

LAND USE PLANNING ASSESSMENT REPORT

(In terms of Sections 56, 65 & 66 of the Langeberg Land Use Planning Bylaw PN 264/2015, 30 July 2015)

**AANSOEK: VOORGESTELDE VERGUNNINGSGEBRUIK & OPHEFFING VAN BEPERKING VAN ERF 1581,
CEDARLAAN 31, ROBERTSON**

Reference number	15/4/9/5	Application submission date	6-03-2020	Date report finalised	10.11.20
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PART A: AUTHOR DETAILS

First name(s) & Surname	Jack van Zyl
Job title	Assistent Bestuurder: Stadsbeplanning
SACPLAN registration number	A/1170/2000

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 1581, Robertson				
Physical address	Cedarlaan 31		Town	Robertson	
Current zoning	Enkel Residensiële sone I	Extent (m2 /ha)	1301m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Langeberg Geïntegreerde Soneringskema				
Current land use	Woonhuis			Title Deed number & date	T37913/2018
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)		
Any third party conditions applicable?	Y	N	If Yes, specify		
Any unauthorised land use/building work	Y	N	If Yes, explain		

PART C: APPLICATION DESCRIPTION

Aansoek ingevolge Artikel 15(2) van die Munisipaliteit Langeberg: Verordening op Grondgebruikbeplanning, 2015 vir die vergunningsgebruik van erf 1581, Robertson vir die oprigting van 'n tweede woning asook opheffing van beperkende voorwaardes ten opsigte van die oprigting van een woning alleen.

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

Die voorstel is om 'n Tweede woning met vloeroppervlakte van 150m² agter die bestaande woonhuis (220m² vloeroppervlakte) op erf 1581, Robertson op te rig. Die Langeberg Munisipale Geïntegreerde Soneringskema, 2018 (LIZS) bepaal dat so 'n tweede woning met vergunning van die Munisipaliteit opgerig mag word.

Die eiendom se titelakte skryf meer beperkende boulyne as die soneringskema voor en die voorstel is om hierdie boulyne te handhaaf. Die titelskte bepaal verder dat die eiendom net gebruik mag word om een woning op te rig. Gevolglik word terselfdertyd aansoek gedoen om dié titelbeperkings op te hef ten einde die oprigting van 'n tweede woning toe te laat.

Die aansoeker motiveer die voorstel aan die hand van die volgende:

- Skepping van 'n behuisingsgeleentheid.
- Volhoubare en kostedoeltreffende gebruik.
- Voldoende boulene en lae dekking van die perseel.
- Aansluiting by bestaande dienste .
- Geen regte van die bure of inwoners word aangetas nie

PART E: SUMMARY OF PUBLIC PARTICIPATION

Public participation required in terms of Sections 45- 49 of the By-law?

Y

N

Where participation is required,
state method of advertising

Press

Notices

Ward Councillor

Other

PART F: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION (if applicable)

Die aansoek is geadverteer en 1 beswaar van die bure direk agter is ontvang. Die beswaar is gebaseer daarop dat die voorgestelde tweede woning 'n negatiewe impak op die beswaarmaker se privaatheid kan hê. Die beswaarmaker dui aan dat hulle sal oorweeg om die beswaar terug te trek as aan sekere voorwaardes voldoen word naamlik:

- Maksimum vloeroppervlakte van 150m² .
- Plaas huis so ver moontlik van agtergrens
- Ontwerp interne uitleg so dat areas wat geraas kan maak na hoofhuis orienteer word en weg van bure agter.
- Beperk uitsig vanuit tweede woning op woonhuis agter
- Ontwerp van tweede woning moet aanpas by hoofhuis.
- Die aansoeker het per skrywe onderneem om aan la die beswaarmaker se vereistes te voldoen en om die grensmuur tussen die twee erwe tot die maksimum toelaatbare hoogte te verhoog. Die aansoeker het egter aangedui dat die beswaarmaker steeds nie die beswaar wou terugtrek nie. Die Tribunaal moet gevolglik die aansoek oorweeg.

PART G: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS (if applicable)

Siviele Ingenieursdienste

Die erf is reeds van siviele dienste voorsien. Geen addisionele water en riool aansluitings sal tot die erf toegelaat word nie. Indien die eienaar 'n tweede ingang verlang, sal dit voorsien word by betaling van die kostes soos verwat in die begroting.

