

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 29 NOVEMBER 2024

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON WEDNESDAY, 29TH OF NOVEMBER 2024 AT THE FACILITIES MANAGEMENT BUILDING, HAMMANSHAND ROAD, STELLENBOSCH CENTRAL, STELLENBOSCH FROM 10H00-15H00

**Ref. no. 3/4/5/2/40
2024-11-29**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr A van der Merwe: Senior Manager - Community Services

Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and Implementation

Technical Advisor

Mr K Munro: Director Development Management, Department Environmental Affairs and Development Planning

Officials

Mr S Carstens: Senior Manager: Development Management

Mrs C Kriel: Manager: Land Use Management

Ms N Dafeti: Town Planner

Mr P April : Senior Town Planner

Ms O Vergotine: Administrative Officer

Mrs Bongiwe : Senior Town Planner

Visitors

Mrs Bolz

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ITEM	SUBJECT
SMPT 01/11/24	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.
SMPT 02/11/24	LEAVE OF ABSENCE
	Mr M Williams Mr J Benjamin
SMPT 03/11/24	DISCLOSURE OF INTERESTS
	Mr D Leo provided professional services by compiling the plans for the telecommunication base station on the development on Erf 7001 Cloetesville.
SMPT 04/11/24	MINUTES OF THE PREVIOUS MEETING DATED 29 NOVEMBER 2024
	The minutes of the previous meeting was noted. The annexures on pages 52-62 were incorrectly included as it does not have reference to the Minutes of the meeting held on 25 October 2024.
	MATTERS FOR CONSIDERATION
SMPT 05/11/24	APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023 FOR A CONSENT USE ON FARM NO. 124/11, STELLENBOSCH DIVISION TO ALLOW A TOURIST ACCOMMODATION ESTABLISHMENT WITHIN THE PROPOSED TEN (10) SELF-CATERING UNITS Discussion: <ol style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer welcomed Mrs Bolz from ARCH Town Planners who made a presentation on behalf of the owner of Farm 124/11 Stellenbosch Division. She highlighted that no extensions to the existing structures are proposed, and the footprint will not be increased and that the property is too small for farming

activities. It was also noted that the objection from the neighbour was withdrawn on 28 November 2024. See presentation attached.

- b. The Chairperson handed over to Mrs Dafeti to give a brief introduction of the application that served before the Tribunal. She referred to the presentation by Mrs Bolz which indicated that the manager's house is existing, which is not correct as according to municipal records, the building was approved as an outbuilding.
- c. Clarity was asked about the provision of conference facilities as indicated in Unit 4. The applicant confirmed that the initial application for a conference facility was withdrawn and that the conference room in the guest Unit 4 will be used by guests for meetings. It was also confirmed that there is no provision for braai facilities.
- d. Discussions followed on the provisions in the provincial guidelines and the zoning scheme bylaw for tourist accommodation, guest houses, the number of dwelling units allowed on agricultural properties and the possible cumulative impact it can have on the rural landscape and value of agricultural land in Stellenbosch. The need is recognised for the review of policy guidelines and the draft zoning scheme bylaw to manage expectations for tourism opportunities created by policy in general.

UNANIMOUSLY RESOLVED:

- 1. That it **BE DECIDED** that the application for Consent Use on Farm No. 124/11, Stellenbosch Division to allow a tourist accommodation establishment within the existing structures, which are to be renovated to accommodate ten (10) self-catering units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 1.1 The proposed development exceeds the number of dwelling units prescribed by the MSDF for Agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.
- 2. That it **BE DECIDED** that the application for Consent Use on Farm No. 124/11, Stellenbosch Division to allow a tourist accommodation establishment within the proposed ten (10) self-catering units **does not** warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.1 The size of the subject property (1,8ha) does not allow the number of units proposed in this application.
 - 2.2 The subject proposed development will become primary use of this property as it will not be subservient to the agricultural use that the property is zoned for.

