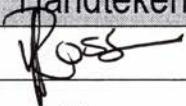
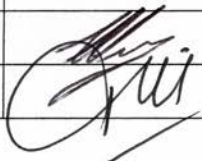


Die MB sal **GEEN** dokumente onderteken voordat die Direkteur:  
Korporatiewe Dienste dit nie bestudeer en geproeflees het nie.

**OP LAS**  
**MUNISIPALE BESTUURDER**

Aard van dokument: Notule | ~~Agenda~~ | ~~Brief~~ | ~~Memo~~ | MPT 18 Nov 2021

|                    | Naam         | Handtekening   | Datum      |
|--------------------|--------------|--|------------|
| Skrywer            | A van Rossum |  | 19-11-21   |
| Hoof / Toesighouer | --           | --   | --         |
| Bestuurder         | W Wagener    |   | 19/11/2021 |
| Direkteur          | JWA Kotzee   |  | 19/11/2021 |

**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, 18 NOVEMBER 2021 AT 14:00 ON ELECTRONIC PLATFORM**

**PRESENT**

**MEMBERS**

Director Corporate Services (Mr Vivian Kotzee: Acting Chairperson)  
Manager Civil Engineering Services (Mr JJ Breunissen)  
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**

**PTN001/11/2021**

**OPENING AND WELCOME**

The Chairperson welcomed everyone to the meeting.

\*\*\*

**PTN002/11/2021**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

Director Community Services (Mr D Josephus) – previous engagement  
Municipal Manager (Adv. H Linde: Chairperson) – previous engagement

\*\*\*

**PTN003/11/2021**

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

**3/3/1/6**

The chairperson declared a collective interest in items 8 as it involves 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.



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 18 NOVEMBER 2021 AT 14:00 ON ELECTRONIC PLATFORM**

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**PTN004/11/2021  
COMMUNICATION BY THE CHAIRPERSON**

3/3/1/6

None

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**PTN005/11/2021  
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 21 OCTOBER 2021  
3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 21 October 2021 be confirmed.

**COMPLIANCE OFFICER**

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**PTN006/11/2021  
APPLICATION FOR REZONING: ERF 3012, PIKETBERG  
PB. 3012**

The Manager: Town Planning & Environmental Management 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 3012 Piketberg 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.**

**TOWN PLANNER (EAST)**



**REASONS FOR RESOLUTION**

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

The proposed rezoning of the property at an ad hoc location does not strengthen any of the already existing commercial nodes/retail activity areas 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.

**Bergrivier Municipality Spatial Development Framework 2019-2024**

One of the spatial directives/strategies for socio-economic environment for Piketberg states the following: ***Strengthen the local economy through consolidated commercial and retail node areas and activities in strategic locations.***





One of the spatial directives/strategies for built environment for Piketberg states the following: ***Promote spatial integration through the development of strategic land parcels within the town centre for community and recreational uses - identified central Integration Zone as new "heart" and gateway into town.***

The property is not earmarked for business purposes and is neither located within the identified commercial node/retail activity areas in Ward 4 Piketberg as provided the MSDF 2019-2024. The proposed development on Erf 3012 Piketberg is located within the Integration Zone, but does not promote community and recreational uses, as it is the exclusive purpose of the application for retail trade (corner shop) as mentioned in the application, even though the land use description of neighbourhood shop includes community support services such as " *laundrette, hair salon, medical practitioner and clinic.*"

The proposed land use does not strengthen the existing commercial node/retail activity areas in Ward 4 of Piketberg i.e. corner of Loop & Zebra, corner of Watsonia & Petunia Streets, corner of Golden & Gousblom Streets as provided in the MSDF 2019-2024. The subject property is not adjacent or near these identified secondary CBD area in Ward 4, Piketberg. Ad hoc location does not strengthen any of the already existing commercial nodes. The mentioned business nodes are evenly spaced through the neighbourhood.

The spatial concept for Piketberg 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 3012 Piketberg is not consistent with aforesaid spatial proposals. Ad hoc rezoning of residential properties can potentially erode low and middle income residential areas' character and social structure.

The Piketberg Gateway and Central Integrated Zone Precinct Plan does earmark the area West and South of Erf 3012 Piketberg for residential infill, community facilities, and recreational land uses and live-work units combined with small-scale retail. The subject property does not form part of aforementioned area.

The application for rezoning of Erf 3012 Piketberg is inconsistent with the directives of the Municipality's Spatial Development Framework 2019-2024 and Piketberg Gateway and Central Integrated Zone Precinct Plan, for the reasons provided above.

### **Parking and Traffic consideration**

Three (3) parking bays need to be provided on site for the proposed neighbourhood shop. Considering the comments from the traffic services department (with which the applicant is in agreement) only two (2) bays will be able to be provided on site, one less that what is required, for which no departure has been made. Tandem bays are regarded as one parking bay in terms of the zoning scheme By-Law. It is noted that the applicant indicated that the proposed neighbourhood shop will dominantly be used by pedestrians, but it can't be guaranteed and therefore the required parking space must be allowed to prevent possible vehicular and pedestrian conflict points.





**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 18  
NOVEMBER 2021 AT 14:00 ON ELECTRONIC PLATFORM**

Erf 3012 Piketberg located at the corner of Nerina and Gousblom street, is already used by high volume pedestrians/vehicular traffic from the east of Nerina Street to access Calendula Street as shorter route to the CBD, and will relocate these nuisances closer to the residential owners of Erf 3011 Piketberg.

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**PTN007/11/2021**

**APPLICATION FOR REZONING AND DEPARTURE: ERF 3297, PIKETBERG  
PB. 3297**

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

**RESOLUTION: CONDITIONALLY APPROVED**

1. That the applications made in terms of section 15 of Bergrivier Municipal By-Law on Municipal Planning **BE APPROVED** in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning for the following respectively:
  - 1.1. Rezoning of Erf 3297, Piketberg from Single Residential Zone 2 to Community Zone 1 in order to allow the development of a place of worship (mosque and associated facilities);
  - 1.2. Permanent departure of the rear building line from 5meter to 3meter as well as northern and southern side building line from 5meters to 3meters in order to accommodate the place of worship; and
  - 1.3. Permanent departure of the required 25 off-street parking bays to 14 off-street parking bays for the proposed place of worship.
2. The approvals at point number 1 are subject to the following conditions:
  - 2.1. The cost of municipal engineering services, required as a result of the proposed utilisation of land will be borne by the property owner(s) and must be addressed by means service level agreement or installed/upgraded in consultation and to the satisfaction of this municipality's Technical Directorate;
  - 2.2. A certificate of compliance be submitted to this municipality prior to worship activities on site for sound mitigation features/material that is established i.e. to mitigate amplified noise which must be confirmed by a registered and accredited acoustic engineer (sound engineer) appointed by the property owner to ensure that noise levels are kept to acceptable levels in line with relevant legislation i.e. Western Cape Noise Control Regulations, no.7141, of 2013 and the standards as stated in Section 34 of the National Environmental Management Air Quality Act, 39 of 2004 and the criteria as stipulated in Table 2 of SANS 10103:2008 which determines the applicable rating levels for noise in districts;
  - 2.3. That an amended site development plan be submitted for approval by this municipality (i.e. building footprint reduced/layout

**TOWN PLANNER  
(EAST)**





# MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 18 NOVEMBER 2021 AT 14:00 ON ELECTRONIC PLATFORM

of building amended) to allow fourteen practical off-street parking bays with due consideration of traffic conditions by the Traffic Department as stated in their memorandum 30 July 2021;

- 2.4. No tandem off-street parking bays be allowed and aisle widths between parking and buildings on site must be in accordance with parking specifications;
  - 2.5. Fire Safety inspection be conducted by this Municipality's Disaster Management & Fire Safety department or relevant authority, before occupation of the building; and
  - 2.6. Compliance with all other development parameters of the applicable zoning scheme by-law.
3. That the objections are dismissed for the reasons provided in the reasons for recommendation.

## **REASONS FOR RESOLUTION**

Section 65 (i) of Bergrivier Municipal By-Law on Municipal Land Use Planning requires consideration of the Integrated Development Plan (IDP), including the Municipal Spatial Development Framework (MSDF).

"Priorities vacant land parcels within town for development over land on the periphery to accommodate existing infrastructure capacities."

The property is not currently utilised or developed for residential purposes. The property is not identified to be developed for a specific purpose, and therefor is classified to be retained for residential purposes. The proposed rezoning will establish land for community facilities on land that is currently vacant within a residential area, were existing municipal engineering services are available, though upgrades may be required.

