

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 20-1-2022

	Naam	Handtekening	Datum
Skrywer	A van Rossum		20/1/22
Hoof / Toesighouer	--	--	--
Bestuurder	W Wagener		20/01/2022
Direkteur	JWA Kotzee		21/01/2022

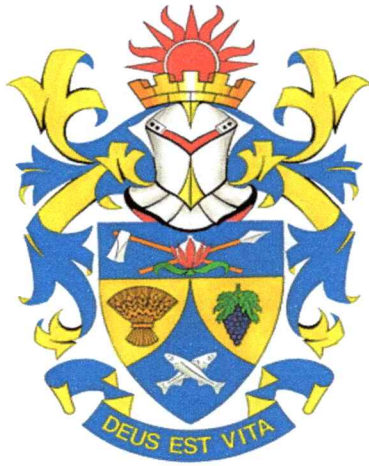
**BERGRIVIER MUNISIPALITEIT / MUNICIPALITY**

**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, 20 JANUARY 2022 AT 11:00 ON ELECTRONIC PLATFORM**

**PRESENT**

**MEMBERS**

Municipal Manager (Adv. H Linde: Chairperson)  
Director Corporate Services (Mr JWA Kotzee: Vice Chairperson)  
External Member (Ms D Kotze)  
External Member (Mr J de Jongh)

**OFFICIALS**

Manager: Town Planning & Environmental Management (W Wagener)  
Town & Regional Planner (East) (K Abrahams)  
Compliance Officer (A van Rossum)

**ACTION**

**PTN001/01/2022**

**OPENING AND WELCOME**

The Chairperson allowed a minute of silence and welcomed everyone to the meeting.

\*\*\*

**PTN002/01/2022**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

Manager Civil Engineering Services (Mr JJ Breunissen) - previous engagement  
Director Community Services (Mr D Josephus) – sick leave

\*\*\*





**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JANUARY 2022 AT 11:00 ON ELECTRONIC PLATFORM**

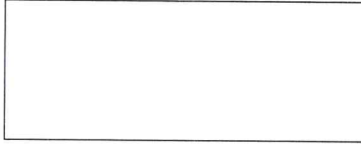
**PTN003/01/2022**

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

**3/3/1/6**

All members of the Municipal Planning Tribunal present 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.

\*\*\*



**PTN004/01/2022**

**COMMUNICATION BY THE CHAIRPERSON**

**3/3/1/6**

The Chairperson wished everyone a blessed and prosperous new year.

\*\*\*



**PTN005/01/2022**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 18 NOVEMBER 2021**

**3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 18 November 2021 be confirmed.

\*\*\*

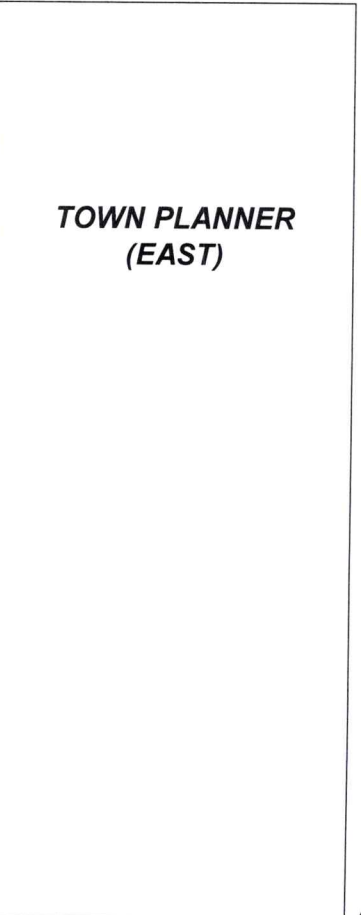


**PTN006/01/2022**

**APPLICATION FOR TEMPORARY DEPARTURE: ERF 3018, PORTERVILLE PTV. 3018**

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

A correction is made to the Town Planner's report on p21. The last sentence before PART P should read: "The proposed application can't be supported from a land use planning perspective based on the relevant consideration provided in terms of Bergrivier Municipal By-law."



**RESOLUTION: REFUSED**

That the application made for temporary departure (5 years) in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning in order to allow the operation of a liquor store (sale of alcoholic beverages on an off-consumption basis) from a portion (±28m<sup>2</sup> in extent) of the existing approved dwelling house on Erf 3018 Porterville, **BE REFUSED** in terms of section 60 of Bergrivier Municipal By-Law on Municipal Land Use Planning, for the reasons provided in the reasons for recommendation:

**REASONS FOR RESOLUTION**

**IDP 2017-2022**

The overarching objective of the Community Safety Plan as provided in the IDP 2017-2022 revision, among others, 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 establishment of a liquor store even on a 5 year temporary basis within a residential component of the Monte Bertha neighbourhood, will promote an enabling environment for alcohol use.

One of the activities as provided in the IDP 2017-2022 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 property. Bergrivier Municipality Integrated Zoning Scheme By-law and Bergrivier Municipality Spatial Development Framework 2019-2024 already provide the correct zoning category for such land uses and the Spatial Development Framework 2019-2024 has earmarked areas in the nearby vicinity for business utilisation which are appropriate for the establishment of a liquor store in Monte Bertha area. The application does not take into account the provision of the IDP 2017-2022, and therefore the proposed liquor store within this residential component of the Monte Bertha neighbourhood is not consistent / in line with the objectives of the IDP.

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

The zoning scheme by-law states that one off-street parking bay needs to be provided on site for the main dwelling house and additional one off-street parking bay for the second dwelling unit.

**“liquor store”**

**Land use description:** “liquor store” means an establishment where the dominant use is the retail sale of alcoholic beverages, for the consumption off the property.

**Development parameters:**

The development parameters applicable to “shop” apply.

Parking requirements for a shop are 3 bays per 100 m<sup>2</sup> GLA

No additional parking bay can practically be provided on-site for the business utilization on the property, which will result in vehicular / pedestrian conflict points or potentially parking in the road reserves that will give rise to an unsafe residential environment. It is noted that applicant states that the liquor store is mostly orientated to cater for pedestrians in the vicinity, but this can't be guaranteed as liquor stores generally also attract vehicular traffic.

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 liquor store will allow the sale of alcoholic beverage in a residential component of the Monte Bertha neighbourhood. Allowing the sale of alcoholic beverages in a residential component of the Monte Bertha neighbourhood will result in a negative impact on the sustainability of the



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 JANUARY 2022 AT 11:00 ON ELECTRONIC PLATFORM**

residential component as a living environment. Children/residents will be 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 close proximity to the community that enhance their social well-being, in line with the envisaged future as provided in the Municipal Spatial Development Framework 2019-2024. Sufficient alternative areas have been earmarked within the Municipal Spatial Development Framework 2019-2024 for business utilisation in Monte Bertha to address past spatial imbalances, which is considered the appropriate place for such land uses.

The location of the proposed liquor store does not take into account future spatial form by strengthening the existing commercial nodal areas in Monte Bertha i.e. Parts of DJ Pearce Avenue as provided in the Municipal Spatial Development Framework 2019-2024, where sustainable business utilisation should be promoted.

**The desirability of the proposal**

The proposed liquor store to introduce business land use in a residential area at small scale, does bring business opportunities in closer proximity to residential areas. However, a liquor store does not sell sustenance goods. A liquor store is furthermore usually characterised as a land use that attracts relatively large numbers of customers, which will bring noise nuisances and unfamiliar persons into the residential component of the Monte Bertha 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 liquor store proposed at this location is not compatible nor desirable in this residential component of the Monte Bertha neighbourhood.

Alcohol abuse is a reality in Porterville which affects the social well-being of the community, and bringing a liquor store into this residential component of the Monte Bertha 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 nodes in Monte Bertha, which would have been more acceptable, subject to process and evaluation in terms of planning law.

\*\*\*

**PTN007/01/2022**

**DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday, 17 February 2022 at 11:00** on an Electronic Platform.

Dates for the coming meetings as below:

- 17 March 2022 - 14:00
- 21 April 2022 - 11:00
- 19 May 2022 - 11:00
- 23 June 2022 - 11:00

**COMPLIANCE OFFICER**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20  
JANUARY 2022 AT 11:00 ON ELECTRONIC PLATFORM**

---

**NOTED**

\*\*\*

**THE MEETING ADJOURNED AT 11:33  
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

---

**CHAIRPERSON**

24 JAN 2022

---

**DATE**

\*\*\*