



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:  
CORPORATE SERVICES ON WEDNESDAY, 20 NOVEMBER 2024 AT 14:00**

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**PRESENT**

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)  
Director: Corporate Services, Ms M S Terblanche

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 and GIS, Mr H Olivier  
Town and Regional Planner, Ms A de Jager  
Manager: Secretariat and Record Services (secretary)

**1. OPENING**

The chairperson opened the meeting and welcomed members.

**2. APOLOGY**

The apology received from the Director: Protection Services, Mr P A C Humphreys, be noted.

**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 9 OCTOBER 2024**

**RESOLUTION**

(proposed by Ms M S Terblanche, seconded by Mr C Rabie)

That the minutes of a Municipal Planning Tribunal Meeting held on 9 October 2024 are approved and signed by the chairperson.

**5. MATTERS ARISING FROM MINUTES**

None.

**6. MATTERS FOR CONSIDERATION**

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

Mr H Olivier, as author of the item, confirmed that the application was referred back by the Municipal Planning Tribunal in November 2023 for the applicant to address a number of issues with regard to the proposed site development plan.

6.1/...

The amended site development plan is considered in alignment with the Environmental Authorisation and is fully compliant with the definition of Group Housing as well as the development parameters with regards to the provision of communal open space. The amended site development plan also makes provision for the berms as separate properties zoned Open Space Zone 2 and that will be transferred to the Owners Association ensuring ongoing management and maintenance. The applicant stated that the concern regarding the transfer of services as well as the contribution to the upgrading of Kloof Street, will be addressed in the services agreement.

Mr H Olivier confirmed that a proposal regarding street names is also part of the site development plan.

Mr Rabie requested that the construction of the access road and contribution thereto be addressed in the service agreement to determine the responsibility of owners of business zoned erven.

## **RESOLUTION**

- A. The application for the rezoning of erf 2111, Riebeeek Kasteel from Agricultural Zone 1 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:

Business zone 1, Open Space Zone 2, Transport Zone 2, General Residential Zone 1 as well as Agricultural zone 1.

- B. The application for the subdivision of Erf 2111 (7.6763ha in extent), Riebeeek 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 81 portions, as follows:

- 72 General Residential Zone 1 erven (Total extent of ± 23461m<sup>2</sup>)
- 4 Open Space zone 2 erven – Private Open Space (Total extent of ±17841m<sup>2</sup>)
- 2 Business zone 1 erven respectively ± 10553m<sup>2</sup> (Shopping centre) and ±4351m<sup>2</sup> (Offices) in extent,
- 2 Transport zone 2 erven respectively ± 1278m<sup>2</sup> (Public Road) and ±9879m<sup>2</sup> (Private Road) in extent,
- 1 Agricultural zone 1 erf (Total extent of ±9396m<sup>2</sup>)

- C. The application for the phasing of the development proposal on Erf 2111, Riebeeek Kasteel be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:

- Phase 1: Shopping centre (3 500m<sup>2</sup> in extent GLA) with a portion public road and private open space;
- Phase 2: Offices (2 000m<sup>2</sup> in extent GLA) and 72 group housing erven;

- D. The decisions A, B and C above are subject to the following conditions:

### **D1 TOWN PLANNING AND BUILDING CONTROL**

- (a) An owners' association be established with a constitution in terms of section 39 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- (b) The constitution of an owners' association be approved by the municipality before the transfer of the first land unit making provision for—
- (i) the owners' 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—private open spaces, private roads; and 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.
  - (ix) the roles and responsibilities of the owners of the business zoned properties towards the maintenance and management of the open space situated directly next to it;
- (c) The constitution of the owners' association may have other objectives as set by the association but may not contain provisions that conflict with any law;
  - (d) The constitution of the owners' association takes effect on the registration of the first land unit;
  - (e) Portion 81 forms part of the development and therefore be included as part of the owner's association;
  - (f) A detailed Site Development Plan, be submitted to the Senior Manager: Development Management for consideration and approval;
  - (g) A Landscape Plan be submitted to the Senior Manager: Development Management for consideration and approval, including:
    - (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 outside of the development, for the entire perimeter of the boundary wall;
  - (h) The green strips along the internal roads remain unobstructed, unfenced and maintained by the Owners' Association into perpetuity, and that the condition be included in the Owners' Association Constitution;
  - (i) The landscaping of the shared internal open spaces be completed before the transfer of the tenth residential property;
  - (j) The Transport Zone 2 erven and the Open Space Zone 2 portions be transferred to the Owners Association, simultaneously when transfer of the first residential property is approved;
  - (k) The legal certificate which authorises the 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;
  - (l) A wooden pedestrian bridge be constructed across the water course along Kloof Street that spans the entire delineated extent of the realigned water course to the satisfaction of the Municipality. The supporting poles be placed outside the delineated extent and the design cater for a 1:100-year flood event;
  - (m) A fence be erected around the boundaries of the site to the satisfaction of the Municipality. The fence not be located within the active channel, below the fence crossing, to allow for water to flow and faunal movement;
  - (n) A berm be constructed on the western side of the site and adjacent to the 1:100-year flood line along the southern bank of the Krom River to the satisfaction of the Municipality. The berm be transferred to the owner's association to protect and maintain it;
  - (o) Tributary 2 (water course along Kloof Street), be realigned by confining the trench / realigned tributary section and the remnant tributary section into a single grass block lined channel to the satisfaction of the Municipality. This newly realigned tributary also hosts a stiling pond as recommended in the Environmental Authorisation. The relevant owner's association be responsible for the maintenance of the said realigned tributary;
  - (p) Two storm water retention ponds be constructed that discharge into the newly realigned Tributary 2 to the satisfaction of the Municipality;
  - (q) All building infrastructure be located outside the 10m conservation buffer surrounding Tributary 1;
  - (r) The following street names is hereby approved:
    - Jakkalskos Street
    - Sneeuvygie Street
    - Skaapertjie Street
    - Gansogjie Street
    - Kaneeltjie Street
    - Kalossie Street

**D2 WATER**

- (a) The development be provided with an internal water distribution network to provide the subdivided portions with services connections. The internal water distribution network be transferred to the Municipality and be protected by a servitude ensuring free access is continuously available for the Municipality. For this an engineer registered in terms of the requirements of Act 46 of 2000 be appointed by the developer to design the water distribution network. The design be presented to the Director: Civil Engineering Services for approval after which installation be done under the supervision of the Engineer;
- (b) The internal network be connected to the main water system in Kloof Street in accordance with the report of GLS Consulting Engineers of 2 March 2022. For this, an engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the connection to the existing network. 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;

**D3 SEWERAGE**

- (a) The development be provided with an internal sewer distribution network with individual connections for each subdivided portion. The internal sewer distribution network be transferred to the Municipality and be protected by a servitude ensuring free access is continuously available for the Municipality. For this an engineer registered in terms of the requirements of Act 46 of 2000 be appointed by the developer to design the sewer distribution network. The design be presented to the Director: Civil Engineering Services for approval after which installation be done under the supervision of the Engineer;
- (b) The internal network be connected to the main water system in Kloof Street in accordance with the report of GLS Consulting Engineers of 2 March 2022. For this, an engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the connection to the existing network. 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;

**D4 STREETS AND STORMWATER**

- (a) The internal streets and facilities for public transport be installed in accordance with the recommendations contained in the Transport Impact Assessment of Sturgeon Consulting Engineers, report STUR0348 of May 2022;
- (b) The internal streets and parking areas including parking areas and facilities for public transport be built to a permanent surface standard. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the internal streets and parking areas. 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;
- (c) The internal roads, storm water network and parking areas are not taken over by the Municipality;
- (d) With regards to external streets, the access and junction with Kloof Street be installed in accordance with the recommendations contained in the Transport Impact Assessment of Sturgeon Consulting Engineers, report STUR0348 of May 2022;
- (e) The development is provided with an internal storm water network which ensures that the runoff after the development is completed is the same as before the development. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the storm water network. 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;

**D5 SOLID WASTE**

- (a) That each component (business, offices and residential) be provided with an allocated storage space with a suitable drainage point and running water for the temporary storage of solid waste. The allocated storage space must be freely accessible to the service truck. Only normal solid waste originating from businesses, offices and residences will be removed;
- (b) The allocated storage spaces not be taken over by the Municipality;
- (c)/...