Boubeheer

Indien daar enige strukturele veranderinge, interne sowel as eksterne gedoen word aan enige bestaande geboue of indien daar nuwe geboue aangebring sou word of geboue gesloop word, moet daar formeel by hierdie Raad se Bouafdeling aansoek gedoen word vir goedkeuring.

Elektriese Ingenieursdienste

Die Elektriese Departement het geen beswaar teen die aansoek nie.

Die aansoeker is verantwoordelik vir die volgende kostes:

- Indien daar enige verandering aan die bestaande netwerk, meetpunt of aansluitingaangebring moet word.

Die aansluitings sal onderworpe wees aan enige beperkende maatreëls wat die Nasionale Regering mag nodig ag vir die besparing van elektrisiteit.

Wyksraadslid

Geen kommentaar

Omgewingsgesondheid – Kaapse Wynland Distriksmunisipaliteit

Geen kommentaar.

PART H: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Die voorstel voldoen aan al die vereistes van die soneringskema ten opsigte van vloeroppervlakte, boulyne, maksimum dekking, hoogte en parking.

Die impak op die beswaarmaker en ander omliggende inwoners behoort baie min te wees, gegewe die onderneming wat die aansoeker gegee het rakende die ontwerp van die gebou en maatreëls om die beswaarmaker se privaatheid te beskerm.

Die aansoek word gevolglik aanbeveel, onderhewig aan sodanige voorwaardes om die impak op die bure te beperk.

PART I: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS (REFER TO ROR GUIDELINE)

Die aansoeker se motivering ten opsigte van die opheffing van beperkings soos vervat op bladsye 5 tot 7 van die motiveringsverslag, word ondersteun.

PART J: RECOMMENDATION

Dat die vergunningsgebruik van erf 1581, Robertson vir die oprigting van 'n tweede woning asook die opheffing van beperkende voorwaarde C(f)(ii) in Titelakte – T37913/2018 ten opsigte van die oprigting van een woning alleen, ingevolge Artikel 60 van die LangebergMunisipaliteit : Verordening op Grondgebruikbeplanning, 2015, goedgekeur word, onderhewig aan die volgende:

1. Die plasing en omvang van die tweede woning moet wesenlik ooreenstem met die voorstel op plan gemerk ROB1581-LBM-TP.
2. Die tweede woning moet van die bestaande munisipale dienste-aansluitings gebruik maak en geen addisionele aansluitings sal voorsien word nie.
3. Voordat daar enige strukturele veranderinge of gebruiksveranderinge gedoen word aan enige bestaande geboue, of voordat daar nuwe geboue aangebring word of geboue gesloop word, moet daar formeel by hierdie Raad se Bouafdeling aansoek gedoen word vir goedkeuring. Die buitegebou mag nie omskep word vir 'n ander gebruik sonder dat bouplanne eers daarvoor ingedien is en die nodige boulynoorskryding goedgekeur is nie.
4. Ooreenkomstig die aansoeker se onderneming in skrywe van 27 Mei 2020 moet die tweede woning so ontwerp word dat woonvertrekke, onthaalarea(s), braai-area(s) aan die noordekant daarvan geplaas word, met grppt venster en skuifdeure ook na dié kant georiënteer, terwyl uitsig vanuit die woning op erf 1592 beperk moet word.

PART K: ANNEXURES

Bylae :

1. Planne
2. Motiveringsverslag
3. Beswaar
4. Reaksie op beswaar

PART L: AUTHOR SIGNATURE:

