



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

**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD
ON TUESDAY 14 JANUARY 2020 AT 14:30 AT THE MUNICIPAL OFFICES, PIKETBERG
PRESENT**

Authorised Official (Manager: Planning and Environmental Management: W Wagener)

ACTION

AON001/01/2020

**APPLICATION FOR PERMANENT DEPARTURE: ERF 882, DWARSKERSBOS
D. 882**

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

That the application for permanent departure from the 3 meter street building line to 0 meter, applicable to Erf 882, Dwarskersbos (No. 4 Whale Street), in order to accommodate a carport, be approved, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following condition:

- that the carport must be open onto the side walk or fitted with a motorized gate to ensure that no parking occur on the sidewalk that affect ease of pedestrian movement.

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 the Municipal Spatial Development Framework (MSDF). No spatial directive is given with regard to building line relaxations in Bergrivier Municipal Spatial Development Framework 2019-2024 (Bergrivier MSDF). The land use of the property remains the same and as such it is consistent with MSDF.

Relevant consideration was given to the development principles as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014. The proposed departure of building line do not affect municipal engineering services. The application can therefore be efficiently accommodated.

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 remains Single Residential. A carport is generally associated with the primary use namely dwelling house. The proposed carport is in keeping with the residential character of the area.

The application is determined desirable from a planning perspective taking

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



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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 conditions.

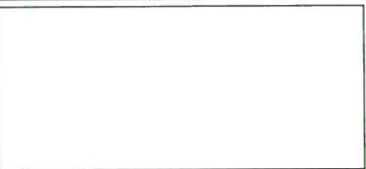
AON002/01/2020
APPLICATION FOR REMOVAL OF RESTRICTIONS AND DEPARTURES: ERF 1505, LAAIPEK L. 1505

The Authorised Official evaluated the abovementioned application.

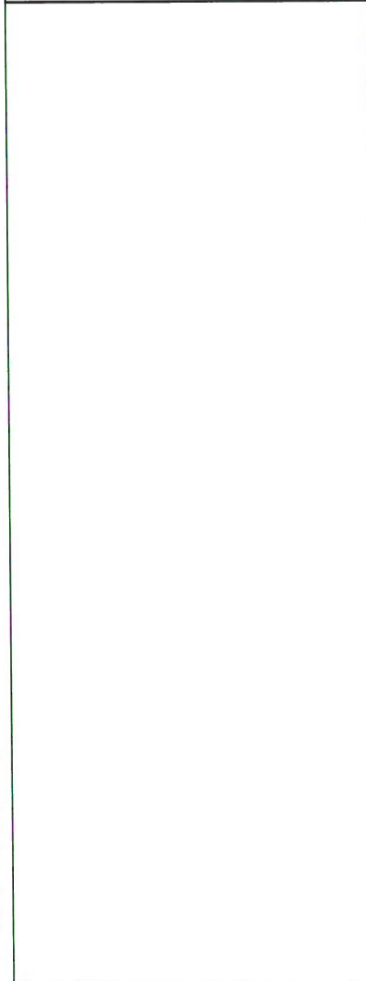
RESOLUTION: APPROVED CONDITIONALLY

1. That the application made in terms of section 15 of Bergrivier Municipal By-law relating to Municipal Land Use Planning for removal of restriction applicable to Deed of Transfer T65428/2016 namely condition B.(g)(i) in order to allow existing carports (shade ports) within the prescribed building line restrictions applicable to Erf 1505, Laaiplek (Port Owen), application for permanent departure from the applicable 3m street building line to 0m as well as permanent departures from the 2m side and rear building lines to 0.4m and 0.7m respectively in order to accommodate existing carports (shade ports) 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:
 - a) The carport (shade port) erected in front of the property must be open onto the sidewalk or fitted with a motorized gate to ensure that no parking occurs on the sidewalk that affects ease of pedestrian movement;
 - b) The owner of Erf 1505, Laaiplek (Port Owen) must move the rear carport (shade port) at his/her own cost, should the Municipality need to do maintenance work on the sewer line located underneath it; and
 - c) Building plans must be submitted at this Municipality for approval in terms of the National Building Regulations and Buildings Standards Act, 1977 as amended.

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 By-law 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.



TOWN AND REGIONAL PLANNER: WEST (HANNES VERMEULEN)



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 the Municipal Spatial Development Framework (MSDF). No spatial directive is given with regard to building line relaxations in Bergrivier Municipal Spatial Development Framework 2019-2024 (Bergrivier MSDF). The land use of the property remains the same and as such it is consistent with MSDF.



