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waar mense hul drome kan uitleef!

Lêer verw/ 15/3/3-8/Erf\_327  
File ref: 15/3/6-8/Erf\_327

Navrae/Enquiries:  
Ms D N Stallenberg

29 September 2023

C K Rumboll & Partners  
P O Box 211  
MALMESBURY  
7299

By Registered Mail

Sir/Madam

### PROPOSED REZONING AND SUBDIVISION OF ERF 327, MALMESBURY

Your application reference MAL/12111/NJdK dated 3 February 2023, on behalf of Swartland Municipality has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 20 September 2023 to approve the application for the rezoning of Erf 327, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), from Split Zoning (Transport Zone 1 and Authority Zone) to Subdivisional Area;
- B. The application for the subdivision of Erf 327, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), has been approved;
- C. The recommendations under A. and B. above are subject to the conditions that:

#### C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 327 (770,1666ha in extent) be rezoned from Split Zoning (Transport Zone 1 and Authority Zone) to Subdivisional Area in order to accommodate the following zoning categories, as presented in the application on Plan MAL/12111/NJdK A101, dated 15/09/2021:
- (i) 1 x Split Zoning erf (766,1666ham<sup>2</sup> in extent); and
  - (ii) 1 x Community Zone 1 erf (4,0ha in extent);
- (b) Erf 327 be subdivided as follows and as presented in the application on Plan MAL/12111/NJdK A101, dated 15/09/2021:
- (i) Portion A of 4,0ha in extent;
  - (ii) The Remainder of 766,1666 in extent;
- (c) The Community Zone 1 zoning of Portion A authorises the development of a Place of Education (private secondary school), as presented in the application;
- (d) The required on-site parking bays be provided consistent with the requirements of Community Zone 1 and as presented in the application;
- (e) A detailed Site Development Plan, be submitted to the Senior Manager: Development Management, for consideration and approval;
- (f) A detailed Landscape Plan be submitted to the Senior Manager: Development Management, for consideration and approval;
- (g) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

Rig asseblief alle korrespondensie aan:

Die Munisipale Bestuurder  
Privaatsak X52  
Malmesbury 7299

Darling Tel: 022 492 2237

Tel: 022 487 9400

Faks/Fax: 022 487 9440

Epos/Email: swartlandmun@swartland.org.za

Moorreesburg Tel: 022 433 2246

Kindly address all correspondence to:

The Municipal Manager  
Private Bag X52  
Malmesbury 7299

Yzerfontein Tel: 022 451 2366

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

**C2 WATER**

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

**C3 SEWERAGE**

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

**C4 ROADS AND STORMWATER**

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

**C5 ELECTRICITY**

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

**D. GENERAL**

- (a) Cognisance be taken of the Environmental Authorisation from the Department of Environmental Affairs and Development Planning, with reference number 16/3/3/1/F5/16/2062/21, dated 15 July 2022;
- (b) The land use approval will not cause exemption from complying with any other legal procedures, applications and/or approvals related to the intended land use;
- (c) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- (d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal. All conditions of approval be implemented before the new land uses come into operation/or the occupancy certificate be issued and failing to comply will cause the approval to lapse;
- (e) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za), within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5 000-00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

**E. The application be supported for the following reasons:**

- (a) The proposed development is consistent with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;

- (b) There are no physical restrictions on the property that will have a negative impact on this application. In fact, the physical characteristics render the property uniquely suited to accommodate the proposed Place of Education and facilities;
- (c) The proposed Place of Education is consistent with the character and zoning of the properties in the surrounding area;
- (d) The proposed activity will have a positive economic impact as it will generate income for the land owner, Municipality (through rates and taxes) and tourism as a whole, through the spending of visitors to the area;
- (e) The proposal will generate a number of employment opportunities;
- (f) The Place of Education will increase access to education opportunities and alleviate the pressure of over-enrolment at High School Swartland;
- (g) The Bloekombos is not of environmental significance, as the plant life is not of conservation value, but also because only a small portion of the land is proposed for development;
- (h) An Environmental Authorisation was issued to support the development;
- (i) The development of the larger Erf 372 over time is inevitable and the prospect has been illustrated in the SDF for a number of iterations already;
- (j) The development proposal does not trigger an EIA and will have no detrimental impact on the environment;
- (k) The development proposal is considered desirable within its context, i.e. spatially, culturally, environmentally and economically.

Yours faithfully



**MUNICIPAL MANAGER**

^ via Department Development Services

/ds

*Copies : Surveyor General, Private Bag X9028, Cape Town, 8000*

*Building Control Officer*

*Department : Infrastructure and Civil Engineering Services*

*Department : Financial Services*

*Department : Electrical Engineering Services*