

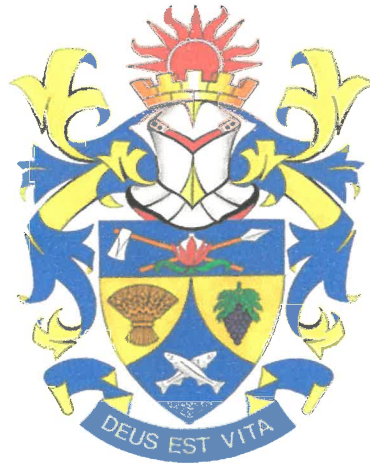
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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, 24 OCTOBER 2024 AT 11:00 ON AN ELECTRONIC PLATFORM, MS TEAMS.

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Director Corporate Services (Mr JWA Kotzee: Vice – Chairperson)
Director Technical Services (Mr D Van Turha)
Manager Expenditure, SCM and Assets (Mrs N Bothma)
External Member (Mrs D Kotze)
External Member (Mr J de Jongh)

OFFICIALS

Manager: Town Planning & Environmental Management (Mr W Wagener)
Town & Regional Planner- West (Mr H Vermeulen)
Town & Regional Planner- East (Mr K Abrahams)
Administrative Officer (Mr S Lombard)

ACTION

PTN001/10/2024

OPENING AND WELCOME

The Chairperson opened and welcomed everyone to the meeting.

PTN002/10/2024

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

None.

PTN003/10/2024

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 items 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, 24 OCTOBER 2024 AT 11:00 ON AN ELECTRONIC PLATFORM, MS TEAMS.

PTN004/10/2024

COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

That the Chairperson of the Municipal Planning Tribunal requested the Manager: Town Planning & Environmental Management via the Vice Chairperson to give feedback to the Tribunal Members regarding their term as Tribunal Members, how many years are left and who may be re-elected again.

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

Internal Members:

- Municipal Manager: Chairperson (Adv. Hanlie Linde) for additional period calculated from date of resolution, taken on 28 July 2020, but not exceeding 5 years. Second term ends 27 July 2025.
- Director Corporate Services: Vice- Chairperson (Mr JWA Kotzee) Appointed 14 August 2020. Second term ends 13 August 2025.
- Director Technical Services: (Mr Denwin van Turha) Appointed 8 December 2023. First term ends 7 December 2028.
- Manager Expenditure and Supply Chain Management: (Mrs Nelmarie Bothma) Appointed 17 May 2024, first term ends 16 May 2029.

External Members:

- Provincial Government, Mr Johan de Jongh, appointed July 2021 and first term ends July 2026.
- West Coast District Municipality, Ms Doretha Kotze, appointed 14 August 2020 and second term ends 13 August 2025.

PTN005/10/2024

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY, 20 JUNE 2024

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 20 June 2024 be confirmed.

ADMINISTRATIVE OFFICER

PTN006/10/2024

APPLICATION FOR CONSENT USE: ERF 211, AURORA

A. 211

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

RESOLUTION: BE REFUSED

That the application for consent use to allow the erection of a 25m freestanding telecommunication base station and associate infrastructure on Erf 211, Aurora, **be refused**; in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning, for the following reasons;

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- a) the 25m telecommunication base station mast will be higher than other buildings or structures in the immediate surrounding area and will tower



above the current skyline of the surrounding neighbourhood, detracting from the character of the surrounding area.

- b) The site selected for the proposed telecommunication base station and associated infrastructure is topographically located on a lower-lying part of Aurora, necessitating a high mast tower to attain sufficient coverage.
- c) The applicant failed to adequately motivate why the proposed site is the most suitable for the proposed development, and did not appropriately consider alternative sites, or options for co-location on existing high-rise buildings/structures or rooftop telecommunication base stations in areas with lower visual sensitivity.

