

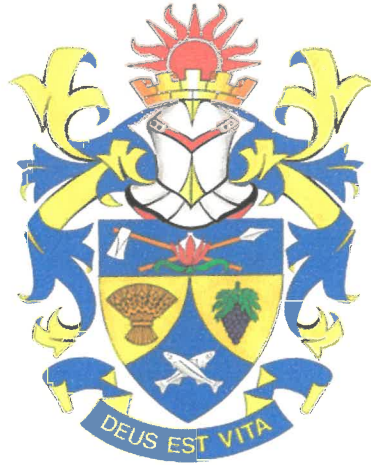
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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, 14 NOVEMBER 2024 AT 11:00 ON MS TEAMS, AN ELECTRONIC PLATFORM.

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Manager: Expenditure, SCM and Assets (Mrs N Bothma)
External Member (Ms D Kotze)
External Member (Mr J de Jongh)

OFFICIALS

Manager: Town Planning & Environmental Management (Mr W Wagener)
Town & Regional Planner (West) (Mr H Vermeulen)
Compliance Officer (Mr S Lombard)

ACTION

PTN001/11/2024

OPENING AND WELCOME

The Chairperson opened and welcomed everyone to the meeting.

PTN002/11/2024

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Director Corporate Services (Mr JWA Kotzee: Vice – Chairperson) – Ignite conference.

Director Technical Services (Mr D van Turha) – Strategic session.

PTN003/11/2024

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 declared that they have no personal interest with regards to the item on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal Members.



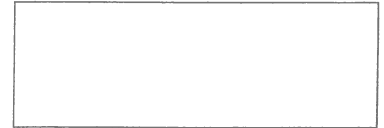


MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 14 NOVEMBER 2024 AT 11:00 ON MS TEAMS, AN ELECTRONIC PLATFORM.

**PTN004/11/2024
COMMUNICATION BY THE CHAIRPERSON**

3/3/1/6

None.



**PTN005/11/2024
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY, 24 OCTOBER 2024 & TUESDAY, 12 NOVEMBER 2024**

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 24 October 2024 and 12 November 2024 be confirmed with the amended changes as discussed and decided.

**ADMINISTRATIVE
OFFICER**

**PTN006/11/2024
APPLICATION FOR REZONING: ERF 804, LAAIPLEK
L. 804**

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

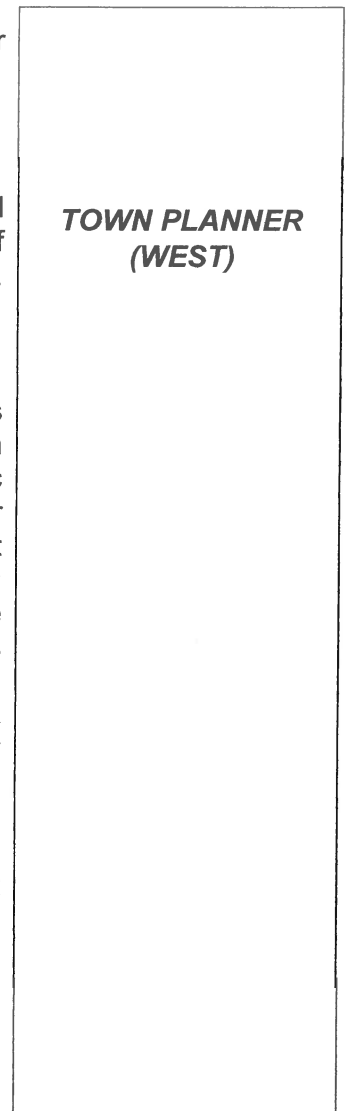
RESOLUTION: BE REFUSED

That the application for rezoning of Erf 804, Laaiplek from Single Residential Zone 1 (Dwelling house) to Industrial Zone 2 (Industry), **be refused**; in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning.

**TOWN PLANNER
(WEST)**

REASONS FOR RESOLUTION

- Sections 22(1) & 42(1)(b) of SPLUMA require that land use planning decisions must be consistent, with the municipal spatial development framework, though the decision maker may depart from the provisions of the SDF in site-specific circumstances (Section 22(2) of SPLUMA) for example physical and/or locational attributes. The BMSDF (2024-2029) does not earmark the subject property for a specific purpose, thus confirming the current residential zoning of the property as desirable. The property falls within Zone B, described in the BMSDF as a low to medium-density residential area with supporting amenities and recreational uses. It allows for various mixed uses within the identified mixed-use precinct. Zone B does not allow for light industrial / Service Trade & Industries. The application for rezoning of the property to allow for an Industry (warehouse) is regarded as inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029).
- Section 42(1)(c)(i) of the Spatial Planning and Land Use Management Act (SPLUMA) states that the public interest must be taken into account when considering and deciding on an application. Should the property be rezoned to Industrial Zone 2, it will however allow the property to be used for all the primary land use rights of Industrial Zone 2, not exclusively for a warehouse. It can therefore not be guaranteed that the use of the proposed will not change in future. The objectors are already subjected to noise, traffic and smells from





