

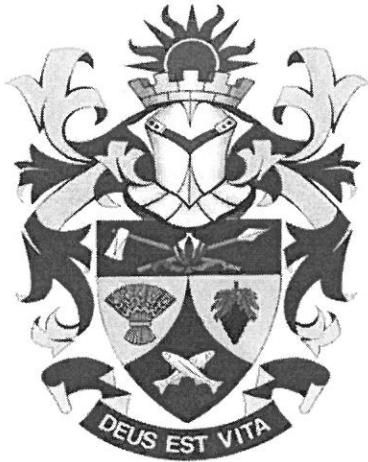
**BERGRIVIER MUNISIPALITEIT / MUNICIPALITY**

**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 THURSDAY 4 JULY 2019 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, PIKETBERG**

**PRESENT**

**MEMBERS**

Municipal Manager (Adv. H Linde: Chairperson)  
Director Corporate Services (Mr JWA Kotzee: Deputy Chairperson)  
Director Financial Services (Mr M Wüst)  
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**

**PTN001/07/2019**

**OPENING AND WELCOME**

The Director Financial Services opened with a prayer and the Chairperson welcomed everyone to the meeting.

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**PTN002/07/2019**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/14**

Director Technical Services (Vacant)

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**PTN003/07/2019**

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

**3/3/16**

All members of the Municipal Planning Tribunal present declared that they have no personal interest with regards to any items on the agenda.

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

**PTN004/07/2019  
COMMUNICATION BY THE CHAIRPERSON  
3/3/1/6**

The position of Director: Technical Services is vacant, on 18 July 2019 an item will be submitted to the Mayoral Committee to appoint a new member of the Municipal Planning Tribunal.



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**PTN005/07/2019  
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 5 JUNE 2019  
3/3/2/2**

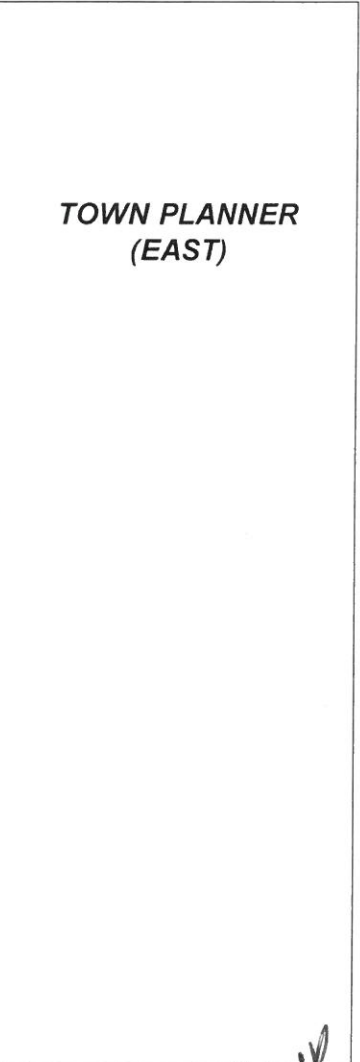
That the minutes of the Municipal Planning Tribunal meeting held on Wednesday 5 June 2019 be confirmed.

**COMPLIANCE  
OFFICER**

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**PTN006/07/2019  
APPLICATION FOR REMOVAL OF RESTRICTIONS, REZONING AND DEPARTURE: ERF 424,  
LAAIPEK  
PB. 424**

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



**TOWN PLANNER  
(EAST)**

**RESOLUTION**

1. That the application for removal of restrictive title condition F.(f) pertaining to Erf 424, Laaiplek to allow the property to be used for purposes other than one dwelling; rezoning of the property from Single Residential Zone 1 to Community Zone 1 to operate a place of instruction from the property; and departure from the side and rear building lines applicable to Community Zone 1 from 5m to 1.57m and 3.15m respectively in order to accommodate the existing structures, be approved, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to:
  - a) That the usage allowed under the zoning Community Zone 1 is for educational training at pre-school level and place of worship only.
  - b) Sound mitigation features/materials must be installed i.e. to mitigate amplified noise arising from musical instruments and confirmed by a registered acoustic engineer (sound engineer);
  - c) Compliance with all other development parameters applicable to a place of instruction provided for in the zoning scheme by-law;
  - d) All certifications and licensing must be in place e.g. business license, health certificate (from the West Coast District Municipality), fire safety certificate, etc.;
  - e) The child care services/pre-school facilities may not operate outside the hours 6:00 to 18:00, between Monday and Friday, and the



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PIKETBERG**

property may only be used as a place of worship on Sundays between 9:30 and 13:00.

f) On-site parking must be provided in accordance with the requirements of the Bergrivier Municipality: Integrated Zoning Scheme By-Law.

2. That the objection received be upheld for the reasons provided in the "Reasons for Recommendation".

**REASONS FOR RESOLUTION**

Section 42(1)(c) of the Spatial Planning and Land Use Management Act, 2013 requires that the public interest, fact and circumstances relevant to the application and the respective rights and obligations of all those affected be taken into account by a Municipal Planning Tribunal when considering and deciding on an application. This application to formalise the exiting land uses on Erf 424, Laaiplek would be in the public interest at large.

Section 59 (3) (iii) and (iv) requires that the availability of residential and employment opportunities in close proximity to, or integrated with, each other is promoted, and that a diverse combination of land uses is promoted for facilitate spatial efficiency. The subject property is bordered by residential properties and is in close proximity to the civic hall, church properties, a clinic, and business properties. The property is also easily accessible from main collector roads.

Section 59 (1) (g) of the Land Use Planning Act, Act 3 of 2014 (LUPA), states that the right of owners to develop land in accordance with current use rights should be recognized. The existing facilities on the subject property has been in operation since 1989. The objector obtained the property at the back of Erf 424, Laaiplek during 2006, at which time the subject property was already used as a place of instruction. Though the objection relating to noise disturbance may be sympathised with, it is imbalanced to expect that the occupation and working hours of one person should determine the land uses and working hours permitted in the surrounding area.

Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the Integrated Development Plan (IDP), including the Municipal Spatial Development Framework (MSDF). The BMSDF (2019-2024) advocates the promotion of skills development through attracting new educational facilities, and furthermore proposes that land uses in the Noordhoek neighbourhood be diversified through encouraging mixed used activities and reconfiguring current community nodes to create public spaces with public transport facilities surrounded by social facilities and commercial activity. The subject property is located near the entrance to the Noordhoek neighbourhood, where, various land uses can be found. The surrounding area accommodates a civic hall, a clinic, businesses properties, church properties, a taxi rank, and residential properties. The BMSDF the area at the entrance to Noordhoek neighbourhood as the Noordhoek Civic Precinct where a diverse mix of land uses should be encouraged and current community nodes be reconfigured, surrounded by social facilities and commercial activity. The subject property is located approximately 100m from the said Noordhoek Civic Precinct.



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Section 65 (d) requires the consideration of comments in response to the notice of the application. A conditions is imposed to address amplified noise/music to mitigate effects on the residential area.

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 buildings on Erf 424, Laaiplek were built in accordance to the requirements for a dwelling house in terms of the Velddrif Zoning Scheme Regulations and the conditions contained in the title deed of the property. The development parameters applicable to a dwelling house at the time of construction were: 3m street building line (4.72m in terms of title deed), 1.5m side building lines (1.57m in terms of title deed), and 3m rear building line (3.15m in terms of the title deed). Should the application be successful, the development parameters of a place of instruction in terms Bergrivier Municipality: Integrated Zoning Scheme By-Law would apply. The building lines applicable to a place of instruction are 5m from the street, side and rear boundaries. In order to accommodate the existing structures on the property, departure from the 5m building lines to 1.57m from the side boundaries and 3.15m from the rear boundary is required. The existing structures on the property are more than 5m away from the street boundary and departure from the street building line is therefore not required. Sufficient space is available on the property to provide the required number of parking bays and a stop-and drop facility.

The application is determined desirable from a planning perspective taking into account aforesaid relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipality By-Law relating to Municipal land Use Planning, subject to conditions.

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**PTN007/07/2019  
DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday 8 Augustus 2019** at **11:00** in the Council Chambers, Municipal Offices, Church Street, Piketberg.

**NOTED**

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**COMPLIANCE  
OFFICER**

**THE MEETING ADJOURNED AT 11:45  
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**



**CHAIRPERSON**

  
**DATE**

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