

Item 5/2021

LANGEBERG
MUNICIPALITY

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 HERSONERING EN ONDERVERDELING VAN ERF 5197, HOSPITAALSTRAAT 1, MONTAGU

Reference number	15/4/9/5	Application submission date	29-06-2020	Date report finalised	03.03.21
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 5197, Montagu				
Physical address	Hospitaalstraat 1		Town	Montagu	
Current zoning	Enkel Residensiële sone I	Extent (m2 /ha)	2816m²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Langeberg Geïntegreerde Soneringskema				
Current land use	Vakant		Title Deed number & date	T25066/2004	
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 hersonering van erf 5197, Montagu vanaf Enkel Residensiële sone na Onderverdelingsgebied en die onderverdeling daarvan in 4 Enkel Residensiële I sone erwe (3 x 560m² en een 705m²) [later gewysig na 3 Enkel Residensiële I sone erwe (800m² elk) en 1 Vervoersone III erf (Privaatstraat – 431m²).					

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

Die aansoekperseel is 'n vakante erf van 2816m² op die rand van die beboude gebied van Montagu, aan Hospitaalstraat. Die aansoeker wil dit onderverdeel in enkelresidensiële erwe met 'n gesamentlike privaattoegangspad vanaf Hospitaalstraat. Aanvanklik was die voorstel om 4 woonerwe te skep, maar na aanleiding van besware het die aansoeker dit aangepas na 3 erwe met 'n oppervlakte van 800m² elk. Die liggingsplan en onderverdelingsplanne word aangeheg in Bylae 1.

Die aansoeker motiveer die voorstel aan die hand van die volgende (motiveringsverslagaangeheg in Bylae 2):

- 1) Skepping van addisionele behuisingsgeleenthede
- 2) Maar kostedoeltreffende gebruik van huidige groot erf.
- 3) Woonhuise sal inpas by karakter van omliggende woonbuurt.
- 4) Goeie ligging ten opsigte van geriewe soos skool en hospitaal.
- 5) Pas in by grondgebruikkarakter van die omgewing.
- 6) Perseel was voorheen twee erwe, wat in 2003 konsolideer is.
- 7) Die ontwikkeling kan aansluit by alle munisipale dienste.
- 8) Ontwikkelaar sal self die huise oprig en verkoop, wat goeie kwaliteit sal verseker.

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)

Daar was 7 besware teen die voorstel vanaf die eienaars van omliggende eiendomme (aangedui op onderstaande kaart):



Die besware word aangeheg in Bylae 3. Dit kan as volg opgesom word:

- 1) Geen bewys dat daar 'n behoefte aan nog erwe is nie. Verskeie oop erwe in die nabye omgewing wat reeds geruime tyd in die mark is, getuig van ooraanbod.
- 2) Erwe te klein in verhouding met die huidige standaard van groter erwe (wissel tussen groter as 800m² en groter as 1000m²). Voldoen ook nie aan munisipaliteit se beleid van 75% van gemiddelde grootte nie.
- 3) Impak op natuur en dierelewe van aangrensende natuurreservaat (bergreservaat)
- 4) Boulyn van 1.5m aan Hospitaalstraat is te min in vergelyking met algemene straatboulyn van 4m in die area.
- 5) Verkeerstoename in doodloopstraat sal op privaatheid en rustigheid van omgewing impakteer.
- 6) Oriëntasie van erwe en huise sal impakteer op privaatheid van inwoners op aangrensende erf 4440, wat al die erwe se agtergrense deel.
- 7) Vullisversameling en –verwydering vir 4 huise wat in Hospitaalstraat sal plaasvind, is onhygiënies en onooglik. Geen aanduiding op planne waar daarvoor op die perseel voorsiening gemaak word nie.
- 8) Geen bewys is gelewer dat verhoogde dienstegebruik (water en elektrisiteit) hanteer kan word sonder om omliggende eiendom te benadeel.
- 9) Stormwater in privaatpad sal afloop na erwe agter en langs die aansoekseiendom.
- 10) Nie voldoende detail oor hoe riool weggedoen gaan word nie. Riool kan net by Van der Merwestraat aansluit by die munisipale lyn en moet met verskeie draaie daarin gelê word. Eienaars van erwe 4440, 4435 dui aan dat hulle nie sal toestem tot 'n serwituut oor hulle grond nie.
- 11) Parkering en beweging van voertuie binne die kompleks kan problematies wees.

Die aansoeker het na aanleiding van die besware die getal residensiële erwe verminder van 4 na 3, met die voorgestelde erfgroottes wat dienooreenkomstig toeneem van 560m² (3 van die erwe) en 705m² na 800m² elk. Die privaatstraat word ook verkort en loop nie meer deur tot teenaan die aangrensende erf agter die aansoekseiendom nie en word van 'n draaisirkel voorsien. Die aansoeker se reaksie op die besware word aangeheg in Bylae 4 en word as volg opgesom:

- 1) Die behoefte aan residensiële uitbreiding in Montagu word ondersteun deur die Langeberg Ruimtelike Ontwikkelingsraamwerk wat 'n area van 8Ha langs die hospitaal as ontwikkelingsgebied identifiseer.
- 2) Die ontwikkelaar wil nie erwe verkoop nie, maar huise oprig en verkoop. Daar is wel 'n behoefte vir sg. "turn key" eiendomme.
- 3) Aangepaste voorstel voldoen aan onderverdelingsbeleid, waarvolgens 75% van die gemiddelde erfgrootte van omliggende erwe 758.5m² is.
- 4) Nuwe erwe se vorms pas in by die ontwikkelingspatroon van die blok.
- 5) Huise sal noord front, met minimale impak op privaatheid van inwoners van erf 4440.
- 6) Die ontwikkeling behels slegs twee bykomende huise, aangesien daar reeds regte vir een huis is.
- 7) Dienste kan aansluit by bestaande rioolserwituut op erf 4440 of by Van der Merwestraat oor een van erwe 4435 of 4436. Die beste opsie sal in samewerking met die munisipaliteit gemaak word.
- 8) Stormwater sal van die privaatstraat na die individuele erwe afloop. Die erf aan die noordekant van die draaisirkel sal ook afloop na die eiendomme agter en laer as die aansoekperseel verhoed.
- 9) Vullisverwydering van slegs 3 persele kan maklik in die straat akkomodeer word

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

Siviele Ingenieursdienste

Watersaansluiting is beskikbaar uit die 75mm deursnee lyn in Hospitaalstraat. Die ontwikkelaar sal egter verantwoordelik wees vir die kostes van die gedeelte aansluiting vanaf die 75mm lyn tot die onderskeie erwe. Riool is slegs beskikbaar in Van der Merwestraat. Vir die ontwikkeling sal 'n serwituut oor erf 4435 geregistreer moet word. Hierdie gedeelte riool sal egter as privaat rioolaansluiting dien en sal die riool die munisipaliteit se verantwoordelikheid word vanaf die aansluitingsmangat in Van der Merwestraat. Die toegangspad word as 'n serwituut geregistreer en is dus privaat. Die ontwikkelaar is verantwoordelik vir die bydrae van 4 geleenthede in terme van die bydrae tot grootmaatsdienste soos in die begroting saamgevat [gegrond op oorspronklike voorstel – nou 3 erwe, met ander woorde 2 erwe ekstra]

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.
- 'n Grootmaatheffing bereken teen 6kVA, per erf moet betaal word vir die skep van 4 erwe [gegrond op oorspronklike voorstel – nou 3 erwe, met ander woorde 2 erwe ekstra]

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 beswaar.

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

Die beplanningsevaluasie van die aansoek is gegrond op die tersaaklike oorwegings ("*relevant considerations*") soos uiteengesit in the Wes-Kaapse Departement van Omgewingsake en Ontwikkelingsbeplanning se riglyndokument. 'n Verkorte weergawe van die verduideliking van die begrip "*relevant considerations*" word aangeheg in Bylae 5.

