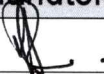




Proeflees

Aard van dokument: Notule | ~~Agenda~~ | ~~Brief~~ | ~~Memo~~ | Verslag MPT 21 Jul 2022

	Naam	Handtekening	Datum
Skrywer	A van Rossum		25/7/2022
Hoof / Toesighouer	--	--	--
Bestuurder	W Wagener		25/07/2022
Direkteur	JWA Kotzee		25/7/22

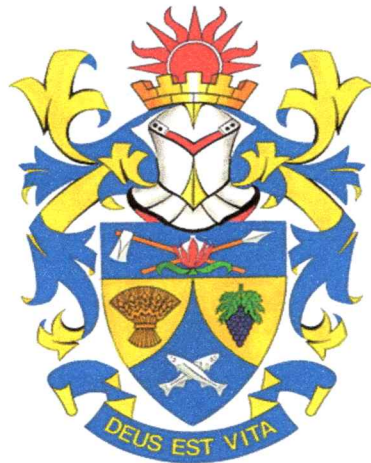
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

VISIE:

Bergrivier: 'n vooruitstrewende gemeenskap waar almal wil leef, werk, leer en speel op 'n menswaardige manier.

VISION:

Bergrivier: a prosperous community where all want to live, work, learn and play in



KERN WAARDES / CORE VALUES

We are all part of Bergrivier Municipality.
We render good services to ensure dignified living to all.
We are unashamedly pro-poor.
We believe in close innovative partnerships.
We believe in social and economic development of our area.
We care about our work and our colleagues.
We are disciplined.
We believe in good relationships.
We serve with pride.

MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 21 JULY 2022 AT 11:00 ON MS TEAMS

PRESENT

MEMBERS

Director Corporate Services (Mr JWA Kotzee: Acting Chairperson)
Director Community Services (Mr D Josephus)
Manager Civil Engineering Services (Mr JJ Breunissen)
External Member (Ms D Kotze)
External Member (Mr J de Jongh)

OFFICIALS

Manager: Town Planning & Environmental Management (W Wagener)
Town & Regional Planner (East) (K Abrahams)
Compliance Officer (A van Rossum)

ACTION

PTN011/07/2022

OPENING AND WELCOME

The Acting Chairperson opened and welcomed everyone to the meeting a fruitful meeting.

PTN012/07/2022

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Municipal Manager (Adv. H Linde: Chairperson) - WCMMF
Town & Regional Planner (West) (H Vermeulen) – sick leave

PTN013/07/2022

DECLARATION OF INTEREST IN ACCORDANCE WITH SCHEDULE 1: CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

3/3/1/6

A handwritten signature or set of initials in black ink, located in the bottom right corner of the page.



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 21 JULY 2022 AT 11:00 ON MS TEAMS

All members of the Municipal Planning Tribunal present declared that they have no personal interest with regards to the items on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal Members.

PTN014/07/2022
COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

None

PTN015/07/2022
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: FRIDAY 1 JULY 2022

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Friday, 1 July 2022 be confirmed with corrections to **PTN006/07/2022** where “with specific emphasis on the Power of Attorney” is appended to point 1 before the “;” and the word “up” is removed from point 1a) after “interlocking pavers”.

**COMPLIANCE
OFFICER**

PTN016/07/2022
APPLICATION FOR REZONING AND CONSENT USE: ERF 1190, PORTERVILLE PTV. 1190

The Town & Regional Planner (East) gave a brief summary to the item under discussion.

RESOLUTION: REFUSED

1. That the application for rezoning of a portion of Erf 1190 Porterville (±80m²) from Community Zone 2 (Place of Worship) to Open Space Zone 2 (private open Space) and consent use for a utility service in order to allow the construction of a 25meter high tree type freestanding telecommunication base station and associated infrastructure on the private open space, **BE REFUSED**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, because; for the reasons provided in the reasons for recommendation.

**TOWN PLANNER
(EAST)**

REASONS FOR RESOLUTION

MSDF 2019-2024

The proposed site forms part of the historic core of town with historic views in terms of the MSDF. One of the spatial directives for the built environment for Porterville among other states the following:

“Protect the valuable heritage resources that characterise the towns history and urban fabric and promote adaptive re-use of vacant and neglected buildings to celebrate local heritage.

MSDF 2019-2024 Heritage Guidelines, among other states (page 153)



- *approach heritage built form as an asset to the community*
- *enable conservation, enhancement and utilization of historic built form through adaptive re-use*

Heritage Western Cape the competent Authority for Heritage resources, proposal does not trigger the provision of the National Heritage Resources Act. The proposed application do not utilise historic built form through re-adaptive use of vacant space or approach heritage built form in an area which forms part of the historic core of town, the proposed tree type mast will be visibly intrusive to the historic core and immediate heritage building that characterise the town history, as envisioned in Bergrivier Municipality Spatial Development Framework, 2019-2024.

Desirability

The need for increase coverage and data usage is noted, but even reducing the base station, camouflaging the mast as a tree, color coding are not sufficient to allow a freestanding tree type base station for the following reasons:

- The structure is regarded visually intrusive and unsightly in the historical core of town, characterise by historical buildings in close proximity even though land uses do not dominantly consist of residential buildings in the immediate vicinity.
- The area is characterised by low vegetation and single storey heritage buildings, and mitigation features are not sufficient in this area to allow a 25m high tree type freestanding base station on the property.
- The proposed tree type mast 500m coverage area is located within the 500m coverage area from two approved base station site on Erven 1139 and 1319, Porterville and thus results in duplication of coverage areas.
- Alternatives could have been explored such as co-location on approved base station sites.

Additional telecommunication network operators can have a long term social and economic benefit by strengthening communication networks in the area if located appropriately without duplicating coverage areas and it should though not detract from other valuable aspects that contribute to the sense of place and character of town.

PTN017/07/2022
APPLICATION FOR DEPARTURE: ERF 1528, VELDDRIF
V. 1528

The Manager: Town Planning & Environmental Management gave a brief summary to the item under discussion.



RESOLUTION: CONDITIONALLY APPROVED

That the application for departure from the 3m side building line to 0m in order to erect a canopy over the outside braai on Erf 1528 Velddrif in accordance with building plans submitted with reference number 1528VEL01, **BE APPROVED**, in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning subject to compliance with SANS 10400 Part R.

REASONS FOR RESOLUTION

Section 65(s) of the Bergrivier Municipality: By-Law on Municipal Land Use Planning requires that a Municipality must have regard to the applicable provisions of the zoning scheme. In terms of the Zoning Scheme By-Law a garage, carport or outbuilding permitted within the common building line, is limited to a height of 3.5m from the base level (average ground level) to the top of the roof. The proposed canopy will be 3.42m at the highest point, sloping down in the direction of Lelie Avenue. The proposed canopy will be ± 4 m from the street boundary.

In terms of the Bergrivier Municipality: Integrated Zoning Scheme By-Law, certain structures or portions of structures may be erected within the prescribed building lines. No application for departure from a side building line is required if the abutting neighbour gives consent for the encroachment of the relevant building line. However, in this instance the adjacent land owner (objector to this application) did not wish to consent to the encroachment of the building line. A building line is defined by the Zoning Scheme By-Law as an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited. In terms of the development regulations applicable to General Residential Zone 3, the maximum coverage permitted is 60%. The subject property will have a coverage of 52.84% after erection of the proposed canopy.

Section 42(c) (iv) of the Spatial Planning and Land Use Management Act (SPLUMA) requires that existing rights and obligations must be taken into account when considering land use applications. The proposed canopy will serve as protection from the elements for the applicant, and is not expected to affect sunlight to the adjacent property due to the subject property being South thereof and the sun predominately entering from the North. Due to the lack of stormwater channels in the area, run-off water is directed to the street. The proposed canopy will still be required to comply with the National Building Regulations and Standards Act, SANS 10400 Part R with regards the management of stormwater. No rain or run-off water will be directed to the adjacent property. It is to be expected that the road would be temporarily flooded with water after rains, because the road is where the stormwater of all the surrounding properties is being directed. It is however unreasonable claim that a proposed canopy would aggravate already existing stormwater problems in the road, considering that all properties in the vicinity contribute to the lack of stormwater drainage and movement.

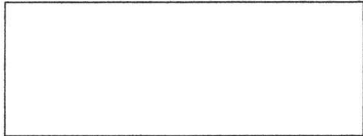
Section 7(a) (vi) of SPLUMA states that the Municipal Planning Tribunal/Competent Authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application. The

**TOWN PLANNER
(WEST)**



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 21 JULY 2022 AT 11:00 ON MS TEAMS

application does not affect the size or developable space of the adjacent property since no proposed development will be encroaching cadastral boundaries.



PTN018/07/2022
DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday, 18 August 2022 at 11:00** on an Electronic Platform.



NOTED

THE MEETING ADJOURNED AT 11:31
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS



CHAIRPERSON



DATE
