



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL (MPT) MEETING HELD ON WEDNESDAY, 15 MARCH 2023 AT 11:00 IN THE COUNCIL CHAMBERS, BREDASDORP (LIVE STREAM)

PRESENT:

MEMBERS:

Mr. E Phillips (Chairperson)	Municipal Manager
Ms. D Carstens	Department of Environmental Affairs and Development Planning (DEA&DP)
Mr. F Kotze	Overberg District Municipality (ODM)
Mr. M Moelich	Acting Director Management Services
Mr. D Wasserman	Manager: Streets and Stormwater (Secundi)

OFFICIALS:

Ms. T Stone	Divisional Head: Strategic Services, Planning and Administration
Mr. A Theron	Town Planner
Mr. D October	Town Planner

COMMITTEE SERVICES:

Ms. C Dietrich	Administrative Officer: Committees
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1. **Welcome**

The Chairperson welcomed everyone present, with a special welcome to Mrs. Carstens of Department of Environmental Affairs and Development Planning who will serve on the MPT as an external member and wish her all of the best for her term as member of the MPT. He also welcomed the persons who joined the meeting via live stream.

2. **Apologies**

Mr. H Kröhn
Ms. S Nel

3. **Approval of minutes of previous meeting: 29 November 2022**

DECISION: MPT 1/ 2023

That the minutes of 29 November 2022 be approved. Approval was proposed by Mr. F Kotze 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. **Items for discussion**

6.1 Amendment of the Municipal Planning Tribunal Membership

On 31 January 2023, the Municipal Council considered a report on the amendment of the Municipal Planning Tribunal. The Department of Environmental Affairs and Development Planning (DEADP) nominated a new official, Ms D Carstens to serve as an external member in the place of Mr J Benjamin. The Municipal Council resolved as follows:

RESOLUTION 10/2023

- (i) *That Council approves the appointment of Mrs Daleen Carstens as an external member of the Municipal Planning Tribunal for a period of 5 years.*
- (ii) *That the Department of Environmental Affairs and Development Planning (DEADP) be notified in writing of the appointment.*
- (iii) *That the Council confirm that the tribunal is in a position to commence operations and that the applicable notice be published in the Provincial Gazette.*
- (iv) *That it be noted that the vacant internal position will be filled when the new Director: Infrastructure is appointed"*

The necessary appointment letter has been issued and the appointment promulgated in the Provincial Gazette

Mrs. Carstens mentioned that she is thankful to be an external member of the Cape Agulhas Municipal Planning Tribunal and will only give her best.

DECISION: MPT 2/ 2023

That the appointment of Ms. D Carstens to the Cape Agulhas Municipal Planning Tribunal be noted.

6.2 Application for subdivision and rezoning: Portion of Erf 1148, Bredasdorp (Unregistered Erf 5783) (Ward 3)

Mr. October gave a brief presentation on the background of the item under discussion.

Mr. Moelich suggested that a steep /footpath for pedestrians to the residential area be done.

Mr. Wasserman mentioned that a steep must be properly investigated as it could pose a safety hazard.

Mrs. Carstens mentioned that she can see that there is a need for access for pedestrians.

Mr. Kotze wants to know for clarity what was communicated to the residents, after which Mr. October mentioned that everything was communicated to the residents via emails because the post office was closed down and that they also did door-to-door visits.

Mrs. Carstens requested that mentioned that (b) of the conditions listed on the agenda be put in as a note in the future.

The committee considered the recommendation presented.

The application is recommended as:

The reasons for the recommendation below 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. According to the title deed there is no restrictions registered against the property that could have an influence on the proposed application.
5. The erven are well located in terms of accessibility and within walking distance from surrounding neighbourhoods.

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6. Services are available in the surrounding area.
7. No environmental approvals are required.

That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2022) be approved:

- Rezoning in terms of Section 15(2)(a), from "Undetermined" to "Industrial."
- Subdivision in terms of Section 15(2)(d), into 4 erven of 3236m² each.

CONDITIONS OF APPROVAL

The following conditions of approval are imposed to section 66 of the Land Use Planning By-law (2022), 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, 2022 be complied with.
- c) That subdivision be in line with Drawing No. BRE/2929. dated October 2022 submitted with this application.
- d) The subdivision and rezoning approval will lapse after 10 years from the date that the approval comes into operation if, within that period the requirements contemplated in section 21(1)(a) to (d) thereof have not been met.

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) Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
- i) The developer shall be responsible for all costs incurred in respect of the upgrading, extension, deviation, connection or removal of any existing storm water, sewerage, electricity, roads or other service or work arising from the development.
- j) 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".
- k) Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.
- l) Provision must be made for disabled parking.
- m) Access to the properties will be taken as appropriate from Ou Meule Street, Bredasdorp.

