

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 9 JULY 2020 AT 12:15 ON ELECTRONIC PLATFORM.

PRESENT

MEMBERS

Director Corporate Services (Mr Vivian Kotzee Kotzee: Deputy Chairperson)(Acting 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: Planning and Environmental Management (W Wagener)
Town Planner (West) (H Vermeulen)
Compliance Officer (A van Rossum)

ACTION

PTN001/07/2020

OPENING AND WELCOME

The Chairperson welcomed everyone to the meeting and apologises for the late start.

PTN002/07/2020

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Municipal Manager (Adv. H Linde: Chairperson) – On Leave
Mr Kobus Munro (Director: Development Management)

PTN003/07/2020

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 item on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal Members.

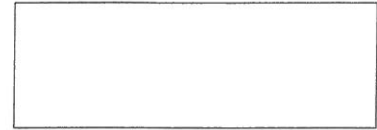


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PTN004/07/2020
COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

None



PTN005/07/2020
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 4 JUNE 2020

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday 4 June 2020 be confirmed with corrections on page 5.

**COMPLIANCE
OFFICER**

PTN006/07/2020
**APPLICATION FOR SUSPENSION OF RESTRICTIVE CONDITION, SUBDIVISION, REZONING,
CONSENT USE AND CONSOLIDATION: REMAINDER AND PORTION 1 OF FARM KLIPHOEK NO.
1196, DIVISION MALMESBURY**

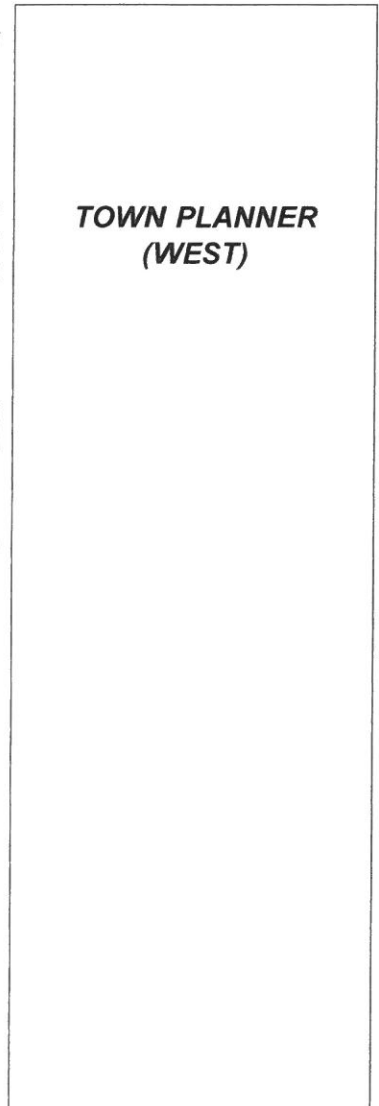
Farm 1196

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

RESOLUTION: APPROVED CONDITIONALLY

1. That the application for suspension of condition E as contained the title deed (T914/2009) of Portion 1 of the Farm Kliphoek No. 1196, Division Malmesbury **be approved**, to allow subdivision of Remainder farm Kliphoek No. 1196, Division Malmesbury.
2. That the application for subdivision of Remainder farm Kliphoek No. 1196, Division Malmesbury into Portion A (±9.5 ha in extent) and Remainder (± 2157 ha in extent) **be approved**, subject to Portion A being consolidated with Portion 1 of Farm Kliphoek No. 1196, Division Malmesbury.
3. That the application for rezoning of Portion A from Agriculture Zone 1 to Resort Zone 1 (± 4.7 ha in extent) and Open Space Zone 3 (± 4.8ha in extent) in accordance with the rezoning map dated November 2019 with reference VEL/9353/AC/NG, **be approved**, subject to:
 - a) That development takes place in accordance with the revised site development plan dated November 2019 with reference VEL/9353/AC/NC;
 - b) Compliance with the conditions and Environmental Management Programme referred to in the Environmental Authorisation dated 23/10/2018 with EIA reference number 16/3/3/1/F1/14/2023/18;
 - c) The accesses to Portion 4 of Farm No. 59, Division Malmesbury and the salt mine on Remainder Farm Kliphoek No. 1196, Division Malmesbury must be consolidated to a single access at the boundary between the two properties;

