

MINUTES OF A PLANNING TRIBUNAL MEETING OF THE LANGEBERG MUNICIPALITY, THAT WAS HELD ON 25 OCTOBER 2021 AT 10H00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, ROBERTSON

1. Opening

The Chairperson Mr Maynard Johnson welcomed all present.

2. Attendance

Maynard Johnson	-	Chairperson (Internal member)
Kobus Brand	-	Internal member
Hennie Taljaard	-	Deputy Chairperson (External member)
Jeremy Benjamin	-	External member
Helene Janser	-	External member
Quinton Balie	-	External member
Tracy Brunings	-	Town Planner

3. Applications for Leave of Absence

Carissa Pieters

**4. Confirmation of previous Minutes
Unanimously Resolved**

That the minutes of a meeting of the Planning Tribunal of the Langeberg Municipality, held on 05 August 2021 at the Langeberg Municipal Offices, Montagu be approved and confirmed. Proposed by Quinton Balie, seconded by Jeremy Benjamin.

5. Matters arising from the previous minutes

None

6. Urgent Matters, Statements & Announcements submitted by the Chairperson

None

7. Consideration of Reports

1/2021	PROPOSED SUBDIVISIONS & CONSOLIDATIONS, FARM 262 PORTION 2 OF SCHEEPERS HOOGTE NO. 139, ROBERTSON AND PORTION 24 OF LE CHASSEUR NO. 88 ROBERTSON
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Unanimously resolved:

The Tribunal considered the Land Use Planning Assessment Report dated 30 September 2021, and the email from the Western Cape Department of Agriculture and the Breede Gouritz Catchment Management Agency dated 19 October 2021, and letter dated 21 October 2021 (attached).

The Tribunal members discussed the practical implications of the subdivision proposal, as well as the potential impact on the natural environment, agricultural resources, water resources, and vehicular access with reference to the SPLUMA and LUPA principles.

It was unanimously resolved that, in terms of section 60 of the Langeberg Municipal Land Use Planning Bylaw PN 264/2015, the Langeberg Municipal Planning Tribunal refuses the application to subdivide Farm 262 Robertson (401,0811ha.) into portion A (31,7ha.), B (113ha.) and Rem/262 (256,38ha.), as depicted on the plans marked PLAAS 262,139/2 & 88/24Rob- LBM-OP(a)(1) and (b).

The reasons for the Tribunal's decision are as follows:

1. The need for an additional 30ha. of water for Ptn 24 of Farm 88 does not justify the proposed subdivision of Farm 262, as an application for the transfer of water use rights may be lodged in terms of the National Water Act, 1998.
2. The proposed subdivision of the western part of Farm 262 into two portions is not desirable from an environmental perspective and is not compliant with the principle of spatial sustainability as set out in terms of LUPA, 2014 and SPLUMA, 2013. Proposed portion A is intended for agricultural use; however this portion encompasses part of a Critical Biodiversity Area and is the most sensitive part of the site. Cape Nature objects to the application as proposed.
3. The proposed subdivision of the western part of Farm 262 into two portions is not desirable or viable from an agricultural perspective as agricultural potential is limited. The Provincial Department of Agriculture does not support the application.
4. The proposed subdivision would adversely impact on existing access rights and the land use rights of neighbouring properties.

Eenparig besluit:

Dat die aansoek vir vergunningsgebruik op erf 1991, Ashton, vir 'n Vrystaande Basis Telekommunikasiestrasie (VBTS) met 20m hoë mas, ingevolge Artikel 60 van die Langeberg Munisipaliteit : Verordening op Grondgebruikbeplanning, 2015 goedgekeur word, onderhewig aan die volgende voorwaardes ingevolge Artikel 66 van die dieselfde verordening:

1. Volledige bouplanne vir alle nuwe strukture op die terrein moet by die Munisipale Boubeheerafdeling ingedien word en goedgekeur wees voordat enige daarvan opgerig mag word.
2. Behoudens die hoogtebeperking, moet die ontwikkeling – ingesluit terreinuitleg en boumateriaal - geskied volgens die terreinplan gemerk ASH1991-LBM-TP(VBTS) en voorstelle in die aansoek
3. Die mas moet ontwerp word as 'n monopaalmas.
4. Die hoogte van die mas mag nie 20m vanaf die natuurlike grondvlak- soos gemeet direk onder die middelpunt van die mas - oorskry nie.
5. Die VBTS moet van die bestaande toegang vanaf Stasiestraat gebruik maak.
6. Indien daar interne dienste onder die betrokke gedeelte waar die VBTS opgerig gaan word is, moet dit verskuif word voordat konstruksie plaasvind en moet dit ook op die vereiste bouplanne aangedui word.
7. Die volgende geld ten opsigte van elektrisiteit:
 - 7.1 Enige verlangde opgradering of verandering aan die bestaande elektriese netwerk, meetpunt of aansluiting sal vir die aansoeker se rekening wees en sal onderhewig wees aan 'n toepaslike bydrae tot grootmaatsdienste volgens die toepaslike munisipale tariewe.
 - 7.2 Geen struktuur mag nader as 3m vanaf 'n oorhoofse elektriese lyn opgerig word nie.
 - 7.3 Daar word slegs een elektriese aansluiting vir die erf voorsien, wat beteken dat die bestaande elektriese aansluiting ook vir die kommunikasiestrasie gebruik moet word

Die redes vir die besluit is as volg:

1. Die voorstel is versoenbaar met en word ondersteun deur die Langeberg Ruimtelike Ontwikkelingsraamwerk, 2015.
2. Die voorstel word beskou as versoenbaar met die omliggende grondgebruik en stedelike karakter van die area, synde oorwegend nywerheids – en sakegebruik.
3. Die visuele impak word as aanvaarbaar beskou, gegewe die nywerheidskarakter van die aangrensende en omliggende persele, waar elemente soos fabriekskoorstene reeds voorkom.
4. Die impak op verkeer sal minimaal wees.
5. Die voorgestelde ligging sal 'n optimale verspreiding van selfoonoringe in die dorp bewerkstellig.
6. Die voorstel beïnvloed nie die munisipale dienste nie.

8. **Other Matters**

The Tribunal was informed that the Langeberg Appeal Authority's decision to uphold the Tribunal's decision with regard to the proposed Abattoir Compost Facility and Feedlot on Ptn 6 of Middelburg 10, Robertson, has been taken on review to the High Court by the applicant. The Court Case will be held next year, at a date still has to be determined.

9. **Conclusion**

The meeting adjourned at 12:45