



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

**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD
ON FRIDAY 31 May 2019 AT 11:00 AT THE MUNICIPAL OFFICES, PIKETBERG**

PRESENT

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

ACTION

AON001/05/2019

**APPLICATION FOR REMOVAL OF RESTRICTIONS : ERF 829, PIKETBERG
PB. 829**

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

1. That the application for removal of restrictions applicable to Deed of Transfer T26264/1993 namely conditions: B.6. (b), (c) and (d) in order to allow the erection of an outbuilding on Erf 829 Piketberg, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions;
 - 1.1. 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: 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 (IDP), including the Municipal Spatial Development Framework (MSDF).

Application is made for removal of deed of transfer restrictions that does not change the zoning of the property or give rise to circumstances inconsistent with the SDF 2019-2024

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



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development on municipal engineering services.

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. T26264/1993 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 8 of Piketberg during the early 1973's, with the purpose to protect the amenity and character of the specific extension. It is submitted that these aforementioned norms and standards have materially changed though the years and that the proposed utilization of Erf 829 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 are applicable.

The application is 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.

AON002/05/2019

APPLICATION FOR REZONING, CONSENT USE AND CONSOLIDATION: ERVEN 1208 AND 2988, PORTERVILLE

PTV. 1208 & 2988

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

1. That the application for rezoning of Erf 1208 Porterville from Business Zone 1 (business premises) to General Residential Zone 3 (Town



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housing) and consent use in order to allow a retirement resort and bring

the existing retirement resort on Erf 2988, Porterville in line with the correct zoning classification as well as consolidation of Erf 1208 Porterville and Erf 2988 Porterville, **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

- a. The required municipal services that arise as a result of the proposed utilization, will be for the account of the developer/owner(s). In addition to this the owner(s)/applicant will be responsible for the provision and upgrading of all service infrastructure required as a result of additional burden created by the proposed utilization, as negotiated and agreed upon between the developer and the Municipality's Directorate: Technical Services or by means of a Services Level Agreement (SLA);
- b. Compliance with the development parameters of the zoning scheme By-Law; and
- c. Compliance with fire safety requirements of this 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 (IDP), including the Municipal Spatial Development Framework (MSDF).

Erf 2988 and 1289 Porterville are located adjacent to the earmarked area where mixed use areas should be promoted in terms of the MSDF 2019-2024. The proposed application will bring additional higher density residential units, that will be consolidated into the existing retirement resort and will not give rise to circumstances inconsistent with the MSDF 2019-2024, as the current zoning of the property also allows residential units above ground floor.

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

No comments/objections were received from surrounding affected property owners of general public on the proposal.

Relevant consideration was given to the development principles of Spatial Justice, Spatial efficiency as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.

Any additional services demand aspects are addressed by means of condition to ensure that the application has no financial burden on the municipality as a result of the proposed new residential units proposed.

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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PLANNER: EAST
(KEENIN ABRAHAMS)**



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zoning scheme.

The existing building footprint will be used, with internal reconstruction on Erf 1208 Porterville to create additional residential units. After consolidation it will form part of erf 2988 Porterville as a harmonious unit. No building lines encroachments will occur, because existing building footprint will be occupied as mentioned.

Existing parking is available at Huis Nerina in the form of communal parking and additional space is available on Erf 1208 Porterville for provision of additional parking if a shortage occurs. The area is characterised by mixed land uses such as support services i.e. library, museum, church and municipal offices. The extension of the retirement resort will be ideal considering that it is in a mixed used area. While the current zoning allows more intense business uses, the proposal is considered more acceptable in the area due to its residential nature and close proximity support services/facilities.

The proposed extension of retirement resort will provide additional residential opportunities in the form of self-care units and frail care units, in a town with limited facilities for pensioners. The retirement resort will improve the social well-being and health of retired persons in one way or another

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 conditions.

