



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 15 NOVEMBER 2023 AT 13:00**

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)
Director: Corporate Services, Ms M S Terblanche
Director: Protection Services, Mr P A C Humphreys

External members:

Ms C Havenga
Mr C Rabie

Other officials:

Senior Manager: Development Management, Mr A M Zaayman
Senior Town and Regional Planner, Mr A J Burger
Town and Regional Planner & GIS, Mr H Olivier
Town and Regional Planner, Ms A de Jager
Manager: Secretariat and Records, Ms N Brand (secretariat)

1. OPENING

The chairperson opened the meeting and welcomed members.

A special word of welcome is addressed to Mr A Stone, owner of Erf 141, Riebeek Kasteel.

2. APOLOGY

COGNISANCE BE TAKEN of the apologies received from the Director: Development Services, Ms J S Krieger.

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 11 OCTOBER 2023

RESOLUTION

(proposed by Mr C Rabie, seconded by Mr P A C Humphreys)

That the minutes of a Municipal Planning Tribunal Meeting held on 11 October 2023 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1/...

6.1 PROPOSED CONSENT USE ON ERF 141, RIEBEEK KASTEEL (15/3/10-11) (WARD 12)

Ms A de Jager, as author of the item, gave background to the application for a consent use on Erf 141, Riebeek Kasteel in order to operate a guesthouse from the existing dwelling.

Ms de Jager stated that the application is consistent with the applicable zoning regulations as well as the SDF and is situated within the CBD of Riebeek Kasteel. The SDF promotes the development of improved tourism infrastructure and accommodation facilities for tourists.

During the public participation process it was pointed out by one of the objectors that the proposed on-site parking will not be accessible to guests due to the construction of a pedestrian gate at the driveway.

Ms de Jager mentioned that that the non-provision of parking needs to be addressed by means of a departure from the requirement. The proposal by the applicant to provide parking elsewhere is procedurally incorrect as it does not form part of the application for consideration and approval by the Municipal Planning Tribunal.

RESOLUTION

- A. The application for consent use on Erf 141, Riebeek Kasteel, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved, subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a guesthouse, as presented in the application as follows:
- (i) 4 x guest bedrooms for occupation by a maximum of 8 paying guests at any time;
 - (ii) 2 x en-suite bathrooms;
 - (iii) 1 x shared bathroom;
 - (iv) 1 x shared water closet;
 - (v) 1 x kitchen;
 - (vi) 1 x dining room;
 - (vii) 1 x living room;
 - (viii) 1 x garage; and
 - (ix) swimming pool
- (b) A minimum of four (4) on-site parking bays be provided, be finished in a permanent dust free surface, whether it be tar, concrete, paving or any other material, as approved by the municipality beforehand, and the parking bays be clearly demarcated;
- (c) Building plans indicating the change in use, i.e. guest room etc. be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) A site development plan, clearly indicating the development, including the parking layout, manoeuvring space, demolishing of the pedestrian gate and wall portion and the intended use of the existing garage be submitted to the Senior Manager: Built Environment at building plan stage for consideration and approval;
- (e) A contact number of the owner be displayed conspicuously on the premises at all times for emergency and/or complaint purposes;
- (f) A code of conduct for guests be submitted to the Senior Manager: Development Management, for consideration and approval;
- (g) The owner/developer be responsible for enforcing the code of conduct to the satisfaction of the Division: Law Enforcement;
- (h) All amenities and provision of meals be for the sole benefit of bona fide lodgers. The approval does not authorise the use of the guest house or its amenities by individuals who are not bona fide lodgers as a venue for parties, weddings or any other such use restricted by the By-Law;
- (i) A register of guests and lodgers be kept and completed when rooms are let, and the register be produced for inspection on request by a municipal official at any time;
- (j) Guest rooms not be converted to, or used as separate dwelling units;

