

Notule van vergadering van die Beplanningstribunaal van Langeberg Munisipaliteit op 9 November 2018 om 10h00 by die Langeberg munisipale kantore, Robertson.

1. Opening

Mnr van der Westhuizen, heet almal welkom by die vergadering.

2. Bywoning

Isak van der Westhuizen	-	Voorsitter (Interne lid)
Maynard Johnson	-	Adjunk voorsitter (Interne lid)
Kobus Brand	-	Interne lid
Jeremy Benjamin	-	Eksterne lid
Helene Janser	-	Eksterne lid
Hennie Taljaard	-	Eksterne lid
Carissa Pieters	-	Eksterne lid
Quinton Balie	-	Eksterne lid
Jack van Zyl	-	Assistent Bestuurder: Stadsbeplanning (Professionele Beplanner)
Tracy Brunings	-	Stadsbeplanner (Professionele Beplanner)

3. Aansoeke vir verlof tot afwesigheid

Geen

4. Bekragtiging van notule

- 4.1 Die notule van 'n gewone vergadering van die Beplannings Tribunaal van die Langeberg Munisipaliteit wat gehou was op 10 Augustus 2018 in die Raadsaal, Munisipale Kantore, Robertson, word aanvaar.

5. Punte uit vorige notule

Geen

6. Dringende Aangeleenthede, Verklarings en Mededelings deur die Voorsitter

Die Voorsitter wys lede op die volgende besluit van die Raad (RB3712:30 Oktober 2018) *"That the following persons, upon the respective approval from their decision makers, Carisa Pieters (Breede Valley Municipality), Quinton Balie (Cape Winelands District Municipality), Jeremy Benjamin (DEADP), Helene Janser (DEADP) and Hendrik Taljaard (Witzenberg Municipality), be appointed to serve for a further 3-year term from 29 April 2019 to 29 April 2022."* Lede is versoek om hulle aanstellings te bevestig al dan nie.

7. Oorweging van Verslae / Consideration of Reports

1/2018 - PORTIONS 47 AND 49 OF THE FARM KLAAS VOOGDS RIVIER NO 37 ROBERTSON: REZONING FROM AGRICULTURAL ZONE I TO INDUSTRIAL ZONE I AND INDUSTRIAL ZONE III (MINING)

- In response to a request from the Chairman, the following members recused themselves from the site meeting as well as the discussion of the application: Kobus Brand & Helene Janser
- Members (except Mr Brand and Ms Janser) undertook a site meeting (10:15) to familiarise themselves with the application.
- The following parties/persons gave an oral submission (12:00) before members discussed the application:
 - Ms Sandra Papesch (Objector)
 - Ms Clarissa Molteno: Natural Resources Law (On behalf of 6 Objectors)
 - Mr Altus Malherbe and Michael Marsden (Applicant)

This item served before the Planning Tribunal on 09 November 2018: Unanimously Resolved

That, in terms of section 60 of the Langeberg Municipal Land Use Planning Bylaw PN 264/2015, of 30 July 2015 the Langeberg Municipal Planning Tribunal refuses the following application:

- Rezoning of 4,9ha. of **Portion 49 of the farm Klaas Voogds Rivier No 37, Robertson** from Agricultural zone I to Industrial zone I (Industry: crushing and stockpiling stone and rock);
- Rezoning of 17ha. of **Portion 49 of the farm Klaas Voogds Rivier No 37, Robertson** from Agricultural zone I to Industrial zone III (mining – removal of rock and rehabilitation of land for future Agricultural land use), comprising:
 - Area 1 (5ha.) with depths of 1-4m.
 - Area 2 (4ha.) with depths of 500mm-5m.
 - Area 5 (8ha.) with depths of 300mm-2,5m.
- Rezoning of 9,5ha. of **Portion 47 of the farm Klaas Voogds Rivier No 37, Robertson** from Agricultural zone I to Industrial zone III (mining – removal of rock and rehabilitation of land for future Agricultural land use);
 - Area 3 (5,5ha.) with depths from 500mm-2,5m.
 - Area 4 (4ha.) with depths from 500mm-2,5m.

The reasons for the above decision are as follows:

1. With reference to Section 42(2) of SLPUMA No. 16 of 2013, the application affects the environment, and the Langeberg Municipal Planning Tribunal is not satisfied that environmental legislation has been complied with.
2. The proposed land use is considered to be out of character in the surrounding area, will adversely impact on the amenity of the area and be inconsistent with the principles of spatial justice and spatial sustainability (Section 59 of LUPA No. 3 of 2014).
3. The approval of the proposed land use would create an undesirable precedent in the area. Cumulative impacts would be inconsistent with the sustainable use of agricultural land.

2/2018 - REZONING FROM SINGLE RESIDENTIAL ZONE TO SMALL BUSINESS ZONE (PREVIOUS ZONING SCHEME): ERF 474, c/o PAUL KRUGER AND VAN ZYL STREETS, ROBERTSON

This item served before the Planning Tribunal on 09 November 2018: Unanimously Resolved

That the rezoning of erf 474 Robertson from Single Residential zone I to Business zone IV be approved in terms of Section 60 of the Langeberg Municipal Land Use Planning Bylaw, 2015 (the Bylaw), subject to the conditions below:

1. Unless specified otherwise in the conditions below, the description and development parameters for “offices” as described in the Schedule 2 of the Langeberg Municipality: Integrated Zoning Scheme By-law, 2018 apply.
2. The combined vehicular access and egress point to the property must be widened to a minimum of 5 meters and may not be closer than 10m from the intersection of the streets, in accordance with the requirements for

site access and exits as set out in Section 45(1) of the Langeberg Municipality: Integrated Zoning Scheme By-law, 2018.

3. In accordance with the zoning scheme requirements for “offices” a total number of 7 standard parking bays must be provided on site, in accordance with the site development plan marked ROB474-LBM-SDP2. The following specific requirements apply in this regard:
 - 3.1 The requirements for parking layout as described in section 46(1) of the Langeberg Municipality: Integrated Zoning Scheme By-law, 2018.
 - 3.2 The parking area must be provided with a trafficable surface and bays must be clearly marked on the ground.
 - 3.3 No street parking may be allowed. To this end the owners of the business must display signs at the entrance to the property to indicate that parking is available on the premises and to prohibit clients from parking in the street.
4. Any proposed new building work or alterations to the existing building will be subject to prior application and approval of building plans by Council’s Building Control Section.
5. No advertising sign for the establishment (name signs on the premises or directional signs off the premises) may be erected or displayed without the prior approval of Department of Town Planning (including free standing signs, flags and banners).
6. The cost of any required upgrading or change to the existing electrical connection and -network will be for the owner’s account, together with any applicable bulk levy at that stage. The electrical connection is subject to any restrictive measures the municipality or Eskom may deem necessary for the saving of electricity.
7. The following conditions of Cape Winelands District Municipality: Environmental Health Department apply:
 - 7.1 If medical waste is generated on the premises, the owner has to make use of an approved contractor for its removal and must submit proof of such a contract to the Cape Winelands District Municipality: Environmental Health Department.
 - 7.2 The owner has to apply to the Cape Winelands District Municipality: Environmental Health Department for a Certificate of Suitability in terms of Regulation 962, if any food will be handled as part of the business.
 - 7.3 No health nuisances may be caused on the premises.
 - 7.4 The owner has to implement a smoking policy in terms of the Control of Tobacco Products Act.

8. **Ander Sake**

Geen

9. **Afsluiting**

Vergadering verdaag 14:00.