

MINUTES: MUNICIPAL PLANNING TRIBUNAL MEETING (M.P.T.) – 5 JULY 2019



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING (M.P.T.) HELD ON FRIDAY, 5 JULY 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. F Kotze	Overberg District Municipality (ODM)
Mr. J Benjamin	Department of Environmental Affairs & Development Planning (DEADP)

OTHER OFFICIALS

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

1. **OPENING**

The Chairperson welcomed everyone present.

2. **APOLOGIES**

Ms. T Stone

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

3.1 **MINUTES: 30 JANUARY 2019**

DECISION: MPT 4 / 2019

That it be noted that the objection regarding Erf 857, Struisbaai (Item 4.2) was dealt with appropriately and that it be added so in the minutes of 30 January 2019 and that the minutes are than approved, with the amendment.

4. **ITEMS FOR DISCUSSION**

4.1 **PROPOSED SUBDIVISION, REZONING AND CLOSURE: ERF 2518 BREDASDORP (B2518 - MTRP) (WARD 4)**

Mr. Hayward gave background regarding the item under discussion.

DECISION: MPT 5 / 2019

That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved:

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- Subdivision of a portion of Erf 2518 Bredasdorp into Portion A = ±1.812Ha and Remainder;
- Rezoning to Subdivisional Area and Portion A of Erf 2518 Bredasdorp for Undetermined Zone purposes;
- Closure of Public Place of a Portion of Erf 2518 Bredasdorp in terms of Section 60 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015.
- In terms of Section 23(1) of Cape Agulhas Municipal By-Law, 2015 Amendment of General Plan No. TP 11157 of Bredasdorp Township by the addition of the portion of public place to be closed, as one additional erf with conditions.

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) No development rights will be awarded with the current application. The application is only to allow for a defined portion of land on which a proposal can be lodged. Any future development will require an extensive public participation process as part of the Municipal town planning process, in terms of the Land Use Planning Act.
- (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.
- (e) The applicant / owner / developer notes that the subdivisional approval will lapse within five years of the date of this letter, if all the conditions are not met and if not been registered with the Registrar of Deeds.

Building Division

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

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.

Stormwater and Water

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

Cleansing and Purification

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

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Other departments and institutions

- (r) Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health.
- (s) 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

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

Nuisance

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

4.2 PROPOSED SUBDIVISION AND REZONING: ERF 4058 BREDASDORP (B4058 - MTRP) (WARD 3)

Mr. Hayward gave background regarding the item under discussion.

DECISION: MPT 6 /2019

That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved:

- The rezoning of Erf 4058 Bredasdorp to Single Residential Zone;
- The subdivision of Erf 4058 Bredasdorp into one portion ($\pm 199\text{m}^2$) and remainder ($\pm 245\text{m}^2$) in terms of Section 60 of the Cape Agulhas Municipality 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

- (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 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.
- (d) The applicant / owner / developer notes that the subdivisional approval will lapse within five years of the date of this letter, if all the conditions are not met and if not been registered with the Registrar of Deeds.

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Building Division

- (e) Building plans of any alterations or any new buildings and structures be submitted to Council for consideration by the building control officer 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.

General Services

- (h) The applicant / owner / developer at his own expense be responsible for all internal and external services that may result from this application.
- (i) The applicant / owner / developer to negotiate with the relevant adjoining owners, if any servitudes need to be registered.
- (j) Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
- (k) 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".
- (l) Portion A obtain access from Lelie Street, while the Remainder can get access from both Geel - and Lelie Streets.
- (m) Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.

Stormwater and Water

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

Cleansing and Purification

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

- (r) Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health.

Post and Telecommunications

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

Nuisance

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

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4.3 PROPOSED SUBDIVISION: ERF 1256 STRUISBAAI (S1256 - MTRP) (WARD 5)

Mr. Hayward gave background regarding the item under discussion.

DECISION: MPT 7 /2019

That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (PG 7428 of 15 July 2015), be approved in terms of Section 60 of the aforementioned By-Law:

Subdivision to allow for the creation of the proposed erf, Portion A: ±12,2994ha and the remainder.

CONDITIONS OF APPROVAL

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

City Planning

1. The property is revalued and accordingly taxed.
2. All land use restrictions in terms of the Cape Agulhas Integrated Zoning Scheme be complied with.
3. The main use of the erf shall be used for Undetermined purposes.
4. The applicant/owner/ developer take note that the approval will lapse if not exercised within five years of the date of this letter.
5. The applicant/developer to submit the approval to the Surveyor General for the amendment of the General Plan / diagram.
6. The approval of the application does not exempt the applicant / developer from compliance with any other legislation that might be / become applicable with regard to the proposed development.

Building Division

7. Building plans of any new buildings and structures be submitted to Council for consideration by the building committee before construction commences.
8. All advertising or tourism signs, to be according to the Council's specifications.
9. On-premises advertising signs or similar notice of any kind shall be made solely in accordance with the Council's policy.
10. Public facilities for disabled people be provided at all time.

