



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 11 FEBRUARY 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:

Ms C Havenga
Mr C Rabie

Other officials:

Senior Manager: Development Management, Mr A M Zaayman
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 Senior Manager: Town and Regional Planner, Mr A J Burger, be noted.

3. DECLARATION OF INTEREST

No declarations were made.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 19 NOVEMBER 2025

RESOLUTION

(proposed by Mr C Rabie, seconded by Ms J S Krieger)

That the minutes of a Municipal Planning Tribunal Meeting held on 19 November 2025 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED SUBDIVISION OF ERF 1795, RIEBEEK WEST (15/3/6-12) (WARD 3)

The chairperson requested the author, Mr H Olivier, to give a brief background on the application received.

Mr Olivier confirmed/...

6.1/...

Mr Olivier confirmed that it is the intention of the owner of Erf 1795, Riebeeck West to subdivide the erf, which is currently vacant, into two portions of 513 m² (Portion A) and 500 m² (Portion B) respectively.

Mr Olivier stated that similar subdivisions have already been approved in the surrounding area and that the subdivided erven adhered to the minimum erf size of 500 m² for Riebeeck West. It is further confirmed that the proposal retains Residential Zone 1 and does not introduce higher-order residential rights.

RESOLUTION

A. The application for the subdivision of Erf 1795, Riebeeck West 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) Erf 1795, Riebeeck West (1013 m² in extent) be subdivided into portion A (513 m² in extent) and Remainder (500 m² in extent) as presented in the application;

A2 WATER

(a) Each subdivided portion be provided with a separate water connection and meter at building plan stage;

A3 SEWERAGE

(a) Each subdivided portion be provided with a separate sewer connection at subdivision stage;

A4 DEVELOPMENT CHARGES

(a) The owner/developer is responsible for the development charge of R2 525,57 towards sewerage, at clearance 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).

(b) The owner/developer is responsible for the development charge of R3397,79 towards wastewater treatment works at clearance 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);

(c) The owner/developer is responsible for the development charge of R6 064,58 towards roads, at clearance 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);

(d) 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 can be revised thereafter;

B. GENERAL

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

(b) Any existing services connecting the remainder and/or new portions be disconnected, and relocated, for each erf to have a separate connection and pipe work;

(c) Should it be deemed necessary to extend the existing services network to provide the subdivided portions with service connections, it will be for the cost of the owner/developer;

(d) 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;

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

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of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals 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) Due administrative process has been followed and the application is properly presented before the Swartland Municipal Planning Tribunal for decision-making;
- (b) The proposal supports spatial sustainability, spatial justice, efficiency, and good administration as outlined in SPLUMA Section 42 and LUPA Chapter VI, all of which were considered during assessment;
- (c) The proposal is consistent with the spatial proposals of the Municipal SDF, 2025;
- (d) The proposal is consistent with the minimum erf size determined by the SDF, namely 500 m²;
- (e) The development promotes densification in an urban area, consistent with national, provincial, and local legislation and policy;
- (f) The subdivision promotes efficient utilisation of serviced urban land and supports incremental residential opportunities consistent with the adopted MSDF objectives;
- (g) The subdivision complies precisely with adopted minimum erf sizes and MSDF guidelines and does not grant or imply future rights for additional dwellings or higher-density forms of development. Any such proposals would require separate applications, circulation and public participation;
- (h) Approval of this subdivision does not set a precedent for undesired densification in the area. Each land use application must be assessed on its own merits in terms of zoning, infrastructure capacity, environmental constraints and conformity with adopted spatial policy;
- (i) The subdivision introduces only one additional dwelling opportunity, resulting in a modest and acceptable increase in local traffic volumes consistent with a low-order residential street;
- (j) On-site parking requirements remain enforceable through the development management scheme at building plan stage, ensuring that the cul-de-sac's turning circle and access remain unobstructed;
- (k) The Department: Civil Engineering Services confirmed that water, sewer and road services can be provided to both erven subject to the installation of separate connections and compliance with the engineering conditions imposed;
- (l) Development charges for sewer, wastewater treatment works and roads have been levied, ensuring that the development contributes proportionately to infrastructure provision and long-term service sustainability;
- (m) Future building form, height, siting and coverage will remain regulated through the applicable development management scheme and assessed at building plan stage, ensuring that development on each erf does not detract from privacy, visual amenity, streetscape or the area's character;
- (n) The concerns raised do not constitute sufficient grounds for refusal given the subdivision's compliance with statutory requirements, spatial policy, land use rights, engineering capacity, and development management controls.

