that a shopping mall would be a more appropriate location for the proposed development overlooks the fact that the proposal is intended to serve electric vehicle owners who are commuting to other places further away. Unlike a shopping mall, which is designed to attract shoppers from a wide catchment area, the proposed farm shop and charging station is a niche service that is specifically tailored to the needs of electric vehicle owners. The site was selected based on its strategic location near the intersection of a national and provincial road, which is a key transportation route for commuters travelling to and from the surrounding area. By providing electric vehicle charging infrastructure at this location, the proposed development will help to address a critical gap in the region's transportation network, and support the transition to a low-carbon, sustainable transportation system. Moreover, the suggestion that the proposed development would destroy agricultural land is unfounded. The development is designed to be compatible with existing agricultural activities, and will not have a significant impact on the surrounding land uses. In fact, by promoting the use of renewable energy and locally-produced products, the proposed development will help to support the long-term sustainability of the local agricultural sector.

***27. The application fails to fully disclose the impact of the proposal to the community at large and the objector requests that the community be granted additional time to assess the information and reply if they deem it necessary.***

Swartland Municipality followed the necessary public participation process as required by their by-laws. The municipality selected the interested and affected parties, and provided them with the relevant information and opportunity to comment. Furthermore, the site development plan in conjunction with the land use application provides sufficient detail as to the scope and purpose of the proposed development. This information is adequate for interested and affected

parties to understand how the development may impact their rights and properties.

**28. The objector strongly objects to the proposal.**

Noted.

**b) CAROL WERTH**

**1. Objects to the proposed EV charging station. Her grounds for concern resonate with those of Tracey Cosgrove.**

Noted. Please direct your attention to section e of this response, where I have provided a detailed response to the objections raised by Ms Tracey Cosgrove.

**2. Requests a full community participation process.**

Noted. Please refer to Section (a) 2 of this report in response to the need for a full community participation process.

**c) VICKI TAYLOR**

The objections raised by Vicki Taylor largely correspond to the points raised by Viljoen Jordaan & Nell Attorneys and therefore will not be repeated as the responses have already been provided. Consequently, only points which have not been raised by Viljoen Jordaan & Nell Attorneys will be addressed.

**1. Who is expected to share in the revenue agreements (R10bn) and how is this expected to transpire?**

The request to see detailed financial information such as revenue agreements, profit sharing, rates, and taxes related to the proposed development is irrelevant to surrounding property owners in determining the impact of the proposed development on their rights or properties. The focus should be on the proposed land use and its potential impact on the surrounding area. The municipality's land use application process is designed to assess the potential impact of a proposed development on the surrounding community and ensure that it complies with relevant regulations and bylaws. Therefore, the request for detailed financial information is not relevant and unnecessary for the determination of the impact of the proposed development on the rights or properties of surrounding property owners.

**2. *What is the portion of the R2.9bn spend in local rates and taxes attributable to this proposed development?***

Noted. Please refer to section c (1) for a response relating to the financial aspects of the proposed development.

**3. *Will solid waste be disposed by the owner of the facility or the owner of the property?***

The disposal of solid waste will be the responsibility of the owner of the property.

**d) TRACEY COSGROVE**

**1. *If the proposal is to be believed, internal combustion engines (ICE's) should be dwindling by 2022 and out of use by 2030. What will become of the existing fuel stations and associated convenience stores dotted along national routes? It would be beneficial to tag onto existing filling stations and thereby alleviate the need to develop vacant farmland.***

A global shift towards electric vehicles will not happen overnight. Internal combustion engines will continue to exist and be used for many years to come, and fuel stations will still be necessary to service these vehicles. Furthermore,

the location of existing fuel stations may not be suitable for the proposed development and it's not appropriate to limit the options for development based on the existence of other businesses. The development should be assessed on its own merits and not be limited by the presence of other businesses in the area.

**e) ANNA BOULTON**

- 1. The detail of the site development plan is insufficient to comment on the proposed development.***

Noted. The site development plan in conjunction with the land use application provides sufficient detail as to the scope and purpose of the proposed development. This information is adequate for interested and affected parties to understand how the development may impact their rights and properties.

- 2. An Environmental Impact Assessment is a prerequisite because wind turbines will have a significant impact on the surrounding farming community and on the birds and wildlife and because the proposal is situated in a critical biodiversity area.***

Noted. Please refer to sections a (2) and a (4) of this response for a reply relating to environmental requirements and the exclusion of wind turbines.

- 3. The impact on traffic, noise, and light pollution and methods of waste disposal should be investigated. The municipality should provide more information to the community to allow them to determine how these impacts will affect them.***

- 4. To allow the development proposal under the guise of a consent use will set a precedent for neighbours wishing to start their own wind farms.***

The proposal is not submitted under the “guise” of a consent use. The relevant By-law permits renewable energy structures as consent uses on Agricultural zoned land. Any land owner whose property is zoned Agricultural Zone I has the



right to apply for the development of a renewable energy structure (wind, solar or hydro) as a consent use.

***5. It would be more logical to establish the charging site for EV's near the existing Engen filling station along the N7 as opposed to developing farm land.***

As already mentioned, the site was selected *inter alia* due to the strategic location near the intersection of a national and provincial road, which is a key transportation route. Furthermore, the location of existing fuel stations may not be suitable for the proposed development and it's not appropriate to limit the options for development based on the existence of other businesses. The development should be assessed on its own merits and not be limited by the presence of other businesses in the area.

## **CONCLUSION**

It is important to note that none of the points raised by the objectors, spanning 16 pages, appear to be based on any direct impact that the proposed development would have on their personal property or rights, or that of the larger surrounding community. Instead, the objections focus on speculative concerns such as potential traffic and loitering, rather than any demonstrable harm that would be caused to the objector or their property. In addition to the lack of any direct impact on their property or rights, it is also important to note that many of the concerns raised by the objectors relate to authorizations and impacts that are the responsibility of other state departments. For example, the objectors raise concerns about potential impacts on water and agricultural resources and the need for environmental approval. As such, the objections raised may be seen as misplaced or misdirected, and should be carefully considered in the context of the relevant regulatory framework.

This raises questions about the validity of the objections, and suggests that the objections may be motivated by a general opposition to development, rather than any specific concern related to the proposed development. As such, it is reasonable to

conclude that the objections raised lack substance and should not be given significant weight in the decision-making process.

In closing, the proposed development of a renewable energy structure and farm shop on Portion 56 of Farm 821, Malmesbury Division is well-suited to the rural location and will have a minimal impact on the surrounding community. Therefore, it is recommended that the development be supported.

Kind regards



Nical Grobbelaar  
Pr. Pln. A/2777/2019

**OBJECTIONS RECEIVED**

# ANNEXURE K

Reference: W11/4/3-7/1X-7  
Date: 6 April 2023  
Email: [runkelc@nra.co.za](mailto:runkelc@nra.co.za)

Fax Number: +27 (0) 21 910 1699  
Direct Line: +27 (0) 21 957 4600  
Website: [www.nra.co.za](http://www.nra.co.za)



Email: [planning3@rumboll.co.za](mailto:planning3@rumboll.co.za)

Dear Mr Grobelaar

NATIONAL ROUTE 7 SECTION 1X: PROPOSED DEVELOPMENT OF AN ELECTRONIC CHARGING STATION ON REMAINDER PAN 56 OF FARM 821, KALABASKRAAL, ATLANTIS: APPLICANT - CK RUMBOLL

Thank you for your application.

The South African National Roads Agency SOC Limited (SANRAL) herewith approved your application in terms of section 48 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act 7 of 1998), subject to the following conditions:

1. The proposed development as indicated on drawing no 63/P/100 is hereby approved.
2. A 30 meter building line measured from the common boundary of the National Road and the property will be applicable.
3. A permanent 2m wall/fence must be erected on the boundary of the land development area and the national road reserve. Detailed plans of the proposed fence must be submitted to the SANRAL for approval prior to the erection thereof. The maintenance of the fence will be the responsibility of the property owner/successor in title.
4. Where amendments to the subdivision plan are required, the written approval of the SANRAL shall be obtained.
5. No structure or other thing (including anything which is attached to the land on which it stands even though it does not form part of that land) shall be erected, laid or established within the land development area within a distance of 10 meters from the boundary of the national road without the written approval of the SANRAL.
6. No direct access to the national road will be allowed. Access will be obtained via Kleindassenberg Road.
7. The SANRAL will not be liable for any damage or diminishment in value of the land development area arising out of any impact on the proposed development as result of existing or future storm water drainage from the national road.
8. Such facilities as are necessary for the control and disposal of storm water from the land development area shall be constructed to the satisfaction of the SANRAL. Prior to the establishment of the proposed development a storm water accommodation plan must be submitted to SANRAL for approval.

Western Region 1 Havenga Street, Oakdale, Bellville, 7530 | Private Bag X19, Bellville, South Africa, 7535 | Tel +27 (0) 21 957 4600 Fax +27 (0) 21 910 1699  
Email [info@sanral.co.za](mailto:info@sanral.co.za) | Visit us at [www.sanral.co.za](http://www.sanral.co.za)

Directors: Mr T Mhambi (Chairperson), Mr R Demana (CEO), Ms R Buthelezi, Mr R Haswell, Mr C Hlabisa, Mr E Makhubela, Mr T Matosa, Ms N Noxaka | Company Secretary: Ms A Mathew

Reg. No. 1998/009584/30. An agency of the Department of Transport.

9. No free standing advertising signs will be allowed in terms of Regulations on Advertising on or visible from the National Road as published in Government Gazette no 6968 dated 22 December 2000.
10. The SANRAL shall not be held liable to any party should it be found at any time in the future that noise, air pollution and light pollution emanating from the national road presents a problem to the development adjacent to the national road. The developer/successor in title/local authority shall be responsible for taking such steps as may be necessary to reduce the impact of such noise, air and/ or light pollution.
11. The aforementioned provisions shall be recorded in the title deeds of each of the properties.
12. The written confirmation of the SANRAL, that the conditions referred to herein have been fulfilled to its satisfaction, shall be required prior to occupation of the site. The applicant/developer shall provide SANRAL with a certificate from a professional consulting engineer certifying that the design and construction of all services and other improvements referred to in these conditions have been undertaken to the required standards.
13. The approval granted herein by the SANRAL does not exempt the developer from the provisions of any other legislation.
14. This approval shall bind any successor-in-title to the land on which the structures have been established. This approval shall bind any successor-in-title to the land on which the structures have been established. This approval does not exempt the applicant from the provisions of any other Act.
15. In terms of Section 50(1) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No.7 of 1998), no person may, unless authorised by SANRAL or otherwise in terms of Section 50(2), - display and advertisement on a national road, or permit it to be displayed; display, outside an urban area, any advertisement visible from a national road, or permit any advertisement which is so visible, to be displayed; display any advertisement visible from a national road in an urban area, on any land adjoining the national road or on land separated from the national road by a street, or permit it to be displayed.
16. SANRAL shall not be involved in any expenditure in connection with and shall not be responsible or liable for:
  - the erection of any structures
  - any financial expenditure or loss in the event of SANRAL ordering the removal or shifting or relocation of anything related to this approval.
  - any financial responsibility or liability for any claim from the applicant which may occur from the lapsing of the approval.

Yours Sincerely



Mr R Cable  
REGIONAL MANAGER

N7-1X ATLANTIS CHARGING STATION



Ref: TPW/CFS/RP/LUD/ACC-31/08 (Job 30002)

The Municipal Manager  
Swartland Municipality  
Private Bag X52  
**MALMESBURY**  
7299

Attention: Ms DN Stellenberg

Dear Madam

**REMAINDER OF PORTION 56 OF FARM GROENE RIVIER 821, MALMESBURY: PROPOSED CONSENT USE**

1. The following refer:
  - 1.1. Your e-mail to Ms V Stoffels of this Branch dated 21 December 2022,
  - 1.2. This Branch's letter to you referenced TPW/CFS/RP/LUD/ACC-31/08 (Job 30002) dated 31 January 2023, and
  - 1.3. Revised Site Development Plan prepared by Bessenger Broodryk Architects 63/P/100 received via email from CK Rumboll & Partners dated 2 March 2023.
2. The application affects Divisional Road 1134 for which this Branch is the Road Authority.
3. The proposal is for consent use to permit a Renewable Energy Structure and a Farm Shop.
4. The revised SDP referenced in paragraph 1.3 has rectified this Branch's concerns regarding access.
5. Accordingly this Branch withdraws its objections and offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014, as laid out in the revised SDP.

Yours Sincerely

**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH**

**DATE: 12 APRIL 2023**

## ENDORSEMENTS

1. Swartland Municipality  
Attention: Ms DN Stellenberg (e-mail: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za))
2. CK Rumboll & Partners  
Attention: Mr N Grobbelaar (e-mail: [planning3@rumboll.co.za](mailto:planning3@rumboll.co.za))
3. District Roads Engineer  
Paarl
4. Mr E Smith (e-mail)
5. Mr D Fortuin (e-mail)
6. Mr S Carstens (e-mail)







# Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste  
Afdeling: Ontwikkelingsbestuur

28 Julie 2023

15/3/4-14/Erf\_505  
15/3/10-14/Erf\_505

WYK: 5

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

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

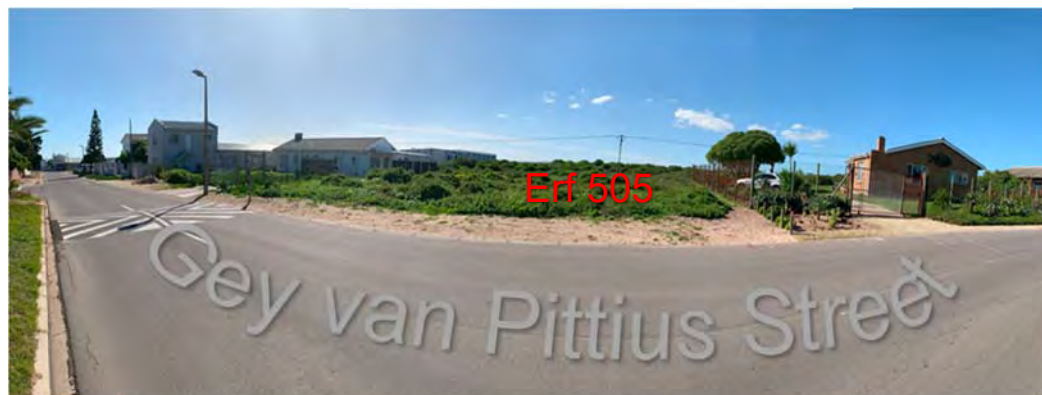
PART A: APPLICATION DESCRIPTION					
<p>Swartland Municipality received an application for consent use for a double dwelling house as well as a place of education on Erf 505, Yzerfontein, in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020).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

#### PART D: BACKGROUND

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

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



PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)			
Has pre-application consultation been undertaken?	Y	N	If yes, provide a summary of the outcomes below.
PART F: SUMMARY OF APPLICANTS MOTIVATION			
<p><i>(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)</i></p> <p>The applicant motivates that the double dwelling fully complies with the building/development parameters as stipulated within the Title Deed and the Swartland Municipal By-law on Municipal Land Use Planning (PG 8226). The proposed double dwelling is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets. The owner of the subject property will be granted an income opportunity by providing an opportunity to lease one of the two units.</p> <p>The Swartland Municipal Land Use Planning By-law (PG 8226) also makes provision for a place of education under the Residential Zone 1 zoning and the owner seeks to make optimum use of their land whilst capitalising on limited employment on the Residential Zone 1 property. Modern-day life makes it difficult to earn a decent living and one must make use of every opportunity one gets to attain your desired lifestyle. The place of education will provide an employment opportunity for the owner of Erf 505, which will generate an income for her and her family. The property will still be primarily utilised for residential purposes, being a double dwelling.</p> <p>The applicant continues to motivate that the proposed place of education will serve as a learning centre for specialized education, aimed at providing educational assistance to children in the immediate vicinity and surrounding areas. Located just outside the identified Central Business District (CBD) and within an established residential neighbourhood, Erf 505's location presents an ideal location for a multi-purpose land use, with a vision to create a safe haven for children to pursue their education and studies.</p> <p>Furthermore, the applicant elaborate that the proprietor of the establishment will function as the sole operator and teacher. The facility will be designed to accommodate a maximum of 12 children/students per day, between the hours of 07h00 and 18h00, although the number of students will fluctuate from day to day. The place of education will primarily operate on weekdays, Monday through Friday although it may occasionally operate on weekends, especially during examination periods. The students' age ranges will span from four-year-olds to university-level students.</p> <p>Despite the presence of a kitchenette in the educational facility, no meals will be prepared for the students/children. The kitchenette is intended solely for the preparation of hot beverages such as coffee and tea, or the storage of cold beverages in a refrigerator. A single shower is provided in the bathroom, as students may sometimes attend the learning centre after engaging in physical activities and may require the use of a shower before commencing their studies.</p> <p>The educational facility will adhere to the regulations stipulated by the National Health and Safety regulations. The proposed development will not result in any adverse impact on heritage resources, nor will it have any detrimental effects on the natural environment or surrounding properties. The development will serve as a much-needed land use, providing a valuable educational service to the community in a residential area of Yzerfontein, near the identified CBD.</p> <p>In terms of the departure the applicant motivates that the proposed buildings, of which a part will be utilised for the purpose of a place of education, is proposed to encroach the 10m building line restrictions. However, the building will still be built completely within the scheme and Title Deed building lines prescribed for a Residential Zone 1 property. The applicant argues that one of the reasons for imposing a 10m building line restriction for places of education is to ensure that adequate open space is maintained around the facility, which can be used for various purposes such as outdoor activities and parking. Helping to ensure the safety and well-being of students by providing a safe and secure environment, while also preventing overcrowding and promoting the efficient use of land. Additionally, the applicant motivates that the building line restriction aids in maintaining the aesthetic appeal of the surrounding area by preventing the overdevelopment of the land and preserving its natural beauty. The open space around an educational facility can further act as a buffer zone to reduce noise levels, particularly if the facility is in a noisy area such as a busy street or commercial district. It can also provide a visual break between the educational facility and neighbouring buildings, reducing the impact of the facility on the surrounding area and helping to preserve the character of the neighbourhood.</p> <p>The proposed place of education will be a learning centre intended to accommodate students and children for short periods of time to assist them with their learning/studies. As such, providing open space for a play area is not considered necessary in this specific circumstance. The building design, according to the applicant proposed for Erf 505 includes an outdoor area that will serve the place of education as well as the two residential dwellings and that sufficient space is available on the site to provide adequate parking bays for the proposed land uses, promoting optimal use of land.</p>			

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

Regarding noise levels, the applicant motivates that, the proposed place of education will be situated at the rear end of the property, away from the abutting street and CBD, which are typically noisy elements in a town. The relaxation of the rear and side building lines will not have any effect on lessening a buffer zone between noisy areas and a place of education.

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

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

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

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

The applicant concludes that:

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

#### **PART G: SUMMARY OF PUBLIC PARTICIPATION**

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

**Y**


**N**

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

Total valid comments	<b>8</b>	Total comments and petitions refused	<b>0</b>
Valid petition(s)	<b>Y</b>	<b>N</b>	If yes, number of signatures <b>N/A</b>

Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	The application was referred to the Ward Councillor and no comments have been received.														
Total letters of support	None																				
PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS																					
Name		Date received		Summary of comments				Recommendation													
Department: Civil Engineering Services		4 April 2023		<p><b>Water</b> The property be provided with a single water connection and that no additional connections will be provided;</p> <p><b>Sewerage</b> The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;</p> <p><b>Streets and storm water</b> The proposed parking area, including the sidewalk giving access to the parking area, be provided with a permanent dust free surface.</p> <p><b>Parks</b> No comment</p> <p><b>Development charges</b> A fixed cost capital contribution be made calculated as follows:</p> <table><tr><td>Bulk Water Distribution</td><td>R 5 402,70</td></tr><tr><td>Bulk Water Supply</td><td>R 6 534,30</td></tr><tr><td>Sewer</td><td>R 6 080,05</td></tr><tr><td>WWTW</td><td>R 8 970,00</td></tr><tr><td>Roads</td><td>R11 500,00</td></tr><tr><td>Storm Water</td><td>R 4 560,90</td></tr></table>				Bulk Water Distribution	R 5 402,70	Bulk Water Supply	R 6 534,30	Sewer	R 6 080,05	WWTW	R 8 970,00	Roads	R11 500,00	Storm Water	R 4 560,90	Positive	Negative
Bulk Water Distribution	R 5 402,70																				
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WWTW	R 8 970,00																				
Roads	R11 500,00																				
Storm Water	R 4 560,90																				
Protection Services		3 April 2023		No comments				Positive	Negative												
Electrical Engineering Services		24 March 2023		No comments				Positive	Negative												
Development Services: Building Control		30 March 2023		Submit building plans to Building Control for consideration and approval.				Positive	Negative												



PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS Please refer to Annexure H	MUNICIPAL ASSESSMENT OF COMMENTS
<p>Dr Duncan Miller as owner of Erf 508, 13 Gey van Pittius Street Please refer to Annexure F</p>	<p>1. Dr Miller firstly states that the application is worded in such a way that that it is difficult for a lay person to understand and adds that the building line restriction on the submitted plan seems to be wrong. The building line should be 10 m from the eastern boundary for the full length of the proposed building, not just a 10 × 10 m square from the southern and eastern boundaries.</p> <p>2. Dr Miller states that he does not support the application for the departure because supporting the departure appears to condone the building of the proposed place of education and provides the following reasons for his objection:</p> <p>(a) The application for departure does not request approval for the place of education. Dr Miller is also of opinion that no detail is given about the activity or the number of students.</p> <p>(b) Input from potentially affected neighbours for the establishment of a 'place of education' would be required, as has been requested recently by the same applicants for a</p> <p>The applicant has summarised the objections into different themes as most of the concerns raised by the objectors are similar. The themes are as follows:</p> <p><b>1. Objection against the relaxation of the building line.</b></p> <p>The applicant states that the proposed building on Erf 505 aims to serve as a double dwelling house. Additionally, a designated area within the building is intended to function as a place of education. The educational facility will be restricted to the rear end of Unit 1, as depicted in Figure 1 below. The applicant also refers to the preliminary building plans. Please refer to Annexure C of this report.</p>  <p>The applicant states that, in terms of Section 1.1.8 of the Swartland Municipal By-law on Land Use Planning (PG 8226) (hereafter referred to as "the By-Law") it is clear that, except for boundary walls and fences, no building erected or used as a place of education, may be located closer than 10m from any boundary of the land unit.</p>	<p>1. The building line is only applicable to the building proposed for the place of education.</p> <p>It could be argued that due to the scale and nature of the proposed place of education as well as that it is integrated within the proposed double dwelling house, the 10m restriction is not warranted. The impact of the proposed learning centre will be minimal on neighbouring properties. The proposal still complies with the title building lines as well as the building lines applicable to the double dwelling house.</p>

	<p>temporary school at 58 F. Duckitt Street.</p> <p>(c) Apart from the possible increased noise from children attending the school, there will be increased vehicular traffic on a formerly quiet road that has become far busier recently.</p> <p>(d) Gey van Pittius Street is the feeder for L.J. Smit Street and F. Duckitt Street. It is already a busy road, which necessitated the building of a traffic-calming hump. Dr Miller is of opinion that a place of education is inappropriate on such a busy residential street which will become even more so with the proposed expansion of the town towards the south. Delivering and fetching children from Erf 505 will present a life-threatening hazard for excited children running into the road.</p> <p>(e) The educational facility is identical to a third dwelling unit of 88m<sup>2</sup>. Dr Miller asks the question of what place of education requires a combined reception and office area the same size as the planned classroom,</p>	<p>This 10m building line restriction is only applicable to the portion of the building to be utilised for educational purposes, and not the dwelling as well.</p> <p>Therefore, the applicant motivates that the relaxation applied for is only where the place of education will be established on erf 505, which is considered consistent with the Development Management Scheme.</p> <p>The requested 10m building line restriction applies solely to the portion of the building designated for educational purposes, rather than the entire dwelling. Thus, the relaxation sought is specific to the establishment of the place of education on erf 505, aligning with the provisions outlined in the By-law (PG 8226).</p> <p>The applicant emphasize that the proposed place of education is not intended to function as a traditional school or crèche. Instead, it will serve as a specialized learning centre, providing educational assistance to children in the immediate vicinity and surrounding areas.</p> <p>The applicant states further that the landowners of erf 505 are well within their rights to apply for a departure from the building line restrictions on a Residential Zone 1 property to accommodate a place of education within a portion of the dwelling. Each land use application should be evaluated based on its unique circumstances and context.</p> <p>In terms of the application for the departure of the 1m building line the applicant motivates further that</p> <p>While the 10m building line restriction serves as a general guideline for places of education in Residential Zone 1 properties, it is crucial to consider the specific characteristics of Erf 505 and its surrounding area. It is anticipated that the proposed building line departures will not have significant adverse impacts on neighbouring properties, traffic flow, or other community concerns. Thus, the departures can be viewed favourably.</p> <p>Granting the requested departures would enable efficient utilization of the property. By reducing the building line from 10m to 1.5m from the erf boundary, the available space can be</p>	
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	<p>with the reception room at the back of the property. Dr Miller is concerned that there is nothing that makes this unit specifically a place of education and even if it were initially used as such there would be nothing to prevent it later being used as a third dwelling which would not be legal.</p>	<p>maximized to accommodate both the double dwelling and the place of education. This approach optimizes the use of the land while still adhering to the existing zoning regulations in place.</p>	
<p>Johan Smit as owner of Erf 503, 5 Gey van Pittius Street Please refer to Annexure G</p>	<p>3. The proposal will have a negative impact on the character of the area.</p> <p>4. There is a property zoned for a school situated in an area which is more appropriate where the neighbours will not be directly affected.</p> <p>5. Mr Smith strongly object to the proposed building line departure. Having a building that is zoned for a “place of education” – at 1.5m from a residential neighbour – with the potential noise and disturbance associated, goes against the very reason they moved to this quiet neighbourhood. Mr Smit states that the reason a “place of education” zoning has the increased building line, is to protect neighbours against the potential inconvenience and they would like this safeguard adhered to, should the re-zoning be granted against their preference.</p>	<p><b>2. Objection against the application to accommodate a place of education.</b></p> <p>The applicant motivates that in terms of the Land Use Planning By-law (PG 8226), a place of education is permitted as a consent use on a Residential Zone 1 property. The land use application for Erf 505 in Yzerfontein, dated March 2023, encompassed the following components:</p> <p>Application is made in terms of:</p> <p>Section 25 (2) (o) of the By-law (PG 8226) for the Consent Use on Erf 505, Yzerfontein, to accommodate a double dwelling and a place of education (learning centre) on the property; and Section 25 (2) (b) of the By-law (PG 8226) for the Departure on Erf 505, Yzerfontein, from the eastern 10m rear building line to 3.251m; and on the southern 10m side building line to 1.5m to accommodate the place of education in a portion of the proposed dwelling.</p> <p>Referring to Point 1, the application motivates that, the proposed place of education will serve as a specialized learning centre focused on providing educational assistance to children in the immediate vicinity and surrounding areas. The learning centre will be operated and managed solely by the proprietor, who will also serve as the primary teacher. The facility has been designed to accommodate a maximum of 12 children/students per day, operating between the hours of 07:00 and 18:00.</p> <p>However, the actual number of students may vary from day to day. The primary operating days will be weekdays, from Monday to Friday, although occasional weekend operations may be necessary, especially during examination periods. The age range of students will span from four-year-olds to university-level students.</p>	<p><b>2.</b> Secondary education facilities as well as places of education are supported in residential areas. The proposed facilities proximity to the CBD of Yzerfontein contributes to accessibility as well as the desirability of the proposal.</p>

