



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY,  
11 SEPTEMBER 2024 AT 14:00**

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**PRESENT**

Internal members:

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

External members:

Ms C Havenga  
Mr C Rabie

Other officials:

Senior Manager: Development Management, Mr A M Zaayman  
Senior Town and Regional Planner, Mr A J Burger  
Manager: Secretariat and Record Services (secretary)

**1. OPENING**

The chairperson opened the meeting and welcomed members.

**2. APOLOGY**

None was received.

**3. DECLARATION OF INTEREST**

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

**4. MINUTES**

**4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 14 AUGUST 2024**

**RESOLUTION**

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

That the minutes of a Municipal Planning Tribunal Meeting held on 14 August 2024 are approved and signed by the chairperson.

**5. MATTERS ARISING FROM MINUTES**

None.

**6. MATTERS FOR CONSIDERATION**

**6.1 APPLICATION FOR CONSENT USE AND DEPARTURE ON ERF 2975, YZERFONTEIN  
(15/3/4-14, 15/3/10-14) (WARD 5)**

An application was received from High Wave Consultants to establish a transmission tower on Erf 2975, Yzerfontein of 21 m in height and camouflaged as a tree.

Mr Burger explained that it is not necessary for the application for departure, as the lowered height to 21 m is permitted by Business Zone 1 zoning.

## RESOLUTION

A. The application for a departure on Erf 2975, Yzerfontein, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), for the following reason:

- (a) The total height of the proposed transmission tower was lowered to 21 m which complies with the height restriction of 6 storeys (24 m) as permitted by the Business Zone 1 zoning;

B. The application for a consent use on erf 2975, Yzerfontein be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

### **B1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use authorises the establishment of a transmission tower and equipment containers inside a 64 m<sup>2</sup> compound enclosed by a 2,4 m high palisade fence, as presented in the application;
- (b) The maximum height of the mast be restricted to 21 m, measured from the natural ground level to the highest point;
- (c) The tower be equipped with a lightning spike and navigation lights, in terms of the SANS 10400, to the satisfaction of the Senior Manager: Development Management;
- (d) Fire safety equipment and extinguishers be provided on-site as presented in the application and to the satisfaction of the Swartland Chief Fire Safety Officer;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) Application for the construction and affixing of advertising signs for the service providers be made to the Senior Manager: Development Management for consideration and approval;
- (g) Should it be proven in future that transmission towers do in fact cause negative health effects, according to official, legal findings of peer reviewed, independent testing, and the transmission tower does not adhere to the health and safety requirements, the applicant/developer will be held accountable to ensure compliance and where not possible, the decommissioning and removal of the tower and related infrastructure;

### **B2 ELECTRICITY**

- (a) Cognisance be taken of the location of the 11kV electrical line in close proximity of the property;
- (b) The mast be removed from the nearest conductor for a distance equal to the height of the transmission tower;

C. **GENERAL**

- (a) If the transmission tower is decommissioned the operator/owner must remove all site infrastructure and the site must be rehabilitated, within one month, to its former state or to a condition that is in line with the land use and character of the area at the time, as required by Council;
- (b) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable;
- (d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za), within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid.

6.1(C)(d)/...

Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

D. The application be supported for the following reasons:

- (a) The proposed transmission tower is an acceptable land use inside a secondary business node of Yzerfontein;
- (b) The transmission tower is strategically placed on the property;
- (c) The placement of the transmission tower in context to the broader telecommunication network for Yzerfontein will create optimum coverage for the town;
- (d) The visual impact of the transmission tower is deemed to be mitigated;
- (e) As the visual impact of the transmission tower is deemed to be low, it cancels out any possible concerns/impacts on tourism, the environment and character of Yzerfontein;
- (f) The transmission tower does not require approval from Heritage Western Cape and the Department of Environmental Affairs and Development Planning;
- (g) Potential noise created by the transmission tower will not exceed the permissible decibels;
- (h) The privacy of surrounding land owners will not be affected;
- (i) The proposed telecommunication infrastructure does not pose a fire risk;
- (j) Surrounding property values will not be affected negatively;
- (k) Sufficient services capacity exists to accommodate the proposed transmission tower;
- (l) Erf 2975 has no title deed restrictions which are restrictive to this application;
- (m) The transmission tower and equipment is placed strategically on Erf 2975 and has a low impact on surrounding properties;
- (n) The public interest of this application is deemed to be positive;
- (o) The application is in compliance with the SDF of Yzerfontein;
- (p) The application complies with the principles of LUPA and SPLUMA;
- (q) There is a lack of evidence to suggest that there is a health risk associated with telecommunication base stations. International, national, provincial, and local health authorities are of this opinion.

**(SIGNED) J J SCHOLTZ  
CHAIRPERSON**



27 September 2024

15/3/3-8/Erf\_674  
15/3/4-8/Erf\_674

WYK: 10

**ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 9 OCTOBER 2024**

LAND USE PLANNING REPORT PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL: REZONING AND DEPARTURE ON ERF 674, MALMESBURY					
Reference number	15/3/3-8/Erf_674 15/3/4-8/Erf_674	Submission date	18 April 2024	Date finalised	24 September 2024

PART A: APPLICATION DESCRIPTION	
<p>Application for the amendment of certain conditions of approval related to the rezoning and departure on Erf 674, Malmesbury, is made in terms of Section 25(2)(h) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020, contained in letter 15/3/3-8/Erf 674 of 20 October 2024 that read as follows:</p>	
1.	<p><b>“...A.A1(b)</b> <i>The crèche be restricted to 24 registered children at any time as presented in the application...”</i></p> <p>be amended to</p> <p><b>“...A.A1(b)</b> <i>The crèche be restricted to 59 registered children at any time as presented in the application...”</i></p>
2.	<p><b>“...A.(a)</b> <i>Departure of 1 on-site parking bay by providing only 9 on-site parking bays instead of 10 on-site parking bays...”</i></p> <p>be amended to</p> <p><b>“...A.(a)</b> <i>Departure from providing the required 16 on-site parking bays by providing only 9 on-site parking bays, creating a shortfall of 7 parking bays...”</i></p>
3.	<p><b>“...A.(b)</b> <i>A financial contribution of R7 500 (12.5 m<sup>2</sup> &amp; R600/m<sup>2</sup>) be made for the non-provision of 1 parking bay...”</i></p> <p>be amended to</p> <p><b>“...A.(b)</b> <i>A financial contribution of R87 500 [(12.5m<sup>2</sup> X 7 parking bays) X R1 000 per m<sup>2</sup>] be made for the non-provision of 7 parking bays...”</i></p>
<p>The applicants are CK Rumboll and Partners and the property owner is the Andre Halvorsen Family Trust.</p>	

PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erf 674, Malmesbury in die Gebied van die Malmesbury Plaaslike Oorgangsraad, Afdeling Malmesbury, Provinsie Wes-Kaap				
Physical address	131 Voortrekker Road	Town	Malmesbury		
Current zoning	Business Zone 1 & Community Zone 1	Extent (m <sup>2</sup> /ha)	1 428m <sup>2</sup>	Are there existing buildings on the property?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Apartment, shop and day care centre		Title Deed number & date	T832/1997	

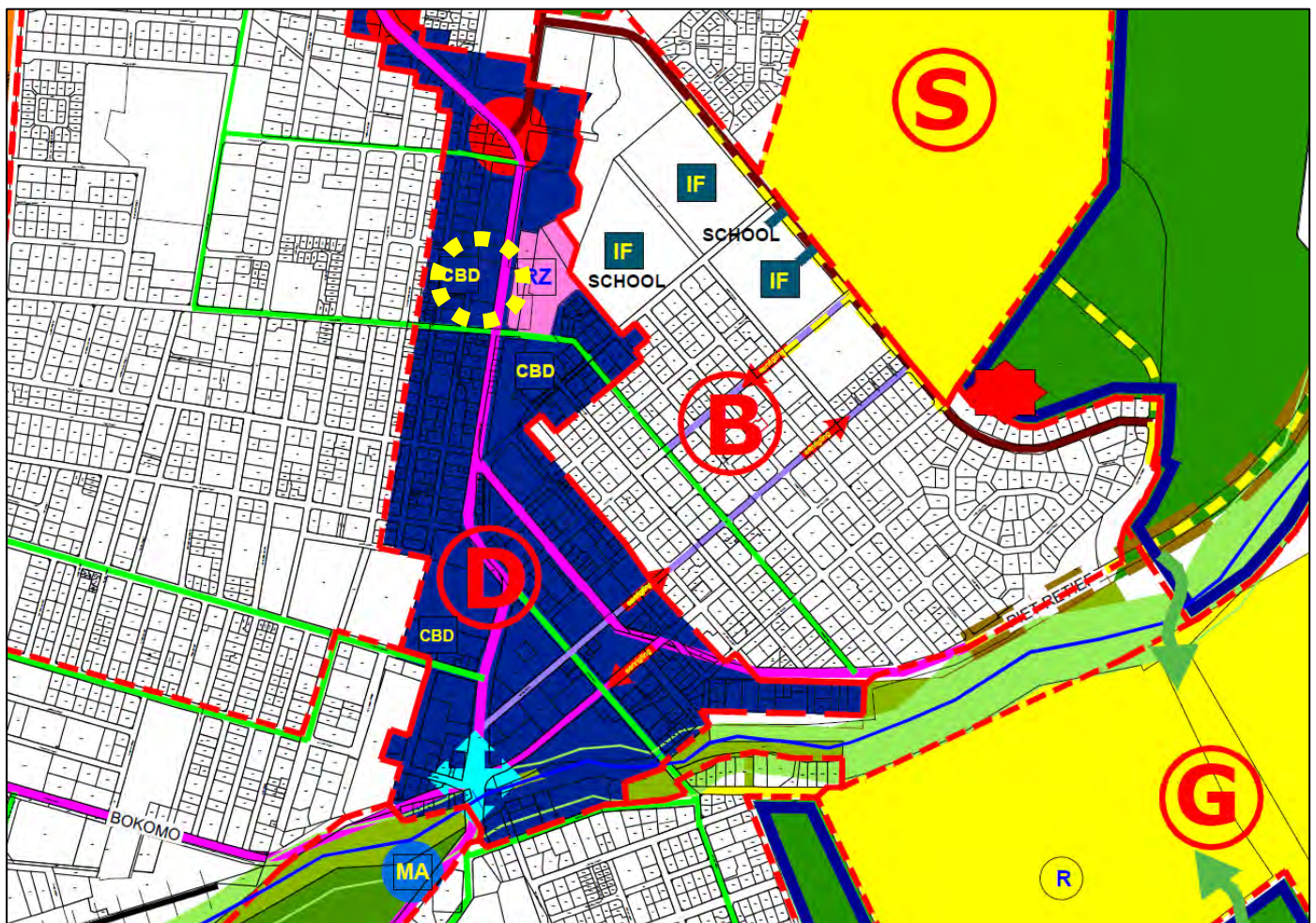
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)	
Any third party conditions applicable?	Y	N	If Yes, specify	
Any unauthorised land use/building work	Y	N	If Yes, explain	

**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 building that constitutes a non-conforming use			

**PART D: BACKGROUND**

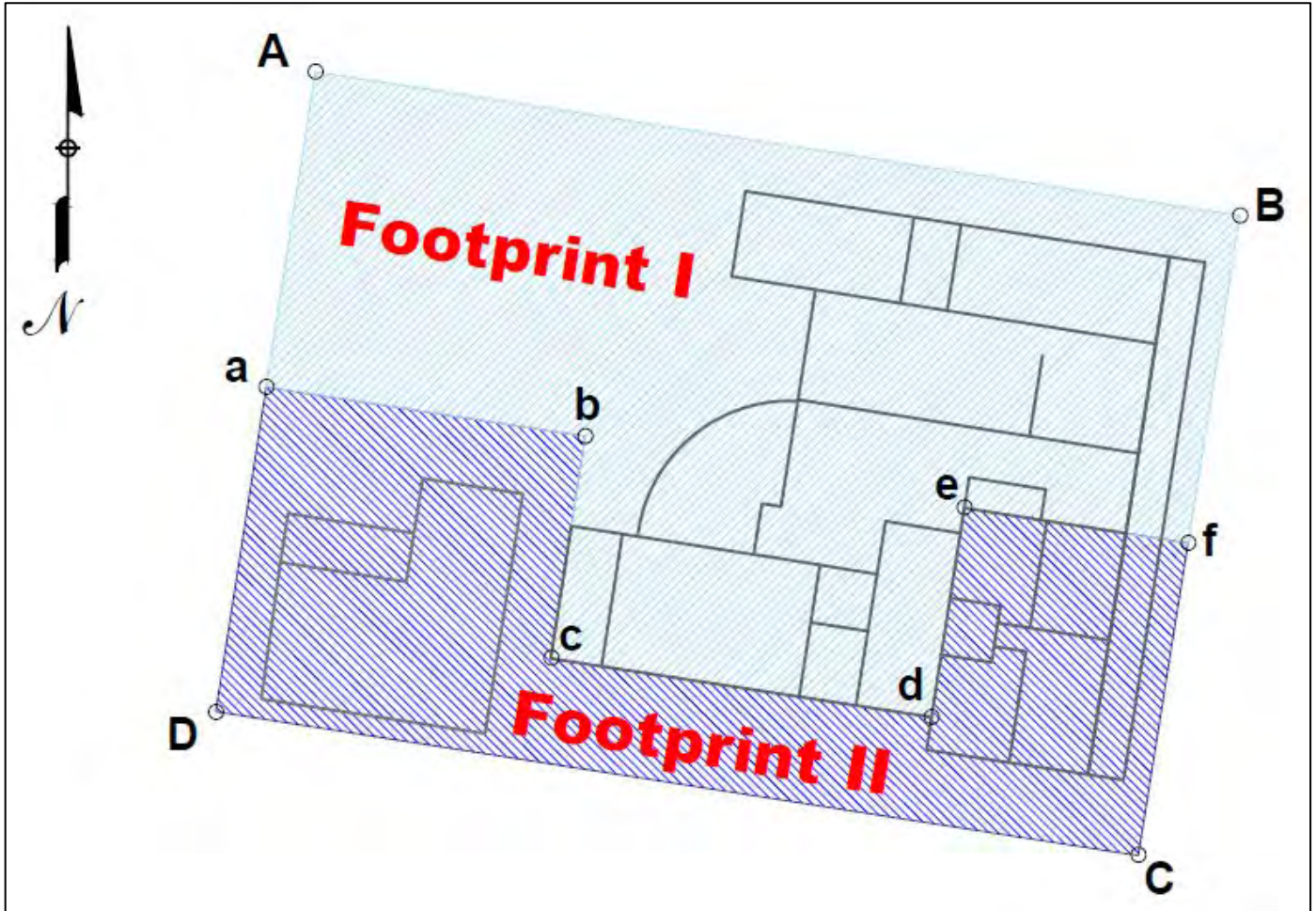
Erf 674, Malmesbury is located in Bergzicht, identified as Area D by the Swartland Municipal Spatial Development Framework (2023). The erf forms part of the area delineated as the Malmesbury and is surrounded by a number of businesses, residential uses, sport facilities and other educational institutions.



