



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

**MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON WEDNESDAY  
19 JULY 2017 AT 15:00 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 (G Goliath)  
External Member (Ms S van der Merwe)  
External Member (Ms D Kotze)

**OFFICIALS**

Manager: Planning and Development (W Wagener)  
Administration Officer: Planning and Development (Ms J Rosenberg)

**ACTION**

**PTN001/07/2017**

**OPENING AND WELCOME**

The Chairperson welcomes everyone present in the meeting.

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**PTN002/07/2017**

**REQUEST FOR LEAVE OF ABSENCE**

**3/3/14**

Director Technical Services (H Kröhn) – *sick leave*

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**PTN003/07/2017**

**DECLARATION OF INTEREST IN ACCORDANCE WITH 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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**PTN004/07/2017**

**COMMUNICATION BY THE CHAIRPERSON**

**3/3/16**

The Deputy Chairperson distribute the SPLUMA A Practical Guides to the external attendees present.

The Chairperson informs the meeting that Council requests that the Municipal Planning Tribunal meetings go ahead as scheduled each month.



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That the Administration Officer send an e-mail with regards to the Municipal Planning Tribunal meeting as scheduled each month to all the members of the Municipal Planning Tribunal.

**ADMINISTRATION OFFICER:  
PLANNING AND  
DEVELOPMENT**

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**PTN005/07/2017**

**CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: TUESDAY 20 JUNE 2017  
3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Tuesday 20 June 2017 be confirmed.

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**PTN006/07/2017**

**AMENDED APPLICATION FOR SUBDIVISION: ERF 1169, PORTERVILLE  
15/3/4; 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**

1. (a) That the application for subdivision of Erf 1169 Porterville into Portion A ( $\pm 0.9792$ ha) and Portion B (road portions  $\pm 1.6512$ ha);
- (b) The further subdivision of Portion A of Erf 1169 Porterville ,  $\pm 0.9792$ ha in extent into eight single residential zone 1 portions namely:
 

POR 1 of Portion A 1017 m<sup>2</sup>, POR 2 of Portion A 625 m<sup>2</sup>, POR 3 of Portion A 610 m<sup>2</sup>, POR 4 of Portion A 697 m<sup>2</sup>, POR 5 of Portion A 669 m<sup>2</sup>, POR 6 of Portion A 697 m<sup>2</sup>, POR 7 of Portion A 669 m<sup>2</sup> and Remainder of Portion A  $\pm 4891$ m<sup>2</sup>, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Municipal Land Use Planning, subject to the following conditions.

  - 1.1 Subdivision occur in accordance with the revised subdivision diagram – POR A of Erf 1169, dated June 2017 , referenced Erf 1169 POR;
  - 1.2 The newly created land units must be provided with separate electrical, water-and sewerage connections as well as access;
  - 1.3 The 6m servitude rights of way be registered in favor of Portion 4, 5 and Remainder of Portion A;
  - 1.4 Bulk Service Contributions, as predetermined in the Municipal Tariffs, 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);
  - 1.5 Compliance with all other development parameters of the zoning

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scheme by-law (i.e. on-site parking, building lines, coverage, height etc.);

1.6 The remaining Portion B of Erf 1169, Porterville registered as public roads/streets on S.G. Diagram 2929/2015, be transferred to the Municipality without compensation to the property owner/developer, with the registration of the first residential land unit.

2. The objections **not be upheld** for the explanations provided at the Reasons for Resolution.

**REASONS FOR RESOLUTION**

Section 65 (1 )(a) to (s) & (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.

The Spatial Development Framework is a core component of the IDP (section 26.(e) of the Local Government: Municipal Systems Act and Regulations, Act 32 of 2000), which provide basic guidelines for a land use management system for the municipality. These documents are plan-led systems, adopted with due public inputs providing long term public interest to guide the development of the municipal area.

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

*Density Target*(page 34 of BMSDF 2012-2017):\_Density target for Porterville is 15du/hectare

*Residential Spatial Proposals for Porterville include among other the following*(page 37 BSDF 2012 - 2017) :

- *Support the inclusion of different densities and types of residential development in Porterville. 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 spatial proposals* (Page 38 of BMSDF 2012-2017):\_Densification in Porterville must be promoted via:

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

The application do achieve the desired goals of the BMSDF 2012-2017, contributing to densification in line with aforesaid directives by providing

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opportunity for infill single residential development and medium density on larger properties, which is consistent therewith.

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 revised development proposal diagram by decreasing the amount of properties and increasing the erf sizes between  $\pm 610\text{m}^2$  and  $1017\text{m}^2$ , with the remaining Portion being  $4891\text{m}^2$ , allowing a medium densification approach. The applicant also withdraw the rezoning and departure application.

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 Mayoral Committee of Bergrivier Municipality on 20 March 2012, waived the moratorium on certain developments via decision number BK3760, subject to conditions.

The amended/revised proposal decrease the impact on engineering services and falls within the conditions of aforesaid decision. Due consideration has been given to the response from this municipalities Technical Department (Electrical and Civil), and conditions is imposed to address the problem aspects foreseen.

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 buy a property i.e. access to ownership of land for previously disadvantage person in the area where limited residential space exist for a 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 Porterville bringing residents in closer proximity to support services/facilities i.e. work opportunities, business, banks etc. contributing to a 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 Porterville, that 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.

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The proposed revised/amended size of the respective properties is sufficient to comply with all the development parameters applicable to single residential zone 1 properties. The amended single residential development is compatible with zoning and enjoys the same land use restrictions as the surrounding residential properties. A zoning comparison has also been made to come to aforesaid conclusion.

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

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**PTN007/07/2017**

**APPLICATION FOR DEPARTURE: FARM NO. 310, DIVISION PIKETBERG  
15/3/8; Farm no. 310, DIV 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 departure from the side buildings lines applicable to Farm No. 310, division Piketberg on two sides, for a distance of 100m, measured from Point No. A of SG Diagram 1350/2012 as follows: from 8.75m to 3.68m along the boundary of Portion 8 of Farm Steenebrug No. 153, division Piketberg and 9.5m to 7.76m along the boundary of Portion 5 of Farm Steenebrug No. 153, division Piketberg in order to accommodate the newly constructed dwelling house **be approved**, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to:
  - a. the applicant is responsible to take fire and safety precautions due to the proximity to the Mountain;
  - b. the applicant must establish a hedgerow of indigenous trees and shrubs along from the North-Western corner of the farm for a distance of at least 35m along the inside of the farm fence bordering onto Portion 5 of farm Steenebrug No. 153, division Piketberg in order to reduce the future spread of dust from the gravel road and the dwelling house within 12 months after approval.
  - c. the applicant is liable for costs incurred by the Municipality resulting from the appointment of a professional land surveyor to establish and point out the location of the farm boundaries.
2. That the objections received **not be upheld** for the explanations provided at the Reasons for Resolution.

**REASONS FOR RESOLUTION**

The owners of Portion 5 of farm Steenebrug No. 153, division Piketberg previously consented to departure from the 30m building line to 9.5m. No

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substantial reasons were provided why the additional encroachment of the building line with a further 1.74m would have an unacceptable impact on the agricultural activities taking place on Portion 5 of farm Steenebrug No. 153, division Piketberg. The impact resulting from the encroachment of the 9.5m building line by an additional 1.74m is considered negligible.

Given the site specifics, dust generated during construction, particularly due to construction vehicles accessing the site via gravel road, are inevitable. The dust generated resulting from construction activities is though temporary. The position of the newly constructed dwelling house on the farm, and the future use thereof for residential purposes, will generate negligible amounts of dust. The farm of the objector also has a gravel road adjacent to the subject farm boundary, next to the vineyards, which could also discharge dust from vehicles travelling on it.

The incorrectly positioned farm fences went undisputed for a number of years and set a precedent for the current situation.

The septic tank has been relocated to be within the boundaries of the applicant's farm.

In terms of the general provisions of the Bergrivier Municipality: Integrated Zoning Scheme By-Law, swimming pools are allowed to be positioned not closer than 1m from any property boundary, without requiring approval of the adjacent land owners.

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**PTN008/07/2017  
DATE OF NEXT MEETING**

That the next meeting of the Municipal Planning Tribunal is scheduled for Tuesday 01 August 2017 at 14:00 in the Council Chambers, Municipal Offices in Piketberg.

**NOTED**

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**THE MEETING ADJOURNED AT 16:00**

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

  
\_\_\_\_\_  
**CHAIRPERSON**

  
\_\_\_\_\_  
**DATE**

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