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 Bergrivier Municipal Spatial Development Framework (BMSDF) of 2024-2029 advocates the establishment and careful placement of communication network facilities, data centres, and telecommunication towers in rural areas and on agricultural land, considering environmental and community sensitivities. The BMSDF proposes the following for Aurora: Protect and intensify CBD; Promote tourism destination, Keep commercial buildings, services, signage and colours aligned with the residential rural character; Protect surrounding landscape and delineate a development line along the foot of Platberg; Promote the use of the settlement as film setting; Encourage commercial intensification along activity streets; Keep Sandveld character in business node located along main road of this low-density residential settlement.
- The proposal contrasts with the settlement proposals made by the BMSDF for Aurora, since it would visually detract from the rural Sandveld character of the town. The placement of the proposed development is considered insensitive to the receiving setting, and would counter the promotion of Aurora as a tourism destination. Although the proposal helps to facilitate intensification of land use in the central business district and along activity streets, the proposal fails to appreciate the character of the town that needs to be protected. No sufficient visual mitigation measures have been proposed and no alternative sites have been identified by the applicant to mitigate the potential negative impact of the proposed development. The erection of a telecommunication base station and mast with a height of 25m, will have a negative impact on the character of Aurora, being located among buildings with heights of ± 8 m or less, without sufficient mitigation measures to address the visual impact.
- 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. A total of 17 objections were submitted against the application, with a petition signed by 218 persons, as opposed to three letters in support of the application with a petition in favour of the application signed by 136 persons. The concerns raised by the objectors are considered to have merit and could not be adequately mitigated or addressed by the applicant.



- Section 59(3)(a) of the Land Use Planning Act, 2014 (Act 3 of 2014) requires consideration of Spatial Efficiency principle, whereby land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities. This application fails to substantiate the principle of spatial efficiency by failing to consider or allow for co-location, placement on existing infrastructure or buildings, and by being located at the fringe of the residential area it is intended to provide network coverage. Co-location will reduce the need for numerous telecommunication infrastructures visually impacting the landscape character and skyline of the small rural town negatively. Not allowing for co-location of telecommunication infrastructure, does not favour the principle of efficient use of land resources, and only serves to provide network coverage to clients of the network operator without benefitting the larger community.
- The application is not regarded desirable from a planning perspective in terms of section 65 of Bergrivier Municipal By-Law relating to Land Use Planning taking into account the relevant desirability factors applicable.

PTN007/10/2024

APPLICATION FOR REMOVAL OF RESTRICTIONS: ERF 47, EENDEKUIL

E. 47

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

RESOLUTION: APPROVED CONDITIONALLY

- 1) That the application made in terms of section 15 of Bergrivier Municipality: By-Law on Municipal Land Use Planning for removal of restrictions E.6(b) & E.6(d) from Deed of Transfer T13372/1984 applicable to Erf 47, Eendekuil in order to allow the construction of a 18m tree type high freestanding telecommunication base station and associated infrastructure on a portion ($\pm 64m^2$) of the property, **be approved** in accordance with the plans submitted (drawings number 05030-P1 dated 27-03-2024, drawn by A Rodrigues) in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to;
 - a) The telecommunication base station must be moved to the centre of the rear boundary of the property (amended site plan must be submitted with building plans submission);
 - b) The telecommunication base station and mast must allow for co-location of other service providers.
 - c) The base station must be securely fenced off and access must be restricted.
 - d) Should there be scientifically proved by the department of health in the Western Cape that there are negative health effects from the base stations (in accordance with acceptable standards), it must be rectified, or if it fails to comply, be decommissioned.
 - e) Compliance with the requirements of ESKOM's letter of comment referenced 14991-24 dated 28 May 2024;
 - f) The structure and associated infrastructure must be removed at

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developer's cost if it falls into disuse; and

- g) This approval does not exempt the application from complying with any other statutory requirement in terms of law.
- 2) That the applicant at whose instance this restrictive title deed conditions are removed/amended must, after the publication of a notice contemplated in terms of section 33 (6) of Bergrivier Municipality By-law on Municipal Land Use Planning, in the Provincial Gazette, apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal/amendment of the restrictive conditions prior to any building plan approval.

