



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

**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON TUESDAY
11 APRIL 2017 AT 12:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,
PIKETBERG**

PRESENT

MEMBERS

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

PTN001/04/2017

OPENING AND WELCOME

The Chairperson welcomed everyone in the meeting whereafter external member, Susara van der Merwe, opened the meeting with prayer.

PTN002/04/2017

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

None.

PTN003/04/2017

**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 any items on the agenda.



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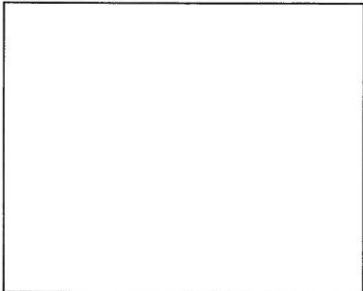
PTN004/04/2017

COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

The Chairperson informed the meeting that the internal position of the Financial Director on the Municipal Planning Tribunal was vacant due to Mr Kobus Van Niekerk who went on early retirement on 31st March 2017.

That a report, regarding the appointment of the new CFO as internal member of the Municipal Planning Tribunal, will be tabled at the Mayoral Committee and the Council meeting scheduled for 25 April 2017, for consideration.



PTN005/04/2017

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: TUESDAY 07 MARCH 2017

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Tuesday 07 March 2017 be confirmed.

**ADMINISTRATION OFFICER:
PLANNING
&
DEVELOPMENT**

PTN006/04/2017

APPLICATION FOR CONSENT USE: ERF 427, DWARSKERSBOS

15/3/5; D. 427

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 consent use to allow a second dwelling unit on Erf 427, Dwarskersbos, **be approved**, in terms of section 60 of the Bergvriër Municipal By-Law relating to Land Use Planning, subject to:
 - 1.1 Bulk Service Contributions, as predetermined in the Municipal Budget, be paid for each additional erf created by subdivision 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). The SLA will be drawn up by a municipal appointed attorney for the account of the developer.
2. That the objection received not **be upheld** as:
 - 2.1 the application is considered consistent with the development principles of LUPA and SPLUMA and the proposals of the BMSDF;
 - 2.2 the zoning of the property will remain unchanged and development will comply with the provisions of the Zoning Scheme By-Law.
 - 2.3 Section 59 (1) (f) of the Land Use Planning Act, Act 3 of 2014 (LUPA),

**MANAGER: PLANNING
AND DEVELOPMENT**



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states that a competent authority may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of an application. The objection based on the potential effect on property value and views is therefore not upheld.

2.4 The property of the objector is positioned on a flat topography, approximately 170m from the High Water Mark and directly behind three rows of residential properties and a road seawards thereof. The expectation to have a permanent and unobscured view towards the sea is therefore considered illogical.

2.5 The owners of Erf 427, Dwarskersbos are allowed to construct a dwelling house on the 2m rear building line as required for Single Residential Zone 1 properties in terms of the Bergrivier Municipality: Integrated Zoning Scheme By-Law, without requiring scrutiny or approval from the owners of Erf 423, Dwarskersbos. According to the proposed building plans, the proposed dwelling house would be placed 3m away from the rear boundary line, thus even further away from the common boundary between Erf 427 and Erf 423, Dwarskersbos that what is required in terms of the Zoning Scheme By-Law. The zoning of the property will remain unchanged and the second dwelling unit will allow one additional family to occupy the property. The primary dwelling house and the second dwelling unit will be placed behind one another and would therefore appear as only one dwelling unit from the street and rear boundaries. The objector's property is completely vacant at present, and therefore potential impact on the objector's own privacy will be depend on how Erf 423, Dwarskersbos is developed and used in future. The objection based on potential impact on privacy is therefore rejected.

**MANAGER: PLANNING
AND DEVELOPMENT**

REASONS FOR RESOLUTION

The reason for the resolution is the same as the reasons for not upholding the objections.

PTN007/04/2017

**APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURE: ERF 1169, PORTERVILLE
15/3/3, 15/3/4, 15/3/8; PTV.1169**

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 item under discussion be referred back to the administration for further investigation and tabled at the next Municipal Planning Tribunal meeting.

**MANAGER: PLANNING
AND DEVELOPMENT**



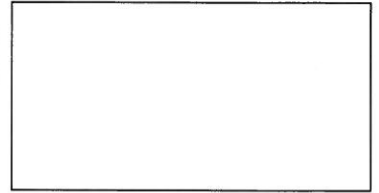


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PTN008/04/2017

DATE OF NEXT MEETING

That the next meeting of the Municipal Planning Tribunal is scheduled for Tuesday 02 May 2017 at 14:00 in the Council Chambers, Municipal Offices in Piketberg.



NOTED

THE MEETING ADJOURNED AT 13:15

CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS

CHAIRPERSON

12 / 4 / 17
DATE

12/04/2017
