



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

**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD ON THURSDAY, 14 DECEMBER 2023 AT 12:15 AT THE MUNICIPAL OFFICES, PIKETBERG**

**PRESENT**

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

**ACTION**

**AON001/12/2023**

**APPLICATION FOR PERMANENT DEPARTURE: ERF 3371, PIKETBERG PB. 3371**

**RESOLUTION: APPROVED CONDITIONALLY**

That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for permanent departure in order to exceed the permissible coverage from 50% to 55% in order to accommodate extensions to the dwelling house, **be approved** in accordance with plans, dated 28 Jan 2023, drafted by G.F. Khun in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following condition:

- a) The extension exceeding the coverage be used in accordance with the zoning of the property

**REASONS FOR RESOLUTION**

Erf 3371, Piketberg is earmarked for residential purposes. The application for permanent departure is to allow land uses in line with the primary use rights of the property, which is consistent with Bergrivier Municipal Spatial Development Framework 2019-2024(MSDF).

The zoning of the property will remain the same, compatible with the surrounding residential land uses. The proposed structure only increase coverage from 50% to 55% without affecting building lines. The adjacent neighbour directly affected consented to the application.

The property is already serviced and the proposal do not require additional municipal services that will have a financial burden on the municipality.

No Municipal engineering services is affected by the proposal, as indicated by the Technical Services Departments.No objections were received from surrounding property owners. Internal departments gave positive comment on the proposal.

\*\*\*

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



AON002/12/2023

**APPLICATION FOR REZONING AND DEPARTURE: ERF 2468, PORTERVILLE PTV. 2468**

**RESOLUTION: APPROVED CONDITIONALLY**

That the application made in terms of section 15 of Bergrivier Municipality By-law on Municipal Land Use Planning for rezoning of Erf 2468, Porterville from Single Residential Zone 1 (dwelling house) to Business Zone 1 to allow a business premises and permanent departure of the required on-site parking bays from 6 parking bays to 5 parking bays as well as permanent departure to allow vehicles to access the parking bays on the property directly from Park Street, **be approved** in terms of **section 60** of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:

- a) That on-site parking bays must be clearly marked out on the premises;
- b) That boundary gates/walls be removed where applicable to allow the five on-site parking provision to ensure that pedestrians obtain free access to the side walk without hindering their movement;
- c) That the current electrical connections must be changed to business electrical supply;
- d) Any additional/upgrading of municipal engineering services required as a result of the proposed utilisation of land will be borne by the property owner(s) as agreed between the Technical Services department of this Municipality;
- e) Any future extension/development/alterations on the property, requiring the relocation of the electrical minisub will be for the cost of the owner(s) or successor(s) in title of the property, to the satisfaction of this Municipality's Technical Services department; and
- f) Building plans must be submitted to this Municipality for internal conversions and a site development plan indication on-site parking bays on scale to determine compliance with the development parameters of the zoning scheme by-law.

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

**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.

Erf 2468 Porterville is located in the vicinity of the earmarked CBD and recreational node which should be strengthened by the inclusion of additional economic/business/ recreational opportunities. The property is also located within the identified integration zone of town where support services should be promoted and allowing an additional economic/business opportunity is considered in line with the directives of the MSDF 2019-2024. By allowing the rezoning of Erf 2468 Porterville along an existing retail node will achieve the desired land use for the area being in line with Bergrivier Municipal Spatial Development Framework 2019-2024.

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

The traffic services aspects to ensure free flow of pedestrian movement on the



sidewalk is imposed as condition.

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 electrical and civil services department have no objection against the proposal subject to 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.

#### Spatial Justice

Existing residential land within a predominant business area along Voortrekker Street (retail node) and the earmarked integration zone is made available to the market by rezoning Erf 2468, Porterville to Business Zone 1, in line with spatial guidelines.

#### Spatial Sustainability and efficiency

The proposed development is within the urban edge of town and outside any natural or conservation areas within close proximity of available municipal engineering services. The property has municipal electrical and civil services connected thereto and any additional/upgrading services required as a result of the proposed utilisation of land will be borne by the property owner(s). The proposal can be regarded to comply with the principle of sustainable development on account of aforesaid.

The property is located along a main retail/commercial node of Porterville. Businesses are furthermore driven by the concept of supply and demand, and the location of Erf 2468 Porterville is considered sustainable, considering that business is already established in the immediate vicinity (shoprite u-save). By allowing the rezoning of Erf 2468, Porterville will expand business opportunities in the integration zone of town.

The location of Erf 2468 Porterville is considered compatible with the surrounding area, considering that similar established business in the area. The neighbour of the adjacent residential property also supports the application. The property once rezoned can generate an income to the property owner and create additional job opportunities in town. The municipality will also gain a long term income through property tax and service contribution payment.

The application is 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, subject to conditions.

