

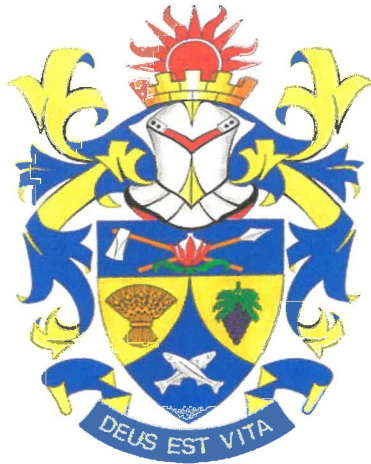
## BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

### 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 MEETING HELD ON THURSDAY, 12 JUNE 2025 AT 11:00 ON MS TEAMS, AN ELECTRONIC PLATFORM.**

### **PRESENT**

### **MEMBERS**

Municipal Manager (Adv. H Linde: Chairperson)  
Director: Corporate Services (Mr JWA Kotzee: Vice-Chairperson)  
Director: Technical Services (Mr D van Turha)  
Manager: Expenditure, SCM and Assets (Mrs N Bothma)  
External Member (Ms D Kotze)  
External Member (Mr J de Jongh)

### **OFFICIALS**

Manager: Town Planning & Environmental Management  
Town & Regional Planner (West) (Mr H Vermeulen)  
Administrative Officer (Mr S Lombard)

**PTN001/06/2025**

### **OPENING AND WELCOME**

The Chairperson opened and welcomed everyone to the meeting.

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**PTN002/06/2025**

### **REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

None.

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**PTN003/06/2025**

### **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.

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### **ACTION**



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON THURSDAY, 12 JUNE 2025 AT 11:00 ON MS TEAMS, AN ELECTRONIC PLATFORM.**

**PTN004/06/2025**

**COMMUNICATION BY THE CHAIRPERSON**

**3/3/1/6**

- 1) The Chairperson shares the Council resolution of 30 May 2025 regarding the replacement and remaining terms of tribunal members.
- 2) The following officials be appointed as replacement of internal members for 3-months:
  - a) Director Community Services, Mr. D. Josephus, as replacement for the Municipal Manager, Adv. H. Linde, for a period of three (3) months (August, September and October 2025);
  - b) Manager: Human Resources, Mr. A. W. Rheeder, as replacement for the Director Corporate Services, Mr. J.W.A. Kotzee, for a period of three (3) months (August, September and October 2025);
- 3) That the Municipal Manager be appointed as the Chairperson of the Municipal Planning Tribunal from 01 November 2025 until 31 July 2027 (the end of her contract in August 2027);
- 4) That the Director Corporate Services be appointed as the Vice-Chairperson of the Municipal Planning Tribunal from 01 November 2025 until 31 October 2030;
- 5) That replacement of the external members be done in accordance with Section 71(3)(b) and 72(2)(b), (3)-(12) of the Bergrivier Municipality: By-Law on Municipal Land Use Planning (PN 8365 of 11 December 2020); and
- 6) That the legal proses for the appointment of external members be followed to replace Ms Doretha Kotze (Private Consultant).

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**PTN005/06/2025**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY, 17 APRIL 2025**

**3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 17 April 2025 be confirmed.

**ADMINISTRATIVE  
OFFICER**

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**PTN006/06/2025**

**APPLICATION FOR CONSENT USE AND DEPARTURE: ERF 785, VELDDRIF VD. 785**

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

**RESOLUTION: CONDITIONALLY APPROVED**

1. That the application for consent use on Erf 785, Velddrif to allow 12 flats, departure from the street building lines from 5m to 2m, departure from the Western side building line from 3m to 2m and the Northern side building line from 4.5m to 3m, and departure from the maximum density applicable to town housing from 60 dwelling units per hectare to 74 dwelling units per hectare, **BE APPROVED**, in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to the following conditions:
  - a) The development must be relatively in accordance with the development

**TOWN PLANNER  
(WEST)**



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plans submitted with the application, marked Annexures H1 – H6;