	<p>3. That the application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for a Consent Use for a tourist accommodation establishment in order to allow the existing structure to be converted into ten (10) self-catering units on Farm No. 124/11, Stellenbosch Division.</p> <p>BE REFUSED in terms of Section 60 of the said Bylaw.</p> <p>4. The reasons for the above decision are as follows:</p> <p>4.1 The scale of the proposed tourist accommodation is considered to be an overdevelopment of the subject property and does not fully consider the purpose of the Agriculture & Rural Zone.</p> <p>4.2 The proposal is not in line with the existing agricultural and rural character of the area, as the proposal gives rise to urban development within the rural area.</p> <p>4.3 The scale of the proposed development in relation to the size of the property is not in line with the objectives of the zoning of the property.</p> <p>4.4 The size of the subject property does not allow the proposed number of dwelling units.</p>
<p>SMPT 06/11/24</p>	<p>APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE, CONSENT USE AND CLOSURE OF A PUBLIC PLACE: ERF 7001, STELLENBOSCH.</p> <p>Discussion:</p> <p>a. Mr D Leo excused himself from the discussion and decision of this item as he provided professional services for the drafting of the plans for the telecommunication base station on Erf 7001.</p> <p>b. Chairperson Crooijmans-Lemmer handed over to Mr April to give a brief introduction of the application that served before the Tribunal.</p> <p>c. Discussions followed on the open space and the functionality thereof which is regarded as sufficient. Reference was made to the recreation space close to the swimming pool in Cloetesville which is in close vicinity to this site.</p> <p>d. When questioned Mr April indicated that the layout of the development was finalised with input from the municipal town planners and engineers where the road widths, erf size, open space and parking requirements were discussed.</p> <p>e. The need for street trees was noted and it was agreed that the municipal services will be planned to be either in the middle of the road or on one side of the road to allow planting on the pavement.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 7001, Stellenbosch for:</p>

