



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL (MPT) MEETING HELD ON MONDAY, 4 OCTOBER 2021 AT 08:35 VIRTUALLY ON MICROSOFT TEAMS**

**PRESENT:**

**MEMBERS:**

Mr. E Phillips (Chairperson)	Municipal Manager
Mr. R Brunings	Swellendam Municipality
Mr. J Benjamin	Department of Environmental Affairs
Mr. A Jacobs	Director Infrastructure Services
Mr H Krohn	Director Community Services

**OFFICIALS:**

Ms. S Nel	Manager: Town- and Regional Planning
Mr. D October	Town Planner
Mr. A Theron	Town Planner
Ms. C Dietrich	Administrative Officer: Committees

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1. **Welcome**

The Chairperson welcomed everyone present.

2. **Apologies**

Mr. F Kotze	Overberg District Municipality (ODM)
Ms. T Stone	Divisional Head: Strategic Services, Planning and Administration

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

3.1 Minutes: 2 July 2021

**DECISION:MPT 3/ 2021**

That the minutes are noted and approved proposed by Mr. A Jacobs and seconded by Mr. H Kröhn.

4. **Matters arising from previous meetings**

None

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

The Chairperson asked the members for condonation for non-compliance with the 14 day notice period of the Municipal Planning Tribunal.

Ms. Nel mentioned that they was not aware that the application will expire in October 2021, that is why an urgent meeting was scheduled and could they not meet the 14 day notice period for the meeting.

**DECISION:MPT 4/ 2021**

That condonation for non-compliance with the 14 day notice period of the Municipal Planning Tribunal be granted, proposed by Mr. A Jacobs and seconded by Mr. H Kröhn.

6. **Items for discussion**

6.1 **Application for extension of validity pertaining to the approved town planning approval and approved general plan: Remainder of Erf 1148 (Area F Housing Project) (Ward 2)**

Mr. October gave background regarding the item under discussion. He furthermore mentioned that the purpose of the report is for the application for extension of validity of approval of the existing zoning rights on portion of Erf 1148(Area F) Bredasdorp, in terms of Section 15(2)(i) of the Cape Agulhas Municipality: By-Law on Land Use Planning (2015).

Mr. Benjamin wanted to know when the registration of erven will take place and who will be responsible to do it, after which Mr. October mentioned that Asla will do the transfers.

Mr. Benjamin inquire about ownership to residents of Mill Park, after which Mr. M Dennis (Manager: Housing and Informal Settlements) mentioned that all offer to purchase contracts for Mill Park and Park View is completed and that they went out on tender for a new service provider as the previous service provider's contract expired.

**THE REASONS AND MOTIVATION FOR THE EXTENSION APPLICATION ARE SET OUT AS FOLLOWS:**

- (a) The circumstances prevailing at the time of the original approval have not materially changed and the approved subdivision and rezoning would not cause any additional negative impact on the surrounding environs.
- (b) No amendments or additions to the approved development proposals are being applied for with this extension of validity application.
- (c) No material changes have been made to the application, therefore the same conditions imposed in ***Annexure B-Existing approval*** attached hereto are still valid.
- (d) The existing zoning approval (***refer Annexure B***) is not the subject to any pending court cases.
- (e) The proposed development of the 2 Business erven and the approved residential erven will provide significant and much needed employment opportunities, temporary and permanent, and affordable residential options, in proximity of the existing built environment. The development therefore represents a sustainable approach to urban development.
- (f) The approved Cape Agulhas Spatial Development Framework (2017) recognizes that the area is earmarked for development subject to environmental studies. Environmental Authorization was granted to the Cape Agulhas Municipality on 9 September 2016 by the Western Cape Government: Department of Environmental Affairs on Development Planning. The afore-mentioned policy recognizes the site in question is being utilized for Mixed Used Development. On this basis, the extension of the approved Council approval would be fully consistent with, and in support of, the Cape Agulhas Municipality's latest spatial policy.

- (g) The expeditious processing and finalizing of this extension of validity application will be appreciated, to enable the implementing agent to proceed with planning for development implementation on the site.

**NOTIFICATION/ ADVERTISING OF APPLICATION**

- It is our opinion that this application for extension of validity should not require any notification/advertising to the public or surrounding landowners, which is motivated as follows:
- Section 67 of the Cape Agulhas Municipality: By-Law on Land Use Planning (2015) sets out the requirements for Extension of Validity, while Section 35-38 set out the requirements for notification of applications. Neither of the afore mentioned sections stipulate that Extension of Validity applications require mandatory notification; and
- Given that advertising/ notification of this application is a matter of discretion, we motivate that notification is not required, as the circumstances and character of the immediate area has not changed in the past 5 years since the approval was granted in 2016.

**RECOMMENDATION**

That the application for the extension of validity of the Town Planning, as approved by Council on 29<sup>th</sup> of September 2016, and the approval of the General Plan, SG No.71/2019 for the Remainder of erf 1148 be granted for an additional period of 5 years, as specified in section 67 of the cape Agulhas municipality: by-law on land use planning (2015).

**DECISION:MPT 5/ 2021**

*That the recommendation be accepted as a decision of the Tribunal.*

5. **CLOSURE**

The meeting adjourned at 08:55

CONFIRMED on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

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**CHAIRPERSON**