



Kantoor van die Munisipale Bestuurder
5 Maart 2026

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
Mnr C Rabie

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, 11 MAART 2026** 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 11 FEBRUARIE 2025 / MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD 11 FEBRUARY 2025**..... bl 1-12
5. **SAKE VOORTSPRUITEND UIT NOTULE VAN 'N VERGADERING VAN DIE MUNISIPALE BEPLANNINGSTRIBUNAAL GEHOU OP 11 FEBRUARIE 2026 / MATTERS ARISING FROM THE MINUTES OF A MUNICIPAL PLANNING TRIBUNAL HELD ON 11 FEBRUARY 2026**
Geen/None
6. **SAKE VIR OORWEGING / NUWE SAKE / MATTERS FOR CONSIDERATION / NEW MATTERS**
 - 6.1 **VOORGESTELDE OPHEFFING VAN BEPERKENDE VOORWAARDE EN HERSONERING VAN ERF 513, YZERFONTEIN / PROPOSED REMOVAL OF RESTRICTIVE CONDITION AND REZONING OF ERF 513, YZERFONTEIN (15/3/3-14, 15/3/5-14) (WYK 5)**..... bl 13-126
 - 6.2 **VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 9363, MALMESBURY / PROPOSED CONSENT USE ON ERF 9363, MALMESBURY (15/3/10-8) (WYK 10)**
..... bl 127-148
 - 6.3 **VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 8097, MALMESBURY / PROPOSED CONSENT USE ON ERF 8097, MALMESBURY (15/3/10-8) (WYK 11)**
..... bl 149-170
 - 6.4/...
 - 6.4 **VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 2046, MALMESBURY / PROPOSED REZONING AND SUBDIVISION OF ERF 2046, MALMESBURY (15/3/3-8, 15/3/6-8, 15/3/7-8) (WYK 10)**..... bl 171-282

**(get) J J SCHOLTZ
VOORSITTER**



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 11 FEBRUARY 2026 AT 14:00**

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
Mr C Rabie

Other officials:

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

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

The apology received from the Senior Manager: Town and Regional Planner, Mr A J Burger, be noted.

3. DECLARATION OF INTEREST

No declarations were made.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 19 NOVEMBER 2025

RESOLUTION

(proposed by Mr C Rabie, seconded by Ms J S Krieger)

That the minutes of a Municipal Planning Tribunal Meeting held on 19 November 2025 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED SUBDIVISION OF ERF 1795, RIEBEEK WEST (15/3/6-12) (WARD 3)

The chairperson requested the author, Mr H Olivier, to give a brief background on the application received.

Mr Olivier confirmed/...

6.1/...

Mr Olivier confirmed that it is the intention of the owner of Erf 1795, Riebeeck West to subdivide the erf, which is currently vacant, into two portions of 513 m² (Portion A) and 500 m² (Portion B) respectively.

Mr Olivier stated that similar subdivisions have already been approved in the surrounding area and that the subdivided erven adhered to the minimum erf size of 500 m² for Riebeeck West. It is further confirmed that the proposal retains Residential Zone 1 and does not introduce higher-order residential rights.

RESOLUTION

A. The application for the subdivision of Erf 1795, Riebeeck 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 conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

(a) Erf 1795, Riebeeck West (1013 m² in extent) be subdivided into portion A (513 m² in extent) and Remainder (500 m² in extent) as presented in the application;

A2 WATER

(a) Each subdivided portion be provided with a separate water connection and meter at building plan stage;

A3 SEWERAGE

(a) Each subdivided portion be provided with a separate sewer connection at subdivision stage;

A4 DEVELOPMENT CHARGES

(a) The owner/developer is responsible for the development charge of R2 525,57 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 R3397,79 towards 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 R6 064,58 towards roads, 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. GENERAL

(a) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law not be issued unless all the relevant conditions have been complied with;

(b) Any existing services connecting the remainder and/or new portions be disconnected, and relocated, for each erf to have a separate connection and pipe work;

(c) Should it be deemed necessary to extend the existing services network to provide the subdivided portions with service connections, it will be for the cost of the owner/developer;

(d) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent, and the approval period will not be applicable anymore;

(e) Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration

6.1(e)/...

of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) Due administrative process has been followed and the application is properly presented before the Swartland Municipal Planning Tribunal for decision-making;
- (b) The proposal supports spatial sustainability, spatial justice, efficiency, and good administration as outlined in SPLUMA Section 42 and LUPA Chapter VI, all of which were considered during assessment;
- (c) The proposal is consistent with the spatial proposals of the Municipal SDF, 2025;
- (d) The proposal is consistent with the minimum erf size determined by the SDF, namely 500 m²;
- (e) The development promotes densification in an urban area, consistent with national, provincial, and local legislation and policy;
- (f) The subdivision promotes efficient utilisation of serviced urban land and supports incremental residential opportunities consistent with the adopted MSDF objectives;
- (g) The subdivision complies precisely with adopted minimum erf sizes and MSDF guidelines and does not grant or imply future rights for additional dwellings or higher-density forms of development. Any such proposals would require separate applications, circulation and public participation;
- (h) Approval of this subdivision does not set a precedent for undesired densification in the area. Each land use application must be assessed on its own merits in terms of zoning, infrastructure capacity, environmental constraints and conformity with adopted spatial policy;
- (i) The subdivision introduces only one additional dwelling opportunity, resulting in a modest and acceptable increase in local traffic volumes consistent with a low-order residential street;
- (j) On-site parking requirements remain enforceable through the development management scheme at building plan stage, ensuring that the cul-de-sac's turning circle and access remain unobstructed;
- (k) The Department: Civil Engineering Services confirmed that water, sewer and road services can be provided to both erven subject to the installation of separate connections and compliance with the engineering conditions imposed;
- (l) Development charges for sewer, wastewater treatment works and roads have been levied, ensuring that the development contributes proportionately to infrastructure provision and long-term service sustainability;
- (m) Future building form, height, siting and coverage will remain regulated through the applicable development management scheme and assessed at building plan stage, ensuring that development on each erf does not detract from privacy, visual amenity, streetscape or the area's character;
- (n) The concerns raised do not constitute sufficient grounds for refusal given the subdivision's compliance with statutory requirements, spatial policy, land use rights, engineering capacity, and development management controls.

6.2 PROPOSED REZONING, DEPARTURE AND CONSENT USE ON ERF 716, CHATSWORTH (15/3/3-4, 15/3/4-4) (WARD 4)

The chairperson requested the author, Ms A de Jager, to explain the application received.

Ms de Jager stated the owner/developer's intention to establish a hardware store on Erf 716, Chatsworth. The proposed development is located on the eastern edge of the CBD of Chatsworth, along Cemetery Road, which is an activity corridor.

Furthermore, the proposed rezoning is consistent with the objectives of the SDF to establish the CBD of Chatsworth and the proposed development will promote access to economic opportunity through the establishment of the business.

Resolution/...

RESOLUTION

- A. The application for the rezoning of Erf 716, Chatsworth, from Residential Zone 1 to Business Zone 1, be approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 716 (1082 m² in extent) be rezoned from Residential Zone 1 to Business Zone 1, as presented in the application, but excluding the use of a restaurant, service trade and animal hospital;
- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (c) The operating hours of any business on the property be restricted to 6:00 – 19:00 from Monday to Sunday;
- (d) The minimum of nine (9) on-site parking bays be provided and that the parking bays be clearly marked;
- (e) The parking bays, including the sidewalk, be finished in a dust-free, permanent surface, being tar, concrete, paving or any other material previously approved by the Director: Civil Engineering Services;
- (f) The parking and loading bays be kept clear from any construction materials and that storage of such materials be restricted to the designated areas as presented in the site plan dated 13 September 2025;
- (g) Application be made to the Senior Manager: Development Management for the right to display any signage and that the signage may not project over a public street;
- (h) A trade licence be obtained from Swartland Municipality for the operation of the business premises;
- (i) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (j) Any music played on the property only be audible inside the shop and no appliances used for the broadcasting or amplification of sound may be positioned or affixed externally to the building, including to any awning, stoep or shade structure;
- (k) No loitering be permitted anywhere on Erf 716, Chatsworth, whether it be inside or outside the buildings on the erf or around any entrance to the erf;

A2 WATER

- (a) The property be provided with a single water connection;
- (b) Water storage tanks with a minimum capacity of 48 hours, as well as the necessary pumping equipment, be provided on the property for water provision, to the satisfaction of the Director: Civil Engineering Services, at building plan stage;

A3 SEWERAGE

- (a) The property be provided with a separate conservancy tank of minimum 8 000 litre capacity and that may be accessed by the municipal service vehicle via the street;
- (b) The condition be applicable at building plan stage;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R4 884,60 towards the bulk supply of regional water, at clearance stage. The amount is payable 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 R2 743,90 towards bulk water reticulation, 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: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R4 003,15 towards sewerage, 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: 9/240-184-9210);

6.2/A4...

- (d) The owner/developer is responsible for the development charge of R4 339,75 towards waste water treatment, 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: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R71 573,00 towards roads, 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: 9/247-188-9210);
- (f) 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;

B. The application a departures on Erf 716, Chatsworth, be approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The 3m western side building line be departed from and reduced to 0m and 1m to accommodate the portions of the proposed building, that encroaches on the building line, depicted on the site plan dated 30 September 2025, as presented in the application;
- (b) Section 12.2.1 (c)(i) of the By-Law be departed from in order to allow for the proposed double storey building to encroach on the 3m side building line, as presented in the application;
- (c) The 14 parking bays required in terms of the By-Law, be departed from and that a minimum of 9 parking bays and two loading bays be provided, as presented in the application;
- (d) The owner/developer be responsible for the financial contribution of R51 000,00, towards the non-provision of five (5) parking bays. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/222-303-9212);

C. 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;

D. The application be supported for the following reasons:

- (a) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (b) The application is deemed to stimulate economic development, which is supported by the SDF and PSDF;

6.2/D...

- (c) The scale of the proposal is consistent with the character of the surrounding area, while optimising the use economic viability of the venture;
- (d) The application will comply with the character of the Chatsworth CBD, as identified by the SDF;
- (e) The height of the proposed building is limited to two storeys and consistent with the visual profile of double storey buildings in the area;
- (f) Engineering services are sufficiently capacitated, apart from water provision. Mitigating measures are instated to ensure water provision remains constant until such time as the municipal upgrade project has been completed;
- (g) The double storey façade that encroaches on the side building line is the same height as a regular residential dwelling would have been and compatible with the character of residential development;
- (h) The western façade is faceted, in an effort to minimise the impact of a high, 'dead' wall and improving the human scale of the façade;
- (i) The solid portion of the western façade is expected to act as a sound barrier between the application property and the residential erven towards the west;
- (j) Should the area surrounding Erf 716 develop in accordance with the SDF over time and the CBD of Chatsworth become well established as planned, the rezoning and departures proposed, will integrate seamlessly with the character of a business district;
- (k) The operating hours of the proposed business are restricted, in order to ensure that the business is compatible with the normal day-to-day activities associated with its current surroundings;
- (l) The increase in traffic volumes are considered moderate and both the abutting streets were confirmed to be of sufficient capacity to accommodate the development;
- (m) The rights of surrounding property owners will not be negatively affected, as the development will take a form resembling a large two storey house, such as can be expected in a residential neighbourhood.

6.3 PROPOSED REZONING AND SUBDIVISION OF ERF 208, YZERFONTEIN (15/3/3-14, 15/3/6-14) (WARD 5)

The author, Mr H Olivier, explained that Erf 208, Yzerfontein is a municipal property currently containing the Yzerfontein Caravan Park, Sport and Recreation Club, sports facilities, a community hall and a public street. The Yzerfontein Bowls Club indicated the need for space in order to accommodate an additional bowling court.

The purpose of the application is to rezone a portion of the premises of the caravan park to accommodate the bowling court. Additionally, application is also made to subdivide the different portions in order to align the zoning with the different land uses and thereby, established efficient governance, sustainable use of existing infrastructure and improving municipal asset management.

RESOLUTION

- A. The application for rezoning of Erf 208, Yzerfontein be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- B. The application for subdivision of Erf 208, Yzerfontein be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) as per Annexure T:
- C. The decisions A and B above are subject to the following conditions:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Portions of Erf 208 be rezoned from Open Space Zone 2 to Resort Zone (± 669 m² in extent) and from Resort Zone to Open Space Zone 2 (± 1436 m² in extent) in order to realise the amended subdivision plan dated December 2025;
- (b) Erf 208 be subdivided as follows:
 - (i) Portion A - $\pm 1,47$ ha (Open Space Zone 2)

6.3/C(b)...

- (ii) Portion B - ± 0,53 ha (Authority zone)
- (iii) Portion C - ± 0,42 ha (Transport Zone 2)
- (iv) Remainder - ± 7,97 ha (Resort zone)

D. GENERAL

- (a) The legal certificate which authorises the transfer of the subdivided portions and the consolidated erf in terms of section 38 of the By-Law, will not be issued unless all the relevant conditions have been complied with;
- (b) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (c) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (d) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval must be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent and the approval period will not be applicable anymore.
- (e) 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;

E. The application be supported for the following reasons:

- (a) The application formalises long-standing public and community uses – caravan park, sports facilities, community hall, which serve a broad segment of the public. Aligning zoning and cadastral boundaries reinforces existing community-benefiting land uses and ensures continued access to public facilities;
- (b) Except for providing space for the Yzerfontein Bowling Club to accommodate an additional court, no new development or intensification is proposed. Sensitive coastal environments, agricultural land, or ecologically valuable areas are unaffected. The proposal merely organises existing uses more efficiently, supporting long-term sustainable land management;
- (c) The application rationalises existing land uses by placing each use on its own cadastral unit, which will reduce administrative complexity, future uncertainty, and the risk of land use management inefficiencies. Infrastructure use remains unchanged the proposal therefore support efficient use of existing services;
- (d) Retention of the existing spatial structure ensures the settlement remains flexible and adaptive. By keeping established recreational, tourism, and community facilities intact, the proposal maintains the town's ability to absorb environmental or economic shocks;
- (e) The proposal does not alter settlement character, scale, or intensity, and therefore does not undermine the MSDF's intent to maintain Yzerfontein's coastal town character while supporting recreation and tourism-related functions. The proposal is deemed consistent with the MSDF, 2025;
- (f) The proposal does not authorize any other development, intensification, or commercialisation. Should such an application be submitted in the future it will be subject to its own land use application and public participation process.

6.4 PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL: REZONING AND SUBDIVISION OF PORTION 25 OF THE FARM TYGERFONTEIN, NO 564, DIVISION MALMESBURY (15/3/3-15/22) (WARD 5)

The chairperson tabled/...

6.4/...

The chairperson tabled the item and the author, Ms A de Jager, gave background to the establishment of the Tygerfontein Coastal Estate as approved by Swartland Municipality on 16 November 2005 in terms of the Land Use Ordinance, 1985.

The Department of Environmental Affairs and Development Planning (DEADP) required, as part of the above approval process, that the following condition of approval be included in the final approval, that the "...proposed emergency road that connects Yzerfontein with the property concerned be used for emergency purposes only...".

Ms de Jager mentioned that the above condition was motivated by the fact that the development is located outside the urban edge and that a direct vehicular link between the town and the development would create the risk of the resort to have the appearance and character of a typical sub-urban residential development and, in turn, the threat of linear development along the sensitive coastline.

Access to the residential erven was, and continues to be, obtained via the R27 provincial road, right-of-way servitudes over abutting properties and right-of-way servitudes over the application property.

Ms de Jager confirmed that an application was received for the amendment of the abovementioned condition of approval, namely "...the Tygerfontein Coastal Estate, may obtain direct access from Yzerfontein township via Dasseneiland Drive, connecting with the registered right-of-way servitude depicted in Inset 3 on Sheet 2 of General Plan no. 112/2008, dated 4 March 2008...". Ms de Jager stated that several circumstances have changed since the approval of the condition in 2005/2006 in considering the application.

The impact of the proposed amendment was discussed in depth by the Municipal Planning Tribunal in considering the pros and cons in allowing access via the locked gate at the end of Dasseneiland Drive, amongst others, impact on owners at the end of Dasseneiland Drive, controlled access at the gate, extent of public participation process, nuisance caused for adjacent owners from the stacking of construction vehicles and construction workers at the gate, etc.

RESOLUTION

That the item be referred back to the applicant, in terms of section 70 of the By-Law, for the following actions to be undertaken:

- (a) The members of the Municipal Planning Tribunal to attend a site inspection to be arranged by the Senior Manager: Development Management;
- (b) The unlawful use of the locked gate be stopped with immediate effect and the gate be used in a controlled manner in accordance with Condition B.4 in approval letter 15/3/3-15/22 dated 16 November 2005, that reads:
"...1.a) that the proposed emergency road that links the farm Tygerfontein, no. 564, with Yzerfontein, be used for emergency purposes only..."
- (c) The owner/developer proposes a minimum of two traffic engineers, appropriately registered in terms of the provisions of Act 46 of 2000, to be considered and one of which to be selected by the Director: Civil Engineering Services, to conduct a Traffic Study;
- (d) The owner/developer appoints the approved registered engineer to conduct the traffic study, with emphasis on:
 - (i) Trip generation by Tygerfontein Estate during construction periods, including construction vehicles and private vehicles;
 - (ii) The expected long-term trip generation, once the estate is fully developed;
 - (iii) A long-term management proposal for the intended access control gate;
 - (iv) Mitigating measures that may be taken to reduce traffic impact, such as on-site stacking distances, etc;
 - (v) The impact of the additional traffic, including construction vehicles, on the wellbeing and reasonable expectations of the affected land owners along Dasseneiland Drive;
- (e) The outcomes of the Traffic Study be submitted to the Director: Civil Engineering Services for consideration and approval.

[Note: The chairperson excused himself due to other commitments and requested the Director: Corporate Services to chair the remaining items.]

6.5 PROPOSED REZONING AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 322, KALBASKRAAL (15/3/3-6, 15/3/4-6) (WARD 7)

Mr H Olivier (in the absence of the author, Mr A J Burger) mentioned that an application was received for the rezoning of Erf 322, Kalbaskraal from Residential Zone 2 to Business Zone 2 in order to legalise the existing shop.

Mr Olivier confirmed that Erf 322, Kalbaskraal is situated along an activity corridor with mixed uses and that the proposed business is in compliance with the spatial planning for Kalbaskraal.

RESOLUTION

- A. The application for the rezoning of Erf 322, Kalbaskraal be approved in terms of Section 70 of the By-law, subject to the following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 322 be rezoned from Residential Zone 2 to Business Zone 2 in order to legalise the existing shop on the property;
- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (c) At least 2 parking bays be provided on site as presented in the application. The parking bays be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by the municipality and that the parking bays are clearly marked;
- (d) Vehicle access to Erf 322 be restricted from Rivier Street;
- (e) Application for an advertising sign to the building be submitted to the Senior Manager: Development Management, for consideration and approval;
- (f) The operating hours of the house shop be restricted to between 6:00 and 21:00 daily;
- (g) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (h) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (i) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (j) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound may be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;
- (k) The operation of the shop may not result in congestion/obstruction along Rivier Street;
- (l) No loitering be permitted anywhere on the subject property, whether it be inside or outside the buildings on the erf or around the entrance to the erf;

A2 WATER

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

A3 SEWERAGE

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

A4 STREETS AND STORMWATER

- (a) Deliveries may only be made by delivery vehicles with a gross vehicle mass of 16000 kg;

A5 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R2 704,13 towards the bulk supply of regional water, at building plan stage. The amount is payable 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 519,01 towards bulk water reticulation, at building plan stage. The amount is payable to

6.5/A5(b)...

- 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 R826,54 towards sewerage, 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: 9/240-184-9210);
 - (d) The owner/developer is responsible for the development charge of R896,03 towards the waste water treatment works, 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: 9/240-183-9210);
 - (e) The owner/developer is responsible for the development charge of R8 663,22 towards roads, 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: 9/247-188-9210);
 - (f) 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.
- B. The application for the departure of development parameters on Erf 322, Kalbaskraal be approved in terms of Section 70 of the By-law, as follows:
- (i) Departure of the 3 m side building line (eastern boundary) to 0 m;
 - (ii) Departure of the 3 m side building line (northern boundary) to 2 m;
 - (iii) Departure to allow access to the erf within 5 m of the splay.
 - (iv) Departure of the required 5 on-site parking bays to 2.
- C. The departure is subject to the following condition:
- (a) A financial contribution for the non-provision of on-site parking be made equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided;
 - (b) The market value of the land is R130 x 72,5 m² (3 parking bays) =R9 425,00;
 - (c) The contribution be paid at building plan stage;
- D. **GENERAL**
- (a) The approval does not exempt the applicant from adherence to any and 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 rates and taxes of the property be changed from residential to business as well as services;
 - (c) 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;
- E. The application be supported for the following reasons:
- (a) The property does not consist of any physical restrictions which may impact negative on the application;
 - (b) The impact of the proposed business on Rivier Street is deemed low;
 - (c) There are not restrictions in the title deed which prevents the property to be used for business purposes;
 - (d) Existing services are deemed sufficient to accommodate the proposed offices;
 - (e) Erf 339 is situated on Rivier Street (activity corridor) which makes the proposed business use in compliance with the spatial planning of Kalbaskraal;
 - (f) The application complies with the principles of SPLUMA and LUPA;

6.5/E...

- (g) The impact of the building line departures on the adjoining erven are deemed low;
- (h) Most of the clients of the shop will be pedestrians which makes the departure from the required on-site parking acceptable;
- (i) Access to Erf 322 from Rivier Street is closer than 5m of the splay which cannot be avoided due to the size, shape and street front (Rivier Street) of the erf;
- (j) No objections were made against the departure of development parameters of the proposed new shop building.

6.6 PROPOSED REZONING, SUBDIVISION, CONSOLIDATION AND CONSENT USE ON ERVEN 680 AND 327, MALMESBURY (15/3/3-8, 15/3/6-8, 15/3/12-8) (WARD 10)

Mr H Olivier, as author of the item, gave background on the application received for various land uses in order to formalise existing uses (public swimming pool, squash courts and roads).

The purpose of the application by Swartland Municipality is to improve land administration and asset management, enhance the utilisation of centrally located underutilised municipal land and to create opportunities for commercial development within the CBD of Malmesbury.

RESOLUTION

- A. The application for rezoning of Erf 680, Malmesbury from Split Zoning to Subdivisional area be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- B. The application for rezoning of Erf 327, Malmesbury from Split Zoning to Subdivisional area be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- C. The application for subdivision of Erf 680, Malmesbury be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- D. The application for subdivision of Erf 327, Malmesbury be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- E. The application for consolidation of the subdivided portions be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- F. The application for consent use on a portion of the consolidated property be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- G. The decisions A to F above are subject to the following conditions:

G1 TOWN PLANNING AND BUILDING CONTROL

- (a) The rezoning of erf 680, Malmesbury to make provision for the following land uses in accordance with rezoning plan, MAL/14820/NJdK dated September 2025:
 - (i) Open Space Zone 2
 - (ii) Business Zone 1
 - (iii) Transport Zone 2
- (b) The rezoning of erf 327, Malmesbury make provision for the following land uses in accordance with rezoning plan, MAL/14820/NJdK dated September 2025:
 - (i) Open Space Zone 2
 - (ii) Business Zone 1
 - (iii) Transport Zone 2
- (c) Erf 680 (9042m² in extent) be subdivided as follows:
 - (i) Portion A - ± 973m² (Open Space Zone 2)
 - (ii) Portion B - ± 1567m² (Business Zone 1)
 - (iii) Remainder - ± 6502m² (Transport Zone 2)

- (d) Erf 327 be subdivided as follows:
 - (i) Portion A - ± 11133m² (Open Space Zone 2)
 - (ii) Portion B - ± 1512m (Business Zone 1)
 - (iii) Remainder - ± 768.9201ha (Split Zoning – Municipal commonage)
- (e) Portion A (Portion of Erf 680) be consolidated with Portion A (portion of Erf 327);
- (f) Portion B (Portion of Erf 680) be consolidated with Portion B (portion of Erf 327);
- (g) The place of entertainment on the proposed consolidated property be restricted to accommodating the existing squash courts under the new zoning category, as presented in the application;

H. GENERAL

- (a) The legal certificate which authorises the transfer of the subdivided portions and the consolidated erf in terms of section 38 of the By-Law, will not be issued unless all the relevant conditions have been complied with;
 - (b) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
 - (c) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
 - (d) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval must be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent and the approval period will not be applicable anymore;
 - (e) 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;
- I. The application be supported for the following reasons:
- (a) Aligning zoning and cadastral boundaries reinforces existing community-benefiting land uses and ensures continued access to public facilities;
 - (b) The creation of the business zone property provides for future business opportunities and economic activity within the CBD of Malmesbury;
 - (c) The main purpose of the application is to formalise existing uses each on their individual land unit ensuring effective land administration and asset management;
 - (d) The proposal is aligned with the strategic goals of the IDP as well as is regarded as consistent with the MSDF, 2025. It does not introduce new development or intensification, it only regularises existing community and recreational related uses on municipal land;
 - (e) The proposal results in reducing future planning and land-use management uncertainty on key municipal assets;
 - (f) The proposal strengthens the CBD by promoting the development of mixed uses within the CBD, assisting in the renewal as well as enhancement of the visual appeal of the CBD to be more vibrant and visitor friendly;
 - (g) The proposal will not adversely affect the sense of place of Malmesbury;
 - (h) Future development of the consolidated properties will be subject to the submission of a site development plan for consideration and approval. With such an application the municipality may require a public participation process for transparency;
 - (i) Public interest is positively served through improved administration and continued access to community assets as well as supporting the sustainable and efficient use of urban land as well as supporting economic growth and the revitalisation of the CBD.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**



21 Januarie 2026

15/3/3-14/Erf_513

15/3/5-14/Erf_513

WYK: 5

ITEM 6.1 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 11 MAART 2026

LAND USE PLANNING REPORT PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND REZONING OF ERF 513, YZERFONTEIN					
Reference number	15/3/3-14/Erf_513 15/3/5-14/Erf_513	Application submission date	29 July 2025	Date report finalised	30 January 2026

PART A: APPLICATION DESCRIPTION

An application for the removal of restrictive title on erf 513, Yzerfontein in terms of section 25(2)(f) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that condition C.6(a), C.6(b), C.6(b)(i) and C.6(b)(ii) be removed from Title Deed T9429/89 in order to do away with the restrictions with regard to the use of the premises and building lines.

An application for rezoning of erf 513, Yzerfontein 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 513 (863m² in extent) be rezoned from Residential Zone 1 to Business Zone 1 in order to develop the premises with shops and/offices and 5 flats.

The applicant is Integrated Development Solutions and owners are JMA & MDME Moniz.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 513 Yzerfontein in teh Local Area of Ysterfontein, Division of Malmesbury				
Physical address	35 Buitenkant Street		Town	Yzerfontein	
Current zoning	Residential zone 1	Extent (m ² /ha)	863m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)				
Current land use	Dwelling house		Title Deed number & date	T9429/89	
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)	“...C.6.(a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die, doel eendes wat die Administrateur van tyd tot tyd, na oor leg met die Dorpekommissie en die Plaaslike Owerheid goedkeur, met dien verstande dat, indien die erf in die gebied van 'n Dorpsaanlegskema ingesluit is, die Plaaslike Owerheid enige ander geboue wat deur die skema	

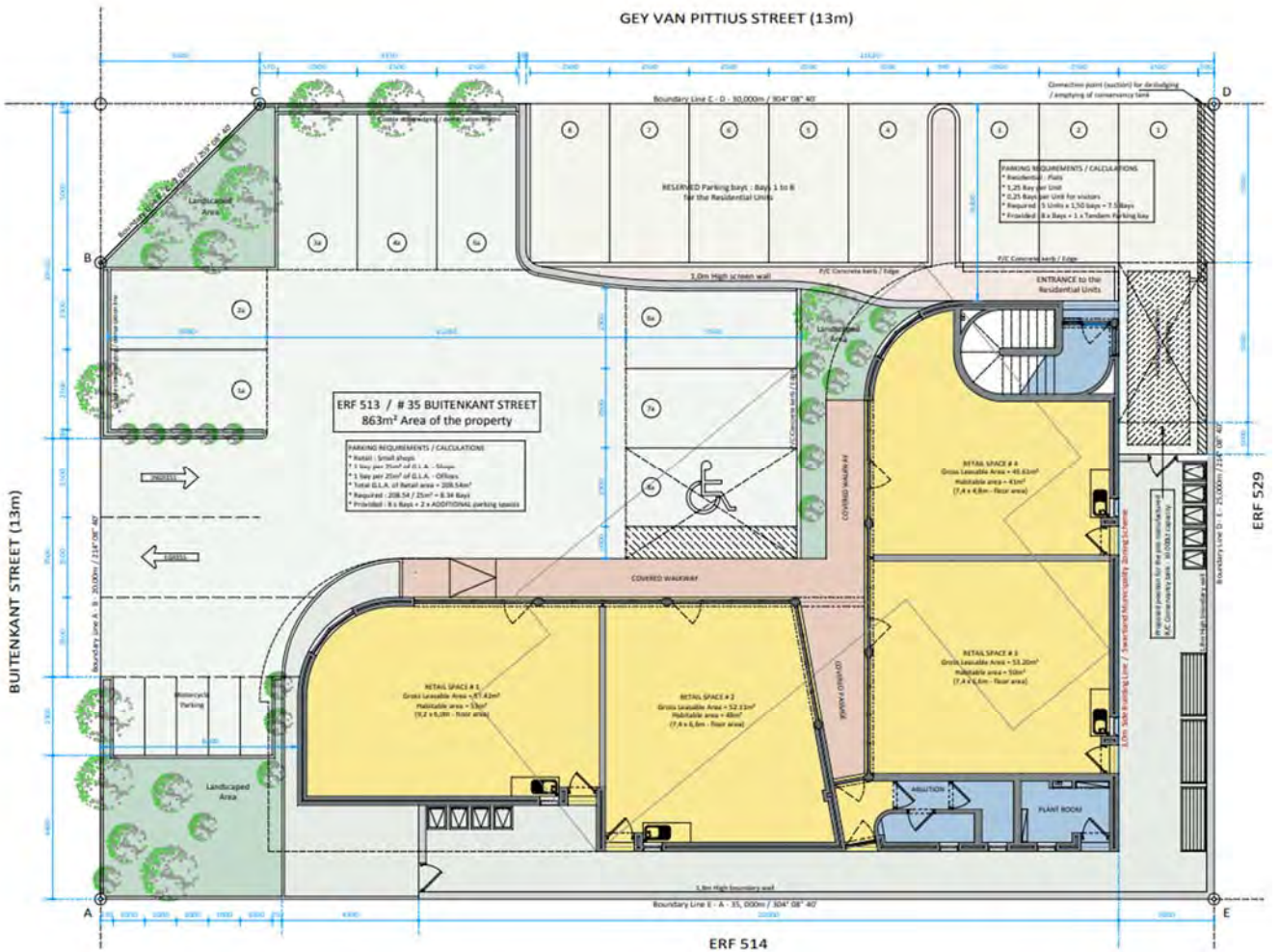
				<p>toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.</p> <p>(b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straat lyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die Plaaslike Owerheid:—</p> <p>(i) 'n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy— en agterruimtes opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van 'n hoek erf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens ;</p> <p>(ii) 'n buitegebou ingevolge subparagraaf (i) slegs nader aan In sygrens of agter— grens van 'n perseel as die afstand hierbo voorgeskryf , opgerig mag word indien geen vensters of deure in enige muur, wat op sodanige grens front, aangebring word nie...”</p>			
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	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>
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 non-conforming use			

PART D: BACKGROUND

Erf 513, Yzerfontein is zoned Residential zone 1 and is currently developed with a dwelling and outbuilding. The existing structures will be demolished in order to accommodate the proposed development. See below the photo of the existing structures.



The developer intends to rezone the property for business uses and flats – 4 retail spaces on ground floor, 3 flats on first floor level and 2 flats on second floor level. See below the site plan and elevations of the proposed building work.





PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N
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PART F: SUMMARY OF APPLICANT'S MOTIVATION

The aim of this application is to motivate the removal of restrictive title conditions and to rezone Erf 513 from Residential zone 1 to Business zone 1 in line with the relevant legislation and the policies of the local authority.

According to the above assessment and the site development plan, the proposal would blend neatly into the central business district and not disrupt the transforming character of Buitenkant Street. It is therefore desirable to recommend the removal of title deed restrictions and rezoning of Erf 513 for the following reasons:

1. The approval would optimise the use of existing resources, infrastructure and facilities and in specific the promotion of a more efficient central business district with more compact land use in terms of Section 59(3)(a) of the Land Use Planning Act.
2. The proposals are aligned with the key municipal strategies to achieve sustainable growth.
3. The rezoning from Residential zone 1 to Business zone 1 cogitates the land use proposals in the May 2023 Swartland Spatial Development Framework.

4. The benefits of a title deed reservation (as a praedial servitude) have been exchanged for a spatial planning incentive for the benefit of other Yzerfontein owners too.
5. The applicant has been encouraged by the approval of other land use proposals based on the provisions of the May 2023 Swartland Spatial Development Framework that included thorough public participation and lawful decision-making.
6. The owners are only responding to a spatial policy initiative of the Municipality that endured public participation and statutory approval in 2018 and again in 2023.
7. The application is reliant on the provisions of the spatial planning initiative that followed due process before approval and implementation, an evolutionary process of reasonable and procedurally fair administrative action as opposed to arbitrary decision-making.
8. The land use application would therefore not require an amendment of the Swartland Spatial Development Framework. Erf 513 is located on the periphery of area C, also referred to as the Yzerfontein central business district in the May 2023 Swartland Spatial Development Framework.
9. All the primary businesses in Yzerfontein are located along an activity street (Buitekant Street) demarcated since 2017 in a draft Spatial Development Framework.
10. The actions of the municipality and the community to support/approve the spatial plan in effect shatters any previous contractual relationship (title deed restrictions) and has jeopardised any perceived view of a character and amenity value different to a central business district (it raises any notion of a low-density, single residential, sea-side suburban character).
11. Since Buitekant Street is in a transformation phase with incremental commercial investment over the last 20 years, there is nothing out of character with the rezoning proposal.
12. An abstract right (to property) is separate from the physical possession of a property and may be transferred independently of the property itself.
13. The Planning Tribunal, in terms of the applicable and properly implemented legislation and procedures and with due regard to constitutional and proprietary rights, are intitled to substitutes restrictive title conditions with desirable conditions of approval.
14. There could only be a low level of infringement on the rights of the seven abutting property owners on this side of Buitekant Street (four even across Guy von Pittius Street) as only one erf is excluded from the central business district or activity street benefits.
15. The retention of low-density residential building lines in a central business district is not objectively reasonable, even when the site development plan honours such building lines.
16. The preservation of building lines that may be foreign to a central business district, does not trump rational thinking.
17. There is limited rationality in maintain residential building lines when a zoning change is found to be desirable (restrictive conditions in C6(b) and C6(b)(i) are closely related to Residential zone 1).
18. When "cessante razione legis, cessat lex ipsa" is applied to Erf 513, it means that when the underlying reason for the limitation to only one dwelling becomes obsolete, the justification for related building lines should be considered obsolete too.
19. Allowing for a fair transition and considering mitigation measures are just better ways to manage land use and property rights.
20. Erf 513 has been encroached by dwelling conversions for business purposes on both sides of Buitekant Street, including intrusive advertising signs and parking zones.
21. The applicants had, apart from not objecting to other applications in Buitekant Street, no part in any of the other removals of title conditions or rezonings.
22. A court ruling about the practice of some municipalities to ignore adequate reasons and institute weak processes for such decision-making (blaming a party in a dispute for a flagrant and sustained disregard towards the legitimate interests of its neighbours) may have been misinterpreted to imply that the removal of a restrictive title condition is an impossibility because it would amount to an arbitrary deprivation of (abstract) property rights.
23. The applicant supports the requirement of engagement with the remaining servitude holders (ensuring procedurally fair processes), even when Buitekant Street has undergone a change in character to the effect that the original identity of the area is no longer present.
24. A contention that the removal of title deed restrictions would have a negative impact on existing land use rights in 2025 is patently weak as the process of fractional land use changes in Buitekant Street started long time ago; any such claim directed at Erf 513 would find it difficult to justify.
25. The deletion of the restrictive title conditions would not amount to arbitrary deprivation of abstract property rights in terms of Section 25(1) of the Constitution if the actions of the municipality are procedurally fair and reasonable.
26. There is no opportunity for decision overreach, either disproportional or irreversible as the Promotion of Administrative Justice Act, 2002 and other relevant legislation provide the framework within which administrators must make decisions (procedurally fair and adequate reasons).
27. The Municipal Land Use Planning By-law provides for much easier, shorter and less pricy procedures, while the removal of title deed conditions requires an arduous, timeous and costly process that needs to be properly motivated.

28. Swartland Municipality must pro-actively balance the economic and social needs of Yzerfontein with the conservation of physical and cultural resources when this application is considered (with ease).
29. Spatial planning is a formidable social benefit that ensures adequate land use management and timeous planning (smart, repetitive, updatable, consistent and responsive to community needs, following due process and subjected to adequate reasons) to ensure that the residents of Yzerfontein live in a well-maintained town with adequate resources and services.
30. Restrictive title conditions are social benefits too; however, it lacks many of the qualities of spatial planning (by comparison inflexible, undemocratic, difficult to review, expensive and archaic).
31. The owners of Erf 513 have not derogated or detracted from the circumstances that prevailed at the time of township establishment and the earliest opportunity to do so would only be after the local authority issues building plan approval (based on a new site development plan) and a demolition permit for the existing dwelling.
32. The individual benefits (financial, personal and remaining) are chipped away fractionally as the first land use change may be more drastic than the next with a progressive scale at which impact is diminishing, accounting for fractional losses of any financial value or personal benefit, while what remains after each decision to remove restrictive conditions, is also becoming exponentially lesser and lesser.
33. The owners of Erf 513, whether he/she is losing or gaining personal benefits, are fitting somewhere in the middle of the spatial planning transformation process (just chipping away a fraction of the personal benefits bestowed on many).
34. A rezoning process remains a financial risk and the applicants have no guarantee that a new development would be financially successful (responding to a municipal incentive is no guarantee that it would generate a favourable return on investment or that such a response would deny most of the abutting property owners' similar opportunities).
35. The expansion of and investment in the central business district serves the property owners as well as visitors, tourists and the local authority (benefits from investment, provision of commercial services and redistribution of rates income) and includes the fractional interests of the applicant.
36. The spatial planning initiative is bestowed on a group of owners with a connection with Buitekant Street and is not serving the personal interest of the applicant only.
37. Both civil and electrical engineering services have been installed to Erf 513.
38. Combining line shops and apartments would spread demand for services and balance consumption through 24-hours of a day (peak day and night demands should not overlap).
39. The provision of parking bays is not a concern in this application.
40. Stare decisis (to not disturb settled points) is a consideration in this application.
41. The impact of the application on the quality of life of the immediate and surrounding residents and the character of the neighbourhood is considered as minimal if not positive.
42. Removal and approval regarding Erf 513 would create economic opportunities, establish access to more community facilities, improve the variety of business and housing in terms of mix and choice, improve general safety (overlooking features) as well as facilitating urban placemaking.

The approval of the application for removal of title deed restrictions, rezoning to Business zone 1 and approval of a site development plan would yield wise land use and will therefore comply with the desirability principle.

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
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The application was advertised in the local newspapers and Provincial Gazette and a total of 25 notices which were send to affected parties via registered mail and via email. 20 of the notices were delivered by hand and 2 notices were send via email.

The public participation process started on 11 August 2025 and ended on 15 September 2025 for affected parties.

The objections were sent to the applicant for comments on 22 September 2025. The comments from the applicant on the objection was received on 14 October 2025.

Total valid comments	6	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	Comment was requested but no comment received.

Total letters of support	0
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PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

1. Departement: Siviele Ingenieursdienste

1.1 Riool

Die ingenieursverslag dui aan dat die voorgestelde ontwikkeling voorsien sal word van 'n enkele rioolsuigtenk vir die gesamentlike gebruik van die vyf woonstelle en sakepersele. Derhalwe moet daar by wyse van 'n eienaarsvereniging verantwoordelikheid geneem word vir die bedryf van die gesamentlike rioolstelsel wat insluit die leegpomp van die tenk. Aangesien daar nie aparte tenke vir elke verbruikerseenheid aangebring word nie sal die Munisipaliteit nie pompdienste voorsien nie en moet dit deur 'n privaat diensverskaffer onderneem word welke reëlings deur die eenaarvereniging ingestel en onderhou moet word.

'n Interne rioolpreidingsnetwerk met inbegrip van die riooltenk en suigpunt van die riooltenk deur 'n Ingenieur toepaslik geregistreer ingevolge die bepalings van Wet 46 van 2000 ontwerp word. Die ontwerp moet aan die Direkteur: Siviele Ingenieursdienste voorgelê word vir goedkeuring waarna die konstruksiewerk onder die toesig van die Ingenieur uitgevoer moet word.

1.2 Water

Die voorgestelde ontwikkeling van 'n enkele aansluiting van geskikte grootte voorsien word wat op 'n geskikte plek by die Munisipale waterspreidingsnetwerk aansluit.

Die wateraansluiting moet deur 'n Ingenieur toepaslik geregistreer ingevolge die bepalings van Wet 46 van 2000 ontwerp word. Die ontwerp moet aan die Direkteur: Siviele Ingenieursdienste voorgelê word vir goedkeuring waarna die konstruksiewerk onder die toesig van die Ingenieur uitgevoer moet word.

1.3 Strate & Stormwater

Die voorgestelde terreinuitleg dui aan dat twee parkeerplekke en 'n laaisone teen 90° vanaf Buitekanstraat toegang verkry wat meebring dat voertuie in 'n tru beweging in Buitekantstraat sal beweeg wanneer die parkeerplekke en laaisone verlaat word. Gegewe dat Buitekantsraat in die toekoms sal verdubbel en dat dit 'n Klas 4 pad is word die voorgestelde uitleg nie ondersteun nie. Dit moet gewysig word sodat voertuie wat vanaf Buitekanstraat toegang verkry, die erf binnegaan en verlaat in 'n vorentoe beweging. Die voorgestelde parkeerplekke en toegange met inbegrip van sypaadjies wat toegang verleen moet van 'n permanente oppervlak voorsien word.

Stormwaterafloop vanaf die ontwikkeling moet ondergronds gevoer word tot die naaste geskikte Munisipale versamelpunt. Dat parkeerplekke, toegange, stormwateraansluiting en sypaadjieverbeterings deur 'n Ingenieur toepaslik geregistreer ingevolge die bepalings van Wet 46 van 2000 ontwerp word. Die ontwerp moet aan die Direkteur: Siviele Ingenieursdienste voorgelê word vir goedkeuring waarna die konstruksiewerk onder die toesig van die Ingenieur uitgevoer moet word.

Die gewysigde terreinontwikkelingsplan ontvang op 12 Desember 2025 rakende die parkering uitleg, word ondersteun.

1.4 Reinigingsdienste

'n Gemeenskaplike vullisarea wat behoorlik beveilig is en voorsien is van 'n wateraansluiting en 'n afloopstelsel wat aan 'n riooltenk gekoppel is voorsien word. Die gemeenskaplike vullis areas moet vir die diensvragmotor toeganklik wees.

1.5 Ander kommentaar

Indien die uitbreiding van enige bestaande dienste nodig sou wees om die ontwikkeling van dienste te kan voorsien, sal dit vir die koste van die aansoeker wees.



1.6 Vaste ontwikkelingsbydraes is as volg betaalbaar:

Water R2 466,14
Bulk Water R14 824,97
Sewer R11 386,63
WWTW R27 630,02
Roads R19 274,34

2. Elektrisiteit

Geen addisionele elektriese kapasiteit is beskikbaar vir die erf totdat Eskom die maksimum aanvraag van die munisipaliteit verhoog het. Daar is geen tydraamwerk wanneer die maksimum aanvraag verhoog gaan word nie. Tans is die grote van die elektriese aansluiting 60 Ampere enkelfase, daar is dus net 13.8kVA beskikbaar (33%) van die beraamde 42kVA (AEP Electrical & Electronic Consulting Engineers) wat benodig word vir die ontwikkeling.

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS					MUNICIPAL COMMENTS ON THE OBJECTIONS	
N R	ISSUE	529	503	528	504	YIV *	2736 & 2023	
1	Loss of privacy & security	√			√			
2	Impact on character, visual, peace & atmosphere	√	√	√	√			
3	Loss in property value	√			√			
4	Dilution of residential area	√	√		√			
5	Business sustainability (need)	√			√			
6	Alternative sites could be considered	√	√		√			
7	Traffic impact	√	√	√	√	√	√	
8	Engineering services			√				
9	Implications of removal of restrictions			√				
Please note that the objections have been grouped into the categories as indicted above.								
PA & JD Myburgh owners of Erf 529, H & A Radyn owners of Erf 504, JJ & AV Smit owners of Erf 503, CJ Gouws owner of Erf 528 Yzerfontein Residents Association Egan Prop Group Pty Ltd owner of Erven 2023 & 2736	1. Loss of privacy & security	<p>1. Two owners claim that a three-storey building would establish overlooking features over their house and garden and that the proposed building would contravene the development parameters regarding building lines and coverage.</p> <p>When the large southern residential extension with only 2 access routes was approved about 25 years ago, it became inevitable that traffic pressure is coming to Buitenkant Street at some time in future. That was the pivotal decision that is now affecting/changing their residential status, their investments, their lifestyles and the neighbourhood tranquillity the objectors so much want to protect.</p> <p>The owners of Erf 504 claim that the proposal would "contravene the building line restrictions and coverage". It is evident from Table 2 that the site development plan complies with the Development Management Scheme regarding all the <u>Residential zone 1</u> development parameters (see comment column). This reason for objection is thus fatally flawed.</p> <p>They further claim that just having a business with flats above it, would compromise their privacy and security. This is nothing more than a lazy opinion with zero content. In addition, it does not challenge the contents</p>				1. The walkways of the proposed flats on first and second floor levels faces onto erf 514 (business zoned property) and erf 529 (single residential property). On Erf 529 there are large trees on the communal boundary with erf 513 which blocks some of views to erf 529 and possible views to erf 504. The privacy of surrounding properties will be affected no other than that of a double storey dwelling on erf 513 overlooking the adjoining properties. It is not certain how the security of the area will be affected by the proposed development as it fits into the existing character of the area. Furthermore, the balconies of the flats faces north, away from the adjoining erven. <p>The development proposal complies with all zoning parameters of the proposed Business zone 1 zoning. The placement and scale of the proposed building is similar to that of a large double storey dwelling which could be erected on erf 513 with the existing single residential land use rights.</p> <p>The proposed building will not be out of character with the surrounding area and is similar in height as the existing 3 storey building on erf 560/40 which is ±130m away on Buitenkant Street.</p>		

	<p>2. Impact on character, visual, peace & atmosphere</p>	<p>or the merits of the motivation (refer to page 14 and Figure 12 in motivation).</p> <p>2. Three owners claim a loss of peace and atmosphere because of an increase in traffic that would disturb the relaxed atmosphere and peace. In addition, that three storey buildings are out of character in a residential zone.</p> <p>One objector admits that Erf 513 is in a “transitional edge” between business and residential zones, earmarked for “future commercial use”. To refer to a 3-storey building as high-rise when there are other 3-storey buildings in the vicinity, may be overstepping the boundaries of rationality. This interpretation is incorrect as Erf 513 is inside the approved business zone and located on an activity street with an office use directly adjacent that is outside the demarcated zone.</p> <p>The objector needs to differentiate between intensive business uses such as supermarkets with high trip generation rates and low-impact services or line shops with low trip generation rates. The 4 proposed line shops are too small to be utilised as a supermarket (between 41m² and 53m² floor area each). Business support services (printing, POSTNET and similar types of low-key businesses) do not generate high frequency visits.</p> <p>This difference in land use and impact was clearly explained in the motivation. In addition, the <u>Neighbourhood business zoning (BZ2)</u> is too restrictive for the site development plan and would probably cut 35% of the investment value. The Business zone 1 zoning is preferred as it promotes urban viability and economic growth as presented in a central business district.</p> <p>The character of Buitenkant Street, as mentioned above,</p>	<p>It is unclear how the privacy of erf 504 will be influenced as the double storey building on erf 503 prevents a direct line of site to erf 513.</p> <p>2. The SDF indicates that erf 513 is situated inside the identified CBD of Yzerfontein. Erf 513 is also situated on Buitenkant Street which is an activity street along which mixed uses of residential and business can be accommodated. See the extract of the SDF below.</p>  <p>Properties along Buitenkant Street as activity street has started to developed as business uses as can be seen from the zoning map below. The proposed business use is therefore in character with that of the surrounding area. (The yellow erven being residential and the blue erven zoned as business.)</p>  <p>It is important to take note that Buitenkant Street is one of the main distributor roads giving access to the southern part of Yzerfontein which is known as Pearl Bay. The development of neighbourhood oriented business along the whole of Buitenkant street is inevitable and will happen over time. The future dualling of Buitenkant Street will be a further catalysator which will speed up the development of businesses.</p> <p>The transformation of an area along an activity street from</p>
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started to change when the southern residential extensions were approved about 25 years ago. That was the pivotal land use change that the objectors are concerned with – they are about 25 years too late to prevent the consequences of that decision. Making Buitenkant Street an activity street and to promote an extension to the central business district is just a natural mitigating measure that is consistent with contemporary planning checks and balances. It is a mechanism to give effect to municipal spatial development frameworks and development principles, to provide for orderly development and the welfare of the community, to regulate land use rights, to facilitate efficient, economic and sustainable use of land and development and to protect sensitive environments (refer to Section 14 in the Swartland Municipal Land Use Planning By-law, 2020).

Table 2 in the motivation compares the development parameters of the Residential 1 and Business 1 zonings with the actual development proposal. If the objectors compared the columns in Table 2, they may have found the following:

- Actual coverage at 38%, is within the 50% parameter for residential.
- All the residential building lines are respected.
- The site development plan is dominated by residential floor area.
- Apart from the ground floor level, the building has a residential appearance and use.
- Second or double dwelling are permissible with a residential zoning.
- Figure 5 in the motivation shows existing 3 storey buildings even in Buitenkant Street.
- The motivation clearly excludes supermarket type land uses, rather lower-key services.

residential to business normally results in conflict between the two land uses until such time as the dominant uses become business orientated. This portion of Buitenkant Street is nearing this point.

Four of the objectors had the same objections regarding this point. The character, visual, peace, or lack thereof and atmosphere of the CBD and surrounding area to erf 513 is already set. The additional increase of traffic to and from erf 513 as well as the impact of the activities of the proposed uses on the surrounding area is deemed to be minimal. From a spatial planning point of view the CBD as well as Buitenkant Street as an activity street is strengthened by the proposed development.

As already explained at point 1, the placement, massing, scale and height of the proposed building reflects that of a large double storey dwelling which can have a total height of building at 10,5m. The total height of the proposed 3 storey building is 10,54m. The impact of the proposed development is similar in nature as what the existing land use rights make provision for.

- Top of roof height is 10,54m, which is 4cm over the permissible building height.

Table 2 confirms that it is within the owner of Erf 513 rights to build a dwelling of similar proportions on Erf 513 without any neighbour's consent. It would be a very large house at over 900m², but it is possible. The only differences to a residential zoning would be the four small line shops and the areas dedicated to parking.

Residential dwellings in the Residential 1 zone are, according to Table 2, limited to 10,5m in top of roof height. This allows buildings with 3 levels (3,5m X 3 = 10,5m or 2,5m X 3 + 3m for roof) with ease. When an erf owner elects to build or buy a single storey dwelling, he or she is not rewriting the By-law with more restrictive development parameters that neighbours need to respect. It points to a rational decision with consequences and does not establish a new benchmark for other erf owners. It may be regarded, in this context, as a self-inflicted missed opportunity.

Figure 6 in the motivation paints Buitenkant Street as an activity street. If the objectors were so aggrieved by this and the incremental commercialisation along the street shown in Figures 7 & 8 of the motivation, they should have mentioned it in their objections. They are completely silent on relevant considerations. The motivation also listed 12 general reasons why similar applications have been approved by the Tribunal including consistency with spatial plans and policies, facilitation of new investment, Buitenkant Street already has a mixed-use character, situated on an activity street and no impact on surrounding property values. Repeating limited value phrases and irrelevant considerations do not carry much weight when a pivotal challenge is required to oppose the application with a degree of success.

	<p>3. Loss in property value</p>	<p>If the height of a 3-storey building would cause visual intrusion, loss of scenic value, overshadowing, a loss of privacy and a permanent change in the character of a “<i>transitional area</i>” for abutting residential properties, it needs to be supported by pivotal evidence. The objectors do not indicate which properties would be compromised and how or how much they would be affected. What makes it even more difficult to comprehend is when the neighbouring “<i>residential</i>” property is permitted as-of-right to utilise the same building height. However, via an own choice, decides not to exploit the development parameters available to him or her. This does not constitute a relevant or rational basis for objection. Limiting Erf 513 to a 2-storey building, when 3 storeys are legally permissible to the applicant and the objectors, is an irrational argument. It is comparable to giving a child 3 sweets and then trying to take one or two back again.</p> <p>The owners of Erf 504 claim a loss of peace and relaxed atmosphere; yet their property faces onto the rear side of a service station and the loading area of a shopping centre on their northern side. The shopping centre was completed in 2020, a year before the objector started with construction of his own dwelling.</p> <p>There is no comparison between the scale and impact of the two northerly developments when compared to this application as it is substantially smaller and with much lower impact than the service station and shopping centre. His statement “<i>in an area where all neighbouring properties are residential zoned</i>” is devoid of any truth.</p> <p>3. Two owners claim that being next to a business zone would devalue the residential value of their properties.</p>	<p>3. The owners of erven 529 and 504 raised this objection. The municipal valuation roll indicates that the property values of these two properties increase during</p>
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	<p>4. Dilution of residential area</p>	<p>The formula of this objection is simple; business activities would increase traffic and that would devalue their properties. As mentioned above, 1 objector is exercising his business rights and 3 other objectors have the same opportunity as Erf 513 to rezone their properties. The owner of Erf 504 should have been aware of the 2018 spatial development framework proposals when he submitted building plans in 2021. He cannot blame or sabotage others for his own ignorance before making his investment.</p> <p>For a claim of loss of residential property value to be considered, one needs to submit evidence in the form of a professional person valuing a property with and without the development on Erf 513. The objector should, for instance, submit such evidence with the objection and show that the property value will drop from for instance R1,8million to R1,6million, to claim a R200 000 loss in value. The applicant needs to understand the considerations in determining or challenging the devaluation claim and be able to propose relevant mitigation measures. There is no content to this claim and the applicant is unable to provide any rational response. It remains a claim without any substantiation.</p> <p>4. Three owners claim that rezoning would create a precedent for more rezonings.</p> <p>After 37 years as an urban planner working with land use changes and objections, this is the first time that “<i>dilution of a residential area</i>” is presented as a reason for objection. This is not planning jargon that the undersigned is familiar with. Dilution, in the context of property development, may refer to:</p> <ul style="list-style-type: none"> • The effect of building area on energy intensity also referred to energy consumption. 	<p>the past 2 general valuation cycles.</p> <p><u>Erf 529</u></p> <p>2015 - R 1 091 500 2019 – R 2 158 000 2023 - R 2 510 000</p> <p><u>Erf 504</u></p> <p>2015 - R 541 000 2019 - R 650 000 (vacant plot) 2023 - R 2 255 000</p> <p>No information has been provided by the objectors to proof their statement. The statement is therefore speculative and noted.</p> <p>It is anticipated the property values will increase again with the following general valuation cycle.</p> <p>4. Land use planning is guided by the spatial development framework of a municipality. This application is an example of a property taking up the development potential giving to it by its location in terms of the spatial planning for Yzerfontein. Other properties surrounding erf 513 consist of the same development potential. Therefore no precedent is created.</p>
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	<p>5. Business sustainability (need)</p>	<ul style="list-style-type: none"> • The land immediately below a mass sewage disposal system. • When it refers to mixing zones after point source pollution (the solution to pollution is dilution). <p>Objectors may refer to business creep, business intrusion, gentrification, intensification of land use in protest of land use changes that are perceived as negative. The undersigned is not even sure if “<i>dilution</i>” is a positive or negative remark. If this is an attempt to somehow describe the <u>weakening</u> of a residential area, this happened when the southern residential extensions were approved about 25 years ago with Buitenkant Street becoming one of only 2 access roads. Since there is an approved spatial development framework that promotes rezoning along an activity street, there is no precedent to be set (it was set 25 years ago). A deviation process from the spatial development framework does not form part of this application.</p> <p>To the contrary, replacing 1 dwelling with 5 dwellings is not dilution of a residential land use, it is residential intensification that is a positive and highly regarded planning principle.</p> <p>5. <i>Two owners thought that Yzerfontein does not need more shops encroaching into residential areas.</i></p> <p>The owners of Erven 529 and 504, in similarly structured letters, argue that Yzerfontein is not large enough to sustain the existing shops. They also refer to Buitenkant Street as a congested area in terms of traffic. Since Yzerfontein is a weekend and seasonal holiday destination with a lower level of permanent residents, it is difficult to make concrete findings about business sustainability. The objectors must admit that they have no evidence to support their “thinking”. Sustainability in business should not be confused with profitability and by contrast</p>	<p>5. The decision making criteria for land use planning does not include the market principle of demand and supply. If the development is deemed to comply with all the criteria it is approved.</p> <p>The owner/developer has certainly done a due diligence study to determine the feasibility of the proposed development. If deemed desirable from a planning point of view, it will be recommend for approval to the MPT.</p>
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refer to efficiency, use of renewable resources and similar actions in four distinct areas:

- Initiates and actions aimed at the preservation of human resources.
- Initiates and actions aimed at the preservation of social resources.
- Initiates and actions aimed at the preservation of economic resources.
- Initiates and actions aimed at the preservation of environmental resources.

I assume that the objectors have confused profitability and sustainability. The opposite term (to profitability) is bankruptcy, yet the objectors could not include 1 example of a recent business bankruptcy in Yzerfontein.

Figure 6 compares Google Earth images from 2004 and 2023. The comparison shows a major residential extension to Yzerfontein on the southern side of the original township. Access to all those erven comes via 2 streets of which Buitenkant is one. This is why Buitenkant Street became an activity street; it no longer holds the characteristics of a residential street as it is a throughway to the southern residential extensions.

The spatial development framework proposals aim to mitigate this change in the character of Buitenkant Street and the residential properties along it.

When the number of residential erven in a town doubles, it impacts the needs of that community for services and goods. The local authority recognised this by making changes to their spatial and other plans. It is only realistic and rational to do so and the number of rezonings, consent uses and departures in Buitenkant Street is evidence that this is moving in the same direction.

	<p>6. Alternative sites could be considered</p>	<p>The motivation mentioned how difficult it would be to justify their <u>narcolepsy</u> about the southern extensions and the spatial development framework measures, a rather provocative statement that the objectors did not contest.</p> <p>6. Three owners opined that alternative sites should rather be considered. The objectors trusted that the municipality would protect their residential suburb, lifestyles and significant capital investments.</p> <p>The owner of Erf 513 wants to take advantage of the unique situation that came through the 2018 and 2023 spatial development frameworks that identified his property as suitable for rezoning to Business zone 1; it is on an <u>activity street</u> and included in the demarcated <u>central business district</u> of Yzerfontein.</p> <p>He knows about the spatial development framework proposals as he is an active citizen, taking cognisance of municipal initiatives, policies and actions. He did not consider other sites as he owns Erf 513. In simple terms the existing investment on Erf 513 is low while the redevelopment opportunity is high. In addition, the spatial development frameworks of 2018 and 2023 went through at least 4 levels of assessment and scrutiny, namely:</p> <ul style="list-style-type: none"> • Technical compilation and assessment. • Public scrutiny and comments. • Political scrutiny and approval. • Statutory approval. <p>Since the demarcated central business district remained unchanged since 2018 (<i>this is applicable in the area around Erf 513</i>), one can add that the spatial development framework went through this process twice (<i>2018 and 2023</i>). Certainly, this is a case where planners, the public, councillors and legal departments had ample</p>	<p>6. The owner of erf 513 is taking up the development potential of the property to be developed with business and residential uses given to it by the spatial planning of Yzerfontein.</p> <p>Alternative sites cannot be considered as only erf 513 is owned by the developer.</p> <p>Yzerfontein can only develop according to the spatial planning for the town. This can be seen as the municipality's way to protect the rights of residents of Yzerfontein.</p>
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		<p>opportunity to consider alternatives, but they did not.</p> <p>From a planning perspective, Erf 513 has numerous opportunities and little constraints.</p> <ul style="list-style-type: none"> • The Buitenkant Street environment has changed from residential to more commercial. • The mitigation on offer from the municipality includes new land use opportunities. • Ample parking is available. • Buitenkant Street has the reserve width for future road upgrades. • The business offering on Erf 513 is small and limited. • The business offering will rely on passing by traffic and Buitenkant Street is ideal. • Proximity to the shopping centre, other retail venues and offices, are positive locational advantages. <p>The objectors reference alternative sites that could be considered, yet they fail to list or suggest such sites or even to describe the locational and other advantages of such sites compared to Erf 513. It is a poignant omission from their side.</p> <p>7. All six letters touched onto traffic as an issue, some by just listing an increase in traffic as a concern. The owner of Erf 503 refers to a problem at the curve of the street, has an issue with one-way streets, noise disturbance (traffic noise) and tranquillity of the neighbourhood that is residential, not business. Two letters referred to the need to upgrade Buitenkant Street, while the Town Engineer confirmed that this is not listed as a short-term project in terms of municipal budgets.</p> <p>All traffic impact studies must adhere to the standards</p>	<p>7. A traffic impact statement by Nolte Engineers were provided by the applicant. The Department Civil Engineering Services considered the statement and is of the opinion that the existing road network is sufficient to accommodate the proposed development.</p> <p>The access to and from the parking areas for the business and residential uses are separated from each other. The business uses obtain access from Buitenkant Street and the residential uses from Gey van Pittius Street.</p>
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prescribed in Volume 1 of the South African Traffic Impact and Site Traffic Assessment Manual, of August 2012, including this application. The traffic report is attached as Annexure D and confirms that sufficient road capacity is available as well as confirming that peak hour trip generation is insignificant. At best the letters take a more strategic position to lobby (insert pressure) that a future infrastructure project comes to Yzerfontein. Since Buitenkant Street is one of two access routes to the southern extensions of Yzerfontein, this upgrading may be unavoidable (*but at the right time*).

