

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 4 DECEMBER 2019 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, PIKETBERG

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Manager Civil Engineering Services (Mr JJ Breunissen)
Director Community Services (Mr D Josephus)
External Member (Ms. S van der Merwe)
External Member (Ms. D Kotze)

OFFICIALS

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

PTN001/12/2019

OPENING AND WELCOME

The Chairperson welcomed everyone to the meeting. Mr K Abrahams opened with a prayer.

PTN002/12/2019

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Director Corporate Services (Mr JWA Kotzee: Deputy Chairperson)

PTN003/12/2019

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

3/3/1/6

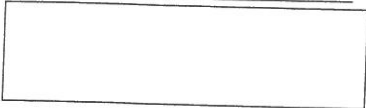
All members of the Municipal Planning Tribunal present declared that they have no personal interest with regards to the items on the agenda in terms of Schedule 1 of LUPA By-Law.

ACTION



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Mrs D Kotze declared her interest with regard to item 7 (Erf 1823 Piketberg) as she commented on the application.



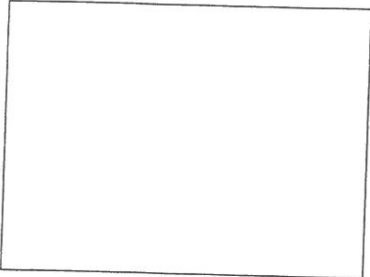
PTN004/12/2019

COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

Mrs D Kotze requested a correction on page 41 of the agenda to the erf number which should read erf 1339 not 1333.

The chairpersons enquired about any appeals received. The Town Planner (East) informed the meeting that an appeal was received on erf 1451, Piketberg, but that the appeal was invalid as it was received late.



PTN005/12/2019

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 31 OCTOBER 2019

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday 31 October 2019 be confirmed with time correction on page 15.

COMPLIANCE OFFICER

PTN006/12/2019

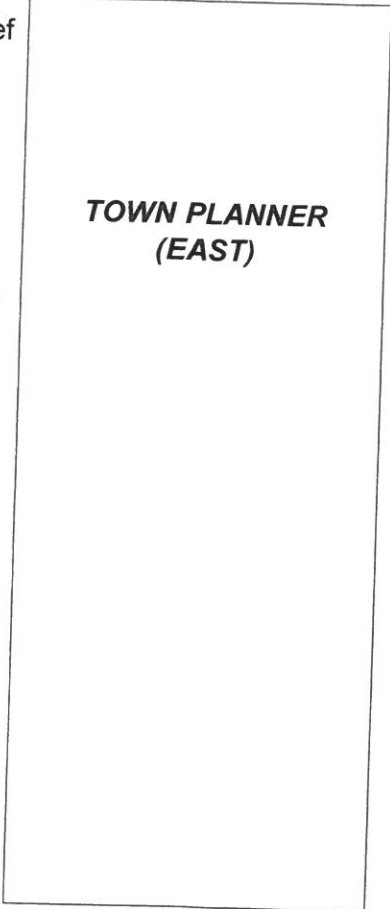
APPLICATION FOR PERMANENT AND TEMPORARY DEPARTURE: ERF 1658, PIKETBERG PB. 1658

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

RESOLUTION: REFUSED / APPROVED CONDITIONALLY

1. That the application for consent use in order to allow the operation of a house shop from an existing structure (container 15m²) on Erf 1658, Piketberg (17 Kelkiewyn 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.
2. That the application for departure of the street building line from 3m to 1.8m and 2.09m respectively in order to allow the existing structure (container) on the premises in accordance with the site plan submitted with the application, **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following condition:
 - 2.1. The structures encroaching the street building line may only be used in accordance with the zoning of the property.

TOWN PLANNER (EAST)



REASONS FOR RESOLUTION

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:



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

14. 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 outdoor advertising and signage By-law, and the sign may not exceed 1,5m x 0,8m. "

The application does not comply with requirement 3 and 14 of Bergrivier Municipality Policy relating to House Shops and factual information available proof aforesaid. Erf 3468 Piketberg's, house shop is approved by means of consent use and Erf 1587 Piketberg by means of temporary departure, both house shops are located within the 200m radius.

The permanent departure (relaxation) of the street building line to allow the structure (container) on site does not negatively affect the surrounding neighbours, vehicular traffic or pedestrian movement, and can be allowed as no objections were received from surrounding neighbours or internal departments, subject to conditions imposed.

Mrs D Kotze excused herself from item 7 (Erf 1823, Piketberg) as she gave comment on the application. Mrs D Kotze left the meeting at 12:15.

