

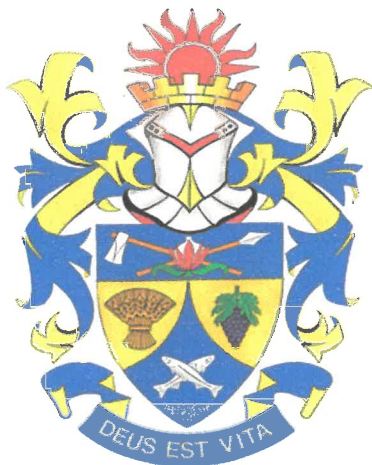
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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, 18 APRIL 2024 AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Director Technical Services (Mr D van Turha)
Manager Civil Engineering Services (Mr J Breunissen)
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)
Town & Regional Planner- East (Mr K Abrahams)
Administrative Officer (Mr S Lombard)

ACTION

PTN001/04/2024

OPENING AND WELCOME

The Chairperson opened and welcomed everyone to the meeting.

PTN002/04/2024

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Director Corporate Services (Mr JWA Kotze: Vice- Chairperson) – VERSO Annual meeting.

PTN003/04/2024

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

3/3/1/6

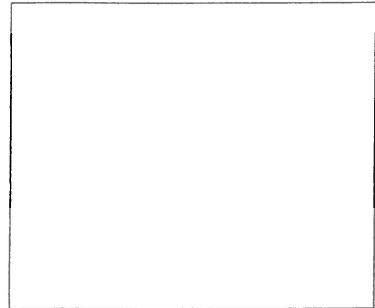
All members of The Municipal Planning Tribunal present, declared that they have no personal interest with regards to the items on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal Members.



PTN004/04/2024
COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

The Chairperson mentioned that Mr J Breunissen’s term as Member of The Municipal Planning Tribunal has come to an end. She wished him well and thank him for all the positive inputs and recommendations during his time as a Tribunal Member. Mr Breunissen expressed his gratitude towards the MPT for everything that he could learn during his tenure and wished the MPT well on their future work.



PTN005/04/2024
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY, 25 JANUARY 2024
 3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 25 January 2024 be confirmed.

ADMINISTRATIVE OFFICER

PTN006/04/2024
APPLICATION FOR SUBDIVISION, REZONING AND CONSOLIDATION: PORTIONS 3,8 & 9 OF FARM KLIPHOEK NO. 59, DIVISION MALMESBURY
FARM 59/2,3,4 M

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

RESOLUTION: APPROVED CONDITIONALLY

1. That the application for subdivision of:
 - a) Portion 9 of Farm 59 (1057,7868ha), Malmesbury Division into two portions namely Portion C (±218.762ha) and Remainder (±839ha);
 - b) Portion 3 of Farm No. 59 (±88.8ha) into two portions namely Portion D (± 2ha) and Remainder (± 86.8 ha);
 - c) Portion 8 of Farm No. 59 (150,0758ha in extent), Division Malmesbury into three portions namely Portion E (± 45 ha), Portion F (±0.7ha) and Remainder (± 104.4 ha),

TOWN AND REGIONAL PLANNER (WEST)

In accordance with the subdivision plan referenced VEL/11114/B1 dated 8 November 2023, **BE APPROVED**, in terms of section 60 of Bergvriervier Municipality: By-Law on Municipal Land Use Planning, subject to the following conditions:

- 1.1 the consolidation of Remainder Portion 3 of Farm No. 59, Division Malmesbury with Portion E (± 45ha in extent) of Ptn 8 of Farm 59, and Portion F (±0.7ha) of Ptn 8 of Farm 59,
 - 1.2 the consolidation of Remainder 8 of farm Nr. 59, Division Malmesbury (±104.4ha in extent) with Portion D (±2ha in extent).
2. That the application for rezoning of Portion C, Portion E and Remainder of Portion 3 of farm No. 59, Division Malmesbury from Agricultural Zone 1 to split zonings of Industrial Zone 4 (Salt Mine) and Open Space Zone 3 (Nature Conservation Area) in accordance with plan referenced



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 18 APRIL 2024 AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.