REASONS FOR RESOLUTION

- **Bergrivier Municipal Spatial Development Framework (MSDF) 2024-2029**

Erf 47, Eendekuil is located within Zone A, which is a low-density residential area with supporting amenities. Zone A provides for limited residential development as well as mixed use development. Areas identified for small-scale agriculture/community garden in terms of Bergrivier Municipal Spatial Development Framework (MSDF) 2024-2029. The application for removal of restrictions will not change the zoning of the property which allows primary land use rights such as telecommunication infrastructure/utility service on the property, it is therefore submitted that this application for removal of restrictions does not give rise to circumstances inconsistent with the BMSDF 2024-2029.

- **Bergrivier Municipality Integrated Zoning Scheme By-law.**

Erf 47, Eendekuil has been developed with historical telecommuting infrastructure and a generator by TELKOM as back up during electrical outages. Allowing a 18m tree type freestanding telecommunication base station is also a primary land use right on the property already zoned Authority Zone 1, even though located in a dominantly residential neighbourhood. The zoning of the property will remain the same. The development parameters as determined by the Municipality apply which is imposed as conditions. The application for removal of restrictions can't change the zoning of the property.

- **Development Principles: Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Allowing the removal of restriction application for the proposed infrastructure should help ensure improved access to telecommunication coverage for a larger group of residents. It should be noted only clients of the specific networks within a 500m radius around the proposed freestanding base telecommunication station and tower would benefit from this service, thereby not resulting in exclusion within the coverage area. Spatial integration is also addressed by helping ensure better telecommunication coverage in an area where limited infrastructure exist at present.

Development should optimise the use of existing resources, infrastructure, land and facilities. The development would allow for co-location of other network operators using the same telecommunication base station site and mast, thus reducing the need for additional base stations and masts in the



area. No Municipal Electrical Services or Civil Services is affected by the proposal. ESKOM have no objections against the proposal indicating that the telecommunication base station can be sustainably and efficiently accommodated at its current position.

• **Environmental consideration**

The proposed telecommunication base station and associated infrastructure is exempted from requiring Environmental Authorisation in terms of the National Environmental Management Act, 1998 and Impact Assessment Regulations, 2014 as amended, as it is located within the urban edge. (Confirmed by the Department of Environmental Affairs & Development Planning in their letter dated 02 February 2021, referenced 16/3/3/6/1/F1/5/2013/21).

• **Health consideration**

In a statement letter made by the Department of Health dated 8 September 2020 on the Health Effects of base stations states the following: In June 2005 the international electromagnetic field Project hosted a workshop that was aimed at considering the possible health consequences of the emissions from cellular base stations and wireless networks. The summary of this workshop was summarised in a two page fact sheet. The following is an extract from this fact sheet which is still considered by WHO as the summary of the findings to date i.e. **‘considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF Signals from base stations and wireless networks cause adverse health effects.’**“A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use.”

There is no sustaining evidence to proof the contrary than what is contained Department of Health’s letter as competent authority. Erf 47, Eendekuil was also historically developed with telecommunication infrastructure in line with the zoning of the property and the proposed 18m tree type freestanding base station is also a primary land use on the property. A condition is however installed to address the concern of the objector.

PTN008/10/2024

APPLICATION FOR CONSOLIDATION: ERVEN 24, 45 & 960, PIKETBERG

PB. 24, 45 & 960

The Town & Regional Planner gave a summary of the item under discussion.



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 24 OCTOBER 2024 AT 11:00 ON AN ELECTRONIC PLATFORM, MS TEAMS.

RESOLUTION: BE APPROVED

That the application is made in terms of section 15 of Bergrivier Municipality: By-Law on Municipal Land Use Planning for consolidation of Erven 24 ($\pm 5990\text{m}^2$ in extent), 45 ($\pm 7960\text{m}^2$ in extent) & 960 ($\pm 671\text{m}^2$ in extent), Piketberg to create consolidated property of $\pm 14621\text{m}^2$ in extent for municipal purposes/authority purposes, **be approved**; in terms of section 60 of Bergrivier Municipality: By-Law on Bergrivier Municipal Land Use Planning.

