



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

MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION EVALUATION HELD ON THURSDAY, 17 JULY 2025 AT 10:00 AT THE MUNICIPAL OFFICES, PIKETBERG

PRESENT

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

ACTION

AON002/07/2025

APPLICATION FOR REMOVAL OF RESTRICTIONS: ERF 50, EENDEKUIL E. 50

RESOLUTION: APPROVED CONDITIONALLY

1. That the application received in terms of section 15 of Bergrivier Municipal By-Law Relating to Municipal Land Use Planning for the removal of deed of transfer restrictions F (a), (b), (c) and (d) from Deed of Transfer T6952/2025 applicable to Erf 50, Eendekuil in order to allow the development of a dwelling house in accordance with the zoning of the property, **BE APPROVED**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to the following conditions:
 - a) The owner will be responsible for installing a sewerage septic tank in line with the National Building Regulations & Building Standards Act, 1977 as amended to the satisfaction of this Municipality's Civil Services Department; and
 - b) Electrical engineering services to the property must be confirmed by ESKOM prior to construction/development by the landowner.
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 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.

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

REASONS FOR RESOLUTION

- 1) Erf 50, Eendekuil is earmarked for residential purposes. The zoning of the property remains the same and removal of restrictions will enable the development of the primary land use. The application is therefore consistent with Bergrivier Municipal Spatial Development Framework 2024-2025(BMSDF).
- 2) The rights obtained by the applicant will still be in line with the residential nature of the neighbourhood and in keeping with the new norms and standards allowed for such areas in terms of the Bergrivier Zoning Scheme By-Law.



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- 3) The restriction remaining in place will have a negative effect on the value and potential utilization of Erf 50, Eendekuil.
- 4) No objections were received against the application from surrounding property owners or general public.
- 5) Provision of engineering services (electrical and civil) is imposed as conditions.
- 6) The zoning of the property is Single Residential zone 1, with primary right for a dwelling house, which include a second dwelling with a floor area not exceeding 60m². The historical restrictions will deprive the registered owners of developing their property with a dwelling house as primary land use right should the restriction remain in place, which is not consistent with the principle of spatial justice.

AON003/07/2025

APPLICATION FOR PERMANENT DEPARTURE: ERF 67, PIKETBERG

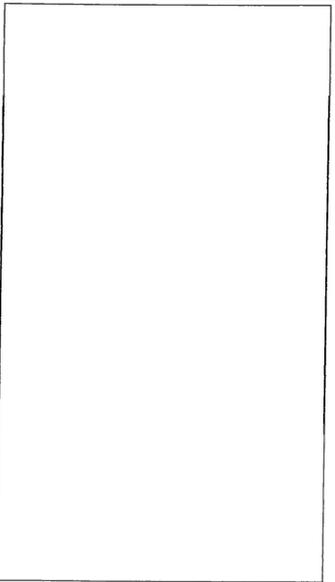
PB. 67

RESOLUTION: BE APPROVED

That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning application for permanent departure of the street building line from 3m to 0,4m to accommodate three garages and permanent departure to allow the three garages that exceed a width of 6.5m to 9.1m on Erf 67, Piketberg, **BE APPROVED**, in accordance with the building plan submitted with the land use planning application (Drawing no. 2024-018-2, 2024-018-4 & 2024-018-1 dated March 2025, Drawn by Ulrich Bruwer Architecture) in terms of section 60 of Bergrivier Municipal By-Law on Municipal Land Use Planning.

REASONS FOR RESOLUTION

- 1) The proposed departure of building lines, to allow extension of garages is reasonably connected with the primary residential rights, which do not give rise to circumstances inconsistent with the development principles of the Spatial Planning and Land Use Management Act, 2013.
- 2) The zoning of the property will remain the same, compatible with the surrounding residential land uses.
- 3) The proposal will not have an impact on the character of the surrounding area.
- 4) Three abutting affected neighbours gave written consent for encroachment of street and side building line.
- 5) The property is already serviced, and the proposal do not require additional municipal services that will have a financial burden on the Municipality.
- 6) Sufficient space is also available in front of the garages for a car(s) to park without negatively affecting pedestrian and traffic movement.



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





AON004/07/2025

APPLICATION FOR PERMANENT DEPARTURE: ERF 1369, PIKETBERG PB. 1369

RESOLUTION: APPROVED CONDITIONALLY

1. That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning Application for permanent departure of the street building line from 3m to 0m to accommodate a carport (36m² in extent) on Erf 1369, Piketberg, **BE APPROVED**, in accordance with the building plan submitted with the land use planning application (Project No. 225-21DWG No. 2.01, drawn by Francois Malan Architecture) in terms of section 60 of Bergrivier Municipal By-Law on Municipal Land Use Planning, subject to the following condition:

- a) The sides of the carport encroaching the street building line, remain open for clear visibility.