General Services

11. The applicant/owner/developer at his own expense be responsible for all internal and external services that may result from this application.
12. The applicant/owner/developer to negotiate with the relevant adjoining owners, if any servitudes need to be registered.
13. Amendment to Municipal infrastructure to be for the applicant/owner/developer's cost, including all connections and supervision costs.
14. 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".
15. Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.
16. Parking must be 5.0 x 2.5 meters in size and clearly defined and demarcated on-site to the satisfaction of the Council.
17. Vehicular access to be obtained from the existing road and via existing access.

Stormwater and Water

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

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Cleansing and Purification

20. Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.
21. 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

22. Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health.
23. Adhere to the conditions as set by the Breede Gouritz Catchment Management Agency.
24. 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

25. 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.
26. The owner/developer to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.

Nuisance

27. No noise may be permitted causing a nuisance to neighbors.
28. No activities resulting in a public nuisance may be exercised.

4.4 **PROPOSED SUBDIVISION AND REZONING: ERF 1148 BREDASDORP (B1148 - MTRP) (WARD 2)**

Mr. Hayward gave background regarding the item under discussion.

DECISION: MPT 8 /2019

1. That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved in terms of Section 60 of the aforementioned legislation:
 - 1.1 The subdivision of Erf 1148 Bredasdorp into one portion and a remainder;
 - 1.2 The rezoning of the proposed Portion of Erf 1148 Bredasdorp to Subdivisional Area;
 - 1.3 The subdivision of proposed Portion 1, 2, 3, 4, 5, 6, 7 and 8 of Erf 1148 Bredasdorp
 - 1.4 The rezoning of portion 7 to streets with the land use as public street.
 - 1.5 The rezoning of portion 6 to Civil and Social Zone with use as hospital.
2. That the applicant / owner and objector(s) be shown of their 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 is revalued and accordingly taxed.
2. All land use restrictions in terms of the Cape Agulhas Integrated Zoning Scheme be complied with.
3. The main use of the erf shall be used for Subdivisional Area purposes.
4. The applicant/owner/ developer take note that the approval will lapse if not exercised within five years of the date of this letter.

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5. The applicant/developer to submit the approval to the Surveyor General for the amendment of the General Plan / diagram.
6. The approval of the application does not exempt the applicant / developer from compliance with any other legislation that might be / become applicable with regard to the proposed development.

Building Division

1. Architectural and Urban Design Guidelines be submitted to Council for consideration by the Building Control Officer of Cape Agulhas Municipality before construction commences.
2. All advertising or tourism signs, to be according to the Council's specifications.
3. On-premises advertising signs or similar notice of any kind shall be made solely in accordance with the Council's policy.

General Services

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

Stormwater and Water

11. Stormwater onto the site and from the site to be handled by the applicant / owner / developer at his own expense.
12. Increasing of the water supply network to be for the applicant / owner / developer's account.
13. 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

14. Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.
15. The applicant / owner / developer is responsible for the provision of refuse containers on site that is aesthetically acceptable to the satisfaction of the Director: Engineering Services.

Other departments and institutions

16. Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health.

Post and Telecommunications

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

Nuisance

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

4.5 **CONSENT USE: ERF 214 WAENHUISKRANS/ARNISTON (W214 - MTRP) (WARD 6)**

Mr. Hayward gave background regarding the item under discussion.

DECISION: MPT 9 / 2019

1. That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved in terms of Section 60 of the aforementioned by-law:

Special consent on Erf 214 Waenhuiskrans / Arniston in terms of Section 60 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 for Guest Accommodation (self-catering).
2. That the time (20:00) as indicated in the conditions of approval (nuisance – z) be amended to read as follows:

(z) *No noise may be permitted causing a nuisance to neighbours after **22:00**.*
3. That the MPT take note of Council's decision on 25 September 2018 (Resolution 131/2018) in this regard.

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 the erf shall be used for Single Residential Zone purposes.
- (d) The applicant / owner / developer note that the Consent Use approval will lapse within five years of the date of the approval letter, if all the conditions are not met.
- (e) Only 4 guest rooms are permitted.
- (f) The approval of the application does not exempt the applicant / developer from compliance with any other legislation that might be / become applicable with regard to the proposed development.

Building Division

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

General Services

- (k) The applicant / owner / developer at his own expense be responsible for all internal and external services that may result from this application.
- (l) The applicant / owner / developer to negotiate with the relevant adjoining owners, if any servitudes need to be registered.

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- (m) Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
- (n) 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".
- (o) Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.
- (p) Four (4) parking bays to be provided for on-site.
- (q) Parking must be 5.0 x 2.5 meters in size and clearly defined and demarcated on-site to the satisfaction of the Council.
- (r) Access and egress to the subject property is gained from Dunkirk Street and not from the Main Road.

Stormwater and Water

- (s) Stormwater onto the site and from the site to be handled by the applicant / owner / developer at his own expense.
- (t) Increasing of the water supply network to be for the applicant / owner / developer's account.

Cleansing and Purification

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

- (w) Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health.

Post and Telecommunications

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

Nuisance

- (z) No noise may be permitted causing a nuisance to neighbours after 22h00.
- (aa) No activities resulting in a public nuisance may be exercised.

5. **CLOSURE**

The meeting adjourned at 10:45

CONFIRMED on this ___th day of _____ 2019

CHAIRPERSON