- (k) Application be made to the Senior Manager: Development Management for the right to construct or affix and display any signage;
- (l) Any signage be limited to 1m² in area and may not project over a public street;
- (m) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the guesthouse;
- (n) A trade licence be obtained from Swartland Municipality for the operation of the guesthouse;
- (o) No off-site parking be allowed by guests and staff of the guesthouse;
- (p) Should the applicant fail to take effective steps to the satisfaction of the Senior Manager: Development Management, to ensure proper compliance with the provisions of the approved code of conduct, or should unauthorised land uses on the property occur, the approval for the consent use may be withdrawn after following due process;

A2 WATER

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

A3 SEWERAGE

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

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for the development charge of R2 715,84 towards bulk water supply at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R2 562,43 towards bulk water distribution at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R2 134,49 towards sewerage at building plan stage. The amount is due to the Swartland Municipality, valid for the year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R2 870,31 towards waste water treatment at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R2 306,44 towards roads at building plan stage. The amount is due to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/247-188-9210);
- (f) The Council resolution of May 2023 provides for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter.

B. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) Should it 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 for or 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

6.1/B(d)...

X52, Yzerfontein, 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;

C. The approval be supported for the following reasons:

- (a) The proposed guesthouse is a residential use and is therefore consistent with the proposals of the SDF;
- (b) A guesthouse is accommodated as a consent use in the Residential Zone 1 zoning category;
- (c) The development proposal supports the optimal utilisation of the property;
- (d) The guesthouse will support the tourism industry in Riebeeck Kasteel, as well as the local economy;
- (e) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Riebeeck Kasteel;
- (f) Access to on-site parking is mitigated through conditions of approval and the applicant may propose alternative remedies at a later stage;
- (g) The owner/developer runs the risk of losing the land use approval, should any unauthorised land use occur;
- (h) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

6.2 APPLICATION FOR REZONING, SUBDIVISION AND PHASING OF ERF 2111, RIEBEEK KASTEEL (15/3/3-11, 15/3/6-11) (WARD 12)

Mr H Olivier, as author of the item, explained the extent of the application received, amongst others, to establish a shopping centre of 3 500 m² and offices and 72 group housing erven of 2 000 m².

A discussion followed on the proposed development of Erf 2111, Riebeeck Kasteel and the inadequacies in the site development plan as well as other concerns addressed in the resolution below.

RESOLUTION

That the item be referred back by the Municipal Planning Tribunal in order to address the following:

- (a) The site development plan be amended in order to include all information as required in terms of the Development Management Scheme.
- (b) The construction of the proposed berm, as required in terms of the Environmental Authorisation, adjacent to the 1 : 100year flood line as well as along the western boundary of the subject property be included in the site development plan. The proposed berm, as proposed in the environmental authorization will be landscaped with indigenous vegetation and be 1m high. The position of the proposed berm on the western boundary need to be surveyed and transferred to the Owners Association in order to ensure its protection as well as maintenance.
- (c) The amended site development plan provide for functional communal open space as well as the reconsideration of the position / extent of the business erf as the maintenance of the abutting open space and pedestrian bridge will most probably be the responsibility of the owner of the shopping centre and not the owners association of the group housing development.
- (d) It be noted that should the application be approved it will be required of the owner / developer to appoint a legal firm from the Council approved panel of legal representatives or as approved by the Municipality to, in accordance with Section 76(3) and Section 92(4) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to conclude a service agreement between the Municipality and the owner / developer setting out the responsibilities for the provision of engineering services including the conditions relating to the installation of services as well as the payment of development charges as set out below prior to the construction of any

6.2(d)/...

Engineering services or infrastructure. The services agreement be submitted to the Director Civil Engineering Service for consideration and approval.

- (e) The engineering department to reconsider the transfer of services as the proposed application is for a gated development;
- (f) The issue regarding the upgrading and maintenance of Kloof Street, e.g. the possibility to include the upgrading of Kloof Street in an engineering services agreement or consideration by Province to determine a condition of approval for a contribution by the owner/developer to the upgrading of Kloof Street.