Timing is a consideration of thresholds and may be defined as a magnitude or intensity that must be exceeded before a mitigating action would be warranted. By objecting to a rezoning application, those residents ensure that the threshold for the action is not reached and that existing conditions prevail. If the rezoning is supported, it adds one more reason and pressure for the road upgrading. Thus, objecting to the rezoning has unintended consequences as it does not allow pressure to build up for the intended action. This objection-attitude simply does not help as the direction taken is not realistic. It is just delaying the action or solution they are lobbying for.

In addition, rezoning approvals generate development contributions which provide the initial capital for upgrading projects. One rezoning may not contribute enough capital for road upgrades, however, when several rezonings are considered, the threshold (*accumulation of capital*) would be reached sooner.

Apart from the eventual road upgrading, there are numerous short-term measures that may be implemented to provide relief to Buitenkant Street:

The existing traffic volumes that are accommodated by Buitenkant Street during normal and peak times sets the tone for the disturbance caused to the surrounding area. The additional impact by traffic generated by the proposed development is deemed to be minimal.

	<p>8. Engineering Services</p>	<ul style="list-style-type: none"> • Ensure that traffic signs are adequate and promote efficiency. • Ensure physical traffic services during difficult or rush hours. • Remove or restrict right turning movements as it blocks traffic. • Provide remote parking areas and encourage walking. • Improve pedestrian facilities. • Separate delivery routes from customer routes. • Implement road changes in phases. • All the above may cost a fraction of a road upgrade. <p>The eight residential parking bays in Gey von Pittius Street would be separated from the business parking bays to reduce conflict points. The option to add carports for the residential units or to convert some of the street parking bays into garages remain future options which are not part of this application. In that terms this arrangement would be part of residential parking, like any other residential erf or land use with car ports, for instance, on street boundaries.</p> <p>2. See the comments made at point 2 on the objection from PH & JD Myburgh, owners of Erf 529.</p> <p>8. One objector is concerned about adequate capacity in municipal services.</p> <p>The civil services assessment, attached as Annexure A, confirms that civil services and roads capacity are certainly available. Annexure B deals with the shortage in the availability of electricity capacity and provides for an alternative off grid source of electrical power to Erf 513.</p> <p>Today, many properties are fully serviced yet rely on solar power (both off- and on-grid options).</p>	<p>8. The Department Civil Engineering Services confirmed that there is sufficient water and sewerage services capacity in order to accommodate the proposed development.</p> <p>A single conservancy tank with sufficient capacity, in order to accommodate the business and flats, needs to be provided. This tank needs to be pumped by a private services provider.</p> <p>The Department Electrical Engineering Services states that there is only electricity capacity for 33% of the demand for the</p>
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	<p>The same applies to sewerage as there is no municipal network or treatment works in Yzerfontein. The municipality confirmed in writing that their vacuum trucks have capacity to service Erf 513. The site development plan was updated to show the position of a septic tank (see Annexure C).</p> <p>Load shedding or lacking some bulk services infrastructure do not halt development. In the case of electricity there are alternative energy sources such as wind and solar power that are competitive alternatives. Thus, the statement that a municipality cannot legally approve land use changes where the necessary bulk services are not available, is patently incorrect and false. Where solar generation is available, council policies permit owners to feed excessive power back into the local grid. The remark that approval would be irresponsible and premature has no basis in fact or law.</p> <p>There is no truth in the statement that electrical infrastructure “depends entirely on Eskom”. According to the University of Stellenbosch private energy generation in South Africa stands at 7,3GW, while government controlled renewable programmes generate 2,3GW solar and 4,1GW wind power. The only problem with this information is that it may be outdated by the time the Tribunal considers the application. Thus, the private sector contributes about 13,7GW electricity to the South African grid (since privately produced energy is growing at speed, the numbers quoted are probably outdated).</p> <p>The term mixed-use is loaded when it comes to municipal service as municipalities must deal with peak hour demands in</p>	<p>proposed development. No additional electrical capacity is available for the site until Eskom has increased the municipality's maximum demand. If the application is approved, the owner/developer needs to provide the shortcoming of electricity until such time as the municipality can provide full capacity again.</p>
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	<p>9. Implications of removal of restrictions</p>	<p>pure residential or business areas with specific peak hours. When an alternative land -use is introduced with different peak hour demand profiles, it does not always require additional capacity as it uses existing capacity during off-peak hours. Thus, the line shops (4) would not require larger pipes (water & sewer). The additional dwellings (replacing 1 by 5 dwelling units) would impact on water services, but the relevant municipal department confirmed sufficient capacity. Since there is no municipal sewer network, the owner must supply his own large enough septic tank. Land use diversification ensures more sustainable engineering infrastructure because peak demands are stretched over longer periods.</p> <p>Since Yzerfontein is predominately a holiday destination (and not a primary job creator) with a lower level of permanent residents, peak hour pressures would rather be linked to weekends than weekdays. Engineering services planning is therefore using different values and peak times that may be unique to Yzerfontein.</p> <p>Ideally, the rooftop solar installation should generate extra electrical power that may be inserted into the local grid for the benefit of all residents in Yzerfontein. This would be beneficial to the municipality that can stabilise the grid and resell the power to other users. It may also make more electricity available to Yzerfontein, thus overcoming the shackles of an inefficient ESKOM.</p> <p>9. One objector acknowledges consistency with the spatial development framework, noting the</p>	<p>9. The title deed restrictions determines the use of the property as well as the placement and scale of the buildings that may be erected</p>
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application as a planning concern.

The motivation of 14 July 2025 deals extensively with the removal of restrictions. Paragraph 1 deals with the legal requirements preceding removals and stare decisis (consistency in reasoning for previous Tribunal decisions regarding the removal of restrictions) and paragraph 2 deals with the spatial guidance provided by approved development frameworks. Paragraph 4 explains the background, types and purpose of title deed restrictions. The relevance of the legal principle of cessante razione legis, cessat lex ipsa is explained in paragraph 5. Paragraphs 6 and 7 deal with the assessment of the removal application and lists the deciding criteria.

One of the most important points discussed in paragraph 6 of the motivation is that the removal of restrictions is effectively an arbitrary deprivation of property rights when sufficient reason is lacking or when a decision is procedurally unfair. The motivation offers a deluge of compelling reasons for the removal, which remains unchallenged (no one challenged the quality of the reasons or the fairness of removal procedures). The procedures or steps in the removal process are also carefully explained. The objector fails to provide opposing evidence in this regard and his silence confirms that the removal process is procedurally fair and that the reasons provided are sufficient. None of the content provided in the assessment of the motivation is disputed or contested. It is found lacking in all the objections as the motivation goes unopposed.

on the property. These restrictions formed part of town establishment conditions.

Erf 513 forms part of Township Extension 2 which was surveyed in 1975. All the residential properties in this extension have the same restrictive conditions, therefore creating the character for this area.

Since then Town Planning legislation and the profession itself evolved with land use management (Planning By-laws) and land use planning (Spatial Development Frameworks) tools which guides decision making and making decision making easier.

The spatial planning for Yzerfontein indicates that certain erven in this Township Extension 2 consist of development potential to be used for other purposes than the title deed restrictions. The Planning By-law has zoning categories and zoning parameters which enables the change of land use rights of a property.

The proposed development is in compliance with the spatial planning of Yzerfontein and complies with all the applicable zoning parameters, but may be in contradiction with the title deed restrictions of the property.

This application for consideration deals with the removal of restrictive conditions.

The detailed evaluation of the removal of restrictive title deed conditions will be made at Part K of this report.

This is a factor that the Tribunal should note in their decision.

In addition, lone standing apartment buildings in between single residential erven is as old as the mountains. This is a natural spatial form and acceptable over generations. The objector may be making a point that apartment buildings are out of character in Buitenkant Street and thus inappropriate intensification of land use. If so, he should have argued that residential densification is a problem from his point of view, which he is not doing.

The development proposal is dominated by 5 residential apartments over 2 floors, yet he opines that any development on Erf 513 should “retain a predominant residential character and scale” (ensuring compatibility). The site development plan is exactly what he is arguing for in this regard. It is not 3 storeys of mixed land use, the line shops (four) are limited to the ground floor.

The objector also compares the impact and scale of the 5 proposed apartments to “five full houses”. The habitable area of 3 apartments range between 64m² and 68m² while the habitable area of the larger ones is ±97m². The habitable area of the 5 apartments combined is 393m². If a conservative average size single residential dwelling is ±250m², it is trite that the objector is inflating his claim, probably to mislead the Tribunal. The proposal, according to Table 2, has a coverage of 38% while floor area is just over 1/3 of the permissible General business floor area. In theory a double house with a floor area of 1200m² is possible on Erf 513, while this proposal has a much lower total floor area (refer to Section 1.1.4(a) in the DMS). This compares generally with 2 large

dwelling that may be in the form of a double dwelling on 1 erf.

An interesting point is that council policy is often converted into by-laws. If double dwellings are considered as in line with council policy (Development Management Scheme), one can argue that restrictive title conditions limiting single residential erven to 1 dwelling only must then be against council policy. The objector is thus undermining a policy of council and their ability to ensure orderly and predictable development as required by national and provincial planning law.

The objector hinted in his conclusion that a substantially downscaled and redesigned development proposal that addresses his concerns may be supported. This is such a vague counter proposal that it cannot be considered. The crux of his objection is that anything other than one residential dwelling would be out of character. He projects in his arguments that 2 apartments (flats) would be equal to 2 residential dwellings and that may tarnish the residential character and would create a precedent for more similar developments.

PART J: MUNICIPAL PLANNING EVALUATION

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

An application for the removal of restrictive title on erf 513, Yzerfontein in terms of section 25(2)(f) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that condition C.6(a), C.6(b), C.6(b)(i) and C.6(b)(ii) be removed from Title Deed T9429/89 in order to do away with the restriction with regard to the use of the premises and building lines.

An application for rezoning of erf 513, Yzerfontein 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 513 (863m² in extent) be rezoned from Residential Zone 1 to Business Zone 1 in order to develop the premises with shops and/offices and 5 flats.

The application was advertised in the local newspapers and Provincial Gazette and a total of 25 notices which were sent to affected parties via registered mail and via email. 20 of the notices were delivered by hand and 2 notices were sent via email.

The public participation process started on 11 August 2025 and ended on 15 September 2025 for affected parties.

The objections were sent to the applicant for comments on 22 September 2025. The comments from the applicant on the objection was received on 14 October 2025. Comments from the Department Civil Engineering Services were negative regarding the parking layout on the SDP. An amended SDP was received and the Department Civil Engineering Services confirmed the layout is in order on 20 January 2026.

The Division: Land Use & Town Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

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 is deemed consistent with the Swartland MSDF (2019) 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.
- b) 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 development. 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 Yzerfontein through the improvement of the property as well as through job creation.
- c) Efficiency: The development proposal will promote the optimal utilisation of services on the property and enhance the tax base of the Municipality. The proposed use will also strengthen the current mixed-use character of the area as well as the existing identified activity street. Therefore this application complies with the principle of efficiency.
- d) 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 a number of considerations as required by the relevant By-law and MSDF;
- a) Spatial Resilience: The existing buildings on the property will be demolished. The proposal to accommodate mixed uses along an identified activity street, inside the primary business node for Yzerfontein, is not only supported from a spatial planning point of view but also makes the property more resilient as it creates opportunity for a wider range of uses. With the above in mind the use of the property for commercial purposes and flats are 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.

2.3 Spatial Development Framework(SDF)

Erf 513 is situated in zone C which is the identified CBD of Yzerfontein. The erf is also situated on Buitenkant Street which is an activity street on which mixed uses of residential and business can be accommodated. The SDF supports the establishment of all types of land uses in zone C except industries and service trades. The propose business use and flats on the property is in compliance with the spatial planning of Yzerfontein.



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

The existing structures will be demolished. The development proposal complies with all zoning parameters of the Business zone 1 zoning.

2.5 Desirability of the proposed utilisation

Erf 513 is zoned Residential zone 1 and is developed with a dwelling and outbuilding. Existing structures will be demolished. Erf 513 is flat and once the existing structures are demolished there will be no physical restrictions on the property which may impact negatively on the application.

Surrounding land uses includes business and single residential uses. The proposed business uses and flats are complimentary to the mixed use character of the area.

The placement, massing, scale and height of the proposed building is in keeping with parameters of the adjoining Residential zone 1 properties as well as the Business zone 1 properties in the CBD.

The privacy of surrounding properties will be affected no other than that of a double storey dwelling on erf 513 overlooking the adjoining properties. It is not certain how the security of the area will be affected by the proposed development as it fits into the existing character of the area.

The character, visual, peace, or lack thereof and atmosphere of the CBD and surrounding area to erf 513 is already set. The additional increase of traffic to and from erf 513 as well as the impact of the activities of the proposed uses on the surrounding area is deemed to be minimal.

From a spatial planning point of view the CBD as well as Buitenkant Street as an activity street is strengthened by the proposed development.

Municipal valuations shows that property values had increased since 2015 to 2019 and to 2023. It is anticipated that this tendency will continue. The statement that property values will be affected negatively is noted.

The decision making criteria for land use planning does not include the market principle of demand and supply. If the development is deemed to comply with all the criteria it is approved.

Alternative sites to accommodate the proposed development cannot be considered as only erf 513 is owned by the developer.

The existing traffic volumes that are accommodated by Buitenkant Street during normal and peak times sets the tone for the disturbance caused to its surrounding area. The additional impact by traffic generated by the proposed development is deemed to be minimal.

Existing municipal services (water and sewerage) to the property is deemed sufficient in order to accommodate the proposed business use. Insufficient electricity capacity exists. However the deficit can be supplemented with renewable energy.

The proposed development is in compliance with the spatial planning of Yzerfontein.

The development proposal complies with all zoning parameters applicable to the Business zone 1 zoning.

3. Impact on municipal engineering services

Existing municipal services (water and sewerage) to the property is deemed sufficient in order to accommodate the proposed business use. Insufficient electricity capacity exists. However the deficit can be supplemented with renewable energy.

4. Comments of organs of state

N/A

5. Response by applicant

See Annexure M.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

Removing the restrictive conditions will impact positively on the value of the property. The removal will also not have a negative impact on the value of neighbouring properties. A similar application has already been approved along Buitenkant street.

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

The rights do not relate to private rights, but rather to ensure equitable development. The By-Law will continue to perform this function even after restrictions have been removed.

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

There is no social benefit if the conditions remain. The removal result in the property being able to be rezoned for commercial use and flats. It could be argued that the proposed shops will generate a number of temporary as well as permanent job opportunities which will benefit the community of Yzerfontein.

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

Not the rights of the applicant, nor the rights of the affected property owners will be negatively impacted on. The restrictive conditions in question will be completely removed from the Title Deed, but the development parameters will continue to be regulated by the By-Law.

PART L: RECOMMENDATION WITH CONDITIONS

- A.** The application for the removal of restrictive title conditions on erf 513, Yzerfontein be approved in terms of Section 70 of the By-Law, as follows:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Conditions C.6(a), C.6(b), C.6(b)(i) and C.6(b)(ii) be removed from Title Deed T9429/89 that read as follows:

“...C.6.(a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die, doel eindes wat die Administrateur van tyd tot tyd, na oor leg met die Dorpekommissie en die Plaaslike Owerheid goedkeur, met dien verstande dat, indien die erf in die gebied van 'n Dorpsaanlegskema ingesluit is, die Plaaslike Owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.

(b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straat lyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die Plaaslike Owerheid:—

(i) 'n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy— en agterruimtes opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens ;

(ii) 'n buitegebou ingevolge subparagraaf (i) slegs nader aan In sygrens of agter— grens van 'n perseel as die afstand hierbo voorgeskryf , opgerig mag word indien geen vensters of deure in enige muur, wat op sodanige grens front, aangebring word nie...”

be removed from the Deed completely.

- b) The applicant/owner applies to the Deeds Office to amend the Title Deed in order to reflect the removal of the restrictive conditions;
- c) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
- Copy of the approval by Swartland Municipality;
 - Original Title Deed, and
 - Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
- d) A copy of the amended Title Deed be provided to Swartland Municipality for record purposes.

- B.** The application for the rezoning of erf 339, Malmesbury be approved in terms of Section 70 of the By-law, subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 513 be rezoned from Residential zone 1 to Business zone 1 in order to use the property as a business premises and flats as presented in the application; (Annexure L)
- (b) Building plans for the proposed development be submitted to the Senior Manager: Development Management for consideration and approval;
- (c) At least 16 parking bays be provided on site as presented in the application. The parking bays be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by the municipality and that the parking bays are clearly marked;
- (d) The use of the 8 parking bays obtaining access from Buitenkant Street be restricted for use by the businesses only;
- (e) The use of the 8 parking bays obtaining access from Gey van Pittius Street be restricted for use of the flats;
- (f) Application for the display of advertising signs be made to the Senior Manager: Development;
- (g) A landscaping plan be submitted to the Director: Civil Engineering Services for consideration and approval;

2. WATER

- (a) The proposed development be provided with a single connection of suitable size which shall connect to the Municipal water distribution network at a suitable location;
- (b) The water connection be designed by an Engineer suitably registered in terms of the provisions of Act 46 of 2000;
- (c) The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;

3. SEWERAGE

- (a) The engineering report indicates that the proposed development will be provided with a single sewage suction tank for the joint use of the five apartments and business premises. Therefore, responsibility be taken by way of an owners' association for the operation of the joint sewage system, which includes the emptying of the tank. Since separate tanks are not provided for each consumer unit, the Municipality will not provide pumping services and this be undertaken by a private service provider, which arrangements must be established and maintained by the owners' association;
- (b) An internal sewage distribution network including the sewage tank and suction point of the sewage tank be designed by an Engineer suitably registered in terms of the provisions of Act 46 of 2000.
- (c) The design be submitted to the Director: Civil Engineering Services for approval after which the construction work must be carried out under the supervision of the Engineer;

4. STORMWATER

- (a) Stormwater runoff from the development be conducted underground to the nearest suitable Municipal collection point;
- (b) The parking spaces, accesses, stormwater connections and pavement improvements be designed by an Engineer suitably registered in terms of the provisions of Act 46 of 2000;
- (c) The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;

5. REFUSE REMOVAL

- (a) A communal refuse area be provided that is properly secured and equipped with a water connection and a drainage system connected to a septic tank. The communal refuse areas be accessible to the service truck;

6. ELECTRICITY

- (a) No additional electrical capacity is available for the site until Eskom has increased the maximum demand of the municipality. There is no time frame for when the maximum demand will be increased. Currently the size of the electrical connection is 60 Amp single phase, therefore there is only 13.8kVA available (33%) of the estimated 42kVA (AEP Electrical & Electronic Consulting Engineers) required for the development;

7. DEVELOPMENT CHARGES

- a) The owner/developer is responsible for a development charge of R14 824,97 towards the bulk supply of regional water, at building plan stage. The amount is payable 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 R2 466,14 towards bulk water reticulation, 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: 9/249-174-9210);
- c) The owner/developer is responsible for the development charge of R11 386,63 towards sewerage, 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: 9/240-184-9210);
- d) The owner/developer is responsible for the development charge of R27 630,02 towards the waste water treatment works, 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: 9/240-183-9210);
- e) The owner/developer is responsible for the development charge of R19 274,34 towards roads and storm water, 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: 9/247-188-9210);

f) 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;

8. GENERAL

- (a) The approval does not exempt the applicant from adherence to any and 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) If the expansion of any existing services is necessary to accommodate the development of services, this will be for the cost of the owner/developer;
- (c) The rates and taxes of the property be changed from residential to business;
- (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.

PART M: REASONS FOR RECOMMENDATION

1. Once the existing structures are demolished, the property does not consist of any physical restrictions which may impact negative on the application.
2. The proposed mixed uses of business and residential are complimentary to the existing mixed use character of the area.
3. The development proposal complies with all the applicable zoning parameters of the Business zone 1 zoning.
4. The development proposal in terms of scale, massing and placement remains in keeping with the development potential of surrounding single residential erven.
5. The application complies with the spatial planning of Yzerfontein.
6. The application complies with the principles of LUPA and SPLUMA.
7. Existing municipal services (water and sewerage) to the property is deemed sufficient in order to accommodate the proposed business use. Insufficient electricity capacity exists. However the deficit can be supplemented with renewable energy.
8. The removal restrictive conditions does not effect the value of rights, personal or social benefits nor the rights of the surrounding property owners.
9. The additional impact by traffic generated by the proposed development is deemed to be minimal.
10. The tendency that the municipal values of properties will increase is anticipated to continue.



PART N: ANNEXURES

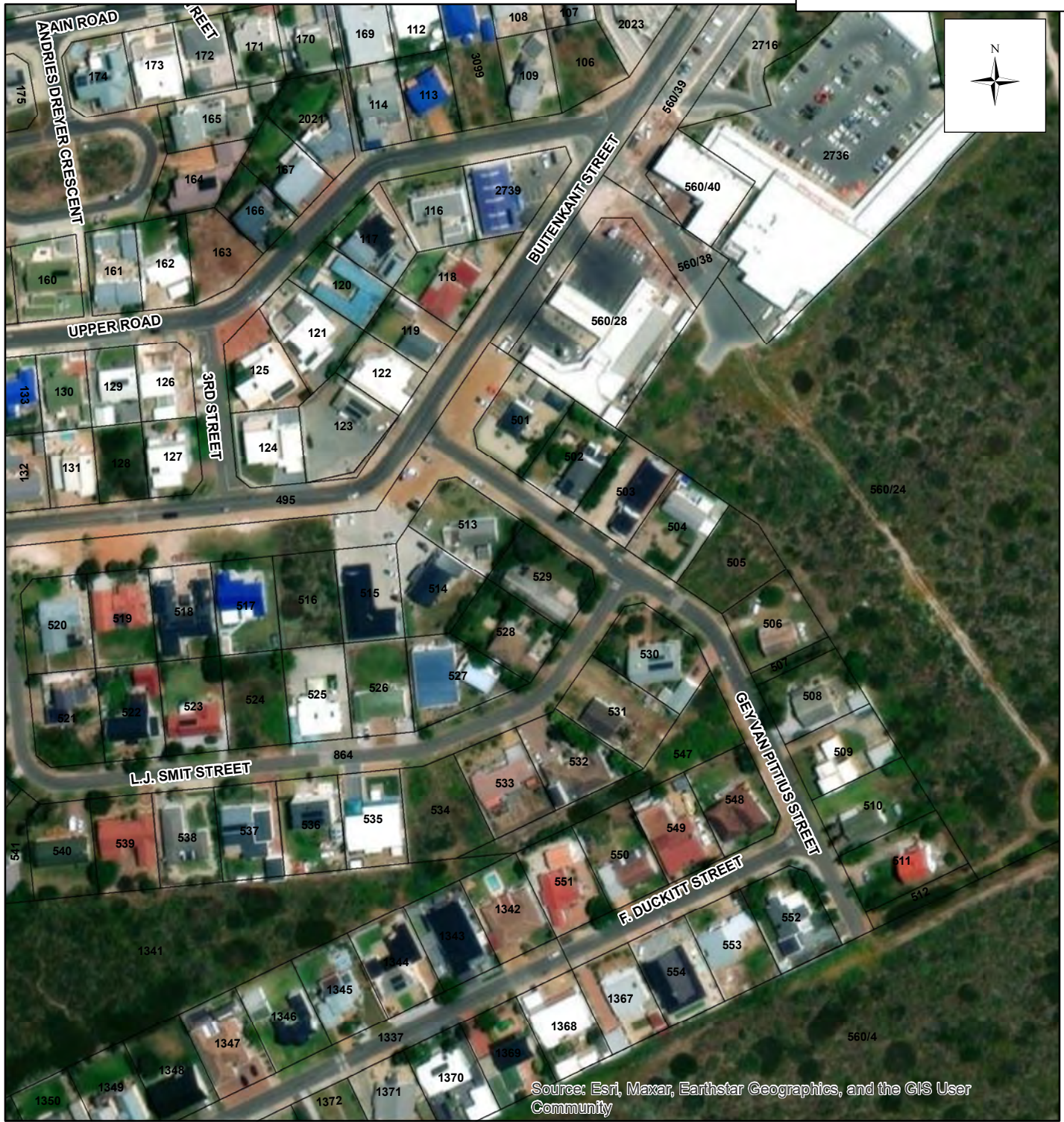
Annexure A	Locality Plan
Annexure B	Site development plan
Annexure C	Plan indicating the public participation process
Annexure D	Plan indicating the position of the objectors
Annexure E	Objection from Pieter & Julia Myburg
Annexure F	Objection from JJ & AV Smit
Annexure G	Objection from CJ Gouws
Annexure H	Objection from Adele & Hendri Radyn
Annexure I	Objection from Yzerfontein Residents Association
Annexure J	Objection from Kevin Cah
Annexure K	Commens from the applicant on the objections
Annexure L	Detailed drawings of the development proposal

PART O: APPLICANT DETAILS

First name(s)	Integrated Development Solutions – Hannes Krynauw			
Registered owner(s)	JMA & MDME Moniz	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

Author details: AJ Burger Manager: Town & Regional Planning SACPLAN: B/8429/2020		Date: 26 February 2026	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended
		Date: 2 March 2026	

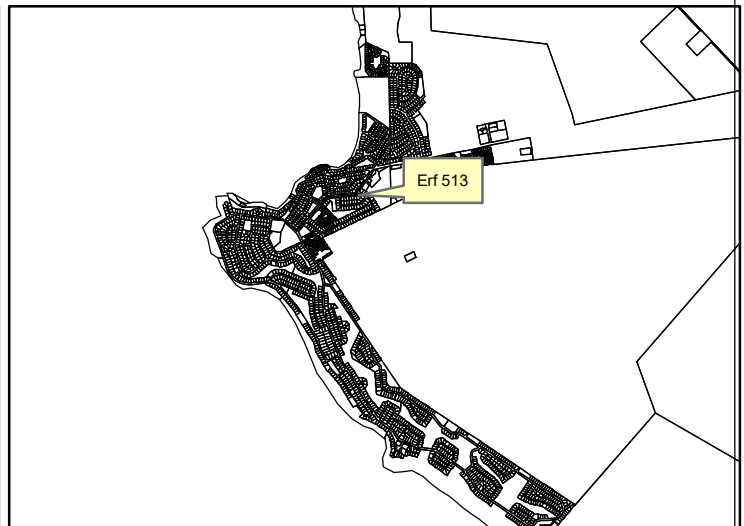


Voorgestelde opheffing van beperkings en hersonering

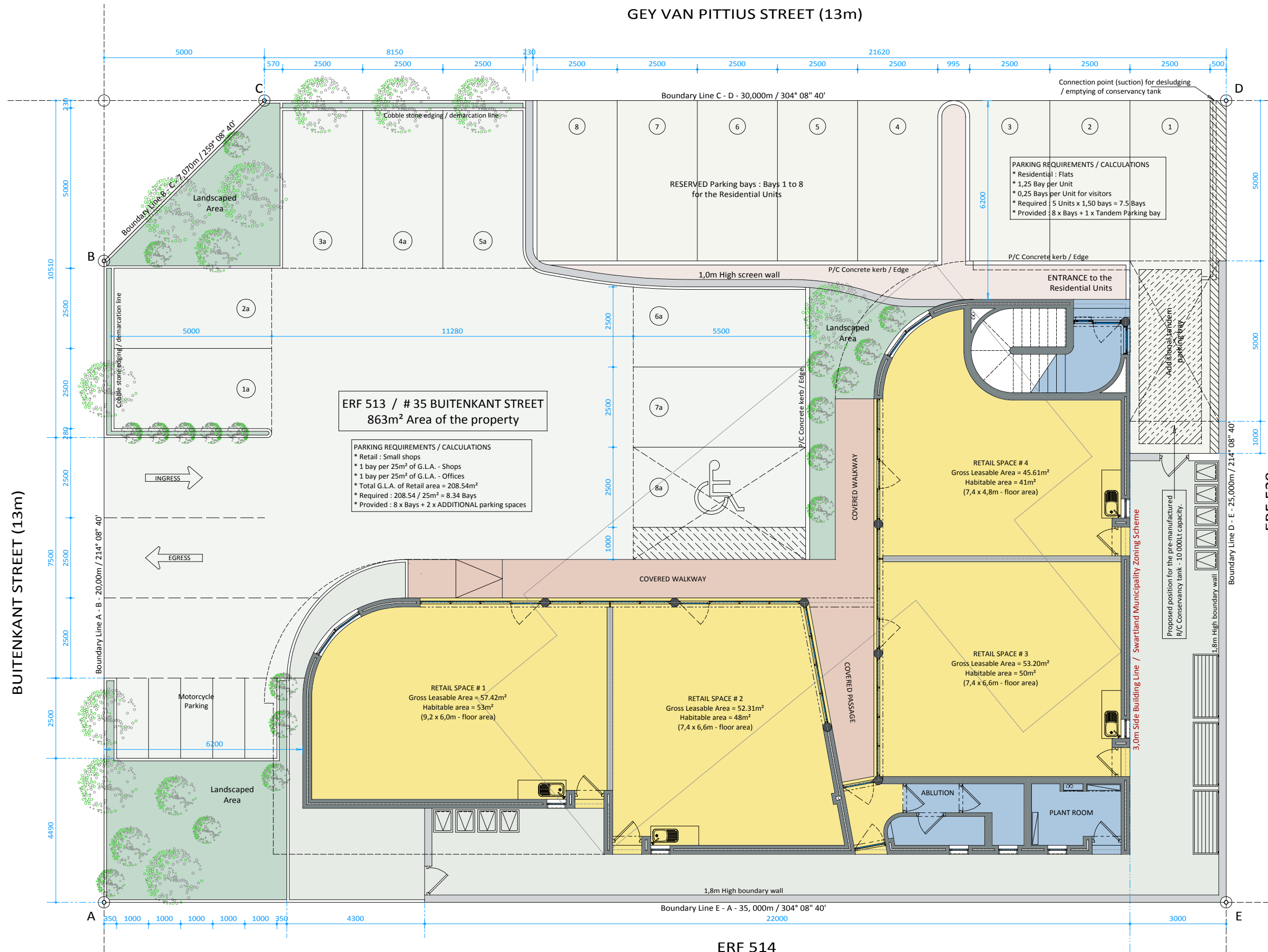
Erf 513, Yzerfontein

Publieke deelname

Skaal: NVT



GEY VAN PITTIUS STREET (13m)



ERF 513 / # 35 BUITENKANT STREET
863m² Area of the property

PARKING REQUIREMENTS / CALCULATIONS
 * Retail : Small shops
 * 1 bay per 25m² of G.L.A. - Shops
 * 1 bay per 25m² of G.L.A. - Offices
 * Total G.L.A. of Retail area = 208.54m²
 * Required : 208.54 / 25m² = 8.34 Bays
 * Provided : 8 x Bays + 2 x ADDITIONAL parking spaces

PARKING REQUIREMENTS / CALCULATIONS
 * Residential : Flats
 * 1,25 Bay per Unit
 * 0,25 Bays per Unit for visitors
 * Required : 5 Units x 1,50 bays = 7.5 Bays
 * Provided : 8 x Bays + 1 x Tandem Parking bay

RETAIL SPACE # 1
 Gross Leasable Area = 57.42m²
 Habitable area = 53m²
 (9,2 x 6,0m - floor area)

RETAIL SPACE # 2
 Gross Leasable Area = 52.31m²
 Habitable area = 48m²
 (7,4 x 6,6m - floor area)

RETAIL SPACE # 4
 Gross Leasable Area = 45.61m²
 Habitable area = 41m²
 (7,4 x 4,8m - floor area)

RETAIL SPACE # 3
 Gross Leasable Area = 53.20m²
 Habitable area = 50m²
 (7,4 x 6,6m - floor area)

property information	
ERF No.	513
Size of the property	863m ²
Co-Ordinates (entrance)	-33.346464, 18.160600
S.G. Diagram	S.G. No. 6189/79 - General Plan No. 0142
Deed of Transfer	T9429/89
Zoning	
- Current :	Residential Zone 1 (R1)
- Proposed "Re-Zoning" application :	Business Zone 1 / 2 (B21 or B22)
Building Classification	
- Current :	H4 (Dwelling house)
- Proposed / To be rezoned :	F2 (small shop) : G.F. Areas
	H3 (domestic residence) : 1st & 2nd Flr Areas
	- In accordance with SANS 10400 - A20 - Table 1
Design Population	
- Current :	H4
	2 Persons per bedroom
- Proposed :	F2 & H3
	F2 : 1 Person per 10m ²
	H3 : 2 Persons per bedroom
	- In accordance with SANS 10400 - A21 - Table 2
floor area calculations	
Floor Areas	
* Ground Storey Footprint (TOTAL) :	297.42m ²
- Covered walkway :	34.48m ²
- Covered passage :	08.92m ²
- Ablutions :	11.85m ²
- Staircase :	14.04m ²
- Plant room :	05.26m ²
- Retail Areas :	222.87m ²
- TOTAL Habitable area (Retail) :	192.00m ²
* First Storey Footprint (TOTAL) :	322.71m ²
- Covered passage :	42.21m ²
- Staircase :	15.13m ²
- Plant room :	00.54m ²
- Flat roof area :	04.51m ²
- Residential area :	260.32m ²
- TOTAL Habitable area :	200.00m ²
* Second Storey Footprint (TOTAL) :	322.71m ²
- Covered passage :	42.21m ²
- Staircase :	15.13m ²
- Plant room :	00.54m ²
- Flat roof area :	04.51m ²
- Residential area :	260.32m ²
- TOTAL Habitable area :	193.00m ²
* G.L.A. of Retail area (G.S.) :	208.54m ²
* G.L.A. of Residential area (F.S.) :	249.11m ²
* G.L.A. of Residential area (S.S.) :	249.11m ²
* Coverage :	322.71m ² / 863m ²
	37.4%
off-street parking requirements	
Parking requirements, in accordance with the Swartland Municipality Zoning Scheme, 25 March 2020.	
* Chapter 3, Items 3.1.1 & 3.2.1.1	
* Chapter 13, Items 13.1.1 / 13.1.3 / 13.1.4 / 13.1.5 / 13.1.6 / 13.1.7 and 13.1.8	
GROUND FLOOR	
In accordance with Item 13.1 - (Chapter 13), Table : Off-street parking.	
* Retail : Small shops : F2	
* 1 x Parking bay per 25m ² of G.L.A. - Shops	
* 1 x Parking bay per 25m ² of G.L.A. - Offices	
* Total G.L.A. of Retail area = 208.54m ²	
* Required : 208.54 / 25m ² = 8.34 Bays	
* Parking bays provided : 8 x Bays + 2 x ADDITIONAL parking spaces OR if parking bay requirements are calculated in accordance with Item 3.1.1.K - (B21)	
* Primary use : 1 x Parking bay per 25m ² of the Total floor space : 263,08m ² / 25m ² = 10.52 Bays	
* Provided : 10 x Bays	
* Loading bay : 1 x 10,0 x 2,95m bay	
FIRST & SECOND FLOOR	
* Residential : Flats : H3	
* 1,25 Bay per Unit	
* 0,25 Bays per Unit for visitors	
* Required : 5 Units x 1,50 bays = 7.5 Bays	
* Provided : 8 x Bays + 1 x Tandem Parking bay	
Parking and Access in accordance with the Swartland Municipality Municipal Land Use Planning By-Law 2020.	
- Total area to be finished off in an approved standard sized pre-cast concrete inter-locking paver (samples and layout to be approved)	
- Pavers to be laid in accordance with the construction specifications and to fall towards the stormwater catchpits.	
- Parking and Loading bay areas, to be demarcated with an approved white paint line to dimensions and layout.	

ANNEXURE B

buitenkant street development

Proposed re-development on the property : Commercial & Residential Units.
 Erf 513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape.
 For : Mr & Mrs MONIZ

Client Signature

Site plan + Ground Storey - Proposed new development

Conceptual framework of the intended re-development.
 Drawings / Layouts of the Existing and Proposed
 Scale : 1:120 / On A3 size drawing



hardie van schalkwyk

ARCHITECTURE

Signature

Handwritten signature

Pr. S. Arch. T. MAT (SA), CIFA

SANAT : 70736 / SACAP : ST 0283

19 dslz str, walgemoed 7530 / 082 7377151 / hardie@hvs.co.za

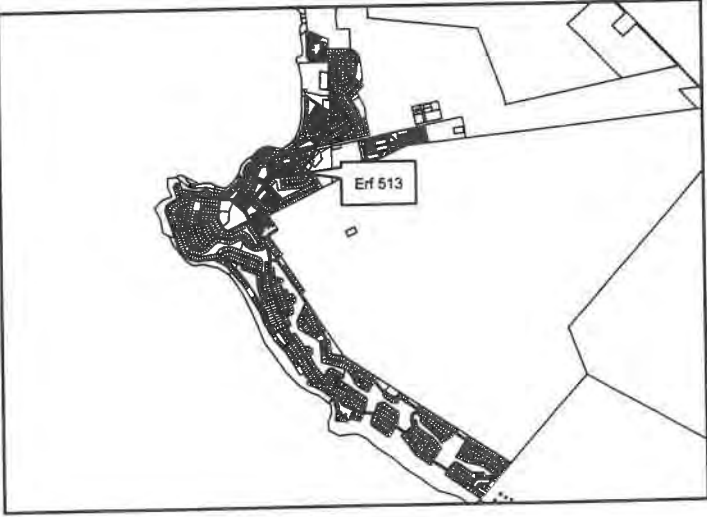


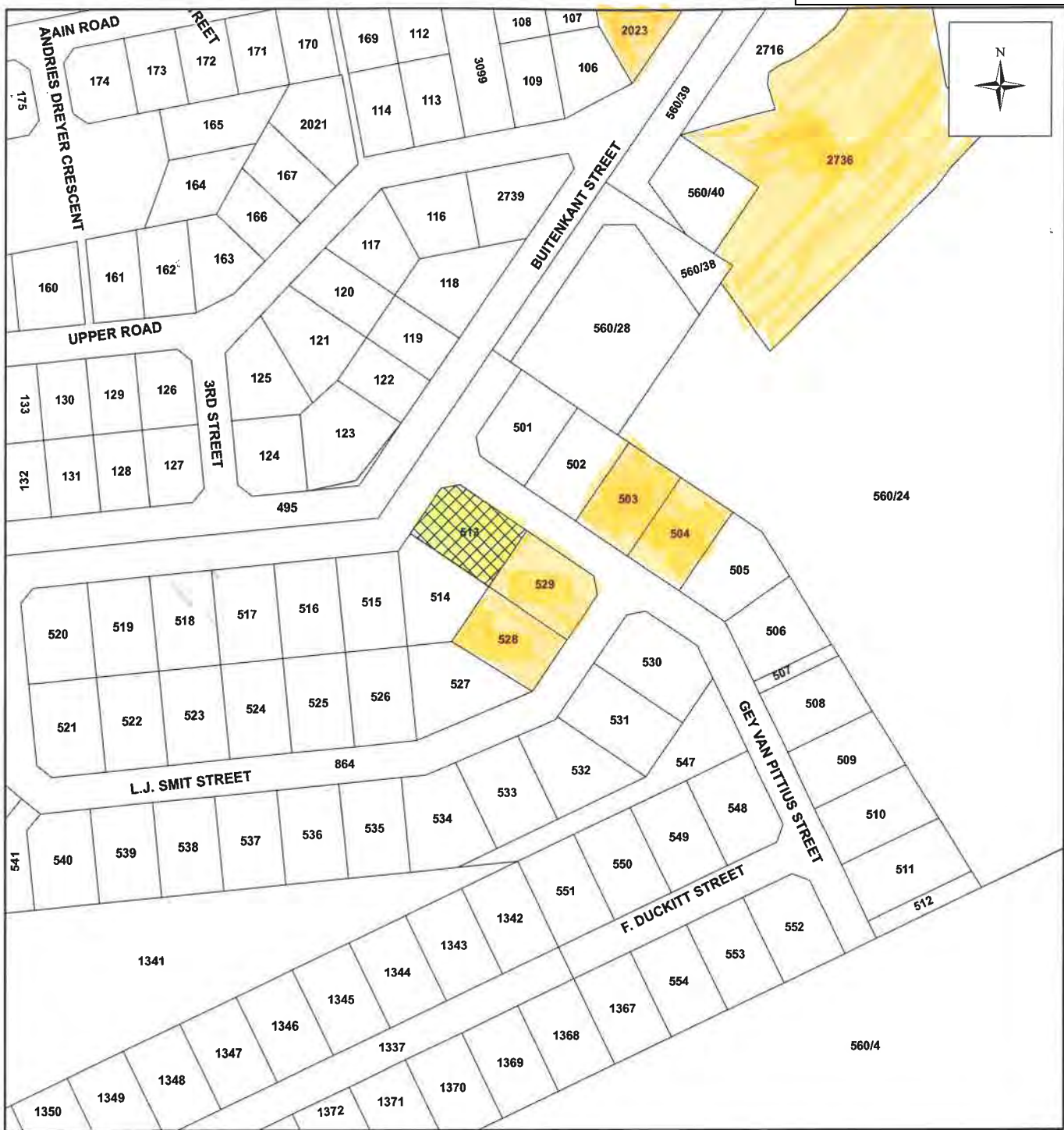
Voorgestelde opheffing van beperkings en hersonering

Erf 513, Yzerfontein

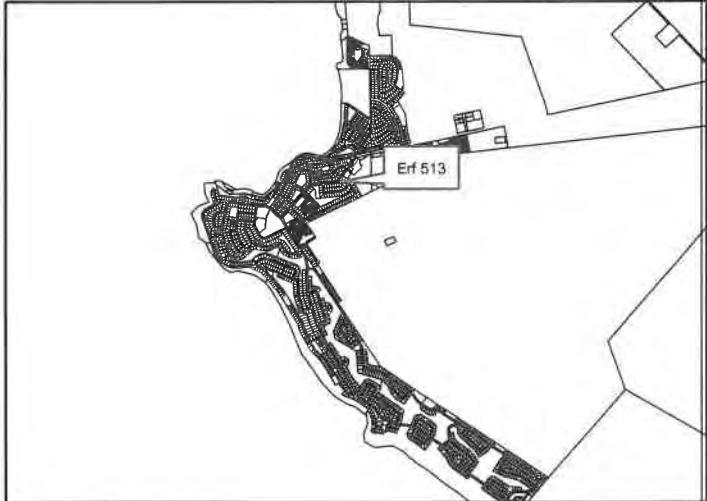
Publieke deelname

Skaal: NVT





Plan indicating the position of the objectors
Removal of restrictions & Rezoning
Erf 513, Yzerfontein
Scale: N/A



FROM:

Pieter A. Myburgh & Julia D. Myburgh
2 L J Smit Street
Yzerfontein

7 September 2025

TO:

The Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury
7299

Dear Sirs/Madams

OBJECTION: REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND REZONING
ON ERF 513, YZERFONTEIN (NOTICE 10/2025/2026)

Kindly note our objection to the above application for rezoning; our interest in the application stems from the fact that our erf number is 529, adjacent to erf 513:

1. Devaluation of property: having a business zone with commercial activities & flats directly adjacent to residential properties such as ours will devalue our properties as residential properties.
2. Loss of peace & atmosphere: when we purchased our property in a residential suburb, we specifically did so in an area where all neighbouring properties are residential zoned, as this would ensure the continued atmosphere in which we chose to enjoy family life. A business zone & increase in traffic will disturb the peace & relaxed atmosphere afforded by a residential suburb.
3. Loss of privacy & security: having a business zone & flats overlook our property, especially where it is facing directly on our house & garden, will mean a loss of privacy & security. This problem will be further exacerbated since the property will contravene the building line restrictions and coverage requirements applicable to residential zoning.
4. Dilution of residential area: if approved this application will create a precedent for future commercial type developments in the surrounding suburb.
5. Sustainability: We do not think Yzerfontein is big enough to sustain more shops – it's hardly able to sustain the existing ones. We do not think that an argument can be made that more offices & shops are needed.

6. Alternatives: there are many other areas in Yzerfontein that are more suitable for commercial developments that won't encroach on a residential area. Yzerfontein is not so built up that there is no alternative than to expand a business zone into a residential area.

We have invested significant capital in our property on the basis that the residential suburb's status would be protected for us by the council. Such a rezoning will change the nature of the suburb and affect our investments & lifestyle, which are the major reasons we bought in Yzerfontein. Yzerfontein's main attraction is its tranquility from the main city. We respectfully request that the Council protect the residential character of our suburb and reject this application in the interests of the community and existing ratepayers.

Kindly therefore note our objection to the rezoning.

Yours faithfully



Pieter A. Myburgh



Julia D. Myburgh

From: Johan Smit <johansmit0905@gmail.com>
Sent: Monday, 08 September 2025 18:43
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Beswaar hersonering & ontwikkeling op Erf 513, Yzerfontein

Die Munisipale Bestuurder Swartland Munisipaliteit

Hiermee wens ek beswaar in te dien vir die hersonering asook ontwikkeling van erf 513. Ons wil dit met êrens duidelik die volgende noodsaaklike probleem areas aan u uitwys , nl;-

1. Daar duidelik met n vorige geleentheid melding gemaak oor die ingang van verkeer in die draai van die pad wat noodlottige gevolge vir publiek kan hê. Dit is alreeds aan jul uitgewys ten tyde van n aansoek om n opleidings instansie te Gey Van Pittius Straat op te rig en wat Munidipaal goedgekeur is en tot nou nog niks van gekom het en ons tot op hede in die duister laat. Jul beplanning sou wees om eenrigting verkeer van die teenoorgedtelde rigting aan te bring wat natuurlik die verkeer sou herlei van die garage se kant via Gey Van Pittius Straat en abnormale verkeer tot gevolg sou hê wat natuur onregverdig teenoor die gemeenskap is en rusverstoring asook verkeer met hoë risiko tot gevolg sou hê. Dit is tipies waarop dit nou weer gaan afstuur.

2. Neem kennis dat jul nou die rustigheid van ? gemeenskap soos ? kUSDorpie Yzerfontein wil ontnem en vervang met verkeer soos in die stad waar mense juis wegbreek vir die rustigheid daarvan.

3. Hierdie is n redensiële area en nie vir kommersiële aanwending nie. Daar is verseker gepaste areas vir ontwikkeling soos wat beplan word maar erf 513 is definitief nie daarvoor geskik is nie.

Ek vra asseblief bekeefd dat ons as gemeenskap almal saam weereens op ñ geskikte tyd dit bespreek en dat hierdie probleem ernstig oorweeg sal word.

Groete

JJ & AV Smit

ERF 503 , Gey Van Pittius Str, 5 Yzerfontein,

7531

082 099 3080

johansmit0905@gmail.com

CJ Gouws
4 LJ Smith Straat
Yzerfontein

12 September 2025

Attention: Mr. A. Zaayman
Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

FORMAL OBJECTION TO LAND USE APPLICATION – ERF 513, YZERFONTEIN
APPLICATION FOR PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND REZONING ON
ERF 513 YZERFONTEIN

I hereby lodge this objection, in my personal capacity as a registered owner of Erf ~~528~~, to the above-mentioned land use application submitted for Erf 513, Yzerfontein (ref: 15/3/3-14/Erf_513).

The application seeks to rezone the property from Residential Zone 1 to Business Zone 1 in order to permit a mixed-use development comprising four retail units on the ground floor and five flats above (three on the first floor and two on the second floor). The application further requests the removal of restrictive title deed conditions that currently limit the use of the property to a dwelling house, and the removal of restrictive building lines.

Although the Yzerfontein Spatial Development Framework (SDF) identifies this area for future commercial development, this specific proposal presents serious planning concerns. My objection is based on four key aspects, namely: (1) engineering services, (2) traffic impact, (3) visual and character impact, and (4) the implications of removing the restrictive title conditions.

1. ENGINEERING SERVICES CAPACITY

1.1 Electricity Supply

The property currently has access to a 60-ampere single-phase electricity connection. The Swartland Municipality has confirmed in previous engagements that it does not presently have the capacity to upgrade individual connections in Yzerfontein, as the bulk network has reached its current supply limit. Any upgrade of the local network depends entirely on Eskom implementing long-term infrastructure upgrades, for which there is no timeframe.

This creates a substantial constraint, as the proposed development, which includes multiple retail units with refrigeration, lighting, ventilation and air-conditioning demands, as well as five residential flats, will significantly exceed the capacity of a 60A single-phase connection. The municipality cannot legally approve land use intensification where the necessary bulk services are not confirmed as available.

Until the electricity network is upgraded, there is no guarantee that the development can be supplied or operationalised. Approving this application now would be premature and irresponsible from an infrastructure planning perspective.

1.2 Civil Services (Water and Sewerage)

Yzerfontein does not have a formal wastewater treatment works (WWTW). Instead, sewerage from properties is collected via suction trucks and transported to the Darling WWTW for treatment. These trucks running between Yzerfontein and Darling is already operating at the limits of its practical and financial viability, with growing delays and operational costs. The proposed development will increase the sewerage load substantially by introducing not only five residential units but also four commercial units with staff and customer usage. Has a civil engineering services report been submitted to demonstrate that the existing system has sufficient capacity to accommodate this increase? If not, this is a fundamental requirement for a land use application of this nature.

The site development plan also does not indicate where the sewerage tank will be located on site. This is crucial, as it will have an impact on traffic within the surrounding area. The tank should be indicated on the plan, that a TIS report can confirm that the trucks will not have an adverse impact on the traffic flow to and from the property or within the surrounding area.

It must further be demonstrated whether the existing sewer trucks can handle the additional volume and frequency of collection without overburdening the system or increasing the risk of spillage, odour and environmental harm. Until this is confirmed, the development poses a high risk of overwhelming existing civil services infrastructure, and approval would be premature.

2. TRAFFIC IMPACT

Has the application been accompanied by a Traffic Impact Statement (TIS) or any professional input on access, parking or circulation? If not, this is a serious omission, given the scale and mixed-use nature of the proposal.

Firstly, the development proposes eight parking bays with direct access off Gey van Pittius Street and an individual access point from Buitekant Street. None of the existing commercial properties in the surrounding area are permitted to obtain direct access for individual bays from the street; they are required to make use of shared internal access arrangements to reduce conflict points and ensure pedestrian safety. Allowing this property to create eight separate direct access points would set an undesirable precedent and create multiple conflict points, which will: disrupt traffic flow along Gey van Pittius Street, increase the likelihood of vehicle collisions, obstruct pedestrian movement, and undermine the intended character of this transitional residential area.

Moreover, the application has not demonstrated that the surrounding road network can safely and efficiently accommodate the increased trip generation associated with four retail units and five flats. The cumulative traffic, parking demand, and loading activity will be significantly greater than that of a single dwelling house. A full TIS must be required to confirm that the proposal will not negatively affect road safety or operational efficiency. Until this is done, the proposal is deemed incomplete and contrary to sound traffic engineering principles.

3. VISUAL AND CHARACTER IMPACT

The proposed building comprises three storeys, which is out of scale with the surrounding built environment. The immediate area is predominantly residential, characterised by single-storey dwellings with a few double-storey structures, all of which present a low-scale, residential character consistent with Yzerfontein's seaside identity.

The only known three-storey structure within the CBD is on Farm 560/40, which is located within the central commercial core and surrounded entirely by Business Zone 1 properties. By contrast, Erf 513 is located on the transitional edge between the commercial node and the residential neighbourhood. Although the SDF earmarks this site for future commercial use, this does not imply that intensive, high-rise development is appropriate for this location. Business Zone 1 permits a range of high-intensity, general commercial uses that are incompatible with the current residential surroundings. If any commercial zoning is considered, a Business Zone 2 (Neighbourhood Business) would be more contextually appropriate, as it is specifically intended for small-scale, low-impact businesses serving the immediate residential neighbourhood.

Approving a three-storey Business Zone 1 building here would result in: an abrupt change in building height and bulk, visual intrusion and loss of scenic quality, overshadowing and loss of privacy for neighbouring residential properties, and a permanent alteration of the character of this transitional area.

To be contextually appropriate, any future development on Erf 513 should be limited to two storeys at most and designed to complement the residential scale and character of its surroundings.

4. REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

The property's title deed contains conditions limiting its use to a single dwelling house. These conditions were imposed to preserve the residential character and amenity of this area when the township was established. Removing these restrictions effectively removes the safeguard that has until now prevented inappropriate intensification of use on this site.

Any relaxation or removal of these restrictive conditions should only be considered if the proposed development retains a predominantly residential character and scale, thereby ensuring compatibility with surrounding properties. The current proposal does the opposite: it introduces a three-storey, mixed-use building with general business rights, which will fundamentally alter the intended use and character that the restrictive conditions were designed to protect. Since the proposal entails five additional flats (three two-bedroom units and two three-bedroom units) the scale and impact of these residential units would be comparable to that of five full houses rather than small flats, which significantly exceeds the intended use of the property.

Allowing the removal of these restrictions for a development of this scale would also create a precedent that undermines the enforceability of similar restrictive conditions on other residential erven in the area. This would weaken the Municipality's ability to manage the transition between residential and commercial areas in an orderly and predictable manner, as required by the principles of SPLUMA.

5. CONCLUSION

In summary, the application on Erf 513 cannot be supported in its current form for the following reasons:

1. No engineering reports were included with this letter that confirmed engineering capacity (electricity and sewerage) to support the proposed development;
2. No Traffic Impact Statement was included with this letter to demonstrate that the proposed access, circulation and parking layout are safe and appropriate, and the current layout will create direct conflict points with the street;
3. The proposed three-storey building is out of scale and will irreversibly alter the visual and residential character of this transitional area;
4. The removal of restrictive title conditions will remove the very mechanism intended to protect the residential character of this area and will set an undesirable precedent.

In terms of Section 7 of SPLUMA, municipal planning decisions must promote spatial justice, sustainability, efficiency, resilience and good administration. Approving this application as submitted would be inconsistent with these principles. It would be unsustainable to approve a development that cannot currently be serviced, would be inefficient in its land use pattern, and would erode the carefully managed transition between residential and business areas.

I therefore respectfully request that the Municipality refuse the application in its current form, or at the very least require a substantially downscaled and redesigned proposal that addresses the above concerns before any approval is considered.

I reserve the right to provide further comment should the applicant submit additional information or revised plans.

Regards,



Name: CJ Gouws

FROM:
Adele Radyn and Hendri Radyn
Gey van Pittius street 7
Yzerfontein
14 September 2025

TO:
The Municipal Manager
Swartland Municipality
Private Bag X52
Malmesbury
7299

Dear Sirs/Madams

**OBJECTION: REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND REZONING
ON ERF 513, YZERFONTEIN (NOTICE 10/2025/2026)**

**Kindly note our objection to the above application for rezoning; our interest in
the application stems from the fact that our erf number is 504, adjacent to erf
513:**

- 1. Devaluation of property: having a business zone with commercial activities will increase traffic and people movement from everywhere.**
- 2. Loss of peace & atmosphere: we purchased our property in a residential suburb, we specifically did so in an area where all neighbouring properties are residential zoned, as this would ensure the continued atmosphere in which we chose to enjoy family life. A business zone & increase in traffic will disturb the peace & relaxed atmosphere afforded by a residential suburb.**
- 3. Having a business zone & flats overlook our properties, especially where it is facing directly on our houses, will mean a loss of privacy & security. This problem will be further exacerbated since the property will contravene the building line restrictions and coverage requirements applicable to residential zoning.**
- 4. Dilution of residential area: if approved this application will create a precedent for future commercial type developments in the surrounding suburb.**

5. Sustainability: We do not think Yzerfontein is big enough to sustain more shops – it's hardly able to sustain the existing ones. We do not think that an argument can be made that more offices & shops are needed. Then we have that corner from out of Gey van Pittius street we sometimes struggle to turn into Buitekant street with the cars coming from Berties restaurant side suddenly coming around that corner, I think that will cause an congested area which is not save for traffic or people walking there. I saw a child being knocked over there on that corner about 4 years ago, luckily not being injured bad. That specific corner is definitely not fit to carry the load that wants to be added to it.

6. Alternatives: there are many other areas in Yzerfontein that are more suitable for commercial developments that won't encroach on a residential area. Yzerfontein is not so built up that there is no alternative than to expand a business zone into a residential area.

We have invested significant capital in our property on the basis that the residential suburb's status would be protected for us by the council. Such a rezoning will change the nature of the suburb and affect our investments & lifestyle, which are the major reasons we bought in Yzerfontein.

Yzerfontein's main attraction is its tranquility from the main city. We respectfully request that the Council protect the residential character of our suburb and reject this application in the interests of the community and existing ratepayers. Kindly therefore note our objection to the rezoning.

Yours faithfully



Adele Radyn and Hendri Radyn

ANNEXURE I

From: admin@yzerfontein.org <admin@yzerfontein.org>

Sent: Wednesday, August 20, 2025 12:55 PM

To: Lenay Abdol <PlanIntern1@swartland.org.za>

Cc: 2mean4@gmail.com

Subject: RE: Voorgestelde opheffing van beperkings en hersonering op Erf 513, Yzerfontein

Die aangehegde skrywe rakende die voorgestelde opheffende beperkings en hersonering van erf 513, Yzerfontein verwys.

Yzerfontein Inwoners Vereniging ondersteun die aansoek op voorwaarde Buitekant Straat verbreed word veral gesien teen die agtergrond hierdie straat een van twee hoof toevoer roetes is na die nuwe uitbreidings van Yzerfontein.

Namens YIV

ANNEXURE J

From: cahikevin@gmail.com <cahikevin@gmail.com>
Sent: Monday, August 18, 2025 12:02 PM
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Cc: Lenay Abdol <PlanIntern1@swartland.org.za>; russell@eganprop.co.za;
sonet@eganprop.co.za
Subject: RE: Voorgestelde opheffing van beperkings en hersonering op Erf 513, Yzerfontein

To whom it may concern

We refer to the letter received from you with respect to the proposed removal of restrictive conditions and rezoning of erf 513, Yzerfontein (Notice 10/2025/2026)

I am an owner of erf 2736 and 2023 (Yzerfontein Place (Pty) Ltd) and object to the proposed rezoning

Buitenkant Street is under pressure with the growth that Yzerfontein is currently experiencing and unless the Road is widened/ upgraded to accommodate the increasing traffic we feel that the application should be denied

Please communicate with me on my E mail address with respect to this matter –
cahikevin@gmail.com

Thank you

Kind Regards

Kevin Cah

083 625 2880

Integrated Development Solutions

Mail: hannes.ids@mweb.co.za Mobile: (+27) 84 232 0942 6 Collings Road, Oostersee, 7500

MUNISIPALITEIT SWARTLAND		REG	
LEER No:	15/3/3-14	REG No:	ERF-513
Verwys Na	SSSB	Inligting	
Del		Verslag	
		Akkoord	
		Kom/Taar	
Ander Opdrag			
For attention: Alwyn Burger		15/3/5-14	ERF-513
SPERDATUM		Your Ref no:	15/3/5-14/ERF 513

8 October 2025

The Manager
Development Services
Swartland Municipality
Malmesbury

Our Ref no: CP27-513-01
Your Ref no: 15/3/5-14/ERF 513

REZONING FROM RESIDENTIAL TO BUSINESS: ERF 513, YZERFONTEIN

Your letter 15/3/5-14/ERF 513 of 22 September 2025, in the above regard, refers.

