

MINUTES OF A PLANNING TRIBUNAL MEETING OF THE LANGEBERG MUNICIPALITY, THAT WAS HELD ON 18 JANUARY 2022 AT 10H00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, MONTAGU

1. Opening

The Chairperson Mr Maynard Johnson welcomed all present.

2. Attendance

Maynard Johnson	-	Chairperson (Internal member)
Kobus Brand	-	Internal member
Helene Janser	-	External member
Quinton Balie	-	External member
Jack Van Zyl	-	Town Planner
Tracy Brunings	-	Town Planner

3. Applications for Leave of Absence

Hennie Taljaard, Jeremy Benjamin, Carissa Pieters

**4. Confirmation of previous Minutes
Unanimously Resolved**

That the minutes of a meeting of the Planning Tribunal of the Langeberg Municipality, held on 25 October 2021 at the Langeberg Municipal Offices, Montagu be approved and confirmed. Proposed by Kobus Brand, seconded by Helene Janser.

5. Matters arising from the previous minutes

It was noted that the Appeal Authority's decision to approve the compost facility and refuse the feedlot proposed on Ptn 6 of Middelburg 10, Robertson, has been taken on review to the High Court. Final affidavits are in process of being prepared, whereafter a court date will be allocated.

6. Urgent Matters, Statements & Announcements submitted by the Chairperson

None

7. Consideration of Reports

1/2021	PORTION 5 OF THE FARM BAVIAAN KRANTZ NO. 145, MONTAGU: DELETION OF A CONDITION OF EXISTING LAND USE APPROVAL AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS
--------	--

Unanimously resolved:

1. That, in terms of section 60 of the Langeberg Municipal Land Use Planning Bylaw PN 264/201, the Langeberg Municipal Planning Tribunal approves the removal of the following portion of condition D of T40974/2019 (imposed by the Department of Agriculture of RSA when granting previous approval in terms of Act 70/1970): “and also that the property must be rezoned as Open Space Zone III”.

Restrictive Title Deed Condition D must therefore be amended to read: “The property may only be used for purposes of a private nature reserve and ancillary purposes”.

The reasons for the above decision are as follows:

- i. *Portion 5 of Baviaan Krantz was created by subdividing 2/145 in 2003. The subdivision was approved on the basis that 5/145 may only be used for conservation purposes. The subdivision has been registered on this basis, and therefore the restrictive condition that the property may only be used as a nature reserve, remains applicable.*
 - ii. *Condition D was imposed by the Minister of Agriculture. No approval has been given by the National Department of Agriculture to remove the restriction on the use of the property.*
 - iii. *The Restrictive Condition D ensures that clearing of new areas of natural vegetation for agricultural production will not occur on soils not suitable for farming, and supports the desired objective of conserving this Critical Biodiversity Area in its natural state.*
 - iv. *The zoning of the property is addressed in terms of the land use planning legislation, and a restrictive Title Deed condition relating to zoning is superfluous. Nature conservation purposes are permitted within the Agricultural zone I.*
2. Further, that, in terms of section 60 of the Langeberg Municipal Land Use Planning Bylaw PN 264/2015, of 30 July 2015, the Langeberg Municipal Planning Tribunal approves the following application:
 - 2.1. Deletion of the following conditions from the letter of land use approval dated 14 November 2003, in terms of Section 15(2)(h):
 - 2.1.1. Condition 3 (marked 3.3): Only one dwelling may be built on portion A
 - 2.1.2. Condition 3 (marked 3.5): Portion A (and portion of Rem/2/145) must be declared as a private nature reserve.
 - 2.2. Removal of Condition E1 from T40974/2019, which condition was imposed by the then BRW Municipality (now Langeberg), namely that “only one dwelling house may be erected on the subject property, the placing of which must be determined in conjunction with Cape Nature and the Municipality”.
 - 2.3. The above approval is subject to the following conditions of approval, in terms of Section 66 of the aforementioned Bylaw:
 - 2.3.1. Prior to the submission of building plans, the applicant must submit a Conservation Management Plan approval of the Langeberg Municipality, in consultation with Cape Nature. This plan must identify areas suitable for low impact, biodiversity-sensitive built development, and outline conservation measures to be adopted for the remainder of the property, which shall include, *inter alia*: no-go areas, views and vistas to be conserved, erosion protection of river banks, access to boreholes, rehabilitation of disturbed areas, and fencing.
 - 2.3.2. The requirements of BGCMA, in their letter dated 28 May 2021, must be complied with.
 - 2.3.3. Where access to boreholes is required across neighbouring properties, rights-of-way must be registered based on an agreement between the respective neighbours.

