



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY,  
8 AUGUST 2023 AT 14:00**

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**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  
Senior Town and Regional Planner, Mr A J Burger  
Town and Regional Planner and 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.

**2. APOLOGY**

No apologies was received.

**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 7 JUNE 2023**

**RESOLUTION**

That the minutes of a Municipal Planning Tribunal Meeting held on 7 June 2023 are approved and signed by the chairperson.

**5. MATTERS ARISING FROM MINUTES**

None.

**6. MATTERS FOR CONSIDERATION**

**6.1 PROPOSED REZONING AND CONSENT USE ON ERF 3866, MOORREESBURG (15/3/3-9, 15/3/10-9) (WARD 2)**

Mr A J Burger, the author, gave the background on the proposed rezoning and consent use on Erf 3866, Moorreesburg in order to develop the property into a funeral parlour and the Aquagreen Crematorium.

Mr Burger explained that the cremation process will be done by aquamation. The scientific name for this water-based process is alkaline hydrolysis. AVBOB introduced aquamation in South Africa in November 2019.

The proposed application adheres to the spatial planning principles, is compliant with the Spatial Development Frameworks and the impact of the proposed funeral parlour and aquatorium on the surrounding area is deemed low.

## **RESOLUTION**

- A. The application for the rezoning of Erf 3866, Moorreesburg be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for consent uses for a funeral parlour and aquatorium on Erf 3866, Moorreesburg be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. Approvals A and B are subject to the following conditions:

### **C1 TOWN PLANNING AND BUILDING CONTROL**

- (a) A portion of erf 3866 (65m<sup>2</sup> in extent) be rezoned from Business zone 1 to Industrial zone 3 and accommodates an aquatorium as presented in the application;
- (b) A flat as primary use under Business Zone 1 and a funeral parlour as a consent use be accommodated as presented in the application;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) At least 32 on-site parking bays and 1 loading bay be provided as presented in the application. The parking bays and loading bay be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by the Director: Civil Engineering Services and that the parking bays and loading bay be clearly marked;

### **C2 WATER**

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

### **C3 SEWERAGE**

- (a) The existing sewerage connection be used and that no additional connection be provided;
- (b) The runoff from the aquatorium be separated from the rest of the sewage runoff from the premises and carried separately to the sewer connection. The discharge system of the aquatorium be provided with a volumetric sampling device and flow meter, the type and make of which has been approved by the Director: Civil Engineering Services. The equipment be installed on the premises in a suitable structure that provides free access for Municipal staff. The discharge system including the sampling apparatus, flow meter and structure be designed by an engineer appropriately registered in terms of the provisions of Act 46 of 2000. The design be approved by the Director: Civil Engineering Services after which construction and installation under the supervision of the engineer. The sampling device and flow meter are taken over by the Municipality for operation and maintenance after the completion certificate is issued;
- (c) A waste water management plan compiled by an appropriately qualified process engineer who is familiar with the specific purification processes of the Moorreesburg Waste Water Treatment Works and approved by the Director: Civil Engineering Services be provided. The waste water management plan be approved by the Director: Civil Engineering Services before any sewage runoff is discharged into the Municipal sewer system;
- (d) Before any sewage run-off is discharged into the Municipal sewer system it be determined whether any pre-treatment of sewage run-off from the aquatorium is required with information from the waste water management plan which pre-treatment must be implemented;

- (e) Purified sewage from the Moorreesburg Waste Water Treatment Works is already reused and if the specific run-off from the aquatorium for whatever reason would lead to a restriction of any kind being placed on the reuse of the purified sewage, the receiving of the run-off in the Municipal sewage system will be reconsidered;
- (f) Sewage sludge from the Moorreesburg Waste Water Treatment Works is classified as a class B.1.a sludge and is used accordingly. If, for whatever reason, the specific runoff from the aquatorium results in the sewer system being classified as poorer, the receipt of the runoff in the Municipal sewerage system will be reconsidered;
- (g) The dumping of sewage effluent from the aquatorium be subject to the levy rates for industrial effluent;

**C4 REFUSE REMOVAL**

- (a) Only household and office waste be received by the municipal waste disposal service;

**C5 GENERAL**

- (a) Any upgrades of the existing services in order to provide the aquatorium with services be for the cost of the owner/developer;
- (b) Any applicable development charges be determine at building plan stage;
- (c) The conditions of the West Coast District Municipality, letter dated 25 November 2022, be complied with;
- (d) The approval will not exempt the owner/developer from adherence to all other legal procedures, applications and/or approvals related to the intended land use, including, but not limited to all health and safety protocols;
- (e) The approval is, in terms of section 76(2)(w) of the By-Law valid for 5 years from the date of decision by the Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal. All conditions of approval be implemented before the proposed uses come into operation. Failure to comply with all conditions of approval will result in this approval expiring;
- (f) Appeals against the Tribunal 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](mailto:swartlandmun@swartland.org.za), no later than 21 days after registration of the approval letter. An appeal is to comply with section 90 of the By-Law and be accompanied by an appeal fee of R5000-00 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 is in compliance with the planning principles of LUPA and SPLUMA;
- (b) The application is in compliance with the spatial planning of Moorreesburg;
- (c) The development proposal complies with all applicable zoning parameters of the Swartland Planning By-law;
- (d) The impact of the proposed funeral parlour and aquatorium on surrounding area is deemed low;
- (e) Erf 3866 does not have any physical restrictions which may have a negative impact on this application;
- (f) The development proposal supports the optimal utilisation of the property;
- (g) Existing services are deemed sufficient to accommodate the funeral parlour and aquatorium;
- (h) Sufficient measures will be put in place prior to any sewage from the aquatorium are taking up in the sewage system. This ensures that the effluent from the aquatorium does not impact negatively on the Water Water Treatment Works of Moorreesburg;
- (i) The facility will create jobs;
- (j) The facility will perform a regional function;
- (k) The impact of the facility on property values of surrounding properties are deemed low to none;
- (l) It remains every person's personal or religious choice regarding what will happen with their bodies once deceased;
- (m) There are no restrictions in the title deed of erf 3866 which restricts the proposed development;

6.1/D...

- (n) The public participation process conducted is deemed compliant with the requirement of the Swartland Planning By-law;
- (o) The land use approval will not exempt the owner/developer from adherence to all other legal procedures, applications and/or approvals related to the intended land use, including, but not limited to all health and safety protocols.

## **6.2 APPLICATION OF CONSENT USE ON PORTION 56 OF THE FARM GROENE RIVIER, NO 821, DIVISION MALMESBURY (15/3/10-15) (WARD 4)**

The author, Ms A de Jager, confirmed that the footprint of the proposed consent uses (9 730 m<sup>2</sup> in total) for the establishment of a renewable energy plant, charging station and a farm shop is minimal to the extent of the entire farm (267,0672 ha).

The location of the renewable energy plant with photo-voltaic panels and farm shop are ideal in terms of the Spatial Development Framework which specifically created development nodes at the new intersections on the N7 national road.

Ms de Jager confirmed that the Department of Agriculture supports the application and that the applicable portion of the farm is not seen as sustainable agricultural land.

### **RESOLUTION**

- A. The application for consent uses on Portion 56 of the farm Groene Rivier, no. 821, Division Malmesbury, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), subject to the conditions that:

#### **A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use authorises the establishment of a renewable energy plant comprised of photo-voltaic panels on a footprint of 7 900m<sup>2</sup>, as presented in the application;
- (b) The consent use also authorises the establishment of a farm shop of 100m<sup>2</sup> in extent, as presented in the application;
- (c) The total footprint of the development, including the photo-voltaic panels, the farm shop, the charging stations, parking bays and circulation space around the facility, not exceeds 9 730m<sup>2</sup>, as presented on Site Development Plan 63/P/100, dated 24 November 2022;
- (d) A detailed landscape plan, clearly illustrating the following:
  - (i) Mitigating measures, including landscaping and structural elements, to be employed in order to minimise light disturbances from the development towards affected properties;
  - (ii) Mitigating measures, including landscaping and structural elements, to be employed in order to minimise the visual impact of the development on the N7, the R304 and surrounding properties;be submitted to the Senior Manager: Development Management, for consideration and approval;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) The required number of parking bays be provided, in compliance with Section 13 of the By-Law, at building plan stage;
- (g) Each parking bay be clearly marked;
- (h) Application be made to the Senior Manager: Development Management for the right to display advertising and tourism signs;
- (i) A Certificate of Compliance be obtained from the West Coast District Municipality for the farm shop;
- (j) A trade licence be obtained from Swartland Municipality for the operation of the farm shop;
- (k) The owner/developer submits a decommissioning plan, including a cost estimate calculated by a similar, independent photo-voltaic plant developer, as well as a signed letter of intent from the owner/developer to honour the cost and management at such time as decommissioning of the plant becomes necessary;
- (l)/...

6.2/A2...

- (l) The owner/developer submits a proposal for social contribution in terms of section 76(5) of the By-Law to the Senior Manager: Development Management for consideration and approval;

**A2 WATER**

- (a) Drinking water be made available at the farm shop, adhering to the standard determined by the West Coast District Municipality;
- (b) The exiting water volume allocated to the property not be increased;
- (c) The owner/developer be responsible to obtain additional water for the cleaning of the photo-voltaic panels from an external supplier, as presented in the application;

**A3 SEWERAGE**

- (a) No municipal sewerage connection be provided and that the effluent be treated on-site by means of a conservancy tank, as presented in the application;

**A4 REFUSE REMOVAL**

- (a) The owner/developer is responsible for refuse removal as presented in the application;
- (b) Prepaid vouchers be submitted, should any of the landfills in the municipal area be utilised. The vouchers are obtainable from any municipal office in the municipal area;

**A5 ROADS**

- (a) Access to the plant and facilities be restricted to the location agreed upon with the Western Cape Department: Infrastructure – Road Planning, illustrated on Site Development Plan 63/P/100 and confirmed by the Department in the letter of 12 April 2023, reference number TPW/CFS/RP/LUD/ACC-31/08;
- (b) Cognisance be taken of the correspondence from SANRAL, dated 6 April 2023 , reference number W11/4/3-7/1X-7;

**B. GENERAL**

- (a) Cognisance be taken of the correspondence from Openserve, dated 30 January 2023, reference number WWIP\_WKKBK0289\_23;
- (b) The land use approval will not cause exemption from complying with any other legal procedures, applications and/or approvals related to the intended land use;
- (c) The approval be, in terms of section 76(2)(w) of the By-Law, valid for 5 years from the date of decision by the Planning Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal;. All conditions of approval be implemented before the new land uses come into operation, without which, the approval will lapse and occupation will not be granted. Should all the conditions of approval be met before the 5 year approval period lapses, the approval period will not be applicable anymore;
- (d) Appeals against the Tribunal 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](mailto:swartlandmun@swartland.org.za). The appellant will be responsible for the payment of an appeal fee of R5 000,00, no later than 21 days after registration of the approval letter and ensuring that the appeal complies with the requirements of section 90 of the By-Law to be considered 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 proposed application is consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.;
- (b) There are no physical restrictions on the property that will have a negative impact on this application. In fact, the physical characteristics render the property uniquely suited to accommodate the proposed resort and facilities;
- (c) The proposed consent uses are consistent with the character and zoning of the property and surrounding area;
- (d)/...

6.2/C...

- (d) The proposed activity will have a positive economic impact as it will generate income for the land owner, municipality (through rates and taxes) and tourism as a whole, through the spending of visitors to the area;
- (e) The proposal will generate a number of employment opportunities;
- (f) The development proposal does not trigger an EIA and will have no detrimental impact on the environment;
- (g) The proposal supports the generation of 'clean' energy and is aimed at contributing to the reduction of carbon emissions;
- (h) The cultural and natural heritage of the area is not negatively impacted upon and the visual impact of the development proposal will be mitigated;
- (i) The proposed development is not perceived to have a detrimental impact on the health and safety, nor the rights of surrounding land owners;
- (j) The agricultural practises of neighbouring farms are not foreseen to impact negatively on the proposed development and vice versa;
- (k) The development proposal is considered desirable within its context, i.e. spatially, culturally, environmentally and economically;
- (l) The necessary conditions were laid down to mitigate the visual impact of the development on the rural area.

**6.3 PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 505, YZERFONTEIN (15/3/4-1, 15/3/10-1) (WARD 5)**

Mr Olivier mentioned that applications for the establishment of double dwelling houses in Yzerfontein is a regular occurrence.

The application received is for a double dwelling is for residential purposes as well as for the establishment of a small-scale place of education in the form of a learning centre.

**RESOLUTION**

A. The application for consent use on Erf 505, Yzerfontein, 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:

**A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use authorises a double dwelling house as well as a place of education, as presented in the application;
- (b) The place of education consisting of a learning centre, be restricted to a maximum of 88m<sup>2</sup>;
- (c) No more than 12 children / students be accommodated at the place of education;
- (d) The hours of the place of education be restricted from 07:30 to 17:30 on Mondays to Saturdays;
- (e) The double dwelling adheres to the applicable development parameters;
- (f) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

**A2 WATER**

- (a) A single water connection be provided, and no additional connections be provided;

**A3 SEWERAGE**

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

**A4 STREETS & STORMWATER**

- (a) The proposed parking area, including the junction with Gey van Pittius Street, be provided with a permanent dust free surface. The materials used be pre-approved by the Director Civil Engineering services on building plan stage;

A5 Development charges/...

**A5 DEVELOPMENT CHARGES**

- (a) The development charge applicable to the second dwelling, towards the supply of regional bulk water amounts to R 10 862, 90 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 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge applicable to the second dwelling, towards bulk water reticulation amounts to R 986, 70 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge applicable to the second dwelling, towards sewerage amounts to R4 946, 15 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge applicable to the second dwelling, towards wastewater treatment amounts to R12 002, 55 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 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge applicable to the second dwelling, towards streets amounts to R 6 793, 05 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge applicable to the second dwelling, towards electricity amounts to R11 044, 14 and is payable by the owner/developer 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 9/253-164-9210);
- (g) The development charge applicable to the place of education, towards the supply of regional bulk water amounts to R 3 601, 80 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 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (h) The development charge applicable to the place of education, towards bulk water reticulation amounts to R 593, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (i) The development charge applicable to the place of education, towards sewerage amounts to R2 594, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-184-9210);
- (j) The development charge applicable to the place of education, towards wastewater treatment amounts to R6 306, 60 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 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (k) The development charge applicable to the place of education, towards streets amounts to R 3 960, 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 2023/2024 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (l) 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 is, in terms of section 76(2)(w) of the By-Law valid for 5 years from the date of decision by the Tribunal or, if an appeal was lodged, 5 years from the outcome decision for or against the appeal. All conditions of approval be complied with before occupancy certificate be issued and failing to do so may result in administrative action.
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c)/...

6.3/B...

- (c) Appeals against the Tribunal 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](mailto:swartlandmun@swartland.org.za), The appellant will be responsible for the payment of an appeal fee of R5 000,00, no later than 21 days after registration of the approval letter and ensuring that the appeal complies with the requirements of section 90 of the By-Law to be considered 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 supporter 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 land use.
- (c) The SDF, 2023 supports densification as well as the accommodation of professional services and secondary educational facilities in residential areas. The subject property is located next to the identified CBD of Yzerfontein.
- (d) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
- (e) The proposed application will not have a negative impact on the character of the area.
- (f) 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.
- (g) A place of education is accommodated as a consent use under Residential Zone 1 of the By-Law.
- (h) The development proposal supports the optimal utilisation of the property.
- (i) The place of education may support the tourism industry in Yzerfontein, as well as the local economy.
- (j) The need for this service in Yzerfontein is recognised.
- (k) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Gey van Pittius Street.

#### **6.4 PROPOSED CONSOLIDATION AND DEPARTURE ON ERF 2241 AND ERF 2385, YZERFONTEIN (15/3/12-14) (WARD 5)**

Ms A de Jager gave the background to the establishment of the Mile 16 Private Beach Estate and the amendment of the zoning category in 2020 with the revision of the Swartland Municipality: Municipal Land Use Planning By-law to either Resort Zone or Residential Zone 3, depending on the individual composition of each development.

The erven could not be classified as Residential Zone 1 as the average erf size inside the development falls between 200 m<sup>2</sup> and 495 m<sup>2</sup>, therefore much smaller than the minimum erf size of 500 m<sup>2</sup>. The architectural character of the Mile 16 Private Beach Estate is already established and sensitive to the West Coast Environment and controlled by co-ordinated design requirements.

The consolidation of Erf 2241 and Erf 2385 to create a property of 825 m<sup>2</sup> in extent, is therefore inconsistent with the prevailing erf sizes in the estate as well as inconsistent with the character of the development.

#### **RESOLUTION**

A. The application for consolidation and departure on Erf 2241 and Erf 2385, Yzerfontein be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

#### **B. GENERAL**

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



6.4/B(a)...

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;

C. The application be refused for the following reasons:

- (a) The Mile 16 residential development was originally packaged and approved as a medium density resort, in order to make smaller, holiday-orientated housing available that do not necessarily adhere to the minimum erf size of 500m<sup>2</sup>, as applicable to Residential Zone 1 properties. The adoption of SPLUMA, LUPA and the By-Law, with subsequent variations and amendments caused the notion of leisure residential developments to become obsolete and the zoning category was replaced by Residential Zone 3: Estate Housing;
- (b) The main objective of a Residential Zone 3 development, in terms of the By-Law, is to create a residential estate that is governed by a homeowners' association, with access control and co-ordinated design requirements;
- (c) The development layout, objective and design guidelines for Mile 16 Beach Estate have been formulated and approved by the Owners' Association, as well as Swartland Municipality, in terms of the Mile 16 Constitution, to ensure a cohesive character within the development;
- (d) Erf 2241 (471m<sup>2</sup> in extent) and Erf 2385 (354m<sup>2</sup> in extent) fall within the margin of average erf sizes within the development (the smallest erf is 196m<sup>2</sup> and the largest erf is 663m<sup>2</sup> in extent). The consolidation of the two erven will create a property of 825m<sup>2</sup> in extent. The consolidated erf size will not be consistent with the average erf size of the development and is considered excessive within the context;
- (e) The design manual clearly states its intention to be the creation of an identifiable overall character, portraying an appropriate response to the sensitive West Coast Environment. A larger erf will inevitably facilitate the development of a much larger dwelling, which is considered incompatible with the architectural character of the surrounding uses and overall character;
- (f) The proposal will disrupt the cohesion, intended within the zoning category, of the development by countering the initial intent of creating smaller properties;
- (g) The development does not support the existing character of the area, nor does it support the envisaged character of the area portrayed in the applicable spatial planning and policy documents;
- (h) The proposal is considered contradictory to the densification policies supported on national, provincial and local levels, and which were cited as motivation for the initial approval of the development;
- (i) The development was never intended to be similar in size and density as that of a Residential Zone 1 area. The proposed consolidation will create erven that are suited to a low density, single residential neighbourhood, much more compatible with a different zoning category;
- (j) The consolidation of Erf 2241 and Erf 2385, Yzerfontein, does not meet the principles of desirability and is considered undesirable in its context and therefore refused;
- (k) The existing building lines are a way of providing sight lines which are disregarded by the proposed development and must be taken into consideration with consolidation proposals.

## **6.5 APPLICATION FOR REZONING OF ERF 155, ABBOTSDALE (15/3/3-1) (WARD 7)**

Mr Olivier tabled the application and confirmed that the shop is already in operation and it is the intention of the property owners to obtain the necessary land use rights which necessitates the rezoning of the subject property.

The land use proposal plan for Abbotsdale clearly indicates Kerk Street as an activity corridor and therefore the existing shop is consistent with the SDF and adheres to the parameters of the zoning scheme.

Resolution/...

**RESOLUTION**

- A. The application for the rezoning of Erf 155, Abbotsdale from Residential Zone 1 to Business Zone 2, be approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

**A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The use of the property be restricted to a shop and flat as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (c) Application be made to the Senior Manager: Development Management for the right to display the name board/sign of the facility on the site;
- (d) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (e) A minimum of eight (8), clearly demarcated on-site parking bays be provided as presented in the application and that the parking bays and parking area be finished with a permanent, dust free surface, whether it be tar, concrete, paving or any other material, as pre-approved by the Director: Civil Engineering Services;

**A2 WATER**

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

**A3 SEWERAGE**

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

**A4 STREETS & STORMWATER**

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

**A5 REFUSE REMOVAL**

- (a) A built refuse area be constructed and provided with clean running water as well as a catchment point for dirty water that is connected to the sewer network. The refuse should be easily accessible to refuse removal workers but should not be accessible to animals / birds and unauthorised individuals;

**A6 DEVELOPMENT CHARGES<sup>1</sup>**

- (a) The development charge towards the regional bulk supply of water amounts to R18 684,19 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 2023/2024 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The fixed development charge towards bulk water reticulation amounts to R10 495,27 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The fixed development charge towards sewerage amounts to R 5 710,49 and is payable by the owner/developer 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 9/240-184-9210);
- (d) The fixed development charge towards wastewater treatment, to the amount of R6 191,14 is payable by the owner/developer, at building plan stage. The amount is payable to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The fixed development charge towards streets amounts to R75 361,80 and is payable by the owner/developer 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 9/249-188-9210);

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<sup>1</sup> Resolution MPT, 20 September 2023 – that Paragraph A6 be deleted.

6.5/A6...

- (f) The above development charges were calculated for the development proposal for a shop with an extent of 172m<sup>2</sup> GLA;
- (g) 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) Should it be necessary to upgrade any existing services in order to accommodate the access or service connections of the proposed development, the cost thereof will be for the developer's account;
- (b) The approval does not exempt the owner/developer or his/her agents from adherence to any other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (c) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years from the date of decision by the Tribunal or, if an appeal was lodge, 5 years from the outcome decision for or against the appeal. All conditions of approval be implemented within a period of 60 days from date of this letter and before occupancy certificate for new usage be issued, without which, the approval will lapse. Should all the conditions of approval be met, the land use will be permanent and the approval period will not be applicable anymore.
- (d) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to [swartlandmun@swartland.org.za](mailto: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;

**C. 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 land use.
- (c) The SDF, 2023 supports the accommodation of business uses as well as secondary business uses along activity streets / corridors or at the existing node. Kerk Street is an identified activity corridor.
- (d) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.
- (e) The proposed application will not have a negative impact on the character of the area.
- (f) 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.
- (g) The proposal will not have a significant impact on traffic in Kerk Street.

**(SIGNED) J J SCHOLTZ  
CHAIRPERSON**