

LAND USE PLANNING ASSESSMENT REPORT FOR LANGEBERG MUNICIPAL PLANNING TRIBUNAL
(In terms of Sections 56, 65 & 66 of the Langeberg Land Use Planning Bylaw PN 264/2015, 30 July 2015)

**REM OF PORTIONS 22 AND 23 OF THE FARM OVER HET ROODE ZAND 112, ROBERTSON:
SUBDIVISION AND CONSOLIDATION**

Reference number	15/4/12/2	Application submission date	23/03/2020	Date report finalised	22/01/2021
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PART A: AUTHOR DETAILS

First name(s) & Surname	Tracy Brunings
Job title	Assistant Town and Regional Planner
SACPLAN registration number	Pr. Pln A/951/1997

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Rem of Portions 22 and 23 of Over Het Roode Zand 112, Robertson				
Physical address	±2,6km south east of Robertson on R317 and R60.	Town	On outskirts of Robertson/Nkqubela		
Current zoning	Agricultural Zone I	Extent (m2 /ha)	R/22/112: 167,5687ha. R/23/112: 28,9723ha.	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Langeberg Integrated Zoning Scheme, 2018.				
Current land use	Natural veld, agriculture and primary dwelling		Title Deed number & date	R/22/112:T8390/1979 R/23/112: T31949/1997	
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

Application has been lodged in terms of Section 15(2) of the Langeberg Land Use Planning Bylaw, PN 264/2015, for the realignment of the boundaries of Rem of Portions 22 and 23 of Over Het Roode Zand 112, Robertson.

Rem of Portion 22 of Over Het Roode Zand 112, Robertson is owned by the Municipality and Rem of Portion 23 of Over Het Roode Zand 112, Robertson is privately owned.

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

Application has been lodged in terms of Section 15(2) of the Langeberg Land Use Planning Bylaw, PN 264/2015 to:

- Subdivide Rem of Portion 22 of Over Het Roode Zand 112, Robertson (167,5687ha.) into Portion A/112/22/R (2,3ha.) and Rem/112/22 (165,2687ha); and
- Consolidate Portion A/112/22/R (2,3ha.) with Rem of Portion 23 of Over Het Roode Zand 112, Robertson (28,9723ha.).

The properties are located 2,6km south east of Robertson on the R317 between Robertson and Bonnievale.

For ±40 years, the owner of Rem of Portion 23 of Over Het Roode Zand 112, Robertson has farmed a 2,3ha. portion of Rem of Portion 22 of Over Het Roode Zand 112, Robertson (municipal land), together with the vineyards on his adjoining property.

The Municipality entered into a sales agreement with the owner subject to certain conditions, including the need to obtain approval from the Department of Agriculture and the Municipality for the necessary land use approvals.

The existing land use will remain unchanged, and the proposal will meet the requirements of spatial sustainability and efficiency by protecting agricultural land for food security and optimizing efficient use of resources and infrastructure.

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)

The application was advertised in the normal manner on 14 July 2020 and letters were sent to the surrounding property owners. No objections were received.

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

The following departments and organisations were consulted for comment. No objections to the proposed development were lodged:

- ☐ Manager: Electrical Engineering Services
- ☐ Department of Transport
- ☐ Transnet
- ☐ National Department of Agriculture
- ☐ Provincial Department of Agriculture
- ☐ Department of Water Affairs (Breede Gouritz Catchment Management Agency: BGCMA)
- ☐ Eskom
- ☐ Ward Councillor

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

In terms of Section 65 of the Langeberg Land Use Planning Bylaw, PN 264/2015 of 30 July 2015 an application is required to be assessed in terms of the following:

- desirability of the proposed use (with reference to Province's "[Relevant Considerations Guideline](#)"),
- compliance with relevant plans (IDP, SDF, PSDF): The proposal must be consistent with the [forward planning vision](#) for the application area. Only in exceptional circumstances should deviation from these policies and/or plans be considered.
- compliance with relevant policies and principles,
- compliance with the principles referred to in Chapter VI of the [Land Use Planning Act, 2014 \(Act 3 of 2014\)](#): In terms of section 49 of LUPA consideration must be given to applicable spatial development frameworks and structure plans, and the desirability of the proposal must be determined. In addition, the proposal must be consistent with the land use planning principles referred to in section 59 (spatial justice, spatial sustainability, efficiency and good administration), and
- compliance with the [Spatial Planning and Land Use Management Act, 2013 \(Act 16 of 2013\)](#): The proposal must be consistent with the principles of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration. Public interest, constitutional transformation imperatives, facts and circumstances of the application, rights and obligations of those affected, impact on engineering services/social infrastructure/open space requirements, *inter alia*, must be taken into account.

