



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON WEDNESDAY, 3 MAY 2017 AT 14:00 IN THE COMMITTEE ROOM: CORPORATE SERVICES

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:

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 (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

The committee is complete.

3. DECLARATION OF INTEREST

RESOLVED that cognisance is taken that, although the chairperson is a resident in Ward 10 (see item 6.1) no conflict of interests were declared.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 5 APRIL 2017

UNANIMOUSLY RESOLVED

(proposed by Mr P Humphreys, seconded by Mr C Rabie)

That the minutes of a Municipal Planning Tribunal Meeting held on 5 April 2017 are approved and signed by the chairperson.

5. MATTERS ARISING FROM THE MINUTES OF 5 APRIL 2017

None

6. MATTERS FOR CONSIDERATION

6.1/...

6.1 APPLICATION FOR REZONING AND DEPARTURE ON ERF 3640, MALMESBURY (15/3/3-8, 15/3/4-8) (WARD 10)

Ms A de Jager, as the author, tabled the item. Ms de Jager mentioned that the comments by the applicant on the objections received must not be read as part of the report, since it was not received within the deadline.

Mr C Rabie requested that when the Scheme Regulations are reviewed, guest houses within residential zones must be considered as consent uses, and a rezoning application is not necessary. Further consideration must be given to the requirement that the property must be occupied by either the owner or a manager to maintain order at the quest house.

RESOLVED UNANIMOUSLY

A The application for the rezoning Erf 3640, Malmesbury, be approved in terms of section 60 of the Swartland Municipal Land Use Planning By-Law (PG 7420 of 3 July 2015), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 3640, Malmesbury be rezoned from Residential Zone 1 to General Residential Zone 3, in order to establish a guest house on the property;
- (b) The guest house be limited to the development proposal presented in the application, as follows:
 - (i) Ground floor comprising of:
 - 5 x guest bedrooms;
 - 1 x kitchen;
 - 3 x bathrooms;
 - 1 x breakfast area;
 - 1 x outbuilding (with guest bedroom and bathroom)
 - (ii) First floor:
 - 1 x bathroom;
 - 3 x guest bedrooms;
 - (iii) Six on-site parking bays be provided, subject to the parking areas being provided with 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 need to be clearly demarcated;
- (c) The owner or the quest house manager must occupy the dwelling to maintain order;
- (d) Building plans for the conversion of the existing dwelling to a guest house be submitted to the Director: Development Services for consideration and approval;
- (e) All amenities and provision of meals shall be for the sole benefit of bona fide lodgers;
- (f) A register of guests and lodgers be kept, and completed when rooms are let, and the register must be produced for inspection on request by a municipal official;
- (g) Guest rooms may not be converted to or used as separate dwelling units;
- (h) An application for the right to display an advertising sign be made to Department: Development Services;
- (i) No advertising sign shall be displayed other than a sign or notice not projecting over a public street, and such sign may not exceed 1m² in area;
- (j) A Certificate of Compliance for the operation of the guest house be obtained from the West Coast District Municipality;
- (k) A trade licence for the operation of the guest house be obtained from Swartland Municipality;
- (l) This approval is in terms of section 66(2)(w) of the By-Law valid for a period of 5 years, during which time the rezoned land use must be utilised and all conditions of approval adhered to for the new zoning to be established;

6.1(A1)/...

- (m) The applicant/objector is informed of the right to appeal against this decision of the Municipal Planning Tribunal, in terms of section 79(2) of the By-Law within 21 days of this notice;

A2 WATER

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

A3 SEWERAGE

- (a) The existing connections are to be used and no additional connections will be provided;

A4 STREETS

- (a) The proposed parking bays and portion of the side walk that provides access to the parking bays, be surfaced with a suitable, permanent material, as determined by the Department: Civil Engineering Services;
- (b) The curbstones, where access will be provided to the proposed parking bays, be lowered and the work, completed by the Municipality, will be for the cost of the owner/developer;
- (c) The existing trees be accommodated in the proposed parking layout;

A5 REFUSE REMOVAL

- (a) The basic refuse removal rate will be levied for the business and amended in accordance with the amount of refuse generated;
- (b) Refuse, contained in refuse bags, be placed on the nearest municipal sidewalk on the morning of removal;

A6 CAPITAL CONTRIBUTIONS

- (a) The owner/developer is responsible for the capital contribution toward district bulk water supply, to the amount of R15 114.12. This amount is payable to the Swartland Municipality, valid for the financial year of 2016/2017 and may be revised thereafter (Vote number 77-92-86-00-6230);
- (b) The fixed capital contribution towards bulk water reticulation amounts to R14 554.00 and is payable by the owner/developer at clearance stage. The amount is payable to this Municipality, valid for the financial year of 2016/2017 and may be revised thereafter (Vote number 77-92-86-00-6200);
- (c) The fixed capital contribution towards sewerage amounts to R7200.00 and is payable by the owner/developer. The amount is payable to this Municipality, valid for the financial year of 2016/2017 and may be revised thereafter. (Vote number 59-76-86-00-6200).

