

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 08 AUGUST 2018 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, PIKETBERG

PRESENT

MEMBERS

Director Corporate Services (JWA Kotzee: *Deputy/Acting 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 Environmental Management (W Wagener)
Head: Secretariat & Records Management (NJ Scheepers)

ACTION

PTN001/08/2018

OPENING AND WELCOME

The Acting Chairperson welcomed everyone to the meeting and apologised for the late start of the meeting.

PTN002/08/2018

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Adv. H Linde – meeting with Judges in Cape Town

PTN003/08/2018

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 any items on the agenda.



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON
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MUNICIPAL OFFICES, PIKETBERG**

PTN004/08/2018

COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

None



PTN005/08/2018

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: TUESDAY 10 JULY 2018

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Tuesday 10 July 2018 be confirmed.

**HEAD: SECRETARIAT
AND RECORDS
MANAGEMENT**

PTN006/08/2018

APPLICATION FOR CONSENT USE: ERF 3468 , PIKETBERG

PB. 3468

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

After thorough discussions the following resolution was taken:

RESOLUTION

That the application for consent use in order to allow the operation of a house shop from a portion of the dwelling house on Erf 3468, Piketberg (Magnolia 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.

**MANAGER: PLANNING
AND ENVIRONMENTAL
MANAGEMENT**

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:

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 existing advertising sign exceeds the permissible size of advertising signs prescribed in Bergrivier Municipality House Shop Policy.

**MANAGER: PLANNING
AND ENVIRONMENTAL
MANAGEMENT**

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 31.60%. 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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Even if the proposed extension (bathroom) is taken into consideration, the calculation of the house shop floor space in relation to the dwelling house will still not comply with the 25% floor space. The proposed entrance hall and verandah is excluded when calculating floor space, as prescribed in the definition of floor space in the Bergrivier Municipality Zoning Scheme by-law.

No conditions can be imposed to address the current contravention with the land use description of house shop i.e. That building plans for extensions to the dwelling house be submitted for consideration/approval in terms of the National Building Regulations and Building Standards Act, 1977 to comply with the 25% floor space, because Section 40 (7) of the Land Use Planning Act, 2014 stipulate the following: ***A municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required.***

A new land use planning application can be submitted once the abovementioned aspects is addressed.

**MANAGER: PLANNING
AND ENVIRONMENTAL
MANAGEMENT**

PTN007/07/2018
DATE OF NEXT MEETING

The next meeting of the Municipal Planning Tribunal is scheduled for Wednesday 05 September 2018 at 11:00 in the Council Chambers, Municipal Offices, Piketberg.

NOTED

**COMPLIANCE
OFFICER: PLANNING
AND ENVIRONMENTAL
MANAGEMENT**

**THE MEETING ADJOURNED AT 12:05
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**



CHAIRPERSON

26/8/2018
DATE