Rem of Portions 22 and 23 of Over Het Roode Zand 112, Robertson are zoned Agricultural Zone I. The extent of the existing and proposed farms is as follows, which indicates that the proposed change comprises a minor boundary realignment:

EXISTING FARM	EXTENT (ha.)
Rem of Portion 22 of Over Het Roode Zand 112, Robertson	167,5687ha.
Rem of Portion 23 and 23 of Over Het Roode Zand 112, Robertson	28,9723ha.

PROPOSED FARM	EXTENT (ha.)
Rem of Portion 22 of Over Het Roode Zand 112, Robertson	165,2687ha.
Consolidated Portion A/112/22/R & 112/23/R	31,2723ha.

There will be no impact in relation to existing built development, services or access points, and no demand on municipal engineering services as a result of the subdivision and consolidation. No comment was received from the Manager: Electrical Engineering or Eskom. However, the boundary realignment formalises the status quo and there will be no changes in relation to electrical infrastructure. Nonetheless, the standard conditions relating to electricity are included for sake of completeness. No comment was received from Transnet, however it is noted that there will be no change in relation to the adjoining railway line.

The proposed uses will not adversely impact on land under agricultural production and no additional cadastral entities are being created. The boundary realignment will formalise the status quo of productive agricultural land and related water allocation. There are no conditions of title which restrict the proposed subdivision and consolidation.

The National Department of Agriculture advised as follows in terms of Section 1(c) of the Subdivision of Agricultural Land Act, 1970: "The ... property is not subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) as it is registered in the name of the State".

With reference to the Spatial Planning Categories identified in the Langeberg SDF and the WC Biodiversity Spatial Plan, the portion being subdivided comprises "Transformed" land with no adverse environmental impact as a result of the boundary realignment.

Given the above, the proposal is considered to be consistent with the overall aims of the Provincial SDF, the Langeberg SDF and the Provincial Rural Land Use Planning and Management Guidelines.

PART I: RECOMMENDATION

That, in terms of section 60 of the Langeberg Municipal Land Use Planning Bylaw PN 264/2015, the Langeberg Municipal Planning Tribunal approves the following application, as shown on the plans marked OVER HET ROODE ZAND 112/22&23 MON-LBM-LP, OP(a) & (b), subject to the following conditions in terms of Section 66 of the aforementioned Bylaw:

1. The consolidation must be registered within 5 years after the date of the approval, failing which the approval for the subdivision and consolidation will lapse regardless of whether an erf diagram has been approved by the Surveyor-General or not.
2. The subdivision and consolidation plans will only be endorsed in terms of Section 60 of the aforementioned Bylaw after:
 - 2.1. the applicant has accepted these conditions in writing by means of the standard agreement,
 - 2.2. draft diagrams showing the new erf numbers have been submitted by a Land Surveyor to the Municipal Town Planning Department.
3. Condition 2 of this approval must be complied with before a Certificate may be issued in terms of Section 28 of the aforementioned Bylaw. This certificate must be submitted with the transfer documents before the subdivision will be registered in the Deeds Office.

4. Water supply, sewage disposal and refuse disposal services must be provided by the owner. Such services must be provided in accordance with the requirements of the Langeberg Municipality, Cape Winelands District Municipality's Environmental Health Department and the Department of Water Affairs (BGCMA).
5. The conditions imposed by BGCMA, in their letter dated 14 August 2020 (attached) must be complied with.
6. Eskom's existing rights must not be affected. Should any of Eskom's services need to be relocated, written application must be submitted at least 6 months in advance, and the costs will be borne by the applicant.
7. With regard to municipal electricity the owner is responsible for the costs associated with any relocation of existing services, new connections, upgrading or alterations to existing electrical connections or networks, and any associated applicable Bulk Services Levy, at the tariffs which are applicable at that time.
8. This approval is only valid where the above conditions have been complied with. The owner must sign the attached agreement with respect to the implementation of all conditions of approval. Where there is any uncertainty regarding the conditions, the Town Planning Department must be contacted.

