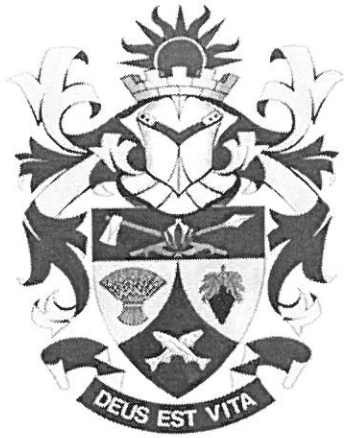


**VISIE:**

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 TUESDAY 06 FEBRUARY 2018 AT 11:30 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, PIKETBERG**

**PRESENT**

**MEMBERS**

Municipal Manager (Adv. H Linde: Chairperson)  
Director Corporate Services (JWA Kotzee: Deputy Chairperson)  
Director Technical Services (H Kröhn)  
External Member (Ms. S van der Merwe)  
External Member (Ms. D Kotze)  
Director Financial Services (G Goliath)

**OFFICIALS**

Manager: Planning and Development (W Wagener)  
Administration Officer: Planning and Development (Ms J Rosenberg)

**ACTION**

**PTN001/02/2018**

**OPENING AND WELCOME**

The chairperson welcomed everyone to the meeting and the Director Financial Services opens the meeting with a prayer in Afrikaans.

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**PTN002/02/2018**

**REQUEST FOR LEAVE OF ABSENCE**

3/3/1/4

None.

\*\*\*

**PTN003/02/2018**

**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 had no personal interest with regards to any items on the agenda.

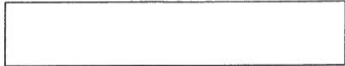
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**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON  
TUESDAY 06 FEBRUARY 2018 AT 11:30 IN THE COUNCIL CHAMBERS,  
MUNICIPAL OFFICES, PIKETBERG**

**PTN004/02/2018**  
**COMMUNICATION BY THE CHAIRPERSON**  
**3/3/1/6**

The chairperson wished everyone well for the new year.



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**PTN005/02/2018**  
**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: TUESDAY 05 DECEMBER 2017**  
**3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Tuesday 05 December 2017 be confirmed with the following correction:

**Page 3**  
**DATE OF NEXT MEETING**

“Tuesday 09 January 2018 at 14:00...”

The chairperson confirmed that a Municipal Tribunal meeting was not held in January because there were no items to discuss.

\*\*\*

**PTN006/02/2018**  
**APPLICATION FOR REZONING AND SUBDIVISION: ERF 2830 & 2831, LAAIPEK**  
**15/3/3; 15/3/4, L. 2830 & 2831**

The Manager: Planning and Development gave a brief summary of the item under discussion.

***Break 11:50 – 12:02***

After thorough discussions and taking into consideration page 74 and page 75 in the agenda as presented, the buffer zone, the high risk line and the scientific study, the following resolution was taken:

**RESOLUTION**

That the application for rezoning and subdivision of Erf 2830 & 2831, Laaiplek **be referred back** for the development proposal to be informed by a current re-evaluation of the impact of coastal erosion, sea level rise and climate change on Erf 2830 & 2831, Laaiplek by an independent Environmental/Coastal Dune Specialist for the reasons listed at the reasons for recommendation.

**REASONS FOR RESOLUTION**

Section 65 (1)(f) of the Bergrivier Municipality: By-Law Relating to Municipal Land Use Planning requires that the Municipality must have regard to investigations carried out in terms of other laws that are relevant to the consideration of the application. Section 4(a)(vii) of the National Environmental Management Act (107 of 1998) requires “that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions” as a consideration for sustainable development. Section 59(2)(e) of the Land Use Planning Act (Act 3 of 2014) requires that “the safe utilisation of land should be ensured by taking into consideration factors such as sea-level rise, storm surges, flooding, fire hazards and geological formations.” The environmental impact assessment

**ADMINISTRATION  
OFFICER:  
PLANNING  
&  
DEVELOPMENT**

**MANAGER PLANNING  
AND DEVELOPMENT**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON  
TUESDAY 06 FEBRUARY 2018 AT 11:30 IN THE COUNCIL CHAMBERS,  
MUNICIPAL OFFICES, PIKETBERG**

and setback line determination for the proposed development was undertaken more than 10 years ago. The 30m buffer area inland of the high water mark, accepted as being adequate to accommodate ongoing long-term shoreline retreat with the Environmental Authorisation granted in 2008 may no longer be sufficient. Predicting the future impact of climate change and sea level rise using assessment data of more than 10 years old could be precarious and insufficient to duly consider the development of Erf 2830, Laaiplek.

In terms of Section 18(9) of the National Environmental Management: Integrated Coastal Management Amendment Act, 2014 (Act 36 of 2014), each municipality approving the rezoning, subdivision or development of a land unit within or abutting on coastal public property must ensure that adequate provision is made in the conditions of approval to secure public access to that coastal public property. Section 42(c) (l) of the Spatial Planning and Land Use Management Act, 2013 also requires that public interest be taken into account when considering applications. According to the application information, the proposed development does not assure provision for coastal public access over Erf 2830, Laaiplek.

Section 15 (1) of the National Environmental Management: Integrated Coastal Management Amendment Act, 2014 (Act 36 of 2014) states that: "No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person." Development on Erf 2830 & 2831, Laaiplek may exacerbate the impact of erosion as such development will prohibit the natural functioning of the dune to protect inland properties from coastal processes. Approval of development that may be susceptible to coastal erosion could be considered as an omission by the Municipality and could require the Municipality to implement measures to rectify or prevent such effects.

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**PTN007/02/2018  
DATE OF NEXT MEETING**

That the next meeting of the Municipal Planning Tribunal be scheduled for Tuesday 06 March 2018 at 11:00 in the Council Chambers, Municipal Offices, Piketberg.

**NOTED**

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**MANAGER PLANNING  
AND DEVELOPMENT**

**THE MEETING ADJOURNED AT 12:45**

**CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

*[Signature]*

**CHAIRPERSON**

*16/2/18*

**DATE**

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