



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL (MPT) MEETING HELD ON FRIDAY, 29 OCTOBER 2021 AT 09:10 VIRTUALLY ON MICROSOFT TEAMS

PRESENT:

MEMBERS:

Mr. E Phillips (Chairperson)	Municipal Manager
Mr. F Kotze	Overberg District Municipality (ODM)
Mr. J Benjamin	Department of Environmental Affairs

OFFICIALS:

Ms. T Stone	Divisional Head: Strategic Services, Planning and Administration
Ms. S Nel	Manager: Town- and Regional Planning
Ms. D Wasserman	Manager: Streets and Stormwater
Mr. A Theron	Town Planner
Ms. C Dietrich	Administrative Officer: Committees

1. **Welcome**

The Chairperson welcomed everyone present.

2. **Apologies**

Mr. A Jacobs	Director Infrastructure Services
Mr H Krohn	Director Community Services

3. **Approval of minutes of previous meetings**

3.1 Minutes: 4 October 2021

DECISION:MPT 6/ 2021

That the minutes are noted and approved proposed by Mr. J Benjamin and seconded by Mr. E Phillips.

4. **Matters arising from previous meetings**

None

5. **Declaration of interest**

The members present mentioned that they have no interest to declare.

NOTED

6. **Condonation for non-compliance with the 14 day notice period of meeting**

Mr. Wasserman wanted to know what the risks is regarding non-compliance, after which Ms. Stone mentioned that it were outside the 14 days notice period of the meeting and that there are no significant risks.

The Chairperson requested that occurrence of this must not happen again.

DECISION:MPT 7/ 2021

That condonation for non-compliance with the 14 day notice period of the Municipal Planning Tribunal be granted, proposed by Mr. D Wasserman and seconded by Mr. F Kotze.

7. **Items for discussion**

7.1 **Proposed rezoning: Erf 538 and 539 Bredasdorp (B538&539 - MTRP) (Ward 4)**

Mr. Theron gave background regarding the item under discussion and mentioned that they received no objections.

Mr. Wasserman mentioned that tenders has been requested for the ablution block, and it will be set up within the next 2-3 weeks.

Mr. Benjamin wanted to know what the area is earmarked for and if the municipality do have a database for interest, after which Ms. Stone mentioned that there are a lot of traders who is interested and it is ideally located.

Mr. Benjamin wanted to know who will be responsible for the maintenance of the property, after which Ms. Stone mentioned that it will become a community facility and that the maintenance will be done by the municipality.

The traders will receive a agreement with the dates and trading hours.

REASONS FOR RECOMMENDATION

The reasons for the recommendation are:

1. The proposed development is found to be desirable due to its consistency with all Local and Provincial Spatial Planning policies, including prioritised investment indication in the IDP.
2. The proposed development supports the principles as stipulated in Chapter VI of LUPA, which is in line with the principles of SPLUMA.
3. The application process is PAJA compliant, and the objections received have been sufficiently addressed.
4. No potential negative impacts could be identified as a result of the proposed development.
5. The owner is promoting investment opportunities in the town, which will benefit the general public, by for instance making land available for investment potential.

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6. No basic environmental assessment will be issued, due to the fact that no regulations will be triggered.
7. The property in question is situated within a established commercial district and is in line with the Cape Agulhas Spatial Development Framework.

RECOMMENDATION

In view of the above, it is recommended that:

The following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved with the conditions and amendments on the report:

- Rezoning of Erven 538 & 539 Bredasdorp in terms of Section 15(2)(a), from Single Residential to Business to allow for informal trading on site

Corrections:

8. The desirability of the proposal: 1st dot – change Napier to Bredasdorp;
8. The desirability of the proposal: 2nd dot – change Napier to Bredasdorp;
12. Conditions of approval: City Planning (d) – replace the word “departure” to the word “rezoning”;
12. Conditions of approval: General Services (p) – change “Main Road, Napier” to “Dirkie Uys Street, Bredasdorp”.

CONDITIONS OF APPROVAL

The following conditions of approval are imposed into 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 properties shall be used for Business purposes.
- d) The applicant / owner / developer note that the departure approval will lapse within five years of the date of this letter, if all the conditions are not met.
- e) Ablution facilities to be provided on site.

Building Division

- f) 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.
- 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.
- i) Public facilities for disabled people be provided.

General Services

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

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- l) Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
- m) 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".
- n) Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.
- o) Parking must be 5.0 x 2.5 meters in size and clearly defined and demarcated on-site to the satisfaction of the Council.
- p) Access to the property must be taken from Dirkie Uys Street, Bredasdorp.
- q) Provision must be made for disabled parking.

Stormwater and Water

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

Cleansing and Purification

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

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

- 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 Municipality 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.
- aa) No activities resulting in a public nuisance may be exercised.

DECISION:MPT 8/ 2021

That the recommendation with the conditions and amendments be accepted as a unanimous decision of the Tribunal.

8. General

The Chairperson apologizes to the community and members of the MPT for the technical issues that occurred prior to the meeting.

9. Closure

The meeting adjourned at 09:38

CONFIRMED on this _____ day of _____ 20_____

CHAIRPERSON