

Item 3/2021



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 490, H/V BARRY- & LOOPSTRAAT, ROBERTSON

Reference number	15/4/9/5	Application submission date	07-02-2020	Date report finalised	
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 490, Robertson				
Physical address	H/V Barry- & Loopstraat	Town	Robertson		
Current zoning	Enkel Residensiële sone I	Extent (m ² /ha)	2141m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Langeberg Geïntegreerde Soneringskema				
Current land use	Woonhuis			Title Deed number & date	T40038/1992
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 'n gedeelte van erf 490, Robertson vanaf Enkel Residensiële sone I na Onderverdelingsgebied en die onderverdeling daarvan in 5 Algemene Residensiële sone I erwe, 1 Vervoersone III erf en 1 Oopruimtesone II erf.					

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

Die aansoek-eiendom is op die hoek van Barry- Loopstrate in Robertson en is 2141m² groot. Goedkeuring is op

Aanvanklik – in 2008 – is aansoek gedoen om die erf te onderverdeel en hersoneer ten einde een enkel residensiële erf (met die bestaande woonhuis daarop) van ±658m² te skep en 5 groeppure op die restant (±1483m²) op te rig. Die Langeberg Raad het dié aansoek goedgekeur, onderhewig aan 'n vermindering van die groeppure na 4 om dit binne 'n aanvaarbare digtheid te hou. Van die beswaarmakers het egter appelleer teen die besluit en die Wes-Kaapse Minister van Omgewingsake, Beplanning en Plaaslike Regering het die apel gehandhaaf.

'n Verdere aansoek het gevolg in 2018, naamlik om die erf in twee te deel (Gedeelte A - ±1529m² & Restant - ±612m², met die bestaande woonhuis op) en dan Gedeelte A te hersoneer na Algemene Woonsonne om 3 wooneenhede op te rig. Na aanleiding van 'n aantal (5) besware teen die hersonering, het die aansoeker die voorstel aangepas na slegs die onderverdeling in twee dele. Dié onderverdeling is op 25 Junie 2018 goedgekeur en is geldig tot 25 Junie 2023.

Die huidige aansoek behels die hersonering van die bg Gedeelte A na Onderverdelingsgebied en die onderverdeling daarvan in 5 Algemene residensiële sone I erwe (met primêre gebruiksreg van Groeppure), 'n privaatstraat (Vervoersone III), privaat oopruimte (Oopruimtesone II).

Die voorgestelde residensiële digtheid is 32.7 eenhede per hektaar. Die privaatstraat sal 5m breed wees en eenrigting verkeersvloei hê, met ingang in Loopstraat en uitgang in Barrystraat. Enkelverdieping wooneenhede, elkeen met 'n vloeroppervlakte van sowat 110m² word voorgestel. Die ontwikkeling sal ommuur wees met sekuriteitshekke by die in- en uitgange.

Die aansoeker se motivering berus op die volgende:

Voorsien aan behoefte vir bekostigbare behuising

Optimale benutting van grond

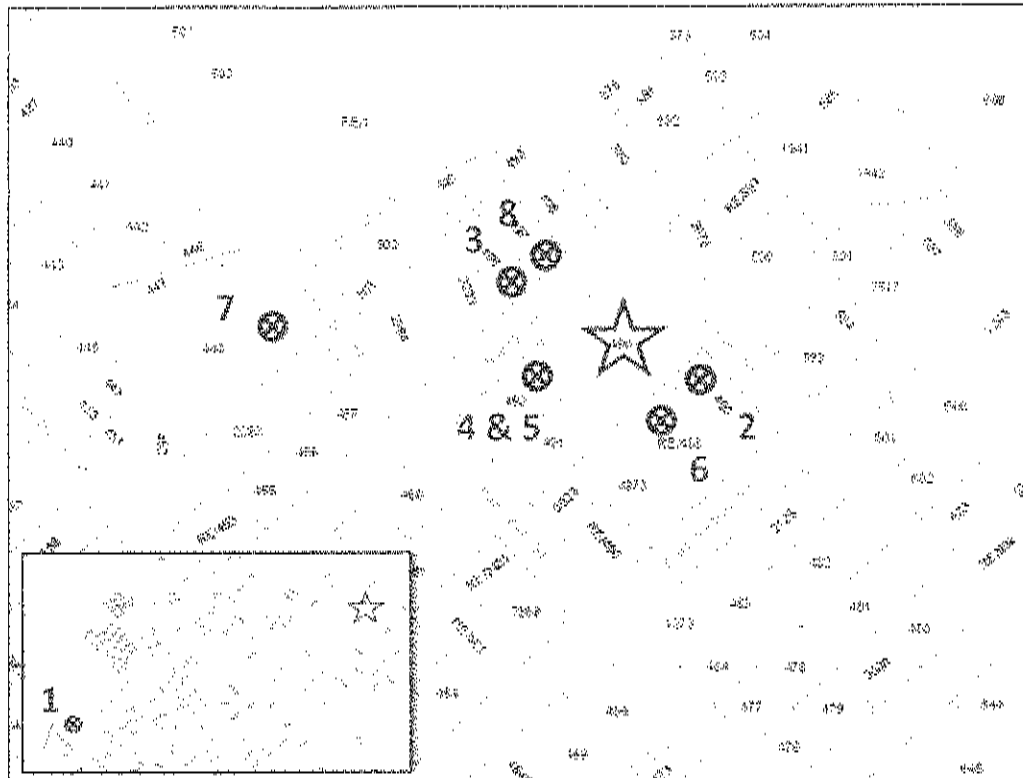
Geskakelde eenhede gee voorkoms van enkelresideniële

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 is 8 besware teen die aansoek ontvang van die eienaars van die eiendomme soos hieronder aangedui.



Die besware behels die volgende:

- Verlaging in eiendomswaardes in die omgewing.
- Toename in geraas, huishoudelike steurnis, besoedeling
- Sekuriteitsrisiko verhoog.
- Verhoging in diensteverbruik, terwyl die dienstenetwerke in die omgewing reeds onder druk is
- Verhoogde stormwater afvloei.
- Plasing van vullis vir 5 huise in straat vir verwydering.
- Probleme geassosieer met meer verkeer: Verkeersdruk in Barrystraat wat die hoofroete na die noordelike dorpsgebied is; Onvoldoende op-perseel parkering en gevolglike straatparkering; Motorligte wat skyn op die huis oorkant die uitgang in Barrystraat;
- Digte ontwikkeling / groebehuising pas nie by huidige lae digtheid enkel residensiële omgewing nie.
- Karakter van ou deel van dorp gaan verander / Nuwe geboue gaan nie pas by die ouer, historiese geboue in die omgewing nie.
- Kan negatiewe presedent skep vir onvolhoubare hoë digtheid ontwikkeling in die dorp.
- Verwagte oorbewoning.
- Oopruimtes binne die ontwikkeling is onvoldoende.
- Verwagte oorbewoning, gebaseer op huidige gebruik van bestaande woonhuis.

