

BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

VISIE:

Bergrivier: 'n vooruitstrewende gemeenskap waar almal wil leef, werk, leer en speel op 'n menswaardige manier.

VISION:

Bergrivier: a prosperous community where all want to live, work, learn and play in



KERN WAARDES / CORE VALUES

We are all part of Bergrivier Municipality.
We render good services to ensure dignified living to all.
We are unashamedly pro-poor.
We believe in close innovative partnerships.
We believe in social and economic development of our area.
We care about our work and our colleagues.
We are disciplined.
We believe in good relationships.
We serve with pride.

MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY 03 OCTOBER 2018 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, PIKETBERG

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: *Chairperson*)
Director Corporate Services (JWA Kotzee: *Deputy Chairperson*)
Director Financial Services (G Goliath)
Director Technical Services (H Kröhn)
External Member (Ms. D Kotze)

OFFICIALS

Manager: Planning and Environmental Management (W Wagener)
Head: Secretariat & Records Management (NJ Scheepers)

ACTION

PTN001/10/2018

OPENING AND WELCOME

The Chairperson welcomed everyone to the meeting after the opening prayer by the Head: Secretariat & Records Management.

PTN002/10/2018

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Ms S van der Merwe – apology

PTN003/10/2018

DECLARATION OF INTEREST IN ACCORDANCE WITH SCHEDULE 1: CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

3/3/1/6

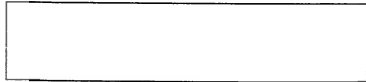
All members of the Municipal Planning Tribunal present declared that they have no personal interest with regards to any items on the agenda.



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PTN004/10/2018
COMMUNICATION BY THE CHAIRPERSON
3/3/1/6

None



PTN005/10/2018
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 08 AUGUST 2018
3/3/2/2

That the amended minutes of the Municipal Planning Tribunal meeting held on Wednesday 08 August 2018 be confirmed.

**HEAD: SECRETARIAT
AND RECORDS
MANAGEMENT**

PTN006/10/2018
**APPLICATION FOR TEMPORARY DEPARTURE: REMAINDER OF VELDDRIFT NO. 110, DIVISION
PIKETBERG**
15/3/8, Farm 110

The Manager: Planning and Environmental Management gave a brief summary to the item under discussion.

After thorough discussions the following resolution was taken:

RESOLUTION

That the application for temporary departure for a desalination and bottling plant on approximately 1.4ha of the Remainder Farm Velddrift No. 110, Division Piketberg, **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law Relating to Land Use Planning, subject to the following conditions:

- a) The approval will be valid for a period of five (5) years.
- b) The applicant will be responsible to determine the municipal services required for the development, if any, at his/her own cost, and submit the request for services to the Municipality's Directorate Technical Services for consideration. Any agreements reached regarding delivery of services to the development by Bergrivier Municipality must be done through entering into a Service Level Agreement and any improvements to the infrastructure will be for the cost of the applicant.
- c) Building lines of at least 30m must be maintained along all property boundaries and the visual impact of the proposed development is to be mitigated to the satisfaction of Bergrivier Municipality in order to prevent any negative impact on tourism.
- d) This approval does not exempt the owner/s or applicant from complying with the requirements of any other legislation.
- e) A site development plan must be submitted to Bergrivier Municipality to the satisfaction of the Manager: Planning and Environmental Management prior to any development.
- f) That a set back line of at least 30 metres be implemented or subject to the requirements of the Department of Transport and Public Works, whichever is the strictest.
- g) That the development or part thereof is situated within the 1-50 years coastal management hazard line and that any development is on the developers' risk.

**MANAGER: PLANNING
AND ENVIRONMENTAL
MANAGEMENT**





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REASONS FOR RESOLUTION

Section 7(a)(vi) of the Spatial Planning and Land Use Management Act, 2013 states that a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application.

Section 59 (1) (g) of the Land Use Planning Act, Act 3 of 2014 (LUPA), states that the right of owners to develop land in accordance with current use rights should be recognized. Remainder farm Velddrift No. 110, Division Piketberg is zoned as Agricultural Zone 1 in terms of the Bergrivier Municipality Integrated Zoning Scheme By-Law, and the zoning of the property will not be affected by this application for temporary departure. The primary land use rights applicable to the Agriculture Zone 1 include agricultural industry. Agricultural Industry includes a winery, dairy, distillery, packing store, bottling of spring water, an abattoir, and saw mill. The proposed development to allow desalination of seawater and bottling of the desalinated water is considered similar to the uses allowed in agricultural industry, a primary right of the subject property's existing zoning.

The public participation process has been followed in accordance with section 45- 49 of the Bergrivier Municipality: By-Law Relating to Municipal Land Use Planning.

In terms of Section 40(7) of the Land Use Planning Act, 2014 (Act 3 of 2014) a municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required. However, this approval does not exempt the owner/s or applicant from complying with the requirements of any other legislation.

Section 59(2)(c) of the Land Use Planning Act, 2014 (Act 3 of 2014) requires that climate change adaptation and climate change mitigation strategies should be developed and considered in land use planning. The Western Cape Provincial Spatial Development Framework (PSDF) states that an overarching approach to water demand management must be adapted to maximise efficiencies, optimise storage capacity and ground water extraction and to explore desalination in the absence of alternatives. The Bergrivier Municipal Spatial Development Framework, 2012-2017 (MSDF) proposes amongst other the promotion of food security, protection of water sources, and sustaining bulk infrastructure and services. The MSDF states that as a result of climate change the Western Cape could experience more drought periods, coupled with increased evaporation and temperatures, which will negative impact water supply. The application for a desalination and bottling plant could be regarded as a supportive to climate change adaptation by potentially improving bulk water supply. The application can therefore be regarded as consistent with the PSDF and the MSDF.

The application is consistent with the development principles of LUPA and SPLUMA and is desirable from a planning perspective taking into account the relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning.

**MANAGER: PLANNING
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PTN007/10/2018

DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Wednesday 07 November 2018** at **11:00** in the Council Chambers, Municipal Offices, Church Street, Piketberg.

**HEAD: SECRETARIAT
AND RECORDS
MANAGEMENT**

NOTED

**THE MEETING ADJOURNED AT 11:55
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

CHAIRPERSON

9/10/18

DATE
