



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:  
CORPORATE SERVICES ON THURSDAY, 16 APRIL 2026 AT 14:00**

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**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**

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 MARCH 2026**

**RESOLUTION**

(proposed by Ms C Havenga, seconded by Mr C Rabie)

That the minutes of a Municipal Planning Tribunal Meeting held on 11 March 2026 are approved and signed by the chairperson.

**5. MATTERS ARISING FROM MINUTES**

None.

**6. MATTERS FOR CONSIDERATION**

**6.1 PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 310, YZERFONTEIN (15/3/4-14, 15/3/5-14, 15/3/10-14) (WARD 5)**

Mr H Olivier, as author, gave background to the application for removal of restrictive conditions on Erf 310, Yzerfontein to remove the restriction of the number of residential units.

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It is the intention of the owner to erect a double dwelling and therefore the application for a consent use as the second dwelling (69 m<sup>2</sup> in extent) is larger than <60 m<sup>2</sup> as required.

The application for the departures from the development parameters on Erf 310, Yzerfontein is not supported as the stated need by the applicant can be accommodated without relaxation.

## **RESOLUTION**

- A. The application for the removal of title deed restrictions on Erf 310, Yzerfontein, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), in order to remove the restrictive conditions C.I.3 registered in Title Deed T65461/1994, subject to the conditions that:

### **A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The restrictions to be removed read as follows:

*"... C I. 3. That not more than one dwelling, together with the necessary outbuildings and appurtenances be erected on the erf..."*

- (b) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the removal of the restrictive conditions;
- (c) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
- (i) Copy of the approval by Swartland Municipality;
  - (ii) Original title deed, and
  - (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
- (d) A copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;

- B. The application for the consent use on Erf 310, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions:

### **B1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use authorizes a double dwelling house, as presented in the application;
- (b) The double dwelling adheres to the applicable development parameters and the lower ground level not be used as a third dwelling unit;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) Any revised design comply with applicable building lines or be re-applied for, together with any previously omitted building line deviations. The new application be subject to a new public participation process to the satisfaction of the Senior Manager: Development Management;

### **B2 WATER**

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

### **B3 SEWERAGE**

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

### **B4 DEVELOPMENT CHARGES**

- (a) The development charge towards the supply of regional bulk water amounts to R 12 263, 60 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R1 114, 35 and is payable by the owner/developer at building plan stage. The amount is due

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- to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards sewerage amounts to R 5 584, 40 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA 9/240-184-9210);
  - (d) The development charge towards wastewater treatment amounts to R 13 549, 30 and is for the account of the owner/developer 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 development charge towards streets amounts to R 7 632, 55 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA 9/249-188-9210);
  - (f) The development charge towards electricity amounts to R 11 927, 67 and is payable by the owner/developer 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 9/253-164-9210);
  - (g) 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.

C. The application for departure of the development parameters on Erf 310, Yzerfontein, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) for the reasons as set out below;

D. **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) 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 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;
- (d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued 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.
- (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 R5 000,00 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. In terms of the removal of restriction application the proposal is supported for the following reasons:

- (a) It is determined that the restrictive condition serves a legitimate purpose, namely regulating dwelling numbers to protect the coordinated character of the township. Its purpose has been fully considered and acknowledged, and the Municipality accepts that such conditions carry reciprocal rights for all property owners in the township. However, in this particular case, the extent to which the condition continues to provide material benefit to surrounding property owners is limited, as all other protective mechanisms, such as height, coverage, building lines, and general development parameters, remain fully applicable under the development management scheme;

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- (b) The removal of the restriction does not result in a significant deprivation of rights of neighbouring affected properties;
  - (c) The social benefit of retaining the restriction is limited, as dwelling-number controls no longer function as the primary mechanism for protecting neighbourhood character. That role is now fulfilled by uniform zoning parameters. Retention would therefore not meaningfully enhance public interest beyond what the development management scheme already regulates. Neighbouring owners continue to enjoy all remaining restrictions in the title deed as well as the full protection of the zoning scheme;
  - (d) Removal of the condition enables the applicant to apply for a land use (double dwelling) that is expressly contemplated as a consent use under Residential Zone 1 and is consistent with the spatial planning instruments of the Municipality and Province. This supports efficient use of serviced urban land, aligned with the applicable spatial policy and SPLUMA principles;
- F. In terms of the consent use application the proposal is supported for the following reasons:
- (a) The use is compatible with the predominantly residential character and represents context-appropriate densification supported by the policy direction toward compact growth as contained in municipal, district as well as provincial Spatial Development Frameworks;
  - (b) A double dwelling is accommodated as a consent use under Residential Zone 1 of the development management scheme;
  - (c) The development proposal supports the optimal utilisation of the property as well as the use of existing municipal engineering services;
  - (d) The second dwelling provides in a need for a larger variety of housing opportunities to the wider population;
  - (e) The development proposal will not negatively impact on the character of Yzerfontein;
  - (f) The development will not have a significant impact on traffic volumes or safety, and with sufficient on-site parking being provided the proposed access from Junction Road as well as Main Street is deemed safe and appropriate for a residential use;
  - (g) No substantiated, policy-based objection was lodged against the land use itself; objections targeted the departures;
- G. In terms of the application for departure of the development parameters:
- (a) The applicant did not demonstrate why compliance cannot reasonably be achieved on-site; the Municipality is satisfied that the stated need can be accommodated without relaxation;
  - (b) The motivation references “established built form” created by unauthorised structures; such works cannot justify new encroachments;
  - (c) The submitted plan indicates an additional side building line shortfall (first-floor main bedroom at 1.37 m vs 1.5 m) that was not included or advertised as part of the application, which independently prevents approving the departures as tabled;
  - (d) Approving non-essential departures where compliance is feasible would unnecessarily erode the orderly application of the development management scheme. The refusal preserves the spatial order intended by building lines without undermining the supported double-dwelling land use.

## **6.2 PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL ON PORTION 35 OF THE FARM JACOBUS KRAAL NO 554, DIVISION MALMESBURY (15/3/3-15, 15/3/10-15) (WARD 5)**

The author, Mr H Olivier, gave the background to the land-uses that was approved since 2017 on Portion 35 of the Farm Jacobus Kraal No 554, Division Malmesbury which included the following:

- Agricultural Zone 1 with consent for 3 additional dwelling units and a tourist facility (1 371m<sup>2</sup> in extent).
- Agricultural Zone 2, limited to an agricultural industry (Gin distillery) of 70m<sup>2</sup> in extent.
- Resort Zone (±2200m<sup>2</sup>).

The owner has since undertaken extensions that exceed the approved areas as well as intends to accommodate new uses as part of the tourism facility and therefore application is made for the amendment of the 2020 approval which relates to:

- Increasing the footprint of the Agricultural Zone 2 zoning from 70m<sup>2</sup> to 194m<sup>2</sup> in extent.
- Increasing the footprint of the Tourist Facility from 1344m<sup>2</sup> to 9265m<sup>2</sup> in extent which includes 2 padel courts.
- Replacement of 2 camping sites with additional cottages under the Resort Zone zoning.

## RESOLUTION

- A. The application for the amendment of conditions A.(1).(a), A.(1).(b) and B.(1).(c) in respect of the approval dated 20 March 2020 pertaining to Portion 35 of Farm Jacobus Kraal No. 554, Division Malmesbury in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), be approved subject to the conditions:

### A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Condition A.(1).(a) - Current text:  
"A portion (70m<sup>2</sup> in extent) of Portion 35 of the farm Jacobuskraal no. 554 (46.6319ha in extent), be rezoned from Agricultural Zone 1 to Agricultural Zone 2, as presented in the application;"

Proposed amendment:

"A portion (194m<sup>2</sup> in extent) of Portion 35 of the farm Jacobuskraal no. 554 (46.6319ha in extent), be rezoned from Agricultural Zone 1 to Agricultural Zone 2, as presented in the application;"

- (b) Condition A.(1).(b) - Current text:  
"A portion (2200m<sup>2</sup> in extent) of Portion 35 of the farm Jacobuskraal no. 554 (46.6319ha in extent), be rezoned from Agricultural Zone 1 to Resort Zone, to accommodate the following, as presented in the application:  
(i) 1 x cottage;  
(ii) 5 x camp sites;  
(iii) 1 x building with ablution facilities;  
(iv) 1 x veranda;  
(v) 1 x area with braai facilities;"

Proposed amendment:

"A portion (2200m<sup>2</sup> in extent) of Portion 35 of the farm Jacobuskraal no. 554 (46.6319ha in extent), be rezoned from Agricultural Zone 1 to Resort Zone, to accommodate the following, as presented in the application:

- (i) 3 x cottages;
- (ii) 2 x camp sites;
- (iii) 1 x building with ablution facilities;
- (iv) 1 x veranda;
- (v) 1 x area with braai facilities;"

- (c) Condition B.(1).(c) - Current text:  
"The consent use for a tourist facility be restricted to 1344m<sup>2</sup>, as presented in the application;"

Proposed amendment:

"The consent use for a tourist facility be restricted to 9265m<sup>2</sup>, as presented in the application;"

- (d) The tourist facility be used only for a restaurant, pub, craft shop, approved padel courts and ancillary facilities;
- (e) The use of the premises for entertainment events, concerts, live or amplified music, conferences, exhibitions, markets or any activity amounting to a place of entertainment or conference facility as defined in the development management scheme is expressly prohibited;

**A2 WATER**

- (a) The farm has an existing connection from the bulk water supply to Yzerfontein. The engineering report indicates that the new additions will increase the monthly consumption by 63.66kl, i.e. 2.09kl/d. For this a development charge in respect of bulk water is payable;

**A3 SEWERAGE**

- (a) The property not be connected to a municipal sewer network and all sewerage generated on the property be disposed of by means of conservancy tanks;
- (b) Conservancy tanks be designed and installed in accordance with an engineer's calculation, taking into account the scale and intensity of the approved uses;
- (c) The tanks:
  - (i) Be of sufficient capacity to prevent overflow;
  - (ii) Be fitted with standard vacuum tanker couplers; and
  - (iii) Be accessible to vacuum tankers, all to the satisfaction of the Director: Civil Engineering Services;
- (d) The owner, at their own cost, appoints a suitably registered and licensed service provider to regularly empty and transport sewage from the conservancy tanks;
- (e) Sewage removed from the property only be disposed of at the municipal wastewater treatment facility in Darling;
- (f) Records of conservancy tank servicing and lawful disposal be kept by the owner and made available to the municipality upon request;

**A4 SOLID WASTE**

- (a) That no refuse collection service will be provided;
- (b) Household solid waste can be disposed of at the nearest landfill site upon payment of the applicable charges;

**A5 DEVELOPMENT CHARGES**

- (a) The development charge applicable to the tourist facility, towards the supply of regional bulk water amounts to R 64 167, 43 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) 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 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) 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 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;
- (d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued 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;

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

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

- (c) The proposed expansion of the tourist facility and resort components is broadly consistent with the Provincial SDF (2014), West Coast District SDF (2020), and the Swartland Municipal SDF (2025), all of which encourage: rural economic diversification, farm-based tourism along the R315/Yzerfontein corridor, and amenities such as restaurants, markets, tasting facilities, and eco-tourism activities;
- (d) The proposed padel courts and cottages fall within the range of tourism-related uses anticipated by these frameworks and do not compromise significant biodiversity, high-value agricultural land, or scenic rural landscapes;
- (e) The proposed amendments remain compatible with the existing use rights, provided that the facility is expressly restricted to its lawful rights (restaurant, pub, craft shop, padel, cottages) and not used as a place of entertainment, venue, or event facility, which is otherwise prohibited in terms of the development management scheme;
- (f) The specific condition restricting the use are therefore necessary to bring the land use activity into alignment with the zoning scheme and to prevent unlawful special events;
- (g) The expansion does not compromise agricultural viability (low agricultural potential), affect ecological corridors, or place undue pressure on municipal services;
- (h) The expansion maximizes the efficient use of existing infrastructure and supports rural economic diversification through additional recreational amenities and tourist services. The development contributes to employment and small-scale tourism while remaining subordinate to the primary agricultural character;
- (i) The proposed development is considered desirable, subject to conditions, because the conditions remove the source of harm identified during public participation.

### **6.3 PROPOSED CONSENT USE ON PORTION 1 OF FARM GEMSBOK KUIL NO 582, DIVISION MALMESBURY (15/3/10-15) (WARD 6)**

Mr A J Burger, as author, explained that application is made for a consent use to authorise the operation of a sand mine (5 ha in extent) on Portion 1 of farm Gemsbok Kuil No 582, Division Malmesbury. Mr Burger confirmed that mining as a land use is accommodated as a consent use under the Agricultural Zone 1 zoning.

#### **RESOLUTION**

- A. The application for a consent use on portion 1 of farm Gemsboks Kuil no 582, Division Malmesbury be approved in terms of Section 70 of the By-law, subject to the following conditions:

##### **A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use authorises mining in the form of a sand mine with a total footprint of 5ha in extent, as presented in the application;
- (b) The mining activity is limited to the extraction of sand, as presented in the application;
- (c) Should any human remains be found during the mining process, SAHRA and Heritage Western Cape must be notified immediately;
- (d) Mining activities be conducted in accordance with the approved Environmental Management Programme and layout plan;
- (e) A social contribution agreement be entered into between the mine owner and the Municipality to be executed and finalised within the duration period of the mining activities;

##### **A2 WATER AND SEWERAGE**

- (a) No municipal drinking water or sewerage services can be provided;

##### **B. GENERAL**

- (a) The owner/developer complies with the conditions of the Environmental Authorisation of the Department of Mineral Resources and Energy, reference number WC30/5/1/3/2/1034MP, dated 9 April 2025;

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- (b) The owner/developer complies with the requirements issued by Department: Water & Sanitation with their letter with reference 16/2/7/G21D/A/8, dated 16 October 2025;
- (c) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (d) 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. Should all conditions of approval be met within the prescribed period, the land use becomes permanent and the approval period will no longer be applicable;
- (e) The applicant/objector be informed of the right to appeal against the decision of the Authorized Official 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) An Environmental Authorization and mining permit were granted for the sand mine;
- (b) There are no physical restrictions on the property that will have a negative impact on the mining activities and all possible impacts will be mitigated by the EMP;
- (c) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (d) Due to the temporary nature of the proposed mining activity as well as the concurrent mining and rehabilitation process that will be implemented, as presented by the applicant, the proposed application will not have a substantial impact on the character of the surrounding area;
- (e) The proposed activity will have a positive economic impact as it will generate income for both the landowner and mine operator as well as contributing to the construction and infrastructure industry;
- (f) It is clear that with the implementation of mitigation measures the agricultural potential of the land will not be jeopardised as the area will be rehabilitated to its pre-mining state;
- (g) With the mitigation measures implemented it is argued that the proposed mining activity will not have an impact on the well-being, health or safety of the surrounding landowners.

#### **6.4 PROPOSED REZONING AND CONSENT USE ON ERF 1327, RIEBEEK KASTEEL (15/3/3-11, 15/3/10-11) (WARD 12)**

The author, Ms A de Jager, stated that Erf 1327, Riebeek Kastell is zoned Residential Zone 1. The area is characterised as low density residential properties larger than 2000 m, earmarked for rural residential purposes.

Ms de Jager explained that application is made for the rezoning of Erf 1327, Riebeek Kasteel from Residential Zone 1 to Residential Zone 5: Rural Residential. The application for a consent use is to accommodate horticulture in hydroponic greenhouse tunnels.