	<p>1.1. In terms of Section 15(2)(n) of the said bylaw, for the closure of a part of a public place.</p> <p>1.2. In terms of Section 15(2)(a) of the said bylaw, for the rezoning from Public Open Space Zone to Subdivisional Area Overlay Zone in order to allow for the following uses:</p> <p>1.2.1 Conventional Residential Zone Erven,</p> <p>1.2.2 5 Public Open Space Zone Erven,</p> <p>1.2.3 1 Utility Services Zone Erf and</p> <p>1.2.4 1 Public Road and Parking Zone Erf</p> <p>1.3 In terms of Section 15(2)(d) of the said bylaw, for the subdivision into 208 erven, namely:</p> <p>1.3.1 Erf 1 to Erf 201 (Conventional Residential Zone Erven) ranging from $\pm 115\text{m}^2$ to $\pm 312\text{m}^2$ (total of $\pm 3.32\text{ha}$).</p> <p>1.3.2 Erf 202 ($\pm 945\text{m}^2$), Erf 203 ($\pm 548\text{m}^2$), Erf 204 ($\pm 261\text{m}^2$), Erf 205 ($\pm 5866\text{m}^2$) and Erf 206 ($\pm 8.4\text{m}^2$) zoned Public Open Space Zone.</p> <p>1.3.3 Erf 207 ($\pm 6506\text{m}^2$) zoned Utility Services Zone.</p> <p>1.3.4 Erf 208 ($\pm 17976\text{m}^2$) zoned Public Road and Parking Zone.</p> <p>1.3.5 The registration of a 4m wide right of way servitude over Portion 128 in favour of Portion 129.</p> <p>1.3.6 The registration of a 5.2m and 6.6m wide services servitude in favour of the municipality over Portion 124, 125 and 126.</p> <p>1.4 In terms of Section 15(2)(b) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023, for a permanent departure all residential zoned properties, to relax:</p> <p>1.4.1 the Street building line for erven up to 250m^2 from 2m to 1m,</p> <p>1.4.2 the Street building line for erven between 251m^2 to 500m^2 from 3m to 1m and</p> <p>1.4.3 the common building lines from 1m to 0m.</p> <p>1.5 In terms of Section 15(2)(o) of the said bylaw, for consent use to erect a telecommunications mast on the portion to be zoned as Public Open Space Zone (Portion 205).</p> <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <p>2 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:</p> <p>2.1 The approval only applies to the proposed applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from</p>
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	<p>Council or other legislation or Bylaws or Regulations that may be applicable.</p> <p>2.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>Subdivision, rezoning, departure and closure of public place</p> <p>2.3 The development be undertaken in accordance with the Subdivisional and Zoning Plan with reference; Drawing Project Number 1001918, dated 04/10/2024, drawn by Zutari Impact Engineered and attached as APPENDIX B.</p> <p>2.4 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan indicate the following information: 2.4.1) Newly allocated erf numbers 2.4.2) Co-ordinates 2.4.3) Survey dimensions 2.4.4) Street names and numbering</p> <p>2.5 The servitude rights over any property be registered in the title deeds of the applicable property/ies on registration.</p> <p>2.6 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant conditions of approval have been complied with.</p> <p>2.7 Compliance with the conditions relating to infrastructure services contained in memorandum (Civil LU2644, dated 05 August 2024) and attached as APPENDIX F.</p> <p>2.8 Compliance with the conditions relating to Electrical services Department contained in memorandum dated 26/02/2024 and attached as APPENDIX G.</p> <p>2.9 Sufficient on-site parking be provided in accordance with the provisions of the Zoning Scheme Bylaw and to be illustrated on the building plans.</p> <p>2.10 Activities on site, during construction and thereafter, comply with the Western Cape Noise Control regulations.</p> <p>2.11 During constructions the relevant implementing agent/contractor must take all reasonable steps to prevent nuisance caused by dust in accordance with the national Dust Control Regulations.</p> <p>2.12 Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.</p> <p>2.13 The Surveyor General – Western Cape in terms of Section 26(7) of the Bylaw on Municipal Land Use Planning (2023) be</p>
