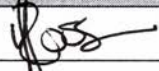

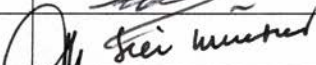


Die MB sal **GEEN** dokumente onderteken voordat die Direkteur:
Korporatiewe Dienste dit nie bestudeer en geproeflees het nie.

OP LAS
MUNISIPALE BESTUURDER

Aard van dokument: Notule | Agenda | ~~Brief~~ | ~~Memo~~ | MPT 21 OKT 2021

	Naam	Handtekening	Datum
Skrywer	A van Rossum		25-10-2021
Hoof / Toesighouer	--	--	--
Bestuurder	W Wagener		25/10/2021
Direkteur	JWA Kotzee		25/10/21

Danke


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 OCTOBER 2021 AT 11:00 ON ELECTRONIC PLATFORM

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Director Corporate Services (Mr Vivian Kotzee: Deputy Chairperson)
Director Community Services (Mr D Josephus)
External Member (Ms D Kotze)
External Member (Mr J de Jongh)

OFFICIALS

Manager: Town Planning & Environmental Management (W Wagener)
Town & Regional Planner (West) (H Vermeulen)
Town & Regional Planner (East) (K Abrahams)
Senior Typist (J Rosenberg)

ACTION

PTN001/10/2021

OPENING AND WELCOME

The Chairperson welcomed everyone to the meeting. The Director: Community Services opened with a prayer.

PTN002/10/2021

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Manager Civil Engineering Services (Mr JJ Breunissen) – previous engagement
Compliance Officer (A van Rossum) - leave

PTN003/10/2021

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

3/3/1/6

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MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 21 OCTOBER 2021 AT 11:00 ON ELECTRONIC PLATFORM

The chairperson declared a collective interest in items 6 – 9 as they involve municipal land. 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.

PTN004/10/2021
COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

None

PTN005/10/2021
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 16 SEPTEMBER 2021
3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 16 September 2021 be confirmed with the following amendments:
That the numbering be corrected and Mr D Josephus be added to the members present.



COMPLIANCE OFFICER

PTN006/10/2021
APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE, CLOSURE OF PUBLIC PLACE, AMENDMENT OF GENERAL PLAN AND REGISTRATION OF SERVICE SERVITUDES: ERVEN 324 AND 369 EENDEKUIL
E. 324 & E. 369

The Town Planner (East) 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 the following respectively:
 - a) Rezoning of Erf 324 Eendekuil (±2014m²) from Open Space Zone 1 to Subdivisional Area in order to accommodate the following properties respectively:
 - 9 Single Residential Zone 2: Dwelling House (Walk up ±112-160m² in extent);and
 - 1 Transport Zone 2: Public Street (±810m² in extent).
 - b) Subdivision of Erf 324 Eendekuil into 10 newly created properties;
 - c) Permanent departure of the common boundary building line to accommodate semi-detached dwelling houses on the Single Residential Zone 2 “walk up” (double storey semi-detached) properties where applicable;
 - d) Amendment of General Plan 3614/2001 to accommodate the proposed development;
 - e) Closure of Erf 324 Eendekuil as Public Place, to accommodate the

TOWN PLANNER (EAST)





MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 21 OCTOBER 2021 AT 11:00 ON ELECTRONIC PLATFORM

proposed development; and

- f) Registration of service servitudes to accommodate existing electrical and sewer lines,

BE APPROVED in terms of Section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning.

- 2. That the applications made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for the following respectively :

- i) Rezoning of Erf 369 Eendekuil ($\pm 5548\text{m}^2$) from Open Space Zone 1 to Subdivisional Area in order to accommodate the following properties respectively:

- i) 24 Single Residential Zone 2: Dwelling House (Walk up $\pm 100\text{m}^2$ - 318m^2 in extent);
- ii) 1 Transport Zone 2: Public Street ($\pm 1417\text{m}^2$ in extent); and
- iii) 2 Open Space Zone 1 : Public Open Space ($\pm 282\text{m}^2$ and $\pm 958\text{m}^2$ in extent).