PTN007/12/2019

APPLICATION FOR CONSENT USE: ERF 1823, PIKETBERG

PB. 1823

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

RESOLUTION: APPROVED CONDITIONALLY

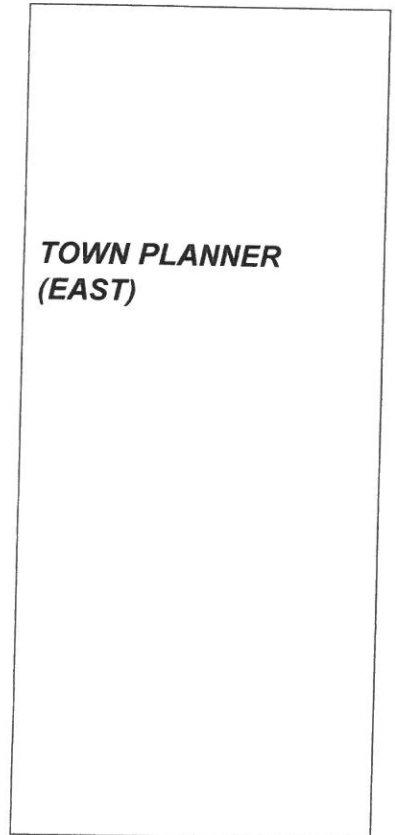
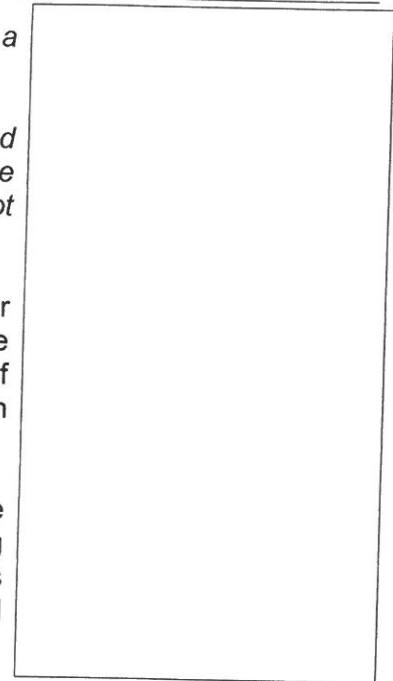
That the application for consent use in order to allow the operation of a house shop from an existing structure (±18m²) on Erf 1823, Piketberg (19 Roos Street), **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

1. The the house shop only be operated from the 18m² structure;
2. That any interleading access between the 18m² & 14m² structures be closed off permanently; and
3. That if, on inspection, any of the above conditions are not adhered to the approval for consent be revoked immediately.

REASONS FOR RESOLUTION

Consideration of the MSDF 2019-2024

The business utilisation is less than half the floor space of the primary land use on site, which is consistent with the MSDF.



**TOWN PLANNER
(EAST)**



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

The zoning of the property remains unchanged. The dominant use of the property remains residential and is compatible with the surrounding area. Conditions are imposed to reduce the floor space of the business utilisation in line with the land use description of house shop.

House Shop Policy

The house shop can comply with the conditions of the House Shop Policy. No other approved house shops are within the same street or in a radius of 200meter.

Mrs D Kotze rejoined the meeting at 12:26.

PTN008/12/2019

APPLICATION FOR PERMANENT DEPARTURE: ERF 2064, PIKETBERG PB. 2064

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

RESOLUTION: APPROVED CONDITIONALLY

That the application for departure of the street building line from 3meter to 0meter and side building line from 2meter to 1.45meter and 0meter respectively in order to allow a carport, verandah and extensions to existing dwelling house as well as coverage from 50% to ±73% to accommodate the extensions on Erf 2064 Piketberg, **be approved**, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following condition:

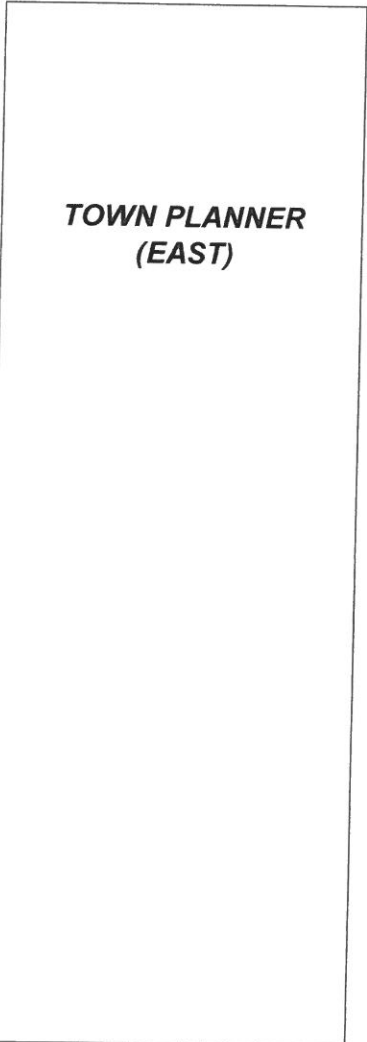
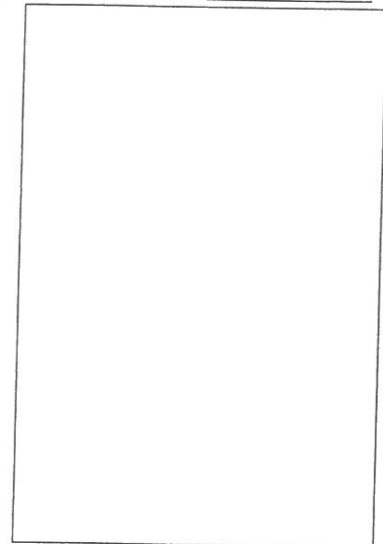
1. The structures must comply with Bergrivier Municipality fire safety requirements.