	<p>6. Lastly Mr Smit is concerned about the safety of the children should the application be approved. The property is in the bend of the road and not ideal for traffic as it is a busy road that will, due to future extension of the road for a new layout on low-cost housing, not be suitable for a school.</p>	<p><b>3. Concerns regarding the public participation process:</b></p> <p>The applicant states that according to the By-law (PG 8226), each land use application submitted under Section 25 of the By-law is subject to a public participation process.</p> <p>The applicants/landowners have the choice to independently facilitate the public participation process. This involves obtaining a list from the Local Municipality that identifies specific neighbouring properties that need to be informed about the proposed development. The applicants must then obtain consent from each identified neighbour, which is subsequently submitted along with the land use application. Alternatively, Swartland Municipality can oversee the public participation process in accordance with Section 54-57 of the By-law (PG 8226). In this case, the public participation process was appropriately followed by the Swartland Municipality. The identified neighbouring properties were invited to provide comments and feedback on the land use application as part of the process.</p>	<p><b>3.</b> The application will not materially affect the public interest or the interest of the broader community of Yzerfontein, therefore the application was not published in the newspapers or the Provincial Gazette. With reference to Section 56(2) of the By-Law, a total of 13 notices were sent via registered mail as well as email (in the cases where the Municipality has an email address on record), to the owners of property that was deemed to be affected by the proposal.</p> <p>The notice sent to the affected property owners clearly stated that application is made for a consent use to accommodate a double dwelling house as well as a place of education on the property.</p> <p>The content of the notice is determined by the applicable legislation, and it clearly states that enquiries can be made to the town planning division should more information be required.</p>
<p>A. Adel e &amp; Hendri Radyn as owners of Erf 504</p>	<p>Mr and Mrs Radyn objects to the proposed application for the following reasons:</p> <p>7. The objectors state that they bought their property with the intension of moving out of a densely populated area into a more country – lower density area and therefore does not support the proposed application to accommodate a double dwelling house as well as a place of education (opening the door for a school later), next to them.</p> <p>8. There is a property zoned for a school situated in an area which is more appropriate where the neighbours will not be directly affected.</p> <p>9. The objectors strongly object to the proposed building line departure. Having a building that is zoned for a “place of education” – at 1.5m from a residential neighbour – with the potential noise and disturbance associated, goes against the very reason</p>	<p><b>4. Appropriate locality of the school</b></p> <p>The applicant motivates that the Swartland Municipal Spatial Development Framework (MSDF) (2019) determines the strategic policy guidelines for future development in the Swartland region and in this case, in Yzerfontein. Zone A, located at the most western point along the coast, has a residential character with larger-sized properties as well as a small business node including mixed uses such as high-density residential uses and a vacant school site.</p> <p>According to the MSDF, places of instruction, such as, but not limited to, crèches, schools, colleges, universities, research institutions, libraries, museums, and hostels, are identified as 'Institutional Uses' and educational uses, such as crèches, aftercare facilities and day-care centres are identified as 'Secondary Educational Uses'.</p>	<p><b>4.</b> The location of the proposed learning centre is deemed appropriate as fully discussed in the Planning Evaluation Section of this Report.</p> <p>As mentioned above, secondary education facilities as well as places of education are supported in residential areas. The proposed facilities proximity to the CBD of Yzerfontein contributes to accessibility as well as the desirability of the proposal.</p>

	<p>they moved to this quiet neighbourhood. Mrs and Mr Radyn states that the reason a “place of education” zoning has the increased building line, is to protect neighbours against the potential inconvenience and they would like this safeguard adhered to, should the re-zoning be granted against their preference.</p>	<p>The MSDF identifies the area in which Erf 505 is located as Zone C, which is the older residential area of Yzerfontein. This zone also includes the primary business node that allows for mixed uses including residential, commercial and social uses. The property is further located adjacent to the identified Primary Business District, which comprises of established business uses. The development proposal to accommodate a place of education (learning centre) is identified as a secondary educational use, and not an institutional facility, due to the scale and operation of the proposed use. Secondary educational uses are allowed in Zone C of Yzerfontein, as illustrated in the Land Use Proposals plan</p>	
<p>Mr Andre &amp; Mrs Tammy Du Plooy as owners of Erf 506, 11 Gey van Pittius Street.</p>	<p>10. Mr and Mrs Du Plooy are also of opinion that the application is worded in such a way that it is difficult for a layperson to understand. The objectors did contact the municipality where it was explained that the 10 m building line restrictions has arisen due to the plan to build a ‘place of education’, the objectors are of opinion that the building line restriction on the submitted plan seems to be ambiguous. In the objector’s opinion the, building line should be 10 m from the eastern boundary, full length along the boundary of the proposed building, plan submitted not just a 10 × 10 m square from the southern and eastern boundaries.</p> <p>11. As stated in the objection of Dr Miller mentioned above, Mr and Mrs Du Plooy also state that they do not support the application for the departure because supporting the departure</p>	<p>The MSDF places importance on promoting small-scale businesses that cater to the local community's needs by providing goods and services. The proposed place of education aligns with this objective by offering educational assistance and support to the local community. This not only supports the goals of the MSDF but also addresses the specific needs of the community.</p> <p>Considering the above factors, the proposed place of education is consistent with the development vision for the area and fulfils the land use proposals desired by the MSDF for Zone C of Yzerfontein. The combination of residential and secondary educational uses represents the type of development envisioned by the MSDF for this area. This mixed land use will support and serve the local community without exerting negative impacts on the environment or surrounding area.</p> <p><b>5. Objection against the possible increase in Traffic Generated in Gey van Pittius Street.</b></p> <p>The applicant refers to Points 1 and 3 above and state that the application to accommodate a place of education on Erf 505, is consistent with the Swartland Municipal By-law on Land Use Planning (PG 8226) as well as the MSDF (2019).</p> <p>Due to the small scale of the proposed place of education (learning centre), accommodating a maximum of 12 children/students per day, between the hours of 07:00 and 18:00,</p>	<p><b>5.</b> Due to the scale of the proposal, restricted to 88m<sup>2</sup> as well as accommodating a maximum of 12 learners / students per day, the impact of the proposed facility on the road network is deemed insignificant.</p> <p>To the facilities advantage, traffic calming measures (speed bump) has already been installed in Gey van Pittius Street.</p>


	<p>appears to condone the building of the proposed place of education and provides the following reasons for their objection:</p> <p>(a) The application for departure does not request approval for the place of education on a residential erf. The objectors are also of opinion that no detail is given about the activity or the number of students.</p> <p>(b) Input from potentially affected neighbours for the establishment of a 'place of education' would be required, as has been requested recently by the same applicants for a temporary school at 58 F. Duckitt Street.</p> <p>(c) They object to the establishment of any school on Gey van Pittius Street due to the possible increased noise from children attending the school as well as that there will be increased vehicular traffic on a formerly quiet road that, recently, has become far busier.</p> <p>(d) The objectors also refer to Gey van Pittius Street as a feeder for L.J. Smit and F. Duckitt Streets, therefore already a busy road, which</p>	<p>although the number of students will fluctuate from day to day, it is not foreseen that the proposed land use will generate an adverse increase of traffic.</p> <p>The road reserve width of Gey van Pittius Street is 13m wide, which is substantially wider than the norm used nowadays in the design of towns. 12m reserves are used in residential areas to accommodate bus routes. The road width of Gey van Pittius Street has been designed to accommodate high volumes of traffic.</p> <p>The applicant motivates that the proposed place of education (learning centre) will be the least intrusive from a traffic perspective of all allowable uses for this property. The parents/guardians of the students/learners of the proposed place of education will be aware that they are not allowed to stop in the street or in front of any of the other properties.</p> <p>According to the application the By-law (PG 8226) requires 1 parking bay per classroom/office plus 1 parking bay per 6 students in the place of education. For 1 classroom, 1 office and 12 students, at least 4 parking bays are required. 4 parking bays will be provided on-site and dedicated to the place of education. These parking bays are sufficient in the context of accommodating a learning centre. Further, a double garage for each of the two dwelling units will be provided as well. As sufficient parking bays are provided on Erf 505 to accommodate all the proposed uses on Erf 505, there is no reason to believe that parents/guardians will wait in Gey van Pittius Street to pick up or drop off their children.</p> <p>The existing speed bump on Gey van Pittius Street has been put in place to serve as a mitigation measure to calm traffic in the street.</p> <p>It can be argued that one of the reasons for imposing a 10m building line restriction for places of education is to ensure that adequate open space is maintained around the facility, which can be used for various purposes such as outdoor activities and parking. This helps to ensure the safety and wellbeing of students by providing a safe and secure environment, while also preventing overcrowding and promoting the efficient use of land.</p>	
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	<p>necessitated the building of a traffic-calming hump. The objectors are of opinion that a place of education is inappropriate on such a busy residential street which will become even more so with the proposed expansion of the town towards the south. Delivering and fetching children from Erf 505 will present a life-threatening hazard for excited children running into the road.</p> <p>(e) The educational facility is identical to a third dwelling unit of 88 m<sup>2</sup>. The objectors ask the question of what place of education requires a combined reception and office area which is almost the same size as the planned classroom, with the reception room at the back of the property. Mr and Mrs Du Plooy are also concerned that there is nothing that makes this unit specifically a place of education and even if it were initially used as such there would be nothing to prevent it later being used as a third dwelling which would not be legal.</p> <p>(f) The objectors' state that Swartland Municipality</p>	<p>Additionally, the restriction helps to maintain the aesthetic appeal of the surrounding area by preventing the overdevelopment of the land and preserving its natural beauty. The open space around an educational facility can further act as a buffer zone to reduce noise levels, particularly if the facility is in a noisy area such as a busy street or commercial district. It can also provide a visual break between the educational facility and neighbouring buildings, reducing the impact of the facility on the surrounding area and helping to preserve the character of the neighbourhood.</p> <p>Sufficient space is available on the site to provide adequate parking bays for the proposed land uses, promoting optimal use of land.</p> <p>As the place of education will be located at the rear end of the property and not visible from the street, the facility will not detract from the residential feel of the area where Erf 505 is located. The design of the place of education within a residential building is intended to integrate with the surrounding residential area.</p> <p><b>6. Objection to the increase in noise levels from the proposed facility that may pose a disturbance of the peace and tranquillity of the area.</b></p> <p>The application motivates that the proposed educational facility will be positioned at the back of the property, far away from the adjacent street and central business district (CBD), which are known to be sources of noise in a town. The adjustments made to the rear and side building lines will not compromise the creation of a buffer zone between the noisy areas and the educational facility. Additionally, since the purpose of the proposed facility is to provide short-term assistance to children, learners, and students with their studies, there will be minimal to no noise generated from the facility.</p> <p><b>7. Objection to the potential future use of the property as three dwelling units as the proposed place of education does not represent a normal school layout.</b></p>	<p><b>6.</b> Due to the scale and nature of the facility it will not have a negative impact on the sense of place as well as be a disturbance to the neighbouring property owners. It is clear from the proposal, that this is not a normal school / crèche. Please refer to the information sheet attached as Annexure O.</p> <p><b>7.</b> The municipality can only consider what is presented to it now. Should the development proposal change in the future, a new application would need to be</p>
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	<p>has allocated land in Yzerfontein in The Integrated Plan, whether the construction of a building take place soon or later, owned by the department of education, School Street also aptly named, away from residents to avoid inconvenience/nuisance or harm to anyone or anything.</p>	<p>The applicant refers to their comments made under point no. 2 above. This application only includes gaining the necessary land use rights to accommodate a double dwelling and a place of education on Erf 505. If approval for this land use application is granted, the owners will not be allowed to use the property other than a double dwelling and a place of education restricted to a portion of the proposed Unit 1 of the residential building.</p> <p>Further, in terms of the By-law (PG 8226), it is unlawful to have more than two dwelling units on any Residential Zone 1 property in the Swartland Municipal Area.</p> <p>The kitchenette proposed as part of the place of education, is intended solely for the preparation of hot beverages such as coffee and tea, or the storage of cold beverages in a refrigerator. A single shower is provided in the bathroom, as students may sometimes attend the learning centre after engaging in physical activities and may require the use of a shower before commencing their studies.</p>	<p>submitted for consideration and such application will be subject to its own public participation process.</p>
<p>Mr Charl &amp; Mrs Lara Cilliers as owners of Erf 531, 3 L.J. Smit Street</p>	<p>Mr and Mrs Cilliers objects to the proposed development of erf 505 for the following reasons:</p> <p>12. Safety of the children/learners coming and going on this busy residential area as people reverse and drive.</p> <p>13. Parking bays for 4 cars on an already narrow street is insufficient for people coming and going. This would be extremely dangerous as this road is already busy daily as neighbours from Gey Van Pittius Street, F. Duckitt Street and L.J. Smit Street are constantly using this road to travel and move about daily at all hours of the day and evening.</p> <p>14. Please take note that we already have a speed bump on Gey Van Pittius in front of neighbours Mr Andre Du Plooy Erf 506.</p>	<p><b>8. Objection against the application to accommodate a double dwelling house.</b></p> <p>The applicant motivates that, in terms of the By-law (PG 8226), a double dwelling is allowed as a consent use on a Residential Zone 1 property. Each landowner of a Residential Zone 1 property is allowed to apply for the consent use to accommodate a second or double dwelling on their property. A second dwelling unit, of which the floor area does not exceed 60m<sup>2</sup>, is allowed as an additional use right on a Residential Zone 1 property. The proposed development to accommodate a double dwelling on a Residential Zone 1 property with an extent of 863m<sup>2</sup>, is still regarded as low-density residential development.</p> <p>The MSDP promotes the densification of residential erven within the Urban Edge of Yzerfontein by means of infill development, keeping in mind existing zonings, the character of surrounding environments and the unique sense of place and historical context of specific areas. The proposed development will protect the character of the surrounding residential area and protect the sense of place by providing a double dwelling containing a place of education in a portion of the dwelling.</p>	<p><b>8.</b> The proposed double dwelling will not have a negative impact on the character of the area. It will contribute to densification as well as create alternative housing typologies in Yzerfontein providing residential accommodation that is affordable to a wider range of the community. The proposed second dwelling will also result in the optimal use of land situated within the urban edge. The proposal with a total floor area of ± 690m<sup>2</sup> is deemed a significant investment in the area and will definitely contribute to the value of the surrounding properties.</p>

	<p>15. They will build on the building line which has restrictions and we all must abide by such restrictions....</p> <p>16. The proposed school is in a marked residential area. To their understanding, School Street is aptly named as there is a piece of land marked for a school as per Swartland Municipality's allocation. It is a safer area which is no threat to or cause any harm to anyone who takes and fetches their children. Busy sport days and parking, etc.</p>	<p>The proposed development is further supported by Objectives 1 and 4 of the MSDF specifically in Yzerfontein in terms of the following:</p> <p>a. Densify in accordance with zone proposals through subdivision (sectional title); infill development, and renewal and restructuring; Sectional title subdivision of existing houses on single residential erven. — The application supports densification through means of creating a property consisting of two dwelling units which will be subdivided by means of sectional title. The proposal also supports infill development by accommodating an educational facility in one of the two dwelling units to be provided on Erf 505.</p> <p>The proposed double dwelling and place of education will not have a detrimental effect on the surrounding area and is consistent with the land use proposals for Yzerfontein as set out in the MSDF (2019). The MSDF also supports the Western Cape Spatial Development Framework's principle of densification within existing urban areas by utilising an existing property within the urban edge and leaving the surrounding natural environment untouched.</p>	
<p>Antoinette and Christo Jooste as owners of neighbouring property Erf 530, 1 L.J. Smit Street.</p>	<p>17. Mr and Mrs Jooste object to the proposed application as they are of opinion that the parking spaces are insufficient for the traffic to and from the planned school in Gey van Pittius Street. They state that their gate is around the corner from the intended school parking lot and mirrors will have to be erected and another "speed hump" will have to be built. Visibility is already limited and can cause accidents.</p> <p>18. They also object to the school regarding the danger of children on the already busy street and the noise that the additional traffic and school children will cause in their peaceful quiet neighbourhood.</p>		

<p>Pieter &amp; Julia Myburgh as owners of Erf 529, Yzerfontein</p>	<p>19. There is a property zoned for a school situated in a more appropriate area.</p> <p>20. Should the application be approved against their wishes, they also object to the relaxation of the building line restriction. They are of opinion that the zoning has increased building lines for a reason and believe it is to protect neighbours against any potential inconvenience.</p>	
<p>Bianca &amp; AW Phillips as owners of Erf 502, 3 Gey van Pittius Street</p>	<p>Mr and Mrs Phillips object to the proposed plans to develop erf 505 for the following reasons:</p> <p>21. The reason they purchased their property was due to it being situated in a quiet area with minimal traffic. The proposed place of education will increase the traffic on this quite road.</p> <p>22. The objectors are also concerned about the noise levels of the proposed place of education, as they know a school is a warm and happy environment.</p> <p>23. In the objector's opinion, there are zones allocated for schools in Yzerfontein and the proposed place of education should be situated in the correct zone</p>	

## PART J: MUNICIPAL PLANNING EVALUATION

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

The application in terms of the By-law was submitted on 23<sup>rd</sup> of March 2023. The public participation process commenced on the 4<sup>th</sup> of April 2023 and ended on the 8<sup>th</sup> of May 2023. Objections were received and referred to the applicant for comment on 10<sup>th</sup> of May 2023 and this municipality received the comments on the objection from the applicant on the 9<sup>th</sup> of June 2023.

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

### 2. Legislation and policy frameworks

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

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

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

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

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

Good Administration: The application and public participation are administrated by Swartland Municipality and public and departmental comments were obtained. The decision making is guided by several considerations as required by the relevant By-law and Municipal Spatial Development Framework;

#### Spatial Resilience:

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

The development proposal clearly adheres to the spatial planning principles and is consistent with the abovementioned legislative measures.

#### Provincial Spatial Development Framework (PSDF, 2014)

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

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

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

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

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

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

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

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

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

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

The development proposal is therefore deemed consistent with the PSDF.

#### West Coast District SDF (WCDSDF, 2020)

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

In terms of the built environment policy of the WCDSDF, local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification, and basic



service provision. Priority should also be given to settlement development in towns with the highest economic growth potential and socio-economic need.

The WCDSDF rightfully looks at spatial development on a district level. It is however noted that poor access to social facilities often relate to spatial patterns, lack of spatial integration, limited mix-use development, disconnect between economic and social opportunities, car-dependent developments far from public transport and a 'business as usual' approach with the emphasis on greenfield development and low-density sprawl.

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

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

#### Municipal Spatial Development Framework (SDF), 2023

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



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

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

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

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

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

## 2.4 Zoning Scheme Provisions

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

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

## 3. Desirability of the proposed utilisation

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

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

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

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

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

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

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

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

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

The development proposal is considered desirable.

## 4. Impact on municipal engineering services

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

## 5. Response by applicant

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

## 6. Comments from other organs of state/departments

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

<b>PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS</b>
<u>The financial or other value of the rights</u> N/A
<u>The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal</u> N/A
<u>The social benefit of the restrictive condition remaining in place, and/or being removed/amended</u> N/A
<u>Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights</u> N/A

<b>PART L: RECOMMENDATION WITH CONDITIONS</b>
<p>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:</p> <ol style="list-style-type: none"> <li><b>1. TOWN PLANNING AND BUILDING CONTROL</b> <ol style="list-style-type: none"> <li>(a) The consent use authorises a double dwelling house as well as a place of education, as presented in the application;</li> <li>(b) The place of education consisting of a learning centre, be restricted to a maximum of 88m<sup>2</sup>;</li> <li>(c) No more than 12 children / students be accommodated at the place of education at any given time;</li> <li>(d) The double dwelling adheres to the applicable development parameters;</li> <li>(e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;</li> </ol> </li> <li><b>2. WATER</b> <ol style="list-style-type: none"> <li>(a) A single water connection be provided, and no additional connections be provided;</li> </ol> </li> <li><b>3. SEWERAGE</b> <ol style="list-style-type: none"> <li>(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;</li> </ol> </li> <li><b>4. STREETS &amp; STORMWATER</b> <ol style="list-style-type: none"> <li>(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;</li> </ol> </li> <li><b>5. DEVELOPMENT CHARGES</b> <ol style="list-style-type: none"> <li>(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);</li> <li>(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);</li> </ol> </li> </ol>



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

## **6. GENERAL**

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

## **PART M: REASONS FOR RECOMMENDATION**

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


PART N: ANNEXURES				
Annexure A	Locality Map			
Annexure B	Site development plan			
Annexure C	Proposed building plans			
Annexure D	Copy of the Title deed			
Annexure E	Public Participation Plan			
Annexure F	Objections by Dr D Miller			
Annexure G	Objections by Mr JJ Smith			
Annexure H	Objections by A & H Radyn			
Annexure I	Objections by A & T du Plooy			
Annexure J	Objections by C & L Cilliers			
Annexure K	Objections by Me A Jooste			
Annexure L	Objections by P & J Myburgh			
Annexure M	Objections by B & AW Phillips			
Annexure N	Applicants comment on the objections			
Annexure O	Profile Information Sheet			
PART O: APPLICANT DETAILS				
Name	CK Rumboll and Partners			
Registered owner(s)	Hendrik Hermias Vollgraaff and Lizelle Green on behalf of Platinum Property Enterprise Pty Ltd	Is the applicant authorised to submit this application?	Y	N
PART P: SIGNATURES				
Author details: Herman Olivier Town Planner & GIS Administrator SACPLAN: A/204/2010			Date: 28 July 2023	
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: 31 <sup>st</sup> July 2023	



# ANNEXURE A

## Localities Yzerfontein

### Legend

 Farm Portions

 Erf



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

**Scale:** 1:2 257

**Date created:** March 8, 2023



**Western Cape  
Government**

**FOR YOU**

Agriculture

© Open Street Map (and) contributors, CC-BY-SA  
Survey General WC: Department of Rural Development and Land Affairs  
Chief Survey General (DRDLR)  
Department of Rural Development and Land Reform





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

LEGEND:

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

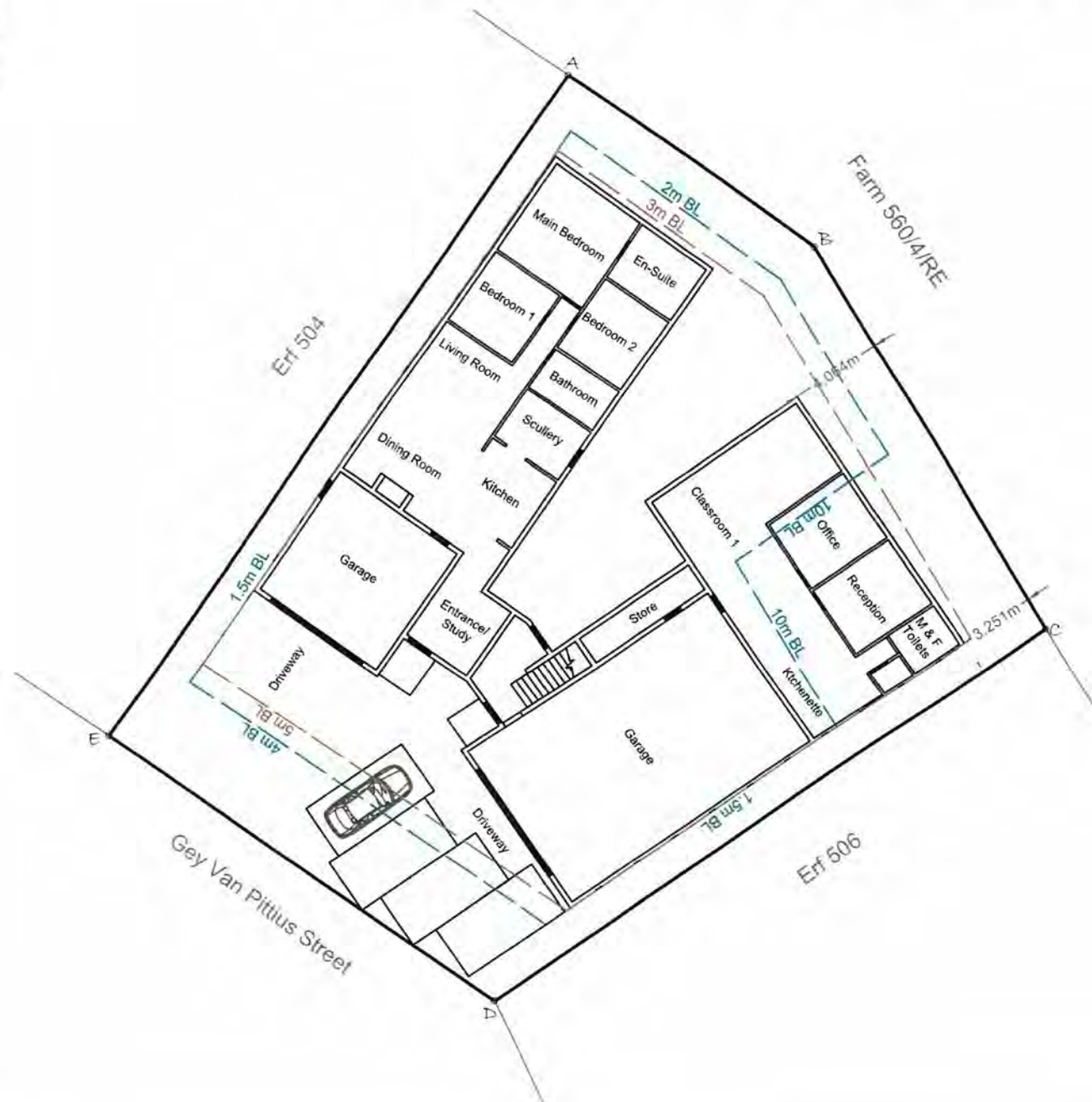


ZONING I.T.O. THE ZONING SCHEME:

Residential Zone 1

NOTES:

Figure ABCDE represents Erf 505, Yzerfontein, with an extent of 863m<sup>2</sup>.