VEL/11114/C1 dated 8 November 2023 as follows:

- a) Portion C: Industrial Zone 4 for salt mine lease area of ± 84 ha and Open Space Zone 3 (Nature Conservation Area) of ± 135 ha;
- b) Portion E: Industrial Zone 4 for salt mine lease area of ± 44 ha and Open Space Zone 3 (Nature Conservation Area) of ± 0.07 ha;
- c) Portion F: Industrial Zone 4 for salt mine lease area (± 0.5 ha) and Open Space Zone 3 (Nature Conservation Area) of (± 0.2 ha); and
- d) Remainder of Portion 3 of farm No. 59, Division Malmesbury: Industrial Zone 4 for salt mine lease area of ± 17.4 ha and Open Space Zone 3 (Nature Conservation Area) of ± 69.4 ha,

BE APPROVED in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to the following conditions:

- 2.1 the Industrial Zone 4 land units may only be used for salt mining activities and none of the other uses provided for in terms of Industrial Zone 4 may take place on the properties;
- 2.2 compliance with the mining right with reference no. WC 30/5/1/2/2/10079MR and the mining work programme with reference no. (WC)30/5/1/2/2/307MR;
- 2.3 after decommissioning of the salt mines the zoning will automatically revert to its previous zoning, the salt mine areas must be rehabilitated, and after rehabilitation is to be rezoned to Open Space Zone 3 (nature conservation area) at the cost of the salt mining company and/or property-owner;
- 2.4 that vehicular access to the salt mine areas be ensured by means of right of way servitudes and that same be registered in the relevant Title Deeds, with proof thereof furnished to the Municipality.

REASONS FOR RESOLUTION

- 1) 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 Bergrivier Municipal By-Law on Municipal Land Use Planning.
- 2) Section 42(1)(b) of SPLUMA requires that decisions on application be consistent with the norms and standards, measures to protect sustainable use of agricultural land, national and provincial government policies, and the municipal spatial development framework. The application represents an application to formalize salt mines that have been in existence since the 1980's. The portions on which the salt mines are located have since the start of the salt mining not been used for agriculture and the application to subdivide the salt mines from the remaining agricultural land units is supported by the National Department of Agriculture, Forestry and Fisheries. The National Department of Mineral Resources granted a renewed mining right in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002). One of the objectives of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 is to



facilitate the development of industrial activity that underpins the rural economy, conservation and tourism. According to the said guidelines, extracting minerals e.g. salt mining is considered an appropriate industrial activity in rural areas provided that is suitably located, at an appropriate scale and which not adversely affect the agricultural potential of the property, amongst others. The application is considered to be in line with the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 and the Bergrivier Municipal Spatial Development Framework, 2024-2029 (BMSDF).

- 3) Section 42 (1)(c)(i) of SPLUMA requires that the public interest be taken into account in decision-making. The public participation process has been followed in accordance with sections 45- 49 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning. The application proposes to help secure employment opportunities for the local community.
- 4) Section 42 (1)(c)(iv) of SPLUMA requires that existing rights and obligations be taken into account in decision-making. The salt mines have been in existence for more than 30 years and a mining right has been issued for the salt mines. The application is intended to formalise the existence of the salt mines in terms of zoning and by subdividing it from the remaining agricultural land.

PTN007/04/2024

APPLICATION FOR REZONING AND DEPARTURE: ERF 2639, PIKETBERG PB. 2639

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

RESOLUTION: APPROVED CONDITIONALLY

- 1) That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for rezoning of Erf 2639, Piketberg from Single Residential Zone 1 to Business Zone 1 in order to allow the development of a business premises and permanent departure to expand the maximum width for vehicle carriageway crossings from 10m to ±37m along Lang Street and 10m to ±12m along Tuin Street to allow vehicles to obtain direct parking access on the premises, **BE APPROVED** (in accordance with the layout plan submitted with the application : sketsplan 2, dated 26/09/23 drawn by Anton de Klerk and the parking layout on amended plan dated April 2024, Ver 2.0 drawn by Mr Jan Truter) in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:

**TOWN AND REGIONAL
PLANNER
(EAST)**

- 1.1 That on-site parking bays/loading bay must be clearly marked out on the premises at an angle of 45 degrees to favour South side entry.
- 1.2 No vehicles exceeding 10 tons is allowed to do deliveries/loading on the premises;
- 1.3 The business premises (building) is restricted to single storey;
- 1.4 That a 1.5m boundary wall be retained and constructed between the residential properties and the business premises;



1.5 That the electrical supply may not exceed 50kVa and any additional/upgrading of municipal engineering services required as a result of the proposed utilisation of land will be borne by the property owner(s) as agreed between the Technical Services department of this Municipality;

1.6 Connection to municipal engineering services (water, sewerage and electrical) must be made to the satisfaction of this Municipality's Technical Department; and

1.7 Building plans be submitted to verify compliance with Bergrivier Municipality Integrated Zoning Scheme By-law.

REASONS FOR RESOLUTION

1. 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.

