



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 19 NOVEMBER 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
Mr C Rabie

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

The apology received from the Director: Corporate Services, Ms M S Terblanche, be noted.

3. DECLARATION OF INTEREST

No declarations were made.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 15 OCTOBER 2025

RESOLUTION

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

That the minutes of a Municipal Planning Tribunal Meeting held on 15 October 2025 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE OF ERVEN 326, 327, 2244, 2267 AND 2106, RIEBEEK WEST

Mr H Olivier gave background to the application received and mentioned that a request was received from Group 35 (Pty) Ltd to acquire the adjacent land to their property from the

Municipality for the expansion of their business. The council granted approval, subject to conditions, for the alienation of portions of Erven 2244 and 2267, Riebeeek West to Group 35 (Pty) Ltd for consolidation with Erf 2106.

The expansion included building of new silos for the existing flour mill, establishing an extrusion plant, constructing a storage warehouse and setting up a bakery. After various interactions with the Division Town Planning and Department Civil Engineering services on concerns, among other, the requirement to provide engineering reports, traffic impact studies, inconsistency with the provisions of the Industrial Zone 1 zoning, etc. the application was amended to limit the proposal to the development of a new storage warehouse only.

RESOLUTION

- A. The application for rezoning of erven 326, 327, 2244 and 2267 from Open Space Zone 1 and Transport Zone 2 respectively to Sub divisional Area be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) in accordance with Subdivision Plan Ref RW/13808/RP dated April 2024;
- B. The application for the subdivision of erven 326, 327, 2244 and 2267, Riebeeek West be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) in accordance with Subdivision Plan Ref RW/13808/RP dated April 2024;
- C. The application for consolidation of portions A, B, C & D with erf 2106, Riebeeek West, be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) in accordance with Consolidation Plan Ref RW/13808/RP dated April 2024;
- D. The application for closure of public places portions A, B, C & D be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- E. The decisions A, B, C and D above are subject to the following conditions:

E1 TOWN PLANNING AND BUILDING CONTROL

- (a) The subdivisional area allows for the following zoning categories:
 - (i). Erf 326 – Industrial Zone 1 (1948m² in extent) and Transport Zone 2 (28 836m² in extent);
 - (ii). Erf 327 – Industrial Zone 1 (61m² in extent) and Transport Zone 2 (74 314m² in extent);
 - (iii). Erf 2244 – Industrial Zone 1 (4528m² in extent) and Open Space Zone 1 (5512m² in extent);
 - (iv). Erf 2267 – Industrial Zone 1 (3375m² in extent) and Open Space Zone 1 (7864m² in extent);
- (b) The subject properties be subdivided as follows:
 - (i). Erf 2244 – (10 040m² in extent) into a remainder (5512m² in extent) and portion A (4528m² in extent);
 - (ii). Erf 2267 – (11 239m² in extent) into a remainder (7864m² in extent) and portion B (3375m² in extent);
 - (iii). Erf 326 – (30 784m² in extent) into a remainder (28 836m² in extent) and portion C (1948m² in extent);
 - (iv). Erf 327 – (74 375m² in extent) into a remainder (74 314m² in extent) and portion D (61m² in extent);
- (c) The portions of public place be closed as follows:
 - (i). Portion A (4528m² in extent) of erf 2244 (park);
 - (ii). Portion B (3375m² in extent) of erf 2267 (park);
 - (iii). Portion C (1948m² in extent) of erf 326 (street);
 - (iv). Portion D (61m² in extent) of erf 327 (street);
- (d) Portions A, B, C and D be consolidated with erf 2106 to create one large erf 0 ±21 154m² in extent;
- (e) Building plans to be submitted to the Senior Manager: Development Management for consideration and approval;

E2 WATER

- (a) The consolidated erf be provided with a single water connection;

E3 SEWERAGE

- (a) The consolidated erf be provided with a single sewer connection;

E4 STREETS AND STORMWATER

- (a) Access may not be taken to or from Conniffe January Street, therefore access to the consolidated erf may only be taken to and from the existing access of Rudie du Plooy Street via Station Road. It is therefore required that the applicant install a barricade, to the satisfaction of the Director Civil Engineering Services, between the road reserve of Conniffe January Street and the consolidated property.
- (b) The parking areas be built to a permanent surface standard. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the parking areas. 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 Engineer;
- (c) The development be provided with an internal storm water network which ensures that the runoff, after the development is completed, is the same as before the development. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the storm water network. 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 Engineer;
- (d) As contained in the land acquisition requirements the storm water network via Long Street be formalised. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the necessary upgrade. 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 Engineer;

E5 DEVELOPMENT CHARGES

- (a) The relevant development charges be calculated on building plan stage;

E6 GENERAL

- (a) Cognisance be taken of the contents of the letter from ESKOM dated 3 July 2024 with reference no. 15140-24. The applicant therefore should apply for the applicable working permit before any construction commence;
- (b) 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;
- (c) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (d) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (e) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval 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.
- (f) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

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F. The application be supported for the following reasons:

- (a) The proposed development is consistent with the Swartland MSDF, 2025;
- (b) The development is located within the urban edge and aligns with the land use proposal Zone B designated for industrial use;
- (c) The application supports the matters referred to in SPLUMA as well as the land development principles contained in LUPA;
- (d) The proposal supports the strategic goals for economic transformation, the optimisation of space and infrastructure within the urban edge, as well as community upliftment through job creation. It is therefore aligned with the Swartland IDP, 2025;
- (e) The proposal aligns with local, district as well as Provincial Spatial Development Frameworks, promoting a compact, integrated, and economically vibrant settlement;
- (f) The proposal will contribute to local economic development through job creation in the short and long term;
- (g) It supports agriculture and agri-processing enhancing the economic resilience of Riebeek West contributing not only to the character of the town but also to food security and affordability;
- (h) The expansion and future plans deepen the applicant's commitment to Riebeek West and contributes to long term socio economic development;
- (i) Vacant municipal land is proposed to be consolidated with an existing industrial erf, maximizing functionality as well as contributing to the value of land;
- (j) As proposed development will have a minimal impact on existing infrastructure and any potential upgrading will be for the developers account;
- (k) The proposal still ensures a buffer of between 30m and 55m between residential areas and the proposed expansion mitigating potential noise and environmental impacts;
- (l) The amended proposal complies with the objective and parameters of the Industrial Zone 1 zoning, future phases will be subject to its own land use and public participation processes;
- (m) Access to Conniffe January Street is prohibited as contained in the conditions of approval the amended proposal will have a minimal impact on the neighbouring residential area.

6.2 PROPOSED REZONING, SUBDIVISION AND CONSOLIDATION OF ERVEN 3986 AND 7841, RIVERLANDS (15/3/3-13, 15/3/6-13, 15/3/12-13)

Mr H Olivier provided an overview of the history of Erven 3986 and 7841, Erf 3986 being a so called "black dot" erven in the Greater Chatsworth (Riverlands) surrounded by Erf 7841 which is zoned as Open Space Zone 1 and owned by the Municipality.

It was the intention of the Municipality to acquire Erf 3986 to enable consolidated management of both erven. However, during a public auction of Erf 3986 in 2024 the erf was sold into private ownership.

Given the impractical layout of Erf 3986 surrounded by Erf 7841, the Municipality proposed a realignment of erf boundaries to create two functional properties, namely

- Property 1 (± 2623 m²): To be rezoned to Community Zone 3 and allocated to the municipality for community facilities.
- Property 2 (± 2422 m²): To be rezoned to Business Zone 2 and allocated to Mr. Leon to accommodate shops.

Therefore, an application was received for the rezoning, subdivision and consolidation of Erven 3986 and 7841 in Greater Chatsworth (Riverlands) to rectify the irregular cadastral layout and unlock the development potential of the said properties.

RESOLUTION

- A. The application for rezoning of Erven 3986 and 7841, Riverlands from Open Space Zone 1 to Subdivisional area be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

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- B. The application for subdivision of Erven 3986 and 7841 be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. The application for consolidation of Erven 3986 and 7841, Riverlands be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- D. The decisions A, B and C above are subject to the conditions:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) The rezoning be restricted to make provision for the following land uses namely;
 - (i). Community zone 3 (2632m²)
 - (ii). Business zone 2 (2422m²)
- (b) The subdivision be restricted to erf 3986 (1983m² in extent) being subdivided in a remainder (1104m² in extent) and a Portion A (879m² in extent) as well as erf 7841 (3062m² in extent) being subdivided in a remainder (1744m² in extent) and Portion A (1318m² in extent);
- (c) The consolidation be restricted to the consolidation of portion A (portion of Erf 3986) with the remainder of Erf 7841 (2623m² in extent) zoned as community zone 3 as well as portion A (portion of Erf 7841) being consolidated with the remainder of Erf 3986 (2422m² in extent) zoned as Business Zone 2;
- (d) The proposed Business Zone 2 property be developed in accordance with the site development plan presented in the application;

D2 WATER

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

D3 SEWERAGE

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

D4 STREETS AND STORM WATER

- (a) The proposed parking spaces as well as the area between the sidewalk and the surface of the road be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by the Municipality and constructed to the satisfaction of the Director: Civil Engineering Services;

D5 DEVELOPMENT CHARGES

- (a) Development charges for the proposed shops be calculated at building plan stage;

E. GENERAL

- (a) If the extension of existing services should be necessary in order to provide the subdivided portion of service connections it will be at the cost of the applicant;
- (b) The approval is, in terms of section 76(2) (w) of the By-Law, valid for a period of 5 years. All conditions of approval be complied with before occupancy certificate be issued and failing to do so may result in administrative action;
- (c) The approval does not exempt the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (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;

F. The application be supported for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on this application;
- (b) There are no restrictions registered against the title deeds of the properties that prohibits the proposed application;

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- (c) The surveyor general confirmed that both properties are ordinary properties and therefore not deemed public open space;
- (d) Being situated within the town it is clear that although the property is in close proximity to the Riverlands Nature Reserve, due to fragmentation as well as lack of proper protection the property is now of little to no conservation value. Sustainable development is based on 3 key concepts, including Environmental, Economic and Social sustainability. In this specific case and due to the fragmented location of the property from any other area that is of conservation value as well as the fact that it has been heavily disrupted over the past 27 years, the economic and social benefit far outweighs any environmental benefit that may be left;
- (e) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels as discussed above;
- (f) The proposed application will not have a negative impact on the character of the area;
- (g) Mixed use is supported along activity streets;
- (h) 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.

6.3 PROPOSED CONSENT USE ON ERF 73, ABBOTSDALE (15/3/10-1)

Mr A J Burger mentioned the application received for a consent use on Erf 73, Abbotsdale for the operation of a house shop.

Mr Burger confirmed that, in accordance with the legislation and policy frameworks, the proposed house shop is in contradiction with the spatial planning of Abbotsdale as business uses are restricted to activity streets/corridors.

Mr Rabie confirmed that no site specific circumstances were motivated by the applicant and therefore the application is deemed undesirable.

RESOLUTION

- A. The application for a consent use on Erf 73, Abbotsdale, be refused in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. **GENERAL**
 - (a) Appeals against the decision should 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 000,00 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;
 - (b) The objector be notified accordingly of the outcome of the decision;
- C. The application be refused for the following reasons:
 - (a) The proposed house shop is not complementary to the residential character of the area and will have a negative impact;
 - (b) The proposed use is in contradiction with the spatial planning of Abbotsdale;
 - (c) The application does not comply with the principle of SPLUMA and LUPA;
 - (d) The Municipal Planning Tribunal may not, in terms of Section 22(1) of SPLUMA approve a land use application that is inconsistent with the Municipal Spatial Development Framework (SDF) and no site specific circumstances were motivated in the application to, in terms of Section 22(2) of SPLUMA, justify a departure from the provisions of the SDF.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**