

**MINUTES OF A PLANNING TRIBUNAL MEETING OF THE LANGEBERG MUNICIPALITY, THAT WAS HELD ON
31 AUGUST 2023 AT 10H00 PER MICROSOFT TEAMS**

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
Andrew Martinus	-	Internal member
Tracy Brunings	-	Manager: Town Planning
Jack van Zyl	-	Town Planner

3. Applications for Leave of Absence

Heleen Janser

Dalene Carstens

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

That the minutes of a meeting of the Planning Tribunal of the Langeberg Municipality, held on 22 June 2023 at the Langeberg Municipal Offices, Robertson be approved and confirmed. Proposed by Hennie Taljaard, seconded by Quinton Balie.

5. Matters arising from the previous minutes

None

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

None

7. Consideration of Reports

1/2023	PROPOSED SUBDIVISION OF ERF 725, 1 SMITH STREET, MCGREGOR
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Unanimously resolved:

That the application for the subdivision of erf 725, McGregor into 2 portions - Portion A (1000m²) and Remainder (2192m²) – be approved in terms of Section 60 of the Langeberg Municipality : Land Use Planning By-Law 2015, subject to the following conditions on terms of Section 66 of the by-law and for the reasons stated below:

Conditions of approval

1. The subdivision must be in accordance with plan marked MCG275-LBM-OP.
2. Each erf must be provided with its own direct water- and electricity connection, as well as a vehicle access point before any of the erven in the subdivision may be registered. The applicant is responsible to make the necessary applications for such connections and access to the Langeberg Municipality.
3. Each erf must be provided with its own on-site conservancy tank before any of the erven in the subdivision may be registered. The conservancy tank must comply with the municipality's minimum specifications (as determined by the Senior Manager: Civil Engineering Services) and must be positioned so that the municipality's tanker can easily service it from the street.
4. All internal service connections that may exist between the existing buildings on the two properties have to be removed and confirmed as such in writing to the Manager: Town Planning before registration may take place.
5. The applicant must pay the Development Levy for Civil Engineering Services for one additional opportunity as provided for in the Municipal tariffs, before any of the erven in the subdivision may be registered.
6. The applicant must pay the Bulk Levy for Electrical Engineering Services related to the new electrical erf connection as determined by the Manager Electrical Engineering Services, before any of the erven in the subdivision may be registered.
7. The street addresses of the two new erven will be:
 - Portion A: 1 Smith Street
 - Remainder erf 725: 1a Smith Street
8. To give effect to Sections 20(5)(c) of the Langeberg Municipal Land Use Planning Bylaw, 2015 the applicant's Land Surveyor must submit draft erf diagrams or a draft General Plan with the new erf numbers on to the Municipal Town Planning Department for endorsement. Such endorsement in terms of Section 60 of the Langeberg Municipal Land Use Planning Bylaw, 2015 will only be given after the applicant has accepted these conditions in writing by means of the standard agreement,
9. 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 an erf diagram or general plan has been approved by the Surveyor-General or not.
10. Conditions 2, 3, 4, 5 and 6 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.

11. The existing leiwater channel over the property must be retained and protected to ensure the unimpeded flow of leiwater to other downstream properties. The leiwater channel may not be altered or built over without the written approval of the Langeberg Municipality.

Reasons for the decision:

- a) The proposal is deemed to be compatible with the Western Cape Provincial Spatial Development Framework (PSDF), 2014 and Langeberg Spatial Development Framework (SDF), 2015 in terms of the impact on the conservation of historic settlements and their unique sense of place and identity, in that the proposed density, erf sizes and erf form is compatible within the character of the surrounding area.
- b) The proposed development is not expected to have any negative economic or social impact on the precinct/neighbourhood/ settlement.
- c) The proposal is deemed to be compatible with character of surrounding area, on the following grounds:
 - (i) The average proposed erf size is in keeping with the average erf size of properties in the south-western sector of the town, which makes up about a quarter of the town's extent.
 - (ii) The proposed gross density of 5.1 erven per hectare is only slightly higher than the current density of 4.6 erven per hectare in this part of the town.
 - (iii) The proposal complies with Council's subdivision policy, in terms of meeting the general minimum erf size and place specific minimum street frontage.
 - (iv) The form of the subdivision is regarded as generally compatible with the grid layout pattern of McGregor and particularly with the immediate surrounding area, where similar stepped and non-perpendicular erf boundaries are observed. It is noted that Erf 725 already has a triangular shape and irregular boundaries, particularly along erven 615 and 1017. Also, the subdivision line is perpendicular to the street boundary, with the relative long (17m) front section of it positioned directly opposite the boundary between erven 417 and 830 across the street. This should ensure that the subdivision, as viewed from street level, will appear to fit in well with the existing pattern.
- d) The creation of one additional erf, which already has a dwelling on, can be accommodated in the existing municipal services networks.
- e) It is not expected that the proposed development / land use will have a negative impact on the safety, health and wellbeing of the surrounding community.
- f) Given the compatibility with erf sizes / density, possibility of control over building style and low visual impact, the impact of the proposed development on heritage is deemed to be acceptable.
- g) Given the existing dwellings on the two proposed erven, the proposal will have very little to no impact on the road system or – quality. As there will be adequate site access and space on the two new erven for on-site parking, as well as the fact that there already are two dwellings on the applicant site, it can be concluded that the subdivision in itself will not cause on street parking.
- h) The subdivision is expected to have a very low visual impact, considering that no new buildings are envisaged and that any alterations or extensions to existing buildings will be subject to the existing building rules for McGregor.
- i) The proposed subdivision will create an extra neighbouring property for erf 1017 only. The objectors' properties will remain unaffected in this regard. The potential impact on privacy is therefore adjudged to be very low.

8. Other Matters

An item must be submitted to Council for the appointment of Ms. Dalene Carstens to replace Mr. Jeremy Benjamin. Mrs. Tracy Brunings must replace Mr. Kobus Brand who retired on 30th June 2023.

9. Conclusion

The meeting adjourned at 10h40.