The undersigned, duly authorised by the owners of Erf 513, Yzerfontein, submits the following in response to six letters with comments received after notification of the application to remove restrictive title restrictions and to rezone Erf 513.

1. INTRODUCTION

The application to rezone Erf 513 and redevelop the existing dwelling into a three-storey building with 5 apartments, four line shops and more than enough parking bays is founded on encouragement derived from the spatial development frameworks approved by the Swartland Municipality and numerous case studies as analysed in the motivation.

Figure 1 was obtained from the 2018 Swartland Spatial Development Framework, while Figures 2 and 3 are from the 2023 Swartland Spatial Development Framework.

Figure 1: Erf 513, Yzerfontein in the 2018 central business district



The land use proposals of the May 2023 Swartland Spatial Development Framework for the core area of Yzerfontein, are shown in Figures 2 and 3. Erf 513 is located on the periphery of area C. The demarcation of the central business district in Yzerfontein has remained consistent since 2018.

Trading as Celska Planning CC
Registration No 2006/080542/23



Members
S J Krynauw M(TRP), R Giese BSc (Hons)

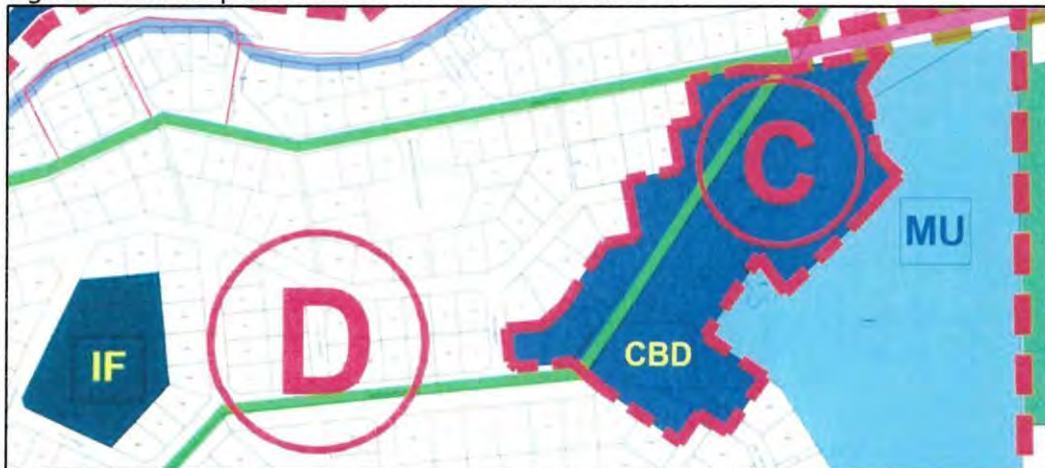
Buitekant Street is, in accordance with the spatial development framework, an activity street and most of the primary businesses in Yzerfontein are located along this section of the street. The proposed rezoning from Residential zone 1 to Business zone 1 thus, cogitate the land use proposals in the May 2023 Swartland Spatial Development Framework. A clip, zoomed into the central business district, is included as Figure 3. The owners are just responding to a spatial policy initiative of the Municipality that endured public participation and statutory approval in 2018 and again in 2023.

Figure 2: Land use proposals in 2023 spatial development framework



The application has no direct bearing (negative impact) on the spatial and related policies of the Swartland Municipality, apart from possibly improving efficiency and creating safe, high-quality environments. The proposal is thus consistent with the Spatial Development Framework as the development proposals are inclusive of desirable and predictable urban development.

Figure 3: Close-up of the 2023 central business district



The 6 letters received listed nine reasons for objection (two are supportive provided that Buitekant Street is upgraded – see green marks in Table 1). Three letters are only one page, two are two pages and 1 is 4 pages long. As a first observation the shorter letters used a telegramme style of listing points or phrases instead of proving negative impacts with facts and supportive evidence.

Table 1: Summary of comments

NR	ISSUE	529	503	4528	2504	YIV*	12736 & 2023
1	Loss of privacy & security	✓			✓		
2	Impact on character, visual, peace & atmosphere	✓	✓	✓	✓		
3	Loss in property value	✓			✓		
4	Dilution of residential area	✓	✓		✓		
5	Business sustainability (need)	✓			✓		
6	Alternative sites could be considered	✓	✓		✓		
7	Traffic impact	✓	✓	✓	✓	✓	✓
8	Engineering services			✓			
9	Implications of removal of restrictions			✓			

The columns refer to erf numbers or the ratepayer's association.

The objections are divided into 4 categories namely residential character, need for land use change, technical (municipal services) and removal of restrictions. The locations of the properties objecting to the application are shown in Figure 4. Four objections come from abutting residential neighbours, while the owner of probably the largest business in Yzerfontein is also an objector. The objection from the owner of Yzerfontein Place (Pty) Ltd is very concise and focusses to a need to upgrade Buitenkant Street. He refers to "Buitenkant Street is under pressure with the growth that Yzerfontein is currently experiencing". The Yzerfontein Inwonersvereniging supports the application conditionally, provided that Buitenkant Street be widened.

Figure 4: Location of objecting properties in red, applicant in blue.



The business owner does not mention any form of business rivalry, which would be invalid as a reason for objection. He is simply lobbying for an upgraded street for his own benefit. The shopping centre was constructed around the covid pandemic (2020).

In addition, Erven 503 and 504, according to the history function on Google Earth, were vacant on 5 July 2021. There is evidence of construction activities on both erven by 13 January 2022. They should have known before construction of their dwellings what the 2018 spatial development framework proposals are for their properties. Yet, they pursued construction with knowledge of the long-term plans of the municipality, or if they did not, it proves their ignorance or insensitivity of property values before commencing with construction. Figure 1 contains the 2018 demarcation of the central business district in the spatial development framework and both erven are included in the central business district with Erf 529 in the zone that may also obtain business zoning.

Thus, 1 objector has business rights which he exercised and 3 more objectors may also rezone their properties for business purposes. Only 1 objector may not benefit from the spatial development framework proposals. (owner of Erf 528).

2. RESPONSE

The response to the 9 objection types in 4 categories is based on Table 1.

2.1 Residential character

A loss of privacy and security

Two owners claim that a three-storey building would establish overlooking features over their house and garden and that the proposed building would contravene the development parameters regarding building lines and coverage.

When the large southern residential extension with only 2 access routes was approved about 25 years ago, it became inevitable that traffic pressure is coming to Buitenkant Street at some time in future. That was the pivotal decision that is now affecting/changing their residential status, their investments, their lifestyles and the neighbourhood tranquillity the objectors so much want to protect.

The owners of Erf 504 claim that the proposal would "*contravene the building line restrictions and coverage*". It is evident from Table 2 that the site development plan complies with the Development Management Scheme regarding all the Residential zone 1 development parameters (see comment column). This reason for objection is thus fatally flawed. They further claim that just having a business with flats above it, would compromise their privacy and security. This is nothing more than a lazy opinion with zero content. In addition, it does not challenge the contents or the merits of the motivation (refer to page 14 and Figure 12 in motivation).

Table 2: Development parameters Erf 513, Yzerfontein

PARAMETER	RESIDENTIAL 1	TITLE DEED	BUSINESS 1	ACTUAL	COMMENT
Title deed	n/a	T9429/89	n/a	n/a	n/a
Erf size	n/a	n/a	n/a	863m ²	n/a
Primary use	2 dwellings	One residence C6(a)	Business premises, flats	Four shops, 5 flats	Rezone from RZ1-BZ1; remove C6(a)
Coverage	50%	n/a	100%	38%	Complies with DMS
Floor factor	0	n/a	3.0	943/863 = 1.1	Complies with DMS
Floor space	n/a	n/a	2589m ²	943m ² m ²	Complies with DMS
Height: Wall plate	8m	n/a	6 storeys	9,265m	Complies with DMS
Height: Top of roof	10,5m	n/a	6 storeys	10,540m	Complies with DMS
Building line street	4m	5m C6(b)	0m	6,2m	Complies with DMS/deed
Building line lateral	1,5m	1,5m C6(b)	1,5m next to RZ1	1,5m	Complies with DMS/deed
Building line rear	2m	3m C6(b)	3m next to RZ1	3m	Complies with DMS/deed
Parking	2/unit	n/a	1/25m ² + 1,5/unit	Required: 16 19 Provided:	Complies with DMS

Impact on character, visual, peace & atmosphere

Three owners claim a loss of peace and atmosphere because of an increase in traffic that would disturb the relaxed atmosphere and peace. In addition, that three storey buildings are out of character in a residential zone (refer to Table 2, above).

One objector admits that Erf 513 is in a "*transitional edge*" between business and residential zones, earmarked for "*future commercial use*". To refer to a 3-storey building as high-rise when there are other 3-storey buildings in the vicinity, may be overstepping the boundaries of rationality.

This interpretation is incorrect as Erf 513 is inside the approved business zone and located on an activity street with an office use directly adjacent (see Figure 5, below) that is outside the demarcated zone.

Figure 5: Offices next to Erf 513.



The objector needs to differentiate between intensive business uses such as supermarkets with high trip generation rates and low-impact services or line shops with low trip generation rates. The 4 proposed line shops are too small to be utilised as a supermarket (between 41m² and 53m² floor area each). Business support services (printing, POSTNET and similar types of low-key businesses) do not generate high frequency visits.

3@1 business centres are one-stop service franchise offering a range of communication and office support services, ranging from digital printing, photographic printing, courier services, internet services and other essential services for businesses and individuals.

This difference in land use and impact was clearly explained in the motivation. In addition, the Neighbourhood business zoning (BZ2) is too restrictive for the site development plan and would probably cut 35% of the investment value. The Business zone 1 zoning is preferred as it promotes urban viability and economic growth as presented in a central business district.

The character of Buitenkant Street, as mentioned above, started to change when the southern residential extensions were approved about 25 years ago. That was the pivotal land use change that the objectors are concerned with – they are about 25 years too late to prevent the consequences of that decision. Making Buitenkant Street an activity street and to promote an extension to the central business district is just a natural mitigating measure that is consistent with contemporary planning checks and balances. It is a mechanism to give effect to municipal spatial development frameworks and development principles, to provide for orderly development and the welfare of the community, to regulate land use rights, to facilitate efficient, economic and sustainable use of land and development and to protect sensitive environments (refer to Section 14 in the Swartland Municipal Land Use Planning By-law, 2020).

Table 2 in the motivation compares the development parameters of the Residential 1 and Business 1 zonings with the actual development proposal.

If the objectors compared the columns in Table 2, they may have found the following:

- Actual coverage at 38%, is within the 50% parameter for residential.
- All the residential building lines are respected.
- The site development plan is dominated by residential floor area.
- Apart from the ground floor level, the building has a residential appearance and use.
- Second or double dwelling are permissible with a residential zoning.
- Figure 5 in the motivation shows existing 3 storey buildings even in Buitenkant Street.
- The motivation clearly excludes supermarket type land uses, rather lower-key services.
- Top of roof height is 10,54m, which is 4cm over the permissible building height.

Table 2 confirms that it is within the owner of Erf 513 rights to build a dwelling of similar proportions on Erf 513 without any neighbour's consent. It would be a very large house at over 900m², but it is possible. The only differences to a residential zoning would be the four small line shops and the areas dedicated to parking.

Residential dwellings in the Residential 1 zone are, according to Table 2, limited to 10,5m in top of roof height. This allows buildings with 3 levels (3,5m X 3 = 10,5m or 2,5m X 3 + 3m for roof)) with ease. When an erf owner elects to build or buy a single storey dwelling, he or she is not rewriting the By-law with more restrictive development parameters that neighbours need to respect. It points to a rational decision with consequences and does not establish a new benchmark for other erf owners. It may be regarded, in this context, as a self-inflicted missed opportunity.

Figure 6 in the motivation paints Buitenkant Street as an activity street. If the objectors were so aggrieved by this and the incremental commercialisation along the street shown in Figures 7 & 8 of the motivation, they should have mentioned it in their objections. They are completely silent on relevant considerations.

The motivation also listed 12 general reasons why similar applications have been approved by the Tribunal including consistency with spatial plans and policies, facilitation of new investment, Buitenkant Street already has a mixed-use character, situated on an activity street and no impact on surrounding property values. Repeating limited value phrases and irrelevant considerations do not carry much weight when a pivotal challenge is required to oppose the application with a degree of success.

If the height of a 3-storey building would cause visual intrusion, loss of scenic value, overshadowing, a loss of privacy and a permanent change in the character of a "*transitional area*" for abutting residential properties, it need to be supported by pivotal evidence. The objectors do not indicate which properties would be compromised and how or how much they would be affected. What makes it even more difficult to comprehend is when the neighbouring "*residential*" property is permitted as-of-right to utilise the same building height. However, via an own choice, decides not to exploit the development parameters available to him or her. This does not constitute a relevant or rational basis for objection. Limiting Erf 513 to a 2-storey building, when 3 storeys are legally permissible to the applicant and the objectors, is an irrational argument. It is comparable to giving a child 3 sweets and then trying to take one or two back again.

The owners of Erf 504 claim a loss of peace and relaxed atmosphere; yet their property faces onto the rear side of a service station and the loading area of a shopping centre on their northern side. The shopping centre was completed in 2020, a year before the objector started with construction of his own dwelling.

There is no comparison between the scale and impact of the two northerly developments when compared to this application as it is substantially smaller and with much lower impact than the service station and shopping centre. His statement "*in an area where all neighbouring properties are residential zoned*" is devoid of any truth.

Loss in property value

Two owners claim that being next to a business zone would devalue the residential value of their properties.

The formula of this objection is simple; business activities would increase traffic and that would devalue their properties. As mentioned above, 1 objector is exercising his business rights and 3 other objectors have the same opportunity as Erf 513 to rezone their properties. The owner of Erf 504 should have been aware of the 2018 spatial development framework proposals when he submitted building plans in 2021. He cannot blame or sabotage others for his own ignorance before making his investment.

For a claim of loss of residential property value to be considered, one needs to submit evidence in the form of a professional person valuing a property with and without the development on Erf 513. The objector should, for instance, submit such evidence with the objection and show that the property value will drop from for instance R1,8million to R1,6million, to claim a R200 000 loss in value. The applicant needs to understand the considerations in determining or challenging the devaluation claim and be able to propose relevant mitigation measures. There is no content to this claim and the applicant is unable to provide any rational response. It remains a claim without any substantiation.

2.2 Need for land use change

Dilution of residential area

Three owners claim that rezoning would create a precedent for more rezonings.

After 37 years as an urban planner working with land use changes and objections, this is the first time that "*dilution of a residential area*" is presented as a reason for objection. This is not planning jargon that the undersigned is familiar with. Dilution, in the context of property development, may refer to:

- The effect of building area on energy intensity also referred to energy consumption.
- The land immediately below a mass sewage disposal system.
- When it refers to mixing zones after point source pollution (the solution to pollution is dilution).

Objectors may refer to business creep, business intrusion, gentrification, intensification of land use in protest of land use changes that are perceived as negative. The undersigned is not even sure if "*dilution*" is a positive or negative remark. If this is an attempt to somehow describe the weakening of a residential area, this happened when the southern residential extensions were approved about 25 years ago with Buitenkant Street becoming one of only 2 access roads. Since there is an approved spatial development framework that promotes rezoning along an activity street, there is no precedent to be set (it was set 25 years ago). A deviation process from the spatial development framework does not form part of this application.

To the contrary, replacing 1 dwelling with 5 dwellings is not dilution of a residential land use, it is residential intensification that is a positive and highly regarded planning principle.

Business sustainability (need)

Two owners thought that Yzerfontein does not need more shops encroaching into residential areas.

The owners of Erven 529 and 504, in similarly structured letters, argue that Yzerfontein is not large enough to sustain the existing shops. They also refer to Buitenkant Street as a congested area in terms of traffic. Since Yzerfontein is a weekend and seasonal holiday destination with a lower level of permanent residents, it is difficult to make concrete findings about business sustainability. The objectors must admit that they have no evidence to support their "thinking".

Sustainability in business should not be confused with profitability and by contrast refer to efficiency, use of renewable resources and similar actions in four distinct areas:

- Initiates and actions aimed at the preservation of human resources.
- Initiates and actions aimed at the preservation of social resources.
- Initiates and actions aimed at the preservation of economic resources.
- Initiates and actions aimed at the preservation of environmental resources.

I assume that the objectors have confused profitability and sustainability. The opposite term (to profitability) is bankruptcy, yet the objectors could not include 1 example of a recent business bankruptcy in Yzerfontein.

Figure 6 compares Google Earth images from 2004 and 2023. The comparison shows a major residential extension to Yzerfontein on the southern side of the original township. Access to all those erven comes via 2 streets of which Buitenkant is one.

Figure 6: Growth in Yzerfontein between ±2004 and 2025 over 20 years.



This is why Buitenkant Street became an activity street; it no longer holds the characteristics of a residential street as it is a throughway to the southern residential extensions. The spatial development framework proposals aim to mitigate this change in the character of Buitenkant Street and the residential properties along it.

When the number of residential erven in a town doubles, it impacts the needs of that community for services and goods. The local authority recognised this by making changes to their spatial and other plans. It is only realistic and rational to do so and the number of rezonings, consent uses and departures in Buitenkant Street is evidence that this is moving in the same direction.

The motivation mentioned how difficult it would be to justify their narcolepsy about the southern extensions and the spatial development framework measures, a rather provocative statement that the objectors did not contest.

Alternative sites could be considered

Three owners opined that alternative sites should rather be considered. The objectors trusted that the municipality would protect their residential suburb, lifestyles and significant capital investments.

The owner of Erf 513 wants to take advantage of the unique situation that came through the 2018 and 2023 spatial development frameworks that identified his property as suitable for rezoning to Business zone 1; it is on an activity street and included in the demarcated central business district of Yzerfontein.

He knows about the spatial development framework proposals as he is an active citizen, taking cognisance of municipal initiatives, policies and actions. He did not consider other sites as he owns Erf 513. In simple terms the existing investment on Erf 513 is low while the redevelopment opportunity is high. In addition, the spatial development frameworks of 2018 and 2023 went through at least 4 levels of assessment and scrutiny, namely:

- Technical compilation and assessment.
- Public scrutiny and comments.
- Political scrutiny and approval.
- Statutory approval.

Since the demarcated central business district remained unchanged since 2018 (*this is applicable in the area around Erf 513*), one can add that the spatial development framework went through this process twice (*2018 and 2023*). Certainly, this is a case where planners, the public, councillors and legal departments had ample opportunity to consider alternatives, but they did not.

From a planning perspective, Erf 513 has numerous opportunities and little constraints.

- The Buitenkant Street environment has changed from residential to more commercial.
- The mitigation on offer from the municipality includes new land use opportunities.
- Ample parking is available.
- Buitenkant Street has the reserve width for future road upgrades.
- The business offering on Erf 513 is small and limited.
- The business offering will rely on passing by traffic and Buitenkant Street is ideal.
- Proximity to the shopping centre, other retail venues and offices, are positive locational advantages.

The objectors reference alternative sites that could be considered, yet they fail to list or suggest such sites or even to describe the locational and other advantages of such sites compared to Erf 513. It is a poignant omission from their side.

2.3 Technical (engineering services)

Engineering services

One objector is concerned about adequate capacity in municipal services.

The civil services assessment, attached as Annexure A, confirms that civil services and roads capacity are certainly available. Annexure B deals with the shortage in the availability of electricity capacity and provides for an alternative off grid source of electrical power to Erf 513. Today, many properties are fully serviced yet rely on solar power (*both off- and on-grid options*). The same applies to sewerage as there is no municipal network or treatment works in Yzerfontein. The municipality confirmed in writing that their vacuum trucks have capacity to service Erf 513. The site development plan was updated to show the position of a septic tank (see Annexure C).

Load shedding or lacking some bulk services infrastructure do not halt development. In the case of electricity there are alternative energy sources such as wind and solar power that are competitive alternatives. Thus, the statement that a municipality cannot legally approve land use changes where the necessary bulk services are not available, is patently incorrect and false. Where solar generation is available, council policies permit owners to feed excessive power back into the local grid. The remark that approval would be irresponsible and premature has no basis in fact or law.

There is no truth in the statement that electrical infrastructure "*depends entirely on Eskom*". According to the University of Stellenbosch private energy generation in South Africa stands at 7,3GW, while government controlled renewable programmes generate 2,3GW solar and 4,1GW wind power. The only problem with this information is that it may be outdated by the time the Tribunal considers the application. Thus, the private sector contributes about 13,7GW electricity to the South African grid (*since privately produced energy is growing at speed, the numbers quoted are probably outdated*).

The term mixed-use is loaded when it comes to municipal service as municipalities must deal with peak hour demands in pure residential or business areas with specific peak hours. When an alternative land -use is introduced with different peak hour demand profiles, it does not always require additional capacity as it uses existing capacity during off-peak hours. Thus, the line shops (4) would not require larger pipes (water & sewer). The additional dwellings (replacing 1 by 5 dwelling units) would impact on water services, but the relevant municipal department confirmed sufficient capacity. Since there is no municipal sewer network, the owner must supply his own large enough septic tank. Land use diversification ensures more sustainable engineering infrastructure because peak demands are stretched over longer periods.

Since Yzerfontein is predominately a holiday destination (*and not a primary job creator*) with a lower level of permanent residents, peak hour pressures would rather be linked to weekends than weekdays. Engineering services planning is therefore using different values and peak times that may be unique to Yzerfontein.

Ideally, the rooftop solar installation should generate extra electrical power that may be inserted into the local grid for the benefit of all residents in Yzerfontein. This would be beneficial to the municipality that can stabilise the grid and resell the power to other users. It may also make more electricity available to Yzerfontein, thus overcoming the shackles of an inefficient ESKOM.

Traffic impact

All six letters touched onto traffic as an issue, some by just listing an increase in traffic as a concern. The owner of Erf 503 refers to a problem at the curve of the street, has an issue with one-way streets, noise disturbance (traffic noise) and tranquillity of the neighbourhood that is residential, not business. Two letters referred to the need to upgrade Buitenkant Street, while the Town Engineer confirmed that this is not listed as a short-term project in terms of municipal budgets.

All traffic impact studies must adhere to the standards prescribed in Volume 1 of the South African Traffic Impact and Site Traffic Assessment Manual, of August 2012, including this application. The traffic report is attached as Annexure D and confirms that sufficient road capacity is available as well as confirming that peak hour trip generation is insignificant.

At best the letters take a more strategic position to lobby (insert pressure) that a future infrastructure project comes to Yzerfontein. Since Buitenkant Street is one of two access routes to the southern extensions of Yzerfontein, this upgrading may be unavoidable (*but at the right time*).

Timing is a consideration of thresholds and may be defined as a magnitude or intensity that must be exceeded before a mitigating action would be warranted. By objecting to a rezoning application, those residents ensure that the threshold for the action is not reached and that existing conditions prevail. If the rezoning is supported, it adds one more reason and pressure for the road upgrading. Thus, objecting to the rezoning has unintended consequences as it does not allow pressure to build up for the intended action. This objection-attitude simply does not help as the direction taken is not realistic. It is just delaying the action or solution they are lobbying for.

In addition, rezoning approvals generate development contributions which provide the initial capital for upgrading projects. One rezoning may not contribute enough capital for road upgrades, however, when several rezonings are considered, the threshold (*accumulation of capital*) would be reached sooner.

Apart from the eventual road upgrading, there are numerous short-term measures that may be implemented to provide relief to Buitenkant Street:

- Ensure that traffic signs are adequate and promote efficiency.
- Ensure physical traffic services during difficult or rush hours.
- Remove or restrict right turning movements as it blocks traffic.
- Provide remote parking areas and encourage walking.
- Improve pedestrian facilities.
- Separate delivery routes from customer routes.
- Implement road changes in phases.
- All the above may cost a fraction of a road upgrade.

The eight residential parking bays in Gey von Pittius Street would be separated from the business parking bays to reduce conflict points. The option to add carports for the residential units or to convert some of the street parking bays into garages remain future options which are not part of this application. In that terms this arrangement would be part of residential parking, like any other residential erf or land use with car ports, for instance, on street boundaries.

2.4 Removal of restrictions

Implications of removal of restrictions

One objector acknowledges consistency with the spatial development framework, noting the application as a planning concern.

The motivation of 14 July 2025 deals extensively with the removal of restrictions. Paragraph 1 deals with the legal requirements preceding removals and *stare decisis* (*consistency in reasoning for previous Tribunal decisions regarding the removal of restrictions*) and paragraph 2 deals with the spatial guidance provided by approved development frameworks. Paragraph 4 explains the background, types and purpose of title deed restrictions. The relevance of the legal principle of *cessante ratione legis, cessat lex ipsa* is explained in paragraph 5. Paragraphs 6 and 7 deal with the assessment of the removal application and lists the deciding criteria.

One of the most important points discussed in paragraph 6 of the motivation is that the removal of restrictions is effectively an arbitrary deprivation of property rights when sufficient reason is lacking or when a decision is procedurally unfair. The motivation offers a deluge of compelling reasons for the removal, which remains unchallenged (*no one challenged the quality of the reasons or the fairness of removal procedures*). The procedures or steps in the removal process are also carefully explained. The objector fails to provide opposing evidence in this regard and his silence confirms that the removal process is procedurally fair and that the reasons provided are sufficient. None of the content provided in the assessment of the motivation is disputed or contested. It is found lacking in all the objections as the motivation goes unopposed. This is a factor that the Tribunal should note in their decision.

In addition, lone standing apartment buildings in between single residential erven is as old as the mountains. This is a natural spatial form and acceptable over generations. The objector may be making a point that apartment buildings are out of character in Buitenkant Street and thus inappropriate intensification of land use. If so, he should have argued that residential densification is a problem from his point of view, which he is not doing.

The development proposal is dominated by 5 residential apartments over 2 floors, yet he opines that any development on Erf 513 should "*retain a predominant residential character and scale*" (ensuring compatibility). The site development plan is exactly what he is arguing for in this regard. It is not 3 storeys of mixed land use, the line shops (four) are limited to the ground floor.

The objector also compares the impact and scale of the 5 proposed apartments to "*five full houses*". The habitable area of 3 apartments range between 64m² and 68m² while the habitable area of the larger ones is ±97m². The habitable area of the 5 apartments combined is 393m².

If a conservative average size single residential dwelling is $\pm 250\text{m}^2$, it is trite that the objector is inflating his claim, probably to mislead the Tribunal. The proposal, according to Table 2, has a coverage of 38% while floor area is just over $\frac{1}{3}$ of the permissible General business floor area. In theory a double house with a floor area of 1200m^2 is possible on Erf 513, while this proposal has a much lower total floor area (refer to Section 1.1.4(a) in the DMS). This compares generally with 2 large dwellings that may be in the form of a double dwelling on 1 erf.

An interesting point is that council policy is often converted into by-laws. If double dwellings are considered as in line with council policy (Development Management Scheme), one can argue that restrictive title conditions limiting single residential erven to 1 dwelling only must then be against council policy. The objector is thus undermining a policy of council and their ability to ensure orderly and predictable development as required by national and provincial planning law.

The objector hinted in his conclusion that a substantially downscaled and redesigned development proposal that addresses his concerns may be supported. This is such a vague counter proposal that it cannot be considered. The crux of his objection is that anything other than one residential dwelling would be out of character. He projects in his arguments that 2 apartments (flats) would be equal to 2 residential dwellings and that may tarnish the residential character and would create a precedent for more similar developments.

3. PROPERTY RIGHTS

The Municipal Spatial Development Framework has identified this area, including Erf 513, as the primary business node in Yzerfontein. The local authority advertised their long-term policy plans and the owner of Erf 513 responded to this Council initiative. Surely, the owners of Erven 529 and 504 cannot consider the owner of Erf 513 and the Swartland Municipality as liable for any impact on property rights. They did not provide their assessments of proportionality (*refer to pp16-17 in the motivation*) that the applicant could consider or even reject in this response. Even the reference to narcolepsy on their side remains unchallenged.

4. MISCELLANEOUS

The amenity or tranquillity (*rustigheid*) of Yzerfontein is a matter of opinion. Generally, the coastal village would be busy over weekends and holidays, while comparatively quiet during the week. Even when people retire in Yzerfontein for reasons as provided by the five objectors, it should be a consideration that weekends may be slightly different (*busier*) than ordinary weekdays. This is not a valid reason for objecting to the rezoning as a good balance also contributes to tranquillity.

5. CONCLUSION

Please note that this is only a response to objections and does not replace the contents, analysis, arguments, positions and conclusions of the original motivation that remains largely unchallenged. Paragraph 7 in the motivation deals with *stare decisis*, adequate reasons, procedurally fair administration, relevant considerations and asking key questions (refer to Table 8 in motivation), referencing principles and laws as it applies to planning decisions. All of this went unchallenged.

The deciding authority should exercise discretion and ensure that they abide by the policies and plans of the local authority. The objectors should not be allowed to subterfuge the development strategy of the local authority (*as described in the motivation*) purely in the interest and for the personal gain of abutting property owners. In general, the objectors fail to show how the development proposal would affect their properties; it appears as a generalised list (*like a shopping list*) of issues without pivotal substance.

Two of the comments as summarised in Table 1 (*marked in green*) may be interpreted as conditional support; they require upgrading of Buitenkant Street and may then change their view and support the application. They are considered as active lobbyists and not real objectors as they are not against the application. They may just use the opportunity to further their own agendas and may be disguising their own interests as objections.

The list of objections is considered as moribund and nothing more than a shopping list without any meaningful content. There is an absence of negative factors stacked against this application. The objections failed to identify any harm that the approval of the application would have on the safety and well-being of the community. They did not consider gaining or losing personal benefits as a financial value.

The objector failed to propose any meaningful mitigation measures. The objectors also failed to identify a lack of desirability in the application. The motivation provided 43 reasons in paragraph 8 why the application should be supported. Those 43 reasons remain unchallenged. Given the lack of valid reasons challenging the 43 reasons, the deciding authority should dismiss the objection.

Yours faithfully


SJ KRYNAUW
IDS

List of Annexures:

- A: Civil services assessment
- B: Transport statement
- C: Updated site development plan (indicating septic tank position)
- D: Electrical services assessment



ANNEXURE A

NOLTE
ENGINEERS

Client name: **MR & MRS MONIZ**

**SERVICES REPORT – PROPOSED RE-DEVELOPMENT: COMMERCIAL
& RESIDENTIAL UNITS.**

**ERF 513 AT NO. 36 BUI TEKANT STREET, YZERFONTEIN, WESTERN
CAPE.**

Document: CACE553

Revision: 1

Date: 7-10-2025

Author: TJ Carstens

Cell: 083 287 6373
Email: jaco@nolteengineers.co.za



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ENGINEERS

Index

	Description	Page
1.	Introduction	1
2.	Applicable references	1
3.	Location and features	1
3.1	Topography	1
3.2	Existing water course and water structures	1
3.3	Soil Conditions	2
4	Water services	2
4.1	Existing water infrastructure	2
4.2	Connection to existing	2
4.3	Domestic water	2
5.	Foul sewer	3
5.1	Existing sewer infrastructure	3
5.2	Flows	3
6.	Stormwater	3
7.	Roads	3
8.	Solid waste	4
9.	Summary	5
	Annexures	
A	Proposed SDP Layout	6
B	Services Confirmation	7



1. Introduction

This Engineering Services Design report is aimed at briefly outlining the design philosophy that will be applied when designing the internal engineering services for the proposed development. It is also aimed at providing relevant data on existing municipal infrastructure, and the ability of this infrastructure to accommodate the proposed development.

The various municipal engineering services departments were contacted to obtain information on existing services surrounding the proposed development. The standards of the various services have been discussed with the local authority and will be applied to the proposed development.

The erf is 836m² in size. Erf 513 is developed and currently zoned as single residential. The planning is to redevelop as a combined commercial and residential property. Refer to **Annexure A** for the proposed site development plan. The planning is for 192m² retail space and 5 apartments (64m² to 97m² in size).

2. Applicable references

Various recognised design standard documents and guidelines have been used as the design criteria and standards for the provision of internal engineering services for the proposed development.

These include:

- *Guidelines for the Provision of Engineering Services for Residential Townships* (Blue Book)
- *Towards Guidelines for Services and Amenities in Developing Communities* (Red Book)
- *Guidelines for Urban Stormwater Management* (UTG4)
- *Structural Design of Urban Roads* (UTG3)
- *Geometric Design of Urban Collector Roads* (UTG5)
- *Guidelines of Road Construction Materials* (TRH14)

All materials, techniques and measurement will be according to the latest relevant SABS specifications, specifically the SABS1200, ***The Standardised Specification for Civil Engineering Construction***

3. Location and futures

3.1 Location

The erf is located at 33°20'47" S 18°09'39" E (Google Earth coordinates) The site is located on the southern corner of Buitekant Street and Gey Van Pittius Street in Yzerfontein. Current access to the property is of Buitekant Street which forms the southwestern boundary of the property. To the north the site is bordered by Gey Van Pittius Street and to the south and east be existing single residential property. ***Refer to figure 1 for locality.***

The erven are currently covered by single level structures of 170m² and the remainder by mainly grass.

3.1 Topography

A formal site survey still needs to be completed. The site has a natural slope from east to west. The site can be classified as generally flat, with a grade of 2,5% from east to west with a level difference estimated in the region of 1m.

3.2 Existing watercourse or water structures

There are no existing natural watercourses or springs on the property or any signs of water ponding on the surface.

Figure 1 Locality



3.3 Soil Conditions

A formal geotechnical investigation still needs to be completed.

Water services

4.1 Existing Water Infrastructure

There is an existing 250mm diam watermain on the southern side of Buitekant Street and a 150mm diam main on the northern side of Gey van Pittius Street. *Refer to Annexure B for the existing services diagram and confirmation.*

4.2 Connection to existing

The proposal is for the development to connect to the existing 250mm diam main the side of the erf in Buitekant Street Road reserve with a maximum size of 75mm. A Bulk water meter will be installed in a dedicated area 1m inside the erf boundary outside the driveway or parking areas.

4.3 Domestic water

The proposed development will consume 600 litres/flat/day as well as 400l/100m² GLA per day for the retail space. The calculations are based on 5 flats and 192m² retail space.

The demands have been calculated as follows:

Item	Figures
Average daily demand	3,77 Kl per day
Average flow	0.044l/s
Peak demand flow	0,11l/s

4. Foul Sewer

4.1 Existing Sewer Infrastructure

There is no existing sewer infrastructure available. The erf to be fitted with conservancy tank. The municipality offers the service of emptying the tanks on request by way of a vacuum tanker. **Refer to Annexure B for the service confirmation.** The proposal is to fit a 10 000l premanufactured tank.

4.2 Flows

An average discharge equal to 70% of water consumption will be accommodated. The calculations are based on 5 flats and 192m² of retail space.

Item	Figures
Average flow	0.031 l/s
Peak dry weather flow	0.077 l/s

The proposed conservancy tanks will have capacity of between 3 -4 days.

5. Stormwater

As confirmed by Swartland Municipality the public roads have adequate storm-water drainage systems to handle storm-water runoff from the proposed development.

6. Roads

The proposed development will have one access off Buitekant Street, approximately 19,5m (centreline to centreline) from the intersection between Buitekant & Gey van Pittius Street, as indicated in Figure 2. The entrance exit to the erf is also spaced 11,8m (centreline to centreline) from the exit of the neighbouring erf. Buitekant street is at a setback and there is a 17m wide verge from the edge of Buitekant street.

2 Parking bays, 1 loading bay and 2 motorcycle bays on-site off-street parking bays are provided off Buitekant Street, as well as 8 on-site off-street parking bays off Gey Van Pittius Street. A further 8 onsite parking bays are provided of which one is for wheelchair users.

The first of street parking bay of Gey van Pittius street is located 32,4m (centreline to bay) from the intersection between Buitekant & Gey van Pittius Street, as indicated in Figure 2.

The proposed access is 5m wide.

The stacking space available is more than 17m from the kerbs face allowing for sufficient stacking space for 3 vehicles.

The parking area movement and bays will comply with the absolute minimum reverse space of 7,5m. The embayment will be min 5 x 2,5m with end bays minimum 2.85m wide.

Further comments on parking and access will be provided in a separate Traffic Impact Statement.

Figure 2 – Location of property access

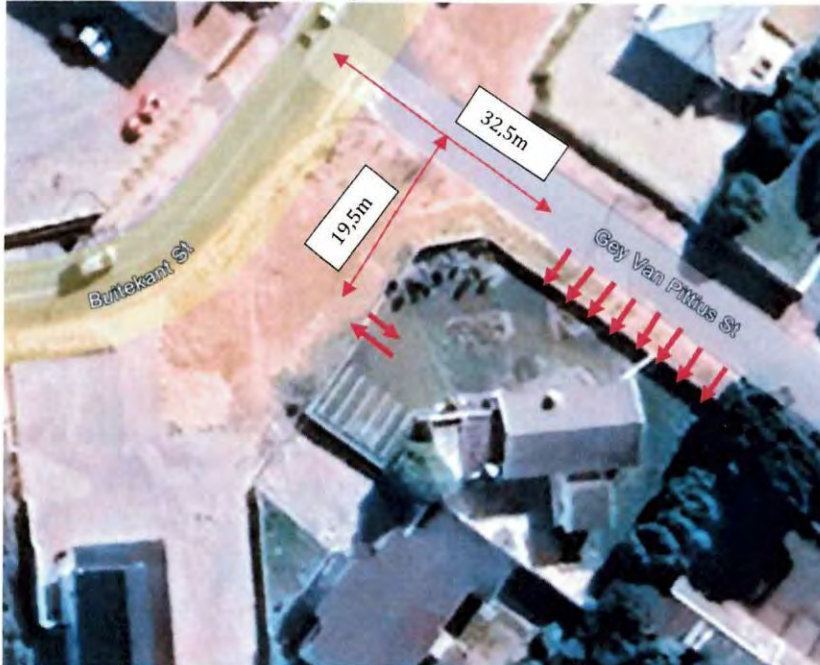


Photo 1 – Existing access of Buitekant Street.



Photo 2 – View from corner of Buitekant & Gey Van Pittius Street.



Photo 3 – View from Gey Van Pittius Street looking west.



7. Solid Waste

The municipality will collect the refuse from site from pre-determined locations once a week. The municipality will be the development's waste collection service provider. The developer will be urged to implement and maintain a recycling program to reduce the load of waste collection.

8. Summary

As can be seen, the proposed development can be serviced to the required standards utilising the existing infrastructure.

We trust that you will find the above in order. Please contact us should there be any questions.

Yours faithfully,



Tobie J Carstens (Pr. Tech Eng. SA, R. Eng. ZM)



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ANNEXURE A – PROPOSED SDP LAYOUT

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ANNEXURE B – SERVICES CONFIRMATION

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File Ref /Lêer Verwysing: 16/11/R

Enquiries /Navrae:
Clarse Fortuin
08 September 2025

Mr. Tobie Carstens

CONFIRMATION OF AVAILABILITY OF MUNICIPAL SERVICES: ERF 513 YZERFONTEIN

With reference to your enquiry:

1. Streets and stormwater

Access to the property is gained from a formal street. The street has adequate storm-water drainage systems to handle storm-water runoff from the site.

2. Sewer Services

The property has access to sewerage services by way of a sewerage vacuum tanker.

3. Water Services

The Municipality confirms that the property has access to municipal water service.

4. Waste removal

The concerned property has access to and is serviced by a municipal solid waste removal service.

For any further enquiries you can contact Clarse Fortuin at telephone 022 487 9400.

Yours faithfully

Municipal Manager/ Munisipale Bestuurder
per Department Civil Engineering Services

- 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!


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Cell: 083 287 6373
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Client: _____

Project: _____



Swarthout Municipality
Municipaliteit Umasipala

Notes:

- Water
- Water connection
- Sewer
- Sewer connection
- Stormwater
- Stormwater connection
- ▲ Sewer manhole
- Stormwater manhole
- Stormwater connection
- Water participation
- Sewer participation

Edrysah
Building Services
Township
07/11/11

**ERF 513 AT 36 BUIEKANT STREET
YZERFONTEIN, WESTERN CAPE**

PROPOSED RE-DEVELOPMENT PROJECT

ELECTRICAL SERVICES REPORT

Prepared for:

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Consulting Engineers:



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02 October 2025

1. Introduction

This report has been prepared to outline the availability and adequacy of electrical services for the proposed re-development situated in Yzerfontein, Erf 513 – 36 Buitekant Street, which falls within the jurisdiction of Swartland Municipality.

This report will also demonstrate that energy saving and green energy technologies will provide a temporary solution for the current energy shortage.

The re-development consists of the following:

- 1.1 Ground Floor: 4 x Retail Spaces (total of $\pm 209\text{m}^2$), 16 x parking bays and some motorcycle parkings.
- 1.2 First Floor: 3 x Residential Spaces
- 1.3 Second Floor: 2 x Residential Spaces

The purpose of this report is to confirm that the development can be provided with a safe, reliable, and sustainable electrical supply in accordance with the requirements of Swartland Municipality, SANS 10142, and the NRS standards.

At this stage the bulk supply to the town of Yzerfontein is awaiting an upgrade from Eskom. Discussions with the Malmesbury City Council confirmed that the requested supply upgrade is in process and progress will be communicated in the near future.

2. Existing Electrical Supply Infrastructure

The existing Low Voltage (LV) reticulation connection to the property is a 60A single phase connection.

3. Electrical Demand Assessment

3.1 Methodology

The anticipated maximum demand has been calculated using the diversity and simultaneity factors in SANS 10142-1 and Swartland Municipality's supply guidelines.

3.2 Estimated Demand

3.2.1	4 x Retail Spaces @ 4 x 7.5kVA/each	30,0kVA
3.2.2	3 x Residential Units @ 3 x 2.5kVA/each	7,5kVA
3.3.3	2 x Residential Units @ 2 x 2,5kVA/each	<u>5,0kVA</u>
3.3.4	Total Estimated Demand Requirements	42.5kVA

Thus, the expected maximum demand for the re-development is approximately ± 42 kVA (≈ 60 A three-phase at 400V).

4. Capacity Confirmation

A preliminary investigation with the Municipality has confirmed that at this stage the bulk supply to the town of Yzerfontein is awaiting an upgrade from Eskom. Discussions with the Malmesbury City Council confirmed that the requested supply upgrade is in process and progress will be communicated soon

There will be sufficient capacity available to accommodate the proposed 42 kVA load in the near future.

5. Proposed Electrical Reticulation Design

An official Application for an upgraded supply will be submitted to the City Council of Malmesbury. The Service Distribution Kiosk will be positioned on the boundary to feed the various units with single phase pre-paid metering.

Metering: Individual prepaid meters for each unit, supplied and installed as per Swartland Municipality standards.

Site Lighting: Energy-efficient LED illumination will be installed in accordance with Nersa recommendations.

Internal Designs: All units will be designed according to latest energy saving technologies.

Compliance: All works to comply with SANS 10142-1, NRS 048, and Swartland Municipality's supply policies and a accredited electrical contractor to be employed for construction purposes.

6. Proposed Energy Solutions in Architectural Design

The following considerations to be taken in account by the Project Architect:

- 6.1 Heat pump type geysers
- 6.2 Gas hobs with 9kg bottles in cupboard as per regulations
- 6.3 Applicable energy friendly designs like proper heat insulation.

7. Implementation & Responsibilities

7.1 Developer's responsibilities:

- Internal LV reticulation network within the development.
- Service connections to erf boundaries.
- Site lighting and associated fittings

7.2 Municipality's responsibilities:

- Bulk supply connection to the property.
- Network switching and commissioning.

Cost allocation: the upgraded connection costs is for the developer's account. Municipal bulk connection and reinforcement costs (if required) will be levied as per Swartland Municipality's Services Contribution Policy.

8. Renewable Energy

Renewable energy systems in the like of a Photovoltaic System with compatible inverter and batteries will be introduced on the re-development.

The option for a grid-tied system with bi-directional metering to return excess energy generated, will be highly installed by the Developer. This system will be submitted for approval by the Swartland City Council for approval according to their and Eskom Standards.

9. Proposed Solutions for Consideration

The proposed re-development in Yzerfontein will be provided an adequate and reliable electrical supply via the existing Swartland Municipality distribution network, but only in the near future.

The upgrading of the total supply to the town is in process and it can be accepted that the town will receive this upgrade sooner than later.

It is therefore proposed that this re-development application is approved, which the option that the Developer supply and install of a PV System with batteries to provide power to this building. The proposed size to be a 20kW three phase system.

With the split day and night energy usage of this type of building, the usage can be kept very low especially with the energy saving technologies introduced.

It is recommended that the Municipality approve the electrical services for this development, subject to the condition that the initial design will incorporate the systems mentioned above.

The higher electrical connections will be introduced once the supply to the town is completed,

Regards,



Abrie Spangenberg (R)TechEng



ERF 513, Yzerfontein - Development parameters

Parameter	Residential (R1)	Title Deed	Business (BZ1)	Actual	Comment
Title Deed	N/A	1742/1993	N/A	N/A	N/A
ERF Use	N/A	N/A	N/A	863m ²	N/A
Primary use	2 Dwellings	One Residence - 1 Unit	Business premises, 1 Unit	4 Linn shops + 5 apartments	Re-use from R2 to BZ1
Coverage	30%	N/A	100%	38%	Complies with EMS
Floor Factor	0	N/A	3.0	343/363 - 1.1	Complies with EMS
Floor Space	N/A	N/A	7589m ²	943m ²	Complies with EMS
Height - Wall plate	8m	N/A	6 Storeys	7.180m	Complies with EMS
Height - Top of roof	10.5m	N/A	6 Storeys	10.540m	Complies with EMS
Building line - Street	4.0m	3.0m - CM03	0m	0.200m	Complies with EMS & Erite deed
Building line - Lateral	1.5m	1.5m - CM03	1.5m	1.500m	Complies with EMS & Erite deed
Building line - Rear	3.0m	3.0m - CM03	3.0m	3.000m	Complies with EMS & Erite deed
Parking	2/1 Unit	N/A	1/2 Unit + 1.5 Unit	Required: 16 Parking bays Provided: 13 Parking bays	Complies with EMS

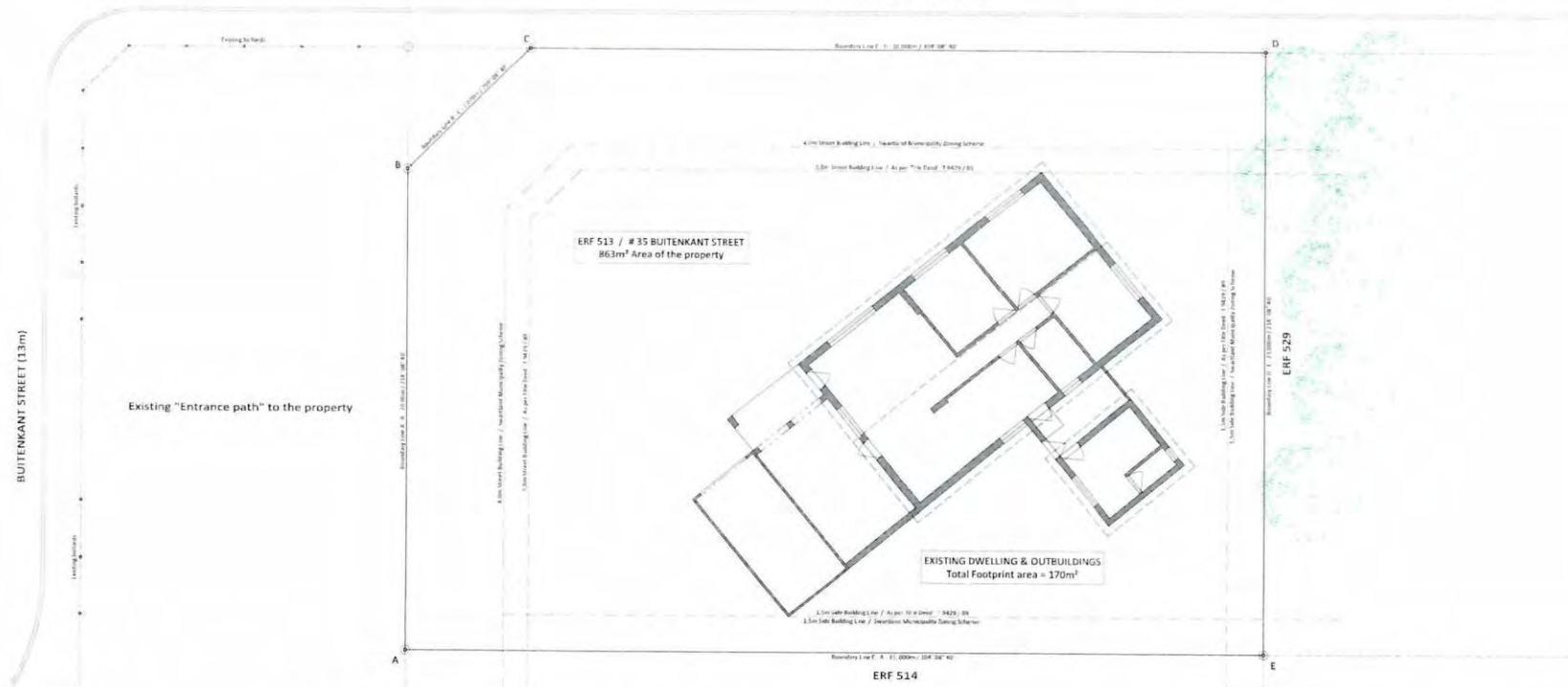
property information

ERF No.	513
Size of the property	863m ²
Co-ordinates (ordinates)	23 48 48 S 18 18 00 E
S.O. Diagram	1:50 No 1347/74 General Plan No. 11101 1942/97
Speed of Transfer	
zoning	
Current Residential Zone	R1/1
Building classification	
Current - Int. Grouping	Residential
Transitional - Int. Grouping	Residential
Proposed - Int. Grouping	Residential
Current - Int.	Residential
Transitional - Int.	Residential
Proposed - Int.	Residential



ANNEXURE C
Add septic tank

GEV VAN PITTIVS STREET (13m)



buitenkant street development

Proposed re-development on the property - Commercial & Residential Units.
ERF 513 at No. 35 Buitenkant Street, Yzerfontein, Western Cape.
For: Mr. S. J. M. M. M. M.

Client Signature

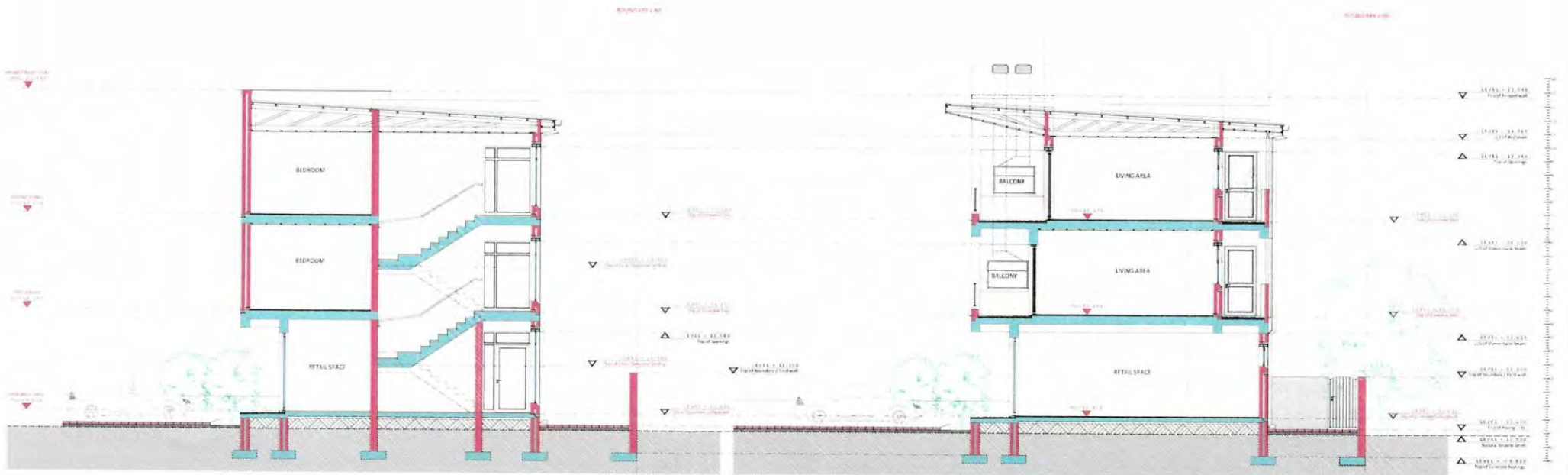
Site plan + Ground Storey - Existing layout

CONSULTANTS: HARDIE VAN SCHALKWYK ARCHITECTURE
DRAWING NUMBER: 10-2024-001-001
DATE: 10/10/2024
SCALE: AS SHOWN ON DRAWING



hardie van schalkwyk
ARCHITECTURE

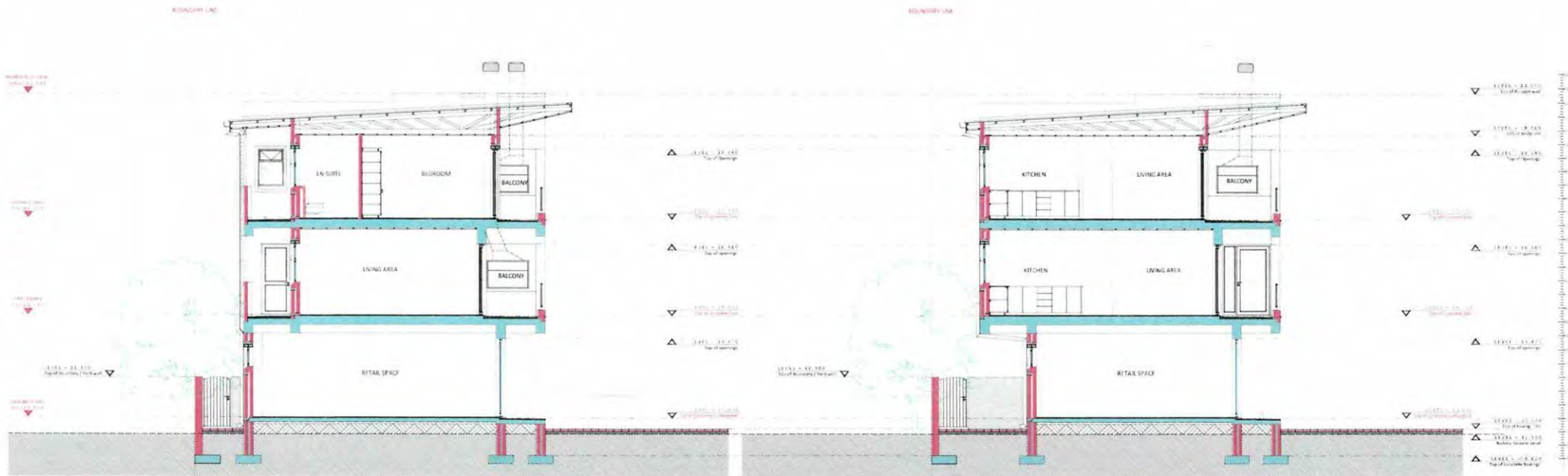
11 Buitenkant Street, Yzerfontein, Western Cape
Tel: 021 953 1111 | Email: info@hvs.co.za



Typical Section : Section A - A
Scale : 1:120

Typical Section : Section B - B
Scale : 1:120





Typical Section : Section C - C
Scale : 1 : 120

Typical Section : Section D - D
Scale : 1 : 120

buitenkant street development

Proposed redevelopment on the property Commercial & Residential Units
421-533 of No. 35 Buitenkant Street, Yzerfontein, Western Cape.
For Mr & Mrs MONE

Client Signature

Detail Sections - Proposed new development

Architectural Drawings for the proposed redevelopment
DRAWN BY: [Name] CHECKED BY: [Name] DATE: [Date]



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ARCHITECTURE

Private Practice
10001 Buitenkant Street, Yzerfontein, Western Cape
Tel: +27 (0) 21 952 1111
www.hvsa.co.za



North North-East Elevation : View from Gey van Pittius Street
Scale : 1 : 1 2 0

buitenkant street development

Proposed re-development on the site of the Commercial & Residential Units, Eri 513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape.
For: Mr & Mrs. MINDI

Client Signature

Detail Elevations – Proposed new development

Architectural drawings of the intended re-development.
Drawing No. 10000001 of the existing architectural drawings.
Scale: 1:120, On A3 size drawing.



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10000001



West North-West Elevation : View from Buitenkant Street
Scale : 1 : 1 2 0

buitenkant street development

Proposed re-development on the property - Commercial & Residential Units
 Erf 513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape.
 For: MR S.Ms MUNE

Client Signature

Detail Elevations - Proposed new development

Architectural Framework of the proposed developments.
 STAIRCASE, LAYOUT OF THE BUILDING AND FLOORING
 SCALE: 1:200 ON A3 SIZE DRAWING



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 Fanie Louw Avenue, Cape Town, South Africa



buitenkant street development

Proposed re-development on the property Commercial & Residential Units
 111 513 01 01 36 Buitenkant Street, Yzerfontein, Western Cape
 For Mr & Mrs MONEZ

Client Signature

Images of the Existing house on the property

COMPOSITE PHOTOGRAPH OF THE EXISTING RE-DEVELOPMENT
 THESE ARE DRAWINGS OF THE EXISTING AND PROPOSED
 SITUATION TO BE ON A3 SIZE DRAWING



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PROFESSIONAL ARCHITECTS
 1001 10th AVE, CAPE TOWN
 TEL: 021 462 1111 FAX: 021 462 1112



ANNEXURE D

Client name: **MR & MRS MONIZ**

TRAFFIC IMPACT STATEMENT – PROPOSED RE-DEVELOPMENT:
COMMERCIAL & RESIDENTIAL UNITS.

ERF 513 AT NO. 36 BUI TEKANT STREET, YZERFONTEIN, WESTERN
CAPE.

Document: CACE553

Revision: 2

Date: 8-10-2025

Author: TJ Carstens

Cell: 083 287 6373
Email: jaco@nolteengineers.co.za



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Index

	Description	Page
1.	Introduction	2
2.	Location	2
3.	Proposed Development	3
4.	Existing Access	3
5.	Future Road networks	3
6.	Trip generation rates	3
7.	Development Trips	4
8.	Site Access	4
9.	Queue Analysis	5
10.	Parking requirements	5
11.	Parking and traffic flow	6
12.	Non-Motorise Transport (NMT)	6
13.	Summary	6
14.	Recommendation	7

	List of Figures	
Figure 1	Locality Plan	2
Figure 2	Existing access	3
Figure 3	Location of property access	5

	List of tables	
Table 1	Proposed Trip Generation rates	4
Table 2	Estimated Peak Hour trips	4
Table 3	Minimum parking bays required	5
Table 4	Minimum parking bay required for the development	6

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1. Introduction

This TIS is submitted as part of the application for the proposed re-development of Erf 513 to a combined commercial and residential property. Refer to **Annexure A** for the proposed site development plan. The planning is for 192m² retail/ space and 5 apartment (64m² to 97m² in size.

The main purpose of this report is to determine the expected transport related impacts of the proposed development on the surrounding road network.

Nolte Engineers has been appointed by Mr & Mrs Moniz to undertake the traffic impact statement for this project.

2. Location

The erf is located at 33°20'47" S 18°09'39" E (Google Earth coordinates) The site is located on the southern corner of Buitekant Street and Gey Van Pittius Street in Yzerfontein. Current access to the property is of Buitekant Street which forms the southwestern boundary of the property. To the north the site is bordered by Gey Van Pittius Street and to the south and east be existing single residential property. **Refer to figure 1 for locality.**

The erf is currently covered by single level structures of 170m² and the remainder by mainly grass.

Figure 1 Locality



3. Proposed development

The total site is approximately 863m² in extent. The proposed development makes provision for 10 public parking bays (of which one is for paraplegic use) for the Retail space as well as 1 loading bay and 2 motorcycle bays. A further 8 private parking bays and 1 tandem bay are provided of Gey Van Pittius Street. (see copy of SDP in **Appendix A**).

4. Existing access

The property currently gain access via Buitekant Street as shown in **Figure 2**.

Figure 2: Existing Access



5. Future Road networks

No major future road network changes are foreseen in the vicinity of the proposed development.

6. Trip Generation rates

The additional vehicle trips that will be generated by the proposed residential development were calculated using the trip generation rates as provided in the *TMH17 South African Trip Data Manual (Volume 1, June 2020)* published by the Committee of Transport Officials (COTO).

