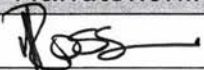


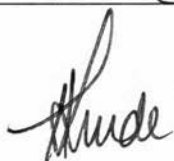


Die MB sal **GEEN** dokumente onderteken voordat die Direkteur:
Korporatiewe Dienste dit nie bestudeer en geproeflees het nie.

OP LAS
MUNISIPALE BESTUURDER

Aard van dokument: Notule | Agenda | Brief | Memo | MPT 22-07-2021

	Naam	Handtekening	Datum
Skrywer	A van Rossum		23-07-2021
Hoof / Toesighouer	--	--	--
Bestuurder	W Wagener		23/07/2021
Direkteur	JWA Kotzee	 JWA Kotzee	27/7/2021



27 JUL 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, 22 JULY 2021 AT 11:00 ON ELECTRONIC PLATFORM

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Director Corporate Services (Mr Vivian Kotzee: Deputy Chairperson)
Director Community Services (Mr D Josephus)
Manager Civil Engineering Services (Mr JJ Breunissen)
External Member (Ms. S van der Merwe)
External Member (Ms. D Kotze)

OFFICIALS

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

OBSERVER

Appointee as External Member from 1 August 2021 (Mr J de Jongh)

ACTION

PTN001/07/2021

OPENING AND WELCOME

The Chairperson welcomed everyone to the meeting. A minute of silence was observed for all affected by the devastating effects of the COVID-19 pandemic.

PTN002/07/2021

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Town & Regional Planner (West) (H Vermeulen) – sick leave

PTN003/07/2021

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

3/3/1/6



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 22 JULY 2021 AT 11:00 ON ELECTRONIC PLATFORM

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. The chairperson declared a collective interest, on behalf of all municipal officials, with regards to the municipal properties items on the agenda.

PTN004/07/2021
COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

The Chairperson welcomed Mr J de Jongh as observer and appointee to the Municipal Planning Tribunal. She also thanked Ms S van der Merwe for her service and willingness to help out until commencement of Mr J de Jongh's appointment.

PTN005/07/2021
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY, 3 JUNE 2021
3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 3 June 2021 be confirmed.

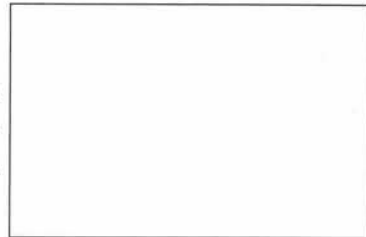
PTN006/07/2021
APPLICATION FOR SUBDIVISION AND REZONING: ERF 1077, PORTERVILLE
PTV.1077

The Manager: Planning & Environmental Management and the Town 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 subdivision of Erf 1077 Porterville into two portions namely: Portion A (±1434m² in extent) and Remainder Erf 1077 Porterville (±1421m² in extent) as well as rezoning of Portion A from Single Residential Zone 1 to General Residential Zone 2 in order to allow the development of four group housing units on the property, **be approved**, reasonably in accordance with the concept site development plan (submitted with the application) in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to the following conditions:

1. Bulk Service Contributions, as predetermined in the Municipal Budget, be paid for each additional unit created on Portion A of Erf 1077 Porterville. 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 Level Agreement (SLA);



COMPLIANCE OFFICER

TOWN PLANNER (EAST)



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 22 JULY 2021 AT 11:00 ON ELECTRONIC PLATFORM

2. The developer will be responsible for the provision of access, water, sewerage- and electricity connections to the subdivided property (Portion A) as well as the splitting thereof to the individual units on the property;
3. All buildings and structures must be planned, designed and built as a harmonious architectural entity;
4. Parking must be clearly marked out on the property as well as private and communal open space;
5. The group housing units is restricted to single storey;
6. No dwelling unit may be erected closer than 4meters from the common boundary between Portion A of Erf 1077 Porterville, Erf 3187 and 1078 Porterville;
7. Compliance with all other development parameters as provided in the zoning scheme by-law;
8. The owner(s) must exercise control over the tenants on the property, to ensure that activities do not occur which is in conflict with Bergrivier Municipality By-law Relating to The Prevention of Public Nuisances and Public Nuisances Arising from the Keeping of Animals;
9. The applicant must mitigate dust dispersion during construction phase i.e. wetting the access road and covering heaps of building sand under tarp; and
10. Controlled access to Portion A of Erf 1077 Porterville, by means of electronic gate, must be installed at entrance of Du Toit Street for the cost of the owner/developer.

REASONS FOR RESOLUTION

Section 65 (i) of Bergrivier Municipality: By-Law on Municipal Land Use Planning requires consideration of the integrated development plan, including the municipal spatial development framework:

The MSDF 2019-2024 has no specific land use specification for this property. The property is earmarked for residential purposes and in close proximity to the proposed integration zone proposed in the MSDF. The proposed rezoning, is for residential purposes, but with a higher density to promote affordable rental accommodation within the area.

Densification guidelines (page 153) in the MSDF has the following objective that National and provincial government has set municipalities for increasing the density of urban areas to an average gross based density of 25 dwelling units/hectare. The strategies through which this should be achieved among others with which the application is consistent are as follows:

- **Promote urban renewal through the infill of erven** and development



of existing vacant land uses and **buildings**,

- **Facilitate** subdivision of erven, second dwelling units and **sectional title developments – the development can especially take place in specific residential areas where large erven alongside wide streets were created and the area itself lends to densification.**

Erf 1077 Porterville is 2855m² in extent, being developed with an existing dwelling house and second dwelling in terms of the properties primary land use rights. ±1434m² of the property is currently not developed. This size of the property lends itself to further densification. The proposed four dwelling units on Erf 1077 Porterville will have a density of 27.8 (28 dwelling units/hectare), reasonably in accordance with provincial and national density targets for urban areas. The application also promotes urban renewal through infill of erven on site. The application is consistent with aforesaid strategies as provided in the MSDF.

Densification must be supported and prioritised in strategic locations such as, among others:

- **Within the areas where investment of public funds are focused (RSEP/Precinct Plans/Integrations Zone)**

The proposed rezoning of Portion A of Erf 1077 Porterville, does not deviate from the SDF by not being located within the integration zone, it is still consistent with the overall spatial guidelines for deification, and located on the border of the integration zone. The property borders directly onto aforesaid area and has a contribution to spatial transformation in close proximity (were community services, skills training, health services, sports and culture are proposed), which is considered acceptable considering its location in close walking proximity thereto. The application is consistent with the MSDF strategic directives.

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

The property is located within walking proximity to the Central Business District, Showgrounds, Municipal Tennis Courts and support services i.e. municipal offices and library. The proposed rezoning and subdivision can provide additional residential opportunities in closer proximity to support services/facilities in the area. The proposal contributes to restructuring Porterville lower density residential area, by promoting higher density housing opportunities on Portion A of Erf 1077, which can provide affordable rental opportunities to any person who wishes to stay in this part of town. The property is located in close proximity to the integration zone as identified in the MSDF, where spatial transformation should occur, the application contributes to integration by means of affordable residential opportunities. The application has some contribution to new spatial norms and is considered acceptable and



sustainable within its location.

The technical department of Bergrivier Municipality confirmed that municipal engineering services are available to Portion A, subject to conditions imposed. The proposal can therefore be efficiently located within available resources, without having a financial burden on the municipality or other ratepayers.

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

"The objective of this zone is to encourage residential development of a medium density, with a coordinated design, and to accommodate group housing where special attention is given to aesthetics, architectural form and the interrelationship between components of the group housing scheme. Group housing may be located in single residential areas in places where an increased density is desirable, including along main roads, near local shopping centres and other activity nodes, and also preferably near to public open spaces."

- The property is located in a residential area where increased density is desirable based on the directive of the MSDF densification guidelines. The property is in walking distance to the CBD (Businesses), support services (municipal offices , library) and on a site where higher density can be achieved considering its close proximity to aforesaid land uses.

Scrutiny of the site plan submitted indicates that the proposal can comply with the development parameters without any departures, however, conditions are imposed to ensure aforesaid. The amount of dwelling units/hectare are 28, less than the maximum amount allowed on group housing sites. Sufficient space is available on site to provide a service yard, refuse room, private open, communal open space and parking in accordance with the zoning scheme by-law. All buildings and structures must be planned, designed and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design and landscaping.

Taking into account the objections received. The proposed dwelling units are restricted to single storey, with a maximum size per unit of 60m² as indicated on the concept site development plan, to prevent it from deviating from the scale of developments and being visible from the street scape of Du Toit Street. Conditions are imposed to ensure access control to the group housing units, in the interest of security purposes.

Desirability

The properties once subdivided will continue to have residential land uses on site. The scale of the development on Portion A of Erf 1077 once rezoned will be approximately 240m² on a property of 1434m² (16.7% coverage), which is not out of context with dwelling houses in the nearby vicinity. The application will therefore not change the character of the surrounding area due to the



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 22 JULY 2021 AT 11:00 ON ELECTRONIC PLATFORM

small scale thereof and its location at the rear of other single residential properties which mitigate the higher density development. It is also proposed that the height of the dwelling units be restricted to single storey to further mitigate the development. Remainder Erf 1077 Porterville will remain Single Residential Zone 1, compatible with the surrounding area.

The proposed rezoning and subdivision will provide an economic and investment opportunity to the property owners and also rental opportunities to potential tenants improving the social well-being by providing additional residential opportunities where in close proximity to support services/facilities, saving possible tenants time and money to travel.

The development proposal of four group housing units on Portion A is considered sustainable as it optimises the use of existing resources efficiently (i.e. municipal services).

The objections and response thereon have been considered, and contributed meaningfully in considering this application. The applicant is willing to mitigate dust dispersion during construction. An existing boundary wall between the two properties also further mitigate privacy concerns. The applicant is willing to move the proposed dwelling units further from the common boundary between Portion A and Erf 3187 Porterville, a condition is therefore imposed to keep the erection of dwelling units 4meter from the common boundaries between Portion A of Erf 1077, Erf 1078 and 3187 Porterville.

Nuisance control is addressed in terms of Bergrivier Municipality By-law Relating to The Prevention of Public Nuisances and Public Nuisances Arising from the Keeping of Animals.

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

PTN007/07/2021

APPLICATION FOR CONSOLIDATION, CONSENT USE AND PERMANENT DEPARTURE: ERVEN 2634, 2635, 2636 & REMAINDER ERF 2279 PIKETBERG
PB. 2634-2636 & Re/2279

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

The Deputy Chairperson raised a question regarding a possible conflict of interest by the Ward Councillor who is also the appeal authority. It was pointed out that the comments/objections were submitted by the Ward Committee and not the Ward Councillor. However, the Chairperson informed the Municipal Planning Tribunal that, should there in any application be found that the Appeal Authority has any conflict of interest, an impartial external appeal authority would be appointed by Bergrivier Municipality.

**TOWN PLANNER
(EAST)**



RESOLUTION: PARTIALLY APPROVED

1. That the application made in terms of section 15 of Bergrivier Municipality: By-Law on Municipal Land Use Planning for the consolidation Erven 2634, 2635, 2636 and Remainder Erf 2279, Piketberg to create a business property of $\pm 1475\text{m}^2$ in extent and permanent departures of the off-street parking requirements from 21 to 19 parking bays to obtain direct off-street parking from Watsonia Street to the consolidated property, **BE APPROVED**; in terms of section 60 of Bergrivier Municipality: By-law on Municipal Land Use Planning, subject to the following conditions:
 - a. Upgrading or additional municipal engineering services required as a result of the proposed utilisation of land will be for the account of the owner/developer and to be installed to the satisfaction Bergrivier Municipality Technical Directorate;
 - b. No new buildings be erected closer than 2meter from the rear boundary of the consolidated land unit due to the main midblock sewerage line;
 - c. The developer must indicate the existing main sewer line on the layout plan during building plan submission and allow at least 1.5m unobstructed space from the existing main sewer line for maintenance/repair work by municipality;
 - d. Compliance with all other development parameters as provide in the zoning scheme by-law;
 - e. Parking must be clearly marked out on the premises;
 - f. Lighting of buildings on the consolidated property, must be placed in such a manner not to blind approaching traffic in Watsonia Street;
 - g. Development must occur reasonably in accordance with the site development plan, submitted with this application (excluding the consent use).
2. That the application made for consent use in terms of section 15 Bergrivier Municipality: By-Law on Municipal Land Use Planning in order to allow the operation of place of entertainment (sport pub with electronic/mechanical playing devises) from a portion of the proposed business premises ($\pm 134\text{m}^2$ in extent) on the consolidated land unit, **BE REFUSED**, in terms of sections 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning, **for the reasons provided in the reasons for recommendation.**

REASONS FOR RESOLUTION

1) THE CONSENT USE IS NOT SUPPORTED FOR THE FOLLOWING REASONS:

Consideration of requirements prescribed in Bergrivier Municipality Integrated Zoning Scheme By-Law:

Parking requirements of Bergrivier Municipality Integrated Zoning Scheme By-Law determine the proposed place of entertainment needs to provide the following number of off street parkings $134\text{m}^2 - 30\text{m}^2$ (Toilets and dry room) = $104\text{m}^2/1.4\text{m}^2 = 74.28\text{m}^2/8\text{persons} = 9$ additional off-Street parkings for the place of entertainment, additional to parking provided for



primary land uses on the proposed consolidated land unit. The shortage in parkings for the place of entertainment will have a negative impact resulting in vehicular/pedestrian traffic conflict points that will be caused by parking elsewhere in the vicinity creating a nuisance/disturbance and unsafe environment in Watsonia Street. Parking is essential for this type of land use. No departure has been applied for by the applicant for the place of entertainment.

Consideration of objections received

The applicant's response contributed meaningfully in considering this application. Objections received with regard to this type of place of entertainment and the negativity associated therewith in terms of the communities' social well-being are stated throughout all objections received. A consent use for this type of place of entertainment is not appropriate as the objections received give an indication that the land use is not suitable for the area, which will give rise to circumstances inconsistent with a sustainable living environment. Sustainable development should be achieved with limited inconvenience to the surrounding property owners and community.

Considerations of the MSDF 2019-2024

This part of Watsonia Street is earmarked in the MSDF for safe walkways establishments. The additional shortage in off-street parking for the place of entertainment will negatively affect the safety of road users (pedestrians and vehicular traffic) within the area, as parking will occur elsewhere in the vicinity or within road reserves being inconstant with the MSDF's proposal to achieve safe walkways.

2) THE APPLICATION FOR CONSOLIDATION AND PERMANENT DEPARTURE, IS SUPPORTED FOR THE FOLLOWING REASONS:

Consideration of the MSDF 2019-2024

The properties are earmarked for business utilization in terms of MSDF 2019-2021, the consolidation of the properties will strengthen the local economy through consolidated commercial and retail node areas and activities in strategic location, thereby giving effect to the directives of the MSDF. The limited departure of parking requirements for primary land uses does however not give rise to circumstances inconstant with the MSDF.

Spatial Justice, Sustainability, Efficiency

The proposed consolidation and permanent departures to allow direct parking and shortage of off-street parking from 21 to 19 parking bays will enable larger practical developable space for business development in line with the zoning of the property. The size and dimensions of the current properties, if developed will also need to obtain direct parking on each property, no other sensible alternative exist to practically develop a business premises on land being 369m² in size. Allowing the property to be consolidated will also give effect to the directives in the MSDF, which recognize the properties for business utilization. More business



development is promoted which enable investment to occur in previous disadvantage areas on existing vacant business land. The traffic department has no objections to the permanent departure being granted from 21-19 deviation in parking for primary land uses on the proposed consolidated land unit.

The proposed consolidated land unit does not require additional municipal engineering services, services are already available to the property, subject thereto that additional municipal services required as a result of the propose utilisation of land will be for the account of the owner/developer to the satisfaction of the Technical Directorate. The civil department stated that the developer will have to indicate the existing main sewer line on the layout plan and allow at least 1.5m of space from the existing main sewer line to leave sufficient space if the municipality has to perform any maintenance work on the line, a 1.5meter space is allowed on the layout plan, however conditions can be imposed to ensure aforesaid. The proposed consolidation is efficiently located in close proximity to existing engineering resources, which can be accommodated without having a financial burden on the municipality or other ratepayers.

Desirability

Allowing the consolidation of vacant business land will enable practical developable space, without changing the zoning of the properties. The consolidation does not result in circumstances incompatible with the surrounding neighbourhood, because the zoning remains unchanged. The size and dimensions of the current properties, if developed will also need to obtain direct parking on each property, no other sensible alternative exist to practically develop a business premises on land being 369m² in size.

The sale of alcoholic beverages (liquor store) from an Erf zoned Business Zone 1 does not require a land use application. The relocation of the existing liquor store elsewhere in the proposed building after consolidation will still be a primary right on the property. However, the relocation of the existing liquor store will be subject to an application for consideration by the Liquor Licensing Authority.

PTN008/07/2021

APPLICATION FOR SUBDIVISION: ERVEN 4474 & 4489, PIKETBERG

PB. 4474 & 4489

The Manager: 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 subdivision of Erf 4489 Piketberg into three portions namely: Portion 1 (±2hectare) , Portion 2 (±4.4hectare) & Remainder Erf 4489 Piketberg (±4.4hectare) as well as the subdivision of Erf 4474 Piketberg into six portions namely: Portion A (±0.66hectare), Portion B

**TOWN PLANNER
(EAST)**



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(±0.66hectare), Portion C (±0.66hectare), Portion D (±0.66hectare), Portion E (±0.66hectare) & Remainder Erf 4474 Piketberg (±0.66hectare) in order to create nine industrial erven, **be approved**; in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to the following conditions:

1. 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 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); and
2. Alienation of land may only take place after basic level municipal engineering services have been provided to the subdivided portions.

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 capacity of services required for the proposed utilization of land units is currently unknown. No basic level municipal engineering services i.e. electrical, sewerage, water and road have been provided to the current properties, the Municipality Technical Directorate confirmed that provision must be made in the Technical Directorates budget for basic level engineering services to the properties. In the absence of these basic level engineering services provided by the municipality, conditions are imposed to address these aspects to ensure that industrial opportunities are efficiently established where basic resources are available thereto. Services required, over and above that which the Municipality provides as basic minimum level engineering services will be for the account of the future purchasers/ owner(s), which is imposed as condition.

The proposed subdivision will allow smaller and more affordable industrial land units within the existing industrial area of Piketberg, allowing some alleviation for those who want to establish industries who does not necessarily have the funding, to buy larger industrial zoned land. The properties are located in the industrial area of Piketberg, allowing expansion by creating smaller industrial opportunities in an area earmarked for such purposes is considered sustainable. The proposed subdivision will promote access to services/facilities and growth of smaller more affordable scale and growth in areas with





economic potential, that can promote the efficient functioning of service centres.

The provision of additional industrial land can provide economic opportunities for the community of Piketberg and surrounding areas by means of additional job creation and investment opportunities. The application is consistent with the directives of Bergrivier Municipal Spatial Development Framework. It is also important to note that smaller affordable industrial land units are limited within the urban edge of Piketberg, as agricultural service centre.

Section 65 (i) of Bergrivier Municipality: By-Law on Municipal Land Use Planning requires consideration of the integrated development plan, including the municipal spatial development framework

Bergrivier Municipal Spatial Development Framework 2019-2024

The properties are earmarked for industrial diversification through expansion. *The subdivision promotes densification of the settlements, expanding industrial opportunities and avoids extension of the settlement footprint.*

One of the socio-economic directives among others states the following for Piketberg: “Expand industrial activities on the eastern side of the N7 to promote job creation and skills development.”

The proposed creation of smaller and more industrial land units will create opportunities for investment to people who do not necessarily have the financial means to buy larger industrial land units. The utilisation of more industrial land units, will provide more economic opportunities for the community of Piketberg and surrounding areas by means of additional job creation considering the variety of primary land uses allowed under Industrial Zone 2. The proposed subdivision will promote the expansion of industrial activities in the eastern side of the N7, by allowing more development opportunities for more land owners.

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

The zoning of the properties remain unchanged. The proposed subdivision is an expansion of the industrial area of Piketberg, in line with the land uses of the surrounding area. The sizes and the dimensions of the newly created land units are sufficient to comply with the development parameters of Industrial Zone 2.

No objections were received from surrounding affected property owners or general public.



The application is determined desirable from a land use planning perspective and can therefore be supported, subject to conditions.



PTN009/07/2021

APPLICATION FOR SUBDIVISION : ERF 4500 AND 4501, PIKETBERG PB. 4500 & 4501

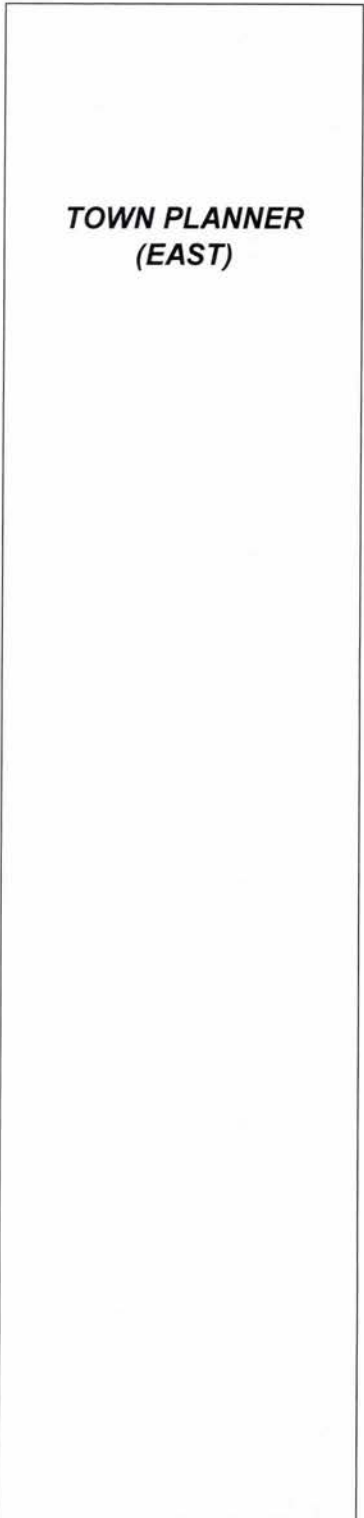
The Manager: Planning & Environmental Management gave a brief summary to the item under discussion.

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 4500 Piketberg into two portions namely: Portion 1 ($\pm 1189m^2$) and Remainder Erf 4500 Piketberg ($\pm 1189m^2$) as well as the subdivision of Erf 4501 Piketberg into two portions namely: Portion A ($\pm 1189m^2$) and Remainder Erf 4501 Piketberg ($\pm 1189m^2$) in order to create four community zoned erven, **be approved**; in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to the following conditions:

- (a) Compliance with Council Decision RVN021/03/2021 of 31 March 2021;
- (b) All upgrading or additional municipal engineering services required, over and above the basic minimum level engineering services provided by the municipality, as a result of the proposed utilisation of land must be borne by the future purchasers and/or owner(s), to the satisfaction of Bergrivier Municipality Technical Directorate; and
- (c) Alienation of land may only take place after basic level municipal engineering services have been provided to the subdivided portions.

**TOWN PLANNER
(EAST)**



REASONS FOR RESOLUTION

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

Spatial Proposal for the built environment as provided is the MSDF 2019-2024 is as follow:

"Promote spatial integration through the development of strategic land parcels within the town centre for community and recreational uses

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



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The proposed subdivision will allow four more opportunities to establish community facilities on strategic land that is currently vacant. Community facilities/services are a major factor that contribute to integration of communities, by allowing a subdivision that promotes such land uses is consistent with the MSDF 2019-2024. The subdivision promotes densification of settlements and the avoidance wherever possible of extending settlement footprints and associated services infrastructure networks.

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

No objections were received against the proposed application.

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

Provision has been made in the Technical Directorates budget 2021/2022 to provide the subdivided portions with basic municipal engineering services in accordance with Council decision RVN021/03/2021, dated 31 March 2021.

A Condition is imposed with regard to Municipal engineering services required, over and above those provided as basic minimum level engineering services by the municipality.

Relevant consideration was 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 proposed properties are centrally located within an existing residential neighbourhood in close proximity to the community which reduces the need to walk/travel long distances to community facilities/services in an area where land zoned for such purposes are limited. The municipal properties under consideration will provide more four opportunity by subdivision, to address the current demand for suitable, zoned properties to erect places of instruction/places of worship/community facilities in Piketberg.

The subdivision promotes densification of settlements and the avoidance wherever possible of extending settlement footprints and associated services infrastructure networks.

The proposed application promotes spatial justice, spatial efficiency and spatial sustainability 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.

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

The subdivision does not change the zoning of the properties. The dimensions of the land parcels are also considered sufficient to comply with the development parameters. No departure of the side building line is required if the neighbour gives written permission to encroach it, this also gives some



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relief on developing a practical building.

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 Municipality By-Law relating to Municipal land Use Planning, subject to conditions.

PTN010/07/2021

APPLICATION FOR SUBDIVISION, REZONING AND CONSOLIDATION: PORTIONS 2, 3, & 4 OF FARM KLIPHOEK NO. 59, DIVISION MALMESBURY

Farm 59/2, 3,4

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

RESOLUTION: REFERRED BACK

Members of the Municipal Planning Tribunal requested that:

1. the application be referred back to the Town & Regional Planner (West) to confirm that the procedure regarding advertising / consultation was correctly followed e.g. comments required from DEA & DP; and if not, that it be corrected.
2. a revised report including the additional information requested to be presented to the panel at the next Municipal Planning Tribunal.

PTN011/07/2021

DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday, 19 August 2021** at **11:00** on an Electronic Platform.

NOTED

**THE MEETING ADJOURNED AT 11:58
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

CHAIRPERSON

27 JUL 2021

DATE
