

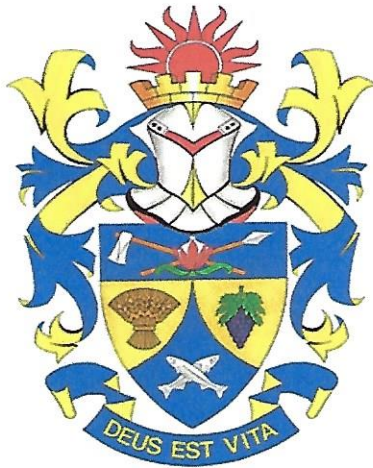
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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, 18 MAY 2023 AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Director Corporate Services (Mr JWA Kotzee: Vice Chairperson)
Manager Civil Engineering Services (Mr J Breunissen)
External Member (Mrs D Kotze)
External Member (Mr J de Jongh)

OFFICIALS

Manager: Town Planning & Environmental Management (Mr W Wagener)
Town & Regional Planner- East (Mr K Abrahams)
Compliance Officer (Mr S Lombard)

ACTION

PTN001/05/2023

OPENING AND WELCOME

The Chairperson opened and welcomed everyone to the meeting.

PTN002/05/2023

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Director Community Services (Mr D Josephus) – Interviews.

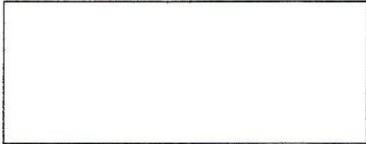
PTN003/05/2023

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. All Municipals Officials declared a collective interest in item PTN008 which relates to Municipal Land. Mr J de Jongh declared an interest in item PTN007, as he commented/provided input on the item in his capacity as Provincial Official.

Chairperson declared that a student, Mr A Rickers from West Coast College, will be joining the meeting for academic and experience purposes. None of the MPT members had a objection against his attendance.



PTN004/05/2023
COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

None.



PTN005/05/2023
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 15 MARCH 2023

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Wednesday, 15 March 2023 be confirmed.

**COMPLIANCE
OFFICER**

PTN006/05/2023
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 20 APRIL 2023

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 20 April 2023 be confirmed.

Item PTN008 were discussed before item PTN007 as Mr J de Jongh declared an interest in item PTN007.

PTN007/05/2023
APPLICATION FOR CONSENT USE: A PORTION OF PORTION 36 OF FARM RIETFontein NO. 184, DIVISION, PIKETBERG
FARM.184/36

RESOLUTION: APPROVED

That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for consent use in order to permit the construction of a renewable energy structure (Solar Photovoltaic Infrastructure) on a portion ($\pm 8000m^2$ in extent) of Remainder Portion 36 of Farm Rietfontein no. 184, division Piketberg to generate electricity for the charging of electrical vehicles be approved in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:

**TOWN PLANNER
(EAST)**

- a) The renewable energy structure (photovoltaic arrays and associated infrastructure) must comply with the development parameters of the zoning scheme by-law;
- b) Compliance with the conditions of SANRAL'S letter of approval, dated 6 April 2023, referenced W11/4/3-7/3-10;
- c) Compliance with the conditions of Department of Transport & Public Works letter dated, 19 December 2022 referenced TPW/CFS/RP/LUD/ACC-02/14 (Job 29986);



- d) Compliance with conditions of Department of Water Affairs & Sanitation letter dated 14 December 2022, referenced 16/2/7/G10K/A/8;
- e) The proposed renewable energy structure may not connect to the electrical network at Piketberg before a comprehensive need determination has been made and investigated for alternative energy resources and has been completed;
- f) Building plans must be submitted for consideration in terms of the National Building Regulations and Building Standards Act, 1977 (as amended);
- g) That trees or shrubs be planted along the boundaries of the land development area to screen the facility, in accordance with a landscape plan, designed by a landscape architect, which must be submitted with building plan for consideration by Bergrivier Municipality; the landscape plan must encourage low maintenance and must be waterwise.
- h) Existing mature trees on site should be retained to mitigate the visual impact of the renewable energy structures.
- i) The renewable energy structure must be ground mounted and not exceed a height of 3.5 meters;
- j) The solar structure must minimise any adverse effects related to its reflective surfaces and must be designed and built in a way that mitigates this impact; and
- k) Security fencing must be installed along the solar panels and security/cameras be implemented as part of normal security measures on site.
- l) The development's interface with Long Street, towards the entrance of Piketberg town, must be properly maintained by the owner or occupier to ensure that it does not contain an unsightly accumulation of waste material (e.g. papers, cartons, garden refuse, rubble, or other waste material).
- m) All boundaries of the land development area must permanently be fenced off with clear-vu fencing, or similar, at a height of 2 metres.

REASONS FOR RESOLUTION

The proposed application will support current norms and directives as envisioned in terms various levels of spatial planning policy (National Development Plan 2030, Provincial SDF, West Coast District SDF 2020 and Bergrivier Municipality SDF 2019-2024). The proposed renewable energy structure, will not result in exclusion, but rather create alternative energy solutions with employment opportunities.

The proposed development will not impact on agricultural or environmental resources. The property is sustainably located on the corner of a National Road and Long Street to cater for the target marked of electrical vehicles. Access will be obtained from Long Street in accordance with the approval from the Department of Transport and Public Works.

National Development Plan 2030

The policy context and vision directives of the National Development Plan 2030 in terms of sustainable development agenda also states that renewable energy shifts the focus on sustainable energy, stressing that appropriate policies need to be followed to ensure adequate energy is supplied, in order to meet developmental challenges such as decent jobs, security, climate food production or increasing incomes, access to energy for all communities is essential. The application will contribute to aforesaid policy directives.



The proposed development is consistent with the Provincial Spatial Development Framework (PSDF), for the following reasons:

- a) The PSDF encourages the delivery of renewable energy sources; and
- b) Job creation is highlighted as a priority, and this proposed development would provide socio-economic opportunities through the provision of temporary employment during construction phase and further permanent employment once the development is completed.

West Coast District Spatial Development Framework, 2020

One of the key proposal is that Renewable energy sources (wind, solar, etc.) should be established to support and enhance the electricity capacity in the West Coast District. Off the grid development reduce demand on the system while also ensuring that support infrastructure is available for electrical vehicles to be functional.

Bergrivier Municipality Spatial Development Framework 2019-2024

Bergrivier Municipality Spatial Development Framework 2019-2024 recognize the Western Cape Infrastructure Framework, 2013 directives that propose a transition for energy to promote the development of renewable energy plants in the Province and associated manufacturing capabilities. The application does promote renewable energy plants and is consistent with the MSDF 2019-2024 and the Western Cape Infrastructure Framework, 2013. Even though the proposed development is located outside the urban edge, the proposed development represents natural future expansion of the town as a result of its location. The proposed development also provides the opportunity for the target market to explore the town itself as a result of its close proximity to the existing CBD in town which can further strengthen the town economy.

Vehicular noise is generally associated with the N7 National Road and Long Street (activity street) of Piketberg as it is used on daily basis by vehicles. The amended site development plan indicates that the farm shop and charging station will move to the south eastern corner $\pm 30m$ from the N7 road reserve and Long Street boundaries thereby mitigating potential nuisances of activities to surrounding property owners. Considering that the Department of Transport and Public Works as competent road authority consented to this development it is not anticipated that the development will generate unacceptable levels of traffic.

The developer is also willing to implement boundary treatment to reduce the visual impact. This would consist of planting trees or shrubs along the boundaries of the property to screen the facility, which is imposed as condition.

The 3d visual images submitted in response to objections shows the visual representation of solar photovoltaic structures in relation to the surroundings, it is also clear that the ground mounted 3.5m high solar panels will be low enough to preserve views to the Winterhoek Mountains.

The renewable energy structure will promote changes in the customer load profile, thus adding options for charging of electrical vehicles where limited resources of charging stations is available along the town major transportation roads. The proposed development will add diversity to the South African



energy mix, which is a response to an envisioned future consistent with spatial policy.

Section 59 (1) (f) of the Land Use Planning Act, Act 3 of 2014 (LUPA), states competent authority may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of an application. This aspect can therefore not serve as a reason for refusal of an application.

PTN008/05/2023

APPLICATION FOR PERMANENT DEPARTURE:ERVEN 1834 AND 1878, PIKETERG PB. 1834 & 1878

RESOLUTION: APPROVED

1. That the application made in terms of section 15 of Bergrivier Municipality By-law on Municipal Land Use Planning for permanent departures of the street building line from 3m to 2m and rear building line from 2m to 1.8m on Erf 1834, Piketberg as well as permanent departure of the street building line from 3m to 1m on Erf 1878, Piketberg in order to accommodate the construction of a new dwelling houses on both properties respectively, be approved, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to building plan(s) submission to this Municipality for consideration in terms of the National Building Regulations and Building Standards Act, 1977 as amended.
2. The land use planning approval do not exempt the owner from complying with the requirements of any other legislation e.g. National Heritage Resource Act, 1999 prior to undertaking of demolition of historical structures and reconstruction.

**TOWN PLANNER
(EAST)**

REASONS FOR RESOLUTION

The proposed departures will allow a more spatially compact land unit on a property with limited expansion potential taking into account its dimensions.

Demolition of the dilapidated structures and reconstruction of dwelling houses will improve the living circumstances and quality of life of housing beneficiaries.

The reconstruction of dwelling houses on erven 1834 & 1878, Piketberg will connect to existing municipal engineering services.

The relaxing of the building lines will help to alleviate some of the physical constraints build into the original historical planning design of the properties. The length of the properties are ±8.5m respectively, compliance with the building lines to construct a dwelling house for the living accommodation of a single family on the said erven are not practical.

No objections were received from surrounding property owners. Internal departments gave positive comment on the proposal.

Sufficient space is available on erven 1834 and 1878, Piketberg for residential parking and the relaxation of building lines will not prevent vehicular access to the properties.



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 18 MAY 2023 AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.

The zoning of the properties will remain the same, compatible with the surrounding residential land uses.

The proposed application for permanent departure of building lines do not give rise to circumstances inconsistent with the MSDF 2019-2024.

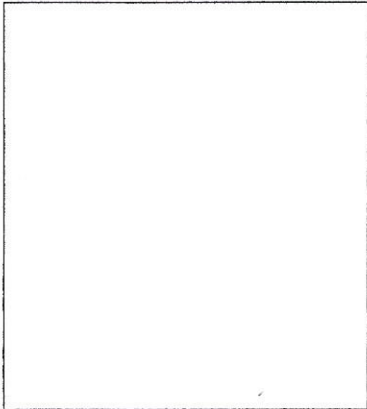
The application is determined desirable from a planning perspective taking into account the abovementioned relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning, subject to condition.

Mr J De Jongh leaves the meeting at 11:22 before item PTN007 is discussed.

PTN009/05/2023

DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday 22 June 2023 at 11:00** on an Electronic Platform.



COMPLIANCE OFFICER

NOTED

**THE MEETING ADJOURNED AT 12:02
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

CHAIRPERSON

24 MAY 2023

DATE