The reasons for the decision are as follows:

1. *The creation of Baviaan Krantz 145/5 was based on the proposal to use the property for conservation purposes. The*

- primary purpose of securing the land for conservation purposes will be better achieved through requiring a Conservation Management Plan for the property, rather than merely restricting development to one dwelling.*
2. *Legislation relating to Private Nature Reserves has changed and the property in question is not identified as a Stewardship priority area by Cape Nature.*
 3. *The conservation of the natural veld is a primary right in the Agricultural Zone I. The agricultural zoning offers additional protection in that Act 70/70 applies to agricultural land, and therefore limits future subdivision.*
 4. *The resultant permitted development will be the same as that permitted on all neighbouring properties and therefore will be compatible with the surrounding area.*
 5. *The proposal is consistent with the LSDF and the WC Rural Development Guidelines, 2019, inter alia.*

3. Further, that the following be noted:

- 3.1. The exercise of land use rights in terms of the Zoning Scheme is subject to all relevant legislation, including the National Environmental Management Act No. 107 of 1998, and the Conservation of Agricultural Resources Act No 43 of 1983.
- 3.2. All requirements of Environmental Authorisations and/or directives in terms of NEMA must be complied with, including the rehabilitation of roads constructed without prior approval.
- 3.3. Notwithstanding the restrictive Title Deed Condition D, the owner is permitted to farm the 3,6ha. portion of land adjoining the Langkloof spruit, subject to CARA and NEMA and with due consideration of the following:
 - 3.3.1. This area is known for its brackish water and dependence on groundwater for farming. Natural salts in the subsoil also cause further salinity challenges and possible degradation of the soil if not managed properly.
 - 3.3.2. The owner has a responsibility towards the land and water resources and farming practices must not cause any degradation, particularly erosion, salinization and increased flood damage potential.
 - 3.3.3. Farming practices must adhere to sound conservation practices regarding buffers to watercourses, proof of water registration, quality of water used, and must minimize impact on downstream users.

That, the parties be informed of their right to appeal in terms of Section 79(2) of the Langeberg Municipal Land Use Planning Bylaw PN 264/2015, of 30 July 2015, namely:

In terms of Section 79 of the Langeberg Municipal Land Use Planning Bylaw, 2015, a person whose rights are affected by a decision of the Municipal Planning Tribunal, may appeal in writing to the Appeal Authority (the executive mayor in this case) within 21 days of notification of the decision.

In terms of Section 61(4) of the said bylaw, an approval comes into operation only after the expiry of the 21 days appeal period. In terms of Section 61(5) where an appeal is lodged the approval is suspended pending the decision of the Appeal Authority on the appeal.

Eenparig besluit:

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

Grondgebruikbeperkings en boubeheer

1. Die ontwikkeling moet geskied in ooreenstemming met die terreinplan gemerk MON1125-LBM-TP2, ingesluit die dekking van geboue soos voorgestel, mar onderhewig aan enige vereiste wysiging van die gebou-ontwerpe soos goedgekeur mag word in die uitvoering van onderstaande voorwaardes.
2. Voordat daar met enige bouwerke op die terrein begin mag word, moet bouplanne, wat aan die Wet op Nasionale Bouregulasies en Boustandaarde (Wet Nr 103 van 1977) voldoen, by die Langeberg Munisipaliteit ingedien en goedgekeur word.
3. Ten einde te verseker dat die eksterne voorkoms van die groephuise versoenbaar is met en aanpas by die omliggende enkelresidensiële omgewing, met inbegrip van die Piet-se-Pad ontwikkeling, geld die volgende ontwerpvereistes, wat nagekom moet word en op bouplanstadium gekontroleer sal word na die oordeel van die Bestuurder: Stadsbeplanning:
 - 3.1 Die boustyl en argitektoniese elemente moet wesenlik ooreenstem met die boueëls wat vir die Piet-se-Pad-ontwikkeling geld, soos ook voorgestel in die .
 - 3.2 Die 3 groephuise moenie almal volgens 'n identiese vloerplan en aansigte ontwerp word nie, maar volgens verskillende ontwerpe, binne dieselfde boustyl en tipe afwerking, ten einde 'n harmonieuse maar gevarieerde ontwikkeling daar te stel.
 - 3.3 Die groephuis naaste aan die openbare straat moet so ontwerp word dat die straataansig ooreenstem met tipiese straataansigte van huise in die Piet-se-Pad ontwikkeling en nie vertoon soos die huis se agterkant of sykant met agterdeure, dienswerf en slegs klein vensters na die straat se kant toe nie.
4. Ten opsigte van omheing van erf 1125, is die ontwikkelaar verplig om 'n geboude, afgepleisterde en geverfde muur (nie voorafvervaardigde beton / vibrecrete) van minstens 2m hoog op die gemeenskaplike grense tussen erf 1125 en erwe 664, 5796, 667 en 1408 op te rig voordat enige voltooiing- of okkupasiesertifikate vir wooneenhede in die kompleks uitgereik mag word, met dien verstande dat alternatiewe soos bv deursigtige draad- of metaalpallisade-omheinings (geheel of gedeeltelik) opgerig mag word in die plek daarvan indien die eienaar van die betrokke erf skriftelik toestemming gee.

Voorsiening van siviele ingenieursdienste

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

Ten opsigte van siviele ingenieursdienste

- 51 Ontwerpe ten opsigte van water, riool, stormwater en toegangspad moet aan die Bestuurder : Siviele Ingenieursdienste voorsien word vir skriftelike goedkeuring voor konstruksie in aanvang neem.

- 5.2 'n Wataansluiting moet verskaf word vanaf die bestaande 110mm waterlyn aangrensend aan Piet-se-Pad, op koste van die ontwikkelaar. Die ontwikkelaar sal verantwoordelik wees vir die interne verspreiding daarvandaan na die individuele groePHuise en vir die aanbring van individuele watermeters. Die eienaar of, in geval van 'n deeltitelskema, die Beheerliggaam, sal verantwoordelik wees vir die betaling van die totale ontwikkeling se waterverbruik aan die munisipaliteit en kan dit dan van die individuele lede verhaal ooreenkomstig individuele meting, wat deur die eienaar of beheerliggaam self behartig moet word.
- 5.3 Die aansoeker/ontwikkelaar moet 'n ontwikkelingsheffing ten opsigte van grootmaat siviele dienste betaal, naamlik vir 2 geleenthede teen die begrote tarief wat geld op die stadium van betaling.
- 5.4 Geen stormwater mag vanaf die ontwikkeling na aangrensende erwe kanaliseer word nie.
- 5.5 Alle interne dienste bly die ontwikkelaar of deeltitel beheerliggaam se eiendom en sal nie deur die munisipaliteit oorgeneem word nie.

Voorsiening van elektriese ingenieursdienste

6. Die ontwikkelaar is verantwoordelik vir die installering van alle interne elektriese ingenieursdienste vir die ontwikkeling, sowel as vir die betaling vir installering van enige nodige koppeldienste en vir die betaling van ontwikkelingsheffings vir grootmaatsdienste. Geen bouplanne vir die groePHuise sal goedgekeur word voordat die dienste installeer en die volle heffing betaal is nie. Die volgende spesifieke reëlings en vereistes geld:
 - 6.1 Uitleg- en ontwerpplanne van alle elektriese retikulasie en -installasies moet aan die Bestuurder Elektriese Ingenieursdienste voorgelê word vir skriftelike goedkeuring alvorens daar begin mag word met enige konstruksiewerke.
 - 6.2 Die ontwikkelaar is verantwoordelik vir die kostes van enige nodige opgradering of verandering aan die elektriese netwerk, meetpunt of aansluiting en enige vereiste koppeldienste vir elektrisiteit moet eers installeer wees voordat enige groePHuis voltooi en okkupeer mag word.
 - 6.3 Die aansoeker/ontwikkelaar moet 'n ontwikkelingsheffing ten opsigte van grootmaat elektriese dienste betaal (teen die begrote tarief wat geld op die stadium van betaling) soos bepaal moet word deur die Bestuurder Elektriese Ingenieursdienste, ooreenkomstig die verlangde elektriese kapasiteit vir die ontwikkeling en grootte van die elektriese aansluiting na die perseel.
7. Vullisverwydering sal vanaf Piet-se-Pad geskied volgens die munisipaliteit se normale verwyderingsdiens in die area en nie vanaf die privaatstraat nie. Vir dié doel, moet die ontwikkelaar 'n doelgemaakte vullisarea in die reserwe van die privaatstraat voorsien, volgens die vereistes van die Langeberg Munisipaliteit se Bestuurder: Vaste Afvalbestuur. Die vullisarea moet voltooi wees tot bevrediging van die Bestuurder: Vaste Afvalbestuur voordat enige voltooiing- of okkupasiesertifikate vir wooneenhede in die kompleks uitgereik mag word.

Administratiewe reëlings en statutêre vereistes

8. Die straatadres van die GroePHuiskompleks bly Piet-se-Pad 47, terwyl individuele wooneenhede by dié adres as Eenheid 1 tot Eenheid 3 genommer word). Die straatnommer van die kompleks moet by die ingang in Piet-se-Pad aangebring word.
9. Ingevolge Artikel 17(5) van die Langeberg Munisipale Verordening op Grondgebruikbeplanning, 2015 verval die hersoneringsgoedkeuring na 5 jaar vanaf datum van goedkeuring indien die sonering nie ooreenkomstig subartikel 17(5)(b) uitgevoer is nie deur (i) die goedkeuring van 'n bouplan(ne) waarvolgens die voorgename goedgekeurde gebruiksreg uitgeoefen kan word en (ii) die aanvang van konstruksie van die betrokke gebou(e).

3/2021	VOORGESTELDE HERSONERING EN ONDERVERDELING VAN 'N GEDEELTE VAN ERF 136 (ONGEREGISTREERDE ERF 435) NKQUBELA, ROBERTSON
--------	--

Eenparig besluit:

Dat die volgende **goedgekeur** word ingevolge Artikel 60 van die Munisipaliteit Langeberg: Verordening op Grondgebruikbeplanning, 2015:

- A. Hersonerig van 'n gedeelte van die Restant van erf 136, Nkqubela, beskryf as ongeregistreerde erf 435 (± 4.34 Ha) vanaf Onbepaalde sone na Onderverdelingsgebied
- B. Onderverdeling van ongeregistreerde erf 435, Nkqubela in:
 - 172 Enkel residensiële sone I erwe,
 - 1 Sakesone III erf,
 - 1 Gemeenskapsone II erf,
 - 4 Ooprumtesone I erwe en
 - 1 Vervoersone publieke oopruimtes
 ooreenkomstig plan gemerk NKQ136(435)-LBM-OP.
- C. Afwykings van die ontwikkelingsparameters ten opsigte van sy- en agterboulyne soos voorgeskryf vir woonhuise in die Enkel residensiële sone I in die Langeberg Munisipaliteit Geïntegreerde Sonerigskemaverordening, 2018, tot op die betrokke erfgrense vir erwe waarop duplexe en skakelhuse opgerig gaan word ooreenkomstig die plan gemerk NKQ136(435)-LBM-OP.

Die goedkeuring is onderhewig aan die volgende voorwaardes ingevolge Artikel 66 van die gemelde verordening:

1. Alle siviele en elektriese ingenieursdienste vir die ontwikkeling moet volgens die vereistes en tot bevrediging van die betrokke munisipale departemente ontwerp en installeer word.
2. Straatname moet toegeken word volgens die Raad se beleid en straatnommers deur die Departement Stadsbeplanning.
3. Ter uitvoering van Artikel 20(5)(c) van die gemelde verordening moet die aansoeker die konsep Algemene Plan vir endossering as die goedgekeurde onderverdelingsplan by die Langeberg Munisipaliteit Stadsbeplanningsafdeling indien.
4. Vir die toepassing van Artikel 21(2) van die gemelde verordening geld die sonerings soos aangedui op plan gemerk NKQ136(435)-LBM-OP.
5. Ingevolge Artikel 22(1) van die gemelde verordening verval die onderverdeling na 5 jaar vanaf datum van goedkeuring indien dit nie bevestig is soos bedoel in Artikel 21 van dieselfde verordening.
6. Voorwaardes 1 en 3 moet nagekom word voordat 'n sertifikaat ingevolge Artikels 20(6) en 28 van die gemelde verordening uitgereik word.

That the amendment and/or deletion of Conditions 2 to 4, 9 to 16, 20 and 23 (as imposed with the previous approval dated 28 February 2014), as well as consent use for tourist facilities: restaurant and motorcycle showroom and – rentals on erf 107, Montagu, be **approved** in terms of Section 60 of the Langeberg Municipality: Land Use Planning By-law, for the following **reasons**:

1. Save for the addition of a small fire kitchen, all proposed uses will be accommodated within the existing buildings. The appearance of the development on the property will therefore remain unaltered and is not expected to have an effect on the particular streetscape or character of the built environment in the area.
2. The existing agricultural use of the applicant property and the adjacent property, erf 3508, will remain as is, thereby continuing to contribute to the agricultural character of the Montagu Urban Conservation area between Long Street and the Kingna River.
3. The proposed use will contribute significantly to the tourism facilities / attractions in Montagu.
4. Potential negative impacts can be mitigated by imposition of conditions of approval.

The approval is subject to the following **conditions**, imposed in terms of Section 66 of the Langeberg Municipality: Land Use Planning By-law, 2015:

- A. Conditions 2, 3, 9-11, 16, 20 and 23 (imposed with the previous approval dated 28 February 2014), as amended and indicated below under the heading “Applicable conditions” (Conditions 4 and 12-15 have either been complied with already or are no longer applicable and are therefore deleted, as indicated).
- B. Conditions 1, 5, 6, 7 and 8 (imposed with the previous approval dated 28 February 2014) as listed below under the heading “Applicable conditions”.
- C. Additional conditions, numbered 24 to 28 as listed below under the heading “Applicable conditions”.

APPLICABLE CONDITIONS:

1. The property may only be used according to the primary use rights allowed under its zoning of Agricultural zone in the Montagu Zoning Scheme and the additional uses as approved.
2. *The display and sale of wine from the main dwelling is limited to the area of $\pm 60\text{m}^2$ described as “wine tasting & lounge area” on the floor plan marked MON107-LBM-LO. **AMENDED TO:** The display and sale of wine for off consumption is limited to the cellar and the areas of the main dwelling indicated as A – “Boardroom/Wine tasting” (37m^2) and B – “Wine tasting & sales” (50m^2) on the floor plan marked MON107-LBM-LO(1)*
3. *Wine tasting and the tea garden seating area is restricted to the areas described as “wine tasting & lounge area” ($\pm 60\text{m}^2$), “dining area veranda” ($\pm 54\text{m}^2$) and “timber deck area 1” ($\pm 49\text{m}^2$) on the floor plan marked MON107-LBM-LO. **AMENDED TO:** Wine tasting and the tea garden seating area is restricted to the areas described as A – “Boardroom/Wine tasting” (37m^2), B – “Wine tasting & sales” (50m^2), C – “Café Blu” (40 seats, 62m^2) and D – “Pergola” (20 seats, 44m^2) on the floor plan marked MON107-LBM-LO(1)*
4. *The part of the main dwelling described as “living room”, “bedroom”, “dining room”, “kitchen”, “bathroom”, “veranda” and “timber deck area 2” on the floor plan marked MON107-LBM-LO must always be used as a dwelling unit. = **DELETED***

5. With reference to wine sales, only bottled wines may be sold, no other liquor or wine in any other type of container (e.g. traditional 5l glass flagons, plastic containers or boxes).
6. The focus of the wine sales and tasting must be on wine produced on the property. The only other wines that may be on offer, must be from the Montagu area and Robertson wine valley region.
7. The tea garden may only offer light breakfasts/lunches to supplement the wine tasting facility.
8. No other products may be sold.
9. *The hours of operation of the wine tasting and –sales and the tea garden is restricted to between 08h00 and 17h00 daily.* **AMENDED TO:** The hours of operation of the wine tasting and –sales and the tea garden is restricted to between 08h00 and 17h00 daily. The hours of operation for the restaurant in the area indicated as E – “Blu Lounge” and “Proposed new fire kitchen” (29m²) on the plan marked MON107-LBM-LO(1) is restricted to between 13h00 and 22h00 daily. Only the area indicated as E – “Blue Lounge” and the fire kitchen as indicated on the plan marked MON107-LBM –LO(1), comprising of a maximum of 40 seats in the areas described as wine bar, fire kitchen lounge and pergola may be open after 17h00 daily.
10. *No access for the public or business deliveries may be allowed from Ebdon Street, except for access and egress for motorcycles rented on the property.* **AMENDED TO:** No access for the public or business deliveries may be allowed from Ebdon Street, except for access and egress for motorcycles rented on the property.
11. *The existing access point in Long Street must be used for all access to the property related to this approval.* **AMENDED TO:** The existing access point in Long Street must be used for all access to the property related to this approval, except for access and egress for motorcycles rented on the property
12. *The entrance walls and fencing to the east of the existing access point must be redesigned to increase visibility from vehicles exiting onto Long Street.* – **DELETED**
13. *A revised parking plan must be submitted for approval by the Manager: Town Planning before the approval may be executed. The parking must be designed in such a way that the existing Pecan nut trees can be retained and that sufficient screening can be provided between the parking area(s) and Long Street and the adjacent properties, especially the cottage to the immediate east thereof. Such screening may not obstruct the view from the egress eastwards in Long Street. To this end, the area closest to Long Street (first ± 20m from the Long Street boundary) should receive special attention and may only be included in the parking area if the applicant can prove by means of visual impact simulation that it will not obstruct the view from the egress. The parking plan must include the position of all existing trees that are to be retained, as well as the position and nature of all proposed screening.* – **DELETED**
14. *The applicant’s proposal to screen the parking area with natural, indigenous vegetation is acceptable, but consideration could be given to using agricultural plants such as vines or fruit trees, in order to enhance the agricultural character of the area.* – **DELETED**
15. *The parking areas (bays as well as access lanes) must be provided with a trafficable surface and all parking bays must be suitably demarcated on the ground, to the satisfaction of the Manager: Town Planning, before the approval may be executed.* – **DELETED**
16. *Before any existing buildings are altered or demolished, whether internal or external, or before any new buildings are erected, approval must be obtained .-* **AMENDED TO:** Before any existing buildings are altered or demolished, whether internal or external, or before any new buildings are erected, approval must be obtained in terms of the

National Building Regulations. No Building Plan approval will be issued unless and until all applicable penalty fees / fines have been paid.

17. The newly acquired land use rights may not be executed until the related building alterations have been completed and a completion certificate issued by the Building Control Officer.
18. No outdoor advertising signs may be displayed on or off the premises without prior application and the written approval of the Manager: Town Planning. For the purposes of this condition, it must be noted that the term "outdoor advertising signs" refer to any type of sign, board, flag or banner, whether permanently fixed or temporarily displayed, that advertises the business or products in any way.
19. The cost of any required upgrading or change to the existing electrical connection, existing network or measuring point will be for the owner's account, together with any applicable bulk levy at that stage. The electrical connection is subject to any restrictive measures the municipality or Eskom may deem necessary for the saving of electricity.
20. *The applicant is responsible for obtaining the required liquor license(s) for the approved uses before it may be operated.* **AMENDED TO:** The applicant is responsible for obtaining the required liquor license(s) for the approved uses before it may be operated No off-consumption sales will be permitted after 17h00 anywhere from the premises.
21. Application must be made in terms of Regulation 918 (promulgated in terms of the Health Act) to the Cape Winelands District Municipality's Environmental Health Section for a Certificate of Acceptability before any food may be served
22. Application must be made for a Business License in terms of the Business Act to the Langeberg Municipality, before any food may be served.
23. *These conditions are applicable in terms of Section 42 of the Land Use Planning Ordinance, no. 15 of 1985 and the applicant has to accept that Council may take legal action if the business is operated without having complied with - and continuing to comply with - all conditions.* **AMENDED TO:** These conditions are applicable in terms of Section 66 of the Langeberg Municipality: Land Use Planning By-law of 2015 and enforceable in terms of Section 85 of the by-law and the Municipality may take legal action if the business is operated without having complied with - and continuing to comply with - all conditions.
24. Live music through an amplified sound system is prohibited.
25. Playing of music in any part of the establishment must be limited to background music, and no speakers used for this purpose may be located outside the building, whether permanently or temporarily.
26. No events may be held at the premises without the prior permission of the municipality, which permission will be subject to the standard application procedures for events as implemented by the municipality, including notification and comments from surrounding landowners. Events which include live music are prohibited.
27. The extent and nature of the development and use of the property must be substantially in accordance with the proposals set out on the site plan and floor layout plan marked MON107-LBM-TP(1) and MON107-LBM –LO(1) respectively.
28. The display and rental of motorcycles will be limited to the building indicated for this purpose on the plan marked MON107-LBM –LO(1) and may not include any sales or repairs of motorcycles or related parts or equipment.

Note:

The owner and operators are obliged to ensure that the operation does not cause any noise nuisance, as described in the Western Cape Noise Control Regulations (PN 200/2013 of 20 June 2013).

8. Other Matters

None

9. Conclusion

The meeting adjourned at 13h00.