

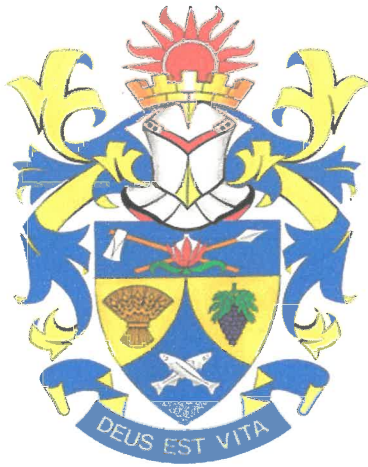
**BERGRIVIER MUNISIPALITEIT / MUNICIPALITY**

**VISIE:**

Bergrivier: 'n  
voorstrewende  
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 NOVEMBER 2023  
AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.**

**PRESENT**

**MEMBERS**

Director Corporate Services (Mr JWA Kotzee: Vice Chairperson)  
Manager Civil Engineering Services (Mr J Breunissen)  
External Member (Mrs D Kotze)  
External Member (Mr J de Jongh)

**OFFICIALS**

Manager: Town Planning & Environmental Management (Mr W Wagener)  
Administrative Officer (Mr S Lombard)

**PTN001/11/2023**

**OPENING AND WELCOME**

The Vice Chairperson opened and welcomed everyone to the meeting.

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**PTN002/11/2023**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

Municipal Manager (Adv. H Linde: Chairperson) - ILGM Conference.  
Town & Regional Planner- West (Mr H Vermeulen) - Annual Leave.

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**PTN003/11/2023**

**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 the Code of Conduct of Tribunal Members.

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**ACTION**





**PTN004/11/2023**  
**COMMUNICATION BY THE CHAIRPERSON**

3/3/1/6

None.

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**PTN005/11/2023**  
**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY, 19 OCTOBER 2023**  
3/3/2/2

That the Minutes of the Municipal Planning Tribunal meeting held on Thursday, 19 October 2023 be confirmed.

**ADMINISTRATIVE OFFICER**

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**PTN006/11/2023**  
**APPLICATION FOR REMOVAL OF RESTRICTIONS AND PERMANENT DEPARTURE: ERF 1632, LAAIPLEK**  
**L. 1632**

**RESOLUTION**

That the application for removal of restrictive title conditions D.(b) and E.6. (b) as held in Title Deed No. T 45862/2022 pertaining to Erf 1632, Laaiplek **be approved** in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning.

**TOWN AND REGIONAL PLANNER (WEST)**

That the application for departure from the street building line along Lucille Crescent from 3m to 1m to allow for the proposed braai room (reasonably in accordance with building plan submitted by AV Bouplanne Vel 1), **be approved**, in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning.

That the application for departure from the street building line on the corner of Lolan Street and Lucille Crescent from 3m to 0m to allow for a new garage, **be refused**, in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning.

**REASONS FOR RESOLUTION**

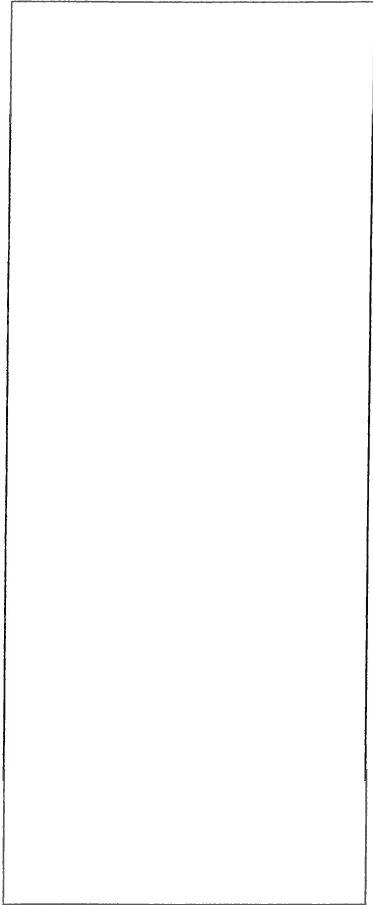
- a) Section 7(a) (vi) of SPLUMA states that the Municipal Planning Tribunal/Competent Authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application.
- b) Section 42(c) (iv) of the Spatial Planning and Land Use Management Act (SPLUMA) requires that existing rights and obligations must be taken into account when considering land use applications. The subject property is currently zoned as Single Residential Zone 1, with a primary right to be developed with a dwelling house and outbuilding.
- c) The proposed garage would likely cause traffic problems as there is not adequate space on- site to maneuver/ park in front of the proposed garage.



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 16 NOVEMBER 2023 AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.**

Dropping the curb and hardening the pavement in front of the proposed garage would also affect maintenance of municipal services within the road reserve. As an alternative, the applicant could possibly consider a tandem garage behind the existing garage, subject to the practicality thereof. Any deviation from development parameters to accommodate alternatives will however require that a new application be submitted.

d) The proposed braai room will be set back on the 2m side building line along the communal boundary shared with Erf 1631, Laaiplek. The proposed extension of the braai area on the 2m side building line is compliant with the building lines prescribed in terms of the Bergrivier Municipality Integrated Zoning Scheme By-Law for Single Residential Zone 1 properties. At present the braai area is 1.5m from the communal side boundary, and not enclosed. The proposed enclosure of the braai room and moving it further away from the communal side boundary is expected to increase the privacy of the adjacent land owner, rather than reduce it. The subject property is also already separated from the adjacent property by a boundary wall. The adjacent property is laid out in such a manner that the garage and outside patio is nearest to the subject property (1.5m) and the habitable spaces of the dwelling house is set further back by ±6m from the common boundary shared with Erf 1632, Laaiplek. The habitable space of the objector's dwelling house would therefore be ±9.5m (2m + 1.5m + 6m) from the proposed additions on the subject property. No additional or adverse impact on the existing rights of the adjacent land owner is therefore foreseen.



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**PTN007/11/2023**

**DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday, 25 January 2024 at 11:00** on an Electronic Platform.

**ADMINISTRATIVE OFFICER**

**NOTED**

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**THE MEETING ADJOURNED AT 11:30  
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

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

  
\_\_\_\_\_  
**DATE**

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