

MINUTES OF A PLANNING TRIBUNAL MEETING OF THE LANGEBERG MUNICIPALITY, THAT WAS HELD ON 04 MAY 2022 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
Jack van Zyl	-	Town Planner

3. Applications for Leave of Absence

Carissa Pieters	-	External member
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**4. Confirmation of previous Minutes
Unanimously Resolved**

That the minutes of a meeting of the Planning Tribunal of the Langeberg Municipality, held on 18 January 2022 at the Langeberg Municipal Offices, Montagu be approved and confirmed. Proposed by Hennie Taljaard, seconded by Helene Janser.

5. Matters arising from the previous minutes

None

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

None

7. Consideration of Reports

1/2022	REM OF DE HOEK NO 213 AND PORTION 1 OF FARM 204, SWELLENDAM: SUBDIVISION AND CONSOLIDATION
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It was recommended that the subdivision application be refused.

It was unanimously resolved to approve the recommendation, with the exclusion of reason No. 3. Accordingly, it was resolved as follows:

That, in terms of section 60 of the Langeberg Municipal Land Use Planning Bylaw PN 264/2015, the Langeberg Municipal Planning Tribunal refuses the subdivision of Rem of de Hoek 213, Swellendam into portion A (57,5ha) and Rem/213 (±81,04ha.), and consolidation of portion A (57,5ha.) with Portion 1 of Farm 204 (113,0622ha.), as depicted on the plans marked DE HOEK 213 & 204/1 SWE- LBM-OP, for the following reasons:

1. The proposed Remainder of Farm 213 does not comply with the minimum subdivision norms of the Western Cape Department of Agriculture and the Western Cape Land Use Planning Guidelines: Rural Areas, 2019.
2. The proposed subdivision and consolidation are not desirable as the proposed Remainder of Farm 213 will comprise only Critical Biodiversity Area (CBA) and endangered renosterveld, with no viable land for agriculture, which is the primary use permitted in the Agricultural Zone I.

The following recommended reason was excluded:

3. The existing unauthorised cottages on proposed Rem/213 have not been addressed and the future use of proposed Rem/213 has not been determined or motivated, in order to establish the desirability or otherwise of proposed Rem/213.

2/2022	REM OF PTN 43 OF ZAND RIVIER NO 106, ROBERTSON: TEMPORARY DEPARTURE FOR OFFICE
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The recommendation was to approve the temporary departure (office), with conditions.

Proposal 1: To approve the recommendation. Proposed by J Benjamin and seconded by Q Balie

Proposal 2: Not to approve the recommendation. Proposed by H Taljaard and seconded by H Janser, K Brand and M Johnson
In accordance with the majority of votes, proposal No 2 was carried forward and it was resolved as follows:

That, in terms of Section 60 of the Langeberg Land Use Planning Bylaw, 2015, the application for temporary departure for an office of 650m² in the existing main dwelling located on Rem of Ptn 43 Zand Rivier 106, Robertson be **refused for the following reasons:**

1. The establishment of non-place bound business on agricultural properties, which is neither ancillary nor complementary to the main agricultural use of the farm, is not supported.
2. In accordance with Langeberg Spatial Development Framework, 2015 and the Western Cape Land Use Planning Guidelines: Rural Areas (March 2019), non-place bound businesses should be located within urban areas.

3/2022	REM OF MYRTLE GROVE NO 217, ROBERTSON: TEMPORARY DEPARTURE FOR RECYCLING FACILITY
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The recommendation was to approve the temporary departure (recycling facility), with conditions.

Proposal 1: To approve the recommendation. Proposed by J Benjamin and seconded by Q Balie and H Taljaard

Proposal 2: Not to approve the recommendation. Proposed by H Janser and seconded by K Brand and M Johnson.

Equality of votes: Casting vote M Johnson. Accordingly, proposal No 2 was carried forward and it was resolved as follows:

That, in terms of Sections 60 of the Langeberg Land Use Planning Bylaw, 2015, the application for temporary departure for a recycling facility in an existing fenced area of $\pm 1,2$ ha on Rem of Myrtle Grove 2017, Robertson, be **refused for the following reasons:**

1. The establishment of non-place bound business on agricultural properties, which is neither ancillary nor complementary to the main agricultural use of the farm, is not supported.
2. In accordance with Langeberg Spatial Development Framework, 2015 and the Western Cape Land Use Planning Guidelines: Rural Areas (March 2019), non-place bound businesses should be located within urban areas.

4/2022	ERWE 2445 & 2981, JONES & SONNEBLOMSTRAAT, ROBERTSON: HERSONERING, ONDERVERDELING & KONSOLIDASIE
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Eenparig besluit, voorgestel deur K Brand en gesekondeer deur J Benjamin:

Dat die volgende goedgekeur word ingevolge Artikel 60 van die Munisipaliteit Langeberg: Verordening op Grondgebruikbeplanning, 2015:

- A. Sluiting van Openbare Plek oor 'n gedeelte van erf 2445, Robertson soos uitgebeeld as "Proposed Closure" op plan van Urban Dynamics getiteld "Figure 5: Closure plan" en gemerk ROB2445-LBM-PP.
- B. Wysiging van die goedgekeurde onderverdelingsplan vir die onderverdeling van gedeeltes van erwe 2445 en 2981, Robertson, soos uitgebeeld op plan nr 2 van Urban Dynamics gedateer 12 Oktober 2021 en gemerk ROB2981&2445-LBM-OP2, wat voorsiening maak vir 205 Enkel residensiële sone I erwe, 1 Gemeenskapsone II erf, 1 Nutssone erf, 2 Oopruimtesone I erwe en 'n Vervoersone II erf.

Die goedkeuring is onderhewig aan die volgende voorwaardes ingevolge Artikel 66 van die gemelde verordening:

Ten opsigte van A. hierbo:

1. Die sluiting van die openbare plek oor gedeelte A moet formeel afgehandel word ooreenkomstig Artikel 26(7) van bogenoemde verordening voordat die onderverdeling van erf 2445 en die konsolidasie en verdere onderverdeling daarvan gedoen mag word.

Ten opsigte van B. hierbo:

2. Alle siviele en elektriese ingenieursdienste vir die ontwikkeling moet volgens die vereistes en tot bevrediging van die betrokke munisipale departemente ontwerp en installeer word.
3. Straatname moet toegeken word volgens die Raad se beleid en straatnommers moet toegeken word deur die Departement Stadsbeplanning.
4. Ter uitvoering van Artikel 20(5)(c) van die gemelde verordening moet die aansoeker die konsep Algemene Plan vir endossering as die goedgekeurde onderverdelingsplan by die Langeberg Munisipaliteit Stadsbeplanningsafdeling indien.
5. Vir die toepassing van Artikel 21(2) van die gemelde verordening geld die sonerings soos aangedui op plan gemerk ROB2981&2445-LBM-OP2.

6. Ingevolge Artikel 23(4) van die gemelde verordening is die goedkeuring vir die gewysigde plan geldig vir die res van die oorspronklike geldigheidsperiode, soos verleng met 5 jaar op 6 Junie 2019. Die onderverdelingsgoedkeuring sal dus verval op 6 Junie 2024 indien dit nie bevestig is soos bedoel in Artikel 21 van dieselfde verordening nie.
7. Voorwaardes 1, 2, 3 en 4 moet nagekom word voordat 'n sertifikaat ingevolge Artikels 20(6) en 28 van die gemelde verordening uitgereik word.

5/2022	ERWE 8210 & 402, ROBERTSON: HERSONERING
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Eenparig besluit, voorgestel deur Q Balie en gesecondeer deur H Taljaard:

Dat die aansoek vir hersonering van Erf 402 en 'n gedeelte van Erf 400, Robertson vanaf Enkel residensiële sone I na Vervoersone I ingevolge Artikel 60 van die Munisipaliteit Langeberg: Verordening op Grondgebruikbeplanning, 2015 afgekeur word, om die volgende redes:

1. Die grondgebruik is nie versoenbaar met die gebruike in en karakter van die omliggende omgewing nie,
2. Die bedryf van die vervoeronderneming (busdiens) vanaf een of beide erwe 400 en 402 kan steurend wees vir omliggende inwoners ten opsigte van geraas en vrystelling van uitlaatgasse, asook visuele impak en kan sodoende die omliggende inwoners se genieting van hulle eiendomme en kwaliteit van lewe nadelig beïnvloed.
3. Die perseel is ongunstig geleë ten opsigte van die openbare padstelsel, sodat dit slegs via residensiële strate (Le Rouxstraat en Hopleyalaan) bereik kan word, wat nie funksioneer as verspreidings- of versamelroetes in die dorp nie.
4. Die aansoeker het nie voldoende ontledings of bewyse voorgelê dat die voorstel werkbaar is binne die bestaande padstelsel en op die betrokke perseel nie of dat dit veilig is ten opsigte van verkeer en voetgangers nie,
5. Die vestiging van 'n busdepot in 'n residensiële area kan afbreuk doen aan die sin van plek en aantreklikheid van die dorp vir inwoners van die betrokke gebied en word dus beskou as teenstrydig met die beginsels vir ontwikkeling wat in beide die Provinsiale Ruimtelike Ontwikkelingsraamwerk (PSDF) en Langeberg Ruimtelike Ontwikkelingsraamwerk (LSDF) voorgehou word.

8. Other Matters

None

9. Conclusion

The meeting adjourned at