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	<p>informed of the approval of the closure of the public place to endorse their records.</p> <p>Telecommunication base stations:</p> <p>2.14 The development be undertaken in accordance with the building plan Rev No BP-7001-REV1, Sheet 3, 4, 5, 6, dated 10/11/2023 and drawn by Urban Solutions for ATC South Africa, attached as APPENDIX B.</p> <p>2.15 Access to the telecommunication infrastructure and associated equipment be strictly controlled at all times by means of a fence or wall with a locked door or gate to the satisfaction of the Municipality.</p> <p>2.16 No unauthorised person be able to come within 5m in front of the panel antennae for the telecommunication infrastructure.</p> <p>2.17 Adequate warning signs in the three official languages be displayed on the access door or gate, defining it as a no-go zone.</p> <p>2.18 The relevant municipal department be grant access at all reasonable times to the installation, for the purpose of monitoring inspection and compliance certification.</p> <p>2.19 The consent use be restricted to the fenced compound of the mast and equipment room as depicted on the approved building plan.</p> <p>2.20 The mast, equipment room or any boundary enclosure is not utilised for outdoor advertising purposes.</p> <p>2.21 The operator be responsible for ongoing maintenance of the entire installation as well as all costs with respect to such maintenance or future decommissioning of the telecommunication infrastructure.</p> <p>2.22 If the site is decommissioned the operator to remove all site infrastructure and the site to be rehabilitated to its former state or to a condition that is in line with the land use and character of the area at the time of decommissioning to the satisfaction of the Municipality.</p> <p>3 The reasons for the above decision are as follows:</p> <p>3.1 The property is needed by the Municipality for an integrated urban settlement development to address the municipal housing backlog and Erf 7001, Stellenbosch (Cloetesville area) was identified as a suitable site for such a development with a particular goal to deliver on their mandate to provide medium to upper market (GAP) housing opportunities.</p> <p>3.2 The closure of the public place will be in the interest of the broader community and a portion will be retained for public open space purposes. The closure will regularize some of the current uses (Utility Services) and will enable the various other statutory processes to realize the sites long-term potential, earmarked for infill development.</p>
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	<p>3.3 The mast will be beneficial to the broader community and customer base, with the increase in coverage and capacity.</p> <p>4 Matters to be noted:</p> <p>4.1 Street naming and numbering must be submitted, process, approved and implemented as per the approved policy and delegations.</p> <p>4.2 Architectural and landscaping design proposals must form part of the scope of works for the call for proposal and implemented accordingly.</p>
<p>SMPT 07/11/24</p>	<p>APPLICATION FOR SUBDIVISION: UNREGISTERED ERF 14599 AND 15095, STELLENBOSCH</p> <p>Discussion:</p> <ul style="list-style-type: none"> a. Chairperson handed over to Mr April to give a brief introduction of the application that served before the Tribunal. The history of the housing project as given by Mr April and Mr van Stavel provided context to the development. b. The main objective of the application is to give ownership to the beneficiaries. c. There is support from the MPT for the project. <p>1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, namely:</p> <ul style="list-style-type: none"> 1.1. The Subdivision in terms of Section 15(2)(d) of the said Bylaw of Unregistered Erf 14599, Stellenbosch (consisting of the consolidation in terms of Section 15(2)(e) of the said Bylaw of Erf 6667, 6852, 14597 and 14598, Stellenbosch) into 90 Conventional Residential Zone Erven and Remainder Roads (Public Road and Parking Zone) erven and the registration of 2m stormwater servitudes, 2m services servitudes and 5m foul sewer servitude 1.2. The Subdivision in terms of Section 15(2)(d) of the said Bylaw of Unregistered Erf 15095, Stellenbosch (A portion of Erf 6846, Stellenbosch) into 74 Conventional Residential Zone Erven and a Remainder Road (Public Road and Parking Zone – Erf 15097) and the registration of pipeline and services servitudes. <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <p>2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:</p>

