

BERGRIVIER MUNICIPALITY



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

21 April 2021

TO: AUTHORISED OFFICIAL, PLANNING DIVISION

Manager: Planning and Environmental Management (W Wagener)

**CONSIDERATION AND DETERMINATION OF CATEGORY 2 APPLICATIONS BY THE
AUTHORISED OFFICIAL, PLANNING DIVISION**

NOTICE IS HEREBY GIVEN THAT THE CONSIDERATION AND DETERMINATION OF CATEGORY 2 LAND USE PLANNING APPLICATIONS BY THE AUTHORISED OFFICIAL, PLANNING DIVISION WILL TAKE PLACE ON **THURSDAY, 22 APRIL 2021 AT 11:00** AT THE MUNICIPAL OFFICES, CHURCH STREET, PIKETBERG.

pp W Wagener
ADV. H LINDE
MUNICIPAL MANAGER

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Report of the Town Planner (East)

PART Q: RECOMMENDATION

1. That the application for departure of the southern side building lines from 2meter to 400mm in order to erect a canopy/carport on Erf 1395, Piketberg, **be approved**, in terms of section 60 of Bergrivier Municipal By-Law on Municipal Land Use Planning, subject to the following condition:

1.1. That building plans be submitted for consideration by this Municipality's Building Control Department.

PART R: REASONS FOR RECOMMENDATION

Section 65 (i) of Bergrivier Municipal By-Law on Municipal Land Use Planning requires consideration of the Integrated Development Plan, including the Municipal Spatial Development Framework (MSDF). No spatial directive is given with regard to building line relaxations in Bergrivier Municipal Spatial Development Framework 2019-2024 (Bergrivier MSDF). The land use of the property remains the same and as such it is consistent with MSDF.

Relevant consideration was given to the development principles as prescribed in terms of Chapter VI of the Land Use Planning Act, 2014. The proposed departure of building line does not affect municipal engineering services. The application can therefore be efficiently accommodated.

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 zoning of the property remains Single Residential. A carport is generally associated with the primary use namely dwelling house. The proposed carport is in keeping with the residential character of the area. No objections were received from the adjacent neighbours, who are directly affected by the building line relaxation.

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 on Municipal Land Use Planning, subject to conditions.

Report of the Town Planner (East)

PART Q: RECOMMENDATION

That the application for subdivision of Erf 1301, Porterville into two portions namely; Proposed Erf 3540 Porterville ($\pm 1687\text{m}^2$) and Remainder Erf 1301 Porterville ($\pm 1168\text{m}^2$) for single residential purposes, **be approved**, in terms of section 60 of Bergrivier Municipal By-Law on Municipal 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, where applicable, to the satisfaction of Bergrivier Municipality Technical Services Department;
- b) Additional municipal services connections required as a result of the subdivision will be for the account of the property owner/s;
- c) The structures/buildings on each land unit, may not be interleading with one another; and
- d) Compliance with the development parameters of the zoning scheme by-law;

PART R: REASONS FOR RECOMMENDATION

Section 65 (i) of Bergrivier Municipal By-Law on Municipal Land Use Planning requires consideration of the integrated development plan, including the municipal spatial development framework.

The property is earmarked for residential purposes. The zoning of the newly created land unit will remain in line with surrounding properties earmarked for residential purposes in terms of Bergrivier Municipal Spatial Development Framework, 2019-2024. The subdivision of the property into two portions, can enable the future erection of a second dwelling unit on the newly created single residential cadastral land units, respectively that will contribute to densification. The application is consistent with Bergrivier Municipal Spatial Development Framework 2019-2024 in terms of the aforesaid.

Section 65 (h) of the Bergrivier Municipal By-Law on 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.

No densification is currently proposed, because the existing semi-detached structure has two dwelling units. The subdivision of the property into two portions, can enable the future erection of a second dwelling unit on the newly created single residential cadastral land units, respectively that will contribute to densification. The current zoning of the property does not allow the separate alienation of existing primary and second dwelling units on site. Allowing the subdivision will create an additional single title housing opportunity in close walking proximity to the CBD area in Porterville.

Municipal engineering services are existing on site, and no objection was received from the Technical Services department, however additional municipal services required as a result of the proposed subdivision to create separate cadastral land units will be for the account of the property owner. The proposed subdivision is therefore efficiently accommodated within the existing built up area of Porterville, which will not have a financial burden on the municipality or other rate payers, which is accommodated spatially efficient.

The application is considered consistent with Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) in terms of the aforesaid.

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 zoning of the properties will remain Single Residential Zone 1 with primary land use for the erection of a dwelling house. The size and dimensions of the properties after subdivision are sufficient to comply with the development parameters as prescribed in Bergrivier Municipality Integrated Zoning Scheme By-law.

The subdivision in order to create an additional erf will entail an encroachment of building line taking into account the location of the dwelling units on site. However, the zoning scheme by-law allows the encroachment of side building line with neighbours consent. In this instance the property owners are the same and therefore no departure is required. Conditions are imposed to ensure that structures on the separate land units are not interleading with one another.

No objections were received against the application during public participation.

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 on Municipal Land Use Planning.

Report of the Town Planner (East)

PART Q: RECOMMENDATION

1. That the application for permanent departure of the street building line from 3meter to 2meter, 1.5meter and 1meter respectively as well as departure from the permissible 50% coverage to 53% in order to accommodate extensions to the existing dwelling house on Erf 2616 Porterville, **be approved**, in terms of section 60 of Bergrivier Municipal By-law on Municipal Land Use Planning , subject to the following condition:

1.1. Relocation of existing services on the property as a result of the proposed building work on the property, if required, will be for the account of the property owner.

PART R: REASONS FOR RECOMMENDATION

Section 65 (i) of Bergrivier Municipal By-law on 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 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 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 250m² to 350m², this encroachment situation often occur on these properties were the owners want to expand their dwelling houses 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 and coverage will help to alleviate some of the physical constraints built into the original planning design of the property, providing the owner some opportunity in the form of a larger developable area. Conditions are imposed to address municipal engineering concerns.

Consideration of comment/objection and applicant reply thereon.

No objections were received from surrounding property owners. Internal departments gave positive comment on the proposal. The traffic department did not object against the street building line relaxations.

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 application does not affect the zoning or land use of Erf 2616, Porterville and retains a residential character.

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 on Municipal Land Use Planning , subject to condition.