AON003/05/2019

**APPLICATION FOR REZONING AND CONSENT USE : ERF 1718, PORTERVILLE
PTV. 1718**

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

That the application for rezoning of Erf 1718 Porterville from Business Zone 1 to Business Zone 2 and consent use in order to allow the development of a fourth flat on ground level on Erf 1718, Porterville be approved, in accordance with the site development plan (dawn by Mr J Truter dated December 2018) in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

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

1. Additional municipal services required as a result of the proposed utilisation of land must be applied for and will be for the account of the owner(s)/developer; and
2. Parking be clearly marked out on the property for the flats.

REASONS FOR RESOLUTION

Section 65 (i) of Bergrivier Municipal By-Law relating to Municipal Land Use



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Planning requires consideration of the integrated development plan, including the municipal spatial development framework. The zoning of the property remains for business utilisation and to allow flats as consent use on the premises that does not give rise to circumstances inconsistent with the MSDP 2019-2024.

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 property is located in the Central Business District of Porterville. The proposed rezoning and consent use is to provide an additional residential opportunity in walking proximity to support services/facilities in the area. The proposal contributes to restructuring of Porterville CBD by including mixed land uses (flats and businesses) on site. The proposed application is sustainable due to its location adjacent to a busy main road and in close proximity to working opportunities. The application has some contribution to new spatial norms and is considered acceptable within its location.

The property is already serviced, and does not require additional municipal services as a result of the proposed utilisation. The applicant also stated that the application will not have an impact on municipal technical services, as it will be absorbed into the existing engineering supply to the property. The application is therefore efficiently located without requiring additional resources that will have a financial burden on the municipality. A condition is however, imposed if additional municipal services is required as a result of the additional flat.

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 application complies with the development parameters of the zoning scheme, and conditions are imposed to address certain aspects.

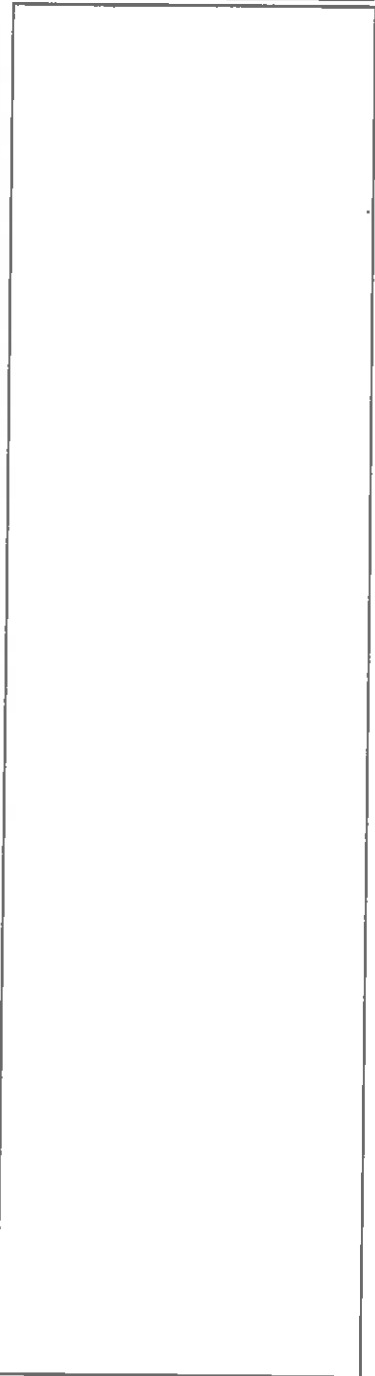
The application is furthermore determined desirable from a planning perspective taking into account the abovementioned relevant factors of consideration as determined in terms of section 65 of Bergrivier Municipal By-Law relating to land Use Planning, subject to conditions.