REASONS FOR RESOLUTION

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.

No spatial directive is given with regard to building line relaxations and coverage in Bergrivier Municipal Spatial Development Framework 2019-2024 (BMSDF). The land use of the property remains the same and as such it is consistent with MSDF.

Relevant consideration were given to the development principles of Spatial Sustainability and Spatial efficiency as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.



**TOWN PLANNER
(EAST)**



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The proposal is efficiently established within available resources without impacting on municipal services or having a financial burden on the municipality. The relaxing of the building lines and coverage will help to alleviate some of the physical constraints built into the original planning design of the property, providing the owner some opportunity in the form of a larger developable area to efficiently accommodate the proposal thereby establishing a sustainably living environment.

Consideration of comment/objection and applicant reply thereon.

The objector AS Baadjies (Erf 2063 Piketberg) is not the registered owner of the property according to a deed search. The objector does not give reasons on what potential negative effect the proposed departure will have on their wellbeing. The relaxation will allow uses associated with the main dwelling unit.

The dwelling house is semi detach, the relaxing of the building lines and coverage will help to alleviate some of the physical constraints build into the original planning design of the property, and allowing extension in line with the existing common boundary, is considered more practical and suitable, than allowing an encroachment on the other side boundary which will prevent access to every unbuilt area of the property which is regarded essential for fire safety purposes.

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 existing dwelling house, was not efficiently positioned on the property taking into account expansion thereto in the future, and therefore extension to the front and side of the property is limited without encroaching the relevant building lines and permissible coverage. The application does not affect the zoning or land use of Erf 2064, Piketberg and retains a residential character. The application is furthermore determined desirable from a planning perspective taking into account the abovementioned relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning, subject to condition.

The Town Planner leaves the meeting at 12:33.

PTN009/12/2019

APPLICATION FOR CONSENT USE & DEPARTURE: ERF 3043, PIKETBERG PB. 3043

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

RESOLUTION: REFUSED / APPROVED CONDITIONALLY

1. That the application for consent use in order to allow the operation of a house shop from an existing structure (wendy house) on Erf 3043, Piketberg (73 Petunia 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)**



2. That the application for departure of the street building line from 1m to 0.6m in order to allow the existing structure on the premises in accordance with the site plan submitted with the application, **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning; subject to the following condition:

2.1. The structures encroaching the street building line may only be used in accordance with the zoning of the property.

REASONS FOR RESOLUTION

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

The property is earmarked for residential use and located in a residential neighbourhood, allowing the application will result in dominant business use on the property that is inconsistent with the MSDF. The application does not change the zoning of the property, however the size of the existing house shop is 28.72m², which has been confirmed by site inspection conducted 13/11/2019. The size of the residential use of the existing dwelling house is, ±42.08m². The size of the house shop's percentage of floor space in relation to the dwelling house is thus 66.70%. The property is earmarked for residential use and located in a residential neighbourhood, allowing the application will result in dominant business use on the property that will give rise to circumstances inconsistent with the MSDF.

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 (3) and (4) of Bergrivier Municipality Policy relating to House Shops and factual information available proof 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."

4. No person may stay or overnight inside a building, structure or portion of a building or structure used as house shop"

The application does not comply with requirement 3 and 4 of Bergrivier Municipality Policy relating to House Shops and factual information available proof aforesaid.

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

The size of the house shop's percentage of floor space in relation to the dwelling house is ±66.70 %. The proposed house shop's floor space does not comply with the land use description of house shop as provided in Bergrivier Municipality Integrated Zoning Scheme By-law, from which no departure may be granted.



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The property currently has a street building line of the 1m, relaxation of the street building line in accordance with the site plan submitted with the application for structures used for residential purposes is regarded acceptable as no objections were received from the surrounding owners, public or traffic department.