- ii) Subdivision of Erf 369 Eendekuil into 27 newly created properties;
- iii) Permanent departure of the common boundary building line to accommodate semi-detached dwelling houses on the Single Residential Zone 2 "walk up" properties where applicable;

- iv) Amendment of General Plan 3614/2001 to accommodate the proposed development;

- v) Closure of Erf 369 Eendekuil as Public Place, to accommodate the proposed development; and

- vi) Registration of a 7m wide service servitude to accommodate existing electrical line,

BE APPROVED in terms of Section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning.

- 3. That the approval of points number 1 and 2 is subject to the following conditions:

3.1. That the street names (Annexure A) on the layout plan referenced EEN/11473/ZN, dated July 2020 be registered at the Surveyor General;

3.2. Attention should be given to parking requirements when dwelling units are placed;

3.3. Compliance with all other development parameters provided in the applicable zoning scheme by-law;

3.4. Compliance with the conditions of Department of Water Affairs and Sanitation's letter referenced 16/2/7/G30B/A/11 dated 26 August 2021, which is applicable to Erf 369 Eendekuil;

3.5. Compliance with the conditions of Heritage Western Cape's letter referenced HM/WEST , COAST/BERGRIVIER/FARM 369, 324 AND PTN OF ERF 70 dated 30 September 2020;



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 21 OCTOBER 2021 AT 11:00 ON ELECTRONIC PLATFORM

- 3.6. Proposed Engineering Services connections to existing municipal bulk infrastructure must be installed/connected in accordance with the specification of this Municipality's Technical Directorate, prior to construction of units;
- 3.7. 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
- 3.8. That the access roads to the objectors' erven be surveyed as part of this development and that their erf access be properly pointed out and secured.

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 Eendekuil. The proposed developments on Erven 324 and 369 Eendekuil are well located in the vicinity of an existing primary school, local businesses, sport fields, clinic, taxi rank and municipal offices. The proposed applications are considered appropriate as they will give easy access for people to support services/facilities as well as offer accommodation within walking distance contributing to improved access to support services/facilities and redressing the imbalances of the past resulting in communities that are viable. No comment was received from Department of Environmental Affairs and Development Planning during public participation regarding listed activities in the National Environmental Management Act EIA Regulations, 2014 (as amended) that is triggered by the proposed residential infill development. The Environmental Officer of Bergrivier Municipality stated that a listed activity will only be triggered National Environmental Management Act EIA Regulations, 2014 (as amended) if more than one hectare of indigenous vegetation is cleared. Erf 324 is ±2027m² & Erf 369 is ±5548m², the properties are less than one hectare.
- The subject properties are 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 Eendekuil, 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 Eendekuil 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 proposed application does not impact on agricultural land. The public interest was also taken into account in the proposed application by means of reasonable opportunity for public representations.



- The applications were processed as follows: notice in a local newspaper generally circulated in the area, notice in the Provincial Gazette, municipal website, municipal notice boards and serving of notices to surrounding affected property owners.

Provincial Spatial Development Framework 2014

The proposed residential infill developments are located in close walking proximity to existing local businesses, sports field, schools, taxi rank, municipal offices and clinic. The support social services in close proximity to residential infill development on 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 proposed development is consistent with the key transitions as provided in the PSDF 2014.

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

"Subsidy housing development is a function of the five local municipalities in the West Coast District and a function of the local SDF policies according to which land for housing development and densification within the urban edges of the respective local towns, should be identified."

Bergervier Municipality Spatial Development Framework 2019-2024

The Bergervier Spatial Development Framework (BSDF), earmarks 324 and 369, Eendekuil as Open Space Network. The proposed rezoning and subdivision of the subject properties to make provision for infill residential developments is deviating from the Spatial Proposal Map for Eendekuil.

