



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 10 JUNE 2026 AT 14:00**

PRESENT

Internal members:

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

External members:

Mr C Rabie
Ms C Havenga

Other officials:

Senior Manager: Development Management, Mr A M Zaayman
Manager: Town and Regional Planning, Mr A J Burger
Senior 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

No apologies were received.

3. DECLARATION OF INTEREST

No declarations were made.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 6 MAY 2026

RESOLUTION

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

That the minutes of a Municipal Planning Tribunal Meeting held on 6 May 2026 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

**6.1 PROPOSED REZONING AND SUBDIVISION OF ERF 2828, MOORREESBURG (15/3/3-9;
15/3/6-9) (WARD 1)**

Mr H Olivier, as author, gave background to the application for the rezoning and subdivision of Erf 2828, Moorreesburg (±2,3793 ha in extent) from Residential Zone 1 to subdivisional area to make provision for Business Zone 2, Residential Zone 5 and Transport Zone 2.

Mr Olivier confirmed that the property is strategically located along Omega Street (an activity street) within an established urban area, surrounded predominantly by residential uses with some higher-density and community uses nearby. The proposal aims to enable a mixed-use development by creating a business component (retail shops) as well as a rural residential/agricultural component, thereby optimising land use within the urban edge and supporting local economic activity.

RESOLUTION

- A. The application for rezoning of Erf 2828, Moorreesburg from Residential zone 1 to Subdivisional 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 5 ($\pm 18728\text{m}^2$), Business zone 2 ($\pm 5015\text{m}^2$) and Transport Zone 2 (corner spays).

- B. The application for subdivision of Erf 2828, Moorreesburg be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):

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

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 2828, Moorreesburg (2,3793ha in extent), be subdivided into a:
- (i). A Remainder 1,8728ha in extent (Residential zone 5)
 - (ii). Portion A $\pm 5015\text{m}^2$ in extent (Business zone 2)
 - (iii). Portion B $\pm 12.5\text{m}^2$ in extent (Transport zone 2)
 - (iv). Portion C $\pm 12.5\text{m}^2$ in extent (Transport zone 2)
 - (v). Portion D $\pm 12.5\text{m}^2$ in extent (Transport zone 2)
 - (vi). Portion E $\pm 12.5\text{m}^2$ in extent (Transport zone 2)
- (b) The site development plan as presented in the application, drawn by SeaSide Studio dated Okt 2025, with reference SSS 2025 – 30 – 01 REV 1, is hereby approved;
- (c) 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;
- (d) Application for the right to construct or affix and display any advertising signage be made to the Senior Manager: Development Management;
- (e) At least 33 on-site parking bays be provided with a permanent dust free surface being tar, concrete or paving or a material per-approved by the Director: Civil Engineering Services and that the parking bays are clearly marked;
- (f) The development be provided with a secure dedicated structure for the storage of solid waste. The structure be accessible to the municipal service truck to the satisfaction of the Director of Civil Engineering Services;
- (g) The corner splays be surveyed and transferred to Swartland Municipality for the cost of the owner/developer simultaneously with transfer of portion A.
- (h) A landscaping plan be submitted with the building plan application for consideration and approval by the Senior Manager: Development Management;
- (i) The use of indigenous, water-wise landscaping be used with the landscaping plan;
- (j) All approved landscaping be fully installed prior to the issuing of any occupation certificate, and the ongoing maintenance, upkeep and replacement of all landscaping elements remain the responsibility of the owner / developer for the lifetime of the development;
- (k) Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities, all works be stopped immediately, and Heritage Western Cape be notified without delay;

C2 SEWERAGE

- (a) Each subdivided portion be provided with a sewer connection. This condition is applicable on building plan stage;

C3 WATER

- (a) Each subdivided portion be provided with a separate water connection. This condition is applicable on building plan stage;

C4 STREETS AND STORMWATER

- (a) Runoff from paved surfaces be collected and conveyed to the nearest suitable municipal collection point;
- (b) The proposed parking spaces, including the sidewalk providing access, be provided with a permanent surface;

C5 ELECTRICAL SERVICES

- (a) Each subdivided portion be provided with a separate electrical connection point and related costs be for the account of the owner/developer;
- (b) Any costs incurred as a result of the relocation of electrical cables over the relevant erf, be for the account of the owner/developer;
- (c) Currently there is no existing (low / medium voltage) network available to the development. The existing network therefore needs to be extended in order to provide the proposed development with services connections. The planning, design and construction of the extension is for the developer's account;
- (d) The developer to appoints an engineer appropriately registered in terms of the relevant legislation to design the above mentioned extension of the existing network. The design be submitted to the Director: Electrical Engineering Services for approval after which construction work be carried out under the supervision of the engineer;
- (e) Additional to the abovementioned, the owner/developer is responsible for the payment of the electrical connections of the subdivided portions;

C6 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R 89 187, 03 towards the bulk supply of regional water, at building plan stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R 33 110, 60 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R 23 174, 91 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R 69 608,37 towards the wastewater treatment works at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R 263 120, 14 towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (f) The owner/developer is responsible for the development charge towards the bulk electricity. The amount payable be determined by the Municipality based on the required additional electricity capacity (kVA demand) required by the proposed development. The applicable development charge is payable prior to the approval of building plans or the installation of services connections, to the satisfaction of the Director: Electrical Engineering Services;
- (g) Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and may be revised thereafter;

D. GENERAL

- (a) The legal certificate which authorises the transfer of the subdivided portions and the consolidated erf in terms of section 38 of the By-Law, will not be issued unless all the relevant conditions have been complied with;

6.1/D...

- (b) Any existing services connecting the remainder and subdivided portions be relocated and/or disconnected for each erf's pipework needs to be located on the relevant erf;
- (c) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (d) The approval 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;
- (e) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5-year approval period lapses, the subdivision will be permanent and the approval period will not be applicable anymore.
- (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.

E. The application be supported for the following reasons:

- (a) The proposal is consistent with the spatial planning principles of SPLUMA as well as the matters referred to in Chapter VI of LUPA, specifically through the promotion of spatial justice, spatial sustainability, efficiency as well as spatial integration by accommodating a mixed use development along an identified activity street;
- (b) The proposal is aligned with the applicable spatial policy in terms of provisional, district as well as local Spatial Development Frameworks. Consistent with the objectives of the spatial policy, the proposal consist of mixed use development along an identified activity street, falls within a transition zone where intensification is supported as well as promotes infill development within the urban edge;
- (c) The development is deemed desirable as it introduce low-intensity mixed use development compatible with the surrounding area, supports local economic development and job creation, improved accessibility to neighbourhood-scale retail services, retains a significant Residential zone 5 component maintaining the character of the area;
- (d) Engineering services departments have confirmed no unacceptable impact on municipal engineering services and any concerns have been included as conditions of the approval;
- (e) Public participation as well as the request for the approval from Heritage Western Cape complies with the provisions of the By-Law. Only one objection was received and which does not raise valid planning grounds for refusal;
- (f) The proposal complies with the applicable provisions of the development management scheme and there is also no restriction registered against the title deed of the property prohibiting the proposal;
- (g) The proposal promotes economic activity and employment, improves access to services, supports sustainable urban development patterns and does not disproportionately affect the rights of adjacent owners. The proposal therefore results in a positive public interest outcome.

6.2 PROPOSED CONSENT USE ON PORTION 5 OF FARM DOORNEKRAAL NO 830, DIVISION MALMESBURY (15/3/10-15)

The purpose of the application is to allow for a mine (81,13 ha in extent) for the mining of sand and clay on Portion 5 of Farm Doornekraal No 830, Division Malmesbury.

Mr A J Burger, the author, requested the item to be withdrawn as there are amendments to the report that he did not condone.

6.2/...

RESOLUTION

The chairperson made the ruling that it is the prerogative of the Senior Manager: Development Management to withdraw a report and that the intent to withdraw a report be communicated in advanced with the chairperson.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**