Dit word bevestig dat die tersaaklike oorwegings in ag geneem is in hierdie evaluasie en dat die voorstel:

- in lyn is met die ontwikkelingsbeginsels van SPLUMA and LUPA;
- voldoen aan norme en standaarde, toepaslike nasionale en provinsiale regeringsbeleide, provinsiale ruimtelike ontwikkelingsraamwerk (PSDF) en die munisipale ruimtelike ontwikkelingsraamwerk (SDF) soos verduidelik in meer detail hieronder;
- nie bestaande regte en verpligtinge negatief sal beïnvloed nie;
- nie sal afbreuk doen aan die grondwetlike transformasievereistes nie;
- akkomodeer kan word binne die bestaande ingenieursdienste, maatskaplike infrastruktuur en oopruimtes; mits die ontwikkelaar die vereiste ontwikkelingsheffings betaal en serwituutreg vir aansluiting van dienste kan verkry;
- nie enige ondersoek ingevolge ander wetgewing vereis of behels nie;
- in lyn sal wees met die toepaslike bepalinge van die soneringskema,;
- nie die omgewing in so 'n mate sal beïnvloed dat dit goedkeuring ingevolge omgewingswetgewing vereis nie;
- wenslik is, soos meer volledig motiveer word hieronder:

WENSLIKHEID

Versoenbaarheid met ruimtelike planne

Die Wes- Kaapse Provinsiale Ruimtelike Ontwikkelingsraamwerk (PSDF), 2014 bevorder stedelike verdigting (invulling, verhoging van intensiteit en herontwikkeling) as 'n teenvoeter vir stedelike randsprei (urban sprawl) en gepaardgaande indringing van ontwikkeling in landbou areas, mooi landskappe en biodiversiteitsvoorkeurgebiede. Die voorstel behels 'n geringe verhoging van intensiteit van gebruik en herontwikkeling van die perseel en voldoen dus aan die beginsels van die PSDF.

3.4.2.3 PROVINCIAL SPATIAL POLICIES

POLICY 51: PROTECT, MANAGE AND ENHANCE SENSE OF PLACE, CULTURAL AND SCENIC LANDSCAPES

1. Prevent settlement encroachment into agricultural areas, scenic landscapes and biodiversity priority areas, especially between settlements and along coastal edges and river corridors.
2. Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and promoting infill, intensification and redevelopment within settlements.

In order to secure a more sustainable future for the Province it is important that settlement planning and infrastructure investment achieves:

- i. higher densities
- ii. a shift from a suburban to urban development model
- iii. more compact settlement footprints to minimise environmental impacts, reduce the costs and time impacts of travel and enhance Provincial and Municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities and services.

Die Langeberg Ruimtelike Ontwikkelingsraamwerk, (LSDF), 2015 bevorder ook "kompaksie", eerder as "uitbreiding" van stedelike nedersettings (Afd 5.4.1.4) en staan invulling en verdigting voor. Die voorstel sal bydra hiertoe.

Ekonommiese Impak

Die voorgestelde ontwikkeling sal na verwagting 'n positiewe ekonomiese impak op die dorp in die algemeen hê, aanvanklik deur verskaffing van werk in die konstruksiefase en oor die langtermyn deur die vestiging van ekonomies aktiewe inwoners in die dorp, sowel as 'n bydrae tot die belastingbasis van die munisipaliteit.

Sosiale impak

Die onderverdeling in drie erwe en verwagte toekomstige ontwikkeling daarop gebruik daarvan behoort na verwagting in te pas by die sosio-ekonomiese profiel van die betrokke omliggende woonbuurt en behoort dus 'n positiewe sosiale impak te hê.

Skaal van kapitale investering

Die voorgestelde ontwikkeling verteenwoordig 'n aansienlike kapitale investering in die dorp gegewe die installering van dienste en konstruksie van 3 nuwe woonhuise oor tyd.

Versoenbaarheid met omliggende gebruike en karakter van omgewing

Die voorgestelde ontwikkeling word beskou as versoenbaar met die omliggende gebruike, wat uitsluitlik enkel residensiële is. Die uitleg en erfgrottes pas in by die betrokke woonbuurt. Die erfgrottes van 800m² voldoen ook aan die Munisipaliteit se Onderverdelingsbeleid, waarvolgens die minimum toelaatbare erfgrootte in hierdie geval 750m² is, (naamlik 75% van die gemiddelde van minstens 20 naaste omliggende erwe – uitgesluit erwe wat meer as 2 maal die gemiddelde grootte is).

Impak op eksterne ingenieursdienste

Die ontwikkeling kan binne die munisipale dienستنêrwerke akkomodeer word. Die normale bydrae tot grootmaatdienste (ontwikkelingsheffings) sal van toepassing wees om voorsiening te maak vir verhoging in kapasiteit by munisipale grootmaatdienste-installasies.

Dit blyk dat die ontwikkeling by die naaste munisipale water- en elektrisiteitsnêrwerke kan aansluit in Hospitaalstraat, maar dat die rioolaansluiting vir die ontwikkeling net in Van der Merwestraat oor aangrensende erwe gemaak kan word. Dit beteken dat die

aansoeker toestemming van aangrensende eienaars moet verkry om die riol oor hulle eiendom te neem en die nodige serwituut daarvoor te registreer. Aangesien dit wel moontlik is, word die aansoek ten opsigte van dienstevoorsiening as wenslik beskou.

Impak op erfenis

Die eiendom val buite die Stedelike Bewaringsgebied Oorlegsone vir Montagu in die Soneringskema, asook buite die Erfenisgebied wat in die Langeberg Ruimtelike Ontwikkelingsraamwerk, 2015 voorgestel word. Daar word geen impak op erfenis voorsien nie.

Verkeersimpak, parkering, toegang en ander vervoerverwante oorwegings

Die voorstel behels in effek dat slegs twee ekstra erwe geskep word, met 'n privaatpad wat toegang daartoe gee, sodat die impak van addisionele verkeer as minimal beskou kan word. Die betrokke westelike deel van Hospitaalstraat is 'n doodloopstraat wat toegang aan slegs 9 erwe gee (ingesluit die aansoekperseel). Met die onderverdeling sal daar 11 erwe wees wat potensieel verkeer kan opwek in die straat.

Impak op privaatheid van die inwoners in die onmiddellike omgewing

Die grootste potensiaal vir impak op privaatheid is ten opsigte van die inwoners van aangrensende erf 4440 (Beswaar 5) ten ooste van die ontwikkeling, wat nou 3 bure in plaas van een sal hê. Die hoofwoning op erf 4440 is sowat 28m van die gemeenskaplike grens en die geboue daarop is so georiënteer dat daar in werklikheid net twee van die drie nuwe erwe aan die leefareas in en om die huis grens. Die sonering van die nuwe erwe bly Enkel residensiële sone I, waarvolgens 'n agterboulyn van 2m op die grens met erf 4440 sal geld. Verder kan verwag word dat die nuwe huise se leefareas oorwegend na die noordekant oriënteer sal word om maksimum voordeel uit die sonsinval te kry. Daar word gevolglik nie verwag dat die onderverdeling 'n beduidende groter impak op bure se privaatheid sal hê as wat die potensiele ontwikkeling van die erf volgens die huidige regte sal hê nie.

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

NVT

PART J: RECOMMENDATION

Dat die hersonering van 5197, Montagu vanaf Enkel Residensiële sone na Onderverdelingsgebied en die onderverdeling daarvan in 3 Enkel Residensiële I sone erwe (800m² elk) en 1 Vervoersone II erf (Privaatstraat) ingevolge Artikel 60 van die Langeberg Munisipaliteit : Verordening op Grondgebruikbeplanning, 2015, goedgekeur word, onderhewig aan die volgende:

Grondgebruikbeperkings en boubeheer

1. Die onderverdeling met geskied in ooreenstemming met die plan genmerk MON5197-LBM-OP
2. Die aansoeker is daarvoor verantwoordelik om 'n Huiseienaarsvereniging vir die ontwikkeling in te stel ingevolge Artikel 29 van die Langeberg Munisipaliteit : Verordening op Grondgebruikbeplanning, 2015. Die grondwet van die Huiseienaarsvereniging moet deur die Langeberg Munisipaliteit goedgekeur word voordat enige erwe in die ontwikkeling oorgedra mag word. Die grondwet moet minstens die volgende reëlings uitspel:
 - 2.1 Besit van en beheer oor gemeenskaplike grond en dienste
 - 2.2 Verskaffing van en betaling vir munisipale dienste aan en deur individuele erwe.
3. Voordat daar met enige bouwerke op die terrein begin mag word, moet bouplanne, wat aan die Wet op Nasionale Bouregulasies en Boustandaarde (Wet Nr 103 van 1977) voldoen, by die Langeberg Munisipaliteit ingedien en goedgekeur word.