6.2 PROPOSED REZONING, DEPARTURE AND CONSENT USE ON ERF 716, CHATSWORTH (15/3/3-4, 15/3/4-4) (WARD 4)

The chairperson requested the author, Ms A de Jager, to explain the application received.

Ms de Jager stated the owner/developer's intention to establish a hardware store on Erf 716, Chatsworth. The proposed development is located on the eastern edge of the CBD of Chatsworth, along Cemetery Road, which is an activity corridor.

Furthermore, the proposed rezoning is consistent with the objectives of the SDF to establish the CBD of Chatsworth and the proposed development will promote access to economic opportunity through the establishment of the business.

Resolution/...

RESOLUTION

- A. The application for the rezoning of Erf 716, Chatsworth, from Residential Zone 1 to Business Zone 1, 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) Erf 716 (1082 m² in extent) be rezoned from Residential Zone 1 to Business Zone 1, as presented in the application, but excluding the use of a restaurant, service trade and animal hospital;
- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (c) The operating hours of any business on the property be restricted to 6:00 – 19:00 from Monday to Sunday;
- (d) The minimum of nine (9) on-site parking bays be provided and that the parking bays be clearly marked;
- (e) The parking bays, including the sidewalk, be finished in a dust-free, permanent surface, being tar, concrete, paving or any other material previously approved by the Director: Civil Engineering Services;
- (f) The parking and loading bays be kept clear from any construction materials and that storage of such materials be restricted to the designated areas as presented in the site plan dated 13 September 2025;
- (g) Application be made to the Senior Manager: Development Management for the right to display any signage and that the signage may not project over a public street;
- (h) A trade licence be obtained from Swartland Municipality for the operation of the business premises;
- (i) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (j) Any music played on the property only be audible inside the shop and no appliances used for the broadcasting or amplification of sound may be positioned or affixed externally to the building, including to any awning, stoep or shade structure;
- (k) No loitering be permitted anywhere on Erf 716, Chatsworth, whether it be inside or outside the buildings on the erf or around any entrance to the erf;

A2 WATER

- (a) The property be provided with a single water connection;
- (b) Water storage tanks with a minimum capacity of 48 hours, as well as the necessary pumping equipment, be provided on the property for water provision, to the satisfaction of the Director: Civil Engineering Services, at building plan stage;

A3 SEWERAGE

- (a) The property be provided with a separate conservancy tank of minimum 8 000 litre capacity and that may be accessed by the municipal service vehicle via the street;
- (b) The condition be applicable at building plan stage;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R4 884,60 towards the bulk supply of regional water, at clearance 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 R2 743,90 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 R4 003,15 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);

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- (d) The owner/developer is responsible for the development charge of R4 339,75 towards waste water treatment, 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 R71 573,00 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 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 a departures on Erf 716, Chatsworth, 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:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The 3m western side building line be departed from and reduced to 0m and 1m to accommodate the portions of the proposed building, that encroaches on the building line, depicted on the site plan dated 30 September 2025, as presented in the application;
- (b) Section 12.2.1 (c)(i) of the By-Law be departed from in order to allow for the proposed double storey building to encroach on the 3m side building line, as presented in the application;
- (c) The 14 parking bays required in terms of the By-Law, be departed from and that a minimum of 9 parking bays and two loading bays be provided, as presented in the application;
- (d) The owner/developer be responsible for the financial contribution of R51 000,00, towards the non-provision of five (5) parking bays. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/222-303-9212);

C. 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;

D. The application be supported for the following reasons:

- (a) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (b) The application is deemed to stimulate economic development, which is supported by the SDF and PSDF;

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- (c) The scale of the proposal is consistent with the character of the surrounding area, while optimising the use economic viability of the venture;
- (d) The application will comply with the character of the Chatsworth CBD, as identified by the SDF;
- (e) The height of the proposed building is limited to two storeys and consistent with the visual profile of double storey buildings in the area;
- (f) Engineering services are sufficiently capacitated, apart from water provision. Mitigating measures are instated to ensure water provision remains constant until such time as the municipal upgrade project has been completed;
- (g) The double storey façade that encroaches on the side building line is the same height as a regular residential dwelling would have been and compatible with the character of residential development;
- (h) The western façade is faceted, in an effort to minimise the impact of a high, 'dead' wall and improving the human scale of the façade;
- (i) The solid portion of the western façade is expected to act as a sound barrier between the application property and the residential erven towards the west;
- (j) Should the area surrounding Erf 716 develop in accordance with the SDF over time and the CBD of Chatsworth become well established as planned, the rezoning and departures proposed, will integrate seamlessly with the character of a business district;
- (k) The operating hours of the proposed business are restricted, in order to ensure that the business is compatible with the normal day-to-day activities associated with its current surroundings;
- (l) The increase in traffic volumes are considered moderate and both the abutting streets were confirmed to be of sufficient capacity to accommodate the development;
- (m) The rights of surrounding property owners will not be negatively affected, as the development will take a form resembling a large two storey house, such as can be expected in a residential neighbourhood.

6.3 PROPOSED REZONING AND SUBDIVISION OF ERF 208, YZERFONTEIN (15/3/3-14, 15/3/6-14) (WARD 5)

The author, Mr H Olivier, explained that Erf 208, Yzerfontein is a municipal property currently containing the Yzerfontein Caravan Park, Sport and Recreation Club, sports facilities, a community hall and a public street. The Yzerfontein Bowls Club indicated the need for space in order to accommodate an additional bowling court.

The purpose of the application is to rezone a portion of the premises of the caravan park to accommodate the bowling court. Additionally, application is also made to subdivide the different portions in order to align the zoning with the different land uses and thereby, established efficient governance, sustainable use of existing infrastructure and improving municipal asset management.

RESOLUTION

- A. The application for rezoning of Erf 208, Yzerfontein be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- B. The application for subdivision of Erf 208, Yzerfontein be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) as per Annexure T:
- C. The decisions A and B above are subject to the following conditions:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Portions of Erf 208 be rezoned from Open Space Zone 2 to Resort Zone (± 669 m² in extent) and from Resort Zone to Open Space Zone 2 (± 1436 m² in extent) in order to realise the amended subdivision plan dated December 2025;
- (b) Erf 208 be subdivided as follows:
 - (i) Portion A - $\pm 1,47$ ha (Open Space Zone 2)

6.3/C(b)...

- (ii) Portion B - ± 0,53 ha (Authority zone)
- (iii) Portion C - ± 0,42 ha (Transport Zone 2)
- (iv) Remainder - ± 7,97 ha (Resort zone)

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;
- (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 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 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.
- (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;