Drawing by:  
Mandi Craftard

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C.K. RUMBOLL & VENNOTE  
TOWN PLANNERS  
PROFESSIONAL SURVEYORS



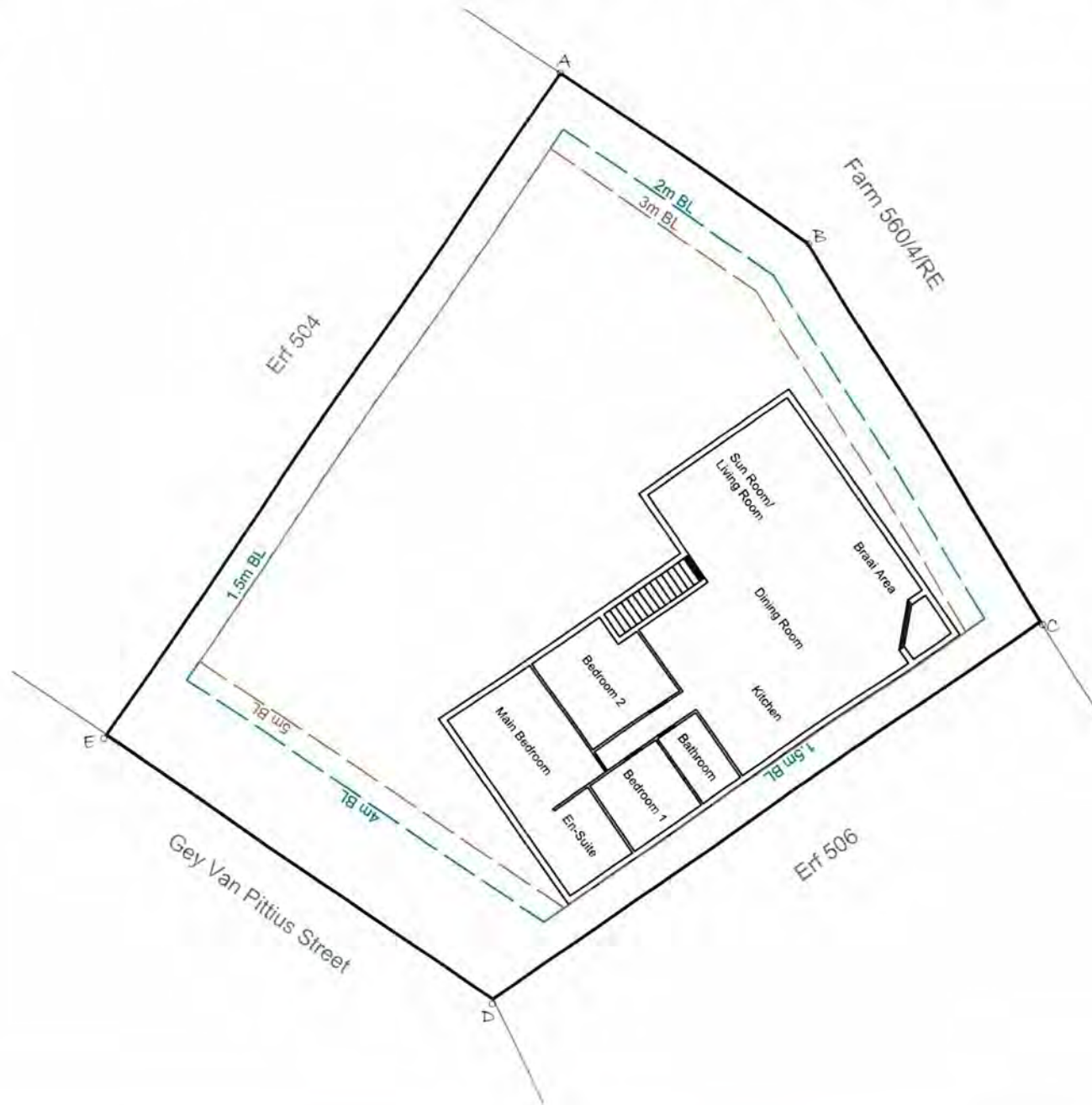
Tel: 022 - 4621845  
Fax: 022 - 4671651  
Email: planning1@rumboll.co.za

DATE:  
MARCH 2023

AUTHORITY:  
SWARTLAND MUNICIPALITY

REF:  
YZE/12368/MC

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



## LEGEND:

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



## ZONING I.T.O. THE ZONING SCHEME:

Residential Zone 1

## NOTES:

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

Drawing by:

Mandri Craftord

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C.J. RUMBOLL & VENNOTE  
TOWN PLANNERS  
PROFESSIONAL SURVEYORS



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

DATE:  
MARCH 2023

AUTHORITY:  
SWARTLAND MUNICIPALITY

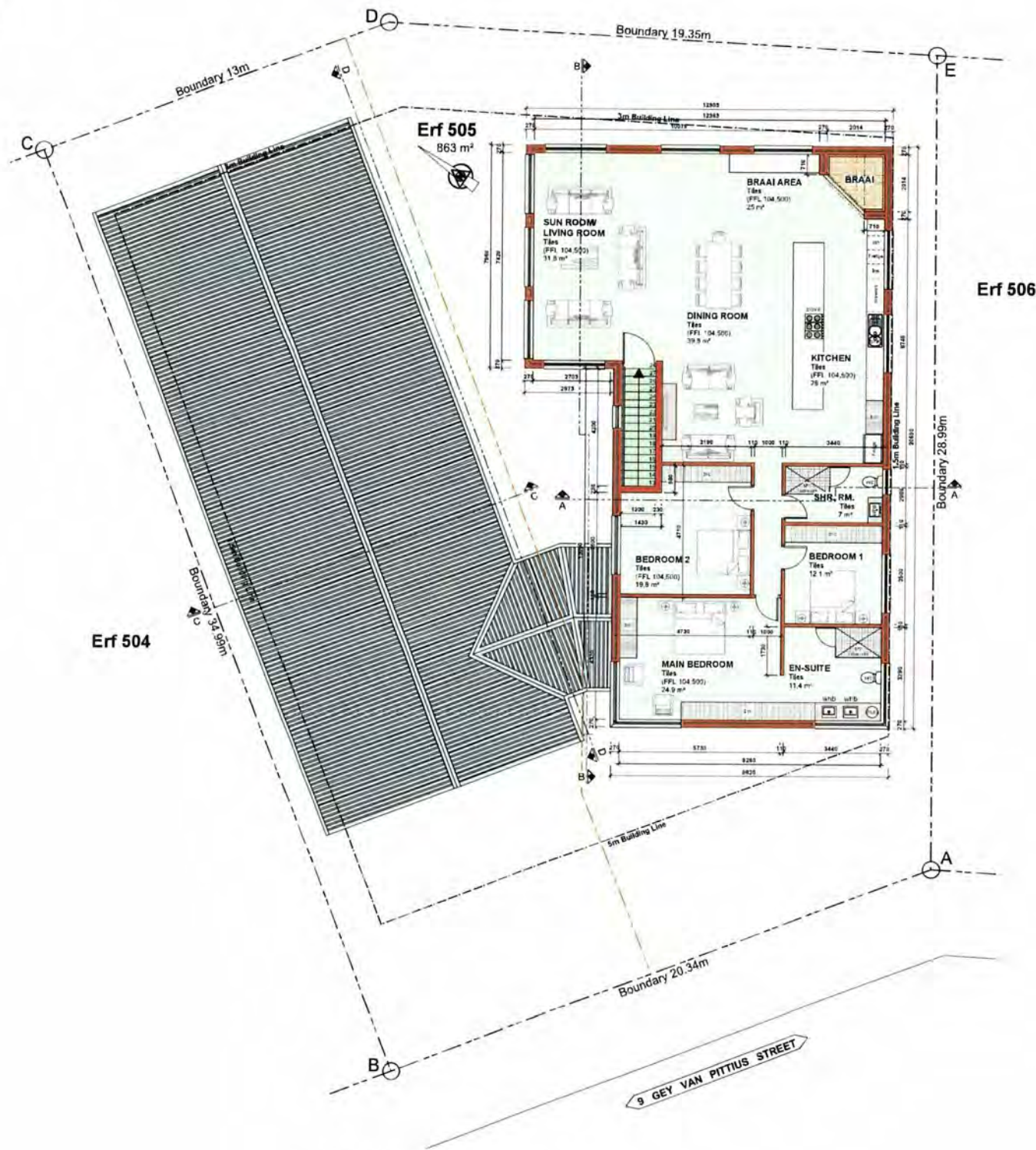
REF:

YZE12988/MC









**FIRST FLOOR PLAN**  
scale 1:100



**GROUND FLOOR DRAINAGE PLAN**  
scale 1:100

**NOTES:**

1. All drainage shall be to the municipal sewerage system.
2. All drainage shall be to the municipal sewerage system.
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1. All drainage shall be to the municipal sewerage system.

SKETCH PLAN DRAWINGS			
NO.	DATE	BY	CHKD BY
1	15.04.21	SK	SK

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

DRAWING TITLE: First Floor Plan  
Ground Floor Drainage Plan

NO.	DATE	BY	CHKD BY
1	15.04.21	SK	SK

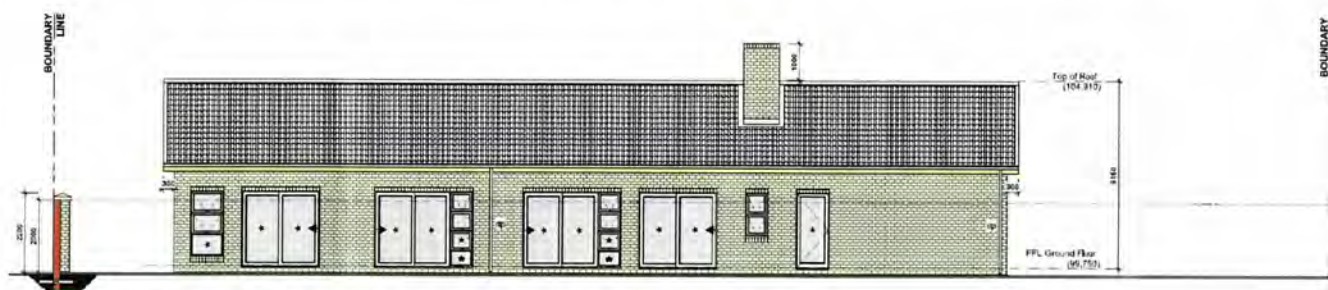




**FIRST FLOOR DRAINAGE PLAN**  
scale 1:100

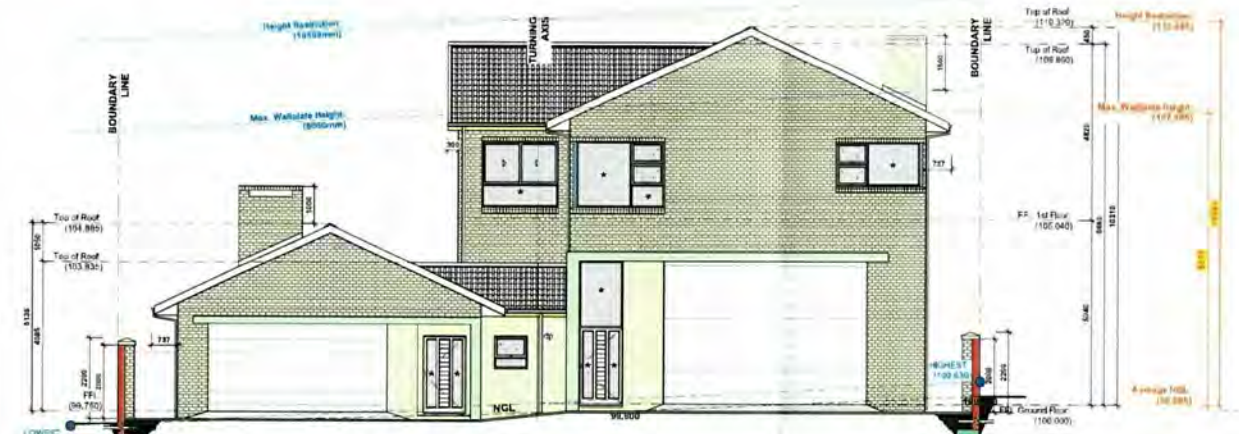


**NORTH EAST ELEVATION (SINGLE STOREY)**  
scale 1:100

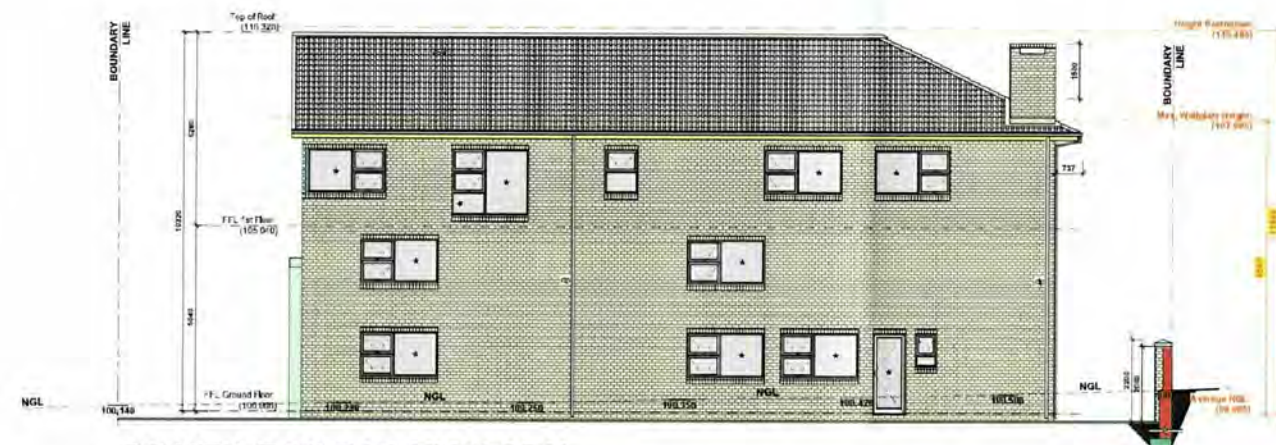


**NORTH WEST ELEVATION (SINGLE STOREY)**  
scale 1:100

Erf 506



**SOUTH WEST ELEVATION**  
scale 1:100



**SOUTH EAST ELEVATION**  
scale 1:100



**NORTH EAST ELEVATION (DOUBLE STOREY)**  
scale 1:100

**NOTES:**

1. All dimensions are in meters.
2. The building is to be constructed in accordance with the SANS 10400 standards.
3. The building is to be constructed in accordance with the SANS 10400 standards.
4. The building is to be constructed in accordance with the SANS 10400 standards.
5. The building is to be constructed in accordance with the SANS 10400 standards.

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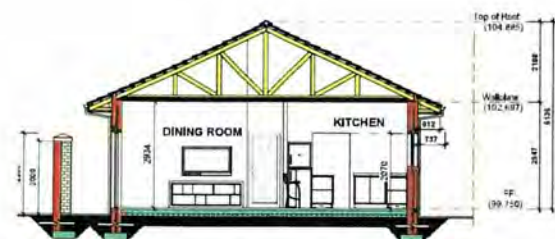
**NORTH WEST ELEVATION (DOUBLE STOREY)**  
scale 1:100



**SECTION A-A**  
scale 1:100



**SECTION B-B**  
scale 1:100



**SECTION C-C**  
scale 1:100



**SECTION D-D**  
scale 1:100

NOTES:

NO.	REVISION	DATE
1		

# **SKETCH PLAN DRAWINGS**

PROJECT	PROPOSED NEW DWELLING ON Erf 505, 9 Gey Van Pittius street, Yzerfontein, for Lizelle & Henk
DESIGNER	Design Co Architects
DATE	05/03/2023
SCALE	1:100
PROJECT	MECH 2023
DATE	17



29

Fee endorsement		
	Amount	Office fee
Purchase price/value	R. 960 000 00	R. 1220 00
Mortgage capital Amount	R. ....	R. ....
Reason for exemption	Exempt i.t.o	
	Cat. ....	section. .... Act. ....

Prepared by me,

CONVEYANCER  
Stephanus Cornelius Nell  
(83097)

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



T 010144/23

**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN:

RONELLE WILKINSON(97489)

THAT ~~JANINE FOUCHE (60114)~~

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

CATHERINE ALMA MC SHANE  
Identity Number 290605 0055 08 2  
Unmarried

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



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

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

Its, administrators or assigns, in full and free property

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

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

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

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

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

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

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

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

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

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



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

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

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

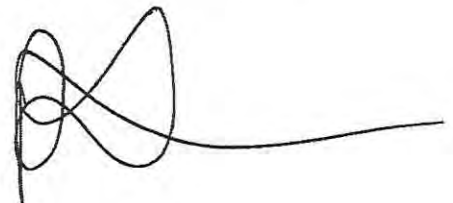
THUS DONE and executed, at the office of the REGISTRAR of DEEDS, in Cape Town, on the

17 MAR 2023

In my presence

  
REGISTRAR OF DEEDS

q.q.



## Locality plan



14



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

8 May 2023

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

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

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

My reasons for this are these:

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

8. Gey van Pittius Street is the feeder for L.J. Smit Street and F. Duckitt Street. It is already a busy road, which necessitated the building of a traffic-calming hump, and it will become even more so with the proposed expansion of the town towards the south. Delivering and fetching children from Erf 505 will present a life-threatening hazard for excited children running into the road. A place of education is inappropriate on such a busy residential street.
9. From the plan accompanying the application for departures, the educational facility appears to be identical to a third dwelling unit of 88 m<sup>2</sup> on Erf 505. What place of education requires a combined reception and office area almost the same size as the planned class room, with the reception room at the back of the property? There is nothing that makes this unit specifically a place of education. Even if it were initially used as such there would be nothing to prevent its later being used as a self-contained flat – with two bedrooms, a bathroom and separate toilet, and an open-plan kitchen/living room – which is what it looks like on the plan. A third dwelling unit on Erf 505 would not be legal.

Yours sincerely,

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

Dr Duncan Miller

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

To whom it may concern,

As owner of Erf. 503– Yzerfontein I would like to put on record that we are objecting to the proposed plan to develop Erf 505 as per your reference 15/3/4-14ERF\_505 and 15/3/10-14/Erf\_505.

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

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

Best regards

Mr. JJ Smit

5 Gey Van Pitius Str, Yzerfontein

( Erf 503 )

082 099 3080

**From:** Adele Radyn <adeleradyn@gmail.com>

**Sent:** Sunday, 07 May 2023 20:41

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

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

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

Good day

Trust you are well &#128522;

To whom this may concern

As owner of Erf. 504 – Yzerfontien I would like to put on record that we are objecting to the proposed plan to develop Erf 505 as per your reference 15/3/4-14ERF\_505 and 15/3/10-14/Erf\_505.

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

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

\*\*\* please confirm receipt of this email

Have a great week

Kind regards

Adele & Hendri Radyn

e-mail: [adeleradyn@gmail.com](mailto:adeleradyn@gmail.com)

Cell: 073 528 8802



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

The Municipal Manager  
Private Bag X52  
Malmesbury 7299  
Email: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

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

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

Our reasoning being as follows:

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



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

8. Gey van Pittius Street is the feeder for L.J. Smit Street and F. Duckitt Street. It is already a busy road, which necessitated the building of a traffic-calming hump already, it will become even more so with the proposed expansion of the town towards the south. Delivering and fetching children from Erf 505 will present a life-threatening hazard for excited children running into the road. A place of education is inappropriate on such a busy residential street.
9. From the plan accompanying the application for departures, the educational facility appears to be identical to a third dwelling unit of 88 m<sup>2</sup> on Erf 505. What place of education requires a combined reception and office area almost the same size as the planned classroom, with the reception room at the back of the property? There is nothing that makes this unit specifically a place of education. Even if it were initially used as such there would be nothing to prevent its later being used as a self-contained apartment of 88 square metres – with two bedrooms, a bathroom and separate toilet, and an open-plan kitchen/living room – which is what it looks like on the plan. A third dwelling unit on Erf 505 would not be legal.
10. Swartland Municipality has allocated land in Yzerfontein in The Integrated Plan, whether the construction of a building take place in the near future or later, apparently owned by the department of education, school street also aptly named, away from residents to avoid inconvenience/nuisance or harm to anyone or anything.

Yours sincerely,

Mr & Mrs Andre & Tammy du Plooy

**From:** Lara Cilliers <charlandlara@gmail.com>

**Sent:** Monday, 08 May 2023 17:00

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

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

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

08 May 2023

The Municipal Manager  
Private Bag X52  
Malmesbury  
7299  
Email: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

Dear Miss /Mrs Chanice Dyason,

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

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

Reasons ;

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

Have a lovely day.  
Regards

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

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

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

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

Aan: Swartland Munisipaliteit  
Private Bag X52  
Malmesbury

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

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

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

Antoinette Jooste en Christo Jooste  
Email: [ajooste49@gmail.com](mailto:ajooste49@gmail.com)  
Sel: 082 200 5094

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

To the Municipal Manager,

As owners of Erf 529, Yzerfontein, we would like to object to the proposed plan to develop Erf 505 as per your reference 15/3/4-14ERF\_505 and 15/3/10-14/Erf\_505.

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

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

Regards,  
Pieter & Julia Myburgh

**From:** Bianca Phillips <bkotze1@gmail.com>

**Sent:** Monday, 08 May 2023 16:07

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

**Subject:** Objectjion- Reference 15/3/4-14ERF\_505 and 15/3/10-14/Erf\_50

### **To whom it may concern**

We, Aw Phillips and B Phillips, herewith strongly object to the proposed plans to develop Erf 505 – (Reference 15/3/4-14ERF\_505 and 15/3/10-14/Erf\_505). We reside on property 502 (3 Gey van Pittius).

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

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

You can contact as via email

[bkotze1@gmail.com](mailto:bkotze1@gmail.com) or [awtphillips@gmail.com](mailto:awtphillips@gmail.com)

Kind regards

Bianca and AW Phillips



# CK RUMBOLL & VENNOTE / PARTNERS



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

DATE: 9 June 2023

OUR REF: YZE/12988/MC  
YOUR REF: 15/3/4-14/Erf\_505  
15/3/10-14/Erf\_505

## BY HAND

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

MUNISIPALITEIT SWARTLAND - ERF				
ERF NO. 15/3/4-14/Erf-505				
Wettenskap	Truging	Verlag	Handel	Kom/Taap
SSSB				
De				
Ander Opdrag: 15/3/10-14/Erf-505				
SPERDATUM: (get) BK				

Mr,

## Comments on Objections

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

#### 1. Introduction

Your letter dated 10 May 2022 refers.

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

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

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



#### VENNOTE / PARTNERS:

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

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

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




Figure 1: Locality Map

## 2. Comments on objections

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



Table 1: Comments on Objections

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

VENNOTE / PARTNERS:

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

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

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



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

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

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

		of a shower before commencing their studies.
B, C, G	<p><b>6. <u>Double Dwelling</u></b></p> <p>We bought our property with the intention of moving out of a densely populated area into a more country- and lower-density area. We are not happy with the idea of the property being granted permission to have a double dwelling on a single residential zoning — and then still having the potential for a place of education zoning (opening the door for a school later) when there is an area zoned for a school in a more appropriate area that will not directly affect neighbours.</p>	<p>6. In terms of the <i>By-law (PG 8226)</i>, a double dwelling is allowed as a consent use on a Residential Zone 1 property. Each landowner of a Residential Zone 1 property is allowed to apply for the consent use to accommodate a second or double dwelling on their property. A second dwelling unit, of which the floor area does not exceed 60m<sup>2</sup>, is allowed as an additional use right on a Residential Zone 1 property. The proposed development to accommodate a double dwelling on a Residential Zone 1 property with 863m<sup>2</sup> in extent is still regarded as low-density residential development.</p> <p>The <i>MSDF</i> promotes the densification of residential erven within the Urban Edge of Yzerfontein by means of infill development, keeping in mind existing zonings, the character of surrounding environments and the unique sense of place and historical context of specific areas. The proposed development will protect the character of the surrounding residential area and protect the sense of place by providing a double dwelling containing a place of education in a portion of the dwelling.</p> <p>The proposed development is further supported by Objectives 1 and 4 of the <i>MSDF</i> specifically in Yzerfontein in terms of the following:</p> <ul style="list-style-type: none"> <li>• <i>Densify in accordance with zone proposals through subdivision (sectional title); infill development, and renewal and restructuring; Sectional title subdivision of existing houses on single residential erven.</i> – The application supports densification through means of creating a property consisting of two dwelling units which will be subdivided by means of sectional title. The proposal also supports infill development by accommodating an educational facility in one of the two dwelling units to be provided on Erf 505.</li> </ul>

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

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

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

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

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

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

Kind regards,



Mandri Crafford

For CK RUMBOLL & PARTNERS

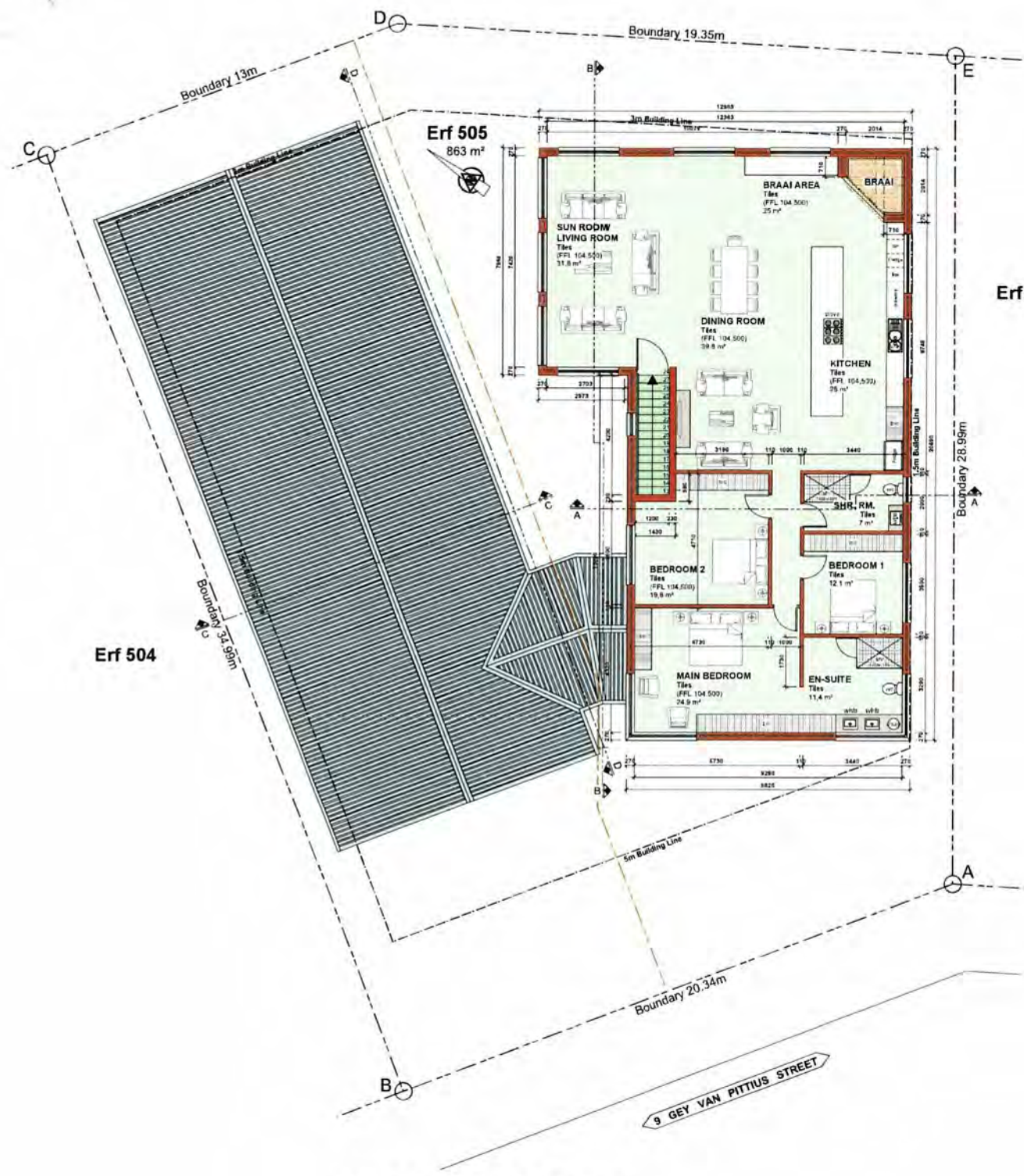
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**Annexure A**  
Preliminary Building Plans









