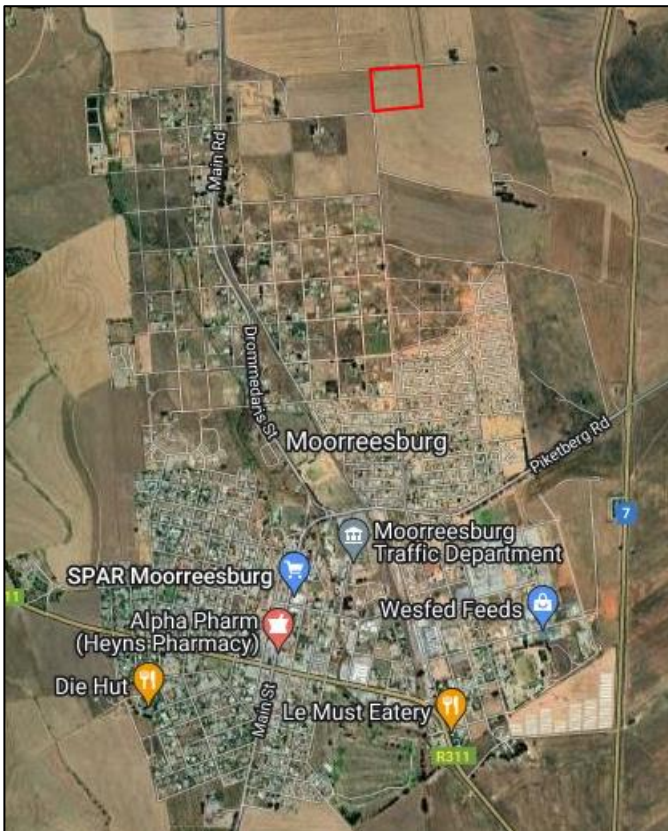


MOTIVATIONAL REPORT

Proposed Rezoning of Erf 5662, Moorreesburg

Application in terms of
the Swartland Municipal
By-Law on Land Use
Planning (PG 8226 of 25
March 2020)



Authority:
Swartland Municipality

Date:
April 2022

Our Reference:
MOOR/12107/ZN/MV

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- C: Title Deed and Diagrams
- D: Locality Map
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1. SECTION 1 INTRODUCTION

Moorreesburg currently has 3 cemeteries serving the Moorreesburg town, and surrounding rural areas, and are nearing capacity. There is an urgent need for additional burial space. Suitable land (private ownership) was identified to the north-eastern outskirts of Moorreesburg, near to the existing Wastewater Treatment Works and Waste Management Site. The necessary processes were followed to acquire this portion of land. The land is in the process of being transferred to Swartland Municipality and is known as Erf 5662 (Portion of Erf 1105), Moorreesburg.



Figure 1: Location of existing cemeteries in Moorreesburg

According to the South African Constitution of 1996, Local Authorities are responsible for cemeteries; therefore CK Rumboll & Partners were instructed by **Swartland Municipality** to handle all town planning and land surveying actions for the establishment of an additional cemetery on Erf 5662, Moorreesburg. Copy of the Power of Attorney is attached as **Annexure A**.

1.1 Purpose

It is the purpose of this report to apply in terms of:

- ▶ *Section 25 (2) (a) of the Swartland Municipal By-law on Municipal Land Use Planning (25 March 2020)*, for the **Rezoning** of Erf 5662, Moorreesburg (5.0002Ha), from Agricultural Zone 1 to Open Space Zone 4 to establish a cemetery.

The completed application form is attached as **Annexure B**.

1.2 Property Description

Table 1: Property details of Erf 5662, Moorreesburg

Erf 5662	
Extent	5.0002Ha
Registered Owner	Tweevlei Trust (in the process to be transferred to Swartland Municipality)
Local Authority	Swartland Municipality
Physical Address	1 Eighth Avenue, Moorreesburg, 7310
Coordinates	33°07'50.0"S 18°40'06.3"E
Servitudes	None
Zoning	Agricultural Zone 1 (AZ1)
Land Use	Agriculture
Title Deed	Unregistered and still part of Erf 1105 with Title Deed no T14579/2017
Title Deed Restrictions	None
Applicable Zoning Scheme	<i>Swartland Municipal Land Use Planning By-Law (PG 8226)</i>
Borders: North	Erf 2874
East	Erf 1105/RE
South	Erf 1105/RE
West	Erf 2887 and Eighth Avenue

Copies of the Title Deed and Diagrams are attached as **Annexure C**.

1.3 Restrictions

There are no restrictions on-site or in the Title Deed of Erf 1105, Moorreesburg, (of which Erf 5662 is a portion) that will prohibit the proposed development. Copies of the Title Deed and Diagrams are attached as **Annexure C**.

2. SECTION 2 CONTEXTUAL ANALYSIS

2.1 Registered Description and Ownership

The property is being transferred to Swartland Municipality from Tweevlei Trust. The Title Deed and Diagrams are attached as **Annexure C**.

Table 2: Ownership

Property no	Owner	Title Deed no	Extent
Erf 5662, Moorreesburg	Being registered to Swartland Municipality	In progress	5.0002Ha
Erf 1105, Moorreesburg	Tweevlei Trust	T14579/2017	52.1653Ha

2.2 Locality

Moorreesburg is located approximately 100 kilometres north of the Cape Metropole along the N7 route and 70 kilometres to the east of the West Coast towns of Langebaan and Saldanha. The town is centrally located in the northern part of the Swartland and is an important agricultural service centre to the extensive surrounding agricultural production area. Erf 5662 is located to the north-eastern corner of Moorreesburg, just outside the identified urban edge. Access to Erf 5662 is obtained from Eighth Avenue on the property's southwestern corner. The Locality Map is attached as **Annexure D**.

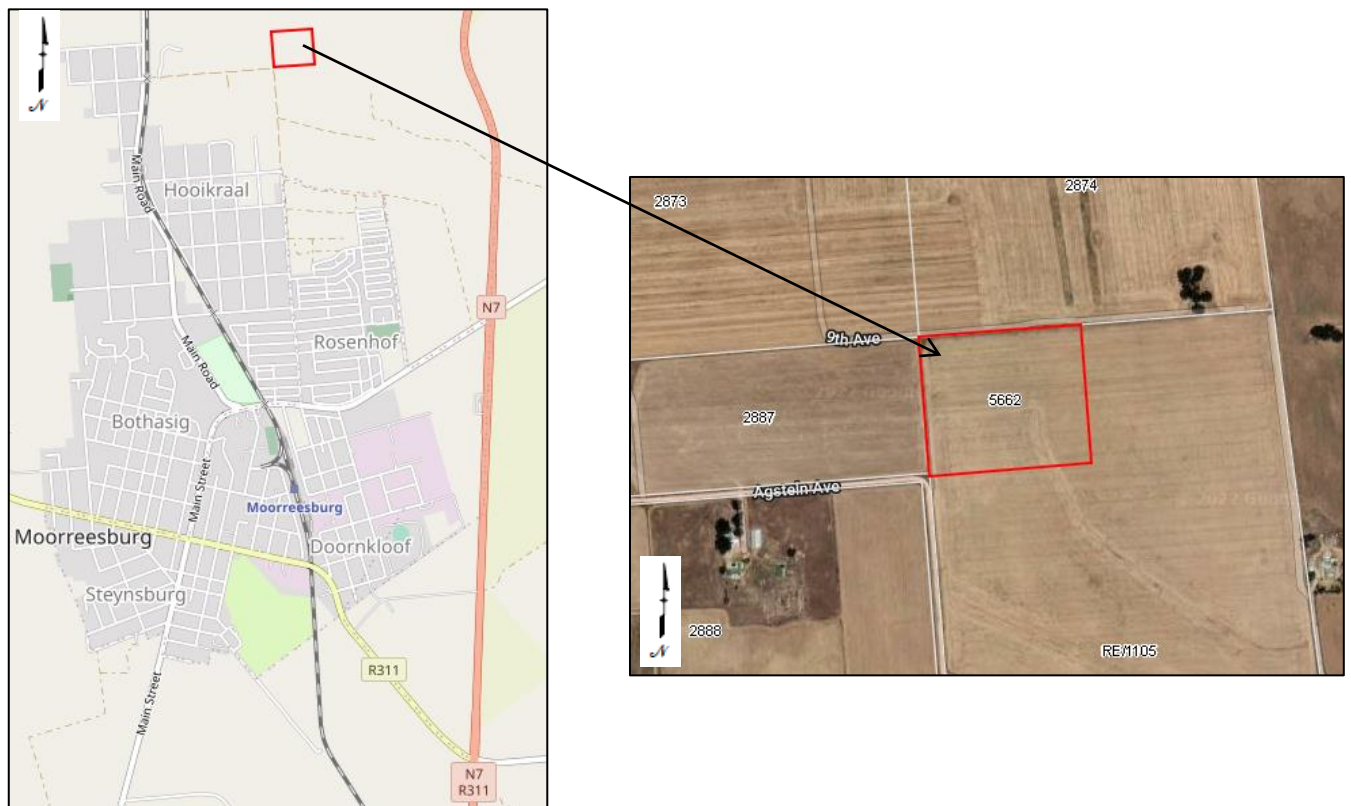


Figure 2: Locality of Erf 5662, Moorreesburg

2.3 Existing Zoning and Surrounding Uses

In terms of the *Swartland Municipal Land Use Planning By-law (PG 8226)*, Erf 5662 is zoned Agricultural Zone 1 and is currently used for the cultivation of lucerne/medics. The property is surrounded by agricultural properties on all boundaries (refer to Figure 3 below). No buildings or structures are located on Erf 5662. The intent of this report is to apply for the rezoning of Erf 5662, Moorreesburg, from Agricultural

Zone 1 to Open Space Zone 4 to accommodate a cemetery. The proposed cemetery will not have any negative impact on the surrounding agricultural area.