As a rural residential village it is home to current inhabitants, surrounding farm workers and retirees. The current demand for low cost housing is 229 households, for which 40 RDP sites and services are planned for the period 2018 - 2024.

The deviation from Bergervier Municipal Spatial Development Framework, 2019-2024 is regarded appropriate in terms of site specific circumstances, for the following reasons:

- To provide integration with an existing residential neighbourhood;
- Limited municipal owned land exists to accommodate the proposed infill residential development within the urban edge of Eendekuil;
- The proposed site can link to existing municipal infrastructure as confirmed by the Municipal Technical Services Directorate;
- The sites are located in close proximity (walking distance) to support services i.e. primary school, community hall, sport fields, Taxi rank, clinic, local businesses, municipal offices etc.;
- The proposed residential infill development does achieve the densification;
- The proposed residential infill development still makes provision for sufficient public open space to the community; and
- Residential infill development land use approval already exist for Erven 324 and 369 Eendekuil which predates the current MSDF,



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but current demand in housing required a reconfiguration of existing approved development in line with current needs within the existing township instead of accommodating new opportunities through urban expansion.

In terms of the aforesaid reasons and due consideration of section 42 of the Spatial Planning and Land Use Management Act (2013) a departure from the municipal spatial development framework is considered appropriate from a planning perspective.

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 properties are in the ownership of Bergrivier Municipality. The proposed development will integrate and be compatible with the area's existing residential character.

Provision was made for ±3.7m wide access to both Erven 375 and 380 Eendekuil with registration of General Plan No 3614/2001. Erf 369 is a registered public place and not public street, the objectors were never entitled to obtain access to their properties across Erf 369 Eendekuil. The site photos reveal that boundary fences have been constructed by the objectors and adjacent neighbours that do prevent vehicular access from Gousblom Street, this situation was created by objectors without taken into account registered erf pegs and boundaries of their own properties. The objections are dismissed as a result of aforesaid. However, a condition to address the objectors lawful access is imposed.

Giving regard to aforesaid legislative consideration criteria; the rezoning, subdivision, the closing of public places Erf 324 and 369 Eendekuil, amendment of general plan, permanent departures and registration of servitudes to enable the propose infill residential developments are 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.

PTN007/10/2021

APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE AND CLOSURE OF PUBLIC PLACE: UNREGISTERED ERF 493 EENDEKUIL (A PORTION OF REGISTERED ERF 70 EENDEKUIL)

E. 493

The Town Planner (East) 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 the following respectively:
 - a) Rezoning of Erf 493 Eendekuil (a portion of registered Erf 70 Eendekuil, ±2217m²) from Open Space Zone 1 to Subdivisional Area in order to accommodate the following properties respectively:

**TOWN PLANNER
(EAST)**



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- 12 Single Residential Zone 2: Dwelling House (Walk up ±108-170m² in extent);and
- 2 Transport Zone 2: Public Street (±502m² and ±215m² in extent).

- b) Subdivision of unregistered Erf 493 Eendekuil (a portion of registered Erf 70) into 13 newly created properties and Remainder;
- c) Permanent departure of the common boundary building line to accommodate semi-detached dwelling houses on the Single Residential Zone 2 “walk up” properties where applicable;
- d) Closure of Erf 493 Eendekuil as Public Place, to accommodate the proposed development; and
- e) Registration of service servitudes to accommodate electrical and sewer lines,

BE APPROVED in terms of Section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning.

