



File ref: 15/3/10-15/Farm_554/39

Enquiries:
Mr HL Olivier

30 June 2025

Planscape Town and Regional Planners
P.O. Box 557
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Per registered post

Dear Sir/Madam

PROPOSED CONSENT USE ON PORTION 39 OF THE FARM JACOBUSKRAAL NO. 554, DIVISION MALMESBURY

Your application, with reference 379~39-554-SWM, dated November 2024, on behalf of Weskus Kwekery CC, regarding the subject refers.

- A. By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for consent use (private school) on portion 39 of farm Jacobuskraal no. 554, is hereby refused in terms of Section 70 of the By-Law, for the following reasons:

1. REASONS FOR REFUSAL

- (a) The development proposal is deemed inconsistent with the provincial settlement policy objectives as contained in the PSDF, 2014.**

The PSDF rightfully looks at planning in a regional context, however it provides guidance on and suggest that municipalities should prioritize more compact urban form through investment as well as decision-making. It is highlighted that the lack of integration, compaction and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the environment and the economy.

The Provincial settlement policy objectives according to the PSDF are to:

- (a) Protect and enhance the sense of place and settlement patterns
- (b) Improve accessibility at all scales
- (c) Promote an appropriate land use mix and density in settlements
- (d) Ensure effective and equitable social services and facilities
- (e) Support inclusive and sustainable housing.

The PSDF further states that scenic landscapes, historic settlements and the sense of place which underpins their quality are being eroded by inappropriate developments that detracts from the unique identity of towns. These are caused by inappropriate development, a lack of adequate information and proactive management systems.

To secure a more sustainable future for the Province, the PSDF proposes that settlement planning and infrastructure investment should aim to achieve:

- (a) Higher densities.
- (b) A shift from a suburban to an urban development model.
- (c) More compact settlement footprints to minimise environmental impacts, reduce the costs, time impacts of travel, and enhance provincial and municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities and services.
- (d) Address apartheid spatial legacies by targeting investment in areas of high population concentration and socio-economic exclusion.

Locating the private school outside the urban area in these circumstances is deemed inappropriate from a spatial planning perspective and therefore in conflict with the PSDF.

(b) The proposal is in direct conflict with the objectives of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.

It is acknowledged in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 that community facilities and institutions in rural areas (those community facilities serving rural communities), should be located within existing settlements, except when travel distances are too far or rural population concentrations justify the location of community facilities in rural areas. It is also explicitly stated that private educational and institutional facilities are regarded as business and not community facilities and clearly states that it should be located within urban areas to reinforce their economic base. It is further emphasized that non-place-bound businesses (businesses not ancillary to agriculture or serving rural needs), should be located within urban areas and should only be considered in the rural area when exceptional cases and locational factors warrant such a land use. In this case the applicant has not provided sufficient evidence supporting and motivating exceptional or site specific circumstances to justify the location of the proposed private school in the location outside of the urban area.

There are suitable sites situated within Yzerfontein already zoned for educational purposes. The inclusion of agriculture in the curriculum, at the scale and nature as proposed, does not warrant the rural setting. The curriculum can effectively be accommodated within the classroom with the exception of a nursery and seed box technology or simple grow boxes, which do not require large areas, warranting a rural setting.

The applicant does not provide sufficient evidence of their consultation with or meaningful engagements with the Departments of Infrastructure or Education of their attempts to acquire any one of the existing sites situated in the town of Yzerfontein, only focusing on informal community consultations and the assumption that approval will be delayed due to possible objections.

(c) The proposal contradicts the objectives of the West Coast District Spatial Development Framework.

The WCDM SDF promotes the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required in terms of SPLUMA and recommended in the PSDF, 2014), to improve quality of life and access to amenities and opportunities to all residents in the WCDM.

(d) The proposal is in contradiction with the Swartland MSDF, 2025 with no site-specific circumstances justifying the departure thereof.

The Swartland MSDF, 2025 in principle does not make provision for a school of this nature being situated outside the urban edge of a town. On the contrary, it is rather emphasized that social infrastructure such as schools should be located within walking distance of residents in order to promote compact, integrated and sustainable settlements.

The proposed school is situated a significant distance outside the urban edge of Yzerfontein, clearly in contradiction with the spatial planning principles and land use proposals which are focused on intensifying land use within urban boundaries, rather than urban sprawl.

Locating a school of this nature outside the urban edge also undermines the principle of spatial efficiency, encouraging scattered development and increasing reliance on private transport.

Approving the school in this location will have a negative impact on future decision making of non-agriculture and non-tourism related use along the R315, leading to fragmented land use patterns. The proposal and the cumulative impact thereof do not aid in the protection of the rural landscape or agricultural land.

It is recognized that the site is previously disturbed, however, approving a school in this location will result in a significant increase in traffic and noise, negatively impacting the character of the area as well as being insensitive to the conservation and biodiversity objectives of the surrounding area.

In principle, the use of vacant or underutilized land situated within urban areas is encouraged. Currently there are two properties within Yzerfontein being Erf 269, ($\pm 8472\text{m}^2$ in extent) and erf 862 ($\pm 30558\text{m}^2$) that are already zoned Community Zone 1 and where it would only be required of the Municipality to approve the Site Development Plan and consequent building plans. Developing these existing properties would result in better integration with the existing community and infrastructure contributing to sound planning and sustainable development.

Section 22(1) of SPLUMA determines that the municipality may not approve an application which is inconsistent with the Municipal Spatial Development Framework.

(e) The proposal does not support the matters referred to in Section 42 of SPLUMA as well as the principles as contained in chapter VI of LUPA.

SPLUMA aims to redress spatial imbalances. Locating a school far from town may reinforce exclusion rather than promote integration. This does not support the principle of spatial justice.

Approving the school in this location may result in a fragmentation of land use patterns. The proposal and the cumulative impact thereof do not aid in the protection of the rural landscape or agricultural land. This, together with the increase in dependency of private vehicles, contradict sustainability goals and therefore the proposal does not contribute to spatial sustainability.

As mentioned above, locating a private school outside the urban edge undermines the principle of spatial efficiency, encouraging scattered development and increasing reliance on private transport. This is also supported by the fact that there are currently two properties reserved for educational purposes in town which, if used, will result in the effective and efficient use of vacant land within the urban edge.

Development should be focused on adaptability to future risks including climate change. The proposed school, in its rural location, may be vulnerable to service disruptions as well as transport challenges and therefore does not support the principle of spatial resilience.

(f) The location of the school outside of the urban area is not in the interest of the public.

The need for a school is recognized and although the school serves a niche community, its rural location limits accessibility for the broader public. It therefore does not serve the interest of the wider public, especially since better-located alternatives exist.

(g) The proposal is deemed not desirable.

The existing access as well as its proximity to the West Coast Road intersection is deemed insufficient. Apart from the proposal that access needs to be moved to a safer distance from the R27 intersection, once it is upgraded, the applicant does not propose any upgrade or mitigation to the significant increase in traffic that will be generated by the proposed school. Together with the existing use of the property which includes shops, restaurant, distillery, tasting facility, nursery and agricultural use, the location of the property so close to the intersection, with no alternative access, is deemed undesirable. The recommendation of the TIA is based on a 50% split in trip-generation which in the case of a private school is inaccurate.

The proximity of the facility to the existing intersection is therefore deemed a physical restriction which has a negative impact on the sustainability of the school and the safety of its learners.

The proposed application is inconsistent and in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.

The proposal, if approved, will have a negative impact on the character of the area as well as future decision making in the area, leading to fragmented land use patterns.

The proposal to use a conservancy tank / suction tank accessible to the municipal service truck to be installed on-site is deemed un-sustainable. In similar applications it was confirmed that at least 25l of wastewater will be generated per learner/day. This amounts to 'n minimum of 4000l per day for the proposed 160 learners resulting in at least 2-3 trips of the service truck, per week, for the school alone. Additionally, the above calculation excludes the existing use of the property which includes shops, restaurant, distillery, tasting facility, nursery as well as agricultural use. The location is therefore deemed inefficient in terms of infrastructure provision and transport.

B. GENERAL

1. The fact that the construction of the school has commenced without the necessary approval and despite cease and desist notices from the municipality, the application cannot be supported.
2. You are hereby informed of the right to appeal against the decision of the authorised official in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R 5 000-00 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 sincerely


^ **MUNICIPAL MANAGER**
per Department Development Services
HLO/ds

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