Die aan aansoeker se kommentaar op die besware word as volg opgesom:

- Daar is 'n aantal klein erwe in die omgewing (voorbeeld genoem wissel van 190m² tot 303m²), waarmee die erfgrottes in die ontwikkeling van 213m² + vergelyk.
- Erf se unieke vorm leen dit tot ontwikkeling met minimum visuele impak van straataansig af.
- Area se karakter is nie net enkel residensiële nie, daar is klein besighede in nabye omgewing.
- Oopruimtes word voorsien ooreenkomstig die soneringskema vereistes.
- Boustyl kan beheer word deur HEV, wat nog die argitektoniese reëls moet bepaal.

- Verkeersimpak vergelyk met dié van die naaste gastehuis. Impak word ook verminder agv eenrigtingpad in die ontwikkeling.
- Ontwikkeling sal omring word met 'n muur, wat geraasimpak sal versag.
- Dit sal 'n goeie kwaliteit, aantreklike en veilige ontwikkeling wees wat waarde tot die omgewing sal toevoeg.
- Aaneengeskeelde wonings sal voorkoms/karakter skep van laer digtheid ontwikkeling.

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

Siviele Ingenieursdienste

Die aansoeker sal verantwoordelik wees vir alle kostes ten opsigte van die voorsiening van grootmaatdienste. Verder is die bydrae tot grootmaatdienste ook betaalbaar vir 5 addisionele geleenthede.

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 5 erwe.
- Alle toevoerkabels tussen erf 490 en Gedeelte A moet verwyder word.

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

Wyksraadslid

Geen beswaar

Omgewingsgesondheid – Kaapse Wynland Distriksmunisipaliteit

Die kantoor het geen beswaar teen die aansoek nie.

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;

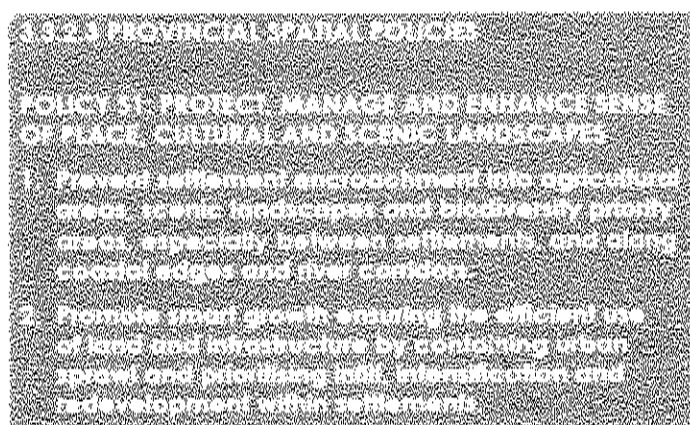
nie bestaande regte en verpligtinge negatief sal beïnvloed nie;

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;
 nie enige ondersoekke ingevolge ander wetgewing vereis of behels nie;
 in lyn sal wees met die toepaslike bepalings 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 verhoging van intensiteit van gebruik en herontwikkeling van die perseel en voldoen dus aan die beginsels van die PSDF.



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

- i. higher densities
- ii. a shift to a suburban to urban development model
- iii. more compact settlement patterns, minimise environmental impacts, reduce the costs and time impacts of travel and enhance Provincial and Municipal financial viability, 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 as 'n belangrike meganisme om dorpe in die gebied te herstruktureer (in Afdeling. 5.4.1.5). Die voorstel sal bydra hiertoe.

Ekonomiese 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.

Sosiale impak

Die ontwikkeling van klein erwe teen 'n hoër digtheid behoort meer koste-effektief te wees as konvensionele enkelresidensiële erwe en sal dus geleentheid en opsies vir huisvesting in die dorp verbreed en potensieel meer bekostigbaar maak. Die beswaarmakers is bekommerd oor moontlike oorbewoning van die voorgestelde eenhede, wat 'n negatiewe sosiale impak sal hê. Die toelaatbare getal bewoners per eenheid kan egter reguleer word by wyse van die te stigte Huiseienaarsvereniging se reëls. Daar word voorgestel dat so 'n voorwaarde opgelê word as die aansoek goedkeur word.

Skaal van kapitale investering



Die voorgestelde ontwikkeling verteenwoordig 'n aansienlike kapitale investering in die dorp (bv. ontwikkeling van 5 erwe @ R100 000 per erf = R0.5m, plus sowat 550m² vloeroppervlakte bouwerk @ R9000/m² = R4.5m, vir totaal van minstens R5m).

Versoenbaarheid met omliggende gebruike en karakter van omgewing

Die voorgestelde ontwikkeling word beskou as versoenbaar met die omliggende gebruike. Die voorgestelde bruto digtheid van 32.7 wooneenhede per hektaar is aansienlik hoër as die digtheid in die onmiddellike omgewing, naamlik sowat 8.5 erwe per hektaar (gemeet oor omliggende 13.1 hektaar, met 111 erwe). [Die digtheid in die omgewing in terme van getal wooneenhede per hektaar is waarskynlik heelwat hoër, bv as aanvaar word dat 25% van die 111 erwe 'n tweede woning het, is die digtheid 10.6 wooneenhede per hektaar]. Die voorgestelde digtheid van die 5 eenhede is egter steeds minder as 4 maal die digtheid van die omgewing, wat algemeen as versoenbare digtheidsverhouding beskou word (vgl bv die voormalige Artikel 8 skemaregulasies se beperkings vir Groepbehuising).

Die feit dat die aansoekperseel twee straatfronte het en voorgestel word om van die eenhede aanmekaar te skakel, sal dit ook van straatvlak af goed laat inpas by die karakter van die omliggende woonomgewing en versoenbaar maak met die omliggende gebruike.

Impak op eksterne ingenieursdienste

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

Impak op erfenis

Die eiendom val binne die Erfenisgebied wat in die Langeberg Ruimtelike Ontwikkelingsraamwerk, 2015 voorgestel word. Daar word egter geen impak op erfenis voorsien nie.