the existing fish processing factory. These issues could be exacerbated by an additional industrial zone property, particularly since this property will be accessed solely from Main Street, via a residential area. Establishing another industrial property in this area will set a precedent for other similar applications to follow, that would further extend the industrial area into the residential neighbourhood and irreversibly change the character of the area.

- The applicant can achieve the goal indicated in the application by means of other methods and that the rezoning is not required to achieve aforesaid goal.

PTN007/11/2024
APPLICATION FOR SUBDIVISION: ERF 4970, LAAIPEK
L. 4970

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

RESOLUTION: BE APPROVED

That the application for subdivision of Erf 4970, Laaiplek into two portions namely Portion A (±426m² in extent) and Portion B (±413m² in extent), in accordance with the subdivision plan Ref: #13566 dated 11/03/2023, **be approved**, in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to the provision of the subdivided portions with separate water, electricity, and sewage connections as well as access. Electrical connections up to the erf boundaries must be made by an electrical contractor, for the cost of the applicant.

REASONS FOR RESOLUTION

- According to Sections 22(1) and 42(1)(b) of SPLUMA, land use planning decisions must align with the municipal spatial development framework. The lack of a specific earmark for the subject property in the Bergrivier Municipal Spatial Development Framework 2019-2024 (BMSDF) supports the continued residential zoning as desirable, affirming that the subdivision is congruent with proposed densification strategies outlined in the BMSDF.
- The Land Use Planning Act (LUPA) Section 59(1)(g) emphasizes the importance of recognizing owners' rights to develop land per existing zoning. The subject property retains a Single Residential Zone 1 designation alongside neighbouring properties, ensuring that the same development rights—including coverage, parking, and building lines—will apply. Since this application solely involves subdivision, no building plans are currently required.
- The subject property (Erf 4970, Laaiplek) stems from the consolidation of Erven 3568 and 3569, with the consolidation diagram registered in 2011 and the consolidated property registered in 2022. The subdivision aims to revert to the original configuration as indicated in General Plan No 1748/2005.
- Section 65(1) of the Bergrivier Municipality By-law mandates consideration of zoning scheme provisions. Per the Bergrivier Municipality: Integrated Zoning Scheme, Single Residential Zone 1 properties are required to have at least one on-site parking bay, ensuring that the development accommodates parking

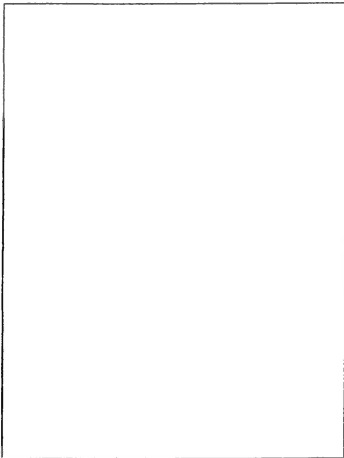
**TOWN PLANNER
(WEST)**



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 14 NOVEMBER 2024 AT 11:00 ON MS TEAMS, AN ELECTRONIC PLATFORM.

needs. As the property is currently vacant, concerns regarding traffic or parking are unfounded and speculative.

- The parking challenges voiced by residents on Schooner Drive are attributed to the choices and behaviours of current occupants, not the subdivision itself. The roads within Admiral Island, a private security estate, are designed for the exclusive use of residents and their guests. Thus, the subdivision application is not responsible for existing parking issues, and future property owners will have to comply with the requisite on-site parking regulations.
- The roads within the development were specifically designed to accommodate the types of properties indicated in the General Plan. As such, the subdivision of this property aligns with the planned infrastructure.



**PTN008/11/2024
DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday, 13 February 2025** at 11:00 on an Electronic Platform.

**ADMINISTRATIVE
OFFICER**

NOTED


**THE MEETING ADJOURNED AT 11:50
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**



CHAIRPERSON

18/11/24
DATE

The MPT further confirmed their availability during December 2024 and January 2025 should any applications be ready for submission, to stimulate development and process applications faster.


18/11/24