PART J: ANNEXURES

- Annexure A Plans: Locality, Subdivision and Consolidation Plans
- Annexure B Departmental comments: BGCMA

PART K: SIGNATURES FOR DECISIONS BY TRIBUNAL

Author name: Tracy Brunings, Assistant Town and Regional Planner

Date: 22 January 2021

Registered planner name : Tracy Brunings

SACPLAN registration number: Pr. Pln A/951/1997

APPROVED

APPROVED CONDITIONALLY

APPROVED IN PART

REFUSED

LANGEBERG MUNICIPAL PLANNING TRIBUNAL

Date:

PART L: SIGNATURES FOR AUTHORISATION

Authorised for submission to Tribunal

.....
JV BRAND
MANAGER: TOWN PLANNING / BESTUURDER : STADSBEPLANNING

.....
DATUM

.....
M JOHNSON
DIRECTOR: ENGINEERING SERVICES / DIREKTEUR: INGENIEURS DIENSTE

.....
DATUM

SKEDULE / SCHEDULE 1

Ooreenkoms / Agreement

aangegaan deur / entered into by

.....
Volle name en van / Full name

.....
Identiteitsnommer / Identity number

.....
Adres / Address

(die aansoeker / the applicant)

met die **Langeberg Munisipaliteit** / with the **Langeberg Municipality**

ten opsigte van die volgende ontwikkeling, soos goedgekeur op:
in respect of the following development, as approved on:

..... January 2021

**REM OF PORTIONS 22 AND 23 OF THE FARM OVER HET ROODE ZAND 112, ROBERTSON:
SUBDIVISION AND CONSOLIDATION**

Die aansoeker aanvaar die voorwaardes ten opsigte van bogenoemde goedkeuring en onderneem om toe te sien dat die voorwaardes uitgevoer word.

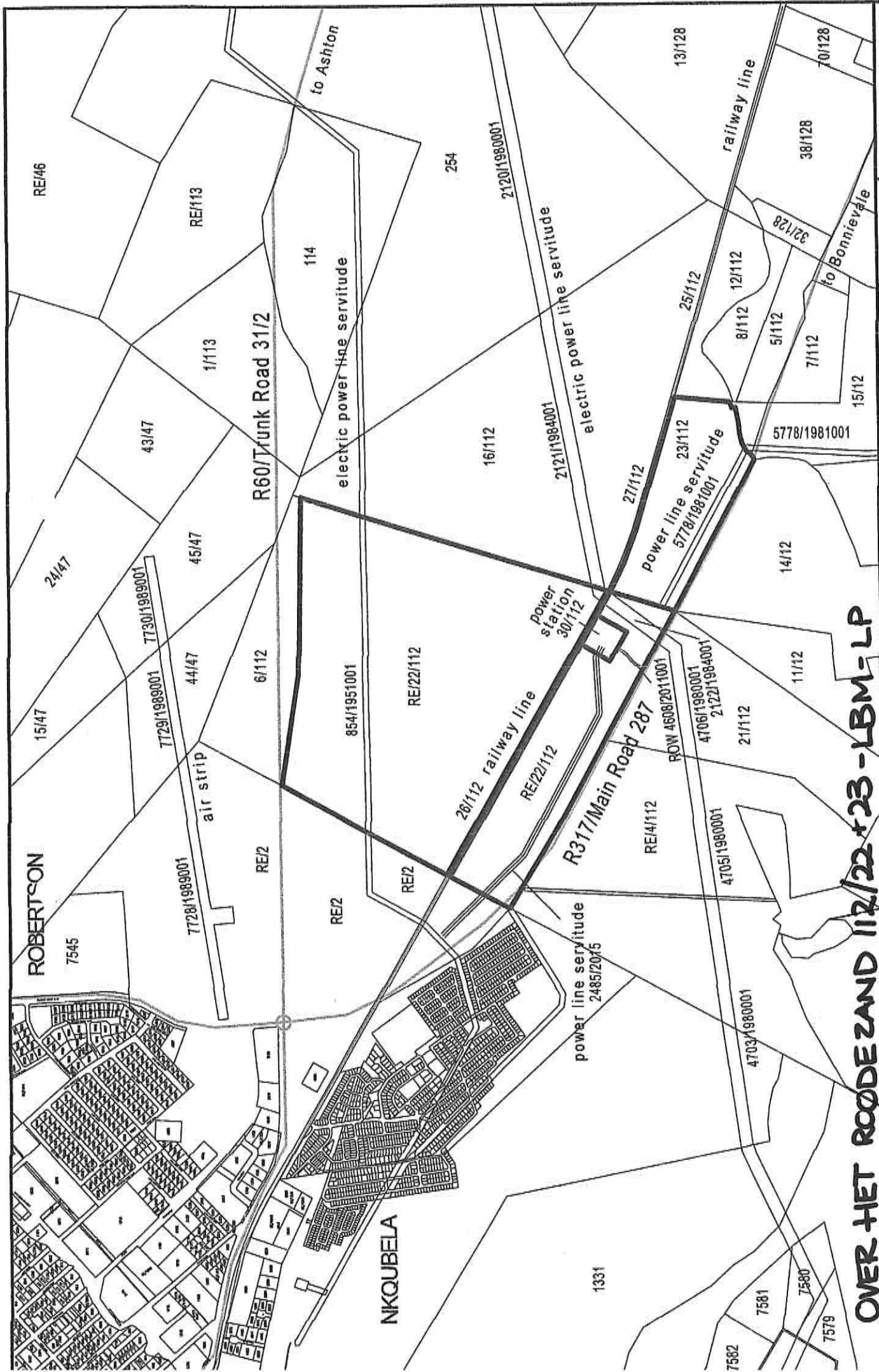
The applicant accepts the conditions in terms of the abovementioned approval and undertakes to ensure the execution of the conditions.

