



**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD ON FRIDAY 4 DECEMBER 2020 AT 08:30 AT THE MUNICIPAL OFFICES, PIKETBERG**

**PRESENT**

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

**ACTION**

**AON001/12/2020**

**APPLICATION FOR CONSENT USE: ERF 2013, LAAIPLEK L. 2013**

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for consent use in order to allow the operation of a house shop from a proposed structure on Erf 2013, Laaiplek, **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:

1. All relevant certification must be obtained for the proposed land use i.e. business license, certificate of acceptability from the Environmental Health Practitioner, Fire Safety Certificate etc.;
2. The retail floor space of the house shop may not exceed 25% of the floor space of the dwelling house;
3. Compliance with the limitations and requirements of Bergrivier Municipality Policy relating to House Shops;
4. Provision be made for on-site delivery/parking for clients, in addition to the parking required for the residential use; and
5. A fat trap must be installed to the satisfaction of the Head: Civil Services to prevent fat entering the sewerage system.

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

**REASONS FOR RESOLUTION**

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 complies 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



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 prior to any building plan approval.

### 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 2244, Piketberg is earmarked for residential purposes and removal of restrictions applied for will not change the zoning of the property. The application is therefore consistent with Bergrivier Municipal Spatial Development Framework 2019-2024(BMSDF).

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

No objections were received against the proposed application.

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 No. T083525/2001 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 14 of Piketberg during the early 1990, with the purpose to protect the amenity and character of the specific extension. The property is zoned Single Residential Zone 1 and is 325m<sup>2</sup> in extent with 5meter building lines on all sides that makes it impractical to erect a dwelling house and extensions thereto without encroaching these title deed building lines on a property with dimension 25m length and 13m width .

This historical restrictions on this property, have a negative effect on this household who wish to develop their property in line with the zoning of the



property. By removing this condition will remove historical constrains and will contribute in addressing historical spatial patterns, in line with current norms.

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 proposed application do not affect the zoning of the property.

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**AON003/1/2020**

**APPLICATION FOR PERMANENT DEPARTURE: ERF 3004, PORTERVILLE PV. 3004**

**RESOLUTION: APPROVED CONDITIONALLY**

1. That the application for permanent departure of the street building line from 3meter to 1.1meter and side building lines from 2meter to 1meter and 1.5meter respectively in order to accommodate a second dwelling unit and extensions to the existing dwelling house as well as departure from the 1.5m window placement setback to 1meter in order to allow a window in the extension to the existing dwelling house on Erf 3004 Porterville, **be approved**, in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:
  - 1.1. The second dwelling unit must connect to existing services available to the property;
  - 1.2. Additional engineering services required as well as relocation of existing services on the property as a result of the proposed building work will be for the account of the property owner;
  - 1.3. The second dwelling unit must be of corresponding architecture as the main dwelling house; and
  - 1.4. The second dwelling unit may not exceed 60m<sup>2</sup> in extent, unless a consent use or land use approval has been granted therefore term of Bergrivier Municipality By-law on Municipal Land Use Planning.

**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.

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

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.

The proposed departures will allow a more spatially compact land unit on a property with limited expansion potential taking into account its dimensions and position of the existing dwelling house on the property.

The properties in this residential area are relatively small with erven sizes that vary between 250m<sup>2</sup> to 350m<sup>2</sup>, this encroachment situations often occur on these properties were the owners wants to expand their dwelling house on properties or erect a second dwelling in line with the zoning of the property with limited expansion potential. Residential land and sufficient housing stock to address the need for expansion are also limited and not freely available and therefore give rise to such encroachments.

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. The extensions to the dwelling house and the second dwelling unit has minimal impact on municipal engineering services and therefore is efficient, subject to condition imposed to ensure that the proposal has no financial burden on the municipality.

Consideration of comment/objection and applicant reply thereon.

No objections were received from surrounding property owners. Internal departments gave positive comment on the proposal.

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 does not affect the zoning or land use of Erf 3004, Porterville and retains a residential character.

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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**EVALUATION COMPLETED AT 09:30**



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FRIDAY 4 DECEMBER 2020 AT 08:30 AT THE MUNICIPAL OFFICES, PIKETBERG

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CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS

AUTHORISED OFFICIAL

04/12/2020  
DATE