

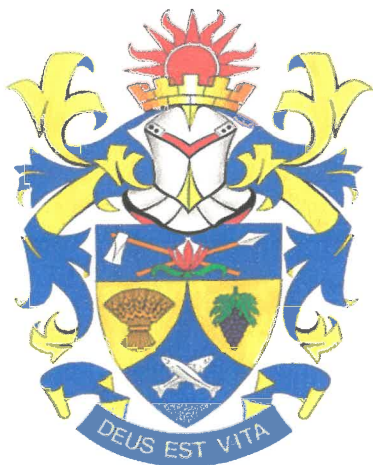
BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

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 THURSDAY, 20 APRIL 2023 AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Director Community Services (Mr D Josephus)
External Member (Ms D Kotze)
External Member (Mr J de Jongh)

OFFICIALS

Manager: Town Planning & Environmental Management (Mr W Wagener)
Town & Regional Planner (West) (Mr H Vermeulen)
Compliance Officer (Mr S Lombard)

ACTION

PTN001/04/2023

OPENING AND WELCOME

The Chairperson opened and welcomed everyone to the meeting.

PTN002/04/2023

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Director Corporate Services (Mr JWA Kotzee: Vice Chairperson) – Leave
Manager Civil Engineering Services (Mr JJ Breunissen) - Leave

PTN003/04/2023

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 the items on the agenda in terms of Schedule 1 of the Code of Conduct of Tribunal Members.



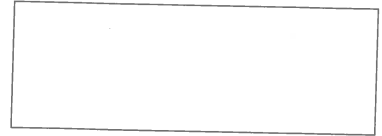
MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 APRIL 2023 AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.

PTN004/04/2023

COMMUNICATION BY THE CHAIRPERSON

3/3/1/6

None



PTN005/04/2023

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: WEDNESDAY 15 MARCH 2023

3/3/2/2

That the minutes of the Municipal Planning Tribunal meeting held on Wednesday, 15 March 2023 not be confirmed, as the second last page was not included. The minutes is to be resubmitted at the next meeting.

COMPLIANCE OFFICER

PTN006/04/2023

APPLICATION FOR REMOVAL OF RESTRICTIONS: ERF 240, DWARSKERSBOS D.240

The Town & Regional Planner (West) gave a brief summary to the item under discussion.

RESOLUTION: APPROVED

That the application for removal of restrictive title condition C.2 (b) as contained in the deed of transfer T 54692/2021 pertaining to Erf 240 Dwarskersbos, **BE APPROVED**, in terms of section 60 of the Bergrivier Municipality By-Law on Municipal Land Use Planning.

TOWN PLANNER (WEST)

REASONS FOR RESOLUTION

Section 59 (1) (g) of the Land Use Planning Act, Act 3 of 2014 (LUPA), states that the right of owners to develop land in accordance with current use rights should be recognized. Section 42(c) (iv) of SPLUMA also requires that the impact of existing rights and obligations must be taken into account. Numerous applications have previously been approved for removal of restrictions in Dwarskersbos. Any land owner may apply for removal of restrictive conditions or lodge any other land use planning application. Each land use planning application is considered on its own merits.

This application is for removal of a restriction relating to a building line prescribed by the title deed of the property. This application would not negate compliance with the building lines and any other development parameters prescribed by the Bergrivier Municipality Integrated Zoning Scheme By-Law. The proposed extension of the garage on the property would still comply with the 3m street building line and 50% coverage required for Single Residential Zone 1 properties. Due to the position of existing structures on the subject property the garage can not be extended towards the rear of the property to make it deeper, unless the house is demolished in part. The only option to increase the depth of the garage is to build an extension towards the street. All Single Residential Zone 1 properties are allowed to build up to the 3m street building line, unless a more restrictive street building line condition is held in the title deed as in this case.

The areas marked as existing on the site development plan were already



The areas marked as existing on the site development plan were already approved with a building plan application, and complies with the zoning scheme by-law as well as the conditions held in the title deed of the property. Therefore, although these structures are not built already, it will be built eventually irrespective of the outcome of this application. The site development plan therefore shows the proposed development in totality, although the application under consideration only applies to the extension of the garage.

Section 42(1)(c)(i) of the Spatial Planning and Land Use Management Act (SPLUMA) states that the public interest must be taken into account when considering and deciding on an application. Irrespective of the turning area available in the street, the subject may have a boundary wall erected on the street boundary of the property (i.e. on 0m), without requiring any application of comments and with only the submission and approval of a building plan. The proposed extension of the garage up to 3m from the street boundary of the property would not obstruct vehicular movement, since it still be within the confines of the property boundaries and outside of the street area.

The proposed extension of the garage on Erf 240 Dwarskersbos up to 3m from the street boundary line would not impair existing views towards the sea for the objector or other residents. The future availability of sea views would be determined by the development of the seafront property (Erf 239, Dwarskersbos), which is currently still undeveloped.

Section 59(2)(a) of the Land Use Planning Act, Act 3 of 2014 (LUPA) requires that land use planning should promote land development that is spatially compact, resource frugal and is within the fiscal, institutional and administrative means of the relevant authority to facilitate spatial sustainability. The removal of the restrictive building lines of the title deed of the property would help achieve a more resource efficient use of the property without changing the current zoning (Single Residential Zone 1) or development parameters applicable in terms of the Bergrivier Municipality Integrated Zoning Scheme By-Law.

Section 22 of SPLUMA requires that decisions be consistent with the municipal spatial development framework. The Bergrivier Municipal Spatial Development Framework 2019-2024 (BMSDF) does not earmark the subject property for a specific purpose, thus confirming the current residential land use of the property as desirable. This application does not involve rezoning of the property, rather the removal of a separate set of building lines more restrictive than the building lines prescribed by the Bergrivier Municipality Integrated Zoning Scheme By-Law. The building lines and development parameters applicable to Single Residential Zone 1 properties would still apply. The application would allow for the continued use of the property as a residential property, while increasing the convenience of use thereof.

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



MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY, 20 APRIL 2023 AT 11:00 ON MS TEAMS, ELECTRONIC PLATFORM.

PTN007/04/2023
DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday 18 May 2023** at **11:00** on an Electronic Platform.

**COMPLIANCE
OFFICER**

NOTED

**THE MEETING ADJOURNED AT 12:26
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

CHAIRPERSON

21/4/2023
DATE
