



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON WEDNESDAY, 5 APRIL 2017 AT 14:00 IN THE COMMITTEE ROOM: CORPORATE SERVICES**

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**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)  
Committee Officer, Ms S A Kulsen (secretariat)  
Director: Development Services (observer)  
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**

Apology received from the Municipal Manager, Mr J J Scholtz.

**3. DECLARATION OF INTEREST**

**RESOLVED** that cognisance is taken that no conflict of interests were declared.

**4. MINUTES**

**4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 1 MARCH 2017**

**UNANIMOUSLY RESOLVED**

That the minutes of a Municipal Planning Tribunal Meeting held on 1 March 2017 are approved and signed by the chairperson, subject to the following amendments –

- (a) p1: replace 'These' with 'This';
- (b) Item 6.1, para 4: add as second sentence 'As the Spatial Development Framework (SDF) is the spatial implementation component of the Integrated Development Plan (IDP), it can be regarded that the IDP effectively amended the SDF in respect of the land use proposal for Erf 946 and that the application could therefore be regarded as consistent with the SDF';
- (c) Item 6.2: 'Mr W Smit' to be replaced with 'Mr W Steyn';
- (d) Item 6.2, para 2: 'consistent' to be replaced with 'compliant';

4.1/...

- (e) Item 6.2, para 3: '...mixed uses and that the proposal is therefore not in conflict with the intent of the Spatial Development Framework (SDF) and hence regarded consistent with the SDF.'

## 5. MATTERS ARISING FROM THE MINUTES OF 1 MARCH 2017

None

## 6. MATTERS FOR CONSIDERATION

### 6.1 PROPOSED SUBDIVISION AND REGISTRATION OF A RIGHT OF WAY SERVITUDE ON ERF 1639, YZERFONTEIN (15/3/6-14) (WARD 5)

An application for the subdivision and registration of a right of way servitude on erf 1639 has been received. Erf 1639 will be subdivided into portion 1 ( $\pm 620\text{m}^2$ ) and portion 2 ( $\pm 613\text{m}^2$ ). A right of way servitude will be registered on portion 1 ( $\pm 24,6\text{m}^2$ ) and portion 2 ( $\pm 39,6\text{m}^2$ ) in order to create sufficient access to the newly created erven.

Mr A J Burger, as the author, tables the item. Mr Burger mentioned that objections were received from the public and that the application is tabled in accordance with the By-law on Municipal Land Use Planning.

#### RESOLVED UNANIMOUSLY

- A That the application for the subdivision and registration of a right of way servitude on erf 1639, Yzerfontein be approved in terms of section 60 of the Swartland Municipality : By-law on Municipal Land Use Planning (PG 7420 of 3 July 2015), subject to the following conditions:

#### A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 1639 be subdivided into portion 1 ( $\pm 620\text{m}^2$  in extent) and portion 2 ( $\pm 613\text{m}^2$  in extent);
- (b) A right of way servitude will be registered on portion 1 ( $\pm 24,6\text{m}^2$  in extent) and portion 2 ( $\pm 39,6\text{m}^2$  in extent) as presented in this application;
- (c) No wall or structures be permitted on the communal side boundary line of the newly created erven within the servitude area;
- (d) The applicant/objectors are notified to their right to appeal in terms of Chapter VII, Section 79 of the By-law.
- (e) This approval is in terms of section 66(2)(w) of the By-law valid for a period of 5 years;
- (f) The legal certificate which authorizes transfer of the subdivided portions in terms of Section 28 of the By-law will not be issued unless all the relevant conditions have been complied with;

#### A2 WATER

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

#### A3 SEWERAGE

- (a) Each erf be provided with a separate conservancy tank with a suitable size which is accessible for the services truck from the street. This condition is applicable at building plan stage;

#### A4 REFUSE REMOVAL

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

#### A5 ELECTRICITY

- (a) Each subdivided portion be provided with a separate electrical connection for the costs of the owner/developer;
- (b) The movement of any electrical cables over the relevant subdivided portion, be moved for the costs of the owner/developer;

6.1/A5/...

- (c) Any electrical inter-connection be isolated and fully removed;
- (d) The electricity be connected to the existing low tension network;
- (e) Additional to the abovementioned, the owner/developer must pay for the electrical connections to the subdivided portion;

**A6 CAPITAL CONTRIBUTIONS**

- (a) The owner/developer take note of the capital contribution for the regional bulk supply of water at R7 557,06 (R10 795,80 x 0.7 for Single Residential). This capital contribution is payable to Swartland Municipality at clearance stage. This amount is payable to vote number 77-92-86-00-6230 and is valid for the financial year of 2016/2017 and may be revised thereafter;
- (b) The fixed capital contribution towards water be made to this municipality to the amount of R7 277,00 per newly created erf at clearance stage. This amount is payable to vote number 77-92-86-00-6200 and is valid for the financial year of 2016/2017 and may be revised thereafter;
- (c) The fixed capital contribution towards sewerage be made to this municipality to the amount of R3 600,00 per newly created erf at clearance stage. This amount is payable to vote number 59-76-86-00-6200 and is valid for the financial year of 2016/2017 and may be revised thereafter;
- (d) The fixed capital contribution towards streets and stormwater be made to this municipality to the amount of R5 363,00 per newly created erf at clearance stage. This amount is payable to vote number 71-82-86-00-6200 and is valid for the financial year of 2016/2017 and may be revised thereafter;
- (e) The fixed capital contribution towards electricity be made to this municipality to the amount of R4 321,00 per newly created erf at clearance stage. This amount is payable to vote number 83-34-86-00-6200 and is valid for the financial year of 2016/2017 and may be revised thereafter;
- (f) The Council's resolution dated May 2016 makes provision for a 40% rebate applicable on the capital contributions of Swartland Municipality. This rebate is valid for the 2016/2017 financial year and may be revised thereafter.

**A7 GENERAL**

- (a) Any existing services which connects the remainder and the subdivided portion, be moved or disconnected in order to ensure that each erf's pipe work are located on the separate erven.

B The application is supported for the following reasons:

- (a) The development potential and zoning parameters of erf 1639 and the newly created erven are the same as the subdivision does not affect the residential zone 1 zoning of the property.
- (b) The impact and placement of buildings on erf 1639 and the newly created erven will be the same in respect of views from erven 1693 and 1640.
- (c) The proposed erf sizes are in line with the erf sizes of surrounding erven.
- (d) The proposed subdivision is in compliance with the PSDF and SDF of Swartland Municipality as it promotes densification and the optimal use of land and infrastructure. It further complies with minimum erf size of 500m<sup>2</sup> as prescribed by the SDF.
- (e) The proposed right of way servitude creates sufficient access to both newly created erven and does not affect the development potential of the erven.

**6.2 PROPOSED REZONING AND DEPARTURE ON ERF 1350, RIEBEEK KASTEEL (15/3/3-11, 15/3/4-11) (WARD 12)**

Mr A J Burger, as author, tabled the item. Mr Burger mentioned that objections were received from the public and that the application is tabled in accordance with the By-law on Municipal Land Use Planning.

Mr C Rabie mentioned that, w.r.t. the dust free surface, the requirements must be clearly stipulated, as well as the fact that the municipality do follow-up and approve if satisfied with the product.

**RESOLUTION**

- A The rezoning of erf 1350, Riebeeek Kasteel is approved in terms of section 60 of the Swartland Municipality Land Use Planning By-law (PG 7420 of 3 July 2015), subject to the following conditions that:

**A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) Erf 1350 is rezoned from single residential zone 1 to business zone 1 in order to operate a shop, office and gallery and a flat;
- (b) The land uses are restricted to the uses presented in this application;
- (c) Building plans for the alteration of the dwelling house and outbuilding into business uses and a flat be submitted to the Director: Development Services for consideration and approval;
- (d) At least 5 on-site parking bays and 1 loading zone be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality and that the parking bays and loading zone be constructed and clearly demarcated subject to the satisfaction of the municipality;
- (e) An application for a compliance certificate be made to the West Coast District Municipality and an application for a business license if food is to be prepared and sold be made to Swartland Municipality;
- (f) An application for the erection of advertising signs be submitted to the Director: Development Services for consideration and approval;
- (g) The applicant/objectors be notified to their right to appeal in terms of Chapter VII, Section 79 of the By-law;
- (h) The approval of this application is in terms of section 66(2)(w) of the By-law valid for a period of 5 years must be exercised;

**A2 WATER**

- (a) The development be provided with a single connection with sufficient size;

**A3 SEWERAGE**

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

**A4 STREETS AND STORMWATER**

- (a) The stormwater from the development must be taken to the nearest suitable collection point without overloading existing systems;

**A5 REFUSE REMOVAL**

- (a) The basic refuse removal tariff is levied for each dwelling unit as well as each separate business. In the case of the businesses, the tariff will be adjusted according to the amount of refuse removed;
- (b) The refuse be put in refuse bags on the nearest municipal sidewalk on the morning of refuse removal;

**A6 CAPITAL CONTRIBUTIONS**

- (a) A fixed capital contribution towards roads be made to the municipality to the amount of R26 366,91 at building plan stage. This amount is payable to vote number 71-82-86-00-6210 and is valid for the financial year of 2016/2017 and may be revised thereafter;
- (b) A fixed capital contribution towards waste water treatment be made to the municipality to the amount of R 1 231,20 at building plan stage. This amount is payable to vote number 59-76-86-00-6220 and is valid for the financial year 2016/2017 and may be revised thereafter;
- (c) Council's resolution dated May 2016 makes provision for a 40% rebate on the capital contributions of Swartland Municipality. This rebate is valid for the 2016/2017 financial year and may be revised thereafter;

**A7 GENERAL**

- (a) If the extension of any existing services is necessary in order to provide the development with services, it will be for the cost of the owner/developer.

6.2/...

- B The departure of building lines on erf 1350, Riebeek Kasteel is approved in terms of section 60 of the Swartland Municipality Land Use Planning By-law (PG 7420 of 3 July 2015), from the 3m rear and side building lines to 0m respectively;
- C The application is supported for the following reasons:
- (a) Erf 1350 is situated within the identified primary business node of Riebeek Kasteel as well as on a portion of Fontein Street which is identified as an activity street according to the Spatial Development Framework of Swartland Municipality. The application is therefore compliant with the SDF;
  - (b) Existing buildings on erf 1350 will be converted to the proposed business uses. Minimal structural changes are proposed which will generate minimal dust, noise, traffic and surface and ground water pollution;
  - (c) The proposed business uses (offices, shops and gallery) are not associated with the creation of noise. The business hours of these types of businesses are mostly restricted to day time. It is therefore not foreseen erf 1957 will be affected by noise from erf 1350;
  - (d) Sufficient on-site parking is provided on erf 1350 according to the requirements of the zoning scheme regulations;
  - (e) The departures of building lines are a result of the new zoning parameters applicable to existing buildings. The departures have no effect on surrounding/ affected properties.

### 6.3 PROPOSED RESONING AND DEPARTURE ON ERF 995, RIEBEEK KASTEEL (15/3/3-11, 15/3/4-11) (WARD 12)

Mr H Olivier, as author, tabled the item. Mr Olivier mentioned that objections were received from the public and that the application is tabled in accordance with the By-law on Municipal Land Use Planning.

#### RESOLUTION

- A The application for the rezoning of erf 995, Riebeek Kasteel (1332m<sup>2</sup> in extent) in terms of section 60 of Swartland Municipality: By-law on Municipal Land Use Planning (PG 7420 of 3 July 2015) from business zone 1 to community zone 1 be approved, subject to the following conditions:

#### **A1 TOWN PLANNING/BUILDING CONTROL**

- (a) The school be restricted to a maximum of 55 learners (including all age categories);
- (b) Building plans for the alteration of the existing building into a school be submitted to the Director: Development Services for consideration and approval;
- (c) At least 8 parking bays be provided onsite in accordance with condition A4(a) below;
- (d) The applicant/objectors are notified of their right to appeal in terms of Chapter VII, Section 79 of the By-law;

#### **A2 WATER**

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

#### **A3 SEWERAGE**

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

#### **A4 STREETS**

- (a) The proposed parking bays numbered 4 to 8 as presented in the site plan dated March 2017, including the sidewalk that provides access to the parking bays, be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality and that the parking bays are clearly marked. The rest of the parking be provided with a dust free surface only. The parking bays and loading zone must constructed and clearly demarcated subject to the satisfaction of the municipality;

**A5 REFUSE REMOVAL**

- (a) The basic refuse removal tariff be levied and that the tariff be amended given the amount of refuse that is removed;
- (b) The refuse be placed in refuse bags on the nearest municipal sidewalk on the morning of collection;

**A6 PROTECTION SERVICES**

- (a) The applicant must ensure that no obstruction of traffic takes place and that sufficient parking is provided;

**A7 GENERAL**

- (a) Should it be necessary to upgrade the existing services in order to provide the proposed development with services, the cost thereof will also be for the developers' account;
- (b) A speedbump must be provided in Royal Street by the municipality for the developers' account. The cost of which is calculated to be R 13 263,58;

B The application for a departure on erf 995, Riebeek Kasteel in terms of section 60 of the Swartland Municipality: By-law on Municipal Land Use Planning (PG 7420 of 3 July 2015) in order to depart from the 5m side building lines to 4m (northern boundary) and to 2m (southern boundary) respectively, be approved;

C The application for a departure on erf 995, Riebeek Kasteel in terms of section 60 of the Swartland Municipality: By-law on Municipal Land Use Planning (PG 7420 of 3 July 2015) in order to depart from the required 2 bus parking bays that need to be provided to not providing any, be approved;

D The proposed application is supported for the following reasons:

- (a) The application is consistent with the Municipal Spatial Development Framework;
- (b) The school will not have a negative impact on the character of the area;
- (c) Sufficient onsite parking is proposed and will be provided;
- (d) The departure of the building line is only in order to accommodate the existing buildings on the property within the new prescribed building lines;
- (e) The non-provision of bus-parking is justifiable, given size of the school in the context of a small town like Riebeek Kasteel as well as the fact that ample public parking is available in close proximity to the property.

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