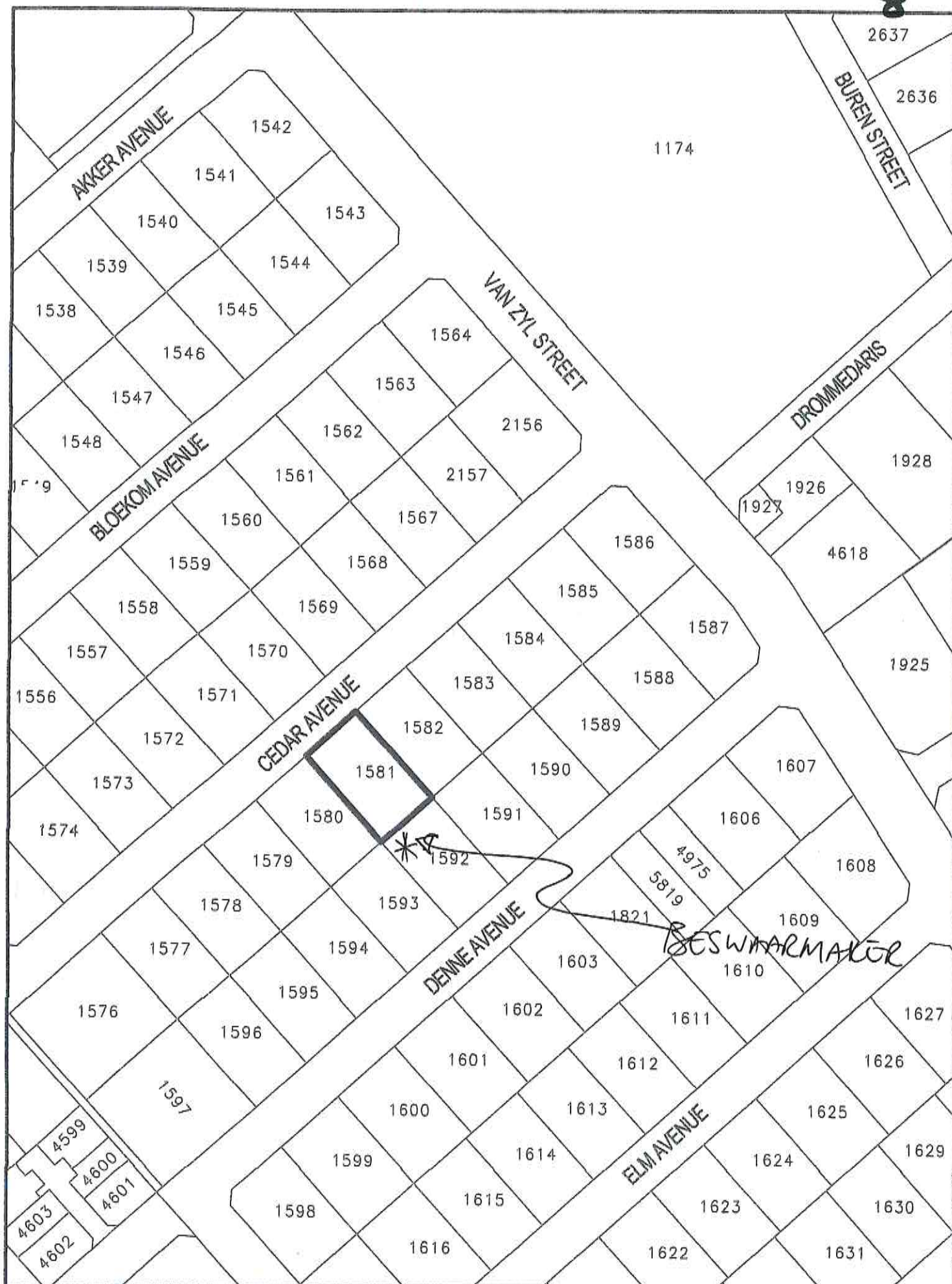
.....
J LE R VAN ZYL

ASSISTANT MANAGER: TOWN PLANNING

REGISTERED PROFESSIONAL PLANNER – NO. A/1170/2000

.....
DATE

Planne



LOCATION PLAN: ERF 1581 ROBERTSON



UMSIZA
PLANNING
Town and Regional Planner

SCALE 1: 2000

9
ROB 1581-LBM-TP

CEDAR AVENUE

31

built wall with nutec board
4,572m building line (Deed)

existing dwelling house
approved building plans
220m²

garage

built wall with
sliding gate

open
carport
40m²

sewerage

vibracrete wall

electricity (overhead)

1,524m building line (Deed)

proposed second dwelling
150m²

3,048m building line (Deed)

1,524m building line (Deed)

1582

1580

1592

1593

NOTES: Second dwelling: conceptual drawing - building plan will be prepared after approval of land use application
Coverage: 410m²/1301m² = 31,5%