#### **RESOLUTION**

- A. The application for rezoning of a portion of Erf 1327, 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);
- B. The application for a consent use on a portion of Erf 1327, 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);
- C. Approvals A. and B. are subject to the conditions that:

**C1 TOWN PLANNING AND BUILDING CONTROL**

- (a) A portion of Erf 1327, Riebeek Kasteel,(2 638m<sup>2</sup> in extent) be rezoned from Residential Zone 1 to Residential Zone 5, in accordance with Rezoning Plan MAL/14280/NJdK, as presented in the application;
- (b) The consent use authorises horticulture to be practised in the existing hydroponic greenhouse tunnels on the Residential Zone 5 portion of Erf 1327, as presented in the application;
- (c) The primary use of the Residential Zone 5 portion remains residential (a dwelling) with horticulture as a secondary land use;
- (d) Building plans for the dwelling and the existing hydroponic greenhouse tunnels be submitted to the Senior Manager: Development Management for consideration and approval;
- (e) Application for the display of advertising signs be submitted to the Senior Manager: Development Management for consideration for approval;
- (f) That no retail activities/direct sales of the agricultural product be permitted on Erf 1327, Riebeek Kasteel;
- (g) That electricity generating motors/appliances be located at least 6 m from the property boundary and that said generators be enclosed in a roofed, brick structure;
- (h) That soundproofing measures be applied to the brick structure to the satisfaction of the Senior Manager: Development Management;
- (i) All conditions be complied with within three months of notification of the decision;

**C2 WATER**

- (a) The existing single water connection be used and that no additional connections be provided;
- (b) Only borehole water be used towards the commercial horticultural activities and no municipal drinking water be used;

**C3 SEWERAGE**

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

**D. GENERAL**

- (a) 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. Should all conditions of approval be met within the prescribed period, the land use becomes permanent and the approval period will no longer be applicable;
- (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 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.
- (c) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;

**E. The application be supported for the following reasons:**

- (a) The application complies with the planning principles of LUPA and SPLUMA;
- (b) The application is compliant with the spatial planning of Riebeek Kasteel, as directed by the SDF;
- (c) The proposed rezoning and consent use will complement and not have a negative impact on the residential character of the surrounding area;
- (d) The development proposal supports the optimal utilisation of the property;
- (e) The proposal seeks to obtain formalisation of an existing use on the property;

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- (f) The development will utilise existing infrastructure, supplemented with borehole water;
- (g) The structures of the hydroponic greenhouse tunnels are semi-permanent and can easily be demolished, should it be necessary in future;
- (h) The noise impact of the facility on the tranquility of the neighbourhood is addressed through the conditions laid down with regards to noise pollution.

**(SIGNED) J J SCHOLTZ  
CHAIRPERSON**

23 April 2026

15/3/3-9/Erf 5095

WYKE 1 & 2

**ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 6 MAY 2026**

LAND USE PLANNING REPORT PROPOSED REZONING OF ERF 5095, MOORREESBURG						
Reference number	15/3/3-9/Erf 5095 15/3/4-4/Erf 5095	Application submission date	17 January 2026	Date report finalised	28 April 2026	
<b>PART A: APPLICATION DESCRIPTION</b>						
Application for the rezoning of Erf 5095, Moorreesburg, in terms of section 25(2)(a) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020) from Residential Zone 1 to Business Zone 2: General Business, in order to facilitate a business premises in the form of a neighbourhood shop.						
The applicant is Planscape Consulting Town and Regional Planners and the property is owned by V.J. Nero.						
<b>PART B: PROPERTY DETAILS</b>						
Property description (as in Title Deed)	Erf 5095 Moorreesburg, in die Swartland Munisipaliteit, Afdeling Malmesbury, Provinsie Wes-Kaap					
Physical address	25 Omega Street (locality plan attached as Annexure A).	Town	Moorreesburg			
Current zoning	Residential Zone 1	Extent (m <sup>2</sup> /ha)	1987m <sup>2</sup>	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)					
Current land use	Dwelling	Title Deed number & date	T50895/2015			
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)			
Any third party conditions applicable?	Y	N	If Yes, specify			
Any unauthorised land use/building work	Y	N	If Yes, elaborate			
<b>PART C: LIST OF APPLICATIONS (TICK APPLICABLE)</b>						
Rezoning	<input checked="" type="checkbox"/>	Permanent departure		Temporary departure		Subdivision
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval
Determination of zoning		Closure of public place		Consent use		Occasional use
Disestablish a home owner's association		Rectify failure by home owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		

## PART D: BACKGROUND

Erf 5095 is located in the eastern portions of Moorreesburg, in Area A, earmarked by the Swartland Spatial Development Framework (SDF, 2025) as 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 (north to south) and Vierdelaan/Palmboom Street (east to west).

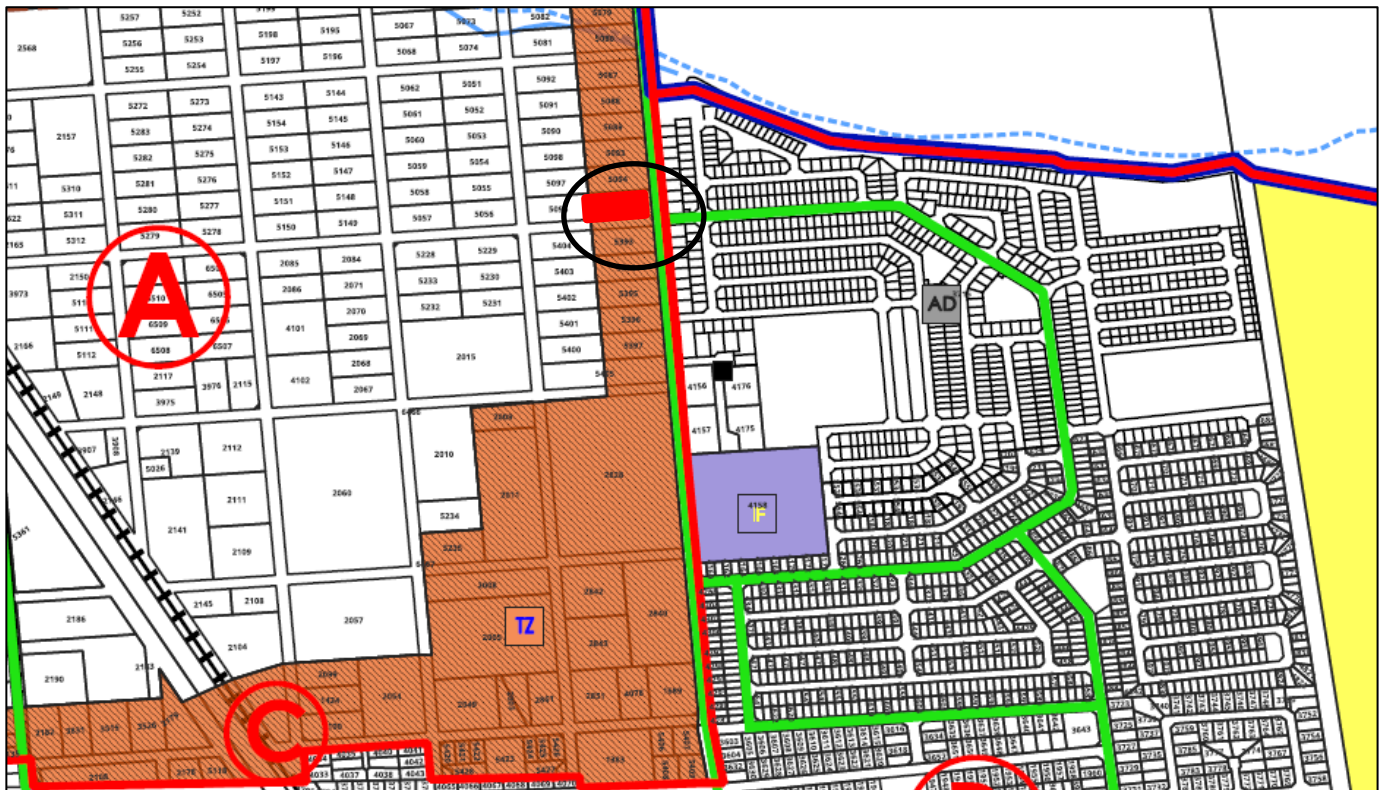


Figure 1: Excerpt from SDF map of Moorreesburg, indicating the site location

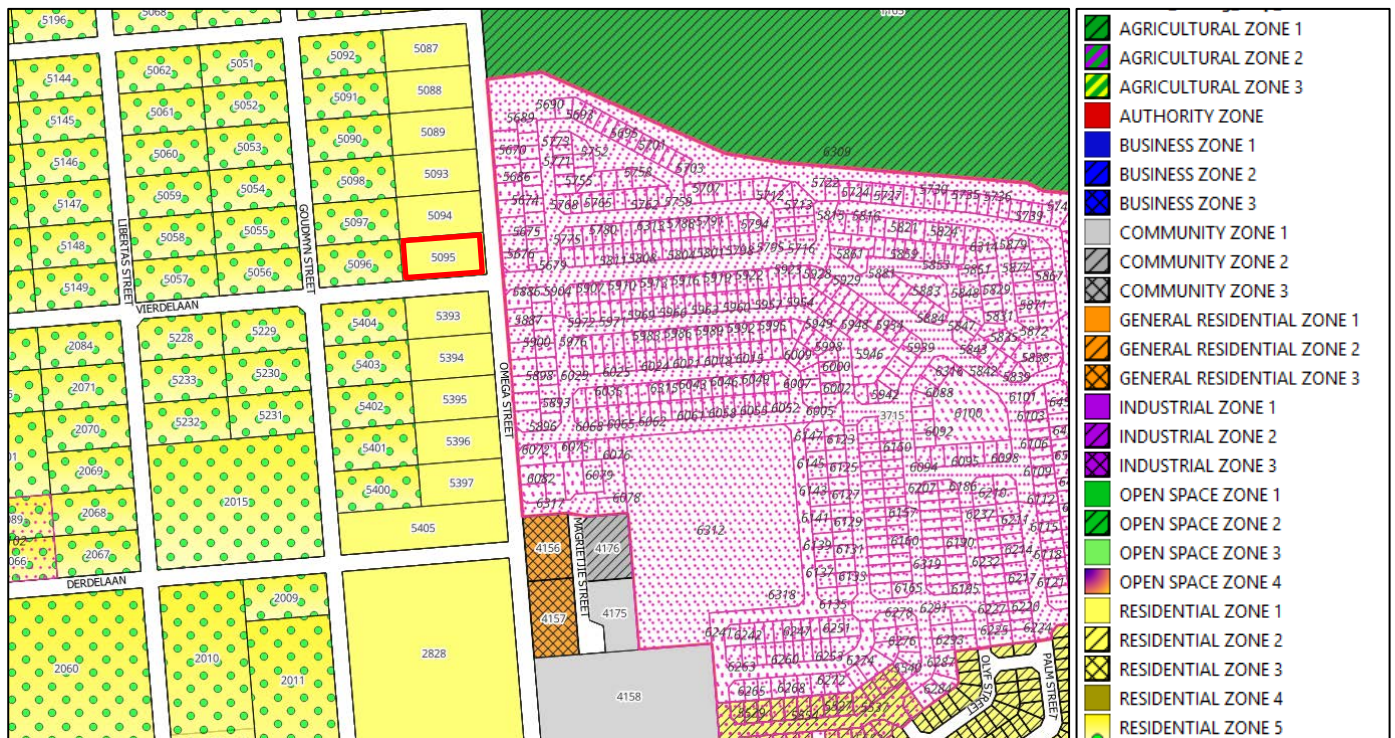


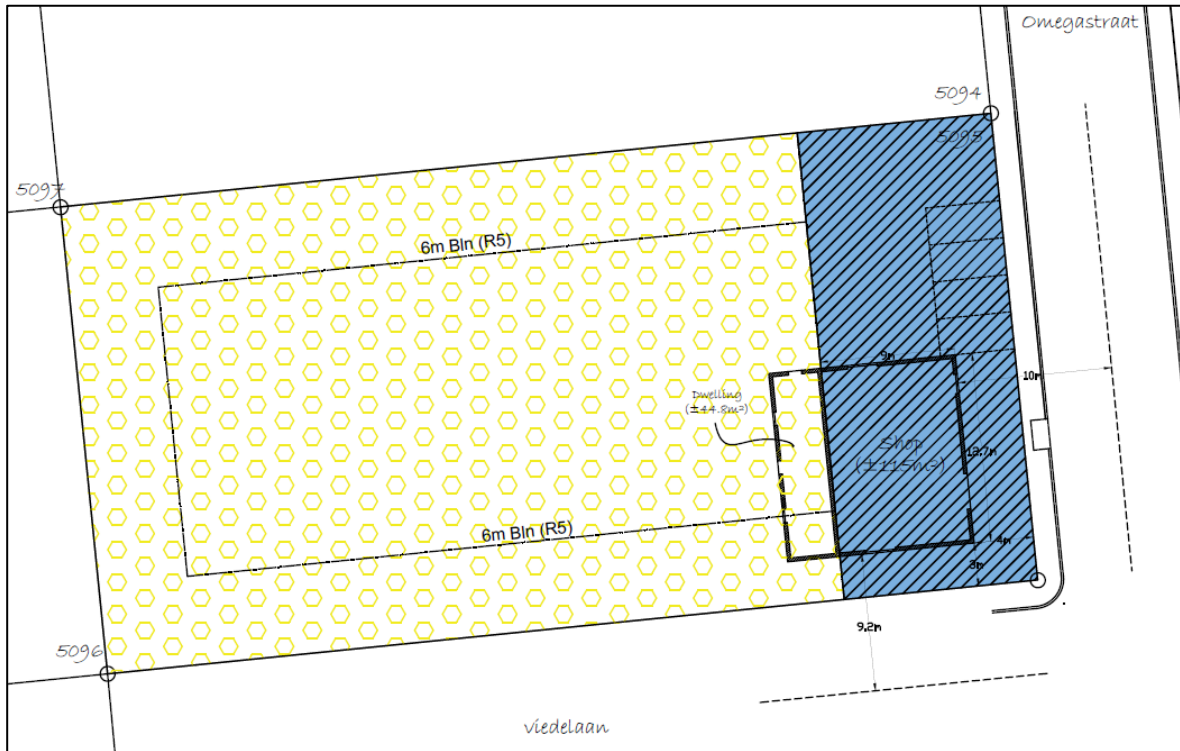
Figure 2: The zoning map of the area surrounding Erf 5095

The current zoning map of the area surrounding Erf 5095 clearly illustrates that the high density residential development (Sibanye) is new and construction is currently taking place, while the Residential Zone 1 erven along Omega Street signify the transitional zone between the high and low density development. Erf 5095 is clearly located on a pivotal junction between the two established and developing areas.

Erf 5095 is located between 1,5km and 2km from the Moorreesburg CBD, with very few commercial opportunities in the immediate vicinity.

The proposal to rezone a portion of Erf 5095 to Business Zone 2, is to enable the owner to develop a neighbourhood shop. The location of the erf is considered optimal and a shop would serve the needs and promote convenience of the surrounding community. However, the development parameters of a house shop restricts a shop to a maximum floor area of 25m<sup>2</sup>, while the owner(s) wish to create a shop of 115m<sup>2</sup>. The parameters of a neighbourhood shop will accommodate such a proposal, while remaining compatible with the character of the surrounding residential neighbourhoods and amenities.

Erf 5095 is 1 987m<sup>2</sup> in extent. The portion of the property to be rezoned to Business Zone 2 will be 412m<sup>2</sup> in extent, containing the shop (115m<sup>2</sup> in extent) and four (4) parking bays, as per the requirements of the By-Law.



The existing building on the property was damaged by fire recently and is being renovated to accommodate the neighbourhood shop, as well as a dwelling/flat of 44m<sup>2</sup>.





**PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)**

Has pre-application consultation been undertaken?	Y	N	
---	---	---	--

**PART F: SUMMARY OF APPLICANT'S MOTIVATION**

The application site is located on the eastern edge of Hooikraai rural residential area.

To the east of the site and Omega Street, construction of a low-income residential neighbourhood has commenced with the future residents which forms the client basis of the shop. The area has a residential character with no other house shops located in the direct proximity to the application site.

As the shop is located in a residential neighbourhood, the most appropriate zoning is considered to be Business zone 2 (neighbourhood business).

The primary land use rights associated with Business zone 2 is a Business premises, defined as: *"a building or land from which business is conducted, and includes a shop, supermarket, restaurant, office, financial institution and buildings for similar uses, but does not include a place of assembly, place of entertainment, institution, service station, motor repair garage, industry, industrial hive, noxious trade, risk activity, adult entertainment enterprise or bottle store;"*

**1.1 Proposed Rezoning**

The applicant is in the process of renovating a burnt down building in order to operate shop on the property. An area of 412m<sup>2</sup> is to be rezoned to Business zone 2. The remainder of the erf will retain is current zoning of Residential Zone 1. The shop has a floor area of ±115m<sup>2</sup> and will sell daily necessities and general groceries to residents living in the immediate vicinity.

Operating hours will be between 6:00 and 22:00.

The authorisation of the small-scale business, operated subject to conditions laid down by the municipality, provides a service to the growing community that would otherwise have to walk long distances to buy daily groceries.

Attached to the shop is a dwelling unit occupied by the owner of the land.

## 1.2 Municipal Engineering Services

The property and building are connected to the existing networks and no need for expansion is necessary.

Solid waste is removed by the municipality.

Vehicular access to the property will be gained from OmegaStreet.

Four parking space can be provided on site.

## 1.3 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The proposed use of the property for business purposes aligns with the applicable SDF proposals for the area. The physical footprint of the site supports an urban form of development, promoting an integrated settlement. The zoning of the property will be changed to accommodate the proposed business premises, ensuring that the owner's right to develop the land for commercial purposes is consistent with the objectives of the SDF for the zone in which the erf is located.

