

OVERVIEW OF THE LANGEBERG MUNICIPAL PLANNING TRIBUNAL FROM 2016 TO 2026

MANAGER TOWN PLANNING 18/02/2026

Purpose of report

To provide an overview of the Tribunal meetings held from 2016 to 2026 and to thank members for their contributions.

Background and Members:

The establishment of the Langeberg Municipal Planning Tribunal was first gazetted on 29 April 2016.

In terms of Section 37(1) of SPLUMA, 2013, and Section 73 (1) of the Langeberg Land Use Planning Bylaw, 2015 (LLUPB), a member of the Tribunal is appointed for five years or shorter period as the Municipality may determine, and may be appointed for further terms provided that a member may not serve for longer than a continuous period of 10 years.

Of the current members, the following members were appointed as part of the original Tribunal and their current terms of office end on 30 March 2026: **Hendrik Taljaard** (Witzenberg Municipality), **Carisa Pieters** (Breede Valley Municipality), **Quinton Balie** (CWDM), and **Helene Janser** (DEA&DP).

To have had four of the same members since the inception, has been invaluable. The contributions of these members are sincerely appreciated, and they are thanked for the time and energy which they have given to planning and development within the Langeberg Municipal area.

Tribunal Decisions & Statistics:

The importance of ensuring that Tribunal members are well qualified and experienced was highlighted in the High Court Review of the application regarding the abattoir composting facility and Intensive Feed Farm. Attached is an extract from the judgment which highlights the important role of decision-makers (refer to paragraphs 15 and 16 of **Annexure A**). Land use decisions must be seen to be fair, reasoned and supported by sound reasons. The integrity and abilities of Tribunal members are key determinants in the respect which the public and developers accord to such decisions.

During the 10 years of operation, the Langeberg Municipal Planning Tribunal has considered some 115 Assessment reports submitted to it by the Town Planning Department. The relevant statistics are attached at **Annexure B** and are summarised as follows:

- ✚ 79% of applications were approved by the Tribunal, and 21% refused.
- ✚ Only 8% of these Tribunal decisions were appealed.
- ✚ In 85% of these appeals, the Appeal Authority confirmed the decision of the Tribunal.
- ✚ Only one decision was taken on review in terms of PAJA, and the High Court found in favour of the Langeberg Municipality, with costs awarded.

Recommendation

That the following four members be thanked for their service and contributions to planning and development in the Langeberg Municipal Area: **Hendrik Taljaard** (Witzenberg Municipality), **Carisa Pieters** (Breede Valley Municipality), **Quinton Balie** (CWDM), and **Helene Janser** (DEA&DP)

That an item be submitted to Council to appoint the required number of new Tribunal members in accordance with the requirements in Section 73 of the LLUPB.

That the statistics relating to Tribunal decisions between 2016 to 2026 be noted, with appreciation to the Town Planning Secretary, Ms J Vermeulen, for the compilation thereof.



**In the High Court of South Africa
(Western Cape Division, Cape Town)**

Case number: 15865/2021

In the matter between:

SOUTH AFRICAN FARM ASSURED MEAT GROUP CC	First applicant
HENDRIK JOHANNES SWANEPOEL DE BOD N.O.	Second applicant
JOHANNES PETRUS DU BOIS N.O.	Third applicant
DANIEL JACOBUS VAN STADEN N.O.	Fourth applicant
(in their capacities as trustees of the Reben Trust)	

and

LANGEBERG MUNICIPALITY	First respondent
PERISSEIA (PTY) LTD	Second respondent
HANNERÉ CECILE JOOSTE	Third respondent
JAN LOUIS JORDAAN	Fourth respondent

MEMBER OF THE EXECUTIVE COUNCIL FOR LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: WESTERN CAPE	Fifth respondent
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DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1) OF THE DEPARTMENT ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: WESTERN CAPE	Sixth respondent
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DIRECTOR: WASTE MANAGEMENT OF THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: WESTERN CAPE	Seventh respondent
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consider them.

The approach to be adopted in applications such as the present

15. It is uncontentious that the starting point in land use planning reviews is to recognise the purpose of the applicable land use planning instruments, including legislation and policy. In *City of Cape Town v Da Cruz* 2018 (3) SA 462 (WCC) this Court held as follows at para [80]:

"... Odendaal v Eastern Metropolitan Local Council, which serves as a lodestar in matters such as these. Lewis AJ held therein that the Building Standards Act and the applicable zoning scheme are legislative instruments for ensuring the 'harmonious, safe and efficient development of urban areas' and they require local authorities, when carrying out the duties imposed upon them, to ensure that there is a balance of interests within a geographical community, as they are in effect the guardians of the community interest and are required to 'safeguard' the interests of property owners in the areas of their jurisdiction. and to ensure that such areas are developed in as 'efficient, safe and aesthetically pleasing a way as possible'. These are onerous responsibilities indeed. which require a contextual assessment. having regard not only to the subject property. but also to the neighbourhood in which it is located. but in order to discharge them in accordance with what is required in terms of the prevailing case law, there is no need to indulge in speculation or conjecture...". [Emphasis added.]