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- (c) An engineer duly registered in terms of the provisions of Act 46 of 2000 is appointed by the developer to design the allocated storage spaces. The design must be submitted to the Director: Civil Engineering Services for approval after which the construction work must be carried out under the supervision of the Engineer;

**D6 ELECTRICITY**

- (a) The recommendations as set out in the services report for bulk electrical reticulation by De Villiers & Moore dated May 2022, be implemented;

**D7 CAPITAL CONTRIBUTIONS**

- (a) Fixed development charges need to be paid according to the service/agreement;

**E. GENERAL**

- (a) All conditions of approval of the Environmental Authorisation from the Department of Environmental Affairs and Development Planning dated 19 July 2023 with reference 16/3/3/1/F5/20/2002/23 & WCP/EIA/0001216/2023;
- (b) 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;
- (c) It 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 Engineering services or infrastructure. The services agreement be submitted to the Director Civil Engineering Service for consideration and approval;
- (d) 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;
- (e) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (f) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval must be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent and the approval period will not be applicable anymore.
- (g) 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) Erf 2111 is situated inside the urban edge of Riebeek Kasteel as well as located in an area earmarked for mixed density residential and commercial land uses which will integrate with the other developments in the area, making this application in compliance with the provisions of the MSDF, 2023;
- (b) The existing surrounding land uses and proposed development will be mutually complementary in character;
- (c) The development proposal is foreseen to create employment opportunities in the short, as well as the long term;
- (d) The development will make a larger variety of housing typologies available to a broader section of the public, creating greater equity;

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- (e) Several business opportunities form part of the development, thereby impacting positively on the social fabric of the town;
- (f) The phasing of the project minimises the financial risk, while moderating the physical and visual impact on the surrounding area;
- (g) 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);
- (h) Public interest is deemed to be addressed in a positive manner and the development is foreseen to contribute, rather than detract from the existing development of Riebeek Kasteel;
- (i) Sufficient services capacity exists to accommodate the proposed development.
- (j) An Environmental Authorisation has been issued by the Department of Environmental Affairs and Development Planning;
- (k) The amended site development plan allows for a better public interface along Kloof Street and integrates better with the historical landscape character of Riebeek Kasteel. A 10m conservation buffer will be established between the watercourse and the proposed development. The watercourse in the southeastern corner will aid in storm water management;
- (l) The remainder zoned Agricultural zone 1 as well as the large open space along the river allows for a variable buffer of 60m to 120m between the adjacent agricultural activities and the residential component. In addition, a deviation from the Swartland Spatial Development Framework is no longer required.

## **6.2 APPLICATION FOR CONSENT USE ON FARM NO. 1247, DIVISION MALMESBURY (15/3/10-15)**

The author, Ms A de Jager, tabled the item and mentioned the reasons why the consent use on Farm 1247, Division Malmesbury to accommodate a renewable energy development is not supported.

The application property is zoned Agricultural Zone 1, with a Tourist Facility and a Farm Shop (as consent uses), while the activities on the remainder of the farm primarily relate to agricultural uses. Although renewable energy initiatives are supported, the Spatial Development Framework identifies the R46 as the east-west tourism corridor of the Swartland and proposals for the corridor include the protection of agricultural land. The development proposal encroaches on high potential agricultural land.

Ms de Jager stated that a further consideration, as pointed out by Mr Rabie, is the Western Cape Land Use Planning Guidelines: Rural Areas (2019) that focus on the appropriate and responsible development of rural and agricultural areas.

### **RESOLUTION**

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

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

- (a) The addition of the charging station to the tourist facility will create a mixed use development node. Such a node is not supported by the SDF;
- (b) The SDF clearly states that the Swartland region identity is defined by its landscapes, natural environment and agriculture (the foothills of the Kasteelberg, in its current state, is specifically identified by the SDF as scenic and heritage assets that should be protected). All three the characteristics will be negatively impacted on by the proposed development;
- (c) The R46 is identified by the SDF as an agri-tourism corridor and differs vastly in character from that of the N7. The corridor depends on the landscape and agricultural activities as defining characteristics and tourism attractions. No transport/economic nodes are proposed along the R46, as no high-order intersections exist and the character of such economic nodes would be contrary to the character of the agri-tourism corridor;
- (d) The distance between Riebeek Kasteel and other towns is short enough to restrict development to the towns/urban areas, as far as possible and to preserve agricultural, scenic and tourism assets, as promoted by the SDF;

