

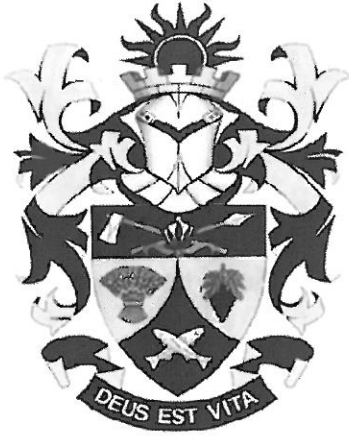
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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 16 JANUARY 2020 AT 11:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, PIKETBERG

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Director Corporate Services (Mr Vivian Kotzee Kotzee: Deputy Chairperson)
Manager Civil Engineering Services (Mr JJ Breunissen)
External Member (Ms. S van der Merwe)
External Member (Ms. D Kotze)

OFFICIALS

Manager: Planning and Environmental Management (W Wagener)
Compliance Officer (A van Rossum)

ACTION

PTN001/01/2020

OPENING AND WELCOME

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

PTN002/01/2020

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Director Community Services (Mr D Josephus) (leave)

PTN003/01/2020

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 LUPA By-Law.



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PTN004/01/2020

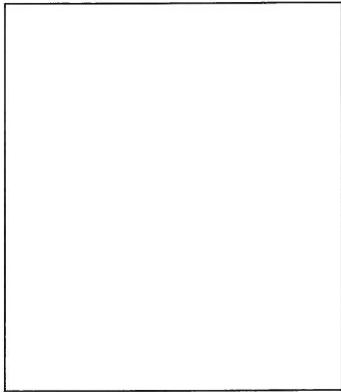
COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

The chairperson wishes everyone a blessed 2020, a beautiful year and good health. She has distributed Bergrivier Municipality's latest newsletter as well as the 2020 Strategic Vision of Bergrivier Municipality – "Year of Service Excellence".

The chairpersons enquired about any appeals received. The Manager: Planning & Environmental Management informed the meeting that an appeal was received but he was not sure of the erf no.

Appeals were received on erven 1658 & 3043, Piketberg, but the appeals were invalid as they were received late.



PTN005/01/2020

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 4 DECEMBER 2019

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Wednesday 4 December 2019 be confirmed with corrections to headers.

COMPLIANCE OFFICER

PTN006/01/2020

APPLICATION FOR CONSENT USE: ERF 1979, PIKETBERG PB. 1979

The Manager: Planning and Environmental Management 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 an existing structure (14m²) on Erf 1979, Piketberg (62 Petunia 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.

TOWN PLANNER (EAST)

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;

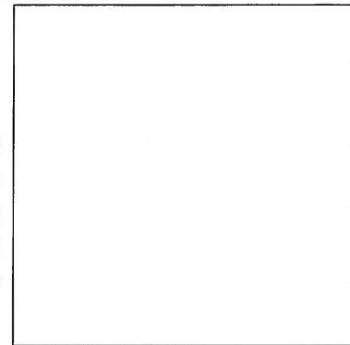
"3. A house shop will only be allowed every 500m of street and not within a 200m radius from another house shop."

The application does not comply with requirement 3 of Bergrivier Municipality Policy relating to House Shops and factual information available prove aforesaid. The house shops on Erf 2800 Piketberg (Starking Street) and Erf 2758 Piketberg (Portland Street) are still valid, and it falls within their radius.



Bergrivier Municipality Integrated Zoning Scheme By-law

The size of the residential use of the existing dwelling house is ±40m². The size of the proposed house shop (14m²) percentage of floor space in relation to the dwelling house is thus 35%. 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.



PTN007/01/2020
APPLICATION FOR CONSENT USE: ERF 2748, PORTERVILLE
PTV. 2748

The Manager: Planning and Environmental Management 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 portion (±21m² in extent) of the existing dwelling house on Erf 2748, Porterville (13 Hendrick Singel), **be refused** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning.

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:

"3. A house shop will only be allowed every 500m of street and not within a 200m radius from another house shop."

The application does not comply with requirement 3 of Bergrivier Municipality Policy relating to House Shops and factual information available prove aforesaid. The house shop on Erf 2700 Piketberg (DJ Pearce Street) is valid, and it falls within their radius.

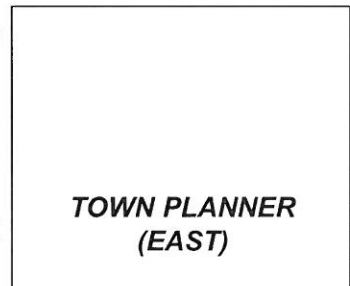


PTN008/01/2020
APPLICATION FOR REMOVAL OF RESTRICTIONS AND DEPARTURES: ERF 1487, LAAIPLEK
L. 1487

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

RESOLUTION: APPROVED IN PART

- 1.) That the application for removal of restrictive title conditions B.(f) and B.(g)(i) imposed in terms of Deed of Transfer T28256/2018 in order to erect a main dwelling unit, second dwelling unit (±59.69m²) and related





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outbuildings as well as encroachment of building lines as set out in the restrictive title conditions, **BE APPROVED IN PART**, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, as follows:

1.1.) amendment of restrictive title condition B.(f), to read:

"B. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T34401/1987 imposed by the Administrator when approving the Township of Laaiplek Extension no 12 by virtue of Section 18 of Ordinance No 33 of 1934, namely:-

*(f) This erf shall be used solely for the purpose of erecting thereon one **main dwelling unit as well as one second dwelling unit together with such outbuildings as are ordinarily used with it** ~~or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.~~*

1.2.) complete removal of restrictive title condition B.(g)(i);

- 2.) That the application for permanent departure from the zoning scheme side building line from 2m to 0m to accommodate an outbuilding, **BE REFUSED**, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, for the reasons set out in the *Reasons For Recommendation*.
- 3.) That the application for permanent departure from the maximum permissible width of an outbuilding encroaching a common building line, as determined in the zoning scheme, from 6.5m to 9m, **BE REFUSED**, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, for the reasons set out in the *Reasons For Recommendation*; and
- 4.) That the objection be partially upheld, for the reasons set out in the *Reasons For Recommendation*.