16. Properties are bought and investments are made to develop those properties in reliance upon the applicable zoning scheme. When a person applies for rezoning, he or she is applying for more development rights than those ordinarily attaching to the property under the governing zoning scheme. The increase in land use right can come at the expense of the rights of others within the municipal jurisdiction. This is why a local authority should be careful when assessing and determining land use applications: the process involves the balancing of the interests of the

applicant and the neighbouring owners, as well as, in certain circumstances, the broader community.

17. Given the polycentric balancing act required, deference to decision-makers is indicated. The case law in this respect is plentiful. The distinction between review and appeal and the separation of powers between the executive and the courts must be respected, as the Supreme Court of Appeal reiterated in *MEC for Environmental Affairs and Development Planning v Clairisons CC* 2013 (6) SA 235 (SCA):

'[18] ...the learned judge blurred the distinction between an appeal and a review. It bears repeating that a review is not concerned with the correctness of a decision made by a functionary. but with whether he performed the function with which he was entrusted. When the law entrusts a functionary with a discretion it means just that: the law gives recognition to the evaluation made by the functionary to whom the discretion is entrusted, and it is not open to a court to second-guess his evaluation. The role of a court is no more than to ensure that the decision-maker has performed the function with which he was entrusted.'
[Emphasis added.]

18. Another important consideration is that the determination of the weight to be given to the various factors at play in reaching a decision is the decision-maker's prerogative. In *Clairisons CC supra* at paras [17] to [20] the following was stated in relation to the weight given by a decision-maker to factors taken into account in the consideration of an application for environmental authorization:

"[17] ... if there is one thing that is clear from the evidence it is that the MEC pertinently took account of each of the factors – indeed, the application was refused precisely because he took them into account. The true complaint ... is instead that he attached no weight to one of the factors, and in the other cases he weighed them against granting the application, whereas Clairisons contends that they ought to have weighed in favour of granting it, which is

SUMMARY OF TRIBUNAL MEETINGS 2016-2026

No	Date	No.of reports	Approved	Refused	Appeals (Use)	Tribunal Decision upheld	High Court Review
1	19-Aug-16	3	3	0	1 - Ptn 11 & 14 of Bruintjiesrivier No,203 & Ptn 1 of Clovelly No.221 Swellendam - welding workshop	Yes	
2	9-Dec-16	5	4	1			
3	3-Mar-17	4	3	1			
4	07-Apr-17 Referred back*	1	0	0			
5	30-Jun-17	3	3	0			
6	25-Aug-17	4	2	2			
7	29-Sep-17	3	2	1			
8	14-Dec-17	4	4	0			
9	16-Mar-18	1	1	0			
10	18-May-18	3	2	1	1-Re Ptn 1 of Clarencewold No.95, Robertson - Sand Mining	Yes	
11	10-Aug-18	3	2	1			
12	9-Nov-18	3	2	1			
13	01-Feb-2019 Referred back* Lack of information - Middelburg	1	0	0			
14	6-Sep-19	3	2	1			
15	18-Oct-19	3	1	2	1 - Ptn 6 of Middelburg No.10, Robertson - Abattoir Composting Facility	Yes	Judgement in favour of Langeberg Municipality with costs awarded to Municipality
16	25-Oct-19 Referred back* Requests Traffic Impact Assessment	1	0	0			
17	6-Dec-19	3	3	0			
18	6-Mar-20	1	1	0			
19	17-Jun-20	1	1	0	Ptn 49 of Klaas Voogds Rivier No.37, Robertson - Rock Mining & Crushing	Yes	
20	18-Sep-20	1	1	0			
21	20-Nov-20	1	1	0			
22	29-Jan-21	3	3	0			

No	Date	No.of reports	Approved	Refused	Appeals (Use)	Tribunal Decision upheld	High Court Review
23	12-Mar-21	7	5	2			
24	20-May-21	5	5	0	1- Erf 1043, Cnr. Constitution & Paul Kruger Street, Robertson- Rezoning-Woolworths Foods	Yes	
25	5-Aug-21	3	2	1			
26	25-Oct-21	2	1	1			
27	18-Jan-22	4	4	0			
28	4-May-22	5	2	3			
29	12-Sep-22	2	2	0			
30	26-Apr-23	2	2	0			
31	22-Jun-23	3	3	0			
32	31-Aug-23	1	1	0			
33	8-Dec-23	1	1	0			
34	14-Mar-24	2	1	1	Erf 5227, Montagu (De Bos Resort) - Expansion of Resort	No	
35	3-May-24	2	2	0			
36	5-Jul-24	4	3	1	1 - Rietvallei 323, Robertson Rd (FBTS) - Cell Mast	Yes	
37	29-Nov-24	4	3	1			
38	16-May-25	5	4	1			
39	19-Jun-25	1	1	0			
40	5-Sep-25	1	0	1	Erf 706, Landbou Street, Bonnievale - Scrap yard	In process	
41	21-Nov-25	6	5	1	Erven 7688, 4616 & 4655 , Lavern Robertson - Subdivision & Rezoning	In process	
		115 (112)*	88	24			
	Totals		79%	21%	9 out of 112 decisions = 8% went on appeal	6 out of 7 upheld 85%	1