**FIRST FLOOR PLAN**  
scale 1:100



**GROUND FLOOR DRAINAGE PLAN**  
scale 1:100

**NOTES:**

1. The drainage system is designed to handle the maximum rainfall intensity of 100mm per hour. The system is designed to handle the maximum rainfall intensity of 100mm per hour. The system is designed to handle the maximum rainfall intensity of 100mm per hour.
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NO.	REVISION	DATE
1		2023/03/20

**Design Co. Architects**

**SKETCH PLAN DRAWINGS**

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

DRAWING TITLE: First Floor Plan Ground Floor Drainage Plan

PROJECT NO: 1051

DATE OF PRINT: 05.03.2023

SCALE: 1:100

DATE: March 2023

BY: [Signature]

CHECKED BY: [Signature]

DATE OF PRINT: 05.03.2023

SCALE: 1:100

DATE: March 2023

BY: [Signature]

CHECKED BY: [Signature]

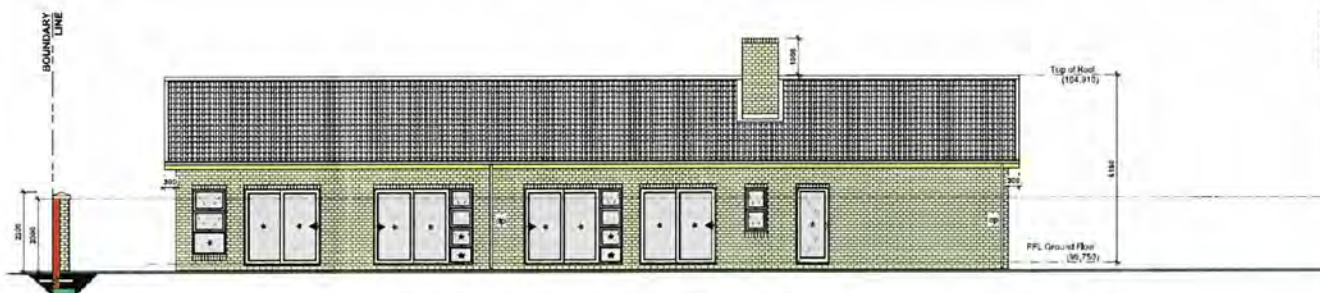




**FIRST FLOOR DRAINAGE PLAN**  
scale 1:100



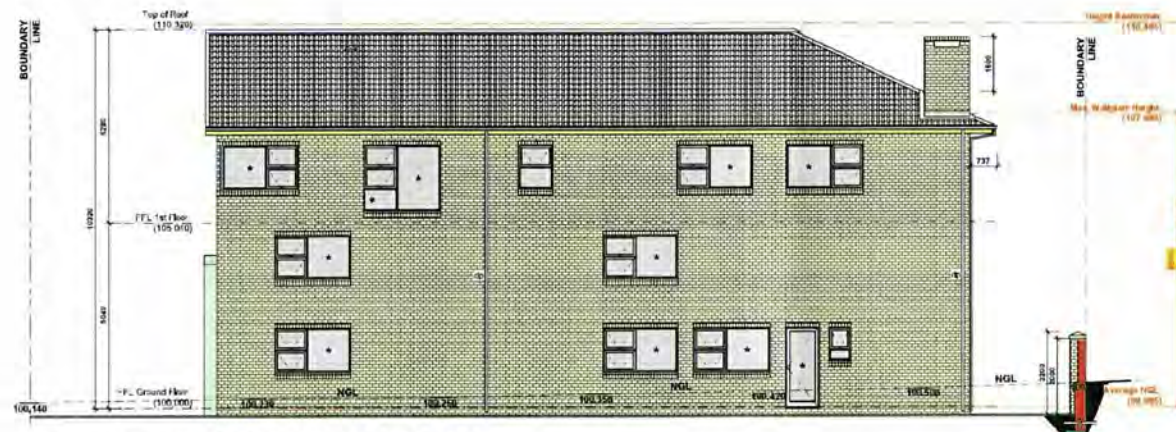
**NORTH EAST ELEVATION (SINGLE STOREY)**  
scale 1:100



**NORTH WEST ELEVATION (SINGLE STOREY)**  
scale 1:100



**SOUTH WEST ELEVATION**  
scale 1:100



**SOUTH EAST ELEVATION**  
scale 1:100



**NORTH EAST ELEVATION (DOUBLE STOREY)**  
scale 1:100

**NOTES:**

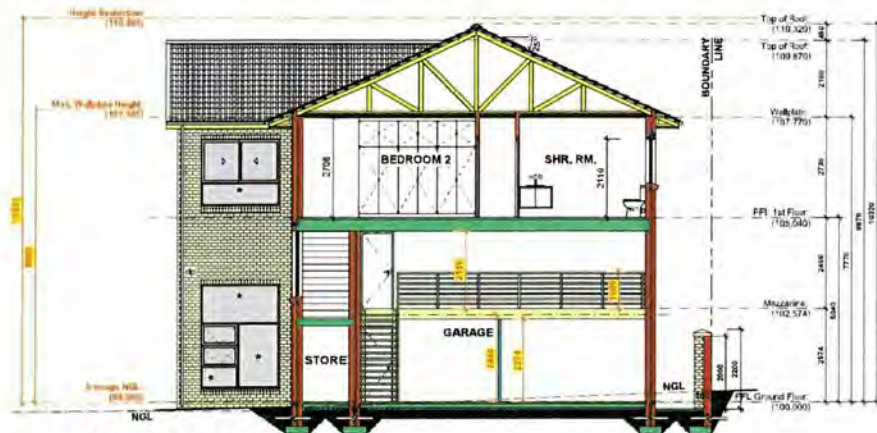
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2. All elevations are to the top of the roof unless otherwise stated.
3. All floor levels are to the finished floor level unless otherwise stated.
4. All wall heights are to the top of the wall unless otherwise stated.
5. All window and door heights are to the top of the opening unless otherwise stated.
6. All chimney heights are to the top of the chimney unless otherwise stated.
7. All roof pitches are as indicated on the drawings unless otherwise stated.
8. All materials are to be of a standard quality unless otherwise stated.
9. All finishes are to be of a standard quality unless otherwise stated.
10. All fixtures and fittings are to be of a standard quality unless otherwise stated.

SKETCH PLAN DRAWINGS			
PROJECT NO.	DATE	REVISION	DATE OF REVISION
1091	04.03		05.01.2023
SCALE	PROJECT DATE	DRAWN BY	CHECKED BY
1:100	March 2023	JT	





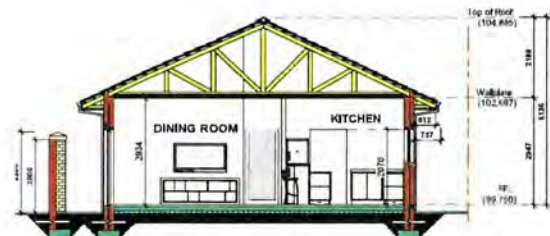
**NORTH WEST ELEVATION (DOUBLE STOREY)**  
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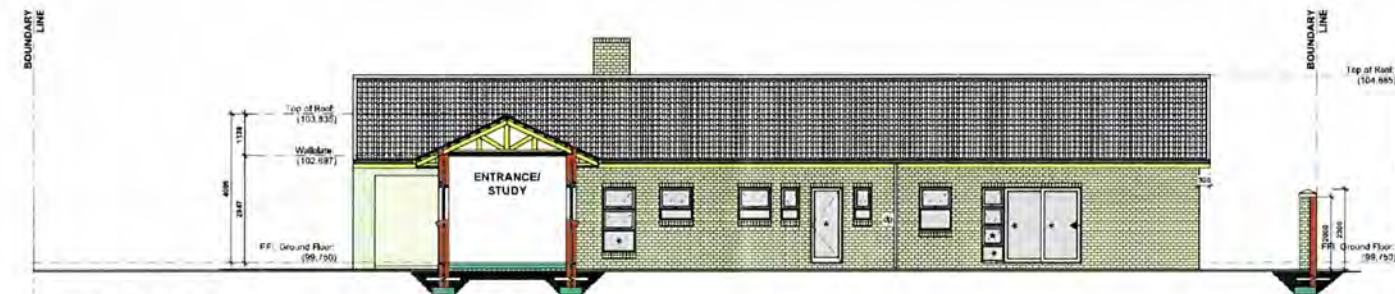
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scale 1:100



**SECTION B-B**  
scale 1:100



**SECTION C-C**  
scale 1:100



**SECTION D-D**  
scale 1:100

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**NOTES:**

NO.	REVISION	DATE
1		

SKETCH PLAN DRAWINGS			
PROJECT	DATE	REVISION	DATE
Proposed new Dwelling on Erf 505, 9 Gey Van Pittius street, Yzerfontein for Lizelle & Henk	10/03/2023	1	10/03/2023
DRAWING TITLE	SCALE	PROJECT DATE	DRAWN BY
Elevation Sections	1:100	10/03/2023	JT

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**Annexure B**  
Site Development Plan



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



## LEGEND:

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



## ZONING I.T.O. THE ZONING SCHEME:

Residential Zone 1

## NOTES:

Figure ABCDE represents Erf 505, Yzerfontein, with an extent of 863m<sup>2</sup>.



Drawing by:

Mandi Craftord

ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING

C.J. RUMBOLL & VENNOTE  
TOWN PLANNERS  
PROFESSIONAL SURVEYORS



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

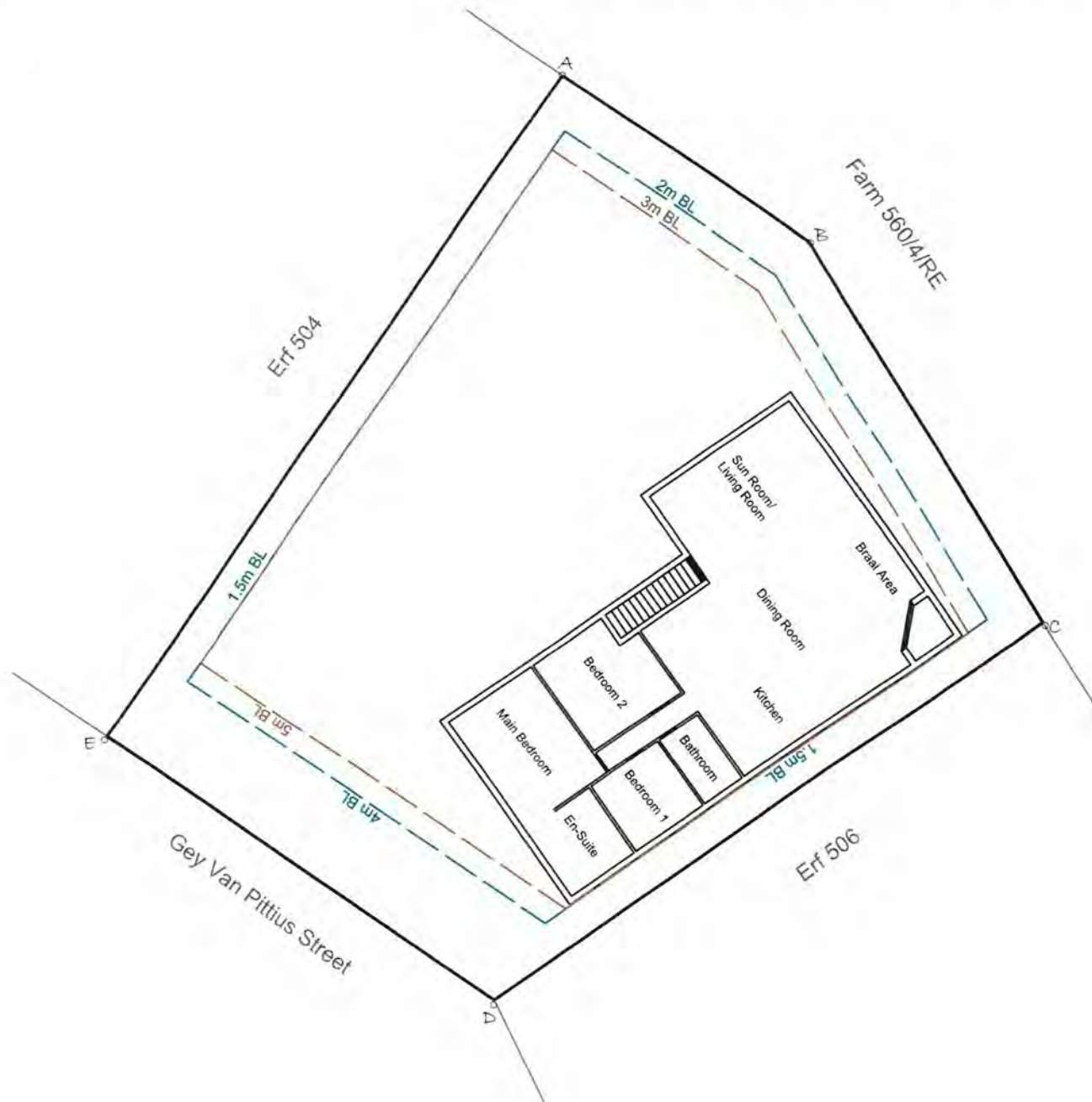
DATE:  
MARCH 2023

AUTHORITY:  
SWARTLAND MUNICIPALITY

REF:

YZE12588/MC

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



## LEGEND:

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



## ZONING I.T.O. THE ZONING SCHEME:

Residential Zone 1

## NOTES:

Figure ABCDE represents Erf 505, Yzerfontein, with an extent of 863m<sup>2</sup>.

Drawing by:

Mandi Craftord

ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING

C.J. RUMBOLL & VENNOTE  
TOWN PLANNERS  
PROFESSIONAL SURVEYORS



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

DATE:  
MARCH 2023

AUTHORITY:  
SWARTLAND MUNICIPALITY

REF:

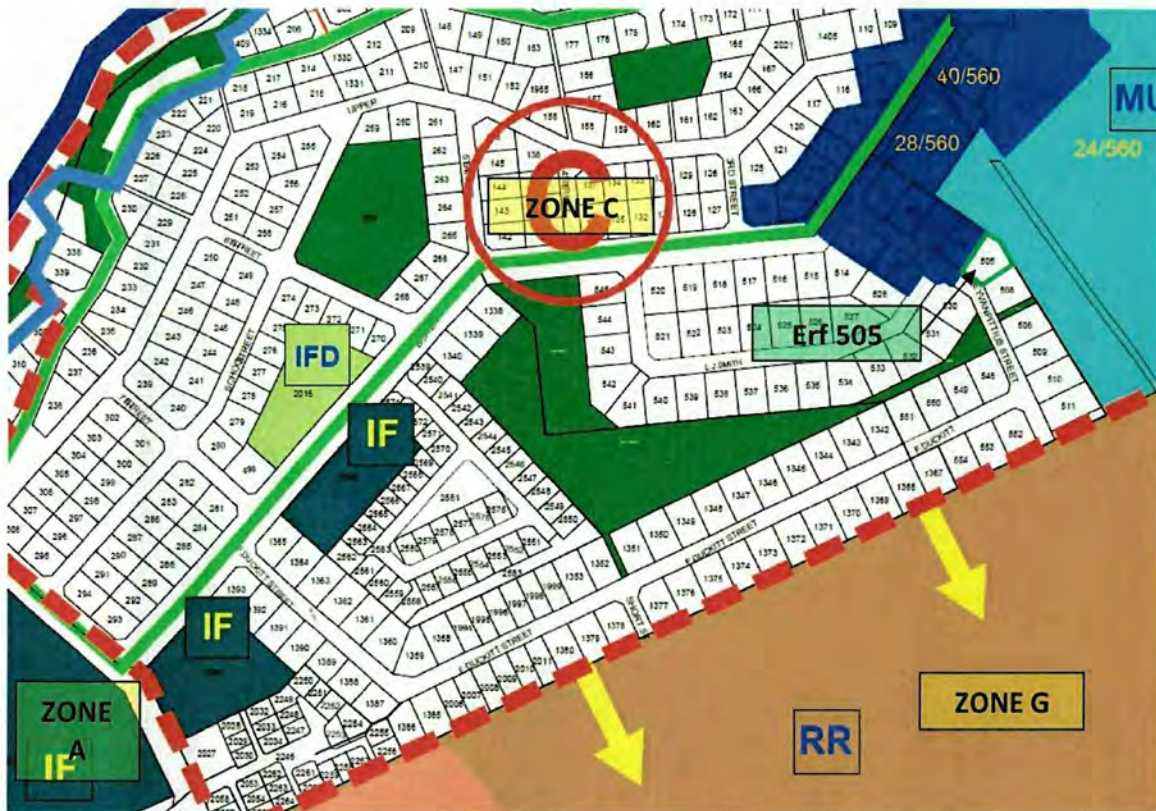
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**Annexure C**  
Land Use Proposals



## Yzerfontein Land Use Proposals



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





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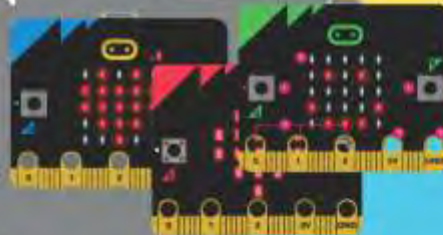
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📘 Integrated-Learning-Solutions

✉ [intergratedlearningsolutions@outlook.com](mailto:intergratedlearningsolutions@outlook.com)

**ITEM 6.4 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 8 AUGUST 2023**

LAND USE PLANNING REPORT PROPOSED CONSOLIDATION AND DEPARTURE ON ERF 2241 AND ERF 2385, YZERFONTEIN					
Reference number	15/3/4-14/Erf 2241,2385 15/3/12-14/Erf 2241,2385	Submission date	27 April 2023	Date finalised	28 July 2023

PART A: APPLICATION DESCRIPTION									
Application for a consolidation of Erf 2241 (471m <sup>2</sup> in extent) and Erf 2385 (354m <sup>2</sup> in extent), Yzerfontein, is made in terms of Section 25(2)(e) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), in order to create one residential erf of 825m <sup>2</sup> .									
The applicants are C.K. Rumboll and Partners and the property owner is Chantilly Trading 30 (Pty) Ltd.									
PART B: PROPERTY DETAILS									
Property description (in accordance with Title Deed)	ERF 2181 YZERFONTEIN, In the Swartland Municipality, Division Malmesbury, Province Western Cape (Erf 2241) ERF 2374 YZERFONTEIN, IN THE SWARTLAND MUNICIPALITY, DIVISION OF MALMESBURY, PROVINCE OF THE WESTERN CAPE (Erf 2385)								
Physical address	44 Ocean Front Quay			Town	Yzerfontein				
Current zoning	Residential Zone 3	Extent (m <sup>2</sup> /ha)	471m <sup>2</sup> and 354m <sup>2</sup>	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	Vacant property			Title Deed number & date	T29397/2007 T73126/2015				
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)									
Consolidation and departure		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		Consolidation and departure		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		
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## PART D: BACKGROUND

The proposed consolidation is located in the Mile 16 Private Beach Estate, the northern-most residential development in Yzerfontein. The Mile 16 Private Beach Estate was first rezoned in 2004 in order to establish a Leisure Residential development containing holiday housing that could be alienated and privately owned. The zoning category lent itself to exploitation, as it could be manipulated to establish residential developments without adhering to the more restrictive requirements of residential zones. Therefore, during the 2020 revision of the Swartland By-Law, the category was removed from the By-Law and existing Leisure Residential developments were re-categorised under either Resort Zone or under Residential Zone 3, depending on the individual composition of each development.

The Swartland Municipal Spatial Development Framework (MSDF, 2023) identifies the northern portion of Yzerfontein as Area E, characterised by various densities of residential erven with community and recreational facilities.

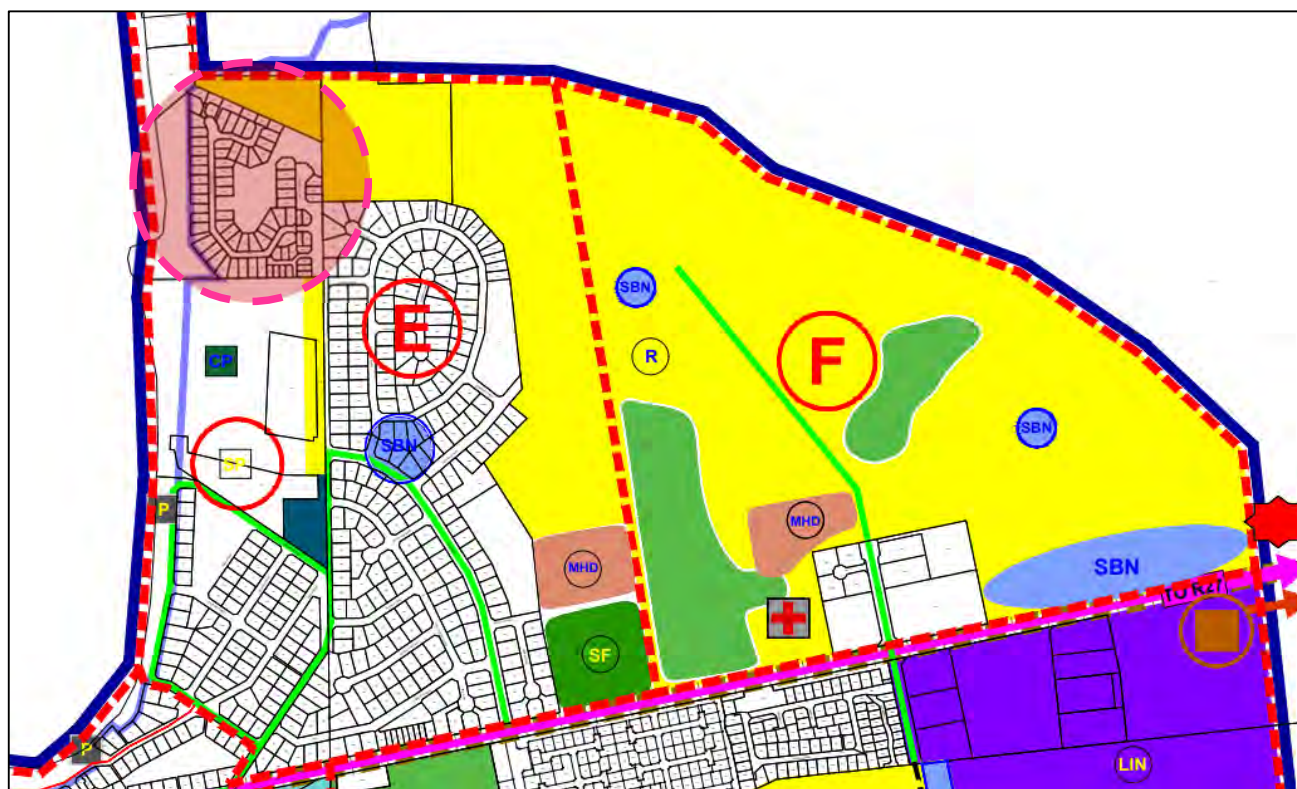


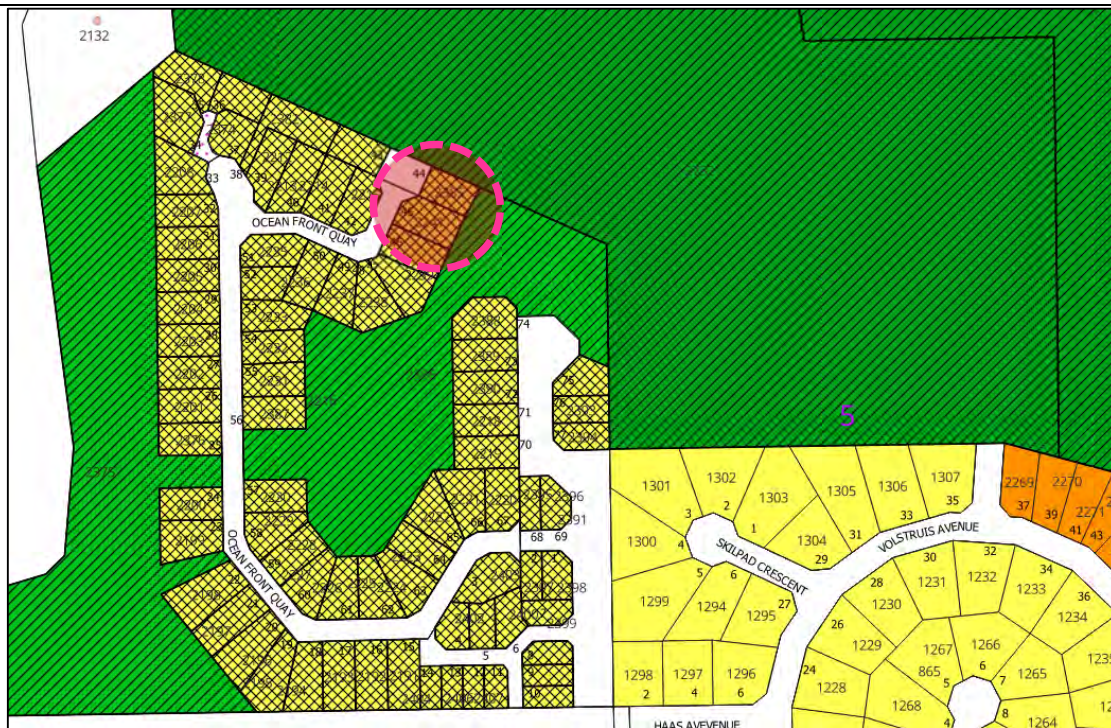
Figure 1: Swartland MSDF (2023)

Mile 16 Private Beach Estate was developed from the onset as smaller holiday erven for private ownership. The erven could not be classified as Residential Zone 1, due to the erf size not adhering to the minimum of 500m<sup>2</sup>. In order to motivate smaller erven, emphasis was placed on the ultimate creation of 79 residential units and the advantages associated with an increase in density, such as optimal utilisation of services, consistency with spatial policy, opportunities of tenure made available to a larger portion of society, etc. The appropriate re-classification of the development was thus determined to be Residential Zone 3: Mixed Density Estate Housing, as the permissible land uses are more compatible.

The average erf size inside the development, apart from the private open spaces, falls between 200m<sup>2</sup> - 495m<sup>2</sup>. Only 12% of the total residential properties is larger than 500m<sup>2</sup>, the largest of which is 620m<sup>2</sup> in extent.

Diagram 2 illustrates that, while the Mile 16 Beach Estate is located in close proximity to Residential Zone 1 properties, the development is clearly an entity in itself with a character different from the existing residential neighbourhoods in the area. Mile 16 is also a gated community, further distinguishing the development from Residential Zone 1 developments.