- b) The road reserve adjacent to Erf 785, Velddrif be paved for pedestrian movement and decorated with planting of suitable trees in accordance with the Velddrif/Laaiplek Precinct Plan. A landscaping plan for the development and the sidewalks surrounding it must be submitted together with building plans of the development;
- c) 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;
- d) The developer will be responsible for the provision of access, water, sewerage- and electricity connections to the property as well as the splitting thereof to the individual sectional title units on the property;
- e) A paved internal private access road must be provided by the developer and will subsequently be maintained by the Body Corporate;
- f) No external features, or balconies, may have an overhang of more than 1m over a building line; and
- g) Individual ownership of the dwelling units (townhouses and flats) is permitted under sectional title schemes.

## REASONS FOR RESOLUTION

- According to Section 42(1)(c)(i) of the Spatial Planning and Land Use Management Act (SPLUMA), public interest must be considered when deciding on an application. The proposed development is located in the Central Business District of Velddrif and adjacent to Church Avenue, which is a major collector route with high traffic volumes. Therefore, the expected impact of the development on ambient noise levels in the area will be negligible. The vicinity already hosts various businesses, including a service station, a builder's yard, and shops. Compared to the existing land uses, the additional impact from the proposed development on the area's safety and tranquillity is anticipated to be insignificant.
- Sections 22(1) and 42(1)(b) of SPLUMA also require that land use planning decisions align with the municipal spatial development framework. However, decision-makers may deviate from the provisions of the Spatial Development Framework (SDF) in site-specific circumstances (Section 22(2) of SPLUMA), considering physical and locational attributes. The Berggrivier Municipality Spatial Development Framework (BMSDF) 2024-2029 designates the area of the subject property as part of the Central Business District of Velddrif, next to an Activity Corridor, where densification and intensification of mixed land uses are encouraged.
- Section 59(1)(g) of the Land Use Planning Act, Act 3 of 2014 (LUPA), acknowledges the rights of owners to develop land according to current use



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rights. Additionally, Section 42(c)(iv) of SPLUMA emphasizes that the impact of existing rights and obligations must be accounted for. The subject property was originally zoned as Business Zone 1, after which it was rezoned and subdivided to permit a townhouse development. This application seeks to develop the property for both townhouses and flats. Erf 785, Velddrif, is currently zoned as General Residential Zone 3 (Town Housing), the same zoning as the adjacent properties in Hibiscus Place to the west. A height restriction of 8.5m applies to the ridge or roof and 6m to the wall plate for town houses. The proposed town houses would have a height of approximately 7.45m. Like this development application, departures have been granted during 2018 from the side building lines applicable to the adjacent town house development, Hibiscus Place, from 3m to 1m and 1.5m respectively.

- The Hibiscus Place development, which is located on the western side of the proposed development, has a 5m-wide right of way servitude along the boundary it shares with the proposed development. Only double-storey townhouses are proposed next to this shared boundary, with a proposed building line of 2m (instead of the required 4.5m). The townhouses on Erf 785, Velddrif, would be separated from the Hibiscus Place development by approximately 7m and a boundary wall of approximately 2m in height. Additionally, it is noteworthy that the townhouses in Hibiscus Place have their garages and front stoeps facing towards Erf 785, Velddrif, ensuring that no internal living spaces, bathrooms, or bedrooms in the Hibiscus Place townhouses are visible from Erf 785. One of the properties within the Hibiscus Place development directly fronts onto Erf 785 and does not have a right of way servitude separating it from the proposed development. To address this, the applicant has proposed an internal open space on Erf 785, Velddrif, which will provide a buffer between the proposed development and the existing development at Hibiscus Place.
- The property to the north of Erf 785 is zoned as Business Zone 1 (Business Premises), which allows a height of 15m, potentially accommodating up to 4 storeys. There are no building lines applicable to a business premises, allowing for 100% coverage. Business premises may be developed with flats, caretaker's quarters, and other residential land uses above the ground floor. The proposed 3-storey (approximately 9.95m in height) block of flats on Erf 785, Velddrif, would be positioned 3m from the southern side boundary of the adjacent business premises. The property to the north of the subject property, and other business properties in the vicinity thereof, would still have more development rights than what is applied for with this application.
- Section 59(3) of LUPA mandates that land development should optimise existing resources, infrastructure, agriculture, land, minerals, and facilities. The proposed development will ensure a more optimal use of an underdeveloped property within the Central Business District of Velddrif.
- Furthermore, Section 59(3)(b) of LUPA advocates for the development of integrated cities and towns, promoting the proximity of residential and employment opportunities while supporting a diverse mixture of land uses. The proposed development will introduce additional residential land uses in a highly accessible area, situated along a key vehicular traffic and pedestrian route.
- In summary, the application aligns with the development principles outlined in LUPA and SPLUMA. It also conforms to the guidelines of the Municipal Spatial



