



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON WEDNESDAY, 19 JULY 2017 AT 14:00 IN THE COMMITTEE ROOM: CORPORATE SERVICES**

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**PRESENT**

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)  
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)  
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 was received from Mr P A C Humphreys.

**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 7 JUNE 2017**

**RESOLVED**

That the minutes of a Municipal Planning Tribunal Meeting held on 7 June 2017 are approved and signed by the chairperson.

**5. MATTERS ARISING FROM THE MINUTES OF 7 JUNE 2017**

None

**6. MATTERS FOR CONSIDERATION**

**6.1 PROPOSED REZONING, CONSENT USE AND DEPARTURE ON ERF 519, CHATSWORTH (15/3/3-2, 15/3/4-2, 15/3/10-2) (WARD 4)**

Ms A de Jager, as the author, tabled the application received for the proposed rezoning, consent use and departure on erf 519, Chatsworth.

A discussion/...

A discussion followed whether the correspondence from the applicant (including the petition) must be regarded as part of the application and some members object to the fact that it must be taken into account. However, the comments by the applicant on the objections must be considered.

## **RESOLVED**

- A The application for the rezoning of Erf 519, Chatsworth, 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 a consent use on Erf 519, Chatsworth, is approved in terms of Section 70 of the Swartland Municipal Land Use Planning By-Law (PG 7741 of 3 March 2017);
- C The application for building line departure on Erf 519, Chatsworth, is approved in terms of Section 70 of the Swartland Municipal Land Use Planning By-Law (PG 7741 of 3 March 2017);
- D That approvals A, B and C above are subject to the following conditions:

### **D1 TOWN PLANNING AND BUILDING CONTROL**

- (a) Erf 519 is rezoned from Residential Zone 1 to Business zone 1;
- (b) The consent use is granted for a Liquor Store, as presented in the application;
- (c) The building line departure is granted for departure from the 3 m building lines to be reduced to 2 m along the western boundary and 1,5 m along the southern boundary;
- (d) Building plans be submitted to the Director: Development Services for consideration and approval;
- (e) Application for advertising signs be submitted to the Director: Development Services for consideration and approval;
- (f) At least 2 parking bays and 1 loading bay be provided on-site, finished with a permanent, dust free surface, being tar, concrete or paving or a material pre-approved by the Municipality and that the parking bays and loading bay are clearly marked;
- (g) Approval of this application does not exempt adherence to any and all other legal procedures, applications and/or approvals related to the intended land use;
- (h) This approval is only valid for a period of 5 years in terms of section 76(2)(w) of the By-Law and 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;
- (i) Deliveries to take place only between 09:00 and 17:00;
- (j) The applicant/objector is 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;

### **D2 WATER**

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

### **D3 SEWERAGE**

- (a) A conservancy tank of sufficient capacity be provided to the satisfaction of the Municipality;

### **D4 REFUSE REMOVAL**

- (a) The basic refuse removal tariff be levied for the dwelling unit and the business and in the instance of the business, the tariff will be amended in accordance with the volume of refuse generated;
- (b) The refuse be placed on the nearest municipal sidewalk, in refuse bags, on the morning of refuse removal;

6.1/...

**D5 STREETS AND STORM WATER**

- (a) Deliveries may only be made by delivery vehicles with a gross mass not exceeding 16 000kg;

**D6 PROTECTION SERVICES**

- (a) The owner ensures that no traffic congestion or obstruction of traffic is caused by the actions related to the liquor store;

**D7 GENERAL**

- (a) Should the expansion of any existing services prove necessary in order to provide the development with services, it will be for the cost of the owner/developer;

E That the application be supported for the following reasons:

- (a) The rezoning from Residential Zone 1 to Business Zone 1 is compatible with the land use proposals of the SDF for Chatsworth;
- (b) The land use of a liquor store is compatible with the permissible land uses of Business Zone 1, through consent from Council;
- (c) The proposed mixed use of the property is consistent with the existing mixed use character of the surrounding area;
- (d) The application property is of sufficient size to accommodate the proposed use, while promoting densification within the urban edge, as per local, Provincial and National policies;
- (e) The proposal will not negatively affect any biophysical or cultural environmental resources;
- (f) The impact of the development on traffic patterns is negligible;
- (g) The rezoning, consent use and building line departure are considered desirable within the spatial context;
- (h) The petition submitted by the applicant is noted, but is not taken in account for consideration of the application.

