



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

**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD  
ON FRIDAY 02 NOVEMBER 2018 AT 11:00 IN THE MUNICIPAL OFFICES, PIKETBERG  
PRESENT**

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

**ACTION**

**AON001/11/2018**

**APPLICATION FOR CONSENT USE, DEPARTURE AND REMOVAL OF RESTRICTIONS: ERF 591,  
PIKETBERG**

**15/3/2,15/3/5,15/3/8**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

1. That the application for consent use in order to allow the erection of a second dwelling unit not exceeding 150m<sup>2</sup> on Erf 591, Piketberg and removal of restrictions applicable to Deed of Transfer T3778/2018 namely conditions: B.5. (a), (b), (c) and (d) in order to allow the second dwelling unit on the property as well as departures from the applicable side building line from 2meter to 0meter and street building line (Keerom Street) from 3meter to 0meter in order to accommodate historical encroachments and proposed additions to the second dwelling unit, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions;
  - 1.1. All additional structures and alterations to existing structures must be of corresponding architecture;
  - 1.2. No windows or door openings is allowed in structures bordering the street and side building lines; and
  - 1.3. The second dwelling unit must connect to existing services available to the property.
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.

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**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).**



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*Density Target (page 34 of MSDF 2012-2017): Density target for Piketberg is 15du/hectare. The application has some contribution to achieve density targets, by amending the restrictive titel condition to allow a second dwelling on a property of 750m<sup>2</sup>. Erf 591, Piketberg is earmarked for residential purposes. The application for removal of restrictions and consent use is to allow land uses generally associated with a residential area. The application is regarded consistent with Bergrivier Municipal Spatial Development Framework 2012-2017(BMSDF) in terms of the aforesaid.*

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

No objections were received against the proposed application. The site development plan were scrutinised and the existing structures only occupy 21.7% of the permissible 50% coverage. No windows or doors are placed onto the common boundary or street boundary, which mitigate the impact on neighbour's privacy. The ward councillor's comments contributed meaningfully to considering this application, and condition is imposed to address privacy concerns.

Section 65 (h) of the Bergrivier Municipal By-law relating to Municipal Land Use Planning requires consideration of the impact of the proposed development on municipal engineering services.

The application has no impact on municipal technical services as services are already available to the property. The structures must connect to existing municipal services 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. T3778/2017 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 3 of Piketberg during the early 1954's, with the purpose to protect the amenity and character of the specific extension. It is submitted that this aforementioned norms and standards have materially change though the years and that the proposed utilization of Erf 591 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.

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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. The proposed application do not affect the zoning of the property. Building parameters are encroached due to historical and pre-existing structures on the property. The proposed extension to the existing structure will improve the visual appearance of the second dwelling unit, with no window and doors facing property boundaries mitigating the potential impact on privacy of others.

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 Municipality By-Law relating to Municipal land Use Planning, subject to conditions.

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**AON002/11/2018  
APPLICATION FOR CONSENT USE: ERF 1062, PORTERVILLE  
15/3/5**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for consent use in order to allow a second dwelling unit not exceeding 150m<sup>2</sup> in extent on Erf 1062, Porterville, **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

1. If additional electrical services (more than 60A single phase) are required as a result of the proposed utilization, it can be applied for at the electricity department of this municipal, for the cost of the property owner/s;
2. The total floor space of a second dwelling unit may not exceed 150 m<sup>2</sup>, which includes the floor space of all ancillary buildings;
3. The second dwelling must be constructed in a style that does not detract from the architecture of the main dwelling house;
4. The second dwelling that is a separate structure to a dwelling house may not exceed a height of 6 metres from the base to the top of the roof;
5. The second dwelling may not be alienated by means of sectional title within any type of single residential zone; and
6. The existence of a second dwelling is in itself not sufficient reason for the Municipality to grant an application in terms of planning law to subdivide the land unit containing the dwelling units.

**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.

The proposed utilisation of land on Erf 1062, Porterville introduce a second dwelling unit on a larger property that have a contribution to densification,

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consistent with the directives of Bergrivier Municipal Spatial Development Framework, 2012-2017.

Relevant consideration were 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.

Bergrivier Municipality Electrical Department has no objection against the proposed application as it do not impact on municipal engineering services, subject to conditions imposed to ensure that there is no financial burden on the municipality. The development will result in more efficient utilization of the land and existing services. The more efficient use of the subject property for residential purposes will help relieve pressure for land for residential purposes, thereby helping to prevent urban sprawl.

