

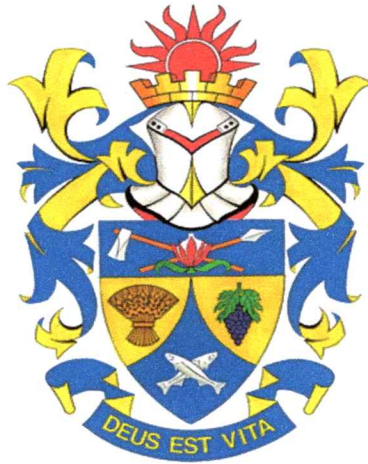
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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, 17 MARCH 2022 AT 14:00 ON ELECTRONIC PLATFORM

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Director Corporate Services (Mr JWA Kotzee: Vice 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 Planner (East) (K Abrahams)
Compliance Officer (A van Rossum)

ACTION

PTN001/03/2022

OPENING AND WELCOME

The Chairperson opened and welcomed everyone to the meeting.

PTN002/03/2022

REQUEST FOR LEAVE OF ABSENCE

3/3/14

Director Community Services (Mr D Josephus) – other Municipal engagement

PTN003/03/2022

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

3/3/16

All members of the Municipal Planning Tribunal present, excluding Mr de Jongh, 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



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 17 MARCH 2022 AT 14:00 ON ELECTRONIC PLATFORM

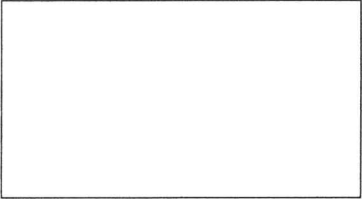
Members. The Chairperson & internal members declared a collective interest in 2 items that regard Municipal land. Mr de Jongh declares an interest in item PTN006 as he commented/provided input on the item.



**PTN004/03/2022
COMMUNICATION BY THE CHAIRPERSON**

3/3/1/6

The chairperson finds in-person meetings to have some value and wishes to discuss the possibility to meet in-person a few times a year at the end of the meeting.



**PTN005/03/2022
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 20 JANUARY 2022
3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 17 February 2022 be confirmed.

COMPLIANCE OFFICER

Items PTN007 & PTN008 were discussed before item PTN006 which is moved to be discussed last as Mr J de Jongh has declared an interest in the item.

Mrs Kotze was experiencing technical difficulties and joined the meeting at 14:26. She missed item PTN007 but added her input on item PTN008.

Mr de Jongh leaves the meeting at 14:29 before item PTN006 is discussed.

**PTN006/03/2022
APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION AND CONSENT USE: PORTION OF 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

That the application made for subdivision of Remainder Erf 1002, Porterville (Porterville Commonage) into two portions namely: Portion 1 (±5ha in extent) and Remainder Erf 1002 Porterville; rezoning of the newly created Portion 1 from Agricultural Zone 1 to Open Space Zone 1, consent use in order to allow a cemetery as well as consolidation of Portion 1 with unregistered Erf 3365, Porterville in terms of Section 15 of Bergrivier Municipal By-Law on Municipal Land Use Planning, **BE APPROVED**; in terms of section 60 of Bergrivier Municipal By-Law on Land Use Planning, subject to the following conditions:

TOWN PLANNER (EAST)

1. Compliance with the conditions in the Department of Transport & Public Works letter of comment, dated 03 October 2016 referenced 13/3/5/1-02/62. The consolidation of Portion 1 and unregistered Erf 3365 Porterville to use the existing access road;



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 17 MARCH 2022 AT 14:00 ON ELECTRONIC PLATFORM

2. Compliance with conditions stated in the Environmental Authorisation referenced 16/3/3/1/F1/1/2024/21, dated 19 November 2021;
3. Compliance with Heritage Western Cape condition stated in their letter referenced HW/WESTCOAST/PORTERVILLE/ERF 1002, Case No. 17042605AS0504E, dated 30 May 2017); and
4. Compliance with the conditions stated in the letter of approval from the Director General Health Republic of South Africa, dated 17 January 2022.

REASONS FOR RESOLUTION

Consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The proposed site is located at a central position in town, allowing equitable and accessible distribution of social services as well as facilities for the community of Porterville, contributing to spatial justice. The existing 1hectare cemetery is reaching its full capacity faster than expected, and extension thereof is an essential services to the community of Porterville.

The required municipal services that may arise as a result of the proposed utilization, will be for account of the Municipality in accordance with the approved Municipal Budget. Provision has already been made in the Municipal Budget to upgrade the roads. The proposed application is therefore made to efficiently establish a cemetery adjacent to the existing cemetery, which will contribute to the well-functioning of communities.

MSDF 2019-2024

Bergrivier Municipal Spatial Development Framework 2019-2024

The proposed site is earmarked for rural development opportunities small scale farming, the proposed expansion of the cemetery deviates from the Spatial Proposal Map for Porterville.

Deviation of the MSDF 2019-2021 is regarded appropriate as site specific circumstances allows as follows:

- The Covid-19 pandemic caused the current cemetery created in 2018 nearing its capacity earlier than foreseen, burial sites are required for the well-functioning of the community, as it is an essential services provided by the Municipality;
- The proposed site is located at a central position in town, allowing equitable and accessible distribution of social services as well as facilities for the community of Porterville within walking distance from their homes, contributing to spatial justice;
- SRK Consulting Hydrogeological study for the prosed extension of the 5hectare of municipal commonage Erf 1002 Porterville, concluded that based on existing regional scale hydrogeological data, the site appears suitable to be used as a cemetery;
- Conditional Environmental Authorisation has been granted;



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 17 MARCH 2022 AT 14:00 ON ELECTRONIC PLATFORM

- Need to balance all community needs, taking into consideration applicable legislation such as distance between cemeteries and habitable building, as far as, local context can accommodate; and
- Small scale farmers are already accommodated on other Parts of the municipal commonage Erf 1002 Porterville for 9years and 11months by means of lease agreements, to give effect to directives of the MSDF 2019-2024.

Desirability

There is currently a shortage of burial space and the current cemetery nearing its capacity, burial sites are required for the well-functioning of the community. The proposed site is located on a central position in town, allowing equitable and accessible distribution of social services as well as facilities for the community of Porterville, contributing to spatial justice. The proposed cemetery does not dominate the surrounding land uses.

The size of the property is sufficient to comply with the development parameters provided in the zoning scheme by-law.

No objections were received against the application from surrounding affected property owners.

PTN007/03/2022

APPLICATION FOR SUBDIVISION : ERF 4465, PIKETBERG PB. 4465

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

RESOLUTION: CONDITIONALLY APPROVED

1. That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for subdivision of Erf 4465 Piketberg into two portions namely: Portion A (±7436m² in extent) and Remainder Erf 4465 Piketberg (±6848m² in extent) to establish the youth centre on a separate property, **BE APPROVED**; in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning, subject to the following condition:

- 1.1. The subdivided portion be provided with separate water, electricity, sewer connections and access.

REASONS FOR RESOLUTION

Spatial Justice

The property is located in the identified integration zone. The subdivision is in line with the Piketberg Gateway and Central Integration Precinct Plan to provide additional development opportunities to promote access facilities and services for integration purposes.

**TOWN PLANNER
(EAST)**



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 17 MARCH 2022 AT 14:00 ON ELECTRONIC PLATFORM

Spatial Efficiency and Sustainability

The property is already provided with access to municipal engineering services for the construction of the youth centre. The subdivided portions will remain in the ownership of the Municipality, and the basic municipal engineering services required will be addressed when it is developed. The property is located in the integration zone, which is regarded sustainable.

Good administration

The Bergrivier Municipality Spatial Development Framework 2019-2024, earmark the area for strategic development and infill opportunities. Subdivision of the property does contribute to aforesaid.

The proposed application promotes spatial justice, spatial efficiency, sustainability and good administration that is consistent with the development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) in terms of the aforesaid.

Desirability

The nature of the land uses that can be accommodated on the proposed newly created property will promote community facilities within close proximity to the community, contributing to the social well-being and well-functioning of the community, within the integration zone.

The subdivision does not change the zoning of the property, and is considered compatible with the surrounding land uses. No objections were received from surrounding affected property owners giving an indication of acceptable compatibility.

PTN008/03/2022

APPLICATION FOR PERMANENT DEPARTURE: ERF 1223, VELDDRIF V.1223

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

RESOLUTION: CONDITIONALLY APPROVED/REFUSED

1. That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for permanent departures of the rear building line from 2m to 1m for an open (uncovered) balcony/deck, **BE APPROVED**, in terms of section 60 of Bergrivier Municipality By-Law on Land Use Planning, subject to the following conditions:
 - 1.1. That railings enclosing the open balcony be 80% permeable or consist of transparent material; and
 - 1.2. That building plans be submitted to Bergrivier Municipality for consideration in terms of the National Building Regulations and Building Standards Act, 1977 as amended.

**TOWN PLANNER
(EAST)**



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 17 MARCH 2022 AT 14:00 ON ELECTRONIC PLATFORM

2. That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for departure of the coverage from 60.39% to 65.31% in order to allow the construction of the proposed covered balcony/stoep on Erf 1223 Velddrif, **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

- Land use planning law does not prohibit or restrict the applicant from submitting a similar land use planning application that was previously refused. Historical land use transgression, can't be used as basis for refusal of this application, as it was rectified by means of demolition order, each application should be evaluated on its own merits. The previous zoning scheme was recalled by Bergrivier Municipality Integrated Zoning Scheme By-law, adopted 17 June 2016, which reduced the rear building line to 2m and disregard open balcony's in the calculation of coverage. Circumstances as well as legislation have therefore changed since consideration of the previous land use planning application.
- Dwelling houses in this area are traditional fisherman style houses which are characteristic of Velddrif, and especially the Fisherman's Village development. Fisherman's Village has an established character, and the dwelling units in this development have a uniform character and style that adds to the character of Velddrif. Fisherman style houses are traditionally compact with low densities and low in height. Further encroachment of the coverage will diminish the low density character of the development and impairs the relaxing atmosphere and feeling of openness. The size and coverage of the existing dwelling house on Erf 1223 Velddrif exceed those of the surrounding properties, and further deviation will detract from the character of the area (Fisherman's Village).
- An uncovered balcony is considered more acceptable as it is disregarded in the calculation of coverage as provided per definition in terms of Bergrivier Municipality Integrated Zoning Scheme By-law.
- The proposed building line departure does not affect municipal civil engineering services;
- The application for permanent departure is to allow land uses in line with the primary land use rights of the property, which is consistent with Bergrivier Municipal Spatial Development Framework 2019-2024 (MSDF).
- Relaxing the rear building line from 2m to 1m, will not impede on the primary residential rights of the surrounding property owners as side building lines are complied with. A condition is imposed to ensure that views to the estuary is not permanently obstructed.
- The transgressions in the estuary by the property owner is not a subject of this application and should be directed to the competent authority for enforcement.



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 17 MARCH 2022 AT 14:00 ON ELECTRONIC PLATFORM

PTN009/03/2022
DATE OF NEXT MEETING

After deliberation it was decided that the next Municipal Planning Tribunal meeting will be held on **Thursday, 21 April 2022 at 11:00** on an Electronic Platform.

**COMPLIANCE
OFFICER**

NOTED

THE MEETING ADJOURNED AT 12:15
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS

CHAIRPERSON

25 MAR 2022

DATE