\*\*\*



AON003/12/2023

**APPLICATION FOR PERMANENT DEPARTURE: ERF 3386, PORTERVILLE PTV. 3386**

\*\*\*

**RESOLUTION: APPROVED CONDITIONALLY**

That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for permanent departure of the side building lines from 2m to 0.8m, 05m and 0m respectively, rear building line from 2m to 1m, street building line from 1m to 0m as well as departure of to allow a window to be setback 1m in lieu of 1.5m from a common boundary in order to accommodate (allow) extensions to the existing dwelling house, **BE APPROVED**, in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, in accordance with the site development plan drawn by R Hess, dated Sept 2023, subject to the following conditions:

- a) The owner must extend and reroute the electrical supply cable at own expense to prevent building over it at the front of the existing building to the satisfaction of this Municipality's Electrical Department;
- b) The owner must ensure that no building work occur over the property's water and sewerage pipes; and
- c) A gate be placed in the southern street boundary wall (street boundary wall) of the property for ease of movement for firefighting purposes to every unbuilt area of the property.

**REASONS FOR RESOLUTION**

Erf 3386, Porterville is earmarked for residential purposes. The application for permanent departure is to allow land uses in line with the primary use rights of the property, which is consistent with Bergrivier Municipal Spatial Development Framework 2019-2024(MSDF).

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 address the family's needs.

The properties in this residential area are relatively small with erven sizes that vary between 136m<sup>2</sup> and 150m<sup>2</sup>, this encroachment situation often occur on these properties were owners of RDP housing units wants to expand their dwelling house on properties with limited expansion potential.

The zoning of the property will remain the same, compatible with the surrounding residential land uses.

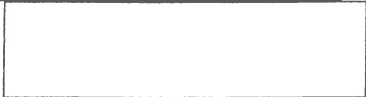
A condition is imposed fir ease of movement for firefighting purposes to every unbuilt area of the property. There is also other access available to the property for firefighting purposes across adjacent Municipal property.

The property is already serviced and the proposal do not require additional municipal services that will have a financial burden on the municipality.

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



Municipal engineering services is affected by the proposal, as indicated by the Technical Services Departments, subject to conditions imposed.



\*\*\*

**AON004/12/2023**  
**APPLICATION FOR SUBDIVISION: ERF 155, AURORA**  
**A. 155**

\*\*\*

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for the subdivision of Erf 155, Aurora into two portions namely Portion A (±708m<sup>2</sup> in extent) and Remainder (±779m<sup>2</sup> in extent), in accordance with the subdivision plan, Drawing No. AUR155/04/01 dated 28 Sept 2023, **be approved**, in terms of section 60 of the Bergrivier Municipality By-Law on Municipal Land Use Planning, subject to:

- a) The provision of the subdivided portions with separate water, electricity, access and a conservancy tanks. Electrical connections up to the erf boundaries must be done by an electrical contractor, for the cost of the applicant; 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.

**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 Municipality By-Law on Municipal Land Use Planning.

\*\*\*



**AON005/12/2023**

**APPLICATION FOR SUBDIVISION: PORTION 1 OF FARM MODDERFONTEIN B NO. 26, DIVISION PIKETBERG**

**F. 26/1**

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for subdivision of Portion 1 of Farm Modderfontein B No. 26 into 11 portions in order to accommodate 10 Resort Zone 2 (holiday housing) land units of  $\pm 300\text{m}^2$  in extent each and a Remainder of Portion 1 of farm Modderfontein B No. 26 ( $\pm 188,2646\text{ha}$  in extent) zoned as Open Space Zone 3 (Nature Conservation Area), in accordance with the subdivision plan referenced PIK/13173/MH dated July 2023, **be approved** in terms of section 60 of Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to:

- a) The establishment of an Owners Association for the Resort Zone 2 units, for which the constitution and architectural guidelines of the Owners Association be submitted to the Municipality for evaluation and approval before registration of the transfer of the first land unit;
- b) A Site development plan, clearly indicating the position of all structures, services and internal roads must be submitted to the Municipality for approval; and
- c) The developer will be responsible for the provision of separate electricity, water and conservancy tanks for each of the individual resort units. The developer will be responsible the collection and transfer of solid waste to the Velddrif solid waste transfer station at own cost. All services (water, sewerage, storm water and electricity) as well as handling of solid waste must be to the satisfaction of the Director: Technical Services.

**REASONS FOR RESOLUTION**

The application is consistent with the development principles of LUPA and SPLUMA and is 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.

Section 42(1)(b) of SPLUMA requires that decisions on application be consistent with the norms and standards, measures to protect sustainable use of agricultural land, national and provincial government policies, and the municipal spatial development framework. The application is considered to be in line with the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 and the Bergrivier Municipal Spatial Development Framework, 2019-2024 (BMSDF).

Section 42 (1)(c)(iv) of SPLUMA requires that existing rights and obligations be taken into account in decision making. The rezoning and subdivision of the farm to allow for Resort Zone 2 and Opens Space Zone 3 zonings was previously approved and the zonings are considered to have vested.

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



**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD ON THURSDAY, 14 DECEMBER 2023 AT 12:15 AT THE MUNICIPAL OFFICES, PIKETBERG**

---

**EVALUATION COMPLETED AT 13:00**

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

  
\_\_\_\_\_  
**AUTHORISED OFFICIAL**

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