

**MINUTES OF A PLANNING TRIBUNAL MEETING OF THE LANGEBERG MUNICIPALITY, THAT WAS HELD ON 26 APRIL 2023
AT 10H00 IN THE OLD COUNCIL CHAMBERS, MUNICIPAL OFFICES, MONTAGU**

1. Opening

The Chairperson Mr Hennie Taljaard welcomed all present.

2. Attendance

Hennie Taljaard	-	Chairperson (External member)
Quinton Balie	-	External member
Carissa Pieters	-	External member
Dalene Carstens	-	External member
Andrew Martinus	-	Land Use Co-ordinator
Jack van Zyl	-	Town Planner

3. Applications for Leave of Absence

Kobus Brand and Helene Janser.

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

That the minutes of a meeting of the Planning Tribunal of the Langeberg Municipality, held on 12 September 2022 at the Langeberg Municipal Offices, Montagu be approved and confirmed. Proposed by Quinton Balie, seconded by Hennie Taljaard.

5. Matters arising from the previous minutes

None

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

None

7. Consideration of Reports

1/2023	APPLICATION: SUBDIVISION, CONSOLIDATION AND REZONING & SUBDIVISION OF ERF 907, BONNIEVALE AND REMAINDER OF FARM 174, SWELLENDAAM RD
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Unanimously Resolved that:

That the application for

- Subdivision of Erf 907 Bonnievale and Remainder of Farm 174 Swellendam RD, each into two portions – Portion A (6.91Ha), Portion B (4.28Ha) and the two remainders;
- Consolidation of Portions A and B (11.19Ha);
- Rezoning of consolidated erf from Open space zone II and Undetermined zone respectively to Subdivisional area; and
- Subdivision of the consolidated erf into
 - 568 Single residential zone II erven (minimum size of 120m²);
 - 3 Open space zone I erven (1500m² in total);
 - 1 Community zone I erf (for an ECD);
 - 1 Community zone II erf (for a Place of worship);
 - 1 Community zone III erf (for a Clinic);
 - 2 Business zone III erven;
 - 1 Transport zone I erf (for a Taxi rank).; and
 - Transport zone II (Public streets)

as depicted on the subdivision plan marked BON907&F174/R-LBM-OP

be approved in terms of Section 60 of the Langeberg Municipality: Land Use Planning By-law, 2015 for the following reasons and subject to the conditions listed below:

Reasons for approval:

- a) The approval will enable the formalization and upgrading of an existing informal settlement.
- b) The Langeberg Municipality has identified the area for the establishment of a formal layout that will enable the servicing of individual sites and individual ownership.
- c) The location of the development area is generally in accordance with the proposals of the Langeberg SDF, 2015 and is considered to be consistent with Spatial Policy directives
- d) The proposal is consistent with the planning principles required to LUPA, 2014
- e) As the development area corresponds with an existing informal settlement, it will not result in any additional impact on environmental resources
- f) The development will contribute to social upliftment by providing services and access to land/housing
- g) The development will improve safety and welfare of the community through upgraded and improved infrastructure and facilities
- h) The development will have an acceptable impact on traffic and engineering services as established by thorough assessments.
- i) The applicant has shown that the development can fit into an overall development concept for the Boekenhoutskloof area, in which an interlinked road system and adequate community facilities (such as a school) can be provided.
- j) There are site specific considerations that justify the location of the development area partially outside the designated urban edge, as determined in the Langeberg SDF 2015, to note:
 - It is an existing informal settlement
 - As the local authority owns the land, it is readily available
 - The site is located in and directly adjacent to the future development area identified in the SDF
 - Topographical constraints to the north should prevent future outward expansion of the area
- k) The layout is considered to be desirable on the following grounds:

- cost effective with regards to provision of services
- creating a pedestrian oriented environment
- promoting accessibility to social and economic activities
- optimising existing resources and infrastructure
- providing space for business, transport and community facilities in accordance with provincial guidelines.

Conditions of approval:

The approval is subject to the following conditions in terms of Section 66 of the abovementioned by-law:

1. The subdivision, consolidation, rezoning and further subdivision of the consolidated erf must be implemented in accordance with plan marked BON907&F174/R-LBM-OP, and the zonings as indicated on said plan will apply in terms of Section 21(2) of the said by-law.
2. All civil – and electrical engineering services – both internal and external to the development - must be designed and constructed according to the requirements and to the satisfaction of the responsible municipal departments and must be formally handed over to the municipality before any of the erven may be registered.
3. Street names must be allocated in accordance with Council's policy, and street numbers must be allocated by the Town Planning Department.
4. To give effect to Sections 20(5)(c) of the Langeberg Municipal Land Use Planning Bylaw, 2015 the applicant's Land Surveyor must submit a draft General Plan with the new erf numbers on to the Municipal Town Planning Department for endorsement in terms of Section 60 of the Langeberg Municipal Land Use Planning Bylaw, 2015.
5. At least one of the new erven in the subdivision must be registered separately within 5 years after the date of the approval, failing which the approval will lapse in terms of Section 22(1) of the aforementioned Bylaw, regardless of whether a general plan has been approved by the Surveyor-General or not.
6. Condition 2 of this approval must be complied with before a Certificate may be issued in terms of Section 28 of the aforementioned Bylaw. This certificate must be submitted with the transfer documents before the subdivision will be registered in the Deeds Office.

2/2023	AANSOEK: HERSONERING, ONDERVERDELING EN KANSELLERING VAN SERWITUTE: ERF 2917, BONNIEVALE
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Eenparig besluit dat:

Dat die hersonering van erf 2917, Bonnievale vanaf Enkel residensiële sone I na Onderverdelingsgebied en as die onderverdeling daarvan in 5 gedeeltes (4 Enkel residensiële sone I erwe en 'n gedeelte Vervoersone II (Openbare straat) ingevolge Artikel 60 van die Langeberg Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015 goedgekeur word, sowel as die kansellering van 'n bestaande serwituut reg-van-weg oor erf 2917 ten gunste van die restant van erf 751, Bonnievale.

Redes vir die besluit:

- a) Die voorstel strook met die voorstelle van die Langeberg Ruimtelike Ontwikkelingsraamwerk, 2015 vir Bonnievale, wat die aansoekperseel insluit binne die stedelike rand en voorgestelde nuwe stedelike ontwikkelingsgebied.
- b) Die voorgestelde uitleg is in pas met die karakter van die omliggende omgewing ten opsigte van ontwikkelingspatroon, erfgrottes en gebruiksregte.
- c) Die onderverdeling sal stedelike verdigting bevorder.
- d) Die ontwikkeling kan van munisipale dienste voorsien word.
- e) Die ontwikkeling sal bydra om in die behoefte vir residensiële geleenthede in die betrokke area te voorsien.

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

1. Die onderverdeling moet wesenlik geskied ooreenkomstig die onderverdelingsplan gemerk BON2917-LBM-OP, maar met die voorbehoud dat die plan gewysig word om 'n minimum straatreserwedyte van 6m vir alle strate te voorsien.
2. Ingevolge Artikel 22(1) van die Langeberg Munisipale Verordening op Grondgebruikbeplanning, 2015 verval die onderverdeling na 5 jaar vanaf datum van goedkeuring indien dit nie bevestig is soos bedoel in Artikel 21 van dieselfde verordening.
3. Elk van die 4 Enkel residensiële sone I erwe moet van 'n afsonderlike water- en elektrisiteitsaansluiting voorsien word voordat so 'n erf afsonderlik registreer mag word.
4. Voordat daar 'n woonhuis op een van die nuwe erwe opgerig en bewoon mag word, moet daar 'n rioolsuigtenk op daardie erf installeer word, wat voldoen aan die vereistes van die Bestuurder Siviele Ingenieursdienste.
5. Die siviele- en elektriese grootmaat- en koppeldienste wat nodig is om elke erf by die munisipale netwerke aan te sluit, moet installeer wees voordat enige erf registreer mag word.
6. Die voorgestelde openbare pad (Gedeelte 5) wat die 4 nuwe woonerwe bedien en die serwituut na die restant van erf 75 vervang, moet tot 'n aanvaarbare standaard vir die Bestuurder: Siviele Ingenieursdienste gebou word, ingesluit stormwaterkanalisering, voordat enige erwe registreer mag word.
7. Voorwaardes 3, 5 en 6 moet nagekom word voordat 'n sertifikaat ingevolge Artikels 20(6) en 28 van die Langeberg Munisipale Verordening op Grondgebruikbeplanning, 2015 uitgereik word. Hierdie sertifikaat moet saam met die transportdokumente ingedien word alvorens die onderverdeling deur die Aktekantoor getranspoteer sal word.
8. Die uitvoering van die onderverdeling is nie onderhewig aan die kansellering van die bestaande reg-van -weg serwituut oor erf 2917 nie.

8. **Other Matters**

None

9. **Conclusion**

The meeting adjourned at 11h30.