



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING VIRTUALLY HELD ON WEDNESDAY, 7 JUNE 2023 AT 15:30

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)
Director: Protection Services, Mr P A C Humphreys

External members:

Ms C Havenga
Mr C Rabie

Other officials:

Senior Manager: Development Management
Town and Regional Planner and GIS, Mr H Olivier
Manager: Secretariat and Records, Ms N Brand (secretariat)

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

RESOLVED that cognisance be taken of the apologies received from the Director: Corporate Services.

3. DECLARATION OF INTEREST

RESOLVED that cognisance be taken that no declarations of interest were received.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 12 APRIL 2023

RESOLUTION

That the minutes of a Municipal Planning Tribunal Meeting held on 12 April 2023 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED CONSENT USE ON ERF 257, MALMESBURY (15/3/10-8) (WARD 10)

Mr Olivier, as author, confirmed that the application is made for a consent use to accommodate a house shop on Erf 257, Malmesbury. The house shop will be operated from a portion (25 m² in extent) from the existing building on the property.

Mr Olivier explained that the house shop, considering the proximity to the school, will be focussing on a specific target market based on convenience for the learners and parents visiting the school.

Resolution/...

RESOLUTION

- A. The application for the consent use on Erf 257, Malmesbury be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent authorises a house shop, restricted to $\pm 25\text{m}^2$, as presented in the application;
- (b) Building plans, clearly indicating the house shop in relation to the house, be submitted to the Senior Manager: Built Environment, for consideration and approval;
- (c) The operation of the house shop not result in congestion/obstruction along Reservoir or Dirkie Uys Streets;
- (d) Application for construction of or attaching an advertising sign to the building be submitted to the Senior Manager: Built Environment, for consideration and approval. Only one sign, not exceeding 1m^2 in area and not exceeding the land unit boundaries with any part of it, be permitted and it indicate only the name of the owner, name of the business and nature of the retail trade;
- (e) No more than three persons, including the occupant of the property, be permitted to be engaged in retail activities on the land unit;
- (f) Only pre-packaged food products be sold;
- (g) No food preparation be allowed in the house shop;
- (h) The following activities not be allowed for sale in the house shop:
 - (i) The sale of wine and alcoholic beverages;
 - (ii) Storage or sale of gas and gas containers;
 - (iii) Vending machines;
 - (iv) Video games; and
 - (v) Snooker or pool tables;
- (i) The operating hours of the house shop be restricted to 07:00 to 18:00 daily;
- (j) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be adhered to, to the satisfaction of the relevant authority;
- (k) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (l) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (m) The letter of authorization from Swartland Municipality be displayed inside the house shop;

A2 WATER

- (a) The existing connection be used and that no additional connections be provided;

A3 SEWERAGE

- (a) The existing connection be used and that no additional connections be provided;

A4 STREETS AND STORM WATER

- (a) Deliveries may only be done by delivery vehicles of with a gross vehicle mass of 16000kg ;

B. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for 2 years;
- (b) Before the 2 year period lapses, application be made for the removal of abovementioned condition should it be determined that the house shop is successfully operated with minimal impact on the affected properties directly abutting the property;
- (c) All conditions of approval be met before the house shop comes into operation and the occupancy certificate is issued;
- (d) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (e) Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the

6.1/B(e)/...

approval letter. A fee of R4 500, 00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (b) The application complies with the land uses proposed for this area of Malmesbury, as determined by the SDF;
- (c) The application supports the local economy and promotes entrepreneurship and local businesses, as a goal of the IDP;
- (d) The proposed house shop complies with the development parameters and requirements of the By-Law;
- (e) The development is envisioned to promote economic opportunities, shorter travel distances and amenities in the residential neighbourhood;
- (f) The proposed consent use will not negatively impact the character of the neighbourhood.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**