



KAAP AGULHAS MUNISIPALITEIT  
CAPE AGULHAS MUNICIPALITY  
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**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL (MPT) MEETING HELD ON FRIDAY,  
18 AUGUST 2023 AT 11:00 (MICROSOFT TEAMS MEETING)**

**PRESENT:**

**MEMBERS:**

Mr. E Phillips (Chairperson)	Municipal Manager
Ms. M Boyce (Deputy Chairperson)	Director Management Services
Mr. H Kröhn	Director Infrastructure Services
Ms. D Carstens	Department of Environmental Affairs and Development Planning (DEA&DP)

**OFFICIALS:**

Ms. T Stone	Divisional Head: Strategic Services, Planning and Administration
Ms. S Nel	Manager: Town- & Regional Planning
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 Ms. Marlene Boyce, the newly appointed Director Management Services. He also welcomed the persons who joined the meeting via live stream.

2. **Apologies**

Mr. F Kotze  
Mr. R Brunings

3. **Approval of minutes of previous meeting: 11 July 2023**

**DECISION: MPT 7/ 2023**

That the minutes of 11 July 2003 be approved. Approval was proposed by Ms. T Stone and seconded by Ms. D Carstens.

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

**DECISION: MPT 8/ 2023**

That the committee take note of **Council Resolution 150/2023**, of a new appointed MPT internal member (Deputy Chairperson), Ms. Marlene Boyce to serve on the Municipal Planning Tribunal (MPT) for a five-year period.

6.2 Rezoning, Departure, Consent use and consolidation (Bredasdorp Erven 538 & 539 – MTRP) Ward 4

Mr. October gave background of the item under discussion.

The Deputy Chairperson requested Mr. October to rectify his report to change the description Erf 538 and 539, Bredasdorp to read as follows: Erf 538 and 539, Bredasdorp. She further indicated that no type of feasibility is addressed in the conditions. No indication is given of how many taxis have approved permits, after which Mr. October indicated that they have no idea of the volume, but they made provision for 10 taxi bays.

Ms. Nel mentioned that they will stick to pick-up and drop-off points for taxis, after which the Deputy Chairperson requested that it be stated clearly in the conditions.

The Chairperson indicated that there is also other pick-up and drop-off points for taxis in Bredasdorp, after which Mr. October mentioned that this application is for a formal/additional taxi point.

Ms. Stone mentioned that the traffic indicated that when they did a feasibility study in 2019, they had 8 operators with 20 taxis (this is a mix of long distance and local).

The Deputy Chairperson indicated that she is not concerned after she heard the information from Ms. Stone. She indicated that some conditions of approval are not relevant, after which Mr. October mentioned that it is general conditions.

The Deputy Chairperson suggested that the type of conditions be discussed at a workshop. If it is not relevant, it do not need to be included in the report (in future).

Ms. Carstens mentioned that some of the conditions is for notification – (c) under City Planning. She recommended that the recommendation be amended as such.

That the application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2023) for the following:

- i. Rezoning in terms of Section 15(2)(a), from “Business” to “Transport” to allow a taxi pick-up point on erven 538 and 539, Bredasdorp;
- ii. Departure in terms of Section 15(2)(b), from the side building lines to allow for 0m side building lines;
- iii. Consolidation of Erven 538 and 539, Bredasdorp in terms of Section 15(2)(e);
- iv. Consent use in terms of Section 15(2)(e), to allow for business premises on the property,

**be approved** in terms of the provisions of section 60 of the By-law.

**REASONS FOR RECOMMENDATION**

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.

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3. No potential negative impacts could be identified as a result of the proposed development.
4. The application is promoting the social upliftment of the town, which will benefit the general public.
5. No basic environmental assessment is required, due to the fact that no regulations will be triggered.

### **CONDITIONS OF APPROVAL**

The following conditions of approval are imposed into 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 be complied with.
- c) That the proposed consolidated erven to be rezoned from Business to Street (Taxi Pick-Up point) as per approved Site Development Plan.
- d) The applicant / owner / developer note that the rezoning approval will lapse within ten 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 be provided.

#### **General Services**

- i) Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.
- j) Parking must be 5.0 x 2.5 meters in size and clearly defined and demarcated on-site to the satisfaction of the Council.
- k) Vehicular access-Ingress to be from Dirkie Uys Street and Egress from Plein Street, Bredasdorp.

#### **Stormwater and Water**

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

#### **Cleansing and Purification**

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

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

For the attention of the owner/developer/applicant:

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

- p) All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered.
  - i. No pollution of surface water or groundwater resources may occur due to the proposed activity.

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- ii. The minimising of waste must be promoted and alternative methods for waste management must be investigated.

### **Water for domestic use**

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

### **Disposal of sewage**

- iv. 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).
- v. 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.

- i. The volume of sewage needs to be metered monthly 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.
- ii. The tank must be provided with a fresh air inlet and an intercepting grease trap.
- iii. The tank must have an airtight utility access hole cover to allow access to the tank for the removal and safe disposal of the tank contents.
- iv. No industrial waste or refuse may be discharged into the conservancy tank except by written agreements with the relevant authorities.
- v. 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.
- vi. The contents of the tank must be removed by a vacuum tanker and conveyed to a local Wastewater Treatment Works that can process the volume and contents of the conservancy tank.
- vii. The contingency plan must be drawn up to protect against overflow of the conservancy tank.
- viii. Ingress of storm water into the conservancy tank must be prevented.
- ix. The conservancy tanks must be located out of the 1:100 year flood line of any water resource.

### **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.

### **Nuisance**

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

### **DECISION: MPT 9/ 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)

Ms. Nel gave background of the item under discussion. She indicated her concerns of not giving notice of the proposed extension of validity of the application to the public.

The Deputy Chairperson mentioned that she did not see the details of the application of Town and Country, the information is incomplete and a bit fade.

The Municipal Manager wanted to know when the validity (existing) period expires, after which Ms. Nel indicated that it expired on 7 August 2023 and that it is for MPT to decide if they want to extend the period.

The Deputy Chairperson mentioned that based on her understanding; if the application was done before the expiring date; that the undermentioned two aspects had to be taken into account:

1. written notice received from Town and Country; and
2. details of application.

The Chairperson wanted to know what the implication will be and if it will be a result of lapsing of the previous approval, after which Ms. Carstens mentioned that it will not lapse. The municipality can withdraw the item, to be discussed at the Special meeting after they received further information and detail.

The Deputy Chairperson recommended that the MPT be informed with more detail/information to be discussed at the next Tribunal meeting (convened with the latest 2 weeks from date) for a deferral to the next meeting and be distributed to the MPT committee, which was seconded by Ms. Carstens.

**DECISION: MPT 10/ 2023**

That the MPT members be informed with more detail/information to discuss at the next Tribunal meeting (convened with the latest 2 weeks from date) for a deferral to the next meeting and be distributed to the MPT committee.

**7. Closure**

Ms. Stone indicated that we lost signal on Live stream during the meeting, but the full recording will be put on You-Tube for the public watching.

The Chairperson thanked the members for their valuable input, wished everyone a lovely Friday and adjourned the meeting at 11:50.

CONFIRMED on this \_\_\_\_\_ day of \_\_\_\_\_ 2023

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**CHAIRPERSON**