Erf 2241 and Erf 2385 belong to the same owner and in 2022 a land use application was made for the consolidation of the two properties, order to create one property of 825m<sup>2</sup> in extent, with the ultimate aim to accommodate a dwelling with roughly 750m<sup>2</sup> floor space and a footprint of 350m<sup>2</sup>.

View 1



Figure 4: View from street

View 4



Figure 5: Northern façade

The application was refused with comprehensive reasons on 5 December 2022, with the appeal period lapsing on 3 January 2023. The applicant lodged an appeal on 27 January 202, but the submission was deemed invalid, as it was not received in time.

The current application is a re-submission of the consolidation proposal that endeavours to address some of the reasons for the refusal, in the hopes that the proposal may now be favourably considered.

#### 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

During August 2022 a consolidation application was submitted to the Municipality, but it was refused. The appeal was lodged against the decision, but due to the December holidays, the 21-day appeal period had lapsed and the appeal was considered invalid. To mitigate the impact of the proposed development, the owner modified some of the buildings and submitted a new application to obtain the required land use rights for the consolidation of the two properties. Comments from the design architect for the Estate, are attached as Annexure I.



The proposed development aims to fulfil the need for larger residential properties in existing zoned land to prevent investors seeking larger properties on less ideal or sensitive area or in other towns. It is important to provide different housing typologies in towns and through proposed consolidation, provision is made for the need for larger residential plots. Since there are some properties in the surrounding area with roughly the same size, the proposed consolidation will not have an adverse effect on the surrounding area.

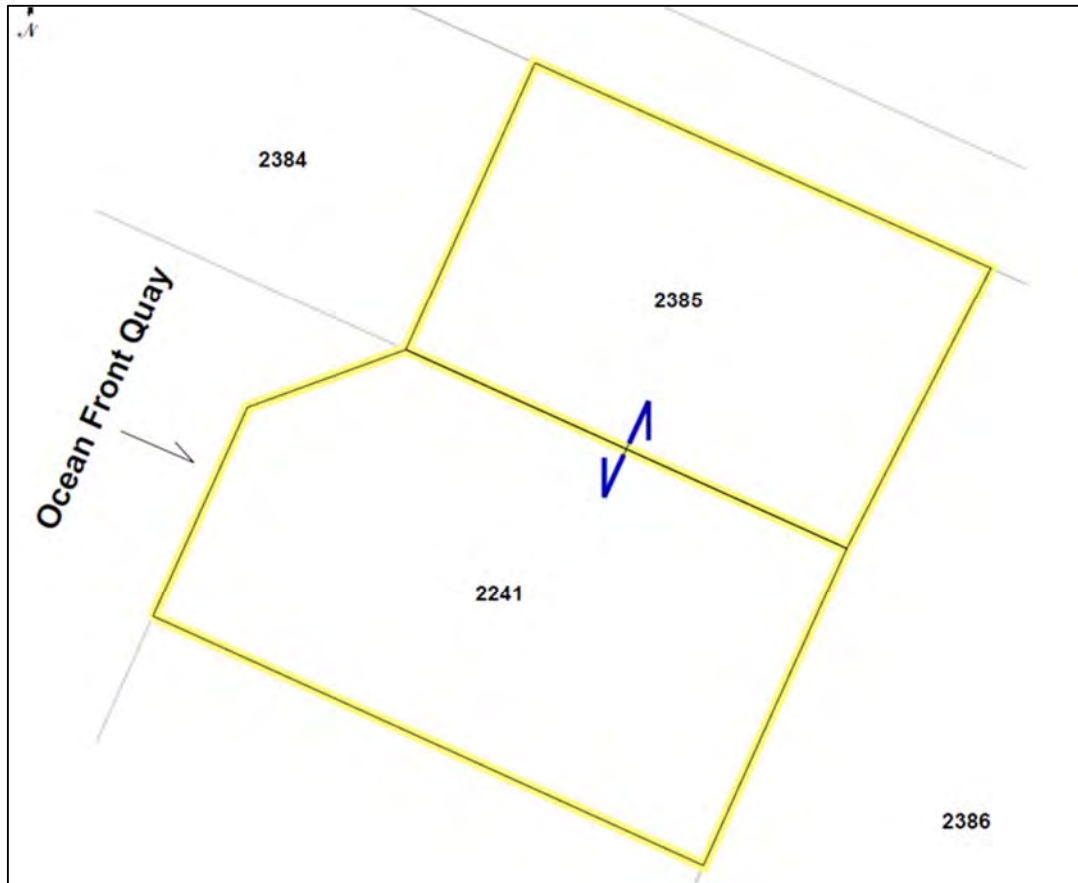


Figure 6: Proposed consolidation

#### 1.1 Change in character of the area

Although the Mile 16 residential development was originally packaged and approved as a medium density resort, the character of the area changed over time.

Consolidations are not a threat to densification objectives. No policy has ever stipulated maximum erf sizes and until the recent implementation of the Municipal By-Laws, consolidations were exempt from any application.

Only properties in the same ownership can be consolidated. Most owners of properties adjacent to each other, more often than not, prefer to keep the entities separate for various reasons, one being the ability to sell when the right purchaser makes an offer. Consolidation is only exercised, when the owner wants to utilize the adjacent property in conjunction with the other, as is the case here, the owner wants to add a large garage to his house to store his boat, as there are no storage facilities available in Yzerfontein. Consolidations are also used to rectify encroachments, gaining access, etc. By allowing this consolidation, no president will be created, because of the reasons given above, and the rare nature of consolidations. A quick scrutiny of our records shows that for every approximately 100 subdivisions one consolidation is asked for.

The following is an extract from the By-Law regarding Residential Zone 3: Mixed Density Estate Developments:

*"The objective of this zone is to provide a high degree of flexibility for low to medium density residential projects which have integrated site and design features, and which require individual design solutions and individually tailored development control provisions. This zone does not accommodate a resort, but is particularly suitable for residential estates that are governed by a homeowners' association, with access control and co-ordinated design requirements (such as golf estates, equestrian estates and residential marinas)."*

The Mile 16 Beach Estate HOA already approved the consolidation and the draft building plans for Erven 2241 and 2385, Yzerfontein.

The housing need and desirability within Mile 16 Beach Estate has changed over time and an increasing number of residents desire a larger property within the estate. Since the objective of the zoning makes provision for a high degree of flexibility for low to medium density residential developments, the proposal to consolidate the two properties to create a low density land unit under the Residential Zone 3 zoning, should be encouraged. Given that the Mile 16 Beach Estate is governed by the Homeowners Association, which already approved the consolidation and draft building plans for the development, the proposed consolidation therefore complies with the main objective of Residential Zone 3.

When considering a  $\pm 200\text{m}$  radius around Erven 2241 and 2385, the area is already characterised by low medium and high density residential properties. The properties in blue are all similar in extent or larger to what is proposed. Since all these properties are located on the outskirts of Yzerfontein, the proposal to consolidate erven 2241 and 2385, which is also located on the outskirts of town, can be considered consistent with the existing development pattern of the area.



Figure 7: Surrounding erf sizes

### 1.2 Average erf sizes in Mile 16 Beach Estate

Given that the largest erf in the estate is more than four times larger than the smallest erf, indicates that the need for a variety of erf sizes already occurs in the estate. Regarding the cohesive character; the variety of erf sizes within the estate is already so widely spread, that the consolidation will not have a significant impact on the existing character of the area.

The initial layout was done in 2004 with medium density residential properties varying between  $417\text{m}^2$  and  $667\text{m}^2$  in extent. Later on in 2008, the need for higher density residential arose and some amendments were made to the general plan and the erf sizes changed, now varying between  $144\text{m}^2$  and  $635\text{m}^2$  in extent. The character of the area has changed from properties with a medium density residential extent (20 to 50 units per hectare- as stated in the SDF) to a mixed density residential estate with both medium and high density residential properties (above 50 units per hectare- as stated in the SDF). The amendments were made as the needs of the estate changed.

### 1.3 Dwelling house size in relation to the surrounding erven

The draft building plans (approved by the HOA) are attached as Annexure B. Considering figure 7 and 8 below, since the dwelling house proposes a very large garage on Erf 2241 and the majority of the dwelling house on Erf 2385, the proposal gives the impression of two dwelling units and not one large dwelling house. The proposal will therefore still give the impression of two dwelling units and conform to the existing character of the area.

The HOA considers the proposal consistent with the architectural character of the estate, and since the estate is governed by a owners' association, the proposal can be favourably considered. The existing rights on both these properties allow for double storey dwellings, the consolidation will not detract from the overall congruence of the development as the one 'portion' will only be utilised for the construction of a garage, thus lessening the impact.





*Figure 8: Existing dwellings inside Mile 16 Estate*

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

- a) Spatial Justice: With the proposed consolidation, the zoning and associated land use of the relevant properties will not change, justifying the right of the owner to develop the property for residential purposes in accordance with the current land use rights.
- b) Spatial Sustainability: The proposed development is within the urban edge of Yzerfontein and contributes to limiting urban sprawl by allowing the owners to extend the property they own on existing land instead of developing a larger property in a possible sensitive area or outside the urban edge. The proposed development will not adversely affect any natural conservation areas or surrounding properties.

Existing services are deemed sufficient to accommodate the proposed consolidation.

- c) Efficiency: Ownership of the relevant properties adjacent to one another by the same individuals creates a financial burden by paying tariffs raised for both properties. The properties are situated in an identified low density residential area and the proposed consolidation will promote a more spacious utilisation of the existing properties contributing to the already tranquil atmosphere of the area.
- d) Spatial Resilience: The proposed development will still be resilient in terms of the multiple uses that are allowed if the correct land use rights are obtained. The proposed development does not limit future benefits that the properties may have.
- e) Good Administration: The proposed application will be taken through the public process by the Swartland Municipality and all relevant departments will be contacted. 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.

#### 1.5 Desirability

Since erven 2205 and 2206 also applied for a consolidation at the end of 2022, but was also refused by Swartland Municipality, there is without a doubt a need and desire for larger properties within the estate. The owner wants it and the Home Owners Association supports it. This office is of opinion that the proposal complies with the principles of desirability and should be favourably considered.

- a) The proposed application for consolidation is supported by the Swartland Spatial Development Framework (SDF) that guides sustainable future development in Yzerfontein;
- b) The proposed development supports spatial sustainability in terms of LUPA and SPLUMA;
- c) The zoning and utilisation of the properties for residential purposes will remain the same;
- d) The proposed development will not adversely affect any natural conservation areas or surrounding properties;

e) With the proposed development optimal use of existing access, parking and services will occur with no additional pressure on services;

f) The proposed development promotes a more spacious utilisation of the existing properties that contribute to the already tranquil atmosphere of this low density residential area;

The development will sustainably enhance the potential of low density residential land by proposing an enlarged residential land unit that will not detract the character of the residential area.

**PART G: SUMMARY OF PUBLIC PARTICIPATION**

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

A total of nine (9) 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. No notices were returned unclaimed. Please refer to Annexure D for the public participation map.

Two objections were received against the proposal. The applicant was afforded 30 days, from 7 July 2023 to 8 August 2023, to respond to comments and objections received. One objector withdrew their objection (Annexure G). The response to comments was provided back to the Municipality on 12 July 2023. (Annexure H).

Total valid comments	<b>2</b>	Total comments and petitions refused	<b>0</b>
Valid petition(s)	Y <b>N</b>	If yes, number of signatures	
Community organisation(s) response	Y <b>N</b>	Ward councillor response	Y <b>N</b> Councillor van Essen was informed, but no comments were forthcoming.
Total letters of support	1 objection was withdrawn from A Beukman (Erf 2383).		

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Department Civil Engineering Services	12 Sep 2022	1. <u>Water</u> Die gekonsolideerde erf van 'n enkele wateraansluiting voorsien word. 2. <u>Riolering</u> Die die gekonsolideerde erf van 'n enkele riooluitsuigtenk met 'n minimum grootte van 8000l voorsien word.	<b>X</b>	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
K. Saunders Erf 2237 Annexure E	1. If the existing gravel road that is being used by contractors on a daily basis is rendered unusable by the consolidation it is going to cause traffic mayhem within the estate.	1. Please take note that a section of the gravel road currently utilized by the contractors is a registered erf. Regardless of the consolidation, the property owners still have the right to construct a dwelling on the land unit, which would result in the gravel road being obstructed. It is recommended that the contractors make use of the existing road within the development.	1. A measure of discomfort and various obstructions are to be expected during any construction period, especially within a development of this nature. Such disruptions are regarded as temporary in nature and has no bearing on the consolidation application.
P & H. de Bod Erf 2240 & 2230 Annexure F	<p>2. Almost all new buyers want to adjust their property. In the meanwhile, additional erven are created, erven made bigger and building lines departed from, all to gain money.</p> <p>3. Mile 16 was intended to be a balance between average size erven and houses. Unfortunately this is not the case anymore and is now a high density residential development.</p>	<p>2. Noted. Any adjustments to any of the properties still have to be approved by the HOA and comply with the architectural guidelines of 16 Mile Beach. Since the HOA and the scrutiny architect supported the proposed building plans and consolidation, the proposal can be favourably considered.</p> <p>3. The initial layout of 2004 with medium density residential properties between 417m<sup>2</sup> and 667m<sup>2</sup> in extent. Later, in 2008, the need for higher density residential arose and some amendments were made to the general plan and the erf sizes changed, now varying between 144m<sup>2</sup> and 635m<sup>2</sup> in extent. The character of the area has changed from properties with a medium density residential extent (20 to 50 units per hectare- as stated in the SDF) to a mixed density residential estate with both medium and high density residential properties (above 50 units per hectare- as stated in the SDF). The amendments were made as the need of the estate changed.</p> <p>The need has once again changed and the property owners and HOA now desire to create larger (low density residential) erven within the estate. Although the high density residential erven were not part of the initial intent, and was not consistent with the average erf size of the development, it was still approved by Swartland Municipality and the HOA without having an adverse impact on the character of the area.</p>	<p>2. Want does not necessarily denote need and need does not automatically signify desirability. Additionally, the HOA and scrutiny architect evaluate the proposal in terms of criteria such as financial gain, aesthetics and popular opinion, not necessarily in terms of spatial principles and the context.</p> <p>3. The 2004 and the 2008 General Plans contain a total of 79 residential properties between ±200m<sup>2</sup> and ±600m<sup>2</sup> in extent. The erf areas are distributed as follows:</p> <ul style="list-style-type: none"> <li>- 200m<sup>2</sup> + = 14 erven</li> <li>- 300m<sup>2</sup> + = 11 erven</li> <li>- 400m<sup>2</sup> + = 42 erven</li> <li>- 500m<sup>2</sup> + = 10 erven</li> <li>- 600m<sup>2</sup> + = 2 erven</li> </ul> <p>It is clear from the above mentioned that the greatest number of erven in the development are smaller than 500m<sup>2</sup>. The remaining portions of the mother erf (Erf 2374) was zoned Private Open Space.</p> <p>Density is expressed as units per hectare. Erf 2374 is roughly 4,4ha, containing 79 erven, translated to 19 erven per hectare, which is on the margin between low and medium density development, but definitely not a high density development.</p> <p>It is consequently argued that the particular density of the development may not have been the most important factor during the initial subdivisions, but rather the</p>

		<p>16 Mile is therefore not a high density development, but rather a mixed density residential development, in which the proposed consolidation complies with.</p>	<p>creation of a cohesive, gated development with smaller erven inside private open space, having a distinct character directed by design guidelines and open spaces and not a regular Residential Zone 1 neighbourhood. While the erven vary in size, the vast majority are between 200m<sup>2</sup> and 499m<sup>2</sup> in extent. Erven larger than 500m<sup>2</sup> are the exception and are not regarded as indicative of the overall character of the development.</p>
	<p>4. Although I do not have a problem with development and change, I do have a problem that there is no more balance.</p> <p>5. The consolidation will change the character of the area. We plan to build a small single storey dwelling on Erf 2240 (approximately 400m<sup>2</sup>) within the next year. The large dwelling on Erven 2241 and 2385 (825m<sup>2</sup>) will look out of proportion next to our house.</p>	<p>4. Noted, the balance in the development shifted from only medium density residential to high, medium and low density development to accommodate various income groups.</p> <p>5. The variety of erf sizes within the estate is already so widely spread, that the consolidation will not have a significant impact on the existing mixed density character. Since the HOA and scrutiny architect approved the proposed consolidation and building plans, it is clear that the proposed development is in line with the character of the surrounding area.</p> <p>Since the character of the development shifted to a mixed density residential development, building a single storey dwelling (Erf 2240) next to a double storey house (erven 2241 &amp; 2385) will not be out of the ordinary. An example of this is within the Estate between erven 2191 and 2404. Erf 2191 is more than double the property size of Erf 2404, but is still accommodated next to one another.</p>	<p>4. Refer to assessment 3.</p> <p>5. The consolidation will result in an erf of 825m<sup>2</sup> in extent, almost double the area of the majority of erven in the estate. The erf area ultimately dictates the permissible size of the dwelling on the property and as such the disparity between the erf size and the volume of the proposed dwelling in comparison to the rest of the estate is considered to be excessive and not desirable in the context.</p>





*Figure 2: Correlation between erven 2191 and 2404.*

## **PART J: MUNICIPAL PLANNING EVALUATION**

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

Application for a consolidation of Erf 2241 (471m<sup>2</sup> in extent) and Erf 2385 (354m<sup>2</sup> in extent), Yzerfontein, is made in terms of Section 25(2)(e) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), in order to create one residential erf of 825m<sup>2</sup>.

A total of nine (9) 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. No notices were returned unclaimed. The commenting period, for or against the application, closed on 7 July 2023.

Three objections were lodged against the application and forwarded to the applicant on 7 July 2023. The applicant was afforded 30 days, until 8 August 2023, to respond to comments and objections received by affected party. One objector withdrew their objection and the response to the remaining two objections were submitted to the Municipality on 12 July 2023.

The applicants are C.K. Rumboll and Partners and the property owner is Chantilly Trading 30 (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: The proposal does not promote any of the principals of spatial justice.
- g) Spatial Sustainability: The proposed consolidation does not promote densification, equitable functioning of land markets, or make provision for a larger range of income groups.
- h) Efficiency: The existing infrastructure and resources on Erf 2241 and Erf 2385 will also be consolidated, reducing the pressure on service provision.
- i) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained.
- j) Spatial Resilience: The consolidated property and proposed dwelling is not foreseen to be easily converted, subdivided etc. should economic shocks necessitate such in future.

It is clear that the development proposal does not necessarily contradict the principles of LUPA and SPLUMA, nor are the principles effectively promoted..

#### **2.2 Municipal Spatial Development Framework (MSDF)**

Erf 2241 and Erf 2385 are located in Area E of Yzerfontein, as delineated by the SDF. The area is described as mixed density residential with amenities, but it must be taken into account that the proposed consolidation is in an estate which is an entity onto itself. It should not be argued that the proposal is consistent with the SDF, because the erf size is similar to that of neighbourhoods nearby, but rather whether the consolidated erf is compatible within the estate context and the estate in the larger context of the SDF.

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

The proposal adheres to all the development parameters, including building lines, coverage and required parking bays.

### **3. Impact on municipal engineering services**

The impact of the consolidation on existing engineering services is expected to be similar to that of other residential properties in the development.

### **4. Desirability of the proposed utilisation**

The consolidation of a property implies that the development parameters of each property becomes applicable to the larger property as a whole. The Mile 16 Beach Estate is governed by an Estate Constitution, as well as Design Guidelines,

to ensure that the aesthetic character of the development is consistent and within the control of the Owners' Association. According to the applicant various amendments were made to the original dwelling design to improve its desirability within said context, however, due to the erf area which is more than double that of the average erf in the estate, the proposed dwelling is also more than twice the size of surrounding dwellings. The sheer volume and mass of the proposed dwelling is so much larger than any of the existing structures inside the estate, that it cannot be considered consistent with the character of the development, and thus cannot be desirable in the context.

The comments from the design architect merely state that the design is acceptable, but provides no reasons or motivations for the statement. For instance, the Design Guidelines clearly include specific acceptable approaches with regard to windows/glazing. The typical West Coast aesthetic is promoted and glazing in facades are limited to percentages in relation to solid elements. The proposed design does not seem to take any of these requirements into account, but is nonetheless supported by the OA and the design architect. While it is not the intention to create conflict, the Municipality cannot consider designs that are subject to an agreed upon aesthetic and guidelines, but which are not enforced within a development itself.

The applicant states that the development aims to fulfil a need for larger residential properties in existing zoned land to prevent investors seeking larger properties elsewhere. It is subsequently unclear why the owner/developer then opted to purchase land within a gated estate, with limited opportunities, restricted by a specific development character and design aesthetic, in order to create an erf and dwelling suited to a residential neighbourhood where the minimum erf sizes are actually limited and larger development is supported. The need of one property owner for a larger erf does not justify the amendment of an entire estate to suit individual needs and the proposal is not considered desirable.

The applicant states that there are some properties in the surrounding area with roughly the same size as the proposed consolidation and as such the proposal will not have an adverse effect on the surrounding area. The applicant bases the statement on the fact that the estate is surrounded by existing Residential Zone 1 neighbourhoods, actually proving the point that the proposed consolidation belongs in such a neighbourhood and not in a development that was designed as a cohesive entity with a character of its own.

The proposed consolidation is inconsistent with the prevailing erf sizes in the estate. The consolidated erf will dictate the size of the dwelling that would be permissible on the property and such a dwelling would also not be consistent with the character of the West Coast aesthetic, promoted by the Design Guidelines.

Only two proposals (including the present application) for consolidation have ever been received inside Mile 16. The statement that an urgent need for larger erven now exist, is thus not supported.

Should a real need for the development of larger erven with larger dwellings arise in future and the market demands it, the estate may enter into the process of amending its constitution and design guideline to suit the needs of all the inhabitants of the Mile 16 Beach Estate.

The application for the consolidation of Erf 2241 and Erf 2385, is thus considered undesirable.

#### **PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

The financial or other value of the rights

N/A.

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

N/A

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

N/A

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

N/A

#### **PART L: RECOMMENDATION WITH CONDITIONS**

The application for consolidation and departure on Erf 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), stating the following reasons:

##### **1. TOWN PLANNING AND BUILDING CONTROL**

- 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 500m<sup>2</sup>,

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 (471m<sup>2</sup> in extent) and Erf 2385 (354m<sup>2</sup> in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m<sup>2</sup> and the largest erf is 663m<sup>2</sup> in extent). The consolidation of the two erven will create a property of 825m<sup>2</sup> 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.



## **2. GENERAL**

- a) The approval is, in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be complied with before the occupancy certificate be issued. Failure to comply will result in the approval expiring;
- b) 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 R4 500,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

## **PART M: REASONS FOR REFUSAL**

- 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 500m<sup>2</sup>, 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 (471m<sup>2</sup> in extent) and Erf 2385 (354m<sup>2</sup> in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m<sup>2</sup> and the largest erf is 663m<sup>2</sup> in extent). The consolidation of the two erven will create a property of 825m<sup>2</sup> 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.				
<b>PART N: ANNEXURES</b>				
ANNEXURE A	Locality Map			
ANNEXURE B	Site and Building Plans			
ANNEXURE C	SG Diagrams			
ANNEXURE D	Public Participation Map			
ANNEXURE E	Objections from K. Saunders			
ANNEXURE F	Objections from P. & H. de Bod			
ANNEXURE G	Withdrawal of objections by A. Beukman			
ANNEXURE H	Response to comments			
ANNEXURE I	Estate Architect comments			
<b>PART O: APPLICANT DETAILS</b>				
First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Flagstone Investments 35 CC	Is the applicant authorised to submit this application:	<b>Y</b>	<b>N</b>
<b>PART P: SIGNATURES</b>				
<b>Author details:</b> Annelie de Jager Town & Regional Planner SACPLAN: A/2203/2015				Date: <b>2 August 2023</b>
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001		Recommended	<input checked="checked" type="checkbox"/>	Not recommended
				Date: <b>2 August 2023</b>



## Locality of erf 2241 & 2385, Yzerfontein

Legend

# ANNEXURE A

Map Center: Lon: 18°9'  
Lat: 33°2'

Scale: 1:36 112

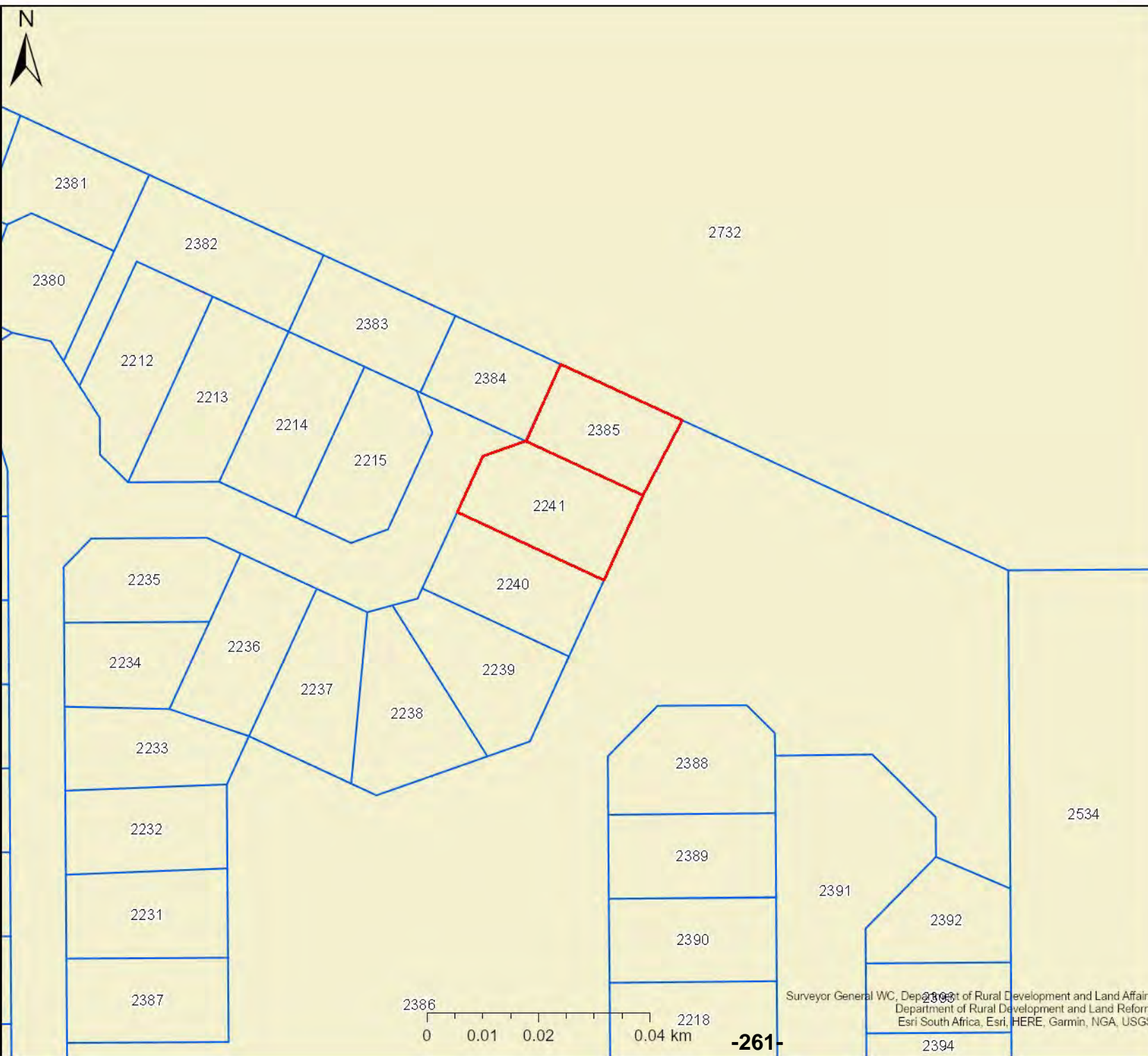
Date created: August 5,



Western Cape  
Government  
FOR YOU

© OpenStreetMap (and) contributors, CC-BY-SA  
Surveyor General, Department of Rural Development and Land Affairs





