



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:  
CORPORATE SERVICES ON WEDNESDAY, 12 APRIL 2023 AT 14:00**

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**PRESENT**

Internal members:

Director: Corporate Services, Ms M S Terblanche (acting chairperson)

Director: Protection Services, Mr P A C Humphreys

External members:

Ms C Havenga

Mr C Rabie

Other officials:

Director: Development Services, Ms J S Krieger

Town and Regional Planner and GIS, Mr H Olivier

Manager: Secretariat and Records, Ms N Brand (secretariat)

**1. OPENING**

The chairperson opened the meeting and welcomed members.

**2. APOLOGY**

**RESOLVED** that cognisance be taken of the apologies received from the Municipal Manager and the Senior Manager: Development Management.

**3. DECLARATION OF INTEREST**

**RESOLVED** that cognisance be taken that no declarations of interest were received.

**4. MINUTES**

**4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 8 MARCH 2023**

**RESOLUTION**

That the minutes of a Municipal Planning Tribunal Meeting held on 8 March 2023 are approved and signed by the chairperson.

**5. MATTERS ARISING FROM MINUTES**

None.

**6. MATTERS FOR CONSIDERATION**

**6.1 PROPOSED SUBDIVISION OF ERF 2076, YZERFONTEIN (15/3/6-14) (WARD 5)**

The author of the item, Mr H Olivier, gave background on the application for the subdivision of Erf 2076, Yzerfontein into Portion A (501 m<sup>2</sup> in extent) and Portion B (±651 m<sup>2</sup> in extent).

Mr Olivier confirmed that the application is in compliance with all relevant legislation and policy guidelines and is consistent with the minimum erf size of 500 m<sup>2</sup>.

Resolution/...

**RESOLUTION**

- A. The application for the subdivision of erf 2076, Yzerfontein be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), subject to the conditions that:

**A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) Erf 2076, Yzerfontein (1152m<sup>2</sup> in extent) be subdivided into portion A (501m<sup>2</sup> in extent) and portion B (±651m<sup>2</sup> in extent) as presented in the application;
- (b) A restriction be imposed on the title deed of portion A that a 3m building line be maintained on the southern boundary in favour of erven 2070, 2071 & 2075, Yzerfontein;
- (c) 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;

**A2 WATER**

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

**A3 SEWERAGE**

- (a) Each erf be provided with a conservancy tank with a minimum capacity of 8000 litres which is accessible for the municipal sewerage truck from the street. The condition is applicable at building plan stage;

**A4 ELECTRICITY**

- (a) Each subdivided portion be provided with a separate electrical connection and meter for the account of the owner/developer. The Director: Electrical Engineering Services be contacted for a quotation;
- (b) Any relocation of electrical cables be for the owner/developer's account;
- (c) Any electrical inter-connection be isolated and completely removed;
- (d) The electrical connections be connected to the existing low-voltage network;

**A5 DEVELOPMENT CHARGES**

- (a) The owner/developer is responsible for a development charge of R5 445,25 per newly created erf towards the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R4 502,25 per newly created erf towards bulk water distribution, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R5 612,00 per newly created erf towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/240-184-9210).
- (d) The owner/developer is responsible for the development charge of R8 280,00 per newly created erf towards waste water treatment works, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R11 500,00 per newly created erf towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (f) The owner/developer is responsible for the development charge of R3 414,35 per newly created erf towards storm water, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/247-144-9210);
- (g) The owner/developer is responsible for the development charge of R10 419,00 per newly created erf towards electricity, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/253-164-9210);

6.1/A5...

- (h) The Council resolution of May 2022 makes provision for a 35% discount on capital contributions to Swartland Municipality, except for condition A5(a), which is payable in full. The discount is valid for the financial year 2022/2023 and can be revised thereafter;

**B. GENERAL**

- (a) Any existing services connecting the remainder and/or new portions, be disconnected and relocated, in order for each erf to have a separate connection and pipe work;
- (b) Should it be deemed necessary to extend the existing services network in order to provide the subdivided portions with service connections, it will be for the cost of the owner/developer;
- (c) 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;
- (d) 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 of the approval letter. A fee of R4 500, 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 registration of a 4m wide right-of-way servitude over proposed portion B, in favour of the newly created Portion A of Erf 2076, Yzerfontein, complies with the requirements of Section 34 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) and is thus exempted from approval from Swartland Municipality;

Kindly provide Swartland Municipality with copies of the approved Surveyor General diagram for record keeping purposes.

- D. The application be supported for the following reasons:

- (a) The proposal is consistent with the spatial proposals of the Municipal SDF, 2019;
- (b) The proposal is consistent with the minimum erf size determined by the SDF, namely 500m<sup>2</sup>;
- (c) The development promotes densification in an urban area, consistent with national, provincial and local legislation and policy;
- (d) The proposal complies with the principles of LUPA and SPLUMA;
- (e) The zoning of the properties will remain unchanged and consistent with the character of the area;
- (f) The rights of the surrounding land owners will not be negatively impacted;
- (g) The subdivision promotes the optimal utilisation of land and the existing engineering services;
- (h) There are no physical restrictions that prevent the subdivision from being approved;
- (i) Property values of the surrounding properties will not be affected negatively;
- (j) The concern raised by the objector regarding the applicable rear building line is mitigated with the imposition of a condition of approval to maintain the 3m building line along the communal boundary of erven 2075 & proposed portion A;
- (k) The proposal have no impact on the existing street scape and character of the area.

**(SIGNED) M S TERBLANCHE  
ACTING CHAIRPERSON**