



Kantoor van die Munisipale Bestuurder
4 September 2025

Die Lede van die Munisipale Beplanningstribunaal, te wete –

Interne lede:

Munisipale Bestuurder, mnr J J Scholtz (voorsitter)
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger

Tegniese Adviseur:

Snr Bestuurder: Ontwikkelingsbestuur, mnr A M Zaayman

Eksterne lede:

Me C Havenga

Kennis geskied hiermee ingevolge paragraaf 85 van die Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning dat 'n vergadering van die Munisipale Beplanningstribunaal gehou sal word in die **KOMITEEKAMER: KORPORATIEWE DIENSTE** op **WOENSDAG, 10 SEPTEMBER 2025** om **14:00**.

SAKELYS / AGENDA

1. **OPENING / OPENING**
2. **VERLOF TOT AFWESIGHEID / APOLOGIES**
3. **VERKLARING VAN BELANGE / DECLARATION OF INTERESTS**
4. **NOTULE / MINUTES**
 - 4.1 **NOTULE VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAALVERGADERING GEHOU OP 13 AUGUSTUS 2025 / MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD 13 AUGUST 2025** bl 1-4
5. **SAKE VOORTSPRUITEND UIT NOTULE VAN 'N VERGADERING VAN DIE MUNISIPALE BEPLANNINGSTRIBUNAAL GEHOU OP 13 AUGUSTUS 2025 / MATTERS ARISING FROM THE MINUTES OF A MUNICIPAL PLANNING TRIBUNAL HELD ON 13 AUGUST 2025**

Geen/None
6. **SAKE VIR OORWEGING / NUWE SAKE / MATTERS FOR CONSIDERATION / NEW MATTERS**
 - 6.1 **VOORGESTELDE HERSONERING, PERMANENTE AFWYKING EN TYDELIKE AFWYKING OP ERF 1877, MALMESBURY / PROPOSED REZONING, PERMANENT DEPARTURE AND TEMPORARY DEPARTURE ON ERF 1877, MALMESBURY (15/3/3-8, 15/3/4-8)**..... bl 5-60
 - 6.2 **VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 1949, YZERFONTEIN / PROPOSED CONSENT USE ON ERF 1949, YZERFONTEIN (15/3/10-14)** bl 61-105

(get) J J SCHOLTZ
VOORSITTER



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY,
13 AUGUST 2025 AT 16:00**

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)
Director: Corporate Services, Ms M S Terblanche
Director: Development Services, Ms J S Krieger

External members:

Ms C Havenga

Other officials:

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

1. OPENING

The chairperson opened the meeting and welcomed members with a special word of welcome to the Director: Development Services at her first meeting serving as internal member on the Municipal Planning Tribunal.

2. APOLOGY

No apologies were received.

3. DECLARATION OF INTEREST

No declarations were made.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 11 JUNE 2025

RESOLUTION

(proposed by Ms C Havenga, seconded by Mr J J Scholtz)

That the minutes of a Municipal Planning Tribunal Meeting held on 11 June 2025 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

**6.1 PROPOSED SUBDIVISION AND DEPARTURE ON ERF 1801, RIEBEEK WEST (15/3/4-12;
15/3/6-12) (WARD 3)**

Ms A de Jager, on behalf of the author, Mr A J Burger, gave the background to the proposed land use received for the subdivision of and departure on Erf 1801, Riebeeck West.

The property will/...

6.1/...

The property will be cadastrally subdivided to accommodate a dwelling unit on each separate erf. Ms de Jager explained that the proposed subdivision and development proposal complies with the spatial planning principles of densification, optimal use of existing infrastructure and compliance with the minimum erf size of 500 m².

RESOLUTION

A. The application for the subdivision of Erf 1801, Riebeek West, 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 following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 1801 (1003m² in extent), be subdivided into a remainder (501,5m² in extent) and portion A (501,5m² in extent) as presented in the application;
- (b) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with;

A2 WATER

- (a) Each subdivided portion be provided with a separate connection and meter. The condition is applicable at building plan stage;

A3 SEWERAGE

- (a) Each subdivided portion be provided with a separate connection. The condition is applicable at subdivision stage;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for the development charge of R4 591,95 per newly created erf towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (b) The owner/developer is responsible for the development charge of R6 177,80 per newly created erf towards the wastewater treatment works, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/240-183-9210);
- (c) The owner/developer is responsible for the development charge of R13 476,85 per newly created erf towards roads and storm water, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (d) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and can be revised thereafter.

B. The application for the departure of development parameters on the remainder Erf 1801, be approved in terms of Section 70 of the By-law, as follows:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) Departure on the remainder of the 1,5 m side building line (northern boundary) to 0 m;
- (b) Departure on portion A of the 1,5 building line (southern boundary) to 0 m.

C. GENERAL

- (a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from 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;
- (c) All conditions of approval be implemented before the new land uses come into operation and failing to do so the approval will 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;

6.1/C...

(d) The applicant/objectors 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, 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 R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

D. That the application be supported for the following reasons:

- (a) The proposed subdivision supports LUPA and SPLUMA and adhered to minimum erf sizes requirement;
- (b) The proposed development effectively caters for future residential needs in new housing opportunities;
- (c) The optimal use of services leads to more affordable infrastructure provision;
- (d) The proposed subdivision will limit urban sprawl within the Riebeeck West area;
- (e) The development is consistent with the Swartland SDF by promoting residential integration;
- (f) The development also supports the SDF by promoting densification within the existing urban area;
- (g) The zoning of the property will remain unchanged;
- (h) The proposal will not have an adverse impact on the character of the area;
- (i) There are no physical restrictions on the property that will negatively affect the proposed use;
- (j) The development also promotes compactness within existing urban areas;
- (k) The departure of the building lines have no impact on the surrounding owners.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Departement: Ontwikkelingsbestuur

1 September 2025

15/3/3-8/Erf_1877
15/3/4-8/Erf_1877

WYK: 10

ITEM 6.1 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 10 SEPTEMBER 2025

LAND USE PLANNING REPORT					
PROPOSED REZONING, PERMANENT DEPARTURE & TEMPORARY DEPARTURE ON ERF 1877, MALMESBURY					
Reference number	15/3/3-8/Erf_1877 15/3/4-8/Erf_1877	Application submission date	26 June 2025	Date report finalised	1 September 2025

PART A: APPLICATION DESCRIPTION

Swartland Municipality received an application for rezoning of erf 1877, Malmesbury in terms of section 25(2)(a) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). It is proposed that erf 1877 (1251m² in extent) be rezoned from Residential Zone 1 to Community Zone 1 to authorize the existing place of education currently operated on the property.

The proposal also included an application for the departure of development parameters on erf 1877, Malmesbury, in terms of section 25(2)(b) of Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020) to:

- Depart from the 10m street building line (Skool Street) to 5.25m
- Depart from the 5m, side building line (Northern boundary) to 3.51m
- Depart from the required 10 on-site parking bays to 7 parking bays

Application is also made for temporary departure on erf 1877, Malmesbury, in terms of section 25(2)(b) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). The proposal includes that a portion of the buildings temporarily be used for residential purposes.

The applicant is CK Rumboll and Partners and the owner of the property is Nicolaas Johannes & Eldri Warnich.

PART B: PROPERTY DETAILS

Property description (In accordance with Title Deed)	Erf 1877, Malmesbury, in the Swartland Municipality, Division Malmesbury, Province of the Western Cape				
Physical address	39 Skool Street, Malmesbury. Please refer to the location plan attached as Annexure A	Town	Malmesbury		
Current zoning	Residential Zone 1	Extent (m ² /ha)	1251m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)				
Current land use	Place of Education & Dwelling	Title Deed number & date	T47795/2023		
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	
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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 plan	
Determination of zoning		Closure of public place		Consent use		Occasional use	
Disestablish an owner's association		Rectify failure by an owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use			

PART D: BACKGROUND

The applicant seeks to formalise the existing use of erf 1877 as a place of education through the rezoning from Residential Zone 1 to Community Zone 1. Portion of the existing building is currently leased to a tenant as a dwelling house, however the tenant does not relate or form part of the place of education. Temporary departure is therefore applied for to accommodate this arrangement up until the lease agreement lapse at the end of 2026.

The new zoning requires more restrictive building lines, therefore application is made for departure to accommodate the existing structures within the parameters of Community Zone 1 as well as not providing the required on-site parking.

The property currently accommodates the Holistic Learning Centre. It is a private educational facility that offers support to learners who face challenges in adapting to conventional schooling environments. These children, according to the applicant, may present a variety of learning difficulties, including conditions such as attention deficit hyperactivity disorder (ADHD) or being on the Autism Spectrum and often struggle to maintain focus in overstimulation.

Key features include:

1. Learner-centred approach, ensuring that each student receives individualised attention and is engaged through tailored activities that promote optimal learning outcomes.
2. Small class sizes to reduce sensory overload (16 learners total) with plans to expand to 35 learners.
3. Frequent breaks during which learners are encouraged to engage in physical and sensory-stimulating activities
4. The educational programme follows recognised curricula, adapted to suit the learners' developmental and cognitive needs. Two distinct learning streams are implemented:
 - (a) IMPAQ Curriculum (CAPS-aligned)
 - (b) Neurome Programme

Operating hours:

The applicant confirms that the operating hours are from 07:45 to 12:25. In addition to the limited operating hours the applicant states that the different groups also have different starting and closing times, to ensure minimum disruption to traffic flow in the area and avoiding congestion.

No food preparation, each learner brings their own preferred meals;

Parents dropping off and picking up at access gate situated on Skool Street;

Erf 1877 is zoned Residential Zone 1 in terms of the Swartland Municipal Land Use Planning By-law (PG 8226 of 25 March 2020). It is proposed to be used for a small scale place of education in the form of a learning centre within the existing dwelling house on the property.

A place of education is defined within the applicable development management scheme as, "...a crèche, pre-primary school, school, college, technical institute, university, research institution, convent, public library, public art gallery, museum or other centre of education, and includes an associated hostel, but excludes a building or land unit which is predominantly used as a certified correctional institution or industrial school or as an institution".

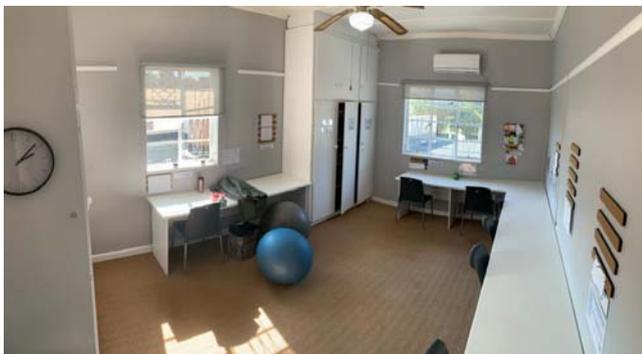
The current zoning does not permit the place of education as a primary right and therefore the application was submitted to the municipality for consideration.



Classroom 1



Classroom 2



Classroom 3



Entertainment / Playroom



Streetview Corner of Skool and Mark Street



Streetview Skool Street



Streetview Skool Street

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)			
Has pre-application consultation been undertaken?	Y	N	If yes, provide a summary of the outcomes below.
PART F: SUMMARY OF APPLICANTS MOTIVATION			
<i>(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)</i>			
<p>The applicant motivates that through this application the owner seeks to rezone the property to formalise the establishment of the existing place of education. The existing zoning, Residential zone 1 does not make provision for the use of the property as a place of education and therefore a rezoning is necessary. Although a portion of the property is still used as a dwelling house it is the intention of the owner to convert the entire building into a place of education.</p> <p>The existing structures comply with the parameters of the Residential zone 1 zoning, however application is made to accommodate the existing structures by departing from the parameters of the Community Zone 1 zoning as it is more restrictive. Other than the change in use of the rooms, no additions or alterations are currently proposed in this application. The departure ensures that the existing building remains as is without costly or impractical alterations / demolition that does not offer any substantial planning or spatial benefit.</p> <p>The use of the existing building also promotes the efficient use of existing infrastructure and aligns with the principles of Spatial Justice and sustainability. The departure of the required building lines is in this case considered reasonable and necessary. Please refer to the site development plan as well as departure plan attached as Annexure B & C respectively.</p> <p>The applicant motivates that the proposal supports the overarching planning objectives of accommodating community serving land uses in appropriately located and previously developed urban areas.</p> <p>In terms of on-site parking the applicant motivates that the facility is proposed to accommodate a maximum of 5 classrooms with a total of 30 learners. This equates to a total of 10 parking bays that need to be provided as required in terms of the community zone 1 zoning. Currently the property can easily accommodate up to 7 parking bays which the applicant motivates will be adequate to serve the operation needs of the school.</p> <p>The applicant wishes to highlight that the Holistic Learning Centre operates two distinct learner groups, each having its own structures daily timetable operating in staggered schedules. Arrivals, breaks and departures are therefore distributed through the day which significantly reduces the likelihood of any congestion</p> <p>In terms of the temporary departure the applicant motivates that, the use of a portion of the buildings on the subject property as a dwelling unit, will not have any negative impact on the surrounding area and will support the orderly and managed implementation of the intended land use.</p> <p>The applicant motivates that the proposed educational facility is not a conventional school. However, the educational facility aligns well with the objective of Community Zone 1.</p> <p>The property already has access to municipal services and no additional services are required to accommodate the proposed use.</p> <p>The applicant motivates further that the proposal is consistent with the land use proposal as contained in the Swartland Municipal Spatial Development Framework as well as supports the principles of land use planning as contained in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.</p> <p>The applicant concludes that the proposal is deemed reasonable and desirable.</p>			
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	
<p>The application was published in local newspapers and the Provincial Gazette on the 4th of July 2025, in terms of Section 55 of the By-law. The commenting period, for or against the application, closed on 4th of August 2025.</p> <p>In addition to the publication, a total of 30 written notices were sent via registered mail to the owners of affected properties, in term of Section 56(1) & (2) of the By-Law (refer to Annexure C). Only one (1) notice was returned un-claimed.</p>			

Total valid comments	5			Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures	N/A			
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	The Ward Councillor for Ward 10 Ald Tijmen van Essen supports the proposal for the rezoning as well as departures.
Total letters of support	1						

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

Name	Date received	Summary of comments	Recommendation	
Development Services: Building Control	20 June 2025	Building plans to be submitted to Building Control for consideration and approval	Positive	Negative
Electrical Engineering Services	12 June 2025	No comments	Positive	Negative
Protection Services	23 June 2025	No comments	Positive	Negative
Department: Civil Engineering Services	21 August 2025	<p>Water The existing water connection be used and that the property not be provided with any additional connections;</p> <p>Sewerage The existing sewer connection be used and that the property not be provided with any additional connections;</p> <p>Streets and storm water The number of learners be limited to 30. The division into two groups of which the start and end times of the school day of each group are different. The application indicates that there will be a total of 30 learners divided into 2 groups of which the class times are different, namely 07:45 – 12:00 and 08:00 – 11:55. The application for the deviation of the required parking is supported on this basis. A fixed development charge of R 27 876.79 for roads to be made to Swartland Municipality.</p>	Positive	Negative

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS Please refer to Annexure H	MUNICIPAL ASSESSMENT OF COMMENTS
Herman en Elffriede Wolfaardt as owners of affected property, Erf 2406, Malmesbury	Mr and Mrs Wolfaardt confirms that they have no objection against the proposed rezoning and departure of erf 1877.	The letter of support was not sent to the applicant for comment.	Noted
JP Nel as owner of neighbouring affected property erf 244, Malmesbury	<p>Mrs Nel state that she wishes to object to the proposed rezoning and departure and refers to the following reasons:</p> <ol style="list-style-type: none"> 1. Firstly, Mrs Nel questions what community zone is being planned. The notice received refers to Community Zone 2, however it refers to a place of education and not a place of worship. 2. Secondly, she refers to assumptions that needs to be made, seeing that the number of children is not specified in the notice. Currently the children can already be heard with the proposal to accommodate more children the increase in noise is unacceptable. 	<ol style="list-style-type: none"> 1. The applicant confirms that application is made for rezoning to Community Zone 1 in terms of the Swartland Municipality Development Management Scheme. This zoning category is specifically intended to accommodate educational facilities, and in this instance, the use is strictly limited to a Place of Education. 2. The applicant states that it is clearly outlined throughout the Land Use Application submitted to the Swartland Municipality (and made available for public inspection during office hours), the existing, though currently unauthorised, Place of Education on Erf 1887, Malmesbury presently accommodates 16 learners. The application seeks authorisation to formally establish and lawfully operate a Place of Education, with provision made to accommodate a maximum of 35 learners in the future. <p>The applicant emphasise that the proposed learner numbers are capped at 35 learners and that the limitation is intentional to ensure that each learner receives the necessary individual attention and support, while simultaneously</p>	<ol style="list-style-type: none"> 1. It is noted that there was a typing error on the notice. Clarity could have been provided if the objector contacted one of the town planners as directed in the notice. The error is such that it was not deemed necessary to do a new public participation process. 2. The information was and still is available on file. Information provided on the notice complies with the applicable provisions of the By-Law. <p>The location of the proposed learning centre is deemed appropriate as fully discussed in the Planning Evaluation Section of this Report.</p>