Erf 674 was originally zoned Residential Zone 1 property, containing a dwelling and second dwelling. A portion of the property was rezoned to Business Zone 1, in December 2018.

A subsequent land use application was launched in 2021, for the rezoning of the property to Business Zone 1 (507m<sup>2</sup> in extent) and Community Zone 1 (921m<sup>2</sup> in extent) in order to establish a chrèche, apartment and business on the erf. Application was simultaneously made for the departure from building lines and the non-provision of one required on-site parking bay.

During December of the same year, application was made for the amendment of conditions of the approval to include Business Zone 1 (514m<sup>2</sup> in extent) and Community Zone 1 (914m<sup>2</sup> in extent), as well as permission to prepare food on the property.



### DEVELOPMENT PARTICULARS

PROPERTY	DESCRIPTION	EXTENT	CURRENT ZONING	PROPOSED ZONING	PROPOSED LAND USE
Erf 674	A B C D	1428m <sup>2</sup>	Split Zoning (245m <sup>2</sup> BZ 1 & 1183m <sup>2</sup> R 1)	Split Zoning	Shop Creche Flat
Footprint I	A B f e d c b a	±914m <sup>2</sup>	Residential Zone 1 Business Zone 1	Community Zone 1	Creche
Footprint II	D a b c d e f C	±514m <sup>2</sup>	Residential Zone 1 Business Zone 1	Business Zone 1	Shop Flat

The remaining approvals and conditions of approval remain unchanged and applicable.

### 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 APPLICANT'S MOTIVATION

The application seeks to increase the permissible number of children allowed in the crèche, which is limited to 24, to a total of 59 children.

Analysis of demographic trends in Malmesbury reveals a rapidly growing population, resulting in increased demand for childcare facilities. The amendment aims to optimise the property's utilisation per m<sup>2</sup> and ensure alignment with the municipal land use approval and the compliance certificate issued by the West Coast District Municipality.

The expansion will affect the number of required on-site parking bays, as the following table illustrates:

Land Use	By-Law Parking Bay Requirements	Parking Bays required on-site
Flat	1.25 parking bays per unit + 0.25 parking bays per unit for visitors	1 Flat = <u>1.5 parking bays</u>  (1 for the resident and 1 for visitors)
Shop	1 parking bay per 25m <sup>2</sup> Gross Leasable Area (GLA)	GLA = ±42.5m <sup>2</sup> = <u>1 parking bay</u>

Land Use (continued)	By-Law Parking Bay Requirements	Parking Bays required on-site
Crèche	1 parking bay per class room/office + 1 parking bay per 6 students	4 class rooms/offices = <u>4 parking bays</u> + 59 students = <u>9 parking bays</u>
<b>Total</b>	<b>16 parking bays are required to accommodate the mentioned land uses on Erf 674.</b>	

The limited space on Erf 674 presents challenges regarding the creation of additional parking bays, primarily due to the position of existing buildings, one of which is of heritage significance, and the existing parking areas on the properties. The provision of parking bays will ultimately compromise the availability of outdoor space for the children attending the crèche.

- a) The place of education satisfies and supports the development principles as set out in LUPA and SPLUMA.
- b) The proposal adheres and conforms to the vision and spatial planning strategies/objectives of the SDF.
- c) The consent use complies with the Land Use Proposals of the SDF for Malmesbury which promotes secondary educational uses.
- d) The proposed consent use will have no adverse impact on the neighbouring properties or character of the surrounding area.
- e) The proposal entails the expansion of a social facility, addressing a specific community need.
- f) The proposed expansion of the care centre 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.
- g) Adheres to the guidelines for child care and educational facilities of the Western Cape Development Parameters.
- h) The location of the proposed day care centre makes it highly accessible to all residents.
- i) The land use on the property will remain unchanged – primary dwelling with a day care centre as consent – and the footprint of the facility remains unchanged. Only the number of children allowed on the property increases.
- j) The day care centre is in possession of all the applicable certificates and documents relating to the safety and security, operating protocols and permissions required to operate a crèche/pre-primary school.

## 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 56(2) of the By-Law, notices were sent to affected parties by means of registered mail and, where addresses were available, via e-mail. A total of 18 notices were sent to the owners of properties who could be affected by the application. The application was also advertised in local newspapers and the Provincial Gazette on 7 May 2024. 6 Notices were returned uncollected.



Total valid comments	2		Total comments and petitions refused	0	
Valid petition(s)	Y	N	If yes, number of signatures		
Community organisation(s) response	Y	N	Ward councillor response	Y	N
			Councillor van Essen has no objection against the amendment and increase in the number of children on site, but suggests that Hugenote Street be turned into a one-way route, to calm traffic.		
Total letters of support	0				

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

Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Building Control	6 May 2024	Should any structural changes be made or a change of use occur in the building, plans be submitted to the Senior Manager: Development Management for consideration and approval.	X	
Engineering Services	17 May 2024	Tans is daar 6 parkeerplekke wat beskikbaar is vir die op- en aflaai van leerders. Met verhoging van die aantal leerders na 59 word daar nou 10 addisionele parkeerplekke benodig wat toeganklik is vir die ouers. Gegewe die spesifieke omstandighede in Hugenotestraat in die omgewing van Erf 674 kan die vermindering van die vereiste parkeerplekke nie ondersteun word in die afwesigheid van behoorlike ondersoek en motivering van 'n verkeersingenieur nie.		

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p><b>HJ Kok Flagstone Investments (Erf 719) Annexure D</b></p> <p><b>J. Bester (Erf 1611 and Erf 2613) Annexure E</b></p>	<p>1. The objection pertains to the development of business premises on Erf 12521. The consolidation, permission required in terms of the zoning scheme, and departure on Erven 678 and 7525, Malmesbury, which were necessary to create Erf 12521 for the “De Korenvlij Shopping Centre”, received Municipal approval on the 3rd of October 2019. The application for rezoning and departure on Erf 674 to permit a crèche was submitted on the 10th of June 2021, and approved by Swartland Municipality’s Municipal Planning Tribunal on the 20th of October 2021. The timeline indicates that the shopping centre’s planning preceded the crèche development on Erf 674. Therefore, the Municipal Planning Tribunal considered all relevant factors when approving the crèche on Erf 674.</p> <p>Furthermore, the owners of Erf 674 cannot be held accountable for any non-compliance of undertakings between the developers of the shopping centre and neighboring property owners.</p> <p>The Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020) sets out development parameters for each zoning and specific land use, including parking bay requirements. When new developments are proposed, applications must be evaluated according to these prescribed parameters. If the required number of parking bays cannot be provided on-site, owners or developers may apply for a departure from these requirements. With specific on-site considerations and sufficient motivation, the Municipality has the authority to approve such departures. Each application is assessed independently, and the Municipality makes an informed decision to approve or refuse the application.</p> <p>Each application should be evaluated on its own merits, and the Municipality must consider site-specific conditions, the nature of the application, and</p>	<p>1. The objection pertains to the behaviour of motorists in general and the traffic generated by all the businesses in the street. A higher volume of traffic is to be expected in the area that is earmarked as the CBD of a town and all road users are subject to the same traffic legislation.</p> <p>The objection does not address the application itself.</p>

	<p>vasparkeer en ons parkering word ook baie deur ander gebruikers gebruik.”</p>	<p>its potential impact. Property owners have the right to apply for a departure from development parameters, specifically parking bays in this context.</p>	
	<p>2. Die speelskooltjie op Erf 674 het reeds binne die eerste 3 maande van bestaan bo die 24 toelaatbare kinders gegaan. Dit beteken dat daar genoeg inligting beskikbaar moet wees om 'n ingeligte besluit te neem. Ons aanvanklike kommer oor die geraas is 'n faktor wat gepaardgaan met 'n speelskooltjie, kan beaam word. Ons is tans besig met die hersonering van Erf 722 om ons te help om hierdie probleem aan te spreek. Soos genoem, kan ons net professionele kantore van ons perseel af behartig volgens ons voorwaardes. Dit is ook my mening dat die aansoek vir die 24 kinders slegs gedoen is om die minimum vereistes te voldoen en vir wat beskikbaar was. Dit kan ook bevestig word met die aantal kinders wat volgens ECD goedgekeur is.”</p>	<p>2. According to the Swartland Municipal Spatial Development Framework (MSDF, 2023-2027), Erf 674 is situated in Zone D of Malmesbury, which is designated as the Central Business District (CBD). The zone supports a variety of developments, including but not limited to, places of education (e.g., crèches) and business premises (e.g., offices). A screening wall is existing on Erf 674 where the property abuts Hugenote Street, serving two primary functions:</p> <ul style="list-style-type: none"> <li>- Safety: The wall defines the play area for the crèche, ensuring enhanced safety for the children.</li> <li>- Noise Mitigation: It acts as a buffer to reduce potential noise disturbances from the crèche.</li> </ul> <p>However, it is important to note that the primary sources of noise disturbance in offices on Hugenote Street are likely from passing vehicles, loading vehicles, and the shopping centre on Erf 12521 itself. The noise generated by small children at the crèche is minimal compared to these sources. The owners of Erf 674 and the operators of the crèche remain dedicated to complying with the Swartland Municipal By-Law relating to Public Nuisances (PG 8081 of 12 April 2019). The commitment ensures that the crèche operates within the regulatory framework designed to minimize public nuisances and maintain a harmonious environment in the CBD.</p> <p>Economically, the expansion of the crèche offers significant benefits to the town. It creates employment opportunities for childcare professionals and stimulates local businesses by catering to working parents who rely on childcare services. The economic activity enhances the vibrancy of the area and contributes to its overall prosperity, reinforcing the town's position as a desirable place to live and work.</p>	<p>2. A certain amount of noise is to expected and tolerated in any neighbourhood, but especially in the CBD. The mitigating actions taken by the applicant are considered sufficient.</p> <p>The proposal is consistent with the requirements of the By-Law, as well as the Children's Act requirements and the proposed 59 children can safely be accommodated in accordance with the legislation.</p>

		<p>It should be noted that no additional building work is planned for the expansion of the crèche. As proved by the WCDM Compliance Certificate, the existing building's floor space and toilet facilities are deemed adequate to accommodate the increased capacity of up to 59 children. Furthermore, the facility adheres to the regulations outlined in Chapter 5 of the Municipal Health By-Laws (PG 6543).</p>	
	<p>3. Die “drop-off-and-go”-parkering wat in Hugenotestraat getoon word kan nie as so ‘n funksie beskryf word nie omrede jy nie ‘n “drop-off-and-go”-area kan skep vir kinders tussen 1 en 5 jaar oud nie. Ons kan nou sien hoe die ouers die verkeer laat opdam terwyl hulle wag vir parkering, want die ouers moet parkeer, die kind uithaal en hulle dan gaan afgee. Dit is ook hier waar dit gevaarlik raak met ouers wat ongeduldig raak, enige plek parkeer en dan die kinders aflaai. Soms word kinders ook in die straat afgelaai aangesien daar nie genoeg parkering is nie. Tans is daar ook geen kennisgewingborde op wat motoriste waarsku teen die aflaai van kinders wat in die area gedoen word nie. Hierdie is alles feite wat bevestig kan word aangesien dit alreeds ‘n geruime tyd so aangaan.</p>	<p>3. As detailed in Point 2, the crèche on Erf 674, with a capacity for 24 children and 4 classrooms/offices, requires 8 parking bays according to the Swartland Municipal By-Law on Land Use Planning (PG 8226). An application for the relaxation of the requirement was submitted and approved by the Swartland Municipality in October 2021, permitting 6 parking bays dedicated to the crèche instead of the mandated</p> <p>Initially, during the preparation and submission of the original application, a drop-off and pick-up area was proposed. However, before approval was granted, the Site Development Plan was amended to include formal parking bays. Consequently, the Municipality approved the provision of 6 parking bays for the crèche.</p> <p>These parking bays are utilized during the following time slots: Morning: 6:30 to 7:15 Evening: 17:00 to 17:45</p> <p>These times are outside typical business hours, ensuring minimal to no impact on surrounding businesses regarding parking arrangements. Staff members receive the children at the parking area, eliminating the need for parents to leave their vehicles.</p> <p>Additionally, the road reserve width of Hugenote Street is 12.59m, which is significantly wider than the current norm for town design. Modern residential areas typically use 12m reserves to accommodate bus routes. Hugenote Street has been designed to handle high traffic volumes. When compared to similar streets in other cities, the traffic congestion on Hugenote Street is minimal, especially in contrast to</p>	<p>3. Following the comments made by the Department: Civil Engineering Services, as well as claims made by the objectors with regard to the impact that the development would have on traffic and parking, the applicant was instructed to complete a traffic study and to provide a traffic impact statement.</p> <p>The statement is attached as Annexure G . The author is satisfied that both real, perceived, and anticipated traffic issues, caused by the development, were thoroughly investigated and addressed by an appropriately qualified professional.</p> <p>The traffic statement clarifies that, while the traffic load does increase at peak times (which is to be expected in a CBD) it remains within the margins of acceptability on the specific order road. The statement further confirms that the impact of the non-provision of 7 parking bays will be negligible.</p>