6.3 PROPOSED REZONING OF ERF 961, RIEBEEK WEST (15/3/3-12) (WARD 3)

Ms A de Jager, as author of the item, explained the land use application received on Erf 961, Riebeeek West in order to develop the property with flats and a dwelling. The property is bordered by two activity streets and high density residential development is considered desirable along activity streets.

RESOLUTION

- A. The application for the rezoning of Erf 961, Riebeeek West, from Residential Zone 1 to General Residential Zone 3, 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 (3 209 m² in extent) be rezoned from Residential Zone 1 to General Residential Zone 3, to accommodate seven (7) flats and one dwelling house, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Development Management, for consideration and approval;
- (c) The design and style of the proposed flats be completed in such a manner as to complement the character of the surrounding area, to the satisfaction of the Senior Manager: Development Management;
- (d) A landscaping plan be submitted that mitigates the visual impact of the parking area from Sending Street, for consideration and approval by the Senior Manager: Development Management;
- (e) The Aesthetic Committee of Riebeeek Valley be consulted for input with regard to the architectural design of the proposed flats before the building plans be submitted;
- (f) The minimum of fourteen (14) on-site parking bays be provided and that the parking bays be clearly marked;
- (g) The parking bays, including the sidewalk, be finished in a dust-free, permanent surface, being tar, concrete, paving or any other material preapproved by the Director: Civil Engineering Services;
- (h) Application be made to the Senior Manager: Development Management for the right to construct or affix and display any signage and that the signage be limited to 1 m² in area and may not project over a public street;
- (i) No off-site parking be allowed;

A2 WATER

- (a) The property be provided with a single water connection that connects with the water network at a suitable position, preapproved by the Director: Civil Engineering Services;

A3 SEWERAGE

- (a) The property be provided with a single sewerage connection;

A4 CLEANING SERVICES

- (a) A refuse storage area be specifically designated and that the area be accessible to the municipal service vehicle;
- (b) The refuse storage area be provided with running water and a drainage point and that the area be secured by means of a lockable door/gate, as preapproved by the Director: Civil Engineering Services;

A5 DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for a development charge of R21 183,55 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 2023/2024 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer be responsible for the development charge of R19 986,95 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer be responsible for the development charge of R19 984,18 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (d) The owner/developer be responsible for the development charge of R26 873,26 towards waste water treatment at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (e) The owner/developer be responsible for the development charge of R20 947,02 towards roads and storm water, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/247-144-9210);
- (f) The Council resolution of May 2023 makes provision for a 60% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

B. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) Should it 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 by 30 November 2023 and 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, Yzerfontein, 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;

C. The application be supported for the following reasons:

- (a) The application is in compliance with the planning principles of LUPA and SPLUMA;
- (b) The application is in compliance with the spatial planning of Riebeeck West;
- (c) The development proposal complies with all applicable zoning parameters of the General Residential Zone 3 zoning;
- (d) The impact of the proposal on the surrounding residential area is deemed moderate;
- (e) The proposed land use remains residential in nature;
- (f) Erf 961 does not have any physical restrictions which may have a negative impact on the application;
- (g) The development proposal supports the optimal utilisation of the property;
- (h) Existing services are deemed sufficient to accommodate the development;

6.3/C...

- (i) The impact of the development on property values of surrounding properties is deemed low to none;
- (j) There are no restrictions in the Title Deed of Erf 961 which restricts the proposed development;
- (k) The development will make a wider variety of residential opportunities available to a larger range of income groups, thereby improving the opportunity for ownership of property.

6.4 PROPOSED SUBDIVISION AND REZONING OF ERF 2226, DARLING (15/3/3-3, 15/3/6-3) (WARD 6)

Mr H Olivier, as author of the item, gave the background to the establishment of Erf 2226, Darling and the proposed development of 8 residential erven.