	<p>3. These levels of noise will discourage potential buyers therefore negatively impacting on the value of their property.</p>	<p>mitigating the potential impacts such as excessive noise.</p> <p>Unlike conventional schools that typically operate with large class sizes, this facility is designed to operate with small classes, thereby reducing noise levels associated with larger learner populations.</p> <p>In addition, the applicant refers to the motivation report where it is stated that the two learner groups (Impaq and Neurome) follow different timetables and break schedules. Resulting in outdoor activity being staggered and not concentrated at a single point in time. The applicant motivates that this operational model further assists in limiting potential noise disturbances to neighbours.</p> <p>3. The applicant motivates that, with respect to the concern regarding property value, there is no substantiated evidence that the lawful operation of a small-scale, highly managed educational facility such as this has a detrimental impact on surrounding property values. On the contrary, the formalisation of the land use will ensure that the activity is properly regulated, managed, and monitored by the Municipality, thereby providing surrounding property owners with certainty and recourse should any contravention occur.</p> <p>For the reasons outlined above, it is our professional opinion that the potential noise impacts associated with this application will remain limited, manageable, and within an acceptable range, especially when compared to larger conventional schools or other community uses permissible under Community Zone 1.</p>	<p>3. Due to the scale and nature of the facility it will not have a negative impact on the sense of place as well as be a disturbance to the neighbouring property owners. It is clear from the proposal, that this is not a normal school / crèche.</p> <p>Secondary education facilities as well as places of education are supported in residential areas.</p>
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	<p>4. The objector states that she has no reason to believe that the number of learners will remain within permission limits, given that there are already learners for whom no application was made or permission was sought. “The best predictor of future behaviour is past behaviour”. The objector therefore questions to what extent the permission limits will be enforced.</p>	<p>In addition to the above, with respect to the concern about property values, the applicant emphasize that the Spatial Planning and Land Use Management Act (SPLUMA) makes it clear under Section 59(1)(f) that a competent authority may not be impeded in exercising its discretion solely on the basis that the value of land or property may be affected by an application. Property value considerations, while often raised in objections, are not in themselves a valid planning ground for refusal. Accordingly, the municipal planning tribunal cannot base its decision on unsubstantiated concerns of reduced property values, particularly where the application fully complies with the prescribed zoning and development parameters.</p> <p>With reference to the concern raised regarding past activities, it should be noted that the educational activities previously conducted on the property were initiated under the owner’s understanding that consent was not required. Once it was</p> <p>4. The applicant motivates that the learner cap is intentional and necessary to preserve the small-scale, supportive nature of the institution, ensuring that each learner receives the required individualised attention and development support. By restricting the number of learners, the facility avoids the typical challenges associated with overcrowded schools, while simultaneously addressing potential concerns regarding noise, traffic, and over-utilisation of the site.</p> <p>With reference to the concern raised regarding past activities, it should be noted that the educational activities previously conducted on</p>	<p>4. The municipality can only consider what is presented to it now. Should the development proposal change in the future, a new application would need to be submitted for consideration and such application will be subject to its own public participation process.</p>
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	<p>5. The objector state that no traffic impact assessment was included in the documentation that they received. Therefore, her comments are based on the observations as resident of 35 Skool Street for the past 11 years.</p> <p>Skool street is already a busy street due to traffic to and from the high school. The objector adds that the section between Dirkie Uys and Mark Street is particularly a bottleneck, specifically between 07:30 and 08:00 in the morning.</p> <p>Dropping off and picking up learners, additional vehicles, etc. will put further pressure on that section, and spread out to adjacent sections and streets (Higher up in School Street, i.e. in front of her property, including Imhoff, Reservoir, Mark, Hill, Dirkie Uys, and beyond)</p>	<p>the property were initiated under the owner’s understanding that consent was not required.</p> <p>Once it was brought to her attention that formal municipal consent was necessary, she acted immediately and responsibly to rectify the situation by lodging the current application. In this regard, the words of Maya Angelou resonate: “When we know better, we do better.” This reflects the applicant’s good faith in ensuring that all operations on The Property are lawful, transparent, and compliant moving forward.</p> <p>Furthermore, any conditions of approval imposed by the Municipality—such as the learner cap—will be monitored and enforceable, thereby providing neighbouring property owners with recourse should any contravention occur. This ensures that the Place of Education operates strictly within its approved parameters and in a manner that balances both community needs and the rights of surrounding landowners.</p> <p>5. The applicant states that, it is acknowledged that Skool Street experiences periods of high traffic volumes, particularly during peak morning hours associated with the nearby Swartland Highschool. The concern regarding potential additional pressure on the road network is understood. The applicant motivates that, the proposed Place of Education has been designed to minimise traffic-related impacts through its scale of operation and management practices.</p> <p>The applicant emphasize that the proposed Place of Education will remain a low-intensity use, limited to a maximum of 35 learners, with only a portion of these learners being dropped off or collected by vehicle at any given time. In addition, on-site provision has been made for</p>	<p>5. Due to the small scale and nature of the proposed place of education, a traffic impact assessment where not deemed necessary as the impact of the proposal on the traffic or public road infrastructure is deemed insignificant.</p>
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	<p>6. In terms of the character of the neighbourhood, the objector states that it is a residential area with dwellings. Businesses that are found in the neighbourhood still has a residential appearance.</p> <p>Skool Street is not like Duthie- or Hugenote Streets where there is a mixture of business and residential. The nature of the proposed business as well as future expansion is clearly visible from public sources: https://impaq.co.za/homeschooling/</p> <p>https://www.facebook.com/100076114927226/posts/neurodiversiteit-is-n-aspek-wat-baie-mense-in-ons-alledaagse-lewe-afekteer-hier/346449481235547/</p> <p>The objector submits that according to the above-mentioned sources as well as the plans for Erf 1877, the site will no longer be considered residential, given the nature of the business, number of classrooms, parking spaces, associated activities and impact on traffic. In summary, she therefore objects to the proposed rezoning and departure from development parameters on Erf 1877.</p>	<p>drop-off and short-term parking, which further reduces the risk of traffic spillover into adjacent streets.</p> <p>Considering the above mitigation measures, together with the small scale of the facility compared to Swartland Highschool being the much larger traffic generator in the area, the anticipated additional traffic impact from the proposed Place of Education will be negligible and manageable within the existing road network.</p> <p>6. It is important to clarify that the proposed Place of Education will not alter the external residential character of the property. No additional exterior alterations or structural expansions are planned for the existing dwelling on Erf 1877, and the building will therefore continue to present itself outwardly as a residential house, in line with the prevailing character of the surrounding neighbourhood.</p> <p>The online sources referenced by the objector are noted. However, it must be emphasised that these sources serve primarily to illustrate the educational approach of the service provider (Impaq) and the specific focus on supporting learners with unique needs. They do not reflect or dictate the physical form, scale, or external appearance of the facility proposed for Erf 1877. The “Limited Spaces” reference, as highlighted in the advertisement, further confirms the small-scale nature of the institution, reinforcing that the facility will remain capped at 35 learners to ensure each child receives the appropriate level of attention and support.</p> <p>With respect to Impaq, it should be stressed that it is not a traditional “business” in the sense of operating from a commercial premises. Instead, it is a recognised online curriculum</p>	<p>6. The proposal will not have a negative impact on the sense of place can rather be seen as supportive of the existing mixed use character of the area.</p>
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		<p>provider that supports parents, tutors, and small learning environments. The reference to Impaq in this application underscores the educational orientation of the proposal and does not imply that the property will transition into a commercial hub.</p> <p>Taking into consideration the above, along with the assurances that the property will retain its residential outward appearance, it is the considered opinion of this office that the proposed Place of Education is compatible with the surrounding residential character and will not give rise to undue impacts. The application therefore remains consistent with the intent of the Swartland Municipality's land use management framework and is recommended for approval.</p>	
<p>Wilhelm and Dinie van Niekerk as owners of neighbouring affected property, Erf 249, Malmesbury</p>	<p>Mr and Mrs van Niekerk states that they wish to object to the proposed application.</p> <p>7. They are of opinion that the value of their property will certainly be negatively impacted should the school continue to operate.</p>	<p>7. The applicant states that it is a common perception that educational facilities within residential areas automatically result in a decline in neighbouring property values. However, research and practical experience show that small-scale educational facilities—particularly those limited in learner numbers and operating within a residentially compatible built form—do not significantly detract from property values. On the contrary, such facilities can contribute positively to the neighbourhood by offering a much-needed service to the community, particularly to families with children requiring specialised support. Importantly, the proposed Place of Education on Erf 1877 is limited to a maximum of 35 learners, ensuring that the scale of operation remains modest and compatible with the surrounding residential environment.</p> <p>In addition to the above, with respect to the concern about property values, it must be</p>	<p>7. The value of neighbouring properties will not be negatively impacted by the proposal.</p>

	<p>8. As it currently is, the objectors state that there is a permanent disturbance with the current few children who receive education there and cannot understand how the current house can be operated as a place of education without the necessary permission.</p> <p>9. The objectors question the impact of the facility if all the classrooms are full of kids.</p>	<p>emphasized that the Spatial Planning and Land Use Management Act (SPLUMA) makes it clear under Section 59(1)(f) that a competent authority may not be impeded in exercising its discretion solely on the basis that the value of land or property may be affected by an application. Property value considerations, while often raised in objections, are not in themselves a valid planning ground for refusal. Accordingly, the City of Cape Town cannot base its decision on unsubstantiated concerns of reduced property values, particularly where the application fully complies with the prescribed zoning and development parameters.</p> <p>8. The concern regarding the current use of the property without prior land use consent is understood. As acknowledged in earlier responses, the owner became aware that formal approval was required only after establishing the educational activities. Once this was brought to her attention, she immediately initiated the current rezoning application to ensure that operations are regularised and lawful going forward. This demonstrates the owner's good faith and willingness to comply with municipal processes rather than a disregard for regulatory requirements. The current application specifically seeks to formalise the use within clearly defined parameters—capping learner numbers, setting operational hours, and ensuring compliance with all conditions imposed by Swartland Municipality.</p> <p>9. The concern about multiple classrooms equating to an unmanageable number of learners is unfounded. As consistently stated, the property will accommodate no more than 35 learners in total, regardless of the number of classrooms available. The classrooms are intended to allow smaller group sizes, catering</p>	<p>8. Swartland Municipality have to date not received any complaints of disturbance against the facility. As noted by the applicant, as soon as Swartland Municipality became aware of the illegal land use the owner was notified and acted immediately in submitting the necessary application.</p> <p>9. It is noted that the proposal differs from a normal school. It is however noted that the applicant refers to 30 learners in the application as well as 35 learners in the comments. Swartland Municipality may impose conditions restricting the number of</p>
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	<p>10. They therefore strongly reject the proposal.</p>	<p>to learners with different learning needs, rather than increasing overall learner numbers. This approach ensures a quieter, more structured environment and is in fact likely to mitigate potential disturbance rather than exacerbate it.</p> <p>10. While the objection strongly rejects the proposal, it should be noted that the purpose of the land use application process is to balance individual concerns with broader municipal planning objectives and the needs of the community. The proposed Place of Education is small in scale, limited in learner numbers, and designed to operate within normal weekday hours only. The outward appearance of the property will remain residential, with no major alterations proposed. Given these considerations, the proposal represents a use that is compatible with the surrounding neighbourhood, while simultaneously providing a valuable educational service to the broader community of Malmesbury.</p> <p>Considering the above, this office is of the professional opinion that the proposed land use application remains reasonable, appropriately mitigated, and should be supported by Swartland Municipality.</p>	<p>classrooms as well as learners and is then responsible to enforce the conditions.</p> <p>10. Noted</p>
<p>Stefanus Sebastianus Walters on behalf of the SS Walters Trust owners of erf 243, Malmesbury</p>	<p>Mr Walters objects to the proposed application for rezoning and departure for the following reasons:</p> <p>11. Currently, he can hear the noise from the children even with the school / educations centre being small. The objector is of opinion that the noise levels are going to increase, which is unacceptable.</p> <p>12. The objector states that he bought his property 20years ago in a quiet and residential area.</p>	<p>11. Noted</p> <p>12. Please refer to the response provided under point 2 above with reference to noise and property value.</p>	<p>11. The proposal will not result in noise levels that is detrimental to the character of the area or which is deemed a nuisance.</p> <p>12. The proposal will not have a negative impact on the sense of place can rather be seen as supportive of the existing mixed use character of the area.</p>

	<p>13. Potential buyers will be discouraged by the noise levels negatively impacting on the property value.</p> <p>14. Skool street is already a busy street due to traffic to and from the high school. The objector adds that the section between Dirkie Uys and Mark Street is particularly a bottleneck, specifically between 07:30 and 08:00 in the morning.</p>	<p>13. Please refer to the response provided under point 4 above with reference to traffic.</p> <p>14. Considering the above, this office is of professional opinion that the proposed land use application remains reasonable, appropriately mitigated, and should be supported by Swartland Municipality.</p>	<p>13. The scale and nature of the proposal will not result in significant noise disturbance. Places of education are also normally accommodated within residential areas.</p> <p>14. The proposal will not have a significant impact on the traffic in the area.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

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

The application in terms of the By-law was submitted on 26th of June 2025. The public participation process commenced on the 2nd of July 2025 and ended on the 4th of August 2025. Objections were received and referred to the applicant for comment on 6th of August 2025 and this municipality received the comments on the objection from the applicant on the 25th of August 2025.

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

2. Legislation and policy frameworks

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

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

Spatial Justice: The proposed development is deemed consistent with the Swartland MSDF, 2025 as well as the goals of the district and provincial spatial policies as will be further discussed below. The consideration of the application also realises the owner of the property's right to apply in terms of the relevant legislation.

Spatial Sustainability: The proposed development will result in a more spatially compact and resource-efficient settlement and will optimise the use of existing infrastructure. Seeing that the existing services will be used and that no upgrades to existing services / infrastructure is required to accommodate the school The proposal will also not have a negative impact on critical biodiversity areas or high potential agricultural land and will in the long term contribute to the economy of Malmesbury through the improvement of the property as well as through job creation.

Efficiency: The development proposal will promote the optimal utilisation of services and enhance the tax base of the Municipality. The subject property is near the demarcated CBD for Malmesbury as well as the Swartland Highschool. Therefore, the proposed use is deemed an appropriate as it might also strengthen the current mixed-use character of the area. The application complies with the principle of efficiency.

Good Administration: The application and public participation are administrated by Swartland Municipality and public and departmental comments were obtained. The decision making is guided by several considerations as required by the relevant By-law and Municipal Spatial Development Framework;

Spatial Resilience:

Should the place of education for any reason not be sustainable in the long term, the building can easily be converted back into a dwelling house. The use of the property as a small scale place of education is justified in the long term and is therefore deemed spatial resilient.

The development proposal clearly adheres to the spatial planning principles and is consistent with the abovementioned legislative measures.

Provincial Spatial Development Framework (PSDF, 2014)

According to the PSDF (2014), the average densities of cities and towns in the Western Cape is low by international standards, despite policies to support mixed-use and integration. There is clear evidence that urban sprawl and low densities contribute to unproductive and inefficient settlements as well as increase the costs of municipal and Provincial service delivery.

The PSDF suggest that by prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

It is further mentioned in the PSDF that the lack of integration, compaction and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the

environment, and the economy. Therefore, the PSDF provides principles to guide municipalities towards more efficient and sustainable spatial growth patterns.

One of the policies proposed by the PSDF is the **promotion of compact, mixed-use, and integrated settlements**. This according to the PSDF can be achieved by doing the following:

1. Target existing economic nodes (e.g., CBDs (Central Business District), township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares, and markets, etc.) as levers for the regeneration and revitalisation of settlements.
2. Promote **functional integration and mixed-use as a key component of achieving improved levels of settlement liveability** and counter apartheid spatial patterns and decentralization through densification and infill development.
3. Locate and package integrated land development packages, infrastructure, and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.
4. Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining, and tourism remain important economic underpinnings of rural settlements.
5. Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
6. Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient, and sustainable forms of urban development.
7. Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
8. Municipal SDFs (Spatial Development Framework) to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities, and appropriate development typologies.

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

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

1. Protect and enhance the sense of place and settlement patterns
2. Improve accessibility at all scales
3. Promote an appropriate land use mix and density in settlements
4. Ensure effective and equitable social services and facilities
5. Support inclusive and sustainable housing

And to secure a more sustainable future for the Province the PSDF propose that settlement planning and infrastructure investment achieves:

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

The development proposal is therefore deemed consistent with the PSDF.

West Coast District SDF (WCDSDF, 2020)

The WCDSDF, 2020 states that the functional classification for Malmesbury is a regional centre and according to the growth potential study, only Malmesbury and Vredenburg has been classified as towns with an extremely high growth potential index.

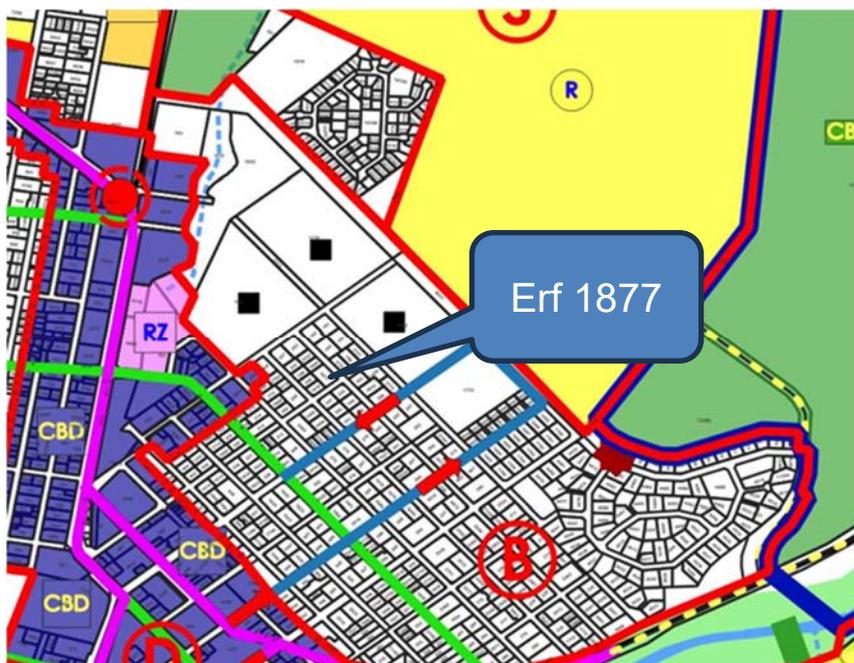
The built environment policy of the WCDSDF, states that local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification, and basic service provision. Priority should also be given to settlement development in towns with the highest economic growth potential and socio-economic need.

The WCDSDF rightfully looks at spatial development on a district level. However, 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.

It is thus clear that the proposed development is not in conflict with the principles as set out in the WCDSDF, 2020.

Municipal Spatial Development Framework (SDF), 2025

Erf 1877, Malmesbury is in Land Use Proposal Zone B as contained in the MSDF, 2025. Please refer to the extract below:

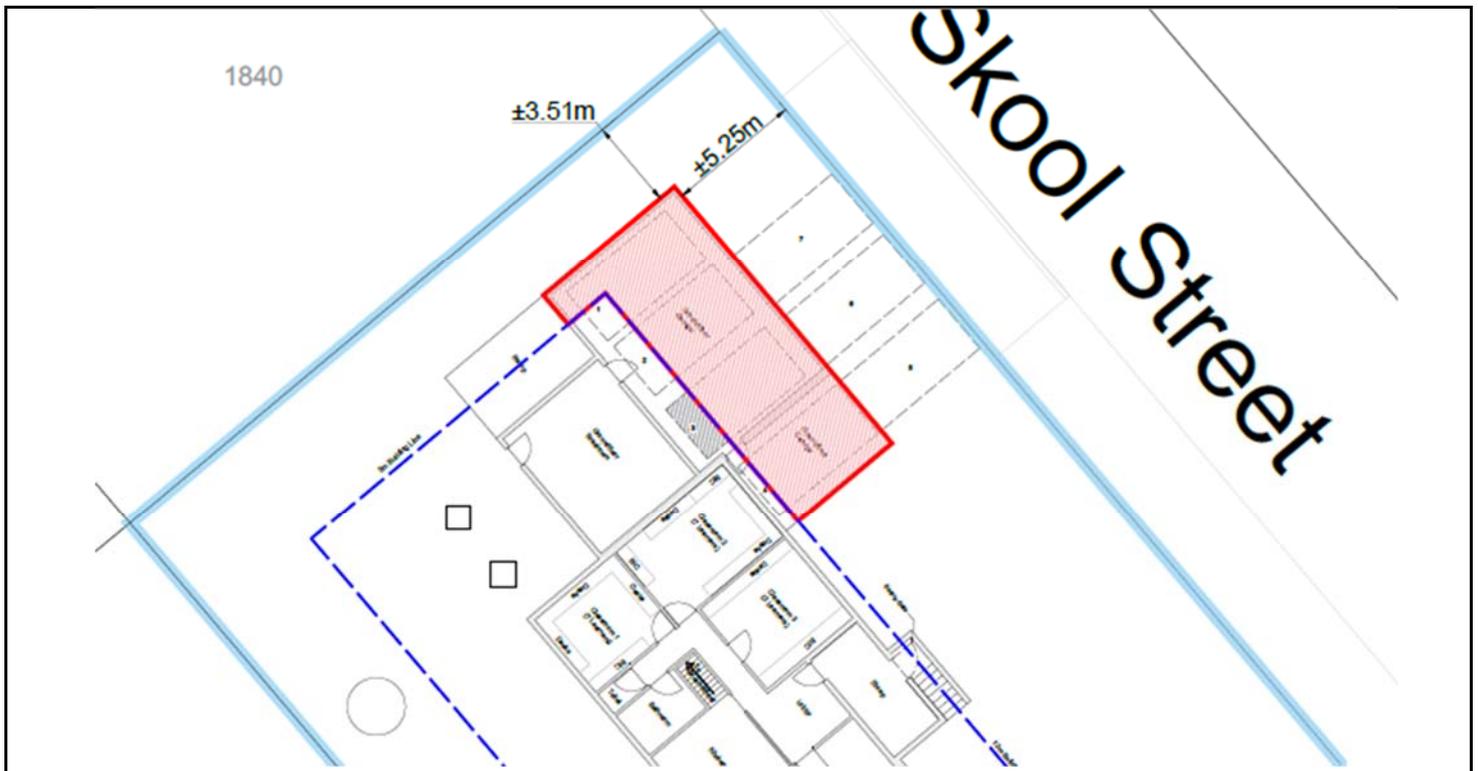


MALMESBURY LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	Secondary Educational Uses	Place of Education	Professional Uses	Business Uses	Secondary Business Uses	Place of Worship	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
A	Zone A has a mixed land use character consisting of low and medium density residential development, with potential for high density and mixed-use development along the activity corridor. Consists of government uses as well as supporting functions like crèches, schools, hostels and a hospital. Infill opportunity. Densification allowed for in the transition areas next to the commercial and industrial areas and along the activity streets.	X	X	X 1	X	X	X	X 3	X 3	X	X	X	X	X	X 8
B	Zone B is a residential area with mixed density residential development and various supporting social infrastructure and business uses near the CBD.	X	X	X 1	X	X	X	X 3	X 3	X	X	X	X	X	X 11

Zone B is a residential area with mixed density residential development and various supporting social infrastructure and business uses near the CBD. A place of education is a land use that is supported in this area and the proposal is therefore consistent with the MSDF, 2025.

2.4 Zoning Scheme Provisions

Application is made for the departure of the 10m street building line restriction in terms of the existing garages which is currently situated only 5.25m from the street boundary as well as the 5m side building line restriction up to 3.51m. Please refer to the Departure plan attached as Annexure C as well as the extract below.



Application is also made for the departure of the required on-site parking by only providing 7 parking bays in-lieu of the required 10 parking bays. The number of parking bays are calculated as follows:

1 bay per classroom / office plus 1 bay per 6 students

Currently the school is operated with 16 learners accommodated in 3 classrooms. This amounts to at least 5 on-site parking bays that needs to be provided. The plan of the school is to accommodate at least 30 learners in 5 classrooms which amounts to a total of 10 parking bays. Due to the scale and nature of the proposal the staff can easily be accommodated on-site with the two extra bays used for the drop-off of the learners. With a maximum of 30 learners, it is not foreseen that the proposal will have a substantial impact on the traffic in the area.

With also less than 50 vehicles / trips being generated within the peak hour it was also not deemed necessary for a traffic impact assessment. If deemed necessary traffic calming measures, for example a speed bump could be installed to address possible safety concerns

The impact of the proposed learning centre will be minimal on neighbouring properties.

3. Desirability of the proposed utilisation

There are no physical restrictions on the property that will have a negative impact on this application.

The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels as discussed above.

The proposed application will not have a negative impact on the character of the area.

The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental / heritage assets.

The proposal is spatially resilient, as it propose to accommodate a use compatible with the residential area as well as near the identified CBD of Malmesbury.

The character of the surrounding area is that of mixed density residential with supporting social infrastructure (high school)

The proposed place of education will have a positive socio as well as economic impact, as it generates income for both the landowner, municipality (through rates and taxes) and the community of Malmesbury as a whole, as the

establishment a place of education (special needs) closer to the residents of Malmesbury, whom no must travel significant distances (Cape Town) for similar facilities / services.

From the proposal access to the property is obtained directly from Skool Street. The impact of the proposal on traffic in the area will be minimal. The property is situated on the corner where the Stop already has a traffic calming impact and sight distance is sufficient.

