



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

**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD  
ON TUESDAY 26 FEBRUARY 2019 AT 08:00 AT THE MUNICIPAL OFFICES, PIKETBERG  
PRESENT**

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

**ACTION**

**AON001/02/2019**

**APPLICATION FOR REMOVAL OF RESTRICTIONS: ERF 31, LAAIPLEK**

**L. 31**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED**

That the application for removal of restrictive condition E. 14 (d) as held in Title Deed No. T 51714/2015 pertaining to Erf 31, Laaiplek, **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning.

**REASONS FOR RESOLUTION**

The application 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.

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**AON002/02/2019**

**APPLICATION FOR CONSOLIDATION OF ERVEN 740 & 2057, LAAIPLEK**

**L. 740 & 2057**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED**

That the application for consolidation of Erf 740, Laaiplek and Erf 2057, Laaiplek, **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning.

**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

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

**TOWN AND REGIONAL  
PLANNER: WEST  
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**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION  
HELD ON TUESDAY 26 FEBRUARY 2019 AT 08:00 IN THE MUNICIPAL OFFICES,  
PIKETBERG**

Bergrivier Municipal By-Law relating to land Use Planning.

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**AON003/02/2019**

**APPLICATION FOR REMOVAL OF RESTRICTIONS AND DEPARTURE: ERF 1214, LAAIPLEK  
L. 1214**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for removal of restrictive conditions B.7, B7 (i), B.7 (ii) as held in Title Deed No. T 16003/10 pertaining to Erf 1214, Laaiplek and departure from the 3m street building line along Alana Avenue to 0m in order to erect a double garage in accordance with drawing number A100.1 dated 2018-08-07, **be approved**, in terms of section 60 of the Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following condition: No parking in front of the garage that will inhibit pedestrian movement.

**REASONS FOR RESOLUTION**

The application 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.

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**AON004/02/2019**

**APPLICATION FOR CONSENT USE ERF 63 EENDEKUIL  
E. 63**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for consent use in order to allow the operation of a place of instruction from a portion ( $\pm 70m^2$ ) of an existing building/structure on Erf 63 Eendekuil, **be approved** in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:

1. Registration at the Department of Education is compulsory prior to operation of the place of instruction;
2. Registration at the Department of Social Development is compulsory prior to operation of the place of instruction;
3. Compliance with Bergrivier Municipality Fire Safe Regulations is compulsory prior to operations;
4. Compliance with the conditions of the Environmental Health Practitioners Letter referenced 12/3/1/5 of 06 November 2018; and
5. Proof of compliance with condition 1,2 and 3 should be submitted for municipal records prior to operation of the place of instruction.

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

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



**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION  
HELD ON TUESDAY 26 FEBRUARY 2019 AT 08:00 IN THE MUNICIPAL OFFICES,  
PIKETBERG**

**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).

Bergrivier Municipal Spatial Development Framework provide the following strategies and objective applicable to the application:

- **Bulk Infrastructure and Services Objective (O17) and Strategy:** *to provide social facilities in accordance with planning norms and to provide accessible educational facilities for all age groups by mean of providing social infrastructure to ensure improved health and education service, to ensure improved quality of life and active community lifestyle for all residents.*
- **Urban restructuring Objective (O8) and Strategy (S16) :** *To ensure that residential areas are supported by adequate supporting social, commercial, recreational and public land uses to contribute to a well-functioning and sustainable living environment by mean of encouraging integrated settlement patterns in the urban areas.*

The application will contribute to improve the social well-being and well-functioning of the community by providing an additional educational support facility to the community, as provided in the MSDF 2012-2017 objectives and strategies for urban restructuring and bulk infrastructure as well as services. The application is thus consistent with the directives of MSDF 2012-2017 and IDP 2017 (community safety plan).

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.

Existing municipal services are on the premises and no additional services is required to establish the school from an existing building. The civil services department confirm that they have no objection against the proposal. The electrical department was requested for comment, but no feedback was received within the required timeframe and as such it is deemed that they have no comment. Considering the existing services available to the property the place of instruction can efficiently be accommodated within available resources without affecting municipal services.

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 justice:

The property is located in the middle of Eendekuil, the establishment of the



**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION  
HELD ON TUESDAY 26 FEBRUARY 2019 AT 08:00 IN THE MUNICIPAL OFFICES,  
PIKETBERG**

proposed place of instruction will provide equal access for learners to education opportunities in close proximity to the RDP Housing area and surrounding farms. The existing primary school in Eendekuil can only accommodate a certain number of learners, as one primary school have been closed by the Department of Education. This proposal presents an opportunity to additional learners that needs to be accommodated. Childhood development form an essential part of children social well-being. The applicant also confirmed that any learner can be accommodated at the school, this in turn can promote integration between communities and will contribute to address past spatial imbalances.