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 propose building plan/site development plan do not deviate from development parameters for dwelling house as provided the zoning scheme by-law, conditions is imposed to ensure compliance with the development parameters of second dwelling unit. The character of the surrounding single residential zoned properties and is considered compatible with the neighbourhood's character

Representations and comment on the application was considered

No objections where received on the application, that negatively affect the application considered.

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.

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**AON003/11/2018**

**APPLICATION FOR PERMANENT DEPARTURE: ERF 2122, PIKETBERG  
15/3/8**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for permanent departures of the street building line from 3meter to 1.25meter and 0.9meter respectively in order to accommodate extensions to the existing dwelling house in accordance with the site development plan submitted with this application on Erf 2122, Piketberg , **be approved**, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

1. That clear visibility of approaching traffic be maintained.

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**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. No spatial directive is given with regard to building line relaxations and coverage 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 therefore 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.

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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**AON004/11/2018**

**APPLICATION FOR REZONING & DEPARTURE: ERF 4011, PIKETBERG  
15/3/3,15/3/8**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

1. That the application for rezoning of Erf 4011, Piketberg from Business Zone 2 to Community Zone 2 in order to allow a place of worship and permanent departure from the minimum required on-site parking provision from 30 to 16 parking bays (1bay per 8 seats or persons to 1bay 15 seats or persons) as well as permanent departure from the western building line from 5 meter to 1.22 meter in order to allow a proposed building within the building line on Erf 4011, Piketberg, **be approved**; in accordance with the site development plan submitted with the application dated 25 January 2018 (drawn by GF Kuhn), in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions;

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- 1.1. Any additional civil or electrical services required as a result of the utilization will be borne by the property owner, as negotiated and agreed upon between the owner and this Municipality's Technical Department;
- 1.2. Fire Safety requirements of this municipality must be complied with and certificate issued prior to operation of religious activities on premises;
- 1.3. Sound mitigation features/material be established i.e. to mitigate amplified noise arising from musical instruments to the residential area and confirmed by a registered acoustic engineer (sound engineer); and
- 1.4. Compliance with all other development parameters for places of worship provided in the zoning scheme by-law.

**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).

The spatial proposal contained in the MSDF 2012-2017 (page 66) determine the following for Community Facilities:

- *"Piketberg will qualify for 5 more crèches/nursery schools (that can be combined with a Primary School/Community centre and **also another 4 churches according to expansion growth as predicted;**"*

The proposed rezoning is not reflected in the MSDF 2012-2017, but the application does relate to above statement contained in the SDF.

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

No objections were received from surrounding affected property owners. The ward committee's comment and response on comment by the applicant contributed meaningfully in considering this application. Conditions is imposed to address amplified noise/music to mitigate effects on the residential area.

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 property is registered, and can connect to municipal services in the vicinity. However, the connection and amount of services required as a result of the proposed utilisation must be borne by the owner(s)/developer to ensure that the application has no financial burden on the municipality.

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

Spatial Efficiency

The property is registered, and can connect to municipal services in the vicinity. However, the connection and amount of services required as a result of the proposed utilisation must be borne by the owner(s)/ developer to ensure that the application has no financial burden on the municipality. The proposal can therefore be efficiently accommodated within close proximity to available resources (i.e. existing road and infrastructure).

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Good administration

The spatial proposal contained in the MSDF 2012-2017 (page 66) determine the following for Community Facilities:

- *"Piketberg will qualify for 5 more crèches/nursery schools (that can be combined with a Primary School/Community centre and **also another 4 churches according to expansion growth as predicted;**"*

The opportunity to influence land use within the Municipality is given through public participation processes during the compilation Municipal SDF, the Municipal Zoning Scheme as well as when land use planning applications are received. The properties are not identified in the Municipal SDF as place of worship, but it was included in the MSDF that 4 churches is predicted according to the expansion growth. The proposal is therefore in line with the relevant policy framework.

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.

No comments were received from Bergrivier Municipality Traffic Department giving an indication of acceptability with the proposed parking departure. The proposed relaxation of side building line to 1.22meter will not infringe on the privacy of adjacent dwelling houses, considering that the proposed religious instruction borders a public place. No objections were received from surrounding affected property owners giving an indication of acceptable compatibility. Conditions are furthermore imposed to ensure compliance with all other development parameters prescribed in the zoning scheme by-law. 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 Municipality By-Law relating to Municipal land Use Planning, subject to conditions.

