




Proeflees

Aard van dokument: Notule | ~~Agenda~~ | ~~Brief~~ | ~~Memo~~ | ~~Verlag~~ MPT 19 Mei 2022

	Naam	Handtekening	Datum
Skrywer	A van Rossum		23/5/22
Hoof / Toesighouer	--	--	--
Bestuurder	W Wagener		24/05/2022
Direkteur	JWA Kotzee		24/5/22

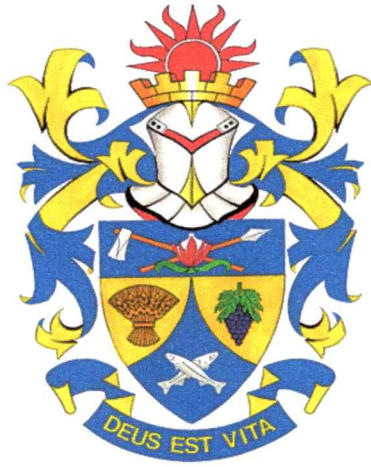
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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, 19 MAY 2022 AT 14:00 ON ELECTRONIC PLATFORM

PRESENT

MEMBERS

Director Corporate Services (Mr JWA Kotzee: Acting Chairperson)
Director Community Services (Mr D Josephus)
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)
Town Planner (West) (H Vermeulen)
Compliance Officer (A van Rossum)

ACTION

PTN001/05/2022

OPENING AND WELCOME

The Chairperson opened and welcomed everyone to the meeting.

PTN002/05/2022

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Municipal Manager (Adv. H Linde: Chairperson) - other Municipal engagement

PTN003/05/2022

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 items on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal Members. Mr J de Jongh



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declared an interest in item PTN006 as he commented/provided input on the item. All municipals officials declared a collective interest in items PTN006 and PTN008 which regard Municipal land.



PTN004/05/2022
COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

None



PTN005/05/2022
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 21 APRIL 2022
3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 21 April 2022 be confirmed with spelling corrections.

COMPLIANCE OFFICER

Mr J de Jongh leaves the meeting at 14:37 before item PTN006 is discussed.

PTN006/05/2022
APPLICATION FOR SUBDIVISION AND REZONING: A PORTION OF REMAINDER ERF 1002 PORTERVILLE (COMMONAGE)
PTV. 1002

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 the following:
 - 1.1. Subdivision of Remainder Erf 1002 Porterville into three portions namely: Portion 1 (±7.5075ha in extent), Portion 2 (±6.2219ha in extent) and Remainder Erf 1002 Porterville;
 - 1.2. Rezoning of Portion 1 (±7.5075ha in extent) and Portion 2 (±6.2219ha in extent) from Agriculture Zone 1 to Subdivisional Area in order to accommodate:
 - Portion 1: 1 Industrial Zone 2 (Industry) and 1 Transport Zone 2 (Public Street).
 - Portion 2: 5 Industrial Zone 2 erven (Industry) and 1 Transport Zone 2 (Public Street).
 - 1.3. Further subdivision of Portion 1 (±7.5075ha in extent) into two portions namely: Portion A (±3454m² in extent: public street) and Potion B (±7.1621ha in extent: industrial); and
 - 1.4. Further subdivision of Portion 2 (±6.2219 ha in extent) into six

TOWN PLANNER (EAST)



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portions namely Portion C (± 1.1646 ha in extent: industrial), Portion D (± 1.1455 ha in extent: Industrial), Portion E (± 1.2953 ha in extent: Industrial), Portion F (± 1.0858 ha in extent: industrial) and Portion H ($\pm 4174\text{m}^2$ in extent: Public Street),

BE APPROVED; in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning, subject to the following conditions:

- a) Alienation of individual land units by the Municipality may only take place after bulk services as well as basic level municipal engineering services including access have been provided to the subdivided portions, unless the development is sold in its entirety for private development thereof, in which case the developer will be responsible for installation of the bulk services as well as internal engineering services and access to the satisfaction of Municipality's Directorate: Technical Services in terms of a Services Level Agreement (SLA);
- b) The required municipal engineering services that may arise as a result of the proposed utilization of the subdivided land units, over and above that which the Municipality/developer provides as basic minimum level of services will be for the account of the purchasers and/or further owner(s). In addition to this the owner(s)/purchasers will be responsible for the provision and upgrading of all service infrastructure required as a result of additional burden created by the proposed utilization, as negotiated and agreed upon between the future purchasers/owner(s) and the Municipality's Directorate: Technical Services by means of a Services Level Agreement (SLA);
- c) Access roads must be planned and designed in consultation with the Department of Transport & Public Works;
- d) Compliance with the conditions of the Environmental Authorisation, dated 04 October 2021(Referenced 16/3/3/1/f1/12/2005/21);
- e) Landscape plans must be submitted together with building plans for approval to mitigate the visual impact of the proposed utilization of land;
- f) Should any heritage resources be found Heritage Western Cape must be notified without delay as stated in their letter of comment dated 07 December 2020, referenced *HW/WEST COAST/BERGRIVIER/PORTERVILLE/ERF 1002*;
- g) Any other statutory requirement that might be applicable prior to provision and establishment of bulk Municipal engineering services to the land units must also be authorized by the competent authorities prior to commencement of activities in terms of applicable legislation, if applicable (i.e. Water Use License Application and/or additional Environmental Authorization applications).



REASONS FOR RESOLUTION

The Spatial Planning and Land Use Management Act (SPLUMA), Act 13 of 2013 provides specific development principles for spatial planning, namely: the principle of (a) spatial justice, (b) spatial sustainability, (c) efficiency, (d) spatial resilience, and (e) good administration.

The subject property is owned by Bergrivier Municipality. It is considered spatially efficient to develop municipal land located within the urban edge of Porterville along an existing main road (R44). No municipal bulk infrastructure is available at this stage to the proposed industrial properties, but allowing the establishment of these erven within the urban edge will enable it to connect to such services in close proximity where existing connection points are available. Conditions are imposed to address engineering services provision including access.

The subdivision and rezoning of remainder Erf 1002, Porterville is exempted from the Subdivision of Agricultural Land Act 70 of 1970. The property is currently vacant, and has not been utilized for agricultural purposes. The proposed subdivision and rezoning will not have a negative impact on agricultural land or the environment, subject to compliance with the conditions of the environmental authorization.

The property is located within walking distance from an established residential neighbourhood that will bring work opportunities in closer proximity to the community while also promoting investment opportunities. The proposed development will allow spatial restructuring in line with spatial policy having a contribution to spatial justice.

The proposed development is spatially efficient and sustainably established and will contribute to strengthening Porterville as an agricultural service centre and economic circumstances of the community, by creating the opportunity for investment and employment.

The proposed development therefore amount to the efficient use of space available, unleashing industrial opportunities where none exist along a Main road. The proposed development will furthermore contribute to densification of Porterville's urban area.

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

Engineering services provision is addressed by means of conditions.

Bergrivier Municipality Spatial Development Framework 2019-2024

The properties are earmarked for industrial diversification through expansion. The subdivision promotes densification of the settlements, by creating industrial opportunities within the urban edge and avoid extension of the settlement footprint. The proposed industrial land will be established within the urban edge as provided in the Municipal Spatial Development Framework. The proposed rezoning and subdivision is consistent with the Municipal Spatial Development Framework 2019-2024.



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Section 65 (s) of the Bergrivier Municipal By-Law relating to Municipal Land Use Planning requires consideration of the provisions of the applicable zoning scheme and section 65.(d) and (e) of Bergrivier Municipal By-Law on Municipal Land Use Planning, requires the consideration of comments/objections obtained during the public participation process.

The dimensions of the proposed land units are considered sufficient to accommodate a future industry within the development parameters of the applicable zoning scheme by-law. Access to the newly created land units is sufficiently proposed and the Department of Transport & Public Works has no objection against the proposal. A condition is imposed to mitigate the visual impact of the proposed utilisation of land.

The Ward Councillor has no objection and no representations were received against the application from surrounding property owners or the general public. The comments from the internal department contributed meaningfully in considering this application.

PTN007/05/2022

APPLICATION FOR CONSENT USE: ERF 378, AURORA

A. 378

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

RESOLUTION: CONDITIONALLY APPROVED

That the application for Consent Use in order to allow the operation of a house shop from a portion ($\pm 20m^2$ in floor area) of Erf 378, Aurora, **BE APPROVED** in terms of section 60 of Bergrivier Municipal By-Law on Municipal Land Use Planning, subject to the following conditions:

1. All relevant certification must be obtained for the respective land uses i.e. business license (Bergrivier Municipality), certificate of acceptability from the Environmental Health Practitioner (West Coast District Municipality), Fire Safety Certificate (West Coast District Municipality) and any other required depending on use, before the house shop may open for business;
2. The retail floor space of the house shop may not exceed 25% of the floor space of the dwelling house and must be reflected as such on the building plans submitted;
3. Compliance with the limitations and requirements of Bergrivier Municipality Policy relating to House Shops;
4. Provision be made for on-site delivery/parking bay for clients additional to the one parking bay required for the residential use.
5. That building plans be submitted to the Building Control Officer and approved for all structures on the property before the house shop may open for business;
6. That a refuse collection point be provided on the property, to the satisfaction of the Civil Engineering Services Department before the house shop may open for business; and
7. Proof of compliance with the conditions of approval must be submitted to the Municipal Town Planner/Compliance Officer for inspection prior to

**TOWN PLANNER
(WEST)**



opening of the house shop for business.

REASONS FOR RESOLUTION

MSDF 2019-2024

The application do not change the zoning of the property. The size of the proposed house shop as a percentage of floor space in relation to the residential use on the property is 25%. The dominant use of the property will therefore remain residential and is consistent with the MSDF 2019-2024.

Zoning scheme By-law

The size of the residential use of the proposed dwelling house is $\pm 80m^2$. The size of the proposed house shop ($20m^2$) as a percentage of floor space in relation to the dwelling house is thus 25%. The proposed house shop's floor space complies with the land use description of house shop as provided in Bergrivier Municipality: Integrated Zoning Scheme By-Law.

House Shop Policy

No approved house shop is located within 500m in the same street, however, an existing (legal) house shop is located on Erf 377, Aurora (Sonneblom Crescent) $\pm 102m$ from the proposed house shop on Erf 378, Aurora.

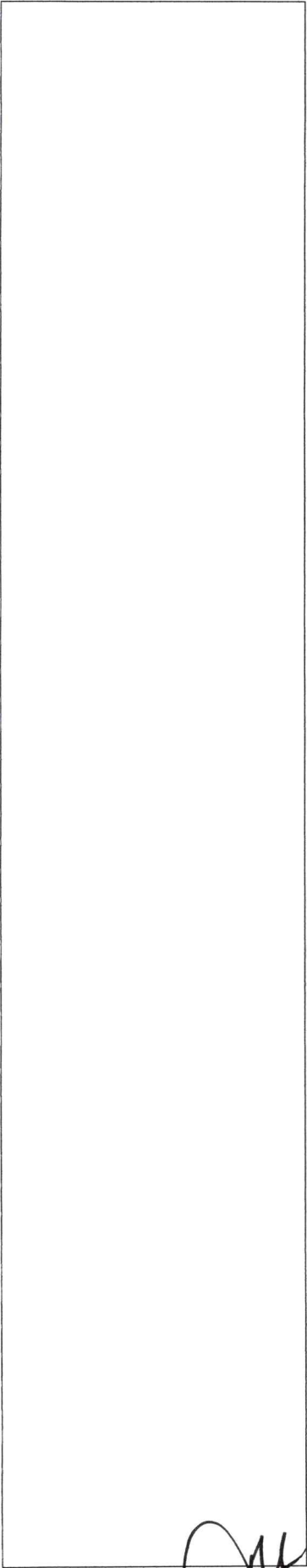
On 26 April 2022 Bergrivier Municipality's Council resolved to amend the house shop policy of Bergrivier Municipality for the towns of Aurora, Redelinghuis and Eendekuil. The amended house shop policy now reads that a house shop will not be allowed within 100m radius from another house shop. As a result of this policy amendment, the proposed house shop on Erf 378, Aurora will be compliant with the requirements of the house shop policy as amended.

Consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

The business is proposed due to supply and demand. The proposed house shop will provide retail facilities within close walking proximity to the surrounding property owners to purchase daily small scale grocery items where no major supermarket exists. The application takes into account low income housing areas by bringing retail services at residential scale closer to this community, saving them time and money to travel to shops further away. The proposal will contribute to address past spatial imbalances on account of aforesaid.

The proposed house shop will be operated from a proposed structure on site and no additional municipal engineering services is required as the property is already services. The application therefore has no financial burden on the municipality.

The application is desirable from a land use planning perspective taking into account all relevant factors of consideration as prescribed in Section 65 of Bergrivier Municipality By-Law on Municipal Land Use Planning, subject to conditions.





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PTN008/05/2022

**APPLICATION FOR PUBLIC ROAD (ROAD RESERVE) CLOSURE, SUBDIVISION, REZONING AND
CONSOLIDATION: ERF 487, VELDDRIF AND ERF 1093, VELDDRIF
V. 487 & 1093**

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

RESOLUTION: CONDITIONALLY APPROVED

That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for:

- a) closure of a portion of Eric Goldschmidt Street (Road Reserve), subdivision of Eric Goldschmidt Street (Road Reserve) into two portions namely Portion A ($\pm 1800\text{m}^2$ in size) and Remainder ($\pm 6600\text{m}^2$ in size);
- b) rezoning of Portion A from Transport Zone 2 to Industrial Zone 2;
- c) consolidation of Portion A with Remainder Erf 487, Velddrif;
- d) rezoning of Remainder Erf 487, Velddrif from Authority Zone to Subdivisional Area in order to provide for 17 Industrial Zone 2 erven and a Transport Zone 2 erf (Public road); and
- e) Rezoning of Remainder Erf 1093, Velddrif from Industrial Zone 2 to Subdivisional Area in order to provide for 4 Industrial Zone 2 erven and a Transport Zone 2 erf (Public road),

BE APPROVED, in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning, subject thereto that:

- I. Alienation of individual land units by the Municipality may only take place after bulk services as well as basic level municipal engineering services including access have been provided to the subdivided portions, unless the development is sold in its entirety for private development thereof, in which case the developer will be responsible for installation of the bulk services as well as internal engineering services and access to the satisfaction of Municipality's Directorate: Technical Services in terms of a Services Level Agreement (SLA);
- II. The required municipal engineering services that may arise as a result of the proposed utilization of the subdivided land units, over and above that which the Municipality/developer provides as basic minimum level of services will be for the account of the purchasers and/or further owner(s). In addition to this the owner(s)/purchasers will be responsible for the provision and upgrading of all service infrastructure required as a result of additional burden created by the proposed utilization, as negotiated and agreed upon between the future purchasers/owner(s) and the Municipality's Directorate: Technical Services by means of a Services Level Agreement (SLA).
- III. That the necessary environmental assessment be conducted and the required environmental authorisation obtained prior to commencement of the development.

REASONS FOR RESOLUTION

The Bergrivier MSDF 2019-2024 earmarks the Remainder Erf 487, Velddrif and Remainder Erf 1093, Velddrif for expansion of the Velddrif industrial area. The application is intended to give effect to directives of Bergrivier Municipality

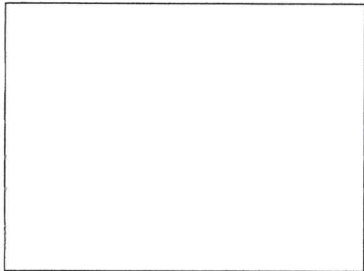
**TOWN PLANNER
(WEST)**



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Spatial Development Framework.

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.



**PTN009/05/2022
DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday, 23 June 2022 at 11:00** on an Electronic Platform.



NOTED

**THE MEETING ADJOURNED AT 15:11
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**



CHAIRPERSON



DATE
