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**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING (M.P.T.) HELD ON THURSDAY,  
6 JULY 2017 AT 11:00 IN THE COUNCIL CHAMBERS, BREDASDORP**

**PRESENT**

**MEMBERS**

Mr. S Ngwevu (Chairperson)	Director Corporate Services
Mr. K Mrali	Director Community Services
Mr. F Kotze	Overberg District Municipality (ODM)

**OTHER OFFICIALS**

Mr. B Hayward	Manager: Town- and Regional Planning
Ms. T Stone	Manager: Strategic Services
Mr. J Daniels	Manager: Road and Storm Water
Ms. D Oncke	Town Planning Officer
Ms. C Dietrich	Administrative Officer: Committees

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1. **OPENING**

The Chairperson welcomed everyone present.

2. **APOLOGIES**

Mr. A Theron (sick leave)

3. **APPROVAL OF MINUTES OF PREVIOUS MEETING(S)**

3.1 **MINUTES: 23 MAY 2017**

**DECISION: MPT 9 /2017**

- (i) That the minutes of 23 May 2017 be approved, with the following amendment:  
(3.4 replace the phrase "Categorisation of applicants" with "**Categorisation of applications**").

3.2 **MINUTES: 7 JUNE 2017**

**DECISION: MPT 10 /2017**

- (i) That the approval of the minutes of 7 June 2017 be postponed till the next meeting, due to the fact that there was no seconder.

4. **MATTERS FOR DISCUSSION**

4.1 **TERMS OF REFERENCE**

Ms. Stone mentioned that a Circular dated 30 October 2016 was received from the National Treasury regarding the remuneration of non-official members, commissions and committees of inquiry and that she will forward the Circular to the members. She suggested that the same rule applies for the Municipal Planning Tribunal members.

**DECISION: MPT 11 /2017**

- (i) That the Terms of Reference be approved, with the following amendments:
  - 6.2 and 6.3 – Replace the words: The Directorate: Corporate Services (Administration) with the words “The Municipal Manager/nominee”.
- (ii) That the Circular dated 30 October 2016 be dealt with accordingly.

4.2 **RULES AND PROCEDURE FOR MEETINGS**

**DECISION: MPT 12 /2017**

- (i) That the Rules of Procedure for meetings be approved, with the following amendment:
  - That an addition be made in respect to if or when the municipality is the applicant.

4.3 **STRUISBAAI FISHING CONTAINERS**

Mr. Hayward gave a brief background regarding the item under discussion and mentioned that they received a number of objections.

Mr. Mrali reminded the Tribunal that the Municipality has an obligation to promote socio economic development and that the fishing industry is key to the local economy..

Mr. Kotze mentioned that there are a number of objections relating to insufficient development conditions and asked if there is a time frame for the proposed development.

His concerns are as follows:

- Does the development form part of the Small Harbour Development?
- How will the assets be maintained and managed?
- How will the provision of ablution facilities be addressed

Ms. Stone explained that the project is funded by the Department of Rural Development and Land Reform and needs to be completed in the current financial year. If the project can not be completed within these time frames the Municipality stands to lose a R5000 000 million investment into the local economy, and the project will be taken to a Municipality that is able to implement. There is no guarantee that the Department will re-allocate this funding to the Municipality in subsequent financial years.

Ms. Stone furthermore indicated that the project will be put on tender by the Department and that the specifications will be compiled by a consulting engineer with due cognisance of the concerns raised by the objectors.

Mr. Daniels confirmed that the upgrade of the existing ablution facility will be included in the tender specifications.

**DECISION: MPT 13 /2017**

- (i) That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved:
  - Rezoning of a portion of parking area south of Erf 848 Struisbaai in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 from Street Zone to Special Zone for freezing facilities within containers.**
- (ii) That the closure of public place/road (approximately 2125m<sup>2</sup>) be approved.
- (iii) That conditions 19.1 and 19.2 (as contained on page 41 of the agenda) be removed.

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- (iv) The above approval is subject to the following conditions i.t.o. section 66 of the Land Use Planning By-law (2015):

### City Planning

1. The property be revalued and taxed accordingly .
2. All land use restrictions in terms of the Cape Agulhas Intergrated Zoning Scheme be complied with.
3. The main use of the erf shall be used for Street / Public Parking purposes. The applicant / owner / developer must note that the rezoning approval will lapse within five years of the date of this letter, if all the conditions are not met.

