



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL (MPT) MEETING HELD ON FRIDAY,
8 MARCH 2024 AT 11:00 (MICROSOFT TEAMS MEETING)**

PRESENT:

MEMBERS:

Mr. E Phillips (Chairperson)	Municipal Manager
Mr. H Kröhn	Director Infrastructure Services
Mrs. D Carstens	Department of Environmental Affairs and Development Planning (DEA&DP)
Mr. R Brunings	Swellendam Municipality (Secundi)

OFFICIALS:

Mrs. S Nel	Manager: Town- & Regional Planning
Mr. A Theron	Town Planner
Mr. D October	Town Planner
Mrs. D Oncke	Town Planning Officer

COMMITTEE SERVICES:

Ms. C Dietrich	Administrative Officer: Committees
----------------	------------------------------------

1. **Welcome**

The Chairperson welcomed everyone present. He also welcomed the persons who joined the meeting via live stream.

2. **Apologies**

Mr. F Kotze
Ms. T Stone

3. **Approval of minutes of previous meeting: 18 August 2023**

DECISION: MPT 1/ 2024

That the minutes of 18 August 2003 be approved. Approval was proposed by Ms. Carstens and seconded by Mr. 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 Proposed Housing Project closure of public open space amendment of a general plan, subdivision, consolidation and rezoning: Erven 4027-4035, 5181-5185, 5187-5199, 5201-5206, 5242-5246 and a portion of Erf 5180 Struisbaai (MTRP) (Ward 5)

Mr. October gave background of the item under discussion.

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

DESIRABILITY

- The proposal complies with densification strategies formulated on national, provincial and local spheres.
- The subject property is well located with regards to access to public transport and proximity to various community and public facilities nearby.
- Services are existing, and or capacities sufficient and the proposed infill development will mostly be able to connect with existing water pipelines, sewerage, storm water and electricity – therefore making optimal use of existing infrastructure.
- The development will contribute to the upliftment and sustainability of the community in need in the area.
- Compatibility with the surrounding character: The development pocket will be fully integrated with the existing developed neighbourhood. The proposed average erf size of the new erven is less than the sizes found in the surrounding residential area, but this is required to provide in the much-needed housing demand in Struisbaai.
- Development of the vacant portions of land could contribute to enhancing safety and security of the surrounding erven often unattended at night.

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 (2022) be approved:

1. The rezoning, in terms of Section 15 (2)(a) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022 from Public Open Space and Single Residential to Subdivisional Area, for Single Residential Zone and Street Zone.

MINUTES: MUNICIPAL PLANNING TRIBUNAL MEETING: 8 MARCH 2024

2. The subdivision of Erf 5180, in terms of Section 15 (2)(d) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning,2022 into a Remainder (2385m²) and a Ptn A (283m²).
3. The subdivision, in terms of Section 15 (2)(d) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning,2022 of the consolidated erven into 84 Single Residential Zone erven and 10 portions of Street.
4. Consolidation of Portion A with Erven 5181 – 5185 in terms of Section 15 (2)(e) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning,2022.
5. Consolidation of Erven 5187 – 5199 in terms of Section 15 (2)(e) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning,2022.
6. Consolidation of Erven 4027 – 4035 and 5201 – 5206 in terms of Section 15 (2)(e) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning,2022.
7. Consolidation of Erven 5242-5246 in terms of Section 15 (2)(e) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning,2022.
8. An amendment of General Plan No: 136/2015 in terms of Section 23(1) of the Cape Agulhas Municipal Planning By-Law, 2022 by the creation of the Public Place Erven 5187, 5190 and Portion of Public Place Erf 5180 Struisbaai to be closed.
9. The closure of part of Public Places Erven 5187, 5190 and Portion of Public Place Erf 5180 Struisbaai in terms of Section 15 (2)(n) Cape Agulhas Municipality: By-law on Municipal Land Use Planning,2022.

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.3070. dated July 2023 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) Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.
- k) Access to the properties will be taken as appropriate from 1st Avenue, Struisbaai.

Stormwater and Water

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

Cleansing and Purification

- n) 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.

MINUTES: MUNICIPAL PLANNING TRIBUNAL MEETING: 8 MARCH 2024

- o) 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

- p) 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:

- q) 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

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

DECISION: MPT 2/ 2024

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

6.2 Application for subdivision, rezoning and closure of a portion of a public road (Portion of Erf 1824, Struisbaai) (MTRP) (Ward 5)

Mr. October gave background of the item under discussion.

Mrs. Carstens indicated that she read in the report that Cape Agulhas Municipality do not want to consolidate the land, after which Mr. October mentioned that consolidation is not possible.

Mr. Brunings wanted to know for clarity what the impact will be for the value of land or property, after which Mr. October indicated that the Property department will incorporate it in the contracts.

Mrs. Nel indicated that CAM's attorney confirmed that the planning department can continue with the process.

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

DESIRABILITY

- Incorporating the portion with Erf 1824 will contribute towards maintaining the safety of Erf 1837.
- The loss of the 47m² of municipal property does not impact negatively on the safety and the usability of the road.
- There is economic benefit towards the Municipality in selling the portion of land.
- Council already in principle approved the alienation of the portion of land.

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 (2022) be approved:

1. Rezoning of proposed Portion A (47m²), for purposes of an Industry zone.
2. Subdivision of Erf 1824, Struisbaai, into proposed Portion A (47m²) and a Remainder.
3. Closure of a portion of public place.

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 erf 1837 Struisbaai and the newly incorporated portion of 1824 Struisbaai must only be for the use of Industrial Zoned purposes.
- d) The existing gate that abuts the street boundary should adhere to the 5-meter street building line and an amended site plan must be submitted to the satisfaction of the town planning-and building department of the Cape Agulhas Municipality.
- e) The portion will not be consolidated but will be incorporated into the existing Sectional Title Scheme, Struisbaai Industries, as additional common property and thereafter it will become exclusive use area. Consolidation is not possible due to different registries.
- f) 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

- g) 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.
- h) All advertising or tourism signs, to be according to the Council's specifications.
- i) On-premises advertising signs or similar notice of any kind shall be made solely in accordance with the Council's policy.

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) Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.

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.

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.
- p) 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

- q) 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:

- r) 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.

DECISION: MPT 3/ 2024

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

7. Closure

The Chairperson thanked all the members for their valuable input and also the people who logged in to the Live Stream meeting. He wished everyone a lovely Friday and weekend. The meeting was adjourned at 11:25.

CONFIRMED on this _____ day of _____ 2024

CHAIRPERSON