

MINUTES: MUNICIPAL PLANNING TRIBUNAL MEETING (M.P.T.) – 30 JANUARY 2019



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING (M.P.T.) HELD ON WEDNESDAY, 30 JANUARY 2019 AT 10:00 IN THE COUNCIL CHAMBERS, AUDREY BLIGNAULT STREET, BREDASDORP**

**PRESENT**

**MEMBERS**

Mr. D O'Neill (Chairperson)	Municipal Manager
Mr. A Jacobs	Director Infrastructure Services
Mr. J Benjamin	Department of Environmental Affairs & Development Planning (DEADP)

**OTHER OFFICIALS**

Ms. T Stone	Divisional Head: Strategic, Planning and Administration
Mr. B Hayward	Manager: Town- and Regional Planning
Mr. D October	Town Planner
Mr. A Theron	Town Planner
Ms. D Oncke	Town Planning Officer
Ms. C Dietrich	Administrative Officer: Committees

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1. **OPENING**

The Chairperson welcomed everyone present whereafter Mr. Hayward open the meeting with prayer.

2. **APOLOGIES**

Mr. F Kotze

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

3.1 **MINUTES: 5 APRIL 2018**

**DECISION: MPT 1 /2019**

(i) That the minutes of 5 April 2018 be approved, proposed by Mr. J Benjamin.

4. **ITEMS FOR DISCUSSION**

4.1 **PROPOSED REZONING: ERF 560, NAPIER (N560 – MTRP) (WARD 5)**

Mr. October gave background regarding the item under discussion.

Department of Transport had an objection, but it was dealt with by the consultant.

Mr. Benjamin requested Town Planning to amend the conditions of approval under City Planning (d) on page 21 of the agenda, to replace the words two years with the words **five** years.

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### **DECISION: MPT 2 /2019**

- (i) That Town Planning amend the conditions of approval under City Planning (d) on page 21 of the agenda that the words two years be replaced with the words five years.
- (ii) 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 Erf 560 Napier in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 for Business Zone purposes.

### **CONDITIONS OF APPROVAL**

The following conditions of approval are imposed to section 66 of the Land Use Planning By-law (2015), that:

#### **City Planning**

- (a) The property be revalued and accordingly taxed.
- (b) All land use restrictions in terms of the Cape Agulhas Integrated Zoning Scheme be complied with.
- (c) The main use of Erf 560 Napier shall be used for Business Zoned purposes.
- (d) 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**

- (e) Building plans of any alterations or any new buildings and structures be submitted to Council for consideration by the Aesthetic Committee and for consideration by the building committee before construction commences.
- (f) All advertising or tourism signs, to be according to the Council's specifications.
- (g) On-premises advertising signs or similar notice of any kind shall be made solely in accordance with the Council's policy.
- (h) Public facilities for disabled people be provided.

#### **General Services**

- (i) The applicant / owner / developer at his own expense be responsible for all internal and external services that may result from this application.
- (j) The applicant / owner / developer to negotiate with the relevant adjoining owners, if any servitudes need to be registered.
- (k) Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
- (l) 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".
- (m) Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.
- (n) Parking must be 5.0 x 2.5 meters in size and clearly defined and demarcated on-site to the satisfaction of the Council.
- (o) Access to the property must be taken from Main Road, Napier.
- (p) Provision must be made for disabled parking.

#### **Stormwater and Water**

- (q) Stormwater onto the site and from the site to be handled by the applicant / owner / developer at his own expense.
- (r) Increasing of the water supply network to be for the applicant / owner / developer's account.

**Cleansing and Purification**

- (s) Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.
- (t) 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**

- (u) Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health.
- (v) Comply with the conditions as determined by Breede Gouritz Catchment Management Agency, namely that:
  - 1. *"All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.*
  - 2. *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.*
  - 3. *The minimizing of waste must be promoted and alternative methods for waste management must be investigated.*
  - 4. *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**

- (w) 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.
- (x) The owner / developer to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.