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REASONS FOR RESOLUTION

- Consolidation of these properties is to rectify the encroachments of historical buildings over cadastral boundaries between different erven to create a single authority zoned land unit for further development of municipal offices/expansion of municipal services. Consolidation of the properties will also not require additional municipal engineering services and access to the newly created land unit is available from Church Street (activity street) being efficiently located within available resources. The application does not give rise to circumstances inconsistent with the development principles of SPLUMA and is therefore considered to be consistent.
- The properties are in Zone B, which is a low to medium density residential area with supporting amenities and a secondary business node. The area provides opportunities for infill mixed density residential uses and other supporting social facilities. Allowing the consolidation will rectify historical encroachment over cadastral boundaries and expansion of municipal offices (support services). The properties is already used for authority purposes (municipal support services/amenities) consistent with the zoning and consolidation thereof will not give rise to circumstances that is in conflict with the Bergrivier Spatial Development Framework 2024-2029.
- The proposed consolidation will create a more suitable land unit that is currently collectively used for authority purposes (municipal offices, library and off-street parking).
- The zoning of the property will remain as is and continue to be used for municipal purposes. Similar support facilities are in the immediate vicinity i.e. the police station, places of instruction, places of worship. The application is therefore considered compatible with the surrounding land uses and will not result in change in character with the surrounding area.
- No objection was received against the proposed application during public participation.

PTN009/10/2024

**APPLICATION FOR TEMPORARY DEPARTURE: ERF 1539, PIKETBERG
PB. 1539**

The Town & Regional Planner gave a summary of the item under discussion.

RESOLUTION: BE REFUSED

That the application made in terms of section 15 of Bergrivier Municipality: By-Law on Municipal Land Use Planning for temporary departure (5 years) in order to allow the operation of a neighbourhood shop (sale of take-away foods) from a proposed outbuilding ($\pm 21.5\text{m}^2$ in extent) on Erf 1539, Piketberg, **be refused** in terms of section 60 of Bergrivier Municipality By-law on

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Municipal Land Use Planning, for the reasons provided in the reasons for resolution.

REASONS FOR RESOLUTION

• **BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone A, which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct. The subject property is not located along an activity street/corridor/secondary business node where secondary businesses including neighbourhood shop (take-away food shop) is promoted.

Activity streets in certain areas has been identified to accommodate a variety of land uses i.e. secondary businesses etc. to promote connectivity between precincts (residential areas) to improve mobility and walkability (1000m/1km). The proposed application does not take into account these identified areas in line with the envisioned spatial restructuring of town. The street / walking distance to the secondary CBD is between ±154m to ±483m.

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029).

• **ZONING SCHEME BY-LAW**

The objective of Single Residential Zone 1 “is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, where each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the dominant use of the property remains residential, and impacts of such uses do not adversely affect the quality and character of the surrounding residential environment.”

This area is dominantly Single Residential Zone 1, allowing secondary business uses / neighbourhood shop (take-away food shop) are not consistent with the objective of aforesaid zone, it is submitted that business land uses will set precedent for similar business uses to emerge which will have a negative impact on the quality and character as well as safety and security of this neighbourhood.

• **DESIRABILITY**

Allowing business land uses (neighbourhood shop/ take-away food shop) within a dominant Single Residential Zone 1 area opposite a public open space will set a precedent for similar land uses to emerge which will negatively impact the ability to enjoy residential properties for the main purpose intended as well as detract from quality and character of this area.

A neighbourhood shop (take-away food shop) can also attract unwanted activities to this area which will have an impact on safety and security, which is not compatible or adaptable to this area.

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Other income generating options are allowed as primary land use (i.e. home occupation; B & B; letting to lodger etc.) or by means of application as consent use in terms of the zoning scheme by-law which may be more adaptable and acceptable for spatial transformation of the area in line with current norms and standards (zoning scheme by-law and Spatial Development Framework 2024-2029).

