



Lêer verw/ 15/3/10-15/Farm_1247
Navrae/Enquiries:

Ms D N Stallenberg

28 November 2024

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE ON FARM NO 1247, DIVISION MALMESBURY

Your application with reference MAL/9051/ZN dated 26 October 2024 has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 20 November 2024 to refuse application for the consent uses on Farm no. 1247, Division Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), due to the following reasons:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The addition of the charging station to the tourist facility will create a mixed use development node. Such a node is not supported by the SDF;
- (b) The SDF clearly states that the Swartland region identity is defined by its landscapes, natural environment and agriculture (the foothills of the Kasteelberg, in its current state, is specifically identified by the SDF as scenic and heritage assets that should be protected). All three the characteristics will be negatively impacted on by the proposed development;
- (c) The R46 is identified by the SDF as an agri-tourism corridor and differs vastly in character from that of the N7. The corridor depends on the landscape and agricultural activities as defining characteristics and tourism attractions. No transport/economic nodes are proposed along the R46, as no high-order intersections exist and the character of such economic nodes would be contrary to the character of the agri-tourism corridor;
- (d) The distance between Riebeek Kasteel and other towns is short enough to restrict development to the towns/urban areas, as far as possible and to preserve agricultural, scenic and tourism assets, as promoted by the SDF;
- (e) The proposed solar array and charging station represent the loss of high potential agricultural land. Not all agricultural land is protected, but in this instance the land potential is high and should be preserved for agricultural use;
- (f) The development is not place-bound, due to scarce resources or the unique characteristics of the site;
- (g) The proposal will not be providing a service to a previously underserved or remote community;
- (h) The bucolic landscape is the one of the most important driving factors for the existing tourist facility and the promotion of tourism is supported by the SDF. The charging station and solar array are foreseen to impact negatively on the landscape, in turn impacting negatively on the tourist facility and per implication on tourism to the area. The negative impact is contrary to the SDF;

- (i) The location of the charging station and solar plant is not logistically optimal, within 7km from Riebeek Kasteel – there is no reason why the development cannot be more effectively accommodated in close proximity to existing services and urban development – and thus not considered necessary, nor orderly planning;
- (j) The impact of the solar array on the landscape is considered severe and negative, as the materials being used are industrial in nature and the panels will be below the road level, rendering the view from above even more visible;
- (k) The financial gain generated by the development is expected to benefit only a few parties and not necessarily the wider community;

B. GENERAL

The applicant/objector be informed of the right to appeal against the decision of the Municipality, in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
/ds

Copies : L J Lesch Trust, Posbus 211, Malmesbury, 7299