

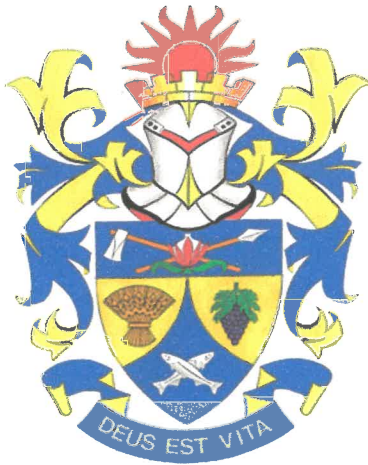
**BERGRIVIER MUNISIPALITEIT / MUNICIPALITY**

**VISIE:**

Bergrivier: 'n  
voortuitstrewende  
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, 25 JANUARY 2024 AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.**

**PRESENT**

**MEMBERS**

Municipal Manager (Adv. H Linde: Chairperson)  
Director Technical Services (Mr D Turha)  
Manager Civil Engineering Services (Mr JJ Breunissen)  
External Member (Ms D Kotze)  
External Member (Mr J de Jongh)

**OFFICIALS**

Manager: Town Planning & Environmental Management (Mr W Wagener)  
Town & Regional Planner (East) (Mr K Abrahams)  
Compliance Officer (Mr S Lombard)

**ACTION**

**PTN001/01/2024**

**OPENING AND WELCOME**

The Chairperson opened and welcomed everyone to the meeting and wished everyone a wonderful and blessed new year.

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**PTN002/01/2024**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/14**

Director Corporate Services (Mr JWA Kotzee: Vice Chairperson) – Sick Leave

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**PTN003/01/2024**

**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 the item on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal Members.

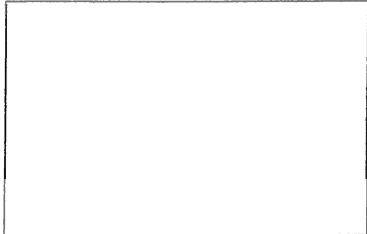
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**PTN004/01/2024**  
**COMMUNICATION BY THE CHAIRPERSON**

**3/3/1/6**

The Town and Regional Planner (East) gave a brief background in terms of house shops applications that went on appeal at the Appeal Authority regarding decisions the Municipal Planning Tribunal considered and the Appeal Authority overruled the decisions resolved by the Tribunal.



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**PTN005/01/2024**  
**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY, 16 NOVEMBER 2024**

**3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Thursday, 16 November 2023 be confirmed.

**COMPLIANCE OFFICER**

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**PTN006/01/2024**  
**APPLICATION FOR CONSENT USE: ERF 2758, PIKETBERG PB.2758**

The Town & Regional Planner (East) 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 on Erf 2758, Piketberg (16 Portland Street), **be refused** in terms of section 60 of Bergrivier Municipal By-Law on Municipal Land Use Planning, for the reasons provided in the reasons for resolution.

**TOWN PLANNER (EAST)**

**REASONS FOR RESOLUTION**

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.

The floor space occupied for business utilisation, is more than half of the dwelling house as confirmed during site inspection. The house shop, residential storage, kitchen & lounge area is used for business purposes/business storage indicated on the site plan. The property is earmarked for residential use and located in a residential neighbourhood, allowing the application will result in dominant business use that is inconsistent with the MSDF. This area is not earmarked as business/retail node. The floor space occupied for business utilisation, is more than half of the dwelling house which was confirmed during site inspection on 06 December 2023.

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 floor space occupied for business utilisation, is more than half of the dwelling house as confirmed during site inspection on 06/12/2023. The house



**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 25 JANUARY 2024 AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.**

shop, residential storage, kitchen & lounge area is used for business purposes/business storage indicated on the site plan. The percentage of house shop floor space in relation to the dwelling house exceeds the permissible 25%. The proposed house shop's floor space do 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.

The dominant use of the property is unauthorised business. This is more than what is permitted in terms of the zoning scheme by-law, this proposal is therefore not compatible with surrounding residential land uses and will give a sense of dominant business use on the property (negative sense of place).

Business activities within residential areas, needs to be regulated taking into consideration the ability of the residential area to accommodate retail uses without negatively impacting the rights of residential property owners. If current norms and standard are not properly regulated or adhered by retail facilities within residential areas it can result in a negative impact on safety and security, the ability to enjoy residential properties for the main purpose intended as well as detracting from the residential character.

Acceptable norms and standards have been established in terms of the Spatial Development Framework, Zoning Scheme as well as House Shop Policy, which have been subject to public participation and thoroughly deliberated, and this application can't comply with current norms and standards.

Circumstances on site regarding dominant unauthorised business use have therefore not changed since November 2022 and an alternative conclusion on this application for consent use could not be reached.

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**PTN007/01/2024**  
**DATE OF NEXT MEETING**

The next Municipal Planning Tribunal meeting will be held on **Thursday, 15 February 2024** at **11:00** on an Electronic Platform.

**COMPLIANCE OFFICER**

**NOTED**

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**THE MEETING ADJOURNED AT 11:38**  
**CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

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

11/2/2024  
**DATE**

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