RESOLUTION

- A. The application for the subdivision of Erf 2226, Darling, be approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 2226, Darling ($\pm 4141\text{m}^2$ in extent) be subdivided into a Portion A (3317m^2 in extent) and a remainder (824m^2 in extent), as presented in the application;
- (b) The registration of the remainder in the name of Swartland Municipality be for the owner / developer's account;
- (c) The registration of the remainder be done simultaneously with the registration of portion A;

- B. The application for the rezoning of a portion (3317m^2 in extent) of Erf 2226, Darling, from Residential Zone 1 to Subdivisional Area, be approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

- C. The application for the subdivision of portion A (Portion of erf 2226, Darling), be approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

- D. Decisions B and C above are subject to the following conditions:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) Portion A (3317m^2 in extent) be rezoned from Residential Zone 1 to Subdivisional Area in order to accommodate the following zoning categories, as presented in the application:
 - (i) 8 General Residential Zone 1 erven (2589m^2 in total)
 - (ii) 1 Open Space Zone 2 erf ($\pm 405\text{m}^2$ in extent)
 - (iii) 1 Transport Zone 2: private road including service yard ($\pm 599\text{m}^2$ in extent)
- (b) Portion A (3317m^2 in extent) be subdivided as follows:
 - (i) Portion 1 ($\pm 296\text{m}^2$ in extent)
 - (ii) Portion 2 ($\pm 285\text{m}^2$ in extent)
 - (iii) Portion 3 ($\pm 285\text{m}^2$ in extent)
 - (iv) Portion 4 ($\pm 285\text{m}^2$ in extent)
 - (v) Portion 5 ($\pm 285\text{m}^2$ in extent)
 - (vi) Portion 6 ($\pm 285\text{m}^2$ in extent)
 - (vii) Portion 7 ($\pm 285\text{m}^2$ in extent)
 - (viii) Portion 8 ($\pm 308\text{m}^2$ in extent)
 - (ix) Portion 9 ($\pm 405\text{m}^2$ in extent)
 - (x) Remainder Road ($\pm 598\text{m}^2$)
- (c) A Landscape Plan be submitted to the Senior Manager: Development Management for consideration and approval, including:
 - (i)/...

6.4/D1(c)...

- (i) Detailed landscaping proposals for communal open spaces and green strips within the development, specifying planting, materials, street furniture, play structures and any other such detail applicable to landscaping;
 - (ii) Detailed landscaping proposals for the sidewalks on the outside of the private road;
- (d) The green strips along the internal roads remain unobstructed, unfenced, and maintained by the Owners' Association into perpetuity, and the condition be included in the constitution of the Owners' Association;
- (e) The landscaping of the communal open space be completed before the transfer of the fourth residential property;
- (f) The entrance gate to the development be located at least 10m from the property boundary to allow sufficient stacking distance for minimum two vehicles at a time;
- (g) The General Plan be submitted to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
- (i) the municipality's decision to approve the subdivision;
 - (ii) the conditions of approval imposed in terms of section 76; and
 - (iii) the approved subdivision plan;
 - (iv) and copies of said diagrams be made available to the Municipality;
- (h) An Owners Association be established in terms of section 39 of the By-Law and that a constitution be compiled and submitted to the Senior Manager: Built Environment, for consideration and approval;
- (i) The constitution of an owner's association be approved by the municipality before registration of the transfer of the first land unit and make provision for—
- (i) The owner's association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;
 - (ii) Control over and maintenance of buildings, services or amenities arising from the subdivision;
 - (iii) The regulation of at least one annual meeting with its members;
 - (iv) Control over the design guidelines of the buildings and erven arising from the subdivision;
 - (v) The ownership by the owners' association of all common property arising from the subdivision, including:
 - a. private open spaces;
 - b. private roads; and
 - c. land required for services provided by the owners' association;
 - (vi) Enforcement of conditions of approval or management plans;
 - (vii) Procedures to obtain the consent of the members of the owners' association to transfer an erf if the owners' association ceases to function; and
 - (viii) The implementation and enforcement by the owners' association of the provisions of the constitution;
- (j) The Transport Zone 2 erf and the Open Space Zone 2 portion be transferred to the Owners Association, before transfer of the first residential property is approved;
- (k) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- (l) The owner/developer appoints a legal firm from the Council approved panel of legal representatives or as approved by the Municipality to, in accordance with Section 76(3) and Section 92(4) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), conclude a service agreement between the Municipality and the owner / developer setting out the responsibilities for the provision of engineering services including the conditions relating to the installation of services as well as the payment of development charges as set out below prior to the construction of any Engineering services or infrastructure. The services agreement be submitted to the Director Civil Engineering Service for consideration and approval.