The development proposal is considered desirable.

4. **Impact on municipal engineering services**

The proposed development will not have a significant impact on municipal engineering services. Should any services need upgrading to accommodate the proposed development it will be for the developer's account.

5. **Response by applicant**

See Part F in terms of the motivation as well as part I in terms of the comments on the objections received.

6. **Comments from other organs of state/departments**

The West Coast District Municipality indicated that they do not object to the proposal. It is however noted that the following conditions should be included if the application is approved:

- (i). Application be made for a health report from the West Coast District Municipality, Department of Environmental Health.
- (ii). If food is to be prepared on the premises, an application be made for a certificate of suitability from the West Coast District Municipality.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

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

N/A

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

N/A

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

N/A

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for rezoning of Erf 1877, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) from Residential Zone 1 to Community Zone 1, be approved, subject to the conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The facility be restricted to consist of a maximum of 5 classrooms as presented in the application;
- (b) No more than 30 children / students be accommodated at the place of education at any given time;
- (c) As mitigation measure to reduce possible congestion, the students be divided into 2 groups which are accommodated in different time frames;
- (d) The operational times of the school be restricted to weekdays between 07h30 and 12h30;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) Application be made for a health report from the West Coast District Municipality, Department of Environmental Health;

- (g) Application be made for a certificate of suitability from the West Coast District Municipality, if food is to be prepared on the premises;

2. WATER

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

3. SEWERAGE

- (b) The existing sewer connection be used and no additional connections be provided;

4. DEVELOPMENT CHARGES

- (a) The development charge applicable to the place of education, towards roads amounts to R 61 950.0 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and may be revised thereafter;

- B.** The application for the temporary departure on 1877, Malmesbury be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to accommodate the existing dwelling unit under the new zoning category, subject to the following conditions;

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The use be restricted to one dwelling unit used for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith;
- (b) The approval for the temporary departure is valid until the 31 December 2026;
- (c) The application for the permanent departure from the development parameters of the new zoning 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 following conditions;

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The departure entails accommodating the existing garage up to 5.25m from the street boundary as well as 3.51m from the side boundary respectively, in lieu of the 10m street and 5m side building line restrictions, as presented in the application;
- (b) The departure of the required parking bays by only providing 7 on-site parking bays in lieu of the 10 determined in terms of the applicable parameters of the development management scheme;
- (c) In terms of Par 13.1.2. of the development management scheme the owner / developer pay a cash sum to the amount of R 20 550.00 to the municipality as calculated by multiplying the estimated market value per m² (R548/m²) of the land on which the building is erected, by the area in m² of the land which is required to be provided for the provision of an adequate parking outlay (37,5m²). The amount be paid on building plan stage to vote no. 9/222-303-9212;

2. GENERAL

- (a) The approval is, in terms of section 76(2) (w) of the By-Law, valid for a period of 5 years. All conditions of approval be complied with before occupancy certificate be issued and failing to do so may result in administrative action.
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) The applicant/objectors be informed of the right to appeal against this decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;

PART M: REASONS FOR RECOMMENDATION

- 1) There are no physical restrictions on the property that will have a negative impact on the proposed application.
- 2) There are no restrictions registered against the title deed of the property that prohibits the proposed land use.
- 3) The SDF, 2025 supports the accommodation of educational facilities in residential areas. The subject property is near the identified CBD of Malmesbury as well as the existing Swartland High School.
- 4) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
- 5) The proposed application will not have a negative impact on the character of the area.
- 6) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets.
- 7) The development proposal supports the optimal utilisation of the property.
- 8) The need for this service in Malmesbury is recognised.
- 9) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Skool Street or Mark Street.

PART N: ANNEXURES

Annexure A	Locality Map
Annexure B	Site development plan
Annexure C	Departure plan
Annexure D	Public Participation Plan
Annexure E	Support from Ward Councillor
Annexure F	Comments from WCDM
Annexure G	Support from H & E Wolfaardt
Annexure H	Objections by JP Nel
Annexure I	Objections by Wilhelm & Dinie van Niekerk
Annexure J	Objections by SS Waters
Annexure K	Applicants comment on the objections

PART O: APPLICANT DETAILS

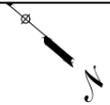
Name	CK Rumboll and Partners			
Registered owner(s)	Nicolaas Johannes & Eldri Warnich	Is the applicant authorised to submit this application?	Y	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner & GIS Administrator SACPLAN: A/204/2010			Date: 1 September 2025	
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	<input type="checkbox"/>
			Date: 2 September 2025	

LOCATION PLAN OF ERF 1877, MALMESBURY





KEY / SLEUTEL:

Community Zone 1: Place of Education	
Inside Play Area (±57.5m²)	
Outside Play Area (±934m²)	

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

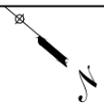


C.K. RUMBOLL & VENNOTE
 TOWN PLANNERS
 PROFESSIONAL SURVEYORS
 16 RAINIER STREET, MALMESBURY
 Tel: 022 - 4821845
 Fax: 022 - 4871661
 Email: planning9@rumboll.co.za

DATE:
MAY 2025

AUTHORITY:
SWARTLAND MUNICIPALITY

REF:
MAL/14549/RP



KEY / SLEUTEL:

Erf 1877, Malmesbury	
Applicable Building Lines	
Building Line Encroachments	

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

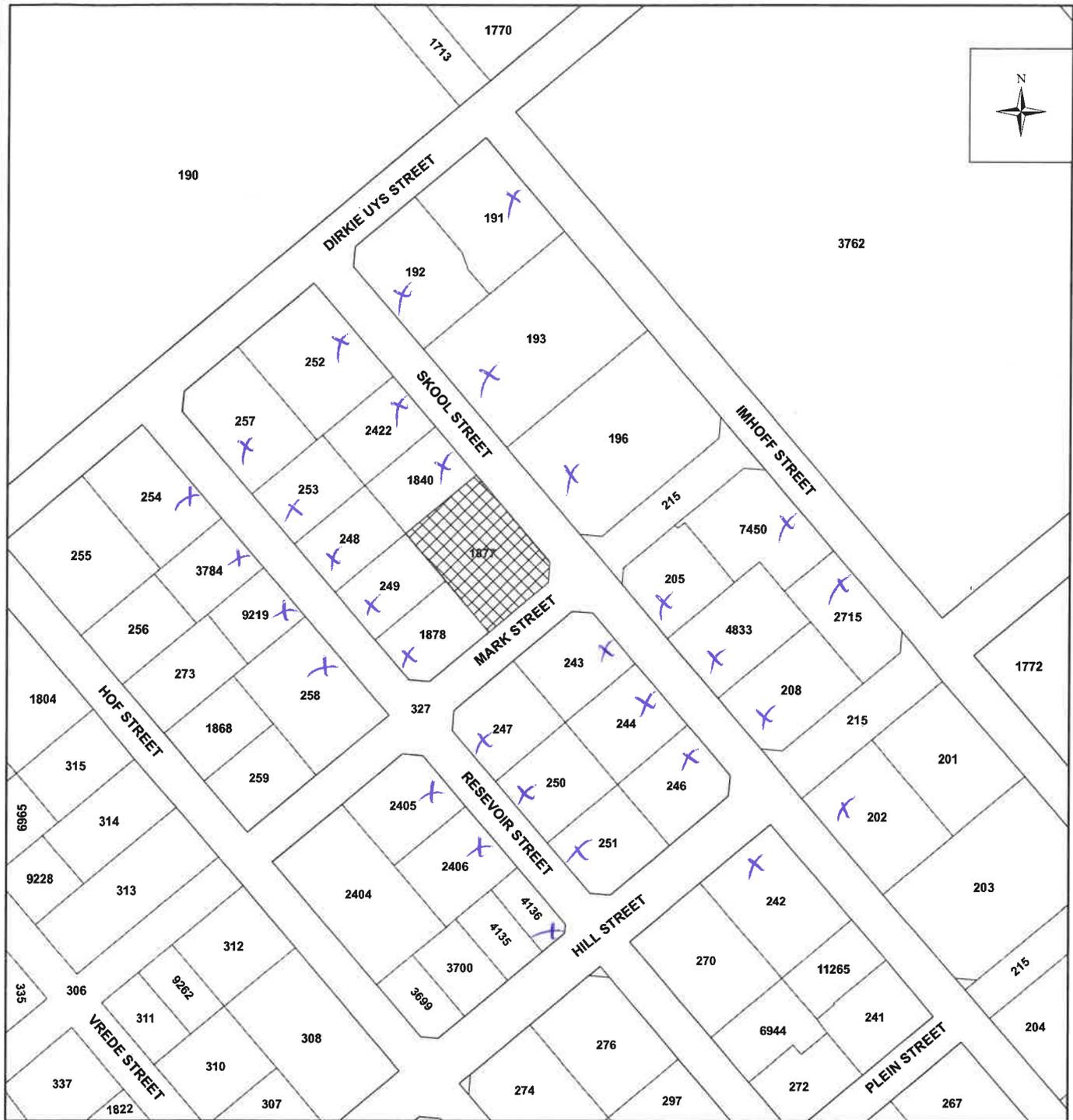


C.K. RUMBOLL & VENNOTE
 TOWN PLANNERS
 PROFESSIONAL SURVEYORS
 16 RAINIER STREET, MALMESBURY
 Tel: 022 - 4821845
 Fax: 022 - 4871661
 Email: planning9@rumboll.co.za

DATE:
MAY 2025

AUTHORITY:
SWARTLAND MUNICIPALITY

REF:
MAL/14549/RP



Voorgestelde hersonering en afwyking

Erf 1877, Malmesbury

Publieke deelname

Skaal: NVT



From: T Van Essen <VanEssenT@swartland.org.za>
Sent: 07 July 2025 08:48
To: Delmary Stellenberg <StellenbergD@swartland.org.za>
Subject: RE: Hersonerling en afwyking van erf 1877, Malmesbury

More.

Ek voorsien geen probleme met die voorstelle nie, met uitsondering van sekere buurmense wat moontlik besware sal kan aanteken teen die plek van onderrig binne 'n bewoonde gebied.

Maar ek het geen probleme met die aansoek van hersonerling en afwykings van boulyne van erf 1877 nie.

Groete

Tijmen van Essen

UBK Lid / Verantwoordelik vir Siviël en Elektries Departemente

Mayco Member / Responsible for Civil and Electrical Departments

T: 022 487 9400 F: 022-4879440 M: 082 777 1794

E: vanessent@swartland.org.za

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10

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

ONS GEE GESTALTE AAN 'N BETER TOEKOMS!
WE SHAPE A BETTER FUTURE!
SAKHA IKUSASA ELINGCONO!

Rig alle korrespondensie aan:
Address all correspondence to:

MUNISIPALE BESTUURDER/
MUNICIPAL MANAGER

Navrae/Enquiries: J Loock
Verw.Nr./Ref. No 15/3/3-8/Erf 1877



Posbus / P O Box 242
MOORREESBURG 7310

Telefoon/Phone (022) 4338400
Faks/Fax Nr. 0866926113

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

17 Julie 2025

MEMORANDUM

AAN

VAN

DN Stallenberg

J Loock

**Afdeling: Beplanning,
Swartland Munisipaliteit**

Afdeling: Omgewingsgesondheid

Me

KOMMENTAAR: VOORGESTELDE HERSONERING EN AFWYKING OP ERF 1877, MALMESBURY

Op u versoek word die volgende kommentaar gelewer vanaf Gemeenskaps-
dienste, Afdeling Omgewingsgesondheid, i.v.m perseel wat aangewend gaan word
vir onderrig van kinders.

1. Daar word versoek dat:
 - (i) Daar moet aansoek gedoen word vir n gesondheidsverslag by Weskus Distriksmunisipaliteit, Departement omgewingsgesondheid.
 - (ii) Indien voedsel voorberei gaan word op die perseel moet daar aansoek gedoen word vir n geskiktheidsertifikaat by Weskus Distriksmunisipaliteit.

Ander gesondheidsvereistes kan van tyd tot tyd gestel word.

Die uwe

J Loock

From: Elfriede Wolfaardt <elfriedew1@afrihost.co.za>
Sent: Wednesday, 16 July 2025 08:52
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Hersonerig ERF1877

Wie dit mag aangaan

Geen beswaar tov voorgestelde hersonerig en afwyking van ontwikkelingsparameters op erf 1877 van ons kant af nie

Herman en Elfriede Wolfaardt

083 553 0345

ERF2406

Reservoir str 11

Malmesbury

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7299

E-pos: swartlandmun@swartland.org.za

INSAKE: VOORGESTELDE HERSONERING EN AFWYKING VAN ONTWIKKELINGSPARAMETERS OP ERF 1877, MALMESBURY (KENNISGEWING 101/2024/2025)

Hiermee maak ek beswaar teen bogemelde hersonering en afwyking van ontwikkelingsparameters.

Redes vir my besware is as volg:

Watter gemeenskapzone word hier beplan?

Volgens https://www.swartland.org.za/media/docs/2020/8226-swartland_2020.pdf is

- Gemeenskapzone 1: Opvoeding
- Gemeenskapzone 2: Aanbidding (ingesluit 'n plek van onderrig)

Die skrywe wat ontvang is verwys na Gemeenskapzone 2, maar die bewoording verwys na Plek van Onderrig. Moet die aanneme dus wees dat daar sekere dae geloofsbyeenkomste gaan wees (of geloof-spesifieke dae wat gevier word op die perseel), en in die week klasse aangebied word, en die geraas en aktiwiteite dus nie net beperk is tot weksdae nie, maar moontlik 7 dae 'n week kan wees?

Ek maak beswaar teen beide moontlike hersonerings Gemeenskapzone 1 en Gemeenskapzone 2.

Geraas

Gegewe dat die aantal leerders nie genoem word nie, baseer ek dus my aannames rondom aantal leerders op

- *Hoeveelheid klaskamers wat beplan word*
- *Aantal parkeerplekke*
- Ek hoor reeds die huidige (kleiner) hoeveelheid leerders wat tans soggens by Erf 1877 is. So die geraasvlakke sal toeneem, gebaseer op die beplanning. Dit is onaanvaarbaar.
- Ek voorsien ook 'n uitdaging wanneer ek my eiendom in die toekoms sou wou verkoop, aangesien hierdie tipe van geraasvlakke voornemende kopers kan ontmoedig om te koop. Dit het dus 'n potensiele negatiewe impak op my eiendom se waarde.

Aantal leerders

Gegewe dat die aantal leerders nie genoem word nie, baseer ek dus my aannames rondom aantal leerders op

- *Hoeveelheid klaskamers wat beplan word*
- *Aantal parkeerplekke*
- Ek het geen rede om te glo dat die aantal leerders binne toestemmingsperke sal bly nie, gegewe dat daar reeds leerders is, waarvoor daar nie aansoek gedoen is of toestemming gevra was nie. "The best predictor of future behaviour, is past behaviour". My vraag is ook in watter mate die toestemmingsperke afgedwing sal word.

Verkeer

Daar was nie 'n verkeers-impakstudie ingesluit by die dokumentasie wat ontvang is nie, so ek baseer dus die volgende op eie waarneming as inwoner van Skoolstraat 35 vir 11 jaar:

- Skoolstraat is reeds 'n besige straat gegewe die verkeer na en van die Hoërskool. Die gedeelte van Skoolstraat tussen Mark- en Dirkie Uysstraat is veral 'n bottelnek by tye, spesifiek tussen 07:30 en 08:00 soggens, en Erf 1877 val presies in daardie gedeelte.
- Aflaai en optel van leerders, addisionele voertuie ens. gaan verdere druk plaas op daardie gedeelte, en ook verder uitkring na aangrensende gedeeltes en strate (Hoër op in Skoolstraat, m.a.w. voor my eiendom, Imhoff, Reservoir, Mark, Hill, Dirkie Uys, en verder).

Karakter van die woonbuurt vs voorkoms van die planne vir Erf 1877

- Hierdie is 'n residensiële zone, met woonhuise.
- Die besighede wat wel hier is, bv EW Embroiders (Reservoirstraat), het van buite af ook 'n residensiële aansig.
- Skoolstraat is nie 'n Duthie- of 'n Hugenotestraat waar dit 'n mengsel is van besigheid en residensiël nie.

Die aard van die onderneming van Erf 1877 asook toekomstige uitbreidings, is baie duidelik sigbaar uit die volgende openbare bronne:

<https://impaq.co.za/homeschooling/>

<https://www.facebook.com/100076114927226/posts/neurodiversiteit-is-n-aspek-wat-baie-mense-in-ons-alledaagse-lewe-afekteer-hier/346449481235547/>

Volgens bogemelde bronne asook die planne vir Erf 1877, gaan die perseel geensins meer gesien kan word as residensiël nie, gegewe die aard van die onderneming, aantal klasmakers, parkeerplekke, meegaande aktiwiteite en impak op verkeer.

Ter opsomming maak ek dus beswaar teen die voorgestelde hersonering en afwyking van ontwikkelingsparamaters op Erf 1877.

Ek is kontakbaar by 076 4822 531 of via e-pos by ohnajpnel@gmail.com

Die uwe

A handwritten signature in black ink, appearing to read 'JP Nel', written in a cursive style.

JP Nel namens JP & L Nel
(JP Nel is die Eienaar: Erf 244, Malmesbury)

From: Dinie Van Niekerk <dinievn@gmail.com>
Sent: Thursday, 24 July 2025 10:55
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Verwysingsnommer 15/3/3-8/Erf 1877 en 15/3/4-8/ERf 1877

Vir wie dit mag aangaan

Hiermee maak ons beswaar teen die Grondgebruikbeplanning van Skoolstraat 39, Malmesbury.

Ons eiendom se waarde gaan verseker negatief beïnvloed word deurdat 'n "skool" langs ons huis bedryf gaan word.

Soos dit tans is, is dit 'n permanente steurnis met die huidige paar kinders wat daar onderrig ontvang. Ons verstaan nie hoe die huidige huis as onderrig plek kan bedryf word sonder toestemming nie. Hoe gaan dit wees met 3 klaskamers vol kinders??

Ons keur dus hierdie voorstel ten sterkste af.

Wilhelm en Dinie van Niekerk

Reservoirstraat 26

Selfoon nommers is 0832847100 (Wilhelm)

0835585803 (Dinie)

Skoolstraat 37
Malmesbury
7300

01 Augustus 2025

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7299

E-pos: swartlandmun@swartland.org.za

**INSAKE: VOORGESTELDE HERSONERING EN AFWYKING VAN ONTWIKKELINGSPARAMETERS OP ERF
1877, MALMESBURY (KENNISGEWING 101/2024/2025)**

Hiermee maak ek beswaar teen bogemelde hersonering en afwyking van ontwikkelingsparameters.

Redes vir my besware is as volg:

Geraas:

Ek hoor tans die geraas van die kinders met die skool / onderrig sentrum wat nog klein is. Die geraasvlakke gaan toeneem, gebaseer op die beplanning. Dit is onaanvaarbaar.

Ek het 20 jaar terug die huis gekoop in n stil en residensiele area. So ek voorsien n uitdaging wanneer ek my eiendom in die toekoms sou wou verkoop. Die geraasvlakke sal moontlike kopers ontmoedig met die gevolg is dit n negatiewe impak op die eindom waarde.

Verkeer:

Skoolstraat is reeds 'n besige straat a.g.v die verkeer na en van die Höerskool.

Die gedeelte van Skoolstraat tussen Mark- en Dirkie Uysstraat is veral n bottelnek by tye, spesifiek tussen 07:30 en 08:00 in die oggende.

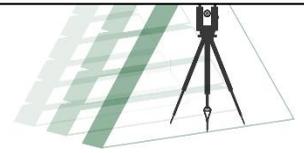
Soos per opsomming hierbo – maar ek dus beswaar teen die hersonering van die ontwikkelingsparameters.

Vir enige verder navrae kan julle my gerus kontak by 083 458 7996 of via e-pos stefan@spiltech.co.za

Die uwe



Mnr Stefanus Sebastianus Walters
(SS Walters Eienaar: 37 Skoolstraat)



DATE: 25 August 2025

ONS VERW / OUR REF: MAL/14549/RP

PER E-MAIL

ATTENTION: Mr. A. Zaayman

Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

APPLICATION FOR REZONING, PERMANENT DEPARTURE & TEMPORARY DEPARTURE:
ERF 1877, MALMESBURY

With reference to the comments/objections received during the public participation period as per the letter dated 6 August 2025:

The following table sets out the comments & Objections that were received during the Public Participation Period, which concluded on the 4th of August 2025, below along with the response from CK Rumboll and Partners on behalf of our clients, registered owners of Erf 1877, Malmesbury.

Comments & Objections were received from the following parties:

- **JP Nel**
- **Wilhelm & Dinie van Niekerk**
- **Stefanus Sebastianus Walters**
- **J Loock**

In light of the comments and objections received, it is noted that none of the objectors made use of the opportunity to view or inspect the submitted land use application during the prescribed period. In this context, it is important to once again emphasise that the proposed Place of Education is not intended to function as a conventional school. Rather, it will serve as a **specialised learning centre** that provides support to children with specific learning challenges, many of whom are being homeschooled due to difficulties in adapting to traditional school environments and the challenges they present.

