BERGRIVIER MUNISIPALITEIT / MUNICIPALITY



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON THURSDAY, 17 APRIL 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) Manager: Expenditure, SCM and Assets (Mrs N Bothma) External Member (Ms D Kotze) External Member (Mr J de Jongh)

OFFICIALS

Manger: Town Planning & Environmental Management Town & Regional Planner (East) (Mr K Abrahams) Administrative Officer (Mr S Lombard)

PTN001/04/2025 OPENING AND WELCOME

The Chairperson opened and welcomed everyone to the meeting.

PTN002/04/2025 REQUEST FOR LEAVE OF ABSENCE 3/3/1/4

Director: Technical Services - Annual leave.

PTN003/04/2025

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.







PTN004/04/2025

COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

None.

PTN005/04/2025

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY, 20 MARCH 2025 3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 20 March 2025 be confirmed.

ADMINISTRATIVE OFFICER

PTN006/04/2025

APPLICATION FOR REZONING AND PERMANENT DEPARTURE: ERF 382, EENDEKUIL E. 382

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

RESOLUTION: REFUSED

That the application is made in terms of section 15 of Bergrivier Municipality: By-Law on Municipal Land Use Planning for rezoning of Erf 382, Eendekuil from Single Residential Zone 2 to Community Zone 2 (place of worship) and permanent departure of the required off-street (on-site) parking bays to the provision of 0 off-street (on-site) parking bays and departure of the permissible coverage from 60% to 81.1% as well as departure of the rear building line from 5m to 0,3m; Eastern side building lines from 5m to 0m and 1m; Western side building line from 5m to 0m & 2.93m and street building line from 5m to 0m & 1m to accommodate the place of worship and associated structures on the property, **BE REFUSED**, in terms of section 60 of Bergrivier Municipal 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

The zoning scheme by-law, determines that 1 on-site parking bay be provided per persons, calculated at 1.4m2 per person. The proposed place of worship is 57m2 / 8 / 1.4 = 5 parking bays. Erf 382 is only 198m2 in size. Approximately 50 members would require a parking requirement of 5 on-site parking spaces. This is in addition to the dwelling house parking requirement, plus at least one more parking space – making a total of 6 on-site parking spaces. The parking space is normally 2.5m by 5m, this means that 6 parking spaces would require an area of 75m2 (excluding open space for cars to move), or 37% of the erf area. There is no space on the property to allow the required on-site parking provision, which will result in traffic transgression/ congestion and safety concerns within the road reserve.

BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029



Erf 382, Eendekuil is located in Zone B. This Zone provides opportunities for residential development as well as mixed use development, including places of worship. Erf 382, Eendekuil, is not earmarked for any other use than residential. This is a higher density residential property being 198m² with limited space as seen through the departures applied for even though certain areas in the wider Zone B area can be considered for places of worship, Erf 382, Eendekuil is not consistent with the provisions of the BMSDF 2024-2029.

• Desirability

This rezoning and permanent departure application is as a result of a contravening land use from an approved structure on site. This dramatic deviation from the on-site parking provision is a result of insufficient space on Erf 382, Eendekuil. The proposed premises are not suitable for a place of worship, because the shortage of on-site (off-street) parking can lead to traffic transgressions/congestion between pedestrians and vehicles in the road reserve (Gousblom Street).

Allowing permanent departure will result traffic problem creating an unsafe environment to other road users and set a precedent for similar applications since places of worship is usually required to provide some on-site parking space.

The scale and nature of the place of worship is more than what can be sensibly accommodated on the property, when measured against the acceptable norms and standards specified in the applicable zoning scheme regulations including provisions of the BMSDF 2024-2029.

Though places of worship are usually located within a residential area, the size of the property is not suitable to accommodate a place of worship on site as seen from the permanent departures applied for. The property is not earmarked for a place of worship in term of the Bergrivier Municipality Spatial Development Framework 2024-2029 (BMSDF 2024-2029).

In the absence of suitable parking space within this higher density residential area will result in parking in the road reserve which can cause pedestrian and vehicles conflict points causing an unsafe environment. It can't be guaranteed that all place of worship (Church) members will visit the property on foot.