D2 WATER

- (a) The development be provided with a single bulk water connection and an internal water distribution network with connections to each sub-divided portion;
- (b) The maintenance and operation of the internal water network is the responsibility of the Owners' Association;
- (c) The developer appoints an Engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the internal water network and the connection to the external network;
- (d) 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. The construction work be undertaken by a recognized civil construction firm;

D3 SEWERAGE

- (a) The development be provided with a single bulk sewer connection and an internal sewer distribution network with connections to each subdivided portion;
- (b) The maintenance and operation of the internal sewerage network is the responsibility of the Owners' Association;
- (c) The developer appoints an Engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the internal sewer network and the connection to the external network;
- (d) 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. The construction work be undertaken by a recognized civil construction firm;

D4 STREETS AND STORMWATER

- (a) The internal road including the intersection with Tuin Street be provided with a permanent surface;
- (b) Stormwater originating from the development be conveyed underground to the nearest suitable municipal collection point;
- (c) The developer appoints an Engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the internal street and stormwater drainage;
- (d) 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;
- (e) The construction work be undertaken by a recognized civil construction firm;
- (f) The maintenance and operation of the internal road and stormwater network is the responsibility of the Owners' Association;

D5 CLEANING SERVICES

- (a) A common refuse area be provided which is properly secured, provided with a water connection and a drainage system which is connected to the sewerage network. The common refuse area be accessible to the service truck from Tuin Street;

D6 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R16 295.50 toward the bulk supply of regional water, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R10 938.00 towards bulk water reticulation, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R6 580.30 towards sewage at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R14 271.50 towards wastewater treatment at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);

- (e) The owner/developer is responsible for the development charge of R 12 926.00 towards roads and storm water, at clearance stage. The amount is payable to Swartland Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/247-144-9210);
- (f) The owner/developer is responsible for the development charge of R4 620.01 towards electricity, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/253-164-9210);
- (g) The Council resolution of May 2023 makes provision for a 60% rebate on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

D7 ELECTRICAL ENGINEERING SERVICES

- (a) Each subdivided portion be provided with a separate electrical connection at the expense of the owner/developer.;
- (b) Should it be necessary to relocate any electrical cables across the relevant subdivided property, it be moved at the expense of the owner / developer.
- (c) Any electrical interconnect be isolated and fully removed;
- (d) The electricity connection be connected to the existing low-voltage network.
- (e) In addition to the above, the developer or owner pays for the electricity connections to subdivided property;
- (f) A low voltage electrical design be submitted to the Director of Electrical Engineering Services for approval before construction may begin;

E. GENERAL

- (a) Any existing services connecting the remainder and subdivided portion be moved and/or disconnected so that each erf's piping is located on the relevant erf;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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;
- (f) 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;

F. The application be supported for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed subdivision or land use;
- (c) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (d) The proposed application will not have a negative impact on the character of the area;
- (e) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets;
- (f) The development proposal supports the optimal utilisation of the property;

6.4/F...

- (g) Erf 2226 is situated inside the urban edge of Darling as well as located in an area earmarked for medium density residential land uses, making this application in compliance with the provisions of the MSDF, 2023;
- (h) The development proposal is foreseen to create employment opportunities in the short, as well as the long term;
- (i) The development will make a larger variety of housing typologies available to a broader section of the public, creating greater equity;
- (j) The application complies with the principles of LUPA (Land Use Planning Act) and SPLUMA (Spatial Planning and Land Use Management Act) (Spatial Planning and Land Use Management Act);
- (k) Sufficient services capacity exists to accommodate the proposed development.
- (l) The proposal is consistent with the applicable development parameters as contained in the development management scheme.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**