### Building Division

4. Building plans for any alterations or any new buildings and structures must be submitted to the Municipality for consideration by the Aesthetic Committee and building committee before construction commences.
5. All advertising or tourism signs, to be in accordance with the Council's specifications.
6. On-premises advertising signs or similar notices of any kind shall be made solely in accordance with the Council's policy.
7. Public facilities for disabled people must be provided.

### General Services

8. The applicant / owner / developer at his own expense will be responsible for all internal and external services that may result from this application.
9. The applicant / owner / developer shall negotiate with the relevant adjoining owners, if any servitudes need to be registered.
10. Amendments to Municipal infrastructure shall be for the applicant / owner / developer's cost, including all connections and supervision costs.
11. All service standards relating to the development must meet the "Guidelines for the provision of Engineering Services and Amenities in Residential Township Development" and "the latest SABS 1200 Series Standardised Specifications".
12. Infrastructure levies shall payable according to Council's tariffs within the applicable financial year, if necessary.
13. Parking must be 5.0 x 2.5 meters in size and clearly defined and demarcated on-site to the satisfaction of the Council.
14. Vehicular access to be obtained from the existing road and via existing access.

### Stormwater and Water

15. Stormwater onto the site and from the site shall be handled by the applicant / owner / developer at his own expense.
16. Increasing of the water supply network shall be for the applicant / owner / developer's account.

### Cleansing and Purification

17. Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.
18. The applicant / owner / developer is responsible for the provision of refuse containers on site that is aesthetically acceptable to the Aesthetic Committee.

### Other departments and institutions

19. The applicant / owner / developer shall comply with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health, as well as the following:
  - 19.1 *Sou hierdie aansoek goedgekeur word, sal die aansoeker verplig wees om aan alle gesondheidsvereistes soos van tyd tot tyd gestel, te voldoen.*
  - 19.2 *Alvorens enige besigheid met betrekking tot die handel in die voedsel kategorie bedryf sou word, sal die betrokke eienaar die vereiste sertifikaat aansoek ingevolge Reg 962 van 23 November 2012 indien.*
  - 19.3 *Vuil- en stormwater moet so ontwerp word dat besoedeling na die see nie sal plaasvind nie.*

- 19.4 *In die aansoek word gemeld van 'n geregistreerde vullisterrein vir die ingewande en visafval se verwydering, asook 'n koper vir die ingewande. Hierdie kantoor verneem graag oor meer inligting met betrekking tot voorgenoemde. Indien die visafval nie behoorlik bestuur word nie, sal dit in dromme bly staan en ontbind met gepaardgaande reuke en vlieë probleem. KAM sal elke dag die visafval moet verwyder, die houters uitwas, die perseel skoonmaak en dit higiënies moet agterlaat.*
20. The applicant / owner / developer shall adhere to the conditions, as set by the Breede Gouritz Catchment Management Agency, namely:
- 20.1 *All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.*
- 20.2 *No pollution of surface water or ground water resources may occur due to any activity on the property.*
- 20.3 *No storm water runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.*
- 20.4 *All relevant sections and regulations of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed off into an authorized solid waste facility in terms of abovementioned legislation.*
- 20.5 *The minimizing of waste must be promoted and alternative methods for waste management must be investigated.*
- 20.6 *No permanent structures may be constructed within the 100-year flood line of any watercourse (seasonal or permanent river, stream, etc).*
- 20.7 *No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorization in terms of General Authorizations issued under Section 39 (Government Notice 399 dated 26 March 2004), and / or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998).*
- 20.8 *It is the duty of the Applicant(s) to ensure that all servitudes of aqueduct, access and storage to give effect to the apportionment of water uses has been agreed upon prior amongst the property owners and formally registered with the Deeds office to give affect thereto upon approval of the application.*
- 20.9 *No activities may take place within a buffer area as determined by the freshwater ecologist upstream and downstream of a watercourse and/or any wetland system without formal authorization thereto obtained from this Department.*
- 20.10 *The water provided for domestic use must comply with the SANS 241: 2011 guidelines for drinking water. Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this Department and the Provincial Department of Health must be informed of the procedures to rectify the problem.*
- 20.11 Disposal of sewage (Conservancy Tank)  
*The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 36, Act 36 of 1998."*

#### Post and Telecommunications

21. Compliance with the conditions for granting a Telkom 'wayleave'. Any electrical work at Telkom poles or overhead cables must meet the requirements of Section 88 of the Act, post offices, Act 44 of 1985 and meet the "Code of Practice for Overhead Lines in South Africa". The conditions for granting a Telkom "wayleave" to be met.
22. The owner / developer to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.

#### Nuisance

23. No noise may be permitted causing a nuisance to neighbours.
24. No activities resulting in a public nuisance may be exercised.