Verkeersimpak, parkering, toegang en ander vervoerverwante oorwegings

Die voorgestelde eenrigting privaatpad op die perseel met toegang vanaf Loopstraat en uitgang in Barrystraat word as voldoende beskou. Die ontwikkeling sal slegs 'n geringe toename in verkeer genereer, naamlik van 3 ekstra wooneenhede. Die impak van die ekstra verkeer sal verder verminder word deurdat van 'n eenrigting toegangspad gebruik gemaak word en die feit dat die in- en uitgang op twee verskillende strate is.

Impak op die lewenskwaliteit van die inwoners in die onmiddellike omgewing

Impak op privaatheid

Die ontwikkeling behoort nie 'n onaanvaarbare impak te maak op die privaatheid van omliggende inwoners nie. Die grootste potensiaal vir impak op privaatheid is ten opsigte van die inwoners van die 4 aangrensende erwe. Die inwoners van 3 van dié 4 erwe het dan ook beswaar aangeteken, naamlik erwe 489, 488 en 492. In die praktyk behels die onderverdeling dat erf 489 net met een van die nuwe erwe 'n grens sal deel en erwe 488 en 492 elkeen met twee nuwe erwe. Die aansoeker het egter aangedui dat daar 'n muur op die gesamentlike grense opgerig gaan word om privaatheid te beskerm en klank te demp, terwyl 'n 3m boulyn ook aan die ontwikkeling se kant van die gesamentlike grens van toepassing is (in vergelyking met die huidige 1.5m vir Enkelresidensiële sone I).

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

NVT

PART J: RECOMMENDATION

Dat die hersonering van 'n gedeelte van erf 490, Robertson (1529m² groot) vanaf Enkel Residensiële sone I na Onderverdelingsgebied en die onderverdeling daarvan in 5 Algemene Residensiële sone I, 1 Vervoersone III en 1 Oopruimtesone II erwe ingevolge Artikel 60 van die Langeberg Munisipaliteit : Verordening op Grondgebruikbeplanning, 2015, goedgekeur word, onderhewig aan die volgende voorwaardes:

Grondgebruikbeperkings en boubeheer

1. Die ontwikkeling (erwe 1 tot 7) moet geskied in ooreenstemming met die onderverdeling- en soneringsplan gemerk ROB490-LBM-OP(2)
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 (ingesluit 'n verpligte argitektuur- en landskaperingshandleiding) 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 en – wooneenhede
 - 2.3 Beheer oor argitektuur en landskapering (ingesluit bouplan goedkeuringsproses)
 - 2.4 'n Beperking op die getal bewoners per wooneenheid, ooreenkomstig die okkupasiestandaard van die Wet op Nasionale Bouregulasies en Boustandaarde (Wet Nr 103 van 1977) en die Langeberg Geïntegreerde Soneringskema-verordening, 2018.
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.

Voorsiening 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 tot 1m binne die erfsgrens aan Barrystraat, op aansoek van en vir die koste van die ontwikkelaar.
 - 4.2 Daar moet 'n rioolaansluiting vir die ontwikkeling in Barrystraat gemaak word, op die ontwikkelaar se koste (Aansoek moet by die munisipaliteit gedoen word daarvoor). Die onus is op die ontwikkelaar om te verseker dat die aansluiting op die geskikte diepte gemaak word vir aansluiting van die ontwikkeling se interne rioolnetwerk.
 - 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 voorgeleë 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, teen die begrote tarief vir 4 addisionele geleenthede, bo en behalwe die heffing wat reeds opgelê is met die vorige goedkeuring van die onderverdeling van erf 490 in 2 dele.
 - 4.6 Die ontwikkelaar is verantwoordelik vir die kostes van enige nodige opgradering of verandering aan die elektriese netwerk, meetpunt of aansluiting, insluitend die aanbring van elektriese kables vanaf 'n munisipale substasie tot by die ontwikkeling en installering van 'n meterkas.
 - 4.7 Ontwikkelingsheffing ten opsigte van grootmaat elektriese dienste is betaalbaar deur die aansoeker/ontwikkelaar, teen die begrote tarief vir 4 addisionele erwe teen 6kVA per erf, bo en behalwe die heffing wat reeds opgelê is met die vorige goedkeuring van die onderverdeling van erf 490 in 2 dele.
 - 4.8 Die stormwaterstelsel in die ontwikkeling moet so ontwerp word dat stormwater uitgelaat word in die leiwaterkanaal in Barrystraat, met voorsiening vir hoogteverskille.
5. Vullisverwydering sal vanaf Loopstraat geskied, uit die doelgemaakte vullisarea soos getoon op plan, wat deur die ontwikkelaar voorsien moet word volgens die vereistes van die Langeberg Munisipaliteit se Bestuurder: Vaste Afvalbestuur. Die vullisarea moet voltooi wees voordat enige erwe in die ontwikkeling registreer word.
6. Die straatadresse van die betrokke gedeeltes sal as volg wees:
- Restant Erf 490: Barrystraat 53
- Groephuiskompleks: Loopstraat 27 (individuele wooneenhede sal dan by dié adres as Eenheid 1 tot Eenheid 5 genommer word). Die straatnommer van die kompleks moet by die ingang in Loopstraat aangebring word.

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 Aktekantoor getranspoteer sal word.

DEEL K: BYLAES

Bylae 1 - Planne

Bylae 2 - Motivering

Bylae 3 - Beswaar

Bylae 4 – Reaksie op beswaar

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

DEEL L: SKRYWER HANDTEKENING

.....