		<p>metropolitan areas. Among all permissible uses for the property, a crèche is the least intrusive from a traffic perspective.</p> <p>The application seeks approval for an additional relaxation of 6 on-site parking bays in order to accommodate the proposed expansion of the capacity of the creche. The limited space available on Erf 674 presents challenges in accommodating further parking bays, primarily due to the positioning of existing buildings, one of which holds heritage significance, and the current parking areas on the property. Altering the parking area on Hugenote Street would compromise the provision of sufficient open space on-site for the children's outdoor activities. Consequently, there is no feasible way to accommodate the required parking bays without adversely affecting the property's land uses.</p> <p>Furthermore, measures have been implemented to enhance safety within the vicinity of the crèche. Notably, two speed bumps have been installed along the portion of Hugenote Street where the crèche is located. The following provides an indication of the locality of the speed bumps in relation to the crèche. These speed bumps serve to regulate the speed of traffic, thereby contributing to the overall safety of the children attending the crèche.</p>	
	<p>4. Ek het ook met die aanvanklike aansoek 'n vergadering gehad met Mnr. Rumboll waar hy vir my genoem het dat daar op 'n padimpakstudie gewerk word wat dateer uit die 90's. Daar was koste voorgehou as verskoning waarom dit nie hernu is nie. Indien dit wel die geval is, sal daar eers vasgestel moet word wat die ware impak is, want die nuwe sentrum sit ook baie druk op die parkering, verkeer en voetgangers. Ons self het kostes aangegaan om kantore te probeer skuif omrede ons weet dat dit nie beter gaan raak nie.</p>	<p>4. Each application is circulated to interested and affected parties or departments as deemed necessary by the Municipal Town Planning Department. Since Hugenote Street falls under Municipal jurisdiction, the Municipal Civil Engineering Department is given the opportunity to comment on applications for Erf 674, which accesses Hugenote Street. The Civil Engineering Department may require a Traffic Impact Assessment (TIA) for developments if necessary.</p> <p>For the initial application on Erf 674, the Municipality did not require a TIA. However, the application was once again circulated to all relevant internal departments. The Department of Civil Engineering Services has now requested that a TIA be conducted. The requirement is being addressed.</p>	<p>4. Refer to comment 3.</p>

	<p>5. Ons ervaar alreeds hoë verkeersvloei sekere tye van die dag in beide rigtings by Langstraat en Hugenotestraat. Dit veroorsaak soms opeenhopings in Hugenotestraat.</p> <p>Indien dit eenrigtingverkeer gaan raak, kan 14 wooneenhede se ingang by Millenium Close ook 'n probleem wees. Hierdie aangeleentheid moet met meer partye (Millennium Close bewoners) bespreek word, om 'n meer oordeelkundige besluit te neem.</p>	<p>5. No proposals are made to make Hugenote Street a one-way.</p>	<p>5. Refer to comments 1 and 3.</p>
	<p>6. Vragmotors en voertuie met sleepwaens wat aflewings en kolleksies doen by ons perseel kan ook probleem raak.</p>	<p>6. Hugenote Street has dedicated loading bays for businesses that require loading and off-loading of products. Loading and off-loading are strictly prohibited outside of these designated loading bays.</p>	<p>6. Refer to comments 1 and 3.</p>
	<p>7. Parkering geskied alreeds van persone wat elders werk, maar gebruik bestaande parkering in Hugenotestraat voor bestaande besighede. Dit veroorsaak dat die voertuie heeldag daar staan; in pleks daarvan dat kliënte wat die besighede besoek nie parkering naby het nie.</p>	<p>7. Parking bays provided for businesses and offices on the properties are private parking areas. The owners of Erf 674 cannot be held accountable if individuals working at surrounding businesses or offices use these private parking bays.</p> <p>Dedicated on-site parking bays are provided for the crèche on Erf 674. Parents dropping off and picking up their children at the crèche are not permitted to park in private parking areas.</p>	<p>8. Refer to comments 1 and 3.</p>



Objectors in relation to the application erf

## PART J: MUNICIPAL PLANNING EVALUATION

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

Application for the amendment of certain conditions of approval related to the rezoning and departure on Erf 674, Malmesbury, is made in terms of Section 25(2)(h) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020, contained in letter 15/3/3-8/Erf 674 of 20 October 2024 that read as follows:

1. "...**A.A1(b)** *The crèche be restricted to 24 registered children at any time as presented in the application...*"  
be amended to  
"...**A.A1(b)** *The crèche be restricted to 59 registered children at any time as presented in the application...*"
2. "...**A.(a)** *Departure of 1 on-site parking bay by providing only 9 on-site parking bays instead of 10 on-site parking bays...*"  
be amended to  
"...**A.(a)** *Departure from providing the required 16 on-site parking bays by providing only 9 on-site parking bays, creating a shortfall of 7 parking bays...*"
3. "...**A.(b)** *A financial contribution of R7 500 (12.5 m<sup>2</sup> & R600/m<sup>2</sup>) be made for the non-provision of 1 parking bay...*"  
be amended to  
"...**A.(b)** *A financial contribution of R87 500 [(12.5m<sup>2</sup> X 7 parking bays) X R1 000 per m<sup>2</sup>] be made for the non-provision of 7 parking bays...*"

A total of 18 registered notices were issued to affected parties and also sent via e-mail, where addresses were available. 6 notices were returned unclaimed. The commenting period for the application commenced on 7 May 2024 and concluded on 10 June 2024.

Two objections were received and referred to the applicant for comment on 12 June 2024. The response to objections were provided back to the Municipality on 7 July 2024.

A Site Traffic Assessment was conducted simultaneously and the resulting report was forwarded to the Municipality on 26 August 2024. The report was scrutinised by the Director: Civil Engineering Services and referred back to the applicant on the same day, in order to improve the motivation pertaining to the non-provision of parking on the property. The amended assessment report was received 2 September 2024.

The applicants are CK Rumboll and Partners and the property owner is the Andre Halvorsen FamilyTrust.

### 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 SDF identifies the area surrounding Erf 674 as the CBD of Malmesbury, and as such, mixed land uses can be accommodated.. The scale and nature of the proposal remains consistent with the spatial proposals for Malmesbury and thus spatially just.
- b) Spatial Sustainability: The proposed development will promote the intensive utilisation of an existing building and engineering services, without additional impact on the natural environment, while creating employment opportunities.

Existing services are deemed sufficient to accommodate the place of education.

The proposed place of education will provide in the social need created by the constant increase in population experienced by Malmesbury in recent years.

- c) Efficiency: The existing infrastructure and resources on Erf 674 will be used optimally by the facility.
- d) Good Administration: The application and public participation were administrated by Swartland Municipality and public and departmental comments obtained.



e) Spatial Resilience: The property contains a split zoning, namely Business Zone 1 and Community Zone 1, both of which are dynamic zoning categories that allow for a large variety of uses. The zonings are foreseen to be able to absorb natural and economic shocks in future, should it become necessary. The buildings can easily be converted to accommodate other uses.

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

## 2.2 Spatial Development Framework(SDF)

Erf 674 is located in Area D of Malmesbury, the CBD, as delineated by the SDF. Area D has a mixed use character with possibility for commercial development along Voortrekker Road. The proposed uses are consistent with the spatial planning for the Malmesbury CBD and the amendment of the approved development will not have a negatively impact.

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

The indoor and outdoor play areas that must be provided per child, taking into account the proposed increase in children, adhere to the requirements stipulated in the By-Law, as well as by the Children's Act.

The applicant asserts the legal right to depart from the development parameters, in this instance the number of required parking bays. The traffic assessment completed by the engineering consultant stated that the non-provision of parking will not have a notable impact on traffic flow and the departure may be considered positively.

The applicant proposes that a cash amount be made applicable to the parking bays that are not provided. The proposal is consistent with the requirements of the By-Law.

## 3. Impact on municipal engineering services

The proposal will have no additional impact on the existing services.

## 4. Desirability of the proposed utilisation

The land use proposal is the expansion of the existing, approved land use of a place of education on the property.

The increase in the number of children is not foreseen to have any additional impact on the engineering services.

The position of the existing buildings on the property and the heritage classification of said buildings render the creation of additional parking bays impossible. However, the applicant argues that the increase in traffic volumes will be limited to peak times. The applicant is also willing to provide a cash amount in accordance with the By-Law, to mitigate the non-provision of parking and to promote the development of bays elsewhere. The amount will be calculated by applying the By-Law definition of a parking bay (2,5m X 5m), multiplied by the number of parking bays not provided (7), multiplied by the land value per square metre, as determined by the latest municipal valuation of the erf.

The appointed traffic Engineer further confirmed that the increased traffic volumes and congestion caused by the non-provision of parking bays, will be below a certain threshold and is considered to have a low impact.

Taking the aforementioned into account, the non-provision of 7 parking bays is considered to be desirable.

The noise generated by the crèche is considered to be expected and compatible with the character of the area. The owner/developer employs reasonable methods, such as the solid boundary wall, to mitigate the noise created by the facility.

The day care centre remains responsible for complying with health and safety standards comprised by the West Coast Municipality, as well as the various requirements of the Department of Social Services and the Department of Education relating to early childhood development facilities. The health and safety of the children at the centre, as well as that of the surrounding neighbourhood is thus not foreseen to be negatively impacted upon.

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

Sufficient services capacity exists to accommodate the proposal.

The property is registered as a heritage asset, but no structural changes will be made to the building, thus the development proposal will have no impact on the cultural or natural historical assets of Malmesbury.

The Title deed contains no restrictive conditions to prohibit the proposed consent use.

The application is considered to be desirable.

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

The financial or other value of the rights

N/A.

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

N/A

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

N/A

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

N/A

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

**A.** The application for the amendment of certain approval conditions, with respect to the Place of Education on Erf 674, Malmesbury, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

### **1. TOWN PLANNING AND BUILDING CONTROL**

a) The following conditions contained in approval letter 15/3/3/-8/Erf 674, dated 20 October 2024, that read as follows:

*"...A.A1(b) The crèche be restricted to 24 registered children at any time as presented in the application..."*

be amended to

*"...A.A1(b) The crèche be restricted to 59 registered children at any time as presented in the application..."*

*"...A.(a) Departure of 1 on-site parking bay by providing only 9 on-site parking bays instead of 10 on-site parking bays..."*

be amended to

*"...A.(a) Departure from providing the required 16 on-site parking bays by providing only 9 on-site parking bays, creating a shortfall of 7 parking bays..."*

*"...A.(b) A financial contribution of R7 500 (12.5 m<sup>2</sup> & R600/m<sup>2</sup>) be made for the non-provision of 1 parking bay..."*

be amended to

*"...A.(b) A financial contribution of R87 500 [(12.5m<sup>2</sup> X 7 parking bays) X R1 000 per m<sup>2</sup>] be made for the non-provision of 7 parking bays..."*

b) The remaining conditions contained in approval letter 15/3/3/-8/Erf 674, dated 20 October 2021, and amendment letter 15/3/3/-8/Erf 674, dated 2 December 2021 remain applicable;

c) Building plans indicating the configuration and operation within the Place of Education (crèche) be submitted to the Senior Manager: Development Management, for consideration and approval;

### **2. GENERAL**

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

b) Should it be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;

c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable.

d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za), within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

**PART M: REASONS FOR RECOMMENDATION**

1. The increased number of children at the crèche is consistent with the number of children permitted at such a facility.
2. The application complies with the planning principles of LUPA and SPLUMA.
3. The application is compliant with the spatial planning of Malmesbury, as directed by the SDF.
4. The noise generated by the crèche is considered acceptable and the mitigating measures taken by the owner/developer are considered reasonable.
5. The development proposal supports the optimal utilisation of the property.
6. The character of the area remains unchanged,
7. No structural changes are proposed to the buildings.
8. Sufficient services capacity exists to accommodate the increase in children to the centre.
9. The shortfall in on-site parking is sufficiently addressed.
10. Health and safety concerns are addressed through the conditions of approval.



**PART N: ANNEXURES**

ANNEXURE A	Locality Plan
ANNEXURE B	Site Development Plan
ANNEXURE C	Public Participation Map
ANNEXURE D	Objections from HJ.Kok
ANNEXURE E	Objections from J Bester
ANNEXURE F	Response to comments
ANNEXURE G	Traffic Assessment

**PART O: APPLICANT DETAILS**

First name(s)	CK Rumboll and Partners			
Registered owner(s)	Andre Halvorsen Family Trust	Is the applicant authorised to submit the application:	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N

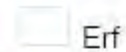
**PART P: SIGNATURES**

<b>Author details:</b> A. de Jager Town & Regional Planner SACPLAN: A/2203/2015		Date: <b>27 September 2024</b>
<b>Recommendation:</b> Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended <input checked="" type="checkbox"/>	Not recommended <input type="checkbox"/>
		Date: <b>30 September 2024</b>

# Locality Map: Kleine Platteland



## Legend



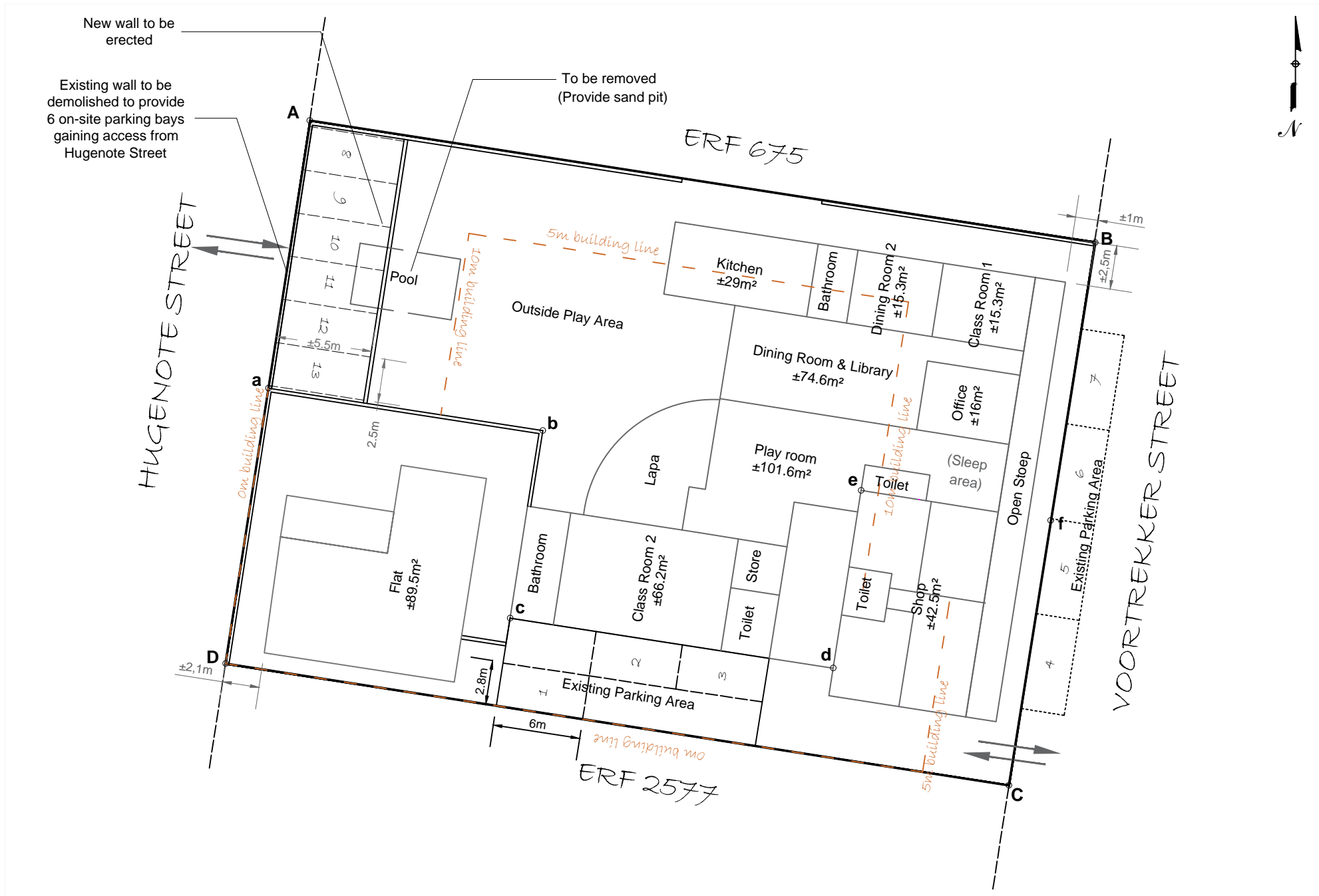
Erf

# ANNEXURE A

Map Center: Lon: 18°4'  
Lat: 33°2'  
Scale: 1:2,257  
Date created: 2024/08/0



# PROPOSED DEVELOPMENT ON ERF 674, MALMESBURY



## LEGEND:

- Footprint I (Community Zone 1)
- Footprint II (Business Zone 1)
- Building Lines
- Access

## NOTES

This diagram illustrates Erf 674, Malmesbury, located in Malmesbury's CBD.