Places of Worship form integrated parts of each community, and is standard planning practice to be located within or in close proximity to the residential neighbourhoods it serves. By allowing rezoning will strengthen a community support structure within the current urban environment where no suitable religious zoned land exists to establish a mosque in Piketberg. The proposed development of a mosque will reduce the need to travel long distances to mosques in towns outside Bergrivier Municipal area.

Section 65 (d) consideration of comments on response to the notice of the application etc.

The liquor store on Erf 2634 Piketberg has been in operation on the premises more than ten years. The liquor store is also in close proximity to an existing place of worship (church) on Erf 1290 Piketberg, and has been in operation despite the close proximity of the existing place of worship (church). The Western Cape Liquor Authority is the competent authority for consideration of liquor retail sale and micro-manufacturing of liquor application in the Western Cape in terms of the Liquor License Act, 2003, and therefore if any complaints are received on the renewal of a liquor license application it should be addresses in terms of appropriate legislation. A condition is imposed to address amplified noise in line with appropriate legislation, to mitigate amplified sound/noise to acceptable levels.

Five Single Residential Property owners also provided written consent (no





**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 18 NOVEMBER 2021 AT 14:00 ON ELECTRONIC PLATFORM**

objection) for the development of the mosque and associated facilities.

Section 65 (h) of the Bergrivier Municipal By-Law on Municipal Land Use Planning requires consideration of the impact of the proposed development on municipal engineering services.

Municipal services are available in the nearby vicinity, and connectivity thereto is addressed by means of appropriate condition, to ensure that the application has no financial burden on the municipality or other rate payers.

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

The development of Erf 3297 Piketberg is located in a residential neighbourhood in close proximity walking proximity to the Muslim community it will serve in town, which will reduce the need to travel long distances to mosques in towns outside Bergrivier Municipal area. Allowing the proposed development will allow Muslims to freely practice their belief and culture in Piketberg where no mosques previously existed on suitably zoned land.

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

Scrutiny of the initial and amended off-street parking layout was evaluated and could not comply with the requirements of the zoning scheme by-law, and therefore conditions are imposed to enable, opportunity to amend the site development plan including parking layout. Similar departures of reduction in parking have been approved by this municipality for places of worship on approximately the same property size, where site specific circumstances required such departure to enable development.

The application is determined desirable from a planning perspective taking into account aforesaid relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipality By-Law on Municipal Land Use Planning, subject to condition.

**PTN008/11/2021**

**APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE AND REGISTRATION OF SERVITUDE: A PORTION OF REMAINDER ERF 1002 PORTERVILLE (MUNICIPAL COMMONAGE) PTV. 1002**

The Manager: Town Planning & Environmental Management 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, **BE APPROVED** in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning for the following :
  - a. Rezoning of a portion of remainder Erf 1002 Porterville (±4.6536hectare in extent) from Agriculture Zone 1 to Subdivisional Area in order to accommodate the following properties respectively:

**TOWN PLANNER  
(EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 18 NOVEMBER 2021 AT 14:00 ON ELECTRONIC PLATFORM**

- 117 Single Residential Zone 2: Dwelling House ( $\pm 150\text{m}^2$  in extent);
  - 54 Single Residential Zone 2: Dwelling House (Walk up  $\pm 108\text{m}^2$  in extent);
  - 1 Community Zone 2: Place of Worship ( $\pm 1007\text{m}^2$  in extent);
  - 1 Community Zone 1: Place of Instruction ( $\pm 450\text{m}^2$  in extent);
  - 1 Business Zone 2: Shop ( $\pm 896\text{m}^2$  in extent);
  - Transport Zone 2: Public Street; and
  - 3 Open Space Zone 1: Public Open Space.
- b. Subdivision of Remainder Erf 1002 Porterville into two portions namely: a newly created Portion of ( $\pm 4.6536$  hectare in extent) and Remainder Erf 1002 Porterville as well as the further subdivision of the newly created portion of  $\pm 4.6536$  hectare in extent into 178 newly created properties in accordance with layout plan referenced POR/11471/ZN\_5F dated April 2021;
- c. Permanent departure of the common boundary building line to accommodate semi-detached dwelling houses on the 54 Single Residential Zone 2 “walk up” properties; and
- d. Registration of a 2m wide service servitude to accommodate an existing sewer line.
2. That the approvals of point number 1 are subject to the following conditions:
- 2.1. That the street names (Annexure A) on the layout plan referenced POR/11471/ZN\_5F 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 stated in the Department of Water Affairs and Sanitation’s letter referenced 16/2/7/G10H/A/11 dated 07 July 2021;
- 2.5. Compliance with the conditions of Heritage Western Cape’s letter referenced *HM/WEST COAST/BERGRIVER/PORTERVILLE/FARM 1002* dated 30 September 2020;
- 2.6. The provision and upgrading of all service infrastructure required





## MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 18 NOVEMBER 2021 AT 14:00 ON ELECTRONIC PLATFORM

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 alleviating the housing need in Porterville. The subject Portion of Erf 1002 Porterville is well located in the vicinity of an existing primary school, local businesses, sport fields, hospital and library. Additional opportunities are also created to allow an additional community facility and business site 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 do 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 Porterville, 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 Porterville'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, hospital etc. Additional provision has also been made in the development to accommodate an additional community and business zoned land for the provision of a place of instruction or church etc. The support social



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 18 NOVEMBER 2021 AT 14:00 ON ELECTRONIC PLATFORM**

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 Porterville as provided on page 32 of the PSDF 2014.

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

- Porterville is identified among other towns for human settle development, the proposed Portion of Erf 1002 Porterville 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 1002 Porterville is earmarked in the Bergrivier Municipality Spatial Development Framework 2019-2024, as land for strategic development and residential infill. The proposed development do promote infill residential and densification on strategically located land within Portville which is 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. Sufficient space has also been provided to allow public open spaces for recreation purposes.

Giving regard to aforesaid legislative consideration criteria; the rezoning, subdivision, permanent departure and registration of servitude 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.

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**PTN009/11/2021**

**APPLICATION FOR CONSENT USE: ERF 2749, PORTERVILLE**  
**PTV.2749**

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

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from an existing structure (±18m<sup>2</sup> in extent) on Erf 2749, Porterville

**TOWN PLANNER  
(EAST)**





**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 18 NOVEMBER 2021 AT 14:00 ON ELECTRONIC PLATFORM**

(15 Hendrick Singel), **BE REFUSED** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, for the reason provided in the reason for recommendation:

**REASONS FOR RESOLUTION**

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 house shop is operating from an existing structure that is 18m<sup>2</sup> in extent and the dwelling house is 45m<sup>2</sup> in extent. The house shop retail trade, floor space is 40% of the dwelling house, that do not comply with the land use description of house shop, from which no departure may be granted.

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:

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 (consent use approval has been previously approved for the operation of house shops on Erf 2762 and 2700 Porterville). The requirements reads as follow:

*“ 3. A house shop will only be allowed every 500m of street and not within a 200m radius from another house shop.”*

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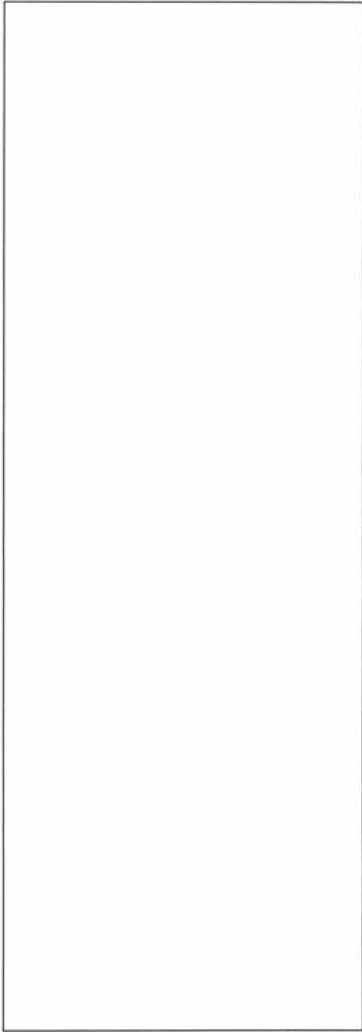
**PTN010/11/2021**  
**DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday, 20 January 2022** at **11:00** on an Electronic Platform.

**NOTED**

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



**COMPLIANCE OFFICER**

  
\_\_\_\_\_  
**CHAIRPERSON**

  
\_\_\_\_\_  
**DATE**

\*\*\*