

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, 15 SEPTEMBER 2022 AT 11:00 ON MS TEAMS

PRESENT

MEMBERS

Director Corporate Services (Mr JWA Kotzee: Acting Chairperson)
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 and Regional Planner (West) (H Vermeulen)
Town & Regional Planner (East) (K Abrahams)
Compliance Officer (A van Rossum)

ACTION

PTN001/09/2022

OPENING AND WELCOME

The Acting Chairperson opened and welcomed everyone to the meeting.

PTN002/09/2022

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Municipal Manager (Adv. H Linde: Chairperson) - verlof
Director Community Services (Mr D Josephus)

PTN003/09/2022

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

3/3/1/6

All members of the Municipal Planning Tribunal present had the opportunity to declare any personal interest with regards to the items on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal Members. All municipal officials declared a collective interest in item PTN007 which regards municipal land.

PTN004/09//2022
COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

None

PTN005/09//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 Thursday, 21 July 2022 be confirmed.

**COMPLIANCE
OFFICER**

PTN006/09//2022
APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE: ERF 350, EENDEKUIL E.350

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

RESOLUTION: REFUSED

1. That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for consent use in order to allow the operation of an existing house shop from an existing structure ($\pm 27m^2$) on Erf 350, Eendekuil, **BE REFUSED** in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning, for the reasons provided in the reasons for recommendation:

**TOWN PLANNER
(EAST)**

REASONS FOR RESOLUTION

Section 65 of Bergrivier Municipality By-Law on Municipal Land Use Planning requires the consideration of the applicable policies of the Municipality that guide decision making:

The proposed house shop does not comply with the distance requirements of the house shop policy and falls within the 100m radius and is within 250m of a house shop in the same street (non-conforming use) on Erf 439 Eendekuil.

Bergrivier Municipality Integrated Zoning Scheme By-Law considerations

During site inspection on 04 August 2022, it was revealed that the proposed house shop on the submitted site plan also occupies the storage area which increases the retail floor area to $\pm 27m^2$ in extent. The dwelling house is





±65.85m². The retail floor space of the house shop is therefore ±41%. Section 20(1) of Bergrivier Municipality Integrated Zoning Scheme By-Law states “**No departure from the land use descriptions or definitions may be granted.**” and the retail floor space of this house shop does not comply with the land use description of house shop.

The house shop is also in operation without a business licence, in terms of the Business Act (71 of 1991) all businesses selling or supplying any perishable foodstuffs (Schedule 1 Item 1 (2)) are required to have a business license.

The minimum number of on-site parking spaces required for this proposed house shop, existing dwelling house and second dwelling is three (3). The site development plan makes provision for none, and no application for departure has been made.

Despite the applicant’s reasoning that most clients of the proposed house shop will not be making use of vehicles, the proposed development will not be exclusively for pedestrians. Due to the lack of on-site parking provided, the space available on the pavement in the road reserve for pedestrians will be constrained, potentially resulting in pedestrians having to walk in the road amongst vehicles, that will resulting in an unsafe environment.

PTN007/09//2022

APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE AND CLOSURE OF PUBLIC PLACE: A PORTION of ERF 1100 PIKETBERG
PB. 1100

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

RESOLUTION: CONDITIONALLY APPROVED

- 1) That the applications made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning, for:
 - (a) Rezoning of a portion of Erf 1100 Piketberg (±1.895hectare) from Open Space Zone 1 to Subdivisional Area in order to accommodate the following properties respectively:
 - 65 Single Residential Zone 2: Dwelling House (±150m² in extent);
 - 8 Single Residential Zone 2: Dwelling House (Walk up ±110m² in extent);
 - 2 Open Space Zone 1: Public Open Space;
 - 1 Community Zone 1: Place of Instruction; and
 - 1 Transport Zone 2: Public Street.
 - (b) Subdivision of Erf 1100, Piketberg into two Portions namely a newly created portion of ±1.895hectare in extent and Remainder Erf 1100, Piketberg as well as further subdivision of the newly created Portion of ±1.895hectare in extent into 77 newly created properties;
 - (c) Consolidation of the proposed community zoned erf with the community

**TOWN PLANNER
(EAST)**



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zoned erf approved on Phase 1 by means of Municipality Planning Tribunal decision PTN008/11/2021 of 18 November 2021 ;

- (d) Permanent departure of the common boundary building line to accommodate semi-detached dwelling houses on the 8 Single Residential Zone 2 “walk up” properties; and
- (e) Closure of the newly created subdivided portion of ±1.895hectare (a Portion of Erf 1100, Piketberg) as Public Place, to accommodate the proposed development;

BE APPROVED in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning (Phase 2-Housing Development), subject to the following conditions:

- 1.1. That the street names (Annexure A) on the layout plan referenced PIK/11472/NJdK_6, dated May 2020, be registered at the Surveyor General;
- 1.2. Attention should be given to parking requirements when dwelling units are placed;
- 1.3. Compliance with all other development parameters provided in the applicable zoning scheme by-law;
- 1.4. Compliance with the conditions of Department of Water Affairs and Sanitation’s letter referenced 16/2/7/G10H/A/11 dated 17 August 2021;
- 1.5. Compliance with the conditions of Heritage Western Cape’s letter referenced *HMMWEST COAST/SWARTLAND/PIKETBERG/STEYNVILLE/PTN OF ERVEN 1100 AND 1100*, dated 30 September 2020;
- 1.6. The provision and upgrading of all service infrastructure required as a result of the additional burden created by the development, be done in consultation with and to the satisfaction of this Municipality’s Directorate: Technical Services prior to construction of dwelling units;
- 1.7. That the recommendations in the geotechnical site investigation report conducted by CORE Geotechnical Consultants be taken into account prior to earthworks and development occurring on site; and
- 1.8. This land use planning application does not exempt the owner/applicant from complying with the requirements of any other legislation i.e. Water Use License Authorisation in terms of the National Water Act, 1998.