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**AON005/11/2018**

**APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING, CONSENT USE AND REGISTRATION OF SERVITUTES: ERF 188 & 190, PIKETBERG 15/3/3,15/3/4,15/3/5,15/3/6**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the applications for :

1. Rezoning of Erf 188, Piketberg from Single Residential Zone 1 to Business Zone 1 (business premises);
2. Consolidation of Erven 188 and 190, Piketberg to form Erf 4484, Piketberg ( $\pm 8989m^2$  in extent);
3. Subdivision of the newly created consolidated Erf 4484, Piketberg into two portions namely: Portion 1 (to form Erf 4487  $\pm 650m^2$  in extent) and Remainder Erf 4484 ( $\pm 8339m^2$  in extent);
4. Consent use in order to allow a motor repair garage (excluding fuel sales) on a portion of the newly created Erf 4484 Piketberg, and
5. Rezoning of a portion ( $\pm 300m^2$ ) of the newly created Erf 4484, Piketberg from Business Zone 1 to Single Residential Zone 1 in order to accommodate an existing dwelling house; as well as

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6. Registration of a servitude right of way and parking area of  $\pm 717\text{m}^2$  over the newly created Erven 4484 & 4487 Piketberg in order to make provision for shared excess and on-site parking for both land unit; **be approved**; in accordance with the site development plan with Tek No. 1807 2572 of 18/07/2018 in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions;
- That clear and sufficient signage and road markings be put in place by the owners/developer to assure the free flow of traffic, to the satisfaction of Bergrivier Municipality Traffic Services Department,
  - Additional services that may be required as a result of the proposed utilisation of land must be borne by the developer/owner(s) as negotiated and agreed between the owners/developer and this Municipality Technical Department, and
  - Compliance with the development parameters of the zoning scheme by-law.

**REASONS FOR RESOLUTION**

Section 65 (1)(a) to (t) 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 Spatial proposal map of Piketberg earmark the property for business purposes. The rezoning of Erf 188, Piketberg to Business Zone 1 in order to allow offices and variety of other land uses make some contribution to achieving the desired land use for the area being in line with Bergrivier Municipal Spatial Development Framework 2012-2017.

The rezoning of a Portion (300m<sup>2</sup>) of Erf 4484, Piketberg a portion of Erf 190, Piketberg from Business Zone 1 to Single Residential Zone 1 in order to accommodate an existing dwelling on the premises is also consistent with the MSDF, as a temporary departure where granted to allow a flat on the property in terms of previous planning legislation (LUPO & Piketberg Zoning Scheme). The flat is therefore a non-conforming land use and remains lawful, application is only made to bring the land use in line with Bergrivier Municipality Integrated Zoning Scheme By-law requirements, as Business Zone 1 do not allow flats on ground floor. The existing motor repair garage on the newly created Erf 4484 Piketberg is also a non-conforming land use, and application is only made for consent use, to bring the land use in line with the zoning of the property.

Section 65 (d) consideration of comments on response to the notice of the application etc. No comments was received from surrounding affected property owners or general public.

The ward councillor, technical department and two road authorities comments contributed meaningfully in considering this application, and conditions is imposed.

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.

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The proposed application has a minimal impact on existing services, on account of comment received from this municipality's technical department, subject to conditions. The application therefore has no financial burden on the municipality.

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.

It is submitted that land is made available to the market by restructuring the form of this part of Piketberg in line with spatial guidelines, creating an opportunity for more businesses and professional services in this part of Piketberg. Existing land that would have been excluded from development is made available to the market by rezoning Erf 188, Piketberg to Business Zone 1, in line with spatial guidelines, creates job opportunities and support professional services in closer proximity to previous disadvantage communities, saving them time and money to travel elsewhere in the vicinity of Piketberg.

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 proposal can be regarded sustainable on account of aforesaid.

The properties is located along a main activity streets of Piketberg. Erf 188 is currently underutilised, the opportunity presented itself to provide a sustainable professional services in this part of Piketberg where no such services exist. Businesses are furthermore driven by the concept of supply and demand , and the location thereof 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 application can comply with the development parameters of the zoning scheme i.e. building lines, accesses and exit ways etc. A servitude is also proposed to provide combined parking. In terms of Bergrivier Municipality Integrated Zoning Scheme By-law, 3 on-site parking bays are required per 100m<sup>2</sup> GLA. Scrutiny of the site development plan determined that sufficient space is available on the property for all land uses on the premises.

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, subject to conditions.

**EVALUATION COMPLETED AT 12:15**

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

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

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

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