DIREKTEURE / DIRECTORS:

IHJ Rumboll GPr LS0737 | AP Steyl GPr LS0761 | J Linneman Pr Pln A/206/2010 | WA Hoffman GPr LS1223 | CR Taljaard GTc ES2672

Objector	Objection/Comments	Response on objections
<p>1. JP Nel</p>	<p>The following comments was received from JP Nel, attached hereto as Annexure A.</p> <p>1. Watter gemeenskapsone word hier beplan?</p> <ul style="list-style-type: none"> • Gemeenskapsone 1: Opvoeding • Gemeenskapsone 2: Aanbidding (ingesluit 'n plek van onderrig) <p>Die skrywe wat ontvang is verwys na Gemeenskapsone 2, maar die bewoording verwys na Plek van Onderrig. Moet die aanname dus wees dat daar sekere dae geloofsbyeenkomste gaan wees (of geloof-spesifieke dae wat gevier word op die perseel), en in die week klasse aangebied word, en die geraas en aktiwiteite dus nie net beperk is tot weksdae nie, maar moontlik 7 dae 'n week kan wees?</p> <p>Ek maak beswaar teen beide moontlike hersonering Gemeenskap sone 1 en Gemeenskap sone 2</p> <p>2. Geraas</p> <p>Gegewe dat die aantal leerders nie genoem word nie, baseer ek dus my aannames rondom aantal leerders op:</p>	<p>The following is the response on the Objection as received from JP Nel:</p> <p>1. It is important to clarify that the application submitted for Erf 1887, Malmesbury (hereinafter referred to as <i>The Property</i>) seeks rezoning to Community Zone 1 in terms of the Swartland Municipality Development Management Scheme. This zoning category is specifically intended to accommodate educational facilities, and in this instance, the use is strictly limited to a Place of Education.</p> <p>The confusion appears to have arisen from the statutory notice that was circulated during the public participation process, which incorrectly advertised the rezoning as being to Community Zone 2, attached hereto as Annexure B. Community Zone 2 would ordinarily permit places of worship, thereby creating the impression that religious gatherings, faith-based events, or weekend services could potentially take place on the property. This was, however, an administrative error in the advertisement and does not reflect the intent or content of the application submitted.</p> <p>To be absolutely clear, the application does not seek rezoning to Community Zone 2, and therefore no religious activities or weekend services are proposed, authorised, or permitted on The Property. The proposed Place of Education will be limited to weekday operations (Monday to Friday), during normal school hours only.</p> <p>Noted.</p> <p>2. As clearly outlined throughout the Land Use Application submitted to the Swartland Municipality (and made available for public inspection during office hours), the existing, though currently unauthorised, Place of Education</p>

DIREKTEURE / DIRECTORS:

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 MALMESBURY (T) 022 482 1845

WEBSITE www.ckrumboll.co.za

- Hoeveelheid klaskamers wat beplan word;
- Aantal parkeerplekke;
- Ek hoor reeds die huidige (Kleiner) hoeveelheid leerders wat tans soggens by Erf 1887 is. So die geraasvlakke sal toeneem, gebaseer op die beplanning. Dit is onaanvaarbaar.
- Ek voorsien ook 'n uitdaging wanneer ek my eiendom in toe toekoms sou wou verkoop, aangesien hierdie tipe van geraasvlakke voornemende kopers ontmoedig om te koop. Dit het dus 'n potensiele negatiewe impak op my eiendom se waarde.

on Erf 1887, Malmesbury presently accommodates 16 learners. The application seeks authorisation to formally establish and lawfully operate a Place of Education, with provision made to accommodate a maximum of 35 learners in the future.

It is important to emphasise that the proposed learner numbers are capped at 35 learners. This limitation is intentional to ensure that each learner receives the necessary individual attention and support, while simultaneously mitigating the potential impacts such as excessive noise. Unlike conventional schools that typically operate with large class sizes, this facility is designed to operate with small classes, thereby reducing noise levels associated with larger learner populations.

In addition, as motivated in this application, the two learner groups (Impaq and Neurome) follow different timetables and break schedules, meaning that outdoor activity is staggered and not concentrated at a single point in time. This operational model further assists in limiting potential noise disturbances to neighbours.

With respect to the concern regarding property value, there is no substantiated evidence that the lawful operation of a small-scale, highly managed educational facility such as this has a detrimental impact on surrounding property values. On the contrary, the formalisation of the land use will ensure that the activity is properly regulated, managed, and monitored by the Municipality, thereby providing surrounding property owners with certainty and recourse should any contravention occur.

For the reasons outlined above, it is our professional opinion that the potential noise impacts associated with this application will remain limited, manageable, and within an acceptable range, especially when compared to larger conventional schools or other community uses permissible under Community Zone 1.

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	<p>3. Aantal Leerders</p> <p>Gegewe dat die aantal leerders nie genoem word nie, baseer ek dus my aannames rondom aantal leerders op:</p> <ul style="list-style-type: none"> • Hoeveelheid klaskamers wat beplan word • Aantal parkeerplekke • Ek het geen rede om te glo dat die aantal leerders binne toestemmings perke sal bly nie, gegewe dat daar reeds leerders is, waarvoor daar nie aansoek gedoen is of toestemming gevra was nie. "The best predictor of future behaviour, is past behaviour". My vraag is ook in watter mate die toestemmings perke afgedwing sal word. 	<p>In addition to the above, with respect to the concern about property values, it must be emphasized that the Spatial Planning and Land Use Management Act (SPLUMA) makes it clear under Section 59(1)(f) that a competent authority may not be impeded in exercising its discretion solely on the basis that the value of land or property may be affected by an application. Property value considerations, while often raised in objections, are not in themselves a valid planning ground for refusal. Accordingly, the City of Cape Town cannot base its decision on unsubstantiated concerns of reduced property values, particularly where the application fully complies with the prescribed zoning and development parameters.</p> <p>3. As outlined in Point 2 above and throughout the Land Use Application submitted to Swartland Municipality, the details regarding both the current (16 learners) and future (35 learners) capacity of the proposed Place of Education were clearly presented and made available for public inspection. It is therefore important to emphasise that the operation of the facility will be formally limited to a maximum of 35 learners, in accordance with the conditions that will accompany the approval of this application.</p> <p>This learner cap is intentional and necessary to preserve the small-scale, supportive nature of the institution, ensuring that each learner receives the required individualised attention and development support. By restricting the number of learners, the facility avoids the typical challenges associated with overcrowded schools, while simultaneously addressing potential concerns regarding noise, traffic, and over-utilisation of the site.</p> <p>With reference to the concern raised regarding past activities, it should be noted that the educational activities previously conducted on the property were initiated under the owner's understanding that consent was not required. Once it was</p>
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DIREKTEURE / DIRECTORS:

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	<p>4. Verkeer</p> <p>Daar was nie 'n verkeers-impakstudie ingesluit by die dokumentasie wat ontvang is nie, so ek baseer dus die volgende op eie waarnemings as inwoner van skoolstraat 35 vir 11 jaar:</p> <ul style="list-style-type: none"> • Skoolstraat is reeds 'n besige straat gegewe die verkeer na en van die Hoërskool. Die gedeelte van skoolstraat tussen Mark – en Dirkie Uysstraat is veral 'n bottelnek by tye, spesifiek tussen 07:30 en 08:00 soggens, en Erf 1877 val presies in daardie gedeelte. • Aflaai en optel van leerders, addisionele voertuie ens. Gaan verdere druk plaas op daardie gedeelte, en ook verder uitkring na aangrensende gedeeltes en strate (Hoër o in skoolstraat, m.a.w. voor my eiendom, Imhoff, reservoir, Mark, Hill, Dirkie Uys, en verder) 	<p>brought to her attention that formal municipal consent was necessary, she acted immediately and responsibly to rectify the situation by lodging the current application. In this regard, the words of Maya Angelou resonate: <i>“When we know better, we do better.”</i> This reflects the applicant’s good faith in ensuring that all operations on The Property are lawful, transparent, and compliant moving forward.</p> <p>Furthermore, any conditions of approval imposed by the Municipality—such as the learner cap—will be monitored and enforceable, thereby providing neighbouring property owners with recourse should any contravention occur. This ensures that the Place of Education operates strictly within its approved parameters and in a manner that balances both community needs and the rights of surrounding landowners.</p> <p>4. It is acknowledged that Skool Street experiences periods of high traffic volumes, particularly during peak morning hours associated with the nearby Hoërskool Swartland. The concern regarding potential additional pressure on the road network is understood. However, as detailed in the application, the proposed Place of Education has been designed to minimise traffic-related impacts through its scale of operation and management practices.</p> <p>The facility accommodates only two small study groups, each with its own tailored academic programme and operational hours. These groups operate on intentionally staggered schedules to both support the unique learning requirements of the learners and to avoid simultaneous peak drop-off and collection times. The schedules are as follows:</p> <ul style="list-style-type: none"> • Impaq group: 07:45 – 12:25 • Neurome group: 08:00 – 11:55 <p>By implementing these staggered times, learner arrivals and</p>
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	<p>5. Karakter van die woonbuurt vs voorkoms van die planne vir Erf 1877</p> <ul style="list-style-type: none"> • Hierdie is 'n residensiële sone met woonhuise. • Die besigheid wat wel hier is, bv EW Embroiders (Reservoirstraat), het van buite af ook 'n residensiële aansig. • Skoolstraat is nie 'n Duthie- of Hugenotestraat waar dit 'n mengsel is van besigheid en residensieël nie. <p>Die aard van die onderneming van Erf 1877 asook toekomstige uitbreidings, is baie duidelik sigbaar uit openbare bronne:</p> <p>https://impaq.co.za/homeschooling/</p>	<p>departures are naturally dispersed, thereby reducing the likelihood of concentrated traffic congestion directly associated with the facility. This approach also aligns with the municipality's broader objectives of balancing land use intensity with surrounding neighbourhood conditions.</p> <p>It should further be emphasised that the proposed Place of Education will remain a low-intensity use, limited to a maximum of 35 learners, with only a portion of these learners being dropped off or collected by vehicle at any given time. In addition, on-site provision has been made for drop-off and short-term parking, which further reduces the risk of traffic spillover into adjacent streets.</p> <p>Considering the above mitigation measures, together with the small scale of the facility compared to the much larger traffic generator in the area (Hoërskool Swartland), the anticipated additional traffic impact from the proposed Place of Education will be negligible and manageable within the existing road network.</p> <p>5. It is important to clarify that the proposed Place of Education will not alter the external residential character of the property. No additional exterior alterations or structural expansions are planned for the existing dwelling on Erf 1877, and the building will therefore continue to present itself outwardly as a residential house, in line with the prevailing character of the surrounding neighbourhood.</p> <p>The online sources referenced by the objector are noted. However, it must be emphasised that these sources serve primarily to illustrate the educational approach of the service provider (Impaq) and the specific focus on supporting learners with unique needs. They do not reflect or dictate the physical form, scale, or external appearance of the facility proposed for Erf 1877. The "Limited Spaces" reference, as highlighted in the advertisement, further confirms the small-scale nature of the</p>
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DIREKTEURE / DIRECTORS:

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 MALMESBURY (T) 022 482 1845

WEBSITE www.ckrumboll.co.za

	<p>https://www.facebook.com/100076114927226/posts/neurodiversiteit-is-n-aspek-wat-baie-mense-in-ons-alledaagse-lewe-afekteer-hier/346449481235547/</p> <p>Volgens bogemelde bronne asook die planne vir Erf 1877, gaan die perseel geensins meer gesien kan word as residensieel nie, gegewe die aard van die onderneming, aantal klaskamers, parkeerplekke, meegaande aktiwiteite en impak op verkeer.</p> <p>Ter opsomming maak ek dus beswaar teen die voorgestelde hersonering en afwyking van ontwikkelings parameters op Erf 1877.</p>	<p>institution, reinforcing that the facility will remain capped at 35 learners to ensure each child receives the appropriate level of attention and support.</p> <p>With respect to Impaq, it should be stressed that it is not a traditional “business” in the sense of operating from a commercial premises. Instead, it is a recognised online curriculum provider that supports parents, tutors, and small learning environments. The reference to Impaq in this application underscores the educational orientation of the proposal and does not imply that the property will transition into a commercial hub.</p> <p>Taking into consideration the above, along with the assurances that the property will retain its residential outward appearance, it is the considered opinion of this office that the proposed Place of Education is compatible with the surrounding residential character and will not give rise to undue impacts. The application therefore remains consistent with the intent of the Swartland Municipality’s land use management framework and is recommended for approval.</p>
<p>2. Wilhelm & Dinie van Niekerk</p>	<p>The following comments was received from Wilhelm & Dinie van Niekerk, attached hereto as Annexure A.</p> <p>6. Hiermee maak ons beswaar teen die grondgebruikbeplanning van Skoolstraat 39, Malmesbury.</p> <p>7. Ons eiendom se waarde gaan verseker negatief beïnvloed word deurdat ‘n “Skool” langs ons huis bedryf gaan word.</p>	<p>The following is the response on the Objection as received from Wilhelm & Dinie van Niekerk:</p> <p>6. Noted.</p> <p>7. It is a common perception that educational facilities within residential areas automatically result in a decline in neighbouring property values. However, research and practical experience show that small-scale educational facilities—particularly those limited in learner numbers and operating within a residentially compatible built form—do not significantly detract from property values. On the contrary, such facilities can contribute positively to the</p>

DIREKTEURE / DIRECTORS:

IHJ Rumboll GPr LS0737 | AP Steyl GPr LS0761 | J Linneman Pr Pln A/206/2010 | WA Hoffman GPr LS1223 | CR Taljaard GTc ES2672

ADDRESS/ ADRES: reception@rumboll.co.za / PO Box 211 / 16 Rainierstr, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 WEBSITE www.ckrumboll.co.za

	<p>8. Soos dit tans is, is dit 'n permanente steurnis met die huidige paar kinders wat daar onderrig ontvang. Ons verstaan nie hoe die huidige huis as onderrig plek kan bedryf word sonder toestemming nie. Hoe gaan dit wees met 3 klaskamers vol kinders?</p>	<p>neighbourhood by offering a much-needed service to the community, particularly to families with children requiring specialised support. Importantly, the proposed Place of Education on Erf 1877 is limited to a maximum of 35 learners, ensuring that the scale of operation remains modest and compatible with the surrounding residential environment.</p> <p>In addition to the above, with respect to the concern about property values, it must be emphasized that the Spatial Planning and Land Use Management Act (SPLUMA) makes it clear under Section 59(1)(f) that a competent authority may not be impeded in exercising its discretion solely on the basis that the value of land or property may be affected by an application. Property value considerations, while often raised in objections, are not in themselves a valid planning ground for refusal. Accordingly, the City of Cape Town cannot base its decision on unsubstantiated concerns of reduced property values, particularly where the application fully complies with the prescribed zoning and development parameters.</p> <p>8. The concern regarding the current use of the property without prior land use consent is understood. As acknowledged in earlier responses, the owner became aware that formal approval was required only after establishing the educational activities. Once this was brought to her attention, she immediately initiated the current rezoning application to ensure that operations are regularised and lawful going forward. This demonstrates the owner's good faith and willingness to comply with municipal processes rather than a disregard for regulatory requirements. The current application specifically seeks to formalise the use within clearly defined parameters—capping learner numbers, setting operational hours, and ensuring compliance with all conditions imposed by Swartland Municipality.</p>
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	<p>9. Ons keur dus hierdie voorstel ten sterkste af.</p>	<p>The concern about multiple classrooms equating to an unmanageable number of learners is unfounded. As consistently stated, the property will accommodate no more than 35 learners in total, regardless of the number of classrooms available. The classrooms are intended to allow smaller group sizes, catering to learners with different learning needs, rather than increasing overall learner numbers. This approach ensures a quieter, more structured environment and is in fact likely to mitigate potential disturbance rather than exacerbate it.</p> <p>9. While the objection strongly rejects the proposal, it should be noted that the purpose of the land use application process is to balance individual concerns with broader municipal planning objectives and the needs of the community. The proposed Place of Education is small in scale, limited in learner numbers, and designed to operate within normal weekday hours only. The outward appearance of the property will remain residential, with no major alterations proposed. Given these considerations, the proposal represents a use that is compatible with the surrounding neighbourhood, while simultaneously providing a valuable educational service to the broader community of Malmesbury.</p> <p>Considering the above, this office is of the professional opinion that the proposed land use application remains reasonable, appropriately mitigated, and should be supported by Swartland Municipality.</p>
<p>3. Stefanus Sebastianus Walters</p>	<p>The following comments was received from Stefanus Sebastianus Walters, attached hereto as Annexure A.</p> <p>10. Hiermee maak ek beswaar teen die hersonering en afwyking van ontwikkelings parameters.</p>	<p>The following is the response on the Objection as received from Stefanus Sebastianus Walters:</p> <p>10. Noted.</p>

DIREKTEURE / DIRECTORS:

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	<p>Redes is a volg:</p> <p>11. Geraas:</p> <p>Ek hoor tans die geraas van die kinders met die skool / onderrig sentrum wat nog klein is. Die geraasvlakke gaan toeneem, gebaseer op die beplanning. Dit is onaanvaarbaar.</p> <p>Ek het 20 jaar terug die huis gekoop in 'n stil en residensiële area. So ek voorsien 'n uitdaging wanneer ek my eiendom in die toekoms sou wou verkoop. Die geraasvlakke sal moontlike kopers ontmoedig met die gevolg is dit 'n negatiewe impak op die eiendom waarde.</p> <p>12. Verkeer:</p> <p>Skoolstraat is reeds 'n besige straat a.g.v. die verkeer na en van die hoërskool.</p> <p>Die gedeelte van skoolstraat tussen mark- en Dirkie Uysstraat is veral 'n bottelnek by tye, spesifiek tussen 07:30 en 08:00 in die oggende.</p> <p>13. Soos per opsomming hierbo – maak ek dus beswaar teen die hersonering van die ontwikkelingsparameters.</p>	<p>11. Please refer to the response provided under point 2 above with reference to noise and property value.</p> <p>12. Please refer to the response provided under point 4 above with reference to Traffic.</p> <p>13. Considering the above, this office is of professional opinion that the proposed land use application remains reasonable, appropriately mitigated, and should be supported by Swartland Municipality.</p>
<p>4. J Loock</p>	<p>The following comments was received from J Loock on behalf of West Coast District Municipality, attached hereto as Annexure A.</p> <p>14. Kommentaar word gelewer vanaf Gemeenskapsdienste, Afdeling Omgewingsgesondheid, i.v.m. perseel wat aangewend gaan word vir onderrig van kinders:</p> <p>15. Daar word versoek dat:</p>	<p>The following is the response on the Objection as received from J Loock:</p> <p>14. Noted.</p> <p>15. Noted.</p>

DIREKTEURE / DIRECTORS:

IHJ Rumboll GPr LS0737 | AP Steyl GPr LS0761 | J Linneman Pr Pln A/206/2010 | WA Hoffman GPr LS1223 | CR Taljaard GTc ES2672

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MALMESBURY (T) 022 482 1845 WEBSITE www.ckrumboll.co.za

	<ul style="list-style-type: none">• Daar moet aansoek gedoen word vir 'n gesondheid verslag by Weskus Distriksmunisipaliteit, Departement omgewingsgesondheid.• Indien voedsel voorberei gaan word op die perseel moet daar aansoek gedoen word vir 'n geskikheidsertifikaat by Weskus Distriksmunisipaliteit.	
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We trust you will take the above into account when considering the application.



Roeben Pienaar

On behalf of CK Rumboll and Partners

DIREKTEURE / DIRECTORS:

IHJ Rumboll GPr LS0737 | AP Steyl GPr LS0761 | J Linneman Pr Pln A/206/2010 | WA Hoffman GPr LS1223 | CR Taljaard GTc ES2672

ADDRESS/ ADRES: reception@rumboll.co.za / PO Box 211 / 16 Rainierstr, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 **WEBSITE** www.ckrumboll.co.za

ANNEXURE A – COMMENTS & OBJECTIONS RECEIVED

DIREKTEURE / DIRECTORS:

IHJ Rumboll GPr LS0737 | AP Steyl GPr LS0761 | J Linneman Pr Pln A/206/2010 | WA Hoffman GPr LS1223 | CR Taljaard GTc ES2672

ADDRESS/ ADRES: reception@rumboll.co.za / PO Box 211 / 16 Rainierstr, **Malmesbury**, 7299
MALMESBURY (T) 022 482 1845 **WEBSITE** www.ckrumboll.co.za



Lêerverw: 15/3/3-8/Erf_1877
15/3/4-8/Erf_1877

Navrae:
Me D N Stallenberg

6 August 2025

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

e-mail : planning9@rumboll.co.za

Dear Sir

OBJECTIONS : PROPOSED REZONING AND DEPARTURE OF ERF 1877, MALMESBURY

Your application with reference MAL/1549/RP dated 23 May 2025 refers.

Kindly find attached the comments/objections received by the following people during the commenting period:

JP Nel
Wilhelm & Dinie van Niekerk
Stefanus Sebastianus Walters
J Loock

Your comment on the objections is requested within 30 days from the date of this letter in order for Swartland Municipality to make a decision.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- Swartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

28 Julie 2025

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7299

E-pos: swartlandmun@swartland.org.za

**INSAKE: VOORGESTELDE HERSONERING EN AFWYKING VAN ONTWIKKELINGSPARAMETERS OP ERF 1877,
MALMESBURY (KENNISGEWING 101/2024/2025)**

Hiermee maak ek beswaar teen bogemelde hersonering en afwyking van ontwikkelingsparameters.