Figure 3: Surrounding land uses

2.4 Access and Parking

Access to Erf 5662 will be obtained from Eighth Avenue (a gravel road) on the property's southwestern corner. Parking will be provided on Erf 5662 towards its south-western corner. Refer to the Site Development Plan attached as **Annexure F**.

2.5 Terrain and Environmental Characteristics

2.5.1 Physical aspects/topography

The proposed cemetery area is located on a slightly elevated and gently sloping topography (refer to Figures 4 and 5 below). The area proposed for development has a relatively even slope that falls from northeast to southwest. The stormwater of the site can gravitate naturally to the entrance on to Eighth Street, where stormwater can be relayed within the existing stormwater services present in the street. This area's characteristics are similar to the existing graveyard sites, which proved itself suitable for the use.

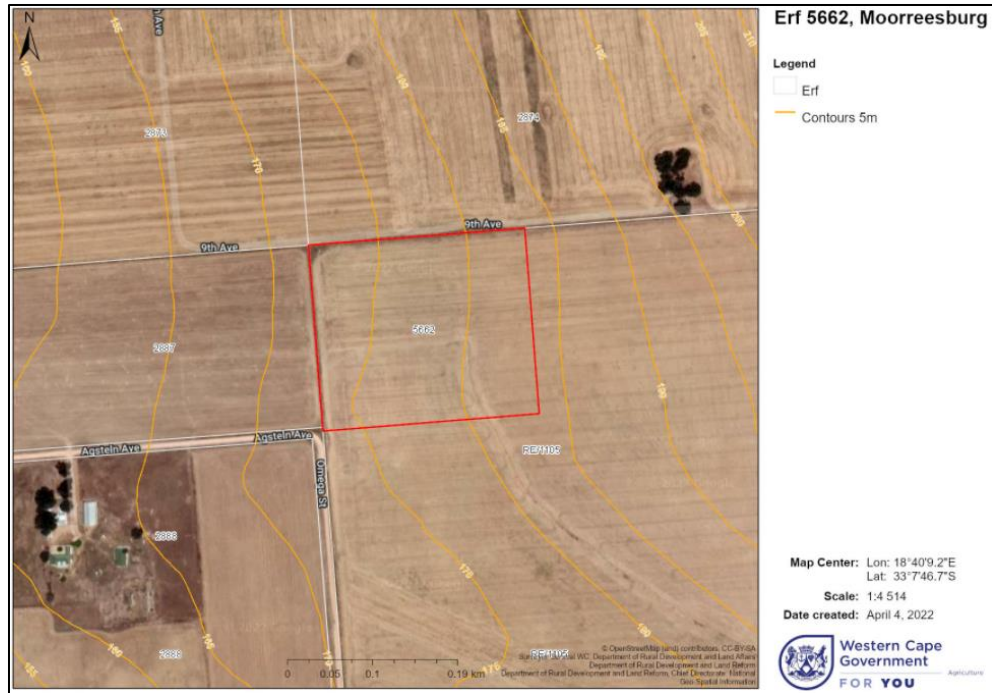


Figure 4: 5m contour interval

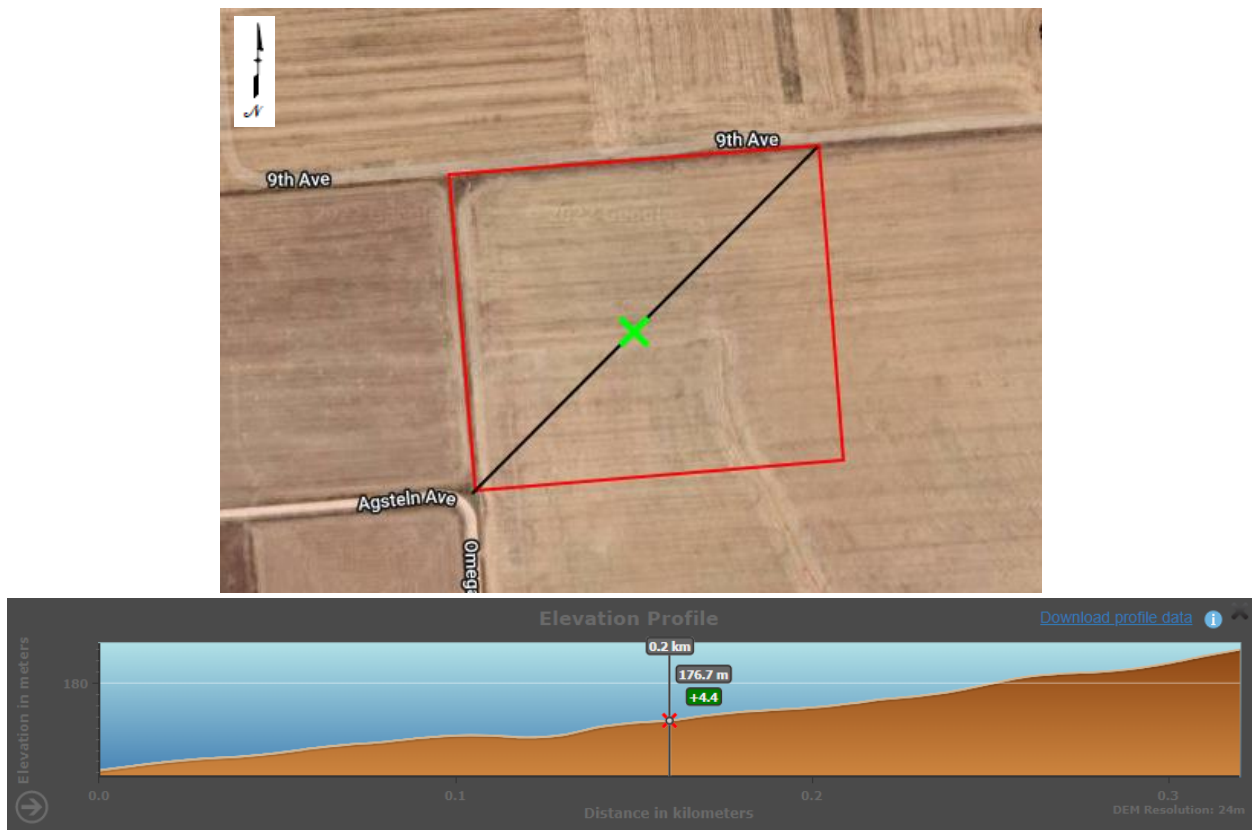


Figure 5: Elevation profile

2.5.2 Soil formation and permeability

Erf 5662, Moorreesburg, consists of a combination of red-yellow well drained soils lacking a strong texture contrast, as well as soils with a strong texture contrast. The soils with a red-yellow colour lacking a strong texture contrast is located to the properties northern and eastern boundaries, while the soils with a strong texture contrast are towards the property’s southwestern corner (refer to Figure 6).

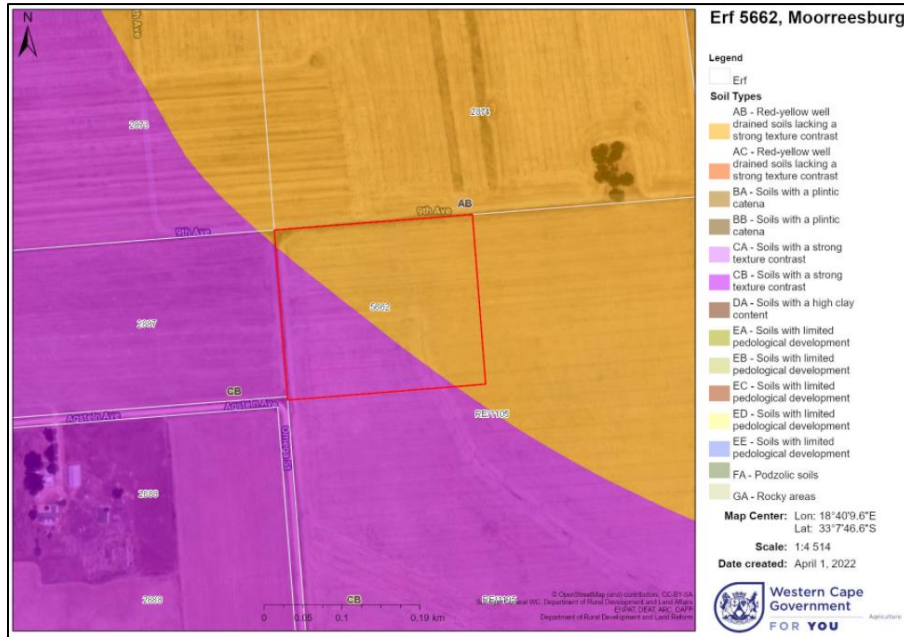


Figure 6: Soil Types

The property is geologically characterised by the Klipplaat Formation (refer to Figure 7).

