

**VISIE:**

Bergrivier: 'n  
voortstrewende  
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  
3 APRIL 2019 AT 11:35 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,  
PIKETBERG**

**PRESENT**

**MEMBERS**

Director Corporate Services (JWA Kotzee: Deputy Chairperson)  
Director Financial Services (M Wüst)  
Director Technical Services (H Kröhn)  
External Member (Ms. D Kotze)  
External Member (Ms. S van der Merwe)

**OFFICIALS**

Manager: Planning and Environmental Management (W Wagener)  
Town Planner – East (K Abrahams)  
Town Planner – West (H Vermeulen)  
Compliance Officer (A van Rossum)

**ACTION**

**PTN001/04/2019**

**OPENING AND WELCOME**

The Acting Chairperson welcomed everyone to the meeting with a special  
welcome to our Town Planners, Mr Keenin Abrahams and Mr Hannes  
Vermeulen.

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**PTN002/04/2019**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

Municipal Manager (Adv. H Linde: Chairperson)

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**PTN003/04/2019**

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

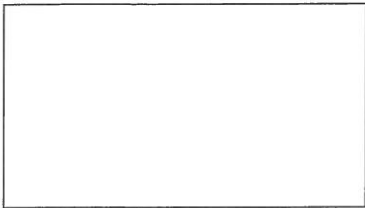
**3/3/1/6**

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All members of the Municipal Planning Tribunal present declared that they have no personal interest with regards to any items on the agenda. The Acting Chairperson declared a collective interest on behalf of all Bergrivier Municipality employees present with regards to item 6 & 7 on the agenda that concern Municipal property.



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**PTN004/04/2019  
COMMUNICATION BY THE CHAIRPERSON  
3/3/1/6**

**NOTED**



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**PTN005/04/2019  
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 6 MARCH 2019  
3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Wednesday 6 March 2019 be confirmed.

**COMPLIANCE  
OFFICER**

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**PTN006/04/2019  
APPLICATION FOR CONSENT USE : ERF 1101 PIKETBERG  
PB. 1101**

The Town Planner (East) gave a brief summary to the item under discussion.

**RESOLUTION**

1. That consent use in order to allow the erection of a 25 meter freestanding telecommunication base station and associated infrastructure on a portion (±56m<sup>2</sup> in extent) 1101, Piketberg, **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to following conditions;
  - a) Further compliance with the conditions of Council Decision RVN031/05/2018 of 29 Mei 2018;
  - b) That a tree type mast be erected and not monopole as proposed to further mitigate the visual impact of the telecommunication base station;
  - c) The proposed freestanding telecommunication base station be located on site closer to the existing pavilion (Renonkel Street) as agreed with officials of the municipality;
  - d) The telecommunication base station and mast must allow for co-location of other service providers;
  - e) The applicant must install an electrical minisub at their own expense to the satisfaction of this municipality's Technical Directorate;
  - f) The base station must be securely fenced off and access must be restricted;

**TOWN PLANNER  
(EAST)**



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- g) Should it be proven that there are negative health effects from the base station (in accordance with acceptable standards by the competent authorities), it must be rectified, or if it fails to comply, the mast and base station must be decommissioned and removed; and
- h) The structure and associated infrastructure be removed on developer's cost if it falls into disuse.

**REASONS FOR RESOLUTION**

Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the Integrated Development Plan (IDP), including the Municipal Spatial Development Framework (MSDF).

The zoning of the property remains the same. The application do not give rise to circumstances inconsistent with the MSDF 2019-2024.

Section 65 (d) consideration of comments on response to the notice of the application etc.

The applicant considered visual impacts in their application, by taking into account high flood lights on the premises. Furthermore, the applicant also stated that they will provide an electrical minisub at their own expense for the proposed development. The proposed installation of the mentioned minisub will rather strengthen the electricity supply capacity in the area, then have a negative effect on existing municipal engineering services.

It is submitted that the community members that signed the Petition and Dr Davis did not submit factual information that proof the contrary, with regard to what the competent authority of the Department of Health namely: Directorate Radiation Control stated in their letter dated 19 January 2018 that clearly stipulate the following : *“ the Department is therefore satisfied that the health of the general public is not being compromised by their exposure to the microwave emissions of cellular base stations. This also means that local and other authorities, in considering environmental impact of any particular base station, do not need to and should not attempt, from a public health point of view, to set any restrictions with respect to parameters such as distance to the mast, duration of exposure, height of the mast etc.”*

The Department of Environmental Affairs and Development Planning also confirmed in their letter referenced 16/3/3/6/1/F1/2166/18 dated 28-09-2018 that the proposed application do not affect a listed activity in terms of environmental legislation, and that no environmental authorisation is required.

Objections based on health risks/concerns and environmental issues is not upheld, based on the information provided by aforesaid competent authorities.

Bergrivier Municipality By-law on Municipal Land Use Planning do not allow for extension beyond the 30day timeframe for public input may be given to enable the public or affected person to formulate their final/meaningful comments/objections. It is therefore submitted that sufficient time has been provided to enable the general public and affected persons in terms of section 45 and 46 of Bergrivier Municipality By-law on Municipal Land Use Planning to provide comprehensive/complete representations on the matter concerned.





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The notices that were served on surrounding affected property owners including advertisement placed in the Weslander (Local Newspaper) as well as Provincial Gazette did invite any person who cannot write to visit the municipal offices during office hours, where a staff member will assist such person to transcribe that person's comments or objection, proof is available to confirm aforesaid. The application was also presented at the ward community of 05 December 2018 to provide comment on behalf of the community.

Section 65 (h) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the impact of the proposed development on municipal engineering services.

The proposal is located in close proximity to available electrical services, and the applicant indicated that an electrical mini-sub will be installed at their expense to ensure that the application has no financial burden on the municipality.

Relevant consideration were given to the development principles of Spatial Sustainability and Spatial efficiency as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.

With the introduction of new technology (smartphones, tablets and other handheld devices etc) telecommunication infrastructure is needed, due to the increasing demand to strengthen the mobility and economic links, to promote communication corridors and zones to strengthen communication networks. The development would allow for co-location of other network operators using the same telecommunication base station site and mast and existing municipal resources thus reducing the need for additional base stations and masts in the area.

The proposed infrastructure should help ensure improved access to telecommunication coverage for a larger group of residents in the rural area and Piketberg. The proposed base station will still allow the remaining extent of the property to be developed in future. The proposal is located in close proximity to available electrical services, and the applicant indicated that an electrical mini-sub will be installed at their expense to ensure that the application has no financial burden on the municipality. The additional electricity provided can also enable the faster development of the GAP/Infill housing projects as proposed in the MSDP 2019-2024, that will contribute to providing housing opportunities in terms of Local Governments Constitutional Imperatives. The proposed application can be efficiently located within close proximity to existing municipal services and is considered sustainable to strengthen growing communication networks in the area.

Section 65 (s) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the provisions of the applicable zoning scheme.

The application do not affect the zoning of the property. Approval of this application establish the development parameters as provide in the zoning scheme by-law.

The proposed monopole telecommunication base station, co-location and the



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surrounding areas land uses is not regarded sufficient to mitigate the impact on the skyline of Piketberg as the sports field is relatively flat. A three type mast is considered more acceptable to further mitigate the freestanding telecommunication base station.

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**PTN007/04/2019  
APPLICATION FOR SUBDIVISION : ERF 4404, PIKETBERG  
PB. 4404**

The Town Planner (East) gave a brief summary to the item under discussion.

**RESOLUTION**

1. That the application for subdivision of Erf 4404, Piketberg into three portions namely: Portion A (±1135m<sup>2</sup> in extent), Portion B (±1135m<sup>2</sup> in extent) and remainder Erf 4404 Piketberg, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:
  - a) The cost of municipal services, required as a result of the proposed utilisation of land will be borne by the successful beneficiary of land and can be addressed by means of service level agreement, to the satisfaction of this municipality's Technical Department, unless otherwise decided by Council when land is made available for disposal.

**TOWN PLANNER  
(EAST)**

**REASONS FOR RESOLUTION**

Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the Integrated Development Plan (IDP), including the Municipal Spatial Development Framework (MSDF).

Spatial Proposal for the built environment as provided is the MSDF 2019-2024 is as follow:

*“Promote spatial integration through the development of strategic land parcels within the town centre for community and recreational uses*

*Prioritise vacant land parcels within town for development over land on the periphery to accommodate existing infrastructure capacities.”*

The proposed subdivision will allow more than one opportunity to establish community facilities on strategic land that is currently vacant, were existing services are available. Community facilities/services are a major factor that contribute to integration of communities, by allowing a subdivision that promote such land uses is consistent with the MSDF 2019-2024.

Section 65 (d) consideration of comments on response to the notice of the application etc.

No objections were received against the proposed application.

Section 65 (h) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the impact of the proposed





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development on municipal engineering services.

Municipal services are available in the nearby vicinity, and can be addressed by means of appropriate condition, to ensure that the application has no financial burden on the municipality.

Relevant consideration were given to the development principles of Spatial Justice and Spatial efficiency as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.

The proposed property is located in a residential neighbourhood in close proximity to the community which reduce the need to walk/travel long distances to community facilities/services in an area where land zoned for such purposes is not available. The municipal property under consideration will provide more than one opportunity by subdivision into three purposes to address the current demand for suitable, zoned properties to erect places of instruction/places of worship/community facilities in Piketberg.

The property is located in close proximity to existing municipal engineering services. Municipal services are address by means of condition. The properties can therefore be efficiently located where existing services are located. The subdivision promotes densification of settlements and the avoidance wherever possible of extending settlement footprints and associated services infrastructure networks.

Section 65 (s) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the provisions of the applicable zoning scheme.

The application do not affect the zoning of the property.

The application is furthermore determined desirable from a planning perspective taking into account aforesaid relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipality By-Law relating to Municipal land Use Planning, subject to condition.

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**PTN008/04/2019**

**APPLICATION FOR REZONING: ERF 101 AND 102, PIKETBERG**

**PB. 101 & 102**

The Town Planner (East) gave a brief summary to the item under discussion. During the subsequent discussion by the panel it was suggested that Bergrivier Municipality consider developing a guideline for building architecture in order to be sensitive to and conserve the heritage value of buidlings and landscape of smaller towns.

**RESOLUTION**

That the application for rezoning of Erven 101 & 102 Piketberg from Single Residential Zone 1 to Business Zone 2 in order to allow the operation of a shop on both properties respectively **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:



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- a) That a 3 meter building line be provided along the boundary with erven 99, 100 and 3690 in the interest of public safety, health and privacy for the proposed buildings respectively, unless written permission from effected neighbours are obtained for relaxation of this building line restriction;
- b) Parking obtaining direct access from Pepper Street onto Erven 101 and 102, Piketberg must be done in consultation and to the satisfaction of this municipality Traffic Department;
- c) All certification i.e. business licenses, fire safety certificate and certificate of acceptability be obtained, if applicable, prior to operation of business activities; and
- d) The developer/owner (s) will be responsible for the provision and upgrading of all service infrastructure required as a result of additional burden created by the proposed utilization of land, as negotiated and agreed upon between the developer and the Municipality's Directorate: Technical Services.

**TOWN PLANNER  
(EAST)**

**REASONS FOR RESOLUTION**

**Section 65 (1)(a) to (t) of Bergrivier Municipal By-Law Relating to Municipal Land Use Planning prescribe the criteria for consideration of land use application, among other the following relevant criteria were considered:**

**Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the integrated development plan, including the municipal spatial development framework.**

The subject properties border onto the CBD focus area and commercial/retail nodes as earmarked in the MSDF 2019-2024.

The following spatial directives is further provided among others in the MSDF 2019-2024:

***“Socio-Economic: Strengthen the local economy through consolidated commercial and retail node areas and activities in strategic locations.***

***Built Environment: Prioritise vacant land parcels within town for development over land on the periphery to accommodate existing infrastructure capacities.”***

The subject properties are included in the MSDF to be part of the CBD focus area, the development of these businesses will therefore strengthen the local economy as determined by council in a strategic area. Vacant land that would have been excluded from development is being proposed to be utilized by business in close proximity to existing municipal infrastructure within the urban edge, as also confirmed by the Technical Department.

**Section 65 (d) consideration of comments on response to the notice of the application etc.**

None received within required timeframe, the late letter of comment received after 16 days was not circulated to the applicant, because Bergrivier Municipality By-Law on Municipal Land Use Planning, section 55 (1) state the





following:

***Right of applicant to reply***

**55. (1) Copies of all comments and other information submitted to the Municipality must be given to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of his or her rights in terms of this section.**

Allowing this to happen would be procedurally incorrect in terms of the aforesaid by-law.

**Section 65 (h) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the impact of the proposed development on municipal engineering services.**

The proposed application has a minimal impact on existing services, on account of comment received from this municipality's technical department, subject to conditions. The application therefore has no financial burden on the municipality.

**Relevant consideration were given to the development principles of Spatial Justice, Spatial efficiency and Spatial Sustainability as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.**

**Spatial Justice**

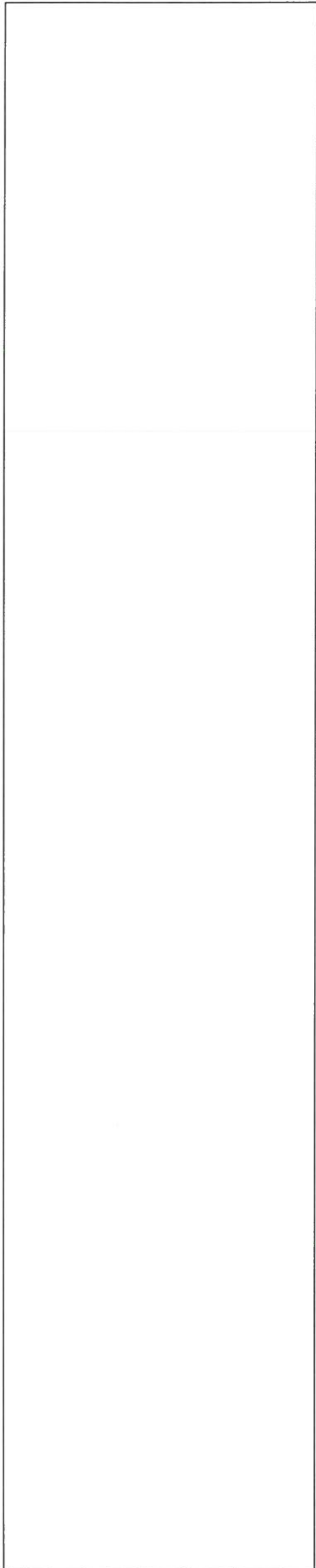
Erven 101 and 102, Piketberg are located adjacent to Pepper Street, characterised by a mixture of existing business, authority and residential land uses. The subject properties are included in the MSDF 2019-2024 to be part of the CBD focus area, existing land that would have been excluded from development is made available to the market by rezoning to Business Zone 2. Land use planning application do not need to disclose potential tenants/type of shop, as long as uses are consistent/in line within the land use description thereof a provided in the zoning scheme by-law. The proposal will expand the main business activity in Piketberg in the direction of residential areas where the majority of previously and currently disadvantaged people reside (high density areas). Expanding business in this direction will assist in redirecting growth patterns of the Central Business District (CBD) of Piketberg thereby improving imbalances of the past.

**Spatial Efficiency**

The properties are located in an area were existing services are available. The proposal contribute to the economical use of existing infrastructure and is proposed within available urban resources i.e. connecting to existing civil and electrical infrastructure, utilisation of underutilised land. The technical services department of this municipality confirmed that the proposed application can be accommodated within existing municipal infrastructure.

**Spatial Sustainability**

The properties are located in close proximity to a major transport route (Lang Street), Pepper Street is also characterised by existing commercial/business activity opposite the site. The properties have been earmarked as part of the CBD focus area in the MSDF 2019-2024, that has been compiled/adopted with due public participation processes and has been considered sustainable to be







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included in the CBD focus area. Past MSDF has also earmarked the sites for business purposes since 2012.

**Section 65 (s) of the Bergrivier Municipal By-Law relating to Municipal Land Use Planning requires consideration of the provisions of the applicable zoning scheme.**

The proposal is a softer rezoning transition than what is currently occurring opposite on Erf 1327, Piketberg which is light industry. The height restriction is similar to what is allowed for residential properties in the vicinity and in terms of the current zoning and will not be detrimental to existing single storeys in the area. The proposal can comply with the development parameters for shop as provided in the zoning scheme by-law. Conditions are furthermore imposed to address health and safety concerns.

The application is furthermore determined desirable from a planning perspective taking into account aforesaid relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning, subject to conditions.

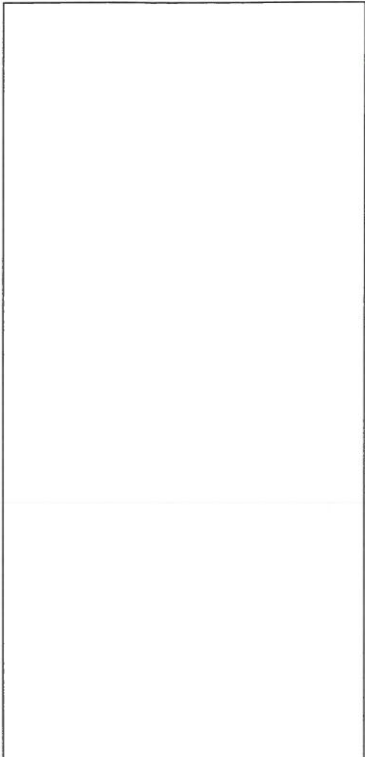
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**PTN009/04/2019  
DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday 2 May 2019 at 10:00** in the Council Chambers, Municipal Offices, Church Street, Piketberg.

**NOTED**

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**COMPLIANCE  
OFFICER**

**THE MEETING ADJOURNED AT 12:00  
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

\_\_\_\_\_  
**CHAIRPERSON**

5/4/2019 .  
\_\_\_\_\_  
**DATE**

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