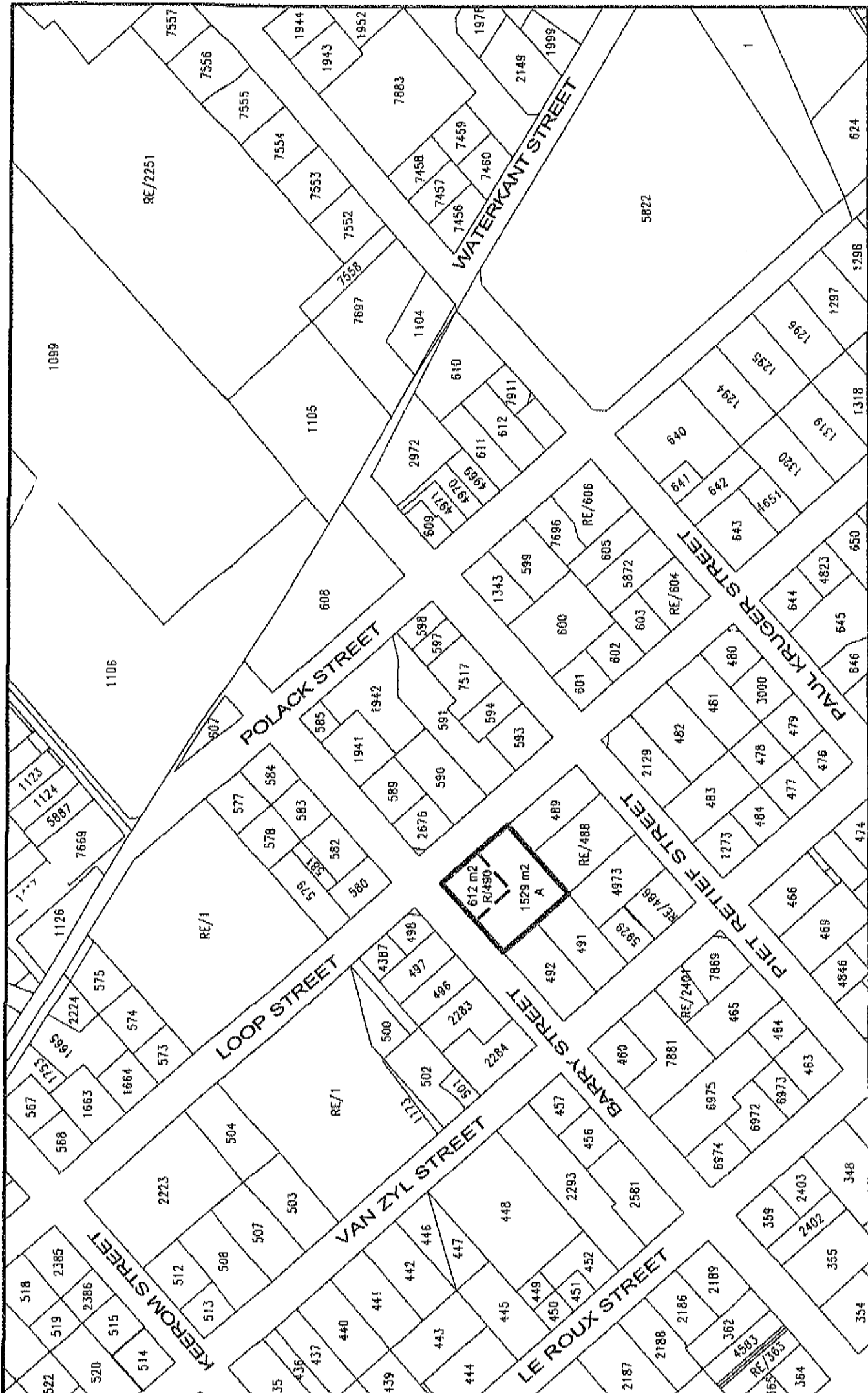
J L E R VAN ZYL
ASSISTENT BESTUURDER: STADSBEPLANNING
GEREGISTREERDE PROFESSIONELE BEPLANNER – NR. A/1170/2000

.....

DATUM

BYLAE 1

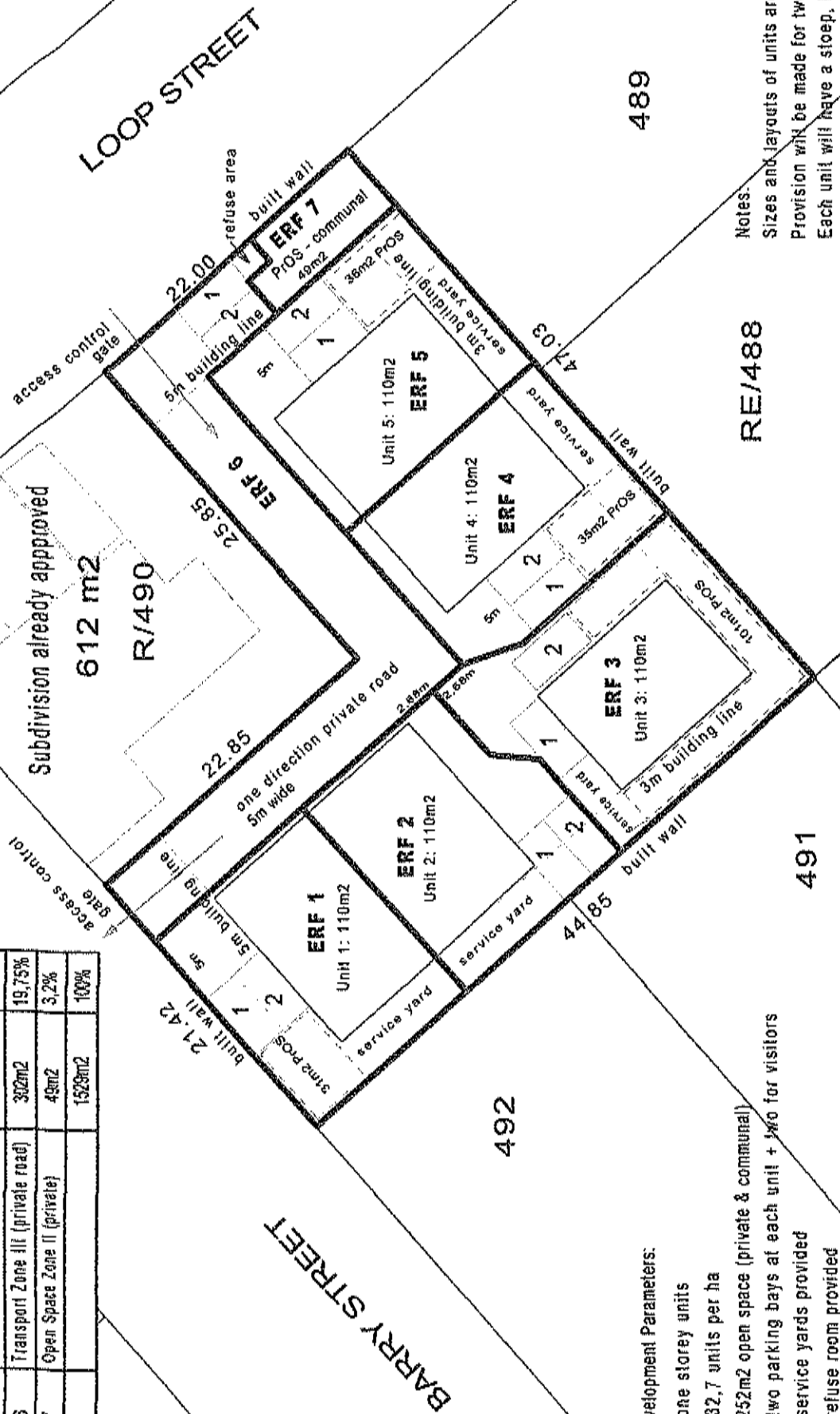
Planne



SCALE 1:2500

LOCATION PLAN: ERF 490 ROBERTSON
(previously approved subdivision, not yet registered)