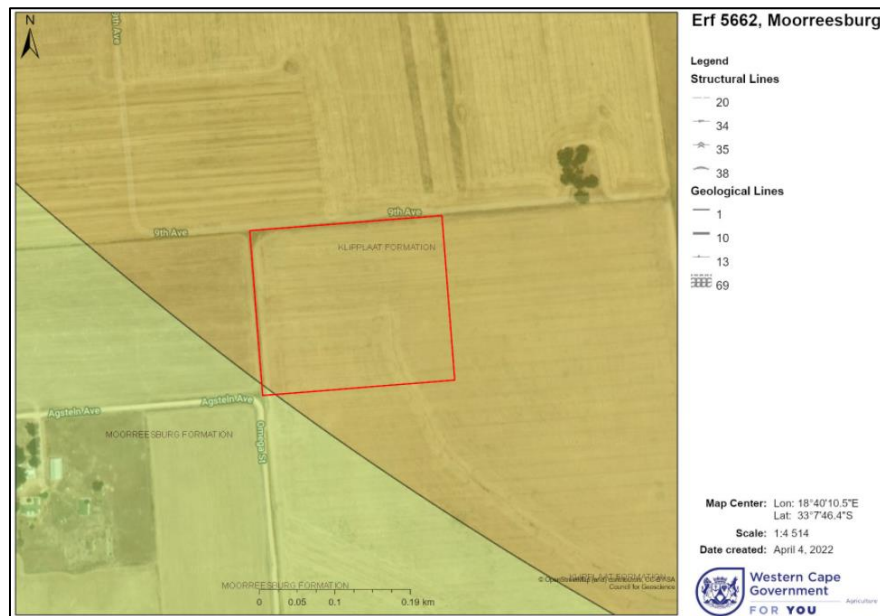


Figure 7: Geology Map

2.5.3 Water Use

Water wise plants should be promoted to prevent soil erosion and to introduce some landscaping. No water connection will be supplied to the site. No abstraction of ground water will occur.

2.5.4 Vegetation and Agricultural Potential

The area consists of the Swartland Shale Renosterveld vegetation (refer to Figure 8). The agricultural potential is seen as low to moderate according to the Western Province Department of Agriculture (refer to Figure 9). The Dryland Potential index is classified as high (refer to Figure 10).



Figure 8: Vegetation

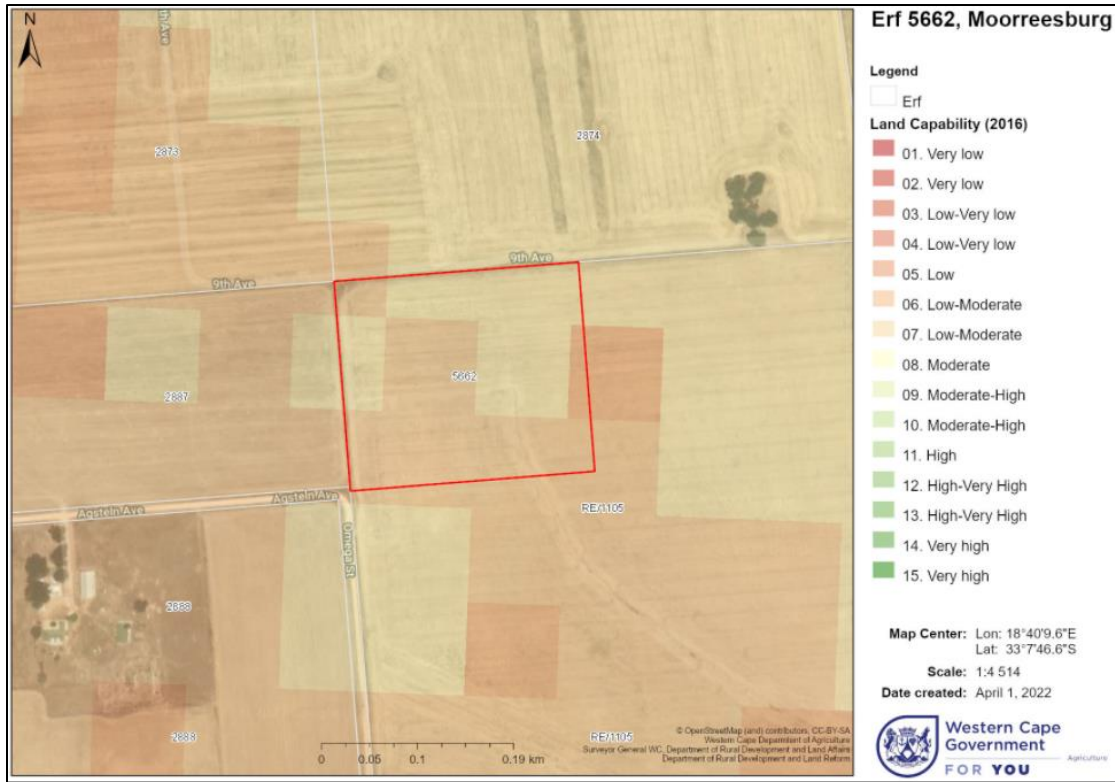


Figure 9: Land Capability



Figure 10: Dryland Potential Index

2.5.5 Critical Biodiversity Areas

No water resources or Critical Biodiversity Areas (CBA) are found within the vicinity of Erf 5662. The proposed position of the cemetery has been chosen to preserve the environment as much as possible.