	<p>2.1 The approval only applies to the applications as indicated above and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or bylaws or regulations that may be applicable.</p> <p>2.2 The proposed subdivisions be implemented in accordance to General Plan No 4717/2006, surveyed by D. P Burger dated May 2004 – June 2006 and General Plan No 4720/2006, surveyed by M. B. Straughan dated May 2004 – June 2006 attached as ANNEXURE D & E.</p> <p>2.3 An electronic copy (shp, dwg, dxf) of the subdivisional plans be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:</p> <p>2.3.1 Co-ordinates</p> <p>2.3.2 Survey dimensions</p> <p>2.4 The servitudes be registered in the title deeds of the applicable property/ies on registration.</p> <p>2.5 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the approved land uses.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1. The subdivisions formalize the existing residential area, where duplex units are already constructed and occupied, ensuring compatibility with surrounding privately owned residential properties.</p> <p>3.2. The proposed subdivision will not result in adverse impacts on the biophysical environment or heritage resources, as the development was established in 2007/2008, with no new construction planned.</p> <p>3.3. The subdivision does not place additional demands on infrastructure or services, as the properties are already fully serviced, and no upgraded engineering services are required.</p> <p>3.4. The transfer of ownership to beneficiaries will positively impact the community by providing security of tenure and supporting socio-economic stability for both current and future residents.</p> <p>3.5. The proposal which is within an urban edge aligns with the relevant planning frameworks and legislation, including the Stellenbosch Municipality's Amended Spatial Development Framework (2023), Land Use Planning By-Law (2023), and Zoning Scheme By-Law (2024).</p>
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<p>SMPT 08/11/24</p>	<p>APPLICATION IN TERMS OF SECTION 15(2)(O) & (B) OF THE STELLENBOSCH MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023 ON FARM NO. 136, STELLENBOSCH DIVISION FOR THE FOLLOWING:</p> <ul style="list-style-type: none"> - A CONSENT USE TO ALLOW FOR THE CONSTRUCTION OF AN ADDITIONAL DWELLING UNIT - A DEPARTURE TO EXCEED THE ALLOWABLE COVERAGE OF AN ADDITIONAL DWELLING UNIT FROM 120M² TO 210M² <p>Discussion:</p> <ol style="list-style-type: none"> a. Chairperson handed over to Mrs Dafeti to give a brief introduction of the application that served before the Tribunal. b. The environmental site analysis and other supporting documents. included in the report provided good insight and understanding. The Tribunal noted the quality of the applicant's application and report. <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> 1. That it BE DECIDED that the application for Consent Use on Farm No. 136, Stellenbosch Division for the construction of an additional dwelling unit deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons: <ol style="list-style-type: none"> 1.1 The proposed development exceeds the size limit of 175m² prescribed by the MSDF for additional dwelling units on agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF. 2. That it BE DECIDED that the application for Consent Use on Farm No. 136, Stellenbosch Division for the construction of an additional dwelling unit <u>warrants</u> site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons: <ol style="list-style-type: none"> 2.1 The total coverage of residential buildings on this property including the proposed unit, amounts to 710m² which is well below the allowable limit of residential buildings that can be constructed as of right (1200m²) on this property. 2.2 The proposed additional dwelling unit does not have an impact on the agricultural activities on this farm and will be subservient to the primary land use of this property. 3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023 on Farm No. 136, Stellenbosch Division for:
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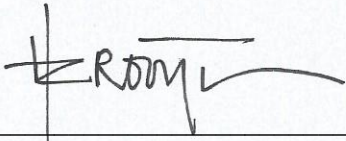
	<p>3.1 Consent use in terms of Section 15(2)(o) of the said by-law for the construction of an additional dwelling unit.</p> <p>3.2 A departure in terms of Section 15(2)(b) of the said by-law to exceed the permissible coverage of an additional dwelling unit.</p> <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <p>4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:</p> <p>4.1 The approval only applies to the proposed consent use & departure under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.</p> <p>4.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>4.3 The coverage of the additional dwelling unit be restricted to 210m².</p> <p>4.4 Building plans must be generally in accordance with the site plan referenced no. S.A.02 dated 3 August 2023; floor layout plan as referenced no. S.B.01 Revision B and dated August 2022; Elevations referenced as S.C.01 Revision B and dated August 2022 and drawn by Andre de Villiers Architects. Annexure B.</p> <p>4.5 Conditions from the Directorate Infrastructure as imposed in their memo dated 28 August 2024, be adhered to (See Annexure F).</p> <p>4.6 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to submission of any building plans.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1 The primary land use of the property will remain agricultural.</p> <p>5.2 The concept of additional dwelling unit is in line with the MSDf guidelines and the increased coverage will have insignificant impact on the existing agricultural activities on this farm.</p> <p>6. Matters to be noted:</p> <p>6.1 The applicant advised to arrange for servitude access over the properties between Remainder Farm No. 136, Stellenbosch Divisional Main Road 172 (Helshoogte Road) to be registered in favour of Remainder Farm 136, to ensure permanent, legal and unfettered access.</p> <p>6.2 All electrical requirements should be directed to Eskom.</p>