TOWN AND REGIONAL PLANNER (EAST)

**PTN010/10/2024
APPLICATION FOR REZONING, CONSENT USE & DEPARTURE: ERF 3147, PIKETBERG
PB. 3147**

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

RESOLUTION:BE REFUSED

That the application made in terms of section 15 of Bergrivier Municipality: By-Law on Municipal Land Use Planning for rezoning of a portion (±56.3m² in extent) of Erf 3147, Piketberg from Single Residential Zone 2 to Business Zone 3 (neighbourhood shop) and consent use to allow the operation of a liquor store (±22.2m² in extent) on the rezoned portion as well as permanent departure of the street centreline setback from 8m to 6m to accommodate the encroachment of an existing structure on the rezoned portion of the property, **be refused** in terms of section 60 of Bergrivier Municipality: By-Law Municipal Land Use Planning, for the reasons provided in the reasons for resolution:

TOWN AND REGIONAL PLANNER (EAST)

REASONS FOR RESOLUTION

• **IDP 2022-2027**

The overarching objective of the Community Safety Plan (31 May 2022) as referred to in the amended Integrated Development Plan 2022 – 2027 (REVIEW 2024/25) other states:

Bergrivier is a cohesive, safe and inclusive community with opportunities for all residents.

Sub objectives of the Plan is to among other :

*** To reduce substance and alcohol abuse in Bergrivier;**

Allowing the continuation of a liquor store within a residential component of the Piketberg neighbourhood, will promote an environment for additional alcohol use.

One of the activities as provided in the amended Integrated Development Plan 2022 – 2027 (REVIEW 2024/25) to **reduce alcohol abuse** was to undertake research detailing the correct zoning for liquor outlets, the current property is not zoned for the establishment of liquor store and no provision has been made to allow a liquor store as consent use on the current property.





Bergrivier Municipality Integrated Zoning Scheme By-law and Bergrivier Municipality Spatial Development Framework 2024-2029 already provide the correct zoning category for such land uses and Spatial Development Framework 2024-2029 has earmarked areas in the immediate vicinity for secondary business utilisation which are appropriate for the establishment of a liquor store in Piketberg Area. The application does not take into account the provision of the IDP 2022-2027, and therefore the proposed liquor store associated within this residential component of the Piketberg neighbourhood is not consistent / in line with the objectives of the IDP.

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• **Bergrivier Municipality Spatial Development Framework 2024-2029.**

The property is located in Zone A, which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts. The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses (Business Zone 3) including liquor stores is promoted. The property is located within a dominant residential neighbourhood and businesses utilisation on this property for this property is not desirable in terms of spatial policy.

Activity streets in certain areas has been identified to accommodate a variety of land uses i.e. secondary businesses etc. to promote connectivity between precincts (residential areas) to improve mobility and walkability (1000m/1km). The proposed application does not take into account these identified areas in line with the envisioned spatial restructuring of town.

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), as site specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

Section 65 (s) of the Bergrivier Municipal By-law on Municipal Land Use Planning requires consideration of the provisions of the applicable zoning scheme.

Business Zone 3 (Neighbourhood Shop): The objective of this zone is to provide for low intensity commercial and mixed-use development, which serves local neighbourhood needs for convenience goods and personal services. Such development should be limited in scale and nature and capable of integration into the adjacent residential neighbourhood, without adversely affecting the amenity of the residential neighbourhood. While mixed use development is encouraged, care must be taken not to compromise business operations.

The proposed liquor store does not sell sustenance and convenience goods as well as provide personal service to the surrounding area and therefore it is not consistent with objective of Business Zone 3. Allowing this liquor store to continue will affect the amenity of a dominant residential neighbourhood.



Section 65 of Bergriver Municipality By-law on Municipal Land Use Planning requires consideration of the development principles provided in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The proposed application for the permanent operation of the liquor store will allow the sale of alcoholic beverage in a residential component of the Piketberg neighbourhood. Allowing the sale of alcoholic beverages to continue in a residential component of the Piketberg neighbourhood will contribute towards continued eroding of the sustainability of the residential component as a living environment. Children/residence are exposed to negative aspects associated with the abuse of alcohol, which can negatively affect their social wellbeing. Spatial Justice should be achieved by bringing supporting facilities/land uses in closer proximity to the community that enhance their social well-being, in line with the envisaged future as provided in the Municipal Spatial Development Framework 2024-2029. Sufficient alternative areas has been earmarked within the Municipal Spatial Development Framework 2024-2029 for business utilisation in Piketberg to address past spatial imbalances, which is considered more appropriate for such land uses.