Voorziening van ingenieursdienste

4. Die ontwikkelaar is verantwoordelik vir die installering van alle interne siviele en elektriese ingenieursdienste vir die ontwikkeling (elektrisiteit, water, riool, paaie en stormwater ingesluit), sowel as vir die betaling van ontwikkelingsheffings vir grootmaatsdienste. Die volgende spesifieke reëlings en vereistes geld:
 - 4.1 Die ontwikkeling sal van 'n enkele munisipale wateraansluiting voorsien word uit die munisipale 75mm deursnee waterlyn in Hospitaalstraat, op koste van die ontwikkelaar. Die ontwikkelaar sal verantwoordelik wees vir wateraansluitings daarvandaan na die individuele erwe en aanbring van individuele watermeters. Die te stigte Huiseienaarsvereniging sal verantwoordelik wees vir die betaling van die totale ontwikkeling se waterverbruik aan die munisipaliteit en kan dit dan van die individuele lede verhaal ooreenkomstig individuele meting, wat deur die HEV self behartig moet word.
 - 4.2 Daar moet, op koste van die ontwikkelaar, 'n rioolaansluiting vir die hele ontwikkeling in Van der Merwestraat gemaak word. Die nodige dienseserwituut moet daarvoor geregistreer word oor die betrokke erf op die aansoeker/ontwikkelaar se koste en die aansoeker/ontwikkelaar moet self die nodige toestemming by die betrokke eienaar daarvoor verkry. Die serwituut moet geregistreer wees en rioolaansluiting moet installeer wees voordat die eerste erf in die ontwikkeling oorgedra mag word
 - 4.3 Uitleg- en ontwerpplanne van alle dienste (behalwe elektrisiteit) moet aan die Bestuurder Siviele Ingenieursdienste voorgeleë word vir skriftelike goedkeuring alvorens daar begin mag word met enige konstruksiewerke.

- 4.4 Uitleg- en ontwerpplanne van alle elektriese installasies moet aan die Bestuurder Elektriese Ingenieursdienste voorgelê word vir skriftelike goedkeuring alvorens daar begin mag word met enige konstruksiewerke. 'n
 - 4.5 Ontwikkelingsheffing ten opsigte van grootmaat siviele dienste is betaalbaar deur die aansoeker/ontwikkelaar, vir 2 addisionele erwe teen die begrote tarief wat geld op die stadium van betaling.
 - 4.6 Die ontwikkelaar is verantwoordelik vir die kostes van enige nodige opgradering of verandering aan die elektriese netwerk, meetpunt of aansluiting en enige vereiste koppeldienste vir elektrisiteit moet eers installeer wees voordat enige erf in die onderverdeling registreer mag word.
 - 4.7 'n Ontwikkelingsheffing ten opsigte van grootmaat elektriese dienste is betaalbaar deur die aansoeker/ontwikkelaar, vir 2 addisionele erwe teen 6kVA per erf, teen die begrote tarief wat geld op die stadium van betaling
 - 4.8 Geen stormwater mag vanaf die ontwikkeling na aangrensende erwe kanaliseer word nie.
5. Vullisverwydering sal vanaf Hospitaalstraat geskied volgens die munisipaliteit se normale verwyderingsdiens in die area en nie vanaf die privaatstraat nie. Vir dié doel, moet die ontwikkelaar 'n doelgemaakte vullisarea in die reserwe van die privaatstraat (Gedeelte 4) teenaan die Hospitaalstraatgrens voorsien, volgens die vereistes van die Langeberg Munisipaliteit se Bestuurder: Vaste Afvalbestuur. Die vullisarea moet voltooi wees voordat enige erwe in die ontwikkeling registreer mag word.
 6. Die straatadresse van die betrokke gedeeltes sal as volg wees:
 - Gedeelte 1: Hospitaalstraat 1
 - Gedeelte 2: Hospitaalstraat 1B
 - Gedeelte 3: Hospitaalstraat 1C

Administratiewe reëlings en statutêre vereistes

7. Ingevolge Artikel 22(1) van die Langeberg Munisipale Verordening op Grondgebruikbeplanning, 2015 verval die onderverdeling na 5 jaar vanaf datum van goedkeuring indien dit nie bevestig is soos bedoel in Artikel 21 van dieselfde verordening.
8. Ter uitvoering van Artikels 20(5)(c) van die Langeberg Munisipale Verordening op Grondgebruikbeplanning, 2015 moet die aansoeker die konsep LG diagramme by die Langeberg Munisipaliteit Stadsbeplanningsafdeling indien vir endossering as goedgekeurde onderverdelingsplan ingevolge Artikel 60.
9. Voorwaardes 2, 4 (met alle onderafdelings) en 5 moet nagekom word voordat 'n sertifikaat ingevolge Artikels 20(6) en 28 van die Langeberg Munisipale Verordening op Grondgebruikbeplanning, 2015 uitgereik word. Hierdie sertifikaat moet saam met die transportdokumente ingedien word alvorens die onderverdeling deur die Atekantoor getranspoteer sal word

PART K: ANNEXURES

Bylae 1 - Planne

Bylae 2 - Motivering

Bylae 3 – Besware

Bylae 4 – Reaksie op besware

Bylae 5 – Opsomming van tersaaklike oorwegings ("Relevant Considerations")

PART L: AUTHOR SIGNATURE:

.....
J L E R VAN ZYL

ASSISTANT MANAGER: TOWN PLANNING

REGISTERED PROFESSIONAL PLANNER – NO. A/1170/2000

.....
DATE

Planne



LOCATION PLAN: ERF 5197 MONTAGU

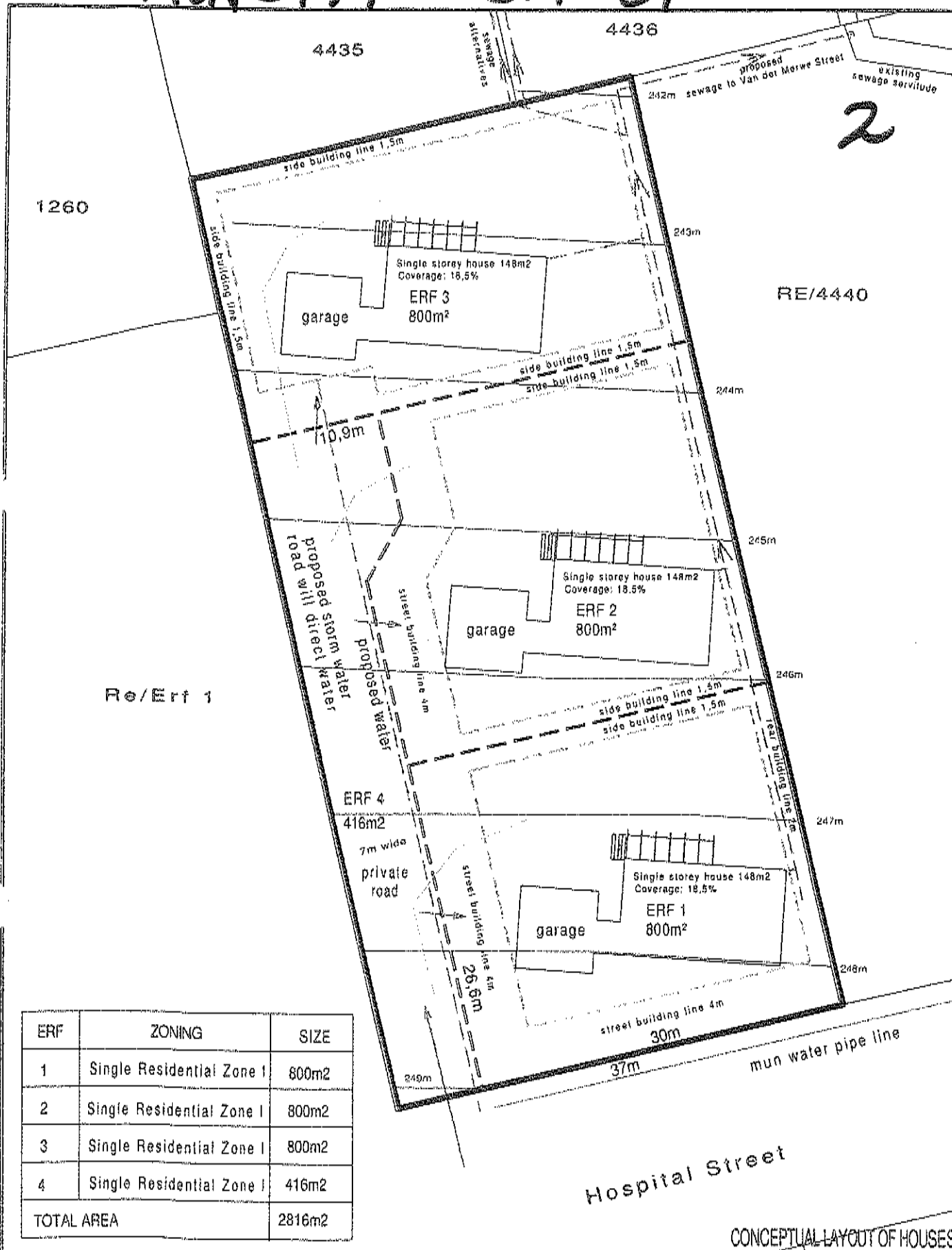


PLAN: E5197Mon

SCALE 1:5000

UMSIZA
Town and Regional Planner

MON5197-LBM-OP



AMENDED SITE DEVELOPMENT PLAN: SEPT 2020
 ERF 5197 MONTAGU: REZONING TO SUBDIVISIONAL AREA
 SUBDIVISION OF SUBDIVISIONAL AREA INTO 4 ERVEN



UMSIZA
 TOWN AND REGIONAL PLANNING
 Town and Regional Planner

SCALE 1:400

DORSPRONKLIKE ONKLERVERDELINGS PLAN (GEWYSIG)

4435

4436

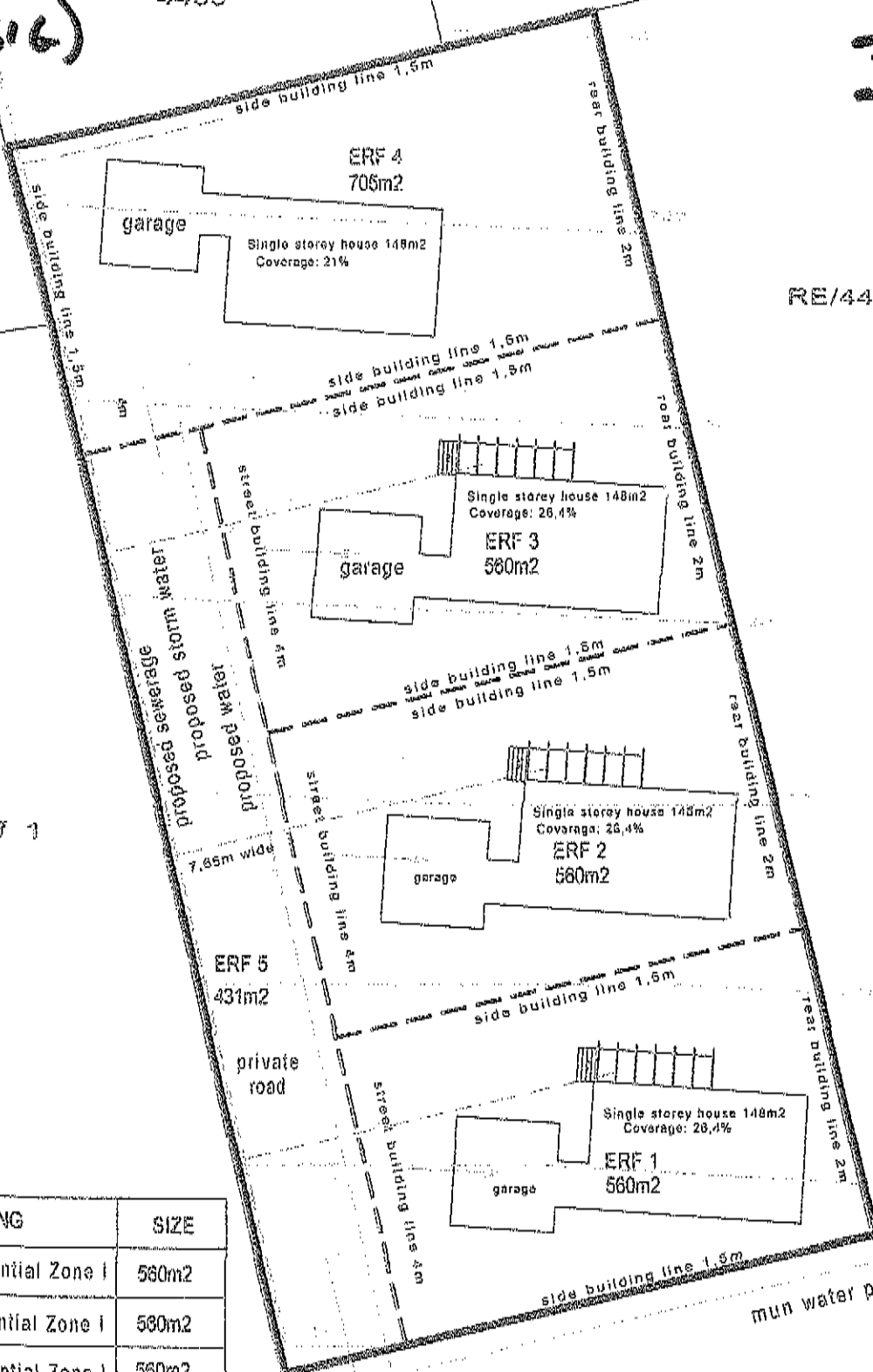
3

1260

RE/4440

Re/Erif 1

ERF	ZONING	SIZE
1	Single Residential Zone I	560m2
2	Single Residential Zone I	560m2
3	Single Residential Zone I	560m2
4	Single Residential Zone I	705m2
5	Transport Zone III	431m2
TOTAL AREA		2818m2



Hospital Street

ERF 5197 MONTAGU: REZONING TO SUBDIVISIONAL AREA
SUBDIVISION OF SUBDIVISIONAL AREA INTO 5 ERVEN



UMSIZA
Town and Regional Planning

SCALE 1:400

KOMPONENTE :

- 1) Die figuur A B C g f e stel voor Restant Erf 3536 Montagu
 Vide Diagram No. 6690/1991 gehieg aan T/A No. 12552/1992
 2) Die figuur D e f g stel voor Erf 4434 Montagu
 Vide Diagram No. 5741/2000 gehieg aan T/A No. 2001- -54142

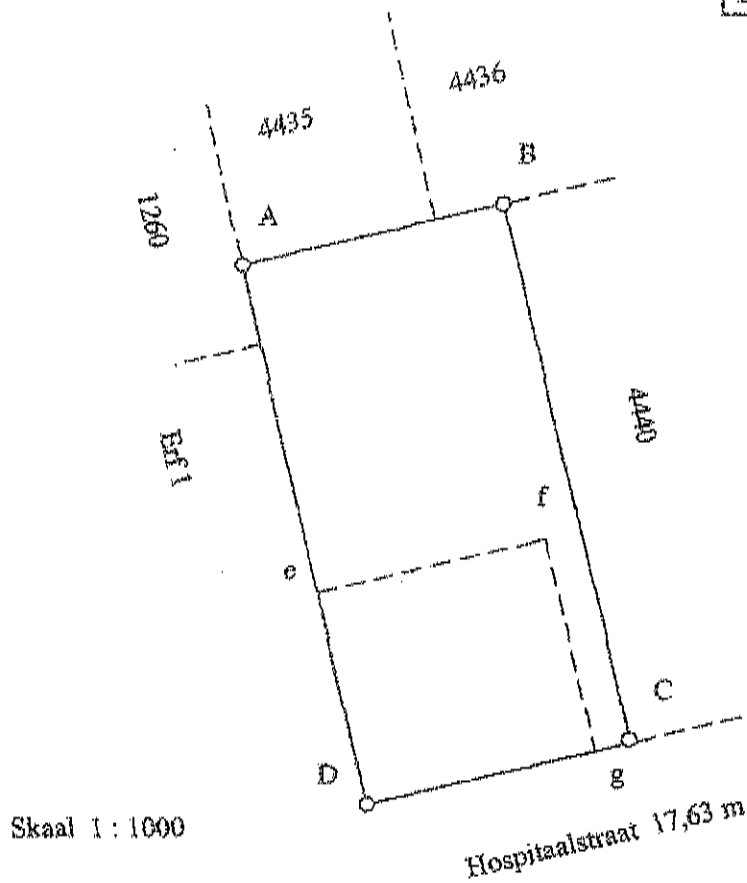
L.G. Nr.

4 2397/2003

Goedgekeur

nms. Landmeter -
generaal

Datum 2003.07.03



Die figuur A B C D
 stel voor 2816 vierkante meter

grond, synde

ERF 5197 MONTAGU (bevattende 1-2 soos hierbo)

gelee in die Breërivier/Wynland Munisipaliteit
 Administratiewe Distrik van Montagu

Provinsie Wes-kaap

Saamgestel in Junie 2003
 deur my,

P. F. Spronk (PLS 0779) Professionele Landmeter

Hierdie kaart is gehieg aan
 Nr. T52066/2004
 gedateur
 t.g.v. 04/06/2004

Die oorspronklike kaarte is
 soos hierbo aangetoon.

Leer Nr. S/ 8069/67
 Saamgestel
 Komp. BJ - 7AA/Y5 (1637)
 LPI 00500002

Registrateur van Aktes

Erf 5197 Montagu

Motivering

MOTIVATIONAL REPORT

APPLICATION for REZONING from Single Residential Zone I to SUBDIVISIONAL AREA to create 4 Single Residential Zone I housing erven, as well as a private access road: ERF 5197 MONTAGU

1. PURPOSE OF APPLICATION & BACKGROUND

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*, the rezoning and subdivision of land.

The purpose of this application is to develop Erf 5197 Montagu into four single residential dwelling units with access from a private road.

2. LOCALITY AND ACCESS TO ERF

Erf 5197 Montagu is located in a single residential area in the south of Montagu town. 1 Hospital Street is located at the western end of Hospital Street with veld to the west adjacent. Access is obtained from Hospital Street. Montagu Hospital and Montagu Secondary School are located approximately 400m to the east of the application site.

3. CHARACTERISTICS OF SITE AND SURROUNDING AREA

Erf 5197 Montagu is 2816m² in extent and belongs to Natasha Elizabeth Saayman and Pieter Gerbrandt Steyn according to T52066/2004.

The erf is vacant.

Except for a resort zone and Open Space Zone IV (nature reserve) to the west of the application site, the surrounding area is single residential in character.

The block to the west of the School (Erven 5, 6 and 2959) / north of Hospital (Erven 4 and 909) has developed in a group housing estate around Hamlet and Village Streets.

4. ADDITIONAL LEGISLATION/ PLANNING GUIDELINES APPLICABLE

4.1 Langeberg Integrated Zoning Scheme Bylaw, 2018

According to the Langeberg Integrated Zoning Scheme Bylaw (IZS), P.N. 71/2018, Erf 5197 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) a storeroom and garaging; (b) a second dwelling or additional dwelling, with a floor area which does not exceed 60 m²; (c) a braai room; (d) renewable energy structures for household purposes; (e) home occupation; (f) letting to lodgers for long term rentals; (g) a bed and breakfast establishment; and (h) home child care.

The Bylaw makes provision for a Subdivisional Area Overlay (SAO) Zone that designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of the Bylaw.

The SAO zoning confirms the principle of development and acceptance of future subdivision of land; but not the detailed layout that will be determined when an actual application for subdivision is approved.

Land zoned as a subdivisional area may be subdivided as contemplated in the Planning Bylaw.

The SAO will be subject to development parameters determined by the Municipality.

The proposed four erven will be zone Single Residential Zone I.

Applicable development parameters in Single Residential Zone I are:

- Height: max 6 m to wall plate and 8,5 metres to the ridge of the pitched roof;
- Coverage: max 65%;
- Street building line: 4m;
- Side building line: 1,5m;
- Rear building line: 2m; and
- Parking: minimum 2 bays per dwelling.

All dwellings (with double garages) will be built within the prescribed building lines.

7

"Private road" means privately owned land designated as a private road that provides vehicle access to a separate cadastral property or properties. It includes utility services and ancillary access control infrastructure, including a gatehouse, guardhouse, refuse room and utility room; and does not include a driveway on a property, or a servitude right of way over a property as these do not constitute private roads for the purpose of this zoning scheme.

Development parameters will be determined by the Municipality.

The application site is not located in one of the three conservation worthy Montagu Urban Conservation Area Overlay Zone Areas as identified in Schedule 3 of this document.

4.2 Montagu - Spatial Development Framework (SDF)

The Extensive Agriculture Buffer Zone to the west and south of Erf 5197 has been shown in the SDF document as a potential new development area. This 36,82 ha of land is, however, not located within the Montagu urban edge and cannot be considered for development at present.

The SDF shows the application site and surrounding area as an existing development area with no development proposals.

The subdivision of Erf 5197 into four erven will, however contribute to the creation of additional residential erven in this area.

5. APPLICATION

Application is made for the following in terms of:

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

Application is made for a rezoning of Erf 5197 Montagu (2816m²) from Single Residential Zone I to Subdivisional Area.

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

Application is made for the subdivision of the Subdivisional area in the following 4 erven.

- Erf 1: 560m² (Single Residential Zone 1)
- Erf 2: 560m² (Single Residential Zone 1)
- Erf 3: 560m² (Single Residential Zone 1)



- Erf 4: 705m² (Single Residential Zone 1)
- Erf 5: 431m² (Transport Zone III (private road))

The above development adheres to all the development parameters of Single Residential Zone I and therefore no departures are required:

- Height: 2,8m to the wall plate and 5,25m to the pitch of the roof;
- Coverage: Erven 1,2 and 3: 26,4%; Erf 4: 21%;
- Street building line: 4m
- Side building line: 1,5m
- Rear building line: 2m
- Parking: minimum 2 bays per dwelling

The proposed 7,65m wide street reserve internal access road will be paved.

6. NEED & DESIRABILITY

Need and desirability are 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 subdivision of Erf 5197 will provide four dwelling houses to four potential home owners in a secured development in an attractive area close to the Hospital and Secondary School in Montagu.
Access will be obtained from Hospital Street via a 4,65m wide paved private street to the west of the residential erven.
- **Spatial Sustainability**
Cost effective development:
The development of Erf 5197 Montagu in four residential erven will be cost effective for both the owner and the Municipality due to optimal utilisation of this large erf. Internal services will be installed and maintained efficiently by the home owners association / management body.
It is intended to build the first house to be marketed and sold, where-after the remaining three erven will be developed by the developer when sold.
The houses will be typical Klein Karoo vernacular style houses of 103m² each and double garage (40m²) in character with the surrounding environment.

The benefits of a Turnkey product are that the developer funds the entire building process, deals with all building issues, and delivers a completed product to the purchaser. The buyer only pays for the property once it's completed, thus removing any delivery risk for the purchaser.

Another benefit is that it will be a quality development with similar buildings and style.

Desirable location:

The application site is a large erf located within an existing single residential area. [The application will not entail any rezoning, as the four erven will remain Single Residential Zone I with three 560m² sites and the fourth a larger site of 705m².]

The only larger erf in the surrounding area is Re/Erf 4440 east adjacent.

The subdivision of this erf will therefore be in character with the surrounding smaller erven.

The erven will be located within walking distance from the hospital and secondary school for potential job opportunities and/or needed community facilities.

All dwelling houses will be built within the required building lines with no negative impact on the neighbours:

West – veld

South – Hospital Street

North – Erf 4435 with dwelling house

East – Re/4440 with many separate structures

- *Efficiency, including services*

At the moment Erf 5197 has a primary right for one dwelling house on a very large erf. The application site consisted of two erven previously that were consolidated in 2003.

The form and size of the erf provide opportunity for subdivision, although street access is limited.

The rezoning to subdivisional area to create also a private road for access to four separate erven with four neat dwelling houses provides for the optimal utilization of Erf 5197 Montagu. This will add value to the erf as well as the surrounding environment.

Storm Water

Erf 5197 has a downhill gradient of approx. 1:11 in a northern direction.

The four houses will be built parallel with the contours and face in a north-eastern direction for maximum sunlight.

Any accumulated storm water in the proposed road will be redirected into the gardens of the four erven – see Plan.

Roads and Access

The internal road will remain the private property of and will be maintained by the Home Owners Association / Management Body and will adhere to municipal standards.

Sewerage Services

Sewerage of the four houses will be collected internally and flow towards the municipal sewerage network in Van der Merwe Street.

Maintenance of the internal sewerage network will be the responsibility of the Home Owners Association / Management Body.

Water Services

The internal water network will be connected to the existing municipal line in Hospital Street. The bulk meter outside the property will be read and billed by the Municipality as one collective. Individual metering will be done internally and consolidated to one total water usage against the supply point bulk meter's reading by the Home Owners Association / Management Body.

Electricity Service.

Pre-paid electricity will be provided at each house.

The developer will be responsible for the internal electrical distribution.

- **Spatial Resilience**

The opportunity to provide four dwelling units in an affordable (small but quality), attractive and safe environment close to amenities will contribute to the creation of sustainable livelihoods in times of economic and environmental shocks.

- **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.

Although the principle of good administration refers mainly to municipal governance, the proposed development will be well managed and administered by a Home Owners Association / Management Body.

7. CLOSURE

The proposed subdivision of Erf 5197 Montagu development will provide an opportunity to create four new dwelling units in a safe and attractive environment.

The benefit of this project is that the developer delivers completed newly built products to the purchasers that will ensure a quality development. Adequate services are available. It will provide in the need for accommodation and will add value to the surrounding area by providing attractive and modern style dwelling units that are accessible and near the Montagu Hospital and Montagu Secondary School.

The application is therefore both needed and desirable from a land use point of view.

Besware

BESWAAR 1

Gennao Construction (Pty) Ltd

12

ONTVANG
20/8/2020



PER HAND

Gennao Konstruksie (Pty) Ltd

2D Hospitaal Straat

Montagu Suid

6720

Stadsbeplanning

Langeberg Munisipaliteit

3 Piet Retief Straat

Montagu

6720

**VOORGESTELDE HERSONERING EN ONDERVERDELING VAN ERF 5197,
BEKEND AS 1 HOSPITAAL STRAAT, MONTAGU**

Hiermee maak ek Chris-Waldo de Wet, ID nommer 8404275024087 as direkteur van Gennao Konstruksie wat die wetlike eienaar van Erf 4375 is soos volg beswaar op die voorgestelde hersonering en ontwikkeling van bogemelde Erf 5197;

A. Hersonering

1. Geen bewyse van enige navorsing wat behoefte en aanvraag staaf is by aansoek aangeheg nie. Daar is verskeie beskikbare oop standplase in die onmiddellike omtrek wat al geruime tyd in die mark is wat bewys dat daar geen behoefte is nie, maar eerder 'n oor aanbod. Alhoewel die hersonerings aansoek vir Enkel Residensieële Sone 1 is, is die onderverdeling van die area suiwer om die hoeveelheid eiendom op die oorspronklike eiendom te verhoog na 'n hoëdigtheid area.

2. Die voorgestelde hersonering na 4 afsondelike erwe verklein die oppervlak van elke erf na ongeveer 600vkm, wat teenstrydig is teenoor die huidige standaard van die omliggende erwe wat almal groter is as 1000vkm in oppervlak, asook is die opverdeling onvanpas by die res van die aangrensende en res van die eiendomme in die buurt.
3. Die voorgestelde hersonering van Erf 5197 wat gelee is aan die einde van die Westelike doodloop van Hospitaal Straat wat grens aan aan die Oostelike grens van die Natuur Reservaat Sal ook direkte impak op die omgewing se natuur en diere lewe hê.

B. Ontwikkeling

1. Voorgestelde plan van beplande strukture toon aan dat die boulyn van die struktuur op straat front van Hospitaal Straat slegs 1,5m van munisipale grens af is en nie 4m van die straat front soos per toepaslike regulasie vir Enkel Residensiële Sone 1 nie. Die straat wat op die voorgestelde struktuur plan aangetoon word met 4m boulyn is egter die privaat pad op die eiendom wat toegang gee tot beplande strukture op die eiendom gee. Die 4m regulasie van toepassing moet 4m aan straat front van Hospitaal Straat wees om aan die regulasie vir Enkel Residensiël Sone 1 te voldoen. Die regstelling daarvan sal dus die oppervlak van die onderverdeelde areas wat alreeds onder die vasgestelde groote van 750vkm is aansienlik verklein, wat die onderverdeling nog meer onaanvaarbaar maak.
2. Die ontwikkeling van 4 eenhede in 'n doodloop straat sal verkeer verhoog wat 'n impak op die rustigheid van die omgewing sal hê, asook druk op die natuur sal plaas.
3. Daar is geen voorgestelde beplanning gemaak vir die verhoogde generering van vullis wat so hoëdigtheid ontwikkeling sal hê nie, wat mag op eindig op die Hospitaal Straat front wat eerstens onhygiënies is en tweedens onooglik vir die onmiddellike bure en besoekers. Beplanning hiervoor sal binne die kompleks gemaak moet word in 'n omheinde, onopsigtelike area vanaf die straat front wat ook impak op die voorgestelde erf groote sal hê.

4. Daar word ook kennis geneem van die voorgestelde hoogte van die strukture, wat as 2,8m tot by "wall plate" en 5,25m tot by "pitch of roof" is.

C. Dienste

1. Geen voorstel of bewys het die aansoek vergesel wat aantoon hoe verhoogde gebruik van dienste vir water en elektrisiteit gehanteer gaan word nie, aangesien 'n hoëdigtheid ontwikkeling 'n groter aanvraag sal hê as slegs 1 wooneenheid, sonder dat dit die omliggende eiendomme gaan benadeel nie.

Opsomming:

Die onderverdeling en voorgestelde ontwikkeling van 4 wooneenhede op erf groottes van 560vkm is onvaspas in 'n area waar al die eiedom 1000vkm of groter word in die lig van die bogemelde punte ten sterkste teen gestaan.

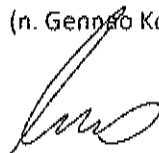
Dankie vir u oorweging.

Vriendelike groete

C-W de Wet

20/08/2020

(n. Gennaro Konstruksie (Edms) Bpk)



BESWAAR 2

15

1

THE MANAGER
TOWNPLANNING
LANGEBOEG MUNICIPALITY
3 PIET RETIEF STREET
MONTAGU 6720

DELIVERED BY HAND

Sir

PROPOSED REZONING AND SUBDIVISION OF 1 HOSPITAL STREET
MONTAGU (ERF 5197)

We, undersigned who are owners, and who reside at 2B Hospital street, lodge our objection to this proposal for reasons as stated in the attachment enclosed.

The Langeboeg Municipality Planning Department has done an excellent job in balancing the development of the old and new in Montagu, whilst maintaining standards and the character of Montagu. We wish it to remain so.

It is therefore expected that any development proposed on Erf 5197 be compliant with the current Town Planning Scheme and Local Municipal bylaws

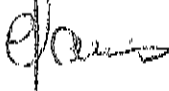
This application does not meet those Building guidelines and standards.

We trust you will view our objections in a serious manner and give it much consideration.

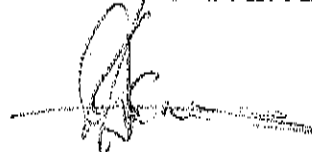
Please could you acknowledge receipt by email to: colinwh1948@gmail.com

Yours sincerely

C W HAINES



D A SCRIVENS



DATE: 7th August 2020

MONTAGU

2B HOSPITAL STREET
Montagu South

OBJECTION TO PROPOSED REZONING AND SUBDIVISION OF ERF 5197 1 HOSPITAL STREET MONTAGU.

REZONING

1. Erf 5197 is situated at the end of a short dead-end only about 180m in length from Swanepoel Street junction to the end of Erf 5197. This part of Hospital Street and the surrounding area is of single residential in character. Six of the 8 erven within this section of Hospital Street have been developed as Single Residential Zone 1. Plot sizes on average for these properties are in excess of 1000sqm.

Although the application will result in the zoning remaining as Single Residential Zone 1, the "Subdivisional area" has been adopted purely to increase the number of dwelling units on the original property. Additionally the 4 individual properties are each less than 750 sqm and this totally inappropriate when compared to the immediate neighbouring properties. Three of the plots are 560sqm only. The additional traffic generated from the higher density development proposed would be detrimental to the privacy and tranquillity we currently enjoy.

2. The proposal has not provided sufficient evidence of Need and Desirability. Currently there are at least 10 empty building plots with 1000m of Erf 5197. Some of these plots have been for sale for more than 8 years. There are a large number of building plots for sale in varying sizes throughout Montagu. Piet se Pad is only one example.

3. **STORM WATER.** Erf 5197 has a downhill gradient of 1:11 from south to west. Stormwater running down the proposed access road will run into rear of existing houses Erf 4435 and Erf 4436. The plot also has a gradient from west to east. Stormwater will therefore move into Erf RE/4440. The details in the plan are therefore flawed.

4. **SEWERAGE.** Erf 5197 has a gradient from west to east. As detailed in the plan the houses will connect to a sewerage pipe under the access road to the west boundary. To do so the sewerage would have to run uphill. Sewerage can only be connected on the east boundary and flow past the existing house on Erf 4435 in a series of doglegs before connecting in Van der Merwe Street.

5. **NATURE RESERVE.** In addition Erf 5197 has its western boundary with the ~~Nature Reserve~~, home for many wildlife. A cluster development adjacent to the Nature Reserve is undesirable and impacts negatively on the environment.

SUBDIVISION

1. **PLOT SIZES.** Current Building regulations we understand specify that subdivided plots should be 75 percent of the average plot sizes in the area. For whole of Montagu South the average is 800m+. On that basis any subdivision should have plots of no less than 600sqm in order to comply with Building regulations. This is not the case in this application.

2. **BUILDING LINES.** The proposed subdivision does not comply with Building Line Regulations which apply to Single Residential Zone 1 erven. In terms of the Single Residential Zone 1 the street boundary (Hospital Street) would be 4,0m. Side boundaries at 1,5m and rear boundary at 2,0m. The proposed site plan indicates a street boundary of 1.5m which is totally non-compliant and unacceptable.

3. **REFUSE.** No provision is made on the plan for the refuse generated by four dwellings. Such a volume of rubbish cannot be placed on the pavement. It would be unsightly and a health hazard and should be placed in a suitable refuse enclosure.

4. **ELECTRICITY AND WATER.** No proof is provided to indicate there is sufficient water and electricity capacity to meet the needs of four properties. Nor any indication as to where the connections to these service will be made. Such infrastructure work and its impact on existing properties has yet to be assessed.

SUMMARY

Our objection is based on good planning principles which Langeberg Municipality Planning Department has worked hard to develop and maintain for many years. This proposal is inappropriate and wrong for such a narrow plot set in a short road within South Montagu. The developers are wanting to put a dense cluster development in a Single Residential Zone 1 area where most single homes have been built on plots of over 1000sqm.

It is therefore expected that any development proposed on Erf 5197 be compliant with the current Town Planning Scheme and Local Municipal bylaws and, finally, to be equal in comparison to the existing neighbourhood development.

This proposal is not acceptable to residents of this part of South Montagu as it would have an overall negative and imbalanced affect on the area.

ends

BESWAAR 4

20

3 HOSPITAL STREET
MONTAGU 6720

11 August 2020

THE MANAGER
TOWNPLANNING
LANGEBERG MUNICIPALITY
3 PIET RETIEF STREET
MONTAGU 6720

DELIVERED BY HAND

Sir/Madam

PROPOSED REZONING AND SUBDIVISION OF ERF 5197 1 HOSPITAL STREET MONTAGU

I write to lodge my strongest objection to this application.

This is a very quiet cul-de-sac probably only 200 metres in length. All properties here are on large plots built strictly within the Building Line regulations.

This application for a high density development on a narrow erf is totally out of character - specifically this end of Hospital Street and South Montagu as a whole. It will have a negative effect on this quiet piece of road. The number of houses will increase by 50 percent along with the traffic flow.

There is considerable objection from residents in Hospital Street as this development threatens to completely change the neighbourhood.

In addition the erf borders the Nature Reserve. It has a long boundary by the Nature Reserve. Environmentally I feel it would be unacceptable to allow a cluster development adjacent to the Nature Reserve. There are also issues about erf sizes, building lines, storm water and refuse disposal.

21

We do expect that any development proposed on Erf 5197 be compliant with the current Town Planning Scheme and Local Municipal bylaws

This application does not meet those Building guidelines and standards .

Langeberg Municipality Planning Department has done an excellent job in balancing development while keeping the character of Montagu which makes it such a unique town. We are confident it will continue to maintain these high standards.

We trust you will give our objections serious consideration.

Yours sincerely

Andri Hemmingsen (Mrs)

A. Hemmingsen

DATE:

MONTAGU

11 August 2020

The Manager: Town Planning

Langeberg Municipality,

3 Piet Retrief Street,

Montagu,

6720

4 August 2020

Dear Sir/Madam,

RE : OBJECTION TO THE PROPOSED REZONING AND SUBDIVISION OF ERF
5197, 1 HOSPITAL STREET, MONTAGU

My name is Sylvia Theron (ID 5906220041084) and my husband, Thomas Theron (ID 5604015006087), living on the adjacent plot, erf 4440, commonly known as 1A Hospital Street.

Contact number: 082 920 0821 (SYLVIA) or e-mail sylviatheron@mweb.co.za.

We strongly object to the proposed REZONING and SUBDIVISION OF ERF 5197. The proposed development will run the full length of our western boundary, thus we will be directly affected in the following ways:

1) PRIVACY AND NOISE ISSUES – all four dwellings will be orientated in a “north-eastern direction” - directly looking over our property and each of these proposed dwellings, will be looking onto the dwelling in front of it, with little space in between. With a potential of 20 + people living in these four units, the traffic and noise will leave us and the residents themselves, with NO PRIVACY.

2) DENSITY OF THE PROPOSED DEVELOPMENT – this narrow erf is not suitable for the proposed development, with a density of four dwellings and possibly eight cars, with one exit and entry on their “private road”, plus, ‘undetermined’ grounds for the utility and collection points.

All other local residents in the immediate area, have adhered to the ‘one dwelling per minimum of 800m²’. Taking the average square meterage of

plots in this area (800 – 1000m²), the proposed subdivisions of 560 m², clearly does not fulfil the 75% of the average size of grounds in the immediate vicinity.

In their motivation they compare our grounds, erf 4440, with '**many separate structures**', as 'in keeping with **their proposals**'. Clearly, the comparison is NOT the same! This erf was originally the old farmhouse with outbuildings.

Ultimately, it is **ONE DWELLING, NOT 4 subdivided erven, with 4 dwellings**. It is incorrect to say that we will NOT be negatively affected by THEIR "**many separate structures**"/dwellings.

This development will definitely spoil the character and tranquillity of the area, of open spaces and single dwellings.

3) TRAFFIC – since we are in a 'dead end', an additional eight cars, plus visitors, will add enormously to the **volume of traffic**, and wear & tear of the road. Their own documents points out, that "**the street access is limited**".

Even **within the 'complex'**, there could be **traffic issues**, with one entrance and one exit.....and where will the **visitors park**? Will they be parking on the turning circle of the 'dead end' and blocking traffic?

4) CIVILS – it is not clear on the proposed building plan, where the **SEWERAGE** will run. It appears to run to the last erf and then there is a building line of 1.5 m. Does it run within this 1,5m building line and then where does it go?

Should they want the sewerage to go over our ground, erf 4440, we will not give permission. Our title deeds only makes provision for two erven (5373 and 5375) to connected to the sewerage servitude, which runs over our erf. At present, there are four erven using this servitude, plus our own....all converging to one point! Also, where will the **internal sewerage collection point** be – there is no indication on the document provided?

STORM WATER – Given the slope of erf 5197, the water now mostly soaks away - any excess gathers in the corner of our wall and the neighbour's (4436). With many roofs and paving, the **flow volume and speed will increase**. How are the developers going to **redirect the storm water** "into the gardens of the four erven"?

5) UTILITY SERVICES - There is also no indication as to where the '**gate house**'; '**guard house**'; '**refuse room**' and '**utility room**' will be situated, as indicated in 4.1 of the motivational report. The **capacity of the water and electricity supply** will also have to be determined.

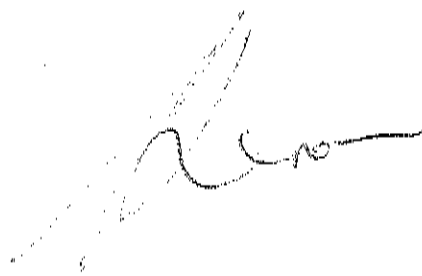
6) **BUILDING LINES** – there is a problem with the building lines, especially on HOSPITAL STREET. The proposed plan indicates 1,5m from this public road - it should be at least 4 m.

7) **'NEED & DESIRABILITY'** – a quick look around the area and the town as a whole, one notices at least 10 empty erven in the immediate vicinity. Then there is 'PIET-SE-PAD', which still has MANY erven empty and available to build. Thus, currently, the "need & desirability" motivation does not hold water.

CONCLUSION - Due to the above concerns, we **STRONGLY**

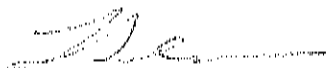
OBJECT to this proposed rezoning and subdivision of erf 5197, MONTAGU.

Regards,



SYLVIA THERON:

SIGNED IN MONTAGU ON THIS 24th DAY OF AUGUST 2020



THOMAS THERON:

SIGNED IN MONTAGU ON THIS 24th DAY OF AUGUST 2020

BESWAAR 6

25

Presently residing at:

27 Anderson Close

Tokai

7945

10 August 2020

Re: Proposed New Development Montagu - ERF 5197

Good Day Madam, Sir,

For the record and to whom it may concern I Kelvin Bright hereby authorise Mr Mike Hamargren residing at No 12 Van der Merwe Street to represent me in this matter.

As the owner of:

ERF 4435,
14 Van der Merwe Street,
Montagu
6730

I'm writing to voice my concerns in connection to the New Development proposed on ERF 5197 and refer to Motivational Report submitted by Langeberg Municipality dated 21 July 2020.

Page 6 -- Sewage Services -- Stringent Objection

I note with deep concern the fact that intended Sewage Reticulation is to be routed through my property against the boundary line of ERF 1260.

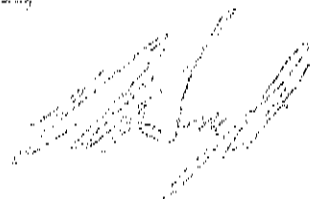
This proposal will be refused in the strongest terms to prevent any digging in this suggested area. This refusal is based on the grounds that excavation work for sewage piping will need to take place in a very narrow servitude and in close, if not immediate proximity, to the Foundation Poles for my house and the Retaining Wall for my garage.

Any argument that the Sewage Pipe Line will be routed against the boundary line and will be well clear of my Foundation Poles and Garage Retaining Wall is not sustainable as the owner of ERF 1260 has a Garage built right on the boundary line.

This means that any digging for this Sewage Pipe Line will need to be made midway between my neighbour's garage and my house. This narrow servitude under these conditions simply will not offer sufficient clearance to maintain the integrity of my house's Foundation Poles and Garage Retaining Wall or for that matter the foundations of my neighbour's garage.

For the record I stringently oppose to any sewage pipe lines passing through my property.

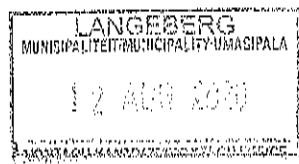
Thanking you for taking my concern into consideration,
Kelvin Bright,



Cell: 072 190 2200
073 323 3933

Telephone: 012 712 0468

Email: bright.kelvin1@gmail.com



BESWAAR 7

27

THE MANAGER

TOWNPLANNING

LANGEBERG MUNICIPALITY

3 PIET RETIEF STREET

MONTAGU 6720

Dear sir/madam,

OBJECTION TO PROPOSED REZONING AND SUBDIVISION OF (ERF 5197)

We are herewith lodging our objection to the proposed rezoning and subdivision of ERF 5197 based on the supporting criteria below.

1. We currently reside in 12 Van Der Merwe Street (ERF 1260) and when purchasing the property,
bordering the nature reserve and the vacant plot, we anticipated one house being built on the plot, due to the average size of existing houses in the area.
2. As we are avid bird watches we have built a pond to attract various bird species and other Wildlife. These animals are now regularly frequenting the pond. An additional four houses on the adjacent plot will have a negative effect on the Wildlife and disrupt their habitat.
3. The proposed sewerage which is to be alongside our house will not be possible due to our garage which is situated along the ERF line. We are concerned for the foundation stability of our garage.
4. The additional traffic and increase in residents and guests resulting from the four properties will result in a large disruption to the peace in the area which was a major factor in our decision to purchase our current property.

Thanking you for taking my concern into consideration.

Yours sincerely,

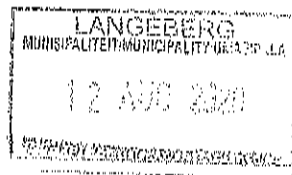

H.B. HAMARGREN

DATE: 2020-08-13

Cell: 083 320 8911

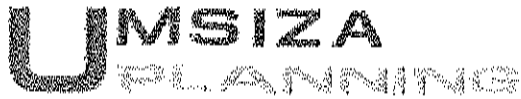
Email: mike.q.a.s@mtnloaded.co.za

MONTAGU 6720



Aansoeker se reaksie op besware

REAKSIE OP BESWAAR 29



PO Box 649
ROBERTSON,
6705

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

No 2 Rosegate
ROBERTSON

7 September 2020

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Jack van Zyl

ERF 5197 MONTAGU: APPLICATION FOR REZONING AND SUBDIVISION

The objections received on 27 August 2020 refer.

Objections were received from:

- Chris-Waldo de Wet (Erf 4375 Montagu);
- CW Haines (2B Hospital Street);
- OE and EA Barnard;
- Andri Hemmingsen;
- Sylvia and Thomas Theron (R/4440/1A Hospital Street);
- Kelvin Bright (Erf 4435 Montagu); and
- H Hamargren (Erf 1260 Montagu).

Below is a summarized version of the objections received, many of them were duplicated:

- Need:

No research has been done regarding demand. There are many open plots (± 10) available in the immediate area, as well as the Piet-se-Pad development. There are a number of plots for sale in the area, also much larger plots along the river bank, therefore the need does not hold water. There is no great demand for building plots.

- IZS:

The application is not compliant with the current Town Planning Scheme and the existing neighbourhood development.
Hospital Street building line is not correct.

- Character/Desirability:

The application will have a negative and imbalanced effect on the character of Montagu South as a whole.

The purpose of the application is to densify the area and change the character of neighbourhood. The proposed size of 600m² is not in line with the average of 1000m² of the surrounding area. Other residents in the area adhered to the minimum size of 800m². The proposed erven are too small for this area. It is a quiet cul-de-sac of 200m in length with all large erven.

There will be an impact on the full length of the western boundary of R/4440 as houses will be overlooking the property. The 20+ people that will be living in the four units will impact on privacy.

The rezoning will have a negative impact on the Nature Reserve. The additional four houses will impact negatively on the pond with various bird species.

Site specific: Narrow erf is not suitable for proposed development.

- Traffic:

Increased traffic will impact negatively on tranquillity of area and nature.

Traffic flow will double on a short one way street with an adverse effect on surrounding residents with large plots. Increased traffic and residents will disrupt the peace in the area.

There will be traffic issues within the proposed complex.

- Services:

How will increased services be rendered?

Water and electricity:

Capacity of water and electricity supply will have to be determined.

Sewage:

Objects against sewerage reticulation on Erf 4435 against the boundary line of Erf 1260 – too narrow space along house and garage on Erf 4435 and garage on boundary of Erf 1260.

Sewerage will run uphill, should be moved to eastern boundary and along eastern boundary of Erf 4435 to Van der Merwe Street.

Will not allow sewerage over Erf 4440.

Storm water:

How redirect storm water into gardens? Storm water will run into rear of existing houses. Plot has gradient from west to east.

Solid waste removal:

No provision has been made for increased solid waste to be generated. Such a volume cannot be placed on the pavement, but should be catered for within the complex.

No refuse room indicated.

Response to the above-mentioned objections are the following:

The Montagu SDF makes provision for 6 new residential development areas within the Montagu urban edge, one of which is an 8 ha new development area to the east of Montagu Hospital in Montagu South. The need for housing will always exist, therefore the need for identifying additional areas for development as well as the general policy of densification within urban areas, where appropriate.

Erf 5197 is much larger than the surrounding properties and offers an opportunity for a desirable subdivision that will be in character with the surrounding environment.

Although there are other vacant erven available, research has been done that confirmed the demand for quality and safe turnkey projects, as are presented.

As a result of the objections received from the neighbours, it is, however, requested in terms of Section 52(1)(b) of the Langeberg Municipal Land Use Planning Bylaw 2015 that the application be amended to include only three new residential erven of each 800m² in extent – see adjusted SDF: [bep]

- The three 800m² residential erven adhere to the subdivision policy. The average size of the surrounding 20 erven is 1011,3m², with 75% a size of 758,5m². Erven 4435, 4436, 4437, 4438, 4439, 5376, 5375, 5374, 5373 in the same block than the application site are all ±800m² in extent.
- Erf 5197 is 37m wide and allows for 30m deep erven and a 7m wide private street.
- The new erf-forms concur with the existing development pattern of the block. It will be similar than the erven to the east of Re/4440 with similar, urban development impacts.
- Houses will be facing north with limited impact on Re/4440 adjacent.
- The additional two houses (one is allowed as primary use) will not impact negatively on the adjacent nature reserve – this is an urban area with urban uses and the proposed application meets the character of the area.
- A turning circle was added to the private street to allow turn-arounds.
- It was confirmed with the municipal engineer that services are available.

Sewage:

Erf 5197 Montagu is an existing erf and sewage needs to be connected to the municipal system along the midblock, similar to other erven in Montagu.

It is proposed that the sewage be connected to the existing sewer servitude on Re/4440 or if not possible, along the common boundary of Erven 4435 and 4436 towards Van der Merwe Street. The sewage will flow in one pipeline along the boundary of these erven.

Provision for the best option will be made in collaboration with the Municipality.

Storm water:

The developer/civil engineer will plan the road surface to direct the storm water towards the gardens of the proposed houses. It cannot run into existing houses, as the third proposed house will be located in between.

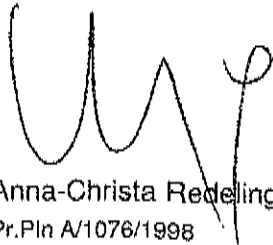
Solid waste:

Solid waste from three erven/houses in character can easily be accommodated on the pavement in Hospital Street, similar to the other houses in the same street.

The proposed amended rezoning/subdivision application will therefore be in character with the neighbourhood / Montagu South.

For your favourable consideration.

Yours sincerely,



Anna-Christa Redelinghuys
Pr.Pln A/1076/1998

BYLAE 5

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))