The recommended peak hour trip generation rates and directional split for Apartments and retail developments are shown below. Although the commercial space is indicated as retail it will most likely function as small office or business park:

- AM Peak Hour: 0.55 trips/dwelling unit (25:75)
- PM Peak Hour: 0.55 trips/dwelling unit (70:30)
- AM Peak Hour: 6.5 trips/100m² GLA (85:15)
- PM Peak Hour: 6.5 trips/100m² GLA (20:80)

Allowance was made for reductions for mixed use developments, low vehicle ownership for both uses.

The estimated peak hour trips are summarised in **Table 1**.



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Table 1: Proposed Trip Generation Rates

Yzerfontein is predominantly a holiday town with traffic peaks over weekends. See the weekend analysis below as well.

Weekday Peak

Peak Hour	Land Use	Size	Units	Rate	Directional Split
AM	Flats	5	dwelling	0.55	25:75
PM	Flats	5	dwelling	0.55	70:30
AM	Retail/shop	192	m ²	6.5/100m ² GLA	65:35
PM	Retail/shop	192	m ²	6.5/100m ² GLA	20:80

Weekend Peak

Peak Hour	Land Use	Size	Units	Rate	Directional Split
AM	Flats	5	dwelling	0.55	50:50
PM	Flats	5	dwelling	0.55	50:50
AM	Retail/shop	192	m ²	5,1/100m ² GLA	0
PM	Retail/shop	192	m ²	5,1/100m ² GLA	0

7. Development trips

The total peak hour trips likely to be generated by the proposed development in the AM and in the PM peak hours are:

- 16 total AM trips (11 inbound and 10 outbound)
- 16 total PM trips (12 inbound and 9 outbound)

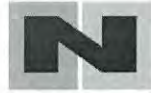
Weekends, only 3 for the weekend am and pm peak.

These trips are low (<35 during the peak hour) and will have an insignificant impact on the surrounding road network. The estimated trips generated in the AM and the PM peak hours are summarised in **Table 2**.

Table 2: Estimated Peak Hour Trips

Peak Hour	Land Use	Total Trips	Peak Hour Trips	
			In	Out
AM	Flats	3	1	2
PM	Flats	3	2	1
AM	Retail/ shop	13	9	4
PM	Retail/shop	13	3	10
TOTAL AM		16	10	6
TOTAL PM		16	5	11

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8. Site Access

The proposed development will only have one access point off Buitekant Street. Further there will also be onsite off street parking bays. 3 Off street parking bays will gain direct access off Buitekant Street and further 8 parking bays with direct access off Gey van Pittius Street.

Buitekant Street parking area entrance is approximately 19,5m (Centreline to centreline) from the intersection between Buitekant & Gey van Pittius Street. There are however chevron signs along Buitekant street discouraging parking up to 25m from the intersection between Buitekant & Gey van Pittius Street and it will remain unchanged.

The first on-site off-street parking bays off Gey van Pittius Street, is approximately 32,5m (centreline to first bay) from the intersection between Buitekant & Gey van Pittius Street, as indicated in Figure 3.

The proposed access will require a two-lane cross section i.e., one lane in and one lane out, with an absolute minimum width of 5m. The access to the development will be stop controlled.

Figure 3 – Location of property access



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9. Queuing Analysis

The access off Buitekant Street is for public use with no access control. Queuing analysis is therefore not required.

There are however enough stacking space for 3 vehicles (17m) from the edge of Buitekant Street up to the erf boundary.

10. Parking Requirements

The standard minimum parking requirements are as follows:

- Flats: 1.25 bay/dwelling unit for residents, and 0.25 bays/dwelling unit for visitors
- Retail: 4 parking bays/ 100m² GLA

The minimum parking requirement are summarised in Table 4.

Table 3: Minimum Parking requirements

Land Use	Parking Type	Size	Units	Parking Ratio
Flats	Residential	5	Dwelling	1.25 Per unit
	Visitors	5	Dwelling	0.25 Per unit
Offices	Offices	192	m ²	4/100m ² GLA

Based on calculations and the above-mentioned requirements it was determined that a total of 17 parking bays is required for the development. This includes 7 parking bays for residents, 2 parking bays assigned to visitors & 8 parking bays for the retail space. Table 4 contains the summary of the minimum parking bays required for the proposed development.

Table 4: Minimum Parking requirements for this development

Land Use	Parking bays required	
	Regular parking	Visitors Parking
Flats	7	2
Retail	8	
Total	15	2

The SDP indicates that sufficient on-site parking bays will be provided (18 bays and 1 loading bay).

11. Parking and traffic flow

The proposed access is 5m wide and is the absolute recommended minimum.

The parking area movement and bays comply with the absolute minimum reverse space of 7,5m. Double movement will be required but is acceptable.

The embayment's are min 5 x 2,5m with and the end bay minimum 2.85m wide. Allowance has been made for a paraplegic parking bay of 3,5m width.



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12. Non-Motorise Transport (NMT)

No formal sidewalks are available, but there is allowance for pedestrian movement along Buitekant & Gey Van Pittius Street. The sidewalks are formalised, as development progresses, linking all pedestrian movement between the major routes. Pedestrian activity along these routes is deemed to be low hence the lack of formal sidewalks.

13. Conclusions

This report describes the investigation of the transport implications of the proposed residential/ retail development on erf 513 in Yzerfontein. It provides an assessment of the transportation impact of the proposed development on the surrounding road network, and recommendations with regards to improvements to mitigate the negative impacts, if relevant.

The main findings and conclusions are:

- This TIS is in support of the application for the proposed residential/ retail development on erf 513 in Yzerfontein.
- The proposed residential development will consist of 5 flats & 192m² retail space.
- The proposed development has the potential to generate 16 trips during the AM peak hour (10 in, 6 out) and 16 trips during the PM peak hour (5 in, 11 out).
- Yzerfontein is predominantly a holiday destination with traditional peak traffic over weekends. The impact of the development is minor over weekend peak times and can be ignored.
- The access to the public parking area will be off Buitekant Street approximately 19,5 m from the Buitekant / Gey van Pittius Street intersection. There are however chevron signs along Buitekant street discouraging parking up to 25m from the intersection between Buitekant & Gey van Pittius Street and it will remain unchanged.
- According to the SDP, sufficient parking spaces (17 required vs 18 plus 1 loading bay and 1 tandem bay provided) will be provided for on-site parking.
- Pedestrian demand on Buitekant Street is low, and the new development will generate an insignificant amount of additional NMT trips.

14. Recommendations

It is recommended that:

- The detailed design of the proposed access on Buitekant and Gey van Pittius Street is approved by the Municipality before construction commences.
- The application for the proposed residential/ retail development on erf 513 in Yzerfontein be approved.

This report has shown that if the provided recommendations are implemented the proposed development can easily be accommodated by the surrounding road network. From a traffic engineering perspective, the application for this development is supported.

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We trust that you will find the above in order. Please contact us should there be any questions.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tobie J Carstens', written in a cursive style.

Tobie J Carstens (Pr. Tech Eng. SA, R. Eng. ZM)

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ANNEXURE A – PROPOSED SDP LAYOUT

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ERF 513, Yzerfontein : Development parameters

Parameter	Residential (R1)	Title Deed	Business (B21)	Actual	Comment
Title Deed	N/A	T9476/99	N/A	N/A	N/A
ERF size	N/A	N/A	N/A	863m ²	N/A
Primary Use	2 Dwellings	One Residence (CK3)	Business premises, flats	4 Units shops + 5 apartments	Reopen from R21 to B21
Coverage	50%	N/A	30%	34%	N/A
Floor Factor	0	N/A	3.0	943/863 = 1.1	Complies with EMS
Floor Space	N/A	N/A	2500m ²	943m ²	Complies with EMS
Height - Max. plate	8m	N/A	6 Storeys	5.765m	Complies with EMS
Height - Top of roof	10.5m	N/A	6 Storeys	10.540m	Complies with EMS
Building line - Street	4.0m	5.0m (CK3)	0m	5.200m	Complies with EMS & Title deed
Building line - Lateral	1.5m	1.5m (CK3)	4.5m	1.500m	Complies with EMS & Title deed
Building line - Rear	3.0m	3.0m (CK3)	3.0m	3.000m	Complies with EMS & Title deed
Parking	2/Unit	N/A	3/25m ² + 1.5/Unit	Required: 16 Parking bays Provided: 19 Parking bays	Complies with EMS



property information

ERF No.	513
Name of the property	863m ²
City/Municipality/Province	19 Yzerfontein, Western Cape
City Diagram	19, No. 1447/19 (General)
City No.	1447/19
Plot No.	513
Transfer No.	19476/99
Zoning	Residential (Zone R1/2)
Building Classification	Category: 04 (Dwelling House)
	in accordance with SANS 10400: A20: Table 1
Height/Production	Category: 04
	in accordance with SANS 10400: A21: Table 2

ANNEXURE C
Add septic tank



buitenkant street development

Proposed re-development on the property: Commercial & Residential Units.
ERF 513 at No. 35 Buitenkant Street, Yzerfontein, Western Cape.
For: Mr & Mrs MONZÉ

Client Signature

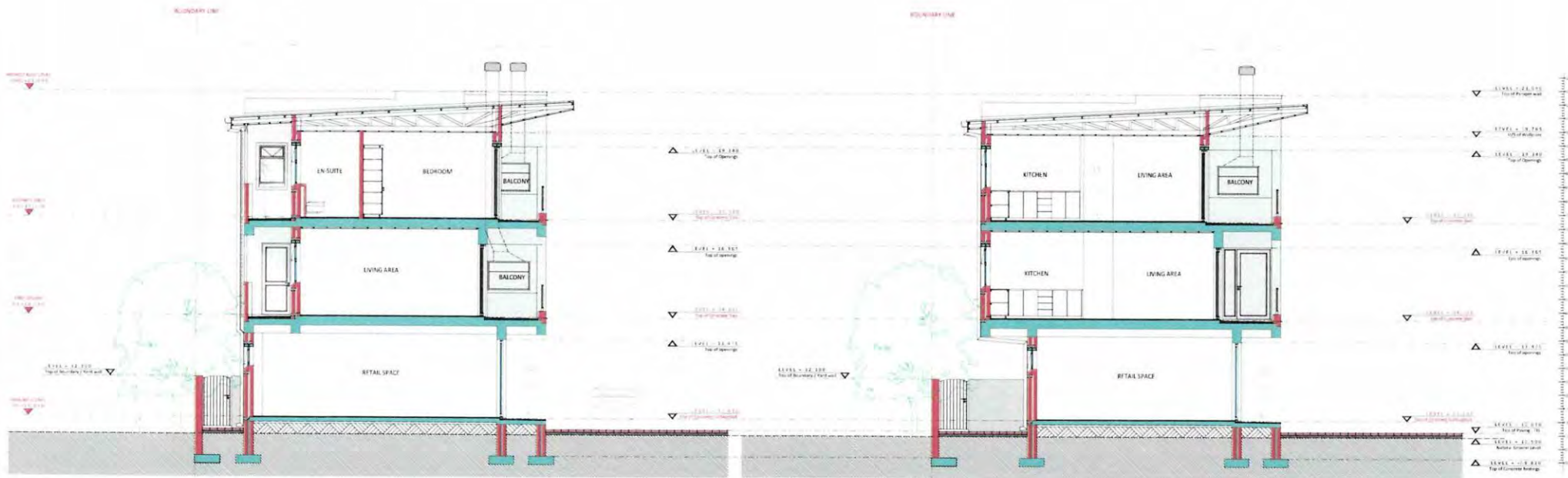
Site plan + Ground Storey – Existing layout

Conceptual framework of the proposed re-development.
Drawings / Layouts of the Existing and Proposed
Scale: 1:725 on A3 size drawing



hardie van schalkwyk
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PROF. VAN DER MERWE 1501 (Reg. No. 2077) / 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3994/3



buitenkant street development

Proposed re-development on the property - Commercial & Residential Units
 111513 at No. 35 Buitenkant Street, Yzerfontein, Western Cape.
 For M & Mrs MUNE

Client Signature

Detail Sections - Proposed new development

Structural framework of the proposed re-development.
 Drawings / Details of the Existing and Proposed.
 Scale: 1:25 - 20' x 32' size Drawing



hardie van schalkwyk
ARCHITECTURE

Signature

14 Buitenkant Street, Yzerfontein, Western Cape
 Tel: 021 448 1111 Fax: 021 448 1112 Email: hvs@hvs.co.za



North North-East Elevation : View from Gey van Pittius Street
 Scale : 1 : 120

buitenkant street development

Proposed re-development on the property: Commercial & Residential Units.
 445511 at No. 35 Buitenkant Street, Yzerfontein, Western Cape.
 For: Mr & Mrs MINE

Client Signature

Detail Elevations – Proposed new development

Subsidiary Framework of the proposed re-development.
 Drawings / details of the existing and proposed
 Scale: 1:120 – 01_A3_04E Drawing



hardie van schalkwyk
ARCHITECTURE

REGISTERED ARCHITECT
 ARCHITECTURAL DRAWING
 PROJECT: 445511 - 01_A3_04E



West North-West Elevation : View from Buitenkant Street
Scale : 1 : 120

buitenkant street development

Proposed re-development on the property Commercial & Residential Units
Erf 513 at No. 18 Buitenkant Street, Yzerfontein, Western Cape.
For: M. & Mrs. MUNDY

Client Signature

Detail Elevations – Proposed new development

Conceptual framework of the intended re-development.
Drawings / Samples of the Existing and Proposed
Scale: 1:120 / On A3 size Drawing



hardie van schalkwyk
ARCHITECTURE

Signature

[Handwritten Signature]

18 Buitenkant Street, Yzerfontein, Western Cape
Tel: 021 959 1111
www.hvsa.co.za



buitenkant street development

Proposed redevelopment on the property - Commercial & Residential Units
 111513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape
 For M & Mrs MENEZ

Client Signature

Images of the Existing house on the property

EXISTING DRAWINGS OF THE EXISTING REDEVELOPMENT
 Drawings & details of the Existing and Proposed
 Scale: 1:100 - 30' x 60" DRAWING



hardie van schalkwyk
ARCHITECTURE

PLANNING AND DESIGN
 14811 17th Avenue, 7th Floor, Cape Town
 Tel: +27 (0)21 435 1111 Fax: +27 (0)21 435 1112



ERF 513, Yzerfontein : Development parameters

Parameter	Residential (R1)	Title Deed	Business (BZ1)	Actual	Comment
Title Deed	N/A	T9429/89		N/A	N/A
ERF size	N/A	N/A	N/A	863m ²	N/A
Primary use	2 Dwellings	One Residence : C6(a)	Business premises, Flats	4 Line shops + 5 apartments	Rezone from RZ1 to BZ1
Coverage	50%	N/A	100%	38%	Complies with DMS
Floor Factor	0	N/A	3.0	943/863 = 1.1	Complies with DMS
Floor Space	N/A	N/A	2589m ²	943m ²	Complies with DMS
Height : Wall plate	8m	N/A	6 Storeys	9,265m	Complies with DMS
Height : Top of roof	10.5m	N/A	6 Storeys	10,540m	Complies with DMS
Building line : Street	4.0m	5.0m : C6(b)	0m	6.200m	Complies with DMS & Title deed
Building line : Lateral	1.5m	1.5m : C6(b)	1.5m	1.500m	Complies with DMS & Title deed
Building line : Rear	2.0m	3.0m : C6(b)	3.0m	3.000m	Complies with DMS & Title deed
Parking	2/Unit	N/A	1/25m ² + 1.5/unit	Required : 16 Parking bays Provided : 19 Parking bays	Complies with DMS

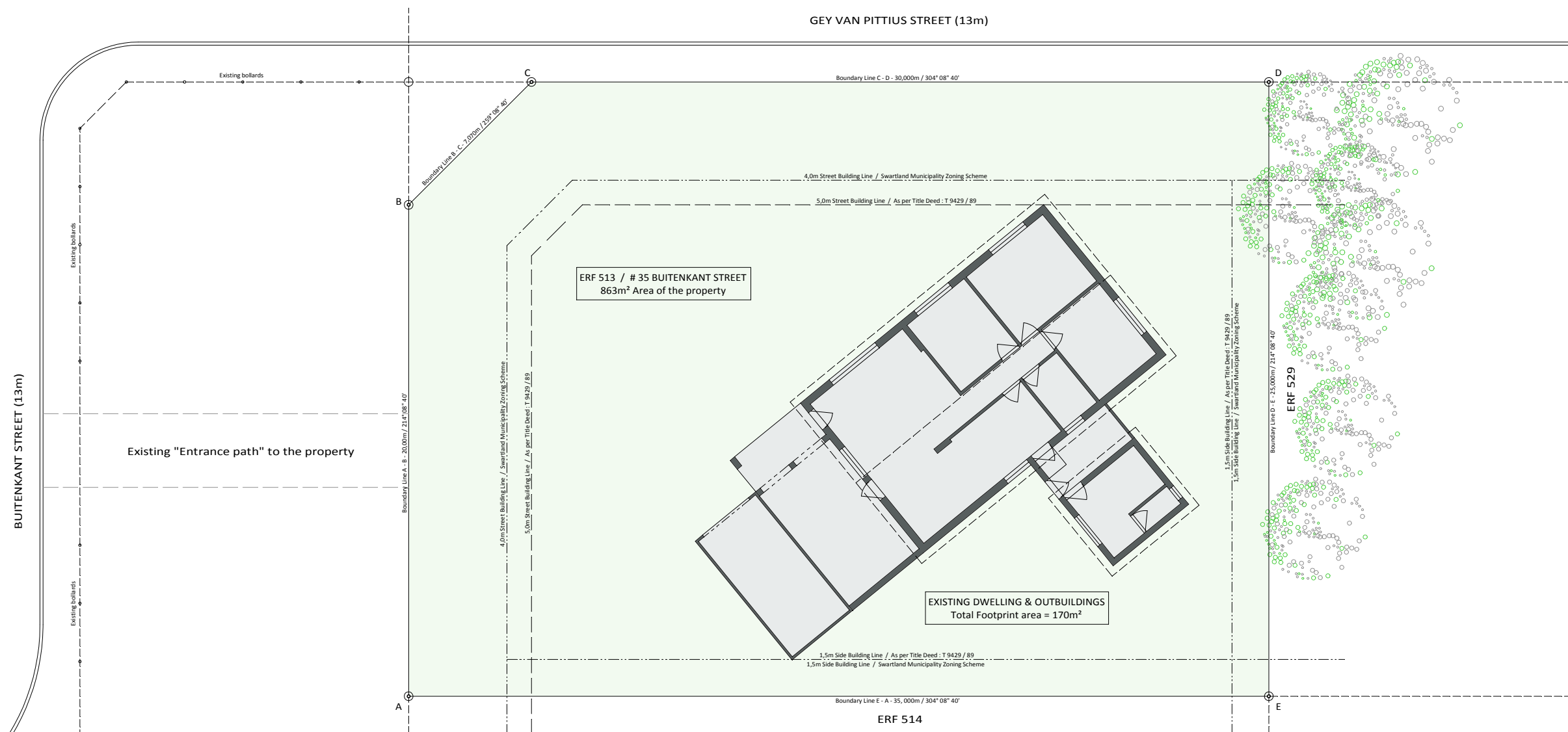


property information

ERF No.	513
Size of the property	863m ²
Co-Ordinates (entrance)	-33.346464, 18.160600
S.G. Diagram	S.G. No. 6189/79 - General
Deed of Transfer	Plan No. 10142 T9429/89
Zoning	
- Current :	Residential Zone 1 (R1)
Building Classification	
- Current :	1H (Dwelling house)
- In accordance with SANS 10400 - A20 - Table 1	
Design Population	
- Current :	1H
- 2 Persons per bedroom	
- In accordance with SANS 10400 - A21 - Table 2	

ANNEXURE I

updated 7.7.25



ANNEXURE I

buitenkant street development

Proposed re-development on the property : Commercial & Residential Units.
ERF 513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape.
For : Mr & Mrs MONIZ

Client Signature

Site plan + Ground Storey – Existing layout

Conceptual framework of the intended re-development.
Drawings / Layouts of the Existing and Proposed
Scale : 1:120 / On A3 size drawing

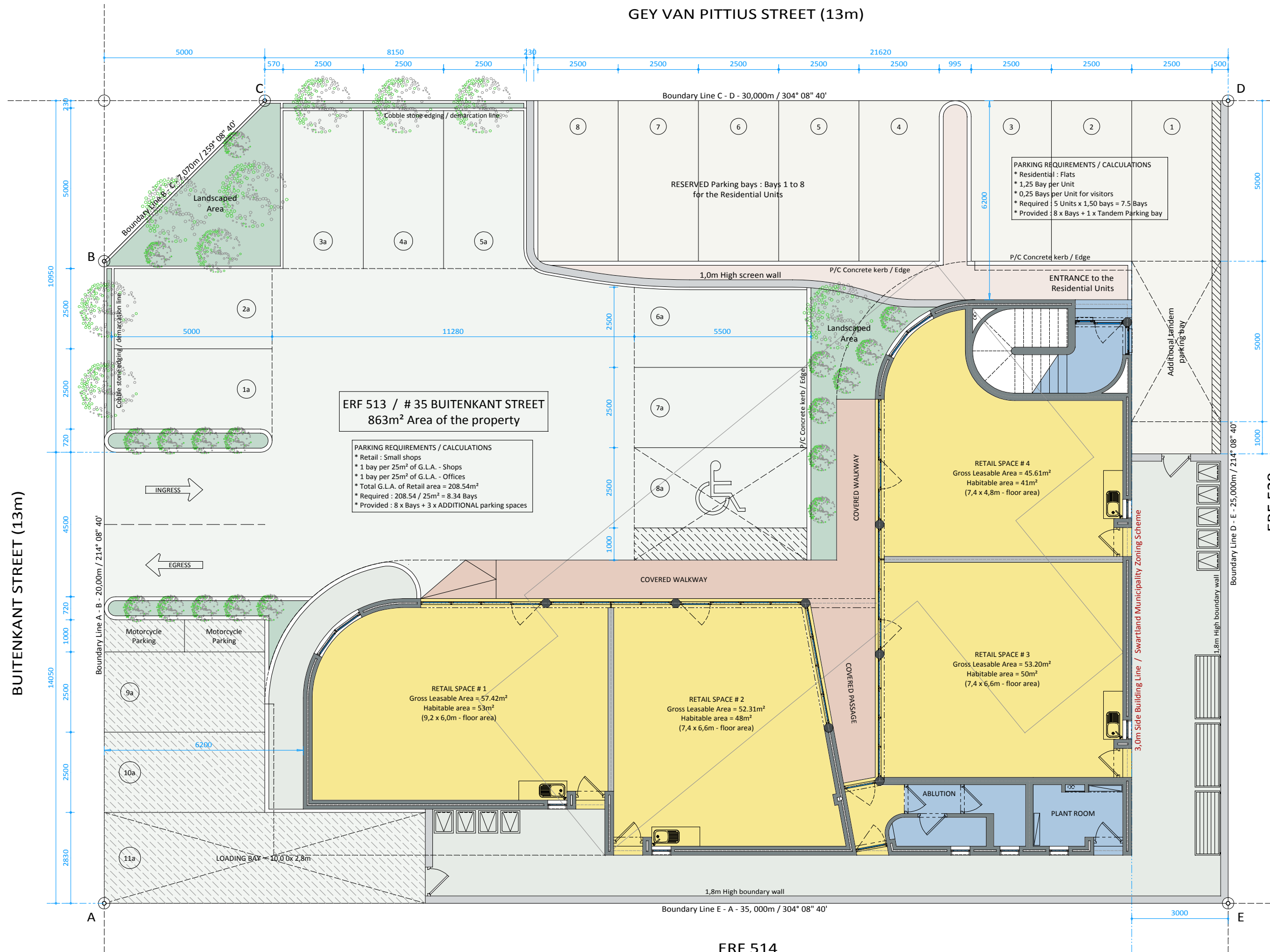


Signature

hardie van schalkwyk
ARCHITECTURE

Pr. S. Arch. T. MAT (SA), CIFA
SART : 70736 / SACAP : ST 0283
19 diaz str, welgemoed 7530 / 082 737151 / hardie@hvs.co.za

GEY VAN PITTIUS STREET (13m)



ERF 513 / # 35 BUITENKANT STREET
863m² Area of the property

PARKING REQUIREMENTS / CALCULATIONS
 * Retail : Small shops
 * 1 bay per 25m² of G.L.A. - Shops
 * 1 bay per 25m² of G.L.A. - Offices
 * Total G.L.A. of Retail area = 208.54m²
 * Required : 208.54 / 25m² = 8.34 Bays
 * Provided : 8 x Bays + 3 x ADDITIONAL parking spaces

PARKING REQUIREMENTS / CALCULATIONS
 * Residential : Flats
 * 1,25 Bay per Unit
 * 0,25 Bays per Unit for visitors
 * Required : 5 Units x 1,50 bays = 7.5 Bays
 * Provided : 8 x Bays + 1 x Tandem Parking bay

RETAIL SPACE # 1
 Gross Leasable Area = 57.42m²
 Habitable area = 53m²
 (9,2 x 6,0m - floor area)

RETAIL SPACE # 2
 Gross Leasable Area = 52.31m²
 Habitable area = 48m²
 (7,4 x 6,6m - floor area)

RETAIL SPACE # 4
 Gross Leasable Area = 45.61m²
 Habitable area = 41m²
 (7,4 x 4,8m - floor area)

RETAIL SPACE # 3
 Gross Leasable Area = 53.20m²
 Habitable area = 50m²
 (7,4 x 6,6m - floor area)

Boundary Line E - A - 35, 000m / 304° 08' 40"

ERF 514

property information	
ERF No.	513
Size of the property	863m ²
Co-Ordinates (entrance)	-33.346464, 18.160600
S.G. Diagram	S.G. No. 6189/79 - General
Deed of Transfer	Plan No. 10142 T9429/89
Zoning	- Current : Residential Zone 1 (R1) - Proposed "Re-Zoning" application : Business Zone 1 / 2 (B21 or B22)
Building Classification	- Current : H4 (Dwelling house) - Proposed / To be rezoned : F2 (small shop) - G.F. Areas H3 (domestic residence) : 1st & 2nd Flr Areas - In accordance with SANS 10400 - A20 - Table 1
Design Population	- Current : H4 2 Persons per bedroom - Proposed : F2 & H3 F2 : 1 Person per 10m ² H3 : 2 Persons per bedroom - In accordance with SANS 10400 - A21 - Table 2
floor area calculations	
Floor Areas	
* Ground Storey Footprint (TOTAL) :	297.42m ²
- Covered walkway :	34.48m ²
- Covered passage :	08.92m ²
- Abutments :	11.85m ²
- Staircase :	14.04m ²
- Plant room :	05.26m ²
- Retail Areas :	222.87m ²
- TOTAL Habitable area (Retail) :	192.00m ²
* First Storey Footprint (TOTAL) :	322.71m ²
- Covered passage :	42.21m ²
- Staircase :	15.13m ²
- Plant room :	00.54m ²
- Flat roof area :	04.51m ²
- Residential area :	260.32m ²
- TOTAL Habitable area :	200.00m ²
* Second Storey Footprint (TOTAL) :	322.71m ²
- Covered passage :	42.21m ²
- Staircase :	15.13m ²
- Plant room :	00.54m ²
- Flat roof area :	04.51m ²
- Residential area :	260.32m ²
- TOTAL Habitable area :	193.00m ²
* G.L.A. of Retail area (G.S.) :	208.54m ²
* G.L.A. of Residential area (F.S.) :	249.11m ²
* G.L.A. of Residential area (S.S.) :	249.11m ²
* Coverage :	322.71m ² / 863m ² 37.4%
off-street parking requirements	
Parking requirements, in accordance with the Swartland Municipality Zoning Scheme, 25 March 2020.	
* Chapter 3, Items 3.1.1 & 3.2.1.1	
* Chapter 13, Items 13.1.1 / 13.1.3 / 13.1.4 / 13.1.5 / 13.1.6 / 13.1.7 and 13.1.8	
GROUND FLOOR	
In accordance with Item 13.1 - (Chapter 13), Table : Off-street parking.	
* Retail : Small shops : F2	
* 1 x Parking bay per 25m ² of G.L.A. - Shops	
* 1 x Parking bay per 25m ² of G.L.A. - Offices	
* Total G.L.A. of Retail area = 208.54m ²	
* Required : 208.54 / 25m ² = 8.34 Bays	
* Parking bays provided : 8 x Bays + 3 x ADDITIONAL parking spaces OR if parking bay requirements are calculated in accordance with Item 3.1.1.1 - (B21)	
* Primary use : 1 x Parking bay per 25m ² of the Total floor space : 263,08m ² / 25m ² = 10.52 Bays	
* Provided : 11 x Bays	
* Loading bay : 1 x 10,0 x 2,95m bay	
FIRST & SECOND FLOOR	
* Residential : Flats : H3	
* 1,25 Bay per Unit	
* 0,25 Bays per Unit for visitors	
* Required : 5 Units x 1,50 bays = 7.5 Bays	
* Provided : 8 x Bays + 1 x Tandem Parking bay	
Parking and Access in accordance with the Swartland Municipality Municipal Land Use Planning By-Law 2020.	
- Total area to be finished off in an approved standard sized pre-cast concrete inter-locking paver (samples and layout to be approved)	
- Pavers to be laid in accordance with the construction specifications and to fall towards the stormwater catchpits.	
- Parking and Loading bay areas, to be demarcated with an approved white paint line to dimensions and layout.	

buitenkant street development

Proposed re-development on the property : Commercial & Residential Units.
 Erf 513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape.
 For : Mr & Mrs MONIZ

Client Signature

Site plan + Ground Storey - Proposed new development

Conceptual framework of the intended re-development.
 Drawings / Layouts of the Existing and Proposed
 Scale : 1:120 / On A3 size drawing

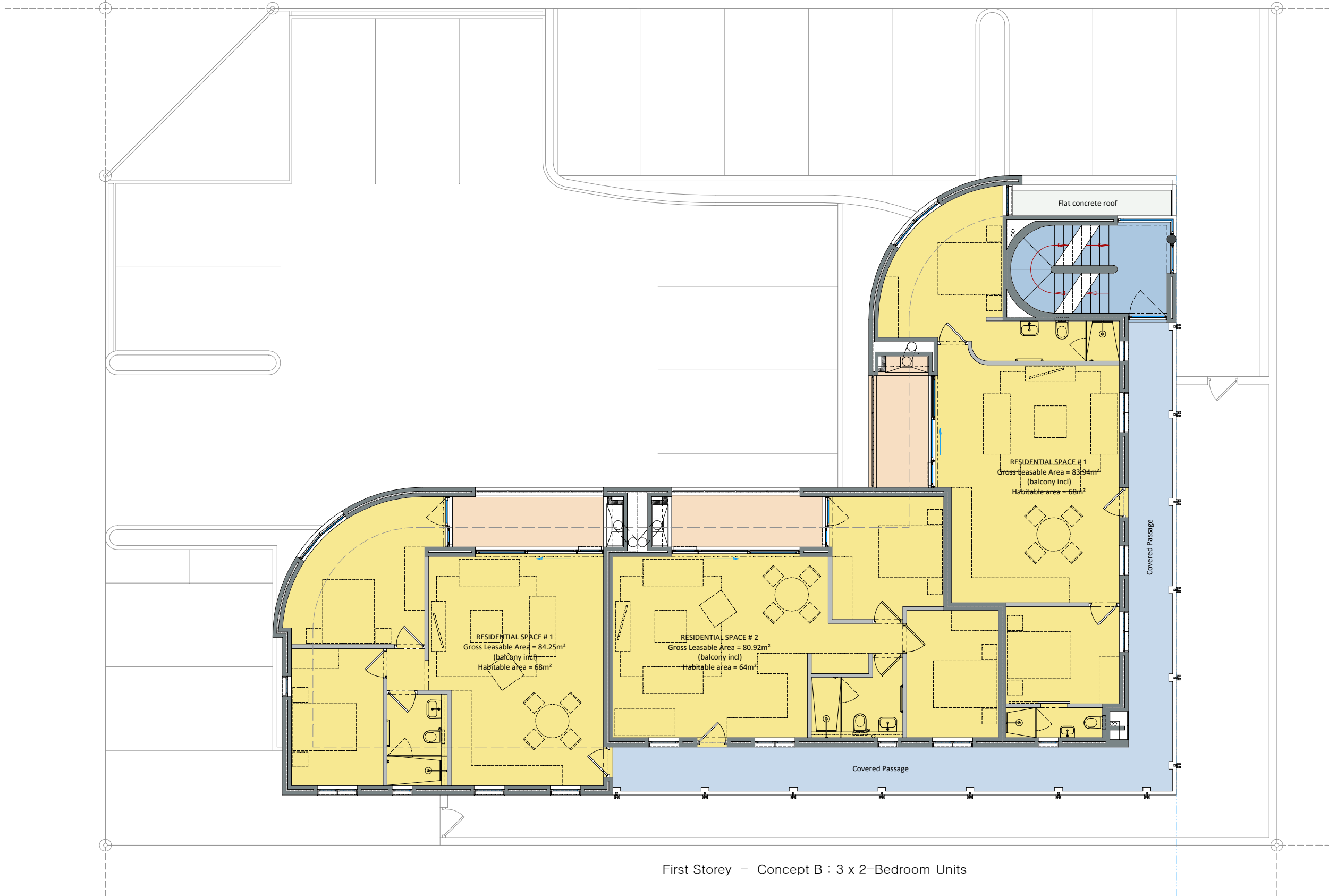


hardie van schalkwyk
ARCHITECTURE

Signature

Pr. S. Arch. T. MAT (SA), CIFA
 SAAT : 70736 / SACAP : ST 0283

19 dist. str. walgemoed 7530 / 082 7377151 / hardie@hvs.co.za

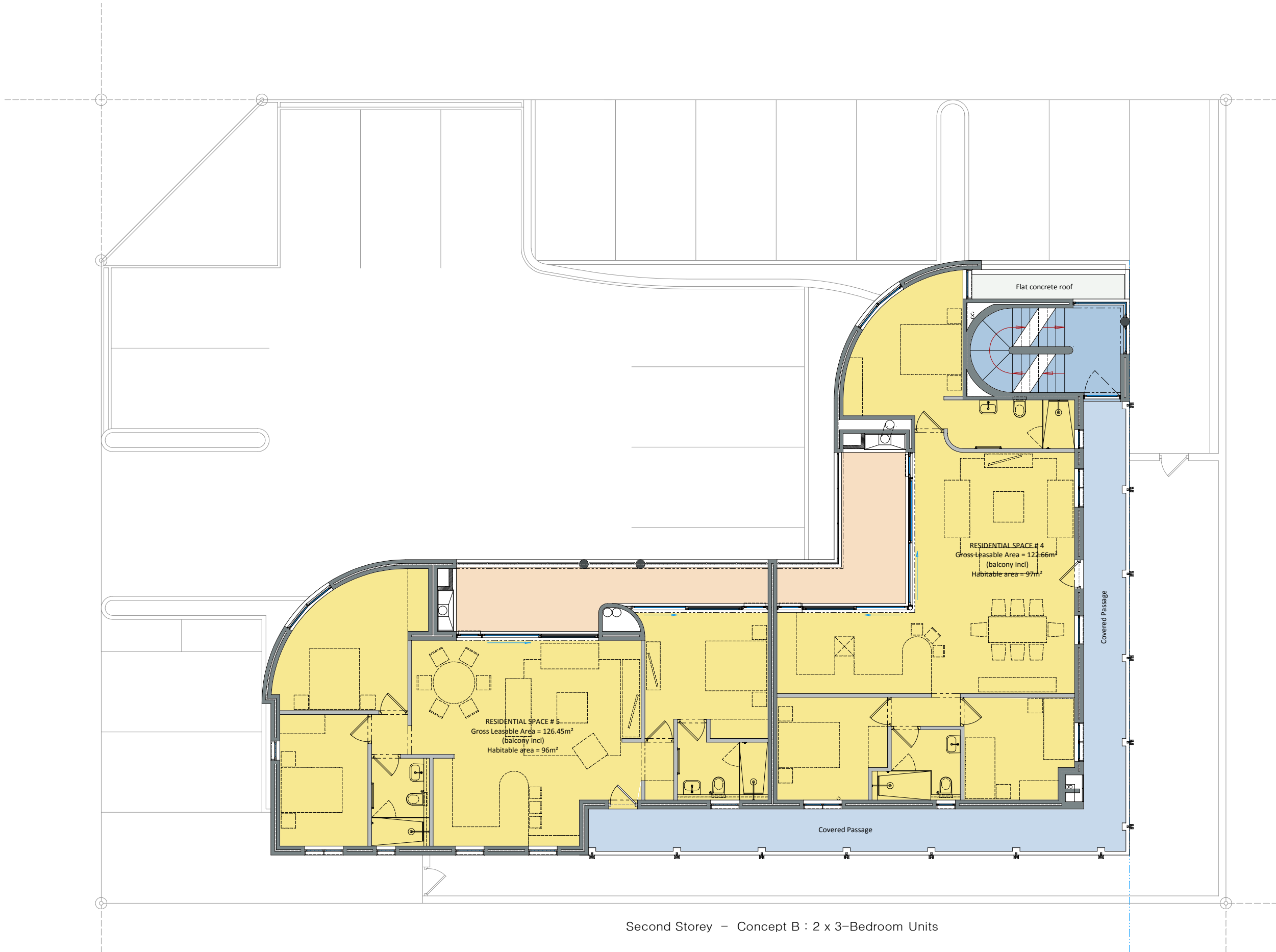


First Storey – Concept B : 3 x 2-Bedroom Units

property information	
ERF No.	513
Size of the property	863m²
Co-Ordinates (entrance)	-33.346464, 18.160600
S.G. Diagram	S.G. No. 6189/79 - General
Deed of Transfer	Plan No. 10142 T9429/89
Zoning	
- Current :	Residential Zone 1 (R1)
- Proposed "Re-Zoning" application :	Business Zone 1 / 2 (B21 or B22)
Building Classification	
- Current :	H4 (Dwelling house)
- Proposed / To be rezoned :	F2 (small shop) - G.F. Areas
- In accordance with SANS 10400 - A20 - Table 1 :	H3 (domestic residence) : 1st & 2nd Flr Areas
- In accordance with SANS 10400 - A20 - Table 1 :	
Design Population	
- Current :	H4
- Proposed :	2 Persons per bedroom
- F2 :	1 Person per 10m²
- H3 :	2 Persons per bedroom
- In accordance with SANS 10400 - A21 - Table 2 :	
floor area calculations	
Floor Areas	
* Ground Storey Footprint (TOTAL) :	297.42m²
- Covered walkway :	34.48m²
- Covered passage :	08.92m²
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* Coverage :	322.71m² / 863m²
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* Chapter 13, Items 13.1.1 / 13.1.3 / 13.1.4 / 13.1.5 / 13.1.6 / 13.1.7 and 13.1.8	
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* Retail : Small shops : F2	
* 1 x Parking bay per 25m² of G.L.A. - Shops	
* 1 x Parking bay per 25m² of G.L.A. - Offices	
* Total G.L.A. of Retail area = 208.54m²	
* Required : 208.54 / 25m² = 8.34 Bays	
* Parking bays provided : 8 x Bays + 3 x ADDITIONAL parking spaces	
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* Primary use : 1 x Parking bay per 25m² of the Total floor space :	
263,08m² / 25m² = 10.52 Bays	
* Provided : 11 x Bays	
* Loading bay : 1 x 10,0 x 2,25m bay	
FIRST & SECOND FLOOR	
* Residential : Flats : H3	
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* 0,25 Bays per Unit for visitors	
* Required : 5 Units x 1,50 bays = 7.5 Bays	
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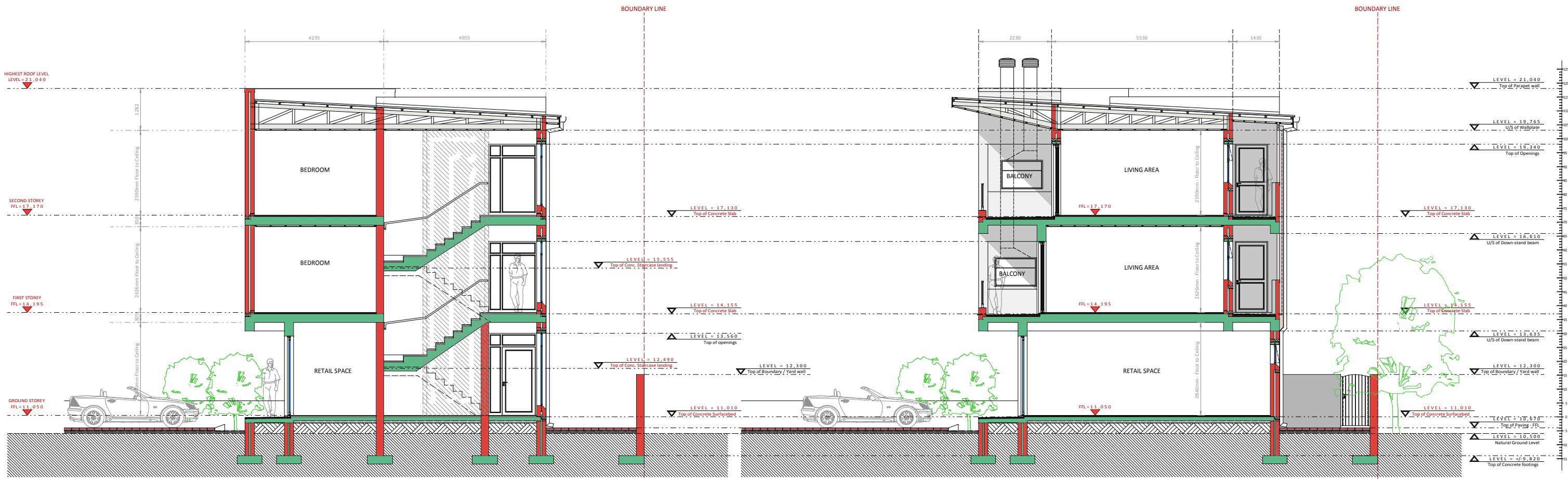


Handwritten signature



Second Storey – Concept B : 2 x 3-Bedroom Units

property information	
ERF No.	513
Size of the property	863m ²
Co-Ordinates (entrance)	-33.346464, 18.160600
S.G. Diagram	S.G. No. 6189/79 - General
Deed of Transfer	Plan No. 10142 T9429/89
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- Current :	Residential Zone 1 (R1)
- Proposed "Re-Zoning" application :	Business Zone 1 / 2 (B21 or B22)
Building Classification	
- Current :	H4 (Dwelling house)
- Proposed / To be rezoned :	F2 (small shop) - G.F. Areas
- In accordance with SANS 10400 - A20 - Table 1 :	H3 (domestic residence) : 1st & 2nd Flr Areas
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- Current :	H4
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* 0,25 Bays per Unit for visitors	
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Parking and Access in accordance with the Swartland Municipality Municipal Land Use Planning By-Law 2020.	
- Total area to be finished off in an approved standard sized pre-cast concrete inter-locking paver (samples and layout to be approved)	
- Pavers to be laid in accordance with the construction specifications and to fall towards the stormwater catchpits.	
- Parking and Loading bay areas, to be demarcated with an approved white paint line to dimensions and layout.	



Typical Section : Section A - A
Scale : 1:120

Typical Section : Section B - B
Scale : 1:120

buitenkant street development

Proposed re-development on the property : Commercial & Residential Units.
 Erf 513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape.
 For : Mr & Mrs MONIZ

Client Signature

Detail Sections – Proposed new development

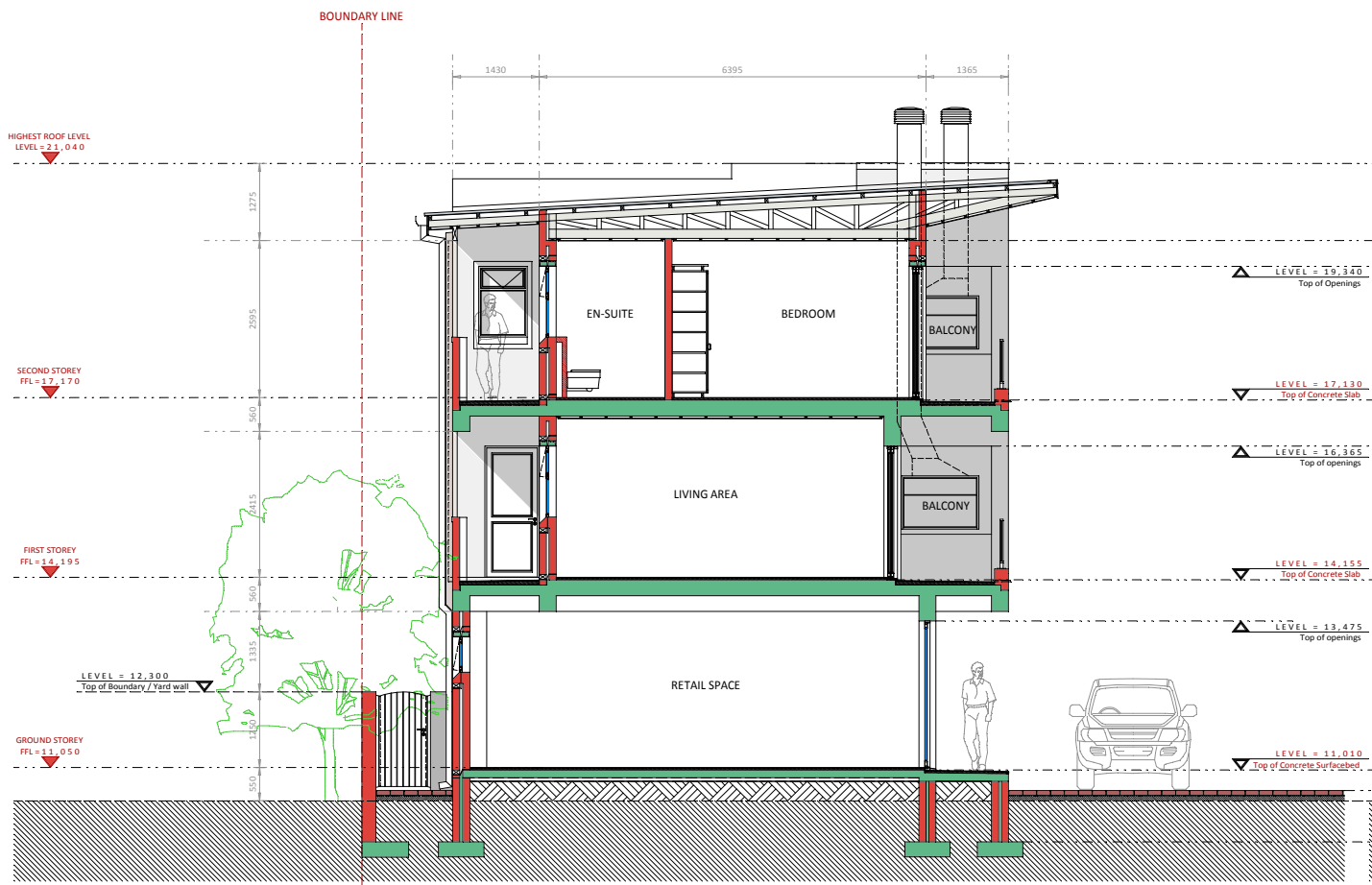
Conceptual framework of the intended re-development.
 Drawings / Layouts of the Existing and Proposed
 Scale : 1:120 / On A3 size drawing



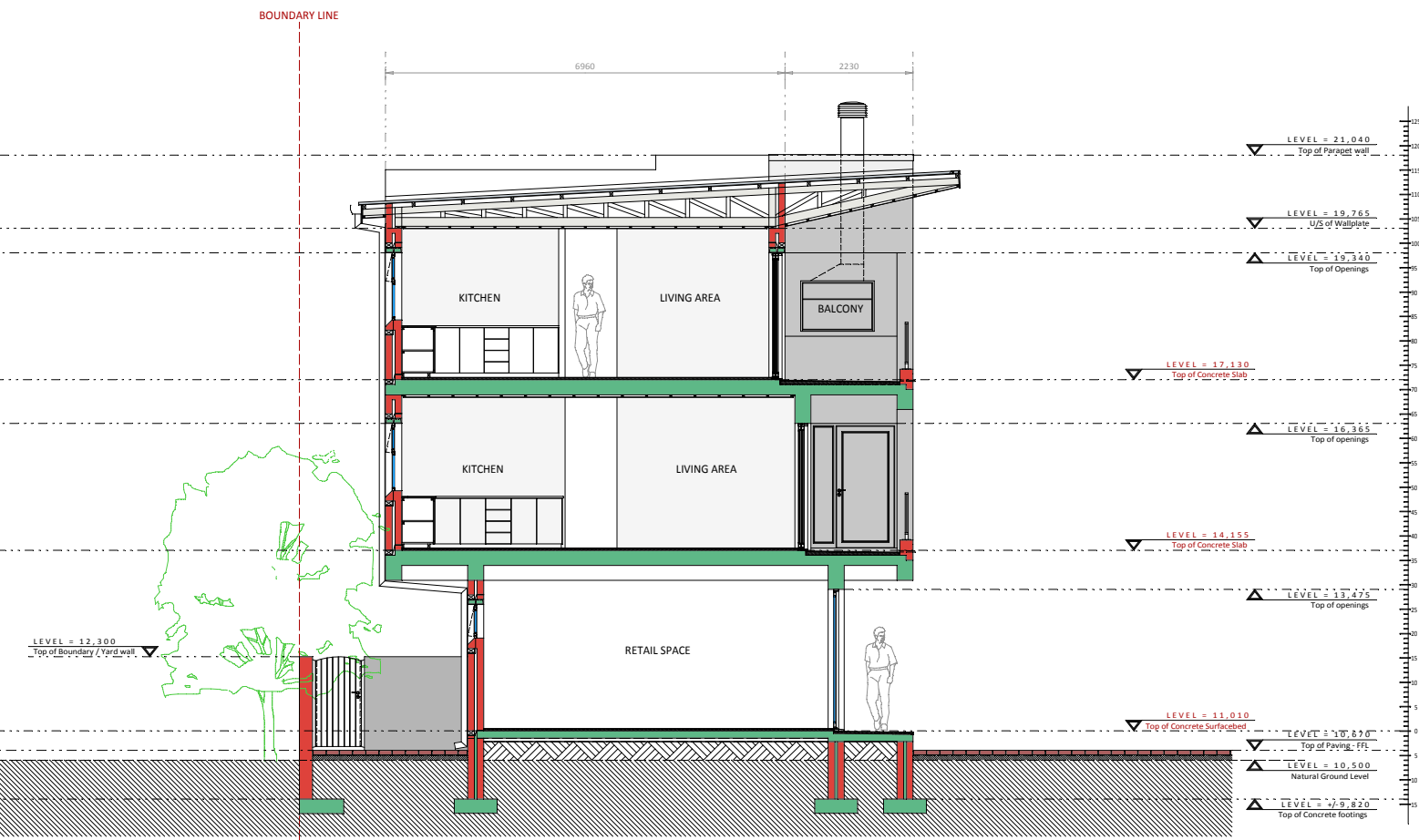
Signature

hardie van schalkwyk
ARCHITECTURE

Pr. S. Arch. T. MAT (SA), CIFA
 SAAI : 70736 / SACAP : ST 0283
 19 diaz str, walgemoed 7530 / 082 7371151 / hardie@hvs.co.za



Typical Section : Section C - C
Scale : 1 : 120



Typical Section : Section D - D
Scale : 1 : 120

buitenkant street development

Proposed re-development on the property : Commercial & Residential Units.
Erf 513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape.
For : Mr & Mrs MONIZ

Client Signature

Detail Sections – Proposed new development

Conceptual framework of the intended re-development.
Drawings / Layouts of the Existing and Proposed
Scale : 1:120 / On A3 size drawing



hardie van schalkwyk
ARCHITECTURE

Signature: *Hardie van Schalkwyk*

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19 diaz str., walgemoed 7530 / 082 7377151 / hardie@hvs.co.za



North North-East Elevation : View from Gey van Pittius Street
Scale : 1 : 120

buitenkant street development

Proposed re-development on the property : Commercial & Residential Units.
Erf 513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape.
For : Mr & Mrs MONIZ

Client Signature

Detail Elevations – Proposed new development

Conceptual framework of the intended re-development.
Drawings / Layouts of the Existing and Proposed
Scale : 1:120 / On A3 size drawing



hardie van schalkwyk
ARCHITECTURE

Signature *Hardie van Schalkwyk*

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West North-West Elevation : View from Buitenkant Street
Scale : 1 : 120

buitenkant street development

Proposed re-development on the property : Commercial & Residential Units.
Erf 513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape.
For : Mr & Mrs MONIZ

Client Signature

Detail Elevations – Proposed new development

Conceptual framework of the intended re-development.
Drawings / Layouts of the Existing and Proposed
Scale : 1:120 / On A3 size drawing



Signature

hardie van schalkwyk

ARCHITECTURE

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buitenkant street development

Proposed re-development on the property : Commercial & Residential Units.
 Erf 513 at No. 36 Buitenkant Street, Yzerfontein, Western Cape.
 For : Mr & Mrs MONIZ

Client Signature

Images of the Existing house on the property

Conceptual framework of the intended re-development.
 Drawings / Layouts of the Existing and Proposed
 Scale : 1:120 / On A3 size drawing



hardie van schalkwyk

ARCHITECTURE

Signature *Hardie van Schalkwyk*

Pr. S. Arch. T. MAT (SA), CIFA
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Verslag ♦ Ingxelo ♦ Report

Office of the Director: Development Services
Department: Development management

26 February 2026

15/3/10-8/Erf 9363

WYK: 10

ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 11 MARCH 2026

LAND USE PLANNING REPORT					
PROPOSED CONSENT USE ON ERF 9363, MALMESBURY					
Reference number	15/3/10-8/Erf 9363	Submission date	26 November 2025	Date finalised	26 February 2026

PART A: APPLICATION DESCRIPTION					
<p>Application is made for a consent use on Erf 9363, Malmesbury, in terms of Section 25(2) (o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), to accommodate a double dwelling house on the property.</p> <p>The applicant is CK Rumboll and Partners and the property owners is Basson Eiendomme Beleggings PTY Ltd.</p>					
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	ERF 9363 MALMESBURY, IN THE SWARTLAND MUNICIPALITY, MALMESBURY DIVISION, PROVINCE OF WESTERN CAPE				
Physical address	c/o Nguni and Brahmaan Street	Town	Malmesbury		
Current zoning	Residential Zone 1	Extent (m ² /ha)	670m 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	Vacant property			Title Deed number & date	T41700/2022
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 homeowner's association		Rectify failure by homeowner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use			

PART D: BACKGROUND

Application is made for a consent use on Erf 9363, Malmesbury in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) to accommodate a double dwelling house on the subject property.

Erf 9363 is currently vacant and zoned Residential Zone 1. It is located within the Tafelzicht neighbourhood of Malmesbury which is predominantly residential in nature. The owners intend to erect a double dwelling unit on the property to contribute to residential accommodation in Malmesbury. A double dwelling is permitted as a consent use under the Residential Zone 1 zoning.

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 APPLICANT'S MOTIVATION

(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)

The applicant motivates that the proposal:

1. Includes the construction of two dwelling units designed to appear as a single large dwelling;
2. Is consistent with the provisions of the applicable development management scheme;
3. Has access to existing services as well as access to public streets;
4. Is aligned with the Swartland SDF, 2023 land use proposals which supports residential densification, infill development, mixed housing typologies as well as the efficient use of existing infrastructure;
5. Complies with the principles as contained in SPLUMA and LUPA due to the provision of additional accessible housing opportunities in Malmesbury, utilises land with the existing urban edge, prevents further urban sprawl, does not impact on agricultural, environmentally or heritage sensitive areas.
6. Is not prohibited by any restrictions registered against the title deed of the property;

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 10 registered notices were issued to affected parties. Notices were also sent via e-mail to the affected parties where the municipality had record of an email address. Please refer to Annexure C for public participation map.					
Total valid comments	1		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 Van Essen, but no comments were received.	
Total letters of support	0				

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS																
Name	Date received	Summary of comments	Recommendation													
			Positive	Negative												
Building Control	5 December 2025	Building plans be submitted to Building Control for consideration of approval	Comments only													
Protection Services	4 December 2025	No comments	No comment													
Department: Civil Engineering Services	17 December 2025	<p>1. <u>Water</u></p> <p>The existing water connection be used and that no additional connections be provided;</p> <p>2. <u>Sewerage</u></p> <p>The existing sewer connection be used and that no additional connections be provided;</p> <p>3. <u>Other</u></p> <p>Fixed cost development charges be made as follows:</p> <table border="1" data-bbox="622 896 1328 1158"> <thead> <tr> <th></th> <th>Bulk Contribution</th> </tr> </thead> <tbody> <tr> <td>Bulk Water Distribution</td> <td>R5 518,64</td> </tr> <tr> <td>Bulk Water Supply</td> <td>R3 100,03</td> </tr> <tr> <td>Sewer</td> <td>R1 927,79</td> </tr> <tr> <td>WWTW</td> <td>R2 089,87</td> </tr> <tr> <td>Roads</td> <td>R6 036,17</td> </tr> </tbody> </table>		Bulk Contribution	Bulk Water Distribution	R5 518,64	Bulk Water Supply	R3 100,03	Sewer	R1 927,79	WWTW	R2 089,87	Roads	R6 036,17	Comments only	
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Roads	R6 036,17															
Department Electrical Engineering Services	26 November 2025	No comment	Comments only													

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS	
<p>H.J. and T.E. Kok, residents at 8 Brahmaan Street and owners of Erf 9376</p>	<p>Mr and Mrs Kok objects to the proposed application for the following reasons:</p> <ol style="list-style-type: none"> 1. Confusion over the application notice as the municipal notice they received contained inconsistent information. <p>The objectors note that the English version incorrectly referred to the establishment of a shop, causing uncertainty about the true intention of the application.</p> <ol style="list-style-type: none"> 2. Traffic safety and street congestion <p>Brahmaan Street is described as short but already busy and according to the objectors, the proposal will result in two stop streets and five access points within ±50 metres, which they believe will increase traffic congestion as well as make the street more dangerous.</p>	<ol style="list-style-type: none"> 1. The applicant states that the notice should've referred to a consent use for a double dwelling. 2. The applicant motivates that it is not anticipated that the proposal will result in a significant increase in traffic volumes or pose a safety concern. <p>Residential land uses generate the lowest traffic impact of all development types and the addition of one extra dwelling unit, is not expected to have a material impact on traffic conditions or road safety.</p>	<ol style="list-style-type: none"> 1. Notices with the necessary correction were sent directly after the initial letters. The letter and accompanying plan, which indicates the double dwelling clearly indicate what is being applied for. The public participation is therefore deemed administratively fair. 2. The low number of access points in Brahmaan Street is largely due to the extensive public open space in the area as well as the large residential erven typical of the Tafelzicht neighbourhood. Under these conditions, the addition of a single extra dwelling unit generates only a marginal increase in peak-hour vehicle movements, well within the capacity of a local residential street. <p>Secondly, a double dwelling is a low-intensity, residential land use, comparable in traffic terms to a large single dwelling. Trip generation is substantially lower than that associated with commercial, educational, institutional, or mixed-use activities. As such, the development is inherently compatible with the local street hierarchy and surrounding neighbourhood.</p> <p>The objector expressed concern about the presence of two stop-controlled intersections along Brahmaan Street as well as Nguni Street. However, rather than increasing danger, stop streets function as passive traffic-calming measures, requiring</p>

	<p>3. Impact on neighbourhood character</p> <p>The objectors state that Tafelzicht 2 (where they reside) does not contain similar double-dwelling properties, unlike Tafelzicht 3.</p> <p>They argue that the proposed double dwelling will change the character of the immediate neighbourhood as the proposal feels like group housing and constitutes an unfair intrusion on surrounding properties.</p> <p>4. Perceived negative impact on surrounding properties.</p> <p>The objectors believe that the development will not be in the best interest of neighbouring owners and explicitly state they do not support the application.</p>	<p>3. A double dwelling house is a recognised and commonly applied residential land use right in urban areas. The proposed development is deemed compatible with the residential character of the area in terms of scale, use, and function.</p> <p>The applicant argues that these types of developments are encouraged by the Swartland SDF.</p> <p>4. The applicant states that the proposal balances the property owner's development rights with surrounding landowners' interests. Given its residential nature, limited scale, and compliance with the Swartland SDF for the area, no undue negative impacts are anticipated.</p>	<p>motorists to reduce speed and assess their surroundings before proceeding. Slower speeds and more controlled vehicle movements enhance the overall safety of both drivers and pedestrians. The presence of these intersections therefore mitigates, rather than exacerbates, any safety risks associated with a modest increase in vehicle activity.</p> <p>3. The proposal will not have a negative impact on the character of the area, as the surrounding neighbourhood already accommodates medium-density residential developments and similar double-dwelling / second-dwelling applications that have been approved and constructed within the broader Tafelzicht precinct. These developments have been successfully integrated without altering the established residential character of the area.</p> <p>4. Due to the scale and nature of the proposed double dwelling it is not perceived to have a negative impact on the surrounding properties. Each unit, having a total floor area of 251m² each results in a significant investment on the property that will contribute positively especially to the value of neighbouring properties.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

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

The application was submitted in terms of the By-law on 26th of November 2025. The public participation process commenced on the 2nd of December 2025 and ended on the 23rd of January 2026. The objection was received and referred to the applicant for comment on the 28th of January 2026. The municipality received the comments on the objections from the applicant on the 30th of January 2026.