ERF	ZONING	SIZE	%
1	General Residential Zone 1	219m ²	
2	General Residential Zone 1	213,7m ²	
3	General Residential Zone 1	278m ²	
4	General Residential Zone 1	225m ²	77%
5	General Residential Zone 1	242,3m ²	
6	Transport Zone III (private road)	302m ²	19,75%
7	Open Space Zone II (private)	49m ²	3,2%
		1529m ²	100%



Development Parameters:

- one storey units
- 32,7 units per ha
- 252m² open space (private & communal)
- two parking bays at each unit + two for visitors
- service yards provided
- refuse room provided

SDP: PORTION A OF ERF 490 ROBERTSON (1529m²): PROPOSED REZONING FROM SINGLE RESIDENTIAL ZONE I TO SUBDIVISIONAL AREA & SUBDIVISION INTO 7 ERVEN



Motivering

MOTIVATIONAL REPORT

APPLICATION for REZONING from Single Residential Zone I to SUBDIVISIONAL AREA to create 5 group housing erven, as well as a private road and open space erf: PORTION A OF ERF 490 ROBERTSON

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 subdivision of Erf 490 Robertson in two portions of 612m² (Remainder with existing house, garage and afdak) and 1529m² (vacant Portion A) was approved on 25 June 2018.

The purpose of this application is to develop five dwelling units on Portion A.

2. LOCALITY AND ACCESS TO ERF

Erf 490 Robertson is located on the south-western corner of Barry Street and Loop Street with pedestrian access (directly into house) from Barry Street and vehicular access from Loop Street (garage and afdak).

Proposed Portion A has access from both streets.

3. CHARACTERISTICS OF SITE AND SURROUNDING AREA

Erf 490 Robertson is 2141m² in extent and belongs to Ronald Anthony and Yolanda Marianne Lekay according to Deed of Transfer T40038/1992.

A dwelling house, garage and afdak are located in the north-eastern corner of the erf. The subdivision of this portion of Erf 490 (612m²) was approved in 2019. The remainder of the erf is vacant, leaving a L-shaped area of 1529m² undeveloped.

The surrounding area is mainly single residential in character with a few guest houses / bed and breakfast establishments such as on Erven 497 (Twin Palms), 498 (Nouveau Guest Accommodation) and 591 (Vlettershof), all opposite the application site. Small businesses such as Lido Liquor Shop, Corner Café and another café opposite, Marais Fisheries & Meat and AF Kriel Butchery are located a block lower down Barry Street. Wineland Power Tool Services operated from the house on Erf 580 (opposite corner).

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).

The IZS makes also provision for General Residential Zone 1 with group housing as primary use.

"Group housing" and *"group housing scheme"* mean a group of separate or linked dwelling units where (a) every dwelling unit has a ground floor; (b) the units may be cadastrally subdivided; (c) the units are planned, designed and built as a harmonious architectural entity in an ordered way; and (d) the units are integrated with communal private open spaces, private roads and parking.

Development parameters are:

- (a) Design principles: All buildings and structures must be planned, designed and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design and landscaping;
- (b) Density: The maximum gross density on a group housing site is 35 dwelling units per hectare;
- (c) Height: The height of dwelling units may not exceed 6 metres / 8,5 metres to the ridge of the roof in the case of a pitched roof;
- (d) Open space: outdoor space of at least 50 m² per dwelling unit must be provided (private or communal open space) that is inaccessible to motor vehicles, but excludes roads, service yards and parking areas;
- (e) Building lines:
 - street boundary building line of 5 metres (external public street);
 - side and rear boundary building lines are 3 metres along the perimeter of site;

- street boundary building line 0 metres (internal street); but any garage has to be 5m from the kerb;
- side and rear boundary building lines are 0m within the group housing site;
- (f) Parking: 2 parking bays per unit and 0,25 bays/unit for visitors;
- (g) Site development plan must be submitted;
- (h) Service yard must be provided; and
- (i) Refuse room must be provided.

5. APPLICATION

Application is made for the following:

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

Application is made for a rezoning of Portion A of Erf 490 Robertson (1529m²) from Single Residential Zone I to Subdivisional Area to create the following erven:

- Erf 1: 219m² (General Residential Zone 1)
- Erf 2: 213,7m² (General Residential Zone 1)
- Erf 3: 278m² (General Residential Zone 1)
- Erf 4: 225m² (General Residential Zone 1)
- Erf 5: 242,3m² (General Residential Zone 1)
- Erf 6: 302m² (Transport Zone III (private road))
- Erf 7: 49m² (Open Space II (private))

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

Application is made for the subdivision of Portion A of Erf 490 Robertson in the above-mentioned seven erven.

The above development adheres to all the development parameters of General Residential Zone I (group housing) and therefore no departures are required:

- a) Design principles: All buildings and structures will be planned, designed and built as a harmonious architectural entity with special attention to aesthetics, architectural coordination, urban design and landscaping;
- (b) Density: The gross density will be 32,7 units per hectare;
- (c) Height: All dwelling units will be one storey;
- (d) Open space:
 - Erf 1: 31m² private open space
 - Erf 3: 101m² private open space
 - Erf 4: 35m² private open space

Each unit will have its own stoep, braai and garden.

The private open spaces as indicate on the SDP will therefore be adjusted and most *probably increased*.

There is a definite need for such housing in Robertson, and the proposed development will create an opportunity to make affordable erven available to this market.

This large, vacant and unusual form erf will be optimally used for needed residential needs *within a community to ensure sustainable livelihoods*.

