

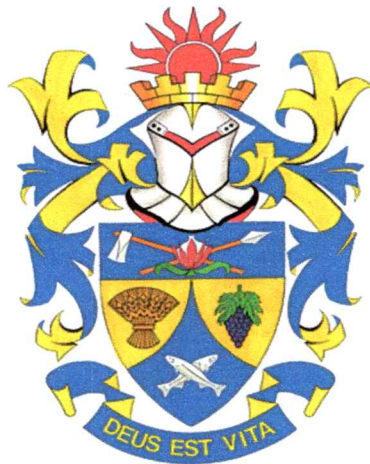
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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 THURSDAY, 21 APRIL 2022 AT 11:00 ON ELECTRONIC PLATFORM

PRESENT

MEMBERS

Director Corporate Services (Mr JWA Kotzee: Acting Chairperson)
Manager Civil Engineering Services (Mr JJ Breunissen)
External Member (Ms D Kotze)
External Member (Mr J de Jongh)

OFFICIALS

Manager: Town Planning & Environmental Management (W Wagener)
Town Planner (East) (K Abrahams)
Compliance Officer (A van Rossum)

ACTION

PTN001/04/2022

OPENING AND WELCOME

The Chairperson opened and welcomed everyone to the meeting.

PTN002/04/2022

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Municipal Manager (Adv. H Linde: Chairperson) - sick leave
Director Community Services (Mr D Josephus) - sick leave

PTN003/04/2022

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 the items on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal Members. The Manager: Town



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Planning & Environmental Management states that one of the objectors on item 007 is a colleague from a neighbouring municipality and known to all members.



PTN004/04/2022
COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

None



PTN005/04/2022
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 17 MARCH 2022
3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 17 March 2022 be confirmed.

COMPLIANCE OFFICER

PTN006/04/2022
APPLICATION FOR REMOVAL OF RESTRICTIONS, SUBDIVISION, CONSENT USE AND PERMANENT DEPARTURE: ERF 49, LAAIPEK LP. 49

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

TOWN PLANNER (WEST)

RESOLUTION: CONDITIONALLY APPROVED

1. That the application for removal of restrictive title conditions E.14. (b), (c) & (f) as held in Title Deed No. T 2369/2007 pertaining to Erf 49, Laaipek **BE APPROVED** in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning,
2. That amendment of restrictive title condition E.14. (d) as held in Title Deed No. T 2369/2007 pertaining to Erf 49, Laaipek **BE APPROVED** in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning to retain the rear building restriction of 10 feet (3m) in order to safeguard the main water line at the rear of the property. Condition (d) will therefore read as follows:
 - (d) *No building or structure or any portion thereof, except boundary walls and fences, shall be erected closer than 20 feet (6m) from the street line which forms a boundary of this erf, nor within 10 feet (3 m) of the rear or 5 feet (1.5 m) of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 10 feet (3m) in height, measured from the floor to the wall plate and no portion of which may be used for human habitation, may be erected within the above prescribed rear space.*
3. That the application for subdivision of Erf 49, Laaipek into two



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portions namely Portion 1 ($\pm 387\text{m}^2$ in extent) and Portion 2 ($\pm 386\text{m}^2$ in extent) **BE APPROVED**, in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning subject to:

- 3.1 A reciprocal right of way servitude of 2.5m in width be registered over Portion 1 and Portion 2 respectively, in order to provide a combined exit and entrance way of 5m, leaving 0.5m side building lines adjacent to neighbouring properties;
- 3.2 The provision of the subdivided portions with separate water, electricity, access and conservancy tanks. Electrical connections up to the erf boundaries must be done by an electrical contractor, for the cost of the applicant;
- 3.3 Bulk Service Contributions, as predetermined in the Municipal Budget, be paid for each additional Erf created by subdivision OR each additional unit created. In addition to this the developer will be responsible for the provision and upgrading of all service infrastructure required as a result of additional burden created by the development, as negotiated and agreed upon between the developer and the Municipality's Directorate: Technical Services by means of a Services Level Agreement (SLA). The SLA will be drawn up by a municipal appointed attorney for the account of the developer.
- 3.4 No boundary wall or fence may be erected between (on the common boundary) the proposed Portion 1 and Portion 2.
4. That the application for consent use in order to permit second dwelling units in excess of 60m^2 (75m^2) in floor area **BE REFUSED**;
5. That departure from the side building lines from 2m to 0.5m in the case of the dwellings houses and carports, and from 2m to 1.28m in the case of the second dwelling units, **BE APPROVED**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning, subject to:
 - 5.1 Development must be relatively in accordance with the site development plan by Lötter Krogh Architects, Drawing No. 2.01, printed 27 Nov 2020;
 - 5.2 That a revised site development plan and subdivision plan, indicating the right of way servitudes as well building lines on the properties be submitted to this Municipality for endorsement;
 - 5.3 Buildings complying with the SANS 10400 – T & W, 2011.

REASONS FOR RESOLUTION

Section 7(a) (vi) of SPLUMA states that the Municipal Planning Tribunal/Competent Authority 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 42(c) (iv) of the Spatial Planning and Land Use Management Act (SPLUMA) requires that existing rights and obligations must be taken into



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account when considering land use applications. The subject property is currently zoned as Single Residential Zone 1, with a primary right to be developed with a dwelling house and a second dwelling unit of up to 60m² in extent. This application does not involve rezoning, rather consent use to allow larger second dwelling units of 75m² in extent in lieu of the 60m² extent for a second dwelling unit already permitted.

Section 65(s) of the Bergrivier Municipality: By-Law on Municipal Land Use Planning requires that a Municipality must have regard to the applicable provisions of the zoning scheme. Apart from the side building line parameters applicable to Single Residential Zone 1 properties, for which application for departure was made, the proposed site development plan complies with all the other development parameters, (building lines, coverage, height limitation and on-site parking requirements) applicable to Single Residential Zone 1 properties. The site development plan indicates 6 parking bays to be provided within the boundaries of the subject property. This translates to three parking bays per subdivided property, one parking bay per dwelling unit plus one parking bay for visitors. The Chief: Traffic Services indicated that he has no objection against the proposed development and that parking would be sufficient.

The West Coast District Municipality – Fire and Rescue services indicated that they have no objection against the proposed development, provided compliance with SANS 10400 – T and W, 2011, is a condition of approval.

In terms of desirability, the proposed development is compatible with the surrounding land uses, and the use of the property will remain for residential purposes. Two properties across the road from the subject property already allows for higher density residential development, having a zoning of General Residential Zone IV. Further North of the property, next to the fish processing factory is another high density residential development. Elsewhere in Laaiplek multiple townhouse developments have been done among Single Residential Zone 1 properties. Though the proposed development does not involve rezoning for higher density residential development, the density character of the proposed development is compatible with other existing residential developments in the surrounding area and Laaiplek in general. The application involves subdivision of a property measuring 773m² in extent into two portions measuring ±387m² in extent each. The Bergrivier Municipality Integrated Zoning Scheme By-Law does not prescribe a minimum size for Single Residential Zone 1 properties. Similar sized Single Residential properties already exist in the surrounding area. The properties at the Southern end of River Street, forming part of Port Owen are ±353m² in extent. At the Northern end of River Street, next to Berg river, two Single Residential Zone 1 properties of ±335m² and ± 384m² in extent have in the past been created from a subdivision. The proposed erf sizes for the development on Erf 49, Laaiplek is therefore similar to other erf sizes found in the surroundings.

Section 42(1)(b)) of the Spatial Planning and Land Use Management Act (SPLUMA) requires that decision on land use planning application must be consistent with the municipal spatial development framework. The Bergrivier Municipality Spatial Development Framework advocates walkable neighbourhoods, spatial integration, diversified land uses, densification of



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towns to accommodate housing in well located areas of town. The proposed development would help facilitate densification, and spatial integration while providing additional housing options in an established residential area.

The application is considered consistent with the development principles of LUPA and SPLUMA. The proposed application furthermore is aligned with the guidelines of Municipal Spatial Development Framework, and is considered 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 on Municipal Land Use Planning.

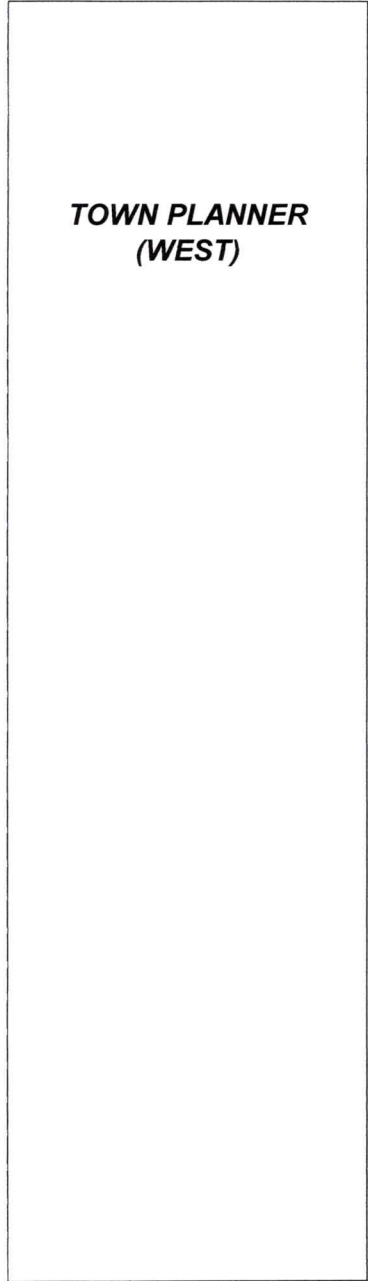
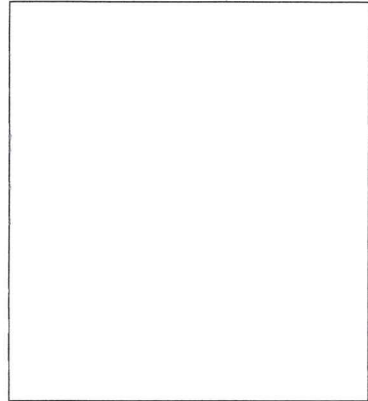
PTN007/04/2022
APPLICATION FOR REZONING: ERF 766, LAAIPLEK
LP. 766

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

RESOLUTION: CONDITIONALLY APPROVED

That rezoning of a portion (±80m² in extent) in the North-Eastern corner of Erf 766, Laaiplek from Single Residential Zone 1 to Open Space Zone 2 and consent use for a utility service to allow the erection of a freestanding telecommunication base station and associated infrastructure thereon in accordance with the site plan dated 01/12/2021 for site no. ATSA1390, **BE APPROVED**; in terms of section 60 of Bergrivier Municipal By-Law on Municipal Land Use Planning, subject to:

- a) The telecommunication mast must be limited to a maximum height not exceeding 18m;
- b) The telecommunication mast must be camouflaged as a tree, to the satisfaction of the Municipality;
- c) The telecommunication base station and mast must allow for co-location of other service providers;
- d) The base station must be securely fenced off and access must be restricted;
- e) Existing trees of more than 6m in height on the property be must be preserved;
- f) Should it be proven that there are negative health effects from the base stations (in accordance with acceptable standards), it must be rectified, or if it fails to comply, be decommissioned;
- g) The provision and installation of a electrical transformer to accommodate the electricity demand of the freestanding telecommunication base station and associated infrastructure, to the satisfaction of the Municipality's Electrical Services Department; and
- h) The area to be developed must be surveyed by a botanist prior to construction and any plant species of conservation concern and any fauna encountered be moved to adjacent to the site and outside of the footprint to be disturbed. Proof of compliance with this condition must be submitted to the Municipality together with the building plan application.