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. Development parameters is not affected by the proposal because an existing structure is proposed as place of instruction. Sufficient parking is available on site for the existing place of worship and proposed place of instruction.

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**AON005/02/2019**

**APPLICATION FOR SUBDIVISION: ERF 1726, PIKETBERG  
PB. 1726**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for subdivision of Erf 1726, Piketberg into two portions namely; Unregistered Erf 3822 Piketberg ( $\pm 600\text{m}^2$  in extent) and Remainder Erf 1726, Piketberg ( $\pm 600\text{m}^2$  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-, sewerage- and electricity connections as well as access;
- 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), and
- c) Compliance with the development parameters of the zoning scheme by-law.

**REASONS FOR RESOLUTION**

Section 65 (1)(a) to (s) & (2)(a) to (b) 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

**TOWN AND REGIONAL  
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(KEENIN ABRAHAMS)**



**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION  
HELD ON TUESDAY 26 FEBRUARY 2019 AT 08:00 IN THE MUNICIPAL OFFICES,  
PIKETBERG**

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 residential proposals and density targets for Piketberg in Bergrivier Municipal Spatial Development Framework 2012-2017 provides amongst other the following applicable spatial directives/proposals:

- *The proposed densification targets as identified for Piketberg are as follows: 15du/ha*
- *Densification in Piketberg must be promoted via: Infill development; Subdivision of larger plots in town (sectional title)*

The application is considered consistent with BMSDF 2012-2017, by subdividing larger properties to contribute to achieving the residential spatial proposals and density targets for Piketberg.

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, subject to conditions imposed.

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. 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 lead 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 Piketberg.

The propose subdivision of Erf 1726, Piketberg into two portions can be seen as a contribution to limit urban sprawl and 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 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 compliance 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.

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MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION  
HELD ON TUESDAY 26 FEBRUARY 2019 AT 08:00 IN THE MUNICIPAL OFFICES,  
PIKETBERG

AON006/02/2019

**APPLICATION FOR CONSENT USE: ERF 2800, PIKETBERG  
PB. 2800**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from a portion of the existing dwelling house on Erf 2094, Piketberg (67 Calendula Street), **be refused** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, for the reasons provided in the reasons for recommendation.

**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;

The application do not comply with requirements in section 5. (3) of Bergrivier Municipality Policy relating to House Shops. The requirements reads as follow:

*" 3. A house shop will only be allowed every 500m of street and not within a 200m radius from another house shop.*

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 size of the house shop's percentage of floor space in relation to the dwelling house is more than 25%. Total dwelling house is ±83,2m<sup>2</sup> of which 26m<sup>2</sup> (31%) is occupied by the house shop. The house shop floor space percentage exceeds the permissible area as prescribed in the land use description for house shop from which no departure may be granted.

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AON007/02/2019

**APPLICATION FOR CONSENT USE & DEPARTURE: ERF 3048, PIKETBERG  
PB. 3048**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED IN PART**

1. That the application for consent use in order to allow the operation of a house shop from an existing structure (wendy house) on Erf 3048, Piketberg (63 Petunia Street), **be refused** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, for the reasons provided in the reasons for recommendation.
2. That the application for departure of the street building line from 1m to 0m in order to allow the existing structure on the premises in accordance with the site plan submitted with the application, **be approved** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning;

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PLANNER: EAST  
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**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION  
HELD ON TUESDAY 26 FEBRUARY 2019 AT 08:00 IN THE MUNICIPAL OFFICES,  
PIKETBERG**

subject to the following condition:

- 2.1. The structures encroaching the street building line may only be used in accordance with the legal uses allowed in terms of the zoning of the property.

**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 property is earmarked for residential use and located in a residential neighbourhood, allowing the application will result in dominant business use on the property that is inconsistent with the MSDF.

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;

The application do not comply with requirements in section 5. (3) of Bergrivier Municipality Policy relating to House Shops and factual information available proof aforesaid. The requirements reads as follow:

*" 3. A house shop will only be allowed every 500m of street and not within a 200m radius from another house shop.*

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 size of the house shop's percentage of floor space in relation to the dwelling house is  $\pm 53\%$ . The proposed house shop's floor space do not comply with the land use description of house shop as provided in Bergrivier Municipality Integrated Zoning Scheme By-law, from which no departure may be granted.

The property currently has a street building line of the 1m, relaxation the street building line in accordance with the site plan submitted with the application for structures used for residential purposes is regarded acceptable as no objections were received from the surrounding owners, public or traffic department.