E. The application be supported for the following reasons:

- (a) The application formalises long-standing public and community uses – caravan park, sports facilities, community hall, which serve a broad segment of the public. Aligning zoning and cadastral boundaries reinforces existing community-benefiting land uses and ensures continued access to public facilities;
- (b) Except for providing space for the Yzerfontein Bowling Club to accommodate an additional court, no new development or intensification is proposed. Sensitive coastal environments, agricultural land, or ecologically valuable areas are unaffected. The proposal merely organises existing uses more efficiently, supporting long-term sustainable land management;
- (c) The application rationalises existing land uses by placing each use on its own cadastral unit, which will reduce administrative complexity, future uncertainty, and the risk of land use management inefficiencies. Infrastructure use remains unchanged the proposal therefore support efficient use of existing services;
- (d) Retention of the existing spatial structure ensures the settlement remains flexible and adaptive. By keeping established recreational, tourism, and community facilities intact, the proposal maintains the town's ability to absorb environmental or economic shocks;
- (e) The proposal does not alter settlement character, scale, or intensity, and therefore does not undermine the MSDF's intent to maintain Yzerfontein's coastal town character while supporting recreation and tourism-related functions. The proposal is deemed consistent with the MSDF, 2025;
- (f) The proposal does not authorize any other development, intensification, or commercialisation. Should such an application be submitted in the future it will be subject to its own land use application and public participation process.

6.4 PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL: REZONING AND SUBDIVISION OF PORTION 25 OF THE FARM TYGERFONTEIN, NO 564, DIVISION MALMESBURY (15/3/3-15/22) (WARD 5)

The chairperson tabled/...

6.4/...

The chairperson tabled the item and the author, Ms A de Jager, gave background to the establishment of the Tygerfontein Coastal Estate as approved by Swartland Municipality on 16 November 2005 in terms of the Land Use Ordinance, 1985.

The Department of Environmental Affairs and Development Planning (DEADP) required, as part of the above approval process, that the following condition of approval be included in the final approval, that the "...proposed emergency road that connects Yzerfontein with the property concerned be used for emergency purposes only..."

Ms de Jager mentioned that the above condition was motivated by the fact that the development is located outside the urban edge and that a direct vehicular link between the town and the development would create the risk of the resort to have the appearance and character of a typical sub-urban residential development and, in turn, the threat of linear development along the sensitive coastline.

Access to the residential erven was, and continues to be, obtained via the R27 provincial road, right-of-way servitudes over abutting properties and right-of-way servitudes over the application property.

Ms de Jager confirmed that an application was received for the amendment of the abovementioned condition of approval, namely "...the Tygerfontein Coastal Estate, may obtain direct access from Yzerfontein township via Dasseneiland Drive, connecting with the registered right-of-way servitude depicted in Inset 3 on Sheet 2 of General Plan no. 112/2008, dated 4 March 2008...". Ms de Jager stated that several circumstances have changed since the approval of the condition in 2005/2006 in considering the application.

The impact of the proposed amendment was discussed in depth by the Municipal Planning Tribunal in considering the pros and cons in allowing access via the locked gate at the end of Dasseneiland Drive, amongst others, impact on owners at the end of Dasseneiland Drive, controlled access at the gate, extent of public participation process, nuisance caused for adjacent owners from the stacking of construction vehicles and construction workers at the gate, etc.

RESOLUTION

That the item be referred back to the applicant, in terms of section 70 of the By-Law, for the following actions to be undertaken:

- (a) The members of the Municipal Planning Tribunal to attend a site inspection to be arranged by the Senior Manager: Development Management;
- (b) The unlawful use of the locked gate be stopped with immediate effect and the gate be used in a controlled manner in accordance with Condition B.4 in approval letter 15/3/3-15/22 dated 16 November 2005, that reads:
"...1.a) that the proposed emergency road that links the farm Tygerfontein, no. 564, with Yzerfontein, be used for emergency purposes only..."
- (c) The owner/developer proposes a minimum of two traffic engineers, appropriately registered in terms of the provisions of Act 46 of 2000, to be considered and one of which to be selected by the Director: Civil Engineering Services, to conduct a Traffic Study;
- (d) The owner/developer appoints the approved registered engineer to conduct the traffic study, with emphasis on:
 - (i) Trip generation by Tygerfontein Estate during construction periods, including construction vehicles and private vehicles;
 - (ii) The expected long-term trip generation, once the estate is fully developed;
 - (iii) A long-term management proposal for the intended access control gate;
 - (iv) Mitigating measures that may be taken to reduce traffic impact, such as on-site stacking distances, etc;
 - (v) The impact of the additional traffic, including construction vehicles, on the wellbeing and reasonable expectations of the affected land owners along Dasseneiland Drive;
- (e) The outcomes of the Traffic Study be submitted to the Director: Civil Engineering Services for consideration and approval.