REASONS FOR RESOLUTION

- 1) The proposed departure of building lines, to allow a carport is reasonably connected with the primary residential rights, which do not give rise to circumstances inconsistent with the development principles of the Spatial Planning and Land Use Management Act, 2013.
- 2) The zoning of the property will remain the same, compatible with the surrounding residential land uses.
- 3) The abutting neighbour gave written consent for encroachment of street and side building line.
- 4) The Traffic Services Department did not object to the application.
- 5) The property is already serviced, and the proposal do not require additional municipal services that will have a financial burden on the Municipality.

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

AON005/07/2025

APPLICATION FOR SUBDIVISION AND PERMANENT DEPARTURE: ERF 1669, PORTERVILLE PTV. 1669

RESOLUTION: APPROVED CONDITIONALLY

1. That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning for subdivision of Erf 1669, Porterville into two portions namely : Portion A (595m² in extent) and Remainder Erf 1669, Porterville (±496m² in extent) for single residential purposes and permanent departure of the rear building line from 2m to 1.56m to allow an existing outbuilding (garage) on its current position after subdivision; **BE APPROVED**, in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning, subject to the following conditions:

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

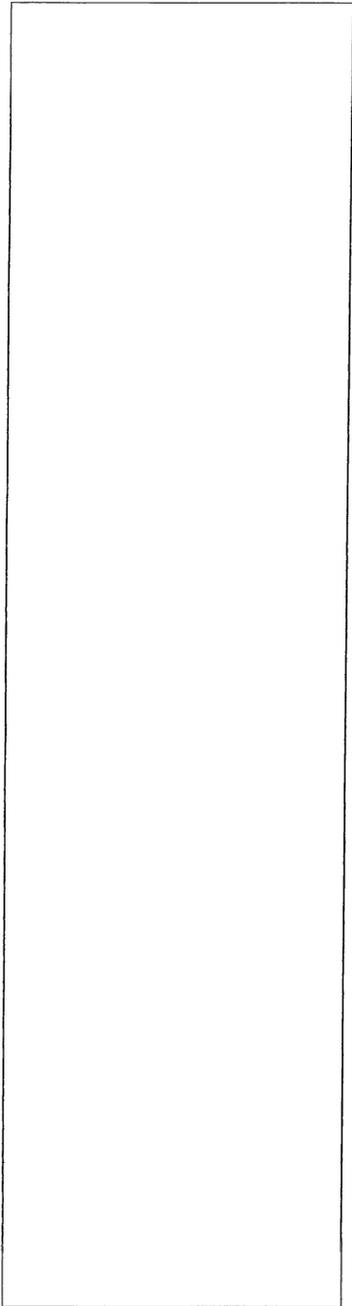


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- a) The provision of the subdivided portions with separate water-, sewerage- and electricity connections as well as access, to the satisfaction of Bergrivier Municipality Technical Services Directorate; and
- b) Bulk Service Contributions, as predetermined 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).

REASONS FOR RESOLUTION

- 1) Erf 1669, Porterville is located in Zone B that contains a high-density residential area with supportive amenities. Provides an opportunity for residential expansion and mixed-use developments at identified nodes. Subdivision of the property promotes densification through residential expansion which is consistent with Bergrivier Municipality Spatial Development Framework 2024-2029.
- 2) The zoning of the newly created portion will remain single residential for the purposes of a dwelling house, that is compatible with the surrounding area.
- 3) Municipal engineering services connection is possible for the proposed subdivision, and conditions are imposed to ensure that the application has no financial burden on the municipality or other rate payers.
- 4) The size of the properties after subdivision is sufficient to develop a dwelling house and associated outbuildings.
- 5) Four surrounding affected neighbours (Erven 1633, 1324, 1668 & 2309, Porterville) submitted their written consent with the application.
- 6) After subdivision, the property will still be in line with the surrounding area's density and character.
- 7) The proposed subdivision of Erf 1669, Porterville is desirable from a land use planning perspective.



AON006/07/2025

APPLICATION FOR PERMANENT DEPARTURE: ERF 2504, PORTERVILLE PTV. 2504

RESOLUTION: APPROVED CONDITIONALLY

That the application made in terms of section 15 of Bergrivier Municipality By-Law on Municipal Land Use Planning Application for permanent departure of the street building line from 3m to 0m to accommodate a carport (36m² in extent) on Erf 2504, Porterville, **BE APPROVED**, in accordance with the building plan submitted with the land use planning application (Project No. 22/020/01H dated Nov 2024, Drawn by L Behm) in terms of section 60 of Bergrivier Municipal By-Law on Municipal Land Use Planning, subject to the following condition:

TOWN AND REGIONAL PLANNER: EAST (KEENIN ABRAHAMS)



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- a) The sides of the carport encroaching the street building line, remain open for clear visibility.

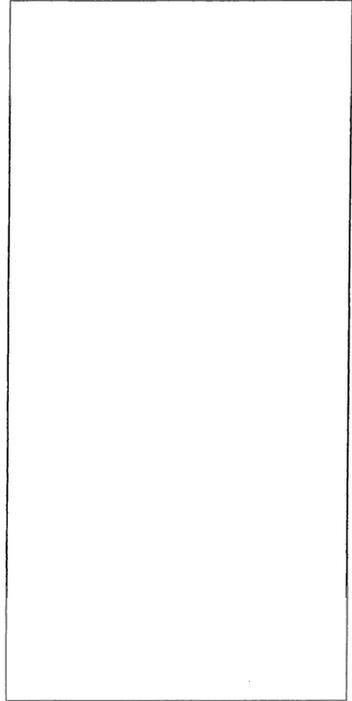
REASONS FOR RESOLUTION

- 1) The proposed departure of building lines, to allow a carport is reasonably connected with the primary residential rights, which do not give rise to circumstances inconsistent with the development principles of the Spatial Planning and Land Use Management Act, 2013.
- 2) The zoning of the property will remain the same, compatible with the surrounding residential land uses.
- 3) The abutting neighbour gave written consent for encroachment of street and side building line.
- 4) The Traffic Services Department did not object to the application.
- 5) The property is already serviced, and the proposal do not require additional municipal services that will have a financial burden on the Municipality.

AON007/07/2025
APPLICATION FOR REZONING, CONSENT USE AND PERMANENT DEPARTURE: ERF 3287, PIKETBERG
PB. 3287

RESOLUTION: PARTIALLY & CONDITIONALLY APPROVED

- 1. That the application in terms of section 15 of the Bergrivier Municipality: By-law on Municipal Land Use Planning for Rezoning of Erf 3287, Piketberg from Single Residential Zone 1 (dwelling house) to General Residential Zone 5 in order to allow the operation of a guest lodge from the existing dwelling house **BE APPROVED**, in terms of section 60 of Bergrivier Municipality By-law on Municipal Land Use Planning.
- 2. That the application made in terms of section 15 of the Bergrivier Municipality: By-law on Municipal Land Use Planning for consent use to allow the operation of an outdoor restaurant as additional land use right and permanent departure from on-site (off-street) parking bay provision for the outdoor restaurant from 6 to 0 on-site (off-street) parking bays on Erf 3287, Piketberg, **BE REFUSED** in terms of section 60 of Bergrivier Municipality: By-law on Municipal Land Use Planning for the reasons provided in the reasons for recommendation. **HOWEVER**, a temporary departure (maximum five years) in order to allow the operation of an outdoor restaurant of ±200.6m² in extent on Erf 3287, Piketberg as well as temporary departure (maximum five years) of the required on-site (off-street) parking bay provision for the outdoor restaurant from 6 to 0 on-site (off-street) parking bays on Erf 3287, Piketberg **BE APPROVED** in terms of section 60 of Bergrivier Municipality: By-law on Municipal Land Use Planning for the reasons provided in the reasons for resolution.
- 3. That the approval granted at 1 and 2 above are subject to the following conditions:



TOWN AND REGIONAL PLANNER: EAST (KEENIN ABRAHAMS)



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- a) That the owner or his manager must permanently reside on the property;
- b) That guest rooms may only be rented out for the use of travellers and holidaymakers and exclusively on a short term basis;
- c) All relevant licensing certificates (i.e. business license, fire clearance and certificate of acceptability for food premises) must be obtained and displayed on the premises prior to operation of the guest lodge and outdoor restaurant;
- d) Any increase and/or upgrading in capacity of available Municipal engineering services to the property for the outdoor restaurant and guest lodge must be applied for if available on confirmation from the Technical Services Directorate at own expense and to the satisfaction of aforesaid Directorate;
- e) No advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public 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;
- f) A on consumption (off-consumption is not allowed) liquor license must be obtained from the Western Cape Liquor Licencing Authority prior to serving alcoholic beverages to restaurant customers and lodgers;
- g) No live and/or amplified music or entertainment may be allowed at the outdoor restaurant or outside the guest lodge which can become a source of nuisance to surrounding residential property owners;
- h) Background music is allowed inside the guest lodge which must be kept at acceptable levels in line with the relevant regulations i.e. Western Cape Noise Control Regulations, no.7141 of 2013 and the criteria as stipulated in Table 2 of SANS 10103:2008. All places/premises, even residential premises must comply;
- i) Customers of the outdoor restaurant must be clearly directed by means of appropriate signage to designated parking area on Erf 106, Piketberg while the lease agreement is valid in accordance with the Municipality's policy and/or By-law on outdoor advertising and signage; and
- j) Should the lease agreement for parking provision on Erf 106, Piketberg be terminated for any reason within the five-year period the approval for the restaurant is automatically revoked, unless other arrangements for parking are made available.

REASONS FOR RESOLUTION

1) Development principles of SPLUMA, 2013

- The existing approved dwelling house will be used as guest lodge for short term rentals to bona-fide tourist and customers. The proposed application is considered appropriate within its historical located in close proximity to heritage route and resources of town to strengthen tourism development. The guest lodge and outdoor restaurant will provide job opportunities to locals and be easily accessible to any person/tourists that will not give rise to circumstances inconsistent with the development principle of spatial justice.



- The proposed development amount to the efficient use of land and existing structures, unleashing a more spatially compact mixed used residential area. The proposed development will furthermore contribute to strengthening tourism in Voortrekker Street which is the town historical main road developed with several heritage buildings.
- The proposed application will be assisting in optimising the use of urban resources and existing infrastructure, subject to condition.

2) Bergrivier Municipality Spatial Development Framework 2024-2029

The property is in Land Use Zone A.

- ***“Zone A is a high to medium density residential area with supporting amenities. The area mainly provides opportunities for residential development. Allow for various mixed uses within the identified mixed-use precinct.”***

Erf 3287, Piketberg’s location in Zone A is promoted to be establishment as guest houses/guest lodges in terms of BMSDF 2024-2029. The property is also located less than 100m from the earmarked CBD of Town and activity street portion of Voortrekker Street. Voortrekker Street is furthermore the historical main road of town consisting of mixed business and residential land uses.

- ***“MSDF Strategic Objectives & Strategies
Objective 4: Protect and grow place identity (sense of place) and cultural integrity.
2.1 Protect heritage resources, scenic resources & place identity.
2.2 Grow cultural potential.
2.3 Grow economy (landscape & conservation, tourism & new markets and economic sectors) & stimulate sector diversification.”***

By allowing a restaurant which will form an integrated part of proposed guest lodge at Voortrekker Street (historical main road) of Piketberg in close proximity to heritage resources (buildings/routes) will grow the economy and tourism market of town thereby being consistent with the objective of the MSDF. The exiting building is furthermore a heritage building (heritage asset) that will attract tourism to the area. The restaurant can be supported as temporary departure and not as consent use since no permanent off-street(on-site) parking has been provided on site for the restaurant. The application is regarded consistent with the provisions of BMSDF 2024-2029.

3) The desirability of the proposal

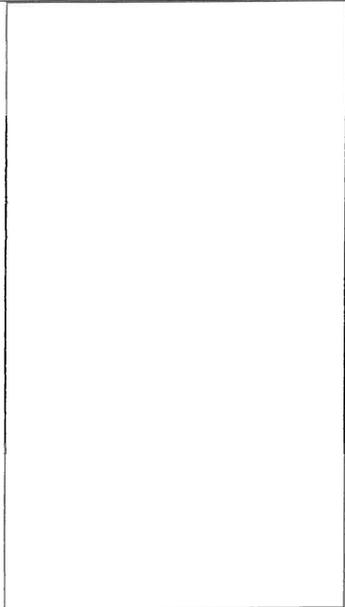
- The property is located in area consisting of businesses and residential land uses. The conversion of the existing heritage dwelling unit as guest lodge (approval was granted by HWC for renovations) which is regarded acceptable and compatible with the character of the area.
- The property is also located in the town’s historical main road near heritage resources which will promote tourism and job creation.
- Since the property is in close proximity of single residential dwelling houses and border single residential properties directly no live and/or amplified music or entertainment can be considered as part of the applied land uses since it



will cause nuisances/disturbances to close by residential households.

4) Bergvriër Municipality Integrated Zoning Scheme By-law.

- In the absence of the provision of permanent off-street (on-site) parking bays for the restaurant on Erf 3287, Piketberg a consent use application can't be supported since the lease agreement is temporary and may be terminated in accordance with the conditions of the agreement between the parties. Granting a consent use with a lapsed/terminated lease agreement will result in parking within the road reserve which may cause further traffic concerns/transgressions within Voortrekker Street. A permanent departure of off-street parking provision can also not be granted in the absence of approved consent use.
- Should circumstances on-site change at any stage in the future the applicant may re-apply for appropriate land use application (i.e. consent use) which will be considered on its own merits.



EVALUATION COMPLETED AT 11:15

CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS



AUTHORISED OFFICIAL



DATE