



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

**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY  
30 NOVEMBER 2016 AT 14:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,  
PIKETBERG**

**PRESENT**

**MEMBERS**

Municipal Manager (Adv. H Linde: Chairperson)  
Director Corporate Services (JWA 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**

**PTN001/11/2016**

**OPENING AND WELCOME**

The Chairperson welcomes all the members of the Municipal Planning Tribunal present.

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**PTN002/11/2016**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/1/4**

None.

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**PTN003/11/2016**

**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.

The Employees of Bergrivier Municipality declares that they have a collective interest with regards to items **PTN007/11/2016** and **PTN008/11/2016**.

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**PTN004/11/2016**  
**COMMUNICATION BY THE CHAIRPERSON**  
**3/3/1/6**

The Chairperson give thanks to everyone present in the meeting for a year well done and wished everyone a merry Christmas and prosperous new year.



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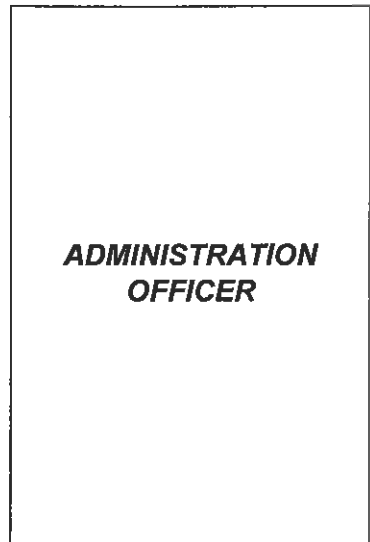
**PTN005/11/2016**  
**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 26 OCTOBER 2016**  
**3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Wednesday 26 October 2016 be confirmed with the following corrections:

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**PTN004/10/2016**

The Chairperson also informs the meeting that three (3) appeals has been received and that one of the three have been completed.



**PTN006/10/2016**

1. The required municipal services that may arise as a result of the proposed utilization on Portion 1, will be for the account of the developer and/or future owner(s).

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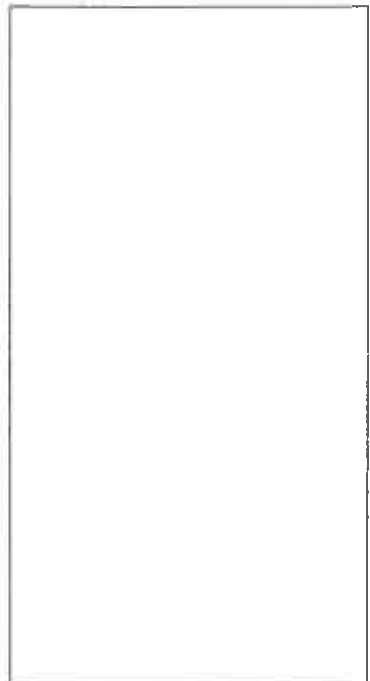
**PTN006/11/2016**  
**APPLICATION FOR SUBDIVISION AND CONSOLIDATION: ERF 2215 AND 4452, PIKETBERG**  
**15/3/4; 2215 AND 4452 PB.**

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

After thorough discussions the following resolution was taken:

**RESOLUTION**

1. That the application for subdivision of Erf 2215, Piketberg into two portions namely: Portion 1 (±1804m<sup>2</sup> in extent) and Remainder Erf 2215, Piketberg (±796m<sup>2</sup> in extent) as well as the consolidation of the newly created Portion 1 with unregistered Erf 4452, Piketberg (Portion of Registered Erf 3265, Piketberg) to establish a land unit of ±6845m<sup>2</sup> in extent, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:
  - 1.1 Remainder Erf 2215, Piketberg will be provided with separate electrical, water-and sewerage connections as well as access, if any of aforementioned services are located on the portion to be subdivided (Portion 1);





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- 1.2 The required municipal services that may arise as a result of the proposed utilization of the newly created land unit, will be for the account of the developer and/or further owner(s); and
- 1.3 The zoning of Portion 1 (portion of Erf 2215, Piketberg) will remain Business Zone 1 (Business Premises) and the zoning of Unregistered Erf 4452, Piketberg will remain General Residential 4 (Flats), even after consolidation, until it is rezoned by means of a rezoning application.
2. That the objection received from the owners of adjacent Erf 1029, Piketberg not be supported as the grounds, for the objection, are not resulting from the subdivision and consolidation applied for, but from existing circumstances which require management from the owner of Unregistered Erf 4452, Piketberg as well as law enforcement actions by the Police and Municipal law enforcement officials.

**MANAGER: PLANNING  
AND DEVELOPMENT**

**REASONS FOR RESOLUTION**

The proposed application is consistent with the relevant development principles of the Land Use Planning Act, 2014 and Spatial Planning and Land Use Management Act, 2013. The application is furthermore consistent with Bergrivier Municipal Spatial Development Framework 2012-2017, as no rezoning is proposed. The application is furthermore supported from a planning perspective taking into account the relevant development principles and desirability factors as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning.

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**PTN007/11/2016**

**APPLICATION FOR REZONING, SUBDIVISION, CLOSURE OF PUBLIC PLACE AND AMENDMENT OF THE GENERAL PLAN 3614/2001 AS WELL AS DEVIATION FROM THE SPATIAL DEVELOPMENT FRAMEWORK: ERF 324, 369 AND 386, EENDEKUIL  
15/3/3, 15/3/4; 324, 369 AND 386 E.**

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

Members of the Tribunal discussed an opinion that two additional erven must rather be created on erf 369 and that erf 386 should be retained as a public open space and be formally developed for this purpose.

After thorough discussions the following resolution was taken:

**RESOLUTION**

The application for rezoning, subdivision, closure of public place, amendment of the general plan as well as deviation from the Municipal Spatial Development Framework, applicable to Erf 324, 369 and 386 Eendekuil, **be partially approved** in terms of section 60 of Bergrivier Municipal By-law relating to Municipal Land Use Planning for the following properties respectively:

1. Rezoning of Erf 324 and 369, Eendekuil from Open Space Zone 1 to Subdivisional Area in order to permit the following respectively:



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- 1.1 Seven residential properties (Residential Zone 1) and one public street (Transport Zone 2) on Erf 324, Eendekuil;
- 1.2 Sixteen Residential properties (Residential Zone 1), one public street (Transport Zone 2) and two public open spaces (Open Space Zone 1) on Erf 369, Eendekuil;
2. The subdivisions of the following properties respectively:
  - 2.1 Erf 324, Eendekuil into 8 portions in accordance with proposed Subdivision Plan No. 8 dated August 2016, drawn by Planning Partners (Pty) Ltd;
  - 2.2 Erf 369, Eendekuil into 19 Portions namely: seventeen (17) residential erven in accordance with proposed Subdivision Plan, plus two additional residential erven, No. 9 dated August 2016, drawn by Planning Partners (Pty) Ltd;
3. Closure of public place Erven 324 and 369, Eendekuil to allow the rezoning and subdivision of Erven 324 and 369, Eendekuil;
4. Amendment of General Plan 3614/2001 to allow the subdivision and rezoning of Erven 324, 369, Eendekuil, in accordance subdivision plans no. 8 and 9 dated Augusts 2016, submitted by Planning Partners (Pty) Ltd;
5. Deviation from the Bergrivier Municipal Spatial Development Framework, 2012 - 2017 in order to allow the proposed rezoning and subdivision on Erven 324, 369 Eendekuil;
6. That the approval of point number 1 to 5 are subject to the following conditions:
  - 6.1 Compliance with the conditions of Department of Transport and Public Works letter referenced 16/9/6/1-02/28 (Job 24204) dated 18 October 2016;
  - 6.2 The provision and upgrading of all service infrastructure required as a result of the additional burden created by the development, be done in consultation with this Municipality's Directorate: Technical Services; and
7. Erf 386 Eendekuil is retained as public open space.

**REASONS FOR RESOLUTION**

The proposed application for rezoning, subdivision, closure of public place, amendment of the general plan as well as deviation from the Municipal Spatial Development Framework of erven 324, 369 Eendekuil is consistent with the development principles of the Land Use Planning Act, 2014 and Spatial Planning and Land Use Management Act, 2013.

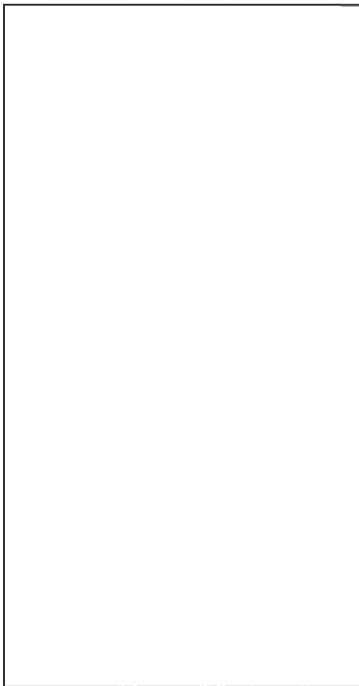
The deviation of Bergrivier Municipal Spatial Development Framework, 2012-2017 are regarded acceptable due to site specific circumstances, for the following reasons:

**MANAGER: PLANNING  
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- Provide integration with an existing residential neighbourhood;
- Round off urban area due to its location;
- Proposal represents infill residential development within the urban edge of Eendekuil;
- The proposed site can link to existing municipal infrastructure;
- The sites are located in close proximity (walking distance) to support services i.e. primary school, community hall, sport fields etc.
- The proposed development only deviate from the spatial proposal map, but do achieve the densification and residential spatial directives for Eendekuil.