#### 4.4 **ARNISTON FISHING CONTAINERS**

Mr. Hayward gave a brief background regarding the item under discussion. Mr. Hayward indicated that the Overberg District Municipality did give their comments on both items. But that their comments were omitted in the previous item (Struisbaai Fishing Containers). He apologised to Mr. Kotze for this oversight.

Ms. Stone informed the Tribunal that this application also forms part of the Department of Rural Development and Land Reform project mentioned under the previous item.

The Tribunal noted that the erf number was not correct and that different erf numbers were used, but clarity was given through the correspondence received from the Surveyor General.

Mr. Hayward brought it to the Tribunal's attention that WARA submitted an objection to this application on 5 July 2017 after the closing date. He confirmed that a registered letter was sent to them 30 days before the closing date requesting comment, but the letter came back as undelivered. The Planning Department then sent an email to WARA granting them an additional week to submit their comment. WARA insisted on a full 30 day period to provide input.

Mr. Daniels asked what the legality is regarding the 30 days that WARA requested? It was confirmed that all requisite procedures were followed and that the email providing them with an additional week to submit comments was a concession.

#### **DECISION: MPT 14 /2017**

- (i) That the Committee take note of the comments received from WARA.
- (ii) That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved subject to the comments of Heritage:  
**Rezoning of a portion of Remainder of Erf 120 (Erf 773 according Status Report) Waenhuiskrans/ Arniston in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 from Street Zone to Special Zone for freezing facilities within containers.**
- (iii) That the closure of public place/road be approved.
- (iv) The above approval is subject to the following conditions i.t.o. section 66 of the Land Use Planning By-law (2015):

#### City Planning

1. The property be revalued and taxed accordingly.
2. All land use restrictions in terms of the Cape Agulhas Intergrated Zoning Scheme be complied with.
3. The main use of the erf shall be used for Street / Public Parking purposes. The applicant / owner / developer note that the rezoning approval will lapse within five years of the date of this letter, if all the conditions are not met.

#### Building Division

4. Building plans for any alterations or any new buildings and structures must be submitted to the Municipality for consideration by the Aesthetic Committee and building committee before construction commences.
5. All advertising or tourism signs, to be in accordance with the Council's specifications.
6. On-premises advertising signs or similar notices of any kind shall be made solely in accordance with the Council's policy.
7. Public facilities for disabled people must be provided.

#### General Services

8. The applicant / owner / developer shall at his own expense be responsible for all internal and external services that may result from this application.
9. The applicant / owner / developer shall negotiate with the relevant adjoining owners, if any servitudes need to be registered.
10. Amendments to Municipal infrastructure shall be for the applicant / owner / developer's cost, including all connections and supervision costs.

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11. All service standards relating to the development must meet the "Guidelines for the provision of Engineering Services and Amenities in Residential Township Development" and "the latest SABS 1200 Series Standardised Specifications".
12. Infrastructure levies shall be payable in accordance with Council's tariffs within the applicable financial year, if necessary.
13. Parking must be 5.0 x 2.5 meters in size and clearly defined and demarcated on-site to the satisfaction of the Council.
14. Vehicular access to be obtained from the existing road and via existing access.

### Stormwater and Water

15. Stormwater onto the site and from the site shall be handled by the applicant / owner / developer at his own expense.
16. Increasing of the water supply network shall be for the applicant / owner / developer's account.

### Cleansing and Purification

17. Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.
18. The applicant / owner / developer is responsible for the provision of refuse containers on site that is aesthetically acceptable to the Aesthetic Committee.