REASONS FOR RESOLUTION

Consistency is required with Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), read in conjunction with Chapter 2 of SPLUMA, and Section 59 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

- **Spatial Justice:** The proposed development of a main dwelling together with a second dwelling unit with associated living opportunities on one property promotes the general principle of a compact integrated settlement orchestrating work and residential opportunities closer to each other.
- **Spatial Efficiency and Sustainability:** Deed of Transfer nr. T28256/2018 contains several conditions that have been imposed at the behest of



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the Administrator at the establishment of this extension of Laaiplek during 1987 with the purpose to protect the amenity and character of the specific extension. However, these past development ideologies are not resource-efficient and nor sustainable. The removal of restrictive conditions to allow a main dwelling house as well as additional dwelling unit on one property optimize the use of existing infrastructure within the settlement, without requiring additional municipal services. The development will have the appearance of a single dwelling unit from the street and will therefore not detract from the appearance of the surrounding single residential properties. The development therefore makes use of existing available resources, without having a financial burden.

- Good Administration: The Bergrivier MSDF encourages densification within the existing urban edge in order to establish sustainable development. One of the most common forms of densification is through infill development which includes an increase of units on existing erven. The Integrated Zoning Scheme furthermore introduces a densification approach by means of allowing additional dwelling units, within a controlled manner, to change certain historical development patterns, thereby supporting densification whilst still being in keeping with the character of the area as well as preserving the sense of place. The proposal complies with the densification approach promulgated in terms of the Bergrivier MSDF and Integrated Zoning Scheme. The proposal is therefore in line with relevant policy framework.
- Spatial Resilience: The proposed development's contribution to a compact integrated settlement where work and residential opportunities are closer to each other, in lieu of urban sprawl, strengthens the ability of the settlement to deal with economic impacts on particularly the poor by shortening the travel distance to work opportunities and thereby also decreasing travel costs, not only for residence, but also those employed by them.

The proposed application is found to be consistent with the development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Section 59 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) in terms of the aforesaid.

In terms of Section 49 of LUPA consideration must be given to a Spatial Development Framework (SDF). The Bergrivier Municipal SDF encourages densification within the existing urban edge in order to establish sustainable development. One of the most common forms of densification is through infill development which includes an increase of units on existing erven. The proposal complies with the densification approach promulgated in terms of the Bergrivier Municipal SDF. The proposal is therefore in line with relevant policy framework.

Section 65.(h) requires that the impact of a proposed land development on municipal engineering services must be taken into consideration. The property is located within an established residential area which has already been provided with municipal services. Allowing a main dwelling house as well as additional dwelling unit on one property optimizes the use of existing infrastructure within the settlement, without requiring additional municipal services.

The former Velddrif Zoning Scheme Regulations used to have additional



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requirements pertaining to the appearance of structures in Port Owen, but they were not incorporated into the current Bergrivier Municipality: Integrated Zoning Scheme By-Law, which was Gazetted on 17 June 2016. Therefore, these additional requirements have not been imposed for the past 3 years. A second dwelling unit or additional dwelling, with a floor area which does not exceed 60m² is a primary right in terms of the Bergrivier Municipality: Integrated Zoning Scheme By-Law, which was Gazetted on 17 June 2016.

The zoning scheme definition of motor vehicle includes a motor cycle, trailer or caravan as vehicles. The zoning scheme's development parameters applicable to dwelling house only permit garaging for up to four vehicles. Permanent departure from the zoning scheme side building line from 2m to 0m and permanent departure from the maximum width of the outbuilding, encroaching the common building line, from 6.5m to 9m is not supported as the proposed outbuilding will enable the owner to exceed the amount of vehicles (motor vehicles, motor cycles and boat trailers) permitted in terms of the zoning scheme.

The zoning scheme allows a second dwelling as primary right on the subject property and surrounding Single Residential Zone 1 properties. The proposed removal of title deed conditions will enable the property owner to exercise the rights given by the Zoning Scheme By-Law and thereby also the opportunity for a family member to stay in the second dwelling unit, thereby providing a presence on a property that would have otherwise been uninhabited for long periods, which would have left it vulnerable to crime (burglaries). Amending the condition regulating the amount of units from one to two units, as allowed for in terms of the zoning scheme by-law, will assist with densification, but within the current norms and standards for Single Residential Zone 1 areas.

PTN009/01/2020
DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday, 13 February 2020** at **14:00** in the Council Chambers, Municipal Offices, Church Street, Piketberg.

NOTED

THE MEETING ADJOURNED AT 12:32
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS

CHAIRPERSON

22/1/2020
DATE

COMPLIANCE OFFICER
