



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 10 SEPTEMBER 2025 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:

Ms C Havenga

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

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 13 AUGUST 2025

RESOLUTION

(proposed by Ms M S Terblanche, seconded by Ms C Havenga)

That the minutes of a Municipal Planning Tribunal Meeting held on 13 August 2025 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

**6.1 PROPOSED REZONING, PERMANENT DEPARTURE AND TEMPORARY DEPARTURE
ON ERF 1877, MALMESBURY (15/3/3-8, 15/3/4-8) (WARD 10)**

The author, Mr H Olivier, gave background on an application received to formalise the existing use of Erf 1877, Malmesbury as a place of education through the rezoning from Residential Zone 1 to Community Zone 1.

The property/...

6.1/...

The property currently accommodates the Holistic Learning Centre. It is a private educational facility that offers support to learners who face challenges in adapting to conventional schooling environments.

RESOLUTION

- A. The application for rezoning of Erf 1877, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), from Residential Zone 1 to Community Zone 1 be approved, subject to the conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The facility be restricted to consist of a maximum of 5 classrooms as presented in the application;
- (b) No more than 30 children / students be accommodated at the place of education at any given time;
- (c) As mitigation measure to reduce possible congestion, the students be divided into 2 groups which are accommodated in different time frames;
- (d) The operational times of the school be restricted to weekdays between 07h30 and 12h30;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) Application be made for a health report from the West Coast District Municipality, Department of Environmental Health;
- (g) Application be made for a certificate of suitability from the West Coast District Municipality, if food is to be prepared on the premises;

A2 WATER

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

A3 SEWERAGE

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

A4 DEVELOPMENT CHARGES

- (a) The development charge applicable to the place of education, towards roads amounts to R61 950,00 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 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The 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;

- B. The application for the temporary departure on 1877, Malmesbury be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to accommodate the existing dwelling unit under the new zoning category, subject to the following conditions:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The use be restricted to one dwelling unit used for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith;
- (b) The approval for the temporary departure is valid until the 31 December 2026;

- C. The application for the permanent departure from the development parameters of the new zoning 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;

C1/...

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) The departure entails accommodating the existing garage up to 5.25 m from the street boundary as well as 3.51 m from the side boundary respectively, in lieu of the 10 m street and 5 m side building line restrictions, as presented in the application;
- (b) The departure of the required parking bays by only providing 7 on-site parking bays in lieu of the 10 determined in terms of the applicable parameters of the development management scheme;
- (c) In terms of Par 13.1.2. of the development management scheme the owner / developer pay a cash sum to the amount of R20 550,00 to the municipality as calculated by multiplying the estimated market value per m² (R548/m²) of the land on which the building is erected, by the area in m² of the land which is required to be provided for the provision of an adequate parking outlay (37,5m²). The amount be paid on building plan stage to vote no. 9/222-303-9212;

D. GENERAL

- (a) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision, therefore before 10 December 2025;
- (b) Failure to comply with all conditions of approval and obtaining an occupancy certificate, will result in legal action to enforce compliance;
- (c) 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;
- (d) The applicant/objectors be informed of the right to appeal against this decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;

E. 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, 2025 supports the accommodation of educational facilities in residential areas. The subject property is near the identified CBD of Malmesbury as well as the existing Swartland High School;
- (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 development proposal supports the optimal utilisation of the property;
- (h) The need for this service in Malmesbury is recognized;
- (i) Sufficient on-site parking is proposed, and the proposal will not have a significant impact on traffic in Skool Street or Mark Street.

6.2 PROPOSED CONSENT USE ON ERF 1949, YZERFONTEIN (15/3/10-14) (WARD 5)

Application for a consent use on Erf 1949, Yzerfontein, is made in order to establish a double dwelling on the property.

The author, Ms A de Jager, with regard to the comment received on the privacy intrusion due to the positioning of the proposed double dwelling, mentioned the amendment of the development proposal to allow for a 15-20 degrees east rotation of the proposed dwelling to improve the privacy between neighbours and to optimise the thermal orientation of the dwelling while retaining the views from the earth.

Resolution/...

RESOLUTION

- A. The application for consent use on Erf 1949, Yzerfontein, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to establish a double dwelling;

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling, as presented in the application;
- (b) The orientation of the dwelling units on the proposed site plan be amended to maximise northern exposure of the core elements;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) A double carriageway of maximum 8m in width be provided for access to the property;

A2 WATER

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

A3 SEWERAGE

- (a) The double dwelling be provided with a conservancy tank with the minimum capacity of 8 000 litre, to be installed on the property in a location that is accessible to the municipal vacuum truck, to the satisfaction of the Director: Civil Engineering Services;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for the development charge of R12 263,60 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 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R1 114,35 towards bulk water reticulation at building plan stage. The amount is due 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 R5 584,40 towards sewerage at building plan stage. The amount is due 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 R13 549,30 towards waste water treatment 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 R7 632,55 towards roads at building plan stage. The amount is due 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 of R11 927,67 towards electricity 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 9/253-164-9210);
- (g) The 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;

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 in future be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;

- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal. All conditions of approval be implemented 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 proposed double dwelling is consistent with the principles of LUPA, SPLUMA and the MSDF;
- (b) A double dwelling is accommodated as a consent use under Residential Zone 1 of the By-Law;
- (c) The design of the double dwelling is consistent with the definition contained in the By-Law, as it appears as a single architectural unit;
- (d) The proposed double dwelling adheres to all the development parameters of Residential Zone 1 and does not impact on the rights of the abutting land owners;
- (e) The proposal is lawful and considered reasonable;
- (f) Mitigating measures are stipulated in the approval letter to improve the thermal management of the dwelling and the relationship with the neighbouring property;
- (g) The proposal will enable the owner of the property to develop the property in response to the market and personal preference. They will also be able to more efficiently utilise the property, possibly gaining financially through rental income or sale of the second unit;
- (h) While the proposal promotes densification, the visual impact of the double dwelling is similar to that of a large single residence. The character of the neighbourhood thus remains unaffected as a low-density residential area, consistent with the spatial proposals of the SDF;
- (i) The development will result in the better utilisation of the property in terms of modern town development and align with various policies which require more efficient use of land and contextually appropriate densification;
- (j) The double dwelling may support the tourism industry in Yzerfontein, as well as the local economy;
- (k) The double dwelling will provide in a need for a larger variety of housing opportunities to the wider population;
- (l) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**