

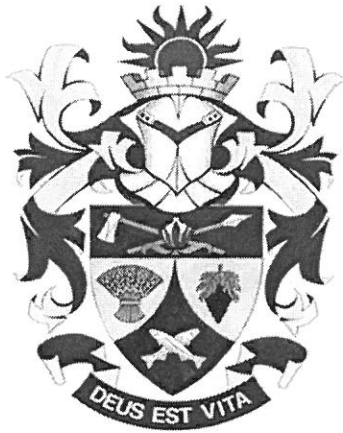
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

VISIE:

Bergrivier: 'n vooruitstrewende 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 TUESDAY 08 MAY 2018 AT 11:00 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. S van der Merwe)
External Member (Ms. D Kotze)
Director Financial Services (G Goliath) (from 11:45)

OFFICIALS

Planning and Environmental Manager (W Wagener)
Compliance Officer: Planning and Environmental Management (Ms J Rosenberg)

ACTION

PTN001/05/2018

OPENING AND WELCOME

The chairperson welcomed everyone to the meeting and requested the Director Technical Services (H Kröhn) to open with a prayer.

PTN002/05/2018

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Director Financial Services – (G Goliath) CFO Forum (from 11:00 – 11:45)

PTN003/05/2018

DECLARATION OF INTEREST IN ACCORDANCE WITH SCHEDULE 1: CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

3/3/1/6

That all members of the Municipal Planning Tribunal present declared that they had no personal interest with regards to any items on the agenda.



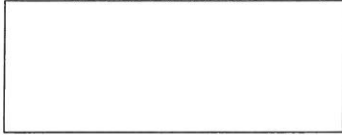
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PTN004/05/2018

COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

The Chairperson informs the meeting that the new dates of the Municipal Planning Tribunal for 2018/2019 should be communicated to Mrs Alletta van Sittert by 31 May 2018 for the Corporate Calender.



PTN005/05/2018

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 11 APRIL 2018

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Wednesday 11 April 2018 be confirmed.

**COMPLIANCE OFFICER:
PLANNING AND
ENVIRONMENTAL
MANAGEMENT**

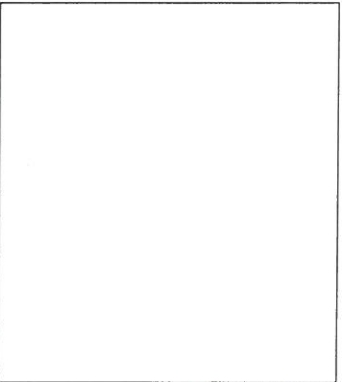
PTN006/05/2018

AMENDMENTS TO BY-LAW ON MUNICIPAL LAND USE PLANNING BERGRIVIER MUNICIPALITY

The Chairperson informed the meeting that the Planning and Environmental Manager will highlight the changes made in the By-law on Municipal Land Use Planning.

The Planning and Environmental Manager gave a brief summary of the changes made to the By-law on Municipal Land Use Planning. He informs the meeting that the changes made is throughout the document and not specific to one chapter or page.

Changes made noted by the meeting and decisions is taken in consideration of the amended by-law.



PTN007/05/2018

**APPLICATION FOR APPROVAL OF STREET NAMES FOR PORTION 7 OF FARM DWARSKERSBOS
NO. 109 DIVISION PIKETBERG**

15/3/1, Farm 109

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 following street names proposed for streets from the subdivision of Portion 7 of Farm Dwarskersbos, No. 109, Division Piketberg, **be approved** in terms of section 60 read together with Section 98 of the Bergrivier Municipal By-Law relating to Land Use Planning in accordance with Annexure C:

- Kreef
- Perlemoen
- Klipmossel
- Bruinmossel
- Swartmossel
- Witmossel

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- Oester
- Alikreukel

REASONS FOR RESOLUTION

No duplicates of the above-mentioned street names are found in Dwarskersbos. The proposed streetnames are considered inoffensive, unbiased and suitably in keeping with street names found in Dwarskersbos, being named after coastal fauna and flora.

PTN008/05/2018

**APPLICATION FOR REZONING, REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND
PERMANENT DEPARTURE: ERF 980, PIKETBERG
15/3/3; 15/3/2; 15/3/8, PB. 980**

The Director Financial Services joined the meeting.