**AON004/05/2019
APPLICATION FOR CONSENT USE: ERF 2700, PORTERVILLE
PTV. 2700**

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 (that includes take away food) from an existing outbuilding (garage) on Erf 2700, Porterville, be approved in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following



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



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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 Bergrivier Municipality Policy relating to House Shops.
3. The house shop operation area is restricted to the existing garage on the property;
4. Provision be made for one extra parking, additional to the one required for residential use, and
5. Compliance with the conditions prescribed in the bondholders letter of consent dated 06 July 2018.

REASONS FOR RESOLUTION

Section 65(d) of Bergrivier Municipality By-Law on Municipal Land Use Planning requires 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;

No objections were received from surrounding affected property owners.

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;

No approved house shop is within a radius of 200m and in the same street within 500m. The application does comply with aforesaid requirement, as prescribed in the house shop policy.

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 total floor space of the dwelling house is $\pm 113\text{m}^2$. The residential use of the dwelling house is $\pm 94.54\text{m}^2$ (this excludes the house shop $\pm 18.5\text{m}^2$). The total floor space of the proposed business land uses occupy $\pm 19.5\%$ floor space of the dwelling house, compliant with the land use description of house shop provided in the 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 due to 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 takes 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 farther away in Porterville. The proposal will



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contribute to address past spatial imbalances on account of aforesaid.

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

The application is desirable from a land use planning perspective taking into account all relevant factors of consideration as prescribed in Section 65 of Bergrivier Municipality By-Law on Municipal Land Use Planning, subject to conditions.

AON005/05/2019

APPLICATION FOR DEPARTURE: A PORTION OF PORTION 18 OF THE FARM MIDDELPOST NO.231, DIVISION PIKETBERG

Farm no. 231/18

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

That the application for temporary departure in order to allow the crushing of surface rock (with a mobile crusher) on a portion of Portion 18 of the Farm Middelpost No. 231, division Piketberg, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions;

- a) Strict compliance with the maintenance management plan agreed to between the Department of Environmental Affairs and Development Planning and 24 Riviere Irrigation Board;
- b) That detailed information be provided to the Department of Environmental Affairs and Development Planning by the applicant to determine if the proposed utilization of land triggers any listed activities in terms of the EIA Regulations, 2014 (Dept. Environmental Affairs and Development Planning letter of comment dated 26 November 2018 ref no. 16/3/3/6/F1/11/2201/18)

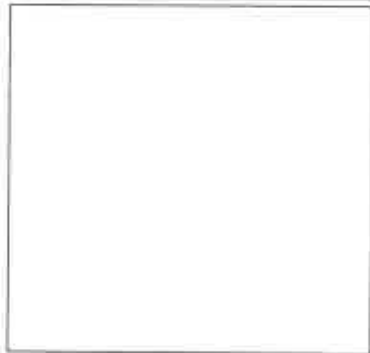
REASONS FOR RESOLUTION

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) 2019-2024

The zoning of the property remains the same and the application does not give rise to circumstances inconsistent with the MSDF.

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

No objections were received from surrounding affected property owners or general public. Positive comments were received from the department of agriculture, which give an indication of acceptable land use on agricultural



TOWN AND REGIONAL PLANNER: EAST (KEENIN ABRAHAMS)





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land, subject to condition imposed.

Relevant consideration were given to the development principles of Spatial Justice, Spatial efficiency as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014.

The proposed utilisation of land does not infringe on primary agricultural production of the land units in the vicinity. The proposed mobile rock crusher and no permanent structure are associated with the activity on site. The proposal will protect agricultural prime land by preventing easy flooding from the river. The proposal will therefore add value to the primary production of agricultural goods.

The proposed utilisation of land does not impact on municipal civil and electrical engineering services and does not place a financial burden on municipal engineering services. The proposed land use is efficiently located 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 zoning of the property remains the same. No departure from development parameters is applicable.

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.

**AON006/05/2019
APPLICATION FOR CONSENT USE: ERF 3439, LAAIPEK
L. 3439**

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

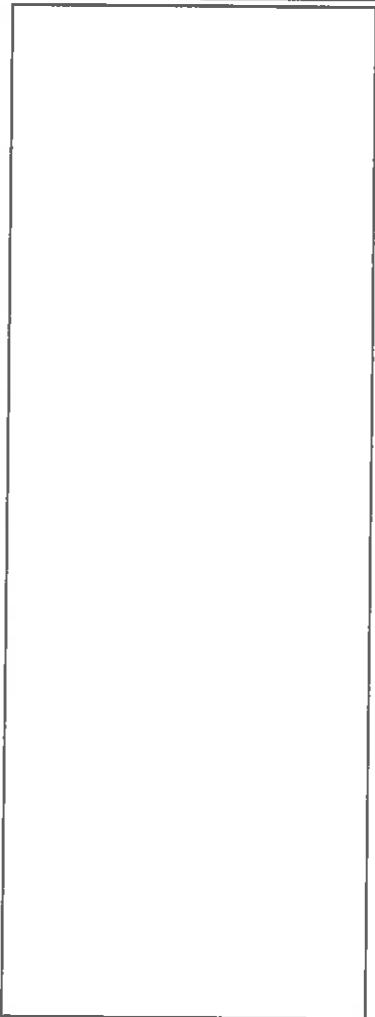
1. That the application for consent use in order to operate a guest house from Erf 3439, Laaiplek, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to;
 - a) the owner of a proposed guest house must live on the property;
 - b) any new structure or alteration to the property related to its use as a guest house must be compatible with the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting to use as part of the dwelling house, second dwelling, additional dwelling unit or outbuilding concerned;
 - c) no more than 6 rooms may be used for bedroom accommodation for paying guests or lodgers, and no more than 12 paying guests or lodgers may be supplied with lodging or meals at any time;
 - d) no alcoholic beverages may be sold except to resident guests for

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



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- consumption on the premises with meals;
- e) meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
 - f) no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a street in accordance with the Municipality's policy or By-Law on outdoor advertising and signage, and the sign may not exceed 1 m² in area;
 - g) no activities may be carried out which constitute, or are likely to constitute, a source of public nuisance;
 - h) on-site parking must be provided at 1 parking bay per guest room in addition to parking for the owner and staff, provided that the Municipality may at any stage require additional on-site parking if, in the opinion of the Municipality, the guest house does not have enough parking; and
 - i) Registration with the local Tourism Board is compulsory.



REASONS FOR RESOLUTION

The application for consent use on Erf 3439, Laaiplek is considered consistent with the development principles of LUPA and SPLUMA. The application is furthermore 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.

AON007/05/2019

APPLICATION FOR APPROVAL OF HOME OWNERS ASSOCIATION CONSTITUTION: HIBISCUS (V. 1371 – 119 & 124)

V. 1371(119 & 124)

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED

That the constitution of the Hibiscus Home Owner's Association, be approved, in terms of section 29 of the Bergrivier Municipal By-Law relating to Land Use Planning.

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

REASONS FOR RESOLUTION

The constitution complies and with the requirements of Section 29(3) of the Bergrivier Municipal By-Law relating to Land Use Planning.





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AON008/05/2019

APPLICATION FOR REZONING: ERF 1977, VELDDRIF

V. 1977

The Authorised Official evaluated the abovementioned application.

RESOLUTION: APPROVED CONDITIONALLY

That the application for Rezoning of Erf 1977, Velddrif from General Residential Zone 3 to Business Zone 4 in order to operate a medical centre, be approved, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning, subject to the conditions stipulated in the letter from West Coast District Municipality dated 27 May 2019 and referenced 12/3/1/10.

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

REASONS FOR RESOLUTION

The application for rezoning and subdivision of Erf 1977, Velddrif is considered consistent with the development principles of LUPA and SPLUMA. The application is furthermore 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.

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



AUTHORISED OFFICIAL

31/05/2019

DATE
