



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

MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD ON THURSDAY 26 JULY 2018 AT 08:00 IN THE MUNICIPAL OFFICES, PIKETBERG

PRESENT

Authorised Official (Planning and Environmental Manager: W Wagener)

ACTION

AON001/07/2018

APPLICATION FOR CONSENT USE AND REMOVAL OF RESTRICTIONS: ERF 672, PIKETBERG 15/3/5; 15/3/2, PB.672

The Authorised Official evaluated the abovementioned application.

RESOLUTIONS: APPROVED CONDITIONALLY

1. That the application for consent use in order to allow the erection of a second dwelling unit not exceeding 150m² on Erf 672, Piketberg and removal of restrictions applicable to Deed of Transfer T28880/2018 namely conditions: B.I.6. (a), (b), (c) and (d) in order to allow the second dwelling unit on the property, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions;
 - 1.1. All additional structures and alterations to existing structures must be of corresponding architecture;
 - 1.2. Building plans be submitted at this Municipality for approval in terms of the National Building Regulations and Buildings Standards Act, 1977 as amended; and
 - 1.3. Compliance with the development parameters of the applicable zoning scheme;

2. 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 (6) 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.

**TOWN AND REGIONAL
PLANNER
(KEENIN ABRAHAMS)**

REASONS FOR RESOLUTIONS

Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the Integrated Development Plan (IDP), including the Municipal Spatial Development Framework (MSDF).

Density Target (page 34 of MSDF 2012-2017): Density target for Piketberg is 15du/hectare. The application has some contribution to achieve density targets, by amending the restrictive title condition to allow a second dwelling



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on a property of 1000m². Erf 672, Piketberg is earmarked for residential purposes. The application for removal of restrictions and consent use is to allow land uses generally associated with a residential area. The application is regarded consistent with Bergrivier Municipal Spatial Development Framework 2012-2017(BMSDF) in terms of the aforesaid.

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

No objections were received against the proposed application, giving an indication of acceptability.

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 application were circulated to this municipalities Civil and Electrical Engineering Department. Manager Electrical Services had no objection against the application. The application has no impact on municipal technical services as services is already available to the property.

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*"

Deed of Transfer nr. T28880/2018 contains several conditions of a general and public nature that have been imposed at the behest of the Administrator and the Municipality at the establishment of extension 5 of Piketberg during the early 1958's, with the purpose to protect the amenity and character of the specific extension. It is submitted that this aforementioned norms and standards have materially change though the years and that the proposed utilization of Erf 672 Piketberg comply with the current state of affairs.

Development principle of Spatial Efficiency – Section 59 (3) (a) of the Land Use Planning Act, 2014 prescribe the following "*land development should optimise the use of existing infrastructure...*"

No objections were received from internal municipal departments giving an indication that the proposed application is efficiently accommodated within available resources.

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.

The development parameters remain applicable to the property as prescribed in the zoning scheme by-law, and no departures is applicable.

The application is furthermore determined desirable from a planning perspective taking into account aforesaid relevant factors of consideration as



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determined in terms of section 65 of Bergrivier Municipality By-Law relating to Municipal land Use Planning, subject to conditions.

AON002/07/2018

**APPLICATION FOR CONSENT USE: PORTION 28 OF FARM EENDEKUIL NO. 71, DIVISION
PIKETBERG**

15/3/5; FARM NO. 71/28

The Authorised Official evaluated the abovementioned application.

RESOLUTIONS: APPROVED IN PART CONDITIONALLY

1. That the application for consent use in order to allow the erection of a 55 meter freestanding telecommunication base station and associated infrastructure on a portion ($\pm 100\text{m}^2$ in extent) along the southern boundary of Portion 28 of the Farm Eendekuil No. 71, division Piketberg **be refused**, in terms of section 60 of Bergrivier Municipal By-law relating to Municipal Land Use Planning for the reasons provided in the reasons for recommendation.

2. That consent use in order to allow the erection of a 30 meter freestanding telecommunication base station and associated infrastructure on a portion ($\pm 100\text{m}^2$ in extent) along the southern boundary of Portion 28 of the Farm Eendekuil No. 71, division Piketberg **be approved** in accordance with the site plan with project no 500202, Drawing no. 003 OF 006 in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to;
 - a) The telecommunication mast must be limited to a maximum height not exceeding 30m;
 - b) The telecommunication base station and mast must allow for co-location of other service providers;
 - c) The base station must be securely fenced off and access must be restricted;
 - d) Should it be proven that there are negative health effects from the base station (in accordance with acceptable standards), it must be rectified, or if it fails to comply, be decommissioned.
 - e) Compliance with the conditions provided in ESKOM's letter of comment on the application dated 24 April 2018;
 - f) Building plan must be submitted at this municipality for consideration in terms of the National Building Regulations and Building Standards Act, 1977 as amended; and
 - g) The structure and associated infrastructure be removed on developer's cost if it falls into disuse.

**TOWN AND REGIONAL
PLANNER
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REASONS FOR RESOLUTIONS

Section 59 (3) (a) requires that land development should optimise the use of existing resources, infrastructure, land and facilities. The development would allow for co-location of other network operators using the same



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telecommunication base station site and mast, thus reducing the need for additional base stations and masts in the area. The proposal is located in ESKOM's electricity supply area, and has no impact on municipal services.

The erection of a freestanding telecommunication base station and mast with a height of 55m, will have a negative impact on the character of Eendekuil and surrounding rural landscape by dominating the skyline of this rural area. Existing mature trees as mitigation feature to reduce the visual impact is not regarded sufficient to mitigate the potential impact of a 55meter high mast in the area concerned. Lower mast options to carry transmitters should have been considered rather than a 55meter high obtrusive tower that are not sensitive to the rural character of Eendekuil area. The proposed height is therefore reduced to maximum 30meters, to be more sensitive to the surrounding rural area.

One of the strategies as provided in Bergrivier Municipality Spatial Development Framework 2012-2017, is to strengthen mobility and economic links, to promote communication corridors and zones as well as strengthen communication networks. The proposal of the Bergrivier Municipal Spatial Development Framework is to create access to information for farm and rural dwellers..., i.e. telephone and internet services. The consent use is considered consistent and in line with directives of BMSDF 2012-2017.

EVALUATION COMPLETED AT 14:45

CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS



AUTHORISED OFFICIAL

27/07/2018
DATE