# Locality of erf 2241 & 2385, Yzerfontein

Legend

 Erf

**Map Center:** Lon: 18°9'46.8"E  
Lat: 33°20'6.6"S

**Scale:** 1:1 128

**Date created:** August 5, 2022



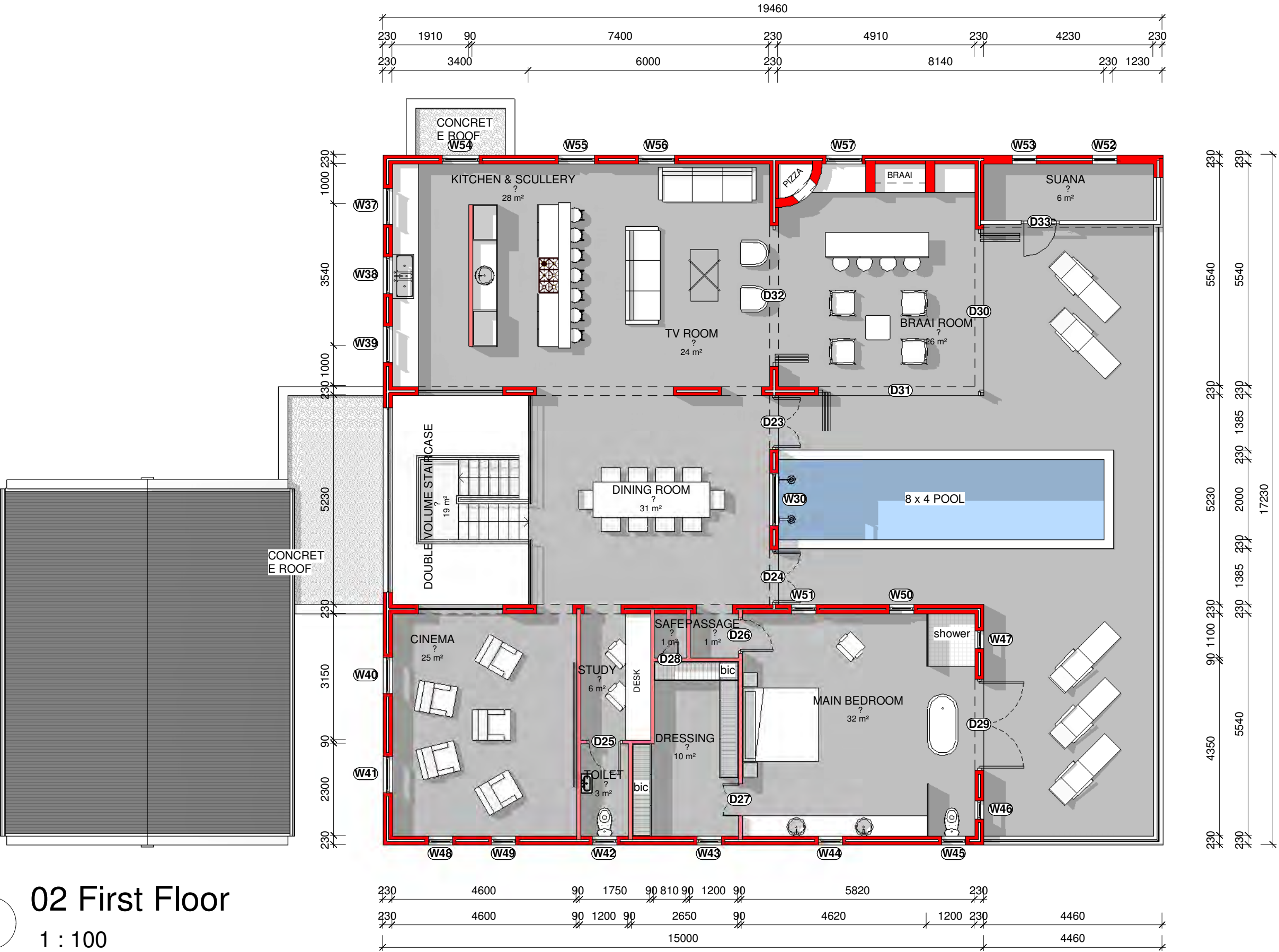
**Western Cape  
Government**  
**FOR YOU**

Agriculture

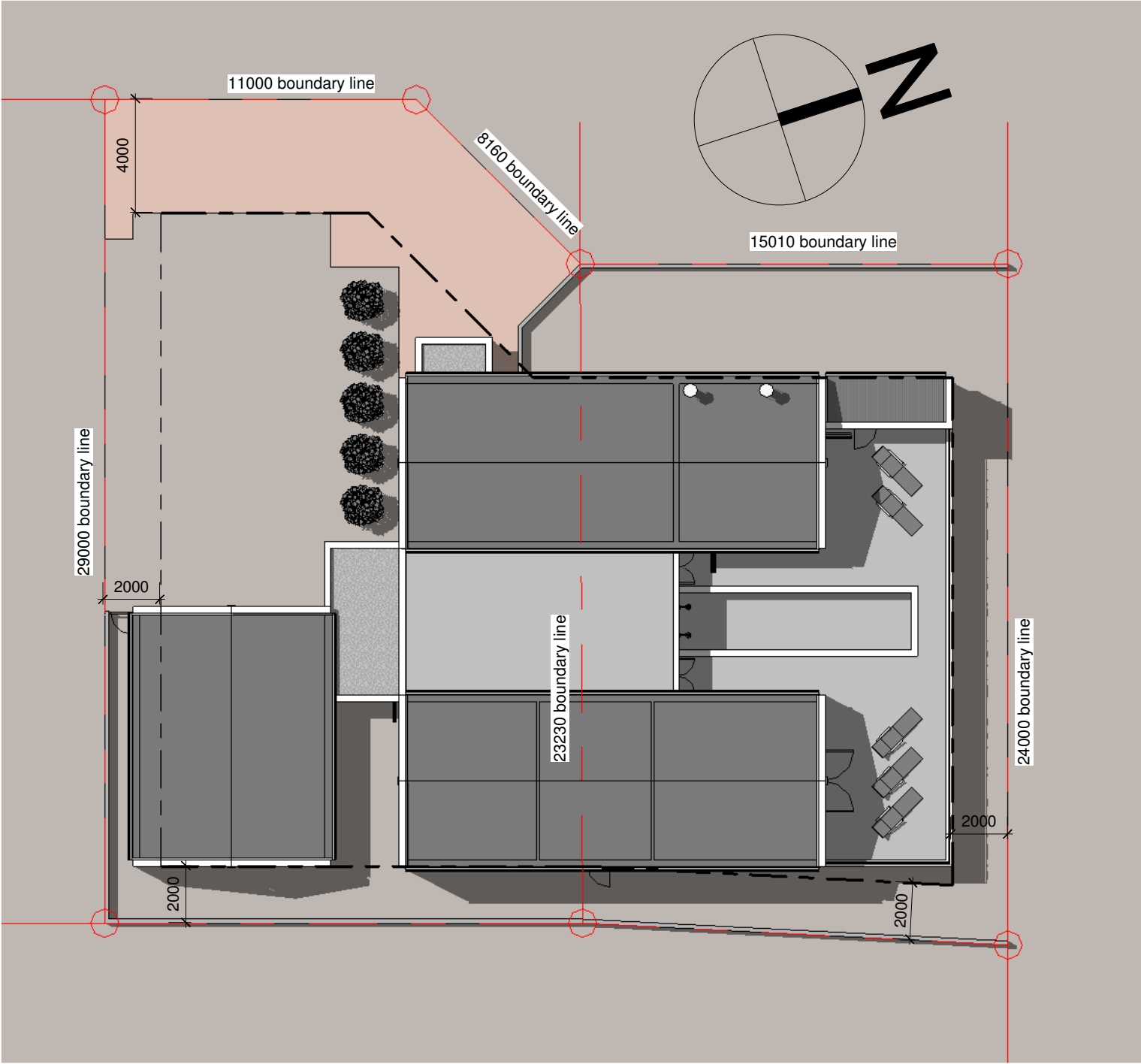
Surveyor General WC, Department of Rural Development and Land Affairs  
Department of Rural Development and Land Reform  
Esri South Africa, Esri, HERE, Garmin, NGA, USGS







1 02 First Floor  
1 : 100



GROUND FLOOR	- 350.3m <sup>2</sup>
GARAGE	- 57.9m <sup>2</sup>
COVERED ENTRANCE	-
3.0m <sup>2</sup>	
COVERED BACK STOEP	- 3.0m <sup>2</sup>
FIRST FLOOR	- 231.6m <sup>2</sup>
STOEP WITH POOL & SAUNA	- 103.7m <sup>2</sup>
<b>TOTAL</b>	<b>- 749.5m<sup>2</sup></b>

1 Site Plan  
1 : 200



1 North Elevation  
1 : 100



2 East Elevation  
1 : 100



1 South Elevation  
1 : 100



2 West Elevation  
1 : 100



1 3D View 1



2 3D View 2

1 3D View 3



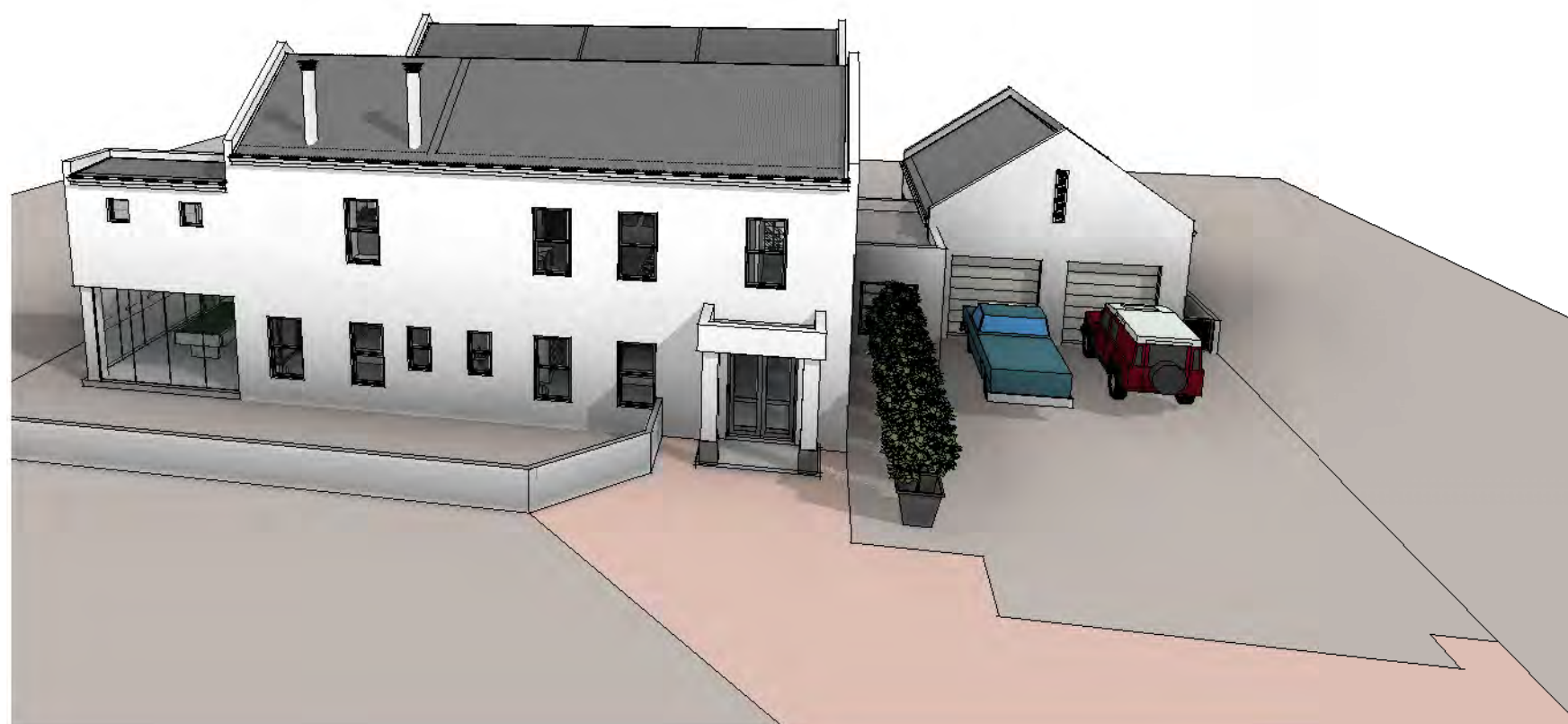
2 3D View 4





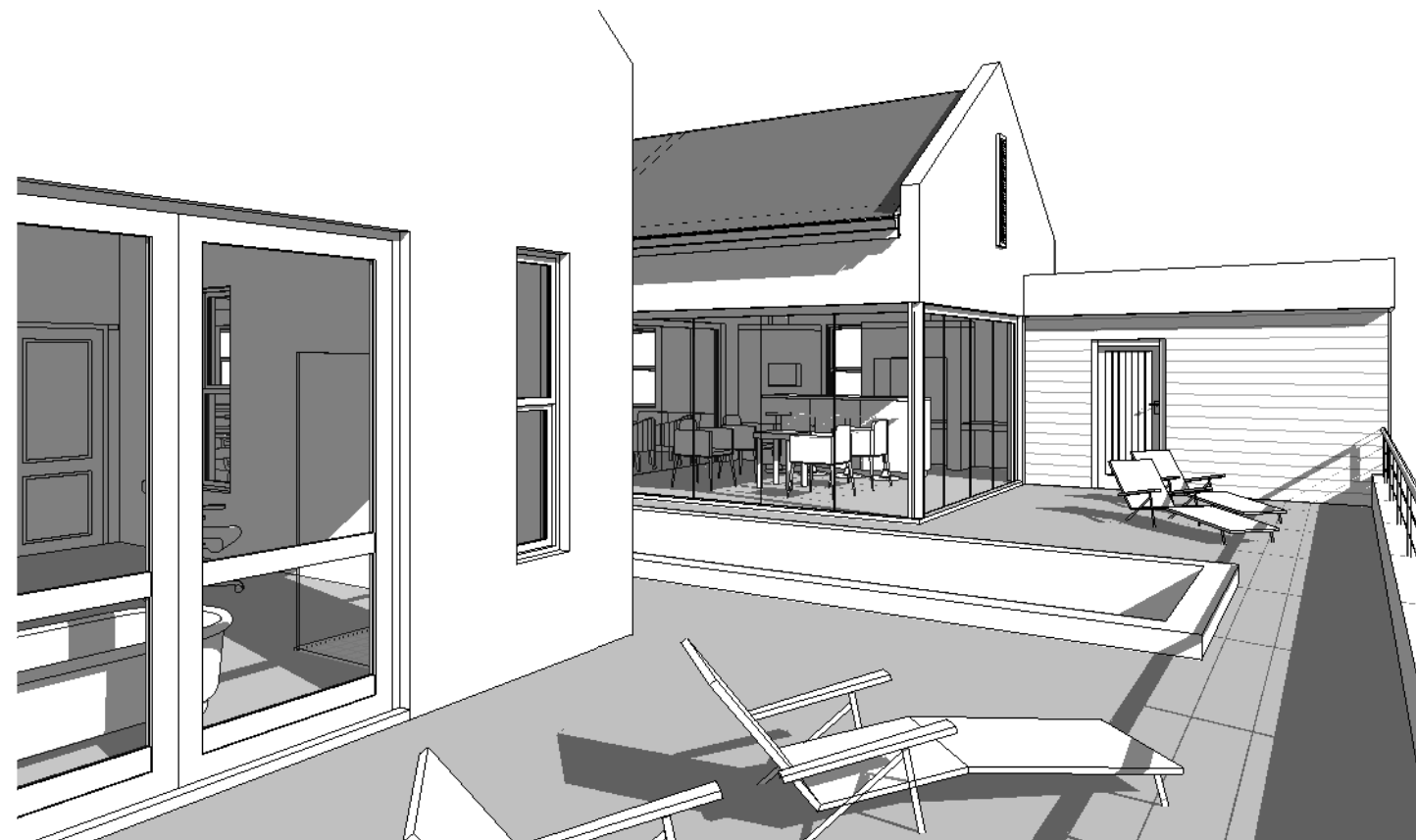


1 3D View 5



2 3D View 8

1 3D View 9

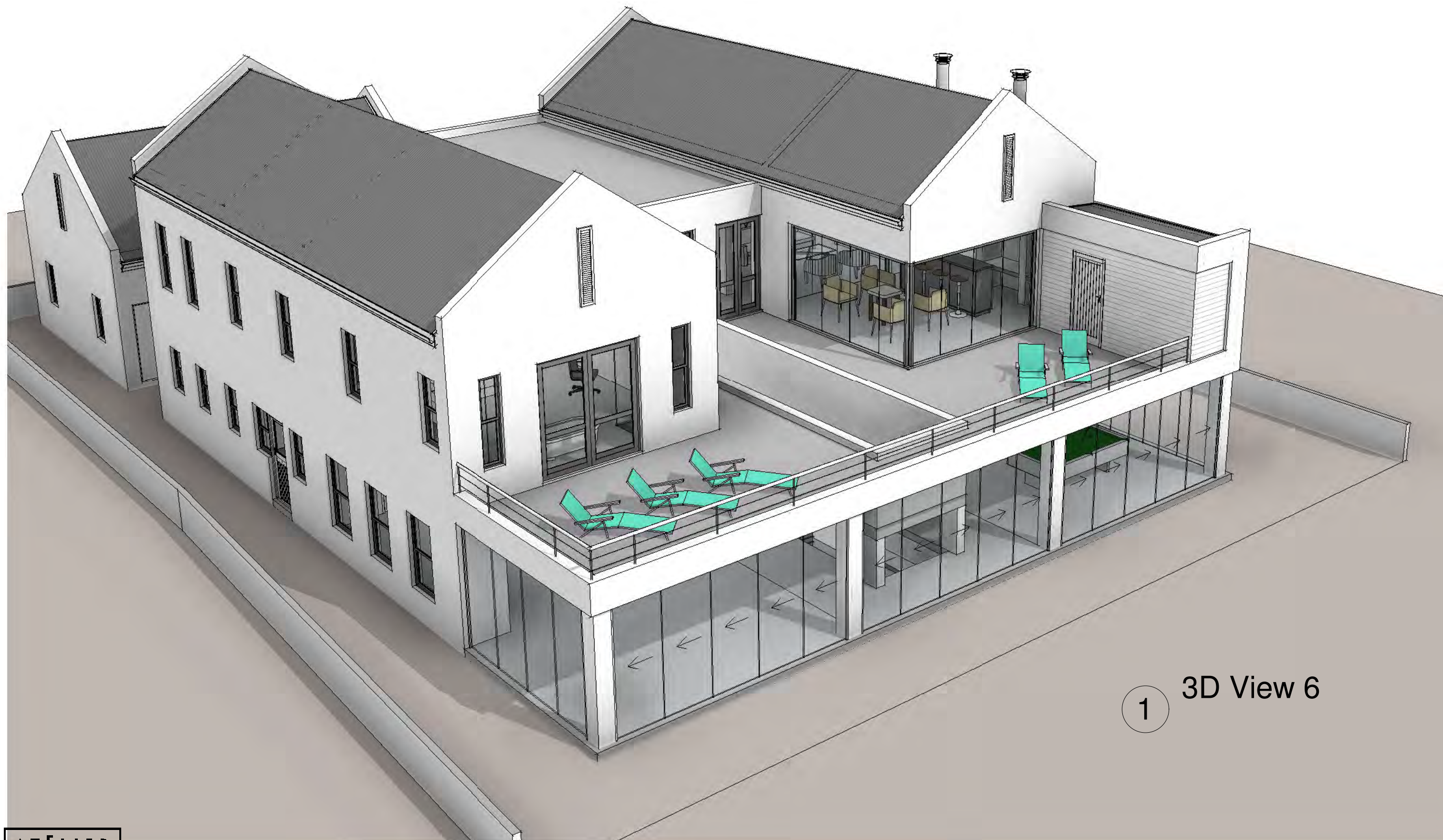


3 3D View 11

2 3D View 10



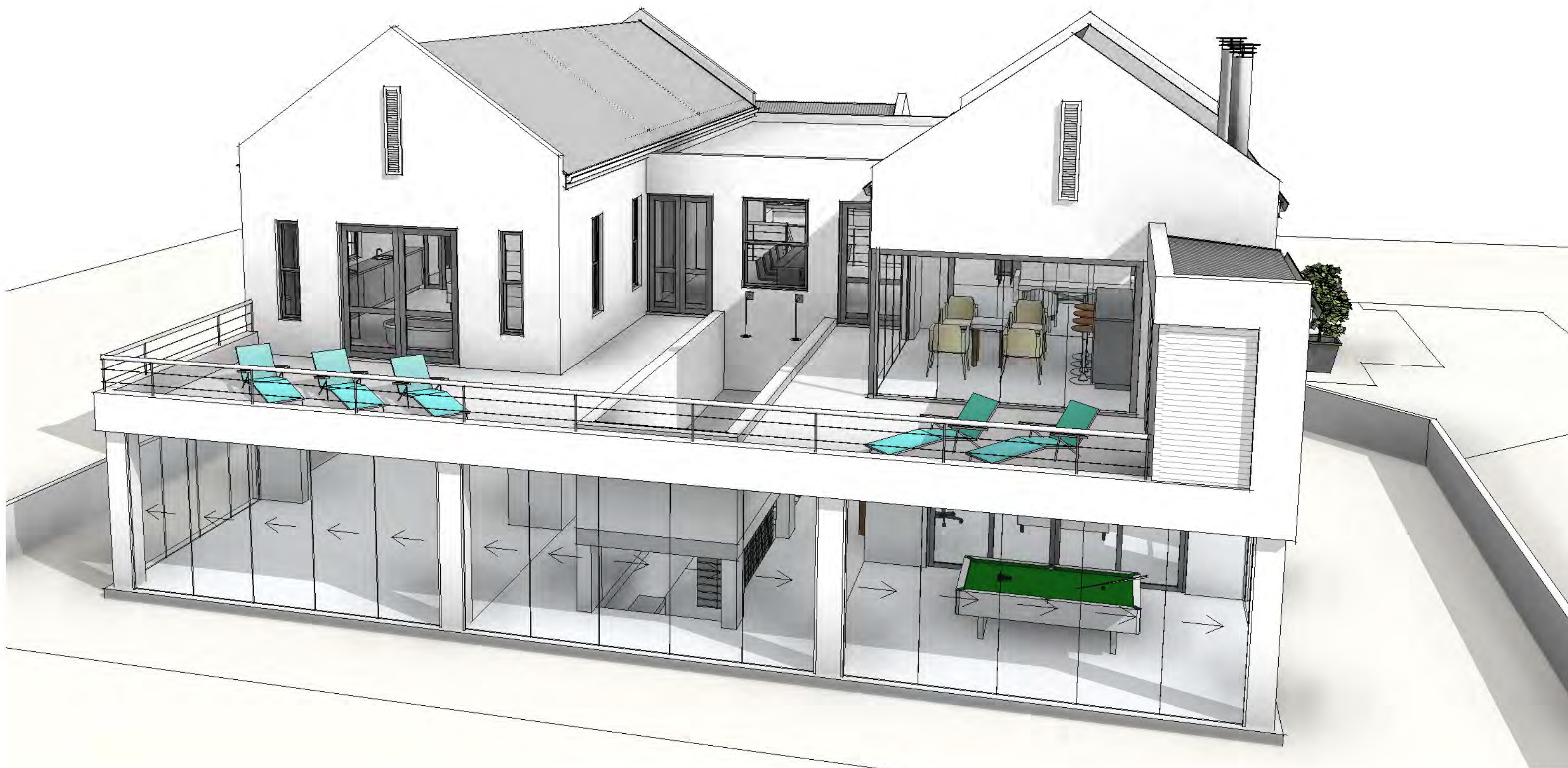




1 3D View 6



1 3D View 7



COR

PLS 0761 A.P. Steyl  
Professionelle Landmeter

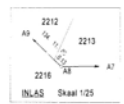
LHS 7007/709E  
**-273-**

L.G. Leer No. Malm. 560 Vol. 2  
M.S. No. E 1638/2004  
Kompilatie BHNQ-2442 (M2485)  
LPI C04-0015

## ANNEXURE C

LG KANTOORNUTAS
-----------------

3604/2004 SHT.2



CDR

(TOEKENNINGSGBIED YZERFONTEIN)  
**ALGEMENE PLAN No. 3604/2004**  
 van  
**ONDERVERDELINGS VAN ERF 2181 YZERFONTEIN**  
 geleë in die Munisipaliteit Swartland  
 Administratiewe Distrik Malmesbury  
 Provinsie Wes-Kaap

SKAAL 1/500

Opgeneem deur my in Julie 2004

*P. S. Deyl*  
 PLS 0761 A.P. Deyl  
 Professionele Landmeter

ERF 208 YZERFONTEIN  
 Algemene Plan TP 268



[illegible]

CDR

(TOEKENNINGSGEBIED YZERFONTEIN)

ALGEMENE PLAN No. 4777/2008

van

ONDERVERDELINGS VAN ERF 2374 YZERFONTEIN

Sien Kaart No. 4776/2008 Transportakte 773126/2015  
bevattende 36 erwe genommer 2375 - 2410  
gelee in die Munisipaliteit Swartland  
Administratiewe Distrik Malmesbury  
Provinsie Wes-Kaap

Opgemeet deur my in Julie 2004 en Augustus 2008

PLS 0761 A.P. Steyl  
Professionele Landmeter

### BAKENBESKRYWINGS

VM5, VM6, VM7 : 12mm ronde ysterpen in pleaveisel  
 A, Z, 1A, 1Y : 16mm ronde ysterpen  
 B : Ysterhoekpaal  
 C : Seksie ysterstaander  
 D, P, 1B, 2375C, 2400C : 12mm gat in beton  
 G, K, L, U, V, 1D, 1L, B3, B4 : 12mm gat op muur  
 C9, C15, C19, 2399A, 2405A,b,c,d : 12mm gat in baksteen pleaveisel  
 C25, C29, C34, 2395C, 2398A : 12mm gat in baksteen pleaveisel  
 2377n : Hoek van mure  
 Alle ander bakens : 12mm ronde ysterpen

L.G. No. 4777/2008  
VEL 1 VAN 2 VELLE  
Goedgekeur  
*Sten Blang*  
nms Landmeter-generaal  
2008-10-17  
Goedgekeur krachtens Artikel 25  
Ordoonansie 15/1995  
Verwysing 452/16-Plaas-560/19  
Datum 27 Mei 2006 17 Desember 201  
\* 15/3-6-14/Erft-2181  
VRYGESTELDE VAN DIE BEPALINGS  
VAN WET 70/1970  
Artikel 1 (a)