Allowing further permanent departure of coverage and building lines will impede movement on site of place of worship goers from the street to every unbuilt area of the property, which is concerning safety factor i.e. in the event of emergency fire safety services. Allowing all departures will create a safety risk when emergency evacuation is required and will also make the property inaccessible to emergency fire services.

The property is bordered by high density single residential properties less than 200m² in extent and the size and coverage of the place of worship will detract from the dominant residential character are should it be allowed.

Inconsistency: Development principles of the Spatial Planning and Land Use Management Act, 2013

The application is not efficiently and sustainably located without having an impact on the immediate surrounding residential property owners, since the



exclusion of on-site parking provision will have an impact on the immediate surrounding property owners which will result in pedestrian/vehicles traffic transgression/congestion and concerns. The size of the property is not suitable to accommodate a place of worship at its current scale which will detract from the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the BMSDF 2024-2029, since the property is not earmarked for community orientation/worship purposes in this higher density single residential area.

The application is not desirable for the aforesaid reasons and can't be supported from a land use planning perspective.

PTN007/04/2025

APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE: ERF 4106, PIKETBERG PB. 4106

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

RESOLUTION: REFUSED

That the application made in terms of section 15 of Bergrivier Municipality By-law on Municipal Land Use Planning for consent use in order to allow the operation of a house shop from an existing garage ($\pm 20.6m^2$) and permanent departure of the required two off-street (on-site) parking bays to 0 parking bays for the house shop and dwelling house on Erf 4106, Piketberg, **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.

REASONS FOR RESOLUTION

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

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct



where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not take into account sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) taking into account the aforementioned.

<u>BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-</u> 2029 (BMSDF 2024-2029)

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts.

The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses including house shops is promoted. The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), and site-specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

HOUSE SHOP POLICY

The application does not comply with the house shop policy distance requirements from where house shops are allowed from another. The proposed house shop is within the 100m radius of an approved house shop on Erf 4245, Piketberg (corner of Renonkel & Asblom Street) "A house shop will only be allowed every 500m along a street and not within a 100m radius from another house shop (The 500m street distance requirement is not applicable to smaller towns: Aurora, Eendekuil, Redelinghuis)".

BERGRIVIER MUNICIPALITY INTEGRATED ZONING SCHEME BY-LAW.

The zoning scheme By-law determine that 1 parking bay needs to be provided on site for the dwelling house and 1 for the house shop, in the absence of the provision of on-site parking bays will result in loading/off-loading/delivery and parking of vehicles within the road reserve that will infringe on the free and safe movement of pedestrian on the side walk resulting in an unsafe environment. The motivation provided for permanent departure of parking provision is not sufficient, since it can't be guaranteed that customers by vehicle will not be visiting the house shop, further creating obstruction within the road reserve and vehicle pedestrian conflict points. Street view photo proof that vehicles already park on sidewalk.





PTN008/04/2025

APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE: ERF 3048, PIKETBERG PB. 3048

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

RESOLUTION: REFUSED

That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for consent use in order to allow the operation of a house shop ($\pm 15m^2$ in extent) from a portion of an existing structure on Erf 3048, Piketberg and permanent departure of the street building line from 1m to 0m in order to accommodate the existing unauthorised house shop at the current position, **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.

REASONS FOR RESOLUTION

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

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not take into account sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029. The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) taking into account the aforementioned.





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

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts.

The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses including house shops is promoted. The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), and site-specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

HOUSE SHOP POLICY

The application does not comply with the house shop policy distance requirements from where house shops are allowed from another. An approved house shop is located on Erf 1979, Piketberg in Petunia Street approximately 100m from Erf 3048, Piketberg "A house shop will only be allowed every 500m along a street and not within a 100m radius from another house shop (The 500m street distance requirement is not applicable to smaller towns: Aurora, Eendekuil, Redelinghuys)"

PTN009/04/2025 APPLICATION FOR CONSENT USE: ERF 1862, PIKETBERG PB. 1862

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

RESOLUTION: REFUSED

That the application for consent use in order to allow the operation of a house shop from a proposed structure on Erf 1862, Piketberg, **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.

REASONS FOR RESOLUTION

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

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative





impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not take into account sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) taking into account the aforementioned.

BERGRIVIER MUNCIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts. The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses including house shops is promoted.