[Note: The chairperson excused himself due to other commitments and requested the Director: Corporate Services to chair the remaining items.]

6.5 PROPOSED REZONING AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 322, KALBASKRAAL (15/3/3-6, 15/3/4-6) (WARD 7)

Mr H Olivier (in the absence of the author, Mr A J Burger) mentioned that an application was received for the rezoning of Erf 322, Kalbaskraal from Residential Zone 2 to Business Zone 2 in order to legalise the existing shop.

Mr Olivier confirmed that Erf 322, Kalbaskraal is situated along an activity corridor with mixed uses and that the proposed business is in compliance with the spatial planning for Kalbaskraal.

RESOLUTION

- A. The application for the rezoning of Erf 322, Kalbaskraal be approved in terms of Section 70 of the By-law, subject to the following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 322 be rezoned from Residential Zone 2 to Business Zone 2 in order to legalise the existing shop on the property;
- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (c) At least 2 parking bays be provided on site as presented in the application. The parking bays be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by the municipality and that the parking bays are clearly marked;
- (d) Vehicle access to Erf 322 be restricted from Rivier Street;
- (e) Application for an advertising sign to the building be submitted to the Senior Manager: Development Management, for consideration and approval;
- (f) The operating hours of the house shop be restricted to between 6:00 and 21:00 daily;
- (g) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (h) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (i) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (j) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound may be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;
- (k) The operation of the shop may not result in congestion/obstruction along Rivier Street;
- (l) No loitering be permitted anywhere on the subject property, whether it be inside or outside the buildings on the erf or around the entrance to the erf;

A2 WATER

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

A3 SEWERAGE

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

A4 STREETS AND STORMWATER

- (a) Deliveries may only be made by delivery vehicles with a gross vehicle mass of 16000 kg;

A5 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R2 704,13 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 R1 519,01 towards bulk water reticulation, at building plan stage. The amount is payable to

6.5/A5(b)...

- 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 R826,54 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 R896,03 towards the waste water 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 R8 663,22 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) 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 departure of development parameters on Erf 322, Kalbaskraal be approved in terms of Section 70 of the By-law, as follows:

- (i) Departure of the 3 m side building line (eastern boundary) to 0 m;
- (ii) Departure of the 3 m side building line (northern boundary) to 2 m;
- (iii) Departure to allow access to the erf within 5 m of the splay.
- (iv) Departure of the required 5 on-site parking bays to 2.

C. The departure is subject to the following condition:

- (a) A financial contribution for the non-provision of on-site parking be made equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided;
- (b) The market value of the land is R130 x 72,5 m² (3 parking bays) =R9 425,00;
- (c) The contribution be paid at building plan stage;

D. **GENERAL**

- (a) 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;
- (b) The rates and taxes of the property be changed from residential to business as well as services;
- (c) 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 property does not consist of any physical restrictions which may impact negative on the application;
- (b) The impact of the proposed business on Rivier Street is deemed low;
- (c) There are not restrictions in the title deed which prevents the property to be used for business purposes;
- (d) Existing services are deemed sufficient to accommodate the proposed offices;
- (e) Erf 339 is situated on Rivier Street (activity corridor) which makes the proposed business use in compliance with the spatial planning of Kalbaskraal;
- (f) The application complies with the principles of SPLUMA and LUPA;

6.5/E...

- (g) The impact of the building line departures on the adjoining erven are deemed low;
- (h) Most of the clients of the shop will be pedestrians which makes the departure from the required on-site parking acceptable;
- (i) Access to Erf 322 from Rivier Street is closer than 5m of the splay which cannot be avoided due to the size, shape and street front (Rivier Street) of the erf;
- (j) No objections were made against the departure of development parameters of the proposed new shop building.