**6.2 PROPOSED CONSENT USE ON ERF 1394, YZERFONTEIN (15/3/10-14) (WARD 5)**

An application for the consent use on erf 1394, Yzerfontein was received to operate a place of instruction, in the form of a crèche.

Mr H Olivier, as author, tabled the item.

**RESOLVED**

A The application for a consent use on erf 1394, Yzerfontein in terms of Section 70 of the Swartland Municipality Land Use Planning By-law (PG 7741 of 3 March 2017) be approved subject to the following conditions:

**A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use is restricted to a place of instruction in order to operate a crèche from a portion of the property ( $\pm 160 \text{ m}^2$  in extent);
- (b) The operating hours be restricted from 08h00 – 12h00 on weekdays only, as presented in the application;
- (c) No more than 25 children be accommodated in the crèche at any given time;
- (d) Building plans be submitted to the Director: Development Services for the consideration and approval;
- (e) The necessary application be submitted to the Director: Development Services for consideration and approval, should the owner of the crèche wish to erect any advertisement signs;
- (f) Application be made to the West Coast District Municipality for a compliance certificate;
- (g) The crèche must comply with the requirements as set by the Department of Social services as well as that it must register with the Department;
- (h) 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;

6.2(A1)/...

- (i) The applicant as well as objector be notified of this outcome and their right to appeal in terms of Chapter VII Section 89(2) of the By-law;

**A2 WATER**

- (a) The property may only use a single water connection and that no additional water connection shall be provided;

**A3 SEWERAGE**

- (a) Conservancy tanks with sufficient capacity be installed to the satisfaction of the Municipality and that is accessible for the service vehicle;

**A4 REFUSE REMOVAL**

- (a) The basic refuse removal tariff be amended according to the amount of refuse being removed;
- (b) Refuse to be placed in refuse bags on the nearest municipal sidewalk on the morning of refuse removal;

B That the application be supported for the following reasons:

- (a) The need for this service in Yzerfontein is recognised;
- (b) The application is consistent with the proposals of the Swartland Municipal Spatial Development Framework;
- (c) There are no physical restrictions on the property that will have a negative impact on the application;
- (d) The proposed use will not have a negative impact on the character of the area;
- (e) The proposal complies with the zoning parameters of the community zone 2 zoning as well as that sufficient access and ample parking is available on the premises.

**6.3 PROPOSED SUBDIVISION OF ERF 1071, MALMESBURY (15/3/6-8) (WARD 10)**

Mr A J Burger, as the author, tabled the application received for the proposed subdivision on erf 1071, Malmesbury to be subdivided into a remainder ( $\pm 1831 \text{ m}^2$ ) and portion A ( $\pm 542 \text{ m}^2$ ).

**RESOLVED**

A The application for the subdivision of erf 1071, Malmesbury, 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 TOWN PLANNING AND BUILDING CONTROL**

- (a) Erf 1071 be subdivided into a remainder ( $\pm 1831 \text{ m}^2$ ) and portion A ( $\pm 542 \text{ m}^2$ ) as presented in this application;
- (b) 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;
- (c) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- (d) 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 connection. This condition is applicable at subdivision stage;

**A4 REFUSE REMOVAL**

- (a) The basic refuse removal tariff will be levied for each erf;

6.3(A4)/...