- B The application for the departure from development parameters on erf 3640, Malmesbury, be approved in terms of section 60 of the Swartland Municipal Land Use Planning By-Law (PG 7420 of 3 July 2015), subject to the conditions that:

- (a) The 5m side building lines be reduced to 1.5m (western boundary) and 3.6m (eastern boundary) respectively;
- (b) The 5m rear building line reduced to 0m to accommodate the position of existing buildings on the property along the southern boundary;
- (c) The permissible 40% coverage be increased to accommodate a 42% coverage on the property.

- C The application is supported for the following reasons:

- (a) There are no physical restrictions on the property that will have a negative impact on this application;
- (b) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels as discussed above;
- (c) The proposal is spatially resilient, as the property can revert to a dwelling for a single family, should the proposed land use cease;

6.1/...

- (d) The proposed activity will have a positive economic impact as it will generate income for the land owner, municipality (through rates and taxes) and tourism as a whole, through the spending of visitors to the area;
- (e) The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding land owners, nor on environmental assets;
- (f) The approval of the departures from development parameters are recommended, as it will accommodate the existing buildings on the property and optimise the utilisation of the existing infrastructure;
- (g) The single residential built character of the neighbourhood will remain in place and the population density will not increase as all bedrooms are existing. The additional traffic will be negligible and the required on-site parking can be provided.

6.2 PROPOSED CONSENT USE ON ERF 5224, MALMESBURY (15/3/10-8) (WARD 11)

An application was received for a consent use in order to operate a tavern (off-consumption) from a portion ($\pm 22 \text{ m}^2$) of erf 5224, Malmesbury.

Mr A J Burger, as author, tabled the item.

RESOLVED UNANIMOUSLY

A The application for a consent use on a portion of erf 5224, Malmesbury in terms of Section 60 of the Swartland Municipality Land Use Planning By-law (PG 7420 of 3 July 2015) be approved, subject to the following conditions, that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use accommodates a house tavern restricted to $\pm 22 \text{ m}^2$ as presented in this application;
- (b) The consent use is granted for a period of two years, which may be extended before period of approval expires;
- (c) Liquor may only be sold for off-consumption purposes;
- (d) The trading hours of the house tavern be restricted to the days and times as prescribed by the Swartland Municipality By-law relating to control of undertakings that sell liquor to the public (PG 7439 of 22 May 2015);
- (e) Building plans be submitted to the Director: Development Services for consideration and approval;
- (f) The dominant use of the buildings on the property must remain as a dwelling house for the living accommodation of a single family;
- (g) Structural alterations to the land unit must be made for fire or health reasons to the satisfaction of the Municipality and to ensure that the impact of the house tavern on neighbouring uses is minimised;
- (h) This approval does not exempt the owner of the tavern from his/her or its responsibility to comply with the provisions of any other law that may be applicable;
- (i) Only one sign shall be permitted, shall not exceed 1 m^2 in area and shall not exceed the land unit boundaries with any part of it, while it shall indicate only the name of the owner, name of the business and nature of the retail trade;
- (j) At least 2 on-site parking bays be provided with a permanent dust free surface being tar, concrete or paving of a material pre-approved by Swartland Municipality and that the parking bays are clearly marked;
- (k) This approval is in terms of section 66(2)(w) of the By-Law valid for a period of 5 years;
- (l) The applicant/objectors are notified of this outcome and their right to appeal in terms of Chapter VII, Section 79 of the By-law.

A2 WATER

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

A3/...

6.2/...

A3 SEWERAGE

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

A4 STREETS AND STORMWATER

- (a) Deliveries may only be done by vehicles of which the gross vehicle mass does not exceed 16 000kg;

A5 REFUSE REMOVAL

- (a) The basic refuse removal tariff be levied for the dwelling house and the business and in the case of the business
- (b) the tariff will be amended according to the amount of refuse removed;
- (c) Refuse to be placed in refuse bags on the nearest municipal sidewalk on the morning of refuse removal;

B The application is supported for the following reasons:

- (a) The application is in compliance with the SDF;
- (b) The proposed house tavern complies with the requirements of the zoning scheme regulations;
- (c) The house tavern will not increase the risk and safety of the community as the business cannot be blamed for the existing social problems;
- (d) Have a complementary impact on the surrounding residential land uses by enhancing the shopping experience in the area;
- (e) Being in the best interest of the surrounding community.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**