

**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 & AFWYKING VAN ERF 1125, PIET- SE – PAD, MONTAGU**

Reference number	15/4/9/5	Application submission date	04.06.21	Date report finalised	29-11-2021
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**PART A: AUTHOR DETAILS**

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

**PART B: PROPERTY DETAILS**

Property description (in accordance with Title Deed)	Erf 1125, Montagu				
Physical address	Piet-se-Pad	Town	Montagu		
Current zoning	Enkel Residensiële sone I	Extent (m2 /ha)	2475m <sup>2</sup>	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Langeberg Geïntegreerde Soneringskema				
Current land use	Vakant			Title Deed number & date	T72252/2015
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 1125, Montagu vanaf Enkel Residensiële sone I na Algemene Residensiële sone I en afwyking vir boulyne, om 4 groephuise op te rig met vloeroppervlak van ±232m<sup>2</sup> elk. Aansoek is gedurende die proses gewysing om net 3 groephuise in plaas van 4 op te rig.

**PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION**

Erf 1125 grens aan die Piet –se-Pad residensiële ontwikkeling in Montagu, maar hoewel dit aan die ontwikkelaar van Piet-se-Pad behoort, is dit nie deel daarvan nie. Die erf het wel eers in 2006 straattoegang en toegang tot munisipale dienste gekry toe Piet-se-Pad se infrastruktuur gebou is.

Die voorstel vir erf 1125 was aanvanklik om die erf te hersoneer vanaf Enkel residensiële sone I na Algemene residensiële sone I ten einde 4 groephuisse met vloeroppervlak van sowat 232m<sup>2</sup> elk op te rig, wat dan per deeltitel besit kan word. Daar is ook aansoek gedoen om af te wyk van die 5m eksterne straatboulyn wat van toepassing sou wees, na 2m (sien aangehegte terreinplan gemerk MON1125-LBM-TP1 in Bylae 1). (P15)

Na aanleiding van die besware teen die aansoek het die aansoeker die voorstel gewysig na slegs 3 groephuisse van 232m<sup>2</sup> elk, sonder 'n afwyking van die 5m eksterne straatboulyn (sien aangehegte terreinplan gemerk MON1125-LBM-TP2 in Bylae 1). (P19)

Toegang na die huise sal verkry word deur 'n ingang vanaf Piet-se-Pad met 'n 5m breë privaatpad op die perseel.

Die perseel is reeds bedien met 'n 110mm rioolaansluiting, 25mm wateraansluiting en elektrisiteit.

Die aansoeker motiveer die voorstel aan die hand van die volgende (die motiveringsverslag en aanvullende motivering vir wysiging word aangeheg in Bylae 2:

- Erf is baie groter as omliggende erwe
- Terreingesteldheid is geskik vir die voorgestelde ontwikkeling
- Voldende ruimte op perseel vir toegangspad
- Versoenbaar met digtheidskarakter van omliggende erwe soos ook bepaal ingevolge die munisipaliteit se onderverdelingsbeleid.
- Dieselfde boustyl as in omgewing sal gebruik word (Karoo-styl)
- Voldoen aan ontwikkelingsbeginsels van SPLUMA en LUPA
- Voldoen aan behoefte in behuisingsmark

Die volgende addisionele motivering is verskaf vir die gewysigde voorstel:

- Erfarea per groephuis is 825m<sup>2</sup>, wat groter as 'n aantal erwe in die omgewing is en soortgelyk aan ander in omgewing. Dit is ook meer as die minimum toelaatbare erf grootte volgens die munisipaliteit se onderverdelingsbeleid.
- Digtheid is net 8.7 wooneenhede per hektaar.
- Dekking sal slegs 28% wees, in vergelyking met 38% en 50% (potensiëel) op aangrensende erwe.
- Alle geboue sal voldoen aan alle ontwikkelingsparameters.

#### 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 sewe besware en 'n petisie (47 handtekeninge, wat 34 eiendomme verteenwoordig) teen die oorspronklike aansoek ontvang (aangeheg in Bylae 3; ligging van eiendomme op lugfoto hieronder aangedui).



Die besware is gegrond op die volgende:

- Pas nie by karakter van area ten opsigte van ontwikkelingsdigtheid en erfgroottes nie.
- Omliggende eienaars se reg om in 'n lae digtheid enkelresidensiële omgewing te woon word aangetas.
- Eiendomswaardes sal negatief beïnvloed word deur indringing van hoër digtheid ontwikkeling in die gebied.
- Voorgestelde geboue en pad naby aan gemeenskaplike erfgrens is te naby aan die bure se buite-leefarea en sal hulle privaatheid asook uitsig op die berge affekteer en steurende geraas veroorsaak.
- Inligting in motiveringsverslag is verkeerd ten opsigte van die berekende gemiddelde grootte van omliggende erwe. Voorstel is dubbel die bestaande digtheid en is nie in karakter met die omgewing nie.

- Oorskryding van boulyne is onnodig en sal negatiewe impak op straattoneel hê, Dit word net genoodsaak deur die onvanpaste digtheid.
- Konsep van ruimtelike geregtigheid ("spatial justice") is nie van toepassing op hierdie tipe ontwikkeling nie. Die regte van persone wat kies om in 'n lae digtheid enkelresidensiële ontwikkeling te word is meer belangrik.
- Aansoeker het nie behoefte of wenslikheid van die voorstel bewys nie.
- Ontwikkeling is teenstrydig met Piet-se-Pad ontwikkelingsetos wat baseer is op die behoud van groen areas en behoud van natuurlike plantegroei en sal ook die streng ontwikkelingsreëls vir Piet-se-Pad ongedaan maak.
- Voorgestelde ontwikkeling sal presedent skep vir talle onontwikkelde erwe in privaatbesit wat nog in die omgewing is.
- Sal addisionele druk op infrastruktuur plaas en bestaande stormwaterprobleme vererger (veral deur 'n muur op die onderste grens te bou).
- Voldoen nie aan doelwitte van skemaregulasies vir groepbehuising ten opsigte van liggingsfaktore nie.
- Gevaar dat –ten spyte van slegs 37.5% dekking – groot oppervlakte van erf wel plavei kan word, wat sal lei tot verhoogde temperatuur in die onmiddellike omgewing en stormwaterprobleme tydens blitsvloede (*flash floods*)
- Sal vermeerdering van verkeer in Piet-se-Pad veroorsaak

Die aansoeker het in reaksie op die besware 'n gewysigde terreinontwikkelingsvoorstel ingedien met 3 groephuisse in plaas van 4, sonder enige oorskrydings, asook 'n herberekening van die gemiddelde erfgrouttes in die omgewing. Verdere motivering is ten opsigte van die gewysigde plan verskaf, soos opgesom in Deel D hierbo (aangeheg in Bylae 4).

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

##### **Siviele Ingenieursdienste**

Die Siviele Ingenieursdepartement het in beginsel geen beswaar teen die bogenoemde aansoek nie op voorwaarde dat:

- 'n Wataersluiting vir die ontwikkeling sal verskaf word vanaf die bestaande 110mm waterlyn aangrensend aan die Piet-se-Pad. Alle koste hieraan verbonde is vir die rekening van die ontwikkelaar. Die aansoeker sal verantwoordelik wees vir die interne verspreiding. 'n Huiseienaarsvereniging moet gestig word en sal verantwoordelik wees vir die onderhoud daarvan.
- Alle interne dienste is die verantwoordelikheid vir die ontwikkelaar. Ontwerpe ten opsigte van water, riool, stormwater en toegangspad moet aan die Bestuurder : Siviele Ingenieursdienste voorsien word vir goedkeuring voor konstruksie in aanvang neem.
- Bydrae tot grootmaatsdienste vir siviele dienste is betaalbaar teen die heersende tarief. Die totale berekende geleenthede is 2 [aangepas na 1.5 geleenthede op grond van gewysigde voorstel]
- Alle interne dienste bly die ontwikkelaar/te stigte huiseienaarsvereniging se eiendom en sal nie deur die munisipaliteit oorgeneem word nie.



### Boubeheer

Geen ontvang

### Elektriese Ingenieursdienste

Geen ontvang

### 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;
- nie enige ondersoeke 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.

### 3.3.2.3 PROVINCIAL SPATIAL POLICIES

#### POLICY S1: 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 prioritising 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 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, sowel as 'n bydrae tot die belastingbasis van die munisipaliteit.

#### Sosiale impak

Die beplande groePHUISE is losstaande, relatief groot en van goeie gehalte, soortgelyk aan die bestaande woonhuise in die omgewing. Die teikenmark vir die ontwikkeling sal na verwagting dieselfde weer as die sosio-ekonomiese profiel van die betrokke omliggende woonbuurt en behoort dus nie 'n negatiewe sosiale impak te hê nie.

#### 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 residensiël is. Die terreinuitleg, gebou-ontwerpe en ontwikkelingsdigtheid (8.7 eenhede per hektaar) pas in by die betrokke woonbuurt (7.8 eenhede per hektaar in onderste deel van Piet-se-Pad). Die beskikbare erfoppervlak per eenheid vergelyk ook goed met die minimum erfgrottes wat ingevolge die Munisipaliteit se Onderverdelingsbeleid toegelaat kan word in die omgewing, naamlik 825m<sup>2</sup> per groePHUIS teenoor die 784m<sup>2</sup> minimum vir die omgewing (75% van die gemiddelde van 1046m<sup>2</sup> vir 25 omliggende erwe).



Daar moet in gedagte gehou word dat die soneringskema 'n tweede woning met vloeroppervlakte van tot 60m<sup>2</sup> toelaat as inherente reg volgens die huidige Enkel residensiële I sonering en kan 'n tweede woning van tot 150m<sup>2</sup> met spesiale vergunning opgerig word. Daarvolgens behels die voorstel in effek net die regte om een ekstra wooneenheid op te rig.

Die gebou-ontwerpe wat saam met die aansoek voorgelê is (ingesluit by Bylae 1), stem ook goed ooreen met die bestaande woonhuise in die Piet-se-Pad ontwikkeling. Die voorstel om al drie groephuise volgens dieselfde vloerplan en boustyl op te rig, kan egter onvanpas in die betrokke omgewing wees en meer van 'n hoër digtheidskarakter openbaar as wanneer elkeen volgens 'n unieke plan ontwerp word. Daar word ter versagting van die geringe impak wat die groephuise op die aanliggende omgewing mag hê, voorgestel dat die ontwikkelaar verplig word om verskillende ontwerpe vir die drie groephuise op te stel ten einde 'n harmonieuse maar gevarieerde ontwikkeling daar te stel. Die voorgestelde voorste groephuis se straataansig vanaf Piet-se-Pad vertoon ook meer soos 'n sy- of agteraansig van die ander huise in die omgewing, met die dienswerfmuur, badkamerversters en opwasareavensers wat na die straat front. Die ontwikkeling sal beter inpas by die omliggende enkelresidensiële omgewing indien die voorste groephuis so ontwerp word dat dit 'n meer tipiese straatfasade na Piet-se-Pad vertoon. Dit word voorgestel dat die goedkeuringsvoorwaardes ook so 'n vereiste bevat.

#### **Impak op eksterne ingenieursdienste**

Die ontwikkeling kan binne die munisipale dienstenetwerke akkomodeer word. Die normale bydrae tot grootmaatsdienste (ontwikkelingsheffings) sal van toepassing wees om voorsiening te maak vir verhoging in kapasiteit by munisipale grootmaatsdienstinstallasies. Die aansoeker het aangedui dat betalings reeds gemaak is vir die nodige riool- en wateraansluitings en dat 'n bydrae tot grootmaatsdienste vir elektrisiteit ook reeds betaal is.

#### **Impak op erfenis**

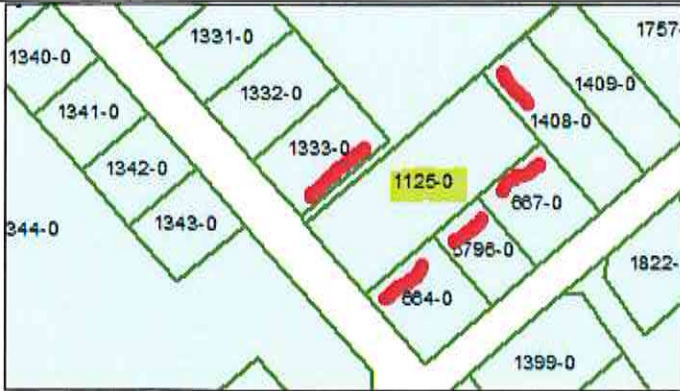
Die eiendom val buite die Stedelike Bewaringsgebied Oorlegsone vir Montagu in die Soneringskema, asook buite die Erfenisgebied wat in die Langeberg Ruimtelike Ontwikkelingsraamwerk, 2015 voorgestel word. Daar word geen impak op erfenis voorsien nie.