PTN010/12/2019
APPLICATION FOR CONSENT USE: ERF 4245, PIKETBERG
PB. 4245

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

RESOLUTION: APPROVED CONDITIONALLY

That the application for consent use in order to allow the operation of a house shop from a proposed structure on Erf 4254, Piketberg, **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

1. All relevant certifications must be obtained for the respective land uses i.e. business license, certificate of acceptability from the Environmental Health Practitioner, Fire Safety Certificate etc. where applicable;
2. The retail floor space of the house shop may not exceed 25% of the floor space of the dwelling house;
3. Compliance with the limitations and requirements of Bergrivier Municipality Policy relating to House Shops; and
4. Provision be made for on-site delivery/parking bay for clients additional to the one required for the residential use.

REASONS FOR RESOLUTION

MSDF 2019-2024

The application does not change the zoning of the property and is consistent with the Municipal Spatial Development Framework, 2019-2024. The size of the residential use of the existing dwelling house is, ±59m². The size of the proposed house shop (18m²) percentage of floor space in relation to the dwelling house is thus 30%. The dominant use of the property remain residential and is consistent with the MSDF. The property is also located along an earmarked safe walkway network in the MSDF, which makes it ideal for a sustainable business on this site, as the street is already characterised by high pedestrian and vehicular traffic.

Zoning Scheme By-law

The total floor space of the dwelling house is ±59m². The total floor space of the proposed business land use will occupy ±18m², which equal to 30% floor space of the dwelling house, inconsistent with the land use description of house shop provided in the zoning scheme by-law, from which no departure may be granted. However, because the structure is not erected, conditions is imposed to restrict the house shop retail use to not extend beyond 25% of the



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total floor area of the dwelling house.

House shop policy

An approved house shop is located at the edge of the 200m radius. The application does not comply with aforesaid requirement. However, the margin of non-compliance is therefore not significant. Aforesaid house shop was approved by means of temporary departure on Erf 1587 Piketberg, by the Mayoral Committee in Nov 2014 and approval is therefore only valid till 17 Nov 2020.

Consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

The business is proposed due to supply and demand. The proposed house shop will provide retail facilities within close walking proximity to the surrounding property owners to purchase daily small scale grocery items where no major supermarket exists. The application takes into account low income housing areas by bringing retail services at residential scale closer to this community, saving them time and money to travel to shops further in Piketberg. The proposal will contribute to address past spatial imbalances on account of aforesaid.

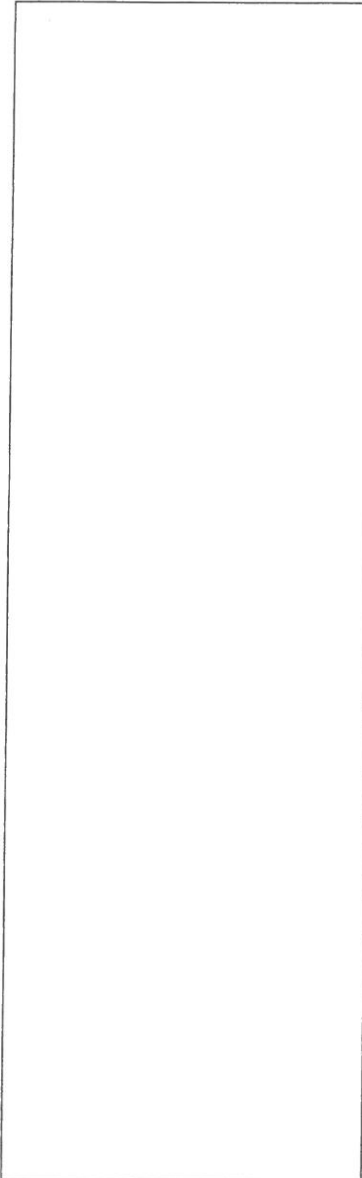
The proposed house shop will be operated from a proposed structure on site and no additional municipal engineering services is required as the property is already serviced. The application therefore has no financial burden on the municipality. The location of the property on a corner, along the earmarked safe walkway in the MSDP is considered long term sustainable as it is highly visible and accessible.

The application is desirable from a land use planning perspective taking into account all relevant factors of consideration as prescribed in Section 65 of Bergvliet Municipality By-law on Municipal Land Use Planning, subject to conditions.

**PTN011/12/2019
DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday, 16 January 2020** at **11:00** in the Council Chambers, Municipal Offices, Church Street, Piketberg.

NOTED



**COMPLIANCE
OFFICER**

**THE MEETING ADJOURNED AT 12:10
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

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11/12/19

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**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY 4
DECEMBER 2019 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,
PIKETBERG**

CHAIRPERSON

DATE
