



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY,
13 AUGUST 2025 AT 16:00**

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

1. OPENING

The chairperson opened the meeting and welcomed members with a special word of welcome to the Director: Development Services at her first meeting serving as internal member on the Municipal Planning Tribunal.

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 11 JUNE 2025

RESOLUTION

(proposed by Ms C Havenga, seconded by Mr J J Scholtz)

That the minutes of a Municipal Planning Tribunal Meeting held on 11 June 2025 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

**6.1 PROPOSED SUBDIVISION AND DEPARTURE ON ERF 1801, RIEBEEK WEST (15/3/4-12;
15/3/6-12) (WARD 3)**

Ms A de Jager, on behalf of the author, Mr A J Burger, gave the background to the proposed land use received for the subdivision of and departure on Erf 1801, Riebeeek West.

The property will/...

6.1/...

The property will be cadastrally subdivided to accommodate a dwelling unit on each separate erf. Ms de Jager explained that the proposed subdivision and development proposal complies with the spatial planning principles of densification, optimal use of existing infrastructure and compliance with the minimum erf size of 500 m².

RESOLUTION

A. The application for the subdivision of Erf 1801, Riebeek 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 following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 1801 (1003m² in extent), be subdivided into a remainder (501,5m² in extent) and portion A (501,5m² in extent) as presented in the application;
- (b) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with;

A2 WATER

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

A3 SEWERAGE

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

A4 DEVELOPMENT CHARGES

- (a) The owner/developer be responsible for the development charge of R4 591,95 per newly created erf 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 R6 177,80 per newly created erf towards the 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 R13 476,85 per newly created erf towards roads and storm water, 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. The application for the departure of development parameters on the remainder Erf 1801, be approved in terms of Section 70 of the By-law, as follows:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) Departure on the remainder of the 1,5 m side building line (northern boundary) to 0 m;
- (b) Departure on portion A of the 1,5 building line (southern boundary) to 0 m.

C. GENERAL

- (a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal;
- (c) All conditions of approval be implemented before the new land uses come into operation and failing to do so the approval will lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent, and the approval period will no longer be applicable;

6.1/C...

- (d) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, 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.

D. That the application be supported for the following reasons:

- (a) The proposed subdivision supports LUPA and SPLUMA and adhered to minimum erf sizes requirement;
- (b) The proposed development effectively caters for future residential needs in new housing opportunities;
- (c) The optimal use of services leads to more affordable infrastructure provision;
- (d) The proposed subdivision will limit urban sprawl within the Riebeeck West area;
- (e) The development is consistent with the Swartland SDF by promoting residential integration;
- (f) The development also supports the SDF by promoting densification within the existing urban area;
- (g) The zoning of the property will remain unchanged;
- (h) The proposal will not have an adverse impact on the character of the area;
- (i) There are no physical restrictions on the property that will negatively affect the proposed use;
- (j) The development also promotes compactness within existing urban areas;
- (k) The departure of the building lines have no impact on the surrounding owners.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**