- **Spatial Sustainability & Efficiency**

The proposed development will be spatial sustainability as it will be a cost effective development for both the owner as the municipality by providing small affordable erven with efficient structures (such as duets with shared external walls) in Robertson town, accessible to working and commercial opportunities/facilities. Although it is located within a single residential area, the application erf is larger than most of the surrounding erven. The L-shaped form of the erf with access to two streets is ideal for such a development where a one-way internal road can give access to different dwelling units. The L-shape form hides the extent of the full development from both streets. The dwelling units of Erven 1 and 2 will have a similar scale than a dwelling house adjacent to Barry Street, while the dwelling units on Erven 4 and 5 will have a similar scale than a dwelling house along Loop Street. The fifth unit on Erf 3 will be hidden in the corner of the application site / in the middle of the block of erven.

The applicant has liaised with the municipal engineers who indicated that municipal services are available to be connected to.

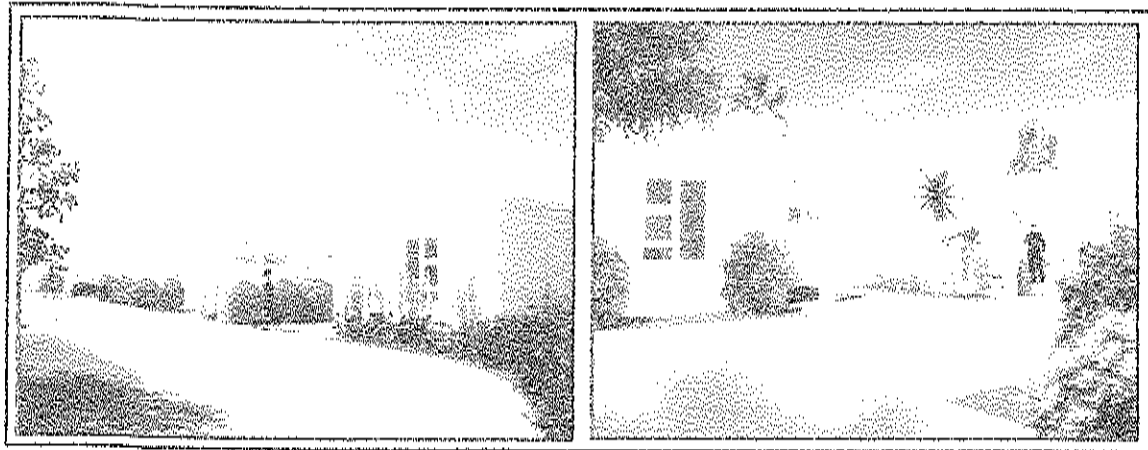
The development will be secured by both an external wall and access controlled gates at both the entrance and exit.

The built wall and gates will add value to the surrounding area, together with the proposed attractive, upmarket and modern dwelling units – see images or proposals below:

Services:

- The proposed one way private road will decrease any traffic congestion within the development, as well as in the two abutting streets.
- Adequate parking will be provided (see above).
- Municipal services e.g. water, electricity, and sewerage removal are available.

Bulk water and sewerage connections will be provided for this private development and internal services will be the responsibility of the developer.



- 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.

7. CLOSURE

The proposed development on the unique application site will contribute to the large housing need in Robertson, and will add value to the surrounding area by providing attractive and modern style dwelling units that are accessible and near the town centre.

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

Besware

OBJECTION

1

9

Lee Heymans

Tel (Home): 023 626 1544
Cell: 083 - 384 3433
E-mail: heymanla@telkonisa.net

74 Adderley Street
PO Box 812
Robertson 6705

17 March 2020

The Manager
Town Planning
3 Piet Retief Street
MONTAGU
6720

ERF 1744

74 ADDERLEY ST

Attention: Mr J van Zyl
By e-mail: jvzyl@langeberg.gov.za

Dear Sir

PROPOSED REZONING & SUBDIVISION OF ERF 490, CNR. BARRY & LOOP STREET, ROBERTSON

I write with reference to the advertisement regarding the above that appeared in the Gazette on 18 February 2020.

I do not live in the immediate vicinity of the site, and therefore do not have reason to consider myself an "affected" party. However, as a resident and ratepayer of Robertson, I would like to make representations regarding this development.

My concerns about the above application are as follows:

1. Whilst the proposed gross density of 32.7 units per hectare is within the limit of 35 units per hectare, I do not find this to be desirable in an area which is predominately Single Residential Zone 1, and particularly given the existing and presumably approved Guesthouses and Bed & Breakfast establishments in the immediate vicinity. The proposed houses, roads, refuse room, parking and access to such parking, and service yards will all presumably be tarred and / or paved, leaving very little true "open space". The actual "density" or coverage of buildings and roadways of the proposed development is, according to my calculations, 89%, leaving approx. 11% "open" (and there is of course no guarantee that these spaces will not also be tarred / paved). My concern is with regard the visual appearance of too great a density of buildings in a Single Residential Zone 1, which I think would be undesirable.

2. A further concern regarding the proposed density of 5 units and the very limited "open" space is with regard to storm water run-off: currently the site is open land (from what I could see), with very little to no run-off. Should the proposed development be approved, however, at least 89% of the land will be covered (by buildings or roads), and I wonder whether the storm water drainage capacity of the surrounding roads and underground system is sufficient to cope with this additional run-off in the event of heavy rainfall.
3. The approval of 5 units, each with 2 parking spaces, would mean an additional possible 10 vehicles (plus visitors' vehicles) entering via Loop Street and existing the premises via Barry Street. Given that there is an existing guesthouse located on Erf 497, directly opposite the proposed exit, I am concerned that this large increase in traffic and inevitable resultant noise might adversely affect their business.
4. Whilst the report makes the statement (page 3) that special attention will be paid to "... aesthetics, architectural coordination, urban design and landscaping...", I would hope that steps will be taken by the Langeberg Municipality to ensure that does in fact take place and that the design of the buildings is complementary to those in the immediate vicinity and to the beautiful architectural Cape Dutch / Karoo cottage style of many houses in Robertson. Given the location of three presumably already approved guesthouses in the immediate vicinity, I think that this should be a priority.
5. Whilst I agree that there is a shortage of housing in Robertson, it is my understanding that there is a greater shortage of cheaper rental stock i.e. garden flats rather than townhouses in complex-type developments.