SITE DEVELOPMENT PLAN: ERF 1581 ROBERTSON
APPLICATION FOR SECOND DWELLING

UMSIZA
PLANNING
Town and Regional Planner

SCALE 1:300

BYLAE 2

Motivering

MOTIVATIONAL REPORT

**APPLICATION for CONSENT for second dwelling on Erf 1581 ROBERTSON
&
Removal of restrictive condition in Deed of Transfer**

1. PURPOSE OF APPLICATION

According to Section 15(1) of the Langeberg Municipal Land Use Planning Bylaw of 2015, no person may commence land development without the approval of the Municipality. According to Section 15(2) the owner of land may apply to the Municipality for, *inter alia*, consent uses contemplated in the zoning scheme as well the removal of restrictive condition in respect of a land unit.

2. LOCALITY AND ACCESS TO ERF

Erf 1581 Robertson / 31 Cedar Avenue is located south adjacent to Cedar Avenue approximately in the middle of the portion between Van Zyl Street and Jacaranda Avenue.

Cedar Avenue is the third of the six tree-named Avenues in the south-eastern part of Robertson town between Robertson Primary School and the Callie De Wet Sports Grounds.

Access to the application site is obtained from Cedar Avenue.

3. CHARACTERISTICS OF SITE AND SURROUNDING AREA

Erf 1581 Robertson is 1301m² in extent and belongs to Eugene Nico Vosloo and Christian Petrus Vosloo according to Deed of Transfer T37913/2018.

The application site comprises a dwelling house of 220m² and a carport of 40m² and vibracrete wall at the back of the house. These structure are all built on the northern half of the erf.

The southern portion of the erf is vacant/undeveloped.

The immediate surrounding area consists of single residential erven in an attractive and established neighbourhood. The Cedar Lodge is located on Erf 1577/23 Cedar Avenue.

4. LEGISLATION APPLICABLE

According to the Langeberg Integrated Zoning Scheme Bylaw (IZS), P.N. 71/2018, the application site is zoned for Single Residential Zone I (dwelling house).

"Dwelling house" means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including a storeroom and garaging; a second dwelling or additional dwelling, with a floor area which does not exceed 60 m².

One of the consent uses that may be applied for under this zoning, is a *second dwelling* that means another dwelling that may, in terms of this Bylaw, be erected on a land unit where a dwelling house is also permitted; and the second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house; provided that the second dwelling must remain on the same land unit as the dwelling house and not be alienated separately.

Development parameters include:

- The total floor space of a second dwelling may not exceed 150 m² including the floor space of all ancillary buildings;
- A second dwelling must be constructed in a style that is similar to the architecture of the main dwelling house; and
- A second dwelling that is a separate structure to a dwelling house may not exceed a height of 6,5 metres to the top of the roof.
- Building lines are similar to a dwelling house, i.e. 4m street building line, 1,5m side building line and 2m rear building line;
- Coverage of 65%.

Deed of Transfer T37913/2018 has various restrictive conditions that manage the development of the site, including:

- Page 6: C(b) Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing gemaak word, sal enige bepalinge daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet.

- Page 7: C(f) Hierdie erf is onderworpe aan die volgende voorwaardes; met dien verstande dat indien die Administrateur na oorleg met die Dorpkommissie en die Plaaslike Owerheid, dit raadsaam ag dat die beperking in enige sodanige voorwaarde te eniger tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan die voorwaardes wat hy oplê:
 - (ii) dit mag alleen gebruik word vir die doel om een woning, tesame met die buitgeboue wat gewoonlik in verband daarmee gebruik word, daarop op te rig;
 - (iv) geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 15 voet (4,572m) van die straatlyn, wat 'n grens van hierdie erf uitmaak, opgerig word nie; asook nie binne 10 voet (3,048m) van die agtergrens of 5 voet (1,524m) van die sygrens nie.

As this application is for the approval to build a second dwelling, restriction C(f)(ii) needs to be removed.

As the applicable side and rear building lines are more restrictive than those of the IZS, these are applicable on the application.

5. APPLICATION

Application is made for the following:

In terms of Section 15(2)(o):

Application is made for a consent use (second dwelling of 150m²) on Erf 1581 Robertson;

In terms of Section 15(2)f):

Application is made to remove the following condition in Deed of Transfer T37913/2018:

- Page 7: C(f)(ii) dit mag alleen gebruik word vir die doel om een woning, tesame met die buitgeboue wat gewoonlik in verband daarmee gebruik word, daarop op te rig.