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, subject to conditions.

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**PTN008/11/2016**

**APPLICATION FOR SUBDIVISION AND REZONING: ERF 471, LAAIPEK  
15/3/3, 15/3/4; 471 L.**

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

The chairperson summarized discussions by giving that permission for the property to be divided into three portions.

After thorough discussions the following resolution was taken.

**RESOLUTION**

- 1) That the application for subdivision of Erf 471, Laaiplek into Portion 1 (±25m road reserve) and Remainder Erf 471, Laaiplek in order to separate the road known as Lofdal Street from Erf 471, Laaiplek, **be approved** in terms of section 60 of the Bergrivier Municipal By-Law relating to Municipal Land Use Planning;
- 2) That **approval be given** in terms of section 60 of the Bergrivier Municipal By-Law relating to Municipal Land Use Planning for the portion of Remainder Erf 471, Laaiplek located south of Lofdal Street to be subdivided as Portion 2, in addition to the original subdivision application; and
- 3) That rezoning of Portion 1 from Undetermined Use Zone to Transport Zone 2 (Public Road), **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Municipal Land Use Planning.



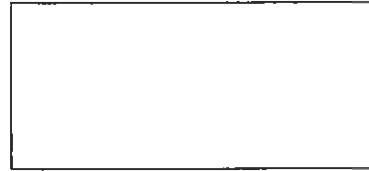
**REASONS FOR RESOLUTION**

The application is considered consistent with the development principles of LUPA and SPLUMA. The proposed application furthermore is aligned with the guidelines of Municipal Spatial Development Framework, and is considered



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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.



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**PTN009/11/2016**

**APPLICATION FOR AMENDMENT OF CONDITIONS IN RESPECT IN EXISTING APPROVAL: ERF 261,  
DWARSKERSBOS**

**15/3/2; 261 D.**

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

The Chairperson stressed that the applicant must be informed that it is a temporary approval and if desired to continue after lapse of deviation, an application for rezoning must be submitted.

After thorough discussions the following resolution was taken.

**RESOLUTION**

1. That temporary departure for a house shop on Erf 261, Dwarskersbos, **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning, subject to:
  - 1.1 The owner residing on the property;
  - 1.2 The house shop be limited to the area ( $\pm 16m^2$ ) indicated on the site development plan;
  - 1.3 That the temporary departure for a house shop is only valid for five (5) years;
2. The deletion/waiving of condition number 2.6 of Mayoral Committee resolution number BKN011/11/2014 of 18 November 2014, **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning.
3. The deletion/waiving of condition number 2.11 of Mayoral Committee resolution number BKN011/11/2014 of 18 November 2014, **be refused** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning as the restaurant will result in an extra sewage load.
4. That the objections received not be upheld as:
  - 4.1 the objections do not provide adequate grounds for refusal of the application;
  - 4.2 the application is considered consistent with the development principles of LUPA and SPLUMA and the proposals of the BSDF; and
  - 4.3 the zoning of the property will remain unchanged and development will comply with the Zoning Scheme By-Law.



**MANAGER: PLANNING  
AND DEVELOPMENT**

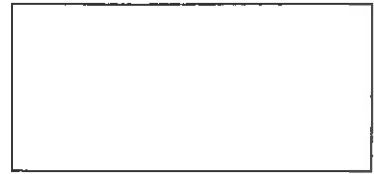
**REASONS FOR RESOLUTION**

The proposed application is not in conflict with the aims of Bergrivier Municipal Spatial Development Framework. The application is furthermore determined



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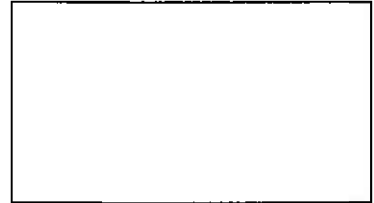
desirable from a planning perspective taking into account the relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning.



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**PTN010/11/2016  
DATE OF NEXT MEETING**

That the next Municipal Planning Tribunal meeting is scheduled for Tuesday 07 February 2017 at 14:00pm.



**NOTED**

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**THE MEETING ADJOURNED AT 15:15  
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

*[Handwritten signature]*

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**CHAIRPERSON**

*12/12/16*  
\_\_\_\_\_  
**DATE**

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