**TOWN PLANNER
(WEST)**



REASONS FOR RESOLUTION

Section 59(3)(a) of the Land Use Planning Act, 2014 (Act 3 of 2014) requires consideration of Spatial Efficiency principle, whereby land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities. The proposed site is centrally located in Velddrif/Laaipek, along a main road. The site and position of the proposed development is situated within a predominately residential area with opens spaces, a golf course and an inland wetland. The development would allow for co-location of other network operators using the same telecommunication base station site and mast, thus reducing the need for additional base stations and masts in the area.

Section 59(3)(b) of the Land Use Planning Act requires the promotion of a diverse combination of land uses and that social, economic, institutional and physical aspects of land development be integrated. The subject property is located among / near the central business district of Velddrif, near the main road, Voortrekker Street where improved telecommunication coverage would be particularly convenient and beneficial.

Section 42(1)(b) of the Spatial Planning and Land Use Management Act (Act 16 of 2013 - SPLUMA) requires that decisions must be consistent with the municipal spatial development framework, and that decisions may only depart from the provisions of the municipal spatial development framework in site specific circumstances as per Section 22(2) of SPLUMA.

The Bergrivier Municipal Spatial Development Framework (BMSDF) proposes that mobility and economic links be strengthened, to promote communication corridors and zones as well as to strengthen communication networks. The subject property is located next to the main collector route, Voortrekker Street, and within 500m from business properties and community facilities in the central business district of Velddrif. Improved telecommunication coverage in this area would therefore contribute to realising the proposals of the BMSDF.

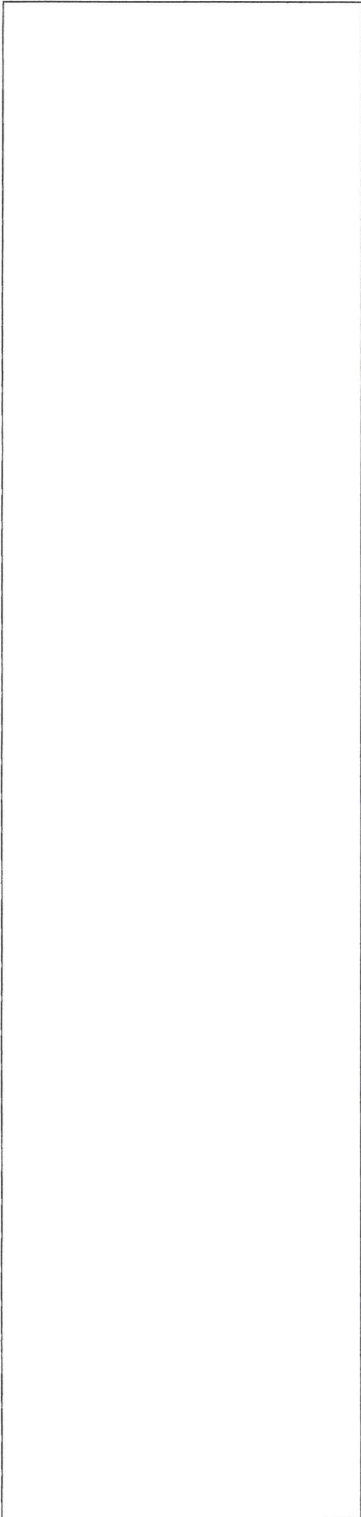
Section 7(a) (vi) of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) states that a Municipal Tribunal / Competent Authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property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

South Africa's Department of Health has published Electro-Magnetic Fields exposure limit guidelines, endorsed by the International Commission on Non-Ionising Radiation Protection. Emissions from all existing and proposed base stations are in compliance with these guidelines and international standards.

PTN008/04/2022
DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday, 19 May 2022 at 11:00** on an Electronic Platform.

NOTED



COMPLIANCE OFFICER



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 21
APRIL 2022 AT 11:00 ON ELECTRONIC PLATFORM**

**THE MEETING ADJOURNED AT 11:53
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**



CHAIRPERSON



DATE
