

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

**DEPARTURE: ERF 1053, KOHLER STREET MONTAGU
(PADEL COURTS IN THE COMMUNITY ZONE I)**

Reference number	15/4/13/7	Application submission date 11/07/2025	Last comments 10/02/ 2026	Date report finalised	20/02/2026
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PART A: AUTHOR DETAILS

First name(s) & Surname	Tracy Brunings
Job title	Manager: Town Planning
SACPLAN registration number	Pr. Pln A/951/1997

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 1053 Montagu					
Physical address	Kohler Street			Town	Montagu	
Current zoning	Community Zone I	Extent	As above	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Langeberg Integrated Zoning Scheme, 2018 (LIZS)					
Current land use	○ Prefab – previously used as “study room”. ○ Carports. ○ Enclosed parking area – rented to Dunlop as part of their operations within the old KWV building. ○ Three padel courts & solar PV system.			Title Deed number & date	T6685/1957	
Any restrictive title conditions applicable		N	If yes, list condition number(s)	As declared by applicant in application form.		
Any third-party conditions applicable?	Y	N	If yes, specify	As declared by applicant in application form.		
Any unauthorised land use/building work	Y	N	If yes, explain	Three Padel courts were built without approval. Solar PV system installed without Municipal approval. Illegal electrical connection from adjoining erf 236 Montagu.		

PART C: APPLICATION DESCRIPTION

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

- Temporary departure, for a period not exceeding five years, to accommodate three Padel Courts on Erf 1053 Montagu within the Community Zone I (Place of Instruction).

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

The following are attached at [Annexure 1](#): Locality Plan; Site Plan; Aerial photo.

The applicant's motivation report is attached as [Annexure 2](#), and includes: a noise report, report on the solar PV system, and agreement with the Montagu Tennis Club. Attached at [Annexure 2A](#) is an amendment to the application, including an amended Site Plan. In summary, the applicant motivates the desirability of the proposal on the following grounds:

- Consistent with planning principles, particularly spatial sustainability and efficiency.
- Good access to an accessible and fast-growing sport.
- Standard size portable courts are easy to install and compatible with adjoining tennis courts.
- The noise assessment by the Architect indicates that the noise levels which will impact residential premises are compatible with the noises of the surrounding environment and within acceptable levels.
- A row of trees between the padel courts and the museum mitigates noise and visual impact. Further mitigating measures are mentioned: a hedge along the fence with Erf 5180 (boundary with the tennis court); acoustic sound barrier made from sound-absorbing materials to be erected along the other side fence (assumed boundary between panhandle and Museum and KWV building).
- Padel sessions will not be booked during church hours as agreed with the owner of Erf 239 (Montagu Museum and music society).
- Sufficient on-site parking can be provided in accordance with the LIZS requirements.
- A fence will be installed between the hostel and padel courts for security, with a pedestrian gate.
- Electricity supply: proposed solar on carports with BESS and Inverter. The electrical report concludes that "if court lights are on on all three courts for a maximum of 4 hours ... (there will be) sufficient solar system yield".

It is noted that the padel courts have already been built, and the solar PV system installed without any Municipal authorisation and contrary to an order to cease all work and lodge the required land use and Building Plan applications. The courts are already in use, as shown in the photo below (photo supplied by applicant, looking from the hostel site towards the Museum and residences):



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

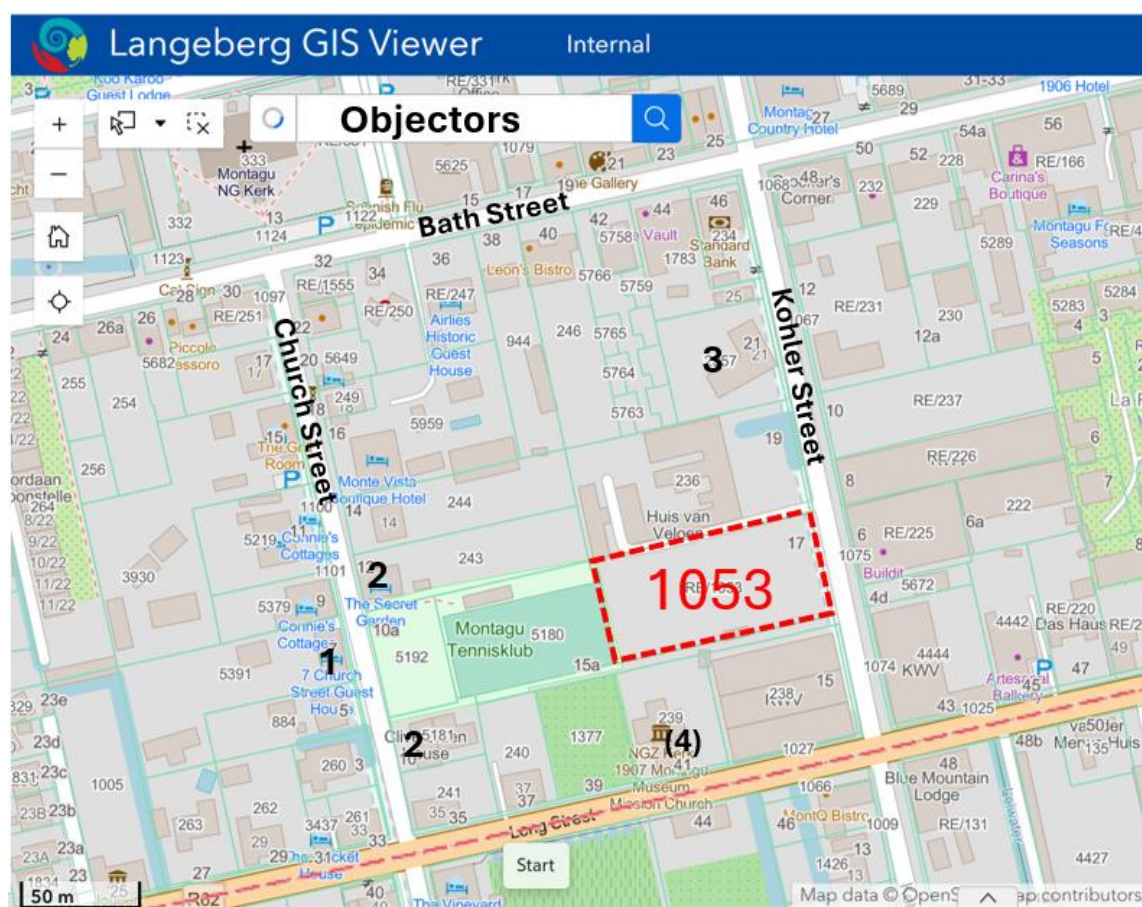
Ward Councilor

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 adjacent landowners:

- Three objections were received within the advertising time period. A further objection was received within the time period but was withdrawn. Four objections were received prior to the application being lodged when the courts were illegally constructed. The objections are attached at [Annexure 3](#) and are summarized below.
- Seven letters of support were received and are attached at [Annexure 4](#) and summarized below.



Objection 1: MW & MCG Worthington-Jones, 7 Church Street

- Planning should have been granted prior to it being built.
- It should have been placed at the Montagu Golf Club as a sports center. This chance has been lost.
- The boarding school closed access to the tennis club and a temporary entrance was made through the park $\pm$ 2 years ago and now this access is used for both the padel courts and tennis club.
- The padel courts are currently in use and the people park in Church Street and do not use the Kohler Street access.
- The park entrance should be closed to the Padel Courts and Tennis club.
- Times of use of the courts and club house should be 07h00 to 21h00 and this must be the Padel Court and Tennis club so that drinking and noise ends at 21h00.

Objection 2: GL Hester, 10 and 12 Church Street - Objector 2 owns two properties, which border either side of the tennis club.

Background: The developer built the courts without approval; continued despite being instructed to cease building work and has been using the courts without approval and without regard to the impact on neighbours. This does not bode well for future compliance with any future legal requirements if the application is approved with conditions.

Legal Issues: Can the application proceed without the use having been removed given that it is unauthorised? The applicant and school governing body make themselves liable for legal action as they have allowed illegal activities.

Land Situation: The site is wrong for the purpose given the surrounding uses of tourist activities, church services, school hostels and residences. The golf club would be a better location option. It is wrong to say no complaints have been received.

Community Survey: The survey is not independent and of little value. The fact that there is support for the sport does not indicate that the site chosen is appropriate.

Noise Impact: The study is not independent and must be compliant with SANS 10103:2017 to be credible. The study does not address repetitive and continuous noise nuisance and the impact on surrounding residents and guests.

Heritage Issues: The use, its noise and lights are not compatible with the heritage goals for this area.

Parking: The unauthorised use of the courts has shown that players park in Church Street and use the pedestrian walkway. The increased use of the bar and pedestrian way at later hours of the night will exacerbate noise and adversely impact on the sensitive heritage and tourist value of Church Street.

Unlawful Use of Courts: There has been extensive and ongoing use of the courts with disregard for the fact that it is unlawful.

In Conclusion: The application should be pended until the unlawful works have been removed; when the application is considered it should be declined and no use of the courts should be allowed in the interim.

Objection 3: J Van Rooyen, Kohler Street

I am aware of the application in Kohler Street. I am of the opinion that the courts should not have been erected, and I am opposed to the erection and use of the courts. The cultural and residential nature of the site is not suitable for the proposed activity. The courts could have been located near the golf course or elsewhere where damaging sounds, parking, lights and other inconveniences would not cause a problem.

Objection 4 (withdrawn): Montagu Museum Board of Trustees

After the discussion in the Board of Trustees meeting, it was decided to object to the proposal to develop a padel court due to the noise nuisance. There is a meeting planned with the neighbours and more information will be communicated after this meeting.

In addition to the above, four objections were received prior to the application being lodged when the use commenced illegally, including objectors 1 and 3 and two others – Montagu Music Society (hold functions within the Montagu Museum) and Monte Vista Guest House (14 Church Street). These objections are also attached at Annexure 3.

Letters of support were received from the following people:

A Coetzee – external consultant, NinetyOne, Cape Town.

S Knight – Montagu resident, 15 Middel Street, Montagu West.

S Meyer – Montagu resident, Eyssen Street, Montagu South.

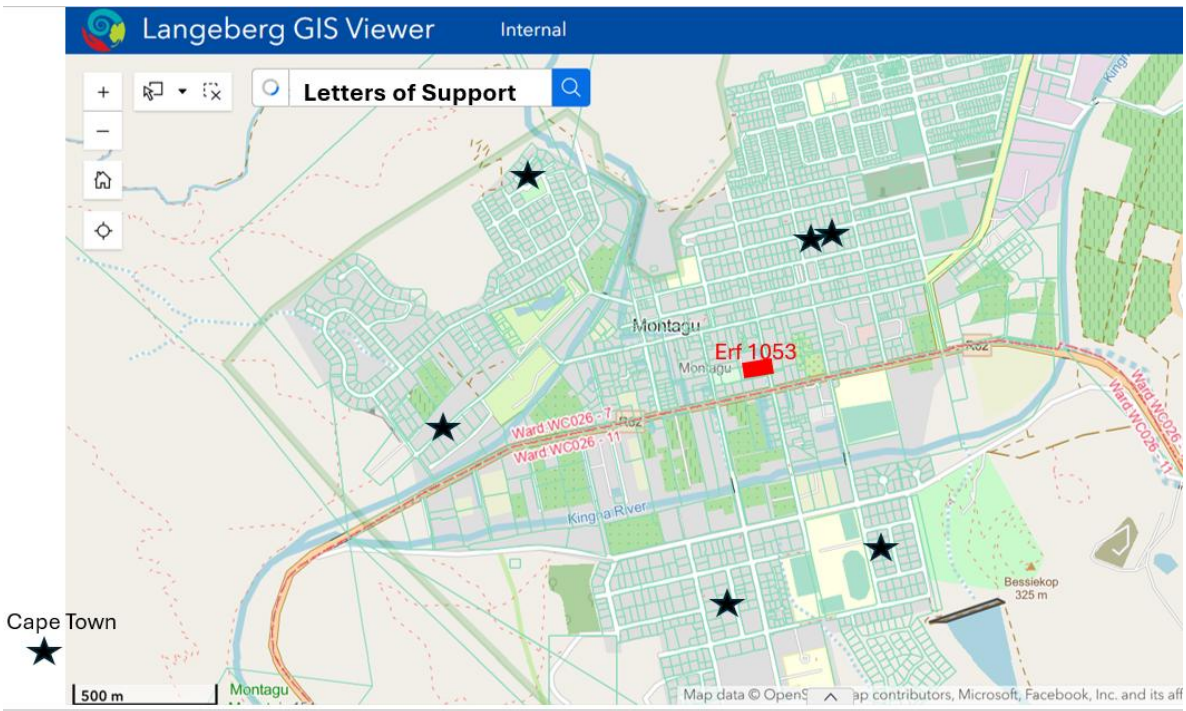
I Minnaar – Montagu resident.

H Bornman – Montagu resident, 4 Kort Street, Montagu West.

G Walsch – Montagu resident, 24 le Roux Street, Montagu Central.

A Visser – Montagu resident, Montagu South.

G Walsch and N Drzewicki – Montagu residents, 24 Le Roux Street, Montagu Central.



The letters of support address the following issues, *inter alia*:

- Padel as a sport is supported with its benefits to Montagu, the hostel, tourism, employment and sport and youth development.
- The location of the courts is accessible and compatible with the adjoining tennis club.
- With careful mitigating measures, the courts could operate in their current location with little impact on surrounding neighbours.
- Parking, noise, hours of operation are real issues that require clear conditions with responsible operation including onsite parking and acoustic screening. A community liaison contact should be available for neighbours to raise any concerns; and an annual review is recommended.

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

Comments received from Municipal and State departments are attached at [Annexure 5](#) and summarized as follows:

Electrical Engineering Services:

Initial comments received indicated: No objection, subject to the following conditions:

- Normal Bulk services and connection costs will be applicable for additional / new electrical capacity required.
- All alternative Electrical Installations (UPS, Solar PV, LV Standby generator) to obtain written permission pre-installation.
- Local and National legislation prohibits Electrical supply to be taken across Erf boundaries.

Following further investigation, the following additional comments were provided:

- Erf 1053 does not have an existing Electrical installation; they have illegally taken electricity from Erf 236 (Montagu school Hostel). It must be removed.
- The Solar PV installation at the Padel courts have no application, are illegally connected to Erf 236's electrical connection.
- Erf 1053 must apply for their own electrical connection, and then they can apply for the Solar PV
- It is very disturbing that the developer engages in these illegal activities-he is well aware of the national and local legislation.
- The applicable penalty for illegal connection of alternative electrical connection will be billed to the owner of erf 236.

The above actions are notwithstanding the instructions issued in the letter dated 8 May 2025 (Annexure 8, p179 of this item) that "No further electrical work may continue, and no electricity may be supplied to the padel courts prior to approval".

Civil Engineering Services:

No objection.

Cape Winelands District Municipality: Environmental Health

No objection subject to municipal approval regarding the provision of basic services and related matters. The premises must comply with the requirements of the CWDM Health Bylaws Gazette Feb 2010 and make sure any activity on the erf does not create any form of health nuisance.

Building Control Officer

- Structures must undergo thorough inspections to ensure compliance with structural integrity and safety requirements.
- Accessibility requirements outlined in the National Building Regulations must ensure equitable access for all.
- Fire safety measures must meet or exceed NBR Regulations.
- Building Plans must be submitted to and approved by the Building Control Department. Structures may need to be retrofitted to comply with NBR standards or demolished. This recommendation does not endorse any illegal structures on the property.

Traffic Services

No objection but limited to: That adequate on-site parking needs to be provided as required by the Langeberg Municipal By-law, to avoid any traffic hazard or impact on the flow of traffic and surrounding businesses in the area.

Ward Councilor

No comment received.

DEADP: Development Management

The matter under consideration is a temporary land use departure for the construction of three padel courts on Erf 1053, zoned Community Zone I. The proposed development raises a number of concerns in relation to its location directly next to the school hostel:

- The nature of padel as a fast-paced sport, combined with associated shouting, cheering, and impact sounds, is likely to generate significant noises. This will disturb hostel learners during study periods, rest hours, and at night. The presence of spectators and general activity around the courts would further exacerbate noise impacts.
- Should the courts be floodlit, artificial lightning may intrude into hostel rooms, affecting sleep patterns and overall learner well-being.
- Additional traffic generated by players and visitors may create congestion and pressure on parking facilities adjacent to the hostel, introducing safety risks for learners.
- The development may increase the movement of non-school users in close proximity to the hostel, raising concerns regarding learner safety and security. Effective access control measures would be essential to mitigate potential risks.
- Learners who reside in the hostel require a quiet and stable environment to concentrate on academic activities. The distraction caused by ongoing games, noise, and external activity may undermine this requirement.
- The introduction of a recreational/sport facility of this nature may be incompatible with the institutional and residential function of the hostel environment. The development could also set an undesirable precedent for further non-school-related use in the immediate vicinity of the school grounds.
- The hours of operation for the padel courts may clash with hostel schedules, particularly evening quiet times. Furthermore, issues relating to waste management, maintenance, and user control may place additional burdens on the school environment if not adequately regulated.

Given the above, careful consideration must be given to the suitability of locating padel courts directly adjacent to the hostel. Unless the identified concerns can be comprehensively mitigated, the proposed development may be regarded as undesirable from both a land use planning and learner welfare perspective.

PART H: APPLICANT'S RESPONSE TO OBJECTIONS

The applicant's response to the objections is attached at [Annexure 6](#). The following points are made *inter alia*:

Response to Objection 1: The developer's independent legal opinion is that the use does not require municipal approval, the golf course location is less accessible, Padel players will be forced to use Kohler Street entrance, and a sound attenuation barrier will be installed.

Response to Objection 2: The developer's independent legal opinion is that the use does not require municipal approval, noise impact will be minimized by installing acoustic barriers, independent noise studies may be conducted in future in accordance with the Bylaws, the golf course location is less accessible, Kohler Street access with onsite parking eliminates Church Street dependence, purchasing a home in town comes with reasonable expectations of sport and town-centre activity.

Response to Objection 3: the golf course location is less accessible, acoustic barriers will be installed, there will be a separate entrance and parking from Kohler Street, light off at 9pm Monday to Saturday and 8pm on a Sunday.

In response to all three objections, the applicant notes the following "standard commitment irrespective of any objections":

1. There will be professional on-site management to keep orderly control of facilities and players.
2. Dedicated Kohler Street access.
3. On site parking as per municipal bylaw.
4. Sound attenuation barrier installed and if necessary, independent sound measurement study.
5. Play blocked during church services and events at Mission Church.
6. Fenced separation from hostel.
7. Good faith coordination with tennis club on shared access.

The applicant's detailed response to DEA&DP's comments is attached at [Annexure 7](#). Further comments are made in this regard in the assessment below under Part I.

PART I: 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.*

1. Legal / procedural Issues: LLUPB, LIZS

1.1. **Need to Lodge an application:**

- 1.1.1. Prior to lodging this application, there was a drawn-out process whereby the developer built the padel courts without any approval. The developers stated that they did not need to obtain either land use or building plan approval, and refused to lodge an application, based on private legal advice that no application was required. This drawn-out process which spanned 7 months between December 2024, and July 2025 is set out at [Annexure 8](#).
- 1.1.2. The developer's independent legal opinion has been well considered by the Municipality, the WCED, the Department of Infrastructure and the DEA&DP, and none of these authorities concur with this legal opinion. It is therefore of no relevance given that it is the Municipality which is the deciding authority in terms of the interpretation of the Bylaws and the authorities have determined that an application is required in terms of the Bylaw and National Building Regulations.
- 1.1.3. As noted in an email to the developer (refer Annexure 8, No 32), the Municipality cannot be dictated to by members of the public or developers who have their own interpretation of legislation which Municipalities are mandated to implement and have the necessary expertise to interpret. The Municipality remains the competent authority and its decisions are binding. This authority stems from its constitutional mandate and obligations.
- 1.1.4. The developer has the right to seek relief from such decision through the courts should it be so inclined, which has not been done. Instead, this application was lodged. The applicant cannot agree to lodge an application and still dispute that he needs to do so.

1.2. **Ownership and right to apply, right to build, right to use:**

- 1.2.1. The Padel courts were built on erf 1053 by Padel Montagu, a private developer, in February 2025.
- 1.2.2. Erf 1053 is owned by the Government of the Western Cape, Department of Infrastructure (DoI). In terms of the Bylaw and National Building Regulations, only an owner or an applicant legally authorised by the owner may lodge an application. The Power of Attorney (PoA) to lodge an application was granted by the Department of Infrastructure on 24 April 2025. The PoA was granted to HvN Architects but was not accepted by HvN due to the legal obligations it placed on the firm. Refer to [Annexure 13](#).
- 1.2.3. Nonetheless, the DoI's authorisation for land use and building plan applications to be lodged, and the High School's confirmation of their support for the application, have been accepted by the Town Planning Department, in good faith as comprising authorisation by the landowner for the lodging of this land use application as received in July 2025.
- 1.2.4. It must be noted that the Department of Infrastructure has not granted any authorisation for any construction work on erf 1053 Montagu. It is recorded that the applicant proceeded to construct the padel courts on land which they do not own and without the required legal authorisation to do so. They have also continued to use the Padel courts despite notification that there is no approval to do so.
- 1.2.5. The applicant's various submissions must therefore be considered in light of the fact that currently the developer has no legal right to have built the padel courts and there is no legal right for the padel courts to be used at present. The developer's ongoing contention that they have this right is incorrect as the landowner has not authorised construction or use, only the lodging of applications.

2. Langeberg Integrated Zoning Scheme (LIZS) 2018 – Interpretation of Definitions:

- 2.1. In terms of LIZS, erf 1053 is zoned Community Zone I. Prior to the unauthorised construction of the padel courts, erf 1053 Montagu accommodated a prefabricated structure, used by the Montagu School hostel as a study room, as well as carports for hostel staff. The School Hostel itself is located on a separate erf (Erf 236 Montagu) which adjoins Erf 1053. All these uses pre-date the current 2018 LIZS.
- 2.2. In terms of LIZS, the primary land use permitted in the Community Zone I is a Place of Instruction (school). In addition, the Community Zone I permits various ancillary uses together with and subservient to a school, which uses would support a school located on the same property and with the shared use of facilities which are normally part of a school e.g. parking and ablution facilities, and with similar impacts to a school.
- 2.3. These ancillary uses, which include a "sports and recreation centre," are not primary uses in their own right, and cannot be permitted as "stand alone" uses if the dominant use permitted in that zone, namely a school, does not exist on the property. The padel courts are therefore not considered to be a primary right on Erf 1053 as there is no school on erf 1053, to which the sports facilities could be ancillary.
- 2.4. For the sake of completeness, it is noted that a sports and recreation centre is also not a consent use in the Community Zone I.
- 2.5. A sport and recreation centre is permitted as a primary use in the Open Space Zone II, and hence the correct procedure to follow would be to apply to rezone erf 1053 to Open Space Zone II.
- 2.6. Alternatively, a temporary departure, with approval for a maximum of five years could be considered given that the use is

a relatively new sport, the impacts and desirability of which could be “tested” in terms of a temporary approval.

2.7. It is of relevance to note the following:

- The property is only 3962m² and does not include a school building.
- Under the definition of “Place of Instruction,” it is helpful to also consider the definition of the ancillary use “civic facility,” namely that: “instruction rather than participation of the public as competitors or spectators” is intended. This is important in terms of contextualising what role ancillary uses are intended to play when permitted as part of a primary use.

3. LSDf, 2025:

- 3.1. Erf 1053 falls within the central area of Montagu and the LSDf does not make any specific proposals regarding this area i.e. There is no envisaged change in use from the zoning scheme, namely educational facility. A Sports and Recreation Facility is not specifically envisaged in the CBD.
- 3.2. Nonetheless, in general terms, the LSDf promotes the provision of sports facilities and therefore it is considered that the use is not inconsistent with the intentions of the 2025 SDF, subject to the submission of any application/s required in terms of the Zoning Scheme and in consideration of other objectives, including the promotion and protection of the town’s heritage, public interest, and rights of those affected.
- 3.3. The site is in the historic core of Montagu and located just off Church and Long Street which have a large concentration of heritage buildings and numerous guest establishments. There are mixed opinions regarding whether the padel courts are consistent with the heritage character of the area. Whilst the industrial look of the lights and the bright blue courts may seem compatible with the business and industrial nature of Kohler Street; the same cannot be said for the character of Church Street.

4. The extent to which the development achieves the SPLUMA and LUPA development principles, is assessed as follows:

- 4.1. **Spatial justice:** The proposed use does not address any past imbalances and does not specifically benefit those previously disadvantaged or provide access to land to those previously excluded. The location is not equally accessible to all residents – upper income areas have better access and the areas of Ashbury and Bergsig have the furthest to travel to access this site. The location of sports and recreation facilities at the golf course or municipal sports grounds would be more accessible to those previously disadvantaged. Nonetheless, padel is recognized as a relatively expensive sport and not easily accessible financially to poorer communities in general.
- 4.2. **Efficiency:** The delays in dealing with this matter have resulted largely from the developer’s actions and responses to the competent authority. It is estimated that some 45 hours of the Municipality’s time was spent regarding the processes outlined at Annexure 8. This reduced the efficiency in processing other applications which have been lodged and paid for by other developers.
- 4.3. **Spatial Sustainability:** Padel courts comprise modular designs which are relatively easy to install and / or relocate and are a relatively compact use.
- 4.4. **Good Administration:** All administrative procedures specified in the Langeberg Land Use Planning Bylaw, 2015 have been complied with. Unfortunately, by continuing to state that the use did not require municipal approval, the developer challenged the authority of the Municipality; misrepresented the Municipality as not supporting economic development; and mislead the public, the objectors and the supporters regarding legal requirements. In addition to requesting meetings with the Minister, the Premier and other senior officials in an attempt to gain support for their private legal opinion, the developer also reported the Municipality to the Department of Economic Development’s Red Tape Reduction Unit - this whilst they had no legal right to this state-owned land and were effectively trespassing. Should legal action have been initiated by the Municipality, the WC Department of Infrastructure and the High School could have been cited as permitting third-party use of state land, which jeopardises cooperative governance. Further, this put the Municipality at risk of litigation by objectors for not enforcing Municipal Bylaws.
- 4.5. **Spatial Resilience:** The use of erf 1053 for the padel courts limits the opportunity to use this erf for other primary educational purposes as defined in the zoning scheme e.g. ECD or aftercare facility.

5. Desirability:

Key relevant considerations in this application include: Noise, operating hours, parking, agreement with the Montagu Tennis Club regarding shared facilities (liquor licence and ablution facilities), impact on surrounding uses, and engineering services. The objections from affected parties focus predominantly on these aspects of desirability and raise valid concerns as well as helpful recommendations regarding mitigating measures.

5.1. **Noise:**

5.1.1. The applicant addresses “Noise impacts and Mitigation” in the motivation report and in the “Noise Assessment Report” by HvN Architects dated 20 February 2025 – refer to pages 26 and 30 of this report:

- Tennis has a higher sound level than padel in terms of specified standards: Padel noise ranges from 50 to 8-dB, up to 85dB or more with shouting / celebrating. Tennis noise ranges from 40-50dB but grunting up to 100dB.
- The WC Noise Regulations in terms of ECA set the following restrictions for urban noise receptors: 55- 65dB during daytime; 45-55dB at nighttime. >7dB above these levels is deemed a “disturbing noise”.
- A mapping of noise levels on the Site Plan indicates that the noise level experienced at surrounding properties will be within legislated levels and “compatible with the noises of the surrounding environment” as noise lowers by 6dB with each 2m away from the courts giving a calculated noise level of 62dB compared to the maximum dB level permitted of 65dB. This is based on the inverse square law.
- The following mitigating measures are proposed: hedge along portion of the property boundary between 1053 and 239 (Museum); acoustic sound barrier along “the other side fence”; no padel sessions during Church services on erf 239.

5.1.2. The application has been assessed in terms of the WC Noise Regulations, the relevant SANS standards, and widely available articles on padel, and the report provided by the applicant entitled “Padel, Planning and Noise; A Guide for Applicants and Authorities”. The following considerations are noted:

- The applicant is not correct in stating that tennis noise levels are higher than padel. Padel has been shown to be “objectively noisier than tennis” (p37).
- The abovementioned report provided by the applicant notes that noise levels at the side of a court are approximately 12dB higher than at the enclosed glass end and equate to more than a doubling of perceived loudness. The orientation of courts relative to noise-sensitive activities is a critical design consideration with the open sides presenting the greatest acoustic risk. Further, noise levels from padel are more varied and “impulsive”: over a typical 5-minute period of play at club level: padel generated 85 different sounds and tennis generated 50.
- The applicant’s noise report does not take into account the above variation in noise readings from the end vs middle of the court and the variations in sounds and sound dispersion i.e. the mapping of the reduction of sound equally on all sides based on the inverse square law has been shown to be an insufficient basis for padel noise assessment. The report therefore cannot be relied on to conclude that noise levels at neighbouring properties will be within acceptable levels.
- The opportunity to reorientate the courts, should this prove desirable, is lost as a potential mitigating measure due to the development having already proceeded.
- In terms of Section 4(1)(a) of the WC Noise Regulations WC Noise Regulations noise assessment must be conducted in accordance with SANS 10328: 2008 which requires, *inter alia*, that noise impact assessment must be conducted by a suitably qualified noise specialist. The acoustic engineer was requested to confirm their qualifications and registration, and this is provided at Annexure 12. Whilst the competency of the acoustic engineer has not been questioned or verified, the overriding concern is that the noise report is not an independent study. With reference to the regulations and SANS standards, an independent study should be conducted. Further such study should address the above sound variations, as well as record site-specific readings on the site and surrounding properties, taking into consideration the full definition of “disturbing noise” in relation to both ambient noise (collective noise when the activity is taking place) and residual noise (when the activity is absent). Variations in sound above the rating level should be assessed in accordance with the SANS standards.
- In terms of mitigating measures, whilst the developer has agreed to pause padel sessions during church services for erf 239 (Museum) the same mitigation is not afforded to the surrounding residential properties or the public park. There are no proposed noise mitigating measures to protect noise sensitive activities on erven 243,5181, 241, 240, 1377 (residential), and 5192 (Open Space). Whilst reference is made to an acoustic sound barrier it is not clear from the report or the plan where this barrier would be or how it would be constructed. Further the location and design specifications of an acoustic barrier should be guided by a Noise Management Plan prepared by a specialist in terms of Section 4(3)(a) of the WC Noise Regulations. The proposal by one of the objectors that any conditions of approval should consider an acceptable route for complaints to be addressed (community liaison member) is also considered to be of value as a potential mitigating measure,
- In terms of the WC Noise Regulations, read with SANS 10103: 2008 a “disturbing noise”, at >7dB above the determined ambient noise level is clear, BUT this excludes the unamplified human voice and relates to *intensity* of noise. In contrast, “Noise Nuisance” is not assessed in the applicant’s noise report. Noise Nuisance is any

sound that may impair the convenience or peace of a reasonable person and relates to the following characteristics of noise: *loudness, annoyance, and offensiveness*. These characteristics are more subjective and are effectively “unwanted sound” which may hinder verbal communication, impede thinking / concentration and obstruct work, leisure or sleeping. Noise does not need to be loud to be considered a nuisance e.g. a dripping tap or mosquito in the quiet of the night; repetitive noises; noise over an extended period etc.

- In terms of the regulations and standards, “daytime hours” are classified as being from 06h00 to 22h00.
- SANS 10103:2008 provides a helpful guideline for estimating community response to changed noise levels:
 - An increase in 3dBA or less would not be noticeable and not cause a community response.
 - An increase between 3 – 5 dB will illicit “sporadic complaints”.
 - Between 5 – 15 dBA will illicit “widespread complaints” and community response.
 - More than 15dBA results in strong community reaction and threats of community action.
 - An increase of 10dBA is subjectively perceived as a doubling in the loudness of a noise.

5.1.3. In addition to the above, the law of nuisance is based on the underlying common law principle of *sic utere tuo ut alienum non laedas* (use your property in a manner which doesn’t harm others). Should the application be approved, any conditions imposed must ensure that the padel court players do not infringe on the rights of peace and enjoyment of adjoining property owners or occupiers.

5.2. Operating hours:

The applicant proposes operating hours from 06h00 to 21h00. Objectors have proposed more restricted hours e.g. 8h30 – 17h30 and no play on Sundays and Public Holidays. A Noise Management Plan with detailed mitigating measures would inform a decision regarding reasonable hours of operation for summer and winter times.

5.3. Parking:

5.3.1. The initial proposal made no provision for access from Kohler Street or for any on-site parking. Shared pedestrian access with the tennis courts would have increased parking in Church Street, which is a narrow street, lined with historic buildings, guest accommodation and restaurants. Parking is already at a premium and further on-street parking in Church Street is not acceptable for new uses.

5.3.2. The amended Site Development Plan (at **Annexure 2A**, p66c), includes pedestrian and vehicular access from Kohler Street and 10 on-site parking bays. This is viewed favourably provided the geometry of the accessway allows for adequate turning movements to access the bays.

5.3.3. In terms of the Zoning Scheme, 1 bay is required per 4 players i.e. 3 courts with 4 players each require a minimum of 3 parking bays.

5.3.4. As the padel courts are proposed to be used in conjunction with the tennis courts, it is a relevant consideration that there be sufficient parking for the tennis club too. The tennis club has 4 courts and no on-site parking, and they have not made use of their panhandle accessway from Kohler Street. Historically this has not been a problem as players were able to park on erf 1053. However, now that the padel courts have been built on this land and Dunlop hires land including the panhandle accessway to the tennis club, there is effectively no vehicular access to the tennis club. This impacts the Church Street pedestrian access and the related limited street public parking in Church Street. A minimum of 4 bays should be provided for the tennis club. With the padel development providing 10 on-site bays and vehicular access from Kohler Street, this is an improvement in the current parking and access arrangement for both the padel and tennis club.

5.4. Agreement with Montagu Tennis Club:

5.4.1. The application includes an agreement with the Montagu Tennis Club (p59) for shared access and amenities. The club house is some 25m to 50m from surrounding residential dwellings i.e. much closer than the padel courts, and therefore of relevance in terms of assessing potential impact:

5.4.2. Liquor Licence: The Tennis Club currently has a liquor licence – attached at Annexure 9. The licenced area is the clubhouse building itself and not any other area and liquor may not be removed from the licenced area. Conditions 5.3.3, 4.1, and 6.2 of the licence note that no changes may be made to the licenced premises without approval from the WCLA and that only the licensee is entitled to use the liquor licence. The MTC must therefore advise the WCLA of the agreement with Padel Montagu (Pty) Ltd, for the licence conditions to be reviewed.

5.4.3. Ablution Facilities: The MTC has limited ablution facilities, namely two toilets, and one changing room and shower. These facilities are already less than is required for the Tennis Club and are not sufficient for the additional padel

courts, particularly considering the mix of adults and schoolchildren who will be using the facilities. In terms of the functional requirements of the building and health regulations, at least 4 toilets, 2 urinals and 4 basins should be provided for <30 persons i.e. for the padel and tennis courts combined.

5.5. Impact on Hostel:

The original proposal made no suggested changes to the hostel's study room a mere 1m away from the courts. The current proposal addresses these concerns and has repurposed this building for use for padel equipment, whilst the study venue has been relocated to within the hostel building. This is viewed in a positive light and addresses some of the concerns raised by DEADP regarding the compatibility of the padel courts and the hostel.

Rental income to the school and the access to the padel courts for recreation are positive contributions to the hostel. Noise is a potentially negative impact, with the need for mitigation as addressed above.

5.6. Engineering Services:

5.6.1. The padel courts can be accommodated within the capacity of municipal engineering services noting the following:

- Should ablution facilities be required on-site, only one water and sewer connection are permitted. New connections or changes / upgrades will be for the account of the owner.
- The developer has laid a stormwater pipe diagonally across the site, and into the stormwater drainage through the tennis court site, where previously there was onsite, natural drainage.
- Electricity: The illegal electrical connection across site boundaries has been removed. The PV system still requires municipal assessment and approval. The owner remains liable for any penalties for illegal connections or unauthorised alternative electrical supply.

6. There are no restrictive title deed conditions which prevent the proposed development.

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

N/A

PART K: RECOMMENDATION

- A. That the Tribunal assess the respective weighting of the relevant considerations outlined in the assessment above to decide between the following three options for a final decision:
 - Refusal of the application based on legal and / or technical considerations and / or insufficient information.
 - Approval of the application subject to conditions to mitigate potential adverse impacts.
 - Pending of a decision until an independent Noise Impact Assessment and Noise Management Plan has been prepared and assessed.
- B. That should the application be considered for approval, the Tribunal satisfy themselves regarding the likelihood of the conditions of approval being complied with, in recognition of the fact that prior non-compliance does not weigh in favour of the applicant as it raises doubt as to whether the applicant will in future comply with any conditions imposed by the authorities.
- C. That punitive measures must be considered given that:
 - The order to cease construction was disregarded.
 - The padel courts were constructed and have been in use without approval from the land owner and without approval in terms of the National Building Regulations and the Langeberg Land Use Planning Bylaw.
 - The neighbours and the public have been subjected to ongoing inconvenience and unfair actions, outside of the lawful procedures for public participation and approval of land uses and building work.
- D. That, should the application be approved in terms of section 60 of the Langeberg Land Use Planning Bylaw, 2015 (the Bylaw) the Langeberg Municipal Planning Tribunal **approves** the amended application, as depicted on the plans marked MON 1053-LBM-LP and TP1 (February 2026), for temporary departure to accommodate three padel courts on erf 1053 Montagu within the Community Zone I, **subject to conditions** in terms of Section 66 of the Bylaw, as set out below:

Draft Conditions of approval:

1. This approval is valid for 5 years, retrospectively from the date of construction i.e. until 2 July 2030, and subject to compliance with all conditions of approval. (Note: Date of operation: 2 July 2025; eng completion certificate is dated 14/7/25).
2. Non-compliance with ANY condition of approval is grounds for the immediate withdrawal of the approval and the applicant will be required to remove the courts and rehabilitate the site within a period as determined by the Langeberg Municipality.
3. Within 10 days from the date of the letter of decision:
 - 3.1. The applicant must appoint an independent noise consultant to complete a noise assessment within 30 days from the date of appointment. The assessment must be in compliance with the Western Cape Noise Regulations, SANS 10328: 2008 (Methods for Environmental Noise Impact Assessments) and SANS 10103: 2008 (dB measurements and rating levels) and must include a Noise Management Plan for approval by the Langeberg Municipality. The Noise Management Plan must address the following *inter alia*:
 - 3.1.1. Mitigating measures, including details of the proposed acoustic barriers.
 - 3.1.2. Hours of operation, including consideration of times already agreed to by the developer and those proposed by the objectors.
 - 3.2. In accordance with the conditions of the Montagu Tennis Club's liquor licence, the WCLA must be advised of the agreement between Padel Montagu (Pty) Ltd and the MTC for the conditions of the licence to be reviewed and amended where deemed necessary.
4. Building Plans must be submitted to the Building Control Department for approval:
 - 4.1. The Site Plan must be substantially in accordance with the plan marked MON 1053-LBM-TP1 (Feb 2026) and must indicate *inter alia*:
 - 4.1.1. Acoustic barriers in accordance with the approved Noise Management Plan.
 - 4.1.2. Parking layout to the satisfaction of the Manager: Civil Engineering.
 - 4.2. Structures may need to be retrofitted to comply with NBR standards or demolished.
 - 4.3. Requirements outlined in the National Building Regulations must ensure equitable access for all.
 - 4.4. Fire safety measures must meet or exceed NBR Regulations.
5. Sufficient and suitably located ablution facilities must be provided, and the premises must comply with the requirements of the CWDM Health Bylaws Gazette Feb 2010 and make sure any activity on the erf does not create any form of health nuisance.
6. With regard to Civil Engineering Services, the following must be provided to the satisfaction of the Manager: Civil Engineering:
 - 6.1. Any future water and sewer connections must be in accordance with an engineering plan with prior approval from the Manager: Civil Engineering.
 - 6.2. A stormwater management plan may be called for as part of the building plan submission and any changes required to ensure a proper functioning stormwater system on site and the surrounding stormwater network will be for the account of the owner.
7. The following apply regarding Municipal Electricity:
 - 7.1. Erf 1053 must apply for their own electrical connection, as well as for the registration of all alternative Electrical Installations (UPS, Solar PV, LV Standby generator).
 - 7.2. The developer must pay the applicable penalty/ies for illegal connections, which will be billed to the owner of erf 236.
 - 7.3. Normal Bulk services and connection costs will be applicable for additional / new electrical capacity required.
7. Solid Waste: A screened waste collection site must be provided, and waste management must be in accordance with municipal requirements and scheduled waste removal services.
8. At least 1 hour three afternoons per week must be set aside free of charge, for scholar use, including children in the hostel.
9. No advertising signs may be erected or displayed on either property without formal application to, and prior written approval from, the Manager: Town Planning. No additional flags, banners or freestanding signs visible from the street are permitted on the property or adjoining road reserve.

This approval does not obviate the need for the developer to obtain all other authorisations from the landowner for the construction and use of the courts.

Reasons for considering approval, with conditions:

- a) The development is not inconsistent with the proposals of the Langeberg SDF, 2025.

- b) The development will contribute positively to economic development within the Montagu CBD.
- c) The school will benefit positively from a financial perspective in terms of rental income.
- d) Mitigating measures can be implemented to address concerns of the objections.

PART L: ANNEXURES

Annexure 1: Plans: Locality Plan, Site Development Plan, Aerial Image.

Annexure 2: Applicant's motivation report, including:

- Noise Report
- Report re. solar PV system
- Community Survey.
- Agreement with Montagu Tennis Club.

Annexure 2A: Amended Site Development Plan – February 2026

Annexure 3: Objections

Annexure 4: Letters of Support

Annexure 5: Departmental Comments

Annexure 6: Applicant's Response to Objections

Annexure 7 Applicant's Response to DEADP Planning Comment

Annexure 8: Summary Record of Applicant's dispute that an application is required in terms of the LLUPB and LIZS and correspondence with Langeberg Municipality, WCED, Department of Infrastructure and DEA&DP.

Annexure 9: Liquor Licence.

Annexure 10: Western Cape Noise Regulations.

Annexure 11: SOP re. Noise.

Annexure 12: Certification re. Acoustic Engineer

Annexure 13: PoA and Authorisations

PART M: AUTHOR SIGNATURE

.....
T L BRUNINGS
MANAGER- TOWN PLANNING
REGISTERED PROFESSIONAL PLANNER – NO. A/951/1997

.....
DATE

APPROVED

APPROVED CONDITIONALLY

APPROVED IN PART

REFUSED

LANGERBERG MUNICIPAL PLANNING TRIBUNAL

Date:

ANNEXURE 1

Plans:

Locality Plan

Site Development Plan

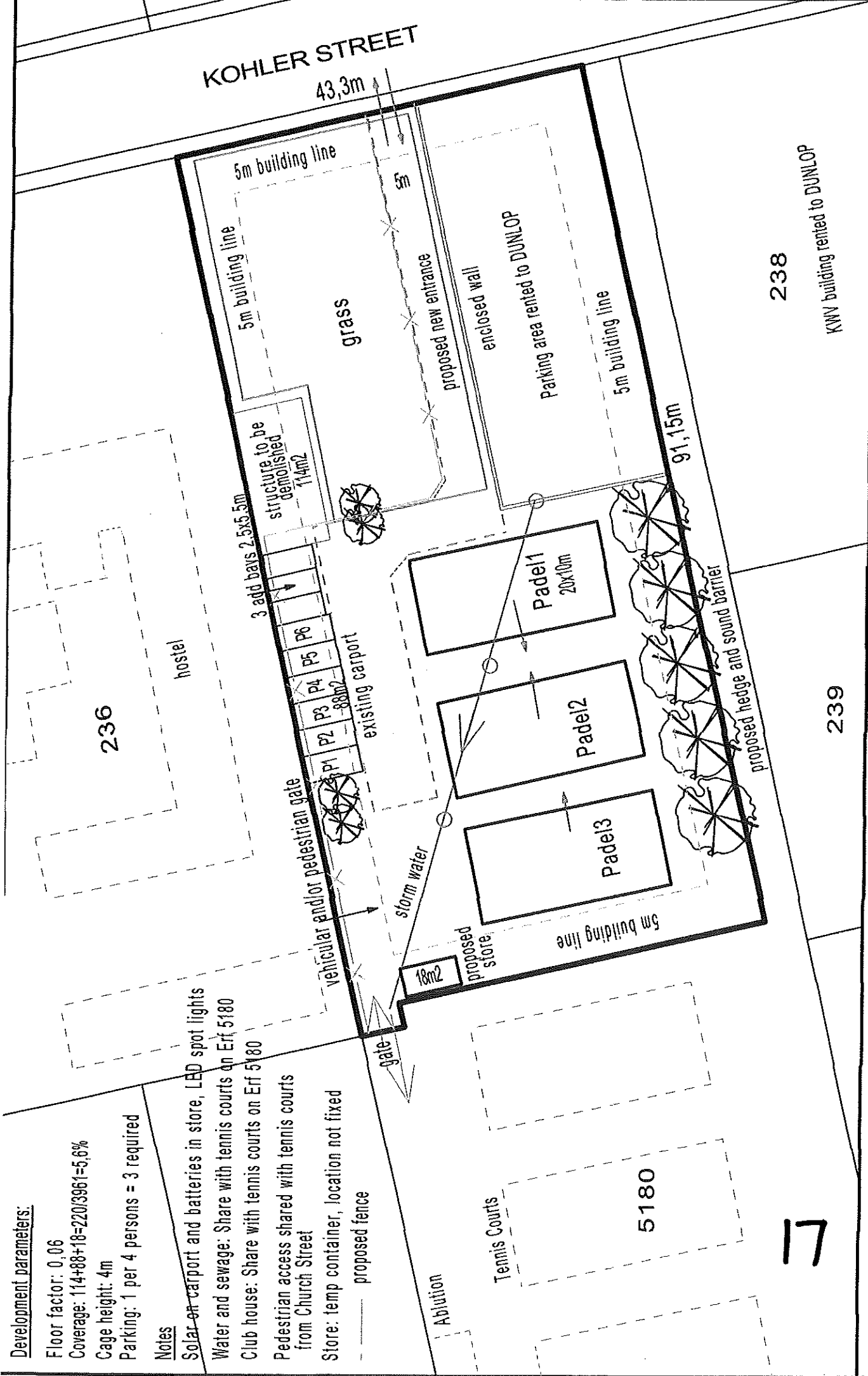
Aerial Image

Development parameters:

Floor factor: 0,06
Coverage: $114+88+18-220/3961=5,6\%$
Cage height: 4m
Parking: 1 per 4 persons = 3 required

Notes

Solar on-carport and batteries in store, LED spot lights
Water and sewage: Share with tennis courts on Erf 5180
Club house: Share with tennis courts on Erf 5180
Pedestrian access shared with tennis courts from Church Street
Store: temp container, location not fixed
— proposed fence



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ERF 1053 MONTAGU: SITE DEVELOPMENT PLAN: TEMPORARY DEPARTURE FOR PADEL COURTS

Umsiza
Sizabantu
Town and Regional Planner

July 2025

Scale 1:500

PLAN: E1053MTempDep

ANNEXURE 10

Western Cape Noise Regulations

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Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

7141

Thursday, 20 June 2013

**Buitengewone
Provinsiale Koerant**

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kwiGazethi yePhondo**

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2013 2

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

(Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

Provinsiale Kennisgewing

200 Wes-Kaapse Geraasbeheerregulasies,
2013 8

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

(Ushicilelo oLutsha lufumaneka kwiGumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mfetho, 7 Wale Street, eKapa 8001.)

Isibhengezo

200 IMigaqo yoLawulo lweNgxolo eNtshona
Koloni, 2013 14

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PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLA WULI-JIKELELE

Indlu yoWiso-mthetho yePhondo,
Wale Street,
eKapa.

P.N. 200/2013

20 June 2013

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**ENVIRONMENT CONSERVATION ACT, 1989****WESTERN CAPE NOISE CONTROL REGULATIONS**

The Provincial Minister of Local Government, Environmental Affairs and Development Planning in the province of the Western Cape has made the regulations in the Schedule under section 25 of the Environment Conservation Act, 1989 (Act 73 of 1989).

SCHEDULE**Definitions**

1. In these regulations a word or expression to which a meaning has been assigned in the Environment Conservation Act, 1989 (Act 73 of 1989), or the relevant Standards South Africa publication (SANS) has the meaning so assigned and, unless the context indicates otherwise—

“ambient noise” means the all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes;

“animal”, in relation to a person, means any animal in the possession or under the control of that person, and includes birds and poultry;

“authorised person” means—

- (a) a designated person;
- (b) a member of the Service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995);
- (c) a municipal police officer, traffic official, law enforcement officer or traffic warden appointed under any law; or
- (d) a person who has been declared a peace officer under section 334(1) of the Criminal Procedure Act, 1977 (Act 51 of 1977);

“dBA” means the sound pressure level measured in decibels which is A-weighted to approximate the response of the human ear;

“designated person” means a person designated or appointed by a local authority in terms of regulation 9;

“disturbing noise” means a noise, excluding the unamplified human voice, which—

- (a) exceeds the rating level by 7 dBA;
- (b) exceeds the residual noise level where the residual noise level is higher than the rating level;
- (c) exceeds the residual noise level by 3 dBA where the residual noise level is lower than the rating level; or
- (d) in the case of a low-frequency noise, exceeds the level specified in Annex B of SANS 10103;

“emergency” means a situation that arises suddenly and involves imminent or actual—

- (a) danger to persons; or
- (b) damage to property or the environment,

and which demands immediate action;

“local authority” means the municipality having jurisdiction;

“low-frequency noise” means sound which contains sound energy at frequencies predominantly below 100 Hz;

“model aircraft” includes an unmanned recreational aircraft, whether full size or scaled down;

“NEMA” means the National Environmental Management Act, 1998 (Act 107 of 1998);

“noise nuisance” means any sound which impairs or may impair the convenience or peace of a reasonable person;

“noise sensitive activity” means any activity that could be negatively impacted by noise, including residential, healthcare, educational or religious activities;

“person” includes a juristic person and an organ of state;

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“premises” means a piece of land or any building or part of a building, place of residence, tent or other structure;

“property projection plane” means a vertical or horizontal plane, whichever is applicable, on a boundary line of premises defining a boundary of the premises in space;

“Province” means the Province of the Western Cape;

“public event” means any event—

- (a) to which the public or any section thereof has access, including a show, air show, music concert, festival, sports event or any similar event; and
- (b) at which any amplified music is played or reproduced;

“rating level” means the applicable outdoor equivalent continuous rating level indicated in Table 2 of SANS 10103;

“residual noise” means the all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes, excluding noise alleged to be causing a noise nuisance or disturbing noise;

“SANS 10103” means the latest edition of Standards South Africa publication No. 10103 titled “The measurement and rating of environmental noise with respect to annoyance and to speech communication”, as amended from time to time, or its corresponding replacement;

“SANS 10117” means the latest edition of Standards South Africa publication No. 10117 titled “Calculation and prediction of aircraft noise around airports for land use purposes”, as amended from time to time, or its corresponding replacement, as referred to in SANS 10328;

“SANS 10210” means the latest edition of Standards South Africa publication No. 10210 titled “Calculating and predicting road traffic noise”, as amended from time to time, or its corresponding replacement, as referred to in SANS 10328;

“SANS 10328” means the latest edition of Standards South Africa publication No. 10328 titled “Methods for environmental noise impact assessments”, as amended from time to time, or its corresponding replacement;

“SANS 658” means the latest edition of Standards South Africa publication No. 658 titled “Integrating-averaging sound level meters”, as amended from time to time, or its corresponding replacement;

“sound level” means the equivalent continuous rating level as defined in SANS 10103, taking into account impulse, tone and night-time corrections;

“vehicle” means any device designed or adapted mainly to travel on wheels or crawler tracks, whether self-powered or not, other than such a device which travels solely on rails, including—

- (a) a motor vehicle;
- (b) a motorcycle;
- (c) an off-road vehicle, such as a scrambler, quadracycle or dune buggy; and
- (d) a model vehicle;

“vessel” means any watercraft, including—

- (a) a jet ski;
- (b) a ski boat; and
- (c) a model vessel.

Prohibition of disturbing noise

2. A person may not—

- (a) cause a disturbing noise; or
- (b) allow a disturbing noise to be caused by any person, animal, machine, device, apparatus, vehicle, vessel or model aircraft, or any combination thereof.

Prohibition of noise nuisance

3. In so far as it causes or is likely to cause a noise nuisance, a person may not—

- (a) operate or play, or allow to be operated or played, a radio, television set, gramophone, recording device, drum, musical instrument, sound amplifier, or loudspeaker system, or any similar device producing, reproducing or amplifying sound;
- (b) market or advertise any article or service for sale;
- (c) allow an animal to make noise;
- (d) discharge fireworks in a manner that does not comply with the local authority’s requirements;
- (e) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, model aircraft or any other object, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, in or near a residential area;
- (f) use or discharge any explosive, firearm or similar device that emits any sound impulse, or allow it to be used or discharged, without the written permission of the local authority;

- (g) except in an emergency, emit a sound, or cause a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device;
- (h) operate any machinery, power tool, lawnmower, power garden tool or similar device or allow it to be operated;
- (i) load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or any other article, or allow it to be loaded, unloaded, opened, shut or handled;
- (j) drive or operate a vehicle, vessel or model aircraft or allow it to be driven or operated; or
- (k) make any other noise not indicated in paragraphs (a)-(j).

Land use

4. (1) The local authority, or any other authority responsible for considering an application for a building plan approval, business licence approval, planning approval or environmental authorisation, may instruct the applicant to conduct and submit, as part of the application—
 - (a) a noise impact assessment in accordance with SANS 10328 to establish whether the noise impact rating of the proposed land use or activity exceeds the appropriate rating level for a particular district as indicated in SANS 10103; or
 - (b) where the noise level measurements cannot be determined, an assessment, to the satisfaction of the local authority, of the noise level of the proposed land use or activity.
- (2) (a) A person may not construct, erect, upgrade, change the use of or expand any building that will house a noise-sensitive activity in a predominantly commercial or industrial area, unless he or she insulates the building sufficiently against external noise so that the sound levels inside the building will not exceed the appropriate maximum rating levels for indoor ambient noise specified in SANS 10103.
- (b) The owner of a building referred to in paragraph (a) must inform prospective tenants or buyers in writing of the extent to which the insulation measures contemplated in that paragraph will mitigate noise impact during the normal use of the building.
- (c) Paragraph (a) does not apply when the use of the building is not changed.
- (3) Where the results of an assessment undertaken in terms of subregulation (1) indicate that the applicable noise rating levels referred to in that subregulation will likely be exceeded, or will not be exceeded but will likely exceed the existing residual noise levels by 5 dBA or more—
 - (a) the applicant must provide a noise management plan, clearly specifying appropriate mitigation measures to the satisfaction of the local authority, before the application is decided; and
 - (b) implementation of those mitigation measures may be imposed as a condition of approval of the application.
- (4) Where an applicant has not implemented the noise management plan as contemplated in subregulation (3), the local authority may instruct the applicant in writing to—
 - (a) cease any activity that does not comply with that plan; or
 - (b) reduce the noise levels to an acceptable level to the satisfaction of the local authority.

Noise from machinery in residential areas

5. A person may not use a pool pump, irrigation pump, refrigeration unit, or any heating, ventilation or air-conditioning equipment, or any similar device, in a residential area if the noise on the property projection plane exceeds 50 dBA or exceeds the residual noise level by more than 5 dBA, except if authorised by the local authority or in an emergency.

Places of late-night entertainment

6. (1) A person may not conduct the business of a nightclub, or any similar late-night entertainment involving amplified sound, on or from any premises, unless the premises are soundproofed sufficiently so that a disturbing noise will not be caused outside the property projection plane of the premises.
- (2) The local authority may require a person referred to in subregulation (1) to provide proof of the soundproofing, or may require access to the premises to assess the efficacy of the soundproofing.
- (3) A person who conducts a business referred to in subregulation (1) on the date of publication of these regulations is exempted from the application of that subsection for a period of six months after that date.

Events

7. (1) A person may not stage a public event without a written exemption issued by the local authority in terms of regulation 12.
- (2) Subject to subregulation (4) and the applicable provisions of any other law, the local authority may seize any instrument or equipment used to generate music or amplify sound at a public event if—
 - (a) an exemption in terms of regulation 12 has not been issued for that event; or
 - (b) the conditions imposed in such an exemption have not been met.
- (3) An instrument or equipment seized under subregulation (2) must be kept in safe custody by the local authority which seized it.
- (4) A local authority must return an instrument or equipment seized in terms of subregulation (2) upon recovery of reasonable expenses incurred by it for the purposes of subregulations (2) and (3).

- (5) If a local authority has reason to believe that a proposed event, other than a public event, could cause a disturbing noise or noise nuisance, it may instruct the person intending to host the event in writing to apply for an exemption in terms of regulation 12(1)(b).
- (6) A person may not stage an event in respect of which a local authority has given an instruction contemplated in subregulation (5) without a written exemption issued by the local authority in terms of regulation 12.

Measurement and calculation procedures

- 8. (1) A person using sound measuring equipment for the purposes of these regulations must ensure that—
 - (a) the equipment complies with the requirements for type 1 instruments as indicated by SANS 658; and
 - (b) the measurement and calculation procedures comply with SANS 10103, SANS 10328, SANS 10117 and SANS 10210, as the case may be.
- (2) The person taking a measurement may in his or her discretion determine the measuring or calculation point as—
 - (a) a point where the complainant is most affected by the noise; or
 - (b) a point on the property projection plane of the premises concerned that is representative of the noise matter concerned.

Designation of employees by local authorities to perform noise control functions

- 9. A local authority must within a year of the publication of these regulations—
 - (a) designate an employee of the local authority with the necessary competencies who must be responsible for the administration of these regulations within the area of jurisdiction of the local authority;
 - (b) designate an employee of the local authority with appropriate knowledge and skills for conducting noise control or acoustic measurement, and who is registered with a science, engineering or health-related professional body, who must be responsible for—
 - (i) analysing, evaluating, approving and advising on noise impact assessments and noise management plans;
 - (ii) approving sound mitigation measures;
 - (iii) conducting noise impact measurements and calculating sound levels; and
 - (iv) scrutinising sound modelling and techniques; and
 - (c) if it cannot designate an employee as contemplated in paragraph (b)—
 - (i) by agreement with another local authority, appoint an official of the other local authority to fulfil the duties of such an employee; or
 - (ii) appoint a professional consultant who is qualified in noise control and competent to fulfil the duties of such an employee, when necessary.

Procedure for control of noise

- 10. (1) When a person lodges a complaint of a suspected disturbing noise to a local authority, a designated person must—
 - (a) investigate the complaint and determine by calculation or measurement in accordance with SANS 10328 whether it is a disturbing noise;
 - (b) apply the rating level except where the residual noise level differs by more than 10 dBA from the rating level; and
 - (c) if a noise is a disturbing noise, issue written instructions to—
 - (i) the person causing the noise or who is responsible for the noise; or
 - (ii) the owner, tenant, occupant or person in charge of the premises concerned,to cease the disturbing noise or to mitigate it to a level conforming to the requirements of these regulations within the period specified in the instructions.
- (2) If a person is found to be responsible for or creating a disturbing noise, the local authority may hold that person liable for the cost of appointing a professional consultant as contemplated in regulation 9(c)(ii) to investigate the complaint.
- (3) A complaint to a local authority on an alleged noise nuisance must be in the form of an affidavit, specifying—
 - (a) the nature of the alleged noise nuisance;
 - (b) when the noise nuisance was first noticed;
 - (c) the duration of the noise nuisance;
 - (d) if applicable, how often the noise nuisance has occurred;
 - (e) the origin of the noise nuisance; and
 - (f) if obtainable, the name and address of the occupant of the premises from which the nuisance originates.

- (4) On receipt of a complaint of a noise nuisance, an authorised person—
- (a) must investigate the complaint; and
 - (b) if, in the opinion of the authorised person, a noise is or may be a noise nuisance, he or she may issue written instructions to—
 - (i) the person causing the noise or who is responsible for the noise; or
 - (ii) the owner, tenant, occupant or person in charge of the premises concerned,to cease or mitigate the noise nuisance within the period specified in the instruction.

General powers of local authorities and authorised persons

11. (1) A local authority may—
- (a) impose conditions when granting any permission or exemption in terms of these regulations; and
 - (b) subject to the applicable provisions of any other law, place sound-level measuring instruments or similar devices, and road traffic signs or notices related to noise, at any place within its area of jurisdiction.
- (2) An authorised person may, in respect of a complaint of a noise nuisance or a disturbing noise, enter any premises to conduct any appropriate examination, inquiry or inspection subject to subregulation (3).
- (3) An authorised person may not enter residential premises for the purposes of subregulation (2) except—
- (a) with the consent of the owner or person in charge of the premises; or
 - (b) on the authority of a warrant issued by a magistrate after the magistrate has been satisfied that reasonable grounds exist to justify the warrant.

Exemptions

12. (1) A local authority may exempt any person or venue or type of venue from any provision of these regulations—
- (a) on its own initiative; or
 - (b) on application by any person.
- (2) The applicant referred to in subregulation 1(b) must—
- (a) provide full reasons for the application; and
 - (b) in a manner determined by the local authority, solicit written comment regarding the application.
- (3) The process referred to in subregulation (2) must afford an opportunity to potential interested and affected parties to submit written representations on the proposed exemption, and the applicant may comment in writing on any representations received.
- (4) A local authority must in writing, after considering an application or a proposal for the granting of an exemption, where applicable in accordance with the principles of environmental management under NEMA—
- (a) grant an exemption and set out the conditions, if any, in terms of which the exemption is granted;
 - (b) refuse to grant an exemption and upon request provide reasons for the refusal; or
 - (c) require a noise impact assessment in terms of SANS 10328 before making a decision referred to in paragraph (a) or (b).
- (5) The conditions referred to in subregulation (4)(a) may include, where applicable—
- (a) the period for which the exemption is granted, including the times and days when acts that may cause noise are exempted;
 - (b) whether a notice as set out in Annexure 1 must be placed, in a clearly visible position at each public entrance to the premises;
 - (c) whether noise levels must be monitored and, if so, the manner in which it must be done and how records must be kept for inspection; and
 - (d) any other conditions of the exemption.
- (6) The local authority may amend an exemption or condition granted or imposed by it under subregulation 4(a)—
- (a) on its own initiative; or
 - (b) on application by the holder of the exemption.
- (7) An application in terms of subregulation (6)(b) must be in writing and accompanied by a motivation for the amendment.

214

- (8) Upon receipt of an application referred to in subregulation (6)(b), the local authority—
- (a) must consider whether approving the application is likely to adversely affect the rights or interests of other parties; and
 - (b) may for that purpose request the applicant to furnish additional information.
- (9) An exemption referred to in subregulation (4) may not exceed one year, unless it is in respect of an authorisation contemplated in regulation 4.
- (10) If any condition of an exemption is not complied with, the local authority may—
- (a) instruct the responsible person to comply with that condition; or
 - (b) suspend or withdraw the exemption forthwith.
- (11) A written exemption must be kept on the premises for which it is granted or in the possession of the exemption holder, for inspection by a local authority or an authorised person upon request.

Offences and penalties

13. (1) A person commits an offence if he or she—

- (a) contravenes or fails to comply with regulation 2, 3, 4(2), 5, 6(1), 7(1) or 7(6);
 - (b) fails or refuses to comply with a written condition, written instruction or written notice imposed, given or issued by a local authority or an authorised person in terms of these regulations;
 - (c) tampers with, removes, puts out of action, damages or impairs the functioning of any object used or placed in position by or on behalf of a local authority or an authorised person for the purposes of these regulations, including a noise monitoring system, noise limiter, sound-level measuring instrument or acoustic device, or a road traffic sign or notice related directly or indirectly to noise;
 - (d) fails or refuses to grant admission to an authorised person to enter and to inspect premises on the authority of a warrant issued in terms of regulation 11(3)(b);
 - (e) fails or refuses to give information to an authorised person, which may lawfully be required of him or her by that authorised person;
 - (f) hinders or obstructs an authorised person in the execution of his or her duties; or
 - (g) gives false or misleading information to an authorised person knowing that it is false or misleading.
- (2) A person convicted of an offence in terms of these regulations is liable to a fine or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.
- (3) A person convicted of an offence in terms of these regulations, and who after the conviction persists in the act or omission which constituted the offence, commits a continuing offence and is liable on conviction to a fine not exceeding R50 000 or imprisonment for a period not exceeding twenty days, or to both such fine and imprisonment for every day the offence continues.

Application of regulations

14. These regulations apply to all local authorities in the Province.

Repeal of regulations

15. The regulations published under Provincial Notice 627 of 1998 (in Provincial Gazette 5309 of 20 November 1998) are repealed.

Short title

16. These regulations are called the Western Cape Noise Control Regulations, 2013.

Annexure 1

The warning notice referred to in regulation 12(5)(b) must not be smaller than 30 cm by 20 cm, and the lettering not smaller than 12 mm in height. The notice must contain the following wording:

WARNING

HIGH NOISE LEVEL INSIDE

EXTENDED EXPOSURE MAY DAMAGE YOUR HEARING

STANDARD OPERATING PROCEDURES FOR NOISE COMPLAINTS

Legislation

- 1) Western Cape Noise Control Regulations (PN 7141, 20 June 2013 (WCNR)
- 2) Bylaw: for the Prevention and Suppression of Nuisances (PN 6751, 20 May 2010)
- 3) Air Quality Act No.39 of 2004
- 4) Langeberg Land Use Planning Bylaw, 2015
- 5) Langeberg Air Quality Bylaw, 2019

Nature of Noise

Depending on the source and scale of noise, the following legislation and procedures apply:

Source of Noise and relevant Legislation	Action	Responsibility / Contact
(A) Illegal Land Use/Activity i.t.o Langeberg Integrated Zoning Scheme, 2018: - Langeberg Land Use Planning Bylaw 2015 - Section 84(2) Municipal Structures Act	Engineering Services Directorate: Town Planning Dept: Land use Compliance investigation. If the land use is illegal, follow procedures in Land Use bylaw.	Manager: Town Planning serves notice i.t.o LLUPB, 2015. Contact Tracy Brunings 023 614 8001 tbrunings@langeberg.gov.za
(B) Land Use/Activity is legal i.t.o Langeberg Integrated Zoning Scheme, 2018 but causing a public nuisance Bylaw for the Prevention and Suppression of Nuisances, 2010	Corporate Services Directorate: Law Enforcement Dept: Investigate public nuisance complaint. Where guilty of an offence, enforce payment of penalties, in terms of Nuisance bylaw and monitor compliance.	Manager: Law Enforcement issues penalties i.t.o. Nuisance Bylaw, 2010. Contact Anton Everson 023 615 8000 aeverson@langeberg.gov.za
(C) Land Use/Activity is legal i.t.o Langeberg Integrated Zoning Scheme, 2018, but noise level is excessive: - Western Cape Noise Regulations - Section 84(2) Municipal Structures Act	<u>Options where noise exceeds permitted levels:</u> 1. Alleged offender: must appoint a private Acoustics Consultant to measure and report on noise levels i.t.o Western Cape Noise Regulations or 2. Municipality appoints Acoustics Consultant or 3. Services Level Agreement with Stellenbosch Municipality (Mr. M Van As) martin.vanas@stellenbosch.gov.za to measure and report on noise level to Langeberg Municipality or 4. Municipal Noise Control Officer / Law Enforcement Officer to be provided with decibel meter.	Manager: Solid Waste serves a notice i.t.o the Western Cape Noise Regulations, 2013 and Langeberg Air Quality Bylaw, 2019 Contact Siviwe Tutu 023 616 8018 stutu@langeberg.gov.za
(D) Land Use/Activity is either legal or unauthorised, but emanates from a Section 21 Listed Activity - Section 21 of the Air Quality Act, 2004 - Section 84(1) of Municipal Structures Act	Municipal Department/complainant reports to Cape Winelands District Municipality (Atmospheric Licencing Authority).	District Municipality (CWDM) issue a notice i.t.o. AQA for noise from S21 listed activity Contact Marius Engelbrecht Air Quality Officer 021-888-5811 072-122-5680 mariuse@capewinelands.gov.za

Note: Where noise emanates from a premise selling liquor, a complaint should also be lodged with the WC Liquor Board Elaine.Avontuur@wcla.gov.za for their further investigation in terms of compliance with licence conditions.

Tracy Brunings

From: Wanda <wanda@hvnarchitects.co.za>
Sent: Thursday, 05 February 2026 09:54
To: Tracy Brunings
Cc: annachris@mweb.co.za; henry@hvnarchitects.co.za
Subject: FW: PADEL: NOISE REPORT
Attachments: BACCALAUREUS ARGITEKTUUR.pdf; SAAI Certificate.pdf; 76417451_Jansen Van Nieuwenhuizen LH Academic Record.pdf

Good morning.

Please find credentials as requested.

Kind regards.

Wanda

From: henry@hvnarchitects.co.za [mailto:henry@hvnarchitects.co.za]
Sent: 05 February 2026 09:34
To: 'Wanda'
Subject: FW: PADEL: NOISE REPORT

Stuur asseblief



PLEASE NOTE:

HVN ARCHITECT CC change from 1 February 2025 to:

ARKHITEKON STUDIO (PTY) LTD trading as HvN Architects.

38 Piet Retief St, MONTAGU, 6720

ARKHITEKON is derived from the Greek word for an Architect ἀρχιτέκτων

So what is an architect you say? An architect is a generalist; aploymath; a "jack of all trades" so to speak.

Architects are concerned with the artistry of a building, but also the science of a building. Architects are coordinators and orchestrators.

Architects are creators. Architects have an innate ability to manifest buildings and spaces in the mind as concepts and metaphors first.

Through the process of design these concepts become reality. Architects are leaders, galvanizing many entities to achieve a single goal.

NEEM ASB. KENNIS:

HVN ARGITTEKTE BK verander met ingang 1 Februarie 2025 na:

ARKHITEKON STUDIO (PTY) LTD handelsdrywend as Hvn Argitekto.

Piet Retiefstr. 38, MONTAGU, 6720

From: Anna-Christa Redelinghuys <annachris@mweb.co.za>

Sent: Wednesday, 04 February 2026 17:16

To: henry@hvnarchitects.co.za

Subject: FW: PADEL: NOISE REPORT

Hallo Henry

Kan jy jou credentials aanstuur asb?

Dankie,

AC

From: Tracy Brunings [<mailto:trunings@langeberg.gov.za>]

Sent: Wednesday, 04 February 2026 15:54

To: Anna-Christa Redelinghuys

Cc: henry@hvnarchitects.co.za

Subject: FW: PADEL: NOISE REPORT

Hello Anna-Christa,

For our record purposes, and in anticipation of questions from the Tribunal, please could you provide the following information:

- Confirmation of qualification / registration of Mr van Nieuwenhuizen as an Acoustic Engineer as referred to in the motivation report.
- Confirmation of the equipment used to conduct the measurements.

Any other information relating to the Power of attorney that was issued by the Dept of Infrastructure re. erf 1053 Montagu.

Kind regards,

Tracy Brunings Pr.Pln A/951/1997

MANAGER: TOWN PLANNING

TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720



Universiteit van Pretoria

Ons, die Raad en die Senaat van die Universiteit van Pretoria, verklaar

LUKAS HENRY JANSEN VAN NIEUWENTUZEN

wat na afgelegde eksamen, aan die vereistes van die Wet
en Statuut van die Universiteit voldoen het, 'n

Baccalaureus in Argitektuur

As bewys daarvan plaas ons ons onderskeie handtekeninge
en die Seël van die Universiteit van Pretoria hieronder.

Geteken namens die Raad

Onderkanselier

Geteken namens die Senaat

Voorsitter

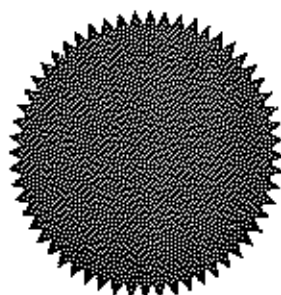
Geteken namens die Fakulteit
Wis- en Natuurkunde

Dekaan

Registrateur (Akademies)

1986/04/09

Datum



SAAI



HIERBY WORD GESERTIFISEER DAT
THIS IS TO CERTIFY THAT

LUKAS HENRY JANSEN van NIEUWENHUIZEN

'n SENIOR LID

is van

DIE SUIDER-AFRIKAANSE AKOESTIEK-INSTITUUT
THE SOUTHERN AFRICAN ACOUSTICS INSTITUTE

B. van Zyl
PRESIDENT

P. Anderson
SEKRETARIS SECRETARY

23 Aug. 1994
DATUM DATE



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YITHIBESITHI YA PRETORIA

STUDENT NUMBER
SURNAME
FIRST NAMES
NATIONAL ID/PASSPORT
TYPE OF EXEMPTION

76417451
Jansen van Nieuwenhuizen
Lukas Henry
5801315157087
Matriculation Exemption

OFFICE OF THE REGISTRAR

2024 -10- 11

UNIVERSITY OF PRETORIA
PRETORIA 0002

DATE ISSUED 2024-10-11

OFFICIAL ACADEMIC RECORD

Conduct satisfactory

Term: 1976	Programme: Bachelor of Architecture Architecture				
	In partial fulfilment of the requirements for Bachelor of Architecture				
Module code	Module name	Credits	%	Results	
ARG 202141	0202141 Building Technology 1A	6.00	52	B- (Pass)	
ARG 202241	0202241 History of the Environment 1	6.00	52	B- (Pass)	
ARG 202251	0202251 Design 1	6.00	45	C+ (Fail)	
HWW 213341	0213341 Applied Mathematics	6.00	50	B- (Pass)	
QLM 202301	0202301 Levelling and Surveying	8.00	50	B- (Pass)	

Weighted average % for term: 49.81 Cumulative weighted average: 49.81

OUTCOME: Permitted to proceed

Term: 1977	Programme: Bachelor of Architecture Architecture				
	In partial fulfilment of the requirements for Bachelor of Architecture				
Module code	Module name	Credits	%	Results	
ARG 202251	0202251 Design 1	6.00	47	C+ (Fail)	
KEK 203220	0203220 Quantities	7.00	52	B- (Pass)	

Weighted average % for term: 49.69 Cumulative weighted average: 49.78

OUTCOME: Permitted to proceed

Term: 1981	Programme: Bachelor of Architecture Architecture				
	In partial fulfilment of the requirements for Bachelor of Architecture				
Module code	Module name	Credits	%	Results	
ARG 202251	0202251 Design 1	6.00	75	A- (Pass with distinction)	
KEK 203220	0203220 Quantities	7.00	52	B- (Pass)	

Weighted average % for term: 62.62 Cumulative weighted average: 52.66

R. P. P. P.

for REGISTRAR

Page 1 of 4

University of Pretoria, Private Bag X20
Hatfield 0028, South Africa
Tel +27 (0)12 420 3111
ssc@up.ac.za
www.up.ac.za

PASS
A Plus = 90 - 100%
A = 80 - 89%
A Minus = 75 - 79%
B Plus = 65 - 74%
B = 55 - 64%
B Minus = 50 - 54%

FAIL
C Plus = 45 - 49%
C = 40 - 44%
D = 0 - 39%

221



UNIVERSITY OF PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

STUDENT NUMBER
SURNAME
FIRST NAMES
NATIONAL ID/PASSPORT
TYPE OF EXEMPTION

76417451
Jansen van Nieuwenhuizen
Lukas Henry
5801315157087
Matriculation Exemption

OFFICE OF THE REGISTRAR

2024 -10- 11

UNIVERSITY OF PRETORIA
PRETORIA 0002

DATE ISSUED 2024-10-11

OUTCOME: Permitted to proceed

Term: 1982	Programme: Bachelor of Architecture Architecture				
	In partial fulfilment of the requirements for Bachelor of Architecture				
Module code	Module name		Credits	%	Results
ARG 202142	0202142 Building Technology 2A		7.00	58	B (Pass)
ARG 202182	0202182 Building Services 1		7.00	71	B+ (Pass)
ARG 202242	0202242 History of the Environment 2		7.00	66	B+ (Pass)
ARG 202252	0202252 Design 2		7.00	70	B+ (Pass)
ARG 202282	0202282 Theory of Structures 1		6.00	65	B+ (Pass)
KEK 203163	0203163 Building Finance a		6.00	55	B (Pass)

Weighted average % for term:

64.38

Cumulative weighted average:

57.44

OUTCOME: Permitted to proceed

Term: 1983	Programme: Bachelor of Architecture Architecture				
	In partial fulfilment of the requirements for Bachelor of Architecture				
Module code	Module name		Credits	%	Results
ARG 252013	0252013 Building Technology 311		4.00	58	B (Pass)
ARG 252023	0252023 Building Technology 321		2.00	50	B- (Pass)
ARG 252033	0252033 Building Services 321		4.00	75	A- (Pass with distinction)
ARG 252063	0252063 History of the Environment 310		3.00	52	B- (Pass)
ARG 252073	0252073 History of the Environment 321		5.00	65	B+ (Pass)
ARG 252083	0252083 Design 310		7.00	82	B (Pass)
ARG 252093	0252093 Design 320		5.00	70	B+ (Pass)
ARG 252113	0252113 The Building of Cities 310		3.00	57	B (Pass)
ARG 252143	0252143 History of the Environment 322		5.00		Course Discontinued
SIR 252123	0252123 Theory of Structures 311		8.00	56	B (Pass)
SIR 252133	0252133 Theory of Structures 321		8.00	50	B- (Pass)

Weighted average % for term:

59.51

Cumulative weighted average:

58.13

OUTCOME: Permitted to proceed

Rather

for REGISTRAR

Page 2 of 4

University of Pretoria, Private Bag X20
Hatfield 0028, South Africa
Tel: +27 (0)12 420 3111
ss@up.ac.za
www.up.ac.za

PASS			FAIL		
A Plus	=	90 - 100%	C Plus	=	45 - 49%
A	=	80 - 89%	C	=	40 - 44%
A Minus	=	75 - 79%	D	=	0 - 39%
B Plus	=	65 - 74%			
B	=	55 - 64%			
B Minus	=	50 - 54%			

222



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

STUDENT NUMBER
SURNAME
FIRST NAMES
NATIONAL ID/PASSPORT
TYPE OF EXEMPTION

76417451
Jansen van Nieuwenhuizen
Lukas Henry
5801315157087
Matriculation Exemption

OFFICE OF THE REGISTRAR

2024-10-11

UNIVERSITY OF PRETORIA
PRETORIA 0002

DATE ISSUED 2024-10-11

Term: 1984	Programme: Bachelor of Architecture Architecture				
	In partial fulfilment of the requirements for Bachelor of Architecture				
Module code	Module name		Credits	%	Results
ARG 252004	0252004 Building Technology 411		3.00	75	A- (Pass with distinction)
ARG 252014	0252014 Building Technology 421		5.00	52	B- (Pass)
ARG 252024	0252024 Building Services 411		4.00	68	B+ (Pass)
ARG 252064	0252064 History of the Environment 413		3.00	62	B (Pass)
ARG 252084	0252084 Design 410		7.00	55	B (Pass)
ARG 252094	0252094 Design 420		6.00	62	B (Pass)
ARG 252143	0252143 History of the Environment 322		5.00	59	B (Pass)
HRG 452002	0452002 Business Law 210		10.00	64	B (Pass)

Weighted average % for term: 61.28 Cumulative weighted average: 58.84

OUTCOME: Permitted to proceed

Term: 1985	Programme: Bachelor of Architecture Architecture				
	In partial fulfilment of the requirements for Bachelor of Architecture				
Module code	Module name		Credits	%	Results
AEA 153002	0153002 Archaeology 210		20.00	50	B- (Pass)
ARG 252005	0252005 Building Technology 511		10.00	66	B+ (Pass)
ARG 252015	0252015 Design 520		9.00	56	B (Pass)
ARG 252034	0252034 Office Practice 420		4.00	50	B- (Pass)
KEK 263005	0253005 Professional Practice 511		4.00	55	B (Pass)
MHB 170031	0170031 Industrial Psychology 220		20.00	60	B (Pass)

Weighted average % for term: 56.48 Cumulative weighted average: 58.23

OUTCOME: Complies with qualification requirements

On 1985-11-30 the abovementioned student complied with all the requirements for the Bachelor of Architecture qualification. It will be/was awarded/conferred on 1986-04-09.

Rathke
for REGISTRAR

Page 3 of 4

University of Pretoria, Private Bag X20
Hatfield 0028, South Africa
tel +27 (0)12 420 3111
ssc@up.ac.za
www.up.ac.za

PASS	FAIL
A Plus = 90 - 100%	C Plus = 45 - 49%
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A Minus = 75 - 79%	D = 0 - 39%
B Plus = 65 - 74%	
B = 55 - 64%	
B Minus = 50 - 54%	

223



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

STUDENT NUMBER
SURNAME
FIRST NAMES
NATIONAL ID/PASSPORT
TYPE OF EXEMPTION

76417451
Jansen van Nieuwenhuizen
Lukas Henry
5801315157087
Matriculation Exemption

OFFICE OF THE REGISTRAR

2024 -10- 11

UNIVERSITY OF PRETORIA
PRETORIA 0002

DATE ISSUED 2024-10-11

CERTIFICATE OF CONDUCT

REGISTERED FOR THE FOLLOWING STUDY PLAN(S)

1976	Full-time	BArch: (Architecture)
1977	Full-time	BArch: (Architecture)
1981	Full-time	BArch: (Architecture)
1982	Full-time	BArch: (Architecture)
1983	Full-time	BArch: (Architecture)
1984	Full-time	BArch: (Architecture)
1985	Full-time	BArch: (Architecture)

Conduct satisfactory

END OF REPORT

Ratherke

for REGISTRAR

Page 4 of 4

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sso@up.ac.za
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PASS
A Plus = 90 - 100%
A = 80 - 89%
A Minus = 75 - 79%
B Plus = 65 - 74%
B = 55 - 64%
B Minus = 50 - 54%

FAIL
C Plus = 45 - 49%
C = 40 - 44%
D = 0 - 39%

224





POWER OF ATTORNEY

1. I, the undersigned, **Brett Blackburn**, in my capacity as **Chief Director: Immovable Asset Management** in the **Department of Infrastructure** and duly authorised by the **Provincial Government of the Western Cape**, the owner of the property known as **Erven 1053, Montagu**, (the property), assign special power of attorney to **Lukas Henry Jansen van Nieuwenhuizen [SACAP: 3924]** at **HVN Architects** to:
 - a) Submit the required land use application(s) as specified by the Municipality of Montagu, and to
 - b) Submit building plans for approval by the Municipality of Montagu.
2. The issuance of the Power of Attorney for the submission of the land use application(s) and building plans, for municipal approval, must not be construed as an indication of the Department of Infrastructure's support or otherwise of the proposal and/or need for any land use application(s), the latter which is to be determined solely by the Municipality of Montagu.
3. Any cost incurred from the actions identified in Clause 1.1 above, will be for the account of HVN Architects.
4. Furthermore, HVN Architects has free and full access to the property to attain the actions identified in Clause 1.1 above.
5. HVN Architects assumes all liability and responsibility to comply with all legislative requirements, and all legislative prescripts are transferred to HVN Architects.
6. Indemnification: HVN Architects shall indemnify and hold harmless the Custodian against any and all claims, liabilities, damages, losses, costs, fine, and expenses, including but not limited to legal fees, arising out of or in connection with HVN Architects' actions or omissions under this Power of Attorney, including but not limited to compliance with all laws and regulations during the execution of any projects on the property. This indemnification includes, but is not limited to, any contravention of laws, bylaws, or regulations pertaining to the investigation, construction, maintenance, or use of the property.
7. This Power of Attorney is subject to:
 - 7.1. A copy of the following be submitted to the Immovable Asset Management Component, Department of Infrastructure prior to the implementation of any conditions as stipulated in any municipal approval obtained for the development of the padel courts and/or prior to the construction of the padel courts:

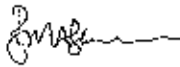
7.1.1. The land use application(s) as well as the municipal approvals thereof, including the Site Development Plan; and

7.1.2. The municipal approved building plans.

8. A new application for a Power of Attorney for construction is required and will only be considered once the above conditions have been met.
9. This Power of Attorney may, in the sole and unfettered discretion of the Provincial Government of the Western Cape, be withdrawn at any time.
10. This Power of Attorney is valid for a period of **2 years** from the date of first signature. Upon the expiration of the POA, a new application will be required to be undertaken.

Signed at **CAPE TOWN** on this 23rd day of APRIL 2025 in the presence of the undersigned witnesses.

FOR THE PROVINCIAL GOVERNMENT OF THE WESTERN CAPE



Digitally signed by Brett
Blackburn
Date: 2025.04.23 18:33:48 +02'00'

BRETT BLACKBURN

CHIEF DIRECTOR: IMMOVABLE ASSET MANAGEMENT

AS WITNESSES

1. _____

2. _____

Tracy Brunings

From: henry@hvnarchitects.co.za
Sent: Thursday, 24 April 2025 14:45
To: 'Mark Bleloch'; 'Clive Grinaker'
Cc: 'Tara Javon'; Ruan Fourie; Tracy Brunings
Subject: RE: Montagu HS - New padel courts Power of Attorney

Hi All

I refer to my previous email with the PoA is attached.

I hereby give notice that I retract the PoA and will not be held liable until such time that I have discussed the conditions with my client and his legal representative.

Regards

Henry



PLEASE NOTE:

HVN ARCHITECT CC change from 1 February 2025 to:

ARKHITEKON STUDIO (PTY) LTD trading as HvN Architects.

38 Piet Retief St, MONTAGU, 6720

ARKHITEKON is derived from the Greek word for an Architect ἀρχιτέκτων

So what is an architect you say? An architect is a generalist; aploymath; a "jack of all trades" so to speak.

Architects are concerned with the artistry of a building, but also the science of a building. Architects are coordinators and orchestrators.

Architects are creators. Architects have an innate ability to manifest buildings and spaces in the mind as concepts and metaphors first.

Through the process of design these concepts become reality. Architects are leaders, galvanizing many entities to achieve a single goal.

NEEM ASB. KENNIS:

HVN ARGITEKTE BK verander met ingang 1 Februarie 2025 na:

ARKHITEKON STUDIO (PTY) LTD handeldrywend as HvN Argitekto.

Piet Retiefstr. 38, MONTAGU, 6720

From: henry@hvnarchitects.co.za <henry@hvnarchitects.co.za>

Sent: Thursday, 24 April 2025 14:40

To: 'Mark Bleloch' <mbleloch@gmail.com>; 'Clive Grinaker' <Clive@gsm-sponsorship.co.za>

Cc: 'Tara Javon' <tara@sunspot.fun>; 'Ruan Fourie' <RFourie@langeberg.gov.za>; 'Tracy Brunings' <tbrunings@langeberg.gov.za>

Subject: FW: Montagu HS - New padel courts Power of Attorney

Morning Mark

Herewith the POA as requested.

Regards

Henry



PLEASE NOTE:

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Architects are concerned with the artistry of a building, but also the science of a building. Architects are coordinators and orchestrators.

*Höerskool
Montagu*

POSBUS 85
MONTAGU 6720
TEL: 023-614 1390
E-pos: mhsadmin@barvallei.co.za



*Montagu
High School*

P.O. BOX 85
MONTAGU 6720
TEL: 023-614 1390
Web: www.hsmontagu.com

14 November 2024

To Whom It May Concern,

On behalf of Höerskool Montagu, I am writing to express our support for the proposed development of a padel courts on our school hostel grounds. This initiative aligns with our commitment to enhancing recreational opportunities for our students and the broader community.

Padel, a sport that combines elements of tennis and squash, is growing rapidly worldwide due to its accessibility and engaging nature. We believe introducing a padel court will not only diversify sports offerings for our students but also foster a sense of community by providing a social and active environment.

The proposed location for the courts is a currently unused, already-cleared area within our grounds, which makes it an ideal space for development. The padel court's largely non-permanent structure also provides flexibility, as it can be repurposed or relocated as needed. Additionally, the concrete base can be returned to its original use as a parking area if required.

Höerskool Montagu sees multiple benefits in this venture. Beyond enriching our students' experiences, the courts will bring additional lease revenue to the school hostel, which we plan to reinvest in educational and extracurricular resources. Furthermore, we have an opportunity to support visitors through our school hostel, offering room rentals on weekends and during school holidays to enhance community engagement.

We look forward to moving forward with this project and are confident that it will bring lasting value to both our school and the local community.

Sincerely,

JT Benadie
Principal
Höerskool Montagu





20 November 2024

To whom it may concern

Dear sir/ms.

Re: Recommendation and support for infrastructure projects: Montagu High School

Herewith my recommendation and support for the application of the SGB of Montagu High School for their request for approval for the construction of padel courts for recreational and sport purposes.

It will have a financial benefit for the school and the learners, especially those occupying the hostel. Furthermore, will it also benefit the community at large in providing additional recreational and sporting opportunities.

Yours in education

Nico John Solomon
Circuit Manager – Circuit 1
Cape Winelands Education District
Western Cape Education Department



Ref: 0873/06/2025
Enquiries: M Van Leeuwen

RE: SCHOOL GOVERNING BODY (SGB) / DONOR PROJECT: LETTER OF NO OBJECTION

Facility: MONTAGU HS
EMIS No: 0127310261
Erf No. 1053
Project Name: NEW PADEL COURTS
Name of SGB / Donor: MONTAGU HS

To Whom It May Concern,

The Western Cape Government (WCG) Department of Infrastructure (Dol) is designated as the custodian of all WCG owned or leased properties as defined in Government Immovable Asset Management Act (Act 19 of 2007). As custodian the Dol is responsible to review any proposed improvements to WCG owned or leased properties implemented by other implementing agents (SGBs or Donors in this instance) for conformance to departmental norms and standards.

The Dol wish to clarify that it is the responsibility of the SGB / Donor to:

1. Appoint registered built environment professionals as their agents to plan, design and oversee the construction works contemplated;
2. Ensure that their appointed professional agents submit a full set of drawings to the Local Authority for approval in terms of the National Building Regulations and Building Standards Act 103 of 1977 (as amended);
3. Ensure that the works are constructed in accordance with the Occupational Health and Safety Act of 1993 and the Construction Regulations of 2014 (as amended).

The Dol has reviewed the general arrangements of the design submitted by the agents of the SGB / Donor for the abovementioned proposed project and hereby confirms that the proposed design is generally in conformance with Dol's Norms and Standards for public school facilities. The Dol has **no objection** to the proposed design described therein, the design being described in the drawings listed in the table below (Appendix 1).

Should the plans deviate from those submitted, it is the responsibility of the SGB / Donor to provide a revision for further review by the Dol prior to works commencing thereon. This letter remains in effect for 12 months from the date of the signature below.

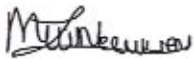
Prior to the commencement of the construction works the SGB / Donor or the appointed agents are to furnish the DoI with copies of the approved plans submitted to the Local Authority and the approval letter from the Local Authority giving authorisation for the works and noting any conditions or restrictions.

Where the work has been completed in respect of the approved plans, granted in terms of Section 7 of the National Building Regulations and Building Standards Act No 103 of 1977 (as amended), the Certificate of Occupancy must be obtained from the Local Authority and submitted to the DoI for record purposes.

Within one month of certified completion of the construction works it is the responsibility of the SGB / Donor and / or the appointed professional agents to furnish the DoI with the following documentation for record and maintenance purposes:

1. Certificate of compliance for the following, glass, electrical, fire, gas, plumbing, mechanical & structural.
2. Signed SANS Forms 4 as issued by the Local Authority.
3. Full set of as-built drawings & approval letter from Local Authority.
4. Practical Completion Certificate for the building/civil/solar etc.
5. Maintenance manuals if applicable.
6. Final cost of the project.

Sincerely,



Marcelle Van Leeuwen
Architectural Technician
PPID: Education
Infrastructure
Western Cape Government

DATE: 07 APRIL 2025

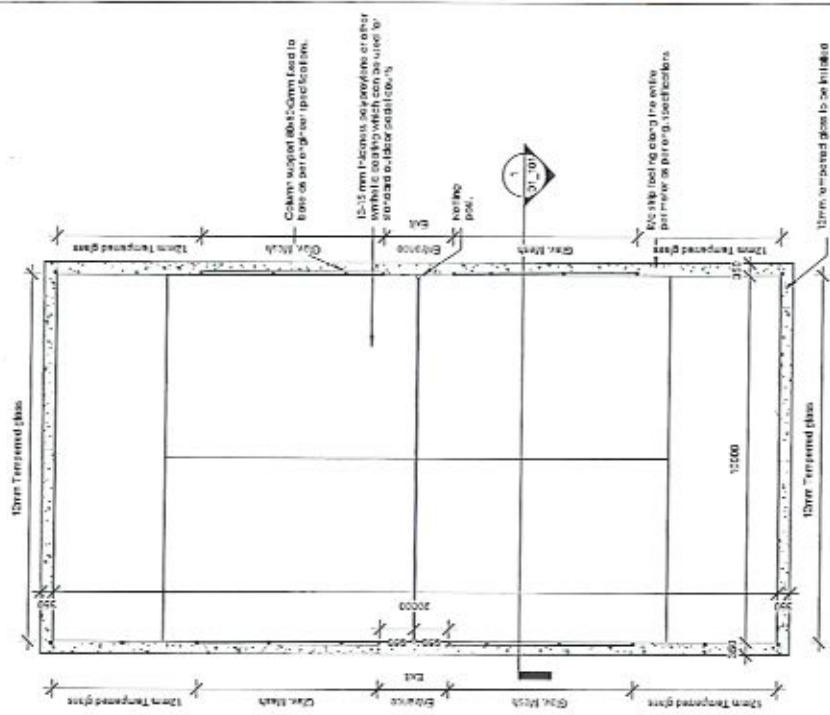
APPENDIX 1: TABLE OF DRAWINGS RECEIVED BY DoI – EI:

DRAWING NUMBER	DRAWING TITLE	REVISION NO	DATE
D1_001	SITE & FLOOR PLAN – ELECTRICAL	001	02.12.2024
SDP1_100	SITE DEVELOPMENT PLAN	001	14.03.2025
D1_001	SITE PLAN WITH DICEBEL	001	20.02.2025
D1_001	SITE & FLOOR PLAN	001	02.12.2024
D1_101	SECTIONS & ELEVATIONS	001	02.12.2024
N/A	GENERAL CONSTRUCTION NOTES FOR PADEL COURTS	N/A	N/A

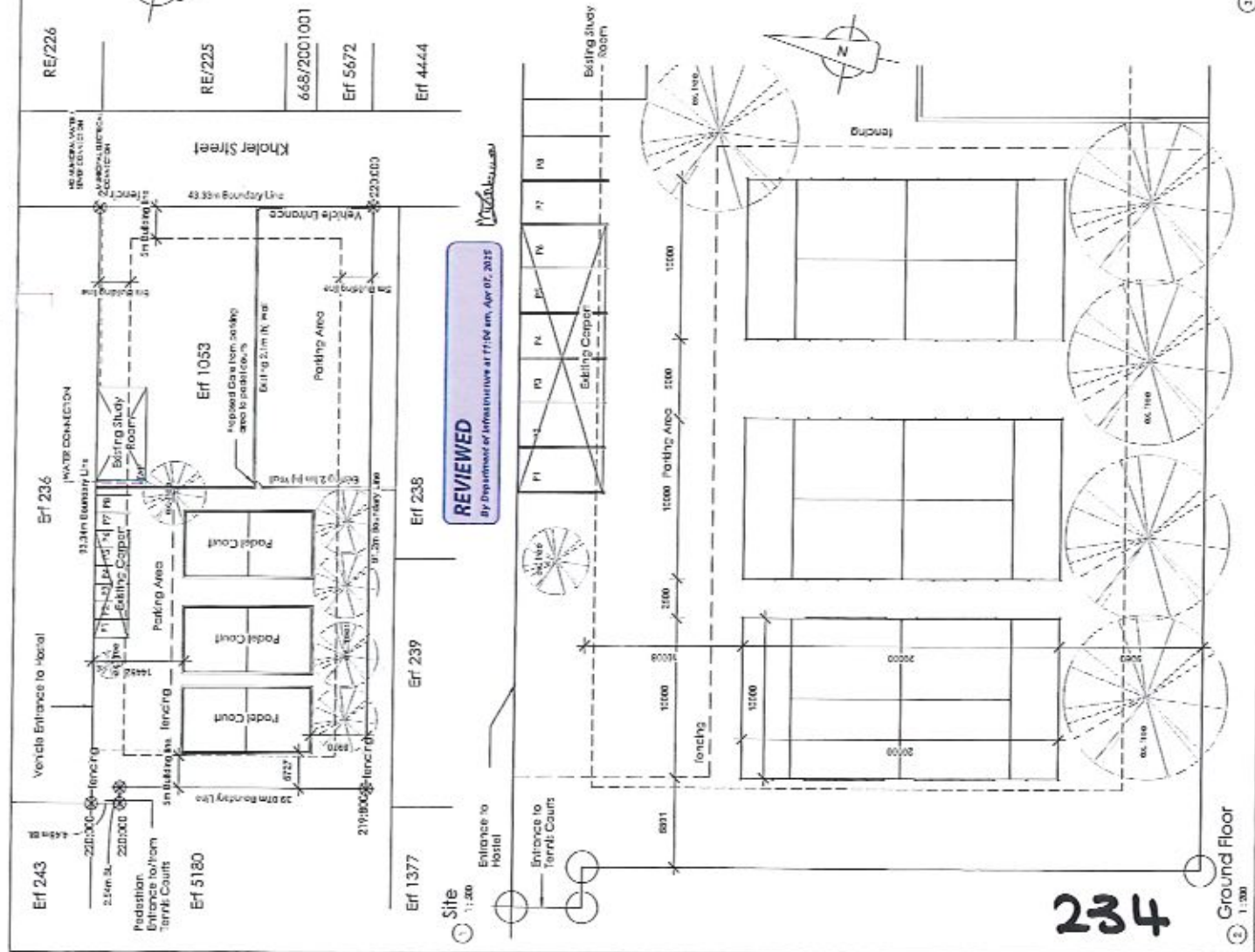
1	Not applicable to my study
2	Controlled Observation
3	Participant Observation
4	Apprenticeship Learning
5	Intentional Community
6	Voluntary Association
7	Multi-Generational

Area Schedule	
Name	Area
Point Count 1	300 m ²
Point Count 2	300 m ²
Point Count 3	300 m ²
Point Count 4	300 m ²
Point Count 5	300 m ²
Point Count 6	300 m ²
Point Count 7	300 m ²
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Point Count 100	300 m ²

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Padel Court
1:103

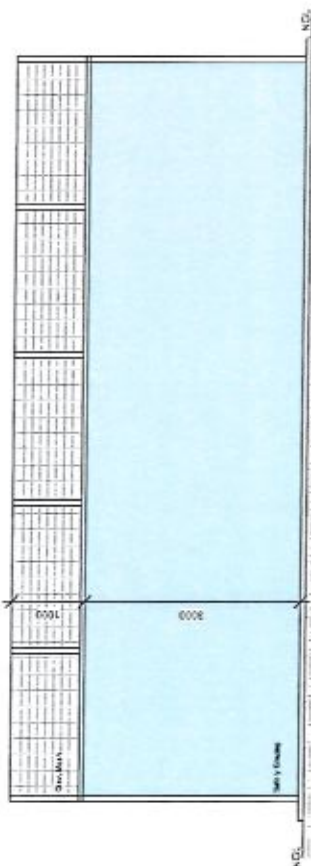




① Side View
1:120

DISCLAIMER:

These 508 Project drawings have been scrutinized for compliance with the Department of Infrastructure - Education Infrastructure's Norms and Standards.
The 508, its agents and contractors, volunteers, and funding partners indemnify the DoI against any liability claims arising from non-compliance to the DoI - Norms and Standards.
The 508 is responsible for achieving Local Authority Approval and submitting the reviewed documents to DoI for record purposes. This review should not be deemed as an approval of the plans by DoI.



② Front/Back View
1:120

1. 100mm concrete slab on compacted 150mm sand	2. 100mm concrete slab on compacted 150mm sand
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99. 100mm concrete slab on compacted 150mm sand	100. 100mm concrete slab on compacted 150mm sand

Mush to be installed between columns

Inside

Outside

Columns spaced 3500mm fixed to base at per engineer load factors

Mush to be installed between columns

Column support Embedded fixed to base at per engineer load factors

2mm tempered glass to be installed by competent person

Two step balling glass to be installed by competent person

NGL

Padel Court

③ Section 1
1:120

4. THE DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

No. Description Date

Client: [Redacted]

Date: 22.10.2024

This drawing is for the purpose of providing information only and is not to be used for construction purposes without the written consent of the architect.

Architect: [Redacted]
SACAP REG. 3724

Engineer: [Redacted]

Proposed Padel Court on Erf 1053

17 Esther Street, Montagu
High School/Montagu

Sections & Elevations
D1_101

Date: 02.12.2024

Project number: 2423

Rev: 001

Scale: As per drawing

Sheet: A2

Issue date: 02.12.2024

Drawn by: [Redacted]

Check by: [Redacted]

Scale: As per drawing

HVN
architects

Phone: 053 834 4141
Email: info@hvn.co.za
www.hvn.co.za

30-04-2025 13:48:50

General Construction Notes for Padel Courts

By Department of Infrastructure at 11:05 am, Apr 07, 2025

Site preparation:

Clear the site of all vegetation, debris, and unsuitable material. Ensure proper grading for water drainage and leveling of the foundation area. Compact the soil to avoid settling issues.

Foundation construction: All Foundations to comply with SANS 10400-H

All foundations are to be designed and built with strict adherence to the engineer's specifications. Local authority must be appropriately notified when foundations are to be cast. Engineer must issue COC for foundations in terms of Duty 16, which is necessary for the acquisition of an Occupancy Certificate.

Floor construction: All Floors to comply with SANS 10400-J

Floor finish as shown, on 100mm concrete slab on Gundle USB Green co ex 250 µm damp proof membrane to SANS mark 952-1985 type C. Laid with minimum 150mm overlaps and sealed with Gunplas pressure sensitive tape on 50mm sandbed on well compacted filling free from any plant materials in layers of max 150mm. All Floor Slabs supported on the ground must be designed and built strictly according to the specifications of the engineer. Engineer must supply COC, in terms of Duties 5 and 16, which is necessary for the acquisition of an Occupancy Certificate.

Ensure the slab has a slight slope for drainage, approximately 0.5-1%.

Fencing and Glass Walls

Use tempered glass panels (10-12 mm thick) for the court walls, installed with metal framing. Secure fencing panels with a mesh size that prevents the ball from passing through but allows visibility. All fencing and framing must be according to Engineers Specifications.

Glazing :

All Glazing must strictly be in accordance with window schedule and installed according to manufacturer's specifications. Appointed competent person shall issue relevant Form 4 for XA calculations once presented with necessary glazing certificates, which is necessary for the acquisition of an Occupancy Certificate.

Playing Surface

Install an artificial turf surface designed for Padel Courts. Choose a surface type that ensures proper grip and ball bounce. Ensure the turf is UV-resistant and suitable for outdoor use.

Electrical Work :

All electrical work to be recessed before plaster applied, according to electrical plan. All electrical work to be carried out by a qualified electrician, who must supply Electricity COC, which is necessary for the acquisition of an Occupancy Certificate. All levels and depths must be checked and confirmed on site. Electrical layouts, as shown on these sets of drawings, are intended to serve as a diagrammatic representation for use by the appointed competent person.

Lighting

Install LED lighting fixtures mounted on poles at 6-8 meters in height. Ensure uniform illumination across the playing surface, achieving a minimum of 300 lux.

Drainage

Include an adequate drainage system around the perimeter of the court to prevent water pooling. Use perforated pipes or channels connected to the main stormwater system where applicable.

Access and Safety

Provide at least one wide, lockable gate for maintenance access. Ensure all glass edges are polished and framed to prevent injuries. Use non-slip materials for any surrounding pathways or spectator areas.

Dimensions

Construct the court to official dimensions: 20 meters long by 10 meters wide. Ensure the height of the fencing is 3 meters on the sides and 4 meters on the ends.

Equipment

Install a net at the center, with adjustable tensioning and a height of 0.88 meters at the center and 0.92 meters at the posts. Provide robust anchor points for the net system.

Compliance

Ensure all materials and construction methods comply with International Padel Federation (FIP) standards. Obtain any required permits and inspections from local authorities before use.

General:

- All specifications to comply with SABS & SANS10400.
- All levels to be checked before work commences.
- All steel and concrete structures according to engineer's specifications and details.
- Only use SABS approved materials.
- All waste and packaging to be removed from the site and disposed of in an approved way.
- All items removed during demolition to be stored for the owner's re-use.
- Special care must be taken to minimize any damages to surrounding gardens and foliage.

ANNEXURE 2

Applicant's motivation report

19

MOTIVATIONAL REPORT

APPLICATION FOR A TEMPORARY DEPARTURE TO ACCOMMODATE THE EXISTING PADEL COURTS ON ERF 1053 MONTAGU

1. INTRODUCTION / BACKGROUND / 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. The owner of land or his/her agent may apply to the Municipality in terms of Chapter 15(2) of the Bylaw for a departure granted on a temporary basis to utilize land for a purpose not permitted in terms of the primary rights of the zoning of the land.

Three padel courts were constructed on Montagu High School grounds (Erf 1053 Montagu) next to the school hostel (Erf 236) under the intention that these courts fall within the ambit of the current zoning. Although this has been confirmed by legal opinion, Langeberg Municipality requested that a land use application be submitted to be processed in terms of the applicable legislative and public participation procedures.

[Padel is a racquet sport that uses the same scoring conventions as lawn tennis but is played on courts around a third smaller. The courts have glass walls at the top and end for the bouncing of the ball, like in squash, with net in between. Operating hours are daily from 6:00 to 21:00.]



Erf 1053 Montagu: Application for Temporary Departure (padel courts)

2. THE PROPERTY & LOCATION

Erf 1053 Montagu is 3961m² in extent and belongs to the Government of the Western Cape according to Deed of Transfers T19815/2004 and T6685/1957.

The application site has a rectangular form of 91m x 43m and is located between the KVV building on Erf 238 (rented to Dunlop) and Montagu High School Hostel on Erf 236 with access to/from Kohler Street.

Erf 1053 Montagu entails the following:

Eastern side:

The eastern side along Kohler Street is divided into a southern part that consists of a large, enclosed parking area that is rented by Dunlop.

The northern half consists of lawn with a temporary structure in the north-western corner that has been used as a study room. This structure will, however, be demolished due to too high maintenance costs to the dilapidated floor and ceiling. The study room is moved to the dining hall in the hostel.

Western side:

The western side of the property consists of a carport along the northern boundary.

The three padel courts were installed more or less in the center of the remaining vacant land.

3. LANGEBERG MUNICIPALITY: INTEGRATED ZONING SCHEME (IZS) BY-LAW, MAY 2018

Erf 1053 is zoned Community Zone I with "Place of Instruction" as primary use.

According to the IZS By-Law, "place of instruction" means a place for education or training at pre-school, school or post-school levels and includes inter alia a secondary school as well as the following ancillary uses:

- A boarding hostel;
- Sports and recreation centre; and
- A civic facility for the promotion of knowledge to the community including a public library, place of worship, public art gallery, museum and a place of instruction in sport where the main objective is instruction rather than participation of the public as competitors or spectators.

The definition does not limit the use of these facilities to scholars only.

Development Parameters applicable are:

Floor factor: Maximum 1,2

Coverage: Maximum 60%

Height: Maximum 12 meters

Street, side and rear building lines: 5m

Parking: 1,5 bay per classroom/office plus stop and drop facility plus 1 bay per 4 persons playing sport

Noise mitigation: May be required if excessive noise is created.

4. APPLICATION

Application is made for a departure granted on a temporary basis for a period not exceeding five years to utilise the western half of Erf 1053 Montagu for the operation and play of padel on three standard padel courts.

No permanent departures are required.

5. MOTIVATION

5.1 ADHERENCE TO DEVELOPMENT PRINCIPLES

Five development principles are referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

The proposed departure will meet these principles:

- **Spatial Justice**
The three padel courts on a school site within the center of Montagu give opportunity for both scholars and residents to enjoy an accessible and fast growing sport.
- **Spatial Sustainability & Efficiency**
The courts are standard and portable, making them ideal for installation by professional companies in open/vacant spaces.

Supporting amenities such as ablutions and a club house will be shared with the adjacent Montagu Tennis Club for optimal use and cost affectivity.

- **Spatial Resilience**

The padel courts are located within an environment associated with sport activities and are compatible with the surrounding environment – refer to below.

- **Good administration**

Matches are booked via the general Playtomic Application that is linked to Padel.

Rackets and balls together with nets and LED lighting are included in the booking and are managed by a manager on site.

These equipment as well as a leave blower will be stored in a container (6mx3m) on the property.

The application for temporary departure will be dealt with by means of an integrated approach between Montagu High School, planning consultants and the administered authority (Municipality) guided by policies and legislation with inputs by all role players.

5.2 NEED FOR PADEL FACILITY

Fast growing trend

Padel is a rapidly growing sport in South Africa with expanding footprints especially in Gauteng and Cape Town and has also become very popular in smaller towns. With underhand serves and less emphasis on raw strength, padel is more focused on strategy and tactics, making it approachable for players of all ages and skill levels across various environments.

The smaller court and closer proximity between players create a more social environment, further adding to the sport's popularity.

Designed for both singles and doubles matches, they provide the perfect setting for adults seeking fun, fitness, or relaxation.

With smaller dimensions and specialised surfaces, these courts are perfectly suited for children aged 8 years and older. They offer a safe, engaging

environment where young athletes can enhance their skills, build teamwork, and stay active in a fun, structured environment.

Montagu Padel

The padel courts were opened for use from the end of March 2025 and has already a following of 60+ people on a WhatsApp group.

At this stage, on average, the courts are used once a day during the week and twice over weekends. One session can accommodate up to 12 players – four per court.

No complaints have been received from surrounding neighbours.

Demarcated periods (e.g. 2 hours during three afternoons) will be kept aside for scholar use, while peak hours will be demarcated for the public.

Community Input Survey

A community input survey with 245 participants was done in April 2025 to establish the interest and/or general opinions regarding the new padel courts in Montagu.

The survey had the following results:

- 87% was aware of the new padel courts in Montagu
- 19% love the game while 48% is keen to try it out
- 38% is super excited while 41% is pretty interested in padel
- Between 70% and 75,5% of participants strongly agreed that:
 - The padel courts will offer a positive new recreational opportunity for Montagu residents
 - Padel is a sport that can be enjoyed by a wide range of ages and abilities in our community
 - The courts will contribute positively to an active and social lifestyle in Montagu
 - The padel courts' location and partnership with Montagu High School will offer valuable benefits, such as new engagement for students, support for the community and financial income to the school.
 - Padel Montagu has the potential to complement Montagu's tourism and support local businesses.

- 72% felt that it is very important for Montagu to have new community facilities like these padel courts that promote social interaction, well-being and local engagement.
- 62% thought the new padel courts will integrate with the existing sport facilities and the surrounding environment very well
 - 55,1% said that they or members of their household would be interested in playing padel once officially open.
 - 69% strongly support Padel Montagu.

5.3 DESIRABILITY

5.3.1. Overall character of the surrounding area

Erf 1053 is located amidst mix land-uses within the center of Montagu:

Surrounding land uses are:

North: Montagu High School Hostel that is compatible with supporting sport facilities.

East: Business uses in Kohler Street which are higher impact land uses than the padel courts.

South:

- KVV building with Dunlop is a higher impact land use.
- Erf 239: Church / museum: The padel courts are separated with Erf 239 by a 4m wide panhandle as part of Erf 5180 (Tennis Club). This panhandle has not been in use for many years. The panhandle forms part of the Dunlop parking area where running in parallel. The western portion of the panhandle is located between the padel courts and the church / museum with a row of trees mitigating noise and visual impacts.

West: Tennis courts (refer to below)

5.3.2. Noise impact & Mitigation

Montagu Tennis Club's tennis courts are located to the western side of the padel courts and have a higher sound level than padel according to the following general and specific guidelines and standards:

- NIOSH & OSHA noise thresholds for workplace and recreation
- OSHA.gov – Noise and Hearing Conservation
- NIOSH Science Blog on Noise

Noises associated with Padel:

Direct measurements available: 58–65 dB(A) at 10 m from court (no mitigation):

Source: Padel Creations

Up to 80 dB peak during intense play: Source: Allesvoorpadel.nl

Noises associated with Tennis:

Grunt levels up to 100 dB: Source: ScienceDaily: Research on player grunting and distraction.

Ball impact noise: Estimated around 40 - 50 dB based on studies of ball-racket impact in quiet settings.

Lowering of impact with distance

A Site Plan indicating the amount of Decibels was prepared by professional and registered Architect and Acoustic Engineer Henry van Nieuwenhuizen (attached). The Plan shows the lowering of 6 Decibels with each 2 meter away from the courts.

The maximum decibel level within the application site is less than 62 dB that is lower than the accepted 65 dB (up to 75 dB for a limited period) comfort level.

The trees on the southern side of the courts will lower the impact further with 10 dB.

Only one residential property is located within the 44 dB area, but is located next to Long Street with a higher noise impact.

Other houses along Church Street are located outside the 44 dB area.

From the above information it can be stated that the padel courts are therefore compatible with the noises of the surrounding environment.

Additional Mitigation Measures

It is proposed that a hedge be planted along the one fence of Erf 5180's panhandle while an acoustic sound barrier (e.g. theboxgroup) will be applied to the other side fence for additional mitigation (less another 5 dB).

These barriers, typically constructed from sound-absorbing materials like high-density foam, or specialized acoustic panels, are effective due to their ability to absorb and deflect sound waves, significantly reducing noise transmission to surrounding areas.

It will also be agreed with the church on Erf 239 that padel sessions will be paused during church services.

5.3.3 Provision of services

Parking and access

According to the IZS, one parking per four persons is required for a sport stadium. One padel courts can accommodate four players at one time (hour or hour and a half sessions) with a total of twelve (12) in total for the three courts. The three courts will require 3 parking bays on site.

The existing carport can accommodate six bays.

As the carport is used for parking by the hostel personnel, additional parking bays will be provided next to the carport.

Adequate parking on site will be made available.

Pedestrian access will be shared with the tennis courts via Church Street.

It is the intention that the hostel and padel courts be separated with a fence for safety and security. Hostel residents will have direct access to the courts via a gate.

A 5m wide combined entrance and exit way from Kohler Street in the center of the property (across existing lawn) is proposed. This will also be fenced from the hostel.

The three padel courts will have a low impact on traffic generation with an average of three to six cars every hour during peak times.

[At the moment the usage is one session per week day with an average of 3 - 6 vehicles entering/existing Kohler Street.]

Water and Sewerage

The tennis court's ablution facilities and club house will be shared and administered with the padel courts. The arrangement between Montagu High School and the Montagu Tennis Club will be in favour of both facilities with a higher frequency use in favour of sport and recreation in Montagu.

Water that will be used on Erf 1053 include the washing of the courts once a week: $200\text{m}^2 \times 3 \text{ courts} \times 2 \text{ l/m}^2 = 1200 \text{ liter week} \times 4 \text{ weeks} = 5000 \text{ liter water per month}$ during summer months. During winter times, no washing is required due to rainfall.

Electricity

It is the intention that solar modules will be place on the roof of the existing carport and a BESS and Inverter adjacent – refer to electrical plan.

The courts have existing LED lights.

Storm water

Storm water on and around the padel courts will flow along the existing storm water pipe line emanating from the western wall of the Dunlop parking area towards the tennis courts in a north-westerly direction.

The padel courts were built with slight angles (20cm slope) to steer the water flow to the storm water inlets between the courts – refer to SDP.

6. CONCLUSION

The above temporary departure application has shown that the three padel courts on Erf 1053 Montagu are in character with the surrounding environment and are both needed and desirable from a land use point of view.

Development parameters:

Floor factor: 0,06
Coverage: $114+88+18=220/3961=5,6\%$
Cage height: 4m
Parking: 1 per 4 persons = 3 required

Notes

Solar on carport and batteries in store, LED spot lights
Water and sewage: Share with tennis courts on Erf 5180
Club house: Share with tennis courts on Erf 5180
Pedestrian access shared with tennis courts from Church Street
Store: temp container, location not fixed
— proposed fence

236

hostel

KOHLER STREET

43,3m

5m building line

5m building line

grass

proposed new entrance

enclosed wall

Parking area rented to DUNLOP

5m building line

91,15m

238

KWV building rented to DUNLOP

239

29

gate

storm water

18m²

proposed store

5m building line

Padel1
20x10m

Padel2

Padel3

proposed hedge and sound barrier

Ablution

Tennis Courts

5180

ERF 1053 MONTAGU: SITE DEVELOPMENT PLAN: TEMPORARY DEPARTURE FOR PADEL COURTS



July 2025

Scale 1:500

UMSIZA
PLANNING
Town and Regional Planner

PLAN: E1053MTempDep



+27(0) 23 614 3074
henry@hvnarchitects.co.za

hvnarc_za
HMVN Architects

20 February 2025

Our ref: 2428 MB

Your ref:

For Attention: Me. Tracy Brunnings

Langeberg Municipality
Private Bag X2,
ASHTON,
6715

Dear Madam,

REQUEST FOR REASSESSMENT OF STOP ORDER – PADEL COURTS, ERF 1053, 17 KOHLER STREET, MONTAGU

We refer to our meeting on 13 February 2025, during which we were informed that all work on the above-mentioned project must be halted due to multiple complaints, primarily concerning the noise generated by Padel court activities.

We respectfully disagree with this decision and hereby request a reassessment based on the following considerations:

1. General Measurements:

Padel court noise levels vary depending on court enclosure type, surface materials, and player activity. Standard noise level measurements are as follows:

- **Average noise level:** 50–70 dB (comparable to normal conversation or a vacuum cleaner).
- **Peak noise level (ball impact, player interaction, celebrations):** 75–80 dB (similar to busy traffic or a hairdryer).

2. Breakdown of Noise Sources:

- Ball impacts on the glass walls – 70–80 dB
- Ball impacts on the racket – 60–75 dB
- Players shouting or celebrating – 65–85 dB
- Crowd noise (if applicable) – Can elevate levels

3. Noise Comparison with Common Sounds:

- Normal conversation – ~60 dB
- City traffic – ~80 dB
- Lawnmower – ~90 dB

4. Regulatory Noise Limits:

The Western Cape Noise Control Regulations (PN 200 of 2013), established under the Environment Conservation Act, 1989, set the following noise restrictions. These regulations define key terms and set standards to manage noise pollution effectively.

- Residential areas (Daytime): 55–65 dB
- Residential areas (nighttime): 45–55 dB
- Industrial/Commercial areas: 65–75 dB

5. Definitions and Compliance Mechanisms:

The definition of disturbing noise is the following:

- **Disturbing Noise:** Any noise, excluding the unamplified human voice, that exceeds the ambient sound level by 7 dBA or more.
- **Noise Nuisance** Any sound that may impair the convenience or peace of a reasonable person.

Local authorities may investigate noise complaints and issue compliance notices if necessary. However, the data suggests that Padel court noise falls within the regulated limits, especially with mitigating measures in place.

6. Sound Reduction Over Distance:

Sound intensity decreases as distance increases due to the Inverse Square Law, which states that sound energy spreads out spherically from the source.

Inverse Square Law: Every time you double the distance; the sound level decreases by 6 dB.

- At 2 meters → 6 dB less than at 1 meter
- At 4 meters → 12 dB less than at 1 meter
- At 8 meters → 18 dB less than at 1 meter
- At 16 meters → 24 dB less than at 1 meter
- At 32 meters → 30 dB less than at 1 meter
- At 64 meters → 36 dB less than at 1 meter

For example, if a Padel court produces 80 dB at 1 meter:

- At 8m → 62 dB
- At 16m → 56 dB
- At 32m → 50 dB
- At 64m → 44 dB

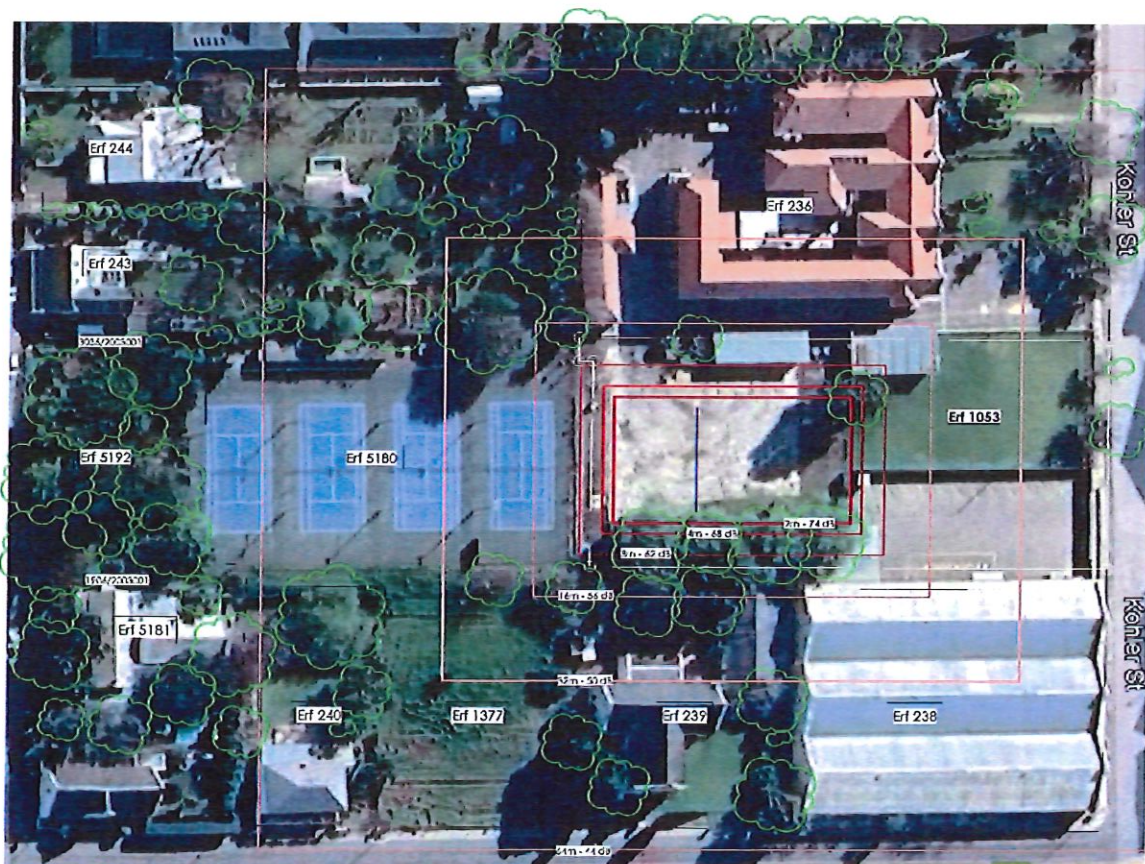
7. Impact of Natural Noise Barriers:

Soft surfaces such as dense trees, grass, and bushes effectively absorb and diffuse sound:

- A single row of trees → Minimal effect (1–3 dB reduction).
- A 10m-wide belt of trees and bushes → Significant effect (5–10 dB reduction).
- A 30m+ dense tree belt with undergrowth: Up to 15 dB reduction.

8. Site-Specific Sound Analysis:

We have conducted an acoustic study, mapping sound dispersion on the Padel court site plan.



The analysis confirms that noise levels reaching adjacent properties remain within acceptable norms, in accordance with national and provincial regulations.

9. Rezoning of the site

We have consulted multiple town planners, all of whom confirm that rezoning from Education to Private Open Space is unnecessary and could negatively impact the property owner.

Additionally, as the property belongs to the state, any rezoning would require approval from the Department of Public Works and Transport, which we have been informed will not permit rezoning under any circumstances.

10. Request for Reassessment

Given the above evidence, we respectfully request that you reconsider your decision and rescind the stop order on the construction of the Padel courts at Erf 1053, 17 Kohler Street, Montagu.

We remain open to further discussion and would appreciate an opportunity to present our findings in more detail at your earliest convenience.

Yours sincerely,



Henry van Nieuwenhuizen
BArch (Pret) Pr Arch SACAP Reg. No. 3924

Padel, Planning and Noise: A Guide for Applicants and Authorities



A Summary of the Research Paper "A Noise Assessment of Padel"

by Martin Higgins AMIOA, MW Acoustic Consultants.

Introduction

Padel is the fastest-growing racket sport in the UK, and as its popularity soars, so does the demand for new courts. This boom has created a challenge for both developers and local planning authorities: the lack of awareness of the noise created by padel and a lack of specific guidance on how to assess the noise from new padel facilities.

With current media attention focussed on contested planning applications due to noise concerns, it's likely that there will be an increased community interest and apprehension to new padel applications. However, while it's generally accepted that padel is noisier than tennis, there has been little objective data to quantify this difference or to understand its unique acoustic character. This ambiguity can lead to inconsistent planning decisions and uncertainty for everyone involved, whilst

This paper summarises a detailed acoustic research project designed to address this knowledge gap. It provides a clear, evidence-based comparison between the noise generated by open-air padel and tennis courts which provides a benchmark such that decisions on noise for proposed and existing padel courts can be made accurately

34
1

Project Scope

The primary objective of the research was to create a reliable benchmark such that noise created by padel courts can be assessed and predicted accurately and compared to the noise created by tennis courts so that it can be more easily envisaged. To achieve this, the project was designed to:

Measure and Quantify Noise: Conduct extensive, real-world measurements at a club with both padel and tennis courts to capture the noise produced during typical play.

Compare Padel and Tennis: Directly compare the noise profiles of both sports using identical metrics, measuring both the overall continuous sound level (the average noise) and the peak impact sounds.

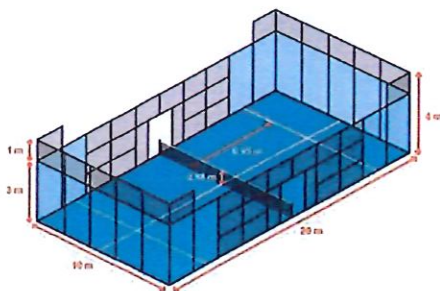
Analyse Impact Sounds: Identify, measure, and quantify the different types of impact sounds that characterise padel (bat strikes, ball on glass boundary, ball on mesh boundary) and tennis (racquet strikes).

Understand Noise Propagation: Investigate how noise travels away from the courts into the surrounding environment, and analysing the effect on noise propagation of the padel court's unique glass and mesh structure acting as a barrier.

Padel vs Tennis: Key Similarities and Differences

Padel and tennis are similar in nature, both racquet/ball sports and often sited in tennis clubs.

Major noise sources from both include; vocal noise from players on court and others congregating nearby, ball impacts on racquet, boundaries and net and impact noises on the ground.



Key Differences

Padel courts measure 10x20m, are typically semi enclosed by a glass boundary at each end and wire fencing along the side. Tennis courts are larger, typically circa 28x11m and are typically not enclosed.

Padel uses bats of solid construction (typically plastic or resin) with balls that are similar to those used in tennis but have a lower internal

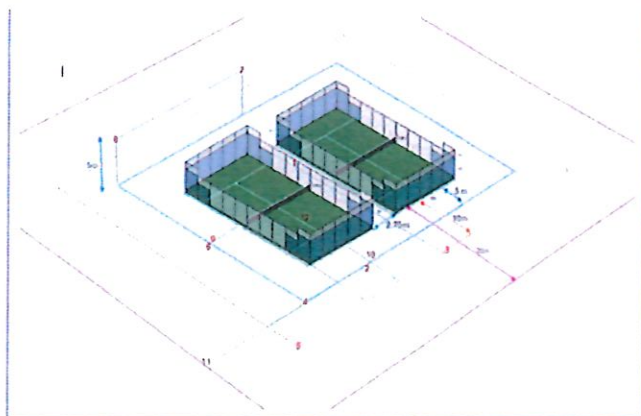
pressure. The design and the rules of padel encourage the ball to be kept in play, leading to longer rallies and additional impact noise strikes on the boundary.

Overview of Results

Measurements were based on externally (with no roof coverings) sited padel courts based in parallel. Multiple Class 1 sound level meters were placed at a number of predefined points to analyse noise propagation on padel courts sited in parallel and this was replicated on parallel tennis courts.

Overall Noise levels

When measured 5 meters from the side of the court (at the net line), a typical game of padel produced on average with both L_{Aeq} (average noise levels) and L_{AMax} (highest noise levels), 6 decibels (dB) more than tennis, this would equate to a significant



increase in perceived loudness. In contrast, when measured 5 meters from the end of the court (the baseline), the noise levels for both padel and tennis are almost identical.

This primarily due to the solid glass boundary wall of the padel court, which acts as an effective sound barrier, blocking sound from travelling externally from the end of the court and reflecting it back internally. This build up of sound energy within the court will increase the levels of sound escaping out of the sides of the court through the mesh fencing which is a less effective barrier.

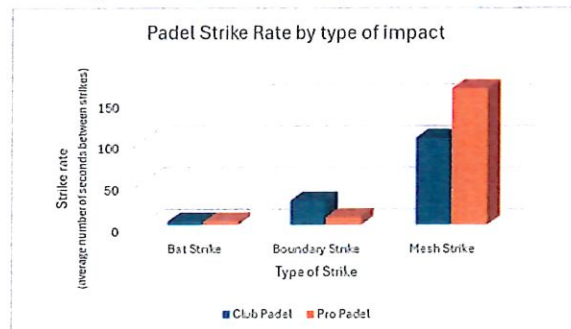
The research demonstrates that the noise level at the side of the court is approximately 12 dB higher than at the enclosed glass end, this will equate to more than a doubling of perceived loudness. This point in between the courts was shown to be loudest point, as it benefits from this increased sound egress from both courts and vocal noise from congregating players and spectators. It is partially surrounded by glass boundaries, producing a semi reverberant environment and the sound spills out externally at the end of the court on both sides, enhanced by the 'canyon effect' of reflection.

Impact Noise levels

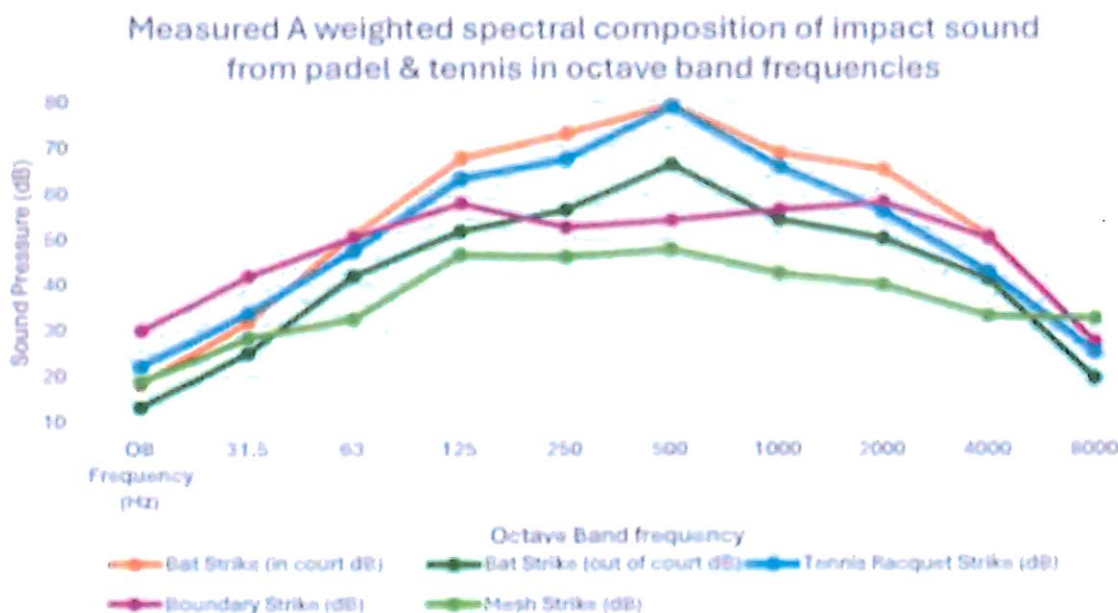
The character of padel noise is far more "impulsive" than tennis. The study found:

Bat/Racquet Strikes: A padel bat strikes the ball roughly every 4 seconds, compared to a tennis racquet strike every 6 seconds. Padel also produces impact noise from impacts on the glass boundary and the mesh fencing. Each of these impacts has a uniquely distinctive sound and adds to the overall levels of sound produced.

The padel bat creates a sharp, high-frequency 'crack', while the ball on glass creates a lower-frequency 'thump'. This constant series of varied, sharp sounds is a defining feature of padel's noise profile.



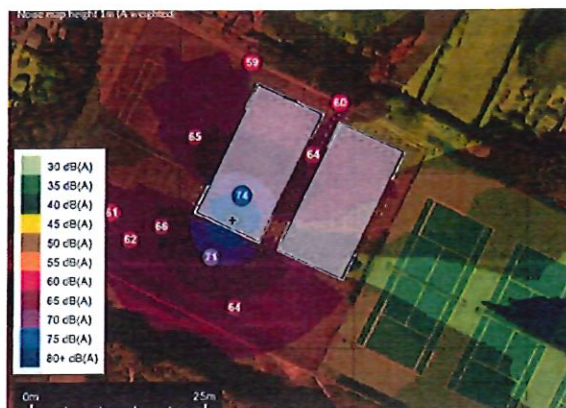
Over a typical 5-minute period of play at club level, padel generated an average of 88 distinct impact sounds, while tennis generated only 50. The research demonstrated that the number of impacts varied with proficiency at the sport and therefore the type of noise produced would vary according to the profile of players.



Conclusions

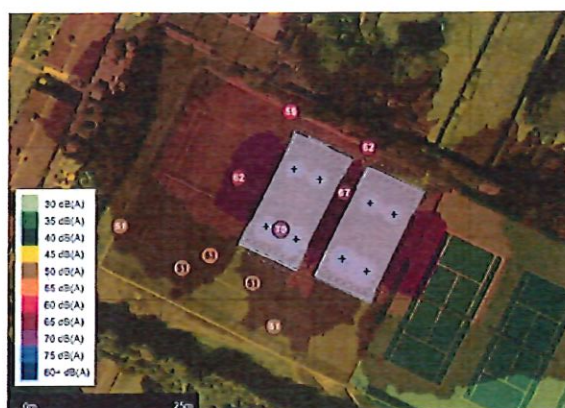
Current UK planning guidance lacks specific criteria for impact noise during the daytime, which is when padel is predominantly played. Therefore the context of any site must be taken into consideration to provide a justifiable noise assessment and research of this nature can be used to identify important methods of mitigation at an early stage.

Padel is objectively noisier than tennis, particularly when measured from the side. Excepting when the ball strikes the boundary and the sound will emanate from the boundary wall, these boundaries are effective noise barriers for sound travelling from the ends of the court. They also create a semi reverberant environment and will contribute to higher noise levels escaping from the sides.



The orientation of padel courts relative to noise-sensitive neighbours is a critical design consideration. The open sides of the court present the greatest acoustic risk.

Standard noise assessments that only consider the average overall noise level (L_{Aeq}) may not fully capture the potential for disturbance from padel, as the frequency and character of its impact sounds are a major factor in how the noise is perceived. This research has constructed a noise model for padel courts which can be used to predict the and benchmark the noise at a site where padel is planned or where an existing site is being assessed.



MW Acoustic Consultants specialise in padel and MUGA (multi use games areas) sites and can offer noise assessments, layout and design advice, noise mitigation consultancy and noise management plans. Our approach where possible is one of engagement with all parties including the community stakeholders to educate and inform in order to progress a successful project.

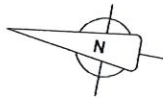
SDP FOR ERF 1053 MONATIGU

Amended

Area Schedule	
Name	Area
Padel Court 1	200 m ²
Padel Court 2	200 m ²
Padel Court 3	200 m ²
Existing Carport	186 m ²
Existing Study Room	114 m ²

Percentage Coverage	
	5.095%

Erf Area Schedule		
O.C.	Name	Area
AS	Erf 1053	3945 m ²



Parking to be provided, as per Langeberg Municipal Zoning Scheme Regulation (2018), Table in Article 42(3) (See Annexure A)

Schools (A3) = 1.5 bay per classroom/office plus stop & drop facility
 Places of Instruction (A3) = 1.5 bay per classroom/office plus 1 per 6 students
 Sport = 1 bay per 4 seats or persons

Total Students in study Hall = 114m² = 22 students
 22/6 = 3.66

Thus we require 4 parking for students

Total Office = 1 Office

Thus 1.5 bays are required

Total Students per Court = 4 Students
 Total Courts = 3 Courts

Thus 3 bays are required

Total = Thus in total only 11 bays required that also includes 1 disabled bays as required by SANS 10400-S

Development Parameters

Floor Factor:
Maximum floor factor is 1.2

Coverage:
Maximum coverage 60%

Height:
Maximum height 12m

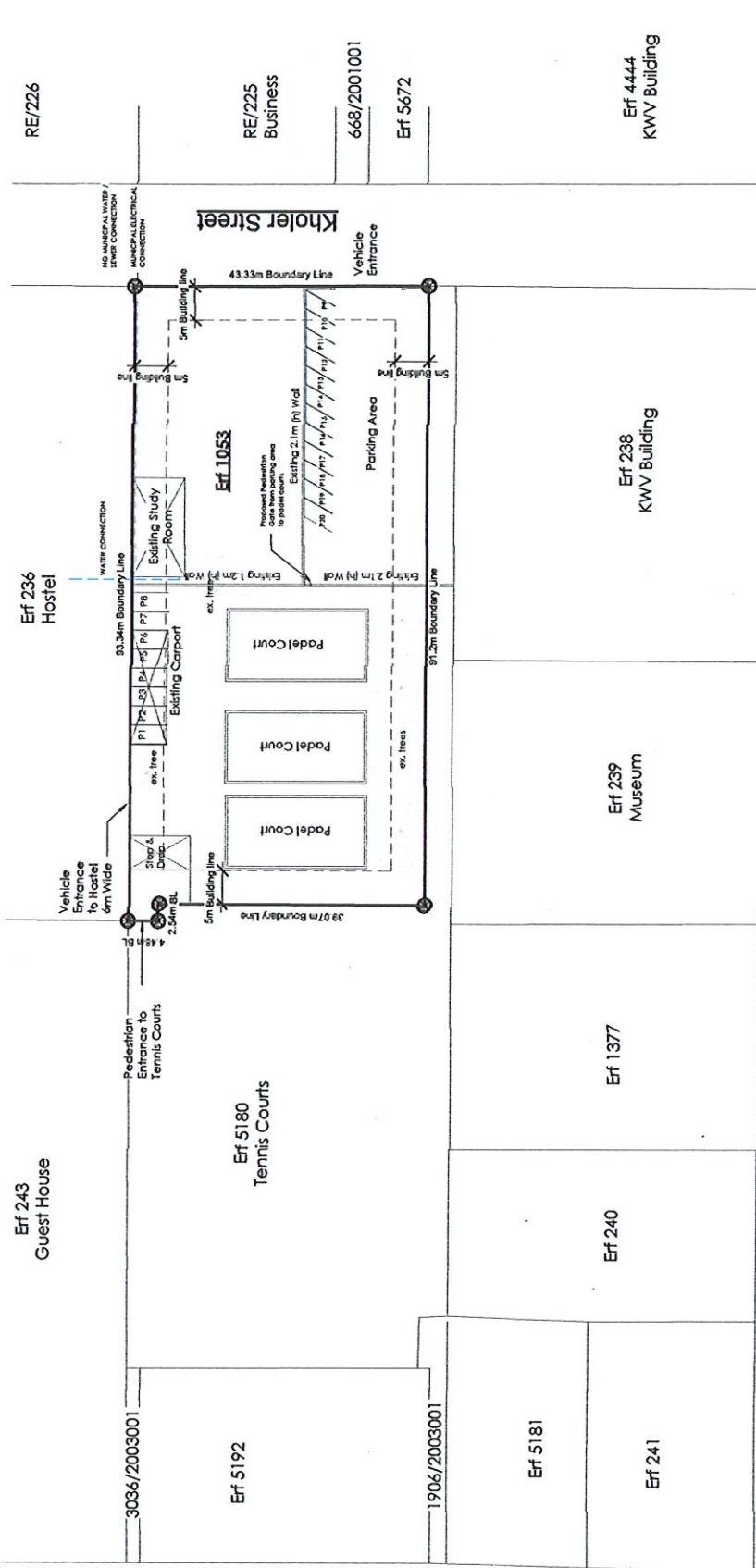
Building Lines:
Street Building: 5m
Side and Rear Building: 5m

Setbacks:
As per Table

Screening:
No Screening

Noise Mitigation:
Glass Panels as per specifications

Refuse Room:
Existing Refuse Block



REVIEWED

By Department of Infrastructure at 10:55 am, Apr 07, 2023

Long Street

DISCLAIMER:

These SGA Project drawings have been scrutinized for compliance with the Department of Infrastructure - Education Infrastructure's Norms and Standards. The SGA, its agents and contractors, volunteers, and funding partners indemnify the DoI against any liability claims arising from non-compliance to the DoI - Norms and Standards. The SGA is responsible for achieving Local Authority Approval and submitting the reviewed documents to DoI for record purposes. This review should not be deemed as an approval of the plan by DoI.

HVN architects

Phone: +27 8335 141 507
 Email: info@hvn.co.za
 17 Kholer Street, Montagu, 6700



Issue date	17.03.2023
Issued By	Amelie (HVN Architects)
Issue To	Client & Municipality

Date	14.03.2023
Project number	2428
Rev.	001
Ref.	SDP for Erf 1053, Montagu, 6700
Scale	1:500
Size	A2

Proposed Padel Court
 Slabs on Erf 1053
 17 Kholer Street, Montagu
 PROV GOV WESTERN CAPE (High School Montagu)

SDP
 SDP1_100

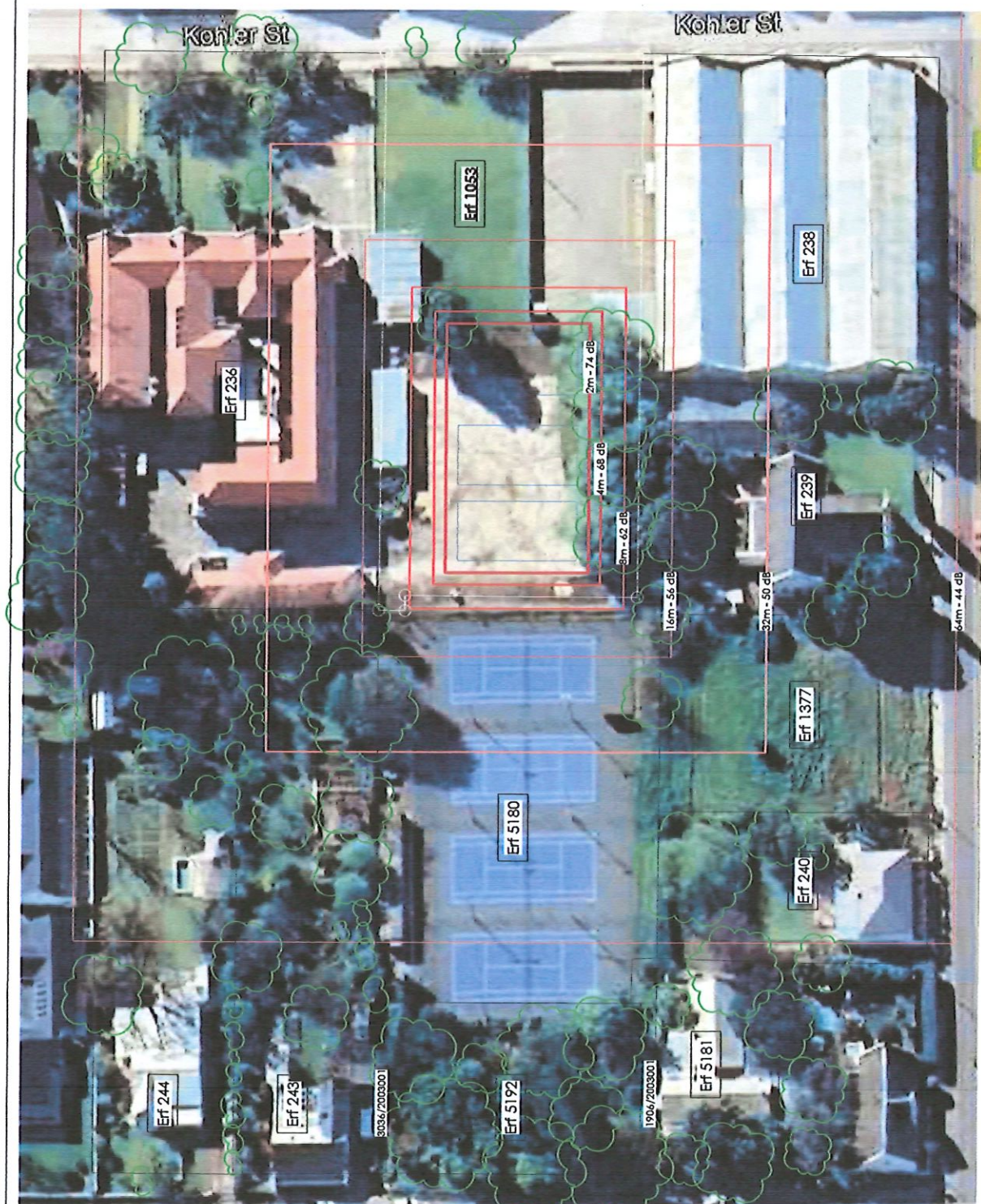
Architect:
 Lufka Henry Jansen
 VAN NIEUWERKUM
 SACAP REG. 3924

Engineer:
 The owner of the relevant premises
 hereby confirms that he/she has studied
 the contents of this drawing and
 understands the contents of the plan.

Date: 14.03.2023

No.	Description	Date

4. SANITARY AND DRAINAGE
 The SGA has been advised that the
 existing sanitary and drainage system
 is not adequate for the proposed
 development. The SGA is responsible
 for providing a suitable sanitary and
 drainage system for the proposed
 development.



① Locality Plan
1:500

4

Phone +27 (0)23 614 3074
Henry +27 (0)83 559 3906

17/03/2025 09:16:41



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SEARCH CRITERIA

Search Date	2025/07/07 12:00	Erf Number	1053
Reference	Mark	Portion Number	-
Report Print Date	2025/07/07 12:00	Deeds Office	Cape Town
Township	MONTAGU	Search Source	WinDeed Database

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T6685/1957
Township	MONTAGU	Local Authority	LANGEBERG DC
Erf Number	1053	Province	WESTERN CAPE
Portion Number	0	Extent	3961.0000SQM
Registration Division	MONTAGU RD	LPI Code	C05000020000105300000
Previous Description	-		

OWNER INFORMATION (2)

GOVERNMENT OF THE WESTERN CAPE

Owner 1 of 2

Company Type	GOVERNMENT	Document	T19815/2004
Registration Number	-	Microfilm / Scanned Date	2004 0308 1030
Name	GOVERNMENT OF THE WESTERN CAPE	Purchase Price (R)	-
Multiple Owners	NO	Purchase Date	-
Multiple Properties	NO	Registration Date	2004/03/08
Share (%)	-		

GOVERNMENT OF THE WESTERN CAPE

Owner 2 of 2

Company Type	GOVERNMENT	Document	T6685/1957
Registration Number	-	Microfilm / Scanned Date	-
Name	GOVERNMENT OF THE WESTERN CAPE	Purchase Price (R)	3(1)V ACT 47/37
Multiple Owners	NO	Purchase Date	-
Multiple Properties	NO	Registration Date	1957/05/22
Share (%)	-		

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SEARCH CRITERIA

Search Date	2025/07/08 10:38	Erf Number	5180
Reference	tennis	Portion Number	-
Report Print Date	2025/07/08 10:38	Deeds Office	Cape Town
Township	MONTAGU	Search Source	WinDeed Database

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T37076/2005
Township	MONTAGU	Local Authority	MONTAGU MUN
Erf Number	5180	Province	WESTERN CAPE
Portion Number	0	Extent	3555.0000SQM
Registration Division	NOT AVAILABLE	LPI Code	C05000020000518000000
Previous Description	-		

OWNER INFORMATION (1)

TENNISKLUB-MONTAGU		Owner 1 of 1	
Company Type	ASSOCIATION	Document	T37076/2005
Registration Number	-	Microfilm / Scanned Date	-
Name	TENNISKLUB-MONTAGU	Purchase Price (R)	CCT
Multiple Owners	NO	Purchase Date	-
Multiple Properties	NO	Registration Date	2005/05/13
Share (%)	-		

ENDORSEMENTS (2)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	CONSOLIDATE FROM	TOWN MONTAGU ,ERF 5179 ,PRTN 0	-	0000000*
2	CONSOLIDATE FROM	TOWN MONTAGU ,ERF 1128 ,PRTN 0	-	0000000*

HISTORIC DOCUMENTS

No historic documents to display

41

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PLAN M I
VAN PLAN

SIDES	ANGLES OF
Cape Feet	DIRECTION
AB 298.06	269.48.00 ✓
BC 137.04	359.40.20 ✓
CD 297.56	89.32.50 ✓
DA 138.36	179.27.50 ✓
BE 5.00	269.48.00 ✓

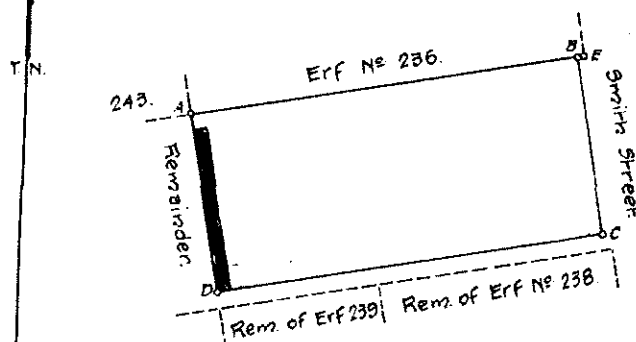
S.G.No10136/56

Approved

Pl. van der Heide
Surveyor-General.
30.1.1957.

Description of Beacons

A & E are heavy iron fence posts.
B C and D are 1" iron pegs.



Scale 1 : 1250.

The figure A.B.C.D.

represents 41,008 Square Feet of land being

ERF No. 1053 portion of Erf No. 1 MONTAGU

situate in the Municipality and

Division of Montagu. Province of Cape of Good Hope.

Surveyed in November 1956 by me,

Pl. van der Heide
Land Surveyor.

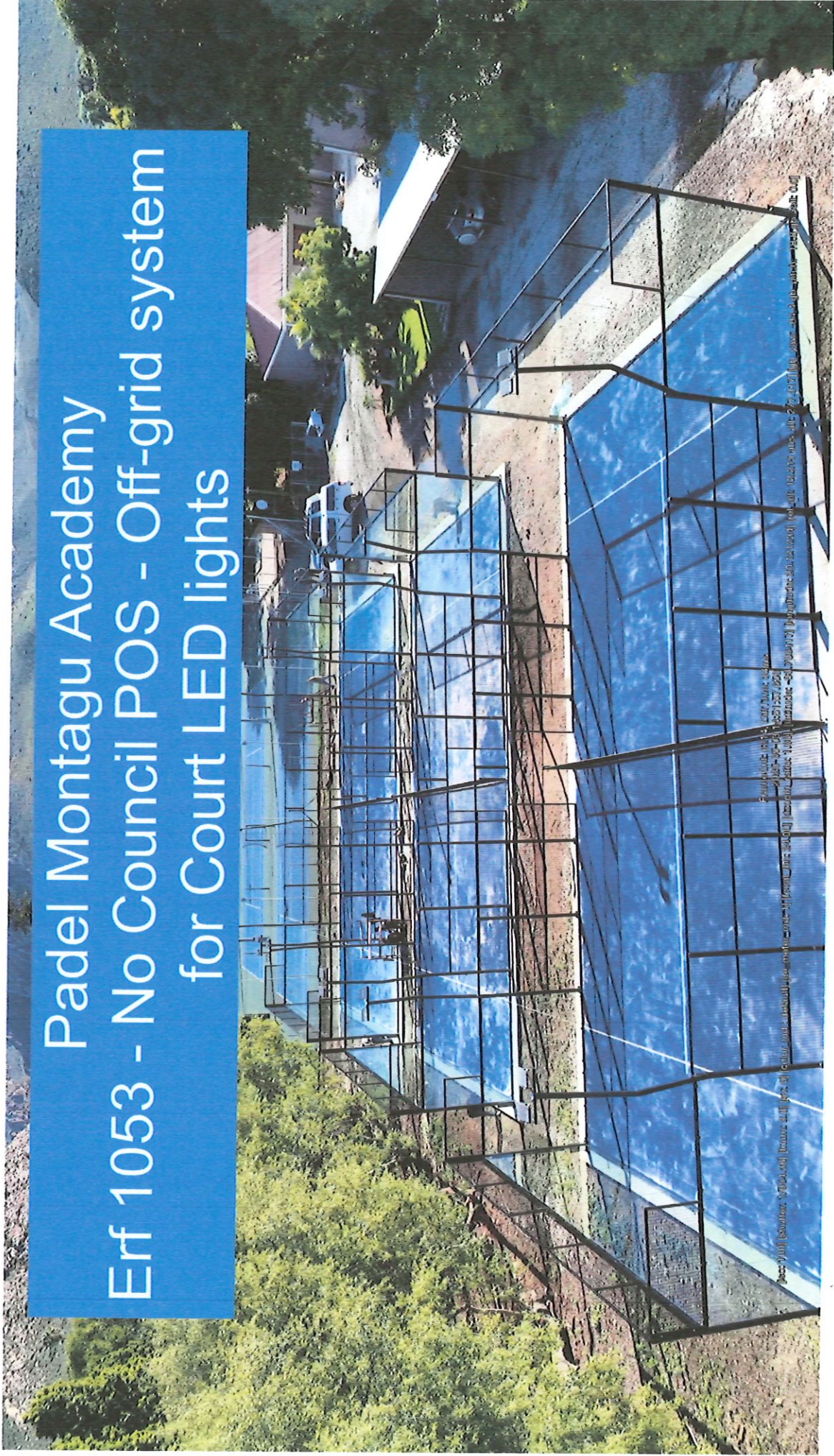
This diagram is annexed to
Transfer Deed No.
dated
in favour of *D/T*
6685/57.

The original diagram is
No. 528/1941 annexed to
D/G. Sw. Q. 15.5.
E 3309/56
428 LD. Sht A.

Registrar of Deeds.

FOR ENCLOSUREMENTS ALGEMENE PLAN
SEE BACK OF DGM, GENERAL PLAN M I

Padel Montagu Academy Erf 1053 - No Council POS - Off-grid system for Court LED lights



44

HelioScope



Save & Exit

Design Revisions ▾

Design 1



Saved



Array



Mechanical



Keypoints



Electrical



Advanced

Field Segments



☒ Field segments cast shadows

Description	Modules	Action
-------------	---------	--------

Field Segment 1	12 (6.90 kW)	
-----------------	--------------	--

12 Modules, 6.90 kWp

Design 1 Padel Montagu, Montagu

Report

Update Logo

System Metrics

PDF CSV

Project Name Padel Montagu

Project Description Load 200W x 8 = 1,6kW per court. 3x 1,6 = 4,8kW for 3 courts

Project Address Montagu

Prepared By Mark J Bleloch
mbleloch@gmail.com

Design Design 1

Module DC Nameplate 6.90 kW

Inverter AC Nameplate 8.00 kW
Load Ratio: 0.86

Annual Production 11.77 MWh

Performance Ratio 77.8%

kWh/kWp 1,705.6

Weather Dataset TMY, 10km Grid, Mestonorm 8 (meteonorm_v8)

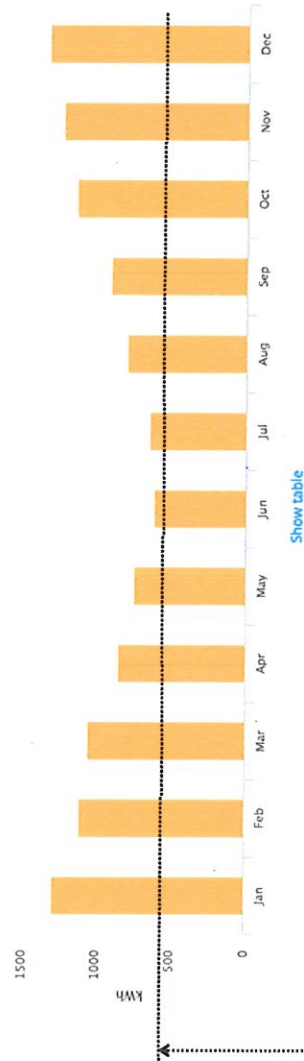
Simulator Version d355c0650e-bf5becf48c-0ac23f687a-ee87737cd3

View Shade Report

Project Location



Monthly Production

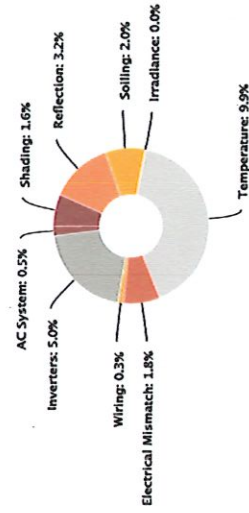


If court lights are on all 3 courts for a maximum of 4 hours

5kW x 3,5 hours per day = 17,5 kWh x 31 days = 542,5kWh per month

Showing sufficient solar system yield

Sources of System Loss



Hi, Nee

47



File no: 20250127-34

Reference: 17/1/2/1/D924

The Principal
Montagu High School
P.O Box 85
Montagu
6720
Email: mhsadmin@barvallei.co.za

Dear MR JT Benadie

MONTAGU HIGH SCHOOL - APPROVAL FOR CONSTRUCTION FOR PADEL COURTS ON SCHOOL PROPERTY

I refer to the documentation received in respect of the above project.

Provisional approval is hereby granted for the construction for Padel Courts at the school as stated in the application on condition that:

- (a) the relevant local authority approves the plans, the DOI has no objection to the plans and the school adhere to any requests, if any, from DOI prior to submission to the local authority.
- (b) the school ensures that the correct zoning and municipal approvals are in place and adhere to local authority by-laws.
- (c) rental amount for the Padel Courts will be R8 000 per court, to be paid on or before the 1st day of every month for a 12-month period.
- (d) All associated risks and insurance including maintenance cost will be for the school account.

I wish you success with this venture.

Yours sincerely

D MAYNIER

MINISTER OF EDUCATION

DATE: 27 / 02 / 2025



Ref: 0873/06/2025
Enquiries: M Van Leeuwen

RE: SCHOOL GOVERNING BODY (SGB) / DONOR PROJECT: LETTER OF NO OBJECTION

Facility: MONTAGU HS
EMIS No: 0127310261
Erf No. 1053
Project Name: NEW PADEL COURTS
Name of SGB / Donor: MONTAGU HS

To Whom It May Concern,

The Western Cape Government (WCG) Department of Infrastructure (DoI) is designated as the custodian of all WCG owned or leased properties as defined in Government Immovable Asset Management Act (Act 19 of 2007). As custodian the DoI is responsible to review any proposed improvements to WCG owned or leased properties implemented by other implementing agents (SGBs or Donors in this instance) for conformance to departmental norms and standards.

The DoI wish to clarify that it is the responsibility of the SGB / Donor to:

1. Appoint registered built environment professionals as their agents to plan, design and oversee the construction works contemplated;
2. Ensure that their appointed professional agents submit a full set of drawings to the Local Authority for approval in terms of the National Building Regulations and Building Standards Act 103 of 1977 (as amended);
3. Ensure that the works are constructed in accordance with the Occupational Health and Safety Act of 1993 and the Construction Regulations of 2014 (as amended).

The DoI has reviewed the general arrangements of the design submitted by the agents of the SGB / Donor for the abovementioned proposed project and hereby confirms that the proposed design is generally in conformance with DoI's Norms and Standards for public school facilities. The DoI has **no objection** to the proposed design described therein, the design being described in the drawings listed in the table below (Appendix 1).

Should the plans deviate from those submitted, it is the responsibility of the SGB / Donor to provide a revision for further review by the DoI prior to works commencing thereon. This letter remains in effect for 12 months from the date of the signature below.

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Prior to the commencement of the construction works the SGB / Donor or the appointed agents are to furnish the DoI with copies of the approved plans submitted to the Local Authority and the approval letter from the Local Authority giving authorisation for the works and noting any conditions or restrictions.

Where the work has been completed in respect of the approved plans, granted in terms of Section 7 of the National Building Regulations and Building Standards Act No 103 of 1977 (as amended), the Certificate of Occupancy must be obtained from the Local Authority and submitted to the DoI for record purposes.

Within one month of certified completion of the construction works it is the responsibility of the SGB / Donor and / or the appointed professional agents to furnish the DoI with the following documentation for record and maintenance purposes:

1. Certificate of compliance for the following, glass, electrical, fire, gas, plumbing, mechanical & structural.
2. Signed SANS Forms 4 as issued by the Local Authority.
3. Full set of as-built drawings & approval letter from Local Authority.
4. Practical Completion Certificate for the building/civil/solar etc.
5. Maintenance manuals if applicable.
6. Final cost of the project.

Sincerely,



Marcelle Van Leeuwen
Architectural Technician
PPID: Education
Infrastructure
Western Cape Government

DATE: 07 APRIL 2025

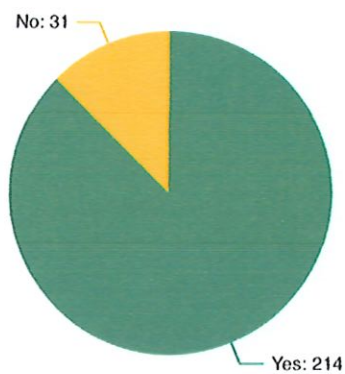
APPENDIX 1: TABLE OF DRAWINGS REVIEWED BY DoI – EI:

DRAWING NUMBER	DRAWING TITLE	REVISION NO	DATE
D1_001	SITE & FLOOR PLAN – ELECTRICAL	001	02.12.2024
SDP1_100	SITE DEVELOPMENT PLAN	001	14.03.2025
D1_001	SITE PLAN WITH DICEBEL	001	20.02.2025
D1_001	SITE & FLOOR PLAN	001	02.12.2024
D1_101	SECTIONS & ELEVATIONS	001	02.12.2024
N/A	GENERAL CONSTRUCTION NOTES FOR PADEL COURTS	N/A	N/A

50

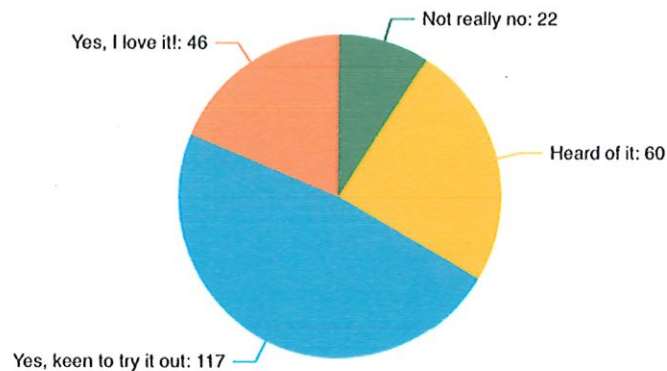
Montagu Padel Courts: Community Input Survey

1: Are you aware of the new Montagu Padel courts built next to the Montagu Tennis Club? [Multiple Choice]



Answer Choices	Responses	Responses Percentage
Yes	214	87.35%
No	31	12.65%
Valid Count Per Participant	245	

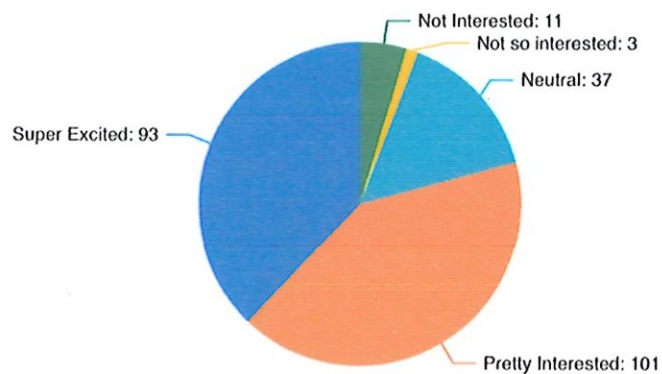
2: Are you familiar with the sport of Padel? [Multiple Choice]



Answer Choices	Responses	Responses Percentage
Not really no	22	8.98%

Answer Choices	Responses	Responses Percentage
Heard of it	60	24.49%
Yes, keen to try it out	117	47.76%
Yes, I love it!	46	18.78%
Valid Count Per Participant	245	

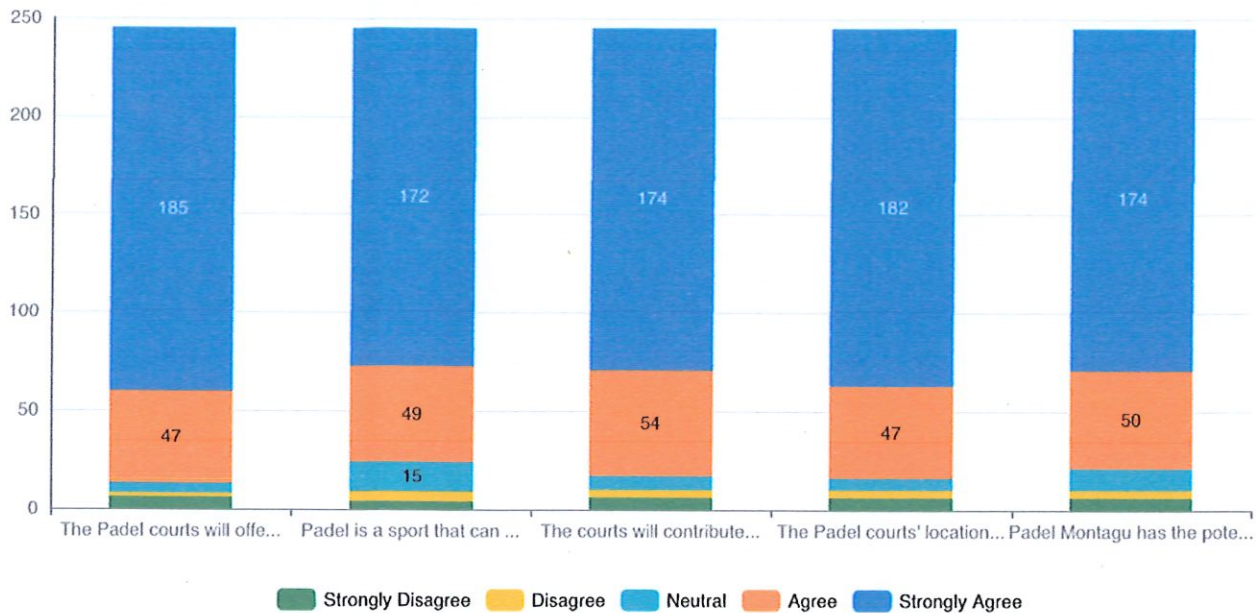
3: What is your initial level of interest in Padel Montagu? [Multiple Choice]



Answer Choices	Responses	Responses Percentage
Not Interested	11	4.49%
Not so interested	3	1.22%
Neutral	37	15.1%
Pretty Interested	101	41.22%
Super Excited	93	37.96%
Valid Count Per Participant	245	

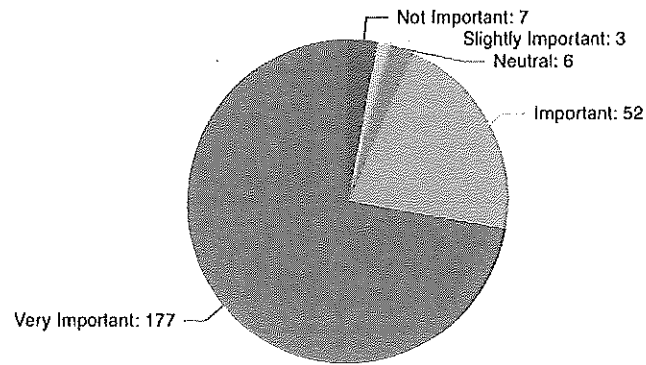
4: To what extent do you agree or disagree with the following statements about their potential impact on Montagu?. [Matrix Radio Button]

The Average Score : 4.59



Question\Option	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Average
The Padel courts will offer a positive new recreational opportunity for Montagu residents.	6(2.45%)	2(0.82%)	5(2.04%)	47(19.18%)	185(75.51%)	4.64
Padel is a sport that can be enjoyed by a wide range of ages and abilities in our community.	4(1.63%)	5(2.04%)	15(6.12%)	49(20%)	172(70.2%)	4.55
The courts will contribute positively to an active and social lifestyle in Montagu.	6(2.45%)	4(1.63%)	7(2.86%)	54(22.04%)	174(71.02%)	4.58
The Padel courts' location and partnership with Montagu High School will offer valuable benefits, such as new sports engagement for students, support for the community and financial income to the school.	6(2.45%)	4(1.63%)	6(2.45%)	47(19.18%)	182(74.29%)	4.61
Padel Montagu has the potential to complement Montagu's tourism and support local businesses.	6(2.45%)	4(1.63%)	11(4.49%)	50(20.41%)	174(71.02%)	4.56
Subtotal	28(2.29%)	19(1.55%)	44(3.59%)	247(20.16%)	887(72.41%)	4.59

5: Overall, how important do you believe it is for Montagu to have new community facilities like these Padel courts that promote social interaction, well-being, and local engagement? [Multiple Choice]

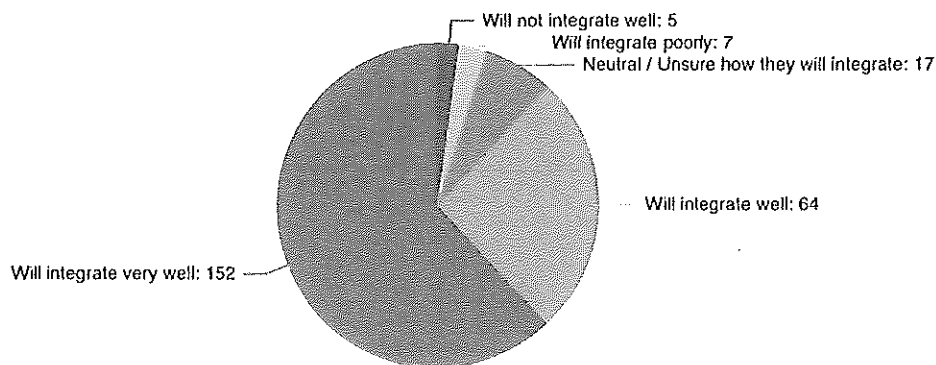


Answer Choices	Responses	Responses Percentage
Not Important	7	2.86%
Slightly Important	3	1.22%
Neutral	6	2.45%
Important	52	21.22%
Very Important	177	72.24%
Valid Count Per Participant	245	

6: What are your general impressions of the new Padel courts facility (built and awaiting official opening) next to the Tennis Courts? [Single Textbox]

[Click to Show Word Cloud](#)

7: From what you've seen or understand, how well do you think the new Padel courts will integrate with the existing sports facilities and the surrounding environment? [Multiple Choice]

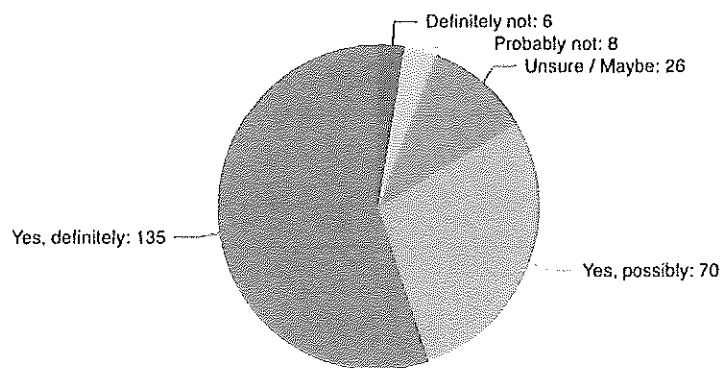


Answer Choices	Responses	Responses Percentage
Will not integrate well	5	2.04%
Will integrate poorly	7	2.86%
Neutral / Unsure how they will integrate	17	6.94%
Will integrate well	64	26.12%
Will integrate very well	152	62.04%
Valid Count Per Participant	245	

8: Do you have any specific comments or observations regarding the planned operation (e.g., hours, access) or presence of the Padel courts in their current location? [Single Textbox]

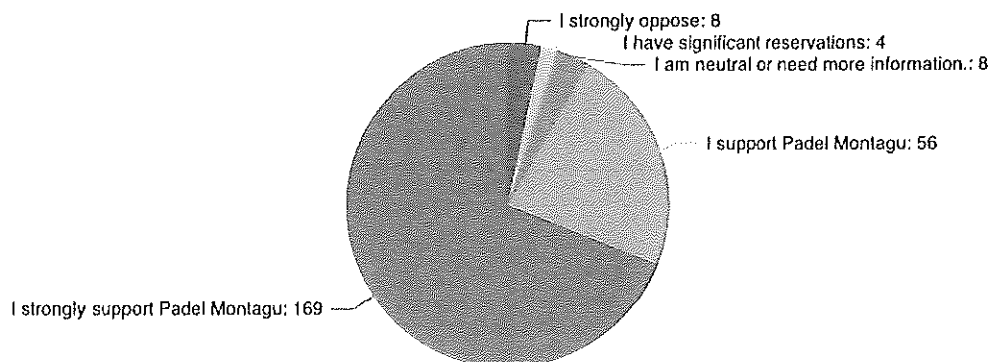
[Click to Show Word Cloud](#)

9: Would you or members of your household be interested in playing Padel at the Montagu courts once they are officially open? [Multiple Choice]



Answer Choices	Responses	Responses Percentage
Definitely not	6	2.45%
Probably not	8	3.27%
Unsure / Maybe	26	10.61%
Yes, possibly	70	28.57%
Yes, definitely	135	55.1%
Valid Count Per Participant	245	

10: Regarding the official opening and approval of the new Padel courts next to the Tennis Courts, which statement best reflects your view? [Multiple Choice]



Answer Choices	Responses	Responses Percentage
I strongly oppose	8	3.27%
I have significant reservations	4	1.63%
I am neutral or need more information.	8	3.27%
I support Padel Montagu	56	22.86%
I strongly support Padel Montagu	169	68.98%
Valid Count Per Participant	245	

11: Name and Surname: [Single Textbox]

12: If you would like to stay updated on our progress and official opening date, please provide your email below. [Single Textbox]

Sum Of Average Scores: 22.94

MEMORANDUM OF AGREEMENT

ENTERED INTO BETWEEN

**The Montagu Tennis Club
(Church St, Montagu, 6720)
(Hereafter referred to as "MTC")**

AND

**Padel Montagu (Pty) Ltd
(Registration Number: 2024/755415/07)
(Hereafter referred to as "PM")**

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Handwritten signatures in black ink, appearing to be initials or names, located at the bottom right of the page.

Agreement between Padel Montagu Pty Ltd (PM) and Montagu Tennis Club (MTC)
Pertaining to the shared use of facilities of the two clubs, with a common Eastern border
– see plan attached.

1. Purpose of Agreement

This agreement sets out the terms and conditions under which MTC and PM will share and jointly utilise certain amenities, with the aim of promoting collaboration, improving utilisation, and enhancing the experience for both tennis and padel players (including students and adults).

2. Definitions:

- **MTC:** Montagu Tennis Club, located on ERF 5180 (Entrance on Church Street).
- **HSMH:** Höerskool Montagu Hostel, owner of ERF 1053 (Kohler Street).
- **PM:** Padel Montagu (Pty) Ltd, operating on ERF 1053 (Kohler Street).
- **MHS:** Motagu High School
- **Effective Date:** Date of signature of agreement
- **Start Date:** September 2025, or as agreed by both parties

3. Shared Facilities and Access: (see attached plan and pictures)

Club Access:

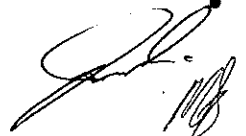
- Padel players must use the new PM entrance (Kohler Street) for pedestrian and vehicle access so as not to increase the parking and access load on Church Street..
- The existing MTC clubhouse amenities (bathrooms, changing rooms, bar, liquor license, coffee shop), braai area will be shared by members and visitors of both PM and MTC. There are currently 2 separate toilets (male and female) and a change room with a shower.
- Both PM and MTC will abide by the MTC rules.
- Parking for padel players will be on erf 1053 with controlled vehicular access through the new PM Gate (erf 1053). Padel players are not permitted to park in Church Street.

Shared Amenity Improvements/maintenance:

- MTC planned upgrades/renovations/maintenance will approach MP for input and funding contributions if for the mutual benefit of both parties.

4. Membership Integration:

- Existing and new MTC members will automatically gain membership with PM at no additional cost.
- Both parties agree to communicate clearly to their members regarding shared use expectations.

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5. PM will employ managers and supervisors/staff.

- There will always be an employee from MP on site to control access to both the MTC tennis courts, MP padel courts, MTC clubhouse. Initially this will only be when there are Padel bookings (Playtomic App) or MHS access for pupils to play. As the utilisation increases we anticipate MP staff to be on-site morning to evening. The PM staff be on site to manage/service both the MTC and PM as mutually agreed as to their roles and responsibilities from time to time.

6. Coaching:

MP intends having a permanent Padel Coach. The padel coach will not be permitted to coach tennis unless by agreement with MTC and will have a contract with MP. Currently the Padel Coach (Perry Masters) will be residing at HSMH and be on-site most of the time.

7. Benefits for MTC:

a. Increased Utilization:

- MTC will be open to both members and visitors (via visitor fees), improving usage beyond the current tennis sessions as there will be staff on site.

b. Revenue Opportunities for MTC:

- Enhanced revenue streams from increased court usage, coffee shop sales, and beverage sales (alcoholic and non-alcoholic). Tennis courts become more accessible to tourists and paying non-members using the same Playtomic app.

c. Community Development:

- Promotion of both facilities to locals and tourists by PM
- Introduction of development programs for the surrounding community, fostering sports participation.

d. Security

- Security camera's online (WiFi) paid by MP
- Security rapid response paid by MP.

8. Benefits for PM:

Shared MTC amenities

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9. Co-operation

PM will attend MTC committee meetings on request to discuss matters that concern both parties. PM can raise items at the MTC committee meetings to facilitate communication and cooperation.

This agreement, effective **from date of signature**, and will continue into perpetuity unless the MTC decide by members vote that the arrangement is no longer beneficial or is problematic to MTC. In that case the MP will have to build changeroom and bathroom facilities on the padel court erf to comply with Municipal regulations and By-laws

10. Rental fee paid to MTC by MP

This monthly fee will cover the increase in costs associated with the higher usage of MTC club house. The initial fee for the first three months will be R2 000 per month (a soft start for PM to build up numbers). Thereafter the fee will be R5 000 per month reviewed at each MTC AGM. The first payment of R2000 will be on 1st of September 2025 Into the MTC bank account.

Name:

Bank:

A/C number:

11. Food and Beverage Stock responsibility;

PM (who manage their employee to control the stock) will be responsible for any shortfall or stock shrinkage in accounting for the stock.



Signed

Montagu Tennis Club Chairman

Jacques Nel

Date: 20 August 2025



Signed

For Padel Montagu (Pty) Ltd

Mark Bleloch (director)

Date: 20 August 2025

Padel Montagu
Revised Layout Plan
v5.0
As submitted to council
August 2025

#1 Tennis Club Gate

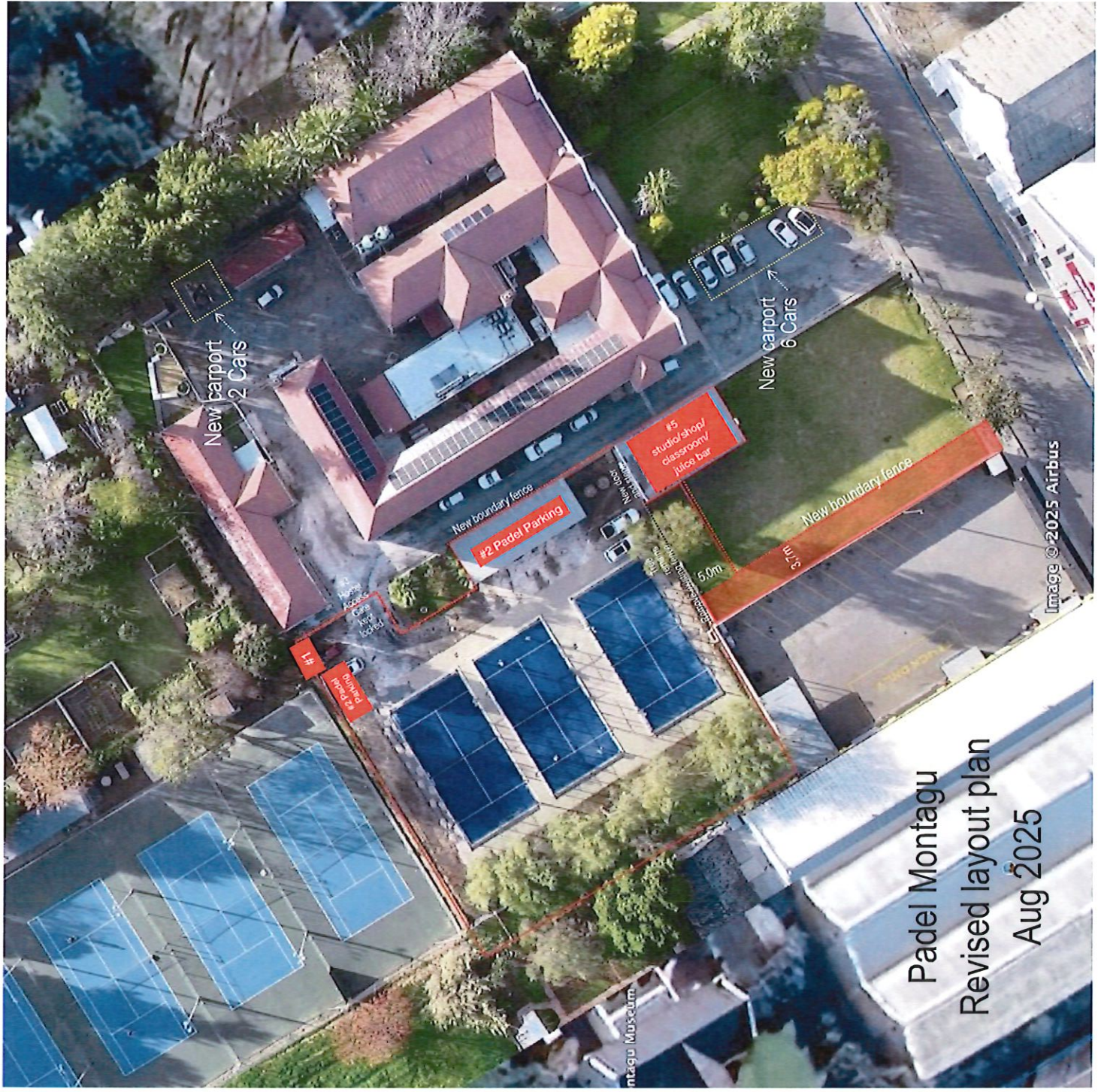
#2 Padel Parking

#3 Hostel Access Gate
kept locked

#4 Car Access
and pedestrian access

#5 Studio/shop/
classroom/
juice bar

#6 Padel Montagu Entrance



Padel Montagu
Revised layout plan
Aug 2025

INVOICE

NUMBER: INV0000040
REFERENCE: RENTAL
DATE: 01/09/2025
DUE DATE: 01/09/2025
SALES REP:
OVERALL DISCOUNT %: 0.00%
PAGE: 1/1



Montagu Tennis Club
YOUR COMMUNITY CLUB IN THE LANGEBOOM

FROM
MONTAGU TENNIS KLUB

TO
PADEL MONTAGU (PTY) LTD

VAT NO:
POSTAL ADDRESS: PHYSICAL ADDRESS:
Church Street
Montagu
6720

CUSTOMER VAT NO:
POSTAL ADDRESS: PHYSICAL ADDRESS:
Company Reg.: 2024/755415/07 Company Reg.: 2024/755415/07

Description	Quantity	Unit Price	Disc %	VAT %	Excl. Total	Incl. Total
Rental Income: Padel Montagu (Pty) Ltd		R2,000.00	0.00%	0.00%	R2,000.00	R2,000.00

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Montagu Tennis Klub
Absa Cheque
Account Nr: 9073 2982 33
Branch Code: 632005

Total Discount: R0.00
Total Exclusive: R2,000.00
Total VAT: R0.00
Sub Total: R2,000.00

Grand Total: R2,000.00

BALANCE DUE
R2,000.00

Janelle Vermeulen

From: Tracy Brunings
Sent: Tuesday, 22 July 2025 13:08
To: Janelle Vermeulen
Subject: FW: Padel Montagu Engineer Certificate
Attachments: PADEL NATION (NORGE) - MONTAGU PADEL - GLASS Eng Completion Letter - 14.07.2025 (signed CJM).pdf; SANS 10400-A 2022 FORM 4 (Filled&Signed CJM) MONTAGU PADEL COURTS.pdf

Please print attached and email below for the padel file. Tx

Kind regards,
Tracy Brunings Pr.Pl. A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720
Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Mark Bleloch <mbleloch@gmail.com>
Sent: Saturday, 19 July 2025 22:41
To: Tracy Brunings <tbrunings@langeberg.gov.za>
Cc: 'Henry Van Nieuwenhuizen' <henry@hvnarchitects.co.za>; Anna-Christa Redelinghuys <annachris@mweb.co.za>; Deon Louwrens <DLouwrens@langeberg.gov.za>; Clive Grinaker <clive@gsm-sponsorship.co.za>
Subject: FW: Padel Montagu Engineer Certificate

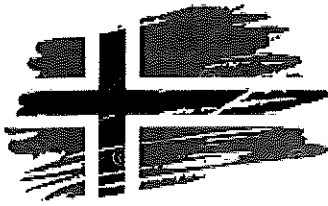
Hi Tracy,

Engineer's certificates to add to the file.

How is the technical approval of our submission going?
When do you expect the formal advertisement to be released?

Kind regards
Mark

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NORGE CONSULTING (Pty) Ltd

Co Reg No. (2024/459978/07)

3 FALCON DRIVE. ALVERSTONE, 3610

E-Mail : NorgeConsulting@outlook.com

Mobile no: 071-4706611

**Langeberg Municipality
Montagu, Western Cape, RSA**

Monday, 14 July 2025

C/O - Derek Everitt / Neil Rodseth / Mark Bleloch

STRUCTURAL ENGINEERS COMPLETION CERTIFICATE

Name of Owner - **MINDSPRING PADEL (Pty) Ltd**

Project Address & Erf No. - **17 KOHLER STREET, MONTAGU, WC**

Manufacturer / Installer - **PADEL NATION**

Approved Plan No. - **n/a**

Design Description & Inputs - **STRUCTURAL GLASS - PADEL COURT**

**1. PADEL COURT GLASS - multiple panels per court - 12mm
TOUGHENED GLASS**

2. No of Courts - 3

FIXING CHECK

1. Design Load Permissible = 1,5 KN/m² - check - OK

2. Deflection - check - OK

3. Moment & Shear Forces - check - OK

Please be advised that these elements have been installed per industry regulations, National specifications, and my/our Professional Engineering judgement.

A visual inspection of the installation and testing procedure has been undertaken and is deemed in order.

I/we hereby notify to grant Full Occupation to the building as per the Municipal Rules & Regulations

Yours faithfully,

CLINT MORCK

Pr.Eng 980573

(Civil/Structural/WetServices)

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Erf No: ERF 1053
Township: Montagu
Owner: MINDSPRING PADEL (Pty) Ltd
Date: 14/07/2025

SANS 10400-A: 2022
Edition 4

Annexure D
(normative)

**Form 4 referenced in the National Building Regulations and
Building Standards Act, 1977 (Act No. 103 of 1977)**

FORM 4

CERTIFICATE OF COMPLETION OF SECTION 14(2A) OF THE ACT

(To be completed upon the completion of the construction, erection or installation of the structural system, the fire protection system, fire installation system or energy usage or any other as required by the Local Authority. No alterations or qualifications are permitted.)

I,	CLINTON JOHN MORCK	(Name of professional)
Address:	3 FALCON DRIVE, ALVERSTONE, 3610	
Cell No:	071 470 6611	
E-mail:	norgeconsulting@outlook.com	
Of	NORGE CONSULTING (Pty) Ltd	
	<i>(Name of practice, partnership, association, company or incorporated body)</i>	
Certified that for the following project:		
Erf/Holding/Portion No:	ERF 1053	
Township/Agricultural holding/Farm name:	MONTAGU	
Street address:	17 KOHLER STREET, MONTAGU	
Application / Approval / Case No:		
Nature of project: Proposed Concrete Slabs for Padel Court		
(Insert proposed new building(s), or building alteration, building addition, re-erection of building, and refurbishment of building or structural repair to existing building, as relevant.)		
☒ the structural system (Padel Courts only)		
the fire protection system		
the fire installation system		
energy usage		
other (specify)		
for which I have taken responsibility in Form 2 has, to the best of my knowledge, been designed and constructed ☒ /erected /installed in accordance with the application in respect of which approval was granted in terms of section 7 of the Act and that it satisfies the requirements of the National Building Regulations.		
Signature of Professional:		Date: 14.07.2025
Registration Council:	ECSA	
Category of Registration: Professional Engineer		
Registration Number:	980573	

10 February 2026

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Tracy Brunings

**APPLICATION FOR TEMPORARY DEPARTURE (PADEL COURTS) ON ERF 1053 MONTAGU:
REQUEST TO AMEND APPLICATION**

It is hereby requested to amend the Site Development Plan submitted as part of the application in July 2025 in terms of Section 52(1)(a): at the applicant's own initiative:

The only changes are as follows:

- The existing structure between the carport and the lawn will not be demolished any more, but used as a studio/shop/equipment store as support for the padel courts.
The intention in the original application was to demolish the building, showing the insignificance for the school.
This building is, however, existing and can be used more purposefully.
The change is therefore positive.
Due to this change, a new store (as proposed) to host the equipment is no more required.
The space of the store can be replaced to be used as an additional parking bay.
This change is also positive.
- The existing carport (6 bays) will be used by the padel participants. This was a new and more practical arrangement between the school and applicant. As the carport will be used, the need for the three open bays is not required any more. The space can, however, be used for additional bays if required. A total of 10 bays can therefore be provided.

The 6m wide access road was proposed in February 2026 to allow for two-way vehicular movement as well as pedestrian movement between Kohler Street and the tennis courts.

In retrospect, the original 5m as proposed on the original Plan as submitted with the application in July 2025 will be sustained. This is the minimum width according to the IZS's requirements and needs to be implemented.

Due to the very low speed of traffic moving to and from the padel courts, together with the need for lawn space by the hostel boys for playing rugby, the former proposed 6m to provide extra space for pedestrian moving to the tennis club, is discarded.

This width is not similar to the 3,7m as part of the signed agreement with the Tennis Club, but as it is wider, there is no disadvantage to the tennis club.

The impact of the wider road on the school needs to be addressed between the two parties.

It can be mentioned that tennis players may park in Kohler Street (with many dedicated street parkings available) and may walk along the 5m wide access road to the padel courts. This will alleviate traffic in Church Street. The new access road to the padel courts provides for this opportunity.

This has no impact on the SDP, it was mentioned to motivate the overall holistic advantages of the shared facilities.

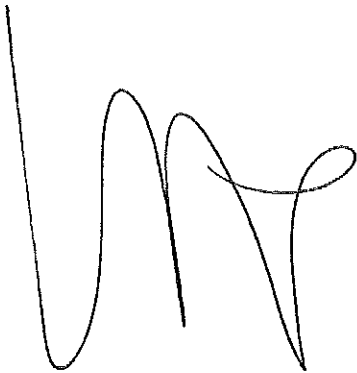
The two changes made are improvements to the original application with no impact on the public or neighbours other than the school.

The changes were agreed between the school and the applicant and alternative arrangements have been made.

The need for recirculation is therefore not necessary.

For your consideration please.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of loops and curves, representing the name Anna-Christa Redelinghuys.

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

Development parameters:

Floor factor: 0,05

Coverage: 114+88=202/3961=5,1%

Cage height: 4m

Parking: 6 in carport and 4 open bays in addition

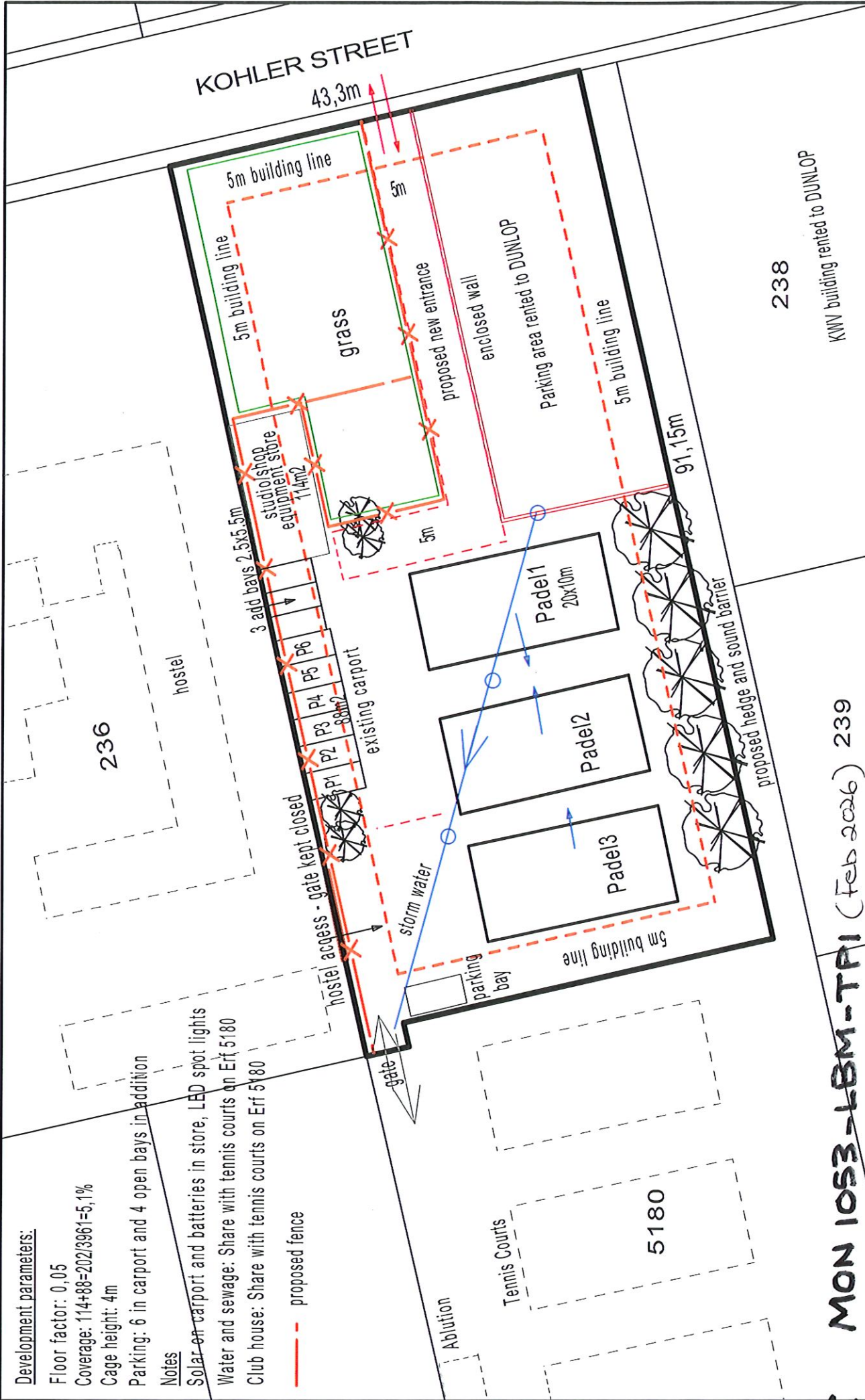
Notes

Solar on carport and batteries in store, LED spot lights

Water and sewage: Share with tennis courts on Erf 5180

Club house: Share with tennis courts on Erf 5180

--- proposed fence



MON 1053-LBM-TPI (Feb 2026) 239

ERF 1053 MONTAGU: SITE DEVELOPMENT PLAN: TEMPORARY DEPARTURE FOR PADEL COURTS

UMSIZA PLANNING Town and Regional Planner	10feb2026	Scale 1:500
	PLAN: E1053MTempDep	

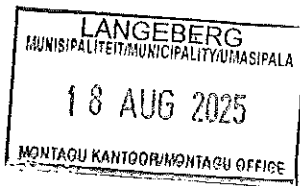
66c

ANNEXURE 3

Objections

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Objection 1



M.W. & M.C.G. Worthington-Jones,

7, Church Street, Montagu. 6720

e-mail mwjones@yebo.co.za

Mike's Mobile +27(0) 84 614 1186

May's Mobile +27(0) 84 507 8941

13 th. August 2025.

LANGEBERG MUNICIPALITY-ADMINISTRATION AND EXECUTIVE OFFICE.

PRIVATE BAG X2, ASHTON. 6715

God Day, We trust you are well.

REF:15/4/8/9/1

Re Temporary Departure for PADEL COURTS: Erf 1053, Kohler Street, Montagu.6720

On the above we would comment as follows,

- 1) Planning should have been granted, prior to it being built and if we were aware of this development we would have suggested it be placed at the Montagu Golf Club as it would make this area into a sports center.....This chance has been lost.
- 2) The boarding school closed access to the tennis club and a temporary entrance was made through the park +/-2 years ago and now the boarding school has allowed access to the" proposed" padel courts and tennis club.
- 3) We would note that the padel courts are currently in use and the people park in Church Street which is a busy road and the main road between Montagu South and the town.....So the Kohler Street access is not being used.
- 4) **We would propose that the park entrance is closed to the Padel Courts and Tennis club.....THIS WOULD BE A WIN-WIN**
- 5) I note that students will get 2 hours of use per day-we trust this will be free.
- 6) Times of use of the courts and club house should be 07h00 to 21h00 and this must be the Padel Court and Tennis club so that drinking and noise ends at 21h00.

The main objectors to the padel courts are Larry and Rosa who live next to the park, (No.12 Church Street.) closing the park entrance and making sure that the bar closes at 21h00 will be a benefit to them and less parking will be a benefit to us.

Thank you for allowing us to comment

Michael W Worthington-Jones
430911-5187-088 ZA/D

Objection 2

The Manager : Town Planning
Langeberg Municipality,
3 Piet Retief Street.
28 August 2025.

Re : Temporary Departure Padel Courts Erf 1053.

Dear Sir,

I enclose my Response to the above application.

Yours sincerely,



G.L. HESTER

RESPONSE TO MOTIVATION REPORT

FOR TEMPORARY DEPARTURE REGARDING PADEL COURTS.

I the undersigned, Graham Larry Hester, of 12 Church Street, Montagu, refer to the above and provide herewith my response thereto. My property is adjacent to the courts. I am also the owner of 10 Church Street, also very close to the courts.

Background.

- The applicant commenced construction of the courts, without having the approval of the municipality for such construction, and without proper consultation with the affected neighbouring property owners.
- He was served with a Stop-works Order by the municipality, but did not comply with this and continued the construction works.
- On completion of the works, although he was not legally able to use the courts under the existing zoning, he has commenced use of the same, and is continuing to use them.
- A schedule of the times the courts were used, to my knowledge, is annexed here.
- The above facts indicate that the applicant had and has no regard to the impact the courts will have on the surrounding properties. This state of mind will no doubt continue into the future, and the neighbouring owners or occupiers will receive little sympathy for the bad effects the courts will produce.
- For this reason, those owners are reliant on the protection of the municipality and its enforcement of the existing legal remedies, to avoid irreparable and ongoing harm into the future.
- The applicant also ignored municipal and statutory regulations in the construction and use of the site. Such an attitude does not bode well for any future compliance of legislation, or restrictions which may be imposed by the municipality.

Legal Issues

- It may be asked whether the application can proceed, and a departure be considered, where the works which have been irregularly and unlawfully erected, are not first removed. It would seem necessary to remove all unlawful works before this application can be considered.

If this were not the case, an owner could build any non- conforming improvements on his property, commence using them contrary to the law, and then bring an application such as this, for a rubber-stamping of his unlawful conduct.

Where would be the authority of the municipality in such a case, and what would be the effect on our town, if this approach is allowed.

- It seems also that the members of the governing body of the school where the courts are situated, may be personally liable for the unlawful activities on the school grounds. They are aware of the circumstances surrounding the improper construction and use of the school grounds, and where such unlawful actions have consequences, may they not be personally liable for them. Where the value of surrounding properties are affected, then an action could be brought against the applicant by owners, for compensation for such decreased value, but also the school board members, for having allowed and therefore participated in such unlawful construction and use of the land.

Land Situation

- The site chosen for the courts is wrong for the purpose. It is in the centre of a sensitive cultural and residential area.
- The Museum in Long Street has tourist activities, as well as music performances and church services. The last thing needed here is shouting and bat and ball noise.
- The students at the school will be impacted in their study and sleeping periods.
- The residences and guest houses around the site will be impacted by the noise, potentially from 0600 to 2100 every day of the week.
- There exist far more suitable sites, such as the golf club, which has a bar, a deck, toilets and parking facilities, and none of the damaging elements referred to

above. The walls of the courts can, I understand, be dismantled and removed to another site.

- It is wrong to say no complaints have been received. All surrounding owners and occupiers have filed written objections to the courts, and this is known to the applicant. This was also verbally conveyed to the applicant. It is incumbent on the municipality to stop unlawful use of land, not the neighbouring owners.
- Where the applicant wants to situate the courts in a residential area, the hours of play should in any event be limited to 0830 to 1730 each day, and no use on Sundays and public holidays.
Wherever the applicant chooses a site such as the golf club or similar site, then the hours can be extended.

Community Survey.

- The survey referred to is of little value. It is not a question of whether some people want to play the sport. The question is whether this is a suitable site for the courts. It is not.
- A player will arrive, play the match and leave. They will not be subject to racket noise and shouting potentially all day and every day.
- The survey was done by the applicant and cannot therefore be relied on as an independent study.
- The fact that there may be interest in the sport in Montagu does not mean that the site chosen is appropriate, since the same interest would exist if the courts were built at the golf club or elsewhere.
- The negative impact of the courts in the proposed site, outweighs any abstract or general interest in having courts in Montagu.

Noise Impact

- Numerous studies have been conducted internationally and locally, which have identified and measured the negative noise impact of the sport. Residential communities in many places are resisting the construction of courts for this reason.
- Although the sport is very noisy, it is possible to identify land which is suitable, such as the golf club, and areas far from residences and tourist facilities.

- The severity of the noise of each racket or ball strike is important, but it is not the only issue. Where a noisy truck passes, or a car backfires, it is a single event which does not damage the neighbourhood.

The real issue is the continuous nuisance nature of the noise created. The sound of rackets, balls and shouting is continuous for potentially the entire day. It is similar to having a barking dog in your neighbours yard, that barks next to your house from 0600 to 2100.

The noise nuisance of a repetitive and continuous nature must be considered as the major problem, not a measurement of sound as if it were of a one-off nature.

- The noise levels are not compatible with a residential and cultural area. It is simply wrong to state that they are.
- The wall which the applicant refers to must be clarified. Does he mention this as a vague proposal, or is it a legally binding obligation that could be enforced by the municipality. What guarantees are offered about the cost of construction and the efficiency of noise reduction. Where will it be built, of what materials will it consist and how soon after municipal demand will the building of the wall be completed.
- The noise level will increase with experienced and stronger players, and with 3 courts being used. The tests may have only included beginner players who create less noise.
- The effect of noise on businesses is limited to working hours. The businesses will not be subject to noise after 1700 and on weekends. The residences and guesthouses will suffer from the noise also at these times, which are particularly the leisure times when they and their guests and tourists would like to have quiet enjoyment of their gardens and properties.
Noise will adversely affect tourists staying at guesthouses in the area.
- The study was done on behalf of the applicant and is therefore not objective, and cannot be accepted. A study should comply with SANS 10103:2017 to be credible, and take many more factors into account.

Heritage Issues

- Montagu is an historic town, with many old buildings, and with a rich history of conservation of its character.

- The municipality has a policy of protecting the heritage of the town, which includes buildings, and inappropriate activities. This applies everywhere, but particularly in Long Street, Church Street, Bath Street, and around historic buildings.
- The approval of a noisy sport activity with spotlights, shouting and racket noise all day, in a site which is most sensitive, will undermine the efforts of the municipality to maintain the existing peaceful environment of the town.
- The site is not appropriate for the courts, and there is no good reason to approve the application. The courts should move to a site where all of the above damage does not occur.

Parking

- During the current period of unauthorised use of the courts, many players as well as the applicant, parked outside our house in Church Street.
- Even if there are bays in the school grounds, there is no control over the parking of cars in Church Street by players.
- Church Street is a sensitive heritage centre of the town, and is already quite crowded with parking by tourists and tennis players. An additional load of parking is not sustainable there.
- No matter what promises are made by the applicant, players will park there, as has already been proven in the current time. This is the case, even though there are some bays on the school ground.
- After the end of playing, players will no doubt use the bar of the tennis club, and the parking and noise issues could continue into later hours at night.

Unlawful Use of Courts

13.07.25	2 courts	6 persons	
14.07.25	1 court	2 persons	
17.07.25	2 courts	8 persons	and construction activity
18.07.25	1 court	4 persons	and construction activity
19.07.25	1 court	4 persons	
24.07.25	1 court	7 persons	
26.07.25	2 courts	7 persons	
27.07.25	1 court	4 persons	

28.07.25	construction activity	
03.08.25	2 courts	7 persons
07.08.25	1 court	2 persons
08.08.25	2 courts	4 persons
	3 courts	12 persons
13.08.25	1 court	2 persons
15.08.25	2 courts	8 persons
24.08.25	4 courts	10 persons
26.08.25	3 courts	7 persons

Conclusion.

- The application should be pended, until the unlawfully constructed works have been removed.
- When the application is reinstated, it should be declined.
- No use of the courts should be allowed in the interim.

Subject: Padel Courts

From: Larry Hester <lhester@iafrica.com>

Date: 2024/11/15, 08:57

To: jevontara@gmail.com

Good day,

you recently delivered a proposal to develop document to us at 12 Church St, and asked for comments.

1. Parking is a problem. Church St. is already overcrowded with parking by residents, tourists and tennis Club members. To add even more parking there will not be in the interests of the town, and one of its central and historic streets.

You should obtain access from Kohler Street, and park in Kohler Street.

2. The hours of play in a residential area are not appropriate. You mention that you will be open until 2100. The noise and floodlights at this time will not be suitable for a residential/tourist area.

I understand also that the noise created by padel is much in excess of that of tennis.

You should limit the hours of play to say 1830.

3. We have recently purchased 10 Church St. The impact on us here at 12 Church Street, will be equally relevant to 10 Church St.

Will you be forwarding comments you receive to the Municipality?

Regards,

Larry Hester

RECEIVED FROM LARRY HESTER & DISCUSSED WITH HIM
ON 15-11-2024

[Signature]

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Objection 3

J van Rooyen

Kohler Straat,

Montagu.

Langeberg Municipaliteit,

Piet Retief Straat,

Montagu.

3 September 2025.

Re : Padel Baan Aansoek vir Afwyking van Sonering.

Geagte Menere,

Ek is bewus van die bogenoemde aansoek vir die oprigting en gebruik van padel bane op die skool koshuis gronde in Kohler Straat.

Ek is van mening dat die bane moes nie opgerig gewees het nie, en ek is gekant teen sulke oprigting en die gebruik van die bane.

Die kulturele en residentieele aard van die terrein is nie geskik vir sodanige aktiwiteite nie.

Die bane kon by die gholfbaan of elders geplaas word, waar skadelike klanke, parkering, ligte en ander ongerief nie probleme sou veroorsaak nie.

Dankie vir u oorweging hiervan,



Jacomi van Rooyen

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LANGEBERG MUNISIPALITEIT.

PIET RETIEF ST.
MONTAGU.
6720.

MS. T. BRUNINGS.

Goeie dag,

Ek wil te kenne gee dat ek gekant is teen die Padel bane langs die skool koshuis in Kohler Straat.

Ek woon aan die noordelike grens van die skool, en die geraas wat die bane veroorsaak sal my nadelig affekteer. Ek verstaan dat die bane gebruik sal word vanaf 0600 tot 2200 elke dag.

Sulke bane hoort nie in n kulturele en residentieele gebied nie.

Dankie,


Jacomi van Rooyen

28 April 2025

Tracy Brunings

Objection 4 (withdrawn)

From: Lithalethu Mshoti <Lithalethu.Mshoti@westerncape.gov.za>
Sent: Tuesday, 25 February 2025 08:48
To: Tracy Brunings
Subject: Fw: Notice of intent to develop off Kohler Street, Montagu

Dear Tracy

Please find below the objection from the Montagu Museum Board of Trustees.

Best regards,
Lithalethu Mshoti

From: Lithalethu Mshoti <Lithalethu.Mshoti@westerncape.gov.za>
Sent: Friday, 06 December 2024 14:04
To: Tara Jevon <jevontara@gmail.com>
Cc: Mark Bleloch <mbleloch@gmail.com>; Timothy Westwood <timpaulwestwood@gmail.com>; Ida David <ida@davix.co.za>
Subject: Re: Notice of intent to develop off Kohler Street, Montagu

Dear Tara

Hope this email finds you well.

After the discussion in the Board of Trustees meeting, it was decided to object the intent to develop a pedal court due to the noise nuisance.
There is a meeting planned with the neighbors and more information will be communicated after this meeting.

Best Regards,
Lithalethu Mshoti

From: Tara Jevon <jevontara@gmail.com>
Sent: Thursday, November 21, 2024 9:22 AM
To: Lithalethu Mshoti <Lithalethu.Mshoti@westerncape.gov.za>
Cc: Mark Bleloch <mbleloch@gmail.com>; Timothy Westwood <timpaulwestwood@gmail.com>
Subject: Re: Notice of intent to develop off Kohler Street, Montagu

Great, thank you for the feedback.

Warm regards,
Tara

On Thu, Nov 21, 2024 at 9:13 AM Lithalethu Mshoti <Lithalethu.Mshoti@westerncape.gov.za> wrote:
Dear Tara

Please note that this will be tabled at our next Board of Trustees meeting which will be held on Thursday 28 November 2024 I will communicate any comments after the meeting.

6 May 2025

Re: Objection - Planned Padel Courts – Kohler street.

To: Langeberg Municipality

Att: Me T Brunings,
tbrunings@langeberg.gov.za

Montagu Music Society has become aware of the construction of padel courts at the school boarding house in Kohler street, Montagu.

The Music Society contributes to the cultural well-being of the town and most performances are held at the Mission church situated at 41 Long street adjacent to the padel court being constructed.

The Music Society endeavors to bring classical musicians of international caliber to Montagu, which are arranged at a significant financial outlay to the society and its members. Concerts are held late afternoons and early evenings, on weekends, starting from 15h00 and lasting up to 21h00, depending on starting times.

Any noise emanating from the padel courts during these performances will definitely have a negative impact on the quality of the performances and the enjoyment of the patrons.

If the construction of the padel courts proceeds, Montagu Music Society hereby requests that the padel courts be closed when a performance takes place at the Mission Church.

Kind regards

Montagu Music Society
calhan@worldonline.co.za

Monte Vista Guest House,
14 Church Street,
Montagu .
6720.

Received by hand.
19/05/2025.
TUB-go.

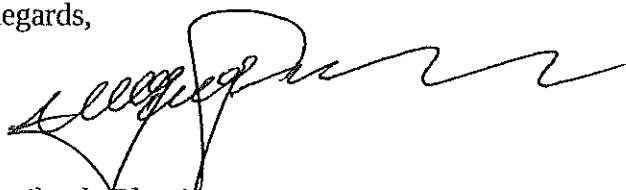
To: The Langeberg Municipality .
Montagu.

Attention : Ms. T. Brunings.

Good day,

Please note that we are against the establishment of padel courts in the grounds of the High School residence, since they will create a noise nuisance that will adversely affect our guesthouse, as well as our private residence.

Regards,



Amika du Plessis.

A. J. du PLESSIS

ANNEXURE 4

Letters of Support

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Myrna Staal

From: Albert Coetzee <Albert.Coetzee@ninetyone.com>
Sent: Saturday, 09 August 2025 08:24
To: Myrna Staal
Cc: Langeberg Municipality
Subject: TYDELIKE AFWYKING - ERF 1053 MONTAGU

Thank You for the notification, Myrna.

I have no objection and welcome it as a nice addition to beautiful Montagu.

Regards,

Albert

Albert Coetzee
 External Consultant

T: +27 21 901 1854

M: +2782 921 8573

Our temporary new office:

Merchant House, 19 Dock Road, V&A Waterfront, Cape Town, 8001

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From: Myrna Staal <mstaal@langeberg.gov.za>
Sent: Friday, August 8, 2025 2:56 PM
To: albert.coetzee@investecmail.com
Cc: Langeberg Municipality <admin@langeberg.gov.za>
Subject: FW: TYDELIKE AFWYKING - ERF 1053 MONTAGU

Good day

Please find herewith an application for your attention and comments please.

Vriendelike groete / Kind regards

Myrna Staal
 Stadsbeplanning / Town Planning
 Tel: 023 614 8000

Disclaimer

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Myrna Staal

From: Myrna Staal
Sent: Monday, 08 September 2025 16:21
To: 'Sandy Knight'
Subject: RE: Support for Padel Courts in Montagu

Good day

I herewith acknowledge receipt of your e-mail.

Thank you.

Vriendelike groete / Kind regards

Myrna Staal
 Lidsbeplanning / Town Planning
 Tel: 023 614 8000

From: Sandy Knight <sandra.knight@outlook.com>
Sent: Monday, 08 September 2025 15:57
To: Tracy Brunings <tbrunings@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; Myrna Staal <mstaal@langeberg.gov.za>
Subject: Support for Padel Courts in Montagu

Good afternoon,

My name is Sandra Knight of 15 Middle Street, Montagu. I have owned property in the town for the last 10 years and have lived here for the last 7.

I comment on the both the location of the padel courts, and the game itself as follows:

- Padel is easy to learn with simple rules and is inclusive for all ages and levels of fitness making it a family friendly sport. The game both lots of fun and very social, as well as being very competitive at many levels.
- I believe that with careful management the courts can operate in their current location with little impact on the surrounding neighbours, much like the tennis courts and restaurants in the same area operate today.
- Padel one of the fastest growing sports in the world and I believe will be an added benefit to tourism in our town.
- Much like the availability of Wi-Fimstaal was years ago – the availability of padel may not be the sole reason for tourists to spend time and money in Montagu – but is will certainly be the swing vote in many visitor's decision process as to whether they visit Montagu, or a similar town on their radar without padel.

Regards
 Sandra Knight

Good day

I am Suria Meyer, a resident in Montagu for the last $\pm$ 30 years. I went to the primary school and high school. (1992)

I played for the high school tennis on the local courts and when I start working at the police station in 2002, I joined Montagu Tennis club and ever since been a member.

The padel courts are situated next to the hostel and tennis courts, in Kohler Street.

I know that this site sits within a culturally and residentially sensitive area and that a neighbour have raised concerns about parking, noise and operating hours.

My honest opinion is, that the noise of tennis balls are making more noise than the balls and members at the padel courts. The other side to complaints are, that some of the complainants have chosen to buy next to the tennis courts. I have chosen to live across the road from the High School and must get used to the school bell, the early sport on Saturday mornings and the paper waste/garbage I have in my garden that is from the school. I think if one has a positive attitude towards sport, education, development and wellness, these objections will not be issues.

I believe that the courts can operate responsibly and contribute positively to local sport, youth development, wellness and tourism.

I believe that there can be a medium of understanding between the different role-players, and that the courts can operate responsibly and contribute positively to local sport, youth development & wellness.

It is also a positive attraction for tourism, I know of a couple who came to visit Montagu from the Monday to Wednesday, came back on the Friday and bought a home in Le Roux Street on the Saturday afternoon.

Padel is a fast-growing and accessible sport worldwide.

I really support padel because it is a fast-growing and accessible sport. It will also be an income to the school, and as we know, an extra financial injection is always positive.

It will make the hostel environment more vibrant and attractive to current and prospective students. Padel is a sport where you book on a app (Playtomic) your session and leave after that session. It is not where there will be a lot of people sitting around for a turn to play (which dampers the noise) The opening hours will be 07:00 – 21:00 (summertime), if the Church/Joubert Huis have objections against the hours on a Sunday, communication will be best, to ask the owner to "book" the courts every Sunday for two hours, and no-one will be able to play.

Padel can be a great income for the school/hostel and town. If tourist come to a town, they can look on the playtomic app to see if there is padel courts, book it and spend money.

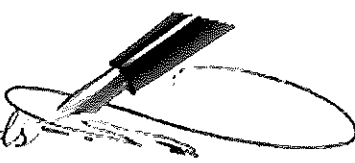
I believe that padel will become a school sport, and this is the best way to introduce it to schoolchildren.

Parking will be inside the grounds and in Kohler Street.

I really am very positive about the developing of padel in our little town, and all the positive things that can come from having padel courts available. In the near future employment can also be addressed if they appoint a gardner, a coach and a manager to run the courts.

Padel is for young and old, and what a better way to meet people, to socialize and to develop the youth.

I really support padel and support approval for the Padel Courts at Erf 1053 in Montagu.

Regards 

Suria Meyer

08/09/25

Myrna Staal

From: Myrna Staal
Sent: Monday, 08 September 2025 13:49
To: 'Isabel Minnaar'
Subject: RE: New Padel courts in Montagu

Good afternoon

I herewith acknowledge receipt of your e-mail.

Thank you.

Vriendelike groete / Kind regards

Myrna Staal
Stadsbeplanning / Town Planning
Tel: 023 614 8000

From: Isabel Minnaar <minnaarisabel@gmail.com>
Sent: Monday, 08 September 2025 13:44
To: Myrna Staal <mstaal@langeberg.gov.za>
Subject: New Padel courts in Montagu

To Whom It May Concern

As a newcomer to town, I would like to share how excited I am about the new padel courts and the value they bring to our community.

Moving to a new town can sometimes feel lonely, but the padel courts have already given me – and many others – the perfect place to meet people, make friends, and feel part of the community. Padel is such a social sport, and its friendly format means that anyone can join in, no matter their age or experience. It is easy to learn, and playing in doubles makes it fun and inclusive.

The location of the new courts could not be better. Being right next to the tennis courts and in the middle of town makes them easy for everyone to access. Whether you are walking, cycling, or driving, it is nearby and convenient – which encourages more people to play regularly.

For me personally, these courts are more than just a place to exercise – they are a place to connect. They are a way for newcomers like myself to meet locals, to build friendships, and to feel truly at home. For older residents, it is also a fantastic way to stay active, improve mobility, and keep healthy in a fun, safe environment.

These courts are a real asset to our town. They bring people together, promote an active lifestyle, and create a welcoming space where community spirit can grow.

Kind regards,
Isabel Minnaar

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To: Langeberg Municipality
Subject: Support for Padel Courts - Montagu
Date: 8 September 2025

I, Hugo Bornman, of 4 Kort Street, Montagu-West, hereby record my support for the application for the padel courts located on Erf 1053, Kohler Street, Montagu.
Relationship to area: "I am a resident, business owner as well as club member with 8 years of connection to the immediate neighbourhood and Montagu's heritage precincts."

Acknowledgement of context

I know this site is in a sensitive area, both culturally and residentially, and I also know that neighbours have raised concerns about parking, noise, and hours of operation. Those are real issues, and I agree they need proper management and clear conditions in place.

At the same time, I believe that if those conditions are respected, the courts can run in a responsible way and actually bring benefits to the community—things like sport and youth development, health and wellness, and maybe even a small lift for tourism—without taking away from the heritage feel of the area or the peace and quiet of nearby homes.

Conditions and commitments I support

Parking & Traffic

All player and visitor parking to be contained within the property, with no overflow onto nearby streets.

Clear signage and possibly a parking marshal during peak times.

Noise Management

No amplified music, whistles, or loudspeakers outside of agreed hours.

Planting of hedges or installation of acoustic screening to reduce sound impact on neighbours.

Operating Hours

Summer: 7:00 – 21:00 (as proposed).

Winter: later opening (e.g., 8:00) and earlier closing (e.g., 19:00 or 20:00) to respect darker mornings and evenings.

No special events outside these hours without prior approval.

Lighting

All floodlights to be low-spill and downward facing to avoid light pollution.

Lights to be switched off immediately after closing time.

Community Access & Benefits

Certain time slots reserved for local schools, youth groups, or community programmes at discounted rates.

Commitment to host open days or free introductory sessions for locals.

Heritage & Environment

Landscaping to reflect the heritage character of Montagu (e.g., using indigenous plants).

Regular maintenance of grounds so the site blends with the surroundings.

Ongoing Accountability

A community liaison contact person for neighbours to raise issues with directly.

An annual review of operations with community input to ensure conditions are working.

Personal experience

From what I've seen, players have generally been considerate, and parking has been handled pretty well. Programs have been scheduled thoughtfully, and on the few occasions concerns were raised, the staff have responded in a positive and helpful way.

Conclusion

So, with the right conditions in place, I support approval for the Padel Courts at Erf 1053 in Montagu. I think this is a fair way to protect neighbours' quality of life and heritage values, while also giving the wider community some real benefits.

From: graham w <grahamwalshie@gmail.com>
Sent: Monday, 08 September 2025 14:24
To: Myrna Staal
Subject: Re : not yet opened Padel courts

Why Padel Courts Are a Vital Step Forward for Montagu

As recent visitors to Montagu, we want to share how a simple but visionary addition to the town, the padel courts, played a pivotal role in our decision to become part of this community.

We live in Cape Town and had been searching for a small Karoo town to settle in, somewhere with beauty, character, and a sense of connection. When we discovered the padel courts during our stay with friends, it wasn't just a novelty-it was a sign. We joined in during the public open days and were instantly struck by the energy, friendliness, and inclusivity the courts fostered.

In just two days, we had met welcoming residents, shared games with locals and visitors alike, and experienced a unique sense of community. By the time we left, we knew Montagu was where we wanted to be. The following weekend, we returned to put in an offer on a house, and, naturally, to play more padel.

To some, a padel court might seem like just another sporting facility. But what we saw was a forward-thinking investment in community life. Padel is an incredibly social sport, easy to learn, engaging for all ages, and a perfect way to bring people together across backgrounds and generations. It complements the slower pace and heritage of Karoo living with a dynamic, modern activity that builds relationships and fosters a vibrant, connected town.

We were deeply impressed that a small town like Montagu would prioritize something so contemporary, while still holding onto its charm, its heritage, and its sense of place. It's exactly this balance that makes Montagu so special.

We applaud the residents and decision-makers who saw the value in this initiative. The padel courts are not just about sport, they're about creating meaningful interaction, welcoming newcomers, and building a stronger, more unified community.

To those who may still have reservations, we encourage you to visit the courts, speak with those who use them, and see the bigger picture. This is not a step away from Montagu's identity, but a step forward in preserving and enriching it.

Well done, Montagu! for embracing progress while staying true to your heart.
Sent from my iPhone

To: Langeberg Municipality

From: Amanda Visser, Montagu South.

RE: Padel Courts, Kohler Street, Montagu.

To Whom It May Concern

I am a resident of Montagu and an enthusiastic supporter of padel courts for the town. Montagu has steadily earned its reputation as a premier destination for outdoor enthusiasts. The inclusion of padel, a fast-growing national and international sport, will enhance its competitive edge as a tourist hub. Visitors increasingly seek destinations that offer both relaxation and active engagement.

In a time when many small towns grapple with keeping young people positively occupied, this facility could play a pivotal role in keeping kids off the streets and involved in something uplifting. We have had first-hand experience of the positive impact of social interaction and physical activity on youngsters who were exposed to the experience.

The proposed location is particularly well-suited: centrally positioned and within walking distance of numerous guesthouses and accommodations, it ensures convenience for both residents and visitors. Its proximity to the existing tennis club creates a natural synergy, with the possibility of fostering a vibrant sports precinct.

The padel courts would be a valuable asset. I urge you to consider the long-term benefits and transformative potential of this project. Montagu is evolving, and this initiative is a timely step forward.

Warm regards,

Amanda

0828203750

08/09/25

From: graham w <grahamwalshie@gmail.com>
Sent: Wednesday, 10 September 2025 15:13
To: Myrna Staal
Subject: Re : not yet opened Padel courts in Montagu

10 September 2025

To: Langeberg Municipality
Subject: Support for Padel Courts – Montagu

We, **Graham Walsh and Nicci Drzewicki**, of **24 Le Roux Street**, hereby record our support for the application for the padel courts located on Erf 1053, Kohler Street, Montagu.

Relationship to area:

We are recent visitors to Montagu and soon-to-be residents, having made the decision to relocate here following a visit during which we experienced the community and atmosphere fostered by the new padel courts.

Acknowledgement of context

We recognise that this site sits within a culturally and residentially sensitive area and understand that neighbours have raised concerns about parking, noise, and operating hours. These are legitimate matters requiring careful management and enforceable conditions.

It is also important to note that the proposed padel courts are directly adjacent to the already established **tennis courts and club**, which function daily and have long supported the community in a healthy, respectful, and positive way. The padel courts are a natural and complementary extension of this existing recreational hub.

Subject to reasonable conditions, we believe the padel courts can operate responsibly and contribute meaningfully to local sport, wellness, and modest tourism uplift, without compromising heritage character or neighbour amenity.

Conditions and commitments we support

- We support the club being open during the proposed official hours (07:00–21:00), as this balances community use with residential tranquillity.
- We support enforceable guidelines for respectful noise levels and appropriate parking inside the grounds.
- We encourage continued inclusive programming such as open days, youth access, and multigenerational engagement that fosters social connection.

Personal experience

During a recent visit, we participated in public open days at the courts. In just two days, we met welcoming residents, shared games with locals and visitors alike, and experienced an uplifting sense of community. The space was well managed, the players courteous, and the overall energy incredibly positive. This experience played a pivotal role in our decision to return the following weekend to put in an offer on a home in Montagu and of course, to play more padel.

We were also struck by how progressive and forward-thinking Montagu is in embracing **padel - one of the fastest-growing sports in the world**. It was incredible to see a small **Klein Karoo**

town taking bold steps to include such a popular and inclusive sport, while still **preserving its unique charm, heritage, and sense of place**. This thoughtful balance is exactly what makes Montagu so special.

Conclusion

With the above conditions in place, we support approval for the Padel Courts at Erf 1053 in Montagu, as it *"balances neighbour amenity, heritage considerations, and tangible community benefits in a transparent and enforceable manner."*

Sincerely,

Graham Walsh and Nicci Drzewicki

24 Le Roux Street, Montagu

Sent from my iPhone

ANNEXURE 5

Departmental Comments

Myrna Staal

From: Carel Posthumus
Sent: Thursday, 09 October 2025 06:59
To: Myrna Staal
Cc: Arnot Joubert
Subject: FW: TYDELIKE AFWYKING - ERF 1053 MONTAGU
Attachments: Erf 1053 Montagu - Memo Interne Departemente.pdf; Erf 1053 Montagu - Motivation report.pdf

Goeie more Myrna, die Siviele Ing Dept het geen beswaar op die aangehegde aansoek nie.

groete

Carel Posthumus
Snr Manager Civil Engineering Services

Langeberg Municipality
Private Bag X2 • ASHTON • 6715
Phone • (023) 615 8000
e-mail: cposthumus@langeberg.gov.za



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From: Myrna Staal <mstaal@langeberg.gov.za>
Sent: Thursday, 11 September 2025 15:48
To: Carel Posthumus <cposthumus@langeberg.gov.za>
Subject: FW: TYDELIKE AFWYKING - ERF 1053 MONTAGU

Goeie middag Meneer

U kommentaar op hierdie aansoek is nog uitstaande.

Dankie.

Groete

Myrna

Myrna Staal

From: Cobus Opperman
Sent: Sunday, 10 August 2025 13:59
To: Myrna Staal; Carel Posthumus; Jonathan Dos Santos
Cc: Anneli Mouries; Maria Saaiman; Tracy Brunings; Ben Beukes; Deon Louwrens
Subject: RE: TYDELIKE AFWYKING - ERF 1053 MONTAGU (PADDLE COURTS)

Good day

The Electrical Department has no objection to the above application subject to the following conditions:

1. Normal Bulk services and connection costs will be applicable for additional/new Electrical capacity required.
2. All Alternative Electrical installations (UPS, Solar PV, LV Standby generator) to obtain written permission pre-installation.
3. Local and national legislation prohibits Electrical supply to be taken across Erf boundaries.

Kind Regards/Groete,

Cobus Opperman
Snr Technician/Snr Tegnikus
Electrical Engineering Services/Elektriese Ingenieursdienste
Robertson
Tel: 023 626 8266
E-mail: copperman@langeberg.gov.za



From: Myrna Staal <mstaal@langeberg.gov.za>
Sent: Friday, August 8, 2025 14:44
To: Carel Posthumus <cposthumus@langeberg.gov.za>; Cobus Opperman <copperman@langeberg.gov.za>; Jonathan Dos Santos <JDSantos@langeberg.gov.za>
Cc: Anneli Mouries <amouries@langeberg.gov.za>; Maria Saaiman <msaaiman@langeberg.gov.za>; Tracy Brunings <tbrunings@langeberg.gov.za>
Subject: TYDELIKE AFWYKING - ERF 1053 MONTAGU

Good day

Please find herewith an application for your attention and comments please.

Vriendelike groete / Kind regards

Myrna Staal
Stadsbeplanning / Town Planning
Tel: 023 614 8000

Subject: FW: ERF 1053 MONTAGU: PADEL COURTS

From: Cobus Opperman <copperman@langeberg.gov.za>
Sent: Wednesday, 28 January 2026 11:39
To: Tracy Brunings <tbrunings@langeberg.gov.za>; Ben Beukes <BBeukes@langeberg.gov.za>
Cc: Cobus Mouton <cmouton@langeberg.gov.za>; Deon Louwrens <DLouwrens@langeberg.gov.za>
Subject: RE: ERF 1053 MONTAGU: PADEL COURTS

Tracy

1. Erf 1053 do not have an existing Electrical installation; they have illegally taken electricity from Erf 236 (Montagu school Hostel). It must be removed.
2. The Solar PV installation at the Padel courts have no application, are illegally connected to Erf 236's electrical connection.
3. Erf 1053 must apply for their own electrical connection, and then they can apply for the Solar PV
4. It is very disturbing that Mr. Mark Ble-Loch engage in these illegal activities-he is well aware of the national and local legislation.
5. The applicable penalty for illegal connection of alternative electrical connection will be billed to the owner of erf 236.

Ben

Can you please visit the Montagu school hostel and ensure that the illegal electrical connection from Erf 236 to Erf 1053 be removed immediately?

They can then utilize the Solar PV installation as an Off-grid installation pending the application for an electrical connection to erf 1053

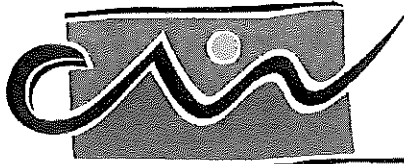
Kind Regards/Groete,

*Cobus Opperman
Snr Technisian/Snr Tegnikus
Electrical Engineering Services/Elektriese Ingenieursdienste
Robertson
Tel: 023 626 8266
E-mail: copperman@langeberg.gov.za*



From: Tracy Brunings <tbrunings@langeberg.gov.za>
Sent: Monday, 26 January 2026 12:57
To: Cobus Opperman <copperman@langeberg.gov.za>
Cc: Ben Beukes <BBeukes@langeberg.gov.za>
Subject: ERF 1053 MONTAGU: PADEL COURTS

Hello Cobus,



CAPE WINELANDS DISTRICT

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NAVRAE/ENQUIRIES/IMBUZO:
TELEFOON/TELEPHONE/UMNXEBA:
FAXS/FAX/IFEKSI:
E-POS/E-MAIL/E-MAIL:
U VERW/OUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

Mahlatse Mahlobogoane
023 626 8302
0236265109
Mahlatse@capewinelands.gov.za
8381719

40 Van Reenen Street
51
Robertson
6705

2025-08-12

The Municipal Manager
Langeberg Municipality
Private Bag X 2
Ashton
6715

Attention: Ms. T. Brunings
Manager Town Planning Department

APPLICATION FOR A TEMPORARY DEPARTURE: ERF 1053 MONTAGU: FOR THREE PADEL COURTS

Your correspondence dated 11 August 2025, refers.

This department has no objection to the above-mentioned application, subject to:
The approval from Langeberg Municipality regarding the provision of basic services and related matters.

Health nuisance/Risk

The application must comply with the requirements of Cape Winelands District Municipality Health By-laws Gazette 16 February 2010 and make sure any activity taking place at Erf 1053, Kohla Street, Montagu does not create any form of health nuisance.

General:

This office reserves the right to call for additional requirements if deemed necessary at any later stage.

Yours sincerely,

For: Municipal Manager
Mr. S Johaar
Acting mm



Myrna Staal

From: Jonathan Dos Santos
Sent: Friday, 08 August 2025 14:49
To: Myrna Staal; Carel Posthumus; Cobus Opperman
Cc: Anneli Mouries; Maria Saaiman; Tracy Brunings
Subject: RE: TYDELIKE AFWYKING - ERF 1053 MONTAGU

Hi Myrna

With reference to the above-mentioned application, the following comments from Building Control apply:

1. Approvals: Building Control has reviewed your proposal and the following applies.
2. Any new structures or changes to existing structures must undergo thorough inspections to ensure compliance with structural integrity and safety requirements.
3. Proposed changes must align with the accessibility requirements outlined in the National Building Regulations, ensuring equitable access for all as necessary.
4. Fire safety measures and systems must meet or exceed the standards set by the National Building Regulations to ensure the safety of occupants.
5. Before any commencement of Building work, alterations to existing buildings and/or usage change of existing buildings, Building plans must be submitted to and approved by Langeberg Municipalities Building Control Department prior to construction as applicable. – Any Illegal structures will need to be retrofitted to comply with the requirements of the NBR or demolished. This recommendation does not endorse any illegal structures on the property.

The above includes both proposed new work building work and “as-built” building work and where the **use of building are changed**.

Any future developments or alterations must fully adhere to all aspects of the National Building regulations and approval of this application may not be deemed to be an exemption thereof.

If you have any inquiries or require further clarification, please do not hesitate to reach out to the Building Control Department directly.

Kind Regards,
Jonathan Dos Santos BCO2024041834 | PSAT57288452
Building Control Officer
Town Planning Department / Building Control
Langeberg Munisipaliteit • Municipality
Privaatsak X2 Private Bag • ASHTON • 6715



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Tel • (023) 626 8200 • Phone (Ext 136) • Email • JDSantos@langeberg.gov.za

Views and opinions expressed in this e-mail are those of the sender unless clearly stated as being that of Langeberg Municipality.

From: Myrna Staal <mstaal@langeberg.gov.za>
Sent: Friday, 08 August 2025 14:44
To: Carel Posthumus <cposthumus@langeberg.gov.za>; Cobus Opperman <copperman@langeberg.gov.za>; Jonathan Dos Santos <JDSantos@langeberg.gov.za>
Cc: Anneli Mouries <amouries@langeberg.gov.za>; Maria Saaiman <mssaaiman@langeberg.gov.za>; Tracy Brunings <tbrunings@langeberg.gov.za>
Subject: TYDELIKE AFWYKING - ERF 1053 MONTAGU

Good day

Myrna Staal

From: Elwine Abrahams
Sent: Monday, 11 August 2025 10:09
To: Myrna Staal
Cc: Nabeelah Khan
Subject: RE: TYDELIKE AFWYKING - ERF 1053 MONTAGU

Good day

No objection but limited to:

That adequate parking for on site needs to be provided as required by the Langeberg Municipal By-Law, to avoid any traffic hazard or the impact on the flow of traffic due to surrounding businesses in the area.

Kind regards.

Elwine Abrahams
Superintendent Verkeersdienste
Langeberg Municipality
Private Bag X2
Ashton
6715

023 615 8000 (Office)

EAbrahams@langeberg.gov.za
www.langeberg.gov.za



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From: Myrna Staal <mstaal@langeberg.gov.za>
Sent: 08 August 2025 14:45
To: Elwine Abrahams <EAbrahams@langeberg.gov.za>
Cc: Nabeelah Khan <nkhan@langeberg.gov.za>
Subject: FW: TYDELIKE AFWYKING - ERF 1053 MONTAGU



Reference: 15/3/2/12/BL2

The Manager: Town Planning
Langeberg Municipality
3 Piet Relief Street
MONTAGU
6720

REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR TEMPORARY DEPARTURE FOR THREE PADEL COURTS ON ERF 1053, MONTAGU

1. Your request for comment, dated 11 August 2025, has reference.
2. The matter under consideration is a temporary land use departure for the construction of three padel courts on Erf 1053, zoned Community Zone I.
3. The proposed development raises a number of concerns in relation to its location directly next to the school hostel:
 - o The nature of padel as a fast-paced sport, combined with associated shouting, cheering, and impact sounds, is likely to generate significant noise. This will disturb hostel learners during study periods, rest hours, and at night. The presence of spectators and general activity around the courts would further exacerbate noise impacts.
 - o Should the courts be floodlit, artificial lighting may intrude into hostel rooms, affecting sleep patterns and overall learner well-being.
 - o Additional traffic generated by players and visitors may create congestion and pressure on parking facilities adjacent to the hostel, introducing safety risks for learners.
 - o The development may increase the movement of non-school users in close proximity to the hostel, raising concerns regarding learner safety and security. Effective access control measures would be essential to mitigate potential risks.
 - o Learners who reside in the hostel require a quiet and stable environment to concentrate on academic activities. The distraction caused by ongoing games, noise, and external activity may undermine this requirement.
 - o The introduction of a recreational/sport facility of this nature may be incompatible with the institutional and residential function of the hostel environment. The development

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could also set an undesirable precedent for further non-school-related use in the immediate vicinity of the school grounds.

- o The hours of operation for the padel courts may clash with hostel schedules, particularly evening quiet times. Furthermore, issues relating to waste management, maintenance, and user control may place additional burdens on the school environment if not adequately regulated.
4. Given the above, careful consideration must be given to the suitability of locating padel courts directly adjacent to the hostel. Unless the identified concerns can be comprehensively mitigated, the proposed development may be regarded as undesirable from both a land use planning and learner welfare perspective.

Kobus Munro Digitally signed by Kobus Munro
Date: 2025.08.25 12:41:05 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

ANNEXURE 6

Applicant's Response to Objections

Myrna Staal

From: Anna-Christa Redelinghuys <annachris@mweb.co.za>
Sent: Thursday, 20 November 2025 15:54
To: Myrna Staal
Cc: Tracy Brunings
Subject: FW: Montagu Padel_ Reply to Objections
Attachments: Objection 1 Response.pdf; Objection 2 Response.pdf; Objection 3 Response.pdf

Hallo Myrna
Sien onder en aangeheg.
Groete
Anna-Christa

From: Anna-Christa Redelinghuys [mailto:annachris@mweb.co.za]
Sent: Thursday, 25 September 2025 14:12
To: 'Myrna Staal'
Cc: 'Douglas Webber'; 'Mark Bleloch'; 'henry'; 'dlouwrens@langeberg.gov.za'
Subject: Montagu Padel_ Reply to Objections

Hallo Myrna

Please find attached separate responses to the three objections received.

For your consideration please.

Kind regards

Anna-Christa Redelinghuys

UMSIZA Planning

PrPlan A/1076/1998

No 2 Rosegate, ROBERTSON, 6705

Tel: (023) 626 1506

Cell: 082 825 9891

104

Thank you for taking the time to share concerns and practical suggestions; our intention is to build a low impact, well run sport amenity that respects neighbours, uplifts the community, while increasing the value offering of Montagu as a town.

There is appreciation for the constructive focus on access, hours, parking, and community use, and the aim is to resolve those items in a way that works for immediate neighbours, the Tennis Club, the school, and Montagu as a growing town.

Direct Reply to Objection 1

- **Planning timing:** Multiple professionals were consulted before proceeding, including our architect and independent legal counsel. Counsel's view, grounded in the Municipality's Integrated Zoning Scheme definitions, is that a "dominant use" refers to what is permitted on the property (primary, consent, or other lawful uses) rather than only what is physically built, and that an "ancillary use" is allowed where it is directly related to and subservient to the permitted dominant use. Within the Community Zone context (CZ1/CZ2), sport and recreation facilities serving permitted educational uses can therefore be treated as ancillary. On this block, tennis courts have long been in place, and the adjoining hostel has a small grass area used informally by learners (for example, touch rugby and sitting between activities). Locating the padel courts here is consistent with the established sport context and the permitted-use interpretation set out in the independent opinion
- **Golf club alternative:** While noted as an option, the current in-town location keeps sport integrated with the existing tennis club, which is a healthy sport alignment with Padel, it affords easy access for children allowing them to walk or cycle to the Padel courts without any safety concerns rather than creating an isolated facility requiring transport and thereby limiting the possibility of kids developing into the sport.
- **Park access closure:** The Tennis Club's park entrance arrangement predates our involvement; we're providing dedicated Kohler Street access for both facilities, with Tennis Club decisions on their access remaining their choice. Padel players will be forced to use the Kohler Street entrance through management enforcement.
- **Church Street parking:** Kohler Street access with on-site parking eliminates the need for Church Street parking for Padel players.
- **Hours:** Our operating hours will be 07h00-21h00 Mon – Saturday and 11:00 – 20:00 on Sundays, aligns with hostel operations, whose lights out are at 22:00.

- **Free school access:** Three afternoons weekly secured for learners at no charge which will be reassessed as the demand grows, including outreach programs to the schools to encourage juniors to come and play and try the sport.
- **Community benefits:** This siting enables family-friendly activity in walking distance, structured school allocations each week, and a health-focused clubhouse offering juices, coffees, and pilates rather than a bar environment; it gets children active in a fast-growing, inclusive racquet sport, supports adult participation in a forgiving sport that suits beginners and seniors, and creates a pathway for local juniors to be coached, equipped (as funding allows), and entered into tournaments for regional and national exposure. Operations remain neighbour-sensitive through limited hours, acoustic attenuation, and Kohler Street access with on-site parking

Our Standard Commitments (irrespective of any objections)

- Padel Montagu will have professional on-site management with full-time manager/coach keeping orderly control over the facilities and players.
- Kohler Street access with dedicated gate and fence to be completed by 1 October 2025
- On-site parking as per municipal by-laws
- Installation of a Sound-attenuating barrier and if required (post installation) a sound measurement study by an independent sound engineer as per the by-laws.
- To cater for the Church services at Mission Church and special events, we will block out the courts to prevent play during those times
- Fenced separation from hostel
- Good faith coordination with Tennis Club on shared access

Warm Closing

Thank you for the constructive engagement on access, hours, parking, and school use; working solutions here are practical and in everyone's interest. Tennis has been part of this block for decades, and if the Tennis Club were to establish a high-performance academy, building on Montagu's history of tennis talent, daytime and evening activity would naturally increase as competitive play grows. Purchasing a home in the centre of town adjacent or opposite to tennis courts and hostel grounds, and within five minutes' walk of busy destinations like Dunlop, Build It, restaurants, bars, and guest facilities, comes with a reasonable expectation of sport and town-centre activity; our role is to keep that activity neighbour-sensitive though through limited hours, acoustic attenuation, and Kohler Street access with on-site parking, and making it available for relevant users.

We understand Larry's concerns are detailed and serious, and appreciate the time taken to document specific issues; our aim is to address these systematically while demonstrating good faith in proceeding as a responsible neighbour within the municipal framework.

Direct Reply to Objection 2

- **Legal process and timing:** Multiple professionals were consulted before proceeding, including our architect and independent legal counsel. Counsel's view, grounded in the Municipality's Integrated Zoning Scheme definitions, is that a "dominant use" refers to what is permitted on the property (primary, consent, or other lawful uses) rather than only what is physically built, and that an "ancillary use" is allowed where it is directly related to and subservient to the permitted dominant use. Within the Community Zone context (CZ1/CZ2), sport and recreation facilities serving permitted educational uses can therefore be treated as ancillary. On this block, tennis courts have long been in place, and the adjoining hostel has a small grass area used informally by learners (for example, touch rugby and sitting between activities). Locating the padel courts here is consistent with the established sport context and the permitted-use interpretation set out in the independent opinion
- **Heritage and cultural sensitivity:** The courts are lightweight, reversible structures that don't alter heritage fabric or obstruct views of historic buildings. The site adjoins existing tennis courts (running parallel with Larry's property) and hostel grounds (which are used for various activities, including touch rugby daily by kids till sundown) rather than being an isolated sporting activity in the heritage precinct; we've committed to church service blackouts and sound attenuation to protect the cultural environment.
- **Noise impact - continuous vs single events:** We recognize the concern about continuous activity noise versus one-off events. When discussing noise measurement of padel courts adjacent to tennis courts, noise comparisons are necessary of equal play. An independent international study by MW Acoustics (available upon request) found that "when measured 5 meters from the side of the court (at the net line), a typical game of padel produced on average 6 decibels (dB) more than tennis in both LAeq (average noise levels) and LAMax (highest noise levels), equating to a significant increase in perceived loudness. In contrast, when measured 5 meters from the end of the court (baseline), noise levels for both padel and tennis are almost identical – using equal standards of tennis and padel players for this study." Despite this study and our own noise level mapping, we understand there is a difference in sound levels compared to an equally busy and competitive tennis court. We will still be installing acoustic barriers and agreeing to independent sound measurement studies per municipal by-laws post-installation should it still be required. Respectfully, it's important to note that Larry's property runs parallel to the tennis courts (which existed before Larry occupied his current residence), and had the tennis courts been as busy and competitive as padel, we might not be having this conversation. The choice to live alongside a tennis court comes with inherent noise risk, as does living next to a hostel, in the centre of town, a location surrounded by some light industrial businesses and hospitality establishments such as bars and restaurants, and no doubt more to come as the town grows – none being generally noise-free or quiet zones, typical of any town centre.

- **Golf club alternative:** While the golf club was suggested, the current location integrates with existing school and tennis operations, maintains walkability for learners, and avoids transport-dependent isolation. Had the courts been installed at the Golf Course, kids would not be able to walk or cycle to the courts, limiting the potential for kids to excel in this growing sport, and limiting the ability of the sport to assist kids that don't resonate with other sports (and we have players in the club that have exactly such a background) to excel in a sport they enjoy, and may we be so fortunate to get national representation from our growing town of Montagu.
- **Restricted hours:** Our 07h00-21h00 Monday – Saturday and 11:00 – 20:00 Sunday operating window provides weekend and evening quiet periods, with church services specifically blocked out, aligning with Hostel lights out times.
- **Parking spillover:** Kohler Street access with on-site parking eliminates Church Street dependency, backed by management enforcement, for Padel. The tennis club will be granted access via our access and remains their decision whether its practical for their uses.
- **Community benefits:** This siting enables family-friendly activity in walking distance, structured school allocations each week, and a health-focused clubhouse offering juices, coffees, and pilates rather than a bar environment; it gets children active in a fast-growing, inclusive racquet sport, supports adult participation in a forgiving sport that suits beginners and seniors, and creates a pathway for local juniors to be coached, equipped (as funding allows), and entered into tournaments for regional and national exposure. Operations remain neighbour-sensitive through limited hours, acoustic attenuation, and Kohler Street access with on-site parking.

Our Standard Commitments (irrespective of any objections)

- Padel Montagu will have professional on-site management with full-time manager/coach keeping orderly control over the facilities and players.
- Kohler Street access with dedicated gate and fence to be completed by 1 October 2025
- On-site parking as per municipal by-laws
- Installation of a Sound-attenuating barrier and if required (post installation) a sound measurement study by an independent sound engineer as per the by-laws.
- To cater for the Church services at Mission Church and special events, we will block out the courts to prevent play during those times
- Fenced separation from hostel
- Good faith coordination with Tennis Club on shared access

In Closing

Appreciation is noted for the detailed concerns raised. Tennis has been part of this block for decades, before most of the residents in the nearby vicinity, and if the Tennis Club were to establish a high-performance academy—building on Montagu's history of tennis talent—daytime and evening activity would naturally increase as competitive play grows. Purchasing a home in the centre of town adjacent or opposite to tennis courts and hostel grounds, and within five minutes' walk of busy destinations like Dunlop, Build It, restaurants, bars, and guest facilities, comes with a reasonable expectation of sport and town-centre activity; our role is to keep that activity neighbour-sensitive though through limited hours, acoustic

attenuation, and Kohler Street access with on-site parking, and making it available for relevant users

Baie dankie dat U die tyd geneem het om U kommer te deel; ons doel is om 'n goeie sports aktiwiteit te bou wat die buurt respekteer, families bymekaar bring om saam iets te doen en Montagu verder te bevorder.

Direkte Reaksie op Beswaar 3:

- **Kulturele en residensiële karakter:** Ons verstaan die kommer oor die omgewing se karakter. Die padelbane is langs die bestaande tennisbane, CBR bande, en die koshuis se speel veld geplaas, waar aktiwiteite soos touch rugby al jare lank gebeur, in die middedorp eerder as om iets nuuts in 'n allenlikke stil woongebied te sit.
- **Gholfbaan as alternatief:** Hoewel die gholfbaan genoem is, is die huidige plek in die dorp beter omdat dit saam met die tennisklub en skool werk, en kinders kan veilig loop of fietsry na die bane toe, in plaas van dat hulle vervoer na 'n afgeleë plek nodig het. Dit sal nie n veilige opsie wees vir kinders om te stap of te ry bane toe nie.
- **Geluidslas, parkering, ligte en ander ongerief:** Ons gaan klankversagtingsmure (acoustic barriers) oprig, 'n aparte ingang van Kohlerstraat maak met parkering op die perseel, en die ligte sal om 21:00 afgaan Maandag – Saterdag en 20:00 op n sondag aand, inlyn met die kos huis ure.

Ons Standaard Verbintenisse:

- Professionele bestuur met 'n voltydse afrigter/bestuurder om die fasiliteite en mense te beheer
- Kohlerstraat toegang met 'n eie hek en heining (klaar teen 1 Oktober 2025)
- Parkering op die perseel soos die by-wette sê
- Klankversagtingsmure (Acoustic Barriers) en onafhanklike klankmetings deur 'n ingenieur indien nodig na die instalasie voltooi is.
- Geen aktiwiteite tydens Mission Church kerk dienste of spesiale geleenthede nie
- Afgehein van die koshuis
- Samewerking met die Tennisklub vir gedeelde toegang

In Sluiting

Ons waardeer u konstruktiewe gees en bly beskikbaar om op die terrein te ontmoet sodat ons prakties kan uitwerk wat die beste vir almal sal wees.

ANNEXURE 7

Applicant's Response to DEA&DP

110

Myrna Staal

From: Anna-Christa Redelinghuys <annachris@mweb.co.za>
Sent: Tuesday, 14 October 2025 10:46
To: Myrna Staal
Cc: Tracy Brunings
Subject: Erf 1053 Montagu _ Padel courts
Attachments: Circular 0031-2022 - rights of school immovable property_pdf was removed from this message; HVN Sound Report_pdf was removed from this message; Summary-Paper-A-Noise-Assessment-for-Padel_pdf was removed from this message; tennis night lights.jpg was removed from this message; Duan van Brouwershaven Email_pdf was removed from this message; Fence Layout_pdf was removed from this message; Department of Environmental Affairs and Development Planning Response_pdf was removed from this message

Hallo Myrna

angeheg is repliek op die kommentaar van DEADP op die Montagu padelbaan-aansoek.

Vir u gunstige oorweging asb.

Groete

Anna-Christa Redelinghuys

UMSIZA Planning

PrPlan A/1076/1998

No 2 Rosegate, ROBERTSON, 6705

Tel: (023) 626 1506

Cell: 082 825 9891

From: Douglas Webber [mailto:douglaswebbe@gmail.com]
Sent: Monday, 13 October 2025 10:58
To: Anna-Christa Redelinghuys; Mark Bleloch
Subject: Reply to Comment from Deadp

Hi

Please see attached our reply to the comment from the Department of Environmental Affairs and Development Planning.

Also please see attached the following:

- 1) Circular 0031-2022: Use for reference in the reply
- 2) HvN Sound Report
- 3) Independent International Survey Report done by MW Acoustics titled "Summary Paper A Noise Assessment for Padel
- 4) Photo of lights from Tennis Court at night from the Hostel side.
- 5) Email from Duan van Brouwershaven
- 6) Fence Layout

Thank you

|||

Thank you for forwarding the Provincial comment dated 25 August 2025 from the Department of Environmental Affairs and Development Planning. We appreciate the thoughtful consideration given to this application and the opportunity to address the concerns raised.

We fully understand and share DEADP's commitment to protecting learner welfare and maintaining appropriate standards near educational facilities. In this spirit, we wish to provide additional context, technical evidence, and information that may assist in the assessment.

1. SITE CONTEXT & OBSERVATIONS

We would like to respectfully bring to your attention some existing site conditions that may be helpful in understanding the broader environment:

Existing sporting facilities: Tennis courts with floodlighting have operated on this block for several decades, directly adjacent to the hostel. We have attached a recent photograph showing these lights in operation.

School feedback: We are pleased to share that the school has provided positive feedback on the facility. Superintendent Duan van Brouwershaven has kindly provided written confirmation (dated 7 October 2025, attached) noting that the facility has had a positive impact and causes no disruption to hostel operations or learner rest.

Town centre location: The property is located in Montagu's active commercial and social hub. Within the immediate vicinity of the hostel, licensed hospitality venues are operating:

- A tapas bar and restaurant, developing into a full market and retail site, directly opposite the hostel on Kohler Street, which features regular live music performances and operates into the evening
- An upmarket wine bar located two buildings from the hostel, with an outdoor seating area at first-floor elevation, directly in the hostel's line of sight
- Several restaurants, bars, light industrial, tourism accommodation and activities, all within 5 min walk of the hostel.

These establishments contribute to the characteristic ambient environment of a working town centre.

Professional assessments: Our architect (Henry van Nieuwenhuizen, Pr Arch SACAP Reg. No. 3924) conducted comprehensive acoustic analysis in February

2025, confirming that noise levels reaching adjacent properties remain within acceptable norms in accordance with national and provincial regulations.

2. RESPONSE TO CONCERNS RAISED

We have carefully considered each point raised in the Provincial comment and wish to share our observations and the measures we have implemented:

Concern 1: Noise from sporting activity

We appreciate the concern regarding noise impact and would like to provide both contextual observations and technical evidence.

Existing Context:

The property is located in Montagu's active commercial and social hub. Within the immediate vicinity of the hostel, licensed hospitality venues are operating:

- A tapas bar and restaurant directly opposite the hostel on Church Street, which features regular live music performances and operates into the evening
- An upmarket wine bar located two buildings from the hostel, with an outdoor seating area at first-floor elevation, directly in the hostel's line of sight

Additionally, the existing tennis courts adjacent to the site have generated similar sporting sounds during their decades of operation. These establishments and activities contribute to the characteristic ambient environment of a working town centre.

Our Noise Management Measures:

We have implemented specific measures to manage and minimize noise:

- Operating hours: Courts close at 9:00 PM daily without exception
- Professional staff supervision: On-site personnel actively manage noise levels and player conduct throughout operational hours
- Code of conduct: A formal policy prohibiting excessive shouting, screaming, and swearing is being implemented and enforced
- Booking system: Pre-registration requirements prevent spontaneous gatherings and allow controlled usage patterns

- **Acoustic mitigation:** We are prepared to install additional acoustic barriers where necessary, based on ongoing monitoring and feedback

Technical Noise Assessment:

Our architect conducted a comprehensive acoustic study in February 2025 (full technical report attached). Key findings include:

Measured Noise Levels:

- **Average padel court noise: 50-70 dB LAeq**
 - 50 dB comparable to light rainfall or a refrigerator hum
 - 60-70 dB comparable to normal conversation or a washing machine
- **Peak noise events (ball impacts, brief celebrations): 75-80 dB** (similar to a vehicle passing on the street, or a household blender)

Regulatory Compliance:

The Western Cape Noise Control Regulations (Provincial Notice 200 of 2013) regulate noise using the LAeq measurement (equivalent continuous sound level averaged over time). The regulations specify:

- **Daytime (06:00-22:00): 55 dB LAeq maximum**
- **Night-time (22:00-06:00): 45 dB LAeq maximum**

Our architect's acoustic study (February 2025) confirms that noise levels at the hostel boundary fall within these regulatory limits. The study accounts for:

- **Distance attenuation** (sound decreases 6 dB every time distance doubles)
- **Building structure absorption**
- **Natural barriers**

While on-court noise during active play may reach 60-70 dB LAeq, by the time sound travels to adjacent properties, levels are reduced to within acceptable limits. Brief peak moments (ball impacts, brief celebrations) may reach 75-80 dB but these are instantaneous events lasting less than one second, comparable to a vehicle passing on the street.

Our operational hours (closing at 9:00 PM) ensure we conclude operations well before the more restrictive night-time threshold begins at 22:00.

Distance Attenuation:

Sound naturally decreases by 6 dB every time distance doubles (Inverse Square Law). Based on the site layout:

- At 16m from courts: 56 dB
- At 32m: 50 dB
- At 64m: 44 dB

This natural attenuation, combined with the hostel building's physical structure, further reduces any noise reaching learner spaces.

School's Direct Experience:

Superintendent Duan van Brouwershaven has shared the hostels direct experience with us. In his letter dated 7 October 2025, he notes:

"Ons ervaar geen steurnis van die Padel by die koshuis nie. Die kinders se ligte uit is saans 10uur en teen daardie tyd is die Padelbane alreeds toe, so dit het ook geen effek op hul slaap. Die Padelbane het slegs 'n positiewe impak op die koshuis."

Translation: *"We experience no disruption from the Padel at the hostel. The children's lights-out is at 10 PM and by that time the Padel courts are already closed, so it also has no effect on their sleep. The Padel courts have only a positive impact on the hostel."*

This direct testimony from the school authorities responsible for learner welfare confirms that noise levels in practice are appropriate and non-disruptive.

Concern 2: Floodlighting impact on hostel rooms

We understand the concern about lighting. We would like to respectfully provide the following context:

Existing Precedent:

The attached photograph shows the existing tennis court floodlights that have been in operation for many years. The hostel has functioned alongside these lights throughout its operation.

Our Lighting Specifications:

Our facility uses modern directional LED lighting :

- Lower intensity than traditional sports lighting
- Downward-focused with minimal horizontal light spill

Given that the hostel has operated successfully with the existing tennis court lighting for decades, we believe our LED technology will represent an improvement rather than an additional impact.

Concern 3: Traffic congestion and safety

Traffic Management:

We have the following traffic management plan:

- **Vehicle access to the facility will be provided via Kohler Street. We are progressing with the development of a dedicated entrance and parking area, with ongoing adjustments being made to optimise the layout and arrangements.**
- **On-site parking provision: Upon completion, the facility will provide on-site parking in accordance with municipal requirements.**
- **Booking system: Our pre-registration booking system naturally staggers arrivals and departures throughout operating hours, preventing concentrated traffic peaks.**

Context:

- **The existing tennis courts adjacent to the site have generated parking demand in this area for decades and make use primarily of the Church Street entrance**
 - **The school superintendent has confirmed no safety or traffic concerns have been observed during current operations**
-

Concern 4: Movement of non-school users and security

We share the priority of maintaining a safe environment for learners. We have implemented:

Access Control Measures:

- **Perimeter fencing with controlled entry points**
- **Separate access point via Kohler Street, within fenced boundary so there is no uncontrolled access between the facility and the hostel**
- **Operating hours that close at 9 PM, well before learner bedtime**
- **On-site management presence during playing time hours**

Concern 5: Impact on study environment and academic concentration

We appreciate the emphasis on a quiet study environment for learners. The concern is fully addressed by three key factors: the court's acoustic design, the school building's sound insulation, and direct feedback from the school itself.

1. **Acoustic Design & Comparison to Tennis:** Recent acoustic studies show that while padel can be louder than tennis when measured from the open sides, the sound profile from behind the court's solid glass back wall is very different. Measurements taken 5 metres behind a padel court are almost identical to those taken 5 metres behind a tennis court. This is because the glass wall acts as an effective sound barrier. As our courts are oriented with their glass walls facing the hostel, the noise profile is comparable to tennis courts, of which have operated alongside the hostel for decades without issue.
2. **Sound Levels Within the Study Hall:** Most importantly, the sound from the padel courts is not audible from within the school's indoor study hall. The physical structure of the hostel provides sound insulation, ensuring a quiet and productive environment for academic work is maintained.
3. **Direct Feedback from the School:** The most relevant evidence comes from the party responsible for the learners' welfare. Superintendent Duan van Brouwershaven has confirmed in his attached letter that the facility has had no negative impact on the study environment or rest periods, stating that the facility has had "slegs 'n positiewe impak" ("only a positive impact").
4. **Code of Conduct:** Players will be subject to a code of conduct on court which regulates court mannerism and outbursts.

This combination of acoustic principles, the physical sound insulation of the hostel building, and direct, positive feedback from the school demonstrates that the facility does not negatively impact the learners' study environment.

Concern 6: Compatibility with Institutional Function and Undesirable Precedent

Our response is grounded in the legal framework governing the use of school property.

1. Authorised Ancillary Use for School Activities:

This project complies with the South African Schools Act (SASA) and WCED Circular 0031/2022, which permits a governing body to lease school property to "provide for school activities" or "to supplement the school fund". Our facility is

an ancillary use that supports the primary educational function, proven by our formal agreement which guarantees the school dedicated access for a minimum of three 2-hour slots per week for learner sports.

2. Established Precedent and School Endorsement:

The adjacent tennis courts have already established a decades-long precedent for mixed recreational and educational use. The school governing body, exercising its fiduciary duty, has determined this project to be in the "best interest of the learners," a decision confirmed by the superintendent's letter describing the impact as "slegs 'n positiewe impak" ("only a positive impact"). This project is a model for the exact type of responsible partnership the legislation encourages.

Concern 7: Operational hours and facility management burden

We appreciate the concern about potential impacts on school operations. We wish to clarify:

Operating Hours:

- Courts close at 9:00 PM daily - well before hostel quiet hours
- The school has confirmed this timing causes no disruption

Facility Management:

- We operate a completely independent management system with our own waste disposal and maintenance services
 - No burden is placed on school resources or staff
 - A formal management structure defines all operational responsibilities
 - Separate waste management contracts and maintenance schedules are in place
-

3. SUMMARY OF MITIGATION MEASURES

To provide a clear overview, we have implemented the following comprehensive measures to ensure compatibility and protect learner welfare:

Noise & Operations:

- Strict operating hours, with courts closing at 9:00 PM daily.
- Professional on-site staff supervising player conduct and noise levels.

- A formal code of conduct prohibiting excessive shouting and disruptive behaviour.
- A controlled booking system to manage usage and prevent spontaneous gatherings.
- The court orientation and glass back walls act as an effective sound barrier towards the hostel.

Lighting & Traffic:

- Modern, low-spill directional LED lighting that is an improvement on existing lights.
- Dedicated vehicle access and on-site parking via Kohler Street, separate from the hostel's main frontage.

Security & School Integration:

- Full perimeter fencing separating the Padel courts from the hostel with controlled access.
- A formal lease agreement compliant with the South African Schools Act and WCED Circular 0031/2022.
- Guaranteed, dedicated court time (minimum 6 hours per week) for scholar use.
- Independent management ensuring no burden on school resources.

4. SUPPORTING DOCUMENTATION ATTACHED

We have attached the following documents that may be helpful in the assessment:

1. Letter from Superintendent Duan van Brouwershaven (7 October 2025) sharing the school's positive experience (Titled Duan van Brouwershaven Email)
2. Photograph of existing tennis court floodlights showing the long-standing precedent for evening sports lighting at this location (Titled "Tennis Night Lights")
3. Aerial site plan showing spatial relationships, access routes, vegetation buffers, and surrounding properties (In 2 documents, first titled "Fence Layout" for the fencing layout and the "HVN Sound Report" for vegetation buffers)

4. Architect's technical assessment and acoustic study (20 February 2025) including noise level measurements, regulatory compliance analysis, and distance attenuation calculations (Title HVN Sound Report)
 5. Independent Acoustic Research Summary 'A Noise Assessment of Padel' by MW Acoustic Consultants, providing industry-standard benchmarks for padel noise.
-

5. INVITATION FOR SITE VISIT

We would be honored to welcome DEADP officials for a site visit during operational hours. This would provide an opportunity to:

- Observe the existing tennis court lighting and its relationship to the hostel
- Experience the actual ambient environment and sound levels in context
- Review the spatial layout shown on the aerial plan in person
- See the controlled, managed nature of our operations firsthand
- Discuss the positive integration with school activities with school authorities

We believe a site visit would provide valuable context that may not be fully apparent from desktop assessment alone.

6. CONCLUSION

We are grateful for the Provincial Department's diligence in considering this application. We share your commitment to protecting learner welfare and maintaining appropriate standards.

We believe the information and evidence provided demonstrates that:

- **Technical compliance:** Comprehensive acoustic analysis confirms regulatory compliance with Western Cape noise control regulations
- **School endorsement:** The school authorities, who are best positioned to assess impact on their learners, have endorsed the facility and confirmed positive outcomes with no observed disruption
- **Established precedent:** The facility operates within an established sporting context (tennis courts with floodlights) that has existed for decades alongside the hostel

- **Comprehensive mitigation:** Detailed measures have been implemented that address each area of concern, supported by professional assessments
- **Community benefit:** The facility provides genuine benefits for learner health, school programming, and community wellness

We remain available to provide any additional information, technical data, or clarification that may be helpful and would welcome the opportunity for further engagement.

Thank you again for your thoughtful consideration of this application.

10/13/25, 10:34 AM

Gmail - Huis van Velden



Douglas Webber <douglaswebbe@gmail.com>

Huis van Velden

1 message

Duan van Brouwershaven <duanvb10@gmail.com>

To: douglaswebbe@gmail.com

7 October 2025 at 15:00

Goeie middag

Ons ervarar geen steurnis van die Padel by die koshuis nie. Ons stel die veiligheid en welstand van ons kinders eerste en met dit in gedagte het die Padelbane geen effek op ons koshuis leerdere nie.

Die leerdere studie nie meer in die ou studiesaal buite, maar binne in die koshuis. Die kinders se ligte uit is saans 10uur en teen daardie tyd is die Padelbane alreeds toe, so dit het ook geen effek op hul slaap.

Die Padelbane het slegs 'n positiewe impak op die koshuis.

Vriendelike groete

Duan van Brouwershaven
Superintendent

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File no.: 6/1/5
Reference: 20220819-5409

Circular: 0031/2022
Expiry date: None

To: Deputy Directors-General, Chief Directors, Directors, Deputy Directors: District Corporate Services, Circuit Managers, Heads: Management and Governance and Principals and Chairpersons of governing bodies of public schools

Short summary: *Amendments to the South African Schools Act, thereby granting usage rights to governing bodies in respect of the school's immovable property*

Subject: Amendments to the South African Schools Act which grant usage rights to governing bodies in respect of the school's immovable property

1. This circular has been revised and repeals Circular 0008/2019 in its entirety.
2. The purpose of this circular is to advise and remind all Western Cape Education Department (WCED) schools situated on state land and occupying state buildings about the obligations of governing bodies in respect of section 36 of the South African Schools Act (SASA), 1996 (Act 84 of 1996).
3. The Basic Education Laws Amendment Act, 2011 (Act 15 of 2011), as published in the *Government Gazette* No. 34620 of 19 September 2011, amended, among others, section 36 of SASA by the insertion of the following subsections:
“(4) (a) A governing body may, with the approval of the Member of the Executive Council—
 - (i) lease, burden, convert or alter immovable property of the school to provide for school activities or to supplement the school fund of that school; and
 - (ii) allow any person to conduct any business on school property to supplement the school fund.
(b) A governing body may not allow any activity on school property that is hazardous to learners or prohibited by this Act.

(5) For the purposes of subsection (4), 'school property' means immovable property owned by the State, including property contemplated in sections 13 and 55 and

any immovable property bought by a school from the school funds or donations to the school."

4. The WCED recognises the right of its schools, in accordance with sections 13(2) and 36(1) of SASA, to occupy and use immovable property owned by the state for the benefit of the school for educational purposes, as well as the responsibility of the governing body to take all reasonable measures to supplement the resources supplied by the state in order to improve the quality of education provided by the school to all its learners.
5. However, the WCED wishes to bring the following to the attention of all governing bodies and principals of ordinary and special needs public schools on state property:

5.1 Authority of the Provincial Minister for Education

The Provincial Minister for Education is the approving authority for the purposes of the implementation of section 36(4) of SASA. The powers granted to the Provincial Minister by section 36(4) limit the authority of the governing body to lease, burden, convert or alter immovable property of the school.

5.2 Responsibilities of the governing body

- 5.2.1 In terms of section 16(2) of SASA, "a governing body stands in a position out of trust towards the school". It is expected of all governing bodies to act in accordance with accepted corporate governance principles in the discharge of their functions. The governing body must conduct due diligence exercises in respect of any understanding that has governance and financial implications for the school.
- 5.2.2 The governing body must ensure that learner members are not bound by any contract a governing body may sign.
- 5.2.3 Section 20(1)(g) of SASA states that the governing body "*must administer and control the school's property, and buildings and grounds occupied by the school, including school hostels, but the exercise of this power must not in any manner interfere with or otherwise hamper the implementation of a decision made by the Member of the Executive Council or Head of Department in terms of any law or policy*".
- 5.2.4 All decisions taken by the governing body must be in the best interest of the learners.
- 5.2.5 When a governing body intends to allow the use of a school for business purposes, it must:
 - (a) employ the necessary legal and financial expertise to assist with contractual demands;

- (b) ensure that the contract that is signed does not disadvantage the school in future (this could involve agreeing on income projections based on sound financial considerations);
- (c) approach the local municipality or city council to ensure that there is compliance with municipal or council bylaws, especially in relation to rezoning;
- (d) consider the safety implications for learners and all employees at the school by taking cognisance of section 36(4)(b) of the Act;
- (e) ensure that the reasons for the application referred to in paragraph 5.4.1 below are clearly stated so that the Provincial Minister is able to make an informed decision; and
- (f) where the governing body applies for alteration or conversion of state property, submit building plans, duly costed, with the application.

5.2.6 The governing body must take all reasonable steps to ensure that the peace of residents in the neighbourhood of the school will be maintained as far as it is reasonably possible.

5.3 The WCED's position and rezoning of land

5.3.1 The Department of Transport and Public Works is the custodian of all state property in the province, and the WCED does not have the legal power to depart from existing rezoning arrangements, which are the responsibility of the City Council or other relevant local authority.

5.3.2 It remains the responsibility of the school concerned to ensure that no business or commercial venture is undertaken in contravention of the municipality's zoning regulations and bylaws.

5.3.3 Should the application referred to in paragraph 5.4.1 below be the subject of a rezoning application, the Provincial Minister will also seek the approval of the Provincial Minister of Transport and Public Works in this regard.

5.4 Application to Provincial Minister in terms of section 36(4)

5.4.1 A governing body must submit an application, to the Provincial Minister, to lease, burden, convert or alter immovable property of the school, or to allow any person to conduct any business on school property.

5.4.2 The application referred to in paragraph 5.4.1 above must:

- (a) give sufficient reasons for applying so that the Provincial Minister can make an informed decision;
- (b) indicate the extent to which the school stands to benefit from the projected income or profit of the potential lessee;
- (c) if it concerns the alteration or conversion of any state property, be accompanied by building plans, duly costed;

- (d) include a copy of the agreement for the proposed lease, burden and commercial/business enterprise, with clear stipulations on, inter alia,
 - (i) all rights and liabilities of the contracting parties;
 - (ii) the purpose and duration of the contract; and
 - (iii) a stipulation that the activity will not be hazardous or disruptive to learners or prohibited by SASA; and
 - (e) include a brief statement on how the intended agreement will secure the school's future demands or sustainability.
6. The Provincial Minister will deal with applications on a case-by-case basis.
7. Take note that construction related applications must include the following:
- (a) Letter of application with a motivation detailing the need for the project
 - (b) Signed minutes of the governing body meeting agreeing to the project
 - (c) Professional, structural drawings including a clear site plan indicating the footprint of all existing structures, roads abutting the school property and the intended position of the proposed structures
 - (d) Project plan with specifics of who will incur the cost and how much is budgeted for the proposed project
 - (e) Relevant Education District support for the project
 - (f) Memorandum of Agreement if multiple parties will use the facilities
 - (g) A separate letter giving reasons why procedure was not followed in the event physical school expansions and changes or modifications have already been effected.
8. If financing a project with debt, the school is required to apply to the relevant district office for approval to enter into a loan.
9. For permission to lease the premises, a copy of the intended lease to be entered into must be provided. This will also be written up in a submission to the Provincial Minister for approval. Leases should not exceed nine years and 11 months and shorter terms are preferred so as not to burden the property over too long a period.
10. Please note that no construction work may commence on site until the Provincial Minister has signed off on the relevant project and the Department of Transport and Public Works has approved the building plans.
11. The Provincial Minister will not approve applications for physical school expansions and changes or modifications to school assets retrospectively. All applications submitted for work that had already commenced and or been completely undertaken will be

investigated for reasons of procedural non-compliance and followed up with schools individually.

Applications in this regard must be sent to the following address:

For attention: Kabelo Thage
Western Cape Education Department
Private Bag X9114
Cape Town
8000

12. Please bring the content of this circular to the attention of all staff and members of the governing body.

SIGNED: B WALTERS

HEAD: EDUCATION

DATE: 2022-09-15

ANNEXURE 8

**Summary Record of Applicant's dispute i.t.o.
LLUPB, LIZS and correspondence with
Langeberg Municipality, WCED, Department of
Infrastructure and DEA&DP**

Erf 1053, 17 Kohler Street, Montagu (Padel Courts) - Summary of events leading up to the lodging of the LLUPB application / debate regarding the requirements in terms of the LLUPB, 2015; the LIZS, 2018; and the NBR, 1997

No* (1)	Date	Comment
1	2024/12/02	Developer's architect advised by the Town Planning Dept that the proposed padel courts require prior approval of a land use application (rezoning advised).
2	2025/02/12	TP Dept instructed developer and architect to stop construction - complaints received, construction illegally commenced.
3	2025/02/20	HvN Architects disagreed with Mun instructions and requested Mun to reconsider the stop works notice.
4	2025/02/28	WCED confirms that they have not given approval for the proposed Padel Courts and that there is no PoA from Dol as the landowner. Also confirm that Building Plans must be lodged. State that "Municipality is fully within their right to stop the development and ensure that the school comply".
5	2025/02/28	Dept of Infrastructure WC (Dol) confirm that they support the Municipality's instructions and that Bldg plans are required and PoA must be applied for after MEC approval is granted.
6	2025/02/28	Letter from TP Dept to HvN Architects advising that stop works order stands and application must be lodged to LLUPB and NBR with PoA from Dol as land owner.
7	2025/03/07	Developer and architect reminded by TP Dept to provide PoA and applications.
8	2025/03/18	Letter from developer's attorney disputing the decisions and actions of the Municipality and arguing that no application is required in terms of the LLUPB, no building plans are required, and the Municipality must approve the SDP as submitted.
9	2025/03/20	TP Dept reminds HvN architects that POA and LLUPB application awaited.

10	2025/03/24	TP Dept advised HvN that attorneys representation will be sent to landowner and WCED for opinion. Also that the LIZS interpretation is not agreed with.
11	2025/03/24	TP Dept refer attorneys representation to WCED and DOI. Note that debate re. procedure is counter-productive - either route requires same issues to be addressed.
12	2025/04/01	Attorneys request urgent response to their representation. Claim they have been waiting since 26 Feb 2025. Their letter dated 18 March 2025.
13	2025/04/03	TP Dept inform attorneys that feedback is still awaited from WCED and DOI; PoA is std legal requirement; clarification re. access is still awaited.
14	2025/04/09	In response to Building Plans received, TP Dept advise HvN Architects that information requests already issued by TP Dept have not been responded to: PoA; SDP; access; LLUPB process - all still outstanding.
15	2025/04/16	TP Dept request to DEADP to confirm interpretation of LLUPB and LIZS i.e. response to email of 24 March request.
16	2025/04/17	Letter from Attorneys demanding a response to their letter dated 18 March 2025 within 4 hours (Note: The 17th April was the day before the Easter long weekend; the attorneys are representing an individual who is not the owner of Erf 1053, nor has any legal rights to erf 1053).
17	2025/04/17	Email from TP Dept advising Attorneys their information is not correct and requesting their client to follow correct procedures.
18	2025/04/22	Email from Attorneys advising their client has submitted all outstanding information and a PoA and complied with LLUPB, LIZS and NBR and will be continuing with construction of the Padel courts.
19	2025/04/22	TP Dept response to above email advising that not all information has been received, including the PoA.

20	2025/04/22	TP Dept further response advising that required applications not received, further input will be requested from WCED and Dol and that no further correspondence will be entered into with Attorneys or their client.
21	2025/04/22	WCED advise TP Dept that they have advised the developer of the requirements to comply with municipal requirements and that an update re. PoA has been requested.
22	2025/04/23	Dol confirm that PoA has NOT been issued yet. Attorneys email of 22/04/25 is incorrect.
23	2025/04/25	DEADP email conveying their interpretation of LIZS in relation to the padel courts - need to apply for rezoning; alternative is temp departure but not recommended.
24	2025/04/29	Email to Attorneys advising re. DEADP opinion and Municipal requirements that the developer must lodge a land use application.
25	2025/04/29	Attorneys again disagree with Municipal opinion but will consider options or rezoning vs temp departure and request advice re. time to process applications and documentation required.
26	2025/04/30	TP Dept advises re. procedures to be followed and recommend registered TP consultant be appointed. Also notes that construction of courts has been completed contrary to stop works notice.
27	2025/05/08	Letter from TP Dept to developer's Attorney noting on-site meeting with High School Principal and developer (uninvited); the need to cease any further development; and the intention to take legal action in terms of the LLUPB if an application is not received within 30 days from the date of the letter.
28	2025/06/02	Correspondence from WCED to school representatives advising that they must comply with Municipal requirements** . (2)
29	2025/06/02	Email from WC Dol to school representative advising that PoA to lodge applications has been issued and requires that the developer submit an application in terms of the LLUPB and NBR. This PoA has been issued to the developer's Architect to lodge the applications. NO PoA to develop has been issued.
30	2025/06/06	Developer's attorney request extension of time as they still consider the matter to be at an impasse.

31	2025/06/21	Email from developer to the Director: Engineering Services requesting a meeting to "keep this initiative alive" as their opinion is that they do not need to lodge an application into LLUPB*** (3)
32	2025/06/23	Email correspondence from TP Dept confirming that the developer needs to adhere to the requirements specified by the Municipality based on the TP Depts interpretation of the legislation, as supported by DEADP, WCED and WC Dol.
33	2025/06/24	In response to the developer's request for an explanation of the Municipal interpretation of the LIZS, the TP Dept again outlined their interpretation.
34	2025/07/01	Email to DEADP, WCED and DOL requesting final comments before the Municipality decides whether to proceed with legal action.
35	2025/07/02	Dol confirms PoA issued to HvN Architects on 24 April 2025.
36	2025/07/02	TP Dept confirms that no applications have been received and HvN has not accepted the PoA.
37	2025/07/02	DEADPs final opinion re. LIZS and LLUPB interpretation - previous advice remains; Municipal actions were correct; if no application is lodged and legal action is proceeded with, legal advice should be obtained to guide such action.
38	2025/07/03	Email from Town Planning Department to DEADP and Dol advising that the developer was considering lodging a temporary departure application, and that the TP Dept would consider such application. Application received 11/07/25
	Notes	
*	(1)	Note: The Correspondence is numbered accordingly next to the dates on the emails / letters which are attached as an Annexure. This is not exhaustive correspondence. A full file of all correspondence is available.
**	(2)	Note this email from WCED was in response to pressure from the developer on the school to request the MEC to amend the conditions of the MECs approval which required compliance with the Municipal requirements. The email notes the ongoing pressure by the developer for meetings with the WCED, Dol, MEC and Premier. This pressure to circumvent municipal requirements was quite extraordinary. The developer also approached the Red Tape Reduction unit at DEADP reporting the Municipality for stifling economic development. As a result, the TP Dept has been requested by the Dept of Economic Devet for regular feedback on progress - this has added to the time spent by limited staff resources on this matter PRIOR to the correct procedures being followed. All of these actions were taken by a developer whilst having absolutely no legal rights to the state-owned land in question prior to the issue of the PoA.
***	(3)	Note: This further attempt to circumvent procedures and go over the authority of officials shows disrespect and is concerning with regards to the requirements of the LLUPB and the related delegations.



From: Jack van Zyl <JvZyl@langeberg.gov.za>
Sent: 02 December 2024 14:27
To: maryke@hvnarchitects.co.za
Cc: Andrew Marthinus <amarthinus@langeberg.gov.za>; Tracy Brunings <tbrunings@langeberg.gov.za>
Subject: RE: Zoning of Erf 1053, Montagu

Hallo Maryke

Die huidige sonering van Gemeenskapsone I met Onderrigplek as primêre gebruiksreg laat wel sportfasiliteite vir onderrig toe – as aanvullende en ondergeskikte gebruik. Die Padelbane sal egter nie as skoolfasiliteit gebruik word nie, maar as 'n publieke fasiliteit/sportklub. Laasgenoemde is net toelaatbaar onder Oopruimtesone II, met Private oopruimte as primêre gebruiksreg, soortgelyk aan die tennisklub.

Ons het die ontwikkelaar reeds in 'n vergadering ingelig dat 'n hersoneringsaansoek vereis sal word.

Groete

Jack van Zyl
Professionele Beplanner (A1170/2000)
Senior Stadsbeplanner
Langeberg Munisipaliteit



023 614 8000
jvzyl@langeberg.gov.za

From: maryke@hvnarchitects.co.za <maryke@hvnarchitects.co.za>
Sent: Monday, 02 December 2024 12:32
To: Andrew Marthinus <amarthinus@langeberg.gov.za>
Cc: Jack van Zyl <JvZyl@langeberg.gov.za>; henry@hvnarchitects.co.za; Tracy Brunings <tbrunings@langeberg.gov.za>
Subject: Zoning of Erf 1053, Montagu

Good Afternoon Andrew,

I hope you are doing well.

As discussed telephonically, I hereby confirm in writing that Erf 1053 is zoned as Community Zone 1 / Place of Instruction. This means that in the future, any sports education or sports-related facilities may be built on the property, in line with the zoning regulations.

Thank you for your assistance with this.

Kind regards,
Maryke

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Tracy Brunings

From: Tracy Brunings
Sent: 2. Wednesday, 12 February 2025 14:08
To: 'henry@hvnarchitects.co.za'; 'Mark Bleloch'
Cc: Jack van Zyl; Andrew Marthinus; Jonathan Dos Santos; Ruan Fourie; 'Mark Bleloch'
Subject: FW: Zoning of Erf 1053, Montagu



Dear Henry and Mark,

I refer to the emails below and various meetings in this regard, and my telephonic discussion earlier this afternoon.

As mentioned to Mark, I have been inundated with complaints regarding the construction of the padel courts on the above state-owned property.

Please be advised that according to our records, which I have just double-checked, there is NO approval for the use of the above property for padel courts. All construction on the site should cease immediately.



Kind regards,
Tracy Brunings Pr.Pln A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8001 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

134

3. 20 February 2025

Our ref: 2428 MB
Your ref:



For Attention: Me. Tracy Brunnings

Langeberg Municipality
Private Bag X2,
ASHTON,
6715

Dear Madam,

REQUEST FOR REASSESSMENT OF STOP ORDER – PADEL COURTS, ERF 1053, 17 KOHLER STREET, MONTAGU

We refer to our meeting on 13 February 2025, during which we were informed that all work on the above-mentioned project must be halted due to multiple complaints, primarily concerning the noise generated by Padel court activities.

We respectfully **disagree with this decision** and hereby request a reassessment based on the following considerations:

1. General Measurements:

Padel court noise levels vary depending on court enclosure type, surface materials, and player activity. Standard noise level measurements are as follows:

- **Average noise level:** 50–70 dB (comparable to normal conversation or a vacuum cleaner).
- **Peak noise level (ball impact, player interaction, celebrations):** 75–80 dB (similar to busy traffic or a hairdryer).

2. Breakdown of Noise Sources:

- Ball impacts on the glass walls – 70–80 dB
- Ball impacts on the racket – 60–75 dB
- Players shouting or celebrating – 65–85 dB
- Crowd noise (if applicable) – Can elevate levels

3. Noise Comparison with Common Sounds:

- Normal conversation – ~60 dB
- City traffic – ~80 dB
- Lawnmower – ~90 dB

4. Regulatory Noise Limits:

The Western Cape Noise Control Regulations (PN 200 of 2013), established under the Environment Conservation Act, 1989, set the following noise restrictions. These regulations define key terms and set standards to manage noise pollution effectively.

- Residential areas (Daytime): 55–65 dB
- Residential areas (nighttime): 45–55 dB
- Industrial/Commercial areas: 65–75 dB

5. Definitions and Compliance Mechanisms:

The definition of disturbing noise is the following:

- **Disturbing Noise:** Any noise, excluding the unamplified human voice, that exceeds the ambient sound level by 7 dBA or more.
- **Noise Nuisance** Any sound that may impair the convenience or peace of a reasonable person.

Local authorities may investigate noise complaints and issue compliance notices if necessary. However, the data suggests that Padel court noise falls within the regulated limits, especially with mitigating measures in place.

6. Sound Reduction Over Distance:

Sound intensity decreases as distance increases due to the Inverse Square Law, which states that sound energy spreads out spherically from the source.

Inverse Square Law: Every time you double the distance; the sound level decreases by 6 dB.

- At 2 meters → 6 dB less than at 1 meter
- At 4 meters → 12 dB less than at 1 meter
- At 8 meters → 18 dB less than at 1 meter
- At 16 meters → 24 dB less than at 1 meter
- At 32 meters → 30 dB less than at 1 meter
- At 64 meters → 36 dB less than at 1 meter

For example, if a Padel court produces 80 dB at 1 meter:

- At 8m → 62 dB
- At 16m → 56 dB
- At 32m → 50 dB
- At 64m → 44 dB

7. Impact of Natural Noise Barriers:

Soft surfaces such as dense trees, grass, and bushes effectively absorb and diffuse sound:

- A single row of trees → Minimal effect (1–3 dB reduction).
- A 10m-wide belt of trees and bushes → Significant effect (5–10 dB reduction).
- A 30m+ dense tree belt with undergrowth: Up to 15 dB reduction.

8. Site-Specific Sound Analysis:

We have conducted an acoustic study, mapping sound dispersion on the Padel court site plan.



The analysis confirms that noise levels reaching adjacent properties remain within acceptable norms, in accordance with national and provincial regulations.

9. Rezoning of the site

We have consulted multiple town planners, all of whom confirm that rezoning from Education to Private Open Space is unnecessary and could negatively impact the property owner.

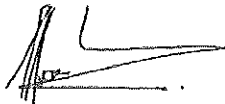
Additionally, as the property belongs to the state, any rezoning would require approval from the Department of Public Works and Transport, which we have been informed will not permit rezoning under any circumstances.

10. Request for Reassessment

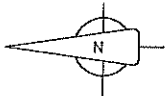
Given the above evidence, we respectfully request that you reconsider your decision and rescind the stop order on the construction of the Padel courts at Erf 1053, 17 Kohler Street, Montagu.

We remain open to further discussion and would appreciate an opportunity to present our findings in more detail at your earliest convenience.

Yours sincerely,



Henry van Nieuwenhuizen
BArch (Pret) Pr Arch SACAP Reg. No. 3924



Definition:

A decibel (dB) is a unit used to measure the intensity of sound or the power level of an electrical signal. It is a logarithmic unit, meaning that an increase of 10 dB represents a tenfold increase in intensity.

For reference:

10 dB - Breathing or whispering
40 dB - Quiet office or library
60 dB - Normal conversation

Distances for model count

2m	-	74dB
4m	-	68dB
6m	-	62dB
8m	-	56dB
10m	-	50dB
12m	-	44dB

Natural Reduction

Single row of trees	-	1-3dB
10m Wide belt of trees and bushes	-	5-10dB
Built-up Reduction	-	
Concrete Wall (150 mm)	-	35-40 dB
Brick Wall (220 mm)	-	45-50 dB
Glass Window (single pane)	-	20-30 dB
Double-glazed Window	-	30-40 dB

1	Interaction Only	☒
2	Concept Drawings	☐
3	Basic Design	☐
4	Approved Drawings	☐
5	Final Drawings	☐
6	Working Drawings	☐
7	Final Drawings	☐

Locality Plan

Architect:
Lukas Harry Janzen
van Nieuwenhagen

No.	Description	Date
24		20/02/2025

Project number	Date	Rev.	Scale	Size
D1_001		001	A3 indicated	A2

Issue Date	Issue By	Issue To

Proposed Padel Courts on
Erf 1053
17 KOHLERSTRAAT
PROV GOV WESTERN CAPE

Owner: _____
Date: _____
The owner of the relevant premises
has read and understands the contents of the plan.
I hereby certify that I have read and
understand the contents of the plan.

HVN
architects

Phone +27 (0)23 614 3074 39 Pies Relief Street,
PO Box 382, Montagu 6720
Harry +27 (0)83 559 3966

Tracy Brunings

From: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>
Sent: 4 Friday, 28 February 2025 08:42
To: Cheslin Paris; Marcelle Van Leeuwen
Cc: Theo Rebel; Ansa Ferreira; Tracy Brunings; Jayden Fisher; DEON FOURIE
Subject: FW: PADEL COURTS: INTERPRETATION OF DEFINITIONS (Langeberg)
Attachments: Padel_Montagu.docx; Circular 0018/2024 - SOP and Application Guidelines; Montagu High School - Letter

Theo

Our records show that this school applied in terms of our Circular 008/2024 for MEC approval for a padel court development in Montagu. This submission is still on-route to our MEC and approval has thus NOT yet been granted by our MEC. Attached is a draft approval letter which our MEC will sign, if he approves of the development. Included in the MEC's approval letter is conditions, which the school must adhere to. This include that the school must ensure adherence to municipal zoning regulations and any relevant municipal by-laws. Building plans will be submitted to Marcelle Van Leeuwen at DOI, once our MEC has approved of the development. DOI will normally guide the school's architect to amend their plans before submitting to the Local Authority. In order for the school to submit building plans, which is a requirement for any development on school property, the school would need a PoA from DOI (Ansa), which DOI will only issue, if the MEC for education has approved of the development and building plans were submitted to DOI (Marcelle).

We are still awaiting approval from our MEC regarding this development and then the building plans must still be submitted to DOI and POA issued by DOI, before the school submit to council. The municipality is therefore fully within their right to stop the development and ensure that the school comply.

Regards

Gerrit Coetzee Pr.Pln A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

1 North Wharf Square, 2 Lower Loop Street, Foreshore, Cape Town

Tel: +27 21 467 9261

Cell: 0844224334

E-mail: Gerrit.Coetzee@westerncape.gov.za

Website: www.westerncape.gov.za



**Western Cape
Government**

QUALITY EDUCATION

for every child | in every classroom | in every school in the province.

From: Tracy Brunings <tbrunings@langeberg.gov.za>

Sent: Thursday, February 27, 2025 7:52 PM

To: Theo Rebel <Theo.Rebel@westerncape.gov.za>

Cc: Ansa Ferreira <Ansa.Ferreira@westerncape.gov.za>; Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; Jonathan Dos Santos <JDosSantos@langeberg.gov.za>

Subject: RE: PADEL COURTS: INTERPRETATION OF DEFINITIONS (Langeberg)

You don't often get email from tbrunings@langeberg.gov.za. [Learn why this is important](#)

Hello Theo,

Tracy Brunings

From: Tracy Brunings
Sent: Friday, 28 February 2025 09:52
To: 'Ansa Ferreira'; Gerrit Coetzee; Cheslin Paris; Marcelle Van Leeuwen
Cc: Theo Rebel; Jayden Fisher; DEON FOURIE; Buyiswa A Sikutshwa
Subject: RE: PADEL COURTS: INTERPRETATION OF DEFINITIONS (Langeberg)

Many thanks Ansa. We take note of your requirements.

Kind regards,
Tracy Brunings Pr.Pln A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720
Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Ansa Ferreira <Ansa.Ferreira@westerncape.gov.za>

5. **Sent:** Friday, 28 February 2025 08:53

To: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Cheslin Paris <Cheslin.Paris@westerncape.gov.za>; Marcelle Van Leeuwen <Marcelle.VanLeeuwen@westerncape.gov.za>

Cc: Theo Rebel <Theo.Rebel@westerncape.gov.za>; Tracy Brunings <tbrunings@langeberg.gov.za>; Jayden Fisher <Jayden.Fisher@westerncape.gov.za>; DEON FOURIE <Deon.Fourie@westerncape.gov.za>; Buyiswa A Sikutshwa <Buyiswa.Sikutshwa@westerncape.gov.za>

Subject: RE: PADEL COURTS: INTERPRETATION OF DEFINITIONS (Langeberg)

Morning Colleagues

Fully support the content of the Municipality's letters and content of emails below.

Construction in this instance is not exempt from building plan approval.

POA to be applied for once MEC approval has been granted.

Kind regards
Ansa

Ansa Ferreira
[Pr. Pln. A/1633/2012]
Director: Property Planning & Information
Immovable Asset Management Component
Department of Infrastructure
Western Cape Government

24th Floor, Atterbury House, Lower Burg Street, Cape Town
Tel: 021 483 9705
Cell: 083 2811 147
Email: ansa.ferreira@westerncape.gov.za
Website: www.westerncape.gov.za

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Ons verw nr / Our Ref No 15/4/13/R

HVN Architects
P O Box 382
MONTAGU
6720

28 February 2025



Per email: henry@hvnarchitects.co.za

Dear Sir

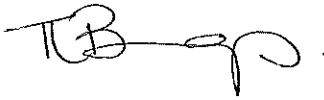
ERF 1053 MONTAGU: APPLICATION PROCEDURES FOR CONSTRUCTION OF PADEL COURTS

1. I refer to your email dated 20 February 2025, and the letter attached thereto.
2. Please be advised that the Municipality cannot rescind the order to stop construction work, as **prior municipal approval is required**, and has not yet been obtained.
3. I confirm the following, as discussed at the meeting on 13 February 2025:
 - 3.1. Objections from residents drew our attention to the fact that construction was in process.
 - 3.2. The construction was stopped because the required approvals have not yet been obtained.
 - 3.3. It is also a requirement in terms of PAJA (Act 3/2000), that the Municipality considers the rights of those who may be affected and ensures that administrative actions are lawful, reasonable and fair.
4. The **relevant authorities have been consulted** regarding the interpretation of the legislative requirements. Accordingly I advise as follows regarding the required procedures:
 - 4.1. The proposed use (padel courts) is not considered to be a primary right in the Community Zone I in that it is not deemed to be ancillary to the primary use of Erf 1053, notwithstanding the fact that the courts may also be used by school children. **A land use application must be lodged in terms of the Langeberg Land Use Planning Bylaw, 2015.**
 - 4.2. It is recommended that application be lodged to rezone (e.g. *split zoning along the boundaries of the proposed lease area*) to Open Space Zone II that allows for private open space as a primary right and which land use description provides for a private site for sport, play and recreation.
 - 4.3. Alternatively, application for temporary departure for the proposed padel courts within the Community Zone I, could be considered, noting that the maximum time for which a use may be permitted as a temporary departure is 5 years, non-renewable.
 - 4.4. If a long-term lease is to be entered into, or a short-term lease that you want to register, an application for subdivision must be lodged simultaneously with the rezoning / temporary departure application.

4.5. Building plans must be submitted for approval in terms of Section 4 of the NBRBS Act, 1977 (the Act). It is noted that Erf 1053 is owned by the State and that section 2(4) of the NBRBSA provides for buildings which are "to be erected by or on behalf of the State" to be exempt from building plan approval (plans must be lodged for information and comment). However, private development on state owned land, although approved by the state, does not fulfil the provision set out in section 2(4) and is therefore not exempt from a submission in terms of section 4 of the Act. The Department of Education and the Department of Public Works & Infrastructure have both confirmed in writing that Building Plans are required to be submitted for approval.

5. Please note that a signed power of attorney from the WC Department of Infrastructure, as landowner of Erf 1053 Montagu, must be submitted with the above applications. The WC Department of Infrastructure will only issue such approval after authorisation from the WC Department of Education. The aforementioned Departments have confirmed that such approval has not yet been issued. The relevant contact officials are: Western Cape Government, Department of Infrastructure, Property Planning and Information (*Mrs Ansa Ferreira*, 021-483 9705, Ansa.Ferreira@westerncape.gov.za) and the Western Cape Department of Education, Physical Resource Planning and Property Management. (*Mr Gerrit Coetzee*, 021-467 9261, Gerrit.Coetzee@westerncape.gov.za).

Yours faithfully



DP LUBBE
MUNICIPAL MANAGER

Tracy Brunings

From: Tracy Brunings
Sent: 7. Friday, 07 March 2025 07:08
To: 'henry'; Mark Bleloch
Cc: Neil Rodseth; wanda@hvnarchitects.co.za; Tara Javon; Clive Grinaker; Jonathan Dos Santos; Jack van Zyl; Marcelle Van Leeuwen; 'Ansa Ferreira'; Gerrit Coetzee; 'Theo Rebel'; Langeberg Municipality; Deon Louwrens; Ilse Saunders
Subject: Montagu High School - APPLICATION FOR PADEL COURTS ON THE KOSHUIS PROPERTY
Attachments: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

Tracking:

Recipient

Read

'henry'

Mark Bleloch

Neil Rodseth

wanda@hvnarchitects.co.za

Tara Javon

Clive Grinaker

Jonathan Dos Santos

Jack van Zyl

Marcelle Van Leeuwen

'Ansa Ferreira'

Gerrit Coetzee

'Theo Rebel'

Langeberg Municipality

Deon Louwrens

Ilse Saunders

Read: 2025/03/07 07:35

Read: 2025/03/07 08:08

Hello Henry and Mark,

refer to your emails below.

The Municipality's requirements regarding the need to submit building plans and obtain land use approval, are clearly set out in the attached letter dated 28 February 2025. **We await the required applications.**

To engage in this matter further, **please provide written confirmation from the landowner** that you are authorised to act on their behalf regarding Erf 1053 Montagu (school hostel property).

Kind regards,

Tracy Brunings Pr.Plñ A/951/1997

MANAGER: TOWN PLANNING

TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

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**Enderstein
Malumbete Inc**
attorneys • notaries • conveyancers

Our Ref: N Smith/ec/S11495

Your Ref:

g. Date: 18 March 2025

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THE LANGEBERG MUNICIPALITY
FOR ATTENTION: TRACEY BRUNINGS
BY E-MAIL: tbrunings@langeberg.gov.za

Dear Sir / Madam

RE: ERF 1053 MONTAGU: CONSTRUCTION OF PADEL COURTS

1. The above matter refers.
2. We address this letter to you on the instructions of our client, Padel Montagu.
3. We are advised that:
 - 3.1. Our client is in the process of building three padel courts, on Erf 1053, Montagu, being land owned by the State, which land forms part of / is used by an educational facility, the Montagu High School. This is done with the necessary approval by and consent of the Minister of Education and with the support of the school itself (who has given its support to this letter, as per the attached e-mail).
 - 3.2. The current development is intended for use by both the school / students at the school, as well as members of the community.
 - 3.3. However, and subsequent to the commencement of construction, and on or about 13 February 2025, our client received an instruction to stop all construction ("the stop works order") from the Langeberg Municipality ("the Municipality"). At the same time, and in subsequent correspondence, the Municipality raised a number of concerns.
 - 3.4. These concerns, we respectfully submit, is without merit, as is dealt with hereinafter.

CAPE TOWN:

Edward 1, 116-118 Edward Street, Oakdale, 7530. | Postnet Suite No, 109, Private Bag x22, Tygervalley, 7536 | Docex 8, Tygervalley
Tel: 021 914 0770 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

JOHANNESBURG:

2nd Floor, Office Suite S1, 11 Naivasha Road, Sunninghill, Sandton, 2157 | Docex 2, Rivonia
Tel: 011 615 8591 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

www.endersteins.co.za

Reg. No.: 2013/194634/21 | VAT No.: 475 028 5078

Directors: AZ van der Merwe BA LLB | SD Smith BComm LLB | SW Plenaar LLB | N Malumbete LLB
Associates: L Enderstein LLB | C Smith LLB | KW Wood BComm LLB

Assisted by: S Koen BA LLB | CHN Wium LLB | MJ Teubes LLB LLM | M Booysen LLB

Consultants: A Keet BComm LLB M.Phil | C Laskey BA LLB
Financial Manager: R Goosen BComm FAPIAIC AGA(SA)

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Enderstein Malumbete Inc

attorneys • notaries • conveyancers

Zoning

4. The property is currently zoned as "Community Zone I (CZI)" in terms of the Langeberg Municipality: Integrated Zoning Scheme By-law ("the Zoning By-law"), which provides that:

"The objective of this zone is to provide for educational facilities of all kinds, but controlled provision is made for other compatible community uses" (own emphasis).

5. From the aforesaid extract, it is clear that other community uses, and therefore not only educational uses, may also be permitted, as long as such uses are "compatible community uses".

6. The primary use provided for under "CZI", as per the Zoning By-law, is that of a "Place of instruction", which is defined as follows:

- (a) means a place for education or training at pre-school, school or post-school levels;
- (b) includes a creche, nursery school, primary school, secondary school, college, university or research institute;
- (c) includes ancillary uses including-
 - (i) a boarding hostel,
 - (ii) sports and recreation centre,
 - (iii) a civic facility for the promotion of knowledge to the community including-

7. A copy of the Zoning Certificate, which confirms the above, is attached hereto marked Annexure "A".

8. In terms of the Zoning By-law, a "sports and recreation centre" is defined as:

"an outdoor or indoor sports and recreation facility which may be public or privately owned and which may include sports grounds and fields, golf courses, a sports stadium, as well as ancillary and subservient facilities and amenities like a clubhouse with a restaurant and shop, gymnasium, ablution facilities, stores, and related administrative buildings."



CAPE TOWN:

Edward 1, 116-118 Edward Street, Oakdale, 7530. | Postnet Suite No, 109, Private Bag x22, Tygervalley, 7536 | Docex 8, Tygervalley
Tel: 021 914 0770 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

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2nd Floor, Office Suite 51, 11 Naivasha Road, Sunninghill, Sandton, 2157 | Docex 2, Rivonia
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www.endersteins.co.za

Reg. No.: 2013/194634/21 | VAT No.: 475 028 6078

Directors: AZ van der Merwe BA LLB | SD Smith BComm LLB | SW Piensar LLB | N Malumbete LLB

Associates: L Enderstein LLB | C Smith LLB | KW Wood BComm LLB

Assisted by: S Koen BA LLB | CHN Wium LLB | MJ Teubes LLB LLM | M Booysen LLB

Consultants: A Keet BComm LLB M.Phil | C Laskey BA LLB

Financial Manager: R Goosen BComm FAP(AIC) AGA(SA)

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9. We submit that there can be no doubt that the intended padel courts falls within the definition of a "sports and recreation centre".
10. We are advised by our client that the padel courts form part of the High School's grounds and will, *inter alia*, be used to support and supplement the educational facilities of the High School. It will also be used by members of the community.
11. We submit that, taking into consideration the sections quoted above, that:
 - 11.1. Compatible community uses are permitted on the land;
 - 11.2. Such compatible uses include a sports and recreation centre;
 - 11.3. Padel court falls within the definition of a sports and recreation centre;
 - 11.4. There is no requirement / restriction that the sports and recreation centre caters only for the educational institution (and in fact allowance is made for community uses).
12. We therefore submit that the current zoning provides for and permits / allows the intended use (that of padel courts) under the permitted primary use. As such, we further submit, it is not necessary to apply for a consent use, or for a rezoning of the land or for a temporary departure.

Building Plans

13. Section 2(4) of the National Building Regulations and Building Standards Act 103 of 1977 ("the NBRBS") states that:

"In respect of any building to be erected by or on behalf of the State, such plans, specifications and certificate as may be prescribed by national building regulation, shall before the commencement of such erection be lodged with the local authority in question for its information and comment:

..."

CAPE TOWN:

Edward 1, 116-118 Edward Street, Oakdale, 7530. | Postnet Suite No, 109, Private Bag x22, Tygervalley, 7536 | Docex 8, Tygervalley
Tel: 021 914 0770 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

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Reg. No.: 2013/194634/21 | VAT No.: 475 026 6078

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Associates: L Enderstein LLB | C Smith LLB | KW Wood BComm LLB

Assisted by: S Koen BA LLB | CHN Wium LLB | MJ Teubes LLB LLM | M Booysen LLB

Consultants: A Keet BComm LLB M.Phil | C Laskey BA LLB
Financial Manager: D Goosen BComm FAP/AFI AGA/CA

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14. The Municipality, whilst taking note of the provisions of Section 2(4) of the NBRBS, claims that this section does not apply to the current situation, claiming that this is a "private development on state owned land, [and] although approved by the state, does not fulfil the provision set out in Section 2(4) and is therefore not exempt from a submission in terms of section 4 of the Act".
15. We, with due respect, disagree with the Municipality's view, as quoted above.
16. It is common cause that:
 - 16.1. The property is (and will remain) the property of the State,
 - 16.2. The State, as the owner of the land, ultimately dictates what occurs on the land;
 - 16.3. The State has consented to the intended improvements;
 - 16.4. The State will become the owners of the said improvements;
 - 16.5. The improvements forms part of and will also be used in support of and to the benefit of the High School.
17. Section 4 (1) of the NBRBS states that:

Approval by local authorities of applications in respect of erection of buildings

- (1) *No person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans and specifications are to be drawn and submitted in terms of this Act." (own emphasis)*

18. We submit that, as the provisions of section 2(4) of the NBRBS apply, section 4(1), in turn, does not and that the building works are exempt from the requirement to have approved building plans.

Site Development Plan

19. The development parameters for a "Sport and recreational centre", as per the Land Use By-Law, are the following:

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Associates: L Enderstein LLB | C Smith LLB | KW Wood BComm LLB
Assisted by: S Koen BA LLB | CHN Wium LLB | MJ Teubes LLB LLM | M Booysen LLB
Consultants: A Keet BComm LLB M.Phil | C Laskey BA LLB

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Development parameters:

- (a) *The Municipality must require a site development plan for a sports and recreation centre.*
- (b) *The site development plan as approved by the Municipality constitutes the development parameters.*
- (c) *The provisions for a site development plan in this By-law apply.*

20. In line with the aforesaid development parameters, we again submit that it is clear that **building plans are not required**, and that our client is only required to submit a site development plan.

21. Whilst the Zoning By-law does not define a site development plan, it is defined in the Langeberg Municipality: Land Use Planning By-law ("the Planning By-law"), which defines same as:

"site development plan" means a dimensioned plan drawn to scale that indicates details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs and landscaping;

22. Regulation 65(2) of the Planning By-law, states that

- (2) *Where required in terms of applicable development parameters or conditions of approval, the Municipality must approve a site development plan if the site development plan—*
 - (a) *is consistent with the development rules of the zoning;*
 - (b) *is consistent with the development rules of an overlay zone, if applicable;*
 - (c) *complies with the conditions of approval; and*
 - (d) *complies with this By-law.*

23. This is a peremptory requirement, and the municipality **must approve a site development plan** if it complies with the requirements quoted above (which we submit, is the case here).

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Assisted by: S Koen BA LLB | CHN Wium LLB | MJ Teubes LLB LLM | JM Booysen LLB
Consultants: A Keet BComm LLB M.Phil | C Lasky BA LLB
Financial Manager: B Cooper BComm FAD (AIC) AGAICA

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24. Please then note that the submission of a site development plan (or the requirement to do so), is not an "application" as is referred to in Section 15(2) of the Planning By-law.
25. Whilst we do not quote section 15(2) here (due to the extent thereof), we confirm that it does not refer to or deal with the consideration / "approval" of a site development plan.
26. For the same reason, we wish to point out that a decision by the Municipality to accept a site development plan, is not subject to an appeal.
27. Section 79 of the Planning By-law states that:

Appeals 79. (1) The executive mayor is the Appeal Authority in respect of decisions of the Tribunal or an authorised employee contemplated in sections 68(a) or (b) and a failure to decide on an application as contemplated in section 58.

(2) A person whose rights are affected by a decision contemplated in subsection (1) may appeal in writing to the Appeal Authority within 21 days of notification of the decision.

28. Section 68(a) and (b) of the Planning By-law only deals with "application", which we submit, are applications referred to in Section 15(2) of that By-law. (Writer wishes to point out that Section 58 refers to a situation where "the authorised employee or the Tribunal fails to decide on an application within the period referred to in section 57(1) or (2)" which is not applicable here.)
29. As such, the right to appeal, as per section 79(2) is not applicable to the current situation, as no formal application is required for a site development plan. In addition, and in any event, public participation is not required for the acceptance of a site development plan.



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Conclusion

30. In light of the above, we submit that the Municipality's stop works order was premised under an incorrect interpretation of the relevant provisions of the Municipality's Zoning By-law, Planning By-law and the NBRBS and as such, was issued incorrectly.
31. We therefore submit that the Municipality formally withdraws its stop work order and that it allows client to proceed with the further construction of the padel courts, and that same be done as a matter of urgency, in order to avoid any further damages from being suffered by client.
32. We have been instructed to advise that:
 - 32.1. Our client cannot allow for any lengthy delays in the withdrawal of the stop works order, as they are currently suffering damages and will continue to do so, unless they are permitted to proceed.
 - 32.2. This will also be the case if our client is required to apply for a departure or a rezoning. The possible delay in such a process will simply not make the project viable.
 - 32.3. Our client further believes that the project is of great benefit to the town of Montagu and region, school children, community and residents and that same is permitted (in terms of the Zoning By-law, read with the Planning By-law and the NBRBS).
 - 32.4. We wisht to point out that tennis courts are already situated on one side of the intended padel courts, and the children's informal sports field is on the other side. Any objection that may therefore be raised against the intended padel courts are simply baseless and without merit and will create a negative view to future investors in the town.

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- 32.5. In light of the heightened expectations from the community and the public exposure that has already been given to the intended padel courts, we believe that it would be in the interest of all parties involved to have this matter resolved as a matter of urgency, and that the Municipality approves the site development plan, or advise our client of any changes that is required, so that the building works can continue.
- 32.6. There is only one objector who has however not, we understand, submitted a formal written objection. We are further advised that the objections raised relates to (a) noise pollution (where our client's tests have shown that the noise created by / emanating from the padel courts, will not exceed the legal limits) and (b) a decrease in the value of this property and surrounding properties. Our client understands that no evidence was provided to support these complaints.
- 32.7. Our client in any event submits that these complaints are not only spurious but also lacks any merit. We also submit that permission is not required to approve / accept the site development plan, as we have dealt with hereinbefore.
33. We therefore request that you take the necessary steps to approve the site development plan and allow our client to continue with the building works. In this regard, our client will provide you with the requested proxy shortly.

Yours faithfully,

ENDERSTEIN MALUMBETE INC.

Per:

SD Smith



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Development Parameters

Erf Area Schedule		
O.C.	Name	Area
A5	Erf 1023	396.5 m²

RE/226

Pedestrian Access
3036/2003001
to tennis courts

Church Street

Erf 5192

1000
 1000
 1000
 - Garden

Erf 5180

Tennis courts
Novelty car
access or
on-site parking

50

Erf 5181

23

Erf 240

22

Erf.1377

Recently
purchased
by Mr Block

Erf 239

Museum

Erf 238
KWV Building

153

SDP.
1:500

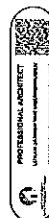
Long Street

19/03/2025

[illegible]

Owner:	Date: 14.03.2025	The owner of the relevant premises hereby certifies that he/she/it understands the plan thoroughly and has fully understood the content of the plan.
Architect:		 Lukas Herrmann von Neuenhütten SACAP REG-3724
Engineer:		

Proposed Padel Court
Slabs on Ef 1053
17 Kohler Street, Montagu
PROV GOV WESTERN CAPE (High
School Montagu)

[illegible]
 HWN
architects

Phone +37 (0)23 414 3624
Herry +37 (0)63 459 3964

17/03/2025, 09:30:58

Tracy Brunings

From: Tracy Brunings
Sent: 9, Thursday, 20 March 2025 14:28
To: 'henry@hvnarchitects.co.za'
Cc: Jonathan Dos Santos; Jack van Zyl; 'Mark Bleloch'; 'Tara Javon'; 'Wanda'; maryke@hvnarchitects.co.za; 'Anna-Christa Redelinghuys'; 'Niel Smith'
Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu
Attachments: Montagu High School - APPLICATION FOR PADEL COURTS ON THE KOSHUIS PROPERTY

Hello Henry,

I refer to your email below.

The contents of our attached email and letter dated 28 February 2025 remain applicable.

We await the required applications and written confirmation from the landowner that you are authorised to act on their behalf regarding Erf 1053 Montagu.

The SDP must form part of such application.

Kind regards,

Tracy Brunings Pr.Pln A/951/1997

MANAGER: TOWN PLANNING

TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 ✉ tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: henry@hvnarchitects.co.za <henry@hvnarchitects.co.za>

Sent: Wednesday, 19 March 2025 10:22

To: Tracy Brunings <tbrunings@langeberg.gov.za>

Cc: Jonathan Dos Santos <JDSantos@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; 'Mark Bleloch' <mbleloch@gmail.com>; 'Tara Javon' <tara@sunspot.fun>; 'Wanda' <wanda@hvnarchitects.co.za>; maryke@hvnarchitects.co.za; 'Anna-Christa Redelinghuys' <annachris@mweb.co.za>; 'Niel Smith' <niel@endersteins.co.za>

Subject: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

Hi Tracy,

Thank you for taking the time to meet with me on Friday. We truly appreciate the Municipality's efforts in working towards a resolution regarding the construction of the padel courts.

Please find attached correspondence addressing the key points raised during our discussion, along with the additional information you requested.

Let me know if you need any further details or clarification.

Tracy Brunings

From: Tracy Brunings
Sent: Monday, 24 March 2025 14:08
To: 'Niel Smith'; henry@hvnarchitects.co.za
Cc: Jonathan Dos Santos; Jack van Zyl; 'Mark Bleloch'; 'Tara Javon'; 'Wanda'; maryke@hvnarchitects.co.za; 'Anna-Christa Redelinghuys'
Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

Hello Mr Smith,

I refer to your email below and letter attached thereto.

Please be advised that **your representation will be forwarded to the parties with whom we consulted** when providing our interpretation of the LIZS, 2018 and NBRBSA. Their further assessment and opinion is necessary. I will revert to you thereafter with our final decision.

Please note in the interim that, **even in the event that it is decided that the use may be permitted as a "Sports and Recreation Centre", we do not agree with your interpretation of the requirements relating to SDPs and the applicable requirements in terms of the LIZS 2018 and the LUPB 2015.**

Please also note that the information relating to there being only one objector is not correct.

Kind regards,
Tracy Brunings Pr.Pl. A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT



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Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Niel Smith <niel@endersteins.co.za>
Sent: Sunday, 23 March 2025 16:07
To: Tracy Brunings <tbrunings@langeberg.gov.za>; henry@hvnarchitects.co.za
Cc: Jonathan Dos Santos <JDSantos@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; 'Mark Bleloch' <mbleloch@gmail.com>; 'Tara Javon' <tara@sunspot.fun>; 'Wanda' <wanda@hvnarchitects.co.za>; maryke@hvnarchitects.co.za; 'Anna-Christa Redelinghuys' <annachris@mweb.co.za>
Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

Good day Ms Brunings

Please find attached hereto letter for your urgent attention.

We await your urgent reply.

Kind regards
Niel Smith
Director

Tracy Brunings

From: Tracy Brunings
Sent: 11. Monday, 24 March 2025 15:15
To: 'Theo Rebel'; 'Ansa Ferreira'; Gerrit Coetzee
Cc: Jayden Fisher; DEON FOURIE; Buyiswa A Sikutshwa; Cheslin Paris; Marcelle Van Leeuwen; 'wallace.Loedolff@westerncape.gov.za'; Deon Louwrens; Jack van Zyl; Jonathan Dos Santos
Subject: RE: PADEL COURTS: INTERPRETATION OF DEFINITIONS (Langeberg)
Attachments: Message from KM_C550i; RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu; RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu; Message from KM_C550i; Message from KM_C550i

Good day Theo, Ansa and Gerrit,

I refer to the correspondence below and attach the following for your further comment please.

1. Copy of our email dated 20 March 2025 and letter dated 28 February 2025 re. the proposed Montagu Padel Courts, advising that a land use application and building plans must be submitted.
2. Copy of a response from Attorneys Enderstein Malumbete Inc dated 18 March 2025, received per email 24 March 2025.
3. Copy of our preliminary response thereto today, 24 March 2025.
4. Scanned copy of the Enderstein Malumbete Inc letter with my preliminary notes thereon FYI.
5. Scanned copy of SDP submitted 19 March 2025.

In short, my opinion is that the Municipality is correct in requiring either a rezoning or temporary departure as well as Building Plans in terms of Section 4 of the NBR - for the reasons already stated. However, should it be considered that there is merit in the reasoning that the use can be assessed as a primary right as a Sports and Recreation centre, at very least they must apply to the Municipality for permission, in accordance with a detailed SDP with explanatory report. The Municipality is entitled to request any other information as part of an SDP and / or circulate / advertise for public input. Re. the NBRegs I will be advised by what procedure has been followed where padel courts have been authorised on other Dol and Dept Ed properties.

The Municipality is trying to be as accommodating as possible in determining an appropriate procedure that will allow potential impacts to be assessed and a good decision reached, including input from the community. Instead of cooperating, the "developers" are focussed on finding all ways to avoid having to follow any procedures whatsoever. This debate about the procedure to be followed seems counter-productive in that whatever application is lodged, the same issues need to be addressed, including the following:

- This site is in the historic core of Montagu and located just off Church and Long Streets which have some of the highest concentrations of proclaimed heritage buildings, and numerous guest establishments - with the right to comment on potential impacts.
- The site is not a large site with school classrooms and sports fields, to which the padel courts are being added as in other cases where padel courts have been authorised on school grounds – this site is unique.
- The proposed access to the padel courts and the proposed parking is across portion of Erf 1053 which is currently leased to an adjoining business (Tyre business in old KWV building) and therefore cannot be used as proposed i.e. there is no access to the courts and no parking provision. Street parking in both Church and Kohler Streets is already problematic.
- The proposed courts adjoin the hostel's study room, and those two uses are incompatible unless hours of operation are controlled – something which should be addressed in an application.
- In all correspondence with the Architect and other individuals, no written proof has been provided that the relevant authorisations have been issued by the owner and related authorities.

Kind regards,

Tracy Brunings

From: Tracy Brunings
Sent: 13. Thursday, 03 April 2025 07:29
To: 'Niel Smith'; henry@hvnarchitects.co.za
Cc: Jonathan Dos Santos; Jack van Zyl; 'Mark Bleloch'; 'Tara Javon'; 'Wanda'; maryke@hvnarchitects.co.za; 'Anna-Christa Redelinghuys'; Elaine; Deon Louwrens
Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

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Hello Mr Smith,

A response to your submission will be provided as soon as I have received feedback from the relevant parties as noted in my previous email.

We endeavour to be as efficient as possible and note that the current **delay** is unfortunately a **result of the developer's decision** to proceed prior to any approvals, to not follow the procedures set out by the Municipality, and to subsequently seek legal opinion challenging the Municipal requirements. The **submission of the landowner's approval** is also the most basic, standard legal requirement prior to any development proceeding and this has not yet been submitted.

In the **interim**, please could you request your client to provide **clarification regarding the access and parking shown on the Site Plan**. This access and parking is currently used by the adjoining tyre business and unless there are agreements, which we are not aware of, relating to the future use of this land, this portion of Erf 1053 is not available for access and parking for the proposed padel courts.

Kind regards,

Tracy Brunings Pr.Pl. A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT



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Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

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From: Niel Smith <niel@endersteins.co.za>
Sent: Tuesday, 01 April 2025 12:46
To: Tracy Brunings <tbrunings@langeberg.gov.za>; henry@hvnarchitects.co.za
Cc: Jonathan.Dos Santos <JDSantos@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; 'Mark Bleloch' <mbleloch@gmail.com>; 'Tara Javon' <tara@sunspot.fun>; 'Wanda' <wanda@hvnarchitects.co.za>; maryke@hvnarchitects.co.za; 'Anna-Christa Redelinghuys' <annachris@mweb.co.za>; Elaine <elaine@endersteins.co.za>
Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

Good day Ms Brunings

Your below e-mail refers.

Please **urgently advise when we will receive your response herein**. In this regard, we note that it was already, and as early as 26 February 2025, communicated to our client that the municipality is awaiting a further opinion on the matter.

As per previous advises, it is imperative that a response be received urgently, as our client is currently suffering damages on a daily basis.

We then note that you make reference that more than one complaint has been received. We kindly request that same be provided to us, so that our client can consider and address same.

Please then note that our client will provide you the requested proxy shortly. We however submit that this should not delay the provision of the feedback, as referred to herein above.

We therefore await to hear from you.

Kind regards

Niel Smith

Director

ENDERSTEIN MALUMBETE INC

Email: niel@endersteins.co.za

Weens die risiko van e-pos verwante bedrog versoek ons u asseblief vriendelik om ons kantore te skakel **voordat** u enige betaling aan ons maak ten einde die korrektheid van die bankbesonderhede te bevestig. Neem verdermeer kennis dat ons u **nooit** via e-pos of enige ander wyse van elektroniese kommunikasie in kennis sal stel van n wysiging aan ons bankbesonderhede nie, en versoek ons u om **dadelik** met ons kantore telefoniese kontak te maak indien u ooit korrespondensie van so n aard sou ontvang wat beweerdelik deur ons kantore versend is.

Due to the risk of e-mail related fraud, it is crucial that you **telephonically confirm** our banking details with us **prior** to making any payment to our offices. Kindly further take note that our offices will **never** inform you of a change in our trust account details via e-mail or any other form of electronic communication, and urge you to **immediately** make contact with our offices telephonically the moment you receive correspondence of such a nature that was purportedly sent by our offices.



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Associates: L Enderstein LLB | C Smith LLB

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Consultants: A Keel BComm LLB M.Phil | C Laskey BA LLB

Financial Manager: R Goosen BComm FAP(AIC) AGA(SA)

From: Tracy Brunings <tbrunings@langeberg.gov.za>

Sent: Monday, 24 March 2025 14:08

To: Niel Smith <niel@endersteins.co.za>; henry@hvnarchitects.co.za

Cc: Jonathan Dos Santos <JDSantos@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; 'Mark Bleloch' <mbleloch@gmail.com>; 'Tara Javon' <tara@sunspot.fun>; 'Wanda' <wanda@hvnarchitects.co.za>; maryke@hvnarchitects.co.za; 'Anna-Christa Redelinghuys' <annachris@mweb.co.za>

Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

Tracy Brunings

From: Tracy Brunings
Sent: 14 Wednesday, 09 April 2025 08:08
To: 'henry@hvnarchitects.co.za'
Cc: Jonathan Dos Santos; Jack van Zyl; 'Mark Bleloch'; 'Tara Javon'; 'Skoolhoof - Montagu Hoërskool'; Deon Louwrens; Ilse Saunders; 'Niel Smith'
Subject: RE: Montagu HS - New padel courts - SGB project reviewed
Attachments: Reviewed Letter of No Objection MONTAGU HS - PDF (3).pdf; Evaluation Outcome - Erf 1053 17 Kohler Street Montagu_Awaiting reply.pdf; Building Control - POA (1).pdf

T4

Hello Henry,

Thank you for the copy of the plans as reviewed by the Department of Infrastructure.

We take note of the contents of the letter from the Department (first attachment) and the requirement that you obtain approval in terms of the NBR.

In this regard, please be reminded of the attached evaluation outcome (second attachment) and the information which the Municipality requires before we can proceed further with the Building Plan submission.

Please note that the draft POA (third attachment) is to the Headmaster of the High School and therefore, to prevent any unnecessary delays, you need to make sure that you have the necessary written authorisation to lodge the required documentation. Please also forward the signed POA as soon as received from Dol.

With regard to the land use approval please note, as per my previous email, that I am still awaiting feedback regarding the legal opinion submitted by your Mr Smith dated 18 March 2025, in order to confirm what procedure you must follow.

In the interests of minimising delays, your attention is requested please to the following comments in our previous emails dated 24 March 2025 and 3 April 2025 respectively:

24 March 2025:

Please note in the interim that, even in the event that it is decided that the use may be permitted as a "Sports and Recreation C" the requirements relating to SDPs and the applicable requirements in terms of the LIZS 2018 and the LUPB 2015.

Please refer to the Zoning Scheme for the requirements relating to the submission of a SDP.

3 April 2025:

In the interim, please could you request your client to provide clarification regarding the access and parking shown on the Site the adjoining tyre business and unless there are agreements, which we are not aware of, relating to the future use of this land, and parking for the proposed padel courts.

I would like to place on record the Municipality's commitment to determining the most efficient procedures to follow to ensure that potential impacts are assessed and a good decision is reached, including community input. As raised verbally with yourself and your legal representative, the debate regarding the procedures to be followed is seen as counter-productive in that whichever application is lodged, the same issues need to be addressed.

Kind regards,
Tracy Brunings Pr.Pl n A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT

159

3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 ✉ tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: henry@hvnarchitects.co.za <henry@hvnarchitects.co.za>

Sent: Monday, 07 April 2025 15:43

To: Tracy Brunings <tbrunings@langeberg.gov.za>

Cc: Jonathan Dos Santos <JDSantos@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; 'Mark Bleloch' <mbleloch@gmail.com>; 'Tara Javon' <tara@sunspot.fun>

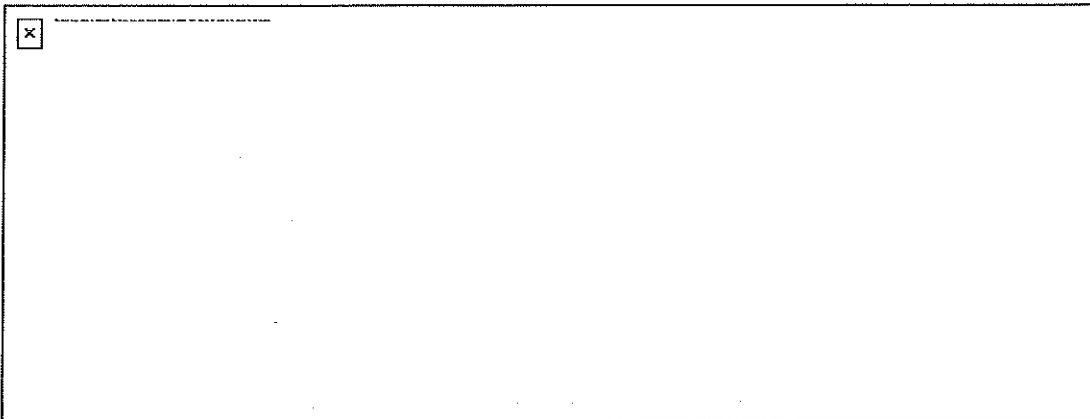
Subject: Montagu HS - New padel courts - SGB project reviewed

Hi Tracy

Herewith the reviewed plans and approval of the new Padel courts as received from the Department of Infrastructure.

Kind Regards

Henry



PLEASE NOTE:

HVN ARCHITECT CC change from 1 February 2025 to:

ARKHITEKON STUDIO (PTY) LTD trading as HvN Architects.

38 Piet Retief St, MONTAGU, 6720

ARKHITEKON is derived from the Greek word for an Architect ἀρχιτέκτων

So what is an architect you say? An architect is a generalist; aploymath; a "jack of all trades" so to speak.

Architects are concerned with the artistry of a building, but also the science of a building. Architects are coordinators and orchestrators.



Ref: 0873/06/2025
Enquiries: M Van Leeuwen

RE: SCHOOL GOVERNING BODY (SGB) / DONOR PROJECT: LETTER OF NO OBJECTION

Facility: MONTAGU HS
EMIS No: 0127310261
Erf No. 1053
Project Name: NEW PADEL COURTS
Name of SGB / Donor: MONTAGU HS

To Whom It May Concern,

The Western Cape Government (WCG) Department of Infrastructure (DoI) is designated as the custodian of all WCG owned or leased properties as defined in Government Immovable Asset Management Act (Act 19 of 2007). As custodian the DoI is responsible to review any proposed improvements to WCG owned or leased properties implemented by other implementing agents (SGBs or Donors in this instance) for conformance to departmental norms and standards.

The DoI wish to clarify that it is the responsibility of the SGB / Donor to:

1. Appoint registered built environment professionals as their agents to plan, design and oversee the construction works contemplated;
2. Ensure that their appointed professional agents submit a full set of drawings to the Local Authority for approval in terms of the National Building Regulations and Building Standards Act 103 of 1977 (as amended);
3. Ensure that the works are constructed in accordance with the Occupational Health and Safety Act of 1993 and the Construction Regulations of 2014 (as amended).

The DoI has reviewed the general arrangements of the design submitted by the agents of the SGB / Donor for the abovementioned proposed project and hereby confirms that the proposed design is generally in conformance with DoI's Norms and Standards for public school facilities. The DoI has **no objection** to the proposed design described therein, the design being described in the drawings listed in the table below (Appendix 1).

Should the plans deviate from those submitted, it is the responsibility of the SGB / Donor to provide a revision for further review by the DoI prior to works commencing thereon. This letter remains in effect for 12 months from the date of the signature below.

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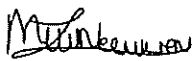
Prior to the commencement of the construction works the SGB / Donor or the appointed agents are to furnish the DoI with copies of the approved plans submitted to the Local Authority and the approval letter from the Local Authority giving authorisation for the works and noting any conditions or restrictions.

Where the work has been completed in respect of the approved plans, granted in terms of Section 7 of the National Building Regulations and Building Standards Act No 103 of 1977 (as amended), the Certificate of Occupancy must be obtained from the Local Authority and submitted to the DoI for record purposes.

Within one month of certified completion of the construction works it is the responsibility of the SGB / Donor and / or the appointed professional agents to furnish the DoI with the following documentation for record and maintenance purposes:

1. Certificate of compliance for the following, glass, electrical, fire, gas, plumbing, mechanical & structural.
2. Signed SANS Forms 4 as issued by the Local Authority.
3. Full set of as-built drawings & approval letter from Local Authority.
4. Practical Completion Certificate for the building/civil/solar etc.
5. Maintenance manuals if applicable.
6. Final cost of the project.

Sincerely,



Marcelle Van Leeuwen
Architectural Technician
PPID: Education
Infrastructure
Western Cape Government

DATE: 07 APRIL 2025

APPENDIX 1: TABLE OF DRAWINGS REVIEWED BY DoI – EI:

DRAWING NUMBER	DRAWING TITLE	REVISION NO	DATE
D1_001	SITE & FLOOR PLAN – ELECTRICAL	001	02.12.2024
SDP1_100	SITE DEVELOPMENT PLAN	001	14.03.2025
D1_001	SITE PLAN WITH DICEBEL	001	20.02.2025
D1_001	SITE & FLOOR PLAN	001	02.12.2024
D1_101	SECTIONS & ELEVATIONS	001	02.12.2024
N/A	GENERAL CONSTRUCTION NOTES FOR PADEL COURTS	N/A	N/A

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Ons verw nr / Our Ref No: 19/1/8/1
Imbuzo

Navrae / Enquiries: RUAN FOURIE
Isalathiso Selhu

18 December 2024

Prov Gov Western Cape (High School Montagu)
17 Kohler Street
Montagu
6720

REFUSAL TO APPROVE BUILDING PLAN APPLICATION : ERF 1053, 17 KOHLER STREET, MONTAGU

The application submitted for the abovementioned property has been evaluated in accordance with the National Building Regulations and is herewith refused to be approved in terms of Section 7 of ACT 103 of 1977, the National Building Regulations and Building Standards Act.

The Following items must be addressed before your application can be further considered:

Comments from Town Planning Department:

- Description of Proposed concrete slabs indicates Padel courts.
- Provide detail of usage and access to property with a detailed Site Plan that shows amenities in relation to the proposed Padel courts.
For more information, contact Andrew Marthinus @ amarthinus@langeberg.gov.za

Comments from Building Control:

- Form 01 & 02 to correspond. (Regulation G: Excavations)
- Engineer appointed to sign all Building Plans.
- A copy of the Title Deed of the property to be provided with the Application.

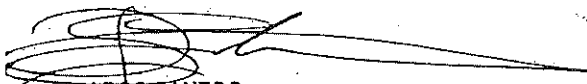
Once the above has been attended to, the plans will be given further consideration.

Please note in terms of the Act, this application may be submitted anew at no additional cost, within a period not exceeding one year from the date of this notice, provided that:

- a) The plans, specifications and other documents have been amended in respect of any aspect thereof which gave cause for the refusal; and
- b) The plans, specifications and other documents in their amended form do not substantially differ from the plans, specifications or other documents which were originally submitted; and
- c) Should the applicant wish to resubmit an application, then he/she must return all the attached documents along with the amended plans and compliance with the above conditions.

Adherence to the abovementioned points does not imply that the building plans will be approved, Council reserves the right to revise comments and request further information based on any additional information that may be received.

Yours sincerely



J DOS SANTOS
BUILDING CONTROL OFFICER

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BUILDING CONTROL: POWER OF ATTORNEY

Erf No:	1053	Suburb:	Montagu
Street Address	17 Kohler Street		
Description of work	Construction of Padel Courts		
Registered Owner	Prov Government Western Cape		
Name			
Postal Address			
Contact Person			
Email			
Authorised Representative	Montagu High School, Principal	ID Number	7507315014081
Name	Mr J T Benadio		
Postal Address	P O Box 85, Montagu, 2 Kohler Street		
Email	mhschool@barvallei.co.za, mhsadmin@barvallei.co.za		023 614 1390
DECLARATION:			
I, the undersigned, hereby grant permission for the above-mentioned person to act as legal representative for the submission of the application and to act on my/our behalf and take the necessary steps, as required by the Langeberg Municipality to ensure that the application complies with the conditions contained in Act 103 of 1977 (as amended) and any other By-Laws as may be applicable.			
Owner			
Signed		Date	
Authorised representative			
Signed		Date	

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Tracy Brunings

From: Tracy Brunings
Sent: 15 Wednesday, 16 April 2025 14:36
To: 'Theo Rebel'
Subject: FW: PADEL COURTS: INTERPRETATION OF DEFINITIONS (Langeberg)
Attachments: Message from KM_C550i; RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu; RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu; Message from KM_C550i; Message from KM_C550i

15

Hello Theo,

I recall that we discussed the email below telephonically, but I have a note that you would email me with your opinion my question below in yellow i.e. **should we stand by our request for rezoning or temp departure, or should we agree that the proposed use can be determined to be a "Sports and recreation centre" and they should only lodge an SDP.** Your opinion would be appreciated.

- see reply 25/04/25

Kind regards,

Tracy Brunings Pr.Pl. A/951/1997

MANAGER: TOWN PLANNING

TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Tracy Brunings

Sent: Monday, 24 March 2025 15:15

To: 'Theo Rebel' <Theo.Rebel@westerncape.gov.za>; 'Ansa Ferreira' <Ansa.Ferreira@westerncape.gov.za>; Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>

Cc: Jayden Fisher <Jayden.Fisher@westerncape.gov.za>; DEON FOURIE <Deon.Fourie@westerncape.gov.za>;

Buyiswa A Sikutshwa <Buyiswa.Sikutshwa@westerncape.gov.za>; Cheslin Paris

<Cheslin.Paris@westerncape.gov.za>; Marcelle Van Leeuwen <Marcelle.VanLeeuwen@westerncape.gov.za>;

'wallace.Loedolff@westerncape.gov.za' <wallace.Loedolff@westerncape.gov.za>; Deon Louwrens

<DLouwrens@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; Jonathan Dos Santos

<JDSantos@langeberg.gov.za>

Subject: RE: PADEL COURTS: INTERPRETATION OF DEFINITIONS (Langeberg)

Good day Theo, Ansa and Gerrit,

I refer to the correspondence below and attach the following for your further comment please.

1. Copy of our email dated 20 March 2025 and letter dated 28 February 2025 re. the proposed Montagu Padel Courts, advising that a land use application and building plans must be submitted.
2. Copy of a response from Attorneys Enderstein Malumbete Inc dated 18 March 2025, received per email 24 March 2025.
3. Copy of our preliminary response thereto today, 24 March 2025.
4. Scanned copy of the Enderstein Malumbete Inc letter with my preliminary notes thereon FYI.
5. Scanned copy of SDP submitted 19 March 2025.

165

Tracy Brunings

From: Niel Smith <niel@endersteins.co.za>
Sent: 16 Thursday, 17 April 2025 12:59
To: Tracy Brunings; henry@hvnarchitects.co.za
Cc: Jonathan Dos Santos; Jack van Zyl; 'Mark Bleloch'; 'Tara Javon'; Skoolhoof - Montagu Hoërskool; Deon Louwrens; Ilse Saunders
Subject: RE: Montagu HS - New padel courts - SGB project reviewed
Attachments: Letter to Municipality 17 04 2025 (signed).pdf
Importance: High

16

Good day Ms Brunings

Please see attached letter for your urgent attention.

Kind regards

Niel Smith

Director

ENDERSTEIN MALUMBETE INC

Email: niel@endersteins.co.za

Weens die risiko van e-pos verwante bedrog versoek ons u asseblief vriendelik om ons kantore te skakel **voordat** u enige betaling aan ons maak ten einde die korrektheid van die bankbesonderhede te bevestig. Neem verdermeer kennis dat ons u **nooit** via e-pos of enige ander wyse van elektroniese kommunikasie in kennis sal stel van n wysiging aan ons bankbesonderhede nie, en versoek ons u om **dadelik** met ons kantore telefoniese kontak te maak indien u ooit korrespondensie van so n aard sou ontvang wat beweerdelik deur ons kantore versend is.

Due to the risk of e-mail related fraud, it is crucial that you **telephonically confirm** our banking details with us **prior** to making any payment to our offices. Kindly further take note that our offices will **never** inform you of a change in our trust account details via e-mail or any other form of electronic communication, and urge you to **immediately** make contact with our offices telephonically the moment you receive correspondence of such a nature that was purportedly sent by our offices.

CAPE TOWN:

Edward 1, 116-118 Edward Street, Oakdale, 7530. | Postnet Suite No, 109, Private Bag x22, Tygervally, 7536 | Docex 8, Tygervally
Tel: 021 914 0770 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

JOHANNESBURG:

2nd Floor, Office Suite 51, 11 Naivasha Road, Sunninghill, Sandton, 2157
Tel: 011 615 8591 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

www.endersteins.co.za

Reg. No.: 2013/194634/21 | VAT No.: 475 026 5078

Directors: AZ van der Merwe BA LLB | SD Smith BComm LLB | SW Pienaar LLB | N Malumbete LLB

Associates: L Enderstein LLB | C Smith LLB

Assisted by: S Koen BA LLB | AC Swiegers LLB | CHN Wium LLB | MJ Teubes LLB LLM

Consultants: A Keet BComm LLB M.Phil | C Laskey BA LLB

Financial Manager: R Goosen BCompt FAP(AIC) AGA(SA)

From: Tracy Brunings <tbrunings@langeberg.gov.za>

Sent: Wednesday, 09 April 2025 08:08

To: henry@hvnarchitects.co.za

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Enderstein Malumbete Inc

attorneys • notaries • conveyancers

Our Ref: N Smith/ec/S11495

Your Ref:

Date: 17 April 2025

THE LANGEBOURG MUNICIPALITY
FOR ATTENTION: TRACEY BRUNINGS
BY E-MAIL: tbrunings@langeberg.gov.za

Dear Sir / Madam

RE: ERF 1053 MONTAGU: CONSTRUCTION OF PADEL COURTS

1. We refer to our letter dated 18 March 2025.
2. We place on record that our client was already advised, and on or about 26 February 2025, that you are awaiting a response from the Provincial Planners for a "legal interpretation".
3. Subsequent to the above, and further correspondence between the parties (including our aforesaid letter), we still (and almost two months later) await a formal and comprehensive response from the Municipality as to why our client may not proceed with the construction of the padel courts.
4. We do not believe that there is any reason to justify this lengthy and unreasonable delay and submit that the Municipality and / or Provincial Planners should have been able to formulate their response by now.
5. Our client submit that they have duly attended to all the necessary requirements in order for them to continue with the building work and that the current delay is therefore unwarranted. We have already placed on record (and again do so) that our client is suffering damages as a result of this delay, and we confirm that they continue to do so every day that the building work is delayed.

CAPE TOWN:

Edward 1, 116-118 Edward Street, Oakdale, 7530. | Postnet Suite No. 109, Private Bag x22, Tygervally, 7536 | Docex 8, Tygervally
Tel: 021 914 0770 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

JOHANNESBURG:

2nd Floor, Office Suite S1, 11 Naivasha Road, Sunninghill, Sandton, 2157 | Docex 2, Rivonia
Tel: 011 615 8591 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

www.endersteins.co.za

Reg. No.: 2013/194634/21 | VAT No.: 475 026 5078
Directors: AZ van der Merwe BA LLB | SD Smith BComm LLB | SW Pienaar LLB | N Malumbete LLB
Associates: L Enderstein LLB | C Smith LLB | KW Wood BComm LLB
Assisted by: S Koen BA LLB | CHN Wium LLB | MJ Teubel LLB LLM | M Booysen LLB
Consultants: A Keet BComm LLB M Phil | C Laskey BA LLB
Financial Manager: R Goosen BComm FAP(AIC) AGA(SA)

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Enderstein Malumbete Inc

attorneys • notaries • conveyancers

6. This situation has therefore become untenable, and our client's rights remain fully reserved.
7. In light of the above, we have been instructed that you please provide us with your formal response by 17:00 today, 17 March 2025.

April

see date
of this
letter

Yours faithfully,

ENDERSTEIN MALUMBETE INC.

Per:

SD Smith

CAPE TOWN:

Edward 1, 116-118 Edward Street, Oakdale, 7530. | Postnet Suite No, 109, Private Bag x22, Tygervalley, 7536 | Docex 8, Tygervalley
Tel: 021 914 0770 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

JOHANNESBURG:

2nd Floor, Office Suite S1, 11 Naivasha Road, Sunninghill, Sandton, 2157 | Docex 2, Rivonia
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Reg. No.: 2013/194634/21 | VAT No.: 475 026 5078

Directors: AZ van der Merwe BA LLB | SD Smith BComm LLB | SW Pienaar LLB | N Malumbete LLB
Associates: L Enderstein LLB | C Smith LLB | KW Wood BComm LLB

Assisted by: S Koen BA LLB | CHN Wium LLB | MJ Teubes LLB LLM | M Booysen LLB

Consultants: A Keet BComm LLB M.Phil | C Laskey BA LLB
Financial Manager: R Goosen BCommpt FAP(AIC) AGA(SA)

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Tracy Brunings

From: Tracy Brunings
Sent: Thursday, 17 April 2025 14:34
To: 'Niel Smith'
Cc: Jonathan Dos Santos; Jack van Zyl; Deon Louwrens; Ilse Saunders; 'Skoolhoof - Montagu Hoërskool'
Subject: RE: Montagu HS - New padel courts - SGB project reviewed
Attachments: Message from KM_C550i; Message from KM_C550i

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Dear Mr Smith,

I refer to your email below with letter attached thereto dated 17 April 2025, received at 12:59 and requesting a response by 17h00 i.e. within 4 hours. Please note that Municipal offices closed at 12:45 today, 17/4/25.

The information contained in your letter is not correct. The Municipality's response to your client setting out the required procedures was already provided on 28 February 2025 i.e. 2 days after we advised your client that we were waiting for a legal interpretation. On 24 March 2025, the Municipality received your letter dated 18 March 2025 disputing the need to follow the procedures outlined by the Municipality. It is this correspondence which has been forwarded for further comment, and which comment is still awaited.

As noted previously the delay is entirely of your client's making in choosing not to follow the required procedures and to lodge a dispute. In particular we still have not been provided with a signed Power of Attorney by the Land Owner - the most basic of requirements for proceeding with any development on any land. I reiterate that the debate regarding the procedures to be followed is counter-productive in that whichever application is lodged, the same issues need to be addressed – the longer the dispute continues, the less time there is to submit and assess the required applications.

On the basis of currently available information, I confirm the contents of our letters dated 18 December 2024 and 28 February 2025 (attached). Your client is strongly urged to follow the procedures outlined.

Kind regards,

Tracy Brunings Pr.Pln A/951/1997

MANAGER: TOWN PLANNING

TOWN PLANNING DEPARTMENT


LANGEBERG
MUNICIPALITEIT MUNISIPALITEIT MASIPALA

3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Niel Smith <niel@endersteins.co.za>

Sent: Thursday, 17 April 2025 12:59

To: Tracy Brunings <tbrunings@langeberg.gov.za>; henry@hvnarchitects.co.za

Cc: Jonathan Dos Santos <JDSantos@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; 'Mark Bleloch' <mbleloch@gmail.com>; 'Tara Javon' <tara@sunspot.fun>; Skoolhoof - Montagu Hoërskool <mhshoof@barvallei.co.za>; Deon Louwrens <DLouwrens@langeberg.gov.za>; Ilse Saunders <isaunders@langeberg.gov.za>

Subject: RE: Montagu HS - New padel courts - SGB project reviewed

Importance: High

169

Tracy Brunings

From: Niel Smith <niel@endersteins.co.za>
Sent: 18 Tuesday, 22 April 2025 14:03
To: Tracy Brunings
Cc: Jonathan Dos Santos; Jack van Zyl; Deon Louwrens; Ilse Saunders; Skoolhoof - Montagu Hoërskool
Subject: RE: Montagu HS - New padel courts - SGB project reviewed
Attachments: 2025-04-03_16.40_TINY_SCANNER[1].pdf; Reviewed Letter of No Objection MONTAGU HS - PDF.pdf

Good day Ms Brunings

Further to your e-mail of 17 April 2025, I am advised that **all the outstanding / required documents (including the approval re parking from CBR Bande (Pty) Ltd, a copy of which is attached hereto) have been submitted to the Municipality.** In addition, the attached "Letter of No Objection" received from the Western Cape Government, **constituted a due and proper power of attorney to the School Governing Body of the Montagu High School.** As such, there has been substantive compliance with section 2(4) of the NBRBS Act, the Langeberg Municipality: Land Use Planning By-Law (2015) and the Langeberg Municipality: Integrated Zoning Scheme By-Law (2018).

As mentioned, our client is currently suffering substantial damages due to the delay in building work. The work already attended to is now also at a risk of deteriorating, due to its non-completed state.

Our client therefore intends to commence with the further assembly of the padel courts, considering the substantive compliance with the applicable legislation / By-Laws, as referred to above, and the anticipated imminent receipt of your confirmation that the buildings works may continue."

Kind regards

Niel Smith

Director

ENDERSTEIN MALUMBETE INC

Email: niel@endersteins.co.za

Weens die risiko van e-pos verwante bedrog versoek ons u asseblief vriendelik om ons kantore te skakel **voordat** u enige betaling aan ons maak ten einde die korrektheid van die bankbesonderhede te bevestig. Neem verdermeer kennis dat ons u **nooit** via e-pos of enige ander wyse van elektroniese kommunikasie in kennis sal stel van n wysiging aan ons bankbesonderhede nie, en versoek ons u om **dadelik** met ons kantore telefoniese kontak te maak indien u ooit korrespondensie van so n aard sou ontvang wat beweerdelik deur ons kantore versend is.

Due to the risk of e-mail related fraud, it is crucial that you **telephonically confirm** our banking details with us **prior** to making any payment to our offices. Kindly further take note that our offices will **never** inform you of a change in our trust account details via e-mail or any other form of electronic communication, and urge you to **immediately** make contact with our offices telephonically the moment you receive correspondence of such a nature that was purportedly sent by our offices.

170

Tracy Brunings

From: Tracy Brunings
Sent: 19 Tuesday, 22 April 2025 14:58
To: 'Niel Smith'
Cc: Jonathan Dos Santos; Jack van Zyl; Deon Louwrens; Ilse Saunders; Skoolhoof - Montagu Hoërskool
Subject: RE: Montagu HS - New padel courts - SGB project reviewed
Attachments: RE: Montagu HS - New padel courts - SGB project reviewed

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Good day Neil,

I refer to the second paragraph of your letter below, as well as the attached email received from HVN Architects. Please be advised that this opinion is in direct contradiction of the letter from the Dept of Infrastructure dated 7 April 2025 and our written records of the requirements of the Department of Education, and the Municipal interpretation of the NBR. Please liaise directly with the Departments of Infrastructure and Education and provide their written confirmation regarding the applicability or otherwise of the NBR.

With regard to the attached email, I confirm that the documents have been previously submitted, other than the last attachment which is the SDP with a stamp on it "CBR Bande". However, we still do not have the information as requested in our previous emails, in particular, the signed PoA from the land owner, and clarification as to how it is feasible to use the same access driveway and parking area for both CBR Bande and the padel courts, given that each land use has its own parking and access requirements.

Kind regards,

Tracy Brunings Pr.Pl. A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Niel Smith <niel@endersteins.co.za>
Sent: Monday, 21 April 2025 20:07
To: Tracy Brunings <tbrunings@langeberg.gov.za>
Cc: Jonathan Dos Santos <JDSantos@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; Deon Louwrens <DLouwrens@langeberg.gov.za>; Ilse Saunders <isaunders@langeberg.gov.za>; Skoolhoof - Montagu Hoërskool <mhshoof@barvallei.co.za>
Subject: RE: Montagu HS - New padel courts - SGB project reviewed

Good evening, Ms Brunings

Please note that we do not intend, at this stage, to respond to your below e-mail in detail and our client reserves the right to do so at a later stage. Our client's position at this stage therefore remains as was set out in our previous correspondence herein.

We do however, at this stage, wish to re-iterate that our client's submits that the National Building Regulations and Buildings Standards Act, 103 of 1977, has limited application to this instance, in light of sections 2(3) and 2(4) thereof, and therefore further subits that sections 4 and 7 do not apply.

Tracy Brunings

From: Tracy Brunings
Sent: 20 Tuesday, 22 April 2025 15:10
To: 'Niel Smith'
Cc: Jonathan Dos Santos; Jack van Zyl; Deon Louwrens; Ilse Saunders; Skoolhoof - Montagu Hoërskool
Subject: RE: Montagu HS - New padel courts - SGB project reviewed

Good day,

As per my email just sent to your offices, we do not have the required applications as specified in our previous correspondence.

Further, there is no approval attached from CBR Bande – only their stamp on the SDP, and no answer to the question of how this will work logistically or legally.

't would seem to me that you have not read the Letter of No objection from the WC Government, as the conditions have not been met.

We have no indication that your client has the required PoA from the land owner and your client leaves themselves open for further legal action in terms of non-compliance with the legislation as specified.

I will be forwarding all recent correspondence to the DEADP, WC Department of Education and Department of Infrastructure, as my understanding is that your actions will also be contrary to their instructions.

At this stage I will not be responding further to correspondence from your offices or your client.

Kind regards,

Tracy Brunings Pr.Pln A/951/1997

MANAGER: TOWN PLANNING

TOWN PLANNING DEPARTMENT



LANGEBERG
MUNISIPALITEIT MUNICIPALITY MASIPALA

3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 • tbrunings@langeberg.gov.za • www.langeberg.gov.za (Website)

From: Niel Smith <niel@endersteins.co.za>

Sent: Tuesday, 22 April 2025 14:03

To: Tracy Brunings <tbrunings@langeberg.gov.za>

Cc: Jonathan Dos Santos <JDSantos@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; Deon Louwrens <DLouwrens@langeberg.gov.za>; Ilse Saunders <isaunders@langeberg.gov.za>; Skoolhoof - Montagu Hoërskool <mhshoof@barvallei.co.za>

Subject: RE: Montagu HS - New padel courts - SGB project reviewed

Good day Ms Brunings

Further to your e-mail of 17 April 2025, I am advised that all the outstanding / required documents (including the approval re parking from CBR Bande (Pty) Ltd, a copy of which is attached hereto) have been submitted to the Municipality. In addition, the attached "Letter of No Objection" received from

Tracy Brunings

From: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>
Sent: 21 Tuesday, 22 April 2025 16:15
To: Tracy Brunings
Cc: Ansa Ferreira; Daniel J Nugent; Marcelle Van Leeuwen; Theo Rebel; Jerome O Gordon; Cleopatra Van Rensburg; Cheslin Paris
Subject: RE: Montagu HS - New padel courts - SGB project reviewed
Attachments: FW: Request for Amendment to Letter Dated 28 February 2025 – Montagu High School Padel Courts



Tracy

I just copied you in on my response to the developer. See attached, where the WCED retain our position that **the school and development must adhere to local authority requirements**, zoning, building plan approvals etc. We support your proposed meeting with the school, where you are welcome to share our position. The MEC's support for the development remains subject to the requirements of the local authority.

Ansa and Daniel should be able to provide an update with regard to the POA; my understanding was that they will issue this, so that the school can apply for the necessary applications.

Regards

Gerrit Coetzee Pr.Pl. A/1422/2011

Directorate Physical Resource Planning and Property Management
Western Cape Education Department
Western Cape Government

1 North Wharf Square, 2 Lower Loop Street, Foreshore, Cape Town

Tel: +27 21 467 9261

Cell: 0844224334

E-mail: Gerrit.Coetzee@westerncape.gov.za

Website: www.westerncape.gov.za



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From: Tracy Brunings <tbrunings@langeberg.gov.za>
Sent: Tuesday, April 22, 2025 3:56 PM
To: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>
Cc: Ansa Ferreira <Ansa.Ferreira@westerncape.gov.za>; Daniel J Nugent <Daniel.Nugent@westerncape.gov.za>; Marcelle Van Leeuwen <Marcelle.VanLeeuwen@westerncape.gov.za>; Theo Rebel <Theo.Rebel@westerncape.gov.za>; Jerome O Gordon <Jerome.gordon@westerncape.gov.za>; Cleopatra Van Rensburg <Cleopatra.VanRensburg@westerncape.gov.za>; Cheslin Paris <Cheslin.Paris@westerncape.gov.za>
Subject: RE: Montagu HS - New padel courts - SGB project reviewed

Good day,

I refer to the email correspondence below.

Unfortunately as reflected in the attached emails, the developers of the Montagu padel courts have not submitted the land use application and building plans as required by the Municipality. We have also not

Tracy Brunings

From: Ansa Ferreira <Ansa.Ferreira@westerncape.gov.za>
Sent: 22. Wednesday, 23 April 2025 11:02
To: Tracy Brunings; Gerrit Coetzee
Cc: Daniel J Nugent; Marcelle Van Leeuwen; Theo Rebel; Jerome O Gordon; Cleopatra Van Rensburg; Cheslin Paris; DEON FOURIE; Jenisha Chetty
Subject: RE: Montagu HS - New padel courts - SGB project reviewed
Importance: High

22

Dear Tracy and Gerrit

Following on from my email below, unfortunately the POA has not been issued yet.
This is due to various operational requirements pertaining to this case/application, which I can confirm do not constitute an unnecessary delay. All procedures followed were necessary and the POA will be issued during this week.

Kind regards
Ansa

Ansa Ferreira
[Pr. Pln. A/1633/2012]
Director: Property Planning & Information
Immovable Asset Management Component
Department of Infrastructure
Western Cape Government

24th Floor, Atterbury House, Lower Burg Street, Cape Town
Tel: 021 483 9705
Cell: 083 2811 147
Email: ansa.ferreira@westerncape.gov.za
Website: www.westerncape.gov.za



Western Cape
Government
FOR YOU



From: Ansa Ferreira
Sent: Tuesday, 22 April 2025 18:18
To: Tracy Brunings <tbrunings@langeberg.gov.za>; Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>
Cc: Daniel J Nugent <Daniel.Nugent@westerncape.gov.za>; Marcelle Van Leeuwen <Marcelle.VanLeeuwen@westerncape.gov.za>; Theo Rebel <Theo.Rebel@westerncape.gov.za>; Jerome O Gordon <Jerome.gordon@westerncape.gov.za>; Cleopatra Van Rensburg <Cleopatra.VanRensburg@westerncape.gov.za>; Cheslin Paris <Cheslin.Paris@westerncape.gov.za>; DEON FOURIE <Deon.Fourie@westerncape.gov.za>
Subject: RE: Montagu HS - New padel courts - SGB project reviewed

Dear Tracy and Gerrit

174

Tracy Brunings

From: Theo Rebel <Theo.Rebel@westerncape.gov.za>
Sent: 23 Friday, 25 April 2025 16:20
To: Tracy Brunings
Cc: Helene Janser
Subject: PADEL COURTS: INTERPRETATION OF DEFINITIONS (Langeberg)

23

Good day Tracy,

The Department's view and opinion is as follows:-

- a) In terms of the municipality's zoning scheme the most appropriate land use description for the proposed padel courts appears to be "*sport and recreational centre*."
- b) The land use is allowed in different zones but in the Community I Zoning a "*sport and recreational centre*" is only included as a use **ancillary to the main** use, being place of instruction. It is our view that a padel court would not be ancillary to the main use of this zoning which is place of instruction. Clearly the *intention with the sport and recreation centre in this zone is to accommodate facilities for and in support of the place of instruction.*
- c) The proposed padel courts would operate as a stand-alone facility focussed on use by outside persons and in our view should **not be regarded as an ancillary use** to the school. The land needs to be appropriately zoned for the development of the padel courts and this would *require a land use application* (rezoning – spot zoning).
- d) Accommodating the proposed padel courts as a *temporary departure* is likewise not advisable nor practical and will in turn also *require a an SDP* and public consultation, so it process wise the applicant will not gain anything. The Langeberg By-law, in section 18(10(b) provides that a departure to utilise land on a temporary basis for a purpose not permitted in terms of the primary rights of the zoning applicable to the land may not exceed a period *five years* and section 18 provides that such a temporary departure may not be approved more than once in respect of a particular use on a specific land unit and given the financial investment in the proposed padel course, it is unlikely that such a use will terminate after 5 years.

We trust that the above answers your questions and concerns and will be of assistance to you in this matter.

Kind regards,

Theo Rebel Pr. Pln (A1056/1998)
Chief Town & Regional Planner
Directorate Development Management Region 2
Department of Environmental Affairs and Development Planning
Western Cape Government

2nd Floor Utilitas Building, 1 Dorp Street, Cape Town 8000

Tel: +27 (0)21 483 8375
Cell: +27 (0)83 468 7216
Fax: +27 (0)21 483 3633
Email: theo.rebel@westerncape.gov.za
Website: www.westerncape.gov.za/eadp

175

Tracy Brunings

Subject:

FW: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

Attachments:

Message from KM_C550i

24

From: Tracy Brunings

Sent: Tuesday, 29 April 2025 09:06 24

To: 'Niel Smith' <niel@endersteins.co.za>

Cc: Jonathan Dos Santos <JDSantos@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; Deon Louwrens <DLouwrens@langeberg.gov.za>; Ilse Saunders <isaunders@langeberg.gov.za>; 'Skoolhoof - Montagu Hoërskool' <mhshoof@barvallei.co.za>

Subject: FW: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

Good day Mr Smith,

The following correspondence, *inter alia*, has reference:

1. Our email below dated 3 March 2025, with attached letter dated 28 February 2025 advising of the procedures to follow to apply for authorisation of padel courts on Erf 1053 Montagu.
2. Your email dated 24 March querying the need to follow the procedures set out in our letter dated 28 February 2025.
3. Our email dated 24 March 2025 advising that we would refer your representation back to DEADP, WCED and Dol for their further advice.

Please be advised that we have received final advice in this regard, which I copy verbatim below for your information:

- a) In terms of the municipality's zoning scheme the most appropriate land use description for the proposed padel courts appears to be
- b) The land use is allowed in different zones but in the Community I Zoning a "sport and recreational centre" is only included as a use **and** of instruction. It is our view that a padel court would not be ancillary to the main use of this zoning which is place of instruction. Clec recreation centre in this zone is to accommodate facilities for and in support of the place of instruction.
- c) The proposed padel courts would operate as a stand-alone facility focussed on use by outside persons and in our view should **not** be at the school. The land needs to be appropriately zoned for the development of the padel courts and this would require a land use application.
- d) Accommodating the proposed padel courts as a temporary departure is likewise not advisable nor practical and will in turn also require so it process wise the applicant will not gain anything. The Langeberg By-law, in section 18(10)(b) provides that a departure to utilize purpose not permitted in terms of the primary rights of the zoning applicable to the land may not exceed a period five years or temporary departure may not be approved more than once in respect of a particular use on a specific land unit and given the final padel course, it is unlikely that such a use will terminate after 5 years.

In light of the above, read together with the conditions of the Power of Attorney, as forwarded by the Dept of Infrastructure, I **confirm the contents of the attached letter dated 28 February 2025, specifically paragraphs 4.1, 4.2 and 4.5, and await the required land use application, and response to our information request on the Building Plan.**

Kind regards,

Tracy Brunings Pr.Pln A/951/1997

MANAGER: TOWN PLANNING

TOWN PLANNING DEPARTMENT

Tracy Brunings

From: Tracy Brunings
Sent: 26 Wednesday, 30 April 2025 14:26
To: 'Niel Smith'
Cc: Jonathan Dos Santos; Jack van Zyl; Deon Louwrens; Ilse Saunders; Skoolhoof - Montagu Hoërskool
Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu
Attachments: A_LT2. APPLICATION FORM_LANGEBERG with Annex a b c (1).pdf; APPLICATION FEES, + BANK DETAILS 2024_2025.pdf

Good day,

The Municipality will process a rezoning or temporary departure application, as expeditiously as possible, relative to the completeness of the application.

The procedure for rezoning and temporary departure are set out in the Langeberg Land Use Planning Bylaw. The requirements for a SDP are set out in the Langeberg Integrated Zoning Scheme, 2018. It is strongly recommended that a registered Town Planner be appointed to lodge the application. Attached please find the application forms and fees.

It is also recommended that the land owner be consulted with regard to the alternative options to ensure their support. The landowner should also be advised that construction of the padel courts has been completed, contrary to the stop works notice and prior to any approvals.

Kind regards,

Tracy Brunings Pr.Pl. A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT



Piet Retief Street, MONTAGU 6720
Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Niel Smith <niel@endersteins.co.za>
Sent: Tuesday, 29 April 2025 15:47
To: Tracy Brunings <tbrunings@langeberg.gov.za>
Cc: Jonathan Dos Santos <JDSantos@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; Deon Louwrens <DLouwrens@langeberg.gov.za>; Ilse Saunders <isaunders@langeberg.gov.za>; Skoolhoof - Montagu Hoërskool <mhshoof@barvallei.co.za>
Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

Dear Ms Brunings

Your e-mail below refers.

Please note that we do not, at this stage, intend to respond to each and every allegation contained in your said e-mail, and we reserve the right to do so in future. Where we do not address a specific allegation, same should not be seen as an admittance thereof.

We are however instructed to advise that our client stands by its earlier submissions, and **disagrees with the view taken by the municipality**, specifically the view that the intended use is not "ancillary to the main use" of the land.

In this regard, it is submitted that there can be no doubt that the intended padel courts will provide support to the primary activities or operations of the land / land owner (under the current land use), not only by way of the use of the courts for the benefit of the students, but also in the income that will be earned from these courts.

That being said, our client does not wish to get involved in possibly protracted and costly litigation, and, **without admitting the correctness of your view, wishes to consider the options proposed /** indicated by the Municipality, being a possible application for the rezoning of the land, or for a temporary deviation and / or spot use (the latter is specifically in light of the fact that the Department of Infrastructure may ultimately not wish to rezone the land).

As such, our client therefore requests that you advise us:

1. If the municipality will assist in bringing any of the aforesaid applications to conclusion on an expedited basis (and to the extent possible / permitted); and
2. Advise what documentation / information must be submitted with an application for a temporary deviation / spot use.

We await to hear from you.

Kind regards

Niel Smith

Director

ENDERSTEIN MALUMBETE INC

Email: niel@endersteins.co.za

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Due to the risk of e-mail related fraud, it is crucial that you **telephonically confirm** our banking details with us **prior** to making any payment to our offices. Kindly further take note that our offices will **never** inform you of a change in our trust account details via e-mail or any other form of electronic communication, and urge you to **immediately** make contact with our offices telephonically the moment you receive correspondence of such a nature that was purportedly sent by our offices.

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Ons verw nr / Our Ref No 15/4/13/R

Padel Montagu
c/o Enderstein Malumbete Inc
Private Bag X22
TYGERVALLEY 7536
Per email: niel@endersteins.co.za

27. 8 May 2025

27

Dear Sir

ERF 1053 MONTAGU: FINAL REQUEST FOR APPLICATION FOR PADEL COURTS

1. I refer, *inter alia*, to our emails dated 29 and 30 April 2025.
2. A site inspection was conducted on 7 May 2025 attended by Mr Benadie, Principal of Montagu High, and our Ms Brunings and Mr Dos Santos. Mr Bleloch from Padel Montagu was also present before the meeting to explain the development that has already occurred on site and future proposed development.
3. At the inspection it was evident that construction of the padel courts has now been almost entirely completed. This is in direct contravention of the Municipal order to stop work pending the required approvals.
4. For record purposes, the completed work includes: the complete installation of the playing surface, glass walls, and lights on each of the three courts. Other work includes changes to the on-site drainage (manhole and pipeline), and the installation of electrical cabling. There has been no communication with the Municipal Civil Engineering or Electrical Departments.
5. All on-site work relating to the padel courts must cease pending the submission of and decision on the required application in terms of the Langeberg Land Use Planning Bylaw, 2015. No further electrical work may continue, and no electricity may be supplied to the padel courts prior to approval.
6. Should the application in terms of the Langeberg Land Use Planning Bylaw not be received within 30 days from the date of this letter, we will be left with no other choice than to follow legal action in terms of the Langeberg Land Use Planning Bylaw, 2015.

2016-05-08 10:03:17 Your client's cooperation would be appreciated, and we remain available to meet to clarify the requirements of the land use application.

Yours faithfully



 **DP LUBBE**
MUNICIPAL MANAGER

WC Dept of Infrastructure, Property Planning and Information: Ansa.Ferreira@westerncape.gov.za
WC Dept of Education, Physical Planning & Property Management: Gerrit.Coetzee@westerncape.gov.za
Principal: Montagu High School mhshoof@barvallei.co.za

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Tracy Brunings

From: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>
Sent: 28 . Monday, 02 June 2025 14:11
To: Noel Petersen; Skoolhoof - Montagu Hoërskool
Cc: Jerome O Gordon; Tracy Brunings; Ansa Ferreira; Tara Jevon; Nico Solomon; Naziem Dalvey
Subject: FW: Padel Courts, Erf 1053, 17 Kohler Street, Montagu
Attachments: Erf 1053 Mon_Padel Montagu_8 May 2025.pdf; Erf 1053 Mon_Padel Montagu_28 Feb 2025.pdf; Message from KM_C550i; FW: Request for Amendment to Letter Dated 28 February 2025 – Montagu High School Padel Courts; FW: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

28

Dear Mr. Petersen

The below email from the municipality refers. We have written to both the school and their consultants (see emails attached), indicating that the MEC's approval for the padel courts are subject to all municipality by-laws and approvals as may be required by the municipality. The MEC cannot amend these conditions, as he is not authorized to give approval for development on school property that simply override the municipal planning laws. **All development approved by the MEC remain subject to local authority requirements.**

The school's consultant team keep requesting meetings with WCED officials, DOI officials and even the MEC and Premier. Officials are not mandated to approve deviation from planning legislation and therefore the school must adhere to the conditions set by the MEC and abide by the process as set out by the municipality's planning official (Tracy Brunings).

If the school is found to have acted outside of its mandate, consequence management could be initiated. It is critical that the school corrects its actions and adhere to the municipalities request for them to formally apply and go through the processes and required by the local authority.

I would appreciate it if you could bring this to the attention of the CM to have a discussion with the school.

Regards

Gerrit Coetzee Pr.Plh A/1422/2011

Directorate Physical Resource Planning and Property Management
Western Cape Education Department
Western Cape Government

1 North Wharf Square, 2 Lower Loop Street, Foreshore, Cape Town

Tel: +27 21 467 9261

Cell: 0844224334

E-mail: Gerrit.Coetzee@westerncape.gov.za

Website: www.westerncape.gov.za



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From: Tracy Brunings <tbrunings@langeberg.gov.za>

Sent: Tuesday, May 27, 2025 4:16 PM

To: Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Ansa Ferreira <Ansa.Ferreira@westerncape.gov.za>; Skoolhoof - Montagu Hoërskool <mhshoof@barvallei.co.za>; Gamza Meyer <Gamza.Meyer@westerncape.gov.za>

Tracy Brunings

From: Ansa Ferreira <Ansa.Ferreira@westerncape.gov.za>
Sent: 29 Monday, 02 June 2025 16:37
To: Noel Petersen; Skoolhoof - Montagu Hoërskool; Tara Jevon
Cc: Jerome O Gordon; Tracy Brunings; Nico Solomon; Naziem Dalvey; Gerrit Coetzee; Jenisha Chetty; DEON FOURIE
Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu
Attachments: Montagu High School Approved Letter.pdf

29

Dear Mr Petersen

In addition to Gerrit's email below, please note that:

1. the Department of Infrastructure (DOI) is the Custodian of provincial property as delegated by the Premier. As custodian, the DOI's Chief Director: Immovable Asset Management (CD:IAM), is the only mandated provincial official who may legally sign on behalf of the landowner (the Western Cape Government) and/or issue a Power of Attorney (POA) to service providers/developers to undertake work related to or on provincial property.
2. The WCED MEC's approval (see attached for ease of reference) issued to the school is a provisional approval subject, *inter alia*, to the DOI having no objection to the plans and the school adhering to any requirements the DOI may have, prior to submitting the plans to the municipality.
3. As the work to be undertaken is not "for or on behalf of the state", the POA includes two key conditions, namely:
 - to submit any town planning/land use applications as may be required by the Municipality; and
 - to submit building plans to the municipality, for municipal approval (thus not as courtesy plans for municipal comment only).
4. The DOI's CD:IAM has already issued the POA to HVN Architects to enable them to submit the necessary applications and building plans to the municipality.
5. The CD:IAM has at this stage not yet issued a POA for the development itself.
6. The conditions of the POA must be adhered to.

Kind regards
Ansa

Ansa Ferreira
[Pr. Pln. A/1633/2012]
Director: Property Planning & Information
Immovable Asset Management Component
Department of Infrastructure
Western Cape Government

24th Floor, Atterbury House, Lower Burg Street, Cape Town
Tel: 021 483 9705
Cell: 083 2811 147
Email: ansa.ferreira@westerncape.gov.za
Website: www.westerncape.gov.za

Tracy Brunings

From: Niel Smith <niel@endersteins.co.za>
Sent: 30 Friday, 06 June 2025 19:09
To: Tracy Brunings
Cc: Jonathan Dos Santos; Jack van Zyl; Deon Louwrens; Ilse Saunders; Skoolhoof - Montagu Hoërskool; Gerrit Coetzee; Ansa Ferreira
Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

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Good day Ms Brunings

The below correspondence refers.

We kindly request that our clients be afforded an extension to the deadline given of 8 June 2025, as they are still in the process of conducting discussions with various relevant parties, in an attempt to reach an amicable and workable solution to the current impasse.

Kind regards
Niel Smith
Director
ENDERSTEIN MALUMBETE INC
Email: niel@endersteins.co.za

Weens die risiko van e-pos verwante bedrog versoek ons u asseblief vriendelik om ons kantore te skakel **voordat** u enige betaling aan ons maak ten einde die korrektheid van die bankbesonderhede te bevestig. Neem verdermeer kennis dat ons u **nooit** via e-pos of enige ander wyse van elektroniese kommunikasie in kennis sal stel van n wysiging aan ons bankbesonderhede nie, en versoek ons u om **dadelik** met ons kantore telefoniese kontak te maak indien u ooit korrespondensie van so n aard sou ontvang wat beweerdelik deur ons kantore versend is.

Due to the risk of e-mail related fraud, it is crucial that you **telephonically confirm** our banking details with us **prior** to making any payment to our offices. Kindly further take note that our offices **will never** inform you of a change in our trust account details via e-mail or any other form of electronic communication, and urge you to **immediately** make contact with our offices telephonically the moment you receive correspondence of such a nature that was purportedly sent by our offices.

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Edward 1, 116-118 Edward Street, Oakdale, 7530. | Postnet Suite No, 109, Private Bag x22, Tygervalley, 7536 | Docex 8, Tygerval
Tel: 021 914 0770 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

JOHANNESBURG:
2nd Floor, Office Suite S1, 11 Naivasha Road, Sunninghill, Sandton, 2157
Tel: 011 615 8591 | Fax: 011 615 8655 | Email: admin@endersteins.co.za

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Associates: L Enderstein LLB | C Smith LLB
Assisted by: S Koen BA LLB | AC Swiegers LLB | CHN Wium LLB | MJ Teubes LLB LLM
Consultants: A Keet BComm LLB M.Phil | C Laskey BA LLB
Financial Manager: R Goosen BCompt FAP(AIC) AGA(SA)

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Janelle Vermeulen

From: Tracy Brunings
Sent: ~~3x~~ Tuesday, 24 June 2025 10:49
To: Janelle Vermeulen
Subject: FW: Padel Montagu / Meeting / Way forward: ERF 1053 MONTAGU

Please print a file copy – to my in-tray. Thanks.

From: Tracy Brunings
Sent: Tuesday, 24 June 2025 10:45 33
To: 'Mark Bleloch' <mbleloch@gmail.com>
Cc: Deon Louwrens <DLouwrens@langeberg.gov.za>; Ilse Saunders <isaunders@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; Jonathan Dos Santos <JDSantos@langeberg.gov.za>; henry <henry@hvnarchitects.co.za>
Subject: RE: Padel Montagu / Meeting / Way forward: ERF 1053 MONTAGU

33

'Hello Mark,

Looking back through the correspondence, the interpretation of the Langeberg Zoning Scheme has been explained several times, both in written correspondence with your legal representative, Mr Smith (e.g. letter dated 28 February 2025, and email dated 29 April 2025) and at numerous meetings with yourself, your architect, and your legal representative.

I provide the following information, and if it is still not clear, we can discuss this at your meeting proposed with Mr Louwrens:

1. Erf 1053 Montagu is zoned "Community Zone I" and is 3962m² in extent. The Boarding Establishment for the High School is located on a separate erf adjoining Erf 1053.
2. The primary use permitted on Erf 1053 is a school. There is no school on erf 1053.
3. The Zoning Scheme permits various ancillary uses together with, and subservient to, a school in the Community Zone I, which uses would support a school on the same property and with the shared use of facilities normally part of a school e.g. parking, ablution facilities etc. and with similar impacts to a school. These ancillary uses, which include a sports and recreation centre, are not primary uses in their own right, and cannot be permitted as "stand alone" uses if the dominant use permitted in that zone, namely a school, does not exist on the property.
4. As this use is also not a consent use, it is necessary to apply to rezone, in order to permit the proposed use, which would effectively be the dominant use on this erf.

Please note that the hostel on the adjoining erf has existed for many decades, as permitted in terms of previous zoning schemes, and retains its right within the current zoning scheme.

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Kind regards,
 Tracy Brunings Pr.Pln A/951/1997
 MANAGER: TOWN PLANNING
 TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720
 Tel: 023 614 8003 ✉ tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Mark Bleloch <mbleloch@gmail.com>
 Sent: Monday, 23 June 2025 12:16
 To: Tracy Brunings <tbrunings@langeberg.gov.za>
 Cc: Deon Louwrens <DLouwrens@langeberg.gov.za>; Ilse Saunders <isaunders@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; Jonathan Dos Santos <JDSantos@langeberg.gov.za>; henry <henry@hvnarchitects.co.za>
 Subject: Re: Padel Montagu / Meeting / Way forward

Hi Tracy,

Please can you then **explain** so we can understand why you have interpreted that zoning is required. From the By-laws it makes no sense to us. As the school hostel did not have to rezone from CZ1, nor does the "sports and recreation" facility have to rezone. They are both ancillary (subservient) to the school. Baffling

Regards
 Mark

From: Tracy Brunings <tbrunings@langeberg.gov.za>
 Date: Monday, 23 June 2025 at 12:07

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To: Mark Bleloch <mbleloch@gmail.com>

Cc: Deon Louwrens <DLouwrens@langeberg.gov.za>, Ilse Saunders <isaunders@langeberg.gov.za>, Jack van Zyl <JvZyl@langeberg.gov.za>, Jonathan Dos Santos <JDSantos@langeberg.gov.za>, henry <henry@hvnarchitects.co.za>

Subject: RE: Padel Montagu / Meeting / Way forward

Hello Mark,

It is because of the Municipality's compliance with the planning bylaws that you have been informed of the need to lodge an application with the Municipality, in accordance with Municipality's interpretation of the Zoning Scheme, as supported by three Provincial Departments. This is not dictatorial, it is the execution of the duties which we are required to carry out in terms of the legislation.

To the contrary the Municipality cannot be dictated to by members of the public or developers who have their own interpretation of legislation which Municipalities are mandated to implement.

Kind regards,

Tracy Brunings Pr.Pl. A/951/1997

MANAGER: TOWN PLANNING

TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Mark Bleloch <mbleloch@gmail.com>

Sent: Monday, 23 June 2025 10:52

To: Tracy Brunings <tbrunings@langeberg.gov.za>

Cc: Deon Louwrens <DLouwrens@langeberg.gov.za>; Ilse Saunders <isaunders@langeberg.gov.za>; Jack van Zyl <JvZyl@langeberg.gov.za>; Jonathan Dos Santos <JDSantos@langeberg.gov.za>; henry <henry@hvnarchitects.co.za>

Subject: Re: Padel Montagu / Meeting / Way forward

Hi Tracy,

I had a long discussion with Deon and sent the mail to him. It's not in context without the discussion I had with him.

I dispute your remark that I do not want anyone to have the opportunity to object. This is manifest in my many discussions and communications with neighbours.

In our view (after taking expert advice) the zoning is clearly applicable, and we will insist on a fair and reasonable discussion, where, if you can - point out why the zoning is not applicable.

It's fair and reasonable to entertain objections that are written and explain the reason for objection, so we can see if we can mitigate, address or move the courts. There is ample evidence of this sentiment.

The procedure we have always been willing to follow and clearly have:
Submit Building plans to DOI and Municipality
Subit SDP to Municipality
Adress all concerns of I&AP (Eg. Church/Museum)

We will not accept a dictatorial approach from the Municipality on the requirement for zoning as they also have to abide by the By-laws and legal, regulatory framework in place.

Regards
Mark

From: Tracy Brunings <tbrunings@langeberg.gov.za>
Date: Monday, 23 June 2025 at 08:42
To: Mark Bleloch <mbleloch@gmail.com>
Cc: Deon Louwrens <DLouwrens@langeberg.gov.za>, Ilse Saunders <isaunders@langeberg.gov.za>, Jack van Zyl <JvZyl@langeberg.gov.za>, Jonathan Dos Santos <JDSantos@langeberg.gov.za>
Subject: FW: Padel Montagu / Meeting / Way forward
Hello Mark,

Please forward me your original email with attachments.

Please note that this matter is currently in a legal process, with correspondence with your legal adviser. You do not have authorisation from the land owner. Any meeting which may be agreed to will thus reserve our rights in this regard.

For record purposes, I note that the use of the terms "deadlock" and "storm in a teacup" is somewhat disingenuous in that the only thing preventing the process from moving forward is your refusal to follow the procedure which has been agreed is necessary by the Municipality, the Dept of Education, Department of Infrastructure and DEA&DP. Further, you have acknowledged that the only reason for not wanting to follow this procedure is that you do not want anyone to have the opportunity to object – which is contrary to the Constitution and PAJA. NB

Kind regards,
Tracy Brunings Pr.Plñ A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT



LANGEBERG
MUNISIPALITEIT MUNICIPALITY MONTAGU

3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Deon Louwrens <DLouwrens@langeberg.gov.za>
Sent: Monday, 23 June 2025 06:25
To: Mark Bleloch <mbleloch@gmail.com>; Ilse Saunders <isaunders@langeberg.gov.za>

Cc: Tracy Brunings <tbrunings@langeberg.gov.za>
Subject: RE: Padel Montagu / Meeting / Way forward

Good morning Mark

Thank you for the documents.

I could not see what you have added to your email ... see blank space in email below.

Regardless, your photo (screenshot below) provide clear indication of location and adjacent properties.



I also discussed the matter with Tracey.

They gave extensive attention to this matter, including discussion with Province, and considering various options.

I agree to meet and discuss possible ways to resolve and conclude this matter.

Good morning Ilse

Please arrange a meeting with Mark and Tracey to discuss the Padel courts in Montagu.

Regards

Deon Louwrens

Director Engineering Services

Langberg Municipality

023 626 8200 / 079 895 2570

From: Mark Bleloch <mbleloch@gmail.com>

Sent: Saturday, 21 June 2025 11:09 31

To: Deon Louwrens <DLouwrens@langeberg.gov.za>

Subject: Padel Montagu

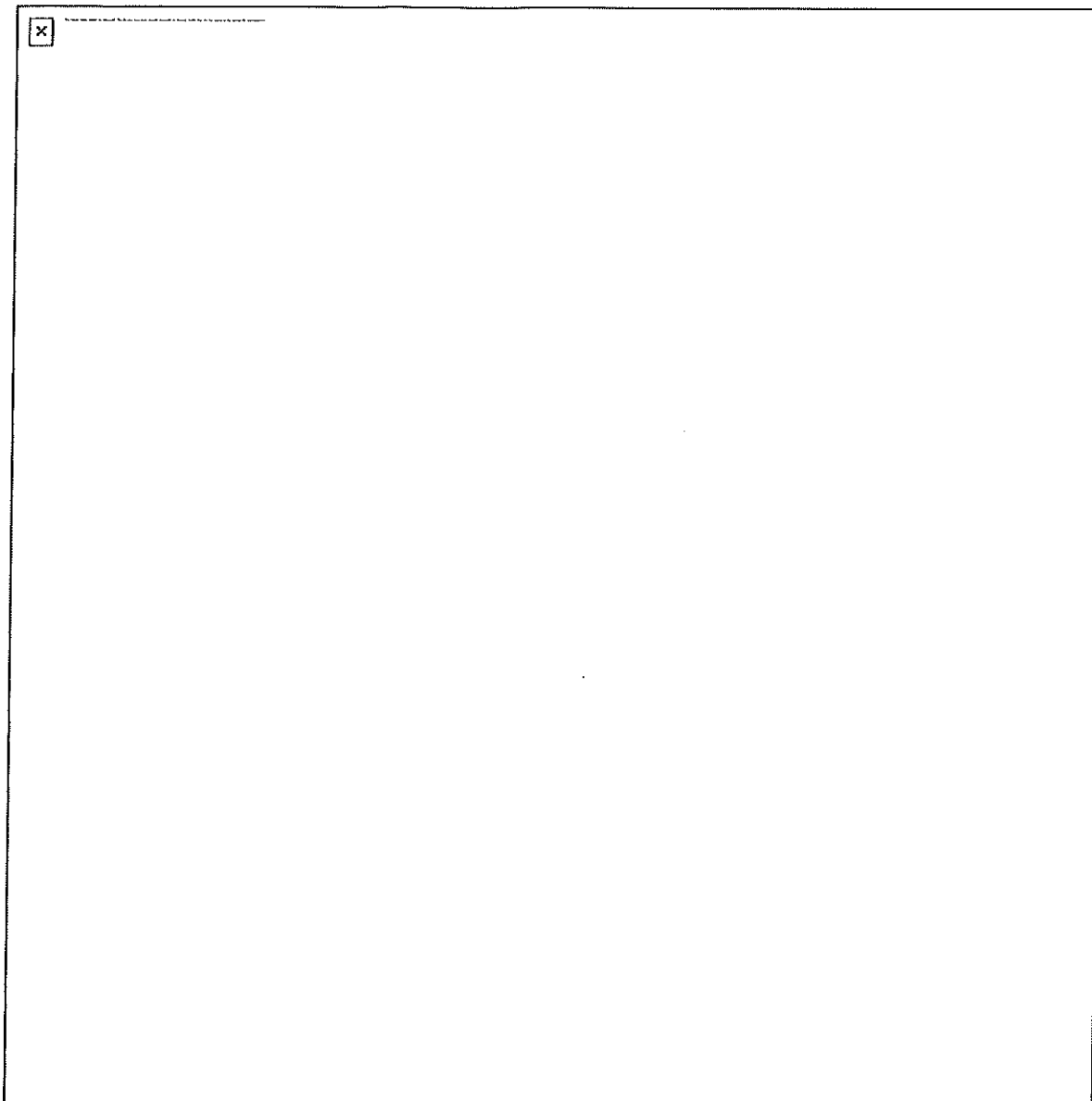


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Hi Deon,

I know you have had a very busy week and this is a “hot potato” and “storm in a tea-cup”

I have gone though:



Assuming it is the current and valid and applicable By-law

I have highlighted points on pages: 5,6,14,37,72,84

Please click on my notes next to each highlighted point to see my comments.

In my opinion (unless I'm missing something) as well as other opinions from land use experts the zoning is applicable and consent use (not applicable) or re-zoning (prohibited by DOI) and departure (only valid for 5 years) and in anyway not required as per the By-laws.

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Therefore we don't see any "rime or reason" for a deadlock.

The Municipality is not processing our SDP and Building Plans without an Application for Zoning.

Our frustration is the time that has passed and the courts will be removed and resold (hard decline - end of July) by the funder if they are considered "not legal" by the Municipality, and in so preventing any commercial operation.

On Thursday last week Tamsin and I met with the Church/Museum and had a good discussion. They listened to the sound factor (as we played) and we also discussed a sound proofing barrier along the fence, if required. There will also be full time staff on site (coach, supervisor) if there are any sensitive events and we agree to not play during these times. I'm sure they will provide feedback.

We would welcome a meeting of all involved if it would help to keep this initiative alive.

Yours sincerely

Mark Bleloch

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Disclaimer

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Tracy Brunings

From: Tracy Brunings
Sent: 34 Tuesday, 01 July 2025 09:51
To: 'Theo Rebel'
Cc: Deon Louwrens; Ilse Saunders; 'Ansa Ferreira'; 'Gerrit Coetzee'
Subject: FW: Padel Montagu / Meeting / Way forward: ERF 1053 MONTAGU
Attachments: FW: Padel Montagu Meeting; FW: Request for a Meeting to Discuss the Montagu Padel Courts

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Tracking:	Recipient	Read
	'Theo Rebel'	
	Deon Louwrens	Read: 2025/07/01 10:17
	Ilse Saunders	Read: 2025/07/01 10:40
	'Ansa Ferreira'	
	'Gerrit Coetzee'	

Dear Theo,

The padel debate continues.

Please see my email below in a final attempt to explain to the developers why they need to lodge an application. We gave them a deadline to apply or we would take further legal action. They requested an extension of that deadline to assess their alternative options.

I received the attached email this morning, in terms of which they again argue that the Sports and Recreation Centre, as an ancillary use, can be permitted as a primary use in its own right on Erf 1053 – contrary to our opinion which we have consistently stood by.

Please also see the second attachment which indicates that they continue to consult with the neighbours (in this case the museum) outside the legal framework into the LLUPB which must be followed if an application is lodged. Further, it also confirms that they are already using the courts daily.

My Director has agreed to meet with the developers this afternoon for a final meeting. If they still insist on their opinion, we will have to decide whether to proceed with legal action to remove the courts, and / or whether to obtain a written legal opinion from a lawyer specialising in land use legislation prior to proceeding.

Any comments would be welcome.

I am also copying in the Depts Education and Infrastructure for their information / comments. In particular, at this stage I do not have any indication that there is a valid power of attorney allowing Padel Montagu to consult with us regarding this property which they do not own.

Kind regards,
Tracy Brunings Pr.Pl. A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT

Tracy Brunings

From: Tracy Brunings
Sent: Wednesday, 02 July 2025 12:09 36
To: 'Ansa Ferreira'
Cc: Gerrit Coetzee; Theo Rebel
Subject: RE: Padel Montagu / Meeting / Way forward: ERF 1053 MONTAGU

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Hello Ansa,

Thank you for the confirmation.

For your record purposes, at our meeting yesterday, Mr van Nieuwenhuizen confirmed that he **has not accepted the power of attorney as it places too much legal responsibility on his firm.**

If we do not receive an application by the end of this month, we will obtain further legal opinion on how to proceed.

Kind regards,

Tracy Brunings Pr.Pln A/951/1997
MANAGER: TOWN PLANNING
TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

35

From: Ansa Ferreira <Ansa.Ferreira@westerncape.gov.za>
Sent: Wednesday, 02 July 2025 09:02 35
To: Tracy Brunings <tbrunings@langeberg.gov.za>; Theo Rebel <Theo.Rebel@westerncape.gov.za>
Cc: Deon Louwrens <DLouwrens@langeberg.gov.za>; Ilse Saunders <isaunders@langeberg.gov.za>; Gerrit Coetzee <gerrit.Coetzee@westerncape.gov.za>
Subject: RE: Padel Montagu / Meeting / Way forward: ERF 1053 MONTAGU

Dear Tracy

The POA was issued to HVN Architects on 24.04.2025.

The POA was granted for the submission of land use application(s) and building plans for municipal approval.

Kind regards
Ansa

Ansa Ferreira
[Pr. Pln. A/1633/2012]
Director: Property Planning & Information
Immovable Asset Management Component
Department of Infrastructure
Western Cape Government

24th Floor, Atterbury House, Lower Burg Street, Cape Town

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Tracy Brunings

From: Theo Rebel <Theo.Rebel@westerncape.gov.za>
Sent: Wednesday, 02 July 2025 15:00 37.
To: Tracy Brunings
Cc: Ansa Ferreira
Subject: FW: Padel Courts, Erf 1053, 17 Kohler Street, Montagu
Attachments: Erf 1053 Mon_Padel Montagu_8 May 2025.pdf; Erf 1053 Mon_Padel Montagu_28 Feb 2025.pdf; Padel_social media_18-5-2025.pdf; Message from KM_C550i; Re: Padel Courts

37

Good morning Tracy,

The matter has again been discussed internally, and the Department's considered views are set out below.

Unfortunately, this situation may now necessitate further legal engagement and associated costs, which is regrettable. Nonetheless, it is clear that the municipality remains the competent authority, and its decisions, as well as its application and interpretation of the zoning scheme, are binding. This authority stems from its constitutional mandate and obligations.

The municipality's position, as set out in the attached correspondence, is correct. Specifically:-

- the padel courts do not constitute an ancillary use and require a formal land use application, including due public consultation; and
- the construction of the padel courts necessitates the submission and approval of building plans.

The municipality was both correct and within its rights to issue a stop order as it has done. The current stalemate has largely resulted from the developer's refusal to initiate the appropriate land use application process. This has:

- denied the public their lawful opportunity to participate and appeal;
- disregarded the stop works order issued under the National Building Regulations;
- enabled use of the padel courts in contravention of applicable zoning provisions; and
- ignored the terms and authority of the relevant powers of attorney.

These actions effectively forces the municipality's hand. Remaining in disagreement with the developer, the municipality now has little choice but to enforce the provisions of the zoning scheme, including the issuing of compliance notices. This may ultimately culminate in legal proceedings against the developer. Additionally, the Western Cape Department of Infrastructure could be cited for permitting third-party use of land it does not own, in contravention of the powers of attorney granted. It should also be noted that members of the public, aggrieved by the situation, may independently insist that the municipality enforces its zoning scheme - a risk and a scenario that could also lead to litigation.

These comments are offered as guidance for consideration. The Department does not purport to provide legal advice to the municipality and it is not empowered to do so. However, we strongly recommend that the municipality seeks appropriate legal counsel from qualified practitioners to guide its next steps.

Kind regards,

Theo Rebel Pr. Pln (A1056/1998)
Chief Town & Regional Planner
Directorate Development Management Region 2
Department of Environmental Affairs and Development Planning
Western Cape Government

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Tracy Brunings

From: Tracy Brunings
Sent: 38. Thursday, 03 July 2025 14:55
To: 'Theo Rebel'
Cc: Ansa Ferreira; Deon Louwrens
Subject: RE: Padel Courts, Erf 1053, 17 Kohler Street, Montagu



Good afternoon Theo,

Thank you very much for your carefully considered reply. I am very grateful for the support and attention to this drawn-out matter from your Department and the Departments of Infrastructure and Education. Where possible we try to avoid spending rate-payers' money on unnecessary, legal costs.

After the meeting with the developers earlier this week there was a very small glimmer of hope that they would at least **consider lodging an application for temporary departure**. Whilst this is not our preferred choice, given the circumstances this would be more productive than legal action, in that at least we can go through a **process of obtaining public input** (which residents have been asking for) and we can **receive information on all the relevant considerations** (parking, noise, ablutions, electricity supply, site development plan etc). This would enable the Municipal Tribunal to take an informed decision. If approved, they are aware that a temporary departure is only valid for a maximum of 5 years but if it is proven that the use fits in well in the area and does not have any adverse impacts, they could apply for permanent rights via rezoning, during the 5 yr period.

Kind regards,

Tracy Brunings Pr.Pln A/951/1997

MANAGER: TOWN PLANNING

TOWN PLANNING DEPARTMENT



3 Piet Retief Street, MONTAGU 6720

Tel: 023 614 8003 tbrunings@langeberg.gov.za www.langeberg.gov.za (Website)

From: Theo Rebel <Theo.Rebel@westerncape.gov.za>
Sent: Wednesday, 02 July 2025 15:00
To: Tracy Brunings <tbrunings@langeberg.gov.za>
Cc: Ansa Ferreira <Ansa.Ferreira@westerncape.gov.za>
Subject: FW: Padel Courts, Erf 1053, 17 Kohler Street, Montagu

Good morning Tracy,

The matter has again been discussed internally, and the Department's considered views are set out below.

Unfortunately, this situation may now necessitate further legal engagement and associated costs, which is regrettable. Nonetheless, it is clear that the municipality remains the competent authority, and its decisions, as well as its application and interpretation of the zoning scheme, are binding. This authority stems from its constitutional mandate and obligations.

The municipality's position, as set out in the attached correspondence, is correct. Specifically:-

ANNEXURE 9

Liquor Licence



**WESTERN CAPE
LIQUOR AUTHORITY**

Physical: 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530
Postal: Private Bag X6 | Sanlamhof | Bellville | 7532
Email: Liquor.Enquiries@wcla.gov.za
Tel: +27 (0) 21 204 9700 | www.wcla.gov.za

**ATT: MUNICIPAL MANAGER
LANGEBERG MUNICIPALITY
PRIVATE BAG X2
ASHTON
6715**

RE: GRANTING OF A LIQUOR LICENCE: MONTAGU TENNISKLUB (WCP/041399)

Dear Sir/ Madam

The above-mentioned application has been approved and a licence has been issued in terms of section 46 of Act 4/2008 of the Western Cape Liquor Act.

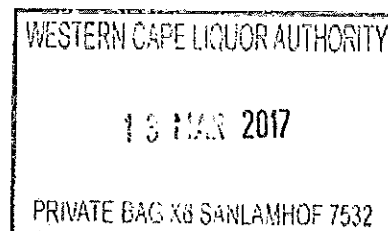
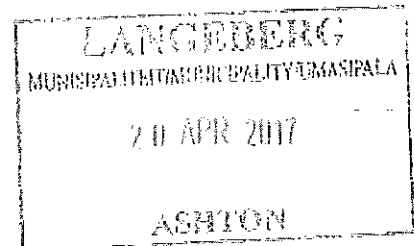
Please be advised that the granting of this license does not absolve the licence holder from his or her responsibility to comply with the provisions of any law that is applicable (including business licence or entertainment licence requirements, zoning requirements, consent uses or any other requirements prescribed by the relevant Local Authority) to conduct his or her business on the licensed premises.

Kind Regards,

LEANTIA PETERSEN

DEPUTY DIRECTOR: WESTERN CAPE LIQUOR AUTHORITY

DATE: 13/03/2017



*14/04/17
K. Brand
Incl Westhuizen*



**WESTERN CAPE
LIQUOR AUTHORITY**

Physical: 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530
Postal: Private Bag X6 | Sanlamhof | Bellville | 7532
Email: Liquor.Enquiries@wcla.gov.za
Tel: +27 (0) 21 204 9700 | www.wcla.gov.za

Ref number: WCP/041399
Enquiries: Aiden Marais

Date: 13 March 2017

ANTOINETTE VAN DALEN
P.O. BOX 719
BREDASDORP
7280

RE: APPLICATION IN TERMS OF SECTION 36 OF THE LIQUOR ACT, ACT 4 OF 2008 AS AMENDED:

PREMISES NAME: MONTAGU TENNISKLUB
MAGISTERIAL DISTRICT: CAPE WINELANDS : MONTAGU

Dear Sir/Madam,

The above-mentioned application has been approved and the relevant licence (Form 11) is attached.

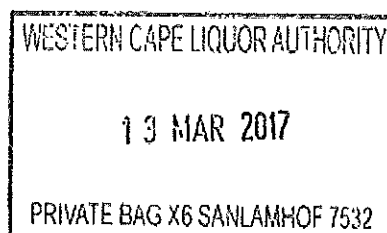
Yours faithfully,

A Marais

Aiden Marais

Liquor Licensing Administration

Western Cape Liquor Authority



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Western Cape
Government

Western Cape Liquor Authority

WESTERN CAPE LIQUOR ACT (ACT 4 OF 2008)

FORM 11

LIQUOR LICENCE FOR THE SALE OF LIQUOR FOR CONSUMPTION ON THE PREMISES

(Reg. 18(4))

Authority Reference Number

WCP/041399

(Hereafter referred to as the licensee)

Montagu Tennisklub

Is hereby licensed to sell

All kinds of liquor

and to conduct business
under the name of

Montagu Tennisklub

Upon the licensed premises (the plan of which has been submitted with the application or any other plan thereof which has been subsequently approved, and a copy of which is attached hereto as Annexure "A"), situated at **Kohler Street, MONTAGU, Worcester, 6720** in the municipality of Overberg Local Municipality - Langeberg in accordance with the provisions of the Act and the conditions, determinations, consents, approvals or authorities issued with this licence.

LICENCE CONDITIONS, DETERMINATIONS, CONSENTS, APPROVALS OR AUTHORITIES

SEE ANNEXURE "B"

Presiding Officer of the Liquor Licensing Tribunal (or person
acting under power delegated by the Presiding Officer)
Signatory # 1

Signatory # 2

2017-09-13



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WESTERN CAPE
LIQUOR AUTHORITY

Physical: 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530
Postal: Private Bag X6 | Sanlamhof | Bellville | 7532
Email: Liquor.Enquiries@wcla.gov.za
Tel: +27 (0) 21 204 9700 | www.wcla.gov.za

ANNEXURE A

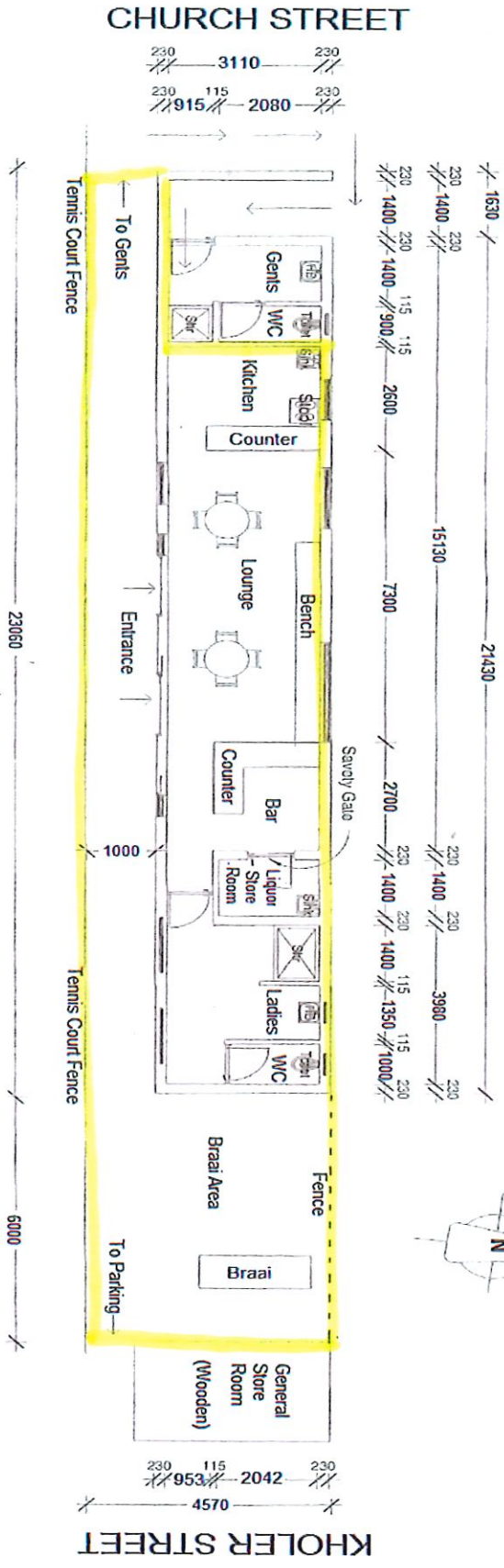
APPROVED PLAN (S)

198

"A"

LAYOUT PLAN

LONG STREET



1991



**WESTERN CAPE
LIQUOR AUTHORITY**

Physical: 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530
Postal: Private Bag X6 | Sanlamhof | Bellville | 7532
Email: Liquor.Enquiries@wcla.gov.za
Tel: +27 (0) 21 204 9700 | www.wcla.gov.za

REFERENCE:

WCP/041399

ENQUIRIES:

AIDEN MARAIS

TELEPHONE

021 204 9822

ANNEXURE B

LICENCE NUMBER : WCP/041399

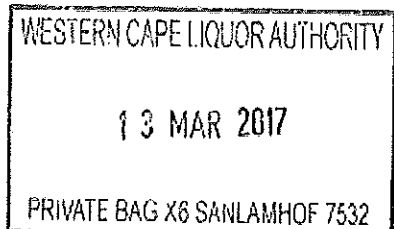
CONDITIONS FOR THE SALE OF LIQUOR FOR CONSUMPTION ON THE PREMISES WHERE THE LIQUOR IS SOLD

LICENSEE : MONTAGUE TENNISKLUB

NAME OF PREMISES : MONTAGUE TENNISKLUB

LOCATION OF PREMISES : KOHLER STREET, MONTAGUE

THIS LICENCE IS SUBJECT TO THE FOLLOWING CONDITIONS:



1. DEFINITIONS

In these Conditions, unless the context indicates otherwise:

<u>Act</u> means	The Western Cape Liquor Act, 4 of 2008, as amended.
<u>Designated Liquor Officer</u> means	A person designated as such in terms of section 73(1) of the Act.
<u>Inspector</u> means	A person appointed as such in terms of section 73(4) of the Act.
<u>Liquor</u> means	Liquor as defined in the Act

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Local Authority means

Municipality as referred to in this Act, as well as "local municipality" and "metropolitan municipality" as referred to in the Municipal Structures Act, 117 of 1998, as amended.

Manager means

A natural person, residing in the Western Cape and involved in the day to day operations or management of the liquor outlet.

Regulation means

Regulations promulgated in terms of the Act.

Section means

Sections of the Act.

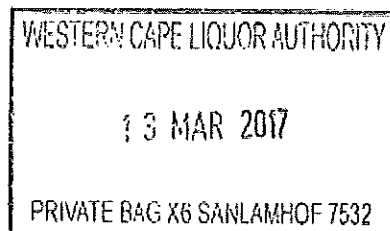
Restricted area means

every area where liquor is sold from and if liquor is sold from any place where the entire room has not been declared a restricted area, there would also be a boundary around such place of 1(one) meter.

The definitions of the Act will apply in respect of these conditions.

2. TRADING HOURS

Trading days and hours will be as determined by the local authority. The sale and consumption of liquor will be restricted to the hours of trade as approved by the Local Authority/LLT, as the case may be.



Bylaw 2017

3. THE LICENCED PREMISES

- 3.1 The licenced premises is the area indicated in colour on the signed plan as approved and attached to the liquor licence.
- 3.2 No liquor may be stored, sold, served or consumed in any area not indicated for that purpose on the plan.
- 3.3 No changes, extensions or alterations may be made to the licenced premises unless previously approved by the Liquor Licensing Tribunal or the Presiding Officer of the Western Cape Liquor Authority.

} *

} *

4. THE LICENSEE

- 4.1 The person or entity approved as licensee is the only person or entity entitled to utilise the liquor licence for the sale of liquor.

} *



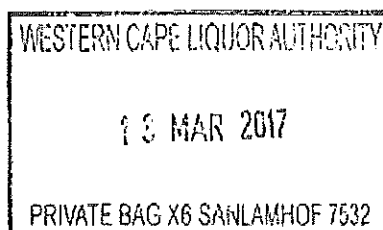
- 4.2 The person or licensee may not let the liquor licence to anyone. The licence, or financial interest in the licensee of 5% or more, may not be transferred and no other person is allowed to use or benefit from the liquor licence unless a certificate authorising same has been approved by the Liquor Licensing Tribunal and issued by the Western Cape Liquor Authority.
- 4.3 Unless the licensee is a natural person, the licensee must ensure that a manager, residing in the Western Cape, is at all times appointed in respect of the liquor licence.

5. MANAGEMENT

- 5.1 Margaretha Magdalena Jordaan ID No. 530612 0001 082 residing at The Farm Bordeaux, Montague is appointed as managers in terms of section 52.
- 5.2 The licensee and the manager must at all times ensure that the business is conducted in accordance with the liquor licence conditions and all legal requirements.

6. NATURE AND CONDUCT OF THE BUSINESS

- 6.1 The licensee may sell all kinds of liquor, for consumption on the licensed area, as indicated on the attached approved plan. ---
- 6.2 The nature of the business namely that of a restaurant may not be changed from that approved by the Liquor Licensing Tribunal without the prior approval thereof. } *
- 6.3 All liquor sold must be opened when it is served, all liquor must be consumed on the licensed premises and no liquor may be removed from the liquor licensed premises. } *
- 6.4 No liquor may be sold to persons who are drunk and/ or disorderly.
- 6.5 No person who is drunk and/or disorderly may be allowed to stay on the licensed premises.
- 6.6 No liquor may be purchased from a person who is not allowed and licensed to sell that liquor.
- 6.7 The licensee must ensure that the liquor licenced business is at all times conducted in accordance with all statutory and legal requirements, including all By-laws and regulations of the local authority.
- 6.8 The licensee must in the premises prominently display signs warning against the dangers of liquor abuse.
- 6.9 The licensee must in the premises prominently display signs indicating that no under eighteens will be allowed in a restricted area and that proof of date of birth must be provided upon request.





- 6.10 All signage and displays exhibited on or near the liquor licenced premise must where applicable comply with the statutes and regulations regulating same.
- 6.11 No further fermentation may take place from the date of bottling/packaging till the date of consumption in respect of any liquor sold. The Alcohol content of the liquor sold, may not increase to a higher percentage per volume as from date of bottling/packaging till date of consumption, nor may it be higher than that as indicated on the label.
- 6.12 No person may sell or supply liquor on credit, or receive or hold any document including any financial instrument such as a debit/credit card, social grant cards, identity documents or any other property as security for the payment of such debt.
- 6.13 No person other than a legitimate supplier of liquor, may bring any liquor onto the licensed premises, unless specifically so authorised by the Presiding Officer upon application.

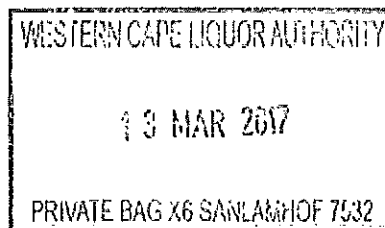
7. DOCUMENTS TO BE DISPLAYED

The Licensee must ensure that the following original documents or a certified colour copy thereof is:

- 7.1 displayed inside the licenced premises on a conspicuous place:
- 7.1.1 the liquor licence in respect of the premises (Form 4 or 11); and
 - 7.1.2 the plan approved as part of the liquor licence.
- 7.2 available on the premises and be made available upon request:
- 7.2.1 the conditions applicable in respect of the liquor licence;
 - 7.2.2 the manager appointment approved by the Authority;
 - 7.2.3 certificates regarding the removal or transfer of the liquor licence;
 - 7.2.4 any document issued by the Authority to change, supplement or replace any of the aforementioned;
 - 7.2.5 the latest renewal notice; and
 - 7.2.6 proof of payment of the renewal in respect of the relevant year.

8. PROHIBITION ON LIQUOR SOLD TO MINORS

- 8.1 The licensee and/or the manager or person in charge at the licensed premises MUST, before any liquor is sold, ensure that the person the liquor is supplied to is above the age of 18 years.
- 8.2 A licensee or a manager, as the case may be, may not allow a person under the age of eighteen (18) years to be in a part of the licensed premises (restricted area) in which such a person may not be in terms of this Act or in terms of a condition of the licence. }





9. RESTRICTED AREA

- 9.1 Except as provided for in section 55(1) and section 56(3) of the Act, a licensee may not permit a person under the age of eighteen (18) years to enter a restricted area.
- 9.2 A restricted area is –
- (i) a room or any place on licensed premises where liquor is sold over a counter, except when meals are being served to diners seated at tables in such a room or place;
 - (ii) a room or place which the Liquor Licensing Tribunal has demarcated as an area in which persons under the age of eighteen (18) years are not allowed to be; and
- 9.3 A person under the age of eighteen (18) years may have access to a restricted area if accompanied either by a parent or a guardian or by an adult with the consent of a parent or a guardian, unless the conditions under which the licence was granted, determines otherwise.
- 9.4 Every restricted area must be indicated as such in a manner as prescribed.

10. TRAINING

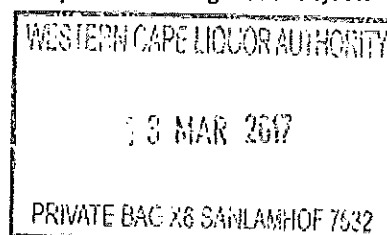
The Liquor Licensing Tribunal may, at any time when appropriate, direct that the licence may not be issued or should be suspended until the applicant or licensee or manager in terms of section 52, or an employee or employees of the applicant or licensee, has completed such training and education as the Liquor Licensing Tribunal requires on a date to be determined by the Administration. Not attending such training may lead to the review of the liquor licence.

11. SALE OF LIQUOR

- 11.1 A licensee may not sell or supply liquor from any place other than the licenced area as indicated on the approved plan.
- 11.2 A licensee may advertise the sale of liquor elsewhere than on the licensed premises.
- 11.3 The advertisements and the signage must be in accordance with the applicable regulations and by-laws.

12. SECURITY

- 12.1 The licensee must at all times be in proper control of the licensed premises and may not allow customers to bring any weapons or dangerous objects on the licensed premises.





- 12.2 The licensee must not allow a supplier of unlawful drugs to be or remain on the premises.
- 12.3 The licensee must not allow the sale, use or possession of drugs upon the premises in contravention of any law relating to such sale, use or possession.
- 12.4 The licensee must ensure that customers enter and exit the licensed premises in an orderly manner ensure the safety of customers in and around the premises and ensure proper control on and around the licensed premises.

13. AVAILABILITY OF MEALS

Meals, prepared on the premises, are to be available on the licensed premises at all times when liquor is sold.

14. TOILETS

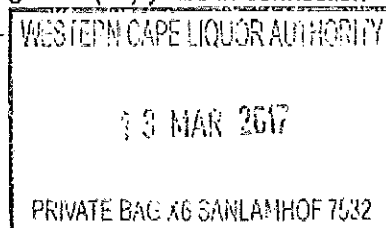
- 14.1 Adequate and suitable toilet facilities must be provided for the use of patrons on or near the licensed premises.
- 14.2 The toilet facilities must at all times be maintained in a neat, tidy and hygienic condition.

15. STORAGE

- 15.1 A licensee must store his, her or its liquor on the licensed premises or in such other or additional place within the Province as may be approved by the Liquor Licensing Tribunal when granting a licence or by the Presiding Officer, on application, at any time thereafter.
- 15.2 A licensee may not sell, supply or allow the consumption of liquor in or from such other or additional place of storage.

16. EMPLOYMENT

- 16.1 A licensee may not employ a person under the age of eighteen (18) years in connection with the sale or supply of liquor unless such a person is -
- (i) of or above the age of sixteen (16) years; and
 - (ii) undergoing training in catering services; and
 - (iii) apprenticed to the licensee.
- 16.2 An employer may not -
- (i) supply liquor to a person as an inducement to secure his or her employment;





- (ii) supply liquor to an employee instead of wages;
- (iii) deduct from an employee's wages the cost of liquor supplied to the employee or any other person on his or her behalf; or
- (iv) withhold payment of the wages of an employee in lieu of a debt in respect of the sale or supply of liquor.

17. ACCESS TO THE LICENCED PREMISES BY DESIGNATED LIQUOR OFFICER AND LIQUOR INSPECTOR

A designated liquor officer and a liquor inspector may exercise the powers referred to in section 74 of the Act, relating to the entry, inspection and search of the premises at any time when the business is being conducted and at any time when business may be conducted in terms of the applicable by-law or hours as specified in these conditions.

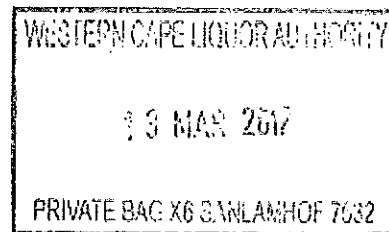
On request from the licensee, manager or person in charge of the licenced premises the designated liquor officer or liquor inspector must identify him / herself.

18. NOTICE REGARDING OTHER REQUIREMENTS

The granting of this licence does not absolve the licensee from his, her or its responsibility to comply with the provisions of any other law that may be applicable (including any law or relating to business or entertainment licence requirements, consent uses, departures or any other requirements prescribed by any other authority) with regard to the conducting of business on the licensed premises.

The licensee / manager appointed must familiarise themselves with the conditions and all legislation regarding the sale of liquor. Of specific note in this regard are, but not limited to, amongst others:

- (i) Liquor Products Act
- (ii) Western Cape Liquor Act
- (iii) Western Cape Liquor Regulations
- (iv) Zoning Regulations and / or Scheme *
- (v) Western Cape Gambling and Racing Act
- (vi) Health Regulations
- (vii) Fire and Safety Regulations
- (viii) Occupational Health and Safety Act and Regulations
- (ix) Tobacco Products Control Act





- (x) Business Licence Regulations
- (xi) Entertainment Licence regulations and conditions
- (xii) Municipal By-Laws
- (xiii) Consumer Protection Act
- (xiv) Immigration Act
- (xv) Refugee Act

Non-compliance with any of the mentioned statutes is a contravention and may be brought to the attention of the Western Cape Liquor Authority and may lead to the liquor licence being revoked or such other sanction may be imposed as provided for in the Act.

19. CONTRAVENTIONS

Any contravention of or failure to comply with one or more of the conditions of the liquor license constitutes an offence and may result in the liquor license being revoked or such other sanction may be imposed as provided for in the Act.

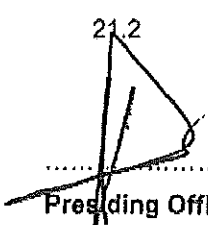
20. VICARIOUS RESPONSIBILITY

The Licensee needs to acquaint himself / herself / it with the conditions contained in Section 83 of the Act, which allows for the licensee to be held liable and responsible for all acts or omissions committed by the manager, agent or employee of the Licensee and such other person will also be liable for those actions/omissions committed by him/her.

21. GENERAL

21.1 If any one of the conditions of this licence is found to be illegal or unconstitutional, the rest of the conditions will remain in force and that section that is found to be illegal/unconstitutional shall be deemed to be severable from the rest of the conditions and as if it had not been written at all.

21.2 Potable water must be available free of charge upon request at all times when liquor is sold.


Presiding Officer of the Liquor Licensing Tribunal
(or person acting under power delegated by the Presiding Officer)
WESTERN CAPE LIQUOR AUTHORITY

