

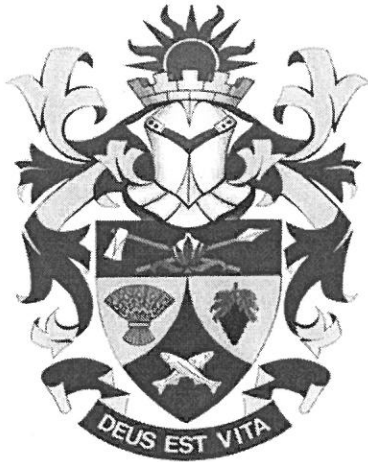
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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 5 JUNE 2019 AT 11:30 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, PIKETBERG

PRESENT

MEMBERS

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

OFFICIALS

Manager: Planning and Environmental Management (W Wagener)
Townplanner: East (K Abrahams)
Compliance Officer (A van Rossum)

ACTION

PTN001/06/2019

OPENING AND WELCOME

The Chairperson opened with a prayer and welcomed everyone to the meeting.

PTN002/06/2019

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

PTN003/06/2019

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



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

**PTN004/06/2019
COMMUNICATION BY THE CHAIRPERSON
3/3/1/6**

The Director: Technical Services has resigned, the chairperson wishes him well in his future endeavours. The Manager: Planning & Environmental Management is instructed to prepare an item to appoint another director to the tribunal.

**PTN005/06/2019
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 3 APRIL 2019
3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Wednesday 3 April 2019 be confirmed.

**COMPLIANCE
OFFICER**

**PTN006/06/2019
APPLICATION FOR CONSENT USE: ERF 1376, PIKETBERG
PB. 1376**

The Townplanner (East) gave a brief summary to the item under discussion.

RESOLUTION

1. That the application for consent use in order to allow the operation of a guest house from the existing dwelling house on Erf 1376, Piketberg **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions;
 - a) No activities may be carried out which constitute, or are likely to constitute, a source of public nuisances;
 - b) No activities that may result in disturbances will be allowed between the hours of 10h00pm and 8h00am;
 - c) Business meetings and training by or for guests residing on the premises for up to 12 persons are allowed, but only within the dwelling house to mitigate possible disturbances to neighbours;
 - d) Certification be obtained prior to operation of activities on site i.e. certificate from environmental health practitioner (West Coast District Municipality) and a Business License.
 - e) Alcoholic beverages may only be provided to resident guests for consumption on the premises with meals and that a liquor license be obtained from the Western Cape Liquor Authority prior to the provision thereof;

**TOWN PLANNER
(EAST)**



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- f) No more than 6 rooms per land unit may be used for bedroom accommodation for paying guests or lodgers, and no more than 12 paying guests or lodgers may be supplied with lodging or meals at any time;
- g) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
- h) No advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality's policy or By-law on outdoor advertising and signage, and the sign may not exceed 1 m² in area;
- i) On-site parking must be provided and clearly marked out on the premises at 1 parking per guest room as indicated on the parking plan submitted with the application;
- j) Registration with the local Tourism Board is compulsory; and
- k) Compliance with the conditions stated in the Bondholder (Standard Bank) consent dated 06 March 2019.

REASONS FOR RESOLUTION

Section 65 (1)(a) to (s) & (2)(a) to (b) of Bergrivier Municipal By-law Relating to Municipal Land Use Planning prescribe the criteria for consideration of land use application, among other the following relevant criteria were considered:

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.

Application is made for consent use that do not change the zoning of the property. The application does not change the character of the area and guest houses is generally associated to be located in residential areas even though, it is not necessarily so reflected in the SDF.

In terms of Bergrivier Municipality Spatial Development Framework 2019-2024 Piketberg is also recognize as strategically located along the N7 which is the primary tourism route towards Cederberg and Namibia and that the slow and peaceful lifestyle that the town and surrounding area offers, in addition to incredible views from the town over the valley, all provide many tourism potentials for the socio-economic development of town. The SDF socio-economic also has stated following directive: "**strengthen the local tourism through recreational nodes...**" The proposed application has some contribution to tourism development in Piketberg that is consistent with BMSDF 2019-2024.

Section 65 (d) consideration of comments on response to the notice of the application etc. and Section 65 (e) the response by the applicant, if any, to the comments referred to

It is not a pre-requisite for a land use planning application (consent use) to have a business license, certificate of acceptability for environmental health, tourism board registration and that a dwelling house be occupied prior to



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processing/submission of a land use planning application. The applicant did submit the required documentation that should accompany an application in terms of section 38 of Bergrivier Municipality By-law on Municipal Land Use Planning.

It is standard planning practise that registration/certification follow after successful land use planning approval for a guest house. There is no constraint placed on a land use planning decision, in terms of the municipality's land use planning by-law, to be held in abeyance until a permit/approval is issued in terms of other legislation.

Building plans have been approved by the municipality for the erection of a dwelling house. Occupation certificate will be issued by building control officer after building works have been finalised in accordance with approved plan. The building will not be occupied until an occupation certificate has been issues by the building control officer. The construction equipment on the property will be removed once building works have been completed and will not remain permanent features.

The property is zoned Single Residential Zone 1 in terms of Bergrivier Municipality Integrated Zoning Scheme By-law with primary use for a dwelling house. The zoning makes provision for a guest house as consent use. The parking requirement for a guest house is one additional bay per guest room. The site development plan submitted with the application show sufficient on-site parking spaces per guest room (four guest rooms: six parking spaces), more than what is required and two parkings for the home owners on site. The application was circulated to this Municipality's Traffic Services Department, but no feedback was received within the required timeframe, as such it is deemed that they have no objection against the proposal.

