



KANTOOR VAN DIE MUNISIPALE BESTUURDER
BERGRIVIER MUNISIPALITEIT
POSBUS 60
PIKETBERG
7320

**NOTULE VAN DIE MUNISIPALE BEPLANNINGSTRIBUNAAL VERGADERING GEHOU OP
DONDERDAG 03 MAART OM 14:00 IN DIE RAADSAAL, MUNISIPALE KANTORE,
PIKETBERG**

TEENWOORDIG

LEDE:

Munisipale Bestuurder (Adv. H Linde: Voorsitter)
Direkteur Korporatiewe Dienste (J Kotzee: Ondervoorsitter)
Direkteur Finansiële Dienste (J Van Niekerk)
Direkteur Tegniese Dienste (H Kröhn)
Eksterne Lid (Me D Kotze)
Eksterne Lid (Me S Van der Merwe)

AMPTENARE:

Bestuurder: Beplanning en Ontwikkeling (W Wagener)
Hoof: Komitee- en Sekretariële Dienste (N Scheepers)
Klerk: Komitee Dienste (Me C Cloete)

AKSIE

PTN001/03/2016

OPENING EN VERWELKOMING

Die Direkteur Tegniese Dienste open die vergadering met gebed, waarna die Voorsitter almal by die vergadering verwelkom. 'n Spesiale verwelkoming word gerig aan die twee eksterne lede.

PTN002/03/2016

AANSOEKE OM VERLOF TOT AFWESIGHEID

3/3/1/4

Geen

PTN003/03/2016

**VERKLARING VAN BELANGE INGEVOLGE SKEDULE 1 VAN DIE VERORDENING BETREFFENDE
MUNISIPALE GRONDGEBRUIK BEPLANNING (GEDRAGSKODE VIR LEDE VAN DIE TRIBUNAAL)**

3/3/1/6

Alle lede van die Munisipale Beplanningstribunaal teenwoordig verklaar individueel dat hul geen persoonlike belange, by enige item op die agenda, het nie.



**NOTULE VAN DIE MUNISIPALE BEPLANNINGSTRIBUNAAL VERGADERING
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PTN004/03/2016

VERKLARINGS/MEDEDELINGS DEUR DIE VOORSITTER

3/3/1/6

Die Voorsitter deel die vergadering mee dat Bergrivier Munisipaliteit aangewys is as die derde beste munisipaliteit in die land.

PTN005/03/2016

BEKRAGTIGING VAN NOTULE VAN VORIGE VERGADERING

3/3/2/2

Dat die notule van die Munisipale Beplanningstribunaal se vergadering gehou op Dinsdag 01 Desember 2015, bekragtig word met die onderstaande regstellings.

PTN003/12/2015

Alle lede van die Munisipale Beplanningstribunaal teenwoordig verklaar individueel dat hul geen persoonlike belange, by enige item op die agenda, het nie.

PTN007/12/2015

3. Comply with all health regulations/legislation; required from the competent authority in this regard before the commencement of the business premises including, but not limited to an acceptability certificate;

PTN006/03/2016

APPLICATION FOR REZONING AND DEPARTURE: ERF 783 REDELINGHUYS

15/3/3, RDH 783

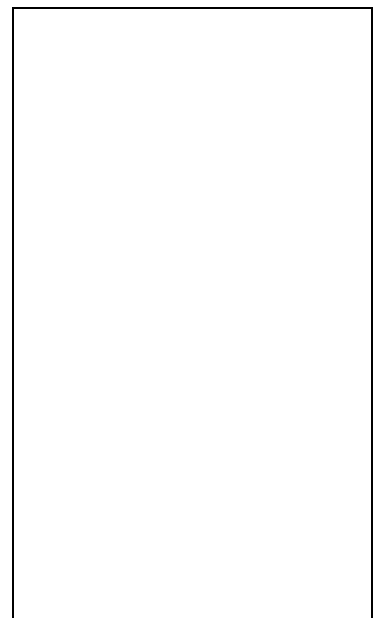
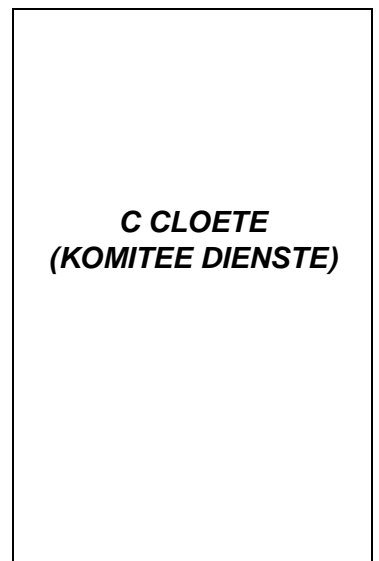
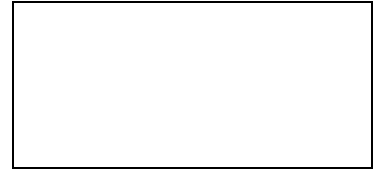
The Manager: Planning and Development gave a brief summary of the item under discussion.

The Chairperson open the item for discussion, after in-depth discussions the following resolution was taken.

RESOLUTION: APPROVED CONDITIONALLY

1. That the application for the Rezoning of Erf 783, Redelinghuys from Residential Zone 1 to Business Zone 4 in order to erect an office and warehouse (storage space) for trade in leaf nourishment and compost, **be approved**, in terms of section 60 of Bergrivier Municipal By-Law Relating to Land Use Planning, subject to the following conditions:

1.1 All relevant health and safety measures and other applicable legislation be adhered to;





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- 1.2 No activity that is a source of nuisance may occur on the premises;
 - 1.3 Business activities, including deliveries, may only take place between 07:30 and 17:00 during weekdays, 8:00 to 14:00 on Saturdays and none on Sundays or public holidays, or as further prescribed by the business license (whichever is more restrictive);
 - 1.4 Fire safety certificate be acquired from this municipality's Head: Fire and Disaster Management;
 - 1.5 A side building line of at least 1m be maintained were the property borders onto a residential property;
 - 1.6 Vehicular access to the property are restricted to Oeloff Bergh Street;
 - 1.7 All walls of the office and warehouse must be plastered and painted, or face-brick;
 - 1.8 No galvanized or transparent roof sheeting may be used. Colored roof sheeting in muted or dark colours will be allowed;
 - 1.9 Walls that front onto street boundaries must contain windows to prevent blank building facades; and
 - 1.10 No production or processing of materials may take place on the premises.
 - 1.11 In order to ensure that the scale of the building constructed on erf 783 Redelinghuys is in keeping with the surrounding buildings the height restriction applicable to single residential dwellings will be applicable.
2. The objection not be upheld because:
- 2.1 The application is consistent with the development principles of the Western Cape Land Planning Act 2014; and
 - 2.2 The application is in line with the strategic objectives of Bergrivier Municipal Spatial Development Framework.

REASONS FOR RESOLUTION

The application for rezoning is consistent with the development principles of LUPA and SPLUMA. The application is furthermore consistent with the guidelines of Municipal Spatial Development Framework, 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
AND DEVELOPMENT**



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PTN007/03/2016

**APPLICATION FOR SUBDIVISION AND REZONING: ERF 1093 VELDDRIF
15/3/3, 15/3/4 V 1093**

The Manager: Planning and Development and the Director Technical Services gave inputs regarding the item under discussion.

The Chairperson open the item for discussion, after in depth discussions the following resolution was taken.

RESOLUTION: APPROVED

That the application for subdivision of Remainder Erf 1093, Velddrif into two portions namely Portion A and Remainder Erf 1093 Velddrif and rezoning of Portion A from Industrial Zone 1 to Authority Zone to allow for recycling of green material as well as processing of building rubble into usable material, **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning.

REASONS FOR RESOLUTION

The application for subdivision of Remainder Erf 1093, Velddrif into two portions namely Portion A (±2.9 ha) and Remainder Erf 1093 Velddrif and rezoning of Portion A from Industrial Zone 1 to Authority Zone to allow for recycling of green material as well as processing of building rubble into usable material is consistent with the development principles of LUPA and SPLUMA. The proposed application furthermore is aligned with the guidelines of Municipal Spatial Development Framework, the Municipality's Integrated Development Plan and the zoning scheme requirements. The application is furthermore determined 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.

The property will be surveyed and connected to the services network by the Municipality's Technical Services Department before being made available for leasing by means of a tender for the specific purpose of recycling green material as well as for the processing of building rubble into usable material.

PTN008/03/2016

**APPLICATION FOR CONSENT USE AND DEPARTURE: ERF 1417 PORTERVILLE
15/3/1, 15/3/5 PTV 1417**

The Manager: Planning and Development gave a brief summary of the item under discussion.

The Chairperson open the item for discussion, after in depth discussions the following resolution was taken.

RESOLUTION: APPROVED CONDITIONALLY

1. That the application for consent use in order to allow the conversion of the

**MANAGER: PLANNING
AND DEVELOPMENT**



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existing outbuilding into an additional dwelling unit and to allow a permanent departure from the permissible floor space for an additional dwelling unit from 120m² to 160m², **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

- (a) The architectural style and color of the primary dwelling and additional dwelling unit be uniform/similar;
- (b) The additional dwelling unit may not be alienated separately as long as it remains on the same cadastral unit;
- (c) Compliance with all other land use restrictions as stipulated in the applicable zoning scheme;
- (d) 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).

2. That the objection not be upheld because:

- (a) The application is in line with Bergrivier Municipal Spatial Development Framework; and
- (b) The objection does not have direct relevance to this application.

REASONS FOR RESOLUTION

The application for consent use in order to allow the conversion of the existing outbuilding into an additional dwelling unit and to allow a permanent departure from the permissible floor space for an additional dwelling unit from 120m² to 160m², is consistent with the development principles of LUPA and SPLUMA. The proposed application is also aligned with the guidelines of Municipal Spatial Development Framework. The application is determined 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.

PTN009/03/2016

APPLICATION FOR REZONING AND CONSENT USE ERF 56 AND 57 PIKETBERG

15/3/1, 15/3/3, PB 56 & 57

The Manager: Planning and Development gave a brief summary of the item under discussion.

The Chairperson open the item for discussion. After in depth discussions the

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following resolution was taken.

RESOLUTION: APPROVED CONDITIONALLY

1. That the application for Rezoning a Portion of Erf 57, Piketberg from Service Station Zone to Commercial Zone in order to allow a Service Industry; Consent use in order to allow a business premises or shop on the ground floor of the existing main building on Erf 57, Piketberg; Rezoning a Portion of Erf 57, Piketberg from Service Station Zone to Local Authority Zone in order to formalise a portion of the property as public street as well as Rezoning of Erf 56, Piketberg from Service Station Zone to Commercial Zone in order to allow a warehouse; **be approved**, in terms of section 60 of Bergrivier Municipal By-Law relating to Municipal Land Use Planning, subject to the follow conditions:

- (a) That a business license be issued by this municipality before the commencement of the business premises;
- (b) Compliance with all health regulations/legislation; required from the competent authority in this regard before the commencement of the business premises;
- (c) Fire safety certificate be acquired from this municipalities Head: Disaster Management before the commencement of the business premises;
- (d) Proof with regard to the abovementioned conditions be provided, before an activity occur.
- (e) The business hours will be between 7:00am and 08:00pm, or as determined by the business license whatever are the most restrictive.
- (f) That no entertainment of any kind be allowed on the premises i.e video games, load music etc.;
- (g) Parking space will be provided elsewhere in a position approved by council; provided that the applicant shall register a notarial deed against such land to the effect that council and the public shall have free access thereto for the purposes of parking, alternatively the applicant can buy out parking in line with the stipulations of the applicable zoning scheme.
- (h) Due to past illegal activities on the property, this approval is given on condition that all future activities must be legal and if it is found that illegal activities do occur, this approval will be withdrawn.

2. That the objection not be upheld because of the following reasons:

- (a) The application is consistent with the guideline proposal of Bergrivier Municipal Spatial Development Framework, 2012-2017, and
- (b) Conditions are imposed to address the problem.

REASONS FOR RESOLUTION

The proposed application for rezoning and permanent departure is consistent with the development principles of LUPA and SPLUMA.

***MANAGER: PLANNING
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The proposed application furthermore is aligned with the guidelines of Bergrivier Municipal Spatial Development Framework and can be regulated by conditions to be acceptable. The application is furthermore determined desirable from 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.

PTN010/03/2016

APPLICATION FOR PERMANENT DEPARTURE: ERF 2256 PIKETBERG

15/3/1, 15/3/8, PB 2256

The Manager: Planning and Development gave a brief summary of the item under discussion.

The Chairperson open the item for discussion, after in depth discussions the following resolution was taken.

RESOLUTION: REFUSED

1. That the application for permanent departures in order to allow of a telecommunication base station 2m in lieu of 4.5m from the southern and western building lines respectively as well as to permit a lattice mast exceeding the permissible height of 3 storeys (12m) by 18m (total height 30m), **be refused**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, because;
 - (a) An additional 30m height (tree type or monopole) telecommunication base station will dominate the skyline of Piketberg, detracting from the original character of the surrounding area;
 - (b) The mitigation features is not sufficient to camouflage a 30m high telecommunication base station (monopole of tree type) on an elevated position on Erf 2256, Piketberg, in such a way that it will not be visible from historical focal areas located in close proximity ;
 - (c) Existing infrastructure should be used spatially efficient, by mean of co-location on existing telecommunication infrastructure, rather than building additional high obtrusive towers, which could be detrimental;
 - (d) The combined impact of high telecommunication masts is not desirable, from a visual perspective in a rural town setting like Piketberg; and
 - (e) The objector's concerns of visual impacts do have merits and should be upheld.

REASONS FOR RESOLUTION

The permanent departures in order to all the erection of a telecommunication base station 2m in lieu of 4.5m from the southern and western building lines

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respectively as well as to permit a lattice mast exceeding the permissible height of 3 storeys (12m) by 18m (total height 30m), will have a visual impact on the character of the town.

The option of co-location of existing telecommunication infrastructure, located approximately 260m should be considered, rather than building additional towers (30m monopole or tree type mast) in a rural setting like Piketberg. The elevated position, being proposed for the telecommunication infrastructure will dominate the character/skyline of Piketberg and mitigation features (tree type/monopole mast, colour coded infrastructure of existing trees) is not regarded sufficient to address the visual concerns.

The telecommunication base station can be more than sensibly accommodated within the land use restriction of the property or by co-location on existing telecommunication infrastructure located within the search ring to meet capacity demands, without departure from height restriction which may be detrimental to the character of the surrounding area, also considering the relative close distance to historical focal points in Church Street.

The application is not regarded desirable from a planning perspective in terms of section 65 of Bergrivier Municipal By-Law relating to Land Use Planning taking into account the relevant desirability factors applicable

DIE VERGADERING VERDAAG OM 15:15

BEKRAGTIG AS 'N WARE WEERGAWE VAN DIE VERRIGTINGE

VOORSITTER

DATUM