The location of the proposed liquor store does not take into account future spatial form by strengthening the existing commercial or secondary business node areas in Piketberg i.e. Parts of Watsonia Street as provided in the Municipal Spatial Development Framework 2024-2029, where sustainable business utilisation should be promoted. The location of the proposed liquor store can also attract unfamiliar person into the residential component of the neighbourhood, which has the potential to result in an unsafe living environment affecting the social well-being of the community.

The proposed application is regarded inconsistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

• **The desirability of the proposal**

A liquor store does not sell sustenance goods. A liquor store is furthermore usually characterised as an land use that attract relatively large number of customers, which will bring noise nuisances and unfamiliar persons into the residential component of the Piketberg neighbourhood , which has the potential to result in an unsafe living environment affecting the social well-being of the community. It is therefore submitted that the continuation of the liquor store at this location is not compatible nor desirable in this residential component of the Piketberg neighbourhood.

Alcohol abuse is a reality in Piketberg which affects the social well-being of the community, and allowing the liquor store to continue in this residential component of the Piketberg neighbourhood will lead to: unwanted disturbances from clients, unfamiliar persons entering the area, as well as impact on the social well-being of the community; thereby giving rise to an unsustainable residential environment. The applicant could have explored other alternatives in the earmarked business/secondary business nodes in Piketberg, which would have been more acceptable, subject to process and evaluation in terms of planning law.

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PTN011/10/2024

APPLICATION FOR CONSENT USE: ERF 3090, PIKETBERG PB. 3090

The Town and Regional Planner gave a brief summary of the item under discussion.

RESOLUTION:BE REFUSED

That the application for consent use in order to allow the operation of a house shop from an existing garage(22m²) on Erf 3090, Piketberg (37 Alwyn Street), **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 resolution.

REASONS FOR RESOLUTION

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

• **Bergrivier Municipality Policy relating to House Shops**

The application do not comply with requirements in section 5. (3) of Bergrivier Municipality Policy relating to House Shops and factual information available proof aforesaid. The requirements reads as follow:

“ 3. A house shop will only be allowed every 500m of street and not within a 100m radius from another house shop.”

Policy requirements in terms of street distance where approved house shops are allowed from one another have not changed since the previous consent use application during 2022, and therefore no alternative conclusion could be reached. The proposed house shop does not comply with aforesaid street distance requirement from the approved house shop located on Erf 3133, Piketberg.

• **Bergrivier Municipality Integrated Zoning Scheme By-law**

The zoning scheme determine that one parking bay need to be provided on-site for the dwelling house in addition to this, one parking will also be required for the house shop. No space is available to accommodate the required additional parking bay for the house shop or dwelling house on site, this will cause an unsafe environment to other road users (pedestrian and vehicular traffic) in the vicinity should parking/loading/unloading occur on the side walk or within the road reserve.

• **Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029)**

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts. The subject property is not located along an activity street/corridor or within a mixed use precinct where secondary businesses including house shops is promoted.

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PLANNER
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Activity streets in certain areas has been identified to accommodate a variety of land uses i.e. secondary businesses etc. to promote connectivity between precincts (residential areas) to improve mobility and walkability (1000m/1km). The proposed application does not take into account these identified areas in line with the envisioned spatial restructuring of town. Watsonia Street (activity street) for secondary businesses are located approximately 73m from Erf 3090, Piketberg,

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PLANNER
(EAST)**

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), as site specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

PTN012/10/2024

DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday, 14 November 2024** at **11:00** on an Electronic Platform.

**ADMINISTRATIVE
OFFICER**

NOTED

**THE MEETING ADJOURNED AT 12:16
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

CHAIRPERSON

**18/11/24
DATE**