



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM: CORPORATE SERVICES ON WEDNESDAY, 12 AUGUST 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
Town 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 10 JUNE 2026

RESOLUTION

(proposed by Ms C Havenga, seconded by Ms J S Krieger)

That the minutes of a Municipal Planning Tribunal Meeting held on 10 June 2026 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED SUBDIVISION AND CONSENT USE ON ERF 106, KORINGBERG (15/3/6-7, 15/3/10-7) (WARD 1)

Mr A J Burger, as author, presented the application for a subdivision of Erf 106, Koringberg (1388 m² in extent) into a remainder (694 m² in extent) and Portion A (694 m² in extent).

It is the intention to develop each subdivided property with a dwelling and second dwelling and a consent use is required as the second dwelling is larger than 60 m².

RESOLUTION

- A. The application for the subdivision of erf 106, Koringberg be approved in terms of Section 70 of the By-law, subject to the following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 106, Koringberg (1388m² in extent), be subdivided into Portion A (694m² in extent) and the Remainder (694m² in extent), as presented in the application on Subdivision plan no P1191-0-SUB-1rev1, dated February 2026;
- (b) New property diagrams be submitted to the Surveyor General, including proof to the satisfaction of the Surveyor General of:
 - (i) The municipality's decision to approve the subdivision;
 - (ii) The conditions of approval imposed in terms of section 76 of the By-Law; and
 - (iii) The approved subdivision plans;

A2 WATER

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

A3 SEWERAGE

- (a) Each subdivided portion be provided with a separate conservancy tank with a minimum capacity of 8000 liters which is accessible for the services truck from the municipal street. The condition is applicable at building plan stage;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R11 374,65 towards the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9195);
- (b) The owner/developer is responsible for the development charge of R10 732,95 towards bulk water reticulation, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9195);
- (c) The owner/developer is responsible for the development charge of R6 146,75 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: 9/240-184-9195);
- (d) The owner/developer is responsible for the development charge of R8 265,05 towards the waste water treatment works, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9195);
- (e) The owner/developer is responsible for the development charge of R18 145,85 towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9195);
- (f) Council resolution of May 2026 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2026/2027 and may be revised thereafter.

- B. The application for a consent use on the remainder and portion A of Erf 106, Koringberg be approved in terms of Section 70 of the By-law, as follows:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a second dwelling on the remainder and portion A as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

A2 WATER

- (a) A single water connection be provided and no additional connections will be provided;

A3 SEWERAGE

- (a) A conservancy tank with a minimum capacity of 8000 liters which is accessible for the services truck from the municipal street be provided. The condition is applicable at building plan stage;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R12 999,60 per second dwelling 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 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9195);
- (b) The owner/developer is responsible for the development charge of R12 264,75 per second dwelling towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9195);
- (c) The owner/developer is responsible for the development charge of R10 216,60 per second dwelling 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: 9/240-184-9195);
- (d) The owner/developer is responsible for the development charge of R13 739,05 per second dwelling towards the waste water treatment works, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9195);
- (e) The owner/developer is responsible for the development charge of R10 209,70 per second dwelling towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9195);
- (f) Council resolution of May 2026 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2026/2027 and may be revised thereafter;

C. 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) Should it become necessary to upgrade or extend any services, in order to provide amenities to either of the properties, it will be for the account of the owners/developers;
- (c) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- (d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision on the appeal;
- (e) All conditions of approval be implemented at subdivision stage, before clearance be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable;
- (f) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5 200,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

- D. That 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 proposed erf sizes with not distract from the character of the larger surrounding erven;
 - (c) The development proposal of 4 dwelling units will have a low impact on the character of the surrounding area in relation to the existing development potential of the properties;
 - (d) Access and services availability is sufficient to accommodate the development proposal;
 - (e) The application complies with principles of SPLUMA and LUPA;
 - (f) The application complies with the SDF;
 - (g) The impact on privacy and noise of the proposed development on the surrounding properties is deemed to be low.

6.2 PROPOSED CONSENT USE ON ERF 4822, MOORREESBURG (15/3/10-9) (WARD 2)

Ms A de Jager explained the application received for a consent use on Erf 4822, Moorreesburg with the aim to enable the property owner to legally utilise a portion of the dwelling on the property as a house shop.

Ms de Jager illustrated the locality of the proposed house shop within a cluster of residential blocks of ± 200 erven that is several kilometres from the Moorreesburg CBD and nearest secondary business node. The house shop is intended to promote convenience for the local community for obtaining essential goods.