2.6 Local and Micro Environment

2.6.1 Infrastructure and Services

There is an existing road network. An existing access off Eighth Street on the property's south-western corner will be used to provide access to the subject property. It is not foreseen that the proposed cemetery will require much sewerage, water and electrical services. A services report will be conducted on the larger cemetery development where aspects such as the status quo of existing services will be confirmed and standards for services for the proposed cemetery development will also be addressed.

Electricity and water will have to be provided by the Swartland Municipality, if needed. Stormwater run-off must be controlled to ensure on site activities do not culminate in off site. The access road forms part of the existing road network. Solid waste, if any, will be disposed onto an authorized solid waste facility in terms of the relevant sections of the *National Environmental Conservation Act* and/or *National Environmental Management Waste Act*.

2.6.2 Architecture and Future Heritage

The cemetery site will be fenced and maintained as stipulated in the Regulations relating to Funeral Undertakers' Premises (Regulation 237 dated 8 February 1985) promulgated in terms of Sections 33 and 39 of the *Health Act, Act 63 of 1977*. No built structures will be erected.

The design and layout of the extension considered the following:

- Ensure a safe, accessible and aesthetically pleasing site for the burial of the dead.
- Keep maintenance low and thereby keep costs low.
- Use design elements such as meandering walkways through area, views and vistas, landscaped planting, open spaces, well designed entrances and fencing to create a sense of place and dignity.
- Ensure easy access for vehicles, digging machinery and pedestrians.
- Keep the design of the layout flexible.
- Keep major access roads to cemeteries in good condition.

2.6.3 Impact on the environment

A Basic Assessment in terms of the applicable Environmental legislation will be conducted.

Heritage

A Notice of Intend to Develop (NID) will be lodged with Heritage Western Cape and will their comment be sent to Swartland Municipality upon receipt.

Social

The proposed cemetery will provide the much needed cemetery required.

3. SECTION 3 DEVELOPMENT PROPOSAL

3.1 Development

The purpose of this report is to motivate the development of a cemetery on Erf 5662, Moorreesburg, which is in the process of being transferred to Swartland Municipality. This section will broadly explain what is being applied for and how it complies with the *Swartland Municipal Land Use Planning By-Law (PG 8226)*.

3.2 Existing cemetery

On average, approximately 124 people get buried in Moorreesburg annually, amounting to ± 11 burials per month. Most funerals are scheduled on a weekend. With exception, people are cremated, as traditional burials are the norm. Moorreesburg currently has three cemeteries serving the Moorreesburg town and surrounding rural areas and it has nearly reached capacity. Given the COVID 19-pandemic, the average burials per month has significantly increased and this cemetery is now fast reaching capacity. Provision must therefore be made for this urgent need in the community. There is no space left to expand the existing cemeteries which could have also been a viable alternative to provide in the immediate need for additional burial space.

3.3 Proposed Rezoning

In order to obtain the necessary land use rights, application is made for the following:

- ▶ *Section 25 (2) (a) of the Swartland Municipal By-law on Municipal Land Use Planning (25 March 2020)*, for the **Rezoning** of Erf 5662, Moorreesburg (5.0002Ha), from Agricultural Zone 1 to Open Space Zone 4 to establish a cemetery.

Swartland Municipality identified a portion of land, being Erf 5662, Moorreesburg, to establish an additional cemetery to serve the Moorreesburg town, and surrounding rural areas. As mentioned, the land is in the process to be transferred to Swartland Municipality. It is the intention of Swartland Municipality to utilise the property for cemetery purposes subject to the necessary statutory approvals and environmental authorisations. The current zoning of Erf 5662 does not allow a cemetery and therefore, application is made for the rezoning of Erf 5662 from Agricultural Zone 1 to Open Space Zone 4 to establish a section of the larger planned cemetery to provide in the immediate need for additional burial space. The Rezoning Plan is attached as **Annexure E** and the Site Development Plan is attached as **Annexure F**.

