



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON WEDNESDAY, 7 FEBRUARY 2018 AT 14:00 IN THE COMMITTEE ROOM: CORPORATE SERVICES

PRESENT

Internal members:

Director: Corporate Services, Ms M S Terblanche (acting chairperson)
Director: Protection Services, Mr P A C Humphreys

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
Sr Town and Regional Planner, Mr A J Burger
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. ABSENCE OF LEAVE

Leave of absence is granted to the Municipal Manager, Mr J J Scholtz.

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 DECEMBER 2017

RESOLVED

That the minutes of a Municipal Planning Tribunal Meeting held on 7 December 2017 are approved and signed by the chairperson, subject to the correction of spelling and grammatical errors in item 6.1 and 6.3 respectively.

5. MATTERS ARISING FROM THE MINUTES OF 7 DECEMBER 2017

None

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED SUBDIVISION OF ERF 123, KORINGBERG (15/3/6-7) (WARD 1)

Mr H Olivier, as author, tabled the item on the proposed subdivision of Erf 123, Koringberg (2801 m² in extent) into three portions, namely portion A (± 933.66m² in extent), portion B (± 933.66m² in extent) as well as the remainder (± 933.66m² in extent).

Mr Olivier mentioned that the objections received primarily deals with the erf sizes that are created and lack of services in Koringberg. The impact of the development on services is however low, and therefore the application is approved.

A discussion followed on the erf sizes in Koringberg, which is determined by the Spatial Development Framework (SDF) at a minimum of 500 m². Mr A J Burger, on inquiry by Mr Rabie, confirmed that the erf sizes in the SDF differ from area to area in accordance with the character of the relevant town. It should be considered during the next review of the SDF to determine the erf sizes in Koringberg at a minimum of ±800 m² in order to maintain the rural character of the town.

UNANIMOUSLY RESOLVED

A The application for the subdivision of Erf 123, Koringberg, is approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 7741 of 3 March 2017), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 123 be subdivided into a remainder (±933,66m² in extent), portion 1 (±933,66m² in extent) as well as Portion B (±933,66m²), as presented in this application;
- (b) The dwellings that are to be built must architecturally be in keeping with the character of the surrounding area to the satisfaction of Swartland Municipality;
- (c) The legal certificate which authorises transfer of the subdivided portion in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- (d) This approval is in terms of section 76(2)(w) of the By-Law valid for a period of 5 years until 7 February 2023. 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;
- (e) The applicant and objectors 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;

A2 WATER

- (a) Each subdivided portion must be provided with a separate connection. This condition is applicable at building plan stage;
- (b) The water network needs to be extended in order to accommodate the proposed subdivided properties with water connections. To do this, the owner/developer must appoint an engineer registered in accordance with the provisions of Act 46 of 2000 to design the extension. The design must be submitted to the Director: Civil Engineering Services for approval, after which the extension must be done under the supervision of the engineer.

A3 SEWERAGE

- (a) Each subdivided portion must be provided with a separate conservancy tank, accessible by the vacuum truck from the road. This condition is applicable at building plan stage;

A4 REFUSE REMOVAL

- (a) The basic refuse removal tariff will be levied for each of the three erven;
- (b) Refuse to be placed in refuse bags on the nearest municipal street on the morning of refuse removal;

A5 CAPITAL CONTRIBUTIONS

- (a) The owner/developer take note of the capital contribution for the regional bulk supply of water at R 7 557,06 (R10 795,80 x 0,7 for Single Res) per newly created property. This capital contribution is payable to Swartland Municipality at clearance stage. The amount is valid for the financial year of 2017/2018 and may be revised thereafter (vote number: 9/249-176-9210);
- (b) The fixed capital contribution towards water distribution be made to this municipality to the amount of R 7 277,00 per newly created property at clearance stage. This amount is valid for the financial year of 2017/2018 and may be revised thereafter (vote number 9/249-174-9210);
- (c) The fixed capital contribution sewerage be made to this municipality to the amount of R 3 600,00 per newly created property at clearance stage.

6.1A5(c)/...

This amount is valid for the financial year of 2017/2018 and may be revised thereafter (vote number: 9/240-184-9210);

- (d) The fixed capital contribution towards streets and stormwater be made to this municipality to the amount of R5 363,00 per newly created property at clearance stage. This amount is valid for the financial year of 2017/2018 and may be revised thereafter (vote number: 9/247-144-9210);
- (e) The Council's resolution dated May 2016 makes provision for a 40% rebate applicable on the capital contributions to Swartland Municipality. This rebate is valid for the 2017/2018 financial year and may be revised thereafter. The rebate is not applicable to point A5(a);

A6 GENERAL

- (a) Any existing services which connect the remainder and subdivided portion be moved or disconnected to ensure that each erf's pipework is situated on the separate erven;
- (b) Should the extension of any existing services be deemed necessary to provide the subdivided portion with services connections, it will be for the cost of the owner/developer;

B That the application is supported for the following reasons:

- (a) The application is in compliance with the minimum erf size as determined by the SDF;
- (b) This application is seen as densification which is supported by the MSDF and PSDF;
- (c) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (d) The proposed subdivision will not negatively affect the character of the neighbourhood;
- (e) Surrounding properties consist of similar development potential as Erf 123;
- (f) There is sufficient services capacity to accommodate the newly created erven;
- (g) All development parameters of the By-Law will be adhered to;
- (h) The proposed subdivision will constitute the effective utilization of land and existing infrastructure.

6.2 PROPOSED REMOVAL OF TITLE RESTRICTIONS AND CONSENT USE ON ERF 1299, YZERFONTEIN (15/3/5-14, 15/3/10-14) (WARD 5)

The item is tabled by Mr A J Burger as author. Mr Burger confirmed that the application stems from unauthorised building work of which the new owner only became aware of after the purchase of the property.

It is the intention of the owners of Erf 1299 to change the building work inside the main dwelling house to function as only one dwelling unit. The second dwelling unit will stay unchanged. Therefore an application is made for the removal of restrictive title conditions to do away with the restrictions with regard to land use restrictions, coverage and building lines, as well as for consent use for a second dwelling.

Although the application was made by the applicant, Mr Rabie stated that if the title deed restrictions (building lines) are not encroached, it is not necessary to apply for removal of these title deed restrictions.

UNANIMOUSLY RESOLVED

A. The application for the removal of restrictive conditions C(2) and C(3) of Deed of Transfer T1067/2017 on erf 1299, Yzerfontein, is approved in terms of section 70 of the Swartland Municipality Land Use Planning By-Law (PG 7741 of 3 March 2017) subject to the following process:

- (a) The applicant/owner must apply to the Deeds Office to amend the title deed in order to indicate the removal of the restrictive conditions;

6.2A(a)/...

The following minimum information must be provided to the Deeds Office in order to consider the application, namely:

- Copy of the approval by Swartland Municipality;
- Original title deed, and
- Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;

- (b) A copy of the amended title deed must be provided to Swartland Municipality for record purposes, prior to final consideration of building plans.

B. The application for a consent use on erf 1299, Yzerfontein, is approved in terms of Section 70 of the Swartland Municipality Land Use Planning By-Law (PG 7741 of 3 March 2017).

C. Points A & B are subject to the following conditions, that:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorise the second dwelling unit;
- (b) The second dwelling be restricted to a maximum size of 120m²;
- (c) The second dwelling complies with the parameters of the existing zoning;
- (d) Building plans be submitted to the Director: Development Services for consideration and approval;
- (e) 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;
- (f) The applicant/objector is informed of the right to appeal against this decision of the Municipal Planning Tribunal, in terms of section 89(2) of the By-Law;

C2 WATER

- (a) The property makes use of a single water connection and that no additional connections will be provided;

C3 SEWERAGE

- (a) A conservancy tank of sufficient capacity be provided in accordance with the prescriptions of the Department: Civil Engineering Services and said tank be accessible to the vacuum truck from the street;

C4 REFUSE REMOVAL

- (a) The basic refuse removal tariff be levied for each dwelling unit;
- (b) The refuse be placed in refuse bags on the nearest municipal sidewalk on the morning of refuse removal;

C5 CAPITAL CONTRIBUTIONS

- (a) The owner/developer take note of the capital contribution for the regional bulk distribution of water at R4 463,09. 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 2017/2018 and may be revised thereafter;
- (b) The fixed capital contribution towards bulk water supply be made to this municipality to the amount of R5 397,90 at building plan stage. This amount is payable to vote number 9/249-174-9210 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (c) The fixed capital contribution towards sewerage be made to this municipality to the amount of R5 563,20 at building plan stage. This amount is payable to vote number 9/240-184-9210 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (d) The fixed capital contribution towards waste water treatment be made to this municipality to the amount of R8 208,00 at building plan stage. This amount is payable to vote number 9/240-183-9210 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (e) The fixed capital contribution towards roads must be made to this municipality to the amount of R11 400,00 at building plan stage.

6.2C5(e)/...

This amount is payable to vote number 9/249-144-9210 and is valid for the financial year of 2017/2018 and may be revised thereafter;

- (f) The fixed capital contribution towards stormwater be made to this municipality to the amount of R3 164,64 at building plan stage. This amount is payable to vote number 9/248-144-9210 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (g) The fixed capital contribution towards electricity be made to this municipality to the amount of R10 328,40 at building plan stage. This amount is payable to vote number 9/253-164-9210 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (h) Council's resolution dated May 2017 makes provision for a 40% rebate applicable on the capital contributions of Swartland Municipality. This rebate is valid for the 2017/2018 financial year and may be revised thereafter. Please note that the rebate is not applicable to point C5(a).

D. The application is supported for the following reasons:

- (a) The land use of a second dwelling is compatible with the permissible land uses of the residential zone 1 zoning;
- (b) The proposed second dwelling is consistent with the existing residential character of the surrounding area;
- (c) The application property is of sufficient size to accommodate the second dwelling, while promoting densification within the urban edge, as per local, Provincial and National policies;
- (d) The removal of the applicable restrictive conditions will not impact negatively on the land use of the property, nor surrounding area, as the development parameters will still be governed by the By-Law;
- (e) The second dwelling and the removal and amendment of restrictive title conditions are considered desirable within the spatial context.

6.3 PROPOSED CONSENT USE ON ERF 3527, DARLING (15/3/10-3) (WARD 6)

Mr A J Burger, as author of the item, tabled the proposed consent use on Erf 3527, Darling in order to erect two dwellings on the property.

Mr Burger stated that the optimal utilisation of a property through the erection of two dwelling units is becoming a tendency, where the second dwelling is rented for extra income.

UNANIMOUSLY RESOLVED

A. The application for a consent use on erf 3527, Darling, is approved in terms of Section 70 of the Swartland Municipality Land Use Planning By-Law (PG 7741 of 3 March 2017), subject to the following conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorise the erection of a second dwelling unit;
- (b) The second dwelling be restricted to a maximum size of 120m²;
- (c) The second dwelling complies with the parameters of the existing zoning;
- (d) Building plans be submitted to the Director: Development Services for consideration and approval;
- (e) 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;
- (f) The applicant/objector is informed of the right to appeal against this decision of the Municipal Planning Tribunal, in terms of section 89(2) of the By-Law;

A2 WATER

- (a) The property makes use of a single water connection and that no additional connections will be provided;

A3 SEWERAGE

- (a) The property makes use of the existing sewerage connection and that no additional connections will be provided;

A4 REFUSE REMOVAL

- (a) The basic refuse removal tariff be levied for each dwelling unit;
- (b) The refuse be placed in refuse bags on the nearest municipal sidewalk on the morning of refuse removal;

A5 CAPITAL CONTRIBUTIONS

- (a) The owner/developer take note of the capital contribution for the regional bulk distribution of water at R6 477,48 (R10 795.80 x 0.6 vir Res Med Density). 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 2017/2018 and may be revised thereafter;
- (b) The fixed capital contribution towards bulk water supply be made to this municipality to the amount of R7 277,00 at building plan stage. This amount is payable to vote number 9/249-174-9210 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (c) The fixed capital contribution towards sewerage be made to this municipality to the amount of R3 600,00 at building plan stage. This amount is payable to vote number 9/240-184-9210 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (d) The fixed capital contribution towards streets and stormwater must be made to this municipality to the amount of R5 363,00 at building plan stage. This amount is payable to vote number 9/249-144-9210 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (e) The fixed capital contribution towards electricity be made to this municipality to the amount of R4 321,00 at building plan stage. This amount is payable to vote number 9/253-164-9210 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (f) In terms of the Council's resolution dated May 2017 there is a 40% rebate applicable on the capital contributions of Swartland Municipality. This rebate is valid for the 2017/2018 financial year and may be revised thereafter. Please note that the rebate is not applicable to point A5(a).

B. The application is supported for the following reasons:

- (a) The land use of a second dwelling is compatible with the permissible land uses of the residential zone 1 zoning.
- (b) The proposed second dwelling is consistent with the existing residential character of the surrounding area.
- (c) The application property is of sufficient size to accommodate the second dwelling, while promoting densification within the urban edge, as per local, provincial and National policies.
- (d) The second dwelling is considered desirable within the spatial context.

6.4 PROPOSED SUBDIVISION OF ERF 92, RIEBEEK KASTEEL (15/3/6-11) (WARD 12)

The author, Mr A J Burger, mentioned that the application entails the subdivision of Erf 92, Riebeek Kasteel ($\pm 3\,266^2$ in extent), into four portions, namely Portion A ($\pm 864,3\text{m}^2$ in extent), Portion B ($\pm 768,51\text{m}^2$ in extent), Portion C ($\pm 768,51\text{m}^2$ in extent) and Portion D ($\pm 864,3\text{m}^2$ in extent).

The proposed subdivision will create four erven of more than $\pm 700\text{m}^2$ each, which is larger than the minimum erf size of 500m^2 required by the SDF for this area of Riebeek Kasteel.

The proposed new properties can connect to existing services in the area and said services will thus be optimally utilised.

UNANIMOUSLY RESOLVED

A. The application for the subdivision of Erf 92, Riebeek Kasteel, be approved in terms of section 70 of the Swartland Municipal Land Use Planning By-Law (PG 7741 of 3 March 2017), subject to the conditions that:

A1/...

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 92, Riebeek Kasteel (3 266 m² in extent), be subdivided into four portions, namely Portion A (± 864,3m² in extent), Portion B (± 768,51m² in extent), Portion C (± 768,51m² in extent) and Portion D (± 864,3m² in extent), as presented in the application.
- (b) 5m x 5m corner splays be provided on Portion A and Portion D;
- (c) The corner splays be transferred to Swartland Municipality and that the cost of the transfer will be for the account of the owner/developer;
- (d) Building plans be submitted to the Director: Development Services for consideration and approval;
- (e) The legal certificate which authorises transfer of the subdivided portion in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- (f) This 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;
- (g) 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;

A2 WATER

- (a) Each subdivided portion be provided with a separate connection. This condition is applicable at building plan stage;

A3 SEWERAGE

- (a) Each subdivided portion be provided with a separate sewerage connection;
- (b) This condition is applicable at building plan stage;

A4 REFUSE REMOVAL

- (a) The basic refuse removal tariff will be levied for each erf, being it vacant or built-up, as well as for each dwelling unit separately;
- (b) Refuse be placed in refuse bags on the nearest municipal street on the morning of refuse removal;

A5 CAPITAL CONTRIBUTIONS

- (a) The owner/developer is responsible for the capital contribution of R22 669,50 for the bulk supply of regional water. This capital contribution is payable to Swartland Municipality at clearance stage. The amount is valid for the financial year of 2017/2018 and may be revised thereafter (vote number: 9/249-176-9210);
- (b) The fixed capital contribution of R33 916,14 be made to this municipality towards water distribution, at clearance stage. This amount is valid for the financial year of 2017/2018 and may be revised thereafter (vote number 9/249-174-9210);
- (c) The fixed capital contribution of R20 325,06 be made towards sewerage to this municipality at clearance stage. This amount is valid for the financial year of 2017/2018 and may be revised thereafter (vote number: 9/240-184-9210).
- (d) The fixed capital contribution of R21 546,00 be made towards waste water treatment works, to this municipality at clearance stage. This amount is valid for the financial year of 2017/2018 and may be revised thereafter (vote number: 9/240-183-9210).
- (e) The fixed capital contribution towards roads be made to this municipality to the amount of R24 422,22 at clearance stage. This amount is valid for the financial year of 2017/2018 and may be revised thereafter (vote number: 9/249-144-9210);
- (f) The fixed capital contribution towards stormwater be made to this municipality to the amount of R12 469,32 at clearance stage. This amount is valid for the financial year of 2017/2018 and may be revised thereafter (vote number: 9/248-144-9210);
- (g) Council's resolution dated May 2017 makes provision for a 40% rebate applicable on the capital contributions to Swartland Municipality. This rebate is valid for the 2017/2018 financial year and may be revised thereafter. The rebate is not applicable to point A5(a);

A6 GENERAL

- (a) Any existing services which connect the remainder and subdivided portions be moved or disconnected to ensure that pipe work is situated on each of the separate erven;
- (b) Should the extension of any existing services be deemed necessary to provide the subdivided portions with services connections, it will be for the cost of the applicant/owner/developer.

B. The application is supported for the following reasons:

- (a) The application is in compliance with the minimum erf size for the specific portion of Riebeeek Kasteel, as determined by the SDF;
- (b) The proposed subdivision will not negatively affect the character of the neighbourhood, as the proposal complies with the minimum erf size of 500m² and a number of similarly sized erven already exist in the area;
- (c) This application is seen as densification which is supported by the SDF and PSDF;
- (d) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (e) Surrounding properties consist of similar development potential as that of Erf 92;
- (f) There is sufficient services capacity to accommodate the newly created erven;
- (g) All development parameters of the By-Law will be adhered to.

**(SIGNED) M S TERBLANCE
ACTING CHAIRPERSON**