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), as site specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

The proposed house shop is located on a corner of the street but not identified activity street where secondary businesses should ideally be located in terms of current spatial guidelines, which is not considered desirable. Circumstances or policy requirement has not changed since the previous land use application and an alternative outcome could not be reach.

PTN010/04/2025 APPLICATION FOR CONSENT USE: ERF 3043, PIKETBERG PB. 3043

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

RESOLUTION: REFUSED



That the application for consent use in order to allow the operation of a house shop (±18m²) from an existing structure on Erf 3043, Piketberg (73 Petunia Street), **BE REFUSED** in terms of section 60 of Bergrivier Municipal By-Law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.

REASONS FOR RESOLUTION

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

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration the socio-economic ability of people living in these areas. Business activities within residential areas need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shops are promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location does not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not take into account sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) taking into account the aforementioned.

<u>BERGRIVIER MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK</u> 2024-2029 (BMSDF 2024-2029)

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts.

The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses including house shops are promoted. The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029),



and site-specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

HOUSE SHOP POLICY

The application does not comply with the house shop policy distance requirements from where house shops are allowed from another within the same street. An approved house shop is located on Erf 1979, Piketberg in Petunia Street approximately 84m from Erf 3043, Piketberg and ±60m street distance from the house shop on Erf 3133, Piketberg (corner of Alwyn & Starking Street) "A house shop will only be allowed every 500m along a street and not within a 100m radius from another house shop (The 500m street distance requirement is not applicable to smaller towns: Aurora, Eendekuil, Redelinghuys)";

• ZONING SCHEME BY-LAW

The zoning scheme determines that one parking bay needs to be provided onsite for the dwelling house in addition to this, one parking will also be required for the house shop. No space is available to accommodate the required additional parking bay on site as seen on the submitted site plan, this will cause an unsafe environment to other road users (pedestrian and vehicular traffic) in the vicinity should loading/unloading occur on the sidewalk or within the road reserve, closer than 5m from the road intersection which will create vehicle/pedestrian blind spot which is considered unsafe.

PTN011/04/2025 APPLICATION FOR CONSENT USE: ERF 1889, PIKETBERG PB. 1889

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

RESOLUTION: REFUSED

That the application for consent use in order to allow the operation of a house shop $(\pm 19m^2 \text{ in extent})$ from a proposed structure on Erf 1889, Piketberg, **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.

REASONS FOR RESOLUTION

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

Past spatial and other development imbalances are redressed in the Spatial Development Framework, Zoning Scheme as well as House Shop Policy by introducing retail facilities within closer walking proximity in residential areas, where limited retail outlets have been provided in the past. These documents take into consideration socio-economic ability of people living in these areas. Business activities within residential areas, need to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If not







properly regulated retail facilities within residential areas can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated. The property is not located along an activity street/corridor or mixed-use precinct where secondary businesses including house shop is promoted in terms of the Bergrivier Municipality Spatial Development Framework, 2024-2029.

The proposed house shop on the property at an ad hoc location do not strengthen identified activity streets/corridors/secondary business nodes. The current proposal does not take into account sustainable locations for secondary business expansion as provided in planning policy. The proposed application is not consistent with the development principle of good administration and spatial justice by supporting the goals of the MSDF 2024-2029.

The proposed application is therefore not consistent with the relevant development principles of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) taking into account the aforementioned.

BERGRIVIER MUNCIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2024-2029 (BMSDF 2024-2029)

The property is located in Zone A which is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct, where secondary business is promoted along activity street/corridors and at mixed use precincts. The subject property is not located along an activity street/corridor or within a mixed-use precinct where secondary businesses including house shops is promoted.

The application is regarded inconsistent with the Bergrivier Municipality Spatial Development Framework, 2024-2029 (BMSDF 2024-2029), as site specific circumstances do not exist that warrant a deviation from the spatial guidelines of the BMSDF 2024-2029.

The proposed house shop is located on a corner of the street but not identified activity street where secondary businesses should ideally be located in terms of current spatial guidelines, which is not considered desirable.





PTN0012/04/2025 DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday**, **15 May 2025** at **11:00** on an Electronic Platform.

ADMINISTRATIVE OFFICER

NOTED

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

CHAIRPERSON

5/25 6