The proposed development adheres to all the development parameters of second dwelling in the IZS. Except for the one condition in the Deed of Transfer, the proposed development adheres also to all the remaining conditions such as the building lines and coverage (31,5%).

6. NEED & DESIRABILITY

Need and desirability can be measured through the following development principles that are being referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA):

- **Spatial Justice**

The proposed second dwelling will create an opportunity to lease a dwelling house in a *safe and attractive area within Robertson*. Many people cannot afford to buy or build a house, with no other option to lease.

Robertson is the fastest growing town in the Langeberg Municipal area with a growing demand for houses to lease.

The Langeberg Municipality Spatial Development Framework (SDF), 2014 states that Robertson is well placed in terms of the National Development Plan's (NDP) key economic drivers of agriculture, agro-industry and tourism and can expect considerable growth in the future, especially if the town is well managed spatially and aesthetically, and with respect to services, including "crime and grime". It is stated that due regard must be paid to the attractiveness of its townscapes for residents and visitors alike.

This document supports infill and densification and to use all well-located land within 1 to 2km of urban centres, such as the application site.

- **Spatial Sustainability & Efficiency**

The proposed second dwelling development will be spatial sustainability as it will be a cost effective development for both the owner as the municipality by providing an additional dwelling on an already developed erf with services.

The proposed second dwelling will be built in the backyard and will not be visible from Cedar Avenue. The vacant part of the erf will be optimized utilized within the relevant development parameters of the scheme and Deed of Transfer. The building lines are larger than the standard building lines of the Scheme to protect the privacy of the neighbours.

If considering that outbuildings and an additional dwelling of 60m² are allowable without approval, the proposed second dwelling on this large vacant backyard within the required building lines and coverage of only 31,5% will not have a large impact and will be in character with the surrounding environment with similar additional structures.

The second dwelling will be built alongside, and be connected to the existing sewerage line traversing the property.

Water and electricity will be connected to the existing network.

Access to the second dwelling will be obtained through a secured sliding gate next to the garage. Adequate space is available for parking at the back.

- Good administration

The municipal legislation, appropriate guidelines and policies were taken into account in the preparation of this application that will be evaluated by the Langeberg Municipality with the input of all role players.

According to Section 33 of the Langeberg Municipal Land Use Planning Bylaw, 2015, the Municipality has to consider the removal of the condition/s in terms of the following:

- (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;

At the moment the backyard lies vacant and unattractive, in comparison with an upmarket second dwelling of 150m² that will add value to the property as it will be developed within the existing development parameters of both the IZS and the Deed of Transfer.

The restrictive condition of only one house does therefore not protect the neighbours' financial rights as the proposed development will increase the value of Erf 1581 and subsequently also the surrounding area.

The strict building lines in the Deed protect the neighbours' privacy and will be adhered to.

- (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;

The restrictive condition of only one house on Erf 1581 restrict the size of the development and protects the neighbours' privacy.

The proposed second dwelling has, however, a lesser impact than what is allowed in the scheme, i.e. 50% coverage of the application site with one dwelling house (and a second smaller than 60m²). As the proposed second dwelling will be built within the prescribed building lines and covers an area (together with the primary dwelling house and carport) of only 31,5%, it will not impact negatively on neighbouring properties in terms of privacy.

- (c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;

The applicant will optimise the use of his property and gain additional income by leasing the second dwelling. The development of the large piece of vacant land will increase security of both the application site and neighbouring properties.

- (d) the social benefit of the restrictive condition remaining in place in its existing form;

Erf 1581 will only have one house on the front part of the erf with the southern half unused.

[Although the probability of building an additional dwelling smaller than 60m² is possible, it will be much less economic viable as the market potential for lease will be substantially decreased.]

There is no social benefit of the restrictive condition of one house on this specific erf.

- (e) the social benefit of the removal, suspension or amendment of the restrictive condition; and

The removal of the restrictive condition will create an opportunity to lease a safe dwelling house in an attractive environment close to school, retail and sport opportunities.

The house will face north or north-west (similar to most dwellings in the Avenues) to the Langeberg Mountain and will be built outside existing services.