Geteken op die / Signed on the dag van / day of 20.....

te / at

.....
Aansoeker / Applicant

.....
Datum

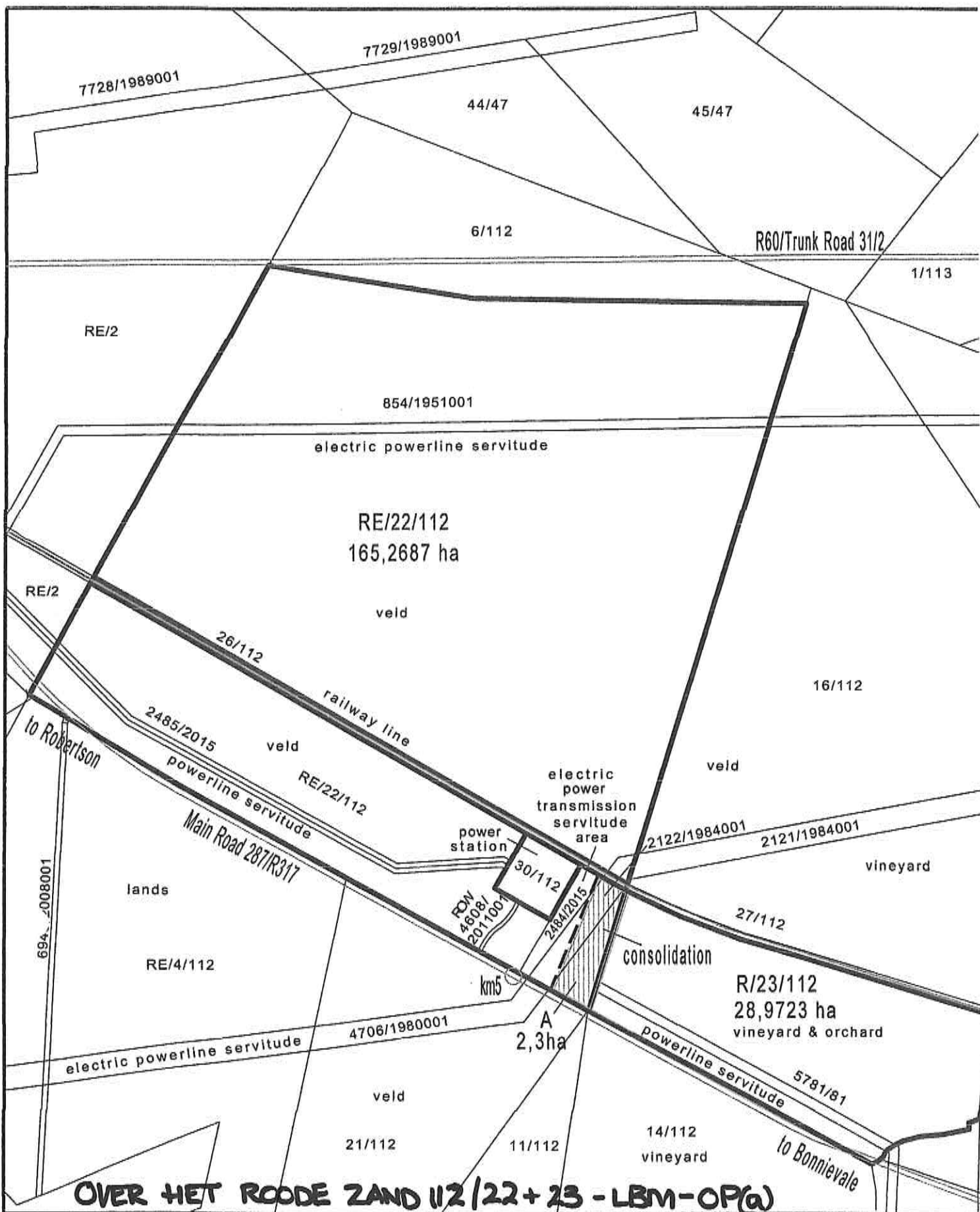


OVER HET ROODE ZAND 112/22 + 23 - LBM-LP

LOCATION PLAN: RI PORTION 22 & 23 OF FARM OVER HET ROODE ZAND NO 112, ROBERTSON RD



SCALE 1:20000



NOTES

1. Subdivision of Re/Ptn 22 Farm 112 (167,5687 ha) into Re/22/112 (165,2687 ha) and A (2,3 ha)
2. Consolidation of A with R/Ptn 23 Farm 112 (28,9723 ha)