#### **Verkeersimpak, parkeering, toegang en ander vervoerverwante oorwegings**

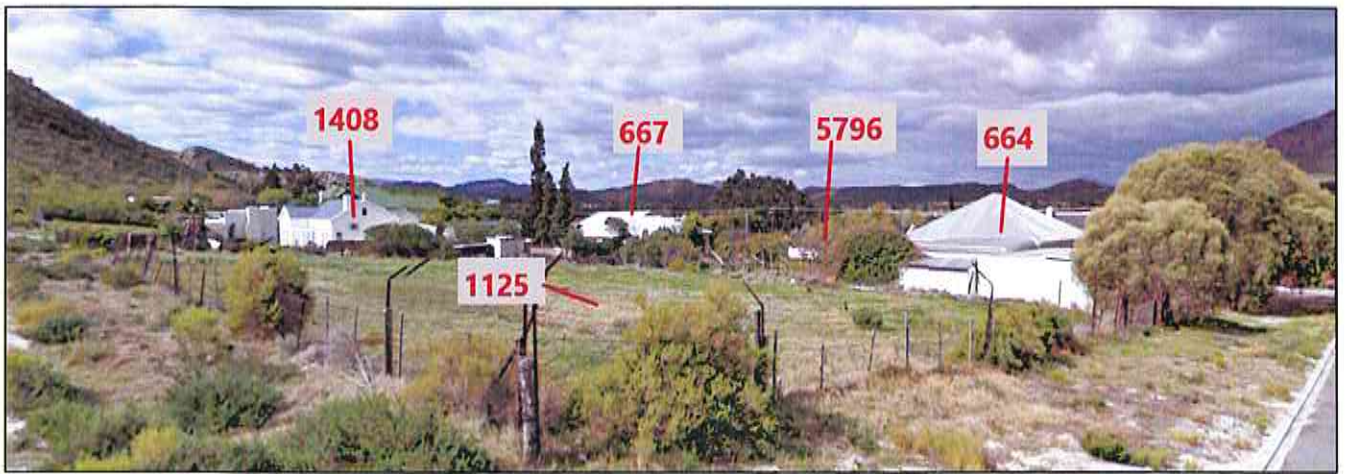
Die voorstel behels in effek dat een meer wooneenheid as wat met die huidige grondgebruikregte toelaatbaar is, geskep word, met 'n privaatpad wat toegang daartoe gee. Gegewe dat soveel as 49 erwe in die Piet-se-Pad ontwikkeling se kortse roete na Bergstraat via die betrokke (oostelike) deel van Piet-se-Pad is, word die impak van een addisionele wooneenheid op daardie verkeer as minimaal beskou.

#### **Impak op privaatheid van die inwoners in die onmiddellike omgewing**

Soos blyk uit die besware is daar wel potensiaal vir impak op privaatheid van die inwoners van aangrensende erwe, veral erwe 1333, 1408, 667, 5796 en 664.



In die praktyk blyk dit dat die wonings en buiteleefareas op erwe 664 en 667 nie na erf 1125 georiënteer is of werklik uitsigte oor erf 1125 het nie. Erwe 5796 en 1333 is nog onontwikkeld. Erf 1408 se buiteleefarea is wel in 'n mate na erf 1125 georiënteer en is ook tans vir ongeveer die helfte van die gemeenskaplike grens slegs met 'n draadheining afgekamp en dus ten volle in sig van enige wonings op erf 1125.



Alhoewel erf 1125 tans onontwikkeld is en die aangrensende eiendomme se bewoners dus privaatheid en ongehinderde uitsigte na die noorde- en westekante kan geniet, moet egter in gedagte gehou word dat erf 1125 reeds volgens sy huidige sonering en regte ontwikkel kan word om 'n soortgelyke impak as die voorgestelde 3 groe huise op die aangrensende erwe te hê. Die aansoek eiendom val buite die Montagu stedelike bewaringsgebied oorlegsone in die soneringskema en is ook nie onderhewig aan die Piet-se-Pad ontwikkelingsreëls nie. Die eienaar is dus reeds geregtig daarop om 'n grensmuur van van tot 2.1m hoog op die sy- en agtergrense van die perseel op te rig.

Die grondgebruikparameters vir 'n woonhuis (in die huidige sonering) is inderwaarheid ook minder beperkend as die voorgestelde ontwikkeling:

Ontwikkelingsparameter	Woonhuis (Enkel residensiële sone I)	Voorstel (soos gewysig) (Groe huise in Algemene residensiële sone I)
Straatboulyn	4m	5m
Syboulyn	1.5m	3m



Agterboulyn	2m	3m
Maksimum dekking	65% (1608m <sup>2</sup> )	696m <sup>2</sup>
Waarskynlike dekking	450m <sup>2</sup> – 650m <sup>2</sup> (bv hoofhuis van 300m <sup>2</sup> - 500m <sup>2</sup> en tweede woning van 150m <sup>2</sup> )	696m <sup>2</sup>
Maksimum hoogte	8.5m (dubbelverdieping)	6m (enkelverdieping)

Verder kan verwag word dat die nuwe groephuse se leefareas oorwegend na die noordekant oriënteer sal word om maksimum voordeel uit die sonsinval te kry, soos ook op die terreinontwikkelingsplan voorgestel word, wat minstens erwe 664, 5796 en 667 se privaatheid sal bevorder. Die impak op erf 1408 kan versag word deur geboude grensmuur van minstens 2m op die gemeenskaplike grens op te rig.

Wat die toegangspad agter erwe 664, 5796 en 667 betref, kan dit vergelyk word met 'n oprit na 'n motorhuis wat agter op erf 1125 gebou mag word onder die huidige regte. Aangesien die ontwikkeling drie gesinne kan huisves, in plaas van die huidige potensiële twee, kan daar wel moontlik effens meer verkeer genereer word. Die impak daarvan kan genoeg versag word deur geboude grensmuur van minstens 2m op te rig en behoort as voorwaarde van 'n goedkeuring opgelê te word.

Daar word gevolglik nie verwag dat die onderverdeling 'n beduidende groter impak op bure se privaatheid sal hê as wat die potensiële ontwikkeling van die erf volgens die huidige regte sal hê nie.

#### **Kumulatiewe impak**

Die aansoek eiendom is uniek in die omgewing ten opsigte van sy grootte, ligging, topografie en toeganklikheid (met die moontlike uitsondering van erf 4418), terwyl die voorgestelde ontwikkeling teen 'n vergelykbare digtheid met die omgewing sal wees.. Daar word dus nie voorsien dat die goedkeuring in hierdie geval 'n presedent sal skep wat sal lei tot 'n onaanvaarbare kumulatiewe effek op die karakter van die omliggende omgewing nie.

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

NVT

#### **PART J: RECOMMENDATION**

Dat die hersonering van erf 1125, Montagu vanaf Enkel Residensiële sone I na Algemene Residensiële sone I om 3 groephuse op te rig met vloeroppervlak van  $\pm 232\text{m}^2$  elk., ingevolge Artikel 60 van die Langeberg Munisipaliteit : Verordening op Grondgebruikbeplanning, 2015, goedgekeur word, onderhewig aan die volgende voorwaardes:

##### **Grondgebruikbeperkings en boubeheer**

1. Die ontwikkeling moet geskied in ooreenstemming met die terreinplan gemerk MON1125-LBM-TP2, ingesluit die dekking van geboue soos voorgestel, mar onderhewig aan enige vereiste wysiging van die gebou-ontwerpe soos goeagekeur mag word in die uitvoering van onderstaande voorwaardes.

2. 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.
3. Ten einde te verseker dat die eksterne voorkoms van die groephuse versoenbaar is met en aanpas by die omliggende enkelresidensiële omgewing, met inbegrip van die Piet-se-Pad ontwikkeling, geld die volgende ontwerpvereistes, wat nagekom moet word en op bouplanstadium gekontroleer sal word na die oordeel van die Bestuurder: Stadsbeplanning:
  - 3.1 Die boustyl en argitektoniese elemente moet wesenlik ooreenstem met die boueëls wat vir die Piet-se-Pad-ontwikkeling geld, soos ook voorgestel in die .
  - 3.2 Die 3 groephuse moenie almal volgens 'n identiese vloerplan en aansigte ontwerp word nie, maar volgens verskillende ontwerpe, binne dieselfde boustyl en tipe afwerking, ten einde 'n harmonieuse maar gevarieerde ontwikkeling daar te stel.
  - 3.3 Die groephuis naaste aan die openbare straat moet so ontwerp word dat die straataansig ooreenstem met tipiese straataansigte van huise in die Piet-se-Pad ontwikkeling en nie vertoon soos die huis se agterkant of sykant met agterdeure, dienswerf en slegs klein vensters na die straat se kant toe nie.
4. Ten opsigte van omheing van erf 1125, is die ontwikkelaar verplig om 'n geboude, afgepleisterde en geverfde muur (nie voorafvervaardigde beton / vibrecrete) van minstens 2m hoog op die gemeenskaplike grense tussen erf 1125 en erwe 664, 5796, 667 en 1408 op te rig voordat enige voltooiing- of okupasiesertifikate vir wooneenhede in die kompleks uitgereik mag word, met dien verstande dat alternatiewe soos bv deursigtige draad- of metaalpallisade-omheinings (geheel of gedeeltelik) opgerig mag word in die plek daarvan indien die eienaar van die betrokke erf skriftelik toestemming gee.

#### Voorsiening van siviele ingenieursdienste

5. Die ontwikkelaar is verantwoordelik vir die installering van alle interne siviele ingenieursdienste vir die ontwikkeling (water, riool, paaie en stormwater ingesluit), sowel as vir die betaling van ontwikkelingsheffings vir grootmaatsdienste. Geen bouplanne vir die groephuse sal goedgekeur word voordat die dienste installeer en die volle heffing betaal is nie. Die volgende spesifieke reëlings en vereistes geld:

#### Ten opsigte van siviele ingenieursdienste

- 5.1 Ontwerpe ten opsigte van water, riool, stormwater en toegangspad moet aan die Bestuurder : Siviele Ingenieursdienste voorsien word vir skriftelike goedkeuring voor konstruksie in aanvang neem.
- 5.2 'n Wataansluiting moet verskaf word vanaf die bestaande 110mm waterlyn aangrensend aan Piet-se-Pad, op koste van die ontwikkelaar. Die ontwikkelaar sal verantwoordelik wees vir die interne verspreiding daarvandaan na die individuele groephuse en vir die aanbring van individuele watermeters. Die eienaar of, in geval van 'n deeltitelskema, die Beheerliggaam, 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 eienaar of beheerliggaam self behartig moet word.
- 5.3 Die aansoeker/ontwikkelaar moet 'n ontwikkelingsheffing ten opsigte van grootmaat siviele dienste betaal, naamlik vir 1,5 geleenthede teen die begrote tarief wat geld op die stadium van betaling.



5.4 Geen stormwater mag vanaf die ontwikkeling na aangrensende erwe kanaliseer word nie.

5.5 Alle interne dienste bly die ontwikkelaar of deeltitel beheerliggaam se eiendom en sal nie deur die munisipaliteit oorgeneem word nie.

#### Voorsiening van elektriese ingenieursdienste

6. Die ontwikkelaar is verantwoordelik vir die installering van alle interne elektriese ingenieursdienste vir die ontwikkeling, sowel as vir die betaling vir installering van enige nodige koppeldienste en vir die betaling van ontwikkelingsheffings vir grootmaatsdienste. Geen bouplanne vir die groephuise sal goedgekeur word voordat die dienste installeer en die volle heffing betaal is nie. Die volgende spesifieke reëlins en vereistes geld:

6.1 Uitleg- en ontwerpplanne van alle elektriese retikulasie en -installasies moet aan die Bestuurder Elektriese Ingenieursdienste voorgelê word vir skriftelike goedkeuring alvorens daar begin mag word met enige konstruksiewerke.

6.2 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 groephuis voltooi en okkupeer mag word.

6.3 Die aansoeker/ontwikkelaar moet 'n ontwikkelingsheffing ten opsigte van grootmaat elektriese dienste betaal (teen die begrote tarief wat geld op die stadium van betaling) soos bepaal moet word deur die Bestuurder Elektriese Ingenieursdienste, ooreenkomstig die verlangde elektriese kapasiteit vir die ontwikkeling en grootte van die elektriese aansluiting na die perseel.

7. Vullisverwydering sal vanaf Piet-se-Pad 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 voorsien, volgens die vereistes van die Langeberg Munisipaliteit se Bestuurder: Vaste Afvalbestuur. Die vullisarea moet voltooi wees tot bevrediging van die Bestuurder: Vaste Afvalbestuur voordat enige voltooiing- of okkupasiesertifikate vir wooneenhede in die kompleks uitgereik mag word.

#### Administratiewe reëlins en statutêre vereistes

8. Die straatadres van die Groephuiskompleks bly Piet-se-Pad 47, terwyl individuele wooneenhede by dié adres as Eenheid 1 tot Eenheid 3 genommer word). Die straatnommer van die kompleks moet by die ingang in Piet-se-Pad aangebring word.

9. Ingevolge Artikel 17(5) van die Langeberg Munisipale Verordening op Grondgebruikbeplanning, 2015 verval die hersoneringsgoedkeuring na 5 jaar vanaf datum van goedkeuring indien die sonering nie ooreenkomstig subartikel 17(5)(b) uitgevoer is nie deur (i) die goedkeuring van 'n bouplan(ne) waarvolgens die voorgenome goedgekeurde gebruiksreg uitgeoefen kan word en (ii) die aanvang van konstruksie van die betrokke gebou(e).

