



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

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

**PRESENT**

**MEMBERS**

Municipal Manager (Adv H Linde: 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

**PTN001/08/2016**

**OPENING AND WELCOME**

The Chairperson opened the meeting with a prayer after welcoming everyone at the meeting.

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**PTN002/08/2016**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/14**

Director Corporate Services (J Kotzee) (leave)

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**PTN003/08/2016**

**DECLARATION OF INTEREST IN ACCORDANCE: 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 any items on the agenda.

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**PTN004/08/2016**

**COMMUNICATION BY THE CHAIRPERSON**

**3/3/16**

The Chairperson informed the meeting that the first appeal was received and that the Appeals Authority meeting will be held after the municipal elections.

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**PTN005/08/2016**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: TUESDAY 05 JULY 2016**

**3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Tuesday 05 July 2016 be confirmed.



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**PTN006/08/2016**

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

**15/3/1, 15/3/4; PB 393 en 665**

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

The Chairperson requested that the decision letter which will be send to the applicant must reflect the technical reasons for the refusal of the application, but also explain that a new application should rather be submitted.

After thorough discussions the following resolution was taken.

**RESOLUTION**

1. That the application for the extension of validity period of approval: Mayoral Committee Decision nr BK2709 of 19 September 2009, **be refused**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, because:
  - (a) The Spatial Planning and Land Use Planning Act, 2013 prohibit the further extension of an application; and
  - (b) Planning legislation and policy prevailing at the time has materially changed.

**MANAGER: PLANNING  
AND DEVELOPMENT**

**REASONS FOR RESOLUTION**

Land Use Planning legislative and policy requirements has materially changed under which the application were intially approved. The application for extension of validity period cannot be extended because:

Section 43 (2) of SPLUMA determines the following:

- (2) A conditional approval of an application lapses if a condition is not complied with, within –
  - (a) A period of five years from the date of such approval, if no period for compliance is specified in such approval; or
  - (b) The period for compliance specified in such approval, which, together with any extension which may be granted, may not exceed five years.

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**PTN007/08/2016**

**APPLICATION FOR PERMANENT DEPARTURE: ERF 1599, PIKETBERG  
15/3/1, 15/3/8; PB 1599**

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 permanent departure of the street building line restrictions from 3m to 0m adjacent to Aster Street, in order to allow the conversion of the approved carport as family /braai room on Erf 1599, Piketberg , **be refused**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, because:
  - (a) Permanent structures can't be recommended by the Managers Civil and Electrical Services on the street boundary, if services were upgraded or new ones were to be installed on the sidewalk along the boundary of the property, it can compromise the safety of the structure on the property in question.
  - (b) The application are regarded inconsistent with the development principle S59 (2)(a) v of LUPA, because of reason (a).

**MANAGER: PLANNING  
AND DEVELOPMENT**

**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 subjacent unhappiness of the public.

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**PTN008/08/2016**

**APPLICATION FOR CONSENT USE: ERF 746, LAAIPEK  
15/3/5; L 746**

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 for a guesthouse on Erf 746, Laaiplek, **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning, subject to:
  - 1.1 The owner or manager of the guesthouse must reside on the property;



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- 1.2 No more than 6 rooms may be used for bedroom accommodation for paying guests or lodgers, and no more than 12 paying guests or lodgers may be supplied with lodging or meals at any time;
- 1.3 No alcoholic beverages may be sold except to resident guests for consumption on the premises with meals;
- 1.4 Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and family residing in the dwelling;
- 1.5 No advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the Municipality's policy or By-Law on outdoor advertising and signage, and the sign may not exceed 1m<sup>2</sup> in area;
- 1.6 No activities may be carried out which constitute, or are likely to constitute, a source of public nuisance;
- 1.7 At least seven (7) on-site parking bays must be provided, in accordance with the Bergrivier Municipality: Integrated Zoning Scheme By-Law;
- 1.8 The guesthouse must be registered with the local Tourism Board.
2. That the application for a restaurant on Erf 746, Laaiplek, **be refused**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning, for the following reasons:
  - 2.1 Insufficient on-site parking will be available for the proposed restaurant in addition to the guesthouse establishment;
  - 2.2 The additional noise and vehicular traffic that will be generated by clients and delivery vehicles travelling to and from the restaurant will adversely affect the existing rights of residents in the surrounding area, particularly along the access routes; and
  - 2.3 Approval of restaurant outside business precincts and away from activity routes sets a precedent for future non-residence/lodging business activities in residential areas and is not in line with the principles and proposals of the spatial development framework.

**MANAGER: PLANNING  
AND DEVELOPMENT**

**REASONS FOR RESOLUTION**

The consent use application for a guesthouse on Erf 746, Laaiplek is considered consistent with the development principles of LUPA and SPLUMA. The proposed application is furthermore considered 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.

The application for a restaurant on Erf 746, Laaiplek is considered inconsistent with the relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning, more specifically considering section 65 (1)(d), (e), (k) and (s).

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**THE MEETING ADJOURNED AT 14:45**

**CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

*Handwritten signature*

**CHAIRPERSON**

*10/8/16*  
**DATE**

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