



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON WEDNESDAY, 18 JULY 2018 AT 14:00 IN THE COMMITTEE ROOM: CORPORATE SERVICES**

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**PRESENT**

Internal members:

Municipal Manager, Mr J J Scholtz  
Director: Protection Services, Mr P A C Humphreys  
Director: Corporate Services, Ms M S Terblanche

External members:

Mr C Rabie  
Mr W Steyn

Other officials:

Sr Manager: Building Environment, Mr A M Zaayman (advisor)  
Manager: Secretariat and Records, Ms N Brand (secretariat)  
Director: Development Services, Mr J T Steenkamp  
Town and Regional Planner and GIS Administrator, Mr H Olivier  
Town and Regional Planner, Ms A de Jager

**1. OPENING**

The chairperson opened the meeting and welcomed all members.

**2. APOLOGY**

The committee is complete.

**3. DECLARATION OF INTEREST**

**RESOLVED** that cognisance is taken that no declaration of interest was received.

**4. MINUTES**

**4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 7 JUNE 2018**

**RESOLVED**

That the minutes of a Municipal Planning Tribunal Meeting held on 7 June 2018 are approved and signed by the chairperson, subject to the correction of item 6.2 – Ms A de Jager, as author, tabled the item and confirmed that the Environmental Authorisation was taken into account (instead of, consultant mostly) in preparing the report.

**5. MATTERS ARISING FROM THE MINUTES OF 7 JUNE 2018**

None

**6. MATTERS FOR CONSIDERATION**

**6.1 PROPOSED CONSENT USE ON ERF 498, MOORREESBURG (15/3/10-9) (WARD 2)**

Ms A de Jager, as author of the item, confirmed that the Jan Basson Centre is situated on erf 498, Moorreesburg and will be used for activities such as public and social functions, therefore the application for a consent use.

6.1/...

In the past the Jan Basson Centre served as conference/meeting facility for the former *Moorreesburg Koringboere* (MKB) and currently the Overberg Agri. From Monday to Sunday the centre is being rented out for social functions which include: weddings, birthday parties, training, meetings, workshops, seminars, etc.

## **UNANIMOUSLY RESOLVED**

- A.** The application for a consent use on erf 498, Moorreesburg be approved in terms of Section 70 of the Swartland Municipality Land Use Planning By-Law (PG 7741 of 3 March 2017) for a place of assembly subject to the following conditions, that:

### **A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The place of assembly will be restricted to the use of public and social functions;
- (b) Sufficient on-site parking be provided as presented in this application provided further that working hours operations be limited to 124 seats;
- (c) The management rules for the place of assembly be implemented as undertaken by the owner of erf 498 as presented in this application. The following specific management rules are identified:
  - (i) The overflow of parking cannot be accommodated on erf 1571 as it is situated on Royal Street which is a block away from place of assembly. The overflow of parking will not be permitted to any property of Overberg Agri Bedrywe Pty Ltd on Sentraal Street;
  - (ii) All functions at the place of assembly must stop at 02:00. All guests must leave the premises at 02:00;
  - (iii) The playing of music is allowed till 01:00 from Monday to Friday and till midnight on Saturday, but not on Sundays and closed days – closed days means Christmas Day and Good Friday;
  - (iv) The playing of music is prohibited outside the place of assembly, parking area, street or public places;
  - (v) The main gate on Sentraal Street must be closed at 22:00. Vehicles parked on-site must leave the premises via Main Road.
  - (vi) The pedestrian access gate on Sentraal Street must be closed at 02:00.
  - (vii) The use of alcohol is prohibited outside the place of assembly, parking area, street or public places.
- (d) A trade licence be obtained from Swartland Municipality;
- (e) Building plans be submitted to the Director: Development Services for consideration and approval taking Noise Control Regulations into account;
- (f) This approval is in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval must be complied with within the 5 year period and that failing to do so will result in this approval expiring;

### **A2 WATER**

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

### **A3 SEWERAGE**

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

### **A4 REFUSE REMOVAL**

- (a) The basic refuse removal tariff be levied for each business which will be adjusted according to the amount of refuse removed;
- (b) The refuse be placed in refuse bags on the nearest municipal sidewalk on the morning of refuse removal.

### **A5 GENERAL**

- (a) The applicant/objector be informed of the right to appeal against this decision of the Municipal Planning Tribunal, in terms of section 89(2) of the By-Law;

B/...

6.1/...

- B.** That the application be supported for the following reasons:
- (a) The place of assembly (Jan Basson Centre) is an existing established facility within the CBD of Moorreesburg.
  - (b) The proposed consent use complies with the requirements of the Swartland Planning By-law as well as existing planning norms and principles and is being seen as consistent with the SDF;
  - (c) The proposed management rules of the Jan Basson Centre are deemed to be sufficient to address the concerns of the objector;
  - (d) The proposed place of assembly compliments/strengthens the character of the CBD and will not have a negative impact on the character of the area surrounding the CBD;
  - (e) Sufficient engineering services exist to accommodate of the place of assembly;
  - (f) There are no restrictions in the title deed of erf 498 which impacts on this application;
  - (g) The proposed place of assembly is compliant with the principles of SPLUMA and LUPA.

## **6.2 APPLICATION FOR REZONING OF ERF 1608, YZERFONTEIN (15/3/3-14) (WARD 5)**

The author of the item, Mr H Olivier, briefly explained the content of the report and mentioned that the purpose of the application is to rezone erf 1608, Yzerfontein from Residential Zone 1 to Business Zone 1 in order to erect a restaurant.

Mr Olivier mentioned that the property is situated in the Pearl Bay area. A secondary business node has been identified in the Pearl Bay area with erf 1608 being situated right in the centre of this node.

### **UNANIMOUSLY RESOLVED**

- A.** The application for the rezoning of Erf 1608, Yzerfontein in terms of section 70 of the Swartland Municipality: By-law on Municipal Land Use Planning (PG 7741 of 3 March 2017) from residential zone 1 to business zone 1 be approved, subject to the following conditions:

#### **A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The use of business activities on the property is restricted to the operation of a restaurant as presented in the application;
- (b) At least 11 onsite parking bays be provided in accordance with condition A4(a) below;
- (c) Building plans must be submitted to the Director: Development Services for consideration and approval;
- (d) The design of the proposed restaurant must be complementary to the surrounding environment as presented in the application;
- (e) Application to display advertising signage be made to the Director: Development Services;
- (f) A Certificate of Compliance for the preparation and provision of food be obtained from the West Coast District Municipality;
- (g) A trade licence for the operation of the restaurant be obtained from Swartland Municipality;
- (h) This approval is valid for a period of 5 years, in terms of section 76(2)(w) of the By-Law, during which time the rezoned land use must be utilised and all conditions of approval adhered to for the new zoning to be established;
- (i) The applicant/objectors are informed of the right to appeal against this decision of the Municipal Planning Tribunal, within 21 days of this notice, in terms of section 89(2) of the By-Law;

#### **A2 WATER**

- (a) The restaurant be provided with a single water connection;

#### **A3 SEWERAGE**

- (a) The restaurant be provided with a conservancy tank of sufficient capacity to the satisfaction of the municipality;

**A4 STREETS AND STORMWATER**

- (a) The proposed parking area be provided with a permanent surface to the satisfaction of the municipality;

**A5 REFUSE REMOVAL**

- (a) The basic refuse removal tariff be levied, as applicable to businesses, which will be amended in accordance with the amount of refuse that is removed;
- (b) Refuse should be placed in black bags on the nearest municipal sidewalk in the morning of refuse collection;

**A6 CAPITAL CONTRIBUTIONS**

- (a) The owner/developer takes note of the capital contribution for the regional bulk supply of water at R12 219.14. This capital contribution is payable to Swartland Municipality at building plan stage. This amount is payable to vote number 9/249-176-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (b) The fixed capital contribution towards water be made to this municipality to the amount of R10 103.04 at building plan stage. This amount is payable to vote number 9/249-174-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (c) The fixed capital contribution towards sewerage be made to this municipality to the amount of R13 992.97 at building plan stage. This amount is payable to vote number 9/240-184-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (d) The fixed capital contribution towards wastewater treatment be made to this municipality to the amount of R20 644.80 at building plan stage. This amount is payable to vote number 9/240-183-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (e) The fixed capital contribution towards roads be made to this municipality to the amount of R16 128.75 at building plan stage. This amount is payable to vote number 9/249-144-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (f) The fixed capital contribution towards stormwater be made to this municipality to the amount of R15 348.55 at building plan stage. This amount is payable to vote number 9/248-144-9210 and is valid for the financial year of 2018/2019 and may be revised thereafter;
- (g) The Council's resolution dated 23 May 2018 makes provision for a 40% rebate on the capital contributions. This rebate is valid for the 2018/2019 financial year and may be revised thereafter.

**A7 WEST COAST DISTRICT MUNICIPALITY**

- (a) Building plans be provided to the Division: Municipal Health Services for comments;
- (b) Application for a compliance certificate for a food premises be submitted to the Division and all health requirements must be complied with before such a certificate will be issued;

**A8 GENERAL**

- (a) Should it be necessary to upgrade any existing services in order to accommodate the access or service connections of the proposed development, the cost thereof will be for the developer's account.

**B.** The application is supported for the following reasons:

- (a) The proposal complies with all the provisions of the relevant zoning scheme;
- (b) There are no physical restrictions on the property that will have a negative impact on this application;
- (c) There are no restrictions registered against the title deed of the property;
- (d) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels as discussed in the Land Use Planning Report;
- (e) The design of the proposed restaurant as presented in the application is such that it complements the character of the surrounding environment;

6.2/B/...

- (f) The proposed development will definitely have a positive impact on the economy of Yzerfontein through the creation of numerous job opportunities;
- (g) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental/heritage assets;
- (h) The property has sufficient access to and from Dassen Island Drive which is a public road.

### **6.3 APPLICATION FOR REZONING AND SUBDIVISION ON ERF 138, RIEBEEK KASTEEL (15/3/3-11, 15/3/6-11) (WARD 12)**

Ms A de Jager, as author of the item, tabled the proposed application for the rezoning and subdivision of erf 138 ( $\pm 11023 \text{ m}^2$  in extent), Hoof Street, Riebeek Kasteel.

The owner of the property is Swartland Municipality and the purpose of the application is to develop the vacant property into six Residential Zone 1 properties, two Transport Zone 2 properties, one Business Zone property and one Transport Zone 3 property.

#### **UNANIMOUSLY RESOLVED**

- A.** The application for the rezoning of Erf 138, Riebeek Kasteel, is approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 7741 of 3 March 2017);
- B.** The application for the subdivision of Erf 138, Riebeek Kasteel, is approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 7741 of 3 March 2017);
- C.** Approvals A and B above are subject to the conditions that:

#### **C1 TOWN PLANNING AND BUILDING CONTROL**

- (a) Erf 138 is rezoned from Residential Zone 1 to Subdivisional Area in order to accommodate the following as presented in the application:
  - (i) Remainder: Transport Zone 3 ( $\pm 5341 \text{ m}^2$  in extent);
  - (ii) Portion 2: Business Zone 1 ( $\pm 1698 \text{ m}^2$  in extent);
  - (iii) Portion 3: Residential Zone 1 ( $\pm 514 \text{ m}^2$  in extent);
  - (iv) Portion 4: Residential Zone 1 ( $\pm 514 \text{ m}^2$  in extent);
  - (v) Portion 5: Residential Zone 1 ( $\pm 532 \text{ m}^2$  in extent);
  - (vi) Portion 6: Residential Zone 1 ( $\pm 514 \text{ m}^2$  in extent);
  - (vii) Portion 7: Residential Zone 1 ( $\pm 514 \text{ m}^2$  in extent);
  - (viii) Portion 8: Residential Zone 1 ( $\pm 532 \text{ m}^2$  in extent);
  - (ix) Public Road: Transport Zone 2 ( $\pm 526 \text{ m}^2$  in extent);
  - (x) Road widening: Transport Zone 2 ( $\pm 338 \text{ m}^2$  in extent);
- (b) Erf 138 be subdivided as follows and as presented in the application:
  - (i) Remainder:  $\pm 5341 \text{ m}^2$  in extent;
  - (ii) Portion 2:  $\pm 1698 \text{ m}^2$  in extent;
  - (iii) Portion 3:  $\pm 514 \text{ m}^2$  in extent;
  - (iv) Portion 4:  $\pm 514 \text{ m}^2$  in extent;
  - (v) Portion 5:  $\pm 532 \text{ m}^2$  in extent;
  - (vi) Portion 6:  $\pm 514 \text{ m}^2$  in extent;
  - (vii) Portion 7:  $\pm 514 \text{ m}^2$  in extent;
  - (viii) Portion 8:  $\pm 532 \text{ m}^2$  in extent;
  - (ix) Public Road:  $\pm 526 \text{ m}^2$  in extent;
  - (x) Road widening:  $\pm 338 \text{ m}^2$  in extent;
- (c) A minimum of 96 on-site parking bays be provided on the Remainder of Erf 138, as presented in the application;
- (d) A minimum of 18 on-street parking bays be provided on Hoof Street, as presented in the application;
- (e) Parking bays be finished in a permanent, dust free material, being either concrete, tar or paving or any other material previously approved by the Director: Civil Engineering Services and that parking bays be clearly marked;

- (f) The required on-site parking bays be provided on the Business Zone and Residential Zone portions, once development takes place;
- (g) A landscaping plan be submitted to the Director: Civil Engineering Services for consideration and approval;
- (h) A General Plan be submitted to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
  - (i) the municipality's decision to approve the subdivision;
  - (ii) the conditions of approval imposed in terms of section 76; and
  - (iii) the approved subdivision plan;and that a copy of said diagram/General Plan be made available to the Municipality;
- (i) Building plans be submitted to the Director: Development Services, for consideration and approval;
- (j) Any new buildings and/or structures be designed to adhere to the character and aesthetic of the existing heritage status buildings of the surrounding area to the satisfaction of the municipality;
- (k) Application for the right to display an advertising sign be made to Director: Development Services for consideration and approval;
- (l) Trade licences for the operation of the businesses be obtained from Swartland Municipality for the operation of the business(es);
- (m) The approval is valid for a period of 5 years in terms of section 76(2)(w) of the By-Law. All conditions of approval must be complied with within the 5 year period and failing to do so will result in this approval expiring;

**C2 WATER**

- (a) The water reticulation network be expanded and that each subdivided portion be provided with a separate connection;
- (b) The developer appoints an Engineer, appropriately registered in terms of Act 46 of 2000, for the design of the water reticulation network;
- (c) The design be submitted to the Director: Civil Engineering Services, for consideration and approval, after which construction of the system must be completed under the supervision of said Engineer;

**C3 SEWERAGE**

- (a) The sewerage system be expanded and that each subdivided portion be provided with a separate connection;
- (b) The developer appoints an Engineer, appropriately registered in terms of Act 46 of 2000, for the design of the sewerage system;
- (c) The design be submitted to the Director: Civil Engineering Services, for consideration and approval, after which construction of the system must be completed under the supervision of said Engineer;

**C4 STREETS AND STORM WATER**

- (a) The internal road be finished to permanent surface standard;
- (b) The developer appoints an Engineer, appropriately registered in terms of Act 46 of 2000, for the design of the internal road;
- (c) The design be submitted to the Director: Civil Engineering Services, for consideration and approval, after which construction of the roads must be completed under the supervision of said Engineer;
- (d) The development be provided with a storm water drainage system;
- (e) The developer appoints an Engineer, appropriately registered in terms of Act 46 of 2000, for the design of storm water drainage system;
- (f) The design be submitted to the Director: Civil Engineering Services, for consideration and approval, after which construction must be completed under the supervision of said Engineer;

**C5 REFUSE REMOVAL**

- (a) The basic refuse removal tariff will be levied for each built, as well as vacant erf and in the case of a business, the amount will be amended in accordance with the amount of refuse generated;
- (b) Refuse be placed in refuse bags on the nearest municipal sidewalk on the morning of refuse removal;

**C6 CAPITAL CONTRIBUTIONS**

- (a) The capital contributions set out below, is applicable to each of the residential erven separately;
- (b) The owner/developer is responsible for the capital contribution of R10 890.50 for the bulk supply of regional water. This capital contribution is payable to Swartland Municipality at building plan stage. The amount is valid for the financial year of 2018/2019 and may be revised thereafter (vote no: 9/249-176-9210);
- (c) The fixed capital contribution of R11 404.55 be made to this municipality towards water reticulation, at building plan stage. This amount is valid for the 2018/2019 financial year and may be revised thereafter (vote no: 9/249-174-9210);
- (d) The fixed capital contribution of R6 834.45 be made towards sewerage to this municipality at building plan stage. This amount is valid for the financial year of 2018/2019 and may be revised thereafter (vote no: 9/240-184-9210);
- (e) The fixed capital contribution of R7 245.00 be made towards waste water treatment works, to this municipality at building plan stage. This amount is valid for the financial year of 2018/2019 and may be revised thereafter (vote no: 9/240-183-9210);
- (f) The fixed capital contribution towards roads be made to this municipality to the amount of R8 212.00 at building plan stage. This amount is valid for the financial year of 2018/2019 and may be revised thereafter (vote no: 9/249-144-9210);
- (g) The fixed capital contribution towards storm water be made to this municipality to the amount of R4 192.90 at building plan stage. This amount is valid for the financial year of 2018/2019 and may be revised thereafter (vote no: 9/248-144-9210);
- (h) Council's resolution dated May 2018 makes provision for a 40% rebate applicable on the capital contributions to Swartland Municipality. This rebate is valid for the 2018/2019 financial year and may be revised thereafter. The rebate is not applicable to point 6(a) and 6(b);

**C7 GENERAL**

- (b) The capital contribution concerning the business property is R449,25/m<sup>2</sup>GLA, but can only be calculated at building plan stage.
- (c) The applicant/objector be informed of the right to appeal against this decision of the Municipal Planning Tribunal, in terms of section 89(2) of the By-Law;

**D.** The application is 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 Riebeek Kasteel, as determined by the SDF.
- (c) The application property is situated along two activity streets.
- (d) This application promotes the provision of public and tourist infrastructure in Riebeek Kasteel, as supported by the SDF and IDP.
- (e) The development proposal for public parking is integrated with similar development in the town, such as the public square and will enable the square to be developed more appropriately.
- (f) The development is envisioned to promote economic opportunities in the CBD.
- (g) The proposed rezoning and subdivision will not negatively affect the character of the neighbourhood, and development design will be sensitive to the historic nature of its surroundings.
- (h) Swartland Municipality will accept ownership of the services to the development upon completion.
- (i) All development parameters of the By-Law will be adhered to.

**(SIGNED) J J SCHOLTZ  
CHAIRPERSON**