Redes vir my besware is as volg:

Watter gemeenskapzone word hier beplan?

Volgens https://www.swartland.org.za/media/docs/2020/8226-swartland_2020.pdf is

- Gemeenskapzone 1: Opvoeding
- Gemeenskapzone 2: Aanbidding (ingesluit 'n plek van onderrig)

Die skrywe wat ontvang is verwys na Gemeenskapzone 2, maar die bewoording verwys na Plek van Onderrig. Moet die aanname dus wees dat daar sekere dae geloofsbyeenkomste gaan wees (of geloof-spesifieke dae wat gevier word op die perseel), en in die week klasse aangebied word, en die geraas en aktiwiteite dus nie net beperk is tot weksdae nie, maar moontlik 7 dae 'n week kan wees?

Ek maak beswaar teen beide moontlike hersonerings Gemeenskapzone 1 en Gemeenskapzone 2.

Geraas

Gegewe dat die aantal leerders nie genoem word nie, baseer ek dus my aannames rondom aantal leerders op

- *Hoeveelheid klaskamers wat beplan word*
- *Aantal parkeerplekke*
- Ek hoor reeds die huidige (kleiner) hoeveelheid leerders wat tans soggens by Erf 1877 is. So die geraasvlakke sal toeneem, gebaseer op die beplanning. Dit is onaanvaarbaar.
- Ek voorsien ook 'n uitdaging wanneer ek my eiendom in die toekoms sou wou verkoop, aangesien hierdie tipe van geraasvlakke voornemende kopers kan ontmoedig om te koop. Dit het dus 'n potensiële negatiewe impak op my eiendom se waarde.

Aantal leerders

Gegewe dat die aantal leerders nie genoem word nie, baseer ek dus my aannames rondom aantal leerders op

- *Hoeveelheid klaskamers wat beplan word*
- *Aantal parkeerplekke*
- Ek het geen rede om te glo dat die aantal leerders binne toestemmingsperke sal bly nie, gegewe dat daar reeds leerders is, waarvoor daar nie aansoek gedoen is of toestemming gevra was nie. "The best predictor of future behaviour, is past behaviour". My vraag is ook in watter mate die toestemmingsperke afgedwing sal word.

Verkeer

Daar was nie 'n verkeers-impakstudie ingesluit by die dokumentasie wat ontvang is nie, so ek baseer dus die volgende op eie waarneming as inwoner van Skoolstraat 35 vir 11 jaar:

- Skoolstraat is reeds 'n besige straat gegewe die verkeer na en van die Hoërskool. Die gedeelte van Skoolstraat tussen Mark- en Dirkie Uysstraat is veral 'n bottelnek by tye, spesifiek tussen 07:30 en 08:00 soggens, en Erf 1877 val presies in daardie gedeelte.
- Aflaai en optel van leerders, addisionele voertuie ens. gaan verdere druk plaas op daardie gedeelte, en ook verder uitkring na aangrensende gedeeltes en strate (Hoër op in Skoolstraat, m.a.w. voor my eiendom, Imhoff, Reservoir, Mark, Hill, Dirkie Uys, en verder).

Karakter van die woonbuurt vs voorkoms van die planne vir Erf 1877

- Hierdie is 'n residensiële zone, met woonhuise.
- Die besighede wat wel hier is, bv EW Embroiders (Reservoirstraat), het van buite af ook 'n residensiële aansig.
- Skoolstraat is nie 'n Duthie- of 'n Hugenotestraat waar dit 'n mengsel is van besigheid en residensiël nie.

Die aard van die onderneming van Erf 1877 asook toekomstige uitbreidings, is baie duidelik sigbaar uit die volgende openbare bronne:

<https://impaq.co.za/homeschooling/>

<https://www.facebook.com/100076114927226/posts/neurodiversiteit-is-n-aspek-wat-baie-mense-in-ons-alledaagse-lewe-afekteer-hier/346449481235547/>

Volgens bogemelde bronne asook die planne vir Erf 1877, gaan die perseel geensins meer gesien kan word as residensiël nie, gegewe die aard van die onderneming, aantal klasmakers, parkeerplekke, meegaande aktiwiteite en impak op verkeer.

Ter opsomming maak ek dus beswaar teen die voorgestelde hersonering en afwyking van ontwikkelingsparamaters op Erf 1877.

Ek is kontakbaar by 076 4822 531 of via e-pos by ohnajpnel@gmail.com

Die uwe

A handwritten signature in black ink, appearing to read 'JP Nel', written in a cursive style.

JP Nel namens JP & L Nel
(JP Nel is die Eienaar: Erf 244, Malmesbury)

From: Dinie Van Niekerk <dinievn@gmail.com>
Sent: Thursday, 24 July 2025 10:55
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Verwysingsnommer 15/3/3-8/Erf 1877 en 15/3/4-8/ERf 1877

Vir wie dit mag aangaan

Hiermee maak ons beswaar teen die Grondgebruikbeplanning van Skoolstraat 39, Malmesbury.

Ons eiendom se waarde gaan verseker negatief beïnvloed word deurdat 'n "skool" langs ons huis bedryf gaan word.

Soos dit tans is, is dit 'n permanente steurnis met die huidige paar kinders wat daar onderrig ontvang. Ons verstaan nie hoe die huidige huis as onderrig plek kan bedryf word sonder toestemming nie. Hoe gaan dit wees met 3 klaskamers vol kinders??

Ons keur dus hierdie voorstel ten sterkste af.

Wilhelm en Dinie van Niekerk

Reservoirstraat 26

Selfoon nommers is 0832847100 (Wilhelm)

0835585803 (Dinie)

Skoolstraat 37
Malmesbury
7300

01 Augustus 2025

Die Munisipale Bestuurder
Privaatsak Aa2
Malmesbury
7300

E-pos: stetah@springrock.co.za

INSAK: VOORGESTELDE HERSOENERING EN AFWYKING VAN ONTWIKKELINGSPARAMETERS OP ERF 1677, MALMESBURY (KENNISGEWING 101/2024/2025)

Hiermee maak ek beswaar teen bogenoemde hersoenering en afwyking van ontwikkelingsparameters.

Redes vir my besware is as volg:

Geraas:

Ek hoor tans die geraas van die kinders met die skool / kindertjie sentrum wat nog klein is. Die gerandtekteke gaan toeneem, gebaseer op die beplanning. Dit is onaantwoordbaar.

Ek het 20 jaar terug die huis gekoop in 'n stil en residensie area. So ek voorstel 'n uitdaging wanneer ek my eiendom in die toekoms sou wou verkoop. Die geraasvlakke sal moontlik kopers ontmoedig met die gevolg is dit n negatiewe impak op die eiendom waarde.

Verkeer:

Skoolstraat is reeds 'n besige straat a.g.v die verkeer na en van die hoërskool.

Die gedeelte van Skoolstraat tussen Marle- en Dirkie Ouisstraat is veral 'n bottelnek by tye spesifiek tussen 07:30 en 08:00 in die oggende.

Soos per opsomming hierbo – maak ek dus beswaar teen die hersoenering van die ontwikkelingsparameters.

Vir enige verder navrae kan julle my gerus kontak by 083 456 7996 of via e-pos stetah@springrock.co.za

Die twe



Mr Stefanus Sebastianus Walters
(sa Walters Eenaar, 37 Skoolstraat)

**WESKUS DISTRIKSMUNISIPALITEIT
WEST COAST DISTRICT MUNICIPALITY**

Rig alle korrespondensie aan:
Address all correspondence to:

**MUNISIPALE BESTUURDER/
MUNICIPAL MANAGER**

Navrae/Enquiries **J Loock**
Verw.Nr./Ref. No **15/3/3-8/Erf 1877**



Posbus / P O Box 242
MOORREESBURG 7310

Telefoon/Phone (022) 4338400
Faks/Fax Nr. 0866926113

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

17 Julie 2025

MEMORANDUM

AAN	VAN
DN Stallenberg Afdeling: Beplanning, Swartland Munisipaliteit	J Loock Afdeling: Omgewingsgesondheid

Me

**KOMMENTAAR: VOORGESTELDE HERSONERING EN AFWYKING OP ERF
1877, MALMESBURY**

Op u versoek word die volgende kommentaar gelewer vanaf Gemeenskaps-
dienste, Afdeling Omgewingsgesondheid, i.v.m perseel wat aangewend gaan word
vir onderrig van kinders.

1. Daar word versoek dat:
 - (i) Daar moet aansoek gedoen word vir n gesondheidsverslag by Weskus Distriksmunisipaliteit, Departement omgewingsgesondheid.
 - (ii) Indien voedsel voorberei gaan word op die perseel moet daar aansoek gedoen word vir n geskikheidsertifikaat by Weskus Distriksmunisipaliteit.

Ander gesondheidsvereistes kan van tyd tot tyd gestel word.

Die uwe

J Loock

ANNEXURE B – NOTICE

DIREKTEURE / DIRECTORS:

IHJ Rumboll GPr LS0737 | AP Steyl GPr LS0761 | J Linneman Pr Pln A/206/2010 | WA Hoffman GPr LS1223 | CR Taljaard GTc ES2672

ADDRESS/ ADRES: reception@rumboll.co.za / PO Box 211 / 16 Rainierstr, **Malmesbury**, 7299
MALMESBURY (T) 022 482 1845

WEBSITE www.ckrumboll.co.za

SWARTLAND MUNISIPALITEIT
KENNISGEWING 101/2024/2025

VOORGESTELDE HERSONERING EN AFWYKING VAN ONTWIKKELINGSPARAMETERS OP ERF 1877,
MALMESBURY

Aansoeker: CK Rumboll & Vennote, Posbus 211, Malmesbury, 7299. Tel no. 022-4821845

Eienaar: NJ & E Warnich, Skoolstraat 39, Malmesbury, 7300. Tel no. 0823254519

Verwysingsnommer: 15/3/3-8/Erf_1877
15/3/4-8/Erf_1877

Eiendomsbeskrywing: Erf 1877, Malmesbury

Fisiese Adres: Skoolstraat 39, Malmesbury

Volledige beskrywing van aansoek:

Die aansoek om hersonering van erf 1877, Malmesbury, ingevolge artikel 25(2)(a) van Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020), is ontvang. Die voorstel is dat erf 1877 (groot 1251m²) hersoneer word vanaf Residensiële sone 1 na Gemeenskapsone 2 ten einde die bestaande plek van onderrig te wettig.

Die aansoek om afwyking van ontwikkelingsparameters op erf 1877, Malmesbury, ingevolge artikel 25(2)(b) van Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020), is ontvang. Die afwykings behels die volgende:

- Afwyking van die 10m straatboulyn (Skoolstraat) na 5,25m
- Afwyking van die 5m syboulyn (noordelike grens) na 3,51m
- Afwyking van die 10 op-perseel parkeerplekke na 7 parkeerplekke

Die aansoek om tydelike afwyking van erf 1877, Malmesbury, ingevolge artikel 25(2)(b) van Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020), is ontvang. Die tydelike gebruik maak voorsiening dat 'n gedeelte van die geboue vir woondoeleindes aangewend gaan word.

Kennis word hiermee gegee ingevolge artikel 55(1) van Swartland Munisipaliteit : Verordening insake Munisipale Grondgebruikbeplanning dat bogenoemde aansoek ontvang is en beskikbaar is vir inspeksie vanaf Maandag tot Donderdag tussen 08:00-13:00 en 13:45 - 17:00 en Vrydag 08:00-13:00 en 13:45 - 15:45 by Departement Ontwikkelingsbestuur, kantoor van die Senior Bestuurder : Ontwikkelingsbestuur, Munisipale Kantoor, Kerkstraat, Malmesbury. Enige skriftelike kommentaar hetsy 'n beswaar of ondersteuning kan ingevolge artikel 60 van genoemde wetgewing aan Die Munisipale Bestuurder, Privaatsak X52, Malmesbury, 7299/Faks – 022-487 9440/e-pos – swartlandmun@swartland.org.za gestuur word voor of op 4 August 2025 om 17:00. Die kommentaar moet asseblief u naam, adres en kontakbesonderhede asook die voorkeurwyse waarop daar met u gekommunikeer moet word aandui, sowel as u belang by die aansoek asook redes vir u kommentaar. Telefoniese navrae kan gerig word aan die stadsbeplanningsafdeling (Alwyn Burger, Herman Olivier en Annelie de Jager) by 022-487 9400. Die Munisipaliteit mag kommentaar wat na die sluitingsdatum ontvang word weier. Persone wat nie kan skryf nie sal deur 'n munisipale amptenaar bygestaan word om hulle kommentaar op skrif te stel.

J J SCHOLTZ
Munisipale Bestuurder

Munisipale Kantoor
Kerkstraat 1
MALMESBURY
7300

4 Julie 2025

SWARTLAND MUNISIPALITEIT
NOTICE 101/2024/2025

PROPOSED REZONING AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF
1877, MALMESBURY

Applicant: CK Rumboll & Vennote, P.O Box 211, Malmesbury, 7299. Tel no. 022-4821845

Owner: NJ & E Warnich, 39 Skool Street, Malmesbury, 7300. Tel no. 0823254519

Reference number: 15/3/3-8/Erf_1877
15/3/4-8/Erf_1877

Property Description: Erf 1877, Malmesbury

Physical Address: 39 Skool Street, Malmesbury

Detailed description of proposal:

An application for rezoning of erf 1877, Malmesbury in terms of section 25(2)(a) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that erf 1877 (1251m² in extent) be rezoned from Residential Zone 1 to Community Zone 2 in order to legalise the existing place of education.

The application for the departure of development parameters on erf 1877, Malmesbury, in terms of section 25(2)(b) of Swartland Municipality : Municipal Land Use Planning By-law (PK 8226 of 25 March 2020) has been received. The departure entails the following:

- Departure of the 10m street building line (Skool Street) to 5.25m
- Departure of the 5m, side building line (Northern boundary) to 3.51m
- Departure of the 10 on-site parking bays to 7 parking bays

The application for temporary departure of erf 1877, Malmesbury, in terms of section 25(2)(b) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. The temporary use makes provision that a portion of the buildings will be used for residential purposes.

Notice is hereby given in terms of section 55(1) of the By-law on Municipal Land Use Planning that the abovementioned application has been received and is available for inspection from Monday to Thursday between 08:00-13:00 and 13:45 - 17:00 and Friday 08:00-13:00 and 13:45 - 15:45 at the Department Development Management, office of the Senior Manager : Development Management, Municipal Office, Church Street, Malmesbury. Any written comments whether an objection or support may be addressed in terms of section 60 of the said legislation to The Municipal Manager, Private Bag X52, Malmesbury, 7299/Fax – 022-487 9440/e-mail – swartlandmun@swartland.org.za on or before 4 August 2025 at 17:00, quoting your name, address or contact details as well as the preferred method of communication, interest in the application and reasons for comments. Telephonic enquiries can be made to the town planning division (Alwyn Burger, Herman Olivier or Annelie de Jager) at 022-487 9400. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a municipal official by transcribing their comments.

J J SCHOLTZ
Municipal Manager

Municipal Office
Church Street
MALMESBURY

4 July 2025





29 August 2025

15/3/10-14/Erf 1949

WYK: 5

ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 10 SEPTEMBER 2025

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON ERF 1949, YZERFONTEIN					
Reference number	15/3/10-14/Erf 1949	Submission date	7 July 2025	Date finalised	29 August 2025

PART A: APPLICATION DESCRIPTION

Application for a consent use on Erf 1949, Yzerfontein, is made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to establish a double dwelling on the property.

The applicant is C.K. Rumboll and Partners and the property owner is Misty Sea Trading 358 (Pty) Ltd.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	ERF 1949 YZERFONTEIN, In die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Wes-Kaap				
Physical address	10 Second Avenue (locality plan attached as Annexure A).	Town	Yzerfontein		
Current zoning	Residential Zone 1	Extent (m ² /ha)	1000m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	The property is vacant			Title number & date	Deed & T55750/2022
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 1949 is located on Atlantic Drive, in the south-easternmost portion of Yzerfontein. The neighbourhood is one of the newest in Yzerfontein, containing several vacant and developing erven. The Swartland Municipal Spatial Development Framework (MSDF, 2023) delineates the area as Zone B, predominantly characterised by low to medium density residential development, surrounded by protected areas and agricultural land.



Figure 1: MSDF Map (2025)

The property slopes downward, away from Atlantic Drive, from south-west to north-east. The proposal involves the development of two dwelling units on the property, connected by one of the garages, positioned at a central point between the two dwellings. The design will optimise the slope to create a multi storey building, while appearing as a single storey architectural unit from the street.

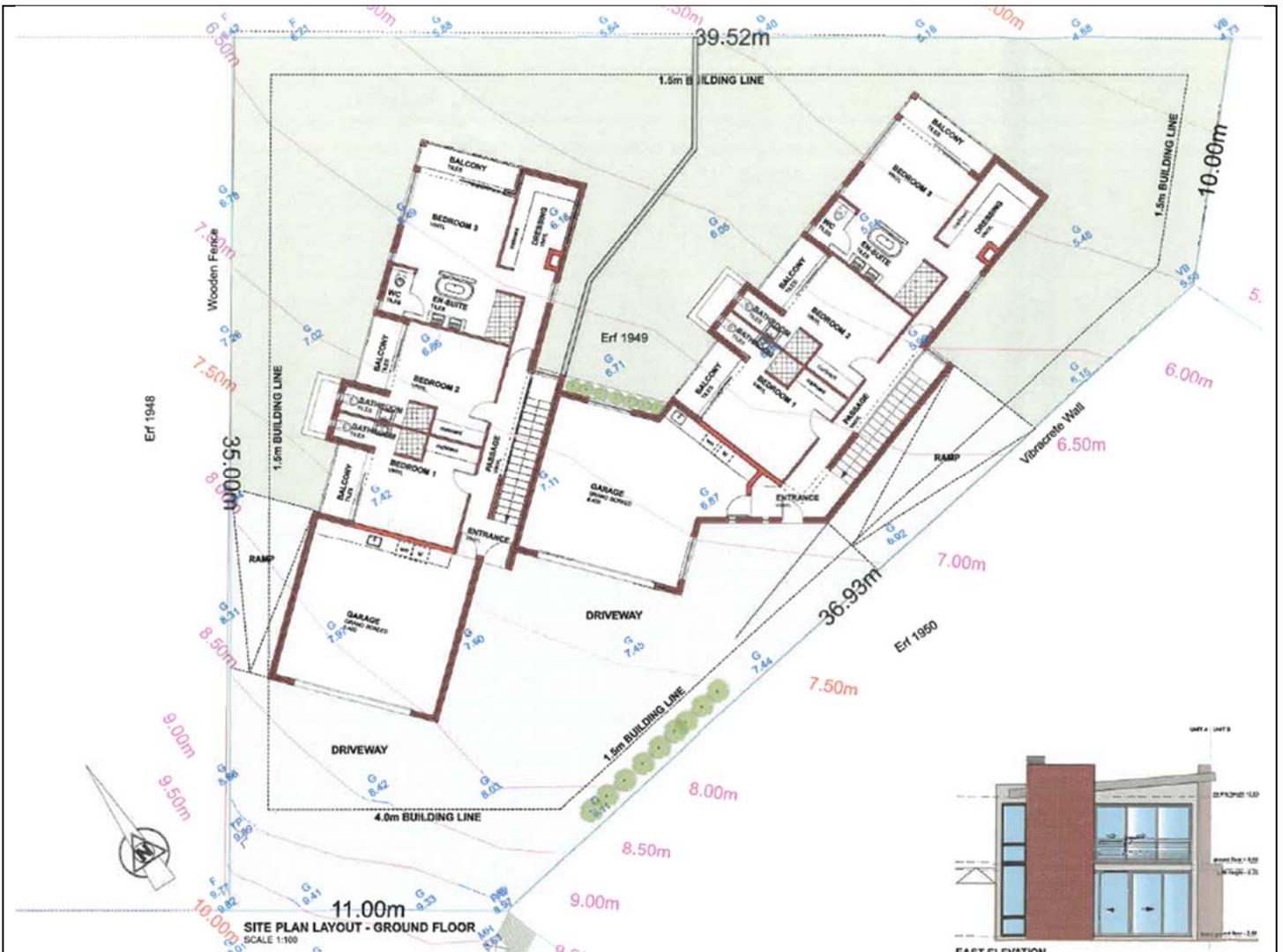


Figure 2a: Site Plan

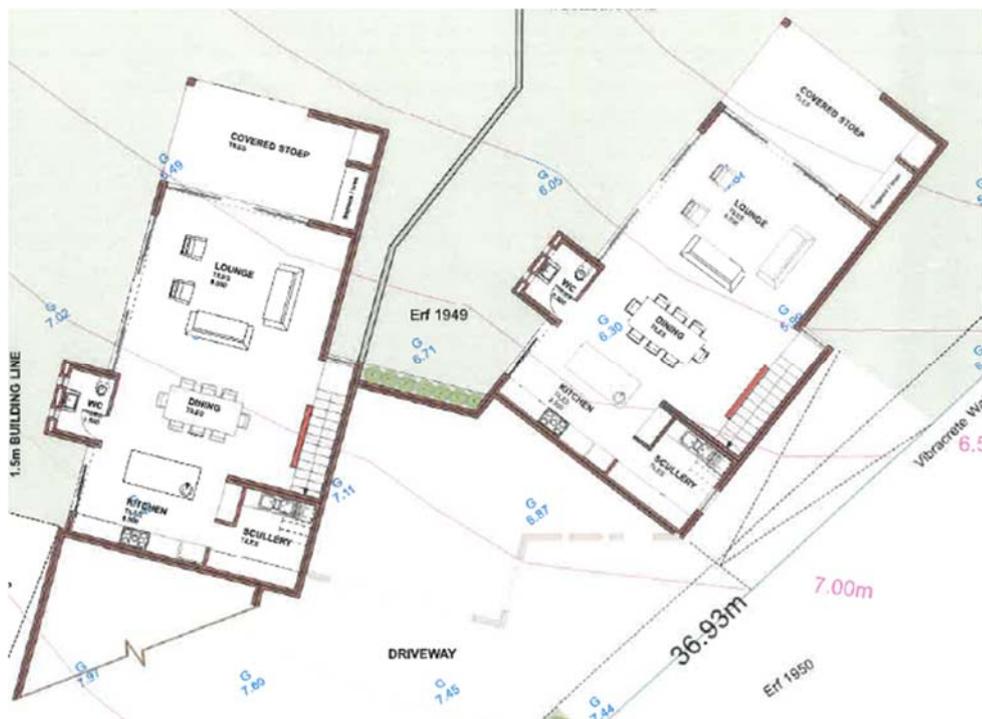


Figure 2b: First floor



The design adheres to the development parameters of Residential Zone 1, as well as to the By-Law definition of a double dwelling, reading: “a building erected for residential purposes that is designed as a single architectural entity containing two dwelling units on one land unit.”