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Relevant consideration was given to the development principles as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014. The proposed departure of building line affects municipal engineering services (sewer line), however, in this instance, the impact can be addressed by means of a condition of approval. The application can therefore be accommodated.

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 remains Single Residential. A carport is generally associated with the primary use namely dwelling house. The proposed carports (shade ports) are in keeping with the residential character of the area.

The application is 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 conditions.

AON003/01/2020 APPLICATION FOR SUBDIVISION: ERF 639, VELDDRIF V. 639

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

That the application for subdivision of Erf 639, Velddrif into two portions; namely, Portion A ($\pm 1468\text{m}^2$ in extent) and Portion B ($\pm 2033\text{m}^2$ in extent) for residential purposed **be approved**; in terms of section 60 of Bergrivier Municipal By-law relating to Land Use Planning, subject to the following conditions:

- a) The provision of the subdivided portion with separate water-, and electricity connections, separate access as well as separate sewerage (sewerage tank); and
- b) 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).

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 the municipal spatial development framework.

**TOWN AND REGIONAL
PLANNER: WEST
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One of the directives in the MSDF 2019-2024 for Velddrif is as follow:

“Promote densification and redevelopment of brownfield sites to accommodate housing in well located areas.”

The size of Erf 639, Velddrif presents an opportunity for additional ownership of land in an existing residential area within the urban edge of the town through redevelopment (subdivision). Allowing the subdivision has some contribution to densification by accommodating higher densities within the existing township instead of accommodating new opportunities through urban expansion, which is consistent with the MSDF 2019-2024.

The zoning of the newly created land unit will remain in line with surrounding properties earmarked for residential purposes in terms of Bergrivier Municipal Spatial Development Framework, 2019-2024.

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, which can be managed by means of conditions imposed.

Relevant consideration was 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 leads 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 Velddrif.

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 comparison for compliance with the development parameters determined adherence 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.

AON004/01/2020 **APPLICATION FOR SUBDIVISION: ERF 490, PIKETBERG** **PB. 490**

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

That the application for subdivision of Erf 490, Piketberg into two portions;



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namely, Portion A ($\pm 674\text{m}^2$ in extent) and Remainder Erf 490 Piketberg ($\pm 674\text{m}^2$ 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:

- a) The provision of the subdivided portion with separate water-, and electricity connections, access (shared access by means of servitude right of way) as well as separate sewerage;
- b) 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).

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 the municipal spatial development framework.

One of the directives in the MSDF 2019-2024 for Piketberg is as follow:

"Promote densification and redevelopment of brownfield sites to accommodate housing in well located areas."

The size of Erf 490, Piketberg presents an opportunity for additional ownership of land in an existing residential area within the urban edge of the town through redevelopment (subdivision). Allowing the subdivision has some contribution to densification by accommodating higher densities within the existing township instead of accommodating new opportunities through urban expansion, which is consistent with the MSDF 2019-2024.

The zoning of the newly created land unit will remain in line with surrounding properties earmarked for residential purposes in terms of Bergrivier Municipal Spatial Development Framework, 2019-2024.

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, which can be managed by means of conditions imposed.

Relevant consideration was 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 leads 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

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



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accommodated within the existing built-up area of Piketberg.

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 comparison for compliance with the development parameters determined adherence 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.

AON005/01/2020 APPLICATION FOR PERMANENT DEPARTURE: ERF 2130, PIKETBERG PB. 2130

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

That the application for permanent departure of the street building line from 3meter to 1meter and side building line from 2meter to 0meter in order to allow the erection of a covered port/carport ($\pm 31m^2$) as well as coverage from 50% to 57% in order to allow covered port/carport on Erf 2130 Piketberg, be approved, in terms of section 60 of Bergrivier Municipal By-law relating to Land Use Planning, subject to the following conditions:

- a) No future construction may occur over or on the sewerage line on the property, without approval from Bergrivier Municipality.

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 the Municipal Spatial Development Framework (MSDF). No spatial directive is given with regard to building line or coverage relaxations in Bergrivier Municipal Spatial Development Framework 2019-2024 (Bergrivier MSDF). The land use of the property remains the same and as such it is consistent with MSDF.

Relevant consideration was given to the development principles as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014. The proposed departure of building line does not affect municipal engineering services. The application can therefore be efficiently accommodated. 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.

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

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zoning scheme. The zoning of the property remains Single Residential. A carport/covered port is generally associated with the primary use namely dwelling house. The proposed carport is in keeping with the residential character of the area.

The application is 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 conditions.

AON006/01/2020

APPLICATION FOR CONSOLIDATION ERVEN 3253 AND 3254, PIKETBERG

PB. 3253 & 3254

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

That the application for consolidation of Erven 3253 (± 1.129 hectare) and 3254 ($\pm 3459\text{m}^2$), Piketberg, in order to create one land unit ($\pm 14749\text{m}^2$ in extent) for business purposes, be approved in terms of section 60 of Bergrivier Municipal By-law relating to Land Use Planning, subject to the following condition:

- a) Additional demand or upgrading of municipal services as a result of expanded/future business utilisation of the consolidated property, must be for the account of the property owner and must be upgraded and/or installed to the satisfaction of Bergrivier Municipality's Technical Services Directorate.

REASONS FOR RESOLUTION

**Consistency with Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)**

The application does not change the zoning of the properties, but can rather expand business development opportunities in the existing Central Business District of Piketberg, thereby creating a spatially compact business land unit within the CBD. The proposal makes use of existing resources, spatially efficient i.e. using existing vehicular/pedestrian accesses and exits, existing municipal services available to the property thereby having no additional pressure on municipal engineering services. However, the owner(s) must ensure that the application has no financial burden on the municipality, and therefore they will be held responsible for any/all upgrading of municipal services resulting from their use of the property.

The property is also located along the earmarked and established commercial focus area and business nodes, which makes the location of future expanded business opportunities spatially sustainable in such a way

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because it is highly visible and accessible to all members of the community.

Consistency with MSDF 2019-2024

The properties are also located in the earmarked commercial focus area and along business nodes, allowing this consolidation will result in larger business developable space in future. The zoning of the proposed consolidated property remains Business Zone 1 and is consistent with the MSDF 2019-2024.

Zoning Scheme By-law

The properties have sufficient space to comply with the development parameters of the zoning scheme by-law.

The desirability of the proposal

The proposed consolidation of Erven 3253 & 3254 Piketberg will create a more manageable land unit that is currently separately used for business purposes. The zoning of the property will remain the same and continue to be used for such purposes. The consolidation of the property will enable larger developable business space in the Central Business District of Piketberg which is consistent with the MSDF directives to expand the area.

The zoning of the properties remain the same and does not result in any change in character of the surrounding area. No objection has furthermore been received against the proposed application.

AON007/01/2020

APPLICATION FOR REZONING AND CONSENT USE: ERF 3995, PIKETBERG

PB. 3995

The Authorised Official evaluated the abovementioned application.

RESOLUTION: REFUSED

That the application for rezoning of a portion ($\pm 60\text{m}^2$) of Erf 3995 Piketberg from Community Zone 2 to Open Space zone 2 (private open space) and consent use for a utility service in order to allow the erection of an 25m high freestanding telecommunication base and associated infrastructure on the rezoned portion in terms of section 60 of Bergrivier Municipal By-law Relating to Land Use Planning; **BE REFUSED**, for the reasons provided in the reasons for recommendation.

REASONS FOR RESOLUTION

The application is partially consistent with the development principles of the Spatial Planning and Land Use Management Act, 2013 for the following reasons:

An increase in network coverage, if appropriately located, can benefit the

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whole community it serves in a 500m radius that strengthens communication networks, and as a result contributes to spatial justice in the form of integrated communication networks for all. However, the development principle of spatial efficiency has not efficiently been explored, even though additional telecommunication network operators will have a long term social and economic benefit by strengthening communication networks in the area, which is spatially sustainable, efficiency can be achieved through co-location on existing telecommunication and approved telecommunication base stations (two towers are already approved within the 500m search ring which can address network coverage in the area namely: a 25m three type base station on Erf 1101 and 138 Piketberg. Exploring co-location will be more sensitive to the Piketberg skyline and character of the surrounding single residential area, the network planners currently duplicated coverage areas where co-location can be achieved and these opportunities exist in the area. If the intent is to increase coverage, the location of new towers and base stations should take into account current approved towers, existing towers and non-duplication of coverage areas.

The mobile network operators have alternative sites within the 500m search ring for co-location to carry transmitters in order to be visually sensitive to the town, without further detracting from the skyline of Piketberg. Co-location opportunities exists to optimise existing resources and infrastructure spatially efficiently, rather than duplicating a large area that can be covered by existing approved telecommunication infrastructure. Co-location is already an established practice.

Desirability

The proposed telecommunication base station will have a negative impact on the character of the area as well as Piketberg town, as existing opportunities for co-location exist within the 500m search ring to increase coverage. The structure is regarded intrusive adjacent and in close proximity to existing RDP dwelling houses/shelters in the vicinity. The area is characterised by low vegetation and single storey buildings, and mitigation features are not sufficient in this area to allow a 25m high freestanding base station on the property. A reduction in height, colour coding and alternative proposals are not sufficient to mitigate a freestanding base station in this area.

There is some duplication in the network coverage area, where network operators can use existing approved telecommunication masts to provide increased coverage sufficiently, and if co-location is explored by the network planners it can give increased coverage from certain network operators. Alternative sites should rather be explored in the area to prevent duplications.

The property itself has no natural screening features and surrounding environment is characterised by single storey buildings and low growth vegetation, that can't mitigate the visual impact of the telecommunication base station.

A freestanding mast within this area will have a negative visual effect on the character of the surrounding residential area. The demand for increase capacity in terms of coverage is noted for effective communication as



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network operators can explore the options of co-location on the existing telecommunication base station to carry transmitters rather than building additional high (intrusive) towers in order to be visually sensitive to the surrounding single residential neighbourhood.

The applicant further mentions that in order to achieve the optimal network coverage base stations services providers are guided by nominal point and new LTE base stations have a maximum coverage range of 500m depending on the number of users. It is submitted that co-location can be considered rather than duplicating coverage areas by the network operators as it is of outmost importance in a rural town setting like Piketberg, because additional freestanding telecommunication base station of this height can be detrimental to the visual character of the town.

The options of co-location on existing telecommunication base stations, to carry transmitter can be investigated by network operators rather than applying for the erection of additional towers (25m high monopole or tree type mast).

The application can't be supported from a land use planning perspective as the option of co-location has not been efficiently explored/utilised by the network operators to be more sensitive to the skyline and character of Piketberg; the proposal duplicates certain coverage areas that can be covered by existing approved freestanding telecommunication base stations, camouflaging of the telecommunication mast would still be ineffective in close proximity to this residential area.

AON008/01/2020

APPLICATION FOR PERMANENT DEPARTURE: PORTION 5 OF THE FARM HALFMANSHOF NO. 10, DIVISION TULBAGH (BRADENBERG PRIMARY SCHOOL) F. 10/5

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

That the application made in terms of section 15 of Bergrivier Municipal By-law Relating on Municipal Land Use Planning for permanent departure of the 30m building lines as follows: North Western street building line from 30meter to ± 8.4 meter and South Western side building line from 30meter to ± 7.2 meter in order to allow extensions to the existing school, be approved, in terms of section 60 of Bergrivier Municipal By-law relating to Land Use Planning, subject to the following conditions:

- a) Building plans must be circulated by the Building Control Officer to the Environmental Health Practitioner for input on health requirements; and
- b) That a fire safety inspection be conducted on the premises by this Municipality Disaster Management & Fire Safety Department prior to occupation of the Grade R buildings.

REASONS FOR RESOLUTION

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



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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. Portion 5 of Farm No 10, division Tulbagh is zoned Agricultural Zone 1. The zoning does not allow a place of instruction on the property, the current property and existing educational buildings are through a non-conforming use, which does not constitute an offence and may continue as long as it remains otherwise lawful.

The application for permanent departures is to allow land uses in line with a place of instruction and is consistent with its non-conforming land use classification and MSDF 2019-2024.

Relevant consideration was given to the development principles of Spatial Justice as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014. The proposed departure of building lines does not affect municipal engineering services or traffic services. The application will not result in historical imbalances, but will rather promote early childhood development within the rural area that will contribute to the social well-being of the rural area, as early childhood development is the foundation of future citizens in our communities. By allowing the departures it will allow an essential service in closer proximity to rural community, and contribute to change historical imbalances. Places of Instruction are land uses that contribute to integration of communities.

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 current property and existing educational buildings is a non-conforming use, which does not constitute an offence and may continue as long as it remains otherwise lawful.

No objection was received from neighbours and conditions are imposed to address health and fire safety requirements. The department of Transport and Public Works approved the street building line relaxation. The Grade R classrooms are an essential service for the social well-being of our rural communities, and especially the children to obtain early educational skills. These additional services are brought in closer proximity to the rural area that will save parents time and money to travel elsewhere in the area and towns for children to attend Grade R, far from their home places.

The application is 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 conditions.

EVALUATION COMPLETED AT 16:00

CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS



AUTHORISED OFFICIAL



DATE

