

**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 06 FEBRUARY 2019 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, PIKETBERG**

**PRESENT**

**MEMBERS**

Municipal Manager (Adv. H Linde: Chairperson)  
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)  
Compliance Officer (A van Rossum)

**ACTION**

**PTA001/02/2019**

**OPENING AND WELCOME**

Mr JWA Kotzee opened with a prayer, whereafter the Chairperson welcomed everyone to the meeting. She extended a special welcome to the Director Financial Services and confirmed with the Manager: Planning and Environmental Management that his appointment has been promulgated in the Provincial Gazette. The Compliance Officer was also welcomed to her new position and wished the best for this new challenge.

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**PTA002/02/2019**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

None

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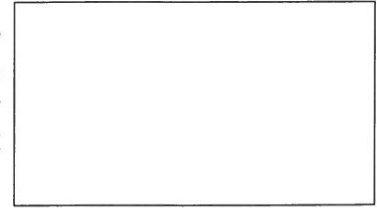
**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON  
WEDNESDAY 21 NOVEMBER 2018 AT 10:00 IN THE COUNCIL CHAMBERS,  
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**PTA003/02/2019**

**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 any items on the agenda. The Chairperson declared a collective interest on behalf of all Bergrivier Municipality employees present with regards to item 2 on the agenda that concerns Municipal property.



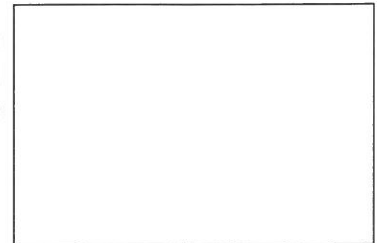
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**PTA004/02/2019**

**COMMUNICATION BY THE CHAIRPERSON**

**3/3/1/6**

The Chairperson informed the Committee that there is specific legislation regarding interest of members and requested that Manager: Planning and Environmental Management supplies a copy of the relevant documentation to the new members.



**NOTED**

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**PTA005/02/2019**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 07 NOVEMBER 2018**

**3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Wednesday 21 November 2018 be confirmed with corrections.

**COMPLIANCE  
OFFICER**

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**PTA006/02/2019**

**APPLICATION FOR CONSENT USE: ERF 377, AURORA**

**A. 377**

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

**MANAGER: PLANNING  
AND ENVIRONMENTAL  
MANAGEMENT**



**RESOLUTIONS**

That the application for consent use in order to allow the operation of a house shop from an outbuilding on Erf 377, Aurora, 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. Compliance with the limitations and requirements of Bergrivier Municipality Policy relating to House Shops.
3. The house shop operation area is restricted to the floor area proposed on the site development plan dated 11 June 2018 with reference No. GKO\_1229.



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4. Provision be made for on-site deliveries and parking for clients in addition to the one parking bay required for the residential use.

**REASONS FOR RESOLUTION**

Section 65(d) of Bergrivier Municipality By-Law relating to Municipal Land Use Planning required the consideration of the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act;

The objection received was adequately addressed by the applicant. The objection received is considered prejudiced as it relates to the conduct of an illegal house shop not controlled or owned by the applicant. The objection is also unsubstantiated and generalist, and does not specifically relate to the application being considered.

The house shop policy requires that a house shop should not be located within 500m along a street or within a 200m radius from another. This requirement refers to the location of a proposed house shop in relation to approved house shops, not illegal house shops. If the interpretation of the objector of the policy is used, illegal house shops will in principle be condoned by determining the location of legal house shop taking into account the location of illegal house shops.

Conditions are imposed to address safety and health factors. No objections were received from internal municipal and external department and conditions is imposed to address the problem aspects foreseen.

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

The application is compliant with the requirements of the Bergrivier Municipality House Shop Policy, and the nearest formal shop is approximately 860m from the subject property.

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 total floor space of the dwelling house is  $\pm 77.6\text{m}^2$ . The proposed house shop ( $\pm 16.8\text{m}^2$  in floor area) would occupy 21.7% of the total floor area of the dwelling house, compliant with the land use description of house shop provided in the zoning scheme by-law.

Section 65 of Bergrivier Municipality By-Law relating to Municipal Land Use Planning requires consideration of the development principles provided in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The businesses 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 their daily resources.