The proposed development does not contribute to further segregation within the community. The proposal takes into account the availability of necessary facilities and services, which can adequately support the intended uses on the erf.

- b) Spatial Sustainability: The proposed development aligns with the densification objectives outlined for urban areas across the Western Cape. It encourages spatial compactness and efficient use of resources while safeguarding the environment. The application supports sustainable resource use and is situated within an area designated for commercial purposes, permitting business activities. By optimising the use of land within the existing urban boundary, the development helps limit urban sprawl and contributes to the ongoing densification of the area.

- c) Efficiency: The proposed development will contribute to the integration and strengthening of Moorreesburg's commercial and urban functions by introducing a small-scale business use within the existing urban area. By utilising an underutilised erf, the proposal supports the efficient use of existing municipal infrastructure and services, thereby enhancing the property's long-term financial sustainability.

The neighbourhood shop will provide local business and employment opportunities, stimulate economic activity, and contribute to the overall densification and vitality of Moorreesburg, ensuring a more functional and sustainable urban environment. The proposed development promotes optimal efficiency of the land and services.

- d) Spatial Resilience: The proposed development enhances the spatial resilience of Moorreesburg by introducing a land use that supports economic diversification within the existing urban fabric. Allowing a business use on Erf 5095 creates flexibility in the local land use pattern and responds to the community's growing commercial needs. By accommodating a neighbourhood shop within the town, the proposal contributes to sustainable livelihoods and strengthens the local economy. The development remains adaptable to future land use needs and does not restrict the potential of surrounding properties. Furthermore, it will have no adverse impact on disadvantaged communities and will instead improve accessibility to goods and services within the area.

- e) Good Administration: The application was processed by Swartland Municipality in a timeous fashion, in accordance with the requirements of the applicable legislation and it is therefore considered to comply with the principles of good administration.

## 1.4 Swartland Municipal Spatial Development Framework (2020)

In accordance with the Moorreesburg: Spatial Proposals map the application site is located in land use development zone A, a low density rural residential area known as "Hooikraal". The southern and eastern boundary of Hooikraal is transitional zone.

The SDF support business use along activity streets in Area A.

The proposal adheres to the SDF as the application site is located along an activity street namely Omega Street.

## 1.5 Desirability

- a) The shop will operate from a building that was previously damaged by fire and would not have been renovated otherwise.
- b) The business provides a service for which there is a need in the surrounding community.
- c) The business is conveniently located close to a new developing neighbourhood and within walking distance of customers.

- d) The shop is integrated with the community along an activity street.
- e) The owner of the property is enabled to earn rental income.
- f) The premises are optimally utilized.
- g) The shop does not infringe on the rights of adjacent owners.
- h) The land development optimises the use of existing resources and infrastructure in the area.
- i) The proposal will have no negative effect on the biophysical resources.
- j) The proposal does not have an impact on the well-being, health or safety of the surrounding landowners.
- k) The application is not in contradiction to the development principles as stipulated in Section 42 of SPLUMA and chapter VI of LUPA.
- l) The application is not in contradiction to the Spatial Development Framework.

**PART G: SUMMARY OF PUBLIC PARTICIPATION**

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipality: Municipal Land Use Planning By-Law. Y N

The application was published in local newspapers and the Provincial Gazette on 3 February 2026, in terms of Section 55 of the By-Law. The commenting period, for or against the application, closed on 6 March 2026.

In addition to the abovementioned publication, 14 written notices were delivered by hand or sent via registered mail to the affected property owners in the area, in terms of Section 56(1) & (2) of the By-Law, as well as e-mails, where e-mail addresses were available. One written notices were returned unclaimed. Please refer to Annexure D for the public participation map.

One objection was received against the proposal. The applicant was afforded 30 days, from 11 March 2026 to 13 April 2026 to respond to comments and objections received by affected parties. The response to comments was received on 27 March 2026. (Annexure F).

Total valid comments	1		Total comments and petitions refused	0	
Valid petition(s)	Y	N	If yes, number of signatures		
Community organisation(s) response	Y	N	Ward councillor response	Y	N
			Councillor was informed, but no comments were forthcoming.		
Total letters of support	0				

**PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**

Recommendation

Name	Date received	Summary of comments	Recommendation
Department: Civil Engineering Services	28 Oct. 2025	<p><b>1. Water:</b> a) Die erf voorsien word van 'n enkele wateraansluiting;</p> <p><b>2. Riolering:</b> a) Die erf voorsien word van 'n enkele riolaansluiting;</p> <p><b>3. Ontwikkelingsheffings</b> a) Die voorgestelde parkeerplekke met inbegrip van die sypaadjie wat toegang verleen van 'n permanente oppervlak voorsien word; b) Indien die uitbreiding van enige bestaande dienste nodig sou wees om die ontwikkeling van diensaansluitings te kan voorsien, dit vir die koste van die aansoeker sal wees; c) Vaste ontwikkelingsheffings is as volg betaalbaar: Bulk Water R6 346,44 Water R2 356,27 Riolering R1 649,39 Rioloaanleg R4 953,24 Paaie R11 233,87</p>	✓

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
C. Waring Vyfdelaan Hooikraal (Annexure E)	1. I am strongly opposed to the opening of zoning of Erf 5095 for commercial purposes. Hooikraal is a quiet residential community and we do not want a shop here for fear of it bringing in more undesirable elements. We are worried about the criminal elements that these commercial shops bring with it.	1. The application site is located on the edge of Hooikraal residential area, with high-density residential development directly across the road to the east. The property is located within a transitional and along an activity street where business uses are supported in terms of the SDF. The site and transition zone are thus earmarked for controlled land use diversification.	<p>1. Erf 5095 is located on the corner of a pivotal junction/crossing of activity streets. Furthermore, the erf is located within a transitional area where a greater variety and higher intensity land uses are supported and promoted.</p> <p>The proposal is specifically limited to a neighbourhood shop, rather than a higher order Business Zone 1 business premises, to ensure that the commercial element is restricted in its scale and intensity and that it is desirable within a residential context.</p> <p>The proposal is considered appropriate between two neighbourhoods, serving more than one community, as well as taking advantage of the optimal location of the crossing.</p> <p>Loitering will be restricted through the conditions of approval, but assuming that a shop will attract unwanted 'elements' is conjecture.</p> <p>The applicant is supported.</p>

## **PART J: MUNICIPAL PLANNING EVALUATION**

### **1. Type of application and procedures followed in processing the application**

Application for the rezoning of Erf 5095, Moorreesburg, in terms of section 25(2)(a) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020) from Residential Zone 1 to Business Zone 2: General Business, in order to facilitate a business premises in the form of a neighbourhood shop.

The application was published in local newspapers and the Provincial Gazette on 3 February 2026, in terms of Section 55 of the By-Law. The commenting period, for or against the application, closed on 6 March 2026.

In addition to the abovementioned publication, 14 written notices were delivered by hand or sent via registered mail to the affected property owners in the area, in terms of Section 56(1) & (2) of the By-Law, as well as e-mails, where e-mail addresses were available. One written notices were returned unclaimed. Please refer to Annexure D for the public participation map.

One objection was received against the proposal. The applicant was afforded 30 days, from 11 March 2026 to 13 April 2026 to respond to comments and objections received by affected parties. The response to comments was received on 27 March 2026.

The applicant is Planscape Consulting Town and Regional Planners and the property is owned by V.J. Nero.

### **2. Legislation and policy frameworks**

#### **2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA**

a. Spatial Justice: The proposed development will promote access to economic opportunity through the creation of a small business. All the relevant facts and considerations surrounding the application have been taken into account during the decision-making process. Therefore, the application may be deemed consistent with spatial justice.

b. Spatial Sustainability: The proposed rezoning and departures will enable the owner to develop the property to its full potential, while adhering to the character of the specific area of Moorreesburg. The proposed land use will create the spatially more compact and resource efficient utilisation of the residential property.

The proposed development will connect to the existing infrastructure of the area. The proposed rezoning is thus considered as spatially sustainable.

c. Efficiency: The proposal ensures the optimisation of existing resources, while contributing to the objectives of local, provincial and national policy. The development proposal is thus deemed efficient.

d. Good Administration: The application was communicated to the public through advertising and sending written notices per registered mail and e-mail to affected land owners. Consideration was given to all correspondence received and the application was dealt with in a timeous manner. It is therefore argued that the principles of good administration were complied with by the Municipality.

e. Spatial Resilience: The proposed development will not limit any future benefits of the application property or those of the surrounding area. The proposed building lends itself to various uses, promoting diversity to better withstand future economic shocks.

#### **2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF)**

The application contributes to healthy management of the urban and rural area. IDP outcome 5.2.

The proposed development is in compliance with the character and land uses prescribed by the SDF as well as stimulating economic growth, which is supported by the SDF and PSDF. The application supports optimal and more intensive use of land and existing infrastructure.

#### **2.3 Zoning Scheme Provisions**

The proposed land use of a store is consistent with the proposed Business Zone 2 zoning. The residential portion of the erf will continue to be utilised for residential purposes, consistent with the zoning of Residential Zone 1.

The required number of parking bays may be comfortably accommodated on the rezoned portion, with potential for expansion in future.

### **3. Desirability**

The proposed development is located on the eastern edge of Hooikraal, Moorreesburg, on the intersection of Omega Street and Palmboom Street/Vierdelaan, which are activity streets. Furthermore, the proposed rezoning is consistent with the objectives of the SDF to establish a transitional zone between a low-density area and a high-density area, through creating an amenity that may benefit both communities.

Rezoning of Erf 5095 is necessary to allow for the intended neighbourhood store or other business uses that may be developed in future. It should be noted, that a restaurant, while included in the definition of 'business premises', is specified as a consent use under Business Zone 2, the result being that a restaurant may not be accommodated on the property without an additional land use application. The restriction is intended to ensure that high intensity, potentially peace-disturbing activities are not permitted as primary uses within neighbourhoods.

The proposed shop is expected to provide in the needs of the surrounding communities, through providing improved access to necessities, while reducing walking distances to the CBD.

The parking bay layout, manoeuvre space and convenient access are all expected to improve the functionality of the site and minimise impact on the surrounding traffic patterns.

Access to Erf 5095 is consistent with the minimum distance of 5m from the corner splay.

The development proposal will ensure the optimal utilisation of existing resources and the impact on traffic volumes is considered to be acceptable within a residential neighbourhood, along an activity street.

The proposed rezoning may impact positively on the economy of the surrounding neighbourhood, as it will make commercial opportunities available to a wider income group. The construction phase is foreseen to create employment opportunities, while rates and taxes will provide continuous income to the Municipality in future.

The proposed development encourages optimal use of the property as the property is currently under-developed and neglected. The optimal use of resources, infrastructure, land and functionality is foreseen to be promoted by the development.

The development proposal is wholly consistent with the land use proposals of the SDF and principles of local, Provincial and National policies.

All costs relating to the application are for the account of the applicant.

In conclusion, the proposal to rezone a portion of Erf 5095, Moorreesburg, is deemed desirable in terms of the above-mentioned criteria.

### **4. Impact on municipal engineering services**

The Swartland Department: Civil Engineering Services, confirmed that all engineering services are available on site and of sufficient capacity to accommodate the development.

Additional impact on engineering services is mitigated via levying development charges, in terms of the Swartland Development Charge Policy (2024).

### **5. Comments of organs of state**

Not applicable.

### **6. Response by applicant**

See Annexure F.

## **PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

The financial or other value of the rights **N/A**

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal **N/A**

The social benefit of the restrictive condition remaining in place, and/or being removed/amended **N/A**

Will the removal, suspension or amendment remove all rights enjoyed by the beneficiary or only some of those rights  
**N/A**

## **PART L: RECOMMENDATION WITH CONDITIONS**

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:

### **1. TOWN PLANNING AND BUILDING CONTROL**

- a) A portion of Erf 5095 (412m<sup>2</sup> 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;
- a) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- b) 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;
- c) 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;

### **2. WATER**

- a) The property be provided with a single water connection;

### **3. SEWERAGE**

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

### **4. 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) 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;

### **5. 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](mailto: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.

#### PART M: REASONS FOR RECOMMENDATION

1. The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
2. The application is deemed to stimulate economic development, which is supported by the SDF and PSDF.
3. The scale of the proposal is consistent with the character of the surrounding area, while optimising the use economic viability of the venture;
4. The application will comply with the character of the transitional zone, as identified by the SDF.
5. The development is considered desirable in the location of the intersection of two activity streets.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. The increase in traffic volumes are considered moderate and both the abutting streets were confirmed to be of sufficient capacity to accommodate the development..
13. 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.



#### PART N: ANNEXURES

Annexure A	Locality Plan
Annexure B	Site Development Plan
Annexure C	Rezoning Plan
Annexure D	Public participation map
Annexure E	Objection from G. Waring
Annexure F	Response to objections

#### PART O: APPLICANT DETAILS

First name(s)	Planscape Consulting Town and Regional Planners				
Registered owner(s)	V.J. Nero.	Is the applicant authorised to submit this application:	<table border="1"> <tr> <td>Y</td> <td>N</td> </tr> </table>	Y	N
Y	N				

#### PART P: SIGNATURES

<b>Author details:</b> Annelie de Jager SeniorTown Planner SACPLAN registration number: (A/2203/2015)			Date: <b>28 April 2026</b>	
<b>Recommendation:</b> Alwyn Zaayman Senior Manager: Development Management SACPLAN registration number: (B/8001/2001)	Recommended	✓	Not recommended	
			Date: <b>28 April 2026</b>	

# ANNEXURE A



**PLANSCAPE**  
URBAN PLANNERS

## LOCATION

Erf 5095, Moorreesburg



25/11/2025

Omegastraat

**ANNEXURE B**

5094

5095

6m Bln (R5)

Dwelling  
(±44.8m<sup>2</sup>)

Shop  
(±115m<sup>2</sup>)

6m Bln (R5)

10m

12.7m

4m

3m

9.2m

Viedelaan

5393

Project: Erf 5095, Moorreesburg

Title: Site development plan

Owner: V.J. Nero





Notes: 0 1 2 4 5  
Meter

Datum: 25/11/2025

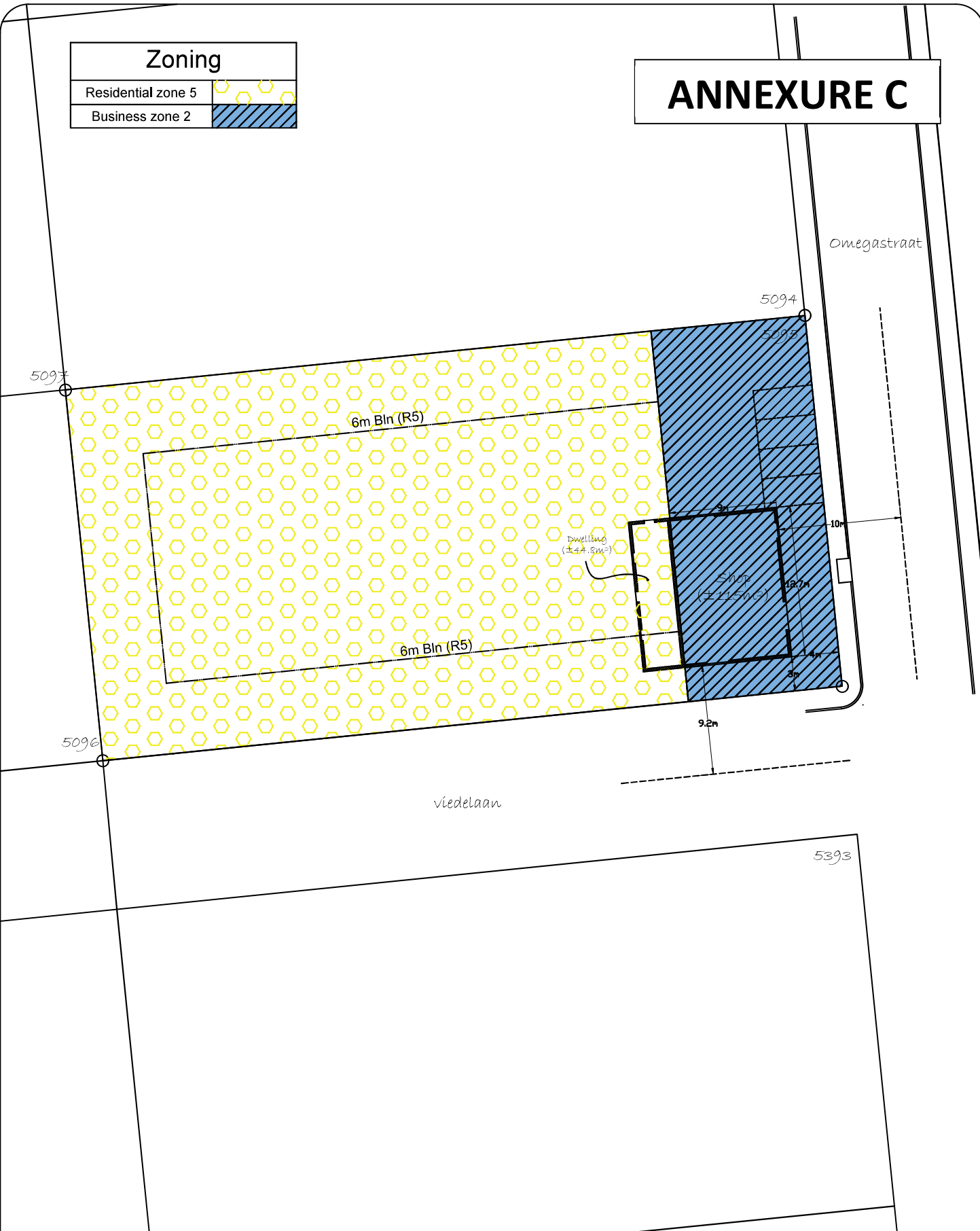
Reference: 411~5095-Mrb



**PLANSCAPE**  
Tel: 022 4334408  
planscape@telkomsa.net

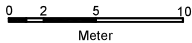
Zoning	
Residential zone 5	
Business zone 2	