#### **PART K: ANNEXURES**

Bylae 1 - Planne

Bylae 2 - Motivering

Bylae 3 - Beswaar

Bylae 4 – Reaksie op beswaar

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

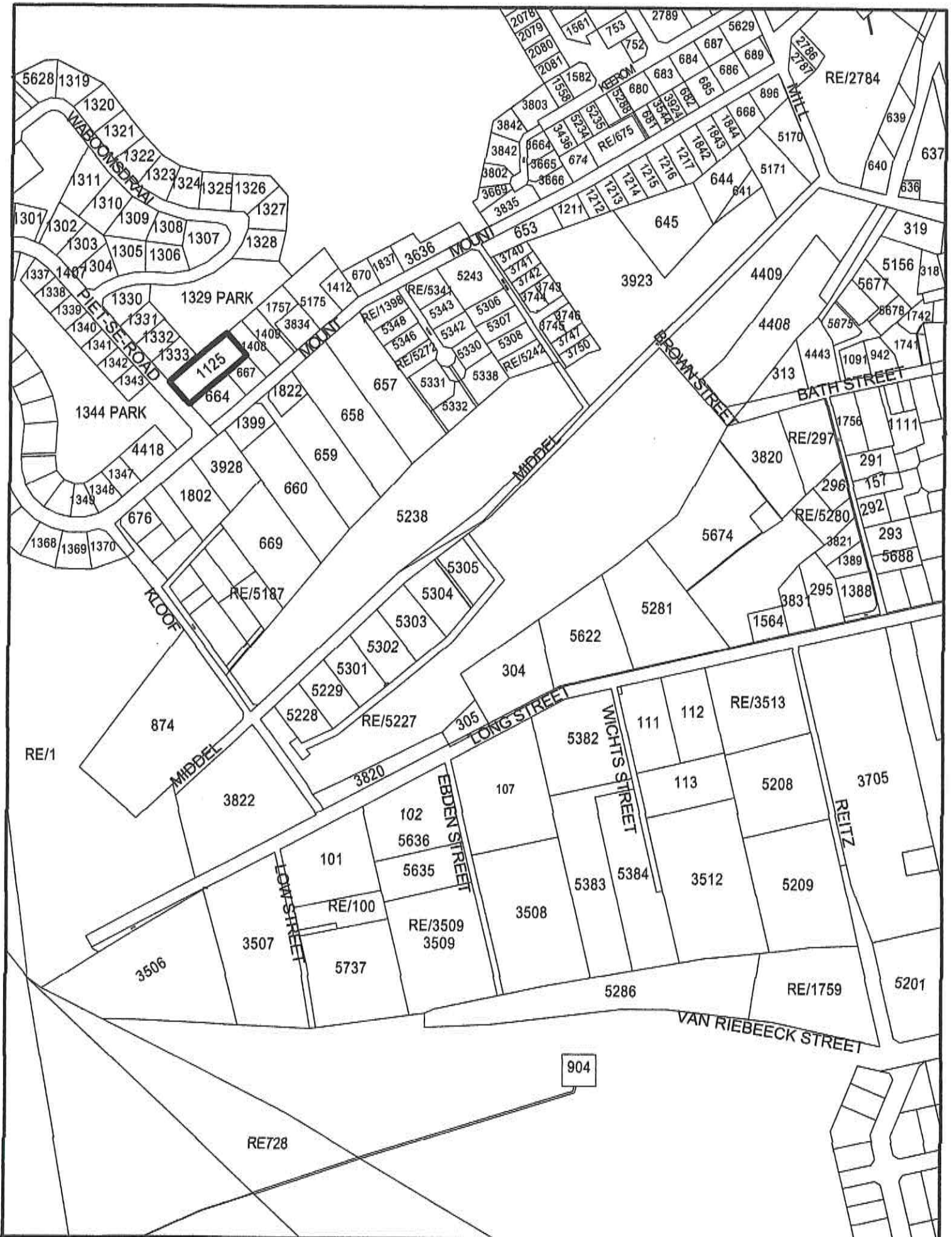
**PART L: AUTHOR SIGNATURE**

.....  
J L E R VAN ZYL  
ASSISTANT MANAGER: TOWN PLANNING  
REGISTERED PROFESSIONAL PLANNER – NO. A/1170/2000

.....  
DATE



**Planne**



# LOCATION PLAN: ERF 1125 MONTAGU



**UMSIZA**  
PLANNING  
Town and Regional Planner

SCALE 1:5000

14



MON1125-LRM-TP 1

1409

1408

667

664

1329 PARK

1333

1332

1344 PARK

PIET-SE-ROAD

electricity network

sewer network  
water network

MOUNT STREET

Development Parameters:

1. Single storeys
2. Density: 16 units/ha
3. Open space: 145m<sup>2</sup> private open space per unit
4. Departure from street & rear building lines
5. Double garage at each unit & space for visitor
6. Screened service yards at each unit
7. Refuse to be placed on sidewalk weekly



**UMSIZA**  
**PLANNING**  
Town and Regional Planner

SCALE 1:500

ERF 1125 MONTAGU: SITE DEVELOPMENT PLAN: REZONING FROM SINGLE RESIDENTIAL  
ZONE I TO GENERAL RESIDENTIAL ZONE I (GROUP HOUSING: 16 DU/HA)

15

15



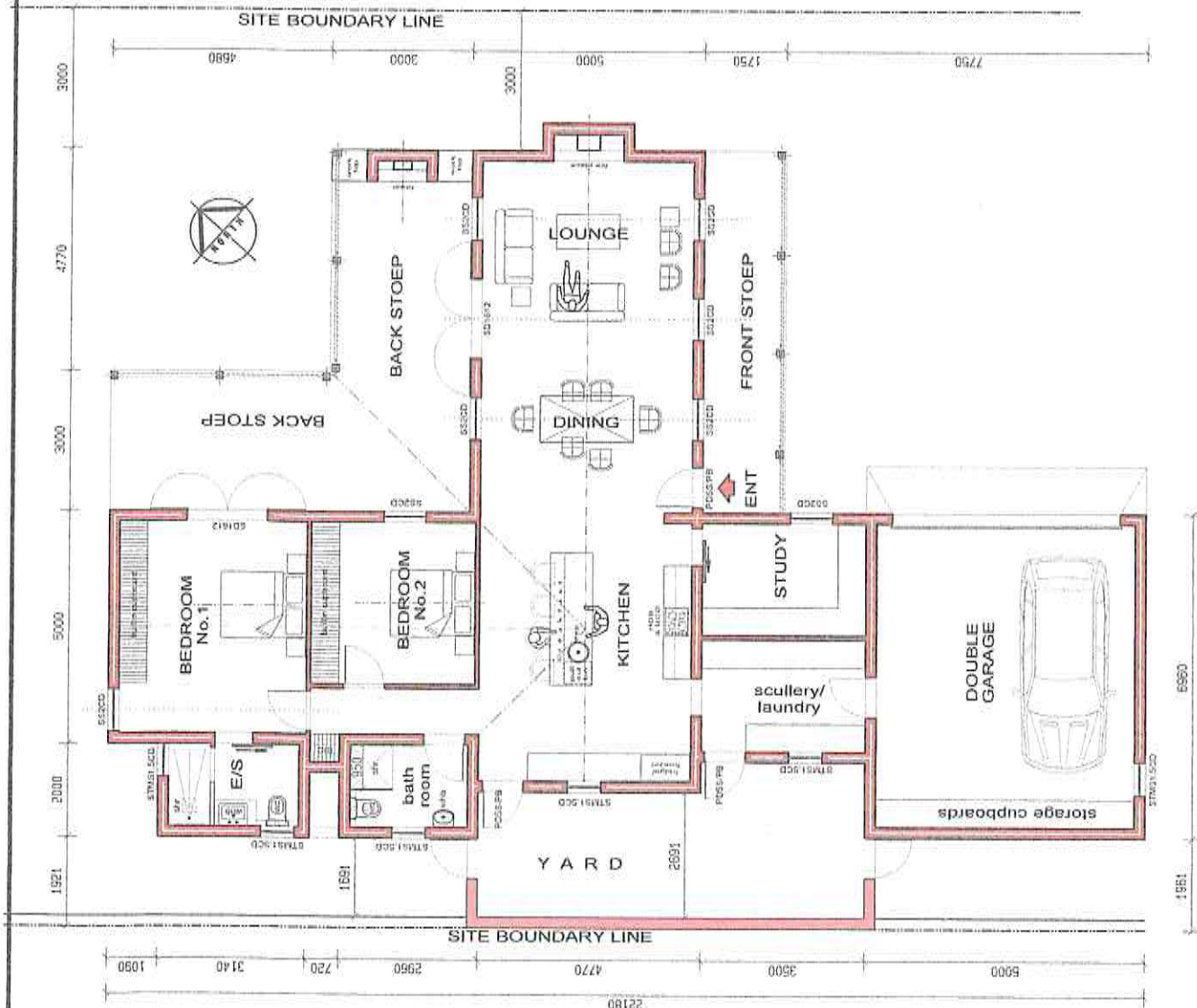
# NEW PROPOSED LIVING UNITS ON ERF No.1125, MONTAGU

date: 26.05.2021



AREA NOTES:	
TOTAL ERF SIZE:	2474.14 sq.m
ERF No. 1:	622.95 sq.m
ERF No. 2:	618.13 sq.m
ERF No. 3:	617.41 sq.m
ERF No. 4:	615.65 sq.m
TOTAL EXCL. GARAGE:	190.59 sq.m
TOTAL AREA:	232.35 sq.m

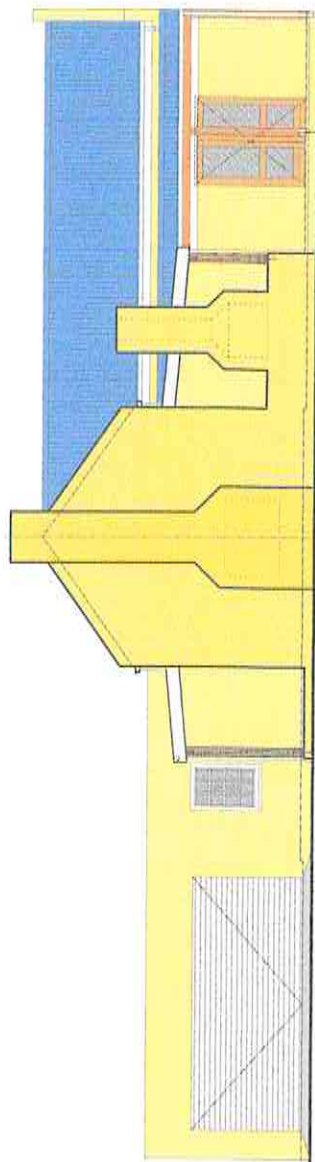
AREA NOTES:	
TOTAL UNIT AREA:	
Dwelling:	139.64 sq.m
Front stoep:	13.60 sq.m
Back stoep:	37.35 sq.m
D/garage:	41.76 sq.m
TOTAL EXCL. GARAGE:	190.59 sq.m
TOTAL AREA:	232.35 sq.m



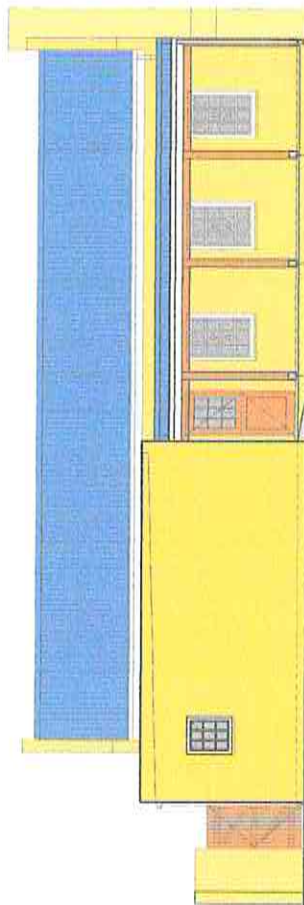
GROUND FLOOR PLAN  
1:100

17

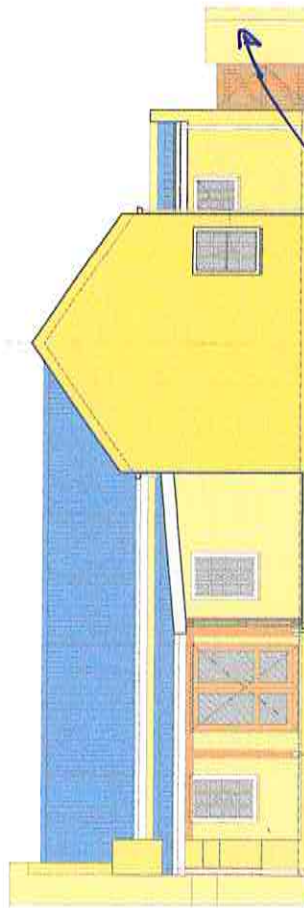




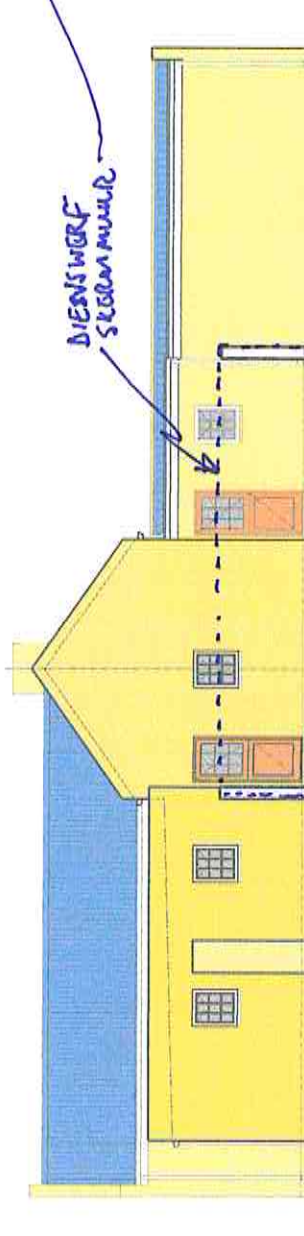
NORTH EAST ELEVATION  
1:100



SOUTH EAST ELEVATION  
1:100



NORTH WEST ELEVATION  
1:100



SOUTH WEST ELEVATION  
1:100

(PIET-SE-PAD STRAATWAGSIC.)

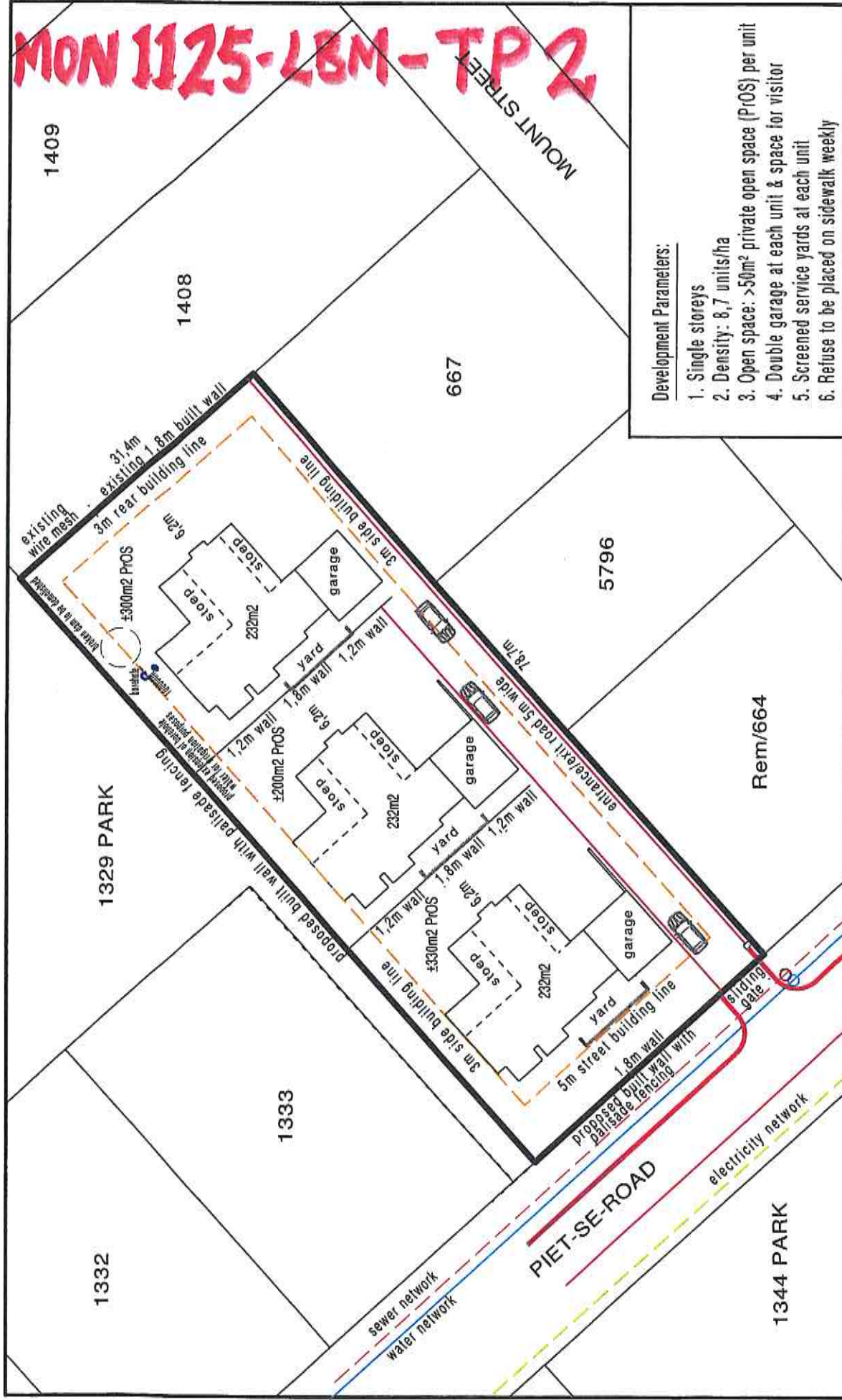
# NEW PROPOSED LIVING UNITS ON ERF No.1125, MONTAGU

AREA NOTES:	
TOTAL ERF SIZE:	2474,14 sq.m
ERF No. 1:	622,95 sq.m
ERF No. 2:	617,43 sq.m
ERF No. 3:	617,43 sq.m
ERF No. 4:	615,65 sq.m
TYPICAL UNIT AREA:	
Dwelling:	139,64 sq.m
Front stoep:	13,60 sq.m
Back stoep:	37,35 sq.m
Dwelling:	170,59 sq.m
TOTAL AREA:	232,35 sq.m

date: 26.05.2021



MON 1125-LBM-TP 2



Development Parameters:

1. Single storeys
2. Density: 8.7 units/ha
3. Open space: >50m<sup>2</sup> private open space (PrOS) per unit
4. Double garage at each unit & space for visitor
5. Screened service yards at each unit
6. Refuse to be placed on sidewalk weekly



**UMSIZA**  
PLANNING  
Town and Regional Planner

SCALE 1:500

ERF 1125 MONTAGU: SITE DEVELOPMENT PLAN: REZONING FROM SINGLE RESIDENTIAL  
ZONE I TO GENERAL RESIDENTIAL ZONE I (GROUP HOUSING: 8.7 DU/HA)

Motivering



# MOTIVATIONAL REPORT

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## **APPLICATION for the REZONING of Erf 1125 Montagu from Single Residential Zone I to General Residential Zone I (group housing) to create four new dwellings & Departure from building lines**

---

### **1. PURPOSE OF APPLICATION**

According to Section 15(1) of the Langeberg Municipal Land Use Planning Bylaw of 2015, no person may commence land development without the approval of the Municipality. According to Section 15(2) the owner of land may apply to the Municipality for, *inter alia*, rezonings as well as departure from the development parameters.

### **2. LOCALITY AND ACCESS TO ERF**

Erf 1125 is located to the north of Mount Street in Montagu West just below the beginning of the "Piet-se-Road" development (Montagu Extension No 8).

Access is obtained from Piet-se-Road.

### **3. CHARACTERISTICS OF SITE AND SURROUNDING AREA**

Erf 1125 Montagu is 2475m<sup>2</sup> in extent and belongs to Andries Bartholomeus van Heerden according to Deed of Transfer T72252/2015.

The application site is much larger than the surrounding erven and is flat with a small gradient towards to southern side.

Except for a broken cement dam, the stand is vacant.

The surrounding area consist of single residential houses, with various erven still vacant, such as Erf 1333 north-west to the application site.

Erven 1329 Montagu is a park erf on the foot of the hill that borders the application site on its north-east boundary, including a 3m strip between Erven 1125 and 1333 Montagu.

Erf 1344 Montagu is another park erf that is located opposite the application site (and opposite Piet-se Road) to the south-western side.

The Piet-se-Road development to the north-western side is a high quality residential area with different size erven varying between small to large, depending on the topography of the area.

#### **4. LEGISLATION AND GUIDELINES APPLICABLE**

##### **4.1 Langeberg Integrated Zoning Scheme Bylaw, 2018**

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

*"Dwelling house"* means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including a store room and garaging; a second dwelling or additional dwelling with a floor area which does not exceed 60 m<sup>2</sup>.

The IZS makes also provision for General Residential Zone I with primary use "group housing" that means a group of separate or linked dwelling units where:

- Every unit has a ground floor;
- The units are planned, designed and built as a harmonious architectural entity in an ordered way; and
- The units are integrated with communal private open spaces, private roads and parking.

Applicable development parameters in this zone are:

- 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.
- Maximum density on group housing site is 35 dwelling units per hectare;
- Height must not exceed 8,5 m in the case of a pitched roof;
- Building lines along perimeter of site: street: 5m, side and rear: 3m;
- Building lines on internal street is 0m;
- Two parking bays per dwelling unit are required, as well as 0,25 bays/unit for visitors;
- Service yards that are architectural compatible with the other structures on the property must be provided; and

- Refuse room adjacent to a public street and accessible to a refuse collection vehicle may be provided.

#### **4.2 Langeberg Spatial Development Framework (SDF), 2014**

The SDF earmarks Montagu Extension 8 as a New Development Area of 12,26 ha for market related housing.

The proposed application is in line with this planning proposal.

### **5. APPLICATION**

Application is made for the following:

In terms of Section 15(2)(a), the rezoning of Erf 1125 Montagu from Single Residential Zone I to General Residential Zone I (group housing) with a density of 16 units per hectare (4 units of 232m<sup>2</sup> each on 2475m<sup>2</sup>).

In terms of Section 15(2)(b), permanent departure from the street building line of 5m to 2m and the rear building line from 3m to 2,95m.

### **6. SERVICES**

The municipal water, sewerage and electricity network run within Piet-se-Road that can be connected to.

A borehole with capacity of ±10 000 liter per hour is located near the northern corner of the site. This water will be filtered and gravitate to each house for irrigation/garden purposes.

On 28 June 2019 the owner has already paid for the following service collections (see attached proof):

- R5491,00 for a 110mm sewerage connection;
- R5 310,12 for a 25mm water connection; and
- R97 057,23 electricity contribution.

An existing 1,8m built wall is located on the north-eastern boundary. This will be duplicated on the south-eastern side to ensure privacy between the new development and the two existing houses on Erven 664 and 667 Montagu.



A combination of built wall and palisade fencing will be built on the north-western boundary to be able to enjoy the beautiful north/north-eastern view to the mountains. A similar wall with palisade will be built along the street to allow visibility. *Private bathroom windows facing the road will be non-transparent to ensure privacy.*

The service yard at each house will be screened off by a 1,8m high wall. Internal 1,2m walls will demarcate the four areas from each other.

## 7. MOTIVATION

### 7.1 Need and Desirability

Erf 1125 Montagu is much larger than the surrounding erven with a rectangular form facing north-west and a flat gradient that is easy to functionally develop and/or "divide" into even-shaped and even-sized areas.

Smaller houses with small gardens are becoming more popular due to high maintenance costs, faster lifestyles and the scarcity of water.

The street boundary is 31,4m that allow adequate space for a 5m wide access road into the property as well as four dwelling units of 232m<sup>2</sup> (including 2 bedrooms, front and back stoep as well as a double garage) each – see SDP and architectural drawings attached.

Each unit will have an area of at least 145m<sup>2</sup> private open space and a driveway to the double garage.

Living will be towards the northern side with doors opening from the lounge and main bedroom to the back stoep (3m wide).

The houses will be built outside the side building line with another 3m vacant park erf in between Erf 1333 and the application site.

Although this is not a subdivision application, the desirability of the application was evaluated by using the municipal subdivision policy to determine the average size of the surrounding 25 erven (excluding 3 erven larger than twice the average), as well as 75% of the average size that is accepted for subdivisions.

This amounted to 735m<sup>2</sup> that shows that although the proposed four houses (each on an area of 618m<sup>2</sup>) will be smaller, it will still be in character with the surrounding environment.

More so, the total built area of the four houses will be 929,4m<sup>2</sup> that will only be 37,5% coverage in comparison with a single residential erf that allows 65% coverage.

The four houses will be built in similar karoo-style architecture than the surrounding area. The four houses with communal private open spaces, access road (5m wide) and services will be managed and maintained by a to-be-established home owner association (HOA).

The owner does not want to subdivide the erven and therefore the four houses will remain on one erf and will be sold as sectional title units.

The layout and style of the houses necessitated the need to build within the street and rear building line. The rear building line will only be encroached by 0,05m, that will be a negligent impact on the neighbour adjacent.

The impact of the 3m encroachment on the street building line will not be observed negatively as no space is required along Piet se Road for the movement of vehicles in and out of a garage, which is usually a main reason for the street building line. The layout of Erf 1125 does not require movement space adjacent to Piet se Road as the garages will be entered/exited via the internal road.

The houses will face north with only small kitchen/bathrooms windows along the street boundary.

All service yards will be screened with a 1,8m high built wall.

## 7.2 Development Principles

The application is also motivated through the development principles that are being referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA):

- Spatial Justice

The proposed rezoning will allow the harmonious building of four dwelling units for four new home owners in a safe and beautiful environment.

- Spatial Sustainability

The four houses will be cost-effective and compact with one shared entrance/exit road and municipal /communal services.

The erf has a borehole with capacity of  $\pm 10\,000$  liter per hour that will be used to water the gardens. Water has become a scarce commodity and this water will be a comforting asset to four new home owners.

- Efficiency

The proposed shared-title development with four dwelling units will ensure the optimal use of a big, vacant erf in a location destined for development.

- Spatial Resilience

*The development will provide in a fast growing need for smaller houses and smaller erven and subsequently ensure sustainable livelihoods.*

- 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.

## 8. CLOSURE

The proposed rezoning of Erf 1125 from Single Residential Zone I to General Residential Zone I (group housing) will be in character with the surrounding area and will address a large need in the current housing market.

Municipal services are available to serve the four new units.

The application adheres to the SDF for Montagu that earmarks this area for market related housing and also meets the development principles of SPLUMA and LUPA.


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



NO	ERF NO	SIZE	size	average	75%
1	664	1587	1587		
2	667	892	892		
3	1408	1255	1255		
4	1409	1253	1253		
5	1757	1093	1093		
6	3834	1165	1165		
7	5175	2606	903		
8	1412	903	1000		
9	1333	1000	1000		
10	1332	1000	1000		
11	1331	1000	1373		
12	1330	1373	1750		
13	4418	1750	875		
14	1347	875	855		
15	1348	855	749		
16	1349	749	1371		
17	1399	1371	1060		
18	1822	1060	1296		
19	3928	3085	1694		
20	1802	2964	828		
21	1740	1296	1207		
22	676	1694	75		
23	1739	828	75		
24	1393	1207	75		
25	1340	75	75		
26	1341	75	24506	980,24	735,18
27	1342	75			
28	1343	75			
			more than twice the average 1960,48		

Besware

# OBJECTION 1 (erf 1408)

Received  
7/7/2021  


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

Date: 7 July 2021

Attn Jack van Zyl

**Re: Proposed Rezoning of erf 1125 Montagu  
from Single Residential zone 1  
to General Residential zone 1  
and departure from building lines  
to construct 4 group houses**

Thank you for your letter dated 15 June 2021 with the information that the owner of the above mentioned erf 1125 is applying for rezoning of his property.

After careful consideration and deliberation of the application, motivational report and the site development plans which the applicant supplied, we:

*Helmut and Hanna Mayer*  
30 Berg Street  
Registered owners of adjacent erf 1408, Montagu  
Cell 082 747 0815 Helmut  
Cell 082 399 7778 Hanna  
Email: mayer@rietvleigrove.co.za

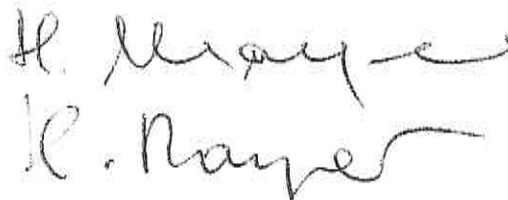
lodge a written **OBJECTION**, which we attach to this letter.

We are asking the Town Planning Department to consider our objection and to refuse the application.

Yours faithfully

Helmut Mayer

Hanna Mayer



Encl.

1. Objection 3 pages
2. Site development plan erf 1408 showing position of our dwelling
3. List of erf numbers and incorrect sizes



## **OBJECTION TO THE PROPOSED REZONING OF ERF 1125 MONTAGU**

We, Helmut Wilhelm Mayer, and Hanna Jadwiga Irena Mayer, the registered owners of Erf 1408 Montagu, hereby register our objection to the rezoning of Erf 1125 Montagu, from Single Residential Zone 1 to General Residential Zone 1.

### **MOTIVATION**

#### **Character of the area**

The present character of the area where Erf 1125 is located, is single residential, with individual houses on large stands. The stands vary in size from 750m<sup>2</sup> to 3085m<sup>2</sup>. The average size of erven in the immediate vicinity of the subject property, is more than 1000m<sup>2</sup>, with one exception being a recently approved subdivided portion of Erf 664 Montagu, which is approximately 600m<sup>2</sup> in area.

Approval of this rezoning will result in a residential density of one dwelling per 618m<sup>2</sup> on the subject property, which is **double the existing residential density in the immediate vicinity**. This will have a detrimental effect on the single residential character and appearance of the area.

#### **Relaxation of building lines**

The architectural plans of the proposed development on Erf 1125 Montagu submitted by the rezoning applicant, indicate a visually dense development, which, as already stated, conflicts with the existing character of the area. Furthermore, the plans are predicated on the relaxation of the street building line, and the rear building line on the Eastern boundary, **without which the proposed buildings will not fit on the property**. The building line on Piet-se-Pad Street is 2m instead of the 5m applied in the area, while the rear building line is 2.95m instead of the regulation 3m. Building to a 2m street building line will visually clash with the existing spacious streetscape created by the 5m setbacks. Approval of either front or rear building line relaxations without good reason, other than to fit the proposed development on the property, will create a precedent for similar building line relaxations and should therefore not be allowed.

#### **Rights of existing property owners**

The existing property owners in the area, purchased their properties with the expectation that the area, which is newly developed, would retain its single residential character for the foreseeable future. Inserting a higher density development into the existing urban fabric would be an infringement of their rights to the urban environment of their choice.

#### **Effect on property values**

Inserting a higher density development of this nature into an area of high quality single residential homes on large properties will have a negative effect on the values of surrounding properties, due to its already mentioned detrimental effect on the character of the area, and the expectation that will be created of the approval of similar rights in the vicinity in the future.

## Effect on Erf 1408

The proposed intensive development on Erf 1125 utilises the available space to the maximum and places the units close to the boundaries of the property.

This will have a detrimental effect on my property, Erf 1408, immediately east of the subject property, as the most easterly unit will be a mere 2.95m from the our common boundary wall (see the attached diagram of Erf 1408). This will affect the privacy of my outdoor living area, and have a particularly detrimental effect on the view I presently enjoy towards the mountains. This would not be the case if Erf 1125 retained its present single residential zoning.

## Comment on applicant's motivation

### 7.1 Need and Desirability

Average size of surrounding 25 erven and character of surrounding environment:

The average size of surrounding 25 erven is given as 735m<sup>2</sup>. This is **incorrect**, due to Erven 676, 1739, 1393 and 1340 being incorrectly listed in the applicant's documents as 75m<sup>2</sup> in area, whereas the correct areas are 750m<sup>2</sup> and 751.4m<sup>2</sup>. Taking this into account, as well as three erven larger than 2500m<sup>2</sup> excluded from the applicants calculations, the **average erf size is 1280.8m<sup>2</sup>**. The proposed units will each occupy a site of 618m<sup>2</sup> **ie double the existing average residential density**, and therefore **NOT** in character with the surrounding environment.

Relaxation of building lines:

Rear building line "will only be encroached by 0.05m". The fact that the developer cannot fit his proposed development within the existing building lines is not a reason to relax the building lines. The statement that the 5m building line is to allow the movement of vehicles in and out of garages, is not the only, or even the most important reason for its imposition. The visual effect on the streetscape is more important, particularly in this case, where most existing houses adhere to the 5m setback from the street.

Spatial justice

The concept of "spatial justice" is not relevant in a relatively new township specifically designed as single residential housing. If this was the intention, then Piet-se-Pad township should have been designed as such from the outset. The rights of those who purchased properties in Piet-se-Pad in the full knowledge that it is a single residential development, must weigh heavier than the desires of those who wish to establish in the area in cheaper higher density housing.

Borehole

The fact that the subject property has a borehole is not a motivation to approve a rezoning to a higher residential density.

## SDF for Montagu

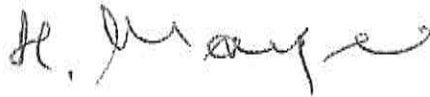
The applicant states that the SDF for Montagu earmarks the area for "market related" housing. Market related here refers to the quality of development ie high quality single residential, not housing at double the existing density of the immediate surrounds, which is what the applicant proposes.

## Services

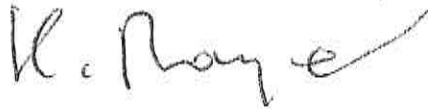
The Applicant states that the boundary on the north eastern side has an existing 1,8 m wall. This is **incorrect**. This applies only in part as **10 m of this boundary is wire mesh fencing**.

From the foregoing it will be apparent that the applicant has failed to prove either the need, or the desirability for the rezoning. We therefore recommend that the rezoning application on Erf 1125 Montagu, be refused.

H W MAYER



HJI MAYER



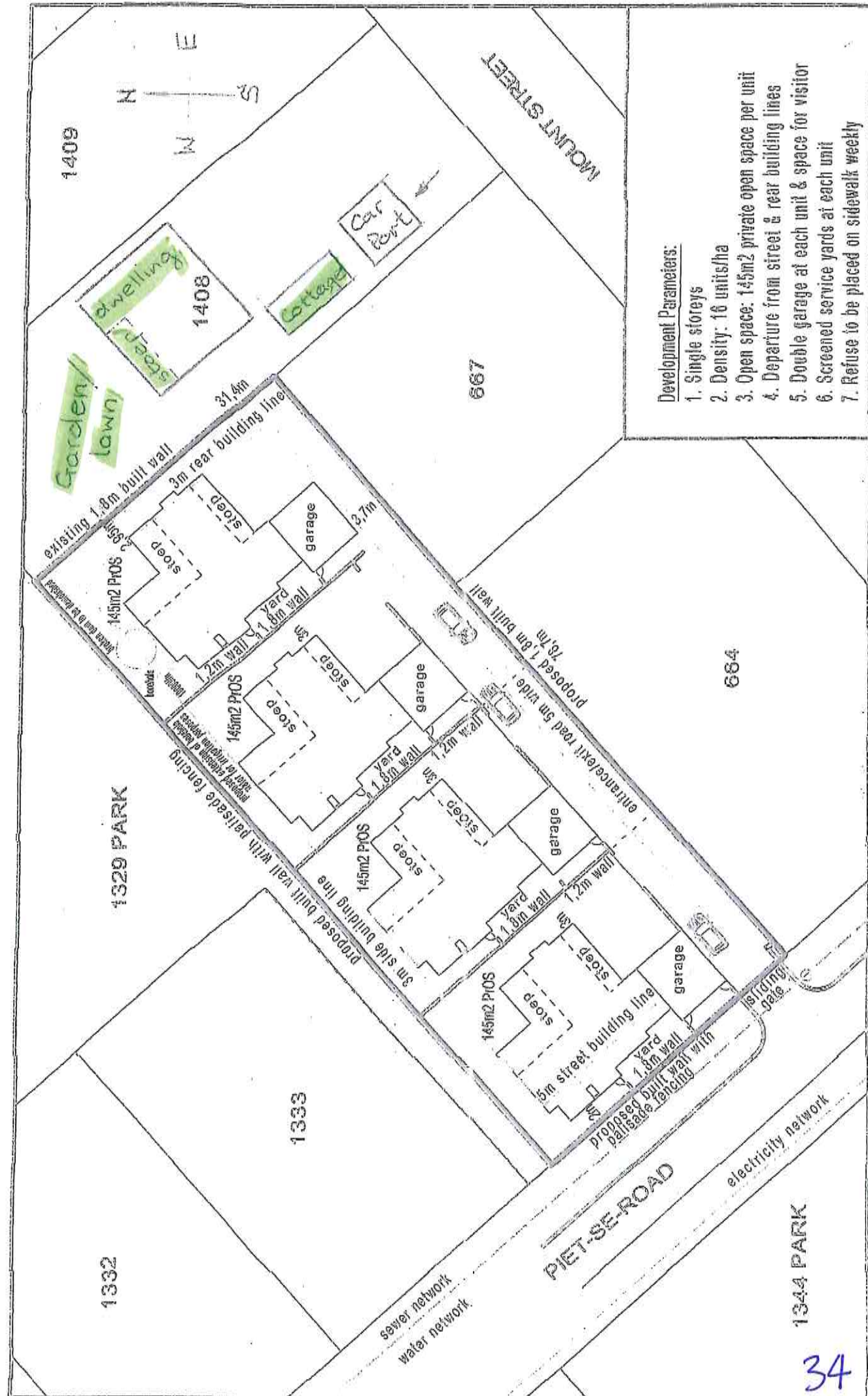


NO	ERF NO	SIZE	size	average	75%
1	864	1587		1587	
2	867	892		892	
3	1408	1255		1255	
4	1409	1253		1253	
5	1757	1093		1093	
6	3834	1165		1165	
7	5175	2606		903	
8	1412	903		1000	
9	1333	1000		1000	
10	1332	1000		1000	
11	1331	1000		1373	
12	1330	1373		1750	
13	4418	1750		875	
14	1347	875		855	
15	1348	855		749	
16	1349	749		1371	
17	1399	1371		1060	
18	1822	1060		1296	
19	3928	3085		1694	
20	1802	2964		828	
21	1740	1296		1207	
22	676	1694		750	
23	1739	828		750	
24	1393	1207		750	
25	1340	750		751,4	
26	1341	750		<del>24506</del> 980,24	<del>735,18</del>
27	1342	750		<u>Σ 27207 m<sup>2</sup></u>	
28	1343	751,4			

Σ 35,862

i.e. Average 1280,8 m<sup>2</sup>

more than twice the average  
1960,48



**Development Parameters:**

1. Single storeys
2. Density: 16 units/ha
3. Open space: 145m<sup>2</sup> private open space per unit
4. Departure from street & rear building lines
5. Double garage at each unit & space for visitor
6. Screened service yards at each unit
7. Refuse to be placed on sidewalk weekly

ERF 1125 MONTAGU: SITE DEVELOPMENT PLAN: REZONING FROM SINGLE RESIDENTIAL  
ZONE I TO GENERAL RESIDENTIAL ZONE I (GROUP HOUSING: 16 DU/HA)



UJIMA  
Town and Regional Planner

SCALE 1:500

# OBJECTION 2

**Sharon Mary Juanita Child**

**40 Piet Se Pad**

**Montagu 6720**

**Cell: 0761451438**

**eMail: [ianrc.child@gmail.com](mailto:ianrc.child@gmail.com)**

**The Manager**

**Town Planning**

**3 Piet Retief Street**

**Montagu 6720**

**13 Huly 2021**

## **OBJECTION TO THE PROPOSED REZONING OF ERF 1125 MONTAGU**

I Sharon Mary Juanita Child, the registered owner of Erf 1343 Montagu, hereby registers my objection to the rezoning of Erf 1125 Montagu, from Single Residential Zone 1 to General Residential Zone 1.

### **MOTIVATION**

#### **Rights of existing property owners**

Existing property owners purchased their properties on the understanding that the current residential zoning rules would remain in place. Introducing a higher density development in the area directly adjacent to the Piet se Pad development would ruin the entire ethos of the Piet se Pad development and would no doubt negatively impact on the value of properties in Piet se Pad and the properties adjacent to the proposed development. This amounts to an infringement on the rights of property owners in the area

#### **Character of the area**

The entire Piet se Pad development is predicated on preserving a green belt ethos with the maximum natural vegetation being preserved . Introducing higher density housing into the area would run contrary to that and again this would infringe on existing property owners' rights.





### **Relaxation of building lines**

The architectural plans of the proposed development on Erf 1125 Montagu submitted by the rezoning applicant, indicate a visually dense development, which, as already stated, conflicts with the existing character of the area. Furthermore, the plans are predicated on the relaxation of the street building line, and the rear building line on the Eastern boundary, **without which the proposed buildings will not fit on the property.** The building line on Piet-se-Pad Street is 2m instead of the 5m applied in the area, while the rear building line is 2.95m instead of the regulation 3m. Building to a 2m street building line will visually clash with the existing spacious streetscape created by the 5m setbacks. Approval of either front or rear building line relaxations without good reason, other than to fit the proposed development on the property, will create a precedent for similar building line relaxations and should therefore not be allowed.

### **Residential Density**

#### **Average size of surrounding 25 erven and character of surrounding environment:**

The average size of surrounding 25 erven is given as 735m<sup>2</sup>. **This is incorrect**, due to Erven 1340, 1341, 1342 and 1343 being incorrectly listed in the applicant's documents as 75m<sup>2</sup> in area, whereas the correct areas are 750m<sup>2</sup> and 751.4m<sup>2</sup>. Taking this into account, as well as three erven larger than 2500m<sup>2</sup> excluded from the applicants calculations, the **average erf size is 1280.8m<sup>2</sup>.** The proposed units will each occupy a site of 618m<sup>2</sup> **ie double the existing average residential density**, and therefore **NOT** in character with the surrounding environment.

Should the application be approved apart from affecting the aesthetics of the area, higher density housing will lead to more pressure on the infrastructure both in terms of road usage, sewage and water. The applicant points out that there is a 10000 litre bore hole on the property, this is not a reason to grant the application as use of borehole water will clearly contribute to depleting the aquifer a precious resource which should be conserved.

#### **Relaxation of building lines:**

Rear building line "will only be encroached by 0.05m". The fact that the developer cannot fit his proposed development within the existing building lines is not a reason to relax the building lines. The statement that the 5m building line is to allow the movement of vehicles in and out of garages, is not the only, or even the most important reason for its imposition. The visual effect on the streetscape is more important, particularly in this case, where most existing houses adhere to the 5m setback from the street.

### **Spatial justice**

The concept of "spatial justice" is not relevant in a relatively new township specifically designed as single residential housing. If this was the intention, then Piet-se-Pad township should have been designed as such from the outset. The rights of those who purchased properties in Piet-se-Pad in the full knowledge that it is a single residential development, must weigh heavier than the desires of those who wish to establish in the area cheaper higher density housing.

In addition, granting of this application would set a precedent for any other developers who may wish to build similar sectional title dwellings. Should this happen the entire ethos of the Piet se Pad and neighbouring dwellings would be destroyed thereby infringing on existing property owners rights.

### **SDF for Montagu**

The applicant states that the SDF for Montagu earmarks the area for "market related" housing. Market related here refers to the quality of development i.e. high quality single residential, not housing at double the existing density of the immediate surrounds, which is what the applicant proposes.

### **Conclusion**

I am deeply concerned that should this application be granted it will (a) Immediately impinge on the rights of immediate neighbours specifically the following erven 1408, 667, 664, 1333 and 1343 and (b) will have a direct financial impact to the owners of all properties in the area.

Finally granting this application will lead to a precedent which will make it very difficult to decline future requests for similar developments. If one views the application through the lens of this very likely scenario there can be no doubt that the applicants motivations have no validity.



**Juanita Child**

# OBJECTION 3

## Letter of Objection to the rezoning of Erf 1125 Montagu

**To:**

The Manager  
Town Planning  
3 Piet Retief Street, Montagu 6720.

**From:**

Carolyn Dent (ID No. 7312240022089)  
Owner of Erf 1342, Montagu  
38 Piet se Pad, Montagu 6720

To the Town Manager,

Please find attached my letter of objection to the rezoning of Erf 1125 Montagu, from Single Residential Zone 1 to General Residential Zone 1.

As outlined in the letter, I am deeply concerned about the impact of the proposed rezoning on the neighbourhood, the infringements on the rights of owners in the area, and the general precedent that may be set.

Thank you for your time in hearing this matter,



Carolyn Dent  
(Owner Erf 1342, Montagu)





## OBJECTION TO THE PROPOSED REZONING OF ERF 1125 MONTAGU

I, Carolyn Dent, am the newly registered owner of Erf 1342 in Montagu, and hereby register my objection to the rezoning of Erf 1125 Montagu, from Single Residential Zone 1 to General Residential Zone 1.

### MOTIVATION

#### Rights of existing property owners

Existing property owners purchased their properties on the understanding that the current residential zoning rules would remain in place. Introducing a higher density development in the area directly adjacent to the Piet se Pad development would ruin the entire ethos of the Piet se Pad development and would no doubt negatively impact on the value and character of properties in Piet se Pad and on the properties adjacent to the proposed development. This amounts to an infringement on the rights of property owners in the area. I personally have bought here specifically for the currently existing zoning.

#### Character of the area

The neighbourhood, which includes the Piet-se-Pad development, is a green-belt area abundant in natural vegetation, and adjacent to the Montagu Mountain Reserve. Piet-se-Pad, on which the proposed development borders, was established as an environment-friendly development with supposedly strict guidelines on the architectural style of the dwellings, the indigenous vegetation that should be planted etc. Introducing high-density housing into the area will negatively affect this stated attempt to preserve the natural environment as much as possible and make a mockery of the rules Piet-se-Pad owners have to adhere to. There are still many privately owned open spaces and plots in the area and this development will set a precedent for more such developments if and when they are sold, thus changing for the worse the area's unique character.

#### Relaxation of building lines

The architectural plans of the proposed development on Erf 1125 Montagu submitted by the rezoning applicant, indicate a visually dense development, which, as already stated, conflicts with the existing character of the area. Furthermore, the plans are predicated on the relaxation of the street building line, and the rear building line on the Eastern boundary, **without which the proposed buildings will not fit on the property.** The building line on Piet-se-Pad Street is 2m instead of the 5m applied in the area, while the rear building line is 2.95m instead of the regulation 3m. Building to a 2m street building line will visually clash with the existing spacious streetscape created by the 5m setbacks. Approval of either front or rear building line relaxations without good reason, other than to fit the proposed development on the property, will create a precedent for similar building line relaxations and should therefore not be allowed.

## **Residential Density**

### **Average size of surrounding 25 erven and character of surrounding environment:**

The average size of surrounding 25 erven is given as 735m<sup>2</sup>. **This is incorrect**, due to Erven 1340, 1341, 1342 and 1343 being incorrectly listed in the applicant's documents as 75m<sup>2</sup> in area, whereas the correct areas are 750m<sup>2</sup> and 751.4m<sup>2</sup>. Taking this into account, as well as three erven larger than 2500m<sup>2</sup> excluded from the applicants calculations, the **average erf size is 1280.8m<sup>2</sup>**. The proposed units will each occupy a site of 618m<sup>2</sup> **ie double the existing average residential density**, and therefore **NOT** in character with the surrounding environment.

### **Pressure on Infrastructure:**

Apart from affecting the aesthetics of the area, higher density housing will lead to more pressure on the infrastructure both in terms of road usage, sewage and water. There have already been problems with storm-water drainage in the Piet-se-Pad area and the development will further compromise this. The applicant proposes to build a wall along the side of the driveway of the development to give the neighbours privacy. The drainage here could be a major problem. The applicant points out that there is a 10000 litre bore hole on the property, this is not a reason to grant the application as use of borehole water will clearly contribute to depleting the aquifer a precious resource which should be conserved.

### **Relaxation of building lines:**

Rear building line "will only be encroached by 0.05m". The fact that the developer cannot fit his proposed development within the existing building lines is not a reason to relax the building lines. The statement that the 5m building line is to allow the movement of vehicles in and out of garages, is not the only, or even the most important reason for its imposition. The visual effect on the streetscape is more important, particularly in this case, where most existing houses adhere to the 5m setback from the street.

### **Spatial justice**

The concept of "spatial justice" is not relevant in a relatively new township specifically designed as single residential housing. If this was the intention, then Piet-se-Pad township should have been designed as such from the outset. The rights of those who purchased properties in Piet-se-Pad in the full knowledge that it is a single residential development, must weigh heavier than the desires of those who wish to establish in the area cheaper higher density housing.

In addition, granting of this application would set a precedent for any other developers who may wish to build similar sectional title dwellings. Should this happen the entire ethos of the Piet se Pad and neighbouring dwellings would be destroyed thereby infringing on existing property owners rights.



## **SDF for Montagu**

The applicant states that the SDF for Montagu earmarks the area for "market related" housing. Market related here refers to the quality of development i.e. high quality single residential, not housing at double the existing density of the immediate surrounds, which is what the applicant proposes.

## **Conclusion**

Should this application be granted it will immediately impinge on the rights of immediate neighbours and will have a direct financial implication on the owners of all properties in the area, most who have bought specifically because of the high quality single residential zoning.

Furthermore, granting this application will lead to a precedent which will make it very difficult to decline future requests for similar developments, which will impact the whole of Montagu.

The applicant states that he wants a rezoning to sectional title because 'he does not want to subdivide'. This desire is not a good reason, or any reason, to grant the application which could have severe implications. He can always subdivide the erf as other owners with large properties in the area have done. This application should be dismissed.

**Carolyn Dent**





# OBJECTION 4

The Manager  
Town Planning  
3 Piet Retief Street  
Montagu 6720

13th July 2021

B. de la Bat Smit  
Registered Owner Erf 664  
34 Berg Street  
Montagu West 6720  
Phone: 0835255613

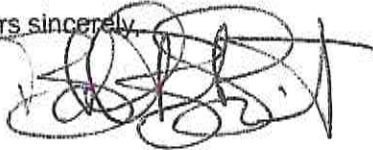
RE: Application for the Rezoning of Erf 1125 from Single Residential Zone 1 to General Residential Zone 1 (group housing).

Dear Sir/Madam

I, Barry de la Bat Smit, am the registered owner of Erf 664 in Mount Street, (Berg Street), Montagu West which borders directly onto Erf 1125 on the southern boundary. I wish to object to the application to have Erf 1125 rezoned.

Please find my reasons attached.

Yours sincerely,



Barry de la Bat Smit



## **OBJECTION TO THE PROPOSED REZONING OF ERF 1125 MONTAGU**

I, Barry de la Bat Smit, the registered owner of Erf 664 Montagu, hereby register my objection to the rezoning of Erf 1125 Montagu from Single Residential Zone 1 to General Residential Zone 1.

### **MOTIVATION**

#### **Owners' rights**

The existing property owners in this part of Montagu West bought their properties on the understanding that they were buying in an area designated as a single-residential zone, and that the current residential zoning rules would apply. Building a high-density development in the area under general-residential zoning rules will change the entire ethos of the neighbourhood and will inevitably have a negative impact on the value of its existing properties.

#### **Effect on the area's character**

The neighbourhood, which includes the Piet-se-Pad development, is a green-belt area abundant in natural vegetation, and adjacent to the Montagu Mountain Reserve. Piet-se-Pad, on which the proposed development borders, was established as an environment-friendly development with supposedly strict guidelines on the architectural style of the dwellings, the indigenous vegetation that should be planted etc. Introducing high-density housing into the area will negatively affect this stated attempt to preserve the natural environment as much as possible and make a mockery of the rules Piet-se-Pad owners have to adhere to. There are still many privately owned open spaces and plots in the area and this development will set a precedent for more such developments if and when they are sold, thus changing for the worse the area's unique character.

#### **Relaxation of building lines**

The plans for the proposed development depend on the relaxation of the street building line and the rear building line, as without this relaxation the units will not fit on the property! The building line on Piet se Pad Road is 2m instead of the 5m applied in the area, while the rear line is 2.95m instead of the regulation 3m. Building to a 2m street line will clash with the existing streetscape. Approval of building-line relaxations for no good reason other than to fit as many houses as possible onto the erf creates a bad precedent and should not be allowed.

#### **Effect on Erf 664**

The proposed high-density development will have a major impact on my property. Apart from its visual density taking away a substantial chunk of my present view towards the mountains, the privacy of the outdoor living area at the back of my property will be infringed by being right next to a road used by the occupants and visitors of four proposed houses. The noise

factor from vehicles and the opening and closing of the communal electric gate to the proposed development also needs to be taken into consideration. When I purchased my home I obviously was not banking on a road, or driveway, for four homes being built on the adjacent land. This will devalue my property and the properties of other properties nearby.

### **Pressure on infrastructure**

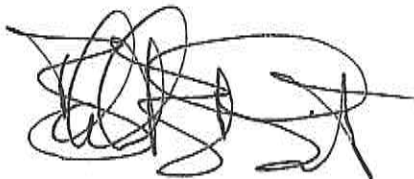
The proposed high-density development will lead to more pressure on the infrastructure in the area in terms of sewage, water, stormwater drainage and road usage. There have already been problems with storm-water drainage in the Piet-se-Pad area and the development will further compromise this. The applicant proposes to build a wall along the side of the driveway of the development to give the neighbours privacy. The drainage here could be a major problem. The applicant states there is a borehole on his property that will provide water to be used by its residents. This is not a reason to grant the application.

### **Spatial justice**

The concept of spatial justice is used erroneously by the applicant. He says it means that the 'proposed rezoning will allow the harmonious building of four dwelling units for four new home owners in a safe and beautiful environment'. This in no way fits the definition of the concept as applied in contemporary South Africa. It is being cynically used by the applicant to allow him to rezone and build high-density housing. If it was the intention of the local authorities to implement spatial justice, they should have informed residents of the area that this was their intention and taken the relevant steps to impose it. It is not up to a developer to implement it in his self-interest. The rights of those who purchased properties in the area in the knowledge that it was an upmarket single-residential area must have more weight than the desires of those who simply wish to benefit from cheaper high-density housing.

### **Conclusion**

Should the applicant's rezoning request be granted it will have a direct impact on the value of the properties in the surrounding area, and particularly those of the direct neighbours. It sets a precedent that makes it difficult for the local authorities to decline future requests for similar developments. The applicant states that he wants a rezoning to sectional title because 'he does not want to subdivide'. This desire is not a good reason, or any reason, to grant the application. He can always subdivide the erf as other owners with large properties in the area have done. This application should be dismissed.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.



# OBJECTION 5

The Manager  
Town Planning  
3 Piet Se Pad Street  
Montagu 6720

14 July 2021

GH and SG Langenhoven  
Registered owners erf 1333  
Piet Se Pad  
Montagu  
Phone – 071 866 5154

## OBJECTION TO THE PROPOSED REZONING OF ERF 1125 MONTAGU

We, Gerard Hilton Langenhoven and Stephanie Gail Langenhoven, the registered owners of Erf 1333 Piet Se Pad Montagu, hereby register our objection to the rezoning of Erf 1125 Montagu, from Single Residential Zone 1 to General Residential Zone 1.

### MOTIVATION

Restrictions, amongst others, for a dwelling house in the case of erf 1333 Piet Se Pad is listed as a maximum coverage of 50% which in the case of my property will leave a balance of 500m<sup>2</sup> if the full 50% coverage for a dwelling house is used. The proposed densification of erf 1125 does not blend in with this character of the surrounding properties. The site development plan suggest that erf 1. for example is 622.95m<sup>2</sup> however an area of about 118m<sup>2</sup> is a common driveway and hence cannot be considered part of 'erf no 1'. The street building line applicable to my property is 5m the proposal to relax the building line from 5m to 2m – again does not blend in with the character of the area, in fact it will clash with the existing setbacks. The relaxation of the building lines as proposed is simply to afford the developer sufficient space to fit in the 4 proposed dwelling units on the single property. It is further noted that the site development plan suggest 1,995m compared to the 2m as motivated.

The purchase and investment of this property was on the understanding that the area is zoned single residential with a single dwelling house on fairly large stands. It was further purchased with the assumption that the area will retain its zoning as single residential and retain its character in this regard. The concept of "spatial justice" is not relevant in a relatively new township specifically designed as single residential housing. If this was the intention, then the Piet-se-Pad development should have been designed as such from the outset. Even though this property falls outside the newly established Piet se Pad development access to the property is via Piet se Pad.

Rezoning from single residential to general residential will permit an increase in vehicular movement from said property into Piet se Pad.

The proposed development is right next to my property, one which I have and intend further investing substantial capital for development. The close proximity of the proposed high density development to my property will most certainly have a negative impact on my property value in its current state and after development.

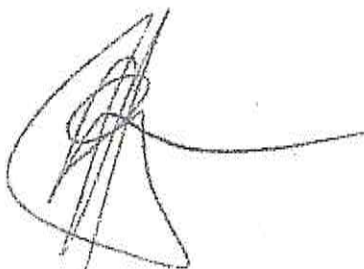
GHZ SGL

It is noted that this is a rezoning application and may not at this time be subjected to the requirements of the National Building Regulations and Building Standards Act, however, I feel it pertinent to draw your attention to Section 7(1)(b)(ii) which reads:

*If a local Authority, having considered a recommendation referred to in section 6(1)(a) –*

*Is satisfied that the building to which the application in question relates-*

*It will probably or in fact derogate from the value of the adjoining or neighbouring properties such Local authority shall refuse to grant its approval in respect thereof and give written reasons for such refusal.*

A stylized, abstract handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

GH Langenhoven

A handwritten signature in black ink that clearly reads "Langenhoven" in a cursive script.

SG Langenhoven



OBJECTION 6 (2 PROPERTIES)

## Nabudox (Pty) Ltd

12 July 2021

The Manager: Town Planning  
3 Piet Retief Street  
Montagu  
6720

Dear Sir or Madam

### Re-zoning of Erf 1125

Your letter of the 15<sup>th</sup> of June 2021, "Voorgestelde Hersonerings & Afwyking van Erf 1125, Piet-se-Pad, Montagu" has reference.

Nabudox (Pty) Ltd is the owner of Erf 667, immediately adjacent to Erf 1125, as well as Erf 1369 (3 Piet-Se-Pad). Whilst we understand and sympathise with the owner/developer's desire to maximise the return on his investment in erf 1125, we do hereby object both to the rezoning of the erf from Single Residential Zone 1 to General Residential Zone 1 and to the proposed departure from building lines to construct 4 group houses of ~230m<sup>2</sup> floor each.

Our primary concerns are:

1. A decrease in the value of our properties, 32 Berg Street (Erf 667) and 3 Piet-Se-Pad (Erf 1369), stemming from directly neighbouring a higher density development which is not in keeping with the general aesthetics and property density of the neighbourhood.
2. A change of zonation which allows for a higher density of construction (even if not at the allowed for maximum as defined by the revised proposed zonation) will set a precedent in the area which will lead to further deterioration of existing property valuations in the area related to new developments which also make use of this relaxed zonation scheme.
3. Increased noise and nuisance by the virtue of having 4 residences on a single erf rather than one. This will inevitably lead to increased noise pollution (not to mention vehicle pollution from cars moving along the boundary wall immediately adjacent to Erf 667). We are of the opinion, that a "normal" subdivision in terms of the existing Single Residential Zone 1 zonation would not lead to the development of more than two to three erven and as such density and accompanying noise and nuisance would be lower than the case with the proposed re-zonation and development.
4. Visual pollution, in that our views towards the north-west will be largely dominated by the roofs of the 4 proposed dwellings.

With reference to the Motivational Report attached to your letter we make the following observations and associated concerns:

- As per the Schedule 1 Use Zones Table in Province of the Western Cape: Provincial Gazette Extraordinary 7929, General Residential Zone 1, "Group housing may be located in single residential areas in places where an increased density is desirable, including along main roads, near local shopping centres and other activity nodes, and also preferably near to public open spaces." In our humble opinion, there is not an argument for the desirability of Group Housing as per the schedule.
- In the Motivational Report, item 7.2, reference is made to a borehole which is "a comforting asset". It should however be noted that it is brackish and non-potable water. This water will only be "a comforting asset" should any new owners enjoy salt baths and brown stained walls or be willing to invest in desalination.
- There is a reference made to Total built coverage across the 4 units of 929.4m<sup>2</sup> of the 2475m<sup>2</sup> which equates to 37.5% coverage relative to the allowable 65% or 1608.8m<sup>2</sup>. Whilst this smaller than allowed coverage is at first glance attractive, there is a real issue that the majority of the area will be paved or under cover which will add to both a local heat-sink, raising temperatures for the neighbouring properties and also increased run-off which during flash flooding will put the south-west wall at risk. Any storm water needing to exit on the Piet-Se-Pad side will exacerbate an already under pressure storm water system at the Piet-se-Pad – Berg Street junction. Any

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+27 82 3328818

Email: [celia@rockstock.co.za](mailto:celia@rockstock.co.za)  
[josh@rockstock.co.za](mailto:josh@rockstock.co.za)

Postal: PO Box 691, Montagu, South Africa, 6720

49



# Nabudox (Pty) Ltd

development needs to deal with both building and paved coverage jointly and special attention needs to be paid to handling of storm water related to increased run-off and the raising of the local micro-climate temperature.

- The request for relaxation of the building lines appears to be solely proposed to allow for the accommodation of four buildings and is not supported. Building closer to the boundaries is not in keeping with the aesthetics of the area and will be deleterious for our property valuation. The developer/owner should rather consider building fewer units both for the reasons stated above as well as to conform to the existing by-laws.

In terms of the owner/developer's proposal, we are cognisant and appreciative of his efforts to develop with his neighbours in mind insofar as the erection of the boundary wall, the access along the south east boundary wall and setting the main roof pitch of the proposed dwellings away from the boundary fences and towards the centre of the erf and would welcome such feature consideration with a revised development proposal. We would also encourage that any revised plans also keep maximum height well below the allowable 8.5m as it impacts on our views and the value and enjoyment of our property.

Yours sincerely,



J.P. Hattingh

Director

# OBJECTION 7

(2 Properties)

Philip & Sheryl Watkins

3 Kloof Street

Montagu

6720

Cel: 082 778 0165

Email: philipwatkins1970@gmail.com

12 July 2021

For the Attention of:

The Manager Town Planning : Montagu

## **Proposed Rezoning and Subdivision of ERF 1125, MONTAGU**

Dear Sir/Madam,

We, Philip and Sheryl Watkins, registered owners of ERF 5796 and ERF 1393 hereby notify your office of our objection to the proposed rezoning of the aforementioned erf from "Single Residential Zone 1" to "General Residential Zone 1 (group housing) for the reasons attached hereto.

Sincerely yours,

Philip & Sheryl Watkins

## **OBJECTION TO THE PROPOSED REZONING OF ERF 1125 MONTAGU**

We, Philip and Sheryl Watkins, registered owners of ERF 5796 (A PORTION OF ERF 664) MONTAGU and ERF 1393 MONTAGU, hereby register our objection to the rezoning of Erf 1125 MONTAGU, from Single Residential Zone 1 to General Residential Zone 1.

### **MOTIVATION**

ERF 1125 is adjacent and directly behind my ERF 5796 which I purchased with a view to building a small dwelling, in keeping with the character and aesthetics of the surrounding properties. The application to rezone ERF 1125 and the proposed development of high density homes will have a negative impact on the value of my property and significantly change its appeal, since the planned access / entrance to the proposed units, will, by its design (dual carriage) carry all the traffic from three of these units, past the rear of my property. Furthermore, the views in both in a North Westerly and North Easterly direction from my erf, will be negatively impacted.

I furthermore object to the applicants request for relaxation of building lines for the mere purpose of accommodating a design to maximise the land use. This cannot be a justification and would set an unfortunate precedent. Furthermore, the increased pressure on the current infrastructure, especially stormwater drainage, that would result from the design is of particular concern to me since my ERF 1393 (and the two erf below mine in Guineaowl Lane) have been flooded in the past due to the run off of storm water from the Piet se Pad area and has previously been raised with the Municipality.

In conclusion, I rezoning of ERF1125 is unjustified and appears to disregard the impact it would have on the current residents, for the pursuit of maximum profits.

Sincerely

Philip and Sheryl Watkins



## Ronel Ferreira

---

**From:** Philip Watkins <philipwatkins1970@gmail.com>  
**Sent:** Saturday, 17 July 2021 21:53  
**To:** Ronel Ferreira  
**Subject:** Objection  
**Attachments:** Watkins Cover Letter.pdf; Watkins Objection.pdf

To Whom It May Concern,  
Please find attached my objection regarding the proposed rezoning of ERF1125 Montagu.  
Sincerely  
Philipo Watkins

# PETITION

TO: The Manager  
Town Planning  
3 Piet Retief Street  
Montagu 6720

DATE: 13th July 2021

PETITION AGAINST THE APPLICATION FOR THE REZONING OF ERF 1125, MONTAGU  
FROM SINGLE RESIDENTIAL ZONE 1 TO GENERAL RESIDENTIAL ZONE 1 AND  
DEPARTURE FROM BUILDING LINES, AND TO CONSTRUCT 4 NEW DWELLINGS.

Please find attached a petition against the above application.

A group of concerned neighbours organised the petition and canvassed the residents and owners of the surrounding streets to Erf 1125, namely the end part of Berg/Mount Street, the upper end of Kloof Street, including Guinea Fowl Lane and the Piet Se Pad development.

The owners of 34 houses or erfs have signed the petition. Besides the owners, other residents have also signed. In total 47 residents have signed.

We believe the response to the petition shows an overwhelming rejection of the proposed rezoning with owners fearing that it will set a precedent that will have a long-term detrimental effect on property values and the unique character of the area.

If further information is required, please contact D. Morgan on cell 0737976846.



## PETITION ON THE PROPOSED REZONING OF ERF 1125, MONTAGU WEST

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We object on the grounds that:

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2. The density of the proposed housing development is unprecedented in the neighbourhood. It will undoubtedly transform the character of the area in a negative way. There are simply too many houses for the size of the erf, requiring a road, parking spaces and four double garages, necessitating a change to existing building lines regulations and leaving very little space for green areas. The high density will also lead to an increase in traffic and noise detrimentally affecting residents nearby.

3. Piet-se-Pad was designed as an upmarket single residential development. To have a proposed high-density lower-cost sectional title development such as the one proposed, abutting it, will devalue our properties and is unacceptable.

NAME

ADDRESS

SIGNATURE

J. CHILD

40 Piet se Pad



Montagu West

ATR @m cl

4 TOLBOS  
MONTAGU



B. Gordon

47 Berg Str.

B. Gordon

B & P Gordon

40 Berg Str.

B. Gordon

D. MORGAN

34 BERG STR.



172 Steezy

5 K&L Str

4/25










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NAME	ADDRESS	SIGNATURE
Tony Lourens	1 Tolbos str	
Pietse Lourens	1 Tolbos str	
John Ronaldson	2 Guineas Fowl Close	
Nicola Ronaldson	2 Guineas Fowl Close	
Maria Martins	4 GUINEA FOWL CLOSE	
Joss Martins	4 GUINEA FOWL CLOSE	
REX MARTIN	2 PIET SE PAD	

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NAME	ADDRESS
J. A. SOHOOMBEE	18 PIET SE PAD
L. H. SCHOOOMBEE	18 PIET SE PAD
P. M. DE LANGE	12 PIET SE PAD
L. A. DE LANGE	12 PIET SE PAD

SIGNATURE





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S. Hodgson  
NAME

24 Piet se Pad  
ADDRESS

  
SIGNATURE

A. Vermaak

22 Piet se Pad



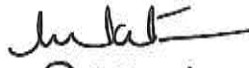
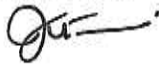


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NAME	ADDRESS	SIGNATURE
Margy Kitson	1, Piet se Pad.	
Jeremy James Kitson		

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NAME	ADDRESS	SIGNATURE
LA Whatley	30+32 Pietsepad	
A Whatley	"	
G.P. VAN DER BEEK	8 WABOOMSDEAL	

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B. BROWNLIE  
NAME

11 PIET SEPAD  
ADDRESS

  
SIGNATURE



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NAME

C Habbington

ADDRESS

3 Piet se Pad

SIGNATURE

C Habbington

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Rob Payne

NAME

28 Piet se Pad

ADDRESS



SIGNATURE

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NAME

Carolyn Dent

ADDRESS

38 Piet se Pad

SIGNATURE





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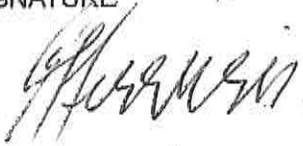
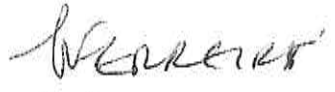

NAME	ADDRESS	SIGNATURE
H.W. Mayer	Bergstr. 30	H. Mayer
HJI MAYER	Bergstreet 30	H. Mayer
ST NORTMAN	28 BERG STR	[Signature]
PAT NORMAN	28 BERG STR	[Signature]
P.J. COLEPER	39 PIET SE PAD.	[Signature]
CM O'ROKE	41 BERG ST	[Signature]
GC SMITH	20 PIET SE PAD	[Signature]
J.P. HATTINGH	32 Berg Street	[Signature]
C Hattigh	32 Bergstreet	[Signature]
C. Maritz	8 Piet Se Pad	[Signature]

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NAME	ADDRESS	SIGNATURE
I. S. FERREIRA	26 BERG STR MONTAGU	
J. G. FERREIRA	26 Berg str. MONTAGU	
J. VAN NIEKERK	43 BERG STR MONTAGU	





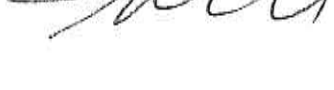

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NAME	ADDRESS	SIGNATURE
Frans Manitz	14 Piet se Pad	
Inge Manitz	14 Piet se Pad	
GARY MORRISSEY	21 PIET SE PAD	
GAIL MORRISSEY	21 PIET SE PAD	
Rica Lawson	45 Mount Street	
Josie Hill	45 Mount Street	



Aansoeker se reaksie op besware

**Aansoeker se reaksie op besware**

30 July 2021

Municipal Manager  
Langeberg Municipality  
Private Bag X 2  
**ASHTON**  
6715

For attention: Jack van Zyl

**ERF 1125 MONTAGU: APPLICATION FOR AMENDMENT BEFORE APPROVAL**

Application is made in terms of Section 52(b) of the Langeberg Municipal Land Use Planning Bylaw 2015 to amend the application applicable on Erf 1125 Montagu as a result of the objections received during the notice process.

Please find attached the amended Site Development Plan with only three dwelling houses, therefore a density of 8,7 dwellings per hectare.

A corrected calculation table is attached that shows the sizes of the surrounding erven.

The proposed development on Erf 1125 will be in character with the surrounding environment:

- Erf 1125/3 dwelling houses = 825m<sup>2</sup> that is larger than the newly created Erf 5796 (only 633m<sup>2</sup>), Erven 1340-1342 and 1343 (objector) and 1349 opposite the application site;
- The three proposed demarcated areas on Erf 1125 will each have a much similar size than Erven 667, 1347, 1348 and 1739 Montagu;
- The three proposed dwelling houses on Erf 1125 will have exactly the same density than the row of houses south adjacent;
- The proposed coverage of Erf 1125 Montagu will be 28% comparing to the 38% of Erf 667 and the 50% coverage that is allowed on Erf 664;
- Although it is not a subdivision application, the desirability of the density of the proposal is measured against the municipal guidelines for subdivision: The average size of the 29 surrounding erven is 1046m<sup>2</sup> (of which 3 are not calculated due to more than twice the average size of erven), and 75% from the average is 784,5m<sup>2</sup> that is allowed for subdivision. If Erf 1125 Montagu would have been subdivided into three portions, it would each be 825m<sup>2</sup> and therefore be larger than the minimum allowed; and
- All structures/buildings will be developed within the prescribed building lines and will adhere to all development parameters.

For your re-consideration please.

Yours sincerely,



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

Town and Regional Planning &  
Environmental Assessments  
Company Registration No: 2004/044438/23

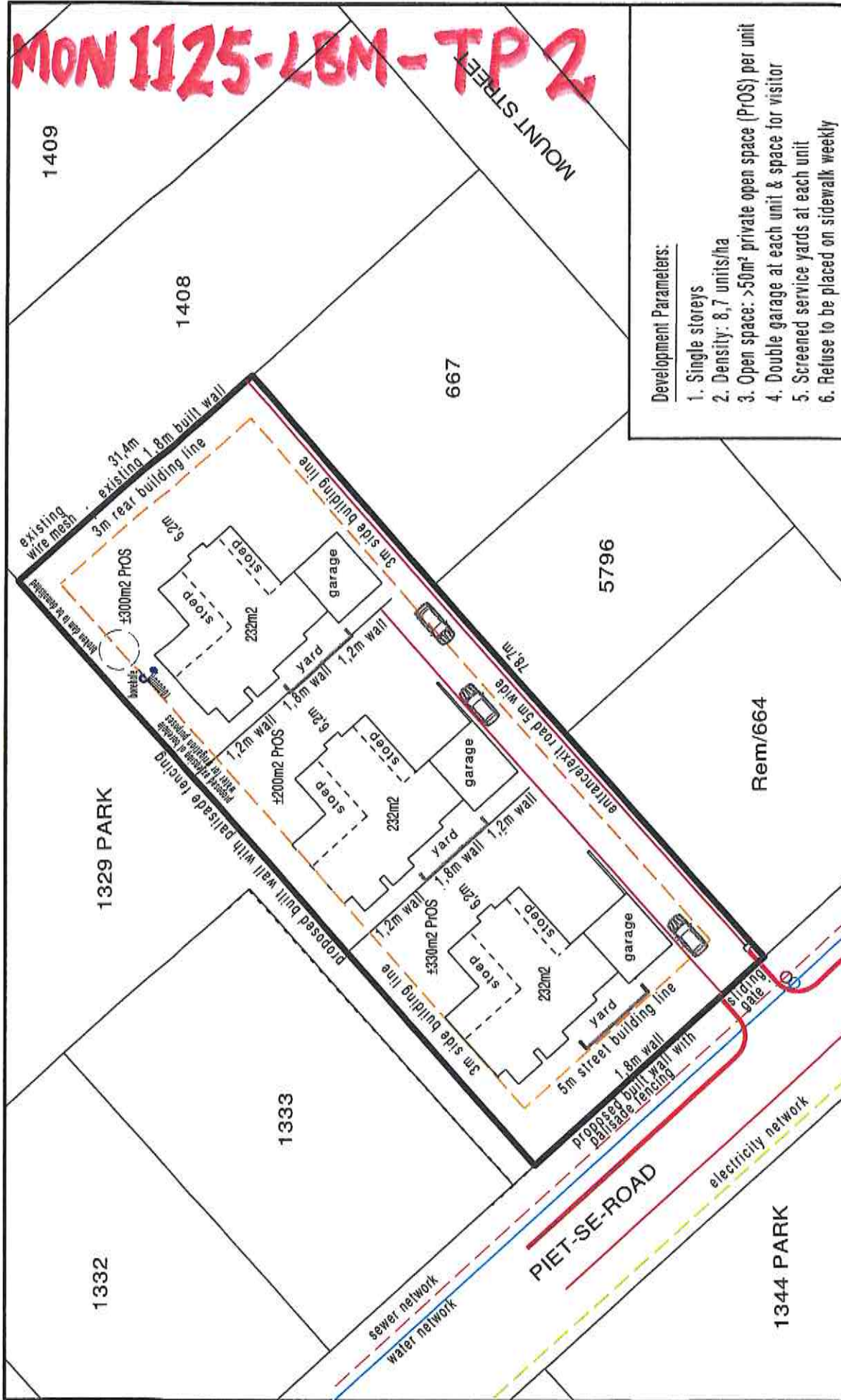
Principal: Anna-Christa Redelinghuys  
Professional Planner (Pr. Pl. A/1076/1998)  
B Town and Regional Planning, University of Pretoria, 1991



NO	ERF NO	SIZE	size	average	75%
1	664	943	943		
2	5796	633	633		
3	667	892	892		
4	1408	1255	1255		
5	1409	1253	1253		
6	1757	1093	1093		
7	3834	1165	1165		
8	5175	2606	903		
9	1412	903	1000		
10	1333	1000	1000		
11	1332	1000	1000		
12	1331	1000	1373		
13	1330	1373	1750		
14	4418	1750	875		
15	1347	875	855		
16	1348	855	749		
17	1349	749	1371		
18	1399	1371	1060		
19	1822	1060	1296		
20	3928	3085	1694		
21	1802	2964	828		
22	1740	1296	1207		
23	676	1694	750		
24	1739	828	750		
25	1393	1207	750		
26	1340	750	751,4		
27	1341	750	27196,4	1046,015	784,5115
28	1342	750			
29	1343	751,4			
		35851,4			
	average	1236,26			
	double	2472,51			

more than twice the average

MON 1125-LBM-TP 2



**Development Parameters:**

1. Single storeys
2. Density: 8,7 units/ha
3. Open space: >50m² private open space (POS) per unit
4. Double garage at each unit & space for visitor
5. Screened service yards at each unit
6. Refuse to be placed on sidewalk weekly



**ERF 1125 MONTAGU: SITE DEVELOPMENT PLAN: REZONING FROM SINGLE RESIDENTIAL ZONE I TO GENERAL RESIDENTIAL ZONE I (GROUP HOUSING: 8,7 DU/HA)**

**UMSIZA PLANNING**  
Town and Regional Planner

SCALE 1:500

### 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)(ii))
- (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)))