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

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

- a) Spatial Justice: The proposed double dwelling supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society;
- b) Spatial Sustainability: The proposed development promotes the intensive utilisation of space as well as engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) Efficiency: The development proposal promotes the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Spatial Resilience: The proposed double dwelling creates more affordable housing typologies in Malmesbury. Densification strengthens the long-term adaptability of the neighbourhood to demographic and market changes.
- e) Good Administration: The application and public participation were administrated by Swartland Municipality and public and departmental comments obtained;

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

2.2. Provincial Spatial Development Framework (PSDF, 2014)

The PSDF (2014), indicates 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 unmistakable 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 decentralisation 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:

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

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

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

The development proposal is therefore deemed consistent with the PSDF.

2.3 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.

In terms of the built environment policy of the WCDSDF, 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.

A second dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. It could therefore be argued that the proposal is consistent with the spatial planning policies of the WCDSDF, 2020.

2.4 Municipal Spatial Development Framework (SDF), 2025

The subject property is situated in land use proposal zone A as indicated on the land use proposal map of Malmesbury. Please refer to the extract below. Zone A is described in the MSDF, 2025 as an area with 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. Although it is specifically mentioned that densification is allowed for in the transition areas next to the commercial and industrial areas and along the activity streets, low to medium density residential use is supported in this area.



Medium density Residential uses are defined as: *Residential densities of up to 20 to 50 units per hectare within the Residential Zones 2 and 3, General Residential Zones 1 and 2* can be accommodated within these zones.*

The proposal is deemed consistent with the MSDF, 2025 as it will result in an increase in density of units per Ha, which is supported. The proposal also provides different housing types to allow for integration and spatial justice. It is also recognised that the proposal supports Objective 1 and 4 of the MSDF.

Objective 1: Grow economic prosperity and facilitate economic sector growth and

Objective 4: Protect and grow place identity and cultural integrity

The proposal is therefore deemed consistent with the land use proposals of the MSDF, 2025.

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

The proposal is consistent with the parameters of the development management scheme.

3. Desirability of the proposed utilisation

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

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

The proposal is spatially resilient, as it proposes housing options that are more affordable.

The proposal does not detract from the character of the area, and it may be argued that it will contribute to the overall sense of place.

The proposed second dwelling (double dwelling house) will have a positive economic impact, as it generates income for both the landowner, municipality (through rates and taxes) and tourism, through the spending of the new residents / visitors to 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 or heritage assets.

Access to the property is obtained directly from Brahmaan Street which is a municipal street. The impact of the proposal on traffic in the area will be minimal and sufficient on-site parking is provided.

The development proposal is 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 applicable tariffs. The comments from the department Civil Engineering are noted as being positive with no issues regarding lack of capacity to accommodate the proposal.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A.

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

N/A

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

N/A

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

N/A

PART L: RECOMMENDATION WITH CONDITIONS

The application for consent use on Erf 9363, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions:

1. **TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use authorises a double dwelling house, as presented in the application;
- (b) The double dwelling adheres to the applicable development parameters;

- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

2. WATER

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

3. SEWERAGE

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

4. DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R 12 263,60 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 development charge towards bulk water reticulation amounts to R6 888,50 and is payable by the owner/developer 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 development charge towards sewerage amounts to R 4 283,75 and is payable by the owner/developer 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 development charge towards wastewater treatment amounts to R 4 643,70 and is for the account of the owner/developer 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 9/240-183-9210);
- (e) The development charge towards streets amounts to R 13 413,60 and is payable by the owner/developer 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 9/249-188-9210);
- (f) The development charge towards electricity amounts to R 4 989,61 and is payable by the owner/developer 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 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) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost 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 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.
- (d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued 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.
- (e) 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.

PART M: REASONS FOR RECOMMENDATION

1. The proposed second dwelling is a residential use and is therefore consistent with the proposals of the MSDF.
2. A double dwelling is accommodated as a consent use under Residential Zone 1 of the Development management scheme and there are no restrictions registered against the title deed of the property prohibiting the proposal.
3. The development proposal supports the optimal utilisation of the property.
4. The second dwelling provides in a need for a larger variety of housing opportunities to the wider population.
5. The development proposal will not negatively impact on the character of the Tafelzicht neighbourhood or the larger Malmesbury.
6. The proposal optimises the use of existing municipal engineering services
7. The development will not have a significant impact on traffic volumes or safety, and with sufficient on-site parking being provided the proposed access from Brahmaan Street is deemed safe and appropriate for a residential use.



PART N: ANNEXURES

Annexure A	Locality plan
Annexure B	Proposed building plan
Annexure C	Public participation plan
Annexure D	Objection from H.J. and T.E. Kok
Annexure E	Applicants comments on the objections
Annexure F	Photos

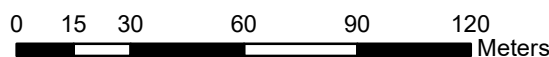
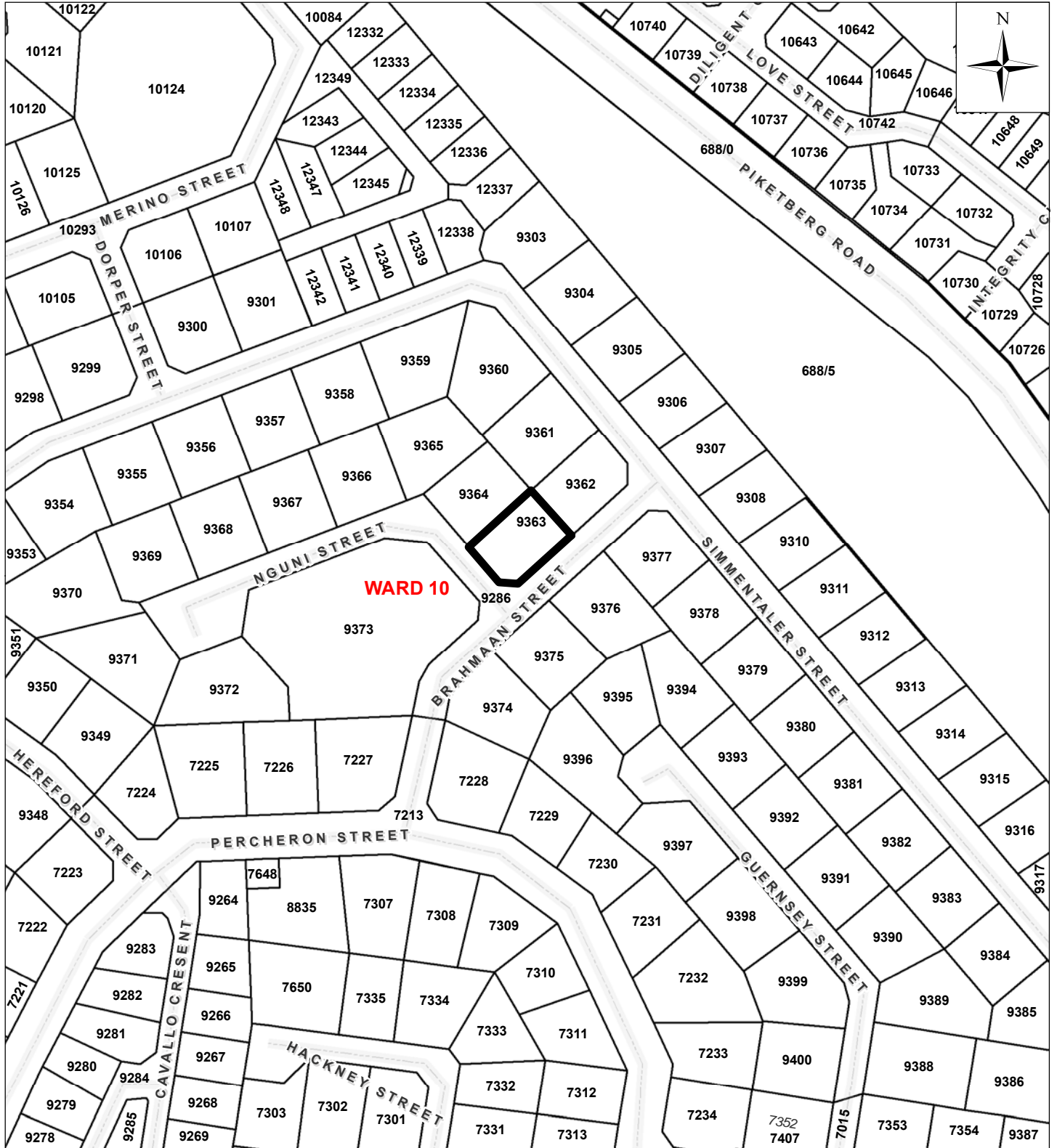
PART O: APPLICANT DETAILS

First name(s)	CK Rumboll and Partners			
Registered owner(s)	Basson Eiendomme Beleggings PTY Ltd.	Is the applicant authorised to submit this application:	Y	N

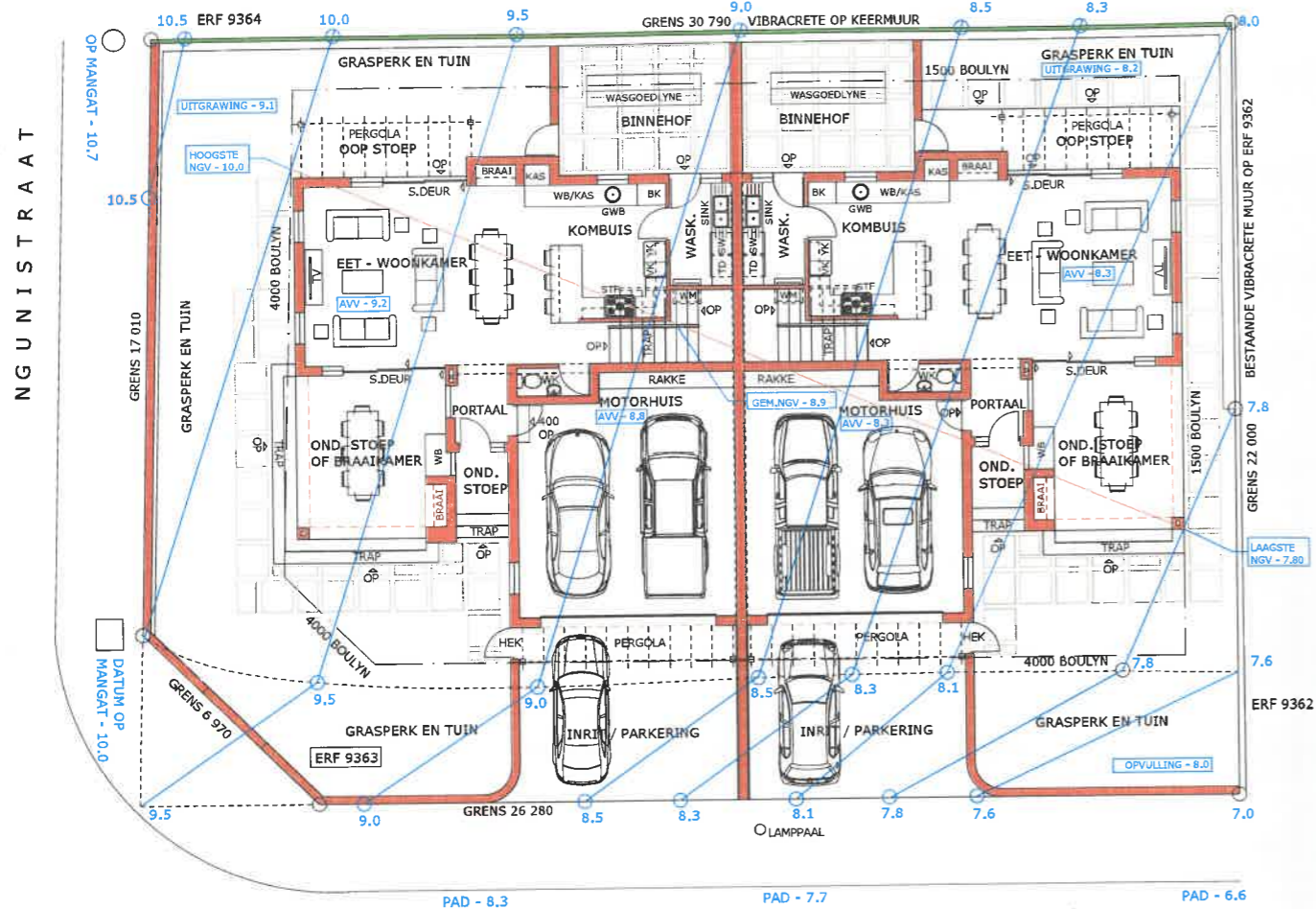
PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010			Date: 27 February 2026	
Recommendation: Alwyn Zaayman Senior Manager: Development management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
			Date: 2 March 2026	

LOCATION PLAN PROPOSED CONSENT USE ON ERF 9363, MALMESBURY



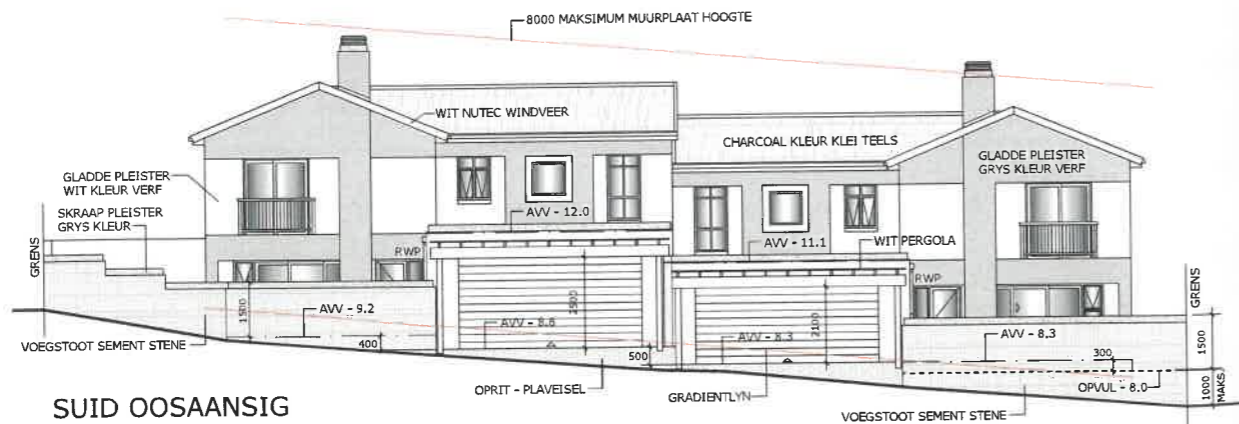
KOPIEREG WORD VOORBEHOU.
 GESKREWE MATES GENIET VOORKEUR
 BO GESKAALDE MATES.
 KONTROLEER ALLE MATES EN HOOGTES
 OP TERREIN VOOR WERK BEGIN.



GROND - EN TERRENPLAN BRAHMAANSTRAAT

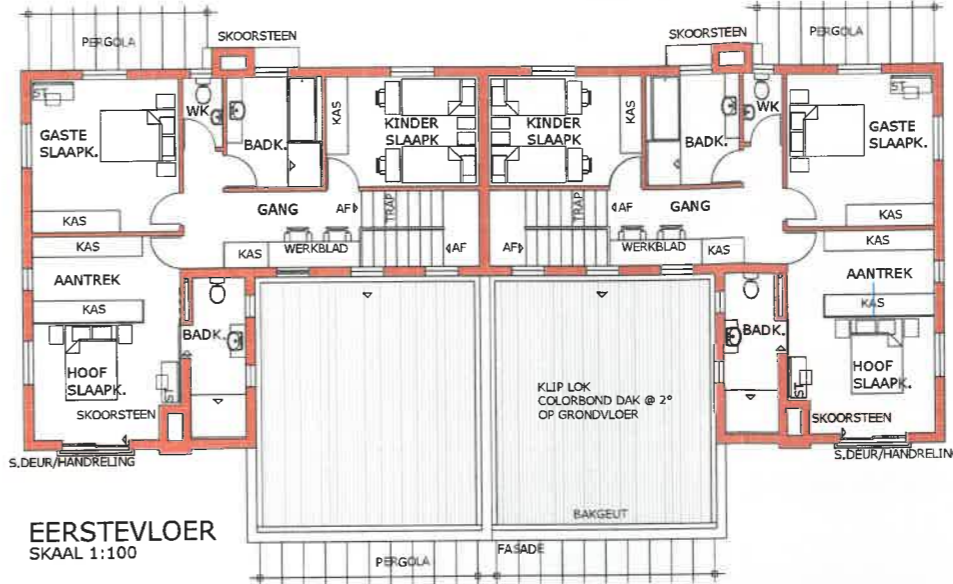
SKAAL 1:100

BUIE OPPERVLAK PER WONING	
GRONDVLOER	- 79 M ²
WONING	- 24 M ²
ONDERDAK STOEP	- 46 M ²
MOTORHUIS	- 149 M ²
TOTAAL	- 198 M ²
EERSTEVLOER (BALKON INGESLUIT)	- 102 M ²
TOTAAL	- 251 M ²

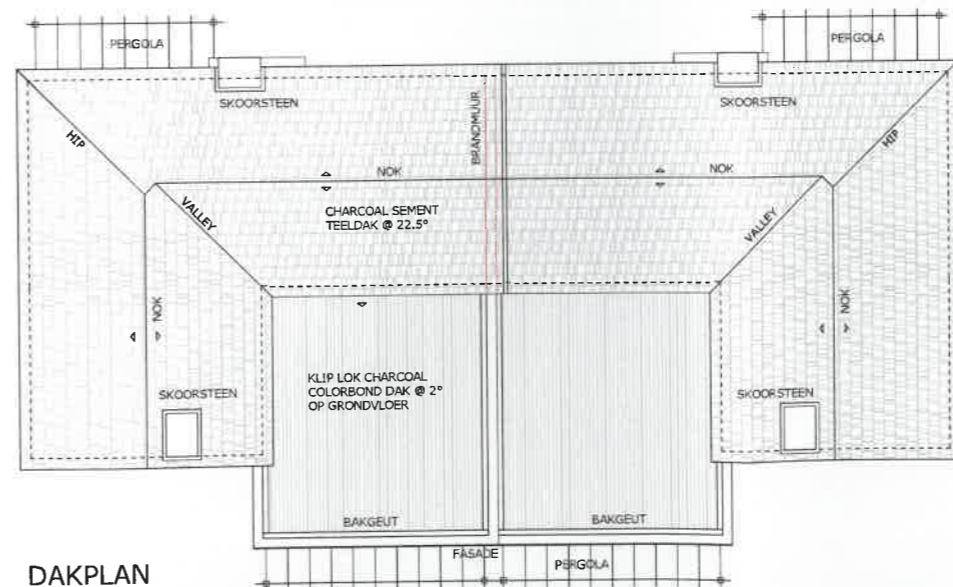


SUID OOSAANSIG

SKAAL 1:100
 WIT POWDER COAT ALUMINIUM VENSTERS EN DEURE



EERSTEVLOER
 SKAAL 1:100



DAKPLAN
 SKAAL 1:100
 300 WYD OORHANGE OP STAANDAKKE

Eienaars handtekening

ANTON DE KLERK
 PROFESSIONELE SENIOR
 ARCHITECTEKOONDOOR
 EN BOUWCONSULTANT

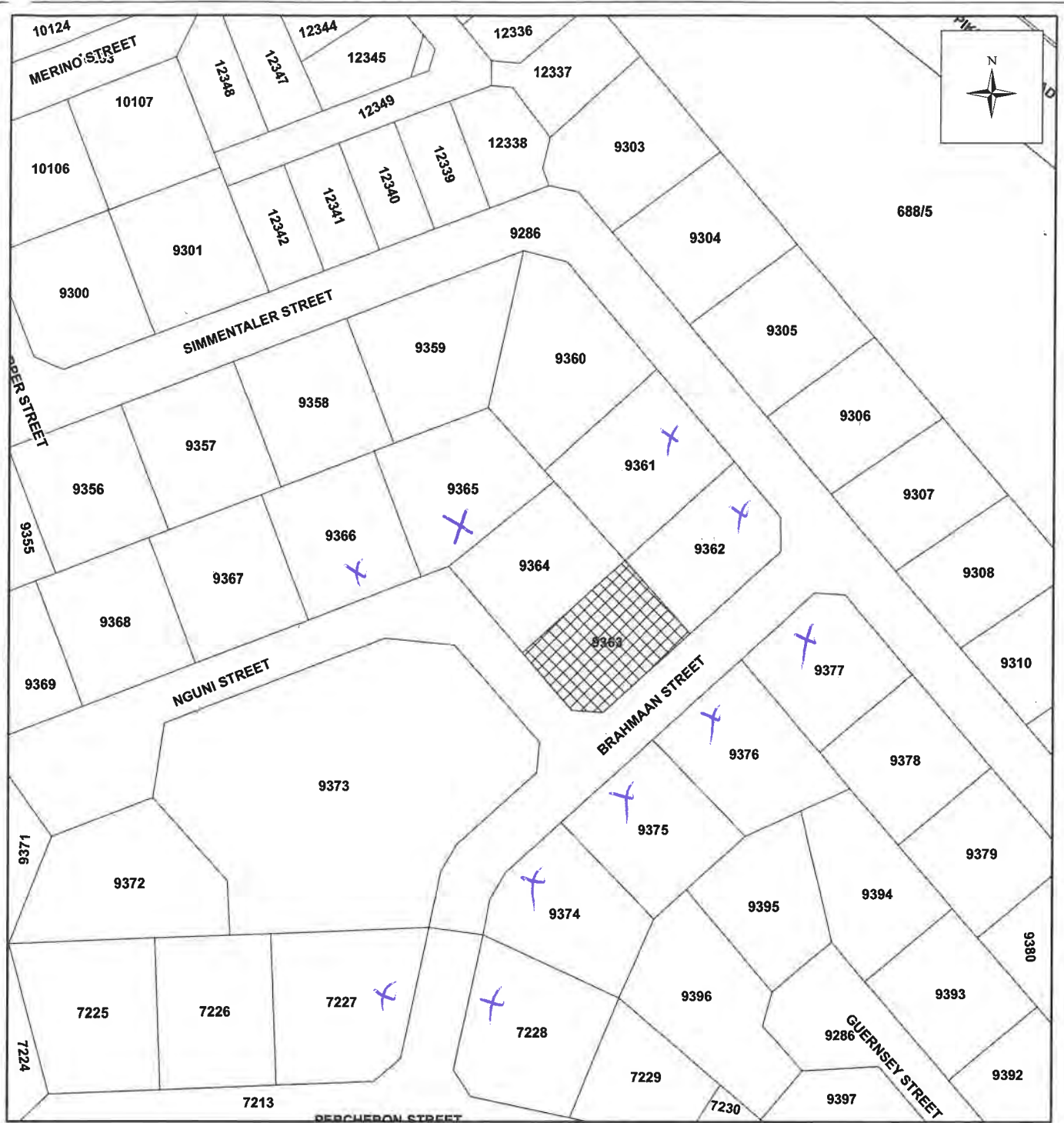
Antoni 982 483 5418
 Tiaan 982 382 2348
 Moomansstraat 9 Tel: 022 433 3303
 62246 Faxe: 086 657 1506
 Moomansburg
 7310
 E-Pos: anton@antondeklerk.com

projek
 nuwe dubbel woning vir
 T Basson
 op erf 9363
 Brahmaanstraat
 Malmesbury

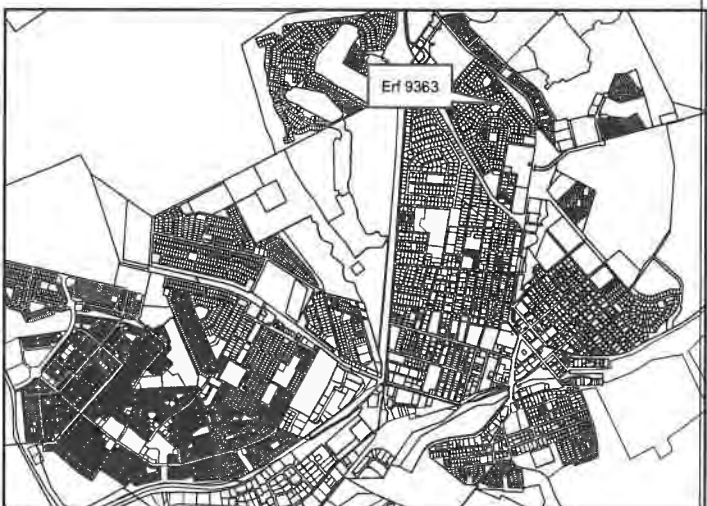
tek titel
 sketsplan 3

skaal datum getek
 getoon 07/11/25 Anton
 de Klerk

Tek no. 2511 0000
 hierdie A1 vel alleen



Voorgestelde vergunningsgebruik
Erf 9363, Malmesbury
Publieke deelname
Skaal: NVT



HJ en TE Kok
8 Brahmaanstraat
Malmesbury
7300
23 Januarie 2026

Die Munisipale Bestuurder
Privaatsak X52
Malmesbury
7299

VOORGESTELDE VERGUNNINGSGBRUIK OP ERF 9363, MALMESBURY

Ons verwys na skrywe van 2 Desember 2025, ontvang 12 Januarie 2026.

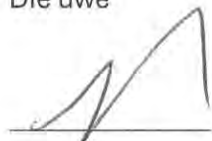
Ons is die eienaars van erf 9376. Ons wil net van die begin af noem dat julle skrywe verskil tussen Afrikaans en Engels. Die Engelse weergawe verwys na 'n winkel wat oopgemaak wil word.

Ons wil ook noem dat ons nie gekant is teen ontwikkeling in Malmesbury nie, solank dit net regverdig en konsekwent toegepas word. Brahmaanstraat is 'n redelike kort straat wat ook redelik besig is. Die voorgestelde plan wys daarop dat daar dus twee stopstrate en vyf ingange gaan wees in ongeveer 50 meter. Dit sal die straat meer besig maak en ook baie gevaarlik. Dit sal ook beteken dat die karakter van die area verander sal word. Ons weet daar is soortgelyke eiendomme in Tafelzicht 3, maar geen in Tafelzicht 2 nie. Ongeag hoe mens daarna kyk, maak dit inbreek op die ander eiendomme in die omgewing. Dit gee 'n gevoel van groepsbehuising wat nie billik sal wees nie.

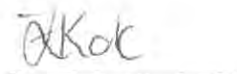
Dit is dus ons mening dat die voorgestelde plan nie gaan werk nie, en dat dit nie in die beste belang van die ander eienaars is nie. Ons ondersteun dus nie die voorgestelde vergunningsgebruik nie.

Ons voorkeurwyse vir kommunikasie is per epos – hendri@sfd.co.za

Die uwe



H.J. Kok



T.E. Kok

The application for consent use for a shop on Erf 9363, Malmesbury, in terms of section 25(2)(o) of Swartland Municipality : Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. A double dwelling is one architectural unit that contains two residential units.

Notice is hereby given in terms of section 56(2) 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 23 January 2026 at 15:45, 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 to transcribe the comments.

Die uwe/Yours faithfully



**MUNISIPALE BESTUURDER/
MUNICIPAL MANAGER**

per Departement Ontwikkelingsdienste
Ivia Department Development Services

/ds

Afskrif : Raadslid T van Essen

Raadsheer J.H. Cleophas

CK RUMBOLL & VENNOTE / PARTNERS



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

DATE: **30 January 2026**

OUR REF: **MAL/14940/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 9363, MALMESBURY

Your letter dated 28 January 2026 refers (see annexure A attached). Please find attached our comments to objections.

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

- H J & TE Kok

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

Objector	Objection	Comment from CK Rumboll & Partners
H J & TE Kok	<p>1. We are the owners of Erf 9376. From the outset, we would like to note that your correspondence differs between the Afrikaans and English versions. The English version refers to a shop that is intended to be opened.</p>	<p>1. Noted. It should refer to a consent use for a double dwelling house.</p>
	<p>2. We would also like to state that we are not opposed to development in Malmesbury, as long as it is applied fairly and consistently. Brahmaan Street is a relatively short street that is also fairly busy. The proposed plan indicates that there will therefore be two stop streets and five access points within approximately 50 metres. This will make the street busier and also very dangerous.</p>	<p>2. Noted. It is not anticipated that the proposal to accommodate a double dwelling house, as opposed to a single dwelling unit, will result in a significant increase in traffic volumes or pose a safety concern. Residential land uses generate the lowest traffic impact of all development types. Furthermore, as all properties along Brahmaan Street obtain access from this street, the addition of one extra dwelling unit is not expected to have a material impact on traffic conditions or road safety.</p>
	<p>3. This will also mean that the character of the area will change. We are aware that there are similar properties in Tafelzicht 3, but none in Tafelzicht 2. Regardless of how one looks at it, it encroaches on the other properties in the area. It creates a feeling of group housing, which will not be beneficial.</p>	<p>3. A double dwelling house is a recognised and commonly applied residential land-use right in urban areas. The proposed development remains compatible with the residential character of the area in terms of scale, use, and function. Furthermore, these types of developments are encouraged by the Swartland SDF as follow:</p> <ul style="list-style-type: none"> • Increase density by 2027 from the current 10.8 units per hectare to 18 units per hectare in Malmesbury. • Develop areas according to available infrastructure capacity. • Support densification in Malmesbury, Wesbank and Abbotsdale through: <ul style="list-style-type: none"> - Infill development (in close proximity to job opportunities & social infrastructure (spatial justice)); • Other forms of medium and higher

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

		density residential neighbourhood developments. The proposal will therefore still be in line with the existing character of the area and in line with the Swartland SDF.
	4. It is therefore our opinion that the proposed plan will not work and that it is not in the best interests of the other owners. We therefore do not support the proposed consent use.	4. The proposal balances the property owner's development rights with surrounding landowners' interests. Given its residential nature, limited scale, and compliance with the Swartland SDF for the area, no undue negative impacts are anticipated.

In conclusion, the proposed consent use to accommodate a double dwelling house is considered acceptable from a planning perspective. The development is residential in nature, will not result in a significant increase in traffic or safety concerns, and remains compatible with the existing character of the area. The proposal is therefore not expected to negatively impact surrounding properties.

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.

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ANNEXURE F







20 February 2026

15/3/10-8/Erf 8097

WYK: 11

ITEM 6.3 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 11 March 2026

LAND USE PLANNING REPORT PROPOSED CONSENT USE ON ERF 8097, MALMESBURY					
Reference number	15/3/10-8/Erf 8097	Application submission date	30 October 2025	Date report finalised	25 February 2026

PART A: APPLICATION DESCRIPTION

Application for consent use on Erf 8097, Malmesbury, 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 operate a house shop from an addition to the existing dwelling on the property.

The property owner is G. Swarts and the applicant is M. Coetzee.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	ERF 8097 MALMESBURY, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Wes-Kaap				
Physical address	167 Alfa Street		Town	Malmesbury	
Current zoning	Residential Zone 2	Extent (m ² /ha)	183m ²	Are there existing buildings on the property?	<input type="checkbox"/> Y <input type="checkbox"/> N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)				
Current land use	Dwelling		Title Deed number & date	T9385/2003	
Any restrictive title conditions applicable	<input type="checkbox"/> Y	<input type="checkbox"/> N	If Yes, list condition number(s)		
Any third party conditions applicable?	<input type="checkbox"/> Y	<input type="checkbox"/> N	If Yes, specify		
Any unauthorised land use/building work	<input type="checkbox"/> Y	<input type="checkbox"/> N	If Yes, explain		

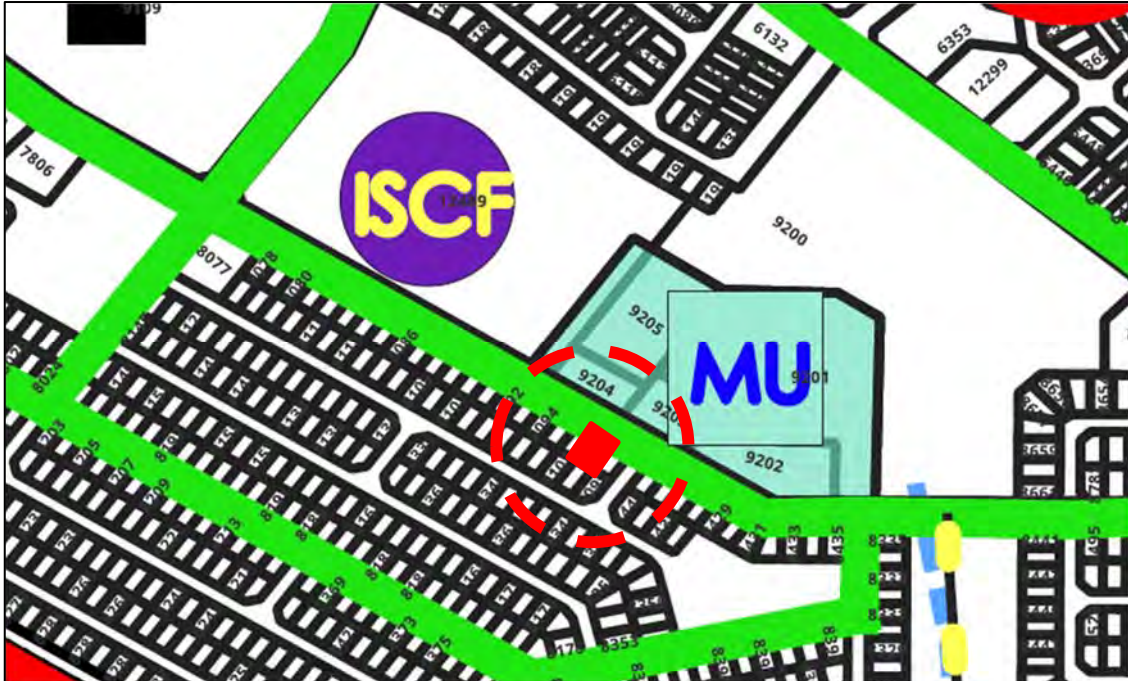
PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input type="checkbox"/>	Permanent departure	<input type="checkbox"/>	Temporary departure	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Extension of the validity period of an approval	<input type="checkbox"/>	Approval of an overlay zone	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Removal, suspension or amendment of restrictive conditions	<input type="checkbox"/>
Permissions in terms of the zoning scheme	<input type="checkbox"/>	Amendment, deletion or imposition of conditions in respect of existing approval	<input type="checkbox"/>	Amendment or cancellation of an approved subdivision plan	<input type="checkbox"/>	Permission in terms of a condition of approval	<input type="checkbox"/>
Determination of zoning	<input type="checkbox"/>	Closure of public place	<input type="checkbox"/>	Consent use	<input checked="" type="checkbox"/>	Occasional use	<input type="checkbox"/>

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	
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PART D: BACKGROUND

Erf 8097 is a Residential Zone 2 erf of 183m² in extent, located on Alfa Street, in the south-western portion of Malmesbury. The Municipal Spatial Development Framework (2025) identifies Alfa Street as an activity street and the area is characterised by established residential development - comprising of various densities - a mixed use node and an integrated community and sport facility.



SDF Map (2025)



Locality and Zoning Map

The applicant intends to develop a house shop on a portion of the property, which already contains a dwelling unit.

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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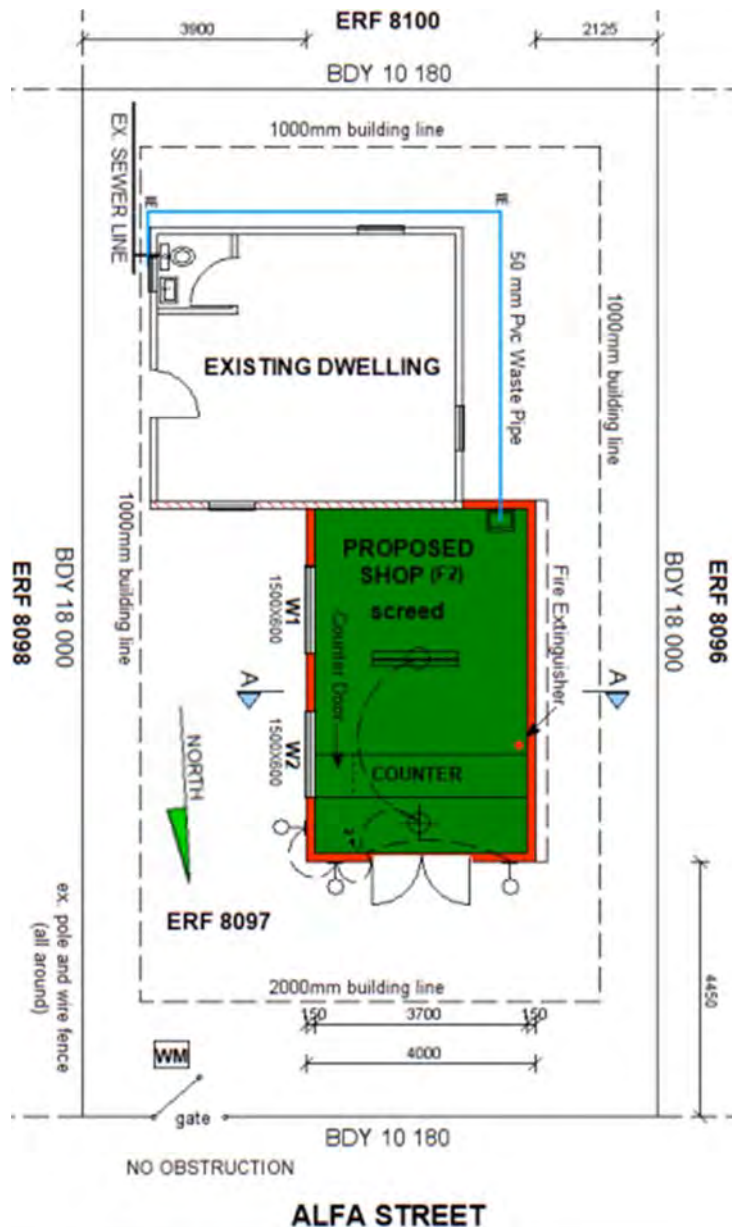
PART F: SUMMARY OF APPLICANT’S MOTIVATION

Erf 8097 is located in Area N of Malmesbury, as identified by the Spatial Development Framework (2025). The area allows for residential development of various densities, social amenities, a business premises, a community and sport facility and open space. Erf 8097 is located directly across the road from the mixed use node, on Alfa Street, an activity street.

The application property is 183m² in extent and zoned Residential Zone 2. A house shop is a permissible consent use within the zoning category. Section 1.2.7.(a) of Schedule 2 of the By-Law states:

“...The extent and position of the retail component must be clearly defined on a plan, and shall not exceed 25m² or 50% of total floor space (excluding any toilet, change room and storeroom), whichever is the lesser area...”

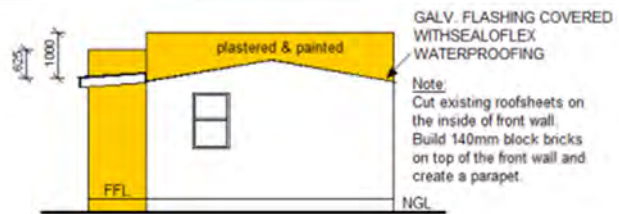
The erf is developed with an existing dwelling. The house shop is proposed to be contained in a portion (26m² in extent) of the dwelling, consisting of the shop and an area for storage. A separate portion of the existing dwelling is made available as living quarters for the shop operator.





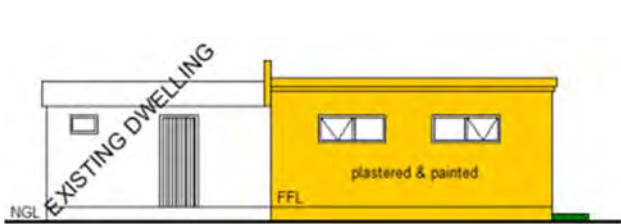
NORTH ELEVATION

1: 100

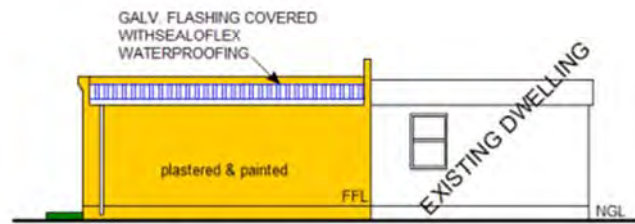


SOUTH ELEVATION

1: 100



EAST ELEVATION



WEST ELEVATION

The existing dwelling is 27m² in extent and the house shop is proposed to encompass 24,8m². The house shop will provide in the need for basic groceries, such as bread, sweets, vegetables, beverages, canned goods and miscellaneous household products in small quantities.

Area N is located several kilometres from the Malmesbury CBD. The house shop is intended to promote convenience for the local community through shortened travel distances and eliminating the need to reach the CBD for obtaining essential goods.

The house shop is not yet in operation.

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 19 affected property owners were identified by the Municipality (please refer to Annexure C for the public participation map). The applicant obtained written consent for operating a house shop on Erf 8097 from 12 of the identified individuals and 7 written notices were delivered by hand (through Law Enforcement) to the affected property owners who were not reached, in terms of Section 56(1) & (2) of the By-Law.

The commenting period for or against the application commenced on 10 November 2025 and concluded on 10 December 2025 for the general public and on 10 January 2026 for external bodies, such as West Coast District Municipality.

Two objections were received against the proposal. The applicant was afforded 30 days to respond to the comments and objections received. The response to comments was provided to the Municipality on 30 January 2026 (please refer to Annexure F for the response to comments).

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
Total letters of support	0				
	The application was circulated to the Ward Councillor G.E. White, but no comments were forthcoming				

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS			Recommendation	
Name	Date received	Summary of comments	Pos	Neg
Department: Civil Engineering Services	4 Nov 2025	<u>Water:</u> 1. Die bestaande wateraansluiting gebruik word en dat geen addisionele aansluitings voorsien word nie; <u>Riolering:</u> 1. Die bestaande wateraansluiting gebruik word en dat geen bykomende aansluitings voorsien word nie; <u>Strate en stormwater:</u> 1. Aflewering beperk word tot ligte afleweringvoertuie, wat nie 16 000kg oorskry nie; <u>Vullisverwydering:</u> 1. 'n Basiese vullisverwyderingstarief vir die woning sowel as die besigheid gehef word, wat in die geval van die besigheid aangepas sal word volgens die hoeveelheid vullis verwyder . 2. Vullis op die ooggend van verwydering op die naaste munisipale sypaadjie in vullissakke geplaas word.	✓	
Building	11 Nov 2025	Building plans to be submitted to Building Control for consideration and approval	✓	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		
SUMMARY OF OBJECTION	SUMMARY OF APPLICANT'S RESPONSE	MUNICIPAL ASSESSMENT OF COMMENTS
<p>E Erasmus Erf 8098 (Annexure D)</p> <p>1. Safety and security of surrounding residents will be compromised. The objector demands that a vibracrete wall be constructed by the applicant between Erf 8097 and Erf 8098.</p> <p>2. The objector is opposed to the sale of alcohol from the property.</p>	<p>1. There is no empirical evidence that house shops increase crime levels. Increased daytime activity may contribute positively to passive surveillance and neighbourhood safety.</p> <p>The request for the applicant to construct a boundary wall between Erf 8097 and Erf 8098 is not a lawful land use requirement and falls outside the scope of a consent use application. Shared boundaries remain the responsibility of the concerned property owners and must comply with normal building regulations.</p> <p>2. The applicant unequivocally that no alcohol will be sold from the property.</p>	<p>1. The claim by the objector is unsubstantiated conjecture. Furthermore, the demand for the construction of a boundary wall by the applicant, is not considered reasonable or applicable to the consent use application. The treatment of a shared boundary is a civil matter between the applicable neighbours.</p> <p>2. The application is for a house shop, not a house tavern. The conditions of approval will specifically restrict the sale of alcohol on or from the property.</p>
<p>N Boonzaaier Erf 8095 (Annexure E)</p> <p>3. The objector is concerned about the potential bad behaviour, littering and vandalism by customers of the shop.</p> <p>4. Customers of house shops loiter on the properties and in the streets in front of the shops.</p> <p>5. There are already shops in the area.</p>	<p>3. The proposed house shop will be owner-operated, ensuring continuous supervision and immediate response to any inappropriate behaviour.</p> <p>4. The proposed development constitutes a small scale house shop which by definition operates as a low-intensity, neighbourhood-serving activity. The operating hours of the shop will be limited and will not be for gathering or a social venue.</p> <p>5. The proposal aligns with the intent of municipal planning policy which supports small-scale, home-based economic activity, local convenience services within walking distance and socio-economic upliftment.</p>	<p>3. Customers of the house shop will remain subject to any legislation applicable to acceptable public behaviour. The conditions of approval will also manage sound systems, refuse removal and the responsibilities of the owner to maintain order on the erf.</p> <p>The street and sidewalk are public spaces and any nuisances or criminal behaviour must be reported to and managed by the SAPS.</p> <p>4. The conditions of approval will stipulate that loitering will not be tolerated on the property. The condition will provide the Municipality with a legal foothold to assist with enforcement, should the condition of no loitering be contravened</p> <p>5. The owner acts within the right to apply for the land use of operating a house shop on a residential erf. The creation of competition between similar businesses is considered a stimulant for healthy economic growth in a free market system.</p>

PART J: MUNICIPAL PLANNING EVALUATION

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

Application for a consent use on Erf 8097, Malmesbury was submitted in terms of Section 25(2)(o) of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

The property owner requested and obtained consent for operating a house shop on Erf 8097 from 12 property owners in the affected area and 7 written notices were delivered by hand to the identified property owners who could not be reached otherwise. The 30 days commenting period concluded on 10 December 2025 for the public and on 10 January 2026 for external bodies.

Two objections were received and forwarded to the applicant to respond. The applicant was afforded 30 days to respond to the objections and the response was received on 28 January 2026.

The property owner is G. Swarts and the applicant is M. Coetzee.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA (Act 3 of 2014)(LUPA)

- a) Spatial Justice: Granting the land use of a house shop on the property, will facilitate optimal utilisation of the erf, making economic opportunities available to the owner and providing a service to a previously disadvantaged community.

All the relevant facts and considerations surrounding the application have been taken into account during the decision-making process. Therefore, the application may be deemed consistent with spatial justice.

- b) Spatial Sustainability: The proposed consent use will enable the owner to develop the property to its full potential and the spatially more compact and resource efficient utilisation of the property.
- c) Efficiency: The proposal ensures the optimisation of resources, through the practise of a wider variety of land uses on a residential property. The house shop will make retail opportunities and convenience available to the population of the area on a small scale.

The application property is of sufficient size to accommodate both the dwelling unit and the house shop, should one or both be developed to its maximum capacity. The development approach is thus seen as holistic and integrated and deemed spatially efficient.

- d) Good Administration: The applicant obtained written consent from affected property owners and written notices were hand-delivered to other affected parties. The application was also circulated to the relevant municipal departments and West Coast District Municipality for comment. Consideration was given to all correspondence received. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) Spatial Resilience: The portion of the dwelling used as the house shop and living quarters was previously a garage and no structural changes are proposed to the dwelling. The existing accesses to the property will be used. The house and property can easily be converted back into a residence and the proposal is thus considered spatially resilient.

2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF 2023)

IDP Goal 2 for Ward 11 (Malmesbury) is to support the local economy through certain strategies, including supporting entrepreneurship and promoting local businesses.

The proposed development will contribute to the local economy, both directly and indirectly and is thus considered consistent with the IDP.

Erf 8097 is situated on an activity corridor, in area N of Malmesbury, as indicated by the SDF. This area is a mixed use node comprised of high density residential development, business, sport, authority uses and open space, supporting services and infrastructure. The expansion of business and other related mixed land uses are supported in this zone, as well as house shops as secondary business ventures.

2.3 Land Use Planning By-Law: Schedule 2

The Zoning Scheme, contained as Schedule 2 of the By-Law, makes provision for house shops as a consent use within the Residential Zone 2 zoning.

The house shop will adhere to the development parameters of a Residential Zone 2 property, as well as the specific requirements for house shops, as stipulated in the scheme. The departure from the side and rear building lines was previously approved upon construction of the dwelling.

3. Desirability of the proposed utilisation

The house shop is not in operation yet and the application is aimed at obtaining the relevant land use rights to enable the shop to be developed legally. There are no physical restrictions on the property that will have a negative impact on this application.

The area is characterised as a mixed use node and high density residential erven. The application property is located in Alfa Street, which is an activity street, directly across the road from the community and sport centre and open space. The erf is thus highly accessible and ideally located for the purpose of operating the proposed house shop from a portion of the property.

The living quarters are located on the existing, southern, rear portion of the erf, with the house shop proposed as an addition to the northern façade of the dwelling. The shop and house will be accessed directly from Alfa street. The shop will operate separately from the dwelling and will not impair future development on the erf. The existing dwelling and the proposed house shop will adhere to the development parameters of Residential Zone 2. The conditions of approval will furthermore require that all unauthorised structures be demolished and that building plans be submitted for the construction of the house shop. As such, the development of the house shop will provide an opportunity to improve both the functionality, legality and aesthetics of the property.

Vehicular access to the property is unobstructed and small delivery vehicles are not foreseen to cause traffic safety issues. The size of the delivery vehicles will be restricted to a mass appropriate to a residential area and the residential street capacity, through imposing conditions of approval.



The application is evaluated on the grounds of the information submitted, which adheres to the By-Law, but enforcing and policing the actual operation of the house shop will take place after the land use approval, by means of the conditions of approval.

The municipal building inspector will complete and inspection of the building works, prior to granting occupation, to ensure that the shop is consistent with the proposal. Should the shop in reality deviate from the approved plans, the owner/developer may be ordered to demolish the offending portions or close down the shop or be subject to further administrative actions.

Another crucial aspect of the house shop will be the inspection by the Environmental Health Office and the issue of the required Certificate of Acceptability. Should the house shop and living quarters not comply with the relevant health standards and regulations, the business may also lawfully be closed down.

Taking into account that the house shop is already in operation, the By-Law allows for the determination of a time frame within which all conditions of approval must be adhered to.

In conclusion, the alleged adverse impact of the house shop may be mitigated through the imposition of conditions of approval, such as:

- a) Limiting the retail products sold from the house shop;
- b) Prescribing business hours;
- c) Restricting the use of audio-visual appliances;
- d) Prohibiting loitering on or around the property;
- e) Specifying the building materials/construction of the structure containing the shop;
- f) Requiring adherence to health and safety regulations;
- g) Specifying the time frame for adhering to the conditions of approval.

The property owner and house shop operator are acting within their rights when applying for the house shop. The development proposal is consistent with the land use proposals of the SDF and principles of local, Provincial and National policies.

Erf 8097 is located within a high-traffic (both pedestrian and vehicular), well-established residential area, within the urban edge of Malmesbury, and the proposal will not negatively affect any environmental resources, either biophysically or culturally (heritage). The By-Law requires that the character of the area must be taken into account when considering development proposals and this proposal is not foreseen to have any detrimental impact.

Access to the site as well as on-site parking is available directly from Alfa Street. The proposal will have no additional impact on exiting municipal services and infrastructure and all costs relating to this application are for the account of the applicant.

The development proposal is consistent with the IDP goals for economic development and upliftment and does not negatively affect the rights of the surrounding owners. The issues raised by the objectors may be mitigated by imposing conditions of approval. Aspects outside of the purview of land use, may be addressed through civil interaction of the neighbours, or involving the SAPS and Law Enforcement.

The house shop and living quarters on Erf 8097, Malmesbury, may therefore be considered as desirable in the spatial context.

4. **Impact on municipal engineering services**

The existing engineering services will remain unchanged and no additional impact will be generated by the proposal.

5. **Response by applicant**

None forthcoming.

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

The application for a consent use on Erf 8097, Malmesbury, is approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- a) The consent authorises a house shop restricted to a floor area of 25m² in extent, in accordance with the site plan, dated 1 February 2024, presented in the application;
- b) Building plans, clearly indicating the house shop in relation to the house, as well as any unauthorised structures on the property, be submitted to the Senior Manager: Development Management, for consideration and approval,
- c) Application for an advertising sign be submitted to the Senior Manager: Development Management, for consideration and approval. Only one sign, not exceeding the land unit boundaries with any part of it, be permitted and only indicating the name of the owner, name of the business and nature of the retail trade;
- d) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- e) Application for a Certificate of Acceptability be submitted to the West Coast District Municipality for consideration and approval;
- f) The operating hours of the house shop be restricted to between 6:00 and 21:00 daily;
- g) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- h) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound may be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;
- i) The operation of the house shop may not result in congestion / obstruction along Alfa Street, therefore at least one on-site parking bay be provided in front of the house shop, for customers and deliveries;
- j) No loitering be permitted anywhere on Erf 8097, Malmesbury whether it be inside or outside the buildings on the erf or around any entrance to the erf;
- k) The house shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- l) No more than three persons, including the occupant of the property, are permitted to be engaged in retail activities on the land unit;
- m) Only pre-packaged food products may be sold;
- n) No food preparation be allowed in the house shop;
- o) The following activities not be allowed for sale in the house shop:
 - i. The sale of wine and alcoholic beverages;
 - ii. Storage or sale of gas and gas containers;
 - iii. Vending machines;
 - iv. Video games; and
 - v. Snooker or pool tables;

2. WATER

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

3. SEWERAGE

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

4. STREETS AND STORM WATER

- a) Deliveries to the property be made only by delivery vehicles not exceeding 16 000kg gross vehicle mass.

5. GENERAL

- a) The approval letter from Swartland Municipality be displayed inside the house shop;
- b) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision, no later than 11 June 2026;

- c) Failure to comply with all conditions of approval, obtaining an occupancy certificate and concluding all other necessary processes, will result in legal action to enforce compliance;
- d) An occupancy certificate for building work completed in accordance with the approved building plan for the house shop be obtained within 6 months after the approval of the building plan;
- e) Appeals against the decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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 application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
2. The application complies with the land uses proposed for this area of Malmesbury, as determined by the SDF.
3. This application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP.
4. The development parameters and requirements of the By-Law Zoning Scheme are complied with through imposing conditions of approval.
5. The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood.
6. The additional income generated by the house shop may enable the property owner to expand the dwelling unit in the future, which in turn may improve financial security.
7. The anticipated impact of the house shop on the surrounding community may be mitigated by specific conditions of approval;
8. The number of house shops in the area is foreseen to create healthy economic competition and over time create economically robust businesses;
9. Individuals in the community retain their right to choose which business to frequent and cannot be forced to do business with one shop or another;
10. The house shops in the neighbourhood are largely unauthorised and the applicant seeks to rectify the situation and legalise the land use on Erf 8097;
11. The approval of a consent use may be revoked in future if the use does not comply with the conditions of approval or if the use impacts negatively on its surroundings.