ENDOSSEMENTE					
NO	WYSIGING	BYVOEGING	MAGTIGING	GET	DATE

L.G.KANTOORNOTAS

L.G. Leer No. Malm. 560 V.2  
M.S.No E 2192/2008  
Kompilasi BHNQ-2442(M2485)  
Alg. P107 3604/2004  
LPI C0460015

(TOEKENINGSGEBIED YZERFONTEIN)

## van

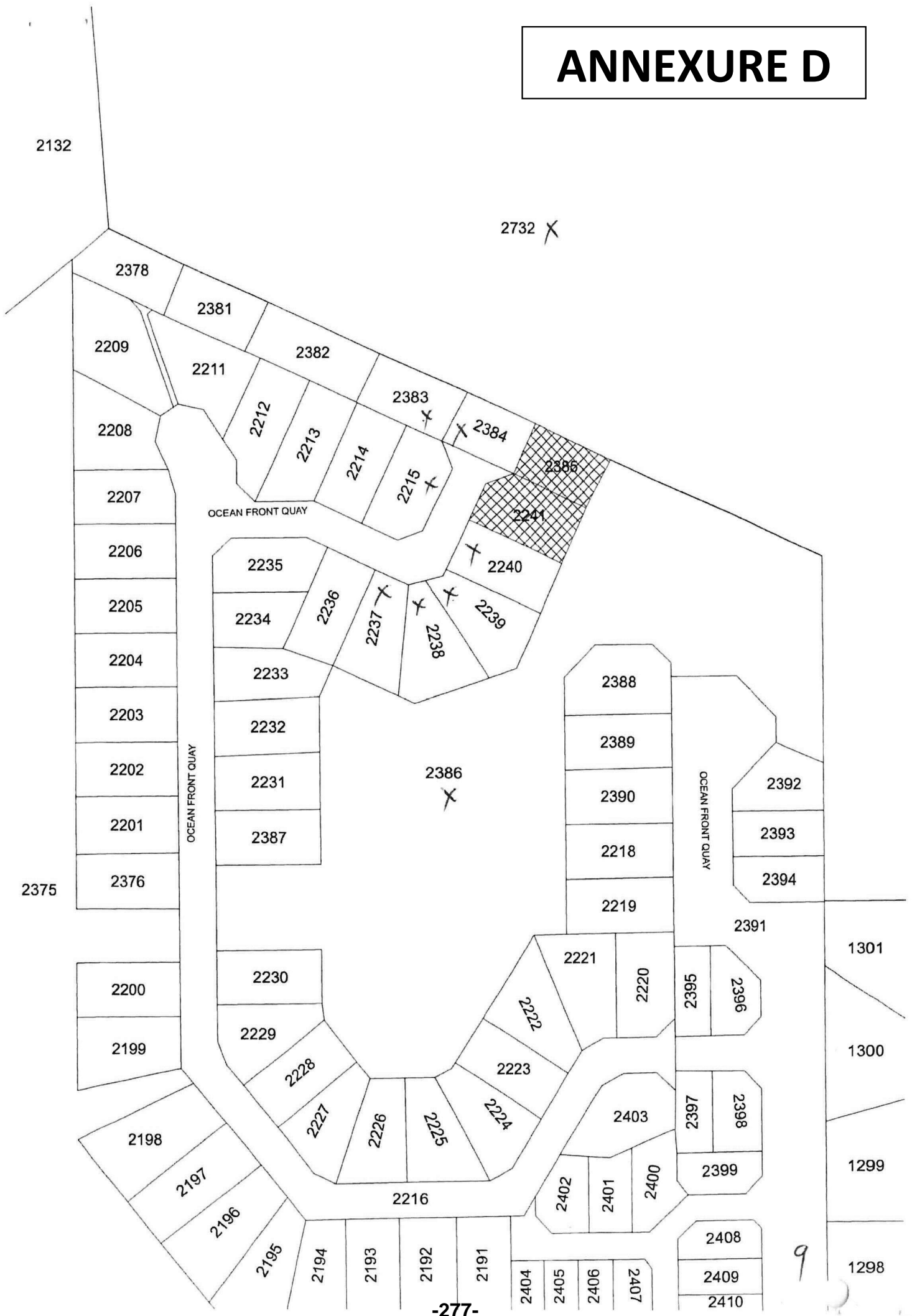
gelee in die Munisipaliteit Swartland  
Administratiewe Distrik Malmesbury  
Provinsie Wes-Kaap

Opgemeet deur my in Julie 2004 en Augustus 2008

PLS 0761 A.P.Steyl  
Professionele Landmeter



# ANNEXURE D



## ANNEXURE E

**From:** Karen Saunders <[saunderskaren760@gmail.com](mailto:saunderskaren760@gmail.com)>  
**Sent:** Monday, 03 July 2023 10:49  
**To:** Registrasie Email <[RegistrasieEmail@swartland.org.za](mailto:RegistrasieEmail@swartland.org.za)>  
**Subject:** 15/3/12-14/Erf\_2411,2385

Good Day

Pertaining to the application for consolidation of the abovementioned stands I would like to raise a concern that if the existing gravel road that is being used by contractors on a daily basis is rendered unusable by the consolidation it is going to cause traffic mayhem within the estate.

Name: Karen Saunders  
Address: Stand 2237

Please correspond via email [Saunderskaren760@gmail.com](mailto:Saunderskaren760@gmail.com)

Yours truly  
Karen Saunders



# ANNEXURE F

Pieter & Heidi de Bod

Erf 2240 en Erf 2230

Mile 16, Yzerfontein

26 Junie 2023

Die Munisipale Bestuurder

Privaatsak X52

Malmesbury, 7299

[swarlandmun@swartland.org.za](mailto:swarlandmun@swartland.org.za)

Goeie dag Mnr Alwyn Burger / Mnr Herman Olivier / Me Annelie de Jager

## **BESWAAR TEEN VOORGESTELDE KONSOLIDASIE VAN ERF 2241 & ERF 2385, MILE 16 BEACH, YZERFONTEIN**

**Ons maak beswaar** teen die voorgestelde konsolidasie van erf 2241 & erf 2385 Mile 16 Beach, Yzerfontein en wel om die volgende redes:

1. Ons was die eerste intrekke in Mile 16 ~~ongeveer~~ 12 jaar gelede (erf 2230 en 2240). Die ontwikkeling het heelwat ander gelyk as nou. Daar was 'n ~~rustige~~ atmosfeer en die natuurlike omgewing, pragtig.
2. Byna alle nuwe kopers wil veranderinge aan ~~erwe~~ aanbring alvorens Chantilly die koop kan deurhaak. Intussen word daar ~~erwe~~ bygevoeg, groter gemaak en boulyne geskuif, alles in die naam van geld.
3. Mile 16 ontwikkeling was bedoel om 'n goeie balans te handhaaf waar gemiddelde grootte ~~erwe~~ en huise in harmonie met die natuur sou wees. Ongelukkig is dit nie meer die geval nie en is dit nou 'n hoë digtheid ontwikkeling.
4. Die huise word so groot gebou dat groenstroke (green zones) misbruik word as boupersele. Daar is nie plek in die pad vir die trokke om te parkeer ~~wanneer~~ daar aanbouings / nuwe huise gebou word nie. Ons erf 2230 was hoeveel keer betree deur 'n menigte kontrakteurs wat besig was om te bou by 'n nabygeleë erf. Ons plaveisel is vol gate soos trokke ons erf gebruik het as omdraaiplek.
5. Alhoewel ek nie 'n probleem het met vooruitgang en verandering nie, het ek wel 'n probleem met die balans wat daar nie meer is nie.
6. Die konsolidasie van die 2 erwe gaan die karakter van die ontwikkeling verander, maar meer spesifiek myself beïnvloed aangesien ek die eienaar van die aangrensende Erf 2240 is.
7. Ons is van plan om binne die volgende jaar op Erf 2240 te begin bou. Ons erf is rondom 400m<sup>2</sup> en is nie van plan om 'n te groot of dubbelverdieping te bou nie. Ons huis gaan heeltemal uit proporsie lyk langs die erf van 825m<sup>2</sup> waarvan meeste van die erf bebou gaan word.

Ek wil benadruk dat ons beswaar maak teen die konsolidasie van Erf 2241 & Erf 2385.

Vriendelike groete

  
Pieter & Heidi de Bod

084 680 7222 / 082 338 4995

DATE: 12 July 2023

## ANNEXURE G

Mr. A. Zaayman  
Swartland Municipality  
Private Bag X52  
**MALMESBURY**  
7299

### OBJECTION AGAINST THE CONSOLIDATION OF ERVEN 2241 AND 2385, YZERFONTEIN

I, the owner of Erf 2383, Yzerfontein hereby withdraw my objection to the development on Erve 2241 & 2385, Yzerfontein.

We trust you find the above to be in order.



.....

**VENNOTE / PARTNERS:**  
IHI Rumbold PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

**ADDRESS/ ADRES:** jolandie@rumbold.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

**MALMESBURY** (T) 022 482 1845 (F) 022 487 1661

## CK RUMBOLL & VENNOTE / PARTNERS

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

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DATE: 12 July 2023

ONS VERW / OUR REF: YZER/12712/NJdK

U VERW / YOUR REF: 15/3/12-14/Erf\_2241 & 2385

PER HAND

Attention: Mr A Zaayman

The Municipal Manager  
Swartland Municipality  
Private Bag X52  
MALMESBURY  
7300

Sir

### COMMENTS ON OBJECTIONS

#### PROPOSED CONSOLIDATION AND DEPARTURE ON ERVEN 2241 & 2385, YZERFONTEIN

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 CHANTILLY TRADING 30 PTY LTD, as owners of Erven 2241 & 2385 to handle all town planning actions for the proposed development.

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

- Karen Saunders (Erf 2237)
- Pieter & Heidi de Bod (Erven 2240 & 2230)
- Aldon Beukman (Erf 2383) - Objection withdrawn

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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](mailto:admin@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299  
MALMESBURY (T) 022 482 1845



Figure 1: Layout of Erven 2241 & 2385 and surrounding objectors.

Objector	Objection	Comment from CK Rumboll & Partners
Karen Saunders (Erf 2237)	1. If the existing gravel road that is being used by contractors on a daily basis is rendered unusable by the consolidation it is going to cause traffic mayhem within the estate.	1. Please take note that a section of the gravel road currently utilized by the contractors is a registered erf. Regardless of the consolidation, the property owners still have the right to construct a dwelling on the land unit, which would result in the gravel road being obstructed. It is recommended that the contractors make use of the existing road within the development.
Pieter and Heide de Bod (Erven 2230 & 2240)	2.1 Almost all new buyers want to adjust their property. In the meanwhile, additional erven are created, erven made bigger and building lines departed from all to gain money.	2.1 Noted. Any adjustments to any of the properties still have to be approved by the HOA and comply with the architectural guidelines of 16 Mile Beach. Since the HOA and Mr Martin Geringer (the scrutiny architect) supported and proposed building plans and consolidation, the proposal can be favourably considered.

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: [admin@rumboll.co.za](mailto:admin@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845

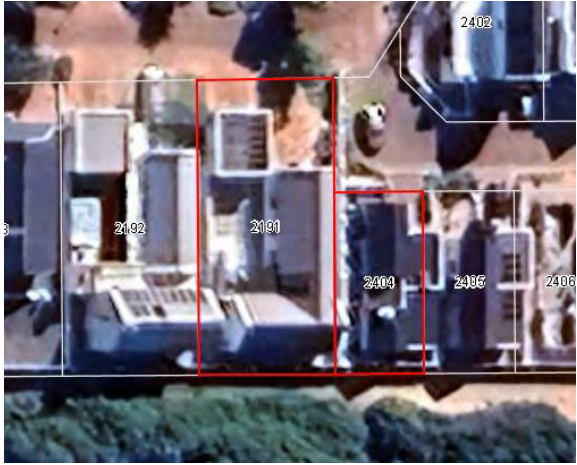


	<p>2.2 Mile 16 was intended to be a balance between average size erven and houses. Unfortunately this is not the case anymore and is now a high density residential development.</p>	<p>2.2 The only reality or certainty we have in this business of Land Use Planning and Physical Planning of properties is that what we have today in front of us will change. We experience it in established townships as well as in approved developments. It is in our human nature to question and change and then changes back again.</p> <p>The initial layout was done in 2004 with medium density residential properties varying between 417m<sup>2</sup> and 667m<sup>2</sup> in extent. Later on in 2008, the need for higher density residential arose and some amendments were made to the general plan and the erf sizes changed, now varying between 144m<sup>2</sup> and 635m<sup>2</sup> in extent. The character of the area has changed from properties with a medium density residential extent (<i>20 to 50 units per hectare- as stated in the SDF</i>) to a mixed density residential estate with both medium and high density residential properties (<i>above 50 units per hectare- as stated in the SDF</i>). The amendments were made as the need of the estate changed.</p> <p>The need has once again changed and the property owners and HOA now desire to create larger (low density residential) erven within the estate. Although the high density residential erven were not part of the initial intent, and was not consistent with the average erf size of the development, it was still approved by Swartland Municipality and the HOA without having an adverse impact on the character of the area.</p> <p>16 Mile is therefore not a high density development, but rather a mixed density residential development, in which the proposed consolidation complies with.</p>
	<p>2.3 Although I do not have a problem with development and change, I do have a problem that there is no more balance.</p>	<p>2.3 Noted, the balance in the development shifted from only medium density residential to high, medium and low density development to accommodate various income groups.</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](mailto:admin@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299  
MALMESBURY (T) 022 482 1845

	<p>2.4 The consolidation will change the character of the area. We plan to build a small single storey dwelling on Erf 2240 (approximately 400m<sup>2</sup>) within the next year. The large dwelling on Erven 2241 and 2385 (825m<sup>2</sup>) will look out of proportion next to our house.</p>	<p>2.4 Regarding the character mentioned in point 2.2 and 2.3; the variety of erf sizes within the estate is already so widely spread, that the consolidation will not have a significant impact on the existing mixed density character of the area. Since the HOA and scrutiny architect approved the proposed consolidation and building plans, it is clear that the proposed development is in line with the character of the surrounding area.</p> <p>Since the character of the development shifted to a mixed density residential development, building a single storey dwelling (Erf 2240) next to a double storey house (erven 2241 &amp; 2385) will not be out of the ordinary. An example of this is within the 16 Mile Beach Estate between erven 2191 and 2404. Erf 2191 is more than double the property size of Erf 2404, but is still accommodated next to one another.</p>  <p><i>Figure 2: Correlation between erven 2191 and 2404.</i></p>
<p>Aldon Beukman (Erf 2383)</p>	<p>Objection was withdrawn (see letter attached).</p>	

VENNOTE / PARTNERS:

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

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MALMESBURY (T) 022 482 1845

Considering the above, it is evident that the proposed development will be in line with the mixed density residential character of the area. The proposal can therefore be favourably considered.

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

Kind regards

A handwritten signature in black ink, appearing to read 'NJ de Kock', positioned above a horizontal dotted line.

Izak Rumboll / NJ de Kock  
For *CK Rumboll and Partners*

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VENNOTE / PARTNERS:

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

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**MALMESBURY** (T) 022 482 1845

# ANNEXURE I



**GERINGER ARCHITECTS**  
2 Alma Road, Kenridge, Durbanville  
martin.geringer@falsebay.org.za  
082 338 6531



South African Council  
for the Architectural Profession



GREEN BUILDING COUNCIL  
OF SOUTH AFRICA

Date: 25-05-2023

Regarding proposed consolidation of Erf 2241 & 2385, Mile 16 Estate, Yzerfontein.

Letter addressed to the Homeowners Association.

The building plans proposal for the consolidation of erf 2241 and 2385, Mile 16 Estate, Yzerfontein is hereby supported by me as the scrutiny architect for the Mile 16 Beach Estate. If the Homeowner's Association is in agreement, kindly provide Letter of Support for submission to the Town Planning Department, Swartland Building Control.

Kindly hoping this to be in order.

Yours sincerely,

Martin Geringer, Architect.

Pr. Arch 7102



19 July 2023

15/3/3-1/Erf\_155

WYK: 7

## ITEM 6.5 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 8 AUGUSTUS 2023

### LAND USE PLANNING REPORT

### APPLICATION FOR REZONING OF ERF 155, ABBOTSDALE

Reference number	15/3/3-1/Erf 155	Application submission date	4 April 2023	Date report finalised	19 July 2023
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#### PART A: APPLICATION DESCRIPTION

Swartland Municipality received an application for rezoning of Erf 155, Abbotsdale in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020). It is proposed that Erf 155 is rezoned from Residential Zone 1 to Business Zone 2 in order to accommodate a shop and a flat on the property.

The applicant is CK Rumboll and Partners and the owner of the property are Mr. A Ali and A Salam.

#### PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Remainder of erf Erf 155, Abbotsdale, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape				
Physical address	10 Kerk Street. Please refer to the location plan attached as Annexure A		Town	Abbotsdale	
Current zoning	Residential Zone 1	Extent (m <sup>2</sup> /ha)	1395m <sup>2</sup>	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)				
Current land use	Shop and dwelling. Please refer to the photo of the property attached as Annexure F		Title Deed number & date	T39418/2017	
Any restrictive title conditions applicable	<input checked="" type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If yes, list condition number(s)		
Any third party conditions applicable?	<input checked="" type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If yes, specify		
Any unauthorised land use/building work	<input checked="" type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If yes, explain		

#### PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input checked="" type="checkbox"/>	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		Amendment or cancellation of an		Permission in terms of a condition of approval	

		imposition of conditions in respect of existing approval		approved subdivision plan		
Determination of zoning		Closure of public place		Consent use		Occasional use
Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		

#### PART D: BACKGROUND

Erf 155 is zoned Residential Zone 1 in terms of Swartland Municipality Development Management Scheme and improved with a building that is used as a shop and dwelling. It is the intention of the property owners to obtain the necessary land use rights to permit the existing shop. The proposed land use necessitates the rezoning of the subject property.

#### 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.
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#### PART F: SUMMARY OF APPLICANTS MOTIVATION

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

The proposed rezoning is viewed as desirable for the reasons as set out below:

1. The development proposal will have a positive socio-economic impact on the neighbourhood, in that it will generate employment opportunities for local residents and is convenient for surrounding land owners.
2. Surrounding land uses include mostly residential uses with some also containing a commercial component in the form of house shops. It should also be noted that further north of the subject property along Kerk Street, there are some larger commercial properties.
3. The property borders to Kerk Street which is a higher order route in Abbotsdale. The development contributes to the establishment of more intensive activities along this higher order route. The location of the property therefore makes the proposal more viable.
4. Kerk Street is identified as an activity corridor i.e. it is able to accommodate larger traffic volumes. Furthermore, sufficient parking is provided on the premises as well as space for the loading and unloading of goods. It is therefore argued that the proposal will not have a negative impact on traffic nor will it lead to parking related issues.
5. Further to the above it should also be recognised that given the proximity of the shop that is within walking distance of its clientele, the majority of them will opt to visit the shop by foot.
6. There are no physical restrictions on the property that will have a negative impact on this application.
7. The location of the property along Kerk Street makes it highly accessible.
8. It is not foreseen that the proposal will have a significant impact on external municipal engineering services.
9. The proposal is considered to be compatible with surrounding land uses.
10. The proposal complies with all provisions of the Development Management Scheme.
11. There are no restrictions in the title deed that may have an impact on the development proposal.
12. The proposal is consistent with the spatial proposals of the Swartland Municipal Spatial Development Framework. The proposal does not negatively impact on heritage resources

#### PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning	Y	N
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The application was published in local newspapers and the Provincial Gazette on the 14<sup>th</sup> of April 2023, in terms of Section 55 of the By-law. The commenting period, for or against the application, closed on 15<sup>th</sup> of May 2023.

In addition to the abovementioned publication, a total of 10 written notices were sent via registered mail to the owners of affected properties, in term of Section 56(1) & (2) of the By-Law (refer to Annexure D).

It should however be noted that a total of 4 letters were returned unclaimed.

Total valid comments	1	Total comments and petitions refused	0
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Valid petition(s)	Y	N	If yes, number of signatures		N/A				
Community organisation(s) response	Y	N	N/A	Ward councillor response		Y	N	The application was referred to the Ward Councillor and no comments have been received.	
Total letters of support	None								
PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS									
Name	Date received		Summary of comments					Recommendation	
Department: Civil Engineering Services	13 April 2023		<p><b>Water</b> The existing water connection be used and that no additional connections will be provided;</p> <p><b>Sewerage</b> The existing sewer connection be used and that no additional connections will be provided;</p> <p><b>Streets and storm water</b> Deliveries to the property may only be made by delivery vehicles not exceeding 16 000kg gross vehicle mass.</p> <p><b>Storm water</b> In order</p> <p><b>Parks</b> In order</p>					Positive	Negative
Protection Services	24 April 2023		No comments					Positive	Negative
Development Services: Building Control	13 April 2023		Building plans to be submitted to Building Control for consideration and approval					Positive	Negative

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
Mr RA Sedeman As resident in Abbotsdale. Please refer to Annexure E	<ol style="list-style-type: none"> <li>1. The place is currently a residential structure.</li> <li>2. This type of structures just increases the risk of criminal activities such as armed robbery, unlawful smuggling and the potential of a storage for illegal fire-arms in our area.</li> <li>3. These types of applications and structures should be disapproved by the Municipality from the start to avoid the escalation of criminal activities as there are no surveillance such as security cameras to monitor any unlawful activities.</li> <li>4. Furthermore, these structures are not welcome in our community as it is only foreigners' requesting it and who want to mess up our towns with such structures.</li> <li>5. These shops are not even being randomly searched for any illegal activities. These points are sometimes being used for outlet points to distribute unlawful contrabands.</li> <li>6. In some instances, young children become victims to these people.</li> <li>7. My proposed solution is; the place must stay a residential building.</li> </ol>	No comments were received from the applicant on the objection.	<p>Noted</p> <ol style="list-style-type: none"> <li>1. Noted. As mentioned later in this report, with the consideration of the application, the owner's right to apply is recognised.</li> <li>2. No evidence is provided to support this statement. There are also no record of any complaints against this specific property or the operation of the shop.</li> <li>3. Unlawful activities, if any, can be reported to the relevant authorities.</li> <li>4. It should be noted that the municipality only received one objection against the application, none of which was from any neighbouring property owner which may be directly affected by the operation of the shop. Illegal and informal building work is littered throughout Abbotsdale proving that it is a community that is struggling with poverty. The shop is proposed to be operated from a formal structure which was approved for a dwelling house. Should the application be approved the operation of the shop will be subject to conditions, ensuring community health and safety.</li> <li>5. Unlawful activities, if any, can be reported to the relevant authorities.</li> <li>6. Noted.</li> <li>7. Noted.</li> </ol> <p>In conclusion, the objection is clearly against shops (types of applications and structures) as well as against a certain population group (foreigners), in general and not specifically related to the subject property.</p> <p>Secondly, the objectors address being 116 Winkel Street clearly indicates that the proposal has no direct impact on his property.</p>



## PART J: MUNICIPAL PLANNING EVALUATION

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

The application in terms of the By-law was submitted on 4<sup>th</sup> of April 2023. The public participation process commenced on the 14<sup>th</sup> of April 2023 and ended on the 15<sup>th</sup> of May 2023. Objections were received and referred to the applicant for comment on 22<sup>nd</sup> of May 2023 and as mentioned above, no comments were received on the objections within the allowable time period.

The Department Development Management is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

### 2. Legislation and policy frameworks

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

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

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

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

Efficiency: The development proposal promotes the optimal utilisation of services on the property and enhance the tax base of the Municipality. The proposed use will also strengthen the current mixed-use character of the area as well as the existing identified activity street. Therefore the application complies with the principle of efficiency.

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

#### Spatial Resilience:

The proposal to accommodate mixed uses along an identified activity street is not only supported from a spatial planning point of view but also makes the property more resilient as it creates opportunity for a wider range of uses. With the above in mind the use of the property for commercial purposes is justified in the long term and is therefore deemed spatial resilient.

The development proposal clearly adheres to the spatial planning principles and is consistent with the abovementioned legislative measures.

#### Provincial Spatial Development Framework (PSDF, 2014)

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

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

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

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

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

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

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

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

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

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

The development proposal may, therefore, be deemed consistent with the PSDF.

#### West Coast District SDF (WCDSDF, 2020)

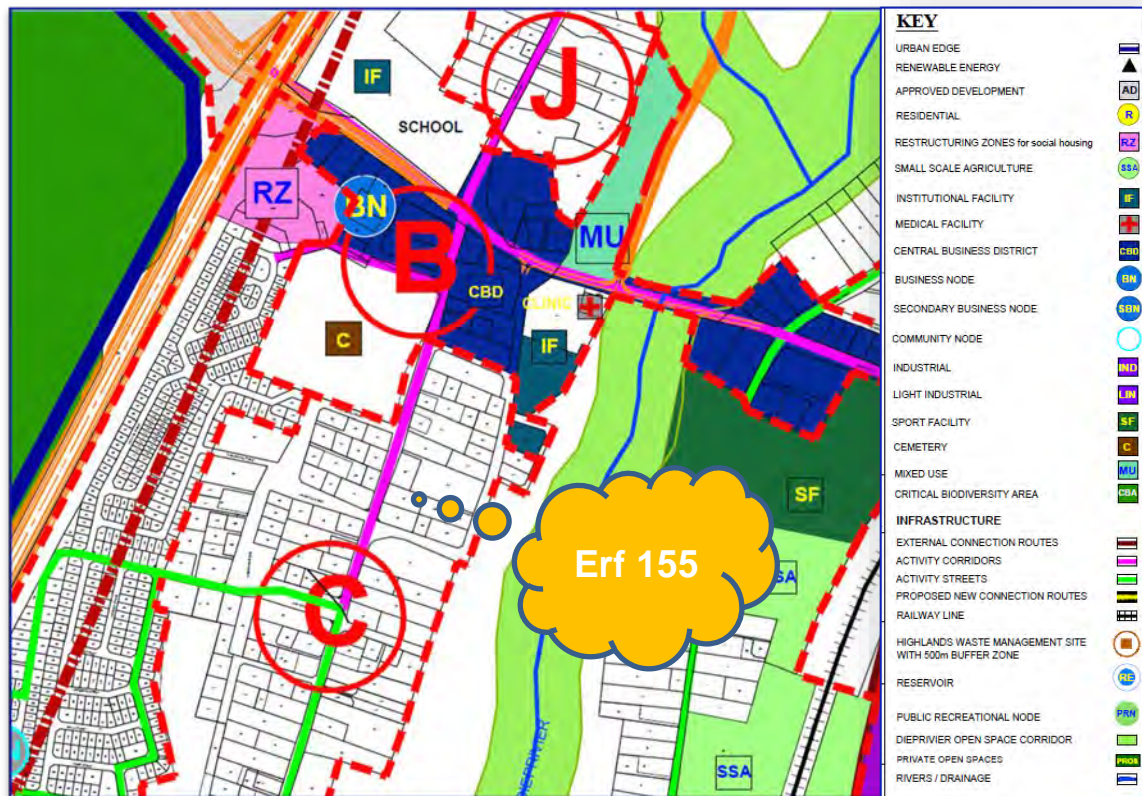
The built environment policy of the 2020 WCDSDF indicates that local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification and basic service provision. Priority should also be given to settlement development in towns with the highest economic growth potential and socio-economic need.