The photographs below reflect the current form of the dwelling to compare with the development proposal.

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

1. Introduction

The aim of the proposal is to apply for a consent use to establish a double dwelling on the property.

Section 1.1(b) of the By-Law makes provisions for a double dwelling or second dwelling unit as a consent use under the current zoning. Furthermore, the SDF encourages the increase of the current density in Yzerfontein through infill development, sectional title and renewal and restructuring. The proposal is therefore aligned with the By-Law and the MSDF. The documents govern and coordinate sustainable development in the Swartland Municipal Area.

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 proposed development complies with spatial development proposals and guidelines, justifying the right of the owner to develop the land for the proposed residential use. The property concerned will be used to its full potential and will make a positive contribution to housing provision in Yzerfontein. The proposed development does not support further segregation within the community. Facilities and services were confirmed to be sufficient to accommodate the proposed uses on the property. The development proposal is consistent with the *Swartland Spatial Development Framework (2025)* as a spatial instrument that directs future development at a Local Municipal level.
- b) **Spatial Sustainability:** The development of the property supports the densification proposal suggested within urban boundaries of all towns in the Western Cape. The proposed development will be sustainable, seeing that the population growth in the Western Cape is high. The proposed application supports spatial compactness, sustainable use of resources and falls within an administrative area earmarked for residential use. The proposed development will have no negative effects on any agricultural land. Furthermore it will not affect any endangered vegetation or conservation areas.

The development is consistent with the Environmental Management requirements for developing land within the existing urban edge and leaving the surrounding natural areas untouched. Urban sprawl is contained by creating new housing opportunities inside the urban edge. No heritage resources will be influenced by the development.

- c) **Efficiency:** The proposal seeks to maximise the potential of the property by establishing a use that will offer more opportunities than the existing land use. By creating a double dwelling unit in an existing neighborhood, it optimizes the use of existing resources and infrastructure that is available in the area. Creating additional dwelling units promotes a combination of residential densities within the existing area. It further supports the development of more compact towns.
- d) **Spatial Resilience:** The development will be resilient in terms of the multiple uses that may be allowed on the property with relevant authorization. The proposed development does not limit any future benefits of the property or surrounding area. The proposed development will have no negative impact on the disadvantaged communities.
- e) **Good administration:** Swartland Municipality will manage the administrative process and public participation processes consistent with the requirements of the By-Law.

2.2 Swartland Municipal Spatial Development Framework (SDF, 2023)

The application property is located in Area E of the SDF, that identifies the area for low, medium and high-density residential opportunities. The proposed land use is thus consistent with the proposals of the SDF.

YZERFONTEIN LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	Secondary Educational Uses	Place of Education	Professional Uses	Business Uses	Secondary Business Uses	Place of Worship	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
		X	X	X 4	X		X 2	X 2	X 2	X	X	X	X	X 6	
B	Zone B, Pearl Bay area, consists mainly of low-density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high-density housing opportunities.														

The table below summarises the SDF objectives for Yzerfontein, in order to “Protect, Change and Develop Place Identity” for the town, as set out in the SDF.

Change	Comments
Increase density by 2027 from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein.	The proposed development supports the principle of densification though adding an additional unit to the single residential property. The development will result in efficient use of land and services.
Protect the character and historical context of surrounding environments and densify by means of infill development and willingness of owners to subdivide keeping in mind existing zonings, the character of surrounding environments and the unique sense of place and historical context of specific areas.	The proposal supports densification while maintaining the “single residential” character and without further subdivision of the property. This approach to densification eliminates the need for developing natural areas in order to achieve higher densities.
Spatially allow for adequate areas for provision of different residential types.	Provides a different housing typology as opposed to the normal freestanding single dwelling. The visual impact from the street will be that of a single living unit
Densify in accordance with zone proposals through: Subdivision (sectional title); Infill development, and; Renewal and restructuring.	The proposal will contribute to densification by means of sectional title use which will provide two dwelling units on one residential erf.
Sectional title subdivision on single residential erven.	The proposal is consistent with the objective.

2.3 Schedule 2 of the By-Law (Zoning Scheme Provisions)

A double dwelling is a consent use that may be considered within the zoning category of Residential Zone 1. The proposal is consistent with all the development parameters of the By-Law, including, but not limited to the building lines, coverage and height restrictions.

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

A total of 12 registered notices were issued to affected parties on 15 July 2025. The same notices were also sent via e-mail, where possible. Please refer to Annexure C for public participation map.

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 The application was forwarded to councillor Rangasamy, but no comments were forthcoming.
Total letters of support	0		

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

Department	Date		Recomm./Not recomm.												
Department: Development Services	11 July 2025	Building plans be submitted to the Senior Manager: Development Management, for consideration and approval;	✓												
Department: Civil Engineering Services	15 July 2025	<p>1. Water Die erf voorsien word van 'n enkele wateraansluiting;</p> <p>2. Riolering Die erf voorsien word van 'n riolsuigtenk met 'n minimum kapasiteit an 8000 liter, wat vir die diensvragmotor vanuit die straat toeganklik is;</p> <p>3. Ontwikkelingsbydraes Die vaste ontwikkelingsbydraes behels die volgende:</p> <table border="1" data-bbox="483 1413 1273 1675"> <tr> <td>Bulk Water Supply</td> <td>R12 263,60</td> </tr> <tr> <td>Bulk Water Reticulation</td> <td>R1 114,35</td> </tr> <tr> <td>Sewer</td> <td>R5 584,40</td> </tr> <tr> <td>WWTW</td> <td>R13 549,30</td> </tr> <tr> <td>Roads</td> <td>R7 632,55</td> </tr> <tr> <td>Electricity</td> <td>R11 927,67</td> </tr> </table>	Bulk Water Supply	R12 263,60	Bulk Water Reticulation	R1 114,35	Sewer	R5 584,40	WWTW	R13 549,30	Roads	R7 632,55	Electricity	R11 927,67	✓
Bulk Water Supply	R12 263,60														
Bulk Water Reticulation	R1 114,35														
Sewer	R5 584,40														
WWTW	R13 549,30														
Roads	R7 632,55														
Electricity	R11 927,67														

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
<p>FJ Swanepoel (Erf 1948) Annexure E</p> <p>HJ le Roux Goosen (Erf 1947 & 1948) Annexure F</p>	<p>1. Over-intensification of a Constrained Site: The proposal seeks to accommodate two full residential units on an erf with an unusually narrow ±11m street frontage, situated on a curve of Atlantic Drive with a steep incline. This significantly limits safe access, parking manoeuvrability, and adequate building separation.</p> <p>2. Traffic and Visitor Parking Impact: The site layout offers no realistic on-site solution for overflow visitor parking, creating an inevitable spill-over in front of neighbouring properties, thereby infringing on our use and enjoyment of our land.</p> <p>3. Privacy Intrusion: The majority of balconies and windows are orientated towards our properties, with minimal screening or setback, resulting in direct and ongoing loss of privacy</p> <p>4. Environmental and Service Pressure: Additional strain on sewerage, water, and electrical capacity is inevitable with two dwellings on a plot of the limited width, raising the risk of odours, service disruptions, and environmental harm.</p>	<p>1. Both dwelling units are designed with double garages located on the southern (street-facing) side of the property, ensuring convenient access to and from the site. The design also takes the natural incline of the property into account. In addition, given the low traffic volumes in the area, the proposed development is expected to have little to no impact on local traffic.</p> <p>2. The proposal complies with the parking requirements as per the Swartland Municipal Land Use Planning By-Law. The parking provision is therefore sufficient.</p> <p>3. Building lines are designed to ensure the privacy of land units. Since the proposal complies with all the building line parameters as per the Swartland Municipal Land Use Planning By-Law. There should therefore be no impact on privacy on the surrounding land owners.</p> <p>4. The proposed double dwelling will only add the equivalent demand of one additional household. Development charges will be paid to ensure that the necessary capacity upgrades, if required, are provided by the municipality. Proper sewer, water, and electrical connections will be installed in accordance with municipal standards, thereby</p>

1. The width of a single carriageway is 4m and a double carriageway, 8m, according to the By-Law. The erf frontage is large enough to accommodate a double carriageway with ease. Furthermore, the property contains more than sufficient space for parking, in addition to the double garage proposed for each unit.

The curve and incline of the road are slight and not deemed to impact on sight lines or traffic safety in any way.

2. Sufficient on-site parking is available for both of the dwelling units in accordance with the requirements of the By-Law.

Guests to Erf 1949 and other road users will be subject to the same traffic legislation pertaining to public roads.

3. The development proposal adheres to the parameters of the By-Law, and as such the developers are within their rights to design the dwelling according to personal preference.

The author would suggest that the developers consider retaining the design and the position of the garages, but rotating the dwellings 15 – 20 degrees east (clockwise). The rotation is foreseen to optimise the thermal orientation (passive heating and cooling) of the dwellings and improving the privacy between neighbours, while retaining the views from the erf.

4. The proposed double dwelling is consistent with the principle of densification, which is specifically aimed at limiting urban sprawl, minimising environmental impact and optimising the use of engineering services.

Additionally, the Department: Civil Engineering Services provided confirmation of service capacity. Development charges are levied in accordance with the Swartland

	<p>5. Contravention of Zoning Scheme Intent: The Swartland Zoning Scheme does not contemplate such over-development on a substandard-width site without demonstrable full compliance with parking, access, and loading requirements on-site.</p> <p>6. Fenestration/balcony orientation: The submitted layout concentrates a disproportionate number of large windows, glazed doors, and elevated balconies directly facing our shared boundary with Erf 1948 and Erf 1947 — significantly more than are provided on any other elevation of the proposed building. The design choice has no functional necessity and creates sustained, one-sided overlooking, directly invading our private habitable rooms and private open space. The south-western elevation (facing directly onto Erven 1948 and 1947) contains approximately 80% of all the development's glazed openings, including the largest balconies and sliding doors, whereas the combined north, east, and west elevations contain the remaining 20%. The disproportionate concentration of windows and balconies on our boundary magnifies the loss of privacy and visual dominance far beyond what</p>	<p>preventing odours, service disruptions, or environmental harm.</p> <p>5. Infill development is encouraged by the Swartland Spatial Development Framework for Yzerfontein and the area:</p> <ul style="list-style-type: none"> - Increase density by 2027 from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein; - Densify in accordance with zone proposals through: Subdivision (sectional title); Infill development, and; Renewal and restructuring. <p>The proposal complies with all the development parameters of the Swartland Municipal Land Use Planning By-Law. The proposal can therefore be encouraged.</p> <p>6. Refer to point 1.</p>	<p>Municipality: Development Charge Policy of 2024, to manage future upgrades of the systems.</p> <p>5. The site is 1000m² in extent and the street boundary is 11m wide. The average erf size in the neighbourhood is between 650m² and 800m² with 20m wide street frontages. The street frontage of Erf 1949 is less than that of surrounding erven, but more than sufficient to accommodate a double carriageway to and from the property, in accordance with the By-Law.</p> <p>The property contains more than enough space inside and outside each of the garages, as well as on the property itself, to accommodate on-site parking.</p> <p>While the proposal supports and increase in density, the development can by no means be considered as high density, or an over-development of a sub-standard site.</p> <p>6. Refer to assessment 3.</p>
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	<p>could be considered reasonable or desirable under the By-law.</p> <p>7. The Swartland Development Management Scheme (DMS):</p> <ul style="list-style-type: none"> - Policy principle: Off-street parking shall be provided to ensure safe traffic flow and to avoid reverse manoeuvres into public streets. - Table B: 2 Parking bays per primary dwelling; additional bays for secondary dwelling and visitors. - Clause 13.1.8: The Municipality may require loading and unloading areas to be provided on-site to prevent obstruction of traffic flow. - Privacy standard: Fenestration and elevated elements must be positioned to minimise direct overlooking of adjoining properties. <p>8. Common Law: Neighbour law and nuisance Unreasonable, continuous visual intrusion and loss of amenity constitute actionable nuisance.</p> <p>9. Constitution of the Republic of South Africa Section 14: Right to privacy - protection against unreasonable and sustained intrusion into one's private sphere. Section 25(1): Protection against arbitrary deprivation of property, Including through approvals that destroy the practical enjoyment and amenity of property. Section 33: Right to lawful, reasonable, and procedurally fair administrative action.</p>	<p>7. Noted. Sufficient off-street parking is provided.</p> <ul style="list-style-type: none"> - Two parking bays per unit will be provided; - No loading and unloading area will be required. - The proposal complies with the privacy requirements (building lines). <p>8. The design has been carefully planned to respect neighbour privacy and amenity, with setbacks ensuring that no unreasonable or continuous visual intrusion will occur.</p> <p>9. The application fully respects constitutional rights. The proposal does not amount to an arbitrary deprivation of property, as all development rights are exercised within the provisions of the Swartland Municipal Land Use Planning By-law. The design includes measures to safeguard privacy and amenity, and the approval process follows lawful, reasonable, and procedurally fair administrative procedures.</p>	<p>7. The statements made by the objector are blatantly untrue, as the development is consistent with each of the requirements of the By-Law.</p> <p>8. and 9. The developer acts within the confines of the law, i.e. the development parameters of the By-Law, regarding building lines, height restrictions, coverage, etc. In other words, the development proposal may be reasonably expected within its residential context.</p> <p>A property owner that buys a residential property in a residential neighbourhood, intrinsically agrees to the legislation that governs all properties in the area. It is thus argued that the objectors not only agreed to the development parameters applicable to their own erf, but also that neighbouring properties may reasonably be expected to adhere to the same development parameters.</p> <p>It is thus argued that, as the proposal is within the development parameters of the By-Law, the owners of Erf 1949 are not acting unreasonable, but rather consistent</p>
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	<p>10.Limit intensity: The site must be limited to a single primary dwelling consistent with the area's single-dwelling character and the physical constraints of an ±11 m street frontage on a curved, sloping road. Approval of two separate dwellings would directly conflict with the DMS requirements for on-site parking, access, turning, and loading, which cannot be physically achieved here. Unless the applicant can conclusively and demonstrably comply in full with all mandatory standards without reliance on the road reserve, the Municipality has no lawful basis to approve more than one dwelling on the site.</p> <p>11.Privacy and overlooking - The overwhelming concentration of windows, glazed doors and elevated balconies is oriented toward our shared boundary, with significantly fewer or smaller openings on other elevations. The design choice maximises direct views into our habitable rooms and private open space (POS) from multiple vantage points, creating sustained and unavoidable overlooking. The visual intrusion would be constant and materially greater than in a typical compliant single-dwelling scenario.</p> <p>12.Reorientation and screening of openings - Balconies and windows facing our properties must be reduced,</p>	<p>10.The Zoning Scheme specifically allows for a double dwelling by consent, provided all development parameters are met. The proposal has been designed to comply with the By-law. Both dwellings are accommodated within the site's constraints, and on-site parking and manoeuvring are provided in accordance with municipal standards. The application therefore meets the lawful basis for approval.</p> <p>11.The design has been sensitively planned to respect neighbouring privacy. Openings and balconies are positioned in line with permissible building parameters. The proposal therefore does not result in unreasonable or sustained visual intrusion beyond what is typical and acceptable in a residential environment.</p> <p>12. Noted. Refer to point 17.</p>	<p>with the previously agreed-upon legal and social contracts pertinent to the neighbourhood.</p> <p>Furthermore, the owners are asserting their right to develop the erf to its full potential, an action that could reasonably be anticipated. The proposed second dwelling thus cannot be considered as an intrusion.</p> <p>10. Developing a second dwelling constitutes densification, which is a spatial principle supported and promoted on national, provincial and local level. The advantages of densification are well documented, i.e. limiting urban sprawl, protecting the environment, protecting agricultural land and food security, optimising service-use, etc.</p> <p>The development has also been proven to be consistent with the By-Law, the SDF, LUPA and SPLUMA. The Municipality absolutely has a lawful basis to approve the second dwelling on the site.</p> <p>11. Refer to assessment 3, 8 and 9.</p> <p>12. Refer to assessment 3.</p>
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	<p>relocated, or screened to prevent direct overlooking and loss of privacy. The disproportionate orientation toward our boundary, compared to minimal openings elsewhere on the building, is unique to our side and is materially more intrusive than any comparable property relationship in the area.</p> <p>13. Proof of service capacity -The applicant must provide engineering confirmation of sufficient sewer, water, and stormwater capacity, with measures to mitigate odour, overflow, and service interruptions, noting that two dwellings on the site would double sewage load and increase risk of odour and contamination in an area with limited infrastructure capacity.</p> <p>14. We will hold both the Applicant and the Municipality liable for any loss - including diminution in property value, loss of privacy and amenity, increased environmental health risks, and service disruptions - arising from an approval granted in spite of the above defects. We expressly reserve all rights to approach the High Court for review and interdictory relief, to lodge complaints under the National Environmental Management Act and applicable health legislation, and to invoke all remedies available under the Municipal Land Use Planning By-law, the Spatial Planning and Land Use Management Act (SPLUMA), and the Promotion of Administrative Justice Act (PAJA), with attorney-and-client costs: Institute urgent High Court proceedings to review and set aside such approval under the Promotion of Administrative Justice Act, 2000 (PAJA);</p>	<p>13. Swartland Municipality's engineering department will comment on the capacity of services available in the area.</p> <p>14. Noted.</p>	<p>13. Refer to assessment 4.</p> <p>14. Noted.</p>
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Seek an interdict to prevent implementation pending final determination; and Pursue damages of no less than R1,000,000 for loss of privacy, amenity, value, and peaceful enjoyment, together with costs on an attorney-and-client scale.



Figure 4: Location of applicant vs objectors

PART J: MUNICIPAL PLANNING EVALUATION

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

Application for a consent use on Erf 1949, Yzerfontein, was made in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), in order to establish a double dwelling on the property.

A total of 12 registered notices were issued to affected parties on 15 July 2025. The same notices were also sent via e-mail, where possible.

The public commenting period concluded on 18 August 2025 and a total two objections were received. The objections were forwarded to the applicant on 20 August 2025 and the response to the objections were received back on 26 August 2025.

The applicant is C.K. Rumboll and Partners and the property owner is Misty Sea Trading 358 (Pty) Ltd.

2. Legislation and policy frameworks

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

- a) Spatial Justice: The development proposal is consistent with residential uses and all the related requirements and development parameters stipulated by the By-Law, thus neither the rights of the applicant nor the objectors will be negatively impacted by the consent use. Densification will rather ensure improved alignment and consistency with national, provincial and local policy and legislation.

The proposed consent use for a double dwelling supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society and promoting security of tenure;

- b) Spatial Sustainability: The proposed consent for a double dwelling promotes contextually appropriate densification, contributing to spatial and environmental sustainability by reducing pressure on valuable agricultural and natural land. Such applications effectively act to reduce urban sprawl and result in the improved use of land – which is a scarce resources – and existing municipal services.
- c) Efficiency: The development proposal will promote the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Spatial Resilience: The development of a second dwelling allows for contextually appropriate densification. The proposal creates diversification of assets which may contribute to the withstanding of possible future environmental and financial shocks.
- e) Good Administration: The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained;

It is subsequently clear that the development proposal is consistent with spatial planning principles referred to in LUPA and SPLUMA.

2.2. Provincial Spatial Development Framework (PSDF, 2014)

The PSDF describes tourism as one of the underpinning factors within the urban space economy. The development proposal can contribute to providing in the need for tourist accommodation in Yzerfontein, while minimally impacting on the character of its environment.

The development proposal may therefore be deemed consistent with the PSDF.

2.3 West Coast District SDF (WCDSDF, 2014)

Yzerfontein is one of the major tourist attractions throughout the West Coast District. One of the strategies contained in the WCDSDF is to promote and develop tourism infrastructure within the District. The development proposal can provide in the need for accommodation by various tourists who visit the district, and thus contribute to the income derived from tourism.

The WCDSDF also supports the principle of densification. A second dwelling/double dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. The proposal is thus consistent with the WCDSDF.

