



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL (MPT) MEETING HELD ON WEDNESDAY, 8 JUNE 2022 AT 12:00 IN THE COUNCIL CHAMBERS, BREDASDORP

PRESENT:

MEMBERS:

Mr. E Phillips (Chairperson)	Municipal Manager
Mr. A Jacobs	Director Infrastructure Services
Mr. H Kröhn	Director Management Services
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
Mr. A Theron	Town Planner
Ms. J Bothma	Intern: Town Planning
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, and reiterated the importance of maintaining adherence to Covid-19 protocol measures.

The Chairperson thanked Mr. Benjamin for serving on the Municipal Planning Tribunal of Cape Agulhas Municipality for the past five years. It was noted that the Department of Environmental Affairs and Development Planning will submit a replacement for him, which the Municipal Council will have to approve and promulgate. Mr Benjamin will remain a member of the MPT until the process is finalised.

Ms. Stone mentioned that Mr. Brunings is a secundi, and at the time the agenda was finalised it appeared that Mr. Benjamin would be unable to attend, hence the inclusion of Mr. Brunings name as a member.

2. **Apologies**

Mr. R Brunings
Mr. D October (Sick leave)

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

3.1 Minutes: 29 October 2021

DECISION: MPT 1/ 2022

That the minutes of 29 October 2021 be approved. Approval was proposed by Mr. F Kotze and seconded by Mr. J Benjamin.

4. **Matters arising from previous meetings**

None

5. **Items for discussion**

5.1 Proposed subdivision, consolidation, departure, removal of restrictive title conditions, rezoning, amendment of general plan, closure of a portion of a public place, special consent and approval of the site development plan: Erven 852 and 857 Struisbaai (S857 - MTRP) (Ward 5)

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

Mr. Jacobs wanted to know for clarity if there were any objections regarding the application. Mr. Theron indicated that the main objections were pedestrian and road access as well as a heritage study.

Mr. Benjamin wanted to know if the development is for a new OK store. Mr. Theron indicated that the intention of the developer is to move the existing OK store, and that a response from Heritage Western Cape is pending.

Mr. Benjamin asked if parking provision is sufficient? Mr. Theron indicated that according to the Site Development Plan there is enough space for parking. There are 272 parking bays.

Mr. Jacobs wanted to know if comments were received from Provincial Roads. Mr. Theron indicated that a Traffic Impact Assessment was submitted and that the site development plan complies with the prescribed requirements.

The committee considered the recommendation presented.

6. **RECOMMENDATION**

6.1 The application is recommended as:

- i. 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.
- ii. The proposed development supports the principles as stipulated in Chapter VI of LUPA, which is in line with the principles of SPLUMA.
- iii. The application process is PAJA compliant, and the objections received have been sufficiently addressed.
- iv. No potential negative impacts could be identified as a result of the proposed development.
- v. The owner is promoting investment opportunities in the town, which will benefit the general public, by for instance making land available for investment potential.
- vi. No basic environmental assessment will be issued, since no regulations will be triggered.
- vii. The property in question is situated within an established commercial district and is in line with the Cape Agulhas Spatial Development Framework.

6.2 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:

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- Subdivision of Erf 857 in terms of Section 15(2)(d) into a Remainder and Portion A (+2,24 ha). Subdivision of Erf 852 into a Remainder and Portion B (+ 2504m²).
- Consolidation of proposed Portions A and B in terms of Sections 15(2)(e).
- Rezoning of Consolidated proposed Portion in terms of Section 15(2)(a) to Business.
- Amendment of The General Plan 1807LD of Struisbaai in terms of Section 23(1).
- Closure of a portion of Erf 852, a public space, in terms of Section 15(2)(n).
- Special Consent on consolidated portion in terms of Section 15(2)(n), to allow for a supermarket, liquor store and warehouse as part of the proposed hardware store.
- Approval of the Site Development Plan.

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 properties shall be used for Business purposes
- 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.

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.
- h) Public facilities for disabled people to be provided.

General Services

- i) The applicant / owner / developer at his own expense shall 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.
- 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) Access to the property must be taken from Industria Road, Struisbaai.
- p) Provision must be made for disabled parking.

Stormwater and Water

- q) Stormwater onto the site and from the site to be handled by the applicant / owner / developer at his own expense.

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- r) Increasing of the water supply network to be for the applicant / owner / developer's account.

Waste management and cleansing

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

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

- w) 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.
- x) The Municipality to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.

Nuisance

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

DECISION: MPT 2/ 2022

That the recommendation and conditions of approval as contained in paragraph 6 be accepted as a unanimous decision of the Tribunal.

9. Closure

The meeting adjourned at 10:25

CONFIRMED on this _____ day of _____ **20** _____

CHAIRPERSON