# ANNEXURE C



Project: Erf 5095, Moorreesburg  
 Title: Zoning plan  
 Owner: V.J. Nero



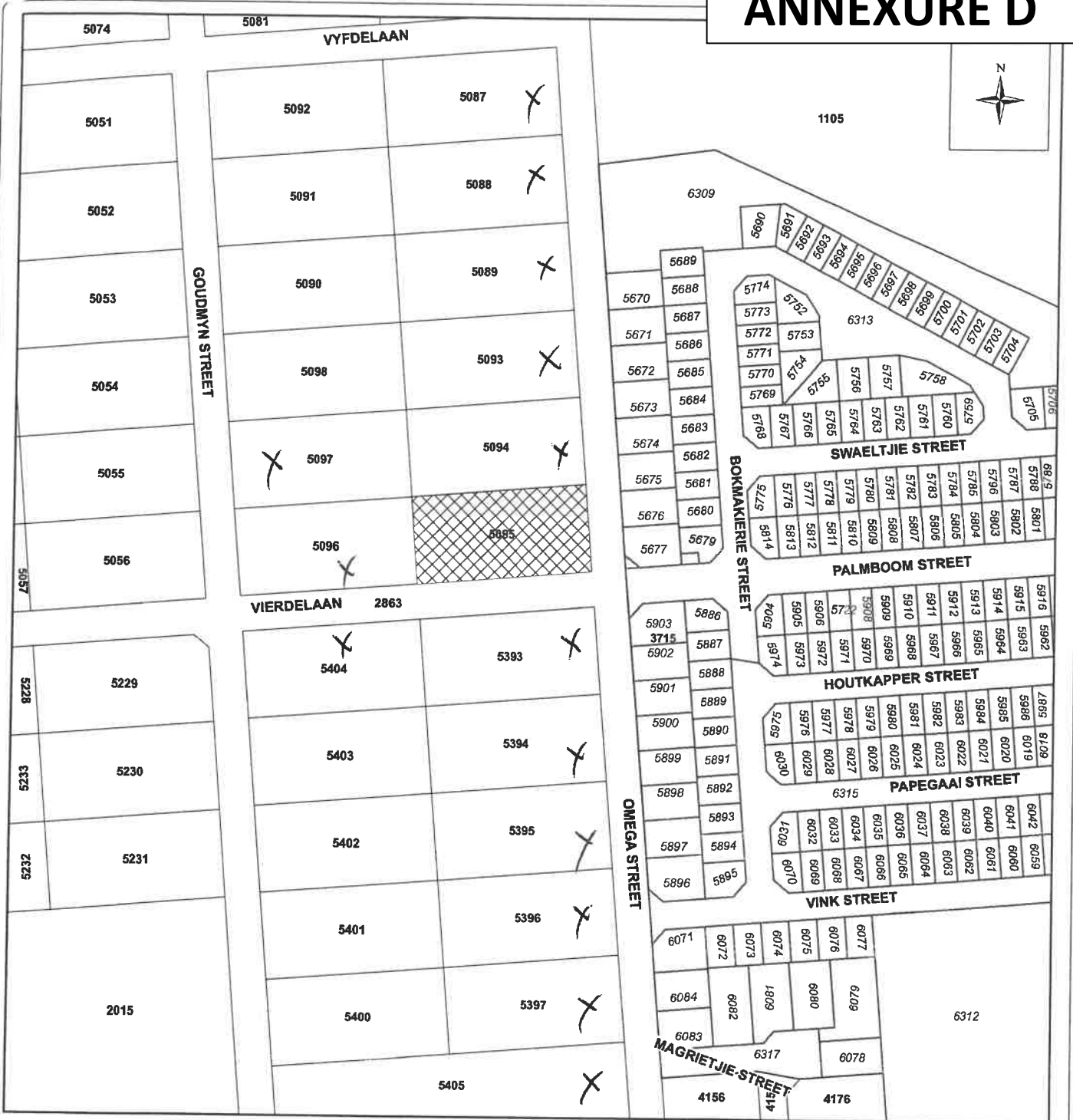
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 Datum: 25/11/2025  
 Reference: 411~5095-Mrb



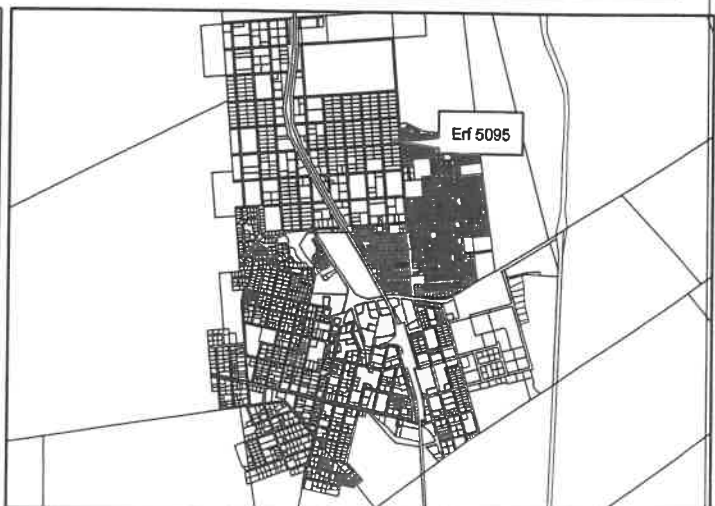
**PLANSCAPE**  
 Tel: 022 4334408  
 planscape@telkomsa.net

Ligingsplan

**ANNEXURE D**



Voorgestelde hersonering  
 Erf 5095, Moorreesburg  
 Publieke deelname  
 Skaal: NVT



**From:** Craig Waring <sales@moorre.es.co.za>  
**Sent:** Thursday, 05 February 2026 07:01  
**To:** Registrasie Email <RegistrasieEmail@swartland.org.za>  
**Subject:** Erf 5095

## ANNEXURE E

Good day to you

I am strongly opposed to the opening or zoning of erf 5095 for commercial purposes  
Hooikraal is a quiet residential community and we do not want a shop here for fear of it bringing in more  
undesirable elements.  
As bad as it may sound, we are all worried about the criminal elements that these commercial shops bring with it.

Please let us keep hooikraal strictly residential

Thank you

Craig Waring  
5th avenue  
Hooikraal



27 March 2026


Reference:411~5095-Mrb

Swartland Municipality  
Private bag X52  
Malmesbury  
7299

**APPLICATION FOR REZONING: ERF 5095, MOORREESBURG**

Your letter dated 11 March 2026 (15/3/3-9/Erf\_5095), refers.

Hereby to respond to the objection from Craig Warring, as detailed below.

Comment	Response
<p>Hooikraal is a quiet residential community and we do not want a shop here for fear of bringing more undesirable elements.</p> <p>Please keep Hooikraal strictly residential.</p>	<p>The application site is located on the edge of Hooikraal rural residential area, with high density residential development directly across the road to the East. The property is located within a transitional zone and along an activity street where business uses are supported in terms of the Spatial Development Framework.</p> <p>The site and transition zone area is thus earmarked for controlled land use diversification.</p> 





# Verslag ♦ Ingxelo ♦ Report

Office of the Director: Development Services  
Department: Development Management

23 April 2026

15/3/6-12/Erf\_1510  
15/3/8-12/Erf\_1510

Ward: 3

## ITEM 6.2 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 6 MAY 2026

### LAND USE PLANNING REPORT PROPOSED SUBDIVISION OF ERF 1510, RIEBEEK WEST

<i>Reference number</i>	15/3/6-12/Erf_1510 15/3/8-12/Erf_1510	<i>Submission date</i>	5 February 2026	<i>Date finalised</i>	24 April 2026
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#### PART A: APPLICATION DESCRIPTION

Application is made for subdivision of Erf 1510, Riebeek Wes, in terms of section 25(2)(d) of the Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020). It is proposed that erf 1510 (2426m<sup>2</sup> in extent) be subdivided into a Portion A (±815m<sup>2</sup>), Portion B (±805m<sup>2</sup> in extent) and a remainder (806m<sup>2</sup> in extent).

Application is also made for the registration of reciprocal right-of-way servitudes over the newly created portions in terms of section 25(2)(d) of the Swartland Municipality: Municipal Land Use Planning By-law (PK 8226 of 25 March 2020). It is proposed that a 3m right of way servitude be registered on portion A in favour of portion B as well as a 3m right of way servitude be registered on portion B in favour of Portion A.

The applicant is C K Rumboll & Partners, and the owner is Me. A de Wet.

#### PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 1510, Riebeek West, situated in the Swartland Municipality; Malmesbury Division, Province Western Cape				
Physical address	13 Kerk Street. Please refer to location plan attached as Annexure A.	Town	Riebeek West		
Current zoning	Residential Zone 1	Extent (m <sup>2</sup> /ha)	2426m <sup>2</sup>	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)				
Current land use	Vacant		Title Deed number & date	T6795/2026	
Any restrictive title conditions applicable	Y	N	If yes, list condition number(s)		
Any third-party conditions applicable?	Y	N	If yes, specify		
Any unauthorised land use/building work	Y	N	If yes, explain		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)						
Rezoning		Permanent departure		Temporary departure		Subdivision <input checked="" type="checkbox"/>
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension, or amendment of restrictive conditions
Permissions in terms of the zoning scheme		Amendment, deletion, or imposition of conditions in respect of existing approval		Amendment or cancellation of an approved subdivision plan		Permission in terms of a condition of approval
Determination of zoning		Closure of public place		Consent use		Occasional use
Disestablish a homeowner's association		Rectify failure by homeowner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use		

**PART D: BACKGROUND**

Erf 1510, Riebeek West is zoned Residential zone 1 and is currently vacant.

The owner intends to subdivide the erf into 3 portions. Please refer to the proposed subdivision plan below.



Figure 1: Plan of proposed subdivision



Figure 2: Aerial image of surrounding built environment.



Figure 3: Street View image dated 2024

**PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)**

Has pre-application consultation been undertaken?

Y

N

If yes, provide a summary of the outcomes below.

**PART F: SUMMARY OF APPLICANT'S MOTIVATION**

*(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)*

Application is made for subdivision of Erf 1510, Riebeek West, into two new residential portions and a remainder, together with the registration of reciprocal right-of-way servitudes to ensure adequate access. The applicant's motivation is based on the following key considerations:

- **Efficient use of land and densification:**

The applicant motivates that the property is a large, vacant erf ( $\pm 2\,426\text{ m}^2$ ) zoned Residential Zone 1 and is well suited for subdivision. Creating smaller erven makes more efficient use of existing residential land and infrastructure, supports infill development, and contributes to increased residential density within the existing urban area, in line with the Swartland Spatial Development Framework (2023).

- **Compliance with planning policy and legislation:**

The applicant emphasize that the proposal complies with the Swartland Municipal Land Use Planning By-law, SPLUMA and LUPA principles, including spatial justice, sustainability, efficiency, resilience and good administration. The minimum erf size of  $500\text{ m}^2$  is maintained, and the existing zoning remains unchanged.

- **Market demand and housing opportunity:**

The applicant adds that there is a growing demand for smaller, more manageable residential properties. The subdivision will create two additional residential opportunities on appropriately zoned land, broadening access to the property market and responding to prevailing market conditions.

- **Economic benefit to the owner and municipality:**

The applicant states that the owner intends to sell the two newly created portions while residing on the remainder, thereby creating an income opportunity. The development also promotes the financial sustainability of the municipality by optimally utilising existing services and infrastructure.

- **Minimal impact on surroundings:**

The applicant motivates that the proposal will not adversely affect the existing residential character of the area, as similar-sized erven already exist nearby. Adequate access is provided via shared right-of-way servitudes, services can be accommodated within existing capacity (subject to engineering confirmation), and no environmental, agricultural or heritage resources are affected.

Overall, the applicant submits that the proposed subdivision and servitudes are desirable, policy-aligned, and will make a positive contribution to residential development in Riebeek West by promoting sustainable infill development and limiting urban sprawl.

<b>PART G: SUMMARY OF PUBLIC PARTICIPATION</b>						
Was public participation undertaken in accordance with section 55 - 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?					Y	N
With reference to Section 56(2) of the By-Law, a total of 11 notices were sent via registered post and per e-mail to the owners affected by the application as well as the Riebeek Valey Residents Association.						
Total valid comments	1		Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures	6		
Community organisation(s) response	Y	N	Ward councillor response	Y	N	
The application was forwarded to councillor N. Smit, but no comments were forthcoming.						
Total letters of support	0					

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS												
Name	Date received	Summary of comments	Recommendation									
			Positive	Negative								
Department: Civil Engineering Services	8 April 2026	<p>1. Water</p> <p>(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 the building plan stage;</p> <p>2. Sewerage</p> <p>(a) Each subdivided portion be provided with a separate sewer suction tank with a minimum capacity of 8 000 litres. The suction points of each tank be positioned at the erf boundary with Kerk Street in order for it to be accessible to the service vehicle from the street. This condition is applicable at the building plan stage;</p> <p>3. General</p> <p>(a) 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;</p> <p>(b) 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;</p> <p>4. Development charges</p> <p>(a) Fixed cost development charges be made as follows:</p> <table border="0"> <tr> <td>(i). Water</td> <td>R 14 969, 86</td> </tr> <tr> <td>(ii). Bulk water</td> <td>R 15 866. 09</td> </tr> <tr> <td>(iii). Sewer</td> <td>R 8 573, 00</td> </tr> <tr> <td>(iv). WWTW</td> <td>R 11 528, 30</td> </tr> </table>	(i). Water	R 14 969, 86	(ii). Bulk water	R 15 866. 09	(iii). Sewer	R 8 573, 00	(iv). WWTW	R 11 528, 30	X	
(i). Water	R 14 969, 86											
(ii). Bulk water	R 15 866. 09											
(iii). Sewer	R 8 573, 00											
(iv). WWTW	R 11 528, 30											
Building control	10 February 2026	No comment	X									

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS	
<p>Mr Eric Voser (Erf 547, 11 Kerk Street, Riebeek West), supported by several neighbouring property owners, against the proposed subdivision of Erf 1510, Riebeek West and the associated development of three residential units.</p>	<p>The objection raises the following principal concerns:</p> <p><b>1. Impact on neighbourhood character and property values:</b></p> <p>The objector submits that the proposed subdivision represents a form of higher-density development that is out of character with the existing low-density, “villa-like” residential character of the area. It is alleged that this change would negatively affect the aesthetic quality of the neighbourhood and could lead to the devaluation of surrounding properties.</p> <p><b>2. Noise impacts:</b></p> <p>Concerns are raised regarding increased noise levels during both the construction phase and the operational phase. Construction activities, machinery, and increased residential occupation are expected, according to the objector, to disturb the quiet nature</p>	<p><b>1. Density and character of the area:</b></p> <p>The applicant disputes the claim that the proposal constitutes high-density development. In terms of the Swartland Spatial Development Framework (SDF), the proposed erven (each exceeding ±800m<sup>2</sup>) fall well within the definition of low-density residential development. According to the applicant the SDF explicitly supports densification through subdivision and infill development in this area, subject to a minimum erf size of 500m<sup>2</sup>. The applicant further notes that some surrounding erven are already smaller than those proposed, and that controlled densification does not necessarily devalue property or erode neighbourhood character.</p> <p><b>2. Noise impacts:</b></p> <p>The applicant responds by stating that construction-related noise is deemed temporary and regulated by municipal by-laws. Once developed, the noise generated by two additional residential units is considered normal and compatible with residential use and does not</p>	<p><b>1. Impact on neighbourhood character and property values:</b></p> <p>The concern regarding loss of “villa-like character” and potential property value devaluation is noted. However, it could be argued that the proposed subdivision does not constitute high-density development, nor does it exceed the development parameters of Residential Zone 1.</p> <p>The proposed erven (±805–815m<sup>2</sup>) exceed the minimum erf size of 500m<sup>2</sup> prescribed by the Municipal Spatial Development Framework, 2025 and remain within the low-density residential category as contemplated by the SDF. Comparable erf sizes already exist in the surrounding area.</p> <p>Furthermore, speculative impacts on property values do not, on their own, constitute valid grounds for refusal where a proposal, complies with zoning rights, aligns with adopted spatial policy, and can be regulated through existing development controls.</p> <p><b>2. Noise impacts:</b></p> <p>Construction-related noise is temporary and regulated by applicable legislative framework. Post-development noise associated with two additional single residential units falls within the normal and anticipated impacts of a residential area.</p>

