

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)

**APPLICATION: SUBDIVISION, CONSOLIDATION AND REZONING OF ERVEN 1 AND 937, MONTAGU
(MANDELA SQUARE INFORMAL SETTLEMENT UPGRADE: SUPERBLOCKS)**

Reference number	15/4/5/2 & 15/4/5/7	Application submission date 15/07/2024	Last comments 13/06/2025 (minutes DHS meeting)	Date report finalised	17/06/2025
PART A: AUTHOR DETAILS					
First name(s) & Surname	Jack van Zyl				
Job title	Senior Town Planner				
SACPLAN registration number	A/1170/2000				
PART B: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Erven 1 and 937 Montagu				
Physical address	Mandela Square, off Muskadel Street, Ashbury	Town	Montagu		
Current zoning	Erf 1: Industrial zone I and Open Space Zone IV Erf 937: Open Space Zone IV	Extent	±3.66Ha	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Langeberg Integrated Zoning Scheme, 2018 (LIZS)				
Current land use	Informal housing			Title Deed number & date	Mun owned
Any restrictive title conditions applicable	Y	N	If yes, list condition number(s)		
Any third-party conditions applicable?	Y	N	If yes, specify	Servitudes for water rights, grazing rights and right of way, none of which is affected by the proposed development.	
Any unauthorised land use/building work	Y	N	If yes, explain	Informal dwellings	

PART C: APPLICATION DESCRIPTION

Application in terms of Section 15 of the Langeberg Municipality: Land Use Planning By-law, 2015 for:

- Subdivision of Re/Erf 1 Montagu into portion A of Erf 1 (2.5ha) and Re/1.
- Subdivision of Re/Erf 937, Montagu into portion B of Erf 937 (1.16ha) and Re/937.
- Consolidation of portion A/Re/1 and portion B/Re/937 to create a consolidated erf of 3.66ha.
- Rezoning of consolidated erf A/Re/1 and B/Rem/937 from Industrial Zone I and Open Space Zone IV to Subdivisional area.
- Subdivision of consolidated erf A/Re/1 and B/Rem/937 into nine erven, consisting of four superblocks zoned Single Residential zone II; two Utility zoned erven; one Community Zone I erf; and two Transport Zone II portions.

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

The purpose of the application is to facilitate the upgrading of and provision of basic services within the current informal Mandela Square settlement in Montagu (area marked with yellow line on image below). The project was initiated by the Langeberg Municipality in accordance with the Council-approved housing pipeline in the Langeberg Human Settlement Plan, 2014, as updated 2024. The upgrading project is project-managed by ASLA Construction.



The following plans are attached at **Annexure 1**: Locality, Subdivision, Consolidation and the proposed superblock Site Development Plan.

The proposal is to create a road system with 10m wide road reserves that link to the existing formal township directly to the north and west of the informal area. This will divide the area into a few superblocks (to be zoned Single Residential Zone II), where the existing informal structures will be retained and re-positioned with the provision of roads and basic services. Communal water and sewerage points (wet cores) and high mast lighting are proposed. Individual stand sizes of 6m X 8m (48m²) are estimated, however no individual residential erven will be created and the municipality will still own the land.

The proposal is discussed in more detail in the applicant's motivation report, attached as **Annexure 2**.

The applicant's report includes a motivation for deviating from the urban edge as determined in the Langeberg SDF 2015. However, the application was submitted before the adoption of the latest SDF in 2025. The small portion of the development area that fell outside the 2015 SDF's urban edge, has now been included in the 2025 SDF's urban edge.

The applicant motivates the specific design proposal on the following grounds (see attached motivation report for full detail):

- Cost effectiveness and optimizing the use of available land.
- Facilitates in-situ development.
- Promotes accessibility.
- Enables provision of basic services.
- Provides access to emergency and service vehicles.

The desirability of the proposal in general is motivated on the following grounds:

- Consistent with Spatial Policy directives.
- It responds positively with the urban form of the surrounding urban areas and is regarded as the most logical solution for human settlement in this area.
- Impact on environmental resources will be mitigated through creation of no-development areas and development above flood lines.
- Will contribute to social upliftment of the informal settlement by providing services.
- Improving safety and welfare of the community through upgraded and improved access to services and streets.
- Consistent with planning principles required in terms of LUPA and SPLUMA.

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 Councilor

Other

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

The application was advertised for comments in the local newspaper, municipal website and by means of notices to residents of the adjacent Mandel Square RDP township and other abutting landowners. No objections or comments were received. Regular meetings have been held between the Mandela Square Settlers Committee and ASLA, as project managers.

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

Electrical Engineering Services:

Requested more information. ASLA responded that no electrical reticulation will be done, but that only high mast lighting will be provided.

Civil Engineering Services:

Initial comment (pre-application):

Bulk water and sewer services are available. Link services need to be installed.

Stormwater is only available in the formalized area and stormwater needs to be provided for the area of interest.

The request for service availability for electricity and solid waste must be directed to the relevant departments.

Comment on application:

The following information must be provided:

1. The existing bulk sewer pipeline is crossing the proposed area and must be indicated on the plan. The layout of the erven must take this in consideration and a servitude must be registered over the pipeline.
2. A detailed stormwater plan must be provided. Measures to prevent pollution to the river must be implemented.
3. How will services to the "Super Block" concept be delivered? Bulk water meter? Bulk sewer connection?
4. How will maintenance of water and sewers be addressed within the super blocks?
5. How will the maintenance of communal toilets be managed and by who?
6. Measures must be installed to prevent any unwanted material into the municipal sewer system.
7. When was the flood line determined? And should a new survey not be done?

Cape Winelands District Municipality: Environmental Health

No objection.

Traffic Services

No comments received.

Solid Waste Management:

No comments received.

Ward Councilor

No objection.

Western Cape Dept Agriculture

No objection.

Department of Environmental Affairs & Development Planning

Environmental Authorisation has been issued – refer to Annexure 3.

Heritage Western Cape

No objection. If any heritage resources are identified during development, HWC must be immediately notified.

Department of Human Settlement

The Department of Human Settlement (DoHS) fully support the proposed superblock concept for Mandela Square.

The project is funded through the Upgrading of Informal Settlements Programme (UISP) grant.

Further, the DoHS supports the proposal to approve the LUP application with conditions that allow for the commencement of the project, simultaneously with the need to finalise the social compact relating to management and maintenance of services. This will address outstanding questions relating to the communal water and sewage services to the satisfaction of the Municipality, prior to the construction of the ablution blocks, without unnecessarily delaying securing the funding and commencing with the project.

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

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

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

In terms of the Promotion of Administrative Justice Act No 3 of 2000, administrative procedures followed, and decisions taken must be fair, sound, and consistent. Administrative procedures and decisions must be in accordance with Section 33 of the Constitution, namely:

- *Everyone has the right to administrative action that is lawful, reasonable, and fair.*
- *Everyone whose rights have been affected by administrative action has the right to be given written reasons for decisions.*

The provision of basic services in the Mandela Square informal Settlement is long overdue. This upgrading project is consistent with the Langeberg SDF 2015 and 2025 and the Langeberg Human Settlement Plan 2014 and 2024 and is one of the top priorities in the approved Housing Pipeline.

LSDF, HSP, Housing Pipeline and Provincial Funding:

The upgrading of the Mandela Square informal settlement originates in the HSP 2014 and LSDF 2015 and this proposal is carried forward into the 2024 HSP and 2025 LSDF. This project is one of the top priorities in Council's approved Housing pipeline.

The LUP approval needs to be finalised before the last week in June 2025 to avoid losing funding for this upgrade project. More specifically, the LUP approval is one of the attachments needed for the PIRR (Project Implementation Readiness Report) which ALSA must submit to the DoHS by the end of June 2025 to secure funding. Losing the funding is not an option given the poor living conditions in this settlement and the fact that this is a long-standing, existing community with substantial public participation having been concluded and community expectations of imminent upgrading.

The small portion of the development area that fell outside the 2015 SDF's urban edge, has now been included in the 2025 SDF's urban edge as indicated on the extract below from the Montagu SDF plan, where Development Proposal 11 relates to the upgrade of Mandela Square. The LUP application is therefore consistent with the 2025 SDF.

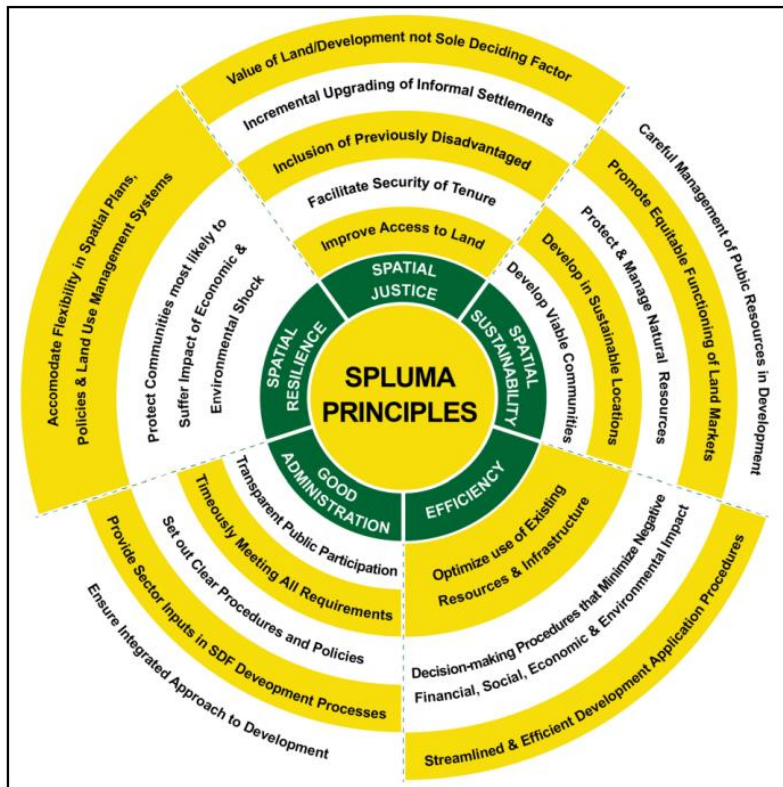


Development proposals:

Code	Category	Proposal	Goal	Zone
M01	Cemetery	Expand northeast cemetery.	3	A
M02	Residential	Promote subsidised residential development as per housing pipeline.	1	A
M03	Residential	Promote subsidised residential development as per housing pipeline.	1	A
M04	Residential	Promote subsidised residential development as per housing pipeline.	1	A
M05	Residential	Promote subsidised residential development as per housing pipeline.	1	A
M06	Residential	Promote subsidised residential development on former Ashbury cricket field (long term, 5 years +).	1	A
M07	Business Node	Intensify neighbourhood business node.	1	A
M08	Residential	Promote infill development.	1	D
M09	Residential	Promote infill development.	1	B
M10	Community Facility	Promote a high school adjoining Montagu Industrial area.	3	C
M11	Informal Residential	Promote UISP and subsidised residential development.	1	A

SPLUMA, LUPA and Development Principles:

With reference to the “SPLUMA wheel”, the development achieves the desired development principles of Spatial Justice, Sustainability, Resilience, Efficiency and Good Administration in terms of SPLUMA and LUPA. The proposed development:



- Improves access to land.
- Facilitates the incremental upgrading of the informal settlement.
- Includes previously disadvantaged residents.
- Offers cost-effective solution to service provision.
- Optimises the use of available land.
- Enhances community safety in terms of lighting.
- Facilitates access by emergency vehicles.
- Provides access for service delivery vehicles.

Desirability:

The applicant's motivation report addresses all relevant considerations adequately, based on which the proposal is deemed desirable. In particular, the approval will enable the upgrading and provision of roads and basic services to an existing informal settlement in a good location; the development will contribute to social upliftment by providing the long-established informal settlement with improved access and basic services; and the development will improve safety and welfare of the community through the provision of access roads for emergency and service vehicles and basic services, and much-needed lighting.