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<p>SMPT 09/11/24</p>	<p>APPLICATION IN TERMS OF SECTION 15 (2)(G) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2023 ON FARM 468/9 STELLENBOSCH DIVISION FOR ADDITIONAL USE TO ALLOW TOURIST DWELLING UNITS WITHIN THE EXISTING FOUR (4) LABOURERS' COTTAGES</p> <p>Discussion:</p> <ol style="list-style-type: none"> Chairperson handed over to Ms Zondo to give a brief introduction of the application that served before the Tribunal. A question was asked about the comments from the Department of Agricultural that questioned the existence of the labour cottages. It was confirmed that the Municipality has record of approved building plans for the labourers' cottages. Discussions followed on the current farming activities and the phenomenon of farm workers not staying on farms anymore. The existing cottages are subservient to the agricultural activities on the farm as per the site photos shown. <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> That it BE DECIDED that the application for Technical Approval on Farm 468/9 Stellenbosch Division to allow tourist dwelling units within the existing four (4) laborers' cottages deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons: <ol style="list-style-type: none"> 1.1 The proposal exceeds the number of dwelling units prescribed by the MSDF for agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF. That it BE DECIDED that the application for Technical Approval on Farm 468/9 Stellenbosch Division to allow tourist dwelling units within the existing four (4) laborers' cottages does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and land Use Management Act, 2013 (Act 16 of 2013) for the following reasons: <ol style="list-style-type: none"> 2.1 The proposal will utilise the existing laborer's cottages as approved, and the context of the development is the same as and is subservient to agricultural activities on the farm. That the following application in terms of Section 15 (2)(g) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023) on Farm 468/9 Stellenbosch Division for Additional Use to allow tourist dwelling units within the existing four (4) laborers' cottages, <p>BE APPROVED in terms of Section 60 of the said Bylaw, subject to conditions in terms of Section 66 of the said Bylaw.</p>
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| | <p>4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:</p> <p>4.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.</p> <p>4.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>4.3 The four (4) bedroom tourist dwelling units must be confined within the existing four (4) self-catering units and no new buildings must be constructed.</p> <p>4.4 No employee housing for farmworkers may be developed in the place of the former employee housing units that has been converted to the tourist dwelling units approved in this application, and should the need arise for such employee housing units for farm workers in the future, the existing tourist dwelling units must be converted back to its original use as employee housing units.</p> <p>4.5 That the approval, insofar as the structures that have been developed without prior authorisation to facilitate unauthorised land use activities which have already commenced, is subject to a contravention penalty of R25 000 per dwelling unit (x 4) in accordance with the approved tariffs of Council, which contravention penalty is payable within 30 days from date of the subject approval.</p> <p>4.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.</p> <p>4.7 The development be implemented in accordance with the Site Development Plan, referenced as drawings No: 100 & C-101, drawn by: Yolandi Vorster Professional Architect, dated 2023/05/16 & 29/11/2022.</p> <p>4.8 Building plans be submitted for all changes of use in the existing buildings and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.</p> <p>5. The reasons for the above decision are as follows:</p> |
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	<p>5.1 The proposal is in line with the existing land use of the property and will not have a negative impact on the character of the surrounding area.</p> <p>5.2 The proposed uses are subservient to the agricultural use of the property and surrounding farms.</p> <p>5.3 The proposal will assist to diversify the land uses on the farm without impacting on the existing agricultural activities.</p> <p>5.4 There are four existing labourer's cottages which are being converted without extending the buildings.</p> <p>6. Matters to be noted:</p> <p>6.1 Building plans be approved by the municipality prior to any building work commencing.</p> <p>6.2 No directional signage be erected without the prior approval of the Provincial Roads Engineer and the Municipality.</p>
SMPT 10/11/24	OTHER MATTERS
6.1	<p>PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)</p> <p>a) The Draft Zoning Scheme Bylaw is available for public comment and the comment period closes on 31 January 2025.</p> <p>b) The MSDP was reviewed in terms of performance and no amendments are foreseen at this stage. The relevant Council Item will be circulated for information.</p> <p>c) The Glencore Constitutional Court Case provided clarity on the issuing of clearance certificates in instances where there are illegal building works. The clearance certificate cannot be withheld, and DEA&DP will issue a circular on this matter.</p>
6.2	<p>APPEALS RECEIVED AGAINST MPT DECISIONS</p> <p>a) No new appeals have been received on recent MPT decisions.</p> <p>b) The appeal decision on a condition of approval of The Bridge project in Klapmuts is still outstanding.</p>
6.3	<p>GENERAL</p> <p>a) It was noted that Mossel Bay has approved a new land use planning bylaw and decided to appoint an Appeal Tribunal instead of the Executive Mayor as the Appeal Authority.</p> <p>b) The LUM Office was requested to include a timeline in the planning report to give an indication of the history to provide an understanding of the process, as well as a locality plan and site plan in the report for ease of reference.</p>

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Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

A handwritten signature in black ink, appearing to read 'P. van Zyl', written over a horizontal line.

Mr P van Zyl

DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL