



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING (M.P.T.) HELD ON WEDNESDAY, 20 NOVEMBER 2019 AT 10:00 IN THE COUNCIL CHAMBERS, AUDREY BLIGNAULT STREET, BREDASDORP**

**PRESENT**

**MEMBERS**

Mr. D O'Neill (Chairperson)	Municipal Manager
Mr. A Jacobs	Director Infrastructure 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 October	Town Planner
Mr. A Theron	Town Planner
Mr. M Moelich	Committee Services

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1. **OPENING**

The Chairperson welcomed everyone present.

2. **APOLOGIES**

Ms. Tracey Stone and Mr. Hendrik Kröhn

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

3.1 **MINUTES: 5 July 2019**

**DECISION: MPT 10 / 2019**

That the minutes are noted and approved

4. **ITEMS FOR DISCUSSION**

4.1 **REZONING: ERF 599, DUNKIRK STREET, WAENHUISKRANS (W599 - TRP) (WARD 6)**

Mr. Hayward gave background regarding the item under discussion.

**DECISION: MPT 11 / 2019**

In the view of the above, it is decided that:

That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved in terms of section 60 of the Cape Agulhas Municipality By-Law on Municipal Land Use Planning 2015:

- Rezoning of a portion of Erf 599 Arniston from Street Zoning to Business Zoning in terms of Section 15(2)(a) of the Cape Agulhas Municipality By-Law on Municipal Land Use Planning 2015; and

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- Rezoning of the portion of Erf 599 Arniston from Single Zoning to Business Zoning to Business Zoning in terms of Section 15(2)(a) of the Cape Agulhas Municipality By-Law on Municipal Land Use Planning 2015.

### **CONDITIONS OF APPROVAL**

The following conditions of approval are imposed into section 66 of the Cape Agulhas Municipal Land Use Planning By-law (2015):

#### **City Planning**

1. The property be revalued and accordingly taxed.
2. All land use restrictions in terms of the Cape Agulhas Integrated Zoning Scheme be complied with.
3. The main use of the erf shall be used for Business Zoned purposes.
4. The applicant / owner / developer note that the approval is valid for five (5) years, after expiry of the period contemplated in Section 79(2) and Section 19(5) of the Cape Agulhas Municipal Land Use Planning By-law (2015).
5. The approval is linked generally in accordance with Site Development Plan No 1722/SDP/01 - 08 dated 15 March 2017 drawn by Kevin Gadd Architects.
6. An amended Site Development Plan be circulated to all interested and affected parties for comment and thereafter to Council for consideration.
7. The approval of the application does not exempt the applicant / owner / developer from compliance of any other legislation.

#### **Building Division**

8. 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.
9. All advertising or tourism signs, to be according to the Council's specifications.
10. On-premises advertising signs or similar notice of any kind shall be made solely in accordance with the Council's policy.
11. A Fire Management Plan be submitted with the Fire Plan of the Facility for consideration prior to building plan approval.

#### **General Services**

12. The applicant / owner / developer at his own expense be responsible for all internal and external services that may result from this application.
13. The applicant / owner / developer to negotiate with the relevant adjoining owners, if any servitudes need to be registered.
14. Any existing servitudes from the title deeds to be maintained.
15. Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
16. 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".
17. If additional capacity is required, a service level agreement be entered into with the municipality with regards to bulk capital contributions as per approved Council tariffs for that particular year.

#### **Parking and Streets**

18. Parking must be at least 5.0 x 2.5 meters in size and clearly defined and demarcated to the satisfaction of the Council.

### **Stormwater and Water**

19. Stormwater onto the site and from the site to be handled by the applicant / owner / developer at his own expense.
20. Increasing of the water supply network to be for the applicant / owner / developer's account.
21. No rainwater from the roof shall be discharged directly onto an adjoining land unit.

### **Cleansing and Purification**

22. Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.
23. 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**

24. Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health.
25. To comply with the conditions of the Breede Gouritz Catchment Management Area's letter reference 4/10/1/G50J/Erf599, Arniston dated 16 September 2019.
26. To comply with the proposals of the Department of Transport (Road Network Management) as per their letter with reference number 16/9/6/1-20/02 (Job 16591) dated 18 June 2019.

### **Post and Telecommunications**

27. 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.
28. The owner / developer to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.

### **Nuisance**

29. No noise may be permitted causing a nuisance to neighbours.
30. No activities resulting in a public nuisance may be exercised.

#### 4.2 **APPLICATION FOR REZONING, SUBDIVISION AND CONSOLIDATION: ERVEN 2896, 2898, AND 2900 STRUISBAAI (S2896 – MTRP) WARD 5)**

Mr. Hayward gave background regarding the item under discussion.

#### **DECISION: MPT 12/ 2019**

That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved in terms of Section 60 of the aforesaid Planning By-Law:

- Subdivision of Erf 2896 Struisbaai into Portion A = ±479m<sup>2</sup> and Remainder of Erf 2896 = ±545m<sup>2</sup> and subdivision of Erf 2898 Struisbaai into Portion B = ±479m<sup>2</sup> and Remainder of Erf 2898 = ±545m<sup>2</sup>;
- Consolidation of Portion A and the Remainder of Erf 2898 Struisbaai to create a ±1024m<sup>2</sup> erf and consolidation of Portion B and Erf 2900 Struisbaai to create a ±1618m<sup>2</sup> erf;

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- Rezoning of Portion A to Civic and Social and the consolidated Portion B and Erf 2900 Struisbaai to Civic and Social in terms of Section 60 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015.

### **CONDITIONS OF APPROVAL**

The following conditions of approval are imposed into section 66 of the Land Use Planning By-law (2015), that:

#### **City Planning**

1. The property be revalued and accordingly taxed.
2. All land use restrictions in terms of the Cape Agulhas Integrated Zoning Scheme be complied with.
3. That Portion A and the consolidated Portion B and Erf 2900 Struisbaai for Civic and Social shall be used for Civic & Social (Church) Zoned purposes.
4. 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**

5. 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.
6. All advertising or tourism signs, to be according to the Council's specifications.
7. On-premises advertising signs or similar notice of any kind shall be made solely in accordance with the Council's policy.
8. Public facilities for disabled people be provided.

#### **General Services**

9. The applicant / owner / developer at his own expense be responsible for all internal and external services that may result from this application.
10. The applicant / owner / developer to negotiate with the relevant adjoining owners, if any servitudes need to be registered.
11. Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
12. 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".
13. Infrastructure levies payable according to Council's tariffs within the applicable financial year, if necessary.
14. Parking must be 5.0 x 2.5 meters in size and clearly defined and demarcated on-site to the satisfaction of the Council.
15. Vehicular access and egress as shown on site development plan. See attached.
16. Provision must be made for disabled parking.

#### **Stormwater and Water**

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

**Cleansing and Purification**

19. Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.
20. 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**

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

**Post and Telecommunications**

22. 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.
23. The owner / developer to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.

**Nuisance**

24. No noise may be permitted causing a nuisance to neighbours.
25. No activities resulting in a public nuisance may be exercised.

5. **CLOSURE**

The meeting adjourned at 11H00\_\_\_\_\_

CONFIRMED on this **9th** day of **DECEMBER 2019**

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**CHAIRPERSON**