



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

**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD  
ON WEDNESDAY 05 DESEMBER 2018 AT 11:00 IN THE MUNICIPAL OFFICES,  
PIKETBERG**

**PRESENT**

Authorised Official (Manager: Planning and Environmental Management – Mr Wagener)

**ACTION**

**AON001/12/2018**

**APPLICATION FOR REMOVAL OF RESTRICTIONS AND SUBDIVISION: ERF 240, VELDDRIF  
15/3/2, 15/3/4**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for removal of restrictive condition E. 6(a) and E. 6(d) as held in Title Deed No. T2448/2015 pertaining to Erf 240, Velddrif and subdivision of the property into two portions namely Portion A ( $\pm 809\text{m}^2$  in extent) and Remainder of Erf 240, Velddrif ( $\pm 678\text{m}^2$  in extent), **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning, subject to:

- 8.1 the provision of the subdivided portion with separate water, electricity and a sewerage tank. Electrical connections up to the erf boundary must be done by an electrical contractor, for the cost of the applicant; and
- 8.3 Bulk Service Contributions, as predetermined in the Municipal Budget, 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). The SLA will be drawn up by a municipal appointed attorney for the account of the developer.

**TOWN AND REGIONAL  
PLANNER: WEST  
(HANNES VERMEULEN)**

**REASONS FOR RESOLUTION**

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 Municipal By-Law relating to land Use Planning.

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AON002/12/2018

**APPLICATION FOR REZONING AND CONSENT USE: ERF 623, LAAIPEK  
15/3/1, 15/3/3**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for rezoning of a portion (75m<sup>2</sup> in extent) in the North-Western corner of Erf 623, Laaiplek from Community Zone 2 to Open Space Zone 2 and consent use for a utility service to allow the erection of a freestanding telecommunication base station and associated infrastructure thereon in accordance with the site plan dated 20-06-2018 Sheet no. B03/07, **be approved**; 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 18m;
- b) The telecommunication mast must be camouflaged as a tree, to the satisfaction of the Municipality;
- c) The telecommunication base station and mast must allow for co-location of other service providers;
- d) The base station must be securely fenced off and access must be restricted;
- e) Existing trees around the proposed base station must be preserved;
- f) Should it be proven that there are negative health effects from the base stations (in accordance with acceptable standards), it must be rectified, or if it fails to comply, be decommissioned; and
- g) Total electricity demand may not encroach 80 amperes without authorization of the Manager: Electrical Engineering Services.

**TOWN AND REGIONAL  
PLANNER: WEST  
(HANNES VERMEULEN**

**REASONS FOR RESOLUTION**

Section 59(3) (a) of the Land Use Planning Act, 2014 (Act 3 of 2014) requires consideration of Spatial Efficiency principle, whereby land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities. The proposed site is centrally located in Noordhoek, along a main collector route where mixed land uses are found. The site and position of the proposed development is situated within a predominately residential area, with community facilities and a recreational park in close proximity thereto. The proposed site is also centrally located in the complaint area, where improved network coverage is required and due to the central location thereof in Noordhoek, would serve a wider area and reduce the need for more telecommunication base stations and towers. The development would allow for co-location of other network operators using the same telecommunication base station site and mast, thus reducing the need for additional base stations and masts in the area.



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Section 59(3)(b) of the Land Use Planning Act requires the promotion of a diverse combination of land uses and that social, economic, institutional and physical aspects of land development be integrated. The subject property is located among community facilities and business properties, near a main collector route of Noordhoek where improved telecommunication coverage would be particularly convenient and beneficial.

The Bergrivier Municipal Spatial Development Framework (BMSDF) proposes that mobility and economic links be strengthened, to promote communication corridors and zones as well as to strengthen communication networks. The subject property is located next to the collector route, Watsonia Street, and is in close proximity to business properties and community facilities. Improved telecommunication coverage in this area would therefore contribute to realising the proposals of the BMSDF.

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**AON003/12/2018**

**APPLICATION FOR CONSOLIDATION OF ERVEN 3546 AND 5365, LAAIPEK  
15/3/1, 15/3/4**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for consolidation of Erf 3546, Laaiplek and Erf 5365, Laaiplek into one residential property, **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning, subject to:

1. The written indemnity provided by the land owners for any existing or future buildings erected within the 3m services servitude; and
2. The dwelling houses on Erf 3546, Laaiplek and Erf 5365, Laaiplek must be converted into one dwelling house, subject to approval of building plans, prior to registration of the consolidated property.

**REASONS FOR RESOLUTION**

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 Municipal By-Law relating to land Use Planning.

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**TOWN AND REGIONAL  
PLANNER: WEST  
(HANNES VERMEULEN)**



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**AON004/12/2018**

**APPLICATION FOR CONSOLIDATION OF ERVEN 3583, 3584 AND 3585, LAAIPEK  
15/3/4**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for consolidation of Erven 3583, 3584 and 3585, Laaiplek, **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning.

**REASONS FOR RESOLUTION**

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 Municipal By-Law relating to land Use Planning.

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**TOWN AND REGIONAL  
PLANNER: WEST  
(HANNES VERMEULEN)**

**AON005/12/2018**

**APPLICATION FOR CONSENT USE: ERF 2189, PORTERVILLE  
15/3/1, 15/3/5**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for consent use in order to allow the operation of a house shop from a portion ( $\pm 21\text{m}^2$  in extent) of the existing dwelling house on Erf 2189, Porterville (23 Angelier Street), **be approved**, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

1. All relevant certification must be obtained for the respective land uses i.e. business license, certificate of acceptability from the Environmental Health Practitioner, Fire Safety Certificate etc. where applicable;
2. Compliance with the limitations and requirements of Bergriveir Municipality Policy relating to House Shops; and
3. Municipal Electrical capacity to the property is restricted to current supply to the property.

**REASONS FOR RESOLUTION**

Section 65(d) of Bergrivier Municipality By-law on Municipal Land Use Planning required the consideration of the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act;

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PLANNER: EAST  
(KEENIN ABRAHAMS)**



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No objections were received from surrounding affected property owners. Conditions are imposed to address safety and health factors. No objections were received from internal municipal and external department and conditions are imposed to address the problem aspects foreseen.

Section 65 of Bergrivier Municipality By-law on Bergrivier Municipal Land Use Planning requires the consideration of the applicable policies of the Municipality that guide decision making;

The application do comply with the provisions/requirements of the house shop policy and conditions are imposed the address aspect thereof.

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

The size (21m<sup>2</sup>) of the house shop's percentage of floor space in relation to the dwelling house is less than 25%. The proposed house shop's floor space comply with the land use description of house shop as provided in Bergrivier Municipality Integrated Zoning Scheme By-law.

Section 65 of Bergrivier Municipality By-law on Municipal Land Use Planning requires consideration of the development principles provided in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The business is proposed based on supply and demand. The proposed house shop will provide retail facilities within close walking proximity to the surrounding property owners to purchase their daily resources. The application take into account low income housing areas by bringing retail services at residential scale closer to this community, saving them time and money to travel to shops further in Porterville. The proposal will contribute to address past spatial imbalances on account of aforesaid.

The proposed house shop do not require additional municipal services, and therefore has no financial burden on the municipality.

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**AON006/12/2018**

**APPLICATION FOR CONSENT USE: ERF 3032, PORTERVILLE  
15/3/1, 15/3/5**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from a portion ( $\pm 24.21\text{m}^2$  in extent) of the existing dwelling house on Erf 3032, Porterville (75 Maroem Street), **be refused** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, for the reason provided in the reason for recommendation.

**REASONS FOR RESOLUTION**

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

The size of the house shop's percentage of floor space in relation to the dwelling house is  $\pm 44\%$ . The proposed house shop's floor space do not comply with the land use description of house shop as provided in Bergrivier Municipality Integrated Zoning Scheme By-law, from which no departure may be granted.

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

**AON007/12/2018**

**APPLICATION FOR PERMANENT DEPARTURE: ERF 3450, PORTERVILLE  
15/3/1, 15/3/8**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for permanent departures of the rear building line from 2meter to 1meter and departure of the window and door setback from 1.5meter to 1meter and 700mm respectively in order to allow extensions to the existing dwelling house on Erf 3450, Porterville in accordance with the site plan submitted, **be approved**, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

1. That fire safety requirements of this municipality be complied with, and confirmed by this municipality Head Disaster management and Fire safety during building plan evaluation; and
2. The relocation of electrical services on the property will be for the account of the property owner(s).

**REASONS FOR RESOLUTION**

Section 65 (i) of Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the integrated development plan, including

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the municipal spatial development framework. No spatial directive is given with regard to building line relaxations and departures of window and door placements in Bergrivier Municipal Spatial Development Framework 2012-2017 (BMSDF). The land use of the property remains the same and as such it is consistent with BMSDF.

Relevant consideration was given to the development principles of Spatial Sustainability and Spatial efficiency as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014. The proposal is efficiently established within available resources without impacting on municipal services or having a financial burden on the municipality. The relaxing of the building lines will help to alleviate some of the physical constraints build into the original planning design of the property, providing the owner some opportunity in the form of a larger developable area to efficiently accommodate the proposal thereby establishing a sustainably living environment.

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 zoning of the property remain Single Residential, which is compatible with the character of the surrounding residential area. No objections were received from surrounding affected property owners during public participation by means of notices and neighbours gave written consent for the encroachment of the side building lines that is allowed in terms of the zoning scheme by-law.

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

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**AON008/12/2018**

**APPLICATION FOR CONSENT USE : ERF 1319 PORTERVILLE  
15/3/1, 15/3/5**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

1. That consent use in order to allow the erection of a 25 meter freestanding telecommunication base station and associated infrastructure on a portion ( $\pm 90\text{m}^2$  in extent) of Erf 1319, Porterville, **be approved** in accordance with the Erf plan Sheet A03/05 referenced CTC in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to following conditions;
  - h) The telecommunication mast must be limited to a maximum height not exceeding 25m;
  - i) That a three type mast be erected and not monopole as proposed to further mitigate the telecommunication base station;
  - j) The telecommunication base station and mast must allow for co-location of other service providers;
  - k) The current electrical supply must be increased and upgraded at the 315kVa minisub in Basson Street to 500kVa with installation of bulk connection to the premises at the owners expense,
  - l) Division of the electrical supply must be administered by the owners;
  - m) The base station must be securely fenced off and access must be restricted;
  - n) 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; and
  - o) The structure and associated infrastructure be removed on developer's cost if it falls into disuse.

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

**REASONS FOR RESOLUTION**

Section 59 (3) (a) of the Spatial Planning & Land Use Management Act, 2013 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 telecommunication base station site and mast and existing municipal resources thus reducing the need for additional base stations and masts in the area.

**MSDF consideration**

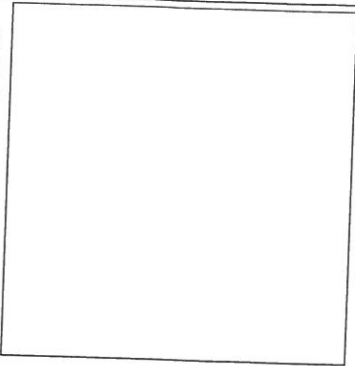
In terms of the Bergrivier Municipal Spatial Development Framework 2012-2017, one of the strategies guidelines for Ward 1 & 2 is to promote communication corridors and zones i.e. improve internet and telephone/cell phone network services. The consent use is considered consistent and in line with BMSDF.





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The proposed monopole telecommunication base station, co-location and the surrounding areas land uses is not regarded sufficient to mitigate the impact on the skyline of Porterville as no high buildings exists in this part of Porterville (with exclusion of churches). A three type mast is considered more acceptable to further mitigate the freestanding telecommunication base station. No objections were received from surrounding affected property owners or Ward Councillor.



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**AON009/12/2018  
APPLICATION FOR SUBDIVISION: ERF 1452, PIKETBERG  
15/3/1, 15/3/5**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for subdivision of Erf 1452, Piketberg into two portions namely; Portion A ( $\pm 763\text{m}^2$  in extent) and Remainder Erf 1452, Piketberg ( $\pm 357\text{m}^2$  in extent) for residential purposes **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions;

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PLANNER: EAST  
(KEENIN ABRAHAMS)**

- a) The provision of the subdivided portion with separate water-, sewerage- and electricity connections as well as access;
- b) Access to the newly created property be obtained via Malva Street;
- c) Bulk Service Contributions, as predetermined in the Municipal Budget, 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), and
- d) Compliance with the development parameters of the zoning scheme by-law;

**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 residential proposals and density targets for Piketberg in Bergrivier Municipal Spatial Development Framework 2012-2017 provides amongst other the following applicable spatial directives/proposals:



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- *The proposed densification targets as identified for Piketberg are as follows: 15du/ha*
- *Densification in Piketberg must be promoted via: Infill development; Subdivision of larger plots in town (sectional title)*

The application is considered consistent with BMSDF 2012-2017, by subdividing larger properties to contribute to achieving the residential spatial proposals and density targets for Piketberg.

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 proposed application has a minimal impact on existing services, subject to conditions 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. Existing land that would have been excluded from development is made available to the market in line with spatial guidelines, creating a sustainable residential opportunity. Densification lead to better and more economical use of existing infrastructure, optimization and use of urban resources i.e connecting to existing civil and electrical infrastructure. The proposed subdivision is therefore efficiently accommodated within the existing built up area of Piketberg.

The propose subdivision of Erf 1452, Piketberg into two portions can be seen as a contribution to limit urban sprawl and is considered sustainable.

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 zoning of the proposed properties remain Single Residential which is compatible with the character of the surrounding residential area. A zoning compersion for compliance with the development parameters determined compliance therewith.

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 Municipal By-Law relating to land Use Planning.

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**EVALUATION COMPLETED AT 12:15  
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

  
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**AUTHORISED OFFICIAL**

  
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**DATE**

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