



OFFICE OF THE MUNICIPAL MANAGER
BERGRIVIER MUNICIPALITY
P.O BOX 60
PIKETBERG
7320

**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL AS HELD ON TUESDAY
06 SEPTEMBER 2016 AT 14:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,
PIKETBERG**

PRESENT

MEMBERS

Municipal Manager (Adv H Linde: Chairperson)
Director Corporate Services (J Kotzee: Deputy Chairperson)
Director Financial Services (J van Niekerk)
Director Technical Services (H Kröhn)
External Member (Ms D Kotze)
External Member (Ms S Van der Merwe)

OFFICIALS

Manager: Planning and Development (W Wagener)
Administration Officer: Planning and Development (Ms J Rosenberg)

ACTION

PTN001/09/2016

OPENING AND WELCOME

The Director Technical Services opened the meeting with a prayer after the Chairperson greeted and welcomed everyone attending the meeting. She gave a special welcome to the mentees attending the meeting namely Frans Theron from Drakenstein Municipality and Melony Paulsen from Knysna Municipality.

PTN002/09/2016

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

None.

PTN003/09/2016

**DECLARATION OF INTEREST IN ACCORDANCE: 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.



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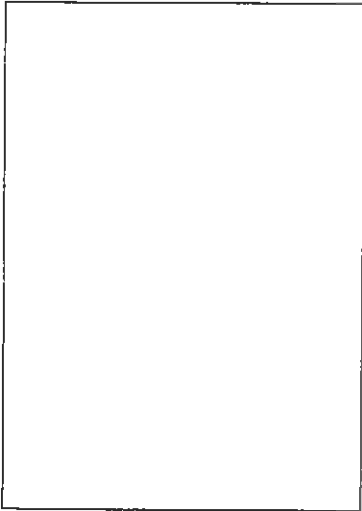
PTN004/09/2016

COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

The Chairperson reported that there were changes on the previously distributed minutes of the tribunal and that the minutes which were distributed with the agenda should be used for confirmation thereof.

She also reported that appeals have been received against previous resolutions of the Municipal Planning Tribunal. The Manager: Planning and Development gave a brief summary on one of the appeals received. He reported to the committee that the Provincial Minister will not be able to give comment and also that the Provincial Minister cannot be granted extension to give comment on the appeal due to the fact that the period for referring an appeal to the Provincial Minister has expired. The Manager: Planning and Development reported that Provincial Officials are aware thereof and monitor the processes involved.



PTN005/09/2016

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: TUESDAY 02 AUGUST 2016

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Tuesday 02 August 2016 be confirmed with the following corrections:

PTN006/08/2016

**APPLICATION FOR EXTENSION OF VALIDITY PERIOD OF APPROVAL:
MAYORAL DECISION BK 2709 OF FEBRUARY 2009**

RESOLUTION

- (a) The Satail Planning and Land Use **Management** Act, 2013 prohibit the further extension of an application; and

PTN007/08/2016

APPLICATION FOR PERMANENT DEPARTURE: ERF 1599, PIKETBERG

REASONS FOR RESOLUTION

The proposed application for permanent departure is consistent with the development principles of SPLUMA furthermore the application is consistent with the strategies and guideline proposals of Bergrivier Municipal Spatial Development Framework 2012-2017. The application are regarded inconsistent with the development principle S59 (2)(a) v of LUPA and also regarded undesirable from a planning perspective taking into account the relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning. The application are also regarded undesirable due to the unhappiness of the public.





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PTN006/09/2016

**APPLICATION FOR REZONING AND PERMANENT DEPARTURE: ERF 954, PIKETBERG
15/3/3, 15/3/8; PB 954**

The Manager: Planning and Development gave a brief summary of the item under discussion.

After thorough discussions the following resolution was taken.

RESOLUTION

That the application for rezoning of Erf 954, Piketberg from Residential Zone 1 to General Residential Zone 3 in order to allow five additional town houses (all together six with existing dwelling house) as well as permanent departure of the applicable eastern side building line from 3m to 0m in order to accommodate an existing building (carport/garage), **be approved** in terms of section 60, of Bergrivier Municipal By-law relating to Municipal Land Use Planning, in accordance with the conceptual site development plan submitted with the application Drawn: JA Truter pr.pln. A1411/2011, subject to the following conditions:

- (a) All buildings and structures must be planned, designed and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design and landscaping;
- (b) The colour and architectural material of the proposed five town houses must be similar to the existing dwelling house (including pitch roof structures);
- (c) The departure of building line are only granted to accommodate the footprint of existing garage/carport and be totally enclosed with no see through openings on the common boundary of 954 and 953, Piketberg;
- (d) The town housing development are restricted to ground floor buildings only;
- (e) The town houses will be subject to the Sectional Title Act, 1986 (Act 95 of 1986) and the conditions applicable thereto, should the owner alienate the flats separately to individual persons/entities;
- (f) The owner(s)/manager of Erf 954, Piketberg must reside on the property and act as supervisor;
- (g) The maintenance of the property will be managed/responsibility of the property owner(s);
- (h) That lease agreements be undersigned between tenants and owner, and a clause be included stipulating that no activity may occur that is a source of nuisance to surrounding property owners which should be accordingly enforced by the supervisor;
- (i) The living/family rooms of the 5 town houses, must be place towards Zebra Street and bed rooms placed closest to Erf 951 Piketberg in order to minimise the impact of activities.
- (j) The refuse rooms and service yard complies with the parameters of the zoning scheme by-law, and
- (k) Bulk Service Contributions, as predetermined in the Municipal Budget, be

**MANAGER: PLANNING
AND DEVELOPMENT**



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paid for each additional erf created by subdivision **AND/OR** each additional unit created. In addition to this the developer will be responsible for the provision and upgrading of all service infrastructure required as a result of additional burden created by the development, as negotiated and agreed upon between the developer and the Municipality's Directorate: Technical Services by means of a Services Level Agreement (SLA).

2. The objections not be upheld because:

- (a) The application is consistent with the development principles of the Western Cape Land Use Planning Act, 2014 & the Spatial Planning and Land Use Management Act, 2013;
- (b) The application is in line with the strategic objectives of Bergrivier Municipal Spatial Development Framework 2012-2017;
- (c) The manager civil services confirmed that the existing sewer can accommodate the proposed town housing development furthermore they will look at the condition and slope of the pipe and if necessary, the owner of Erf 954, Piketberg will be responsible to improve / upgrade it to, prevent the blockages aggravate;
- (d) Application is in line with the development parameters of Bergrivier Municipal Integrated Zoning Scheme By-Law; and
- (e) The problem aspects foreseen are addressed with conditions.

**MANAGER: PLANNING
AND DEVELOPMENT**

REASONS FOR RESOLUTION

The proposed application for rezoning and permanent departure is consistent with the development principles of LUPA and SPLUMA. The proposed application furthermore is aligned with the guidelines of Bergrivier Municipal Spatial Development Framework 2012-2017. The application is furthermore determined desirable from a planning perspective taking into account the relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning, in accordance with the conceptual site development plan submitted together with the application, subject to conditions.

THE MEETING ADJOURNED AT 14:35

CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS



CHAIRPERSON

8/9/16
DATE