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 rezoning of Erf 980, Piketberg from Single Residential Zone 1 to General Residential Zone 2 (Group Housing) and removal of restrictions applicable to Deed of Transfer T31864/2009 namely conditions: B.5. (a), (b), (b)i and (b)ii in order to allow five group housing units as well as permanent departures of the applicable street and side building lines as follow: 5 meter to 2.6 meter adjacent to Long Street (for a distance of 15 meters) and to 2 meter along all other boundaries respectively in order to accommodate the proposed group housing units, **be approved** in accordance with the site development plan (drawn by Estienne Schreuder, dated Nov 2013 with plan No. SAMUELS), subject to required amendments, in terms of Section 60 of Bergrivier Municipal By-law on Municipal Land Use Planning, subject to conditions:
 - 1.1 Bulk Service Contributions, as predetermined in the Municipal Budget, be paid for each additional 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);
 - 1.2 The group housing units be restricted to single storey;
 - 1.3 The development of group housing units, be planned, designed and built as a harmonious architectural entity to ensure uniformity (similar to the existing dwelling unit on the property);
 - 1.4 That a maximum of five group housing units, (including the existing dwelling house) be erected on the property;

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- 1.5 Vehicular access to the proposed development must be restricted to Piet Retief Street and all vehicle and pedestrian accesses in Laing Street be closed;
 - 1.6 The site development plan be amended, to the satisfaction of the municipality to interalia in order to direct garage access towards the existing dwelling on the property in order for it to gain access from Piet Retief Street;
 - 1.7 A solid boundary wall to be erected on all common boundaries shared with residential properties;
 - 1.8 Compliance with all other development parameters of the zoning scheme by-law (i.e. on-site parking, service/refuse yard open space requirements, height etc);
 - 1.9 The owner (s) exercise control over tenants and should appropriately establish conditions and measures in rental/sale agreements to address possible nuisance/disturbances on the premises; and
 - 1.10 Compliance with the condition of the Bondholder Consent dated 03 January 2018.
2. The objections be partly upheld for the reasons provided in the reasons for recommendation.
 3. That the applicant at whose instance this restrictive title deed conditions are removed/amended must, after the publication of a notice contemplated in terms of section 33 (7) of Bergrivier Municipal Bylaw relating to Land Use Planning, in the Provincial Gazette, apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal/amendment of the restrictive conditions prior to any building plan approval.

REASONS FOR RESOLUTION

Section 65 (1)(a) to (t) & (2)(a) to (b) of Bergrivier Municipal By-law Relating to Municipal Land Use Planning prescribe the criteria for consideration of land use application, among other the following relevant criteria were considered:

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.

As core component of the IDP, Bergrivier Municipal Spatial Development Framework 2012-2017 (BMSDF 2012-2017) determine the following spatial proposals for Piketberg:

Density target for Piketberg is 15du/hectare

Residential Spatial Proposals for Piketberg include among other the following:

- *Support the inclusion of different densities and types of residential*

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development in Piketberg. Allow for medium density and higher residential development (group housing) along activity streets and on larger properties;

- *Opportunities for infill residential development exists in town and should be supported through subdivision and introduction of a broader spectrum of housing types;*

Densification in Piketberg must be promoted via:

- *Infill development; Subdivision of larger plots in town (sectional title).*

The application is consistent with aforesaid spatial proposals, and support the densification goals of Bergrivier Municipal Spatial Development Framework 2012-2017. The proposal however deviate from the spatial proposal map that earmark the property for business purposes, but deviation is regarded acceptable, due to site specific circumstances for the following reasons:

- Provide integration with an existing residential neighbourhood, by means affordable housing opportunities to previously disadvantaged persons/community's and persons of different income groups;
- Proposal can contribute to address imbalances of the past;
- The proposal can link to existing municipal infrastructure;
- The site is located in close walking proximity to support facilities/services i.e. businesses/working opportunities; and
- The proposal only deviate from the spatial proposal map for Piketberg, but do achieve the densification and residential spatial directives for Piketberg.

Section 65 (d) consideration of comments on response to the notice of the application etc.

The municipality took into account the merits of the objections, and applicants reply thereon and conclude as follow:

It is submitted that the site is located in close proximity to Piketberg Central Business District along an activity street (Long Street) of Piketberg, near a public open space (Erf 993 Piketberg) and adjacent Laing Street and the proposal allow a medium densification approach in relation to the surrounding area that achieve the objective of the current zoning as provided in Bergrivier Municipality Integrated Zoning Scheme By-law.

There is a clear difference between the flats and the proposal on Erf 980, Piketberg as prescribed in Bergrivier Municipality Integrated Zoning Scheme By-law. Nuisances experienced elsewhere can't be used as basis for consideration of the proposed grouphousing on Erf 980, Piketberg. Land use planning do not regulate behavior, and disturbing the peace of others should be referred to the competent authority to address in terms of applicable legislation. Conditions is however imposed on the property owner to also establish conditions and measures in rental agreement to address possible

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nuisance/disturbances on the premises.

The land use description of grouphousing provided in the zoning scheme ensure that all dwelling units is planned, designed and built as harmonious architectural entity in an ordered way, and no departure may be granted from a land use description that will ensure the buildings uniformity and softer transition than those of flats.

Sufficient space is available on site for parking and open space as the proposed buildings only cover 31.83% of the total property. The parking in Lang Street are public parking and any person who wish to use the parking can do so without the discretion of surrounding property owners.

The proposed five dwelling units is restricted in accordance with the site development plan.

Section 65 (h) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the impact of the proposed development on municipal engineering services.

The civil services departments of this municipality confirmed that the proposed application can be accommodated within existing municipal infrastructure, subject to conditions that is imposed.

Relevant consideration were given to the development principles of Spatial Justice, Spatial efficiency and Spatial Sustainability as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.

Development principle of Spatial Justice - Section 59 (1) (a) of the Land Use Planning Act, 2014 prescribe the following development principle "*past spatial and other development imbalances should be redressed through improved access to, and utilisation of land*" It is submitted that the proposed development can provide an residential opportunity for any person who wish to rent or buy a dwelling unit by means of sectional title scheme i.e. access to ownership of land for previously disadvantage persons in the area where limited housing stock exist for a diversity of residential opportunities to provide integration between communities. Furthermore the proposed development is located in close proximity/walking distance to the existing Central Business District of Piketberg/Support Services bringing residents in closer proximity to support services/facilities i.e. work opportunities, businesses, banks etc. contributing to spatial justice.

Development principle of Spatial Sustainability: Section 59(2)(a) "promote development that are sustainable and limit urban sprawl" It is submitted that densification lead to better and more economical use of existing infrastructure, optimization and use of urban resources i.e. by connecting to existing civil and electrical infrastructure, developing existing underutilised land within the urban edge of Piketberg, contribute to limit urban sprawl. The proposed development therefore make use of existing resources being spatially efficient.

Section 65 (s) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the provisions of the applicable zoning scheme.

Some existing buildings (business and residential) already encroach the street building line in Long Street. There is also a side walk of ±5m that forms part of

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Long Streets road reserve. No vehicular access is proposed from Long Street and this municipality's Traffic Department had no objection to the proposed development. Departure of the street building line will not have a negative effect on vehicular and pedestrian movement and is supported on account of aforesaid consideration by the relevant road authorities.

The Department of Transport & Public Works in terms of section 17 of the Road Ordinance, 1976 approved the relaxation of the 5m building line from 5meter to 2.6m.

All surrounding single residential land units also has a 2meter side building line restriction in terms of the zoning scheme, the relaxation is in keeping with the surrounding area and is supported as a result of aforesaid. Scrutiny of the site development plan indicated compliance with all other development parameters of the zoning scheme by-law.

65 (t) consideration of the restrictive conditions applicable to the land concerned.

The restrictive title conditions currently prevent densification as proposed in Bergvriër Municipal Spatial Development Framework 2012-2017. Removal will assist in curbing urban sprawl by allowing for extra dwelling units on the property, which can be occupied instead of supplying further housing on agricultural or natural land through urban sprawl. Amending the condition regulating the amount of units, will assist with densification, but within the current norms and standards of prescribed by spatial policies and the zoning scheme by-law.

The application is determined desirable from a planning perspective taking into account aforesaid relevant factors of consideration as determined in terms of section 65 of Bergvriër Municipality By-Law relating to Municipal land Use Planning, subject to conditions.

**PTN009/05/2018
DATE OF NEXT MEETING**

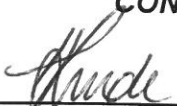
That the next meeting of the Municipal Planning Tribunal be scheduled for Tuesday 05 June 2018 at 11:00 in the Council Chambers, Municipal Offices, Piketberg.

NOTED

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ENVIRONMENTAL
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**THE MEETING ADJOURNED AT 12:10
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**



CHAIRPERSON

15/5/18

DATE
