

Planning tribunal 'fines' Cape school

Dave Chambers

A Cape Town public school has been fined for operating unlawfully for 113 years.

However, Oakhurst Girls Primary, in Rondebosch, will have no difficulty paying the penalty imposed by a City of Cape Town planning tribunal.

That is because it has been set at R0.

More schools and public buildings are likely to face a similar fine as officials begin to enforce the 2015 municipal planning bylaw, which removed an exemption for state properties.

The crackdown is set to unleash a blizzard of red tape and paperwork across Cape Town, not to mention a pile of bills for government departments.

Even though its fine was zero, the Western Cape education department has paid the city council R17,150 to apply for rezoning of the 1.25ha property.

It has also engaged a consultant to manage its rezoning and planning applications, which aim to consolidate seven erven, rezone them for community use and regularise matters such as a building line contravention relating to the school swimming pool.

Marian Nieuwoudt, the mayoral committee member

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MAYORAL COMMITTEE MEMBER

responsible for planning, said the same process would be followed by all state-owned properties that are not appropriately or correctly zoned for the uses that are taking place.

Each of the plots occupied by Oakhurst Primary and its 236 pupils is zoned "single residential", and the Western Cape education department told city council planners in its mea culpa that the situation dated back to a period when no laws regulated the land's use.

"When planning legislation came into being, a single residential zoning was allocated to the erven, hence [the school's] present 'unlawful' status," tribunal members were told in a report last week.

"Until relatively recently, it was widely believed and accepted that the state did not need to comply with planning laws.

"Only in recent years did court judgments make it clear that in terms of the country's

constitution, the state is compelled to comply with planning laws."

The education department referred queries to the provincial public works department.

Department spokesperson Siphesihle Dube said other schools might be affected in the same way by the city council crackdown.

He said the department would enter into a process with the council to determine the best way to deal with the issue.

Nieuwoudt said the city council had not calculated the costs of the process that led to a fine of R0 for Oakhurst.

"The assessment of development applications is part and parcel of the city's mandate, responsibilities and functions," she said.

After six years of planning and building, Oakhurst Primary opened as Camp Ground School for Girls on Monday October 8 1906.

According to a notice placed in the Cape Times two days earlier by the first principal, Mrs M Garcia, the school had "new buildings, which meet all modern educational requirements".

The school changed its name to Oakhurst in 1927. —
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