As the house will be built within the more strict building lines of the Deed, the privacy of the neighbours will not be compromised.

The security of the erf and wider area will be improved by developing vacant land.

Although both of the adjacent erven and other erven in the street have also large back gardens, these are used together with associated outbuildings.

Other erven in the street have much larger coverage with few structures per erf and a more centrally distribution there-of.

- (f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The removal of the one restriction will not remove any rights of the neighbours / neighbourhood as the total size of the two dwellings will still adhere to the overall development parameters that are current allowable on Erf 1581:

- 65% coverage is allowable at present while the proposal will only be 31,5%;

- At present there is no restriction in size of the primary house, except for coverage and building line restrictions;
- A second house may be built that is smaller than 60m² (part of definition of dwelling house).

The only difference and reason why an application for removal is required as it will be bigger than 60m², irrespective of the size of the primary dwelling house.

Therefore the coverage and building lines should be the decisive factors as the size of the primary building is not restrictive.

7. CLOSURE

The proposed second dwelling on Erf 1581 Robertson will have a small impact on and be in character with the surrounding environment.

The proposal is both needed and desirable from a land use point of view

Besware

25 Maart 2020

Vir aandag: Die Munisipale Bestuurder
Langeberg Munisipaliteit
Piet Retiefstraat 3
Montagu
6720

BESWAAR TEEN VOORGESTELDE AANSOEK OM VERGUNNINGSGEBRUIK EN OPHEFFING VAN BEPERKENDE TITELVOORWAARDES: ERF 1571, CEDARLAAN 31, ROBERTSON

Toe ons twee jaar gelede besluit het om 'n huis te koop het ons baie navorsing gedoen oor die verskillende woonareas in Robertson het ons besluit om te belê in 'n woonhuis in die bekende lane van Robertson bekend as 'n veilige, gegoeëde en gevestigte woonbuurt en dus 'n uitstekende eiendomsbelegging vir ons toekoms.

Hoofsaaklik afhangende van die plasing van die addisionele wooneenheid op die erf teken ons hiermee amptelik beswaar aan teen die voorstel om 'n tweede woning te mag bou op Erf 1571, Cedarlaan 31, Robertson. Hierdie tweede woning kan naby aan ons huis se ontspanningsarea opgerig word en dit kan moontlik negatief impakteer op ons privaatheid. Ten einde ons privaatheid te behou sal ons die grensmure tot op maksimum hoogte moet bou of beplant wat 'n taamlike aantal jare sal duur voor dit effektief sal kan afskerm.

Erf 1571, Cedarlaan 31, Robertson is groot en die bestaande hoofhuis is voor op die erf geleë wat beteken dat die voorgestelde addisionele wooneenheid nie direk op die agterboullyn geplaas hoef te word nie maar op so 'n wyse geplaas kan word dat dit die minste op ons eiendom impakteer.

Hiermee versoek ons vriendelik of die Munisipaliteit die onderstaande mitigerende maatreëls in ooreweging kan neem tydens hulle besluit in die verband:-

- Die voorgestelde addisionele wooneenheid nie die maksimum oppervlakte van 150 m² vir 'n addisionele wooneenheid sal oorskry nie;
- Die voorgestelde addisionele wooneenheid sover moontlik vanaf die agtergrensboullyn geplaas word ten einde nie negatief te impakteer op ons huidige oop gevoel van spasie nie;
- Die interne uitleg van die addisionele wooneenheid se woonvertrek / onthaalarea / braaiarea wat moontlike geraas kan verwek kan op so 'n wyse georiënteer word dat dit meer in die rigting van die bestaande hoofwoning is en nie in die rigting van ons woonhuis nie;
- Die voorgestelde addisionele wooneenheid se agtervensters op so wyse ontwerp word dat dit so min as moontlik uitsig op ons woonhuis het ten einde ons privaatheid te beskerm.

- Die ontwerp, afwerking en dak struktuur sal aanpas by die ontwerpselemente van die bestaande hoofhuis.

Indien daar bes moontlik aan die maatreëls voldoen kan word sal ons oorweeg om ons beswaar teen die aansoek terug te trek.