RESOLUTION

- A. The application for a consent use on Erf 4822, Moorreesburg, is approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent authorises a house shop restricted to a floor area of 13m² in extent, in accordance with Site Plan 420~4822~Mrb, dated 10 April 2026, presented in the application;
- (b) Building plans, clearly indicating the house shop in relation to the dwelling, be submitted to the Senior Manager: Development Management, for consideration and approval;
- (c) Application for an advertising sign be submitted to the Senior Manager: Development Management, for consideration and approval. Only one sign, not exceeding the land unit boundaries with any part of it, be permitted and only indicating the name of the owner, name of the business and nature of the retail trade;
- (d) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (e) Application for a Certificate of Acceptability be submitted to the West Coast District Municipality for consideration and approval;
- (f) The operating hours of the house shop be restricted to between 6:00 and 21:00 daily;
- (g) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (h) 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;
- (i) The operation of the house shop not result in congestion/obstruction along Patrys Circle, therefore at least one on-site parking bay be provided in front of the house shop, for clients and deliveries;
- (j) No loitering be permitted anywhere on Erf 4822, Moorreesburg whether it be inside or outside the buildings on the erf or around any entrance to the erf;

- (k) The house shop operator and employees be responsible for discouraging loitering and dispatching loiterers from the property;
- (l) No more than three persons, including the occupant of the property, are permitted to be engaged in retail activities on the land unit;
- (m) Only pre-packaged food products be sold;
- (n) No food preparation be allowed in the house shop;
- (o) The following activities not be allowed for sale in the house shop:
 - (i) The sale of wine and alcoholic beverages;
 - (ii) Storage or sale of gas and gas containers;
 - (iii) Vending machines;
 - (iv) Video games; and
 - (v) Snooker or pool tables;

A2 WATER

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

A3 SEWERAGE

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

A4 STREETS AND STORM WATER

- (a) Deliveries to the property be made only by delivery vehicles not exceeding 16 000kg gross vehicle mass.

B. GENERAL

- (a) The approval letter from Swartland Municipality be displayed inside the house shop;
- (b) Compliance with all conditions of approval (submission of relevant applications) be undertaken within a period of 3 months from the date of the decision;
- (c) Failure to comply with all conditions of approval, obtaining an occupancy certificate and concluding all other necessary processes, will result in legal action to enforce compliance;
- (d) An occupancy certificate for building work completed in accordance with the approved building plan for the house shop be obtained within 6 months after the approval of the building plan;
- (e) Appeals against the decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Moorreesburg, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 200,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal 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 application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (b) The application complies with the land uses proposed for this area of Moorreesburg, as determined by the SDF;
- (c) This application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP;
- (d) The development parameters and requirements of the By-Law Zoning Scheme are complied with through imposing conditions of approval;
- (e) The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood;
- (f) The additional income generated by the house shop may enable the property owner to expand the dwelling unit in the future, which in turn may improve financial security;
- (g) The anticipated impact of the house shop on the surrounding community may be mitigated by specific conditions of approval;

6.2/C...

- (h) The number of house shops in the area is limited, but nonetheless is foreseen to create healthy economic competition and over time create economically robust businesses;
- (i) Individuals in the community retain their right to choose which business to frequent and cannot be forced to do business with one shop or another;
- (j) The approval of a consent use may be revoked in future if the use does not comply with the conditions of approval or if the use impact negatively on its surroundings.

6.3 PROPOSED DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 2071, YZERFONTEIN (15/3/4-14) (WARD 5)

Mr A J Burger, the author of the item, explained that an application was received for the departure of development parameters on Erf 2071, Yzerfontein of the 2 m rear building line to 0 m, and the 1,5 m side building line (southern boundary) to 0 m for the erection of a garage.

RESOLUTION

- A. The application for the departure of development parameters on erf 2071, Yzerfontein be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

- 1. Departure of the 2 m rear building line to 0 m and
- 2. Departure of the 1,5 m side building line (southern boundary) to 0 m for the erection of a garage.

B. 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 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 R5 200,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

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

- (a) The application complies with the principles of LUPA and SPLUMA;
- (b) The existing structure on Erf 2071 already has an adverse impact on the privacy and light exposure of erf 2075 which is within the land use rights of the property. The impact of the proposed garage is deemed to be minimal;
- (c) The visual impact of the proposed garage from erf 2075 will be no different than that of a boundary wall of 2,85m in height;
- (d) The concrete roof of the proposed garage will not be used as an outdoor living area/balcony;
- (e) The potential impact on the property value of erf 2075 is speculative;
- (f) The development proposal is in compliance with the title deed restrictions applicable to the property.

6.4 PROPOSED CONSENT USE ON PORTION 5 OF FARM DOORNEKRAAL NO 830, DIVISION MALMESBURY (15/3/10-15) (WARD 7)

The author, Mr A J Burger, presented the application received for consent use on Portion 5 of Farm Doornekraal No 830, Division Malmesbury, to permit mining activities over an area of 81,13 ha for the extraction of sand and clay.

Mr Burger advised/...

6.4/...

Mr Burger advised that the Municipality is currently considering a separate land use application relating to composting activities on the property. He further noted that other activities, including a transport business, are allegedly being conducted on the property without the required authorisation.

Following discussion, it was agreed that a single comprehensive land use application addressing all activities on the property would be more appropriate. This approach would support informed and coordinated decision-making by the relevant authorities and enable proper consideration of the cumulative impact of the activities on agricultural land.

RESOLUTION

That the application by referred back to the applicant for the following reasons:

- (a) the application for a consent use on Portion 5 of Farm Doornekraal No 830, Division Malmesbury, to permit a mine of 81,31 ha in extent for the extraction of sand and clay, cannot be considered independently of other existing, alleged unauthorised, pending and proposed activities occurring on the property, as such activities may have a cumulative effect on the suitability, desirability and impact of the proposed land use;
- (b) the pending land use application for the composting activities, and together with any other existing, unauthorised, pending or proposed land use activities on the property must be consolidated into a single comprehensive land use application. This will enable a holistic assessment of the cumulative impact of all activities and to facilitate coordinated decision-making by the relevant authorities, particularly in light of the Western Cape Department of Agriculture's objection to the proposed mining activities;
- (c) The cumulative impact of the different land uses on the farm may trigger the requirement of additional environmental and heritage applications/approvals as well as the need for further specialist studies, e.g. Traffic Studies, Engineering Reports, Stormwater Management Plans, Soil Assessments etc. The necessary confirmations in this regard need to be submitted with such a land use application and confirmed with the municipality and relevant authorities;
- (d) the consolidated application to include a detailed site development plan to determine adherence to land use provisions, set back requirements (as determined in the environmental authorisation) and the impact thereof on adjacent properties;
- (e) the Municipal Planning Tribunal is not satisfied that it is in possession of sufficient information to assess the cumulative impact of the proposed mining operation in conjunction with the existing, pending and proposed activities on the property. Consideration of the mining application in isolation may result in a fragmented assessment of land use impacts and may undermine the Tribunal's ability to properly evaluate the desirability of the proposed application, its compatibility with surrounding land uses, and its effect on agricultural resources, transportation networks, environmental systems and neighbouring affected properties. A consolidated application is therefore required to ensure that the municipality as well all relevant authorities consider the full extent of existing and proposed land use activities on the subject property as well as any related statutory authorisation requirements;
- (f) the Municipality be provided with written confirmation from the Environmental Control Officer that all requirements regarding the rehabilitation of the closed mine with reference to the closure certificate dated 22 January 2026 were adhered to, before the land use rights to the new mine can be considered.

6.5 PROPOSED SUBDIVISION OF ERF 119, RIEBEEK KASTEEL (15/3/6-11) (WARD 12)

Mr H Olivier, as author, tabled the application for subdivision of Erf 119, Riebeeck Kasteel (1660 m² in extent) into a remainder (±992 m² in extent) and Portion A (668 m² in extent).

Erf 119, Riebeeck Kasteel/...

Erf 119, Riebeek Kasteel is zoned Residential zone 1 and is currently developed with a dwelling as well as a second dwelling. The proposed erf sizes of >650 m² are in keeping with the erf sizes of the surrounding properties and will not adversely affect the character of the area.

RESOLUTION

- A. The application for the subdivision of Erf 119, Riebeek Kasteel 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 119, Riebeek Kasteel (1660m² in extent) be subdivided into portion A (668m² in extent) and Remainder (992m² in extent) as presented in the application;
- (b) Building plans, for any existing buildings on the property without building plan approval, be submitted to the Senior Manager Development Management for consideration and approval;

A2 WATER

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

A3 SEWERAGE

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

A4 DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for a development charge of R5 687, 33 toward the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer be responsible for the development charge of R5 366, 48 towards bulk water reticulation, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer be responsible for the development charge of R3 073,38 towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R4 132,53 towards the wastewater treatment works at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R9 392,63 towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (f) The Council resolution of May 2026 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2026/2027 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 of the approval letter. A fee of R5 200, 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 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. Approval of the subdivision only creates two cadastral units and does not grant any additional land use rights beyond those already provided for in terms of Residential Zone 1 zoning;
- (h) Approval of this subdivision does not set a precedent for undesired densification in the area. Each land use application is 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;
- (k) 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;
- (l) The concerns raised have been considered but do not constitute sufficient planning grounds to outweigh the desirability of the proposal, its consistency with the MSDF, compliance with zoning controls, availability of engineering services and the efficient utilisation of serviced urban land.