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.
- p) Servitudes must be registered to accommodate the drainage of stormwater on the sites as required by the Municipality.

Cleansing and Purification

- q) Refuse should be stored at a place to the satisfaction of the Building Control Officer of Cape Agulhas Municipality and Manager: Waste Management of Cape Agulhas Municipality.

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- r) The applicant / owner / developer is responsible for the provision of refuse containers on site that is aesthetically acceptable to the Building Control Officer.

Other departments and institutions

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

Compliance with the Breede Gouritz Catchment Management Agency, namely that:

- t) All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered:
- No pollution of surface water or groundwater resources may occur due to the proposed activity.
 - The minimising of waste must be promoted and alternative methods for waste management must be investigated.

Water for domestic use

- Water provided for domestic use must comply with the SANS 241:2015 guidelines for drinking water.

Disposal of sewage

- The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act of 1998, (Act 36 of 1998).
- The Cape Agulhas Municipality must provide proof that they have enough capacity in the wastewater treatment works that can accommodate the proposed development.

Should the use of conservancy tanks be considered, the following conditions apply:

- When a conservancy tank is used for the disposal of sewerage, this office must be furnished with a signed copy of the contract between the contractor and/or the municipality which is appointed to pump the conservancy tank.
- The volume of sewage needs to be metered on a monthly basis and removal programme needs to ensure 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 of 75% full capacity for collection and disposal.
- The tank must be provided with a fresh air inlet and an intercepting grease trap.
- The tank must have an airtight manhole cover to allow access to the tank for the removal and safe disposal of the tank contents.
- No industrial waste or refuse may be discharges into the conservancy tank except by written agreements with the relevant authorities.
- The size of the conservancy tank must be determined by both the frequency of removal of its contents to the local Wastewater Treatment Works and by the quantity of sewage anticipated from the above-mentioned project.
- The contents of the tank must be removed by a vacuum tanker and conveyed to a local Wastewater Treatment Works that is capable of processing the volume and contents of the conservancy tank.
- The contingency plan must be drawn up to protect against overflow of the conservancy tank.
- Ingress of storm water into the conservancy tank must be prevented.

Post and Telecommunications

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

DECISION: MPT 3/ 2023

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

6.3 Application for closure of a public place and registration of a right of way servitude, L'Agulhas Erf 953 (Ward 5)

Mr. October gave a brief presentation on the background of the item under discussion.

The committee considered the recommendation presented.

The reasons for the recommendation below 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. There is an existing cleared area from where access will be taken. All the milkwood trees were surveyed and were considered when determining the servitude route over Erf 952.
5. The proposed servitude will not result in any additional traffic, or visual impact, but will allow the owners of Erven 952 and 954 an alternative access towards their properties.
6. No services will be impacted on negatively. The municipal services will always remain accessible and will not be impacted on negatively by the proposed servitude access road.
7. No environmental approvals are required.

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 (2022) be approved:

1. Registration of a servitude over Erf 953, L'Agulhas in terms of Section 15(2)(d), for purpose of a praedial servitude right of way in favor of Erven 952 and 954 L'Agulhas.
2. Amendment of an approved subdivision plan or part thereof, including a general plan or diagram in terms of Section 15(2)(k).
3. Closure of a portion of Public Place in terms of Section 15(2)(n).

CONDITIONS OF APPROVAL

The following conditions of approval are imposed to section 66 of the Land Use Planning By-law (2022), 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, 2022 be complied with.
- c) That the proposed servitude must be in line with Drawing No. AGU/2783, dated September 2022 submitted with this application.
- d) The main use of the erf 953 L'Agulhas shall be used for Open Space Zoned purposes.

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) Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
- i) The developer shall be responsible for all costs incurred in respect of the upgrading, extension, deviation, connection or removal of any existing storm water, sewerage, electricity, roads or other service or work arising from the development.
- j) 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".
- k) Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.
- l) Access to the properties will be taken as appropriate from Main Road, L'Agulhas.

Stormwater and Water

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

Electricity

No excavations or building on the property as there are MV and LV cables crossing the property. Might also be needed at a later stage for development.

Cleansing and Purification

- o) Refuse should be stored at a place to the satisfaction of the Building control officer of Cape Agulhas Municipality and Manager: Waste Management of Cape Agulhas Municipality.

Other departments and institutions

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

Post and Telecommunications

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

DECISION: MPT 4/ 2023

1. That the recommendation and conditions of approval be accepted as a unanimous decision of the Tribunal.
2. That a condition be added, stated that the applicant must maintain the upgrade.
3. That the comments of the Ward Committees be asked in future in respect of all applications.

9. Closure

The meeting adjourned at 11:35

CONFIRMED on this _____ day of _____ 2023

CHAIRPERSON