	<p>of the neighbourhood and negatively affect residents' quality of life.</p> <p><b>3. Access, layout and aesthetics:</b></p> <p>The objector argues that subdivision is only appropriate where each dwelling has a logical and direct access from Kerk Street. The proposed use of panhandles and "corridors" to provide access to the two rear portions is regarded as visually unattractive and functionally undesirable, particularly in terms of traffic movement.</p> <p><b>4. Traffic and safety concerns:</b></p> <p>It is contended that the development will generate excessive additional vehicle traffic on streets not designed to accommodate higher traffic volumes. This is alleged to increase congestion and pose safety risks, especially to children and elderly residents, due to additional access points and limited visibility in parts of the street.</p> <p><b>5. Sewerage and servicing concerns:</b></p> <p>The objector questions how sewerage will be managed given the slope of the land,</p>	<p>constitute a legal nuisance warranting refusal of land-use rights.</p> <p><b>3. Access, servitudes and aesthetics:</b></p> <p>The applicant explains that panhandle erven and access servitudes are a standard and accepted planning solution for deep properties with limited street frontage. Their suitability is assessed based on functional and engineering considerations rather than subjective aesthetics. A precedent for similar access arrangements already exists in the immediate vicinity.</p> <p><b>4. Traffic and safety:</b></p> <p>The applicant submits that the additional traffic generated by two extra dwelling units will be minimal and manageable. Erf 1510 is located along Church Street, identified as an activity street where higher-order development is supported, and the proposed ±6 m wide shared access is considered sufficient to ensure safe vehicular access.</p> <p><b>5. Sewerage and servicing:</b></p> <p>The applicant notes that final subdivision approval will only be granted once an engineering</p>	<p>There is therefore no basis to conclude that the proposal would result in a legally recognisable nuisance or justify the refusal of the proposed application.</p> <p><b>3. Access, servitudes and aesthetics:</b></p> <p>Panhandle access and reciprocal right-of-way servitudes are recognised and accepted planning mechanisms for servicing erven where direct street frontage is limited. Their acceptability is assessed against functional, safety, and engineering standards, rather than subjective aesthetic preferences.</p> <p>The proposed shared access width of approximately 6 metres is sufficient to accommodate safe vehicular access. Previous applications with similar access arrangements have previously been approved by the municipality, indicating that such a layout is not anomalous.</p> <p><b>4. Traffic and safety:</b></p> <p>The addition of two residential dwelling opportunities is expected to generate a modest increase in vehicle trips, which can easily be accommodated within the capacity of Kerk Street. It should also be noted that Kerk Street is an identified in the MSDF, 2025 as an activity street.</p> <p>No traffic impact assessment was triggered or required, and no evidence was submitted to demonstrate unsafe conditions or unacceptable impacts. Traffic and pedestrian safety measures remain enforceable through normal road and building plan controls.</p> <p><b>5. Sewerage and servicing:</b></p> <p>Concerns relating to sewer gradients, pumping, or conservancy systems are acknowledged. However, servicing</p>
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	<p>specifically raising concerns about the feasibility of pumping sewerage or servicing conservancy/suction tanks. Concerns are also raised regarding access for suction vehicles to the lower portions of the erf.</p> <p><b>6. Public participation process:</b></p> <p>It is alleged that some owners of directly affected neighbouring properties did not receive notification of the proposed subdivision, which the objector believes could affect the fairness and impartiality of the decision-making process.</p> <p><b>7. Conclusion:</b></p> <p>The objector requests that the Municipality reconsider the proposed subdivision, citing potential negative long-term impacts on the character, safety, infrastructure, and value of the surrounding residential area. The objection is supported by a list of neighbouring property owners who endorse the concerns raised.</p>	<p>services plan has been approved by the Municipality. Any technical challenges relating to sewerage (including pumping or alternative systems) must be resolved by the developer at their own cost and are considered engineering design matters rather than planning grounds for refusal.</p> <p><b>6. Public participation:</b></p> <p>The applicant states that the claim that certain affected owners were not notified is noted. The applicant responds that the Municipality conducts the public participation in accordance with its By-law, and any failure to receive notification may be due to properties not being deemed affected or registered mail not being collected.</p> <p><b>7. Conclusion:</b></p> <p>The applicant concludes that, while the concerns of the objectors are acknowledged, the proposed subdivision represents a responsible, policy-aligned form of infill development. Any potential impacts on character, traffic, noise or services are either negligible or can be adequately managed through standard municipal conditions and engineering controls. The application is therefore considered consistent with the Swartland Spatial Development Framework and sustainable urban development objectives.</p>	<p>feasibility is a technical engineering matter, addressed through conditional approval and compliance with engineering service requirements prior to clearance and building plan approval. Any additional infrastructure or mechanical solutions remain the responsibility of the owner/developer and can easily be regulated with the implementation as part of the conditions.</p> <p>As such, servicing concerns do not constitute planning grounds for refusal.</p> <p><b>6. Public participation:</b></p> <p>The public participation was conducted in accordance with Sections 55–59 of the Land Use Planning By-Law. Notices were issued per registered post as well as, in most cases, to the e-mail address the municipality has on record for the affected landowners.</p> <p>Secondly it could be argued that an objection and a supporting petition were submitted which demonstrates that affected parties were aware / made aware of the application and were therefore afforded an opportunity to participate. The public participation is therefore deemed sufficient.</p> <p><b>7. Conclusion:</b></p> <p>The objections raised are largely based on subjective impact, preference and speculative outcomes, rather than demonstrable non-compliance with land use rights, policy or service capacity. This needs to be weighed against the applicants right to subdivide her property, consistency of the application with the applicable legislative framework and spatial planning principles, the scale and context of the proposal as well as the confirmation from the Department Civil Engineering Services of service capacity.</p> <p>The objections therefore do not outweigh the desirability of the proposed subdivision.</p>
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## **PART J: MUNICIPAL PLANNING EVALUATION**

### **1. Type of application and procedures followed in processing the application**

The application was submitted in terms of the By-Law on the 5<sup>th</sup> of February 2026. The public participation process commenced on 11<sup>th</sup> of February 2026 and ended on 13<sup>th</sup> of March 2026 (affected parties and internal departments). The objection was received and referred to the applicant for comments on 24<sup>th</sup> of March 2026. The municipality received the comments on the objections on the 25<sup>th</sup> of March 2026. Please refer to the comments attached as Annexure F.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

### **2. Legislation and policy frameworks**

#### **2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA**

- a) Spatial Justice: The proposed subdivision supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society;
- b) Spatial Sustainability: The proposed development promotes the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) Efficiency: The development proposal promotes the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Good Administration: The application and public participation were administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed subdivision creates different housing typologies in Riebeeck West.

It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned legislative measures.

#### **2.2 Provincial Spatial Development Framework (PSDF, 2014)**

The PSDF (2014) indicates that the average densities of cities and towns in the Western Cape is low by international standards, despite policies to support mixed-use and integration. There is unmistakable evidence that urban sprawl and low densities contribute to unproductive and inefficient settlements as well as increase the costs of municipal and Provincial service delivery.

The PSDF suggest that by prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

It is further mentioned in the PSDF that the lack of integration, compaction, and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the environment, and the economy. Therefore, the PSDF provides principles to guide municipalities towards more efficient and sustainable spatial growth patterns.

One of the policies proposed by the PSDF is the promotion of compact, mixed-use, and integrated settlements. This according to the PSDF can be achieved by doing the following:

1. Target existing economic nodes (e.g. CBDs (Central Business District), township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares, and markets, etc.) as levers for the regeneration and revitalisation of settlements.

2. Promote functional integration and mixed-use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.
3. Locate and package integrated land development packages, infrastructure, and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.
4. Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining, and tourism remain important economic underpinnings of rural settlements.
5. Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
6. Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient, and sustainable forms of urban development.
7. Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
8. Municipal SDFs (Spatial Development Framework) to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities, and appropriate development typologies.

The PSDF further states that scenic landscapes, historic settlements, and the sense of place which underpins their quality are being eroded by inappropriate developments that detracts from the unique identity of towns. These are caused by inappropriate development, a lack of adequate information and proactive management systems.

The Provincial settlement policy objectives according to the PSDF are to:

1. Protect and enhance the sense of place and settlement patterns.
2. Improve accessibility at all scales.
3. Promote an appropriate land use mix and density in settlements.
4. Ensure effective and equitable social services and facilities.
5. Support inclusive and sustainable housing

And to secure a more sustainable future for the Province the PSDF propose that settlement planning and infrastructure investment achieves:

1. Higher densities
2. A shift from a suburban to an urban development model
3. More compact settlement footprints to minimise environmental impacts, reduce the costs, time impacts of travel, and enhance provincial and municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities, and services.
4. Address apartheid spatial legacies by targeting investment in areas of high population concentration and socio-economic exclusion.

The development proposal is therefore deemed consistent with the PSDF as the proposal will achieve higher densities, will result in the optimum use of land / space within the urban edge, will not have a negative impact on the character of the area as well as not adversely affect the sense of place. This is achieved by complying with the minimum property size for Residential Zone 1 properties ensuring integration within the existing urban fabric.

The proposed development is therefore deemed consistent with the spatial development principles of the PSDF, 2014.

### 2.3 West Coast District SDF (WCDSDF, 2020)

In the WCDSDF, 2020 it is stated that the functional classification for Riebeek West is Agricultural Service Centre and according to the growth potential study Riebeek West is a small service town that has a high growth potential.

In terms of the built environment policy of the WCDSDF, local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification, and basic service provision. Priority should also be given to settlement development in towns with the highest economic growth potential and socio-economic need.

The WCDSDF rightfully looks at spatial development on a district level. However, it does promote the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required in terms of SPLUMA and recommended in the PSDF, 2014), to improve quality of life and access to amenities and opportunities to all residents in the WCDM.

The proposal is deemed consistent with the WCDSDF, 2020.

#### 2.4 Municipal Spatial Development Framework (MSDF, 2025)

The subject property is situated in an area demarcated as Land use Proposal Zone F, as per the spatial proposals for Riebeek Wes contained in the MSDF, 2025. Zone F is defined as a low density residential area with supporting social infrastructure and opportunities for infill development including higher density residential uses. High density uses are supported along identified activity streets. From the extract of the land use proposal map for Riebeek West it is clear that the portion of Kerk Street, where the subject property is located, is identified as an activity street.

Furthermore, the proposed erf sizes comply with the minimum erf size of 500m<sup>2</sup> as prescribed by the MSDF. The proposed subdivision is seen as densification and the optimal use of land and infrastructure.

The proposal is therefore deemed consistent with the land use proposals of the MSDF, 2025.



It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned policy and legislative measures.

#### 2.5 Schedule 2 of the By-Law: Zoning Scheme Provisions

Erf 1510, Riebeek Wes is zoned Residential Zone 1. The proposed subdivision will not affect the zoning of the property.

### 3. Desirability of the proposed utilisation

Erf 1510, Riebeek West is zoned Residential zone 1 and is currently vacant. Erf 1510 does not have any physical restrictions which may negatively affect the application.

The character of the surrounding area includes single residential properties, most of which have already been developed. The proposed erf sizes of >800m<sup>2</sup> are in keeping with the erf sizes of the surrounding properties and will not adversely affect the character of the area.

The proposed subdivision promotes densification and the optimal use of land and infrastructure, making it in compliance with provincial and municipal planning policy.

Sufficient services capacity exists to provide the newly created erf with services.

There are no restrictions in the title deed of erf 1510 which prohibits this application.

Potential market or impacts on property value are speculative. Planning assessments are based on policy alignment, lawful rights, service capacity and orderly development.

Given the retention of Residential Zone 1 zoning, compliance with 500m<sup>2</sup> minimum erf size, the subdivision is not anticipated to result in an intensity or built form inconsistent with the surrounding residential character.

#### **4. Impact on municipal engineering services**

Sufficient services capacity exists to provide the newly created erven with service connections.

Concerns regarding the slope of the property as well as the practicality of the use of conservancy tanks are acknowledged. Any additional infrastructure or mechanical solutions remain the responsibility of the developer and can easily be regulated with the implementation of conditions should the application be approved.

The addition of two additional single dwellings will result in modest additional trips and will therefore have a negligible impact on traffic as well as the level of service of the affected road.

### **PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

The financial or other value of the rights

N/A.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights

N/A

## **PART L: RECOMMENDATION WITH CONDITIONS**

- 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):

Both decisions mentioned in A. and B. above be subject to the conditions that:

### **1. TOWN PLANNING AND BUILDING CONTROL**

- (a) Erf 1510, Riebeeck West (2426m<sup>2</sup> in extent) be subdivided into Portion A (±815m<sup>2</sup> in extent), Portion B (±805m<sup>2</sup>) and a Remainder (±806m<sup>2</sup> 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;

### **2. 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 the building plan stage;

### **3. 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;

### **4. 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 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 R14 969,86 towards bulk water distribution, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R8 572, 39 towards sewerage, at clearance stage. The amount is payable 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 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 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;

### **5. 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.

#### **PART M: REASONS FOR RECOMMENDATION**

1. Due administrative process has been followed and the application is properly presented before the Swartland Municipal Planning Tribunal for decision-making.
2. 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.
3. The proposal is consistent with the spatial proposals of the Municipal SDF, 2025.
4. The proposal is consistent with the minimum erf size determined by the SDF, namely 500m<sup>2</sup>.
5. The development promotes densification in an urban area, consistent with national, provincial, and local legislation and policy.
6. The subdivision promotes efficient utilisation of serviced urban land and supports incremental residential opportunities consistent with the adopted MSDF objectives.
7. 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.
8. The subdivision introduces only two additional dwelling opportunities, resulting in a modest and acceptable increase in local traffic volumes consistent with residential streets.
9. On-site parking requirements remain enforceable through the development management scheme at building plan stage.
10. The Department: Civil Engineering Services confirmed that water, sewer, and access can be provided to the newly creates portions subject to the installation of separate connections and compliance with the engineering conditions imposed.
11. Development charges have been levied, ensuring that the development contributes proportionately to infrastructure provision and long-term service sustainability.
12. 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.
13. 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.



#### **PART N: ANNEXURES**

Annexure A: Locality plan  
 Annexure B: Subdivision plan  
 Annexure C: Copy of motivation report  
 Annexure D: Public participation plan  
 Annexure E: Objection Mr E Voser  
 Annexure F: Comments from the applicant on the objections

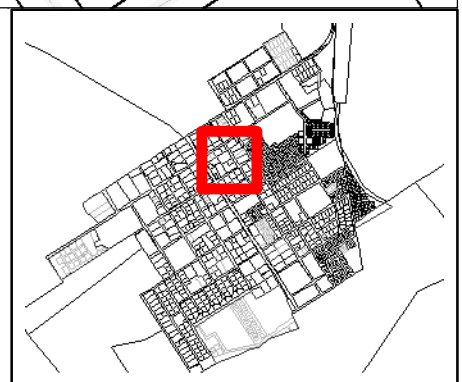
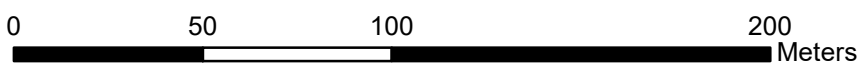
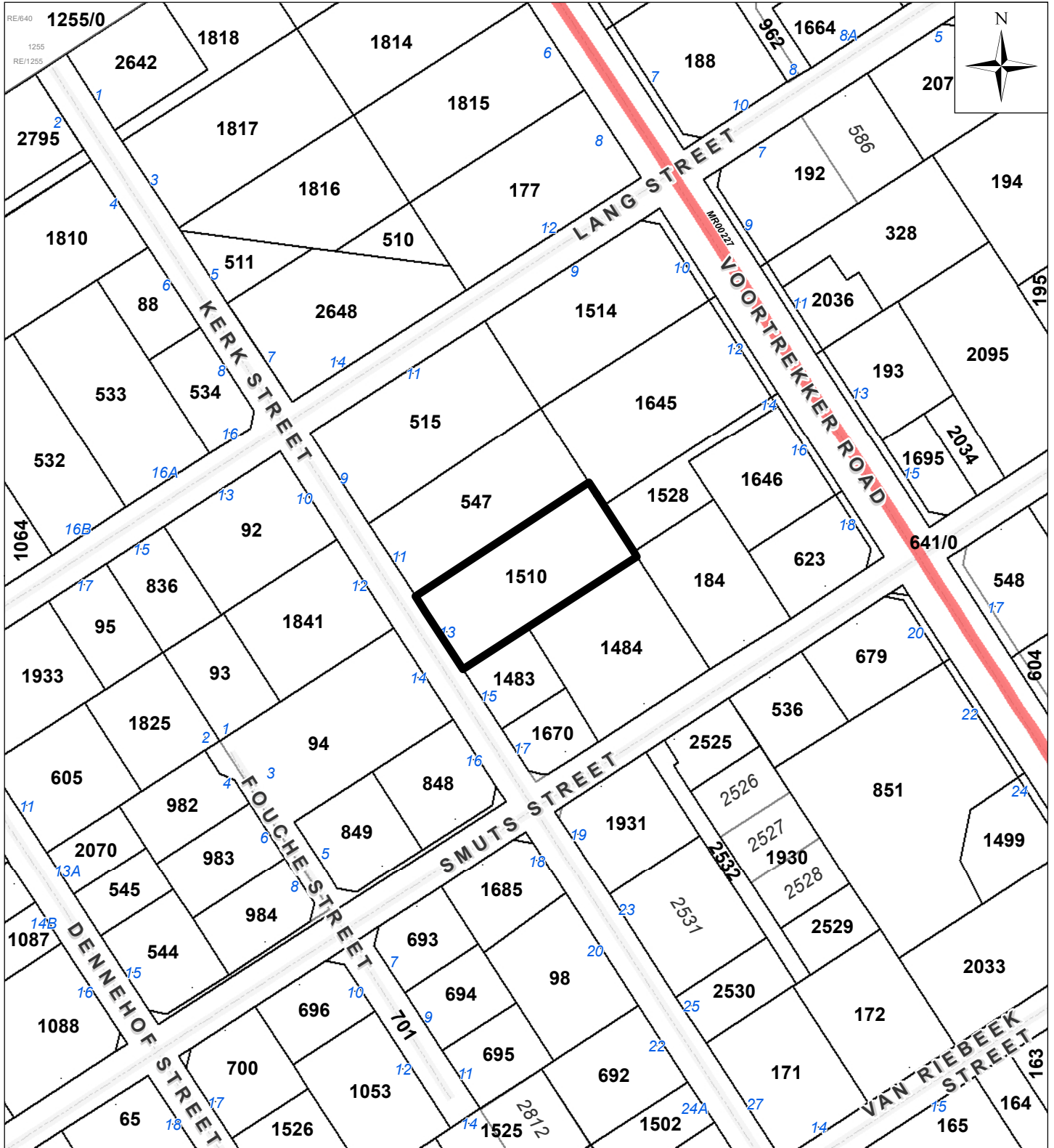
#### **PART O: APPLICANT DETAILS**

First name(s)	C.K. Rumboll and Partners		
Registered owner(s)	Me. A de Wet.	Is the applicant authorised to submit this application:	Y N

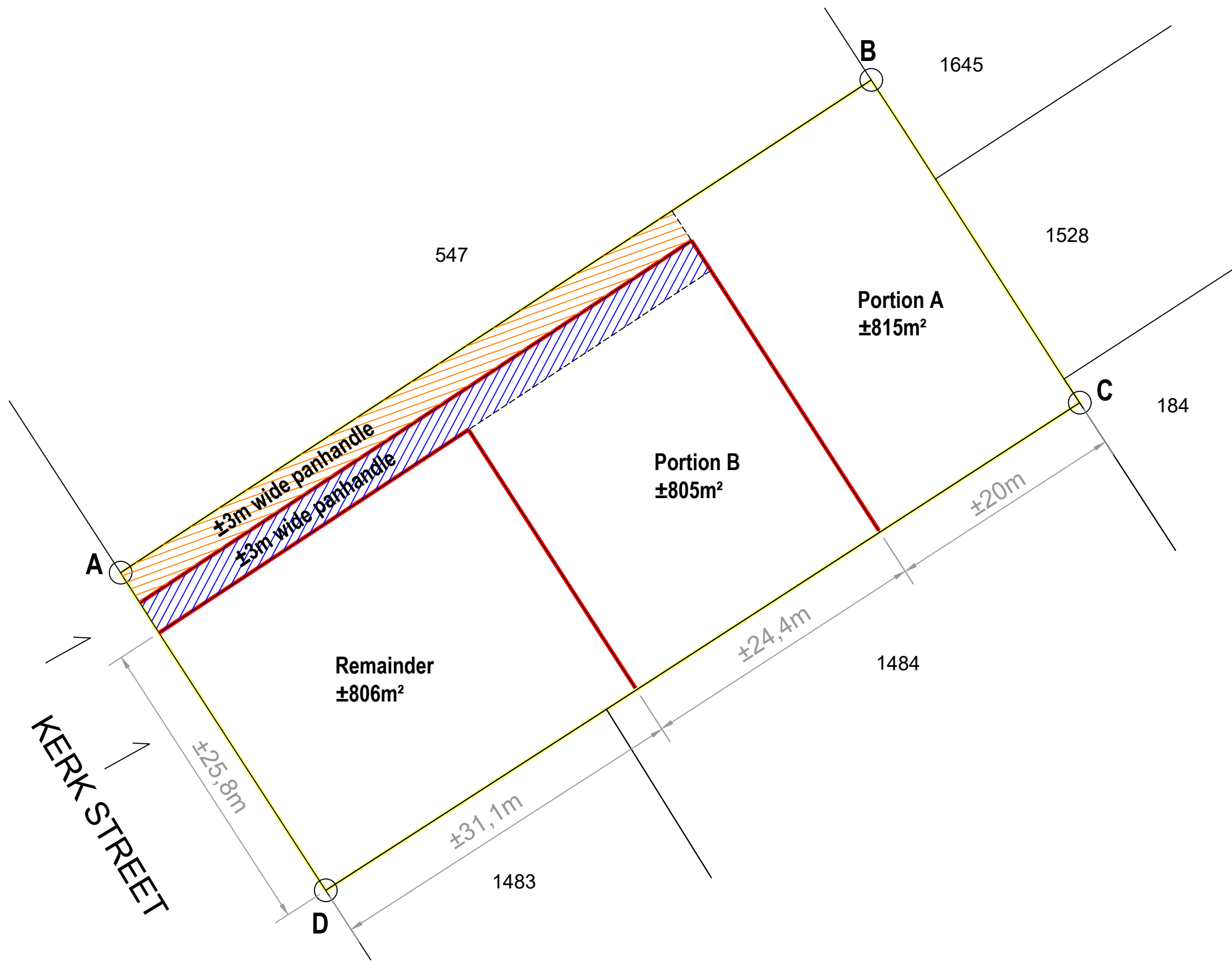
**PART P: SIGNATURES**

<p>Author details: Herman Olivier Town Planner and GIS Administrator SACPLAN: A/204/2010</p>		<p>Date: 24 April 2026</p>		
<p>Recommendation: Alwyn Zaayman Senior Manager Development Management SACPLAN: B/8001/2001</p>	<p>Recommended</p>	<input checked="" type="checkbox"/>	<p>Not recommended</p>	
		<p>Date: 28 April 2026</p>		

# LOCATION PLAN OF ERF 1510, RIEBEEK WEST



# PLAN OF SUBDIVISION: ERF 1510, RIEBEEK WEST



**NOTES:**

Figure **A B C D** represents Erf 1510 Riebeeek West which measures ±2426m<sup>2</sup>. Erf 1510 is to be subdivided into:

- Portion A (±815m<sup>2</sup>)
- Portion B (±805m<sup>2</sup>)
- Remainder (±806m<sup>2</sup>)

- Subdivision Line**
- Erf boundary**
- Access point**
- ±3m wide right of way servitude in favour of Portion A**
- ±3m wide right of way servitude in favour of Portion B**

Drawing by: NJ de Kock

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C.K. RUMBOLL & VENNOTE  
TOWN PLANNERS  
PROFESSIONAL SURVEYORS  
16 RAINIER STREET, MALMESBURY  
Tel: 022 - 4821845  
Fax: 022 - 4871661  
Email: planning2@rumboll.co.za

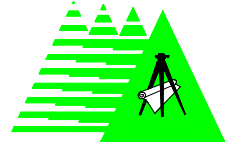
DATE:  
January 2026

AUTHORITY:  
SWARTLAND MUNICIPALITY

REF:  
RW/14994/NJdK

SCALE: NTS

# CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

---

DATE: 23 January 2026

OUR REF: RW/14994/NJdK

**BY HAND**

**Attention:** Mr. A. Zaayman  
Municipal Manager  
Swartland Municipality  
Private Bag X52  
**MALMESBURY**  
7299

**PROPOSED SUBDIVISION AND REGISTRATION OF SERVITUDES ON ERF 1510, RIEBEEK WEST**

With reference to the above-mentioned application, please find attached the following:

- A: Power of Attorney
- B: Application Form
- C: Title deed and diagram
- D: Locality Map
- E: Subdivision Plan
- F: Zoning Map

We trust you find the above to be in order.

Kind regards

  
.....

NJ de Kock

For CK RUMBOLL AND PARTNERS

---

**VENNOTE / PARTNERS:**

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

---

**ADDRESS/ ADRES:** jolandie@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299  
**MALMESBURY** (T) 022 482 1845 (F) 022 487 1661

## MOTIVATIONAL REPORT

### Proposed subdivision and registration of servitudes on Erf 1510, Riebeeck West

Application in terms of  
the Swartland Municipal  
By-Law on Land Use  
Planning (PG 8226 of 25  
March 2020)

**Authority:**

Swartland Municipality

**Date:**

January 2026

**Our Reference:**

RW/14994/NJdK

**Compiled By:**

*NJ de Kock for*

CK Rumboll & Partners

Town Planners

Professional Surveyors

16 Rainier Street, Malmesbury

Tel: 022-4821845

Fax: 022-4871661

Email: [planning2@rumboll.co.za](mailto:planning2@rumboll.co.za)



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**Annexures**

- A: Power of Attorney
- B: Application Form
- C: Title Deed and Diagram
- D: Locality Map
- E: Subdivision Plan



## 1. SECTION 1 INTRODUCTION

CK Rumboll and Partners have been appointed by Adele De Wet, the new owner of Erf 1510, Riebeeck West to attend to all town planning and survey actions regarding the subdivision and registration of servitudes on Erf 1510, Riebeeck West. The application is made to subdivide the property into two portions and a remainder. Copy of the Power of Attorney is attached as **Annexure A**.

### 1.1 Purpose

It is the purpose of this report to apply in terms of:

- ▶ Section 25(2)(d) of the *Swartland Municipal By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020)*, for the **Subdivision** of Erf 1510, Riebeeck West (2426m<sup>2</sup> in extent) into a Portion A (±815m<sup>2</sup> in extent), Portion B (±805m<sup>2</sup> in extent) and Remainder (±806m<sup>2</sup> in extent).
- ▶ Section 25(2)(d) of the *Swartland Municipal By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020)*, for the **Subdivision** to register a ±3m wide right of way servitude in favour of Proposed Portion B.
- ▶ Section 25(2)(d) of the *Swartland Municipal By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020)*, for the **Subdivision** to register a ±3m wide right of way servitude in favour of Proposed Portion A.

The completed Application Form is attached as **Annexure B**.

### 1.2 Property Description

Table 1: Property details

	Erf 1510, Riebeeck West
<b>Extent</b>	2426m <sup>2</sup>
<b>Registered Owner</b>	Adele De Wet
<b>Servitudes</b>	None
<b>Current Zoning</b>	Residential Zone 1
<b>Current Land Use</b>	Vacant
<b>Coordinates</b>	33.349248°S 18.867382°E
<b>Title Deed</b>	T43646/2000 (new title deed in process for registration)
<b>Title Deed Restrictions</b>	None

Copies of the Title Deed and Diagram are attached as **Annexure C**.

### 1.3 Legal Restrictions

The Title Deed of Erf 1510 in Riebeeck West, clearly indicates the absence of any conditions that could impact the proposed subdivision and servitudes. Copies of the Title Deed and Diagram are attached as **Annexure C**.

## 2. SECTION 2 CONTEXTUAL ANALYSIS

### 2.1 Locality

Riebeek West is located in the east of the Swartland District, approximately 6 kilometres north of Riebeek Kasteel, in the Riebeek Valley. The town is close to the slopes of the Kasteelberg, surrounded by intensively cultivated agricultural activities including some of the oldest wineries in South Africa, namely Groenrivier, Allesverloren and Brandwag. Erf 1510 is located in the northern part of Riebeek West, within the existing residential area and gains access from Church Street on its western boundary. The Locality Map is attached as **Annexure D**.

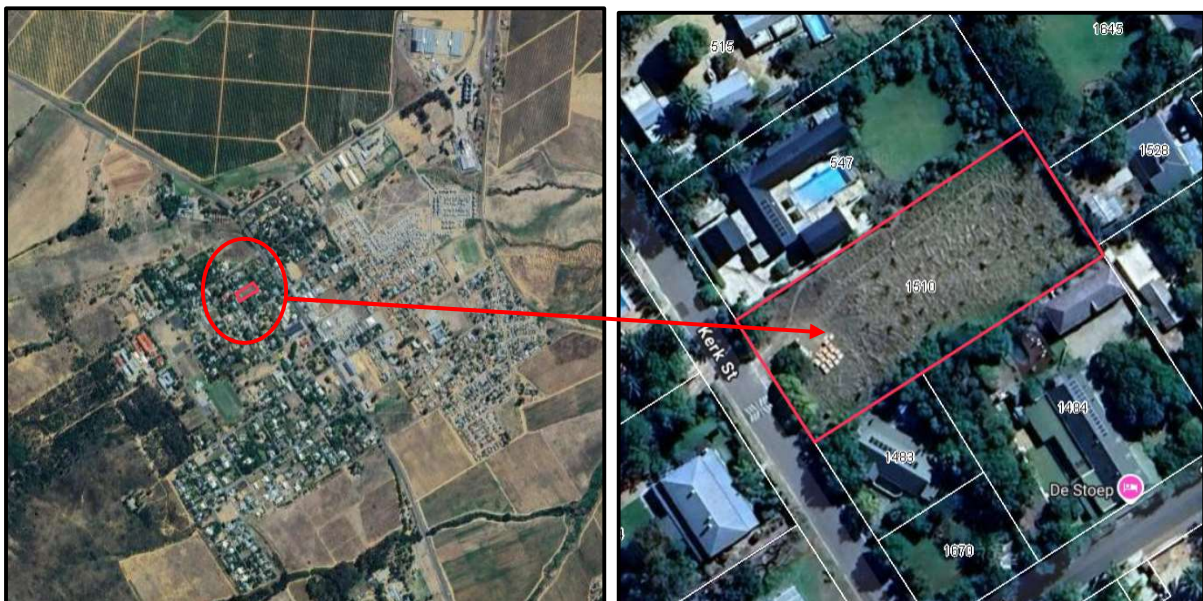


Figure 1: Locality of Erf 1510, Riebeek West

### 2.2 Existing Zoning and Surrounding Uses

In terms of the *Swartland Municipal Land Use Planning By-law (PG 8226)*, Erf 1510, Riebeek West, is zoned Residential Zone 1 and is currently vacant. The surrounding area includes mostly residential properties to the south, west and east with a combination of residential and commercial properties to the north. The proposed development will not affect the zoning of the property, as the current zoning will still be maintained with corresponding land uses. The proposed development to create smaller plots will not adversely affect the existing residential character, but rather strengthen it by making new residential opportunities available on existing residential zoned land.

Figure 2 below illustrates Erf 1510 and the surrounding zoning.

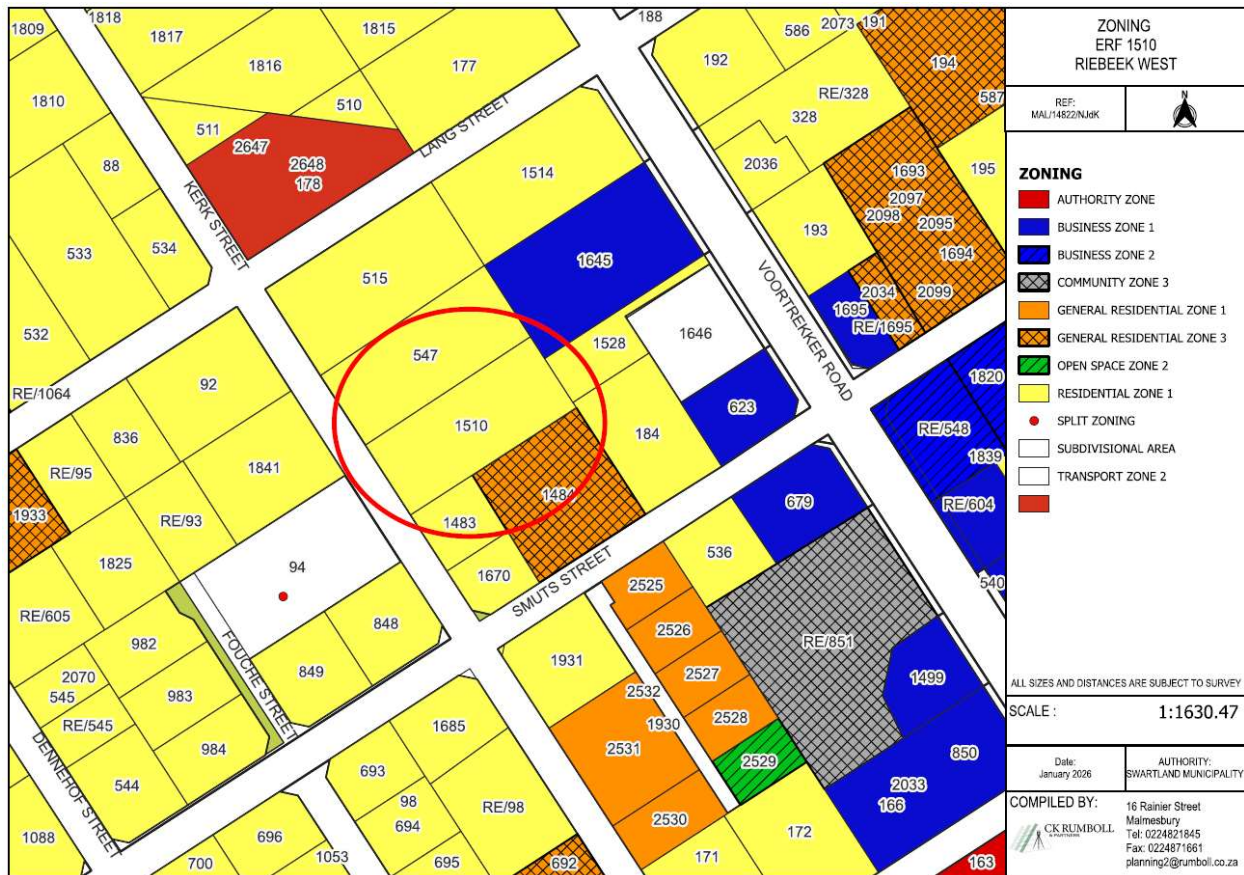


Figure 2: Erf 1510 and surrounding zoning

### 2.3 Services

The newly proposed erven will be connected to the existing service network. The Swartland Engineering department will have to confirm if sufficient service capacity is available.

## 3. SECTION 3 DEVELOPMENT PROPOSAL

### 3.1 Proposed Subdivision

In order to obtain the necessary land use rights, application is made in terms of:

- ▶ Section 25(2)(d) of the *Swartland Municipal By-law on Municipal Land Use Planning (PG 8226 of 25 March 2020)*, for the **Subdivision** of Erf 1510, Riebeeek West (2426m<sup>2</sup> in extent) into a Portion A (±815m<sup>2</sup> in extent), Portion B (±805m<sup>2</sup> in extent) and Remainder (±806m<sup>2</sup> in extent).

The owner intends to sell the proposed Portion A and Portion B while residing on the proposed Remainder, thereby providing them with an additional income opportunity. Table 2 and Figure 3 below illustrate the proposed changes to the land. The Subdivision Plan is attached as **Annexure E**.

Furthermore, there is a tendency for owner to invest in smaller properties. Smaller erven are easier to maintain and creates new housing opportunities. The proposed subdivision aims at dividing the property into two portions and a remainder. Ownership of land is one of the economic pillars of the South African economy. In most cases the possession of land represents the largest portion of an individual’s estate. The free trading of parcels of land is an acknowledged form of accumulation of wealth. The South African landscape offers investors the opportunity to subdivide and consolidate as the market dictates. Developers look at the marketability of the size of plots they create, and this is dictated by the demands of the market at the time. Individual needs for larger or smaller plots are a normal tendency amongst investors further down the line. The freedom to consolidate or subdivide properties gives access to new entrance into the property market. The proposed development aims to fulfil the need for smaller residential properties on existing residential zoned land. The application for subdivision is also a market driven decision and should be encouraged.

The proposed subdivision is considered as favourably on the basis of:

- Densification is supported due to the existing large plots of the area. Therefore, the existing land will be utilised more efficiently in accordance with the zoning applicable.
- Minimum erf sizes of 500m<sup>2</sup> are maintained.
- The existing character of the area will not be adversely affected, as there are several properties in the area with a similar size to what is being proposed.
- Optimal use of services and infrastructure will occur.

*Table 2: Proposed subdivision*

<b>Property</b>	<b>Size</b>	<b>Zoning</b>
Portion A	±815m <sup>2</sup>	Residential Zone 1
Portion B	±805m <sup>2</sup>	Residential Zone 1
Remainder	±806m <sup>2</sup>	Residential Zone 1
<b>Erf 1510</b>	<b>2426m<sup>2</sup></b>	<b>Residential Zone 1</b>

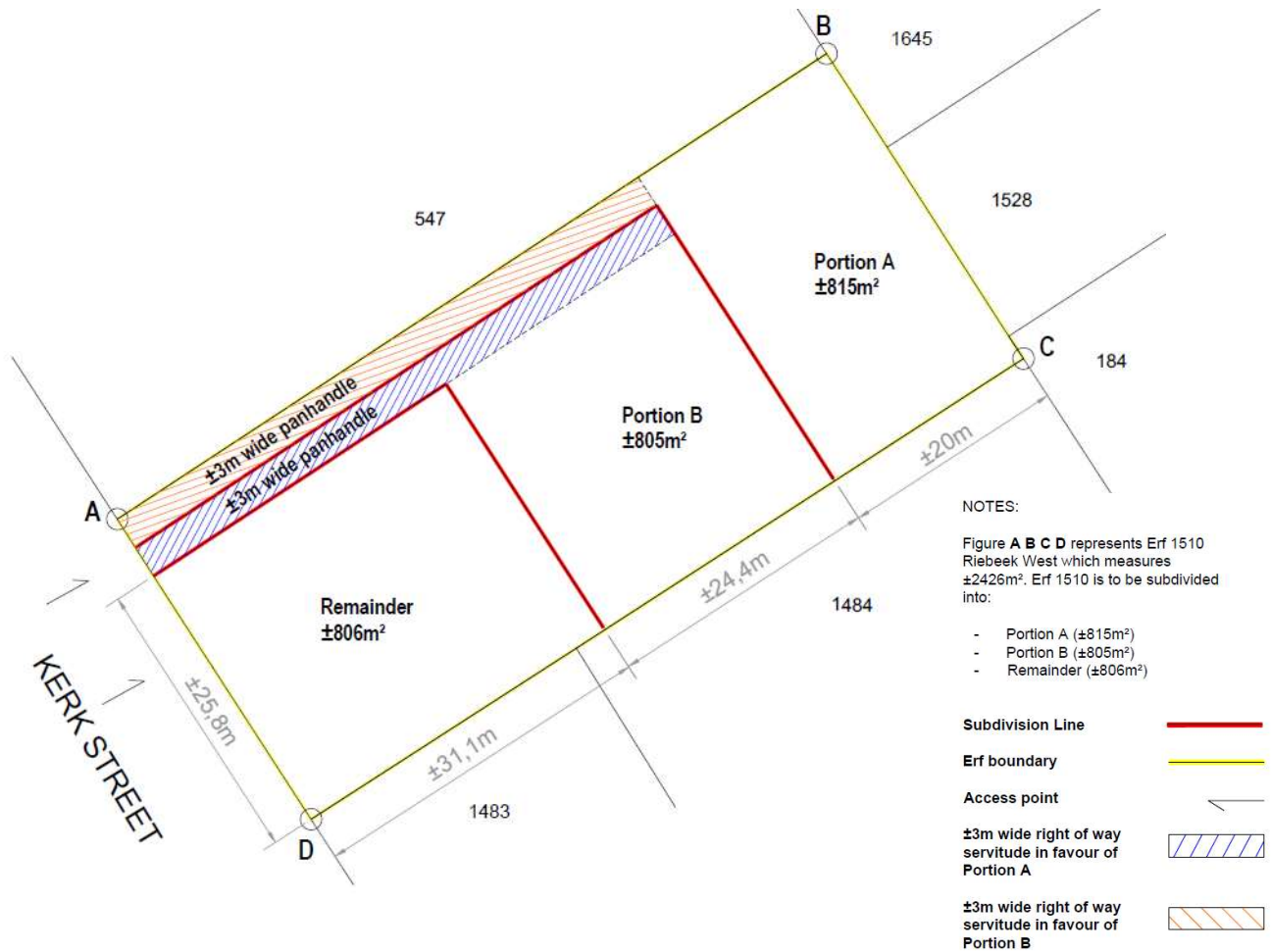


Figure 3: Proposed subdivision of Erf 1510, Riebeek West

The proposed subdivision of Erf 1510, Riebeek West will maintain the minimum erf size of 500m<sup>2</sup>. With a substantial size of 2426m<sup>2</sup>, the erf presents an ideal opportunity for subdivision, promoting a higher residential density in Riebeek West, as supported by the Swartland SDF (2023)

### 3.2 Registration of two right of way servitudes

With the proposed subdivision, application is made for the registration of right of way servitudes in respect of both Portions A and B of Erf 1510, Riebeek Kasteel, in terms of Section 25(2)(d) of the Swartland Municipality Land Use Planning By-Law (PG 8226 of 25 March 2020). The proposed right-of-way servitudes, each approximately 3 m wide, will be situated on the proposed panhandles of Portions A and B and will therefore not adversely affect any surrounding properties.

A ±3 m wide right-of-way servitude is proposed over Portion A in favour of Portion B, and a corresponding ±3 m wide right-of-way servitude over Portion B in favour of Portion A. Together, these servitudes will create a shared access road approximately 6 m wide to serve the proposed development on both properties. The proposed access will provide sufficient space for safe and efficient access.

### 3.3 Access and Parking

Erf 1510, Riebeek West currently has access from Church Street along its southern boundary. Following the proposed subdivision, Portion A and Portion B will each obtain direct access from Church Street via panhandles and servitudes. As the two panhandles are situated adjacent to one another, application is made to register reciprocal servitudes over each panhandle, thereby creating a single shared access road of approximately 6 m in width. The proposed Remainder will also retain direct access from Church Street.

Parking bays on the newly proposed properties will be provided in accordance with the parking provision requirements set out in Section 13 of the *Swartland Municipal Land Use Planning By-law (PG 8226)*, which is two parking bays per dwelling unit. The Subdivision Plan is attached as **Annexure E**.

## 4. SECTION 4 PLANNING POLICY

### 4.1 Municipal Spatial Development Framework

The *Swartland Spatial Development Framework (SDF) (2023)* determines the strategic policy guidelines for future development in the Swartland region and in this case, in Riebeek West. With regard to land use proposals applicable to Riebeek West, the *SDF* identifies the area in which Erf 1510 is located as Zone F, which *“has a low density residential character with supporting social infrastructure and opportunities for infill development including higher density residential uses.”*

The table below indicates the alignment of the proposed development with the Change and Develop Place Identity for Riebeek West as set out in the *Swartland SDF (2023)*.

Change	Develop	Comply with SDF:
Support densification through subdivision, infill development, renewal and restructuring in accordance with zone proposals.	Increase density by 2027 from the current 7.4 units per hectare to 8.5 units per hectare in Riebeek Wes.	<i>The proposed development supports the notion of infill development though subdivision and by adding a residential opportunity to the area.</i>
	Allow for minimum subdivision size of single residential erven of 500 m <sup>2</sup> .	<i>Infill development results in efficient use of land and services.</i>  <i>The proposal also complies with the minimum subdivision size of the area.</i>  <i>The proposal will utilise the existing infrastructure and services to its full potential.</i>

The *Swartland SDF* supports the *Western Cape Spatial Development Framework's* principle of densification within existing urban areas. Subdividing vacant or underutilised land throughout the built area of the town is one of the suggested ways in which densification in urban areas can occur. Figure 4 below is an extract from the *Swartland SDF*.

RIEBEEK WEST LAND USE ZONES		Low Density Residential Uses	Medium Density Residential Uses	High Density Residential Uses	Secondary Educational Uses	Place of Education	Professional Uses	Business Uses	Secondary Business Uses	Place of Worship	Institution	Guest houses	Authority	Sport/Recreational Facilities	Industries & Service Trade
F	Zone F has a low density residential character with supporting social infrastructure and opportunities for infill development including higher density residential uses.	X	X	X 1	X	X	X	X 1	X 1	X	X	X	X	X	

Figure 4: Extract from the *Swartland SDF*

From the above it is clear that the proposed development is in line with the spatial proposals set out for Riebeeek West. With the proposed development, the creation of a spatially efficient and compact urban form is promoted by applying sustainable infill development in an area consisting over potential for higher density residential development.

#### 4.2 Principles of Land Use Planning

The proposed development supports the principles of *Chapter VI (Article 1510) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, as follows;*

- ***Spatial justice:*** the application supports spatial compactness, sustainable use of resources and falls within an administrative area earmarked for residential use. The zoning of the property will not change; the owner's right to develop the land for residential purposes is in accordance with the current use right of the property. The proposed development does not support further segregation within the community and access for all to residential opportunities are promoted. Facilities and services are considered in the proposed development. The development proposal is consistent with the *Swartland Spatial Development Framework (2023)* as a spatial instrument that directs future development at a Local Municipal level.
- ***Spatial sustainability:*** the development of this property is in line with the densification proposal suggested within urban boundaries of all towns in the Western Cape. Population growth is an ongoing global issue and with that comes the need for more housing. The proposed development will be sustainable by making optimal use of existing residential land to provide housing opportunities.

The proposed subdivision further limits urban sprawl through the optimal utilisation of existing land within the relevant residential environment and encourages spatial development that includes long-term social benefits for the Riebeek West community.

The proposed development promotes the financial viability of the municipality of the present and for the future. The proposed development is within the Environmental Management requirements by developing land within the existing Urban Edge and leaving the surrounding natural areas untouched. The proposed development will have no negative effects on any potential agricultural land. No heritage resources will be influenced by the development. Furthermore it will not affect any endangered vegetation or conservation areas.

- **Efficiency**: creating smaller erven promotes a combination of residential densities within the existing residential area. The proposed development promotes the quality and functionality of the property through the optimal use of existing services and infrastructure. It further strengthens the efficiency of the property by creating new housing opportunities. The proposed development will promote the short, medium and long term financial sustainability of the property, seeing as optimal use of existing services and infrastructure is made and will contribute to achieving the desired densification strategy as set out within the *Swartland SDF*. Infill development is an effective spatial planning tool that promotes sustainable development by making optimal use of available opportunities. The proposal will also ensure an overall a more compact town.
- **Spatial resilience**: the development will be resilient in terms of the variety of uses under the Residential zoning that may be allowed on the properties if the necessary land use rights are obtained. The proposed development does not limit any future benefits of the property or surrounding area.
- **Administration**: the proposed application will be taken through the public process by the Swartland Municipality and all relevant departments will be approached.

From the above, it can be concluded that the proposed development complies with the overall guidelines and proposals for future development in Riebeek West when taking into consideration the impact and scale of the proposed development. The proposal can be deemed consistent with the applicable planning policies and guidelines as it will result in uses that will still maintain the character of the area, whilst supporting densification within the urban edge of Riebeek West. With the proposed development, the property will be used to its full potential and contribute to limiting urban sprawl.