In principle, the proposed upgrading project is supported from a planning and engineering point of view. However, there is some uncertainty regarding the practical implications of managing and maintaining the communal ablution blocks, as well as the need for further investigation of proposals to include a refuse collection area, adjoining each ablution block. This would provide organised areas for refuse disposal / collection points, and minimise avoidable blockages of the sewer system and pollution of the adjoining Kingna River, which would also facilitate compliance with the conditions of approval of the EA. The fencing of these communal structures, as requested by the community is also supported, funding permitted. This is proposed to be included in the submission to DoHS.

A Teams meeting was held on 13 June 2025 with officials from DoHS, municipal planners and engineers and the town planning and project management consultants – draft minutes from the meeting are attached at Annexure 4. It was agreed that there are lessons to be learnt from superblocs in other municipal areas and DoHS will provide contact details to the Municipality for the Mossel Bay superbloc, which has some similarities in terms of the community involvement in managing communal services. In the interim, at least the following conditions should be included in an approval of the LUP application:

- a. No building plans to be approved for top-structures for the ablution facilities and no building thereof to commence until there is a formal agreement in place regarding the management and maintenance of the ablution blocks.
- b. Communal ablution and refuse facilities to be managed and maintained in accordance with an approved “Mandela Square Services Management Agreement” to the satisfaction of the Engineering Services Directorate.

The EA requires a river MMP for the Kingna river. There is already a Kingna river MMP, approved by DEADP on 22 November 2018 (Annexure 5). This RMMP is administered by the CBR WUA in Montagu. Liaison with the CBR WUA is underway to consider how this approved MMP should specifically address Mandela Square (and the future Kingna housing project). There is a need for specific proposals regarding the regular management of stormwater disposal to the Kingna river from Mandela Square; what measures will be taken to prevent pollution of the river water; and more environmentally-friendly alternatives to the proposed fencing along the flood line (e.g. Notice Boards to be placed on the banks of the river and adjoining small tributary advising of the danger flooding, that no built development is permitted, market gardening permitted in agreement with the Langeberg Municipality etc.).

On balance the application for subdivision, consolidation, rezoning and the upgrading of Mandela Square in terms of the superblock concept is recommended for approval subject to the conditions outlined below to address the abovementioned ongoing management and maintenance needs.

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

N/A

PART J: RECOMMENDATION

That, in terms of section 60 of the Langeberg Land Use Planning Bylaw, 2015 (the Bylaw) the Langeberg Municipal Planning Tribunal **approves** the following application, as depicted on the plans marked MON1&937-LBM-LP, OP(1), OP(2) and TP (June 2025), and **subject to conditions** in terms of Section 66 of the Bylaw, as set out below:

- Subdivision of Re/Erf 1 Montagu into portion A of Erf 1 (2.5ha) and Re/1.
- Subdivision of Re/Erf 937, Montagu into portion B of Erf 937 (1.16ha) and Re/937.
- Consolidation of portion A/Re/1 and portion B/Re/937 to create a consolidated erf of 3.66ha.
- Rezoning of consolidated erf A/Re/1 and B/Re/937 from Industrial Zone I and Open Space Zone IV to Subdivisional Area.
- Subdivision and Rezoning of consolidated erf A/Re/1 and B/Re/937 into nine erven, consisting of four superblocks zoned Single Residential zone II; two Utility zoned erven; one Community Zone I erf; and two Transport Zone II erven.

Conditions of approval:

1. The subdivision, consolidation, rezoning and further subdivision of the consolidated erf must be implemented in accordance with the plans marked MON1&937-LBM-OP(1), -OP(2) and -TP.
2. The zonings as indicated on the Site Development Plan marked MON1&937-LBM-TP will apply in terms of Section 21(2) of the By-law.
3. The installation of roads and high-mast lighting must be given priority. The positioning of high-mast lighting must be determined in locations which minimise the displacement of long-standing local residents.
4. The approved Site Development Plan must be submitted to the Ward Councillor in terms of Council's Policy for the Naming of Streets for input from the Ward Committee and the Mandela Square Committee. Street names must be allocated in accordance with Council's policy and submitted to Council for approval.
5. No building plans will be approved, and no construction may commence on top structures for the communal ablution blocks until there is a signed written "Mandela Square Services Management Agreement" between the Langeberg Municipality, their service providers, and the Mandela Square Settlement Committee, which addresses the following, to the satisfaction of the Director: Engineering Services:
 - 5.1. The number of residents and shacks in total and per block.
 - 5.2. Details of how the communal ablution and refuse facilities will be managed, and secured to prevent vandalism, unsafe conditions and inappropriate use.
 - 5.3. A maintenance roster, with clear indications of the respective responsibilities for the maintenance of services and the related costs.

- 5.4. Details of the bulk water meter and bulk sewer connection.
- 5.5. Measures to prevent unwanted material entering the sewer system.
- 5.6. The responsibility of the management of newcomers must also be clarified as this impacts on the use of services and the management agreement.
6. A detailed stormwater plan must be provided, which addresses *inter alia* measures to prevent pollution of the Kingna river and the adjoining tributary, and the most appropriate means of demarcating the flood line (green solutions preferable to fencing).
7. To give effect to Sections 20(5)(c) of the Langeberg Municipal Land Use Planning Bylaw, 2015 the appointed Land Surveyor must submit a draft General Plan / Erf diagrams with the new erf numbers on to the Municipal Town Planning Department for endorsement in terms of Section 60 of the Langeberg Municipal Land Use Planning Bylaw, 2015.
8. A surveyed plan must be submitted, prior to the approval of the plans for the communal ablution blocks, which indicates the outside figure of all shelters within each Block, which shelters must be numbered i.e. Block 1 (Erf ... Montagu): Units 1- 70 etc.
9. At least one of the new erven in the subdivision must be registered separately within 5 years after the date of the approval, failing which the approval will lapse in terms of Section 22(1) of the Bylaw, regardless of whether a general plan has been approved by the Surveyor-General or not.
10. Conditions 5, 6, 7, and 8 of this approval must be complied with, and all services must be installed before a Certificate may be issued in terms of Section 28 of the Bylaw. This certificate must be submitted with the transfer documents before the subdivisions will be registered in the Deeds Office.

Notes:

- i. The Environmental Authorisation dated 21 May 2025, as may be amended, must be complied with.
- ii. Temporary relocation (decanting) area/s may need to be determined so that some residents can be moved while high-mast lighting and roads/ services are constructed. It may be preferable to relocate those residents who will qualify for the nearby Kingna Housing Project to minimise risk of this temporary relocation area/s becoming permanent.

Reasons for approval:

- a) The location of the development area is in accordance with the proposals of the Langeberg SDF, 2025, the Langeberg HSP 2014 and the Council-approved Housing Pipeline.
- b) The proposed development is consistent with the planning principles outlined in SPLUMA, 2013 and LUPA, 2014.
- c) The approval will enable the upgrading and provision of roads and basic services to an existing informal settlement.
- d) The development will contribute to social upliftment by providing the informal settlement with improved access and basic services.
- e) The development will improve safety and welfare of the community through the provision of access roads for emergency and service vehicles and basic services, and much-needed lighting.
- f) The upgrading of services in the existing informal settlement will help to reduce the impact on environmental resources.

PART K: ANNEXURES

Annexure 1: Plans: Locality Plan, Subdivision Plan, Consolidation Plan, and Site Development Plan.

Annexure 2: Applicant's motivation report.

Annexure 3: Environmental Authorisation.

Annexure 4: Minutes of meeting held on 13 June 2025 with the Dept of Human Settlement to discuss the superblock concept.

Annexure 5: DEA&DP approval of Kinga River Maintenance Management Plan

PART L: AUTHOR SIGNATURE

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J LE R VAN ZYL
ASSISTANT MANAGER- TOWN PLANNING
REGISTERED PROFESSIONAL PLANNER – NO. A/1170/2000

.....
DATE

APPROVED

APPROVED CONDITIONALLY

APPROVED IN PART

REFUSED

LANEGBERG MUNICIPAL PLANNING TRIBUNAL

Date: