

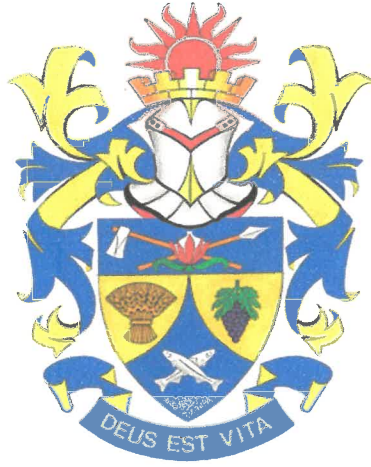
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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, 19 JULY 2023 AT 08:00 ON MS TEAMS, ELECTRONIC PLATFORM.

PRESENT

MEMBERS

- Municipal Manager (Adv. H Linde: Chairperson)
- Director Corporate Services (Mr JWA Kotzee: Vice Chairperson)
- Director Community Services (Mr D Josephus)
- External Member (Mrs D Kotze)
- External Member (Mr J de Jongh)

OFFICIALS

- Manager: Town Planning & Environmental Management (Mr W Wagener)
- Town & Regional Planner- West (Mr H Vermeulen)
- Compliance Officer (Mr S Lombard)

ACTION

PTN001/07/2023

OPENING AND WELCOME

The Chairperson opened and welcomed everyone to the meeting.

PTN002/07/2023

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Manager Civil Engineering Services (Mr J Breunissen) - Leave purposes.

PTN003/07/2023

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 had the opportunity to declare any personal interest with regards to the items on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal members. All municipal officials declared a collective interest in item 007 with regards to municipal land.

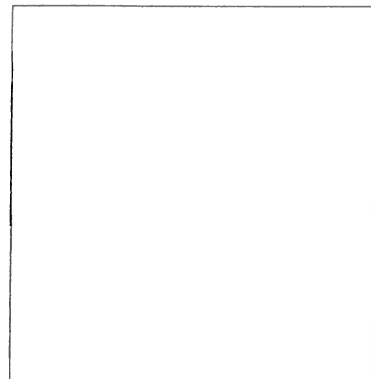


PTN004/07/2023

COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

1. That this meeting was reviewed and rescheduled from 20 July 2023 to 19 July 2023 due to unavailability of members and;
2. That a rectification must be made to Item PTN007, p.85 of the Agenda on the report of the Manager: Town Planning and Environmental Management, Part N, explaining the Existing and proposed zoning comparisons and considerations. The proposed zoning must be rectified from "Industrial Zone 1" to "Industrial Zone 2".



PTN005/07/2023

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 18 MAY 2023

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 18 May 2023 be confirmed.

COMPLIANCE OFFICER

PTN006/07/2023

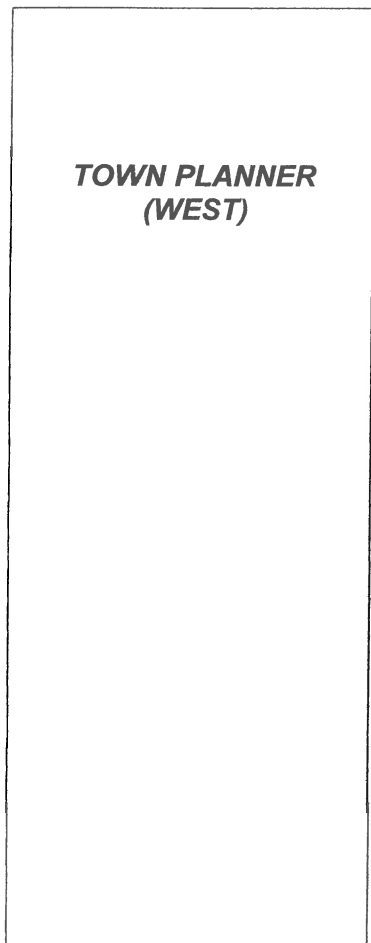
APPLICATION FOR REMOVAL OF RESTRICTIONS, REZONING AND CONSENT USE: ERF 785, VELDDRIF

V. 785

RESOLUTION: APPROVED

1. That the application for removal of restrictive title condition C.1 as contained in the deed of transfer T63837/2008, be approved, in terms of section 60 of the Bergrivier Municipality By-Law on Municipal Land Use Planning; and
2. That the application for rezoning of Erf 785, Velddrif from General Residential Zone 3 to Business Zone 1 and consent use to allow a motor repair garage relatively in accordance with the site development plan (Drawing No. 785VEL-STP3-TP), be approved, in terms of section 60 of the Bergrivier Municipality By-Law on Municipal Land Use Planning subject to:
 - a) A 3m building line be maintained along common boundaries shared with residential zoned properties;
 - b) No open air motor vehicles display area is allowed, and the workshop may only be used for servicing and maintenance of vehicles from the showroom and the developers own vehicles. No commercial motor repair garage is allowed;
 - c) No parking may be provided directly of Church Avenue. At least 37 on-site parking is to be provided behind the proposed buildings facing Church Avenue to facilitate an active interface with the street and ensure that movement of pedestrians is not impaired;
 - d) The road reserve adjacent to Erf 785, Velddrif along Church Avenue up

TOWN PLANNER (WEST)





to the corner of Gardenia Avenue, be paved for pedestrian movement and decorated with planting of suitable trees in accordance with the Velddrif/Laaipek Precinct Plan. A landscaping plan for the development and the sidewalks surrounding it must be submitted together with building plans of the development;

- e) That the existing street boundary walls be demolished in accordance with the site development plan to ensure that the development has an active interface with public streets and face directly onto streets; and
- f) The developer will be responsible for the provision and upgrading of all service infrastructure required as a result of the development, as negotiated and agreed upon between the developer and the Municipality's Directorate: Technical Services by means of a Services.

REASONS FOR RESOLUTION

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. Being located in and round the Central Business District of Velddrif, and near Church Avenue (a main collector route of the town with high volumes of traffic), the impact of the proposed development on the ambient noise levels in the area is expected to be negligible. Various other businesses are found in the area, including a service station, builder's yard, and shops. Compared to the current land uses found in the area, the addition impact that the proposed development on safety and tranquillity of the area would be insignificant. The proposed motor repair garage would only be used to maintain classic cars of the owner and will be inside a building approximately 23 meters from the nearest residential property boundary, thereby mitigating potential noise and visual impact. The proposed flats are at least ±13m from the nearest dwelling, with no windows or doors thereof facing onto a residential property.

Sections 22(1) & 42(1)(b) of SPLUMA requires that land use planning decisions must be consistent, with the municipal spatial development framework, though the decision maker may depart from the provisions of the SDF in site specific circumstances (Section 22(2) of SPLUMA) for example physical and/or locational attributes. The Bergrivier Municipality Spatial Development Framework (BMSDF) 2019-2024 identifies the area in which the subject property is located as a Central Business District and commercial/retail node. The subject property is earmarked for mixed use community node / retail precinct in terms of the BMSDF. The application for a mixed use development is therefore considered to be consistent with the BMSDF.

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 subject property was previously zoned as Business Zone 1, where after a rezoning and subdivision of the property was conditionally approved to allow 15 townhouses to be developed on the property. The application is to revert the zoning of the property back to Business Zone 1.

Section 59 (3) of LUPA requires land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities. The



proposed development would ensure more optimal use of an underdeveloped property within the Central Business District of Velddrif.

Section 59 (3)(b) of LUPA requires that integrated cities and towns should be developed, whereby the availability of residential and employment opportunities in close proximity to, or integrated with, each other, and a diverse combination of land uses is promoted. The proposed development would include residential and commercial land uses within a very accessible part of town and along a primary vehicular traffic and pedestrian route.

The application is consistent with the development principles of LUPA and SPLUMA. The proposed application furthermore is aligned with the guidelines of Municipal Spatial Development Framework, the Municipality's Integrated Development Plan and the zoning scheme requirements. The application is furthermore determined desirable from a planning perspective taking into account the relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning.

PTN007/07/2023

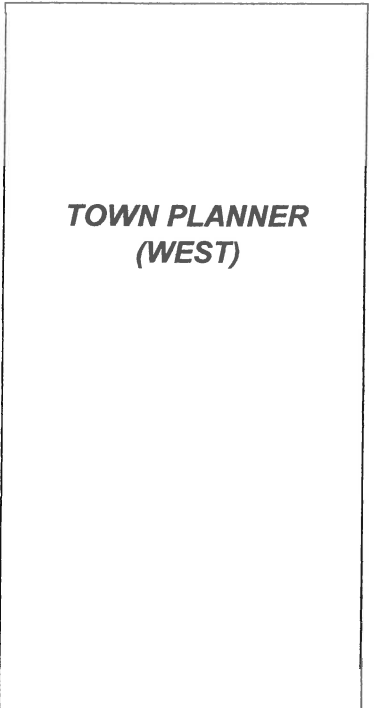
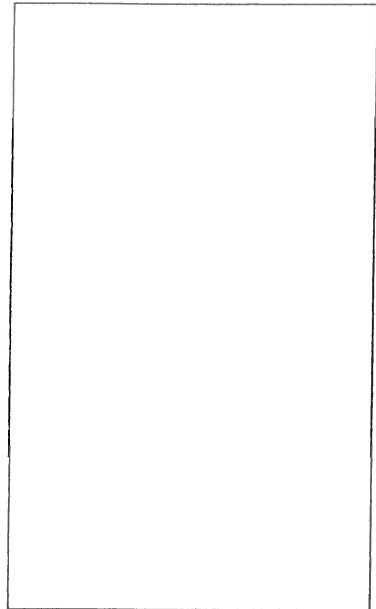
APPLICATION FOR SUBDIVISION AND REZONING: ERF 1438. VELDDRIF V. 1438

RESOLUTION: APPROVED

That the application for subdivision of Erf 1438, Velddrif into two portions namely Portion A (+ 10 000m²) and Remainder Erf 1438, Velddrif (± 5467m²) and rezoning of Portion A from Authority Zone to Industrial Zone 2, be approved in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to the provision of the subdivided portion with separate water and electricity connections, access, as well as a conservancy tank by and for the cost of the developer.

REASONS FOR RESOLUTION

The application is consistent with the development principles of LUPA and SPLUMA. The proposed application furthermore is aligned with the guidelines of Municipal Spatial Development Framework, the Municipality's Integrated Development Plan and the zoning scheme requirements. The application is furthermore determined 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.





MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY, 19 JULY 2023 AT 08:00 ON MS TEAMS, ELECTRONIC PLATFORM.

PTN008/07/2023

DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday 17 August 2023** at **11:00** on an Electronic Platform.

**COMPLIANCE
OFFICER**

NOTED

**THE MEETING ADJOURNED AT 08:36
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**



CHAIRPERSON



DATE