REASONS FOR RESOLUTION

Development principles of the Spatial Planning & Land Use Management Act, 2013

- The proposed land has the potential to alleviate the housing need in Piketberg. The subject Portion of Erf 1100 Piketberg is well located in the vicinity of an existing primary school, local businesses, sport fields, clinic and library. An additional opportunity is also created to allow an additional community facility within the development. The proposed application is considered appropriate as it will give easy access for people to support services/facilities as well as offer accommodation



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within walking distance contributing to improved access to support services/facilities and redressing the imbalances of the past resulting in communities that are viable. The proposed development does not trigger listed activities in the National Environmental Management Act EIA Regulations, 2014 (as amended), which was confirmed by the Department of Environmental Affairs and Development Planning.

- The subject property is owned by Bergrivier Municipality. It is considered spatially efficient to develop municipal land located in an existing established residential neighbourhood within the urban edge of Piketberg, where existing bulk services already exist. The proposed development therefore amounts to the efficient use of space available, unleashing a more spatially compact residential area. The proposed development will furthermore contribute to densification of Piketberg's urban area.
- The proposed infill residential development will link to existing municipal bulk services in accordance with the specification of this Municipality's Technical Directorate. The proposed new development will be funded by the municipality with a government grant through the Integrated Residential Development Program (IRDP).
- The public interest was also taken into account in the proposed application by means of reasonable opportunity for public representations. No objections were received against the application.

Provincial Spatial Development Framework 2014

- The proposed residential infill development is located in close walking proximity to existing businesses, sports field, schools, library and clinic. Additional provision has also been made in the development to accommodate an additional community zoned property for the provision of a place of instruction or church etc. The support social services in close proximity to residential infill development on strategically identified land within the urban edge are complementary land uses which will contribute to integration of communities. The development makes provision for semi-detached walk up dwelling units and freestanding dwelling units to include two housing typologies. The application is consistent with the settlement key transitions to the proposed housing development in Piketberg as provided on page 32 of the PSDF 2014.

West Coast District Municipality Spatial Development Framework 2020 (Page 86)

- Piketberg is identified among other towns for human settlement development, the proposed Portion of Erf 1100 Piketberg is also identified in the Local SDF for residential infill and therefore is consistent with the WCDSDF 2020.

Bergrivier Municipality Spatial Development Framework 2019-2024

- The proposed portion of Erf 1100 Piketberg is earmarked in the Bergrivier Municipality Spatial Development Framework 2019-2024, as land for strategic development and residential infill.



- The proposed development does promote densification on strategic vacant land parcels in close proximity to accommodate existing infrastructure capacities consistent with the directives and guidelines of Municipal Spatial Development Framework 2019-2024.

Conditions are imposed to address internal and external departmental comments. The zoning scheme by-law allows a side building line departure with the neighbours' written consent, at this stage the total property is in the ownership of Bergrivier Municipality. The proposed development will integrate and be compatible with the area's existing residential character.

Giving regard to aforesaid legislative consideration criteria; the rezoning, subdivision, the closing of a Portion of public place Erf 1100 Piketberg and permanent departures to enable the propose infill residential development is considered consistent with the development principles of the Spatial Planning and Land Use Management Act, 2013 as well as the applicable imperatives of the South African Constitution.

PTN008/09//2022

APPLICATION FOR REMOVAL OF RESTRICTIONS AND CONSENT USE:

ERF 1688, LAAIPLEK

L. 1688

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

RESOLUTION: APPROVED IN PART

1. That the application for removal of restrictive title conditions F(g) and F(g)(i) as held in Title Deed No. T 81155/2002 pertaining to Erf 1688, Laaiplek, **BE APPROVED**, in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject thereto that the applicant applies to the Registrar of Deeds to make the appropriate entries in, and endorsements on, the title deed to reflect the removal of the restrictive conditions; and
2. That the application for Consent Use in order to allow the operation of a house shop from a portion ($\pm 17.9m^2$ in floor area) of a proposed structure on Erf 1688, Laaiplek, **BE REFUSED** in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning, for the reason provided in the reason for recommendation.

REASONS FOR RESOLUTION

Section 65 of Bergrivier Municipality: By-Law on Municipal Land Use Planning requires the consideration of the applicable policies of the Municipality that guide decision making.

The proposed house shop does not comply with the distance requirements of the house shop policy and falls within the 200m radius from other house shops and is within 500m in the same street from a house shop.

**TOWN PLANNER
(WEST)**



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SEPTEMBER 2022 AT 11:00 ON MS TEAMS**

PTN009/09//2022

DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday, 20
October 2022** at **11:00** on an Electronic Platform.

**COMPLIANCE
OFFICER**

NOTED

**THE MEETING ADJOURNED AT 11:21
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**



CHAIRPERSON



DATE