The objective of Open Space Zone 4 is *“to provide for land that is reserved for the burial of the deceased and associated activities.”*

Footprint:

The development footprint for the proposed development is approximately 5.0002Ha as surveyed and will include the following elements (see Figure 11 below):

- Conventional graves
- Gravel roads/walkways

- Landscaped areas
- Parking area



Figure 11: Site Development Plan

Parking will be provided on Erf 5662 towards its south-western corner. Refer to the Site Development Plan attached as **Annexure F**.

Table 3: Proposed rezoning

Property	Current Zoning	Proposed Zoning
Erf 5662, Moorreesburg	Agricultural Zone 1	Open Space Zone 4

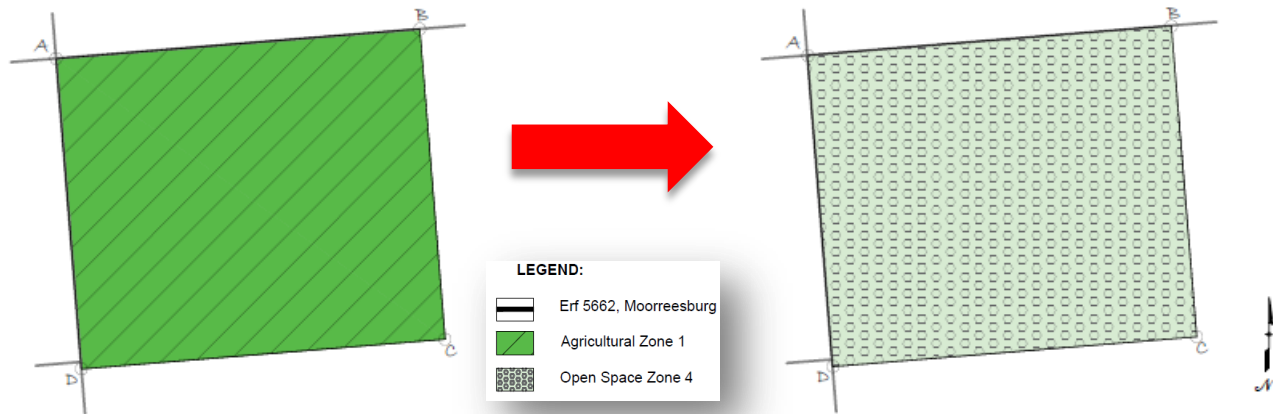


Figure 12: Proposed rezoning

3.4 Need & Desirability

Need:

Moorreesburg has three cemeteries serving the Moorreesburg town and surrounding rural areas and it has nearly reached capacity. Additional burial space are therefore much needed as an important social amenity for the residents of Moorreesburg and surrounding rural areas.

Desirability:

Desirability from a town planning perspective is described as the degree of acceptability of the development of land for a particular purpose. The proposal is seen as desirable for the following reasons:

- The property is in the process of being transferred to Swartland Municipality which will facilitate faster provision of much needed burial space.
- The topography of the land lends itself to be utilised for a cemetery.
- The application area is not located within a recognised Critical Biodiversity Area, nor is it within a listed Threatened Ecosystem.
- The proposal will ensure that an important social amenity is provided to the community.
- It is not foreseen that the proposal will have a significant impact on external municipal engineering services.
- It is not foreseen that the proposal will have a significant impact on existing traffic flow given that ample space is available to park on the property. Additional traffic generation is also considered minimal.

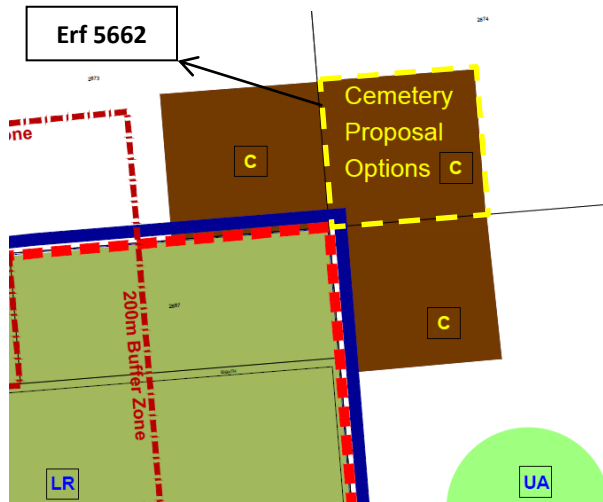
3.5 Zoning Parameters

A cemetery is allowed as a primary use under the zoning, Open Space Zone 4. The Municipality shall determine the land use provisions applicable to land units in this zone. With the availability of alternative documents with sufficient guidelines, directives and provisions for land use development, the proposed rezoning could be considered favourably.