Vriendelik die uwe,



Lizay Mostert (Eienaar te Dennelaan 32, Robertson)
0724505120

Johannes Mostert (Eienaar te Dennelaan 32, Robertson)
0822537458

Aansoeker se reaksie op besware

REAKSIE OP BESWAAR



PO Box 649
ROBERTSON,
6705

Tel: (023) 626 1506
Cell: 082 825 9891
Fax: +27 (0) 86 617 9318
E-mail:
annachris@mwweb.co.za

22

No 2 Rosegate
ROBERTSON

19 June 2020

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Jack van Zyl

ERF 1581 ROBERTSON: CONSENT APPLICATION FOR SECOND DWELLING & REMOVAL OF RESTRICTIVE CONDITION IN DEED OF TRANSFER: REPLY ON OBJECTION RECEIVED

The objection from Lizay and Johannes Mostert on the above-mentioned application, received per e-mail on 26 May 2020 from Ronel Ferreira, refers.

The objectors mentioned that they will consider to withdraw their objection if the five measures listed in their letter of objection can be met.

The following actions were taken:

- A letter was written by the applicant to the objectors that confirmed in writing that all conditions will be met – see attached.
- Lizay Mostert was contacted telephonically for an arrangement to deliver the letter by hand or per e-mail. The letter was e-mailed on 29 May 2020 to Lizay Mostert on request.
- It was also confirmed per e-mail that the boundary walls will be of maximum height – see attached.

The objector responded on 19 June 2020 per e-mail that they are not willing to withdraw the objection.

The above shows that the applicant/owner has agreed to all mitigating measures / conditions of the objector to ensure minimal impact.

It is therefore requested that the objection letter be considered unfounded.

For your consideration please.

Anna-Christa Redelinghuys
Pr.Pl n A/1076/1998

27 Mei 2020

Lizay en Johannes Mostert
Dennelaan 32
ROBERTSON
6705

**VOORGESTELDE VERGUNNING VIR 2DE WOONHUIS EN OPHEFFING VAN BEPERKENDE
TITELVOORWAARDES: ERF 1581 ROBERTSON**

U beswaar dateer 25 Maart 2020 het betrekking.

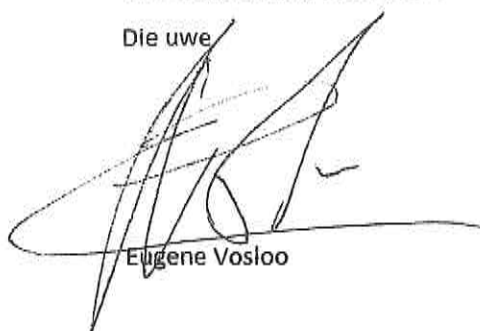
Graag wil ek hiermee bevestiging gee dat ek u voorwaardes sal nakom, dit is:

- Die tweede wooneenheid sal nie 150m² oorskrei nie. Dit is die grootte waarvoor aansoek gedoen word en is die maksimum wat toegelaat word met goedkeuring van die grondgebruik asook die bouplan.
- Die spesifieke akte vereis 3,048m wat reeds amper 'n meter verder is as die standaard 2m agterboulun van toepassing op enkel residensiële erwe.
Die skema laat ook buitegeboue van tot 3,5m hoog binne die boulyn toe (onderworpe aan die bure se kommentaar).
Ten spyte van bg, word bevestig dat die tweede woonhuis nie nader as 3,5m vanaf die agterste grens gebou sal word nie.
- Die tweede woonhuis sal noord / noord-oos / noord-wes front / georiënteer word, dus weg van Erf 1592 Robertson en in die rigting van die hoofwoning op Erf 1581 Robertson.
Omdat die huis noord / noord-oos sal front, sal die groot vensters / moontlike skuifdeure / woonvertrek / onthaalarea / braai-area aan die noordekant geplaas word vir maksimum sonlig, uitsig en beweging na die leefarea in die rigting van die bestaande woonhuis.
- Vertrekke soos die kombuis, badkamers en kamers wat gewoonlik aan die suidekant van huise voorkom, het minder en kleiner vensters. Uitsig na Erf 1592 sal met die ontwerp van die huis beperk word.
- Die ontwerp van die huis en boustyl is nie bekend op hierdie stadium nie, maar sal dieselfde of hoër kwaliteit behels as die huidige woonhuis. Die huidige woonhuis is oud en 'n nuwe struktuur mag meer koste effektief en selfs meer aantreklik wees.