- (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, it will be moved for the costs of the owner/developer;
- (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 Res). 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 2017/2018 and may be revised thereafter;
- (b) The fixed capital contribution towards water be made to this municipality to the amount of R7 277,00 at clearance stage. This amount is payable to vote number 77-92-86-00-6200 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (c) The fixed capital contribution sewerage be made to this municipality to the amount of R3 600,00 at clearance stage. This amount is payable to vote number 59-76-86-00-6200 and is valid for the financial year of 2017/2018 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 at clearance stage. This amount is payable to vote number 71-82-86-00-6200 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 clearance stage. This amount is payable to vote number 83-34-86-00-6200 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (f) 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 2017/2018 financial year and may be revised thereafter. The rebate is not applicable to point 6(a);

**A7 GENERAL**

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

B That the application be 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 SDF 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 Bergzicht neighbourhood;
- (e) Surrounding properties consist of similar development potential as erf 1071;
- (f) There is sufficient services capacity to accommodate the newly created erf;
- (g) The privacy of surrounding property owners will not be affected.

6.4/...

#### 6.4 SUBDIVISION OF ERF 1907, RIEBEEK KASTEEL (15/3/6-11) (WARD 12)

Mr A J Burger, as the author, tabled the application received for the proposed subdivision of erf 1907, Riebeek Kasteel in order to create a remainder ( $\pm 678 \text{ m}^2$ ) and portion A ( $\pm 682 \text{ m}^2$ ).

#### RESOLVED

A The application for the subdivision of erf 1907, 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 TOWN PLANNING AND BUILDING CONTROL**

- (a) Erf 1907 be subdivided into a remainder ( $\pm 678 \text{ m}^2$ ) and portion A ( $\pm 682 \text{ m}^2$ ) as presented in this application;
- (b) 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;
- (c) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-law (will not be issued unless all the relevant conditions have been complied with;
- (d) 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) Each subdivided portion be provided with a separate water connection. This condition is applicable at building plan stage;

##### **A3 SEWERAGE**

- (a) Each subdivided portion be provided with a conservancy tank which is accessible to the sewerage vacuum truck from a municipal street;

##### **A4 REFUSE REMOVAL**

- (a) The basic refuse removal tariff will be levied for each erf;
- (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 take note of the capital contribution for the regional bulk supply of water at R7 557,06 ( $\text{R}10\ 795,80 \times 0.7$  for Single Res). 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 2017/2018 and may be revised thereafter;
- (b) The fixed capital contribution towards roads be made to this municipality to the amount of R8 140,74 at clearance stage. This amount is payable to vote number 71-82-86-00-6210 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (c) The fixed capital contribution towards stormwater be made to this municipality to the amount of R4 156,44 at clearance stage. This amount is payable to vote number 71-82-86-00-6200 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (d) The fixed capital contribution towards water be made to this municipality to the amount of R11 305,38 at clearance stage. This amount is payable to vote number 77-92-86-00-6200 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (e) The fixed capital contribution towards sewerage be made to this municipality to the amount of R6 775,02 at clearance stage. This amount is payable to vote number 59-76-86-00-6200 and is valid for the financial year of 2017/2018 and may be revised thereafter;
- (f) The fixed capital contribution towards waste water treatment be made to this municipality to the amount of R7 182,00 at clearance stage. This amount is payable to vote number 59-76-86-00-6220 and is valid for the financial year of 2017/2018 and may be revised thereafter;

6.4(A5)/...

- (g) 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. The rebate is not applicable to point 5(a);

**A6 GENERAL**

- (a) Any existing services which connects the remainder and subdivided portion be moved or disconnected to ensure that each erf's pipe work is situated on the separate erven;
- (b) If 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 applicant/owner/developer.

B That the application be 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 SDF 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 Riebeek Kasteel;
- (e) Surrounding properties consist of similar development potential as erf 1907;
- (f) There is sufficient services capacity to accommodate the newly created erf;
- (g) The value of surrounding properties will not be affected.

**(SIGNED) J J SCHOLTZ  
CHAIRPERSON**