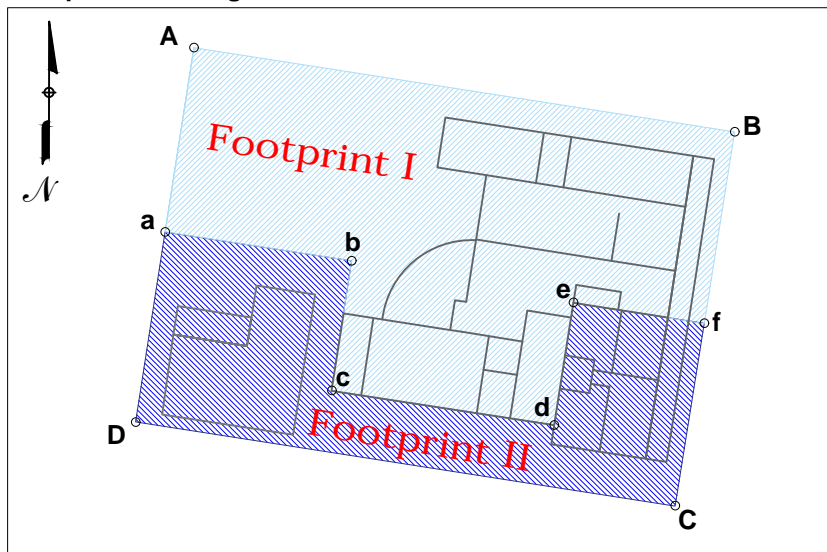
Figure ABfedcba represents the rezoning of a portion (±914m<sup>2</sup>) of Erf 674, Malmesbury, to Community Zone 1 to operate a creche on the property. (Footprint I)

Figure DabcdefC represents the rezoning of a portion (±514m<sup>2</sup>) of Erf 674, Malmesbury, to Business Zone 1 to allow a shop and a flat on the property. (Footprint II)

The wall between points A and a on this drawing will be demolished to provide 6 additional parking bays gaining access to Erf 674 from Hugenate Street.

A new wall will be erected ±5.5m from the western property boundary. A gate will also be installed to provide adequate access to the property from Hugenate Street.

## Footprint Rezoning Insert



DEVELOPMENT PARTICULARS					
PROPERTY	DESCRIPTION	EXTENT	CURRENT ZONING	PROPOSED ZONING	PROPOSED LAND USE
Erf 674	A B C D	1428m <sup>2</sup>	Split Zoning (245m <sup>2</sup> BZ 1 & 1183m <sup>2</sup> R 1)	Split Zoning	Shop Creche Flat
Footprint I	A B f e d c b a	±914m <sup>2</sup>	Residential Zone 1 Business Zone 1	Community Zone 1	Creche
Footprint II	D a b c d e f C	±514m <sup>2</sup>	Residential Zone 1 Business Zone 1	Business Zone 1	Shop Flat

Drawing by: MANDRI VILJOEN

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C.K. RUM  
TOWN PLANNING  
PROFESSOR  
16 RAINIER  
Tel: 022 -  
Fax: 022 -  
Email: pla

DATE: NOVEMBER 2021

REF: SWAR

MAL/10532/ZN/MV

ANNEXURE B

Liggingsplan

**ANNEXURE C**



19

Hugenotestraat / Street 61  
Posbus / P.O. Box 752  
Malmesbury

T: 022 487 2858  
F: 022 487 2857  
E: hendri@sfd.co.za

20 Julie 2021

Die Munisipale Bestuurder  
Privaatsak X52  
Malmesbury  
7299

Geagte meneer

**I/S: VOORGESTELDE HERSONERING EN AFWYKING OP ERF 674, MALMESBURY**  
**Verwysing: 15/3/3-8/Erf 674 en 15/3/4-8/Erf 674**

Ek verwys graag na u skrywe van 24 Junie 2021, hierby aangeheg.

Ons besit Erf 719, Hugenotestraat 59 en 61 wat vir sakesone 1 met die uitsluitlike gebruik vir kantore gesoneer is. Ons perseel is dus aan die agterkant van Erf 674. Ons het tans huurders in die perseel wat die perseel gebruik vir professionele kantore.

Ons wil net van die staanspoor noem dat ons nie gekant is teen enige ontwikkeling in Malmesbury nie. Ons het egter die volgende besware teen die voorstel:

**1. Die beoogte kleuterskool**

Soos genoem word professionle kantore bedryf aan die Hugenotestraat kant van die perseel. Die speelarea is aangetoon aan die agterkant van die perseel en dus direk oorkant die kantore. Die probleem kan ontstaan weens die geraasfaktor wat gewoonlik met kleuterskole gepaart gaan, dat ons klagtes van ons huurders sal ontvang weens die "geraas". Daar is 'n muur, maar dit gaan nie die klank demper nie.

**2. Die beoogte "drop off and go" area**

Hierdie gedeelte word regoor ons perseel se parkeerarea aangetoon, en met Hugenotestraat wat baie besig begin raak kan nog verkeer gevaarlik begin raak. Kleuters word nie net afgelaai nie, en daar sal geparkeerde voertuie vir 'n periode staan. Indien mens kyk na die beoogte 24 kleuters en 20 voertuie wat die kleuters aflaai in die oggend en weer kom optel in die middag, gaan 'n groot toename in verkeer te weeg bring. Die area word ook reeds deur van die ander besighede gebruik as parkering. Dit is ons mening dat die straat nie meer verkeer kan hanteer soos dit nou is nie.

Die uwe



H.J. KOK

# ANNEXURE E

**From:** jaco@spiltech.co.za <jaco@spiltech.co.za>  
**Sent:** Monday, 10 June 2024 12:59  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** verwysing nr :15/3/3-8/Erf\_674

Munisipale Bestuurder

I.s. voorgestelde hersonering en afwyking op erf 674:

eienaars van erf 1611 en erf 2613

Jaco Bester & Stefan Walters

Hugenotestraat 47 en 49

Malmesbury

Email: [jaco@spiltech.co.za](mailto:jaco@spiltech.co.za)

[stefan@spiltech.co.za](mailto:stefan@spiltech.co.za)

Ons ervaar alreeds hoë verkeersvloei sekere tye van die dag in beide rigtings by LANGSTRAAT en HUGENOTESTRAAT. Sodat die se ingang na MILLENIUM CLOSE ook probleem wees. Vragmotors en voertuie met sleepwaens wat aflewering en kolleksies doen

Parkering geskied alreeds van persone wat elders werk, maar gebruik bestaande parkering in HUGENOTESTRAAT voor bestaande besoek nie parkering naby het nie.

Hierdie aangeleentheid moet met meer partye (millenium close bewoners) bespreek word, om 'n meer oordeelkundige besluit te neem.

Ons wil almal ons besigheid groter laat groei en uit brei, maar moet mekaar in ag neem om saam oplossings te vind.

Hoop u vind die regte uitweg vir bogenoemde aangeleentheid.

groete





**Jaco Bester**

WM Spilhaus Malmesbury BK

Tel: +27 224 822 232

Faks: +27 224 822 237

Selfoon: 083 283 5240

Epos: [jaco@spiltech.co.za](mailto:jaco@spiltech.co.za)



(Erf 674).

