



OFFICE OF THE MUNICIPAL MANAGER  
BERGRIVIER MUNICIPALITY  
P.O BOX 60  
PIKETBERG  
7320

**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY  
06 SEPTEMBER 2017 AT 14:00 IN THE COMMITTEE ROOM, MUNICIPAL  
OFFICES, PIKETBERG**

**PRESENT**

**MEMBERS**

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

**OFFICIALS**

Manager: Planning and Development (W Wagener)  
Administration Officer: Planning and Development (Ms J Rosenberg)

ACTION

**PTN001/09/2017**

**OPENING AND WELCOME**

The Chairperson welcomed all attendees present in the meeting where after the Director Technical Services opened the meeting with prayer.

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**PTN002/09/2017**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

None.

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**PTN003/09/2017**

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

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**PTN004/09/2017**

**COMMUNICATION BY THE CHAIRPERSON**

**3/3/1/6**

The Chairperson informed the meeting that a new Directorate has been appointed in Bergrivier Municipality and that discussions were still on-going whether the new Director should be appointed as a new member of the



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Municipal Planning Tribunal.

The Chairperson enquired from the Manager: Planning and Development if any appeals had been received on decisions made and he informed the meeting that none has been received.

He further informed the meeting that amendments to the Municipal Planning By-Law is proposed by DEA & DP and that a new amended by-law will be presented to the Corporate Services Committee, Mayoral Committee and Council meeting in order to obtain permission to start the by-law amendment process.

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**PTN005/09/2017**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: TUESDAY 01 AUGUST 2017  
3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Tuesday 01 August 2017 be confirmed.

**ADMINISTRATION OFFICER:  
PLANNING  
&  
DEVELOPMENT**

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**PTN006/09/2017**

**APPLICATION FOR PERMANENT DEPARTURE: ERF 3697, LAAIPLEK  
15/3/8, L. 3697**

The Manager: Planning and Development gave a brief summary of the item under discussion.

After thorough discussions the following resolution was taken:

**RESOLUTION**

That the application for permanent departures of the applicable street building line from 5m to 0m; departure from the side building line from 3m to 0m; and departure from the coverage from 60% to 80% in order to accommodate a carport and braai room, **be refused** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, for the reasons provided at the reasons for resolution:

**REASONS FOR RESOLUTION**

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 departure from permissible coverage from 60% to 80%, will detract from the character of the overall character of Maison Court Town Housing Development. The street and side building line departures will also have a negative aesthetical appearance from street view and within Maison Court itself, considering that the other properties comply with the required development parameters for Town Housing as prescribed in Bergrivier Municipality Integrated Zoning Scheme By-Law. Mitigation features such as colour, building material etc., is not regarded sufficient to minimise the visual

**MANAGER PLANNING  
AND DEVELOPMENT**





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impact of the departures from street view and within Maison Court, in relation to the other three dwelling units that comply with development parameters of the zoning scheme by-law. It is therefore submitted that the proposal will have a negative impact on the current harmonious architectural unity and aesthetical appearance of the Maison Court Town Housing Development.

Section 65 (c ) and (e ) requires consideration of comments in response to the notice of the application... and the response by the applicant, if any, to the comments referred to in section 65 (d).

Comments on response to the notice on the application and response thereto were assessed, it is however submitted that certain aspects of the objectors do have merits specifically with regard to the negative effect the proposal will have on the aesthetics and harmonious architectural unity appearance of the initial approved town house development.

The Mayoral Committee of Bergrivier Municipality via decision nr. BK 1444 of 11 April 2006, approved the Home Owners Association Constitution as compiled in terms of Section 29 of the Land Use Planning Ordinance, 1985. A title deed restriction is also contained in the deed of the properties of Masion Court that reads as follow: "*ONDERHEWIG daaraan dat die Transportnemer teen registrasie outomaties 'n lid word van die Maison Court Huiseienaarsvereniging.....*" Aforesaid therefore remains in force and is enforceable until such application has formally been made for disestablishment of Home Owners Association and approved, as such in terms of Bergrivier Municipality By-law relating to Municipal Land Use Municipal Land Use Planning.

**MANAGER PLANNING  
AND DEVELOPMENT**

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**PTN007/09/2017  
DATE OF NEXT MEETING**

That the next meeting of the Municipal Planning Tribunal is scheduled for Tuesday 03 October 2017 at 15:00 in the Council Chambers, Municipal Offices in Piketberg.

**NOTED**

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**THE MEETING ADJOURNED AT 15:00**

**CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

  
\_\_\_\_\_  
**CHAIRPERSON**

8/9/17  
**DATE**

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