The application take into account low income housing areas by bringing retail services at residential scale closer to this community, saving them time and



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money to travel to shops further away in Aurora or else ware. The proposal will contribute to address past spatial imbalances on account of aforesaid.

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

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**PTA007/02/2019**

**APPLICATION FOR SUBDIVISION AND REZONING: ERF 4416 PIKETBERG  
PB. 4416**

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

**RESOLUTION**

That the application for Subdivision of Erf 4416 Piketberg into two portions namely: Portion 1 (±87m<sup>2</sup>) and Remainder Erf 4416 Piketberg (±1.25ha) as well as rezoning of the Remainder from Authority Zone to Community Zone 3, be approved; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following condition.

1. Bulk services to the remainder are for the account of the successful beneficiary of land as negotiated and agreed upon with the municipal technical departments.

**REASONS FOR RESOLUTION**

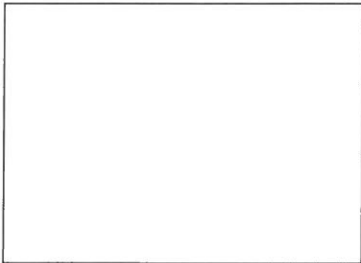
The Spatial Planning and Land Use Management Act (SPLUMA), Act 13 of 2013 provides specific development principles for spatial planning, namely: the principle of (a) spatial justice, (b) spatial sustainability, (c) efficiency, (d) spatial resilience, and (e) good administration.

The location of the proposed land uses will contribute to integration of communities, bring the previous disadvantage communities in closer proximities to facilities that improve quality of life through urban, social, spatial upgrading, safe and sustainable neighbourhoods. The proposal will therefore correct past spatial imbalances and contribute to spatial justice.

The property is located in an area with existing bulk services. The required municipal services that may arise as a result of the proposed utilization, will be for account of the municipality, for which funding is provided by the Western Cape Government for the active box. Bulk services to the remainder will be for the account of the successful services provider for the POP Centre as negotiated and agreed upon between the municipal technical departments and the service provider. The proposed municipal services can therefore be efficiently established accommodated.

Section 65 (h) of Bergrivier Municipal By-Law relating to Municipal Land Use Planning requires consideration of the impact of the proposed land development on municipal engineering services.

Municipal engineering services is available subject to the condition imposed.



**MANAGER: PLANNING  
AND ENVIRONMENTAL  
MANAGEMENT**



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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

Urban restructuring objectives and strategies in the MSDF is to:

Objective: Encourage integrated settlement patterns in the urban areas by the following strategy: To ensure that residential areas are supported by adequate supporting social, commercial and recreational and public land uses to contribute to a well-functioning and sustainable living environment.

The location of the property will contribute to integration of communities, bring the previous disadvantaged communities in closer proximities to facilities that improve quality of life through urban, social, spatial upgrading, safe and sustainable neighbourhoods. Social integration is achieved through the provision of social services in central positions that are shared by various communities. The rezoning deviates from the spatial proposal map, but is consistent with the urban restructuring strategies and objective of the SDF.

The application is consistent with the directives of the Bergrivier Spatial Development Framework 2012-2017.

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 and section 65.(d) and (e) of Bergrivier Municipal By-Law on Municipal Land Use Planning, requires the consideration of comments/objections obtained during the public participation process.

The surrounding area is characterised by authority land uses, private open spaces and institutional uses under the ownership of public authorities. The proposed rezoning is in keeping with the surrounding area and the remainders dimension as well as property size is sufficient to comply with the development parameters as provided in the zoning scheme by-law.

For authority land uses the development parameters and additional provisions as approved by the Municipality according to the site development plan apply to every site, use and type of building.

No objections were received against the application from surrounding property owners or the general public. The comment from the ward councillor contributed meaningfully in considering this application.

The application is consistent with the directives of the Bergrivier Spatial Development Framework 2012-2017. The application is determined desirable from a land use planning perspective and can therefore be supported, subject to condition.

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**PTA008/02/2019**  
**DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Wednesday 06 March 2019** at **11:00** in the Council Chambers, Municipal Offices, Church Street, Piketberg.

**COMPLIANCE  
OFFICER**



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NOTED

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**THE MEETING ADJOURNED AT 12:30  
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

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

18/2/19  
\_\_\_\_\_  
**DATE**

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