**Nuisance**

- (y) No noise may be permitted causing a nuisance to neighbours.
- (z) No activities resulting in a public nuisance may be exercised.

4.2 **PROPOSED REZONING AND SUBDIVISION: ERF 857, STRUISBAAI (S857 – MTRP) (WARD 5)**

The Chairperson requested Town Planning to amend the conditions of approval under General Services (13.) on page 56 of the agenda, to replace the words vehicular access with the words all access.

**DECISION: MPT 3 /2019**

- (i) That Town Planning amend the conditions of approval under General Services (13.) on page 56 of the agenda, to replace the words vehicular access with the words all access.
- (ii) That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-Law (2015) be approved:
  - 1. Subdivision of Erf 857 Struisbaai in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 into Portion A (±1.5ha) and the Remainder.
  - 2. Rezoning of Portion A of Erf 857 Struisbaai in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 from Undetermined Zone to Authority Zone for Police Station purposes.
- (iii) That the applicant and objector be shown of his/her right of appeal to the Council pointed in terms of article 79(2) of the Cape Agulhas By-Law on Municipal Land Use Planning, 2015.

### **CONDITIONS OF APPROVAL**

The following conditions of approval are imposed to section 66 of the Land Use Planning By-law (2015), that:

#### **City Planning**

1. The property be revalued and accordingly taxed.
2. All land use restrictions in terms of the Cape Agulhas Intergrated Zoning Scheme be complied with.
3. That the use of Portion A of the erf shall be used for Authority Zoned purposes (Police Station). 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 of any alterations or any new buildings and structures be submitted to Council for consideration by the Aesthetic Committee and for consideration by the building committee before construction commences.
5. All advertising or tourism signs, to be according to the Council's specifications.
6. On-premises advertising signs or similar notice of any kind shall be made solely in accordance with the Council's policy.

#### **General Services**

7. The applicant / owner / developer at his own expense be responsible for all internal and external services that may result from this application.
8. The applicant / owner / developer to negotiate with the relevant adjoining owners, if any servitudes need to be registered.
9. Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
10. 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".
11. Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.
12. Parking must be 5.0 x 2.5 meters in size and clearly defined and demarcated on-site to the satisfaction of the Council.
13. All access to be obtained from Industria Road. The access off Main Road be permanently closed; and the subdivided portions take access off Industria Road.

#### **Stormwater and Water**

14. Stormwater onto the site and from the site to be handled by the applicant / owner / developer at his own expense.
15. Increasing of the water supply network to be for the applicant / owner / developer's account.
16. A service report be submitted to the Council of the Cape Agulhas Municipality. All extensions to the water and sewage networks to accommodate the proposed development will be required by the owner.

#### **Cleansing and Purification**

17. Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.

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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. Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health, with inter alia:  
"Let op die bepalings van Geraasbeheer;  
Drinkwater moet voldoen aan SANS241; en  
Vullisbergingsarea moet voorsien word. Die vloer moet glad, wasbaar, met 'n helling wees wat lei na 'n putjie wat met die riool verbind is. Die area moet kan sluit en buite bereik van die algemene publiek wees."
20. Riool en stormwater moet so ontwerp word dat besoedeling van die see nie sal plaasvind nie.
21. Adhere to the conditions, as set by the **Brede Gouritz Catchment Management Agency, namely:**
- "All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.*
  - No pollution of surface water or ground water resources may occur due to any activity on the property.*
  - No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted stormwater must be contained.*
  - 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 into an authorized solid waste facility in terms of abovementioned legislation.*
  - The minimizing of waste must be promoted and alternative methods for waste management must be investigated.*
  - No permanent structures may be constructed within the 100-year flood line of any watercourse (seasonal or permanent river, stream, etc).*
  - 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).*
  - 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.*
  - 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.*
  - 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.*
22. 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

23. 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.

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24. The owner / developer to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.

Nuisance

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

5. **CLOSURE**

The meeting adjourned at 10:20

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CONFIRMED on this \_\_\_\_**th** day of \_\_\_\_\_ **2019**

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**CHAIRPERSON**