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- (e) The proposed solar array and charging station represent the loss of high potential agricultural land. Not all agricultural land is protected, but in this instance the land potential is high and should be preserved for agricultural use;
- (f) The development is not place-bound, due to scarce resources or the unique characteristics of the site;
- (g) The proposal will not be providing a service to a previously underserved or remote community;
- (h) The bucolic landscape is the one of the most important driving factors for the existing tourist facility and the promotion of tourism is supported by the SDF. The charging station and solar array are foreseen to impact negatively on the landscape, in turn impacting negatively on the tourist facility and per implication on tourism to the area. The negative impact is contrary to the SDF;
- (i) The location of the charging station and solar plant is not logistically optimal, within 7km from Riebeek Kasteel – there is no reason why the development cannot be more effectively accommodated in close proximity to existing services and urban development – and thus not considered necessary, nor orderly planning;
- (j) The impact of the solar array on the landscape is considered severe and negative, as the materials being used are industrial in nature and the panels will be below the road level, rendering the view from above even more visible;
- (k) The financial gain generated by the development is expected to benefit only a few parties and not necessarily the wider community;

**B. GENERAL**

The applicant/objector be informed of the right to appeal against the decision of the Municipality, 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. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. 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 refused for the following reasons:**

- (a) The addition of the charging station to the tourist facility will create a mixed use development node. Such a node is not supported by the SDF;
- (b) The SDF clearly states that the Swartland region identity is defined by its landscapes, natural environment and agriculture (the foothills of the Kasteelberg, in its current state, is specifically identified by the SDF as scenic and heritage assets that should be protected). All three the characteristics will be negatively impacted on by the proposed development;
- (c) The R46 is identified by the SDF as an agri-tourism corridor and differs vastly in character from that of the N7. The corridor depends on the landscape and agricultural activities as defining characteristics and tourism attractions. No transport/economic nodes are proposed along the R46, as no high-order intersections exist and the character of such economic nodes would be contrary to the character of the agri-tourism corridor;
- (d) The distance between Riebeek Kasteel and other towns is short enough to restrict development to the towns/urban areas, as far as possible and to preserve agricultural, scenic and tourism assets, as promoted by the SDF;
- (e) The proposed solar array and charging station represent the loss of high potential agricultural land. Not all agricultural land is protected, but in this instance the land potential is high and should be preserved for agricultural use;
- (f) The development is not place-bound, due to scarce resources or the unique characteristics of the site;
- (g) The proposal will not be providing a service to a previously underserved or remote community;
- (h) The bucolic landscape is the one of the most important driving factors for the existing tourist facility and the promotion of tourism is supported by the SDF. The charging station and solar array are foreseen to impact negatively on the landscape, in turn impacting negatively on the tourist facility and per implication on tourism to the area. The negative impact is contrary to the SDF;

(i)/...

6.2/C...

- (i) The location of the charging station and solar plant is not logistically optimal, within 7km from Riebeeck Kasteel – there is no reason why the development cannot be more effectively accommodated in close proximity to existing services and urban development – and thus not considered necessary, nor orderly planning;
- (j) The impact of the solar array on the landscape is considered severe and negative, as the materials being used are industrial in nature and the panels will be below the road level, rendering the view from above even more visible;
- (k) The financial gain generated by the development is expected to benefit only a few parties and not necessarily the wider community.

### **6.3 PROPOSED REZONING, CONSOLIDATION AND REMOVAL OF RESTRICTIVE CONDITIONS ON ERVEN 744 AND 745, YZERFONTEIN (15/3/3-14, 15/3/5-14, 15/3/12-14) (WARD 5)**

Mr A J Burger, as author, tabled the item and discussed the proposed land use applications on Erf 744 and Erf 745, Yzerfontein in order to consolidate the said erven and to rezone the existing buildings to accommodate the development proposal of seven shops, two flats and a pharmacy or optometrist (medical consulting rooms).

#### **RESOLUTION**

- A. The application for the removal of restrictive conditions 6(a), 6(b), 6(b)(i), 6(b)(ii) and 7 against Erf 744, Yzerfontein, as contained in Title Deed T26836/2024, is hereby approved in terms of section 70 of the By-Law.

#### **The following process be followed for decisions A:**

- (a) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the amendment and removal of the restrictive conditions;
  - (b) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
    - (i) Copy of the approval by Swartland Municipality;
    - (ii) Original title deed, and
    - (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
  - (c) A certified copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;
- B. The application for the rezoning of erf 744, Yzerfontein, is hereby approved in terms of section 70 of the By-Law;
  - C. The application for the consolidation of erf 744 and 745, Yzerfontein, is hereby approved in terms of section 70 of the By-Law;
  - D. **B & C are subject to the following conditions:**

#### **D1 TOWN PLANNING AND BUILDING CONTROL**

- (a) Erf 744 be rezoned from Residential zone 1 to Business zone 2, as presented in the application;
- (b) The dwelling on erf 744 be demolished;
- (c) Erf 744 be consolidated with erf 745;
- (d) Building plans be submitted to the Senior Manager: Development Management for the demolition as well as for alterations and new building work for consideration and approval;
- (e) Access to the consolidated erf be restricted from Park Road (restricted to the business uses) and Ibis Close (restricted to the residential uses);
- (f) At least 24 on-site parking bays and 1 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 are clearly marked;
- (g) No throughfare of traffic from Park Road to Ibis Close and vice versa on the consolidated erf, be permitted. Physical restrictions be placed on-site to ensure this conditions be complied with to the satisfaction of the Municipality;
- (h) The medical consulting room be restricted to be used for human medical or medically related consultation, examination or treatment, but does not include live-in facilities;



- (i) Business hours for the businesses be restricted from 07h00 to 20h00 each day;
- (j) Application be made to the Senior Manager: Development Management for the erection of advertising signs;
- (k) A landscaping plan be submitted to the Department Civil Engineering Services for approval. The landscaping plan be approved prior to the submissions of building plans;

**D2 WATER**

- (a) The erf be provided with only one water connection;

**D3 SEWERAGE**

- (a) The erf be provided with a conservancy tank with a minimum capacity of 8000 litres which is accessible for the municipal sewerage truck from the street to the satisfaction of the Municipality;

**D4 REFUSE REMOVAL**

- (a) Medical waste not be removed by Swartland Municipality;

**D5 ELECTRICAL**

- (a) Both erven 744 and 745 have individual electrical connections and electrical meters. These electrical connections be consolidated to one electrical connection and one metering point to the satisfaction of the Municipality;

**E. 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) 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;
- (c) 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;
- (d) 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](mailto: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) The consolidated property can easily accommodate the development proposal after the demolition of the dwelling on erf 744;
- (b) The impact of the additional shops and flats on the consolidated erf is deemed minimal giving the existing character of Park Road and the historic use of erf 745.
- (c) The business and residential uses of the consolidated erf are in compliance with the spatial planning of Yzerfontein;
- (d) The proposed development complies with the principles of LUPA and SPLUMA.
- (e) The development proposal complies with all the applicable zoning parameters;
- (f) The removal of the title deed restrictions on erf 744 will enable the development rights for the consolidated property;
- (g) Engineering services are deemed sufficient to accommodate the proposed development;
- (h) The impact of the proposed development on bulk engineering services are deemed low. No development charges need to be paid;
- (i) Property values will not be affected negatively by the proposed development;
- (j) Access to the consolidated property is deemed sufficient;
- (k) The business hours be restricted to mitigate the impact of the proposed development on the surrounding owners.

**6.4 PROPOSED DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 3485, DARLING (BUILDING PLAN APPLICATION) (15/4/2-2) (WARD 6)**

Mr A J Burger gave background to the application for the departure of development parameters on Erf 3485, Darling that forms part of a building plan application. The purpose of the departures is to allow for the owner to build a garage for the safely storage of 4 to 5 valuable collectible vehicles.

**RESOLUTION**

A. The application for the departure of development parameters on Erf 3485 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:

1. Departure of the 1,5m side building line (southern boundary) to 1m.
2. Departure of the 1m height restriction of the FFL of the dwelling in relation to the NGL to 1,2m.

**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) 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;
- (c) 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;
- (d) 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](mailto: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) Erf 3485 does not consist of any physical restrictions which impacts negatively on the application;
- (b) The relevant portion of Hildebrand Street already contains side building line departures which. This application compliments the existing character of this portion of the street;
- (c) The proposed garages are proposed next to the existing garage and will form an extension of the garage space which is deemed sensible and practical;
- (d) The impact of the FFL of the proposed building work being raised to 1,2m is deemed low and provides sufficient space on one level for the parking of the motor vehicles;
- (e) Permitting a departure to 1m from the erf boundary creates sufficient space for the construction phase and for maintenance;
- (f) The reason at point 5 also eliminates that access to erf 1327 will be required during the construction phase of future maintenance;
- (g) The impact of the building work on erf 1327 is deemed low, regardless if single or double storey as presented in this application;
- (h) The size of the proposed garage is justified by the need to the owner of erf 3485 to park some of his vehicles safely and securely on this property.

**(SIGNED) J J SCHOLTZ  
CHAIRPERSON**