



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY, 6 MAY 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

Other officials:

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

That the apologies received from Ms C Havenga and Mr A M Zaayman and 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 16 APRIL 2026

RESOLUTION

(proposed by Ms M S Terblanche, seconded by Mr C Rabie)

That the minutes of a Municipal Planning Tribunal Meeting held on 16 April 2026 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED REZONING OF ERF 5095, MOORREESBURG

The chairperson requested Ms A de Jager, the author of the report, to give background on the application received for the rezoning of Erf 5095, Moorreesburg from Residential Zone 1 to Business Zone 2: General Business to facilitate a business premises in the form of a neighbourhood shop.

Ms de Jager/...

Ms de Jager confirmed the location of Erf 5095, Moorreesburg in a transitional zone between the low density, rural residential character of Hooikraal towards the west and the high-density, subsidised residential development towards the east. The site is located on the crossing between two activity streets, namely Omega Street and Vierdelaan/Palmboom Street. Therefore, Erf 5095 is clearly located on a pivotal junction between the two established and developing areas.

RESOLUTION

- A. The application for the rezoning of Erf 5095, Moorreesburg, from Residential Zone 1 to Business Zone 2, 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) A portion of Erf 5095 (412m² in extent) be rezoned from Residential Zone 1 to Business Zone 2, in accordance with Rezoning Plan 411~5095~Mrb, dated 25 November 2025, as presented in the application;
- (b) The operating hours of any business on the property be restricted to 6:00 – 21:00 from Monday to Sunday;
- (c) Building plans, clearly illustrating the various uses and floor area of each use within the building, be submitted to the Senior Manager: Development Management, for consideration and approval;
- (d) The minimum of four (4) 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) 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;
- (g) A trade licence be obtained from Swartland Municipality for the operation of the business premises;
- (h) Application be made to the West Coast District Municipality for a compliance certificate and that a copy of said certificate be made available to Swartland Municipality;
- (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 5095, Moorreesburg, 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;

A3 SEWERAGE

- (a) The property be provided with a single sewerage connection;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R14 103,20 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 R5 236,15 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)/...

- (c) The owner/developer is responsible for the development charge of R3 665,30 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 R11 007,20 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 R24 964,15 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. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) Should it in future be determined necessary to extend or upgrade any engineering service in order to provide the development with services, it will be for the account of the owner/developer;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable.
- (d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

C. The application be supported for the following reasons:

- (a) The 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;
- (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 transitional zone, as identified by the SDF;
- (e) The development is considered desirable in the location of the intersection of two activity streets;
- (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;

6.1/C...

- (j) Should the area surrounding Erf 5095 develop in accordance with the SDF over time, the rezoning, will integrate seamlessly with the character of an activity street and transitional area;
- (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 the form of a dwelling, only on a small portion of the erf, such as can be expected in a rural residential neighbourhood.

6.2 PROPOSED SUBDIVISION OF ERF 1510, RIEBEEK WEST (15/3/6-12, 15/3/8-12)

The author of the item, Mr H Olivier, explained that application is made for the subdivision of Erf 1510, Riebeeck West into three portions, together with the registration of reciprocal right-of-way servitudes to ensure adequate access.

Mr Olivier confirmed that the proposed erf sizes comply with the minimum erf size of 500 m² as prescribed by the Municipal Spatial Development Framework (MSDF), 2025 and is regarded as densification and the optimal use of land and infrastructure.

RESOLUTION

- A. The application for the subdivision of Erf 1510, 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):
- B. The application for the registration of right of way servitudes be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020):
- C. Both decisions mentioned in A. and B. above be subject to the conditions that:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 1510, Riebeeck West (2426m² in extent) be subdivided into Portion A (±815m² in extent), Portion B (±805m²) and a Remainder (±806m² in extent) as presented in the application;
- (b) A reciprocal right of way servitude (3m wide each) be registered on Portion A in favour of Portion B as well as on Portion B in favour of Portion A, as presented in the application;

C2 WATER

- (a) Each subdivided portion be provided with a separate water connection. The water meter installation be positioned at the erf boundary with Kerk Street. This condition is applicable at building plan stage;

C3 SEWERAGE

- (a) Measures be implemented, to the satisfaction of the Director: Civil Engineering Services, to ensure the practical removal of sewerage from the subdivided properties. This condition is the responsibility of the owner/developer and is therefore applicable at clearance stage;

C4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R15 726, 36 towards the bulk supply of regional water, at clearance stage. The amount is payable per newly created portion to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b)/...

- (b) The owner/developer is responsible for the development charge of R14 969,86 towards bulk water distribution, at clearance stage. The amount is payable per newly created portion 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 R8 572, 39 towards sewerage, at clearance stage. The amount is payable per newly created portion 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 R11 528,35 towards wastewater treatment works at clearance stage. The amount is payable per newly created portion 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 R15 899,67 towards roads, at clearance stage. The amount is payable per newly created portion 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 can be revised thereafter;

D. 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 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.

E. 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 500m²;
- (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) 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;

6.2/E...

- (h) The subdivision introduces only two additional dwelling opportunities, resulting in a modest and acceptable increase in local traffic volumes consistent with residential streets;
- (i) On-site parking requirements remain enforceable through the development management scheme at building plan stage;
- (j) The Department: Civil Engineering Services confirmed that water, sewer, and access can be provided to the newly created portions subject to the installation of separate connections and compliance with the engineering conditions imposed;
- (k) Development charges have been levied, ensuring that the development contributes proportionately to infrastructure provision and long-term service sustainability;
- (l) 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, or the area's character;
- (m) 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.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**