Section 196(1)(d) of the Constitution states that services must be provided impartially, fairly, equitably and without bias. Any act amounting to an attempt to establish a monopoly, reduction of competition or restriction of competition in the market of any particular goods or any particular service cannot be viewed as a negative impact, of a proposed development, on property rights or economic impact. The applicant also submitted documentation from the tourism board that prove that only four Guest House/Tourism accommodation in Piketberg are listed in Piketberg Town.

In terms of Bergrivier Municipality Spatial Development Framework 2019-2024 Piketberg is also recognize as strategically located along the N7 which is the primary tourism route towards Cederberg and Namibia and that the slow and peaceful lifestyle that the town and surrounding area offers, in addition to incredible views from the town over the valley, all provide many tourism potentials for the socio-economic development of town. During the compilation of the Bergrivier Spatial Development Framework 2019 – 2024 it was found that there was room for further tourism development within Piketberg. Bergrivier Municipal SDF did not place restrictions on how many guest houses may be establish in town. Guest Houses are left to be determined by supply and demand.

Conditions are imposed to mitigate possible nuisances/disturbances.



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Section 65 (g) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act; and Section 65 (r) the principles referred to in Chapter VI of the Land Use Planning Act;

Development principles of Spatial Sustainability and Efficiency

The existing dwelling house once completed and occupied will be utilised as guest house. Buitengracht Street slopes to the east to the direction of the mountain and this property indeed offers spectacular views over the lower town and surrounding rural activities, this is a contributing sustainable aspects that was considered as well as the demand for such services.

The property is already serviced and no additional services are required. The proposed utilisation of existing dwelling house and available engineering services are therefore efficiently proposed within available resources, that has no financial burden on the municipality. No objections were submitted against the proposal from Bergrivier Municipality Technical Department.

Section 65 (s) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the provisions of the applicable zoning scheme.

The approved dwelling house is proposed for the utilization of the guest house, the development parameters for dwelling house are therefore retained. Sufficient space exists on site for guest parking and owner parking. No departure is required from the development parameters.

Part of the existing dwelling house is used as guesthouse that does not change the appearance of the surrounding neighbourhood. The proposed application is therefore compatible with the character of the surrounding area.

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.

PTN007/06/2019

**APPLICATION FOR CONSENT USE: ERF 2386, PORTERVILLE
PTV. 2386**

The Townplanner (East) gave a brief summary to the item under discussion.

RESOLUTION

That the application for consent use in order to allow the operation of a house shop from an existing structure ($\pm 18\text{m}^2$ in extent) on Erf 2386, Porterville (30 Kraan Street), **be refused** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, for the reasons provided in the reasons for recommendation:

**TOWN PLANNER
(EAST)**



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REASONS FOR RESOLUTION

Section 65 (s) of the Bergrivier Municipal By-law on Municipal Land Use Planning requires consideration of the provisions of the applicable zoning scheme.

There is currently no completed and occupied residential use (dwelling house) on the property, which is inconsistent with the land use description of house shop, because the dominant land use is currently a house shop on site. Approving the consent use will be in contravention with the zoning of the property and no departure may be granted from a land use description.

Section 65 of Bergrivier Municipality By-law on Bergrivier Municipal Land Use Planning requires the consideration of the applicable policies of the Municipality that guide decision making;

The application does not comply with requirements in section 5. (3) of Bergrivier Municipality Policy relating to House Shops and factual information available prove aforesaid. The requirements reads as follow:

“ 3. A house shop will only be allowed every 500m of street and not within a 200m radius from another house shop.”

Consideration of the Municipal Spatial Development Framework, 2019-2024

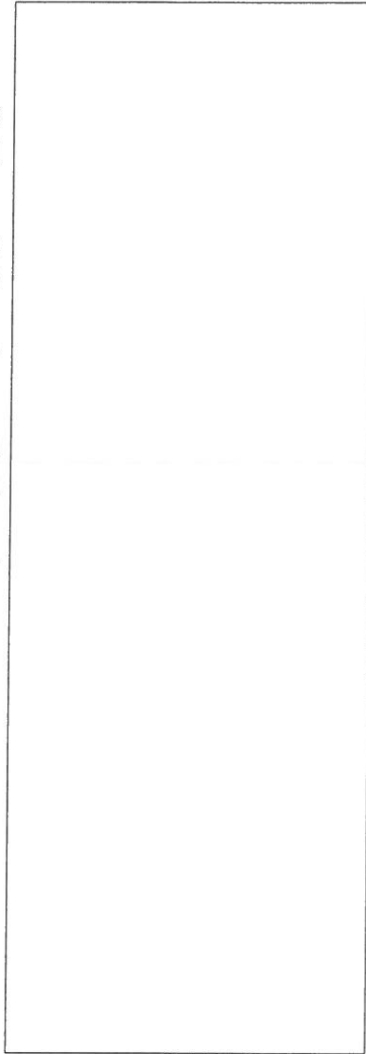
The application does not change the zoning of the property. However, because the primary utilisation is a house shop on site, without the primary land use right (dwelling house) being completed and occupied, it gives an indication of dominant business use inconsistent with the SDF 2019-2024 that earmark the property for residential use.

PTN008/06/2019

DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday 4 July 2019** at **11:00** in the Council Chambers, Municipal Offices, Church Street, Piketberg.

NOTED



COMPLIANCE OFFICER

**THE MEETING ADJOURNED AT 11:50
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

CHAIRPERSON

**24/6/19
DATE**
