



OFFICE OF THE MUNICIPAL MANAGER  
BERGRIVIER MUNICIPALITY  
P.O BOX 60  
PIKETBERG  
7320

**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON TUESDAY  
01 AUGUST 2017 AT 14:00 IN THE COUNCIL CHAMBERS, MUNICIPAL  
OFFICES, PIKETBERG**

**PRESENT**

**MEMBERS**

Municipal Manager (Adv. H Linde: Chairperson)  
Director Corporate Services (JWA Kotzee: Deputy Chairperson)  
Director Technical Services (H Kröhn)  
Director Financial Services (G Goliath)  
External Member (Ms S van der Merwe)  
External Member (Ms D Kotze)

**OFFICIALS**

Manager: Planning and Development (W Wagener)  
Administration Officer: Planning and Development (Ms J Rosenberg)

**ACTION**

**PTN001/08/2017**

**OPENING AND WELCOME**

The Chairperson welcomes all attendees present in the meeting.

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**PTN002/08/2017**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

None.

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**PTN003/08/2017**

**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 had no personal interest with regards to any items on the agenda.

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**PTN004/08/2017**

**COMMUNICATION BY THE CHAIRPERSON**

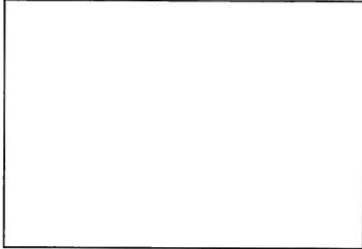
**3/3/1/6**

The Chairperson informed the meeting that the mother of the Director Technical Services had passed away and expressed sympathy to him and his family. She further informed the meeting that the Department Public Works did recorded interviews with the Mayor, herself and the Manager Strategic



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Services(LED Officer), with regards to small harbours of different municipalities and that a conference will be held 15-17 August 2017. Bergrivier Municipality will have a stall, represented by various Officials and Councillors at the conference and a presentation will be done by the Manager Strategic Services. She thanked the Manager Planning and Development for the great work done regarding above mentioned.



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**PTN005/08/2017**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 19 JULY 2017  
3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Wednesday 19 July 2017 be confirmed.

**ADMINISTRATION OFFICER:  
PLANNING  
&  
DEVELOPMENT**

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**PTN006/08/2017**

**APPLICATION FOR REMOVAL OF RESTRICTIONS AND SUBDIVISION: ERF 352, VELDDRIF  
15/3/2; 15/3/4, VD. 352**

The Manager: Planning and Development gave a brief summary of the item under discussion.

After thorough discussions and a short break from 14:15 – 14:20 to confirm details in the report as presented by the Town Planner West, the following resolution was taken:



**RESOLUTION**

1. That the application for removal of restrictive conditions E. 6(a), E.6.(b) and E. 6(d) as held in Title Deed No. T20033/1981 pertaining to Erf 352, Velddrif and subdivision of the property into three portions, namely Portion A (± 660m<sup>2</sup>), Portion B (± 540m<sup>2</sup>) and Remainder Erf 352 (±1774m<sup>2</sup>), for residential purposes, **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning, subject to:
  - 1.1 the provision of the subdivided portions with separate water, electricity, septic tanks and access. Electrical connections up to the erf boundaries must be done by an electrical contractor, for the cost of the applicant and to the satisfaction of the municipality.
  - 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 Level Agreement (SLA). The SLA will be drawn up by a municipal appointed attorney for the account of the developer.
2. That the objections received **not be upheld** for the reasons provided in the "Reasons for Resolution".

**MANAGER: PLANNING  
AND DEVELOPMENT**

**REASONS FOR RESOLUTION**

The Bergrivier Municipal Spatial Development Framework (BMSDF) proposes



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the inclusion of different densities and types of residential development in Velddrif/Laaiplek, that opportunities for infill residential development be supported through subdivision and the introduction of a broader spectrum of housing types, and infill residential development to utilize existing infrastructure. The proposed new erven will be created from an underutilized and vacant portion of Erf 352, Velddrif. This application supports the proposals of the BMSDF for infill residential development through subdivision and creates opportunities for different densities of residential while making more efficient use of urban land and existing infrastructure.

Section 59 (1) (a) of the Land Use Planning Act, Act 3 of 2014 (LUPA), states that past spatial and other development imbalances should be redressed through improved access to, and utilization of, land. By creating new residential land through the subdivision of underutilized and vacant land, access to land and the use thereof is improved to those with the necessary means. The creation of a more varied mix of densities provides a greater consumer choice and is not a reflection on the character and traits of future owners or tenants. The character and traits of future owners or tenants cannot be considered as a reason to refuse this application for removal of restrictions and subdivision.

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. The zoning of the Erf 352, Velddrif will remain unchanged and the same as the surrounding properties, namely Single Residential Zone 1. No change in the land use rights applicable to Erf 352, Velddrif or the erven created from it is proposed by this application. The new erven created by this application will have the same development and land use rights as Erf 352, Velddrif presently has. Bergrivier Municipality: Integrated Zoning Scheme By-Law does not contain any restriction on electrical fencing. Existing electrical fencing around a residential property does not affect the manner in which the property is developed or this application. The erection of electrical fencing for security purposes is within the rights of the owner of the land. The objection regarding the existence of electrical fencing on the boundaries of Erf 352, Velddrif therefore does not have any relevance to the merits of the application considered.

Section 59(2)(a)(i) of the Land Use Planning Act, Act 3 of 2014 (LUPA) requires the promotion of land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority. The Municipality's Civil and Electrical engineers evaluated the application and confirmed that sufficient civil and electrical services are available to accommodate the proposed development. Additional rates will be charged by the Municipality for the additional erven created, and thereby the sustainability of municipal service delivery will be supported. No additional land is required for this development, thereby increasing the compactness of the town and promoting more efficient use of land resources.

Section 59(3)(a) of the Land Use Planning Act, Act 3 of 2014 (LUPA) states that land development should optimize the use of existing resources, infrastructure, agriculture, land, minerals and facilities. Erf 352, Velddrif measures 2974m<sup>2</sup> extent, of which less than an estimated 25% is presently developed. The surrounding erven range from ± 501m<sup>2</sup> to ± 2345m<sup>2</sup> in extent. The prevailing density of the surrounding residential area is 9.17 dwelling units per hectare (du/ha) and the current density of Erf 352, Velddrif is 3.36 du/ha.

**MANAGER: PLANNING  
AND DEVELOPMENT**



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The subdivision of Erf 352, Velddrif will result in a density of 10 du/ha, constituting more optimal use of land and existing infrastructure within the urban area.

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**PTN007/08/2017  
DATE OF NEXT MEETING**

That the next meeting of the Municipal Planning Tribunal is scheduled for Tuesday 05 September 2017 at 14:00 in the Council Chambers, Municipal Offices in Piketberg.

**NOTED**

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**THE MEETING ADJOURNED AT 15:00**

**CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

  
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**CHAIRPERSON**

2/8/17  
**DATE**

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