Given the above, my requests are as follows:

1. That a far smaller number of units – preferably 3 – be approved, so that the "coverage" on the site by buildings is far less e.g. a total of 750 m² residential buildings thereby giving a "coverage" of just under 50%, with more space being allocated to genuine "open space" i.e. spaces that can be landscaped with plants. This will not only decrease the storm water run-off risk but make the site far less congested and "squashed in" in appearance and more appropriate in an area that is predominately Single Residential Zone I. This will also reduce the amount of traffic and resultant noise associated with vehicles entering and exiting the site in Loop and Barry Streets respectively.
2. That serious consideration be given to ensure that the architectural style of the buildings is complementary to the surrounding residences and to the heritage style of Robertson.
3. That serious consideration be given to ensuring that solar geysers are installed and that rainwater collection and greywater recycling is made compulsory. I understand that these are not town planning issues, but the Langeberg Municipality needs to be proactive in terms of our scarce resources.

Thank you.
Yours sincerely

Lee Heymans (Ms)

OBJECTION 2

11

ERF 490
54 Piet Retief St

Mr. M. Thomas & Miss. L. Markus
54 Piet Retief Street
Robertson
6705
28 February 2020

To: The Manager: Town Planning Department
3 Piet Retief Street
Montagu
6720

Re: Rezoning & Subdivision of Erf 490, CNR Barry & Loop Street, and Robertson

We herewith refer to above matter with ref/15/4/9/5. This is now the third time that the applicant has applied for rezoning and subdivision of ERF490, However as to our concerns in our previous letter. With the build of 5x single residential homes/units, we have the following concerns. As to each house/unit with a minimum of 4-5 people x 5, we will have an increase in the following...

- Increase in noise, late night partying, loud music etc.
- Increase in domestic disputes/violence...
- Increase in water & air pollution
- Increase in water and electricity use
- Increase in traffic/ Cars Park in front of my garage for there is not a lot of parking space in Loop or Barry Street- How will I get out of my yard in case of an emergency?
- Cars park outside in Loop & Barry Street; will most definitely attract unwanted attention- car and home break-ins will be going up!
- Increase in garbage removal, where will they put all this- in front of my house? (Again air pollution and will attract flies, cockroaches, rats and snakes etc.
- How will the sewage flow of 5x houses/units with 4-5 people and the existing house with almost 12-14 people, it will constantly be under pressure, even as it is now at the moment we have constant sewage blockage
- What about the electricity use- Load shedding has already been implemented to accommodate the feed of electricity to house and business to ensure sufficient electricity for all.
- With the development from Umsiza Planning, chances are that the status quo will not be maintained and that the situation could change for the worse.
- We are very sure of certain aspects that will definitely have a negative impact on our environment.

I trust our above concerns will be considered.

M. Thomas & L. Markus

082 711 8986
062 2023 3784 Sub-b.o

OBJECTION 3

12

ERF 496

102 Barry St

15 Maart 2020

SW en SCJ Bauer

Barrystraat 102

Robertson

6705

Die Bestuurder: Stadsbeplanning

Piet Retiefstraat 3

Montagu

6720

Wie dit mag aangaan:

IS: Voorgestelde onderverdeling, hersonering van Erf 490, H/V Barry- en Loopstraat, Robertson.

My belang by die aansoek lui daarop dat ek direk geraak word by die voorgestelde ontwikkeling omrede my Erf 496 direk oorkant die ontwikkeling is. Hierdie is alreeds die derde aansoek van die huseienaar, die eerste aansoek was 4 eenhede wat tot niks gely het, daarna is dit verminder na 3 eenhede waarvan daar ook niks gekom het en nou wragtie waar 5 eenhede.....

Ek maak sterk **beswaar** teen die voorgestelde ontwikkeling met redes as volg.

: As gevolg van die eenrigting uitgang na Barrystraat, gaan al die beligting van die verkeer wat uit die ontwikkelings se eenrigting uitgang uitgaan, direk op my huis se slaapkamers wees en watter ernstige steurnis sal dit nie wees as jy wil slaap en jou slaapkamer word die heeldyd belig nie, ek sien dit in ñ baie ernstige lig omrede jou rustyd baie noodsaaklik vir jou liggaamlike sowel as geestelike welstand is.

: In die lig gesien van ons dorp se huidige waterkrisis wat ernstige gevolge gaan hê en wat moontlik ernstiger in die toekoms kan raak, is dit beslis ñ groot kommer dat nog 5 wooneenhede wat gemiddeld 20 kiloliter water per eenheid gaan benodig en huidig is dit nie beskikbaar nie, wat riool aanbetref is dit gereeld onderdruk en word dit uitgedomp want dit loop by die mangate uit, boonop was daar al voorheen blokkasies by erf 490. Wat gaan gebeur as daar nog 5 eenhede se riool weggevoer moet word. As die afstand vanaf Erf 5 na Barry straat waar die riool aansluiting is in ag geneem die roete wat die afvoerpipe moet volg kan ek nie sien dat die nodige val per meter gehandhaaf kan word om dit suksesvol te implementeer nie. Dit sal katastrofiese gevolge hê. Waarheen gaan al die stormwater gevoer

Town Planning
Langeberg Municipality
Attention to: The Manager
3 Piet Retief Street
Montagu, 6720

OBJECTION 7

33 + 35 Van Zyl St

33 + 35 Van Zyl St

Hamburg, 25 February 2020

Objection in respect of application ERF 490 ROBERTSON: proposed rezoning & subdivision

Application number: 8/2020

Dear Sir,

We, the undersigned, being the registered owners of erf no. 447 and erf no. 448, Robertson (known as 33 + 35 Van Zyl Street), would like to object to the application for rezoning and subdivision of Erf no. 490.

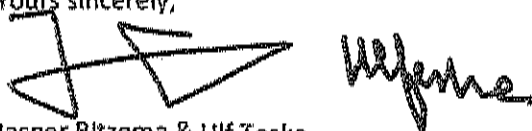
1. While we acknowledge there is a large demand for residential accommodation in Robertson, the proposed development is too ambitious in terms of the number of units planned. The "open space" around and between units, i.e. which is not covered by buildings and/or tar/paving, is very limited (to a service yard only) and the problem of water run-off arises: rain water that would have soaked into the ground now falls on tar/paving and must be fed into drain pipes, etc. In addition, one would expect to include sufficient space for outdoor entertainment, which is basically non-existent in the current plans. It would be more realistic to limit the number of units to two, or maximum three.

2. A lot remains unknown about the design of the units, which will be in an area surrounded by historic building (some, like ours, date back to the mid-nineteenth century). The design, style, appearance, and quality of the units need to match with the surrounding buildings in the neighbourhood. We expect the units to have a matching architectural appeal, especially in view of the upmarket B&Bs in the direct vicinity, which bring income to Robertson. It would be a pity if the character of the area will be ruined by modern buildings with little concern about the delicate local architecture. We have seen this with the new build at the corner of White Street and Keerom Street, this building does not match with its surroundings and the historical character of this part of Robertson: <https://www.property24.com/for-sale/robertson/robertson/western-cape/16671/108114236>. Similar mistakes should be avoided with this development. The application does say that attention will be paid to "...aesthetics, architectural co-ordination, urban design and landscaping" - we would like to see proof of this and see the architect's design and building plans.

3. Finally, if this development is approved, there will be a lot more activity and noise and traffic in this part of town, what will be the Municipality's mitigation measures?

We would like to request an acknowledgement of receipt of our objection (via email: jasperritzema@hotmail.com). Please notify us in writing of any decisions relating to the application.

Yours sincerely,



Jasper Ritzema & Ulf Teske
Am Dalmannkai 12
20457 Hamburg
Germany

Email: jasperritzema@hotmail.com / ulf.teske@gmx.de

Aansoeker se reaksie op besware

3 April 2020

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Jack van Zyl

ERF 490 ROBERTSON: APPLICATION FOR REZONING AND SUBDIVISION: REPLY ON OBJECTIONS RECEIVED

The following objections were received:

Lee Heymans (not neighbour):

- Densification of 32,7 units per hectare is not desirable in this Single Residential Zone I area. There is little "open space" that is not tarred/paved (89% according to his calculations). Visual appearance undesirable if too great density of buildings.
- Limited "open space" with regard storm water run-off – will municipal system cope with development VERSUS current open land?
- Increase in 10 additional vehicles that will enter the site from Loop Street will have negative impact on guest house opposite – increase in traffic and resultant noise will affect their business.
- Propose that only three units are approved with more open space.

FI Rasool (neighbour - rejected also previous proposal dated Oct 2017):

- The location does not comply with the placing factors of general residential in an ad hoc manner without a densification strategy.
- The character of the proposed development is in contrast with the surrounding single residential area.
- Negative impact i.e. noise, increase traffic etc.
- Access issues?; and connected traffic concerns.
- Application is for 5 group housing units on Portion A and B, cannot be a group housing development?
- The Scheme does not include group housing and it is not defined.

- No communal open space provided.
- Smallness of area necessitates that units will be built very close to boundary walls, and will diminish privacy.

Jasper Ritzema & Ulf Teske: (Erven 447 & 448 Robertson / 33 and 35 Van Zyl Street)

- Open space is very limited to a service yard only and water run-off will be a problem, suggest three units.
- Concern about architectural appeal and type of architecture – would like to see architect's design and building plans.
- Lot more noise and traffic in this part of town – what will the mitigation measures be?

Reply on the above are as follows and will be addressed by objection rather than objector as many are similar:

Character of area & Potential of application site for group housing

Although the area surrounding the application site is mostly a single residential area, the sizes of erven varies significantly, examples are the following (sizes approximate):

- Erf 585: 237m²
- Erven 597 and 598: 287m² each
- Erven 498 and 4387: 303m² each
- Erf 501: 190m²
- Erven 449,450,451: 200m² each
- And many other examples.

The application site is 1529m² in extent with the proposed 5 residential erven all above 213m².

The application can therefore be regarded as in character with the density of the surrounding single residential area, especially if taking into consideration that second dwellings may be allowed in this zone as consent uses.

Erven 447 and 448 (objector) are regarded as one erf as Erf 447 does not access from Van Zyl Street. This property is 3702m² in extent that is not the norm for this area.

The form of the application erf is unique and presents unique circumstances for development. Visually only one structure will be seen from Loop Street and only one from Barry Street.

The unique form will therefore mitigate the visual impact as well as the traffic impact due to the proposed one-way access system.

Small businesses are located a block lower down Barry Street as well as on the opposite corner (Erf 580). The character of this area is therefore not exclusively single residential due to the mixed land use in the close vicinity.

General Residential Zone 1 with group housing as primary use on Ptn A

The Scheme does make provision for General Residential Zone I with group housing as primary use. The definition of group housing has been addressed in the motivational report. The application is for development on Portion A of Erf 490 (previously subdivided, but not yet registered).

Open space provided / no communal open space provided

Green private open spaces are provided on each erf, except on proposed Erf 2 that has only a service yard and pavement to the parking area.

A communal open space area has also been provided, i.e. Erf 7.

The size of green open spaces provided meets the development parameters for group housing.

The site has a flat gradient and storm water will flow steadily towards the exit in Barry Street and towards the open spaces on Erven 3 and 4.

This layout is, however, conceptual as stated on the plan and in the motivational report, and will be adjusted and most probably be scaled down according to need and affordability (two bedroom houses). Application has been made for maximum sizes to show that the proposed number of units can fit within the application site and adhere to the development rules applicable.

Architectural style

One of the tasks of the home owners association will be to draw up architectural and building guidelines as well as a constitution that have to be approved by Council. In addition, building plans will be submitted to Council for approval.

Noise and traffic (& versus positive impact)

Vlettershof Guest House opposite the application site makes provision for five guest bedrooms and a granny flat for the owner/manager, therefore 6-12 potential vehicles in and out, in total double the number.

The proposed development on Erf 490 will have five houses, with potential 5-10 vehicles using a one-way street, therefore no doubling in numbers. The traffic and resulted noise impact will therefore be small.

The other guest houses / bed and breakfast establishments in the area also contribute to noise and traffic, as the single residential houses on small erven.

The 5 proposed units will be secured behind walls that will mitigate noise generated. The closest unit will be built 10m from the Loop Street boundary with minimum impact on the guest house.

It will be a quality, attractive and safe development that can only add value to this area of the town, including the guest house opposite.

Near boundary walls, lack of privacy

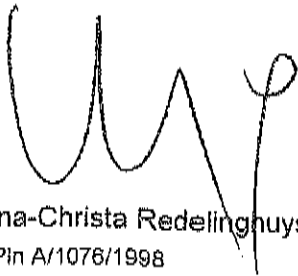
All units will be built within the prescribed building lines of group housing, i.e. 3m from the neighbours. The side and rear building lines in Single Residential Zone 1 are 1,5m and 2m respectively, therefore much smaller that allow buildings closer to the common boundaries.

Although application is made for five houses, it can be regarded as three as four will be joined in two attached structures. The total size of one structure will still be in comparison with one dwelling unit in Single Residential zone.

Two of the objectors indicated that three houses will be acceptable.

For your positive consideration please.

Yours sincerely,



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

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))**