Erf 2639, Piketberg is located within Zone D in terms of Bergrivier Municipality Spatial Development Framework 2024-2029 (BMSDF 2024-2029), which is identified as the town's CBD and allows for future business expansion. By allowing business land uses on Erf 2639, Piketberg will strengthen the area as the business core of the town on the main road of town, which is regarded consistent with the BMSDF 2024-2029.

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

The subject property was historically rezoned to Central Business Zone, during May 2010 for the development of shop. The objector purchased Erf 3267, Piketberg, during 2012 adjacent to the subject property. Erf 2639, Piketberg can be developed in its current form with a double storey primary dwelling house and second dwelling unit not exceeding 60m² as a primary land use right. It should be noted that surrounding owners can't depend on views to remain intact when vacant land is not developed. Views will at least be partially affected were registered cadastral land unit exist.

An amended site development plan was received. Sufficient parking is now provided. The amended site plan does not materially impact the initial application. Application is now only made for departure of the carriageway crossings to allow the required off-street parking. The relevant road authorities did not object to the proposed departures being applied, subject to conditions. Allowing most parking access and loading bay on the property from Lang Street also replace any potential delivery nuisances to the main road. Similar off-street parking bays have been established in front of businesses with smaller developable space in the main road (Lang Street) within the established CBD.

There is no requirement in terms of section 38 of Bergrivier Municipality By-law on Municipal Land Use Planning to indicate possible tenants on a site development plan, with the information required for a land use planning application, businesses are driven by supply and demand.

3. 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.

The electrical and civil services department have no objection against the proposal subject to conditions imposed.

4. 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.
5. Spatial Justice
Existing residential land within the earmarked Central Business District along Lang Street (main road) and the integration zone (see Piketberg Gateway & Central Integration Zone Precinct Plan) is made available to the market by rezoning Erf 2639, Piketberg to Business Zone 1, in line with spatial guidelines. The rezoning of the property will allow additional consumer choice, enable economic & additional job opportunities which will not result in exclusion.
6. Spatial sustainability
The proposed development is within the CBD of Piketberg, next to the main road of Piketberg, and within the urban edge of the town. The proposal will not result in urban sprawl, and would help strengthen the CBD of Piketberg. The proposed development would increase the sustainability of the town by providing more choice to consumers and employment opportunities, along an established main road.
7. Spatial Efficiency
The property is located within the central business district of Piketberg where a variety of land uses are found. The development would result in the efficient use of land that is currently underdeveloped. The development is located in a vicinity where Municipal Engineering Services is found. The development proposal can be fully serviced and is accessible via the public road network in the area, subject to conditions of internal departments.
8. Spatial resilience
The application exhibits resilience through adaptability by helping address the need for more business/retail options and access thereto within the earmarked Central Business District.
9. Good administration
The application went through a public consultation process and all stakeholders and departments involved had the opportunity to comment. Acceptable norms and standards have been established in terms of Bergrivier Municipality Integrated Zoning Scheme By-law the Bergrivier Municipality Spatial Development Framework 2024-2029 for the property, which have been subject to public participation and thoroughly deliberated.
10. Desirability
The location of Erf 2639 Piketberg is considered compatible with the surrounding area, considering that similar established business is located in the area.

The property ones rezoned can generate an income to the property owner, provide additional consumer choice and create additional job opportunities in town. The municipality will also gain a long term income through property



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tax and service contribution payment.

The property is highly visible from the main retail node of town which is considered an important factor to establish a sustainable business within the CBD.

The application is desirable based on aforesaid.

PTN008/04/2024

APPLICATION FOR REZONING AND DEPARTURE: ERF 3265, PIKETBERG PB. 3265

The Town & Regional Planner gave a brief summary of the item under discussion.