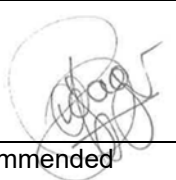
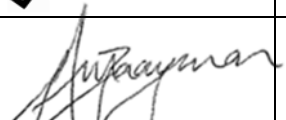
PART N: ANNEXURES

Annexure A	Locality Plan
Annexure B	Site Development Plan
Annexure C	Public participation map
Annexure D	Objection by E. Erasmus
Annexure E	Objection by N. Boonzaaier
Annexure F	Response to comments

PART O: APPLICANT DETAILS

First name(s)	The applicant is M. Coetzee.		
Registered owner(s)	G. Swarts	Is the applicant authorised to submit this application:	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N

PART P: SIGNATURES

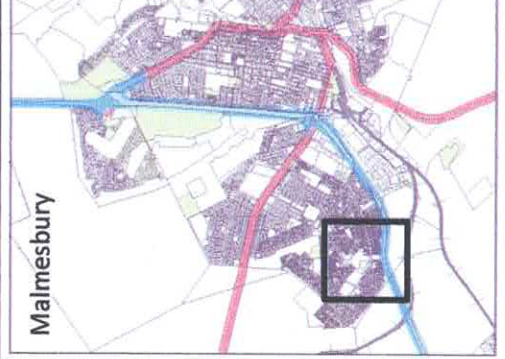
Author details: Annelie de Jager Town Planner A/2203/2015		Date: 25 February 2026
Recommendation: Alwyn Zaayman Senior Manager: Development Management B/8001/2001	Recommended <input checked="" type="checkbox"/>	Not recommended
		Date: 27 February 2026

**ZONING AND LOCALITY
ERF 8097,
MALMESBURY**

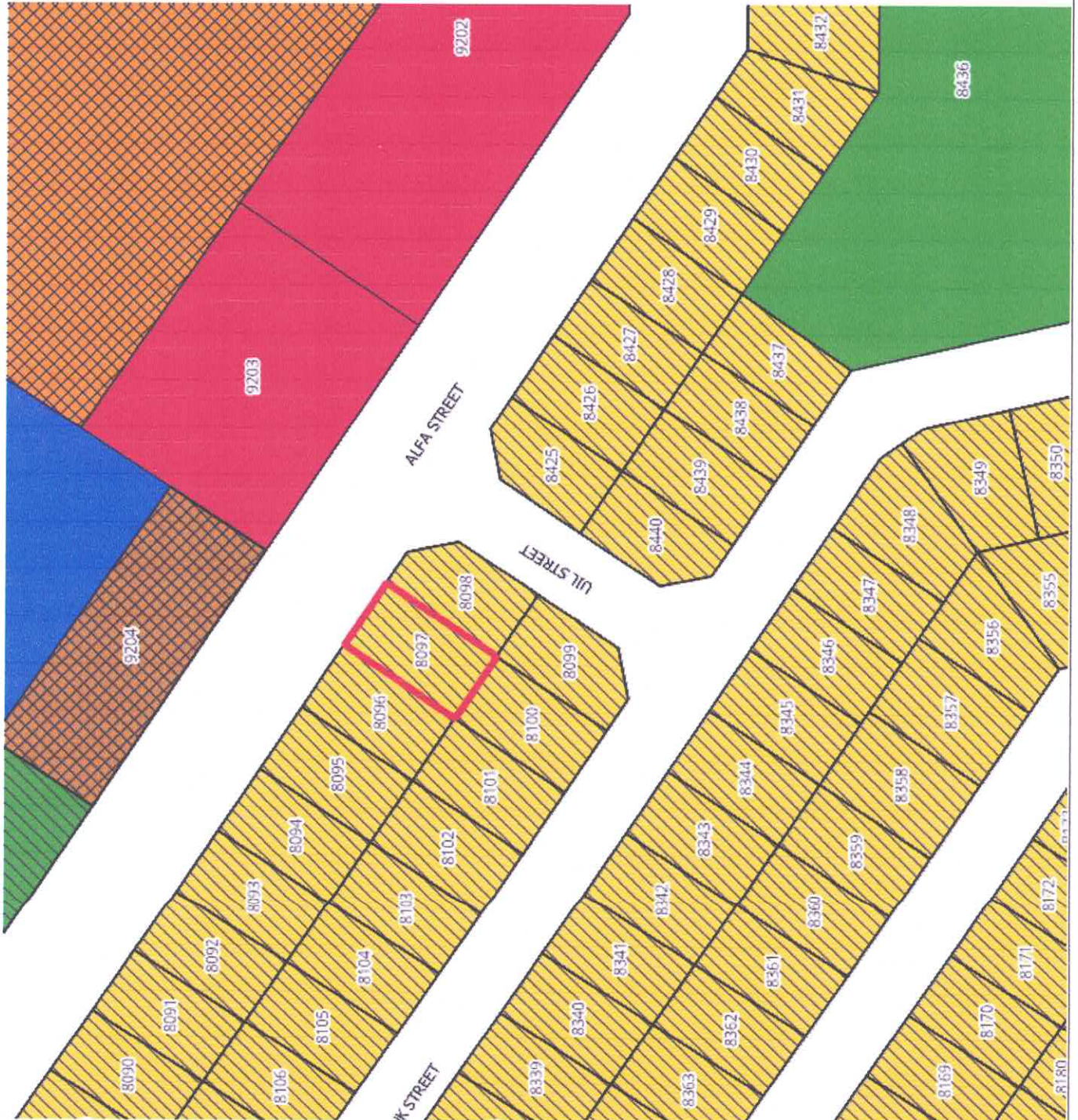
- AUTHORITY ZONE
- BUSINESS ZONE 1
- BUSINESS ZONE 2
- BUSINESS ZONE 3
- COMMUNITY ZONE 1
- COMMUNITY ZONE 2
- COMMUNITY ZONE 3
- GENERAL RESIDENTIAL ZONE 1
- GENERAL RESIDENTIAL ZONE 2
- GENERAL RESIDENTIAL ZONE 3
- INDUSTRIAL ZONE 1
- INDUSTRIAL ZONE 2
- INDUSTRIAL ZONE 3
- OPEN SPACE ZONE 1
- OPEN SPACE ZONE 2
- OPEN SPACE ZONE 3
- OPEN SPACE ZONE 4
- RESIDENTIAL ZONE 1
- RESIDENTIAL ZONE 2
- TRANSPORT ZONE 3

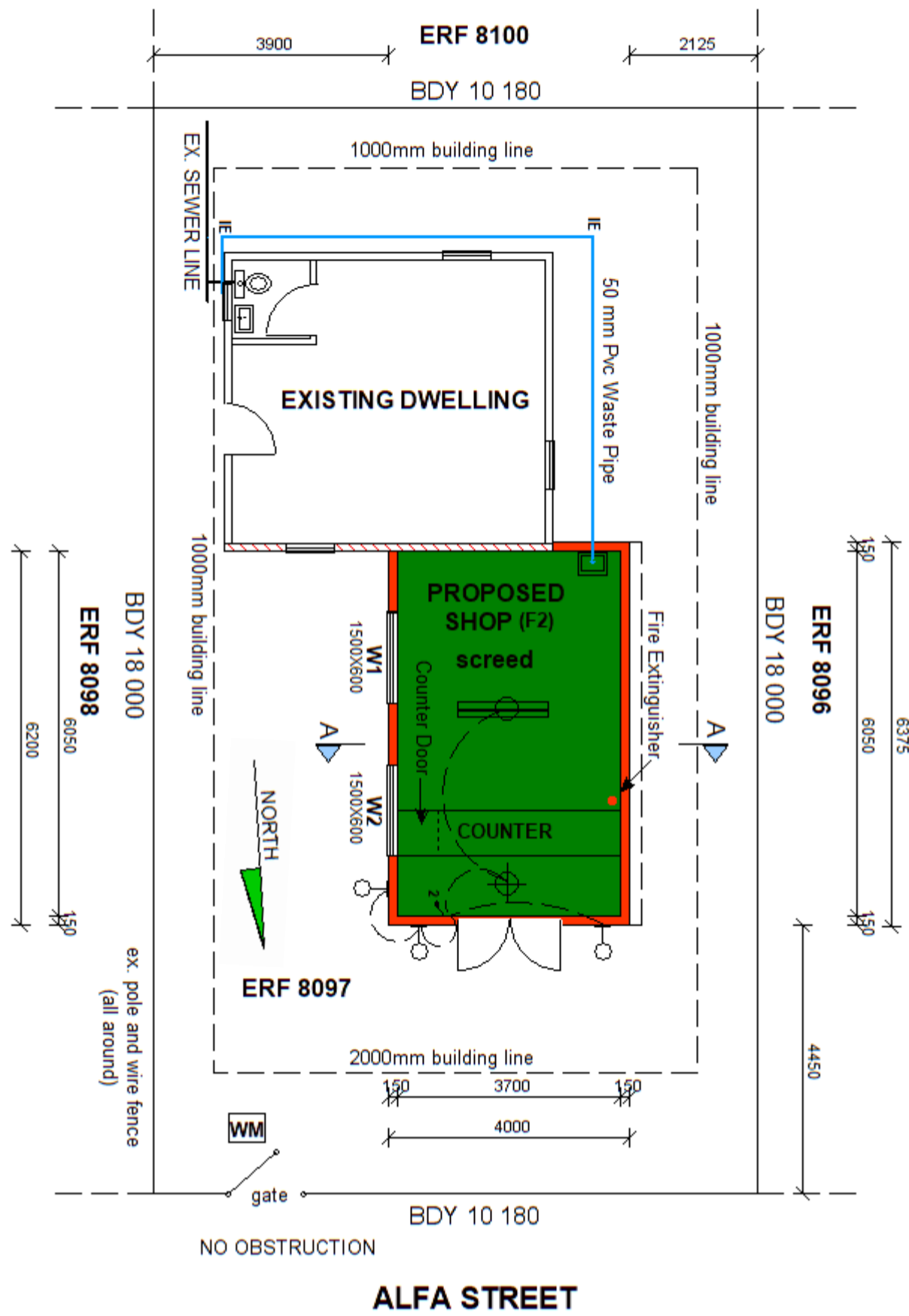


ANNEXURE A



Malmesbury





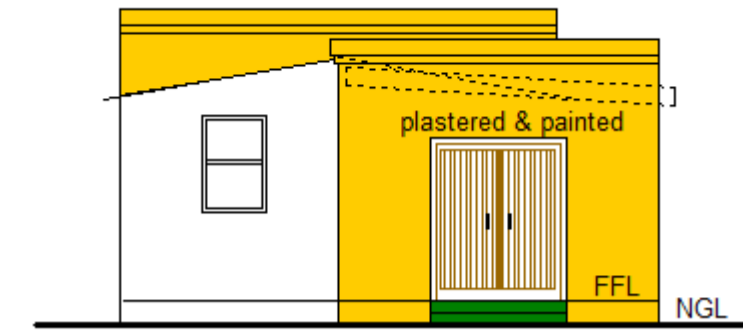
NOTE:
BUILDING INSPECTOR TO EVALUATE BOUNDARY PEGS BEFORE COMMENCEMENT OF BUILDING WORKS.

NOTE:
NO BUILDING WORK TO EXCEED ANY BOUNDARIES

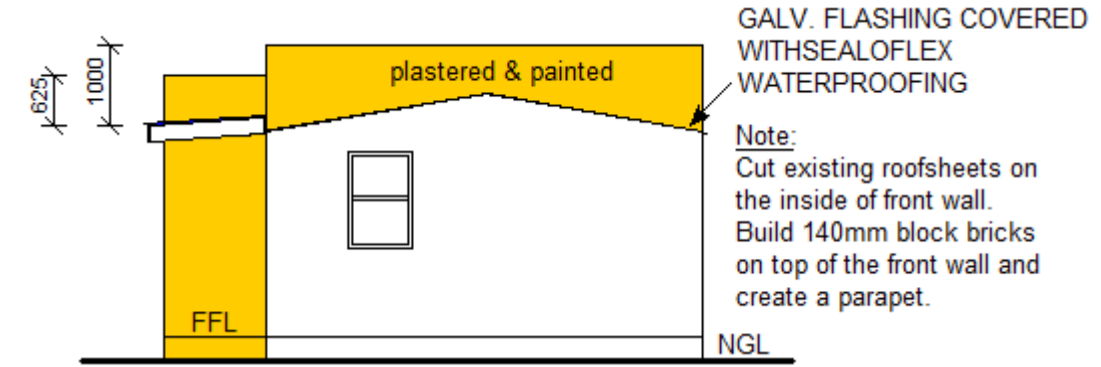
NOTE:
10% AND 5% NATURAL LIGHT AND VENTILATION TO COMPLY TO PART O OF SANS 10400

FENESTRATION CALCULATIONS:

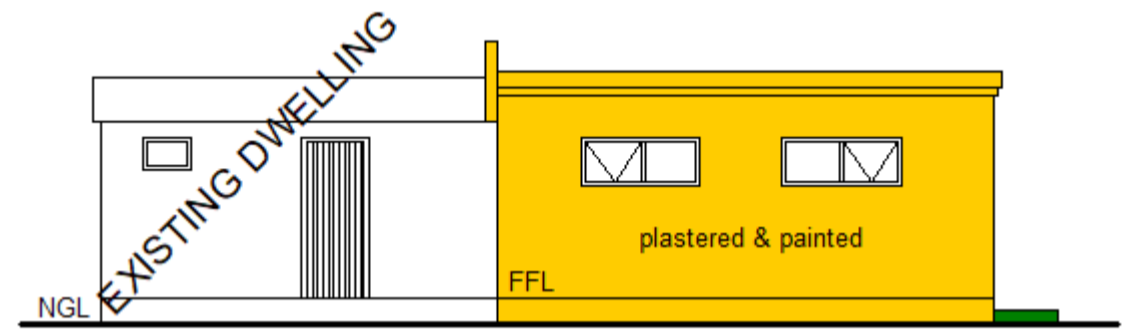
PROP. SHOP FLOOR AREA:	24.8m ²
20% AREA COVERAGE:	4.96m ²
WINDOWS GLAZED AREA:	1.8m ²



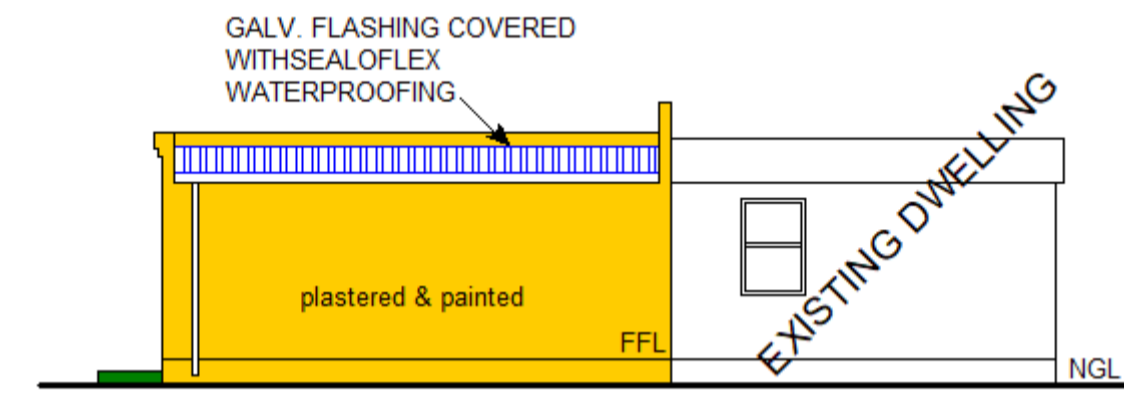
NORTH ELEVATION
1: 100



SOUTH ELEVATION
1: 100

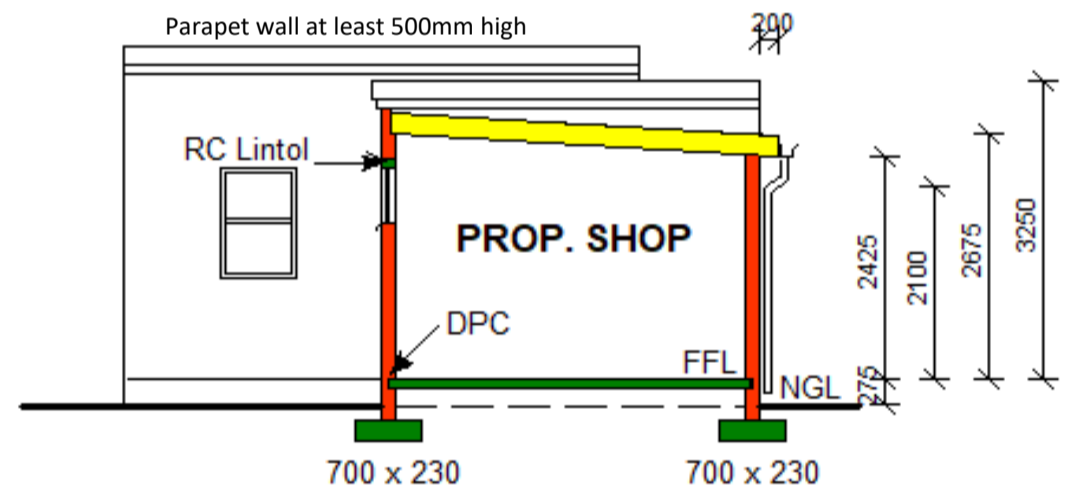


EAST ELEVATION
1: 100



WEST ELEVATION
1: 100

ROOFCONSTRUCTION:
LONGSPAN IBR ROOFSHEET ON SISOLATION 410 UNDERLAY ON 76X50mm PURLINS @750mm c/c MAX ON 228 X 38mm S.A. PINE (GRADE 5) RAFTERS @ 1.0 C/C ON 114 X 38mm WALLPLATE. WITH GALV. HOOP IRON STRAPS EMBEDDED A MIN OF 6 BRICK COURSES INTO WALL SKIMMED RHINOBOARD CEILING 38 X 38mm BATTENS @ 450mm c/c 250 x 15mm A.C. FACIA Ø 76 PVC DOWNPIPE Ø 76 H/R PVC GUTTER. Note: 228 X 38 RAFTERS TO BE BUILD INTO PARAPET WALL.



SECTION A-A
1:100

FLOOR CONSTRUCTION:
25mm screed on 100mm thick concrete slab on 250 mikron DPC on 150mm thick layers of well-compacted sandfilling

ELECTRICAL LEGEND

Double Plug Socket	
Light Switch	
Ceiling Light	
Water Tight Wall Light	
Single Flourecent Light	
Electrical Wiring	

WINDOW & DOOR SCHEDULE:

ALUMINIUM WINDOWS (W1&W2) 1500 X 600 (PTT156)
MERANTI DOUBLE DOOR (1751 X 2120mm)

COVERAGES:

ERF:	183m ²
EX. DWELLING:	27m ²
PROP. HOUSE SHOP (F2):	24.8m ²
TOTAL COVERAGE:	51.8m ²
% COVERAGE:	28.3%

GENERAL NOTES:

R.C. LINTOLS OVER DOOR AND WINDOW OPENING WIDER THAN 1,5 m.
STRENGTH OF THE MATERIALS:

BRICKS= 10,5 MPa

CLASS II mortar\concrete = 10,5 MPa
BRICKWALL CONSTRUCTION AS PART OF K OF SANS 10400.

USE SABS APPROVED 220X105X75mm R.O.K BRICKS LAYED IN STRETCHER BOND IN 1:5 CEMENT MORTAR WITH BRICKFORCE TO EVERY THIRD BRICK COURSE. WALL TIES TO SABS @ 900mm HORIZONTAL AND 460mm VERTICAL. 5 TIES PER SURFACE m²
BRICKWORK TO COMPLY TO PART K OF SANS 10400. ALL BRICKWORK TO COMPLY TO NBR REGULATIONS.

PROVIDE DEEPSEAL TRAPS FOR ALL FIRST FLOOR DRAINAGE- DRAINAGE TO COMPLY TO SANS 10400- PART P ALL NEW SOIL AND VENTPIPES AND FITTINGS TO BE MARLEY uPvc (SABS 967) 110mm DIA PIPES AND ALSO PIPE FITTINGS FROM SANITARY WARE. WASTE PIPES AND FITTINGS TO BE MARLEY uPvc 50mm DIA PIPES- ALL EXPOSED FITTINGS TO BE ACCESS FITTINGS. TWO-WAY VENT VALVE / VENT PIPES TO BE USED

USE 250 MIKRON DPM BELOW ALL FLOORSLABS. USE 250 MIKRON DPC AROUND DOOR AND WINDOW OPENINGS

ALL LEVELS AND DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ANY BUILDING WORK ONE BRICKWORK PER ROOM NO BUILDING WORK TO EXCEED ANY BOUNDARIES.

ALL GLAZING TO COMPLY TO PART N OF SANS 10400-2011 CAVITY WALLS TO BE PROVIDED WITH 5 WALL TIES PER m² AS SPECIFIED BY PART K OF SANS 10400-2011.

HANDRAILS TO COMPLY TO PART "T" OF SANS 10400 WATERPROOFING: PARAPETS AND ROOF/WALL CONNECTION USE GALVANISED FLASHING AND COUNTER FLASHING NEATLY MOUNTED AND FINISHED WITH 2 LAYERS SEALOFLEX FLASHING APPLIED FROM TOP OF PARAPET WALL DOWN AND 150mm MIN. TO COVER ROOFSHEETS.

ALL INTERNAL DOORS: HOLLOW CORE SAPELLE DOORS (900 WIDE X 2,10m HIGH)- ALL DOORS BY "SWARTLAND"
ALL EXTERNAL DOORS: MERRANTI FRAMES (900X2100)
ALL SLIDING DOORS: ALUMINIUM BY WISPECO (1,80m WIDE x 2,10m HIGH) UNLESS OTHERWISE STATED

ALL WINDOWS TO BE ALUMINIUM FRAMES
ALL WINDOWS SIZES AS INDICATED IN WINDOW SCHEDULE.

MALCOLM NEWMAN DESIGNS
ARCHITECTURAL DRAUGHTSMAN
SACAP REG. NO: PAD 20647
4 Auction Street
Malmesbury
7300
Cell: 083 361 3399
Email: malcolmjnewman@yahoo.com

Signed: _____
Date: 01/02/2024

PROPOSED ADDITIONS (F2 SMALL)
MRS. G. SWARTS ON ERF 8097 AT
MALMESBURY
SIGNED: (CLIENT)

Date: 01/02/2024

ANNEXURE B

**NEIGHBOURS' CONSENT
ERF 8097,
MALMESBURY**



ANNEXURE C



Malmesbury



House shop application

1. Undertaking: It is my Madelein Coetzee intention to apply for a house shop on erf 8097, in Malmesbury

2. Consent : I the undersigned hereby gives consent to the above-mention person to operate a house shop from the mentioned property which will comply with all municipal regulations.

NAME AND SURNAME	ADDRESS	ERF NUMBER	SIGNATURE
S. Jeffries	Alfa 151	8431	S. Jeffries
David Du Toit	Alfa 155	8429	D. Du Toit
Maria Dam	ALFA 159	8426	M. Dam
WILLEM DAM	ALFA 159	8426	W. Dam
SMARTJE FIKSTER	ALFA STRAAT 169	8096	S. FIKSTER
Stella Huyzen	Flaminkstr 12	8100	S. Huyzen
Rachel Geertse	Alfastr 173	8094	R. Geertse
N. Jansen	10 Flaminkstr	8099	N. Jansen
H. Goliath Kuster	Alfastr: 153	8430	M. Goliath
M. Engelbrecht	Alfastr. 163	8425	M. Engelbrecht
E. Koordam	Flamink 15	8345	E. Koordam
J. Brown	Flamink 17	8344	J. Brown

House shop application

1. Undertaking: It is my Madelein Coetzee intention to apply for a house shop on erf 8097, in Malmesbury

2. Consent : I the undersigned hereby gives consent to the above-mention person to operate a house shop from the mentioned property which will comply with all municipal regulations.

NAME AND SURNAME	ADDRESS	ERF NUMBER	SIGNATURE
NORA Julius	Flamink 8	8660	N Julius
* SEND LETTER	^	8346	SEND LETTER
* SEND LETTER	^	8101	SEND LETTER
* SEND LETTERS	^	8098	SEND LETTER
* SEND LETTERS	^	8095	SEND LETTER
* SEND LETTERS	^	8093	SEND LETTER
* SEND LETTERS	^	8426	SEND LETTER
* SEND LETTERS	^	8428	SEND LETTER
	^		

ANNEXURE D

Die Eienaar E Erasmus

Erf nr. 8098

Alfa Str 165

MALMESBURY

Die Munisipale Bestuurder

Privaatsak X52,

MALMESBURY

10 Desember 2025

Is. Bedryf van huiswinkel te erf 8097 Alfastraat 167, MALMESBURY

Ek, Elizabeth Erasmus, aangrensende huiseienaar aan bg perseel wil graag die volgende opper:

Dit is alombekend dat persele en huise langsaan of naby 'n winkel perseel meer deurloop onder diefstal. Daarom vra ek dat daar deur die aansoeker van die Winkelperseel op sy onkoste 'n Vibracrete muur opgerig sal word tussen erf 8098 en 8097 alvorens bouwerk aan die winkelperseel 'n aanvang neem. Die aansoeker sal ook aanspreeklik gehou word vir die onderhoud van die muur. Ek beskik ongelukkig nie oor die fondse om so muur op te rig nie. Dit sal voorkom dat besoekers aan die winkel in my jaart inkyk, asook daar rondstaan wanneer hulle besigheid by die winkel kom doen, en sodoende my privaatheid ook tot 'n mate beskerm.

Ons wil ook graag versekering hê dat daar ten alle tye redelike stilte gehandhaaf sal word met inagneming van die bure. Ook dat daar geen alkohol of verwante produkte vanaf die perseel verkoop mag word nie, nie nou nie en ook nie in die toekoms nie.

Ek hoop u vind my skrywe in orde.

Die uwe

Me E Erasmus

ANNEXURE E

From: NICOLENE BOONZIER <boonziern@gmail.com>

Sent: Tuesday, 11 November 2025 14:25

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Subject: Voorgestelde Vergunningsgebruik op erf 8097, Malmesbury

Goeie middag

Hiermee wens ek my beswaar uit te spreek oor die winkel wat hulle wil opsit op bogenoemde erf.

Ons area is baie rustig op die oomblik en huiswinkels lok stout kinders wat mors en voor die winkel staan dag en nag, vullis wat die wereld vol le, klip gooi en wie gaan betaal as my huis se vensters of my voertuie se ruite uitgegooi word. Dis ook plekke waar allerande katekwaad begin, lelike vloek woorde wat ons heeldag moet aanhoor, bakleiery, mense wat bedel. Ek is baie jammer maar ek voel nie dat daar n winkel moet opgesit word nie. Onder in die straat is n winkel en die rooi winkel is op in die pad.

Hoop ragtag my epos sal krag dra.

Vriendelike groete
Nicolene

ANNEXURE F

To: The Municipal Manager
Private Bag X52
Malmesbury
7299

Cc: Manager: Town Planning & Building Control

From: Zelrhese Adonis
(Representative for the Applicant)

Date: 28 January 2026

Subject: Response to Objection – Application for Consent Use: House Shop on Erf 8097, Moorreesburg

Dear Municipal Manager,

We acknowledge receipt of the objections lodged against the proposed consent use for a house shop on Erf 8097, Malmesbury. This letter serves as a formal response to the objections.

1. Objection: Noise, disturbance, and loitering

Response: The proposed development constitutes a small-scale house shop, which by definition operates as a low-intensity, neighbourhood-serving activity. The operation will be limited to normal business hours and will not function as a gathering or social venue.

Conditions can be imposed by the Municipality to ensure:

- No loitering on public sidewalks or neighbouring properties
- No amplified sound or public address systems
- Active management by the owner at all times during operating hours

House shops are commonly approved within residential areas and, when properly managed, do not materially alter the residential character of a neighbourhood.

2. Objection: Safety concerns, children, littering, and foul language

Response: The proposed house shop will be owner-operated, ensuring continuous supervision and immediate response to any inappropriate behaviour. The applicant accepts conditions requiring:

- The property and frontage to be kept clean at all times
- Refuse to be contained and removed in accordance with municipal services

MUNISIPALITEIT SWARTLAND				REG	
LEER No:	15/3	10-9	Erf-	8097	
Verwys Na:	Inligting	Verslag	Afkandel	Kom/Taar	
α	ESSB (AS)				
	Del				
Ander Opdrag:					
SPERDATUM:				(get)BK	



- Customers to be requested to respect neighbours and leave the area immediately after transactions

Isolated behavioural concerns cannot reasonably be attributed to the land use itself and can be adequately controlled through management practices and enforceable conditions.

3. Objection: Increased crime and request for a boundary wall (vibracrete)

Response: There is no empirical evidence demonstrating that a house shop inherently increases crime levels. In many cases, increased daytime activity and owner presence can contribute positively to passive surveillance and neighbourhood safety.

The request for the applicant to construct a boundary wall on a neighbouring property is not a lawful land-use requirement and falls outside the scope of a consent use application.

Boundary treatment remains the responsibility of individual property owners and must comply with normal building regulations if pursued separately.

4. Objection: Privacy concerns

Response: The house shop will operate from within the existing residential structure, with no external seating, no congregation space, and no change to building height or massing. Customer interaction will be brief and transactional in nature.

Given the limited scale of the activity, the proposal will not result in unreasonable overlooking or loss of privacy beyond what is ordinarily experienced in a residential neighbourhood.

5. Objection: Sale of alcohol

Response: The applicant confirms unequivocally that:

- No alcohol or related products will be sold
- No liquor licence will be applied for now or in the future

This can be formalised as a condition of approval, fully addressing the concern raised.

6. Objection: General change to the character of the area

Response: The proposal aligns with the intent of municipal planning policy, which supports:

- Small-scale, home-based economic activity
- Local convenience services within walking distance
- Socio-economic upliftment without rezoning

The house shop will remain clearly secondary to the primary residential use and will not alter the overall residential character of the area.

CONCLUSION

All objections raised can be adequately mitigated through standard approval conditions, operational controls, and enforcement mechanisms. The proposed consent use:

- *Complies with planning principles applicable to house shops*
- *Does not cause material harm to neighbouring properties*
- *Serves a legitimate local need*
- *Remains compatible with the surrounding residential environment*

We therefore respectfully request that the objections be dismissed and that the application for consent use for Erf 8097, Malmesbury, not warrant refusal of the application.

Yours Faithfully



Zelrhese Adonis
(Representative for Applicant)



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
 Departement: Ontwikkelingsbestuur

2 March 2026

15/3/3-8/Erf_2046

15/3/6-8/Erf_2046

15/3/7-8/Erf_2046

WYK: 10

ITEM 6.4 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 11 MAART 2026

LAND USE PLANNING REPORT

PROPOSED REZONING AND SUBDIVISION OF ERF 2046, MALMESBURY

<i>Reference number</i>	15/3/3-8/Erf_2046 15/3/6-8/Erf_2046 15/3/7-8/Erf_2046	<i>Application submission date</i>	14 October 2025	<i>Date report finalised</i>	2 March 2026
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PART A: APPLICATION DESCRIPTION

The application for closure of a portion of public place, Erf 2046, Malmesbury in terms of section 25(2)(n) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received. It is proposed that a portion (6020m² in extent) of Erf 2046 be closed to be included in the following rezoning and subdivision applications.

Application is made for rezoning of Erf 2046, 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 2046 (1,2475ha) be rezoned from Open Space Zone 1 to Subdivision area in order to make provision for the following land uses, viz: Open Space Zone 1 (6455m² in extent) and Community Zone 1 (6020m² in extent).

Application is also made for subdivision of Erf 2046, Malmesbury in terms of section 25(2)(d) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). It is proposed that erf 2046 (1,2475ha) be subdivided into a remainder (6455m² in extent) and portion A (6020m² in extent).

The owner of the property is Swartland Municipality and the applicant is CK Rumboll and Partners

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 2046, Malmesbury		
Physical address	Public Open Space between Darling Road and Kareeboom Street (Please refer to the location plan attached as Annexure A)	Town	Malmesbury

Current zoning	Open Space Zone 1	Extent (m ² /ha)	1,2475ha	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	Public open space		Title Deed number & date	T37101/1970		
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	<input checked="" type="checkbox"/>	Permanent departure		Temporary departure		Subdivision	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>	Consent use		Occasional use	
Disestablish a homeowner's association		Rectify failure by homeowner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		Phasing	

PART D: BACKGROUND

In assessing the present application for the closure, rezoning and subdivision of Erf 2046, it is relevant to acknowledge the historical context associated with the property. A previous application by Liebenberg Primary School was considered by the Malmesbury Transitional Council in January 1999, during which the Council refused a similar proposal for rezoning and alienation of a portion of Erf 2046.

The Transitional Council in 1999 considered an application submitted on behalf of Liebenberg Primary School after in principle approval had been granted in 1998. The application was opposed by residents, led by the Rinkwest family. After public participation and departmental review, the Council resolved not to approve the rezoning and alienation of a portion of Erf 2046 Please refer to Annexure B. The following reasons were formally recorded:

1. The school was deemed to have sufficient unused land within its existing boundaries on the northern side to accommodate its playground and sport's needs.
2. The objectors' concerns were regarded as valid and included fears around loss of open space, fencing off the erf, and rerouting pedestrian movement.

Origin of the application on the table as well as the Executive Mayoral Committee's In-Principle ("Conditional") Approval and Rationale can be summarised as follows:

On 27 February 2024, Liebenberg Primary School requested access to a portion of Erf 2046 to fence and use as additional playground. The request motivated that the school had lost a significant portion of its internal grounds following the development of a multi-purpose sport centre on the school property, not available for use by learners during school breaks and that the school's enrolment had grown to approximately 1 895 learners in 2024, intensifying the need for a safe, dedicated, on-break play area contiguous to the school. Please refer to the relevant reports that was presented to the Executive Mayoral Committee on the 19 June 2024 and 22 January 2025 respectively attached herewith as Annexures C & D.

The Executive Mayoral Committee resolved (Item 7.9 of 19 June 2024) in principle to support the informal use of ±6 037 m² of Erf 2046 by the school, **expressly for a fenced playground with no buildings permitted**, and subject to technical conditions and statutory land-use processes. Key conditions included:

1. No structures may be erected; fencing only.
2. A service-access gate must be provided for the Electricity Directorate (crane-truck access) to maintain street-lighting and the boundary electrical network.
3. Civil/Electrical approvals are required for the fence and gate prior to installation.
4. The intended closure for public use must be advertised; ward committee input must be obtained.
5. All land-use rights (closure, rezoning, subdivision) to be obtained by and at the cost of the applicant.
6. A memorandum of understanding/use agreement to be concluded and reviewed every three years.

The matter was tabled again (Item 7.8 of 22 January 2025) after the school accepted the conditions and confirmed that the wish to proceed with the application. The Executive Mayoral Committee approved the application for the right to use ±6 037 m² of Erf 2046, on a no-charge basis, strictly for a fenced playground and on materially similar conditions as before, including the "no structures" caveat and the requirement that the land-use application costs and ongoing maintenance be borne by the school. The report notes that the public advertisement of the proposed transaction closed on 22 November 2024 with no objections to the right-to-use decision.

These resolutions establish a clear municipal need and policy intention: to facilitate a safe, unbuilt playground contiguous to the school because the school's internal break-time play capacity has diminished, while learner numbers (±1 895 in 2024) have grown. The approvals are conditional upon the statutory land-use process now before the MPT.

As mentioned above the subject property is a public place zoned Opens Space Zone 1. In order for the school to use it as part of the playgrounds, application is made to close the portion of the open space, rezone it to Community Zone 1 as the appropriate zoning as well as to subdivide the portion for administrative purposes.

Please refer to Annexures E & F for the proposed subdivision and rezoning plans.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a summary of the outcomes below.
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PART F: SUMMARY OF APPLICANTS MOTIVATION

(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)

The applicant motivates, in terms of the development proposal that:

The intention is to create a safe and secure play area for Liebenberg Primary School by reallocating a portion of underutilised public land. The proposal balances community needs by, providing the school with a fenced playground as well as retaining a substantial portion of the land as accessible public open space.

The applicant motivates that the proposed application should be supported for the following reasons:

1. The proposed development enhances the principles of LUPA and SPLUMA.
2. The proposal complies with the Swartland Spatial Development Framework (2023-2027) as the main forward planning document for Malmesbury and the Swartland Municipal Area as a whole.

3. The proposed development complies with the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).
4. The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises.
5. There are no physical restrictions on the property that will negatively affect the proposed development.
6. It is not anticipated that the proposal will have any impact on municipal services.
7. This development uses unutilised land within the urban edge to its full potential.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-Law on Municipal Land Use Planning		Y	N				
With reference to Section 56(2) of the By-Law, the application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. A total of 13 notices were sent via registered mail to the owners of properties which are deemed affected by the application. It can also be confirmed that the notices were also sent via email where the municipality has the necessary information to do so. Please refer to Annexure G.							
Total valid comments	14		Total comments and petitions refused	0			
Valid petition(s)	Y	N	If yes, number of signatures	22			
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	The application was referred to the Ward Councillor and no comments have been received.
Total letters of support	0						

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

Name	Date received	Summary of comments	Recommendation	
Civil Engineering Services	28 October 2025	In order	Positive	Negative
Electrical Engineering Services	14 October 2025 3 March 2026	Ten streetlights have been installed along the school boundary between Darling Road and Keurboom Street. In addition, an 11 kV cable has been installed parallel to Silwerboom Street up to the school boundary. These services will need to be removed and relocated. As part of the evaluation of the comments the Director: Electrical Engineering Services indicated that the streetlights and cable may remain as is, not only due to the fact that the subdivided portion is being proposed to remain municipal land but also due to the fact that it aids in security during nighttime. Should the school decide not to lease the property, in a few years, and the property be used as a park again, there will again be a need for lights. The cost to remove the lights can therefore be saved. However, should the property be sold in the future, the cable and other infrastructure should be removed as indicated in the original comments.	Positive	Negative
Building Control	20 October 2025	No comments	Positive	Negative
Protection Services	16 October 2025	No comment	Positive	Negative

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS Please refer to Annexure L	MUNICIPAL ASSESSMENT OF COMMENTS
<p>Ronald Rickerts As registered owner of erf 2012, Malmesbury. Please refer to Annexure H.</p>	<p>1. Concern regarding the intended use.</p> <p>The objector argues that they were informed that the rezoned portion would be used by Liebenberg Primary School to establish a creche, which they argue will negatively affect the surrounding residential area.</p> <p>2. Impact on residential character and amenity.</p> <p>The objector lists several anticipated negative impacts:</p>	<p>CK Rumboll & Partners submitted formal written comments on 13 January 2026 addressing the objections received during the public participation process.</p> <p>The applicant provides the following consolidated responses:</p> <p>Response to Objections from N. Rinkwest & R. & R. Rickerts</p> <p>1. The applicant did not comment on this concern.</p> <p>2. The applicant emphasises that schools and school-related activities are compatible with residential neighbourhoods and are specifically supported by the Swartland Municipal Spatial Development Framework (MSDF), which</p>	<p>1. Clarifying the Nature and Intensity of the Proposal</p> <p>The application does not authorise any buildings on Portion A. It proposes only a perimeter fence for a managed, child-safe play area directly accessed internally from the school. The remainder ($\pm 6\,455\text{ m}^2$) stays public open space for neighbourhood use. These parameters are repeatedly confirmed in the applicant's motivation and in the municipality's Mayco reports which includes (conditions: "no structures", service-access gate, land-use costs to applicant, 3-yearly MoU review).</p> <p>The proposal is for internal (school) use and no new destination is therefore created. Because the area is accessed from the school grounds, the fenced play area does not generate external trips or introduce stand-alone institutional activity. It functions as a low-intensity extension of an existing school.</p> <p>2. Loss of "open views" and deterioration of residential character if a crèche or buildings are developed.</p>

	<p>(a) Loss of open views and decline in visual and environmental quality currently enjoyed by residents.</p> <p>(b) Noise, traffic and congestion associated with a crèche altering the established quite residential character.</p> <p>(c) Potential safety concerns due to increased traffic due to proximity to Darling Road.</p> <p>3. Reference is made to historical context and prior community rejection.</p> <p>The objector highlight that a similar proposal was considered approximately 30years ago and was strongly rejected by the community. They indicate that the intent at that time was for Erf 2046 to function as a community park, and that these historic concerns remain relevant.</p> <p>4. Provides an argument with regards to the intended use on the site</p> <p>The objectors note that the site was originally intended to be utilised as a public park and green</p>	<p>encourages institutional and recreational uses within residential areas (Zone R).</p> <p>The applicant state that no empirical evidence was provided to substantiate claims of reduced property values and argue instead that enhanced school infrastructure and learner safety serve the broader public interest.</p> <p>3. The applicant did not comment on this concern.</p> <p>4. Historical earmarking as a community park.</p> <p>The applicant acknowledges the historical designation but notes that the majority of the erf remains public open space. Furthermore, the current proposal aligns with the MSDF and</p>	<p>The proposal retains openness with no massing, no built form, and a large open space remainder. A compliant fence is a minimal visual intervention typical at school edges. No consent is sought for structures.</p> <p>In policy terms, schools and associated open-air recreation are compatible with residential neighbourhoods and are supported in the Swartland MSDF's Zone R directives (institutional/recreational facilities in residential areas; improve child-friendly spaces).</p> <p>As per Section 42 of SPLUMA and LUPA principles, rational decisions require evidence, decisions must therefore be based on actual land-use impacts and approved parameters rather than assumptions of future buildings.</p> <p>3. The 1999 refusal occurred under LUPO (Ord. 15/1985). The current statutory planning regime including SPLUMA/LUPA/By-law as well as settlement growth and school conditions have materially changed, including loss of internal space due to a multi-purpose sports facility and ±1 895 learners (2024).</p> <p>4. The application on the table does not alienate municipal land, does not permit buildings, and retains ±6 455 m² as public open space for public use. Therefore, partially giving effect to the "park"</p>
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	<p>space, which they believe remains the most beneficial use for the neighbourhood.</p> <p>5. Request alternative proposal</p> <p>The objector request that the subject property be retained, strictly as a public open space, that trees and landscaping be planted and enhanced to improve aesthetics, especially given visibility from the main road. That funds be allocated for developing the space into a community park which they express willingness to help maintain and lastly reject any structures that would obstruct views or detract from the residential environment.</p> <p>Following the municipality's clarification, please refer to Annexure M, that the proposed use of a portion of Erf 2046 is limited to an unbuilt, fenced playground area for Liebenberg Primary School, the objector, Mr and Mrs Rickerts, submitted a further detailed objection reiterating and expanding their concerns. Please refer to Annexure N.</p> <p>6. Existing stormwater management function.</p> <p>The objector emphasises that the open space currently fulfils a critical stormwater runoff function for the surrounding neighbourhood. They argue that:</p> <p>(a) The area is presently not adequately maintained by the municipality;</p> <p>(b) Poor maintenance has resulted in ineffective stormwater flow, overgrown vegetation, and increased flood risk.</p> <p>Any change in land use must comply with statutory duties relating to stormwater and public infrastructure planning including the principles of sustainable land development contained in the Municipal Systems Act and SPLUMA.</p>	<p>addresses a pressing need for additional secure recreational space for the school.</p> <p>5. Response to requests for refusal, tree planting, and a community park. The applicant notes the requests and emphasises that:</p> <p>(a) Half of the site will remain open space,</p> <p>(b) Landscaping or tree-planting can still be considered by the municipality in future,</p> <p>(c) The retained open space remains available for community-focused improvements.</p> <p>6. As this comment was only received later the applicant was not provided opportunity to respond. Consequently, refer to the municipality's own response.</p>	<p>expectation while addressing a documented public-interest need for learner safety.</p> <p>5. The comment is noted. Residents are always advised to communicate through the correct channels including the applicable ward committee, regarding the proposed need to upgrade the remainder of the park with landscaping.</p> <p>6. The application preserves stormwater function by keeping a substantial open space zone 1 remainder. As a condition, fence alignment must not obstruct drainage paths, and all inlets/channels must remain accessible for maintenance.</p>
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	<p>7. Safety and environmental concerns linked to existing trees</p> <p>They highlight that the site contains old blue gum trees which pose safety hazards, including falling trees, blocked gutters and stormwater infrastructure, and general pedestrian risks. Despite repeated community requests, the municipality has not effectively pruned or replaced these trees.</p> <p>8. Incompatibility with proposed school expansion</p> <p>The objector maintains that allocating public land exclusively to the school, even without any structures, does not represent the optimal, lawful, or community-beneficial land use outcome. Their reasoning includes:</p> <ul style="list-style-type: none"> (a) The school already has existing playground areas and access to sports grounds; (b) Allocating additional public open space solely for a single institution reduces broader community access which is not in the interest of the public; (c) The proposal does not align with SPLUMA or the municipal by-law principles of spatial justice, public interest, compatibility, community benefit and the protection of existing public infrastructure. <p>9. Traffic and public safety concerns</p> <p>The objector argues that school-related traffic already places pressure on the existing road network, and any expanded school use, even as open playground, may intensify congestion and pedestrian risks, especially during peak hours and sporting events.</p> <p>10. Preferred alternative: development as a community park. Residents continue to advocate</p>	<p>7. As this comment was only received later the applicant was not provided opportunity to respond. Consequently, refer to the municipality's own response.</p> <p>8. As this comment was only received later the applicant was not provided opportunity to respond. Consequently, refer to the municipality's own response.</p> <p>9. The applicant argues that the playground will not generate additional traffic, as it will be used internally by the adjacent Liebenberg Primary School. Noise will be limited to normal school hours and is consistent with existing educational land-use activity in the area. Adequate space remains for safe pedestrian circulation across the retained portion of the erf.</p> <p>10. As this comment was only received later the applicant was not provided opportunity to</p>	<p>7. Tree safety and maintenance on municipal land are municipal operational responsibilities that can be addressed irrespective of the land-use approval and do not constitute a legitimate reason to refuse the proposed application. Risky trees can be pruned/removed and replaced in line with municipal policies, separate from this application.</p> <p>8. Please refer to the Municipal Planning Evaluation in part I of the report, where the proposals alignment and community benefit is discussed in detail.</p> <p>9. Traffic: As a non-destination extension of the school yard, the fenced play area does not add vehicle trips over and above normal school operations.</p> <p>Darling Road proximity is unchanged; the fence adds a protective barrier during breaks and does not create new vehicular access points.</p> <p>10. Noted.</p>
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	<p>that the land be upgraded as a community park, which they believe would:</p> <ul style="list-style-type: none"> (a) Benefit the broader neighbourhood, (b) Improve the visual character of the area along the national route, (c) Support environmental rehabilitation, (d) Allow residents to co-manage and help maintain the space. (e) They argue this alternative aligns with open space planning objectives and municipal obligations to ensure a safe and healthy environment. <p>11. Legal basis cited for the objection</p> <p>The objector grounds their position in several legal and policy instruments, including:</p> <ul style="list-style-type: none"> (a) Swartland Municipal Land Use Planning By-Law (2020). (b) SPLUMA (c) Municipal Systems Act (d) Constitutional principles relating to environmental protection, public participation, and administrative fairness <p>The objector concludes that these instruments require that land use decisions be lawful, reasonable, procedurally fair, and demonstrably in the public interest.</p> <p>12. Final position</p> <p>The objector explicitly states that:</p> <ul style="list-style-type: none"> (a) They do not withdraw their objection; (b) They request formal recognition of the land's current public function; (c) They call for municipal intervention to address stormwater and tree-related safety issues; (d) They recommend retaining and upgrading the land as a community park. 	<p>respond. Consequently, refer to the municipality's own response.</p> <p>11.As this comment was only received later the applicant was not provided opportunity to respond. Consequently, refer to the municipality's own response.</p> <p>12.As this comment was only received later the applicant was not provided opportunity to respond. Consequently, refer to the municipality's own response.</p>	<p>11. The record shows statutory public participation was undertaken as per the By-law; notices sent, newspaper/Provincial Gazette publications, objections received and circulated for comment, and Municipality/applicant written replies were compiled. The right-to-use advertisement also ran (no objections at that step). This meets procedural fairness and good administration under SPLUMA and LUPA.</p> <p>The application and procedure are therefore deemed procedurally fair and as discussed in the Municipal Planning Evaluation, is demonstrably in the public interest of the broader community of Malmesbury.</p> <p>12. Noted. The application is therefore presented to the MPT for decision making</p>
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	<p>As part of the original objection Mr Rickerts attached a petition against the proposal, signed firstly by himself, his wife and multiple residents of Silwerboom- and Kareeboom Streets.</p>		
<p>Mrs. N Rinkwest as registered property owner of Erf 3005, 10 Kareeboom Street as well as on behalf of a number of residents of Silwerboom & Kareeboom Streets. Refer to Annexure I.</p>	<p>Mrs. Rinkwest submitted a consolidated objection representing concerned / affected residents living in Silwerboom and Kareeboom Streets. The submission includes:</p> <ul style="list-style-type: none"> • A formal covering letter; • Multiple individual objections from affected property owners; • Two petitions (English and Afrikaans versions) with extensive signatures; • A supporting sworn affidavit. <p>Although the objection reiterates concerns previously raised above, it constitutes a separate, organised community response that must be acknowledged as such, representing a collective, neighbourhood-level opposition to the proposed closure and rezoning of a portion of Erf 2046. It confirms that:</p> <p>13. Loss of existing open views. Residents maintain that the proposal will obstruct uninterrupted open views currently enjoyed from their properties, negatively affecting the neighbourhood's visual quality.</p> <p>14. Traffic, noise, and congestion The community fears increased traffic volumes and noise, particularly due to the proximity of the Darling Road, which is already considered a safety risk.</p>	<p>13. Loss of existing open views The applicant notes that no permanent structures are proposed other than a fence. The land will remain open and will function only as a playground. Approximately 6 455 m² of the erf will remain as public open space, ensuring retention of the area's open character.</p> <p>14. Safety concerns related to the Darling Road The proposed playground area will be fenced, controlled, and managed by the school, reducing safety risks rather than increasing them.</p>	<p>13. Please refer to the comments under concern no. 1 above.</p> <p>14. As mentioned above in terms of traffic, as a non-destination extension of the school yard, the fenced play area does not add vehicle trips over and above normal school operations.</p> <p>In terms of noise. The proposed activity is limited to school hours and consistent with an existing school's ambient conditions. No events or amplified activities are enabled by the approval of the proposed application.</p>

	<p>15. Impact on residential character They argue that the established quiet residential character will be compromised by any change of land use especially, if it enables a crèche or institutional activities.</p> <p>16. Historical planning intent and prior rejection The objection emphasises that Erf 2046 was historically intended as a community park and that a similar development proposal was rejected around 30 years ago.</p> <p>17. Preference for public open space Residents want the erf to remain a landscaped green area, with tree planting and possible development into a community park.</p> <p>Mrs Rinkwest also responded to the municipality's notice of clarification by confirming that she as well as the objectors she represents do not withdraw their objections. Please refer to Annexures O & P.</p>	<p>15. Please refer to response with regards to impact on the character of the area as mentioned in no. 2 above.</p> <p>16. Please refer to response with regards to historical intent as mentioned in no. 4 above.</p> <p>17. Please refer to response with regards to historical intent as mentioned in no. 5 above.</p>	<p>In terms of pedestrian movement. The open space some 1 remainder remains open for public use, and the applicant's response indicates adequate space remains for safe pedestrian circulation across the retained open space. Detailed fence alignment can be refined through engineering approvals to maintain desire lines where feasible.</p> <p>Rerouting of pedestrians along a public road that is used for public access in any case is not deemed sufficient reason to refuse the proposed application.</p> <p>15. Please refer to the comments above regarding the impact on the character of the area.</p> <p>16. Please refer to the comments above regarding the historical rejection as well as intent of the public place.</p> <p>17. Noted, public interest is one of the considerations taken into account with the evaluation of the application.</p>
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<p>Mr LGJ Borman as registered property owner of Erf 2001, 14 Kareeboom Street. Please refer to Annexure J.</p>	<p>Mr Borman submitted a formal objection on against the proposed application and state that they cannot give permission for the proposal for the following reasons:</p> <p>18. Increased pedestrian traffic in front of his property.</p> <p>Mr Borman argues that the proposed closure of the pedestrian route across Erf 2046 will significantly increase foot traffic directly past his home, as pedestrians from the town, Mimosa Avenue and Essenhout Street will be diverted to Kareeboom Street due to the loss of the existing pathway.</p> <p>19. Safety concerns for property and residents. The objector expresses concern that the increase in pedestrian movement may negatively affect the safety and security of his family, home, and possessions.</p> <p>20. Absence of alternatives for pedestrian movement.</p> <p>The objector notes that the municipal notification does not identify or propose alternative pedestrian routes, and he argues this omission is problematic for local circulation and safety.</p> <p>21. Position on the proposed subdivision.</p> <p>Mr Borman clarifies that he is not opposed to development in principle but is specifically concerned about the effects regarding pedestrian movement and neighbourhood impacts.</p> <p>Mr Borman was also contacted in an attempt to provide clarification on the application with no</p>	<p>18.The applicant refers back to earlier points, reiterating that the proposed playground does not generate external trips, and therefore does not meaningfully impact pedestrian circulation.</p> <p>19.The applicant argues that managed and active land use, such as a supervised playground, can improve passive surveillance and reduce antisocial behaviour often associated with unmanaged vacant land.</p> <p>20.It is stated that sufficient space remains on the remainder of the property to allow safe pedestrian movement, even after subdivision and closure of the portion leased to the school.</p> <p>21.The applicant acknowledges that community unease is understandable but asserts that the proposed development is low-impact, compatible, and without structures, and that long-term learner safety and educational benefit outweigh short-term concerns.</p>	<p>18. In terms of pedestrian movement. The open space some 1 remainder remains open for public use, and the applicant's response indicates adequate space remains for safe pedestrian circulation across the retained open space. Detailed fence alignment can be refined through engineering approvals to maintain desire lines where feasible.</p> <p>Rerouting of pedestrians along a public road that is used for public access in any case is not deemed sufficient reason to refuse the proposed application.</p> <p>19. A supervised, fenced play area typically improves passive surveillance and reduces opportunities for antisocial behaviour compared to under-utilised vacant land</p> <p>20. As mentioned above, sufficient space exists on the remainder as well as along the existing public road to accommodate pedestrians. It is therefore not problematic and dose not pose any significant impact other than an ±80m detour.</p> <p>21. The subdivision is for administrative purposes only and the property will remain in municipal ownership.</p>

	further response received. Please refer to Annexures Q.		
Pearl (Leng) Moyce as owner of Erf 2034, 2 Keurboom Street. Please refer to Annexure K.	<p>Although Mrs Moyce previously signed the collective petition as well as submitted her objection with the collective response provided by Mrs N. Rinkwest, the objection received on the 3rd of February 2026 was a response to the correspondence to Mrs Rinkwest where additional information was provided to the objectors / representative in an attempt to have the objections withdrawn. It therefore constitutes an individual objection that is believed necessary to be recorded independently in the application process.</p> <p>Mrs Moyce clearly state that she is strongly against the proposal and do not consent to it proceeding for the following reasons:</p> <p>22. Safety concerns</p> <p>Ms Moyce highlights significant anxiety regarding increased safety risks in the neighbourhood, noting that the area already experiences:</p> <p>(a) Suspicious behaviour; (b) Individuals roaming at irregular hours; (c) Elderly residents being targeted.</p> <p>She argues that rezoning the open area, especially if use intensity increases it will worsen these safety risks.</p> <p>23. Noise pollution</p> <p>She expresses concern about existing noise levels originating from the neighbouring school playground and believes that the proposed rezoning will amplify this disturbance, reducing residents' quality of life.</p> <p>24. Transparency and public communication</p> <p>Ms Moyce states that residents felt the municipality was not transparent about the</p>	<p>22.As this comment was only received later the applicant was not provided opportunity to respond. Consequently, refer to the municipality's own response. However, safety concerns were addressed in previous points.</p> <p>23.As this comment was only received later the applicant was not provided opportunity to respond. Consequently, refer to the municipality's own response. However, noise concerns were addressed in previous points, please refer to no. 9 above.</p> <p>24.As this comment was only received later the applicant was not provided opportunity to respond. Consequently, refer to the municipality's own response. This relates to</p>	<p>22. Please refer to the comments regarding safety above as it is deemed adequately addressed.</p> <p>23. Please refer to the comments regarding noise above. This issue has also been adequately addressed.</p> <p>24. The record shows statutory public participation was undertaken per the By-law; notices sent, newspaper/Provincial Gazette publications, objections received</p>

	<p>proposal and its implications, leading to distrust and a sense of exclusion from decisions affecting their wellbeing.</p> <p>25. Additional concerns She lists several further objections, including: (a) Increased traffic congestion and parking pressure; (b) Loss of valuable open space; (c) Reduction in privacy for neighbouring homes; (d) Potential decline in property values; (e) Increased strain on local infrastructure and services</p> <p>26. Support for retaining the site as open space</p> <p>Mrs Moyce stresses the importance of open areas in maintaining neighbourhood character and liveability, arguing that approval should not proceed without broad resident support, which she states is lacking.</p> <p>27. Conclusion Ms Moyce formally opposes the rezoning of Erf 2046 and requests written confirmation that her objection will be included in the decision-making record. This submission adds to the documented body of community concerns, despite being lodged after the initial objection period.</p>	<p>municipal processes rather than the applicant's submission.</p> <p>25. Concerns regarding increased traffic, loss of open space, reduced privacy potential decline in property values as well as increased strain on local infrastructure have been adequately addressed above.</p> <p>26. No comment</p> <p>27. No comment</p>	<p>and circulated for comment, and Municipality/applicant written replies were compiled. The municipality did attempt to provide clarity as there were clearly misunderstanding regarding the intent of the application. This is part of public consultation and should be seen in a positive light.</p> <p>It should be noted that the right-to-use advertisement also ran and no objections were received at that step. This meets procedural fairness and good administration.</p> <p>25. Claims of property value impacts were not substantiated by valuation evidence. Decisions must be guided by policy alignment and demonstrable land-use effects</p> <p>The low-impact nature (no structures, school-hour use, retained open space) and policy compliance with MSDF and IDP weigh against the speculative devaluation assertions.</p> <p>26. Refer to the above mentioned comments regarding the potential impact on character of the neighbourhood as well as public interest.</p> <p>27. Noted. The application is therefore presented to the MPT for decision making.</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 the 14th of October 2025. The public participation process commenced on the 22nd of October 2025 and ended on the 24th of November 2025. Objections were received and referred to the applicant for comment on 17th of December 2025 and the municipality received the comments on the objection from the applicant on the 13th of January 2026.

As mentioned above, most of the objections was based on misunderstandings about the proposed use (e.g., assumptions that buildings or a crèche will be developed). In an attempt to provide clarity, the municipality responded to the objections however the objectors did not withdraw their objections and rather provided additional statement / concerns.

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

2.1 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 proposal responds to an identified public need. It restores safe break-time play capacity lost when a multi-purpose sport centre on the school site was developed, diminishing any space for future expansion of the primary school's premises. The multi-purpose sport centre is not available to the primary school during school breaks. Additionally, learner numbers reached 1895 in 2024 which all contribute to justifying the application today as one of the main reasons why the application was refused in 1999 was that the school has ample space on its own premises to accommodate its need. A fenced, unbuilt playground contiguous to the existing school premises advances learner safety and equitable access to recreational space during school hours. The proposal therefore improves equitable access to safe play space for learners adjacent to the school as well as a substantial area is retained as public open space for the residents in the area to enjoy. The proposal therefore supports the principal of spatial justice and is deemed to be in the interest of the broader Malmesbury community.

Spatial Sustainability and efficiency

The site lies within the urban footprint, uses existing public land, introduces no buildings, and does not require additional bulk services, thus optimising land already served by infrastructure and avoiding sprawl. The fencing of a portion for an institutional open space function is deemed low impact. All cost relating to the installation of the fence is for the school's account.

Spatial resilience

Converting the under-utilised open space abutting the school property into a supervised, controlled environment can reduce antisocial behaviour risks typical of unmanaged vacant land and improve everyday resilience of the precinct.

Good Administration

The correct procedures as determined by the relevant legislative framework were followed from where the in principle approval was obtained by the Executive Mayoral Committee to where the land use application is being considered. The public participation process is administered by the municipality and is deemed fair. All objections have been included as part of the consideration by the Municipal Planning Tribunal as the deciding authority. All the above steps were done in an open and transparent manner which attributes to the principle of good administration.

2.2 Provincial Spatial Development Framework (PSDF)

The Western Cape PSDF, 2014 is the provincial spatial policy guiding municipal SDFs and land use decisions. It advances compact growth, efficient use of existing infrastructure, access to social facilities, and enhancement

of settlement liveability and safety; decisions should align with PSDF directives and support integrated, sustainable settlements.

The proposal is deemed consistent with the objectives of the PSDF. The proposal intensifies a social facility function within the existing urban fabric (school precinct) rather than on peripheral land, reinforcing compact, efficient settlement patterns and improving a public education facility by using underutilised municipal land.

2.3 West Coast District Spatial Development Framework (WCDSDF, 2020)

District frameworks guide municipal SDFs with strategic directions for settlement consolidation, efficient social infrastructure, and safeguarding environmental systems. The WCDM planning instruments emphasise improving community facilities within towns and aligning investments with existing infrastructure, supporting the objectives of the PSDF.

The proposal includes the allocation of underutilised municipal land to enhance a school's functional open space within Malmesbury. This aligns with district level intent to improve social infrastructure and optimise existing town assets.

2.4 Integrated Development Plan (IDP) and Municipal Spatial Development Framework (SDF)

The Swartland Integrated Development Plan (IDP, 2025) is the Municipality's principal strategic planning instrument, guiding all development decisions and aligning municipal investment and land-use management with strategic goals. The Mayoral Committee's report of 22 January 2025 explicitly links the proposed fenced playground on a portion of Erf 2046 to the IDP, confirming that the project directly advances Strategic Goal 1: Community Safety and Wellbeing.

The proposal contributes to the above mentioned strategic goal as it:

- (a) Improves learner safety due to reducing the risk of overcrowding. The schools attempt to mitigate by having two separate break times for different grades has proven unsuccessful. Providing a fenced playground contiguous with the school ensures a secure, controlled, child-friendly environment.
- (b) The supervised use of a portion of Erf 2046 improves passive surveillance of an area that has historically been under-utilised.
- (c) Access to safe recreational space directly enhances learners' physical and emotional well-being.

The Swartland MSDF (2025) designates Erf 2046, Malmesbury within the urban edge and classifies the area as part of Land Use Proposal Zone R. The MSDF, 2025 clearly supports institutional and recreational facilities within residential areas including land use proposal zone R, as well as the improvement of child friendly spaces.



The proposed development aligns spatially as:

1. It optimises municipal land already located within the existing urban footprint, avoiding any expansion of the development edge.
2. It supports the residential neighbourhood's role as a mixed community environment, where institutional land uses (including schools) are appropriate and encouraged.
3. Open-space character is preserved: ±6 455 m² remains Open Space Zone 1, ensuring continued benefit to the wider community.

4. It addresses a documented functional need in the urban system: the school's reduced internal playground capacity.

The application is deemed consistent with the MSDF, 2025.

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

The proposal complies with the provisions of the applicable development management scheme.

3. **The desirability of the proposed development**

The subject property is situated within the urban edge of Malmesbury

The title deed of the subject property has no restrictions prohibiting the proposal.

Physically there are no restrictions that negatively impact the proposal.

The proposal is consistent with municipal and provincial spatial planning policies.

The proposed portion will be leased from the municipality and the lease, as determined by council, be reviewed every three years.

4. **Impact on municipal engineering services**

- Water & Sewer: No additional demand anticipated (no buildings).
- Electricity: None anticipated beyond potential minor security related needs relating to access for maintenance.
- Roads & Traffic: Internal school access; no external trip generation above that of existing school operations.
- Stormwater: Retention of a substantial Open Space Zone 1 remainder sustains the open space hydrological function. Any localised drainage channels and inlets should be kept accessible and protected within the fencing layout.

5. **Response by applicant**

Refer to Annexure L.

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

None

7. **Public interest**

Public interest is positively served. A fenced, unbuilt playground directly contiguous with the school is a low intensity, compatible use in a residential context and preserves the largely open character of the erf by retaining ±6 455 m² as public open space. The proposal therefore improves equitable access to safe play space for learners adjacent to the school as well as a substantial area is retained as public open space for the residents in the area to enjoy. The issues raised by the objections must be weighed alongside policy and factual land use impacts which is clearly in the interest of the broader community of Malmesbury.

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 closure of a portion of a public place be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- B. The application for rezoning of Erf 2046, Malmesbury be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- C. The application for subdivision of Erf 2046, Malmesbury be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):

The decisions A, B & C above are subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) Portion of Public Place, Erf 2046 be closed as presented in the application;
- (b) Erf 2046 be rezoned from Open Space Zone 1 to Subdivisional area as indicated on the rezoning plan dated February 2025 with reference MAL/14346/NJdK in order to accommodate the following land uses;
 - (i). Community Zone 1
 - (ii). Open Space Zone 1
- (c) Erf 2046 (1,2475ha) be subdivided as indicated on the approved proposed subdivision plan dated October 2025 with reference MAL/14856/NJdK as follows:
 - (i). Portion A - ± 6020m² (Community Zone 1)
 - (ii). Remainder - ± 6544m² (Open Space Zone 1)

2. GENERAL

- (a) The legal certificate which authorises the transfer of the subdivided portions and the consolidated erf in terms of section 38 of the By-Law, will not be issued unless all the relevant conditions have been complied with;
- (b) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (c) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (d) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval must be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent and the approval period will not be applicable anymore.
- (e) 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.

PART M: REASONS FOR RECOMMENDATION

1. The application complies with Section 42 of the Spatial Planning and Land Use Management Act, Act 16 of 2013(SPLUMA) and advances the development principles in Section 7 of SPLUMA and Chapter VI of the Land Use Planning Act, (Act 3 of 2014).