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Development Framework, the Municipality's Integrated Development Plan, and zoning scheme requirements. From a planning perspective, the application is deemed desirable, taking into consideration the relevant factors established under Section 65 of the Bergrivier Municipal By-Law on Municipal Land Use Planning.

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**PTN007/06/2025**

**APPLICATION FOR CONSENT USE: ERF 2838, LAAIPLEK**

**L. 2838**

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

**RESOLUTION: REFUSED**

That the application for consent use to operate a place of entertainment from Erf 2838, Laaiplek, **BE REFUSED**, in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning for the reasons provided in the reasons for resolution.

**REASONS FOR RESOLUTION**

• **BERGRIVIER MUNICIPALITY INTEGRATED ZONING SCHEME BY-LAW**

According to the Bergrivier Municipality Integrated Zoning Scheme By-Law, the Business Zone 1 (business premises) zoning permits two Limited Pubs (LPMs) as a primary right. There is no compelling justification for the need for additional LPMs on the property. The property is currently being used as a place of entertainment without the necessary land use planning approval.

Chapter 4, Section 41 (c)(i) of the Bergrivier Municipality Integrated Zoning Scheme By-Law stipulates that off-street parking must be provided for the property in question. The applicant did not propose any on-site parking, despite available space within the boundaries of Erf 2838. For business premises, parking requirements are calculated at three parking bays per 100 m<sup>2</sup> of Gross Leasable Area. Based on the submitted site plan, the business alone would require approximately 12 parking bays. Considering the Gross Leasable Area of other buildings on Erf 2838, even more parking spaces would need to be provided. Currently, the property used for parking by this business is part of the road reserve of De Villiers Street. Since De Villiers Street is a public road, it cannot be utilised for dedicated private business parking.

The Bergrivier Municipality Integrated Zoning Scheme By-Law defines a "place of entertainment" as a venue predominantly used for commercial entertainment, which may attract large numbers of people, operate outside normal business hours, or generate noise from music or revelry regularly. This definition includes venues such as dance halls, pool rooms, pubs, betting facilities, electronic or mechanical playing devices, gambling halls, and nightclubs.

**TOWN PLANNER  
(WEST)**



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The property is currently operating as a pub without the necessary approval for such a use. Approving this consent might set a precedent for future unauthorized uses.

Establishing a place of entertainment, particularly one involving gambling, raises concerns about safety and security, potentially leading to increased crime rates and disorder in the area. The likelihood of increased noise and the effects of late-night operations could pose risks to future residents nearby, disrupting their right to a peaceful living environment. These disturbances could negatively affect future residential development in the vicinity, especially as mixed land uses are proposed in the Bergrivier Municipality Spatial Development Framework (BMSDF) for 2024-2029.

• **DESIRABILITY**

As highlighted in the submission by the South African Police Service (SAPS), crime is already a concern at this premises. This concern is reflected in the applicant's submission regarding various security measures implemented to address the situation.

Even though the proposal includes allowing three additional LPMs, the current scenario is already having an undesirable impact on the town. The property currently accommodates two LPMs, and there is insufficient motivation for an increase. Approving this application would further exacerbate the existing parking issues and crime situation. Additionally, granting consent for a place of entertainment would enable both existing and new entertainment-related land uses on the property, likely resulting in increased public nuisance and crime.