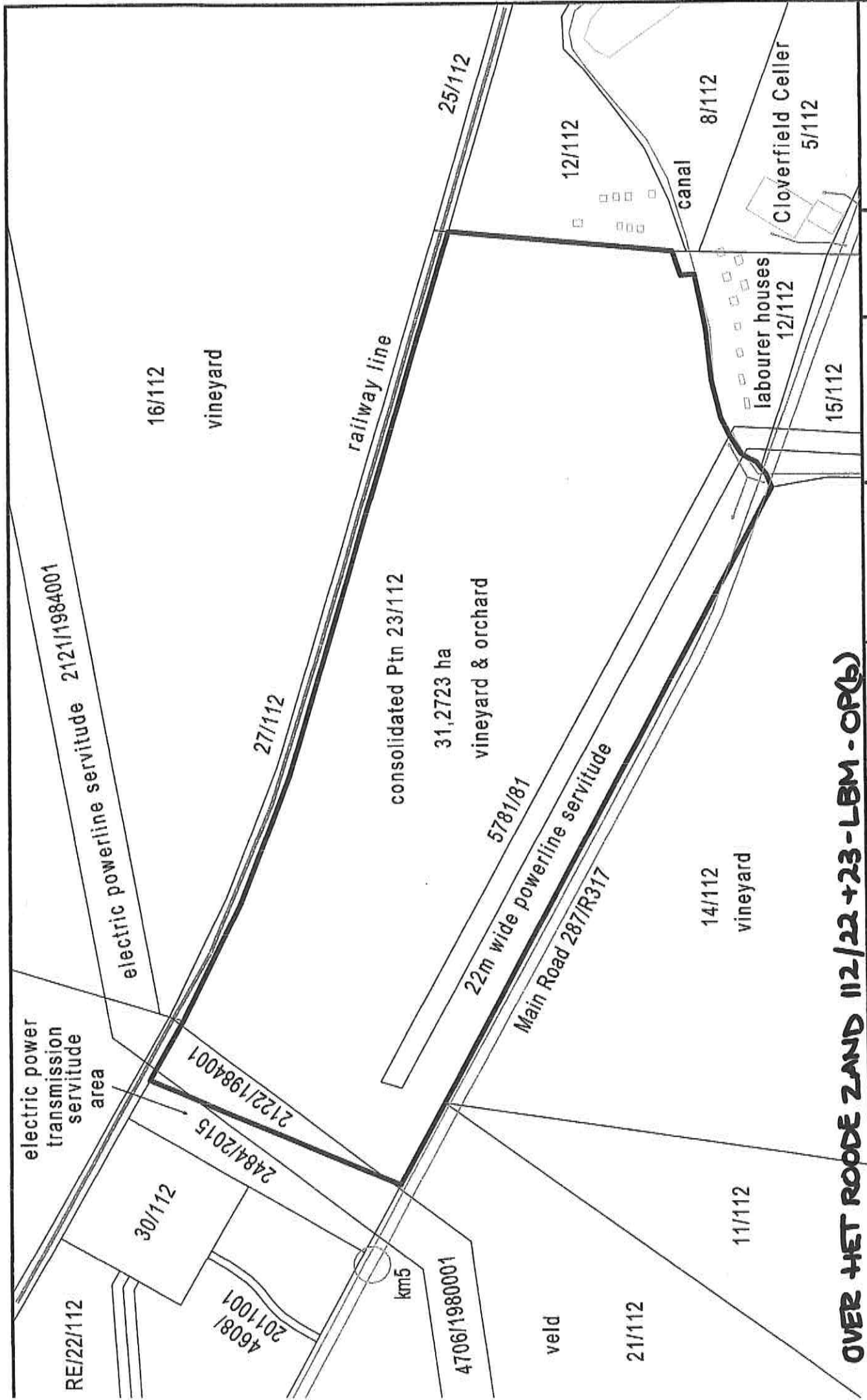
SUBDIVISION PLAN: RE/PORTION 22 OVER HET ROODE ZAND NO 112, ROBERTSON RD



UMSIZA
Town and Regional Planners

PLAN: 22/112rob

scale 1:11 000



SCALE 1:5000

PLAN: 23/112ROB

CONSOLIDATION PLAN: PTN 23 OVER HET ROODEZAND NO 112, ROBERTSON RD



BREEDDE-GOURITZ
CATCHMENT MANAGEMENT AGENCY

51 Baring Street Worcester 6850 Private Bag X3055 Worcester 6850

Enquiries: M Mmbadi Tel: 023 346 8000 Fax: 023 347 2012 E-mail: mmmbadi@bgcma.co.za

REFERENCE NO: 4/10/1/H20L/OVER HET ROODEZAND 112/22&23, Robertson

Date: 14 August 2020

Langeberg Municipality
Private Bag X 2
Ashton
6715

Attention: Mr M Johnson

**COMMENTS ON THE APPLICATION FOR SUBDIVISION AND CONSOLIDATION OF THE
REMAINDER OF PORTION 22 AND 23 OF THE FARM OVER HET ROODE ZAND 112,
ROBERTSON**

The Breedde-Gouritz Catchment Management Agency (BGCMA) has received the application for the above mentioned proposed development on the 23/07/2020, requesting comments.

It is noted that the proposed portion A of 2.3 ha to be consolidated has been farmed together with portion 23 of the farm Over Het Roode Zand 112 for the past 40 years. It is mentioned in the report that the 2.3 ha vineyard on portion A will be irrigated together with the 25.5 ha vineyard and 3 ha plums with the 29 ha water registered to remaining extent of portion 23 of the farm Over Het Roode Zand 112, Robertson.

There are no objections to the proposed development, however; it must be noted that no additional use of surface/groundwater and/or storage of water is permitted, unless the water user has formally obtained a licence in terms of Section 41 of the National Water Act (Act 36 of 1998). And/or formal authorization in terms of General Authorizations issued under Section 39 (Government Notice 538 dated 02 September 2016), and/or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998).

General

- ☐ All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered.
- ☐ No storm water runoff from any premises containing waste, or water containing waste emanating from premises may be discharged into a water resource.
- ☐ No pollution of surface water or groundwater may occur due to any activity on the property.

- ❑ No permanent structures may be constructed within the 100-year flood line of any watercourse (seasonal or permanent river, stream, etc).

Water metering

- ❑ Please note that Government Gazette Notice 40621 of 17 February 2017 and 17 January 2020 requires all water taken for irrigation to be metered and reported to metering.breego@dws.gov.za.

The BGCMA reserves the right to revise initial comments and request further information based on any additional information that may be received.

Please contact the above-mentioned official if you have any queries.

Yours faithfully



MR JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)
DATE: