



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 14 AUGUST 2024 AT 11:30**

PRESENT

Internal members:

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

External members:

Ms C Havenga

Mr C Rabie

Other officials:

Senior Town and Regional Planner, Mr A J Burger

Town and Regional Planner and GIS Administrator, Mr H Olivier

Manager: Secretariat and Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

The apologies received from the Municipal Manager, Mr J J Scholtz, the Director: Development Services, Ms J S Krieger, the Senior Manager: Development Management, Mr A M Zaayman and the Town and Regional Planner, Ms A de Jager be noted.

3. DECLARATION OF INTEREST

RESOLVED that cognisance be taken of the declaration in terms of Item 6.2 made by the Senior Town and Regional Planner that his daughter is attending the day care centre.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 12 JUNE 2024

RESOLUTION

(proposed by Mr C Rabie, seconded by Ms C Havenga)

That the minutes of a Municipal Planning Tribunal Meeting held on 12 June 2024 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED CONSENT USE ON ERF 1496, YZERFONTEIN (15/3/10-14) (WARD 5)

Mr H Olivier, as author of the item, confirmed that the application for consent use on Erf 1496, Yzerfontein is made to accommodate a double dwelling house on the property.

Resolution/...

RESOLUTION

- A. That the application for consent use on Erf 1496, Yzerfontein 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) The consent use authorises a double dwelling house, as presented in the application;
- (b) The double dwelling house adheres to the applicable development parameters;
- (c) 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 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for the development charge of R11 514,95 towards the supply of regional bulk water at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R1 045,35 towards bulk water reticulation at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R5 242,85 towards sewerage at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R12 722,45 towards waste water treatment at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R7 200,15 towards roads at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/247-188-9210);
- (f) The owner/developer is responsible for the development charge of R11 762,00 towards electricity at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and can be revised thereafter;

B. GENERAL

- (a) 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;
- (b) 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;
- (c) 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;
- (d)/...

6.1/B...

- (d) 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;
- (e) 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;

C. The application be supported for the following reasons:

- (a) The proposed double dwelling house is a residential use and is therefore consistent with the proposals of the SDF;
- (b) A double dwelling house is accommodated as a consent use under Residential Zone 1 of the By-Law;
- (c) The development proposal supports the optimal utilisation of the property;
- (d) The double dwelling house may support the tourism industry in Yzerfontein, as well as the local economy;
- (e) The double dwelling house provides in a need for a larger variety of housing opportunities to the wider population;
- (f) The double dwelling house will not have a negative impact on the privacy of neighbouring properties;
- (g) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Yzerfontein.

6.2 PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL: CONSENT USE ON ERF 7278, MALMESBURY (15/3/10-8) (WARD 10)

Mr A J Burger discussed the report, in the absence of the author, Ms A de Jager and stated that the application entails the amendment of a condition of approval to increase the number of children enrolled at the Day Care Centre from six to fifteen at any time.

RESOLUTION

A. That the application for the amendment of an approval condition, with respect to the consent use for a day care centre on Erf 7278, Malmesbury, 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) Condition A1(c) of approval letter 15/3/10-8/Erf 7278 of 17 May 2022 that reads as follows:

"...(c) A maximum of six (6) children be enrolled at the Day Care Centre at any time, as presented in the application..."

be amended to read as follows:

"...(c) A maximum of fifteen (15) children be enrolled at the Day Care Centre at any time, as presented in the application..."

- (b) The remaining conditions contained in approval letter 15/3/10-8/Erf 7278, dated 17 May 2022, remain applicable;
- (c) Building plans indicating the configuration and operation within the day care centre be submitted to the Senior Manager: Development Management, for consideration and approval;

B./...

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 services 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 X52, Malmesbury, 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 increased number of children at the day care centre (15) remains fewer than the maximum permissible number of 20 children at such a facility;
- (b) The application complies with the planning principles of LUPA and SPLUMA;
- (c) The application is compliant with the spatial planning of Malmesbury, as directed by the SDF;
- (d) The proposed day care centre will complement and not have a negative impact on the residential character of the surrounding area;
- (e) The development proposal supports the optimal utilisation of the property;
- (f) A day care centre is an acceptable use in a residential area which implies that the possible impacts on affected parties, are similarly acceptable;
- (g) Sufficient services capacity exists to accommodate the day care centre;
- (h) Sufficient on-site parking bays are provided for safe drop-off and pick-up of children;
- (i) Health and safety concerns are addressed through the conditions of approval;
- (j) The noise impact of the facility on the tranquillity of the neighbourhood is deemed to be sufficiently mitigated by the applicant.

6.3 PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 3632, MALMESBURY (15/4/2-8) (WARD 10)

Mr A J Burger explained that the application entails the enlargement of the existing second dwelling (60 m² in extent) with a covered stoep (22 m² in extent).

Building plan approval has been granted for the conversion of an existing garage into a second dwelling on 31 July 2023. The building work has since been completed.

The owner intends to provide covered parking for his vehicles and a covered stoep which will function as a covered entrance to the second dwelling as well as a covered outside living area.

RESOLUTION

- A. The application for a consent use on Erf 3632, Malmesbury 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/...

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use be restricted to a second dwelling, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;

A2 WATER

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

A3 SEWERAGE

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

A4 REFUSE REMOVAL

- (a) The basic refuse removal tariff be charged for each dwelling on the property;

- B. The application for the departure of development parameters on Erf 3632, Malmesbury be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:

- (a) Departure of the 4 m street building line to 0 m;
- (b) Departure of the 1,5 m side building line to 0 m;
- (c) Departure of coverage from 40 % to 51,93 %.

C. **GENERAL**

- (a) 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;
- (b) It is noted that development charges for the second dwelling has already been paid at building plan stage for the second dwelling smaller than 60m²;
- (c) 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;
- (d) All conditions of approval be implemented before the new land uses come into operation 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;
- (e) 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;

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

- (a) The impact is minimal due to it being an existing second dwelling which is enlarged by covering an existing outside living area with a roof;
- (b) The proposed roof will provide protection to the outside living area against nature's elements;
- (c) The proposed roof is deemed to have a low to no impact on the adjoining Erf 2775;
- (d) Any negative impact created by the second dwelling or the outside living area to Erf 2775 is an existing issue and must be addressed and mitigated by the relevant parties as part of good neighbourliness;
- (e) The shadeport is proposed in an area which is already being used for the parking of motor vehicles which is logical and practical;

6.3/D...

- (f) The streetscape of this portion of Louw Street will not be affected negatively by the proposed shadeport as it complements the character of the street with similar shadeports in the surrounding area;
- (g) The increase in coverage is deemed minimal and will have a low to no impact on the surrounding properties.

6.4 PROPOSED TEMPORARY DEPARTURE AND PERMANENT DEPARTURE ON ERF 258, RIEBEEK WEST (15/3/4-14) (WARD 3)

Mr A J Burger stated that the purpose of the application is to apply for temporary departure to permit the establishment of a place of assembly on a portion (240 m²) on Erf 258, Riebeeek West. The proposed development seeks to create a communal space for recreational activities, including swimming, social gatherings, and other leisure pursuits.

Mr Burger gave the reasons why the proposed development does not adhere to the spatial planning principles and applicable legislation.

RESOLUTION

- A. The application for the temporary departure on Erf 258, Riebeeek West, in order to establish a Place of Assembly, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), due to the following:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The definition of a Place of Assembly is not compatible with the proposed land use for a venue;
- (b) The proposal is inconsistent with the spatial proposals of the Spatial Development Framework for Riebeeek West;
- (c) The proposed land use is incompatible with the character of the surrounding residential area;

- B. The application for permanent building line departures on Erf 258, Riebeeek West, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), due to the following:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The By-Law restricts street building line departure to carports and garages or, in terms of section 12.2.1
"...(ii) the architectural effect of the building line relaxation will enhance the appearance of a public street, or
(iii) if, in its opinion, there are other special circumstances such as the topography of the site..."
The proposed pergola/shade structure over the venue area does not address any of the abovementioned criteria.
- (b) A large portion of the property remains vacant and the structure that departs from the side building line could be accommodated elsewhere on the erf;
- (c) The only motivation for the departure is the fact that the structures already exist, which in itself is an offence, as the building work is unauthorised;

C. GENERAL

- (a) 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, Malmesbury, 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;

D./...

6.4/...

- D. The application be refused for the following reasons:
- (a) The definition of a Place of Assembly is not compatible with the proposed land use for a venue and cannot be deviated from;
 - (b) The proposal is inconsistent with the spatial proposals of the Spatial Development Framework for Riebeeek West;
 - (c) The proposed land use is incompatible with the character of the surrounding residential area;
 - (d) The By-Law restricts street building line departure to carports and garages or, in terms of section 12.2.1
*“...(ii) the architectural effect of the building line relaxation will enhance the appearance of a public street, or
(iii) if, in its opinion, there are other special circumstances such as the topography of the site...”*
The proposed pergola/shade structure over the venue area does not address any of the abovementioned criteria.
 - (e) A large portion of the property remains vacant and the structure that departs from the side building line could be accommodated elsewhere on the erf;
 - (f) The only motivation for the departure is the fact that the structures already exist, which in itself is an offence, as the building work is unauthorized.

6.5 PROPOSED REZONING OF ERF 1260, RIEBEEK KASTEEL (15/3/3-11) (WARD 12)

Mr H Olivier gave the background to the application for rezoning of Erf 1260, Riebeeek Kasteel from Residential Zone 1 to Business Zone 1 in order to develop the property with a hardware shop for the supply of building material.

RESOLUTION

- A. The application for the rezoning of Erf 1260, Riebeeek Kasteel from Residential Zone 1 to Business Zone 1 be approved in terms of Section 70 of 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) The use of Erf 1260 be restricted to the operation of shops as presented in the application;
- (b) The storage of and trade in bulk construction materials on the subject property be prohibited;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) On-site parking be provided in accordance with the requirements of the development management scheme including at least one (1) loading bay. The parking area as well as the sidewalk giving access to the property, on both streets, be provide with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality and that the parking bays and loading bay are clearly marked;
- (e) Application for the erection of advertising signs be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) Boundary walls, at least 1,8m high be provided on both side boundaries in order to screen the proposed parking area from the neighbouring residential erven.
- (g) Where floodlights are installed in order to illuminate the parking area, it be confined to the boundaries of the property. Lighting should therefore not spill over to neighbouring properties to the effect that it is deemed unreasonable by the Municipality;
- (h) Deliveries may only be done on-site and may therefore not be made from the road reserve or from neighbouring properties. Delivery vehicles be restricted to vehicles where the gross vehicle mass does not exceed 16 000 kg;
- (i) With the access to the shop being proposed on the corner, a detailed Landscape Plan be submitted to the Senior Manager: Development Management, for consideration and approval;

A2 WATER

- (a) The property be provided with a single water connection and no additional connections be provided.

A3 SEWERAGE

- (a) The property be provided with a single sewer connection and no additional connections be provided.

A4 REFUSE REMOVAL

- (a) The basic refuse removal tariff be levied per business which be amended according to the amounts of refuse removed;
- (b) The refuse be placed in refuse bags on the nearest municipal sidewalk on the morning of refuse removal;

A5 DEVELOPMENT CHARGES

- (a) The applicable development charges be calculated on building plan stage;

B. GENERAL

- (a) Should it be determined necessary to expand or relocate any of the engineering services in order to provide any of the portions with separate connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (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) The comments received from ESKOM be noted (Letter Ref: 15045-24 dated 12 June 2024);
- (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 for or against the appeal;
- (e) All conditions of approval be implemented before clearance 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;
- (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;

C. The application be supported for the following reasons:

- (a) The title deed of Erf 1260 does not contain any restrictions that prohibits the development proposal;
- (b) There is no physical restriction on the property that negatively impacts the proposal;
- (c) The proposed development will not have a negative impact on the Municipality's ability to provide services to the community of Riebeek Kasteel;
- (d) The proposed development is situated within the urban edge as well as demarcated Central Business District of Riebeek Kasteel. It will result in commercial use along an identified activity street which is supported by local, district as well as provincial planning principles and policy;
- (e) The proposed development will not have a negative impact on any heritage or environmental resources;
- (f) 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);
- (g) The proposal is deemed consistent with the Municipal Spatial Development Framework (MSDF), 2023;
- (h) The proposal will result in job creation as well as local economic development which is in the interest of the community of Riebeek Kasteel.

6.6 PROPOSED REZONING AND SUBDIVISION OF ERF 72, RIEBEEK KASTEEL (15/3/3-11; 15/3/6-11) (WARD 12)

Mr H Olivier stated that the purpose of the application is to expand the existing business zoning of Erf 72, Riebeek Kasteel, subdivide the existing business premises as well as dwelling on the property and to create a large vacant Residential Zone 1 property. This will ensure that each of the uses have their own cadastral units.

Mr Olivier confirmed that any future development of the vacant portion of Erf 72, Riebeek Kasteel will be subject to a land use application and public participation process.

RESOLUTION

- A. The application for the rezoning of Erf 72, Riebeek Kasteel from Residential Zone 1 ($\pm 3113\text{m}^2$) and Business Zone 1 ($\pm 237\text{m}^2$) to Sub divisional Area be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) to make provision for the following land uses:

Residential zone 1 ($\pm 2741\text{m}^2$) and Business zone 1 ($\pm 609\text{m}^2$)

- B. The application for the subdivision of Erf 72 (3350m^2 in extent), Riebeek Kasteel, be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to create a total of 3 portions:

- C. A and B above be subject to the following conditions

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 72, Riebeek Kasteel (3350m^2 in extent), be subdivided into a remainder ($\geq 500\text{m}^2$ in extent), Portion A ($\pm 2241\text{m}^2$ in extent) and Portion B ($\pm 609\text{m}^2$ in extent);
- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval for any additions to the existing buildings or for any work done that does not have the required approval;
- (c) The parking area on Portion B be formalized and that the parking bays be clearly marked. This condition is applicable at clearance stage;
- (d) The existing outside toilet structure on Portion B be demolished at clearance stage;

C2 WATER

- (a) Each subdivided portion be provided with separate water connections. This condition is applicable on clearance stage with regards to the remainder as well as Portion B and at building plan stage with regards to Portion A;

C3 SEWERAGE

- (a) Each subdivided portions be provided with a separate sewerage connection at clearance stage;

C4 DEVELOPMENT CHARGES

- (a) The following development charges are applicable to proposed Portion A:
- (i) The development charge towards the bulk water supply amounts to R35 984,65 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (ii) The development charge towards water reticulation amounts to R 33 952,60 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-174-9210);
- (iii) The development charge towards sewer reticulation amounts to R 19 444,20 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-184-9210);

- (iv) The development charge towards wastewater treatment amounts to R 26 146,40 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-183-9210);
- (v) The development charge towards roads amounts to R 18 853,10 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA 9/247-188-9210);
- (b) The applicable development charges for Portion B, be calculated on building plan stage;
- (c) The Council resolution of May 2024 provides for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and may be revised thereafter;

D. GENERAL

- (a) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with;
- (b) Any existing services connecting the remainder and/or new portion, be disconnected and relocated, in order for each erf to have a separate connection and pipe work;
- (c) Should it be determined necessary to expand or relocate any of the engineering services in order to provide any of the portions with separate 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 for or against the appeal;
- (e) All conditions of approval be implemented before clearance 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;
- (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;

E. The application be supported for the following reasons:

- (a) The title deed of Erf 72 does not contain any restrictions that prohibits the development proposal;
- (b) There is no physical restriction on the property that negatively impacts the proposal;
- (c) The proposed development will not have a negative impact on the municipality's ability to provide services to the community of Riebeeck Kasteel;
- (d) The proposed development is situated within the urban edge of Riebeeck Kasteel and is a form of densification which is supported by local, district as well as provincial planning principles and policy;
- (e) The proposed development will not have a negative impact on any heritage or environmental resources;
- (f) 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);
- (g) The proposal is deemed consistent with the Municipal Spatial Development Framework (MSDF), 2023;
- (h) Any future development on the remainder will be subject to a land use application.

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