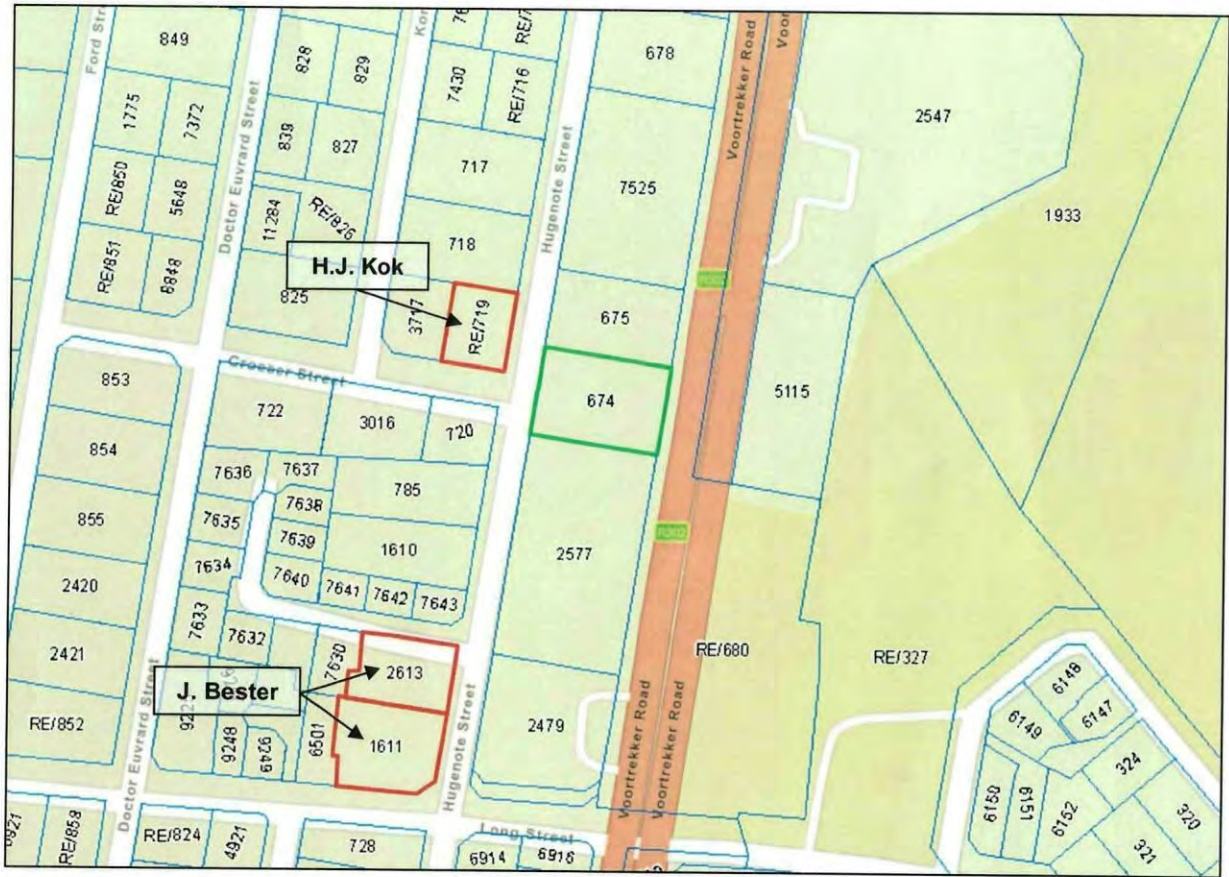


Figure 1: Objectors' properties in relation to the application property

## 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	<p>1. “Tydens die hersonering en oprigting van die sentrum op Erf 12521 was daar baie beloftes gemaak. Die ontwikkelaars het ook ondernemings gemaak, veral ten opsigte van parkering en aflewings by die sentrum. Dit is ons mening dat daar nie by die onderneming gehou word nie. Hier was daar ook toegewings gemaak rakende die hoeveelheid parkerings wat benodig was. Daar word tans baie meer aflewings gedoen as wat aanvanklik belowe was. Die sentrum het ook besige tye wat veroorsaak dat die straat baie besig word en met soms vier aflewingsvoertuie wat gelyktydig aflewings doen en voertuie wat aan beide kante van die straat stop, maak die vloei van verkeer baie moeilik.</p> <p>Aflwering word tans gedoen by Erwe 12521, 715, 716, 719, 675, 720, 1611 wat die straat klaar baie besig maak. Soos julle ook sal besef is dat daar nie genoeg parkering in die gedeelte van Hugenotestraat is nie. Kliënte en klante besoek ook Erwe 12521, 715, 716, 719, 675, 720 wat soms baie parkering benodig. Dit veroorsaak ook dat alle parkerings gebruik word en</p>	<p>1. This objection pertains to the development of business premises on Erf 12521. The consolidation, permission required in terms of the zoning scheme, and departure on Erven 678 and 7525, Malmesbury, which were necessary to create Erf 12521 for the “De Korenvlij Shopping Centre”, received Municipal approval on the 3<sup>rd</sup> of October 2019. The application for rezoning and departure on Erf 674 to permit a crèche was submitted on the 10<sup>th</sup> of June 2021, and approved by Swartland Municipality’s Municipal Planning Tribunal on the 20<sup>th</sup> of October 2021. This timeline indicates that the shopping centre’s planning preceded the crèche development on Erf 674. Therefore, the Municipal Planning Tribunal considered all relevant factors when approving the crèche on Erf 674.</p> <p>Furthermore, the owners of Erf 674 cannot be held accountable for any non-compliance of undertakings between the developers of the shopping centre and neighboring property owners.</p> <p>The Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020) sets out development parameters for each zoning and specific land use, including parking bay requirements. When new developments are proposed, applications must be evaluated according to these prescribed parameters. If the required number 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>daar nie in ag geslaan word op wie se parkerings dit is nie.</p> <p>Verder het die eienaars van Erwe 715 en 716 klaarself probeer om hul parkerings aan te pas, maar nieteenstaande die kennisgewingborde wat opgerig is, word hul parkerings nogsteeds deur almal gebruik. Die eienaars van Erf 720 moes ook met die aansoek van hul hersonering parkerings uitkoop omrede daar nie genoeg parkerings in daardie area was nie. Ons word by ons perseel ook met tye vasparkeer en ons parkering word ook baie deur ander gebruikers gebruik.”</p>	<p>parking bays cannot be provided on-site, owners or developers may apply for a departure from these requirements. With specific on-site considerations and sufficient motivation, the Municipality has the authority to approve such departures. Each application is assessed independently, and the Municipality makes an informed decision to approve or refuse the application.</p> <p>Each application should be evaluated on its own merits, and the Municipality must consider site-specific conditions, the nature of the application, and its potential impact. Property owners have the right to apply for a departure from development parameters, specifically parking bays in this context.</p>
A	<p>2. “Die speelskooltjie op Erf 674 het reeds binne die eerste 3 maande van bestaan bo die 24 toelaatbare kinders gegaan. Dit beteken dat daar genoeg inligting beskikbaar moet wees om 'n ingeligte besluit te neem. Ons aanvanklike kommer oor die geraas is 'n faktor wat gepaardgaan met 'n speelskooltjie, kan beaam word. Ons is tans besig met die hersonering van Erf 722 om ons te help om hierdie probleem aan te spreek. Soos genoem, kan ons net professionele kantore van ons perseel af behartig volgens ons voorwaardes. Dit is ook my mening dat die aansoek vir die 24 kinders slegs gedoen is om die minimum vereistes te voldoen en vir wat beskikbaar was. Dit</p>	<p>2. According to the Swartland Municipal Spatial Development Framework (MSDF, 2023-2027), Erf 674 is situated in Zone D of Malmesbury, which is designated as the Central Business District (CBD). This zone supports a variety of developments, including but not limited to, places of education (e.g., crèches) and business premises (e.g., offices). A screening wall is existing on Erf 674 where the property abuts Hugenote Street, serving two primary functions:</p> <ol style="list-style-type: none"> <li>1. <u>Safety</u>: The wall defines the play area for the crèche, ensuring enhanced safety for the children.</li> <li>2. <u>Noise Mitigation</u>: It acts as a buffer to reduce potential noise disturbances from the crèche.</li> </ol>

	<p>kan ook bevestig word met die aantal kinders wat volgens ECD goedgekeur is.”</p>	<p>However, it is important to note that the primary sources of noise disturbance in offices on Hugenote Street are likely from passing vehicles, loading vehicles, and the shopping centre on Erf 12521 itself. The noise generated by small children at the crèche is minimal compared to these sources.</p> <p>The owners of Erf 674 and the operators of the crèche remain dedicated to complying with the Swartland Municipal By-Law relating to Public Nuisances (PG 8081 of 12 April 2019). This commitment ensures that the crèche operates within the regulatory framework designed to minimize public nuisances and maintain a harmonious environment in the CBD.</p> <p><u>Initial Municipal Approval:</u></p> <p>Further, the initial application sought permission to establish a crèche on Erf 674 with a capacity for 24 children. According to the mentioned By-Law, a crèche requires 1 parking bay per classroom/office plus 1 parking bay per 6 students. With 4 classrooms/offices in the crèches, totalling to 4 parking bays, and an additional 4 parking bays needed for 24 children, a total of 8 parking bays were required. Additionally, the shop and flat on the property necessitated 1 and 1.5 parking bays respectively, bringing the total required parking bays to 10 on Erf 674. Subsequently, application was made to Swartland Municipality for the departure of 1 parking bay, allowing for 9 parking bays on the property instead of the required 10.</p>
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		<p><u>West Coast District Municipality (WCDM): Compliance Certificate for an Early Childhood Development (ECD) Facility:</u></p> <p>As a condition of the Municipal Approval issued on the 20<sup>th</sup> of October 2021, the property owners were mandated to seek a certificate of compliance for an ECD Facility from the West Coast District Municipality. Subsequently, this application was submitted and the Certificate of Acceptability for Child Care Facilities was granted for the approved crèche on the 9<sup>th</sup> of December 2021. This certificate stipulated that a maximum of 59 children could be accommodated on the premises, comprising of 15 babies (1 to 24 months) and 44 toddlers (2 to 7 years).</p> <p><u>Proposed expansion of capacity of crèche in terms of the Municipal Land Use Approval:</u></p> <p>This application seeks to expand the permissible number of children allowed in the crèche, currently limited to 24 by the Municipal Land Use Approval, to accommodate a total of 59 children, in accordance with the WCDM Compliance Certificate. This amendment aims to optimize the property's utilization and ensure alignment between the Municipal Land Use Approval and the WCDM Compliance Certificate.</p> <p>Analysis of demographic trends in Malmesbury reveals a growing population, resulting in increased demand for childcare facilities. By expanding the crèche's capacity, the demand can be effectively addressed and provide essential services to families within the community, thereby contributing to the town's overall development.</p>
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		<p>Moreover, from a land use perspective, the expansion aligns with principles of optimal land utilization. By accommodating more children within the existing infrastructure, the need for additional developments or facilities can be reduced, promoting sustainable urban growth and minimizing urban sprawl. This approach supports the efficient use of land resources, a key consideration in town planning initiatives.</p> <p>Economically, the expansion of the crèche offers significant benefits to the town. It creates employment opportunities for childcare professionals and stimulates local businesses by catering to working parents who rely on childcare services. This economic activity enhances the vibrancy of the area and contributes to its overall prosperity, reinforcing the town's position as a desirable place to live and work.</p> <p>It should be noted that no additional building work is planned for the expansion of the crèche. As proved by the WCDM Compliance Certificate, the existing building's floor space and toilet facilities are deemed adequate to accommodate the increased capacity of up to 59 children. Furthermore, the facility adheres to the regulations outlined in Chapter 5 of the Municipal Health By-Laws (PG 6543).</p> <p>The owners of Erf 674 are fully within their rights to apply to the Municipality in accordance with the Swartland Municipal By-Law on Land Use Planning (PG 8226) to expand the crèche.</p>
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A	<p>3. “Die “drop-off-and-go”-parkering wat in Hugenotestraat getoon word kan nie as so ‘n funksie beskryf word nie omrede jy nie ‘n “drop-off-and-go”-area kan skep vir kinders tussen 1 en 5 jaar oud nie. Ons kan nou sien hoe die ouers die verkeer laat opdam terwyl hulle wag vir parkering, want die ouers moet parkeer, die kind uithaal en hulle dan gaan afgee. Dit is ook hier waar dit gevaarlik raak met ouers wat ongeduldig raak, enige plek parkeer en dan die kinders aflaai. Soms word kinders ook in die straat afgelaai aangesien daar nie genoeg parkering is nie. Tans is daar ook geen kennisgewingborde op wat motoriste waarsku teen die aflaai van kinders wat in die area gedoen word nie. Hierdie is alles feite wat bevestig kan word aangesien dit alreeds ‘n geruime tyd so aangaan.”</p>	<p>3. As detailed in Point 2, the crèche on Erf 674, with a capacity for 24 children and 4 classrooms/offices, requires 8 parking bays according to the Swartland Municipal By-Law on Land Use Planning (PG 8226). An application for the relaxation of this requirement was submitted and approved by the Swartland Municipality in October 2021, permitting 6 parking bays dedicated to the crèche instead of the mandated 8.</p> <p>Initially, during the preparation and submission of the original application, a drop-off and pick-up area was proposed. However, before approval was granted, the Site Development Plan was amended to include 6 formal parking bays. Consequently, the Municipality approved the provision of 6 parking bays for the crèche.</p> <p>These parking bays are utilized during the following time slots:</p> <ul style="list-style-type: none"> <li>• Morning: 6:30 to 7:15</li> <li>• Evening: 17:00 to 17:45</li> </ul> <p>These times are outside typical business hours, ensuring minimal to no impact on surrounding businesses regarding parking arrangements. Staff members receive the children at the parking area, eliminating the need for parents to leave their vehicles.</p> <p>Additionally, the road reserve width of Hugenote Street is 12.59m, which is significantly wider than the current norm for town design. Modern residential areas typically use 12m reserves to accommodate bus routes. Hugenote Street has been designed to handle high traffic volumes. When compared to similar streets in other cities, the traffic</p>
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		<p>congestion on Hugenate Street is minimal, especially in contrast to metropolitan areas. Among all allowable uses for this property, a crèche is the least intrusive from a traffic perspective.</p> <p>This application seeks approval for an additional relaxation of 6 on-site parking bays in order to accommodate the proposed expansion of the capacity of the creche. The limited space available on Erf 674 presents challenges in accommodating further parking bays, primarily due to the positioning of existing buildings, one of which holds heritage significance, and the current parking areas on the property. Altering the parking area on Hugenate Street would compromise the provision of sufficient open space on-site for the children's outdoor activities. Consequently, there is no feasible way to accommodate the required parking bays without adversely affecting the property's land uses.</p> <p>Furthermore, measures have been implemented to enhance safety within the vicinity of the crèche. Notably, two speed bumps have been installed along the portion of Hugenate Street where the crèche is located. The following provides an indication of the locality of the speed bumps in relation to the crèche. These speed bumps serve to regulate the speed of traffic, thereby contributing to the overall safety of the children attending the crèche.</p>
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		<p>Existing speed bumps</p> <p>Erf 674</p> <p>Figure 2: Existing Speed Bumps in Hugenote Street</p>
A	<p>4. “Ek het ook met die aanvanlike aansoek ‘n vergadering gehad met Mnr. Rumboll waar hy vir my genoem het dat daar op ‘n padimpakstudie gewerk word wat datteer uit die 90’s. Daar was koste voorgehou as verskoning waarom dit nie hernu is nie.</p>	<p>4. Each application is circulated to interested and affected parties or departments as deemed necessary by the Municipal Town Planning Department. Since Hugenote Street falls under Municipal jurisdiction, the Municipal Civil Engineering Department is given the opportunity to comment on applications for Erf 674, which accesses Hugenote</p>

	<p>Indien dit wel die geval is, sal daar eers vasgestel moet word wat die ware impak is, want die nuwe sentrum sit ook baie druk op die parkering, verkeer en voetgangers. Ons self het kostes aangegaan om kantore te probeer skuif omrede ons weet dat dit nie beter gaan raak nie."</p>	<p>Street. The Civil Engineering Department may require a Traffic Impact Assessment (TIA) for developments if necessary.</p> <p>For the initial application on Erf 674, the Municipality did not require a TIA. However, this application was once again circulated to all relevant internal departments. The Department of Civil Engineering Services has now requested that a TIA be conducted. This requirement is being addressed.</p>
B	<p>5. "Ons ervaar alreeds hoë verkeersvloei sekere tye van die dag in beide rigtings by Langstraat en Hugenotestraat. Dit veroorsaak soms opeenhopings in Hugenotestraat.</p> <p>Indien dit eenrigtingverkeer gaan raak, kan 14 wooneenhede se ingang by Millenium Close ook 'n probleem wees.</p> <p>Hierdie aangeleentheid moet met meer partye (Millennium Close bewoners) bespreek word, om 'n meer oordeelkundige besluit te neem."</p>	<p>5. No proposals are made to make Hugenote Street a one-way.</p>
B	<p>6. "Vragmotors en voertuie met sleepwaens wat aflewings en kolleksies doen by ons perseel kan ook probleem raak."</p>	<p>6. Hugenote Street has dedicated loading bays for businesses that require loading and off-loading of products. Loading and off-loading are strictly prohibited outside of these designated loading bays.</p>

B	<p>7. "Parkering geskied alreeds van persone wat elders werk, maar gebruik bestaande parkering in Hugenotestraat voor bestaande besighede. Dit veroorsaak dat die voertuie heeldag daar staan; in pleks daarvan dat kliënte wat die besighede besoek nie parkering naby het nie."</p>	<p>7. Parking bays provided for businesses and offices on the properties are private parking areas. The owners of Erf 674 cannot be held accountable if individuals working at surrounding businesses or offices use these private parking bays.</p> <p>Dedicated on-site parking bays are provided for the crèche on Erf 674. Parents dropping off and picking up their children at the crèche are not permitted to park in private parking areas.</p>
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### 3. Conclusion

This application seeks to resolve a discrepancy between the Swartland Municipal Land Use Approval and the West Coast District Municipality's Certificate of Acceptability for Child Care Services, ensuring alignment between these documents.

The Swartland MSDF (2023-2027) highlights a trend in Malmesbury of rezoning historical buildings, often former dwellings, for commercial uses. However, these buildings often lack adequate space for multiple parking areas. This reality must be considered when applying for relaxation of parking requirements.

Given the existing parking provisions, traffic management measures, and designated drop-off and pick-up times, it is unlikely that the relaxation of an additional 6 parking bays will cause parents to wait for available spaces. The current design and management strategies aim to ensure smooth traffic flow and convenience for parents while maintaining safety.

Situated in Malmesbury's CBD, this property is ideally suited for use as a crèche, which is the least intrusive option. The MSDF (2023-2027) supports the use of this area for all land uses, except industrial. The homestead structure on the property provides a "homely" atmosphere for the children, creating a safe environment for their educational journey. The MSDF also suggests that secondary educational uses be located in residential and commercial areas, as residential areas often resist such establishments.

Effective communication between neighbours can easily address any traffic issues, as the dropping off and picking up of children primarily occurs outside normal business hours.

In conclusion, amending the conditions of approval to expand the crèche on Erf 674, Malmesbury, aligns with the Swartland MSDF (2023-2027) vision for the CBD. This expansion will maximize the property's development potential, and the on-site parking bays will suffice for the proposed uses. Increasing the crèche's capacity ensures optimal utilization of available space without compromising safety or accessibility.

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

Kind regards,



Mandri Crafford (Pr. Pln. 3241/2022)

For *CK RUMBOLL & PARTNERS*



Enquiries: Sarah Larratt  
Cell: 083 418 4241  
Email: sarah@sturgeonsa.co.za

Our Ref: STUR0428

Your Ref:

2 September 2024

**Mr Andre Halvorsen**

Email: [andreh@moutroyalestate.co.za](mailto:andreh@moutroyalestate.co.za) | [annhalvorsen8@gmail.com](mailto:annhalvorsen8@gmail.com)

**ATTENTION: Mr Andre Halvorsen**

Dear Sir,

**PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL ON ERF 674, MALMESBURY: SITE TRAFFIC ASSESSMENT**

**1. INTRODUCTION**

CK Rumboll & Partners appointed Sturgeon Consulting (Pty) Ltd on behalf of Mr Andre Halvorsen to prepare a Site Traffic Assessment (STA) as part of the proposed amendment of conditions in respect of an existing approval regarding the rezoning and departure on Erf 674, Malmesbury. The purpose of the STA is to assess the transport infrastructure in terms of accesses, transportation facilities and the on-site parking requirements related to the proposed development.

**2. LOCATION**

Erf 674 is located within the CBD of Malmesbury and borders Voortrekker Road (Main Road 174) to the west and Hugenote Street to the east. The locality of Erf 674 is indicated in **Figure 1**.



**Figure 1: Locality Plan**

### **3. PROPOSED APPLICATION**

The extent of the property is 1 428m<sup>2</sup> with two buildings and consists of a shop, creche and a flat. The site is currently zoned for Community Zone 1 (914m<sup>2</sup>) and Business Zone 1 (514m<sup>2</sup>). The creche was approved by the Swartland Municipality to accommodate a maximum of 24 children on 20 October 2021 and a certificate of acceptability for childcare facilities to increase the number of children to 59 was approved on 9 December 2021 by the West Coast District Municipality. The creche is currently operating with 57 children.

The proposed application is to obtain the necessary land use rights to accommodate 59 children in line of the West Coast District Municipality certificate and amend the approval to increase the creche capacity to 59 children - an increase of 35 learners.

The Site Development Plan of the proposed development is shown in **Figure 2** and **Annexure A** and the approval and certificate mentioned above from the municipality are contained in **Annexure B**.



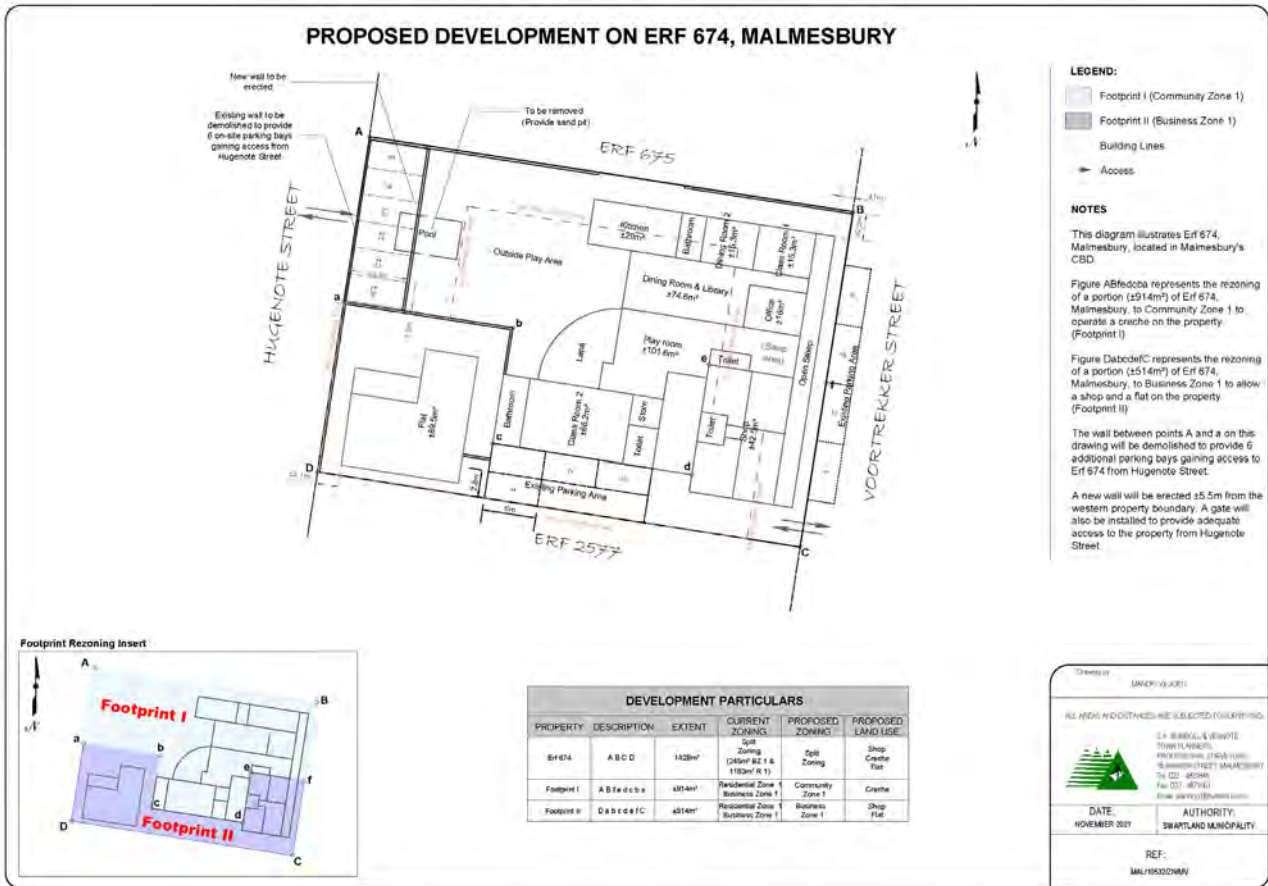


Figure 2: Site Development Plan (N.T.S)

#### 4. SURROUNDING ROAD NETWORK

##### 4.1. Existing Road Network

**Voortrekker Street (Main Road 174)** is a Class 2 Major Arterial, double carriageway with four-lanes divided by a median i.e two lanes per direction. The road is approximately 17m wide in the vicinity of the development. Streetlights are present along the median of Voortrekker Street and sidewalks are present on both sides. On-street parking is present on both sides. A posted speed limit of 60km/h is present in the vicinity of the site. Voortrekker Street is a north-south link between the N7 in the north and Bokomo Street in the south. Voortrekker Street (MR174) is a provincial main road; however, Swartland Municipality is the road authority.



**Figure 3: Voortrekker Street (MR174)**

**Hugenote Street** is a Class 4 collector Street with one lane per direction, approximately 7.0m wide. Ad hoc gravel sidewalks are evident. Streetlights are present on the eastern side of Hugenote Street.



**Figure 4: Hugenote Street**

## 4.2. Future Road Network

There are no known future road network changes foreseen in the vicinity of the proposed development.

## 5. CRECHE OPERATIONS

### 5.1. Creche Operation Times

The creche caters for babies (1 to 24 months) and toddlers (2 to 7 years). The creche currently caters for a maximum of 24 children and is proposed to increase the numbers by 35 children to 59 children in total.

Times of operation and school details:

- 07:00 to 18:00, Monday to Friday
- 90 min window drop-off in the morning 07:00 to 08:30 (95% are dropped off between 07:00 - 07:50)
- Pick-up 11:30 to 12:00 and 15:00 to 17:45
- 2 Classrooms
- 9 parking bays on-site
- 4 public parking bays available on-street on Voortrekker Street

### 5.2. Operations at Drop-off and Pick-up Times

The current operations at drop-off (morning) and pick-up (midday/afternoon) are as follows:

- Two members of staff are manned at the gate of the creche.
- Parents park on Hugenote Street in the on-site parking bays and are met by the staff members for children to enter/exit the school.
- Parents are encouraged not to loiter and to adhere to the 'drop-and-go' concept and to be prompt as to minimise the time parked.
- Parents are routinely reminded to only park in the dedicated on-site parking bays on Hugenote Street.

## 6. TRIP GENERATION

The additional vehicle trips that will be generated by the proposed development are based on peak hour trip generation rates as provided in the *THM17 South African Trip Data Manual, August 2020* published by the Committee of Transport Officials (COTO).

**Table 1** presents the estimated trips to be generated by the proposed development on Erf 674. The increase of 34 children has the potential to generate **34 vph trips** (17 inbound, 17 outbound) during the AM peak hour, **28 vph trips** (14 inbound, 14 outbound) during the PM peak hour and **10 vph trips** (5 inbound, 5 outbound) during the Midday peak hour.

**Table 1: Estimated New Trip Generation**

Land Use	Peak Hour	Units	Trip Rate	Directional Split		Trips		Total
				IN	OUT	IN	OUT	
Pre-School / Creche	AM	35	1.00	50	50	17	17	<b>34</b>
	PM		0.80	50	50	14	14	<b>28</b>
	Midday		0.30	50	50	5	5	<b>10</b>

The number of trips that will be generated by the proposed development is low (<50 peak hour trips) during all peak hours and will have an insignificant additional traffic impact on the surrounding road network. No further analysis will be undertaken, and no road upgrades are proposed.

## **7. ACCESS TO THE DEVELOPMENT**

### **7.1. Site Access**

Access to the creche for the drop-off and pick-up of children will be gained from Hugenote Street. No access to the creche will be taken from Voortrekker Street. No new access points are proposed.

## **8. PARKING REQUIREMENTS**

### **8.1. Minimum Parking Requirements**

Under the minimum parking requirements for the Swartland Municipality Municipal Land Use Planning By-Law, 2020, a total of 10 parking bays was required for the site. A departure from 1 parking bay was granted in October 2021 by the municipality therefore allowing 9 on-site parking bays. A financial contribution for the non-provision of the 1 parking bay was granted.

The proposal to expand the creche capacity to an additional 35 children will require an amendment to the current conditions of approval.

The minimum off-street requirement and the provision for the expansion of the creche is shown in **Table 2** below and the parking provision is described thereafter.

**Table 2: Minimum Off-Street Parking Requirements**

Land Use	Size	Units	By-Law Parking Bay Requirements	Parking Bays Required On-Site	Parking Provision
Flats	1	Unit	1.25 bay per unit plus 0.25 bay per unit for visitors	1.5 parking bays	2 parking bays
Single Shop	42.5	m <sup>2</sup> GLA	1 bay per 25m <sup>2</sup> GLA	1.7 parking bays	1 parking bay
Creche	59	Children	1 parking bay per classroom/office plus 1 parking bay per 6 students	13 parking bays	6 parking bays
<b>TOTAL</b>				<b>16 parking bays</b>	<b>9 parking bays</b>
<b>DEPARTURE</b>				<b>7 parking bays</b>	
<b>NETT TOTAL</b>				<b>9 parking bays</b>	

The Site Development Plan (**Figure 2**) shows a total of **9 parking bays** on-site. Therefore, a further departure of 7 parking bays is proposed instead of the total 16 required parking bays. A financial contribution to be determined by the Municipality in lieu of the non-provision of 7 parking bays is recommended.

## **8.2. On-Street Parking**

There are 4 public on-street parking bays on Voortrekker Street as indicated in the SDP (**Figure 2**).

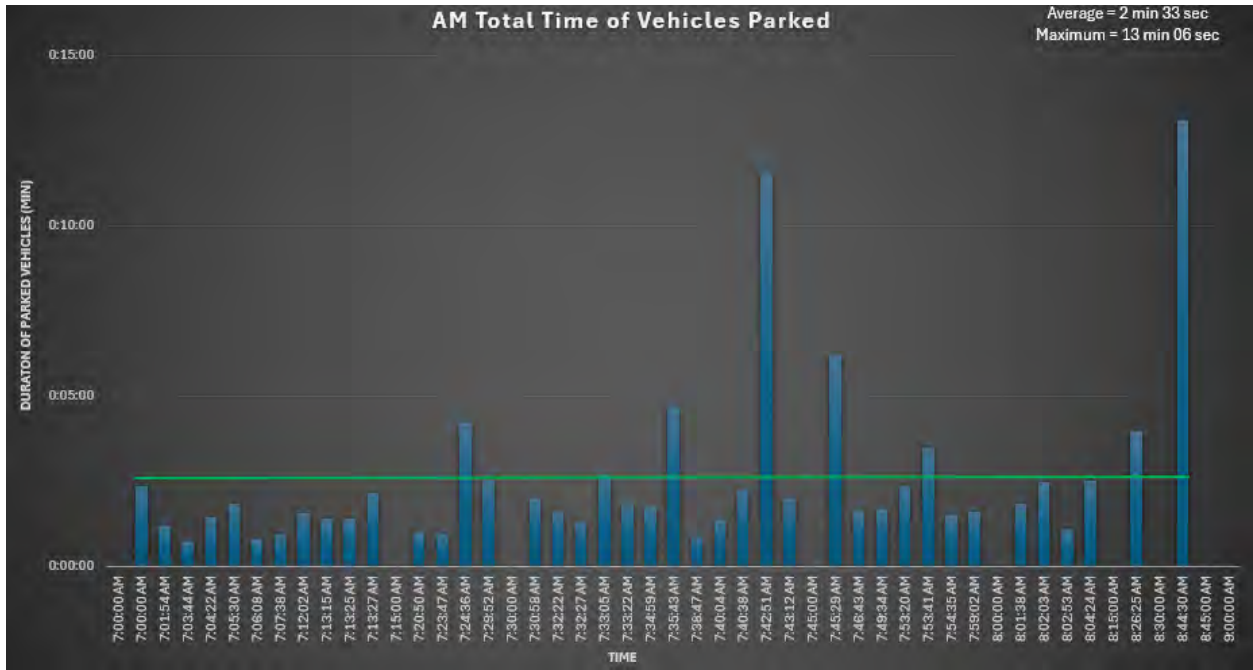
## **9. PARKING SURVEY**

A parking survey for vehicles parked in Hugenate Street on Erf 674 was conducted on Thursday 29 August 2024 between 07:00 and 09:00 (2 hours) on the critical morning drop-off. During the survey, all vehicles that were parked for Erf 674 using the dedicated 6 parking bays were recorded at arrival and departure.

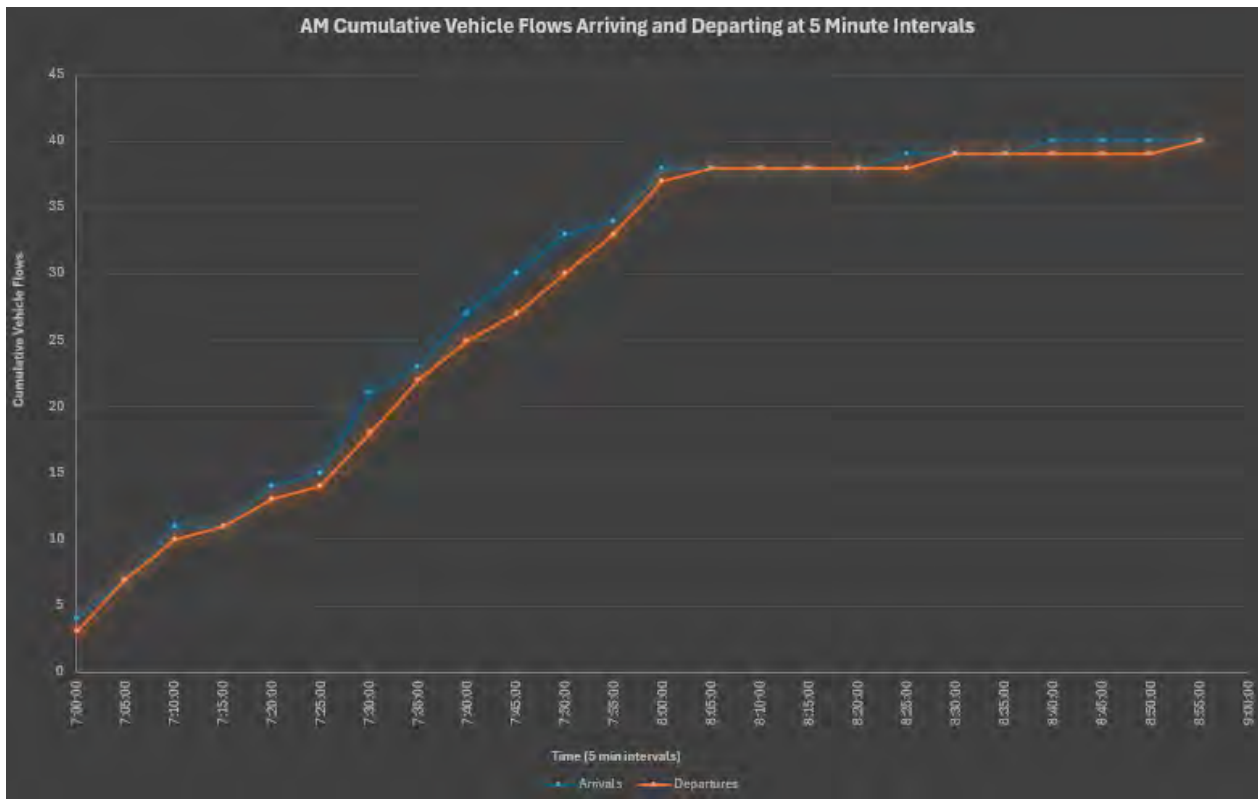
The following comments are made in relation to the parking data:

- Over the 2 hour drop-off in the morning period, a total of 40 vehicles were observed parked for various durations.
- During the **morning drop-off** window (07:00am – 09:00am), 40 vehicles arrived with an **average of 3 vehicles** during a 5 min interval.
- **Average duration** during the AM drop-off was **2 min 33 seconds**.
- The **maximum number of vehicles parked** during a 5 min interval was **7 veh** (even though more than 6 vehicles utilised the parking between 07:30 – 07:35, there was always at least one bay available).
- The **maximum time** a vehicle was parked was **13 min 06 seconds** during the morning.

**Figure 5** indicates the total duration of vehicles parked specifically showing the AM drop-off. **Figure 6** shows the total cumulative vehicle flows, arrivals and departures in 5-minute intervals during the AM drop-off.

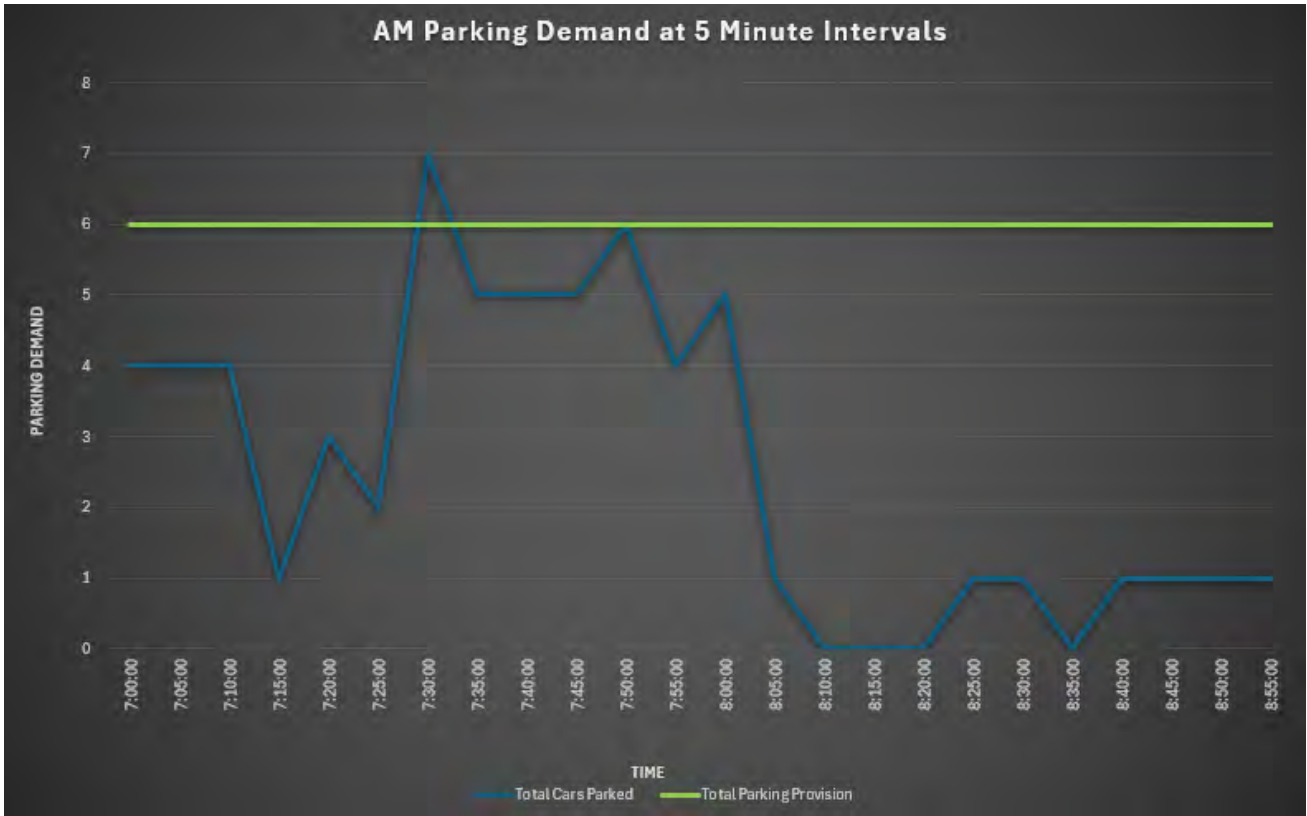


**Figure 5: Total Time of Vehicles Parked - AM Drop-Off**



**Figure 6: Total Cumulative Vehicle Flows - AM Drop-Off**

As mentioned above in **Section 8**, the existing parking supply that can be used for the school is 6 bays. **Figure 7** shows the parking demand for the school during the morning drop-off. The on-site parking shows that generally the demand does not exceed the current supply. Only one instance was there more than 6 parked vehicles between 07:00 - 07:35 and there was always at least one bay available. Therefore, there is adequate parking provided at the dedicated 6 parking bays on Hugonote Street for the school under the current conditions.



**Figure 7: School Parking Demand vs Supply - AM Drop-Off**

**10. PUBLIC TRANSPORT AND NON-MOTORISED TRANSPORT**

It is not anticipated that any additional public transport or non-motorised transport trips will be generated by the proposed development. No additional public transport or non-motorised transport facilities are proposed in the vicinity of the site.

## **11. CONCLUSIONS AND RECOMMENDATIONS**

Based on the evaluation in this report, the conclusions and recommendations are as follows:

- This letter demonstrates how the flow of traffic on Erf 674 in Malmesbury is managed to minimise the impact of the school traffic on users and residents of Hugenote Street.
- The creche is currently already operating with 57 children and this proposed application will obtain the necessary land use rights to accommodate 59 children in line of the West Coast District Municipality certificate.
- The existing shop and flat activities will continue on the property.
- The proposed expansion has the potential to generate an additional **34 trips** (17 inbound, 17 outbound) during the AM peak hour, **28 trips** (14 inbound, 14 outbound) during the PM peak hour and **10 trips** (5 inbound, 5 outbound) during the Midday peak hour.
- The number of new trips that will be generate by the expansion of the creche is low (<50 peak hour trips) and will have an insignificant traffic impact.
- Access to the creche for the drop-off and pick-up of children will be gained from Hugenote Street. No new access points are proposed.
- A total of 16 parking bays are required on-site. A departure of 7 parking bays is proposed as well as a financial contribution to be determined by the Municipality in lieu of the non-provision of 7 parking bays is recommended.
- The current demand is adequate for the supply under the current conditions.
- The SDP indicates that the proposed expansion will make use of the existing parking supply.
- No public transport or non-motorised transport facilities are proposed or required in the vicinity of the site.

From a traffic engineering perspective, the approval of the application for this development is supported and it is recommended that the proposed development be approved.

Please do not hesitate to contact us should you have any queries.

Yours faithfully,



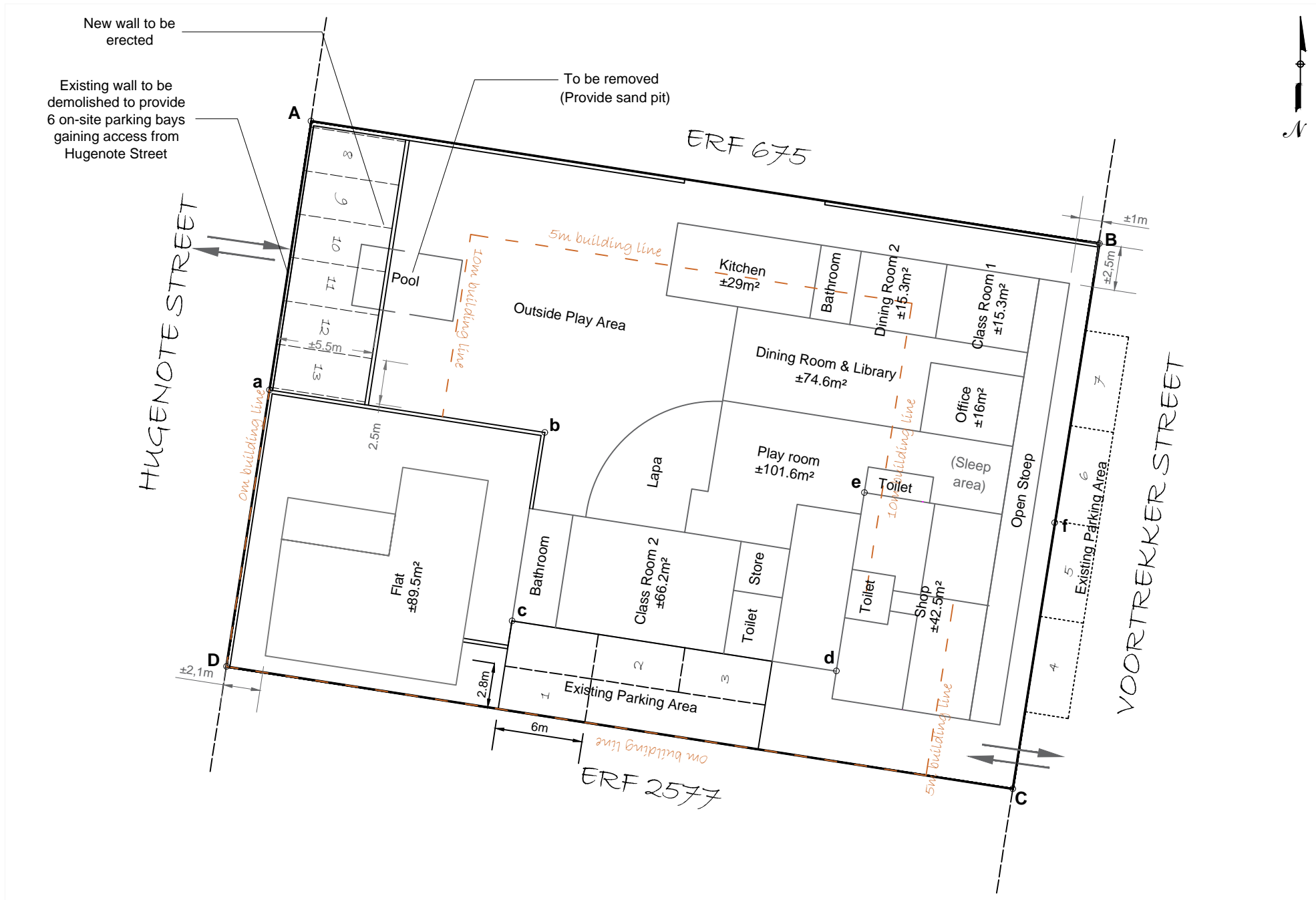
**Sarah Larratt Pr Tech Eng**  
For: STURGEON Consulting



## **ANNEXURE A: SITE DEVELOPMENT PLAN**

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# PROPOSED DEVELOPMENT ON ERF 674, MALMESBURY



- LEGEND:**
- Footprint I (Community Zone 1)
  - Footprint II (Business Zone 1)
  - Building Lines
  - Access

**NOTES**

This diagram illustrates Erf 674, Malmesbury, located in Malmesbury's CBD.