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**AON008/02/2019**

**APPLICATION FOR CONSENT USE: ERF 3090, PIKETBERG  
PB. 3090**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from an existing outbuilding (garage) on Erf 3090, Piketberg (37 Alwyn Street), **be refused** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, for the reasons provided in the reasons for recommendation

**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

**TOWN AND REGIONAL  
PLANNER: EAST  
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**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION  
HELD ON TUESDAY 26 FEBRUARY 2019 AT 08:00 IN THE MUNICIPAL OFFICES,  
PIKETBERG**

Municipality that guide decision making:

The application do not comply with requirements in section 5. (3) of Bergrivier Municipality Policy relating to House Shops and factual information available proof aforesaid. The requirements reads as follow:

*“ 3. A house shop will only be allowed every 500m of street and not within a 200m radius from another house shop.”*

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**AON009/02/2019**

**APPLICATION FOR CONSENT USE: ERF 3468 , PIKETBERG  
PB. 3468**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: REFUSED**

That the application for consent use in order to allow the operation of a house shop from a portion of the dwelling house on Erf 3468, Piketberg(Magnolia Street), **be refused** in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, for the reasons provided in the reasons for recommendation:

**REASONS FOR RESOLUTION**

The approved building plan is in line with the land use description of House Shop as provide in Bergrivier Municipality Integrated Zoning Scheme By-law and requirements of the approved house shop policy, taking into account the relevant factors of consideration. However, there is no proof of implementation of the building plan (no construction since 22 October 2018) to assure this municipality that the owner is in process to comply with the house shop floor space requirement. The approved building plan is not sufficient proof that the applicant will implement approved building plan within its validity period. Allowing the house shop under the current circumstances will deviate from the land use description of house shop provided in the zoning scheme by-law from which no departure may be granted.

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**AON010/02/2019**

**APPLICATION FOR REZONING, CONSENT USE AND DEPARTURE: ERF 4220 , PIKETBERG  
PB. 4220**

The Authorised Official evaluated the abovementioned application.

**RESOLUTION: APPROVED CONDITIONALLY**

That the application for rezoning of Erf 4220, Piketberg from Single Residential Zone 2 (dwelling house and shelter) to Single Residential Zone 1 (dwelling house) and consent use in order to allow the operation of a crèche from an extension to the dwelling house as well as departure from the 3meter street building line to 2meters and 1.7meters to accommodate a carport and extensions to the dwelling, **be approved**; 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  
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**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION  
HELD ON TUESDAY 26 FEBRUARY 2019 AT 08:00 IN THE MUNICIPAL OFFICES,  
PIKETBERG**

- a) All certifications and licensing must be in place e.g. business license, health certificate (from the West Coast District Municipality), fire safety certificate, etc.
- b) Registration at the Department of Social Development is compulsory;
- c) The services provided must primarily be day care and educational, and not medical services;
- d) The services may not operate outside the hours 6:00 to 18:00, between Monday and Friday;
- e) The amount of children to be accommodated will be determined by the Environmental Health Practitioner of West Coast District Municipality and may not exceed more 20 children;
- f) 1 bay per 10 children, plus stop and drop facility be provided on site;
- g) Proof of compliance with conditions (a) and (b) be submitted to this Municipality's Department Planning and Development within 90 days of approval; and
- h) No structural changes be made to the dwelling house, without approval in terms of the National Building Regulations and Building Standards Act, 1977.

**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 rezoning of the property from Single Residential Zone 2 (dwelling house/shelter) to Single Residential Zone 1 (dwelling house) provide the opportunity for consent use to operate a crèche without changing the residential rights of the property, as the current zoning of the property only allows the operation of a crèche with temporary departure approval. The existing residential rights will remain the same as the surrounding area and as such is consistent with the spatial guidelines. The proposed application will contribute to achieve goals and outcome of the IDP in order to improve the quality of education and long-term prospects of future generations as well as provide a job opportunity.

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

No objections were received from surrounding affected property owners, affecting the proposed application.

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.



**MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION  
HELD ON TUESDAY 26 FEBRUARY 2019 AT 08:00 IN THE MUNICIPAL OFFICES,  
PIKETBERG**

The proposed crèche can help with social integration of children and parents from different backgrounds, contributing to address imbalances of the past. Furthermore the property is also located within an area where limited opportunities exist to operate a crèche, bringing early childhood development centres in closer proximity to this neighbourhood.

Municipal services are already available to the property, and the proposal does not require additional services for the operation of the crèche. The property has limited expansion potential and extensions to the existing dwelling house is impractical without encroaching the building line, allowing the proposal will enable a spatially compact land unit in an RDP housing area. The proposal is considered sustainable on account of aforesaid.

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.

A zoning comparison revealed that the change in zoning does not affect the land use of the property or development parameters of the property, which remains enforced. No objections were received from surrounding affected property owners which give an indication of acceptability of the proposed application. The proposed application is therefore not anticipated to detract from the character of the area. The departure regarding the street building line is acceptable as no objections were received from the traffic department.

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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**EVALUATION COMPLETED AT 08:35  
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

  
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**AUTHORISED OFFICIAL**

01/03/2019  
\_\_\_\_\_  
**DATE**

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