RESOLUTION: PARTIALLY APPROVED

- 1) That the application for permanent departure to allow direct parking on-site from Voortrekker Street, which will require vehicles reversing across the sidewalk, as well as permanent departure to expand the maximum width for vehicle carriageway crossings from 10m to 26.74m for purposes of access/exit to and from property, **BE REFUSED** in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning.
- 2) That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for the rezoning of Remainder Erf 3265, Piketberg from General Residential Zone 4 (flats) to Business Zone 1 (business premises) in order to allow the development of medical consulting rooms on the property, **BE APPROVED** in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:
 - 2.1 That one entrance/exit (vehicle carriageway crossings) be provided at a maximum width of 10m to the site and on-site parking bays be provided elsewhere on-site which must be clearly indicated on the amended site development plan submitted with the building plans. Tandem parking acceptable if no other option available.
 - 2.2 That on-site parking bays must be clearly marked out on the premises;
 - 2.3 That at least a 1.8m boundary fence/wall be constructed on common boundaries;
 - 2.4 Lighting of the property be orientated/projected inwards or onto Erf 3265, Piketberg;
 - 2.5 Municipal engineering services connections required and/or any additional/upgrading of municipal engineering services as a result of the proposed utilisation of land will be borne by the property owner(s) as agreed between the Technical Services department of this Municipality;
 - 2.6 Connection to municipal engineering services (water, sewerage and electrical) must be made to the satisfaction of this Municipality's Technical Department;
 - 2.7 Compliance with noise control regulations; and
 - 2.8 Compliance with all other conditions of the zoning scheme by-law.

**TOWN AND
REGIONAL PLANNER
(EAST)**



REASONS FOR RESOLUTION

1. 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.

Erf 3265, Piketberg is located within Zone D in terms of Bergrivier Municipality Spatial Development Framework 2024-2029 (BMSDF 2024-2029), which is identified as the town's CBD and allows for future business expansion. By allowing business land uses on Erf 3265, Piketberg will strengthen the area as the business core of the town along an activity street of town, which is regarded consistent with the BMSDF 2024-2029.

Piketberg Gateway and Central Integration Zone Precinct Plan include the property within the integration zone where additional services/business should ideally be located.

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

Voortrekker Street was historically the main road of Piketberg, and business has gradually over time been established along this historical main road, which is still regarded as an activity street of Piketberg. The objectors' property and application property is located within the earmarked Central Business District of Town. Disturbances of pedestrians and higher transport volumes along activity streets are generally to be expected to occur within the established CBD.

Considering the energy crisis in South Africa all citizens are considering alternative energy resources.

The Provincial Western Cape Noise Control regulations, 2013 and the Bergrivier Municipality By-law Relating to Prevention of Public Nuisance, 9 November 2009, is administered by Bergrivier Municipality Law Enforcement Department for nuisances disturbing the peace and ordinary comfort of others.

Noise levels must be kept at acceptable levels in line with the relevant regulations i.e. Western Cape Noise Control Regulations, no.7141 of 2013 and the criteria as stipulated in Table 2 of SANS 10103:2008. All places/premises, even residential premises must comply.

Western Cape Noise Control Regulations, no.7141, of 2013 and the criteria as stipulated in Table 2 of SANS 10103: 2008, determines the applicable rating levels for noise in the respective areas as defined. To ensure compliance to this by keeping the noise levels in line with the respective regulations and standards at all times. Refer to section 10 of the Noise Control regulations: Procedure for control of noise within the regulations.

3. 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 electrical and civil services department have no objection against the proposal subject to, conditions imposed.

4. Relevant consideration was 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.

5. Spatial Justice

Existing residential land within a predominant business area along Voortrekker Street (activity road) and the earmarked integration zone is made available to the market by rezoning Erf 3265, Piketberg to Business Zone 1, in line with spatial guidelines. The proposal will enable the development of a medical facility (support service) to the community within the central business district of Piketberg that will not result in exclusion of any person.

6. Spatial Sustainability and efficiency

The property is located along an activity street of Piketberg. Businesses are furthermore driven by the concept of supply and demand and the location of Erf 3265 Piketberg is considered sustainable, considering that business is already established in the immediate vicinity. By allowing the rezoning of Erf 3265, Piketberg will expand business opportunities and promote support services within central Piketberg.

7. Spatial Efficiency

The property is located within the central business district of Piketberg where a variety of land uses are found. The development would result in the efficient use of land that is currently underdeveloped. The development is located in a vicinity where Municipal Engineering Services is available. The development proposal can be fully serviced and is accessible via an activity road, subject to conditions of internal departments.

