



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE BANQUETING HALL,
MALMESBURY ON WEDNESDAY, 11 MAY 2022 AT 14:00**

PRESENT

Internal members:

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

External members:

Ms C Havenga
Mr C Rabie

Other officials:

Manager: Secretariat and Records, Ms N Brand (secretariat)
Director: Development Services, Ms J S Krieger
Town and Regional Planner, Ms A de Jager
Snr Town and Regional Planner, Mr A J Burger
Town and Regional Planner and GIS, Mr H Olivier

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

RESOLVED that the apology received from the Senior Manager: Built Environment, mr A M Zaayman be noted.

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 13 APRIL 2022

RESOLVED

(proposed by Ms C Havenga, seconded by Ms M S Terblanche)

That the minutes of a Municipal Planning Tribunal Meeting held on 13 April 2022 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

5.1 MINUTES OF MUNICIPAL PLANNING TRIBUNAL HELD ON 13 APRIL 2022

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED CONSENT USE ON ERF 1858, YZERFONTEIN (15/3/10-14) (WARD 5)

Mr H Olivier, the author, explained that an application is made for a consent use on Erf 1858, Yzerfontein to use the existing dwelling as a guesthouse.

Mr Olivier confirmed that during an investigation it was found that a total of five bedrooms, accommodating 10 guests, are advertised on well-known websites, including the facility's own website. This is in contradiction with the application that is for four bedrooms for the occupation of eight guests.

The Municipal Planning Tribunal confirmed that, although the impact of an additional one bedroom, indicated as a study on the site plan, will not be significant, the application cannot be altered in accordance with the Swartland Municipality: By-law relating to Municipal Land Use Planning (PG 8226 of 25 March 2020).

RESOLUTION

- A. The application for consent use on Erf 1858, Yzerfontein, 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 use be restricted to enable the existing dwelling to be used as a guesthouse, including;
 - (i) 4 x guest bedrooms with en-suite bathrooms, to be occupied by a maximum of 8 paying guests at any time;
 - (ii) 1 x open plan kitchen, dining room and lounge;
 - (iii) 1 x study;
 - (iv) 1 x double garage;
- (b) A minimum of three (3) on-site parking bays be provided and the parking bays be finished in a permanent dust free surface whether it be tar, concrete, paving or any other material, as approved by the Municipality beforehand, and the parking bays be clearly demarcated;
- (c) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- (d) A site development plan, including parking layout and proposed landscaping which complements the residential character of the dwelling, be submitted to the Senior Manager: Built Environment at building plan stage for consideration and approval;
- (e) A contact number of the owner/manager of the facility be displayed conspicuously on the premises at all times for emergency and/or complaint purposes;
- (f) All amenities and provision of meals be for the sole benefit of bona fide lodgers;
- (g) A register of guests and lodgers be kept and completed when rooms are let, and the register be produced for inspection on request by a municipal official;
- (h) Guest rooms not be converted to, or used as separate dwelling units;
- (i) Application be made to the Senior Manager: Built Environment for the right to construct or affix and display any signage;
- (j) Any signage be limited to 1 m² in area and may not project over a public street;
- (k) A Certificate of Compliance be obtained from the West Coast District Municipality for the operation of the guesthouse;
- (l) A trade licence be obtained from Swartland Municipality for the operation of the guesthouse;
- (m) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be adhered to, to the satisfaction of the relevant authority;
- (n) No guests be allowed to park within the road reserve;

A2 WATER

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

A3 SEWERAGE

- (a) The property be provided with a conservancy tank of sufficient capacity to the satisfaction of the Director: Civil Engineering Services and that the tank be accessible to the municipal service truck via the street;

A4 DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R1 815,08 and is for the account of the owner/developer at building plan stage.

6.1/A4(a)...

- The amount is due to the Swartland Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R1 500,75 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-174-9210);
 - (c) The development charge towards waste water treatment amounts to R2 760,00, and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-183-9210);
 - (d) The development charge towards sewerage amounts to R1 870,67 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/240-184-9210);
 - (e) The development charge towards streets amounts to R3 833,33 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/249-188-9210);
 - (f) The development charge towards storm water amounts to R1 064,13 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/248-144-9210);
 - (g) The development charge towards electricity amounts to R3 473,00 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA 9/253-164-9210);
 - (h) The Council resolution of May 2021 makes provision for a 40% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2021/2022 and may be revised thereafter. The discount is not applicable to A4(a);

B. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be met before the guesthouse comes into operation and the occupancy certificate is issued, after which the 5 year period will no longer be applicable;
- (b) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (c) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-law.

C. The application be supported for the following reasons:

- (a) The proposed guesthouse is a residential use and is consistent with the proposals of the MSDF;
- (b) A guesthouse is accommodated as a consent use under Residential Zone 1 of the By-Law;
- (c) The development proposal supports the optimal utilisation of the property;
- (d) The guesthouse will support the tourism industry in Yzerfontein, as well as the local economy;
- (e) The development proposal will not negatively impacts on the character of the surrounding neighbourhood or the larger Yzerfontein;
- (f) The concerns of the neighbouring and affected property owners are sufficiently addressed in the conditions of approval.

6.2 PROPOSED CONSENT USE ON ERF 7278, MALMESBURY (15/3/10-8) (WARD 10)

Ms A de Jager tabled the item for the proposed consent use on Erf 7278, Malmesbury in order to accommodate a day care centre for six children between 3 months to 24 months of age.

Resolution/...

RESOLUTION

- A. The application for consent use on Erf 7278, 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 use authorises a Day Care Centre, as presented in the application;
- (b) The Day Care Centre be restricted to 30 m², as presented in the application;
- (c) A maximum of six (6) children be enrolled at the Day Care Centre at any time, as presented in the application;
- (d) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- (e) The operation of the Day Care Centre be restricted between 06h00 and 18h00 from Mondays to Fridays;
- (f) The Day Care Centre complies with the requirements of Department Social Services and be registered at the Department of Education;
- (g) Application be made to the West Coast District Municipality for a compliance certificate for an early childhood development facility as well as a second compliance certificate for the preparation of food;
- (h) Application for the display of advertising signs be submitted to the Senior Manager: Built Environment for consideration for approval;
- (i) At least three (3) on-site parking bays be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality to the satisfaction of the Director: Civil Engineering Services. The parking bays be clearly marked;
- (j) The drop-off and pick-up of children be restricted to the parking area of Erf 7278;
- (k) The drop-off and pick-up of children off the property be prohibited;

A2 WATER

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

A3 SEWERAGE

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

A4 WEST COAST DISTRICT MUNICIPALITY

- (a) The provisions of the Norms and Standards of 24 December 2015 be complied with;
- (b) Application for a acceptability certificate for a childcare facility be submitted to the Environmental Health Division of the West Coast District Municipality;
- (c) If food is to be prepared on the premises, a compliance certificate for food preparation be submitted to the West Coast District Municipality's Environmental Health Division;
- (d) Other health requirements may be set from time to time;

B. GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be complied with before the Day Care Centre comes into operation and the occupancy certificate is issued, after which the 5 year period will no longer be applicable;
- (b) The preparation of meals for the children be permitted on the property;
- (c) The approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority;
- (d) The applicant/objectors be notified of this outcome and their right to appeal in terms of Chapter VII, Section 89 of the By-Law;

- C. The application be supported for the following reasons:

- (a) The application complies with the planning principles of LUPA and SPLUMA;

6.2/C...

- (b) The application is compliant with the spatial planning of Malmesbury, as directed by the SDF;
- (c) The proposed day care centre will complement and not have a negative impact on the residential character of the surrounding area;
- (d) The development proposal supports the optimal utilisation of the property;
- (e) A day care centre is an acceptable use in a residential area which implies that the possible impacts on affected parties, are similarly acceptable;
- (f) Sufficient services capacity exists to accommodate the place of education;
- (g) Sufficient on-site parking bays are provided for safe drop-off and pick-up of children;
- (h) Health and safety concerns are addressed through the conditions of approval;
- (i) The noise impact of the facility on the tranquillity of the neighbourhood is deemed to be negligible.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**