2.4 Swartland Spatial Development Framework (SDF, 2023)

The application property is situated within a residential node, delineated as Area B, as per the spatial proposals for Yzerfontein contained in the SDF. The area is characterised by residential developments of various densities. The development of a double dwelling on Erf 1949 is consistent with a number of goals and principles identified by the SDF:

- a. The proposal supports the goal of increased density by 2027 from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein;
- b. The character of the area is protected by contextually appropriate infill development and densification, while retaining the sense of place of the specific area;
- c. The double dwelling promotes the provision of different residential typologies;

2.5 Schedule 2 of the By-Law: Zoning Scheme Provisions

The double dwelling is proposed to adhere to all the development parameters of Residential Zone 1 and the zoning will remain unchanged.

A double dwelling may be accommodated within the zoning category as a consent use and the proposed design ensures that the proposed double dwelling is consistent with the definition of a double dwelling. The combined units will appear as one architectural entity, having the effect of a large single residence.

3. Desirability of the proposed utilisation

There are no physical restrictions on the property that will have a negative impact on the application. The proposed design will use the slope advantageously to create the illusion of a single storey, single dwelling at street level, while expanding into a double storey towards the rear of the erf. The design thus minimises the visual impact on the streetscape.

The character of the surrounding area is that of a low density residential neighbourhood. While a double dwelling will contribute to the spatial goal of increasing the density within the area, it will by no means alter the character. The aim of the double dwelling is to provide additional residential opportunities. The proposed land use is thus considered as a desirable activity within a residential neighbourhood, as it will accommodate residential activities compatible with the existing area.

The street façade of the double dwelling is considered to be compatible with that of one large, single dwelling unit, ensuring consistency with the By-Law definition. The intent of the definition is for the double dwelling to blend in seamlessly with the existing residential character of the area and the goal is achieved by the development proposal.

The street boundary of the erf is narrower than that of the majority of the erven in the area, but by no means so narrow that it may create traffic concerns. The By-Law stipulates the width of residential carriageways between 4m and maximum 8m, which may easily be accommodated in the 11m street front. Furthermore, the bend in the road does not obstruct sight lines to and from the property entrance.





Access to the property is obtained directly from Atlantic Drive with ample parking space in front of the dwelling. The impact on the traffic movement in the area is deemed to be negligible. It is, however, proposed that the vegetation in front of Erf 1948 (on the road reserve) be kept trimmed to improve visibility to and from Erf 1949.

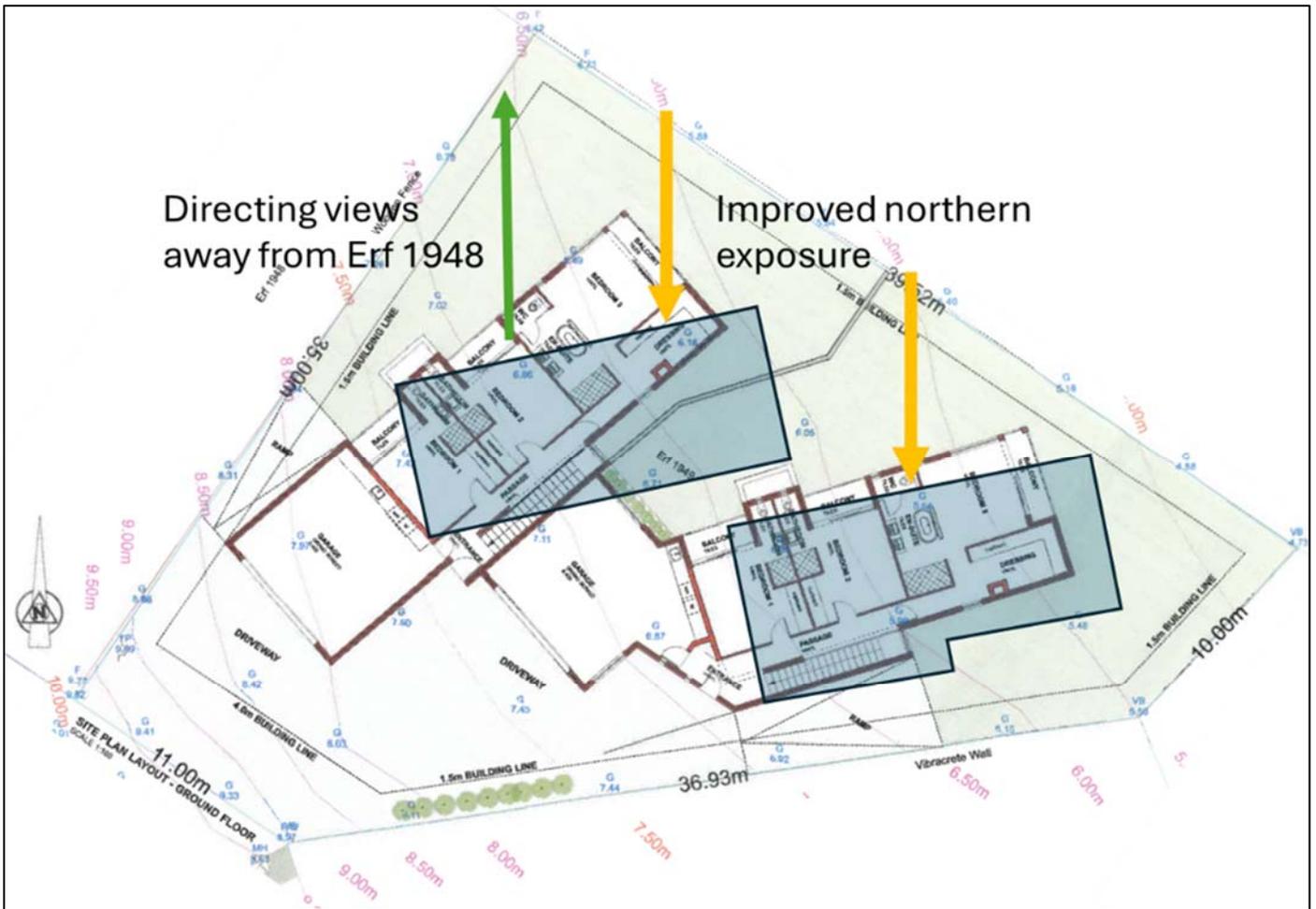


The overall height of the double dwelling is lower than the maximum allowable 8m wall plate height. The proposal also adheres to the building lines of Residential Zone 1 and consequently does not obstruct the views from any of the affected properties in the neighbourhood, beyond that which is permitted within the land use rights.

Similarly, the developer acts within their right to design the dwelling according to their personal taste, including the size and number of windows in the façade of their choosing. The dwelling adheres to the building lines and is well below the height and coverage restrictions. The property owner may, just like the objectors, not be prohibited from acting within said rights and developing the property to its full potential. The proposed development cannot be considered intrusive or unreasonable.

The author proposes that the layout of the dwelling on the property is amended and rotated slightly, by about 15 – 20 degrees east, in order to maximise the northern exposure of the dwelling and limiting exposure to harsh western sunlight. The ocean is not visible from Erf 1949, thus the re-orientation will have no effect on sea views.

The re-orientation is foreseen to improve the thermal management within the dwelling itself, improving living conditions for the owners of Erf 1949, as well as mitigating privacy issues and relationships between neighbours.



The proposed activity will have a positive economic impact as it will generate income for both the land owner, and the municipality, through rates and taxes. Should the owner/developer make the property or a portion thereof available as tourist accommodation, the development may promote tourism and the spending of visitors to the area.

The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding land owners, nor will it negatively impact on environmental assets.

The development proposal may be considered desirable.

4. Impact on municipal engineering services

The proposed application is intended to optimise the use of existing infrastructure and municipal engineering services. Development charges will be levied in accordance with the Swartland Municipality Development Charge Policy (2024).

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

PART L: RECOMMENDATION WITH CONDITIONS

The application for consent use on Erf 1949, Yzerfontein, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to establish a double dwelling;

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent use authorises a double dwelling, as presented in the application;
- b) The orientation of the dwelling units on the proposed site plan be amended to maximise northern exposure of the core elements;
- c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- d) A double carriageway of maximum 8m in width be provided for access to the property;

2. WATER

- a) The property be provided with a single water connection and that no additional connections be provided;

3. SEWERAGE

- a) The double dwelling be provided with a conservancy tank with the minimum capacity of 8 000 litre, to be installed on the property in a location that is accessible to the municipal vacuum truck, to the satisfaction of the Director: Civil Engineering Services;

4. DEVELOPMENT CHARGES

- a) The owner/developer is responsible for the development charge of R12 263,60 towards the supply of regional bulk water at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);
- b) The owner/developer is responsible for the development charge of R1 114,35 towards bulk water reticulation at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-174-9210);
- c) The owner/developer is responsible for the development charge of R5 584,40 towards sewerage at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/240-184-9210);
- d) The owner/developer is responsible for the development charge of R13 549,30 towards waste water treatment building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/240-183-9210);
- e) The owner/developer is responsible for the development charge of R7 632,55 towards roads at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA 9/247-188-9210);
- f) The owner/developer is responsible for the development charge of R11 927,67 towards electricity at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/253-164-9210);
- g) The Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and may be revised thereafter;

5. GENERAL

- a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- b) Should it in future 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 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, Malmesbury, 7299 or by e-mail to 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 proposed double dwelling is consistent with the principles of LUPA, SPLUMA and the MSDF.
- 2) A double dwelling is accommodated as a consent use under Residential Zone 1 of the By-Law.
- 3) The design of the double dwelling is consistent with the definition contained in the By-Law, as it appears as a single architectural unit.
- 4) The proposed double dwelling adheres to all the development parameters of Residential Zone 1 and does not impact on the rights of the abutting land owners.
- 5) The proposal is lawful and considered reasonable.
- 6) Mitigating measures are stipulated in the approval letter to improve the thermal management of the dwelling and the relationship with the neighbouring property.
- 7) The proposal will enable the owner of the property to develop the property in response to the market and personal preference. They will also be able to more efficiently utilise the property, possibly gaining financially through rental income or sale of the second unit.
- 8) While the proposal promotes densification, the visual impact of the double dwelling is similar to that of a large single residence. The character of the neighbourhood thus remains unaffected as a low-density residential area, consistent with the spatial proposals of the SDF.
- 9) The development will result in the better utilisation of the property in terms of modern town development and align with various policies which require more efficient use of land and contextually appropriate densification.
- 10) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy.
- 11) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population.
- 12) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

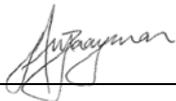
PART N: ANNEXURES

Annexure A	Locality Plan
Annexure B	Building Plans
Annexure C	Public Participation Map
Annexure D	Objections from PA Johnson
Annexure E	Objections from ME Maritz
Annexure F	Response to Comments

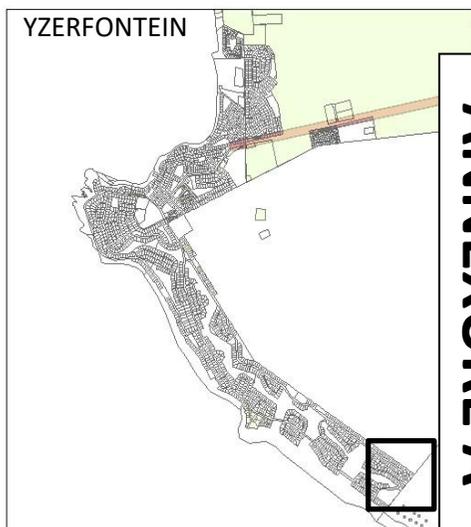
PART O: APPLICANT DETAILS

First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Misty Sea Trading 358 (Pty) Ltd.	Is the applicant authorised to submit the application:	Y	N

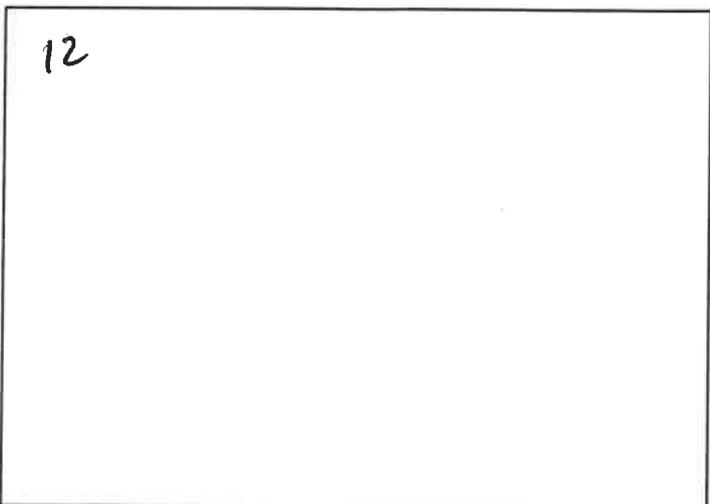
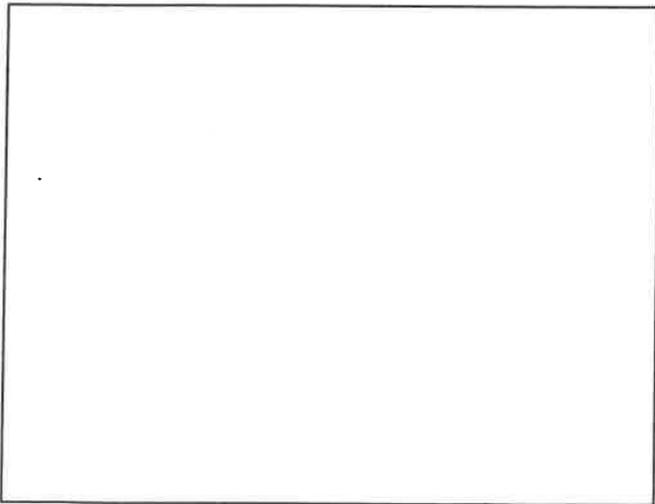
PART P: SIGNATURES

Author details: Annelie de Jager Town Planner SACPLAN: A/2203/2015		Date: 1 September 2025	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended
		Date: 1 September 2025	

**LOCALITY MAP:
ERF 1949,
YZERFONTEIN**



ANNEXURE A



ANNEXURE D

**Cover Letter – Submission of Formal Notice of Objection: Erf 1949,
Yzerfontein**

REF: 15/3/10-14/Erf_1949

To:

The Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury, 7299

From:

Mr. Frans Joachim Swanepoel – Registered Co-Owner, Erf 1948,
Yzerfontein

Mr. Hendrik Jacobus le Roux Goosen – Registered Owner, Erf 1947,
Yzerfontein, and Co-Owner, Erf 1948

Date: 15 August 2025

Dear Municipal Manager,

We hereby submit our Formal Notice of Objection regarding the proposed development on Erf 1949, Yzerfontein. This objection is submitted in terms of the Spatial Planning and Land Use Management Act, the Swartland Municipal Land Use Planning By-law, the Development Management Scheme, the Parking Management By-law, the Roads and Streets By-law, and the Constitution of the Republic of South Africa.

Please find enclosed the full, signed objection document, which outlines in detail our legal and factual grounds for opposing the proposed development.

The enclosed Formal Notice of Objection consists of 9 numbered pages, including all annexures referenced therein. Kindly confirm receipt of all pages upon delivery.



A handwritten signature in black ink, appearing to be "J. J. J. J.", written vertically.

Hiermee erken ontvangs van skrywe
Stally DELMAY STALLENBERG

We require written acknowledgment of receipt of this objection and a substantive written response within seven (7) calendar days, indicating whether the application will be withdrawn, amended to address all defects, or persisted with. Should no adequate response be received within this period, we will proceed to pursue all remedies available to us under law, including but not limited to review proceedings and interdictory relief, without further notice.

Yours faithfully,



Mr. Frans Joachim Swanepoel
Owner – Erf 1948, Yzerfontein



Mr. Hendrik Jacobus le Roux Goosen
Owner – Erf 1947, Yzerfontein; Co-Owner – Erf 1948



**FORMAL NOTICE OF OBJECTION – Proposed Development on Erf 1949
Directly adjoining Erven 1948 & 1947**

Yzerfontein – REF: 15/3/10-14/Erf_1949

(Submitted under the Spatial Planning and Land Use Management Act, the Swartland Municipality Municipal Land Use Planning By-law, the Swartland Development Management Scheme (DMS), the Roads and Traffic By-law, the Parking Management By-law, applicable common law principles, and the Constitution of the Republic of South Africa)

To:

The Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury, 7299

From:

Mr. Frans Joachim Swanepoel – Co-owner, Erf 1948, Yzerfontein
Mr. Hendrik Jacobus le Roux Goosen – Sole Owner, Erf 1947, Yzerfontein
and Co-owner, Erf 1948, Yzerfontein

Date: 15 August 2025

1. Introduction

1.1 We, the undersigned registered owners of the directly and indirectly adjoining Erven 1948 and 1947, hereby lodge this formal objection to the proposed development on Erf 1949, Yzerfontein, as per the current building plan and/or land use application submitted to the Swartland Municipality.

1.2 Erf 1948 directly abuts Erf 1949 along its side boundary; Erf 1947 lies immediately adjacent to Erf 1948. The proposed development will cause significant, ongoing, and irreversible harm to both our properties if approved in its current form.

1.3 This objection is made after obtaining legal and planning advice from senior counsel and specialists in municipal law. On such advice, we have



strong, merit-based grounds to oppose the proposal, supported by statutory, regulatory, and constitutional protections.

2. Executive Summary of Objection

2.1 Over-intensification on an undersized frontage

Erf 1949 has an exceptionally narrow street frontage of approximately 11 metres, located on a bend and gradient of Atlantic Drive. This configuration cannot lawfully or safely accommodate two separate dwelling units with compliant on-site parking, access, and manoeuvring areas as required under the DMS.

The DMS does not permit a level of intensification that results in two independent dwelling units being served from a single 11 m street frontage, particularly where that frontage lies on a curve of a sloping public road. The physical constraints of width, gradient, and turning geometry make lawful and safe compliance with parking, access, and loading standards impossible. This is not merely undesirable but, in planning-law terms, incapable of approval without violating mandatory scheme provisions.

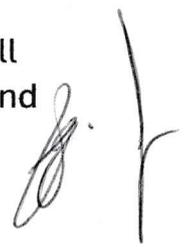
2.2 Fenestration/balcony orientation

The submitted layout concentrates a disproportionate number of large windows, glazed doors, and elevated balconies directly facing our shared boundary with Erf 1948 and Erf 1947 — significantly more than are provided on any other elevation of the proposed building. This design choice has no functional necessity and creates sustained, one-sided overlooking, directly invading our private habitable rooms and private open space.

The south-western elevation (facing directly onto Erven 1948 and 1947) contains approximately 80% of all the development's glazed openings, including the largest balconies and sliding doors, whereas the combined north, east, and west elevations contain the remaining 20%. This disproportionate concentration of windows and balconies on our boundary magnifies the loss of privacy and visual dominance far beyond what could be considered reasonable or desirable under the By-law.

2.3 Severe privacy loss and visual dominance

The plans show a disproportionate concentration of large glazed windows, sliding doors, and multiple elevated balconies facing directly toward our properties. Other elevations of the proposed building have minimal openings, clearly evidencing a design bias toward our boundary. This will cause sustained visual intrusion into our private living areas, gardens, and



outdoor spaces, contrary to common law nuisance principles and the DMS privacy standards.

2.4 Infrastructure capacity, environmental health and nuisance risk

Two full dwellings on this limited frontage will double sewage discharge, solid waste generation, and water consumption. The existing sewer and stormwater systems in this segment of Atlantic Drive are already constrained, increasing the risk of odour dispersal, backflow incidents, and service disruptions.

Two independent dwellings on such a constrained site will double the sewage discharge, water demand, electricity load, and domestic refuse output compared to a single dwelling, with no realistic capacity upgrades indicated. In sloping, high-density conditions, this increases the risk of sewer odour, overflow, and pressure drops, which are recognised under environmental health law as public health nuisances. The additional vehicle movements, visitor parking, and daily activity associated with two dwellings will unreasonably intensify noise and traffic in a quiet single-dwelling street context. In addition to the privacy, parking and access concerns above, the intensification to two dwellings on such a narrow frontage raises unacceptable risks relating to sewerage and refuse handling. Doubling the number of kitchens, bathrooms, and waste-water outlets on this small, steep site will materially increase the load on the municipal sewer system in this section of Atlantic Drive, which already operates under constrained capacity. Any malfunction or backflow would directly affect our properties due to the slope and drainage pattern, creating odour, public health hazards, and loss of amenity. Increased refuse volumes and bin movements also create predictable noise, odour and vermin attraction in close proximity to our boundaries.

The DMS infrastructure provisions are premised on capacity for a single primary dwelling per such constrained frontage; approval of two would constitute an overburden that is both unlawful and contrary to sustainable service planning.

2.5 Traffic and visitor pressure on neighbouring frontages

The 11 m frontage, compounded by the bend and gradient, provides inadequate kerbside space for visitor parking. In practice, visitors to Erf 1949 will necessarily stop or park in front of our Erven 1948 and 1947, transferring the applicant's parking shortfall to us.