Ek sal graag die groot kaal erf funksioneel wil benut en sal binne al die voorgeskrewe ontwikkelingsparameters van die skema bly.

Die terugtrekking van u beswaar sal hoog op prys gestel word.

Die uwe



Eugene Vosloo

Summary of “Relevant Considerations”

Section 33 of the Constitution requires that organs of state make decisions which are lawful, reasonable and procedurally fair. It further provides that national legislation must be enacted which provides that those whose rights have been adversely affected by administrative action, are given an opportunity to have the administrative action reviewed in a court of law (or, where appropriate, an independent and impartial tribunal).

In order to give effect to section 33 of the Constitution, the Promotion of Administrative Justice Act (3 of 2000) (“PAJA”) was promulgated. Section 6(2) of PAJA sets out the reasons why an administrative decision may be reviewed. Section 6(2)(e)(iii) of PAJA provides that an administrative decision may be reviewed if irrelevant considerations were taken into account or if relevant considerations were not considered by the decision maker.

When assessing a land use application, there are certain general development principles contained in the Spatial Planning and Land Use Management Act, No 16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act, No 3 of 2014 (LUPA) that must be taken into account, and which are regarded as relevant considerations for the purpose of PAJA.

Furthermore, section 2(2)(d) of LUPA states that a municipality must regulate the criteria for deciding on land use applications. These are determined in the Langeberg Municipal Land Use Planning Bylaw, 2015 (the bylaw). Chapter V, Section 65 (1) (a) to (s) of the bylaw sets out the general criteria that must be considered when deciding on a land use application.

In terms of the above, in considering and deciding on an application, a Municipal Planning Tribunal / Authorised official / Appeal Authority / Official must be guided by

- (a) The development principles of SPLUMA and LUPA;
- (b) The prescribed procedure to be followed in processing the application; (Bylaw S65(1)(b))

- (c) The comments received in response to the notice of the application and the comments received from organs of state and internal departments of the municipality. (Bylaw Section 65(1)(d))
- (d) The response by the applicant to the comments referred to above. (Bylaw Section 65(1)(e))

and, when considering land use applications, must take into account the following key aspects, as drawn from various sections of SPLUMA, LUPA and the Langeberg Municipal Land Use Planning Bylaw:

- (a) Must make a decision which is consistent with:
 - (i) norms and standards
 - (ii) measures designed to protect and promote the sustainable use of agricultural land
 - (iii) national and provincial
 - (iv) government policies
 - (v) the municipal spatial development framework (SPLUMA S42(1)(b))
- (b) May not make a decision which is inconsistent with a municipal spatial development framework (SPLUMA S22(1))
- (c) May depart from the provisions of the Municipal Spatial Development Framework in site specific circumstances (SPLUMA S22(2))
- (d) Must ensure alignment with any relevant structure plans, the PSDF and any applicable Regional SDFs; (Bylaw, S65(1)(l)(n)(o))
- (e) Must take into account public interest (SPLUMA 42(1)(c)(i))
- (f) Must have regard to at least any guidelines issued by the Provincial Minister regarding proposed land uses; (LUPA 49(e))
- (g) Must take into account any applicable national or provincial policies that guide decision making; (Bylaw, 65 (1) (p))
- (h) Must take into account the impact on existing rights and obligations; (SPLUMA 42(c)(iv))
- (i) Must take into account the constitutional transformation imperatives; (SPLUMA, S42(1)(c)(i))
- (j) Must take into account the state and impact of engineering services, social infrastructure and open space requirements; (SPLUMA S42(1)(c)(v))
- (k) Must consider any factor that may be prescribed, including timeframes, for making decisions; (SPLUMA, S42 (1)(c)(
- (l) Must take into account investigations carried out in terms of other laws which are relevant to the consideration of the application; (Bylaw 65(1)(f))
- (m) Must take into account the relevant provisions of the zoning scheme; (Bylaw 65(1)(s))
- (n) When considering an application affecting the environment, ensure compliance with environmental legislation; (SPLUMA, 42 (2))
- (o) Must consider the desirability of the proposed land use (LUPA, section 49(d) and Bylaw S65(1)(c))