



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
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**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING (M.P.T.) HELD ON THURSDAY,
5 APRIL 2018 AT 11:00 IN THE COUNCIL CHAMBERS, BREDASDORP**

PRESENT

MEMBERS

Mr. D O'Neill (Chairperson)	Municipal Manager
Mr. K Mrali	Director Management Services
Mr. F Kotze	Overberg District Municipality (ODM)
Mr. J Benjamin	Department of Environmental Affairs & Development Planning (DEADP)

OTHER OFFICIALS

Mr. B Hayward	Manager: Town- and Regional Planning
Mr. D Wasserman	Manager: Water and Sewage
Mr. D October	Town Planner
Mr. A Theron	Town Planner
Ms. D Oncke	Town Planning Officer
Ms. C Dietrich	Administrative Officer: Committees

1. **OPENING**

The Chairperson welcomed everyone present whereafter Mr. Hayward open the meeting with prayer.

2. **APOLOGIES**

Ms. T Stone (sick leave)

3. **APPROVAL OF MINUTES OF PREVIOUS MEETING(S)**

3.1 **MINUTES: 07 JUNE 2017**

DECISION: MPT 1 /2018

- (i) That the minutes of 7 June 2017 be approved, proposed by Mr. F Kotze and seconded by Mr. B Hayward.

3.2 **MINUTES: 6 JULY 2017**

DECISION: MPT 2 /2018

- (i) That the minutes of 6 July 2017 be approved, proposed by Mr. K Mrali and seconded by Mr. F Kotze.

4. **ITEMS FOR DISCUSSION**

4.1 **EXTENSION OF REZONING: ERF 599, DUNKIRK STREET, WAENHUISKRANS (W599 – TRP) (WARD 5)**

Mr. Hayward gave a brief background regarding the item under discussion.

Mediation between two different parties is in process to resolve this issue.

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The proposal is for the following:

1. **A deletion** of a condition in respect of the existing approval in terms of Section 15(2)(h) of the Cape Agulhas Municipality: By Law on Municipal Land Use Planning, 2015; and
2. **An extension** of the validity period of an approval in terms of Section 15(2)(i) of the Cape Agulhas Municipality: By Law on Municipal Land Use Planning, 2015.

Council did take note of the lapsing on 27 February 2017.

A new Site Development Plan was approved by Council (June 2017).

A registered letter was sent to WRAP and the objectors on 7 April 2015 regarding Council's decision taken on 31 March 2015.

Mr. Haarburger informed CAM that he never received the first letter, that's why a second registered letter was sent to WRAP, Mr. Haarburger and the objectors on 8 June 2015. The second letter should have referred to the first letter dated 7 April 2015, but was not mentioned.

The Chairperson asks what the reason was for a second letter, whereafter Mr. Hayward mentions that the previous developer, Mr. R Haarburger did not receive the first letter.

No formal application form was issued.

Mr. Benjamin asks the following questions:

1. Why did the rezoning lapse?
2. What are the minimum requirements according to the By Law?

The original objectors must be informed regarding the proposed extension.

Make sure that the correct procedure be followed, because the public can take the Municipality to court if the correct procedures were not being followed and not necessarily on a technicality.

Section 38 of By Law (Information required)

The Chairperson wants to know if the application form allows for extensions, to which Mr. Hayward answers positively.

Legislation bounds everyone including the municipality who must also adhere to its own By Law.

Bring the application as attachment to the next meeting.

DECISION: MPT 3 /2018

- (i) That the Public Participation Process be followed and all the original objectors be informed of the proposed extension and be given a 30 days period for comment.
- (ii) That a check list be developed of the minimum requirements that can be used for all future applications.
- (iii) If objections are received during the public participation process it must be considered.
- (iv) That, after the final requirements are met, a report be submitted to the Municipal Planning Tribunal (MPT) for a decision.
- (v) That all the required documentation be attached as annexures for the next meeting.

4. **CLOSURE**

The meeting adjourned at 12:00

CONFIRMED on this _____ day of _____ 2018

CHAIRPERSON