**TOWN PLANNER
(WEST)**





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- d) That tourist accommodation may only be offered on a temporary basis and no alienation of units are permitted;
 - e) The maximum covered floor area of units, inclusive of outbuildings, are limited to a maximum of 120m² per unit and height is restricted as indicated in the Kliphoek Architectural Guidelines dated January 2020;
 - f) All structures to be erected and renovated must be aligned with the Kliphoek Architectural Guidelines dated January 2020 as submitted with this application;
 - g) All new infrastructure and structures are to be situated above the 1:100 year flood line as well as the 5m contour line; and
 - h) That a Service Level Agreement (SLA) must be entered into between the developer and the Municipality's Directorate Technical Services, to the satisfaction of the Municipality's Directorate Technical Services, prior to any construction works taking place.
4. That the application for consent use to allow for tourist facilities in the form of a recreational area, a bicycle track, and a lapa with braai facilities, **be approved.**
5. That the application for rezoning of the island in the Berg River estuary, measuring ± 58.1ha in extent, as depicted on the rezoning plan dated June 2017 with reference VEL/9353/AC/NG, from Agriculture Zone 1 to Open Space Zone 3, **be approved.**

REASONS FOR RESOLUTION

The application is consistent with the development principles of LUPA and SPLUMA and is desirable from a planning perspective taking into account the relevant factors of consideration as determined in terms of section 65 of Bergvrievier Municipal By-Law relating to land Use Planning.

The public participation process has been followed in accordance with section 45- 49 of the Bergvrievier Municipality: By-Law Relating to Municipal Land Use Planning.

Section 59(3)(a) of the Land Use Planning Act requires that land development should optimise the use of existing resources, infrastructure, agriculture, land minerals and facilities. Part of the proposal involves the renovation of existing buildings and erecting buildings on existing footprints within the existing resort.

In terms of Section 42(c)(iv) of the Spatial Planning and Land Use Management Act (SPLUMA), consideration of land use planning applications must take into account the impact on existing rights and obligations. The existing resort has been in operation for more than 10 years, with the initial Resort Zone 1 rezoning approval dating back to 1990 and a subsequent subdivision approval in 2008 to separate the Resort Zone 1 area from the remainder of the farm. The property also accommodates various building structures that at present serve no purpose to the land owner and are in need of renovation. The proposal of the application to renovate existing structures,



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of renovation. The proposal of the application to renovate existing structures, provide more accommodation and recreational facilities will help the existing resort to operate more efficiently and provide greater contribution to tourism in the surrounding area.

The objections received do not clearly state if and how the proposed development will negatively affect their existing rights. This application is considered an application to allow extension of existing land use rights, rather than a land use planning application to establish new land use rights.

Section 65 (1)(f) of the Bergrivier Municipality: By-Law relating to Municipal Land Use Planning requires that investigations carried out in terms of other laws which are relevant to the consideration of an application must be taken into account.

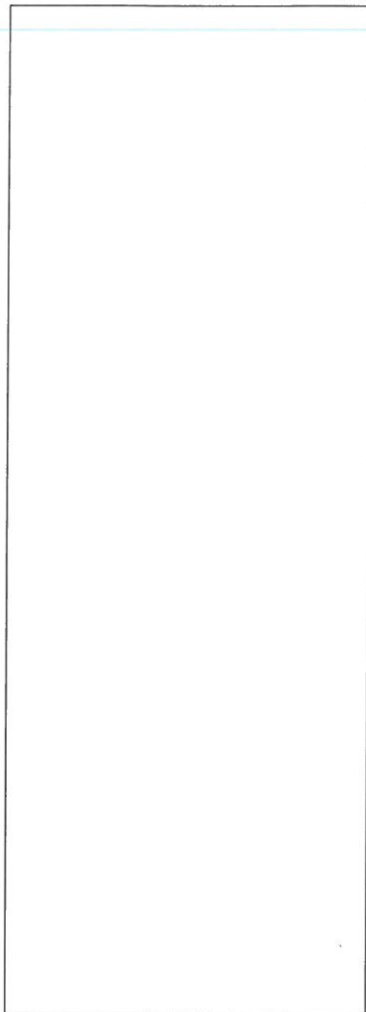
In this regard Environmental Authorisation for the proposed resort development and expansion was granted in terms of NEMA by the Western Cape Department of Environmental Affairs and Development Planning.

Section 22 of the Spatial Planning and Land Use Management Act requires that development applications must be consistent with the municipal spatial development framework and may only be departed from in site specific circumstances. The Bergrivier Municipality Spatial Development Framework recognises the importance of tourism development in the region and the expansion thereof. It states that resorts and short term tourism accommodation along the Berg River should be enhanced to promote recreation and water sport in the area. The proposed extension of the resort and the establishment of related recreational amenities is regarded as being in line with the Bergrivier Municipality Spatial Development Framework.

PTN007/07/2020
DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting to be confirmed.

NOTED



**COMPLIANCE
OFFICER**

THE MEETING ADJOURNED AT 12:50
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS



CHAIRPERSON



DATE