2) That the approval of point number 1 is subject to the following conditions:

- 2.1. That the street names (Annexure A) on the layout plan referenced EEND/11473_4B, dated July 2020 be registered at the Surveyor General;
- 2.2. Attention should be given to parking requirements when dwelling units are placed;
- 2.3. Compliance with all other development parameters provided in the applicable zoning scheme by-law;
- 2.4. Compliance with the conditions of Department of Water Affairs and Sanitation's letter referenced 16/2/7/G30/A/7 dated 24 August 2021;
- 2.5. Compliance with the conditions of Heritage Western Cape's letter referenced *HMMWEST , COAST/BERGRIVIER/FARM 369, 324 AND PTN OF ERF 70* dated 30 September 2020;
- 2.6. Electrical connections to ESKOM's electricity supply lines are subject to compliance with the conditions imposed in their letter of comment referenced 02360-21 dated 27 July 2021;
- 2.7. Civil Engineering Services connections, to existing municipal bulk infrastructure, must be installed/connected in accordance with the specification of this Municipality's Technical Directorate, prior to construction of dwelling units; and
- 2.8. That a geotechnical site investigation be conducted and the recommendations there in be taken into account prior to earthworks and development occurring on site.

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 Eendekuil. The proposed development on Unregistered Erf 493 Eendekuil (Portion of Registered Erf 70) is well located in the vicinity of





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an existing primary school, local businesses, sport fields and community hall. The proposed application is considered appropriate as it will give easy access for people to support services/facilities as well as offer accommodation within walking distance contributing to improved access to support services/facilities and redressing the imbalances of the past resulting in communities that are viable. No comment was received from Department of Environmental Affairs and Development Planning during public participation regarding listed activities in the National Environmental Management Act EIA Regulations, 2014 (as amended) that is triggered by the proposed residential infill development. The Environmental Officer of Bergrivier Municipality stated that a listed activity will only be triggered National Environmental Management Act EIA Regulations, 2014 (as amended) if more than one hectare of indigenous vegetation is cleared, the proposed property is $\pm 2217\text{m}^2$.

- 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 Eendekuil, 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 Eendekuil urban area, contributing to limit urban sprawl, assisting in optimising the use of urban resources and infrastructure. The proposed development is considered sustainable taking into account the aforementioned.
- The proposed infill residential development will link to existing municipal & ESKOM bulk services in accordance with the specification of this Municipality's Technical Directorate and ESKOM electricity supply lines. The proposed new development will be funded by the municipality with a government grant through the Integrated Residential Development Program (IRDP).
- The application was processed as follow: notice in a local newspaper generally circulated in the area, notice in the Provincial Gazette, municipal website, municipal notice boards and serving of notices to surrounding affected property owners. No objections were received.

Provincial Spatial Development Framework 2014

The settlement key transitions to the proposed housing development in Eendekuil as provided on page 32 of the PSDF are as follows:

- *Increased densities in appropriate locations aligned with resources and space-economy*
- *Integration of complementary land uses*
- *Public transport orientation and walkable neighbourhoods*
- *Integrated, clustered and well located community facilities*
- *Diverse tenure options and wider range of housing typologies*

The proposed residential infill development is located in close walking proximity to existing local businesses, sports field, schools and community





hall. The support social services in close proximity to residential infill development on 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 proposed development is consistent with the key transitions as provided in the PSDF 2014.

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

“Subsidy housing development is a function of the five local municipalities in the West Coast District and a function of the local SDF policies according to which land for housing development and densification within the urban edges of the respective local towns, should be identified.”

Bergervier Municipality Spatial Development Framework 2019-2024

The proposed of Unregistered Erf 493 (A Portion of Registered Erf 70) Eendekuil is earmarked in the Bergervier Municipality Spatial Development Framework 2019-2024, as land for strategic development and residential infill. The proposed development does promote densification on property earmarked for such purposes consistent with the proposals of Municipal Spatial Development Framework.

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 Bergervier Municipality. The proposed development will integrate and be compatible with the areas existing residential character.

Giving regard to aforesaid legislative consideration criteria; the rezoning, subdivision, departure, the closing of public place and registration of servitude applicable to Unregistered Erf 493 (A portion of registered Erf 70) Eendekuil are 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.

