

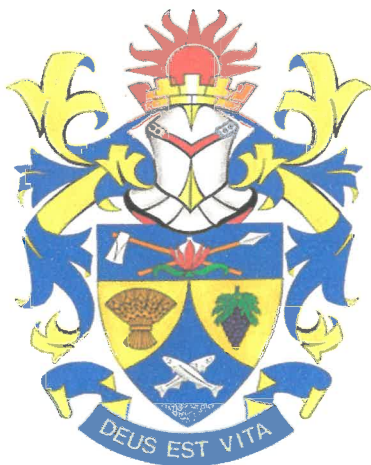
**BERGRIVIER MUNISIPALITEIT / MUNICIPALITY**

**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 WEDNESDAY, 15 MARCH 2023 AT 08:00 ON MS TEAMS**

**PRESENT**

**MEMBERS**

Municipal Manager (Adv. H Linde: 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)

**ACTION**

**PTN001/03/2023**

**OPENING AND WELCOME**

The Chairperson opened and welcomed everyone to the meeting.

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**PTN002/03/2023**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

Director Corporate Services (Mr JWA Kotzee: Vice Chairperson) – Sick Leave  
Director Community Services (Mr D Josephus) – Sick Leave

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**PTN003/03/2023**

**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.

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**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY, 15 MARCH 2023 AT 08:00 ON MS TEAMS**

**PTN004/03/2023**

**COMMUNICATION BY THE CHAIRPERSON**

3/3/1/6

None

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**PTN005/03/2023**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 17 NOVEMBER 2022**

3/3/2/2

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

**COMPLIANCE OFFICER**

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**PTN006/03/2023**

**APPLICATION FOR SUBDIVISION: ERF 404, VELDDRIF V.404**

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

**RESOLUTION: CONDITIONALLY APPROVED**

That the application for subdivision of Erf 404, Velddrif into three Single Residential Zone 1 properties namely Erf 660, Velddrif, (690m<sup>2</sup> in extent), Erf 661, Velddrif (680m<sup>2</sup> in extent) and Remainder Erf 404, Velddrif (764m<sup>2</sup> in extent), **BE APPROVED**, in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to:

**TOWN PLANNER (WEST)**

- 1.1 The provision of the subdivided portions with separate water, electricity, access and a conservancy tanks. Electrical connections from the nearest connection point on the electrical network up to the erf boundaries of the newly created erven must be done by an electrical contractor, for the cost of the applicant;
- 1.2 Bulk Service Contributions, as predetermined in the Municipal Budget, be paid for each additional erf created by subdivision OR each additional unit created. In addition to this the developer will be responsible for the provision and upgrading of all service infrastructure required as a result of additional burden created by the development, as negotiated and agreed upon between the developer and the Municipality's Directorate: Technical Services by means of a Services; and
- 1.3 That a 5 meter street bulding line will apply to garages, if it obtains direct perpendicular access from the street.

**REASONS FOR RESOLUTION**

Section 59 (1) (g) of the Land Use Planning Act, Act 3 of 2014 (LUPA), states that the right of owners to develop land in accordance with current use rights should be recognized. Section 42(c) (iv) of SPLUMA also requires that the impact of existing rights and obligations must be taken into account. The previously approved rezoning of the property, allowed the owner to develop 8 town houses, with 5m street building lines applicable. The application for subdivision will create 3 Single Residential Zone 1 properties with 3m street





**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY, 15 MARCH 2023 AT 08:00 ON MS TEAMS**

building lines applicable along Angelier Avenue. Due to the development density now being reduced, the consequent traffic along Angelier Avenue will also be less than what it would have been with a town house development. The same building lines and development regulations that apply to the surrounding Single Residential Zone 1 properties will also apply to the properties created from this subdivision. It is therefore unwarranted to expect owner of Erf 404, Velddrif to conform to an 8m street building line while the existing rights of the property and the surrounding properties allow for a 3m street building line.

Section 42(1)(c)(i) of the Spatial Planning and Land Use Management Act (SPLUMA) states that the public interest must be taken into account when considering and deciding on an application. The road reserve of Angelier Avenue is 15.7m wide, with the tarred road surface approximately 8m in width, leaving sidewalks of  $\pm 3.8$ m in width on each side of the road for pedestrian movement and sight lines for motorist. On-site parking, within the confines of the property boundaries (i.e. on the inside of the boundary walls) will be required when building plans are evaluated. A parking bay is defined in terms of the Bergrivier Municipality Integrated Zoning Scheme By-Law as measuring 5m x 2.5m for perpendicular or angled parking.

Section 59(1)(a) of the Land Use Planning Act, Act 3 of 2014 (LUPA) requires that past spatial and other imbalances should be redressed through improved access to, and utilisation of, land, to facilitate spatial justice. Section 59(2)(a) of the Land Use Planning Act, Act 3 of 2014 (LUPA) requires that land use planning should promote land development that is spatially compact, resource frugal and is within the fiscal, institutional and administrative means of the relevant authority to facilitate spatial sustainability. The proposed subdivision creates access to more residential land in Velddrif and enable densification of the urban area, thereby aiding to address spatial justice and the spatial sustainability of the town. The subdivision of the property will help achieve a more integrated, resource efficient town without changing the current zoning (Single Residential Zone 1) or development parameters of the proposed properties.

Section 42(1)(b)) of the Spatial Planning and Land Use Management Act (SPLUMA) requires that decisions on land use planning application must be consistent with the municipal spatial development framework. The Bergrivier Municipality Spatial Development Framework advocates walkable neighbourhoods, spatial integration, diversified land uses, densification of towns to accommodate housing in well located areas of town. The proposed development would help facilitate densification, and spatial integration while providing additional housing options in an established residential area.

The Bergrivier Municipal Spatial Development Framework 2019-2024 (BMSDF) does not earmark the subject property for a specific purpose, thus confirming the current residential land use of the property as desirable. This application does not involve rezoning of the property, but merely the creation of two additional residential properties. The current zoning of Erf 404, Velddrif and the zoning of the proposed properties will remain Single Residential Zone 1 (dwelling house). The development of the proposed properties will therefore be bound to the development parameters applicable to Single Residential properties, the same development parameters applicable to the residential properties of the objectors.



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY, 15 MARCH 2023 AT 08:00 ON MS TEAMS**

The BMSDF supports the Western Cape Spatial Development Framework's principle of densification within the existing urban areas. Densification not only limits uncontrolled urban expansion, but also supports and promotes the optimal use of land within the urban context. Infill development, by the subdivision of existing larger plots into smaller units within the existing urban areas, is one of the proposed ways that densification in the urban areas can take place.

The application is considered consistent with the development principles of LUPA and SPLUMA. The proposed application is furthermore aligned with the guidelines of Municipal Spatial Development Framework, and is considered desirable from a planning perspective taking into account the relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipality: By-Law on Municipal Land Use Planning.

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**PTN007/03/2023  
APPLICATION FOR SUBDIVISION AND REZONING, ERF 4401 PIKETBERG  
PB.4401**

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

**RESOLUTION: APPROVED**

That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for subdivision of Erf 4401, Piketberg into two portions namely: Portion A (±2746m<sup>2</sup> in extent) and Remainder Erf 4401, Piketberg (±1.0111hectare in extent) as well as rezoning of Portion A from Authority Zone to Transport Zone 2 in order to allow the development/construction of a public street, **BE APPROVED** in terms of sections 60 of Bergrivier Municipality By-law on Municipal Land Use Planning.

**REASONS FOR RESOLUTION**

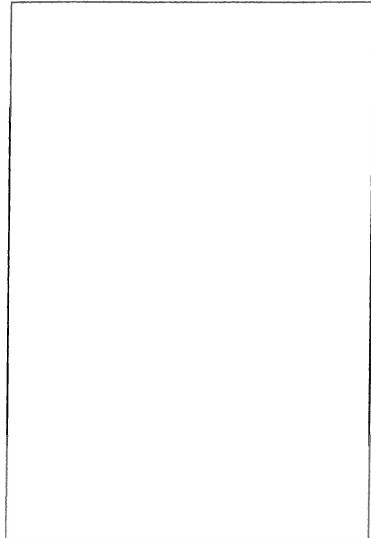
**Consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

This application for subdivision and rezoning is to enable the development of a new road which is the identified solution in the Precinct Plan. Closing the existing entrance to Sarel Cilliers Street in front of Rhino Park Sport Fields to create a new link between Calendula Street and Sarel Cilliers Street is considered more user friendly, acceptable, spatially sustainable as well as supported by the competent road authorities.

The application is also consistent with the principle of good administration as the proposed new public street has been identified in approved spatial policy.

**Municipal Spatial Development Framework and Piketberg Gateway and Central Integration Zone Precinct Plan**

The Bergrivier Municipality Spatial Development Framework 2019-2024, earmark the area as recreation node and for strategic development opportunities. The precinct plan expand on the local SDF. The Piketberg



**TOWN PLANNER  
(EAST)**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY, 15 MARCH 2023 AT 08:00 ON MS TEAMS**

Gateway and Central Integration Zone Precinct Plan identify a proposed new road on the Western Side of the Hospital and rezoning and subdivision for the purpose of established a new road is consistent with the MSDF 2019-2024 and the precinct plan.

Municipal engineering services (water, sewerage, electricity and storm water) are not affected by the proposal, and funding for the development of the road will take place through budgetary processes of the Municipality in the future.

No objections were received against the application during public participation.

Re-designing the road will not generate additional traffic in the area, but will address the identified problems in the vicinity. The proposed new road is consistent with the objective Transport Zone 2.

The application is considered desirable from a land use planning perspective taking into account the relevant factors of consideration as provided in terms of section 65 of Bergrivier Municipality By-law on Municipal Land Use Planning.

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**PTN008/03/2023**

**APPLICATION FOR CONSOLIDATION & REZONING: ERF 1362, 4452 AND UNREGISTERED ERF 4477, PIKETBERG**

**PB. 1362, 4452 & 4477**

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

Registered owner(s) in correctly indicated on p.92 as Winkelshoek Eiendomme Pty Ltd. It should read Jankielsohn Property Trust.

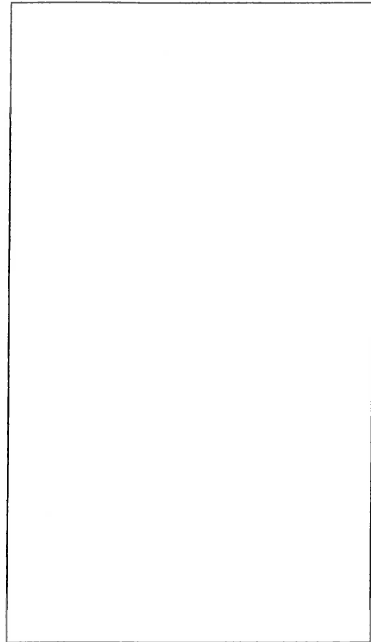
Total valid comments in correctly indicated on p.96 as none. It should read one.

**RESOLUTION: CONDITIONALLY APPROVED**

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

1. The consolidation of Erf 1362, Piketberg with Unregistered Erf 4477, Piketberg in order to create a newly consolidated property of ±13997m<sup>2</sup> in extent for business purposes;
2. Rezoning of Erf 4452, Piketberg from General Residential Zone 4 (Flats) to Business Zone 1 (Business premises) in order to develop a parking area that is proposed to be notarially tied with the newly consolidated property; and
3. Rezoning of a portion of Unregistered Erf 4477, Piketberg (±165m<sup>2</sup> in extent previously known as Erf 4476, Piketberg) from Transport Zone 2 (Public Street) to Business Zone 1 (Business Premises), **BE APPROVED** in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:

(a) That a services servitude must be registered over municipal



**TOWN PLANNER  
(EAST)**



# MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY, 15 MARCH 2023 AT 08:00 ON MS TEAMS

engineering services located on the properties in favour of the Bergrivier Municipality, which should be imposed as a condition in the Deed of Transfer of the properties/consolidated property;

- (b) Any additional engineering services capacity, if additional services are required/upgrading as a result of the proposed utilisation/expansion of business utilisation will be for the account of the property owners/developer;
- (c) That the parking area on Erf 4452, Piketberg be link to the consolidated land unit by means of notarial deed;
- (d) The mature trees on the boundary between Erf 4452, Piketberg and Erf 604, Piketberg be retained;
- (e) Lighting orientation from this development must face inwards towards the business premises or on the business premises, and not adjacent residential properties;
- (f) A buffer area be established between the parking area on Erf 4452, Piketberg and the rear boundary of Erf 604, Piketberg reasonably in accordance with the site plan and a barrier wall and/or fence be erected to prevent vehicular access thereon;
- (g) The area be monitored by cameras and noise investigated/acted on as part of normal security and monitoring measures; and
- (h) That access control be exercised after business hours.

## REASONS FOR RESOLUTION

Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the integrated development plan, including the municipal spatial development framework.

All the subject properties in this application is earmarked for business utilization and to form Part of the Central Business District of Piketberg. The application is consistent with Bergrivier Municipal Spatial Development Framework 2019-2024.

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

The Ward councillor and technical department have no objections against the application. Comments received from the surrounding property owner is addressed by means of conditions, as the applicant confirmed that they can accommodate certain aspects of concern reasonably connected to this application. The comments on the application and response thereto contributed meaningfully in the evaluation of this application.

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



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The proposed application has no impact on Municipal Engineering services, subject to registration of servitudes to ensure that access can be obtained to municipal services when required and that engineering services required over and above the existing is for the account of the owner/developer.

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.

The provision of formally and orderly designed parking space address a broader shortcoming of parking space in the Central Business District of Piketberg. The proposed consolidation and rezoning will enable formal parking space development that will not impact on traffic in Die Trek Street, as confirmed by the Traffic Services Department.

The proposed development is within the urban edge of town and outside any natural or conservation areas as well as within close proximity of available municipal engineering services. The proposed application is in line with current norms as provided in the SDF for business expansion. Piketberg is a service and commercial sector of the surrounding agricultural sector, allowing expansion of such business utilisation and formally designed parking provision within town will strengthen the local economy. It is submitted that proposed consolidation and rezoning is sustainable and efficiently located as a result of aforesaid.

The proposed application is seen as a natural extension of the existing mall development within the earmarked CBD, consistent with the principle of good administration.

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.

No application for departure is required from development parameters for Business Premises as provided in the Zoning Scheme By-law. A surplus of parking bays is available in this development.

## Desirability

Formal and orderly designed parking bays will have a major contribution to the general/overall shortage in parking space especially during weekends when an influx of customers visit the CBD. Parking on Erf 4452, Piketberg will notarialy linked with the consolidated business property as the parking space is reasonably connected with the business premises.

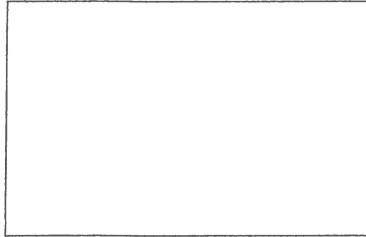
The vacant land in its current state attract unwanted activities, which can create an unsafe environment as no security or access control is currently in place. Allowing the development of the site will ensure that security measures is in place, which is imposed as condition. The development address the broader shortcoming of parking space in the Central Business District of Piketberg, but especially for the expanded development of Piquetberg Mall.

The proposed development will not impact on traffic in Die Trek Street and will improve the aesthetic as well as visual appearance of the site from the



surrounding public road and adjacent residential properties.

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



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**PTN009/03/2023**  
**APPLICATION FOR REZONING AND CONSOLIDATION: REMAINDER ERVEN 4500 & 4501 AND ERVEN 4553 & 4554 PIKETBERG**  
**PB.4500, 4501, 4553 & 4554**

The Town & Regional Planner (East) 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 consolidation of Remainder Erf 4500, Remainder Erf 4501, Erf 4553 and Erf 4554, Piketberg to create a newly consolidated property of ±4756m<sup>2</sup> in extent and rezoning of the newly created consolidated land unit from Community Zone 1 (Place of Instruction) to Open Space Zone 2 (Private Open Space), **BE APPROVED**; in terms of section 60 of Bergrivier Municipality By-Law on Municipal Land Use Planning, subject to the following conditions:

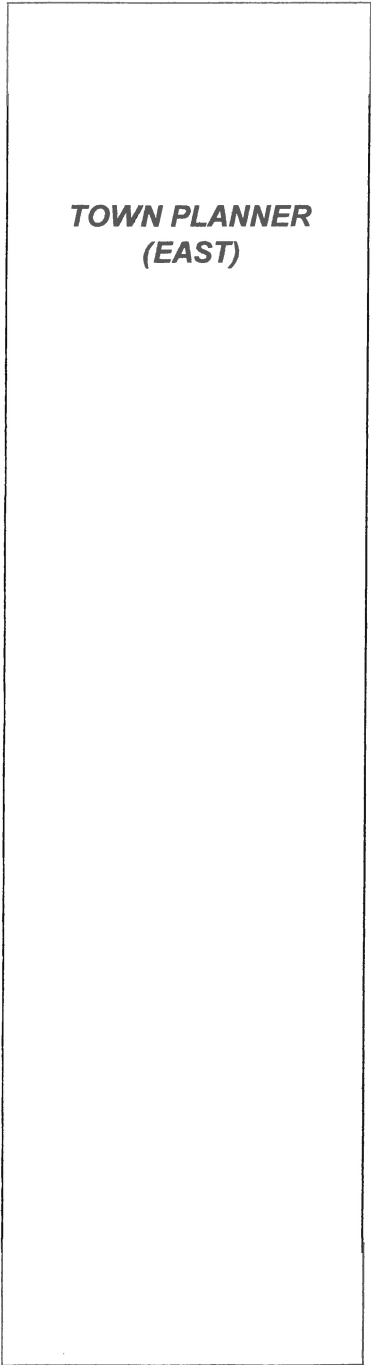
**TOWN PLANNER  
(EAST)**

1. a site development plan be submitted with building plan submission for consideration in terms of the National Building Regulation and Building Standards Act, 1977 as amended;
2. that dust mitigation be implemented with construction of the BMX bike pump parks;
3. the property must be fully fenced off (with clearview fencing, or similar, at a height of at least 1.8 meter) and access is prohibited from Calendula Street (access should occur from the western public street bordering the consolidated property); and
4. extension of the main sewerage lines for a sewerage connection to the consolidated land unit be addressed through funding and/or during budgeting processes of the Municipality.

**REASONS FOR RESOLUTION**

**Spatial Justice**

The properties is located in the identified recreational/tourism node. The rezoning and consolidation is in line with the Bergrivier Municipal Spatial Development Framework 2019-2024 to provide additional recreational opportunities to promote sports development that will contribute to integration of communities.







**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY, 15 MARCH 2023 AT 08:00 ON MS TEAMS**

Spatial Efficiency and Sustainability

Funding is made available by The Sport Trust for development of the recreational park (BMX bike pump park). The proposed consolidated property will remain in the ownership of the Municipality, and the basic municipal engineering services required to the recreational facility will be addressed through funding made available by The Sports Trust. The property can connect to the municipal waterline in Calendula Street and should sewerage be required a connection can be made by extending the main sewerage line in Lelie or Calendula Street, subject to the availability of funds (budget).

Good administration

The Bergrivier Municipality Spatial Development Framework 2019-2024, earmark the area as recreation node and for strategic development opportunities. Rezoning and consolidation of the properties do contribute to the envisioned future as provided in spatial policy for Piketberg. Rezoning and consolidation of the properties do contribute to the envisioned future as provided in spatial policy fort Piketberg by providing additional recreational opportunities to promote sports development that will contribute to integration of communities.

Desirability

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

No objections were received from surrounding affected property owners or the community during public participation.

The surrounding area is characterized by places of instruction (primary school and crèches), clinic, business premises Municipal library and single residential properties. The application properties is currently vacant and currently use as footpath and informal play area by the community. Allowing the development of a private open space considered appropriate for its location considering that it highly visible from the surrounding properties and is proposed within a mixed use area.

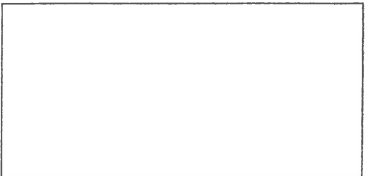
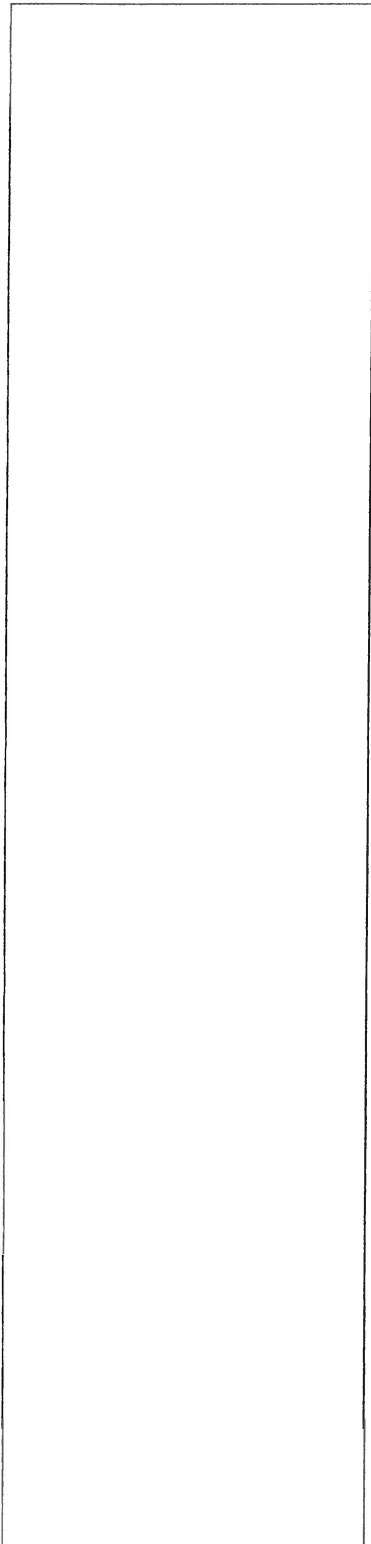
The application is considered desirable from a land use planning perspective taking into account the relevant factors of consideration as provided in terms of section 65 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to conditions imposed.

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**PTN010/03/2023**

**APPLICATION FOR PERMANENT DEPARTURE: ERF 2442, PORTERVILLE PTV.2442**

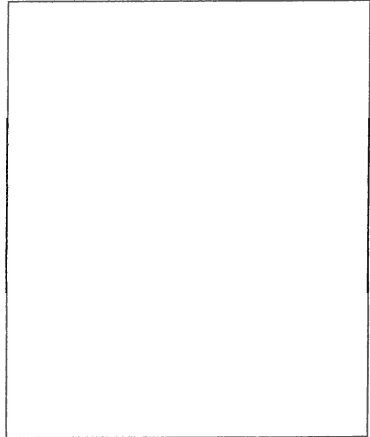
The Town & Regional Planner (East) gave a brief summary to the item under discussion.





**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY, 15 MARCH 2023 AT 08:00 ON MS TEAMS**

- Outbuildings is generally accepted to be constructed within common boundary building lines, as it is not used for habitable space that will infringe on neighbours privacy. The proposed outbuilding (garage/carports) also comply with the development parameters applicable thereto when constructed within the common boundary building lines as prescribed the zoning scheme by-law.
- The property is already serviced and the proposal do not require additional municipal services that will have a financial burden on the municipality.
- the applicant's current primary rights allow for the construction of a new boundary wall, with a maximum height of 2.1m, as well as double storey dwelling, which have the potential to similarly impact on light in the neighbouring dwelling as well as the neighbour's garden.



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**PTN011/03/2023  
DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday 20 April 2023 at 11:00** on an Electronic Platform.

**COMPLIANCE  
OFFICER**

**NOTED**

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**THE MEETING ADJOURNED AT 09:28  
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

**CHAIRPERSON**

24/3/2023  
**DATE**

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