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**PTN008/06/2025**

**APPLICATION FOR CONSENT USE AND DEPARTURE: ERF 686, REDELINGHUIS RDH. 686**

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

**RESOLUTION: PARTIALLY APPROVED**

1. That the application for consent use in order to allow the operation of a house shop on Erf 686, Redelinghuis, **BE REFUSED** in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.
2. That the application for permanent departure from the Western street building line from 3m to 1.5m to accommodate an existing structure, **BE APPROVED**, in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject thereto that building plans for all existing structures on the property be submitted to the Building Control Department of Bergrivier Municipality within 90 days from the date of the decision.

**TOWN PLANNER  
(WEST)**

**REASONS FOR RESOLUTION**



• **INCONSISTENCY WITH THE DEVELOPMENT PRINCIPLES OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)**

The Spatial Development Framework, Zoning Scheme, and House Shop Policy are designed to address past spatial and developmental imbalances by enhancing accessibility to retail facilities in residential areas. Historically, these areas have suffered from a lack of adequate retail opportunities, and the intent of these policies is to integrate limited retail outlets in a manner that promotes socio-economic stability.

It is crucial, however, that business activities within residential zones are regulated effectively to prevent any negative impact on the rights and quality of life of existing residential property owners. The potential for retail facilities to undermine safety and security, detract from the enjoyment of residential properties, and compromise the overall residential character cannot be understated. If not managed appropriately, introducing retail within these environments can lead to increased traffic, noise, and other disturbances that adversely affect the community.

The norms and standards established within the Spatial Development Framework, Zoning Scheme, and House Shop Policy have undergone rigorous public participation and deliberation to ensure they reflect the community's needs and aspirations. Significantly, the subject property is not situated along an activity street or in a mixed-use precinct where secondary businesses, including house shops, are actively encouraged according to the Bergrivier Municipality Spatial Development Framework (BMSDF) 2024-2029.

The proposed house shop at this particular location does not align with the identified activity corridors nor enhance the designated business nodes essential for fostering sustainable secondary business growth. The application fails to consider strategically planned locations for secondary business expansion as stipulated in the relevant planning policies.

Site-specific circumstances do not warrant a deviation from the spatial guidelines of the BMSDF 2024-2029. Consequently, it undermines the principles of good administration and spatial justice embodied in the MSDf 2024-2029. Given these factors, the application is inconsistent with the development principles outlined in The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

• **BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)**

Sections 22(1) and 42(1)(b) of SPLUMA require that land use planning decisions align with the municipal spatial development framework. However, decision-makers may deviate from the provisions of the Spatial Development Framework (SDF) in site-specific circumstances (Section 22(2) of SPLUMA), considering physical and locational attributes. The Bergrivier Municipality Spatial Development Framework (BMSDF) 2024-2029 designates the area of the subject property as Part of Zone A and does not earmark the property for a change in land use.



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- This area is dominantly Single Residential Zone 1, allowing secondary business uses (neighbourhood shop) is not consistent with the objective of aforesaid zone, it is submitted that business land uses will set a precedent for similar business uses to emerge which will have a negative impact on the quality and character as well as safety and security of this neighbourhood.

**3) DESIRABILITY**

- Allowing business land uses (neighbourhood shop) within a dominant Single Residential Zone 1 area will set a precedent for similar land uses to emerge which will negatively impact the ability to enjoy residential properties for the main purpose intended as well as detract from quality and character of this area.
- A neighbourhood shop can also attract unwanted activities to this area which will have an impact on safety and security, which is not compatible or adaptable to this area.
- Other income-generating options are allowed as primary land use (i.e. home occupation; B & B; letting to lodger etc.) or by means of application as consent use in terms of the zoning scheme by-law which may be more adaptable and acceptable for spatial transformation of the area in line with current norms and standards (zoning scheme by-law and Spatial Development Framework 2024-2029).

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**PTN0010/06/2025**

**DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday, 10 July 2025 at 11:00** on an Electronic Platform.

**ADMINISTRATIVE  
OFFICER**

**NOTED**

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

**CHAIRPERSON**

**19/6/25  
DATE**