## 5. SECTION 5 SUMMARY

The proposed subdivision and servitudes are considered desirable on the basis of the following;

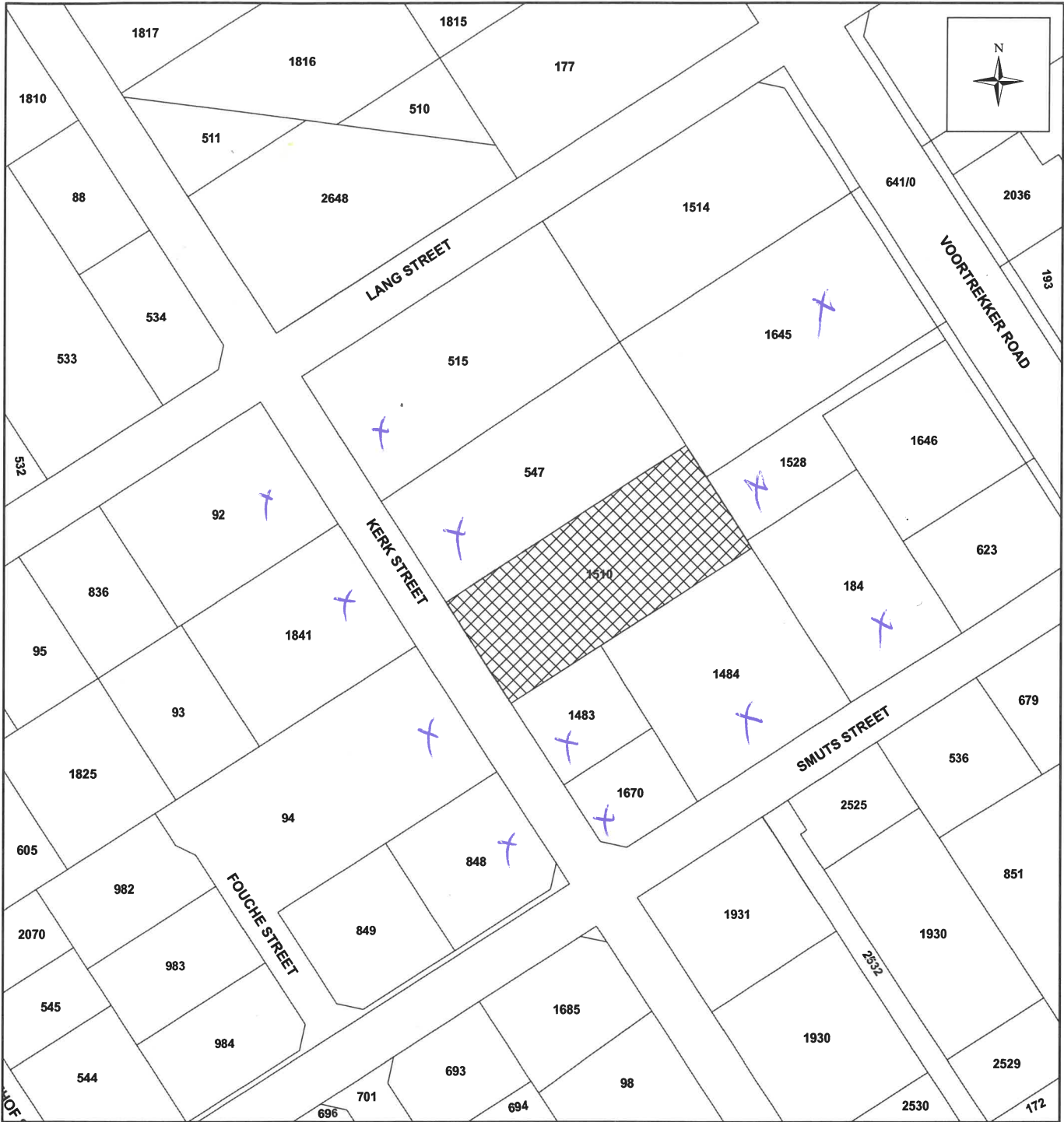
- The proposed subdivision supports LUPA and SPLUMA;
- The proposed development effectively caters for future residential needs in Riebeeck West by creating new housing opportunities;
- The optimal use of services leads to cheaper infrastructure provision;
- The proposed subdivision will limit urban sprawl within the Riebeeck West area;
- The development also supports the SDF by promoting densification within the existing urban areas;
- The current zoning of the property will remain unchanged;
- Creation of smaller erven is easier to maintain.
- Complies with the minimum erf size of 500m<sup>2</sup>.
- The development proposal will complement the character of the area and not adversely affect any natural conservation areas or surrounding agricultural practises.
- With the proposed subdivision, the owner of Erf 1510, Riebeeck West, is granted an income opportunity.
- Two additional functional erven will be created.

This office is of the opinion that the application for subdivision of Erf 1510, Riebeeck West will not have a negative impact on the surrounding properties and built environment. It would rather make a positive contribution to residential development in Riebeeck West due to the optimal use of existing land for housing purposes.

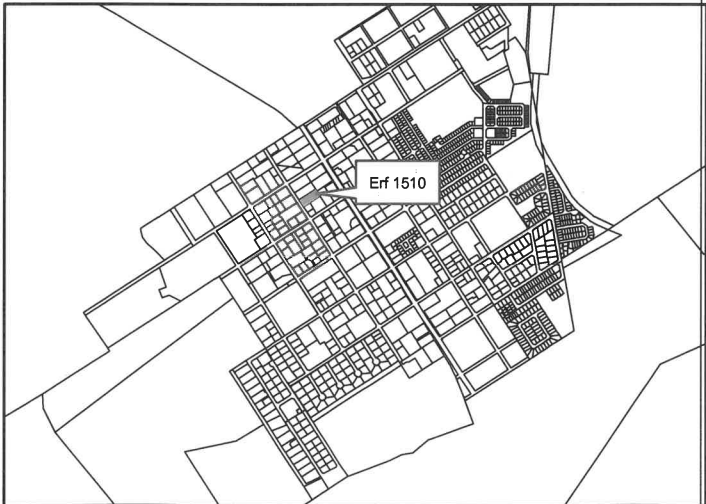


NJ de Kock

For CK RUMBOLL AND PARTNERS



Voorgestelde onderverdeling en registrasie van serwitute  
Erf 1510, Riebeek Wes  
Publieke deelname  
Skaal: NVT



Planning Department  
 ATTENTION: MR A ZAAYMAN  
 Municipal Manager  
 Swartland Municipality  
 Private Bag X52  
 Malmesbury 7299

MUNISIPALITEIT SWARTLAND				REG	5
LEER No: 15/3/6-12/Erf_1510					
Verwys Na	Inligting	Verslag	Afhandel	Kom/Taar	
SSSB					
a 12e					
Ander Opdrag: 15/3/8-12/Erf_1510					
SPERDATUM:					(get)BK

**REFERENCE 15/3/6-Erf\_1510**

**OBJECTION TO THE PROPOSED SUBDIVISION OF ERF 1510, RIEBEEK WES**

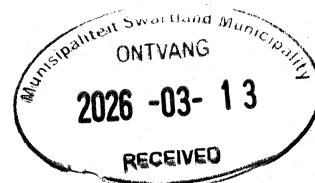
Dear Sir,

We hereby formally object to the proposed subdivision and 3 house development as per application number 15/3/6 of erf 1510 at 13 Kerk Street, Riebeeck Wes, located within our residential village area. We believe that this development would have a negative impact on the character and quality of life within our community, and I respectfully urge you to reconsider the approval of this project for the following reasons:-

**Devaluation of Property:** The introduction of a high-density development in a previously quiet, low-density area is likely to result in the devaluation of my property and others in the immediate vicinity. The loss of the villa-like character of the neighbourhood, replaced by more densely packed homes, will negatively impact the aesthetic appeal of the area. This may reduce the desirability of the location for potential future buyers and reduce property values.

**Noise Pollution:** The construction and eventual occupation of the new homes will result in a marked increase in noise levels, which would disrupt the peaceful and quiet nature of the neighbourhood. During the construction phase and thereafter, the noise from machinery, heavy trucks, and workers could be prolonged and intrusive, and once completed, the added number of vehicles and occupants will only exacerbate the noise levels. This would have a detrimental effect on residents' quality of life and well-being.

Regarding the plan that was presented by CK RUMBOLL & VENNOTE /PARTNERS and its design, plots can be divided if there is a logic in terms of its access and logistics, which is to mean, if all 3 houses have a directed access from Kerk Street.



In this case, 2 entrances and corridors are being created, to give access to the 2 houses located in the back of the erf. This is a very negative solution not only in terms of the aesthetic, but also in the vehicles traffic that will be generated.

**Excessive Vehicle Traffic:** The proposed development will lead to a significant increase in vehicle traffic in an area that is currently characterized by low-density housing. The streets in this residential area are not designed to accommodate the level of traffic that would be generated by three additional houses. This would not only result in congestion but could also create dangerous driving conditions for residents, particularly families with children and elderly individuals who live here.

**Safety Concerns:** The increase in traffic, coupled with the potential lack of adequate pedestrian safety measures, raises concerns regarding the safety of residents, particularly children and elderly individuals. The addition of several new driveways and vehicle access points could make the roads more hazardous, especially given the limited visibility in some areas of the neighbourhood. There is a serious risk of accidents, particularly if traffic volume increases without corresponding infrastructure upgrades.

**Sewerage:** How is this being managed? The land slopes down from the road so if mainline it will have to be pumped up by new owners. If conservancy tanks, how will it get pumped? How will the HONEY SUCKER VEHICLE empty them?? The length of pipe will be far too long to allow for this. There is not adequate driveway provision to access the lower two sub- divisions. I regard this as a very serious issue for which I request an explanation from you.

A very important matter has also come to our attention. Owners of properties directly affected by the proposal, their properties clearly marked with an X on the proposal, did not receive the notification of the proposed sub-division, which affects the impartiality of the decision.

Given the above concerns, we urge you to carefully consider the long-term implications this development would have on the neighbourhood, both in terms of the environment and the well-being of its residents.

We trust you will take these objections into serious account during the decision-making process.

Please find attached to this letter the signed objection of owners of affected properties.

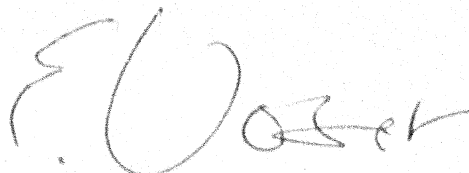
Thank you for your attention to this matter. We look forward to your response and hope that you will take the necessary steps to ensure that the character and value (which affects your rates) of our residential area is preserved.

Yours sincerely,

Eric Voser

Erf 547

11 Kerk Street, Riebeeck West - 7306



We, the residents listed below, stand in full support of this objection and respectfully request that the proposed development be reconsidered in light of the concerns outlined above and its impact on our neighbourhood.

Erf No:	Name & Surname:	Contact No:	Signature:
Erf 848	Anina du Toit	082 770 9988	<i>AS du Toit</i>
Erf 1483	Belinda Crouse	082 572 2894	<i>B Crouse</i>
Erf 1670	Belinda Crouse	082 572 2894	<i>B Crouse</i>
Erf 94	Ella Blom	0827670933	<i>Ella Blom</i>
ERF 1841	Samantha Suddons	0763924301	<i>Samantha Suddons</i>
ERF 515	Bronwyn Botha	0761504640	<i>Bronwyn Botha</i>
ERF 1645	Lana McLaughlin	(082) 493-1053	<i>Lana McLaughlin</i>

# CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

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DATE: 24 March 2026

OUR REF: RW/14994/NJdK

**PER HAND**

**Attention:** Mr A Zaayman

The Municipal Manager  
Swartland Municipality  
Private Bag X52  
**MALMESBURY**  
7300

Sir

**COMMENTS ON OBJECTIONS**

**PROPOSED SUBDIVISION AND REGISTRATION OF A SERVITUDE ON ERF 1510, RIEBEEK WES**

Your letter dated 24 March 2026 refers (see annexure A attached). Please find attached our comments to objections.

During the public participation period, comments were received from the following objectors:

- Eric Voser (Erf 547)

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**VENNOTE / PARTNERS:**

IHJ RumbollPrL (SA), BSc (Surv), M.I.P.L.S., AP Steyl PrL (SA), BSc (Surv), M.I.P.L.S.

ADDRESS/ ADRES: [admin@rumboll.co.za](mailto:admin@rumboll.co.za) / PO Box 211 / Rainierstr 16, Malmesbury, 7299  
**MALMESBURY** (T) 022 482 1845

	<b>Objection</b>	<b>Comment from CK Rumboll &amp; Partners</b>
Eric Voser	1.The objector claims that "high-density" development will result in property devaluation and the loss of the area's "villa-like character".	<p>1. In terms of the Swartland Spatial Development Framework, erf sizes exceeding a density of 15 du/ha (i.e. approximately 666m<sup>2</sup> per erf) are regarded as low density. As the proposed erven will all exceed 800m<sup>2</sup>, the development is consistent with the low-density character of the area. Furthermore, erven within the surrounding area are, in some instances, smaller than those proposed through the subdivision. The proposal is therefore unlikely to have an adverse impact on the existing character of the area.</p> <p>The Swartland Spatial Development Framework further provides the following guidelines for the area in which Erf 1510 is situated:</p> <ul style="list-style-type: none"> <li>• <i>Support densification through subdivision, infill development, renewal and restructuring in accordance with zone proposals.</i></li> <li>• <i>Increase density by 2027 from the current 7.4 units per hectare to 8.5 units per hectare in Riebeeck Wes.</i></li> <li>• <i>Allow for minimum subdivision size of single residential erven of 500 m<sup>2</sup>.</i></li> <li>• The property is further located along an activity street, where higher order development is encouraged.</li> </ul> <p>Additionally, there is no empirical evidence to suggest that controlled densification devalues a neighbourhood; rather, it often reflects investment and market demand, which can stabilise or even enhance property values. The proposed development can therefore be encouraged.</p>
	2. Construction and the additional occupants will create intrusive noise and disrupt the peaceful and quiet nature of the area.	2. Noise during the construction phase is a temporary impact and is strictly regulated by municipal by-laws regarding working hours. Once completed, the noise generated by two additional residential units is considered a standard and compatible residential

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		activity. In a residential area, the presence of neighbours is an inherent expectation, and the noise from three households on a single large erf does not legally constitute a "nuisance" that would warrant the refusal of land-use rights.
	3. The objector argues that creating entrances and corridors (servitudes) to access houses at the back of the erf is aesthetically negative and illogical.	3. The use of access servitudes or pan-handles is a standard, efficient, and recognized planning practice to allow for "back-land" development. This allows for the subdivision of deep erven that do not have wide street frontages. The municipality evaluates these based on functional engineering standards (width and safety) rather than subjective aesthetic preferences. Furthermore, Erf 1528 (adjacent to Erf 1510) is accessed via a panhandle configuration, similar to that proposed in this development. A precedent of creating panhandle erven is already set in the area.
	4. The streets are not designed for the traffic of three additional houses, leading to congestion and safety risks for children and the elderly.	4. The trips generate by two additional residential units will have limited to no impact on the area, as Erf 1510 is located along an activity street (Church Street), where higher order development is encouraged. This road therefore has the capacity to accommodate the additional traffic load. The width (±6m) of the servitude / panhandle road is wide enough to ensure safe access to and from the properties.
	5. The land slopes down from the road, raising concerns about how sewerage will be pumped or managed, especially regarding "Honey Sucker" vehicles or conservancy tanks.	5. The municipality will not grant final approval (Section 137 clearance) until the developer provides a services plan approved by the Director of Engineering Services. If gravity feed to the main line is impossible, the developer is responsible for installing technical solutions at their own cost. The technical difficulty of a service connection is a design challenge for the engineer, not a planning reason to deny the subdivision.
	6. Some owners claim they did not receive the official notification of the proposed subdivision.	6. Noted. Swartland Municipality follows a thorough public participation process in accordance with its Municipal Land Use Planning By-Law. Notifications are

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		issued to surrounding landowners who, in the Municipality's opinion, may be affected by the proposed development. Where certain owners did not receive a notification letter, it is either because they were not considered to be affected, or because a notification was sent but not collected from the registered mail.
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In summary, while the concerns raised by the objectors regarding the character and infrastructure of Riebeeck Wes are noted, the proposed subdivision of Erf 1510 represents a responsible and sustainable form of urban densification. The potential impacts on traffic, noise, and services are either statistically negligible or manageable through standard engineering solutions and strict adherence to municipal by-laws. By approving this application, the municipality would be supporting the efficient use of existing land and infrastructure in a manner that aligns with their Spatial Development Framework.

We trust you will find the above in order when considering the application

Kind regards



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NJ de Kock  
For *CK RUMBOLL AND PARTNERS*

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**VENNOTE / PARTNERS:**

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