The WCDSDF rightfully looks at spatial development on a district level. It is however noted that poor access to social facilities often relate to spatial patterns, lack of spatial integration, limited mix-use development, disconnect between economic and social opportunities, car-dependent developments far from public transport and a 'business as usual' approach with the emphasis on greenfield development and low density sprawl.

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

#### Municipal Spatial Development Framework (SDF), 2023

Erf 155, Abbotsdale is located in land use proposal zone C as indicated in the land use proposal map for Abbotsdale. Please refer to the extract below:



Zone C is defined as low density residential character with infill development opportunities. Business use as well as secondary business uses are supported along activity streets / corridors as well as at proposed development nodes.

From the above extract of the land use proposal plan for Abbotsdale, Kerk Street is clearly indicated as an Activity Corridor and therefore the proposal is deemed consistent with the development proposals of the MSDF, 2023.

#### 2.4 Zoning Scheme Provisions

All provision of the proposed zoning is complied with;

#### 3. Desirability of the proposed utilisation

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

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

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

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

#### 4. Impact on municipal engineering services

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

#### 5. Response by applicant

See Part F in terms of the motivation. No comments were received on the objection.

#### 6. Comments from other organs of state/departments

The comments were requested from ESKOM, however no comments were received. However, should the application be approved it does not exonerate the developer or occupants from the proposed shop to comply with any other legislation.

### PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Not relevant to development proposal currently being considered.

## **PART L: RECOMMENDATION WITH CONDITIONS**

- 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).

### **1. TOWN PLANNING AND BUILDING CONTROL**

- (a) The use of the property be restricted to a shop and flat;
- (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;

### **2. WATER**

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

### **3. SEWERAGE**

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

### **4. STREETS & STORMWATER**

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

### **5. 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;

### **6. 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 172m<sup>2</sup> 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;

### **7. 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. 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) The applicant/objectors be informed of the right to appeal against this decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;

#### PART M: REASONS FOR RECOMMENDATION

- 1) There are no physical restrictions on the property that will have a negative impact on the proposed application.
- 2) There are no restrictions registered against the title deed of the property that prohibits the proposed land use.
- 3) The SDF, 2023 supports 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.
- 4) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
- 5) The proposed application will not have a negative impact on the character of the area.
- 6) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets.
- 7) The proposal will not have a significant impact on traffic in Kerk Street.



#### PART N: ANNEXURES

Annexure A	Locality plan
Annexure B	Site development plan
Annexure C	Approved Building Plans
Annexure D	Public Participation Plan
Annexure E	Objection by Mr RA Sedeman
Annexure F	Photo of the property

#### PART O: APPLICANT DETAILS

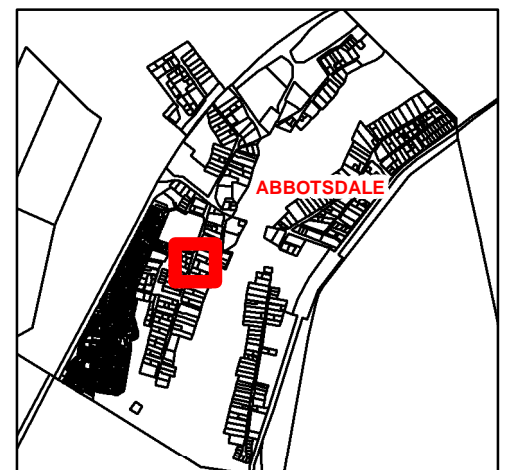
Name	CK Rumboll and Partners			
Registered owner(s)	Mr. A Ali and A Salam	Is the applicant authorised to submit this application?	Y	N

#### PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		Date: 19 <sup>th</sup> of July 2023		
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN : A/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 24 <sup>th</sup> of July 2023		

# LOCATION PLAN

## PROPOSED REZONING OF ERF 155, ABBOTSDALE





# ANNEXURE B

## SITE DEVELOPMENT PLAN ERF 155 ABBOTSDALE

### LEGEND:

P1 Parking bays (5mx2,5m)

### NOTES:

Figure ABCD represents Erf 155 Abbotsdale with an extent of 1395m<sup>2</sup>

Building footprint = ±295m<sup>2</sup>

Shop GLA = ±172m<sup>2</sup>



REV 0

Physical address: 10 Kerk Street

All areas and distances subject to final survey

PREPARED BY:

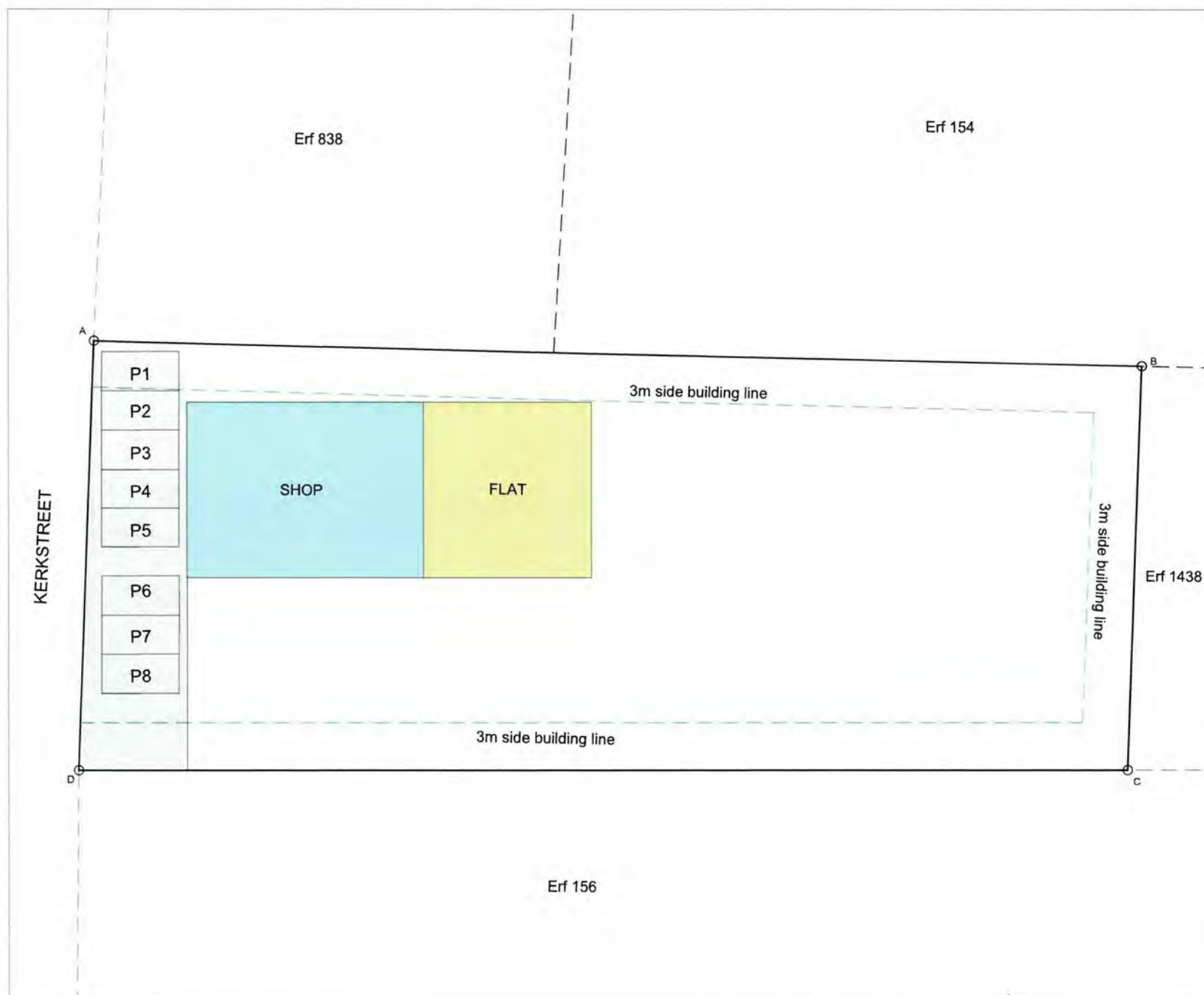


C.K. RUMBOLD & PARTNERS  
TOWN PLANNERS  
PROFESSIONAL SURVEYORS  
16 RAMMER STREET, MALMESBURY  
Tel: 022 - 482 1545  
Fax: 022 - 482 1561  
Email: planning@ckrmb.co.za

DATE  
MARCH 2023

REF:  
ABB/12935/MH

LOCAL AUTHORITY  
SWARTLAND  
MUNICIPALITY



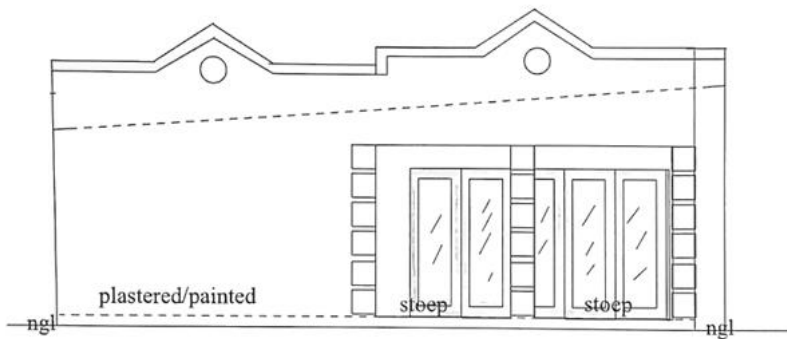
# ANNEXURE C

<p><b>Fenestration Calculations</b></p> <p>Total glazing area: 32sqm Total netto floor area: 468sqm</p> <p>netto floor area of 15% is 70sqm</p> <p>Glazing area less <input checked="" type="checkbox"/> or greater <input type="checkbox"/> than netto floor area</p> <p>If glazing is greater than 15% OF the netto floor area calculations of SANS is needed</p> <p>SANS 10400-XA -yes <input checked="" type="checkbox"/> or NO <input type="checkbox"/> 204</p> <p>SANS 204 yes <input checked="" type="checkbox"/> or No <input type="checkbox"/></p>	<p>ALL MATERIALS, FINISHES AND PROVISION TO BE IN COMPLIANCE WITH THE NOTE NBR REGULATION AND SANS 204</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">ENERGY DEMAND</th> <th style="text-align: left;">ALLOWED-(TABLE 12-SANS 204)</th> </tr> <tr> <td>5W/m<sup>2</sup> x 157,23m<sup>2</sup> = 786,15W</td> <td>405W / 157,23 m<sup>2</sup> = 3w</td> </tr> <tr> <td>27 x 15W = 405W</td> <td>is less than 5W</td> </tr> <tr> <td>x 6W =</td> <td></td> </tr> <tr> <td>x 32W =</td> <td></td> </tr> <tr> <td>total 405W</td> <td>is less than 786,15W</td> </tr> </table>	ENERGY DEMAND	ALLOWED-(TABLE 12-SANS 204)	5W/m <sup>2</sup> x 157,23m <sup>2</sup> = 786,15W	405W / 157,23 m <sup>2</sup> = 3w	27 x 15W = 405W	is less than 5W	x 6W =		x 32W =		total 405W	is less than 786,15W	<p><b>SPECIFICATIONS</b></p> <p>Roof-in accordance -SANS 10400-H SECTION AA SCALE 1/100</p> <p>Roof-4deg IBR galv sheets nailed to 228x50mm Rafters</p> <p>at 760mm cc anchored with hoop iron straps build 600mm downwards into brick work.</p> <p>--114x38mm wall plate underneath rafters on bearing walls</p> <p>Dpc on each end of Rafters at each end entering into wall.</p> <p>Rafters-table-3 part L of NBR&amp;BS(art-103 of 1977)</p> <p>Ceiling -38x38mm battens used as hangers nailed to rafters at 350mm/cc Rhino ceiling</p> <p>nailed to battens and rhino cornices to be used.</p> <p>Fascia -228x38mm SA pine.</p> <p><b>RAIN GOODS</b></p> <p>Gutters - to be pvc 125 h.r down pipe 75mm dia pvc</p> <p>-rain water must go to street boundary</p> <p>RWC to comply to part R of SANS 10400</p> <p>Walls-in accordance-SANS-10400-B,T+K</p> <p>Building to be build with 190mm block on 700x300mm foundation including bearing load walls.</p> <p>Single walls on 600x200mm foundation.</p> <p>Boundary wall to be build on foundation of 600x230mm and to be part of part 17 of SANS 10400</p> <p><b>INSULATION</b>-to be accordance-SANS-10400-XA</p> <p>Provide min. 165mm thick isotherm insulation on ceiling boards, installed to manufact. specifications R-value 1,5min</p> <p><b>Floors</b> -in accordance -SANS-10400-J+B</p> <p>FFL of buildings to be min. 150mm above NGL, 60mm thick screed on 100mm thick 15Mpa concrete surface bed on 250 micron Gunplas USB green dampproof membrane on 50mm clean sand blinding on well compacted hardcore filling in layers of max. 150mm, compacted to 98% MOD&amp;AASHTO&amp;SANS 10400</p> <p>Stairs-rise max 200mm -thread min 250mm</p> <p>General-All work to comply with SANS 10400-S.A. Building regulations.</p> <p>All work to be in accordance to Local Authority's regulations and By-Laws</p> <p>-Site operations- in accordance -SANS-10400-F</p> <p>The provision of sanitary facilities is in accordance with the detailed requirements of SANS-10400-f</p>
ENERGY DEMAND	ALLOWED-(TABLE 12-SANS 204)													
5W/m <sup>2</sup> x 157,23m <sup>2</sup> = 786,15W	405W / 157,23 m <sup>2</sup> = 3w													
27 x 15W = 405W	is less than 5W													
x 6W =														
x 32W =														
total 405W	is less than 786,15W													
<p><b>NOTES</b></p> <p>Hot water services</p> <p>Solar geyser-50%</p> <p>Water geyser-50%</p> <p>Pipe insulation:</p> <p>"Isover" foil faced glasswool blanket and glasswool snap on pipe insulation</p> <p>-to install 50mm thick, non-comustible glasswool "geyser blanket" around geyser or hot water cylinder, seal edges with duct tape. Apply 2m of 20 mm thick "snap on pipe" insulation on the incoming cold water pipes and insulate all outgoing hotwater pipes.</p> <p>-Pipe insulation R-value = 1.00</p> <p>- Geyser tank insulation of R-value = 2.00</p>	<p><b>NOTES</b></p> <p>Setting out-Site boundary pegs or co-ordinates are to be identified before any work commences. The building are to be laid out and erected in the position &amp; to the levels as indicated on approved plan.</p> <p>Excavations- in accordance - SANS 10400-G</p> <p>-Ensure that the foundation trenches are excavated to a min depth 600mm below NGL and/or a depth that provide solid and uniform foundation footings</p> <p>Trenches deeper than 1,5m should be adequately shored and braced.</p>	<p><b>Electrical Symbols</b></p> <p>Light point ceiling</p> <p>Light point Wall</p> <p>Stove point</p> <p>Amp power point / plug</p> <p>Switch</p> <p>Bell point</p>												
<p><b>Zone 4</b></p> <p>C<sub>u</sub> / 1,4sqm ----- SHGC / 1,3sqm (C<sub>u</sub> SHGC)</p> <p>Max Constance = netto area of storey x Constant C<sub>u</sub></p> <p>= 405sqm X 1,4sqm</p> <p>= 567sqm permitted</p> <p>Max Solar heat gain coefficient = Netto area of storey X (Constant, C<sub>u</sub> SHGC)</p> <p>= 405sqm X 0,13sqm</p> <p>= 53sqm (permitted)</p> <p>Achieved conductance &lt; permitted conductance</p> <p>Achieved SHGC &lt; permitted solar heat gain coefficient</p> <p><b>WINDOWS-Aluminium</b></p> <p>ALL WINDOWS &amp; EXTERNAL DOORS, EXTERNAL DOORFRAMES &amp; GATES TO BE FINISHED IN A BLUE COLOUR APPROVED BY THE DEVELOPMENT COMMITTEE.</p> <p>Min distance between windows &amp; patio /sliding doors 450mm</p> <p>Safety glass in panes larger than 1sqm and lower than 500mm to fl.</p> <p>dpc around windows and doors</p> <p>-lintols over all openings and brickforce in every layer of brick work up to underside of roof covering</p> <p>No part of building over boundary line.</p> <p><b>GLASS</b></p> <p>3mm glass &lt; 0,75M<sup>2</sup></p> <p>4mm glass &gt; 0,75M<sup>2</sup></p> <p>6mm glass &gt; 1,5M<sup>2</sup></p> <p>Safety glass &amp; signs in all windows, glass doors, sl/doors</p> <p>obscure glass in all toilets &amp; bathrooms</p>	<p><b>Garage</b></p> <p>Roof-in accordance -SANS 10400-H</p> <p>Roof 4deg IBR galv sheets nailed to 50x76mm purlins at 900/cc nailed to 228x50mm rafters</p> <p>at 760mm cc anchored with hoop iron straps build 600mm downwards into brick work.</p> <p>--114x38mm wall plate underneath rafters on bearing walls.</p> <p>Dpc on each end of Rafters at each end entering into wall.</p> <p>Rafters-table-3 part L of NBR&amp;BS(art-103 of 1977)</p> <p>Fascia -228x38mm SA pine.</p> <p><b>RAIN GOODS</b></p> <p>Gutters - to be pvc 125 h.r down pipe 75mm dia pvc</p> <p>-rain water must go to street boundary</p> <p>RWC to comply to part R of SANS 10400</p>	<p><b>COVERAGE</b></p> <p>Site diagrame sqm 1395sqm</p> <p>exist work sqm ----- 34 ----- %</p> <p>proposed work ----- 469sqm -----</p> <p>Boundary wall ----- 79m</p> <p>Illegal structures to be removed at completion of building work.</p> <p>PLAN DRAWN BY MR C.A.HARTZENBERG 06/12/2016</p> <p>Reg no D1850 Date -----</p> <p>ADDRESS 66Kloof Abbotsdale -West</p> <p>Malmesbury 7300</p> <p>mobile-0825866174</p> <p>For all changes to be made to approved plan, the designer must be notified</p> <p>For all inspection to be done of the designer fee must be paid</p> <p>PROPOSED WORK MR C.A.HARTZENBERG 155 ABBOTSDALE</p> <p>Surname A.A. L. A. S. Sign -----</p> <p>Address KERK STREET, ABBOTSDALE, 7300</p> <p>date 06-12-2016</p> <p>PLAN HAND IN BY OWNER</p> <p>No build work may commence prior to the approval of the relevant plans</p>												

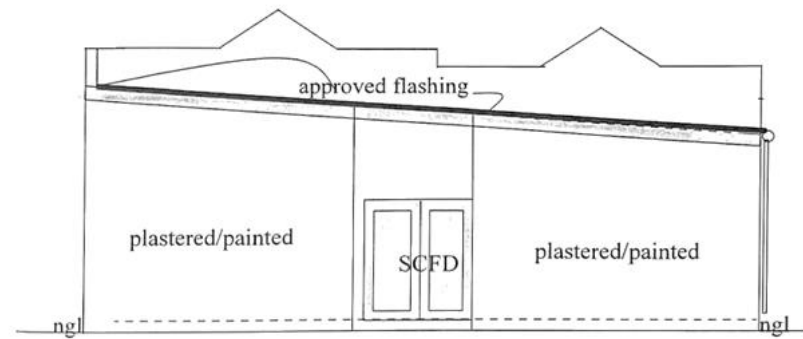




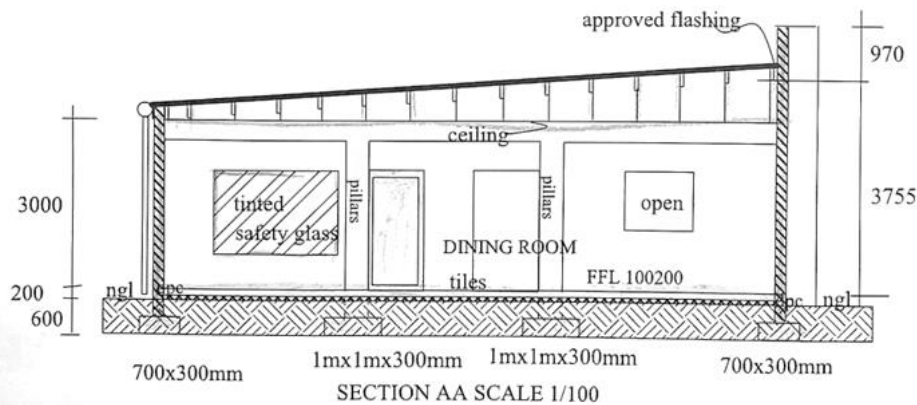




WEST ELEVATION SCALE 1/100



EAST ELEVATION SCALE 1/100



SECTION AA SCALE 1/100

Roof-in accordance -SANS 10400-H  
SECTION AA SCALE 1/100

Roof-4deg IBR galv sheets nailed to 228x50mm Rafters

at 760mm cc anchored with hoop iron straps build 600mm downwards into brick work.

--114x38mm wall plate underneath rafters on bearing walls.

Dpc on each end of Rafters at each end entering into wall.

Rafters-table-3 part L of NBR&BS(act-103 of 1977)

Ceiling -38x38mm battens used as hangers nailed to rafters at 350mm/cc.Rhino ceiling

nailed to battens and rhino cornices to be used.

Fascia -228x38mm SA pine.

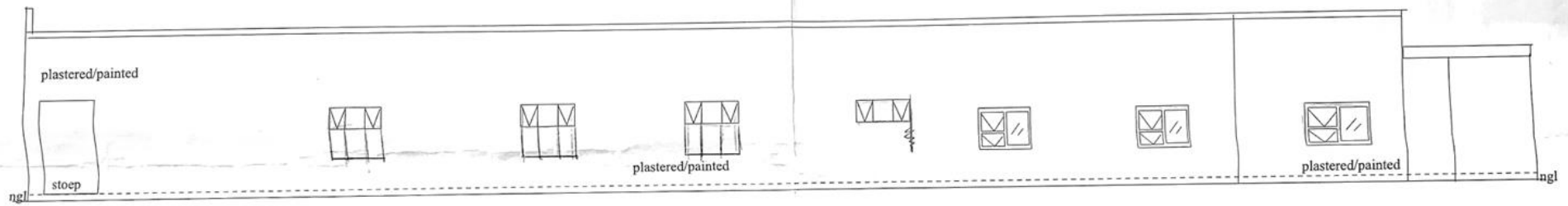
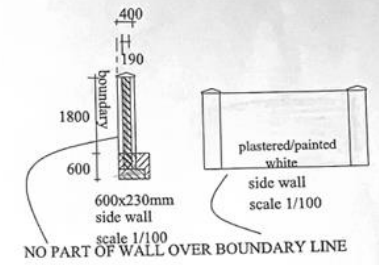
RAIN GOODS

Gutters - to be pvc 125 h.r down pipe 75mm dia pvc

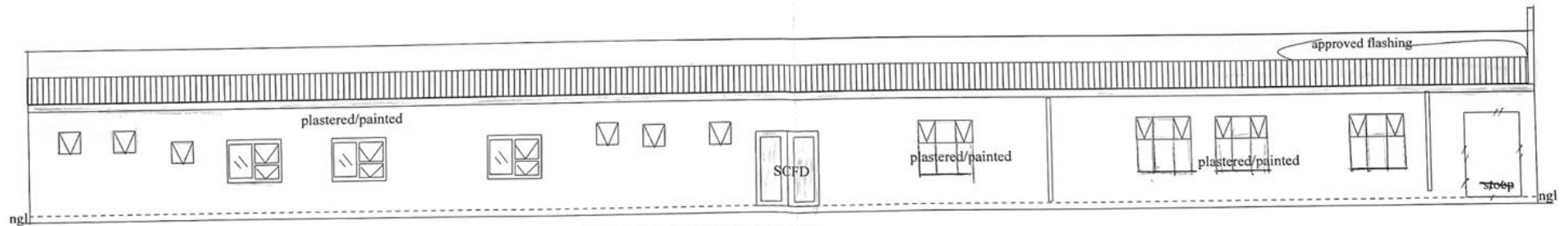
-rain water must go to street boundary

RWC to comply to part R of SANS 10400





SOUTH ELEVATION SCALE 1/100



NORTH ELEVATION SCALE 1/100

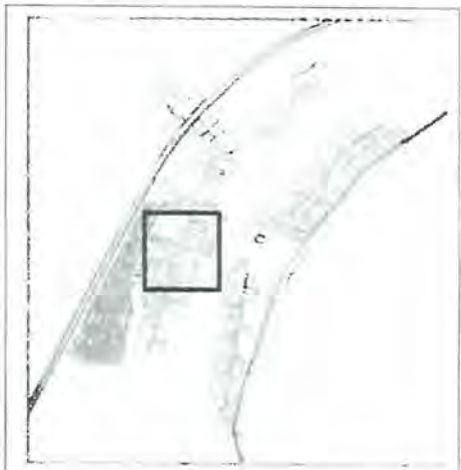




# ANNEXURE D



**PUBLIC PARTICIPATION:  
ERF 155, ABBOTSDALE**



RA Sedeman  
116 Winkel Street  
Abbotsdale  
7300  
Datum: 2023/04/12

The Municipal Manager  
Swartland Municipality  
Church Street  
Malmesbury  
7300

[swartlandmun@swarland.org.za](mailto:swartlandmun@swarland.org.za)

**Re: OBJECTION TO PROPOSED REZONING OF ERF 155, ABBOTSDALE, ERF 155, ABBOTSDALE IN TERMS OF SECTION 25(2)(a) OF SWARTLAND MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW (PK 8226 OF 25 MARCH 2020): NOTICE 75/2022/2023**

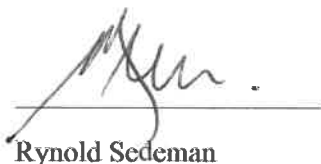
This letter serves to objection to the proposed rezoning of Erf 155 (1395 m<sup>2</sup> in extent) be rezoned from Residential zone 1 to Business zone 2 in order to use the property as business premises and a flat situated 10 Church Street, Abbotsdale.

My reason is as follows:

1. The place is currently a residential structure.
2. This type of structures just increases the risk of criminal activities such as armed robbery, unlawful smuggling and the potential of a storage for illegal fire-arms in our area.
3. These types of applications and structures should be disapproved by the Municipality from the start to avoid the escalation of criminal activities as there are no surveillance such as security cameras to monitor any unlawful activities.
4. Furthermore, these structures are not welcome in our community as it is only foreigners request it and who what to mess up our towns with such structures.
5. These shops are not even being randomly searched for any illegal activities. These points are sometimes being used for outlet points to distribute unlawful contrabands.
6. In some instances, young children become victims to these people.
7. My proposed solution is; the place must stay a residential building.

My preferred contact method is via email.

Kind regards



Rynold Sedeman

[rynoldsedeman@gmail.com](mailto:rynoldsedeman@gmail.com)