6.6 PROPOSED REZONING, SUBDIVISION, CONSOLIDATION AND CONSENT USE ON ERVEN 680 AND 327, MALMESBURY (15/3/3-8, 15/3/6-8, 15/3/12-8) (WARD 10)

Mr H Olivier, as author of the item, gave background on the application received for various land uses in order to formalise existing uses (public swimming pool, squash courts and roads).

The purpose of the application by Swartland Municipality is to improve land administration and asset management, enhance the utilisation of centrally located underutilised municipal land and to create opportunities for commercial development within the CBD of Malmesbury.

RESOLUTION

- A. The application for rezoning of Erf 680, Malmesbury from Split Zoning 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):
- B. The application for rezoning of Erf 327, Malmesbury from Split Zoning 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):
- C. The application for subdivision of Erf 680, Malmesbury be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- D. The application for subdivision of Erf 327, Malmesbury be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- E. The application for consolidation of the subdivided portions be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- F. The application for consent use on a portion of the consolidated property be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- G. The decisions A to F above are subject to the following conditions:

G1 TOWN PLANNING AND BUILDING CONTROL

- (a) The rezoning of erf 680, Malmesbury to make provision for the following land uses in accordance with rezoning plan, MAL/14820/NJdK dated September 2025:
 - (i) Open Space Zone 2
 - (ii) Business Zone 1
 - (iii) Transport Zone 2
- (b) The rezoning of erf 327, Malmesbury make provision for the following land uses in accordance with rezoning plan, MAL/14820/NJdK dated September 2025:
 - (i) Open Space Zone 2
 - (ii) Business Zone 1
 - (iii) Transport Zone 2
- (c) Erf 680 (9042m² in extent) be subdivided as follows:
 - (i) Portion A - ± 973m² (Open Space Zone 2)
 - (ii) Portion B - ± 1567m² (Business Zone 1)
 - (iii) Remainder - ± 6502m² (Transport Zone 2)

6.6/G1...

- (d) Erf 327 be subdivided as follows:
 - (i) Portion A - ± 11133m² (Open Space Zone 2)
 - (ii) Portion B - ± 1512m (Business Zone 1)
 - (iii) Remainder - ± 768.9201ha (Split Zoning – Municipal commonage)
- (e) Portion A (Portion of Erf 680) be consolidated with Portion A (portion of Erf 327);
- (f) Portion B (Portion of Erf 680) be consolidated with Portion B (portion of Erf 327);
- (g) The place of entertainment on the proposed consolidated property be restricted to accommodating the existing squash courts under the new zoning category, as presented in the application;

H. 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;
 - (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 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 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;
 - (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;
- I. The application be supported for the following reasons:
- (a) Aligning zoning and cadastral boundaries reinforces existing community-benefiting land uses and ensures continued access to public facilities;
 - (b) The creation of the business zone property provides for future business opportunities and economic activity within the CBD of Malmesbury;
 - (c) The main purpose of the application is to formalise existing uses each on their individual land unit ensuring effective land administration and asset management;
 - (d) The proposal is aligned with the strategic goals of the IDP as well as is regarded as consistent with the MSDF, 2025. It does not introduce new development or intensification, it only regularises existing community and recreational related uses on municipal land;
 - (e) The proposal results in reducing future planning and land-use management uncertainty on key municipal assets;
 - (f) The proposal strengthens the CBD by promoting the development of mixed uses within the CBD, assisting in the renewal as well as enhancement of the visual appeal of the CBD to be more vibrant and visitor friendly;
 - (g) The proposal will not adversely affect the sense of place of Malmesbury;
 - (h) Future development of the consolidated properties will be subject to the submission of a site development plan for consideration and approval. With such an application the municipality may require a public participation process for transparency;
 - (i) Public interest is positively served through improved administration and continued access to community assets as well as supporting the sustainable and efficient use of urban land as well as supporting economic growth and the revitalisation of the CBD.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**