### Other departments and institutions

19. Any activities related to the operation of the facilities should be done in such a manner to prevent pollution or degradation to the surrounding environment.
20. The applicant / owner / developer shall comply with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health, as well as the following:
  - 20.1 *Visverwante aktiwiteite moet verkieslik binne die hawe beperk word en nie daar buite nie*
  - 20.2 *Sou hierdie aansoek goedgekeur word, sal die aansoeker verplig wees om aan alle gesondheidsvereistes soos van tyd tot tyd gestel, te voldoen.*
  - 20.3 *Alvorens enige besigheid met betrekking tot die gandel in die voedsel kategorie bedryf sou word, sal die betrokke eienaar die vereiste sertifikaat aansoek ingevolge Reg 962 van 23 November 2012 indien.*
  - 20.4 *Vuil- en stormwater moet so ontwerp word dat besoedeling na die see nie sal plaasvind nie.*
  - 20.5 *In die aansoek word gemeld van 'n geregistreerde vullisterrein vir die ingewande en vasafval se verwydering, asook 'n koper vir die ingewande. Hierdie kantoor verneem graag oor meer inligting met betrekking tot voorgenoemde. Indien die visafval nie behoorlik estuur word nie, sal dit in dromme bly staan en ontbind met gepaardgaande reuke en vlieë probleem. KAM sal elke dag die visafval moet verwyder, die houers uitwas, die perseel skoonmaak en dit higiënies moet agterlaat.*
21. The applicant / owner / developer shall adhere to the conditions, as set by the Breede Gouritz Catchment Management Agency, namely:
  - 21.1 *All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.*
  - 21.2 *No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 dated 15 April 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998)*
  - 21.3 *The registration of all water uses as defined in Section 21 of the National Water Act 36 of 1998. The relevant registration forms may be accessed on the [www.breedegouritzcma.co.za](http://www.breedegouritzcma.co.za) website or alternatively this office may be approached for assistance*
  - 21.4 *Where the applicant has an existing lawful registered water use, used for agricultural purposes thus far, application should be made to this office to amend such use proportionally per annual volume for domestic, commercial industrial and/or agriculture, if this is applicable.*
  - 21.5 *No pollution of surface water or ground water resources may occur due to any activity.*

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- 21.6 *No storm water runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.*
- 21.7 *All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorised solid waste facility in terms of abovementioned legislation.*
- 21.8 *No permanent structures may be constructed within the 100 year flood line or within 100 meters of any watercourse (seasonal or permanent river, stream, etc.) whichever is furthest, without the appropriate authorization in terms of the National Water Act, 1998 (Act 36 of 1998).*
- 21.9 *Water for domestic use:*
- 21.9.1 *The water provided for domestic use must comply with the SANS 241: 2011 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.*
- 21.9.2 *Where the applicant has an existing lawful registered source, used for agricultural purposes thus far, application should be made to this office to amend such use proportionally per annual volume for domestic, commercial and/or agricultural.*
- 21.10 *Disposal of Waste Water*
- 21.10.1 *The disposal of Waste Water must comply with Government Notice 665 in terms of Section 39 of the National Water Act, 1998 or a Water Use License must be applied for in terms of Section 40 of the National Water Act, 1998 (Act 36 of 1998)*
- 21.10.2 *A water quality management plan as well as the applicable DW forms must be submitted to this office for evaluation.*
- 21.11 *Disposal of sewage*
- 21.11.1 *The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 36, Act 36 of 1998*
- 21.11.2 *The construction site for a conventional sewerage disposal system (French drain system) and/or conservancy tank must be placed above the 100 year flood line, or alternatively, more than 100 meters from the edge of a water resource, whichever is further.*
- 21.11.3 *Conventional sewerage disposal systems can only be considered where the residential structures are more than a 75m radius apart and are limited only to single residential units, if and where the geology supports such system and must be supported by District Municipal Health (conference facilities, lodges, schools, restaurants, tasting facilities and hotels will require alternative methods of sewage treatment for disposal and/or treatment.)*
- 21.11.4 *The construction of a conservancy tank must be of such a nature that no water will enter the system or leave it by means of seepage. Special care must be taken with the placing of the damp proof coarse during the construction phase. The tank needs to be inspected on a regular basis for seepage as a precautionary approach against any sewage leaving the system and causing pollution.*
- 21.11.5 *Municipality which is appointed to pump the conservancy tank and the applicant. A contingency plan must be developed and furnished to this office.*
- 21.11.6 *The volume of sewage needs to be metered on a monthly basis and a removal programme needs to be scheduled to ensure that the conservancy tank is pumped well within time before overflowing. Alternatively, floating devices should be installed within the tanks that initiate an alarm at 75% full capacity to arrange for collection and disposal.*
- 21.12 *Please be advised that all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. The use of water without the required authorization in terms of the National Water Act, 1998 (Act 36 of 1998) may be regarded as unlawful and a criminal offence.*

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Post and Telecommunications

22. Compliance with the conditions for granting a Telkom 'wayleave'. Any electrical work at Telkom poles or overhead cables must meet the requirements of Section 88 of the Act, post offices, Act 44 of 1985 and meet the "Code of Practice for Overhead Lines in South Africa". The conditions for granting a Telkom "wayleave" to be met.
23. The owner / developer to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.

Nuisance

24. No noise may be permitted causing a nuisance to neighbours.
25. No activities resulting in a public nuisance may be exercised.

4. **CLOSURE**

The meeting adjourned at 12:25

CONFIRMED on this \_\_\_\_\_ day of \_\_\_\_\_ 2017

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**CHAIRPERSON**