PTN008/10/2021

**APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE AND CLOSURE OF PUBLIC PLACE: A PORTION OF REMAINDER ERF 1101 PIKETBERG
PB. 1101**

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

RESOLUTION: CONDITIONALLY APPROVED

1) That the applications made in terms of section 15 of Bergervier Municipality By-Law on Municipal Land Use Planning, **BE APPROVED** in terms of section 60 of Bergervier Municipality By-Law on Municipal Land Use Planning for the following (**Phase 1**):

a) Rezoning of a portion of Remainder Erf 1101 Piketberg

**TOWN PLANNER
(EAST)**



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(±2.0924hectare) from Open Space Zone 2 to Subdivisional Area in order to accommodate the following properties respectively:

- 64 Single Residential Zone 2: Dwelling House (±150m² in extent);
- 40 Single Residential Zone 2: Dwelling House (Walk up ±105m² in extent);
- 1 Community Zone 1: Place of Instruction/Place of Worship; and
- 3 Transport Zone 2: Public Street.

- b) Subdivision of Remainder Erf 1101 Piketberg into Remainder Erf 1101 Piketberg and Unregistered Erf 4445 Piketberg (±2,0924 hectare) as well as subdivision of Unregistered Erf 4445 Piketberg (±2,0924 hectare) into 108 newly created portions in accordance with the subdivision plan submitted (Ref no PIK/11472/NJdK_6, dated April 2021);
- c) Permanent departure of the common boundary building line to accommodate semi-detached dwelling houses on the 40 Single Residential Zone 2 “walk up” properties; and
- d) Closure of a portion of Remainder Erf 1101 Piketberg as Public Place, to accommodate the proposed development.

2) That the approval of point number 1 are subject to the following conditions:

- 2.1. That the street names (Annexure A) on the layout plan referenced PIK/11472/NJdK_6, dated April 2021 be registered at the Surveyor General;
- 2.2. Attention should be given to parking requirements when dwelling units are placed;
- 2.3. Compliance with all other development parameters provided in the applicable zoning scheme by-law;
- 2.4. Compliance with the conditions of Department of Water Affairs and Sanitation’s letter referenced 16/2/7/G10H/A/11 dated 27 July 2021;
- 2.5. Compliance with the conditions of Heritage Western Cape’s letter referenced *M/WEST COAST/SWARTLAND/PIKETBERG/STEYNVILLE/PTN OF ERVEN 1100 AND 1101* dated 30 September 2020;
- 2.6. 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 units; and
- 2.7. 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.

REASONS FOR RESOLUTION

Development principles of the Spatial Planning & Land Use Management



Act, 2013

- The proposed land has the potential to assist in the alleviation of the housing need in Piketberg. The subject Portion of Erf 1101 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 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 amount 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 were 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 communicates. 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 settle development, the proposed Portion of Erf 1101 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 1101 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 areas existing residential character.

Giving regard to aforesaid legislative consideration criteria; the rezoning, subdivision, the closing of a Portion of public place Erf 1101 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.

PTN009/10/2021

**APPLICATION FOR REMOVAL OF RESTRICTIONS, SUBDIVISION, REZONING AND CLOSURE OF A PORTION OF PUBLIC PLACE: ERF 1339 AND 1770, PIKETBERG
PB.1339 & 1770**

The Town Planner (East) 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 the following respectively:
 - (a) Removal of restrictive conditions applicable to deed of Transfer T1703/2021, namely condition B. (a), (b), (i) and (ii) in order to create single residential erven, public street, authority erf and public open space;
 - (b) Rezoning of a portion of Erf 1339 Piketberg ($\pm 3400\text{m}^2$) from Single Residential Zone 2 to Subdivisional Area in order to accommodate the

**TOWN PLANNER
(EAST)**



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following properties respectively:

- 7 Single Residential Zone 2: Dwelling House (Portions A,C,D,E,F,G & H $\pm 215-350\text{m}^2$ in extent);
- 1 Authority Zone: Authority use/utility service (Portion B $\pm 455\text{m}^2$ in extent);
- 1 Open Space Zone 1: Public Open Space (Portion J $\pm 176\text{m}^2$ in extent); and
- 1 Transport Zone 2: Public Street (Portion K $\pm 667\text{m}^2$).

(c) Subdivision of Erf 1339 Piketberg into 10 newly created properties;

(d) Subdivision of Erf 1170 Piketberg (footpath) into three portions namely: Portion L ($\pm 286\text{m}^2$ in extent) , Portion M ($\pm 71\text{m}^2$ in extent) and Remainder Erf 1770 Piketberg;

(e) Closure of Portion M ($\pm 71\text{m}^2$ in extent) a portion of Erf 1770 Piketberg as Public Place (Street);

(f) Consolidation of Portion K ($\pm 667\text{m}^2$ in extent) a portion of Erf 1339 Piketberg with Portion L ($\pm 286\text{m}^2$ in extent) a portion of Erf 1770 Piketberg to create a public street;

(g) Consolidation of Portion J ($\pm 176\text{m}^2$ in extent) a portion of Erf 1339 Piketberg with Portion M ($\pm 71\text{m}^2$ in extent) a portion of Erf 1770 Piketberg to create a public open space; and

(h) Rezoning of Portion M ($\pm 71\text{m}^2$) from Transport Zone 2 to Open Space Zone 1 to create a public open space, **BE APPROVED** in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning subject to the following conditions:

(i) Further compliance with Council's decision RVN012/10/2019 of 29 October 2019; and

(j) Compliance with the development parameters as provided in the zoning scheme by-law.

2. That Bergrivier Municipality at whose instance this restrictive title deed conditions are removed must, after the publication of a notice contemplated in terms of section 33 (6) of Bergrivier Municipal Bylaw relating to 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

Municipal Spatial Development Framework 2019-2024



One of the strategic directive of the built environment for Piketberg is as follows:

“Promote densification and redevelopment of brownfield sites to accommodate housing in well located areas of town.”

The intention of the proposal is the formalisation of the existing land uses on a property. However, the creation of three additional land units does contribute to densification in close walking proximity to support community facilities i.e. local businesses, clinic, crèches, school etc. The proposal is well located in town which will result in a sustainable environment. The application is consistent with the MSDF 2019-2024.

Consideration of comments on response to the notice of the application etc.

- No objections were received in response to the notice of the application, during public participation.

Relevant consideration were given to the development principles of Spatial Justice, Spatial efficiency and Spatial Sustainability as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.

Development principle of Spatial Justice and Sustainability:

- The intention of the proposed formalisation of current land uses is to provide tenants the opportunity to become registered land owners in line with Council’s decision RVN012/10/2019 of 29 October 2019. Three additional single residential land units are also proposed in an area where limited housing stock is available for development for the low to medium income group.
- The establishment of registered ownership to tenants will alleviate financial constrains to those who could not previously afford to buy land or a dwelling unit, contributing to spatial justice. The property is located within walking proximity to the local businesses, clinic, community hall, crèches, and churches other, resulting in a sustainable environment.
- Council already confirmed that the Technical Directorate must budget to provide the subdivided portions with access and ensure that access to municipal engineering services is secured. The proposal can therefore be efficiently accommodated within available resources.
- The restrictive title conditions currently prevent the properties development potential in line with spatial transformation directives as proposed in Bergrivier Municipal Spatial Development Framework 2019-2024. Removing the conditions, will promote ownership of land to previously disadvantage communities, and contribute to the social well-being of these families.

Bergrivier Municipality Zoning Scheme By-Law

- Proposed development on each land unit can comply with the development parameters of the zoning scheme by-law.

Conditions are imposed to address compliance with development parameters



and to ensure that access is provided to the properties and municipal engineering services connection is installed.

