



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL (MPT) MEETING HELD ON TUESDAY, 29 NOVEMBER 2022 AT 10:00 IN THE COUNCIL CHAMBERS, BREDASDORP (LIVE STREAM)

PRESENT:

MEMBERS:

Mr. E Phillips (Chairperson)	Municipal Manager
Mr. H Kröhn	Director Management Services
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
Mr. A Theron	Town Planner
Mr. D October	Town Planner
Ms. C Dietrich	Administrative Officer: Committees

1. **Welcome**

The Chairperson welcomed everyone present as well as the persons who joined the meeting via live stream.

The Chairperson granted a moment of silent prayer.

2. **Apologies**

Mr. F Kotze

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

3.1 Minutes: 8 June 2022

DECISION: MPT 3/ 2022

That the minutes of 8 June 2022 be approved. Approval was proposed by Mr. J Benjamin and seconded by Mr. H Kröhn.

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 Rules of procedures

The Rules of Procedures for meetings was tabled by Ms. Nel. She mentioned that it is only the dates that changed, to be in line with the new By-Law.

DECISION: MPT 4/ 2022

That the Rules of Procedure for meetings be approved, with amendments. Approval was proposed by Mr. J Benjamin and seconded by Mr. D Wasserman.

6.2 Terms of Reference

The Terms of Reference was presented by Ms. Nel for comments.

DECISION: MPT 5/ 2022

That the draft Terms of Reference be approved, with amendments. Approval was proposed by Mr. J Benjamin and seconded by Mr. D Wasserman.

6.3 Application for rezoning, subdivision, consolidation and departure (Erven 6690, 6691, 6448 & 6449 Bredasdorp (Millpark) - MTRP (Ward 2)

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

The committee considered the recommendation presented.

The application is recommended as:

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 for a subdivisional area.
5. The application is promoting social upliftment in the town, which will benefit the general public.
6. No basic environmental assessment will be issued, due to the fact that no regulations will be triggered.
7. The proposed rezoning will not impact negatively on the surrounding areas where residential elements are in place. It will be accessible to the immediate community.

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. A rezoning of Erf 6690 in terms of Section 15 (2)(a) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning,2022 from Local Business to Civic and Social.

MINUTES: MUNICIPAL PLANNING TRIBUNAL MEETING: 29 NOVEMBER 2022

2. A rezoning of Erf 6448 in terms of Section 15 (2)(a) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022 from Civic and Social to Local Business.
3. Consolidation of Erf 6690 with Erf 6691 in terms of Section 15 (2)(e) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022. (Both Civic and Social).
4. Consolidation of Erf 6448 with Erf 6449 in terms of Section 15 (2)(e) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022.(Both Local Business).
5. A subdivision in terms of Section 15 (2)(d) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022 of consolidated Erven 6448 and 6449 into 6 local business erven.
6. A departure from building lines in terms of Section 15 (2)(b) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning,2022 to allow for a 0m building line, along erven 6443 – 6447.

CONDITIONS OF APPROVAL

The following conditions of approval are imposed ito 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. RE/2855. dated February 2022 submitted with this application.
- d) The subdivision 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.
- e) 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

- 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) Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
- k) 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.
- 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) Minimum of 2 parking bays must be provided for each of the 5 smaller business erven.
- p) Provision must be made for disabled parking.
- q) Loading bay zone must be provided for each proposed business erven.
- r) Access to the properties will be taken as appropriate from Windmeul and Iris Streets, Bredasdorp.

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 control officer of Cape Agulhas Municipality and Waste Management of Cape Agulhas Municipality.
- v) 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

- w) 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:

- x) 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.

MINUTES: MUNICIPAL PLANNING TRIBUNAL MEETING: 29 NOVEMBER 2022

- 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 discharged 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.
- The conservancy tanks must be located out of the 1:100 year flood line of any water resource.

Post and Telecommunications

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

Nuisance

- aa) No noise may be permitted causing a nuisance to neighbours.
- bb) No activities resulting in a public nuisance may be exercised.

DECISION: MPT 6/ 2022

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

9. Closure

The meeting adjourned at 10:25

CONFIRMED on this _____ day of _____ 20_____

CHAIRPERSON