2. The proposal aligns with the objectives of the PSDF (2014), WCDSDF (2020), and is deemed consistent with the Swartland MSDP (2023–2027; amended 2025).
3. The proposed rezoning and subdivision are consistent with the Swartland Development Management Scheme and Municipal Land Use Planning By law (PG 8226 of 25 March 2020).
4. The utilisation is desirable, low impact, retains substantial public open space, and improves learner safety.
5. No negative impact on municipal engineering services is anticipated.
6. The proposal supports efficient, sustainable use of municipal land within the urban footprint.
7. Public objections were duly considered. The proposal remains policy compliant and technically justified.
8. It optimises municipal land already located within the existing urban footprint, avoiding any expansion of the development edge.
9. It supports the residential neighbourhood's role as a mixed community environment, where institutional land uses (including schools) are appropriate and encouraged.
10. Open-space character is preserved: ±6 455 m² remains Open Space Zone 1, ensuring continued benefit to the wider community.
11. It addresses a documented functional need in the urban system: the school's reduced internal playground capacity.



PART N: ANNEXURES

Annexure A	Locality plan
Annexure B	Copy of council decision and report dated 1999
Annexure C	Executive Mayoral Committee decision 19 June 2024
Annexure D	Executive Mayoral Committee decision 22 January 2025
Annexure E	Proposed subdivision plan
Annexure F	Proposed rezoning plan
Annexure G	Public participation plan
Annexure H	Objection Mr R Rickerts with annexures
Annexure I	Objection Mrs N Rinkwest as representative of concerned residents, individual objections and petition
Annexure J	Objection Mr LGJ Borman
Annexure K	Objection Mrs P Moyes
Annexure L	Applicants Comment on the objections
Annexure M	Proposed clarification on application intent (Mr R Rickerts)
Annexure N	Additional objection Mr R Rickerts
Annexure O	Proposed clarification on application intent (Mr N Rinkwest)
Annexure P	Additional objection Mrs N Rinkwest
Annexure Q	Proposed clarification on application intent (Mr LGJ Borman)

PART O: APPLICANT DETAILS

Name	CK Rumboll & Partners			
Registered owner(s)	Swartland Municipality	Is the applicant authorised to submit this application:	Yes	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010			Date: 2 March 2026	
Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001	Recommended	✓	Not recommended	
			Date: 4 March 2026	

AFSKRIF/COPYE-Mail malmun@iafrica.com**Mnr I Adams****15/6/3**
15/6/10
15/6/8

28 Januarie 1999

Die Skoolhoof
Liebenberg Primêr
Posbus 208
MALMESBURY
7299

Meneer

**VOORGESTELDE HERSONERING, ONDERVERDELING EN VERVREEMDING
VAN 'N GEDEELTE VAN ERF 2046, MALMESBURY**

Bogemelde aansoek het betrekking.

Die Raad het op 18 Januarie 1999 na behoorlike advertering, u aansoek om hersonering, onderverdeling en vervreemding van 'n gedeelte van openbare oopruimte, erf 2046 oorweeg.

U word hiermee in kennis gestel dat u aansoek ingevolge artikel 16(1) van Ordonnansie 15 van 1985 geweier is om die volgende redes en sal daar gevolglik nie voortgegaan word met die vervreemding van die gedeelte grond nie:

- (a) Liebenberg Primêr beskik oor voldoende onbenutte gronde binne u bestaande skoolterrein om aan u behoeftes te kan voldoen.
- (b) Die beswaarmakers se beswaar word as grondig bejeën en derhalwe gehandhaaf.

Die uwe


> **STADSEKRETARIS**
IA/nbAfskrif: Stadsingenieur

15/6/3

**KANTOOR VAN DIE STADSINGENIEUR
(Afdeling: Stadsbeplanning & Boubeheer)**

13 Januarie 1999

ITEM 7.21 VAN DIE AGENDA VAN DIE GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 18 JANUARIE 1999 VERWYS.

ONDERWERP: VOORGESTELDE HERSONERING EN VERVREEMDING VAN GEDEELTE VAN ERF 2046, MALMESBURY

1. AGTERGROND

Die Oorgangsraad het reeds op 'n vergadering van 1 Junie 1998 in beginsel goedkeuring verleen vir die hersonering/sluiting en vervreemding van 'n gedeelte van Erf 2046. (Bylae A)

Die totale aansoek is geadverteer en 'n petisie, onderteken deur 3 grondeienaars met die volgende inhoud, is ontvang. (Bylae B)

Hierdie petisie is na die Skoolhoof van Liebenberg Primêr vir sy kommentaar, verwys.

Die Skoolhoof het op sy beurt weer briewe met die volgende inhoud aan die 3 grondeienaars gestuur. (Bylae C)

Geeneen van die 3 grondeienaars het op die Skoolhoof se skrywe gereageer nie.

Gevolgtrek is die 3 grondeienaars telefonies gekontak waartydens Mnre Liedeman en Alias bevestig het die hulle hul beswaar terugtrek.

Die derde grondeenaar, CM & SM Rinkwest, het bevestig dat hulle ten sterkste volstaan met hul beswaar teen die vervreemding.

Die Skoolhoof is weereens versoek om met die beswaarmakers in gesprek te tree, in 'n poging om 'n oplossing te vind.

Op 4 Desember 1998 is die aangehegte skrywe (Bylae D) vanaf die beswaarmakers, CM & SM Rinkwest, ontvang, waarin hulle steeds volstaan dat die grond nie vervreem moet word nie.

2. REDE VIR SKOOL SE VERSOEK

2.1 Leerlingtal van 1392

2.2 Speelarea is nie voldoende aan soveel leerlinge nie

2.3 Ouer gemeenskap het 'n saalbou-projek goedgekeur. Hierdie projek gaan 'n groot deel van die speelarea in beslag neem.

- 2.4 Wil die aangrensende grond (nou ter sprake) slegs gebruik vir 'n speelarea en teerblad waarop liggaamlike oefeninge en oefeninge in verskillende sportkodes gedoen sal word.
- 2.5 Die skoolgemeenskap onderneem om die omheining aan te bring indien die Raad goedgehartig is om die grond aan hulle te gee.

3. **HIERDIE DEPARTEMENT SE KOMMENTAAR**

- 3.1 Die speelarea van die skool strek tot teenaan Mimosalaan, gevolglik is die reuse stuk grond noord van die skoolgebou reeds vir baie jare onbenut, en ideaal noord geleë vir die ontwikkeling van sportvelde wat ook as speelarea kan dien. Die ontwikkeling van hierdie gronde in sportvelde sal aan die behoeftes van die leerders kan voldoen.
- 3.2 Die beoogde saalbou-projek sal slegs 'n klein gedeelte van die skoolterrein in beslag neem en op die eiendom plaasvind, tegeleke met die groot onbenutte grond binne die grense van die skoolterrein.
- 3.3 Parkering tot die beoogde saal sal binne die skoolterrein (hul bestaande parkeer area) en die area tussen die bestaande draadheining en Darlingweg kan plaasvind, soos reeds die geval is.
- 3.4 Die beswaarmakers het hul eiendom Erf 3005, meer as 20 jaar gelede gekoop met die doel dat 'n openbare oopruimte oorkant hul eiendom bestaan. Gevolglik het dit aan hulle die gemoedsrus gegee dat die eiendom nooit omhein en moontlik vervreem sal word nie.
- 3.5 Die vervreemding sal impliseer dat die openbare oopruimte nou omhein word om sodoende deel van die skoolterrein te vorm. Die gevolg hiervan is dat die gemeenskap wat huidiglik hierdie area as voetganger roete gebruik, nou Kareeboom- of Keurboomstraat sal moet gebruik. Die feit dat die gemeenskap nou genoemde twee strate sal gebruik, kan beteken dat die risiko van diefstal en eiendomsbeskadiging, veral snags, kan toeneem.
- 3.6 Ten slotte: Hierdie departement is van mening dat Liebenberg Primêr oor voldoende onbenutte gronde binne hul bestaande skoolterrein beskik ten einde aan hul behoeftes (sportvelde, speel-area, saal) te kan voldoen.

Gevolglik word die Oorgangsraad versoek om die beswaarmakers se beswaar te handhaaf en nie die betrokke gedeelte grond te vervreem nie.

BESLUIT

Dat die Raad die hersonering van 'n gedeelte van erf 2046 ingevolge Artikel Artikel 16(1) van Ordonnansie 15/1985 weier en daar gevolglik nie voortgegaan word met die vervreemding daarvan nie, en wel om die volgende redes:

- (a) Liebenberg Primêr beskik oor voldoende onbenutte gronde binne hul bestaande skoolterrein om aan hul behoeftes te kan voldoen;
- (b) Die beswaarmakers se beswaar word as grondig bejeën, en derhalwe gehandhaaf.

AFSKRIF: SENIOR ADMIN BEAMPTE (E) – vir afhandeling

A 25/1/99

BYLAE A

1976

+

341

LIEBENBERG
PRIMÊR

(1976)

SERINGBOOM ST. 12,59

2018

2019

2020

5705

2021

2044

2022

2043

2042

2041

2040

2039

2038

2037

2036

2035

2034

2033

2032

2031

KARREBOOM ST. 12,59

2001

2002

2017

2003

3005 *

3006

3010

3007

3009

3008

2014

2006

2013

2007

2012

2008

2011

2009

2010

2514

12,59

2031

KARREBOOM STREET 12,59

BETROKKE
GROND

GED. ERF
2046

SILWERBOOM
STREET

2026
P.P.

2514

12,59

DARLING

ROAD

25

ASTER ST. 20
S18738/11 P.333

DISA ST. 20

FELICIA ST. S18738/11
PAPAWER ST.
STREET 8,00 327
S18738/11 P.333
STREET

2952

2948

2761

2951

2637

1808

1809

1810

1811

1812

1828

3794

1667

BHNY-4144
(7040)

327
PLAN 247
CED. PLAN 3082
MAL.F.4-6

* BESWAARMAKER

SI- Aandag e Afhandeling

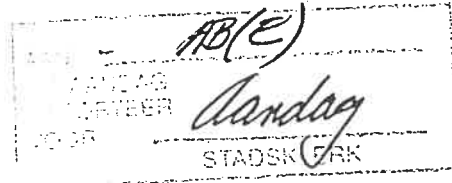
15/6/5
15/6/10

12/21, Bylae B

LEER NO: 15/6/3
FOLIO NO: 6

Karreeboomstraat
Garden Village
MALMESBURY
7300

Die Stadsekretaris
Malmesbury Oorgangsraad
Posbus X52
MALMESBURY
7300



Geagte Meneer

ONS DIE ONDERGETEKENDES MAAK BESWAAR TEEN VERVREEMDING VAN ERF 2046 VIR OPRIGTING VAN SAAL

Vervolgens besware teen oprigting van 'n saal aangrensend aan ons residensiele gebied:

Alle huidige voetverkeer tussen Sunnyside en 'n groot gedeelte van Garden Village en die Wesbank sakegebied, sal nou moet gebruik maak van Karreeboomstraat wat die moontlikheid van diefstal uit huise of voertuie en beskadiging en plundering van straatgeparkeerde motors aansienlik sal verhoog.

Met die implementering van die WKOD se Ekonomiese bestuurstelsel sal die skool sekerlik die saal verhuur vir die finansiële gewin wat die gevolg sal hê:

- Die verhoging van geraasvlakke in die woongebied.
- Swaarder verkeersvloei / straat nie ontwerp daarvoor nie (parkering).
- Versteuring van rus.
- Vermeerdering van voetgangverkeer veral snags wat weer die risiko van diefstal en eiendomsbeskadiging verhoog.

Hiermee wens ons om u te verseker dat ons nie beswaar aanteken teen die oprigting van 'n skoolsaal per sê nie, maar protesteer teen die beoogde ligging van so 'n struktuur.

Die uwe

G.M. + S.M. Rinkwest,

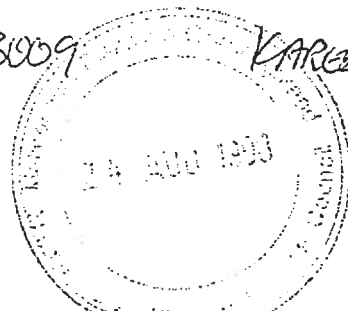
P.J.J. Ams

AMU LIEDEMAN

Erf. No. 3005. Karreeboom Str. 11

erf. No. 2017. Karreeboom Str.

ERF NO 3009 KARREEBOOM STR 6



LIEBENBERG PRIMÊR

Bylae C

**POSBUS 208
MALMESBURY
7299**

**TELEFOON : (0224) 74595
FAKS : (0224) 75545**

21 SEPTEMBER 1998

Mnr. en Mev. S.M. Rinkwest
Kareboomstraat 10 75733
MALMESBURY
7300

Geagte mnr. en mev. Rinkwest

Hiermee wil ek (J.J. Syms) graag die onduidelikheid wat daar heers rakende die vervreemding van erf 2046 met u uitklaar.

1. Die voorgestelde saal vir ons skool word nie op erf 2046 gebou nie, maar wel op die teerblad aan die oostekant van ons skool.
2. Die skool wil graag die grond gebruik vir speelgrond vir ons leerders.
3. Die voorgestelde grond sal geteer word en 'n gedeelte daarvan sal afgebaken word vir 'n parkeerarea. Dus sal parkering binne die skool se terrein wees en nie noodwendig in die straat (Kareboomstraat) nie.
4. Wat geraasvlakke en steurnis aanbetref, kan ons vir u verseker dat die ontwerp van die saal tegniese probleme soos geraas sal aanspreek en ontwerp is om u bekommernis te besweer.
5. Toegang tot die gebou / saal is die bestaande toegangshekke van Liebenberg Primêre Skool.

Hiermee wil ek namens die skoolgemeenskap u verseker dat die oprigting van die saal slegs tot voordeel van die breë Malmesbury Gemeenskap sal wees.

Hiermee wil ons vra om u beswaar teen die vervreemding te heroorweeg en ons dienooreenkomstig van u besluit te verwittig sodat ons die Oorgangsraad van u besluit in kennis kan stel. Dit sal waardeer word indien u ons voor of op Vrydag, 10 Oktober 1998 van u besluit kan verwittig.

Die uwe



**J.J. SYMS
SKOOLHOOF**

*Valstaan met
hul beswaar
98-10-27 JJS*

Bylae D.

Karreeboomstraat 10
Garden Village
7300
4 Desember 1998

Die Stadsklerk
Malmesbury Oorgangsraad

Geagte Heer

Beswaar teen vervreemding van gedeelte van **ERF 2046** Malmesbury.

Soos in vorige skrywe vermeld volstaan ons by die **besware** geopper. Ons het die **ERF 3005**, **20 jaar** gelede gekoop omrede daar 'n **publieke oop ruimte** oorkant die straat is, 'n **oop ruimte** is tog daar vir die gemeenskap van 'n area of 'n gebied om as 'n **oop ruimte benut** te word. Dit is die **keuse** want ons het dit so gesien dat dit **altyd 'n oop ruimte sal wees**.

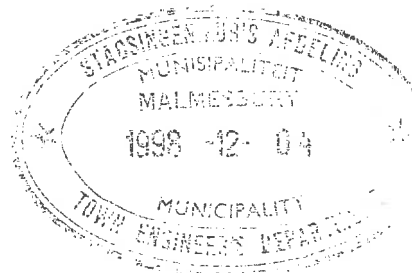
Ter staving van beweerde toename in voetgang verkeer is dit so dat 'n gemiddelde van **slegs skoolleerlinge** wat die roete tans gebruik **207 +** per dag beloop. **Behalwe vele** ander **voetgangers** wat ook van dieselfde roete daaglik gebruik maak.

Aangesien dit **vesteuring van rus** sal wees in ons residensiële gebied en **vermeerdering van voetgang verkeer voor ons deur veral snags** wat weer die **risiko** van **Diefstal** en **eiendomsbeskadiging** verhoog.

Ons wil ook graag verneem hoekom die voornemende **Parkering** en **speel terrein** nie op die **onbenutte grond** wat **noord van die skool** en **aangrensend aan Mimosa Laan** opgerig kan word nie.

Ons sien ongelukkig geensins ons weg oop om in te stem vir die vervreemding van genoemde grond en die **OMHEINING** daarvan nie. Aangesien honderde voetgangers daaglik daarvan gebruik maak.

DIE UWE
CM & SM RINKWEST





Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Korporatiewe Dienste

Wyk 10

3 Junie 2024

17/9/2/R

ITEM 7.9 VAN DIE AGENDA VAN 'N UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING WAT GEHOU SAL WORD OP 19 JUNIE 2024

ONDERWERP:	LIEBENBERG PRIMÊRE SKOOL: AANSOEK OM GEBRUIK VAN PUBLIEKE OOP RUIMTE TUSSEN KAREEBOOMSTRAAT EN DARLINGWEG, MALMESBURY
SUBJECT:	LIEBENBERG PRIMARY SCHOOL: APPLICATION TO USE PUBLIC OPEN SPACE BETWEEN KAREEBOOM STREET AND DARLING ROAD, MALMESBURY

1. AGTERGROND

- 1.1 Aangeheg (**AANHANGSEL A**) is 'n skrywe gedateer 27 Februarie 2024 van die Liebenberg Primêre Skool, waarin aansoek gedoen word om die publieke oop ruimte tussen Kareeboomstraat en Darlingweg, Malmesbury, soos aangetoon op **AANHANGSEL B** hierby, op eie koste te mag omhein en vir die daarstel van addisionele speelgronde te benut.
- 1.2 Nadat daar met die skool gekommunikeer was in die betrokke verband, het die Skoolhoof skriftelik op 16 Mei 2024 verwittig dat hulle nie die grond op 'n permanente basis wil bekom of 'n formele huurooreenkoms wil sluit nie, maar bloot die grond op 'n informele basis wil gebruik.
- 1.3 Kommentaar wat van interne rolspelers bekom is, dui daarop dat
 - daar 'n interne besproeiingspyp is wat die erf kruis aan die kant waar dit grens aan die skool;
 - daar op die erf grens ook 'n aantal straatligte met gepaardgaande elektriese infrastruktuur gehuisves word, wat – indien die perseel omhein word – vereis dat 'n hek in die heining aangebring moet word om toegang te hê vir 'n kraantrok om instandhouding te kan doen van die betrokke infrastruktuur. Die posisie van hierdie straatligte is soos aangetoon by wyse van oranje sirkels op Aanhangel A;
 - die voorneme om die oop ruimte vir publieke gebruik af te sluit, in die media bekend gemaak moet word vir publieke kommentaar, en ook insette via die wykskomitee bekom word;
 - die publieke oop ruimte (Erf 2024) gesluit en toepaslik vanaf oop ruimte sone 1 na gemeenskapsone 1 hersoneer en onderverdeel ($\pm 6037 \text{ m}^2$) moet word.
- 1.4 Die aangeleentheid is op bestuursvlak oorweeg, en word

2. AANBEVEEL

- (a) Dat 'n gedeelte (groot $\pm 6037 \text{ m}^2$) van Erf 2046, Malmesbury op 'n informele basis aan die Liebenberg Primêre Skool beskikbaar gestel word om te omhein en as speelterrein te benut, onderhewig daaraan dat
 - 'n hek in die omheining aangebring word om te verseker dat die Elektriese direktoraat toegang sal hê vir 'n kraantrok om instandhouding te kan doen van die straatligte en elektriese netwerk op die grens van die skoolperseel;
 - daar geen strukture op die terrein aangebring mag word nie, in ag genome dat daar 'n besproeiingspyp is wat die erf kruis aan die kant waar dit grens aan die skool;
 - die voorneme om die oop ruimte vir publieke gebruik af te sluit, in die media bekend gemaak word vir publieke kommentaar, en ook insette via die wykskomitee bekom sal word;

2./...

- (b) Dat die skool die vooraf goedkeuring van die Munisipaliteit (Siviele en Elektriese Direkteurats) moet bekom vir die heining en toegangshek wat aangebring sal word;
- (c) Dat die grondgebruiksregte (insluitend, sluiting, hersonering en onderverdeling) ten opsigte van die terrein verkry word deur en op koste van die aansoeker;
- (d) Dat 'n memorandum van verstandhouding met die skool gesluit en driejaarlik hersien sal word.

5. **RECOMMENDATION**

- (a) That a portion ($\pm 6037 \text{ m}^2$ in extent) of Erf 2046, Malmesbury be made available to the Liebenberg Primary School on an informal basis to be fenced in and used as a play area, subject thereto that
 - a gate be installed in the enclosure to ensure that the Electricity Directorate will have access for a crane truck to carry out maintenance of the street lights and electrical network on the boundary of the school premises;
 - no structures be erected on the site, considering that there is an irrigation pipe that crosses the plot on the side where it borders the school;
 - the intention to close the open space for public use be announced in the media for public comments, and the input of the ward committee also be obtained;
- (b) That the school must prior to its erection, obtain the approval of the Municipality (Civil and Electrical Directorates) for the fence and access gate that will be installed;
- (c) That the land use rights (including, the closure, rezoning and subdivision) of the site be undertaken by and at the cost of the applicant;
- (d) That a memorandum of understanding be entered into with the school, to be reviewed every three years.

BESLUIT

- (a) Dat 'n gedeelte (groot $\pm 6037 \text{ m}^2$) van Erf 2046, Malmesbury op 'n informele basis aan die Liebenberg Primêre Skool beskikbaar gestel word om te omhein en as speelterrein te benut, onderhewig daaraan dat
 - (i) 'n hek in die omheining aangebring word om te verseker dat die Elektriese direktoraat toegang sal hê vir 'n kraantrok om instandhouding te kan doen van die straatligte en elektriese netwerk op die grens van die skoolperseel;
 - (ii) daar geen strukture op die terrein aangebring mag word nie, in ag genome dat daar 'n besproeiingspyp is wat die erf kruis aan die kant waar dit grens aan die skool;
 - (iii) die voorneme om die oop ruimte vir publieke gebruik af te sluit, in die media bekend gemaak word vir publieke kommentaar, en ook insette via die wykskomitee bekom sal word;
- (b) Dat die skool die vooraf goedkeuring van die Munisipaliteit (Siviele en Elektriese Direkteurats) moet bekom vir die heining en toegangshek wat aangebring sal word;
- (c) Dat die grondgebruiksregte (insluitend, sluiting, hersonering en onderverdeling) ten opsigte van die terrein verkry word deur en op koste van die aansoeker;
- (d) Dat 'n memorandum van verstandhouding met die skool gesluit en driejaarlik hersien sal word.

AFSKRIFTE

BAEK – koördineer aksies voortspruitend uit die besluit



LIEBENBERG PS



"A"

Tel. +27 22 – 4864595/486 4043/ 6340178
Posbus/P.O. Box 208, MALMESBURY, 7299
liebenberg.prim@wcgschools.gov.za

Mnr/Mr CJ Koopman: principalliebenbergps@gmail.com

2024



**Western Cape
Government**

QUALITY EDUCATION

for every child | in every classroom | in every school in the province.

27 Februarie 2024

Values of the WCED
Caring
Competence
Accountability
Integrity
Innovation
Responsiveness

Geagte Mnr J Scholtz

Insake: Verkryging van publieke gronde langs skool.

Liebenberg Primêr is 'n ligbaken in die dorp en huisves hierdie jaar 1895 leerders.

Ons skool Liebenberg Primêr, is 'n publieke opvoedings instansie op Wesbank, Malmesbury. Die skool is alreeds vanaf 1954 deel van die gemeenskap van Wesbank. Nodeloos om te sê dat daar seker al honderde duisende leerders, hul Laerskool loopbaan suksesvol by die skool voltooi het.

Gedurende 2017/18 het onderhandelinge begin met die destydse bestuur en beheer van die skool en die departement van Sport en Kultuursake oor die gronde agter die skool, wat gedien het as speelgrond, rugbyveld, krieketveld en liggaamlike opvoedingsplek vir leerders. Hul visie was om 'n veeldoelige sportsentrum op te rig, waar alle skole sport kon beoefen. Die positiwiteit van die idee was dat Liebenberg Primêr, sport, sowel as liggaamlike opvoeding op 'n voltydse basis daar kon beoefen.

Met my aansluit by die skool op 1 Oktober 2019, het ek gesien hoe hierdie veeldoelige sentrum die skool en die gemeenskap kon bedien. Ons kyk met trots daarna. Aan die anderkant het ons skool 'n baie groot deel van ons skoolgrond ingeboet en het die speelruimte vir leerders baie beperk geraak. Die leerder talle van die skool het geweldig gegroei, omdat die invloei van Buitelanders na Malmesbury toegeneem het. Ons skool het Afrikaans en Engels as onderrig taal en het dus 'n trekpleister geraak vir Buitelanders omdat ons hul kinders in Engels kon bedien. Die skool is ook 'n skoolfonds vrye skool, wat die gemeenskap bedien.

Vanaf verlede jaar het ons begin om 2 verskillende tye pouse te hê vir die verskillende fases (grondslagfase en Intersensfase) en het hierdie jaar voortgegaan daarmee. Dit skep natuurlik dissiplinêre probleme op die skool, omdat die leerders dan die klasse wat nog besig is met akademie, steur. Tegnies is die gronde agter die skool nie meer ons eiendom nie. Ons benodig dringend meer speelplek gronde vir ons leerders. Ek neem dus die vrymoedigheid om te vra vir die oop stuk grond, tussen Keurboomstraat en Darlingweg wat aan die skool grens. Die grond lê al al die jare brak en die skool kan dus gebruik maak daarvan. Ons sal self die gronde omhein en veilig maak vir die ons leerders.

Ek sal die baie waardeer indien u hierdie versoek goedgevind kan word.

Liebenberg Groete


CJ Koopman
Skoolhoof

WESTER CAPE GOVERNMENT
LIEBENBERG PRIMARY / PRIMÊR
27 FEB 2024
POSBUS 208, MALMESBURY, 7299 EMAIL: liebenberg.prim@wcgschools.gov.za
WES-KAAP ONDERWYSDEPARTEMENT

SCHOON-
SPRUIT
SKOOL SS

SCHOONSPRUIT
SKOOL MS 500KVA

LIEBENBERG
PRIMARY
SCHOOL

$\pm 6037 m^2$

"B"

SERINGBOOM

KARREBOOM

KEURBOOM

SILWERBOOM

DARLING ROAD (MAIN ROAD 224)

GODETIA
AKASIA &
GODETIA STR
MS 500 KVA

ASTER

DISA
SM POLICE



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Korporatiewe Dienste

02 January 2025

Ward 10

12/2/R

ITEM 7.8 VAN DIE AGENDA VAN 'N UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING WAT GEHOU SAL WORD OP 22 JANUARIE 2025

SUBJECT:	PROPOSED GRANTING OF A RIGHT TO USE A PORTION OF ERF 2046 SITUATED IN KAREEBOOM STREET AND DARLING ROAD, MALMESBURY TO LIEBENBERG PRIMARY SCHOOL
ONDERWERP:	VOORGESTELDE GEBRUIKSREG TEN OPSIGTE VAN 'N GEDEELTE VAN ERF 2046 GELEË IN KAREEBOOMSTRAAT EN DARLINGWEG AAN LIEBENBERG PRIMÊRE SKOOL

1. BACKGROUND / AGTERGROND

1.1 Erf 2046 situated in Kareeboom Street and Darling Road, Malmesbury is vacant municipal property, zoned 'public open space zone 1', measuring approximately 13 037m² in extent (see enclosed locality map marked **Annexure A**).

1.2 Liebenberg Primary School applied for a portion thereof to be used by the school, which school is situated adjacent to the subject property on Erf 341 Malmesbury, to develop an additional fenced play area and the Mayoral Committee on 19 June 2024 approved the granting of a right to use subject to the conditions below:

(a) *Dat 'n gedeelte (groot ± 6037 m²) van Erf 2046, Malmesbury op 'n informele basis aan die Liebenberg Primêre Skool beskikbaar gestel word om te omhein en as speelterrein te benut, onderhewig daaraan dat:*

(i) *'n hek in die omheining aangebring word om te verseker dat die Elektriese direksie toegang sal hê vir 'n kraantrok om instandhouding te kan doen van die straatligte en elektriese netwerk op die grens van die skoolperseel;*

(ii) *daar geen strukture op die terrein aangebring mag word nie, in ag genome dat daar 'n besproeiingspyp is wat die erf kruis aan die kant waar dit grens aan die skool;*

(iii) *die voorneme om die oop ruimte vir publieke gebruik af te sluit, in die media bekend gemaak word vir publieke kommentaar, en ook insette via die wykskomitee bekom sal word;*

(b) *Dat die skool die vooraf goedkeuring van die Munisipaliteit (Siviele en Elektriese Direksie) moet bekom vir die heining en toegangshek wat aangebring sal word;*

(c) *Dat die grondgebruiksregte (insluitend sluiting, hersonering en onderverdeling) ten opsigte van die terrein verkry word deur en op koste van die aansoeker;*

(d) *Dat 'n memorandum van verstandhouding met die skool gesluit en driejaarlik hersien sal word.*

1.3 The principal of the school confirmed in writing that they wish to proceed with the proposed transaction based on the conditions mentioned above via letter dated 14 October 2024.

1.4 Subsequently, the proposed transaction has been advertised in the local press for objections and the objection period lapsed on 22 November 2024. No objections were received.

1.5/...

1.5 The report is therefore submitted to obtain Council approval for the proposed granting of a right to use in respect of a portion of Erf 2046 Malmesbury to Liebenberg Primary School for development of an additional fenced play area to accommodate the increasing number of learners at the school.

2. LEGISLATION / WETGEWING

Council's By-law relating to the Transfer of Municipal Capital Assets, PG 7394 of 2015, as well as the Municipal Asset Transfer Policy (2014), authorises the municipality to – in accordance with its operational needs and strategic objectives – among others –

- lease capital assets on a long- or short-term by way of negotiation or public competition;
- subject to the provisions of the MATR (Municipal Asset Transfer Regulations), subsidised sale prices or rental rates in respect of capital assets may be determined [Section 4(d) and (e) of By-law].

The policy itself stipulates that immovable property is leased only at market-related prices, unless otherwise determined by the plight of the poor, the public interest as well as the operational and strategic objectives of the municipality. More specifically, this project is embedded in the strategic objectives of the municipality, as mentioned in paragraph 1.

3. LINKING TO THE INTEGRATED DEVELOPMENT PLAN / KOPPELING AAN DIE GEÏNTEGREERDE ONTWIKKELINGSPLAN

This project is directly linked to the Integrated Development Plan as:

- Strategic Goal 1: Community safety and wellbeing

4. FINANCIAL IMPLICATIONS/ FINANSIËLE IMPLIKASIE

There are no financial implications for the Municipality, noting that the granting of a right to use in respect of a portion of municipal property will be at no charge, but will benefit the school by means of an additional space for a play area and the Municipality will not need to maintain the property anymore. The school will bear the costs involved in respect of the land use planning application and development of a fenced play area, including the maintenance thereof.

5. AANBEVELING

5.1 Dat, in terme van Regulasie 34 van die Munisipale Bate Oordrag Regulasie, saamgelees met die Munisipale Bate Oordrag Beleid (2014), goedkeuring verleen word vir die voorgestelde gebruiksreg ten opsigte van 'n gedeelte van Erf 2046, ongeveer 6037m² groot, geleë Kareboomstraat en Darling Weg, Malmesbury aan Liebenberg Primêre Skool, onderworpe aan die standaard huurvoorwaardes asook die volgende verdere voorwaardes:

- 5.1.1 Dat die eiendom slegs vir die ontwikkeling van 'n omheinde speelterrein aangewend word deur en op koste van die applikant;
- 5.1.2 Dat 'n hek in die omheining aangebring word om te verseker dat die Elektriese Ingenieursdienste direktoraat toegang sal hê vir 'n kraantrok om instandhouding te onderneem van die straatligte en elektriese dienste wat op die grens van die skoolperseel geleë is;
- 5.1.3 Dat geen strukture op die terrein aangebring mag word nie, in ag genome dat daar 'n besproeiingspyp is wat die erf kruis aan die kant waar dit grens aan die skool;
- 5.1.4 Dat die skool die vooraf goedkeuring van die Munisipaliteit (Siviele en Elektriese Ingenieursdienste Direkorate) moet bekom vir die heining en toegangshek wat aangebring sal word;
- 5.1.5 Dat die grondgebruiksregte (insluitend, sluiting, hersonering en onderverdeling) ten opsigte van die terrein verkry word deur en op koste van die aansoeker;
- 5.1.6 Dat 'n gebruiksooreenkoms met die aansoeker gesluit en driejaarliks hersien sal word; en
- 5.1.7/...

- 5.1.7 Dat daar aan alle administratiewe, tegniese en regsvereistes voldoen word;
- 5.2 Dat, ingevolge paragrawe 13.2 en 13.2.4 van die Bate Oordrag Beleid, die gratis gebruik van die munisipale eiendom ondersteun word deurdat die eiendom deur die skool benut sal word vir 'n addisionele speelarea om die toenemende getalle leerders by die skool te akkommodeer.

5. RECOMMENDATION

- 5.1 That, in terms of Regulation 34 of the Municipal Asset Transfer Regulations (MATR), read together with the Municipal Asset Transfer Policy (2014), approval be granted for the proposed granting of a right to use in respect of a portion of Erf 2046, measuring approximately 6037m² in extent, situated in Kareeboom Street and Darling Road, Malmesbury to Liebenberg Primary School, subject to the standard conditions of lease and the following further conditions:
- 5.1.1 That the property only be used for development of a fenced play area by and at the cost of the applicant;
- 5.1.2 That a gate be installed in the fence to ensure that the Electrical Engineering Services Directorate can gain access to maintain the street lights and electrical services located on the boundary of the school premises, noting that the gate must be adequate for a crane vehicle to enter the site;
- 5.1.3 That no structures be erected on the site, noting that the irrigation pipe is crossing the property on the side where it borders the school;
- 5.1.4 That the applicant obtains approval from the Municipal Civil- and Electrical Engineering Services Directorates prior to the installation of the fence and access gate;
- 5.1.5 That the land use rights (including closure, rezoning and subdivision) in respect of the property be undertaken by and at the cost of the applicant;
- 5.1.6 That a use agreement with the applicant be finalised to be reviewed every three years; and
- 5.1.7 That all administrative, technical and legal requirements be adhered to;
- 5.2 That, in terms of paragraphs 13.2 and 13.2.4 of the Asset Transfer Policy, the use of the municipal property free of charge is supported due to the fact that the property will be utilised by the school to fulfil its need for an additional play area to accommodate the increasing number of learners at the school.

BESLUIT

- (a) Dat, in terme van Regulasie 34 van die Munisipale Bate Oordrag Regulasie, saamgelees met die Munisipale Bate Oordrag Beleid (2014), goedkeuring verleen word vir die voorgestelde gebruiksreg ten opsigte van 'n gedeelte van Erf 2046, ongeveer 6037m² groot, geleë Kareeboomstraat en Darling Weg, Malmesbury aan Liebenberg Primêre Skool, onderworpe aan die standaard huurvoorwaardes asook die volgende verdere voorwaardes:
- (i) Dat die eiendom slegs vir die ontwikkeling van 'n omheinde speelterrein aangewend word deur en op koste van die applikant;
- (ii) Dat 'n hek in die omheining aangebring word om te verseker dat die Elektriese Ingenieursdienste direktoraat toegang sal hê vir 'n kraantrok om instandhouding te onderneem van die straatligte en elektriese dienste wat op die grens van die skoolperseel geleë is;
- (iii) Dat geen strukture op die terrein aangebring mag word nie, in ag genome dat daar 'n besproeiingspyp is wat die erf kruis aan die kant waar dit grens aan die skool;
- (iv) Dat die skool die vooraf goedkeuring van die Munisipaliteit (Siviele en Elektriese Ingenieursdienste Direkorate) moet bekom vir die heining en toegangshek aangebring sal word;

- (v) Dat die grondgebruiksregte (insluitend, sluiting, hersonering en onderverdeling) ten opsigte van die terrein verkry word deur en op koste van die aansoeker;
 - (vi) Dat 'n gebruiksooreenkoms met die aansoeker gesluit en driejaarliks hersien sal word;
en
 - (vii) Dat daar aan alle administratiewe, tegniese en regsvereistes voldoen word;
- (b) Dat, ingevolge paragrawe 13.2 en 13.2.4 van die Bate Oordrag Beleid, die gratis gebruik van die munisipale eiendom ondersteun word deurdat die eiendom deur die skool benut sal word vir 'n addisionele speelarea om die toenemende getalle leerders by die skool te akkommodeer.

AFSKRIFTE:

BAEK – vir afhandeling

DK – vir kennisname

Snr.Best. Fin State en Batebestuur / Best: Bates & Versekering en Vlootbestuur – doeleindes van die bateregister



Erf: Portion of Erf 2046, Malmesbury
Street: c/o Kareboom Street and Darling Road
SG Code: C0460008000020460000
Extent: 6037m² in extent



LIEBENBERG PS



Tel. +27 22 – 4864595/486 4043/ 6340178
 Posbus/P.O. Box 208, MALMESBURY, 7299
 liebenberg.prim@wgschools.gov.za
 Mnr/Mr CJ Koopman: clyde.koopman@wgschools.gov.za

2024



**Western Cape
Government**

QUALITY EDUCATION

for every child | in every classroom | in every school in the province.

14 Oktober 2024

Values of the WCED

Caring
 Competence
 Accountability
 Integrity
 Innovation
 Responsiveness

Geagte Me F Williams

Dankie vir u skrywe aan ons gerig.

Die Skool Beheerliggaam van bogenoemde skool aanvaar die voorwaardes vir die grondgebruiksregte vir erf 2046.

U kan voortgaan met die prosedure en die skoolhoof diensooreenkomstig inlig.

Ons wag op die spoedige terugvoering.

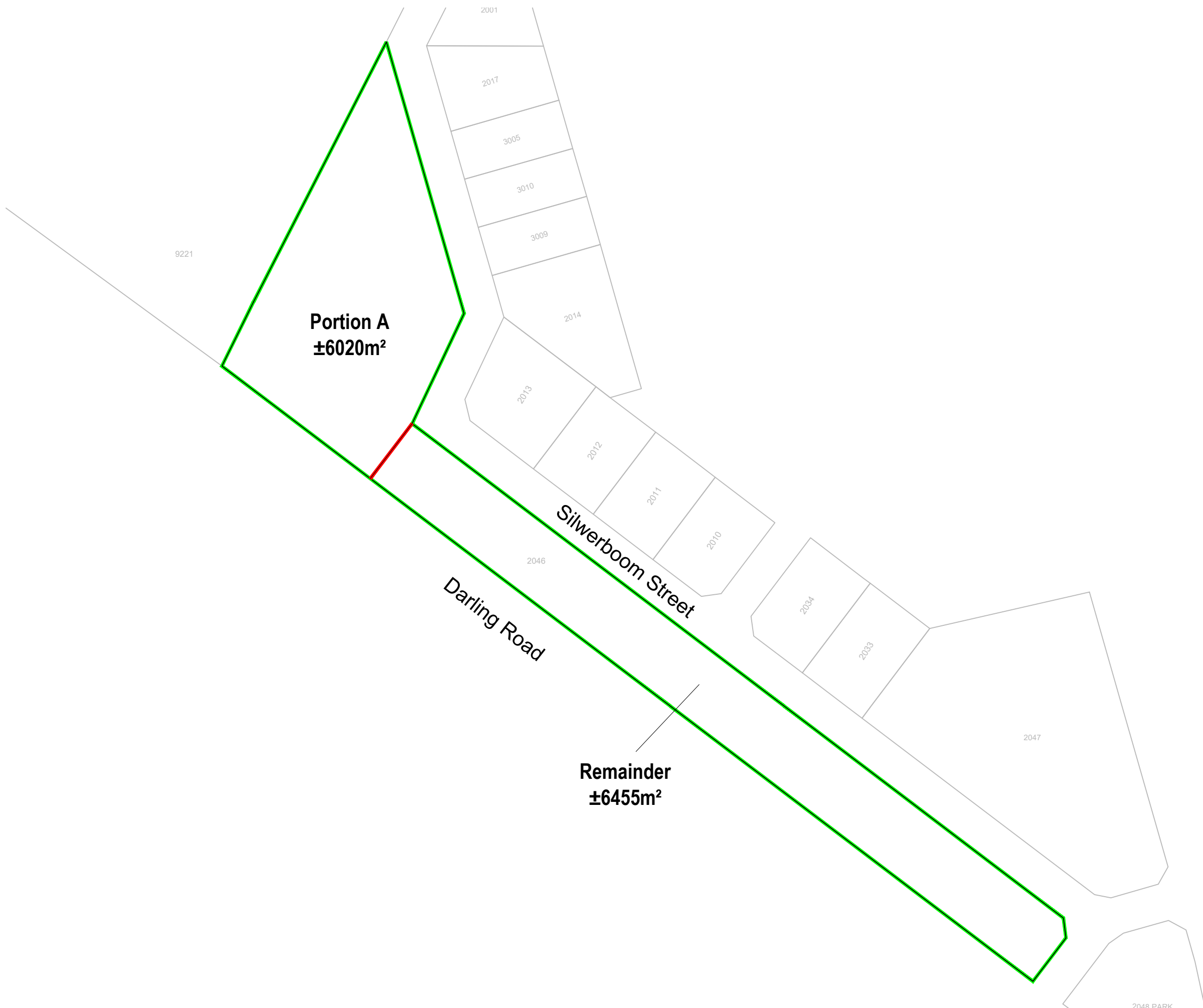
Liebenberg Groete


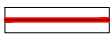

**CJ Koopman
Skoolhoof**

WESTERN CAPE EDUCATION DEPARTMENT
 LIEBENBERG PRIMARY / PRIMĒR
 POSBUS 208, MALMESBURY, 7299
 EMAIL: liebenberg.prim@wgschools.gov.za
 WES-KAAP ONDERWYSDEPARTEMENT



PLAN OF SUBDIVISION: ERF 2046, MALMESBURY

ANNEXURE E

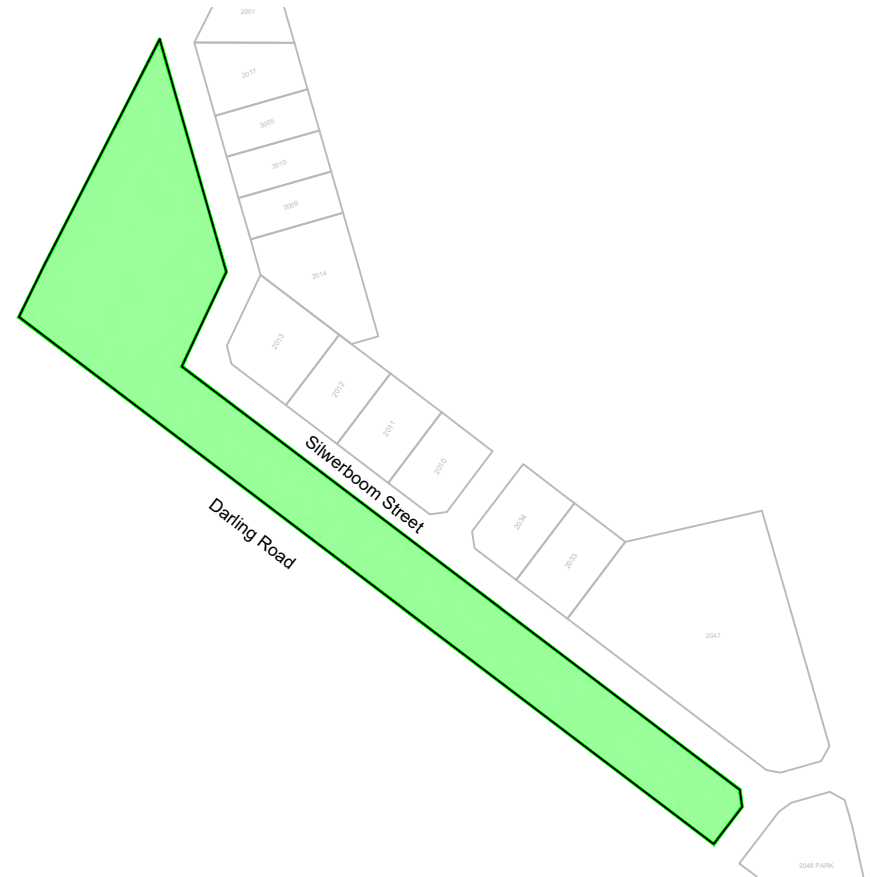


KEY:
 Subject property
 Proposed subdivision line
 Current Zoning: Open Space Zone 1

SUBDIVISION:
 Portion A: ±6020m²
 Remainder: ±6455m²

TITLE: SUBDIVISION PLAN ERF 2046, MALMESBURY	
PHYSICAL ADDRESS: MALMESBURY	
NOTE: ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING	
	COMPILED BY: C.K. RUMBOLL & PARTNERS TOWN PLANNERS PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY Tel: 022 - 4821845 Fax: 022 - 4871661 Email: planning2@rumboll.co.za
	DATE: OCTOBER 2025
REF: MAL/14856/NJdK	
Drawing done by NJ de Kock - Planner: CK Rumboll & Partners	

PLAN OF REZONING: ERF 2046, MALMESBURY



Before

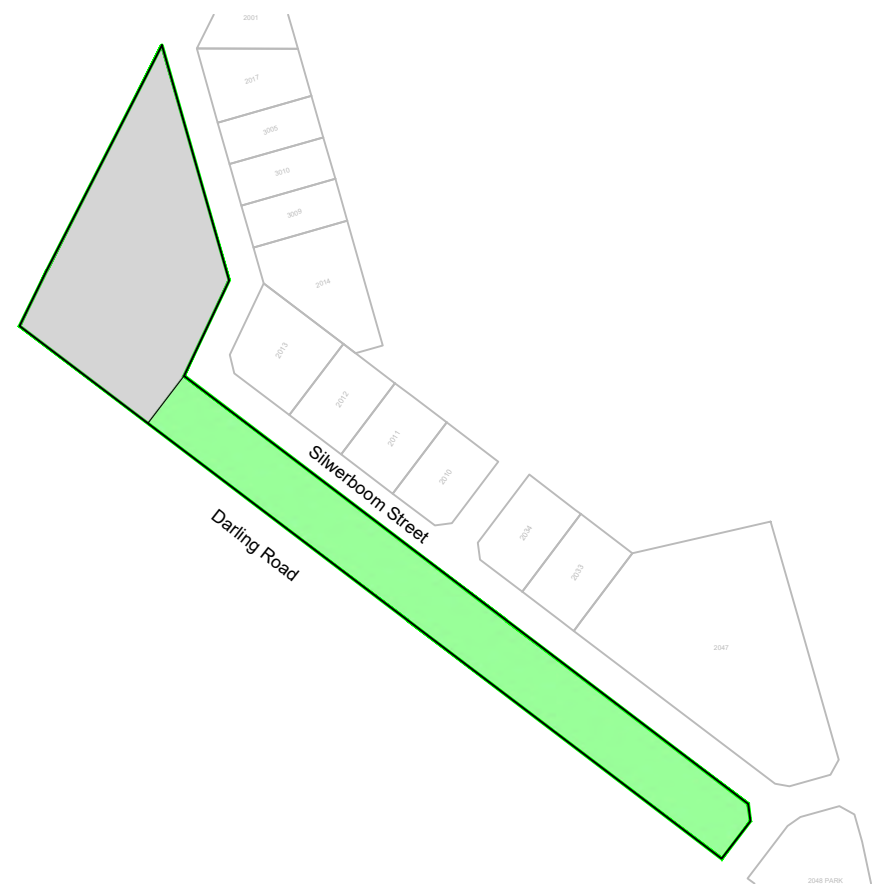
LEGEND:

- Open space zone 1
- Community Zone 1

NOTES

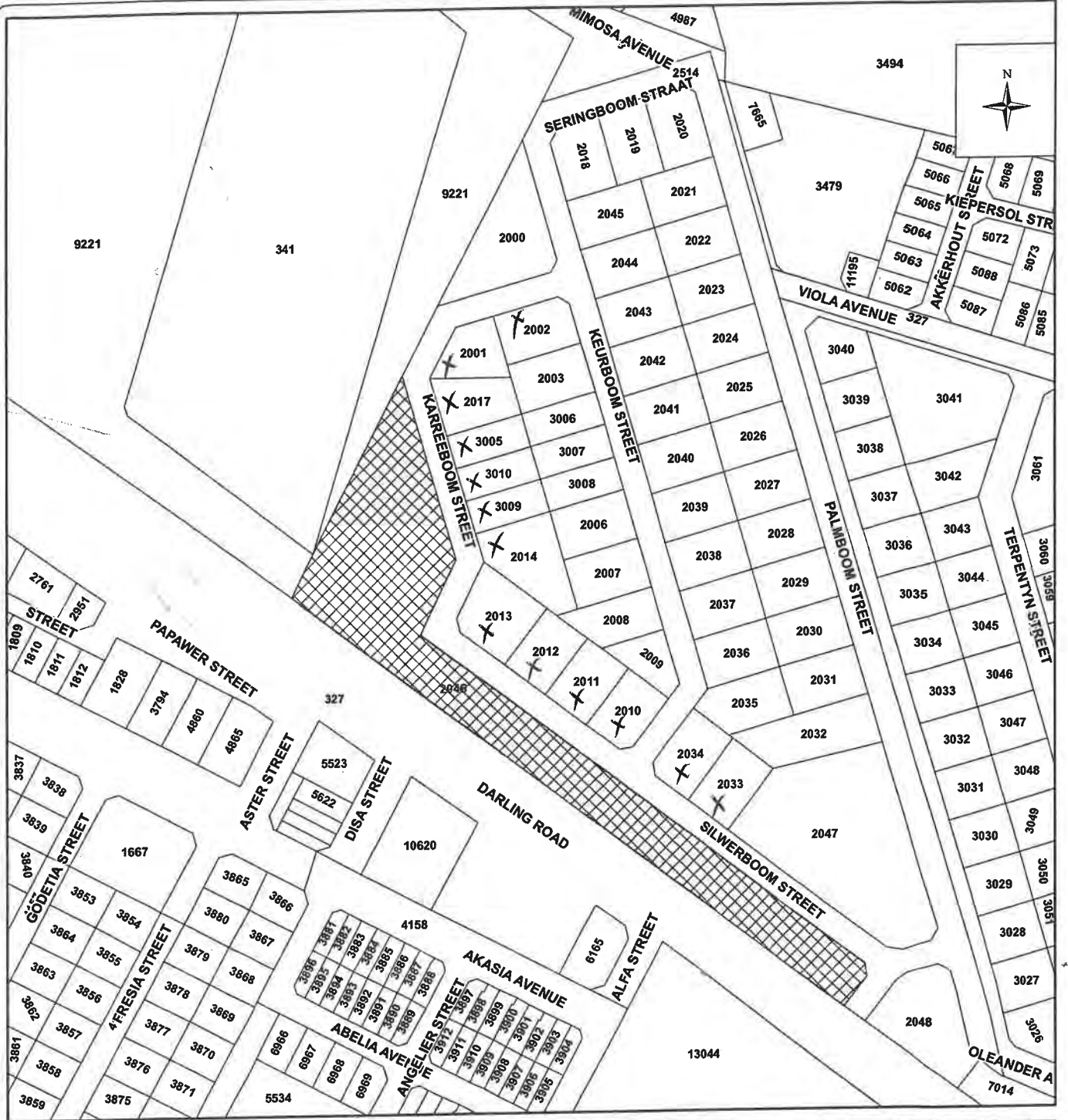
This diagram illustrates the proposed rezoning of Erf 2046, Malmesbury from Open Space Zone 1 to Subdivisional Area to accommodate the following zonings:

- Open Space Zone 1: ±6455ha
- Community Zone 1: ±6020m²



After

TITLE: REZONING PLAN ERF 3615, MALMESBURY	
PHYSICAL ADDRESS: MALMESBURY	
NOTE: ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING	
COMPILED BY: C.K. RUMBOLL & PARTNERS TOWN PLANNERS PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY Tel: 022 - 4821845 Fax: 022 - 4871661 Email: planning2@rumboll.co.za	
DATE: FEBRUARY 2025	AUTHORITY: SWARTLAND MUNICIPALITY
REF: MAL/14346/NJdK	
Drawing done by NJ de Kock - Planner: CK Rumboll & Partners	

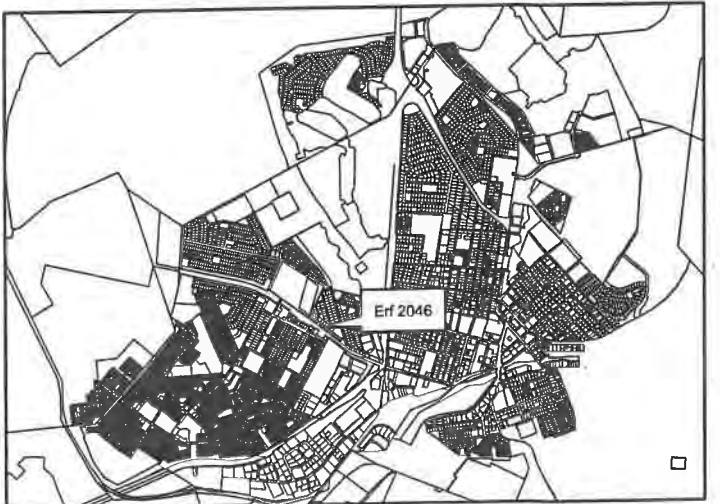


Voorgestelde sluiting, hersonering en onderverdeling

Erf 2046, Malmesbury

Publieke deelname

Skaal: NVT



REGISTERED OWNER:

Mr/Ms R & RL Rickerts

12 Silverboom Street

Malmesbury

022-001 0624

ronald.rickerts@gmail.com

18 November 2025

The Municipal Manager

Swartland Municipality

swartlandmun@swartland.org.za

Dear Sir / Madam

**SUBJECT: FORMAL OBJECTION IN TERMS OF SECTION 60 OF THE
SWARTLAND MUNICIPALITY: MUNICIPAL LAND USE PLANNING
BY-LAW (PG 8226 OF 25 MARCH 2020) Erf 2046 –
Application in terms of Sections 25(2)(n) and 25(2)(a)**

Dear Sir / Madam

I, the undersigned, registered owner of **12 Silverboom Street**, hereby submit my formal objection in terms of **section 60** of the Swartland Municipality: **Municipal Land Use Planning By-Law** (PG 8226 of 25 March 2020) to the following applications:

1. An application in terms of **section 25(2)(n)** for the closure of a portion of **Erf 2046** situated directly in front of my property; and
2. An application in terms of **section 25(2)(a)** for the rezoning of Erf 2046 from its current land use to **Open Space Zone and Community Zone**.

It has come to my attention that Liebenberg Primary School intends to utilise the proposed Community Zone portion to construct a crèche facility. This will have a direct and adverse impact on the residential character of the neighbourhood and

would obstruct the long-standing open view and environmental quality currently enjoyed by the surrounding property owners.

1. HISTORICAL CONTEXT AND PRIOR COMMUNITY REJECTION

Approximately **30 years ago**, a similar proposal was considered and was **vehemently rejected** by the residents of this area. At that time, the open space on Erf 2046 was **earmarked for a community park**, intended to serve the children and families of the residential neighbourhood. The same concerns raised back then remain relevant today.

2. IMPACT ON RESIDENTIAL AMENITY

The construction of a crèche or other community-zone facility will:

- i). Block the existing open view enjoyed by residents, significantly reducing visual quality and property value;
- ii). Introduce increased noise, traffic, and congestion in an already quiet residential street;
- iii). Alter the established residential character of the area;
- iv). Create safety and traffic concerns given its proximity to the national road to Darling.

3. ORIGINAL INTENDED USE OF THE SITE

As previously communicated to the municipality, the open space was originally earmarked as a park and green area for community use. This intention remains the most appropriate and beneficial use of the land.

4. ALTERNATIVE PROPOSAL

We therefore object to the rezoning and closure applications and respectfully request that the municipality:

- 4.1. Retains the open space for its original intended purpose;
- 4.2. Plants trees and landscaping on Erf 2046 to improve the aesthetics of the area, particularly due to the visibility from the national road;
- 4.3. Allocates budget to develop a safe community park which residents are willing to assist in maintaining;
- 4.4. Refrains from approving any structures that would obstruct views or negatively affect the residential environment.

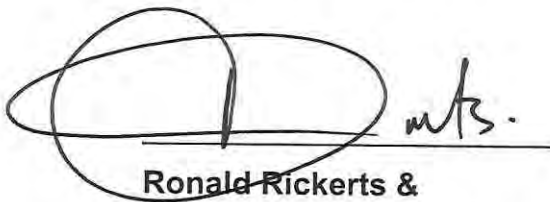
5. CONCLUSION

For the reasons outlined above, I hereby record my strong objection to:

- a) the closure of a portion of Erf 2046; and
- b) the proposed rezoning to Open Space and Community Zones for the purpose of establishing a crèche.

I trust that the Municipality will consider this objection in accordance with section 60 of the By-Law and notify me of any further steps or hearings where my representations may be required. Attached supporting affidavit of R Rickerts.

Yours faithfully



Ronald Rickerts &

Registered Owners: 12 Silverboom Street

Contact: 082 855 6057

Email: ronald.rickerts@gmail.com



Mev RL Rickerts

SWORN AFFIDAVIT

1. SUPPORTING AFFIDAVIT OF:

Mr R Rickerts
12 Silwerboom Street
Gardenvillage
Malmesbury

I, the undersigned, hereby declare under oath:

1. I am the registered owner of the immovable property situated at 12 Silwerboom Street, within the jurisdiction of the Swartland Municipality, and I am duly authorised to make this affidavit.
2. I have lodged a formal objection in terms of section 60 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) against:
 - i) the application in terms of section 25(2)(n) for the closure of a portion of Erf 2046; and
 - ii) the application in terms of section 25(2)(a) for the rezoning of Erf 2046 to Open Space Zone and Community Zone.
3. I confirm that it has come to my attention that Liebenberg Primary School intends constructing a crèche on the portion proposed to be rezoned as Community Zone, which would have a severe negative impact on the residential environment.
4. I state that more than 30 years ago, a similar development proposal for this open space was categorically rejected by the residents. The open area was earmarked for a community park, and residents were assured that the space would remain open to maintain the residential character.



5. The erection of structures—particularly a crèche—on this site will:
- 5.1 impede the existing open view enjoyed by surrounding homeowners;
 - 5.2 result in increased noise, traffic, and congestion;
 - 5.3 negatively affect safety for children and residents due to the proximity of the national road to Darling;
 - 5.4 alter the residential character and quiet enjoyment of the neighbourhood;
 - 5.5 reduce property values and quality of life.

6. I further state that the residents previously requested—and continue to request—that the Municipality:

- i) preserve the area as an open green space;
- ii) plant trees, landscape and maintain the area; and
- iii) allocate municipal budget for the establishment of a safe community park that residents are prepared to help maintain.

7. I respectfully confirm that my objection is motivated by legitimate planning-law considerations and not by irrelevant personal preference.

WHEREFORE, I request that the Municipality:

- a) refuse the proposed rezoning;
- b) refuse the proposed closure of the portion of Erf 2046;
- c) and preserve the land for its originally intended purpose.

DEPONENT: _____ *ants*
R RICKERTS

THUS, SIGNED AND SWORN TO before me at Malmesbury on this 23 day of November 2025, the Deponent having acknowledged that he/she knows and understands the contents of this affidavit, which affidavit was signed in my presence.

E. Marais
Sgt Marais

COMMISSIONER OF OATHS:

Name: E. Marais

Rank/Office: Sergeant

Stamp:

SUID-AFRIKAANSE POLISIEDIENS
STATION COMMANDER MALMESEBURY
23 NOV 2025
VISPOL HEAD
SOUTH AFRICAN POLICE SERVICE

PLANNING-LAW PRINCIPLES & LEGAL AUTHORITIES

Attach the following annexure to support our objection:

A. Statutory Principles

(1) Municipal Land Use Planning By-Law (Swartland Municipality)

Section 60

– Provides for public objections and requires the Municipality to consider all material planning considerations, including environmental, social, and neighbourhood impacts.

Section 25(2)

– Requires rezoning and closure applications to be forward-looking, reasonable and in the interests of proper spatial planning.

B. SPLUMA (Spatial Planning and Land Use Management Act 16 of 2013)

Section 7 lists development principles that must guide municipalities:

1. Spatial justice – fairness in spatial planning.
2. Spatial sustainability – land must be used in a way that does not harm the environment.
3. Efficiency – development must optimise existing resources and avoid unnecessary strain.
4. Spatial resilience – long-term environmental protection.
5. Good administration – transparency, fairness and reasonableness.

Our objection aligns with principles 2, 4 and 5.

C. CASE LAW SUPPORTING OUR OBJECTION

1. ***Wary Holdings (Pty) Ltd v Stalwo (Pty) Ltd 2009 (1) SA 337 (CC)***

“The Constitutional Court held that municipal land use decisions must be rational, evidence-based and within the public interest”.

2. ***Fuel Retailers Association v Director-General: Environmental Management 2007 (6) SA 4 (CC)***

“The municipality must take into account cumulative environmental impacts, not only economic benefit”.

3. ***Maccsand (Pty) Ltd v City of Cape Town 2012 (4) SA 181 (CC)***

“Local authorities must ensure their planning schemes are followed strictly; rezoning cannot undermine existing spatial planning policies”.

4. ***Pietermaritzburg City Council v PMB Properties 2000 (4) SA 371 (N)***

“Courts emphasised protection of residential character and the rights of residents to quiet enjoyment”.

5. ***Lagoon Bay Lifestyle Estate (Pty) Ltd v Minister for Local Government 2014 (1) SA 521 (CC)***

“Municipalities must consider whether development is compatible with the existing neighbourhood and long-term planning frameworks”.

D. APPLICATION TO ERF 2046

These authorities support that:

- i). Development must not damage existing environmental or residential character.

- ii). Municipalities must consider historic spatial planning commitments (like the park proposed 30 years ago).
- iii). Rezoning must be reasonable, necessary and beneficial to the community.
- iv). Residents' objections carry legal weight where legitimate planning concerns exist.

PETITION FROM NEIGHBOURS

PETITION AGAINST THE PROPOSED CLOSURE & REZONING OF ERF 2046

Swartland Municipality **Section 25(2)(n) & 25(2)(a)** Applications Objection submitted in terms of **Section 60 of the Municipal Land Use Planning By-Law** (PG 8226 of 25 March 2020)

We, the undersigned residents and property owners of Silwerboom and Karreeboom Street and the surrounding neighbourhood, hereby record our strong objection to:

1. The closure of a portion of **Erf 2046**; and
2. The rezoning of **Erf 2046 to Open Space Zone and Community Zone** for the construction of a crèche or any permanent structures.

Reasons for our objection include, but are not limited to:

- I. Loss of the existing open view enjoyed by residents;
- II. Increased traffic, noise and congestion;
- III. Safety concerns, especially given the proximity to the national road to Darling;
- IV. Negative impact on the residential character of the neighbourhood;
- V. Erf 2046 was originally earmarked as a public park for local children;
- VI. The same proposal was rejected by residents approximately 30 years ago.

We request that the Municipality retain Erf 2046 as:

- a). open green space,
- b). plant trees to improve the aesthetics of the area, and
- c). consider budgeting for a community park.

NAME | ADDRESS | SIGNATURE | DATE

1. R. Ricketts, 12 Silwerboom Street,
[Signature], 19/11/2025.

2. Renate Rickerts 12 Silverboom Street
~~Rickerts~~, 19/11/2025
3. Neiga Rinkwest 10 Kareeboom Street.
~~Rinkwest~~, 19/11/2025
4. Rmose 10 Silverboom Street
Rmose 19/11/2025
5. Bunt Adonis 8 Silverboom Street
~~Bunt~~, 19.11.2025
6. Edward Adonis 8 Silverboom Street
Edonis 19-11-25
7. ALVIRA Adonis - 8 Silverboom Street.
AAdonis
8. G. Banha, 4 Kareeboom Street, Malmesbury ~~Adonis~~
9. ~~MARIO BANHA 4 KAREEBOOM STREET, WESTBANK~~
10. Rayno Tesch, 8 Karreeboom street
~~Rayno~~
11. Penne Moyer Corner Kereboom/Silverboom St 2.
~~Moyer~~ 20.11.2025
12. Higan Leng As above
~~Higan~~

13. ~~Samantha Leng~~ 2 Kewboon st.
14. ~~Anna Leng~~ 2 Kewboon St / Silvester St no. 2.
15. Ashlee Leng 2 Kewboon Street.
~~Ashlee Leng~~
- 16.
- 17.
- 18.
- 19.
- 20.

PETISIE TEEN DIE VOORGESTELDE SLUITING EN HERSONERING VAN ERF 2046

Swartland Munisipaliteit

Aansoeke ingevolge **Artikel 25(2)(n)** en **Artikel 25(2)(a)** Beswaar ingevolge **Artikel 60 van die Munisipale Grondgebruikbeplanningsverordening** (PG 8226 van 25 Maart 2020)

Ons, die ondergetekende inwoners en eiendomseienaars van Silwerboomstraat en die omliggende woonbuurt, rig hiermee ons formele en ernstige beswaar teen:

1. die voorgestelde sluiting van 'n gedeelte van **Erf 2046**; en
2. die hersonering van **Erf 2046** na 'n Oopruimtesone en Gemeenskapsone vir die doel om 'n kleuterskool of enige ander permanente struktuur op te rig.

REDES VIR ONS BESWAAR

Ons beswaar is gegrond op die volgende oorwegings, wat die woonkwaliteit, veiligheid en karakter van die buurt direk beïnvloed:

- I) Die beoogde ontwikkeling sal die huidige oop uitsig van inwoners heeltemal belemmer.
- II) Die oprigting van 'n kleuterskool sal buitensporige verkeer, geraas en opeenhoping in 'n rustige woonstraat veroorsaak.
- III) Dit skep veiligheidsrisiko's, veral weens die nabyheid aan die nasionale pad na Darling.
- IV) Die ontwikkeling sal die gevestigde residensiële karakter van die buurt nadelig beïnvloed.
- V) Erf 2046 is histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds sowat 30 jaar gelede deur die inwoners verwerp.
- VI) Ons glo die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapontwikkeling wat die omgewing verbeter en die gemeenskap se welstand dien.

ONS VERSOEK

Ons versoek dat die Swartland Munisipaliteit:

- a) die voorgestelde sluiting en hersonering weig;
- b) die erf as 'n groen oopruimte behou;
- c) bome plant en die gebied instand hou ten bate van die woonbuurt; en
- d) begroting oorweeg vir die ontwikkeling van 'n veilige gemeenskapspark wat inwoners bereid is om te help instandhou.

NAAM | ADRES | HANDTEKENING | DATUM

1. JOHANNES STEPHANUS LESCH
SILWERBOOMSTRAAT 14; Wflesak 19/11/25
2. Stephen Jason Lesch
Silwerboomstr 14, Malmesbury 19/11/25
3. Ronelle Mornita Santon
Silwerboom str. 10, Malmesbury 20/11/2025
4. Elna Titus, Kareeboomstr. 06. 20/11/2025
5. STAMURIN TROMP, KAREEBOOM STR. 06 20/11/2025
6. Jean Pierre Alias, Kareeboom Straat 12
20/11/2025.
- 7.

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

16. _____

17. _____

18. _____

DEKBRIEF: GESAMENTLIKE BESWAAR VAN INWONERS VAN SILWERBOOMSTRAAT EN KARREEBOOMSTRAAT

AAN:

Die Munisipale Bestuurder
Swartland Munisipaliteit
Munisipale Kantoor
Kerkstraat 1
Malmesbury

MUNISIPALITEIT SWARTLAND				REG
IEER No	15 3 3-8	Erf	2046	
Verwys Na	SSSB	Inligting	Verslag	Afhandel
	DCI			Kom/Taar
	15 3 6-8	Erf	2046	
Ander Opdrag	15 3 7-8	Erf	2046	
SPERDATUM				(get)BK

DATUM: 21 November 2025

Geagte Munisipale Bestuurder



ONDERWERP: Indiening van Gesamentlike Formele Beswaar – Voorgestelde Sluiting en Hersonering van Erf 2046 (Artikels 25(2)(n), 25(2)(a) en 60

Hiermee dien die inwoners en geregistreerde eienaars van **Silwerboomstraat en Karreeboomstraat** ons gesamentlike formele beswaar in teen:

1. die aansoek ingevolge artikel 25(2)(n) vir die sluiting van 'n gedeelte van Erf 2046; en
2. die aansoek ingevolge artikel 25(2)(a) vir die hersonering van Erf 2046 na Oopruimtesone en Gemeenskapsone.

Hierdie dekbrief vergesel die volgende ingedienings:

- i) Individuele formele beswaarbriewe van inwoners;
- ii) 'n Gesamentlike petisie onderteken deur inwoners van beide strate;
- iii) Ondersteunende verklarings en dokumente rakende die voorgestelde ontwikkeling.

1. Ons Gesamentlike Posisie

As direkte belangehebbendes bevestig ons dat die voorgestelde ontwikkeling ingrypende negatiewe gevolge vir die woonbuurt sal hê, insluitend:

- i) die verlies aan die bestaande oop uitsig van verskeie huise;
- ii) aansienlik verhoogde verkeer, geraas en veiligheidsrisiko's;
- iii) 'n skending van die gevestigde residensiële karakter van die buurt;
- iv) ernstige risiko's weens die erf se posisie naby die nasionale pad na Darling;
- v) die verlies van 'n gebied wat histories geormerk is vir 'n gemeenskapspark en reeds sowat **30 jaar gelede** onderwerp was aan 'n soortgelyke, maar verwerpte voorstel.

2. Ons Versoek

Ons versoek die Munisipaliteit dringend om:

- i) die voorgestelde sluiting en hersonering te weier;
- ii) Erf 2046 as 'n groen oopruimte te behou;
- iii) die planting van bome en landskapontwikkeling te prioritiseer om die omgewing te verbeter; en
- iv) die moontlikheid van 'n gemeenskapspark te ondersoek, wat die welsyn en veiligheid van die gebied dien.

3. Bevestiging van Ontvangs

Ons versoek dat die Munisipaliteit:

- a) skriftelike bevestiging gee dat al die beswaarskrifte, die petisie en ander dokumente ontvang en geregistreer is;
- b) bevestig dat hierdie gesamentlike beswaar op die amptelike rekord van die aansoek geplaas is; en

- c) ons in kennis stel van enige openbare verhore, inspraakgeleentehede of vergaderings waar ons insette verlang mag word.

Ons vertrou dat hierdie beswaar die nodige oorweging sal geniet, en dat die Munisipaliteit die belange van die direkte inwoners van Silwerboomstraat en Karreeboomstraat sal prioritiseer in hul besluitnemingsproses.

Vriendelike groete



NEUGA RINKWEST

Namens die inwoners van Silwerboomstraat en Karreeboomstraat

Naam van Verteenwoordiger: Neuga Rinkwest

Kontaknommer: 10 Karreeboomstraat, Gardenvillage, Malmesbury.

Sel No: 0738373999

E-posadres: n.rinkwest@gmail.com

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 20/11/2025

ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en 25(2)(a): Erf 2046

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: 06 KACERBOOM STREET

Erfnr: _____

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
2. die voorgestelde hersonering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsone ingevolge artikel 25(2)(a).

Redes vir my beswaar:

- l) Die voorgestelde ontwikkeling sal die huidige oop uitsig van inwoners belemmer en die woonomgewing nadelig beïnvloed.

- II) 'n Gemeenskapsone vir die oprigting van 'n kleuterskool sal verhoogde verkeer, geraas en veiligheidsrisiko's veroorsaak, veral weens die nabyheid aan die hoofweg na Darling.
- III) Die ontwikkeling is onversoenbaar met die gevestigde residensiële karakter van die buurt.
- IV) Erf 2046 was histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds ongeveer 30 jaar gelede deur inwoners verwerp.
- V) Die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapverbetering wat die omgewing en omliggende huiseienaars bevoordeel.

VERSOEK:

Ek versoek dat die Munisipaliteit:

- A) die voorgestelde sluiting weier;
- B) die voorgestelde hersonering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is.

Vriendelike groete



Handtekening

Naam en van: SHAMURIV TRUMP

Kontaknommer: 060 305 2260

E-posadres: _____

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 19. November 2025

**ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en
25(2)(a): Erf 2046**

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: Kalkeboomstraat 10, Malmesbury

Erfnr: 3005

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
2. die voorgestelde herosnering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsonne ingevolge artikel 25(2)(a).

Redes vir my beswaar:

- l) Die voorgestelde ontwikkeling sal die huidige oop uitsig van inwoners belemmer en die woonomgewing nadelig beïnvloed.

- II) 'n Gemeenskapsone vir die oprigting van 'n kleuterskool sal verhoogde verkeer, geraas en veiligheidsrisiko's veroorsaak, veral weens die nabyheid aan die hoofweg na Darling.
- III) Die ontwikkeling is onversoenbaar met die gevestigde residensiële karakter van die buurt.
- IV) Erf 2046 was histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds ongeveer 30 jaar gelede deur inwoners verwerp.
- V) Die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapverbetering wat die omgewing en omliggende huiseienaars bevoordeel.

VERSOEK:

Ek versoek dat die Munisipaliteit:

- A) die voorgestelde sluiting weier;
- B) die voorgestelde hersonering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is.

Vriendelike groete



Handtekening

Naam en van: Neelga Rinkwest

Kontaknommer: 0738373999

E-posadres: nrinkwest@gmail.com

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 19/11/2025

ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en 25(2)(a): Erf 2046

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: 8 Kaarreeboom straat, Malmesbury

Erfnr: 2030

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
2. die voorgestelde hersonering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsone ingevolge artikel 25(2)(a).

Redes vir my beswaar:

- l) Die voorgestelde ontwikkeling sal die huidige oop uitsig van inwoners belemmer en die woonomgewing nadelig beïnvloed.

- II) 'n Gemeenskapsone vir die oprigting van 'n kleuterskool sal verhoogde verkeer, geraas en veiligheidsrisiko's veroorsaak, veral weens die nabyheid aan die hoofweg na Darling.
- III) Die ontwikkeling is onversoenbaar met die gevestigde residensiële karakter van die buurt.
- IV) Erf 2046 was histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds ongeveer 30 jaar gelede deur inwoners verwerp.
- V) Die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapverbetering wat die omgewing en omliggende huiseienaars bevoordeel.

VERSOEK:

Ek versoek dat die Munisipaliteit:

- A) die voorgestelde sluiting weier;
- B) die voorgestelde hersonering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is.

Vriendelike groete



Handtekening

Naam en van: Rayno Lesch

Kontaknommer: 073 041 6846

E-posadres: rlesch9@gmail.com

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 19 November 2025

**ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en
25(2)(a): Erf 2046**

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: 10 Karreeboomstraat, Gardenvillage, Malmesbury

Erfnr: 3005

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
2. die voorgestelde hersonering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsone ingevolge artikel 25(2)(a).

Redes vir my beswaar:

- 1) Die voorgestelde ontwikkeling sal die huidige oop uitsig van inwoners belemmer en die woonomgewing nadelig beïnvloed.

- II) 'n Gemeenskapsonse vir die oprigting van 'n kleuterskool sal verhoogde verkeer, geraas en veiligheidsrisiko's veroorsaak, veral weens die nabyheid aan die hoofweg na Darling.
- III) Die ontwikkeling is onversoenbaar met die gevestigde residensiële karakter van die buurt.
- IV) Erf 2046 was histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds ongeveer 30 jaar gelede deur inwoners verwerp.
- V) Die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapverbetering wat die omgewing en omliggende huiseienaars bevoordeel.

VERSOEK:

Ek versoek dat die Munisipaliteit:

- A) die voorgestelde sluiting weier;
- B) die voorgestelde hersonering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is. Aangeheg ondersteunende beëdigde verklaring.

Vriendelike groete



Handtekening

Naam en van: **Mev Neuga Rinkwest**

Kontaknommer: 073 8373999

E-posadres: n.rinkwest@gmail.com

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 20/11/2025

**ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en
25(2)(a): Erf 2046**

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: Kareeboom Straat 12

Erfnr: 202017000

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
2. die voorgestelde hersonering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsone ingevolge artikel 25(2)(a).

Redes vir my beswaar:

- 1) Die voorgestelde ontwikkeling sal die huidige oop uitsig van inwoners belemmer en die woonomgewing nadelig beïnvloed.

- II) 'n Gemeenskapsone vir die oprigting van 'n kleuterskool sal verhoogde verkeer, geraas en veiligheidsrisiko's veroorsaak, veral weens die nabyheid aan die hoofweg na Darling.
- III) Die ontwikkeling is onversoenbaar met die gevestigde residensiële karakter van die buurt.
- IV) Erf 2046 was histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds ongeveer 30 jaar gelede deur inwoners verwerp.
- V) Die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapverbetering wat die omgewing en omliggende huiseienaars bevoordeel.


VERSOEK:

Ek versoek dat die Munisipaliteit:

- A) die voorgestelde sluiting weier;
- B) die voorgestelde hersonering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is.

Vriendelike groete


Handtekening

Naam en van: Jean Pierre Alias

Kontaknommer: 0836538276

E-posadres: Kareebroom Straat

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 20.11.2025

ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en 25(2)(a): Erf 2046

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: 2 Keurboom Street Malmesbury 7300

Erfnr: 202034000

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
2. die voorgestelde hersonering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsone ingevolge artikel 25(2)(a).

Redes vir my beswaar:

- l) Die voorgestelde ontwikkeling sal die huidige oop uitsig van inwoners belemmer en die woonomgewing nadelig beïnvloed.

- II) 'n Gemeenskapsone vir die oprigting van 'n kleuterskool sal verhoogde verkeer, geraas en veiligheidsrisiko's veroorsaak, veral weens die nabyheid aan die hoofweg na Darling.
- III) Die ontwikkeling is onversoenbaar met die gevestigde residensiële karakter van die buurt.
- IV) Erf 2046 was histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds ongeveer 30 jaar gelede deur inwoners verwerp.
- V) Die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapverbetering wat die omgewing en omliggende huiseienaars bevoordeel.


VERSOEK:

Ek versoek dat die Munisipaliteit:

- A) die voorgestelde sluiting weier;
- B) die voorgestelde hersonering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is.

Vriendelike groete


Handtekening

Naam en van: Pearl Leng Mayce and Hiran Leng

Kontaknommer: 073 528 0072

E-posadres: pearl.mayce@pepsico.com

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 20.11.2025

**ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en
25(2)(a): Erf 2046**

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: 8 Silverboom Sraat

Erfnr: 202010000

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
2. die voorgestelde hersonering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsone ingevolge artikel 25(2)(a).

Redes vir my beswaar:

- l) Die voorgestelde ontwikkeling sal die huidige oop uitsig van inwoners belemmer en die woonomgewing nadelig beïnvloed.

- II) 'n Gemeenskapsone vir die oprigting van 'n kleuterskool sal verhoogde verkeer, geraas en veiligheidsrisiko's veroorsaak, veral weens die nabyheid aan die hoofweg na Darling.
- III) Die ontwikkeling is onversoenbaar met die gevestigde residensiële karakter van die buurt.
- IV) Erf 2046 was histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds ongeveer 30 jaar gelede deur inwoners verwerp.
- V) Die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapverbetering wat die omgewing en omliggende huiseienaars bevoordeel.

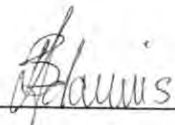
VERSOEK:

Ek versoek dat die Munisipaliteit:

- A) die voorgestelde sluiting weier;
- B) die voorgestelde hersonering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is.

Vriendelike groete



Handtekening

Naam en van: Brent Adonis

Kontaknommer: 0794293596

E-posadres: ba.adonis@gmail.com

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 20/11/2025

ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en 25(2)(a): Erf 2046

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: Silwerboom Str. 10, Malmesbury

Erfnr: 2046

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
2. die voorgestelde hersonering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsone ingevolge artikel 25(2)(a).

Redes vir my beswaar:

- 1) Die voorgestelde ontwikkeling sal die huidige oop uitsig van inwoners belemmer en die woonomgewing nadelig beïnvloed.

- II) 'n Gemeenskapsone vir die oprigting van 'n kleuterskool sal verhoogde verkeer, geraas en veiligheidsrisiko's veroorsaak, veral weens die nabyheid aan die hoofweg na Darling.
- III) Die ontwikkeling is onversoenbaar met die gevestigde residensiële karakter van die buurt.
- IV) Erf 2046 was histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds ongeveer 30 jaar gelede deur inwoners verwerp.
- V) Die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapverbetering wat die omgewing en omliggende huiseienaars bevoordeel.

VERSOEK:

Ek versoek dat die Munisipaliteit:

- A) die voorgestelde sluiting weier;
- B) die voorgestelde hersonering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is.

Vriendelike groete



Handtekening

Naam en van: Ronelle Moinita Santon

Kontaknommer: 0729825943

E-posadres: rsanton40@gmail.com

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 19 NOVEMBER 2025

**ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en
25(2)(a): Erf 2046**

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: SILWERBOOMSTRAAT 14 MALMESBURY

Erfnr: 20 2013 000

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
2. die voorgestelde hersonering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsone ingevolge artikel 25(2)(a).

Redes vir my beswaar:

- l) Die voorgestelde ontwikkeling sal die huidige oop uitsig van inwoners belemmer en die woonomgewing nadelig beïnvloed.

- II) 'n Gemeenskapsone vir die oprigting van 'n kleuterskool sal verhoogde verkeer, geraas en veiligheidsrisiko's veroorsaak, veral weens die nabyheid aan die hoofweg na Darling.
- III) Die ontwikkeling is onversoenbaar met die gevestigde residensiële karakter van die buurt.
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- V) Die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapverbetering wat die omgewing en omliggende huiseienaars bevoordeel.

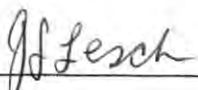
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- B) die voorgestelde herosnering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is.

Vriendelike groete



Handtekening

Naam en van: JOHANNES S. LESCH

Kontaknommer: /

E-posadres: /

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 20/11/25

**ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en
25(2)(a): Erf 2046**

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: Kareeboom Straat 4

Erfnr: 20201400

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
2. die voorgestelde hersonering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsone ingevolge artikel 25(2)(a).

Redes vir my beswaar:

- l) Die voorgestelde ontwikkeling sal die huidige oop uitsig van inwoners belemmer en die woonomgewing nadelig beïnvloed.

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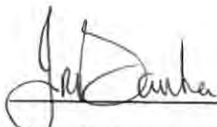
VERSOEK:

Ek versoek dat die Munisipaliteit:

- A) die voorgestelde sluiting weier;
- B) die voorgestelde hersonering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is.

Vriendelike groete



Handtekening

Naam en van: Jennine Banha

Kontaknommer: 072 597 6010

E-posadres: banhajen84@gmail.com

FORMELE BESWAAR – SLUITING EN HERSONERING VAN ERF 2046

AAN:

Die Munisipale Bestuurder

Swartland Munisipaliteit

Privaatsak X52

Malmesbury, 7299

DATUM: 2011:29

ONDERWERP: Beswaar teen Aansoeke ingevolge Artikels 25(2)(n) en 25(2)(a): Erf 2046

Geagte Munisipale Bestuurder

Ek, die ondergetekende geregistreerde eienaar van die eiendom geleë te:

Adres: Kareeboomstr. 06.

Erfnr: _____

rig hiermee my formele beswaar ingevolge **artikel 60** van die **Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020)** teen:

1. die voorgestelde sluiting van 'n gedeelte van Erf 2046 ingevolge artikel 25(2)(n); en
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- IV) Erf 2046 was histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds ongeveer 30 jaar gelede deur inwoners verwerp.
- V) Die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapverbetering wat die omgewing en omliggende huiseienaars bevoordeel.

VERSOEK:

Ek versoek dat die Munisipaliteit:

- A) die voorgestelde sluiting weier;
- B) die voorgestelde hersonering weier; en
- C) Erf 2046 as 'n oop, groen gemeenskapsruimte behou.

Ek versoek bevestiging dat hierdie beswaar ontvang en op die amptelike rekord geplaas is.

Vriendelike groete



Handtekening

Naam en van: Elna Titus

Kontaknommer: 0679961864

E-posadres: elatitus420@gmail.com

PETITION FROM NEIGHBOURS

PETITION AGAINST THE PROPOSED CLOSURE & REZONING OF ERF 2046

Swartland Municipality **Section 25(2)(n) & 25(2)(a)** Applications Objection submitted in terms of **Section 60 of the Municipal Land Use Planning By-Law** (PG 8226 of 25 March 2020)

We, the undersigned residents and property owners of Silwerboom and Karreeboom Street and the surrounding neighbourhood, hereby record our strong objection to:

- 1. The closure of a portion of **Erf 2046**; and
- 2. The rezoning of **Erf 2046 to Open Space Zone and Community Zone** for the construction of a crèche or any permanent structures.

Reasons for our objection include, but are not limited to:

- I. Loss of the existing open view enjoyed by residents;
- II. Increased traffic, noise and congestion;
- III. Safety concerns, especially given the proximity to the national road to Darling;
- IV. Negative impact on the residential character of the neighbourhood;
- V. Erf 2046 was originally earmarked as a public park for local children;
- VI. The same proposal was rejected by residents approximately 30 years ago.

We request that the Municipality retain Erf 2046 as:

- a). open green space,
- b). plant trees to improve the aesthetics of the area, and
- c). consider budgeting for a community park.

NAME | ADDRESS | SIGNATURE | DATE

1. R. Ricketts, 12 Silwerboom Street,
[Signature], 19/11/2025.

2. Renate Rickerts 12 Silberboom Street
~~Rickerts~~, 19/11/2025
3. Neiga Rinkwest 10 Karreeboom Street.
~~Am Lisen~~, 19/11/2025
4. Rmose 10 Silberboom street
Rmose 19/11/2025
5. Synt Adonis 8 Silberboom Straat
~~Adonis~~, 19.11.2025
6. Edward Adonis 8 SILWERBOOM STRAAT
Ed Adonis 19-11-25
7. ALVIRA Adonis - 8 Silberboom Straat.
A Adonis
8. G. Banha, 4 Karreeboom Street, Malmesbury J.A.H.
9. ~~Mario BANHA 4 KARREEBOOM STREET, WESTBANK~~
~~[Signature]~~
10. Rayno Tesch, 8 Karreeboom street
~~[Signature]~~
11. Penny Moyce Corner Keurboom/Silberboom St 2.
~~Penny~~ 20.11.2025
12. Higan Leng As above
~~[Signature]~~

13. Samantha Leng 2 Kerboom st.
~~Samantha~~
14. ~~Theresa Leng~~ 2 Kerboom St / Silverton St no. 2.
~~Theresa~~
15. Ashlee Leng 2 Kerboom Street.
~~Ashlee~~
16. Shirlene Berman 14 Kerboomstraat
~~Shirlene~~ 079 795 9720
- 17.
- 18.
- 19.
- 20.

**PETISIE TEEN DIE VOORGESTELDE SLUITING EN HERSONERING VAN ERF
2046**

Swartland Munisipaliteit

Aansoeke ingevolge **Artikel 25(2)(n) en Artikel 25(2)(a)** Beswaar ingevolge **Artikel 60 van die Munisipale Grondgebruikbeplanningsverordening** (PG 8226 van 25 Maart 2020)

Ons, die ondergetekende inwoners en eiendomseienaars van Silwerboomstraat en die omliggende woonbuurt, rig hiermee ons formele en ernstige beswaar teen:

1. die voorgestelde sluiting van 'n gedeelte van **Erf 2046**; en
2. die hersonering van **Erf 2046** na 'n Oopruimtesone en Gemeenskapsone vir die doel om 'n kleuterskool of enige ander permanente struktuur op te rig.

REDES VIR ONS BESWAAR

Ons beswaar is gegrond op die volgende oorwegings, wat die woonkwaliteit, veiligheid en karakter van die buurt direk beïnvloed:

- I) Die beoogde ontwikkeling sal die huidige oop uitsig van inwoners heeltemal belemmer.
- II) Die oprigting van 'n kleuterskool sal buitensporige verkeer, geraas en opeenhoping in 'n rustige woonstraat veroorsaak.
- III) Dit skep veiligheidsrisiko's, veral weens die nabyheid aan die nasionale pad na Darling.
- IV) Die ontwikkeling sal die gevestigde residensiële karakter van die buurt nadelig beïnvloed.
- V) Erf 2046 is histories geormerk vir 'n gemeenskapspark, en 'n soortgelyke voorstel is reeds sowat 30 jaar gelede deur die inwoners verwerp.
- VI) Ons glo die grond behoort eerder as groen oopruimte behoue te bly, met bome en landskapontwikkeling wat die omgewing verbeter en die gemeenskap se welstand dien.

ONS VERSOEK

Ons versoek dat die Swartland Munisipaliteit:

- a) die voorgestelde sluiting en hersonering weig;
- b) die erf as 'n groen oopruimte behou;
- c) bome plant en die gebied instand hou ten bate van die woonbuurt; en
- d) begroting oorweeg vir die ontwikkeling van 'n veilige gemeenskapspark wat inwoners bereid is om te help instandhou.

NAAM | ADRES | HANDTEKENING | DATUM

1. JOHANNES STEPHANUS LESCH
SILWERBOOM STRAAT 14; W. Lesch 19/11/25
2. Stephen Jason Lesch
Silwerboomstr 14, Malmesbury [Signature] 19/11/25
3. Ronelle Mornita Santon
Silwerboom str. 10, Malmesbury [Signature] 20/11/2025
4. Elna Titus, Kareeboomstr. 06. [Signature] 20/11/2025
5. SHAMURIN TRUMP, KAREEBOOM STR. 06 [Signature] 20/11/2025
6. Jean Pierre Alias, Kareeboom Straat 12
[Signature] 20/11/2025
- 7.

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

20. _____

original

BEËDIGDE VERKLARING

ONDERSTEUNENDE BEËDIGDE VERKLARING VAN:

Mev Neuga Rinkwest

Identity Number: 650401 0656 08 5

10 Karreeboomstraat

Gardenvillage

Malmesbury

Sel No: 07383 7999

Ek, die ondergetekende, verklaar hiermee onder eed:

1. Ek is die geregistreerde eienaar van die vaste eiendom geleë te **10 Karreeboomstraat**, binne die regsgebied van die Swartland Munisipaliteit, en ek is bevoegd om hierdie verklaring te maak.
2. Ek het 'n formele beswaar ingevolge artikel 60 van die Swartland Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020) ingedien teen:
 - i) die aansoek ingevolge artikel 25(2)(n) vir die sluiting van 'n gedeelte van Erf 2046; en
 - ii) die aansoek ingevolge artikel 25(2)(a) vir die hersonering van Erf 2046 na 'n Oopruimtesone en Gemeenskapsone.
3. Dit het onder my aandag gekom dat Liebenberg Primêre Skool voornemens is om 'n kleuterskool op die voorgestelde Gemeenskapsone op te rig, wat ernstige negatiewe gevolge vir die woonomgewing sal inhou.
4. Ek bevestig dat meer as 30 jaar gelede 'n soortgelyke ontwikkelingsvoorstel vir hierdie oop ruimte oorweeg is en uitdruklik deur die inwoners verwerp is. Die oop area is destyds geormerk vir 'n gemeenskapspark, en inwoners is



verseker dat die ruimte oop sou bly om die residensiële karakter van die buurt te behou.

5. Die oprigting van strukture—veral 'n kleuterskool—op hierdie erf sal:
 - 5.1 die bestaande oop uitsig wat deur omliggende huiseienaars geniet word, belemmer;
 - 5.2 tot verhoogde geraas, verkeer en opeenhoping in die woonbuurt lei;
 - 5.3 veiligheidsrisiko's vir kinders en inwoners skep weens die nabyheid van die nasionale pad na Darling;
 - 5.4 die gevestigde residensiële karakter en rustige leefomgewing van die buurt nadelig beïnvloed;
 - 5.5 die eiendomswaardes en algemene leefkwaliteit van inwoners verlaag.
6. Ek verklaar verder dat inwoners, reeds in die verlede en steeds tans, die Munisipaliteit versoek het om:
 - i) die gebied as 'n groen oopruimte te behou;
 - ii) bome te plant, die area te landskap en dit te onderhou; en
 - iii) munisipale begroting te oorweeg vir die ontwikkeling van 'n veilige gemeenskapspark wat inwoners bereid is om te help instandhou.
7. Ek bevestig dat my beswaar gegrond is op regmatige beplannings-, omgewings- en veiligheidsfaktore, en nie op persoonlike voorkeur alleen nie.

WAAROM EK VERSOEK dat die Munisipaliteit:

- A). die voorgestelde hersonering van Erf 2046 weier;
- B). die voorgestelde sluiting van die betrokke gedeelte van die erf weier; en
- C) die grond vir die oorspronklik bedoelde doel, naamlik 'n openbare groen ruimte, behou.

DEPONENT: _____

Mev NEUGA RINKWEST



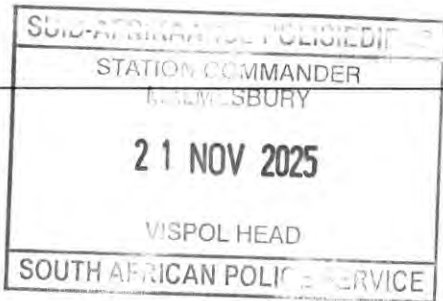
GETEKEN EN BEËDIG TE MALMESBURY op hierdie 21 dag van
NOVEMBER 2025, nadat die Deponent verklaar het dat hy/sy die inhoud
hiervan verstaan en glo dat dit waar en korrek is, en die verklaring in my
teenwoordigheid onderteken het.



KOMMISARIS VAN EEDE

Naam: David J. Acoonis

Amp/Posisie: W/O.

Stempel: 

LGJ Borman

Kareeboomstraat 14
Malmesbury
7300

071 233 3673
bormanlg@gmail.com

DATUM: 23 November 2025

Die Munisipale Bestuurder
Per Departement Ontwikkelingsbestuur
MALMESBURY

INSAKE: VOORGESTELDE SLUITING VAN OPENBARE PLEK,
HERSONERING EN ONDERVERDELING VAN ERF 2046,
MALMESBURY (KENNISGEWING 36/2025/2026)

VERWYSINGSNOMMER: 15/3/3-8/Erf_2046

15/3/6-8/Erf_2046

15/3/7-8/Erf_2046

EIENDOMSBESKRYWING: Erf 2046, Malmesbury

Ons erken die skrywe wat per epos, asook in ons veiligheidshek aan huis geplaas is, vanaf u ontvang rakende bogenoemde aangeleentheid.

Ons kan egter nie goedkeuring aan hierdie versoek verleen nie, en wel as gevolg van die volgende redes:

- 1) Die toeloop voor ons huis sal drasties vermeerder soos voetgangers na en vanuit die dorp asook Mimosalaan en Essenhoutstraat voortaan van Kareeboomstraat gebruik sal moet maak en nie meer die sygaardjie nie.
- 2) Hierdie tendens kan ook die veiligheid van ons woning, besittings en inwoners negatief beïnvloed.
- 3) In u skrywe maak u geensins van alternatiewe vir die huidige voetgangerverkeer, soos hierbo genoem, melding nie.

In die weiering vir toestemming vir die verdeling, wat in twee dele sal geskied, wat genoem word restant en gedeelte A, staan ons nie ontwikkeling teen nie, maar wel die gevolg daarvan stem ons tot onrus.

U kan met my per epos kommunikeer indien u reken daar verdere kommunikasie moet plaasvind.

Ons wens u 'n geseënde dag toe.

Met groete.

[Per epos versend]

Lucas GJ Borman
071 233 3673
bormanlg@gmail.com

Date: 3 February 2026

To: alwynburger@swartland.org.za
The Municipal Planning Department

Swartland Municipality
Malmesbury

Subject: Formal Objection to the Rezoning of Plot 2046

Dear Sir/Madam,

I am writing in my capacity as a concerned taxpayer and resident of the area to formally record my objection to the proposed rezoning of Plot 2046, which is currently an open area. Also, in response to feedback given to Ms Neuga Rinkwest regarding the above matter.

I wish to state clearly and unequivocally that I am strongly against this rezoning application and do not consent to it proceeding. I believe this proposed change presents a significant safety concern, not only for myself personally but also for the broader community. Our neighbourhood is already experiencing increased incidents of suspicious behaviour, with individuals walking around at all hours and targeting elderly residents. Any development that increases traffic, access, or activity in this open area will further heighten these risks and negatively impact residents' sense of safety and security.

Furthermore, I am deeply concerned by the lack of transparency at the outset of this matter. The municipality was not open and honest about the implications and intentions surrounding the rezoning, which has eroded trust and left residents feeling excluded from decisions that directly affect our daily lives and wellbeing.

In addition to safety concerns, the issue of noise pollution must be taken seriously. The noise levels from the nearby school playground are already a persistent source of frustration for surrounding residents. Rezoning this open area for further use—particularly if it expands school-related or high-activity functions—will significantly worsen the situation, impacting residents' quality of life, peace, and ability to enjoy their homes.

Other concerns include, but are not limited to:

- Increased traffic congestion and parking pressure in residential streets
- Loss of valuable open space that currently contributes to the character and livability of the area
- Potential decline in property values
- Increased strain on existing infrastructure and services
- Reduced privacy for neighbouring households

Open areas play an important role in maintaining balance within residential communities, and their loss should not be taken lightly or approved without overwhelming support from affected residents—which, in this case, does not exist.

For all the reasons outlined above, I hereby formally confirm, in writing, that I am opposed to the rezoning of Plot 2046. I strongly urge the municipality to prioritise community safety, transparency, and the wellbeing of residents, and to reconsider any approval of this application.

Please acknowledge receipt of this objection and confirm that it will be taken into account as part of the decision-making process.

Yours faithfully,

Pearl (Leng) Moyce



Concerned Resident and Taxpayer

Residing at 2 Keurboom Street Malmesbury, 7300

CK RUMBOLL & VENNOTE / PARTNERS



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

DATE: **13 January 2026**

OUR REF: **MAL/14856/NJdK**

PER HAND

Attention: Mr A Zaayman

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7300

Sir

COMMENTS ON OBJECTIONS

PROPOSED REZONING, SUBDIVISION AND CLOSURE OF ERF 2046, MALMESBURY

Your letter dated 17 December 2025 refers (see annexure A attached). Please find attached our comments to objections.

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

- N Rinkwest and petition
- R & R Rickerts and
- L G J Borman

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

Objector	Objection	Comment from CK Rumboll & Partners
<p>N Rinkwest</p> <p>&</p> <p>R & R Rickerts</p>	<p>1. The proposal will have the following impacts on our neighbourhood:</p> <ul style="list-style-type: none"> - (a) the loss of the existing open view of several houses; - (b) significantly increased traffic, noise and safety risks; - (c) a violation of the established residential character of the neighbourhood; - (d) reduce the value and quality of life for the surrounding land owners; - (e) serious risks due to the site's position close to the national road to Darling; - (f) the loss of an area that was historically earmarked for a community park and was already the subject of a similar, but rejected, proposal some 30 years ago. 	<p>a) No buildings or permanent structures are proposed on the site, except for the proposed fence. The land will remain largely open with its primary function being a playground. A substantial portion of the erf (approximately 6 455 m²) will remain public open space, ensuring that the overall openness of the area is largely retained.</p> <p>b) The proposed use as a playground will not generate significant additional traffic. The site directly adjoins Liebenberg Primary School and will be accessed internally by the school, not as a separate destination. Playground-related noise will be limited to normal school hours and is consistent with existing school activity already present in the area.</p> <p>c) The proposal does not introduce an incompatible land use. Schools and associated recreational facilities are widely recognised as appropriate and supportive uses within residential areas. The Swartland Municipal Spatial Development Framework (MSDF) explicitly supports institutional and recreational facilities within Zone R. The use therefore reinforces, rather than undermines, the established residential character.</p> <p>d) No empirical evidence has been provided to substantiate claims of reduced property values. The proposal enhances community infrastructure and supports learner safety and well-being, which can be viewed as a broader public benefit.</p>

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		<p>e) The playground area will be fenced, controlled, and managed by the school, significantly reducing any safety risks.</p> <p>f) While the site has historically been designated as a community park, the current proposal retains a substantial portion of the erf as publicly accessible open space. The proposal is aligned with the MSDF and responds to an identified need for school recreational facilities, and may therefore be favourably considered.</p>
N Rinkwest & R & R Rickerts	<p>2. We request the municipality to:</p> <ul style="list-style-type: none"> - (a) to refuse the proposed closure and rezoning; - (b) to retain Erf 2046 as a green open space; - (c) to prioritise tree planting and landscape development to improve the environment; and - (d) to investigate the possibility of a community park, which serves the well-being and safety of the area. 	<p>a) Noted.</p> <p>b) Approximately half of the site will remain public open space.</p> <p>c) Noted.</p> <p>d) Noted. The retained public open space remains available for future community-oriented improvements, should that be a need for Swartland Municipality.</p>
L G J Borman	<p>3.a) The traffic in front of our house will increase drastically as pedestrians to and from the town as well as Mimosa Avenue and Essenhout Street will now have to use Kareeboom Street and no longer the sidewalk.</p> <p>3.b) This trend can also negatively affect the safety of our home, belongings and residents.</p> <p>3.c) In your letter you make no mention of alternatives to the current pedestrian traffic, as mentioned above.</p>	<p>3.a) Refer to point 1b.</p> <p>3.b) The use of the land as a controlled school playground is unlikely to increase crime or safety risks. On the contrary, active and managed land uses often improve passive surveillance and discourage antisocial behaviour that can occur on vacant or unmanaged land.</p> <p>3.c) More than sufficient space remain available for safe pedestrian traffic over the remainder of the property.</p>

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	In the refusal for permission for the division, which will take place in two parts, which are called remainder and part A, we do not oppose development, but we do agree to unrest as a result.	Noted.
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The applicant acknowledges concerns regarding potential disruption. However, the proposal is low-impact, involves no permanent structures, and is compatible with surrounding land uses. The controlled and limited nature of the development ensures that any temporary or perceived unrest is minimal and outweighed by the long-term social and educational benefits provided to the community.

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

From: Alwyn Burger <alwynburger@swartland.org.za>
Sent: Wednesday, 26 November 2025 16:50
To: Ronald Rickerts <ronald.rickerts@gmail.com>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>
Subject: Proposed Closure, Rezoning and Subdivision of Erf 2046, Malmesbury

Good afternoon Mr Rickerts

Your email dated 23 November 2025 regarding the subject refers.

Find attached the land use application motivation for the application.

See blow extracts from the report:

“ ...

CK Rumboll and Partners have been appointed by Mrs. Madelaine Terblanche, acting on behalf of Swartland Municipality, who are the owners of Erf 2046, Malmesbury, to attend to all town planning and land surveying actions regarding the closure of a portion of a public place, rezoning and subdivision of the subject property in order to utilise this portion of land as a dedicated playground for the Liebenberg Primary school.

The surrounding area primarily consists of residential developments to the north, an existing school to the west, a business node and authority use to the south and open spaces to the east. The proposal to convert a portion of Erf 2046 into additional playground for the Liebenberg Primary School is well-suited to the area's character, contributing to the school's functionality.

This report seeks approval for the closure of a portion of a public place, along with the rezoning and subdivision of Erf 2046, Malmesbury, to utilise it as a playground for the Liebenberg Primary School. No structures are planned for this area; it will only be fenced off to ensure the safety of the students.

The Community Zone 1 property will be leased by the Liebenberg Primary School (Erf 9221) to expand the learners' playground. The proposed portion will be fenced off and leased by the school. This use is not expected to have any negative impact on the surrounding area, as the site will remain undeveloped and will function solely as a safe and secure play space for the school's learners.

...”

The portion of land will be leased by the school and will be used as an extra playground. No structures will be erected.

I hope this addresses your concerns. If so, please withdraw your objection.

Regards

Alwyn Burger

Manager Town & Regional Planning

022 487 9400 / 076 480 9870

alwynburger@swartland.org.za



Church Street, Malmesbury, 7299 Tel (022) 487 9400 www.swartland.org.co.za @SwartlandMunicipality

Swartland forward-thinking 2040 - where people can live their dreams!



From: Ronald Rickerts <ronald.rickerts@gmail.com>
Sent: Thursday, 05 February 2026 15:50
To: Alwyn Burger <alwynburger@swartland.org.za>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>
Subject: RE: Proposed Closure, Rezoning and Subdivision of Erf 2046, Malmesbury

Dear Mr Burger,

We refer to the ongoing application in terms of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), specifically:

- A) section 25(2)(n): proposed closure of a portion of Erf 2046; and
- B) section 25(2)(a): proposed rezoning of Erf 2046 to Open Space Zone and Community Zone.

We hereby submit a further formal and comprehensive objection as registered owners in Silwerboom Street.

1. Existing Public Function of the Land

The open space forming part of Erf 2046 is currently utilised as a stormwater runoff management area for the surrounding neighbourhood. This function is essential to local infrastructure and public safety.

However, the area is not adequately maintained by the municipality, resulting in:

- i) ineffective stormwater flow management;
- ii) overgrown vegetation and unsafe environmental conditions; and
- iii) increased risk of flooding and infrastructure damage in the surrounding residential area.

Any closure or change in land use must therefore comply with the municipality's statutory obligations relating to stormwater management and public infrastructure planning, including the principles of sustainable land development contained in the Municipal Systems Act and SPLUMA.

2. Safety Risks and Environmental Concerns

The area contains old bluegum trees which pose significant safety risks:

- i) several trees have already fallen;
- ii) branches and root systems create hazards to residents and pedestrians;

iii) excessive leaf's fall blocks road drainage systems and residential gutters, creating health and infrastructure risks.

Residents have repeatedly requested that the municipality:

iv) prune the existing trees; or

v) replace them with appropriate trees similar to those planted in Voortrekker Street to enhance the streetscape and public safety, particularly given that the Darling Road functions as a national access route.

These requests remain largely unaddressed.

3. Incompatibility with Proposed School Expansion

It is submitted that the proposed utilisation of the land as additional fenced playground space for Liebenberg Primary School does not represent the optimal or lawful land use outcome in terms of planning principles.

In terms of the Swartland Municipal Land Use Planning By-Law and SPLUMA development principles, land use decisions must:

- i) promote spatial justice and community benefit;
- ii) ensure compatibility with surrounding land uses;
- iii) prioritise public interest over single-institution expansion; and
- iv) protect existing public infrastructure functions.

Liebenberg Primary School already has:

- v) existing playground areas used during school breaks; and
- vi) access to sports grounds behind the school.

The further allocation of public open land to a single institution will limit broader community access and does not advance integrated spatial planning objectives.

4. Traffic, Safety and Public Interest Considerations

The surrounding road network already experiences significant congestion, particularly:

- i) during school peak hours; and
- ii) during sports events at existing facilities.

Additional school-related land use will likely intensify:

- iii) pedestrian safety risks;
- iv) traffic congestion; and
- v) pressure on public infrastructure.

This is inconsistent with municipal planning duties to ensure safe and orderly development.

5. Community Proposal – Reservation as Public Park

Residents remain of the firm view that the land should be reserved as public open space and developed as a community park, which:

- i) serves the broader residential community;
- ii) enhances the visual character of the national route to Darling;
- iii) supports environmental rehabilitation; and
- iv) allows residents to contribute toward maintenance and safety of the area.

This proposal aligns with:

- i) Open Space planning objectives;
- ii) community-based urban management principles; and
- iii) the municipality's constitutional obligation to promote a safe and healthy environment.

6. Legal and Policy Framework

This objection is grounded in:

- i) Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- ii) Spatial Planning and Land Use Management Act (SPLUMA);
- iii) Local Government: Municipal Systems Act;
- iv) Constitutional principles relating to participatory governance, environmental protection and accountable municipal administration.

These instruments require that land use decisions be lawful, reasonable, procedurally fair, and demonstrably in the public interest.

7. Position of Residents

Accordingly:

- i) we do not withdraw our objections;
- ii) we request that the existing public function of the land be formally recognised;
- iii) we request municipal intervention to address stormwater management and tree safety;
and
- iv) we support the reservation and upgrading of the land as a community park for the benefit of residents.

Kindly confirm that this objection will be included in the official record and considered in any decision-making process relating to the application.

Yours faithfully

Ronald en Renate Rickerts

Residents and registered owners, 12 Silwerboom Street

Regards / Groetnis



SR ATTORNEYS INC
Ronald Rickerts
Director
ronald.rickerts@gmail.com
Murchisonstraat 4
4 Murchison Street
Ceres / Stellenbosch / Malmesbury
6835
Tel / Fax : 023 001 0050 / 082 855 6057
Website : www.srattorneysinc.co.za

From: Alwyn Burger <alwynburger@swartland.org.za>
Sent: Wednesday, 28 January 2026 15:27
To: ronald.rickerts@gmail.com
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>
Subject: FW: Proposed Closure, Rezoning and Subdivision of Erf 2046, Malmesbury

Good afternoon Mr Rickerts

The email below refers.

Can you please respond.

Regards

Alwyn Burger

Manager Town & Regional Planning

📞 022 487 9400/ 076 480 9870
✉ alwynburger@swartland.org.za



📍 Church Street, Malmesbury, 7299 📞 Tel (022) 487 9400 🌐 www.swartland.org.co.za 📱 @SwartlandMunicipality

Swartland forward-thinking 2040 – where people can live their dreams!



From: Alwyn Burger
Sent: Wednesday, 26 November 2025 16:50
To: 'Ronald Rickerts' <ronald.rickerts@gmail.com>
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>
Subject: Proposed Closure, Rezoning and Subdivision of Erf 2046, Malmesbury

Good afternoon Mr Rickerts

Your email dated 23 November 2025 regarding the subject refers.

Find attached the land use application motivation for the application.

See blow extracts from the report:

“ ...

CK Rumboll and Partners have been appointed by Mrs. Madelaine Terblanche, acting on behalf of Swartland Municipality, who are the owners of Erf 2046, Malmesbury, to attend to all town planning and land surveying actions regarding the closure of a portion of a public place, rezoning and subdivision of the subject property in order to utilise this portion of land as a dedicated playground for the Liebenberg Primary school.

The surrounding area primarily consists of residential developments to the north, an existing school to the west, a business node and authority use to the south and open spaces to the east. The proposal to convert a portion of Erf 2046 into additional playground for the Liebenberg Primary School is well-suited to the area's character, contributing to the school's functionality.

This report seeks approval for the closure of a portion of a public place, along with the rezoning and subdivision of Erf 2046, Malmesbury, to utilise it as a playground for the Liebenberg Primary School. No structures are planned for this area; it will only be fenced off to ensure the safety of the students.

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...”

The portion of land will be leased by the school and will be used as an extra playground. No structures will be erected.

I hope this addresses your concerns. If so, please withdraw your objection.

Regards

Alwyn Burger

Manager Town & Regional Planning

☎ 022 487 9400/ 076 480 9870

✉ alwynburger@swartland.org.za



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From: Alwyn Burger <alwynburger@swartland.org.za>
Sent: Wednesday, 28 January 2026 15:34
To: n.rinkwest@gmail.com
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>
Subject: Proposed Closure, Rezoning and Subdivision of Erf 2046, Malmesbury

Good afternoon Mrs Rinkwest

Your letter dated 21 November 2025 regarding the subject refers.
Find attached the land use application motivation for the application.
See blow extracts from the report:

“...
CK Rumboll and Partners have been appointed by Mrs. Madelaine Terblanche, acting on behalf of Swartland Municipality, who are the owners of Erf 2046, Malmesbury, to attend to all town planning and land surveying actions regarding the closure of a portion of a public place, rezoning and subdivision of the subject property in order to utilise this portion of land as a dedicated playground for the Liebenberg Primary school.

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I hope this addresses your concerns. If so, please withdraw your objection.

Regards

Alwyn Burger

Manager Town & Regional Planning

☎ 022 487 9400 / 076 480 9870

✉ alwynburger@swartland.org.za



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MUNISIPALITEIT SWARTLAND		REG.		
LEER NO.:	153	3-8	Erf-2046	
Verwys Na	Inligting	Verslag	Afhandel	Kom/Taar
HERSONERING EN ONDERVERDELING VAN ERF 2046				
	153	6-8	Erf-2046	
Ander Opdrag	153 7-8 Erf-2046			
SPERDATUM				(get)EK

Geagte mnr. Burger

Ons verwys na die voortslepende aansoek ingevolge die Swartland Munisipaliteit: Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020), spesifiek:

- 1 artikel 25(2)(n): die voorgestelde sluiting van 'n gedeelte van Erf 2046; en
- 2 artikel 25(2)(a): die voorgestelde hersonering van Erf 2046 na Oopruimte-sonne en Gemeenskapsone.

Hiermee dien ons 'n verdere formele en omvattende beswaar in namens die geraakte inwoners en geregistreerde eienaars van Silwerboomstraat en Karreeboomstraat.

1. Bestaande openbare funksie van die grond

Die oop ruimte wat deel vorm van Erf 2046 word tans gebruik as 'n stormwater-afvoer- en bestuurarea vir die omliggende woonbuurt. Hierdie funksie is noodsaaklik vir plaaslike infrastruktuur en openbare veiligheid.

Die area word egter nie voldoende deur die munisipaliteit onderhou nie, wat lei tot:

- a) onvoldoende bestuur van stormwaterafloop;
- b) oorgroeide plantegroei en onveilige omgewingsomstandighede; en
- c) 'n verhoogde risiko van oorstromings en skade aan infrastruktuur in die omliggende residensiële gebied.

Enige sluiting of verandering in grondgebruik moet dus voldoen aan die munisipaliteit se statutêre verpligtinge rakende stormwaterbestuur en openbare infrastruktuurbeplanning, asook die beginsels van volhoubare ontwikkeling ingevolge SPLUMA en die Munisipale Stelselwet.

2. Veiligheidsrisiko's en omgewingskwessies

Die area bevat ou bloekom-/bluegum-bome wat beduidende veiligheidsrisiko's inhou:

- a) verskeie bome het reeds omgeval;



- b) takke en wortelstelsels skep gevaar vir inwoners en voetgangers;
- c) oormatige blaarval veroorsaak dat straatdreine en huise se geute verstop, wat gesondheids- en infrastruktuurrisiko's skep.

Inwoners het herhaaldelik versoek dat die munisipaliteit:

- d) die bome snoei; of
- e) geskikte bome plant soortgelyk aan dié in Piketbergstraat om die straatbeeld te verbeter, veral aangesien Darlingweg 'n nasionale roete is.

Hierdie versoeke is grotendeels nie aangespreek nie.

3. Onverenigbaarheid met voorgestelde skooluitbreiding

Daar word met respek aangevoer dat die voorgestelde gebruik van die grond as addisionele omheinde speelgrond vir Laerskool Liebenberg nie die mees geskikte of regmatige grondgebruik is in terme van beplanningsbeginsels nie.

Ingevolge die Swartland Grondgebruikbeplanningsverordening en SPLUMA moet grondgebruikbesluite:

- a) ruimtelike geregtigheid en gemeenskapsbelang bevorder;
- b) verenigbaarheid met omliggende grondgebruik verseker;
- c) die breër openbare belang bo enkel-instelling-uitbreiding plaas; en
- d) bestaande openbare infrastruktuurfunksies beskerm.

Laerskool Liebenberg beskik reeds oor:

- e) bestaande speelterreine wat tydens pouses gebruik word; en
- f) toegang tot sportgronde agter die skool.

Die verdere toekenning van openbare oopruimte aan 'n enkele instelling sal breër gemeenskapsgebruik beperk en strook nie met geïntegreerde ruimtelike beplanning nie.

4. Verkeer, veiligheid en openbare belang

Die omliggende padnetwerk ervaar reeds ernstige verkeersdruk, veral:

- a) gedurende skoolspitsure; en
- b) tydens sportgeleenthede by bestaande fasiliteite.

Bykomende skoolverwante grondgebruik sal waarskynlik:

- c) voetgangerveiligheidsrisiko's verhoog;
- d) verkeersopeenhoping vererger; en
- e) druk op openbare infrastruktuur verhoog.

Dit is in stryd met die munisipaliteit se plig om veilige en ordelike ontwikkeling te verseker.

5. Gemeenskapsvoorstel – Reservasie as openbare park

Inwoners bly van die vaste mening dat die grond gereserveer moet word as openbare oopruimte en ontwikkel moet word as 'n gemeenskapspark, wat:

- a) die breër residensiële gemeenskap dien;
- b) die visuele karakter van die nasionale roete na Darling verbeter;
- c) omgewingsrehabilitasie ondersteun; en
- d) inwoners in staat stel om by te dra tot instandhouding en veiligheid van die area.

Hierdie voorstel strook met:

- e) oopruimte-beplanningsdoelwitte;
- f) gemeenskapsgebaseerde stedelike bestuur; en
- g) die munisipaliteit se grondwetlike verpligting om 'n veilige en gesonde omgewing te bevorder.

6. Regs- en beleidsraamwerk

Hierdie beswaar is gegrond op:

- a) Swartland Munisipaliteit: Munisipale Grondgebruikbeplanningsverordening (PG 8226 van 25 Maart 2020);
- b) die Wet op Ruimtelike Beplanning en Grondgebruikbestuur (SPLUMA);
- c) die Wet op Munisipale Stelsels; en
- d) grondwetlike beginsels van deelnemende regering, omgewingsbeskerming en verantwoordbare plaaslike administrasie.

Hierdie raamwerke vereis dat grondgebruikbesluite regmatig, redelik, prosedureel billik en in die openbare belang moet wees.

7. Standpunt van inwoners

Gevolgtlik:

- a) trek ons nie ons besware terug nie;

- b) versoek ons dat die bestaande openbare funksie van die grond formeel erken word;
- c) versoek ons munisipale ingryping rakende stormwaterbestuur en boomveiligheid; en
- d) ondersteun ons die behoud en opgradering van die area as 'n gemeenskapspark tot voordeel van inwoners.

Bevestig asseblief dat hierdie beswaar in die amptelike rekord opgeneem sal word en behoorlik oorweeg sal word in enige besluitnemingsproses rakende die aansoek.

Die uwe

NR Rinkwest

Neuga Rinkwest

10 Kareeboom straat

Sel: 073 837 3999

Epos: nrinkwest@gmail.com

Namens geraakte inwoners en geregistreerde eienaars Silberboomstraat & Karreeboomstraat

1. Brent Adonis Adonis
2. Edward Adonis (Ember)
3. ALUIRA Adonis AAdonis
4. NEUGA Rinkwest (Rinkwest) Karreeboomst 10
5. Elma Tuis Karreeboomst. 09.
6. Penae Leng Mayes
7. Joshua lens
8. Kaylin leng Lubi...
9. Jamie-lu Thomas
10. Ashlee leng
11. Sometha leng
12. Nikem Leng

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Die uwe



Neuga Rinkwest

10 Kareeboom straat

Sel: 073 837 3999

Epos: nrinkwest@gmail.com

Namens geraakte inwoners en geregistreerde eienaars Silberboomstraat & Karreeboomstraat

1. S J Berman Kareeboomstr. 14 
2. MC Hugo - Kareeboom str 6 
3. JRP BANHA - KAREEBOOM STR 4 
4. M BANHA Kareeboom Str 4 
5. R Lesch Karreeboom str 8 
6. R Moses Silberboomstr 10
7. J-LESCH SILWERBOOMSTRAAT 14 
8. S. J Lesch, Silberboomstr 14 
9. JP Alias, Kareeboom Str, 12 
10. _____

From: Alwyn Burger <alwynburger@swartland.org.za>
Sent: Wednesday, 28 January 2026 15:31
To: bormanlg@gmail.com
Cc: Alwyn Zaayman <zaaymana@swartland.org.za>; Ulynn Julies <JuliesU@swartland.org.za>
Subject: Proposed Closure, Rezoning and Subdivision of Erf 2046, Malmesbury

Good afternoon Mr Borman

Your email dated 23 November 2025 regarding the subject refers.

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CK Rumboll and Partners have been appointed by Mrs. Madelaine Terblanche, acting on behalf of Swartland Municipality, who are the owners of Erf 2046, Malmesbury, to attend to all town planning and land surveying actions regarding the closure of a portion of a public place, rezoning and subdivision of the subject property in order to utilise this portion of land as a dedicated playground for the Liebenberg Primary school.

The surrounding area primarily consists of residential developments to the north, an existing school to the west, a business node and authority use to the south and open spaces to the east. The proposal to convert a portion of Erf 2046 into additional playground for the Liebenberg Primary School is well-suited to the area's character, contributing to the school's functionality.

This report seeks approval for the closure of a portion of a public place, along with the rezoning and subdivision of Erf 2046, Malmesbury, to utilise it as a playground for the Liebenberg Primary School. No structures are planned for this area; it will only be fenced off to ensure the safety of the students.

The Community Zone 1 property will be leased by the Liebenberg Primary School (Erf 9221) to expand the learners' playground. The proposed portion will be fenced off and leased by the school. This use is not expected to have any negative impact on the surrounding area, as the site will remain undeveloped and will function solely as a safe and secure play space for the school's learners.

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The portion of land will be leased by the school and will be used as an extra playground. No structures will be erected.

I hope this addresses your concerns. If so, please withdraw your objection.

Regards

Alwyn Burger

Manager Town & Regional Planning

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