PTN010/10/2021
APPLICATION FOR REZONING: ERF 1946, PORTERVILLE
PTV. 1946

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

RESOLUTION: REFUSED

That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for rezoning of Erf 1946 Porterville from Single Residential Zone 2 to Business Zone 3 in order to allow the operation of a neighbourhood shop on the property, **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.**

REASONS FOR RESOLUTION

Consistency with the development principles provided in the Spatial Planning and Land Use Management Act 2013

The earmarked CBD focus areas in Monte Bertha do take into account future residential infill opportunities bringing businesses and services in close proximity to low income housing areas. The proposed rezoning of the property at an ad hoc location does not strengthen any of the already existing commercial nodes earmarked for expansion in the area.

The current proposal does not take into account sustainable locations for business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2019-2024 in response to the town's status quo towards a collectively envisioned future. The applicant could have explored alternative options i.e. applying for consent use to operate a house shop while retaining the dominant residential land use.

Bergrivier Municipality Spatial Development Framework 2019-2024

The property is not earmarked for business purposes and is neither located within the identified commercial node areas in the MSDF 2019-2024. The proposed rezoning of Erf 1947 Porterville is located along Long Street which is earmarked as tourism/recreational street in the residential area.

One of the socio-economic strategies in the MSDF 2019-2024 states: *Accommodate new businesses in existing vacant buildings and unlock other vacant sites within the urban central areas of town and Monte Bertha to consolidate commercial activities and social facilities.*

The proposed land use does not strengthen the existing commercial node areas in Monte Bertha Porterville namely Pedro Street and Parts of DJ

**TOWN PLANNER
(EAST)**



Pearce Avenue. The subject property is not adjacent or near these identified secondary CBD areas in Monte Bertha. Ad hoc location does not strengthen any of the already existing commercial nodes. The mentioned business nodes are evenly spaced through the neighbourhood. By strengthening the secondary CBD nodes in Monte Bertha does take into account future residential infill to the west of the subject property.

The spatial concept for Porterville aims to unpack the longer term vision for the town into key strategic responses relating to the issues and opportunities highlighted in the analysis synthesis in the MSDF 2019-2024, and the current proposal at an ad hoc location on Erf 1946 Porterville is not consistent with aforesaid spatial proposals.

The Traffic Services Department has no objection against the proposal, however parking has been provided closure than 10 meters from an intersection, for which no departure has been made. A 3meter side building line restriction adjacent to a residential zone is also required unless written consent has been obtained from the registered adjacent property owner.

PTN011/10/2021

**APPLICATION FOR CONSENT USE: ERF 640, VELDDRIF
V. 640**

The Town Planner (West) gave a brief summary to the item under discussion. The panel thoroughly discussed the item and then held a vote on the decision. The outcome of the voting was 4 in favour of the application and 1 against.

RESOLUTION: CONDITIONALLY APPROVED

That the application for consent use in order to allow a crèche on Erf 640, Velddrif, **BE APPROVED**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

- a) All certifications and licensing must be in place e.g. business license, occupational health and safety certificate, health certificate (from the West Coast District Municipality), fire safety certificate, etc;
- b) Registration at the Department of Social Development is compulsory;
- c) The services provided must primarily be day care and educational, and not medical services;
- d) The services may not operate outside the hours 07:30 to 18:00, between Monday and Friday and reasonably in accordance with the daily routines schedule submitted;
- e) That the children not be allowed outside play time before 09:50;
- f) Not more than 20 children may be registered at a time, or on the property at any time;
- g) 1 bay per 10 children, plus stop and drop facility be provided on site prior to commencement of the crèche;

**TOWN PLANNER
(WEST)**



- h) Proof of compliance with condition (a) and (b) be submitted to this Municipality's Department Town Planning and Development; and
- i) That the swimming pool be secured and access restricted.

REASONS FOR RESOLUTION

Section 7(a) (vi) of the Spatial Planning and Land Use Management Act, 2013 states that a Municipal Planning Tribunal 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.

