



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

MINUTES OF THE AUTHORISED OFFICIAL, PLANNING DIVISION, EVALUATION HELD ON MONDAY, 10 JUNE 2024 AT 09:00 AT THE MUNICIPAL OFFICES, PIKETBERG

PRESENT

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

ACTION

AON001/06/2024

APPLICATION FOR SUBDIVISION: ERF 127, DWARSKERSBOS D. 127

RESOLUTION: APPROVED CONDITIONALLY

That the application for subdivision of Erf 127, Dwarskersbos into two portions namely Portion A (±545m² in extent) and Remainder (±641m² in extent), in accordance with the subdivision plan Ref: 13195/DWARS/JL/EM dated June 2023, **be approved**, in terms of section 60 of the Bergrivier Municipality: By-Law on Municipal Land Use Planning, subject to:

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

- a) The provision of the subdivided portions with separate water, electricity, access via a right of way servitude, and conservancy tanks. Electrical connections up to the erf boundaries must be done by an electrical contractor, for the cost of the applicant. The applicant will be responsible for the construction of a stormwater catchment that allows vehicles to drive over it, and the repositioning of the lamppost, at his own cost and to the satisfaction of the Technical Services Directorate;
- 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). The SLA will be drawn up by a municipal appointed attorney for the account of the developer; and
- c) That an application to authorize the demolition of structures on the property be submitted to the Building Control Department of Bergrivier Municipality prior to registration of a property created from the subdivision.

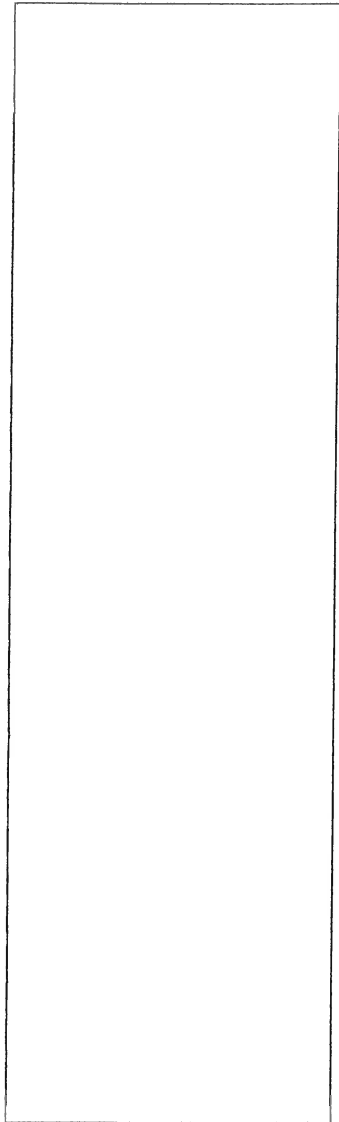
REASONS FOR RESOLUTION

- 1) Sections 22(1) & 42(1)(b) of SPLUMA require that land use planning decisions must be consistent, with the municipal spatial development framework, though the decision maker may depart from the provisions of the SDF in site-specific circumstances (Section 22(2) of SPLUMA) for example physical and/or locational attributes. The Bergrivier Municipal Spatial Development Framework 2019-2024 (BMSDF) does not earmark the subject property for a specific purpose, thus confirming the current residential zoning as desirable. The application is in line with the densification proposals of the



BMSDF.

- 2) Section 59 (1) (g) of the Land Use Planning Act, Act 3 of 2014 (LUPA), states that the right of owners to develop land in accordance with current use rights should be recognized. As with the surrounding properties in the area, the subject property is zoned as Single Residential Zone 1 and the zoning will not be affected or changed by this application. The same development rights and parameters applicable to the surrounding properties would apply to the proposed properties. At present no building plans or development proposals have been drawn up since this application only pertains to the subdivision of the property. Future building plans will be evaluated for compliance in terms of the applicable legislation and title deed restrictions.
- 3) Section 59 (3) of LUPA requires land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities. The proposed subdivision would help facilitate densification, and spatial integration while providing housing in an established residential area and would be compatible with the surrounding residential area where various subdivisions of properties have been done in the past.
- 4) In terms of Section 40(7) of the Land Use Planning Act (LUPA), Act 3 of 2014, a municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required. Subdivision of Erf 127, Dwarskersbos may therefore not be subject to a condition requiring a demolition permit in terms of the Heritage Resources Act (Act 25 of 1999). The Velddrif Heritage Foundation and the Building Control Officer have indicated that they would support an application to Heritage Western Cape for such a permit since the structures have been altered over time and are not original anymore.



EVALUATION COMPLETED AT 09:30

CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS



AUTHORISED OFFICIAL

10/06/2024
 DATE