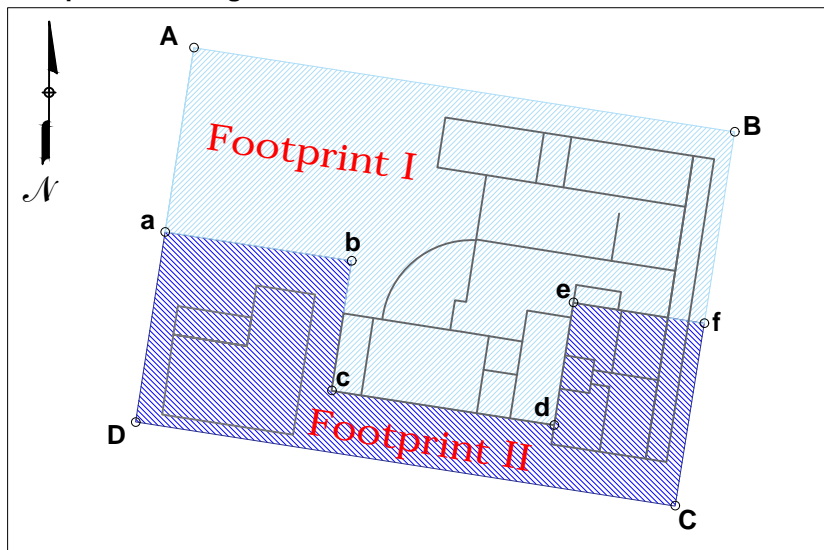
Figure ABfedcba represents the rezoning of a portion (±914m<sup>2</sup>) of Erf 674, Malmesbury, to Community Zone 1 to operate a creche on the property. (Footprint I)

Figure DabcdefC represents the rezoning of a portion (±514m<sup>2</sup>) of Erf 674, Malmesbury, to Business Zone 1 to allow a shop and a flat on the property. (Footprint II)

The wall between points A and a on this drawing will be demolished to provide 6 additional parking bays gaining access to Erf 674 from Hugenate Street.

A new wall will be erected ±5.5m from the western property boundary. A gate will also be installed to provide adequate access to the property from Hugenate Street.

Footprint Rezoning Insert



DEVELOPMENT PARTICULARS					
PROPERTY	DESCRIPTION	EXTENT	CURRENT ZONING	PROPOSED ZONING	PROPOSED LAND USE
Erf 674	A B C D	1428m <sup>2</sup>	Split Zoning (245m <sup>2</sup> BZ 1 & 1183m <sup>2</sup> R 1)	Split Zoning	Shop Creche Flat
Footprint I	A B f e d c b a	±914m <sup>2</sup>	Residential Zone 1 Business Zone 1	Community Zone 1	Creche
Footprint II	D a b c d e f C	±514m <sup>2</sup>	Residential Zone 1 Business Zone 1	Business Zone 1	Shop Flat

Drawing by: MANDRI VILJOEN

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C.K. RUMBOLL & VENNOTE  
TOWN PLANNERS  
PROFESSIONAL SURVEYORS  
16 RAINIER STREET, MALMESBURY  
Tel: 022 - 4821845  
Fax: 022 - 4871661  
Email: planning1@rumboll.co.za

DATE: NOVEMBER 2021  
AUTHORITY: SWARTLAND MUNICIPALITY

REF: MAL/10532/ZN/MV

## **ANNEXURE B: APPROVAL LETTERS**

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CLEAN AUDITS SINCE 2010/11



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

File ref: 15/3/3-8/Erf\_674  
15/3/4-8/Erf\_674

Enquiries:  
D N Stellenberg

20 October 2021

CK Rumboll & Partners  
PO Box 211  
MALMESBURY  
7299

Dear Sir/Madam

### **PROPOSED REZONING AND DEPARTURE ON ERF 674, MALMESBURY**

Your application with reference MAL/10532/ZN/MV dated 10 June 2021, refers.

- A.** The Municipal Planning Tribunal has resolved at a meeting held on 13 October 2021 to approve the application for rezoning and departure from the development parameters on Erf 674, Malmesbury, 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) Erf 674 be rezoned from Residential Zone 1 (1183 m<sup>2</sup> in extent) and Business Zone 1 (245 m<sup>2</sup> in extent) to Community Zone 1 (921 m<sup>2</sup> in extent) and Business Zone 1 (507 m<sup>2</sup> in extent) as presented in the application;
- (b) The crèche be restricted to 24 registered children at any time as presented in the application;
- (c) A minimum of 1,5 m<sup>2</sup> free, unlimited floor space per child and a minimum of 2 m<sup>2</sup> outside playing area per child be provided;
- (d) The operation of the crèche be restricted between 06h00 and 18h00;
- (e) The preparation of meals for the children are prohibited on the property;
- (f) The crèche complies with the requirements of the Provincial Department Social Services and be registered at the Department;
- (g) Application be made to the West Coast District Municipality for a compliance certificate for an early childhood development facility;
- (h) A building plan for the change in use of the buildings, be submitted to the Senior Manager: Built Environment for consideration and approval;
- (i) Application for the display of advertising signs be submitted to the Senior Manager: Built Environment for consideration for approval;
- (j) At least 9 on-site parking bays be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality to the satisfaction of the Director: Civil Engineering Services. The parking bays be clearly marked;
- (k) The crèche may not go in operation until such time as the 6 on-site parking bays with access from Hugenote Street has been created;

#### **A2 WATER**

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

#### **A3 SEWERAGE**

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

*Rig asseblief alle korrespondensie aan:*

**Die Munisipale Bestuurder  
Privaatsak X52  
Malmesbury 7299**

**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**

**Darling Tel: 022 492 2237**

**Yzerfontein Tel: 022 451 2366**

**A4 STREETS AND STORMWATER**

- (a) Access to the crèche be restricted to Hugenote Street for the drop-off and pick-up of children. No access to the crèche may be taken from Voortrekker Road;
- (b) Parking bays 8 to 13 including the side walk which gives access to the parking bays, be provided with a permanent dust free surface; as per A1(j);

**A5 ELECTRICITY**

- (a) If any municipal electricity services needs to be moved, for example the relocation of the electricity kiosk and street light in Hugenote Street, it will be for the cost of the owner/devloper;

A. The application for a departure of development parameters on erf 674, Malmesbury is approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:

- (a) Departure of 1 on-site parking bay by providing only 9 on-site parking bay instead of 10 on-site parking bays;
- (b) A financial contribution of R7 500 (12.5 m<sup>2</sup> & R600/m<sup>2</sup>) be made for the non-provision of 1 parking bay;
- (c) Departure of the 10 m street building line (Voortrekker Road) to 1 m and the 5 m side building line (northern boundary) to 2,5 m;

**B. 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 new land uses come into operation and failing to do so will result in the administrative action;
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;

D. The application be supported for the following reasons:

- (a) Erf 674 has limited physical restrictions which will not impact negatively on the application;
- (b) The proposed uses complements the existing mixed use character of the area situated inside the CBD of Malmesbury;
- (c) The application is in compliance with the SDF of Malmesbury;
- (d) The application complies with the principles of LUPA and SPLUMA;
- (e) Sufficient on-site parking is provided;
- (f) The existing noise created by traffic in Hugenote Street, it is foreseen that possible noise created by the crèche will have a low impact on the surrounding properties;
- (g) Existing services are deemed sufficient;
- (h) Erf 674 has no restrictive title deed conditions which will impact negatively on the proposed development;
- (i) The proposed uses will not result in alterations to the property which will impact on the heritage significance of the property;
- (j) Erf 674 provides sufficient indoor and outdoor space to accommodate the maximum of 24 children

In terms of Chapter VII, Section 89 of the Swartland Municipality By-law relating Municipal Land Use Planning (PG 8226 of 25 March 2020), you as well as the objectors have a right to appeal within 21 days of date of registration of this letter to the appeal authority of the Swartland Municipality against Council's decision.

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

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

Please note that if the applicant/objector does appeal, an appeal fee of R2400-00 is payable. The appeal must be accompanied by the proof of payment and only then will the appeal be regarded as valid.

Yours faithfully



**MUNICIPAL MANAGER**

Via Department Development Services

/ds

Copies: Director : Civil Engineering Services

Director : Electrical Services

Director : Financial Services

Building Control Officer

Andre Halvorsen Family Trust, Voortrekkerweg 131, Malmesbury, 7300

# WESKUS DISTRIKSMUNISIPALITEIT WEST COAST DISTRICT MUNICIPALITY



Rig alle korrespondensie aan:  
Address all correspondence to:

MUNISIPALE BESTUURDER/  
MUNICIPAL MANAGER

Navrae/Enquiries : J Looock  
Verw.Nr./Ref. No.: 12/3/1/4

Posbus / P O Box 242  
MOORREESBURG 7310

Telefoon/Phone (022) 4338400  
Faks/Fax Nr. (022) 4338484

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

## Munisipale Gesondheidsdienste / Municipal Health Services

### GESKIKTHEIDSERTIFIKAAT VIR KINDERVERSORGINGSFASILITEITE CERTIFICATE OF ACCEPTABILITY FOR CHILD CARE FACILITIES

(Hierdie sertifikaat is nie oordraagbaar van een persoon na 'n ander persoon of van een perseel na 'n ander perseel nie. / This certificate is not transferable from one person to another person or from one premises to another premises.)

SERTIFIKAATNO/CERTIFICATE NO: MAL 01/K/21/S

#### BESONDERHEDE VAN BESIGHEID / DETAIL OF BUSINESS

Handelsnaam / Tradename: **KLEINE PLATTELAND KLEUTERSKOOL**

Straat adres / Street address: **VOORTREKKERWEG 133, MALMESBURY, 7300**

Erfnommer / Plot number: **674**

*Maksimum aantal kinders gebaseer op vloerspasie en toilet fasiliteite / Maximum number of children based on floor space and toilet facilities*

Babas(1 tot 24 maande) / Babies(1 to 24 months)

15

Kleuters(2 tot 7 jaar) / Toddlers(2 to 7 years)

44

#### EIENAAR OF PERSOON IN BEHEER / OWNER OR PERSON IN CHARGE

Naam / Name

**ANN HALVORSEN**

I D Nommer / I D Number

**950901 0041 086**

#### SERTIFISERING / CERTIFICATION

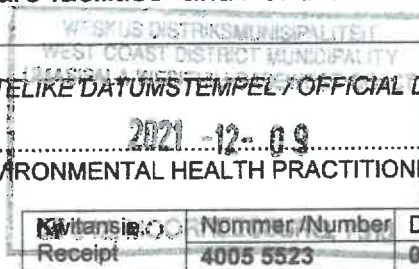
Hiermee word gesertifiseer dat bogenoemde perseel voldoen aan die bepalings van Hoofstuk 5 van die Munisipale Gesondheidsverordeninge soos gepubliseer in Buitengewone Provinsiale Koerant nommer 6543 van Dinsdag 09 September 2008 ten opsigte van die bedryf van die besigheid van kinderversorgingsfasiliteit.

It is hereby certified that the above-mentioned premises comply with the provisions of Chapter 5 of the Municipal Health By-Laws published in Extraordinary Provincial Gazette number 6543 of Tuesday 09 September 2008 with regards to the practising of the business of child care facility.

Goedkeuring ingevolge hierdie Verordening sal nie enige persoon of persele vrywaar van die vereistes van enige ander wetgewing wat betrekking het op kinderversorgingsfasiliteite en/of die grondgebruik van die betrokke persele nie.

Approval in terms of this By- Law will not exempt any person or premises from the requirements of any other legislation relating to child care facilities and / or the land use of the premises concerned.

AMPTELIKE DATUMSTEMPEL / OFFICIAL DATE STAMP



2021-12-09

...../..... **JIMMY LOOCK** .....

NAAM VAN OMGEWINGSGESONDHEIDSPRAKTISYN / NAME OF ENVIRONMENTAL HEALTH PRACTITIONER

Munisipale Receipt	Nommer/Number 4005 5523	Datum /Date 02/12/2021
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.....  
HANDTEKENING / SIGNATURE

# WEST COAST DISTRICT MUNICIPALITY



Posbus / P O Box 242  
MOORREESBURG 7310

Telefoon/Phone (022) 4338400  
Faks/Fax Nr. (022) 4338464

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

g alle korrespondensie aan:  
Address all correspondence to:

MUNISIPALE BESTUURDER/  
MUNICIPAL MANAGER

Enquiries : J Loock  
Ref. No.: 15/2/3/3/9

## Munisipale Gesondheidsdienste / Municipal Health Services

### GESKIKTHEIDCERTIFIKAAT VIR 'N VOEDSELPERSEEL / CERTIFICATE OF ACCEPTABILITY FOR A FOOD PREMISES

(Hierdie sertifikaat is nie oordraagbaar van een persoon na 'n ander persoon of van een voedselperseel na 'n ander voedselperseel nie. / This certificate is not transferable from one person to another person or from one food premises to another food premises.)

SERTIFIKAATNO/CERTIFICATE NO:  
VOEDSELPERSEEL/FOOD PREMISES

MAL 71N/21/S

Handelsnaam/Tradename.....KLEINE PLATTELAND KLEUTERSKOOL.....

Adres: (Ligging of handelsgebied of voertuigregistrasienu.) / Address (Location or trading area or vehicle registration no.)

.....VOORTREKKERWEG 133, MALMESBURY, 7300.....

Erfnommer/Erf number/Plaasnaam/Name of Farm: .....674.....

Adres waar voedsel hanteer word / Address where food is handled .....VOORTREKKERWEG 133, MALMESBURY, 7300

#### PERSON IN BEHEER / PERSON IN CHARGE

Naam / Name	ANN HALVORSEN
ID Nommer / ID Number	950901 0041 086

#### SERTIFISERING(EN BEPERKING) / CERTIFICATION (AND RESTRICTION)

Hiermee word gesertifiseer dat bogenoemde voedselperseel voldoen aan die bepalings van Regulasies 5 en 6 van Goewermentskennisgewingnommer R638 van 22 Junie 2018 ten opsigte van die hantering van voedsel op die wyse gespesifiseer.

It is hereby certified that the above-mentioned food premises comply with the provisions of Regulations 5 and 6 made by Government Notice No R 638 of 22 June 2018 in respect of the handling of food in the manner specified.

Beperkings, voorwaardes of stipulasies kragtens regulasie 3(1)(b) / Restrictions, conditions or stipulation in terms of regulation 3(1)(b)

Waar van toepassing moet magtiging vir die bedryf van die besigheid ook van Plaaslike Munisipaliteite en of ander owerhede verkry word." / "Where applicable, authorisation must also be obtained from Local Municipalities or other authorities."

#### AMPTELIKE DATUMSTEMPEL / OFFICIAL DATE STAMP

JIMMY LOOCK.....  
NAAM VAN OMGEWINGSGESONDHEIDSPRAKTISYN / NAME OF ENVIRONMENTAL HEALTH PRACTITIONER

HANDTEKENING/SIGNATURE .....

Kwitansie. Receipt	Nommer / Number 4005 5523	Datum / Date 02/12/2021
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ENDOSSEMENTE/VRSTELLINGS kragtens Regulasie 14 ENDORSEMENT/EXEMPTIONS in terms of Regulation 14	DATUM/ DATE	HANDTEKENING VAN PRAKTISYN/ SIGNATURE OF PRACTITIONER