Section 42(1)(c) of the Spatial Planning and Land Use Management Act, 2013 requires that the public interest, fact and circumstances relevant to the application and the respective rights and obligations of all those affected be taken into account by a Municipal Planning Tribunal when considering and deciding on an application. The letters of support for the proposed development attest to the need for another crèche in Velddrif. Potential trade competition should not be considered as a reason to refuse a land use planning application. The proposed crèche will rather mitigate trade monopolies and overuse/overcrowding of existing crèche facilities, and provide more options to parents/guardian's requiring such a facility.

The subject property is centrally located in Velddrif improving accessibility and convenience thereof for the larger community. Unlike business or industrial zoned properties, residential properties are used to accommodate families, which could often include children. Apart from formal schooling, children are educated, nurtured and allowed to play at the residential properties where families reside. As such it should be expected to find a need for crèches in residential areas, sheltered from distracting, hazardous or busy areas, easily accessible by parents. Having a crèche in a residential area is therefore customary and generally accepted as desirable.

The proposed classrooms on Erf 640, Velddrif will be approximately 12m from the adjacent dwelling house, with a boundary wall of 1.8m high in between. The amount of noise or disturbance of peace from children playing in outside, next to the boundary wall (\pm 6m from the adjacent neighbour's house) is anticipated to be similar of what could be expected in a residential area where children are brought up, interact and play. The boundary walls at the back and sides of the property is expected to also be help ensure privacy to the neighbours and the safety of children. Noises from vehicles, as well as the voices of children and parents, at peak times when children are dropped off or picked up may be a nuisance in the residential area, though only for short periods of time.

In terms of Section 65(d) and (s) of the Bergrivier Municipality: By-Law Relating to Municipal Land Use Planning, the Municipality must have regard to all comments received, including comments from municipal departments, and the provisions of the zoning scheme when considering an application. The Bergrivier Municipality: Integrated Zoning Scheme By-Law requires 1 parking bay per 10 children plus a stop and drop facility for a crèche. The proposed development will provide 3 on-site parking bays, separate to the existing driveway which could serve as additional parking for staff and a



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 21 OCTOBER 2021 AT 11:00 ON ELECTRONIC PLATFORM

stop and drop facility. According to the proposed site development plan, the proposed crèche will provide sufficient on-site parking and comply with the development parameters applicable to a crèche. The proposed crèche will only be allowed 20 children to be registered at the facility at one time. This limitation on the number of children that could be accommodated will help limit noise and traffic, as opposed to an educational facility accommodating a larger number of children.

Section 65 (i) of Bergrivier Municipal By-Law relating to Municipal Land Use Planning requires consideration of the Integrated Development Plan (IDP), including the Municipal Spatial Development Framework (MSDF). According to the MSDF, Velddrif/Laaiplek is under-supplied in terms of social facilities, based on population estimates and provincial standards, and requires an additional 2 Primary-, 1 Secondary School, 2 Crèches, satellite clinic and skills training or MOD facilities. The MSDF states that ensuring excellence in social services, particularly early childhood development and foundation schooling is a challenge facing the municipal area as a whole.

It is generally accepted that supporting facilities and services such as crèches and early childhood development centres can be accommodated in residential areas, although it is not necessarily reflected as such in the spatial planning documents. The proposed application will help achieve the goals and outcomes of the Integrated Development Plan (IDP) 2017-2022 for early childhood development centres by means of improving the quality of education and long-term prospects of future generations as well as provide a job opportunity. The IDP and Municipal Spatial Development Framework (MSDF) do not specifically identify where facilities such as crèches should be accommodated. The Bergrivier Municipality: Integrated Zoning Scheme By-Law however makes provision for a crèche on Single Residential Zone 1 properties. The zoning of the property will not be affected by this application and will remain Single Residential Zone 1, the same as the zoning of the objectors' properties. The existing residential rights will remain the same as the surrounding area and as such is consistent with the spatial guidelines.

**PTN012/10/2021
DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday, 18 November 2021 at 14:00** on an Electronic Platform.

NOTED

**THE MEETING ADJOURNED AT 12:30
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

CHAIRPERSON

**3/11/2021
DATE**

**COMPLIANCE
OFFICER**