6.6 PROPOSED SUBDIVISION OF ERF 30, RIEBEEK KASTEEL (15/3/6-11) (WARD 12)

The author, Mr H Olivier, presented the application for the subdivision of Erf 30, Riebeek Kasteel into four additional Residential Zone 1 erven, a residential remainder and two small transport zone splays.

Mr Olivier confirmed that the application for the proposed subdivision was previously approved by the Tribunal on 28 November 2018, but the approval lapsed due to conditions not being met within the validity period.

Resolution/...

RESOLUTION

- A. The application for the subdivision of Erf 30, Riebeek Kasteel 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 30, Riebeek Kasteel (3212m² in extent) be subdivided into a remainder (±1004m² in extent), Portion A (500m²), Portion B (519m²), Portion C (501m²), Portion D (662m²), Portion E (13m²) as well as Portion F (13m²) as indicated on the approved subdivision plan dated March 2026 with reference no. RK/15116/MV.;
- (b) Building plans, for the conversion of the outbuilding/s on proposed portion D into a dwelling, before transfer of the said portion, be submitted to the Senior Manager Development Management for consideration and approval;

A2 WATER

- (a) Each subdivided portion be provided with a separate water connection. This condition is applicable at clearance stage for the remainder and Portion D as well as on building plan stage in terms of Portions A, B and C;

A3 SEWERAGE

- (b) Each subdivided portion be provided with a separate sewer connection at subdivision stage;
- (c) The sewer network be extended in order to provide each subdivided portion with a separate connection. For this purpose, the developer appoint an engineer appropriately registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000) to design the extension. 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 appointed engineer;
- (d) The sewer pipeline to be installed be protected by means of a 2 metre wide servitude;

A4 DEVELOPMENT CHARGES

- (a) In respect of Portion A, B and C (>350m² in extent) as indicated on the approved subdivision plan dated March 2026 with reference no. RK/15116/MV.
- (b) The owner/developer be responsible for a development charge of R 12 999,60 per newly created portion toward the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9210);
- (c) The owner/developer be responsible for the development charge of R12 264,75 per newly created portion towards bulk water reticulation, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (d) The owner/developer be responsible for the development charge of R8 940, 10 per newly created portion towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (e) The owner/developer is responsible for the development charge of R12 020, 95 per newly created portion towards the wastewater treatment works at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (f) The owner/developer is responsible for the development charge of R17 986, 00 per newly created portion towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (g) **In respect of proposed portion D** (>650m² in extent) as indicated on the approved subdivision plan dated March 2026 with Reference no. RK/15116/MV.
- (h) The owner/developer be responsible for a development charge of R 25 999, 20 toward the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA 9/249-176-9210);

- (i) The owner/developer be responsible for the development charge of R24 530, 65 towards bulk water reticulation, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (j) The owner/developer be responsible for the development charge of R14 048, 40 towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (k) The owner/developer is responsible for the development charge of R18 891, 05 towards the wastewater treatment works at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (l) The owner/developer is responsible for the development charge of R19 984, 70 towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2026/2027 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (m) The Council resolution of May 2026 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2026/2027 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 of the approval letter. A fee of R5 200,00 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 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. Approval of the subdivision creates five Residential Zone 1 cadastral units and two transport zone splays and does not grant any additional land use rights beyond those already provided for in terms of Residential Zone 1 zoning;

6.6/C...

- (h) Approval of this subdivision does not set a precedent for undesired densification in the area. Each land use application is assessed on its own merits in terms of zoning, infrastructure capacity, environmental constraints, and conformity with adopted spatial policy;
- (i) The subdivision introduces only 4 additional dwelling opportunities, 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;
- (k) 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;
- (l) The concerns raised have been considered but do not constitute sufficient planning grounds to outweigh the desirability of the proposal, its consistency with the MSDP, compliance with zoning controls, availability of engineering services and the efficient utilisation of serviced urban land.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**