4. SECTION 4 PLANNING POLICY AND LEGISLATION

4.1 Swartland Municipal Spatial Development Framework (MSDF) (2019)

The *Swartland Spatial Development Framework (SDF) (2019)* determines the strategic policy guidelines for future development in the Swartland region and in this case, in Moorreesburg.



Erf 5662 is located outside of the identified urban edge of Moorreesburg. The Land Use Proposals Map as part of the *Swartland SDF (2019)* for Moorreesburg includes the development of a cemetery on Erf 5662.

Figure 13: Swartland SDF (2019) extract

The table below indicates the alignment of the proposed development with the Protect, Change and Develop Place Identity for Moorreesburg as set out in the *Swartland SDF (2019)*.

Table 4: Protect, Change and Develop Place Identity

Protect	Change	Develop
Social Infrastructure & Services:	Provide a new cemetery for Moorreesburg. The proposed areas are located southwest and northeast of the town. – <i>The proposed development includes a new cemetery to be accommodated northeast of Moorreesburg.</i>	

4.2 National Environmental Management Act 107 of 1998 (NEMA)

The National Environmental Management Act regulates environmental and social sustainability. Taking into account the development proposal and with reference to the *National Environmental Management Act Regulations Listing Notice 1* (as amended), an Impact Assessment or Record of Decision is a requirement for:

Activity 23: “The development of cemeteries of 2 500 square meters or more in size”.

The proposed cemetery has a footprint of ±5.002ha. Therefore, Environmental Authorisation is required. EnviroAfrica Environmental Management has been appointed to obtain the relevant approvals from the Environmental department. The Record of Decision (ROD) will be provided to Swartland Municipality upon receipt.

4.3 Subdivision of Agricultural Land Act (Act 70 of 1970)

Application in terms of the Subdivision of Agricultural Land Act (Act 70 of 1970) is not needed as no subdivision is proposed.

4.4 Advertising on Roads and Ribbon Development Act (Act 21 of 1940)

The proposal is located well away from the 95m building line. No new buildings, or renovation of existing buildings, are proposed within the 95m building line.

4.5 Section 53 of the Land Use Planning Act (Act 3 of 2014) (LUPA)

The development is exempted, seeing that the development area is included within the Swartland Municipal SDF Plan.

4.6 Section 34 of the National Heritage Resources Act (Act 25 of 1999) (NHRA)

A notice of intend to develop will be submitted to the Western Cape Department of Heritage.

4.7 Section 21 of the National Water Act (Act 36 of 1998)

No water resources will be impacted by this development proposal.

4.8 Principles of Land Use Planning

The proposed development supports the principles of *Chapter VI (Article 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, as follows;*

4.8.1 Spatial justice

The proposal aims to provide a basic social service to the residents of Moorreesburg. The application will not result in the exclusion of any groups. The development proposal is consistent with the *Swartland Spatial Development Framework (2019)* as a spatial instrument that directs future development at a local municipal level.

4.8.2 Spatial sustainability

The proposal will not adversely affect any high potential agricultural land or conservation areas of high significance and will be cradled by the surrounding rural landscape, not impeding on the agricultural character of the area. The facility will promote long term financial sustainability for the property and the surrounding Swartland region. Furthermore, it will not affect any endangered vegetation or conservation areas.

4.8.3 Efficiency

The proposal seeks to establish a land use that is best located outside of the urban area and also ensuring efficient use of resources relating to land, infrastructure and services. The property can be developed to its

full potential in accordance with the *Swartland SDF (2019)* and *Zoning Scheme Regulations* set out in Schedule 2 of the *Municipal Land Use Planning By-Law (PG 8226)*. The zoning scheme regulations can be considered sufficient in regulating future development. The proposed development uses the optimal efficiency of the land and services. The proposed development will contribute to the meaningful utilisation of land for a much-needed land use.

4.8.4 Spatial resilience

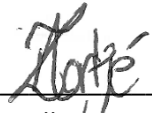
The principle of spatial resilience allows more flexibility in spatial plans, policies and systems. The spatial resilience of the property is increased by allowing a use needed in Moorreesburg within the Swartland Municipal Area. The proposed development does not limit any future benefits of the properties or surrounding area and have no negative impact on disadvantaged communities.

4.8.5 Good administration

The proposed application will be taken through the public process by the Swartland Municipality and all relevant departments will be approached. Participation of different relevant departments and the public will ensure an informed decision.

5. SECTION 5 CONCLUSION

This office supports the proposed development of a cemetery on Erf 5662, Moorreesburg, and request Swartland Municipality to consider the application favourably.



Zanelle Nortje/ Mandri Viljoen
For CK RUMBOLL AND PARTNERS

Annexure A

Power of Attorney

Annexure B

Application Form

Annexure C

Title Deed and Diagrams

Annexure D

Locality Map

Annexure E

Rezoning Plan

Annexure F

Site Development Plan