8. Spatial resilience

The application exhibits resilience by being adaptable from residential to business thereby helping address the need for more business/medical support services and access thereto within the earmarked Central Business District

9. Good administration

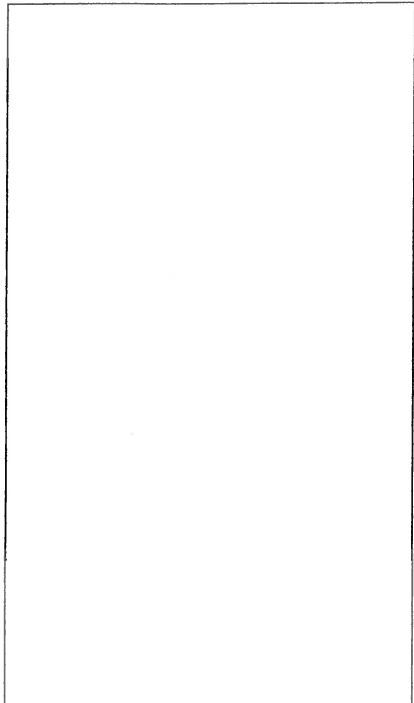
The application went through a public consultation process and all stakeholders and departments involved had the opportunity to comment. Acceptable norms and standards have been established in terms of Bergrivier Municipality Integrated Zoning Scheme By-law and the Bergrivier Municipality Spatial Development Framework 2024-2029 for the property, which have been subject to public participation and thoroughly deliberated.

The application is considered consistent with Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) in terms of the aforesaid.



10. Desirability

- The location of Erf 3265 Piketberg is considered compatible with the surrounding area, considering that similar established businesses are located in the area.
- Allowing a medical facility on the said position in central Piketberg will have a positive impact on the well-being of the community due to accessibility for all residents as well as people from the surrounding area accessing town by means of public transport.
- The property ones rezoned can generate an income to the property owner, provide additional consumer choice and create additional job opportunities in town. The municipality will also gain a long term income through property tax and service contribution payment.
- The application is 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.
- The property is highly visible from Voortrekker Street (activity street) which is considered an important factor to establish a sustainable business/medical facility within the CBD.



PTN009/04/2024

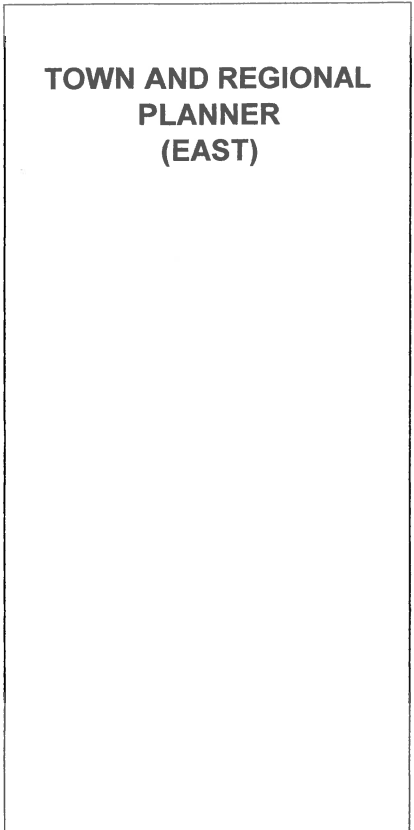
APPLICATION FOR SUBDIVISION, CLOSURE OF PUBLIC STREET AND REZONING: A PORTION OF REMAINDER FARM GROOTE FONTEIN NO. 241, DIVISION PIKETBERG (COMMONAGE)

Farm 241 PB

The Town & Regional Planner gave a brief summary of the item under discussion.

RESOLUTION: APPROVED CONDITIONALLY

- 1) That the application made in terms of section 15 of Bergrivier Municipality By-law on Municipal Land Use Planning for subdivision of Remainder Farm Groote Fontein No. 241, division Piketberg into two portions namely: Portion A (±1189m² in extent) and Remainder as well as closure of portion A as public street and rezoning of Portion A from Agriculture Zone 1 to Industrial Zone 2, with intention to consolidate Portion A with adjacent Erf 4541, Piketberg, **BE APPROVED** in terms of sections 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:
 - 1.1 That the closure of public street (public place) and subdivision (Portion A) be endorsed and registered at the Surveyor General;
 - 1.2 That Portion A be consolidated with Erf 4541, Piketberg (after alienation of the land in accordance with Council decision RVN015/10/2022 of 25 October 2022);
 - 1.3 That a service servitude be registered over Portion A in favour of Bergrivier Municipality for maintenance purposes, which must be contained in the deed of transfer of the newly consolidated property between Portion A & Erf 4541, Piketberg;





PTN010/04/2024
APPLICATION FOR SUBDIVISION, CLOSURE OF PUBLIC STREET AND REZONING: A PORTION OF REMAINDER ERF 10111, PORTERVILLE PTV. 1011

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

RESOLUTION: APPROVED CONDITIONALLY

- 1) That the application made in terms of section 15 of Bergrivier Municipality By-law on Municipal Land Use Planning for subdivision of Remainder Erf 1011, Porterville into two portions namely: Portion A (±1138m² in extent) and Remainder as well as closure of Portion A as public street and rezoning of Portion A from Transport Zone 2 (Public Street) to Industrial Zone 2, with intention to consolidate Portion A with adjacent Erven 1017 and 1151, Porterville, **BE APPROVED** in terms of sections 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:
 - 1.1 That the closure of public street (public place) and subdivision (Portion A) be endorsed and registered at the Surveyor General;
 - 1.2 That Portion A be consolidated with Erven 1017 & 1151, Porterville (after alienation of the land in accordance with Council decision RVN014/10/2022 of 25 October 2022);
 - 1.3 That a service servitude be registered over Portion A in favour of Bergrivier Municipality for maintenance purposes, which must be contained in the deed of transfer of the newly consolidated property between Portion A & Erven 1017 & 1151, Porterville;
 - 1.4 That all cost arising as a result of the consolidation and servitude registration must be borne by the applicant;
 - 1.5 The applicant is partially responsible for the realignment of the electrical services and pipe of storm water as negotiated and agreed with the Technical Services Directorate, by means of a Service Level Agreement; and
 - 1.6 No permanent structures/buildings may be constructed within the services servitude (excluding boundary fencing/walls/gates).

REASONS FOR RESOLUTION

1. Spatial justice and efficiency

This portion of street forms a dead end on the boundary of Erf 1179, Porterville. Closing this portion of road is in the interest of safety and security. Alternative authorised public road network system exists to anyone who wish to gain access to other surrounding properties in the industrial area. Authorised access to the adjacent industrial properties is still available to clients and workers, and will not result in exclusion.

No other surrounding property will be negatively affected by the proposed application. Access to Municipal engineering services will be ensured by

**TOWN AND REGIONAL
PLANNER
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registration of services servitude. No new engineering services is required should the closed public place be consolidated with Erven 1017 & 1151, Porterville.

2. Good administration.

Council's intention to close and alienate the public road went through various public participation as well as the prescribed public participation in terms of Bergrivier Municipality By-law on Municipality Land Use Planning and all stakeholders and departments involved had the opportunity to comment.

The purpose of closure of public street and rezoning to Industrial Zone 2 (industry), with intention to consolidate the public street (public place) with erven 1017 & 1151, Porterville in accordance with Council decision RVN014/10/2022 is 25 October 2022 is for safety and security purposes. Erven 1017 & 1151, Porterville are also zoned Industrial Zone 2, similar to other adjacent properties in the vicinity. The subject area is also identified as Porterville Industrial area, which will not negatively impact on surrounding owners. No permanent structures will be allowed to be constructed over the portion of land (excluding boundary fences/walls/open parking) as a services servitude will be registered over the land in favour of the Municipality.

Closing this portion of road is in the interest of safety and security. Alternative authorised public road network system exist to anyone who wish to gain access to other surrounding properties in the industrial area. Surrounding land uses in the vicinity is agriculture and dominantly industries, by rezoning the land to Industrial Zone 2 is compatible with the established industrial area of Porterville.

Site specific circumstances exist that warrant a deviation from the Bergrivier Municipality Spatial Development Framework 2024-2029, as follow: This portion of land only provide access to Erven 1017 & 1151, Porterville. This public street forms a dead end road with the boundary of Erf 1179, Porterville (privately owned land). Established public road networks are still available in the vicinity to other properties for vehicles, pedestrians and workers.

PTN011/04/2024

DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday, 16 May 2024** at **11:00** on an Electronic Platform.

NOTED

**THE MEETING ADJOURNED AT 12:35
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

**TOWN AND REGIONAL
PLANNER
(EAST)**

**ADMINISTRATIVE
OFFICER**

CHAIRPERSON

**24/4/24
DATE**