3. Legal and Policy Grounds

3.1 Swartland Development Management Scheme (DMS)

- Policy principle: Off-street parking shall be provided to ensure safe traffic flow and to avoid reverse manoeuvres into public streets.
- Table B: 2 bays per primary dwelling; additional bays for secondary dwellings and visitors.
- Clause 13.1.8: The Municipality may require loading and unloading areas to be provided on-site to prevent obstruction of traffic flow.
- Privacy standard: Fenestration and elevated elements must be positioned to minimise direct overlooking of adjoining properties.

3.2 Parking Management By-law, 2016

- Prohibits parking that obstructs private or public driveways or encroaches upon mandated clearance distances from bends, intersections, and access points.

3.3 Roads and Traffic By-law, 2014

- Prohibits any obstruction within the road reserve that compromises sightlines, traffic safety, or accessibility.

3.4 Common Law: Neighbour law and nuisance

- Unreasonable, continuous visual intrusion and loss of amenity constitute actionable nuisance.

3.5 Constitution of the Republic of South Africa

- Section 14: Right to privacy — protection against unreasonable and sustained intrusion into one's private sphere.
- Section 25(1): Protection against arbitrary deprivation of property, including through approvals that destroy the practical enjoyment and amenity of property.
- Section 33: Right to lawful, reasonable, and procedurally fair administrative action.



4. Specific Relief Sought

4.1 Limit intensity: The site must be limited to a single primary dwelling consistent with the area's single-dwelling character and the physical constraints of an ± 11 m street frontage on a curved, sloping road. Approval of two separate dwellings would directly conflict with the DMS requirements for on-site parking, access, turning, and loading, which cannot be physically achieved here. Unless the applicant can conclusively and demonstrably comply in full with all mandatory standards without reliance on the road reserve, the Municipality has no lawful basis to approve more than one dwelling on this site.

4.2 Privacy and overlooking – The overwhelming concentration of windows, glazed doors and elevated balconies is oriented toward our shared boundary, with significantly fewer or smaller openings on other elevations. This design choice maximises direct views into our habitable rooms and private open space (POS) from multiple vantage points, creating sustained and unavoidable overlooking. The visual intrusion would be constant and materially greater than in a typical compliant single-dwelling scenario.

4.2.1 Reorientation and screening of openings – Balconies and windows facing our properties must be reduced, relocated, or screened to prevent direct overlooking and loss of privacy. This disproportionate orientation toward our boundary, compared to minimal openings elsewhere on the building, is unique to our side and is materially more intrusive than any comparable property relationship in the area.

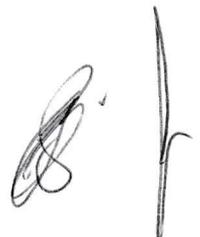
4.3 Proof of service capacity – The applicant must provide engineering confirmation of sufficient sewer, water, and stormwater capacity, with measures to mitigate odour, overflow, and service interruptions, noting that two dwellings on this site would double sewage load and increase risk of odour and contamination in an area with limited infrastructure capacity.



5. Notice of Legal Action (Erf 1949)

We will hold both the Applicant and the Municipality liable for any loss — including diminution in property value, loss of privacy and amenity, increased environmental health risks, and service disruptions — arising from an approval granted in spite of the above defects. We expressly reserve all rights to approach the High Court for review and interdictory relief, to lodge complaints under the National Environmental Management Act and applicable health legislation, and to invoke all remedies available under the Municipal Land Use Planning By-law, the Spatial Planning and Land Use Management Act (SPLUMA), and the Promotion of Administrative Justice Act (PAJA), with attorney-and-client costs:

- Institute urgent High Court proceedings to review and set aside such approval under the Promotion of Administrative Justice Act, 2000 (PAJA);
- Seek an interdict to prevent implementation pending final determination; and
- Pursue damages of no less than R1,000,000 for loss of privacy, amenity, value, and peaceful enjoyment, together with costs on an attorney-and-client scale.



Response period:

You are hereby required to provide a written response within 7 (seven) calendar days from the date of this objection, indicating whether the application will be withdrawn, amended to address all defects, or persisted with. Should no adequate response be received within this period, we will proceed to pursue all remedies available to us under law, including but not limited to review proceedings and interdictory relief, without further notice.

Final Emphasis

We emphasise that this objection is lodged with full legal standing and readiness to proceed to urgent High Court relief should Council approve a scheme that contravenes the applicable law, policy, and neighbour rights as set out herein.

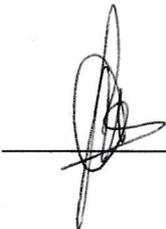
Signed at: Yzerfontein on: 15 August 2025

Mr. Frans Joachim Swanepoel
Co-owner – Erf 1948, Yzerfontein



Signed at: Yzerfontein on: 15 August 2025

Mr. Hendrik Jacobus le Roux Goosen
Sole Owner – Erf 1947, Yzerfontein
Co-owner – Erf 1948, Yzerfontein





Addendum to Formal Notice of Objection – Erf 1949, Yzerfontein

Dear Municipal Manager,

As per my Formal Notice of Objection submitted on 15 August 2025, I hereby attach this Addendum, which specifically highlights and expands on risks and adverse impacts arising directly from the applicant's own submission.

Upon review of the development application for Erf 1949, it is evident that the applicant's proposal introduces material and permanent prejudice to neighbouring properties, and these risks are in some instances acknowledged implicitly within the applicant's own documentation.

Key risk factors identified from the applicant's submission include:

1. ***Over-intensification of a Constrained Site:*** The proposal seeks to accommodate two full residential units on an erf with an unusually narrow ± 11 m street frontage, situated on a curve of Atlantic Drive with a steep incline. This significantly limits safe access, parking manoeuvrability, and adequate building separation.
2. ***Traffic and Visitor Parking Impact:*** The site layout offers no realistic on-site solution for overflow visitor parking, creating an inevitable spill-over in front of neighbouring properties, thereby infringing on our use and enjoyment of our land.
3. ***Privacy Intrusion:*** The majority of balconies and windows are orientated towards our properties, with minimal screening or setback, resulting in direct and ongoing loss of privacy.
4. ***Environmental and Service Pressure:*** Additional strain on sewerage, water, and electrical capacity is inevitable with two dwellings on a plot of this limited width, raising the risk of odours, service disruptions, and environmental harm.
5. ***Contravention of Zoning Scheme Intent:*** The Swartland Zoning Scheme does not contemplate such over-development on a substandard-

width site without demonstrable full compliance with parking, access, and loading requirements on-site.

For these reasons, and as already detailed in my original objection, I submit that the application in its current form is untenable, and respectfully request that the Municipality refuse approval.

Kindly acknowledge receipt of this Addendum and provide a written response within seven (7) calendar days from the date of this correspondence, indicating whether the application will be withdrawn, amended to address the defects outlined, or persisted with. Should no adequate response be received, I reserve all rights to pursue review proceedings and interdictory relief without further notice.

Yours faithfully,

Frans Joachim Swanepoel
Registered Co-Owner, Erf 1948, Yzerfontein
fransswanepoel@fjs.co.za // 082 806 8243

Hendrik Jacobus le Roux Goosen
Registered Owner, Erf 1947, Yzerfontein, and Co-Owner, Erf 1948
studio@fjs.co.za // 079 77 37 677

ANNEXURE F

MUNISIPALITEIT SWARTLAND

LEER No: 15/3/10-14 Erf 1949

Verwys Na	Inligting	Verslag	Afhandeling	Kom/Taar
SES				
bel				
Ander Opdrag				
SPERDATUM:				(get)BK

CK RUMBOLL & VENNOTE / PARTNERS

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

DATE: 25 August 2025

OUR REF: YZER/14599/NJdK

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED CONSENT USE ON ERF 1949, YZERFONTEIN

Your letter dated 20 August 2025 refers (see annexure A attached). Please find attached our comments to objections.

This office has been instructed by the owner of Erf 1949 to handle all town planning actions regarding the application for consent use on Erf 1949, Yzerfontein.

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

- Frans Joachim Swanepoel (Co-owner of Erf 1948)
- Hendrik Jacobus Le Roux Goosen (Owner of Erf 1947 and Co-owner of Erf 1948)



VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.
ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845



Figure 1: Erf 1949 and surrounding objectors.

Objector	Objection	Comment from CK Rumboll & Partners
Frans Joachim Swanepoel (Co-owner of Erf 1948)	<p>1. Over-intensification of a Constrained Site: The proposal seeks to accommodate two full residential units on an erf with an unusually narrow $\pm 11\text{m}$ street frontage, situated on a curve of Atlantic Drive with a steep incline. This significantly limits safe access, parking manoeuvrability, and adequate building separation.</p>	<p>1. Both dwelling units are designed with double garages located on the southern (street-facing) side of the property, ensuring convenient access to and from the site. The design also takes the natural incline of the property into account. In addition, given the low traffic volumes in the area, the proposed development is expected to have little to no impact on local traffic.</p>
	<p>2. Traffic and Visitor Parking Impact: The site layout offers no realistic on-site solution for overflow visitor parking, creating an inevitable spill-over in front of neighbouring properties, thereby infringing on our use and enjoyment of our land.</p>	<p>2. The proposal complies with the parking requirements as per the Swartland Municipal Land Use Planning By-Law. The parking provision is therefore sufficient.</p>

VENNOTE / PARTNERS:

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.
 ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
 MALMESBURY (T) 022 482 1845

	<p>3. Privacy Intrusion: The majority of balconies and windows are orientated towards our properties, with minimal screening or setback, resulting in direct and ongoing loss of privacy</p>	<p>3. Building lines are designed to ensure the privacy of land units. Since the proposal complies with all the building line parameters as per the Swartland Municipal Land Use Planning By-Law. There should therefore be no impact on privacy on the surrounding land owners.</p>
	<p>4. Environmental and Service Pressure: Additional strain on sewerage, water, and electrical capacity is inevitable with two dwellings on a plot of this limited width, raising the risk of odours, service disruptions, and environmental harm.</p>	<p>4. The proposed double dwelling will only add the equivalent demand of one additional household. Development charges will be paid to ensure that the necessary capacity upgrades, if required, are provided by the municipality. Proper sewer, water, and electrical connections will be installed in accordance with municipal standards, thereby preventing odours, service disruptions, or environmental harm.</p>
	<p>5. Contravention of Zoning Scheme Intent: The Swartland Zoning Scheme does not contemplate such over-development on a substandard-width site without demonstrable full compliance with parking, access, and loading requirements on-site.</p>	<p>5. Infill development is encouraged by the Swartland Spatial Development Framework for Yzerfontein and this area:</p> <ul style="list-style-type: none"> • <i>Increase density by 2027 from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein.</i> • <i>Densify in accordance with zone proposals through: Subdivision (sectional title); Infill development, and; Renewal and restructuring.</i> <p>The proposal complies with all the development parameters of the Swartland Municipal Land Use Planning By-Law. The proposal can therefore be encouraged.</p>
<p>Hendrik Jacobus Le Roux Goosen (Owner of Erf 1947 and Co-owner of Erf 1948)</p>	<p>6. Over-Intensification on an undersized frontage: Erf 1949 has an exceptionally narrow street frontage of approximately 11 metres, located on a bend and gradient of Atlantic Drive. This configuration cannot lawfully or safely accommodate two separate dwelling units with compliant on-site parking, access, and</p>	<p>6. Refer to point 1.</p>

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: admin@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845

	<p>manoeuvring areas as required under the DMS.</p> <p>The DMS does not permit a level of intensification that results in two independent dwelling units being served from a single 11 m street frontage, particularly where that frontage lies on a curve of a sloping public road. The physical constraints of width, gradient, and turning geometry make lawful and safe compliance with parking, access, and loading standards impossible. This is not merely undesirable but, in planning-law terms, incapable of approval without violating mandatory scheme provisions.</p>	
	<p>7. Fenestration/balcony orientation:</p> <p>The submitted layout concentrates a disproportionate number of large windows, glazed doors, and elevated balconies directly facing our shared boundary with Erf 1948 and Erf 1947 — significantly more than are provided on any other elevation of the proposed building. This design choice has no functional necessity and creates sustained, one-sided overlooking, directly invading our private habitable rooms and private open space. The south-western elevation (facing directly onto Erven 1948 and 1947) contains approximately 80% of all the development's glazed openings, including the largest balconies and sliding doors, whereas the combined north, east, and west elevations contain the remaining 20%. This disproportionate concentration of windows and balconies on our boundary magnifies the loss of privacy and visual dominance far beyond what could be considered reasonable or desirable under the By-law.</p>	<p>7. Refer to point 2.</p>

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	<p>8. Severe privacy loss and visual dominance: The plans show a disproportionate concentration of large glazed windows, sliding doors, and multiple elevated balconies facing directly toward our properties. Other elevations of the proposed building have minimal openings, clearly evidencing a design bias toward our boundary. This will cause sustained visual intrusion into our private living areas, gardens, and outdoor spaces, contrary to common law nuisance principles and the DMS privacy standards.</p>	<p>8. Refer to point 3.</p>
	<p>9. Infrastructure capacity, environmental health and nuisance risk: Two full dwellings on this limited frontage will double sewage discharge, solid waste generation, and water consumption. The existing sewer and stormwater systems in this segment of Atlantic Drive are already constrained, increasing the risk of odour dispersal, backflow incidents, and service disruptions.</p> <p>Two independent dwellings on such a constrained site will double the sewage discharge, water demand, electricity load, and domestic refuse output compared to a single dwelling, with no realistic capacity upgrades indicated. In sloping, high-density conditions, this increases the risk of sewer odour, overflow, and pressure drops, which are recognised under environmental health law as public health nuisances. The additional vehicle movements, visitor parking, and daily activity associated with two dwellings will unreasonably intensify noise and traffic in a quiet single-dwelling street context. In addition to the privacy, parking and access concerns above, the intensification to two dwellings on such a narrow frontage raises</p>	<p>9. Refer to point 4.</p>

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 IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.
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	<p>unacceptable risks relating to sewerage and refuse handling. Doubling the number of kitchens, bathrooms, and waste-water outlets on this small, steep site will materially increase the load on the municipal sewer system in this section of Atlantic Drive, which already operates under constrained capacity. Any malfunction or backflow would directly affect our properties due to the slope and drainage pattern, creating odour, public health hazards, and loss of amenity. Increased refuse volumes and bin movements also create predictable noise, odour and vermin attraction in close proximity to our boundaries.</p> <p>The DMS infrastructure provisions are premised on capacity for a single primary dwelling per such constrained frontage; approval of two would constitute an overburden that is both unlawful and contrary to sustainable service planning.</p>	
	<p>10. Traffic and visitor pressure on neighbouring frontages: The 11 m frontage, compounded by the bend and gradient, provides inadequate kerbside space for visitor parking. In practice, visitors to Erf 1949 will necessarily stop or park in front of our Erven 1948 and 1947, transferring the applicant's parking shortfall to us.</p>	<p>10. Refer to points 1 and 2.</p>
	<p>11. The Swartland Development Management Scheme (DMS):</p> <ul style="list-style-type: none"> • Policy principle: Off-street parking shall be provided to ensure safe traffic flow and to avoid reverse manoeuvres into public streets. • Table B: 2 Parking bays per primary dwelling; additional bays for secondary dwelling and visitors. 	<p>11.</p> <ul style="list-style-type: none"> • Noted. Sufficient off-street parking is provided. • Two parking bays per unit will be provided. • No loading and unloading area will be required. • The proposal complies with the privacy requirements (building lines).

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	<ul style="list-style-type: none"> • Clause 13.1.8: The Municipality may require loading and unloading areas to be provided on-site to prevent obstruction of traffic flow. • Privacy standard: Fenestration and elevated elements must be positioned to minimise direct overlooking of adjoining properties. 	
	<p>12. Parking Management By-law, 2016 Prohibits parking that obstructs private or public driveways or encroaches upon mandated clearance distances from bends, intersections, and access points.</p>	<p>12. Noted. The proposal complies with municipal parking requirements and prohibits any parking that obstructs private or public driveways or encroaches on the required clearance distances from bends, intersections, and access points. All on-site parking will be accommodated within the property boundaries, ensuring that no adverse impact on traffic safety or neighbouring access occurs.</p>
	<p>13. Roads and Traffic By-law, 2014 Prohibits any obstruction within the road reserve that compromises sightlines, traffic safety, or accessibility.</p>	<p>13. The proposal adheres to municipal requirements, which prohibit any obstruction within the road reserve that could compromise sightlines, traffic safety, or accessibility. The design ensures that all structures and parking are contained within the property boundaries, thereby safeguarding safe vehicle and pedestrian movement along the street.</p>
	<p>14. Common Law: Neighbour law and nuisance Unreasonable, continuous visual intrusion and loss of amenity constitute actionable nuisance.</p>	<p>14. The design has been carefully planned to respect neighbour privacy and amenity, with setbacks ensuring that no unreasonable or continuous visual intrusion will occur.</p>
	<p>15. Constitution of the Republic of South Africa Section 14: Right to privacy - protection against unreasonable and sustained intrusion into one's private sphere. Section 25(1): Protection against arbitrary deprivation of property, including through approvals that destroy the practical enjoyment and amenity of property. Section 33: Right to lawful, reasonable, and procedurally fair administrative action.</p>	<p>15. The application fully respects constitutional rights. The proposal does not amount to an arbitrary deprivation of property, as all development rights are exercised within the provisions of the Swartland Municipal Land Use Planning By-law. The design includes measures to safeguard privacy and amenity, and the approval process follows lawful, reasonable, and procedurally fair administrative procedures.</p>

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	<p>16. Limit intensity: The site must be limited to a single primary dwelling consistent with the area's single-dwelling character and the physical constraints of an ±11 m street frontage on a curved, sloping road. Approval of two separate dwellings would directly conflict with the DMS requirements for on-site parking, access, turning, and loading, which cannot be physically achieved here. Unless the applicant can conclusively and demonstrably comply in full with all mandatory standards without reliance on the road reserve, the Municipality has no lawful basis to approve more than one dwelling on this site.</p>	<p>16. The Zoning Scheme specifically allows for a double dwelling by consent, provided all development parameters are met. The proposal has been designed to comply with the Swartland Municipal Land Use Planning By-law. Both dwellings are accommodated within the site's constraints, and on-site parking and manoeuvring are provided in accordance with municipal standards. The application therefore meets the lawful basis for approval.</p>
	<p>17. Privacy and overlooking - The overwhelming concentration of windows, glazed doors and elevated balconies is oriented toward our shared boundary, with significantly fewer or smaller openings on other elevations. This design choice maximises direct views into our habitable rooms and private open space (POS) from multiple vantage points, creating sustained and unavoidable overlooking. The visual intrusion would be constant and materially greater than in a typical compliant single-dwelling scenario</p>	<p>17. The design has been sensitively planned to respect neighbouring privacy. Openings and balconies are positioned in line with permissible building parameters. The proposal therefore does not result in unreasonable or sustained visual intrusion beyond what is typical and acceptable in a residential environment.</p>
	<p>18. Reorientation and screening of openings - Balconies and windows facing our properties must be reduced, relocated, or screened to prevent direct overlooking and loss of privacy. This disproportionate orientation toward our boundary, compared to minimal openings elsewhere on the building, is unique to our side and is materially more intrusive than any comparable property relationship in the area.</p>	<p>18. Noted. Refer to point 17.</p>

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	<p>19. Proof of service capacity -The applicant must provide engineering confirmation of sufficient sewer, water, and stormwater capacity, with measures to mitigate odour, overflow, and service interruptions, noting that two dwellings on this site would double sewage load and increase risk of odour and contamination in an area with limited infrastructure capacity.</p>	<p>19. Swartland Municipality's engineering department will comment on the capacity of services available in the area.</p>
	<p>20. We will hold both the Applicant and the Municipality liable for any loss - including diminution in property value, loss of privacy and amenity, increased environmental health risks, and service disruptions - arising from an approval granted in spite of the above defects. We expressly reserve all rights to approach the High Court for review and interdictory relief, to lodge complaints under the National Environmental Management Act and applicable health legislation, and to invoke all remedies available under the Municipal Land Use Planning By-law, the Spatial Planning and Land Use Management Act (SPLUMA), and the Promotion of Administrative Justice Act (PAJA), with attorney-and-client costs: Institute urgent High Court proceedings to review and set aside such approval under the Promotion of Administrative Justice Act, 2000 (PAJA); Seek an interdict to prevent implementation pending final determination; and Pursue damages of no less than R1,000,000 for loss of privacy, amenity, value, and peaceful enjoyment, together with costs on an attorney-and-client scale.</p>	<p>20. Noted.</p>

Considering the above, the owners of Erf 1949 adhere to all the building parameters of Residential Zone 1 properties as well as contribute to the guidelines of the Swartland Spatial Development Framework. The application should therefore be encouraged by the municipality.

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

Kind regards


.....

NJ de Kock
For CK RUMBOLL AND PARTNERS

VENNOTE / PARTNERS:

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

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

Annexure A



Lêerverw: 15/3/10-14/Erf_1949

Navrae:
Me D N Stellenberg

20 August 2025

C K Rumboll & Vennote
P O Box 211
MALMESBURY
7299

Email:planning2@rumboll.co.za

Dear Sir

OBJECTIONS: PROPOSED CONSENT USE ON ERF 1949, YZERFONTEIN

Your application with reference YZER/14599/NJdK dated 10 June 2025 refers.

Kindly find attached the objections received by Frans Joachim Swanepoel and Hendrik Jacobus le Roux Goosen during the commenting period.

Your comment on the objections is requested within 30 days from the date of this letter in order for Swartland Municipality to make a decision.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- ISwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!